

Adams County Legal Journal

Vol. 54

November 16, 2012

No. 27, pp. 207-213

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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.

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

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NOTICE OF SHERIFF'S SALE
IN THE COURT OF COMMON PLEAS
OF ADAMS COUNTY, PENNSYLVANIA
NO. 11-SU-1250

THE BANK OF NEW YORK MELLON
f/k/a THE BANK OF NEW YORK, AS
TRUSTEE FOR THE CERTIFICATE
HOLDERS OF CWABS, INC., ASSET-
BACKED CERTIFICATES, SERIES
2003-5

vs.

GROVER C. KEADLE III and JULIE L.
KEADLE

NOTICE TO: GROVER C. KEADLE III
and JULIE L. KEADLE

NOTICE OF SHERIFF'S SALE OF REAL
PROPERTY

Being Premises: 20 FOREST TRAIL,
FAIRFIELD, PA 17320-8148

Being in CARROLL VALLEY
BOROUGH, County of Adams,
Commonwealth of Pennsylvania,
0170137

Improvements consist of residential
property.

Sold as the property of GROVER C.
KEADLE III and JULIE L. KEADLE

Your house (real estate) at 20 FOREST
TRAIL, FAIRFIELD, PA 17320-8148 is
scheduled to be sold at the Sheriff's Sale
on January 18, 2013 at 10:00 a.m., at
the Adams County Courthouse, 111
Baltimore Street, Room 4, Gettysburg,
PA 17325, to enforce the Court
Judgment of \$126,409.26 obtained by
THE BANK OF NEW YORK MELLON
f/k/a THE BANK OF NEW YORK, AS
TRUSTEE FOR THE CERTIFICATE
HOLDERS OF CWABS, INC., ASSET-
BACKED CERTIFICATES, SERIES 2003-
5 (the mortgagee), against the above
premises.

Phelan Hallinan & Schmieg, LLP
Attorney for Plaintiff

DISSOLUTION NOTICE

NOTICE IS HEREBY GIVEN that the
Board of Directors and the Shareholders
of HAWKINS MEDIA GROUP, INC., d/b/a
CAPA PRODUCTIONS, a Pennsylvania
corporation with an office and principal
place of business at 860 Red Rock
Road, Gettysburg, Adams County,
Pennsylvania 17325, have voted to vol-
untarily dissolve the corporation. The
Board of Directors of the corporation is
currently engaging in the winding-up
and settling of the affairs of the corpora-
tion. This notice of the dissolution pro-
ceedings is given pursuant to Section
1975 of the Pennsylvania Business
Corporation Law of 1988 as amended.

Robert E. Campbell, Esq.
Campbell & White, P.C.
112 Baltimore Street
Gettysburg, PA 17325
Attorney for Corporation

11/16

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that
Articles of Incorporation for PEGASUS
ENERGY CORPORATION were filed with
the Department of State of the
Commonwealth of Pennsylvania on
September 18, 2012, under the provisions
of the Business Corporation Law of 1988
of the Commonwealth of Pennsylvania.

11/16

11/16

COMMONWEALTH VS. WOLLMAN

1. In a challenge to the sufficiency of the evidence, the standard for review is whether the evidence at trial, and all reasonable inferences derived therefrom, when viewed in the light most favorable to the Commonwealth as a verdict-winner, are sufficient to establish all elements of the offense beyond a reasonable doubt.

2. Any doubts regarding a defendant's guilt may be resolved by the fact finder unless the evidence is so weak and inconclusive that, as a matter of law, no probability of fact may be drawn from the combined circumstances.

3. The Commonwealth must demonstrate not only the presence of a false impression in order to obtain conviction for theft by deception, but must also establish that the victim relied upon the impression.

4. The Commonwealth may sustain its burden of proof beyond a reasonable doubt by means of wholly circumstantial evidence.

5. In passing on the weight of the evidence, the trier of fact is free to believe all, part, or none of the evidence.

6. A verdict is against the weight of the evidence only when the fact finder's verdict is so contrary to the evidence as to shock one's sense of justice.

7. A new trial should not be granted because of a mere conflict in testimony or because a judge on the same facts would have arrived at a different conclusion. The critical question is whether or not certain facts are so clearly of greater weight that to ignore them, or to give them equal weight with all the facts, is to deny justice.

8. Sentences of restitution are within the sound discretion of the trial court.

9. Restitution may be properly imposed where the victim suffered a loss that flows from the criminal conduct of the defendant.

10. To determine the correct amount of restitution, a "but-for" test is used — damages which occur as a direct result of the crime are those which should not have occurred but for the defendant's criminal conduct.

In the Court of Common Pleas of Adams County, Pennsylvania,
Criminal, No. CP-01-CR-342-2009, COMMONWEALTH OF
PENNSYLVANIA VS. JEREMY SCOTT WOLLMAN.

Brian Sinnett, Esq., Assistant District Attorney, for Commonwealth
Stephen Maitland, Esq., for Defendant

George, J., June 6, 2012

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

The Appellant, Jeremy Scott Wollman (“Appellant”), challenges his conviction of theft by deception as a felony of the third degree¹ following a non-jury trial held on March 9, 2010.² In his Concise Statement of Matters Complained of on Appeal, Appellant raises three issues: (1) a challenge to the weight of the evidence; (2) a challenge to the sufficiency of the evidence; and (3) the amount of restitution ordered as part of the sentencing order.³ As Appellant’s issues are fact driven; the facts deduced at trial are summarized as follows:

In the fall of 2008, Appellant responded to a craigslist ad⁴ posted by Allen Ford advertising the sale of a used 1998 Honda Civic at a price of \$1,500. The ad indicated that the vehicle was in need of transmission work and had “117k miles.”⁵ The Appellant responded to the ad and, after inspection of the vehicle, purchased the same for \$1,000 on October 7, 2008. At the time of the purchase, Appellant arrived with a trailer to tow the vehicle. When Appellant purchased the vehicle, he signed a bill of sale which indicated an odometer reading of 116,945 miles.

Sometime between October 7, 2008 and October 11, 2008, Cecilia Shibler discovered an advertisement on craigslist which advertised a 1998 Honda Civic for sale. The ad indicated the vehicle had 48,000 original miles, was dealer maintained, and had a single owner who was

¹ 18 Pa. C.S.A. § 3922(a)(1).

² Appellant originally challenged his conviction on direct appeal by Notice of Appeal filed on August 2, 2010. By Order entered December 9, 2010, the Superior Court dismissed the appeal for failure to file a brief. Following Appellant’s filing of a Post Conviction Relief Petition, this Court concluded that trial counsel had abandoned the Appellant in pursuit of his appeal and reinstated his appellate rights by Order dated April 16, 2012. Thereafter, on April 23, 2012, Appellant filed a timely Notice of Appeal.

³ In his Statement of Matters Complained of on Appeal, Appellant raises a challenge to “the weight and the sufficiency of the evidence” as a single challenge. As these are separate legal concepts, they will be individually addressed. See *Commonwealth v. Lyons*, 833 A.2d 245 (Pa. Super. 2003) (distinction between a claim challenging the sufficiency of the evidence and a claim challenging the weight of the evidence is critical).

⁴ Craigslist is an online community website which features online classified advertisements.

⁵ Ford testified that “117k” meant 117,000 miles.

the aunt of the seller. Shibler responded to the ad and made arrangements with the seller to view the vehicle. At that time, Appellant confirmed to Shibler that the car was his aunt's and that he was selling it on her behalf. Appellant further indicated that the vehicle had only 48,000 miles on it and was in spotless condition. Appellant explained to Shibler that he was a Honda mechanic and that he himself had done most of the maintenance on the car for his aunt. As a result of this conversation, Shibler and her father met the Appellant at a mutually agreed upon location on October 11, 2008 to purchase the vehicle. On that date, Shibler purchased the vehicle from Appellant for \$6,250.⁶ Shibler testified that she would not have bought a car which had over 50,000 miles on it and was attracted to the Honda due to its low mileage.

While on her way home from purchasing the vehicle, Shibler noticed that the transmission was slipping. Shibler subsequently discovered that the vehicle needed a new transmission. Concurrent to discovering the vehicle's mechanical issues, Shibler discovered that the title could not be transferred to her because of the absence on the title of the original owner's signature. In an effort to obtain the missing signature, Shibler began investigating the vehicle's history. Ultimately, Shibler's investigation led to contact with Allen Ford and his wife who confirmed that the vehicle she had purchased was the one they had, shortly prior to Shibler's purchase, sold to Appellant. Shibler has since been unable to afford repairs to the vehicle and the same is currently inoperable.

Appellant initially challenges the sufficiency of the evidence. In a challenge to the sufficiency of the evidence, the standard for review is "whether the evidence at trial, and all reasonable inferences derived therefrom, when viewed in the light most favorable to the Commonwealth as verdict[-]winner, are sufficient to establish all elements of the offense beyond a reasonable doubt." *Commonwealth v. Jones*, 904 A.2d 24, 26 (Pa. Super. 2006) (citation omitted). The facts and circumstances established by the Commonwealth need not

⁶ Shibler paid \$1,250 in cash and the remaining \$5,000 by certified cashier's check.

preclude every possibility of innocence. *Commonwealth v. Hartzell*, 988 A.2d 141,143 (Pa. Super. 2009). Any doubts regarding a defendant's guilt may be resolved by the fact finder unless the evidence is so weak and inconclusive that, as a matter of law, no probability of fact may be drawn from the combined circumstances. *Id.*

In order for the Appellant to have been found guilty of theft by deception, the Commonwealth must prove beyond a reasonable doubt that a person intentionally obtained property of another by deception, that is, by creating or reinforcing a false impression as to law, value, or intent. 18 Pa. C.S.A. § 3922(a)(1). The Commonwealth must demonstrate not only the presence of a false impression in order to obtain conviction for theft by deception, but must also establish that the victim relied upon the impression. *Commonwealth v. Lawson*, 650 A.2d 876, 880 (Pa. Super. 1994).

Reviewing the evidence in the light most favorable to the Commonwealth, it is beyond reproach that the evidence is more than sufficient to support the conviction. Shibler credibly testified that the Appellant represented in his advertisement and orally that the vehicle in question had 48,000 miles on it, was spotless, and that he was the Honda mechanic who had performed maintenance on said vehicle. In actuality, Appellant was selling a vehicle which he knew had transmission issues and mileage of approximately 117,000 miles. Moreover, Appellant had no historical familiarity with the vehicle. In making the factual misrepresentation, Appellant intentionally created a false impression as to the value of the vehicle. Additionally, the reliance element of the charge is clearly supported by Shibler's testimony that she would not have purchased the vehicle had she known the vehicle had more than 50,000 miles on it.

Appellant attempts to challenge the sufficiency of the evidence by surgically dissecting singular pieces of evidence while ignoring the larger picture. For instance, while it is interesting that the Appellant offered to repair the transmission upon the victim's discovery of its malfunctioning, Appellant ignores evidence that he sold a vehicle which he knew had transmission problems by creating the false impression that the vehicle had no problems. Similarly, while Appellant suggests his claim that the vehicle was owned by his aunt was mere puffing, he neglects discussion about representing a vehicle with approximately 117,000 miles on it to have less than 50,000 miles.

Although the evidence as to the vehicle's mileage was circumstantial, the Commonwealth may sustain its burden of proof beyond a reasonable doubt by means of wholly circumstantial evidence. *Commonwealth v. Lehman*, 820 A.2d 766, 772 (Pa. Super. 2003). In determining whether evidence is sufficient to support a conviction, the entire record must be evaluated and all evidence actually received must be considered. *Id.* Appellant's various arguments ignore this instruction. As the evidence believed by the fact finder is more than sufficient to establish the elements of the crime, Appellant's argument amounts to nothing more than a meritless challenge to the fact finder's interpretation of the evidence. *Commonwealth v. Lehman, supra* (in passing on the weight of the evidence, the trier of fact is free to believe all, part, or none of the evidence).

Appellant's challenge to the weight of the evidence is similarly meritless. A verdict is against the weight of the evidence only when the fact finder's verdict is so contrary to the evidence as to shock one's sense of justice. *Commonwealth v. Rivera*, 983 A.2d 1211, 1225 (Pa. 2009). A challenge to the weight of the evidence concedes that there is sufficient evidence to sustain a verdict but claims that "notwithstanding all the facts, certain facts are so clearly of greater weight that to ignore them or to give them equal weight with all the facts is to deny justice." *Commonwealth v. Widmer*, 744 A.2d 745, 752 (Pa. 2000). A new trial should not be granted because of a mere conflict in testimony or because a judge on the same facts would have arrived at a different conclusion. *Commonwealth v. Rivera, supra*. The critical question is whether or not certain facts are so clearly of greater weight that to ignore them, or to give them equal weight with all the facts, is to deny justice. *Id.*

Instantly, Appellant's verdict does not shock this jurist's sense of justice. To the contrary, the evidence overwhelmingly supports the conclusion that Appellant purchased a well-worn vehicle with mechanical issues on the cheap in order to turn a quick profit by representing it to be a higher valued vehicle in better condition and with less mileage. Appellant's consciousness of guilt is evidenced by his efforts to shield himself from responsibility by selling the vehicle "as is." Regardless of this effort, Appellant created a false impression upon which the victim relied upon by making affirmative statements as to the vehicle's condition which were clearly untrue. Appellant's

self-serving interpretation of evidence to the contrary is of little import as the verdict does not shock this Court's sense of justice.

Appellant's final challenge alleges the trial court committed an abuse of discretion in setting restitution in the amount of \$5,500. As sentences of restitution are within the sound discretion of the trial court, *Commonwealth v. Gerulis*, 616 A.2d 686, 697 (Pa. Super. 1992), Appellant's challenge is to the discretionary aspect of his sentence. *Commonwealth v. Pappas*, 845 A.2d 829, 841 (Pa. Super. 2004).⁷

Restitution may be properly imposed where the victim suffered a loss that flows from the criminal conduct of the defendant. *Commonwealth v. Dohner*, 725 A.2d 822, 824 (Pa. Super. 1999). In computing the amount of restitution, the sentencing court "[s]hall consider the extent of the injury suffered by the victim and such other matters as it deems appropriate." 18 Pa. C.S.A. § 1106(c)(2)(i). To determine the correct amount of restitution, a "but-for" test is used – damages which occur as a direct result of the crime are those which should not have occurred but for the defendant's criminal conduct. *Commonwealth v. Gerulis*, *Supra*.

Appellant claims the Court abused its discretion in setting restitution as there was no evidence establishing the value of the car or the victim's out-of-pocket repair expenses. Appellant's claim is meritless as it misconstrues the property which was the subject of the theft. The subject of the theft was not the vehicle, but rather was \$6,500 cash which Appellant obtained through deception. Thus, the value of the vehicle at issue is not the measure of restitution. Nevertheless, in styling restitution, the Court offset the \$6,500 which was the object of the theft by the value of the vehicle of which the victim retained possession as based upon the value established at trial. Evidence at trial established the value of a 1998 Honda Civic with 117,000 miles and transmission issues as \$1,000, as the same was offered by the Fords, willing sellers, to Appellant, a willing buyer, familiar with the car's condition. Appellate authority supports this conclusion as it instructs that the contract price of property exchanged is evidence of its market value. *Commonwealth v. Hanes*, 522 A.2d 622, 625 (Pa.

⁷ Appellant has waived this issue as he has not specifically preserved it in a timely motion to modify sentence. See *Commonwealth v. Yanoff*, 690 A.2d 260, 267 (Pa. Super. 1997). Additionally, Appellant did not challenge his sentence of restitution at sentencing hearing.

Super. 1987). Had Appellant believed that the value of the vehicle received by the victim was greater than what he had purchased it for, he had an opportunity to refute the evidence presented by the Commonwealth but chose not to do so.⁸

For the foregoing reasons, it is respectfully requested that the Appellant's conviction and sentence be affirmed.

⁸ It is noted that a mathematical error was reflected in sentencing comments of the Commonwealth as well as the Court's calculation. Specifically, trial evidence reflected a price paid by Shibler to Appellant of \$6,250. Additionally, evidence reflected Appellant purchased the vehicle from the Fords for \$1,000. The Court improperly calculated the difference as \$5,500 when, in reality, it was \$5,250. As the trial court is free to modify restitution, when justified, at any time, 18 Pa. C.S.A. § 1106(c)(3), by separate Order of Court, the direction for Appellant to pay restitution has been corrected to reflect restitution in the amount of \$5,250.

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 LAURA DONWINA AUBOL a/k/a LAURA DONWINA SUSANNE AUBOL, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Administrator: Todd A. King, Esq., Campbell and White, P.C., 112 Baltimore Street, Suite 1, Gettysburg, PA 17325

Attorney: Todd A. King, Esq., Campbell and White, P.C., 112 Baltimore Street, Suite 1, Gettysburg, PA 17325

ESTATE OF MARY E. BAKER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

William R. Baker, 630 Harmony Drive, New Oxford, PA 17350

Attorney: John L. Senft, Esq., Senft Law Firm, LLC, 105 Leader Heights Road, York, PA 17403

ESTATE OF HELEN L. CHRONISTER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Patricia A. Botterbusch, 600 East Canal Road, York, PA 17404

ESTATE OF HAROLDA. DUNKELBERGER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Harold R. Dunkelberger, 307 Susquehanna Avenue, Selinsgrove, PA 17870

Attorney: Robert L. McQuaide, Esq., Suite 204, 18 Carlisle Street, Gettysburg, PA 17325

ESTATE OF STEPHEN E. MURREN, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Co-Executors: Robert A. Murren, 6 Hooker Drive, East Berlin, PA 17316; John M. Murren, 125 Lynx Drive, Hanover, PA 17331; Darlene L. Bankert, 41 Hillside Road, Hanover, PA 17331

Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, PA 17331

ESTATE OF ROBERT J. SHRADER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Co-Executors: Stephen J. Shrader, 328 Kohler Mill Road, New Oxford, PA 17350; Roberta A. Poist, 334 Hanover Street, New Oxford, PA 17350

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

SECOND PUBLICATION

ESTATE OF PATRICIA A. NEUGARTH BLACK, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Administrator: Eileen N. Banaszewski, 1148 Gypsum Drive, Hampstead, MD 21074

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

ESTATE OF HELEN M. CARBAUGH, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executor: Anthony Laughman, 1210 Westminster Avenue, Hanover, PA 17331

Attorney: Donald W. Dorr, Esq., 846 Broadway, Hanover, PA 17331

ESTATE OF MIRIAM L. MILLER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: John E. Miller, c/o Matthew L. Guthrie, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York Street, Hanover, PA 17331

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

ESTATE OF CHARLES STOCKHAM a/k/a CHARLES EDWARD STOCKHAM, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executor: Todd C. Racey, 2636 Victorian Drive, Dover, PA 17315

Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, PA 17331

THIRD PUBLICATION

ESTATE OF THELMA O. BOYD, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Joe D. Boyd, 128 West King Street, Littlestown, PA 17340; Constance B. Bankert, 1528 East Mayberry Road, Westminster, MD 21158

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

ESTATE OF JOSEPH W. CLABAUGH a/k/a JOSEPH WILLIAM CLABAUGH, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executrix: Mary E. Reiter, 5076 Carrollton Drive, Harrisburg, PA 17112

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

ESTATE OF DOROTHY M. DeVINE a/k/a DOROTHY MARY DeVINE, DEC'D

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

Executrix: Georgia A. Becker, 910D Hanover Street, New Oxford, PA 17350

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

ESTATE OF MARY G. HEISER, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Executor: Edward W. Heiser Jr., 62 Weikert Road, Gettysburg, PA 17325

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

ESTATE OF RUTH C. MALBON, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Elizabeth Richardson Viti, 117 Springs Avenue, Gettysburg, PA 17325

Attorney: Chester G. Schultz, Esq., 145 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ANGELA MARIE RIGBY, DEC'D

Late of the Borough of Fairfield, Adams County, Pennsylvania

William E. Rigby, 4950 Fairfield Road, Fairfield, PA 17320

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

(continued on page 4)

THIRD PUBLICATION (CONTINUED)

ESTATE OF FRED A. S. SCOTT a/k/a
FRED A. G. SCOTT, DEC'D

Late of Freedom Township, Adams
County, Pennsylvania

Executrix: Margaret I. Scott, 10 South
Brian Hollow, #95, Houston, TX
77027

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

ESTATE OF KENNETH E. STEVENS SR.,
DEC'D

Late of Huntington Township, Adams
County, Pennsylvania

Executor: Adam Gebhart, 3531
Carlisle Road, Gardners, PA 17324

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

ESTATE OF JANET R. THOMPSON,
DEC'D

Late of Tyrone Township, Adams
County, Pennsylvania

Executors: Lee S. Thompson, 11534
Sipes Mill Road, Harrisonville, PA
17228; Laura A. Koontz, 1658 Deer
Ford Way, York, PA 17408;
Raymond Jay Thompson, 70
Sayber Trail, Orrtanna, PA 17353

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