

Adams County Legal Journal

Vol. 62

March 26, 2021

No. 47, pp. 84-92

IN THIS ISSUE

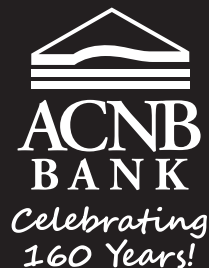
BARBARA JO ENTWISTLE VS. JULIA C. RETOWSKY
AND KELLY S. RETOWSKY

(Part 1 of 4)

Invest with Experience.

The right financial partner will help you plan for the future and manage investments with you and your family's best interests first and foremost. No need to look further...you've found the right partner at ACNB Bank.

Securities and Insurance Products are: NOT FDIC INSURED - MAY LOSE VALUE - NOT BANK GUARANTEED - NOT A DEPOSIT - NOT INSURED BY ANY FEDERAL GOVERNMENT ENTITY



ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

Designated for the Publication of Court and other Legal Notices. Published weekly by Adams County Bar Association, Edward G. Puhl, Esq., Editor and Business Manager.

Business Office – 117 BALTIMORE STREET, ROOM 305, GETTYSBURG, PA 17325-2313. Telephone: (717) 334-1553

Copyright© 1959 by Wm. W. Gaunt & Sons, Inc., for Adams County Bar Association, Gettysburg, PA 17325.

All rights reserved.

CORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were approved by the Pennsylvania Dept. of State on Dec. 24, 2020 for the purpose incorporating a foreign nonprofit corporation under the Pennsylvania Nonprofit Corporation Law of 1988. The name of the nonprofit corporation is: OPERATION SECOND CHANCE, INC. and its registered office is located at 17912 Harbaugh Valley Road, Fairfield, PA 17310. The purpose of the corporation is to provide support services and programs for wounded, injured, and ill veterans and their families.

Clinton Barkdoll, Esq.
9 East Main Street
Waynesboro, PA 17268

3/26

FICTITIOUS NAME REGISTRATION

An application for registration of the fictitious name, G AND E MOBILE NOTARY, 5075 Old Harrisburg Road, Gettysburg, PA 17325, has been filed in the Department of State at Harrisburg, PA, File Date 1/6/2021 pursuant to the Fictitious Names Act, Act 1982-295. The names and address of the people who are a party to the registration are Elisha Loughney-Blankenship, 5075 Old Harrisburg Road, Gettysburg, PA 17325.

3/26



What are your clients' favorite things?

Chances are, your clients care deeply about certain organizations and causes. Help them bring their dreams to fruition with free philanthropic planning tools and ongoing support from the Adams County Community Foundation.

- Expertise in all areas of gift planning
- Free, confidential consultations
- Respect for your client relationships
- Facilitation of charitable giving in Adams County and beyond

To find out more, contact Ralph M. Serpe:
717-337-0060 / rserpe@adamscountycf.org



25 South 4th Street
Gettysburg, PA 17325
www.adamscountycf.org



Good for your clients. Good for the community. Good for you.

BARBARA JO ENTWISTLE VS. JULIA C. RETOWSKY
AND KELLY S. RETOWSKY

(Part 1 of 4)

1. On December 23, 2020, Kelly emailed the Adams County Court Administrator seeking the undersigned's recusal by President Judge George. In said email, Kelly did not reference any specific case but made several general assertions. President Judge George responded to Kelly on January 4, 2021, indicating that he was unable to grant the request.

2. Kelly filed his Petition for Recusal on January 29, 2021. Within the Petition, Kelly referenced events in each of the cases involving the parties and the undersigned. He suggested that, collectively, these events warrant the requested relief. Hearing was scheduled for February 26, 2021. Two days prior to the hearing Attorney Nock advised the Court, and the other parties, that he would be calling two non-party witnesses to testify. A proffer was requested by the Court.

3. At the hearing, Attorney Nock stated that McKenzie Clark would testify to the contents of an ex-parte telephone conversation he had with the undersigned which purportedly took place in the Fall of 2018. Even though this conversation was not mentioned in the Petition as a basis for recusal, the Court, over the objection of the other parties, allowed the testimony.

4. Attorney Nock also stated that Jake Bylsma would testify that he published videos on-line which criticize the Adams County judiciary in an attempt to expose alleged corruption. A certain portion of the videos also purportedly include details of the divorce case involving Julia and Kelly. Mr. Bylsma would testify that he has thousands of viewers and their responses indicate that the undersigned's continued participation would be considered inappropriate by that segment of the public.

5. Kelly provided testimony of an alleged relationship between the undersigned and Barbara, specifically, her relationship as an Adams County attorney and the undersigned's alleged attendance at a Civil War re-enactment that included parking on Barbara's property.

6. Every judge in the Commonwealth is, or should be, cognizant of his ethical obligations as set forth in the Pennsylvania Code of Judicial Conduct. Specifically, Rule 2.2 of the Code provides that a judge is to perform the duties of his judicial office fairly and impartially. The Code also provides in Rule 2.11(A) that a judge is to recuse himself in any proceeding in which the judge's impartiality might reasonably be questioned. Thus, a judge should recuse himself whenever he has any doubt as to his ability to preside impartially or whenever he believes his impartiality can reasonably be questioned.

7. There is a presumption in Pennsylvania that judges are honorable, fair and competent and, when presented with such a motion, are able to determine whether they can be impartial and free of personal bias or interest in the outcome of the litigation. To overcome this presumption, a party asserting that a judge should be recused must produce evidence establishing bias, prejudice or unfairness which raises a substantial doubt as to the judge's ability to preside impartially.

8. [T]he judge to whom the motion is presented must make at least a preliminary determination of the credibility of those allegations before deciding whether to grant or deny the request or decide whether to have another judge rule on the recusal request. Kelly would have the Court skip that threshold determination.

9. After receipt of the testimony offered, the undersigned was able to make a threshold determination that Kelly's arguments were lacking sufficient foundation to grant his petition. Consequently, the undersigned's testimony was not required to counter any disputed facts.

10. Mr. Clark testified that sometime in the Fall of 2018 he received a telephone call from the undersigned involving a scheduling matter. He stated that nothing was stated either negatively or positively about the parties, there were no thoughts shared about the merits of the case, and no threats were made.

11. Rule 2.9 of the Code of Judicial Conduct provides that when circumstances require it, ex-parte communications are permitted for scheduling purposes if such communications do not address substantive matters.

12. Without any credible evidence and for the sole reason that she is a local attorney, Kelly seems to believe that Barbara has a special relationship with the undersigned that would lead to partiality in her favor. However, Kelly failed to present any credible or substantial evidence of a special social or professional relationship between Barbara and myself that is noteworthy or that would warrant recusal.

13. The Superior Court, in *Commonwealth v. Dip*, supra., had a recent opportunity to speak to what constitutes a significant minority of the lay community and how what that community considers to be reasonable is determined.

14. When assessing the trial court's application of the Significant Minority standard, we cannot poll the lay community, nor is it clear, even if we could conduct such a poll, how we would quantify that percentage of the lay public constitutes a significant minority thereof.

15. The mere fact that Mr. Bylsma may have created some videos about alleged local court corruption does not speak to whether the undersigned has any bias or partiality towards the parties in this litigation. Separate allegation of corruption made by Mr. Bylsma are not pertinent to this case.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,
PENNSYLVANIA, 2018-S-1193, BARBARA JO ENTWISTLE V.
JULIA C. RETOWSKY AND KELLY S. RETOWSKY

Barbara Jo Entwistle, Pro Se

Patrick Quinn, Esquire, Attorney for Defendant Julia C. Retowsky

Christopher L. Nock, Attorney for Defendant Kelly S. Retowsky

Kuhn, John D., Senior Judge, March 9, 2021

MEMORANDUM OPINION

Before the Court for disposition is a Petition for Recusal of Trial Judge filed by Defendant, Kelly S. Retowsky, on January 29, 2021. For the reasons set forth herein that petition is denied.

BACKGROUND

Although the instant petition is only filed in the above captioned action, a brief history of all litigation involving the undersigned and the parties is required in order to put petitioner's allegations in

proper perspective. The following background is garnered from the record in those cases.

Prior to 2001 Plaintiff, Barbara Jo Entwistle, and her now deceased husband, James, were the owners of an 85-acre parcel located at 2087 Biglerville Road, Adams County. At that time, their daughter, Defendant, Julia C. Retowsky,¹ was involved in a romantic relationship with Defendant, Kelly S. Retowsky.² On August 2, 2001, Barbara and James entered into a written agreement to sell Julia and Kelly 10 acres of that 85-acre parcel, including the existing residence and barn. On July 12, 2002 Julia and Kelly were married. On September 30, 2002 the aforementioned agreement was modified in order to save (and delay) subdivision costs until the balance of the acreage was ready to be subdivided. In exchange, the sellers agreed to convey a one-quarter interest in the entire parcel to the buyers in order to secure their interests. Pursuant to that agreement, on November 12, 2002, Barbara and James conveyed an undivided 1/4 interest in the entire parcel to Julia and Kelly and retained an undivided 3/4 interest for themselves. The two couples were to hold their interests as tenants in common and not as joint tenants. On November 11, 2014, the Executors of the Raymond L. Fair Estate conveyed a 1/2 interest in an adjoining one-acre tract to Barbara and James and the other 1/2 interest to Julia and Kelly. Again, the buyers were to hold their respective 1/2 interests as tenants in common. On August 15, 2015, Barbara, James, Julia and Kelly consolidated their respective interests in the two parcels into a Deed of Consolidation.

The undersigned served as a judge of the Court of Common Pleas in Adams County from January 1986 through December 2015. After retirement the undersigned was approved by the Pennsylvania Supreme Court to serve as a senior judge across the Commonwealth and currently retains that status.

On January 17, 2017, Julia filed a Complaint In Divorce against Kelly in Adams County.³ On March 20, 2017, Adams County's primary family law judge, Hon. Christina M. Simpson, recused herself from that divorce matter.⁴ On March 24, 2017, the undersigned was

¹ Also known as Julie in litigation which will be mentioned later.

² Hereafter the Court will refer to the parties by their first names for ease of understanding and not because of any disrespect intended toward them.

³ Julie C. Retowsky v. Kelly Scott Retowsky, Docket No. 2017-SU-43.

⁴ The undersigned is not privy to the reason for the recusal.

appointed by Adams County President Judge Michael George to preside over the divorce-related matters.⁵

On October 18, 2017, Kelly filed a pro se Complaint for spousal support from Julia.⁶ By Order dated December 11, 2017, President Judge George assigned the undersigned to preside over that matter.

On May 16, 2018, Kelly filed a response to the divorce complaint and included, inter alia, a request for alimony pendente lite (APL). That request was referred to the Domestic Relations Section of the Adams County Court of Common Pleas for determination of a recommended order which was eventually entered on July 30, 2018. Julia requested a de novo hearing which, along with several other matters, was set for disposition on September 18, 2018. On September 20, 2018, the Court⁷ directed that Julia pay alimony pendente lite to Kelly in the amount of \$1,667.00 per month.⁸ That same day the divorce was granted and a master was appointed to address all economic claims raised in the pleadings.

On November 7, 2018, Barbara, pro se, filed a Complaint For Partition against Julia and Kelly, in the above captioned matter, wherein she sought a determination of the respective interests of the parties in the jointly owned 86-acre parcel of real estate and a sale of that property.⁹ The undersigned was appointed to preside over this matter by Order of the Supreme Court dated December 12, 2018. On February 15, 2019, the Court conducted a status conference in the partition matter as required by the Pennsylvania Rules of Civil

⁵ To the best of my knowledge, at that time, a president judge had authority (within certain limitations as to the number of days per month) to appoint a senior judge from the same county to preside over matters where another judge of that court had recused herself or to otherwise aid the local court in addressing its caseload. That practice was subsequently changed across the Commonwealth in 2018. Since then, the president judge of a county court must make a written request to have a senior judge assigned to a case or set of cases. A senior judge must now be approved and appointed by the Chief Justice of the Pennsylvania Supreme Court before having authority to preside over a matter.

⁶ Kelly S. Retowsky v. Julie C. Retowsky, Docket No. 17-DR-361.

⁷ When “the Court” is used hereinafter I will be referring to the undersigned.

⁸ The payment of this amount was effective as of September 11, 2018. As will be explained later, other calculations were made for the period beginning May 30, 2018. The amounts ordered for payment were based upon application of the guidelines (see Pennsylvania Rules of Civil Procedure Rule 1910.16-1 et seq.) to the parties’ respective incomes as reported at that time.

⁹ Barbara Jo’s husband, James, had passed away on February 1, 2018.

Procedure. All parties agreed that the property should be sold. Kelly's request to have the sale delayed until all economic issues in the divorce action were resolved was denied for reasons stated in an order entered at that time. However, the parties were given the opportunity, subject to specific guidelines set by the Court, to have the property marketed through a real estate broker.

On January 21, 2020 the divorce master filed his Report and Recommendation. Both Julia and Kelly filed numerous exceptions to that report. By Order and Memorandum Opinion dated June 5, 2020 the undersigned addressed each of those exceptions. Kelly filed an appeal from that ruling on July 2, 2020 and a Superior Court panel affirmed this court's order on February 19, 2021.

Meanwhile, on May 12, 2020, Barbara Jo filed a Complaint in Defamation, and an accompanying Petition For Preliminary Injunction, against Kelly.¹⁰ On May 19, 2020, the Supreme Court assigned the undersigned to preside over that litigation. A hearing on the Petition was held on June 23, 2020 and the request for injunctive relief was denied.

On December 23, 2020, Kelly emailed the Adams County Court Administrator seeking the undersigned's recusal by President Judge George. In said email, Kelly did not reference any specific case but made several general assertions. President Judge George responded to Kelly on January 4, 2021 indicating that he was unable to grant the request. Copies of that response were sent to the undersigned, Patrick Quinn, Esq. (Julia's counsel), Christopher Nock, Esq. (Kelly's counsel) and Barbara.

On January 8, 2021, the parties appeared in the partition action for a hearing on separate contempt petitions filed against Kelly by Julia and Barbara. Prior to the hearing, the Court, in the presence of Barbara and Attorney Quinn, advised Attorney Nock that, before taking testimony, the Court would give Kelly the opportunity to express any specific concerns he might have at that moment. Attorney Nock was expressly informed that the Court was not instructing Kelly to raise any concerns, only that he would be given that opportunity if he would so choose. Subsequently, on the record, Kelly orally requested that the undersigned be recused from the partition action. Attorney Nock's request to file a formal motion on the issue was

¹⁰ Barbara Jo Entwistle v. Kelly S. Retowsky, Docket No. 2020-SU-390.

granted. The contempt hearing was continued generally to allow for the filing of the recusal motion.

As noted, Kelly filed his Petition for Recusal on January 29, 2021. Within the Petition, Kelly referenced events in each of the cases involving the parties and the undersigned. He suggested that, collectively, these events warrant the requested relief. The hearing was scheduled for February 26, 2021. Two days prior to the hearing, Attorney Nock advised the Court, and the other parties, that he would be calling two non-party witnesses¹¹ to testify. A proffer was requested by the Court. Attorney Nock replied that “[e]ach witness plans to testify regarding specific facts which they personally witnessed relevant to arguments which will be developed at the hearing ...” Barbara objected to the inadequacy of the proffer. The Court indicated that a better proffer would be expected at the hearing.

At the hearing, Attorney Nock stated that McKenzie Clark would testify to the contents of an ex-parte telephone conversation he had with the undersigned which purportedly took place in the Fall of 2018. Even though this conversation was not mentioned in the Petition as a basis for recusal, the Court, over the objection of the other parties, allowed the testimony.¹² Attorney Nock also stated that Jake Bylsma would testify that he publishes videos on-line which criticize the Adams County judiciary in an attempt to expose alleged corruption. A certain portion of the videos also purportedly include details of the divorce case involving Julia and Kelly. Mr. Bylsma would testify that he has thousands of viewers and their responses indicate that the undersigned’s continued participation would be considered inappropriate by that segment of the public. The Petition itself had mentioned Mr. Bylsma but in a different context. The Court determined not to allow this testimony.

Kelly provided testimony of an alleged relationship between the undersigned and Barbara, specifically her relationship as an Adams County attorney and the undersigned’s alleged attendance at a Civil War re-enactment that included parking on Barbara’s property. Barbara offered testimony to counter some of Kelly’s allegations. No other testimony was offered as to the other specific issues raised in

¹¹ McKenzie M. Clark and Jake Bylsma.

¹² The Court believed that the efficient administration of justice and general transparency would be fostered if the testimony was permitted.

the Petition filed on January 29, 2021. The Court asked Attorney Nock whether he was withdrawing the other issues raised in the Petition and he expressly stated that he was waiving those issues.

LEGAL STANDARD

The question as to whether a judge should recuse himself from a particular case may be raised by the judge, sua sponte, or by one of the litigants.

Sometimes a judge is aware, even if the background is unknown by the litigants, that there is something regarding the facts, issues, parties or witnesses in a case that creates a concern about the judge's ability to preside impartially in that matter. In such cases, the judge can simply recuse himself from the case or reveal his concern to the parties so they can request recusal or agree to proceed in light of that concern. Every judge in the Commonwealth is, or should be, cognizant of his ethical obligations as set forth in the Pennsylvania Code of Judicial Conduct. Specifically, Rule 2.2 of the Code provides that a judge is to perform the duties of his judicial office fairly and impartially. The Code also provides in Rule 2.11(A) that a judge is to recuse himself in any proceeding in which the judge's impartiality might **reasonably** be questioned. Thus, a judge should recuse himself whenever he has any doubt as to his ability to preside impartially or whenever he believes his impartiality can reasonably be questioned. *In Re Bridgeport Fire Litigation*, 5 A.3d 1250, 1254 (Pa. Super. 2010). Our Superior Court recently described the meaning of impartiality in this context as follows:

Thus, impartiality is not the absence of influences external to the matter at hand; judges exist in the real world, not behind a veil of ideals. Instead, as [John Stuart Mill] suggests, a jurist achieves impartiality by successfully resisting the unavoidable presence of external influences that might affect him or her. As our Judicial Code dictates, “[a] judge **shall not permit** family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.” Pa. Code of Judicial Conduct, Canon (sic) 2.4(A) (emphasis added). Thus, we assume that a jurist will possess interests and relationships that might conceivably influence their judgment but, in the

normal course of events, the **mere presence** of an interest or relationship that could theoretically affect a judicial decision **does not create a presumption of partiality**.

Commonwealth v. Dip, 221 A.3d 201, 206 (Pa. Super. 2019). (Emphasis included).

If a party questions the judge's impartiality the proper recourse is to submit a motion for recusal to that jurist at the earliest possible moment, otherwise the issue may be waived as being time barred. *In Re Lokuta*, 11 A.3d 427, 437 (Pa. 2011). There is a presumption in Pennsylvania that judges are honorable, fair and competent and, when presented with such a motion, are able to determine whether they can be impartial and free of personal bias or interest in the outcome of litigation. *Lomas v. Kravitz*, 130 A.3d 107, 122 (Pa. Super. 2015);¹³ *Hvizdak v. Linn*, 190 A.3d 1213, 1223 (Pa. Super. 2018).¹⁴ To overcome this presumption, a party asserting that a judge should be recused must produce evidence establishing bias, prejudice or unfairness which raises a **substantial doubt** as to the judge's ability to preside impartially. *Id.*

When faced with a request for recusal the judge must first make an independent, self-analysis of his ability to be impartial. If the judge feels he can be impartial, he must next decide whether his continued involvement in the case nevertheless creates an appearance of impropriety that would tend to undermine public confidence in the judiciary. *Com v. Whitmore*, 912 A.2d 827, 834 (Pa. 2006); *Lomas v. Kravitz, supra.* 130 A.3d at 122; *Hvizdak v. Linn, supra.*, 190 A.3d at 1223. Where the facts and circumstances reasonably call into question the impartiality of the judge, actual prejudice need not be shown because the appearance of prejudice is sufficient to warrant recusal. *In Re Lokuta, supra.* 11 A.3d at 435. Thus, recusal is mandated whenever "a significant minority of the lay community could **reasonably** question the courts impartiality." *Commonwealth v. Druce*, 796 A.2d 321, 327 (Pa. Super. 2002), aff'd, 848 A.2d 104 (Pa. 2004)(emphasis added). While the appearance of impropriety alone is enough to warrant disqualification, recusal must only occur under proper circumstances. *Lomas v. Kravitz, supra.*, 130 A.3d at 122.

¹³ Aff'd 170 A.3d 380 (Pa. 2017).

¹⁴ App. den. 204 A.3d 364 (Pa. 2019).

The trial judge should place on the record the reasons for granting or denying the motion. If the litigant feels aggrieved by that decision, he may file an appeal at the conclusion of the case. **Reilly v. Southeastern Pennsylvania Transportation Authority**, 489 A.2d 1291, 1300 (Pa. 1985). A decision by the judge not to grant a recusal motion, because he concludes that he can dispose of the case fairly and without prejudice, will not be overruled on appeal absent an abuse of discretion. **Hvizdak v. Linn, supra**. 190 A.3d at 1223; **Lomas v. Kravitz, supra**. 130 A.3d at 122. Abuse of discretion occurs “when the cause pursued represents not merely an error of judgment but where the judgment is manifestly unreasonable or where the law is not applied or where the record shows that the action is the result of partiality, bias or ill will.” **Commonwealth v. King**, 839 A.2d 237, 239-40 (Pa. 2003) (citing **Commonwealth v. Widner**, 744 A.2d 745, 753 (Pa. 2000)).

(continued to next issue 4/2/21)

ADAMS COUNTY SHERIFF'S OFFICE
NEW CONDITIONS OF SALES
FOR REAL ESTATE

All properties are sold "AS IS", with NO expressed or implied warranties OR guarantees whatsoever. The Sheriff and Bid4Assets shall not be liable for any loss or damage to the premises sold resulting from any cause whatsoever. In anticipation of participating in this auction and purchasing a property the bidder assumes all responsibility for "due diligence."

Prospective bidder must complete the Bid4Assets online registration process to participate in the auction. All bidders must submit a \$1,000.00 deposit (plus a \$35.00 processing fee) to Bid4Assets before the start of the auction. This single deposit will be associated with a particular auction date and allows a bidder to bid on all of the auctions that close on that particular date.

The starting bid or minimum bid for the auction will be set at "Sheriff's Costs." This is the costs that the Sheriff's Office has incurred up to the date of the sale. The plaintiff's attorney shall submit the plaintiff's upset price ("Upset Price") to Bid4Assets, at least one (1) hour prior to the start of the Auction. The Upset Price is the least amount the plaintiff will accept for a property. The Sheriff's costs will be added to the Upset Price to determine the reserve price for the auction. The reserve price is the minimum dollar amount the Sheriff will accept for the sale to go to a third-party bidder. Bidders will not know what the reserve price is, but they will see when the reserve price has been met.

If the reserve price is met, the highest bidder shall be the purchaser. By close of the next business day of the auction, the purchaser is responsible for 20% of the purchase price for each property purchased plus a buyer's premium of 1.5% of the total purchase price of each property purchased. The purchaser shall pay the balance of 80% of the purchase price for each property purchased by 5:00PM EST on the twentieth (20th) calendar day following the Auction Date unless that day falls on a holiday or weekend day, then the balance is due on the next business day by 5:00PM EST.

Failure to pay the balance by the due date will result in a default and the forfeiture of the deposit. In the event of a default the next highest bidder may be notified by Bid4Assets. The Sheriff may at their discretion settle with the second bidder who has complied with all the conditions of sale. The defaulting party shall be liable to the plaintiff and/or the Sheriff for any and all costs incurred for the resale of the property.

Winning bidder shall comply with all post-sale instructions required by the Sheriff's Office and Bid4Assets. Buyer

shall be responsible for the cost of preparing the deed and such other costs that are imposed by law. Payment extensions are uncommon. If one is necessary, the decision will be made by the plaintiff's attorney once the Sheriff's Office is notified and provides consent.

In the event an overpayment is received of the balance, the Adams County Sheriff's Office will refund the money upon payment received from Bid4Assets.

The Plaintiff, at the discretion of the Sheriff's Office, can at any time cancel the sale after the auction closes for reasons of bankruptcy and any other reason that may arise.

It is the responsibility of the bidder to investigate any and all liens, encumbrances and/or additional mortgages that may be held against the property and may not be satisfied by the post-sale Schedule "A" Distribution. The bidder assumes all responsibility for "due diligence" in anticipation of participating in this auction and purchasing a property.

The Schedule "A" Distribution will be completed, within approximately 30 days after the sale by the Sheriff's Office, for all properties sold to third party bidders.

The Schedule "A" Distribution directs how the purchase price of the property will be disbursed and which liens will be satisfied. Disbursement payments are listed in priority order. Our office follows the Pennsylvania Rules of Civil Procedure when determining these payments.

Once we complete our lien search and review the distribution, we will email a copy to the third-party bidder and all parties involved.

The Schedule "A" Distribution is available to the public for review for 10 days at the Sheriff's Office and is made part of the case history at the Prothonotary's Office.

Distribution payments will be made in accordance with the proposed Schedule "A" unless exceptions are filed on or before the tenth day of the distribution date. Pending litigation will delay processing the distribution and deed.

The Sheriff's Deed is the last step in the distribution process.

Deed processing will begin approximately 11 days after the distribution date, provided no legal actions are pending against the purchase.

Winning bidder must comply with all post-sale instructions required by Bid4Assets and the Sheriff's Office. The Sheriff's Office must receive your vesting instructions and two completed and signed, Pennsylvania Realty Transfer Tax Statement of Value Forms, with original signatures on both, to process the Sheriff's Deed. Once recorded the deed cannot be emailed to you. Two self-addressed stamped envelopes are required to mail you your recorded deed.

Important points to remember:

- The Sheriff's Office highly recommends that you seek the advice of an attorney to review the pros and cons of a Sheriff's Sale purchase.
 - The Sheriff's Office does not guarantee clear title to any property being sold.
 - The winning bidder may be responsible for additional liens; your due diligence is required.
 - The winning bidder may be responsible for completing an eviction or ejectment process. Seek legal advice for all matter related to the eviction/ejectment process.
 - The Sheriff's Office and Bid4Assets do not have keys to any of the properties.
 - Prospective bidders cannot inspect the interior of any property listed for sale.
 - Each purchase is unique; situations and issues will vary from case to case.
 - The Sheriff's Office complies with the Pennsylvania Rules of Civil Procedure.
 - Properties are advertised in the local newspaper and the Adams County Legal Journal
 - Handbills are posted on each property and also posted at the Adams County Sheriff's Office.
 - The full listing of properties is available on the Sheriff's website under Real Estate Sheriff's Sales www.adamscounty.us/Dept/Sheriff/Pages/SalesDates.aspx.
 - Sales are typically scheduled for the third Friday of every other month, starting in January. A calendar of dates and filing deadlines is published on the Sheriff's Office website.
 - The sales are open to the public via an online format at Bid4Assets: Adams County Sheriff Real Property Foreclosure Auctions – registration is required.
 - Deeding instruction packets for properties, Sold for Costs, to the Plaintiff must include;
 - The law firms cover letter stating plaintiff vesting instructions.
 - Two completed Pennsylvania Realty Transfer Tax Statement of Value Forms with original signatures on both.
 - One copy of the complete mortgage and assignment of mortgage.
 - Two self-addressed stamped envelopes for the return of the recorded deed.
 - Open invoices must be paid prior to the recording of the deed.
 - Case refunds will be mailed with the cost sheet after the deed has been recorded.
- If you wish to participate in the auction and do not have access to a computer, Bid4Assets website can be accessed on mobile devices and tablets. An "offline" bid packet can be obtained by contacting Bid4Assets.

Terms and conditions are subject to change by the Sheriff and Bid4Assets.

3/26, 4/2, & 4/9

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 JULAINE T. AYERS, DEC'D**

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

Administrator: Timothy R. Ayers, c/o R. Thomas Murphy, Esq., R. Thomas Murphy & Associates, P.C., 2005 East Main Street, Waynesboro, PA 17268

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

ESTATE OF DAVID EDWARD BAUMGARDNER, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Lonnie Lee Baumgardner, 202 White Dogwood Drive, Eitters, PA 17319

Attorney: Aaron C. Jackson, Esq., Jackson Law Firm, PLLC., 1215 Manor Drive, Suite 202, Mechanicsburg, PA 17055

ESTATE OF WANDA JEAN BAUMGARDNER, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Lonnie Lee Baumgardner, 202 White Dogwood Drive, Eitters, PA 17319

Attorney: Aaron C. Jackson, Esq., Jackson Law Firm, PLLC., 1215 Manor Drive, Suite 202, Mechanicsburg, PA 17055

ESTATE OF WILLIAM M. CLEVELAND, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: ACNB Bank, c/o Christine Settle, P.O. Box 4566, Gettysburg, PA 17325

Attorney: Robert E. Campbell, Esq., Salzmann Hughes, P.C., 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF FRANK J. MALSKY a/k/a FRANK MALSKI, DEC'D

Late of Mount Joy Township, Adams County, Pennsylvania

Barbara A. Keyton, 1036 Heritage Drive, Gettysburg, PA 17325

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

ESTATE OF BONITA A. McCLEARY, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executors: Blake Milton McCleary, 124 Beecherstown Road, Biglerville, PA 17307; Brynn Alyson McCleary Penney, 212 Beecherstown Road, Biglerville, PA 17307

Attorney: Robert L. McQuaide, Esq., Barley Snyder, 123 Baltimore Street, Suite 101, Gettysburg, PA 17325

ESTATE OF ANNA BELLE MUMMERT, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Diane M. Yerkey, 151 McAllister Street, Hanover, PA 17331

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

ESTATE OF EDWARD M. RESH, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Steven F. Resh, 104 Sunset Drive, LaVale, MD 21502

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

ESTATE OF NORMAN L. RUDISILL, JR., DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Debbie A. Leatherman, 255 Shriver's Corner Road, Gettysburg, PA 17325

Attorney: Thomas R. Nell, Esq., 130 W. King Street, P.O. Box 1019, East Berlin, PA 17316

ESTATE OF TIMOTHY ALLEN SMITH, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Administrator: Timothy A. Smith II, 7505 Carlisle Pike, York Springs, PA 17372

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

ESTATE OF BRUCE S. TOMA a/k/a BRUCE STUART TOMA, DEC'D

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

Executor: Sally A. Toma, c/o R. Thomas Murphy, Esq., R. Thomas Murphy & Associates, P.C., 2005 East Main Street, Waynesboro, PA 17268

Attorney: R. Thomas Murphy, Esq., R. Thomas Murphy & Associates, P.C., 2005 East Main Street, Waynesboro, PA 172684

ESTATE OF TORY J. WEIKERT, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Administratrix: Heather J. Weikert, 1466 Russell Tavern Road, Gettysburg, PA 17325

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

SECOND PUBLICATION**ESTATE OF MERLE S. BUCHER, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Administratrix: Sharron M. Bucher, 861 Grant Drive, Hanover, PA 17331

ESTATE OF NANCY L. CHRONISTER a/k/a NANCY LOU CHRONISTER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Julie A. Hoover, 1785 Yorktowne Drive, Apt. D, York, PA 17408

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

ESTATE OF JOHN E. EVERHART, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Co-Executors: Ronald C. Hoff, 955 Old Harrisburg Road, Gettysburg, PA 17325; Steve M. Watts a/k/a Steven M. Watts, 12384 Route 235, Thompsontown, PA 17094

Attorney: Ronald J. Hagarman, Esq., 110 Baltimore Street, Gettysburg, PA 17325

ESTATE OF NOELIA D. GEHRKE, DEC'D

Late of Union Township, Adams County, Pennsylvania

Executrix: Joanne Gehrke Davis, c/o Jennifer M. Stetter, Esq., Barley Snyder, LLP, 14 Center Square, Hanover, PA 17331

Attorney: Jennifer M. Stetter, Esq., Barley Snyder, LLP, 14 Center Square, Hanover, PA 17331

SECOND PUBLICATION CONTINUED

ESTATE OF JOSEPH DONALD GREENHOLT a/k/a JOSEPH D. GREENHOLT, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executor: Michael M. Greenholt, c/o Samuel A. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

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

ESTATE OF LARRY DAVID LAUGHMAN, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Eric David Laughman, 2702 Alpertown Drive, York, PA 17402

Attorney: Thomas E. Miller, Esq., Law Office of Thomas E. Miller, Esquire LLC, 249 York Street, Hanover, PA 17331

ESTATE OF HELEN LYNCH, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Patricia Mastrodomenico, c/o Scott L. Kelley, Esq., Barley Snyder, LLP, 14 Center Square, Hanover, PA 17331

Attorney: Scott L. Kelley, Esq., Barley Snyder, LLP, 14 Center Square, Hanover, PA 17331

ESTATE OF VIOLET V. MAUSS, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Co-Executors: Ronald Mauss, 66 Mauss Road, Biglerville, PA 17307; Linda Mauss, 66 Mauss Road, Biglerville, PA 17307

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

ESTATE OF JEAN M. McFERREN, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executrix: Sandra L. Leppo, 7996 Clipper Court, Frederick, MD 21701

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

ESTATE OF EDWARD H. NACE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Karl A. Lehman, 4359 Smoketown Road, Glenville, PA 17329

Attorney: Matthew L. Guthrie, Esq., Barley Snyder LLP, 14 Center Square, Hanover, PA 17331

ESTATE OF MARIAN A. REAVER, DEC'D

Late of Mount Joy Township, Adams County, Pennsylvania

Executor: Dennis J. Boyd, 231 M Street, Littlestown, PA 17340

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

ESTATE OF JOSEPH J. VASEY a/k/a JOSEPH JOHN VASEY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Douglas Vasey, c/o Todd A. King, Esq., Salzmans Hughes, P.C., 112 Baltimore Street, Gettysburg, PA 17325

Attorney: Todd A. King, Esq., Salzmans Hughes, P.C., 112 Baltimore Street, Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF IRENE E. CHIPPS, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Executor: Mark E. Chipps Sr., 675 Orrtanna Road, Orrtanna, PA 17353

ESTATE OF GREGORY ALLEN DAVIS, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Administrator: Allen Gregory Davis, 601 New Chester Road, New Oxford, PA 17350

Attorney: Clayton A. Lingg, Esq., Mooney Law, 230 York Street, Hanover, PA 17331

ESTATE OF VERNON H. KEPNER a/k/a VERNON HOMER KEPNER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrices: Cynthia M. Smith and Mary E. Mickle, c/o R. Thomas Murphy, Esq., R. Thomas Murphy & Associates, P.C., 237 East Queen Street, Chambersburg, PA 17201

Attorney: R. Thomas Murphy, Esq., R. Thomas Murphy & Associates, P.C., 237 East Queen Street, Chambersburg, PA 17201

ESTATE OF ELLSWORTH A. MILLER, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executor: Todd E. Miller, c/o Genevieve E. Barr, Esq., 2315 Susquehanna Trail, Suite D, York, PA 17404

Attorney: Genevieve E. Barr, Esq., 2315 Susquehanna Trail, Suite D, York, PA 17404