

# *Adams County* Legal Journal

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June 4, 2010

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## IN THIS ISSUE

GACC VS. ICE EVENTS ET AL

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Our Trust department  
makes a business of caring  
for other people's property.

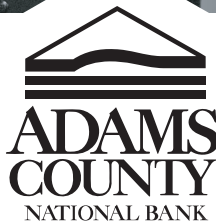
Karen Arthur  
*Trust Officer*



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## ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-46 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of July, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

**SHORT DESCRIPTION**

By virtue of Writ of Execution No. 10-SU-46

WELLS FARGO BANK, N.A.

vs.

RYAN M. BLACK and

JESSICA L. BLACK

190 KNOXLYN ROAD

GETTYSBURG, PA 17325-7413

Parcel No.: 09-E12-0054---000

(Acreage or street address)

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$209,323.46

Attorneys for Plaintiff

Phelan Hallinan & Schmieg, LLP

SEIZED and taken into execution as the property of **Ryan M. Black & Jessica L. Black** 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 30, 2010, 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.

6/4, 11 & 18

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1776 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of July, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

**SHORT DESCRIPTION**

By virtue of Writ of Execution

No. 09-S-1776

ONE WEST BANK FSB

vs.

JENNIFER AZADI

1 EAST PIN OAK DRIVE

GETTYSBURG, PA 17325-7413

Parcel No.: 06-006-006E---000

(Acreage or street address)

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$131,857.72

Attorneys for Plaintiff

Udren Law Offices, P.C.

SEIZED and taken into execution as the property of **Jennifer Azadi** 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 30, 2010, 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.

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6/4, 11 & 18

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-239 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of July, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

**SHORT DESCRIPTION**

By virtue of Writ of Execution

No. 08-S-239

PHH MORTGAGE CORPORATION

vs.

ANDREW L. BOYD

85 SKYLARK TRAIL

FAIRFIELD, PA 17320-8122

Parcel No.: 43-028-0104-000

(Acreage or street address)

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$217,254.38

Attorneys for Plaintiff

Phelan Hallinan & Schmieg, LLP

SEIZED and taken into execution as the property of **Andrew L. Boyd** 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 30, 2010, 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.

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6/4, 11 & 18

## GACC VS. ICE EVENTS ET AL

1. There is a strong presumption in Pennsylvania against piercing the corporate veil. Any court must start from the general rule that the corporate entity should be recognized and upheld, unless specific, unusual circumstances call for an exception.

2. Factors which may justify disregarding the corporate form include undercapitalization, failure to adhere to corporate formalities, substantial intermingling of corporate and personal affairs and use of the corporate form to perpetrate a fraud.

3. Piercing the corporate veil is admittedly an extraordinary remedy preserved for cases involving exceptional circumstances.

4. In order to withstand a demurrer, the pleader must state what Defendant allegedly did that would bring Defendant's actions within the parameters of a cause of action based on a theory of piercing the corporate veil. It is essential that such facts as the pleader depends upon to show the liability sought to be enforced shall be averred.

In the Court of Common Pleas of Adams County, Pennsylvania,  
Civil, No. 09-S-800, GETTYSBURG ADAMS CHAMBER OF  
COMMERCE VS. ICE EVENTS, LLC d/b/a MOOREA MARKET-  
ING AND GREGORY L. NIVENS, INDIVIDUALLY

John S. Phillips, Esq., for Plaintiff

Scott L. Kelley, *Pro-Se* Defendants

Kuhn, P.J., November 4, 2009

### ORDER

AND NOW, this 4th day of November, 2009, in consideration of Defendants' Preliminary Objections filed August 24, 2009, the Court enters the following:

### BACKGROUND

1. On May 21, 2009, Plaintiff filed a Complaint making the following averments:
  - a. Plaintiff is a Pennsylvania non-profit corporation with a business address in Gettysburg, Pennsylvania.
  - b. Defendant ICE Events is a limited liability company registered in the state of Maryland and doing business as Moorea Marketing.
  - c. Both entities have registered addresses at 908 York Road, Towson, Maryland.
  - d. Defendant Gregory L. Nivens is apparently the resident agent for both ICE Events and Moorea Marketing.
  - e. Defendant Nivens is a member and officer of ICE Events doing business as Moorea Marketing.

- f. On September 28, 2006, Plaintiff and Moorea Marketing entered into a letter agreement relating to the “operational management, promotion, invoicing and assistance with the sponsor and exhibitor sales effort, for the Gettysburg Wine and Music Festival” for the years 2007-2012.<sup>1</sup> According to the agreement, Moorea was to produce and manage the event. Moorea was responsible for the fiscal aspects of the event. Within 30 days of the conclusion of the event Plaintiff was to receive a final settlement and all monies owed.
  - g. The agreement was signed by “Greg L. Nivens” for Moorea Marketing and “Margaret M. Weaver” for Plaintiff.
  - h. Plaintiff alleges that Defendants have failed to make the payment and therefore owe Plaintiff \$15,734.91 in principle plus interest at the contract rate of 18% from September 7, 2008.
  - i. By letter dated April 20, 2009, Plaintiff advised Nivens of the money owed.<sup>2</sup>
2. The Complaint alleges breach of contract against ICE Events/Moorea Marketing and seeks to pierce the corporate veil and hold Nivens personally liable for actions of ICE/Moorea Marketing.
  3. On August 24, 2009, Defendants filed Preliminary Objections. A supporting brief was filed on September 3, 2009.
  4. Plaintiff responded on September 11, 2009, with a supporting brief filed September 22, 2009.

#### ISSUES

1. Should the Complaint be dismissed because Plaintiff has not pled facts sufficient to support a claim to pierce the corporate veil?
2. Should the Complaint be stricken for inclusion of scandalous or impertinent matter?

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<sup>1</sup>The Agreement is attached to the Complaint as Exhibit A.

<sup>2</sup>Complaint, Ex. C.

## CONCLUSIONS OF LAW

1. This Court has jurisdiction.
2. Count II of the Complaint shall be dismissed because Plaintiff has not alleged sufficient facts to support a claim to pierce the corporate veil.
3. Whether the Complaint contains scandalous or impertinent matter is a moot issue.
4. Count I shall not be dismissed.

## DISCUSSION

In ruling on preliminary objections the Court must accept as true all well-pleaded material allegations as well as inferences reasonably deduced from them. *Envirotest Partners v. Dept. of Transp.*, 664 A.2d 208 (Commw. Ct. 1995). The Court need not accept as true conclusions of law, unwarranted inferences from facts, argumentative allegations, or expressions of opinion. *Id.* To sustain preliminary objections it must appear with certainty that the law will not permit recovery. *Id.* Any doubt should be resolved by a refusal to sustain them. *Id.* The court's review is confined to the contents of the complaint. *In Re Adoption of S.P.T.*, 783 A.2d 779, 782 (Pa. Super. 2001). The Court may not consider any evidence or facts outside the four corners of the pleadings. *Id.* The relative merits of the complaint have no bearing on the disposition of the matter. *Id.*

Defendants' first preliminary objection is brought pursuant to Pa. R. Civ. P. 1028(a)(4), legal insufficiency of a pleading (demurrer). Defendants allege that Plaintiff fails to make allegations specific enough to support a cause of action to pierce the corporate veil.<sup>3</sup> A demurrer will be sustained only where the complaint shows with certainty that upon the facts averred the law will not permit the plaintiff to recover. *Firetree, Ltd. v. Dept. of General Services*, 920 A.2d 906, 911 (Pa. Commw. 2007). If there is any doubt, the matter should be resolved in favor of overruling the demurrer. *Id.*

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<sup>3</sup>It should be noted that Defendants are seeking a demurrer because of the alleged failure to Plaintiff to state facts sufficient to support a claim for piercing the corporate veil. Defendants are not challenging the breach of contract action brought against ICE Events/Moorea Marketing. Accordingly, it would be inappropriate to dismiss the breach of contract claim against the corporate entities. The only issue is whether the Complaint should be dismissed as it relates to Defendant Nivens.

In support of its claim to pierce the corporate veil, Plaintiff alleges that 1) Nivens was the principal and alter ego of ICE/Moorea Marketing and as a member and officer, he dominated and controlled its activities (**Para. 18-19**); 2) Nivens has managed the affairs of ICE/Moorea without regard to the separate existence of the legal entity and has used the corporation to deprive the Plaintiff of monies rightfully due (**Para. 20**); 3) ICE/Moorea Marketing is undercapitalized (**Para. 21**); 4) the contract was signed by Nivens on behalf of Moorea Marketing and makes no mention of ICE Events (**Para. 22 & 24**);<sup>4</sup> 5) Moorea Marketing's website does not make any mention of ICE Events (**Para. 25**); 6) Nivens is running a business identical to that of ICE Events and Moorea Marketing from the same office (**Para. 27**);<sup>5</sup> 7) Nivens' actions on behalf of ICE Events/Moorea Marketing was indistinguishable from the actions he took in a personal capacity (**Para. 26**); 8) Nivens is utilizing money collected under the Contract in his current business, and he used his dominion and control over ICE Events/Moorea Marketing to his own benefit to keep creditors at bay (**Para. 28**); 9) ICE Events/Moorea Marketing are not registered with the Commonwealth of Pennsylvania Department of State in accordance with the Fictitious Name Act, 54 Pa.C.S.A. § 301 et. seq. (**Para. 29**); and 10) the failure to pay Plaintiff revenues collected on behalf of Plaintiff is a violation of Section 3927 of the Crimes Code (**Para. 30**).<sup>6</sup>

In support of its objection, Defendants claim that Plaintiff is attempting to include Nivens individually as a defendant despite the

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<sup>4</sup>The Agreement is purportedly signed by Nivens but it does not indicate in what capacity he signed the document. (**Para. 23**).

<sup>5</sup>The Agreement does not identify Moorea Marketing as a corporate entity, however, the address, telephone number and website for Moorea is set forth on the bottom of each page.

<sup>6</sup>Section 3927 provides:

**§ 3927. Theft by failure to make required disposition of funds received**

- (a) **Offense defined.**--A person who obtains property upon agreement, or subject to a known legal obligation, to make specified payments or other disposition, whether from such property or its proceeds or from his own property to be reserved in equivalent amount, is guilty of theft if he intentionally deals with the property obtained as his own and fails to make the required payment or disposition. The foregoing applies notwithstanding that it may be impossible to identify particular property as belonging to the victim at the time of the failure of the actor to make the required payment or disposition.

**18 Pa.C.S.A. § 3927(a).**

fact that the contract was entered into by Moorea Marketing and makes no reference to Nivens. Defendants contend that Nivens executed the letter of agreement in his capacity as the resident agent for Moorea Marketing. Defendants argue that none of the facts alleged by Plaintiff would support a cause of action against Nivens individually and the allegations are insufficient to support a cause of action for piercing the corporate veil. Defendants allege that averments stating Nivens is the only person involved in the operation of the corporation are irrelevant to the cause of action for piercing the corporate veil. Defendants further contend that claims Nivens was acting in his personal capacity are mere conclusions of law which do not support a cause of action for piercing the corporate veil. Finally, Defendants argue the claim that Nivens violated Section 3927 of the Crimes Code is not supported by the allegations in the Complaint because Plaintiffs have not alleged intent on the part of Nivens.

There is a strong presumption in Pennsylvania against piercing the corporate veil. *Lumax Industries, Inc. v. Aultman*, 669 A.2d 893, 895 (Pa. 1995). “Any court must start from the general rule that the corporate entity should be recognized and upheld, unless specific, unusual circumstances call for an exception...Care should be taken on all occasions to avoid making the entire theory of corporate entity...useless.” *Zubik v. Zubik*, 384 F.2d 267, 273 (3d Cir. 1967). As a general rule, a corporation will be regarded as an independent entity even if its stock is owned by one person. *Lumax*, 669 A.2d at 895. “Factors which may justify disregarding the corporate form include undercapitalization, failure to adhere to corporate formalities, substantial intermingling of corporate and personal affairs and use of the corporate form to perpetrate a fraud.” *Kaites v. Com. of Pa., Dept. of Environmental Resources*, 529 A.2d 1148, 1151 (Pa. Commw. 1987). “The corporate veil may be pierced whenever one in control of a corporation uses that control or corporate assets to further his personal interest.” *Lumax*, 669 A.2d at 895 (citing, *Watercolor Group v. Newbauer*, 360 A.2d 200, 207 (Pa. 1976)).

Recently, Superior Court more thoroughly discussed the *Lumax* factors in *Fletcher-Harless Corporation v. Szymanski*, 936 A.2d 87 (Pa. Super. 2007).<sup>7</sup>

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<sup>7</sup>Citing *The Village at Camelback Property Owners Assoc., Inc. v. Carr et. al.*, 538 A.2d 528 (Pa. Super. 1988).

Piercing the corporate veil is a means of assessing liability for the acts of a corporation against an equity holder in the corporation. The general standard for piercing the corporate veil is as follows:

The legal fiction that a corporation is a legal entity separate and distinct from its shareholders was designed to serve convenience and justice, ... and will be disregarded whenever justice or public policy require and where rights of innocent parties are not prejudiced nor the theory of the corporate entity rendered useless... We have said that whenever one in control of a corporation uses that control, or uses the corporate assets, to further his or her own personal interests, the fiction of the separate corporate identity may properly be disregarded.

In deciding whether to pierce the corporate veil, courts are basically concerned with determining if equity requires that the shareholders' traditional insulation from personal liability be disregarded and with ascertaining if the corporate form is a sham, constituting a facade for the operations of the dominant shareholder. Thus, we inquire, *inter alia*, whether corporate formalities have been observed and corporate records kept, whether officers and directors other than the dominant shareholder himself actually function, and whether the dominant shareholder has used the assets of the corporation as if they were his own.

... [T]here is no overriding restriction on piercing the corporate veil to situations where such is necessary to prevent a fraud. Piercing the corporate veil is admittedly an extraordinary remedy preserved for cases involving exceptional circumstances. As some courts have phrased it, liability for the acts of a corporation may be assessed against the owners thereof wherever equity requires that such be done either to prevent fraud, illegality or injustice or when recognition of the corporate entity would defeat public policy or shield someone from public liability for crime.

*Id.* at 96.



There can be no doubt Plaintiff has alleged that ICE Events/Moorea Marketing is undercapitalized, that Nivens has failed to adhere to corporate formalities, that Nivens intermingled personal and corporate funds, and has used control of the corporate assets to further his own personal interest. However, merely alleging these facts is not sufficient to support a cause of action for piercing the corporate veil.

In *Lumax*, the plaintiff brought a breach of contract action against Aultman, individually, and as owner and operator of MCA, Inc. Lumax sought judgment against Aultman on the theory that facts were such that the corporate veil should be pierced. Aultman filed preliminary objections in the nature of a demurrer challenging the adequacy of the pleading to support that theory. Lumax argued it was appropriate to pierce the corporate veil because:

13. At all times material hereto...Aultman was acting on behalf of herself, unjustly seeking corporate protection.

14. At all times material hereto, ...Aultman was the only person actively involved in the day-to-day operations of [the corporation].

*Lumax*, 669 A.2d at 894. The trial court, Superior Court, and Supreme Court rejected the claim. Supreme Court held that paragraph 14 was “irrelevant and immaterial to the cause of action. As stated above, a corporation is to be regarded as an independent entity even if its stock is owned entirely by one person.” *Id.* at 895. The Court also held that paragraph 13 was a conclusion of law. “In order to withstand a demurrer, the pleader must state what [Defendant] allegedly did that would bring her actions within the parameters of a cause of action based on a theory of piercing the corporate veil. While it is not necessary to set forth in a pleading the evidence by which facts are to be proved, it is essential that such facts as the pleader depends upon to show the liability sought to be enforced shall be averred...” *Id.* (citations omitted).

Plaintiff has made several allegations relating to the fact that Nivens is the apparent sole owner of ICE Events/Moorea Marketing. As indicated above, these allegations are immaterial to a determination of whether or not to pierce the corporate veil. In fact, when viewed carefully, nearly all<sup>8</sup> relevant allegations made in the

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<sup>8</sup>Paragraphs 22, 23, 24, 25, and 29 do contain factual averments.

Complaint are conclusions of law which, if supported by facts, are sufficient to sustain the cause of action. However, the conclusions are not supported by factual averments.

For all intents and purposes, Plaintiff's Complaint is nothing but a list of conclusions of law that offer highly generalized facts, or none at all, to support its claims. For that reason, Plaintiff has failed to allege sufficient facts to support its claim. Therefore, Count II of the Complaint is dismissed with leave to file an Amended Complaint not inconsistent with this Order.

Because the allegations involving an alleged violation of the Crimes Code pertain to Count II, it is not necessary to consider Defendants' second preliminary objection at this time.

IN THE COURT OF  
COMMON PLEAS OF  
ADAMS COUNTY  
  
CIVIL ACTION - LAW  
ACTION OF MORTGAGE  
FORECLOSURE  
NO. 10-S-42

LPP MORTGAGE, LTD., 7195 Dallas  
Pkwy., Plano, TX 75024, Plaintiff  
vs.

SCOTT A. WARD, Mortgagor and  
Record Owner, 12 Snow Bird Trail,  
Fairfield, PA 17320, Defendant

THIS LAW FIRM IS A DEBT COLLEC-  
TOR AND WE ARE ATTEMPTING TO  
COLLECT A DEBT. THIS NOTICE IS  
SENT TO YOU IN AN ATTEMPT TO  
COLLECT A DEBT. ANY INFORMA-  
TION OBTAINED FROM YOU WILL BE  
USED FOR THAT PURPOSE.

**NOTICE OF SHERIFF'S SALE  
OF REAL PROPERTY**

TO: SCOTT A. WARD, Defendant,  
whose last known address is 12 Snow  
Bird Trail, Fairfield, PA 17320.

Your house at 12 Snow Bird Trail,  
Fairfield, PA 17320, is scheduled to be  
sold at Sheriff's Sale on Friday, June 04,  
2010, at 10:00 AM, in Courthouse 111  
Baltimore St. Gettysburg PA to enforce  
the court judgment of \$225,758.95  
obtained by LPP MORTGAGE, LTD.  
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 to LPP MORT-  
GAGE, LTD., the back payments, late  
charges, costs and reasonable attor-  
ney's fees due. To find out how much you  
must pay call our office at 215 825 6329  
or 1-866-413-2311. 2. You may be able  
to stop the sale by filing a petition asking  
the Court to strike or open judgment, if  
the judgment was improperly entered.  
You may also ask the Court to postpone  
the sale for good cause. 3. You may  
also be able to stop the sale through  
other legal proceedings. 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 below on how to obtain  
an attorney). YOU MAY STILL BE ABLE  
TO SAVE YOUR PROPERTY AND YOU  
HAVE OTHER RIGHTS EVEN IF THE  
SHERIFF'S SALE DOES NOT TAKE  
PLACE. 1. If the Sheriff's Sale is not  
stopped, your property will be sold to the  
highest bidder. You may find out the bid  
price by calling the Sheriff of Adams  
County at 717-337-9828. 2. You may be  
able to petition the Court to set aside the  
sale if the bid price was grossly inade-  
quate compared to the value of your

property. 3. 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 the Sheriff  
of Adams County at 717-337-9828. 4. If  
the amount due from the Buyer is not  
paid to the Sheriff, you will remain the  
owner of the property as if the sale never  
happened. 5. You have a right to remain  
in the property until the full amount due is  
paid to the Sheriff and the Sheriff gives a  
deed to the buyer. At that time, the buyer  
may bring legal proceedings to evict you.  
6. You may be entitled to a share of the  
money which was paid for your house. A  
schedule of distribution of the money bid  
for your house will be filed by the Sheriff  
within thirty (30) days from the date of  
the Sheriff's Sale. This schedule will  
state who will be receiving that money.  
The money will be paid out in accor-  
dance with this schedule unless excep-  
tions (reasons why the proposed distri-  
bution is wrong) are filed with the Sheriff  
within ten (10) days after the schedule of  
distribution is filed. 7. You may also  
have other rights and defenses, or ways  
of getting your house back, if you act  
immediately after the sale. 8. You may  
contact the Foreclosure Resource  
Center: <http://www.philadelphiafed.org/foreclosure/>

YOU SHOULD TAKE THIS PAPER TO  
YOUR LAWYER AT ONCE. IF YOU DO  
NOT HAVE A LAWYER OR CANNOT  
AFFORD ONE, GO TO OR TELE-  
PHONE THE OFFICE LISTED BELOW  
TO FIND OUT WHERE YOU CAN GET  
LEGAL HELP.

LEGAL SERVICES INC.  
432 S. Washington St.  
Gettysburg, PA 17325  
717-334-7623

PENNSYLVANIA BAR ASSOCIATION  
P.O. Box 186  
Harrisburg, PA 17108  
800-692-7375

Michael T. McKeever, Atty. for Plaintiff  
GOLDBECK McCAFFERTY &  
McKEEVER, P.C.  
Suite 5000  
Mellon Independence Center  
701 Market Street  
Philadelphia, PA 19106  
215-825-6318

6/4

**SHERIFF'S SALE**

IN PURSUANCE of a Writ of  
Execution, Judgment No. 05-S-1183  
issuing out of Court of Common Pleas  
Adams County, and to me directed, will  
be exposed to Public Sale on Friday, the  
9th day of July, 2010, at 10:00 o'clock in  
the forenoon at the Sheriff's Office locat-  
ed in the Courthouse, Borough of  
Gettysburg, Adams County, PA, the fol-  
lowing Real Estate, viz.:

**SHORT DESCRIPTION**

By virtue of Writ of Execution  
No. 05-S-1183

WASHINGTON MUTUAL BANK FA  
vs.

CHRISTOPHER S. CARR

124 AUCTION DRIVE  
YORK SPRINGS PA 17372

Parcel No.: 23-103-0010--000

(Acreage or street address)

IMPROVEMENTS THEREON:  
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$234,778.47

Attorneys for Plaintiff

Udren Law Offices, P.C.

SEIZED and taken into execution as  
the property of **Christopher S. Carr** 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  
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6/4, 11 & 18

SHERIFF'S SALE

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SHORT DESCRIPTION

By virtue of Writ of Execution  
No. 10-S-72

METLIFE HOME LOANS, A DIVISION  
OF METLIFE BANK NA

vs.

CHARLES MICHAEL LAWSON  
& ANGELA LAWSON

5 DANDELION TRAIL  
FAIRFIELD PA 17320-8242

Parcel No.: 43-005-0030---000  
(Acreage or street address)

IMPROVEMENTS THEREON:  
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$332,789.21

Attorneys for Plaintiff  
Phelan Hallinan & Schmieg, LLP

SEIZED and taken into execution as the property of **Charles Michael Lawson & Angela Lawson** 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 30, 2010, 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.

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SHORT DESCRIPTION

By virtue of Writ of Execution  
No. 09-S-2000

BRANCH BANKING & TRUST  
COMPANY

vs.

JAMES T. HAMMETT and  
LACY M. HAMMETT

551 GRANT DRIVE  
GETTYSBURG, PA 17325-8948

Parcel No.: 33-005-0100-000  
(Acreage or street address)

IMPROVEMENTS THEREON:  
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$186,262.82

Attorneys for Plaintiff  
Phelan Hallinan & Schmieg, LLP

SEIZED and taken into execution as the property of **James T. Hammett & Lacy M. Hammett** 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 30, 2010, 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.

6/4, 11 & 18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-106 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of July, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution  
No. 10-S-106

BAC HOME LOANS SERVICING, LP  
vs.

WALTER DANIEL LOGUE  
& MARCI D. LOGUE

615 MIDDLE CREEK ROAD  
FAIRFIELD PA 17320-9254

Parcel No.: 13-E17-0114---000  
(Acreage or street address)

IMPROVEMENTS THEREON:  
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$222,092.26

Attorneys for Plaintiff  
Phelan Hallinan & Schmieg, LLP

SEIZED and taken into execution as the property of **Walter Daniel Logue & Marci D. Logue** 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 30, 2010, 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.

6/4, 11 & 18

**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 BEN NOLAN DALE a/k/a B. NOLAN DALE a/k/a BENJAMIN N. DALE, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Michael John Pesare, 225 Opossum Hill Road, Aspers, PA 17304

Attorney: Jeffrey A. Ernico, Esq., Mette, Evans & Woodside, 3401 North Front St., Harrisburg, PA 17110

**ESTATE OF DOROTHY M. HOOVER, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Co-Executors: David N. Hoover and Tammy Jean Hoover Ruppert, c/o Donald L. Reihart, Esq., Law Office of Donald L. Reihart, 3015 Eastern Blvd., York, PA 17402

Attorney: Donald L. Reihart, Esq., Law Office of Donald L. Reihart, 3015 Eastern Blvd., York, PA 17402

**ESTATE OF MARGARET LORETTA YEALY a/k/a MARGARET LORETTA YEALEY, DEC'D**

Late of Conewago Township, Adams County, Pennsylvania

Co-Executors: R. Thomas Yealy a/k/a Robert Thomas Yealey, 1000 E. Walnut Street, Hanover, PA 17331; Pamela J. Lawyer, 441 Penn Street, Hanover, PA 17331

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

**SECOND PUBLICATION**

**ESTATE OF PHILIP P. ASPER, DEC'D**

Late of Butler Township, Adams County, Pennsylvania

Executrix: Connie L. Asper, 239 Carlisle Road, Biglerville, PA 17307

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

**ESTATE OF TERENCE E. BALTZLEY, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Michael E. Baltzley, 544 Schoolhouse Road, Aspers, PA 17304

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

**ESTATE OF EVA MAE COLVIN, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executors: Forest E. Colvin, Diane Shugars Colvin, c/o Keith R. Nonemaker, Esq., Guthrie, Nonemaker, Yingst & Hart, 40 York Street, Hanover, PA 17331

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

**ESTATE OF JOHN C. HORNER, DEC'D**

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

Administratrix: Gail Ulrich, 7005 Polins Court, Alexandria, VA 22306

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

**ESTATE OF KATHLEEN B. HUDSON a/k/a MARTHA KATHLEEN HUDSON, DEC'D**

Late of the Borough of Biglerville, Adams County, Pennsylvania

Co-Executors: Susan (Fischer) Wade, #7 Millikin Place, Decatur, IL; Adams County National Bank, P.O. Box 4566, Gettysburg, PA 17325

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

**ESTATE OF ADOLPHUS U. WALKER, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Executor: Richard U. Walker, 130 Pine Tree Road, Orrtanna, PA 17353; Susan C. Mosser, 4205 York Road, New Oxford, PA 17350

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

**THIRD PUBLICATION**

**ESTATE OF VERNON S. ARENTZ, DEC'D**

Late of Union Township, Adams County, Pennsylvania

Executrix: Jean M. Arentz, 474 Christ Church Road, Littlestown, PA 17340

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

**ESTATE OF CLYDE A. BERWAGER, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executrices: Nadine Louise Berwager Shaner, 65 North Street, Apt. 33, McSherrytown, PA 17344; Shirley Ann Railing, 14951 Power Dam Road, Defiance, OH 43512

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

**ESTATE OF LOICE E. GOUKER, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Executors: Annabelle Swisher, 28 Forest Trail, Fairfield, PA 17320; Eloise Smith, 812 Forbes Road, Carlisle, PA 17013

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

**ESTATE OF WALTER G. KELLY a/k/a WALTER GLENN KELLY, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Maria Albani, c/o Gary J. McCarthy, Esq., Two Commerce Sq., Ste. 3410, Philadelphia, PA 19103

Attorney: Gary J. McCarthy, Esq., Eizen, Fineburg & McCarthy, P.C., Two Commerce Sq., Ste. 3410, Philadelphia, PA 19103

**ESTATE OF EDWARD S. MARTIN a/k/a EDWARD S. MARTIN, SR. a/k/a EDWARD SAMUEL MARTIN, DEC'D**

Late of Conewago Township, Adams County, Pennsylvania

Executrix: May M. Martin, 37 Sunday Drive, Hanover, PA 17331

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

**ESTATE OF LAURA T. MCKINNEY, DEC'D**

Late of Menallen Township, Adams County, Pennsylvania

Owen D. McKinney, P.O. Box 363, Bendersville, PA 17306

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

**ESTATE OF MERLE L. RHINE, DEC'D**

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executor: Sheri A. Hockensmith, c/o Douglas H. Gent, Esq., Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

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

(continued on page 6)

**THIRD PUBLICATION (CONTINUED)****ESTATE OF BOYD E. RINEHART, DEC'D**

Late of the Borough of Gettysburg,  
Adams County, Pennsylvania

Executor: James Boyd Rinehart, 1619  
Herrs Ridge Road, Gettysburg, PA  
17325

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

**ESTATE OF DORIS A. RUNK, DEC'D**

Late of Latimore Township, Adams  
County, Pennsylvania

Co-Executrices: Vickie L. Barrick,  
2040 Hammock Road, Titusville, FL  
32796; Sharon L. Heller, 2166 Lake  
Meade Road, East Berlin, PA  
17316; Karol J. Turner, 139 Rake  
Factory Road, Biglerville, PA 17307

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

**ESTATE OF ROY M. SUMMERS a/k/a  
ROY MILFORD SUMMERS, DEC'D**

Late of Tyrone Township, Adams  
County, Pennsylvania

Executrix: Darcy J. Cook, 1631  
Virginia Avenue, Dover, PA 17315

Attorney: Thomas E. Miller, Esq., Miller  
& Shultz, P.C., 249 York Street,  
Hanover, PA 17331

**SHERIFF'S SALE**

IN PURSUANCE of a Writ of  
Execution, Judgment No. 08-S-301 issu-  
ing out of Court of Common Pleas  
Adams County, and to me directed, will  
be exposed to Public Sale on Friday, the  
9th day of July, 2010, at 10:00 o'clock in  
the forenoon at the Sheriff's Office locat-  
ed in the Courthouse, Borough of  
Gettysburg, Adams County, PA, the fol-  
lowing Real Estate, viz.:

**SHORT DESCRIPTION**

By virtue of Writ of Execution  
No. 08-S-301

NATIONAL CITY MORTGAGE,  
A DIVISION OF NATIONAL CITY BANK  
VS.

TIMOTHY E. MCSPARRAN &  
BUFFY N. MCSPARRAN

115 KIME AVENUE  
BENDERSVILLE, PA 17306

Parcel No.: 3-3-46

(Acreage or street address)

IMPROVEMENTS THEREON:  
RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$184,160.78

Attorneys for Plaintiff  
Goldbeck, McCafferty & McKeever

SEIZED and taken into execution as  
the property of **Timothy E. McSparran  
& Buffy N. McSparran** 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 30, 2010, 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 proper-  
ty 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.

6/4, 11 & 18

**SHERIFF'S SALE**

IN PURSUANCE of a Writ of  
Execution, Judgment No. 10-S-59 issu-  
ing out of Court of Common Pleas  
Adams County, and to me directed, will  
be exposed to Public Sale on Friday, the  
9th day of July, 2010, at 10:00 o'clock in  
the forenoon at the Sheriff's Office locat-  
ed in the Courthouse, Borough of  
Gettysburg, Adams County, PA, the fol-  
lowing Real Estate, viz.:

**SHORT DESCRIPTION**

By virtue of Writ of Execution  
No. 10-S-59

BAC HOME LOANS SERVICING, L.P.  
vs.

DAVID W. MONN and  
ROBYN J. MONN

1389 OLD ROUTE 30  
ORRTANNA, PA 17353-9617

Parcel No.: 12C10-0107---000

(Acreage or street address)

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$164,570.28

Attorneys for Plaintiff  
Phelan Hallinan & Schmieg, LLP

SEIZED and taken into execution as  
the property of **David W. Monn & Robyn  
J. Monn** 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 30, 2010, 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 proper-  
ty 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.

6/4, 11 & 18

**SHERIFF'S SALE**

IN PURSUANCE of a Writ of  
Execution, Judgment No. 09-S-1743  
issuing out of Court of Common Pleas  
Adams County, and to me directed, will  
be exposed to Public Sale on Friday, the  
9th day of July, 2010, at 10:00 o'clock in  
the forenoon at the Sheriff's Office locat-  
ed in the Courthouse, Borough of  
Gettysburg, Adams County, PA, the fol-  
lowing Real Estate, viz.:

**SHORT DESCRIPTION**

By virtue of Writ of Execution  
No. 09-S-1743

WELLS FARGO BANK, N.A.  
vs.

DAVID W. PITTINGER

1215 HARNEY ROAD  
LITTLESTOWN, PA 17340-9368

Parcel No.: 30-H18-0021G---000

(Acreage or street address)

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$360,745.96

Attorneys for Plaintiff  
Phelan Hallinan & Schmieg, LLP

SEIZED and taken into execution as  
the property of **David W. Pittinger** 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 30, 2010, 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 proper-  
ty 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.

6/4, 11 & 18