

Adams County Legal Journal

Vol. 62

April 2, 2021

No. 48, pp. 93-103

IN THIS ISSUE

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

(Part 2 of 4)

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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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

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

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CHANGE OF NAME NOTICE

NOTICE IS HEREBY GIVEN that on March 19, 2021, a Petition for Name Change was filed in the Court of Common Pleas of Adams County, Pennsylvania, requesting a Decree to change the name of the Petitioner, Laura Christine Holloway to Laura Christine Pingree-Holloway. The court has affixed June 11, 2021 at 10:00 a.m., in Courtroom 4, Third Floor of the Adams County Courthouse, as the time and place for the hearing of said Petition, when and where all persons interested may appear and show cause, if any they have, why the request of the Petitioner should not be granted.

4/2

FICTITIOUS NAME REGISTRATION

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on January 14, 2021 for SMOOTH CUT MOWING at 24 Groft Drive, New Oxford, PA 17350. The name and address of each individual interested in the business is Brandon Berkheimer at 24 Groft Drive, New Oxford, PA 17350. This was filed in accordance with 54 Pa.C.S. 311

4/2



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

(Part 2 of 4)

DISCUSSION

I feel compelled to preface this discussion with a response to comments made by Attorney Nock on two occasions. On January 8, 2021, I advised the parties that I would give Kelly an opportunity, at the beginning of the hearing being held that day, to place any concerns he has on the record. Attorney Nock complained, both privately and on the record, that he was not prepared to raise any issue, that he felt the Court was compelling him to do so, and that for strategy reasons he did not want to raise issues at that time. He was reminded that the Court was not requiring his client to state anything on the record but that I was simply giving him the opportunity to do so. President Judge George had properly denied Kelly's request to have me recused because such matters must be presented to the presiding judge. After receipt of a copy of his letter I could not ignore the fact that issues were festering. I believed that it was both imperative and proper to give Kelly the opportunity to raise his concerns at the earliest date. I was also concerned that if that opportunity was not provided, Kelly would later claim that I was aware of his concerns and did not act upon them, to his disadvantage. At the hearing on February 26, Attorney Nock again argued, that the only reason recusal was being pursued at this time was because the undersigned raised the issue on January 8. This advocacy is misplaced. Kelly was not required to make any comments on January 8 and his attorney was so advised repeatedly. Consequently, the Court is not addressing the recusal request because the undersigned compelled it but rather because Kelly requested it.

Even though most of the concerns Kelly raised in his petition have been withdrawn I nevertheless feel compelled to address them, along with the concerns specifically discussed at the time of the hearing. I do this because I believe it is necessary to place in full context the atmosphere in which this recusal is being pursued. I find it concerning that Kelly requested and was granted 3 weeks to file his petition but at no time prior to the hearing (held 4 weeks later) did he indicate to the Court that he intended to introduce new allegations, the

background being known to him for years, and to withdraw nearly all of the original allegations.

Before proceeding to Kelly's specific concerns, I note that the image of Lady Justice wearing a blindfold is more than just a symbolic display. Conscientious judges understand that equal justice for all is more than a talking point. Adherence to an impartial application of the law, regardless of the status of the litigants, represents the standard by which all judges, and the justice system itself, are measured. As stated by our Supreme Court in *Reilly v. Southeastern Pennsylvania Transportation Authority, supra.*,

Questions concerning the fairness, impartially, or bias of the trial court always affect the administration of justice and can cloak the whole system of judicature with suspicion and distrust. Because recusal requests call into question our ability to mediate fairly, they raise important issues in which the public is concerned. If our courts are perceived to be unfair and biased, our future ability to adjudicate the public's grievances and wrongs will be threatened, because we all lose the one thing that brings litigants into our halls of justice their trust. Without the people's trust that our decisions are made without malice, ill will, bias, personal interest or motive for or against those submitting to our jurisdiction, our whole system of judicature will crumble.

489 A.2d at 1301.

During my tenure on the bench, I have taken the oath required of every jurist very seriously. Over those 35 years I have been ever conscientious about displaying an impartial demeanor. In that regard, I have been acutely mindful that the privilege of serving as a judge carries with it certain limiting precautions, including, for example, the consequence that some relationships, which might otherwise be enjoyed, have to be curtailed so that the community's trust in the judiciary can be maintained at the highest level. However, pride in one's ability to be impartial is always subject to scrutiny and must never impede a fair evaluation of each individual circumstance.

At the same time, judges have a duty to address the matters assigned to them to the best of their ability and with an eye to the law of the case and not extraneous issues, such as the personalities

involved. Otherwise, the courts, especially in smaller counties, would be bombarded with recusal requests. Absent sound reasons, recusal should not be granted automatically or in order to avoid some unpleasant or challenging duty. We are instructed that “unwarranted disqualification or recusal may bring public disfavor to the court and to the judge personally.” Code of Judicial Conduct, Rule 2.7, comment 1.

Accordingly, I will conscientiously assess the instant petition with an objective eye toward whether the present circumstances warrant the relief requested.

I. ISSUES SPECIFICALLY ADDRESSED AT THE HEARING

A. The Appointment of Another Judge To Rule Upon the Petition.

Near the beginning of the hearing¹⁵ Kelly moved to have the undersigned recused from deciding the Petition on the basis that I would have to be determining credibility on matters in which I was involved, citing *Municipal Publications, Inc. v. Court of Common Pleas of Philadelphia County*, 489 A.2d 1286 (Pa. 1985). That request was denied because it was not clear, at that point, that I would, in fact, have to be determining my own credibility on matters in which I was allegedly involved.

The issue before the court in *Municipal Publications, Inc.*, was whether a judge should be disqualified from presiding over a hearing on a recusal motion raising factual allegations as to his impartiality which, if proven, would require his recusal. There the crucial legal issue centered on the fact that the judge had personal knowledge of disputed facts and permitted himself to be a crucial witness in the proceedings. That case involved a libel action filed by Mr. Edgehill against Municipal Publications, Inc., Mr. Lipson and Mr. Halpern. The case was tried by Judge Snyder sitting without a jury. After the trial the defendants moved for Judge Snyder’s recusal and included an affidavit from Mr. Lipson alleging the judge’s bias in favor of counsel for Mr. Edgehill. Before addressing the motion, the judge entered a substantial verdict in favor of Mr. Edgehill. At the subsequent recusal hearing the judge gave testimony. The court’s opinion was authored by Chief Justice Nix who wrote:

¹⁵ This occurred after receipt of the testimony of Mr. Clark who was called out of sequence in order to accommodate a scheduling conflict with his employment.

The Code of Judicial Conduct ... requires a judge to “avoid impropriety and the appearance of impropriety in all his activities.” Code of Judicial Conduct, Canon 2. The Code further requires that a judge should disqualify himself in a proceeding in which his impartiality might reasonably be questioned. Code of Judicial Conduct, Canon 3 C. The Code also enumerates certain situations in which a judge should disqualify himself. *Id.* Among these situations are instances where

(a) he has a personal bias or prejudice concerning a party, or personal knowledge of the disputed evidentiary facts concerning the proceeding;

...

[or]

...

(iv) is to the judge’s knowledge likely to be a material witness in the proceeding. *Id.*

At this stage we emphasize that we are not deciding whether Judge Snyder should be disqualified from presiding over the underlying libel action. We are concerned only with whether he may properly take evidence and rule on the motion for his recusal under the unique circumstances presented in this matter. The allegations on which the recusal motion was based focused upon a purported personal relationship between Judge Snyder and counsel for plaintiff Edgehill in the libel suit, and specifically upon alleged *ex parte* discussions between them in chambers concerning the case, including the recusal motion. Taken as a whole those allegations, if true, would require Judge Snyder’s disqualification from the libel action and necessitate a new trial ...

The crucial aspect of the disqualification proceedings is the fact that Judge Snyder actually permitted himself to be called as a witness and decided to give testimony concerning his own conduct. Thus he not only had a personal knowledge of disputed facts but was in a position to rule on objections to his own testimony and to assess his own

credibility in light of conflicting evidence. Under such extraordinary circumstances, it was clearly inappropriate for Judge Snyder to preside over the recusal hearing.

Where the disqualification hearing brings in question the credibility of the judge, it is obvious that the judge is not in the position to maintain the objective posture required to preside over the proceeding and to assume the role of the trier of fact in that proceeding...

489 A.2d at 1289. (citations omitted).

The same day that case was decided the Supreme Court also issued *Reilly v. Southeastern Pennsylvania Transportation Authority, supra*. In that case, another judge was not required to determine whether the trial judge's alleged relationship with various persons involved in the case required recusal. Of significant note, are the comments of Justice Hutchinson¹⁶ in his concurring opinion. There he wrote:

As we made plain in [*Municipal Publications*] a trial judge is not required to call upon another judge to preside over either a trial or a hearing on recusal simply because recusal is requested. He must do so only when he becomes a witness, *id.*, feels it is necessary to defend or explain his conduct on a factual basis ... is personally interested in the outcome of the cause ... is so closely related to a party or his attorney that such personal interest can be presumed, see Canon of Judicial Conduct 3 C, or where the record shows that a particular ruling or rulings which materially prejudice the party seeking recusal resulted from express bias or ill-will against the party ...

489 A.2d at 1307.

As discussed earlier, recusal motions are to be first presented to the judge whose continued involvement is being questioned. Obviously, every recusal request raises some background set of circumstances which involve the judge's purported conduct. Accordingly, the judge to whom the motion is presented must make at least a preliminary determination of the credibility of those allegations before deciding whether to grant or deny the request or decide

¹⁶ Justice Hutchinson joined with the majority in *Municipal Publications, Inc.*

whether to have another judge rule on the recusal request. Kelly would have the Court skip that threshold determination. As noted in *Commonwealth v. Dip, supra.*,

It is true that “no man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome.” ... However, recusal motions are routinely addressed in the first instance by the judge whose recusal is sought ... Therefore, it cannot be the case that any question of fact even remotely involving a judge’s impartiality requires a separate hearing before a separate judge. Instead, the general rule is that a party seeking the recusal of a judge, at a minimum, must satisfy a burden of production and persuasion to show that the recusal claim is not frivolous. This may require the presentation of witnesses or evidence before the judge whose recusal is sought.

221 A.3d at 208. (citations omitted)(emphasis added). Something particularly unique is required before another judge must be substituted to evaluate the need for recusal.

The instant circumstances are not similar to those that required another judge determine the recusal request in *Municipal Publications, Inc.* Based upon the evidence presented, Kelly was not able to sustain his burden for the grant of recusal. After receipt of the testimony offered, the undersigned was able to make a threshold determination that Kelly’s arguments were lacking sufficient foundation to grant his petition. Consequently, the undersigned’s testimony was not required to counter any disputed facts.

B. Testimony of McKenzie Clark.

In 2017-18 Mr. Clark was a lawyer in the Martson Law Offices located in Carlisle, Pennsylvania. He was Kelly’s attorney in certain aspects of the divorce action.¹⁷

Mr. Clark testified that sometime in the Fall of 2018 he received a telephone call from the undersigned involving a scheduling matter.

¹⁷ The docket entries in the divorce matter indicates that Mr. Clark entered his appearance as Kelly’s attorney on April 3, 2017. The docket does not reveal that Mr. Clark withdrew his appearance but the last document filed of record indicating his involvement in the case is a letter addressed to him and Attorney Quinn from the divorce master dated October 4, 2018.

Mr. Clark was unable to recall any specific details of the conversation. He believes he had filed a petition but could not recall the nature of that pleading.¹⁸ He testified that nothing was stated either negatively or positively about the parties, there were no thoughts shared about the merits of the case, and no threats were made. Nevertheless, he testified that he expressed his concern or discomfort to others in the firm and notified Kelly of the conversation. Mr. Clark took no further action regarding that telephone call.

Kelly contends that this ex-parte communication was improper and requires my recusal. I disagree for several reasons. Procedurally, there is no need for another jurist to ascertain that a call was made or the contents thereof. At the hearing I did not contest that such a phone call may have taken place nor did I attempt to testify contrary to Mr. Clark's recollection.¹⁹ Therefore, the fact that a call was made is not in dispute. Accordingly, there is no need to have another judge determine disputed facts in that regard.

Substantively, even accepting Mr. Clark's version of the event, it is far from clear that the call constituted an improper ex-parte communication. Rule 2.9 of the Code of Judicial Conduct provides that when circumstances require it, ex-parte communications are permitted for scheduling purposes if such communications do not address substantive matters. Mr. Clark confirmed that the call was about scheduling and did not involve a discussion of any issue of substance. Furthermore, even if there had been a violation of the Code

¹⁸ The docket entries in the divorce matter offer no assistance in determining what petition Mr. Clark may have filed. On July 7, 2017, he filed a Motion to Compel Cooperation With Subpoena. An Order directing a response was entered on August 2, 2017. Because no answer was filed his motion was granted without further proceedings on September 1, 2017. On May 16, 2018, Mr. Clark filed a petition for APL which was transferred to the Domestic Relations Office. The docket does not reveal Mr. Clark having filed any other petition for the balance of his representation of Kelly. Julia filed a series of formal requests in 2018 including a) motion for appointment of master (July 17), b) petition for special relief seeking bifurcation and request to bar Kelly from the marital home during property inventory (Aug 6), and c) demand for hearing de novo regarding APL (Aug. 9). These matters were all addressed by Orders entered after a hearing held on September 18. It is quite possible that Mr. Clark is confused about the time frame but without better information further comment is improper.

¹⁹ As a senior judge most of my work is done in my home. I do not have a secretary. Sometimes, but rarely, it becomes necessary to contact attorneys to arrange the scheduling of some event. Currently, I have no independent memory of making a call to Mr. Clark however I will assume, for this determination, that he is correct in his recitation.

there is no per se rule that such violation requires recusal. *Commonwealth v. Druce*, 848 A.2d 104, 108 (Pa. 2004). Here there is no indication, even from Mr. Clark, that the call had any substantive impact upon subsequent proceedings in the divorce case. In fact, nothing about the call supports the request for recusal. The call purportedly occurred more than two years ago and involved a scheduling matter in the divorce case and not the instant partition action. Nothing was reportedly stated in the call that evidenced any prejudice, bias or partiality.

No reasonable person would suggest that recusal is required based upon this allegation.

C. The Status of Barbara as a local attorney

Kelly's primary concern appears to focus upon the fact that Barbara is an attorney who has practiced law in Adams County since 1984. He simply believes that having a local judge preside over a case in which Barbara is a party is improper. The law concludes otherwise. The mere fact that a local attorney is a party to litigation does not, by itself, establish bias, prejudice or partiality to a degree that requires recusal. Kelly seems to confuse or equate acquaintance with partiality. Judges know many people in a county and many people know judges. Therefore, a requirement that a judge automatically recuse himself in a matter where an acquaintance is a party, or has an interest in a case, is an unworkable rule in that it is based on the false assumption that no judge can remain impartial in such circumstances. *Lomas v. Kravitz, supra.*, 130 A.3d at 435; *In Re 1995 Audit of Middle Smithfield Township*, 701 A.2d 793, 795 (Pa. Comwlth 1997).²⁰ I have discovered no case, nor has Kelly advanced one, where recusal is required just because a local attorney is a party. Something more is required. Interestingly, by way of comparison, in *Commonwealth v. Irwin*, 579 A.2d 955 (Pa. Super. 1990),²¹ recusal was not required where the judge had practiced law with an attorney for one of the parties. Not even that close of a relationship exists in this case.

Without any credible evidence and for the sole reason that she is a local attorney, Kelly seems to believe that Barbara has a special relationship with the undersigned that would lead to partiality in her

²⁰ App. den. 727 A.2d 134 (Pa. 1997).

²¹ App. den. 588 A.2d 913 (Pa. 1991).

favor. However, Kelly failed to present any credible or substantial evidence of a special social or professional relationship between Barbara and myself that is noteworthy or that would warrant recusal.

Barbara testified that she has been an attorney in Adams County since the mid-1980s. She stated that she has never had a social relationship with any judge. No judge has been in her home nor has she been in the home of any judge. Kelly offered no example of any social interaction between Barbara and myself. His sole attempt to establish the existence of a social relationship concerned me allegedly parking near the Entwistle residence during a Civil War re-enactment. Not surprisingly, the Gettysburg area has hosted Civil War re-enactments during the anniversary of the local battle for many years. One of the primary organizers of these events is my first cousin. The re-enactments have been located at different locations depending upon the expected number of participants and spectators. Normally, 5-year anniversaries are larger events. On occasion, the primary site for a larger event has been a rural property abutting Table Rock Road and owned by the Redding family. The Entwistle family owns property adjacent to the Redding property. Kelly claims that at one of the events²² between 2003 and 2013, some parking for attendees was permitted in a field next to the Entwistle residence. He assumes, without evidence, that Barbara and her husband specifically invited the undersigned to park there on that one occasion. That assumption seems to be based solely on the assertion that Kelly claims to have seen me parked at the property at that time.²³

Barbara testified that she never extended specific invitations to any judge to park at her property and Kelly did not counter this assertion with specific facts. She does, however, recall extending an open invitation to anyone she knew to park at her property if they were attending the re-enactment. There was no testimony that I interacted

²² Either the 140th, 145th or 150th anniversary of the Battle of Gettysburg.

²³ To the best of my knowledge, I only recall attending the re-enactment at the Redding property on two occasions when I escorted out-of-town family to watch the event. Usually, when I attended such events, I would receive advice from my cousin as to where to park. On one occasion I specifically remember being taken there via shuttle bus. It is quite possible that I drove on the other occasion. Frankly, I have no recollection of having parked on the Entwistle property. However, I am not challenging Kelly's testimony that he may have seen me at the event or that I might have parked in the Entwistle field. It is as likely that the direction to park there came from my cousin as it is that there was an invitation from Barbara.

with Barbara or any member of her family or that I went to their residence while at the event.

Kelly also contends that there is a special relationship between Barbara and the local judiciary because “the courthouse was shut down so that people could go” to her husband’s viewing. James Entwistle passed away on February 1, 2018. By that time, I had been retired for over 2 years. I would have had no involvement with, or knowledge whether, the courthouse was closed for his viewing. However, experience would suggest that no such closing occurred because the courthouse has traditionally not been closed even for the passing of a local attorney, let alone their spouse. Barbara was not aware of any such closing. Kelly did not attend the viewing so he was unable to state who was there. Barbara testified that, to her recollection, no judge attended the viewing nor did any judge send a sympathy card.

Kelly testified that some event(s) occasioned his children to be before the undersigned in a courtroom setting and that Barbara was able to arrange some “questionable favor” for them on that occasion. Kelly could not identify the nature of the case (i.e., juvenile, criminal), had only a vague recollection as to when this occurred (10-15 years ago), and offered no suggestion as to what special treatment was received. He only knew that he was happy with the results. Kelly appears to have concluded that a special deal was arranged through the court because prior to the proceeding Barbara explained to him “here is how the case would go” and that at some moment in the proceeding he detected a nod between the undersigned and Barbara. Kelly offered no testimony that Barbara, in fact, told him that she had arranged an outcome with the Court alone or as part of an agreement with the opposing party.

Any lawyer would rightfully review with a client and their family what to expect when appearing in court. A nod, if there was one, could indicate any number of possibilities (i.e., a greeting, an indication to proceed with questioning, etc.) This background does not mean, or even suggest, that anything nefarious was occurring. Barbara acknowledged representing her grandchildren in several court matters. She stated that it would be customary to discuss matters with a district attorney but vehemently denied having any conversations with a judge to arrange the outcome of a case. Kelly’s suspicions are clearly lacking any credible basis.

Kelly has not claimed that I am related by blood or marriage to any of the parties nor that any member of my immediate family, now or in the past, has had any social or business relations with the parties. There is no dispute that I have known Barbara in her professional capacity as an attorney who practiced before the local court for many years. Barbara testified that, over the years, 25 – 50% of her practice has been devoted to criminal matters. In the past Barbara would mostly appear before me in criminal matters, however, I normally did not preside over criminal cases for the last decade prior to my retirement. She testified that occasionally she would be appointed to a juvenile court matter. I agree that sometimes, but not often, she would appear before me in juvenile court matters between 2002 and 2015. Additionally, Barbara testified that approximately 50% of her practice has been devoted to family law matters. From at least 1998 until my retirement, all family law matters in Adams County were presided over by Hon. Robert Bigham.²⁴ Finally, Barbara could not recall appearing before me in any other civil law cases for at least 15 years or more. As noted, I was retired for over two years prior to being assigned to any of these cases and during that time I was not assigned any case in which Barbara appeared as a party or any attorney.

Based upon this background no reasonable person would contend that a relationship exists that requires recusal.

(continued to next issue 4/9/21)

²⁴ Retired as of December 31, 2015.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Important points to remember:

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

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

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

COURT OF COMMON PLEAS
 CIVIL DIVISION
 ADAMS COUNTY
 NO: 2018-SU-0001236

NOTICE OF SHERIFF'S SALE
 OF REAL PROPERTY

Bank of New York Mellon Trust Company, N.A. as Trustee for Mortgage Assets Management Series I Trust, PLAINTIFF

vs.

Unknown Heirs Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Ock H. Stoner, deceased and Paula Lee Stoner, Known Heir of Ock H. Stoner, deceased and Rose Stoner, Known Heir of Ock H. Stoner, deceased; and Marcia Stoner, Known Heir of Ock H. Stoner, deceased and Alesia Naimi, Known Heir of Ock H. Stoner, deceased, DEFENDANTS

TO: Unknown Heirs Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Ock H. Stoner, deceased

82 Carrolls Tract Road
 Fairfield, PA 17320

Your house (real estate) at: 82 Carrolls Tract Road, Fairfield, PA 17320, 18C14-0046---000 is scheduled to be sold at Sheriff's Sale on July 6, 2021 at: Adams County Sheriff's Office, Adams County Courthouse, Attn: Sheriff, Room #4, Gettysburg, PA 17325 at 10:00 AM to enforce the court judgment of \$220,577.86 obtained by Bank of New York Mellon Trust Company, N.A. as Trustee for Mortgage Assets Management Series I Trust 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 cancelled if you pay back to Bank of New York Mellon Trust Company, N.A. as Trustee for Mortgage Assets Management Series I Trust the amount of the judgment plus costs or the back payments, late charges, costs, and reasonable attorneys fees due. To find out how much you must pay, you may call: (610) 278-6800.
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 be able to stop the sale through other legal proceedings.
4. 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 notice on page two of 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.

5. 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 (610) 278-6800.
6. 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.
7. The sale will go through only if the buyer pays the Sheriff the full amount due in the sale. To find out if this has happened you may call 717-337-9828 .
8. 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.
9. 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.
10. You may be entitled to a share of the money, which was paid for your house. A schedule of distribution of the money bid for your house will be filed by the Sheriff no later than thirty days after the Sheriff Sale. This schedule will state who will be receiving the money. The money will be paid out in accordance with this schedule unless exceptions

(reasons why the proposed distribution is wrong) are filed with the Sheriff within ten (10) days after the date of filing of said schedule.

11. You may also have other rights and defenses or ways of getting your house 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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE LISTED BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.


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

PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT YOU ARE ADVISED THAT THIS LAW FIRM IS DEEMED TO BE A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

18-060833

Logs Legal Group LLP
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 PA I.D. No. 78447
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 E-Mail: pahelp@logs.com
 LLG FILE NO. 18-060833

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Terry P. Leslie, M.Ed., CRC, ABVE/D, LPC
 President/Vocational Expert

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 M. KAAS, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Douglas A. Kaas, c/o Jessica Fisher Greene, Esq., Walters & Galloway, PLLC, 54 East Main Street, Mechanicsburg, PA 17055

Attorney: Jessica Fisher Greene, Esq., Walters & Galloway, PLLC, 54 East Main Street, Mechanicsburg, PA 17055

ESTATE OF DELLA V. LAMER a/k/a DELLA V. SNYDER, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executors: Donald L. Snyder, 170 Honda Road, Littlestown, PA 17340; Kay R. Stuffle, 90 Kensington Drive, Littlestown, PA 17340

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

ESTATE OF DONALD E. NOACK a/k/a DONALD ELGIN NOACK, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Co-Executrices: Sandra N. Monto, 11 Revere Court, Littlestown, PA 17340; Nancy Noack Beth, 17509 Cherokee Lane, Olney, MD 20832

Attorney: Amy E.W. Ehrhart, Esq., 118 Carlisle Street, Suite 202, Hanover, PA 17331

ESTATE OF G. RICHARD REAVER, a/k/a GLENN RICHARD REAVER, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executors: Donna L. Ohler, 39 Park Avenue, Littlestown, PA 17340; David R. Reaver, 775 Marsh Creek Road, Gettysburg, PA 17325

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

ESTATE OF RICHARD N. REDDING, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Richard T. Redding, 1001 Herr's Ridge Road, Gettysburg, PA 17325; Barbara A. Klunk, 50 Shady Lane, Hanover, PA 17331; Daniel J. Redding, 21 Ivy Lane, Gettysburg, PA 17325

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

ESTATE OF TYNIA T. RICHARDSON a/k/a TYNIA TREMBOW RICHARDSON, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Co-Executors: Edward Todd Richardson, 13154 Welty Road, Waynesboro, PA 17268; Christopher Paul Richardson, 1037 Orrtanna Road, Orrtanna, PA 17353; Eric Steven Richardson, 13189 Seneca Drive, Waynesboro, PA 17268

Attorney: Adam D. Boyer, Esq., Barley Snyder, LLP, 123 Baltimore Street, Suite 101, Gettysburg, PA 17325

ESTATE OF GRACE R. RUPPERT, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Executor: Brian L. Ruppert, c/o Sharon E. Myers, Esq., CGA Law Firm, PC, P.O. Box 606, East Berlin, PA 17316

Attorney: Sharon E. Myers, Esq., CGA Law Firm, PC, P.O. Box 606, East Berlin, PA 17316

ESTATE OF BARBARA JEAN SANDERS, DEC'D

Late of Washington County, Maryland

Executor: David A. Sanders, 16601 Tammany Manor Road, Williamsport, MD 21795

Attorney: Lawrence R. Rife, IV, Esq., Hoskinson, Wenger & Rife, 147 East Washington Street, Chambersburg, PA 17201

ESTATE OF BENJAMIN WEAVER a/k/a BENJAMIN N. WEAVER, SR., DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Administrator CTA: William C. Hondos, c/o Scott L. Kelley, Esq., Barley Snyder, LLP, 14 Center Square, Hanover, PA 17331

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

SECOND PUBLICATION**ESTATE OF JULAINE T. AYERS, DEC'D**

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

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

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

ESTATE OF DAVID EDWARD BAUMGARDNER, DEC'D

Late of Reading Township, Adams County, Pennsylvania

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

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

ESTATE OF WANDA JEAN BAUMGARDNER, DEC'D

Late of Reading Township, Adams County, Pennsylvania

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

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

ESTATE OF WILLIAM M. CLEVELAND, DEC'D

Late of Straban Township, Adams County, Pennsylvania

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

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

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

Late of Mount Joy Township, Adams County, Pennsylvania

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

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

SECOND PUBLICATION CONTINUED

ESTATE OF BONITA A. McCLEARY, DEC'D
Late of Butler Township, Adams County, Pennsylvania

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

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

ESTATE OF ANNA BELLE MUMMERT, DEC'D

Late of Straban Township, Adams County, Pennsylvania

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

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

ESTATE OF EDWARD M. RESH, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

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

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

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

Late of the Borough of Gettysburg, Adams County, Pennsylvania

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

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

ESTATE OF TIMOTHY ALLEN SMITH, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

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

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

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

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

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

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

ESTATE OF TORY J. WEIKERT, DEC'D

Late of Butler Township, Adams County, Pennsylvania

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

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

THIRD PUBLICATION

ESTATE OF MERLE S. BUCHER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

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

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

Late of Cumberland Township, Adams County, Pennsylvania

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

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

ESTATE OF JOHN E. EVERHART, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

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

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

ESTATE OF NOELIA D. GEHRKE, DEC'D

Late of Union Township, Adams County, Pennsylvania

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

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

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

Late of Mt. Pleasant Township, Adams County, Pennsylvania

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

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

ESTATE OF LARRY DAVID LAUGHMAN, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

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

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

ESTATE OF HELEN LYNCH, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

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

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

ESTATE OF VIOLET V. MAUSS, DEC'D

Late of Butler Township, Adams County, Pennsylvania

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

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

ESTATE OF JEAN M. McFERREN, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

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

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

ESTATE OF EDWARD H. NACE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

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

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

ESTATE OF MARIAN A. REAVER, DEC'D

Late of Mount Joy Township, Adams County, Pennsylvania

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

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

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

Late of Cumberland Township, Adams County, Pennsylvania

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

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