

# *Adams County* **Legal Journal**

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## **IN THIS ISSUE**

**FAHNESTOCK ESTATE VS. PARICHUK PAVING**

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

*Karen Arthur  
Trust Officer*



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

For more information or a free  
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## ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1110 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2011, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution No. 10-S-1110

BANK OF NEW YORK MELLON TRUST COMPANY NA

vs.

DENNIS L. WARD & DEBRA WARD

4 APPLER COURT

LITTLESTOWN, PA 17340

LITTLESTOWN BOROUGH

Parcel No.: 27-004-0103

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$284,521.29

Attorneys for Plaintiff

MILSTEAD & ASSOCIATES, LLC

856-482-1400

SEIZED and taken into execution as the property of **Dennis L. Ward & Debra 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 May 20, 2011, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/1, 8 & 15

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-2513 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2011, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution No. 10-S-2513

B & A DEVELOPMENT COMPANY

vs.

LAURIE WOODS

929 JOHNS AVENUE

GETTYSBURG, PA 17325

MT. JOY TOWNSHIP

Parcel No.: (16)014-0056

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$38,243.45

Attorneys for Plaintiff

UDREN LAW OFFICES, PC

856-669-5400

SEIZED and taken into execution as the property of **Laurie A. Woods** 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 May 20, 2011, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/1, 8 & 15

## CHANGE OF NAME NOTICE

NOTICE IS HEREBY GIVEN that on March the 29th, 2011, a petition for change of name was filed in the Court of Common Pleas, requesting a decree to change the name of Renea Sue Clouser to Renea Sue Riser. The Court has fixed the 3rd day of June, 2011 at 8:30 am in Courtroom #4, Adams County Courthouse, as the time and place for the hearing on said petition when and where all persons interested may appear and show cause, if any they have, why the prayer of the said petitioner should not be granted.

4/15

## 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 4/1/11, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style, or designation of GREEN LIGHT SOLAR COMPANY, LLC, with its principal place of business at 796 Schoolhouse Rd., Aspers, PA 17304. The names and addresses of the persons owning or interested in said business are Robert T. Bell and Joseph A. Showers, residing at 796 Schoolhouse Rd., Aspers, PA 17304 and 915 Bull Valley Rd., Aspers, PA 17304 (respectively). The character or nature of the business is Solar Design & Installation.

4/15

## FAHNESTOCK ESTATE VS. PARICHUK PAVING

1. Where a motion for summary judgment has been supported with depositions, answers to interrogatories, or affidavits, the non-moving party may not rest on the mere allegations or denials in its pleadings. Rather, the non-moving party must by affidavit or in some other way provided for within the Rules of Civil Procedure, set forth specific facts showing that a genuine issue of material fact exists.

2. Circumstantial evidence alone may be sufficient to carry a respective party's burden of proof. However, each of the circumstances which lead to the suggested conclusion must be supported by evidence.

3. Appellate authority requires that one cannot be held liable under Section 1574 of the Motor Vehicle Code unless the vehicle owner knew or had reason to know that the ultimate driver was unlicensed.

4. Where an owner does not have any knowledge or reason to believe that the license of the operator of his vehicle had been revoked, the owner did not violate Section 1574 of the Motor Vehicle Code.

5. Pennsylvania case law is clear in instructing that the critical time in considering whether a negligent entrustment occurred is at the time permission to operate the vehicle was given.

6. There simply is no tenable nexus between one's marijuana use as a young teenager and their ability to safely operate a vehicle in the course of their employment ten years later on a specific date.

7. The crime of homicide by vehicle expressly excludes driving under the influence of a controlled substance as a basis for a finding of the reckless or grossly negligent conduct necessary for a conviction under Section 3802(d).

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 07-S-1271, WILLIAM E. FAHNESTOCK, ADMINISTRATOR OF THE ESTATE OF DAVID M. FAHNESTOCK, VS. JOHN PARICHUK PAVING, INC.

Archie V. Diveglia, Esq., for Plaintiff

Todd B. Narvol, Esq., for Defendant

George, J., October 29, 2010

### OPINION

Defendant, John Parichuk Paving, Inc. ("Parichuk"), seeks summary judgment dismissing William E. Fahnestock's ("Fahnestock")<sup>1</sup> claim for negligent entrustment. The pertinent facts are as follows:

Parichuk is a corporation operating a paving business. At all relevant times, Parichuk owned various items of equipment including a Bobcat loader ("Bobcat"). J.W. Paving is a separate corporate entity also operating a paving business. It is not unusual for Parichuk and J.W.

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<sup>1</sup> The current cause of action is brought by William E. Fahnestock, as Administrator of the Estate of David M. Fahnestock.

Paving to share equipment, supplies, and, on occasion, employees as principals of the separate corporations are related by marriage. More specifically, the sole principal of J.W. Paving is Joe Wells who is a brother-in-law to John Parichuk, Jr. and Tom Parichuk who own, in equal shares, the entire interests in Parichuk, Inc. Nevertheless, the entities operate separately as they independently bid jobs and maintain separate business records. Additionally, they maintain separate principal places of business although often disembark to job sites from the same location.

On the morning of January 6, 2006, Parichuk lent the Bobcat to J.W. Paving for a job which J.W. Paving was performing. The equipment was borrowed from Parichuk as a result of an informal contact between Joe Wells and John Parichuk, Jr. during the evening of January 5, 2006. The Bobcat was picked up from Parichuk on the morning of January 6, 2006 by two J.W. Paving employees including Shane Anderson (“Anderson”). Once taken to the J.W. Paving job site, the Bobcat was operated by J.W. Paving employee Anderson. Anderson had been employed with J.W. Paving since May 8, 2003.

While in the process of digging a driveway, the Bobcat, operated by Anderson, fatally struck J.W. Paving employee David M. Fahnestock. Shortly after the accident, a blood test of Anderson revealed marijuana traces in his system. Additionally, at the time of the accident, Anderson did not possess a valid Pennsylvania driver’s license.

Fahnestock currently sues Parichuk under a theory of negligent entrustment on the part of Parichuk in lending the Bobcat to J.W. Paving. Fahnestock alleges that Parichuk knew or should have reasonably expected that the Bobcat would be operated by Anderson on the day in question. Fahnestock further alleges that Parichuk knew or should have known that Anderson was likely to be under the influence of drugs or alcohol while at the work site; that he was inexperienced in operating the Bobcat; and that he did not have a valid driver’s license. Fahnestock concludes therefore that Parichuk was negligent in lending the Bobcat to J.W. Paving and is ultimately responsible for the damages resulting from Anderson’s operation of the Bobcat.

Parichuk seeks summary judgment arguing a lack of any factual basis to support a finding that Parichuk had knowledge that Anderson was likely to be the operator of the Bobcat or was likely to use the Bobcat in a manner alleged by Fahnestock. Parichuk claims ignorance on their part that Anderson was under the influence of controlled substances, or likely to be under the influence of controlled substances, on the morning of the accident or at any other time while at a job site. Parichuk further claims to have no reason to believe that Anderson was an untrained or inexperienced Bobcat operator as Anderson's employment history leads to a contrary conclusion. Finally, Parichuk argues that although they were unaware as to Anderson's driver's license status, the same is immaterial as there is no requirement that a Bobcat operator be legally licensed to operate a motor vehicle.

Pennsylvania law governing summary judgment is well established. A court may enter summary judgment only where there is no genuine issue of any material fact as to a necessary element of the cause of action or defense that could be established by additional discovery. *Fine v. Checcio*, 870 A.2d 850, 857 (Pa. 2005). A motion for summary judgment is based on an evidentiary record that entitles the moving party to judgment as a matter of law. *Swords v. Harleysville Insurance Companies*, 883 A.2d 562, 566 (Pa. 2005). Thus, summary judgment is appropriate only where the pleadings, deposition, answers to interrogatories, omissions and affidavits, and other materials demonstrate that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of the law. *Donegal Mut. Ins. Co. v. Fackler*, 835 A.2d 712 (Pa. Super. 2003). The burden of demonstrating the lack of any genuine issue of material fact falls upon the moving party and, in ruling on the motion, the court must consider the record in the light most favorable to the opposing party. *Id.* at 715. However, where a motion for summary judgment has been supported with depositions, answers to interrogatories, or affidavits, the non-moving party may not rest on the mere allegations or denials in its pleadings. *Id.* at 715. Rather, the non-moving party must by affidavit or in some other way provided for within the Rules of Civil Procedure, set forth specific facts showing that a genuine issue of material fact exists. *Id.*

Restatement (Second) of Torts, 308, which has been adopted in Pennsylvania by our appellate courts, defines the tort of negligent entrustment as follows:

It is negligent to permit a third person to use a thing or to engage in an activity which is under the control of the actor, if the actor knows or should know that such person intends or is likely to use the thing or to conduct himself in the activity in such a manner as to create an unreasonable risk of harm to others.

Section 308 imposes liability on the party because of their own acts in relation to an instrumentality or activity under their control. *Christiansen v. Silfies*, 667 A.2d 396, 400 (Pa. Super. 1995), *appeal denied* 686 A.2d 1307 (Pa. 1996). An entruster's liability is not dependant on, derivative of, or imputed from the trustee's actual liability for damages. *Id.*

Currently, there is no factual dispute that Parichuk lent the Bobcat to J.W. Paving. Indeed, admissions in the pleadings concede as much. Therefore, the critical inquiry is whether Parichuk lent the Bobcat to J.W. Paving under circumstances that Parichuk knew or should have known that J.W. Paving would use the Bobcat in a manner creating unreasonable risk of harm to others. In order to carry that burden of proof, Fahnestock must ultimately demonstrate that Parichuk knew or should have known that J.W. Paving would permit an unqualified or intoxicated employee to operate the Bobcat on the occasion at issue. Unfortunately for Fahnestock, there is a paucity of factual information in the record which supports such a conclusion.

Before addressing whether factual support exists as to place Parichuk on notice that on the date of the accident, Anderson was an unfit operator, it is important to determine whether Parichuk had reason to foresee that J.W. Paving would permit Anderson to operate the Bobcat. Fahnestock points to a variety of circumstances which suggest that the evidence is sufficient to allow a fact finder to infer such knowledge. Fahnestock cites the testimony of Wells that only Wells and Anderson used the Bobcat.<sup>2</sup> Fahnestock concludes that since Parichuk was aware that Wells would be vacationing on the date of the accident, Parichuk must have realized that only Anderson was left to operate the Bobcat.

Certainly, circumstantial evidence alone may be sufficient to carry a respective party's burden of proof. However, each of the circum-

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<sup>2</sup> Various witnesses indicated that J.W. Paving owned their own Bobcat which, on the date of the accident, was broken.

stances which lead to the suggested conclusion must be supported by evidence. *InfoSAGE, Inc. v. Mellon Ventures, L.P.* 896 A.2d 616 (Pa. Super. 2006). Instantly, the cornerstone of Fahnestock's argument is Parichuk's alleged knowledge that the only J.W. Paving employees who operated the Bobcat were Wells and Anderson. However, this fact is simply absent from the record. While Wells conceded as much in his deposition, the record is void of evidence that Wells ever shared this information with Parichuk. To the contrary, John Parichuk, Jr. indicated that he was not aware that Anderson would be operating the Bobcat on the date of the accident. This testimony is corroborated by the testimony of John Parichuk, Sr. and Tom Parichuk that neither was aware that Anderson would be operating the Bobcat on the date of the accident.

Mindful that this matter comes before the Court on a request for summary judgment, it is important to view every aspect of the record in the light most favorable to Fahnestock. Thus, while I cannot conclude that Parichuk had knowledge that Anderson would be the ultimate operator of the Bobcat, it is reasonable to conclude that Parichuk had reason to know of the possibility that Anderson would ultimately operate the Bobcat. Wells, in his deposition, acknowledges instances where principals of Parichuk previously observed Anderson operating a Bobcat at job sites. Wells Deposition, pg. 50. As his testimony is sufficient to establish that Parichuk had knowledge that Anderson was a Bobcat operator, one may reasonably conclude that a Bobcat lent to J.W. Paving might possibly be used by Anderson. However, the possibility that Anderson might use the Bobcat is quite different than having reason to know or suspect that J.W. Paving would permit an unfit operator to use the equipment. There is absolutely no proof of such knowledge or even a reason for Fahnestock to suspect as much. This lack of evidence alone permits entry of summary judgment. Nevertheless, in an effort to grant Fahnestock every benefit of a doubt, the claims of Parichuk's knowledge of unfitness will be further examined. Since Fahnestock pursues three separate theories of unfitness on the part of Anderson, I will address each separately.

*Continued to next issue (4/22/2011)*





**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 CATHERINE M. HARNER, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Royall T. Harnier, 35 Buford Avenue, No. 30, Gettysburg, PA 17325

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

**ESTATE OF ETHEL K. HOCKENSMITH, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Co-Executrices: Barbara Anne Forney, 427 Baltimore Street, Gettysburg, PA 17325; Lynn E. Hockensmith, P.O. Box 45, McKnightstown, PA 17343

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

**ESTATE OF PATRICK A. MARTINELLI, DEC'D**

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executrix: Frances J. Martinelli, 865 Sherman Drive, Gettysburg, PA 17325

Attorney: Robert L. McQuaide, Esq., 18 Carlisle Street, Suite 204, Gettysburg, PA 17325

**ESTATE OF MARIE EIGNER SCHELLER a/k/a MARIE SCHELLER, DEC'D**

Late of Mt. Joy Township, Adams County, Pennsylvania

Executrix: Margareta Eigner Lindsley, 1175 Old Harrisburg Road, Gettysburg, PA 17325

Attorney: Chester G. Schultz, Esq., 145 Baltimore Street, Gettysburg, PA 17325

**ESTATE OF PAUL S. WEIRICK, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Executrix: Suzanne W. Geiger, 110 Front Street, Dunellen, NJ 08812

**SECOND PUBLICATION****ESTATE OF MYRON PARKER BOWMAN, JR., DEC'D**

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

Executor: Sidonia Bowman, c/o Scott A. Ruth, Esq., 4 High St., Hanover, PA 17331

Attorney: Scott A. Ruth, Esq., 4 High St., Hanover, PA 17331

**ESTATE OF AILEEN E. FOLEY, DEC'D**

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

Executrix: Rosemary A. Foley, 2235 Minneapolis Avenue, Minneapolis, MN 55406

Attorney: Robert L. McQuaide, Esq., Suite 204, 18 Carlisle Street, Gettysburg, PA 17325

**ESTATE OF JOSEPH W. MATULEVICH, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executor: John Hughes, c/o Robert Clofine, Esq., Elder Law Firm of Robert Clofine, 120 Pine Grove Commons, York, PA 17403

Attorney: Robert Clofine, Esq., Elder Law Firm of Robert Clofine, 120 Pine Grove Commons, York, PA 17403

**ESTATE OF EDWARD L. SPANGLER, DEC'D**

Late of Union Township, Adams County, Pennsylvania

Executrix: Linda S. Mummert, 45 Brierwood Blvd., Hanover, PA 17331

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

**THIRD PUBLICATION****ESTATE OF MARY S. GEORGE a/k/a MARY SUSAN GEORGE, DEC'D**

Late of Liberty Township, Adams County, Pennsylvania

Executor: Richard L. George, c/o R. Thomas Murphy & Associates, P.C., 2005 East Main Street, Waynesboro, PA 17268

Attorney: Richard L. George, Esq., R. Thomas Murphy & Associates, P.C., 2005 East Main Street, Waynesboro, PA 17268

**ESTATE OF MILDRED ELIZABETH HOAK, DEC'D**

Late of Reading Township, Adams County, Pennsylvania

Executrix: Linda K. Hoak, 605 Fish & Game Road, East Berlin, PA 17316

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

**ESTATE OF FREDERIC RONALD HOUCK, DEC'D**

Late of Latimore Township, Adams County, Pennsylvania

Executor: Richard C. Houck, 108 Sweetwater Oaks, Peachtree City, GA 30269

**ESTATE OF THERESA J. IRVIN a/k/a THERESA J. IRVIN, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Executor: Robert P. Villarreal, 5978 Fairway Drive West, Fayetteville, PA 17222

Attorney: Jan G. Sulcove, Esq., 82 West Queen Street, Chambersburg, PA 17201

**ESTATE OF NAOMI REBECCA PROSSER, DEC'D**

Late of Latimore Township, Adams County, Pennsylvania

Executor: Edward L. Prosser, 3055 Turnpike Road, Elizabethtown, PA 17022

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

**ESTATE OF THOMAS DAMON ROSE, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Executor: Jeffrey Wickham, 145 Locust Grove Road, Dillsburg, PA 17019

Attorney: Chester G. Schultz, Esq., 145 Baltimore Street, Gettysburg, PA 17325

**ESTATE OF ELMER G. SCHWERING, DEC'D**

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executor: Samuel A. Garrett, 330 Mathias Rd., Littlestown, PA 17340

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

**ESTATE OF MARY T. YOUNG, DEC'D**

Late of Mt. Joy Township, Adams County, Pennsylvania

Co-Executors: Francis H. Young, Jr., 6664 Laurel Lake Road, Brackney, PA 18812; Gina A. Servant, 1554 Falling Brook Court, Odenton, MD 21113

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

NOTICE OF ACTION IN  
MORTGAGE FORECLOSUREIN THE COURT OF  
COMMON PLEAS OF  
ADAMS COUNTY, PENNSYLVANIACIVIL ACTION—LAW  
COURT OF COMMON PLEAS  
CIVIL DIVISION  
ADAMS COUNTY  
NO. 10-S-1277

AURORA LOAN SERVICES

vs.

CHAD THOMPSON and KRISTINA M.  
THOMPSON

## NOTICE

TO CHAD THOMPSON and KRISTINA  
M. THOMPSON:

You are hereby notified that on August 3, 2010, Plaintiff, AURORA LOAN SERVICES, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of ADAMS County Pennsylvania, docketed to No. 10-S-1277. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 1385 BALTIMORE ROAD, YORK SPRINGS, PA 17372-9520 whereupon your property would be sold by the Sheriff of ADAMS County.

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

## NOTICE

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

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

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

ADAMS COUNTY  
COURT ADMINISTRATOR  
ADAMS COUNTY COURTHOUSE  
GETTYSBURG, PA 17325  
(717) 334-6781, EXT. 213LAWYER REFERRAL SERVICE  
MIDPENN LEGAL SERVICES  
128 BRECKENRIDGE STREET  
GETTYSBURG, PA 17325  
(717) 334-7624

4/15

NOTICE OF ACTION IN  
MORTGAGE FORECLOSUREIN THE COURT OF  
COMMON PLEAS OF  
ADAMS COUNTY, PENNSYLVANIACIVIL ACTION—LAW  
COURT OF COMMON PLEAS  
CIVIL DIVISION  
ADAMS COUNTY  
NO. 10-S-1758

CHASE HOME FINANCE LLC

vs.

FRANKLIN J. EPPERSON, JR. a/k/a  
FRANKLIN B. EPPERSON, JR.

## NOTICE

TO Franklin J. Epperson, Jr. a/k/a  
Franklin B. Epperson, Jr.:

You are hereby notified that on October 22, 2010, Plaintiff, Chase Home Finance LLC, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of Adams County Pennsylvania, docketed to No. 10-S-1758. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 1244 Chambersburg, Road, Gettysburg, PA 17325 whereupon your property would be sold by the Sheriff of Adams County.

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

## NOTICE

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

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

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES

THAT MAY OFFER LEGAL SERVICES  
TO ELIGIBLE PERSONS AT A  
REDUCED FEE OR NO FEE.ADAMS COUNTY  
COURT ADMINISTRATOR  
ADAMS COUNTY COURTHOUSE  
GETTYSBURG, PA 17325  
(717) 334-6781, EXT. 213LAWYER REFERRAL SERVICE  
MIDPENN LEGAL SERVICES  
128 BRECKENRIDGE STREET  
GETTYSBURG, PA 17325  
(717) 334-7624

4/15

NOTICE OF SHERIFF'S SALE  
IN THE COURT OF COMMON PLEAS  
OF ADAMS COUNTY, PENNSYLVANIA  
NO. 10-S-1619

CITIMORTGAGE, INC.

vs.

UNKNOWN HEIRS, SUCCESSORS,  
ASSIGNS, AND ALL PERSONS,  
FIRMS, OR ASSOCIATIONS CLAIMING  
RIGHT, TITLE OR INTEREST FROM  
OR UNDER SHERYL CRUIKSHANK,  
DECEASEDNOTICE TO: UNKNOWN HEIRS,  
SUCCESSORS, ASSIGNS, AND ALL  
PERSONS, FIRMS, OR  
ASSOCIATIONS CLAIMING RIGHT,  
TITLE OR INTEREST FROM OR  
UNDER SHERYL CRUIKSHANK,  
DECEASEDNOTICE OF SHERIFF'S SALE OF  
REAL PROPERTYBeing Premises: 718 CHESTNUT HILL  
ROAD, HANOVER, PA 17331-7774Being in UNION Township,  
County of ADAMS Commonwealth of  
Pennsylvania

41-K18-0013-000

Improvements consist of residential  
property.Sold as the property of UNKNOWN  
HEIRS, SUCCESSORS, ASSIGNS,  
AND ALL PERSONS, FIRMS, OR  
ASSOCIATIONS CLAIMING RIGHT,  
TITLE OR INTEREST FROM OR  
UNDER SHERYL CRUIKSHANK,  
DECEASED

Your house (real estate) at 718 CHESTNUT HILL ROAD, HANOVER, PA 17331-7774 is scheduled to be sold at the Sheriff's Sale on MAY 27, 2011 at 10:00 A.M., at the ADAMS County Courthouse to enforce the Court Judgment of \$150,362.31 obtained by, CITIMORTGAGE, INC., (the mortgagee), against the above premises.

PHELAN HALLINAN & SCHMIEG, LLP  
Attorney for Plaintiff

4/15