

Adams County Legal Journal


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AND SALLY B. GLOVER AND JOHN T. AND LEANNE M.
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AND KATHLEEN A. ERKERT AND RICHARD N. AND
JANET S. PLOURDE AND JOSEPH E. AND PATRICIA A.
TUMINELLO V. ADAMS COUNTY BOARD OF
ASSESSMENT APPEALS



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NOTICE OF ACTION IN
MORTGAGE FORECLOSURE

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

CIVIL DIVISION
ADAMS COUNTY
NO. 16-S-985

ROUNDPOINT MORTGAGE SERVICING
CORPORATION, Plaintiff

vs.

SHELBY L. FOGUS, in her capacity as Co-Administratrix and Heir of the Estate of EUGENE L. FOGUS, JR A/K/A EUGENE LESLIE FOGUS, JR; COURTNEE P. FOGUS, in her capacity as Co-Administratrix and Heir of the Estate of EUGENE L. FOGUS, JR A/K/A EUGENE LESLIE FOGUS, JR; CAMERON FOGUS, in his capacity as Heir of the Estate of EUGENE L. FOGUS, JR A/K/A EUGENE LESLIE FOGUS, JR; MICHAEL FOGUS, in capacity as Heir of EUGENE L. FOGUS, JR A/K/A EUGENE LESLIE FOGUS, JR, Deceased, UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER EUGENE L. FOGUS, JR., A/K/A EUGENE LESLIE FOGUS, JR., DECEASED, Defendants

NOTICE

To: UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER EUGENE L. FOGUS, JR., A/K/A EUGENE LESLIE FOGUS, JR., DECEASED

You are hereby notified that on September 23, 2016, Plaintiff, ROUNDPOINT MORTGAGE SERVICING CORPORATION, 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. 16-S-985. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 42 JESSICA DRIVE, GETTYSBURG, PA 17325-7984 whereupon your property would be sold by the Sheriff of ADAMS County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE 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.

Notice to Defend:

Office of the Court Administrator
Adams County Courthouse
Gettysburg, PA 17325
(717) 337-9846

MidPenn Legal Services, Inc.
128 Breckenridge Street
Gettysburg, PA 17325
(717) 337-9846

3/24

NOTICE OF SHERIFF SALE OF REAL
ESTATE PURSUANT
TO Pa.R.C.P. No. 3129

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW
NO.: 16-SU-107

Wells Fargo Bank, NA, Plaintiff
vs.

Unknown Heirs, and/or Administrators of the Estate of William Barnett; Timothy Barnett, as believed heir to the Estate of William Barnett, Defendants

TO: Unknown Heirs, and/or Administrators of the Estate of William

Barnett; Timothy Barnett, as believed heir to the Estate of William Barnett

Take Notice that by virtue of the Writ of Execution issued out of the Court of Common Pleas of Adams County, Pennsylvania, and directed to the Sheriff of Adams County, there will be exposed to Public Sale at the Adams County Sheriff's Office, 117 Baltimore Street, Room 4, Gettysburg, PA 17325 on July 21, 2017 at 10:00AM, prevailing local time, your real property described herein.

The Real Property To Be Sold is delineated in detail in a legal description consisting of a statement of the measured boundaries of the property, together with a brief mention of the buildings and any other major improvements erected on the land.

The Location of your property to be sold is: 1477 Frederick Street, Littlestown, PA 17340

The Judgment under or pursuant to which your property is being sold is docketed to: No. 16-SU-107

A complete copy of the Notice of Sheriff Sale will be sent to you upon request to the Attorney for the Plaintiff, Kimberly A. Bonner, Manley Deas Kochalsky LLC, P. O. Box 165028, Columbus, OH 43216-5028, 614-220-5611.

This paper is a notice of the time and place of the sale of your property. It has been issued because there is a judgment against you. It may cause your property to be held, to be sold or taken to pay the judgment. You may have legal rights to prevent your property from being taken away. A lawyer can advise you more specifically of those rights. If you wish to exercise your rights, you must act promptly.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET FREE LEGAL ADVICE:

Pennsylvania Lawyer
Referral Service
Pennsylvania Bar Association
P.O. Box 186 Harrisburg, PA 17108
(800) 692-7375

Court Administrator Adams County
Court Courthouse
111-117 Baltimore Street
Gettysburg, PA 17325
717-337-9846

3/24

LEO J. AND FRANCES E. KRAJEWSKI AND WAYNE A.
AND SALLY B. GLOVER AND JOHN T. AND LEANNE M.
FARRELL AND HERBERT J. JR. AND DONNA R. BEACH
AND KATHLEEN A. ERKERT AND RICHARD N. AND
JANET S. PLOURDE AND JOSEPH E. AND PATRICIA A.
TUMINELLO V. ADAMS COUNTY BOARD OF
ASSESSMENT APPEALS

1. A taxpayer is entitled to relief under the Uniformity Clause where his property is assessed at a higher percentage of fair market value than other properties throughout the taxing district.

2. A taxpayer may prove non-uniformity by presenting evidence of the assessment-to-value ratio of similar properties of the same nature in the neighborhood.

3. An assessment is considered prima facie valid where the assessment record is admitted into the evidence, and the taxpayer has the burden to rebut the assessment's validity. A taxpayer could satisfy his or her burden by producing evidence establishing the ratios of assessed values to market values of comparable properties based upon actual sales of comparable properties in the taxing district for a reasonable time prior to the assessment date. A taxpayer may also meet this burden by offering evidence of assessments of comparable properties, so long as the taxpayer also presents evidence to show that the actual fair market value of the comparable properties is different than that found by the taxing authority.

4. To establish equitable estoppel against the government, a party must prove 1) intentional or negligent misrepresentation of some material fact, 2) made with knowledge or reason to know that the other party would rely upon it, and 3) inducement of the other party to act to its detriment because of justifiable reliance on the misrepresentation.

5. A party seeking to bar re-litigation of a claim must show the existence of four conditions: (1) identity of the thing sued upon; (2) identity of the cause of action; (3) identity of the persons or parties to the action; and (4) identity of the quality or capacity of the parties suing or sued.

6. Pennsylvania Supreme Court has held while a prior assessment may be admissible for some purposes, we have clearly held it cannot be considered to be res *judicata* of the current fair market value.

7. The Commonwealth Court determined an assessment value could only be set for the current taxable year, not future years.

8. Procedural due process requires adequate notice, an opportunity to be heard, and the opportunity to defend oneself before a fair and impartial tribunal having jurisdiction over the matter.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,
PENNSYLVANIA, CIVIL 15-SU-1389, 15-SU-1394, 15-SU-1397,
15-SU-1398, 15-SU-1399, 15-SU-1400, 15-SU-1402, LEO J. AND
FRANCES E. KRAJEWSKI AND WAYNE A. AND SALLY B.
GLOVER AND JOHN T. AND LEANNE M. FARRELL AND
HERBERT J. JR. AND DONNA R. BEACH AND KATHLEEN A.
ERKERT AND RICHARD N. AND JANET S. PLOURDE AND

JOSEPH E. AND PATRICIA A. TUMINELLO V. ADAMS
COUNTY BOARD OF ASSESSMENT APPEALS.

John M. Hartzell, Esq., Attorney for Appellee

John J. Murphy, III, Esq., Attorney for Appellants

Wagner, J., March 3, 2017

MEMORANDUM OPINION

Before the Court for disposition are Appellants' appeals from the decision of the Adams County Board of Assessment Appeals filed December 4, 2015. For the reasons set forth herein, Appellants' appeals are denied.

BACKGROUND

The relevant factual history can be found in the Joint Statement of Stipulated Facts, Law and Issues Involved, cited below.

Pursuant to Local Civil Rule 212.2, Counsel for Appellants and Appellee hereby submit the following Joint Statement:

a. Brief Factual Summary

1. Appellants Leo J. Krajewski and Frances E. Krajewski (hereinafter "Krajewski") are the legal owners of 16 Klein Way, Littlestown, PA 17340, being Tax Parcel Number 27004-0283---000 located in the Borough of Littlestown, Littlestown Area School District, Adams County, Pennsylvania.
2. Krajewski appeals the decision of the Board of Assessment Appeals of Adams County dated November 6, 2015 denying the appeal and affirming the fair market assessed value on January 1, 2010 of \$296,400.00 to the subject real estate.
3. Application of the herein-referenced Crum Formula to the Krajewski real property results in a 2010 fair market assessed value of \$255,100.00.
4. Appellants Wayne A. Glover and Sally B. Glover (hereinafter "Glover") are the legal owners of 166 Stoners Circle, Littlestown, PA 17340, being Tax Parcel Number 27004-0276---000 located in the Borough of Littlestown, Littlestown Area School District, Adams County, Pennsylvania.

5. Glover appeals the decision of the Board of Assessment Appeals of Adams County dated November 6, 2015 denying the appeal and affirming the fair market assessed value on January 1, 2010 of \$338,800.00 to the subject real estate.
6. Application of the herein-referenced Crum Formula to the Glover real property results in a 2010 fair market assessed value of \$262,000.00.
7. Appellants John T. Farrell and Leanne E. Farrell (hereinafter “Farrell”) are the legal owners of 149 Stoners Circle, Littlestown, PA 17340, being Tax Parcel Number 27004-0267---000 located in the Borough of Littlestown, Littlestown Area School District, Adams County, Pennsylvania.
8. Farrell appeals the decision of the Board of Assessment Appeals of Adams County dated November 6, 2015 denying the appeal and affirming the fair market assessed value on January 1, 2010 of \$336,500.00 to the subject real estate.
9. Application of the herein-referenced Crum Formula to the Farrell real property results in a 2010 fair market assessed value of \$260,000.00.
10. Appellants Herbert J. Beach, Jr. and Donna R. Beach (hereinafter “Beach”) are the legal owners of 139 Stoners Circle, Littlestown, PA 17340, being Tax Parcel Number 27004-0262---000 located in the Borough of Littlestown, Littlestown Area School District, Adams County, Pennsylvania.
11. Beach appeals the decision of the Board of Assessment Appeals of Adams County dated November 6, 2015 denying the appeal and affirming the fair market assessed value on January 1, 2010 of \$337,000.00 to the subject real estate.
12. Application of the herein-referenced Crum Formula to the Beach real property results in a 2010 fair market assessed value of \$260,900.00.

13. Appellant Kathleen A. Erkert (hereinafter “Erkert”) is the legal owner of 147 Stoners Circle, Littlestown, PA 17340, being Tax Parcel Number 27004-0266---000 located in the Borough of Littlestown, Littlestown Area School District, Adams County, Pennsylvania.
14. Erkert appeals the decision of the Board of Assessment Appeals of Adams County dated November 6, 2015 denying the appeal and affirming the fair market assessed value on January 1, 2010 of \$252,300.00 to the subject real estate.
15. Application of the herein-referenced Crum Formula to the Erkert real property results in a 2010 fair market assessed value of \$238,600.00.
16. Appellants Richard N. Plourde and Janet S. Plourde (hereinafter “Plourde”) are the legal owners of 141 Stoners Circle, Littlestown, PA 17340, being Tax Parcel Number 27004-0263---000 located in the Borough of Littlestown, Littlestown Area School District, Adams County, Pennsylvania.
17. Plourde appeals the decision of the Board of Assessment Appeals of Adams County dated November 6, 2015 denying the appeal and affirming the fair market assessed value on January 1, 2010 of \$285,900.00 to the subject real estate.
18. Application of the herein-referenced Crum Formula to the Plourde real property results in a 2010 fair market assessed value of \$253,200.00.
19. Appellants Joseph E. Tuminello and Patricia A. Tuminello (hereinafter “Tuminello”) are the legal owners of 164 Stoners Circle, Littlestown, PA 17340, being Tax Parcel Number 27004-0275---000 located in the Borough of Littlestown, Littlestown Area School District, Adams County, Pennsylvania.
20. Tuminello appeals the decision of the Board of Assessment Appeals of Adams County dated November 6, 2015 denying the appeal and affirming the fair

market assessed value on January 1, 2010 of \$375,900.00 to the subject real estate.

21. Application of the herein-referenced Crum Formula to the Tuminello real property results in a 2010 fair market assessed value of \$282,300.00.

b. Statement of Issues Involved

1. Is the 2010 fair market assessed value of the Krajewski real property \$296,400.00 or \$255,100.00?
2. Is the 2010 fair market assessed value of the Glover real property \$338,800.00 or \$261,900.00?
3. Is the 2010 fair market assessed value of the Farrell real property \$336,500.00 or \$260,000.00?
4. Is the 2010 fair market value of the Beach real property \$337,000.00 or \$260,900.00?
5. Is the 2010 fair market value of the Erkert real property \$252,300.00 or \$238,600.00?
6. Is the 2010 fair market value of the Plourde real property \$285,900.00 or \$253,200.00?
7. Is the 2010 fair market value of the Tuminello real property \$375,900.00 or \$282,300.00?
8. Does the uniformity clause of the Pennsylvania Constitution and the PA statutory and case law require that application of the Crum Formula be applied to all new construction as the proper neighborhood assessment model for the appeals sub judice and all future assessments in the Stoners Farm development?
9. Does the Board's failure to use Crum Formula result in a breach of uniformity with similar assessments in the same development constructed by the same builder?
10. Does the County's creation, agreement, recommendation and consent to use the Crum Formula over a period of years preclude the application of the any other assessment model for the Stoners Farm development?
11. Have the due process rights of the Appellants been

violated by Appellee training the Board Members and allowing an employee of the County Tax Service Department to be present during the Board's deliberation?

c. Statements of Stipulated Law and/or Fact

1. Stoners Farm is a residential development located in the Borough of Littlestown, Littlestown Area School District, County of Adams, Commonwealth of Pennsylvania.
2. Stoners Farm is a flexible Planned Community pursuant to a Declaration of Planned Community dated March 7, 2008 and recorded in Record Book 5134 at Page 282 (hereinafter "Declaration"), as amended in Record Book 5970 at Page 651 (Phase II) and Record Book 6191 at Page 324 (Phases III and IIIA).
3. The Declarant and Developer of the Stoners Farm development is Heritage Hills II, LP (hereinafter "Developer").
4. Harry P. McKean is the principal of the Developer.
5. The Stoners Farm development currently consists of Phases I, II, III and IIIA, having one-hundred thirty (130) total residential lots.
6. The Declaration provides for a total of one hundred ninety-four (194) total residential lots to be built.
7. Each improved lot consists or will consist of a one-story or one and half story, single-family, attached, duplex residential dwelling building.
8. Developer has the exclusive architectural control during the Declarant Control Period pursuant to Article VIII, Section 8.1(A)(3) of the Declaration, as amended.
9. New Age Associates, Inc. is the sole builder in the Stoners Farm Planned Community.
10. Harry P. McKean, principal of the Developer, is also the principal of New Age Associates, Inc.
11. All existing dwellings in the Stoners Farm development

are similar in size, architecture, style and appearance.

12. On or about March 3, 2008, the Honorable President Judge John D. Kuhn ordered a countywide reassessment be conducted pursuant to a Stipulation docketed at 07-S-417.
13. A countywide reassessment was conducted in 2010, having an effective date of January 1, 2011.
14. The base year for all assessments in Adams County is 2010.
15. A total of eight (8) property owners in the Stoners Farm development filed appeals having an effective date of January 1, 2011, to the Board of Assessment Appeals and later to the Court of Common Pleas, being Frances A. and Ann W. Csonka (2011-SU-1905), Cathleen P. Eller (2011-SU-1894), Gary R. and Debra A. Gibson (2011-SU-1898), Glenn O. and Kay E. Wagner (2011-SU-1903), Iris J. Mills Stanfield (2011-SU-1904), Lorena M. Stone (2011-SU-1895), Joan F. Hayes (2011-SU-1906), and Melvin R. and Patricia L. Higgs (2011-SU-1900).
16. A total of six (6) property owners in the Stoners Farm development filed appeals having an effective date of January 1, 2012, to the Board of Assessment Appeals and later to the Court of Common Pleas, being Donna M. Shadle (2011-SU-1901), Kathie M. and James J. Eline (2011-SU-1902), John G. Zepp (2011-S-1907), J. Scott and Marilyn S. Zanger (2011-SU-1899), Eugene B. and Shirley M. Fleming (2011-SU-1897), and W. Keith and Margaret Diana Boucher (2011-SU-1896).
17. The assessment values appealed by property owners in the Stoners Farm development in 2011 were not identical to the recent contract sales prices of the lot.
18. Appellants contended that the assessments produced by the countywide reassessment did not produce a consistent result, with similar duplex properties having significantly different assessments. Further, Appellant

contended that neither the original assessments nor contract sales price accurately represented the fair market value as the contract sales price includes upgrades and personal choices that do not necessarily translate into fair market value to another buyer in an arms-length transaction.

19. As a result of these appeals filed in 2011, counsel for those Appellants and counsel for the County of Adams, John M. Hartzell, Esquire, began settlement discussions in late 2011 and early 2012.
20. Daryl G. Crum, then Chief Appraiser for the County of Adams, developed a spreadsheet which multiplied the square footage of different components of each dwelling's improvements by different values for the specific components and then added the contributory parts to develop a final value, which was used for settlement purposes. The process also considered a subsequent arms-length resale in the Stoners Farm development (hereinafter the "Crum Formula").
21. The total of the value of the certain improvements calculated an assessed value for the base year of 2010 which were applied on the properties under appeal at that time.
22. The Crum Formula applies a lower ratio of assessment to actual contract sales price of the lot and improvements for all of the comparable lots it is applied to.
23. The Parties stipulated to the Court that the assessed values generated under the Crum Formula would be used for those appeals filed in 2011.
24. The Honorable Judge Campbell entered an order in each appeal filed 2011, accepting the stipulated value.
25. In 2012, six (6) lots were constructed and initially reassessed using the countywide reassessment methodology.
26. On or about August, 2012, counsel for the Appellants inquired as to why the County Assessment Office was

not following the Crum Formula.

27. Counsel for Appellants and Appellee agreed on an approach whereby the Stoners Farm lot owners would file an appeal to the Board of Assessment Appeals, wherein Counsel for Appellee and/ or Daryl G. Crum would attend the Board of Assessment Appeals hearing and would consent to and not object to the application of the Crum Formula to the consolidated appeals for lots in the Stoners Farm development currently before the Board of Assessment Appeals.
28. At the Board of Assessment Appeals hearing for the six (6) Stoners Farm lots appealed in 2012, Counsel for Appellee and Daryl G. Crum attended the Board of Assessment Appeals hearing and consented to and did not object to the application of the Crum Formula to the consolidated appeals currently before the Board of Assessment Appeals.
29. The Board of Assessment Appeals continued the use of the Crum Formula for the 2012 appeals.
30. At the Board of Assessment Appeals hearing for the ten (10) Stoners Farm properties appealed in 2013, Counsel for Appellee attended the Board of Assessment Appeals hearing and consented to and did not object to the application of the Crum Formula to the consolidated appeals currently before the Board of Assessment Appeals.
31. The Board of Assessment Appeals continued the use of the Crum Formula for the 2013 appeals.
32. At the Board of Assessment Appeals hearing for the twelve (12) Stoners Farm properties appealed in 2014, Counsel for the Appellee attended the Board of Assessment Appeals hearing and expressed concern over the continued use of the Crum Formula, but did not object to its continued use by the Board to the consolidated appeals currently before them.
33. The Board of Assessment Appeals continued the use of

the Crum Formula for the 2014 appeals.

34. At the Board of Assessment Appeals hearing for the seven (7) Stoners Farm properties appealed in 2015, Counsel for Appellee and Daryl G. Crum attended the Board of Assessment Appeals hearing and expressed concern over the continued use of the Crum Formula based in part on the resale of Lot No. 25B.
35. Lot No. 25B in the Stoners Farm development was conveyed by Glenn R. Showvaker to Dennis M. Henley, Sr. and Mary T. Henley on May 15, 2014 for \$349,900.00 as recorded May 19, 2014 in Record Book 5937 at Page 129.
36. The assessment for Lot No. 25B was appealed and reassessed by Appellee under the Crum Formula at \$290,000.00 in 2014, without objection from Counsel for Appellee or Daryl G. Crum.
37. The Board of Assessment Appeals denied the 2015 appeals, and the Appellants have appealed *sub judice*.
38. Forty-one (41) lots constructed and reassessed prior to 2015 are assessed in conformance with the Crum Formula.
39. Three (3) lots constructed and reassessed prior to 2015 were not appealed by the property owner.
40. Seven (7) total assessment appeals for properties in Stoners Farm are currently before this Court *sub judice*.
41. Eight (8) total assessment appeals for properties in Stoners Farm are pending before the Board of Assessment Appeals, to be heard in the fall of 2016.
42. One hundred thirty seven (137) lots remain to be constructed and reassessed in the Stoners Farm development.
43. The Pennsylvania Constitution require that “all taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general

laws.” PA CONST. Art. 8, § 1.

44. A uniformity challenge based on comparable property assessments is permitted. *Albarano v. Bd. of Assess. App., Lycoming County*, 494 A.2d 47, 49 (Pa. Cmwlth. 1985); *Ackerman v. Carbon County*, 703 A.2d 82, 86 (Pa. Cmwlth 1997); *Monroe County Bd. of Assess. App. v. Karlin*, 631 A.2d 1062, 1066 (Pa. Cmwlth. 1993); *Downtown Area School Dist. v. Chester County Bd. of Assess. App.*, 913 A.2d 194, 205 (Pa. 2006)
45. Similar properties should be assessed the same. *Chartiers Valley Indus. & Com. Dev. Auth. v. Allegheny County*, 963 A.2d 587, 592 (Pa. Cmwlth. 2009).
46. Spot reassessment is defined as “the reassessment of a property or properties by a county assessment office that is not conducted as part of a countywide revision of assessment and which creates, sustains or increases disproportionality among properties’ assessed value.” 53 Pa.C.S.A. § 8802.
47. Spot assessment does not include board action ruling on an assessment appeal. 53 Pa.C.S.A. § 8802.
48. An assessment may only be changed upon subdivision, when improvements are made or removed, under a countywide reassessment or to correct a clerical or mathematical mistake. 53 Pa.C.S.A. § 8817; 53 Pa.C.S.A. § 8816.

Continued to next issue (3/31/2017)

REQUEST FOR SEALED BIDS FOR SALE OF REAL PROPERTY

Littlestown Area School District

The Littlestown Area School District (the "District") is accepting sealed bids in the form attached hereto for the purchase of the following real property (the "Property") as described in this Request for Sealed Bids for Sale of Real Property. The Property consists of approximately .228 acres of land, as more particularly described and depicted in Exhibit "A", attached hereto and incorporated herein. The sale of the Property shall be awarded, at the discretion of the Board of School Directors, to the bidder submitting the highest qualifying bid in accordance with the terms outlined below. The Board of School Directors reserves the right to reject any and all bids. A cashier's check, certified check or money order payable to the Littlestown Area School District in an amount equal to 10% of its bid shall be attached to the bid as bid security. Terms and conditions for the sale of the Property shall include:

1. Purchase of the real property in "as is" condition;
2. Conveyance of the Property by special warranty deed;
3. Purchaser to pay all fees, commissions and costs associated with closing the sale of the Property;
4. Purchaser to close the sale within 60 days, after Board of School Directors acceptance of the bid; subject to title defects if any;
5. Execution of Agreement of Sale, for the Property to be sold "as is" with no warranties or representations as to suitability for any particular use other than restricted by zoning.
6. It is the responsibility of the Purchaser to obtain and pay for any title examination and/or survey. Seller offers no guarantee in regard to the quality or condition of the title. Any defect revealed through the Purchaser's research which makes the title unmarketable must be submitted to the Seller in writing within 20 days from the date of the award notice.

By submitting a bid, each bidder agrees to waive and does hereby waive any claim the bidder has or may have against the District, and the District's respective employees and representatives for the awarding of damages or attorney fees, arising out of or in connection with the administration, evaluation, or recommendation of any bid, waiver, deletion or amendment of any requirements under this Request for Sealed Bids for Sale of Real Property,

acceptance or rejection of any bids, and award of the bid.

By execution and submission of this bid, the bidder hereby represents and warrants to the District that the Bidder has read and understands that Request for Sealed Bids for Sale of Real Property and that the bid is made in accordance with the terms stated herein. Bidder acknowledges that it understands all terms herein, which include the waiver provisions, and that it had the right to consult with counsel regarding all applicable documents.

The District reserves the right to waive, delete or amend any of the requirements connected with this bid. Bids shall be delivered in writing on the attached Bid Form, signed by the bidder or an authorized representative, and enclosed in a sealed envelope to the District, marked

"SEALED BID TO PURCHASE REAL PROPERTY."

Bids must be received before 4:00 p.m. on March 30th, 2017, and any bid received after that time will not be considered.

District staff will publicly open, read and tabulate the bids at the District Office of Littlestown Area School District, 162 Newark Street, Littlestown, PA 17340.

Bidders may contact Michael Statler, Business Manager at 717-359-4146 for clarifications and questions.

PROPERTY INFORMATION: EXHIBIT A

ALL THAT CERTAIN tract of land situated in the Borough of Littlestown, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an existing street pin set in the concrete walk on the West side of School Drive, at its intersection with the North side of a 12 foot wide alley, said alley running from the East side of Park Avenue to the West side of School Drive, having on its North side land now or formerly of Bret M. Motter and Littlestown High School, and on its South side land now or formerly of Willodean Higgs and Linda L. Riley; thence along the North side of said alley, South 67 degrees 25 minutes 49 seconds West, 102.30 feet to an existing steel pin; thence along the East side of another 12 foot wide alley, North 22 degrees 34 minutes 11 seconds West, 125.40 feet to an existing steel pin set in the concrete walk on the East side of said alley, at its intersection with the South side of School Drive; thence along said School Drive by a curve to the right having a radius of 100.68 feet for an arc distance of 131.49 feet, the long chord of which is South 71 degrees 50 minutes

58 seconds East, 122.34 feet to an existing steel pin; thence along same, South 34 degrees 25 minutes 55 seconds East, 46.58 feet to an existing steel pin set in the concrete walk on the West side of School Drive, at its intersection with the North side of a 12 foot wide alley, the place of BEGINNING. CONTAINING .228 Acre.

BEING Tract No. 2 in Deed by Littlestown Joint School Authority dated December 20, 1990 and recorded December 21, 1990 in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Deed Book 576, Page 286, granted and conveyed unto Littlestown Area School District.

Mr. Christopher Bigger,
Superintendent Of Schools;
Mr. Michael Statler
Business Manager
162 Newark Street,
Littlestown, PA 17340
(717) 359-4146
FAX: (717) 359-9617
www.lasd.k12.pa.us

3/10, 3/17, 3/24

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 DAVID G. CLINEDINST a/k/a DAVID GRAYSON CLINEDINST, DEC'D**

Late of Menallen Township, Adams County, Pennsylvania

Executor: Michael D. Clinedinst, c/o Jared S. Childers, Esq., R. Thomas Murphy & Associates, P.C., 237 East Queen Street, Chambersburg, PA 17201

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

ESTATE OF DOROTHY B. DIEHL, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executor: Kevin Diehl, 444 Carrolls Tract Road, Fairfield, PA 17320

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

ESTATE OF PATRICIA A. HENRY a/k/a PATRICIA HENRY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Co-Administrators: Leann L. Klingensmith, 324 Forrest Drive, Gettysburg, PA 17325; J. Michael Henry, 1180 The Spangler Road, New Oxford, PA 17350

ESTATE OF THOMAS W. LAYMAN, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Executrix: Rose Jacobs, 3174 Fairfield Road, Gettysburg, PA 17325

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

ESTATE OF BETTY L. SHULTZ, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Ronald Lee Shultz, c/o Barbara Jo Entwistle, Esq., Entwistle & Roberts, 37 West Middle Street, Gettysburg, PA 17325

Attorney: Barbara Jo Entwistle, Esq., Entwistle & Roberts, 37 West Middle Street, Gettysburg, PA 17325

ESTATE OF FRANKLIN D. SMITH, SR., DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Co-Administrators: Franklin D. Smith, Jr. and Cynthia Wisotzkey, c/o Barbara Jo Entwistle, Esq., Entwistle & Roberts, 37 West Middle Street, Gettysburg, PA 17325

Attorney: Barbara Jo Entwistle, Esq., Entwistle & Roberts, 37 West Middle Street, Gettysburg, PA 17325

ESTATE OF JAMES H. STAMBAUGH, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Administrators: David E. Stambaugh, 199 Pine Wood Road, Wellsville, PA 17365; Jeffrey B. Stambaugh, 1586 Mud Run Road, York Springs, PA 17372; James L. Stambaugh, 171 Lost Hollow Road, Dillsburg, PA 17019

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

SECOND PUBLICATION**ESTATE OF MARTHA L. ADAMS, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Juanita Mackley, 190 Darlene Street, York, PA 17402

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

ESTATE OF JOANNA B. KENNEDY, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Benjamin Kennedy, 402 Hanover St., Gettysburg, PA 17325

ESTATE OF DIANE M. KIERNIESKY, DEC'D

Late of Straban Township, Adams County, Pennsylvania

David M. Kierniesky and Stephen N. Kierniesky, c/o Vance E. Antonacci, Esq., McNees Wallace & Nurick LLC, 570 Lausch Lane, Suite 200, Lancaster, PA 17601

Attorney: Vance E. Antonacci, Esq., McNees Wallace & Nurick LLC, 570 Lausch Lane, Suite 200, Lancaster, PA 17601

ESTATE OF NAOMI THERESA MART, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Louis A. Mart, 3 Glendale Street, Hanover, PA 17331

Attorney: Scott J. Strausbaugh, Esq., Becker & Strausbaugh, P.C., 544 Carlisle Street, Hanover, PA 17331

ESTATE OF RICHARD E. SELBY, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Chad Michael Clabaugh, 1314 Hillcroft Lane, York, PA 17403

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

THIRD PUBLICATION**ESTATE OF ADRIENNE D. CAMEL, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Judith Camel, 133 West Street, Gettysburg, PA 17325

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

ESTATE OF BETTY J. DETTER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Ethan J. Eshbach, c/o John C. Herrold, Esq., Griest, Himes, Herrold, Reynosa LLP, 129 East Market Street, York, PA 17401

Attorney: John C. Herrold, Esq., Griest, Himes, Herrold, Reynosa LLP, 129 East Market Street, York, PA 17401

ESTATE OF CHRISTOPHER M. LITTLE, DEC'D

Late of Union Township, Adams County, Pennsylvania

Administrator: James M. Little, Sr., c/o Stonesifer and Kelley, P.C., 209 Broadway, Hanover, Pennsylvania 17331

Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, Pennsylvania 17331

ESTATE OF LARRY R. MUMMERT, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Patti L. Sheely, 513 Prince Street, Littlestown, PA 17340

Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF JOAN L. PARDOE, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Executor: Thomas E. Peach, 1910 Fluse Drive, Marriottsville, MD 21104

Attorney: George W. Swartz, II, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

THIRD PUBLICATION CONTINUED

ESTATE OF MAZIE J. SHRINER, DEC'D

Late of Butler Township, Adams
County, Pennsylvania

Co-Executors: Cecelia Miller a/k/a
Cecilia Miller, 365 Goldenville Road,
Gettysburg, PA 17325; Mark Shriner,
40 Diane Lane, Biglerville, PA 17307

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

ESTATE OF EARLEEN M. SMITH, DEC'D

Late of the Borough of McSherrystown,
Adams County, Pennsylvania

Executor: Scott L. Kelley, Esq.,
Stonesifer and Kelley, P.C., 209
Broadway, Hanover, Pennsylvania
17331

Attorney: Scott L. Kelley, Esq.,
Stonesifer and Kelley, P.C., 209
Broadway, Hanover, Pennsylvania
17331