

Adams County Legal Journal

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IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 12-SU-118

PENNSYLVANIA STATE EMPLOYEES
CREDIT UNION, Plaintiff

vs.

GERRI A. HAINES and THEODORE S.
HAINES, Defendants

IMPORTANT NOTICE

To: GERRI A. HAINES and THEODORE S.
HAINES

YOU ARE IN DEFAULT BECAUSE
YOU HAVE FAILED TO ENTER A
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OR BY ATTORNEY AND FILE IN

WRITING WITH THE COURT YOUR
DEFENSES OR OBJECTIONS TO THE
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Gettysburg, PA 17325
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4/20

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INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania on February 17, 2012, for the purpose of obtaining a Certificate of Incorporation organized under the provisions of the Pennsylvania Business Corporation Law, approved December 21, 1988, P.L. 1444, as amended. The name of the corporation is GETTYSBURG GOURMET FOODS, INC., d/b/a THE HIGHWATER GRILL. The purpose or purposes for which the corporation is incorporated is that the corporation shall have unlimited power to engage in and do any lawful act concerning any or all lawful business for which corporations may be incorporated under said Business Corporation Law. Articles of Amendment were filed with the Department of State of the Commonwealth of Pennsylvania on March 19, 2012.

Entwistle & Roberts
Attorneys for the Corporation

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FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Pennsylvania's "Fictitious Names Act", 54 Pa. C.S.A. §§ 301 et seq., of the filing of an Application for Registration of Fictitious Name under the said act. The fictitious name is REILLY'S HOME INSPECTIONS. The address of the principal office or place of business to be carried on, under or through the fictitious name is 15 Lee Trail, Carroll Valley, Pennsylvania 17320. The names and addresses of the parties to the registration are Patrick W. Reilly and All Angles Squared, LLC, 15 Lee Trail, Carroll Valley, Pennsylvania 17320. An application for registration under the Fictitious Names Act of the said fictitious name was filed in the Office of the Secretary of the Commonwealth of Pennsylvania on April 16, 2012.

Campbell & White, P.C.
112 Baltimore Street
Gettysburg, PA 17325
Attorneys for Applicant

4/20

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIACIVIL ACTION—LAW
NO. 12-S-159

M&L PROPERTIES, LLC, 10 Confederate Drive, Gettysburg, PA 17325, Plaintiff
vs.

WOODCREST, INC., 104 Baltimore Street, Gettysburg, PA 17325, Defendant

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING, AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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Attorney for Plaintiff

4/20

NOTICE BY THE ADAMS COUNTY
CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statements of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphan's Court, Gettysburg, Pennsylvania, for confirmation of accounts entering decrees of distribution on Friday, May 4, 2012 at 8:30 a.m.

EISENBERGER—Orphan's Court Action Number OC-16-2012. The First and Final Account of Douglas H. Gent, Executor of the Estate of June E. Eisenberger, deceased, late of Reading Township, Adams County, Pennsylvania.

WALKER—Orphan's Court Action Number OC-22-2012. The First and Final Account of David S. Walker, Administrator of Blake Scott Walker, deceased, late of Butler Township, Adams County, Pennsylvania.

Kelly A. Lawver
Clerk of Courts

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FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed in the Commonwealth of Pennsylvania on March 9, 2012 for NICMAR WATER, located at 999 Baltimore Road, York Springs, PA 17372. The name and address of each individual interested in the business are Mark Williams, 765 High Mountain Road, Gardners, PA 17324 and Nichole Yiengst, 3731 Wheatland Drive, Dover, PA 17315. This was filed in accordance with 54 Pa. C.S.A. 311.

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COMMONWEALTH VS. JOHNSON

1. The Pennsylvania Rules of Criminal Procedure are unambiguous in directing that when the Commonwealth is seeking the death penalty, with few exceptions, it must give a defendant written notice no later than arraignment of any aggravating circumstance it intends to prove at sentencing.

2. In keeping with intent of the rule, untimely notice of aggravating circumstances is permitted where there is good cause shown.

3. The Pennsylvania Supreme Court has held that a claim of lack of knowledge concerning a defendant's prior criminal convictions is insufficient to show cause to extend the filing deadline.

4. Even absent a showing of just cause, the Pennsylvania Supreme Court has upheld death penalty sentences where formal notice of an aggravating circumstance did not occur until after arraignment. In those instances, the Supreme Court instructed that preclusion of evidence for an aggravating circumstance based upon untimely notice is not a required sanction where the defendant had constructive notice of the aggravating circumstance and is not prejudiced by the late filing.

5. Since Defendant had constructive notice of the (d)(9) aggravating circumstance, and will suffer no prejudice as a result of the Commonwealth's late amendment, he is not entitled to the relief requested.

6. This decision is nothing more than recognition that the preclusion of evidence is not an appropriate remedy, despite untimely notice, where the Defendant has sufficient time and information to prepare for the sentencing hearing. Absent prejudice or controlling appellate authority to the contrary, the Court will not allow procedural defects to undermine the right of either party to a fair trial.

7. Currently, the issue involves the statutory interpretation of felony convictions involving the use or threat of violence. This is a question of law properly within the purview of the Court.

8. The Pennsylvania Supreme Court held the crime of burglary has always been and continues to be viewed as a crime involving the use or threat of violence to the person.

9. Contrary to Defendant's position, all subsequent Supreme Court cases interpreting the (d)(9) aggravating circumstance continue to quote *Commonwealth vs. Rolan* for the proposition that burglary has always been a crime of violence.

10. *Commonwealth v. Baker* makes expressly clear the Supreme Court's rationale that it is the unprivileged entry into a building or structure that is the important consideration under the (d)(9) aggravating circumstance.

11. Thus, attempts to distinguish burglary for (d)(9) purposes are artificial. The intent of an actor to enter a building for the purpose of committing a crime is what makes burglary violent. The *mens rea* of the actor does not change merely because an innocent occupant is unknowingly present or happens to stumble across the burglary in progress.

12. The fact that the General Assembly has limited the applicability of burglary for setting punishment under the two-strikes/three-strikes scenario does not alter established law regarding the use of burglary convictions to support the subsection 9711(d)(9) aggravator.

13. I find the broad common-law perspective identified by our Supreme Court in *Rolan* and progeny controlling. That precedent holds that the crime of burglary has always been and continues to be viewed as a crime involving the use or threat of violence to the person regardless of its gradation.

In the Court of Common Pleas of Adams County, Pennsylvania,
Criminal, No. CP-01-CR-1180-2010, COMMONWEALTH OF
PENNSYLVANIA VS. CHRISTOPHER LYNN JOHNSON.

Shawn C. Wagner, Esq., District Attorney, for Commonwealth
Kristin L. Rice, Esq., Public Defender, for Defendant
George, J., October 6, 2011

OPINION

Before the Court for resolution is the propriety of Commonwealth's efforts to amend its Pennsylvania Rule of Criminal Procedure Rule 802 Notice (relating to notice of aggravating circumstances in support of a sentence of death) to add, post-arraignment, notice of the aggravating circumstance that Defendant has a significant history of felony convictions involving the use or threat of violence.¹ Specifically, the Commonwealth alleges that the Defendant has numerous convictions for burglary and conspiracy to commit burglary as felonies of the second degree, crimes which the Commonwealth claims are crimes of violence. Defendant claims that the proposed amendment should be quashed as untimely pursuant to Pennsylvania Rule of Criminal Procedure 802. Alternatively, Defendant asserts the burglary convictions upon which Commonwealth relies to support a history of violence cannot, as a matter of law, support the proffered aggravating circumstance as they are not crimes of violence and did not involve violence. As the procedural history will assist in resolution of the issues before the Court, it will be briefly summarized.

By Criminal Complaint dated November 12, 2010, Defendant was charged with various criminal offenses including criminal homicide² and persons not to possess firearms³. Following a November 24, 2010 preliminary hearing, all charges were bound through to Court. Formal arraignment was held January 21, 2011, at which time Commonwealth specifically identified the charge of criminal homicide as being murder of the first degree⁴ and murder of the third degree⁵. The Criminal Information also charged, inter alia, the crime of persons not to possess a firearm. At the time of arraignment,

¹ 42 Pa. C.S.A. § 9711(d)(9)

² 18 Pa. C.S.A. § 2501

³ 18 Pa. C.S.A. § 6105(a)(1)

⁴ 18 Pa. C.S.A. § 2502(a)

⁵ 18 Pa. C.S.A. § 2502(c)

Commonwealth provided notice pursuant to Pennsylvania Rule of Criminal Procedure 802 of the aggravating circumstances it intended to submit at sentencing in pursuit of a sentence of death. The notice specifically identified aggravating circumstances 42 Pa. C.S.A. § 9711(d)(1)⁶, 9711(d)(5)⁷, and 9711(d)(6)⁸.

At a May 16, 2011 hearing on Defendant's Omnibus Pre-Trial Motions, Commonwealth orally advised Defendant it was exploring the possibility of adding the additional aggravating factor relating to Defendant's history of violence. The Court directed Commonwealth to file the appropriate motion within two weeks or its right to pursue the aggravating circumstance would forever be waived. On May 27, 2011, Commonwealth filed a Motion to Amend its Notice of Aggravating Circumstances to include the (d)(9) circumstance. Argument on the motion was scheduled for June 28, 2011. At the time of argument, Defendant conceded the issue of timeliness and sought to quash the notice on its substantive legal merit only. Accordingly, this Court entered an Order dated May 27, 2011 granting Commonwealth's Motion to File an Amended Notice of Aggravating Circumstances. On May 27, 2011, Commonwealth filed written notice of the aggravating circumstance under paragraph (d)(9). Defendant has subsequently filed a Motion to Quash Aggravating Circumstance (d)(9) challenging both timeliness and its substantive merits.

As mentioned, Defendant first challenges the aggravating circumstance due to lack of timely notice. Defendant correctly notes the Pennsylvania Rules of Criminal Procedure specify that notice of aggravating circumstances must be provided at or before the time of formal arraignment. Suggesting there is absolutely no "cause" offered by Commonwealth for its delinquent filing, Defendant argues quashing the aggravating circumstance is the only appropriate sanction. Perhaps in reliance on defense counsel's prior representation that timeliness was not an issue, Commonwealth has proffered neither "cause" nor addressed the issue in its brief. Nevertheless, rather than find waiver by either party, the Court will consider the issue on its merits based upon the record.

⁶ The victim was a law enforcement official killed in the performance of his duties.

⁷ The victim was a prosecution witness to the commission of a felony.

⁸ The Defendant committed the killing while in the perpetration of a felony.

The Pennsylvania Rules of Criminal Procedure are unambiguous in directing that when the Commonwealth is seeking the death penalty, with few exceptions, it must give a defendant written notice no later than arraignment of any aggravating circumstance it intends to prove at sentencing. Pa. R. Crim. P. 802; *Commonwealth v. Crews*, 640 A.2d 395, 404 (Pa. 1994). Specifically, Rule 802 states:

The attorney for the Commonwealth shall file a Notice of Aggravating Circumstances that the Commonwealth intends to submit at the sentencing hearing and contemporaneously provide the defendant with a copy of such Notice of Aggravating Circumstances. Notice shall be filed at or before the time of arraignment, unless the attorney for the Commonwealth becomes aware of the existence of an aggravating circumstance after arraignment or the time for filing is extended by the court for cause shown.

Pa. R. Crim. P. 802. “The Comment to Rule [802] states that the purpose of the notice is to give the defendant sufficient time and information to prepare for the sentencing hearing.” *Commonwealth v. Wesley*, 753 A.2d 204, 212 (Pa. 2000).⁹ In keeping with intent of the rule, untimely notice of aggravating circumstances is permitted where there is good cause shown. *Id.* The language “for cause shown” contemplates, for example, a situation where, at the time of arraignment, an ongoing investigation of aggravating circumstance must be completed before the Commonwealth can know whether the evidence is sufficient to warrant submitting the circumstance at sentencing hearing. Pa. R. Crim. P. 802, comment.

Instantly, there is no indication of a justifiable cause for Commonwealth’s failure to provide timely notice of the aggravating circumstance under Section 9711(d)(9). Clearly, Commonwealth had notice of Defendant’s prior felony record, as the same is referenced in the Affidavit of Probable Cause supporting the Criminal Complaint. Moreover, even if it is presumed the Commonwealth was less than diligent in its investigation, the Pennsylvania Supreme Court has

⁹ At the time of the *Wesley* Opinion, Pennsylvania Rule of Criminal Procedure 352 governed the procedure for providing notice of aggravating circumstances. The Rules of Criminal Procedure were renumbered on June 4, 2004 effective November 1, 2004. Former Rule 352 was renumbered to Rule 802. The substance of the rule and the relevant language of the comment, however, remained unchanged.

held that a claim of lack of knowledge concerning a defendant's prior criminal convictions is insufficient to show cause to extend the filing deadline. *Commonwealth v. Williams*, 650 A.2d 420, 429-30 (Pa. 1994). The *Williams* Court reasoned the Commonwealth has ready access to a defendant's criminal record from the start and an affirmative duty to discover convictions and notify the defendant as soon as possible of its intention to proceed under the (d)(9) aggravator. *Id.*

Similarly, Commonwealth cannot successfully argue a change in the status of the law prompted its tardiness. Indeed, Commonwealth, in its brief, cites a precedent from 1988 in support of its argument that burglary has always been viewed by Pennsylvania courts as a crime involving the use of threat of violence. See *Commonwealth v. Rolan*, 549 A.2d 553, 559 (Pa. 1988). Thus, with the exercise of reasonable diligence, Commonwealth should have had knowledge of the factual background and status of the law sufficient to comply with its obligation to provide notice of its intent to pursue aggravating circumstance (d)(9) to Defendant at the time of arraignment. This conclusion, however, is not dispositive of our inquiry.

Even absent a showing of just cause, the Pennsylvania Supreme Court has upheld death penalty sentences where formal notice of an aggravating circumstance did not occur until after arraignment. *Commonwealth v. Carson*, 741 A.2d 686 (Pa. 1999); *Commonwealth v. Abdul-Salaam*, 678 A.2d 342 (Pa. 1996); *Commonwealth v. Cruz*, 640 A.2d 395 (Pa. 1994). In those instances, the Supreme Court instructed that preclusion of evidence for an aggravating circumstance based upon untimely notice is not a required sanction where the defendant had constructive notice of the aggravating circumstance and is not prejudiced by the late filing. *Id.* In *Abdul-Salaam*, even though the Commonwealth provided notice of four aggravating circumstances one month after arraignment, the Court did not reverse the death penalty sentence. 678 A.2d at 353-54. The Court reasoned defense counsel had constructive notice of one of the aggravating circumstances, had acknowledged the possibility of a death penalty in a pretrial motion, and would suffer no prejudice from the late Rule 802 notice because counsel had three months before trial to prepare for sentencing. *Id.* More recently, in *Carson*, the Court found that despite a Rule 802 violation by the Commonwealth, defense counsel was put on constructive notice five months to a year prior to

sentencing of the Commonwealth's intention to file notice of aggravating circumstance under Section 9711(d)(6) (relating to killing committed while in perpetration of a felony). 742 A.2d at 705. The Court found defendant was not prejudiced by the absence of that one aggravating circumstance, as defense had ample time to prepare for the sentencing hearing, and the Commonwealth had provided notice of three other aggravating circumstances at the time of arraignment. *Id.*

Presently, it cannot be credibly argued that Defendant was unaware of his own criminal history. In addition to his personal knowledge, the Affidavit of Probable Cause in support of the Complaint references his 2002 felony conviction for burglary. That information is repeated in numerous affidavits of probable cause supporting various search warrants issued in this matter. At the preliminary hearing on November 24, 2010, Commonwealth introduced an exhibit containing Defendant's criminal history. When discussing the admissibility of the exhibit, defense counsel acknowledged having researched Defendant's prior criminal record. November 24, 2010 Preliminary Hearing Transcript, pg. 58-59. During formal arraignment, Defendant was made aware of Commonwealth's intent to seek a death sentence when he was provided notice of three separate aggravating circumstances. This history reflects that, at the time of formal arraignment, Defendant had knowledge of both Commonwealth's intention to seek a sentence of death and of the factual circumstances Commonwealth is now relying upon in support of the (d)(9) aggravating factor.

Within weeks of formal arraignment, Commonwealth provided discovery to Defendant including Defendant's Pennsylvania State Police Repository Criminal History Report. Approximately three months later, Commonwealth provided Defendant the complete police records for the two burglary convictions and criminal conspiracy to commit burglary conviction that formed the basis for the proposed aggravating circumstance. Thus, in addition to constructive notice at his arraignment, Defendant was timely provided with Commonwealth's evidence in support of the proposed amendment.

Moreover, there is no indication Defendant will be prejudiced by Commonwealth's tardiness. Trial had previously been scheduled to be held during the term commencing January 23, 2012, a period in

excess of eight months from Commonwealth's oral notice to seek the subject additional aggravating circumstance. While Commonwealth's notice is technically delinquent, Defendant has more than sufficient time and information to prepare for the sentencing hearing. Defendant's current and well-researched Motion to Quash the proposed aggravating circumstance is evidence of a lack of any prejudice to him. It confirms, despite the untimely notice, Defendant has every opportunity to prepare for and defend the proffered aggravator.

Defendant cites *Commonwealth v. Wesley*, 752 A.2d 204 (Pa. 2000), for the proposition that preclusion of evidence related to an untimely notice of aggravating circumstance is the only appropriate sanction absent a showing of good cause by the Commonwealth. 752 A.2d at 214. The facts in *Wesley*, however, are readily distinguishable. In *Wesley*, the Supreme Court reversed a sentence of death where the trial court permitted the Commonwealth to proceed under an aggravating circumstance, even though notice was not provided to the defendant until **after** the jury had rendered a verdict of guilty. *Id.* Significant to the Court's holding was the conclusion that *Wesley's* penalty stage counsel was wholly unprepared to defend against the aggravating circumstance due to the Commonwealth's failure to provide timely notice. *Id.* That same prejudice does not exist currently. Rather, since Defendant had constructive notice of the (d)(9) aggravating circumstance, and will suffer no prejudice as a result of Commonwealth's late amendment, he is not entitled to the relief requested.

This decision should not be considered authorization, or even a tolerance, for Commonwealth's failure to comply with the Criminal Rules of Procedure. Indeed, a cavalier disregard for those rules may, where appropriate, result in the preclusion of evidence. Rather, this decision is nothing more than recognition that the preclusion of evidence is not an appropriate remedy, despite untimely notice, where the Defendant has sufficient time and information to prepare for the sentencing hearing. Absent prejudice or controlling appellate authority to the contrary, the Court will not allow procedural defects to undermine the right of either party to a fair trial.

Defendant also seeks to quash the (d)(9) aggravating circumstance on the basis that it is improper as a matter of law. Specifically, Defendant argues the history of violence upon which Commonwealth

relies is comprised entirely of second degree burglary convictions – i.e. burglaries of buildings not adapted for overnight accommodation at a time when no individual was present.¹⁰ Defendant argues the legislature did not intend to classify felony two burglaries as violent offenses. Commonwealth, on the other hand, argues that burglary, regardless of its gradation, has always been considered a crime of violence in Pennsylvania.

As a preliminary matter, it is necessary to consider whether Defendant’s Motion to Quash an Aggravating Circumstance based upon an alleged insufficiency of evidence is appropriate for pretrial determination. In a prior opinion in this matter, this Court cited *Commonwealth v. Buck*, 709 A.2d 892, 896 (Pa. 1998), for the proposition that the Commonwealth has no pretrial burden of proving an aggravating factor. The issue before the Court at that time, however, did not focus on the legal meaning of an aggravating circumstance but rather whether the factual record was sufficient to support submitting the aggravating factor to the jury. Currently, the issue involves the statutory interpretation of “felony convictions involving the use or threat of violence.” This is a question of law properly within the purview of the Court, *Commonwealth v. Rolan*, 549 A.2d 553, 559 (Pa. 1988), and thus appropriate for pretrial disposition.

Turning to the merits of Defendant’s claim, it is argued that the legislature did not intend to include burglary as a felony of the second degree as a crime of violence for purposes of Section 9711(d)(9). Defendant points to other sections of the Pennsylvania Sentencing Code that distinguish between burglary as a felony of the first degree and burglary as a felony of the second degree when identifying crimes of violence. See, Sentencing Code 9714(g) (recidivist offers); PA Crime Victims Act, §18 P.S. 11.104; Sentencing Guidelines. Relying on the Rules of Statutory Construction that “statutes that relate to ... same class of person or things are to be construed together, if possible,” *Commonwealth v. Hansley*, 994 A.2d 1150, 1152 (Pa. Super. 2010), Defendant concludes “the use or threat of violence” should be interpreted similar to other Sentencing Code definitions of

¹⁰ Burglary is a felony of the first degree unless the building entered “is not adapted for overnight accommodation” and “no individual is present at the time of entry.” 18 Pa. C.S.A. § 3502. In such an instance, burglary is graded as a felony of the second degree.

similar terms. As support for this proposition, Defendant cites the very recent Superior Court Opinion *Commonwealth v. Gonzalez*, 10 A.3d 1260 (Pa. Super. 2010), wherein a panel of the Superior Court opined that felony two burglary is not indicative of “past violent behavior” sufficient to disqualify a person from a Recidivism Risk Reduction Incentive (RRRI) sentence.¹¹

The statute defining a crime of burglary, as originally drafted, made all burglaries felonies of the first degree. Under this original statute, the Pennsylvania Supreme Court held “the crime of burglary has always been and continues to be viewed as a crime involving the use or threat of violence to the person ... every burglar knows when he attempts to commit his crime that he is inviting dangerous resistance.” *Rolan*, 549 A.2d at 559. The Court reasoned the legislature’s intent to characterize burglary as a violent offense was evident from its making all burglaries first degree felonies. *Id.* Moreover, the Court stated “[g]rading burglary as a felony of the first degree is totally consistent with the theory that the unprivileged entries into buildings and structures where people are likely to be found is a clear threat to their safety.” *Id.*

In 1990, the statute was amended to recognize second degree burglary, which occurs where “the building, structure, or portion is not adapted for overnight accommodation and ... no individual is present at the time of entry ...” 18 Pa. C.S. § 3502(c)(2). It is this amendment Defendant relies upon in evidencing the legislature’s intent to distinguish between residential burglaries as crimes of violence and the nonviolent burglary of nonresidential properties. However, contrary to Defendant’s position, all subsequent Supreme Court cases interpreting the (d)(9) aggravating circumstance continue to quote *Commonwealth v. Rolan* for the proposition that burglary has always been a crime of violence. See e.g., *Commonwealth v. Spatz*, 18 A.3d 244 (Pa. 2011); *Commonwealth v. Small*, 980 A.2d 549 (Pa. 2009); *Commonwealth v. Pruitt*, 951 A.2d 307 (Pa. 2008); *Commonwealth v. Rios*, 920 A.2d 790 (Pa. 2007); *Commonwealth v. King*, 721 A.2d 763 (Pa. 1998); *Commonwealth v. Collins*, 702 A.2d 540 (Pa. 1997); *Commonwealth v. Bracey*, 662 A.2d 1062 (Pa. 1995); *Commonwealth v. Rivers*, 644 A.2d 710 (Pa. 1994); *Commonwealth v. Baker*, 614 A.2d 663 (Pa. 1992). Defendant discounts this long history of

¹¹ See 61 Pa. C.S.A. §§ 4501-4512.

consistent precedent on the basis that none of the cases decided after 1990 specifically address the legislature's amendment to the burglary statute.

Although Defendant is correct that the aforementioned cases do not specifically state felony two burglary is a crime of violence, it is clear from the language of the opinions that the Supreme Court felt it unnecessary to do so in light of the consistent and unequivocal interpretation that **all** burglary is a crime of violence under Pennsylvania law. For instance, *Small* held that burglary for (d)(9) purposes is a crime of violence despite the lack of showing by the Commonwealth that violence was actually used. 980 A.2d at 577. In reaching this conclusion, the *Small* Court defined burglary as the unprivileged entry into a building or structure with the intent to commit a crime without distinguishing between residential and business burglaries. *Id.* More recently, in *Spotz*, the Court rejected the defense effort to distinguish violent burglaries from those that are "self-evidently nonviolent." 18 A.3d at 285 n. 25. At issue in *Spotz* were burglaries of unoccupied vacation cabins. Noting specifically that "the element of non-privileged entry invites dangerous resistance" and potential violence, the Court repudiated any effort to differentiate between specific types of burglary. *Id.* at 285.

Particularly relevant to the conclusion that it is the element of non-privileged entry that causes burglary to be a crime of violence for (d) (9) purposes is the Supreme Court's recognition in *Baker* that criminal trespass is also a crime of violence for (d)(9) purposes. 614 A.2d 663. Similar to felony two burglary, criminal trespass, by definition, can be found even where the building entered is not adapted for overnight accommodation and no one is present at the time of entry. See 18 Pa. C.S.A. § 3503(a). Thus, *Commonwealth v. Baker* makes expressly clear the Supreme Court's rationale that it is the unprivileged entry into a building or structure that is the important consideration under the (d)(9) aggravating circumstance.

Defendant's contrary position that a felony two burglary does not involve the risk of violence is a distortion of reality. Although one committing burglary may make every effort to ensure no one is present when the crime occurs, it is impossible to know with certainty who may stand behind the closed door of any structure or may exercise their privileged right to enter the structure while the burglary

is in progress. In such an instance, the flight or fight instinct likely to occur escalates the likelihood of violence. “Every burglar is a potential assassin, and when his felonious purpose encounters human opposition, his intent to steal becomes an intent to kill, and any weapon he finds at hand becomes a weapon of murder.” *Rolan*, 549 A.2d at 559 (citation omitted). Thus, attempts to distinguish burglary for (d)(9) purposes are artificial. The intent of an actor to enter a building for the purpose of committing a crime is what makes burglary violent. The *mens rea* of the actor does not change merely because an innocent occupant is unknowingly present or happens to stumble across the burglary in progress.

Defendant’s reliance on *Gonzalez* is misplaced. As mentioned, a panel of the Superior Court in *Gonzalez* held a felony two burglary, by definition, does not involve the risk of violence for purposes of considering whether an offender is RRRI eligible. 10 A.3d 1260. In reaching its conclusion, the *Gonzalez* Court relied heavily on the crime of violence definition found in 42 Pa. C.S.A. § 9714 (relating to mandatory two-strikes/three-strikes sentences). *Id.* at 1262-63. Additionally, the *Gonzalez* Court noted the legislature distinguished between different types of burglaries when considering eligibility for admission in the state boot camp program. *Id.* at 1263, citing 61 Pa. C.S. § 3903 (identifying one committing a burglary of a structure adapted for overnight accommodation at the time a person is present to be a precluding offense). Finally, the *Gonzalez* Court concluded the Pennsylvania Crimes Victims Act does not include felony two burglary as a “personal injury crime.” *Id.*, citing 18 P.S. § 11.103.

In light of the Supreme Court’s more recent unequivocal recognition of all burglary as a crime of violence, the viability of *Gonzalez* is suspect. In *Spotz*, the Supreme Court specifically recognized “the General Assembly is free to define burglary or any other offense differently for different purposes. The fact that the General Assembly has limited the applicability of burglary for setting punishment under the two-strikes/three-strikes scenario does not alter established law regarding the use of burglary convictions to support the subsection 9711(d)(9) aggravator.” *Spotz* 18 A.3d at 285 n. 25 (citation omitted). Moreover, the disparate treatment of burglary in the two-strikes/three-strikes and boot camp legislation is not based upon the felony one/felony two dichotomy, but rather upon whether a person is

actually present at the time a burglary is committed.¹² For purposes of the (d)(9) aggravator, the Supreme Court has clearly rejected such a distinction in defining burglary as a crime of violence. See *Spotz, infra*. The *Gonzalez* Court's citation to the definition of "crime of violence" in the Pennsylvania Crime Victims Act is equally puzzling, as the dissenting opinion in *Gonzalez* correctly recognized that neither felony one nor felony two burglary fall within the definition of crime of violence for that legislation. 10 A.3d at 1267 (Bowes, J., dissenting). For these reasons, the *Gonzalez* reasoning is not persuasive instantly.

In light of the foregoing, I find the broad common-law perspective identified by our Supreme Court in *Rolan* and its progeny controlling. That precedent holds the crime of burglary has always been and continues to be viewed as a crime involving the use or threat of violence to the person regardless of its gradation.

For the foregoing reasons, the attached Order is entered.

ORDER

AND NOW, this 6th day of October 2011, it is hereby Ordered that the Defendant's Motion to Quash the Commonwealth's Amended Notice of Aggravating Circumstance Pursuant to 42 Pa. C.S.A. § 9711(d)(9) is denied. The Order of Court dated May 27, 2011 granting the Commonwealth's Motion to File an Amended Notice of Aggravating Circumstance is affirmed.

¹² Conceivably, a person convicted of burglary of the first degree is eligible for boot camp and is not subject to two-strikes/three-strikes mandatory sentencing if the criminal act involves the entry into an unoccupied residence.

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 18th day of May 2012, at 10 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 111 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

Writ of Execution No.:
2009-SU-0001536
Property Address: 4 Peach Tree Trail,
Fairfield, PA 17320
Parcel No.: 43-041-0008-000
Municipality: Carroll Valley
Improvements: Residential Dwelling
Defendants: Shawn M. Burns and
Cindi D. Burns
Attorneys for Plaintiff: Marc S.
Weisberg, Esq., 215-790-1010

Writ of Execution No.:
2009-SU-0000676
Property Address: 163 Main Street,
Biglerville, PA 17307
Parcel No.: 02-006-0046-A
Municipality: Arendtsville
Improvements: Residential Dwelling
Defendants: Jack A. Himes,
Judith G. Himes
Attorneys for Plaintiff: Marc S.
Weisberg, Esq., 215-790-1010

Writ of Execution No.:
2010-SU-0001255
Property Address: 14 Carly Drive,
New Oxford, PA 17350
Parcel No.: 35-01 0-0059-000
Municipality: Oxford
Improvements: Residential Dwelling
Defendants: Adam Andrew Lahman
Attorneys for Plaintiff: Kristine M.
Anthon, Esq., 412-281-7650

Writ of Execution No.:
2011-SU-0001374
Property Address: 1385 Baltimore
Road, York Springs, PA 17372
Parcel No.: 22-J05-0016
Municipality: Huntington
Improvements: Tracts of land
Defendants: Martine Barton
Attorneys for Plaintiff: Scott F. Landis,
Esq., 717-299-5201

Writ of Execution No.:
2011-SU-0001365
Property Address: Tracts of land situate
in Huntington Township, Adams
County, PA 17372
Parcel No.: 22-105-0024B-000
Municipality: Huntington
Improvements: Tracts of land
Defendants: Martine Barton
Attorneys for Plaintiff: Scott F. Landis,
Esq., 717-299-5201

Writ of Execution No.:
2011-SU-0001430
Property Address: 1076 Bon-Ox Road,
Gettysburg, PA 17325
Parcel No.: 32-113-0009
Municipality: Mt. Pleasant
Improvements: Residential Dwelling
Defendants: Christopher R. Kirkpatrick
Attorneys for Plaintiff: Christopher A.
DeNardo, Esq., 610-278-6800

Writ of Execution No.:
2011-SU-0001813
Property Address: 50 Valley View Drive,
Littlestown, PA 17340
Parcel No.: 41-J17-0173
Municipality: Union
Improvements: Residential Dwelling
Defendants: Robert R. Runkles Sr.,
Rose M. Runkles
Attorneys for Plaintiff: Christopher A.
DeNardo, Esq., 610-278-6800

Writ of Execution No.:
2011-SU-0002040
Property Address: 6 Ash Drive,
Littlestown, PA 17340
Parcel No.: 06-010-0008
Municipality: Bonneauville
Improvements: Residential Dwelling
Defendants: Buddy Lovell
Attorneys for Plaintiff: Marc S.
Weisberg, Esq., 215-790-1010

Writ of Execution No.:
2010-SU-0000907
Property Address: 1491 Fairfield Road,
Gettysburg, PA 17325
Parcel No.: 09-E13-0063A
Municipality: Cumberland
Improvements: Residential Dwelling
Defendants: Frederick A. Bayer,
Kimberly A. Bayer
Attorneys for Plaintiff: Louis P. Vitti,
Esq., 412-281-1725

Writ of Execution No.:
2004-SU-0000594
Property Address: 900 Chambersburg
Road, Gettysburg, PA 17325
Parcel No.: 09-E12-0108
Municipality: Cumberland
Improvements: Commercial
Defendants: Steven R. Wolf
Attorneys for Plaintiff: Arthur J. Becker
Jr., Esq., 717-630-9688

Writ of Execution No.:
2010-SU-0001265
Property Address: 95 Comanche Trail,
Hanover, PA 17331
Parcel No.: 8-012-0050-000
Municipality: Conewago
Improvements: Residential Dwelling
Defendants: Anthony J. Graber III;
Alyse Graber
Attorneys for Plaintiff: Patrick M. Reb,
Esq., 717-274-6620

Writ of Execution No.: 2011-SU-
0001832
Property Address: 1080 The Spangler
Road, New Oxford, PA 17350
Parcel No.: 17-J10-435
Municipality: Hamilton
Improvements: Known as Lot G
Defendants: David Lease
Attorneys for Plaintiff: Laurence T.
Himes Jr., Esq., 717-864-8856

Writ of Execution No.:
2011-SU-0000095
Property Address: 2941 Hanover Pike,
Hanover, PA 17331
Parcel No.: 08-45-0024B-000
Municipality: Conewago
Improvements: Residential Dwelling
Defendants: David Lookingbill
Attorneys for Plaintiff: Marc S.
Weisberg, Esq., 215-790-1010

Writ of Execution No.:
2011-SU-0001435
Property Address: 6 Saint Joseph Lane,
McSherrystown, PA 17344
Parcel No.: 28.3-002
Municipality: McSherrystown
Improvements: Residential Dwelling
Defendants: Chad J. Grimes, Tina M.
Wentz
Attorneys for Plaintiff: Danielle Boyle-
Ebersole, Esq., 215-572-5095

Writ of Execution No.:
2010-SU-0001587
Property Address: 127 Marcey Court,
a/k/a 127 Marcey Court, Lot 6, f/k/a
281 Bollinger Road, Littlestown, PA
17340-9044
Parcel No.: 15-J18-0215---000
Municipality: Germany
Improvements: Residential Dwelling
Defendants: Kathleen Matulonis
Attorneys for Plaintiff: John Michael
Kolesnik, Esq., 215-563-7000

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 thirty (30) days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within ten (10) 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 Muller
Sheriff of Adams County

<http://www.sheriffofadamscounty.com/sheriffsales.html>

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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 18th day of May 2012, at 10 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 111 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

Writ of Execution No.:
2011-SU-0000807
Property Address: 985 Pondtown Road,
Dillsburg, PA 17019-9209
Parcel No.: 23K03-0021---000
Municipality: Latimore
Improvements: Having thereon erected
a one-story dwelling house
Defendants: Geraldine Sauchelli,
Kenneth J. Adamik
Attorneys for Plaintiff: Robert W.
Cusick, Esq., 215-563-7000

Writ of Execution No.:
2011-SU-0001105
Property Address: 2725 Hunterstown
Hampton Road, New Oxford, PA
17350-9766
Parcel No.: 36-J09-0006A---000
Municipality: Reading
Improvements: Residential Dwelling
Defendants: Linda A. Roe, Jerry G.
Combs Jr.
Attorneys for Plaintiff: Andrew Marley,
Esq., 215-563-7000

Writ of Execution No.:
2010-SU-0000306
Property Address: 2550 Low Dutch
Road, Gettysburg, PA 17325
Parcel No.: 30-G15-0023
Municipality: Mt. Joy
Improvements: Residential Dwelling
Defendants: Raymond B. Koenig,
Linda E. Koenig
Attorneys for Plaintiff: Michael C.
Mazack, Esq., 412-566-1212

Writ of Execution No.:
2010-SU-0000408
Property Address: 21 Hill Crest Road,
Fayetteville, PA 17222-8320
Parcel No.: 12-A10-0057---000
Municipality: Franklin
Improvements: Residential Dwelling
Defendants: Cheryl A. Goldsmith and
Christopher E. Goldsmith
Attorneys for Plaintiff: John Michael
Kolesnik, Esq., 215-563-7000

Writ of Execution No.:
2011-SU-0001562
Property Address: 971 McGlaughlin
Road, Fairfield, PA 17320
Parcel No.: 25-D15-0033
Municipality: Liberty
Improvements: Residential Dwelling
Defendants: Elias N. Langas, Julie A.
Langas, Julie A. Ritter
Attorneys for Plaintiff: Richard E.
Thrasher, Esq., 717-334-2159

Writ of Execution No.:
2011-SU-0001571
Property Address: 1235 Abbottstown
Pike, Hanover, PA 17331
Parcel No.: 04-L11-0156
Municipality: Berwick
Improvements: Commercial
Defendants: Randy B. Test, Bradley A.
Test
Attorneys for Plaintiff: Edward G. Puhl,
Esq., 717-334-2159

Writ of Execution No.:
2011-SU-0001591
Property Address: Lot Nos. 18, 19, 20,
21, 22, 70, 71, and 72 of Summit
Ridge Development, Abbottstown,
PA 17301
Parcel No.: No Tax Map & Parcel No.
Municipality: Berwick
Improvements: Lots of land
Defendants: Test Enterprises, Inc.
Attorneys for Plaintiff: Edward G. Puhl,
Esq., 717-334-2159

Writ of Execution No.:
2010-SU-0001857
Property Address: 511 Russell Tavern
Road, Gettysburg, PA 17325
Parcel No.: 9-F11-1B
Municipality: Cumberland
Improvements: Residential Dwelling
Defendants: Stephen R. Maitland,
Melinda K. Maitland
Attorneys for Plaintiff: Marc S.
Weisberg, Esq., 215-790-1010

Writ of Execution No.:
2011-SU-0001941
Property Address: 114 Ocelot Drive,
Hanover, PA 17331
Parcel No.: 08007-0038---000
Municipality: Conewago
Improvements: Residential Dwelling
Defendants: Joshua M. Kibler, Tara R.
Kibler
Attorneys for Plaintiff: Daniel M. Frey,
Esq., 717-299-5201

Writ of Execution No.:
2011-NO-0000434
Property Address: 319 Baltimore Street,
Gettysburg, PA 17325
Parcel No.: 101-0359---000
Municipality: Gettysburg
Improvements: Residential Dwelling
Defendants: John M. Garlach
Attorneys for Plaintiff: Robert E.
Campbell, Esq., 717-334-9278

Writ of Execution No.:
2011-SU-0001569
Property Address: 785 Hanover Street,
New Oxford, PA 17350
Parcel No.: 35-K12-32-B
Municipality: Oxford
Improvements: Residential Dwelling
Defendants: Catherine Ginter Ben Dror,
Catherine Ginter Dror
Attorneys for Plaintiff: Christopher A.
DeNardo, Esq., 610-278-6800

Writ of Execution No.:
2010-SU-0000359
Property Address: 2512 Mount Hope
Road, Fairfield, PA 17320
Parcel No.: B15-6
Municipality: Hamiltonban
Improvements: Residential Dwelling
Defendants: Ken Hankins
Attorneys for Plaintiff: Sheri J.
Braunstein, Esq., 856-669-5400

Writ of Execution No.:
2010-SU-0000900
Property Address: 139 North 2nd
Street, McSherrystown, PA 17344-
1420
Parcel No.: 28001-0008---000
Municipality: McSherrystown
Improvements: Residential Dwelling
Defendants: William E. Fean III a/k/a
William Fean III
Attorneys for Plaintiff: John Michael
Kolesnik, Esq., 215-563-7000

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James Muller
Sheriff of Adams County
<http://www.sheriffadamscounty.com/sheriffsales.html>

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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 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 DAWN E. ARENTZ, DEC'D**

Late of Union Township, Adams County, Pennsylvania

Diane E. Gross, 15 Woodcrest Circle, Littlestown, PA 17340; William R. Arentz, 3531 Baltimore Pike, Littlestown, PA 17340

Attorney: Thomas E. Miller, Esq., Law Offices of Thomas E. Miller, Esquire LLC, 249 York Street, Hanover, PA 17331

ESTATE OF DOROTHY M. FAIR, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Larry D. Fair, 2773 Meadow Drive, Gettysburg, PA 17325

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

ESTATE OF HELEN B. HAUSER, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Executors: Alan Kim Patrono, 98 East Broadway, Gettysburg, PA 17325; Melinda Davis, 48 Beechwood Drive, Fairfield, PA 17320

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

ESTATE OF SHIRLEY A. HESS, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executrix: Jill M. Schultz, 473 Plantation Road, Orrtanna, PA 17353

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

ESTATE OF KENNETH R. McAFEE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: E. Romaine Nitchman, 332 Lovely Lane Court, New Oxford, PA 17350; Ruth Carpenter, 533 Grace Terrace, New Oxford, PA 17350

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

ESTATE OF EDITH ALIDA ROGLER a/k/a EDITH A. ROGLER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Judith A. Risk, 361 High Rock Road North, Hanover, PA 17331

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

SECOND PUBLICATION**ESTATE OF JOHN C. FORRY JR., DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Administrator: Robert J. Forry, 402 Redcoat Court, Hanover, PA 17331

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

ESTATE OF SUSAN M. NORTON a/k/a SUSAN ELAINE NORTON, DEC'D

Late of Mount Pleasant Township, Adams County, Pennsylvania

Executor: Darrell A. Norton, 1911 Bon-Ox Road, New Oxford, PA 17350

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

ESTATE OF COLLEEN M. SCHMIDT, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Diana R. Butler, 225 Puma Drive, Hanover, PA 17331

ESTATE OF DOROTHEA SEITER a/k/a DOROTHY L. SEITER, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Executor: Jesse A. Sayre, 66 Keefer Way, Mechanicsburg, PA 17055

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

ESTATE OF SUZANNE A. SERAFINO, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executors: Patrick M. Serafino, 172 Stafford Drive, Hanover, PA 17331; Phyllis Serafino, 172 Stafford Drive, Hanover, PA 17331

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

ESTATE OF DALE T. SHULTZ, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executrix: Mary T. Aughinbaugh, 650 Iron Springs Road, Fairfield, PA 17320

ESTATE OF JUDITH E. SIPLING a/k/a JUDITH ELAINE SIPLING, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Co-Executors: Gerald Smith, 546 Poplar Street, Hanover, PA 17331; Peggy Smith, 546 Poplar Street, Hanover, PA 17331

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

ESTATE OF DeSALES R. STERNER, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executor: Gregory J. Sterner, 11 Cheetah Drive, Hanover, PA 17331

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

THIRD PUBLICATION**ESTATE OF SEAN DAVID BLAKE, DEC'D**

Late of Union Township, Adams County, Pennsylvania

Executor: Charles D. Blake, c/o Douglas H. Gent, Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

Attorney: Douglas H. Gent, Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

ESTATE OF DALE R. GROVE, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executrices: Marcia E. Brown, 295 Hickory Road, Littlestown, PA 17340; Linda A. Becker, 1871 Mummasburg Road, Gettysburg, PA 17325

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

ESTATE OF ROBERT T. MILLER SR., DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Robert T. Miller Jr. and Amber D. Miller, 25 Harget Drive, Hanover, PA 17331

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

ESTATE OF JOSEPHINE R. O'BRIEN, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Executrix: Barbara A. Krebs, 1844 Liberty Road, Spring Grove, PA 17362

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

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 18th day of May 2012, at 10 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 111 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

Writ of Execution No.:
2011-SU-0001140
Property Address: 226 Flatbush Road,
Littlestown, PA 17340-9633
Parcel No.: 32115-0058A--00
Municipality: Mount Pleasant
Improvements: Residential Dwelling
Defendants: Christina M. Libby and
Jeffrey W. Libby
Attorneys for Plaintiff: John Michael
Kolesnik, Esq., 215-563-7000

Writ of Execution No.:
2009-SU-0000952
Property Address: 9 Summer Drive,
Gettysburg, PA 17325-7743
Parcel No.: 06008-0065---000
Municipality: Bonneauville
Improvements: Residential Dwelling
Defendants: Nathan E. Long, Kristy A.
Long
Attorneys for Plaintiff: John Michael
Kolesnik, Esq., 215-563-7000

Writ of Execution No.:
2011-SU-0001386
Property Address: 3720 Carlisle Road,
Gardners, PA 17324
Parcel No.: 22-G03-0042
Municipality: Huntington
Improvements: Residential Dwelling
Defendants: Susie M. Brown, Randall
K. Conner, Jennifer S. Conner
Attorneys for Plaintiff: Jill P. Jenkins,
Esq., 215-627-1322

Writ of Execution No.:
2011-SU-0001511
Property Address: 1076 Bollinger Road,
Littlestown, PA 17340-9147
Parcel No.: K-17, Parcel 36-F
Municipality: Union
Improvements: Residential Dwelling
Defendants: Keith A. Crawmer
Attorneys for Plaintiff: Terrence J.
McCabe, Esq., 215-790-1010

Writ of Execution No.:
2012-SU-0000019
Property Address: 107 East King Street,
East Berlin, PA 17316
Parcel No.: 10-004-0220
Municipality: East Berlin
Improvements: Residential Dwelling
Defendants: Jay R. King, Judy A. King
Attorneys for Plaintiff: Keith Mooney,
Esq., 717-299-5201

Writ of Execution No.:
2010-SU-0001291
Property Address: 976 Morgan Drive,
Gettysburg, PA 17325
Parcel No.: 30-111-20
Municipality: Mount Joy
Improvements: Residential Dwelling
Defendants: James J. Rostad
Attorneys for Plaintiff: Amy Glass, Esq.,
856-669-5400

Writ of Execution No.:
2011-SU-0001980
Property Address: 573 Ridge Road,
Gettysburg, PA 17325
Parcel No.: 09-F16-0097C
Municipality: Cumberland
Improvements: Residential Dwelling
Defendants: Rodney M. Havens,
Tina M. Havens
Attorneys for Plaintiff: Kassia Fialkoff,
Esq., 856-669-5400

Writ of Execution No.:
2010-SU-0002061
Property Address: 3 Sunfish Trail,
Fairfield, PA 17320
Parcel No.: (43)-007-0019
Municipality: Borough of Carroll Valley,
Formerly Liberty Township
Improvements: Residential Dwelling
Defendants: Debra A. Scherle
Attorneys for Plaintiff: Agnes Mombrun,
Esq., 856-669-5400

Writ of Execution No.:
2011-SU-0000358
Property Address: 10 Oxwood Circle,
New Oxford, PA 17350
Parcel No.: (34)-007-0080
Municipality: New Oxford
Improvements: Residential Dwelling
Defendants: Claude W. Holmes III and
Rebecca L. Kuhn
Attorneys for Plaintiff: Agnes Mombrun,
Esq., 856-669-5400

Writ of Execution No.:
2010-SU-0000549
Property Address: 1465 Honda Road,
Hanover, PA 17331-8902
Parcel No.: 32-J13-0130---000
Municipality: Mt. Pleasant
Improvements: Residential Dwelling
Defendants: Rodney L. Wineka
Attorneys for Plaintiff: John Michael
Kolesnik, Esq., 215-563-7000

Writ of Execution No.:
2011-SU-0001255
Property Address: 144 West King
Street, Littlestown, PA 17340-1406
Parcel No.: 27008-0223---000
Municipality: Littlestown
Improvements: Residential Dwelling
Defendants: Steven H. Rudisill
Attorneys for Plaintiff: John Michael
Kolesnik, Esq., 215-563-7000

Writ of Execution No.:
2011-SU-0000016
Property Address: 72 Toms Creek Trail,
Fairfield, PA 17320
Parcel No.: 43-044-0072-000
Municipality: Borough of Carroll Valley,
formerly Liberty Township
Improvements: Residential Dwelling
Defendants: Gail N. Jones
Attorneys for Plaintiff: Marc S.
Weisberg, Esq., 215-790-1010

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