

Adams County Legal Journal

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IN THIS ISSUE

BARNHART VS. LINCOLN INTERMEDIATE

A Trust means peace of
mind. So does the
strength of experience.

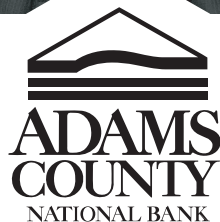
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**NOTICE OF SHERIFF'S SALE
IN THE COURT OF COMMON PLEAS
OF ADAMS COUNTY, PENNSYLVANIA
NO. 09-S-1145**

WELLS FARGO BANK, NA

vs.

IVY D. GRIFFIE

NOTICE TO: IVY D. GRIFFIE

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

Being Premises: 345 OXFORD ROAD,
NEW OXFORD, PA 17350

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

TAX PARCEL# 35,001-0129-000

Improvements consist of residential
property.

Sold as the property of IVY D. GRIFFIE

Your house (real estate) at 345 OXFORD ROAD, NEW OXFORD, PA 17350 is scheduled to be sold at the Sheriff's Sale on JULY 23, 2010 at 10:00 A.M., at the ADAMS County Courthouse, to enforce the Court Judgment of \$184,526.77 obtained by WELLS FARGO BANK, NA (the mortgagee) against the above premises.

Phelan Hallinan & Schmieg, LLP
Attorney for Plaintiff

5/21

CERTIFICATE OF ORGANIZATION

NOTICE IS HEREBY GIVEN that a Certificate of Organization - Domestic Limited Liability Company has been filed with the Pennsylvania Department of State, Commonwealth of Pennsylvania, Harrisburg, Pennsylvania, on May 5, 2010, for the purpose of obtaining a Certificate of Organization for a domestic limited liability company under the Pennsylvania Limited Liability Company Act of 1994. The name of the corporation is B & R MECHANICAL, LLC.

John S. Phillips, Esq.
Phillips & Phillips
101 West Middle Street
Gettysburg, PA 17325
Attorney for the Corporation

5/21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-SU-1848 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of June, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
NO. 09-SU-1848

BANK OF AMERICA, N.A.

vs.

CHARLES V. GRIMM A/K/A CHARLES
V. GRIMM, JR and DEBRA K. GRIMM
A/K/A DEBRA K. HINKHAUS

523 COLD SPRINGS ROAD, LOT 2
GETTYSBURG, PA 17325-7336

Parcel No.: 18-C14-8A
(Acreage or street address)

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$49,734.12

Attorneys for Plaintiff

Phelan Hallinan & Schmieg, LLP

SEIZED and taken into execution as the property of **Charles V. Grimm, Jr. a/k/a Charles V. Grimm & Debra K. Grimm a/k/a Debra K. Hinkhaus** 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 June 25, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/7, 14 & 21

**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, June 4th, 2010 at 8:30 a.m.

WALTER—Orphan's Court Action Number OC-39-2010. The First and Final Account of Michael D. Kane, Executor of the Estate of Vivian J. Walter, late of Cumberland Township, Adams County, Pennsylvania, deceased.

SMITH—Orphan's Court Action Number OC-43-2010. The First and Final Account of Donald J. Smith, Executor of the Estate of Edgar S. Smith, late of the Borough of McSherrystown, Adams County, Pennsylvania, deceased.

Kelly A. Lawver
Clerk of Courts

5/21 & 28

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on or about May 3, 2010 for the incorporation of YSPYCRAFT, INC., under the Pennsylvania Corporation Law of 1988. The initial registered office of the corporation is 8 Union View Drive, Gettysburg, PA 17325.

Gary E. Hartman, Esq.
Hartman & Yannetti
Solicitors

5/21

BARNHART VS. LINCOLN INTERMEDIATE

1. Pursuant to Pennsylvania Agency Law, the Court may hear an appeal *de novo* in the event a full and complete record of the proceedings before the local agency has not been made.

2. It is beyond question that due process requires a predetermination hearing to be conducted in dismissal circumstances. Due process is satisfied if the employee is given written or oral notice of the charges, an adequate explanation of the evidence and an opportunity to present their side of the underlying incident.

3. The Public School Code does not specifically define “improper conduct.” Similarly, appellate decisions in this area offer little guidance as to the phrase’s meaning. It is clear however, that “improper conduct” is a less demanding standard than “willful misconduct.”

4. A finding of improper conduct does not require a wicked or injurious act. Common meaning of the phrase suggests improper conduct is conduct contrary to proper procedure.

5. Case law is clear in instructing that a single incident of improper conduct is sufficient to support termination.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 08-S-759, BOBBIE S. BARNHART VS. LINCOLN INTERMEDIATE UNIT NO. 12.

Joseph C. Korsak, Esq., for Plaintiff

Allison S. Peterson, Esq., for Defendant

George, J., October 16, 2009

OPINION

Bobbie S. Barnhart (“Barnhart”) appeals to this Court from the administrative decision of the Board of School Directors at Lincoln Intermediate Unit No. 12 (“LIU”) which affirmed the termination of Barnhart’s employment as an LIU bus driver. The parties have submitted this appeal to the Court *de novo* on a stipulated record. As the history is relevant to the procedural posture of this litigation, it will be briefly summarized.

On January 25, 2008, Barnhart was provided a written Notice of Hearing and a Statement of Charges from the executive director of LIU. The Notice indicated that the LIU administration was recommending Barnhart’s employment termination based upon inappropriate punishment of a student and “continued improper conduct.” The Notice further advised Barnhart of her rights, including the right to demand a hearing before the Board of Directors. Initially, Barnhart elected to waive her right to a hearing. She elected instead to grieve her dismissal under the grievance provisions of the applicable collective bargaining

agreement between LIU and its support personnel. When Barnhart chose not to demand a Board hearing, the Board acted upon the administration's recommendation and terminated Barnhart from her employment. Barnhart subsequently withdrew her request for grievance. Apparently, pursuant to an arrangement which is not fully developed in the record, the Board subsequently granted Barnhart a hearing pursuant to the Public School Code, 24 P.S. 1-102 et seq. and Local Agency Law, 2 Pa. C.S.A. § 501 et seq.¹

On April 1, 2008, hearing was held before Board members Dr. Judith Higgins and Mr. John Tomko. Barnhart was represented by counsel and was permitted opportunity to cross-examine the witnesses and present evidence on her behalf. The hearing was transcribed and all witnesses were properly sworn. Following conclusion of the hearing, the hearing transcript and supporting exhibits were forwarded to the full Board for review, after which nine members of the thirteen-member Board entered a decision denying Barnhart's request for reinstatement. The decision indicates that each member considered the testimony and exhibits presented at the April 1, 2008 hearing and had the opportunity, prior to their decision, to discuss the full hearing transcript with other members of the Board including the Board members who actually conducted the hearing.

Barnhart filed Notice of Appeal to this Court from the Board's decision. Included in the issues raised on appeal are allegations that Barnhart was denied due process due to a conflict of interest on the part of the Board's solicitor. Specifically, Barnhart alleged that a member of the firm of Hartman, Underhill & Brubaker, LLP acted in a prosecutorial function in presenting the administration's case to the Board while, at the same time, a member of that firm served in an adjudicatory role in providing legal advice to the Board in the form of drafting the Board's opinion.² As the issue allegedly was not known to Barnhart

¹The request was styled as one for reinstatement. This presumes that the Board's action terminating Barnhart was final. As such, one wonders whether this appeal is properly preserved. Nevertheless, despite the language of the request, it appears that all parties procedurally treated the April 1, 2008 as a termination hearing. When treated as such, Barnhart's appeal to this Court is timely.

²Pennsylvania law is clear that the commingling of prosecutorial and judicial functions during an administrative hearing or a decision-making process is improper. *Horn v. Twp. of Hilltown*, 337 A.2d 858, 860 (Pa. 1975). Nevertheless, beyond the limits of the hearing or the decision-making process, the solicitor may act on the school board's behalf. *In Re Feldman*, 395 A.2d 602, 604 (Pa.Cmwith. 1978).

until after the Board's decision, Barnhart requested the opportunity to present additional testimony as the record was incomplete. In response to attempts by Barnhart to obtain information concerning the actual roles of the attorneys involved in prosecuting and preparing the Board's opinion, LIU essentially conceded that further evidentiary hearing was unnecessary on the conflict issue. Rather, the parties agreed to submit the matter to the Court for *de novo* consideration.

In light of the *de novo* standard of review, the Court provided both parties with the opportunity to further supplement the record. Each, however, declined the invitation but rather agreed the Court rule upon a stipulated record.

Initially, I note that pursuant to Pennsylvania Agency Law, the Court may hear an appeal *de novo* in the event a full and complete record of the proceedings before the local agency has not been made. 2 Pa. C.S.A. § 754(a). Instantly, the parties agreed that the record was incomplete and that *de novo* review was appropriate. Subsequent to that acknowledgment, LIU conceded that the presentation of additional testimony would include support for a finding of conflict of interest. Recognizing that such a finding would result in remand to the Board for further evidentiary hearing, see generally *Horn v. Twp. of Hilltown*, 337 A.2d 858, 859-60 (Pa. 1975), and in furtherance of judicial economy, the parties opted for a *de novo* review of the record by this Court. In doing so, the parties have implicitly acknowledged that the remaining due process claims of Barnhart are moot. See *Katraska v. Bethlehem Center Sch. Dist.*, 767 A.2d 1051, 1055-56 (Pa. 2001) (*de novo* review of agency decision ensures due process requirements are satisfied). Even if the due process issues are not cured by *de novo* proceeding, as discussed below, I find them meritless.

Barnhart's initial due process challenge takes fault with the Board's procedure in having the evidentiary hearing held before only two members. Barnhart cites 24 P.S. § 5-514 for the proposition that the evidentiary hearing must be conducted by the full board of school directors. Barnhart's interpretation, however, is contrary to controlling legal precedence. In *Lewis v. Sch. Dist. of Philadelphia*, 690 A.2d 814, 817 (Pa.Cmwlt. 1997), the Commonwealth Court found compliance with 24 P.S. § 5-514 where: (1) a hearing officer is appointed to hold a hearing at which a party is represented by counsel and has the opportunity to cross-examine witnesses; (2) the

ultimate fact finding tribunal reviews the officer's findings of fact, conclusions of law and recommendation; and (3) the ultimate fact-finding tribunal makes an independent ruling based upon the entire record. *Id.* at 817. See also *Bd. of Public Education v. Pyle*, 390 A.2d 904, 908 (Pa.Cmwlt. 1978) (reaching the same conclusion in the context of agency for determination of professional employees). Instantly, LIU precisely followed the procedure approved by the Commonwealth Court.³

Barnhart's second due process complaint alleges she was improperly terminated on January 25, 2008 without being given the opportunity for hearing and without the assistance of counsel. In this regard, Barnhart focuses on the January 25, 2008 Notice as the date of her termination. This claim is clearly frivolous.

The January 25, 2008 Notice, by its very terms, does not terminate Barnhart but rather indicates the intent of the LIU administration to seek termination before the Board. The Notice clearly sets forth Barnhart's rights to a hearing prior to termination. The Notice also clearly sets forth that should Barnhart not seek her right to a hearing, the Board would act upon the recommendation. Initially, Barnhart chose not to exercise her right to a hearing and termination followed. After Barnhart's indecision in grieving the matter pursuant to a bargaining unit contract and Barnhart's procedural default in timely requesting a hearing, the Board permitted Barnhart the opportunity of a full hearing wherein she was represented by counsel, cross-examined witnesses and presented testimony on her own behalf. Rather than violating Barnhart's due process rights, the record allows for the conclusion that the Board took exceptional steps to permit Barnhart the opportunity for full hearing. Moreover, as previously mentioned, the parties' submission of the record to this Court for *de novo* review, coupled with this Court's invitation to the parties to present additional testimony, cures any defect. *Katraska, supra*.

Barnhart's final due process claim is a boilerplate claim including a smorgasbord of perceived slights prior to or during the January 25, 2008 hearing. Included under this broad theory is an allegation that the Board failed to conduct a proper investigation. Barnhart also alleges that she was not granted the courtesy of having a third party present with

³ As previously indicated, a quorum of nine Board members participated in the decision. The Board of Directors for LIU 12 consists of a total of 13 members.

her during the January 25, 2008 meeting. As this claim is not clearly developed, it is waived. *Commonwealth v. Ellis*, 700 A.2d 948, 957 (Pa.Super. 1997). Moreover, the claim has no support in fact or law.

It is beyond question that due process requires a predetermination hearing to be conducted in dismissal circumstances. *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542-43 (1985). However, the hearing need not be elaborate if a complete post-dismissal hearing is available to the employee. *Kramer v. Newman*, 840 F. Supp. 325, 327 (E.D. Pa. 1993), *aff'd*, 16 F. 3d 404 (3d Cir. 1993). Due process is satisfied if the employee is given written or oral notice of the charges, an adequate explanation of the evidence and an opportunity to present their side of the underlying incident. *McDaniels v. Flick*, 59 F. 3d 446, 454 (3d Cir. 1995).

Instantly, Barnhart was given written notice of the reasons for her termination on January 25, 2008. At the time the Notice was hand-delivered to her by administration officials, she was given the opportunity to comment on the allegations. She was advised of her right to a full hearing and was, in fact, ultimately provided such a hearing. Although Barnhart may feel slighted in being present at the January 25, 2008 discussion without the accompaniment of a friend, I have not found, nor has Barnhart cited, any legal requirement for the same. Similarly, Barnhart's claim that the Board violated her right to a proper investigation is unpersuasive. Even if such a right exists, the same is controlled by this Court's finding of fact below that administration officials undertook appropriate investigation. Accordingly, I find this boilerplate claim of due process violation meritless.

Since I find the procedural issues as having been rendered moot and/or having no merit, this Court will undertake a *de novo* review of the record. In acting as a neutral decision-maker, I recognize that LIU bears the burden of proving improper conduct. *Shields v. Chester Upland School Dist.*, 505 A.2d 1080, 1082 (Pa.Cmwlth. 1986). Keeping this burden in mind, I will summarize my evidentiary findings.

FINDINGS OF FACT

1. Barnhart has been employed as a bus driver with LIU since January, 1992. April 1, 2008 Hearing Transcript ("Tr."), pg. 71.
2. Barnhart's employment required her to transport emotional support children. Tr., pg. 71.

3. LIU maintains policies, regulations and an employee handbook that include provisions relating to the safe operation of LIU vehicles, reporting procedures and student discipline. Tr., pg. 25; LIU Exhibits 4, 6.
4. In June, 2006, Barnhart was counseled, both orally and in writing, concerning the importance of the safe operation of her vehicle. The counseling was prompted by nine separate complaints of dangerous driving on the part of Barnhart while operating the LIU vehicle. The counseling included warning that further unsafe operation of the vehicle would result in discipline, including potential termination. LIU Exhibit 5.
5. Although Barnhart denied most of the allegations, she acknowledged that she would “try harder.” Tr., pg. 31-32.
6. LIU policy requires all accidents to be reported promptly to the Transportation Office and completion of a vehicle accident report to be turned into the Transportation Office. LIU Exhibit 4.
7. In December, 2006, the LIU vehicle operated by Barnhart was involved in an accident with a parked vehicle. Barnhart did not report the accident. Rather, the accident was reported by a neighbor who observed the same. Barnhart claimed that she intended to report the accident, however, did not have the opportunity to do so as the neighbor called David Smith (“Smith”), Coordinator of Transportation for LIU and Barnhart’s immediate supervisor, before she had the chance to do so. Tr., pg. 72-73.
8. During July, 2007, the LIU bus operated by Barnhart was involved in a single vehicle accident resulting in damage to the bus. Tr., pg. 27, 76.
9. Barnhart did not report the accident to the transportation coordinator nor complete the form set forth in LIU policy. Tr., pg. 27.
10. Smith did not become aware of the existence of the accident until approximately a month later when he received an invoice for repair of the damages from the body shop which performed the repairs. Tr., pg. 27; LIU Exhibit 2.
11. Following the accident, Barnhart was verbally counseled concerning her obligation to report vehicle accidents. The verbal counseling was confirmed by written reprimand dated October 25, 2007 reminding Barnhart of her obligation to report accidents and cautioning that further violation of LIU policy will

result in further disciplinary action, potentially including immediate termination from employment.

12. LIU policy related to student management and discipline on the school bus provides, *inter alia*, the following: (1) misconduct is to be reported in writing to the transportation supervisor; (2) bus drivers may not punish students in any way; (3) in the event of misconduct, the student is to be verbally reprimanded but never embarrassed; (4) any infraction not corrected by verbal instruction is to be reported to the transportation coordinator; and (5) if a student is injured or becomes ill on the bus, the student should be taken to the nearest school and reported to a school nurse or teacher. LIU Exhibit 1.
13. On January 16, 2008, Smith received a parent complaint from a student riding on the bus operated by Barnhart. The complaint alleged that on one instance, Barnhart required the child to write "I will not sleep on the van" 25 times. This instance was followed by a second occasion where Barnhart required the child to write "I will not sleep on a van" 100 times. Tr., pgs. 20 and 35.
14. Prior to January 25, 2008, Smith investigated the allegations by speaking to the complaining parent, the student's teacher and an LIU psychologist who had spoken to the child. Tr., pg. 21. Additionally, Smith attempted to contact Barnhart by leaving a message for her which was not returned. Tr., pg. 34.
15. During a meeting on January 25, 2008 between Barnhart, Smith and LIU Human Resources Director Shelli Jarvis, Barnhart admitted the conduct referenced in paragraph 13 above.
16. Barnhart claims to have acted as she did out of concern for the medical well-being of the child. Specifically, she claims that, due to the child's medication, he might fall asleep and consequently slip into a coma. Tr., pg. 82-83.
17. Prior to Barnhart directing the child to perform the written assignment, Barnhart had tried other methods to keep the child awake. Tr., pg. 83.
18. Despite her concerns about the safety and medical condition of the child, Barnhart never reported her concern to her supervisors. Tr., pg. 95-96.

LEGAL DISCUSSION

According to the Notice provided by LIU, the administration sought termination of Barnhart based upon her “inappropriate punishment of a student and continued improper conduct.” Joint Exhibit 1. If proven, improper conduct is a proper basis for termination of a school employee. 24 P.S. § 5-514. The Public School Code does not specifically define “improper conduct.” Similarly, appellate decisions in this area offer little guidance as to the phrase’s meaning. It is clear, however, that “improper conduct” is a less demanding standard than “willful misconduct.” *Barhight v. Bd. of Directors*, 689 A.2d 327, 329, N 2 (Pa.Cmwlth. 1997). Moreover, a finding of improper conduct does not require a wicked or injurious act. *Id.* at 329. Common meaning of the phrase suggests improper conduct is conduct contrary to proper procedure.⁴

Instantly, there is not great dispute as to the factual background. Despite LIU policy to the contrary, Barnhart undertook a systematic progression of actions which ultimately resulted in the imposition of discipline and punishment on an emotionally unstable child. She undertook her course of action without any known experience in interacting with emotionally or mentally challenged children. Moreover, there is a paucity of any evidence that Barnhart sought the advice of professionals prior to taking her action. Clearly, she never alerted her supervisor as required by policy. Although her actions may appear somewhat innocuous, LIU policy was adopted by administrators aware of the particular needs of the clientele which they serve. Barnhart, however, without any real grasp of the ramifications, ignored policy and took it upon herself to impose discipline. As this action constitutes improper conduct, I find merit to the LIU administration’s desire for sanction.

⁴The Rules of Statutory Construction instruct that words and phrases used in statutes are construed to their common meaning and accepted usage. 1 Pa. C.S.A. § 1903. In ascertaining their common and approved usage or meaning, courts may resort to the dictionary definitions of the terms. *P.R. v. Pennsylvania Dept. of Pub. Welfare*, 759 A.2d 434, 437 (Pa.Cmwlth. 2000) appeal allowed in part 769 A.2d 1116, 564 Pa. 504. According to Black’s Law Dictionary, “improper” is defined as: not suitable; unfit; not suited to the character, time and place...not in accordance with fact, truth or right procedure and not in accord with propriety, modesty, good taste or good manners. Black’s Law Dictionary 682 (5th Ed. 1979).

Barnhart's claim that her actions were motivated by something other than a desire to punish is of little import. Initially, I find her claim incredible. Contrary to her self-serving claim, her actions are a classic textbook example of punishment historically meted out in early elementary school. Moreover, if her true concern was a fear for the health of the child, there are a myriad of alternatives other than the avenue she chose. The suggestion that Barnhart's actions were something other than punishment for disobeying her verbal instructions defies common sense.

Barnhart's purported justification for her actions, if true, is even more egregious than a finding that she intended punishment. Barnhart paints a scenario wherein she is fearful for the well-being of a child who has a chronic inability to stay awake. She fears that his condition, coupled with his medication, may cause him to slip into a potentially life-threatening coma. Despite what she perceived as a dangerous circumstance repeatedly occurring over a significant period of time, Barnhart fails to report the circumstances to her immediate supervisor, medical professionals or the child's parents. Rather, she takes it upon herself to diagnose the condition and develop a course of treatment. The irrationality of addressing a significant and potentially life-threatening medical condition by attempting to keep the child awake without any concept of the ramifications of her actions, or the seriousness of the child's perceived condition, is self-apparent. If Barnhart's claim is true, her failure to alert appropriate authorities of a significant health risk of a child in her custody is not only improper conduct but potentially criminal. See 18 Pa. C.S.A. § 4304.

Since this Court is hearing this matter *de novo*, it becomes my responsibility to fashion an appropriate sanction for Barnhart's improper conduct. The discretion of this Court with respect to the penalty is as broad as LIU's original discretion. *Bd. of Directors v. Collins*, 423 A.2d 1112, 1113 (Pa.Cmwlt. 1950). As termination is an appropriate remedy for Barnhart's conduct, 24 P.S. § 5-514, I find it appropriate in this case.

Case law is clear in instructing that a single incident of improper conduct is sufficient to support termination. See *Bolden v. Chartiers Valley School District*, 869 A.2d 1134, 1139-40 (Pa.Cmwlt. 2005). Instantly, there is a recent history of continuing behavior which has resulted in prior oral counseling of the employee as well as two

written reprimands. A consistent theme between the most recent written reprimand and the current improper conduct is Barnhart's cavalier disregard for LIU policy and its reporting requirements. While I recognize Barnhart's exceptional record in her performance reviews for the 2002 through 2005 school years, a disturbing trend begins to surface for the school year ending 2006 which continues through this action. Specifically, as early as the 2005-2006 school year performance review, her supervisor recognized a need for an improvement in following the mandated policies and procedures. That trend continued as Barnhart failed to properly report accidents pursuant to policy and, most recently, violated policy by taking upon herself the punishment of a student and/or failing to report a significant discipline/medical issue. Clearly, the LIU administration's escalated efforts at obtaining Barnhart's conformance with policy have not proven fruitful. Accordingly, termination is appropriate.

Although I have determined that termination is an appropriate remedy for Barnhart's improper conduct, the procedural posture of this matter causes some concern which I believe requires redress. Specifically, the record before me does not clearly define the date upon which the Board initially took action to terminate Barnhart. The letter of January 25, 2008 indicates nothing other than notice that the administration intended on seeking termination. The next indication in the record of official action by the Board does not appear until the Board's decision of May 6, 2008. It is that date, therefore, that will serve as the date of Barnhart's severance of employment.

Accordingly, the attached Order is entered.

ORDER

AND NOW, this 16th day of October, 2009, Bobbie S. Barnhart's employment with Lincoln Intermediate Unit No. 12 is terminated effective May 6, 2008. Lincoln Intermediate Unit No. 12 is directed to make payment to Bobbie S. Barnhart in an amount equal to her normal wages and benefits resulting from employment through and including May 6, 2008.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-SU-136 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of June, 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.:

By virtue of Writ of Execution
No. 10-SU-136

ADAMS COUNTY NATIONAL BANK
vs.

ROBERT K. GOETZ, JR.

1938 OLD ROUTE 30
ORRTANNA, PA 17353

PARCEL NO: (12) C10-0040---000

RECORDED IN THE OFFICE OF THE
RECORDER OF DEEDS OF ADAMS
COUNTY, PA, IN RECORD BOOK
4843, AT PAGE 341

IMPROVEMENTS THEREON:
2-BEDROOM RESIDENTIAL
DWELLING

JUDGMENT AMOUNT: \$108,188.45

Attorneys for Plaintiff
Puhl, Eastman & Thrasher

SEIZED and taken into execution as
the property of **Robert K. Goetz, Jr.** 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 June 25, 2010, and
distribution will be made in accordance
with said schedule, unless exceptions are
filed thereto within 20 days after the filing
thereof. Purchaser must settle for property
on or before filing date.

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

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

5/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-SU-465 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of June, 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.:

By virtue of Writ of Execution
No. 09-SU-465

ADAMS COUNTY NATIONAL BANK
vs.

RANDY E. CROUSE

621 QUAKER RUN ROAD
ASPERS, PA 17304

PARCEL NO: (29) F06-0044---000

RECORDED IN THE OFFICE OF THE
RECORDER OF DEEDS OF ADAMS
CO. PA IN RECORD BOOK 3032, AT
PAGE 202

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$322,780.96

Attorneys for Plaintiff
Puhl, Eastman & Thrasher

SEIZED and taken into execution as
the property of **Randy E. Crouse** 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 June 25, 2010, and
distribution will be made in accordance
with said schedule, unless exceptions are
filed thereto within 20 days after the filing
thereof. Purchaser must settle for property
on or before filing date.

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

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

5/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-SU-1674 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of June, 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.:

By virtue of Writ of Execution
No. 09-SU-1674

ADAMS COUNTY NATIONAL BANK
vs.

JAMES A. DERR & PENNY W. DERR

285 ORCHARD LANE
ASPERS, PA 17304

PARCEL NO: (29) F06-0077---000

RECORDED IN THE OFFICE OF THE
RECORDER OF DEEDS OF ADAMS
CO. PA IN RECORD BOOK 2556, AT
PAGE 302

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$280,607.36

Attorneys for Plaintiff
Puhl, Eastman & Thrasher

SEIZED and taken into execution as
the property of **James A. Derr & Penny
W. Derr** 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 June 25, 2010, and
distribution will be made in accordance
with said schedule, unless exceptions are
filed thereto within 20 days after the filing
thereof. Purchaser must settle for property
on or before filing date.

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

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

5/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-SU-2001 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of June, 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.:

ALL THAT CERTAIN lot or piece of ground situate in Conewago Township, County of Adams, Commonwealth of Pennsylvania, more particularly as follows:

BEGINNING at an iron pipe on the southwest side of Linden Avenue at lands of Ethel Small; thence by lands of Ethel Small South 44 degrees 27 minutes 14 seconds West, 100.83 feet to an iron pipe at lands of Laverne K. Lawrence and Helen K. Lawrence; thence by same North 44 degrees 46 minutes 51 seconds West. 15.69 feet to an iron pipe; thence continuing by same South 45 degrees 24 minutes 4 seconds West, 19.85 feet to an iron pipe; thence continuing by same North 43 degrees 54 minutes 39 seconds West. 44 feet to an iron pipe lands of John F. Klunk; thence by lands of John F. Klunk North 44 degrees 27 minutes 14 seconds East, 119.41 feet to an iron pipe at Linden Avenue aforesaid; thence along Linden Avenue South 45 degrees 22 minutes East, 60 feet to an iron pipe, the point and place of BEGINNING.

BEING THE SAME PREMISES which Michael Bolinsky and Holly Bolinsky, husband and wife, by Indenture dated August 24, 2007 and recorded August 30, 2007 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 4962, Page 156, granted and conveyed unto Michael Bolinsky, adult individual.

PARCEL No. (08) 008-0056---000

Being Known As: 714 Linden Avenue, Hanover, PA 17331

SEIZED and taken into execution as the property of **Michael Bolinsky** 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 June 25, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

As soon as the property is declared sold to the highest bidder, 20% of the

purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

5/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-SU-159 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of June, 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.:

ALL that certain tract of land situate in the Borough of Littlestown, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a drill hole in the sidewalk, which drill hole is located Southwest of the western curbface of North Queen Street (S.R. 0097), at corner of lands now or formerly of James S. Long; thence continuing along said lands now or formerly of James S. Long, South 61 degrees 15 minutes 00 seconds West 175.00 feet to an existing fence post, which fence post is located at corner of said lands now or formerly of James S. Long, at the eastern boundary of a 16' unimproved public alley; thence continuing in and along the eastern side of said 16' unimproved public alley North 29 degrees 30 minutes 00 seconds West 36.28 feet to a steel pin set at the eastern boundary of said 16' unimproved public alley, at corner of lot #1 depicted in and upon the below-mentioned draft of survey and final subdivision plan; thence by said lot #1 North 61 degrees 15 minutes 00 seconds East 106.45 feet to a point on line of said lot #1; thence by said lot #1, South 29 degrees 30 minutes 00 seconds East 1.49 feet to a point at corner of said lot #1; thence by said lot #1 North 61 degrees 15 minutes 00 seconds East 68.55 feet to a drill hole in the sidewalk at corner of said lot #1, which drill hole is located Southwest of the western curbface of North Queen Street (S.R. 0097); thence continuing in and along the sidewalk abutting the western side of said North Queen Street (S.R. 0097), South 29 degrees 30 minutes 00 seconds East 34.79 feet to a drill hole in the sidewalk which drill hole is located Southwest of the western curbface of North Queen Street (S.R. 0097) at corner of lands now or formerly of James S. Long, the point and place of BEGINNING. CONTAINING 6.246 square feet.

The above description was taken from a draft of survey and final subdivision plan, dated November 17, 1987, by Mort. Brown and Associates, which draft of

survey and final subdivision plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 53 at Page 0013; the above-described tract of land is labelled as Lot #2 in and upon said draft of survey and final subdivision plan.

SUBJECT, nevertheless, and together with, the following rights and duties, relative to the common sewer line and sewer connection presently servicing both lots 1 and 2, as depicted in and upon the above-mentioned draft of survey and final subdivision plan:

1. The owner(s) of lot 2 shall have the right of inspection of the present, common public sewer connections and lines.

2. The owner(s) of lot 1 shall have the right to continue to use and maintain the common sewer line and connection with which the subject premises is presently equipped, pending the installation of a separate sewer line in and for lot 1.

Being known as: 58 North Queen Street, Littlestown, PA 17340

Property ID No.: (27) 8-78

TITLE TO SAID PREMISES IS VESTED IN Herbert G. Dowling, Jr. and Norma H. Dowling, husband and wife as tenants by the entireties by deed from Richard L. Smith and Carolyn L. Smith, his wife, dated 11/22/1989 recorded 12/20/1989 in deed book 542 page 575.

SEIZED and taken into execution as the property of **Herbert G. Dowling, Jr. & Norma H. Dowling** 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 June 25, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/7, 14 & 21

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO.: 10-S-44
NOTICE OF ACTION IN
MORTGAGE FORECLOSURE

HSBC BANK USA, NATIONAL ASSOCIATION, AS TRUSTEE, ON BEHALF OF THE HOLDERS OF THE NOMURA HOME EQUITY LOAN, INC. ASSET-BACKED CERTIFICATES SERIES 2005-HE1, Plaintiff

vs.

KEITH W. CARPENTER, JR.; MELISSA D. CARPENTER, Defendant(s)

TO: Keith W. Carpenter, Jr. and Melissa D. Carpenter, husband and wife, as tenants by the entirety

PRESENTLY OR FORMERLY of 110 TRACY DRIVE, YORK SPRINGS, PA 17372. A lawsuit has been filed against you in mortgage foreclosure and against your real estate at 110 TRACY DRIVE, YORK SPRINGS, PA 17372 because you have failed to make the regular monthly payments on your mortgage loan and the loan is in default. The lawsuit is an attempt to collect a debt from you owed to the plaintiff, HSBC Bank USA, National Association, as trustee, on behalf of the holders of the Nomura Home Equity Loan, Inc. Asset-Backed Certificates Series 2005-HE1. A detailed notice to you of your rights under the Fair Debt Collection Practices Act (15 U.S.C. §1692, et. seq.) is included in the Complaint filed in the lawsuit. The lawsuit is filed in the Adams County Court of Common Pleas, at the above term and number.

A copy of the Complaint filed in the lawsuit will be sent to you upon request to the Attorney for the Plaintiff, Scott A. Dietterick, Esquire, 200 Sheffield Street, Mountainside, NJ 07092. Phone (908) 233-8500.

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY AN 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 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 LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH

BELOW TO FIND OUR WHERE YOU CAN GET LEGAL HELP.

NOTICE TO DEFEND
Adams County Courthouse
Gettysburg, PA 17325
Phone (717) 337-9846
LAWYER REFERRAL
Pennsylvania Bar Association
P.O. Box 186, Harrisburg, PA 17108
Phone (800) 692-7375

5/21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-SU-100 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of June, 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.:

ALL that certain parcel of land lying, being and situate in Liberty Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a steel pin at Lot No. 1 of Anthony W. Roser and lands now or formerly of J. Andrew Kugler; thence North 53 degrees West 200.22 feet to a point; thence North 42 degrees 08 minutes 05 seconds East 917.27 feet to a railroad spike at lands now or formerly of Middle Creek Bible Conference, Inc.; thence South 42 degrees 39 minutes 37 seconds East an arc distance of 110.96 feet with a radius of 1084.89 feet the long chord of which is 110.91 feet to a point; thence South 45 degrees 35 minutes 25 seconds East 89.03 feet to a point at Lot No. 1 aforesaid, thence continuing along said lot South 42 degrees 08 minutes 05 seconds West 885.75 feet to a stool pin, the point and place of BEGINNING. CONTAINING 4.119 acres and being known as Lot No. 2 on a subdivision plan prepared by Richard W. Boyer, R.S., and recorded at Plat Book 52 at page 64 in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania.

FOR INFORMATIONAL PURPOSES ONLY

The property address being known as No. 1431 Water Street, Fairfield, Pennsylvania 17320.

TAX 1D (25) D16-14A

THE ABOVE-DESCRIBED PROPERTY WAS TAKEN IN FEE SIMPLE.

BEING the same property which, by Deed, dated June 28, 1991, and recorded July 3, 1991 among the Office of the Recorder of Deeds of the Liberty Township, Adams County, Pennsylvania, Book 0593, Page 0274, was granted and

conveyed by Gene W. Justice and Ann Justice, husband and wife, unto Phillip E. Justice, single.

BEING KNOWN AS: 1431 Water Street, Fairfield, PA 17320

PROPERTY ID NO.: (25) D16-0014A-000 (D16-14-A)

TITLE TO SAID PREMISES IS VESTED IN Phillip E. Justice, single, by deed from Gene N. Justice and Ann Justice, h/w, dated 6/28/91 recorded 7/31/91 in Deed Book 593, Page 274.

SEIZED and taken into execution as the property of **Phillip E. Justice** 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 June 25, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/7, 14 & 21

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed with the Department of State of the Commonwealth of Pennsylvania on or about May 3, 2010, pursuant to the Fictitious Name Act, setting forth that Nancy Hanmer is the only person interested in a business known as GREYSTONE FLOWER FARM and that the principal place of business is 495 Sibert Road, New Oxford, PA 17350.

Gary E. Hartman, Esq.
Hartman & Yannetti
Solicitors

5/21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-SU-1822 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of June, 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.:

ALL that certain tract of land situate, lying and being in the Village of Idaville, Huntington Township, Adams County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at an iron pin at the eastern edge of a 25-foot-wide public alley and at corner of lands now or formerly of Stuart B. Hoffman; thence along the eastern edge of the aforesaid public alley North 03 degrees West 25 feet to an iron pin at the eastern edge of the aforesaid public alley and at a corner of lands now or formerly of Catherine A. Myers; thence by lands now or formerly of Myers North 84 degrees 49 minutes 15 seconds East 171.98 feet to an iron pin; thence by same North 05 degrees 25 minutes 10 seconds West 176.50 feet to an iron pin on lone of lands now or formerly of Glenn Yeagy; thence by lands now or formerly of Yeagy North 85 degrees 51 minutes 20 seconds East 493.77 feet to an iron pin on lone of lands now or formerly of William W. Wenger; thence by land now or formerly of Wenger South 04 degrees 06 minutes 35 seconds East 192.60 feet to an iron pin at corner of lands now by or formerly of Sterling W. Black; thence by Black and lands now or formerly of Arthur Gardner and Stuart B. Hoffman South 84 degrees 49 minutes 15 seconds West 662.29 feet to an iron pin, the place of BEGINNING.

Parcel# (22) G03-0084

Property address: 10 Idaville-York Springs Road, Idaville, PA 17337

BEING the same premises which Kenneth and Pamela Keller, husband and wife, by deed dated 12/15/04 and recorded 01/20/05 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 3844 Page 239, granted and conveyed unto Steven Gochenour.

SEIZED and taken into execution as the property of **Steven H. Gochenour** 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 June 25, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing

thereof. Purchaser must settle for property on or before filing date.

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

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

5/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-SU-798 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of June, 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.:

ALL THOSE THREE (3) tracts of land situate, lying and being in Liberty Township, County of Adams, Commonwealth of Pennsylvania, bounded and described as follows:

TRACT NO. 1- SECTION AA. LOT NO. 166;

BEGINNING at a point in the center of Sydnor Trail at Lot No. 167; thence by said lot South 36 degrees 36 minutes 4 seconds West 225 feet to a Lot No. 157; thence by said lot North 53 degrees 23 minutes 56 seconds West 100 feet to Lot No. 165; thence by said lot North 36 degrees 36 minutes 4 seconds East 225 feet to a point in the center of said Sydnor Trail; thence in said Sydnor Trail South 53 degrees 23 minutes 56 seconds East 100 feet to the place of BEGINNING.

THE ABOVE DESCRIPTION was taken from a Plan of lots labeled 'Section AA, Charnita', dated October 21, 1969, prepared by Evans, Hagan & Holdefer and recorded in Adams County Plat Book 1 at Page 59.

TRACT NO. 2-SECTION AA. LOT NO. 167;

BEGINNING at a point in the center of Sydnor Trail near its intersection with Lindsay Trail at Lot No. 168; thence by said lot South 36 degrees 36 minutes 4 seconds West 225 feet to Lot No. 156; thence by the said lot North 53 degrees 23 minutes 56 seconds West 100 feet to Lot No. 166; thence by said lot North 36 degrees 36 minutes 4 seconds East 225 feet to a point in the center of said Sydnor Trail; thence in said Sydnor Trail South 53 degrees 23 minutes 56 seconds East 100 feet to the place of BEGINNING.

THE ABOVE DESCRIPTION was taken from a Plan of lots labeled 'Section AA, Charnita', dated October 21, 1969,

prepared by Evans, Hagan & Holdefer and recorded in Adams County Plat Book 1 at Page 59.

TRACT NO. 3-SECTION AA. LOT NO. 168;

BEGINNING at a point in the center of Sydnor Trail at Lot No. 169; thence by said lot South 36 degrees 36 minutes 4 seconds West 225 feet to Lot No. 155; thence by said lot North 53 degrees 23 minutes 56 seconds West 100 feet to Lot No. 167; thence by said lot North 36 degrees 36 minutes 4 seconds East 225 feet to a point in the center of said Sydnor Trail near its intersection with Lindsay Trail; thence in said Sydnor Trail South 53 degrees 23 minutes 56 seconds East 100 feet to the place of BEGINNING.

THE ABOVE DESCRIPTION was taken from a Plan of lots labeled "Section AA, Charnita", dated October 21, 1969, prepared by Evans, Hagan & Holdefer and recorded in Adams County Plat Book 1 at Page 59. Being the same premises which Allen W. Beckett, trading and doing business as Allen Beckett Construction, by Deed dated 02/21/2007 and recorded 02/27/2007 in the Adams County Recorder of Deeds Office in Deed Book 4751, Page 232, granted and conveyed unto Shane R. Tyler and Lauren D. Tyler, husband and wife, in fee.

Parcel No: (26) AA0-0166---000

PREMISES BEING: 37 Sydnor Trail, Fairfield, PA

SEIZED and taken into execution as the property of **Shane R. Tyler & Lauren D. Tyler** 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 June 25, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-80 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of June, 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.:

ALL that certain lot or tract of land situate on the Southerly side of Oxford Circle in the Borough of New Oxford, County of Adams, and Commonwealth of Pennsylvania known and numbered as Lot No. 17 on a final plan of Oxford Commons recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plan Book 58, Page 41A, more fully bounded and described as follows, to wit:

BEGINNING at a point on the Southerly right of way line of Oxford Circle at a corner of Lot No. 16 on said plan; thence extending along the said Southerly right of way line of Oxford Circle North 66° 13' 12" East 20 feet to a point; thence on a line curving to the right with a radius of 125 feet and an arc length of 81.77 feet to a point thence South 76° 11' 54" East 4 feet to a corner of Lot No. 18 on said plan; thence extending along Lot No. 18 South 13° 48' 06" West 125 feet; thence North 76° 11' 34" West 3 feet to a point; thence South 66° 19' 12" West 22.71 feet to a corner of Lot No. 16 on said plan; thence along the said Lot No. 16, North 23° 40' 48" West, 125 feet to a point and place of BEGINNING.

Being known as: 11 Oxwood Circle, New Oxford, PA 17350

Tax Parcel # 34-007-0092

SEIZED and taken into execution as the property of **Donald L. Roller, Jr.** 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 June 25, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1188 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of June, 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.:

ALL her undivided one-half interest in and to that lots of ground, together with the improvements thereon erected, situate, lying and being in Littlestown Borough, Adams County, Pennsylvania, bounded and described as follows to wit:

BEGINNING at a point on the right-of-way line of Colonial Court; thence along the right-of-way line of Colonial Court, North forty-one (41) degrees thirty-eight (38) minutes zero (00) seconds West, fifty-five (55) feet to a point on the right-of-way line of South Columbus Avenue; by a curve to the right, having a radius of twenty (20) feet, an arc length of thirty-one and forty-two hundredths (31.42) feet and a long chord hearing and distance of North three (03) degrees twenty-two (22) minutes zero (00) seconds East, twenty-eight and twenty-eight hundredths (28.28) feet to a point on the right-of-way line of South Columbus Avenue; thence along the right-of-way line of South Columbus Avenue, North forty-eight (48) degrees twenty-two (22) minutes zero (00) seconds East, one hundred five and twenty hundredths (105.20) feet to a point on the right-of-way line of Shriver Well Lane; thence along the right-of-way line of Shriver Well Lane, South forty-two (42) degrees zero (00) seconds East, seventy-five (75) feet to a point at Lot No. 23 as shown on the hereinafter referenced subdivision plan, thence along said Lot No. 23, South forty-eight (48) degrees twenty-two (22) minutes zero (00) seconds West, one hundred twenty-five and sixty-eight hundredths (125.68) feet to a point, the point and place of BEGINNING.

Parcel# (27) 011-0140

Property address: 499 South Columbus Avenue, Littlestown, PA 17340

BEING the same premises which Jody Rote by Deed dated 02/27/06 and recorded 03/08/06 in the Office of the Recorder of Deeds in and for Adams County, in Deed Book 4338 Page 18 granted and conveyed unto Edward and Jody Rote, husband and wife.

SEIZED and taken into execution as the property of **Jody L. Rote & Edward R. Rote** 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 June 25, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/7, 14 & 21

NOTICE OF SHERIFF'S SALE
IN THE COURT OF COMMON PLEAS
OF ADAMS COUNTY, PENNSYLVANIA
NO. 09-S-1470

WELLS FARGO BANK, N.A.

vs.

THOMAS A. SPANGLER &
NOTICE TO: THOMAS A. SPANGLER
NOTICE OF SHERIFF'S SALE OF
REAL PROPERTY

Being Premises: 2963 HANOVER PIKE,
HANOVER, PA 17331

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

PARCEL# 08-L15-0026---000

Improvements consist of residential
property.

Sold as the property of THOMAS A.
SPANGLER

Your house (real estate) at 2963 HANOVER PIKE, HANOVER, PA 17331 is scheduled to be sold at the Sheriff's Sale on JUNE 19, 2010 at 10:00 A.M., at the ADAMS County Courthouse, to enforce the Court Judgment of \$311,849.82 obtained by WELLS FARGO BANK, N.A. (the mortgagee) against the above premises.

Phelan Hallinan & Schmiege, LLP
Attorney for Plaintiff

5/21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-SU-1749 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of June, 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.:

ALL that certain piece or parcel of land, situate, lying and being in Littlestown Borough, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an existing steel pin on the southern edge of Roberta Jean Street and the western edge of James Avenue; thence along James Avenue, and passing through a utility pole set 15.00 feet from the next mentioned point, South 37 degrees 03 minutes 20 seconds East 90.00 feet to an iron pipe at corner of Lot No. 2 on hereinafter referred to draft of survey; thence by Lot No. 2, South 53 degrees 19 minutes 50 seconds West 149.45 feet to an iron pipe on line of land now or formerly of Lewis Investment Company; thence by land of Lewis Investment Company, North 37 degrees 24 minutes 30 seconds West 90.01 feet to a steel pin on the southern edge of Roberta Jean Street; thence along the southern edge of Roberta Jean Street, North 53 degrees 19 minutes 50 seconds East 150.00 feet to an existing steel pin, the place of BEGINNING.

The above description was taken from a draft of survey prepared by Mort, Brown and Associates, dated April 3, 1984 and recorded in Plat Book 43, page 33.

BEING the same premises which, by their Deed, dated July 21, 2000 and recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania, at Deed Book 2093, Page 0250, Mason D. Startt, Sr. and Joyce E. Startt, his wife, and Timothy J. Startt, granted and conveyed unto Timothy J. Startt and Shawn Startt, husband and wife.

Map 27-008-0040

46 James Avenue, Littlestown Borough, Littlestown, PA

SEIZED IN EXECUTION as the interest of Timothy J. Startt and Shawn M. Startt, in the subject property, on Judgment No. 1749 of 2009.

SEIZED and taken into execution as the property of **Timothy J. Startt & Shawn M. Startt** 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 June 25, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/7, 14 & 21

LEGAL NOTICE

NOTICE IS HEREBY GIVEN, that the Fairfield Municipal Authority intends to file Articles of Amendment with the Secretary of the Commonwealth of Pennsylvania pursuant to the provisions of the Municipality Authorities Act 53 Pa. C.S. Section 5605 on or about May 27, 2010.

1. The name and location of the registered office of the Authority is the Fairfield Municipal Authority with offices at 108 West Main Street, Fairfield, Pennsylvania 17320.

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

3. The nature and character of the proposed amendment as directed by the Fairfield Borough Council is to extend the life of the Authority for a period of Fifty (50) years from the date of Council's Resolution on April 27, 2010.

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

5/21

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed with the Department of State of the Commonwealth of Pennsylvania on or about May 3, 2010, pursuant to the Fictitious Name Act, setting forth that Michael J. Dooner is the only person interested in a business known as SPYNOW GETTYSBURG and that the principal place of business is 8 Union View Drive, Gettysburg, PA 17325.

Gary E. Hartman, Esq.
Hartman & Yannetti
Solicitors

5/21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-42 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of June, 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.:

All that certain tract of land lying and situate in Carroll Valley Borough, Adams County, Pennsylvania, being Lot No. 163 in Section K, more particularly bounded and described as follows:

BEGINNING at a point in the center of Snow Bird Trail at Lot No. 164; thence by said lot, South 25 degrees 15 minutes 35 seconds West, 225 feet to Lot No. 155; thence by said lot North 64 degrees 44 minutes 25 seconds West, 100 feet to Lot No. 162; thence by said lot, North 25 degrees 15 minutes 35 seconds East, 225 feet to a point in the center of said Snow Bird Trail; thence in said Snow Bird Trail, South 64 degrees 44 minutes 25 seconds East, 100 feet to the place of BEGINNING.

BEING the same premises by deed from Helen H. Widgeans, widow, dated and recorded 11/21/2001 in Book 2470 Page 32 granted and conveyed unto Helen H. Widgean's widow, Claude H. Corl, Jr., Lewis H. Corl and Mary Corl Johnson, joint tenants with rights of survivorship and not as tenants in common.

Being known as 12 Snow Bird Trail, Fairfield, PA 17320

Tax Parcel No: 43-006-0090-000

SEIZED and taken into execution as the property of **Scott A. Ward** 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 June 25, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

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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 VERNON S. ARENTZ, DEC'D**

Late of Union Township, Adams County, Pennsylvania

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

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

ESTATE OF CLYDE A. BERWAGER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

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

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

ESTATE OF LOICE E. GOUKER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

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

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

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

Late of Oxford Township, Adams County, Pennsylvania

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

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

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

Late of Conewago Township, Adams County, Pennsylvania

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

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

ESTATE OF LAURA T. McKINNEY, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

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

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

ESTATE OF MERLE L. RHINE, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

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

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

ESTATE OF BOYD E. RINEHART, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

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

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

ESTATE OF DORIS A. RUNK, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

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

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

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

Late of Tyrone Township, Adams County, Pennsylvania

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

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

SECOND PUBLICATION**ESTATE OF THOMAS BODERCK, DEC'D**

Late of Reading Township, Adams County, Pennsylvania

Administratrix: Elizabeth A. Boderck, c/o 129 East Market Street, York, PA 17401

Attorney: Suzanne H. Griest, Esq., 129 East Market Street, York, PA 17401

ESTATE OF VAULEE DELAP, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Barbara J. Sanner, 703 Bulk Plant Road, Littlestown, PA 17340

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

ESTATE OF PHOEBE EVANS DERSE, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Kathleen S. Garcia, 603-1/2 Third Street, Hanover, PA 17331

ESTATE OF FLORENCE MILDRED WEAVER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Edwin Eugene Weaver, 441 Beaver Street, East Berlin, PA 17316

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

THIRD PUBLICATION**ESTATE OF ALBERT L. BOSSERMAN, DEC'D**

Late of the Borough of York Springs, Adams County, Pennsylvania

Co-Executors: Phyllis Kennedy, 239 Meals Road, Gardners, PA 17324; Jayne L. Bosserman, P.O. Box 251, York Springs, PA 17372

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

ESTATE OF LINDA R. LEHMAN, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Executor: Adams County National Bank, Lincoln Square, Gettysburg, PA 17325

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

ESTATE OF CARROLL E. RIEBLING, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Administratrix: Rebecca D. Emlet, 651 Fulton Street, Hanover, PA 17331

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

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY PENNSYLVANIA

CIVIL ACTION—LAW
No. 2010-S-445

LEO WALLACE

vs.

TALEX, INC. D/B/A WHISPERING
PINES, PHILLIP HARRIS, INDIVIDUAL-
LY, JULIA HARRIS, INDIVIDUALLY

TO: TALEX, INC. D/B/A WHISPERING
PINES, PHILLIP HARRIS, INDIVIDUAL-
LY, JULIA HARRIS, INDIVIDUALLY

You are hereby notified that on March 18, 2010, Plaintiff Leo Wallace filed a complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of Adams County Pennsylvania, docketed to No. 2010-S-445. Wherein Plaintiff seeks to recover damages against you for Breach of Contract based on your failure to make agreed upon payments as required by law.

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

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served by entering a written appearance personally or by attorney, and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice, for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

Court Administrator
Adams County Court House
117 Baltimore Street
Gettysburg, PA 17325
Telephone No. (717) 337-9846

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.

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FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, in compliance with the requirements of Section 311, of Act 1982 - 295 (54 Pa. C.S. 311), the undersigned entity(ies) announce their intention to file in the Office of the Secretary of the Commonwealth of Pennsylvania, on approximately April 16, 2010, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of MARK'S DISCOUNT GROCERIES, with its principal place of business at 4487 York Road, New Oxford, PA 17350. The names and addresses of the persons owning or interested in said business are Mark S. Kuepfer, 499 Salem Church Road, Gettysburg, PA 17325, residing at 499 Salem Church Road, Gettysburg, PA 17325. The character or nature of the business is retail groceries.

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