

# Adams County Legal Journal


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SEALEY a/k/a DARRIN G. SEALEY AND  
CHRISTINE E. SEALEY



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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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LEGAL NOTICE-ANNUAL MEETING

The annual meeting of the policyholders of the Protection Mutual Insurance Company of Littlestown will be held at the office located at 101 South Queen Street, in Littlestown, PA, between the hours of 1:00 and 2:00 p.m. on January 16, 2016 to elect directors and to transact any other business properly presented.

Attest: John Larry Hawk  
Vice President

12/11 & 12/18 & 12/23 & 12/31

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WELLS FARGO BANK, N.A. s/b/m TO WACHOVIA BANK,  
NATIONAL ASSOCIATION V. DARRIN GORDON SEALEY  
a/k/a DARRIN G. SEALEY AND CHRISTINE E. SEALEY

1. Pennsylvania has long recognized that when spouses own property as tenants by the entireties neither tenant may separately dispose of nor encumber it in any way without the other's authority or consent. However, our courts have also recognized that either spouse presumptively has the power to act for both, so long as the marriage subsists, without any specific authorization, provided the fruits or proceeds of the action inures to the benefit of both and the estate is not terminated.
2. This presumption that either spouse may, without specific consent, act on behalf of both spouses is known as the entireties presumption. This presumption prevails unless and until the non-acting spouse establishes by a preponderance of the evidence that at the time the action was taken the acting spouse was, in fact, not authorized to act for and to bind the other spouse.
3. When the non-acting spouse accepts the benefits of the action and does not repudiate them it can be inferred that the spouse affirms the action of the acting spouse.
4. The question before the Court at this juncture is whether Plaintiff has sufficiently pleaded enough background to trigger the entireties presumption and thereby shift the burden to Mrs. Sealey to overcome it. There is absolutely nothing contained in the averments in the instant matter that suggests directly or by necessary inference that Mrs. Sealey knew of or benefitted from the proceeds of the financial transaction entered into by her husband.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,  
PENNSYLVANIA, CIVIL 2014-S-907, WELLS FARGO BANK,  
N.A. s/b/m to WACHOVIA BANK, NATIONAL ASSOCIATION  
V. DARRIN GORDON SEALEY a/k/a DARRIN G. SEALEY  
AND CHRISTINE E. SEALEY

Peter Wapner, Esq., Attorney for Plaintiff

Matthew L. Guthrie, Esq., Attorney for Defendant Christine Sealey  
Darrin G. Sealey, Pro se

Kuhn, J., October 28, 2015

## MEMORANDUM OPINION

Before this Court for disposition are Preliminary Objections filed by Defendant Christine E. Sealey (“Mrs. Sealey”). For reasons set forth herein, said Preliminary Objections are granted.

### BACKGROUND

Plaintiff commenced this action by filing a Complaint in Mortgage Foreclosure on August 20, 2014. The Complaint avers the following: Darrin Gordon Sealey a/k/a Darrin G. Sealey (“Mr. Sealey”) and Mrs. Sealey are the owners of real estate located at 318 Prince Street, Littlestown, Adams County, Pennsylvania (“the property”).<sup>1</sup> On December 7, 2006, Mr. Sealey executed a Note and Mortgage on the property to Wachovia Bank, National Association, Plaintiff’s predecessor by merger in the original amount of \$50,793.00.<sup>2</sup> Defendants have allegedly failed to make payments commencing on October 5, 2013, and as of the filing of the Complaint, the principal amount due and owing is reported as \$47,084.79 together with interest, late charges and escrow deficiencies.<sup>3</sup> Prior to initiating the action Plaintiff allegedly forwarded the required appropriate notices to the defendants.<sup>4</sup>

On August 20, 2014, Mrs. Sealey filed Preliminary Objections and a corresponding brief arguing that Plaintiff has failed to state a claim for which relief can be granted. She agrees that the defendants own the property as tenants by the entireties but contends Plaintiff has no legal right to proceed in rem against the property because the Note and Mortgage was executed only by Mr. Sealey.

In its Answer and brief in opposition to the preliminary objections filed July 20, 2015<sup>5</sup>, Plaintiff argues that pursuant to a presumption that one spouse has authority to act on behalf of the other with regard to entireties property if the action benefits both spouses it has the right to proceed unless and until the non-participating spouse is able to rebut the presumption. Plaintiff argues that instantly Mr. Sealey presumptively entered into the Note and Mortgage on behalf of himself and Mrs. Sealey. The brief states that the proceeds of the transaction were

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<sup>1</sup> Paragraph 8.

<sup>2</sup> Paragraph 6; Exhibit “A”.

<sup>3</sup> Paragraph 9 and 10.

<sup>4</sup> Paragraph 11.

<sup>5</sup> The parties had agreed to an extension of time for Plaintiff to respond in order to attempt an amicable resolution to the matter.

used to satisfy a mortgage jointly executed by both defendants thereby benefiting Mrs. Sealey. Because Mrs. Sealey has not proffered evidence to rebut the presumption Plaintiff contends that the objections must be denied.

### STANDARD OF REVIEW

Pennsylvania Rule of Civil Procedure 1028 provides that preliminary objections are limited to the grounds set forth in the rule and include a demurrer. It is well established that when ruling on preliminary objections, a court must accept as true all well-pleaded allegations of material fact, as well as all inferences reasonably deducible from those facts. *Feingold v. Hendrzak*, 15 A.3d 937, 941 (Pa. Super. 2011); *Ballroom, LLC v. Commonwealth*, 984 A.2d 582, 586 n. 3 (Pa. Comwlth Ct. 2009)(citations omitted). Preliminary objections will be sustained only where the case is clear and free from doubt. *Rambo v. Green*, 906 A.2d 1232, 1235 (Pa. Super. 2006).

### DISCUSSION

Pennsylvania has long recognized that when spouses own property as tenants by the entireties neither tenant may separately dispose of nor encumber it in any way without the other's authority or consent. *Schweitzer v. Evans*, 63 A.2d 39, 41 (Pa. 1949). However, our courts have also recognized that either spouse presumptively has the power to act for both, so long as the marriage subsists, without any specific authorization, provided the fruits or proceeds of the action inures to the benefit of both and the estate is not terminated. *Madden v. Gosztonyi Savings & Trust Co.*, 200 A. 624, 630-1 (Pa. 1938). This presumption that either spouse may, without specific consent, act on behalf of both spouses is known as the entireties presumption. *Deutsche Bank National Trust Company v. Evans*, 421 B. R. 193, 197 (W.D. Pa. 2009). This presumption prevails unless and until the non-acting spouse establishes by a preponderance of the evidence that at the time the action was taken the acting spouse was, in fact, not authorized to act for and to bind the other spouse. *Guistra Development Co., Inc. v. Lee*, 631 A.2d 199, 203 (Pa. Super. 1993). When the non-acting spouse accepts the benefits of the action and does not repudiate them it can be inferred that the spouse affirms the action of the acting spouse. *Id.* For example, in *Deutsche Bank National Trust Company*,

*supra.*, Mr. Evans only executed a note and mortgage to finance the purchase of real estate owned by the entirety with his wife. Later, the Evans filed bankruptcy and tried to avoid the bank's security interest on the real estate because Mrs. Evans did not execute the documents. However, that effort failed because evidence showed that Mrs. Evans had knowledge of the transaction, the money was used to purchase the family home and the benefit inured to both spouses. Therefore, theoretically, Plaintiff is correct that it has the legal right to pursue an in rem mortgage foreclosure action despite the fact that Mr. Sealey is the only spouse who executed the Note and Mortgage.

However, the question before the Court at this juncture is whether Plaintiff has sufficiently pleaded enough background to trigger the entirety presumption and thereby shift the burden to Mrs. Sealey to overcome it. After careful reading of the Complaint the undersigned concludes that Plaintiff's averments are lacking. This case is dramatically different than the situation in *Guistra Development Cc., Inc. v. Lee, supra.*, where the preliminary objections were denied. There the plaintiff alleged a written agreement to perform certain construction work upon the defendants' real estate signed only by the defendant husband. When the defendant spouses refused to pay the final invoices the contractor filed a mechanics' lien claim. The defendant spouses filed preliminary objections in the nature of a demurrer. The Superior Court ruled that those objections were improperly granted by the trial court. The appellate court noted that there were sufficient averments indicating that the defendant wife had notice of the contract in that she signed the construction mortgage to finance the work, that she was present and took part in the preliminary arrangements with the contractor, that the contractor conducted all transactions with both defendants, that the payments made on the work were made by both spouses and that the property owned by the spouses was improved.

By comparison, there is absolutely nothing contained in the averments in the instant matter that suggest directly or by necessary inference that Mrs. Sealey knew of or benefitted from the proceeds of the financial transaction entered into by her husband. First, the Complaint avers that Mr. Sealey resides at the property in Adams County and Mrs. Sealey resides in Florida. There is no indication whether or until when the defendants lived together. Second, there is no averment in the Complaint that in any manner the proceeds of the Note and Mortgage

were used to pay off a joint debt of the parties or that in some manner Mrs. Sealey was made aware of that payoff. Furthermore, there is no indication what that payoff was and whether Mr. Sealey was given additional funds that he might have used for his own benefit rather than the benefit of both spouses. Third, there was no indication whether Mrs. Sealey was present for the execution of the documents or whether she was sent any correspondence confirming the transaction at or about the time the documents were executed or thereafter that would have allowed her time to repudiate the transaction. Finally, there is no averment that the proceeds of the transaction were used to benefit the property in a manner that would have been observed by Mrs. Sealey. This is not to suggest however that Plaintiff is unable to aver background that will overcome this deficiency if given the opportunity.

Accordingly, the attached Order is entered.

#### ORDER OF COURT

AND NOW, this 28th day of October, 2015, for the reasons set forth in the attached Memorandum Opinion the Preliminary Objections filed by Defendant, Christine E. Sealey, are granted.

Plaintiff is granted twenty (20) days from the date of the mailing of this Order to file an amended complaint. If Plaintiff fails to file the amended pleading in a timely manner, unless extended by Order of this Court, the above captioned matter will be dismissed automatically without prejudice.

## SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on Friday, the 15th day of January 2016, at 10:00 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

**No. 14-SU-1188****CITIMORTGAGE, INC.**

vs.

**JAVIER ALVAREZ, SANJUANITA M. YBARRA**

PROPERTY ADDRESS: 108 KIME AVENUE, BENDERSVILLE, PA 17306  
By virtue of a Writ of Execution No. 14-S-1188

Ventures Trust 2013-I-H-R by Mcm Capital Partners, LLC, Its Trustee.  
vs.

Javier Alvarez

Sanjuanita M. Ybarra

owner(s) of property situate in the BENDERSVILLE BOROUGH, ADAMS County, Pennsylvania, being  
108 Kime Avenue, Bendersville, PA 17306

Parcel No. 03003-0049---000

Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$155,010.73

Attorneys for Plaintiff

Phelan Hallinan Diamond &amp; Jones, LLP

**No. 15-SU-355****MIDFIRST BANK**

vs.

**ANTHONY D. BASSETT, JENNIFER BASSETT**

PROPERTY ADDRESS: 39 BARBARA TRAIL, FAIRFIELD, PA 17320  
BY VIRTUE OF WRIT OF EXECUTION

NO. 15-S-355

MIDFIRST BANK

vs.

ANTHONY D. BASSETT AND  
JENNIFER S. BASSETT

ALL that certain tract of land situated in Carroll Valley Borough, Adams County, Pennsylvania, being  
known as Lot No. 37 in Section W of Charnita, Inc., Adams County Plat Book 1, page 66

HAVING THEREON ERECTED A  
DWELLING HOUSE KNOWN AS:  
39 BARBARA TRAIL, FAIRFIELD, PA 17320

TAX MAP NO. 43027-0055-000

JUDGMENT AMOUNT: \$168,484.40

PURCELL, KRUG &amp; HALLER

1719 N. FRONT STREET

HARRISBURG, PA 17102-2392

**No. 15-SU-906****CARRINGTON MORTGAGE SERVICES, LLC**

vs.

**CATHY J. BAUMGARDNER**

PROPERTY ADDRESS: 12 CHERRY STREET, NEW OXFORD, PA 17350  
By virtue of Writ of Execution No. : 2015-SU-0000906

Carrington Mortgage Services, LLC

vs.

Cathy J. Baumgardner

Property Address: 12 Cherry Street,  
New Oxford, PA 17350

Township or Borough: Oxford Township

PARCEL NO.: 35009-0057

IMPROVEMENTS THEREON: A

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$126,870.16

ATTORNEYS FOR PLAINTIFF

SHAPIRO &amp; DENARDO, LLC

3600 HORIZON DRIVE, SUITE 150

KING OF PRUSSIA, PA 19406

610-278-6800

**No. 15-SU-241****PACIFIC UNION FINANCIAL, LLC**

vs.

**ROBERT BOONE**

PROPERTY ADDRESS: 520

EDGE GROVE ROAD, HANOVER, PA  
17331

BY VIRTUE OF WRIT OF EXECUTION

NO: 15-SU-241

PACIFIC UNION FINANCIAL LLC

vs.

ROBERT ALLEN BOONE

All that certain piece or parcel or Tract

of land situate Conewago Township,

Adams County, Pennsylvania, and

being known as

520 Edgegrove Road, Hanover,

Pennsylvania 17331

TAX MAP AND PARCEL

NUMBER:08-K13-0027

THE IMPROVEMENTS THEREON ARE:

Residential Dwelling

REAL DEBT: \$177,899.34

SEIZED AND TAKEN IN EXECUTION

AS THE PROPERTY OF: Robert Boone

McCabe, Weisberg and Conway, P.C.

123 South Broad Street, Suite 1400

Philadelphia, PA 19109

**No. 14-SU-835****US BANK NATIONAL ASSOCIATION**

vs.

**CAROL A. BURNS, EMMETT C BURNS, UNITED STATES OF AMERICA**

PROPERTY ADDRESS: 250 OLD MILL ROAD, NEW OXFORD, PA 17350

By virtue of Writ of Execution No. 14-S-835

U.S. Bank National Association, as

trustee, in trust for registered holders of  
First Franklin

Mortgage Loan Trust, Mortgage Loan  
Asset-Backed Certificates, Series 2006-  
FF18

vs.

Carol A. Burns

Emmett C. Burns

UNITED STATES OF AMERICA

PROPERTY ADDRESS: 250 Old Mill

Road, New Oxford, PA 17350

Hamilton Township

Parcel No.: 17-09-0011

Improvements thereon: Residential

Dwelling

Judgment amount: \$522,139.90

MILSTEAD &amp; ASSOCIATES, LLC

BY: Robert W. Williams, Esquire

ID No. 315501

1 E. Stow Road

Marlton, NJ 08053

(856) 482-1400

Attorney for Plaintiff

Notice directed to all parties in interest and claimants that a schedule of distribution will be filed by the Sheriff in his office no later than (30) thirty days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within (10) ten days thereafter.

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.

James W. Muller

Sheriff of Adams County

www.adamscounty.us

12/18, 12/23 &amp; 12/31



## SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on Friday, the 15th day of January 2016, at 10:00 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

**No. 14-NO-987  
BENDERSVILLE MUNICIPAL  
AUTHORITY**

vs.

**J. MICHAEL CLOUSE, REBECCA A. CLOUSE**

PROPERTY ADDRESS: 131 PARK STREET, BENDERSVILLE, PA 17306

By Virtue of Writ of Execution No.

14-NO-987

**BENDERSVILLE MUNICIPAL  
AUTHORITY**

vs.

**J. MICHAEL CLOUSE AND REBECCA A. CLOUSE**

131 Park Street, Bendersville, Pennsylvania 17306

Bendersville Borough

Parcel No. 03004-0046

Improvements consist of a Residential dwelling

Judgment Amount \$3113.19

Attorney for Plaintiff

Robert E. Campbell, Esquire,

Campbell and White PC

112 Baltimore Street

Gettysburg, PA 17325

**No. 15-SU-842  
LAKEVIEW LOAN SERVICING, LLC**

vs.

**ALEXIS A. DARR, CHRISTOPHER G. DARR**

PROPERTY ADDRESS: 54 GALAXY DRIVE, HANOVER, PA 17331

By virtue of Writ of Execution No.

15-SU-842

**LAKEVIEW LOAN SERVICING, LLC**

vs.

**ALEXIS A. DARR & CHRISTOPHER G. DARR**

PROPERTY ADDRESS: 54 Galaxy Drive Hanover, PA 17331

CONEWAGO TOWNSHIP

Parcel No: 08-023-0064

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$141,746.20

Attorneys for Plaintiff

KML Law Group, P.C.

**No. 14-NO-1305  
CUMBERLAND TOWNSHIP  
AUTHORITY**

vs.

**FRANKLIN J. EPPERSON, JR.,**

**DEBRA L. EPPERSON**

PROPERTY ADDRESS: 1244

CHAMBERSBURG ROAD,

GETTYSBURG, PA 17325

By Virtue of Writ of Execution No.:

14-NO-1305

**CUMBERLAND TOWNSHIP  
AUTHORITY**

vs.

**FRANKLIN B. EPPERSON, JR AND**

**DEBRA L. EPPERSON**

1244 Chambersburg Road, Gettysburg,

Cumberland Township, Pennsylvania

17325

Parcel No. 09E12-0086

Improvements consist of a Residential

Dwelling

Judgment Amount: \$3,485.01

Attorney for Plaintiff

Robert E. Campbell, Esquire

Campbell and White PC

112 Baltimore Street

Gettysburg, PA 17325

**No. 14-SU-1393  
WELLS FARGO BANK, N.A.**

vs.

**DENNIS J. FISCHBACH, TAMMY D. FISCHBACH**

PROPERTY ADDRESS: 27

BONNIEFIELD CIRCLE, GETTYSBURG,

PA 17325

By virtue of a Writ of Execution No.

14-SU-1393

Wells Fargo Bank, N.A.

vs.

Dennis J. Fischbach

Tammy D. Fischbach

owner(s) of property situate in the

BONNEAUVILLE BOROUGH, ADAMS

County,

Pennsylvania, being

27 Bonniefield Circle, Gettysburg, PA

17325-7826

Parcel No. 06,009-0072

Improvements thereon: RESIDENTIAL

DWELLING

Judgment Amount: \$171,151.25

Attorneys for Plaintiff

Phelan Hallinan Diamond & Jones, LLP

**No. 15-SU-583  
WELLS FARGO BANK, N.A.**

vs.

**HEIDI MEGAN FOSTER, ZACHARY C. DITTMAR**

PROPERTY ADDRESS: 226 MAIN

STREET, BIGLERSVILLE, PA 17307

By virtue of a Writ of Execution No.

15-SU-583

Wells Fargo Bank, NA

vs.

Heidi Megan Foster

Zachary C. Dittmar

owner(s) of property situate in the

ARENDSVILLE BOROUGH, ADAMS

County,

Pennsylvania, being

226 Main Street, Biglersville, PA 17307-

8602

Parcel No. 02,004-0061

Improvements thereon: RESIDENTIAL  
DWELLING

Judgment Amount: \$188,497.31

Attorneys for Plaintiff

Phelan Hallinan Diamond & Jones, LLP

**No. 15-SU-1173  
BRANCH BANKING & TRUST  
COMPANY**

vs.

**RYAN J. HUGHES, TAMARA L. HUGHES**

PROPERTY ADDRESS: 21 STEINWEHR AVENUE, GETTYSBURG, PA 17325

By Virtue of Writ of Execution No. 2015-SU-1173

BRANCH BANKING AND TRUST

COMPANY SUCCESSOR

IN INTEREST TO SUSQUEHANNA

BANK

vs.

**RYAN J. HUGHES AND TAMARA L. HUGHES**

Address of Property: 21 Steinwehr Avenue, Gettysburg Borough, Adams County

Pennsylvania 17325

Parcel: 16-013-0026-000

Improvements to Property: Commercial

Restaurant Building

Judgment \$516,284.47

Barley Snyder

William F. Colby, Jr., Esquire

50 S. 5th Street-2nd Fl; PO Box 942,

Reading, PA 19603

610-376-6651

Notice directed to all parties in interest and claimants that a schedule of distribution will be filed by the Sheriff in his office no later than (30) thirty days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within (10) ten days thereafter.

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.

James W. Muller  
Sheriff of Adams County

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12/18, 12/23 & 12/31

## SHERIFF SALES

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**No. 15-SU-429****WELLS FARGO BANK, N.A.**

vs.

**GREGORY S. KAUFFMAN**

PROPERTY ADDRESS: 201 CARBAUGH ROAD, FAYETTEVILLE, PA 17222

By virtue of a Writ of Execution No. 15-SU-429

Wells Fargo Bank, N.A.

vs.

Gregory S. Kauffman

owner(s) of property situate in the HAMILTONBAN TOWNSHIP, ADAMS County, Pennsylvania, being 201 Carbaugh Road, Fayetteville, PA 17222-8301

Parcel No. 18,A11-0011

Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$145,073.02

Attorneys for Plaintiff

Phelan Hallinan Diamond & Jones, LLP

**No. 14-NO-1026****BOROUGH OF LITTLESTOWN**

vs.

**JEFFREY B. KELLER, MARY****MELINDA KELLER**

PROPERTY ADDRESS: 318 S. QUEEN STREET, LITTLESTOWN, PA 17340

By Virtue of Writ of Execution No.

14-NO-1026

BOROUGH OF LITTLESTOWN

vs.

JEFFREY B. KELLER AND MARY M. KELLER

Property Address: 318 S. Queen Street, Littlestown, Pennsylvania 17340

Borough of Littlestown

Parcel No. 27011-0053

Improvements consist of a Residential dwelling

Judgment Amount: \$5,836.24

Attorney for Plaintiff

Robert E. Campbell, Esquire

Campbell and White PC

112 Baltimore Street

Gettysburg, PA 17325

**No. 10-SU-981****LYNN G. PETERSON**

vs.

**GARY P. KOONTZ**

PROPERTY ADDRESS: 5063

BALTIMORE PIKE, LITTLESTOWN, PA 17340

By virtue of Writ of Execution No. 2010-S-981

Lynn G. Peterson, Executor and Personal Representative of the Estate of

Elizabeth Little

vs.

Gary P. Koontz

5063 Baltimore Pike, Littlestown, PA 17340

Germany Township

Parcel No. 15-I17-00011A---000

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$87,939.01

Attorney for Plaintiff

Lynn G. Peterson, Esq.

Peterson & Peterson

**No. 15-SU-705****WELLS FARGO BANK, NATIONAL****ASSOCIATION AS TRUSTEE FOR****OPTION ONE MORTG**

vs.

**CONNIE M. LEE**

PROPERTY ADDRESS: 4698

BALTIMORE PIKE, LITTLESTOWN, PA 17340

By virtue of a Writ of Execution No.

15-SU-705

Wells Fargo Bank, National Association

as Trustee for Option One Mortgage

Loan Trust

2007-5, Asset-Backed Certificates,

Series 2007-5

vs.

Connie M. Lee

owner(s) of property situate in the

GERMANY TOWNSHIP, ADAMS

County, Pennsylvania,

being

4698 Baltimore Pike, Littlestown, PA

17340-9327

Parcel No. 15116-0049-000

Improvements thereon: RESIDENTIAL

DWELLING

Judgment Amount: \$253,248.12

Attorneys for Plaintiff

Phelan Hallinan Diamond & Jones, LLP

**No. 15-SU-854****U.S. BANK NATIONAL ASSOCIATION,****AS TRUSTEE FOR BANC OF****AMERICA FUNDING**

vs.

**SANDRA K. LEMAIRE**

PROPERTY ADDRESS: 1240 NEW CHESTER ROAD, NEW OXFORD, PA 17350

By virtue of Writ of Execution No.:

15-SU-854

U.S. Bank National Association, as

Trustee for Banc of America Funding

Corporation 2006-6

Trust Mortgage Pass-Through

Certificates Series 2006-6

vs.

Sandra K. Lemaire

Property Address: 1240 New Chester

Road, New Oxford, PA 17350

Township or Borough: Strabon

Township

PARCEL NO.: 38110-0015D-000

IMPROVEMENTS THEREON: A

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$428,970.06

ATTORNEYS FOR PLAINTIFF

SHAPIRO & DENARDO, LLC

3600 HORIZON DRIVE, SUITE 150

KING OF PRUSSIA, PA 19406

610-278-6800

**No. 15-SU-852****URBAN FINANCIAL OF AMERICA,****LLC**

vs.

**VIRGIL LOVE**

PROPERTY ADDRESS: 1053

HIGHLAND AVENUE ROAD,

GETTYSBURG, PA 17325

By Virtue of Writ of Execution Number

2015-SU-0000852

URBAN FINANCIAL OF AMERICA LLC

vs.

VIRGIL LOVE

All that certain piece or parcel or Tract

of land situate Strabon Township,

Adams County, Pennsylvania, and

being known as

1053 Highland Avenue Road,

Gettysburg, Pennsylvania 17325

TAX MAP AND PARCEL NUMBER:

38G13-0083

THE IMPROVEMENTS THEREON ARE:

Residential Dwelling

REAL DEBT: \$148,030.21

SEIZED AND TAKEN IN EXECUTION

AS THE PROPERTY OF: Virgil Love

McCabe, Weisberg and Conway, P.C.

123 South Broad Street, Suite 1400

Philadelphia, PA 19109

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James W. Muller

Sheriff of Adams County

www.adamscounty.us

12/18, 12/23 & 12/31

## SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on Friday, the 15th day of January 2016, at 10:00 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

**No. 15-SU-908****JPMORGAN CHASE BANK,  
NATIONAL ASSOCIATION**

vs.

**CHERYL L. MCCARTIN**

PROPERTY ADDRESS: 218 SOUTH LINCOLN DRIVE, HANOVER, PA 17331  
By virtue of Writ of Execution No.:

15-SU-908

JPMorgan Chase Bank, National Association

vs.

Cheryl L. McCartin

Property Address 218 South Lincoln

Drive, Hanover, PA 17331

Township or Borough: Conewago

Township

PARCEL NO.: 08009-0303

IMPROVEMENTS THEREON: A

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$105,427.65

ATTORNEYS FOR PLAINTIFF

SHAPIRO &amp; DENARDO, LLC

3600 HORIZON DRIVE, SUITE 150

KING OF PRUSSIA, PA 19406

610-278-6800

**No. 15-SU-93****THE BANK OF NEW YORK MELLON  
FKA THE BANK OF NEW YORK, AS  
TRUSTEE FOR T**

vs.

**BRIAN K. MERRIKEN, TINA Y  
NUZZOLO**

PROPERTY ADDRESS: 425 BOY SCOUT ROAD, NEW OXFORD, PA 17350

By virtue of Writ of Execution No.:

15-SU-93

The Bank of New York Mellon FKA The Bank of New York, as Trustee for the certificateholders of the CWABS, Inc., Asset-Backed Certificates, Series 2007-10

vs.

Brian K. Merriken and Tina Y. Nuzzolo

Property Address: 425 Boy Scout

Road, New Oxford, PA 17350

Township or Borough: Hamilton

Township

PARCEL NO.: (17)-J10-0011

IMPROVEMENTS THEREON: A

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$255,233.80

ATTORNEYS FOR PLAINTIFF

SHAPIRO &amp; DENARDO, LLC

3600 HORIZON DRIVE, SUITE 150  
KING OF PRUSSIA, PA 19406  
610-278-6800

**No. 14-SU-829****M&T BANK**

vs.

**CHRISTINA D. MORGAN, ERIC N.  
MORGAN**

PROPERTY ADDRESS: 749 WEST MYRTLE STREET, LITTLESTOWN, PA 17340

By virtue of Writ of Execution No.

14-SU-829

M&amp;T BANK

vs.

CHRISTINA D. MORGAN & ERIC N. MORGAN

PROPERTY ADDRESS: 749 West

Myrtle Street Littlestown, PA 17340

Parcel No: 01-27.007-0131

BOROUGH OF LITTLESTOWN

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$207,921.29

Attorneys for Plaintiff

KML Law Group, P.C.

**No. 12-SU-274****PHH MORTGAGE CORPORATION**

vs.

**JON P. MURDOCH, JUDITH A.  
MURDOCH**

PROPERTY ADDRESS: 175 WEST HIGH STREET, AKA 175 HIGH STREET, ORRTANNA, PA 17353

By virtue of a Writ of Execution No.

12-S-274

PHH Mortgage Corporation, f/k/a

Coldwell Banker Mortgage

vs.

Jon P. Murdoch

Judith A. Murdoch

owner(s) of property situate in the

TOWNSHIP OF FRANKLIN, ADAMS

County,

Pennsylvania, being

175 West High Street, aka 175 High

Street, Orrtanna, PA 17353-9782

Parcel No. 12C-10-0048F--000

(Acreage or street address)

Improvements thereon: RESIDENTIAL

DWELLING

Judgment Amount: \$222,766.01

Attorneys for Plaintiff

Phelan Hallinan Diamond &amp; Jones, LLP

**No. 13-SU-1393****WILMINGTON SAVINGS FUND  
SOCIETY, FSB, ET AL.**

vs.

**MICHAEL REDMOND, JR., STACY J.  
COPENHAVER**

PROPERTY ADDRESS: 21 NORTH JOHNAMAC COURT, LITTLESTOWN, PA 17340

By Virtue of Writ of Execution Number 2013-SU-0001393

Wilmington Savings Fund Society, FSB, Not its Individual Capacity But Solely as Trustee of the

Primestar-H Fund I Trust c/o Statebridge Company LLC

vs.

MICHAEL REDMOND JR  
STACY J REDMOND AKA STACY J COPENHAVER

PROPERTY ADDRESS: 21 N JOHNAMAC COURT, LITTLESTOWN, PA 17340

Borough of Littlestown

Parcel No. 27-004-0018

Improvements consist of a Residential Dwelling

JUDGMENT AMOUNT: \$179,007.43

STERN &amp; EISENBERG, PC

Andrew J. Marley, Esq.

1581 Main Street, Ste 200

Warrington PA 18976

(215) 572-8111

Notice directed to all parties in interest and claimants that a schedule of distribution will be filed by the Sheriff in his office no later than (30) thirty days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within (10) ten days thereafter.

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.

James W. Muller

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12/18, 12/23 &amp; 12/31

## SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on Friday, the 15th day of January 2016, at 10:00 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

**No. 14-SU-980**  
**CITIMORTGAGE, INC.**

vs.

**TRAVIS R. REED, KANDACE J. KREIGLINE**

PROPERTY ADDRESS: 3246 OLD HWY 30 HWY, ORRTANNA, PA 17353  
 By virtue of Writ of Execution No. 14-S-980

US BANK NATIONAL ASSOCIATION AS TRUSTEE FOR CRMSI REMIC SERIES 2006-01-REMIC PASS-THROUGH CERTIFICATES SERIES 2006-01

vs.

Travis R. Reed  
 Kandace J. Kreigline a/k/a Kandace J. Reed  
 3246 Old Hwy 30 Hwy, Orrtanna, PA 17353  
 Franklin Township  
 Parcel No.: 12-B09-0135  
 Improvements thereon: Residential Dwelling  
 Judgment amount: \$246,221.99  
 MILSTEAD & ASSOCIATES, LLC  
 BY: Robert W. Williams, Esquire  
 ID No. 315501  
 1 E. Stow Road  
 Marlton, NJ 08053  
 (856) 482-1400  
 Attorney for Plaintiff

**No. 13-SU-1524**  
**WELLS FARGO BANK, N.A.**

vs.

**TIFFANI M. RUGGERIE, DONALD JAMES RUGGERIE, JR**

PROPERTY ADDRESS: 111 CREST VIEW DRIVE, EAST BERLIN, PA 17316  
 By virtue of a Writ of Execution No. 13-S-1524

Wells Fargo Bank, NA  
 vs.

Tiffani M. Ruggerie  
 Donald J. Ruggerie, Jr  
 owner(s) of property situate in the READING TOWNSHIP, ADAMS County, Pennsylvania,  
 being:  
 111 Crest View Drive, East Berlin, PA 17316-9579  
 Parcel No. 36L08-0146---000  
 (Acreage or street address)  
 Improvements thereon: RESIDENTIAL DWELLING  
 Judgment Amount: \$209,694.17

Attorneys for Plaintiff  
 Phelan Hallinan Diamond & Jones, LLP

**No. 15-SU-650**  
**CALIBER HOME LOANS, INC. F/K/A VERICREST FINANCIAL, INC.**

vs.

**SCOTT EDWARD SANDERS**

PROPERTY ADDRESS: 51 PINE RIDGE ROAD, ASPERS, PA 17304  
 By virtue of a Writ of Execution No. 15-SU-650  
 Caliber Home Loans, Inc. f/k/a Vericrest Financial, Inc.

vs.

Scott E. Sanders  
 owner(s) of property situate in the MENALLEN TOWNSHIP, ADAMS County, Pennsylvania, being  
 51 Pine Ridge Road, Aspers, PA 17304  
 Parcel No. 29E05-0062B-000  
 (Acreage or street address)  
 Improvements thereon: RESIDENTIAL DWELLING  
 Judgment Amount: \$40,937.91  
 Attorneys for Plaintiff  
 Phelan Hallinan Diamond & Jones, LLP

**No. 15-SU-817**  
**JPMORGAN CHASE BANK, NATIONAL ASSOCIATION**

vs.

**LISA R. SHULTZ, STEVEN DALE SPENCE**

PROPERTY ADDRESS: 8 FAWN TRAIL, FAIRFIELD, PA 17320  
 By virtue of Writ of Execution No.: 15-S-817  
 JPMorgan Chase Bank, National Association

vs.

Lisa R. Shultz  
 and  
 Steven Dale Spence  
 Property Address: 8 Fawn Trail, Fairfield, PA 17320  
 Township or Borough: Borough of Carroll Valley  
 PARCEL NO.: 43024-0020-000  
 IMPROVEMENTS THEREON: A RESIDENTIAL DWELLING  
 JUDGMENT AMOUNT: \$72,258.87  
 ATTORNEYS FOR PLAINTIFF  
 SHAPIRO & DENARDO, LLC  
 3600 HORIZON DRIVE, SUITE 150  
 KING OF PRUSSIA, PA 19406  
 610-278-6800

**No. 14-SU-1476**  
**U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR RESIDENTIAL ASSET SECUR**

vs.

**MICHAEL W. SMITH, LORI SMITH**  
 PROPERTY ADDRESS: 38 CROSSVIEW TRAIL, FAIRFIELD, PA 17320

By virtue of a Writ of Execution No. 14-SU-1476  
 U.S. Bank National Association, as Trustee for Residential Asset Securities Corporation,  
 Home Equity Mortgage Asset-Backed Pass-Through Certificates, Series 2006-KS9

vs.

Michael W. Smith  
 Lori Smith  
 owner(s) of property situate in the CARROLL VALLEY BOROUGH, ADAMS County, Pennsylvania, being  
 38 Crossview Trail, Fairfield, PA 17320-8473  
 Parcel No. 43041-0149---000  
 (Acreage or street address)  
 Improvements thereon: RESIDENTIAL DWELLING  
 Judgment Amount: \$176,454.76  
 Attorneys for Plaintiff  
 Phelan Hallinan Diamond & Jones, LLP

Notice directed to all parties in interest and claimants that a schedule of distribution will be filed by the Sheriff in his office no later than (30) thirty days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within (10) ten days thereafter.

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James W. Muller  
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SHERIFF SALES

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**No. 14-NO-581**  
**CUMBERLAND TOWNSHIP**  
**AUTHORITY**

**vs.**  
**MICHAEL J. STANKO, BARBARA ANN STANKO**  
PROPERTY ADDRESS: 2 UNION VIEW DRIVE, GETTYSBURG, PA 17325  
BY VIRTUE OF WRIT OF EXECUTION NUMBER 2014-NO-0000581  
CUMBERLAND TOWNSHIP AUTHORITY  
**vs.**  
MICHAEL J STANKO & BARBARA STANKO  
PROPERTY ADDRESS: 2 UNION VIEW DRIVE, GETTYSBURG, PA 17325  
CUMBERLAND TOWNSHIP IMPROVEMENTS CONSIST OF A RESIDENTIAL DWELLING  
Parcel No. 09-F12-0262  
JUDGMENT AMOUNT: \$3,718.35  
Robert E. Campbell, Esq.  
112 Baltimore St.  
Gettysburg, PA 17325  
(717) 334-9278

**No. 11-SU-317**  
**21ST MORTGAGE CORPORATION**  
**vs.**  
**TIMOTHY L WILKINSON, CHRISTINE M WILKINSON**

PROPERTY ADDRESS: 757 GABLERS ROAD, GARDNERS, PA 17324  
By virtue of Writ of Execution No. 2011-S-317  
21ST MORTGAGE CORPORATION  
**vs.**  
TIMOTHY L. WILKINSON & CHRISTINE M. WILKINSON  
757 Gablers Road Gardners, PA 17324  
Menallen Township  
Parcel No: 29-F404-0047A-000  
(Acreage or street address)  
IMPROVEMENTS THEREON:  
RESIDENTIAL DWELLING  
JUDGMENT AMOUNT: \$266,208.90  
Attorneys for Plaintiff  
KML Law Group, P.C.

**No. 15-SU-195**  
**M&T BANK**  
**vs.**  
**CARL A. YINGLING**  
PROPERTY ADDRESS: 39 MAIN STREET, MCSHERRYSTOWN, PA 17344  
By virtue of Writ of Execution No. 2015-SU-0000195  
M&T BANK  
**vs.**  
CARL A. YINGLING  
39 Main Street McSherrystown, PA 17344  
Borough of McSherrystown  
Parcel No: 28-002-0084-000  
(Acreage or street address)  
IMPROVEMENTS THEREON:  
RESIDENTIAL DWELLING  
JUDGMENT AMOUNT: \$126,477.31  
Attorneys for Plaintiff  
KML Law Group, P.C.

**No. 15-NO-232**  
**BOROUGH OF LITTLESTOWN**  
**vs.**  
**DEBORA S. ZEPP**  
PROPERTY ADDRESS: 19 DELAWARE AVENUE, LITTLESTOWN, PA 17340  
By Virtue of Writ of Execution No.: 15-NO-232  
BOROUGH OF LITTLESTOWN  
**vs.**  
DEBORA S. ZEPP aka DEBORA S. NULL  
19 Delaware Avenue, Littlestown, Pennsylvania 17340  
Borough of Littlestown  
Parcel No. 27007-0060  
Improvements consist of a Residential dwelling  
Judgment Amount: \$5904.99  
Attorney for Plaintiff  
Robert E. Campbell, Esquire  
Campbell and White PC  
112 Baltimore Street  
Gettysburg, PA 17325

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**ESTATE NOTICES**

**NOTICE IS HEREBY GIVEN** that in the estates of the decedents set forth below, the Register of Wills has granted letters, testamentary of or 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 CHARLES W. KLING, DEC'D**

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

Executrix: Linda Ranaudo, PO Box 60, Lemont, PA 16851

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

**ESTATE OF MARY L. LIVELSBERGER a/k/a MARY LOUISE LIVELSBERGER, DEC'D**

Late of Reading Township, Adams County, Pennsylvania

Co-Executrices: Kathy A. Keith, 445 Providence Dr., McSherrystown, PA 17344; Brenda M. Livelsberger, 645 Littlestown Rd., Littlestown, PA 17340

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

**ESTATE OF CHARLES FREDERICK MILLER, a/k/a CHARLES F. MILLER, DEC'D**

Late of Union Township, Adams County, Pennsylvania

Co-Executors: Gregory C. Miller, 440 Clover Lane, Hanover, Pennsylvania 17331; Kevin E. Miller, 55 Bowers Road, Littlestown, Pennsylvania 17340

Attorney: Thomas M. Shultz, Esq., 211 Kennedy Court, Suite 5, Hanover, PA 17331

**SECOND PUBLICATION****ESTATE OF MABEL E. BARD a/k/a M. EVE BARD, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Executor: Judy L. Rinehart, 3205 Biglerville Road, Biglerville, PA 17307

Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

**ESTATE OF KATHRYN A. BORN-HYDE a/k/a KATHRYN A. BORN a/k/a KATHRYN A. HYDE, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Kathryn A. Gillless, 6077 Drum Point Rd., Deale, MD 20751

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

**THIRD PUBLICATION****ESTATE OF ALMA R. ECKER, DEC'D**

Late of the Borough of Biglerville, Adams County, Pennsylvania

Co-Executors: Lucinda M. Ecker, 316 East York Street, P.O. Box 665, Biglerville, PA 17307; Ronald E. Ecker, 316 East York Street, P.O. Box 665, Biglerville, PA 17307

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

**ESTATE OF GLADYS DEANNE FORD, DEC'D**

Late of Huntington Township, Adams County, Pennsylvania

Executor: Cheryl J. Hall, 2647 Seven Valleys Road, Seven Valleys, PA 17360

**ESTATE OF CHARLENE E. KEEFER, DEC'D**

Late of Huntington Township, Adams County, Pennsylvania

Executors: Steven L. Keefer and Dawn L. Brown, c/o Steinbacker, Stahl, Goodall & Yurchak, 413 Washington Boulevard, Williamsport, PA 17701

Attorney: Steinbacker, Stahl, Goodall & Yurchak, 413 Washington Boulevard, Williamsport, PA 17701

**ESTATE OF CHARLES M. KING, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Co-Executrices: Laurie L. King-Foster, 557 Huston Hill Road, Hustontown, PA 17229; Patricia A. Myers, 5286 Ft. Loudon Road, Mercersburg, PA 17236

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

**ESTATE OF DOROTHY H. MATTHEWS, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Personal Representative: Robert L. Matthews, 811 Irishtown Rd., New Oxford, PA 17350

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

**ESTATE OF NANCY R. SPICER, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Kippi R. Smith, 123 Centennial Avenue, Hanover, PA 17331

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