

# Adams County Legal Journal

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IN THE COURT OF COMMON PLEAS  
OF ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION  
NO. 2010-TL-699

GETTYSBURG MUNICIPAL AUTHORITY,  
Plaintiff

vs.

LARRY E. MILLER, Defendant

NOTICE OF REQUIREMENT  
TO CONNECT TO SANITARY  
SEWER SYSTEM

Pursuant to 53 Pennsylvania Statute Section 47051, you are hereby notified of your requirement to connect to the public sewer system. This is a requirement of the township, as well as the municipal authority. The Straban Code, Chapter 103, Article I, Section 103-1 et seq., as amended, requires that principal buildings accessible to and within 150 feet of a Gettysburg Municipal Authority community sewage system collection line be connected to said line. This is a mandatory connection requirement.

Connecting to the line must be accomplished within forty-five (45) days of the date of advertisement of this legal notice, pursuant to 53 Pennsylvania Statute Section 47052. You should consult the rules and regulations of the Gettysburg Municipal Authority in order to ensure that you comply with the installation specifications. In the alternative, you may call and discuss other arrangements with the Gettysburg Municipal Authority for this connection; however, those arrangements must be made in a satisfactory fashion. Your failure to abide by this directive will be followed with an enforcement notice by Straban Township. In order to avoid unnecessary costs and fees, I hereby request that you make immediate contact with the Gettysburg Municipal Authority and speak to Mr. Mark Guise, its director, regarding your intent and response to this Notice.

Bernard A. Yannetti, Esq.  
Hartman & Yannetti  
126 Baltimore Street  
Gettysburg, PA 17325  
Solicitor for Gettysburg  
Municipal Authority

NOTICE OF SHERIFF'S SALE  
IN THE COURT OF COMMON PLEAS  
OF ADAMS COUNTY, PENNSYLVANIA  
NO. 11-SU-1752

WELLS FARGO BANK, N.A.

vs.

CHARLES H. PHILIPS a/k/a CHARLES  
HARPER PHILIPS

NOTICE TO: CHARLES H. PHILIPS  
a/k/a CHARLES HARPER PHILIPS

NOTICE OF SHERIFF'S SALE OF  
REAL PROPERTY

Being Premises: 305 HARRISBURG  
STREET, EAST BERLIN, PA 17316-  
9503

Being in BOROUGH OF EAST BERLIN,  
County of Adams, Commonwealth of  
Pennsylvania, 10004-0075---000

Improvements consist of residential  
property.

Sold as the property of CHARLES H.  
PHILIPS a/k/a CHARLES HARPER  
PHILIPS

Your house (real estate) at 305  
HARRISBURG STREET, EAST BERLIN,  
PA 17316-9503 is scheduled to be sold  
at the Sheriff's Sale on November 16,  
2012 at 10:00 a.m., at the Adams  
County Courthouse, 111 Baltimore  
Street, Room 4, Gettysburg, PA 17325,  
to enforce the Court Judgment of  
\$169,846.90 obtained by WELLS  
FARGO BANK, N.A. (the mortgagee),  
against the above premises.

Phelan Hallinan & Schmieg, LLP  
Attorney for Plaintiff

9/7

## SMITH VS. HAAR

1. *In loco parentis* standing was not specifically included in the prior version of the Act, see 23 Pa.C.S. § 5301-15 (repealed 2010). Under the new Act, the Legislature has exclusively described who has standing to file an action for any form of physical and legal custody, including parents, see § 5324(1), grandparents, see § 5324(3), and persons *in loco parentis* to the child, see § 5324(2).

2. The Pennsylvania Supreme Court analyzed the common law doctrine of *in loco parentis* in the seminal case of *T.B v. L.R.M.*, 786 A.2d 913 (Pa. 2001) and again in *Peters v. Costello*, 891 A.2d 705 (Pa. 2005).

3. The phrase “*in loco parentis*” refers to a person who puts oneself in the situation of a lawful parent by assuming the obligations incident to the parental relationship without going through the formality of a legal adoption. The status of *in loco parentis* embodies two ideas: first, the assumption of a parental status and, second, the discharge of parental duties.

4. It is well established that there is a stringent test for standing in third-party suits for visitation or partial custody due to the respect for the traditionally strong right of parents to raise their children as they see fit. Courts generally find standing in third-party visitation and custody cases only where the legislature specifically authorizes the cause of action. A third party has been permitted to maintain an action for custody, however, where that party stands *in loco parentis* to the child.

5. In section 5324, the Legislature has now codified *in loco parentis* status as a means to have standing to pursue a custody action. Curiously, the Legislature did not define *in loco parentis* in the new definitions section of the custody Act. Insofar as a statute does not expressly abandon the common law, a statute is assumed to have carried the common law forward.

6. A person asserting *in loco parentis* status must still meet the common law requirements. The common law doctrine of *in loco parentis*, while not repealed, could be limited by the Legislature’s inclusion of section 5326. A common law doctrine may not, after a statutory pronouncement on the same subject, continue to develop in a manner inconsistent with the statute.

7. Section 5326 can be separated into five parts or provisions, which when read together, indicate the Legislature’s intent to terminate custody rights of all persons to seek legal or physical custody after adoption.

8. This Court’s interpretation of section 5326 renders the entire statute effective and certain. The statute acts to terminate rights of third parties to seek custody after adoption and to terminate rights granted to third parties prior to adoption unless the adopting person is a stepparent, grandparent, or great-grandparent.

9. Under the new child custody Act, the common law doctrine of *in loco parentis* has been made part of the statutory framework of the Domestic Relations Code. Section 5326, “Effect of Adoption,” is also part of this statutory framework. Both 23 Pa.C.S. § 5324 and § 5326 relate to the same class of persons, i.e., persons with *in loco parentis* standing, demonstrating that these two sections are *in pari materia*.

10. The effect of 23 Pa.C.S. § 5326 to terminate rights of third parties at the time of adoption cannot be circumvented by espousing the common law doctrine of *in loco parentis*. The common law doctrine is now statutory law in Pennsylvania, and the statute embraces the common law from which it came.

In the Court of Common Pleas of Adams County, Pennsylvania,  
Civil, No. 11-S-1162, ERIC T. SMITH VS. SONJA L. HAAR

Leanne M. Miller, Esq., for Plaintiff

J. Paul Helvy, Esq., for Defendant

Bigham, J., February 29, 2012

### OPINION

In what appears to be a case of first impression, this Court has been asked to address the issue of the application of the new child custody Act, specifically 23 Pa.C.S. § 5326, “Effect of Adoption,” to standing rights created prior to adoption. In the instant case, Plaintiff claims standing to pursue custody of two children based on his assertion of *in loco parentis* status from a time period prior to the adoption of the children by Defendant. For the foregoing reasons, this Court determines that section 5326 applies to Plaintiff’s claim, and that Plaintiff does not have standing to pursue custody of the children adopted by Defendant.

### STATEMENT OF FACTS AND PROCEDURAL HISTORY

Plaintiff Eric T. Smith (hereinafter “Boyfriend”) is represented by Leanne M. Miller, Esq. of CGA Law Firm, P.C., and Defendant Sonja L. Haar (hereinafter “Mother”) is represented by J. Paul Helvy, Esq. of McNees Wallace & Nurick, LLC. Mother is the biological maternal great-aunt and the adoptive mother of Kameron, born May 6, 2006, and Kaylyn, born August 16, 2007 (hereinafter “the children”). There is also a separate case involving the children, *Barbara A. Marsh v. Sonja L. Haar*, 11-S-1563. Barbara A. Marsh, formerly Barbara Ann Byers (hereinafter “Great-Grandmother”) is represented by Jennifer M. Stetter, Esq. of Stonesifer and Kelley, P.C. in that case. Great-Grandmother is the biological maternal great-grandmother of the children and adoptive grandmother of the children. She is also the biological mother of Mother.

The children were also involved in a prior custody case before this Court, prior to the adoption of the children by Mother, *Barbara Ann Byers v. Brittany Nichole Haar & Jeremy Sales Craig*, case # 07-S-730. In *Byers v. Haar*, this Court granted legal custody and primary physical custody of Kameron to Great-Grandmother by Orders of Court dated June 19, 2007 and July 6, 2007, and granted legal

custody and physical custody of Kaylyn to Great-Grandmother by Order of Court dated September 24, 2007. By Order of Court dated May 5, 2009, this Court granted standing and shared legal custody of the children to Mother and to Great-Grandmother in this prior case.

Mother and Boyfriend began living together in 2003. After this Court granted Mother and Great-Grandmother custody and standing on May 5, 2009, Mother and Great-Grandmother began exercising shared physical and legal custody of the children. The parties disagree on whether Boyfriend exercised custody of the children and to what extent Boyfriend performed parental duties toward the children. Mother alleges that Boyfriend regularly worked out of town, was at work the majority of the time the children were with Mother, and did not financially support the children. Mother alleges that, at best, Boyfriend was an occasional babysitter of the children if Mother had to work late. Boyfriend alleges that he provided full-time care and support for the children along with Mother and Great-Grandmother. Boyfriend alleges that he was a devoted parent to the children and asserted himself as the children's father by feeding, clothing, playing with, transporting, and providing for the children.

On October 27, 2010, the biological mother of the children executed a Consent to Adoption regarding both children. On August 3, 2010, Mother filed a Petition for Involuntary Termination of Parental Rights of the biological father of the children. The termination of parental rights cases were assigned case numbers RT-15-2010 and RT-16-2010. Mother filed the Petition for Adoption on August 24, 2010 and the Petition to Confirm Consent on October 5, 2010. The adoption cases were assigned case numbers AF-19-1010 and AF-20-2010. Termination hearings were held on October 29, 2010 and November 12, 2010. By Order of Court dated November 29, 2010, the Honorable President Judge John D. Kuhn ordered that the biological father's parental rights be terminated, and custody of the children was awarded to Mother.

On February 14, 2011, Boyfriend proposed marriage to Mother, which Mother rejected. Shortly after the failed proposal, Boyfriend moved out of Mother's residence. On March 16, 2011, Mother filed an Amended Petition for Adoption and an Amended Petition to Confirm Consent, adding Boyfriend as co-Petitioner. These Petitions were withdrawn prior to the adoption.

A hearing on the Petition to Confirm Consent was held on April 18, 2011. By Order of Court dated April 18, 2011, President Judge Kuhn ordered that the biological mother's parental rights be terminated and awarded custody of the children to Mother. On May 25, 2011, the adoption hearing was held, after which the Decrees of Adoption were issued, naming Mother as the adoptive mother of the children. Boyfriend last saw the children on the day of adoption and has had no interaction with the children since then.

Boyfriend filed a Complaint for Custody on July 29, 2011, seeking shared physical custody rights and shared legal custody rights of the children. Boyfriend alleged *in loco parentis* standing to pursue custody of the children. Through Mother's prior counsel, Cynthia A. Kaylor, Esq., Mother filed Preliminary Objections to Boyfriend's Complaint, alleging that Boyfriend did not have standing to file an action for custody of the children based on Mother's interpretation of 23 Pa.C.S. § 5326 of the new child custody Act, "Effect of Adoption." Briefs in support and in opposition to Mother's Preliminary Objections were filed. A custody conference was held on September 26, 2011. By Order of Court dated September 26, 2011, a hearing was scheduled for October 27, 2011 in order to determine the issue of Boyfriend's standing. This Court noted that the parties had submitted briefs and that the parties had until the time of trial to submit any supplemental legal memoranda on standing.

Great-Grandmother filed a Complaint for Custody of the children in case # 11-S-1563 on October 20, 2011. A custody conference on Great-Grandmother's Complaint was scheduled concurrently for the October 27, 2011 hearing. Mother filed preliminary objections to Great-Grandmother's Complaint on October 26, 2011.

A conference and hearing in the instant case and in case # 11-S-1563 were held on October 27, 2011. At the October 27, 2011 hearing, this Court *sua sponte* raised the issue of a possible conflict of interest regarding Attorney Kaylor's representation of Mother against Boyfriend in the instant case as she had previously represented both Mother and Boyfriend together in the adoption case. Mother gave her consent to Attorney Kaylor's withdraw, and by Order of Court dated October 27, 2011, Attorney Kaylor's verbal request to withdraw was granted. On the record at the hearing, this Court indicated that Great-Grandmother had standing to pursue custody of the children, based

upon this Court's acknowledgment of this Court's prior Order of Court granting Great-Grandmother standing in case # 07-S-730 and Great-Grandmother's *in loco parentis* status. This Court declined to merge the two cases at that time, and the October 27, 2011 Order of Court indicated that the cases would continue as separate cases. By Order of Court dated November 1, 2011 in case # 11-S-1563, this Court denied Mother's preliminary objections to Great-Grandmother's Complaint, acknowledged that Great-Grandmother had been granted standing in case # 07-S-730, stated that any standing Great-Grandmother had in case # 11-S-1563 under the Great-Grandparent standing provisions of 23 Pa.C.S. § 5325 prior to the adoption had been terminated, found that Great-Grandmother had *in loco parentis* standing not terminated by 23 Pa.C.S. § 5326, and noted that Great-Grandmother may also be able to seek to demonstrate standing under 23 Pa.C.S. § 5324 and 23 Pa.C.S. § 5325 as a result of the grandchildren-to-grandparent relationships created by the adoption.

A further hearing in the instant case and case # 11-S-1563 was scheduled for January 3, 2012. A conference call between the attorneys of record in both cases was held on December 21, 2011, after which the January 3, 2012 hearing was cancelled. By Order of Court dated December 21, 2011, the attorneys of record in the instant case were directed to file briefs regarding the applicability of 23 Pa.C.S. § 5326 to the facts of the case. The Order also stated that this Court would enter an order resolving the legal issue of the impact of the adoption of the children upon the issue of standing at the conclusion of the briefing schedule. By Order of Court dated December 21, 2011 in case # 11-S-1563, this Court continued to the call further proceedings in that case with regard to the issue of Great-Grandmother's standing until after the standing issues of the instant case are resolved. This matter is now ripe for decision.

### DISCUSSION

On January 24, 2011, the Legislature's overhaul to Pennsylvania's child custody law became effective across the Commonwealth. Known colloquially as the "new child custody Act," the new law amended Title 23 by repealing section 4346, Chapter 53 and Subchapter A headings, and sections 5301 – 15, and adding Chapter 53 Child Custody sections 5321 – 40.

23 Pa.C.S. §§ 5324 and 5325 describe standing to pursue custody actions under the new child custody Act. Section 5324, “Standing for any form of physical custody or legal custody,” states:

The following individuals may file an action under this chapter for any form of physical custody or legal custody:

- (1) A parent of the child.
- (2) A person who stands *in loco parentis* to the child.
- (3) A grandparent of the child who is not *in loco parentis* to the child:

- (i) whose relationship with the child began either with the consent of a parent of the child or under a court order;

- (ii) who assumes or is willing to assume responsibility for the child; and

- (iii) when one of the following conditions is met:

- (A) the child has been determined to be a dependent child under 42 Pa.C.S. Ch. 63 (relating to juvenile matters);

- (B) the child is substantially at risk due to parental abuse, neglect, drug, or alcohol abuse or incapacity; or

- (C) the child has, for a period of at least 12 consecutive months, resided with the grandparent, excluding brief temporary absences of the child from the home, and is removed from the home by the parents, in which case the action must be filed within six months after the removal of the child from the home.

23 Pa.C.S. § 5324. Section 5325, “Standing for partial physical custody and supervised physical custody,” states:

In addition to situations set forth in section 5324 (relating to standing for any form of physical custody or legal custody), grandparents and great-grandparents may file an action under this chapter for partial physical custody or supervised physical custody in the following situations:

- (1) where the parent of the child is deceased, a parent or grandparent of the deceased parent may file an action under this section;



(2) where the parents of the child have been separated for a period of at least six months or have commenced and continued a proceeding to dissolve their marriage; or  
(3) when the child has, for a period of at least 12 consecutive months, resided with the grandparent or great-grandparent, excluding brief temporary absences of the child from the home, and is removed from the home by the parents, an action must be filed within six months after the removal of the child from the home.

23 Pa.C.S. § 5325. Section 5326 describes the effect of adoption on physical and legal custody rights. Section 5326 states:

Any rights to seek physical custody or legal custody rights and any custody rights that have been granted under section 5324 (relating to standing for any form of physical custody or legal custody) or 5325 (relating to standing for partial physical custody and supervised physical custody) to a grandparent or great-grandparent prior to the adoption of the child by an individual other than a stepparent, grandparent, or great-grandparent shall be automatically terminated upon such adoption.

23 Pa.C.S. § 5326.

It is the correct interpretation of section 5326 which will determine the outcome of this case. This Court has not made a determination regarding Boyfriend's standing. No testimony has been taken or evidence presented regarding Boyfriend's standing or *in loco parentis* status. In briefs to this Court, both parties allege facts tending to prove or disprove Boyfriend's *in loco parentis* status. The parties agree that Boyfriend has had no contact with the children post-adoption. All of the facts that Boyfriend will be able to present regarding his *in loco parentis* standing must therefore naturally be facts surrounding his relationship with the children prior to the adoption.

Mother's argument, simplified, is that Boyfriend can only assert facts toward *in loco parentis* standing for a time period prior to the adoption of the children, as Boyfriend had no interaction with the children post-adoption. Mother argues that section 5326 automatically terminates any rights to seek physical custody or legal custody rights, by anyone; therefore, Boyfriend may not seek custody of the children. Mother also argues that section 5326 precludes an assertion

of a claim for custody based on the doctrine of *in loco parentis* after an adoption; therefore any standing to pursue custody that Boyfriend may have had prior to the adoption has been terminated.

Boyfriend's argument, simplified, is that section 5326 only applies to grandparents or great-grandparents. Boyfriend also argues that even if section 5326 applies to everyone with standing under section 5324, that Boyfriend could still assert common law *in loco parentis* standing. Boyfriend argues that section 5326 of the new child custody law does not repeal the common law doctrine of *in loco parentis*.

If Mother prevails, Boyfriend will not be able to claim *in loco parentis* status for standing to pursue custody of the children, as any rights Boyfriend had to pursue custody were terminated upon the adoption. If Boyfriend prevails, Boyfriend will be entitled to a further hearing by this Court to determine whether Boyfriend has standing *in loco parentis*. If, after a hearing, this Court were to determine Boyfriend has *in loco parentis* standing to pursue custody of the children, Boyfriend would then be entitled to a custody trial regarding his Complaint for Custody. As a matter of law, the factual dispute as to facts tending to prove or disprove the *in loco parentis* standing of Boyfriend is irrelevant to whether Boyfriend is permitted by statute to assert standing in the first place. The initial hurdle in Boyfriend's case is the issue presented to this Court today: whether section 5326 of the new child custody law, "Effect of Adoption," applies to Boyfriend's claim and therefore acts to terminate any *in loco parentis* standing rights he may have been able to assert prior to the adoption.

*Continued to next issue (9/14/2012)*

## SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on FRIDAY, the 21st day of September 2012, at 10 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 111 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

Writ of Execution No.:

2011-SU-0001667

Property Address: 16 Black Bass Trail, Fairfield, PA 17320

Parcel No.: 43-006-0046

Municipality: Carroll Valley

Improvements: Single Family Dwelling

Defendants: Neal A. Wuethrich and

Helen B. Wuethrich

Attorneys for Plaintiff: Ashleigh L.

Marin, Esq., 908-233-8500

Writ of Execution No.:

2010-SU-0000493

Property Address: 18 East Locust Lane, New Oxford, PA 17350

Parcel No.: (35) 9-63

Municipality: New Oxford

Improvements: Residential Dwelling

Defendants: Debra A. Marick and

Anthony G. Marick

Attorneys for Plaintiff: Lisa Lee, Esq.,

215-627-1322

Writ of Execution No.:

2012-SU-0000413

Property Address: 5 Sunset Drive, Gettysburg, PA 17325

Parcel No.: (06) 5-41

Municipality: Bonneauville

Improvements: Residential Dwelling

Defendants: Judy A. Petenbrink and

Robert A. Petenbrink

Attorneys for Plaintiff: David Fein, Esq.,

215-627-1322

Writ of Execution No.:

2009-NO-0000649

Property Address: 2 Union View Drive, Gettysburg, PA 17325

Parcel No.: 09F12-0262-000

Municipality: Cumberland

Improvements: Residential Dwelling

Defendants: Michael J. Stanko and

Barbara Stanko

Attorneys for Plaintiff: Robert E.

Campbell, Esq., 717-334-9278

Writ of Execution No.:

2010-SU-0001551

Property Address: 321 Oxford Road, New Oxford, PA 17350

Parcel No.: (35)-001-0133

Municipality: Oxford

Improvements: Residential Dwelling

Defendants: Patrick W. Knight and

Jessica M. Reissinger

Attorneys for Plaintiff: Amy Glass, Esq.,

856-669-5400

Writ of Execution No.:

2010-SU-0001212

Property Address: 1025 Water Drive, Hanover, PA 17331

Parcel No.: 08-K14-0140D-00

Municipality: Conewago

Improvements: Residential Dwelling

Defendants: David W. Myers and

Carolyn S. Myers

Attorneys for Plaintiff: Kassia Fialkoff,

Esq., 856-669-5400

Writ of Execution No.:

2012-SU-0000477

Property Address: 418 Ridge Avenue, McSherrystown, PA 17344

Parcel No.: 01-28-005-0043-00-000

Municipality: McSherrystown

Improvements: Residential Dwelling

Defendants: Justin R. Brady and

Denise L. Kipple

Attorneys for Plaintiff: Amy Glass, Esq.,

856-669-5400

Writ of Execution No.:

2010-SU-0000653

Property Address: 155 High Street, Orrtanna, PA 17353

Parcel No.: C10-48H

Municipality: Franklin

Improvements: Residential Dwelling

Defendants: Lois C. Eichelberger, Melody

A. Means, and Ricky E. Gingerich

Attorneys for Plaintiff: Jill P. Jenkins,

Esq., 215-627-1322

Writ of Execution No.:

2010-SU-0000206

Property Address: 305 Lincolnway East, New Oxford, PA 17350

Parcel No.: (34) 005-0108

Municipality: New Oxford

Improvements: Residential Dwelling

Defendants: Dustin L. Sellman and

Amy M. Sellman

Attorneys for Plaintiff: Lisa Lee, Esq.,

215-627-1322

Writ of Execution No.:

2012-SU-0000344

Property Address: 41 Robin Trail, Fairfield, PA 17320

Parcel No.: (43) 029-0100

Municipality: Carroll Valley

Improvements: Residential Dwelling

Defendants: Ronald W. Mathews and

Angela L. Mathews

Attorneys for Plaintiff: Marc S.

Weisberg, Esq., 215-790-1010

Writ of Execution No.:

2011-SU-0000860

Property Address: 311 Tract Road, Fairfield, PA 17320

Parcel No.: 18-C16-0025A

Municipality: Hamiltonban

Improvements: Residential Dwelling

Defendants: Roland Stewart Keyser and

Rosalie M. Keyser

Attorneys for Plaintiff: Ashleigh L.

Marin, Esq., 908-233-8500

Writ of Execution No.:

2011-SU-0001452

Property Address: 58 Patrick Avenue, Littlestown, PA 17340

Parcel No.: 27-008-0056

Municipality: Littlestown

Improvements: Residential Dwelling

Defendants: Keith R. Cunningham and

Keri A. White

Attorneys for Plaintiff: Ashleigh L.

Marin, Esq., 908-233-8500

Notice directed to all parties in interest and claimants that a schedule of distribution will be filed by the Sheriff in his office no later than thirty (30) days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within ten (10) days thereafter. Purchaser must settle for property on or before filing date. ALL claims to property must be filed with Sheriff before sale date.

AS SOON AS THE PROPERTY IS DECLARED SOLD TO THE HIGHEST BIDDER, 20% OF THE PURCHASE PRICE OR ALL OF THE COST, WHICHEVER MAY BE THE HIGHER, SHALL BE PAID FORTHWITH TO THE SHERIFF.

James Muller

Sheriff of Adams County

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

8/24, 31 & 9/7

## SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on FRIDAY, the 21st day of September 2012, at 10 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 111 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

Writ of Execution No.:  
2011-SU-0001443  
Property Address: 16 Yorktowne Court,  
Littlestown, PA 17340  
Parcel No.: 27-014-0046  
Municipality: Littlestown  
Improvements: Residential Dwelling  
Defendants: Craig H. Jordan and  
Susan M. Jordan  
Attorneys for Plaintiff: Gregory  
Javardian, Esq., 215-942-9690

Writ of Execution No.:  
2011-SU-0001106  
Property Address: 62 Red Bird Lane,  
Gettysburg, PA 17325  
Parcel No.: 06002-0027---000  
Municipality: Bonneauville  
Improvements: Residential Dwelling  
Defendants: Richard Clark and  
Sharon Clark  
Attorneys for Plaintiff: Gregory  
Javardian, Esq., 215-942-9690

Writ of Execution No.:  
2012-SU-0000380  
Property Address: 11 Barlow Drive,  
East Berlin, PA 17316  
Parcel No.: 23-109-0045  
Municipality: Latimore  
Improvements: Residential Dwelling  
Defendants: Cynthia E. Mueller and  
Christian S. Mueller  
Attorneys for Plaintiff: Jill P. Jenkins,  
Esq., 215-627-1322

Writ of Execution No.:  
2012-SU-0000095  
Property Address: 210 Kindig Road,  
Littlestown, PA 17340  
Parcel No.: J-17-205  
Municipality: Germany  
Improvements: Residential Dwelling  
Defendants: Jacque N. Mumma and  
Brian A. Traczy  
Attorneys for Plaintiff: Paige M. Bellino,  
Esq., 856-669-5400

Writ of Execution No.:  
2011-SU-0001632  
Property Address: 4 Sycamore Court,  
Littlestown, PA 17340  
Parcel No.: 06-009-0114A-000  
Municipality: Bonneauville  
Improvements: Residential Dwelling  
Defendants: Jason P. Summers and  
Jessica H. Rosi  
Attorneys for Plaintiff: Ashleigh L.  
Marin, Esq., 908-233-8500

Writ of Execution No.:  
2012-SU-0000010  
Property Address: 1691 Orrtanna Road,  
Orrtanna, PA 17353-9739  
Parcel No.: 18-CI2-0118-000  
Municipality: Hamiltonban  
Improvements: Residential Dwelling  
Defendants: Tim Atteberry, Timothy E.  
Atteberry, Shannon Leahy, and  
Shannon K. Leahy  
Attorneys for Plaintiff: Ashleigh L.  
Marin, Esq., 908-233-8500

Writ of Execution No.:  
2011-SU-0001690  
Property Address: 3001 Old Route 30,  
Orrtanna, PA 17353  
Parcel No.: 12, B09, 0123H  
Municipality: Franklin  
Improvements: Residential Dwelling  
Defendants: Brick Point Construction, Inc.  
Attorneys for Plaintiff: Edward G. Puhl,  
Esq., 717-334-2159

Writ of Execution No.:  
2011-SU-0001687  
Property Address: 855 Orrtanna Road,  
Orrtanna, PA 17353  
Parcel No.: 12, C11, 0122  
Municipality: Franklin  
Improvements: Residential Dwelling  
Defendants: Brick Point Construction, Inc.  
Attorneys for Plaintiff: Edward G. Puhl,  
Esq., 717-334-2159

Writ of Execution No.:  
2010-SU-0000207  
Property Address: 43 North Main  
Street, Biglerville, PA 17307  
Parcel No.: (05)-003-0042  
Municipality: Biglerville  
Improvements: Residential Dwelling  
Defendants: Daniel J. Fidler  
Attorneys for Plaintiff: Marc S.  
Weisberg, Esq., 215-790-1010

Writ of Execution No.:  
2009-SU-0000283  
Property Address: 373 Village Drive,  
Gettysburg, PA 17325-3002  
Parcel No.: 16,009-0147---000  
Municipality: Gettysburg  
Improvements: Residential Dwelling  
Defendants: Christian F. Robinder  
Attorneys for Plaintiff: John Michael  
Kolesnik, Esq., 215-563-7000

Writ of Execution No.:  
2011-SU-0001688  
Property Address: 900 Center Mills  
Road, Aspers, PA 17304  
Parcel No.: 07, G06, 0024A  
Municipality: Butler  
Improvements: Residential Dwelling  
Defendants: Brick Point Construction, Inc.  
Attorneys for Plaintiff: Edward G. Puhl,  
Esq., 717-334-2159

Writ of Execution No.:  
2011-SU-0001689  
Property Address: 3180 Emmitsburg  
Road, Gettysburg, PA 17325  
Parcel No.: 13, E17, 0016  
Municipality: Freedom  
Improvements: South Ridge Motel  
Defendants: Brick Point Construction, Inc.  
Attorneys for Plaintiff: Edward G. Puhl,  
Esq., 717-334-2159

Notice directed to all parties in interest and claimants that a schedule of distribution will be filed by the Sheriff in his office no later than thirty (30) days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within ten (10) days thereafter. Purchaser must settle for property on or before filing date. ALL claims to property must be filed with Sheriff before sale date.

AS SOON AS THE PROPERTY IS DECLARED SOLD TO THE HIGHEST BIDDER, 20% OF THE PURCHASE PRICE OR ALL OF THE COST, WHICHEVER MAY BE THE HIGHER, SHALL BE PAID FORTHWITH TO THE SHERIFF.

James Muller  
Sheriff of Adams County

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

8/24, 31 & 9/7

## SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on FRIDAY, the 21st day of September 2012, at 10 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 111 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

Writ of Execution No.:  
2012-SU-0000499  
Property Address: 5061 Baltimore Pike,  
Littlestown, PA 17340  
Parcel No.: 15,117,0011  
Municipality: Germany  
Improvements: Residential Dwelling  
Defendants: Bruce C. Crouse and  
Sydney L. Crouse  
Attorneys for Plaintiff: Edward G. Puhl,  
Esq., 717-334-2159

Writ of Execution No.:  
2012-SU-0000357  
Property Address: 94 Boyd Hollow  
Road a/k/a Boyd's Hollow Road,  
Biglerville, PA 17307-9092  
Parcel No.: 29C06-0043C---000  
Municipality: Menallen  
Improvements: Residential Dwelling  
Defendants: Arthur G. Cease and  
Kimberlee A. Cease  
Attorneys for Plaintiff: John Michael  
Kolesnik, Esq., 215-563-7000

Writ of Execution No.:  
2010-SU-0000064  
Property Address: 49 Fiddler Drive,  
New Oxford, PA 17350-8873  
Parcel No.: 35001-0052---038  
Municipality: Oxford  
Improvements: Condominium Unit  
Defendants: Kenneth R. Smith and  
Lori Ann Smith  
Attorneys for Plaintiff: Allison F. Wells,  
Esq., 215-563-7000

Writ of Execution No.:  
2012-SU-0000416  
Property Address: 1666 Center Mills  
Road, Aspers, PA 17304-9466  
Parcel No.: 29001-0001---000  
Municipality: Menallen  
Improvements: Residential Dwelling  
Defendants: Elizabeth Starling  
Attorneys for Plaintiff: John Michael  
Kolesnik, Esq., 215-563-7000

Writ of Execution No.:  
2009-SU-0001031  
Property Address: 3145 Old Route 30,  
Ortanna, PA 17353-9425  
Parcel No.: 12, B09-0142-000  
Municipality: Franklin  
Improvements: Residential Dwelling  
Defendants: Stephen B. Shank and  
Holly M. Shank  
Attorneys for Plaintiff: John Michael  
Kolesnik, Esq., 215-563-7000

Writ of Execution No.:  
2012-SU-0000426  
Property Address: 31 Wall Street,  
Gettysburg, PA 17325  
Parcel No.: 16010-0305---000  
Municipality: Gettysburg  
Improvements: Residential Dwelling  
Defendants: Robert G. Kuhn III and  
Angel L. Kuhn  
Attorneys for Plaintiff: John Michael  
Kolesnik, Esq., 215-563-7000

Writ of Execution No.:  
2011-SU-0001831  
Property Address: 311 West High  
Street, New Oxford, PA 17350-1503  
Parcel No.: 34004-0105---000  
Municipality: New Oxford  
Improvements: Residential Dwelling  
Defendants: Kassie D. Staub-Feist a/k/a  
Kassie Dawn Feist and Michael M.  
Feist a/k/a Michael Matthew Feist  
Attorneys for Plaintiff: John Michael  
Kolesnik, Esq., 215-563-7000

Writ of Execution No.:  
2012-SU-0000543  
Property Address: 12 Persimmon Trail,  
Fairfield, PA 17320-8488  
Parcel No.: 43046-0037---000  
Municipality: Carroll Valley  
Improvements: Residential Dwelling  
Defendants: Daniel C. Lamonica and  
Joyce L. Lamonica  
Attorneys for Plaintiff: John Michael  
Kolesnik, Esq., 215-563-7000

Writ of Execution No.:  
2012-SU-0000041  
Property Address: 60 4th Street,  
Biglerville, PA 17307-9073  
Parcel No.: 05004-0077---000  
Municipality: Biglerville  
Improvements: Residential Dwelling  
Defendants: Jason A. Marshall  
Attorneys for Plaintiff: Allison F. Wells,  
Esq., 215-563-7000

Writ of Execution No.:  
2012-SU-0000291  
Property Address: 490 South Columbus  
Avenue, Littlestown, PA 17340-1516  
Parcel No.: 27011-0136---000  
Municipality: Littlestown  
Improvements: Residential Dwelling  
Defendants: Charles M. Flickinger and  
Susan D. Brady  
Attorneys for Plaintiff: John Michael  
Kolesnik, Esq., 215-563-7000

Writ of Execution No.:  
2009-SU-0001096  
Property Address: 13 Cedarfield Drive,  
Gettysburg, PA 17325  
Parcel No.: 06009-0121---000  
Municipality: Bonneauville  
Improvements: Condominium Unit  
Defendants: Estate of Margot May  
Maryn a/k/a Margot M. Maryn, Micah  
Aaron Maryn, Executor and Devisee  
of the Estate of Margot May Maryn  
a/k/a Margot M. Maryn  
Attorneys for Plaintiff: John Michael  
Kolesnik, Esq., 215-563-7000

Writ of Execution No.:  
2012-SU-0000456  
Property Address: 332 Green Springs  
Road, Hanover, PA 17331-8982  
Parcel No.: 04L12-0051---000  
Municipality: Berwick  
Improvements: Residential Dwelling  
Defendants: Donald E. Riley  
Attorneys for Plaintiff: Matthew  
Brushwood, Esq., 215-563-7000

Writ of Execution No.:  
2011-SU-0002021  
Property Address: 1570 Town Hill Road,  
York Springs, PA 17372-8903  
Parcel No.: 23101-0024H---000  
Municipality: Latimore  
Improvements: Residential Dwelling  
Defendants: Sarah Jean Bream and  
Paul Lucas Bream  
Attorneys for Plaintiff: Allison F. Wells,  
Esq., 215-563-7000

Notice directed to all parties in interest and claimants that a schedule of distribution will be filed by the Sheriff in his office no later than thirty (30) days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within ten (10) days thereafter. Purchaser must settle for property on or before filing date. ALL claims to property must be filed with Sheriff before sale date.

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James Muller  
Sheriff of Adams County

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

8/24, 31 & 9/7

## SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on FRIDAY, the 21st day of September 2012, at 10 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 111 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

Writ of Execution No.:  
2009-SU-0001876  
Property Address: 1275 Braggstown Road, Dillsburg, PA 17019-9201  
Parcel No.: 23K03-0010---000  
Municipality: Latimore  
Improvements: Residential Dwelling  
Defendants: Richard W. Fishel and Nicole C. Fishel a/k/a Nichole C. Fishel  
Attorneys for Plaintiff: John Michael Kolesnik, Esq., 215-563-7000

Writ of Execution No.:  
2010-SU-0001228  
Property Address: 460 Biglerville Road a/k/a 460 Carlisle Road, Biglerville, PA 17307-9245  
Parcel No.: 07F07-0040---000  
Municipality: Butler  
Improvements: Residential Dwelling  
Defendants: Sara R. Shetter  
Attorneys for Plaintiff: John Michael Kolesnik, Esq., 215-563-7000

Writ of Execution No.:  
2009-SU-0001139  
Property Address: 1990 Storms Store Road a/k/a 1990 Storm Store Road, New Oxford, PA 17350-9515  
Parcel No.: 35J12-0209---000  
Municipality: New Oxford  
Improvements: Residential Dwelling  
Defendants: Glend W. McGuire Sr.; Deceased Unknown Heirs, Successors, Assigns, and all persons, firms, or associations claiming right, title, or interest from or Glend W. McGuire Jr. - Heir; Meisha Gibores - Heir; Evan McGuire - Heir; Deborah McGuire - Heir  
Attorneys for Plaintiff: Allison F. Wells, Esq., 215-563-7000

Writ of Execution No.:  
2012-SU-0000096  
Property Address: 75 West Myrtle Street, Littlestown, PA 17340-1113  
Parcel No.: 27008-0009---000  
Municipality: Littlestown  
Improvements: Residential Dwelling  
Defendants: Jacen N. Lewis and Leanne Lewis  
Attorneys for Plaintiff: Matthew Brushwood, Esq., 215-563-7000

Writ of Execution No.:  
2011-SU-0001510  
Property Address: 409 Ridge Avenue, McSherrystown, PA 17344-1507  
Parcel No.: 28005-0007B---000  
Municipality: McSherrystown  
Improvements: Residential Dwelling  
Defendants: Clarence D. Cooper Jr. and Linda C. Cooper  
Attorneys for Plaintiff: Christina Viola, Esq., 215-563-7000

Writ of Execution No.:  
2012-SU-0000242  
Property Address: 5289 Chambersburg Road, Orrtanna, PA 17353-9763  
Parcel No.: 12B09-0147---000  
Municipality: Franklin  
Improvements: Residential Dwelling  
Defendants: David L. Gladhill Jr. and Karen M. Gladhill  
Attorneys for Plaintiff: John Michael Kolesnik, Esq., 215-563-7000

Writ of Execution No.:  
2011-SU-0000959  
Property Address: 162 South Main Street, Biglerville, PA 17307-9418  
Parcel No.: 05005-0038---000  
Municipality: Biglerville  
Improvements: Residential Dwelling  
Defendants: Bill A. Vanarsdale and Brandee L. Vanarsdale  
Attorneys for Plaintiff: John Michael Kolesnik, Esq., 215-563-7000

Writ of Execution No.:  
2010-SU-0001690  
Property Address: 1055 Mummasburg Road, Gettysburg, PA 17325-8514  
Parcel No.: 09-F12---0069-000  
Municipality: Cumberland  
Improvements: Residential Dwelling  
Defendants: Jerry E. Shultz Jr. and Angela M. Shultz  
Attorneys for Plaintiff: John Michael Kolesnik, Esq., 215-563-7000

Writ of Execution No.:  
2011-SU-0001337  
Property Address: 7 Dinwiddie Court, Gettysburg, PA 17325-8805  
Parcel No.: 09F12-0243-000  
Municipality: Cumberland  
Improvements: Residential Dwelling  
Defendants: Katherine A. Perry  
Attorneys for Plaintiff: Andrew J. Marley, Esq., 215-563-7000

Writ of Execution No.:  
2012-SU-0000178  
Property Address: 111 Cider Drive, York Springs, PA 17372-9400  
Parcel No.: 42002-0074---000  
Municipality: York Springs  
Improvements: Residential Dwelling  
Defendants: Geoffery W. Griffin  
Attorneys for Plaintiff: Matthew Brushwood, Esq., 215-563-7000

Writ of Execution No.:  
2011-SU-0001598  
Property Address: 860 Bon Ox Road, Gettysburg, PA 17325  
Parcel No.: 32, 113, 0002  
Municipality: Mt. Pleasant  
Improvements: Residential Dwelling  
Defendants: Neal E. Hale  
Attorneys for Plaintiff: Richard Thrasher, Esq., 717-334-2159

Writ of Execution No.:  
2010-SU-0000056  
Property Address: 1226 Pine Run Road, Abbottstown, PA 17301-9732  
Parcel No.: 17K09-0018E---000  
Municipality: Hamilton  
Improvements: Residential Dwelling  
Defendants: Steve M. Talpas and Stephanie A. Talpas  
Attorneys for Plaintiff: John Michael Kolesnik, Esq., 215-563-7000

Writ of Execution No.:  
2011-TL-0000394  
Property Address: 120 Kimberly Court, New Oxford, PA 17350  
Parcel No.: 36-J08-0112---000  
Municipality: Reading  
Improvements: Residential Dwelling  
Defendants: Russell J. Althoff and Tammy M. Althoff  
Attorneys for Plaintiff: Sharon E. Myers, Esq., 717-848-4900

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

8/24, 31 & 9/7

**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 JAMES A. FRAZIER, DEC'D**

Late of Butler Township, Adams County, Pennsylvania

Executor: Roger Frazier, 1006 Old Carlisle Road, Aspers, PA 17304

**ESTATE OF DANIEL L. HEAGEY, DEC'D**

Late of Reading Township, Adams County, Pennsylvania

Executor: Rodney E. Heagey, c/o Sharon E. Myers, Esq., CGA Law Firm, PC, 135 North George Street, York, PA 17401

Attorney: Sharon E. Myers, Esq., CGA Law Firm, PC, 135 North George Street, York, PA 17401

**ESTATE OF JANE C. MARTIN, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Executor: ACNB Bank, P.O. Box 4566, Gettysburg, PA 17325

Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

**ESTATE OF JOHN G. MCCARTHY, DEC'D**

Late of Lecanto, Citrus County, Florida  
Joseph C. McCarthy, 804 Pineaire Street, Inverness, FL 34452

Attorney: Timothy E. Kane, Esq., 474 West Market Street, York, PA 17401

**ESTATE OF DAVID SCOTT PAYNTER, DEC'D**

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Administratrix: Renee Vargo, 51 Chambersburg Street, Apartment 4, Gettysburg, PA 17325

Attorney: Joseph C. Korsak, Esq., Law Office of Joseph C. Korsak, 33 North Queen Street, York, PA 17403

**SECOND PUBLICATION****ESTATE OF JOHN P. MAHON a/k/a JOHN PATRICK MAHON, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Administratrix: Jennifer L. Riley, 1099 Irishtown Road, Apartment E, New Oxford, PA 17350

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

**ESTATE OF CARLENE MASON, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Debra Snyder, 41 Pleasanton Drive, East Berlin, PA 17316

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

**ESTATE OF WALTER W. ROGERS, DEC'D**

Late of Liberty Township, Adams County, Pennsylvania

Executrix: Patricia A. Ruehl, 707 Hawick Court, Murrells Inlet, SC 29576

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

**ESTATE OF LARRY M. WOLF, DEC'D**

Late of Huntington Township, Adams County, Pennsylvania

Executor: Brad Wolf, 575 Willow Lane, York Springs, PA 17372

Attorney: John C. Zepp III, Esq., P.O. Box 204, 8438 Carlisle Pike, York Springs, PA 17372

**ESTATE OF LINDA M. WOLF, DEC'D**

Late of Huntington Township, Adams County, Pennsylvania

Executor: Brad Wolf, 575 Willow Lane, York Springs, PA 17372

Attorney: John C. Zepp III, Esq., P.O. Box 204, 8438 Carlisle Pike, York Springs, PA 17372

**THIRD PUBLICATION****ESTATE OF DANIEL F. BOOSE, DEC'D**

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Daniel O. Boose, 202 Lakeside Drive, Lewisburg, PA 17837

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

**ESTATE OF RICHARD C. MICHAEL, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Personal Representative: Richard D. Michael, 9 Vista Circle, Lemoyne, PA 17043

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

**ESTATE OF WALTER C. SELL, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Executor: Randall L. Sell, HC 52, Box 1314, Augusta, WV 26704

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

