

Adams County Legal Journal

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1231 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of April, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT tract of land situate, lying and being in Latimore Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in Ridge Road at corner of Lot No. 5 on the hereinafter referred to plan of lots; thence in said Ridge Road North 45 degrees 35 minutes 36 seconds East, 200.00 feet to a point in said Ridge Road, at corner of Lot No. 7 on the hereinafter referred to plan of lots; thence by said Lot No. 7, and passing through a reference point set back 25 feet from the last mentioned point, South 44 degrees 24 minutes 24 seconds East, 435.00 feet to a point on

line of land now or formerly of Joseph L. Cicierski, Jr.; thence by said land of Joseph L. Cicierski, Jr., South 45 degrees 35 minutes 36 seconds West, 200.00 feet to a point at corner of Lot No. 5 on the hereinafter referred to plan of lots; thence by said Lot No. 5, passing through a reference point set back 25 feet from the next mentioned point, North 44 degrees 24 minutes 24 seconds West, 435.00 feet to a point in Ridge Road, the point and place of BEGINNING, CONTAINING 1.9972 Acres.

The above description was taken from a plan of lots prepared by John R. Williams, P.L.S., dated February 9, 1999, recorded in Plat Book 75 at page 93, designating the above as Lot No. 6.

BEING the same lands and premises conveyed to Joseph R. French and Lorri L. French, husband and wife, as tenants of an estate by the entireties, by Deed from Joseph L. Cicierski, Jr. and June N. Cicierski, husband and wife dated January 4, 2001 and recorded in the office of the Recorder of Deeds of Adams County, Pennsylvania on January 12, 2001 in Book 2195, Page 203.

Parcel # (23) J04-0006D

Being also known as 1329 Ridge Road, York Springs, PA 17372

SEIZED and taken into execution as the property of **Joseph R. French & Lorri L. French** 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 April 24, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/6, 13 & 20

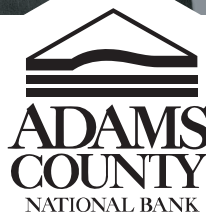
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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-912 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of April, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center of Pennsylvania Legislative Route No. 01056; thence continuing in the center of said route North 86 degrees 17 minutes 50 seconds West, 123.44 feet to a point in the center of the aforesaid Pennsylvania Legislative Route No. 10056; thence through a steel pin 25 feet from aforesaid point and by lands now or formerly of Calvin Zinn, North 21 degrees 15 minutes East, 372.07 feet to a steel pin at lands now or formerly of Claude Garrick; thence by same South 86 degrees 22 minutes 10 seconds East, 114.77 feet to a steel pin; thence by same, South 21 degrees 9 minutes West, 311.75 feet to a steel pin; thence by same, South 13 degrees 35 minutes 40 seconds West, 58.35 feet to the place of BEGINNING, CONTAINING 0.9426 Acres.

The above description was taken from a draft of survey by J. H. Rife, R. E., dated May 23, 1962.

Being the same which Wayne A. Reinaman and Diane Reinaman, his wife, and Laraine K. Haverstick and John Haverstick, her husband, by their deed dated March 19, 1999, which said deed is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 1807 at page 45, sold and conveyed unto Jimmie C. Bowers and Betty L. Bowers, husband and wife, and Robert M. Ranoull and Amy L. Ranoull, husband and wife, the Grantors herein.

LESS, HOWEVER, a 1909 square foot parcel, which was conveyed to Frederick Whistler, by deed, dated March 2, 2000, and recorded in the Office of the Recorder of Deeds of Adams County,

Pennsylvania, in Record Book 2009 at page 211.

TITLE TO SAID PREMISES IS VESTED IN Amy Lynn Ranoull the Administratrix of the Estate of Robert Michael Ranoull, Deceased and Amy Lynn Ranoull, wife, and Susan Mae Rutledge, daughter, both of 286 Georgetown Road, Littlestown and heirs at law of the Estate of Robert Michael Ranoull, Deceased by reason of the following:

AND THE SAID Robert Michael Ranoull being so seized thereof, departed this life on June 15th, 2006, intestate, leaving to survive the following heir(s) at law: Amy Lynn Ranoull, wife, and Susan Mae Rutledge, daughter, both of 286 Georgetown Road, Littlestown AND Letters of Administration on the Estate of Robert Michael Ranoull aforesaid were duly granted unto Amy Lynn Ranoull by the Register of Wills of Adams County, Pennsylvania on June 26th, 2006 at Estate Docket #0106-0237.

Tax Parcel: 15-118-0054-000

Premises Being: 286 Georgetown Road, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Amy L. Ranoull a/k/a Amy Lynn Ranoull** 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 April 24, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/6, 13 & 20

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, in compliance with the requirements of Section 311, of Act 1982 – 295 (54 Pa. C.S. 311), the undersigned entity(ies) announce their intention to file in the Office of the Secretary of the Commonwealth of Pennsylvania, on approximately 11 February 2009, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of **HIDDEN HORSE FARM LOWLINES**, with its principal place of business at 2665 Lake Meade Rd., East Berlin, PA 17316. The names and addresses of the persons owning or interested in said business are Geoffrey N. Clymer, residing at 12 Charisma Dr., Camp Hill, PA 17011. The character or nature of the business is Beef Cattle Operation.

3/13

CERTIFICATE OF REGISTRATION

NOTICE IS HEREBY GIVEN that in compliance with the requirements of 15 Pa.C.S. §§ 8913, a Certificate of Registration – Domestic Limited Company was filed on January 5, 2009, with the Commonwealth of Pennsylvania, Department of State, at Harrisburg, for the purpose of registering a limited liability company.

The name of the limited liability company is **FRED A. GLASS & SONS, LLC**, having a registered office at 21 Maple Drive, Hanover (Conewago Township, Adams County), PA 17331.

The purpose for which the limited liability company was organized is: to engage in and do any lawful act concerning any and all lawful business for which limited liability companies may be formed in accordance with the laws of the Commonwealth of Pennsylvania.

David C. Smith, Esq.
754 Edgegrove Road
Hanover, PA 17331
Attorney for Applicant

3/13

KOPP VS. TUBIES

1. The Statute of Frauds will preclude a request for specific performance unless the terms of the agreement are sufficiently set forth and the property to be conveyed is sufficiently identified and described in writing.

2. Pennsylvania law permits a contract to be outside of the operation of the Statute of Frauds where the party seeking to enforce the conveyance has partially performed under the contract so as to render a decision inequitable and unjust.

3. A constructive trust arises where a person holds title to a property subject to an equitable duty to convey it to another on the ground that he or she would be unjustly enriched if permitted to retain it.

4. Before a constructive trust can arise, it is necessary that the owner of the property must have acquired title to it in some way that creates an equitable duty in favor of the person seeking to benefit from imposition of the trust.

5. The trial court is well within its prerogative in excluding evidence that in the context of the litigation is merely repetitive or time consuming. Thus, multiple sources of different evidence as well as multiple similar sources establishing the same fact are properly excluded.

6. A contract is ambiguous if the terms are reasonably or fairly susceptible to different constructions and are capable of being understood in more than one sense. Where the language of a contract is ambiguous, the provision is to be construed against the drafter.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil,
No. 06-S-914, CANDACE L. KOPP VS. GEORGE O. TUBIES.

Larry W. Wolf, Esq., for Plaintiff

Robert E. Campbell, Esq., for Defendant

George, J., April 30, 2008

OPINION PURSUANT TO PA. R.A.P. 1925(A)

This litigation commenced on August 11, 2006 when Candace L. Kopp (“Kopp”) filed Complaint against George O. Tubies (“Tubies”) seeking damages and/or specific performance of an alleged contract for the sale of real property located at 5807 Hanover Road, Conewago Township, Adams County, Pennsylvania. In addition to the cause of action based upon contract, Kopp pled causes of action for implied contract; unjust enrichment; and constructive trust. In his Answer, Tubies denied the majority of the factual allegations and raised the Statute of Frauds as a defense. Following the close of the pleadings, Tubies moved for partial summary judgment seeking dismissal of the contract and constructive trust causes of action.¹ By Order of Court dated September 18, 2007, Tubies’ Motion for Summary Judgment on

¹Tubies also sought a Motion in Limine precluding introduction of notes apparently confirmed in writing by Tubies. That Motion was denied.

the breach of contract action was granted to the extent that Kopp sought specific performance for the transfer of the subject real estate. Tubies' Motion for Summary Judgment on the basis that the Statute of Frauds precluded a claim for constructive trust was denied based upon the authority of *Silver v. Silver*, 219 A.2d 659, 661 (Pa. 1996).

On September 19, 2007, a non-jury trial was held before this Judge. At the conclusion of Kopp's presentation of evidence, Tubies' request for a demurrer on the cause of action for constructive trust was granted. At the conclusion of trial, judgment was entered in favor of Kopp and against Tubies on the breach of contract action in the amount of \$26,008.91. Following this Court's denial of Kopp's Motion for Post Trial Relief, timely appeal has been filed to the Superior Court. In her appeal, Kopp challenges this Court's pre-trial partial grant of summary judgment.² Kopp further challenges this Court's grant of a demurrer to the cause of action based upon constructive trust. Kopp also argues that this Court committed error during trial in granting Tubies' objection to the introduction of an amortization schedule. Finally, Kopp raises a number of challenges to this Court's calculation of damages. Before addressing the specific issues raised by Kopp, a brief summary of the factual background is in order.

Although not entirely clear in the testimony, Kopp's relationship with Tubies is derived from Tubies' relationship with Kopp's mother. Apparently, Tubies and Kopp's mother, although not formally married, have resided together in a familial relationship for approximately 17 years. At some point in the past, Kopp owned a condominium unit in Penn Township, York County, Pennsylvania. Kopp's financial circumstances, however, placed her in jeopardy of defaulting on the mortgage encumbering her condominium unit. On two separate occasions, foreclosure proceedings were commenced against her. Trial Transcript, pg. 42. On the earlier occasion, Kopp's mother provided Kopp with cash sufficient to avoid foreclosure. On the second occasion, the foreclosure proceedings advanced to sheriff's sale. In order to avoid sheriff's sale, Kopp entered into a sales agreement with Tubies for the sale of the condominium unit. The agreement contemplated net sale proceeds in the amount of \$19,261.55 to Kopp in the form of a note. The agreement further contemplated Kopp remaining in the condominium

² Kopp's Concise Statement of Matters Complained of on Appeal mistakenly references this Court's ruling as a grant of Tubies' Motion in Limine. In actuality, Tubies raised the issue through a Motion for Partial Summary Judgment.

as a tenant of Tubies for some period of time pending Tubies' resale of the condominium. Upon resale, the previously referred to note was payable to Kopp. In addition, Tubies agreed to a division of proceeds from the sale of the condominium to the extent the proceeds exceeded the price of his purchase of the property from Kopp. Although the terms of the agreement are much more specific, it is clear that the agreement was an effort to permit Kopp to retain the proceeds from her equity in the condominium which would have otherwise been lost entirely if the property had proceeded to sheriff's sale.

Tubies exercised his right to resale the condominium which subsequently sold on August 26, 2005 for the sum of \$84,000.00. At that time, Kopp vacated the condominium as previously agreed. Kopp and Tubies entered into further oral discussions wherein a mobile home was purchased, titled in the name of Tubies, and placed on the vacant lot owned by Tubies at 5807 Hanover Road, Conewago Township, Adams County, Pennsylvania. Pursuant to their oral arrangement, Kopp moved into the mobile home and made regular monthly payments to Tubies. On October 29, 2005, a meeting occurred between Kopp and Tubies. Kopp's daughter, Amy S. Shipley, kept notes of the discussion. Once completed, the notes were signed by Tubies. It is this document which Kopp claims to be the sales agreement for the sale of the Hanover Road property from Tubies to her.

As time passed, the relationship between the parties digressed. Thereafter, Tubies began taking action to evict Kopp from the property. Kopp subsequently initiated the subject action seeking a temporary injunction precluding her eviction and further seeking an Order directing Tubies to surrender title of the Hanover Road property to her or, in the alternative, award damages in her favor.

Kopp initially challenges this Court's grant of summary judgment in favor of Tubies dismissing her claim for specific performance of the alleged contract. She claims that the October 29, 2005 notes signed by Tubies evidence a writing for the sale of the subject real estate. In granting partial summary judgment, however, I ruled that the notes were insufficient to satisfy the requirements of the Statute of Frauds and dismissed the cause of action for specific performance.³

³The issues raised in paragraphs 1 and 3 of Kopp's Statement of Matters Complained of on Appeal to be the same as this Court's dismissal of the cause of action for specific performance of the sale of realty was granted on the basis of a lack of compliance with the Statute of Frauds.

The Statute of Frauds provides that oral contracts for the sale of land are invalid. 33 P.S. §1. *Fannin v. Cratty*, 480 A.2d 1056, 1058 (Pa.Super. 1984). The Statute of Frauds will preclude a request for specific performance unless the terms of the agreement are sufficiently set forth and the property to be conveyed is sufficiently identified and described in writing. *Pierro v. Pierro*, 264 A.2d 692, 694 (Pa. 1970). It is essential that there be a definite present agreement in writing, every requisite element whereof is clearly and fully set forth therein. *Gettemy v. Homestead Ass'n of Westmoreland*, 52 A.2d 325, 327 (Pa. 1947). Stated another way, the writing must definitely and conclusively evidence a meeting of the minds of the parties on all requisite terms of the agreement, nothing can be left to the future except actual performance. *Id.* citing *Agnew v. Southern Ave. Land Co.*, 53 A. 752 (Pa. 1902).

As mentioned, the writing upon which Kopp bases her claim for specific performance is the two pages of notes prepared by Kopp's daughter and signed by Tubies. Notably, at the time this Court ruled on the Motion for Summary Judgment, there was no evidence of record that Kopp's daughter, in signing the document, acted as agent on behalf of Kopp.⁴ As the Statute of Frauds clearly requires a written agreement executed by both parties, it is clear that the document relied upon by Kopp cannot meet this requirement.⁵

Moreover, a review of the document relied upon by Kopp reveals that it lacks any description of the land at issue. Moreover, the document does not refer to an agreement to sell the property but rather references "land rent." Critically, the language relied upon by Kopp as evidence of an agreement for the transfer of the property is couched in extremely speculative language.⁶ Rather than being definite and conclusive evidence of a meeting of the minds, the language relied upon by Kopp speaks in no such absolutes.

⁴At trial, Kopp attempted to develop this evidence through testimony. Unfortunately for Kopp, the Motion for Summary Judgment had already been granted as Kopp failed to cite evidence in the record establishing this element of her claim at the time the Motion was under consideration. See Pa. R.Civ.P. 1035.3.

⁵In her Brief in Opposition to the Motion for Partial Summary Judgment, Kopp did not suggest compliance with the Statute of Frauds but rather relied solely on the argument that partial performance of the oral agreement removed the contract from the requirements of the Statute of Frauds.

⁶Kopp cites the following language: 5. How much does mom owe total? ~~(25,155)~~ ~~40,000~~ 65,000 if bought it all

Kopp points out that Pennsylvania law permits a contract to be outside of the operation of the Statute of Frauds where the party seeking to enforce the conveyance has partially performed under the contract so as to render a decision inequitable and unjust. *Glasgow v. GRC Coal Co.*, 442 A.2d 249, 250 (Pa.Super. 1981). Thus, the well-settled rule that the Statute of Frauds prevents the entry of a decree of specific performance against the vendor under an oral contract excepts from its application circumstances where continuous and exclusive possession was taken under the contract and improvements were made by the purchaser not readily to be compensated in money, or other equitable considerations make it impossible to do justice except through a grant of specific performance. *Id.* citing *Briggs v. Sackett*, 418 A.2d 586, 589 (Pa.Super. 1980).

Kopp's argument is misplaced, however, as neither the pleadings nor trial evidence established the performance of improvements by the buyer not readily compensable in money nor any other equitable consideration playing in favor of Kopp. In fact, the inequities, if any, weigh in favor of Tubies. Kopp, relying on an incomplete and contradictory set of notes, seeks to require Tubies to sell a lot to her at below-market rate and without any real consideration. Sitting in equity, I find nothing that leads me to conclude that justice requires a different result. Under these circumstances, the grant of partial summary judgment was appropriate.

Kopp's challenge to this Court's demurrer on the count of constructive trust is similarly without merit. A constructive trust is a formula through which the conscience of equity finds expression. *Chambers v. Chambers*, 176 A.2d 673, 675 (Pa. 1962). When property is acquired under circumstances that the holder of the legal title may not in good conscience retain the beneficial interests, equity converts him to a trustee. *Id.* Thus, a constructive trust arises where a person holds title to a property subject to an equitable duty to convey it to another on the ground that he or she would be unjustly enriched if permitted to retain it. *Pierro v. Pierro*, *supra*. A.2d at 696. Before a constructive trust can arise, it is necessary that the owner of the property must have acquired title to it in some way that creates an equitable duty in favor of the person seeking to benefit from imposition of the trust. *Shoemaker v. Shoemaker*, 676 A.2d 216, 220 (Pa. 1996).

Instantly, the real estate at issue belonged solely to Tubies before any discussions took place between the parties. Tubies neither

acquired the realty as a result of an arrangement with Kopp nor took title subject to any duty to convey it to Kopp. He purchased it, as his own, well before he entered into any subsequent arrangement with Kopp. As such, a constructive trust cannot be found to exist.⁷

Continued to next issue (3/20/2009)

⁷ Kopp's pleading is unclear in regard to what property she is claiming to have been held in constructive trust. In asking for judgment in her favor, she requested the Court to impose a constructive trust in the real estate owned by Tubies. All parties to this litigation treated the pleading as a request for the imposition of constructive trust solely upon the land. Moreover, the judgment entered by this Court fully reimburses Kopp for any funds she may claim to have used in supporting the purchase of the mobile home thereby making her fully whole.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1271 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of April, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a magnetic spike two (2) feet east of the center line of Mt. Hope Road at corner of land now or formerly of Louis Gusoff; thence by said lands now or formerly of Louis Gusoff and passing through an existing steel rod set back 40.0 feet from the last mentioned point, South 63 degrees 42 minutes 20 seconds East, 429.44 feet to an existing flange axle at corner of Land now or formerly of Myron Kadle; thence by said land of Myron Kadle, South 24 degrees 53 minutes 20 seconds West, 193.87 feet to a point at corner of Lot No. 2-A on the hereinafter referred to plan of lots; thence by said Lot No. 2-A and Lot No. 2-B, passing through a point set back 131.27 feet from the next mentioned point (said point marking the boundary between Lot No. 2-B and Lot No. 2-A) North 63 degrees 42 minutes 20 seconds West, 469.57 feet to a point in the center line of Mt. Hope Road; thence in said Mt. Hope Road, North 36 degrees 38 minutes 20 seconds East, 197.02 feet to a magnetic spike set (2) feet east of the center line of Mt. Hope Road, the point and place of BEGINNING, CONTAINING 2.000 Acres.

The above description was taken from a plan of lots prepared by Adams County Surveyors, dated October 25, 2001, recorded in Adams County Plat Book 81 at page 72, designating the above as Lot No. 2, LESS HOWEVER, all that tract of land containing 0.119 Acres as more fully described in Plat Book 92 page 55 and known thereon as Lot 3A.

Being a portion of that which Kimberly K. Flohr, now known as Kimberly K. Andrew, single, and Virginia M. Andrew, single, by deed dated August 31, 2006 and recorded in the office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 4556 page 40, conveyed unto Pius D. Clapsadl and Katie L. Clapsadl, husband and wife, the grantors herein.

TITLE TO SAID PREMISES IS VESTED IN Jeffrey A. Anders and Christina L. Anders, h/w, as tenants of an estate by the entireties, by Deed from Pius D. Clapsadl and Katie L. Clapsadl, h/w, dated 06/15/2007, recorded 06/21/2007 in Book 4881, Page 131.

Tax Parcel: (18)-A15-00-25A-000

Premises Being: 2520 Mount Hope Road, Fairfield, PA 17320

SEIZED and taken into execution as the property of **Jeffrey A. Anders & Christina L. Anders** 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 April 24, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/27, 3/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1055 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of April, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land with the improvements thereon erected situate in the Germany Township, Adams County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING for a corner at a point in Bittle Road (Township Road T-446), said point being 1.69 feet southeast of the present centerline thereof; then leaving said road by lands now or formerly of Mark Himmelreich (1) South 56 degrees 25 minutes 14 seconds East, 488.80 feet to a steel pin at lands now or formerly of Alvin L. Spangler, passing through a steel pin 23.31 feet from the beginning thereof; then by said land of Spangler (2) South 63 degrees 36 minutes 34 seconds West, 84.98 feet to a steel pin, a corner in common with Lot No. 2; then binding on Lot 2 for the three following lines (3) North 48 degrees 02 minutes 45 seconds West, 83.96 feet to a steel pin; then by the same (4) North 70 degrees 13 minutes 21 seconds West, 226.98 feet to a steel pin; then by the same (5) North 60 degrees 19 minutes 31 seconds West, 134.99 feet to a point in aforesaid Bittle Road and a distance of 1.31 feet southeast of the present centerline thereof, passing through a steel

pin 23.66 feet from the end thereof; then running in and through the cartway of said Bittle Road maintaining a distance of approximately 1.50 feet southeast of the center thereof (6) North 29 degrees 51 minutes 32 seconds East, 124.95 feet to a point, the place of BEGINNING, CONTAINING 43,337 square feet (neat measure); being known as Lot No. 1 of a subdivision entitled 'Final Subdivision Plan - Robert F. And Hui Sentz as prepared by Worley Surveying dated March 31, 2005 and revised April 29, 2005. The bearings of this legal description are oriented to the bearing of the reference deed as found in Deed Book 1471, page 169 and have not rotated clockwise 112 degrees 16 minutes 12 seconds from the Final Subdivision Plan in order to correct the erroneous bearings of the approved subdivision plan dated March 31, 2005, revised April 29, 2005 as recorded among the Land Records of Adams County, Pennsylvania in Plan Book 88, page 69.

IT BEING the same tract of land which Robert F. Sentz and Chong Hui Sentz, husband and wife, by their Deed dated July 19, 2006, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Record Book 4500 at page 94, granted and conveyed unto Thomas A. Meachum and Patricia A. Meachum, husband and wife, Grantors herein.

TITLE TO SAID PREMISES IS VESTED IN Patricia A. Meachum and Brenda Faye Weishaar, as joint tenants with right of survivorship, by Deed from Thomas A. Meachum and Patricia A. Meachum, h/w, dated 02/22/2008, recorded 04/14/2008 in Book 5172, Page 292.

Tax Parcel: (15)-J18-003A-000

Premises Being: 134 Bittle Road, Littlestown, PA 17340-9503

SEIZED and taken into execution as the property of **Thomas A. Meachum, Patricia A. Meachum & Brenda Faye Weishaar** 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 April 24, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/27, 3/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1401 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of April, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a steel pin set along a fifty (50) feet wide right of way known as Foxtown Drive and Lot No. 44 of the hereinafter referenced subdivision plan; thence along said Lot No. 44 North two (02) degrees four (04) minutes forty-seven (47) seconds West, two hundred sixty-six and eighty-two hundredths (266.82) feet to a steel pin set at Lot No. 42 of said plan; thence along Lot No. 42 South sixty-nine (69) degrees fifty-three (53) minutes thirty-five (35) seconds East, three hundred twelve and ninety-five hundredths (312.95) feet to a steel pin set along the above mentioned Foxtown Drive; thence along and with said Foxtown Drive South seven (07) degrees nine (09) minutes zero (00) seconds West, twenty-three and zero hundredths (23.00) feet to a point; thence continuing by a curve to the right with a radius of one hundred fifty and zero hundredths (150.00) feet, an arc distance of two hundred eleven and forty-six hundredths (211.46) feet, and a long chord bearing and distance of South forty-seven (47) degrees thirty-two (32) minutes six (06) seconds West, one hundred ninety-four and thirty-eight hundredths (194.38) feet to a point; thence continuing South eighty-seven (87) degrees fifty-five (55) minutes thirteen (13) seconds West, one hundred thirty-eight and three hundredths (138.03) feet to a steel pin set at Lot No. 44 of said plan, the point and place of BEGINNING, CONTAINING 1.265 Acres and being identified as Lot No. 43 on the hereinafter-referenced subdivision plan.

The above description was taken from a final Subdivision Plan prepared by Worley Surveying. Said Plan was recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Plan Book 78, at Page 56.

SUBJECT, NEVERTHELESS, to a MET-ED Utility Right of Way as shown on the above subdivision plan.

SUBJECT, ALSO, to the Declaration of Restrictions recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania.

IT BEING the same which Lebing Development Company, Inc. by its deed

dated December 15, 2000 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Deed Book 2183, at page 302, granted and conveyed unto L. L. Lawrence Builders, Inc., GRANTOR HEREIN.

TITLE TO SAID PREMISES IS VEST-ED IN Terry M. Jordan, Sr. and Josephine K. Jordan, h/w, as tenants by the entireties, by Deed from L.L. Lawrence Builders, Inc., a Pennsylvania Corporation, dated 05/06/2002, recorded 05/07/2002 in Book 2652, Page 0031.

Tax Parcel: (17) L09-0212-000

Premises Being: 60 Foxtown Drive, Abbottstown, PA 17301

SEIZED and taken into execution as the property of **Terry M. Jordan, Sr. a/k/a Terry Michael Jordan & Josephine K. Jordan a/k/a Josephine Kathleen Jordan** 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 April 24, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/27, 3/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1388 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of April, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

All that certain lot or piece of ground situate in Germany Township, County of Adams, Commonwealth of Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a steel pin set in the centerline of a right of way known as Harney Road (SR 2014) and at Lot No. 8 of the hereinafter referenced subdivision plan; thence along Lot No. 8 South 17 degrees 41 minutes 32 seconds West 297.64 feet to a steel pin set at other lands now or formerly of Merle C. Weant; thence along said Weant lands North 76 degrees 57 minutes 00 seconds West

150.00 feet to a steel pin set; thence continuing along said Weant lands and lands now or formerly of Tony R. Forbes North 17 degrees 41 minutes 32 seconds East 297.64 feet to a steel pin set in the centerline of the above mentioned Harney Road; thence in and through Harney Road South 76 degrees 57 minutes 00 seconds East 150.00 feet to a steel pin set at Lot No. 8 the point and place of BEGINNING, CONTAINING 1.022 acres and being identified as Lot No. 7 on a Final Subdivision Plan dated October 22, 1999, prepared by Group Hanover, Inc. for Merle C. Weant and recorded in the Office of the Recorder of Deeds in and for Adams County, in Record Book 77 at Page 95.

BEING the same premises which Bon Ton Builders, Inc. a Pennsylvania corporation, by deed dated February 9, 2001, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 2214 at Page 6, granted and conveyed unto Mario J. Lagunas and Kristi L. Lagunas, the Grantors herein.

TITLE TO SAID PREMISES IS VEST-ED IN **Fermelis Cortez-Chavez**, by Deed from Mario J. Lagunas and Kristi L. Lagunas, h/w, dated 02/08/2007, recorded 02/09/2007 in Book 4738, Page 241.

Tax Parcel: (15)-H18-0103-000

Premises Being: 1667 Harney Road, Littlestown, PA 17340-9373

SEIZED and taken into execution as the property of **Fermelis Cortez-Chavez** 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 April 24, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/6, 13 & 20

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 ROMAINE A. ALWINE, DEC'D**

Late of Reading Township, Adams County, Pennsylvania

Co-Executors: Fred R. Alwine and Larry E. Alwine, c/o Sharon E. Myers, Esq., CGA Law Firm, PC, 135 North George Street, York, PA 17401

Attorney: Sharon E. Myers, Esq., CGA Law Firm, PC, 135 North George Street, York, PA 17401

ESTATE OF JEAN E. CRABBS, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Beverly K. Wickline, 420 Harney Rd., Littlestown, PA 17340

ESTATE OF FRED A. GLASS, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Betty Mae Glass, 21 Maple Drive, Hanover, PA 17331

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

ESTATE OF DOLORES V. HARNER, DEC'D

Late of the Borough of Bonneauville, Adams County, Pennsylvania

Executrix: Victoria A. Study, 78 East Hanover St., Gettysburg, PA 17325

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

ESTATE OF DALE F. HOFFMAN, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Executor: Robert C. Hoffman, 8362 Glades Pike, Berlin, PA 15530

Attorney: John C. Zepp, III, Esq., P.O. Box 204, 8438 Carlisle Pike, York Springs, PA 17372

ESTATE OF RODGER E. LITTLE, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executrix: Ruth Morgan, 51 Maple Avenue, Hanover, PA 17331

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

ESTATE OF ANITA A. McILWEE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Personal Representatives: Thomas I. McIlwee and Tabitha A. Smith, 11 Sherman Dr., East Berlin, PA 17316

Attorney: Arthur J. Becker, Jr., Esq., Becker & Strausbaugh, P.C., 544 Carlisle Street, Hanover, PA 17331

ESTATE OF AGNES M. SELBY, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Dean L. Selby, 99 Mud College Road, Littlestown, PA 17340

Attorney: David K. James, III, Esq., 234 Baltimore Street, Gettysburg, PA 17325

SECOND PUBLICATION**ESTATE OF MARC ARLEN, DEC'D**

Late of Reading Township, Adams County, Pennsylvania

Administratrix: Lori A. Johnstone, 27 Gray Stone Way, Laguna Niguel, CA 92677

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

ESTATE OF SARANNA C. BEEGLE, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: John D. L. Beegle, 815 Sunset Avenue, Gettysburg, PA 17325

Attorney: John R. White, Campbell & White, P.C., 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF CARL E. BROTHERS, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Marjorie H. Brothers, 198 Lake Meade Drive, East Berlin, PA 17316

Attorney: Bridget M. Whitley, Esq., Skarlatos & Zonarich LLP, 17 South 2nd Street, 6th Floor, Harrisburg, PA 17101

ESTATE OF BERTHA L. HOOVER a/k/a BERTHA LAURA HOOVER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Kathy A. Gross, 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 BARBARA A. MUHLY, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Florence L. Doggett, 10463 Church Hill Road, Myersville, MD 21773

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

ESTATE OF PAUL W. STERNER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: PNC Bank NA, Successor to Sterling Financial Trust, P.O. Box 308, Camp Hill, PA 17001-0308

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

THIRD PUBLICATION**ESTATE OF MATTHEW R. EYLER, DEC'D**

Late of Tyrone Township, Adams County, Pennsylvania

Administratrix: Heather J. Eyler, 154 Pin Oak Place, McSherrystown, PA 17344

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

ESTATE OF L. GENEVA HUBLEY, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Fred Curtis Hubley, c/o Garber & Garber, 40 South Duke Street, York, PA 17401-1441

Attorney: John M. Garber, Esq., Garber & Garber, 40 South Duke Street, York, PA 17401-1441

ESTATE OF PHYLLIS M. KESSLER, DEC'D

Late of the Borough of Fairfield, Adams County, Pennsylvania

Executor: Robert J. Kessler, 617 Mt. Laurel Road, Mt. Laurel, NJ 08054

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

ESTATE OF MARGOT MAY MARYN, DEC'D

Late of the Borough of Bonneauville, Adams County, Pennsylvania

Executor: Micah Aaron Maryn, 305 North Street NE, Leesburg, VA 20176

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

(continued on page 6)

THIRD PUBLICATION (CONTINUED)

ESTATE OF MAE E. WAGGONER,
DEC'D

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

Executrix: Susan Waggoner, c/o
Menges, McLaughlin & Kalasnik, P.C.,
145 E. Market St., York, PA 17401

Attorney: Matthew D. Menges, Esq.,
Menges, McLaughlin & Kalasnik, P.C.,
145 E. Market St., York, PA 17401

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-843 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of April, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a steel pin set in Gettysburg Road (T-434), and at corner of Lot No. 17; thence by said Lot No. 17, North 82 degrees 44 minutes 25 seconds East, 412.96 feet to a steel pin set at corner of Lot No. 17 and other land of Ronald W. Smith Investment Company, Inc.; thence by said land of Ronald W. Smith Investment Company, Inc., North 82 degrees 36 minutes 27 seconds East, 406.39 feet to a steel pin set; thence continuing by the same North 29 degrees 13

minutes 11 seconds East, 12.66 feet to a concrete monument; thence continuing by the same South 73 degrees 20 minutes 22 seconds East, 486.49 feet to a steel pin; thence South 29 degrees 13 minutes 11 seconds West, 993.88 feet to a steel pin; thence North 89 degrees 34 minutes 15 seconds West, 826.55 feet to a steel pin in Gettysburg Road (T-434); thence in and along said Gettysburg Road (T-434) North 00 degrees 25 minutes 45 seconds East, 312.97 feet to a steel pin in Gettysburg Road (T-434) and corner of Lot No. 14; thence by said Lot No. 14, South 89 degrees 34 minutes 15 seconds East, 335.00 feet to a concrete monument; thence by Lot No. 14, Lot No. 15 and Lot No. 16, North 00 degrees 25 minutes 45 seconds East, 320.17 feet to a concrete monument at a corner of Lot No. 16; thence by said Lot No. 16, North 41 degrees 58 minutes 04 seconds West, 175.80 feet to a monument; thence by said Lot No. 16, North 89 degrees 34 minutes 15 seconds West, 216.46 feet to a steel pin in the Gettysburg Road (T-434); thence in said Gettysburg Road (T-434) North 00 degrees 25 minutes 45 seconds East, 70.00 feet to a steel pin in said Gettysburg Road (T-434); thence continuing in said Gettysburg Road (T-434), North 21 degrees 28 minutes 53 seconds East, 56.14 feet to a steel pin in Gettysburg Road (T-434) at corner of Lot No. 17, the place of BEGINNING, CONTAINING 20.0639 Acres, more or less.

Known as Lot No. 1 on a draft of survey identified as St. John's Corner, Phase II, prepared by Loss-Stair Civil Engineering, Inc., dated August 29, 2006, revised September 27, 2006, and

about to be recorded.

Being part of the same which Ronald W. Smith and Deanna G. Smith, husband and wife, by deed dated December 22, 2003, and recorded in the office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 3424 at page 145, sold and conveyed unto Ronald W. Smith Investment Company, Inc., the grantor herein named.

Parcel Identification No: (15) 117-0042

TITLE TO SAID PREMISES IS VESTED IN Leroy E. Kelly and Paula Krynick, as joint tenants with the right of survivorship and not as tenants in common, by Deed from Ronald W. Smith, Investment Company, Inc., a Maryland corporation, dated 06/08/2007, recorded 06/21/2007, in Deed Book 4880, page 186.

Premises Being: 314 Gettysburg Road, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Paula Krynick a/k/a Paula Jean Krynick & Leroy Kelly a/k/a Leroy E. Kelly** 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 April 24, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/6, 13 & 20

NOTICE

On the 24th day of March, 2009, at 9:00 a.m., a hearing will be held in the Adams County Courthouse, Fourth Floor, Gettysburg, PA, to determine whether the Gettysburg Area School District shall sell its student built house located at 95 Pin Oak Lane (Cumberland Township), Gettysburg, Pennsylvania, 17325 to William H. Hall for the purchase price of \$280,000, upon terms and conditions set forth in an Agreement of Sale dated February 17, 2009.

Any person who wishes to oppose the sale must attend the hearing and be heard.

Robert L. McQuaide
Solicitor
(717) 337-1360

3/6, 13 & 20

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