

Adams County Legal Journal

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IN THIS ISSUE

SPERTZEL ET AL VS. BEVERLY ENTERPRISES ET AL

This opinion continued from last issue (7/17/2009)

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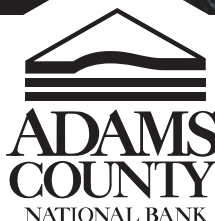
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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-489 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 31st day of July, 2009, 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.:

ALL THE FOLLOWING piece, parcel or tract of land, with the improvements thereon erected, situate, lying and being in the Borough of New Oxford, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point on the Eastern side of Paradise Court, a 50 feet wide street, at a point on Lot No. 23 of the Subdivision known as 'Oxford Heights'; extending thence along said land, North 88 degrees 27 minutes 00 seconds East, 127.17 feet to a point; extending thence south 3 degrees 11 minutes 00 seconds East, 75.03 feet to a point at Lot No. 21; extending thence along said land, South 88 degrees 27 minutes 00 seconds West, 129.31 feet to a point on the Eastern side of Paradise Court; extending thence along said street, North 1 degrees 33 minutes 00 seconds west, 75 feet to a point and the place of BEGINNING.

BEING Lot No. 22 on a Plan of Lots known as 'Re-division of Oxford heights' and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Plan Book 15, page 31.

TITLE TO SAID PREMISES IS VESTED IN Jeffrey L. Cox and Kathy L. Cox, h/w, by Deed from Gregory E. Kepner, dated 07/13/2001, recorded 08/13/2001, in Deed Book 2370, page 226.

Tax Parcel: (34) 007-0057

Premises Being: 6 Paradise Court, New Oxford, PA 17350

SEIZED and taken into execution as the property of **Jeffrey L. Cox a/k/a Jeffrey Cox & Kathy L. Cox a/k/a Kathy Cox** 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 August 21, 2009, 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.

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.

7/10, 17 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1859 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 31st day of July, 2009, 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.:

ALL THAT CERTAIN lot of ground situate in Hamilton Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a steel pin at Lot No. 11 and a fifty (50) feet wide right of way known as Foxtown Drive of the hereinafter referenced subdivision plan; thence along and with Foxtown Drive by a curve to the left with a radius of two hundred fifty and zero hundredths (250.00) feet, an arc distance of one hundred sixty and zero hundredths (160.00) feet and a long chord bearing and distance of South thirty-six (36) degrees thirty-two (32) minutes thirty-two (32) seconds West, one hundred fifty-seven and twenty-eight hundredths (157.28) feet to a steel pin; thence continuing along and with Foxtown Drive South eighteen (18) degrees twelve (12) minutes twenty-eight (28) seconds West twenty-four and three hundredths (24.03) feet to a steel pin located at Lot No. 9 on the hereinafter referenced subdivision plan; thence continuing along Lot No. 9 North forty-two (42) degrees forty-two (42) minutes thirty-four (34) seconds West two hundred seventy-six and seventy-one hundredths (276.71) feet to a steel pin set at lands now or formerly of Carol E. Carbaugh; thence along said Carbaugh lands North sixty-six (66) degrees fifteen (15) zero (00)

seconds East seventy-seven and zero (77.00) feet to a steel pin set at lands now or formerly of Christopher J. Newman; thence along said Newman lands North fifty-four (54) degrees fifty-seven (57) minutes thirty-four (34) seconds East one hundred twenty-nine and sixty-one hundredths (129.61) feet to a steel pin located at Lot No. 11; thence along Lot No. 11 South thirty-five (35) degrees seven (07) minutes twenty-three (23) seconds East one hundred ninety-five and nine hundredths (195.09) feet to a steel pin set along Foxtown Drive, the point and place of BEGINNING, CONTAINING 0.950 acres and being identified as Lot No. 10 on the Plan of Greystone Manor, Phase 3, in Plat Book 80, Page 62.

UNDER AND SUBJECT TO restrictions and conditions as now appear of record.

IT BEING the same premises which Dramka, Inc., a Pennsylvania corporation, by its Deed dated November 6, 2002, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 2870, Page 317, granted and conveyed unto Scott A. Aschemeier and Diana N. Aschemeier, husband and wife.

Address Being: 161 Foxtown Drive, Abbottstown, PA 17301

Lot Number: (17) L 09 - 0179

SEIZED and taken into execution as the property of **Scott A. Aschemeier & Diana N. Aschemeier** 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 August 21, 2009, 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.

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7/10, 17 & 24

Negligence Per Se

In addition to common law negligence, Plaintiff pleads in her Second Amended Complaint that the Defendants are liable for negligence per se based on two statutes: 18 Pa.C.S.A. § 2713(a) (hereinafter referred to as the “Dependent Person Statute”) and 35 P.S. § 10255.102, et seq. (“Older Adult Protective Services Act”, hereinafter referred to as the “OAPSA”). The Court holds that the Plaintiff cannot bring an action under either statute.

Defendants argue that neither statute creates an independent cause of action, and that Plaintiff is simply pleading a private cause of action for both statutes under the guise of negligence per se. Plaintiff, on the other hand, argues that she has set forth all the elements necessary in her Second Amended Complaint to plead negligence per se for violation of both statutes. She argues that both statutes are meant to protect elderly individuals from the type of harm suffered by Betty Spertzel.

Negligence per se establishes both duty and breach of duty when an individual violates an applicable statute. *Frantz v. HCR Manor Care Inc.*, 64 Pa. D & C. 4th 457, 461 (C.P. Skyl. 2003), quoting *Braxton v. PennDOT*, 160 Pa. Commw. 32, 45, 634 A.2d 1150, 1157 (1993). “Liability per se enables plaintiffs to establish as a matter of law that the defendant’s conduct constituted a breach of duty in a negligence action, so that only causation and damages need to be proved.” *In re Orthopedic Bone Screw Products Liability Litigation*, 193 F.3d 781, 790 (3d Cir. 1999). “In order to prove a claim based on negligence per se, the following four requirements must be met: (1) The purpose of the statute must be, at least in part, to protect the interest of a group of individuals, as opposed to the public generally; (2) The statute or regulation must clearly apply to the conduct of the defendant; (3) The defendant must violate the statute or regulation; (4) The violation of the statute or regulation must be the proximate cause of the plaintiff’s injuries.” *Wagner v. Anzon, Inc.*, 453 Pa.Super. 619, 627, 684 A.2d 570, 574 (1996). “Regarding the first requirement, the Pennsylvania Supreme Court has stated that the purpose of the asserted statute or regulation must be: (a) to protect a class of persons which includes the one whose interest is invaded, and (b) to protect the particular interest which is invaded, and (c) to protect that interest against the kind of harm which has resulted, and (d) to protect

that interest against the particular hazard from which the harm results.” *Id.* (citations omitted). Additionally, “[f]or a legislative enactment to be considered as ‘fixing a standard for all members of the community, from which it is negligence to deviate,’ the act must first of all ‘provide that under certain circumstances particular acts shall or shall not be done.’” *Shamnoski v. PG Energy*, 858 A.2d 589, 601 (Pa. 2004), quoting W. Keeton, D. Dobbs, R. Keeton, D. Owen, *Prosser & Keeton on the Law of Torts* § 36 at 220 (1984).

Negligence per se is distinguishable from an independent cause of action under a statute. Negligence per se “establishes, by reference to a statutory scheme, the standard of care appropriate to the underlying tort.” *In re Orthopedic Bone Screw Products Liability Litigation*, 193 F.3d at 790. Whereas an independent cause of action is created in the statute and provides that violation of the statute itself is a cause of action. *Id.* at 791. “A statute may still be used as the basis for a negligence per se claim when it is clear that, despite the absence of a private right of action, the policy of the statute will be furthered by such a claim because its purpose is to protect a particular group of individuals.” *McCain v. Beverly Health and Rehabilitation Services*, 2002 WL 1565526 (E.D. Pa. 2002).

The Dependent Person Statute, 18 Pa.C.S.A. § 2713(a), provides that a “caretaker is guilty of neglect of care-dependent person if he:

- (1) Intentionally, knowingly or recklessly causes bodily injury or serious bodily injury by failing to provide treatment, care, goods or services necessary to preserve the health, safety or welfare of a care-dependent person for whom he is responsible to provide care.
- (2) Intentionally or knowingly uses a physical restraint or chemical restraint or medication on a care-dependent person, or isolates a care-dependent person contrary to law or regulation, such that bodily injury or serious bodily injury results.

The OAPSA includes many lengthy provisions, and the Pennsylvania legislature has stated that the purpose of the OAPSA is as follows:

It is declared the policy of the Commonwealth of Pennsylvania that older adults who lack the capacity to protect themselves and are at imminent risk of abuse,

neglect, exploitation or abandonment shall have access to and be provided with services necessary to protect their health, safety and welfare. It is not the purpose of this act to place restrictions upon the personal liberty of incapacitated older adults, but this act should be liberally construed to assure the availability of protective services to all older adults in need of them. Such services shall safeguard the rights of incapacitated older adults while protecting them from abuse, neglect, exploitation and abandonment. It is the intent of the General Assembly to provide for the detection and reduction, correction or elimination of abuse, neglect, exploitation and abandonment, and to establish a program of protective services for older adults in need of them.

35 P.S. § 10225.102.

Although not binding, a Bedford County Court of Common Pleas recently found that the Dependent Person Statute does not provide a private cause of action. *Floor v. Diakon Lutheran Social Ministries*, 348 for the year 2007 (C.P. Bedf. Sept. 13, 2007). Additionally, the Pennsylvania District Court, in a recent memorandum opinion, found that the OASPA does not provide a private cause of action. *McCain v. Beverly Health and Rehabilitation Services*, 2002 WL 1565526 (E.D. Pa. 2002).

In the case at bar, the Court finds that neither the Dependent Person Statute nor the OAPSA provides a private cause of action, and further that neither statute can be the basis for a negligence per se claim. In order to be used as a basis for negligence per se, a statute must state specific standards of care and describe particular acts that should or should not be done. *Shamnoski*, 858 A.2d at 602. Additionally, a statute that merely sets forth goals for a nursing home to obtain cannot be used as a basis for a negligence per se action. *Frantz*, 64 Pa. D. & C. 4th at 467; *Goda v. White Cliff Nursing Home*, 62 Pa. D. & C.4th 476, 484 (C.P. Merc. 2003). The Dependent Person Statute does not set forth specific standards of care or describe the particular acts that should or should not be done. Like the statute in *Shamnoski*, the Dependent Person Statute does “not provide guidance as to a legislative judgment that the failure to engage in certain conduct constitutes negligence; rather, they raise

questions much like the question of whether particular conduct should be considered negligence...” *Shamnoski*, 858 A.2d at 602. Thus, because the provisions in the Dependent Person Statute are not specific standards of care, it could not be the basis for a negligence per se action. Further, the OAPSA merely sets forth goals for the nursing home to attain, therefore, it cannot be used as the basis for a negligence per se claim. Although *McCain v. Beverly Health and Rehabilitation Services*, 2002 WL 1565526 (E.D. Pa. 2002) predicted that OBRA and the OASPA, under Pennsylvania law, would sustain a negligence per se action, Pennsylvania Court of Common Pleas have since found that OBRA cannot be the basis for a negligence per se action. For the reasons stated herein, the Court predicts that courts in this Commonwealth would find that the OASPA similarly cannot be used as the basis for a negligence per se claim.

Thus, regardless of whether Plaintiff was pleading a private cause of action or negligence per se, neither statute can be used as the basis for a cause of action. Defendants second and third Preliminary Objections are sustained.

Scandalous and Impertinent Material

Attached to the Second Amended Complaint is a photograph of Betty Spertzel’s alleged bed pan injury. Defendants argue that the current action sounds in breach of contract, requiring an attachment of the writing, not a picture, and that the photograph is not relevant. Defendants maintain that if the photograph is stricken and the punitive damages claim survives to trial, then the photograph could be properly presented at trial, with proper foundation, and the Defendants can then object. Plaintiff argues that the picture of Betty Spertzel’s injuries cannot be stricken merely because it is gruesome. She states that the photograph accurately depicts the injuries allegedly caused by the Defendants that give rise to the action, and that the photograph is the best description of her injuries and is relevant.

A picture of the alleged injury is not appropriate at this stage in the pleadings. Scandalous and impertinent averments have been defined as “immaterial and inappropriate to the proof of the cause of action.” *Com. Dept. of Envtl. Resources v. Peggs Run Coal Co.*, 55 Pa. Cmwlth. 312, 320 423 A.2d 765, 769 (1980). The photograph is irrelevant to the Court’s determination of whether the allegations in

the Second Amended Complaint are sufficient to plead a cause of action. Although this photograph may be relevant to the ultimate issue, it is not relevant to the issue at hand. With a proper foundation, the photograph may be reintroduced into the case at a subsequent time, undoubtedly with objection by Beverly. Therefore, the photograph is stricken, although it may be reintroduced at a later time. Defendants' fourth Preliminary Objection is sustained and the photograph is stricken from the Second Amended Complaint.

Punitive Damages

Defendants argue that the Plaintiff has not plead facts sufficient to sustain a claim for punitive damages, either under common law or under the Mcare Act, because Defendants' conduct was not outrageous. Defendants state that failure to hire appropriately trained staff alone cannot sustain a claim for punitive damages. Plaintiff argues that she has properly plead outrageous conduct in the Second Amended Complaint.

The Medical Care Availability and Reduction of Error (Mcare) Act, 40 Pa.C.S.A. §1303.505 states:

(a) Award.--Punitive damages may be awarded for conduct that is the result of the health care provider's willful or wanton conduct or reckless indifference to the rights of others. In assessing punitive damages, the trier of fact can properly consider the character of the health care provider's act, the nature and extent of the harm to the patient that the health care provider caused or intended to cause and the wealth of the health care provider.

(b) Gross negligence.--A showing of gross negligence is insufficient to support an award of punitive damages.

The Act specifically includes "nursing home" within the definition of health care provider. 40 Pa.C.S.A. §1303.503. Punitive damages are not awarded for mere inadvertence, mistake, errors of judgment, and the like, which constitute ordinary negligence. Restatement (Second) of Torts §908, comment (b). "It is incumbent on plaintiff to plead facts amounting to outrageous conduct, i.e., reckless indifference to the interest of others or wanton misconduct on the part of the defendant in order to support a claim for punitive damages." *Capriotti v. Beverly Enterprises Pennsylvania Inc.*, 72 Pa. D. & C. 4th 564, 575

(C.P. Fay. 2004); see also *Smith v. Brown*, 283 Pa. Super. 116, 423 A.2d 743 (1980). In *Freeman*, Judge Wettick was similarly faced with the question of whether the plaintiff had properly plead facts sufficient for a punitive damages claim. Judge Wettick found:

The acts of negligence set forth in the complaint describe only failures to provide appropriate treatment. The complaint does not describe injuries resulting from an almost complete failure to provide treatment and care. Also, general allegations of a failure to hire appropriately trained staff does not support a punitive damage claim because these allegations are not related to a showing of reckless indifference to Ms. Freeman's needs.

Following Judge Wettick's well-reasoned analysis in *Freeman*, the Court finds that the Plaintiff in the case at bar has plead facts sufficient in the Second Amended Complaint to support a punitive damages claim. Although a different conclusion than the one reached by Judge Wettick, the Court finds that under the reasoning in *Freeman* the Plaintiff's Second Amended Complaint is well-plead and contains sufficient facts in order to sustain a punitive damages claim. Reading the Second Amended Complaint as a whole, Plaintiff has alleged that Defendants acted with reckless indifference to Betty Spertzel, due to purposeful inadequate staffing, substandard care and an almost complete failure to provide treatment. The Court cannot conclude, as a matter of law, that a fact-finder could not determine that Defendants acted with the level of reckless disregard that would warrant a punitive damages instruction. Thus, this Court holds, based on the allegations in the Second Amended Complaint, that Plaintiff has sufficiently plead facts necessary to sustain a punitive damages claim. Therefore, Defendants' fifth Preliminary Objection is overruled.

CONCLUSION

For the reasons stated herein, Defendants' first, second, third and fourth Preliminary Objections will be sustained. Defendants' fifth Preliminary Objection will be overruled. As a result, Counts II and III will be stricken from the Second Amended Complaint. The photograph attached to the Second Amended Complaint is also stricken. Additionally, the parties must submit to Arbitration pursuant to the

Arbitration Agreement, and the current action will be stayed pending the outcome of the arbitration process or other resolution by the parties.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 10th day of October 2008, in consideration of Preliminary Objections Raising a Question of Fact to Plaintiff's Second Amended Complaint filed by Defendants, IT IS ORDERED THAT:

1. Defendants' first, second, third, and fourth Preliminary Objections are sustained.
2. Defendants' fifth Preliminary Objection is overruled.
3. The photograph attached to the Second Amended Complaint is stricken.
4. Counts II and III of the Second Amended Complaint are stricken.
5. The parties must submit to Arbitration pursuant to the Arbitration Agreement and the current action is stayed pending the outcome of the arbitration process or other resolution by the parties.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1492 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 31st day of July, 2009, 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.:

ALL THOSE TWO (2) tracts of land situate, lying and being in Franklin Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

TRACT No. 1:

BEGINNING at stones along land now or formerly of Jacob Sharrah; thence along said land, North 77-1/2 degrees West, 100 feet to stone; thence along other land now or formerly of Jacob Sharrah, South 77-1/2 degrees West, 146 feet to stone; thence by land now or formerly of Jacob Sharrah, South 12-1/2 degrees East, 100 feet to the place of BEGINNING.

TRACT No. 2:

BEGINNING at a stone for a corner; thence running with private roadway, South 7 degrees East, 100 feet to a stone; thence by lands of Jacob Sharrah, South 77-1/2 degrees West, 146 feet to a stone; thence by the same, North 7 degrees West, 100 feet to a stone; thence by the land now or formerly of William and Carrie Woodward, North 77-1/2 degrees East, 146 feet to the place of BEGINNING.

Being known as: 2350 Old Route 30, Orrtanna, Pennsylvania 17353.

TITLE TO SAID PREMISES IS VESTED IN Richard Wiatrak a/k/a Richard D. Wiatrak and Carol J. Wiatrak, husband and wife, as tenants of the estate by entirety, by deed from Daniel J. Yeager and Lisa A. Yeager, husband and wife, dated April 21, 1995 and recorded May 4, 1995 in Deed Book 1025, Page 75.

TAX ID. #: (12) B 10-52

SEIZED and taken into execution as the property of **Richard D. Wiatrak, Richard Wiatrak & Carol J. Wiatrak, Carol Wiatrak** 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 August 21, 2009, 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.

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.

7/10, 17 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-117 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 31st day of July, 2009, 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.:

ALL that certain tract of land situate in the Township of Franklin, County of Adams, and Commonwealth of Pennsylvania, being more particularly bounded and described as follows, to wit:

BEGINNING at a steel pin set in the centerline of Mt. Carmel Road (T-3 12), said pin marking the common point of adjoiner of Lots #10 and #11 on the hereinafter mentioned plan of subdivision with the centerline of said roadway; thence departing from the centerline of Mt. Carmel Road, and extending along Lot #10, North seventy-two (72) degrees eighteen (18) minutes thirty-seven (37) seconds West, through a steel pin set on the Westernmost dedicated right-of-way line of Mt. Carmel Road, a distance of twenty-five and no hundredths (25.00) feet from the origin of this call, for a total distance of two hundred thirty-three and one hundredths (233.01) feet to a concrete monument which marks the common point of adjoiner of Lot #9, #10, and #11 on the hereinafter mentioned plan; thence along Lot #9 North fifty-one (51) degrees eight (8) minutes twenty (20) seconds West, for a distance of one hundred eighty and no hundredths (180.00) feet to a steel pin at Lot 12 on the hereinafter mentioned plan; thence extending along Lot #12 the following two (2) courses and distance: North thirty-eight (38) degrees forty-five (45) minutes fifty-six (56) seconds East, for a distance of ninety-one and eight hundredths (91.08) feet to a steel pin; thence continuing South seventy-two (72) degrees eighteen (18) minutes thirty-seven (37) seconds East, through a steel pin set on the westernmost dedicated right-of-way line of Mt. Carmel Road, a distance of twenty-five and no hundredths (25.00) feet from the terminus of this call, for a total distance of three hundred sixty-eight and eleven hundredths (368.11) feet to a steel pin set in the centerline of Mt. Carmel Road; thence extending in and through the centerline of Mt. Carmel Road, South seventeen (17) degrees forty-one (41) minutes

twenty-two (22) seconds West, for a distance of one hundred fifty and no hundredths (150.00) feet to a steel pin set in the centerline of said roadway at Lot #10 on this hereinafter mentioned plan, said pin marking the place of BEGINNING.

CONTAINING 1.14 acres to the dedicated right-of-way line and 1.22 acres to the centerline of Mt. Carmel Road, and being designated as Lot #11 on a final plan of the Hidden Valley Subdivision prepared for Harry H. Fox, Jr. by Walter N. Heins Associates, Inc., Consulting Engineers, dated March 12, 1990, and recorded in the Office of the Recorder of Deeds in and for the Adams County, Pennsylvania, in Plat Book 80, at Page 45.

The improvements thereon being commonly known as 685 Mt. Carmel Road, Orrtanna, Pennsylvania 17353.

Being the same lot or parcel of ground which by deed dated December 23, 2002 and recorded among the land records of Adams County in Book 2926 Page 276, was granted and conveyed by Bon Ton Builders, Inc., a Pennsylvania corporation, unto Joseph T. Ponzillo and Erika L. Ponzillo, husband and wife, as tenants by the entirety.

Parcel # (12) C12-0141

Property Address: 685 Mount Carmel Road, Orrtanna, PA 17353

SEIZED and taken into execution as the property of **Erika L. Ponzillo** 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 August 21, 2009, 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.

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.

7/10, 17 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-325 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 31st day of July, 2009, 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.:

ALL THAT tract of land situate, lying and being in Mt. Pleasant Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in or near the center of Township Road No. T-493 running between Legislative Route No. 01067 and U.S. Route 30, at corner of lands now or formerly of James A. Fry, formerly a part hereof; thence running in or near the center of said state highway, North 29 degrees 30 minutes East 200 feet to a point; thence along land now or formerly of James E. Sponseller, and running through a pin set 20 feet from the beginning of this course, South 62 degrees 58 minutes East 427.5 feet to a pin at land now or formerly of Lewis H. Richstine; thence along said Richstine's land South 35 degrees West 200 feet to a pin at the Northeast corner of said lot now or formerly of James A. Fry; thence along said Fry's land running through a pin set 20 feet from the terminus of this course North 63 degrees 13 minutes West 408.4 feet to the point and place of beginning CONTAINING 1.908 acres.

THE above description was based upon a draft of survey made by George M. Wildasin, Registered Professional Engineer dated May 24, 1969, for the use of Charles E. Sponseller.

Map and Parcel ID: (32) J11-0058B

TITLE TO SAID PREMISES IS VESTED IN Marie A. Wilt by deed from Clifford M. Wilt and Marie A. Wilt, both single persons, dated 5/7/2004 and recorded 5/14/2007 in Record Book 3567 Page 161.

BEING KNOWN AS: 810 Fleshman Mill Road, New Oxford, Pennsylvania 17350.

SEIZED and taken into execution as the property of **Marie A. Wilt** 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 August 21, 2009, 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.

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.

7/10, 17 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1642 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 31st day of July, 2009, 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.:

ALL the following described lot of ground situate in Conewago Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING for a corner on the Hanover and McSherrytown Turnpike and a fourteen feet wide alley; thence along said alley South forty-four and one-fourth degrees West, one hundred and eighty-seven feet ten inches to a fourteen feet wide alley in the rear, thence along last mentioned alley, North fifty-six degrees West, thirty-two feet to lot now or formerly of A. F. Rife; thence along said lot, North forty-four and one-fourth degrees East, one hundred and ninety-three feet four inches to the aforesaid Turnpike; and thence along said Pike, South forty-six degrees East, thirty-one feet to the place of BEGINNING.

PARCEL (8) 8-227

Property Address: 634 3rd Street, Hanover, PA 17331

SEIZED and taken into execution as the property of **Judith A. Laughman & Ralph W. Laughman** 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 August 21, 2009, 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.

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.

7/10, 17 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-66 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of August, 2009, 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.:

All that certain property situated in the Borough of Gettysburg, in the County of Adams, Commonwealth of Pennsylvania, and being described as follows: 10-70. Being more fully described in a deed dated November 14, 2003, and recorded November 17, 2003 among the land records of the County and State set forth above, in Deed Volume 3382 and Page 137.

Permanent Parcel Number: (16) 10-70
AARON L. SMITH

BEING KNOWN AS: 154 East Middle Street, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Aaron L. Smith** 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 August 28, 2009, 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.

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.

7/10, 17 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1860 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of August, 2009, 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.:

ALL those three (3) tracts of land, situate, lying and being in Freedom Township, Adams County, Pennsylvania, being more particularly bounded and described as follows:

Tract No. 1 — BEGINNING at a spike driven in the center of the State Highway running between Fairfield and the Gettysburg-Emmitsburg State Highway; thence running in the center of said State Highway south 20 degrees East, 200 feet to a railroad spike driven in the center of said State Highway; thence through lands now or formerly of Margaret Elizabeth Shrob, and running parallel with and 17 feet North of land now or formerly of J. Leslie Bowling, South 69 degrees 05 minutes West, 200 feet to an iron pin; thence continuing through said lands now or formerly of Margaret Elizabeth Shrob, North 20 degrees West, 200 feet to an iron pin; thence continuing through same, North 69 degrees 05 minutes East, 200 feet, running through an iron pin on the West side of said State Highway, to the above described place of BEGINNING, CONTAINING 146.9 Perches.

The above description was taken from a draft of survey dated April 10, 1967, made by LeRoy H. Winebrenner, C.S.

Tract No. 2 — BEGINNING at a point in the center of Pennsylvania Legislative Route No. 01025 running between Fairplay in a Northwesterly direction towards Fairfield, which point of beginning is at the Northeast corner of a 146.9 perch tract (Tract No. 1 herein); thence by said other tract, South 69 degrees 05 minutes West, 200 feet to the Northwest corner of said other tract; thence continuing by same, South 20 degrees East, 200 feet to the Southwest corner of said other tract; thence by the Northern side of a private road or lane, South 69 degrees 05 minutes West, 15.8 feet to a point, thence by land now or formerly of Maurice F. Shrob, widower, North 43 degrees 43 minutes 54 seconds West, 316.72 feet to a point; thence continuing by same, North 58 degrees 32 minutes 05 seconds West, 41.56 feet to a point; thence North 68 degrees 51 minutes East, 369.20 feet (running through a steel pin near the West side of said Legislative Route 01025) to a point in the center of said State Highway; thence running in the center of said State

Highway, South 20 degrees East, 126.40 feet to the above described place of BEGINNING, CONTAINING 1.2309 Acres, neat measure (53,616 Square Feet).

The above description was taken from a draft of survey made for Maurice F. Shrob by J.H. Registered Engineer, dated March 14, 1974, his Field Book 164, page 30, File No. B-942.

Tract No. 3 — BEGINNING at a magnetic spike in the centerline of Bullfrog Road (SR. 3005) at corner of land now or formerly of Marlin M. Shrob, of which this lot was formerly a part; thence by said land now or formerly of Marlin M. Shrob and running through a reference steel rod 30 feet from the beginning of this course, North 70 degrees 48 minutes 40 seconds East, 1.06565 feet to a inch pipe on line of land now or formerly of Leon C. Young; thence by said land now or formerly of Leon C. Young, South 11 degrees 17 minutes 05 seconds East, 40.78 feet to an existing inch pipe; thence by the same, South 30 degrees 24 minutes 05 seconds East, 174.50 feet to an existing 3/4 pipe on line of land now or formerly of Steven Mott; thence by said land now or formerly of Steven Mott, South 71 degrees 09 minutes 20 seconds West, 262.21 feet to an existing eye bolt at corner of abutting lands now or formerly of Roger Johnson and James Hobbs, Jr.; thence by said lands now or formerly of James Hobbs, Jr. and running through an existing reference steel rod 30 feet from the end of this course, South 70 degrees 48 minutes 40 seconds West, 830 feet to an existing railroad spike in the centerline of Bullfrog Road; thence in the centerline of said Bullfrog Road, North 19 degrees 40 minutes 15 seconds West, 210 feet to the above described place of BEGINNING, CONTAINING 5.179 Acres.

The above description was taken from a Lot Addition Subdivision: Plan prepared for the use of Marlin M. Shrob, by J. Riley Redding, Registered Professional Land Surveyor, of Adams County surveyors, dated May 19, 1998 and recorded in Adams County Plat Book 75 at page 40, the above lot being Lot No. 2 designated thereon.

BEING THE SAME PREMISES which David M. Kaas and Juanita S. Kaas, husband and wife, by, Deed Dated January 26, 2006 and recorded January 30, 2006, in the Office for the Recorder of Deeds in and for the County of Adams, in Deed Book 4297 Page 232, granted and conveyed unto the Bruno Grela-Mpoko, in fee.

SEIZED and taken into execution as the property of **Bruno Grela-Mpoko** 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 August 28, 2009, 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.

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.

7/10, 17 & 24

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State, Commonwealth of Pennsylvania, for the purpose of incorporating a non-profit corporation under the Pennsylvania Non-Profit Corporation Law of 1988. The name of the corporation is THE AWARENESS GROUP OF HANOVER and its initial registered address is 764 Poplar Road, New Oxford, PA 17350. The purpose for which it has been organized is for raising awareness, providing services and education regarding substance abuse.

Linda Siegle, Esq.
Law Offices of Douglas H. Gent
1157 Eichelberger Street
Suite 4
Hanover, PA 17331

7/24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-21 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of August, 2009, 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.:

All those two (2) tracts of land situate, lying and being in Franklin Township, Adams County, Pennsylvania, bounded and described as to follows:

BEGINNING at a black oak stump, a corner of land formerly of H. Powell and the Jacob Sharrah Estate: thence by said Sharrah Estate land South 85 degrees West, 124 feet to a point; thence by the same South 16 degrees 45 minutes West, 165 feet to a point; thence by the same South 62 degrees 15 minutes West, 155 feet to a point; thence by the same South 1 degrees 30 minutes East 83 feet to a point on the north side of Marsh Creek; thence along the north side of Marsh Creek for the, following three (3) courses; North 54 degrees 30 minutes West, 155 feet to a point; North 78 degrees 30 minutes West, 187 feet to a point; South 51 degrees 15 minutes West, 112 feet to a point, a corner of, land formerly of Charles Forsythe; thence by said Forsythe land North 16 degrees West, 1393 feet to stones at corner of land formerly of John Sharrah; thence by said Sharrah land North 85 degrees East, 769 feet to stones at corner of land formerly of H. Powell; thence by said Powell land South 15 degrees East, 1152 feet to a black oak stump, the place of BEGINNING, CONTAINING 22.4 acres, more or less.

The above description was taken from a draft drawn from recorded by J.R. Hershey, Registered Engineer, 28 September 1964.

LESS, HOWEVER, the western portion of a tract which Philip Bower and Eva D. Bower, husband and wife, by deed dated March 4, 1966, sold and conveyed unto Eugene Ojanen, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 255-1041.

TRACT NO. 2:

BEGINNING at a stone, at corner of land formerly of George Kane and land now or formerly of Jacob Sharrah; thence along said Sharrah land North 47 degrees West, 15-1/2 perches to a stone; thence along same North 54-1/2 degrees West, 9.4 perches to a stone; thence along land now or formerly of Peter Emley North 78-1/2 degrees West, 11, perches to stone; thence along same South 51-1/4 degrees West, 6.8 perches to stone; thence along land now or

formerly of Susan Kuhn South 11 degrees West, 27.2 perches to stone; thence along same South 70 degrees East, 15.6 perches to stone; thence along same South 84-3/4 degrees East, 15.2 perches to stone at land now or formerly of George Kane; thence along said Kane land North 20-1/2 degrees East, 4.4 perches to stone; thence along same North 28-1/2 degrees East, 18 perches to the place of BEGINNING, CONTAINING 6 acres and 76 perches.

BEING the same premises WHICH Frederick J. Bower and Dorothy D. Bower, by Deed dated January 28, 1998 and recorded in the Office of the Recorder of Deeds of Adams County on February 2, 1998, in Deed Book 1513, Page 338, granted and conveyed unto Nolan S. Huffaker.

SEIZED and taken into execution as the property of **Nolan S. Huffaker** 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 August 28, 2009, 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.

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.

7/10, 17 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1279 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of August, 2009, 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.:

ALL that tract of land situate in Menallen Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center of a 33-foot right-of-way at land now or formerly of Grayson P. Showers, et ux. South 69-1/2 degrees West, 180 feet to a point; thence in said 33-foot right-of-way by land of same North 83-3/4 degrees West, 342 feet to a point; thence leaving said 33-foot right-of-way and by other land now or formerly of Grayson P. Showers, et ux., aforesaid, North 37-1/4

degrees West, 131.5 feet to an iron pin; thence by said other lands now or formerly of Grayson P. Showers North 77-1/4 degrees East, 447.8 feet to an iron pin in the center of another 33-foot right-of-way; thence in the center of said 33-foot right-of-way and by other land now or formerly of Grayson P. Showers South 39-1/2 degrees East, 230 feet to a point, the place of BEGINNING, CONTAINING 1 acre and 151.968 square perches.

The above description was taken from a draft of survey by Curvin A. Wentz, R.S., dated October, 1966.

SUBJECT TO the restrictions and responsibilities as fully set forth in Record Book 1880, Page 25.

BEING THE SAME PREMISES which Brendan F. Hornbake, a/k/a Brendan Hornbake, by his agent, Helen F. Hornbake, by Deed dated December 17, 2003, and recorded December 17, 2003 in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Record Book 3419, Page 48, granted and conveyed unto Craig Schmitz and Marion Schmitz, husband and wife, as tenants of an estate by the entireties, GRANTORS HEREIN.

PARCEL IDENTIFICATION NO: (29)
E 05-0098A-000

TITLE TO SAID PREMISES IS VESTED IN Frank A. Brown, Single, by Deed from Craig Schmitz and Marion Schmitz, husband and wife, dated 12/28/2004, recorded 01/11/2005, in Deed Book 3836, page 72.

Premises Being: 795 Maryland Avenue, Aspers, PA 17304

SEIZED and taken into execution as the property of **Frank A. Brown** 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 August 28, 2009, 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.

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.

7/10, 17 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1307 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of August, 2009, 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.:

ALL THAT CERTAIN lot of land being situated in Reading Township, Adams County, Pennsylvania, being more particularly described as Lot No. 755 on a plan of lots of Lake Meade Subdivision duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County in Plat Book 1, pages, and subject to all legal highways, easements, rights of way and restrictions of record.

IT BEING the same which Jeffrey D. Guise and Kellie A. Shearer, now by marriage Kellie A. Guise, husband and wife, by their deed dated January 28, 1999 and recorded February 8, 1999 in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 1760 at page 180, sold and conveyed unto Edward W. Smith, Jr. and Amber J. Smith, husband and wife, as tenants of an estate by the entireties.

Having thereon erected a residential dwelling known and numbered as 485 Lake Meade Drive, East Berlin, PA 17316.

TITLE TO SAID PREMISES IS VESTED IN Tracy M. Saracco Sr. and Linda A. Saracco, Husband and Wife, as tenants of an estate by the entireties by deed dated March 15, 2005 and recorded March 30, 2005 in Deed Book Volume 3912 Page 246.

TAX ID No., (37) 13-100

SEIZED and taken into execution as the property of **Tracy M. Saracco, Sr. & Linda A. Saracco** 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 August 28, 2009, 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.

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.

7/10, 17 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1641 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of August, 2009, 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.:

ALL that certain piece, parcel or tract of land, situate, lying and being in the Borough of Littlestown, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to-wit:

BEGINNING for a point on the right-of-way line and cartway of Independence Drive at Lot No. 6 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 6; North fifty (50) degrees forty-three (43) minutes twenty-six (26) seconds West, one hundred twenty and seventeen hundredths (120.17) feet to a point along Boyer Street as shown on the hereinafter referenced subdivision plan; thence along Boyer Street, North thirty-nine (39) degrees sixteen (16) minutes thirty-four (34) seconds East, Sixty-six and forty-six hundredths (66.46) feet to a point at Lot No. 4 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 4, South fifty (50) degrees forty-three (43) minutes twenty-six (26) seconds East, one hundred twenty-two and fifty hundredths (122.50) feet to a point on the right-of-way line and cartway of Independence Drive: thence along the right-of-way line and cartway of Independence Drive, South forty-one (41) degrees seventeen (17) minutes two (02) seconds West, sixty-five and fifty hundredths (65.50) feet to a point, the point and place of BEGINNING, CONTAINING 8,064.69 square feet/ 0.19 acres.

The above description being Lot No. 5 on the Final Subdivision Plan of Heritage Hill -Phase 2, for New Age Associates, prepared by James R. Holley & Associates, Inc., dated January 20, 1993, designated as Project 921120, which said subdivision plan is recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Plat Book 63, page 58.

ALSO, SUBJECT, NEVERTHELESS, to the protective Covenants of "Heritage Hill" dated November 13, 1992, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 656, at Page 146 and amended in Record Book 833, at Page 240 and in Extension of Restrictions in Record Book 779, at Page 212. The above described lot being part of the premises which LaRay Enterprises, Inc., by deed dated October 9, 1992, and recorded in the Office of the

Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 644 at page 930, granted and conveyed unto Harry P. McKean, trading and doing business as New Age Associates.

TOGETHER with all and singular the buildings, improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, Hereditaments and appurtenances, whatsoever unto the hereby granted Premises belonging, or in any wise appertaining, and the reversions and remainders, rents issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of them, the said Grantor, as well at law as in equity of the and to the same.

TO HAVE and to hold the said lot or piece of ground above described with the buildings and improvements thereon erected, Hereditaments and premises hereby granted, or mentioned, and intended so to be, with the appurtenances, unto the said Grantee, his heirs and assigns, to and for the only proper use and behalf of the said Grantee, his heirs and assigns forever.

TAX PARCEL # (27) 11-196

BEING KNOWN AS: 174 Boyer Street, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Mark A. Weber** 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 August 28, 2009, 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.

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.

7/10, 17 & 24

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 BENNY L. BAUGHMAN, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Executrix: Linda M. Spielman a/k/a Linda L. Spielman, 1777 Buchanan Valley Road, Orrtanna, PA 17353

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

ESTATE OF JOHN HENRY BLY, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrices: Sharon E. Nicholson, Vicki K. Bigelow, Kelly S. Kessler, 2095 Hunterstown-Hampton Rd., New Oxford, PA 17350

ESTATE OF LLOYD HERRING, JR., DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Co-Executors: Ron Herring, 965 Fairfield Rd., Gettysburg, PA 17325; Michael L. Herring, 430 Herr's Ridge Rd., Gettysburg, PA 17325

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

ESTATE OF CHARLES ABRAHAM HERSHEY, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Mary Kathryn Hershey, c/o Elinor Albright Rebert, Esq., 515 Carlisle St., Hanover, PA 17331

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

ESTATE OF DOROTHY L. KUMP, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Michael John Kump, 71 Clearview Lane, Biglerville, PA 17307

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

ESTATE OF MIRIAM A. MYERS, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executrices: Patricia A. Sponseller, 4499 Hanover Road, Hanover, PA 17331; Sharon T. Aupperle, 27 Third Street, Hanover, PA 17331

Attorney: Crabbs & Crabbs, 202 Broadway, Hanover, PA 17331

ESTATE OF ALVIN P. SANDERS, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executrix: Brenda L. Brechbill, c/o R. Thomas Murphy & Associates, PC, 114 West Third Street, Waynesboro, PA 17268

Attorney: R. Thomas Murphy, Esq., R. Thomas Murphy & Associates, PC, 114 West Third Street, Waynesboro, PA 17268

ESTATE OF VIRGINIA SHANHOLTZ a/k/a VIRGINIA FAY SHANHOLTZ, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executrix: Karen Runkles, 811 Green Ridge Road, Orrtanna, PA 17353

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

ESTATE OF NORMAN R. STEENSTRA, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Carole L. Dykhous, 47 Orchard St., Midland Park, NJ 07432

Attorney: Fred E. Kilgore, Esq., 2550 Kingston Rd., Suite 323, York, PA 17402

SECOND PUBLICATION**ESTATE OF JENNIE M. ERNST, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executor: Gregory P. Ernst, 47 700 Road, New Oxford, PA 17350

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

ESTATE OF MARGARET L. MCCLEAF, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Constance M. Howe, 102 Knoxlyn Rd., Gettysburg, PA 17325

Attorney: Phillips & Phillips, 101 West Middle Street, Gettysburg, PA 17325

ESTATE OF ARTHUR L. MYERS, JR., DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Gregory A. Myers, 181 Easy Road, Carlisle, PA 17013; Gordon L. Myers, 427 Larkspur Lane, Lebanon, PA 17042

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

ESTATE OF MARY V. SPANGLER, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Ann M. Shelleman, 237 Baer Avenue, Hanover, PA 17331

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

THIRD PUBLICATION**ESTATE OF RAY BLACK a/k/a RAY M. BLACK, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Executrix: Alma L. Black, 1587 Shrivvers Corner Road, Gettysburg, PA 17325

ESTATE OF IRENE E. COOL a/k/a IRENE EMMA COOL, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Susan M. Fogle, 1295 Bullfrog Road, Fairfield, PA 17320; Lavanna K. Nestor, 5619 Bartonville Rd., Frederick, MD 21704

Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF FRANCIS E. LIVELSBERGER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Thomas F. Livelsberger, 12 Lookout Court, Gettysburg, PA 17325

Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-58 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of August, 2009, 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.:

ALL that parcel of land in Township of Straban, Adams County, Commonwealth of Pennsylvania, as more fully described in Deed Book 4025, Page 255. ID# 22-92, being known and designated as metes and bounds property.

TRACT NO. 1: BEGINNING at a point at the West side of a public road leading from Hunterstown to the Lincoln Highway; thence running by land now or formerly of James E. Ford, North 76-1/4 degrees West, 252 feet to an iron pin; thence running by land now or formerly of Charles Baird, North 17-1/2 degrees East, 180 feet to an iron pin; thence running by land now or formerly of Vaughn W. Smith, South 76-1/2 degrees East 258.3 feet to a point in said public road, with an iron pin set back along the line; thence running in said road, South 23 degrees West, 69.9 feet to a point in said road; thence running across said road, North 84-1/2 degrees West 8.2 feet to a point at the West side of said road; thence running along the West side of said road, South 20-1/2 degrees West 30 feet to a point at the West side of said road, with an iron pin set back along the line, the point and place of the BEGINNING, CONTAINING 93 perches and 191 square feet.

TRACT 2: BEGINNING at a point in the center of a public road leading from Hunterstown to Granite Station; thence running through an iron pin set back along the line and by lands now or formerly of James E. Ford, North 77-1/4 degrees West 258.3 feet to a stone and iron pin; thence running by lands now or formerly of Charles Baird, North 17-1/4 degrees East 50 feet to a stone and iron pin; thence running by lands of the same North 10 degrees West 56 feet to an iron pin; thence running by lands now or formerly of William King, South 76-1/4 degrees East 144 feet to a point; thence running by lands now or formerly of Dervin C. Wileman, South 23 degrees West 100 feet to a point; thence running lands of the same, South 77-1/4 degrees East 150 feet to a point in the center of said highway; thence running in the center of said highway, South 23 degrees West 17 feet to a point the place of BEGINNING.

Dwelling Known as 2372 Granite Station Road, Gettysburg, PA 17325.

IDENTIFIED AS TAX/PARCEL ID#: (38) 022-0092 in the Deed Registry Office of Adams County, Pennsylvania.

SEIZED and taken into execution as the property of **Eric Huffer & Patricia A. Huffer** 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 August 28, 2009, 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.

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.

7/17, 24 & 31

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1562 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 28th day of August, 2009, 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.:

ALL the following lot of land, situate, lying and being in Hamilton Township, Adams County, Pennsylvania, bounded and limited as follows, to-wit:

BEGINNING at an iron pin at the Northern edge of the right-of-way line of Boy Scout Road and at the corner of Lot No. 1 at the hereinafter referred to plan of lots; thence along the edge of said Boy Scout Road South thirty-two (32) degrees zero (00) minutes thirty (30) seconds West, two hundred (200) feet to an iron pin at the corner of Lot No. 3 of the hereinafter referred to plan of lots; thence by Lot No. 3 North forty-nine (49) degrees twenty (20) minutes fifteen (15) seconds West, two hundred thirty-one and fifty-nine hundredths (231.59) feet to an iron pin on line of land now or formerly of Stephen A. Glassman; thence by said land of Stephen A. Glassman North thirty-two (32) degrees zero (00) minutes thirty (30) seconds East, two hundred (200.00) feet to an iron pin at the corner of Lot No. 1 on the hereinafter referred to plan of lots; thence by said Lot No. 1 South forty-nine (49) degrees twenty (20) minutes fifteen (15) seconds East, two hundred thirty-one and fifty-nine hundredths (231.59) feet to an iron pin

on the Northern edge of Boy Scout Road, the point and place of BEGINNING, CONTAINING 1.051 acres.

The above description was taken from a plan of lots prepared by George M. Wildasin, CE., Inc. dated July 2, 1991 and recorded in the Office of the Recorder of Deeds Adams County, Pennsylvania, in Plat Book 62, page 37, designated the above description as Lot No. 2.

BEING KNOWN AS: 35 Boy Scout Road, New Oxford, PA 17350

Map (17) J09-0099B

SEIZED and taken into execution as the property of **Martin, Samual** 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 September 18, 2009, 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.

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.

7/24, 31 & 8/7