

# *Adams County* **Legal Journal**

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**COMMONWEALTH VS. HURD**

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*Karen Arthur  
Trust Officer*



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## ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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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 16th day of March 2012, at 10:00 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.:  
2010-SU-0001638  
Property Address: 220 Zoo Road,  
Fairfield, PA 17320  
Parcel No.: 18-B16-0059  
Municipality: Hamiltonban  
Improvements: Residential Dwelling  
Defendants: Jeremy Griffith and  
Laura Novotny  
Attorneys for Plaintiff: Jill P. Jenkins,  
Esq., 215-627-1322

Writ of Execution No.:  
2009-SU-0002019  
Property Address: 14 Buford Drive, East  
Berlin, PA 17316  
Parcel No.: (37)-011-0040  
Municipality: Reading  
Improvements: Residential Dwelling  
Defendants: Gerald F. Creager and  
Vannaly K. Creager  
Attorneys for Plaintiff: Paige M. Bellino,  
Esq., 856-669-5400

Writ of Execution No.:  
2011-SU-0000455  
Property Address: 144 Springs Avenue,  
Gettysburg, PA 17325  
Parcel No.: (16)-006-0100  
Municipality: Gettysburg  
Improvements: Residential Dwelling  
Defendants: Barbara Benton Meistrich  
and Ira Jeffrey Meistrich  
Attorneys for Plaintiff: Michael  
McKeever, Esq., 215-627-1322

Writ of Execution No.:  
2011-SU-0001262  
Property Address: 1310 Peepytown  
Road, Abbottstown, PA 17301  
Parcel No.: 17-K09-00 13-000  
Municipality: Hamilton  
Improvements: Residential Dwelling  
Defendants: Joady M. Wagaman,  
Craig S. Wagaman  
Attorneys for Plaintiff: Marc S.  
Weisberg, Esq., 215-790-1010

Writ of Execution No.:  
2011-SU-0000853  
Property Address: 1554-A Fairfield  
Road, Gettysburg, PA 17325  
Parcel No.: 09E13-0074A--001  
Municipality: Cumberland  
Improvements: A condominium is  
constructed on the property.  
Defendants: Jackie W. Wise and  
Sue G. Wise  
Attorneys for Plaintiff: Gary E. Hartman,  
Esq., 717-334-3105

Writ of Execution No.:  
2011-SU-0001269  
Property Address: 10 Ashfield Drive,  
Littletown, PA 17340  
Parcel No.: 41-003-0020  
Municipality: Union  
Improvements: Residential Dwelling  
Defendants: Tammi L. McGregor and  
Matthew S. McGregor  
Attorneys for Plaintiff: Thomas Puleo,  
Esq., 215-627-1322

Writ of Execution No.:  
2010-SU-0001143  
Property Address: 232 Chambersburg  
Street, Gettysburg, PA 17325-1120  
Parcel No.: 16-007-0260A-000  
Municipality: Gettysburg  
Improvements: Residential Dwelling  
Defendants: John D. Martone II,  
Darlene M. Martone  
Attorneys for Plaintiff: Joshua I.  
Goldman, Esq., 215-563-7000

Writ of Execution No.:  
2011-SU-0001201  
Property Address: 53 Stoops Road,  
Gettysburg, PA 17325  
Parcel No.: 20-D14-0092  
Municipality: Highland  
Improvements: Residential Dwelling  
Defendants: Richard S. Harner  
Attorneys for Plaintiff: Richard E.  
Thrasher, Esq., 717-334-2159

Writ of Execution No.:  
2010-SU-0001849  
Property Address: 39 Ski Run Trail,  
Fairfield, PA 17320-8535  
Parcel No.: 43006-0095  
Municipality: Carroll Valley  
Improvements: Residential Dwelling  
Defendants: William D. Custer and  
Patricia W. Custer  
Attorneys for Plaintiff: Jenine R. Davey,  
Esq., 215-563-7000

Writ of Execution No.:  
2011-SU-0000369  
Property Address: 92 Knisley Drive,  
Hanover, PA 17331 and 22 Westview  
Drive, McSherrystown, PA 17344  
Parcel No.: 08-010-0060 and  
28-002-0221  
Municipality: Conewago and  
McSherrystown  
Improvements: Residential Dwellings -  
Two (2) Parcels  
Defendants: Radco Partnership  
Attorneys for Plaintiff: Richard E.  
Thrasher, Esq., 717-334-2159

Writ of Execution No.:  
2010-SU-0000429  
Property Address: 24 and 26 Antler  
Lane, East Berlin, PA 17316  
Parcel No.: 2-77 and 2-77.001  
Municipality: Reading  
Improvements: Residential Dwelling  
Defendants: Eric W. Wallen and  
Deborah M. Wallen, by her attorney-  
in-fact Eric W. Wallen  
Attorneys for Plaintiff: Patrick Thomas  
Woodman, Esq., 412-434-7955

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.sheriffadamscounty.com/sheriffsales.html>

2/24, 3/2 & 9

## COMMONWEALTH VS. HURD

1. A police officer must have “reasonable grounds” to believe that the person was driving, operating or in actual physical control of the movement of a vehicle while under the influence of alcohol. Although the statute does not define “reasonable grounds,” Pennsylvania courts have interpreted “reasonable grounds” to be the equivalent of probable cause.

2. Probable cause exists when an officer has knowledge of sufficient facts and circumstances, gained through trustworthy information, to warrant a prudent person to believe that the driver has been driving under the influence of alcohol.

3. The happening of a traffic accident, no matter how serious, is in and of itself insufficient to support probable cause to perform a search and seizure, i.e., a chemical blood test.

4. This Court has previously ruled that even where the evidence showed that police smelled an odor of alcohol on Defendant’s breath, combined with a serious motor vehicle accident, there was no probable cause to request a blood test for BAC purposes.

5. Our appellate courts have noted that drinking before driving is not in and of itself criminal behavior. Something more than an odor of alcohol on a driver’s breath must be present to show impairment and intoxication.

In the Court of Common Pleas of Adams County, Pennsylvania,  
Criminal, No. CP-01-CR-370-2011, COMMONWEALTH OF  
PENNSYLVANIA VS. JAMES FREDERICK HURD.

Robert Bain II, Esq., Assistant District Attorney, for Commonwealth  
David Erhard, Esq., for Defendant  
Campbell, J., September 8, 2011

### OPINION ON DEFENDANT’S OMNIBUS PRE-TRIAL MOTION

Presently before the Court is Defendant’s Omnibus Pre-Trial Motion filed June 16, 2011. A hearing was held on August 15, 2011. For the reasons set forth herein, said Motion is granted.

### FINDINGS OF FACT

1. On December 11, 2010 at approximately 3:45 p.m., Officer David Ogle<sup>1</sup> of the Eastern Adams Regional Police Department (“EARPD”) was on duty and in full uniform conducting routine patrol.

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<sup>1</sup> Officer Ogle has been employed as a police officer by the EARPD for approximately 12 years. To become a police officer, Officer Ogle received 15 weeks of training at Harrisburg Area Community College. Officer Ogle’s current duties include routine patrol, traffic stops, and arrests.

2. At that time, Officer Ogle received a dispatch to respond to a one-vehicle accident located at Abbottstown Pike near Summit Ridge that had occurred at approximately 3:15 p.m.
3. Upon arriving at the scene of the accident, Officer Ogle observed a Jeep Wrangler that had gone over a bank and was sitting in a creek on its side. There were no other vehicles involved in the accident.
4. Fire personnel, ambulance personnel, and Emergency Medical Technicians (“EMTs”) were on scene.
5. Officer Ogle was advised that the driver of the vehicle, Defendant James Frederick Hurd, was flown to York Hospital by helicopter and, therefore, was no longer at the scene of the accident.
6. Officer Ogle never had any personal interaction with Defendant and was unable to make any personal observations of Defendant.
7. Officer Ogle spoke to Mike Fisher, an EMT who was at the scene of the accident and had helped remove Defendant from the vehicle following the accident.
8. EMT Fisher advised Officer Ogle that “alcohol may have been a factor in the accident.” However, EMT Fisher did not specifically describe why he believed alcohol was a factor in the accident, nor did he describe any specific signs of intoxication that Defendant exhibited.
9. EMT Fisher was not called as a witness by the Commonwealth.
10. Abbottstown Pike is a two-lane roadway.
11. Officer Ogle observed that Defendant’s vehicle struck two (2) Met-Ed telephone poles on a straight section of the roadway, flipped, and then landed 30 feet off the roadway in a small stream.
12. The roadway conditions were dry.
13. Officer Ogle also observed the condition of the vehicle, which was muddy, damaged, and the top was ripped off.
14. Based on the foregoing, Officer Ogle requested that York Hospital draw a sample of Defendant’s blood for blood alcohol content (“BAC”) testing.

## ISSUE

1. Did Officer Ogle have sufficient legal justification to request that York Hospital draw a sample of Defendant's blood for BAC testing?

## CONCLUSION OF LAW

1. Officer Ogle did not have sufficient legal justification to request that York Hospital draw a sample of Defendant's blood for BAC testing.

## DISCUSSION

In a suppression hearing, the Commonwealth has the burden to establish by a preponderance of the evidence the admissibility of those items the accused seeks to preclude. *Commonwealth v. Ruey*, 892 A.2d 802, 807 (Pa. 2006).

The Fourth Amendment of the United States Constitution, and Article I, Section 8 of the Pennsylvania Constitution protect individuals against unreasonable searches and seizures. **U.S. CONST. Amend. IV; PA. CONST. art. I, § 8.** Generally, a search and seizure is unreasonable unless it is conducted pursuant to a valid search warrant based on probable cause. *Commonwealth v. Barton*, 690 A.2d 293, 295 (Pa. Super. 1997) (citations omitted). However, in the DUI context, the "implied consent" provision of Pennsylvania's Motor Vehicle Code dispenses with the need to obtain a warrant. **75 Pa. C.S.A. § 1547(a)(1).** Specifically, Section 1547(a)(1) provides:

Any person who drives, operates or is in actual physical control of the movement of a vehicle in this Commonwealth shall be deemed to have given consent to one or more chemical tests of breath, blood or urine for the purpose of determining the alcoholic content or blood or presence of a controlled substance if a police officer has reasonable grounds to believe the person to have been driving, operating or in actual physical control of the movement of a vehicle:

- (1) In violation of section ... 3802 (relating to driving under the influence or a controlled substance) ...

*Id.*

Based on this provision, a police officer must have “reasonable grounds” to believe that the person was driving, operating, or in actual physical control of the movement of a vehicle while under the influence of alcohol. *Id.* Although the statute does not define “reasonable grounds,” Pennsylvania courts have interpreted “reasonable grounds” to be the equivalent of probable cause. *Commonwealth v. Smith*, 555 A.2d 185, 189 (Pa. Super. 1989); see also *Commonwealth v. Thur*, 906 A.2d 552, 567 (Pa. Super. 2006) (“In the context of BAC testing, ‘reasonable grounds’ means probable cause”). Probable cause exists when an officer has knowledge of sufficient facts and circumstances, gained through trustworthy information, to warrant a prudent person to believe that the driver has been driving under the influence of alcohol. *Commonwealth v. Welshans*, 580 A.2d 379, 381 (Pa. Super. 1990) (citing *Smith*, 555 A.2d at 189).

Defendant presently argues that Officer Ogle lacked probable cause to request that York Hospital draw a sample of Defendant’s blood for BAC testing. Officer Ogle’s decision to request BAC testing was essentially based on the fact that Defendant was in a serious motor vehicle accident and EMT Fisher’s statement to Officer Ogle that “alcohol may have been a factor.” Specifically, Officer Ogle testified that upon arriving at the scene of the accident, Defendant was no longer present because he had been taken to York Hospital via helicopter. Officer Ogle had no personal interaction with Defendant, either on scene or at the hospital. Officer Ogle observed that Defendant was involved in a one-vehicle accident that occurred on a straight portion of Abbottstown Pike at approximately 3:15 p.m. He noted that the roadway conditions were dry at the time of the accident. Additionally, Officer Ogle noted that Defendant’s vehicle struck two (2) Met-Ed telephone poles on a straight section of the roadway, flipped, and then landed 30 feet off the roadway in a small stream. Officer Ogle also observed Defendant’s vehicle itself and testified that it was muddy, damaged, and the top was ripped off. Finally, Officer Ogle spoke to an EMT who was on scene, Mike Fisher, who had helped remove Defendant from the vehicle following the accident. EMT Fisher indicated that “alcohol may have been a factor in the accident.” Officer Ogle gave no specific information as to why EMT Fisher held that belief. Officer Ogle was unable to articulate any statement made by EMT Fisher and did not describe

any facts known to EMT Fisher that would support EMT Fisher's statement that "alcohol may have been a factor."<sup>2</sup> The assumptions or conclusions of another, no matter how skilled or trained that other person may be, do not provide an officer with probable cause to arrest unless the officer knows or can articulate the factual basis for the conclusion that alcohol may have been a factor.<sup>3</sup>

Based solely on the totality of the above-mentioned circumstances, Officer Ogle requested that York Hospital draw a sample of Defendant's blood for BAC testing purposes; however, the totality of those circumstances does not constitute sufficient probable cause for Officer Ogle to request that York Hospital draw a sample of Defendant's blood for BAC testing purposes.

It must be noted that the happening of a traffic accident, no matter how serious, is in and of itself insufficient to support probable cause to perform a search and seizure, i.e., a chemical blood test. See *Commonwealth v. Kohl*, 615 A.2d 308, 313 (Pa. 1992); *Commonwealth v. Danforth*, 576 A.2d 1013, 1018 (Pa. Super. 1990) (en banc), *aff'd*, 615 A.2d 308 (Pa. 1992). Independent facts beyond the happening of a motor vehicle accident are required to establish probable cause to believe that the operator of the vehicle was driving under the influence is required. *Kohl*, 615 A.2d at 313. Accordingly, some signs of intoxication are necessary to support chemical testing of a motor vehicle operator.

On the record presently before the Court, the question then becomes whether EMT Fisher's statement and opinion that "alcohol may have been a factor" is enough independent evidence of *intoxication* to give Officer Ogle probable cause to request BAC testing. This Court has previously ruled that even where the evidence showed that police smelled an odor of alcohol on Defendant's breath, combined with a serious motor vehicle accident, there was no probable cause to request a blood test for BAC purposes. *Commonwealth v. Tobery*, **CR-474-2008 (C.P. Adams, April 22, 2009)**. Our appellate courts have noted that drinking before driving is not in and of itself criminal

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<sup>2</sup> The Commonwealth failed to call EMT Fisher at the suppression hearing. This Court has no way of knowing what facts or observations led EMT Fisher to say that alcohol was a factor. No factual support to suggest the conclusion of EMT Fisher was trustworthy has been submitted.

<sup>3</sup> Officer Ogle testified that he in turn assumed that EMT Fisher meant that he smelled alcohol on Defendant's breath but acknowledged that EMT Fisher did not tell him that.

behavior. Something more than an odor of alcohol on a driver's breath must be present to show impairment and intoxication. See *Commonwealth v. Rosko*, 509 A.2d 1289, 1291 (Pa. Super. 1986).

Instantly, this Court does not even know if anyone smelled an odor of alcohol on Defendant's breath. Moreover, this Court does not know if Defendant had slurred speech; glassy, red, or bloodshot eyes; or any other indicia of intoxication. There was no testimony concerning Defendant's mannerisms or his manner of driving before the accident. This Court has no facts to explain why EMT Fisher said that "alcohol may have been a factor." Did EMT Fisher make this assumption simply based on the severity of the accident? Was EMT Fisher simply suggesting that Officer Ogle should investigate further because there was a serious accident? Or did EMT Fisher actually have some articulable factual information to lead him to his conclusion? No evidence has been presented to answer these questions. Officer Ogle testified truthfully when he acknowledged that he *assumed* that EMT Fisher meant he smelled alcohol on Defendant's breath, but admitted that EMT Fisher did not specifically say that to him. It is important to note that EMT Fisher's statement that "alcohol may have been a factor in the accident" does not necessarily suggest that Defendant was intoxicated. Without any specific observations to lead someone to reasonably conclude that Defendant was under the influence of alcohol, the constitutional threshold for requesting BAC testing has not been met. EMT Fisher's conclusory statement, without explanation or more factual support, even when coupled with a serious motor vehicle accident, is not sufficient to lead a reasonable person to conclude that Defendant was driving under the influence. Accordingly, this Court finds that the Commonwealth has not met its burden of proving facts, independent of the crash, to establish probable cause for Officer Ogle to request BAC testing or arrest Defendant for suspicion of DUI.

Therefore, Defendant's Omnibus Pre-Trial Motion is granted, and the attached Order is entered.

### ORDER

AND NOW, this 8th day of September 2011, for the reasons set forth in the attached Opinion, Defendant's Omnibus Pre-Trial Motion filed June 16, 2011 is granted. All evidence obtained as a result of the blood draw is suppressed.



## 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 16th day of March 2012, at 10:00 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-0001354  
Property Address: 190 Knoxlyn Road, Gettysburg, PA 17325-7413  
Parcel No.: 09-E12-0054-00  
Municipality: Cumberland  
Improvements: Residential Dwelling  
Defendants: Ryan M. Black and Jessica L. Black  
Attorneys for Plaintiff: Ashleigh L. Marin, Esq., 908-233-8500

Writ of Execution No.:  
2011-S-1428  
Property Address: 124 Cider Drive, York Springs, PA 17372  
Parcel No.: 42-002-0068  
Municipality: York Springs Borough  
Improvements: Townhouse-Style Dwelling  
Defendants: Wayne A. Staley, Linda A. Staley  
Attorneys for Plaintiff: Ashleigh L. Marin, Esq., 908-233-8500

Writ of Execution No.:  
2011-SU-0001364  
Property Address: 15 Longhorn Lane, Fairfield, PA 17320  
Parcel No.: 11-006-0100-28  
Municipality: Fairfield  
Improvements: Residential Dwelling House  
Defendants: Terry J. Stambaugh  
Attorneys for Plaintiff: Thomas A. Capehart, Esq., 610-820-5450

Writ of Execution No.:  
2011-SU-0001417  
Property Address: 129 Racetrack Road, Hanover, PA 17331  
Parcel No.: 04-K11-0119  
Municipality: Berwick  
Improvements: Residential Dwelling  
Defendants: Donald R. Collins, Sr. and Denise D. Collins  
Attorneys for Plaintiff: Marc S. Weisberg, Esq., 215-790-1010

Writ of Execution No.:  
2009-SU-0000401  
Property Address: 75 Pebble Lane, Biglerville, PA 17307  
Parcel No.: (29) C6-40D  
Municipality: Menallen  
Improvements: Residential Dwelling  
Defendants: Amy Miller, Travis Stapleton  
Attorneys for Plaintiff: David Fein, Esq., 215-627-1322

Writ of Execution No.:  
2011-SU-0001676  
Property Address: 6990 Old Harrisburg Road, York Springs, PA 17372  
Parcel No.: I04-0109---000.01  
Municipality: Huntingdon  
Improvements: Residential Dwelling  
Defendants: Malcolm E. Boone, Dona M. Boone  
Attorneys for Plaintiff: John R. White, Esq., 717-334-9278

Writ of Execution No.:  
2009-SU-0001905  
Property Address: 575 Hooker Drive, Gettysburg, PA 17325-8951  
Parcel No.: 32105-0064---000  
Municipality: Mount Pleasant  
Improvements: Residential Dwelling  
Defendants: Charles G. Miller and Regina Miller  
Attorneys for Plaintiff: Lauren R. Tabas, Esq., 215-563-7000

Writ of Execution No.:  
2010-SU-0000159  
Property Address: 58 North Queen Street, Littlestown, PA 17340  
Parcel No.: (27) 8-78  
Municipality: Littlestown  
Improvements: Residential Dwelling  
Defendants: Herbert G. Dowling, Jr. and Norma H. Dowling  
Attorneys for Plaintiff: Amy Glass, Esq., 856-669-5400

Writ of Execution No.:  
2011-SU-0001594  
Property Address: 72 McCandless Drive, East Berlin, PA 17316  
Parcel No.: (23)-109-0060A  
Municipality: Latimore  
Improvements: Residential Dwelling  
Defendants: Robert W. Gaylord and Jennifer L. Gaylord  
Attorneys for Plaintiff: Amy Glass, Esq., 856-669-5400

Writ of Execution No.:  
2005-SU-0000324  
Property Address: 3380 and 3382 Chambersburg Road, Biglerville, PA 17307  
Parcel No.: D10-0066---000, D10-0058---000  
Municipality: Franklin  
Improvements: Being improved with a garage and office with living quarters and an automated fuel tank system. Being improved with a single family residential dwelling.  
Defendants: Robert K. Goetz, Jr.  
Attorneys for Plaintiff: Wayne F. Shade, Esq., 717-243-0220

Writ of Execution No.:  
2010-SU-0002012  
Property Address: 121 West King Street, Littlestown, PA 17340  
Parcel No.: (27)-008-0145  
Municipality: Littlestown  
Improvements: Residential Dwelling  
Defendants: Richard L. Haines  
Attorneys for Plaintiff: Paige M. Bellino, Esq., 856-669-5400

Writ of Execution No.:  
2011-SU-0000895  
Property Address: 403 Arendtsville Road, Biglerville, PA 17307  
Parcel No.: 7-E8-26  
Municipality: Butler  
Improvements: Residential Dwelling  
Defendants: John D. Gageby and Mary Catharine Gageby  
Attorneys for Plaintiff: William L. Hallam, Esq., 410-727-6600

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.sheriffadamscounty.com/sheriffsales.html>

2/24, 3/2 & 9

## 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 16th day of March 2012, at 10:00 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-0001360  
Property Address: 2845 Old Carlisle Road, Gardners, PA 17324  
Parcel No.: 01-40-G05-006  
Municipality: Tyrone  
Improvements: Residential Dwelling  
Defendants: Karen Louise Hinkle  
Attorneys for Plaintiff: Marc S. Weisberg, Esq., 215-790-1010

Writ of Execution No.:  
2011-SU-0001022  
Property Address: 77 N. Pheasant Meadows, Lot #38, Abbottstown, PA 17301  
Parcel No.: (17)-001-0008  
Municipality: Hamilton  
Improvements: Residential Dwelling  
Defendants: Shane M. Stevens and Annette J. Jeffries  
Attorneys for Plaintiff: Harry B. Reese, Esq., 856-669-5400

Writ of Execution No.:  
2011-SU-0000930  
Property Address: 518 North Street, McSherrystown, PA 17344  
Parcel No.: 28-05-149  
Municipality: McSherrystown  
Improvements: Residential Dwelling  
Defendants: Mark Wade and Donna J. Kuhn  
Attorneys for Plaintiff: Amy Glass, Esq., 856-669-5400

Writ of Execution No.:  
2011-SU-0001366  
Property Address: 1113 Route 194 N., Abbottstown, PA 17301  
Parcel No.: 17-L08-0100A-000  
Municipality: Hamilton  
Improvements: Residential Dwelling  
Defendants: William A. Kurtz III, William Allen Kurtz, Tonya M. Kurtz, Tonya Michelle Kurtz  
Attorneys for Plaintiff: Marc S. Weisberg, Esq., 215-790-1010

Writ of Execution No.:  
2011-SU-0001319  
Property Address: 180 Kime Hatchery Rd., Gardners, PA 17324  
Parcel No.: 40-G4-107A  
Municipality: Tyrone  
Improvements: Residential Dwelling  
Defendants: April Lott, Michael Lott, United States of America  
Attorneys for Plaintiff: Harry B. Reese, Esq., 856-669-5400

Writ of Execution No.:  
2011-SU-0001160  
Property Address: 627 North Street, McSherrystown, PA 17344-1505  
Parcel No.: 28005-0110---000  
Municipality: McSherrystown  
Improvements: Residential Dwelling  
Defendants: Marc A. Miller and Julie M. Miller  
Attorneys for Plaintiff: William E. Miller, Esq., 215-563-7000

Writ of Execution No.:  
2011-SU-0001588  
Property Address: 56 Bragg Drive, East Berlin, PA 17316  
Parcel No.: 36-114-0025  
Municipality: Reading  
Improvements: Erected a Dwelling House  
Defendants: Corey L. May  
Attorneys for Plaintiff: Leon P. Haller, Esq., 717-234-4178

Writ of Execution No.:  
2011-SU-0000825  
Property Address: 290 Gettysburg Road, Littlestown, PA 17340  
Parcel No.: 15-117-0247-000  
Municipality: Germany  
Improvements: Residential Dwelling  
Defendants: Laura L. Mullen and Lonnie G. Mullen  
Attorneys for Plaintiff: Marc S. Weisberg, Esq., 215-790-1010

Writ of Execution No.:  
2010-SU-0001488  
Property Address: 58 Stayman Way, Littlestown, PA 17340  
Parcel No.: (27)-007-0188  
Municipality: Littlestown  
Improvements: Residential Dwelling  
Defendants: William C. Palmer, Jr. and Patricia A. Stolzenbach Palmer, Patricia A. Palmer  
Attorneys for Plaintiff: Paige M. Bellino, Esq., 856-669-5400

Writ of Execution No.:  
2011-SU-0001584  
Property Address: 106 Water Street, East Berlin, PA 17316  
Parcel No.: 10-004-0057  
Municipality: East Berlin  
Improvements: Erected a Dwelling House  
Defendants: Jennifer L. Riley and Donald W. Riley, Jr.  
Attorneys for Plaintiff: Leon P. Haller, Esq., 717-234-4178

Writ of Execution No.:  
2011-SU-0001308  
Property Address: 48 Skyline Court, Gettysburg, PA 17325  
Parcel No.: 12-E13-0139  
Municipality: Cumberland  
Improvements: Residential Dwelling  
Defendants: Carl W. Schmick and Deborah L. Schmick  
Attorneys for Plaintiff: Brett Solomon, Esq. and Michael C. Mazack, Esq., 412-566-1212

Writ of Execution No.:  
2010-SU-0001641  
Property Address: 145 Lynx Drive, Hanover, PA 17331  
Parcel No.: (08)-007-0087  
Municipality: Conewago  
Improvements: Residential Dwelling  
Defendants: Howard K. Seachrist, Jr., Denise D. Seachrist, Jeremy C. Shoemaker and Rebekah D. Shoemaker  
Attorneys for Plaintiff: Christine L. Graham, Esq., 215-790-1010

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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.sheriffadamscounty.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 16th day of March 2012, at 10:00 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.:  
2010-SU-0001456  
Property Address: 15 Shaffer Lane,  
Fairfield, PA 17320  
Parcel No.: 18-B14-0030A  
Municipality: Hamiltonban  
Improvements: Residential Dwelling  
Defendants: James E. Shaffer and  
Melissa K. Shaffer  
Attorneys for Plaintiff: Richard E.  
Thrasher, Esq., 717-334-2159

Writ of Execution No.:  
2009-SU-0000414  
Property Address: 113 Mount Tabor  
Road, Bendersville, PA 17306-0000  
Parcel No.: 03001-0030---000  
Municipality: Bendersville  
Improvements: Residential Dwelling  
Defendants: Michael J. Shank  
Attorneys for Plaintiff: Lauren R. Tabas,  
Esq., 215-563-7000

Writ of Execution No.:  
2011-SU-0000036  
Property Address: 35 Bushey School  
Road, York Springs, PA 17372  
Parcel No.: (23)-102-0053  
Municipality: Latimore  
Improvements: Residential Dwelling  
Defendants: Joshua A. Smith  
Attorneys for Plaintiff: Harry B. Reese,  
Esq., 856-669-5400

Writ of Execution No.:  
2011-SU-0000927  
Property Address: Tracts of Land in  
Biglerville Borough and Butler  
Township, Biglerville, PA 17307  
Parcel No.: 07-F07-0073, 07-F08-0017  
Municipality: Biglerville and Butler  
Improvements: Tracts of Land in  
Biglerville Borough, Butler Township,  
Adams County, PA  
Defendants: R & C Developers, Richard  
J. Snyder and Carole B. Snyder,  
Limited Partner  
Attorneys for Plaintiff: Donald R. Geiter,  
Esq., 717-299-5201

Writ of Execution No.:  
2010-SU-0001945  
Property Address: 873 Old Route 30,  
Cashtown, PA 17310  
Parcel No.: 12C10-0150---000  
Municipality: Franklin  
Improvements: Residential Dwelling  
Defendants: Philip L. Sowders  
Attorneys for Plaintiff: Jenine R. Davey,  
Esq., 215-563-7000

Writ of Execution No.:  
2010-NO-0000325  
Property Address: 71 N. Queen Street,  
Littlestown, PA 17340  
Parcel No.: 008-0090---000  
Municipality: Littlestown  
Improvements: Residential Dwelling  
Defendants: John T. Wantz  
Attorneys for Plaintiff: John R. White,  
Esq., 717-334-9278

Writ of Execution No.:  
2011-SU-0001633  
Property Address: 1072 Old Route 30,  
Ortanna, PA 17353  
Parcel No.: 12-C10-0072  
Municipality: Franklin  
Improvements: Residential Dwelling  
Defendants: Penny J. Weaver  
Attorneys for Plaintiff: Amy Glass, Esq.,  
856-669-5400

Writ of Execution No.:  
2011-SU-0001448  
Property Address: 220 South Street,  
McSherrystown, PA 17344  
Parcel No.: 28002-0183  
Municipality: McSherrystown  
Improvements: Erected Thereon a  
Dwelling  
Defendants: Martin David Wells, Jr. and  
Jennifer L. Wells  
Attorneys for Plaintiff: Louis P. Vitti,  
Esq., 412-281-1725

Writ of Execution No.:  
2010-SU-0001378  
Property Address: 376 Maple Avenue,  
Hanover, PA 17331  
Parcel No.: 08-008-0088  
Municipality: Conewago  
Improvements: Residential Dwelling  
Defendants: Justin P. Wendt,  
Kimberly A. Becker  
Attorneys for Plaintiff: Alan M. Minato,  
Esq., 856-669-5400

Writ of Execution No.:  
2010-SU-0001459  
Property Address: 54 Brickcrafter Road,  
New Oxford, PA 17350  
Parcel No.: 32-111-0068-000  
Municipality: Mt. Pleasant  
Improvements: Residential Dwelling  
Defendants: Timothy F. Wildasin and  
Joan M. Wildasin  
Attorneys for Plaintiff: Marc S.  
Weisberg, Esq., 215-790-1010

Writ of Execution No.:  
2011-SU-0001210  
Property Address: 230 Bear Mountain  
Road, Aspers, PA 17304  
Parcel No.: (29)-E06-0027  
Municipality: Menallen  
Improvements: Residential Dwelling  
Defendants: Connie L. Asper, as  
Executrix of the Estate of Hilda G.  
Mickley, Deceased  
Attorneys for Plaintiff: Gregory  
Javardian, Esq., 215-942-9690

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.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 RUSSELL J. BROWN, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executor: Charles R. Brown, c/o Samuel A. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

Attorney: Samuel A. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

## ESTATE OF ROBERT LAUER ELLER a/k/a ROBERT L. ELLER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Administratrix: Nancy Jo Eller, 4509 Shaff Lane, Frederick, MD 21703

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

## ESTATE OF JOSEPH H. L'ETOILE a/k/a JOSEPH HENRI L'ETOILE, DEC'D

Late of the Borough of Carroll Valley, Adams County, Pennsylvania

Executor: Stephen L'Etoile, 219 Equestrian Road, Warrenton, VA 20186

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

## ESTATE OF JOHN R. WHITE, DEC'D

Late of the Borough of Arendtsville, Adams County, Pennsylvania

Executrix: Tonya Knouse White, P.O. Box 472, Arendtsville, PA 17303

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

## SECOND PUBLICATION

## ESTATE OF RICHARD C. COLE, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executors: Thomas D. Cole, 6134 Adams Street, Jupiter, FL 33458; James J. Cole, 1420 New Road, Orttanna, PA 17353

## ESTATE OF ESTHER HESS a/k/a ESTHER A. HESS, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

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

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

## ESTATE OF SAMUEL J. SHAFER, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Co-Executors: Bradley N. Shafer, 1016 Belmont Road, Gettysburg, PA 17325; Carol A. Witthoff, 325 Celebration Hill Road, Biglerville, PA 17307

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

## ESTATE OF SARA A. ST. PETER a/k/a SARA ANNE ST. PETER, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executrix: Kimberley Phan, c/o Edward J. O'Donnell IV, Esq., 141 Broadway, Suite 310, Hanover, PA 17331

Attorney: Edward J. O'Donnell IV, Esq., 141 Broadway, Suite 310, Hanover, PA 17331

## ESTATE OF MATTHEW E. TURLEY, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Christina M. Turley, 206 M Street, Littlestown, PA 17340

Attorney: Brian C. Linsenbach, Esq., Stone, Duncan & Linsenbach, PC, P.O. Box 696, Dillsburg, PA 17019

## THIRD PUBLICATION

## ESTATE OF JOAN L BARE a/k/a JOAN AUGUSTA BARE a/k/a JOAN A. BARE, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrices: Barbara B. Carbaugh, 1705 Wyndham Drive, York, PA 17403; Joan B. McAnall, 6309 Hoff Road, Spring Grove, PA 17362

Attorney: Elyse E. Rogers, Esq., Saidis, Sullivan & Rogers, 635 North 12th Street, Suite 400, Lemoyne, PA 17043

## ESTATE OF RICHARD E. BARNES, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

C. Corby Myers, 524 Hamlet Dr. W., Spring Grove, PA 17362

## ESTATE OF ANNA C. BEVENOUR, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executors: Donald J. Bevenour, 594 Hammond Avenue, Hanover, PA 17331; Marie G. Barnes, 605 Prince Street, Littlestown, PA 17340

Attorney: Clifton R. Guise, Esq., Gates, Halbruner, Hatch & Guise, P.C., 1013 Mumma Road, Suite 100, Lemoyne, PA 17043

## ESTATE OF R. ALBERT HARSTINE, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Patricia Houston-Sellers, 1777 Fruit Cove Woods Drive, Fruit Cove, FL 32259

Attorney: Benjamin J. Glatfelter, Esq., Kennedy, PC Law Offices, P.O. Box 5100, Harrisburg, PA 17110

## ESTATE OF TRAVIS A. LEHMAN, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Administrator: Troy Lehman, 338 Georgetown Road, Gardners, PA 17324

Attorney: Bryan S. Neiderhiser, Esq., Marcus & Mack, P.C., 57 S. 6th Street, Indiana, PA 15701

## ESTATE OF MABEL M. PARKER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Cynthia A. Levanduski, 129 Route 526, Allentown, NJ 08501

Attorney: Thomas R. Nell, Esq., 340 Nell Road, East Berlin, PA 17316

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## ESTATE OF DAVID L. SULLIVAN, DEC'D

Late of Oxford Township, Adams  
County, Pennsylvania

Executors: Dale L. Sullivan and Nevin  
H. Sullivan, 10 Baer Avenue,  
Hanover, PA 17331

ESTATE OF ROBERT LEE VOLKMAN,  
DEC'D

Late of Oxford Township, Adams  
County, Pennsylvania

Co-Executrices: Laura D. Maas and  
Paula L. O'Neill, c/o Keith R.  
Nonemaker, Esq., Guthrie,  
Nonemaker, Yingst & Hart, LLP, 40  
York Street, Hanover, PA 17331

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

## ESTATE OF MARY L. WARNER, DEC'D

Late of Oxford Township, Adams  
County, Pennsylvania

Executrix: Marilyn R. Strayer, c/o  
James T. Yingst, Esq., Guthrie,  
Nonemaker, Yingst & Hart, LLP, 40  
York Street, Hanover, PA 17331

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

ESTATE OF RUTH H. WOLFGANG,  
DEC'D

All persons having claims or demands  
against the estate of Ruth H.  
Wolfgang, deceased, late of Oxford  
Township, Adams County,  
Pennsylvania, are requested to pres-  
ent the same without delay to Jennifer  
A. Leib, M&T Bank, 13 Baltimore  
Street, Hanover, Pennsylvania 17331.  
In addition, all persons having claims  
or demands against the Ruth H.  
Wolfgang Trust dated May 29, 1998,  
and further amended by Agreement  
dated June 2, 2005, are to present the  
same without delay to Jennifer A.  
Leib, M&T Bank, 13 Baltimore Street,  
Hanover, Pennsylvania 17331, Trustee.

Attorney: Jon C. Countess, Esq., CGA  
Law Firm, 135 North George Street,  
York, PA 17401

ESTATE OF EVELYN M. ZINNEMAN,  
DEC'D

Late of Oxford Township, Adams  
County, Pennsylvania

Executrix: Annette L. Bixler, c/o  
Matthew L. Guthrie, Esq., Guthrie,  
Nonemaker, Yingst & Hart, LLP, 40  
York Street, Hanover, PA 17331

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