

Adams County Legal Journal

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IN THIS ISSUE

REDDING LIVING TRUST VS. SHULTZ ET AL

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

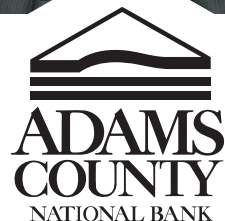
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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1446 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of March, 2009, 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 or parcel of land situated within the Borough of Gettysburg, Adams County, Pennsylvania, known as 142 West High Street known as Lot 10 on that certain "Corrective As Built Subdivision Plat" prepared by Robert A. Sharrah PLS. For Fredrick Douglass Townhouses, dated June 29, 1996 bearing Drawing Number B-293 (the "Corrective Plan"), and recorded on or about July 16, 1996 in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Plan Book 69 at page 54, which Corrective Plat is herein incorporated by reference, and more particularly bounded and described as follows:

FROM a 3/4 Inch steel rod in the northern line of a (12) foot wide paved alley known as Pape Alley and located at or near the northeast corner of the intersection of Pape Alley and South Franklin Street, continue South 83 degrees 49 minutes 01 seconds East along said northern line of Pape Alley a distance of 131.00 feet to a second 3/4 Inch steel rod in the northern line of Pape Alley, and then from said steel rod continue North 5 degrees 45 minutes 00 seconds East a distance of 90.98 feet to a point, the place of BEGINNING: thence from said point at place of beginning North 5 degrees 45 minutes 00 seconds East, a distance of 20.00 feet to a point at the dividing line between Lots 9 and 10 on said Corrective Plan; thence along said dividing line between Lots 9 and 10, North 84 degrees 15 minutes 00 seconds West a distance of 65.50 feet to a point at dividing line between Lot 3 and Lot 10, as shown on the Corrective Plat; thence along said dividing line between Lot 3 and Lot 10, South 5 degrees 44 minutes 58 seconds west a distance of 20.00 feet to a point on the dividing line between Lot 10 and Lot 11 shown on said Corrective Plat; thence along said dividing line between Lot 10 and Lot 11 South

84 degrees 15 minutes 00 seconds East a distance of 65.50 feet to a point the place of BEGINNING.

Tax ID# 16-10-217J

Being Known As: 142 West High Street, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Josette M. Boglio** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 9, 2009, 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.

2/13, 20 & 27

NOTICE

NOTICE IS HEREBY GIVEN that **ANDREW E. STAGE, ESQUIRE**, intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 2nd day of March, 2009, and that he intends to practice law as the Assistant District Attorney in the Office of the District Attorney, County of Adams, Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, Pennsylvania.

2/6, 13 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1101 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of March, 2009, 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 and being in Mount Pleasant Township, Adams County, Pennsylvania, being more particularly bounded and limited as follows, to wit:

Lot No. 553 on a Plan of Lots of Lake Heritage Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Miscellaneous Book 4, at page 665, and subject to all legal highways, easements, rights of way and restrictions of record.

Map Number: 33-005-008 1

Premises Being: 553 Hooker Dr., Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Christopher A. Mokin** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 3, 2009, 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.

2/13, 20 & 27

REDDING LIVING TRUST VS. SHULTZ ET AL

1. Although Pennsylvania Appellate Courts have consistently held proceedings for laying out a private road are in the nature of eminent domain proceedings, this same authority is unequivocal in holding that the procedural provisions of the Eminent Domain Code do not apply to private road proceedings.

2. The opening of a private road is a statutorily granted privilege allowing one citizen to condemn another's property for his/her own purposes and involves significant property rights.

3. In *Millcreek Road*, 9 C.C. Reps., 592, 8 Lanc. 301 (1891), Judge McPherson proclaimed that an objection to the composition of a board of view is too late when made after the view. Although a diligent search has failed to produce any other direct authority, there is tangential support for this conclusion in the law. For instance, the Commonwealth Court held, in an eminent domain proceeding, that preliminary objections are the means to challenge and resolve all threshold legal issues concerning the appointment of a board of view. Indeed, the Eminent Domain Code specifically provides any objection to the appointment or qualifications of a board of view are waived unless included in preliminary objections. While this authority arises in eminent domain proceedings and is not directly applicable to litigation for the establishment of a private road, the rationale for the prompt disposition of such issues is equally applicable.

4. 42 Pa.C.S.A. §2142 imposes no requirement that a surveyor be a member of such a board. Since this legislation clearly post-dates the conflicting 1889 legislation (36 P.S. §2461) the more recent statutory authority is controlling.

5. Defendants' challenge to the composition of the Board is also rejected on the basis that the statutory provision cited (36 P.S. §2461), even if still valid, is inapplicable to the composition of a board of view in Adams County.

6. Before a private road is laid out, there must be a showing of "necessity." This term has been defined by the Superior Court as follows:

While the Act does not require an absolute necessity, such as being completely landlocked, the mere inconvenience and the use of an existing road is not enough. The existing road must be of limited privilege, or extremely difficult and burdensome in its use.

7. Both 36 P.S. §1852 and 36 P.S. §1853 which require that the expenses of a view to assess the damages sustained by the owner of land taken in the case of a private road, shall be paid by the person or persons at whose instance the same was allowed, which leads to the question whether "expense" includes legal fees.

8. In *Merlino v. Delaware County*, 728 A.2d 949 (Pa. 1999), our Supreme Court noted that Pennsylvania has consistently followed the American rule which provides that there can be no recovery of attorneys' fees from an adverse party, absent an express statutory authorization, a clear agreement by the parties or some other established exception. In so holding, the Supreme Court reversed a Commonwealth Court award of attorney fees which had found the statutory meaning of "expense" to include attorney fees.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 06-S-314, DANIEL J. REDDING LIVING TRUST, BY DANIEL J. REDDING, TRUSTEE, VS. DEAN A SHULTZ AND JUDITH A. SHULTZ; JOHN T. LAWRENCE AND JOSEPHINE E. LAWRENCE; STEVE R. KELLEY AND CAROL A. KELLY;

FELIZ RAMIREZ AND SHELLY RAMIREZ; AND KIRSTEN HEINEMANN.

John A. Wolfe, Esq., for Plaintiff
Walton V. Davis, Esq., for Defendants Shultz
Gary E. Hartman, Esq., Chairman of Board of View
George, J., April 9, 2008

OPINION

Before the Court for resolution are Exceptions to the Report of the Board of View which granted the establishment of a private road in favor of the Daniel J. Redding Living Trust (“Trust”) across the property of Dean A. and Judith A. Shultz (“Shultz”). The property sought to be accessed by the private road is located near Clapsaddle Road in Mount Joy Township, Adams County, Pennsylvania. Shultz seeks to reverse the findings of the Board on the basis that the composition of the Board violated statutory requirements. Shultz further claims that the Board committed an error of law in interpreting the element of necessity based upon the factual record presented before the Board. In the alternative, in the event the Board’s laying out of the road is upheld, Shultz argues that the Board committed an error of law in failing to require Trust to compensate Shultz for legal expenses incurred by him during the course of this litigation.

This action was initiated on March 24, 2006 when Trust filed a petition with the Court for the opening of a private road. All neighboring land owners, including Shultz, were joined as parties. The petition did not identify any particular route across which the private road was requested to be established. By Order issued that same date, three members, consisting of an attorney and two lay persons, were appointed to the Board of View. The members of the Board of View resided in the Twin Oaks subdivision in Straban Township, Adams County; East Berlin, Adams County; and Orrtanna, Adams County, respectively. Following appointment of the Board, views were conducted at the property on May 31, 2006 and July 13, 2006. Additionally, hearings were held on August 24, 2006 and July 26, 2007. Following conclusion of the hearing, the Board issued a Report recommending the opening of a private road across the land of Shultz and further directing damages to be paid to Shultz in the amount of \$3,500. By Order of Court dated October 17, 2007, a

decree nisi was issued confirming the recommendation of the Report. Shultz's Exceptions followed thereafter.

Shultz's first exception challenges the composition of the Board of View. Shultz claims that the Board did not include a surveyor as required by statute. Shultz also contests the Board's qualifications on the basis that the members do not reside "near" the subject properties. There is no factual dispute as to the lack of a surveyor on the Board or the residences of its members. Rather, Trust argues in the alternative that the issue is waived and that the Board was properly qualified.

As mentioned, Trust initially claims that Shultz has waived their challenge to the composition of the Board by not raising it in preliminary objection. Trust notes that significant activity occurred following the Board's appointment on March 24, 2006 and prior to Shultz's initial objection to the composition of the Board which occurred at the conclusion of the partial hearing held on August 24, 2006. Indeed, as mentioned, an initial view of the property occurred on May 31, 2006 and a second view was held on July 13, 2006. Only after conclusion of the August 24, 2006 hearing at which four witnesses testified and were cross-examined by all counsel, did Shultz object to the composition of the Board.¹

Before discussing the specific issue before the Court, it is noteworthy that the statutory provisions relating to the laying out of private roads were initially enacted over a century ago and have remained relatively unchanged since that time. See 36 P.S. § 2731 (P.L. 551, § 11, June 13, 1836). Unfortunately, despite the urging and encouragement of the Superior Court for legislative reform in this area, see *In Re Laying out a Private Road*, 592 A.2d 343, 349 (Pa.Super. 1991), no such reform has occurred. Similarly, the Pennsylvania Rules of Civil Procedure offer no guidance in this area and have previously been held by this Court to be inapplicable to private road proceedings. See *Miller v. France*, 47 Adams County L.J. 180 (2005). Although Pennsylvania Appellate Courts have consistently held proceedings for laying out a private road are in the nature of eminent domain proceedings, *Petition of Gary W. Packard*, 926 A.2d 557, 559-60 (Pa.Cmwlt. 2007), this same authority is

¹The objection was limited to the lack of a surveyor on the Board. Shultz's challenges to the residences of the Board were raised, for the first time, in exceptions to the Report of the Board.

unequivocal in holding that the procedural provisions of the Eminent Domain Code do not apply to private road proceedings. *In Re Interests of Forrester*, 773 A.2d 219, 222 (Pa.Cmwlth. 2001); *T.L.C. Services, Inc. v. Kamin*, 639 A.2d 926, 928 (Pa.Cmwlth. 1994). Undoubtedly, the opening of a private road is a statutorily granted privilege allowing one citizen to condemn another's property for his/her own purposes and involves significant property rights. See *In Re Laying out a Private Road*, *supra*. Yet, both trial courts and practitioners are tasked with resolving the complicated procedural issues related to the taking of a private road without any real guidance. For this reason, this Court joins the Superior Court in encouraging the legislature to revisit this area.

Turning to the issue currently before the Court, I find that the challenge to the Board's composition has been waived. The only direct guidance available on this issue is the Opinion of Judge McPherson in *Millcreek Road*, 9 C.C. Reps., 592, 8 Lanc. 301 (1891). Without any in-depth discussion as to the basis for his reasoning, Judge McPherson proclaimed that an objection to the composition of a board of view is too late when made after the view. Although a diligent search has failed to produce any other direct authority, there is tangential support for this conclusion in the law. For instance, in *In Re Commonwealth Dept. of Transportation*, 368 A.2d 917, 918 (Pa.Cmwlth. 1977), the Commonwealth Court held, in an eminent domain proceeding, that preliminary objections are the means to challenge and resolve all threshold legal issues concerning the appointment of a board of view. Indeed, the Eminent Domain Code specifically provides any objection to the appointment or qualifications of a board of view are waived unless included in preliminary objections. 26 P.S. § 1-504. While this authority arises in eminent domain proceedings and is not directly applicable to litigation for the establishment of a private road, the rationale for the prompt disposition of such issues is equally applicable.

Instantly, approximately six months expired between the appointment of the Board of View and Shultz's objection. During this time, *inter alia*, two views and the majority of a lengthy hearing occurred without objection from Shultz. The record also reveals that non-docketed activity between counsel occurred during this time including cooperation in the scheduling of the views. See correspondence

dated July 5, 2006 attached to Plaintiff's Brief. Although the composition of the Board was well-known during this time, the proceedings continued on their scheduled path without objection at the expense and time of all involved. It was not until the proceedings were significantly underway, with the parties staking out their respective stances, that objection occurred. As recognized in *Millcreek*, objection to the composition of the board should have been made prior to a party having the opportunity to substantially participate in proceedings. There is an inequity involved in allowing a party to gain a sense of the direction of the proceedings and only after an unfavorable report appears imminent, to lodge objection. Accordingly, I find that Shultz's objection to the composition of the Board is waived as untimely.

Even had objection to the composition of the Board been timely filed, Shultz's exception on this basis would still be denied. The cornerstone of Shultz's exception is the statutory language found at 36 P.S. § 2461 which provides:

In all proceedings to lay out or vacate a public or private road, or to assess damages as provided by law, ... , the viewers, reviewers, etc., shall consist of three fair, judicious and impartial persons, one of whom shall be a surveyor, to be appointed as now provided by law.

This act shall not apply to counties having local acts inconsistent herewith.

36 P.S. § 2461. I find Shultz's reliance on this section flawed for two reasons.

Initially I note that, effective June 27, 1978, the legislature enacted legislation addressing the composition of boards of viewers. That legislation provides that the Court of Common Pleas shall appoint to the board of viewers "such a number of persons as shall be necessary for the proper performance of the duties imposed upon the board. At least one-third of the members of the board of viewers shall be members of the bar of this Commonwealth and each member shall be a resident of the county..." 42 Pa. C.S.A. § 2142. The composition of the current Board complied with the requirements of this section. Importantly, this legislation imposes no requirement that a surveyor be a member of such a board. Since this legislation clearly post-dates the conflicting 1889 legislation, the more recent statutory

authority is controlling. 1 Pa. C.S.A. § 1936 (whenever the provisions in two statutes are irreconcilable, the statute latest in date of final enactment shall prevail). Moreover, the more recent statutory enactment has been applied, *in dicta*, by a panel of the Superior Court in litigation involving the taking of private roads. *In Re Laying out a Private Road*, *supra*, 592 A.2d at 349.² Interestingly, in penning the Court's Opinion, Judge Olszewski recognized that a board of view for the taking of a private road "only requires that one-third of its members be admitted to the bar." *Id.* at 349. As mentioned, the current Board meets that requirement.

Shultz's challenge to the composition of the Board is also rejected on the basis that the statutory provision cited, even if still valid, is inapplicable to the composition of a board of view in Adams County. The statutory language relied upon by Shultz excepts those counties having local acts inconsistent therewith. Interestingly, at the time 36 P.S. § 2461 was adopted, Public Law No. 173, Act of March 23, 1854, was effective. That Act addressed the opening of private roads in Franklin County, Pennsylvania and, significantly, did not contain a requirement that one of the members of the board of view be a surveyor. On April 11, 1859, the legislature enacted Public Law No. 505 which extended the provisions of Act No. 173 of 1854 to Adams and Perry Counties. Act No. 505, April 11, 1859. Thus, even if I found that these public laws were not overruled by application of 42 Pa. C.S.A. § 2142, Shultz's exceptions would still be dismissed. The three antiquated public laws, when read together, except Adams County from the broader language cited by Shultz. For the reasons set forth above, Shultz's exception on this basis is denied.³

²I recognize that *In Re Laying out a Private Road*, (Olszewski, J.; Beck and Tamilia, JJ. concurring in the result) is not binding precedent as it is not the view of a majority of the panel. *In Re Trust of Bachman*, 488 A.2d 27, 28 (Pa.Super. 1985). However, where a concurring opinion enumerates the portions of the majority opinion in which the author joins or disagrees, analysis of the precedential value of the majority is simple. Where the concurrence does not explicitly state agreement or disagreement, we must look to the substance of the concurrence. *Commonwealth v. Perez*, 760 A.2d 873, 877 Fn. 8 (Pa.Super. 2000). Based on my reading of the concurring Opinion of Judge Beck, the applicability of 42 Pa. C.S.A. § 2142 to boards of view for the taking of a private road is not in question by the panel.

³Shultz's suggestion that the composition of the Board is suspect for failure to comply with the provisions of 36 P.S. § 1783 (relating to viewers for public roads) which requires that all members of the board of view reside "near the place to be viewed" is denied under similar reasoning.

Shultz next challenges the recommendation of the Board on the basis that the element of necessity to establish a private road was not proven. In this regard, Shultz suggests that since Trust, on occasion, had permissive access across the neighboring property to a public road, the element of necessity is lacking. Shultz further suggests that the necessity claimed by Trust is legally insufficient as the necessity arises out of the proposed use of the property as a residence when, in fact, there is sufficient access for its current use as timberland. Shultz cites the recent Commonwealth Court Opinion in *Packard*, 926 A.2d 557 (Pa.Cmwlth. 2007) as support.

Undoubtedly, before a private road is laid out, there must be a showing of “necessity.” This term has been defined by the Superior Court as follows:

[W]hile the Act does not require an absolute necessity, such as being completely landlocked, the mere inconvenience and the use of an existing road is not enough. *Pocopson Road*, 16 Pa. 15, 17. The existing road must be of limited privilege, *Stewart’s Private Road*, 38 Pa. Super. 339, 342, or “extremely difficult and burdensome” in its use.....*Brecknock Twp. Road*, 1874, 2 Woodw. 437.

Application of Little, 119 A.2d 587, 589 (Pa.Super. 1956). The Superior Court’s definition of “necessity” was most recently accepted by the Commonwealth Court in *Packard*, *supra*, A.2d at 559.

Instantly, Shultz stipulated that the subject property was landlocked as it is surrounded by other properties without public road access. See Tr., August 24, 2006, pg. 6. Shultz attempts to avoid the ramifications of this stipulation by noting that Trust had previous access to the property, on occasion, through permission of adjoining land owners. I reject their argument and, based upon the record, have no difficulty confirming the Board’s finding.

Trust currently does not have legal right or ability to access the property from a public road. The access, if any, is clearly limited as it can only be obtained through the good graces of others. The suggestion that necessity does not exist because a neighboring property owner may permit Trust access to a public road, at their whim, is to propose that neighboring property owners have veto power over Trust’s use of their property. Such a suggestion is completely contrary to the underlying purposes of the Private Road Act.

The decision in *Packard* does not alter my conclusion. *Packard* held, consistent with existing authority, that the intended use of a property is not determinative of whether there is access to the property. Although Shultz attempts to paint the current issue as one of a change of use of the property, the fact remains that regardless of the proposed use of the property, the Trust land is landlocked. Whether used as timberland or a residence, Trust lacks a legal right to access the property from a public road; a result which makes the property practically useless. Accordingly, I find no error in the Board's reasoning on this issue.

The last issue raised by Shultz concerns whether legal fees incurred by Shultz in defending this action may be properly assessed as "expenses" related to the laying out of the private road and thus recoverable by Shultz from Trust. In support of their claim for attorney fees, Shultz relies upon two statutory provisions. Shultz cites 36 P.S. § 1852 which reads "the expense of views of private roads, ..., shall be wholly paid by the persons applying for the same." As further support, Shultz points to the language contained in 36 P.S. § 1853 which reads "the expense of a view to assess the damages sustained by the owner of land taken ... in the case of a private road, shall be paid by the person or persons at whose instance the same was allowed." Shultz claims that the legislature's use of the word "expense" is an express indication of their intent to shift the expense of an opposing party's legal fees to the petitioner in instances where one seeks to establish a private road. Shultz suggests such an interpretation enhances the goals of the General Assembly in keeping a land owner whole from the clear taking of private property for the private use of another.

Our Supreme Court directly addressed the question of when statutory language is sufficient to award attorney fees in *Merlino v. Delaware County*, 728 A.2d 949 (Pa. 1999). The *Merlino* Court noted that Pennsylvania has consistently followed the American rule which provides that "there can be no recovery of attorneys' fees from an adverse party, absent an express statutory authorization, a clear agreement by the parties or some other established exception." *Id.* 728 A.2d at 951. In so holding, the Supreme Court reversed a Commonwealth Court award of attorney fees which had found the statutory meaning of "expense" to include attorney fees. The *Merlino* Court noted:

Certainly, as a matter of common parlance, attorneys' fees may be considered a form of "cost" or "expense" to a litigant. As noted, however, a statutory provision must be explicit in order to allow for the recovery of this particular form of expense. The General Assembly has employed the requisite specificity to authorize the recovery of counsel fees in the context of numerous other remedial enactments, and, had it intended to permit such recovery [under the Storm Water Management Act], could have done so in the Act. In the absence of such express statutory authorization, employment of the term "expense" ... is insufficient to constitute a basis for the award of attorneys' fees ...

Id.

Shultz's interpretation of the word "expense" is identical to the interpretation rejected by our Supreme Court in *Merlino*. As noted, if the General Assembly had intended the imposition of legal fees in such circumstances, they could have specifically so provided. Notably, the Eminent Domain Code includes express language authorizing the award of attorney fees. That such language is lacking in the statutory provisions related to the laying out of a private road is indicative of the General Assembly's intent. *Commonwealth v. Finley*, 860 A.2d 132, 140 (Pa.Super. 2004) ("[W]e note the maxim of statutory interpretation that the expression of one thing in a statute implies the exclusion of others not expressed.").

Although the award of attorney fees is not specifically authorized by statute, and therefore inappropriate, Shultz's predicament is further support for the need of the legislature to revisit this area of the law. As previously mentioned, it is beyond question that the opening of a private road is a taking of private property from one citizen for the benefit of another. Unlike eminent domain proceedings where the health, safety, and general welfare of the public are enhanced, in private road litigation the sole beneficiary is a private party to the detriment of a neighboring land owner. Although monetary damages for the value of the property encumbered are properly recovered, as currently evidenced, that award may be less than the amount of legal expenses incurred in defending the action. The current statutory provisions present the property owner of a servient tract with a Hobson's

choice: let the private road applicant decide how and to what extent to transverse their property or retain counsel in an effort to preserve some ability to protect their private property interests at a cost that may exceed the value of the property encumbered. Critically, the servient property owners did not enter into this decision-making process by choice but rather had it involuntarily thrust upon them. The current statutory formulation has, under the facts of this case, resulted in Shultz losing private property rights without any meaningful net gain offsetting the loss. Yet, the beneficiary of Shultz's loss has undoubtedly enhanced the value of their property as, prior to the taking, the property was of little practical use. Nevertheless, until the General Assembly addresses the significant issues related to the opening and laying out of private roads, this inherent unfairness is condemned to continuously repeat itself in the rural counties throughout Pennsylvania.

For the foregoing reasons, the attached Order is entered.

ORDER

AND NOW, this 9th day of April, 2008, the Exceptions to the Board of View are dismissed. The decree nisi issued is made final and absolute. The Board's findings are confirmed and hereby entered as Order of Court.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-271 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of March, 2009, 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 tracts of land situated, lying, and being in Menallen Township, Adams County, Pennsylvania, being Tract No. 1, more particularly bounded and described as follows:

BEGINNING at a stone on verge of a 35 foot road or street; thence along road or street; South 20 degrees East 76 1/4 feet to a stone on edge of said street and a 12 foot alley; thence along said alley which adjoins land formerly of E. E. Epplenman, South 72 degrees West 157 feet to a post; thence along an 11 foot alley which adjoins land formerly of Harry Epplenman, North 20 degrees West 84 feet to a post at an alley 11 feet wide; thence by said last mentioned alley which adjoins land formerly of F. A. Asper, land formerly of Martin Baugher and land formerly of F. A. Asper, North 74 degrees East 156 feet to the place of BEGINNING.

BEING THE SAME which David M. Carbaugh and George M. Carbaugh, co-executors of the Last Will and Testament of Roy J. Carbaugh, by their deed dated August 28, 2000 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 2116 at Page 83 granted and conveyed unto Donald R. Breon and Donna M. Breon, husband and wife, the GRANTORS herein.

TITLE TO SAID PREMISES IS VESTED IN Carmelo Dominguez and Lisa Dominguez, h/w, as tenants of an estate by the entireties, by Deed from Donald R. Breon and Donna M. Breon, h/w, dated 02/06/2001, recorded 11/05/2004, in Deed Book 3762, page 127.

Tax Parcel: (29)001-0031-000

Premises Being: 29 Aspers North Road, Aspers, PA 17304

SEIZED and taken into execution as the property of **Carmelo Dominguez & Lisa Dominguez** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 3, 2009, 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.

2/6, 13 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-976 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of March, 2009, 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, parcel or tract of land situate in Hamiltonban Township, Adams County, Pennsylvania bounded and described as follows:

BEGINNING at an existing pipe on line of land now or formerly of Carl Sturges and on line of land now or formerly of the Rev. Nicholas Dattilo, thence running by land now or formerly of Carl Sturges, through the corner of a shed and through an existing pipe set back along the edge of the right-of-way of this property, which pipe is One Hundred Twenty-Five and Sixty Hundredths (125.60) feet from the start of this course North Eighty-Eight (88) degrees Nine (9) minutes Fifty (50) seconds East Five Hundred Thirty-Six and Seventy-Three Hundredths (536.73) feet to a steel rod; thence continuing by land now or formerly of Carl Sturges South Forty-One (41) degrees Twenty-One (21) minutes Twenty (20) seconds East One Hundred Fifty-Nine and Thirty-Four Hundredths (159.34) feet to a steel rod at the Northwestern corner of Lot No. 2 on the hereinafter described plan of lots; thence running by Lot No. 2 (a lot addition to be conveyed to Robert Sanders) South Sixty (60) degrees Forty-Four (44) minutes Fifty (50) seconds West Five Hundred Twenty-Two and Forty-One Hundredths (522.41) feet to a steel rod on line of land of Missionaries of the Sacred Hearts of Jesus and Mary; thence running by said land North Forty-One (41) degrees Thirty-Four (34) minutes Twenty-Five (25) seconds West Fifty and Eighteen Hundredths (50.18) feet to an existing pipe at the corner of land now or formerly of Rev. Nicholas Dattilo; thence running by land now or formerly of Nicholas Dattilo North Eight (8) degrees Nine (9) minutes Thirty (30) seconds West One Hundred Seven and Forty-Eight Hundredths (107.48) feet to an existing steel rod at an 18-inch spruce; thence running by land of the same North

Thirty-Two (32) degrees Forty-Four (44) minutes Zero (0) seconds West Two Hundred Fifty-Four and Ten Hundredths (254.10) feet to an existing pipe on line of land now or formerly of Carl Sturges, the point and place of BEGINNING.

The property address being known as No. 146 Tract Road, Fairfield, PA 17320

TAX ID# (18) C15-84

BEING the same property which, by Deed dated July 2, 2002 and recorded on July 19, 2002, among the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Book No. 2736, Page 0248, was granted and conveyed by Guy M. Sanders, single man unto Barbara Buckland, single woman.

TITLE TO SAID PREMISES IS VESTED IN Barbara Buckland, Single Woman By Deed From Guy M. Sanders, Single Man Dated 7/2/2002 Recorded 7/17/2002 In Deed Book 2736 Page 248.

SEIZED and taken into execution as the property of **Barbara Buckland** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 3, 2009, 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.

2/6, 13 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1256 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of March, 2009, 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 two (2) tracts of land situate, lying and being in Mt. Joy Township, Adams County, Pennsylvania, bounded and described as follows:

Tract No. 1: BEGINNING at a point in U.S. Route 140 at lands now or formerly of Paul McCleef; thence in the center of said U.S. Route 140 North 45 degrees West, 100 feet to a point; thence by lands now or formerly of George Gantz and M. Jane Gantz and through an iron pin set 25 feet on the line, North 41 degrees 45 minutes East, 200 feet to an iron pin at lands now or formerly of Paul C. and Catherine M. Stull; thence by lands South 45 degrees 45 minutes East, 100 feet to an iron pin at lands now or formerly of Paul McCleef; thence by said lands South 41 degrees 45 minutes West, 200 feet through an iron pin set 25.9 feet to the place of BEGINNING. CONTAINING 73 perches and 7 square feet.

Tract No. 2: BEGINNING at an iron pin at lands now or formerly of Paul H. McCleef and Tract No. 1 herein; thence by said Tract No. 1 herein and by lands now or formerly of Robert F. Angell North 45 degrees 45 minutes West, 235 feet to corner of lands now or formerly of Donald Nunemaker and lands now or formerly of Paul C. and Catherine M. Stull; thence by said last mentioned lands North 41 degrees 45 minutes East, 60 feet to an iron pin; thence continuing by said lands South 45 degrees 45 minutes East, 246.35 feet to an iron pin; thence continuing by said lands south 17 degrees 37 minutes West, 38.27 feet to lands now or formerly of Paul H. McCleef; thence by said lands South 89 degrees 25 minutes West, 36.50 feet to the place of BEGINNING. CONTAINING 15,089.03 Square Feet.

The above descriptions were taken from a draft of survey dated January 8, 1969, and revised March 10, 1970, prepared by Gettysburg Engineering Co.

Being the same two tracts of land which Jessica Wilkinson, Stacie Gantz, and Jeremy Gantz, Administrators of the Estate of Donald A. Gantz, by their deed dated the 27th day of March, 2007, and about to be recorded in the Office of the Recorder of Deeds of Adams County, granted and conveyed unto Paul C. Plank and Sally A. Plank, husband and wife, mortgagors herein.

TITLE TO SAID PREMISES IS VESTED IN Paul C. Plank and Sally A. Plank, husband and wife, as tenants of an estate by the entireties, by Deed from Jessica Wilkinson and Stacie Gantz and Jeremy Gantz, Administrators of the Estate of Donald A. Gantz, deceased, dated 03/27/2007, recorded 04/03/2007, in Deed Book 4791, page 81.

Premises Being: 2280 Baltimore Pike, Gettysburg, PA 17325

Tax Parcel No. (30) G 15-0010

SEIZED and taken into execution as the property of **Paul C. Plank** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 3, 2009, 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.

2/6, 13 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1293 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of March, 2009, 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.:

TRACT NO. 1

ALL THAT CERTAIN lot of land situate in Reading Township, County of Adams and State of Pennsylvania, being more particularly described as Lot No. 927 on the plan of lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County in Misc. Deed Book 1, page 6, and subject to all legal highways, easements, rights-of-way and restrictions of record.

IT BEING the same tract of land which Edward Hunsicker and Fern E. Hunsicker, husband and wife, by Deed dated September 18, 1984 and recorded at the Adams County Recorder of Deeds on September 21, 1984 in Book 387 at Page 7, granted and conveyed unto Henry L. Byers, Jr. and Barbara A. Byers, the Grantors herein.

TRACT NO. 2

ALL THAT CERTAIN lot of land situate in Reading Township, County of Adams and State of Pennsylvania, being more particularly described as Lot No. 928 on a plan of lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County in Misc. Deed Book 1, page 6, and subject to all legal highways, easements, rights-of-way and restrictions of record.

TITLE TO SAID PREMISES IS VESTED IN Henry L. Byers, Jr., by Deed from Henry L. Byers, Jr. and Barbara A. Byers, h/w, dated 04/21/2004, recorded 04/30/2004 in Book 3548, Page 112.

Tax Parcel: 37-012-0034-000

Premises Being: 25 Halleck Drive, East Berlin, PA 17316

SEIZED and taken into execution as the property of **Henry L. Byers, 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 April 3, 2009, 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.

2/6, 13 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1268 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of March, 2009, 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 Hamilton Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING for a point on the Northern edge of Meadowview Lane at lands identified on the hereinafter referred to plan as Future Phase II, Cedar Ridge; thence along said northern edge of Meadowview Lane the following two courses and distances: 1) South 56 degrees 13 minutes 09 seconds West, 146.39 feet to a point; thence 2) North 74 degrees 24 minutes 01 second West, 25.81 feet to a point on the eastern edge of Springfield Drive; thence along same North 25 degrees 01 minute 11 seconds West, 217.95 feet to a point at Lot 64 of said plan; thence along same North 56 degrees 13 minutes 09 seconds East, 130 feet to a point at lands identified as Future Phase II, Cedar Ridge; thence along same South 33 degrees 46 minutes 51 seconds East, 235 feet to a point on the northern edge of Meadowview Lane, the point and place of BEGINNING, CONTAINING 34,611 square feet.

TITLE TO SAID PREMISES IS VESTED IN Idrissa Diarra, by Deed from Dan Ryan Builders, Inc., a Maryland Corporation, dated 02/28/2007, recorded 03/07/2007 in Book 4762, Page 166.

Tax Parcel: 17-K09-0101-000

Premises Being: 41 Springfield Drive, New Oxford, PA 17350

SEIZED and taken into execution as the property of **Idrissa Diarra** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 3, 2009, 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.

2/13, 20 & 27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-330 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of March, 2009, 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 Hamilton Township, County of Adams, Commonwealth of Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point 28 feet from the centerline of Route 94, being the road from York Springs to Hanover, at Lot No. 2, said point being at a corner of lands now or formerly of Ray Myers; thence South 57 degrees 32 minutes West 225 feet to a point at lands now or formerly of Richard Laughman; thence by other lands now or formerly of Robert J. Zoeller, et ux, South 18 degrees 30 minutes East 100 feet to a point at lands now or formerly of Nelson A. Tinney, also known as Lot No. 2; thence by Lot No. 2, North 57 degrees 32 minutes East 225 feet to the Western edge of the Route 94 right-of-way, being 28 feet from the centerline of said Route; thence by said right-of-way, North 18 degrees 30 minutes West, 100 feet to the point and place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Chad E. Winemiller, single and Jennifer Griggs, single, as joint tenants with right of survivorship, by Deed from Craig E. Fahs and Tammy A. Fahs, h/w, dated 10/13/2006, recorded 10/17/2006, in Deed Book 4607, page 18.

Tax Parcel: (17)-K10-0019-A

Premises Being: 3710 Carlisle Pike, New Oxford, PA 17350

SEIZED and taken into execution as the property of **Chad E. Winemiller & Jennifer Griggs** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 9, 2009, 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.

2/13, 20 & 27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1298 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of March, 2009, 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 tract of land situate in the Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at corner of land now or formerly of Plus Harner and East King Street; thence Northwest along land now or formerly of Plus Harner, 152 feet to an alley right-of-way in the rear; thence along said rear alley right-of-way, Northeast 33 feet to the land now or formerly of I.H. Crouse; thence along said other land now or formerly of I.H. Crouse, Southeast 162 feet to the building line of East King Street; thence along said East King Street, Southwest 33 feet to the place of BEGINNING.

CONTAINING 0.115 acre.

TITLE TO SAID PREMISES IS VESTED IN James E. Thomas, Sr., a married man, by Deed from James E. Thomas, Sr. and James E. Thomas, Jr., dated 06/23/2006, recorded 07/10/2006 in Book 4485, Page 126.

Tax Parcel: 08-204

Premises Being: 154 East King Street, Littlestown, PA 17340-1614

SEIZED and taken into execution as the property of **James E. Thomas a/k/a James E. Thomas, Sr.** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 3, 2009, 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.

2/6, 13 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1054 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of March, 2009, 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) contiguous tracts of land situate in Freedom Township, Adams County, Pennsylvania, bounded and described as follows:

TRACT NO. 1: BEGINNING at an iron pin at corner of lands now or formerly of Joseph E. Codori; thence by lands now or formerly of R.C. Witherow, North 2-1/2 degrees East, 48 feet to an iron pin; thence North 62 degrees East, 179 feet to an iron pin; thence South 28 degrees East, 86 feet to a point in Marsh Creek; thence by other land now or formerly of Joseph E. Codori South 62 degrees West, 52 feet to an iron pin; thence by same South 78-1/2 degrees West, 157.2 feet to an iron pin, the place of BEGINNING, CONTAINING 50 perches.

TRACT NO. 2: BEGINNING at a corner of Marsh Creek Heights Road and other land now or formerly of George A. Miller and Blanche M. Miller; thence along land now or formerly of George A. and Blanche M. Miller in a Southerly direction, 50 feet to other land now or formerly of Robert C. Witherow; thence along other land now or formerly of Robert C. Witherow in an Easterly direction 64 feet to a stake at other land of Robert C. Witherow; thence continuing along other land now or formerly of Robert C. Witherow in a Northerly direction 50 feet to the Marsh Creek Heights Road; thence along the said Marsh Creek Heights Road in a Westerly direction 64 feet to the land now or formerly of George A. Miller and Blanche M. Miller, the place of BEGINNING.

TRACT NO. 3: BEGINNING at an iron pin at corner of lands now or formerly of George A. Miller and Blanche M. Miller; thence along other land now or formerly of said George A. Miller and Blanche M. Miller in a Southerly direction 50 feet to a stake at land of Robert C. Witherow; thence along land now or formerly of Robert C. Witherow in an Easterly direction 50 feet to a stake; thence continuing along lands now or formerly of Robert C. Witherow, in a Northerly direction 50 feet to Marsh Creek Heights Road; thence along said road in a Westerly direction 50 feet to other lands now or formerly of George A. Miller and Blanche M. Miller, the place of BEGINNING, CONTAINING 50 perches.

Parcel No. E 17-36

Being Known and Numbered as 196 Marsh Creek Heights, Gettysburg, PA, 17325

Being the same premises which Celia Dunayer, unmarried, by deed dated March 26, 1998 and Recorded March 27, 1998 in and for Adams County, Pennsylvania, in Deed Book Volume 1547, Page 42, granted and conveyed unto Daniel J. Boone, unmarried.

SEIZED and taken into execution as the property of **Daniel J. Boone** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 3, 2009, 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.

2/13, 20 & 27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1290 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of March, 2009, 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 tract of land situate, lying and being in Hamiltonban Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center line of Mt. Hope Road (T-300) at corner of Lot No. 3 on the hereinafter referred to Preliminary/Final Plan; thence along Lot No. 3 and running through a steel rod set back 25.0 feet from the beginning of this course, South 67 degrees 24 minutes 50 seconds East, 131.54 feet to a steel rod; thence by same South 65 degrees 28 minutes 30 seconds East, 338.00 feet to a flange axle at corner of land now or formerly of Myron L. Kadle; thence by said Kadle land South 24 degrees 53 minutes 20 seconds West, 167.00 feet to a magnetic spike set 8 feet north of the center line of Mt. Hope Road (T-300); thence continuing in Mt. Hope Road (T-300) North 65 degrees 28 minutes 30 seconds West, 430.47 feet to a magnetic

spike set 3 feet south of the center line of Mt. Hope Road (T-300); thence by a curve to the right having a radius of 77.00 feet, an arc distance of 100.38 feet and a long chord distance and bearing of North 13 degrees 00 minutes 40 seconds West, 93.42 feet to point in Mt. Hope Road (T-300); thence continuing in Mt. Hope Road (T-300) North 36 degrees 38 minutes 20 seconds East, 90.48 feet to a point in the center line of Mt. Hope Road (T-300), the point and place of BEGINNING, CONTAINING 1.817 Acres, more or less.

The above description was taken from a Preliminary/Final Plan of Pius D. Clapsadl, Jr. prepared by Adams County Surveyors, and bearing date of November 11, 2006 and recorded in the office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 92 at page 55 (Record Book 4757 page 187), and being known as Lot 3A thereon and Lot as recorded in Record Book 4177 page 096.

Being the same which Pius D. Clapsadl, also known as Pius D. Clapsadl, Jr. and Katie L. Clapsadl, husband and wife, by deed dated June 15, 2007, which deed is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 4912 at page 122, sold and conveyed unto Jeffery Allen Anders and Christina Lynn Anders, husband and wife.

Parcel Number: (18) A15-0025 B

Being the unimproved property known as: 2530 Mt. Hope Road, Fairfield, PA

SEIZED and taken into execution as the property of **Jeffrey Allen Anders & Christina Lynn Anders** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 9, 2009, 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.

2/13, 20 & 27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 96-S-650 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of March, 2009, 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 and parcel of land with the improvements thereon, if any, located in the Township of Union, County of Adams, Commonwealth of Pennsylvania, bound in described as follows, to wit:

BEGINNING at a point in or about the center line of S.R. 2019, known as the Littlestown Road; thence through the approximate center line of such road, South forty-eight (48) degrees fifty-eight (58) minutes thirty (30) seconds West, four hundred twenty-five and seventy-one hundredths (425.71) feet to a point; thence departing from the center line of the aforementioned road and along lands now of Edward S. Martin, Sr., North forty (40) degrees fifty-eight (58) minutes forty-five (45) seconds West, two hundred twenty-four and sixty-eight hundredths (224.68) feet to a pipe; thence along lands now of Brian Cluck, North forty-eight (48) degrees fifty-three (53) minutes zero (00) seconds East, one hundred twenty-nine and eighty-two hundredths (129.82) feet to a steel rod; thence along lands of the same, North forty-two (42) degrees twenty-one (21) minutes fifty (50) seconds West, three hundred eighty-one and three hundredths (381.03) feet to a reset steel rod; thence along lands of Mary J. Bange, North fifty-one (51) degrees ten (10) minutes fifty-five (55) seconds East, one hundred thirty-two and sixteen hundredths (132.16) feet to an exterior steel rod at an Elm tree; thence South eighty-six (86) degrees forty-two (42) minutes zero (00) seconds East, two hundred sixty-one and thirty-three hundredths (261.33) feet to another steel rod; thence along lands of Mary L. Grove, South thirty-nine (39) degrees three (03) minutes five (05) seconds East, four hundred eighteen and thirty-seven hundredths (418.37) feet to a point in the aforementioned center line of Littlestown Road, the place of BEGINNING, Containing 4.532 acres.

IT BEING part of the same premises which the Ralston-Purina Company, a Missouri corporation, by its deed dated October 13, 1972, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Deed Book 303 at page 379, sold and conveyed unto Hostetter Farms, Inc., the Grantor herein.

INCLUDING, all right and privilege to use a twenty-two (22) foot wide strip of land for a road or driveway and the right of ingress, egress and regress into and along the same, and extending from the center of S.R. 2019 and along the northern portion of the aforementioned tract North thirty-nine (39) degrees West, two hundred thirty (230) feet, as set forth in a right-of-way from Aaron N. Bange and Anna R. Bange, his wife, to Hostetter Farms, Inc., dated October 4, 1978, and recorded in the Office of the Recorder of Deeds in and for Adams County, in Land Record Book 31, Page 340.

Parcel Number: (41) J15-0022A-000

Premises Being: 1160 Littlestown Road, Hanover, PA 17331

SEIZED and taken into execution as the property of **John Stull, Doris Stull and J&J Recycling of PA, Inc.** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 9, 2009, 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.

2/20, 27 & 3/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-1157 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of March, 2009, 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 certain two (2) tracts of land situate in Huntingdon Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

TRACT NO. 1: BEGINNING at a point in the North side of the public road leading from York Springs to Route 34 and lands now or late of Melvin O. Murtoff, Jr. and Marian Murtoff; thence by said lands North twenty and three-quarters (20-3/4) degrees East, one hundred fifty (150.00) feet to a point; thence by other lands now or late of Thaddeus I. Keefer, et ux., South sixty-nine and one-quarter (69-1/4)

degrees East, fifty (50) feet to a point; thence by same, South twenty and three-quarters (20-3/4) degrees West, one hundred fifty (150) feet to a point in the North side of the aforesaid road; thence by the said public road, North sixty-nine and one-quarter (69-1/4) degrees West, fifty (50) feet to the place of BEGINNING.

TRACT NO. 2: BEGINNING at a point on the northern side of Pennsylvania L. R. 01047 leading from Idaville to York Springs and other lands now or late of Melvin O. Murtoff, Sr., et ux; thence by said lands of Murtoff, Sr., North twenty (20) degrees forty (40) minutes East, one hundred fifty-one and sixty-five hundredths (151.65) feet to an iron pin at other lands now or late of Thaddeus I. Keefer, et ux; thence by same, South sixty-nine (69) degrees fifteen (15) minutes East, five (5) feet to an iron pin at lands conveyed to Leland E. King; thence by same, South twenty (20) degrees forty (40) minutes West, one hundred fifty-one and sixty-one hundredths (151.61) feet to an iron pin at the northern side of the aforesaid Pennsylvania L. R. 01047; thence along the northern side of said L.R. 01047, North sixty-nine (69) degrees thirty-eight (38) minutes West, five (5) feet to the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Noah L. Cooper and Patricia L. Cooper, husband and wife, as Tenants by the Entireties, by Deed from Igwana Enterprises Inc., dated 12/07/2005, recorded 01/04/2006, in Deed Book 4270, page 266.

Tax Parcel: 22-G04-0015-000

Premises Being: 106 Idaville York Springs Road, Gardners, PA 17324

SEIZED and taken into execution as the property of **Noah L. Cooper & Patricia L. Cooper a/k/a Patricia L. Guziewicz** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 9, 2009, 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.

2/20, 27 & 3/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-1474 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of March, 2009, 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 situated in Reading Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a railroad spike in the center line of Legislative Route 01044 at the intersection of Township Road T-624; thence in and along the center line of Legislative Road 01044, South 50 degrees 30 minutes 00 seconds West, 210.00 feet to a railroad spike at corner of land now or formerly of Pauline L. Spangler; thence by said land now or formerly of Pauline L. Spangler, and passing through a reference pipe set back 25.00 feet from the last mentioned point, North 38 degrees 03 minutes 00 seconds West, 622.50 feet to a pipe; thence by same and passing through a reference pipe set back 25.00 feet from the next mentioned point, North 50 degrees 30 minutes 00 seconds East, 210.00 feet to a pipe set in the West Wheel track of Township Road T-624 aforesaid; thence in said Township Road T-624, South 38 degrees 03 minutes 00 seconds East, 622.50 feet to a railroad spike, the place of BEGINNING.

CONTAINING 3.000 acres

MAP ID # (36) – K05 - 0033

IMPROVEMENTS: Residential dwelling

TITLE TO SAID PREMISES IS VESTED IN Shane M. Hull and Emily Hull, husband and wife, by Deed from Shane M. Hull, joined by Emily Hull, his wife, dated 11/22/2002 and recorded 12/18/2002 in Record Book 2910, Page 275.

SEIZED and taken into execution as the property of **Emily Hull & Shane M. Hull** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

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2/20, 27 & 3/6

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 2008-S-1722

Action in Mortgage Foreclosure

American Star Financial, Inc., Plaintiff
vs.

Phillip P. Comaromi, Defendant

To: Phillip P. Comaromi, Defendant, 3524
York Road, New Oxford, PA 17350

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.

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.

Court Administrator
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, PA 17325
Telephone Number: 717-337-9846

Edward G. Puhl, Esquire
Puhl, Eastman & Thrasher
220 Baltimore Street
Gettysburg, PA 17325
(717) 334-2159

2/20

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 Monday, March 2, 2009 at 9:00 a.m.

RIDER—Orphan's Court Action Number – OC-2-2009. The First and Final Account of Charles C. Rider, Administrator C.T.A. of the Estate of Victoria A. Rider, late of the Borough of McSherrystown, Adams County, Pennsylvania, deceased.

LEAVY—Orphan's Court Action Number – OC-3-2009. The First and Final Account of Robert L. McQuaide, Administrator of the Estate of Margaret M. Leavy, late of the Cumberland Township, Adams County, Pennsylvania, deceased.

Kelly A. Lawver
Clerk of Courts

2/20 & 27

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 DOUGLAS L. KIBLER, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Administratrix: Sharon R. Evans, 81 Pegram Street, Gettysburg, PA 17325

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

ESTATE OF PAUL A. MOYER, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executor: Charles P. Moyer, P.O. Box 93, Thomasville, PA 17364

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

ESTATE OF ELIZABETH J. SHILLING, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Personal Representatives: Lloyd W. Geer, 22 Wortz Drive, Fairfield, PA 17320; LaRhue J. Geer, 22 Wortz Drive, Fairfield, PA 17320

Attorney: Lynn G. Peterson, Esq., Peterson & Peterson, 515 Carlisle Street, Hanover, PA 17331

ESTATE OF EDGAR S. SMITH, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executor: Donald Joseph Smith, 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 FREDERICK S. WEISER a/k/a FREDERICK SHEELY WEISER, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executor: Larry M. Neff, c/o Thomas M. Shultz, Esq., Shultz Law Firm, LLC, 215 Baltimore Street, Hanover, PA 17331

Attorney: Thomas M. Shultz, Esq., Shultz Law Firm, LLC, 215 Baltimore St., Hanover, PA 17331

SECOND PUBLICATION**ESTATE OF BERNICE N. DOGGETT, DEC'D**

Late of Mt. Joy Township, Adams County, Pennsylvania

Executrix: Deborah A. Lawver, 144 Jackson Dr., Gettysburg, PA 17325

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

ESTATE OF GLORIA S. PAYNE, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Co-Administrators: Karen L. Neiderer, 26 Snowbird Trail, Fairfield, PA 17320; Linda A. Coe, 28 Creekview Trail, Fairfield, PA 17320

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

ESTATE OF EILEEN P. SMITH, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Margaret Letitia Hayes Hunter, 8022 McKenstry Drive, Laurel, MD 20723

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

THIRD PUBLICATION**ESTATE OF ANNA L. FROCK, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Personal Representative: Linda Ann Waroblak, 86 Kimberly Dr., Hanover, PA 17331

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

ESTATE OF EARL L. LEHR, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Jere L. Lehr, c/o 129 East Market Street, York, PA 17401

Attorney: John C. Herrold, Esq., 129 East Market Street, York, PA 17401

ESTATE OF JOHN P. McKENNA, DEC'D

Late of Mount Joy Township, Adams County, Pennsylvania

Executrix: Jennifer L. Weaver, 736 Harrison Drive, Gettysburg, PA 17325

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

ESTATE OF MILDRED H. MILLER, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Executor: George E. Miller, 54 Peach Glen-Idaville Road, Gardners, PA 17324

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

ESTATE OF RUTH A. MILLER, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Victoria L. Morget, 444 Prince Street, Littlestown, PA 17340

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

ESTATE OF RAYMOND P. ORNDORFF, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Terry L. Orndorff, 9754 Woodland Dr., Hanover, PA 17331

Attorney: Donald W. Dorr, Esq., Buchen, Wise & Dorr, 846 Broadway, Hanover, PA 17331

ESTATE OF JANET K. SEGUIN, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Michael L. Seguin, 605 Juniata Ave., Huntingdon, PA 16652

Attorney: Ralph D. Oyler, Esq., 31 S. Washington Street, Gettysburg, PA 17325

ESTATE OF MARIE C. WAREHIME, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Carol J. Stair, 253 Blooming Grove Road, Hanover, PA 17331; Lora A. Talaber, 13717 Junction Road, New Freedom, PA 17349; Susan M. Oyler, 301 South Street, McSherrystown, PA 17344

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

THIRD PUBLICATION (CONTINUED)

ESTATE OF HOWARD C. WARNER, DEC'D

Late of Freedom Township, Adams County, Pennsylvania

Executor: Kyle E. Warner, 1803 No. 2 Hanover Pike, Hampstead, MD 21074

Attorney: John J. Murphy, III, Esq., Patrono & Associates, LLC, 28 West Middle Street, Gettysburg, PA 17325

ESTATE OF PRICE C. WILLOUGHBY, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Sandra L. Martin, 215 Sanders Rd., Gettysburg, PA 17325

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1544 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of March, 2009, 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 the following piece, parcel or tract of land, situate, lying and being on Lumber Street (formerly Lombard Street) in the Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING for a corner at Lumber Street and land now or formerly of H. M. Badders; thence by said Lumber Street, North sixty-one (61) degrees forty-five (45) minutes East, eighty (80) feet to an iron pin at corner of public alley; thence by said public alley, South twenty-nine (29) degrees eleven (11) minutes East, eighty-two (82) feet to an iron pin at a twenty (20) feet wide private alley; thence along said private alley; South sixty-one (61) degrees forty-five (45) minutes West, seventy-four (74) feet to an iron pin for a corner at lands now or formerly of H. M. Badders, aforesaid; thence along said lands North thirty-three (33) degrees twenty-one (21) minutes West, eighty-two and two-tenths (82.2) feet to an iron pin at Lumber Street, the place of BEGINNING. (The foregoing description has been prepared in accordance with the survey of Leroy

H. Winebrenner, County Surveyor, dated September 10, 1935.)

TOGETHER with the right of use, liberty and privilege of the twenty (20) feet wide private alley in rear of the above described tract of land by the Grantee, its heirs, assigns, tenants and under tenants at all times and seasons forever hereafter.

BEING the same premises which Chester B. Barrick and Mary E. Barrick, by Deed dated January 5, 2006 and recorded in the Office of the Recorder of Deeds of Adams County on January 6, 2006 in Deed Book Volume 4275, Page 238, granted and conveyed to MRJ Properties, LLC.

Tax ID: (27) 008-0341

Premises Being: 49 Lumber St., Littlestown, PA 17340

GRENN & BIRSIC, P.C.

Attorneys for Plaintiff

One Gateway Center, Ninth Floor
Pittsburgh, PA 15222
(412) 281-7650

SEIZED and taken into execution as the property of **MRJ Properties, LLC. & Edward 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 April 9, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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2/20, 27 & 3/6

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