

Adams County Legal Journal

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THORNTON ET AL VS. LIBERTY TOWNSHIP ET AL

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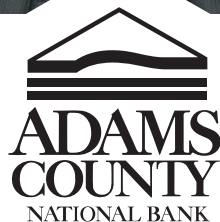
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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment Number, 09-S-1596 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of April, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following described real estate, situate in Hamilton Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin, a corner of other lands of Leon R. Baker and Roseann D. Baker and Township Road 304; thence across a dirt road and by lands now or formerly of Waynesboro Water Authority South 67 degrees 23 minutes 0 seconds West 139.94 feet to a concrete marker; thence by the same North 20 degrees 31 minutes 12 seconds West formerly of Clyde Corbaugh North 2 degrees 56 minutes 14 seconds West 219.31 feet to an iron pin; thence by other recording said dirt road North 89 degrees 15 minutes 0 seconds 190.78 feet to an iron pin; thence by other lands of Leon R. Baker and Roseann D. Baker South 0 degrees 45 minutes 0 seconds East 366.18 feet to the place of BEGINNING. CONTAINING 1.607 acres more or less as, per survey of Arrowwood Inc., dated October 11, 1977 a copy of which after being approved by the Board of Supervisors of Hamilton Township on November 7, 1977.

BEING Parcel No.: I8-A12-2IE

BEING the same premises by deed from Leon R. Baker and Roseann S. Baker, husband and wife dated 06/17/94 and recorded 06/23/2004 in Book 903, Page 57, granted and conveyed unto Leon Baker, Jr., single.

BEING known as: 2335 Newman Road, Fayetteville PA 17222

SEIZED and taken into execution as the property of **Leon R. Baker, 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 30, 2010

and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment Number, 09-S-1367 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of April, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that the following described tract of land, with the improvements thereon erected, situate, lying and being in the Borough of McSherrystown, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING at a P.K. nail (set) on the Northern side of Main Street and lands now or formerly of Francis D. Warner; thence along said lands now or formerly of Francis D. Warner, North twenty-three (23) degrees sixteen (16) minutes twenty (20) seconds East, one hundred ninety-nine and thirty-six hundredths (199.36) feet to a steel pin (set) at a sixteen (16) foot wide public alley; thence along said sixteen (16) foot wide public alley, South seventy-one (71) degrees fifteen (15) minutes thirty-six (36) seconds East, thirty-two and sixty-seven hundredths (32.67) feet to a steel pin (set) at No. 417 Main Street of the hereinafter referred to subdivision plan; thence along said No. 417 Main Street South twenty-seven (27) degrees twenty-one (21) minutes two (02) seconds West, one hundred thirty-two and sixty hundredths (132.60) feet to a P.K. nail (set); thence along same and in and along the center of a partition wall, South nineteen (19) degrees fifty-three (53) minutes thirty-five (35) seconds West, sixty-seven and

seventy-seven hundredths (67.77) feet to a point on the northern side of Main Street; thence along the northern side of Main Street, North seventy-one (71) degrees zero (00) minutes zero (00) seconds West, twenty-seven and twenty hundredths (27.20) feet to the point and place of BEGINNING. CONTAINING 5,369 square feet and designated as No. 415 Main Street on a Final Plan prepared by Worley Surveying, for Raymond F. Staub and Blanche A. Staub, dated May 1, 1990.

SUBJECT to all applicable zoning, sewer, subdivision, or other ordinances, regulations and laws and to all applicable conditions, restrictions, easements and rights-of-way of record or apparent on or in the premises; provided, however that none of the foregoing shall be revived hereby if the same shall have expired by limitation, violation, agreement or otherwise howsoever.

TITLE TO SAID premises is vested in Susann M. Kiess, by Deed from Kevin E. Welty and Lisa Helene Welty, his wife, dated 06/30/2005, recorded 07/07/2005 in Book 4031, Page 164.

Tax Parcel: 28,005-0192---000

Premises Being: 415 Main Street, McSherrystown, PA 17344-1806

SEIZED and taken into execution as the property of **Susann M. Kiess**, 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 30, 2010 and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/12, 19 & 26

THORNTON ET AL VS. LIBERTY TOWNSHIP ET AL

1. The purchaser of the real estate is chargeable with notice of everything affecting his title which could be discovered by an examination of public record.

2. It is not the province of equity to compel performance of unreasonable actions.

3. The concept that the separate deeded properties have obtained independent existence is not only practical but has legal support.

4. It is hornbook law that a supersedeas automatically terminates upon the entry of final order.

5. The sanctity of property rights in this Commonwealth has long been guarded. Although government agencies may properly regulate land development, regulations must be reasonable. Moreover, such regulations are to be narrowly construed in order to permit the property owner the maximum use of the property.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 08-S-308, STANLEY F. THORNTON AND JEAN M. THORNTON; KENNETH M. FARABAUGH, JR. AND CONSTANCE C. FARABAUGH; AND ROY A. McGLAUGHLIN AND CONNIE J. McGLAUGHLIN VS. LIBERTY TOWNSHIP BOARD OF SUPERVISORS; EDITH B. AITKEN; MARY FRANCES FRANK; JOHN F. BAKER AND KATHE BAKER; JOANNE BENANTI AND FRED BENANTI; THOMAS BILLITTERI AND MARY LYNN BILLITTERI; BRICK POINT CONSTRUCTION, INC.; VIRGINIA L. BURKS TRUST; JAMES B. CARTER AND FLORA B. CARTER; SAMUEL W. COCKS LIVING TRUST; BERNARD KENNETH CURTIS; KENNETH M. FARABAUGH, JR.; SPENCER GRAY AND ELLA B. GRAY; CHARLES A. HALL; MICHAEL HARTNETT AND MARY HARTNETT; GEORGE A. HUNT AND PATRICIA A. HUNT; JAMES G. KEITH; RODNEY W. PLANK AND JANET A. PLANK; PEARL H. ROBINSON; JOSEPH SCHEER AND MARGARET SCHEER; RUSSELL L. SHIFFLETT AND SARAH R. SHIFFLETT; GERALDINE L. SMITH AND JUNE S. SMITH; WILLIAM H. SPENCER AND ELIZABETH T. SPENCER; TERRY L. STEM; ALFONSO E. THOMAS; MARY L. WHEELLESS AND HERBERT H. WHEELLESS; AND ELLIOT J. YEARWOOD AND ELEANOR S. YEARWOOD.

Matthew R. Battersby, Esq., for Plaintiffs

Walton V. Davis, Esq., for Defendant Liberty Township

John J. Murphy, III, Esq., for Defendants Aitken, Frank, Baker, Cocks and Stem

Richard E. Thrasher, Esq., for Defendant Billitteri

Bernard A. Yannetti, Jr., Esq., for Defendant Brick Point Construction

George, J., May 27, 2009

OPINION

The genesis of this action is traced to a 1970s land development in southwestern Adams County known as “Charnita.” The development was beset with difficulties and is notorious among title searchers, attorneys, and realtors doing business in Adams County. At the root of Charnita’s many quandaries is that the developer, Charnita, Inc., filed bankruptcy prior to completion of the development.

The current dispute is traced to litigation which commenced on June 12, 1970 concerning those portions of the development located in Liberty Township. The litigation involved subdivision plans for areas known as Section W-WA, RI, and AD-AE (“Charnita lots”) which were submitted by Charnita, Inc. and approved by the Liberty Township Board of Supervisors. A citizens group, the Tri-Township Citizens Association (“Association”), filed an appeal with the Court challenging the subdivision approval.¹ For reasons which are unclear in the record, the Honorable Clinton Weidner of Pennsylvania’s Ninth Judicial District was appointed to specially preside over the litigation. Following what appears from the record to have been lengthy litigation, Judge Weidner entered an Order dated March 15, 1974 reversing the Board’s approval of the subdivision plans and further prohibiting land development on the lands contained in the previously cited portions of the Charnita development.²

Although Judge Weidner’s decision (“Weidner decision”) reversed subdivision approval, it failed to specifically address the status of lots, as identified in the subdivision plans, which were sold to private parties prior to the decision. Apparently, during the lengthy litigation between the Township’s approval of the initial Charnita plan and the Weidner decision overturning the various plans, a substantial number

¹ Subdivision approval for Sections W-WA was granted on June 2, 1970 with appeal to the Court of Common Pleas filed on June 12, 1970. Subdivision approval for Section RI was granted on March 9, 1971 with appeal to the Court of Common Pleas filed on April 1, 1971. Subdivision approval for Section AD-AE was granted on July 6, 1971 with appeal to the Court of Common Pleas filed on August 4, 1971.

² The specific language of the Order read:

AND, NOW, this 15 day of March, 1974, at 10:00 AM, the approval of Subdivision Plans submitted by Charnita for Sections W-WA, RI and AD-AE is reversed, and it is ordered that, as to land shown on the plans W, WA, RI, AD and AE, no land development shall be made, including streets, sanitary sewers, storm sewers, water mains or other improvements in connection therewith, except in accordance with the provisions of the applicable land subdivision regulations.

of lots were sold. It was only after the Weidner decision that Charnita, Inc. filed bankruptcy. Although no formal order of discharge has ever been entered, the corporation has ceased functioning and no longer exists for all practical purposes. Complicating this history even further is that the various lots, which had previously been sold, have subsequently been transferred to third parties and treated as separate parcels of property despite the Weidner decision vacating the subdivision plan which initially divided them.

It is against this backdrop that the current litigation arises. Approximately 33 years after the Weidner decision, at a November 7, 2007 meeting of the Liberty Township Board of Supervisors, the Township Solicitor opined that the Weidner decision precluded development of the separate lots which did not border upon a township or state road and otherwise complied with current land use ordinances. On the other hand, where complete compliance with current law is able to be established, the solicitor opined that a land use permit may properly be issued. Presumably, based upon this opinion, the Estate of Fannie Sparks conducted soil percolation testing on a lot owned by the Estate known as Lot AE-87. The lot was determined appropriate for on-lot sewage treatment and was listed for sale with a local realtor. The listing agreement described the property as a “very nice building lot.”

The efforts of the Estate to sell the property prompted a number of property owners (collectively “Plaintiffs”), who border the land which formerly comprised the Charnita development,³ to initiate the current litigation. Plaintiffs seek injunctive relief asking this Court to enjoin Liberty Township from issuing any permits related to the development of the various separate lots until a new subdivision plan for the original Charnita property is filed with and approved by the Township in compliance with law. In essence, Plaintiffs ask this Court to interpret, once and for all, the Weidner decision as clearly prohibiting all development, including building, on the subject parcels absent legally obtained subdivision approval for the original Charnita lots.

Plaintiffs’ Complaint has been met by a host of Preliminary Objections. The Township has filed Preliminary Objections seeking dismissal of the Equity Complaint on the basis that statutory remedies have not been exhausted. In this regard, the Township cites

³ Plaintiffs to this action are identified as Stanley F. and Jean M. Thornton, Kenneth M. Jr. and Constance C. Farabaugh, and Roy A. and Connie J. McGlaughlin.

Pennsylvania's Municipalities Planning Code, 53 P.S. § 10909.1 et seq., as the exclusive means to challenge land development issues. The Township also demurs claiming that the Complaint fails to allege any action on the part of the Township justifying the issuance of an injunction. In a related objection, the Township claims that this matter is not ripe as there is no controversy justifying judicial relief. They cite two exhibits attached to Plaintiffs' Complaint which reveal the Township's stated intent to only issue permit pursuant to law.⁴

Several other Defendants have raised Preliminary Objections claiming that Plaintiffs have failed to join indispensable parties to this litigation.⁵ These objections note that only parties owning deeded tracts fronting a public road have been identified as Defendants yet the Complaint seeks equitable relief against all recorded deed owners of tracts within the Charnita development regardless of whether they front public road. This objection suggests that the Court's current decision will affect the rights of those not parties to the litigation. As such, the objectors reason, this Court lacks jurisdiction.

At the heart of the current litigation is an issue which has been simmering for approximately 35 years; specifically, what the true status is of properties deeded by Charnita to third parties prior to the Weidner decision. The uncertainty related to these properties has caused great consternation among entities involved in the transfer of real estate in Adams County. Plaintiffs suggest, without citation, that prior to discussion concerning the recent building permit, Liberty Township has historically taken the position that the Weidner decision prohibits all improvement or development on the properties. Plaintiffs further claim that the Adams County Tax Claim Bureau

⁴Similar to all other aspects of the ill-conceived Charnita development, this litigation has had its own procedural issues. The initial Complaint against Liberty Township Board of Supervisors and the Estate of Fannie Sparks was met by Preliminary Objections on behalf of both Defendants. Plaintiffs filed an Amended Complaint thereafter in an effort to address the initial Preliminary Objections. The Amended Complaint added, as Defendants, a significant number of others who have deeded interests in separate tracts of property within the larger tract comprising the vacated subdivision. The Preliminary Objections currently before this Court are those filed in response to the Amended Complaint.

⁵Defendants filing these Preliminary Objections are identified as follows: Samuel W. Cocks, Edith B. Aitken, Mary Frances Frank, John F. and Kathe Baker, and Terry L. Stem. Defendants Thomas and Mary Lynn Billitteri have filed an Answer to Plaintiffs' Complaint. No other Defendants have filed a responsive pleading as of the date of this Opinion.

refuses to expose lots derived from the former Charnita development to tax sale because of the Weidner decision.

During argument on the current motions, various scenarios of the actual status of these properties were visited. One scenario views Charnita's failure to obtain subdivision approval as resulting in all transfers from the parent tract being void. Another scenario, implicitly adopted by the Township, suggests that the transfers of property remain valid as described in the respective deeds. Under this scenario, the property owners are free to improve their properties provided improvements are in compliance with current regulations and ordinances. A final scenario, espoused by Plaintiffs, suggests that the transfers of property, pursuant to deed, remain valid. However, all improvement to the respective properties is prohibited by the Weidner decision unless a subdivision plan for the former Charnita tract is properly submitted and approved by the Township. I will review the merits of each of these scenarios seriatim.

Voiding the transfers of the individual lots from their inception finds support in hornbook law which suggests that the purchaser of real estate is chargeable with notice of everything affecting his title which could be discovered by an examination of public record. *Locust Lake Vill. Prop. Owners Ass'n v. Wengerd*, 899 A.2d 1193, 1199 (Pa.Cmwlt. 2006) citing to *Piper v. Mowris*, 351 A.2d 635, 639 (Pa. 1976). Superficially, it makes sense that one who chose to purchase Charnita properties, while the subdivision remained the subject of litigation, assumed the risk that the subdivision permitting land transfer would subsequently be deemed void. Having acted at their own peril, they "must be deemed to have chosen... to suffer the consequences of [their] actions." *Riccardi v. Plymouth Twp. Bd. of Adjustment*, 142 A.2d 289, 291-92 (Pa. 1958). However, a closer examination of this position reveals obvious inequities.

Unquestionably, there is a history of all parties sleeping on their right to ask Judge Weidner to specifically address the status of the transferred properties. Despite the Association's specific request to Judge Weidner to prohibit the sale of any such lot or the erection of any building on the lots, they failed to challenge the decision which did not grant their request. In fact, rather than challenging the Court's failure to prohibit future sale of the transferred lots, all parties acted as if the deeds were valid. In this regard, the Court takes judicial notice of deeds to respective parcels which have been

routinely transferred to third parties not only once, but in the instance of some properties, on several occasions.⁶ Each of these various transactions have been memorialized by deed recorded in the Adams County Recorder of Deeds Office. Presumably, each involved title search, significant financial transactions, financial institution participation and, perhaps, various versions of title certification. Certainly, unless otherwise exempt, each transaction was accompanied by the payment of transfer taxes. Moreover, for over 30 years, deeded owners of the respective parcels have paid property taxes to county and municipal authorities. Wiping away this significant history with the stroke of a judicial pen, and in the process the property rights of many, does not promote the interests of equity.

Moreover, the result of such an action, under the guise of upholding the letter of the law, will have absurd results. Initial purchasers of the properties will have no recourse as Charnita is now defunct. While theoretically it is possible that restoration of the Charnita property to its original state will result in the restoration of an asset which ultimately may be sold to fund various claims, such a scenario presumes the existence of ascertainable sellers and a willing purchaser. The litigation, which is certain to spin off from such an act, would almost certainly discourage prospective purchasers. Moreover, the litigation would be so widespread, potentially involving purchasers, lawyers, realtors, banking institutions, and government entities, that its completion would be unlikely in the lifetime of any, including this writer, who have touched the Charnita quagmire. The likely result of voiding the prior transactions is to permanently alienate property at the unnecessary expense of many while overburdening a legal system ill-equipped to handle the flood of litigation sure to follow. It is not the province of equity to compel performance of such unreasonable actions. *Topley v. Buck Ridge Farm Constr. Co.*, 374 A.2d 976, 980 (Pa.Cmwlth. 1977). Accordingly, this scenario is not viable.

The Plaintiffs suggest a scenario wherein the transfer of the separate lots remains valid; however, the properties may not be improved absent a lawfully adopted subdivision approval of the Charnita tract.

⁶ Whether requested or not, a court may properly take judicial notice of public or court records. *Hawkey v. Workman's Comp. Appeals Bd.*, 425 A.2d 40, 42 (Pa.Cmwlth. 1981). Ironically, several of the Plaintiffs are currently owners of separately deeded lots within the Charnita development.

Although advocating that the separate lots maintain their integrity, their argument partially adopts the concept noted above that the purchasers were aware of the perils of their ownership prior to purchasing the property. As mentioned, this rationale suggests that those who purchased a lot prior to resolution of the appeal were aware of the risks at the time of the purchase. Thus, the purchasers, including secondhand purchasers, were certainly aware of the restrictions of the Weidner decision as it was a matter of public record. Critical to this argument is the Plaintiffs' interpretation of the language in the Weidner decision as prohibiting all improvements and development of the Charnita lots. Plaintiffs readily acknowledge that this interpretation would have the practical effect of permanently prohibiting the Charnita properties from ever being built upon as it is practically impossible to reunite the separate deeded lots in order to effectuate the proper subdivision. The end result of such an interpretation is that the properties are permanently limited in use to activities such as hunting, fishing, and logging provided the same can be accomplished without trespassing on another's property. As with the previous scenario, this position superficially has merit. However, upon more thoughtful inspection, Plaintiffs' position has clear blemishes.

The concept that the separate deeded properties have obtained independent existence is not only practical but has legal support. The statutory provisions of the Municipalities Planning Code, under which the Weidner decision was rendered, are found in Act 247 of the legislative session of 1968, July 31 P.L. 805, 9047. A careful reading of that law failed to reveal any provisions permitting the transfer of a subdivided lot to be voided even if the lot was subdivided in violation of applicable subdivision ordinances. A diligent search of Pennsylvania case law has similarly failed to reveal any authority for such an action. Notably, rather than permitting prior transfers to be voided, Act 247 provided criminal penalties for one who subdivided property in violation of an applicable subdivision ordinance.⁷

Interestingly, the 1968 provisions of the M.P.C. permitted the Court, upon request, to issue a supersedeas enjoining the sale of the lots during

⁷In 1988, the legislature adopted Act 170, 53 P.S. § 10515.1-10515.3, which included, in addition to criminal penalties, authority to municipalities to deny future building on such a lot. The penalties provided under current statutory law, while inapplicable to the current litigation, are indicative of the legislature's past ability to void transfers in violation of subdivision ordinances if they had wished to do so.

the pendency of a land development appeal. Act 247, Section 1008. Indeed, such a supersedeas was ultimately granted by Judge Weidner. Nevertheless, prior to the grant of a supersedeas, the M.P.C. implicitly permitted the continued development of property pending appeal. When read together, these provisions appear to permit the sale of subdivided lots pending an appeal as valid transfers unless supersedeas had previously been obtained. This conclusion is supported by the Weidner litigation. Despite a diligent search of the Weidner record, I have failed to uncover a single request by any party that the transactions pre-dating the supersedeas be voided. Importantly, Judge Weidner's decision did not void the transfers either expressly or implicitly. Thus, I conclude that the deeds remain valid and permit the future transfer of the properties as identified by the metes and bounds description in the deeds.

Both the Plaintiffs and the several Defendants appear to agree on this point. Their positions diverge, however, in regard to future use of the properties. As previously mentioned, Plaintiffs suggest that the properties must remain in their current state as all improvement is prohibited by the Weidner decision. The Township suggests that the lots, as separate parcels, may be improved provided improvements are in compliance with existing ordinances. For resolution of this issue, I turn to the language of the Weidner decision.

In essence, Judge Weidner ordered that no land development shall occur unless performed in accordance with the provisions of applicable land subdivision regulations. As an aid in interpreting his intent, Judge Weidner listed examples of land development as being "streets, sanitary sewers, storm sewers, water mains, or other improvements in connection therewith." Order of Court dated March 15, 1974, No. 119 July Term, 1970 (Adams County). Revealingly, the examples expressed by Judge Weidner are consistent with the definition of land development as it was set forth in Act 247 of 1968.⁸ Thus, neither

⁸Section 107 of Act 247 of 1968 reads:

"Land development," (i) the improvement of one or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two or more buildings, or (b) the division or allocation of land between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, building groups or other features; (ii) a division of land into lots for the purpose of conveying such lots singly or in groups to any person, partnership or corporation for the purpose of the erection of buildings by such person, partnership or corporation.

Judge Weidner, nor the then-applicable provisions of the M.P.C., included the construction of a single residence on a single lot within the meaning of land development. I am reluctant, by judicial fiat, to impute such an interpretation into Judge Weidner's opinion.

Interestingly, the record in the Weidner litigation suggests that Judge Weidner consciously chose not to accept the position currently championed by Plaintiffs.⁹ In their Brief filed on May 30, 1973, the Association asked Judge Weidner for two items of specific relief: (1) an order directing that "no lot... be sold, that no permit to erect any building... be issued, and that no building be erected" on the Charnita properties; and (2) that "no land development... be made [or] no street, sanitary sewer, storm sewer, water main or other improvement... be laid out, constructed, opened or dedicated for public use or travel... except in accordance with the provisions of the applicable subdivision regulations." Although Judge Weidner's ultimate decision adopted, almost verbatim, the recommendation of the Association to enjoin future "land development," he opted not to include in his Order the recommendation that those lots already transferred be enjoined from future transfer or improvement. Apparently, Judge Weidner accepted the position of other parties to the litigation which suggested that it would not be fair or equitable to permanently enjoin purchasers of the Charnita lots from building homes on their properties.¹⁰ Further support for the conclusion that Judge Weidner purposely elected not to enjoin building on the previously subdivided lots is found in the fact that although he granted a supersedeas by Order dated May 4, 1973 that prohibited the issuance of permits for

⁹The original Weidner litigation is listed in the Adams County Prothonotary's Office under the following numbers: No. 119 July Term, 1970; No. 235 May Term, 1971; and No. 29 October Term, 1971. The separate cases were consolidated for decision.

¹⁰The Commonwealth of Pennsylvania was granted intervenor status in the litigation. In their Memorandum of August 1, 1973, which was not formally filed but is part of the record, the Pennsylvania Attorney General's Office requested the Court order Liberty Township to provide public improvements for the lots which were previously transferred in order to permit building on those lots. Similarly, the County of Adams sought to intervene in the litigation in an effort to argue in favor of permitting building on the lots previously transferred from the parent tract. The Carroll Valley Citizens Association, Inc., a group of owners of the previously separated individual lots, filed an Amicus Brief in favor of the County's Petition to Intervene in which they argued against the granting of an injunction which would preclude building on the subject lots. Ultimately, the County's Petition to Intervene was denied. See Order of Court dated March 21, 1974.

the erecting of any building on the previously subdivided lots, his final Order did not include such a prohibition. It is hornbook law that a supersedeas automatically terminates upon the entry of final order. See *Goodstein v. Goodstein*, 619 A.2d 703, 706 (Pa.Super. 1992). Accordingly, the effect of Judge Weidner's final Order gains particular significance in failing to permanently enjoin building.

The sanctity of property rights in this Commonwealth has long been guarded. Although government agencies may properly regulate land development, regulations must be reasonable. *Machipongo Land & Coal Co. v. Dep't of Env'tl. Prot.*, 799 A.2d 751, 771 (Pa. 2002). Moreover, such regulations are to be narrowly construed in order to permit the property owner the maximum use of the property. *Adams Outdoor Adver., L.P. v. Zoning Hearing Bd.*, 909 A.2d 469, 481 (Pa.Cmwlth. 2006). Although these precepts arise in the context of weighing governmental versus private interests in land development, they are instructive in weighing whether this Court should exercise its equitable authority. Reading the Weidner decision to prohibit any improvement of the separate and distinct lots, when the opinion's specific language did not do so, is contrary to these general cherished principles.

The plain language of Judge Weidner's opinion did not void the prior transfers of property nor expressly prohibited further building on the separate lots. Rather, it required only that any further land development be made in accordance with the provisions of the applicable land subdivision regulations. I interpret this language to read that the currently defined separate parcels of land may not be further subdivided absent compliance with the current subdivision and land use ordinances. However, to the extent that the separate parcels may be improved in compliance with current ordinances, they may so be improved.

Accordingly, the Preliminary Objections of the Township are granted as the Plaintiffs have failed to state a cause of action upon which relief may be granted.

ORDER

AND NOW, this 27th day of May, 2009, the demurrer of the Liberty Township Board of Supervisors is granted. Plaintiffs' Complaint is dismissed with prejudice. As the grant of the Township's demurrer essentially terminates this litigation, the remaining Preliminary Objections of all parties are moot.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment Number, 09-S-1478 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of April, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land, with any improvements thereon erected, situate, lying and being in Tyrone Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in Route No. 234, said point being South 79 degrees 30 minutes West, 240 feet, more or less, from the end of the North 70-1/2 degrees East, 32 perch line of Deed recorded in Deed Book 197 at page 321, and at land now or formerly of Rissler; thence by said Rissler lands passing through a steel pin set 25.00 feet from place of Beginning, South 10 degrees 30 minutes East, 435.60 feet to a steel pin; thence by same, South 79 degrees 30 minutes West, 100.00 feet to a steel pin; thence by same, North 10 degrees 30 minutes West, 435.60 feet passing through a steel pin 25.00 feet from next mentioned point, to a point in aforesaid Route No. 234; thence in and along said Route No. 234, North 79 degrees 30 minutes East, 100.00 feet to a point, the place of BEGINNING.

The above description was taken from a draft of survey prepared by J. H. Rife, R.E., dated January 5, 1973.

TITLE TO SAID PREMISES IS VESTED IN David T. Batts and Heather R. Batts, h/w, by Deed from Virginia A. Livingston, widow, dated 03/27/2007, recorded 04/03/2007 in Book 4791, Page 145.

Tax Parcel: 40, H07-0079-000

Premises Being: 2503 Heidlersburg Road, Gettysburg, PA 17325-7620

SEIZED and taken into execution as the property of **David T. Batts & Heather R. Batts**, 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 30, 2010 and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

As soon as the property is declared

sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

2/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment Number, 09-S-1633 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of April, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or piece of ground SITUATE in Reading Township, County of Adams, Commonwealth of Pennsylvania, as more fully described in Deed Book 3609, Page 258, ID# 1239, being known and designated as Lot 922: Lake Meade Subdivision, filed in Plat Book 1, Page 6, metes and bounds property. Described AS Lot 992 on a plan of lots of Lake Meade Subdivision which PLAN IS DULY entered and APPEARING of record in the Office of the Recorder of Deeds in and for Adams County Pennsylvania. In Misc., Deed Book 1, Page 6 Deed from Lisa M. Bechtel Lisa M. Williams and Warren L. Bechtel as set forth in Deed Book 3609, Page 258 dated June 7, 2004 and recorded August 17, 2004, Adams County Records, Commonwealth of Pennsylvania.

BEING the same premises by deed from Lisa M. Bechtel, f/k/a Lisa M. Williams and Warren L. Bechtel dated: 06/07/2004 and recorded 06/17/2004 on Book 3609 Page 258. Granted and conveyed unto Lisa M. Bechtel.

TAX PARCEL No.: 12-39

BEING known as: 13 Halleck Drive, East Berlin, PA 17316

SEIZED and taken into execution as the property of **Lisa Marie Bechtel**, 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 30, 2010 and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost,

whichever may be the higher, shall be paid forthwith to the Sheriff.

2/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment Number, 09-S-1536 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of April, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot or piece of ground in Carroll Valley Borough, County of Adams, Commonwealth of Pennsylvania, being known as Lot No. 133, in Section R1, more particularly bounded and described as follows:

BEGINNING at a point in the center of Kramer Trail at Lot No. 132; thence by said lot North 2 degrees 37 minutes 20 seconds East 225 feet to Lot No. 128; thence by said lot South 87 degrees 22 minutes 40 seconds East 100 feet to Lot No. 134; thence by said lot South 2 degrees 37 minutes 20 seconds West 225 feet to a point in the center of said Kramer Trail; thence in said Kramer Trail North 87 degrees 22 minutes 40 seconds West 100 feet to the place of BEGINNING.

BEING known as: 4 Peach Tree Trail, Fairfield, Pennsylvania 17320.

Title to said premises is vested in Shawn M. Burns and Cindi D. Burns by deed from Brain D. Carson, a single man, dated October 21, 2005 and recorded November 1, 2005 in Deed Book 4189, Page 26 Instrument 200500023515.

TAX ID.: 43-041-0008-000

SEIZED and taken into execution as the property of **Shawn M. Burns & Cindi D. Burns**, 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 30, 2010 and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment Number, 09-S-1686 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of April, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land situated, lying and being in Cumberland Township, Adams County, Pennsylvania, being known as Unit No. 10 in Roselawn, a planned community, more particularly bounded and described in the as built house location plan dated May 14, 2003 and recorded 9-17-03 in the Office of the Recorder of Deeds for Adams County, Pennsylvania in miscellaneous drawer, Record Book 3302 at Page 6 and the declaration plan relating to Roselawn, a planned residential community, recorded on June 18, 2002 in the Office of the Recorder of Deeds for Adams County, Pennsylvania, in Record Book 2702 at Page 326, and the declaration plat recorded in the aforementioned declaration plan as exhibit 'nd' and recorded in the office of the Recorder of Deeds for Adams County, Pennsylvania in the miscellaneous drawer as set forth in plan Book 76 at Page 51 which unit includes an undivided interest in the common expenses as defined and provided for in said declaration all as amended which amendment is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 2948 at Page 29. Together with the right to use and enjoyment of the common elements as defined and provided for in said declaration. Subject nevertheless to conditions and covenants contained in the said declaration and exhibits thereto as well as the bylaws for the Roselawn Homeowners Association, Inc. recorded June 18, 2002 in the Office of the Recorder of Deeds for Adams County, Pennsylvania in Record Book 2703 at Page 1.

BEING KNOWN AS: 8 Dinwiddie Track a/k/a 8 Dinwiddie Court, Unit No. 10 Gettysburg, PA 17325

PROPERTY ID No. : 09-F12-0239

Title to said premises is vested in David H. Corradetti and Kimberly Corradetti, as sole owners by deed from Roselawn L.L.C., a Maryland limited liability company dated 6/19/03 recorded 9/17/03 in Deed Book 3302 Page 6.

SEIZED and taken into execution as the property of **David H. Corradetti & Kimberly S. Corradetti**, 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 30, 2010 and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment Number, 09-S-1360 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of April, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in Oxford Township, Adams County, bounded and described as follows:

BEGINNING at a point near the centerline of Storms Store Road at Lot No. 5 as shown on the hereinafter referenced subdivision plan; thence running along Lot No. 5 North thirty-five (35) degrees thirty-seven (37) minutes forty-seven (47) seconds West, twenty-four and thirty-two hundredths (24.32) feet to an iron pin set on the 25 foot dedicated right-of-way line of Storms Store Road; thence continuing along Lot No. 5 North thirty-five (35) degrees thirty-seven (37) minutes forty-seven (47) seconds West, two hundred fifty-six and zero hundredths (256.00) feet to a point at Lots No 30 and 29 as shown on the hereinafter referenced subdivision plan; thence running along Lot No 29 North fifty-four (54) degrees twenty-nine (29) minutes thirty-six (36) seconds East, one hundred fifteen and zero hundredths (115.00) feet to a point at Lots No 28 and 7 as shown on the hereinafter referenced subdivision plan; thence running along Lot No. 7 South thirty-five (35) degrees thirty-seven (37) minutes forty-eight (48) seconds East, two hundred fifty-five and seventy-four hundredths (255.74) feet to an iron pin set on the 25 foot dedicated right-of-way line of Storms Store Road South thirty-five (35) degrees thirty-

seven (37) minutes forty-eight (48) seconds East, twenty-four and fifty hundredths (24.50) feet to a point near the centerline of Storms Store Road; thence running in Storms Store Road South fifty-four (54) degrees twenty-seven (27) minutes (23) seconds West, one hundred fifteen and zero hundredths (115.00) to an iron pin set near the centerline of Storms Store Road at Lot No. 5 the point and place of BEGINNING. CONTAINING 32,232 square feet. The above description being Lot No. 6 on the final subdivision plan for Simme Valley Estates-Phase 2, by Byers & Runyon Surveying dated March 19, 2003, which said subdivision plan is recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Plat Book 85 at Page 55.

TITLE TO SAID premises is vested in David S. Poling and Deborah S. Poling, h/w, as tenants by the entireties, by deed from Palmer Development Group, Inc., a Pennsylvania Corporation and New Age Associates, Inc., a Pennsylvania Corporation, dated 12/15/2004, recorded 12/28/2004 in Book 3818, Page 215. Note: Deed of Correction. Previous deed contained incorrect footage for two courses.

Tax Parcel: 35-J12-0208-000

PREMISES BEING: 2008 Storms Store Road, Simme Valley Estates, New Oxford, PA 17350-9541

SEIZED and taken into execution as the property of **David S. Poling & Deborah S. Poling**, 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 30, 2010 and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment Number, 09-S-1624 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of April, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of ground situate lying and being in Union Township, Adams County, Pennsylvania, bounded and limited as follows:

BEGINNING for a corner at a point in the center of Township Road No. T-459 (commonly referred to as Bails Church Road) at Lot No. 11 on the hereinafter referred to subdivision plan; thence along the centerline of said Township Road No. T-459, North 12 degrees 29 minutes 52 seconds West 193.54 feet to a point in the center of said Township Road T-459 and land now or formerly of Edward H. Zumbum as shown on said subdivision plan; thence along Zumbum's land and land now or formerly of Gary L. Mummert, North 55 degrees 43 minutes East 413.12 feet to an iron pin; thence South 29 degrees 17 minutes 10 seconds East 359.34 feet to an iron pin at Lot No. 11; thence along Lot No. 11, South 77 degrees 10 minutes 8 seconds West 487.42 feet to a point in the center of said Township Road T-459, the point and place of BEGINNING. CONTAINING 2.760 acres of land.

BEING the same premises Angelo Grandinetti, Jr. by deed from Peyton L. Pool and Brenda K. Pool, husband and wife dated: 2/26/08 and recorded: 3/3/08 in Book 5126 Page 146 granted and conveyed unto Angelo Grandinetti, Jr.

TAX PARCEL No: (41) K17-0077 C

KNOWN AS: 450 Barts Church Road, Hanover, PA 17331

SEIZED and taken into execution as the property of **Angelo Grandinetti, 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 30, 2010 and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost,

whichever may be the higher, shall be paid forthwith to the Sheriff.

2/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment Number, 09-S-1347 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of April, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract or parcel of land situate in Reading Township, Adams County, Pennsylvania, being more particularly described as Lot 302 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, Pennsylvania in Plat Book 1, Page 1, and subject to all legal highways, easements, rights-of-way, and restrictions of record.

UNDER AND SUBJECT to all the restrictions, conditions, and agreements as set forth in the deed from Lake Meade, Inc. to Elmer N. Myers and Janet B. Myers, his wife, dated June 28, 1967 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 302, Page 950.

PARCEL ID No: 37-014-0038-000

TITLE TO SAID premises is vested in Kim E. Houser, by Deed from Tenny Baer, a Pennsylvania General Partnership, dated 12/09/2004, recorded 12/16/2004 in Book 3808, Page 37.

PROPERTY KNOWN AS 523 Lake Meade Drive, East Berlin, PA 17316

SEIZED and taken into execution as the property of **Kim Houser**, 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 30, 2010 and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment Number, 09-S-303 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of April, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land situated, lying and being in Carroll Valley Borough, formerly Liberty Township, Adams County, Pennsylvania, being known as Lot No. 51 in Section A, more particularly bounded and described as follows:

BEGINNING at a point in Hilltop Trail at Lot No. 50; thence by said lot, North 01 degree 33 minutes 20 seconds West, 250 feet to Lot No. 62; thence by said lot, North 88 degrees 26 minutes 40 seconds East, 100 feet to Lot No. 52; thence by said lot, South 01 degree 33 minutes 20 seconds East, 250 feet to a point in the center of said Hilltop Trail; thence in said Hilltop Trail, South 88 degrees 26 minutes 40 seconds West, 100 feet to the place of BEGINNING.

BEING known as Parcel No. 023-0023

BEING known as: 24 Hilltop Trail, Fairfield, PA 17320.

BEING the same premises which Ernest E. Fannin, Jr. a/k/a Ernest Fannin and Christy M. Fannin, husband and wife, by Deed dated March 30, 2007 and recorded on April 5, 2007 in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Book 4794, Page 9, sold and conveyed unto Ernest E. Fannin, Jr. a/k/a Ernest Fannin.

SEIZED and taken into execution as the property of **Ernest Fannin, Jr. & Christy M. Fannin**, 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 30, 2010 and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment Number, 09-S-828 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of April, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following described tract of real estate lying and being situate in Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the right of way line of South Gala and corner of Lot No. 440 of the hereinafter referred to subdivision plan; thence along Lot No. 440, South 60 degrees 03 minutes 07 seconds East, 120.18 feet to a point along lands now or formerly owned by David S. Weinberg, et al., designated as Appler-Phase II, Future Development, said point also being in a 5 feet wide pedestrian easement; thence along said land now or formerly of David S. Weinberg, et al., and in and along said pedestrian easement, South 45 degrees 37 minutes 43 seconds West, 20.77 feet to a point at corner of Lot No. 442 of the hereinafter referred to subdivision plan; thence along Lot No. 442, North 60 degrees 03 minutes 07 seconds West, 114.56 feet to a point on the right of way line of South Gala, aforesaid; thence along the right of way line of South Gala, North 29 degrees 56 minutes 53 seconds East, 20.00 feet to the point and place of beginning.

BEING designated as Lot No. 441 on subdivision plan of Appler Development prepared by Group Hanover, Inc. as revised, Project No. 951674, which said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 72, Page 23.

UNDER and subject to all concerns, conditions and restrictions of record, including but not limited to those set forth on the aforementioned plan and prior deeds of record.

TITLE TO SAID premises is vested in Robert J. Grill and Connie L. Grill, h/w, by Deed from Robert J. Grill and Connie L. Grill, t/k/a, Connie L. Gorleski, h/w, dated 09/22/2005, recorded 09/28/2005 in Book 4143, Page 57.

Parcel #: 27-004-0092

Premises Being: 105 South Gala Court, Littlestown, PA 17340-1153

SEIZED and taken into execution as the property of **Robert J. Grill & Connie L. Grill a/k/a Connie L. Gorleski t/k/a Connie Lee Gorleski**, 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 30, 2010 and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment Number, 09-S-156 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of April, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot or piece of ground with the buildings and improvements thereon erected, situate in Conewago Township, Adams County, Pennsylvania, and described according to a survey made by Donald W. Resh, Registered Surveyor, on July 24, 1954:

BEGINNING at a point on the Northerly side of Diller Road at a corner of Lot No. 10 on Plan of Conewago Acres, at the distance of two hundred sixty (260) feet measured south eighty-eight (88) degrees two (02) minutes East along the said side of Diller Road from the Easterly side of Lincoln Drive; thence extending along Lot No. 10, North one (1) degree fifty-eight (58) minutes East, one hundred fifty-three and twelve hundredths (153.12) feet to a point for a corner at Myers Memorial Playground; thence extending along said lands South eighty-eight (88) degrees two (02) minutes East, sixty (60) feet to a point at Lot No. 8; thence extending along said Lot No. 8, South one (01) degree fifty-eight (58) minutes West, one hundred fifty-three and twelve hundredths (153.12) feet to a point on the Northerly side of Diller Road; thence extending along said side of Diller Road North eighty-eight (88) degrees two (02) minutes West, sixty (60) feet to first mentioned point and place of BEGINNING. BEING known as Lot No. 9 on Plan of Conewago Acres.

1. The tract of land hereby conveyed shall be used for residential purposes only and no residences shall be erected

thereon unless the exterior surfaces thereof shall be of brick, stone or clap-board construction, or any combination of such materials.

2. No structures or improvements of any kind shall be erected upon the tract of land hereby conveyed within thirty (30) feet of the street line of Diller Road or Lincoln Drive, nor within five (5) feet of the boundaries between the tract of land hereby conveyed and the land adjoining thereto on either side.

TITLE TO SAID premises is vested in Lonney L. Stambaugh, single person, by Deed from Lonney L. Stambaugh, single person and Carolyn Rode, single person, dated 05/24/2007, recorded 06/01/2007 in Book 4856, Page 304.

Tax Parcel: 08-009-0078-000

Premises Being: 317 Diller Road, Hanover, PA 17331-4902

SEIZED and taken into execution as the property of **Lonney L. Stambaugh**, 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 30, 2010 and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment Number, 09-S-1811 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of April, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land, situate, lying and being on the north side of Third Street in the Village of Midway, Conewago Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING at a stake for a corner on Third Street, formerly the Hanover & McSherrystown Turnpike at corner of lot now or formerly of George Bunty; thence with said lot now or formerly of George Bunty in a northward direction 200 feet to a stake for a corner at line of a 20 foot wide alley; thence westward along said alley 30 feet to corner of lot now or formerly of Jeremiah Millheim; thence along said lot now or formerly of Jeremiah Millheim southward 200 feet to said Third Street; thence eastward along said Third Street 30 feet to the place of beginning.

BEING known as: 363 3rd Street a/k/a 363 Third Street, Hanover (Conewago Township), PA 17331

Property ID No: (8) 08-0197

TITLE TO SAID premises is vested in Robert E. Warner and Brenda J. Warner, husband and wife, as tenants by the entireties by deed from Bernard F. Aumen, Jr. and Bernadette E. Aumen, husband and wife dated 5/31/07 recorded 6/5/07 in Deed Book 4861 Page 64.

SEIZED and taken into execution as the property of **Robert E. Warner & Brenda J. Warner**, 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 30, 2010 and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment Number, 09-S-794 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of April, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot or piece of ground situate in Gettysburg Borough, County of Adams, Commonwealth of Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a drill hole on the South side of East Middle Street in the Borough of Gettysburg at corner of Lot No. 2 on the hereinafter referred to draft of survey; thence by said Lot No. 2 South 06 degrees 07 minutes West, 180.03 feet to a steel rod on the North side of 12-foot public alley known as Legion Alley East; thence along the North side of said alley North 85 degrees 00 minutes 00 seconds West, 36 feet to a steel rod at lands now or formerly of Joseph Dougherty; thence by said lands North 06 degrees 07 minutes 00 seconds East, 180.03 feet to a drill hole on the South side of East Middle Street; thence along the South side of said East Middle Street South 85 degrees 00 minutes 00 seconds East, 36 feet to the place of BEGINNING. CONTAINING 6,480 Square Feet.

SAID description was taken from a draft of survey dated May 22, 2002, by Adams County Surveyors and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 83 at Page 22, designating the above as Lot No. 1 thereon.

TITLE TO said premises is vested in Aaron L. Smith, by Deed from Kevin G. Peart, joined by his wife, Stefanie Peart, dated 11/10/2006, recorded 11/13/2006 in Book 4639, Page 260.

Tax Parcel: 16, 010-0138---000

Premises Being: 119 East Middle Street, Gettysburg, PA 17325-1918

SEIZED and taken into execution as the property of **Aaron L. Smith**, 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 30, 2010 and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment Number, 09-S-370 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of April, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the West curb line of Main Street at corner of land now or formerly of John W. Black and wife; thence by said land now or formerly of John W. Black and wife and running through a steel pin located 10 feet from said curb line South 75 degrees 45 minutes West 125 feet a steel pin; thence South 27 degrees East 96.9 feet to a steel pin; thence North 71 degrees 45 minutes East 103.86 feet to a crack in the sidewalk; thence along the West curb line of Main Street North 14 degrees 15 minutes West 87.25 feet to a point at the place of BEGINNING.

BEING known as: 131 South Main Street, Bendersville, PA 17306

PROPERTY ID: (03) 004-0066-000

Title to said premises is vested in Jeffrey C. Taylor, a single individual by deed from D. Grayson Taylor and Connie R. Taylor, husband and wife dated 8/23/2001 recorded 8/23/2001 in Deed Book 2384 Page 0296.

SEIZED and taken into execution as the property of **Jeffrey Taylor a/k/a Jeffrey C. Taylor**, 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 30, 2010 and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment Number, 09-S-1404 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of April, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land situated, lying and being in Reading Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING for a point on the center line of Township Road T-542, known as Turkey Pit Road, and Lot No. 2 of the hereinafter referenced subdivision plan; thence along the center line of said Turkey Pit Road, South forty-three (43) degrees seventeen (17) minutes twenty (20) seconds East, two hundred seventy-five (275.00) feet to a point at Lot No. 1 of the hereinafter referenced subdivision plan; thence along same, and through a steel pin on line set back twenty-five (25.00) feet from the center line of said road, South forty-six (46) degrees forty-two (42) minutes forty (40) seconds West, seven hundred fifty and twenty-eight hundredths (750.28) feet to a steel pin; thence continuing along Lot No. 1 of said plan, North forty-three (43) degrees fifty-one (51) minutes thirty-four (34) seconds West, two hundred seventy-five and one hundredths (275.01) feet to a granite stone at Lot No. 2 of said plan; thence along same, and through a steel pin on line set back twenty-five (25.00) feet from the termination of this courses, North forty-six (46) degrees forty-two (42) minutes forty (40) seconds East, seven hundred fifty-three and one hundredth (753.01) feet to a point on the center line of Turkey Pit Road, the point and place of BEGINNING. CONTAINING 4.7452 acres and identified as Lot No. 3 on a plan of lots prepared by Donald E. Worley, registered surveyor, on August 4, 1989. Said plan is recorded in the Recorder of Deeds Office in and for Adams County, Pennsylvania, in Plat Book 54, Page 95. It being a part of the same tract of land which Edward J. Conrad, Jr. et ux, et al., by their deed dated December 8, 1980, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 355, Page 830, granted and conveyed unto Larry A. Allingham and Barbara J. Allingham, husband and wife, grantors herein. BEING the same premises conveyed to Marvin C. Westfall and Joan M. Westfall, husband and wife, as tenants by the entireties from Larry A. Allingham and Barbara J. Allingham, husband and wife by deed dated 10/16/1992, and recorded on

10/26/1992, at Book 0646, Page 0486, in Adams County, PA.

TITLE TO SAID premises is vested in Marvin C. Westfall and Joan M. Westfall, h/w as tenants by the entireties, by Deed from Larry A. Allingham and Barbara J. Allingham, h/w, dated 10/16/1992, recorded 10/26/1992 in Book 646, Page 486.

Tax Parcel: 36,J09-0008B--000
Premises Being: 680 Turkey Pit Road, New Oxford, PA 17350-9744

SEIZED and taken into execution as the property of **Marvin C. Westfall & Joan M. Westfall**, 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 30, 2010 and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment Number, 09-S-1449 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of April, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of ground, situate in the Township of Menallen, County of Adams and Commonwealth of Pennsylvania, being more particularly bounded and described as follows, to-wit:

BEGINNING at a stone for a corner in Public Road; thence along said road North 79.5° degrees East sixty-one (61) feet to a stone in road; thence along lands now or formerly of E. E. Eppleman or original, South 23.5° East one hundred sixty (160) feet to a stone and a fourteen (14) feet alley; thence along said alley South 77° West sixty-one (61) feet to a post on land now or formerly of Sidney R. Peters; thence along land now or formerly of Sidney R. Peters North 23.5° West one hundred seventy (170) feet to the place of BEGINNING.

HAVING ERECTED THEREON a detached, two story single family residential dwelling.

BEING the same premises as E. Eugene Pyles, Executor of the Estate of Flossie S. Pyles, Deceased, by Deed Dated May 1, 1973, and Recorded on May 1, 1973, in the Office of the Recorder of Deeds of Adams County in Record Book 306, at Page 693, granted and conveyed unto Ray Ness and Nora Ness, as Tenants by the Entireties.

THE SAID Nora Ness having departed this life on September 18, 2007, vesting title solely unto Ray Ness by Right of Survivorship.

BEING KNOWN and numbered as: 67 Aspers North Road, Aspers, PA 17304.

Tax Parcel No. (29) 001-0036.

SEIZED and taken into execution as the property of **Ray Ness**, 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 30, 2010 and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/12, 19 & 26

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 DOROTHY E. ADAMS, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Co-Administrators: Philip E. Adams, 2850 Mummasburg Road, Gettysburg, PA 17325; Richard W. Adams, 2805 Mummasburg Road, Gettysburg, PA 17325

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

ESTATE OF ANITA M. HAHN, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Co-Executors: Dennis A. Hahn, Duane L. Hahn and Diane L. Klunk, 2580 Hunterstown-Hampton Road, New Oxford, PA 17350

SECOND PUBLICATION**ESTATE OF SAMUEL F. COOL, SR., DEC'D**

Late of Highland Township, Adams County, Pennsylvania

Co-Executors: Samuel F. Cool, Jr., 935 Mt. Hope Road, Fairfield, PA 17320; Bradley S. Cool, 895 Knoxlyn Road, Gettysburg, PA 17325

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

ESTATE OF JOHN D. EVANS, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Doris D. Evans, 51 Bristol Dr., Hanover, PA 17331

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

ESTATE OF RICHARD D. GILBERT, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Donald A. Gilbert, 37 Water Street, Fairfield, PA 17320

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

ESTATE OF CHARLES M. KRISE, DEC'D

Late of Littlestown Borough, Adams County, Pennsylvania

Executrix: Ms. Sonia L. Oaster, 12120 Glenbauer Road, Kingsville, MD 21087

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

ESTATE OF ROBERT C. MULLEN, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Mark M. Mullen, 1360 Columbia Drive, Apt. D, Hershey, PA 17033

THIRD PUBLICATION**ESTATE OF WILLIAM R. ALDER, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Lori Martin, 145 Sachs Road, Gettysburg, PA 17325

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

ESTATE OF ANNE MARIE AVERSA, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Cecilia Burkle Jankura, 72 Covered Bridge Road, Newburg, PA 17240

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

ESTATE OF CLARA MARGARET COLLINS, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Donald E. Collins, 1900 Fish & Game Road, Littlestown, PA 17340

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

ESTATE OF FRANCES L. IRVIN, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Harry P. Irvin, 245 Miltenberger Road, Orrtanna, PA 17353

Attorney: Gary J. Heim, Esq., Persun & Heim, P.C., 1700 Bent Creek Boulevard, Suite 160, Mechanicsburg, PA 17050

ESTATE OF SHARON A. LASHER a/k/a SHARON ALICE LASHER, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Administrator: Norma Sapp, 1264 Fish & Game Road, Littlestown, PA 17340

Attorney: Donald W. Dorr, Dorr Law Office, 846 Broadway, Hanover, PA 17331

ESTATE OF VITO A. SCRIPTUNAS, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Neil Scriptunas, 225 Baltic St. #3F, Brooklyn, NY 11201

ESTATE OF STANLEY E. SPRANKLE, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executrix: Jean E. Sprankle, c/o R. Thomas Murphy & Associates, P.C., 2005 East Main Street, Waynesboro, PA 17268

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

ESTATE OF ZELMA K. TAYLOR, DEC'D

Late of Arendtsville Borough, Adams County, Pennsylvania

Executor: James R. Taylor, 840 Prospect Drive, Shippensburg, PA 17257

Attorney: Robert E. Campbell, Campbell & White, P.C., 112 Baltimore St., Suite 1, Gettysburg, PA 17325

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment Number, 09-S-503 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of April, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following three (3) tracts of land situate, lying and being in the Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows, to wit:

TRACT 1: BEGINNING at a point at the intersection of Lombard Street with a sixteen (16.00) foot public alley; thence with the North curb line of said street South sixty-one (61) degrees West, thirty-three and eight-tenths (33.8) feet to a point at line of land now or formerly of Harry Weaver; thence with said land North thirty-one (31) degrees West, forty-nine (49.00) feet to an iron pin; thence by same North thirty-four and three-quarter (34-3/4) degrees West, forty-three (43.00) feet to an iron pin; thence by land now or formerly of Renner Bros. North thirty-two and one-quarter (32-1/4) degrees West, fifty-three and seven-tenths (53.7) feet to an iron pin at land now or formerly of Nicholas A. Schuchart; thence by said land North fifty-seven and three-quarter (57-3/4) degrees East, forty-one and five-tenths (41.5) feet to an iron pin at West side of a sixteen (16.00) foot public alley; thence with the West side of said alley South twenty-one and one-quarter (21-1/4) degrees East, one hundred forty-seven and seven-tenths (147.7) feet to a point, the place of BEGINNING. CONTAINING 5,422 square feet, more or less.

TRACT 2: BEGINNING at a point on the East side of South Queen Street in the middle of a twelve (12.00) foot wide private alley; thence along the center line of said private alley and by land now or formerly of Mandilla Gitt North fifty-two (52) degrees East, sixty-six (66.00) feet to a driven iron pin in the middle of said twelve (12.00) foot wide private alley; thence along the center line of said alley and by land of same North sixty-three (63) degrees East, one hundred forty-nine (149.00) feet to a driven iron pin at a blacksmith shop at land now or formerly of Nicholas Schuchart; thence by land now or formerly of Nicholas Schuchart South twenty-nine and one-half (29-1/2) degrees East, eighty-four and five-tenths (84.5) feet to a point near the corner now or formerly of Hotel Stable; thence by land now or formerly of Harry Weaver and Robert Smith South sixty and one-quarter (60-1/4) degrees West, forty-six

and five-tenths (46.5) feet to a point in line of eaves of roof on West side of a garage; thence by land now or formerly of Joseph H. Krug, the residue of the original tract of which this tract is a part North thirty and one-half (30-1/2) degrees West, forty-nine and six-tenths (49.6) feet to an iron pin; thence along same (balance of original tract) South fifty-two (52) degrees West one hundred sixty-one and seven-tenths (161.7) feet to an iron gate post on the East side of said South Queen Street; thence along the East side of said Street North thirty-four and one-half (34-1/2) degrees West, fifty-three and seven-tenths (53.7) feet to the place of BEGINNING. TOGETHER with and subject to a thirteen (13.00) foot private alley and a right of way as stated in Deed Book 224, at page 535.

TRACT 3: BEGINNING at an iron pin on the West side of a sixteen (16.00) foot alley which is the first public alley lying to the East of South Queen Street and is perpendicular to Lumber Street at the intersection of the West side of said sixteen (16.00) foot public alley with the South side of a twenty (20.00) foot public alley leading to South Queen Street; thence along the West side of said sixteen (16.00) foot public alley South twenty-nine and one-quarter (29-1/4) degrees East, sixty-three (63.00) feet to an iron pin; thence by land now or formerly of Nicholas A. Schuchart and Emma E. Schuchart, husband and wife, of which this tract was formerly a part South fifty-seven and three-quarter (57-3/4) degrees West, forty-one and five-tenths (41.5) feet to an iron pin; thence by land now or formerly of Renner Brothers and along an eleven (11.00) foot driveway North thirty-two and one-quarter (32-1/4) degrees West, sixty-nine and five-tenths (69.5) feet to an iron pin on the South side of the aforementioned twenty (20.00) foot public alley; thence along the South side of said twenty (20.00) foot public alley North sixty-six and one-quarter (66-1/4) degrees East, forty-five (45.00) feet to an iron pin at the intersection of said public alleys, the place of BEGINNING. CONTAINING 2,854 square feet. The above description for Tract No. 3 is taken from a draft of survey by LeRoy H. Winebrenner, R.S., dated January 27, 1942.

THEY BEING the same tracts of land which Louise Webb, widow, by deed dated August 14, 2000 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Record Book 2108, at Page 67, granted and conveyed unto Robert J. Via, Mortgagor herein.

Property Address: 36 South Queen Street, Littlestown, PA 17340

Tax Map 008, Parcel 0302

SEIZED and taken into execution as the property of **Robert J. Via**, 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 30, 2010 and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/19, 26 & 3/5

IN THE COURT
OF COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA
NO. 2010-S-192

IN RE: Petition of Charles Richard Oswald

NOTICE

NOTICE IS HEREBY GIVEN that on February 3, 2010, a Petition for Change of Name was filed in the Court of Common Pleas of Adams County, PA, requesting a decree to change the name of Charles Richard Oswald to Charles Richard King.

The Court has fixed March 5, 2010 at 8:30 a.m. in Courtroom #4, Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, PA, 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 Petition should not be granted.

Gregory L. Hollinger, Esq.
Attorney for Petitioner
250 York Street
Hanover, Pennsylvania 17331

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