

Adams County **Legal Journal**

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SIGMA COMMERCIAL VS. UNITY BANK

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Karen Arthur
Trust Officer



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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-340 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-340

US BANK NATION ASSOCIATION
vs.

ANGELA D. BUBCZYK & ANTHONY V.
BUBCZYK a/k/a ANTHONY V.
BUBCZYK JR. & LARRY A.
BOLLINGER a/k/a LARRY A.
BOLLINGER

47 GETTYSBURG COURT
LITTLESTOWN, PA 17340

LITTLESTOWN BOROUGH

Parcel No.: 27 014-0021-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$205,022.12

Attorneys for Plaintiff

SHAPIRO & DENARDO, LLC

SEIZED and taken into execution as the property of **Angela D. Bubczyk & Anthony V. Bubczyk a/k/a Anthony V. Bubczyk, Jr.** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-824 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-824

PNC MORTGAGE

vs.

ALISON ANDERSON &
ROBERT J. ANDERSON

127 JANET TRAIL
FAIRFIELD, PA 17320
CARROLL VALLEY BOROUGH

Parcel No.: 43-028-0072-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$277,754.00

Attorneys for Plaintiff

GOLDBECK MCCAFFERTY &
MCKEEVER

SEIZED and taken into execution as the property of **Alison Anderson & Robert J. Anderson** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-840 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-840

HSBC MORTGAGE CORPORATION
vs.

THOMAS CAREY

1044 NORTH BROWNS DAM DRIVE
NEW OXFORD, PA 17350
READING TOWNSHIP

Parcel No.: 36 K08-0009-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$169,672.13

Attorneys for Plaintiff

UDREN LAW OFFICES P.C.

SEIZED and taken into execution as the property of **Thomas Carey** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/8, 15 & 22

SIGMA COMMERCIAL VS. UNITY BANK

1. Summary judgment is appropriate only where the pleadings, deposition answers to interrogatories, admissions and affidavits, and other materials demonstrate that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.

2. Where a motion of summary judgment has been supported with depositions, answers to the interrogatories, or affidavits, the non-moving party may not rest on the mere allegations or denials in the pleadings. Rather, the non-moving party must by affidavit or in some other way provided for within the Rules of Civil Procedure, set forth specific facts showing that a genuine issue of material fact exists.

3. Pennsylvania statutory law clearly provides that a realtor is not entitled to recover a fee, commission, or other valuable consideration in the absence of a signed contract.

4. Where the specific terms of a written agreement are ambiguous, parole evidence is admissible in order to determine the intent of the parties.

5. Unjust enrichment is an equitable theory which imposes a duty, not as a result of any agreement, whether express or implied, but in the absence of an agreement when one party is enriched unjustly at the expense of another.

6. The Pennsylvania legislature has preempted the equitable theories of unjust enrichment and promissory estoppel as a basis for recovery in the area of realtor fees related to the sale of real estate by requiring a written contract before an obligation for the payment of commission arises.

In the Court of Common Pleas of Adams County, Pennsylvania,
Civil, No. 07-S-523, SIGMA COMMERCIAL REALTY, INC. VS.
UNITY BANK F/K/A FIRST COMMUNITY BANK

Neil A. Slenker, Esq., for Plaintiff

Jack M. Seitz, Esq., for Defendant

George, J., March 24, 2010

OPINION

This action involves claims for breach of contract, unjust enrichment, and promissory estoppel wherein the Plaintiff, Sigma Commercial Realty, Inc. (“Sigma”), seeks damages against Unity Bank (“Unity”) for a sales commission that Unity allegedly failed to pay pursuant to a contract between Sigma and Unity. Sigma is a commercial real estate brokerage firm located in York, Pennsylvania. Unity is a New Jersey bank headquartered in Clinton, New Jersey. Before the Court is Unity’s Motion for Summary Judgment. Although there is heated disagreement between the parties concerning many of the facts, there are a number of material facts not in dispute which will be summarized below.

The genesis of this litigation is a request from Unity to Sigma for Sigma to perform an expedited Opinion of Value Analysis on a

property that was owned by one of Unity's borrowers. Unity ultimately secured a judgment against the borrower and a sheriff's sale of the property was scheduled for November 9, 2006. It is undisputed that Sigma performed and forwarded the value analysis to Unity. Sigma currently claims that the evaluation was performed pursuant to an oral agreement between the parties which provided that once Unity obtained title to the property, Sigma would be retained to market the property through an exclusive listing. Sigma acknowledges a general understanding between the parties that the property would be listed with Sigma, however, disputes the existence of any specific terms in that regard. Nevertheless, in furtherance of the understanding, Unity forwarded Sigma a listing contract, signed by Unity, which listed the sales price at \$700,000 and excluded Unity's obligation to pay sales commission to Sigma if the property sold to either of two identified individuals, one of which was Bill Caravasilis. Following initial tender of the agreement, Sigma claims that a number of oral discussions occurred between the parties wherein Sigma expressed objection to the listing exclusions as well as other terms. Sigma claims the parties agreed to modify the agreement with the agreed upon changes being memorialized by Sigma making written notation in the pre-signed contract, initialing the changes, and returning the executed contract to Unity. Included among the changes was a notation, after the exclusion language for Bill Caravasilis, which indicated "split commission."

Upon Unity's receipt of the modified contract, a representative of Unity initialed some changes, however, did not initial the provision providing for a split commission to Bill Caravasilis. Nevertheless, the contract, originally executed by Unity and modified by Sigma, was returned by Unity to Sigma along with a set of keys to the property which was the subject of the listing agreement. Sigma claims to have subsequently produced a buyer for \$600,000. Sigma further claims that although Unity was aware of the willing and able buyer produced by Sigma, Unity nevertheless sold the property for \$600,000 to Aegean Dining, LLC ("Aegean"), a limited liability corporation whose sole stockholder and member is Bill Caravasilis. Although no written sales agreement existed between Aegean and Unity, Caravasilis claims that he agreed to purchase the property in his own name, however, created Aegean for the sole purposes of taking title to the property.

The written listing agreement, exchanged numerous times between the parties, provides for a six percent commission to Sigma for the sale of the property. Sigma seeks payment for the entire commission. Unity, on the other hand, has refused to pay any commission claiming, alternatively, that there was no firm meeting of the minds as Sigma intended to exclude sales to Caravasilis and, in the event a contract is found to have existed, Sigma did not earn the commission as a buyer for the price of \$700,000 was never produced. Finally, Unity suggests that Sigma, at most, is entitled only to the split commission of three percent of the sales price.

Pennsylvania law governing summary judgment is well-established. A court shall enter summary judgment only where there is no genuine issue of any material fact as to a necessary element of the cause of action or defense that could be established by additional discovery. *Fine v. Checcio*, 870 A.2d 850, 857 (Pa. 2005). A motion for summary judgment is based on an evidentiary record that entitles the moving party to judgment as a matter of law. *Swords v. Harleysville Insurance Companies*, 883 A.2d 562, 566 (Pa. 2005). Thus, summary judgment is appropriate only where the pleadings, deposition answers to interrogatories, admissions and affidavits, and other materials demonstrate that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. *Donegal Mut. Ins. Co. v. Fackler*, 835 A.2d 712 (Pa. Super. 2003). The burden of demonstrating the lack of any genuine issue of material fact falls upon the moving party and, in ruling on the motion, the court must consider the record in the light most favorable to the opposing party. *Id.* at 715. However, where a motion for summary judgment has been supported with depositions, answers to the interrogatories, or affidavits, the non-moving party may not rest on the mere allegations or denials in its pleadings. *Id.* at 715. Rather, the non-moving party must by affidavit or in some other way provided for within the Rules of Civil Procedure, set forth specific facts showing that a genuine issue of material fact exists. *Id.*

Sigma's initial two causes of action sound in breach of contract. In the first count, Sigma claims that it produced a willing and able buyer under the contract which Unity improperly rejected. In Count II, Sigma claims that Unity breached the contract by failing to pay commission related to the sale of the property to Bill Caravasilis.

In a breach of contract action, a plaintiff must prove three elements: “(1) the existence of a contract; (2) a breach of a duty imposed by the contract; and (3) damages.” *Sullivan v. Chartwell Investment Partners LP*, 873 A.2d 710, 716 (Pa. Super. 2005). Importantly, in order to recover a fee for services related to the sale of real estate, the listing contract, which the realtor is seeking to enforce, must be in writing. 63 P.S. § 455.606A(b)(1). Specifically, Pennsylvania statutory law clearly provides that a realtor is not entitled to recover a fee, commission, or other valuable consideration in the absence of a signed agreement. *Id.*

Instantly, there is no dispute as to the existence of a written document signed and exchanged between the parties. The dispute centers upon the specific intent and meaning of the agreement rather than its existence. Pennsylvania law is clear that where the specific terms of a written agreement are ambiguous, parole evidence is admissible in order to determine the intent of the parties. *Yocca v. Pittsburg Steelers Sports, Inc.*, 854 A.2d 425, 437 (Pa. 2004). As the parameters of the subject written agreement are disputed, material facts remain at issue which precludes the entry of judgment as a matter of law on either Count I or Count II. Additionally, in regard to Count I, a factual dispute exists as to whether Sigma performed the condition precedent to earning commission through the production of a willing and able buyer as Pennsylvania law requires that compensation is not due until such a condition has been performed. *Freiwald v. Fidelity Interstate Cas. Co.*, 138 A.2d 146, 148 (Pa. Super. 1958).¹

In Count III of the Complaint, Sigma seeks to collect a commission under a theory of oral contract. As previously mentioned, statutory law requires that a realtor may not recover commissions related to the sale of real estate unless a valid written agreement signed by the property owner exists. 63 P.S. § 455.606A(b)(1). Sigma’s attempt to recover commission based upon an oral agreement is clearly prohibited by statutory authority. Accordingly, judgment will be entered in favor of Unity in regard to Count III.

¹There is not factual dispute that the listing agreement between the parties provides a sale price of \$700,000. The willing and able buyer, allegedly produced by Sigma, made an offer of \$600,000. Although it is apparent that, under the listing agreement, Unity had no obligation to sell the property at \$600,000, and thus pay Sigma commission, at this stage of the proceedings, I will defer to the high standard required prior to the entry of summary judgment as Sigma alleges Unity’s ultimate acceptance of the \$600,000 contract with Aegean is evidence that this condition was satisfied.

Sigma's Counts IV and V are claims for unjust enrichment and promissory estoppel. A claim for unjust enrichment arises from a quasi-contract. Unjust enrichment is an equitable theory which imposes a duty, not as a result of any agreement, whether express or implied, but in spite of the absence of an agreement when one party is enriched unjustly at the expense of another. *Stoeckinger v. Presidential Financial Corp. of Delaware Valley*, 948 A.2d 828, 833 (Pa. Super. 2008) citing *AmeriPro Search, Inc. v. Fleming Steel Co.*, 787 A.2d 988, 991 (Pa. Super. 2001).

Similarly, promissory estoppel is an equitable theory which permits recovery where a plaintiff proves that (1) the promisor made a promise that would reasonably be expected to induce action or forbearance on the part of the promisee; (2) the promisee actually took action or refrained from taking action in reliance on the promise; and (3) injustice can be avoided only by enforcing the promise. *Peluso v. Kistner*, 970 A.2d 530, 533 (Pa. Cmwlth. 2009).

Both equitable theories permit relief where principles of fairness apply despite the lack of existence of written contractual obligation. Unfortunately for Sigma, the Pennsylvania legislature has preempted such theories as a basis for recovery in the area of realtor fees related to the sale of real estate by requiring a written contract before an obligation for the payment of commission arises. 63 P.S. § 455.606A(b)(1). Although there is a paucity of case law interpreting application of this statutory provision to the theories currently alleged by Sigma, appellate guidance may be found in the court's interpretation of similar statutory provisions. See *Strausser v. PRAMCO, III*, 944 A.2d 761 (Pa. Super. 2008) (doctrine of promissory estoppel cannot be invoked against the operation of the statute of frauds). I see no reason to distinguish that reasoning from the legal issue currently before the Court. Accordingly, summary judgment will be granted in favor of Unity on Counts IV and V.

Finally, I note that under Sigma's version of the contractual intent, the maximum commission recoverable is six percent of the sale price of \$600,000 or \$36,000. This amount clearly falls within the compulsory arbitration limits. See *Adams C. Civ. R. No. 1301(a)*; 42 Pa. C.S.A. § 7631. Moreover, as theories of equitable relief will not survive this Opinion, there is no basis to avoid compulsory arbitration.

Accordingly, this matter will be stricken from the jury trial list and scheduled for arbitration pursuant to local practice.

ORDER

AND NOW, this 24th day of March, 2010, Defendant's Motion for Summary Judgment is granted in part and denied in part. Summary judgment is entered in favor of the Defendant and against the Plaintiff on Counts III, IV, and V. Summary judgment is denied on Counts I and II. As the claims on Counts I and II do not exceed \$36,000, this matter is remanded to compulsory arbitration. The Adams County Court Administrator's Office is directed to appoint a board of arbitrators and schedule arbitration hearing pursuant to local practice.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-346 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-346

RBS CITIZENS, N.A. F/K/A CITIZENS BANK, N.A. S/B/M TO CCO MORTGAGE CORP.
vs.

MICHAEL C. CARROLL, JR & NICOLE M. CARROLL a/k/a NICOLE M. STRAWDER

460 SOUTH COLUMBUS AVENUE
LITTLESTOWN, PA 17340
LITTLESTOWN BOROUGH

Parcel No.: 27 011-0190-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$162,273.70

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLC

SEIZED and taken into execution as the property of **Michael C. Carroll & Nicole M. Carroll a/k/a Nicole M. Strawder** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1834 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 08-S-1834

BAC HOME LOANS SERVICING LP
F/K/A COUNTRYWIDE HOME LOANS SERVICING LP
vs.

ARTHUR G. CEASE &
KIMBERLEE A. CEASE

94 BOYD'S HOLLOW ROAD
BIGLERVILLE, PA 17307
MENALLEN TOWNSHIP

Parcel No.: 29 C06-0043C-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$136,013.76

Attorneys for Plaintiff

MCCABE WEISBERG & CONWAY, PC

SEIZED and taken into execution as the property of **Arthur G. Cease & Kimberlee A. Cease** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1140 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 09-S-1140

DEUTSCHE BANK NATIONAL TRUST COMPANY
vs.
OTIS K. COMSTOCK, SR.

275 BOLLINGER ROAD
LITTLESTOWN, PA 17340
GERMANY TOWNSHIP

Parcel No.: 15 J18-0091-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$263,539.14

Attorneys for Plaintiff

DANIEL MANCINI AND ASSOCIATES

SEIZED and taken into execution as the property of **Otis K. Comstock, Sr.** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1125 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution

No. 09-S-1125

US BANK NA

vs.

JUDY J. DOWNS &

JEFFREY S. DOWNS

32 JACOBS TRAIL

FAIRFIELD, PA 17320

CARROLL VALLEY BOROUGH

Parcel No.: 43 017-0104-000

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$258,924.93

Attorneys for Plaintiff

GOLDBECK MCCAFFERTY &

MCKEEVER

SEIZED and taken into execution as the property of **Judy J. Downs & Jeffrey S. Downs** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1618 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution

No. 08-S-1618

DEUTSCHE BANK NATIONAL TRUST
COMPANY

vs.

JANET M. DUTKA

167 PARK STREET

ASPERS, PA 17304

BENDERSVILLE BOROUGH

Parcel No.: 03 004-0033-000

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$122,496.42

Attorneys for Plaintiff

DANIEL MANCINI & ASSOCIATES

SEIZED and taken into execution as the property of **Janet M. Dutka** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1268 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution

No. 08-S-1268

LEHMAN BROTHERS BANK, FSB
vs.

IDRISSA DIARRA

41 SPRINGFIELD DRIVE

NEW OXFORD, PA 17350

HAMILTON TOWNSHIP

Parcel No.: 17 K09-0101-000

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$417,287.40

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG LLC

SEIZED and taken into execution as the property of **Idrissa Diarra** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-396 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-396

BENEFICIAL CONSUMER DISCOUNT
COMPANY

vs.

ROBERT M. FOWLER &
DIANE L. FOWLER

6810 OLD HARRISBURG ROAD
YORK SPRINGS, PA 17372
HUNTINGTON TOWNSHIP

Parcel No.: 22 105-0003A-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$186,260.68

Attorneys for Plaintiff

UDREN LAW OFFICES PC

SEIZED and taken into execution as
the property of **Robert M. Fowler &
Diane L. Fowler** 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 December 10,
2010, and distribution will be made in
accordance with said schedule, unless
exceptions are filed thereto within 20 days
after the filing thereof. Purchaser must
settle for property on or before filing date.

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

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

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1876 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 09-S-1876

CHASE HOME FINANCE LLC
vs.

RICHARD W. FISHEL &
NICOLE C. FISHEL

1275 BRAGGTOWN ROAD
DILLSBURG, PA 17019
LATIMORE TOWNSHIP

Parcel No.: 23-K03-0010-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$100,038.30

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as
the property of **Richard W. Fishel &
Nicole C. Fishel** 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 December 10,
2010, and distribution will be made in
accordance with said schedule, unless
exceptions are filed thereto within 20 days
after the filing thereof. Purchaser must
settle for property on or before filing date.

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

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

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-779 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-779

NEW YORK COMMUNITY BANK
vs.

DEBORAH E. ENSOR

6411 OLD HARRISBURG ROAD
YORK SPRINGS, PA 17372
HUNTINGTON TOWNSHIP

Parcel No.: 22 105-0037-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$157,484.72

Attorneys for Plaintiff

MCCABE, WEISBERG & CONWAY, P.C.

SEIZED and taken into execution as
the property of **Deborah E. Ensor** 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 December 10,
2010, and distribution will be made in
accordance with said schedule, unless
exceptions are filed thereto within 20 days
after the filing thereof. Purchaser must
settle for property on or before filing date.

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

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

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-544 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 08-S-544

BANK OF HANOVER AND TRUST
COMPANY

vs.

GETTYSBURG LODGE NO. 1045 OF
THE BENEVOLENT AND
PROTECTIVE ORDER OF ELKS OF
THE UNITED STATES OF AMERICA

37 NORTH 4TH STREET
GETTYSBURG, PA 17325
GETTYSBURG BOROUGH

Parcel No.: 16 008-0020C-000

IMPROVEMENTS THEREON:
LAND & BUILDING

JUDGMENT AMOUNT: \$624,924.32

Attorneys for Plaintiff

BUCHANAN INGERSOLL &
ROONEY PC

SEIZED and taken into execution as
the property of **Gettysburg Lodge No.
1045 Of The Benevolent And
Protective Order Of Elks Of The
United States Of America** 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 December 10,
2010, and distribution will be made in
accordance with said schedule, unless
exceptions are filed thereto within 20 days
after the filing thereof. Purchaser must
settle for property on or before filing date.

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

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

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-199 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-199

HSBC MORTGAGE CORPORATION
vs.

JESSICA HELT &
FRANK W. VECERA III

49 HEMLOCK DRIVE
HANOVER, PA 17331
CONEWAGO TOWNSHIP

Parcel No.: 08 023-0106-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$218,699.83

Attorneys for Plaintiff

GOLDBECK MCCAFFERTY &
MCKEEVER

SEIZED and taken into execution as
the property of **Jessica Helt & Frank W.
Vecera III** 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 December 10,
2010, and distribution will be made in
accordance with said schedule, unless
exceptions are filed thereto within 20 days
after the filing thereof. Purchaser must
settle for property on or before filing date.

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

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

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-170 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-170

DEUTSCHE BANK NATIONAL TRUST
COMPANY

vs.

SHERMAN HILL II &
JESSICA S. WETZEL

235 M STREET
LITTLESTOWN, PA 17340
LITTLESTOWN BOROUGH

Parcel No.: 27 011-0055-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$185,342.75

Attorneys for Plaintiff

UDREN LAW OFFICES, PC

SEIZED and taken into execution as
the property of **Sherman Hill II &
Jessica S. Wetzel** 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 December 10,
2010, and distribution will be made in
accordance with said schedule, unless
exceptions are filed thereto within 20 days
after the filing thereof. Purchaser must
settle for property on or before filing date.

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

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

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-808 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-808
WELLS FARGO BANK NA
vs.
DAVID L. HYNSON & DEBRA J.
HYNSON a/k/a DEBRA J. VACK-
HYNSON

4 HARRISON DRIVE
EAST BERLIN, PA 17316
READING TOWNSHIP

Parcel No.: 36 105-0083-000
IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$188,522.25

Attorneys for Plaintiff
MCCABE, WEISBERG & CONWAY, P.C.

SEIZED and taken into execution as the property of **David L. Hynson & Debra J. Hynson a/k/a Debra J. Vack-Hynson** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-254 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-254
BANK OF AMERICA NATIONAL
ASSOCIATION
vs.
LESTER D. HORST &
BECKY A. HORST

95 LEEDY ROAD
GETTYSBURG, PA 17325
STRABAN TOWNSHIP

Parcel No.: 38-G09-0042C-000
IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$400,575.40

Attorneys for Plaintiff
PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Lester D. Horst & Becky A. Horst** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-839 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-839
HEADLANDS ASSET MANAGEMENT
LLC
vs.
KRISTI E. KIME

111 OPOSSUM HILL ROAD
ASPERS, PA 17304
MENALLEN TOWNSHIP

Parcel No.: 29 F05-0127-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING
JUDGMENT AMOUNT: \$166,222.05

Attorneys for Plaintiff
UDREN LAW OFFICES, PC

SEIZED and taken into execution as the property of **Kristi E. Kime** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-972 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 08-S-972

EASTERN SAVINGS BANK FSF
vs.

BRIAN EUGENE KINARD &
MICHELLE R. KINARD

17 SHERMAN DRIVE
EAST BERLIN, PA 17316
READING TOWNSHIP

Parcel No.: 36 102-0043-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$177,518.87

Attorneys for Plaintiff
JAMES, SMITH, DIETTERICK &
CONNELLY, LLP

SEIZED and taken into execution as the property of **Brian Eugene Kinard & Michelle R. Kinard** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-884 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-884

PNC MORTGAGE

vs.

JAMES A. LAMBERT &
JOANNE A. LAMBERT

339 SOUTH QUEEN STREET
LITTLESTOWN, PA 17340
LITTLESTOWN BOROUGH

Parcel No.: 27 011-0072-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$195,543.41

Attorneys for Plaintiff
VITTI AND VITTI AND ASSOCIATES,
P.C.

SEIZED and taken into execution as the property of **James A. Lambert & Joanne A. Lambert** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-861 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-861

AMERICAN GENERAL FINANCIAL
SERVICES INC

vs.

GINA M. DEMARIA KOONTZ

103 HEMLOCK DRIVE
HANOVER, PA 17331
CONEWAGO TOWNSHIP

Parcel No.: 08 021-0071-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$26,713.82

Attorneys for Plaintiff
REAM, CARR, MARKEY & WOLOSHIN
LLP

SEIZED and taken into execution as the property of **Gina M. Demaria Koontz** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1051 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 08-S-1051

BAC HOME LOANS SERVICING LP
vs.

ANNA M. LEISTER &
DANIEL SUMMERS

405 LUMBER STREET
LITTLETOWN, PA 17340
LITTLETOWN BOROUGH

Parcel No.: 27 006-0087-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$206,122.49

Attorneys for Plaintiff
GOLDBECK MCCAFFERTY &
MCKEEVER

SEIZED and taken into execution as the property of **Anna M. Leister & Daniel Summers** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/15, 22 & 29

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-695 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-695

US BANK NATIONAL ASSOCIATION
vs.

DARRELL J. LITTLE &
ELIZABETH A. LITTLE

44 LOCUST DRIVE
LITTLETOWN, PA 17340
GERMANY TOWNSHIP

Parcel No.: 15 117-0020A-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$120,131.68

Attorneys for Plaintiff
PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Darrell J. Little & Elizabeth A. Little** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/15, 22 & 29

NOTICE

TO: Tina Marie Voss

A Petition has been filed asking the Court to put an end to all rights you have as parent to your child, Jessica Ann Webb, born 2/24/02. The Court has scheduled a Hearing for November 9, 2010, at 1:30 P.M. in Court Room No. 6, York County Judicial Center, 45 North George St., York, PA to terminate your parental rights. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you, and the Court may end your rights to your child without your being present. You have a right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer, or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Lawyer Referral Service of the
York County Bar Association
York County Bar Center
137 East Market St.
York, PA 17401
Telephone: (717) 854-8755

Andrea Eveler Stanley, Esq.

10/8, 15 & 22

NOTICE

IS HEREBY GIVEN that the Township of Franklin, Adams County, Pennsylvania intends to hold a public hearing on a proposed zoning change to Adams County GIS Parcels 12C10-0053B—000 and 12C10-053BB—000 from Agricultural to Commercial, at the meeting of the Township Board of Supervisors scheduled for November 4, 2010 at 6:30 p.m. prevailing time at the Franklin Township Building at 55 Scott School Road, Orrtanna, 17353. The full text of the proposed Ordinance may be examined during general office hours at the above referenced Township Office. The Board of Supervisors intends to adopt the amendment at its meeting held on the same date and place beginning at 7:00 p.m.

10/15 & 22

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Corporation Bureau of the Pennsylvania Department of State, at Harrisburg, Pennsylvania, for the purpose of forming a domestic business corporation under the Pennsylvania Business Corporation Law of 1988 (P.L. 1444, No. 177), 15 Pa.C.S.A. §1301 *et seq.*, as amended, having unlimited power to engage in and do any lawful act permitted thereunder.

The name of the corporation is CMS & SONS CORPORATION.

Wendy Weikal-Beauchat, Esq.
Beauchat & Beauchat, LLC
63 West High Street
Gettysburg, PA 17325

10/22

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed on October 5, 2010, with the Department of State of the Commonwealth of Pennsylvania, for the purposes of obtaining a Certificate of Incorporation of a proposed business corporation to be organized under the provisions of the Pennsylvania Corporation Law of 1988, approved December 21, 1988, L.P. 1444, No. 177, as amended.

The name of the corporation is JALE DALTON & COMPANY, INC., with its principal office or place of business at 8 Gingell Road, Fairfield, PA 17320. The name and address of the person owning or interested in said business is: Jale Dalton of 8 Gingell Road, Fairfield, PA 17320.

Alan Kim Patrono, Esq.
Patrono & Associates, LLC

10/22

NOTICE

The Adams County Tax Claim Bureau hereby gives notice that it presented a Consolidated Return of Sales to the Court of Common Pleas of Adams County, Pennsylvania on October 7, 2010 of sales of real estate for delinquent taxes made September 24, 2010. The Court confirmed said Return Nisi on October 7th 2010. Objections or exceptions thereto may be filed by any owner or lien creditor within Thirty (30) days from the date of the Return; otherwise the Return will be confirmed absolutely.

Adams County Tax Claim Bureau
By: Danielle Helwig, Director

10/22

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, November 5, 2010 at 8:30 a.m.

MOORE—Orphan's Court Action Number OC-133-2010. The First and Final Account of John C. Poplos, Executor for the Estate of Alice W. Moore, late of the Brethren Home Community, New Oxford, Adams County, Pennsylvania, deceased.

HARBACH—Orphan's Court Action Number OC-139-2010. The First and Final Account of Adams County National Bank, Executor of the Estate of Suzanne H. Harbach, late of Straban Township, Adams County, Pennsylvania, deceased.

Kelly A. Lawver
Clerk of Courts

10/22 & 29

IN THE COURT
OF COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION
NO. 2010-S-1580

IN RE: Sean Anthony Hudnell

NOTICE OF HEARING ON PETITION
FOR CHANGE OF NAME

NOTICE IS HEREBY GIVEN that on September 16, 2010, a Petition for Change of Name was filed on behalf of Sean Anthony Hudnell in the above-named Court praying for a decree to change his name from Sean Anthony Hudnell to Sean Anthony Higgins.

The Court has fixed November 5, 2010 at 8:30 a.m. in Courtroom No. 4, Adams County Courthouse, 111 Baltimore Street, Gettysburg, PA 17325 as the time and place for the hearing of said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of said Petition should not be granted.

Christine Higgins
311 Matthew Drive
New Oxford, PA 17350

10/22 & 29

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1905 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 09-S-1905

BAC HOME LOANS SERVICING LP
vs.

CHARLES G. MILLER &
REGINA MILLER

575 HOOKER DRIVE
GETTYSBURG, PA 17325
MOUNT PLEASANT TOWNSHIP

Parcel No.: 32 105-0064-000

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$237,484.74

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Charles G. Miller & Regina Miller** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/22, 29 & 11/5

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 EUGENIA E. BUFFINGTON, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executors: Bonnie J. Fritz, 774 Broadway, Hanover, PA 17331; Gloria J. Smith, 4606 Blue Hill Road, Glenville, PA 17329

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

ESTATE OF BRIAN K. FLANARY, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Executor: Joseph B. Flanary, 520 Cashman Road, New Oxford, PA 17350

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

ESTATE OF PATRICIA ANN KING, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Jacqueline King, 95 White Church Road, Gettysburg, PA 17325

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

ESTATE OF MICHAEL J. NICHOLSON, DEC'D

Late of the Borough of Bonneauville, Adams County, Pennsylvania

Administrator c.t.a.: Rita M. Weaver, 15 Faith Drive, New Oxford, PA 17350

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

SECOND PUBLICATION**ESTATE OF JOAN M. BLACK, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Betty J. Wagaman, 222 1/2 York Street, Gettysburg, PA 17325; Carolyn A. Myers, 90 Brickcrafters Road, New Oxford, PA 17350

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

ESTATE OF ETHEL T. FEESER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Margaret Kahlbaugh, 240 S. Jefferson St., Hanover, PA 17331

ESTATE OF DEAN R. HOFFMAN, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Executrix: Doris R. Hoffman, c/o Wm. D. Schrack, III, Esq., 124 West Harrisburg St., Dillsburg, PA 17019

Attorney: Wm. D. Schrack, III, Esq., 124 West Harrisburg St., Dillsburg, PA 17019

ESTATE OF DELORES A. PETERS, DEC'D

Late of the Borough of Bendersville, Adams County, Pennsylvania

Executor: Steve Peters, 1058 SW McCracken Avenue, Port Saint Lucie, FL 34953

Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore St., Gettysburg, PA 17325

ESTATE OF GLENN W. PHILLIPS, SR. a/k/a GLENN WALTER PHILLIPS, SR., DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executor: Glenn W. Phillips, Jr., 15 Sheridan Drive, Hanover, PA 17331

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

ESTATE OF ERNEST SILLIK, JR. a/k/a ERNEST VALENTINE SILLIK, JR., DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Executor: Donna Mae Sillik, 480 Old York Road, Wellsville, PA 17365

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

THIRD PUBLICATION**ESTATE OF CORINNE S. ACKERMAN, DEC'D**

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executor: Cyril A. Ackerman, Jr., 177 Longstreet Drive, Gettysburg, PA 17325

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

ESTATE OF MARY G. HAMBERGER, DEC'D

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

Personal Representatives: John C. Hamberger, 49 Allen Dr., Hanover, PA 17331; Jo Anne Gulden, 120 Berlin Rd., New Oxford, PA 17350

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-543 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution

No. 10-S-543

CHASE HOME FINANCE LLC

vs.

JAY R. MUTCHLER &
CYNTHIA D. MUTCHLER

240 KINDIG ROAD
LITTESTOWN, PA 17340
GERMANY TOWNSHIP

Parcel No.: 15-J17-0207-000

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$297,186.71

Attorneys for Plaintiff

GRENN & BIRSIC, P.C.

SEIZED and taken into execution as the property of **Jay R. Mutchler & Cynthia D. Mutchler** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/22, 29 & 11/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-751 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution

No. 10-S-751

BENEFICIAL CONSUMER DISCOUNT
COMPANY

vs.

BRIAN HOWARD MYER &
HEATHER A. MYER

67 SKI RUN TRAIL
FAIRFIELD, PA 17320
CARROLL VALLEY BOROUGH

Parcel No.: 43-007-0112-000

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$273,091.30

Attorneys for Plaintiff

STERN AND EISENBERG, LLP

SEIZED and taken into execution as the property of **Brian Howard Myer & Heather A. Myer** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/22, 29 & 11/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1869 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution

No. 09-S-1869

CHASE HOME FINANCE LLC

vs.

SEAN H. MYERS &

JESSICA A. HILL

1459 HANOVER ROAD
GETTYSBURG, PA 17325
STRABAN TOWNSHIP

Parcel No.: 38-G13-0069-000

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$102,558.37

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Sean Myers & Jessica A. Hill** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/22, 29 & 11/5