

Adams County Legal Journal

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No. 15, pp. 95-99

IN THIS ISSUE

MEGERT VS. STAMBAUGH ET AL

This opinion continued from last issue (8/20/2010)

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

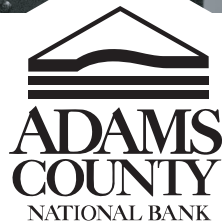
Karen Arthur
Trust Officer



**Trust and investment services from
a bank with a long history of trust.**

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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-369 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of September, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution No. 10-S-369

BENEFICIAL CONSUMER DISCOUNT COMPANY DBA BENEFICIAL MORTGAGE COMPANY OF PENNSYLVANIA

vs.

BRIAN D. VALENTINE & GLENDA M. VALENTINE

97 TOMS CREEK TRAIL
CARROLL VALLEY, PA 17320
BOROUGH OF CARROLL VALLEY

Parcel No.: 43-046-0024-000
(Acreage or street address)

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$282,555.14

Attorneys for Plaintiff

McCabe, Weisberg & Conway, P.C.

SEIZED and taken into execution as the property of **Brian D. Valentine & Glenda M. Valentine** 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 October 1, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

8/13, 20 & 27

NOTICE OF ACTION IN
MORTGAGE FORECLOSURE

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
COURT OF COMMON PLEAS
CIVIL DIVISION
ADAMS COUNTY
NO. 10-S-784

BRANCH BANKING AND TRUST
COMPANY

vs.

DANIEL K. PUCKETT
SHERRY L. PUCKETT

NOTICE

TO Daniel K. Puckett and Sherry L. Puckett:

You are hereby notified that on May 6, 2010, Plaintiff, Branch Banking and Trust Company, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of Adams County Pennsylvania, docketed to No. 10-S-784. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 120 Benders Church Road, Biglerville, PA 17307 whereupon your property would be sold by the Sheriff of Adams County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

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.

ADAMS COUNTY
COURT ADMINISTRATOR
ADAMS COUNTY COURTHOUSE
GETTYSBURG, PA 17325
(717) 334-6781, EXT. 213

LAWYER REFERRAL SERVICE
MIDPENN LEGAL SERVICES
128 BRECKENRIDGE STREET
GETTYSBURG, PA 17325
(717) 334-7624

8/27

TRUSTEE NOTICE

Trust of Raymond E. Bange and
Dorothy L. Bange Revocable Living Trust
Late of Conewago Township

Said Trust having been established to the undersigned, all persons indebted thereto are requested to make payment, and those having claims or demands against the same will present them without delay for settlement to the undersigned.

Trustees: Dean E. Bange and Ray E. Bange

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

8/20, 27 & 9/3

In *Jannone v. McCooley*, 2009 WL 2418862 (Pike County 2009) Plaintiffs brought a negligence action against one defendant for damages allegedly suffered in an automobile accident. In the same action, Plaintiffs brought a UIM claim against their own insurance company. The tort defendant filed preliminary objections alleging that the claims against her should be dismissed as being misjoined to those claims brought against the insurance company. The Court found this argument lacked merit, holding:

There does not appear to be any controlling appellate case law specifically addressing whether claims against a tortfeasor and UIM insurer may be joined in the same cause of action pursuant to Rule 2229(b). The Court, however, is satisfied that the causes of action against [the defendants] arise out of the same occurrence, namely the auto accident which occurred on February 15, 2008. Since the factual questions surrounding that accident are relevant to the claims against both [defendants], their joinder is permissible. In addition, the joinder of these claims will save significant judicial resources and avoid unnecessary delay and expense to the parties. Accordingly, [the tort defendant's] first preliminary objection is DENIED.

Id.

The tort defendant also argued that trying the two claims together would be unduly prejudicial because claims against the plaintiffs' insurance company would necessitate the introduction into evidence of her own insurance policy. Defendant cited Pa. R. E. 411, which states:

Evidence that a person was or was not insured against liability is not admissible upon the issue whether the person acted negligently or otherwise wrongfully. This rule does not require the exclusion of evidence of insurance against liability when offered for another purpose, such as proof of agency, ownership, or control, or bias or prejudice of a witness.

The Court found that evidence of the tort defendant's insurance policy was admissible so long as it was relevant to some issue other than her alleged negligence. "[Defendant's] insurance policy would most certainly be relevant to [the insurance defendant's] liability, since

[the insurance defendant's] liability is dependent on [the tort defendant's] coverage." The Court did not conduct a Rule 403 analysis concerning its probative value versus prejudicial effect.

In a case substantially similar to the facts presented in *Jannone*, the Court of Common Pleas of Butler County came to a much different conclusion. In *Baptiste v. Strobel*, Plaintiffs again brought a negligence action against a Defendant relating to a vehicle accident. In the same action, Plaintiffs also brought a UIM claim against their insurance company. The insurance defendant filed a Preliminary Objection alleging misjoinder of a cause of action and sought to sever the UIM claim from the tort claim and stay the UIM claim pending resolution of the negligence action.

The Court acknowledged that Rule 411 does not require exclusion of insurance evidence when offered for "another purpose." *Id.* However, the Court found that joinder of the insurance defendant and the UIM claim with the tort claim "must serve a purpose related to the negligence counts between Plaintiffs and [the tort defendant]." *Id.* The Court found that insurance evidence was not admissible under Rule 411 because there was no purpose for which the insurance evidence would be admissible regarding the negligence counts against the tort defendant. *Id.* The Court also found it inadmissible under Pa. R. E. 401 and 402;¹ "Here, the issue of UIM insurance in the claim against [the insurance defendant] bears no relation to the determination of the negligence cause of action between Plaintiffs and [the tort defendant]". *Id.*

Furthermore, the Court held that even if the insurance evidence were relevant to the negligence claims, Pa. R. E. 403 would bar its admission. *Id.* Rule 403 provides:

Although relevant, evidence may be excluded if its probative value is outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

¹Rule 401 provides that: "'Relevant Evidence' means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Rule 402 provides that: "All relevant evidence is admissible, except as otherwise provided by law. Evidence that is not relevant is not admissible."

The Court found that inclusion of insurance evidence in the negligence counts against the tort defendant “would yield minimal, if any, probative value in comparison to the potential for undue prejudice to the Defense.” *Id.*

The Court also found that the evidence would not be admissible pursuant to Pa. R. Civ. P. 2229(b). The Court reasoned that the negligence claims include questions of duty, breach, causation, and damages. *Id.* The interested parties are the plaintiffs and the tort defendants. *Id.* For the UIM claim, the rights and obligations between plaintiffs and the insurance defendants derive from the contractual provisions of the UIM policy between plaintiffs and insurance Defendant. *Id.* The Court held:

Common issues of negligence and damages from the accident exist for both claims; however, joinder injects the irrelevant and prejudicial issues of insurance into [the negligence counts]. Accordingly, while a second trial on the issues of negligence liability and damages will be necessary for the decision of the severed UIM claim..., severance will avoid undue prejudice. The policy rationale of Pa. R. E. 411, and the prejudice it aims to prevent, ultimately overrides permissive joinder of the negligence and UIM causes of action.

Id.

The plaintiffs also argued that the potential for inconsistent verdicts from two trials, possible *res judicata* and collateral estoppel issues, and the inconvenience of two trials also supported joinder of the causes of action. *Id.* However, before considering the factor of judicial economy, the Court held that it must consider whether joinder will interfere with “a just determination for all parties.” *Id.* The Court found that while inconsistent verdicts may be a possibility, “each party’s respective rights are still protected for each claim.” *Id.* While perhaps the Court, plaintiffs, and some witnesses may be inconvenienced by two trials, “severance will avoid undue prejudice.” *Id.*

I find the reasoning of the Court of Common Pleas of Butler County in *Baptiste* to be persuasive. Additionally, this conclusion is consistent with the undersigned’s Opinion in *Michaleski v. National Indemnity Co., et. al.*, 2009-SU-1529 (Adams County, December 22,

2009). In that case, plaintiffs filed a negligence action against a defendant for injuries sustained in a vehicle accident. In the same action, plaintiffs brought a Declaratory Judgment action against their insurance company. Relying on the Court's determination in *Stokes*, the undersigned held that "such complaints, one in tort and the other to determine insurance coverage, do not arise out of the same transaction or occurrence and do not involve a common factual background or common factual or legal questions." *Id.* at 7 (citation omitted). Although there is clearly case law from other jurisdictions to support Plaintiffs' arguments, this issue has not been conclusively decided by an appellate court in Pennsylvania. The undersigned believes the better reasoned decision is to grant Defendant's preliminary objection. I agree with the reasoning of the esteemed Judge Marilyn Horan in Butler County that the danger of unfair prejudice to Stambaugh to even mention the presence of an insurance company while she is trying to defend herself from a negligence claim far outweighs any probative value to Plaintiffs of having the two actions tried together. The provisions of Plaintiffs' contracts with their insurance companies bear absolutely no relationship to a determination of whether Stambaugh negligently operated her vehicle on September 8, 2007.

Accordingly, Defendant's Preliminary Objection is sustained.

2: Motion to Sever

The Court recognizes that there is a great deal of uncertainty regarding the appropriateness of joining these causes of actions. Despite that, even if the Court were not to have granted the Preliminary Objection, it would be appropriate to grant the Motion to Sever. Pa. R. Civ. P. 213(b) provides:

(b) The court, in furtherance of convenience or to avoid prejudice, may, on its own motion or on motion of any party, order a separate trial of any cause of action, claim, or counterclaim, set-off, or cross-suit, or of any separate issue, or of any number of causes of action, claims, counterclaims, set-offs, cross-suits, or issues.

In this matter, despite the fact that the action against all Defendants is related to the alleged vehicular accident, the facts and law that will be relevant to each cause of action are very different. The cause of action against Defendant Stambaugh will rest entirely

on the law of negligence. Although Stambaugh's negligence will impact Erie and The Hartford's potential liability, it will not have any effect on the facts relevant to determining the applicability of the provisions of their contracts with Plaintiffs. Furthermore, as addressed above, allowing these actions to proceed together would be unfairly prejudicial to Stambaugh.

Accordingly, the Motion to Sever is granted.

The attached Order is entered.

ORDER

AND NOW, this 15th day of January, 2010, for the reasons set forth in the attached Opinion, Defendant Cynthia Stambaugh's Preliminary Objection filed November 25, 2009, is sustained. Defendant's Motion to Sever filed simultaneously is granted.

CURTIS B. FOX, Plaintiff

vs.

BONNIE J. FOX, Defendant

No. 09-S-1313

NOTICE TO DEFEND
AND CLAIM RIGHTS

YOU have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take prompt action. You are warned that if you fail to do so, the case may proceed without you and a decree or divorce or annulment may be entered against you by the court. A judgment may also be entered against you for any other claim or relief requested in these papers by the plaintiff. You may lose money or property or other rights important to you, including custody or visitation of your children.

When the grounds for the divorce is indignities or irretrievable breakdown of the marriage, you may request marriage counseling. A list of marriage counselors is available in the Office of the Prothonotary at the Adams County Court House, 111-117 Baltimore Street, Gettysburg, Pennsylvania 17325.

IF YOU DO NOT FILE A CLAIM FOR ALIMONY, DIVISION OF PROPERTY, LAWYER'S FEES OR EXPENSE BEFORE A DIVORCE OR ANNULMENT IS GRANTED, YOU MAY LOSE THE RIGHT TO CLAIM ANY OF THEM.

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

Lawyer Referral Service
Adams County Courthouse
Gettysburg, Pennsylvania 17325
Telephone: 717-337-9846

Le han demandado a usted en la corte. Si usted quieie defenderse de estas demandas expuestas en las a de la demanda y la notificacion. Usted debe presentar una apariciencia escrita o en persona o por abogado y archivar en la corte enforma escrita sus defensas o sus objections a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede entrar una orden contra usted sin previo en la peticion de demanda. Usted puede perder dinero o sus propiedades o otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SEVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA WOFICINA CUYA DIRECCION SE ENCUENTRA

ESTRITA ABAJO PARA AVERIGUAR
DONDE SE PUEDE CONSEGUIR ASIS-
TENCIA LEGAL.NOTICE OF INTENTION TO
REQUEST ENTRY OF
§3301(D) DIVORCE DECREE

TO: Bonnie J. Fox

You have been sued in an action for divorce. You have failed to answer the complaint or file a counter-affidavit to the 3301(d) affidavit. Therefore, on or after 9/16/10, the other party can request the court to enter a final decree in divorce.

If you do not file with the prothonotary of the court an answer with your signature notarized or verified or a counter-affidavit by the above date, the court can enter a final decree in divorce. A COUNTER-AFFIDAVIT WHICH YOU MAY FILE WITH THE COURT IS ATTACHED TO THIS NOTICE.

Unless you have already filed with the court a written claim for economic relief, you must do so by the above date or the court may grant the divorce and you will lose forever the right to ask for economic relief. The filing of the form counter-affidavit alone does not protect your economic claims.

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

LAWYER REFERRAL SERVICE
ADAMS COUNTY COURTHOUSE
GETTYSBURG, PA 17325
(717) 337-9846

COUNTER-AFFIDAVIT UNDER
§3301(D) OF THE DIVORCE CODE

1. Check either (a) or (b):

___ (a) I do not oppose the entry of a divorce decree.

___ (b) I oppose the entry of a divorce decree because economic issues remain unresolved.

(Check (i)/(ii) or both):

___ (i) The parties to this action have not lived separate and apart for a period of at least two years.

___ (ii) The marriage is not irretrievably broken.

2. Check either (a) or (b):

___ (a) I do not wish to make any claims for economic relief. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.

AND NOW, comes the Plaintiff, CURTIS B. FOX, by and through his counsel, Joseph E. Erb, Jr., Esquire, of the Law Firm of Stonesifer and Kelley, P.C., and makes the following consolidated complaint in divorce for divorce.

1. Plaintiff is CURTIS B. FOX, an adult individual, who currently resides at 415 Hanover Street, New Oxford, Adams County, Pennsylvania 17350.

2. Defendant is Bonnie J. Fox, an adult individual, with a last known address of 5 Latimore Road, Gardners, Adams County, Pennsylvania 17324.

3. Plaintiff has been a bona fide resident in the Commonwealth for at least six months previous to the filing of this Complaint.

4. The Plaintiff and Defendant were married on May 18, 1984, at Westminster, Maryland.

5. There have been no prior actions of divorce or for annulment between the parties.

6. Neither the Plaintiff nor the Defendant are currently members of the Armed Forces of the United States.

7. The parties hereto have lived separate and apart for a period in excess of two years, to wit; since March 1996, and their marriage is irretrievably broken.

8. Plaintiff has been advised of the availability of counseling and that the Plaintiff may have the right to request that the Court require the parties to participate in counseling.

9. Plaintiff requests the Court to enter a decree of Divorce.

WHEREFORE, the Plaintiff, Curtis B. Fox, prays that a decree be made by your Honorable Court divorcing him, Curtis B. Fox, from the bonds of matrimony between him and the Defendant, Bonnie J. Fox, the same as if they had never been married.

Respectfully Submitted,
LAW FIRM OF
STONESIFER AND KELLEY, P.C.
Dated: March 17, 2010
Joseph E. Erb, Jr., Esquire
I.D. #57869
Attorney for Plaintiff
209 Broadway
Hanover, PA 17331
(717) 632-0163

Or

___ (b) I wish to claim economic relief which may include alimony, division of property, lawyer's fees or expenses or other important rights.

I understand that in addition to checking (b) above, I must also file all of my economic claims with the prothonotary in writing and serve them on the other party. If I fail to do so before the date set forth on the Notice of Intention to

(continued on page 5)

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 ORA W. BOONE, DEC'D

Late of the Borough of Abbottstown, Adams County, Pennsylvania

Executrices: Connie E. Boyd, P.O. Box 313, 128 W. King Street, Littlestown, PA 17340; Peggy J. Boone, 15 Spicer Drive, Abbottstown, PA 17301

Attorney: Judith K. Morris, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

ESTATE OF ANTHONY LETO, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Executor: Joseph Leto, c/o Sharon E. Myers, Esq., CGA Law Firm, PC, 135 North George Street, York, PA 17401

Attorney: Sharon E. Myers, Esq., CGA Law Firm, PC, 135 North George Street, York, PA 17401

ESTATE OF JOHN T. ZALOUDEK, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Personal Representative: Harriett Ann Fox, 1068 Bair Rd., Hanover, PA 17331

Attorney: G. Steven McKonly, Esq., 119 Baltimore Street, Hanover, PA 17331

SECOND PUBLICATION

ESTATE OF CHARALAMBOS ARAHOVAS, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: William C. Kollas, c/o James W. Kollas, Esq., Kollas and Kennedy Law Offices, 1104 Fernwood Ave., Camp Hill, PA 17011

Attorney: James W. Kollas, Esq., Kollas and Kennedy Law Offices, 1104 Fernwood Ave., Camp Hill, PA 17011

ESTATE OF EVELYN M. COCHRAN a/k/a EVELYN MAXINE COCHRAN, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Ruthann Prange, 16 Harrison Brook Drive, Basking Ridge, NJ 07920

Attorney: Wendy Weikal-Beauchat, Esq., 63 West High Street, Gettysburg, PA 17325

ESTATE OF DAVID TAU, JR., DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Eileen L. Tau Powers, 8610 Sinon Street, Annandale, VA 22003

ESTATE OF FLORINE M. TERRICK, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executrix: Teresa L. Pelc, c/o R. Thomas Murphy, Esq., R. Thomas Murphy & Associates, P.C., 2005 East Main St., Waynesboro, PA 17268

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

THIRD PUBLICATION

ESTATE OF DAVID F. CROUSE, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executors: Kimberly L. Crouse, 10606 Howerton Avenue, Fairfax, VA 22030; Gregory D. Crouse, 4179 Mountain Road, Haymarket, VA 20169

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

ESTATE OF JAY C. GRAFF A/K/A JAY CLEMAN GRAFF, DEC'D

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

Executrix: Karen E. Graff, 15 Ski Run Trail, Fairfield, PA 17320

Attorney: Matthew R. Battersby, Esq., Battersby Law Office, P.O. Box 215, Fairfield, PA 17320

ESTATE OF GRACE E. HAWN, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executor: Philip A. Hawn, 110 Littleton Drive, Hanover, PA 17331

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

ESTATE OF SALLY M. O'BRYEN, DEC'D

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

Executrix: Jenny Barach Starliper, 427 Ramblewood Court, Emmitsburg, MD 21727

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

Request Divorce Decree, the divorce decree may be entered without further notice to me, and I shall be unable thereafter to file any economic claims.

Dated:

Bonnie J. Fox

NOTICE: IF YOU DO NOT WISH TO OPOSE THE ENTRY OF A DIVORCE DECREE AND YOU DO NOT WISH TO MAKE ANY CLAIM FOR ECONOMIC RELIEF, YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.

8/27

NOTICE BY THE ADAMS COUNTY
CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statements of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphan's Court, Gettysburg, Pennsylvania, for confirmation of accounts entering decrees of distribution on Friday, September 10, 2010 at 8:30 a.m.

PEKICH—Orphan's Court Action Number OC-74-2010. The First and Final Account of Maria Pekich Paladino, Executrix of the Estate of George A. Pekich, late of Franklin Township, Adams County, Pennsylvania, deceased.

WAGNER—Orphan's Court Action Number OC-79-2010. The First and Final Account of Bruce L. Wagner, Executor of the Estate of Elise M. Wagner, late of Straban Township, Adams County, Pennsylvania, deceased.

MITCHELL—Orphan's Court Action Number OC-89-2010. The First and Final Account of Betty Jean Drost and Patricia Ann Troxell, Executrices of the Estate of Elmer A. Mitchell, late of Mt. Joy Township, Adams County, Pennsylvania, deceased.

Kelly A. Lawver
Clerk of Courts

8/27 & 9/3

NOTICE OF ACTION IN
MORTGAGE FORECLOSURE

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
COURT OF COMMON PLEAS
CIVIL DIVISION
ADAMS COUNTY
NO. 2010-s958

SUNTRUST MORTGAGE, INC.

vs.

RYAN THOMPSON, IN HIS CAPACITY
AS ADMINISTRATOR AND HEIR OF THE
ESTATE OF KATHLEEN A. O'LEARY

SCOTT THOMPSON, IN HIS CAPACITY
AS HEIR OF THE ESTATE OF
KATHLEEN A. O'LEARY

UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS, AND ALL PERSONS, FIRMS,
OR ASSOCIATIONS CLAIMING RIGHT,
TITLE OR INTEREST FROM OR
UNDER KATHLEEN A. O'LEARY,
DECEASED

NOTICE

TO UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS, AND ALL PERSONS, FIRMS,
OR ASSOCIATIONS CLAIMING RIGHT,
TITLE OR INTEREST FROM OR
UNDER KATHLEEN A. O'LEARY,
DECEASED:

You are hereby notified that on 06/9/10, Plaintiff, SunTrust Mortgage, Inc. filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of ADAMS County Pennsylvania, docketed to No. 2010-s958. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 119 EAST MAIN STREET, FAIRFIELD, PA 17320 whereupon your property would be sold by the Sheriff of ADAMS County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

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.

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ADAMS COUNTY
COURT ADMINISTRATOR
ADAMS COUNTY COURTHOUSE
GETTYSBURG, PA 17325
(717) 334-6781, EXT. 213

LAWYER REFERRAL SERVICE
MIDPENN LEGAL SERVICES
128 BRECKENRIDGE STREET
GETTYSBURG, PA 17325
(717) 334-7624

8/27