

Adams County **Legal Journal**

Vol. 52

January 21, 2011

No. 36, pp. 225-232

IN THIS ISSUE

NATIONWIDE VS. AMERICAN HEARTH ET AL

**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 directly 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. 10-S-1046 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of February, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-1046

SUSQUEHANNA BANK

vs.

KIM HUI MARTIN ESTATE a/k/a KIM H. MCKINNEY & LUTHER H. MARTIN

1485 NEW CHESTER RD., LOT 9

NEW OXFORD, PA 17350

STRABAN TOWNSHIP

Parcel No.: 38-109-0033---000

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$53,690.88

Attorneys for Plaintiff

CGA LAW FIRM, P.C.

SEIZED and taken into execution as the property of **Kim Hui Martin Est a/k/a Kim H. McKinney & Luther H. Martin** 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 March 18, 2011, 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 date.

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.

1/14, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1279 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of February, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-1279

PNC MORTGAGE

vs.

STEVEN A. MATTHEWS & LYNNELL S. MATTHEWS

85 SKYLINE CT., LOT 8

GETTYSBURG, PA 17325

CUMBERLAND TOWNSHIP

Parcel No.: 09-E13-0308---000

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$378,320.83

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG LLP

SEIZED and taken into execution as the property of **Steven A. Matthews & Lynnell S. Matthews** 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 March 18, 2011, 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 date.

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.

1/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1453 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of February, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-1453

NATIONSTAR MORTGAGE LLC

vs.

JOSEPH MILLER

120 CONEWAGO DRIVE

EAST BERLIN, PA 17316

READING TOWNSHIP

Parcel No.: 36-L08-0008---000

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$138,527.19

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Joseph Miller** 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 March 18, 2011, 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 date.

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.

1/14, 21 & 28

NATIONWIDE VS. AMERICAN HEARTH ET AL

1. Subrogation is a creature of equity. The theory substitutes one entity in the place of another with reference to a lawful claim, demand, or right, so that he who has substituted succeeds to the rights of the other in relation to the debt or claim, and its rights, remedies, or securities.

2. Because an insurer's right of subrogation is purely derivative, a subrogating insurer inherits no greater rights against a tortfeasor than those possessed by the insured and is subject to the same defenses assertable against the insured. Importantly, as a subrogee stands in the precise position of the subrogor, the subrogee is limited to recovering in subrogation the amount received by the subrogor relative to the claim paid by the subrogee.

3. If the UTCPL permits a cause of action to an insured for an injury committed against them by a third party, there is no rational reason that an insurer, who has reimbursed an insured for that loss, cannot recover those costs against a party who has violated the act thereby resulting in the damages for which the insurer has paid.

4. Whether an injured party is insured or not does not affect their ability to pursue their rights under the UTCPL. There is no common law or statutory prohibition precluding any party from exercising their rights under the UTCPL, due to insurance status.

5. The doctrine of subrogation is not a restriction on the rights of an injured party to pursue appropriate causes of action but rather is an expansion of the rights of an insurer to recover sums paid to an insured due to a third party's action.

6. In order to support a cause of action for negligent misrepresentation, a party must allege a misrepresentation of a material fact made under circumstances in which the party making the misrepresentation ought to have known of its falsity with intent to induce another to act upon it thereby resulting in injury to a party who justifiably relied upon the misrepresentation.

7. Impertinent matter is matter that is irrelevant to the material issues of the case and that whether proven or not, or whether admitted or denied, can have no influence in leading to a decision in the case.

8. Appellate cases have consistently held that where evidence of insurance is relevant to the issues in the case, it will not be barred merely because it might be prejudicial.

9. Pennsylvania has consistently followed the American rule that there can be no recovery of attorney's fees from an adverse party absent an express statutory authorization, a clear agreement by the parties, or for some other established exception.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 08-S-929, NATIONWIDE MUTUAL FIRE INSURANCE COMPANY, AS SUBROGEE OF DOUGLASS AND MARSHA WILLIAMS, VS. AMERICAN HEARTH, L.L.C. AND ESTATE OF RALPH F. PATTERSON, BY AND THROUGH ITS ADMINISTRATRIX, DEBORAH LAWVER.

Stephen L. Smith, Esq., for Plaintiff

Daniel K. Deardorff, Esq., for Defendant American Hearth

Gary E. Hartman, Esq., for Defendant Patterson Estate

George, J., July 15, 2010

OPINION

Before the Court are the Preliminary Objections of the Defendant, American Hearth, L.L.C., demurring to several causes of action as raised in the Complaint and seeking to strike allegedly scandalous and impertinent pleadings. For the reasons set forth below, the Preliminary Objections are granted in part and denied in part.

This action was commenced by Plaintiff, Nationwide Mutual Fire Insurance Company (“Nationwide”), as Subrogee of Douglass and Marsha Williams (“Williams”) seeking reimbursement for funds paid by Nationwide to the Williams as a result of a fire at the Williams’ residence. Initially, separate Complaints were filed against American Hearth, L.L.C. (“American Hearth”) and the Estate of Ralph F. Patterson (“Patterson”), however, those Complaints have been consolidated for trial. The Complaints allege that American Hearth sold a pellet stove to Williams which was subsequently installed by Patterson while acting as a subcontractor for American Hearth. The sale and installation of the pellet stove took place in March of 2001. Approximately six years later, on February 12, 2007, a fire occurred at the Williams’ residence which is allegedly attributed to the negligent installation of the wood stove. The Williams recovered \$100,000 in a claim against their homeowners insurance provided by Nationwide. Consequently, the Williams subrogated their claim against the several Defendants to Nationwide who in turn initiated the current causes of action. As the Preliminary Objections are numerous, they will be addressed seriatim.

Initially, American Hearth challenges several of the causes of action on the basis of the statute of limitations. Specifically, American Hearth alleges that the causes of action for breach of warranty, violation of the Unfair Trade Practice and Consumer Protection Law (“UTPCPL”), and negligent misrepresentation are barred. American Hearth’s Preliminary Objections are identical to Preliminary Objections filed by Patterson prior to consolidation of the cases. Patterson’s Preliminary Objections were resolved in an Order and Opinion entered by President Judge Kuhn on May 8, 2009. Although not technically the law of the case as the current objections are filed in a separate Complaint initiated against a different party, I find President Judge Kuhn’s reasoning to be persuasive and will follow the same instantly. See *Nationwide Mutual Fire Ins.*

Co. v. Estate of Ralph F. Patterson, May 8, 2009, 09-S-175 (Adams County). Accordingly, American Hearth's demurrer to the breach of warranty cause of action will be granted. The demurrer based upon the statute of limitations to the cause of actions related to a violation of the UTPCPL and negligent misrepresentation will be denied.

American Hearth further demurs to the UTPCPL cause of action under a theory that the rights to a private cause of action under the UTPCPL may not be transferred by a subrogee to a subrogor. Additionally, American Hearth challenges Nationwide's claim for treble damages and attorney fees under the UTPCPL arguing that, even if a subrogee may pursue rights under the UTPCPL, the subrogor cannot recover damages in excess of that actually paid to the subrogee under the applicable insurance policy.

The purpose of the UTPCPL is to protect the public from fraud and unfair or deceptive business practices. *Neal v. Bavarian Motors, Inc.*, 882 A.2d 1022 (Pa. Super. 2005) *appeal denied*, 907 A.2d 1103. Although a number of trade practices considered unfair by the act are subject to remedy under traditional tort principles, the UTPCPL provides a private remedy to recover damages for other unfair and deceptive acts or practices that might otherwise escape remedy. *Neff v. General Motors Corp.*, 163 FRD 478 (E.D. Pa. 1995). American Hearth argues that the specific statutory language of the UTPCPL limits private actions to those brought by "any person who purchases or leases goods or services primarily for personal, family or household purposes..." 73 P.S. § 201-9.2. They suggest that since the right to a private action under the UTPCPL arises solely from statutory authorization, the specific language of the statute precludes actions brought by a subrogor on behalf of a subrogee. On the other hand, Nationwide properly recognizes that the UTPCPL expressly extends the private right of action to corporations. They suggest therefore that since the law recognizes that a subrogee stands in the shoes of the subrogor, they may properly pursue any cause of action which the Williams had the ability to pursue.

Subrogation is a creature of equity. The theory substitutes one entity "in the place of another with reference to a lawful claim, demand, or right, so that he who has substituted succeeds to the rights of the other in relation to the debt or claim, and its rights, remedies, or securities." *Molitoris v. Woods*, 618 A.2d 985, 989 (Pa.

Super. 1992) (quoting Black's Law Dictionary 1279 (5th ed. 1979)). The purpose of subrogation was explained by a panel of the Superior Court as follows:

When an insurer pays a claim under a policy, it is actually paying the debt of the tortfeasor. The insurer is only secondarily liable; it is the tortfeasor who is primarily liable. Once the insurer has paid a claim to the insured, it may then stand in the shoes of the insured and assert the insured's rights against the tortfeasor. The right to stand in the insured's shoes and to collect from the tortfeasor once it has paid the insured an amount representing the tortfeasor's debt is called the insurer's right to subrogation.

Daley-Sand v. West American Ins. Co., 564 A.2d 965, 969 (Pa. Super. 1989). Thus, subrogation exists in the law as a mechanism for insurers to recover the costs of reimbursing the injured insured parties. The doctrine places the subrogee in the precise position of the one to whose rights and disabilities he has subrogated. *Public Service Mutual Ins. Co. v. Kidder-Friedman*, 743 A.2d 485, 488 (Pa. Super. 1999). As such, upon payment of an insured's claim, the insurer steps into the shoes of the insured and acquires all of the rights that the insured may have against a third party. Because an insurer's right of subrogation is purely derivative, a subrogating insurer inherits no greater rights against a tortfeasor than those possessed by the insured and is subject to the same defenses assertable against the insured. *Allstate Ins. Co. v. Clarke*, 527 A.2d 1021, 1024 (Pa. Super. 1987). Importantly, as a subrogee stands in the precise position of the subrogor, the subrogee is limited to recovering in subrogation the amount received by the subrogor relative to the claim paid by the subrogee. *Id.*

In applying these concepts to the purpose of the UTPCPL, I see no reason that a subrogor cannot pursue a cause of action for a violation of the UTPCPL. If the UTPCPL permits a cause of action to an insured for an injury committed against them by a third party, there is no rational reason that an insurer, who has reimbursed an insured for that loss, cannot recover those costs against a party who has violated the act thereby resulting in the damages for which the insurer has paid. This conclusion is consistent with the equitable purposes of subrogation in acting as a mechanism for insurers to recover the costs of reimbursing the injured insured parties.

In reaching this conclusion, I express no opinion as to Nationwide's ability to establish that the alleged UTPCPL violations were the actual cause of the Williams' loss. As the issue currently before the Court is in the form of preliminary objection, such a consideration would be premature as the evidentiary record has not yet fully developed. In considering a preliminary objection in the nature of a demurrer, I must accept the allegations in the Complaint, as well as all inferences reasonably deducible there from, as being true. *Ballroom, LLC v. Commonwealth*, 984 A.2d 582, 586 (Pa. Cmwlth. 2009). Applying this standard, I conclude that a subrogor may pursue a cause of action under the UTPCPL on behalf of a subrogee where a cause of action under the UTPCPL is otherwise properly pled.

Although I have concluded that a subrogor may step into the shoes of a subrogee in pursuing a cause of action under the UTPCPL, I agree with American Hearth that a subrogor cannot seek to recover treble damages or attorney fees under the guise of a UTPCPL violation. Appellate authority is clear that a subrogee is limited in subrogation to the amount actually paid by the subrogee. *Allstate Ins. Co. v. Clarke*, 527 A.2d 1021. Notably, the instant cause of action is brought by Nationwide and not the Williams.¹ As Nationwide has paid the Williams neither treble damages nor attorney fees, they may not recover them under the current suit.

In support of their position, Nationwide argues that if they are limited to only recovering the amount paid, American Hearth "would get a pass on the UTPCPL provisions imposing treble damages and attorney fees." They further suggest that permitting such a "pass" would lead to the absurd conclusion that deceptive parties would only face enhanced exposure to damages if their victims were uninsured. This argument is unpersuasive as it is based upon a clear misstatement of the law. Whether an injured party is insured or not does not affect their ability to pursue their rights under the UTPCPL. There is no common law or statutory prohibition precluding any party from exercising their rights under the UTPCPL due to insurance status. Instantly, there is no legal reason that the Williams could not have joined as a plaintiff to pursue any perceived claims to treble damages and attorney fees under the UTPCPL.

¹ Compare Pennsylvania Rule of Civil Procedure 2002 which permits a subrogee to sue in the name of the subrogor to recover monies paid. *Paxton National Insurance Co. v. Brickajlik*, 522 A.2d. 531, 532 (Pa. 1987).

The doctrine of subrogation is not a restriction on the rights of an injured party to pursue appropriate causes of action but rather is an expansion of the rights of an insurer to recover sums paid to an insured due to a third party's actions. There is nothing equitable, however, about permitting a subrogor to further expand their right to recover costs actually paid to one of collecting a windfall in addition to their payout. Accordingly, American Hearth's demurrer to the claim for treble damages and attorney fees under the UTPCPL will be granted.

American Hearth also demurs to the negligent representation cause of action challenging the sufficiency of the factual allegations in the Complaint. Nationwide's Complaint alleges that American Hearth misrepresented that the stove sold to the Williams would be installed by American Hearth rather than an independent contractor. Nationwide further alleges that American Hearth represented that the installation would be performed in accordance with manufacturer's instructions and applicable codes. American Hearth demurs to this cause of action on the basis that even had those representations been made, they are not material to the injuries suffered by Nationwide.

In order to support a cause of action for negligent misrepresentation, a party must allege a misrepresentation of a material fact made under circumstances in which the party making the misrepresentation ought to have known of its falsity with intent to induce another to act upon it thereby resulting in injury to a party who justifiably relied upon the misrepresentation. *Bortz v. Noon*, 729 A.2d 555, 561 (Pa. 1999). Based upon the reasoning set forth hereinabove in discussing the UTPCPL claim, American Hearth's demurrer to the negligent misrepresentation cause of action on the basis that such a cause of action is personal to the injured party will be denied. Although Nationwide may ultimately have difficulty linking the alleged misrepresentation to their alleged damages, I once again am reminded that this matter is before the Court on a demurrer. As such, I must presume the allegations in the Complaint to be true. *Kane v. State Farm Fire and Cas. Co.*, 841 A.2d 1038 (Pa. Super. 2003).

In their next objection, American Hearth seeks to strike the Complaint's reference to liability insurance as scandalous and impertinent. The precise reference at issue is found in paragraph 24(d) of the Complaint which, in support of the cause of action for negligent

misrepresentation, indicates that American Hearth made statements that “there was effective and sufficient liability insurance in the event of any loss arising from their products and services.” Presumably, the Complaint is suggesting that the Williams, and indirectly Nationwide as subrogee, have been harmed by relying on American Hearth’s representations that the fire damage would be sufficiently covered by liability insurance when, in fact, there may not be coverage available under the theory that Patterson installed the pellet stove as an independent contractor rather than an employee of American Hearth.

Impertinent matter is matter that is irrelevant to the material issues of the case and that whether proven or not, or whether admitted or denied, can have no influence in leading to a decision in the case. *Piunti v. Commonwealth, Dept. of Labor and Industry, Unemployment Compensation Bd. of Review*, 900 A.2d 1017 (Pa. Cmwlth. 2006). Instantly, the challenged language is the exact misrepresentation upon which Nationwide allegedly relied to their detriment. An exhaustive list of appellate cases has consistently held that where evidence of insurance is relevant to the issues in the case, it will not be barred merely because it might be prejudicial. *Beechwoods Flying Service, Inc. v. Al Hamilton Contracting Corp.*, 476 A.2d 350 (Pa. 1984) (citing *Price v. Yellow Cab Co. of Philadelphia*, 278 A.2d 161 (Pa. 1971); *Lenahan v. Pittston Coal Mining Co.*, 70 A 884 (Pa. 1908); *Jury v. New York Centrail Railroad Co.*, 74 A.2d 531 (Pa. Super. 1950)). The pleadings in this case establish that the allegations of insurance are relative as tending to prove one of the elements of the cause of action. See generally *Beechwoods Flying Service, Inc. v. Al Hamilton Contracting Corp.*, *supra*. Accordingly, American Hearth’s preliminary objection on this basis will be denied.

The final preliminary objection of American Hearth is a Motion to Strike the Complaint’s repeated demand throughout the Complaint for a judgment of attorney fees. As the above discussion has addressed the claim for attorney fees in the context of the UTPCPL claim, that discussion will not be revisited. Thus, the sole remaining issue is the propriety of Nationwide’s claim for attorney fees in the causes of action styled as negligence, strict liability, and negligent misrepresentation.

Pennsylvania has consistently followed the American rule that there can be no recovery of attorney’s fees from an adverse party

absent an express statutory authorization, a clear agreement by the parties, or for some other established exception. *Merlino v. Delaware County*, 728 A.2d 949, 951 (Pa. 1999). A thorough reading of the Complaint reveals a paucity of any indication of facts supporting a claim for attorney fees. Accordingly, the preliminary objection will be granted.

For the foregoing reasons, the attached Order is entered.

ORDER

AND NOW, this 15th day of July, 2010, the Preliminary Objections of American Hearth, L.L.C. to Plaintiff's Complaint are granted in part and denied in part.

The preliminary objection demurring to the Complaint on the basis of the statute of limitations is denied with the exception of the demurrer to Count II, breach of warranty, which is granted. Count II is stricken.

American Hearth's preliminary objection demurring to Nationwide's claim for punitive damages and attorney fees in Count V of the Complaint is granted. The claim of damages in Count V of the Complaint shall be limited to the actual sums paid by Nationwide to the Subrogor.

The preliminary objection seeking to strike all other demands for imposition of attorney fees is granted. All references in the wherefore clauses of the Complaint to attorney fees are stricken.

In all other respects, American Hearth's Preliminary Objections are denied.

It is further Ordered that American Hearth shall file an Answer to the Complaint, as modified by this Order, within twenty (20) days of this date.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1186 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of February, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-1186

ACNB BANK, FORMERLY KNOWN AS
ADAMS COUNTY NATIONAL BANK

vs.

EDWARD A. PITZER & LAURA PITZER
AND JAMES M. GARLACH & SHARON
L. GARLACH

4246 CHAMBERSBURG ROAD
GETTYSBURG, PA 17325
FRANKLIN TOWNSHIP

Parcel No.: 12-C10-0008A--000

IMPROVEMENTS THEREON:
Residential/Commercial Building
JUDGMENT AMOUNT: \$83,578.54

Attorneys for Plaintiff
PUHL, EASTMAN & THRASHER

SEIZED and taken into execution as
the property of **Edward A. Pitzer &
Laura J. Pitzer and James M. Garlach
& Sharon L. Garlach** 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 March 18, 2011,
and distribution will be made in accor-
dance with said schedule, unless excep-
tions 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 date.

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

1/21, 28 & 2/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1143 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of February, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-1143

CITIMORTGAGE INC.

vs.

JOHN D. MARTONE II &
DARLENE M. MARTONE
232 CHAMBERSBURG STREET
GETTYSBURG, PA 17325
GETTYSBURG BOROUGH

Parcel No.: 16-007-0260A--000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING
JUDGMENT AMOUNT: \$113,935.98

Attorneys for Plaintiff
PHELAN HALLINAN & SCHMIEG LLP

SEIZED and taken into execution as
the property of **John D. Martone II &
Darlene M. Martone** 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 March 18, 2011,
and distribution will be made in accor-
dance with said schedule, unless excep-
tions 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 date.

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

1/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1969 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of February, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 09-S-1969

WELLS FARGO BANK NA

vs.

BRUNO GRELA MPOKO
1210 BULLFROG ROAD
FAIRFIELD, PA 17320
FREEDOM TOWNSHIP

Parcel No.: 13-E17-0071---000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING
JUDGMENT AMOUNT: \$340,940.97

Attorneys for Plaintiff
SHAPIRO AND DENARDO, LLC

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 March 18, 2011,
and distribution will be made in accor-
dance with said schedule, unless excep-
tions 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 date.

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

1/21, 28 & 2/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1033 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of February, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-1033
BANK OF NEW YORK MELLON
TRUST COMPANY NA
vs.

JAMES E. RUDISILL &
KAREN A. RUDISILL

245 N. STRATTON STREET
GETTYSBURG, PA 17325
GETTYSBURG BOROUGH

Parcel No.: 16-007-0064---000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$136,572.22

Attorneys for Plaintiff
PHELAN HALLINAN & SCHMIEG, LLP
SEIZED and taken into execution as
the property of **James E. Rudisill &
Karen A. Rudisill** 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 March 18, 2011,
and distribution will be made in accor-
dance with said schedule, unless excep-
tions 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 date.

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

1/21, 28 & 2/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-929 issu-
ing out of Court of Common Pleas
Adams County, and to me directed, will
be exposed to Public Sale on Friday, the
25th day of February, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-0929
HSBC BANK USA NA
vs.

TONYA M. NAGLE &
JEREMY E. NAGLE
479 TILLIE TOWN ROAD
BIGLERVILLE, PA 17307
FRANKLIN TOWNSHIP

Parcel No.: 12-D11-0114---000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$127,994.48

Attorneys for Plaintiff
PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as
the property of **Tonya M. Nagle &
Jeremy E. Nagle** 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 March 18, 2011,
and distribution will be made in accor-
dance with said schedule, unless excep-
tions 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 date.

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

1/21, 28 & 2/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1308
issuing out of Court of Common Pleas
Adams County, and to me directed, will
be exposed to Public Sale on Friday, the
25th day of February, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 09-S-1308
VARISH CONSTRUCTION, INC.
vs.

PANKAJ C. PATEL &
PRABHA P. PATEL
1650 YORK ROAD
GETTYSBURG, PA 17325
STRABAN TOWNSHIP

Parcel No.: 38-G12-0052--000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$181,000.00

Attorneys for Plaintiff
HARTMAN & YANNETTI

SEIZED and taken into execution as
the property of **Pankaj C. Patel &
Prabha P. Patel** 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 March 18, 2011,
and distribution will be made in accor-
dance with said schedule, unless excep-
tions 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 date.

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

1/21, 28 & 2/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-619 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of February, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-619
SCOTT GRAEVES

vs.

ROBERT L. STEPHAN a/k/a
ROBERT L. STEPHEN
967 BOLLINGER ROAD
LITTLESTOWN, PA 17340
UNION TOWNSHIP

Parcel No.: 41-K17-0036---000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$170,824.05
PLUS COSTS

Attorneys for Plaintiff

ROBERT L. MCQUAIDE

SEIZED and taken into execution as the property of **Robert L. Stephan a/k/a Robert L. Stephen** 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 March 18, 2011, 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 date.

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.

1/21, 28 & 2/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1183 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of February, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-1183
WELLS FARGO BANK NA

vs.

CARL M. SEHESTEDT III &
MICHELE RENEE SEHESTEDT
592 CEDAR RIDGE ROAD
NEW OXFORD, PA 17350-9139
MOUNT PLEASANT TOWNSHIP

Parcel No.: 32-12-0011---000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$148,919.47

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Carl M. Sehestedt III & Michele Renee Sehestedt** 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 March 18, 2011, 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 date.

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.

1/21, 28 & 2/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-2004 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of February, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 09-S-2004
PHH MORTGAGE CORPORATION

vs.

GRAILING S. SCOTT
130 GURNSEY ROAD a/k/a
130 GUERNSEY ROAD
BIGLERVILLE, PA 17307
BUTLER TOWNSHIP

Parcel No.: 07-F07-0047---000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$91,243.25

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Grailing S. Scott** 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 March 18, 2011, 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 date.

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.

1/21, 28 & 2/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-210 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of February, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-210

SUSQUEHANNA BANK

vs.

HENRY L. TAYLOR, LLC

1240 NAWAKWA ROAD
BIGLERVILLE, PA 17307
HAMILTONBAN TOWNSHIP &
MENALLEN TOWNSHIP

TRACT #1

MENALLEN TOWNSHIP

PARCEL NO. 29-E06-0012

32 ACRES, 26 PERCHES

TRACT #2

HAMILTONBAN TOWNSHIP

PARCEL NO. 18-B16-0004

6 ACRES

TRACT #3

HAMILTONBAN TOWNSHIP

PARCEL NO. 18-D15-0015

16 ACRES, 120 PERCHES

IMPROVEMENTS THEREON: LAND

JUDGMENT AMOUNT: \$380,592.91
PLUS COSTS

Attorneys for Plaintiff

KEEFER, WOOD, ALLEN & RAHAL,
LLP

SEIZED and taken into execution as the property of **Henry L. Taylor, LLC** 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 March 18, 2011, 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 date.

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.

1/21, 28 & 2/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1471 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of February, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-1471

ACNB BANK, FORMERLY KNOWN AS
ADAMS COUNTY NATIONAL BANK

vs.

PARMINDER SINGH AND
PARAMJIT KAUR

2314 YORK ROAD
GETTYSBURG, PA 17325
STRABAN TOWNSHIP

Parcel No.: 38-H12-0027---000

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$192,710.59

Attorneys for Plaintiff

RICHARD E. THRASHER, ESQ.

SEIZED and taken into execution as the property of **Parminder Singh and Paramjit Kaur** 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 March 18, 2011, 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 date.

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.

1/21, 28 & 2/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1292 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of February, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-1292

METLIFE HOME LOANS, A DIVISION
OF METLIFE BANK, N.A.

vs.

PATRICIA SYKES
159 COLORADO AVE., LOT 29
LITTLESTOWN, PA 17340-1141
LITTLESTOWN BOROUGH

Parcel No.: 27-007-0168---000

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$195,740.47

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Patricia Sykes** 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 March 18, 2011, 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 date.

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.

1/21, 28 & 2/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-958 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of February, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-958
SUNTRUST MORTGAGE INC.

vs.

RYAN THOMPSON &
SCOTT P. THOMPSON &
KATHLEEN A. OLEARY EST.
119 EAST MAIN STREET
FAIRFIELD, PA 17320
FAIRFIELD TOWNSHIP

Parcel No.: 11-004-0007--000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$480,206.98

Attorneys for Plaintiff
PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Ryan Thompson & Scott P. Thompson & Kathleen A. Oleary Est.** 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 March 18, 2011, 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 date.

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.

1/21, 28 & 2/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1613 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of February, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 09-S-1613
AGCHOICE FARM CREDIT ACA

vs.

RANDALL L. TENNEY
2300 CHAMBERSBURG ROAD
BIGLERVILLE, PA, FORMERLY
KNOWN AS 555 SEVEN STARS
ROAD, GETTYSBURG, PA 17325
FRANKLIN TOWNSHIP

Parcel No.: 12-D12-0007--000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$290,229.48

Attorneys for Plaintiff
BLAKINGER, BYLER & THOMAS, P.C.

SEIZED and taken into execution as the property of **Randall L. Tenney** 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 March 18, 2011, 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 date.

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.

1/21, 28 & 2/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1040 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of February, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-1040
BANK OF NEW YORK MELLON
TRUST

vs.

RANDALL TRAVITZ
1230 BRAGGTOWN ROAD
DILLSBURG, PA 17019-9201
LATIMORE TOWNSHIP

Parcel No.: 23-K03-0016---000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING
JUDGMENT AMOUNT: \$74,195.10

Attorneys for Plaintiff
PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Randall C. Travitz** 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 March 18, 2011, 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 date.

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.

1/21, 28 & 2/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-SU-0924 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of February, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 08-SU-0924

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.

vs.

JERRY LEE WILLIAMS
1532 SELL STATION RD.
LITTLETOWN, PA 17340
UNION TOWNSHIP

Parcel No.: 41-K16-0017---000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$125,957.63

Attorneys for Plaintiff
GOLDBECK MCCAFFERTY &
MCKEEVER

SEIZED and taken into execution as the property of **Jerry Lee Williams** 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 March 18, 2011, 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 date.

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.

1/21, 28 & 2/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-549 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of February, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-549

BANK OF AMERICA NATIONAL
ASSOCIATION

vs.

RODNEY L. WINEKA
1465 HONDA RD., LOT 6
HANOVER, PA 17331
MOUNT PLEASANT TOWNSHIP

Parcel No.: 32-313-0130---000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$106,974.37

Attorneys for Plaintiff
PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Rodney L. Wineka** 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 March 18, 2011, 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 date.

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.

1/21, 28 & 2/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1007 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of February, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-1007

CITIMORTGAGE, INC.

vs.

JENNIFER L. TYLER &
GARY W. TYLER
120 WAGNER ROAD
FAYETTEVILLE, PA 17222-8323
FRANKLIN TOWNSHIP

Parcel No.: 12-A10-0018---000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$130,225.97

Attorneys for Plaintiff
PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Jennifer L. Tyler & Gary W. Tyler** 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 March 18, 2011, 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 date.

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.

1/21, 28 & 2/4

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 MICHAEL R. ABRAHAM, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: LeighAnn Abraham, 45 Skylark Trail, Fairfield, PA 17320

Attorney: Bernard A. Yannetti, Jr., Esq., Hartman & Yannetti, 126 Baltimore St., Gettysburg, PA 17325

ESTATE OF DOROTHY M. CONNER, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executor: Mary Josephine Higgs, 105 Charles Street, P.O. Box 378, Hyndman, PA 15545

Attorney: Elinor Albright Rebert, Esq., 515 Carlisle St., Hanover, PA 17331

ESTATE OF DAVID LYNN GROVE, DEC'D

Late of the Borough of Carroll Valley, Adams County, Pennsylvania

Administrator: Mr. Dana S. Grove, 5560 Iron Bridge Rd., Waynesboro, PA 17268

ESTATE OF ELIZABETH J. HUGH-BANKS, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Executors: Karen A. Lewis and Stephen L. Hughbanks, c/o D.J. Hart, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York Street, Hanover, PA 17331

Attorney: D.J. Hart, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York Street, Hanover, PA 17331

ESTATE OF STANLEY PAUL KOTT, SR., DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Stanley P. Kott, Jr., 131 Ardith Drive, Orinda, CA 94563

Attorney: John J. Murphy, III, Esq., Patrono & Associates, LLC, 28 West Middle Street, Gettysburg, PA 17325

ESTATE OF JEWELL A. RIDER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Clara Sanders, 460 Red Bridge Road, Gettysburg, PA 17325

Attorney: John J. Murphy, III, Esq., Patrono & Associates, LLC, 28 West Middle Street, Gettysburg, PA 17325

ESTATE OF RUFUS J. WAGNER a/k/a RUFUS JAMES WAGNER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Michael K. Wagner, 7 White Oak Trail, Gettysburg, PA 17325

Attorney: John J. Murphy, III, Esq., Patrono & Associates, LLC, 28 West Middle Street, Gettysburg, PA 17325

SECOND PUBLICATION**ESTATE OF THEOLAD CLIMONS, JR., DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Administratrix: Cassandra L. Climons, 295 Poplar Springs Road, Orttanna, PA 17353

Attorney: Teeter, Teeter & Teeter, 108 W. Middle St., Gettysburg, PA 17325

ESTATE OF G. ROBERT DEATRICK a/k/a GEORGE ROBERT DEATRICK, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executor: ACNB Bank, P.O. Box 4566, Gettysburg, PA 17325

Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF CHARLOTTE M. DEGROFT, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executor: Donald L. DeGroft, c/o Samuel A. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

Attorney: Samuel A. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

ESTATE OF MIRIAM C. DOLL, DEC'D

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

Executor: Rose Marie Linebaugh, c/o Michael Cherewka, Esq., 624 North Front St., Wormleysburg, PA 17043

Attorney: Michael Cherewka, Esq., 624 North Front St., Wormleysburg, PA 17043

ESTATE OF ELLEN M. GREEN, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Administrator: Sandy Butala, 238 Highland Ave., Gettysburg, PA 17325

Attorney: Teeter, Teeter & Teeter, 108 W. Middle St., Gettysburg, PA 17325

ESTATE OF FRANCES JANE HOWARD, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: H. Gene Fultz, 4340 Paradise Road, Dover, PA 17315

Attorney: Marc Roberts, Esq., Law Office of Marc Roberts, 149 East Market St., York, PA 17401

ESTATE OF BERNARD H. KLUNK, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: William H. Klunk, Janet L. Myers, Thomas E. Klunk and Elaine M. Thomas, c/o Keith R. Nonemaker, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York Street, Hanover, PA 17331

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

ESTATE OF MARGARET R. MINTER a/k/a MARGARET KRICK MINTER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Michael H. Krick, 1479 Siegfriedale Road, Kutztown, PA 19530

Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF JOAN M. RISER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Brian Riser, 1306 Irishtown Road, New Oxford, PA 17350

Attorney: John A. Wolfe, Esq., Wolfe & Rice, LLC, 47 West High Street, Gettysburg, PA 17325

THIRD PUBLICATION**ESTATE OF JOHN A. BAKER, DEC'D**

Late of Germany Township, Adams County, Pennsylvania

Executrix: Karen L. DeGroft, 39 Sandy Court, Hanover, PA 17331

Attorney: Stonesifer and Kelley, 209 Broadway, Hanover, PA 17331

THIRD PUBLICATION (CONTINUED)**ESTATE OF ROBERT HENRY CONNOLLY, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Executor: Owen Connolly, 903 Osceola Avenue, Saint Paul, MN 55105

ESTATE OF LOVINA E. HOFF, DEC'D

Late of the Borough of York Springs, Adams County, Pennsylvania

Co-Executors: Ronald Hoff, 955 Old Harrisburg Road, Gettysburg, PA 17325; Beth Watts, 894 Range End Road, Dillsburg, PA 17019; Wayne Hoff, 329 East York Street, Biglerville, PA 17307

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

ESTATE OF JOHN B. KERR, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Executor: Elisabeth Ann Kerr a/k/a Elisabeth Anne Lory, 376 Bonners Hill Road, York Springs, PA 17372

Attorney: Wendy Weikal-Beauchat, Esq., 63 West High Street, Gettysburg, PA 17325

ESTATE OF ANITA D. KIESS, DEC'D

Late of the Borough of Arendtsville, Adams County, Pennsylvania

Executrix: Michele D. Reeher, 29 Tillietown Road, P.O. Box 22, McKnightstown, PA 17343

Attorney: Robert E. Campbell, Esq., Campbell & White, P.C., 112 Baltimore Street, Suite 1, Gettysburg, PA 17325-2311

ESTATE OF HELEN LOUISE KRALL, DEC'D

Late of the Borough of East Berlin, Adams County, Pennsylvania

Executrix: Vernice Krall, 119 Water Street, East Berlin, PA 17316

Attorney: Clayton R. Wilcox, Esq., P.O. Box 176, Littlestown, PA 17340

ESTATE OF ANDREW SELWYN, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Co-Administrators: Stephen Selwyn, 43159 Scenic Creek Way, Leesburg, VA 20176; Alan Selwyn, 20006 Fire Tower Lane, Ijamsville, MD 21754

Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, 126 Baltimore Street, Gettysburg, PA 17325

**NOTICE OF ACTION IN
MORTGAGE FORCLOSURE
IN THE COURT OF COMMON PLEAS
OF ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION—LAW
NO. 08-SU-320**

Deutsche Bank National Trust Company, as Trustee, Plaintiff v.

David L. Snyder and Catherine L. Snyder, Defendants

19 Carly Drive
New Oxford, PA 17350

**NOTICE OF SALE OF REAL
PROPERTY**

TO: David L. Snyder and Catherine L. Snyder, 19 Carly Drive, New Oxford, PA 17350

Your house (real estate) at 19 Carly Drive, New Oxford, PA 17350 is scheduled to be sold at the Sheriff's Sale on March 11, 2011 at 10:00 a.m. in the Adams County Courthouse, 117 Baltimore Street, Room 4, Gettysburg, PA, to enforce the court judgment of \$146,749.33, obtained by Plaintiff above (the mortgagee) against you. If the sale is postponed, the property will be relisted for the Next Available Sale.

PROPERTY DESCRIPTION:

ALL that certain tract of land situate, lying and being in Oxford Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the property line of Carly Drive, a fifty (50) foot street, at corner of Lot No. 558, on the hereinafter referred plan of lots; thence by said lot North thirty-eight (38) degrees forty-nine (49) minutes fifty-eight (58) seconds East, one hundred sixty-four and ninety-eight hundredths (164.98) feet to a steel pin at Lot No. 536; thence by said lot South seventy-four (74) degrees seven (07) minutes two (02) seconds East, eighty-one and forty-five hundredths (81.45) feet to a steel pin at other lands now or formerly of Oxford Estates; thence by said lands South thirty-eight (38) degrees forty-nine (49) minutes fifty-eight (58) seconds West, one hundred ninety-six and seventy-four hundredths (196.74) feet to a steel pin on the property line of Carly Drive; thence by said street North fifty-one (51) degrees ten (10) minutes two (02) seconds West, seventy-five (75.00) feet to the point and place of BEGINNING. CONTAINING 13,564 square feet. BEING designated as Lot No. 599 as shown on a plan of Lots of Oxford Estates, Tract II, Phase Three, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 52 at page 66.

BEING the same property which Raymond W. Newman, Sheriff, by deed dated January 7, 2005 and recorded January 7, 2005 in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 3831 at page 173, sold and conveyed unto Baxter Investment Group, Inc.

BEING KNOWN AS: 19 Carly Drive, New Oxford, PA 17350

PROPERTY ID NO.: 35-010-0050

TITLE TO SAID PREMISES IS VESTED IN David L. Snyder and Catherine J. Snyder by Deed from Baxter Investment Group, Inc. dated 3/9/05 recorded 3/15/05 in Deed Book 3895, Page 195.

Udren Law Offices, P.C.
Attorneys for Plaintiff
111 Woodcrest Road, Suite 200
Cherry Hill, NJ 08003
856-482-6900

1/21

**NOTICE BY THE ADAMS COUNTY
CLERK OF COURTS**

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statements of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphan's Court, Gettysburg, Pennsylvania, for confirmation of accounts entering decrees of distribution on Friday, February 4, 2011 at 8:30 a.m.

WHITTAKER—Orphan's Court Action Number OC-134-2010. The First and Final Account of Stephen L. Bloom, Executor of Patricia A. Whittaker, deceased, late of Tyrone Township.

FLICKINGER—Orphan's Court Action Number OC-178-2010. The First and Final Account of Regina M. Harms now known as Regina M. McCracken, Executrix of the Estate of Gladys M. Flickinger, deceased, late of Borough of McSherrystown, Adams County, Pennsylvania.

ROGERS—Orphan's Court Action Number OC-110-2010. The First and Final Account of Connie Healy of Betty L. Rogers, deceased late of Mt. Pleasant, Adams County, Pennsylvania.

Kelly A. Lawver
Clerk of Courts

1/21 & 28