

Adams County **Legal Journal**

Vol. 53

October 14, 2011

No. 22, pp. 160-166

IN THIS ISSUE

WEIGAND VS. PROGRESSIVE NORTHERN INS. ET AL

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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

Designated for the Publication of Court and other Legal Notices. Published weekly by Adams County Bar Association, John W. Phillips, Esq., Editor and Business Manager.

Subscribers should send subscriptions directly to the business office. Postmaster: Send address changes to Adams County Legal Journal, 117 BALTIMORE ST RM 305 GETTYSBURG PA 17325-2313.

Business Office – 117 BALTIMORE ST RM 305 GETTYSBURG PA 17325-2313. Telephone: (717) 334-1553

Periodicals postage paid at Gettysburg, PA 17325.

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SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on FRIDAY, the 4th day of November 2011, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Adams County Courthouse, 111 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

Writ of Execution No.:

2011-SU-0000529

Property Address: 1650 York Road,
Gettysburg, PA 17325

Municipality: Gettysburg

Parcel No.: 38-G12-52

Improvements: 5 Story, 40 Room Sleep
Inn Hotel

Defendants: Pankaj C. Patel and

Prabha P. Patel

Attorneys for Plaintiff: Peter M. Good,
Esq., 717-234-2401

Writ of Execution No.:

2009-SU-0000849

Property Address: 240 Oak Drive,
Orrtanna, PA 17353

Municipality: Franklin

Parcel No.: 12-B09-191

Improvements: Residential Dwelling

Defendants: Bryan C. Clevenger,

Kimberly A. Clevenger

Attorneys for Plaintiff: Kevin P. Diskin,
Esq., 215-572-8111

Writ of Execution No.:

2009-SU-0001115

Property Address: 630 Bullfrog Road,
Gettysburg, PA 17325

Municipality: Freedom

Parcel No.: 13-E18-23A

Improvements: Residential Dwelling

Defendants: James A. Rexroth, Sr.,

Judy M. Rexroth

Attorneys for Plaintiff: Michael C.
Mazack, Esq., 412-566-1212

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.sheriffofadamscounty.com/sheriffsales.html>

10/7, 14 & 21

NOTICE

NOTICE IS HEREBY GIVEN by the Adams County Tax Collection Committee, on behalf of the school districts within the Adams County Tax Collection District, of the intent of each such school district to adopt a Resolution levying and imposing a tax upon the earned income and net profits of resident taxpayers. This Notice is given pursuant to the Local Tax Enabling Act and the Pennsylvania Newspaper Advertising Act. Each school district intends to adopt a Resolution at a public meeting held on or before November 30, 2011. The time, date and place of meetings of each political subdivision are advertised in accordance of law.

Each school district intends to impose the tax for general revenue purposes on the earned income and net profits of resident taxpayers at the rates listed below.

The tax imposed by each Resolution will become effective on January 1, 2012, and continues the tax on earned income and net profits previously imposed at the same rate. The adoption of a new Ordinance/Resolution is required primarily to conform to the requirements of Act 32 of 2008, which is an amendment and restatement of the Local Tax Enabling Act, 53 P.S. §6924.101 et. seq. The nature of the tax will be substantially the same as the current tax on earned income and net profits currently in effect, subject to changes required by the aforementioned Act 32. The reason for the new tax levy is to conform to the requirements of Act 32. The estimated revenue from the proposed tax for each school district shall be as follows:

Political Subdivision:

Bermudian Springs School District

Rate: 1.2%

Estimated Revenue: \$2,302,100.00

Political Subdivision:

Conewago Valley School District

Rate: 1.0%

Estimated Revenue: \$4,987,000.00

Political Subdivision:

Fairfield Area School District

Rate: 1.0%

Estimated Revenue: \$1,632,300.00

Political Subdivision:

Gettysburg Area School District

Rate: 1.2%

Estimated Revenue: \$5,851,500.00

Political Subdivision:

Littlestown Area School District

Rate: 0.5%

Estimated Revenue: \$1,453,400.00

Political Subdivision:

Upper Adams School District

Rate: 1.1%

Estimated Revenue: \$2,231,300.00

10/7, 14 & 21

LEGAL NOTICE

IN THE COURT OF COMMON PLEAS
OF ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION—LAW

NO. 11-S-853

ACTION IN MORTGAGE
FORECLOSURE

ADAMS COUNTY HABITAT FOR
HUMANITY, INC., Plaintiff

vs.

JACKIE W. WISE and SUE G. WISE,
Defendants

Office of the Prothonotary
of Adams County

TO: Jackie W. Wise

PURSUANT to requirements of Pennsylvania Rules of Civil Procedure, Rule 236, notice is hereby given that on October 3, 2011 a (judgment) (decree) (order) was entered against you in this office in the proceeding as indicated above.

Sherri Piper
Deputy Prothonotary

10/14

WEIGAND VS. PROGRESSIVE NORTHERN INS. ET AL

1. The burden rests with the insurer, not the insured, to produce a valid underinsured motorist rejection form.
2. “Stacking” refers to combining the coverage on individual vehicles to increase the limits available to an insured.
3. There are two different types of stacking—intra-policy stacking and inter-policy stacking. Intra-policy stacking is stacking coverage within the same policy, while, on the other hand, inter-policy stacking is stacking between separate and different policies.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 09-S-1801, AMANDA WEIGAND, INDIVIDUALLY AND AS ADMINISTRATRIX OF THE ESTATE OF MICHAEL C. WEIGAND, DECEASED, VS. PROGRESSIVE NORTHERN INSURANCE COMPANY AND MILLER-HANOVER, INC. D/B/A MILLER HANOVER INSURANCE.

Scott B. Cooper, Esq., for Plaintiff
Charles E. Haddick, Jr., Esq., and Karl L. Stefan, Esq., for
Defendant Progressive Northern Insurance Company
Jeffrey A. Ramaley, Esq., for Defendant Miller-Hanover, Inc. d/b/a
Miller-Hanover Insurance
Campbell, J., May 31, 2011

OPINION

Before this Court are Plaintiff, Amanda Weigand’s, Motion for Partial Summary Judgment as to Count II and Defendant, Miller-Hanover’s Cross-Motion for Summary Judgment as to Count II in full in response thereto. Also before this Court are Defendant, Progressive Northern’s, Motion for Partial Summary Judgment as to Count I, and Plaintiff, Amanda Weigand’s, Cross-Motion for Partial Summary Judgment as to Count I in response thereto. In the interests of efficiency, all motions and cross-motions of the respective parties will be discussed and disposed of in this Opinion.

BACKGROUND

On September 14, 2008, Michael C. Weigand (Decedent) was traveling on State Route 234 on a motorcycle when he was struck by a pick-up truck owned by Earl M. Wright. Decedent died as a result of the collision. At the time of the accident, Decedent was riding a motorcycle that was owned and insured by his father, Chief Michael E. Weigand (Chief Weigand). Chief Weigand’s motorcycle was insured

under a Progressive Policy Number 41566085-5, which had bodily injury liability limit of \$100,000.00. Plaintiff alleges that Defendant, Miller-Hanover, electronically completed and submitted an application for motorcycle insurance with Defendant, Progressive Northern Insurance Company (Progressive), on behalf of Chief Weigand.

Progressive denied coverage based on its assertion that Chief Weigand rejected underinsured motorist coverage, and, therefore, Plaintiff, as Administratrix of Decedent's estate, is not entitled to recovery equal to the full amount of bodily injury liability coverage under the Progressive Policy. However, Plaintiff asserts that the underinsured motorist rejection/waiver form relied on by Progressive is invalid because it was an unassigned Erie Insurance waiver form containing no policy number. By way of background, on June 19, 2009, some nine (9) months after the accident giving rise to the claims, Progressive faxed to Jessica Kuntz an underinsured motorist rejection form dated July 2, 2003, and purportedly signed by Chief Weigand. The form contained an Erie Insurance logo and made no reference to Progressive. Additionally, the form did not contain a policy number. Then, three (3) days later, on June 22, 2009, Chief Weigand's application for motorcycle insurance was faxed from Miller-Hanover. In the 15-page application, the purported policy number, 41566085-0, was typed on page one (1) but handwritten on the remaining pages, including an underinsured motorist rejection form dated July 2, 2003.¹

Additionally, at the time of the accident, Decedent had a Progressive policy number 42545118-3 for a 2005 Honda motorcycle that he owned.² Policy 42543118-3 included underinsured motorist coverage in the amount of \$25,000.00 per person, \$50,000.00 per accident. Decedent signed a waiver rejecting stacked limits of underinsured motorist coverage for his policy 42545118-3. Policy 42543118-3 only covered Decedent's motorcycle and contained the following provision:

OTHER INSURANCE

If there is other applicable similar insurance available under more than one policy or provision of coverage, the following priorities of recovery apply:

¹ The above-recited facts form the basis of Count II – Breach of Contract (Policy Number 41566085-5) of Plaintiff's Second Amended Complaint.

² This policy covered Decedent's motorcycle, a different motorcycle than the one Decedent was riding at the time of the accident.

First The uninsured or underinsured motorist coverage applicable to the motor vehicle the **insured person** was **occupying** at the time of the accident.

Second Any other policy affording uninsured or underinsured motorist coverage to the **insured person**.

If two or more policies have equal priority, the insurer against whom the claim is first made shall process and pay the claim as if wholly responsible. The insurer is thereafter entitled to recover contribution on a pro rata basis from any other insurer for the benefits paid and the costs of processing the claim.

If nonstacked coverage is shown on the **declarations page**, the following additional provisions apply:

1. When there is insurance available under the First priority:
 - a. the limit of liability applicable to the motor vehicle the **insured person** was occupying, under the policy in the First priority, shall first be exhausted; and
 - b. the maximum recovery under all policies in the Second priority shall not exceed the amount by which the highest limit for any one motor vehicle under any one policy in the Second priority exceeds the limit applicable under the policy in the First priority; and
2. Where there is no applicable insurance available under the First priority, the maximum recovery under all policies in the Second priority shall not exceed the highest applicable limit for any one motor vehicle under any one motor vehicle under any one policy.

(Def. Miller-Hanover's Mot. for Summ. J., Ex. E., pp. 18-19) (emphasis original).

Decedent also had an automobile insurance policy with Pennsylvania National Mutual Casualty Insurance Company (Penn National) at the time of the accident. Decedent's Penn National policy covered both

Decedent's and Plaintiff's vehicles,³ and included underinsured motorist coverage in the amount of \$15,000.00 per person and \$30,000.00 per accident. Decedent also signed a waiver rejecting stacked underinsured coverage limits for his Penn National policy.

Following the accident, Penn National paid \$15,000.00 to Plaintiff, which represented the full amount of underinsured motorist benefits under Decedent's Penn National policy. However, based on the "Other Insurance" language contained in Decedent's Progressive policy, Progressive paid to Plaintiff \$15,625.00 in underinsured motorist coverage. The \$15,625.00 purportedly represents Progressive's pro rata share of the maximum recovery allowed under all policies in the second priority. Progressive has not paid the full \$25,000.00 for underinsured motorist coverage under Decedent's Progressive policy. Instantly, Plaintiff contends she is entitled to the remaining \$9,375.00 under Decedent's Progressive policy because Decedent did not waive inter-policy stacking as alleged by Progressive and Miller-Hanover.⁴

Plaintiff filed her Second Amended Complaint on March 22, 2010 wherein she alleged Count I – Breach of Contract (Policy Number 42545118-3) against Progressive, Count II – Breach of Contract (Policy Number 41566085-5) against Progressive, Count III – Intentional Interference with Contractual Relations (Policy Number 41566085-5) against Miller-Hanover, and Count IV – Negligence (Policy Number 415660865-5) against Miller-Hanover. Progressive filed its Answer with New Matter and New Matter Cross-Claim to Plaintiff's Second Amended Complaint on April 12, 2010. Miller-Hanover filed its Answer with New Matter to Plaintiff's Second Amended Complaint on May 17, 2010. Plaintiff filed her Reply to New Matter of Miller-Hanover and Answer with New Matter and New Matter Cross-Claim on May 21, 2010.

Plaintiff filed her Motion for Partial Summary Judgment as to Count II and Brief in Support thereof on November 15, 2010. Defendant Progressive filed its Response to Plaintiff's Motion for Partial Summary Judgment and Brief in Opposition on December 1, 2010. Defendant Miller-Hanover filed its Response to Plaintiff's

³ Decedent's motorcycle was not covered by the Penn National policy.

⁴ The above-recited facts form the basis of Count I – Breach of Contract (Policy Number 42545118-3) of Plaintiff's Second Amended Complaint.

Motion for Partial Summary Judgment and Brief in Opposition on December 10, 2010. Additionally, Miller-Hanover filed a Cross-Motion for Summary Judgment in full on December 10, 2010. Plaintiff filed her Response to Miller-Hanover's Cross-Motion for Summary Judgment on January 10, 2011. Oral argument was held on January 19, 2011.⁵

In the meantime, on January 18, 2011, Defendant Progressive filed its Motion for Partial Summary Judgment as to Count I. On February 7, 2011, Plaintiff filed her Response to Progressive's Motion for Summary Judgment as to Count I and Cross-Motion for Summary Judgment as to Count I. Progressive filed its Brief in Support of Partial Summary Judgment as to Count I and Brief in Opposition to Plaintiff's Cross-Motion for Summary Judgment as to Count I on February 25, 2011. On March 18, 2011, Plaintiff filed her Brief in Support of her Cross-Motion for Summary Judgment as to Count I and Brief in Opposition to Progressive's Motion for Summary Judgment as to Count I. Oral argument was held April 26, 2011.

DISCUSSION

Under the Pennsylvania Rules of Civil Procedure, a court may enter summary judgment when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. **Pa. R. Civ. P. 1035.2**; *Strine v. Commonwealth*, 894 A.2d 733, 737 (Pa. 2006). Summary judgment is only appropriate where the pleadings, depositions, answers to interrogatories, omissions and affidavits, and other materials demonstrate that there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. *Roche v. Ugly Duckling Car Sales, Inc.*, 879 A.2d 785, 789 (Pa. Super. 2005) (quotations and citations omitted). The burden of demonstrating the lack of any genuine issue of material fact falls upon the moving party, and, in ruling on the motion, the court must consider the record in the light most favorable to the non-moving party. *Id.* However, where a motion for summary judgment has been supported with depositions, answers to interrogatories, or affidavits, the non-moving party may not rest on the mere allegations or denials in its pleadings. *Accu-Weather, Inc. v. Prospect Commc'ns Inc.*, 644

⁵ At oral argument, Plaintiff's counsel indicated that it was not opposed to the dismissal of Counts III and IV of Plaintiff's Second Amended Complaint.

A.2d 1251, 1254 (Pa. Super. 1994). Rather, the non-moving party must by affidavit or in some other way provided for within the Rules of Civil Procedure, set forth specific facts showing that a genuine issue of material fact exists. *Id.* Summary judgment is only appropriate in those cases which are free and clear from doubt. *McCannaughey v. Bldg. Components, Inc.*, 637 A.2d 1331, 1333 (Pa. 1994).

First, this Court will address Plaintiff's Motion for Partial Summary Judgment and Miller-Hanover's Cross-Motion for Summary Judgment in full in response thereto. Plaintiff seeks Partial Summary Judgment on the basis that the underinsured motorist rejection form is invalid, thus entitling her to recover the full amount of bodily injury coverage under Chief Weigand's Progressive Policy. On the other hand, Miller-Hanover, in its Cross-Motion for Summary Judgment, contends that the underinsured motorist rejection form is a valid Progressive rejection form, thus precluding Plaintiff from recovering the full amount of bodily injury coverage under Chief Weigand's Progressive Policy.

An overview of Pennsylvania's Motor Vehicle Financial Responsibility Law (MVFRL) is necessary to resolve the parties' arguments. The MVFRL includes specific provisions relating to the manner in which rejection of underinsured motorist coverage is accomplished. Specifically, the MVFRL, relating to underinsured motorist coverage, provides:

[u]nderinsured motorist coverage shall provide protection for persons who suffer injury arising out of the maintenance or use of a motor vehicle and are legally entitled to recover damages therefor from owners or operators of underinsured motor vehicles. The named insured shall be informed that he may reject underinsured motorist coverage by signing the following written rejection form:

REJECTION OF UNDERINSURED MOTORIST PROTECTION

By signing this waiver I am rejecting underinsured motorist coverage under *this policy*, for myself and all relatives residing in my household. Underinsured coverage protects me and relatives living in my household for losses and damages suffered if injury is caused by the

negligence of a driver who does not have enough insurance to pay for all losses and damages. I knowingly and voluntarily reject this coverage.

Signature of First Named Insured

Date

75 Pa. C.S.A. § 1731(c) (emphasis added).

Additionally, Section 1731(c.1) regarding the form of the waiver of underinsured motorist benefits, provides:

[i]nsurers shall print the rejection forms required by subsections (b) and (c) on separate sheets in prominent type and location. The forms must be signed by the first named insured and dated to be valid. The signatures on the forms may be witnessed by an insurance agent or broker. Any rejection form that does not specifically comply with this section is void. ***If the insurer fails to provide a valid rejection form, uninsured or underinsured coverage, or both, as the case may be, under that policy shall be equal to the bodily injury liability limits.*** On policies in which either uninsured or underinsured coverage has been rejected, the policy renewals must contain notice in prominent type that the policy does not provide protection against damages caused by uninsured or underinsured motorists. Any person who executes a waiver under subsection (b) or (c) shall be precluded from claiming liability of any person based on inadequate information.

75 Pa. C.S.A. § 1731(c.1) (emphasis added).

Based on the statutory language of Section 1731(c.1), the burden rests with the insurer, not the insured, to produce a valid underinsured motorist rejection form. *See id.* Pennsylvania courts have required strict adherence to the statutory mandates of Section 1731, especially when an insurer asserts that there has been a rejection of underinsured motorist coverage, as opposed to a reduction of underinsured motorist coverage. *See Am. Int'l Ins. Co. v. Vaxmonskey*, 916 A.2d 1106, 1110-11 (Pa. Super. 2006).

Continued to next issue (10/21/2011)

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 4th day of November 2011, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Adams County Courthouse, 111 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

Writ of Execution No.:
2011-NO-0000002
Property Address: 139 Charles Street,
Littlestown, PA 17340
Municipality: Littlestown
Parcel No.: 08-0236A302
Improvements: Commercial
Defendants: Donald J. Travers, Donald
S. Rahmer
Attorneys for Plaintiff:
John R. White, Esq., 717-334-9278

Writ of Execution No.:
2009-NO-0000315
Property Address: 143 S. Main Street,
Bendersville, PA 17306
Municipality: Bendersville
Parcel No.: 003-0039, 004-0064
Improvements: Residential Dwelling
Defendants: Ronald Balutis and
Diane M. Balutis
Attorneys for Plaintiff: Robert E.
Campbell, Esq., 717-334-9278

Writ of Execution No.:
2009-NO-0000360
Property Address: 2 Union View Drive,
Gettysburg, PA 17325
Municipality: Cumberland
Parcel No.: 09-F12-0262-000
Improvements: Residential Dwelling
Defendants: Michael J. Stanko, Barbara
Stanko
Attorneys for Plaintiff: John R. White,
Esq., 717-334-9278

Writ of Execution No.:
2011-NO-0000250
Property Address: 339 South Queen
Street, Littlestown, PA 17340
Municipality: Littlestown
Parcel No.: 27011-0072---000
Improvements: Residential Dwelling
Defendants: James A. Lambert, Joanne
A. Lambert
Attorneys for Plaintiff: John R. White,
Esq., 717-334-9278

Writ of Execution No.:
2011-SU-0000085
Property Address: 203 Atlantic Avenue,
York Springs, PA 17372
Municipality: York Springs
Parcel No.: 42-002-0056B---000
Improvements: Residential Dwelling
Defendants: Harmon D. Cornman
Attorneys for Plaintiff: Sharon E. Myers,
Esq., 717-848-4900

Writ of Execution No.:
2011-SU-0000677
Property Address: 2372 Granite Station
Road, Gettysburg, PA 17325
Municipality: Straban
Parcel No.: 38-022-0092-000
Improvements: Residential Dwelling
Defendants: Eric Byron Huffer a/k/a
Eric B. Huffer, Patricia Ann Huffer
a/k/a Patricia A. Huffer
Attorneys for Plaintiff: Danielle Boyle-
Ebersole, Esq., 215-572-5095

Writ of Execution No.:
2011-SU-0000932
Property Address: 148 Branch Circle,
East Berlin, PA 17316
Municipality: East Berlin
Parcel No.: 10-009-0048
Improvements: Residential Dwelling
Defendants: Gina M. Boroughs
Attorneys for Plaintiff: Kristine M.
Anthou, Esq., 412-281-7650

Writ of Execution No.:
2011-SU-0000870
Property Address: 17 Northern Pike
Trail, Fairfield, PA 17320
Municipality: Carroll Valley
Parcel No.: 43-003-0033-000
Improvements: Residential Dwelling
Defendants: Scott J. Wanrow
Attorneys for Plaintiff: Kristine M.
Anthou, Esq., 412-281-7650

Writ of Execution No.:
2011-SU-0000717
Property Address: 1594 Center Mills
Road, Aspers, PA 17304
Municipality: Menallen
Parcel No.: 29-001-006
Improvements: Residential Dwelling
Defendants: James E. Tipton, Marya S.
Tipton
Attorneys for Plaintiff: Marc A. Hess,
Esq., 717-769-1296

Writ of Execution No.:
2010-SU-0001847
Property Address: 665 Hanover Street,
New Oxford, PA 17350-9532
Municipality: Oxford
Parcel No.: 35K12-0032
Improvements: Residential Dwelling
Defendants: Michael P. Hartman, Dayna
L. Hartman
Attorneys for Plaintiff: Scott A.
Dietterick, Esq., 717-533-3280

Writ of Execution No.:
2011-SU-0000335
Property Address: 6924 Chambersburg
Rd. a/k/a 7000 Chambersburg Rd.
a/k/a Lincoln Way East, Fayetteville,
PA 17222
Municipality: Franklin
Parcel No.: 12-A09-0047
Improvements: Colonel's Creek
Campground
Defendants: John A. Slee
Attorneys for Plaintiff: Scott A.
Dietterick, Esq., 717-533-3280

Writ of Execution No.:
2011-SU-0000478
Property Address: 317 Buford Avenue,
Gettysburg, PA 17325
Municipality: Gettysburg
Parcel No.: 16-006-0010
Improvements: Residential Dwelling
Defendants: Mary Jeanette Poole
Attorneys for Plaintiff: David Fein, Esq.,
215-627-1322

Writ of Execution No.:
2009-SU-0001126
Property Address: 65 Sycamore Lane,
Hanover, PA 17331-4942
Municipality: Conewago
Parcel No.: 08-009-0268-000
Improvements: Residential Dwelling
Defendants: James Buckley, Laura E.
Buckley
Attorneys for Plaintiff: David Fein, Esq.,
215-627-1322

Writ of Execution No.:
2011-SU-0001094
Property Address: 5135 Fairfield Road,
Fairfield, PA 17320
Municipality: Carroll Valley
Parcel No.: 43-003-0011
Improvements: Residential Dwelling
Defendants: Jesse W. Myers
Attorneys for Plaintiff: Donald L.
Kornfield, Esq., 717-762-8222

Writ of Execution No.:
2009-SU-0001076
Property Address: 359 E. York Street,
Biglerville, PA 17307
Municipality: Biglerville
Parcel No.: 05002-0013---000
Improvements: Residential Dwelling
Defendants: Brian Group, Lynda Group
Attorneys for Plaintiff: Gregory
Jarvardian, Esq., 215-942-9690

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

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

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

10/7, 14 & 21

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 4th day of November 2011, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Adams County Courthouse, 111 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

Writ of Execution No.:
2011-SU-0000872
Property Address: 71 Skylark Trail,
Fairfield, PA 17320
Municipality: Carroll Valley
Parcel No.: 43-029-0022-000
Improvements: Residential Dwelling
Defendants: Larry D. Roberts, Jr., Tonia
M. Roberts
Attorneys for Plaintiff: Andrew L.
Markowitz, Esq., 215-790-1010

Writ of Execution No.:
2011-SU-0000898
Property Address: 1096 Bollinger Road,
Littlestown, PA 17340-9147
Municipality: Union
Parcel No.: 41-K17-0036B-000
Improvements: Residential Dwelling
Defendants: Keith A. Crammer, Wendy
M. Crammer
Attorneys for Plaintiff: Christine L.
Graham, Esq., 215-790-1010

Writ of Execution No.:
2011-SU-0000028
Property Address: 8 Victor Drive,
Arendtsville, PA 17303
Municipality: Arendtsville
Parcel No.: 02006-0163
Improvements: Residential Dwelling
Defendants: Robert R. Lorenz, Jennifer
L. Lorenz
Attorneys for Plaintiff: Marc S.
Weisberg, Esq., 215-790-1010

Writ of Execution No.:
2010-SU-0000386
Property Address: 200 Orchard View
Road, Gardners, PA 17324
Municipality: Huntington
Parcel No.: 22-H2-0021-000
Improvements: Residential Dwelling
Defendants: Diana L. Keiser
Attorneys for Plaintiff: Marc S.
Weisberg, Esq., 215-790-1010

Writ of Execution No.:
2011-SU-0000828
Property Address: 130 Tracy Drive, York
Springs, PA 17372
Municipality: Huntington
Parcel No.: 22-104-0187-000
Improvements: Residential Dwelling
Defendants: Joseph E. Saghy, Lisa C.
Saghy
Attorneys for Plaintiff: Marc S.
Weisberg, Esq., 215-790-1010

Writ of Execution No.:
2011-SU-0000849
Property Address: Lot 38-G a/k/a 18
Crescent Lane, Littlestown, PA 17340
Municipality: Littlestown
Parcel No.: 27-009-0068
Improvements: Residential Dwelling
Defendants: David E. Bell a/k/a David
E. Bell III
Attorneys for Plaintiff: Marc S.
Weisberg, Esq., 215-790-1010

Writ of Execution No.:
2010-SU-0002638
Property Address: 80 Tracy Dr., York
Springs, PA 17372
Municipality: Huntington
Parcel No.: 22-104-0183A-000
Improvements: Residential Dwelling
Defendants: Daniel B. Murray, Brannon
N. Murray
Attorneys for Plaintiff: Edward D.
Conway, Esq., 215-790-1010

Writ of Execution No.:
2010-SU-0002456
Property Address: 246 Topper Road,
Fairfield, PA 17320
Municipality: Liberty
Parcel No.: 25-C18-0068-00-000
Improvements: Residential Dwelling
Defendants: Daniel C. Senseney,
Elizabeth A. Senseney
Attorneys for Plaintiff: Edward D.
Conway, Esq., 215-790-1010

Writ of Execution No.:
2011-SU-0000791
Property Address: 144 Derby Drive,
Hanover, PA 17331-8624
Municipality: Conewago
Parcel No.: 08-036-0024
Improvements: Residential Dwelling
Defendants: Rick A. Waite, Ann M.
Waite, Anne M. Waite
Attorneys for Plaintiff: Marc S.
Weisberg, Esq., 215-790-1010

Writ of Execution
No.: 2010-SU-0001848
Property Address: 990 Orphanage
Road, Littlestown, PA 17340
Municipality: Littlestown
Parcel No.: 30 H17-10
Improvements: Residential Dwelling
Defendants: Harold L. Spicer
Attorneys for Plaintiff: Marc S.
Weisberg, Esq., 215-790-1010

Writ of Execution No.:
2011-SU-0000711
Property Address: 2 Union View Drive,
Gettysburg, PA 17325
Municipality: Cumberland
Parcel No.: 09-F12-0262-000
Improvements: Residential Dwelling
Defendants: Michael J. Stanko, Barbara
Stanko
Attorneys for Plaintiff: Heidi R. Spivak,
Esq., 215-790-1010

Writ of Execution No.:
2007-SU-0001210
Property Address: 40 Clines Church
Road, Aspers, PA 17304
Municipality: Menallen
Parcel No.: 29F05-0009D--000
Improvements: Residential Dwelling
Defendants: Lillian M. Loubier, Lillian M.
Armon
Attorneys for Plaintiff: William E. Miller,
Esq., 215-563-7000

Writ of Execution No.:
2011-SU-0000742
Property Address: 2045 York Road,
Gettysburg, PA 17325-8208
Municipality: Straban
Parcel No.: 38H12-0046---000
Improvements: Residential Dwelling
Defendants: Brian M. Hull a/k/a Brian
Hull, Trisha Hull
Attorneys for Plaintiff: Lauren R. Tabas,
Esq., 215-563-7000

Writ of Execution No.:
2011-SU-0000502
Property Address: 1165 White Oak Tree
Road, York Springs, PA 17372-9585
Municipality: Huntington
Parcel No.: 22H03-0017---000
Improvements: Residential Dwelling
Defendants: Patrick L. O'Brien, Jr.,
Lisa T. O'Brien
Attorneys for Plaintiff: Allison Wells,
Esq., 215-563-7000

Writ of Execution No.:
2009-SU-0001190
Property Address: 106 Commanche
Trail, Hanover, PA 17331
Municipality: Conewago
Parcel No.: 08-011-0058---000
Improvements: Residential Dwelling
Defendants: Ryan M. Storm, Jennifer L.
Pohlman
Attorneys for Plaintiff: William E. Miller,
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.

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>

10/7, 14 & 21

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 CHESTER ELWOOD CHRONISTER a/k/a CHESTER E. CHRONISTER, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Executor: Lorraine E. Chronister, 170 White Oak Tree Road, York Springs, PA 17372

Attorney: Donald W. Dorr, Esq., 846 Broadway, Hanover, PA 17331

ESTATE OF LLOYD T. REAVER, JR., DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Co-Executrices: Jane C. Reaver, 642 McGlaughlin Road, Fairfield, PA 17320; Amy L. Miller, P.O. Box 4672, Gettysburg, PA 17325

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

ESTATE OF BEVERLY A. SCOTT, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Administrator: Robert A. Scott, 640 Stone Jug Rd., Biglerville, PA 17307

Attorney: Teeter, Teeter & Teeter, 108 W. Middle St., Gettysburg, PA 17325

ESTATE OF WILLARD M. WEAVER, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Executrix: Joyce E. Miller, 155 S. Howard Avenue, Gettysburg, PA 17325

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

SECOND PUBLICATION

ESTATE OF MARGARET E. COOK, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Administratrix: Michele L. Rife, c/o James T. Yingst, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York Street, Hanover, PA 17331

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

ESTATE OF VIRGINIA B. HOFER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Linda Sheridan, c/o Matthew L. Guthrie, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York St., Hanover, PA 17331

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

ESTATE OF GEORGE A. KRESS, JR., DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Linda L. Riley, 75 Crouse Park, Littlestown, PA 17340

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

ESTATE OF DORIS M. LAWVER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Douglas A. Lawver, 458 Ridge Road, Gettysburg, PA 17325

ESTATE OF FRANCIS E. REDDING, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Personal Representatives: Mary Theresa Kale, 30 Windsor Court, Littlestown, PA 17340; John Robert Redding, 815 Mt. View Drive, Westminster, MD 21157

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

ESTATE OF RAYMOND H. SMITH, SR. a/k/a RAYMOND E. SMITH, SR., DEC'D

Late of Mount Pleasant Township, Adams County, Pennsylvania

Executrix: Regina M. McMaster, 1186 Irishtown Rd., New Oxford, PA 17350

Attorney: Daniel M. Frey, Esq., Barley Snyder LLC, 14 Center Square, Hanover, PA 17331

THIRD PUBLICATION

ESTATE OF BETTY S. BREM, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Co-Executors: Bradley A. Freet, 7344 Surina Drive, Arlington, TN 38002; Carol Zumbum, 411 Rocky Ridge Road, Spring Grove, PA 17362

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

ESTATE OF KATHRYN J. DUNCAN, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executrix: Margaret D. Parker, 9373 Highlander Road, Walkersville, MD 21793

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

ESTATE OF RONALD L. DUPLER, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executrices: Dorothy P. Miller, 13096 Tierra Vergel Drive, El Paso, TX 79938; Brenda L. Horan, 1330 Hunterstown-Hampton Road, New Oxford, PA 17350; Rhonda L. Racine, 15 Slaybaughtown Road, Gardners, PA 17324

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

ESTATE OF MEYER S. GREENBERG, DEC'D

Late of Mount Joy Township, Adams County, Pennsylvania

Executor: Lisa Siedlecki, 490 Barlow Two Taverns Road, Gettysburg, PA 17325

Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

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

Late of Franklin Township, Adams County, Pennsylvania

Executrix: Alberta L. Palluzzi, 7457 Jacobs Mill Road, East Berlin, PA 17316

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

ESTATE OF ROBERT C. MOUL, DEC'D

Late of the Borough of Abbottstown, Adams County, Pennsylvania

Executor: Kathy L. Bowers, 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 HELEN CATHERINE SWOMLEY, DEC'D

Late of Freedom Township, Adams County, Pennsylvania

David R. Swomley, 1240 Red Rock Road, Gettysburg, PA 17325

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 4th day of November 2011, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Adams County Courthouse, 111 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

Writ of Execution No.:
2011-SU-0000052
Property Address: 8 Paradise Court,
New Oxford, PA 17350-9435
Municipality: New Oxford
Parcel No.: 34007-0058---000
Improvements: Residential Dwelling
Defendants: Jeffrey W. Heare
Attorneys for Plaintiff: Lauren R. Tabas,
Esq., 215-563-7000

Writ of Execution No.:
2009-SU-0001714
Property Address: 11 Crescent Lane,
Littlestown, PA 17340
Municipality: Littlestown
Parcel No.: 27012-0081---000
Improvements: Residential Dwelling
Defendants: Christopher A. Hailey, Sr.,
Christopher Hailey, Sr.
Attorneys for Plaintiff: Courtenay R.
Dunn, Esq., 215-563-7000

Writ of Execution No.:
2010-SU-0001742
Property Address: 35 Lighting Trail,
Fairfield, PA 17320-9749
Municipality: Hamiltonban
Parcel No.: 18BB0-0031---000
Improvements: Residential Dwelling
Defendants: Melody S. Ridge
Attorneys for Plaintiff: William E. Miller,
Esq., 215-563-7000

Writ of Execution No.:
2010-SU-0000668
Property Address: 108 Billerbeck Street,
New Oxford, PA 17350-9390
Municipality: Oxford
Parcel No.: 35002-0051---000
Improvements: Residential Dwelling
Defendants: Kerry A. Bollinger, Lisa J.
Bollinger
Attorneys for Plaintiff: Joshua I.
Goldman, Esq., 215-563-7000

Writ of Execution No.:
2011-SU-0000701
Property Address: 8 Squire Circle a/k/a
8 Squire Circle Lot 18A,
McSherrystown, PA 17344-1314
Municipality: McSherrystown
Parcel No.: 28002-0209---000
Improvements: Residential Dwelling
Defendants: Michael D. Rudisill, Sherry
L. Rudisill
Attorneys for Plaintiff: Courtenay R.
Dunn, Esq., 215-563-7000

Writ of Execution No.:
2011-SU-0000739
Property Address: 880 Irishtown Road,
New Oxford, PA 17350-9300
Municipality: Oxford
Parcel No.: 35-J13-0026---000
Improvements: Residential Dwelling
Defendants: Corey Richard Smith,
Corey R. Smith, Stephanie E. Peters,
Stephanie E. Smith
Attorneys for Plaintiff: Jenine R. Davey,
Esq., 215-563-7000

Writ of Execution No.:
2010-SU-0001277
Property Address: 1385 Baltimore
Road, York Springs, PA 17372-9520
Municipality: Huntington
Parcel No.: 22-J05-16
Improvements: Residential Dwelling
Defendants: Chad Thompson, Kristina
M. Thompson
Attorneys for Plaintiff: Allison Wells,
Esq., 215-563-7000

Writ of Execution No.:
2010-SU-0000785
Property Address: 116 Stanley Drive,
New Oxford, PA 17350
Municipality: Berwick
Parcel No.: 04K11-0048E---000
Improvements: Residential Dwelling
Defendants: Clint F. Heintzelman
Attorneys for Plaintiff: Allison Wells,
Esq., 215-563-7000

Writ of Execution No.:
2011-SU-0000661
Property Address: 1756 Ridge Road,
York Springs, PA 17372-9307
Municipality: Latimore
Parcel No.: 23J03-0020B---000
Improvements: Residential Dwelling
Defendants: Timothy M. King
Attorneys for Plaintiff: Courtenay R.
Dunn, Esq., 215-563-7000

Writ of Execution No.:
2010-SU-0002123
Property Address: 20 Expedition Trail,
Gettysburg, PA 17325
Municipality: Straban
Parcel No.: 38-G12-108
Improvements: Professional Office
Building
Defendants: Lincoln Highway LLC
Attorneys for Plaintiff: Richard E.
Thrasher, Esq., 717-334-2159

Writ of Execution No.:
2011-SU-0000987
Property Address: 13 Peach Tree Trail,
Fairfield, PA 17320
Municipality: Carroll Valley
Parcel No.: 43-041-0011
Improvements: Residential Dwelling
Defendants: Shelley Ingram Carr
Attorneys for Plaintiff: Richard E.
Thrasher, Esq., 717-334-2159

Writ of Execution No.:
2011-SU-0000856
Property Address: 1315 Hanover Pike,
Littlestown, PA 17340
Municipality: Union
Parcel No.: 41-K17-0001G
Improvements: Residential Dwelling
Defendants: Timmothy M. Mummert,
Stacy H. Mummert
Attorneys for Plaintiff: Richard E.
Thrasher, Esq., 717-334-2159

Writ of Execution No.:
2011-SU-0000679
Property Address: 850 Pine Grove
Road, Hanover, PA 17331
Municipality: Union
Parcel No.: 41-K17-81
Improvements: Residential Dwelling
Defendants: Eric J. Sterner
Attorneys for Plaintiff: Richard E.
Thrasher, Esq., 717-334-2159

Writ of Execution No.:
2011-SU-0000475
Property Address: 71 Los Alamitos
Circle, Hanover, PA 17331
Municipality: Conewago
Parcel No.: 08-031-0026
Improvements: Residential Dwelling
Defendants: Randall S. Faloon
Attorneys for Plaintiff: Richard E.
Thrasher, Esq., 717-334-2159

Writ of Execution No.:
2011-SU-0000953
Property Address: 3246 Old Route 30,
Ortanna, PA 17353
Municipality: Franklin
Parcel No.: 12-B09-0135
Improvements: Residential Dwelling
Defendants: Kandace J. Reed, Kandace
J. Kreigline, Travis R. Reed
Attorneys for Plaintiff: M. Troy
Freedman, Esq., 215-886-8790

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James Muller
Sheriff of Adams County

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

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