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WEIGAND VS. PROGRESSIVE ET AL



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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1430 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2011, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution No. 10-S-1430

MIDFIRST BANK

LINDA K. CULLEN & DAVID A. CULLEN

75 DERBY DRIVE HANOVER, PA 17331-8623 CONEWAGO TOWNSHIP

Parcel No.: 08-036-0007---000 IMPROVEMENTS THEREON: RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$224,436.65 PLUS COSTS

Attornevs for Plaintiff PURCELL, KRUG & HALLER 717-23/1-/178

SEIZED and taken into execution as the property of Linda K. Cullen & David N. Cullen and to be sold by me.

> James W. Muller-Sheriff Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 20, 2011, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale date.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

3/18, 25 & 4/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-2643 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2011, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution No. 10-S-2643

WELLS FARGO BANK NA

JOSEPH L. BENEDICT & CRYSTAL BENEDICT

82 CONEWAGO DRIVE HANOVER, PA 17331

CONEWAGO TOWNSHIP Parcel No.: 08-001-0221

IMPROVEMENTS THEREON: RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$150,931.60 PLUS COSTS

Attornevs for Plaintiff ZUCKER, GOLDBERG & ACKERMAN. LLC

SEIZED and taken into execution as the property of Joseph L. Benedict & Crystal Benedict and to be sold by me.

> James W. Muller-Sheriff Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 20, 2011, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale date.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

3/18, 25 & 4/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1054 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2011, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution No. 08-S-1054

PRIVATE CAPITAL GROUP LLC

DANIEL J. BOONE

196 MARSH CREEK HEIGHTS GETTYSBURG, PA 17325 FREEDOM TOWNSHIP

Parcel No.: 13-E17-0036---000 IMPROVEMENTS THEREON: RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$92,516,91 PLUS COSTS

Attorneys for Plaintiff ZUCKER, GOLDBERG & ACKERMAN. LLC. 908-233-8500

SEIZED and taken into execution as the property of Daniel J. Boone and to be sold by me.

> James W. Muller-Sheriff Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 20, 2011, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale date.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

3/18, 25 & 4/1

WEIGAND VS. PROGRESSIVE ET AL

- 1. A balancing test must be applied to determine if a discovery request to a nonparty is unreasonable in the annoyance, embarrassment, oppression, burden or expense caused.
- 2. If our Supreme Court finds it unduly burdensome for a paid expert witness who is actively participating in the litigation to produce basic tax records bearing directly on that expert's potential bias, certainly, it is unduly burdensome to require a non-party to produce six years or more worth of policy declarations, premium notices, bills, bank statements, cancelled checks, correspondence and other documentation pertaining not only to the policy at issue but other policies as well.
- 3. Where most of the information requested is or should already be in the possession of the requesting party or another party to the case, the burden on the non-party is magnified, unjustified and unreasonable.
- 4. Pursuant to Pennsylvania's Motor Vehicle Financial Responsibility Law ("MVFRL"), the burden rests with the insurer, not the insured, to produce a valid rejection form.
- 5. The MVFRL places no burden on the insured to maintain or produce any documents. The intent of the insured is irrelevant to the question of whether the rejection is valid or invalid.
- 6. Defendant is entitled to obtain documents that are reasonably likely to lead to the discovery of admissible evidence in defense of a claim made against it without having to speculate or wait on procedural maneuverings that may or may not be made in this case.

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
Christina M. Fisher, Esq., for Michael E. Weigand
Jeffrey A. Ramaley, Esq., and Karl L. Stefan, Esq., for Defendant
Progressive Northern Insurance Company
Charles E. Haddick, Jr., Esq., and Grant W. Schonour, Esq., for
Defendant Miller-Hanover, Inc. d/b/a Miller-Hanover Insurance
Campbell, J., October 19, 2010

OPINION

Before the Court is Plaintiff's Objection to a proposed subpoena directed to Chief Michael E. Weigand, the decedent's father and a non-party to the instant cause of action, and Defendant Progressive Northern Insurance Company's corresponding Motion to Strike Plaintiff's objection to serve subpoena on Michael E. Weigand. Also,

before the Court as a related matter is Chief Michael E. Weigand's Motion for a Protective Order in response to Progressive's Notice to Attend Deposition and Produce Documents issued to Chief Weigand. The Deposition Notice directs Chief Weigand to produce essentially the same documents requested via the subpoena that is at issue.

BACKGROUND

This action was initiated by Plaintiff against the Defendants pursuant to a Writ of Summons filed November 10, 2009. Subsequent pleadings include a Complaint, Preliminary Objections to the Complaint, an Amended Complaint, and eventually, Plaintiff's Second Amended Complaint filed March 22, 2010.

This action arises out of the tragic, untimely and premature death of Sergeant Michael C. Weigand, a police officer working for the Latimore Township Police Department. On September 14, 2008, Sergeant Michael C. Weigand was operating a motorcycle owned by his father, Chief of Police Michael E. Weigand on State Highway 234 when he was struck by a pickup truck driven by Earl M. Wright. Sergeant Michael C. Weigand died as a result of injuries sustained in the collision.

The motorcycle driven by Sergeant Weigand was apparently covered by a Motor Vehicle Insurance Policy issued by Defendant, Progressive Northern Insurance Company with bodily injury liability coverage limits of \$100,000.00. Defendant, Miller-Hanover Insurance is an insurance agency, and Plaintiff alleges that Miller-Hanover electronically completed and submitted an application for motorcycle insurance with Progressive Insurance on behalf of Chief Michael E. Weigand. Plaintiff alleges that at the time of the tragically fatal crash, Miller-Hanover had not submitted to Progressive Insurance a valid Progressive Insurance rejection of underinsured motorist ("UIM") coverage form, that Miller-Hanover did not have such a valid form, and that Miller-Hanover altered the application to include a Progressive Insurance policy number on the rejection form after having notice of the Plaintiff's UIM claim under Chief Weigand's Progressive Insurance Policy.

Progressive has denied UIM coverage under the policy, asserting Chief Weigand rejected UIM coverage. Plaintiff alleges that the UIM rejection/waiver form relied upon by Progressive to deny coverage is invalid because it is an unassigned Erie Insurance waiver form with no policy number.

According to Plaintiff's Complaint and the Exhibits attached thereto, on June 19, 2009, Progressive faxed to Jessica Kuntz a UIM rejection form dated July 2, 2003, apparently signed by Chief Weigand. The form makes no mention of Progressive Insurance, contains an Erie Insurance Company logo and does not contain a policy number. (Pl.'s Ex. "C"). The Complaint also contains a copy of Chief Weigand's 15 page application for motorcycle insurance which was faxed from Miller-Hanover on June 22, 2009. The policy number is typed on Page 1 of the application but handwritten on the remaining pages, including the UIM rejection form dated July 2, 2003.

Plaintiff alleges the waiver/rejection form is invalid, thereby entitling Plaintiff to \$100,000.00 in UIM coverage (equal to bodily injury liability limits). Plaintiff alleges that Progressive's failure to provide said coverage is a breach of contract.

Plaintiff's Complaint alternatively alleges that Miller-Hanover tortiously and intentionally interfered with contractual relations with Progressive Insurance by handwriting the policy number on the UIM rejection form after the UIM Claim was made to Progressive.

DISCUSSION

While the central issue in this case concerns the validity of the underinsured motorist rejection form, that issue is not presently before the Court for disposition. Presently before the Court is whether Chief Michael E. Weigand, the named insured and a non-party to this litigation, should have to produce documents requested by Defendant Progressive Northern Insurance Company in response to a subpoena duces tecum, and, if he should have to appear to provide deposition testimony, whether Chief Weigand must, at that time, produce the same documents requested of him by the proposed subpoena.

Pursuant to Pa. R. Civ. P. 4009.21, Defendant Progressive Northern Insurance Company served Plaintiff's counsel with a notice of intent to serve a subpoena on Michael E. Weigand. The proposed subpoena directed Chief Weigand to produce the following:

1. any and all documents within your possession which relate to the application for insurance for Progressive Policy Number 41566085-5.

- any and all declarations, new declarations, revised declarations, and/or amended declarations for Progressive Northern Insurance Company Policy Number 41566085-5 issued to Michael E. Weigand by Progressive Northern Insurance Company between the inception of the policy and the present time.
- 3. any and all premium notices, statements and/or bills issued by Progressive Northern Insurance Company to Michael E. Weigand with respect to Policy Number 41566085-5 between the inception of the policy and the present time.
- 4. any and all records, cancelled checks, bank statements, documents or other materials reflecting premium payments made by Michael E. Weigand to Progressive Northern Insurance Company on Policy Number 41566085-5 between the inception of the policy and the present time.
- 5. any and all correspondence sent by Michael E. Weigand to Progressive Northern Insurance Company or received by Michael E. Weigand from Progressive Northern Insurance Company with respect to Policy Number 41566085-5 between the dates of inception and the present time.
- 6. any and all documents of any kind or nature in your possession which pertain to Progressive Northern Insurance Company Policy Number 41566085-5.
- 7. any and all documents within your possession which relate to the application for insurance for Progressive Policy Number 42545118-3.
- 8. a copy of the Pennsylvania National Mutual Casualty Insurance Company Policy and Declaration Page in effect for Michael E. Weigand at the time of the motor vehicle accident in question.¹

Plaintiff filed Objections to the issuance of that proposed subpoena pursuant to Pa. R. Civ. P. 4009.21(c). After argument on Plaintiff's objections to the proposed subpoena, Defense Counsel issued to Chief Weigand a subpoena to attend and testify requiring him to appear for a deposition. That subpoena required Chief Weigand to

¹ Defendant Progressive has agreed to withdraw requests two (2) through eight (8), leaving only item one (1). Although Defendant Miller-Hanover has not requested discovery it did present a brief and argument in support of Defendant Progressive's position and at least implied that it would request all discovery items. Therefore, this Court is treating the issue as if all eight (8) requests remain "on the table."

bring the exact same items requested in the previously proposed subpoena to which Plaintiff's counsel had pending objections.

It is clear that a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action. **Pa. R. Civ. P. 4003.1(a)(1)**. Even if the information sought may ultimately be inadmissible at trial the information is discoverable if the information appears reasonably calculated to lead to the discovery of admissible evidence. **Pa. R. Civ. P. 4003.1(b)**. Additionally, courts have the power to make any order which justice requires to protect a party or a person from unreasonable annoyance, embarrassment, oppression, burden or expense. **Pa. R. Civ. P. 4012(a)**. The procedure to obtain documents and things from a nonparty is controlled by Pa. R.C.P. 4009.21. Under this rule, any party may object to the issuance of a subpoena to a non-party. **Pa. R. Civ. P. 4009.21(c)**. However, Rule 4009.21 does not specify the objections that may be raised, nor does the Rule limit the scope of such objections. *See Pa. R. Civ. P. 4009.21(c)*.

A balancing test must be applied to determine if a discovery request to a non-party is unreasonable in the annoyance, embarrassment, oppression, burden or expense caused. *See Strain v. Simpson House*, **690 A.2d 785, 789 (Pa. Cmwlth. 1997).**²

Courts have imposed broader restrictions on the scope of discovery when a non-party is targeted. *See, e.g., Grider v. Keystone Health Plan Cent., Inc.*, **No. Civ.A. 05-MC-40, 2005 WL 2030456, at *2 (M.D. Pa. July 28, 2005)**. Additionally, although not directly on point, the Pennsylvania Supreme Court's decision in *Cooper v. Schoffstall*, **905 A.2d 482 (Pa. 2006)**,³ is helpful to this Court's analysis of the issue presently under consideration. In *Cooper* the plaintiff served a subpoena upon a medical doctor hired by the

² The issue in *Strain* was whether a trial court decision denying a non-party witness's request for a protective order was appealable under the collateral order doctrine. On this issue of appealability the Commonwealth Court saw no difference between orders directed at parties versus non-parties. The Court did not hold that there is no difference between discovery requests directed to non-parties and those directed to parties as Defendant suggests.

³ This Court is aware that the Rule at issue in *Cooper* was Pa. R. Civ. P. 4003.5 which limits the scope of discovery from experts and provides a mechanism by which a Court may order discovery beyond the bounds of the Rule, whereas the Rule at issue instantly is Pa. R. Civ. P. 4009.21 which simply allows for "objections" to the subpoena.

defense as an expert witness in the case. *Id.* **at 485**. The subpoena required the doctor to produce financial records and the expert doctor and defendant filed motions seeking protective orders. *Id.* The doctor voluntarily interjected himself as an active participant in the litigation for his own pecuniary gain by providing expert witness testimony on behalf of one of the parties. *Id.* Our Supreme Court found that it was unduly burdensome to require the medical expert to produce copies of his Federal form 1099 tax records. *Id.* **at 496**. Accordingly, our Supreme Court has placed limits upon the scope of discovery permissible from a paid expert witness.

Here, Chief Weigand has taken absolutely no action to interject him into this litigation. He has not agreed to actively participate in the litigation. He is not receiving any compensation as an expert in this case. If our Supreme Court finds it unduly burdensome for a paid expert witness who is actively participating in the litigation to produce basic tax records bearing directly on that expert's potential bias, certainly it is unduly burdensome to require a non-party to produce six (6) years or more worth of policy declarations, premium notices, bills, bank statements, cancelled checks, correspondence and other documentation pertaining not only to the policy at issue but other policies as well. This is especially so where most of the information requested is or should already be in the possession of the requesting party or another party to the case. In such instance, the burden on the non-party is magnified, unjustified and unreasonable.

Continued to next issue (4/8/2011)

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1787 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2011, at 10:00 o'clock in the forencon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution No. 10-S-1787

BENEFICIAL CONSUMER DISCOUNT COMPANY D/B/A BENEFICIAL MORTGAGE CO OF PENNSYLVANIA

VS.

DAVID A. BLANKENBUEHLER, ORIGINAL MORTGAGOR & WENDY J. MALLETTE a/k/a WENDY J. BLANKENBUEHLER, ORIGINAL MORTGAGOR

284 SEVEN STARS ROAD GETTYSBURG, PA 17325 FRANKLIN TOWNSHIP

Parcel No.: 12-E12-0029E---000 IMPROVEMENTS THEREON: RESIDENTIAL DWELLING JUDGEMENT AMOUNT: \$243,576.99

PLUS COSTS
Attorneys for Plaintiff

MILSTEAD & ASSOCIATES, LLC 858-482-1400 SEIZED and taken into execution as

the property of **David A. Blankenbuehler Wendy J. Mallette a/k/a Wendy J. Blankenbuehler** and to be sold by me.

James W. Muller-Sheriff Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 20, 2011, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale date.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

3/18. 25 & 4/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1575 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2011, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution No. 10-S-1575

BENEFICIAL CONSUMER DISCOUNT COMPANY

VS

ARTHUR ENSOR II & CHERYL ENSOR 61 ABBOTTS DRIVE ABBOTTSTOWN, PA 17301

ABBOTTSTOWN BOROUGH
Parcel No.: 01-005-0042
IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$172,001.90 PLUS COSTS

Attorneys for Plaintiff STERN AND EISENBERG, LLP 215-572-8111

SEIZED and taken into execution as the property of **Arthur E. Ensor II & Cheryl Ann Ensor** and to be sold by me.

> James W. Muller-Sheriff Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 20, 2011, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale date.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

3/18, 25 & 4/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-2138 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2011, at 10:00 o'clock in the forencon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution No. 10-S-2138

WELLS FARGO BANK, NA

VS.

PATRICK M. DIXON & LORI A. DIXON 305 STONE JUG ROAD BIGLERVILLE, PA 17307

BUTLER TOWNSHIP
Parcel No.: 07G08-0039-000
IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING
JUDGEMENT AMOUNT: \$264,880.74

Attorneys for Plaintiff ZUCKER, GOLDBERG & ACKERMAN, LLC. 908-233-8500

SEIZED and taken into execution as the property of **Patrick M. Dixon & Lori A. Dixon** and to be sold by me.

James W. Muller-Sheriff Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 20, 2011, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale date.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

3/18, 25 & 4/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-2234 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2011, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution No. 10-S-2234

BANK OF NEW YORK MELLON TRUST COMPANY NA

VS.

SUZAN A. FLICKINGER & WILLIAM L. FLICKINGER

833 HANCOCK DRIVE GETTYSBURG, PA 17325 MT. JOY TOWNSHIP

Parcel No.: (30)109-0071---000 IMPROVEMENTS THEREON: RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$147,341.91 PLUS COSTS

Attorneys for Plaintiff GOLDBECK MCCAFFERTY & MCKEEVER 215-627-1322

SEIZED and taken into execution as the property of **Suzan A. Flickinger & William L. Flickinger** and to be sold by

> James W. Muller-Sheriff Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 20, 2011, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale date.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

3/25, 4/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1846 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2011, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution No. 10-S-1846

BENEFICIAL CONSUMER DISCOUNT COMPANY D/B/A BENEFICIAL MORTGAGE CO OF PENNSYLVANIA

VS

JAMES S. REDDING & KATHLEEN F. REDDING

417 PRINCE STREET LITTLESTOWN, PA 17340 LITTLESTOWN BOROUGH

Parcel No.: 27-5-39

IMPROVEMENTS THEREON: RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$147,341.91 PLUS COSTS

Attorneys for Plaintiff
MILSTEAD & ASSOCIATES, LLC
856-482-1400

SEIZED and taken into execution as the property of **James S. Redding & Kathleen E. Redding** and to be sold by

> James W. Muller-Sheriff Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 20, 2011, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale date.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

3/25, 4/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-TL-312 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2011, at 10:00 o'clock in the forencon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution No. 09-TL-312

LITTLESTOWN BOROUGH

vs.

RYAN GLOVER

717-334-9275

31 STARLITE DRIVE LITTLESTOWN, PA 17340 LITTLESTOWN BOROUGH

Parcel No.: 011-0129

IMPROVEMENTS THEREON: RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$5,393.82 Attorneys for Plaintiff CAMPBELL & WHITE. P.C.

SEIZED and taken into execution as the property of **Ryan M. Glover** and to be sold by me

James W. Muller-Sheriff Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 20, 2011, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale date.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

3/25, 4/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-956 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2011, at 10:00 o'clock in the forencon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution No. 10-S-956

PEOPLES BANK

VC

JOHN A. TOPPER & MARY JO TOPPER & WILLIAM H. GEMMILL & THE UNITED STATES OF AMERICA

2214 STONEY POINT ROAD EAST BERLIN, PA 17316 READING TOWNSHIP

Parcel No.: 36-K05-0039

IMPROVEMENTS THEREON: LAND JUDGEMENT AMOUNT: \$59,681.92

PLUS COSTS
Attorneys for Plaintiff

Attorneys for Plaintiff GRIEST, HIMES, HERROLD, SCHAUMANN, FERRO, LLP 717-864-8856

SEIZED and taken into execution as the property of **John A. Topper & Mary Jo Topper and William H. Gemmill** and to be sold by me.

James W. Muller-Sheriff Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 20, 2011, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale date.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

3/25, 4/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1519 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2011, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution No. 10-S-1519

US BANK NATIONAL ASSOCIATION

VS.

JOHN S. RUTHERFORD & LEE ANNE RUTHERFORD 320 WAYNESBORO PIKE

320 WAYNESBORO PIKE FAIRFIELD, PA 17320-9483 LIBERTY TOWNSHIP

Parcel No.: <u>25-C18-0053---000</u> IMPROVEMENTS THEREON: RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$338,028.00 PLUS COSTS

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

SEIZED and taken into execution as the property of John S. Rutherford & Lee Anne Rutherford and to be sold by

> James W. Muller-Sheriff Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 20, 2011, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale date.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

3/25, 4/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1431 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2011, at 10:00 o'clock in the forencon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution No. 09-S-1431

JERZY WIRTH ASSIGNEE OF PNC BANK NATIONAL ASSOCIATION

VS.

TILLIE PIERCE HOUSE LLC 301-303 BALTIMORE STREET GETTYSBURG, PA 17325 GETTYSBURG BOROUGH

Parcel No.: <u>16-010-0354---000</u> IMPROVEMENTS THEREON: COMMERCIAL BUILDING

JUDGEMENT AMOUNT: \$314,703.87 PLUS COSTS

Attorneys for Plaintiff PATRONO & ASSOCIATES, LLC 717-334-8098

SEIZED and taken into execution as the property of **Tillie Pierce House LLC** and to be sold by me.

James W. Muller-Sheriff Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 20, 2011, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale date.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

3/25, 4/1 & 8

NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statements of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphan's Court, Gettysburg, Pennsylvania, for confirmation of accounts entering decrees of distribution on Friday, April 8, 2011 at 8:30 a.m.

AVERSA—Orphan's Court Action Number OC-14-2011. The First and Final Account of Cecilia Burkle Jankura, Executrix of the Estate of Anne M. Aversa, deceased, late of Franklin Township, Adams County, Pennsylvania.

RIPPEON, JR.—Orphan's Court Action Number OC-8-2010. The First and Final Account of Brandon Rippeon, Administrator of the Estate of Brandon F. Rippeon, Jr., deceased, late of Littlestown Borough, Adams County, Pennsylvania.

FELLOWS—Orphan's Court Action Number OC-15-2011. The First and Final Account of Alexis J. Fellows, Executrix under the Last Will and Testament of Nordelle Fellows, deceased, late of Freedom Township, Adams County, Pennsylvania.

Kelly A. Lawver Clerk of Courts

3/25 & 4/1

FOREIGN WITHDRAWAL

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 4129 of the Business Corporation Law of 1988, FREDERICK UNDERWRITERS, INC., a corporation of the State of Maryland, with principal office at 7200 Bank Court, Frederick, MD 21705, and having a registered office in the Commonwealth of Pennsylvania located at 113 White Rd., Gettysburg, PA 17325, which on December 30, 1996, was granted a Certificate of Authority, to transact business in the Commonwealth, intends to file an Application for Termination of Authority with the Department of State.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1110 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2011, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution No. 10-S-1110

BANK OF NEW YORK MELLON TRUST COMPANY NA

VS.

DENNIS L. WARD & DEBRA WARD

4 APPLER COURT

LITTLESTOWN, PA 17340

LITTLESTOWN BOROUGH

Parcel No.: <u>27-004-0103</u>
IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$284,521.29

Attorneys for Plaintiff

MILSTEAD & ASSOCIATES, LLC 856-482-1400

SEIZED and taken into execution as the property of **Dennis L. Ward & Debra Ward** and to be sold by me.

> James W. Muller-Sheriff Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 20, 2011, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale date.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

4/1. 8 & 15

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-2513 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2011, at 10:00 o'clock in the forencon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution No. 10-S-2513

B & A DEVELOPMENT COMPANY

LAURIE WOODS

929 JOHNS AVENUE GETTYSBURG, PA 17325 MT. JOY TOWNSHIP

Parcel No.: (16)014-0056 IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING
JUDGEMENT AMOUNT: \$38,243.45

Attorneys for Plaintiff UDREN LAW OFFICES, PC 856-669-5400

SEIZED and taken into execution as the property of Laurie A. Woods and to be sold by me.

James W. Muller-Sheriff Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 20, 2011, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale date.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

4/1, 8 & 15

4/1

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 MARY S. GEORGE a/k/a MARY SUSAN GEORGE. DEC'D
 - Late of Liberty Township, Adams County, Pennsylvania
 - Executor: Richard L. George, c/o R. Thomas Murphy & Associates, P.C., 2005 East Main Street, Waynesboro, PA 17268
 - Attorney: Richard L. George, Esq., R. Thomas Murphy & Associates, P.C., 2005 East Main Street, Waynesboro, PA 17268
- ESTATE OF MILDRED ELIZABETH HOAK, DEC'D
 - Late of Reading Township, Adams County, Pennsylvania
 - Executrix: Linda K. Hoak, 605 Fish & Game Road, East Berlin, PA 17316
 Attorney: Clayton R. Wilcox, Esq., P.O. Box 176, Littlestown, PA 17340
- ESTATE OF FREDERIC RONALD HOUCK, DEC'D
 - Late of Latimore Township, Adams County, Pennsylvania
 - Executor: Richard C. Houck, 108 Sweetwater Oaks, Peachtree City, GA 30269
- ESTATE OF THERESA J. IRVIN a/k/a TERESA J. IRVIN, DEC'D
 - Late of Franklin Township, Adams County, Pennsylvania
 - Executor: Robert P. Villarreal, 5978 Fairway Drive West, Fayetteville, PA 17222
 - Attorney: Jan G. Sulcove, Esq., 82 West Queen Street, Chambersburg, PA 17201
- ESTATE OF NAOMI REBECCA PROSSER, DEC'D
 - Late of Latimore Township, Adams County, Pennsylvania
 - Executor: Edward L. Prosser, 3055 Turnpike Road, Elizabethtown, PA
 - Attorney: John C. Zepp, III, Esq., P.O. Box 204, 8438 Carlisle Pike, York Springs, PA 17372

- ESTATE OF THOMAS DAMON ROSE, DEC'D
 - Late of Franklin Township, Adams County, Pennsylvania
 - Executor: Jeffrey Wickham, 145 Locust Grove Road, Dillsburg, PA 17019
 - Attorney: Chester G. Schultz, Esq., 145 Baltimore Street, Gettysburg, PA 17325
- ESTATE OF ELMER G. SCHWERING, DEC'D
- Late of the Borough of McSherrystown, Adams County, Pennsylvania
- Executor: Samuel A. Garrett, 330 Mathias Rd., Littlestown, PA 17340
- Attorney: Elinor Albright Rebert, Esq., 515 Carlisle St., Hanover, PA 17331
- ESTATE OF MARY T. YOUNG, DEC'D
 - Late of Mt. Joy Township, Adams County, Pennsylvania Co-Executors: Francis H. Young, Jr.,
 - 6664 Laurel Lake Road, Brackney, PA 18812; Gina A. Servant, 1554 Falling Brook Court, Odenton, MD 21113
 - Attorney: Ronald J. Hagarman, Esq., 110 Baltimore Street, Gettysburg, PA 17325

SECOND PUBLICATION

- ESTATE OF FREDA J. BENNER, DEC'D Late of Straban Township, Adams
 - County, Pennsylvania

 Executors: Robert L. Rohrbaugh and
 - Ann M. Rohrbaugh, 298 Middle Creek Road, Fairfield, PA 17320
 - Attorney: Puhl, Eastman & Thrasher, 220 Baltimore St., Gettysburg, PA 17325
- ESTATE OF JOHN M. BUHRMAN, JR. a/k/a JOHN BUHRMAN, JR., DEC'D
 - Late of Franklin Township, Adams County, Pennsylvania
 - Executor: Donald R. Buhrman, c/o Jared S. Childers, Esq., R. Thomas Murphy & Associates, P.C., 2005 East Main Street, Waynesboro, PA 17268
 - Attorney: Jared S. Childers, Esq., R. Thomas Murphy & Associates, P.C., 2005 East Main Street, Waynesboro, PA 17268

- ESTATE OF BETTY J. CLAPSADDLE, DEC'D
 - Late of Cumberland Township, Adams County, Pennsylvania
 - Executors: G. Darlene Bair and Donald P. Bair, 226 Centennial Road, Gettysburg, PA 17325; Charlotte Devilbiss, 6129 Taneytown Pike, Taneytown, MD 21787
 - Attorney: Robert E. Campbell, Esq., Campbell & White, P.C., 112 Baltimore Street, Suite 1, Gettysburg, PA 17325-2311
- ESTATE OF CARMENA L. HESS, DEC'D
- Late of Oxford Township, Adams County, Pennsylvania
- Trustee: Robert C. Hess, 135 Netherwood Drive, Coatesville, PA 19320
- Attorney: Susan E. Lederer, Esq., 5011 Locust Lane, Harrisburg, PA 17109
- ESTATE OF CARRIE E. MUMMERT, DEC'D
 - Late of Oxford Township, Adams County, Pennsylvania
 - Co-Executors: Mary Ann Mummert and David Irvin Mummert, 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 ANTONIO PALMONARI, DEC'D
 - Late of Hamilton Township, Adams County, Pennsylvania
 - Dale V. Palmonari, 1014 West Third Street, Washington, MO 63090
 - Attorney: Thomas R. Nell, Esq., 340 Nell Road, East Berlin, PA 17316
- ESTATE OF MILDRED L. SEIFERT a/k/a MILDRED LUCILLE SEIFERT, DEC'D
 - Late of Conewago Township, Adams County, Pennsylvania
 - Executor: Harry P. Seifert, c/o Douglas H. Gent, Esq., Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331
 - Attorney: Douglas H. Gent, Esq., Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

SECOND PUBLICATION (CONTINUED)

ESTATE OF HARVEY R. STOVER a/k/a HARVEY R. STOVER, JR., DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executor: Jerry Kimmel, c/o John M. Hamme, Esq., 1946 Carlisle Road, York, PA 17408

Attorney: John M. Hamme, Esq., 1946 Carlisle Road, York, PA 17408

ESTATE OF PAULINE H. WHISTLER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Faye C. Bixler, c/o Thomas M. Shultz, Esq., Shultz Law Firm, LLC, 215 Baltimore Street, Hanover, PA 17331

Attorney: Thomas M. Shultz, Esq., Shultz Law Firm, LLC, 215 Baltimore Street, Hanover, PA 17331

THIRD PUBLICATION

ESTATE OF ANNA WINIFRED COL-LINS, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Vicki Ann Rosensteel, 109 West Main Street, Fairfield, PA 17320

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

ESTATE OF MARY E. HARTMAN, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Richard L. Hartman, 59 Apple Lane, Biglerville, PA 17307

Attorney: John R. White, Esq., Campbell & White, P.C., 112 Baltimore Street, Suite 1, Gettysburg, PA 17325

ESTATE OF RICHARD C. LAWRENCE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Joan L. Hartlaub, 16 Wappler Drive, Hanover, PA 17331

Attorney: David C. Smith, Esq., 754 Edgegrove Rd., Hanover, PA 17331

ESTATE OF ERNEST E. LIGHT, SR., DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Executors: Barbara E. Harman, 484-A Brough Rd., Abbottstown, PA 17301; David E. Light, Sr., 6 West Locust Street, New Oxford, PA 17350

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

ESTATE OF JOHN L. STREEB, DEC'D

Late of the Borough of New Oxford, Adams County, Pennsylvania

Executrix: Pamela J. Pavlovsky, c/o Douglas H. Gent, Esq., Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

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

ESTATE OF DAVID M. TIMMERMAN, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Andrea L. Timmerman, 2636 Emmitsburg Rd., Unit 47, Gettysburg, PA 17325

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

ESTATE OF SARAH A. TODT, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executor: JoAnn McMaster, 650 Church Street, Hanover, PA 17331

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

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an Application has been filed under the Fictitious Names Act, 54 Pa. C.S.A. §301 et seq., as amended, with the Secretary of the Commonwealth, in Harrisburg, Pennsylvania, on March 17, 2011, for conducting business under the assumed or fictitious name of BATTLEFIELD HEARTH. The address of the principal office or place of business to be carried on under or through the fictitious name is: 232 South Washington Street, Gettysburg, Pennsylvania 17325. The name and address of the only entity which is a party to the registration is: B & R Mechanical, LLC, 232 South Washington Street, Gettysburg, PA 17325.

> Phillips & Phillips Attorneys

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