

# *Adams County* **Legal Journal**

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IN THE COURT OF  
COMMON PLEAS OF  
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW  
Number 11-S-25

Tower Federal Credit Union

v.

Bradley J. Sanders and Tiffany E.  
Sanders a/k/a Tiffany Elizabeth Sanders

NOTICE OF SHERIFF'S SALE OF  
REAL PROPERTY

TO: Bradley J. Sanders, 11 Jackson  
Road, Gettysburg, Pennsylvania 17325  
Tiffany E. Sanders a/k/a Tiffany Elizabeth  
Sanders, 11 Jackson Road, Gettysburg,  
Pennsylvania 17325

Your house (real estate) at 11 Jackson  
Road, Gettysburg, Pennsylvania 17325  
is scheduled to be sold at Sheriff's Sale  
on March 16, 2012 at 10:00 a.m. at the  
Sheriff's Office of Adams County,  
Courthouse Room 4, 111-117 Baltimore  
Street, Gettysburg, PA 17325 to enforce  
the court judgment of \$217,116.63  
obtained by Tower Federal Credit Union  
against you.

NOTICE OF OWNER'S RIGHTS  
YOU MAY BE ABLE TO PREVENT  
THIS SHERIFF'S SALE

To prevent this Sheriff's Sale, you must  
take immediate action:

1. The sale will be canceled if you pay to Tower Federal Credit Union the back payments, late charges, costs, and reasonable attorney's fees due. To find out how much you must pay, you may call McCabe, Weisberg and Conway, P.C., Esq. at (215) 790-1010.
2. You may be able to stop the sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause.
3. You may also be able to stop the sale through other legal proceedings.

You may need an attorney to assert your rights. The sooner you contact one, the more chance you will have of stopping the sale. (See the following notice on how to obtain an attorney.)

YOU MAY STILL BE ABLE TO SAVE  
YOUR PROPERTY AND YOU HAVE  
OTHER RIGHTS EVEN IF THE  
SHERIFF'S SALE DOES TAKE PLACE

1. If the Sheriff's Sale is not stopped, your property will be sold to the highest bidder. You may find out the price bid by calling McCabe, Weisberg and Conway, P.C., Esquire at (215) 790-1010.
2. You may be able to petition the Court to set aside the sale if the bid price was grossly inadequate compared to the value of your property.
3. The sale will go through only if the buyer pays the Sheriff the full amount due on the sale. To find out if this has happened, you may call McCabe, Weisberg and Conway, P.C. at (215) 790-1010.
4. If the amount due from the buyer is not paid to the Sheriff, you will remain the owner of the property as if the sale never happened.
5. You have a right to remain in the property until the full amount due is paid to the Sheriff and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings to evict you.
6. You may be entitled to a share of the money which was paid for your real estate. A schedule of distribution of the money bid for your real estate will be filed by the Sheriff within thirty (30) days of the sale. This schedule will state who will be receiving that money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed schedule of distribution is wrong) are filed with the Sheriff within ten (10) days after the posting of the schedule of distribution.
7. You may also have other rights and defenses, or ways of getting your real estate back, if you act immediately after the sale.

YOU SHOULD TAKE THIS PAPER TO  
YOUR LAWYER AT ONCE. IF YOU DO  
NOT HAVE A LAWYER, GO TO OR  
TELEPHONE THE OFFICE SET FORTH  
BELOW. THIS OFFICE CAN PROVIDE  
YOU WITH INFORMATION ABOUT  
HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A  
LAWYER, THIS OFFICE MAY BE ABLE  
TO PROVIDE YOU WITH INFORMATION  
ABOUT AGENCIES THAT MAY OFFER  
LEGAL SERVICES TO ELIGIBLE  
PERSONS AT A REDUCED FEE OR NO  
FEE.

LAWYER REFERRAL SERVICE

Donald Fennimore  
Court Administrator  
Adams County Courthouse  
117 Baltimore Street  
Gettysburg, Pennsylvania 17325  
(717) 337-9846

ASSOCIACION DE LICENCIADOS

Donald Fennimore  
Court Administrator  
Adams County Courthouse  
117 Baltimore Street  
Gettysburg, Pennsylvania 17325  
(717) 337-9846

McCabe, Weisberg and Conway, P.C.

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Philadelphia, Pennsylvania 19109  
(215) 790-1010

2/17

## GLORYRIDGE VS. FREEDOM TWP. ZHB

1. The Pennsylvania Municipalities Planning Code provides that all appeals from all land use decisions shall be filed within 30 days after the entry of the decision being appealed. The timeliness of an appeal and compliance with the statutory provisions which grant the right of appeal go to the jurisdiction of the court to hear and decide the appeal.
2. A party is not aggrieved merely because it disagrees with the factual basis or legal rationale of a decision, if the party's interest is not actually adversely affected.
3. With any application for intervention, the burden of establishing the right to intervene in an existing action lies with the intervenor.
4. An intervenor must generally take the litigation as they find it and may not raise new, independent, issues not already before the Court in the underlying action.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 10-S-905, GLORYRIDGE AT GETTYSBURG, LLC VS. FREEDOM TOWNSHIP, ADAMS COUNTY ZONING HEARING BOARD.

Paula J. Leicht, Esq., and Bernard A. Yannetti, Jr., Esq., for Gloryridge  
James T. Yingst, Esq., for Freedom Township Zoning Hearing Board  
John R. White, Esq., for Freedom Township  
Robert L. McQuaide, Esq., for Kathleen Carroll  
Kuhn, P.J., August 23, 2011

### OPINION

Before the Court for disposition is Petitioner Kathleen Carroll's Petition for Intervention in the above-captioned matter. For the reasons set forth herein, said petition is DENIED and Carroll is hereby denied standing as a third-party Objector to the above-captioned land use appeal.

Gloryridge at Gettysburg<sup>1</sup> is the owner of approximately 63 acres of real property located almost entirely in Freedom Township. At the time Gloryridge purchased the property, it had been improved, most notably, with 11 cabins and a multi-purpose building. The property is located in an area that is zoned as a Rural Conservation area under Article 6 of the Freedom Township Zoning Ordinance. Under that Ordinance, the use of the property as a campground is not permitted by right, but may be obtained by the granting of a special exception for the campground use.

On May 22, 2003, the Freedom Township Zoning Hearing Board<sup>2</sup> issued a formal decision granting a special exception to Gloryridge

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<sup>1</sup> Hereinafter referred to as "Gloryridge."

<sup>2</sup> Hereinafter referred to as the "Board."

to be used as a campground from that point forward, subject to certain conditions. Specifically, one of the conditions requires Gloryridge to reapply for and receive permission from the Board to make any change or expansion of the use. Petitioner Carroll attended the hearings held related to the 2003 special exception. No appeal was filed from the Board's May 22, 2003 decision by anyone, including Petitioner Carroll.

Petitioner Carroll is the owner of real property also located in Freedom Township. Carroll's property does not abut Gloryridge's property and lies a little more than a mile away from the nearest building on Gloryridge's property. Between Gloryridge's property and Carroll's property lie other neighboring landowners, none of whom have raised any objections to the campground use of Gloryridge.

On March 10, 2010, pursuant to the terms of the Board's May 22, 2003 decision, Gloryridge submitted an application to the Board requesting permission to make changes and renovations to the property in connection with its current use as a campground.

On April 5, 2010, the Board held a hearing on Gloryridge's application. Petitioner Carroll was in attendance at the hearing.

On May 3, 2010, the Board issued a written opinion which granted Gloryridge's application, however, the approval was conditioned upon Gloryridge's fulfillment of 18 newly added conditions the Board included with its decision.

On June 1, 2010, Gloryridge filed the Appeal that is the underlying matter into which Petitioner Carroll seeks to intervene. In the Appeal, Gloryridge objects to nine of the 18 additional conditions. No other appeals were filed within the 30-day window, ending on June 2, 2010, during which an appeal of the Board's decision could be filed in a timely manner pursuant to 53 P.S. § 11002-A(1) of the Pennsylvania Municipalities Planning Code.<sup>3</sup>

On October 26, 2010, Petitioner Carroll, through counsel, filed the instant Petition to Intervene in Gloryridge's June 1, 2010 Appeal.

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<sup>3</sup> On June 3, 2010, Carroll filed a pro se Civil Complaint that she admits was untimely and was not served on either the Board or Gloryridge. Petitioner's Brief in Support of Petition to Intervene at 8. In addition, Carroll's pro se action primarily addresses the Board's decision to grant the special exception for the campground use itself, a matter that was decided in 2003 and is not at issue in the present appeal.

In her petition, Carroll challenges the validity of the Board's decision to grant the original special exception to Gloryridge in 2003 and the Board's approval of Gloryridge's 2010 application for a modification of that original special exception. Petitioner Carroll contends that the instant Petition to Intervene must be granted because her property will be adversely affected by the Board's decision.

On April 8, 2011, this Court held an evidentiary hearing concerning the instant Petition to Intervene.

Before this Court addresses the instant Petition to Intervene, however, the true nature and intention of said Petition must be determined. If Petitioner Carroll is permitted to intervene in the above-captioned matter, she intends to file a document titled "Appeal of Kathleen Carroll, Neighbor." This document is appropriately characterized as a land use appeal; with Carroll's objective being an appeal of the decision of the Board and, ultimately, having the Board's decision vacated and Gloryridge's application for a special exception denied. Regardless of which decision Carroll is attempting to have vacated – the Board's initial decision to grant Gloryridge's special exception for a campground use in 2003 or their decision to grant Gloryridge's application for an expansion of that use in 2010 – her appeal is untimely.

Appeals from municipality zoning hearing board decisions are exclusively governed by 53 P.S. § 11002-A(1) of the Pennsylvania Municipalities Planning Code. Specifically, Section 11002-A(1) provides that "all appeals from all land use decisions ... shall be filed within 30 days after the entry of the decision" being appealed. *Id.* Additionally, "[t]he timeliness of an appeal and compliance with the statutory provisions which grant the right of appeal go to the jurisdiction of the court to hear and decide the appeal." In **re Order of Nether Providence Zoning Hearing Bd. Dated April 28, 1975**, 358 A.2d 874, 876 (Pa. Commw. Ct. 1976) (citations omitted).

Therefore, because Carroll's document would be submitted beyond the respective 30-day periods during which an appeal of either the Board's 2003 or 2010 decisions could have been filed, the Petition to Intervene is, in actuality, an untimely appeal of which this Court has no jurisdiction to hear.

Furthermore, even if this Court found that Carroll's appeal warranted an exception to the timeliness requirement, Carroll is without

standing to appeal because she was not aggrieved by the Board's decision, and therefore could not appeal it. *Basile v. H&R Block, Inc.*, 973 A.2d 417, 421-22 (Pa. 2009); *Thompson v. Zoning Hearing Bd. of Horsham Twp.*, 963 A.2d 622, 624 (Pa. Commw. Ct. 2009).

In her testimony before this Court on April 8, 2011, Carroll testified that she had never experienced any adverse affects to her person or property resulting from the use and operation of the Gloryridge property as a campground. N.T. at 22-23. Specifically, Carroll testified that she had never experienced any problems with any objectionable odors, lights, increased traffic, parking difficulties, or erosion issues because of the Gloryridge property. *Id.*

Further, Carroll stated that the conditions imposed by the Board in its decision granting Gloryridge's 2010 application are not of any interest to her and that the imposition of those conditions is not the issue about which she was seeking to intervene; rather, her sole contention is that the Board exceeded its authority by granting the special exception for the campground use itself. N.T. at 24.

Though it is undisputed that Carroll disagrees with the Board's decision to grant the special exception for Gloryridge's use as a campground, "a party is not aggrieved merely because it disagrees with the factual basis or legal rationale of a decision, if the party's interest is not actually adversely affected." *Northeast Pennsylvania SMSA Ltd. P'ship v. Scott Twp. Zoning Hearing Bd.*, 18 A.3d 1272, 1277 (Pa. Commw. Ct. 2011) (citing *ACS Enterprises, Inc. v. Norristown Borough Zoning Hearing Bd.*, 659 A.2d 651, 654 (Pa. Commw. Ct. 1995)).

Therefore, as indicated by her own testimony and a lack of demonstrative evidence to suggest harm has occurred, Carroll has not suffered adverse affects to her person or property that would be sufficient to grant her standing to file an appeal.

However, even if this Court were to make a determination on the merits of the instant Petition to Intervene, the Petition is insufficient to warrant an intervention into the above-captioned matter.

Petitions to Intervene are controlled by Pennsylvania Rules of Civil Procedure 2326-2350. Pa. R.C.P. 2327 specifies four particular categories of persons who may intervene in an action, "including any person who has 'any legally enforceable interest' that may be affected by a judgment in the action." *Larock v. Sugarloaf Tp. Zoning*

*Hearing Bd.*, 740 A.2d 308, 312 (Pa. Commw. Ct. 1999) (quoting Pa. R.C.P. 2327[4]). With any application for intervention, the burden of establishing the right to intervene in an existing action lies with the intervenor. *Egenrieder v. Ohio Cas. Group*, 581 A.2d 937 (Pa. Super. 1990).

It is well-established in Pennsylvania law that owners of property adjacent to and in the immediate vicinity of the property at issue in a land use appeal have the necessary “legally enforceable interests” required by Rule 2327. See e.g. *Atticks v. Lancaster Township Zoning Hearing Bd.*, 915 A.2d 713, 718 (Pa. Commw. Ct. 2007); *Township of Radnor v. Radnor Recreational, LLC*, 859 A.2d 1, 5 (Pa. Commw. Ct. 2004); *Vartan v. Zoning Hearing Bd. of the City of Harrisburg*, 636 A.2d 310, 313 (Pa. Commw. Ct. 1994).

In the instant matter, Carroll’s property is located approximately a mile away from the Gloryridge property. Even though Carroll’s property does not directly abut the Gloryridge property, this Court is satisfied that her property should be considered as within the “immediate vicinity” of the Gloryridge property for the purpose of Rule 2327.

Though the proximity of Carroll’s property to the Gloryridge property may be sufficient to establish the “legally enforceable interest(s)” required by Rule 2327, there are significant issues, as discussed *supra*, whether Carroll has established that a judgment in the underlying action – Gloryridge’s Appeal of nine of the 18 conditions placed upon the approval of their application to expand the existing use of their property by special exception – will adversely affect that interest.

As discussed, *supra*, Carroll has presented no evidence in the form of her own testimony or physical evidence that her property has suffered or will suffer any adverse affects from a judgment in the underlying appeal. Therefore, this Court finds that Carroll has not fulfilled the requirements articulated in Rule 2327 necessary for the granting of an application for intervention.

However, even assuming that Carroll’s interests were deemed sufficient to satisfy the requirements of Rule 2327, this Court has determined that the grounds articulated in Rule 2329 that grant this Court the ability to deny a Petition to Intervene are present in the instant matter.

Rule 2329 requires the Court to enter orders allowing intervention if the claims of the petitioner have been established. Pa. R.C.P. 2329. However, Rule 2329 also provides the Court with the discretion to

refuse a petition to intervene, even though the petitioner has already established a qualification under Rule 2327, if:

- 1) the claim or defense of the petitioner is not in subordination to and in recognition of the propriety of the action; or
- 2) the interest of the petitioner is already adequately represented; or
- 3) the petitioner has unduly delayed in making an application for intervention or the intervention will unduly delay, embarrass or prejudice the trial or the adjudication of the rights of the parties.

Pa. R.C.P. 2329(1-3).

Thus, Rules 2327 and 2329 combine to form a system where the Court's allowance of intervention is mandatory when the petitioner is a person shown to be within the particular classes described in Rule 2327, unless one of the grounds for refusal under Rule 2329 is present. *Larock*, 740 A.2d at 313. Therefore, "the Court is given the discretion to refuse intervention only where the petitioner falls within one of the classes enumerated in Rule 2327 *and* one of the grounds under Rule 2329 is present which authorizes the refusal of intervention." *Id.* (emphasis original).

Rule 2329(1) requires that the issues raised in an application for intervention must be in subordination to and in recognition of the underlying action. *Id.* Simply, an intervenor must generally take the litigation as they find it and may not raise new, independent, issues not already before the Court in the underlying action.

Courts have consistently held that they will not hear claims brought by intervenors that involve issues not raised by the appellants in the underlying action and that request an entirely different form of relief than the one placed at issue by the appellant. E.g., *Northeast Pennsylvania SMSA Ltd. P'ship v. Scott Twp. Zoning Hearing Bd.*, 18 A.3d 1272, 1277 (Pa. Commw. Ct. 2011); *Leckey v. Lower Southampton Twp. Zoning Hearing Bd.*, 864 A.2d 593, 596 n. 2 (Pa. Commw. Ct. 2004); *Sell v. Douglas Twp. Zoning Hearing Bd.*, 613 A.2d 162 (Pa. Commw. Ct. 1992).

The factual circumstances present in *Leckey* are virtually identical to those present in the instant matter. In *Leckey*, as is the case in the instant matter, the claim brought before the trial court was an appeal



by landowners of conditions imposed by a zoning hearing board on a special exemption use granted to the landowners. *Leckey*, 864 A.2d at 595. In *Leckey*, the intervenor attempted to bring a claim challenging the validity of the zoning board's decision to classify the landowners' seasonal snowplowing business as an accessory use to the special exception granted for the landowners' tree nursery use of the property. *Id.* at 596 n. 2. As is the case in the instant matter, the only issue before the trial court was the landowners' appeal of the conditions imposed on the special exception use granted by the zoning board. *Id.* Consequently, the trial court correctly refused to hear the intervenor's claim because it was not raised by the appellants and requested an entirely different form of relief than that requested by the appellant. *Id.*

In the instant matter, the only issue brought before this Court by the appellant, Gloryridge, is an appeal of some of the conditions imposed by the Board on an expansion of the special exception it granted. Similar to *Leckey*, the intervenor, Carroll, seeks to bring a claim challenging the validity of the Board's findings and subsequent decision to grant the special exception itself. Carroll's claim seeks an entirely different form of relief than the one placed at issue by Gloryridge in its appeal. Thus, Carroll's claim is not in subordination to and recognition of the underlying appeal and this Court must refuse to hear Carroll's claims and deny the Petition to Intervene pursuant to Rule 2329(1).

For the reasons set forth herein, the attached Order DENIES Petitioner, Kathleen M. Carroll's, Petition for Intervention in Appellant, Gloryridge at Gettysburg, LLC's, Appeal of conditions placed upon an expansion of a special exception use granted by the Freedom Township Zoning Hearing Board.

### ORDER

AND NOW, this 23rd day of August 2011, upon consideration of Petitioner Kathleen Carroll's Petition for Intervention in the above-captioned matter and Appellant's Response thereto, it is HEREBY ORDERED that said Petition for Intervention is DENIED for the reasons set forth in the attached Opinion.



**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 WILLIAM F. BUFFINGTON, DEC'D**

Late of Latimore Township, Adams County, Pennsylvania

Administrator: Janet D. Buffington, 61 Burnside Drive, East Berlin, PA 17316

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

**ESTATE OF RUTH MARIE CHRISMER a/k/a RUTH M. CHRISMER, DEC'D**

Late of the Borough of Bonneauville, Adams County, Pennsylvania

Administrator: Walter J. Chrismer, 2 Sunset Drive, Gettysburg, PA 17325

Attorney: Wendy Weikal-Beauchat, Esq., 63 West High Street, Gettysburg, PA 17325

**ESTATE OF KATHLEEN JANE JAMES, a/k/a KATHLEEN JOAN JAMES, DEC'D**

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

Executrix: Dianna Zimmerman, 17 Main Trail, Fairfield, PA 17320

**ESTATE OF JACOB S. SMITH, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Administrator: Gregory Smith, 1288 B Granite Station Road, Gettysburg, PA 17325

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

**ESTATE OF DORIS L. STORMES, DEC'D**

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executors: Michael Stormes, 175 North Second St., McSherrystown, PA 17344; Constance Kuhn, 147 Sherry Dr., McSherrystown, PA 17344

**SECOND PUBLICATION****ESTATE OF SUSANNE LOUISE BURBAN, DEC'D**

Late of Hamiltonban Township, Adams County, Pennsylvania

Executor: Percy D. Muschamp, 700 Iron Springs Road, Fairfield, PA 17320

Attorney: Matthew R. Battersby, Esq., Battersby Law Office, P.O. Box 215, Fairfield, PA 17320

**ESTATE OF PATSY IRENE KEENEY, DEC'D**

Late of Thurmont, Frederick County, Maryland

Personal Representative: Benjamin David Keeney, 531 Water Street, Fairfield, PA 17320

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

**ESTATE OF JOANNE V. KINCIUS a/k/a JO ANNE KINCIUS, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Executor: William A. Kump, Jr., c/o Kevin G. Robinson, Esq., Gates & Gates, P.C., 60 E. Middle Street, Gettysburg, PA 17325

Attorney: Kevin G. Robinson, Esq., Gates & Gates, P.C., 60 E. Middle Street, Gettysburg, PA 17325

**ESTATE OF STEWART H. MOYER, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Executor: Ella Louise Toomey, 47 Bay State Road, Melrose, MA 02176

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

**ESTATE OF JOSEPH C. STORM, DEC'D**

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executors: Helen M. Warner, 30 Fern Drive, New Oxford, PA 17350; Thomas L. Storm, 52 South Avenue, Gettysburg, PA 17325

Attorney: Larry W. Wolf, Esq., Larry W. Wolf, P.C., 215 Broadway, Hanover, PA 17331

**ESTATE OF RACHEL E. WOLFF, DEC'D**

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Bruce William Wolff, 314 Belmont Place, SW, Leesburg, VA 20175

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

**THIRD PUBLICATION****ESTATE OF BURNELL H. GRIM a/k/a BURNELL HOKE GRIM, DEC'D**

Late of Conewago Township, Adams County, Pennsylvania

Co-Executors: William S. Grim and Joseph M. Grim, 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 Street, Hanover, PA 17331

**ESTATE OF DORA E. HARTLAUB, DEC'D**

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executor: David W. Hartlaub, 575 Storms Store Road, Gettysburg, PA 17325

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

**ESTATE OF BRENDA M. MENGES, DEC'D**

Late of Hamilton Township, Adams County, Pennsylvania

Executors: Theron J. Menges, 340 Forest Drive, New Oxford, PA 17350; Lisa M. Kessel, 421 Abbottstown Street, Apt. #6, East Berlin, PA 17316

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

**ESTATE OF MARY E. MILLER a/k/a MARY ELLEN MILLER, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executor: Robert Lee Miller, c/o Keith R. Nonemaker, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York Street, Hanover, PA 17331

Attorney: Keith R. Nonemaker, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York Street, Hanover, PA 17331

**ESTATE OF KEVIN M. WAREHIME a/k/a KEVIN MICHAEL WAREHIME, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Mary K. Warehime, c/o Matthew L. Guthrie, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York Street, Hanover, PA 17331

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

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, March 2, 2012 at 8:30 a.m.

SHULTZ—Orphan's Court Action Number OC-120-2010. The First and Final Account of Tina M. Thomas, Executrix of the Last Will and Testament of Nancy L. Shultz, deceased, late of Straban Township, Adams County, Pennsylvania.

Kelly A. Lawver  
Clerk of Courts

2/17 & 24

NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE

IN THE COURT OF COMMON PLEAS  
OF ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW  
NO. 11-SU-1443

U.S. Bank National Association, Plaintiff  
vs.

Craig H. Jordan and Susan M. Jordan,  
Defendants

NOTICE

TO: Craig H. Jordan, Defendant, whose last known address is 16 Yorktowne Court, Littlestown, PA 17340.

COMPLAINT IN MORTGAGE  
FORECLOSURE

You are hereby notified that Plaintiff, U.S. Bank National Association, has filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of Adams County, Pennsylvania, docketed to No. 11-SU-1443, wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 16 Yorktowne Court, Littlestown, PA 17340, whereupon your property would be sold by the Sheriff of Adams County.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the notice above, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are

warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH THE INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

COURT ADMINISTRATOR  
ADAMS COUNTY COURTHOUSE  
GETTYSBURG, PA 17325  
(717) 337-9846

Gregory Javardian, Esq.  
Attorney for Plaintiff  
Powers, Kirn & Javardian, LLC  
1310 Industrial Blvd., Suite 101  
Southampton, PA 18966  
(215) 942-2090

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