

Adams County Legal Journal

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No. 4, pp. 21-28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-498 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of June, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in Mount Pleasant Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an iron pipe on the edge of a 50 foot wide right of way known as Country Drive, at corner of Lot No. 71, as shown on the hereinafter identified survey; thence by Lot No. 71, South 70 degrees 35 minutes 46 seconds East, 200.00 feet to an iron pin along line of lands now or formerly of Thomas P. Gebhart; thence along said other lands now or formerly of Thomas P. Gebhart South 19 degrees 24 minutes

14 seconds West, 96.00 feet to an iron pipe at corner of Lot No. 73; thence by Lot No. 73, North 70 degrees 35 minutes 46 seconds West, 200.00 feet to an iron pipe on the edge of a 50 foot wide right of way known as Country Drive, at corner of Lot No. 73; thence continuing along the right of way of Country Drive, North 19 degrees 24 minutes 14 seconds East, 96.00 feet to an iron pipe on the edge of a 50 foot wide right of way known as Country Drive, at corner of Lot No. 71, the point and place of BEGINNING, CONTAINING 19,200 square feet.

THE above description for Lot No. 72 was taken from a subdivision plan entitled "Wheatland Acres", dated April 7, 1987 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 51 at page 15.

IMPROVEMENTS: Residential dwelling
TAX ID # (32) 004-0097

TITLE TO SAID PREMISES IS VESTED IN Gary I. Kemper and Robin D. Kemper, his wife by Deed from Thomas P. Gebhart and Mary L. Gebhart, his

wife, dated 5/13/1999 and recorded 5/18/1999 in Record Book 1833, Page 1.

SEIZED and taken into execution as the property of **Gary I. Kemper, Robin D. Kemper & United States of America** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 17, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/5, 12 & 19

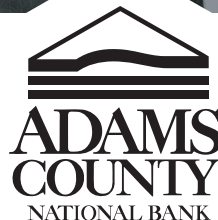
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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1661 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of June, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate on the Southwest side of the Hanover-Carlisle State Highway in Huntingdon Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point at the State Highway aforesaid at lands now or formerly of Robert F. Fair, also known as Lot No. 5; Thence by Lot No. 5, South 51-1/2 degrees West, 180 feet to a point at an alley; thence by said alley, North 38-1/2 degrees West, 60 feet to a point at lands now or formerly of Harry H. Plank, also known as Lot No. 3; thence by Lot No. 3, North 51-1/2 degrees East, 180 feet to a point at the State Highway aforesaid; thence by said Highway, South 38-1/2 degrees East, 60 feet to a point, the place of BEGINNING.

It being known as Lot No. 4 on plan of lots laid out by Daniel Plank.

BEING the same premises which Rhonda Renee Hardman, an unmarried person, by her deed dated November 30, 1999, and recorded in the office of the Recorder of Deeds in and for Adams County in Record Book 1961, Page 0330, granted and conveyed to Stephen R. Zink and Jamie H. Zink, husband and wife, the Grantors herein.

TITLE TO SAID PREMISES IS VESTED IN John J. Kauffman and Rebecca A. Kauffman, h/w, as tenants of an estate by the entireties, by Deed from Stephen R. Zink and Jamie H. Zink, h/w, dated 01/29/2007, recorded 02/05/2007 in Book 4732, Page 157.

Tax Parcel: (22) I04-0069

Premises Being: 8486 Carlisle Pike, York Springs, PA 17372-9516

SEIZED and taken into execution as the property of **John Joseph Kauffman & Rebecca A. Kauffman** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 10, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/29, 6/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1520 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of June, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

All that tract of land situate, lying and being in Union Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin off the Eastern edge of Township Road T-458 (Chestnut Hill Road), at corner of land now or formerly of William Hilker; thence along said eastern edge of Township Road T-458, North 18 degrees 01 minute 14 seconds West, 115.00 feet to an iron pin at corner of other land now or formerly of Paul J. Foltz, designated as Lot No. 3 on the hereinafter referred to draft of survey; thence by said Lot No. 3, North 71 degrees 58 minutes 46 seconds East, 250.00 feet to an iron pin on line of other land now or formerly of Paul J. Foltz; thence by said other land of Paul J. Foltz, South 18 degrees 01 minute 14 seconds East, 116.79 feet to an iron pin on line of land now or formerly of William Hilker aforesaid; thence by said land of William Hilker, and passing through an existing iron pin set back 15.11 feet from the next mentioned point, South 72 degrees 23 minutes 26 seconds West, 250.00 feet to a point off the eastern edge of Township Road T-458

(Chestnut Hill Road), the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Bernard McVicker, a married man, by Deed from June E. McVicker, dated 06/24/2002, recorded 07/09/2002 in Book 2724, Page 244.

Tax Parcel: (41) K17-0099

Premises Being: 430 Chestnut Hill Road, Hanover, PA 17331-9025

SEIZED and taken into execution as the property of **Bernard McVicker** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 10, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/29, 6/5 & 12

WASHINGTON MUTUAL VS. GEARHART AND WILSON

1. Summary judgment is granted whenever there is no genuine issue of material fact as to a necessary element of the cause of action or defense and the moving party is entitled to judgment as a matter of law.

2. The non-moving party bears a clear duty to respond to a motion for summary judgment. The non-moving party may not rest upon the averments contained in its pleadings; instead, it is required to show, by depositions, answers to interrogatories, admissions or affidavits, that there is a genuine issue for trial.

3. Although the Defendant/co-owner Gearhart did not file a response to the present Motion, this Court must still analyze Plaintiff's averments to determine if it has established that no genuine issue of material fact exists and that it is entitled to judgment as a matter of law.

4. Because the mortgagor is the only party, apart from the mortgagee, who could have sufficient knowledge upon which to base a specific denial as to the amount due on the mortgage, a general denial with respect to this amount constitutes an admission.

5. Opponents of a motion for summary judgment cannot merely rely upon their pleadings to assert genuine issues as to the reasonableness of attorney's fees assessed against them.

6. In an action for mortgage foreclosure, the entry of summary judgment is proper if the mortgagor admits that the mortgage is in default, that he has failed to pay interest on the obligation, and that the recorded mortgage is in the specified amount.

In the Court of Common Pleas of Adams County, Pennsylvania,
Civil, No. 06-S-611, WASHINGTON MUTUAL BANK, F.A., VS.
JANICE E. GEARHART AND MARTHA A. WILSON.

Joseph P. Schalk, Esq., for Plaintiffs

George W. Swartz, II, Esq., for Defendant

Kuhn, P.J., September 18, 2008

OPINION PURSUANT TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Before the Court is Plaintiff's Motion for Summary Judgment. For the reasons set forth in this Opinion, said Motion is granted.

This case involves a dispute regarding the alleged default of Defendants, Janice E. Gearhart and Martha A. Wilson, to Plaintiff, Washington Mutual Bank, F.A.. The factual background has been gathered from the pleadings, affidavit, exhibits, and motion.

FACTUAL AND PROCEDURAL BACKGROUND

On June 23, 1999, Defendants executed and delivered a mortgage to Homeside Lending, Inc. for the principal sum of \$103,000.00 on real estate located at 201 Schottie Road, Littlestown, Adams County, Pennsylvania. The mortgage was recorded in the Adams County

Recorder of Deeds Office in Book 1866, at page 115. (Plaintiff's Motion Ex. A). By Assignment of Mortgage recorded September 30, 1999, the Mortgage was assigned to IMC Mortgage Company, which Assignment is recorded in Assignment of Mortgage Book No. 1923, at page 322. (Plaintiff's Motion Ex. A1). By Affidavit of Lost Assignment of Mortgage recorded May 7, 2008, the Mortgage was assigned to Plaintiff, which Affidavit of Lost Assignment is recorded in Assignment of Mortgage Book No. 5199, at page 331 (Plaintiff's Motion Ex. A2).

Plaintiff filed a Complaint in Mortgage Foreclosure on June 2, 2006, in which it alleges that Defendants are in default on the mortgage as a result of failing to pay the monthly installment due November 1, 2004 and all subsequent installments thereafter. The Action was re-instated on December 6, 2007. Defendant Gearhart filed an Answer on March 6, 2008. Default Judgment was entered against Defendant Wilson on June 23, 2008.

Defendant Gearhart admitted Paragraph 1 which identified Plaintiff.

Defendant Gearhart admitted Paragraph 2 which identified her and Wilson as the mortgagors and owners of the subject property.

Paragraph 3 identified the mortgage dated June 23, 1999 and that Plaintiff was the assignee of the mortgage executed to Homeside Lending, Inc. Paragraph 4 identified the subject property. Defendant Gearhart admitted these averments.

In Paragraph 5 Plaintiff averred the default. Defendant Gearhart answered,

Denied. It is denied the mortgage is in default because monthly payments of principal and interest upon said mortgage due 11/01/2004 and each thereafter are due and unpaid. Additionally, the mortgage is a document which speaks for itself and any interpretation thereof by Plaintiff as set forth in this Complaint is further denied.

In Paragraph 6 Plaintiff set forth the amount owed. Defendant answered,

Denied. It is denied the amounts set forth by Plaintiff as being due are correct. Strict Proof thereof is demanded.

In Paragraph 7 Plaintiff explained the calculation of attorney's fees. Defendant Gearhart answered,

Denied. The mortgage is a document which speaks for itself and any interpretation made thereof on the part of the Plaintiff is denied by Defendant.

In Paragraph 8 Plaintiff averred its compliance with statutory notice requirements and Defendants' failure to request a face to face meeting. Defendant Gearhart admitted that she received these documents, but indicated it was unknown to her whether Defendant Wilson received them, and therefore denied that specific averment. Defendant Gearhart also denied that she failed to meet with Plaintiff.

In Paragraph 9 Plaintiff averred that this action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000. Defendant Gearhart admitted this.

On August 5, 2008 Plaintiff filed a Motion for Summary Judgment, supporting brief, a copy of the mortgage agreement and assignments, and the affidavit of Ann Garbis, Vice President of Washington Mutual Home Loans, S.B.M. Washington Mutual Bank. Ms. Garbis attests to Defendants being in default and the amount owed on the mortgage. Ms. Garbis also asserts that Notice of Intention to Foreclose has been sent to Defendants. This notice has been attached to Plaintiff's Summary Judgment Motion as "Exhibit E." The Motion is addressed to the interest of Defendant Gearhart only. Therefore, she will be referred to hereafter simply as "Gearhart."

Plaintiff asserts that Gearhart has defaulted and the Plaintiff is entitled to judgment as a matter of law. Gearhart failed to file a responsive brief within 30 days in accordance with Pennsylvania Rule of Civil Procedure 1035.3, nor has an extension been requested.

DISCUSSION

Summary judgment is granted whenever there is no genuine issue of material fact as to a necessary element of the cause of action or defense and the moving party is entitled to judgment as a matter of law. Pa.R.C.P. 1035.2; *Wolloch v. Aiken*, 815 A.2d 594, 595 (Pa. 2002), *Harber Philadelphia Center City Office Ltd. v. LPCI Ltd. P'ship, LCCO*, 764 A.2d 1100, 1103 (Pa. Super. 2000). The purpose of Rule 1035.2 is to eliminate cases prior to trial where a party cannot make out a claim or defense after discovery has been completed. *Wolloch*, 815 A.2d at 596. The party moving for summary judgment has the burden of proving that there is no genuine issue of material fact. *Citicorp*

Mortgage, Inc. v. Morrisville Hampton Vill. Realty Ltd. P'ship, 662 A.2d 1120, 1122 (Pa. Super. 1995). This Court must resolve all doubts against Plaintiff, as the moving party, and examine the record in a light most favorable to Defendant, as the non-moving party. *Id.*

Pursuant to Rule 1035.3, the non-moving party bears a clear duty to respond to a motion for summary judgment. Pa.R.C.P. 1035.3(a)(1)-(2); *Harber Philadelphia Center City Office Ltd.*, 764 A.2d at 1104. The non-moving party may not rest upon the averments contained in its pleadings; instead, it is required to show, by depositions, answers to interrogatories, admissions or affidavits, that there is a genuine issue for trial. *Buckno v. Penn Linen & Unif. Serv., Inc.*, 631 A.2d 674, 676 (Pa. Super. 1993). If the non-moving party does not respond, the court may grant summary judgment on that basis. Pa.R.C.P. 1035(d); *Harber Philadelphia Center City Office Ltd.*, 764 A.2d at 1105 (emphasis added). Accordingly, although Gearhart did not file a response to the present Motion, this Court must still analyze Plaintiff's averments to determine if it has established that no genuine issue of material fact exists and that it is entitled to judgment as a matter of law.

Plaintiff asserts that Gearhart's Answer did not raise any legal or factual issues providing a basis to deny Plaintiff's Motion for Summary Judgment. Plaintiff argues in its brief that Gearhart, through the averments in her answer, effectively admitted every allegation of Plaintiff's Complaint, therefore there is no genuine issue of material fact. Plaintiff contends that Gearhart's averments do not constitute denials in that she fails to support any of the denials with specificity. Particularly, Plaintiff asserts Gearhart's averments do not comport with Pa.R.C.P. 1029. Rule 1029(b) provides:

Averments in a pleading to which a responsive pleading is required are admitted when not denied specifically or by necessary implication. A general denial or a demand for proof, except as provided by subdivisions (c) and (e) of this rule, shall have the effect of an admission.

Pa.R.C.P. 1029(b). Subsection (c) allows for general denial when a party states that after reasonable investigation it is unable to form a belief as to the truth of the averment. Subsection (e) allows general denials when seeking monetary relief in personal injury actions.

We begin with Gearhart's response to Plaintiff's allegations in Paragraphs 1-4 of the Complaint. In Paragraphs 1 & 2 Gearhart

admits the identity of the parties and that she is a co-owner of the subject property. She also admits Paragraphs 3 & 4 which establishes the existence of the mortgage delivered by both defendants to Homeside Lending, Inc., the assignment of that mortgage to Plaintiff, and the description of the subject property.

Next this Court addresses whether there exists an issue of fact as to Paragraphs 5 and 6 of the Complaint. Paragraph 5 alleges that the mortgage is in default due to defendants' failure to make the required payment on November 1, 2004, and all subsequent payments thereafter. Paragraph 6 lays out the amounts due on the mortgage. Plaintiff asserts that because Gearhart knew specifically of her own mortgage account, a general denial without reference to what she believes to be the correct amount or reference to any good reason to believe the amount sought is erroneous and a demand for proof is insufficient to establish a genuine issue of fact. I concur. Gearhart's denials constitute general denials. In *First Wisconsin Trust Company v. Strausser*, 653 A.2d 688 (Pa. Super. 1995) the court held that because the mortgagor is the only party, apart from the mortgagee, who would have sufficient knowledge upon which to base a specific denial as to the amount due on the mortgage, a general denial with respect to this amount constitutes an admission. *Id.* at 692. In the instant case, Paragraphs 5 and 6 of the Complaint aver facts which specifically concern Gearhart's own knowledge and information. Gearhart presumptively has personal knowledge as to whether she paid the monthly installments on her mortgage and the amount due on the mortgages; therefore, she has sufficient knowledge upon which to base specific denials. Thus, Gearhart's general denials in Paragraphs 5 and 6 concerning the principal amount and interest due are deemed admissions.

Even if this Court were not to find that Gearhart's denials are deemed admissions, Plaintiff has established through supporting exhibits that she is in default on her mortgage. Plaintiff has provided a detailed payment history indicating that the defendants have not paid since November 1, 2004. (Plaintiff's Motion Ex. F). Plaintiff also sent Gearhart a payoff quote on March 28, 2008 (Plaintiff's Motion Ex. G). Furthermore, Plaintiff has submitted the affidavit of Ms. Garbis who attested to the amount due on the mortgage and the defendants' default. Further, Plaintiff has included a copy of the Act 91 Notice sent to Gearhart informing her she was in default and warning her of the consequences. Perhaps most importantly,

Gearhart has failed to challenge any of these assertions. Thus, Plaintiff has established that there is no genuine issue of material fact on whether the defendants have defaulted on their mortgage.

With regard to the remainder of Paragraph 6 and all of Paragraph 7 relating to attorney's fees, Plaintiff claims that the amount requested in attorney's fees is five percent of the principal amount due on the loan and therefore reasonable. Gearhart simply denies this and states that the mortgage is a document which speaks for itself. As stated above, opponents of a motion for summary judgment cannot merely rely upon their pleadings to assert genuine issues as to the reasonableness of attorney's fees assessed against them, and failure to present facts through counter-affidavits, depositions, admissions, or answers to interrogatories is not sufficient to contest the motion. *Washington Federal Savings & Loan Assoc. v. Stein*, 515 A.2d 980, 983 (Pa. Super. 1986)(court upheld grant for summary judgment, which included an attorney's commission of 5% of the balance due on the loan). Accordingly, without having submitted anything in response to Plaintiff's present Motion, Gearhart fails to raise any genuine issues as to Plaintiff's proposed attorney's fees. Consequently, I find these fees reasonable.

In Pennsylvania, a mortgagee is entitled on a foreclosure to recover costs, including reasonable attorney's fees, which is determined by the circumstances of the particular case. *Citicorp Mortgage, Inc. v. Morrisville Hampton Village Realty Ltd. Partnership*, 662 A.2d 1120, 1123 (Pa. Super. 1995). Gearhart received Notice pursuant to Act 91 of 1983 which provides that if the mortgage is foreclosed on, she will be liable for attorney's fees. Additionally, Paragraph 7 of the mortgage itself provides that if the "[b]orrower fails to perform the covenants and agreements contained in this Security Instrument...Lender's actions may include...paying reasonable attorneys' fees." Gearhart was clearly put on notice that she would be subject to paying reasonable attorney's fees. Given that Pennsylvania courts recognize a five percent commission to be a reasonable rate for attorney's fees in such cases, I find the proposed fees of \$1,250.00 to be reasonable.

Plaintiff asserts in Paragraph 8 that Notice of Intention to Foreclose and a Notice of Homeowner's Emergency Mortgage Assistance has been sent to the defendants by mail. A copy of the Act 91 of 1983 notice is attached to the Motion for Summary Judgment. The 1983 act provides that a mortgagee wishing to foreclose must send notice to the mortgagor. **35 P.S. § 1680.403c(a)**. The notice must specifically

state that the recipient of the notice may qualify for assistance under the homeowner's emergency mortgage assistance program. **§ 1680.403(c)(b)(1)**. The notice must contain the telephone number and address of a consumer credit counseling agency, and inform the mortgagor that she has 30 days in which to have a face to face meeting with the mortgagee or counseling agency. *Id.* Further, it provides that if the mortgagor fails to meet with the mortgagee within 30 days, the mortgagee may take any legal action to enforce the mortgage without further restriction. **§ 1680.403(c)**. The statute also provides that the notice shall be deemed received on the third business day following the date of mailing the notice. **§ 1680.403(c)(e)**.

The notice here supplied the defendants with the address and telephone number of Plaintiff's representative available for them to contact to discuss the delinquency and the possibility of qualifying for emergency mortgage assistance. (Plaintiff's Motion Ex. E). It also provided them with the number of the Pennsylvania Housing Finance Agency. Further, it did inform the defendants that they had 30 days to meet with a consumer credit counseling agency. Plaintiff sent this notice on March 24, 2006. Gearhart has admitted that she received these documents. She denies that she failed to meet with Plaintiff but fails to provide any indication as to when or where she did meet with Plaintiff or the result of that meeting. This is a general denial which, for the reasons stated above, constitutes an admission. Because it appears that Gearhart has failed to respond in the allotted time the temporary stay provided for in Act 91 has expired.

Plaintiff also asserts that Notice of Intent to Foreclose has been sent to Defendant. Act 6 of 1974 provides:

Before any residential mortgage lender may accelerate the maturity of any residential mortgage obligation, commence any legal action including mortgage foreclosure to recover under such obligation, or take possession of any security of the residential mortgage debtor for such residential mortgage obligation, such person shall give the residential mortgage debtor notice of such intention at least thirty days in advance as provided in this section.

41 P.S. § 403(a). A residential mortgage is "an obligation to pay a sum of money in an original bona fide principal amount of fifty thousand dollars (\$50,000) or less . . ." **41 P.S. § 101**. The original principal

mortgage amount in this matter exceeded \$50,000, and therefore the notice requirements of Section 403(a) were not triggered here. Regardless, Plaintiff did send notice to the defendants of its intent to foreclose, and furthermore, Gearhart admitted this. Additionally, it appears Gearhart took no steps after receiving notice to bring the loan current.

On a final note, Plaintiff is also entitled to judgment as a matter of law. In Pennsylvania, upon a mortgagor's default on the mortgage, a mortgagee may legally proceed to enforce the terms of the mortgage by initiating foreclosure proceedings, that is, file a complaint for mortgage foreclosure. *Cunningham v. McWilliams*, 714 A.2d 1054, 1056-57 (Pa. Super. 1998) (citing *Elmwood Fed. Sav. Bank v. Parker*, 666 A.2d 721, 724 n.6 (Pa. Super. 1995))¹. In an action for mortgage foreclosure, the entry of summary judgment is proper if the mortgagor admits that the mortgage is in default, that he has failed to pay interest on the obligation, and that the recorded mortgage is in the specified amount. *Cunningham*, 714 A.2d at 1057 (citing *Landau v. Western Pennsylvania Nat'l Bank*, 282 A.2d 335, 340 (Pa. 1971)). Our Superior Court has concluded that entry of summary judgment is appropriate where a defendant admits in his/her answer he/she is behind in mortgage payments. *First Wisconsin Trust Co. v. Strausser*, 653 A.2d 688, 694 (Pa. Super. 1995); *New York Guardian Mortgage Corp. v. Dietzel*, 524 A.2d 951, 952 (Pa. Super. 1987). This is so even if the mortgagor has not admitted the total amount of the indebtedness in the pleadings. *Cunningham*, 714 A.2d at 1057.

In the instant case, Defendants defaulted on mortgage payments, thereby allowing Plaintiff to lawfully institute foreclosure proceedings. Since Defendant Gearhart has effectively admitted to defaulting on her mortgage, Plaintiff is therefore entitled to judgment as a matter of law.

Accordingly, the attached Order is entered.

ORDER

AND NOW, this 18th day of September, 2008, for the reasons set forth in the attached Opinion, Plaintiff's Motion for Summary Judgment filed August 5, 2008 is granted.

¹ A mortgagor may also obtain judgment on the bond accompanying the mortgage and issue a writ of execution. *Cunningham*, 714 A.2d at 1056-57 (citing *Parker*, 666 A.2d at 724 n.6).

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1678 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of June, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot or piece of ground situate in Franklin Township, County of Adams, Commonwealth of Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in the center of a 50-foot right of way at Lot No. 1; thence by lot, North 12 degrees 49 minutes 50 seconds East, 206.56 feet to Lot No. 2; thence by said lot, South 77 degrees 10 minutes 10 seconds East, 260 feet to Lot No. 4; thence by said lot, South 12 degrees 49 minutes 50 seconds West, 200 feet to a point at other lands now or formerly of Frank Robbins; thence by said lands, North 77 degrees 10 minutes 10 seconds West, 222.03 feet to a point in the center of said 50-foot right of way; thence in the center of said 50-foot right of way, North 86 degrees 58 minutes 35 seconds West, 38.53 feet to the place of BEGINNING.

Being Lot No. 3 on a draft of survey dated February 26, 1973, prepared by Donald E. Worley, Surveyor, and recorded in Adams County Plat Book No. 2 at Page 60.

TITLE TO SAID PREMISES IS VESTED IN Jason A. Kline, by Deed from J. Mark Cropp, joined by his wife, Donna R. Cropp and Marci L. Cropp, unmarried, dated 06/08/2007, recorded 06/08/2007 in Book 4867, Page 132.

Tax Parcel: (12) C09-0062

Premises Being: 4585 B Chambersburg Road, Biglerville, PA 17307-9531

SEIZED and taken into execution as the property of **Jason A. Kline** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 10, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost,

whichever may be the higher, shall be paid forthwith to the Sheriff.

5/29, 6/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1297 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of June, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain piece, parcel or tract of ground, situate, lying and being in the Borough of Bonneauville, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point on the right-of-way line of the cul-de-sac of Judy Way at corner of Lot No. 16 on the hereinafter referred to subdivision plan; thence along said Lot No. 16, North eighty-five (85) degrees, thirty-one (31) minutes, thirty-two (32) seconds East, one hundred twenty-one and twelve hundredths (121.12) feet to a point on line of land designated as the 'well lot'; and at corner of Lot No. 20; thence along Lot No. 20, South twenty-five (25) degrees, five (05) minutes, forty-seven (47) seconds West, one hundred forty-one and thirty-four hundredths (141.34) feet to a point on Lot No. 20A; thence along Lot No. 20A, North sixty-four (64) degrees, fifty-seven (57) minutes, eleven (11) seconds West, one hundred eleven and twenty hundredths (111.20) feet to a point on line of Lot No. 14; thence along Lot No. 14, North twenty-eight (28) degrees, fifteen (15) minutes, twenty-two (22) seconds East, twenty-five and eighty hundredths (25.80) feet to a point on the right-of-way line of Judy Way; thence along the cul-de-sac of Judy Way by a curve to the left, the radius of which is fifty (50.00) feet, for an arc distance of 59.53 feet, the long chord of which is North twenty-nine (29) degrees, thirty-eight (38) minutes, five (05) seconds East, fifty-six and eight hundredths (56.08) feet to the point and place of BEGINNING.

The above description was taken from a final plan of Nobles Ridge by Worley Surveying dated December 18, 2000 and recorded in Adams County Plat Book 79, page 57, being Lot No. 15 thereon.

Together with all buildings, improvements, woods, ways, rights, liberties, privileges, hereditaments and appurtenances, to the same belonging, or in any wise appertaining, and any reversions, remainders, rents, issues and profits

thereof, and of every part and parcel thereof, including any interests specifically set forth, if any. And also, all the estate, right, title, interest, property, possession, claim and demand whatsoever, both in law and equity, of the Grantor of, in and to the same.

To Have And To Hold the same premises, and the appurtenances, hereby granted to Grantee and Grantee's heirs, successors and assigns, to and for the only proper use, benefit and behoove of the said Grantee and Grantee's heirs, successors and assigns forever, under and subject to the conditions set forth, if any.

And The Said Grantor hereby covenants and agrees that Grantor will warrant specially the property hereby conveyed.

Under And Subject, nevertheless to the same condition, restrictions, exceptions and reservations as exist by virtue of prior recorded instruments, deeds and conveyances.

It Being The Same Premises which John Ted and Frank Gebbart, CO-Partners v/d/b/a New Oxford Enterprises, by their deed dated November 14, 2002 and recorded in the Office of The Recorder of Deeds in and for Adams County, Pennsylvania in Record Book 2907, Page 295, granted and conveyed unto Smokehouse, LLLP, Grantor herein.

TITLE TO SAID PREMISES IS VESTED IN Thomas E. Bell, Sr. and Carmen H. Bell, by Deed from Smokehouse, LLLP, a limited liability partnership, dated 07/11/2003, recorded 08/29/2003 in Book 3274, Page 121.

Tax Parcel: (06) 005-0136

Premises Being: 15 Judy Way, Gettysburg, PA 17325-7983

SEIZED and taken into execution as the property of **Thomas E. Bell, Sr. & Carmen H. Bell** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 10, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/29, 6/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1751 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of June, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot or piece of ground with the improvements thereon erected, situate in the Borough of Littlestown, County of Adams, and Commonwealth of Pennsylvania, being Lot No. 13 on Plan of Lake View Subdivision, Section 1, being known as No. 531 Lake View Circle, more particularly described in accordance with a survey made by Thomas & Associates, Hanover, Pennsylvania, dated 27 September 1978, File No. A-45, as follows, to wit:

BEGINNING at a bolt set on the Northeast side of Lake View Circle (fifty (50) feet wide), a corner of Lot No. 14 on above mentioned plan; thence extending from said beginning bolt and measured along line of Lot No. 14, North forty-five (45) degrees thirty-seven (37) minutes twenty-eight (28) seconds East, one hundred twenty-five and no one-hundredths (125.00) feet to an iron pipe in line of lands now or formerly of Paul Niesley; thence extending along same, South forty-four (44) degrees twenty-two (22) minutes thirty-two (32) seconds East, eighty and no one-hundredths (80.00) feet to an iron pipe, at corner of Lot No. 12 on above mentioned plan; thence extending along same, South forty-five (45) degrees thirty-seven (37) minutes twenty-eight (28) seconds West, one hundred twenty-five and no one-hundredths (125.00) feet to a bolt on the Northeast side of Lake View Circle, aforesaid; thence extending along same, North forty-four (44) degrees twenty-two (22) minutes thirty-two (32) seconds West, eighty and no one-hundredths (80.00) feet to a bolt, the first mentioned bolt and place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN James F. Waggoner and Ruth E. Waggoner, h/w, as tenants by the entireties, by Deed from Gary Del Cameron, II and Arlene E. Cameron, h/w, dated 03/15/2004, recorded 3/25/2004 in Book 3505, Page 82.

Tax Parcel: (27) 012-0033

Premises Being: 531 Lakeview Circle, Littlestown, PA 17340

SEIZED and taken into execution as the property of **James F. Waggoner & Ruth E. Waggoner** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 10, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/29, 6/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1763 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of June, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot or piece of ground situate in Carroll Valley Borough, County of Adams, Commonwealth of Pennsylvania, being Lot No. 343 in Section K, bounded and described as follows:

BEGINNING at a point in the center of Sunfish Trail as Lot No. 344; thence by said lot North 34 degrees 9 minutes 14 seconds East, 273.08 feet to lands of Wilbur F. Sites; thence by said lands and by Lot No. 337 South 59 degrees 4 minutes 35 seconds east, 100.16 feet to Lot No. 342; thence by said lot South 34 degrees 9 minutes 14 seconds West, 275.72 feet to a point in the center of said Sunfish Trail; thence in said Sunfish Trail North 55 degrees 50 minutes 46 seconds West 100.00 feet to the place of BEGINNING.

The above description was taken from a plan of lots labeled 'Section K, Charnita' dated March 3, 1969, prepared by Evans, Hagan & Holdefer, and recorded in Adams County Plat Book No. 1 at Page 42.

SUBJECT to all restrictions, conditions and reservations more fully described in Deed Book 272, page 376.

BEING THE SAME PREMISES WHICH Karen L. Gray, now by marriage Karen L. Smith, married woman, by Deed dated January 23, 2006, recorded January 25, 2006, at Instrument #200600001742, in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, granted and conveyed unto Karen L. Smith, married woman, Grantor herein.

TITLE TO SAID PREMISES IS VESTED IN Karen L. Smith and James E.

Smith, Jr., w/h, as tenants by the entireties, by Deed from Karen L. Smith, married woman, joined by James E. Smith, Jr., her husband, dated 10/31/2006, recorded 11/03/2006 in Book 4631, Page 26.

Tax Parcel: (43) 004-0006

Premises Being: 18 Sunfish Trail, Fairfield, PA 17320-8514

SEIZED and taken into execution as the property of **Karen L. Smith & James E. Smith** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 10, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/29, 6/5 & 12

CHANGE OF NAME NOTICE

COURT OF COMMON PLEAS
FOR THE COUNTY OF ADAMS,
TERM, 2009, NO. 09-S-649

NOTICE IS HEREBY GIVEN that the Petitioner of Liana Kalyn Cutchember, by and through her parent and natural guardian Jamie Lyn Miller, filed on May 7, 2009 a petition praying for a decree to change her name to Liana Kalyn Miller. The Court has fixed July 6, 2009 at 9:00 AM in Courtroom #2, Adams County Courthouse, Gettysburg, Pennsylvania for hearing. All persons interested may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

6/12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-204 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of June, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following described tract of land situate, lying and being in Oxford Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING for a corner at a point in the centerline of Township Road No. T-493 (commonly referred to as the 700 Road) at Lot No. 7 on the hereinafter referred to Subdivision Plan; thence along the Southerly edge of Lot No. 7 South thirty-seven (37) degrees one (1) minutes twelve (12) seconds East two hundred twenty-five (225) feet to a point at other lands of Delbert Piper; thence along said last mentioned lands South fifty-two (52) degrees fifty-eight (58) minutes forty-eight (48) seconds West one hundred (100) feet to a point at other lands of Delbert Piper; thence along said last mentioned lands North thirty-seven (37) degrees one (1) minute twelve (12) seconds West two hundred twenty-five (225) feet to a point in the centerline of said Township Road No. T-493 North fifty-two (52) degrees fifty-eight (58) minutes forty-eight (48) seconds East one hundred (100) feet to a point in the centerline of said Township Road No. T-493; being the point and place of BEGINNING.

CONTAINING 22,500.00 Square Feet. The above description was taken from a Subdivision Plan prepared by J. H. Rife, Registered Engineer, dated May 01, 1979, bearing File No. D-504, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 30, page 40, and designated thereon as Lot No. 8.

TAX PARCEL #: (35) 013-0002

PROPERTY ADDRESS: 83 700 Road, New Oxford, PA 17350

SEIZED and taken into execution as the property of **Christine A. Bailey & Corey L. Bailey** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 17, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/5, 12 & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1814 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of June, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land lying and being in Cumberland Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a steel rod at the edge of Biglerville Road and lands now or formerly of G. S. & G. Builders, Inc.; thence by lands of G. S. & G. Builders, Inc., North 78 degrees 14 minutes 00 seconds East, 149.88 feet to a pipe at lands now or formerly of Kenneth Rhoads; thence by lands of Rhoads, South 11 degrees 58 minutes 55 seconds East 75 feet to a steel rod at lands now or formerly of Richard R. Crone; thence by lands of Crone, South 78 degrees 14 minutes 00 seconds West 58.14 feet to a point; thence continuing along same South 11 degrees 46 minutes 00 seconds East 3 feet to a point; thence continuing along same South 78 degrees 14 minutes 00 seconds West 92 feet to a Drill Hole in concrete at the edge of Biglerville Road; thence along the edge of Biglerville Road, North 11 degrees 46 minutes 45 seconds West 78 feet to Steel Rod at lands now or formerly of G. S. & G. Builders Inc., the place of BEGINNING.

The above description was taken from a Boundary survey dated April 15, 1992 by Adams County Surveyors and attached hereto as Exhibit A.

Being the same which George E. Thompson and Lillian Ella Thompson husband and wife, by deed dated November 26, 2001 and recorded in the office of the Recorder of Deeds of Adams County Pennsylvania Record Book 2476 at page 235, conveyed unto William E. Atkins and Frances L. Atkins, husband and wife, the grantors herein.

SUBJECT, HOWEVER, to the restrictions pertaining to Tract No. 2 as set forth in the Deed recorded in Deed Book 216 at page 162 and to the restrictions pertaining to Tract No. 3 as set forth in the Deed recorded in Deed Book 161 at page 225.

BEING KNOWN AS: 885 Biglerville Road, Gettysburg, PA 17325

PROPERTY ID NO.: (09) F12-0118

TITLE TO SAID PREMISES IS VESTED IN Dell Parker Baker by deed from William E. Atkins and Frances L. Atkins, husband and wife dated 10/18/2005 recorded 10/31/2005 in deed book 4186 page 304.

SEIZED and taken into execution as the property of **Dell Parker Baker** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 17, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/5, 12 & 19

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed in the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania. The name of the corporation is INSTITUTE FOR BEHAVIORAL HEALTHCARE INFORMATICS. The corporation has been incorporated under the Nonprofit Corporation Law of 1988.

The purpose of the Corporation is to provide educational services to the public regarding emerging technologies to support consumers with complex health, behavioral health, and social services needs; and to provide a forum for the annual exchange of research, application and service delivery information focused on specific areas of technology in health and human services.

The corporation's Articles of Incorporation were filed on May 21, 2009.

Jessica C. LaManna, Esq.
Stevens & Lee
111 N. Sixth Street
Reading, PA 19601

6/12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1561 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of June, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land, situate, lying and being in Cumberland Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING for a point at a railroad spike in the center of the right-of-way of Barlow Greenmount Road at lands now or formerly of Melvin R. Durboraw; thence along said lands now or formerly of Melvin R. Durboraw South 18 degrees 55 minutes 40 seconds West, 1,425.42 feet to a point; thence continuing along same North 68 degrees 58 minutes 15 seconds West, 344.09 feet to a point at lands now or formerly of Kevin Trostle; thence along said lands now or formerly of Kevin Trostle North 21 degrees 3 minutes 45 seconds East, 476.11 feet to a point at Lot No. 2; thence along said Lot No. 2 North 73 degrees 3 minutes 30 seconds West, 332.37 feet to a steel rod; thence continuing along same and along lands now or formerly of David Ickes North 21 degrees 3 minutes 45 seconds East, 736.18 feet to a point in the center of the right-of-way of Barlow-Greenmount Road; thence in and through the right-of-way of Barlow-Greenmount Road South 82 degrees 58 minutes 15 seconds East, 30.00 feet to a point, the place of BEGINNING, CONTAINING 5.3 acres and being identified as Lot No. 1 on the final subdivision plan of Paul L. Plank, which plan is recorded in the Adams County Recorder of Deeds Office in Plat Book 53, page 59.

IT BEING the same premises which Stella M. Plank, widow, by her deed dated November 21, 2007, and about to be recorded in the Office of the Recorder of Deeds in Adams County, Pennsylvania, granted and conveyed unto Michael D. Gilligan, Mortgagor herein.

TAX PARCEL # (09) F16-0063

BEING KNOWN AS: 102 Barlow Greenmount Road, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Michael D. Gilligan** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 17, 2009, and

distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/5, 12 & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-37 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of June, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT THOSE two (2) tracts of land situate, lying and being in Hamiltonban Township, Adams County, Pennsylvania, bounded and described as follows:

TRACT NO. 1

BEGINNING at a poplar stump between lands formerly of Christian Frey and the heirs at Joseph Reed; thence North 36-3/4 degrees East, 7.3 perches to stones; thence South 63-1/4 degrees East, 45 perches to stones; thence South 36-3/4 degrees West, 7.3 perches to stones; thence South 53-1/4 degrees East, 37.8 perches to stones; thence North 88-3/4 degrees East 67.5 perches to stones; thence along other lands now or formerly of John Wolf, et ux, South 37 degrees West 57.6 perches to stones; thence North 53 degrees West, 138 perches to stones; thence North 48 degrees East, 16.7 perches to the place of BEGINNING.

CONTAINING 24 acres and 35 perches, more or less.

TRACT NO. 2

BEGINNING at stones at lands formerly of John Cochran; thence North 55 degrees West, 65 perches to stones at corner of Tract No. 1, thence by Tract No. 1 North 35 degrees East 57.6 perches to stones; thence North 86-3/4 degrees East, 78.7 perches to a White Oak and stones; thence South 33 degrees West, 106 perches to stones at the place of BEGINNING.

CONTAINING 32 acres and 108 perches.

LESS, HOWEVER, five (5) parcels of land which Odis K. Schmidt and William L. Baker have sold and conveyed pursuant to the following deeds;

(a) Deed from Odis K. Schmidt and William L. Baker to Robert F. Kidwell dated September 2, 1977 and recorded in Adams County Deed Book 333 at page 346 and containing 3,593 acres.

(b) Deed from Odis K. Schmidt and William L. Baker to William J. Zeigler and Thomas L. Zeigler dated December 15, 1980 and recorded in Deed Book 355 at page 155 and containing 12.525 acres.

(c) Deed from Odis K. Schmidt and William L. Baker to William J. Zeigler and Thomas L. Zeigler, dated May 25, 1983 and recorded in Deed Book 368, at page 339 and containing 10.004 acres.

(d) Deed from Odis K. Schmidt and William L. Baker to William J. Zeigler and Thomas L. Zeigler, dated September 20, 1984 and recorded in Record Book 366 at page 1091 and containing 10 acres.

(e) Deed from Odis K. Schmidt and William L. Baker to William J. Zeigler and Thomas L. Zeigler, dated June 15, 1989 and recorded in Record Book 525 at page 627 and containing 10 acres.

IMPROVEMENTS: Residential dwelling
Tax ID # (18) A17-0003A

SEIZED and taken into execution as the property of **Shawn D. Green & Glen D. Green** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 17, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/5, 12 & 19

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 KENNETH W. HOOVER, DEC'D**

Late of the Borough of East Berlin, Adams County, Pennsylvania

Co-Executors: Thomas E. Hoover and Jane E. McCleary, c/o John M. Hamme, Esq., 1946 Carlisle Road, York, PA 17408

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

ESTATE OF KAREN E. JUSTICE, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Executor: Jerry W. Justice, 585 Knoxlyn-Ortanna Rd., Gettysburg, PA 17325

Attorney: Phillips & Phillips, 101 West Middle St., Gettysburg, PA 17325

ESTATE OF ANNA M. NINTLE, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executrix: Linda H. Clark, 255 Herr's Ridge Road, Gettysburg, PA 17325

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

ESTATE OF IRVIN H. STRALEY, DEC'D

Late of Mount Joy Township, Adams County, Pennsylvania

Executors: Mr. Steven A. Straley, P.O. Box 174, McKnightstown, PA 17343; Ms. Carol J. Straley Wiatrak, 501 Third Street, Hanover, PA 17331

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

SECOND PUBLICATION**ESTATE OF SUZANNE H. HARBACH, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Executor: Adams County National Bank, P.O. Box 4566, Gettysburg, PA 17325

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

ESTATE OF MARY C. HEMLER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Ann H. Nance, 98 Table Rock Road, Gettysburg, PA 17325; L. Bernadette Leese, 226 Diller Road, Hanover, PA 17331

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

ESTATE OF HELEN B. KLINE, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Co-Executors: Joan E. Ludwig & James W. Kline, c/o Duncan & Hartman, P.C., One Irvine Row, Carlisle, PA 17013

Attorney: William A. Duncan, Esq., Duncan & Hartman, P.C., One Irvine Row, Carlisle, PA 17013

ESTATE OF HARRY A. NAYLOR, JR., DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executor: Chad Naylor, 2605 Coon Road, Aspers, PA 17304

Attorney: Clayton R. Wilcox, Esq., P.O. Box 176, Littlestown, PA 17340

ESTATE OF DORIS M. OYLER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Linda O. Ackerman, 177 Longstreet Drive, Gettysburg, PA 17325

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

ESTATE OF GLADYS M. SHEELY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Gail M. Rhodes, 406 Allegheny Ave., Hanover, PA 17331

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

THIRD PUBLICATION**ESTATE OF MARY JUNE CHRONISTER, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Wilda Warner, 235 Knoxlyn Road, Gettysburg, PA 17325

Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore St., Gettysburg, PA 17325

ESTATE OF CLYDE R. LAUGHMAN, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Executor: Lanny M. Laughman, 20 Rosewood Lane, Bolton, CT 06043

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

ESTATE OF VELMA A. WARNER, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executrix: Joanne L. Warner, 900 Yellow Hill Rd., Biglerville, PA 17307

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

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 09-S-194

EDWARD H. SPENCE, SR. and
EDWARD H. SPENCE, Jr., Co-Partners,
trading as SPECO, Plaintiffs

vs.

Hanson L. Spence, also known as H. Lynn Spence, also known as H. L. Spence, his heirs, devisees, personal representatives, successors and assigns, the Estate of Hanson L. Spence, also known as the Estate of H. Lynn Spence, also known as the Estate of H. L. Spence, his heirs and assigns

TO: Hanson L. Spence, also known as H. Lynn Spence, also known as H. L. Spence, his heirs, devisees, personal representatives, successors and assigns, the Estate of Hanson L. Spence, also known as the Estate of H. Lynn Spence, also known as the Estate of H. L. Spence, his heirs and assigns

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF PUBLICATION OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

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 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
111-117 Baltimore Street
Gettysburg, PA 17325
Telephone Number: 717-337-9846

Chester G. Schultz, Esq.
Attorney ID #15210
Attorney for Plaintiffs
145 Baltimore St.
Gettysburg, PA 17325

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1702 issued out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of June, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate in Butler Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the Southeastern side of Pennsylvania Route #234 and a corner of land now or formerly of A. Richard and Shirley F. Butler, said point being located approximately 3,800 feet from the Biglerville Square, the intersection of Pennsylvania Route #234 and Pennsylvania Route #34; thence extending along the Southeastern side of Pennsylvania Route #234, North 61 degrees 45 minutes East 90.00 feet to a point at a corner of lands now or formerly of George F. Sturgeon; thence extending along same, and passing through an iron pin set back 8.48 feet from the beginning of said course, South 27 degrees 23 minutes East 187.08 feet to an iron pin at a corner of lands now or formerly of Lester and Estella Van Arsdale; thence extending along same, South 63 degrees 12 minutes West 90.00 feet to an iron pin at a corner of land now or formerly of A. Richard and Shirley F. Butler; thence extending along same, and passing through an iron pin set back 8.48 feet from the end of said course, North 27 degrees 23 minutes West 184.80 feet to the first mentioned point and place of BEGINNING, CONTAINING 16,742 square feet.

The above description was taken from a draft of survey prepared for Jerry D. McDaniel and Gloria J. McDaniel by Richard W. Boyer, R. S., dated August 26, 1976, and bearing Drawing No. 0876-152.

TITLE TO SAID PREMISES IS VESTED IN Steven W. Daron and Christine R. Daron, h/w, as tenants of an Estate by entireties, by Deed from Allen Hartzell and Angela K. Hartzell, formerly Angela K. Taylor, h/w, dated 07/24/1992, recorded 07/24/1992 in Book 635, Page 961.

Tax Parcel: (07) F08-0007

Premises Being: 385 East York Street, Biglerville, PA 17307-9587

SEIZED and taken into execution as the property of **Steven W. Daron & Christine R. Daron** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 10, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/29, 6/5 & 12