

# *Adams County* **Legal Journal**

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**CITIBANK VS. WALKER**

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*Christine Settle  
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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-1829 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of March, 2011, 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-1829

WELLS FARGO BANK NA  
vs.

JOEL W. MYERS, SR. &  
SHELLY E. MYERS

1 CHINKAPIN DRIVE a/k/a  
1 CHINKAPIN DRIVE, LOT 4  
NEW OXFORD, PA 17350  
OXFORD TOWNSHIP

Parcel No.: 35-003-0061-000

IMPROVEMENTS THEREON:  
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$131,227.05  
Plus costs

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Joel W. Myers, Sr. & Shelly E. Myers** 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 April 15, 2011, 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 date.

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.

2/25, 3/4 & 11

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-784 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of March, 2011, 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-784

BRANCH BANKING AND TRUST  
COMPANY

vs.

DANIEL K. PUCKETT &  
SHERRY L. PUCKETT

120 BENDERS CHURCH ROAD  
BIGLERVILLE, PA 17307-9666  
BUTLER TOWNSHIP

Parcel No.: 07-F08-0083B-000

IMPROVEMENTS THEREON:  
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$176,413.21  
Plus costs

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Daniel K. Puckett & Sherry L. Puckett** 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 April 15, 2011, 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 date.

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.

2/25, 3/4 & 11

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1868 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of March, 2011, 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-1868

WELLS FARGO BANK NA  
vs.

DARRELL L. PRIEST

18 CHARLESTOWN COURT  
LITTLETOWN, PA 17340  
LITTLETOWN BOROUGH

Parcel No.: 27-010-0054-000

IMPROVEMENTS THEREON:  
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$210,189.89  
Plus costs

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Darrell L. Priest** 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 April 15, 2011, 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 date.

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.

2/25, 3/4 & 11

## CITIBANK VS. WALKER

1. To plead a cause of action for an account stated, plaintiff must sufficiently plead the following elements: (1) there has been a running account, (2) a balance remains due, (3) the account has been rendered upon the defendant, and (4) the defendant has assented to the account.

2. A copy of the current statement must be attached to the Complaint showing a balance remains due, and the Complaint must state that the plaintiff mailed monthly statements to the defendant setting forth the details of the defendant's account.

In the Court of Common Pleas of Adams County, Pennsylvania,  
Civil, No. 09-S-561, CITIBANK (SOUTH DAKOTA), N.A. VS.  
LORENE M. WALKER.

Daniel Santucci, Esq., for Plaintiff

Barbara J. Entwistle, Esq., for Defendant

Campbell, J., September 29, 2010

### OPINION

Plaintiff filed a Complaint on April 14, 2009, alleging that Plaintiff furnished credit to Defendant by means of a credit card. Defendant then filed Preliminary Objections on May 7, 2009, and a Brief in Support of Preliminary Objections on May 18, 2009. In response to Defendant's Preliminary Objections, Plaintiff filed an Answer to Preliminary Objections, but failed to file a Brief in Opposition to Defendant's Preliminary Objections. Pursuant to an Order dated June 19, 2010, Defendant's Preliminary Objections were sustained and Plaintiff's case was dismissed without prejudice.

On September 24, 2009, Plaintiff filed an Amended Complaint alleging that Defendant requested and obtained a credit account from Plaintiff. Plaintiff further alleges that Defendant used said credit card and made payments beginning on or about October 2007. Plaintiff also alleges that Defendant last made payment on or about January 2008. Plaintiff claims relief based upon an account stated theory of recovery for the sum of \$15,550.62, the amount listed in Exhibit A, which Defendant has allegedly failed to pay.

On May 24, 2010, Plaintiff filed a Praecipe for Entry of Judgment By Default for Failure to Plead. On May 28, 2010, Defendant filed a Motion to Strike Judgment, and on June 22, 2010, Defendant's Motion to Strike Judgment was granted, directing Defendant to file an appropriate pleading to the Amended Complaint within 20 days.

Defendant filed Preliminary Objections to Plaintiff's Amended Complaint on July 2, 2010 and a Brief in Support of its Preliminary Objections on July 9, 2010. Defendant argues that the Amended Complaint fails to conform to law or rule of court and that the Amended Complaint fails for insufficient specificity of a pleading. First, Defendant argues based on the amount allegedly due, \$15,550.62, that the initial credit card would have been furnished pursuant to a written agreement, and Plaintiff failed to attach written agreement between the parties, as required by Pa. R. Civ. P. 1019(i). Defendant also argues the Complaint is deficient because it does not contain allegations of sufficient specificity to meet the requirements of Pa. R. Civ. P. 1019(a). Specifically, Defendant argues that Plaintiff provided no confirmation that Defendant ever requested or applied for the credit card account, and that Plaintiff failed to attach a credit application signed by Defendant. Plaintiff also alleges that there is no indication that Defendant is the person who activated the credit card or how and when the credit card was activated.

On July 19, 2010, Plaintiff filed an Answer to Defendant's Preliminary Objections and a Motion to Strike Defendant's Preliminary Objections. Defendant filed a Response to Plaintiff's Answer to Preliminary Objections and Motion to Strike Preliminary Objections on July 29, 2010. Pursuant to an Order dated August 4, 2010, Plaintiff's Motion to Strike Preliminary Objections was denied, and Plaintiff was directed to file a Response and Brief in Opposition to Preliminary Objections within 10 days of said Order. Plaintiff filed an answer to Defendant's Preliminary Objections and Brief in Opposition to Defendant's Preliminary Objections on August 16, 2010. For the reasons stated below, Defendant's Preliminary Objections are granted in part and denied in part.

It is well established that in ruling on preliminary objections, the Court must accept as true all well-pleaded allegations of material fact as well as all inferences reasonably deducible from those facts. *Ballroom, LLC v. Commonwealth*, 984 A.2d 582, 586 (Pa. Cmwlth. 2009). Preliminary objections will be sustained only where the case is clear and free from doubt. *Rambo v. Greene*, 906 A.2d 1232, 1235 (Pa. Super. 2006).

An account stated is an "account in writing, examined and accepted by both parties, which acceptance need not be expressly so, but

may be implied from the circumstances.” *Robbins v. Weinstein*, 17 A.2d 629, 634 (Pa. Super. 1941). To plead a cause of action for an account stated, plaintiff must sufficiently plead the following elements: (1) there has been a running account, (2) a balance remains due, (3) the account has been rendered upon the defendant, and (4) the defendant has assented to the account. *Rush’s Service Center, Inc. v. Genareo*, 10 Pa. D. & C. 4th 445 (C.P. Lawr. June 24, 1991). Retention without objection by one party for an unreasonably long time of a statement of account rendered by the other party is a manifestation of assent to the amount shown as an accurate computation of the amount due. *Donahue v. City of Philadelphia*, 41 A.2d 879 (Pa. Super. 1945). A copy of the current statement must be attached to the Complaint showing a balance remains due, and the Complaint must state that the plaintiff mailed monthly statements to the defendant setting forth the details of the defendant’s account. *Citibank (S.D.) N.A. v. King*, No. 2007-3412, 2007 WL 4967502 (C.P. Cent. Nov. 9, 2007).

In the present case, Defendant’s argument regarding Plaintiff’s failure to attach a written agreement pursuant to Pa. R. Civ. P. 1019(i) would be persuasive had Plaintiff pled a cause of action based on breach of contract. However, Plaintiff has set forth a cause of action based on an account stated theory of recovery, and based on that cause of action a written agreement need not be attached to the complaint. Therefore, Defendant’s Preliminary Objection based on failure of a pleading to conform to law or rule of court is overruled.

Although Plaintiff sets forth a cause of action based on an account theory of recovery, Plaintiff has not pled facts sufficient to establish an account theory of recovery. Plaintiff alleges in its Amended Complaint that Defendant requested and obtained a Credit Account from Plaintiff, identified as account number 5424180793677110, that Plaintiff used such account and made payments, that Defendant last made payment on or about January 2008, and that the Defendant’s balance is currently at \$15,550.62. To substantiate these claims, Plaintiff attached copies of several statements to its Amended Complaint that show numerous purchases and charges on account number 5424180806969116, allegedly made by Defendant during the period of November 27, 2007 through April 24, 2008. Plaintiff also attached a copy of a current statement of account number

5424180793677110, indicating a balance of \$15,550.62 as of May 26, 2009. However, Plaintiff's Amended Complaint fails to indicate whether Plaintiff mailed these monthly statements to Defendant setting forth the details of Defendant's account, which is crucial in a cause of action based on an account theory of recovery. Even more problematic is the fact that the statements attached by Plaintiff show two different account numbers, thus making it unclear which account is the basis for Plaintiff's cause of action. Therefore, Defendant's Preliminary Objection based on insufficient specificity in a pleading is sustained.

For the reasons stated herein, Defendant's Preliminary Objections are granted in part and denied in part.

#### ORDER

AND NOW, this 29 day of September, 2010, Defendant's Preliminary Objections are granted in part and denied in part. Defendant's Preliminary Objection based on failure of a pleading to conform to law or rule of court is overruled. Defendant's Preliminary Objection based on insufficient specificity in a pleading is sustained. Plaintiff's Amended Complaint is hereby dismissed without prejudice. Plaintiff is granted twenty (20) days to file a Second Amended Complaint.

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1546 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of March, 2011, 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-1546

HSC MORTGAGE CORPORATION

vs.

RYAN D. MEGONNELL

ALL THAT TRACT OF LAND SITUATE, LYING AND BEING IN MT. JOY TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA, BOUNDED AND MORE FULLY DESCRIBED IN DEED DATED OCTOBER 31, 2005 AND RECORDED NOVEMBER 8, 2005 IN DEED BOOK 4199, PAGE 123.

TITLE TO SAID PREMISES IS VESTED IN RYAN D. MEGONNELL BY DEED FROM EDWARD T. FOLLIN JR., WIDOWER, DATED OCTOBER 31, 2005 AND RECORDED NOVEMBER 8, 2005 IN DEED BOOK 4199, PAGE 123.

1055 HOFFMAN HOME ROAD  
LITTLESTOWN, PA 17340  
MOUNT JOY TOWNSHIP

Parcel No.: 30-H17-0016-000

IMPROVEMENTS THEREON:  
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$321,791.46  
Plus costs

Attorneys for Plaintiff

MCCABE, WEISBERG & CONWAY

SEIZED and taken into execution as the property of **Ryan D. Megonnell** 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 April 15, 2011, 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 date.

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.

2/25, 3/4 & 11

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1716 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of March, 2011, 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-1716

JP MORGAN MORTGAGE  
ACQUISITION CORPORATION

vs.

JEFFREY W. MONGAN &  
CHRISTINA M. MONGAN

30 SUNSHINE LANE  
FAYETTEVILLE, PA 17222  
HAMILTONBAN TOWNSHIP

Parcel No.: 18-A12-0014B-000

IMPROVEMENTS THEREON:  
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$178,553.76  
Plus costs

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Jeffrey W. Mongan & Christina M. Mongan** 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 April 15, 2011, 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 date.

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.

2/25, 3/4 & 11

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1957 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of March, 2011, 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-1957

GRAYSTONE BANK

vs.

GEORGE S. ZIMMERMAN &  
MARGARET S. ZIMMERMAN

0 YORK ROAD  
NEW OXFORD, PA 17350  
OXFORD TOWNSHIP

Parcel No.: 35-J11-0121-000

IMPROVEMENTS THEREON: LAND  
JUDGMENT AMOUNT: \$334,736.44  
Plus costs

Attorneys for Plaintiff

KORNFIELD AND BENCHOFF, LLP

SEIZED and taken into execution as the property of **George S. Zimmerman & Margaret S. Zimmerman** 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 April 15, 2011, 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 date.

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.

2/25, 3/4 & 11

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-193 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of March, 2011, 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-193

ACNB BANK F/K/A ADAMS COUNTY  
NATIONAL BANK

vs.

TALEX ENTERPRISES, A PA  
GENERAL PARTNERSHIP

400 MAIN STREET  
YORK SPRINGS, PA 17372  
YORK SPRINGS BOROUGH

Parcel No.: 42-002-0040-000

IMPROVEMENTS THEREON:  
COMMERCIAL BUILDING

JUDGMENT AMOUNT: \$966,139.49  
Plus costs

Attorneys for Plaintiff

PUHL, EASTMAN & THRASHER

SEIZED and taken into execution as the property of **Talex Enterprises, A PA General Partnership** 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 April 15, 2011, 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 date.

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.

2/25, 3/4 & 11

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1969 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of March, 2011, 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-1969

WELLS FARGO BANK NA SBM TO  
WELLS FARGO HOME MORTGAGE  
INC.

vs.

TIFFANIE L. SHIFFLETT  
37 CEDARFIELD DRIVE  
GETTYSBURG, PA 17325  
BONNEAUVILLE BOROUGH

Parcel No.: 06-009-0130-000

IMPROVEMENTS THEREON:  
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$189,231.62  
Plus costs

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Tiffanie L. Shifflett** 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 April 15, 2011, 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 date.

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.

2/25, 3/4 & 11

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1127 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of March, 2011, 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-1127

ONEWEST BANK FSB  
vs.

SHERMAN E. SNYDER  
7027 CHAMBERSBURG ROAD  
ORRTANNA, PA 17222  
FRANKLIN TOWNSHIP

Parcel No.: 12-A09-0004-000

IMPROVEMENTS THEREON:  
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$151,615.15  
Plus costs

Attorneys for Plaintiff

UDREN LAW OFFICES

SEIZED and taken into execution as the property of **Sherman E. Snyder** 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 April 15, 2011, 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 date.

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.

2/25, 3/4 & 11



NOTICE OF SHERIFF'S SALE  
IN THE COURT OF COMMON PLEAS  
OF ADAMS COUNTY, PENNSYLVANIA  
NO. 10-S-784

BRANCH BANKING AND TRUST  
COMPANY

vs.

DANIEL K. PUCKETT &  
SHERRY L. PUCKETT

NOTICE TO: SHERRY L. PUCKETT

NOTICE OF SHERIFF'S SALE OF  
REAL PROPERTY

Being Premises: 120 BENDERS  
CHURCH ROAD, BIGLERVILLE, PA  
17307

Being in BUTLER Township,  
County of ADAMS,  
Commonwealth of Pennsylvania

Parcel Number 1: 07-F08-83B

Improvements consist of residential  
property.

Sold as the property of DANIEL K.  
PUCKETT & SHERRY L. PUCKETT

Your house (real estate) at 120  
BENDERS CHURCH ROAD,  
BIGLERVILLE, PA 17307 is scheduled to  
be sold at the Sheriff's Sale on MARCH  
25, 2011 at 10:00 A.M., at the ADAMS  
County Courthouse to enforce the Court  
Judgment of \$176,413.21 obtained by  
BRANCH BANKING AND TRUST  
COMPANY (the mortgagee), against the  
above premises.

PHELAN HALLINAN & SCHMIEG, LLP  
Attorney for Plaintiff

3/11

IN THE COURT OF  
COMMON PLEAS OF  
ADAMS COUNTY, PENNSYLVANIA  
NO. 2010-SU-2641

CHANGE OF NAME NOTICE

NOTICE IS HEREBY GIVEN that on  
January 26, 2011, the petition of Cody  
Allen Looney was filed by father, Todd H.  
Hartlaub, for minor child in the Court of  
Common Pleas of Adams County,  
Pennsylvania, praying for a decree to  
change the minor child's name to, his  
birth name, Cody Allen Hartlaub.

The court has fixed April 8, 2011 at  
8:30 a.m. in Court Room No. 4 of the  
Adams County Courthouse, 111  
Baltimore Street, Gettysburg, PA 17325,  
as the time and place for the hearing of  
the petition. When and where all persons  
interested may appear and show cause,  
if any they have, why the prayer of the  
petitioner should not be granted.

3/11

SHERIFF'S SALE

IN PURSUANCE of a Writ of  
Execution, Judgment No. 10-S-1743  
issuing out of Court of Common Pleas  
Adams County, and to me directed, will  
be exposed to Public Sale on Friday, the  
25th day of March, 2011, at 10:00 o'clock  
in the forenoon at the Sheriff's Office  
located 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-1743

PHH MORTGAGE CORPORATION  
F/K/A PHH MORTGAGE SERVICES

vs.

JOYCE WALKER LAMIDI a/k/a  
JOYCE M. WALKER

11 PONTIAC PLACE a/k/a  
11 PONTIAC PLACE, LOT 103  
HANOVER, PA 17331  
CONEWAGO TOWNSHIP

Parcel No.: 08-011-0023-000

IMPROVEMENTS THEREON:  
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$90,699.54  
Plus costs

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as  
the property of **Joyce Walker Lamidi  
a/k/a Joyce M. Walker** 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 April 15, 2011, 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 prop-  
erty on or before filing date.

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

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

2/25, 3/4 & 11

LEGAL NOTICE

NOTICE IS HEREBY GIVEN, that the  
Cumberland Township Authority intends  
to file Articles of Amendment with the  
Secretary of the Commonwealth of  
Pennsylvania, pursuant to the provisions  
of the Municipality Authorities Act,  
53PA.C.S. Section 5605.

1. The name and location of the reg-  
istered office of the Authority is the  
Cumberland Township Authority, with  
offices at 1370 Fairfield Road,  
Gettysburg, Cumberland Township,  
Adams County, Pennsylvania 17325.

2. The Articles of Amendment are to  
be filed pursuant to the provisions of  
53PA.C.S. Section 5605.

3. The nature and character of the  
proposed Amendment as directed by the  
Cumberland Township Board of  
Supervisors is to extend the life of the  
Authority for a period of fifty (50) years  
until February 22, 2061. The extension  
was authorized by a Resolution of  
Cumberland Township Board of  
Supervisors enacted February 22, 2011.

4. The Articles of Amendment will be  
filed with the Secretary of the  
Commonwealth of Pennsylvania on or  
about March 17, 2011.

Robert E. Campbell, Esq.  
Campbell & White, P.C.  
112 Baltimore Street  
Gettysburg, PA 17325  
Solicitor for Cumberland Township  
Authority

3/11

ADAMS COUNTY  
COURT OF COMMON PLEAS  
NUMBER 10-S-1848

BAC Home Loans Servicing, LP fka  
Countrywide Home Loans Servicing LP,  
Plaintiff

v.

Harold L. Spicer, Defendant

TO: HAROLD L. SPICER

TYPE OF ACTION: CIVIL ACTION/  
COMPLAINT IN MORTGAGE  
FORECLOSURE

PREMISES SUBJECT TO  
FORECLOSURE: 990 ORPHANAGE  
ROAD, LITTLESTOWN,  
PENNSYLVANIA 17340

NOTICE

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

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

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

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

McCABE, WEISBERG AND CONWAY, P.C.  
BY:  
TERRENCE J. McCABE, Esq. - ID # 16496  
MARC S. WEISBERG, Esq. - ID # 17616  
EDWARD D. CONWAY, Esq. - ID # 34687  
MARGARET GAIRO, Esq. - ID # 34419  
123 South Broad Street, Suite 2080  
Philadelphia, Pennsylvania 19109  
(215) 790-1010  
Attorneys for Plaintiff

LEGAL NOTICE

The Board of Supervisors of Franklin Township, Adams County, hereby gives notice that an ordinance was adopted on March 3, 2011 authorizing the establishment of the Franklin Township Municipal Sewer Authority ("authority") for the purpose of owning and operating the Poplar Springs Community Sand Mound System and the Cashtown/McKnightstown Sanitary Sewer System. Articles of Incorporation for the authority will be filed with the Secretary of State of the Commonwealth of Pennsylvania on April 1, 2011. Those articles authorize the authority to carry out the purposes stated above; name the initial Board of Directors of the authority; provide for a 50-year term of existence; and authorize the authority's jurisdiction to include all of the Township. Complete copies of the ordinance and of the Articles may be examined during business hours at the Township's Office, 55 Scott School Road, Orrtanna, PA 17353 (tel. 334-4901; website - <http://www.franklintwp.us/>).

Dorothy J. Shaffer,  
Secretary

3/11

NOTICE OF VOLUNTARY  
DISSOLUTION AND WINDING UP  
PROCEEDINGS OF J. CARLTON, INC.

NOTICE IS HEREBY GIVEN, pursuant to and in accordance with Section 1975.(b) [15 Pa.C.S.A. §1975.(b)] of the Associations Code/Business Corporation Law of 1988, as amended, that the Board of Directors and Shareholder of J. CARLTON, INC., a Pennsylvania business corporation, with an office and mailing address located at 22 Ivy Lane, Gettysburg, PA 17325, have duly adopted a Resolution, dated October 30, 2009, to voluntarily dissolve the said corporation and wind up and settle its affairs. The corporation's Articles of Dissolution - Domestic will be filed in the Corporation Bureau, Department of State, Commonwealth of Pennsylvania, on November 4, 2009. All inquiries regarding this matter may be referred to the corporation's attorneys, Campbell & White, P.C., 112 Baltimore Street, Gettysburg, PA 17325-2311 [(717) 334-9278].

3/11

NOTICE

NOTICE IS HEREBY GIVEN that Todd A. King, Esq., intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 6th day of May, 2011, and that he intends to practice law as an Associate Attorney in the law firm of Campbell & White, P.C., County of Adams, 112 Baltimore Street, Gettysburg, Pennsylvania.

3/11, 18 & 25

3/11

**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 W. E. BEAVER a/k/a WILLIAM EDWARD BEAVER a/k/a WILLIAM E. BEAVER, DEC'D**

Late of Reading Township, Adams County, Pennsylvania

Executor: Daniel C. Beaver, c/o Charles E. Shields, III, Esq., 6 Clouser Rd., Mechanicsburg, PA 17055

Attorney: Charles E. Shields, III, Esq., 6 Clouser Rd., Mechanicsburg, PA 17055

**ESTATE OF MARY S. ERB a/k/a MARY M. ERB, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Executor: Richard R. Garverick, 117 Artillery Rd., Gettysburg, PA 17325

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

**ESTATE OF JAMES P. HAHN, DEC'D**

Late of the Borough of Littlestown, Adams County, Pennsylvania

Robert A. Hahn, 6654 Baltimore Pike, Littlestown, PA 17340

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

**ESTATE OF FRED A. HARNER, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executor: Michael J. Harner, 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

**ESTATE OF GEORGE J. HIPPEN-STEEL, JR., DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Barbara J. Hippensteel, 351 Third St., Hanover, PA 17331

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

**ESTATE OF MILDRED F. McCLEAF, DEC'D**

Late of Butler Township, Adams County, Pennsylvania

Co-Executors: William J. McCleaf, 1230 Stone Jug Rd., Biglerville, PA 17307; Kathleen L. Allwein, 955 Arendtsville Rd., Biglerville, PA 17307

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

**ESTATE OF GLADYS E. RUTTERS, DEC'D**

Late of Reading Township, Adams County, Pennsylvania

Co-Executors: Henrietta E. Wolf, P.O. Box 135, East Berlin, PA 17316; Frederick R. Rutters, II, P.O. Box 241, East Berlin, PA 17316

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

**SECOND PUBLICATION**

**ESTATE OF ESTHER B. BASEHOAR, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executor: Douglas A. Basehoar, 3473 Lyon Park Court, Woodbridge, VA 22192

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

**ESTATE OF DANIEL H. DOXZEN, SR., DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Executor: Daniel H. Doxzen, Jr., 6333 Mayapple Place, Alexandria, VA 22312

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

**ESTATE OF WILLIAM F. HEFLIN, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Randal H. Hefflin, 298 Thomas Dr., Gettysburg, PA 17325; Luann P. Light, 170 Longstreet Drive, Gettysburg, PA 17325

**ESTATE OF DARLENE R. MITCHEM, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Administrator: Edward A. Mitchem, Jr., c/o Craig A. Diehl, Esq., CPA, Law Offices of Craig A. Diehl, 3464 Trindle Road, Camp Hill, PA 17011

Attorney: Craig A. Diehl, Esq., CPA, Law Offices of Craig A. Diehl, 3464 Trindle Road, Camp Hill, PA 17011

**ESTATE OF DAVID BRYAN RUFF, DEC'D**

Late of the Borough of Littlestown, Adams County, Pennsylvania

Administrators: Francis W. Ruff and Emily D. Ruff, c/o Keith R. Nonemaker, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York Street, Hanover, PA 17331

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

**ESTATE OF HELEN G. SHETLER, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Administrator: John D. Kuhn, 136 Artillery Dr., Gettysburg, PA 17325

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

**THIRD PUBLICATION**

**ESTATE OF MINTA S. DEARDORFF, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Frank E. Graham, Jr., 26 Carriage Hill Drive, Hagerstown, MD 21742; Judith Ann Hay, 455 Guernsey Road, Biglerville, PA 17307; Rhonda Renee Deardorff, 5 Edward Ct., Orrtanna, PA 17353

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

**ESTATE OF JENNIE M. GARDNER, DEC'D**

Late of Latimore Township, Adams County, Pennsylvania

Linda K. Williams, 608 Campbell Road, York, PA 17402

Attorney: Jeffery M. Cook, Esq., 234 Baltimore St., Gettysburg, PA 17325

**ESTATE OF KATHY M. GARDNER, DEC'D**

Late of Huntington Township, Adams County, Pennsylvania

Administratrix: Susan B. Lerew, 367 Latimore Valley Road, York Springs, PA 17372

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

**ESTATE OF JERE R. HOLMAN, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Chad Holman, 712 Parkside Boulevard, Claymont, DE 19703

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

(continued on page 8)

**THIRD PUBLICATION (CONTINUED)**

**ESTATE OF WARD L. MILLER, DEC'D**

Late of Menallen Township, Adams  
County, Pennsylvania

Wendy Glacken, 177 West Imperial  
Drive, Aspers, PA 17304

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

**ESTATE OF CLARICE F. SHOEMAKER,  
DEC'D**

Late of Cumberland Township, Adams  
County, Pennsylvania

Executor: Greg Hurda, 120 Liberty  
Lane, P.O. Box 252, Bendersville, PA  
17306

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

**ESTATE OF CORY MICHAEL WILLIAM  
VOS, DEC'D**

Late of Freedom Township, Adams  
County, Pennsylvania

Barbara Jo Vos, 3430 Emmitsburg  
Road, Gettysburg, PA 17325