

# Adams County Legal Journal


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COMMONWEALTH OF PENNSYLVANIA V.  
CHRISTINE ELAINE REDDING



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CHANGE OF NAME NOTICE

NOTICE IS HEREBY GIVEN that on September 13, 2016, a Petition for Change of Name of a Minor was filed in the Court of Common Pleas of Adams County, Pennsylvania, requesting a Decree to change the name of the minor child, Katelyn Nicole Hicks, to Katelyn Nicole Ogle.

The Court has affixed the 8th day of November, 2016, at 1:30 p.m. in Courtroom No. 4, Third Floor of the Adams County Courthouse, as the time and place for the hearing of said Petition, when and where all persons interested may appear where all persons interested, may appear and show cause, if any they have, why the request of the Petitioner should not be granted.

Tony Miley, Esq.  
Miley Law Office  
122 Baltimore St.  
Gettysburg, PA 17325

10/21

CHANGE OF NAME NOTICE

NOTICE IS HEREBY GIVEN that on September 7, 2016 a petition for name change of minor was filed at the Court of Common Pleas of Adams County, Pennsylvania requesting a decree to change name of minor, Mason Ricardo Alan Hoover to Mason Alan Bailey. Court has affixed the 8th day of November 2016 at 11:00am in Courtroom No. 4, 3rd floor, Adams County Courthouse as the time and place for hearing of said petition, when and where all persons interested may appear and show cause, if any they have, why petitioner should not be granted.

10/21

NOTICE

NOTICE IS HEREBY GIVEN that the Application for Domestic Limited Liability Company was filed by ERNIE'S TEXAS LUNCH, LLC with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of registering under 15 Pa. C.S. 8913, relating to Domestic Limited Liability Companies.

Samuel A. Gates, Esq.  
Solicitor

10/21

## COMMONWEALTH OF PENNSYLVANIA V. CHRISTINE ELAINE REDDING

1. Prior to *Birchfield*, police officers were not required to obtain a search warrant before asking a defendant to submit to a blood test. Instantly, police officers were acting in compliance with the statute as it was then enacted, and not in bad faith (*United States v. Leon's*), Leon's aim of deterring police misconduct is inapplicable in the current case.

2. Furthermore, Pennsylvania has explicitly held Leon's good faith exception to the exclusionary rule inapplicable because of the strong privacy rights guaranteed by the Pennsylvania Constitution.

3. Pennsylvania places a greater emphasis on an individual's privacy rights and less on police deterrence; thus, extending the good faith exception to the exclusionary rule in this instance fails to further the aims of Article I, Section 8 of the Pennsylvania Constitution.

4. Post *Birchfield*, the sentencing enhancements contained in 75 Pa. C.S.A. §3804(c), and the reference to the criminal penalties in 75 Pa. C.S.A. §1547 (b)(2) (ii), are facially unconstitutional.

5. For police officers to rely on the exigent circumstance exception they must show an "urgent need" for the evidence such that they cannot wait for a search warrant.

6. The "likelihood that evidence will be destroyed if police take the time to obtain a warrant..." is a factor courts can consider. However, the evanescent nature of alcohol is no longer sufficient by itself to provide police officers with an exigent circumstance.

7. In regards to the cases currently pending before this Court, the Commonwealth cannot retrospectively argue an exigency existed at the time of the blood draw.

8. The standard for measuring the scope of a person's consent is based on an objective evaluation of what a reasonable person would have understood by the exchange between the officer and the person who gave the consent.

9. The Pennsylvania Supreme Court has also explained: evaluation of the voluntariness of a defendant's consent necessarily entails consideration of a variety of factors, factors which, of course, may vary depending on the circumstances. Accordingly, no hard and fast rule can be gleaned that would dictate what factors must be considered by the Supreme Court of Appeals of West Virginia when evaluating the voluntariness of a defendant's consent: 1) the defendant's custodial status; 2) the use of duress or coercive tactics by law enforcement personnel; 3) the defendant's knowledge of his right to refuse consent; 4) the defendant's education and intelligence; 5) the defendant's belief that no incriminating evidence will be found; and 6) the extent and level of the defendant's cooperation with the law enforcement personnel.

10. One's knowledge of his or her right to refuse consent remains a factor to consider in determining the validity of consent; it simply is not a determinative factor since other evidence is oftentimes adequate to prove the voluntariness of a consent.

11. The Superior Court explained the implied consent law "does not require that a motorist's consent to a chemical test be informed but does require that a motorist's refusal be informed." Therefore, in the current case, because Defendant consented to the blood draw, the fact she was never provided with the DL 26 form will not invalidate her consent.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,  
PENNSYLVANIA, CRIMINAL, CP-01-CR-577-2016,  
COMMONWEALTH OF PENNSYLVANIA V. CHRISTINE  
ELAINE REDDING.

Megan C. Zei, Esq., Attorney for Commonwealth

Ryan C. Liggitt, Esq., Attorney for Defendant

Wagner, J., September 1, 2016

OPINION

Presently before the Court is Defendant Christine Redding's Motion to Suppress Evidence, filed on July 12, 2016. A suppression hearing was held on August 25, 2016. The issue before the Court is whether Defendant voluntarily consented to a blood draw following Defendant's arrest for DUI. Based upon the following Findings of Fact and Conclusions of Law, the Court will deny Defendant's Motion to Suppress.

FINDINGS OF FACT

1. On January 14, 2016, at approximately 21:57 hours Officer Anthony Gilberto was dispatched to a single vehicle accident in the area of 17 West King Street, Littlestown, Adams County, Pennsylvania.
2. Officer Gilberto has been a police officer with the Littlestown Police Department for approximately four years and has received training concerning the signs of alcohol intoxication.
3. As part of Officer Gilberto's training, he was instructed in Standard Field Sobriety Testing.
4. Officer Gilberto initially had contact with witnesses who identified Defendant as the female who drove a blue Ford pick-up truck and struck a speed limit sign.
5. Officer Gilberto had contact with Defendant in her pick-up truck, which was parked in front of 31 West King Street, Littlestown.
6. Defendant was in the driver's seat of the pick-up truck. Officer Gilberto observed a strong odor of an alcoholic beverage coming from her breath and person, her speech was slow and slurred, her face was flushed and her eyes were red and watery.

Defendant had difficulty following Officer Gilberto's directions and her movements were slow and uncoordinated.

7. When Officer Gilberto requested Defendant exit the pick-up truck, Defendant had difficulty doing this and dropped several items on the ground.
8. Officer Gilberto asked Defendant how much she had to drink and she stated "a lot" and also "I had too much".
9. Officer Gilberto requested Defendant perform Standard Field Sobriety tests, and Defendant refused.
10. Officer Gilberto was of the opinion that Defendant was under the influence of alcohol to a degree which rendered her incapable of safe driving.
11. Officer Gilberto placed Defendant under arrest, handcuffed her, and placed her in the back of his police vehicle.
12. At 22:24 hours Officer Gilberto transported Defendant to Gettysburg Hospital. While en route to Gettysburg Hospital, Officer Gilberto orally advised Defendant of her *Miranda* warnings.
13. Defendant stated she was drunk and would not fight it. Defendant also stated "I'm fucked."
14. Officer Gilberto arrived at Gettysburg Hospital at 22:38 hours. While Defendant was still in the vehicle, or just outside the vehicle, Officer Gilberto asked "are you willing to submit to a chemical test of your blood?", Defendant asked "do I have to take a blood test?" and Officer Gilberto responded "if you would refuse there are penalties".
15. Officer Gilberto escorted Defendant into Gettysburg Hospital and at 22:48 hours Defendant consented and blood was drawn from Defendant.
16. Officer Gilberto never read the DL-26 Form to Defendant nor did Officer Gilberto have Defendant sign the DL-26 Form.
17. Officer Gilberto testified he does not read the DL-26 Form to a DUI defendant unless a DUI defendant refuses to submit to a blood draw.

18. Analysis of Defendant's blood by NMS Labs revealed a blood alcohol level of .288.
19. Defendant had a prior DUI within the last four years.

### CONCLUSIONS OF LAW

1. Officer Gilberto had probable cause to arrest Defendant for DUI.
2. Officer Gilberto placed Defendant under arrest for driving under the influence, prior to transporting Defendant to Gettysburg Hospital.
3. Officer Gilberto advised Defendant of her *Miranda* warnings while Officer Gilberto was transporting Defendant to Gettysburg Hospital.
4. Defendant's consent to provide a blood sample was knowing and voluntary.

### LEGAL STANDARD

In a suppression hearing, the Commonwealth has the burden to establish, by a preponderance of the evidence, the admissibility of those items the accused seeks to preclude. ***Commonwealth v. Ruey***, 892 A.2d 802, 807 (Pa. 2006).

The Fourth Amendment of the United States Constitution guarantees "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures."<sup>1</sup> The Fourth Amendment is applicable to the states through the Fourteenth Amendment of the U.S. Constitution. ***Commonwealth v. Kohl***, 615 A.2d 308, 311 (Pa. 1992). Pennsylvania's Constitution specifically guarantees citizens the right to be "secure in their persons... from unreasonable searches and seizures."<sup>2</sup> A search or seizure is reasonable only if "it is conducted pursuant to a search warrant issued by a magistrate upon a showing of probable cause." ***Kohl***, 615 A.2d at 313. When police obtain evidence in violation of an individual's Fourth Amendment rights, the Commonwealth is precluded from using that evidence at trial. ***Commonwealth v. Pratt***, 930 A.2d 561, 563 (Pa. Super. 2007).

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<sup>1</sup> U.S. Const. amend. IV.

<sup>2</sup> Pa. Const. art. I, § 8

“The taking of a blood sample or the administration of a breath test is a search.” *Birchfield v. North Dakota*, 136 S. Ct. 2160, 2173 (2016). *See also Commonwealth v. Ellis*, 608 A.2d 1090, 1092 (Pa. Super. 1992) (citing *Commonwealth v. Hipp*, 551 A.2d 1086 (Pa. 1988)) (“The administration of a blood test is a search within the meaning of the Fourth Amendment if it is performed by an agent of the government.”). In the current case, the police officer requested Defendant provide a blood sample after arresting her for a DUI offense. Since Defendant’s blood was taken at the request of law enforcement, the blood draw was a search and must comply with both the Fourth Amendment of the United States Constitution and Article I, Section 8 of the Pennsylvania Constitution to be admissible at trial.

The United States Supreme Court has explicitly held “the Fourth Amendment permits warrantless breath tests incident to arrest for drunk driving.”<sup>3</sup> *Birchfield*, 136 S. Ct. at 2184. Conversely, absent an exception to the warrant requirement, a blood test conducted without a warrant, “incident to a lawful drunk-driving arrest[,]” violates the Fourth Amendment.<sup>4</sup> *Id.* at 2185 n. 8.

### DISCUSSION: EXCLUSIONARY RULE

“The exclusionary rule originated to deter unlawful police practices by depriving law enforcement officials of the benefits derived from using unlawfully obtained information.” *Commonwealth v. Brown*, 368 A.2d 626, 630 (Pa. 1976) (citing *Mapp v. Ohio*, 367 U.S. 643 (1961)). The Commonwealth argues the exclusionary rule is inapplicable to the current case because the police officer was acting in accordance with a then valid statute.<sup>5</sup> *See* Commonwealth’s Supplemental Brief/Response to Motions Pursuant to *Birchfield v. North Dakota* and *Beylund v. Levi*, Director, North Dakota

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<sup>3</sup> The Court found breath tests did not offend the Fourth Amendment since “breath tests are significantly less intrusive than blood tests and in most cases amply serve law enforcement interests...” *Id.* at 2185.

<sup>4</sup> As compared to a breath test, blood tests entail a significant bodily intrusion, as well as implicate serious concerns regarding an individual’s privacy rights. *Id.* at 2178.

<sup>5</sup> Prior to *Birchfield*, under 75 Pa. C.S.A. § 1547(a), a police officer was not required to obtain a search warrant before asking an individual suspected of committing a DUI offense to submit to a chemical test. By driving on a Pennsylvania roadway an individual was considered to have impliedly consented to the test. § 1547(a).

Department of Transportation at 1, 3-7. In making this argument, the Commonwealth relies heavily on *Illinois v. Krull*, 480 U.S. 340, 345-46, 360 (1987), which found the police officer acted “in objective good faith, on a statute that appeared legitimately to allow a warrantless administrative search...” and reversed the lower court’s holding that the evidence had to be suppressed. However, the Supreme Court resolved the *Krull* case using *United States v. Leon*’s<sup>6</sup> analysis of the exclusionary rule and the desire to deter police misconduct. *See Krull*, 480 U.S. at 349-60.

Prior to *Birchfield*, police officers were not required to obtain a search warrant before asking a defendant to submit to a blood test. Instantly, since police officers were acting in compliance with the statute as it was then enacted, and not in bad faith, *Leon*’s aim of deterring police misconduct is inapplicable in the current case.

Furthermore, Pennsylvania has explicitly held *Leon*’s good faith exception to the exclusionary rule inapplicable because of the strong privacy rights guaranteed by the Pennsylvania Constitution. *See Commonwealth v. Edmunds*, 586 A.2d 887, 897-99, 905 (Pa. 1991). As *Birchfield* mentioned, a blood draw implicates significant privacy concerns.<sup>7</sup> Pennsylvania places a greater emphasis on an individual’s privacy rights and less on police deterrence; thus, extending the good faith exception to the exclusionary rule in this instance fails to further the aims of Article I, Section 8 of the Pennsylvania Constitution.

Nothing in this Court’s analysis is meant to suggest or imply that law enforcement officers acted inappropriately in securing the blood tests pursuant to the Implied Consent statute. To the contrary, law enforcement officers were diligently fulfilling their duty to follow and apply the law. However, the *Birchfield* decision has redefined the parameters within which blood tests may be obtained.

### DISCUSSION: EXIGENT CIRCUMSTANCES

Directly relevant to this case is *Birchfield*’s analysis and holding on implied consent laws.<sup>8</sup> The United States Supreme Court found the criminal penalties imposed by the implied consent laws vitiated

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<sup>6</sup> 468 U.S. 897 (1984).

<sup>7</sup> *Birchfield*, 136 S. Ct. at 2178.

<sup>8</sup> Both North Dakota’s and Minnesota’s statutes made refusing to submit to a BAC test a criminal offense. *Id.* at 2170-72.



a person's ability to consent to a blood draw, thus violating the Fourth Amendment. *Id.* at 2186. The Court explained “[i]t is another matter, however, for a State not only to insist upon an intrusive blood test, but also to impose criminal penalties on the refusal to submit to such a test. There must be a limit to the consequences to which motorists may be deemed to have consented by virtue of a decision to drive on public roads.” *Id.* at 2185. While the Court struck down the criminal penalties, the Court explained its opinion should not “be read to cast doubt [on the civil penalties and evidentiary consequences]” for declining the blood test. *Id.* Finally, in situations such as those of Petitioner Beylund where “consent [to a blood test] was voluntary on the erroneous assumption that the State could permissibly compel both blood and breath tests[,]” the Court has left state courts with the task of determining if the defendant’s consent to the blood test was actually voluntary. *Id.* at 2186.

Unlike North Dakota and Minnesota, Pennsylvania does not have a separate refusal statute. However, 75 Pa. C.S.A. § 1547(b) allows the Commonwealth to impose criminal penalties, such as a mandatory sentencing enhancement, on a person who refuses to undergo a chemical test.<sup>9</sup> In essence, a person charged under the general impairment subsection of the DUI statute who refuses the chemical test receives the same punishment as a person found guilty of DUI highest blood alcohol level.<sup>10</sup> The statute also provides for civil penalties such as a license suspension and presentation of evidence at trial of the Defendant’s refusal.<sup>11</sup>

Post-*Birchfield*, the sentencing enhancements contained in 75 Pa. C.S.A. § 3804(c), and the reference to the criminal penalties in 75 Pa. C.S.A. § 1547(b)(2)(ii), are facially unconstitutional. Now, when police officers arrest an individual for a DUI offense, they must procure a search warrant before a defendant’s blood is drawn, unless the individual voluntarily consents or an exigent circumstance is present.

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<sup>9</sup> “[I]f the person refuses to submit to chemical testing, upon conviction or plea for violating section 3802(a)(1), the person will be subject to the penalties provided in section 3804(c) (relating to penalties).” § 1547(b)(2)(ii).

<sup>10</sup> *Id.* at § 1547(b)(2)(ii). Punishment for the highest offense ranges from at least “72 consecutive hours” of jail time all the way to a maximum sentence “of not less than five years in jail.” *Id.* at § 3803, § 3804(c)(1)(i), (2)(i), (3)(i).

<sup>11</sup> *Id.* at § 1547(b)(1), (b.1), (c), (e). Since *Birchfield* upholds the use of these consequences and the Defendant does not challenge them, this Court will not address them further.

For police officers to rely on the exigent circumstance exception they must show an “urgent need” for the evidence such that they cannot wait for a search warrant. *Birchfield*, 136 S. Ct. at 2173.<sup>12</sup> See also *Commonwealth v. Roland*, 637 A.2d 269, 271 (Pa. 1994). “[T]he Commonwealth must show by clear and convincing evidence that the circumstances surrounding the opportunity to search were truly exigent...” *Commonwealth v. Lee*, 972 A.2d 1, 4 (Pa. Super. 2009) (quoting *Commonwealth v. Rispo*, 487 A.2d 937, 940 (Pa. 1985)).

When the situation is a warrantless blood draw, a case by case totality of the circumstances analysis is appropriate. See *Missouri v. McNeely*, 133 S. Ct. 1552, 1556 (2013); *Birchfield*, 136 S. Ct. at 2174. The “likelihood that evidence will be destroyed if police take the time to obtain a warrant...” is a factor courts can consider. *Roland*, 637 A.2d at 271. However, the evanescent nature of alcohol is no longer sufficient by itself to provide police officers with an exigent circumstance. *McNeely*, 133 S. Ct. at 1556.<sup>13</sup> The Commonwealth insinuates that 75 Pa. C.S.A. § 3802(a)(2)’s two hour requirement will suffice to meet the urgency needed for an exigent circumstance.<sup>14</sup> Interestingly, section 3802(g)’s “good cause” exception appears to obviate the need to show an exigent circumstance.<sup>15</sup> Therefore, in a routine DUI stop where the only exigency is evanescent blood evidence, the Commonwealth will have a difficult time establishing an exigent circumstance. In this case, the Commonwealth has presented no evidence to support an exigent circumstance.

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<sup>12</sup> “The exigent circumstances exception allows a warrantless search when an emergency leaves police insufficient time to seek a warrant. It permits, for instance, the warrantless entry of private property when there is a need to provide urgent aid to those inside, when police are in hot pursuit of a fleeing suspect, and when police fear the imminent destruction of evidence.” *Id.* (internal citations omitted).

<sup>13</sup> “The Supreme Court declined to adopt a per se rule allowing for an exigent circumstance based on “the natural metabolism of alcohol in the bloodstream.” *McNeely*, 133 S. Ct. at 1556.

<sup>14</sup> “An individual may not drive, operate or be in actual physical control of the movement of a vehicle after imbibing a sufficient amount of alcohol such that the alcohol concentration in the individual’s blood or breath is at least 0.08% but less than 0.10% within two hours after the individual has driven, operated or been in actual physical control of the movement of the vehicle.” § 3802(a)(2) (emphasis added).

<sup>15</sup> “Notwithstanding the provisions of subsection (a), (b), (c), (e) or (f), where alcohol or controlled substance concentration in an individual’s blood or breath is an

In regards to the cases currently pending before this Court, the Commonwealth cannot retrospectively argue an exigency existed at the time of the blood draw. *See Commonwealth v. Arnold*, 932 A.2d 143, 147-48 (Pa. Super. 2007); *Commonwealth v. Demshock*, 854 A.2d 553, 557 (Pa. Super. 2004). Under these cases, an exigency must have existed at the time the search occurred. Prior to *Birchfield*, Pennsylvania's implied consent law allowed police officers to obtain warrantless blood draws from an individual arrested for a DUI offense.<sup>16</sup> Thus, there was no need in most situations to first obtain a search warrant. The Commonwealth cannot now impart an exigency when none existed at the time the blood was drawn.

### DISCUSSION: KNOWING AND VOLUNTARY CONSENT

Here, Officer Gilberto did not obtain a search warrant prior to the blood draw. As the Commonwealth has not established an exigent circumstance, Defendant's blood test results must be suppressed as an unreasonable search and seizure in violation of Article I, Section 8 of the Pennsylvania Constitution unless the Commonwealth establishes Defendant provided knowing and voluntary consent.<sup>17</sup>

The stain of an unconstitutional search may be erased when an individual has validly consented to the search. *See Commonwealth v. Cleckley*, 738 A.2d 427, 429 (Pa. 1999) (citing *Commonwealth v. Slaton*, 608 A.2d 5, 8-9 (Pa. 1992)). Pennsylvania courts have employed an objective, totality of the circumstances approach in deciding whether an individual provided the necessary consent to search. *Smith*, 77 A.3d at 573. "In order for consent to be valid, it

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(footnote continued)

element of the offense, evidence of such alcohol or controlled substance concentration more than two hours after the individual has driven, operated or been in actual physical control of the movement of the vehicle is sufficient to establish that element of the offense under the following circumstances:

- (1) where the Commonwealth shows good cause explaining why the chemical test sample could not be obtained within two hours; and
- (2) where the Commonwealth establishes that the individual did not imbibe any alcohol or utilize a controlled substance between the time the individual was arrested and the time the sample was obtained."

75 Pa. C.S.A. § 3802(g).

<sup>16</sup> See § 1547(a).

<sup>17</sup> The Commonwealth bears the burden of establishing Defendant knowingly and voluntarily consented to the search. *Commonwealth v. Smith*, 77 A.3d 562, 573 (Pa. 2013).

must be ‘unequivocal, specific, and voluntary.’ The appellant must have intentionally relinquished or abandoned a known right or privilege.” *Commonwealth v. Dunne*, 690 A.2d 1233, 1236 (Pa. Super. 1997) (citing *Commonwealth v. Gibson*, 638 A.2d 203, 207 (Pa. 1994)).

The *Smith* Court aptly stated:

In determining the validity of a given consent [to provide a blood sample], ‘the Commonwealth bears the burden of establishing that a consent is the product of an essentially free and unconstrained choice-not the result of duress or coercion, express or implied, or a will overborne-under the totality of the circumstances.’ ‘The standard for measuring the scope of a person’s consent is based on an objective evaluation of what a reasonable person would have understood by the exchange between the officer and the person who gave the consent.’ Such evaluation includes an objective examination of ‘the maturity, sophistication and mental or emotional state of the defendant...’ Gauging the scope of a defendant’s consent is an inherent and necessary part of the process of determining, on the totality of the circumstances presented, whether the consent is objectively valid, or instead the product of coercion, deceit, or misrepresentation.

*Smith*, 77 A.3d at 573. (internal citations omitted).

The Pennsylvania Supreme Court has also explained:

[e]valuation of the voluntariness of a defendant’s consent necessarily entails consideration of a variety of factors, factors which, of course, may vary depending on the circumstances. Accordingly, no hard and fast rule can be gleaned that would dictate what factors must be considered in each instance. We find instructive, however, the following factors considered by the Supreme Court of Appeals of West Virginia when evaluating the voluntariness of a defendant’s consent: 1) the defendant’s custodial status; 2) the use of duress or coercive tactics by law enforcement personnel; 3) the defendant’s knowledge of his right to refuse consent; 4) the defendant’s education and intelligence; 5) the defendant’s belief that no incriminating evidence will be found; and 6) the extent and level

of the defendant's cooperation with the law enforcement personnel.

*Cleckley*, 738 A.2d at 433 n. 7 (Pa. 1999) (adopting the factors espoused by the Supreme Court of Appeals of West Virginia).

At the point Defendant consented to the blood draw she was under arrest and in custody. Given the inherently coercive atmosphere of custodial arrest, this factor leans against a finding of a knowing and voluntary consent.

Defendant was also never advised she had a right to refuse consent. *See Commonwealth v. Strickler*, 757 A.2d 884, 901 (Pa. 2000). However, this is not outcome determinative to a finding of knowing and voluntary consent. *See Cleckley*, 738 A.2d at 433 (“[O]ne’s knowledge of his or her right to refuse consent remains a factor to consider in determining the validity of consent; it simply is not a determinative factor since other evidence is oftentimes adequate to prove the voluntariness of a consent.”). Here, even though Defendant was not told she could refuse the test, she knew she was consenting to the taking and search of her blood by law enforcement.

The Adams County Public Defender, in the Memorandum of Law, appears to assert that a Defendant cannot provide knowing consent unless he is given the warnings contained in the DL 26 form. However, based upon a plain reading of the statute, it does not appear a police officer must read the DL 26 form to a person arrested for a DUI offense prior to asking the person to submit to a blood draw.<sup>18</sup> *75 Pa. C.S.A. § 1547(b)(1)* states “[i]f any person placed under arrest for a violation of section 3802 is requested to submit to chemical testing and refuses to do so, the testing shall not be conducted...” (emphasis added). If the person consents in response to an officer’s request for a blood draw, there is no need to provide an explanation of the consequences of a refusal.

In *Commonwealth v. McCoy*, 895 A.2d 18, 27 (Pa. Super. 2006), Defendant consented to a blood draw after being arrested for DUI.

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<sup>18</sup> This Court has found no case law suggesting a contrary reading of the statute. Conversely, since a license suspension and the enhanced criminal penalties are triggered when an individual refuses to submit to the blood test, a person must be given the warnings before either of those penalties can be imposed. *See Commonwealth v. Xander*, 14 A.3d 174, 179 (Pa. Super. 2011); *Weems v. Commonwealth, Dep’t of Transp., Bureau of Driver Licensing*, 990 A.2d 1208, 1211-12 (Commw. Ct. 2010).

On appeal Defendant claimed, among other things, his consent was invalid because the officer provided him with “incorrect implied consent warnings, gave incomplete warnings and gave an incorrect statement of the law...” *Id.* at 24.<sup>19</sup> Specifically, he argued the warning failed to tell him that a person who refuses the chemical test will receive a sentencing enhancement. *Id.* at 27. The Superior Court found Defendant’s argument unpersuasive because Defendant had consented to the blood draw. *Id.* at 27-28. Citing an earlier case, the Superior Court explained the implied consent law “does not require that a motorist’s consent to a chemical test be informed but does require that a motorist’s refusal be informed.” (internal citation omitted). *Id.* at 28. Therefore, in the current case, because Defendant consented to the blood draw the fact she was never provided with the DL 26 form will not invalidate her consent.

Despite the fact Defendant was never advised she had a right to refuse the blood test and was in custody at the time she consented, there are a number of factors leaning towards a finding of knowing and voluntary consent. For example, Officer Gilberto provided Defendant with Miranda warnings prior to requesting she submit to a blood draw. *See Commonwealth v. Acosta*, 815 A.2d 1078, 1087 (Pa. Super. 2003).

Officer Gilberto neither forced, pressured, nor misrepresented the facts in an effort to get Defendant to consent to the blood draw. The relevant conversation went as follows: “Are you willing to submit to a chemical test of your blood?” to which Defendant responded “Do I have to take a blood test?”. While Officer Gilberto acknowledged a refusal meant penalties, he never specifically identified what those penalties were. Furthermore, Defendant cannot claim the threat of criminal penalties contained in the DL 26 form coerced her into consenting. As mentioned previously, Officer Gilberto testified he did not read the DL 26 form to Defendant nor did he make any reference to criminal penalties. Defendant’s consent to the blood draw was not the product of duress or coercion on the part of law enforcement.

Additionally, the fact Defendant fully cooperated with Officer Gilberto weighs in favor of voluntary consent. No evidence was presented to show Defendant was argumentative, belligerent, or uncooperative. She honestly answered Officer Gilberto’s questions, includ-

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<sup>19</sup> The officer provided Defendant an older version of the DL-26 form. *Id.* at 27.

ing his questions about how much she had to drink. She even voluntarily advised Officer Gilberto she was drunk and would not fight it, referring to the DUI charge. Within ten minutes of being escorted into the hospital, Defendant agreed and submitted to the blood draw. This fact illustrates Defendant's consent was the product of considered deliberation. Defendant's interaction with Officer Gilberto coupled with the statements Defendant made to Officer Gilberto concerning her condition are all factors which weigh in favor of knowing and voluntary consent.

Upon consideration of the totality of all the factors present in this case, this Court is of the opinion that the Commonwealth has met its burden of establishing that Defendant's consent was the product of an essentially free and unconstrained choice, objectively valid and not the product of police coercion, deceit or misrepresentation. Therefore, Defendant did knowingly and voluntarily consent to the search of her person and the warrantless blood draw was legal. Defendant's Motion to Suppress is denied.

#### ORDER OF COURT

And Now, this 1st day of September, 2016, for the reasons set forth in the attached Opinion, Defendant's Motion to Suppress Evidence is denied.





## SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on Friday, 18th of November 2016, at 10:00 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz. :

**No. 13-SU-1151****MTGLQ INVESTORS, L.P.**

vs

**JOHN A. ADAMIK, DEBORAH L. ADAMIK**

PROPERTY ADDRESS: 893 HERITAGE DRIVE, GETTYSBURG, PA 17325  
By virtue of Writ of Execution No#13-su-1151

MTGLQ Investors, L.P. (Plaintiff) vs.

John A. Adamik a/k/a/John Adamik and Deborah L. Adamik (defendants), 893 Heritage Drive, Mount Joy Township, Gettysburg PA 17325, Parcel No. # 007-0080-000, improvements thereon consisting of a Residential Dwelling sold to satisfy judgment in the amount of \$247,605.47

Attorneys for Plaintiff

Edward J McKee, Esquire  
Stern & Eisenberg PC  
1581 Main Street, Suite 200  
The Shops at Valley Square  
Warrington, PA 18976  
Phone 215-572-8111

**No. 15-SU-1003****NATIONSTAR MORTGAGE LLC**

vs

**THOMAS L. ALTLAND**

PROPERTY ADDRESS: 25 Ewell Drive, East Berlin, PA 17316

By virtue of Writ of Execution No. : 2015-SU-0001003

Nationstar Mortgage LLC  
Plaintiff

vs.

Thomas L. Altlund

Defendant's Property Address: 25 Ewell Drive, East Berlin, PA 17316  
Township or Borough: Reading Township

PARCEL NO.:36102-0095  
IMPROVEMENTS THEREON:A

RESIDENTIAL DWELLING

JUDGMENT AMOUNT:\$139,419.97

ATTORNEYS FOR PLAINTIFF:

Shapiro & DeNardo, LLC  
3600 Horizon Drive, Suite 150  
King Of Prussia, Pa 19406  
610-278-9980

**No. 14-SU-1188****VENTURES TRUST 2013-I-H-R BY MCM CAPITAL PARTNER, LLC, ITS TRUSTEE**

vs

**JAVIER ALVAREZ, SANJUANITA M. YBARRA**

PROPERTY ADDRESS: 108 KIME AVENUE, BENDERSVILLE, PA 17306  
By virtue of a Writ of Execution No. 14-S-1188

Ventures Trust 2013-I-H-R by Mcm Capital Partners, LLC, Its Trustee.

vs.

Javier Alvarez

Sanjuanita M. Ybarra

owner(s) of property situate in the BENDERSVILLE BOROUGH, ADAMS County, Pennsylvania, being 108 Kime Avenue, Bendersville, PA 17306

Parcel No. 03003-0049---000

(Acreage or street address)

Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$155,010.73

Attorneys for Plaintiff

Phelan Hallinan Diamond & Jones, LLP  
One Penn Center Ste 1400  
Philadelphia, PA 19103

**No. 16-SU-336****WELLS FARGO BANK, NA**

vs

**REBECCA E. BAKER**

PROPERTY ADDRESS: 16 CHAMBERSBURG STREET, ARENDTSSVILLE, PA 17303  
By virtue of Writ of execution No#2016-su-336

Wells Fargo Bank, NA

VS

Rebecca E. Baker

16 Chambersburg Street

Borough of Arendtsville, PA 17303

Parcel number 02006-0060A-000

Improvements thereon of Residential Dwelling

Judgment amount 182,131.38

MANLEY DEAS KOCHALSKI, LLC

P.O. Box 165028

Columbus, OH 43216-5028

614-220-5611

**No. 16-SU-151****CARRINGTON MORTGAGE SERVICES, LLC**

vs

**ANTHONY P. BARRETT, ANTHONY BARRETT, ANTHONY BARRETT, LISA M BARRETT, LISA BARRETT**

PROPERTY ADDRESS: 101 Abbotts Drive, Abbottstown, PA 17301

By virtue of Writ of Execution No. :

16-SU-151

Carrington Mortgage Services, LLC  
Plaintiff

vs.

Anthony P. Barrett and

Lisa M. Barrett

Defendant(s)

Defendant's Property Address 101 Abbotts Drive, Abbottstown, PA 17301  
Township or Borough: Borough of Abbottstown

PARCEL NO.: 01005-0045

IMPROVEMENTS THEREON: A RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$82,990.63

ATTORNEYS FOR PLAINTIFF

Shapiro & DeNardo, LLC

3600 Horizon Drive Suite 150

King of Prussia, PA 19406-4700

**No. 15-SU-906****CARRINGTON MORTGAGE SERVICES, LLC**

vs

**CATHY J. BAUMGARDNER**

PROPERTY ADDRESS: 12 CHERRY STREET, NEW OXFORD, PA 17350

By virtue of Writ of Execution No. :

2015-SU-0000906

Carrington Mortgage Services, LLC  
Plaintiff

vs.

Cathy J. Baumgardner

Defendant(s)

Defendant's Property Address 12 Cherry Street, New Oxford, PA 17350  
Township or Borough: Oxford Township

PARCEL NO.: 35009-0057

IMPROVEMENTS THEREON: A

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$126,870.16

ATTORNEYS FOR PLAINTIFF

Shapiro & DeNardo LLC

General Business Account

3600 Horizon Drive Suite 150

King of Prussia, PA 19406

610-278-6800

Notice directed to all parties in interest and claimants that a schedule of distribution will be filed by the Sheriff in his office no later than (30) thirty days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within (10) ten days thereafter.

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.

James W. Muller

Sheriff of Adams County

www.adamscounty.us

10/21, 10/28 & 11/04

## SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on Friday, 18th of November 2016, at 10:00 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz :

**No. 16-SU-553****M&T BANK**

vs

**GEOFFREY ALLEN CHILDS, DENISE M. CHILDS**

PROPERTY ADDRESS: 20 CLOVER DRIVE, LITTLESTOWN, PA 17340

By virtue of Writ of Execution No.

16-SU-553 M&T BANK

vs.

GEOFFREY A. CHILDS & DENISE M. CHILDS

20 Clover Drive Littlestown a/k/a Union, PA 17340 Parcel No: 41-3-119

(Acreage or street address)

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING JUDGMENT

AMOUNT: \$371,594.60

Attorneys for Plaintiff KML Law Group, P.C.

Mellon Independence Center

701 Market St

Philadelphia, PA 19106

215-627-1322

**No. 16-SU-607****BANK OF AMERICA, N.A.**

vs

**KELLY J. COOL**

PROPERTY ADDRESS: 105 LINDEN AVE., HANOVER, PA 17331

By virtue of Writ of Execution No.

16-SU-607 BANK OF AMERICA, N.A.

vs.

KELLY J. COOL

105 Linden Avenue Hanover, PA 17331

Parcel No: 08008-0123-000

(Acreage or street address)

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING JUDGMENT

AMOUNT: \$95,067.63

Attorneys for Plaintiff

KML Law Group, P.C.

701 Market St

Philadelphia, PA 19106

215-627-1322

**No. 16-SU-563**

**WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT INDI**

vs

**BYRON L. EARLEY, CINDY T. EARLEY**

PROPERTY ADDRESS: 43 NORTH ORCHARD VIEW DRIVE, HANOVER, PA 17331

## SHORT DESCRIPTION

By virtue of Writ of Execution No.

16-SU-563

**WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A-CHRISTIANA TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM MORTGAGE ACQDSITION TRUST**

vs.

**BYRON L. EARLEY & CINDY T. EARLEY**

43 North Orchard View Drive

Hanover, PA 17331

(Acreage or street address)

Parcel No: 04-LJI-220

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$418,153.26

Attorneys for Plaintiff

KML Law Group, P.C.

701 Market Street

Philadelphia, PA 19106

215-627-1322

**No. 16-SU-230**

**WILMINGTON SAVINGS FUND SOCIETY, FSB, DOING BUSINESS AS CHRISTIANA TRU**

vs

**DEBORAH A. FORE, ERNEST E. FORE**

PROPERTY ADDRESS: 103 N.

ORCHARD VIEW DRIVE, LOT 50,

HANOVER, PA 17331

By virtue of Writ of Execution No.

16-SU-230

**WILMINGTON SAVINGS FUND**

**SOCIETY, FSB, DOING BUSINESS AS**

**CHRISTIANA TRUST, NOT IN ITS**

**INDIVIDUAL CAPACITY**

**BUT SOLELY AS TRUSTEE FOR BCAT**

**2014-9TT**

vs.

**DEBORAH A. FORE & ERNEST E.**

**FORE**

103 North Orchard View Drive Hanover, PA 17331

Parcel No: 04L11-0226-000

(Acreage or street address)

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING JUDGMENT

AMOUNT: \$524,212.19

Attorneys for Plaintiff KML Law Group,

P.C.

BNY Mellon Independence Center

701 Market Street

Philadelphia, PA 19106

**No. 16-SU-293**

**JPMORGAN CHASE BANK, NATIONAL ASSOCIATION**

vs

**SARAH J. GAY**

PROPERTY ADDRESS: 50 VALLEY VIEW, ASPERS, PA 17304

By virtue of a Writ of Execution No.

16-SU-293 JPMorgan Chase Bank,

National Association

v.

Sarah J. Gay f/k/a Sarah Kauffman

owner(s) of property situate in the MENALLEN TOWNSHIP, ADAMS County, Pennsylvania, being 50 Valley View, Aspers, PA 17304-9684 Parcel No. 29EOS-0034E--OOO (Acreage or street address) Improvements thereon: RESIDENTIAL DWELLING Judgment Amount: \$127,528.19 Attorneys for Plaintiff Phelan Hallinan Diamond & Jones, LLP One Penn Center Ste 1400 Philadelphia, PA 19103

**No. 16-SU-68****BANK OF AMERICA, N.A.**

vs

**KIMBERLY M. GROSS, NICHOLAS ANTHONY GROSS**

PROPERTY ADDRESS: 2110 STORMS STORE ROAD, NEW OXFORD, PA 17350

By virtue of Writ of Execution No 16-SU-

68

Bank of America, N.A.

VS

Kimberly M. Gross a/k/a Kimberly Gross & Nicholas A. Gross a/k/a

Nicholas Gross

210 Storms Store Road

New Oxford, PA 17350

Parcel No: 35J12-0201-000

(acreage or street address)

IMPROVEMENTS THEREON:

RESIDENTIAL SWELLING JUDGEMENT

AMOUNT: \$202,134.37

Attorneys for Plaintiff

KML Law Group P.C.

BNY Mellon Independence Center Suite

500

701 Market Street

Philadelphia, PA 19106

Suite 5000

Notice directed to all parties in interest and claimants that a schedule of distribution will be filed by the Sheriff in his office no later than (30) thirty days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within (10) ten days thereafter.

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.

James W. Muller  
Sheriff of Adams County

www.adamscounty.us

10/21, 10/28 & 11/04

## SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on Friday, 18th of November 2016, at 10:00 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz. :

**No. 16-NO-787  
GREENVIEW LLC**

**vs**  
**HILL COUNTY ENTERPRISES INC.,,  
HILL COUNTRY ENTERPRISES**  
**PROPERTY ADDRESS: 519 Gladhill**  
Road, Fieldfield, PA 17112  
By Vitue of Writ of execution NO  
16-NO-787  
Greenview, LLC v. Hill Country  
Enterprises, Inc.  
**VS**  
Hill Country Enterprises, Inc  
519 and 620 Gladhill Road,  
Fairfield PA 17320  
Tax ID No.: 25-A18-0005, 25-A18-0008,  
and 25-A18-0053  
Comprised of six separate tracts with  
approximately 555.057 total acres  
With improvements thereon residential  
dwelling and vacant land  
Judgment in the amount of \$523,381.09  
Plaintiff s Attorneys: Joshua D. Bradley  
Rosenberg Martin Greenberg, LLP 25  
S. Charles Street, Suite 2115  
Baltimore, Maryland 21201  
410-727-6671

**No. 16-SU-167  
U.S. BANK NATIONAL ASSOCIATION**

**vs**  
**SHAWN P. HINES, BETH A. HINES**  
**PROPERTY ADDRESS: 111 LOCUST**  
**STREET, EAST BERLIN, PA 17316**  
By virtue of Writ of Execution No. :  
16-S-167  
U.S. Bank National Association Plaintiff  
**vs.**  
Beth A. Hines and  
Shawn P. Hines Defendant (s)  
Defendant's Property Address 111  
Locust Street, East Berlin, PA 17316  
Township or Borough: Borough of East  
Berlin  
PARCEL NO.: 1004-0212  
IMPROVEMENTS THEREON: A  
RESIDENTIAL DWELLING  
JUDGMENT AMOUNT:\$165,674.51  
ATTORNEYS FOR PLAINTIFF  
Shapiro & DeNardo LLC  
3600 Horizon Drive, Suite 150  
King of Prussia, PA 19406-4700

**No. 15-SU-1277  
BELCO COMMUNITY CREDIT UNION**

**vs**  
**RONALD G. HOBBS**  
**PROPERTY ADDRESS: 3015 TABLE**  
**ROCK ROAD, BIGLERVILLE, PA 17307**  
By Virtue of Writ of Execution No. 2015-  
su-1277  
BELCO COMMUNITY CREDIT UNION  
**VS**  
RONALD G. HOBBS  
TOWNSHIP OF BUTLER  
Parcel No. :07-F08-0057  
3015 TABLE ROCK ROAD,  
BIGLERVILLE, PA 17307  
(Acreage or street address)  
IMPROVEMENTS THEREON:  
RESIDENTIAL DWELLING  
JUDGEMENT AMOUNT: \$122,629.00  
Attorney for Plaintiff  
Keri P. Ebeck, Esquire  
PA ID# 91298  
WELTMAN WEINBERG & REIS CO.,  
L.P.A.  
436 7th Avenue Suite 2500  
Pittsburgh, PA 15219  
(412) 338-7108 (Kim)

**No. 16-SU-354  
U.S. BANK NATIONAL ASSOCIATION,  
AS TRUSTEE FOR RESIDENTIAL  
ASSET SECUR**

**vs**  
**BRUCE A. HOCKENSMITH, LUCINDA  
HOCKENSMITH**  
**PROPERTY ADDRESS: 204 BEAVER**  
**STREET, EAST BERLIN, PA 17316**  
By virtue of a Writ of Execution No.  
16-SU-354  
U.S. Bank National Association, as  
Trustee for Residential Asset Securities  
Corporation, Home Equity Mortgage  
Asset-Backed  
Pass-Through Certificates, Series 2007-  
KS2  
**VS.**  
Bruce A. Hockensmith  
Lucinda Hockensmith  
owner(s) of property situate in the  
ADAMS County, Pennsylvania, being  
204 Beaver Street,  
East Berlin, PA 17316-8817  
Parcel No. 10-007-0047-00-000  
(Acreage or street address)  
Improvements thereon: RESIDENTIAL  
DWELLING  
Judgment Amount: \$206,304.03  
Attorneys for Plaintiff  
Phelan Hallinan Diamond & Jones, LLP

**No. 16-SU-180  
WELLS FARGO BANK, N.A., AS  
TRUSTEE FOR OPTION ONE  
MORTGAGE LOAN TRUST**

**vs**  
**STUART T. JACOBSON**  
**PROPERTY ADDRESS: 299 CULP**  
**ROAD, GETTYSBURG, PA 17325**  
Wells Fargo Bank, National Association,  
as Trustee for Option One Mortgage

Loan Trust 2004-2, Asset-Backed  
Certificates,  
Series 2004-2 c/o Ocwen Loan  
Servicing, LLC  
**V.**  
Stuart T. Jacobson  
C.C.PADAMS COUNTY NO. 16-SU-180  
JUDGMENT AMOUNT: \$283,090.95  
**PROPERTY ADDRESS: 299 Culp Road,**  
**Gettysburg, PA 17325 PARCEL ID**  
**NUMBER: 38G09-0037C-OOO**  
**ALL THAT CERTAIN lot or piece of**  
**ground situate in Straban Township,**  
**County of Adams, Commonwealth of**  
**Pennsylvania.**  
Improvements thereon of the  
Residential Dwelling  
BEING the same premises which James  
E. Williams, Executor of the Estate of  
Debra E. Frazer, deceased, by Deed  
dated January  
3, 2003 and recorded January 16, 2003  
in the Office of the Recorder of Deeds  
in and for Adams County in Deed Book  
2946, Page  
147, granted and conveyed unto Stuart  
T. Jacobson.  
Attorney  
Stern & Eisenberg OC  
1581 Main Street Suite 200  
Warrington, PA 18976  
215-572-8111

Notice directed to all parties in interest  
and claimants that a schedule of distribu-  
tion will be filed by the Sheriff in his office  
no later than (30) thirty days after the date  
of sale and that distribution will be made in  
accordance with that schedule unless  
exceptions are filed thereto within (10) ten  
days thereafter.

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.

James W. Muller  
Sheriff of Adams County  
www.adamscounty.us  
10/21, 10/28 & 11/04

## SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on Friday, 18th of November 2016, at 10:00 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz. :

**No. 16-SU-376****BELCO COMMUNITY CREDIT UNION vs****KELLY C KINT, ANN M SCOTT**

PROPERTY ADDRESS: 317 MAPLE GROVE ROAD, HANOVER, PA 17331  
By virtue of Writ of Execution NO. 16-SU-376

Belco Community Credit Union c/o Ocwen Loan Servicing, LLC v.  
Kelly C. Kint and Ann M. Scott a/k/a Ann M. Kint  
C.C.P. ADAMS COUNTY NO. 16-SU-376

JUDGMENT AMOUNT: \$159,444.20  
PROPERTY ADDRESS: 317 Maple Grove Road, Hanover, PA 17331  
PARCEL ID NUMBER: 04L11-0035-000  
ALL THAT CERTAIN lot or piece of ground situate in Berwick Township, County of Adams, Commonwealth of Pennsylvania.

BEING the same premises which Patricia Marie Hoff, single, by Deed dated August 14, 2006 and recorded August 14, 2006 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 4531, Page 346, granted and conveyed unto Kelly C Kint,

single person and Ann M Scott, single person, as joint tenants with the right of survivorship.  
Attorney for plaintiff: Stern & Eisenberg, PC  
158 Main Street Suite 200  
The shops at Valley Square  
Warrington, PA 18976

**No. 12-SU-010****WELLS FARGO BANK NA****vs****SHANNON K. LEAHY, TIMOTHY EVERS ATTEBERRY**

PROPERTY ADDRESS: 1691 ORRTANNA RD, ORRTANNA, PA 17353  
By virtue of a Writ of Execution, No. 2012-SU-10

Plaintiff: U.S. ROF III Legal Title Trust 2015-1 by U.S. Bank National Association, as Legal Title Trustee  
vs.

Defendant 1. Shannon Leahy a/k/a Shannon K. Leahy Defendant 2. Tim Atteberry a/k/a Tim E. Atteberry owners of property situate in the Hamiltonban Township, Adams County,

Pennsylvania

1691 Orrtanna Road, Orrtanna, PA 17353-9739 Parcel No. 18, C12-0118---000

Improvements hereon: RESIDENTIAL  
Judgment Amount: \$239,626.96  
Attorneys for Plaintiff:  
Parker McCay, PA  
9000 Midlantic Drive, Suite 300  
P.O. Box 5054  
Mount Laurel, New Jersey 08054

**No. 16-SU-321****WELLS FARGO BANK, N.A.****vs****JOHN RUSSELL LEHIGH, SUSAN E. LEHIGH**

PROPERTY ADDRESS: 1446 Abbottstown Pike, Hanover, PA 17331  
By virtue of a Writ of Execution No. 16-SU-321  
Wells Fargo Bank, N.A.  
v.

John R. Lehigh  
Susan E. Lehigh  
owner(s) of property situate in the BERWICK TOWNSHIP, ADAMS County, Pennsylvania,  
being

1446 Abbottstown Pike, Hanover, PA 17331-8787

Parcel No. 04L12-0006A--000

(Acreage or street address)

Improvements thereon: RESIDENTIAL DWELLING  
Judgment Amount: \$87,947.52  
Attorneys for Plaintiff  
Phelan Hallinan Diamond & Jones, LLP

**No. 16-SU-343****WILMINGTON SAVINGS FUND SOCIETY, FSB, DOING BUSINESS AS CHRISTIANA TRUS****vs****DARRYL L. MALPASS, DEBORAH GRAY MALPASS**

PROPERTY ADDRESS: 454 TOWNHILL ROAD, YORK SPRINGS, PA 17372  
By virtue of Writ of Execution No.: 16-S-343

Wilmington Savings Fund Society, FSB, doing business as Christiana Trust, not in its individual capacity but solely as Trustee for  
BCAT 2014-4TT (Plaintiff)

**vs.**

Darryl L. Malpass and Deborah Gray Malpass a/k/a Deborah G. Malpass (Defendant)

Property Address: 454 Townhill Road, York Spring, PA 17372

Parcel I.D. No.: 23103-001 I B

Improvements thereon of the residential dwelling.

Judgment Amount: \$310,546.60

Attorney for Plaintiff:

Stephen M. Hladik, Esquire  
Hladik, Onorato & Federman, LLP  
298 Wissahickon Avenue  
North Wales, PA 19454

**No. 14-SU-1468****DLJ MORTGAGE CAPITAL, INC.****vs****DAVID P. MAYTON, TRACI E.****MAYTON**

PROPERTY ADDRESS: 24 GROFT DRIVE, NEW OXFORD, PA 17350  
By virtue of Writ of Execution No. 2014-S-1468

LSF9 Master Participation Trust vs.

David R Mayton and Traci E. Mayton  
24 Groft Drive, New Oxford, PA 17250-9521 situate in the Township of Oxford, Adams County Pennsylvania,  
Parcel No. 35312-0108-000

Improvements thereon consist of Residential Real Estate.

Judgment amount: \$232,772.91

Stern & Eisenberg, PC  
Attorneys for Plaintiff  
1581 Main Street, Suite 200  
The Shops at Valley Square  
Warrington, PA 18976

Notice directed to all parties in interest and claimants that a schedule of distribution will be filed by the Sheriff in his office no later than (30) thirty days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within (10) ten days thereafter.

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James W. Muller

Sheriff of Adams County

www.adamscounty.us

10/21, 10/28 &amp; 11/04

## SHERIFF SALES

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**No. 16-SU-252****BRANCH BANKING AND TRUST  
SUCCESSOR BY MERGER TO  
SUSQUEHANNA BANK F/K/A**

vs

**MELINDA ANN MCCORD A/K/A  
MELINA ANN MANOLOVICH, IN HER  
CAPACITY AS EXECUTRIL AND D,  
LISA DEANN  
MANOLOVICH, IN HER CAPACITY AS  
DEVISEE OF THE ESTATE OF  
BARBARA ANN WE**

PROPERTY ADDRESS: 745 FUNT  
ROAD, ASPERS, PA 17304

By virtue of a Writ of Execution No. 16  
SU-252

Branch Banking and Trust Successor  
by Merger to Susquehanna Bank f/k/a  
Susquehanna Bank PA Successor by  
Merger to  
Community Banks

v.

Melinda Ann Mccord a/k/a Melinda Ann  
Manolovich, in Her Capacity as  
Executrix and Devisee of The Estate  
and Trustee of The  
Estate of Barbara Ann Weikert a/k/a  
Barbara A. Weikert

Lisa Deann Manolovich, in Her Capacity  
as Devisee of The Estate of Barbara  
Ann Weikert a/k/a Barbara A. Weikert  
owner(s) of property situate in the  
TYRONE TOWNSHIP, ADAMS County,  
Pennsylvania, being

745 Funt Road, Aspers, PA 17304-9411  
Parcel No. 40G05-0023G--000

(Acreage or street address)

Improvements thereon: RESIDENTIAL  
DWELLING Judgment Amount:  
\$50,169.73

Attorneys for Plaintiff

Phelan Hallinan Diamond & Jones, LLP  
One Penn Center at Suburban Station  
1617 JFK Blvd Ste 1400  
Philadelphia, PA 19103-9897

**No. 15-SU-1108****GREEN TREE SERVICING LLC**

vs

**SARANNE MCCULLOUGH**

PROPERTY ADDRESS: 21  
MCCELLELLAN DRIVE, EAST BERLIN, PA  
17316

By virtue of Writ of Execution No. 15-S-  
1108

GREEN TREE SERVICING LLC

vs.

Saranne McCullough  
21 McClellan Drive East Berlin, PA  
17316

Reading Township

PARCEL NO.: 36105-0072-000

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING.

JUDGMENT AMOUNT: \$86,208.53

ATTORNEYS FOR PLAINTIFF

THE LAW OFFICE OF GREGORY  
JAVARDIAN

1310 Industrial Blvd

Ste 101

South Hampton, PA 18966

215-942-9690

**No. 15-SU-93****THE BANK OF NEW YORK MELLON  
FKA THE BANK OF NEW YORK, AS  
TRUSTEE FOR T**

vs

**BRIAN K. MERRIKEN, TINA Y  
NUZZOLO**

PROPERTY ADDRESS: 425 BOY  
SCOUT ROAD, NEW OXFORD, PA  
17350

By virtue of Writ of Execution No. :  
15-SU-93

The Bank of New York Mellon FKA The  
Bank of New York, as Trustee for the  
certificate holders of the CWABS, Inc.,

Asset-Backed

Certificates, Series 2007-10

Plaintiff vs.

Brian K. Merriken and

Tina Y. Nuzzolo Defendant( s)

Defendant's Property Address 425 Boy

Scout Road, New Oxford, PA 17350

Township or Borough: Hamilton

Township

PARCEL NO.: (17)-JI0-0011

IMPROVEMENTS THEREON: A

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$255,233.80

ATTORNEYS FOR PLAINTIFF

Shapiro & DeNardo, LLC

3600 Horizon Drive

King of Prussia, PA 19406

610-278-6800

**No. 16-SU-214****CITIFINANCIAL SERVICING, LLC**

vs

**JOHN F. MORRIS, SCYTHIA V.  
MORRIS**

PROPERTY ADDRESS: 11 AUTUMN  
DRIVE, GETTYSBURG, PA 17325

ALL THAT TRACT OF LAND SITUATE,

LYING AND BEING IN THE BOROUGH  
OF BONNEAUVILLE, ADAMS COUNTY,  
PENNSYLVANIA.

By virtue of Writ of Execution No. 16 S  
214

CITIFINANCIAL SERVICING, LLC

vs.

JOHN F. MORRIS A/K/A JOHN

MORRIS SCYTHIA V. MORRIS A/K/A

SCYTHIA MORRIS

11 AUTUMN DRIVE

GETTYSBURG, PA 17325

## BONNEAUVILLE

PARCEL NO.: 06005-0102-000

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING.

JUDGMENT AMOUNT: \$169,488.64

ATTORNEYS FOR PLAINTIFF

POWERS, KIRN & ASSOCIATES, LLC

Eight Neshaminy Interplex

Suite 215

Trevose, PA 19053

**No. 14-SU-1282****U.S. BANK NATIONAL ASSOCIATION  
AS SUCCESSOR BY MERGER OF  
U.S. NATIONAL**

vs

**WILLIS J. MYERS, II, DENISE J.  
MYERS**

PROPERTY ADDRESS: 686 BARTS  
CHURCH ROAD, HANOVER, PA 17331

By virtue of Writ of Execution No. :

14-SU-1282

US Bank NA Plaintiff

vs.

Willis Myers, II and

Denise J. Myers Defendant(s)

Defendant's Property Address:

686 Barts Church Road,

Hanover, PA 17331

Union Township

Township or Borough: Union Township

PARCEL NO.:41-KI 7-0079A

IMPROVEMENTS THEREON:A

RESIDENTIAL DWELLING

JUDGMENT AMOUNT:\$390,123.73

ATTORNEYS FOR PLAINTIFF

Shapiro & DeNardo LLC

3600 Horizon Drive

Suite 150

King of Prussia, PA 19406

610-278-6800

Notice directed to all parties in interest and claimants that a schedule of distribution will be filed by the Sheriff in his office no later than (30) thirty days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within (10) ten days thereafter.

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.

James W. Muller

Sheriff of Adams County

www.adamscounty.us

10/21, 10/28 & 11/04

## SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on Friday, 18th of November 2016, at 10:00 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz. :

**No. 15-SU-92****THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A. F/K/A THE BANK OF NEW**

vs

**STERLING J. MYERS, ORIGINAL MORTGAGOR, JEAN L. MYERS, ORIGINAL MORTGAGOR AND REAL OWNER**

PROPERTY ADDRESS: 2942 HANOVER PIKE, HANOVER, PA 17331  
By virtue of Writ of Execution No. 2015-SU-0000092

THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A. F/K/A THE BANK OF NEW YORK TRUST COMPANY, N.A. AS SUCCESSOR- IN-INTEREST TO JP MORGAN CHASE, NA, AS TRUSTEE FOR NOMURA ASSET ACCEPTANCE CORPORATION REPERFORMING LOAN REMIC TRUST SERIES 2004-R3

Plaintiff,

vs.

Sterling J. Myers Original Mortgagor and

Jean L. Myers Original Mortgagor and Real Owner

2942 Hanover Pike  
Hanover, PA 17331 Conewago Township

Parcel No.: 08-L-15-0015-000

Improvements thereon: Residential

Dwelling Judgment amount: \$2,683.80

MILSTEAD &amp; ASSOCIATES, LLC

BY: Robert W. Williams, Esquire ID No. 315501

1 E. Stow Road Marilton, NJ 08053

(856) 482-1400

Attorney for Plaintiff

**No. 15-SU-198****SUSQUEHANNA BANK**

vs

**NEW A-VILLE INN, INC, THE ESTATE OF NANCY ELIZABETH WOLFE A/K/A NANCY E WOLFE, JENNIFER E. WOLFE,****EXECUTRIX, PAUL F WOLFE, JR, THE A-VILLE INN., INC**

PROPERTY ADDRESS: 23 & 27 North High Street, Arendtsville, PA 17303

By virtue of writ of execution 15-su-198

Branch Banking and Trust Company

v.

The New A-Ville Inn, Inc., et al.

Property address

23 &amp; 27 N. High Street,

Arendtsville, PA 17303

Parcel ID No.: 02006-0015---000

Comprised of two separate tracts With improvements thereon

Judgment in the amount of \$124,074.13

Plaintiff's Attorneys: Joshua D. Bradley

Rosenberg Martin Greenberg, LLP 25

S. Charles Street, Suite 2115

Baltimore, Maryland 21201

410-727-6671

4811-3941-9702, v. 1

**No. 16-SU-261****WELLS FARGO BANK, N.A.**

vs

**DAVID A. PIERCE**

PROPERTY ADDRESS: 1335

EVERGREEN WAY, ORRTANNA, PA

17353

By virtue of a Writ of Execution No.

16-S-261

Wells Fargo Bank, N.A. v.

David A. Pierce

owner(s) of property situate in the

FRANKLIN TOWNSHIP, ADAMS

County, Pennsylvania, being

1335 Evergreen Way, Orrtanna, PA

17353

Parcel No. 12C10-0057---003

(Acreage or street address)

Improvements thereon: RESIDENTIAL

DWELLING Judgment Amount:

\$261,468.54

Attorneys for Plaintiff

Phelan Hallinan Diamond &amp; Jones, LLP

One Penn Center at Suburban Station

Philadelphia, PA 19103

**No. 11-SU-1916****WILMINGTON SAVINGS FUND SOCIETY FSB D/B/A CHRISTINA TRUST**

vs

**JOSEPH R. POIST**

PROPERTY ADDRESS: 5435 CARLISLE

PIKE, NEW OXFORD, PA 17350

By virtue of Writ of Execution No. :

11-SU-1916

Plaintiff: Wilmington Savings Fund

Society, FSB, d/b/a Christina Trust,

not individually but as trustee for

Pretium Mortgage

Acquisition Trust

vs.

Defendant(s): Joseph R. Poist

Defendant's Property Address: 5435

Carlisle Pike, New Oxford PA 17350

Township or Borough: Reading

PARCEL NO.: 36-108-0015

IMPROVEMENTS THEREON:

Residential Dwelling

JUDGMENT AMOUNT: \$112,118.88

ATTORNEYS FOR PLAINTIFF: Martha

E. Von Rosenstiel, P.C.

649 South Avenue Unit 7

Secane, PA 19018

**No. 16-SU-303****WORLD BUSINESS LENDERS, LLC**

vs

**ATTAI HUSNAIN SHAHZAD, EASTERN SHOE COMPANY, LLC, PENNSYLVANIA IMPORTS, KATRINA J MCCLELLAND**

PROPERTY ADDRESS: 730 PLUM RUN RD, NEW OXFORD, PA 17350

By Virtue of Writ of execution no 2016-SU-303

World Business Lender, LLC v. The

Eastern Shore Company, LLC d/b/a

Pennsylvania Imports a/k/a

Pennsylvania Imports Salt

Skill, Attai Husnain Shahzad, and

Katrina Jean McClelland

PARCEL ID #: 40107-0039B-000

EXECUTION NUMBER: 16-SU-303

JUDGMENT AMOUNT: \$126,285.42

PLAINTIFF'S ATTORNEY: Flaherty

Fardo, LLC

Stephanie L. Fera, Esq. 812 Ivy Street

Pittsburgh, PA 15232

(412) 802-6666

All the right, title, interest, and claim of

Katrina Jean McClelland, of, in, and to

the following described property:

In the Commonwealth of Pennsylvania,

County of Adams, Township of Tyrone:

The Real Property or its address

commonly known as 35 and 51

Cashman Road, New Oxford, PA 17350

Parcel # 40107-0039B-000

Notice directed to all parties in interest and claimants that a schedule of distribution will be filed by the Sheriff in his office no later than (30) thirty days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within (10) ten days thereafter.

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.

James W. Muller

Sheriff of Adams County

www.adamscounty.us

10/21, 10/28 &amp; 11/04



## SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on Friday, 18th of November 2016, at 10:00 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz. :

**No. 16-SU-403  
CIT BANK, N.A.**

vs

**JOHN L. SMITH**

PROPERTY ADDRESS: 2224  
HUNTERSTOWN HAMPTON ROAD,  
NEW OXFORD, PA 17350

By virtue of Writ of Execution No. :  
16-SU-403  
CIT Bank N.A

vs.

John L. Smith Defendant

All that certain piece or parcel or Tract  
of land situate Straban Township,  
Adams County, Pennsylvania, and  
being known as 2224

Hunterstown Hampton Road, New  
Oxford, Pennsylvania 17350.

TAX MAP AND PARCEL NUMBER:  
38031-0015--000

PROPERTY ADDRESS 2224  
HUNTERSTOWN HAMPTON ROAD  
NEW OXFORD PENNSYLVANIA 17350  
THE IMPROVEMENTS THEREON ARE:  
Residential Dwelling

REAL DEBT: \$111,646.29

SEIZED AND TAKEN IN EXECUTION  
AS THE PROPERTY OF: John L. Smith  
Attorney

McCabe, Weisberg and Conway, P.C.  
123 South Broad Street, Suite 1400  
Philadelphia, PA 19109

**No. 14-SU-1476**

**U.S. BANK NATIONAL ASSOCIATION,  
AS TRUSTEE FOR RESIDENTIAL  
ASSET SECUR**

vs

**MICHAEL W. SMITH, LORI SMITH**

PROPERTY ADDRESS: 38  
CROSSVIEW TRAIL, FAIRFIELD, PA  
17320

By virtue of a Writ of Execution No.  
14-SU-1476

U.S. Bank National Association, as  
Trustee for Residential Asset Securities  
Corporation, Home Equity Mortgage  
Asset-Backed  
Pass-Through Certificates, Series 2006-  
KS9

v.

Michael W. Smith Lori Smith  
owner(s) of property situate in the  
CARROLL VALLEY BOROUGH, ADAMS  
County, Pennsylvania, being  
38 Crossview Trail, Fairfield, PA 17320-

8473 Parcel No. 43041-0149---000  
(Acreage or street address)  
Improvements thereon: RESIDENTIAL  
DWELLING Judgment Amount:  
\$176,454.76  
Attorneys for Plaintiff  
Phelan Hallinan Diamond & Jones, LLP  
One Penn Center Ste 1400  
Philadelphia , PA 19103

**No. 16-SU-345**

**USAA FEDERAL SAVINGS BANK**

vs

**JOHN STOUTER, LINSAY F STOUTER**

PROPERTY ADDRESS: 44 Thunder  
Trail, Fairfield, PA 17320

By virtue of Writ of Execution No.  
16-SU-345

USAA Federal Savings Bank  
Plaintiff,  
VS.

John Stouter and Lindsay F. Stouter  
44 Thunder Trail  
Fairfield, PA 17320

Hamiltonban Township

Parcel No.: 18-BB0-0036-000

Improvements thereon: Residential  
Dwelling

Judgment amount: \$218,912.59

MILSTEAD & ASSOCIATES, LLC BY:

Robert W. Williams, Esquire

ID No. 315501

1 E. Stow Road

Marlton, NJ 08053

(856) 482-1400

Attorney for Plaintiff

**No. 14-SU-957**

**NATIONSTAR HECM ACQUISITION  
TRUST 2015-1**

vs

**UNKNOWN HEIRS, DEVISES AND  
PERSONAL REPRESENTATIVES OF  
EARL R. BUTT, EARL BUTT, EST,  
ESTATE OF EARL**

**R. BUTT, UNKNOWN HEIRS,  
DEVISES AND PERSONAL  
REPRESENTATIVES OF EARL R.**

**BUTT AN, LUANN GEBHART,**

**NICHOLAS P. GARRETT, THE UNITED  
STATES OF AMERICA, UNITED  
STATES DEPT OF JUSTICE**

PROPERTY ADDRESS: 5722  
HANOVER ROAD, HANOVER, PA  
17331

By virtue of a Writ of Execution No.  
14-SU-00957

Plaintiff: Nationstar HECM Acquisition  
Trust 2015-1 Wilmington Savings Fund  
Society,

FSB, not individually, but solely as  
Trustee

v.

Defendant 1. Unknown heirs, devisees  
and personal representatives of Earl R.

Butt and his, her, their or any of their  
successors in

right, title and interest

Defendant 2. The United States of

America, Department of Justice

owner(s) of property situate in

CONEWAGO TOWNSHIP, Adams  
County, Pennsylvania, being  
5722 Hanover Road, Hanover, PA  
17331

Parcel No. 08K14-0075---000  
Improvements thereon: RESIDENTIAL  
DWELLING

Judgment Amount: \$155,188.07

Attorneys for Plaintiff

Romano, Garubo & Argentieri, LLC 52  
Newton Avenue  
Woodbury, NJ 08096

**No. 15-SU-1297**

**LAKEVIEW LOAN SERVICING, LLC  
vs**

**LEE GARLAND VIANDS, SANDRA  
VIANDS**

PROPERTY ADDRESS: 5725  
HANOVER RD, HANOVER, PA 17331  
By virtue of a Writ of Execution No.  
15-S-1297

Lakeview Loan Servicing, LLC  
vs.

Lee G. Viands

Sandra Viands a/k/a Sandy Viands  
owner(s) of property situate in the  
ADAMS County, Pennsylvania, being  
5725 Hanover Road, Hanover, PA  
17331-9064

Parcel No. 08K14-0116---000

(Acreage or street address)

Improvements thereon: RESIDENTIAL  
DWELLING

Judgment Amount: \$179,114.08

Attorneys for Plaintiff  
Phelan Hallinan Diamond & Jones, LLP

1617 JFK Blvd Suite 1400

One Penn Center Plaza

Philadelphia, PA 19103

(215)-563-7000

Notice directed to all parties in interest  
and claimants that a schedule of distribu-  
tion will be filed by the Sheriff in his office  
no later than (30) thirty days after the date  
of sale and that distribution will be made in  
accordance with that schedule unless  
exceptions are filed thereto within (10) ten  
days thereafter.

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.

James W. Muller

Sheriff of Adams County

www.adamscounty.us

10/21, 10/28 & 11/04

SHERIFF SALES

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**No. 15-SU-840**  
**U.S. BANK NATIONAL ASSOCIATION**

**vs**

**JAMES NORMAN WAGNER, JR.**

PROPERTY ADDRESS: 5500  
HANOVER ROAD, HANOVER, PA  
17331

By virtue of a Writ of Execution No.  
2015-SU-000840

U.S. Bank National Association  
V.

James Norman Wagner, Jr  
owner(s) of property situate in the  
CONEWAGO TOWNSHIP, ADAMS  
County, Pennsylvania, being  
5500 Hanover Road, Hanover, PA  
17331-9058 Parcel No. 08,K14-0061  
(Acreage or street address)  
Improvements thereon: RESIDENTIAL  
DWELLING Judgment Amount:  
\$117,449.11  
Attorneys for Plaintiff  
Phelan Hallinan Diamond & Jones, LLP  
One Penn Center Stre 1400  
Philadelphia, PA 19103

**No. 16-SU-163**  
**FINANCE OF AMERICA MORTGAGE**  
**LLC FORMERLY KNOWN AS**  
**GATEWAY FUNDING DIVE**

**vs**

**ARIANNA D. WHITE, IN HER**  
**CAPACITY AS ADMINISTRATRIX AND**  
**HEIR OF THE ESTATE OF AMY**

PROPERTY ADDRESS: 35 COLLIE  
TRAIL, FAIRFIELD, PA 17320

By virtue of a Writ of Execution No.  
16-S-163

Finance of America Mortgage LLC  
Formerly Known as Gateway Funding  
Diversified Mortgage Services, L.P.  
v.

Arianna D. White, in Her Capacity as  
Administratrix and Heir of The Estate of  
Amy White a/k/a Amy L. White a/k/a  
Amy Lynn White  
Unknown Heirs, Successors, Assigns,  
and All Persons, Firms, or Associations  
Claiming Right, Title or Interest From or  
Under Amy  
White a/k/a Amy L. White a/k/a Amy  
Lynn White, Deceased  
owner(s) of property situate in the  
LIBERTY TOWNSHIP, ADAMS County,  
Pennsylvania, being  
35 Collie Trail, Fairfield, PA 17320-9295

Parcel No. 25000-0035---000  
(Acreage or street address)  
Improvements thereon: RESIDENTIAL  
DWELLING  
Judgment Amount: \$159,350.17  
Attorneys for Plaintiff  
Phelan Hallinan Diamond & Jones, LLP  
One Penn Center at Suburban Station  
1617 JFK Blvd Ste 1400  
Philadelphia, PA 19103-9897

Notice directed to all parties in interest  
and claimants that a schedule of distribu-  
tion will be filed by the Sheriff in his office  
no later than (30) thirty days after the date  
of sale and that distribution will be made in  
accordance with that schedule unless  
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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.

James W. Muller  
Sheriff of Adams County

www.adamscounty.us  
10/21, 10/28 & 11/04



**ESTATE NOTICES**

**NOTICE IS HEREBY GIVEN** that in the estates of the decedents set forth below, the Register of Wills has granted letters, testamentary of or 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 LOUETTA S. DEARDORFF,  
DEC'D

Late of Franklin Township, Adams  
County, Pennsylvania

Peggy Jo Abraham, 61 Shirley Trail,  
Fairfield, PA 17320

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

ESTATE OF LAWRENCE W. LUCKEN-  
BAUGH, DEC'D

Late of Mount Pleasant Township,  
Adams County, Pennsylvania

Executor: Kelly L. Luckenbaugh, 1045  
Centennial Rd., New Oxford, PA  
17350

**SECOND PUBLICATION**

ESTATE OF BURNS BRABHAM, DEC'D

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

Holland J. Brabham III, Linda M. Hall,  
Lance A. Sease, c/o Jennifer A.  
Galloway, Esq., Kearney Galloway,  
LLC, 2002 South Queen Street,  
York, PA 17403

Attorney: Jennifer A. Galloway, Esq.,  
Kearney Galloway, LLC, 2002 South  
Queen Street, York, PA 17403

ESTATE OF GEORGE M. GILBERT,  
DEC'D

Late of the Borough of Gettysburg,  
Adams County, Pennsylvania

Co-Executors: Thomas M. Gilbert,  
346-350 East Water Street,  
Gettysburg, PA 17325; Lloyd T.  
Gilbert, 785 Taneytown Road,  
Gettysburg, PA 17325

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

**THIRD PUBLICATION**

*(No Estate Notices Submitted)*

