

Adams County Legal Journal

Vol. 51

July 10, 2009

No. 8, pp. 47–54

IN THIS ISSUE

COMMONWEALTH VS. HOKE

This opinion continued from last issue (7/2/2009)

Helping families achieve
their long-range financial
goals is our business.

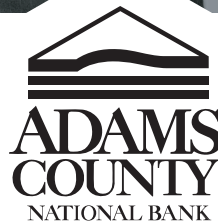
Ryan Fox
Trust Investment Manager



**Trust and investment services from
a bank with a long history of trust.**

For more information or a free
consultation, please call 717.339.5178.

Member FDIC



ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

Designated for the Publication of Court and other Legal Notices. Published weekly by Adams County Bar Association, John W. Phillips, Esq., Editor and Business Manager.

Subscribers should send subscriptions direct to the business office. Postmaster: Send address changes to Adams County Legal Journal, 117 BALTIMORE ST RM 305 GETTYSBURG PA 17325-2313.

Business Office – 117 BALTIMORE ST RM 305 GETTYSBURG PA 17325-2313. Telephone: (717) 334-1553

Periodicals postage paid at Gettysburg, PA 17325.

Copyright© 1959 by Wm. W. Gaunt & Sons, Inc., for Adams County Bar Association, Gettysburg, PA 17325. All rights reserved.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-489 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 31st day of July, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE FOLLOWING piece, parcel or tract of land, with the improvements thereon erected, situate, lying and being in the Borough of New Oxford, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point on the Eastern side of Paradise Court, a 50 feet wide street, at a point on Lot No. 23 of the Subdivision known as 'Oxford Heights'; extending thence along said land, North 88 degrees 27 minutes 00 seconds East, 127.17 feet to a point; extending thence south 3 degrees 11 minutes 00 seconds East, 75.03 feet to a point at Lot No. 21; extending thence along said land, South 88 degrees 27 minutes 00 seconds West, 129.31 feet to a point on the Eastern side of Paradise Court; extending thence along said street, North 1 degrees 33 minutes 00 seconds west, 75 feet to a point and the place of BEGINNING.

BEING Lot No. 22 on a Plan of Lots known as 'Re-division of Oxford heights' and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Plan Book 15, page 31.

TITLE TO SAID PREMISES IS VESTED IN Jeffrey L. Cox and Kathy L. Cox, h/w, by Deed from Gregory E. Kepner, dated 07/13/2001, recorded 08/13/2001, in Deed Book 2370, page 226.

Tax Parcel: (34) 007-0057

Premises Being: 6 Paradise Court, New Oxford, PA 17350

SEIZED and taken into execution as the property of **Jeffrey L. Cox a/k/a Jeffrey Cox & Kathy L. Cox a/k/a Kathy Cox** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 21, 2009, and distribution will be made in

accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

7/10, 17 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1859 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 31st day of July, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground situate in Hamilton Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a steel pin at Lot No. 11 and a fifty (50) feet wide right of way known as Foxtown Drive of the hereinafter referenced subdivision plan; thence along and with Foxtown Drive by a curve to the left with a radius of two hundred fifty and zero hundredths (250.00) feet, an arc distance of one hundred sixty and zero hundredths (160.00) feet and a long chord bearing and distance of South thirty-six (36) degrees thirty-two (32) minutes thirty-two (32) seconds West, one hundred fifty-seven and twenty-eight hundredths (157.28) feet to a steel pin; thence continuing along and with Foxtown Drive South eighteen (18) degrees twelve (12) minutes twenty-eight (28) seconds West twenty-four and three hundredths (24.03) feet to a steel pin located at Lot No. 9 on the hereinafter referenced subdivision plan; thence continuing along Lot No. 9 North forty-two (42) degrees forty-two (42) minutes thirty-four (34) seconds West two hundred seventy-six and seventy-one hundredths (276.71) feet to a steel pin set at lands now or formerly of Carol E. Carbaugh; thence along said Carbaugh lands North sixty-six (66) degrees fifteen (15) zero (00)

seconds East seventy-seven and zero (77.00) feet to a steel pin set at lands now or formerly of Christopher J. Newman; thence along said Newman lands North fifty-four (54) degrees fifty-seven (57) minutes thirty-four (34) seconds East one hundred twenty-nine and sixty-one hundredths (129.61) feet to a steel pin located at Lot No. 11; thence along Lot No. 11 South thirty-five (35) degrees seven (07) minutes twenty-three (23) seconds East one hundred ninety-five and nine hundredths (195.09) feet to a steel pin set along Foxtown Drive, the point and place of BEGINNING, CONTAINING 0.950 acres and being identified as Lot No. 10 on the Plan of Greystone Manor, Phase 3, in Plat Book 80, Page 62.

UNDER AND SUBJECT TO restrictions and conditions as now appear of record.

IT BEING the same premises which Dramka, Inc., a Pennsylvania corporation, by its Deed dated November 6, 2002, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 2870, Page 317, granted and conveyed unto Scott A. Aschemeier and Diana N. Aschemeier, husband and wife.

Address Being: 161 Foxtown Drive, Abbottstown, PA 17301

Lot Number: (17) L 09 - 0179

SEIZED and taken into execution as the property of **Scott A. Aschemeier & Diana N. Aschemeier** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 21, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

7/10, 17 & 24

COMMONWEALTH VS. HOKE

Continued from last issue (7/2/2009)

Defendant was subject to custodial interrogation. She was arrested, handcuffed, and taken to the police department where she was not free to leave. It is also clear she was interrogated because she was questioned about whether she committed certain crimes. The purpose was clearly designed to elicit a confession from her. Therefore *Miranda* warnings were required. The question at issue is whether that warning was actually given, and if so, was it sufficient.

The evidence shows that if the *Miranda* warnings were given, they were only verbally given once prior to questioning conducted over a several hour period by various law enforcement officers. Officer Weigand testified that he gave Defendant the warning after he had handcuffed her and was walking her back to the patrol vehicle and Trooper Carey testified that he witnessed this. All the other officers acknowledged they never gave the warnings themselves. Instead, they asked Defendant if she had been *Mirandized*.

Based on the standard applicable in suppression motions, Defendant's motion to suppress based on failure to give *Miranda* warnings is denied. Here there was credible testimony from two police officers that Defendant was given her *Miranda* warnings when she was arrested. There was also testimony from Defendant that she may not have been able to recall being given *Miranda* warnings because she was under the influence of drugs and/or alcohol at the time.¹² Accordingly, based on the testimony of Officer Weigand and Trooper Carey that Defendant was given her *Miranda* warnings, the testimony of other officers that they asked Defendant if she was given her warnings, her acknowledgment that she understood them, that the officers advised her the warnings were still applicable, and Defendant's testimony that she may not be able to recall the warnings, I find that the Commonwealth has shown by a preponderance of the evidence that the warning was initially given to Defendant upon her arrest.

¹²However, Defendant never seriously commented on her level of intoxication or the substances she used. No officer testified to detecting any level of impairment. Intoxication is a factor to consider but does not, in and of itself, render a statement involuntary. *Com. v. Deneau*, CR-842-01; 863-01 (Adams Co. 2002). The test is whether the Defendant "had sufficient mental capacity at the time of giving [her] statement to know what [s]he was saying, and to have voluntarily intended to say it." *Id.* (citing *Com. v. Smith*, 291 A.2d 103, 104 (Pa. 1972)). There is no indication here that Defendant's alleged intoxication had any impact on her knowledge of what she was confessing to.

Also at issue is the passage of time between the point at which Defendant was given the warning and when the incriminating statements were allegedly made. The evidence shows that Defendant was arrested at approximately 8:00 p.m. and *Miranda* warnings were given within several minutes. She was transported to the police station where she was taken into a room and interrogated by, at least, two officers, both different than the officer who gave the warning and conducted questioning, when the warning officer was not present. Questioning officers also allege that Defendant was asked before each series of questioning whether she had been given the warnings, and if she understood them, and was told that they still applied. Credible testimony given by Lt. Trostel indicated that Defendant confessed to him within 5 minutes after the start of questioning; a mere half hour after warnings were given. Evidence shows that three written statements were taken at approximately 10:45 p.m., 11:00 p.m., and 11:10 p.m. All were taken within three hours after *Miranda* warnings were allegedly given to Defendant. Only one of the three statements, the third one, had *Miranda* warnings printed on it, which Defendant alleges to have not read.

There is no “prophylactic rule that a suspect must be rewarned of his constitutional rights every time a custodial interrogation is renewed.” *Com. v. Scott*, 752 A.2d 871, 875 (Pa. 2000). The court must review the totality of circumstances in each case to determine if repeated warnings are necessary where the initial warnings have become stale or remote. *Id.*

Pertinent to such an inquiry are the length of time between the warnings and the challenged interrogation, whether the interrogation was conducted at the same place where the warnings were given, whether the officer who gave the warnings also conducted the questioning, and whether statements obtained are materially different from other statements that may have been made at the time of the warnings.

Com. v. Bennett, 282 A.2d 276, 280 (Pa. 1971). Rewarning is not necessary if there has been a “clear continuity of interrogation.” *Scott*, 752 A.2d at 875. Here, Defendant was interrogated in the same room with minimal breaks in between the various statements. There is credible evidence showing that she was asked several times

whether *Miranda* had been given, asked if she understood, and informed that the warnings still applied. Here, the time between the original warning and the statements is not protracted enough to have required rewarning.¹³ Furthermore, the fact that Defendant was advised of her rights in a different place than where she was interrogated is not fatal to the Commonwealth. *See Bennett*, 282 A.2d at 280 (Defendant was moved only a few miles from the location where warnings were administered). Additionally, it is not fatal to the Commonwealth's case that the officer who gave *Miranda* warnings was not present in the room or the one questioning Defendant. *See Scott*, *supra* fn 11, at 876 ("Though Appellant confessed to a different officer than the one who had previously read him his rights, we believe this solitary factor does not compel a finding that the officers were required to rewarn Appellant of his rights"). Here, the officer that read Defendant her warnings was in no way involved in her interrogation, however, that fact alone, in light of the other circumstances, does not render the warnings ineffective. There is sufficient testimony from credible sources to show that defendant was arrested, read her *Miranda* warnings within 5 minutes, was transported only a short distance initially and verbally confessed within 30 minutes. The majority of the interacts with the police occurred in a single room over the course of three hours with little interruption, and Defendant was asked a number of times if she had been given the warnings and if she understood them. Furthermore, the third statement signed by Defendant contained written *Miranda* warnings and the mere fact that she failed to read them cannot be used by her to have the evidence suppressed.

¹³ *See Com. v. Scott*, 752 A.2d 871 (Pa. 2000) (Defendant was not entitled to repeated *Miranda* warnings before he made his first incriminating statement two and one-half hours after initial *Miranda* warnings, as there was a clear continuity of interrogation; though defendant confessed to different officer than the one who previously read him his rights, there were only momentary lapses in interview process to allow defendant time to take short breaks, and defendant confessed in same room where he was read his rights); *Com. v. Gray*, 374 A.2d 1285, 1289 (Pa. 1977) (Here, the length of time was a little over two hours. Both interrogations were in the same room. While a different officer conducted the second interview, the statements did not materially differ); *Com. v. Ferguson*, 282 A.2d 378 (Pa. 1971) (Where defendant had twice received warnings as to his rights to remain silent and to counsel, once 7 1/2 hours and again 3 hours before interrogation leading to giving of statement, fact that defendant was not given such warnings immediately preceding questioning leading to statement did not render statement inadmissible).

Defendant next alleges that evidence should be suppressed because she was subject to coercive interrogation and therefore her alleged statements were involuntary. The burden is on the Commonwealth to show voluntariness by a preponderance of the evidence. *Com. v. Milligan*, 693 A.2d 1313, 1317 (Pa. Super. 1997). Our Supreme Court has held:

When deciding a motion to suppress a confession, the touchstone inquiry is whether the confession was voluntary. Voluntariness is determined from a totality of the circumstances surrounding the confession. The question of voluntariness is not whether the defendant would have confessed without interrogation, but whether the interrogation was so manipulative or coercive that it deprived the defendant of his ability to make a free and unconstrained decision to confess. The Commonwealth has the burden to proving by a preponderance of the evidence that the defendant confessed voluntarily.

...

When assessing the voluntariness pursuant to the totality of the circumstances, a court should look at the following factors: the duration and means of the interrogation; the physical and psychological state of the accused; the conditions attendant to the detention; the attitude of the interrogator; and any and all other factors that could drain a person's ability to withstand suggestion and coercion.

Com. v. Nester, 709 A.2d 879, 882-83 (1998) (citations and footnotes omitted).

Defendant alleges that she was handcuffed behind her back at approximately 8 p.m. and remained handcuffed to a table at the Eastern Adams headquarters until at least 11:05. She alleges that Lt. Trostel told her she would get some "time" and both Lt. Trostel and Sgt. Davis warned her that she was under investigation for other crimes. Defendant also alleges that she was the only prisoner in this room during the three hours and at least 5 other officers entered and left, some in uniform and carrying weapons. She further claimed that Sgt. Davis and Lt. Trostel promised her things would go "good" and "easier" if she cooperated. She further claims that numerous

purportedly stolen wallets were piled on the table next to her during the time she was in the room. Finally, she claims to being afraid because she did not know what was going on. Even if all of this is true, which I find it not to be, Defendant is not entitled to relief.

Defendant admitted that Lt. Trostel made no threats or promises. She further indicated that she was not forced to write out a confession. Sgt. Davis testified that he could not recall informing Defendant that she would be given some sort of break if she cooperated or that she was facing a great deal of prison time. Sgt. Davis also could not recall whether wallets were on the table during interrogation.

Defendant's motion relies heavily on alleged promises made to her by the interrogating officers. Certainly, "[p]romises of benefits or special considerations, however benign in intent, comprise the sort of persuasion and trickery which easily can mislead suspects into giving confessions." *Com. v. Gibbs*, 553 A.2d 409, 411 (Pa. 1989).¹⁴ However, there is no bright line rule that automatically excludes confessions made after a promise of leniency. *Com. v. Templin*, 795 A.2d 959, 963-64 (Pa. 2002).¹⁵ Again, the test is totality of the circumstances. *Id.* Here, the mere fact that the officers may have told Defendant that things would go "good" if she cooperated does not, in light of the other factors, warrant suppression of her confessions.¹⁶ This was not a promise by the officers of any sort of leniency in prosecution or sentencing. The officers never promised that they would alert the district attorney of Defendant's cooperation. Further, Defendant admitted that she was not forced to write out a confession

¹⁴ In *Gibbs*, the Court found a confession involuntary because the interrogating officer informed Defendant, "[t]he only thing is I would tell the District Attorney you cooperated for whatever good that would be, but I would have no idea whether it would help your case or not." *Gibbs*, 553 A.2d at 409. The Court found this to be an impermissible inducement because it gave the distinct impression that the district attorney would be told of defendant's cooperation in giving a confession on the spot. *Id.* at 410.

¹⁵ In *Templin*, the Supreme Court held that the interrogating officer's promise to recommend ROR bail in the event the defendant was arrested and arraigned did not render a confession involuntary. *Templin*, 795 A.2d at 960. The Court reasoned that other facts, including that defendant was fully advised of his *Miranda* rights, came to the station on his own accord, and was free to leave at anytime, showed that the confession was not coerced. *Id.* at 966-67.

¹⁶ What Defendant does not expect some benefit for being cooperative? For 22 years defendants coming before this jurist for sentencing have been quick to note his or her cooperation.

and that no threats or promises were made. Defendant stated that she was afraid because she did not know what was going on, but offered no evidence of what was causing her fear or the level of her fear. Furthermore, the fact that Defendant was handcuffed does not render the interrogation coercive. *Com. v. Watkins*, 750 A.2d 308, 313 (Pa. Super. 2000) (“It is not clear whether appellant was shackled during his interrogation; however, this is a standard practice employed by police due to previous attempted escapes”).

Defendant also alleges that she was not aware of why she was being questioned. However, Lt. Trostel testified that Defendant confessed to the alleged crimes within five minutes of the start of the interview and the signed confessions, which she admits to giving. Sgt. Davis testified to speaking to Defendant about “the McSherrystown incident” only. The written statements set forth specific details such as date, time, location, and conduct. These facts indicate that she was aware of what she was being charged with.

Defendant next argues that she was subject to an illegal arrest. Defendant alleges that although Officer Weigand called Trooper Carey to accompany him on the arrest and to effectuate the arrest it was Officer Weigand who actually arrested her. Because he was outside his jurisdiction Defendant contends the arrest was illegal and consequently her statements were the fruit of an illegal arrest and should be suppressed.

This issue was not raised by Defendant in her Omnibus Pre-trial Motion nor was testimony elicited on the issue at the hearing. Pursuant to the Pennsylvania Rules of Criminal Procedure “[u]nless otherwise required in the interests of justice, all pretrial requests for relief shall be included in one omnibus motion.” **Pa. R. Crim. P. 578.** “Unless the opportunity did not previously exist, or the interests of justice otherwise require, such motion shall be made only after a case has been returned to court and shall be contained in the omnibus pretrial motion set forth in Rule 578. If timely motion is not made hereunder, the issue of suppression of such evidence shall be deemed to be waived.” **Pa. R. Crim. P. 581(B).** A suppression issue is waived if the party fails to move to suppress. *Com. v. Douglass*, 701 A.2d 1376, 1377 (Pa. Super. 1997). An issue is waived if it is not raised either in the suppression motion or in an oral motion. *Com. v. Whiting*, 767 A.2d 1083, 1087 (Pa. Super. 2001).

Suppressing evidence is improper if the court never takes any testimony or evidence at the suppression hearing on the issue. *Id.*

The only evidence presented at the hearing was that Officer Weigand called Trooper Carey to accompany him while executing the warrant. The evidence shows that Tpr. Carey knocked on the door,¹⁷ the *Miranda* warnings were administered by Officer Weigand, Officer Weigand transported Defendant, and Trooper Carey did not follow to the Eastern Adams station. Here, Defendant did not make any oral motion during the hearing to suppress based on an illegal arrest. The parties simply did not flesh out enough facts on this issue for the Court to make an informed decision on this matter. Because the issue was never specifically raised, it was waived by Defendant. *Com. v. Metzger*, 634 A.2d 228, 233 (Pa. Super. 1993) (“...suppression motions must ordinarily be made before the trial to the suppression court, they must be made with specificity and particularity as to the evidence sought to be suppressed and the reasons for the suppression...”).

Even if Defendant had properly raised this issue, suppression would not be appropriate. Under the Municipal Police Jurisdiction Act, Chief Weigand had to obtain consent from the chief law enforcement officer or an authorized representative from the police agency providing primary services to the jurisdiction. **42 Pa.C.S.A. § 8953(a)(1)**. It is arguable based on the evidence presented, whether this procedure was followed. However, “the MPJA must be liberally construed to effectuate the purposes of the Act, which include providing police with the authority to act in a law enforcement capacity outside their own jurisdictions under limited circumstances.” *Com. v. Henry*, 943 A.2d 967, 971 (Pa. Super. 2008). “The intent behind the MPJA is to promote public safety while maintaining police accountability; the Act was not intended to be used to erect ‘impenetrable jurisdictional walls benefiting only criminals hidden in their shadows.’” *Id.* (citations omitted). In determining whether the exclusionary rule applies to violations of the MPJA the courts have allowed “flexibility to deny suppression when police have acted to uphold the rule of law in good faith but are in technical violation of the MPJA.” *Id.* at 972. The factors to be applied on a case by case

¹⁷ Testimony indicated that the residence was in Mount Pleasant Township. Officer Weigand is an officer for both Latimore Township and Eastern Adams. No evidence was presented whether either of these departments cover Mount Pleasant Township.

basis consist of all the circumstances of the case including: 1) the intrusiveness of police conduct; 2) the extent of deviation from the letter and spirit of the MPJA; and 3) the prejudice to the accused. *Id.*

Here, suppression would not be appropriate. Officer Weigand's violation was technical and he made a good faith effort to comply with the provision of the MPJA when he called Trooper Carey to assist.¹⁸ Trooper Carey initiated contact with Defendant and Officer Weigand only acted at the point where Defendant was taken into custody. There was no prejudice to Defendant because whether she was handcuffed and *Mirandized* by either Trooper Carey or Chief Weigand would have made little difference in what occurred afterwards.

Furthermore, our courts have held that “[i]t does not necessarily follow that all confessions or admissions secured from an illegally arrested person are per se inadmissible as trial evidence.” *Com. v. McFeely*, 502 A.2d 167, 170 (Pa. 1985). Whether particular evidence is admissible is determined by the facts of each case. *Id.* The United States Supreme Court, in *Brown v. Illinois*, 422 U.S. 590 (1975), laid out a number of factors to be considered: 1) whether *Miranda* warnings were given; 2) the “temporal proximity of the arrest and confession”; 3) “the presence of intervening circumstances”; and 4) “the purpose and flagrancy of the official misconduct.” *Brown*, 422 U.S. at 604. The central threshold requirement remains the voluntariness of the statement. *Id.*

In this case, Defendant was provided her *Miranda* warnings prior to the confession and there is no evidence of any flagrant police misconduct that would have rendered the confession involuntary. Despite any technical violation of the MPJA that may have occurred, all evidence indicates that Defendant's statement was made knowingly and voluntarily. The initial confession occurred within 30 minutes of the arrest and there is no evidence of any intervening circumstances affecting Defendant's ability to make a voluntary statement. Therefore suppression is not appropriate.

Accordingly, Defendant's Motion to Suppress is denied.

¹⁸The Pennsylvania State Police have jurisdiction in Mount Pleasant Township.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1492 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 31st day of July, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THOSE TWO (2) tracts of land situate, lying and being in Franklin Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

TRACT No. 1:

BEGINNING at stones along land now or formerly of Jacob Sharrah; thence along said land, North 77-1/2 degrees West, 100 feet to stone; thence along other land now or formerly of Jacob Sharrah, South 77-1/2 degrees West, 146 feet to stone; thence by land now or formerly of Jacob Sharrah, South 12-1/2 degrees East, 100 feet to the place of BEGINNING.

TRACT No. 2:

BEGINNING at a stone for a corner; thence running with private roadway, South 7 degrees East, 100 feet to a stone; thence by lands of Jacob Sharrah, South 77-1/2 degrees West, 146 feet to a stone; thence by the same, North 7 degrees West, 100 feet to a stone; thence by the land now or formerly of William and Carrie Woodward, North 77-1/2 degrees East, 146 feet to the place of BEGINNING.

Being known as: 2350 Old Route 30, Orrtanna, Pennsylvania 17353.

TITLE TO SAID PREMISES IS VESTED IN Richard Wiatrak a/k/a Richard D. Wiatrak and Carol J. Wiatrak, husband and wife, as tenants of the estate by entirety, by deed from Daniel J. Yeager and Lisa A. Yeager, husband and wife, dated April 21, 1995 and recorded May 4, 1995 in Deed Book 1025, Page 75.

TAX ID. #: (12) B 10-52

SEIZED and taken into execution as the property of **Richard D. Wiatrak, Richard Wiatrak & Carol J. Wiatrak, Carol Wiatrak** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 21, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

7/10, 17 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-117 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 31st day of July, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land situate in the Township of Franklin, County of Adams, and Commonwealth of Pennsylvania, being more particularly bounded and described as follows, to wit:

BEGINNING at a steel pin set in the centerline of Mt. Carmel Road (T-3 12), said pin marking the common point of adjoiner of Lots #10 and #11 on the hereinafter mentioned plan of subdivision with the centerline of said roadway; thence departing from the centerline of Mt. Carmel Road, and extending along Lot #10, North seventy-two (72) degrees eighteen (18) minutes thirty-seven (37) seconds West, through a steel pin set on the Westernmost dedicated right-of-way line of Mt. Carmel Road, a distance of twenty-five and no hundredths (25.00) feet from the origin of this call, for a total distance of two hundred thirty-three and one hundredths (233.01) feet to a concrete monument which marks the common point of adjoiner of Lot #9, #10, and #11 on the hereinafter mentioned plan; thence along Lot #9 North fifty-one (51) degrees eight (8) minutes twenty (20) seconds West, for a distance of one hundred eighty and no hundredths (180.00) feet to a steel pin at Lot 12 on the hereinafter mentioned plan; thence extending along Lot #12 the following two (2) courses and distance: North thirty-eight (38) degrees forty-five (45) minutes fifty-six (56) seconds East, for a distance of ninety-one and eight hundredths (91.08) feet to a steel pin; thence continuing South seventy-two (72) degrees eighteen (18) minutes thirty-seven (37) seconds East, through a steel pin set on the westernmost dedicated right-of-way line of Mt. Carmel Road, a distance of twenty-five and no hundredths (25.00) feet from the terminus of this call, for a total distance of three hundred sixty-eight and eleven hundredths (368.11) feet to a steel pin set in the centerline of Mt. Carmel Road; thence extending in and through the centerline of Mt. Carmel Road, South seventeen (17) degrees forty-one (41) minutes

twenty-two (22) seconds West, for a distance of one hundred fifty and no hundredths (150.00) feet to a steel pin set in the centerline of said roadway at Lot #10 on this hereinafter mentioned plan, said pin marking the place of BEGINNING.

CONTAINING 1.14 acres to the dedicated right-of-way line and 1.22 acres to the centerline of Mt. Carmel Road, and being designated as Lot #11 on a final plan of the Hidden Valley Subdivision prepared for Harry H. Fox, Jr. by Walter N. Heins Associates, Inc., Consulting Engineers, dated March 12, 1990, and recorded in the Office of the Recorder of Deeds in and for the Adams County, Pennsylvania, in Plat Book 80, at Page 45.

The improvements thereon being commonly known as 685 Mt. Carmel Road, Orrtanna, Pennsylvania 17353.

Being the same lot or parcel of ground which by deed dated December 23, 2002 and recorded among the land records of Adams County in Book 2926 Page 276, was granted and conveyed by Bon Ton Builders, Inc., a Pennsylvania corporation, unto Joseph T. Ponzillo and Erika L. Ponzillo, husband and wife, as tenants by the entirety.

Parcel # (12) C12-0141

Property Address: 685 Mount Carmel Road, Orrtanna, PA 17353

SEIZED and taken into execution as the property of **Erika L. Ponzillo** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 21, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

7/10, 17 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-325 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 31st day of July, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT tract of land situate, lying and being in Mt. Pleasant Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in or near the center of Township Road No. T-493 running between Legislative Route No. 01067 and U.S. Route 30, at corner of lands now or formerly of James A. Fry, formerly a part hereof; thence running in or near the center of said state highway, North 29 degrees 30 minutes East 200 feet to a point; thence along land now or formerly of James E. Sponseller, and running through a pin set 20 feet from the beginning of this course, South 62 degrees 58 minutes East 427.5 feet to a pin at land now or formerly of Lewis H. Richstine; thence along said Richstine's land South 35 degrees West 200 feet to a pin at the Northeast corner of said lot now or formerly of James A. Fry; thence along said Fry's land running through a pin set 20 feet from the terminus of this course North 63 degrees 13 minutes West 408.4 feet to the point and place of beginning CONTAINING 1.908 acres.

THE above description was based upon a draft of survey made by George M. Wildasin, Registered Professional Engineer dated May 24, 1969, for the use of Charles E. Sponseller.

Map and Parcel ID: (32) J11-0058B

TITLE TO SAID PREMISES IS VESTED IN Marie A. Wilt by deed from Clifford M. Wilt and Marie A. Wilt, both single persons, dated 5/7/2004 and recorded 5/14/2007 in Record Book 3567 Page 161.

BEING KNOWN AS: 810 Fleshman Mill Road, New Oxford, Pennsylvania 17350.

SEIZED and taken into execution as the property of **Marie A. Wilt** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 21, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

7/10, 17 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1642 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 31st day of July, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following described lot of ground situate in Conewago Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING for a corner on the Hanover and McSherrytown Turnpike and a fourteen feet wide alley; thence along said alley South forty-four and one-fourth degrees West, one hundred and eighty-seven feet ten inches to a fourteen feet wide alley in the rear, thence along last mentioned alley, North fifty-six degrees West, thirty-two feet to lot now or formerly of A. F. Rife; thence along said lot, North forty-four and one-fourth degrees East, one hundred and ninety-three feet four inches to the aforesaid Turnpike; and thence along said Pike, South forty-six degrees East, thirty-one feet to the place of BEGINNING.

PARCEL (8) 8-227

Property Address: 634 3rd Street, Hanover, PA 17331

SEIZED and taken into execution as the property of **Judith A. Laughman & Ralph W. Laughman** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 21, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

7/10, 17 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-66 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of August, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

All that certain property situated in the Borough of Gettysburg, in the County of Adams, Commonwealth of Pennsylvania, and being described as follows: 10-70. Being more fully described in a deed dated November 14, 2003, and recorded November 17, 2003 among the land records of the County and State set forth above, in Deed Volume 3382 and Page 137.

Permanent Parcel Number: (16) 10-70
AARON L. SMITH

BEING KNOWN AS: 154 East Middle Street, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Aaron L. Smith** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 28, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

7/10, 17 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1860 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of August, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those three (3) tracts of land, situate, lying and being in Freedom Township, Adams County, Pennsylvania, being more particularly bounded and described as follows:

Tract No. 1 — BEGINNING at a spike driven in the center of the State Highway running between Fairfield and the Gettysburg-Emmitsburg State Highway; thence running in the center of said State Highway south 20 degrees East, 200 feet to a railroad spike driven in the center of said State Highway; thence through lands now or formerly of Margaret Elizabeth Shrob, and running parallel with and 17 feet North of land now or formerly of J. Leslie Bowling, South 69 degrees 05 minutes West, 200 feet to an iron pin; thence continuing through said lands now or formerly of Margaret Elizabeth Shrob, North 20 degrees West, 200 feet to an iron pin; thence continuing through same, North 69 degrees 05 minutes East, 200 feet, running through an iron pin on the West side of said State Highway, to the above described place of BEGINNING, CONTAINING 146.9 Perches.

The above description was taken from a draft of survey dated April 10, 1967, made by LeRoy H. Winebrenner, C.S.

Tract No. 2 — BEGINNING at a point in the center of Pennsylvania Legislative Route No. 01025 running between Fairplay in a Northwesterly direction towards Fairfield, which point of beginning is at the Northeast corner of a 146.9 perch tract (Tract No. 1 herein); thence by said other tract, South 69 degrees 05 minutes West, 200 feet to the Northwest corner of said other tract; thence continuing by same, South 20 degrees East, 200 feet to the Southwest corner of said other tract; thence by the Northern side of a private road or lane, South 69 degrees 05 minutes West, 15.8 feet to a point, thence by land now or formerly of Maurice F. Shrob, widower, North 43 degrees 43 minutes 54 seconds West, 316.72 feet to a point; thence continuing by same, North 58 degrees 32 minutes 05 seconds West, 41.56 feet to a point; thence North 68 degrees 51 minutes East, 369.20 feet (running through a steel pin near the West side of said Legislative Route 01025) to a point in the center of said State Highway; thence running in the center of said State

Highway, South 20 degrees East, 126.40 feet to the above described place of BEGINNING, CONTAINING 1.2309 Acres, neat measure (53,616 Square Feet).

The above description was taken from a draft of survey made for Maurice F. Shrob by J.H. Registered Engineer, dated March 14, 1974, his Field Book 164, page 30, File No. B-942.

Tract No. 3 — BEGINNING at a magnetic spike in the centerline of Bullfrog Road (SR. 3005) at corner of land now or formerly of Marlin M. Shrob, of which this lot was formerly a part; thence by said land now or formerly of Marlin M. Shrob and running through a reference steel rod 30 feet from the beginning of this course, North 70 degrees 48 minutes 40 seconds East, 1.06565 feet to a inch pipe on line of land now or formerly of Leon C. Young; thence by said land now or formerly of Leon C. Young, South 11 degrees 17 minutes 05 seconds East, 40.78 feet to an existing inch pipe; thence by the same, South 30 degrees 24 minutes 05 seconds East, 174.50 feet to an existing 3/4 pipe on line of land now or formerly of Steven Mott; thence by said land now or formerly of Steven Mott, South 71 degrees 09 minutes 20 seconds West, 262.21 feet to an existing eye bolt at corner of abutting lands now or formerly of Roger Johnson and James Hobbs, Jr.: thence by said lands now or formerly of James Hobbs, Jr. and running through an existing reference steel rod 30 feet from the end of this course, South 70 degrees 48 minutes 40 seconds West, 830 feet to an existing railroad spike in the centerline of Bullfrog Road; thence in the centerline of said Bullfrog Road, North 19 degrees 40 minutes 15 seconds West, 210 feet to the above described place of BEGINNING, CONTAINING 5.179 Acres.

The above description was taken from a Lot Addition Subdivision: Plan prepared for the use of Marlin M. Shrob, by J. Riley Redding, Registered Professional Land Surveyor, of Adams County surveyors, dated May 19, 1998 and recorded in Adams County Plat Book 75 at page 40, the above lot being Lot No. 2 designated thereon.

BEING THE SAME PREMISES which David M. Kaas and Juanita S. Kaas, husband and wife, by, Deed Dated January 26, 2006 and recorded January 30, 2006, in the Office for the Recorder of Deeds in and for the County of Adams, in Deed Book 4297 Page 232, granted and conveyed unto the Bruno Grela-Mpoko, in fee.

SEIZED and taken into execution as the property of **Bruno Grela-Mpoko** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 28, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

7/10, 17 & 24

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation – Nonprofit were filed with the Corporation Bureau of the Pennsylvania Department of State, at Harrisburg, Pennsylvania, for the purpose of forming a nonprofit domestic business corporation under the provisions of the Pennsylvania Nonprofit Corporation Law (15 Pa. Cons. Stat. §§5301 *et seq.*) having unlimited power to engage in and do any lawful act permitted thereunder.

The name of the corporation is: **ADAMS COUNTY TEEN CONNECTION, INC.**

The name and address of the Organizer is Cheri A. Freeman, 1075 Carlisle Road, Biglerville, PA 17307.

7/10

FICTITIOUS NAME NOTICE

Judy A. Egloff of Gettysburg, Pennsylvania, did file in the Office of the Secretary of the Commonwealth of Pennsylvania, on June 11, 2009, registration of the fictitious name: **UNBRIELED FINE ARTS AND LIFESTYLE** under which she intends to do business at 114 Buford Avenue, Gettysburg, Pennsylvania 17325, pursuant to the provisions of the Act of Assembly of December 21, 1988, known as the "Fictitious Names Act."

Barley Snyder, LLC
Attorneys

7/10

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-21 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of August, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

All those two (2) tracts of land situate, lying and being in Franklin Township, Adams County, Pennsylvania, bounded and described as to follows:

BEGINNING at a black oak stump, a corner of land formerly of H. Powell and the Jacob Sharrah Estate: thence by said Sharrah Estate land South 85 degrees West, 124 feet to a point; thence by the same South 16 degrees 45 minutes West, 165 feet to a point; thence by the same South 62 degrees 15 minutes West, 155 feet to a point; thence by the same South 1 degrees 30 minutes East 83 feet to a point on the north side of Marsh Creek; thence along the north side of Marsh Creek for, the, following three (3) courses; North 54 degrees 30 minutes West, 155 feet to a point; North 78 degrees 30 minutes West, 187 feet to a point; South 51 degrees 15 minutes West, 112 feet to a point, a corner of, land formerly of Charles Forsythe; thence by said Forsythe land North 16 degrees West, 1393 feet to stones at corner of land formerly of John Sharrah; thence by said Sharrah land North 85 degrees East, 769 feet to stones at corner of land formerly of H. Powell; thence by said Powell land South 15 degrees East, 1152 feet to a black oak stump, the place of BEGINNING, CONTAINING 22.4 acres, more or less.

The above description was taken from a draft drawn from recorded by J.R. Hershey, Registered Engineer, 28 September 1964.

LESS, HOWEVER, the western portion of a tract which Philip Bower and Eva D. Bower, husband and wife, by deed dated March 4, 1966, sold and conveyed unto Eugene Ojanen, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 255-1041.

TRACT NO. 2:

BEGINNING at a stone, at corner of land formerly of George Kane and land now or formerly of Jacob Sharrah; thence along said Sharrah land North 47 degrees West, 15-1/2 perches to a stone; thence along same North 54-1/2 degrees West, 9.4 perches to a stone; thence along land now or formerly of Peter Emley North 78-1/2 degrees West, 11, perches to stone; thence along same South 51-1/4 degrees West, 6.8 perches to stone; thence along land now or

formerly of Susan Kuhn South 11 degrees West, 27.2 perches to stone; thence along same South 70 degrees East, 15.6 perches to stone; thence along same South 84-3/4 degrees East, 15.2 perches to stone at land now or formerly of George Kane; thence along said Kane land North 20-1/2 degrees East, 4.4 perches to stone; thence along same North 28-1/2 degrees East, 18 perches to the place of BEGINNING, CONTAINING 6 acres and 76 perches.

BEING the same premises WHICH Frederick J. Bower and Dorothy D. Bower, by Deed dated January 28, 1998 and recorded in the Office of the Recorder of Deeds of Adams County on February 2, 1998, in Deed Book 1513, Page 338, granted and conveyed unto Nolan S. Huffaker.

SEIZED and taken into execution as the property of **Nolan S. Huffaker** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 28, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

7/10, 17 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1279 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of August, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate in Menallen Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center of a 33-foot right-of-way at land now or formerly of Grayson P. Showers, et ux. South 69-1/2 degrees West, 180 feet to a point; thence in said 33-foot right-of-way by land of same North 83-3/4 degrees West, 342 feet to a point; thence leaving said 33-foot right-of-way and by other land now or formerly of Grayson P. Showers, et ux., aforesaid, North 37-1/4

degrees West, 131.5 feet to an iron pin; thence by said other lands now or formerly of Grayson P. Showers North 77-1/4 degrees East, 447.8 feet to an iron pin in the center of another 33-foot right-of-way; thence in the center of said 33-foot right-of-way and by other land now or formerly of Grayson P. Showers South 39-1/2 degrees East, 230 feet to a point, the place of BEGINNING, CONTAINING 1 acre and 151.968 square perches.

The above description was taken from a draft of survey by Curvin A. Wentz, R.S., dated October, 1966.

SUBJECT TO the restrictions and responsibilities as fully set forth in Record Book 1880, Page 25.

BEING THE SAME PREMISES which Brendan F. Hornbake, a/k/a Brendan Hornbake, by his agent, Helen F. Hornbake, by Deed dated December 17, 2003, and recorded December 17, 2003 in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Record Book 3419, Page 48, granted and conveyed unto Craig Schmitz and Marion Schmitz, husband and wife, as tenants of an estate by the entireties, GRANTORS HEREIN.

PARCEL IDENTIFICATION NO: (29)
E 05-0098A-000

TITLE TO SAID PREMISES IS VESTED IN Frank A. Brown, Single, by Deed from Craig Schmitz and Marion Schmitz, husband and wife, dated 12/28/2004, recorded 01/11/2005, in Deed Book 3836, page 72.

Premises Being: 795 Maryland Avenue, Aspers, PA 17304

SEIZED and taken into execution as the property of **Frank A. Brown** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 28, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

7/10, 17 & 24

ESTATE NOTICES

NOTICE IS HEREBY GIVEN that in the estates of the decedents set forth below the Register of Wills has granted letters, testamentary or of administration, to the persons named. All persons having claims or demands against said estates are requested to make known the same, and all persons indebted to said estates are requested to make payment without delay to the executors or administrators or their attorneys named below.

FIRST PUBLICATION**ESTATE OF RAY BLACK a/k/a RAY M. BLACK, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Executrix: Alma L. Black, 1587 Shivers Corner Road, Gettysburg, PA 17325

ESTATE OF IRENE E. COOL a/k/a IRENE EMMA COOL, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Susan M. Fogle, 1295 Bullfrog Road, Fairfield, PA 17320; Lavanna K. Nestor, 5619 Bartonsville Rd., Frederick, MD 21704

Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF FRANCIS E. LIVELS-BERGER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Thomas F. Livelsberger, 12 Lookout Court, Gettysburg, PA 17325

Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

SECOND PUBLICATION**ESTATE OF CURRY B. BECKNER, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executor: Max B. Beckner, 4187 Smoketown Rd., Glenville, PA 17329

Attorney: James T. Yingst, Esq., Guthrie, Nonemaker, Yingst & Hart, 40 York Street, Hanover, PA 17331

ESTATE OF JAMES K. GILBERT, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Executor: Travis J. Gilbert, 380 Bonner's Hill Road, York Springs, PA 17372

Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore St., Gettysburg, PA 17325

ESTATE OF MICHAEL E. KLINEDINST, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Melissa B. Harlacher, 3531 Partridge Dr., Dover, PA 17315

Attorney: Keith R. Nonemaker, Esq., Guthrie, Nonemaker, Yingst & Hart, 40 York Street, Hanover, PA 17331

ESTATE OF GENEVIEVE A. SANDERS, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Personal Representative: Louise A. Kopp, 4410 Hanover Rd., Hanover, PA 17331

Attorney: G. Steven McKonly, Esq., 119 Baltimore Street, Hanover, PA 17331

THIRD PUBLICATION**ESTATE OF BERNADETTE E. AUMEN, DEC'D**

Late of Conewago Township, Adams County, Pennsylvania

Executors: Michael F. Aumen, 435 Poplar Road, New Oxford, PA 17350; Cynthia J. Higgins, 1723 Art Drive, Hanover, PA 17331

Attorney: David C. Smith, Esq., 754 Edgegrove Rd., Hanover, PA 17331

ESTATE OF FLORENCE E. PHILLIPS, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executrix: Earlyn C. Deardorff, 97 Blue Hill School Road, Dover, PA 17315

Attorney: Ronald J. Hagarman, Esq., 110 Baltimore Street, Gettysburg, PA 17325

ESTATE OF RICHARD A. SMITH, DEC'D

Late of the Borough of New Oxford, Adams County, Pennsylvania

Executrices: Marie T. Groft, 8 Hanover Street, New Oxford, PA 17350; Rose M. Diehl, 2563 Alessandro Blvd., Harrisburg, PA 17110

Attorney: Larry W. Wolf, P.C., 215 Broadway, Hanover, PA 17331

ESTATE OF FERN E. WAGNER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Harold R. Lau, P.O. Box 22, 227 East King Street, East Berlin, PA 17316

Attorney: Ronald J. Hagarman, Esq., 110 Baltimore Street, Gettysburg, PA 17325

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1307 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of August, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of land being situated in Reading Township, Adams County, Pennsylvania, being more particularly described as Lot No. 755 on a plan of lots of Lake Meade Subdivision duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County in Plat Book 1, pages, and subject to all legal highways, easements, rights of way and restrictions of record.

IT BEING the same which Jeffrey D. Guise and Kellie A. Shearer, now by marriage Kellie A. Guise, husband and wife, by their deed dated January 28, 1999 and recorded February 8, 1999 in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 1760 at page 180, sold and conveyed unto Edward W. Smith, Jr. and Amber J. Smith, husband and wife, as tenants of an estate by the entireties.

Having thereon erected a residential dwelling known and numbered as 485 Lake Meade Drive, East Berlin, PA 17316.

TITLE TO SAID PREMISES IS VESTED IN Tracy M. Saracco Sr. and Linda A. Saracco, Husband and Wife, as tenants of an estate by the entireties by deed dated March 15, 2005 and recorded March 30, 2005 in Deed Book Volume 3912 Page 246.

TAX ID No., (37) 13-100

SEIZED and taken into execution as the property of **Tracy M. Saracco, Sr. & Linda A. Saracco** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 28, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

7/10, 17 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1641 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of August, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain piece, parcel or tract of land, situate, lying and being in the Borough of Littlestown, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to-wit:

BEGINNING for a point on the right-of-way line and cartway of Independence Drive at Lot No. 6 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 6; North fifty (50) degrees forty-three (43) minutes twenty-six (26) seconds West, one hundred twenty and seventeen hundredths (120.17) feet to a point along Boyer Street as shown on the hereinafter referenced subdivision plan; thence along Boyer Street, North thirty-nine (39) degrees sixteen (16) minutes thirty-four (34) seconds East, Sixty-six and forty-six hundredths (66.46) feet to a point at Lot No. 4 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 4, South fifty (50) degrees forty-three (43) minutes twenty-six (26) seconds East, one hundred twenty-two and fifty hundredths (122.50) feet to a point on the right-of-way line and cartway of Independence Drive: thence along the right-of-way line and cartway of Independence Drive, South forty-one (41) degrees seventeen (17) minutes two (02) seconds West, sixty-five and fifty hundredths (65.50) feet to a point, the point and place of BEGINNING, CONTAINING 8,064.69 square feet/ 0.19 acres.

The above description being Lot No. 5 on the Final Subdivision Plan of Heritage Hill -Phase 2, for New Age Associates, prepared by James R. Holley & Associates, Inc., dated January 20, 1993, designated as Project 921120, which said subdivision plan is recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Plat Book 63, page 58.

ALSO, SUBJECT, NEVERTHELESS, to the protective Covenants of "Heritage Hill" dated November 13, 1992, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 656, at Page 146 and amended in Record Book 833, at Page 240 and in Extension of Restrictions in Record Book 779, at Page 212. The above described lot being part of the premises which LaRay Enterprises, Inc., by deed dated October 9, 1992, and recorded in the Office of the

Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 644 at page 930, granted and conveyed unto Harry P. McKean, trading and doing business as New Age Associates.

TOGETHER with all and singular the buildings, improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, Hereditaments and appurtenances, whatsoever unto the hereby granted Premises belonging, or in any wise appertaining, and the reversions and remainders, rents issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of them, the said Grantor, as well at law as in equity of the and to the same.

TO HAVE and to hold the said lot or piece of ground above described with the buildings and improvements thereon erected, Hereditaments and premises hereby granted, or mentioned, and intended so to be, with the appurtenances, unto the said Grantee, his heirs and assigns, to and for the only proper use and behalf of the said Grantee, his heirs and assigns forever.

TAX PARCEL # (27) 11-196

BEING KNOWN AS: 174 Boyer Street, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Mark A. Weber** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 28, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

7/10, 17 & 24