

Adams County Legal Journal

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IN THIS ISSUE

NEXTEL VS. FRANKLIN TWP. ZHB ET AL

This opinion continued from last issue (5/6/2011)

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Trust Officer



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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1081 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of May, 2011, 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. 07-S-1081

DEUTSCHE BANK TRUST COMPANY
AMERICAS

vs.

KAREN L. BOSLEY &
RAYMOND E. BOSLEY

54 BOWERS ROAD
LITTLESTOWN, PA 17340
MT. JOY TOWNSHIP

Parcel No.: 1H16-69B

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$190,596.54

Attorneys for Plaintiff

ALAN MINATO, ESQ.
856-669-5400

SEIZED and taken into execution as the property of **Karen L. Bosley & Raymond E. Bosley** 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 June 17, 2011, 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.

4/29, 5/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 11-S-165 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of May, 2011, 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. 11-S-165

ACNB BANK formerly known as Adams
County National Bank

vs.

FREDERICK M. BRADY &
LINDA S. BRADY

338 THIRD STREET
HANOVER, PA 17331
CONEWAGO TOWNSHIP

Parcel No.: (08) 008-0258---000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$49,904.95

Attorneys for Plaintiff

PUHL, EASTMAN & THRASHER
717-334-2159

SEIZED and taken into execution as the property of **Frederick M. Brady & Linda S. Brady** 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 June 17, 2011, 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.

4/29, 5/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-907 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of May, 2011, 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-907

PNC MORTGAGE

vs.

FREDERICK A. BAYER &
KIMBERLY A. BAYER

1491 FAIRFIELD ROAD
GETTYSBURG, PA 17325
CUMBERLAND TOWNSHIP

Parcel No.: 09-E13-0063A

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$93,056.74

Attorneys for Plaintiff

VITTI & VITTI & ASSOCIATES, P.C.
412-281-1725

SEIZED and taken into execution as the property of **Frederick A. Bayer & Kimberly A. Bayer** 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 June 17, 2011, 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.

4/29, 5/6 & 13

At the initial hearing on July 30, 2009, Nextel presented evidence that its proposed lease area for its cell phone tower and facility would be 100 feet by 100 feet (10,000 square feet). Nextel rested its case in chief at the conclusion of the July 30th hearing. At the next hearing on October 26, 2009, Interveners argued that a lease constitutes a subdivision, which requires subdivision and land development approval. Interveners also argued that based on the testimony presented by Nextel at the July 30, 2009 hearing, Nextel's proposed lease area does not meet the minimum lot area and lot width requirements. The Board permitted Nextel to reopen its case to present evidence regarding the lot size and width requirements. Nextel presented the testimony of Harry Irwin, owner of the property subject to the lease, who testified that if the Board would determine that a lease area of two acres is required, he would agree to an increase of the size of the lease area. There was no specific testimony presented about the lot width requirement; however, Nextel, in its brief, argued that pursuant to Nextel's Exhibit 3, the lease area would necessarily create a lease area of at least 250 feet in width. In its decision, the Board ultimately concluded that Nextel did not meet its burden of proving that its proposed lease would meet the lot width requirement of 250 feet.⁴

This Court finds the Board's interpretation of its own ordinance to be consistent with the language of the Ordinance, and, accordingly will defer to the Board's conclusion that Nextel failed to establish the minimum lot requirement of 250 feet under 175-9(F)(2)(b) of the Ordinance. Initially, it is clear from the language of Section 175-44, that an applicant must meet all requirements of the district in which the use is permitted, *as well as* any additional requirements as provided by Section 175-44. In this case, the district where the use is permitted is the Agricultural Zone governed by Section 175-9, which provides the specific standards for non-agricultural uses as discussed above. Thus, Nextel must show that its proposed use meets not only

⁴ The Board did not deny Nextel's application on the basis that it failed to provide evidence of compliance with the two-acre lot requirement. In fact, the Board noted that "[Nextel] provided evidence from the owner of the property at the third hearing that the business arrangement could be modified to include at least two acres. The Board finds that such is the case and does not deny the application on that basis." (**Bd.'s Decision, Discussion and Additional Findings of Fact, Section B**). Therefore, it is clear that the Board denied Nextel's application based on the lot width requirement of 250 feet, and not the lot area requirement of two acres.

the requirements of Section 175-44, but also Section 175-9 of the Ordinance relating to communication transmitting and receiving facilities as non-agricultural uses.

Turning to the requirements under Section 175-9, this Court also finds the Board's interpretation of its Ordinance to be consistent with the language of the Ordinance and will also defer to the Board's interpretation of its Ordinance. Section 175-9(D)(2) clearly states that the regulations listed under Section 175-9(2)(a)-(c), including the dimensional requirements, apply to the subdivision of land for non-agricultural uses found in Section 175-9(C), which is the section that permits communication transmitting and receiving facilities as non-agricultural uses. Nextel argues that the dimensional requirements should not apply because it involves a lease, which does not constitute a lot subject to subdivision requirements. This argument is without merit. It is clear, from the definition of subdivision provided in Franklin Township's Subdivision and Land Development Ordinance, that a lease constitutes the division of a lot into another lot. *See supra* **note 2**; *see also White v. Twp. of Upper St. Clair*, 799 A.2d 188, 202 (Pa. Cmwlth. 2002) (holding that a lease of .428 acres of a 200-acre parcel created a subdivision).

In this case, Nextel's lease would constitute a subdivision of Irvin's lot into another lot, and the leased area would be subject to the dimensional requirements relating to lot size and lot width requirements found in Sections 175-9(F)(2)(a)-(b) of the Ordinance. Nextel presented no specific testimony regarding its ability to meet the minimum lot width requirement of 250 feet under Section 175-9(F)(2)(b). However, Nextel argues that it was an abuse of discretion and an error of law when the Board refused to allow Nextel to introduce a provisional plan exhibit that allegedly depicted a lease area of two acres with a width of 250 feet. Neither the Township nor Interveners had previously seen the new provisional plan. After reviewing the transcript from the November 5, 2009 hearing, it appears that the Board did not allow the provisional plan to come into evidence because it believed that Nextel was amending its application for special exception, which only provided for a lease area of 100' by 100'. The Board determined that the proper procedure would involve Nextel filing a new application for special exception with an increased lease area in accordance with the dimensional

requirements under the Ordinance. This Court does not find this conclusion to be an abuse of discretion or error of law. Accordingly, the Board did not commit an abuse of discretion or an error of law when it found that Nextel failed to present evidence regarding the lot width requirement of 250 feet.

Nextel next argues that the Board committed an abuse of discretion or and error of law when it determined that Nextel failed to meet its burden of proof relating to the screening requirement pursuant to Section 175-44(B)⁵ of the Ordinance. Specifically, Section 175-44(B) provides:

Communication transmitting and receiving facilities must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

* * *

B. Screening shall be provided adjacent to any adjoining residential use or zone in accordance with the requirements of § 175-22.⁶

Nextel presented evidence of proposed screening of the cell phone tower site from two adjacent dwellings, one located on the north side

⁵ The Board's Decision indicates Section 175-44(2) of the Ordinance; however, the correct Ordinance Section is 175-44(B), as the Ordinance uses letters, not numbers.

⁶ Section 175-22 of the Ordinance provides:

Where an industrial or commercial use in any zone abuts a residential zone or use, except for street or alley frontage, or when otherwise required by this chapter:

- A. A landscaped screen must be provided to screen from view the industrial or commercial use. Such screen shall be composed of evergreen plants and trees arranged to form both a low level and a high level screen. The high level screen shall consist of evergreen trees planted at an initial height of not less than four feet, with specimens no younger than three years of age, and planted in intervals of not more than 10 feet. The low level screen (deciduous or evergreen) shall consist of two rows of evergreen shrubs planted at an initial height of not less than two feet and spaced at intervals of not more than five feet. The low level screen plantings shall be placed in an alternating or staggered pattern to produce a more effective visual barrier.
- B. An alternative visual barrier shall be a six-foot-high opaque fence or wall with screen plantings of trees, shrubs and/or vines along the surfaces of the fence or wall facing any residential district or use.

(Footnote 6 continued to next page)

of the tower and the other located on the east side of the tower. Nextel's proposed screening would consist of existing wooded areas and installed screenings only where gaps in the existing wooded areas are present. Moreover, the testimony of Kevin Wolf, P.E., at the July 30, 2009 hearing before the Board indicated that the proposed installed screenings would be outside the lease area and a portion of the existing wooded areas for screening were located outside of the lease area. (N.T. pp. 77-78, July 30, 2009). Mr. Wolf's testimony also indicated that because some of the existing and proposed screening was not located in the lease area, there was a possibility that the those trees could be cut down by the property owner, thus leaving Nextel's tower without proper screening. (N.T. p. 78, July 30, 2009). The Board ultimately concluded that Nextel's proposed tower was screened from adjacent residential use via the existing woodlands and proposed screening, but not in accordance with the Section 175-44(B) of the Ordinance.

This Court finds that the Board did not abuse its discretion or commit an error of law in reaching this conclusion. It is clear from the testimony presented that much of the proposed screening would be located outside of the lease area controlled by Nextel. Thus, there is no guarantee that the proper screening would remain in place for the duration of the tower's existence. Therefore, the Board did not abuse its discretion or commit an error of law when it concluded that Nextel failed to meet its burden of proof regarding the screening requirements under Section 175-44(B) of the Ordinance.

Nextel also argues that the Board abused its discretion or committed an error of law when it concluded that Nextel failed to provide credible proof that it can provide the required financial assurance for

(Footnote 6 continued from previous page)

- C. The space along a side or rear lot line in the industrial zone or the commercial zone abutting a residential zone for 25 feet in depth may not be used for any commercial use or industrial operations. This area must be suitably landscaped in accordance with Subsections A and B above. However, parking is permitted within the interior 10 feet of the twenty-five-foot buffer yard.
- D. The screen planting shall be planted at least two feet from any lot line. In no event, however, shall the required screen planting exceed the allowable height within the sight triangle as set forth in § 175-16(E) and § 175-21(E).
- E. Screen plantings shall be maintained permanently, and any plant material which does not live shall be replaced within one year.

tower removal as required by Section 175-44(5)⁷ of the Ordinance. Section 175-44(E) provides:

An applicant seeking permission to construct a new communication transmitting and/or receiving facility which includes a tower, aerial or antenna in excess of 35' shall present proof to the Zoning Hearing Board that it can provide financial assurance to the Township to assure the dismantling and removal of such tower, aerial or antenna upon termination of its use. Such financial assurance must be posted with the Township at the time that the Land Development Plan, designed in accordance with special exception approval, is submitted to the Board of Supervisors for final approval.

Nextel presented the testimony of Matthew Burtner, Site Acquisition Specialist, who testified that Nextel was willing to post a removal bond in a reasonable amount that would accurately reflect what it would cost to remove the cell phone tower and the surrounding facility. (N.T. p. 34, July 30, 2009). Mr. Burtner further testified that bond is customarily posted after the municipal approval, but before issuance of the building permit. (N.T. p. 34, July 30, 2009). Finally, Mr. Burtner testified that Nextel's engineer and the Township's engineer would discuss the amount of the bond and the costs of removal, and then a legal agreement would be executed between the parties. (N.T. p. 34, July 30, 2009). The Board determined that other than this testimony, Nextel presented no other evidence regarding the financial assurance requirement under Section 175-44(E).

Based on the above testimony, this Court finds that Nextel presented clear testimony that it was willing and able to post financial assurance in accordance with the Ordinance. The plain language of Section 175-44(E) does not require that Nextel produce a bond at the time of the hearing on the special exception application. To interpret the Ordinance otherwise would require an Applicant to obtain financial assurance for a project which has not yet been approved and may never be approved. It is also unlikely that an applicant would be able to obtain a bond without approval of the special exception. Therefore, the Board committed an abuse of discretion and an error of law when

⁷ The Board's Decision indicates Section 175-44(5) of the Ordinance; however, the correct Ordinance Section is 175-44(E), as the Ordinance uses letters, not numbers.

it determined that Nextel failed to present evidence that it could obtain financial assurance pursuant to Section 175-44(E) of the Ordinance. To the extent that the Board based its denial of the special exception because of Nextel's failure to provide evidence of financial assurance, the Board's decision is reversed.

Nextel also argues that the Board committed an abuse of discretion or an error of law when it found that Nextel failed to provide credible evidence regarding adequate storm drainage and fire protection as required by Section 175-34(2)⁸ of the Ordinance. Section 175-34 provides the general standards for obtaining a special exception in Franklin Township. § 175-34. Specifically, Section 175-34(E)(1)(b) provides,

A special exception may be granted when the Zoning Hearing Board finds from a preponderance of the evidence produced at the hearing that:

* * *

(b) Adequate water supply, sewage disposal, storm drainage and fire and police protection are or can be provided for the use.

Additionally, Section 175-34(E)(2) of the Ordinance provides that:

The applicant for a special exception shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Zoning Hearing Board.

Nextel maintains that when an Ordinance contains general requirements to obtain a special exception, the Applicant does not have the duty to present evidence or the burden of persuasion with regard to the general requirements.

As previously stated, an applicant for a special exception bears the burden of proving that the proposed special exception satisfies the objective standards under the zoning ordinance. *Greth Dev. Group*, 918 A.2d at 186 (citing *Shamah v. Hellam Twp. Zoning Hearing Bd.*,

⁸ Although the Board's decision cites Section 175-34(2) as the basis for its denial due to Nextel's failure to present evidence regarding storm drainage and police and fire protection, the correct section of the Ordinance relating to these requirements is Section 175-34(E)(1)(b).

648 A.2d 1299 (Pa. Cmwlth. 1994)). If the applicant shows it has met its burden of proof and persuasion that the proposed use meets the objective requirements under the Ordinance, a presumption arises that the proposed use is consistent with the health, safety and welfare of the community. *Manor Healthcare Corp. v. Lower Moreland Twp. Zoning Hearing Bd.*, 590 A.2d 65, 70 (Pa. Cmwlth. 1991). “[T]he burden [then] shifts to any objectors to present evidence that the proposed use has a detrimental effect on the public health, safety, and welfare.” *Greth Dev. Group*, 918 A.2d at 186 (citing *Broussard v. Zoning Bd. of Adjustment*, 831 A.2d 764, 772 (Pa. Cmwlth. 2003)).

Here, the Board found that Nextel did not meet the objective requirements under the Ordinance, namely the lot width requirements under Section 175-9(F)(2)(b) and screening requirements under Section 175-44(B). As such, no presumption arises that the proposed use is consistent with the health, safety and welfare of the community. Moreover, Section 175-34 of the Ordinance states that a special exception may only be granted if the Board finds by a preponderance of the evidence that storm drainage and fire and police protection are or can be provided for the use. A review of the record reveals that Nextel presented no evidence regarding storm drainage and fire and police protection. Based on the language of Section 175-34(E)(b) of the Ordinance, the Board could not find by a preponderance of the evidence produced at the hearings that adequate storm drainage and fire and police protection are or can be provided for the cell phone tower and its surrounding facilities. Accordingly, the Board did not commit an abuse of discretion or error of law when it concluded that Nextel failed to present evidence of adequate storm drainage and fire protection.

Finally, Nextel argues that to the extent that its application for special exception is deficient regarding the lot width requirement, the Board should have imposed conditions, rather than denying its application. “The proper function of conditions is to reduce the adverse impact of a use allowed under a special exception, not to enable the applicant to meet his burden of showing that the use which he seeks is one allowed by the special exception.” *Elizabethtown/Mt. Joy Assoc. v. Mount Joy Twp. Zoning Hearing Bd.*, 934 A.2d 759, 768 (Pa. Cmwlth. 2007). If an applicant fails to meet all of the Ordinance requirements for a special exception, the Board can properly deny the

application. *Id.* “Stated otherwise, a condition is not to be used as a fudge factor by which to correct any legal shortcomings in an application for special exception.” *Blancett-Maddock v. City of Pittsburgh Zoning Bd. of Adjustment*, 6 A.3d 595, 601 (Pa. Cmwlth. 2010).

In *Blancett-Maddock*, the Commonwealth Court held that the “Zoning Board erred by using conditions to make T-Mobile’s unsatisfactory application satisfactory.” *Id.* at 602. Previously, the Board found that the Applicant’s proposed cell phone tower failed to satisfy two of the objective requirements under the Zoning Code, namely the 300-foot setback requirement from adjacent residential properties and the 20-foot-wide requirement for access roads. *Id.* Despite these deficiencies, the Board found that the Applicant “could cure these ‘minor’ deficiencies” and “approved the special exception subject to the condition that [the Applicant] find another spot in the cemetery and widen the access road.” *Id.* In reversing the Zoning Board’s decision to impose conditions, the *Blancett-Maddock* court noted that “it cannot be discerned from the evidence that [the Applicant] can satisfy the setback requirements in the Zoning Code by moving its cell tower within its current leasehold.” *Id.*

Here, the Board denied Nextel’s application for special exception, rather than imposing conditions that Nextel comply with the lot width requirement. The Board was not required to impose a condition so that Nextel’s proposed plans for its cell phone tower are in compliance with the Ordinance. Moreover, Nextel presented no evidence as to its ability to comply with the lot width requirement of 250 feet, as previously discussed in this Opinion. Therefore, the Board did not commit an abuse of discretion or an error of law when it denied Nextel’s application for special exception, rather than imposing a condition that Nextel comply with the lot width requirement.

Accordingly, based on the above discussion, the decision of the Board is affirmed in part, and reversed in part. To the extent that the Board denied Nextel’s application on the basis that Nextel failed to provide credible evidence regarding financial assurance under Section 175-44(E), this Court finds that the Board committed an abuse of discretion and its decision on that basis is reversed. In all other respects, the Board’s decision is affirmed.

ORDER

AND NOW, this 3rd day of December, 2010, the decision of the Franklin Township Zoning Hearing Board is affirmed in part and reversed in part. To the extent that the Board denied Nextel's application on the basis that Nextel failed to provide credible evidence regarding financial assurance under Section 175-44(E), this Court finds that the Board committed an abuse of discretion and its decision on that basis is reversed. In all other respects, the Board's decision is affirmed.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 11-S-0037 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of May, 2011, 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. 11-S-0037

WELLS FARGO BANK NA
vs.

THOMAS J. CARTER &
LINDA MARIE CARTER
96 GREENBRIAR ROAD
YORK SPRINGS, PA 17372
HUNTINGTON TOWNSHIP

Parcel No.: 22-105-0068-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$76,867.52

Attorneys for Plaintiff
MCCABE, WEISBERG & CONWAY,
P.C.
215-790-1010

SEIZED and taken into execution as the property of **Thomas J. Carter & Linda Marie Carter** 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 June 17, 2011, 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.

4/29, 5/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 11-S-08 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of May, 2011, 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. 11-S-08

WELLS FARGO BANK NA
vs.

TODD D. GENTRY &
LANA M. GENTRY
38 ROCK OAK WAY
BIGLERVILLE, PA 17307
MENALLEN TOWNSHIP

Parcel No.: 29-C06-0103-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$334,053.41

Attorneys for Plaintiff
MCCABE, WEISBERG &
MCKAFFERTY P.C., 215-790-1010

SEIZED and taken into execution as the property of **Todd D. Gentry & Lana M. Gentry** 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 June 17, 2011, 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.

4/29, 5/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1482 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of May, 2011, 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-1482

CHASE HOME FINANCE LLC
vs.

MELISSA A. BREMER &
LOUIS E. BREMER
18 ASH DRIVE
LITTLESTOWN, PA 17340
BOROUGH OF BONNEAUVILLE

Parcel No.: 06-010-0037

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$296,528.64

Attorneys for Plaintiff
MCCABE WEISBERG & CONWAY, P.C.
215-790-1010

SEIZED and taken into execution as the property of **Melissa A. Bremer & Louis E. Bremer** 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 June 17, 2011, 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.

4/29, 5/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-T-482 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of May, 2011, 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-T-482

ABBOTTSTOWN PARADISE JOINT
SEWER AUTHORITY

vs.

ANDREW L. HOCKENSMITH &
DANIELLE M. HOCKENSMITH

25 HIGHLAND DRIVE
ABBOTTSTOWN, PA 17301
HAMILTON TOWNSHIP

Parcel No.: L09-0195--000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$2,073.94

Attorneys for Plaintiff

CGA LAW FIRM
717-848-4900

SEIZED and taken into execution as the property of **Andrew L. Hockensmith & Danielle M. Hockensmith** 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 June 17, 2011, 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.

4/29, 5/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 11-S-0122 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of May, 2011, 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. 11-S-0122

WELLS FARGO BANK NA
vs.

KIMBERLY A. GILBERT &
JEREMY GILBERT

2496 OLD ROUTE 30
ORRTANNA, PA 17353
FRANKLIN TOWNSHIP

Parcel No.: 12-B140-0042

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$129,097.38

Attorneys for Plaintiff
ASHLEIGH LEVY, ESQ.
908-233-8500

SEIZED and taken into execution as the property of **Kimberly A. Gilbert & Jeremy Gilbert** 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 June 17, 2011, 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.

4/29, 5/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-593 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of May, 2011, 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-593

M & T BANK

vs.

ROBERT DALE HICKS a/k/a
ROBERT D. HICKS

36 EAST HANOVER STREET
GETTYSBURG, PA 17325
BOROUGH OF BONNEAUVILLE

Parcel No.: (06)-005-0088

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$215,112.40

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

215-790-1010

SEIZED and taken into execution as the property of **Robert Dale Hicks a/k/a Robert D. Hicks** 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 June 17, 2011, 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.

4/29, 5/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1934 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of May, 2011, 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-1934

US BANK NA ND

vs.

LEROY W. JONES a/k/a LEROY
WILLIAM JONES & CHERI RENE
JONES a/k/a CHERI R. JONES
60 CHRISTOPHER LEE DRIVE
NEW OXFORD, PA 17350
OXFORD TOWNSHIP

Parcel No.: (35) 013-0039---000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$254,378.36

Attorneys for Plaintiff

GREGORY JAVARDIAN, ESQ.
215-942-9690

SEIZED and taken into execution as the property of **Leroy W. Jones a/k/a Leroy William Jones & Cheri Rene Jones a/k/a Cheri R. Jones** 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 June 17, 2011, 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.

4/29, 5/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-2520 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of May, 2011, 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-2520

WELLS FARGO BANK NA

vs.

BONNIE E KELLER &
FRED C. KELLER
669 BELMONT ROAD
GETTYSBURG, PA 17325
FRANKLIN TOWNSHIP

Parcel No.: 12E11-0024---000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$241,252.86

Attorneys for Plaintiff

DANIEL SCHMIEG, ESQ.
215-563-7000

SEIZED and taken into execution as the property of **Bonnie E. Keller & Fred C. Keller** 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 June 17, 2011, 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.

4/29, 5/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-2191 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of May, 2011, 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-2191

WELLS FARGO BANK NA

vs.

JONATHAN D. KOONTZ &
JUDITH M. KOONTZ
1968 HANOVER ROAD
GETTYSBURG, PA 17325
MT. PLEASANT TOWNSHIP

Parcel No.: 32-H13-0019B-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$104,605.40

Attorneys for Plaintiff

PHELAN, HALLINAN & SCHMIEG, LLP
215-563-7000

SEIZED and taken into execution as the property of **Jonathan D. Koontz & Judith M. 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 June 17, 2011, 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.

4/29, 5/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-2228 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of May, 2011, 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-2228

WELLS FARGO BANK NA
vs.

DALTON J. MESSINGER a/k/a
DALTON MESSINGER

551 WEST KING STREET
EAST BERLIN, PA 17316-9703
BOROUGH OF EAST BERLIN

Parcel No.: 10-003-0005-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$104,025.09

Attorneys for Plaintiff
PHELAN HALLINAN & SCHMIEG, LLP
215-563-7000

SEIZED and taken into execution as the property of **Dalton J. Messinger a/k/a Dalton Messinger** 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 June 17, 2011, 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.

4/29, 5/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1387 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of May, 2011, 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-1387

GMAC MORTGAGE
vs.

VERA E. KUGLER a/k/a
VERA KUGLER

11 SNOW PLOW TRAIL
FAIRFIELD, PA 17310-8530
CARROLL VALLEY BOROUGH

Parcel No.: 43-007-0006---000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$267,341.11

Attorneys for Plaintiff
PHELAN HALLINAN & SCHMIEG, LLP
215-563-7000

SEIZED and taken into execution as the property of **Vera E. Kugler a/k/a Vera Kugler** 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 June 17, 2011, 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.

4/29, 5/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-348 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of May, 2011, 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-348

DEUTSCHE BANK NATIONAL TRUST
COMPANY
vs.

RICHARD B. MCGINNIS, SR.

42 ROCK OAK WAY
BIGLERVILLE, PA 17307
MENALLEN TOWNSHIP

Parcel No.: C06-0104

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$418,086.43

Attorneys for Plaintiff
CHRISTOPHER DENARDO, ESQ.
610-278-6800

SEIZED and taken into execution as the property of **Richard B. McGinnis, 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 June 17, 2011, 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.

4/29, 5/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-912 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of May, 2011, 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-912

PNC MORTGAGE

vs.

PHOMMA PHANHTHY & TANIS A.
STUCKY a/k/a TANIS A. PHANHTHY
35 RIFE ROAD, LOT 3
EAST BERLIN, PA 17316

READING TOWNSHIP

Parcel No.: 36-17-23G

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$190,971.31

Attorneys for Plaintiff

VITTI & VITTI & ASSOCIATES, P.C.
412-281-1725

SEIZED and taken into execution as the property of **Phomma Phanhthy & Tanis A. Stucky a/k/a Tanis A. Phanhthy** 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 June 17, 2011, 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.

4/29, 5/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-2621 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of May, 2011, 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-2621

WELLS FARGO BANK NA

vs.

MICHAEL R. NAILL & SUSAN M.
FORD

1 HICKORY LANE
LITTLESTOWN, PA 17340
UNION TOWNSHIP

Parcel No.: 41-003-0154---000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$352,732.48

Attorneys for Plaintiff

UDREN LAW OFFICES, PC
856-669-5400

SEIZED and taken into execution as the property of **Michael R. Naill & Susan M. Ford** 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 June 17, 2011, 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.

4/29, 5/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 11-S-107 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of May, 2011, 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. 11-S-107

WELLS FARGO BANK NA

vs.

JOHN M. ORNDORFF

35 BUFORD AVENUE, UNIT #19
GETTYSBURG, PA 17325
GETTYSBURG BOROUGH

Parcel No.: 16-007-0143

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$3,365.88

Attorneys for Plaintiff

ZUCKER, GOLDBERG & ACKERMAN,
LLC., 908-233-8500

SEIZED and taken into execution as the property of **John M. Orndorff** 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 June 17, 2011, 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.

4/29, 5/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-0001 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of May, 2011, 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. 07-S-0001

GMAC MORTGAGE CORPORATION
vs.

LORIN RICHARDSON a/k/a LORIN S.
RICHARDSON & SYLVIA R.
RICHARDSON a/k/a SYLVIA R.
DERRILL

540 LEXINGTON WAY
LITTLESTOWN, PA 17340
BOROUGH OF LITTLESTOWN

Parcel No.: 27-013-0031-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$223,222.03

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP
215-563-7000

SEIZED and taken into execution as the property of **Lorin Richardson a/k/a Lorin S. Richardson & Sylvia R. Richardson a/k/a Sylvia R. Derrill** 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 June 17, 2011, 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.

4/29, 5/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 11-S-0009 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of May, 2011, 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. 11-S-0009

EVERBANK

vs.

DEAN M. SCARFF
305 JOHNATHON DRIVE
MCSHERRYSTOWN, PA 17344
CONEWAGO TOWNSHIP

Parcel No.: 08-101-0070-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$88,390.33

Attorneys for Plaintiff

MCCABE, WEISBERG & CONWAY
P.C., 215-790-1010

SEIZED and taken into execution as the property of **Dean M. Scarff** 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 June 17, 2011, 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.

4/29, 5/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-NO-1123 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of May, 2011, 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-NO-1123

LITTLESTOWN BOROUGH

vs.

ROBERT J. VIA t/d/b/a HUNTER'S INN
36 SOUTH QUEEN ST.
LITTLESTOWN, PA 17340
BOROUGH OF LITTLESTOWN

Parcel No.: 008-0302--000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$12,480.30

Attorneys for Plaintiff

JOHN WHITE, ESQ.
717-334-9278

SEIZED and taken into execution as the property of **Robert J. Via t/d/b/a Hunters's Inn** 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 June 17, 2011, 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.

5/6, 13 & 20

ESTATE NOTICES

NOTICE IS HEREBY GIVEN that in the estates of the decedents set forth below the Register of Wills has granted letters, testamentary or of administration, to the persons named. All persons having claims or demands against said estates are requested to make known the same, and all persons indebted to said estates are requested to make payment without delay to the executors or administrators or their attorneys named below.

FIRST PUBLICATION**ESTATE OF THELMA M. GALLOWAY, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Executrix: Linda A. Mannion, 7907 Orchard Parkway, Bowie, MD 20715

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

ESTATE OF REBA V. HALTER, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executrices: Patricia O. Glass, 313 West King Street, Littlestown, PA 17340; Tracy A. Dunlap, 30 West King Street, Littlestown, PA 17340

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

ESTATE OF ALICE H. LOOKINGBILL, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Robert E. Lookingbill, 105 Dogwood Avenue, Thurmont, MD 21788

ESTATE OF CARL MILTON MOREHEAD a/k/a CARL M. MOREHEAD, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executrix: Peggy Ann Morehead Weems, 34215 Woodcrest Road, Millsboro, DE 19966

Attorney: Stonesifer and Kelley, 209 Broadway, Hanover, PA 17331

ESTATE OF GLORIA E. MYERS, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Executors: Edward L. Myers, David L. Myers and Michael E. Myers, c/o Hamilton C. Davis, Esq., Zullinger-Davis, P.C., P.O. Box 40, Shippensburg, PA 17257

Attorney: Hamilton C. Davis, Esq., Zullinger-Davis, P.C., P.O. Box 40, Shippensburg, PA 17257

ESTATE OF PEARL A. REBERT, DEC'D

Late of the Borough of Abbottstown, Adams County, Pennsylvania

Executrix: Kimberly H. Fenstermacher, 7244 Valley Road, Thomasville, PA 17364

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

ESTATE OF PHYLLIS F. SCHEINBERG, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executor: David L. Turner, 35 Scarlet Way, Biglerville, PA 17307

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

SECOND PUBLICATION**ESTATE OF GARY L. STULTZ, DEC'D**

Late of Germany Township, Adams County, Pennsylvania

Brad E. Emerson, 35 Black Lane, Hanover, PA 17331

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

ESTATE OF JEAN E. TOWNSEND, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Matthew B. Townsend, c/o R. Thomas Murphy, Esq., R. Thomas Murphy & Associates, P.C., 2005 East Main Street, Waynesboro, PA 17268

Attorney: R. Thomas Murphy, Esq., R. Thomas Murphy & Associates, P.C., 2005 East Main Street, Waynesboro, PA 17268

THIRD PUBLICATION

(No Estate Notices Submitted)

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1210 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of May, 2011, 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-1210

FARMERS AND MERCHANTS TRUST
vs.

RONALD C. ZEMSKY &
KATHLEEN R. ZEMSKY
385C CHURCH ROAD
ORRTANNA, PA 17353
FRANKLIN TOWNSHIP

Parcel No.: 12 – B09-0121---000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$52,226.86

Attorneys for Plaintiff
JAMES SMITH DIETTERICK &
CONNELLY, LLP
717-533-3280

SEIZED and taken into execution as the property of **Ronald C. Zemsky & Kathleen R. Zemsky** 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 June 17, 2011, 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.

5/6, 13 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 11-S-0083 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of May, 2011, 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. 11-S-0083

NATIONSTAR MORTGAGE LLC
vs.

LARRY N. WEAVER, JR.
26 BURNSIDE DRIVE a/k/a
24-26 BURNSIDE DRIVE
EAST BERLIN, PA 17316-9217
LATIMORE TOWNSHIP

Parcel No.: 23103-0034---000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$202,826.06

Attorneys for Plaintiff
PHELAN, HALLINAN & SCHMIEG, LLP
215-563-7000

SEIZED and taken into execution as the property of **Larry N. Weaver, 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 June 17, 2011, 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.

5/6, 13 & 20

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed in the Commonwealth of Pennsylvania on November 29, 2010 for MAN IN THE MOON CARDS located at 311 Oak Lane, Gettysburg, PA 17325. The name and addresses of each individual interested in the business is Kathy J. Adams, 311 Oak Lane, Gettysburg, PA 17325. This was filed in accordance with 54 PA.C.S. 311.

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