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FULTON ET AL VS. HAN ET AL

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1905 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 09-S-1905

BAC HOME LOANS SERVICING LP
vs.

CHARLES G. MILLER &
REGINA MILLER

575 HOOKER DRIVE
GETTYSBURG, PA 17325
MOUNT PLEASANT TOWNSHIP

Parcel No.: 32 105-0064-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$237,484.74

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Charles G. Miller & Regina Miller** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/22, 29 & 11/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-626 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-626

WELLSFARGO BANK NA

vs.

SHANNON E. BAIR & JANET E. SMITH

72 HEMLOCK DRIVE
HANOVER, PA 17331
CONEWAGO TOWNSHIP

Parcel No.: 08-021-0172-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$157,804.47

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Shannon E. Bair & Janet E. 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/29, 11/5 & 12

NOTICE

NOTICE HEREBY IS GIVEN that the Board of Gettysburg Municipal Authority (the "Authority"), a Pennsylvania municipality authority having its registered office at 601 East Middle Street, Gettysburg, Adams County, Pennsylvania, has adopted a resolution proposing a certain amendment to its Articles of Incorporation; the Authority has submitted the proposed amendment to the Council of the Borough of Gettysburg, Adams County, Pennsylvania (the "Borough"), the governing authority of the municipality composing the Authority; the Council of the Borough, by a Resolution duly adopted, has approved the amendment to the Articles of Incorporation of the Authority; the Authority intends to file Articles of Amendment to its Articles of Incorporation with the Secretary of the Commonwealth of Pennsylvania on November 15, 2010; such Articles of Amendment are to be filed under provisions of the Pennsylvania Municipality Authorities Act, 53 Pa.C.S. Ch.56, as amended and supplemented; and the nature and character of such proposed amendment is to amend such Articles of Incorporation so as to increase the term of existence of the Authority, by adding the following new paragraph to its Articles of Incorporation:

"The term of existence of Gettysburg Municipal Authority shall end on October 1, 2060."

By Order of the Board of Gettysburg
Municipal Authority

11/5

FULTON ET AL VS. HAN ET AL

1. The burden of demonstrating sufficient cause to allow late joinder of an additional defendant rests with the defendant. Whether there is sufficient cause to allow late joinder of an additional defendant is a matter within the sound discretion of the trial court.

2. In determining the propriety of the late joinder, the length of the delay, the negligence of the moving party, and prejudice to the non-moving party are appropriate considerations.

3. It is clear the Pennsylvania Dead Man's Act disqualifies as witnesses those parties who have an interest which is adverse to the decedent's estate.

4. In determining whether a witness is declared incompetent to testify under the Dead Man's Act, a party challenging the witness must prove: (1) that the deceased had an interest in the matter at issue, that is, an interest in the immediate result of the suit; (2) that the interest to the witness is adverse; and (3) that the right of the deceased passed to the party of record who represents the deceased's interest.

5. The Superior Court recognized the exception to the Dead Man's Act that states that a surviving party may be competent to testify at the relevant matters occurring before the death of another if, but only if, the subject matter of the proposed evidence is something that occurred between the surviving party and another living and competent witness who has testified against the surviving party at trial.

6. Permitting a deceased party to make affirmative allegations against a surviving party, subjecting the latter to liability, while precluding the surviving party to adequately defend themselves, is offensive to a fair notion of justice.

7. Instantly, Defendant is not using the Dead Man's Act as a shield to protect against injustice but rather as a sword to prevent a surviving party from defending themselves against his allegations of negligence. Permitting this result is contrary to the notion that the Dead Man's Act exists for protection of the dead man's estate. Where the decedent's representatives are advancing, rather than protecting the estate's interests, they waive disqualification of an adverse party.

8. The Dead Man's Act has frequently been criticized because of its obstruction of honest claims and its excessive complexity. As the rule seeks to preclude otherwise competent evidence, courts narrowly construe its application.

9. The decision whether to consolidate or sever separate causes of action rests solely to the discretion of the trial judge as consolidation is not a matter of right.

10. The Pennsylvania Supreme Court has clearly instructed that a defendant who fails to object to consolidation, waives any claim of error in the event evidence incompetent under the Dead Man's Act in one case is properly admitted before the same jury in another.

In the Court of Common Pleas of Adams County, Pennsylvania,
Civil, No. 09-S-67, GUY FULTON, JR., DEVIN M. O'BRIEN,
PATRICK E. O'BRIEN, JR. AND LISA T. O'BRIEN VS. SUSAN J.
HAN, PERSONAL REPRESENTATIVE OF THE ESTATE OF KI
BOK SONG, DECEASED

Adam T. Wolfe, Esq., for Plaintiffs
Michael B. Scheib, Esq., for Defendant
George, J., April 27, 2010

OPINION

Before the Court is the Defendant's Motion for Leave to Join an Additional Defendant and Plaintiffs' Motion to Sever the Above-Captioned Actions. Resolution of both Motions turns on the interplay of the Pennsylvania Rules of Civil Procedure, Pennsylvania's Dead Man's Act,¹ and the interests of fair play and justice. As the factual background is critical to resolution of the issues before the Court, it will be briefly summarized.

On June 30, 2008, a four-vehicle accident occurred on State Route 94 (Carlisle Pike), Reading Township, Adams County. Devin M. O'Brien ("O'Brien")² was an operator of a northbound vehicle involved in the accident and received significant injuries as a result. Also traveling northbound on State Route 94 at the time of the accident was a vehicle operated by Guy Fulton, Jr. ("Fulton"). Fulton was also seriously injured as a result of the accident. There is no dispute that the Fulton vehicle was following the vehicle operated by O'Brien. The Defendant, Ki Bok Song ("Song"),³ is alleged by O'Brien and Fulton to have been operating his vehicle southbound on State Route 94 when he attempted to pass a tractor trailer also traveling southbound. During the attempted pass, it is alleged that Song was involved in a head-on collision with O'Brien which subsequently included the Fulton vehicle. Song was tragically killed in the accident. There is no claim of negligence by any party against either O'Brien or Fulton.

On January 20, 2009, Fulton initiated a negligence action against Song. On January 26, 2009, O'Brien instituted similar litigation. In each case, Song counter-filed an Answer with New Matter. Fulton filed a Reply on March 25, 2009. O'Brien filed a Reply to New Matter shortly thereafter on March 27, 2009. After status conference on April 28, 2009, the litigation was consolidated for purposes of trial and a trial schedule was set. On July 31, 2009, Song filed a Motion to Join as Additional Defendants the operator of the tractor trailer, Andrew Hardy ("Hardy"), and Hardy's employer, New Prime,

¹42 Pa. C.S.A. § 5930.

²Complaint was instituted by Devin M. O'Brien by Patrick E. O'Brien, Jr. and Lisa T. O'Brien, his parents and guardians on behalf of the minor and individually. The action was filed on January 26, 2009 and originally captioned as 09-S-94.

³Song's interests are being represented in this litigation by his personal representative, Susan J. Han.

Inc. The Motion generally alleges that Defendant's "investigation for the first time in the history of this case points to Mr. Hardy as a negligent party." The Motion contains no further indication of Hardy's role.

Fulton and O'Brien filed objection to the joinder alleging that the same is a charade to preclude Hardy's testimony at trial. They jointly allege that there is no evidence anywhere of Hardy's negligence. They point to the report of a Pennsylvania State Police Reconstructionist which concluded Song was traveling south immediately prior to his head-on collision with O'Brien in the northbound lane. They further point to both O'Brien's and Fulton's eyewitness observations of the accident. Additionally, they cite Hardy's testimony that the accident occurred as Song attempted to pass his tractor trailer on the left side. Finally, they point to the testimony of acquaintances of Song which circumstantially establish Song traveling south on State Route 94 at the time of the accident.

After argument, Song was permitted the opportunity to supplement the record with evidence of Hardy's negligence. On January 15, 2010, Song provided the Court with the expert report of Gregory Manning ("Manning"), an accident reconstructionist.⁴ Manning opined that Song's vehicle was traveling in the northbound lane of State Route 94 slightly ahead of the vehicles operated by O'Brien and Fulton. Manning opines that the tractor trailer operated by Hardy, while traveling southbound, crossed into the northbound lane causing contact with the vehicle operated by Song. Thereafter, a chain reaction collision occurred resulting in injuries to O'Brien and Fulton.

Song's Petition to Join Additional Defendants is filed under Pennsylvania Rule of Civil Procedure 2253. Fulton and O'Brien object claiming that the late joinder of Hardy causes prejudice as it is a pretext to preclude Hardy's adverse testimony against the decedent, Song, under Pennsylvania's Dead Man's Act. Fulton and O'Brien further seek severance of the litigation suggesting that Song has manipulated the Rules of Civil Procedure to, in essence, make the only eyewitnesses to the accident incompetent to testify under the Dead Man's Act. In this regard, they suggest that Song's current

⁴The report was not filed with the Prothonotary's Office. Accordingly, concurrent with the filing of this Opinion, Manning's report will be made part of the record in this matter.

effort to preclude Hardy's testimony supplements Song's effort to preclude both the testimony of O'Brien and Fulton in each other's trials through the prior consolidation. Fulton and O'Brien imply that the Rules of Civil Procedure, in combination with Pennsylvania's Dead Man's Act, are being manipulated to preclude the fair presentation of evidence at trial.

The Rules of Civil Procedure provide that the original defendant may join, as of right, an additional defendant within 60 days of the initial pleading, or any amendment, filed by the plaintiff. Pa. R.C.P. 2253. The rules permit joinder beyond that time period if the same is directed by order of court. *Id.* The burden of demonstrating sufficient cause to allow late joinder of an additional defendant rests with the defendant. *Exton Development v. Sun Oil Co. of Pennsylvania*, 525 A.2d 402 (Pa. Super. 1987). Whether there is sufficient cause to allow late joinder of an additional defendant is a matter within the sound discretion of the trial court. *Lawrence v. Meeker*, 717 A.2d 1046 (Pa. Super. 1998). In determining the propriety of the late joinder, the length of the delay, *Prime Properties Dev. Corp. v. Binns*, 580 A.2d 405 (Pa. Super. 1990), the diligence of the moving party, *Welch Foods, Inc. v. Bishopric Products Co.*, 385 A.2d 1007 (Pa. Super. 1978), and prejudice to the non-moving party are appropriate considerations.

Instantly, this litigation was commenced within seven months of the underlying accident. In a relatively short period of time, the defense was in the unenviable position of being forced to respond to the allegations in the Complaints without benefit of Song's eyewitness account. Nevertheless, after initial pleadings, the Motion seeking court permission for joinder of an additional defendant was filed within six months. In fact, Defendant's Motion for Joinder was filed promptly as it even pre-dated receipt of the expert report which alleged negligence on the part of a third party. Under these circumstances, joinder will be permitted.

Despite allowing joinder, I am sympathetic to the respective Plaintiffs' claims of prejudice. It is clear that Pennsylvania Dead Man's Act disqualifies as witnesses those parties who have an interest which is adverse to the decedent's estate. *Hera v. McCormick*, 625 A.2d 682 (Pa. Super. 1993). The rationale behind the Dead Man's Act is to prevent the injustice which would result from permitting surviving parties to transactions to testify favorably for

themselves and adversely to the interest of the decedent when representatives of the decedent would be hampered in attempting to refute the testimony by reason of the death of the decedent. *Visscher v. O'Brien*, 418 A.2d 454 (Pa. Super. 1980). Undoubtedly, the Dead Man's Act applies to tort actions such as the current claim. *Perlis v. Kuhns*, 195 A.2d 156 (Pa. Super. 1963).

In determining whether a witness is declared incompetent to testify under the Dead Man's Act, a party challenging the witness must prove: (1) that the deceased had an interest in the matter at issue, that is, an interest in the immediate result of the suit; (2) that the interest to the witness is adverse; and (3) that the right of the deceased passed to the party of record who represents the deceased's interest. *Pagniotti v. Old Forge Bank*, 631 A.2d 1045 (Pa. Super. 1993), *appeal denied* 641 A.2d 588. Under this test, it is clear that Hardy is incompetent to testify against Song in light of the joinder permitted above. Thus, a superficial review points to prejudice to the plaintiff. A more thorough evaluation, however, reveals that prejudice, if any, suffered by the plaintiffs can be avoided in the interests of justice through the court's control of trial proceedings.

Before addressing the ability of the court to protect against the potential manipulation of the Dead Man's Act to preclude otherwise proper evidence, I note that Hardy's testimony at trial is proper, despite the Dead Man's Act, in the event adverse testimony is presented at trial against him. 42 Pa. C.S.A. § 5933. Statutory authority mandates a witness to be competent, despite the testimony of being adverse to a deceased party, when another person testifies at trial against the otherwise incompetent witness. In *Estate of John Petro*, 694 A.2d 627 (Pa. Super. 1997), the Superior Court recognized the exception to the Dead Man's Act that states that a surviving party may be competent to testify at the relevant matters occurring before the death of another if, but only if, the subject matter of the proposed evidence is something that occurred between the surviving party and another living and competent witness who has testified against the surviving party at trial. *Id.* A.2d at 634. Although I recognize that the proffered testimony from Song is from an expert witness, rather than a fact witness with whom the relevant matter occurred, I find this distinction immaterial. The expert testimony proffered by Song is directly related to the occurrence with Hardy

and is clearly adverse to his interests. It is intended as a recreation of a factual pattern of the subject incident which Song, through his representatives, is claiming to have occurred. In essence, the expert is offering testimony as if the accident occurred in his presence. Therefore, in the event expert testimony is presented by the defense at trial which claims negligence on the part of Hardy, I find the Dead Man's Act does not prevent Hardy from testifying as to his account of the accident.

Any other interpretation is simply an unfair interpretation of the Dead Man's Act. Permitting a deceased party to make affirmative allegations against a surviving party, subjecting the latter to liability, while precluding the surviving party to adequately defend themselves, is offensive to a fair notion of justice. See *Piccolella v. Lycoming County Zoning Hearing Bd.*, 984 A.2d 1046, 1058-1059 (Pa. Cmwlth. 2009) (where the court stated that due process principles require an opportunity, among other things, to hear evidence adduced by an opposing party, cross-examine witnesses, introduce evidence on one's own behalf, and present argument).

Arguably, Song's affirmative allegations against Hardy also constitute a waiver of the protections envisioned by the enactment of the Dead Man's Act. Pennsylvania's Dead Man's Act is an exception to the general rule of evidence that every person is competent to testify as a witness. *Mount Airy Ins. Co. v. Thomas E. Angst & Associates*, 954 F. Supp. 1040 (E.D. Pa. 1997). The purpose of the Dead Man's Act is to prevent the injustice that would result from permitting a surviving party to a transaction to testify favorably to himself and adversely to the interest of the decedent when a representative of the decedent would be hampered in attempting to refute the testimony by reason of the decedent. *Visscher v. O'Brien*, 418 A.2d 454 (Pa. Super. 1980). Instantly, Song is not using the Dead Man's Act as a shield to protect against injustice but rather as a sword to prevent a surviving party from defending themselves against his allegations of negligence. Permitting this result is contrary to the notion that the Dead Man's Act exists for protection of the dead man's estate. Where the decedent's representatives are advancing, rather than protecting the estate's interests, they waive disqualification of an adverse party. *Flagship First National Bank of Miami Beach v. Bloom*, 431 A.2d 1082 (Pa. Super. 1981). Although my research has

been unable to discover a factual pattern similar to that presently before the Court, appellate cases discussing waiver generally look towards the affirmative acts of the decedent's representatives. See *Olsen v. North American Indus. Supply, Inc.*, 658 A.2d 358 (Pa. Super. 1995) (Dead Man's Act disqualification waived by taking adverse party's deposition, requesting answers to written interrogatories, or by cross-examining adverse party after matters occurring during decedent's lifetime); *Perliss v. Kuhns*, 195 A.2d 156 (Pa. Super. 1963) (disqualification of surviving party is waived when decedent's representatives call witness to testify as to matters occurring during decedent's lifetime).

The Dead Man's Act has been frequently criticized because of its obstruction of honest claims and its excessive complexity. *Beck v. Beck*, 646 A.2d 589 (Pa. Super. 1994). As the rule seeks to preclude otherwise competent evidence, courts narrowly construe its application. *Mount Airy Ins. Co. v. Thomas E. Angst & Associates, supra*. Accordingly, I conclude that should Song proceed with the joinder of Hardy as an additional defendant on the basis of an expert report which alleges Hardy's liability, he will waive application of the Dead Man's Act to the extent it precludes Hardy's testimony.

In light of the foregoing, permission to join Hardy will be granted. However, should Song do so, Hardy will be permitted to testify concerning the factual allegations made by Song in his pleading.

The sole remaining issue is the issue of severance of the claims alleged by the separate Plaintiffs. The decision whether to consolidate or sever separate causes of action rests solely to the discretion of the trial judge as consolidation is not a matter of right. *Pullium v. Laurel School District*, 462 A.2d 1380 (Pa. Super. 1983). The trial court has virtually unfettered discretion in determining whether or not severance is appropriate. *Grigsby v. Kane*, 250 F. Supp. 2d 453 (M.D. Pa. 2003).

Fulton and O'Brien seek severance based upon a concern that consolidation of the cases will trigger an application of the Dead Man's Act which makes each of them incompetent to testify at trial. I find this concern to be unfounded. The Pennsylvania Supreme Court has clearly instructed that a defendant, such as Song, who fails to object to consolidation, waives any claim of error in the event evidence incompetent under the Dead Man's Act in one case is properly

admitted before the same jury in another. *Thomas v. Tomey*, 147 A.2d 321 (Pa. 1959). Instantly, although the trials are consolidated for convenience of witnesses and the avoidance of unnecessary expense through the duplication of evidence, the evidentiary considerations and verdicts remain separate. See *Keefer v. Keefer*, 741 A.2d 808 (Pa. Super. 1999). Therefore, although the cases will be consolidated, the jury will be permitted to hear evidence from O'Brien in Fulton's lawsuit. Additionally, O'Brien may present Fulton's testimony as evidence in his lawsuit. The jury will be properly instructed as to what evidence is appropriate for its consideration in each specific case. Importantly, neither Fulton nor O'Brien are adverse parties in the other's litigation. As such, the Dead Man's Act does not preclude their testimony in each other's trials as factual witnesses. Accordingly, in furtherance of judicial economy, the respective Plaintiffs' Motions for Severance are denied. This ruling is entered without prejudice to Song to seek severance.

For the foregoing reasons, the attached Order is entered.

ORDER

AND NOW, this 27th day of April, 2010, the Motion of Defendant, Susan J. Han, Personal Representative of the Estate of Ki Bok Song, for Joinder of Additional Defendant is granted. The Defendant is directed to file an appropriate pleading within twenty (20) days of the date of this Order. Failure to do so will result in the preclusion of joinder. The Defendant must specifically identify the counts and causes of action to which the Additional Defendant is joined.

The Motion of Guy Fulton, Jr. and Devin M. O'Brien for Severance is denied for the reasons set forth in the attached Opinion.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-543 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution

No. 10-S-543

CHASE HOME FINANCE LLC

vs.

JAY R. MUTCHLER &
CYNTHIA D. MUTCHLER

240 KINDIG ROAD
LITTESTOWN, PA 17340
GERMANY TOWNSHIP

Parcel No.: 15-J17-0207-000

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$297,186.71

Attorneys for Plaintiff

GRENN & BIRSIC, P.C.

SEIZED and taken into execution as the property of **Jay R. Mutchler & Cynthia D. Mutchler** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/22, 29 & 11/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-751 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution

No. 10-S-751

BENEFICIAL CONSUMER DISCOUNT
COMPANY

vs.

BRIAN HOWARD MYER &
HEATHER A. MYER

67 SKI RUN TRAIL
FAIRFIELD, PA 17320
CARROLL VALLEY BOROUGH

Parcel No.: 43-007-0112-000

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$273,091.30

Attorneys for Plaintiff

STERN AND EISENBERG, LLP

SEIZED and taken into execution as the property of **Brian Howard Myer & Heather A. Myer** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/22, 29 & 11/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1869 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution

No. 09-S-1869

CHASE HOME FINANCE LLC

vs.

SEAN H. MYERS &

JESSICA A. HILL

1459 HANOVER ROAD
GETTYSBURG, PA 17325
STRABAN TOWNSHIP

Parcel No.: 38-G13-0069-000

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$102,558.37

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Sean Myers & Jessica A. Hill** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/22, 29 & 11/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-512 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-512

WELLSFARGO BANK NA
vs.
ANN H. BAILEY & KAREN B.
NEVEKER a/k/a KAREN BAILEY
NEVEKER & WALTER R. NEVEKER
133 REBA DRIVE
NEW OXFORD, PA 17350
OXFORD TOWNSHIP

Parcel No.: 35-J12-0222-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$298,616.44

Attorneys for Plaintiff
PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Ann H. Bailey & Karen B. Neveker a/k/a Karen Bailey Neveker & Walter R. Neveker** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/29, 11/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-722 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-722

BANK OF NEW YORK
vs.
BARBARA A. PHILLIPS &
CHARLES E. PHILLIPS
70 BENDERS CHURCH ROAD
BIGLERVILLE, PA 17307
BUTLER TOWNSHIP

Parcel No.: 07 F08-0082-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$169,600.46

Attorneys for Plaintiff
GOLDBECK MCCAFFERTY &
MCKEEVER

SEIZED and taken into execution as the property of **Barbara A. Phillips & Charles E. Phillips** 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 December 10, 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.

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10/29, 11/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-912 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-912

PNC MORTGAGE
vs.
PHOMMA PHANHHTHY & TANIS A.
STUCKY a/k/a TANIS A. PHANHHTHY
35 RIFE ROAD
EAST BERLIN, PA 17316
READING TOWNSHIP

Parcel No.: 36 L07-0023G-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$190,971.31

Attorneys for Plaintiff
VITTI & VITTI & ASSOCIATES, PC

SEIZED and taken into execution as the property of **Phomma Phanhthy & Tanis A. Stucky a/k/a Tania A. Phanhthy** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/29, 11/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-450 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-450

BAC HOME LOANS SERVICING LP
vs.

RYAN PURCELL & TARA PURCELL
a/k/a TARA N. OLIVER

11 SMOKEHOUSE COURT
LITTLETOWN, PA 17340
LITTLETOWN TOWNSHIP

Parcel No.: 27 007-0149-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$219,871.91

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Ryan Purcell & Tara Purcell a/k/a Tara N. Oliver** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/29, 11/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-NO-641 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-NO-641

PNC BANK NATIONAL ASSOCIATION
vs.

PUNJABI MANAGEMENT CORP.

1025 BIGLERVILLE ROAD
GETTYSBURG, PA 17325
CUMBERLAND TOWNSHIP

Parcel No.: 09 F12-0044-000

IMPROVEMENTS THEREON:
LAND AND BUILDING

JUDGMENT AMOUNT: \$169,135.98

Attorneys for Plaintiff

UNRUH TURNER BURKE & FREES

SEIZED and taken into execution as the property of **Punjabi Management Corp.** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/29, 11/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-91 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-91

HSBC BANK USA NA
vs.

TIMOTHY RILL

41 COMMERCE STREET
NEW OXFORD, PA 17350
NEW OXFORD BOROUGH

Parcel No.: 34 005-0213-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$120,808.40

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Timothy Rill** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/29, 11/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-825 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-825

CHASE HOME FINANCE LLC
vs.

TREVOR S. SHRINER a/k/a TREVOR
SCOTT SHRINER & BRIAN L. MARSH

17 RED BRIDGE ROAD
GETTYSBURG, PA 17325
STRABAN TOWNSHIP

Parcel No.: 38 021-0040-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$51,082.96

Attorneys for Plaintiff
MCCABE WEISBERG & CONWAY, PC

SEIZED and taken into execution as the property of **Trevor S. Shriner a/k/a Trevor Scott Shriner & Brian L. Marsh** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/29, 11/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-618 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-618

CITIMORTGAGE INC.
vs.

PAUL N. SENSENIG &
NANCY J. SENSENIG

2251 YORK ROAD
GETTYSBURG, PA 17325
STRABAN TOWNSHIP

Parcel No.: 38 H12-0052-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$143,694.26

Attorneys for Plaintiff
PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Paul N. Sensenig & Nancy J. Sensenig** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/29, 11/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-850 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-850

HSBC MORTGAGE CORPORATION
vs.

SHARON A SHAFFER
190 WIERMANS MILL ROAD
YORK SPRINGS, PA 17372
HUNTINGTON TOWNSHIP

Parcel No.: 22 105-0045-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$91,302.00

Attorneys for Plaintiff
MCCABE, WEISBERG & CONWAY,
P.C.

SEIZED and taken into execution as the property of **Sharon A. Shaffer** 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 December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/29, 11/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-200 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-200

BANK OF NEW YORK TRUST
COMPANY

vs.

BETTY A. SHULL & BRIAN E. SHULL

140 BRICKYARD ROAD
NEW OXFORD, PA 17350
OXFORD TOWNSHIP

Parcel No.: 35 K12-0005-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$175,510.56

Attorneys for Plaintiff
GOLDBECK MCCAFFERTY &
MCKEEVER

SEIZED and taken into execution as
the property of **Betty A. Shull & Brian E.
Shull** 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 December 10,
2010, and distribution will be made in
accordance with said schedule, unless
exceptions are filed thereto within 20 days
after the filing thereof. Purchaser must
settle for property on or before filing date.

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

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

10/29, 11/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1094 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 04-S-1094

COUNTRYWIDE HOME LOANS
SERVICING LP

vs.

MICHAEL J. SHUMBERGER

20 SHERMAN DRIVE
EAST BERLIN, PA 17316
READING TOWNSHIP

Parcel No.: 36 102-0038A-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$131,397.46

Attorneys for Plaintiff
GOLDBECK MCCAFFERTY &
MCKEEVER

SEIZED and taken into execution as
the property of **Michael J. Shumberger**
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 December 10,
2010, and distribution will be made in
accordance with said schedule, unless
exceptions are filed thereto within 20 days
after the filing thereof. Purchaser must
settle for property on or before filing date.

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

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

10/29, 11/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-551 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-551

BANK OF NEW YORK MELLON
vs.

KELLI ANN SMITH

54 CROUSE PARK
LITTLESTOWN, PA 17340
LITTLESTOWN BOROUGH

Parcel No.: 27 005-0139-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$145,250.77

Attorneys for Plaintiff
PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as
the property of **Kelli Ann 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 December 10,
2010, and distribution will be made in
accordance with said schedule, unless
exceptions are filed thereto within 20 days
after the filing thereof. Purchaser must
settle for property on or before filing date.

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

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

10/29, 11/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-564 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-564

CHASE HOME FINANCE LLC, S/B/M
TO CHASE MANHATTAN MORTGAGE
CORPORATION

vs.
RICK L. SWENSON &
BONNIE ALEXIS SWENSON

23 LEE TRAIL
FAIRFIELD, PA 17320
CARROLL VALLEY BOROUGH

Parcel No.: 43-028-0113-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$284,675.18

Attorneys for Plaintiff
PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as
the property of **Rick L. Swenson &
Bonnie Alexis Swenson** 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 December 10,
2010, and distribution will be made in
accordance with said schedule, unless
exceptions are filed thereto within 20 days
after the filing thereof. Purchaser must
settle for property on or before filing date.

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

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

10/29, 11/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-2031 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 09-S-2031

DEUTSCHE BANK NATIONAL TRUST
COMPANY

vs.
JAMES J. THAMEZ &
JESSICA A. THAMEZ

240 COUNTRY CLUB ROAD
ABBOTTSTOWN, PA 17301
ABBOTTSTOWN BOROUGH

Parcel No.: 01 004-0122-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$255,345.97

Attorneys for Plaintiff
DANIEL MANCINI AND ASSOCIATES

SEIZED and taken into execution as
the property of **James J. Thamez &
Jessica A. Thamez** 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 December 10,
2010, and distribution will be made in
accordance with said schedule, unless
exceptions are filed thereto within 20 days
after the filing thereof. Purchaser must
settle for property on or before filing date.

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

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

10/29, 11/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-651 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-651

WELLSFARGO BANK NA
vs.
FRANKLIN E. THOMPSON &
CAROL M. THOMPSON

20 SECOND STREET
ORRTANNA, PA 17353
HAMILTONBAN TOWNSHIP

Parcel No.: 18 C12-0102-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$107,102.59

Attorneys for Plaintiff
PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as
the property of **Franklin E. Thompson &
Carol M. Thompson** 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 December 10,
2010, and distribution will be made in
accordance with said schedule, unless
exceptions are filed thereto within 20 days
after the filing thereof. Purchaser must
settle for property on or before filing date.

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

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

10/29, 11/5 & 12

ESTATE NOTICES

NOTICE IS HEREBY GIVEN that in the estates of the decedents set forth below the Register of Wills has granted letters, testamentary or of administration, to the persons named. All persons having claims or demands against said estates are requested to make known the same, and all persons indebted to said estates are requested to make payment without delay to the executors or administrators or their attorneys named below.

FIRST PUBLICATION**ESTATE OF DOUGLAS C. BREAM, DEC'D**

Late of Mt. Joy Township, Adams County, Pennsylvania

Executors: William G. Bream, P.O. Box 1822, Oldtown, FL 32680; David C. Bream, 30 Ridgewood Drive, Gettysburg, PA 17325; Daniel M. Bream, 782 Edgegrove Road, Hanover, PA 17331

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

ESTATE OF CHARLES M. HARMAN, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Charles M. Harman, 1048 Heritage Dr., Gettysburg, PA 17325

Attorney: Larry W. Wolf, P.C., 215 Broadway, Hanover, PA 17331

ESTATE OF PHYLLIS F. HESS, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Co-Executors: Selmar Hess, Jr., 508 Beaver Street, East Berlin, PA 17316; Bonnie (Hess) Shockey, 133 Creek Gate Court, Millersville, PA 17551

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

ESTATE OF CARSON LAMBERSON, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executors: Scott Gerrick & Richard Wurtluft, c/o James T. Yingst, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York St., Hanover, PA 17331

Attorney: James T. Yingst, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York St., Hanover, PA 17331

ESTATE OF GUY W. LOBAUGH, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Co-Executors: Dean G. Lobaugh, 440 Lobaugh Road, Aspers, PA 17304; Linda (Lobaugh) Leer, 25 Latimore Creek Rd., York Springs, PA 17372

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

ESTATE OF GRACE L. NEIDERER, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executors: Mary C. Gladfelter, 2062 Stauffer Road, Spring Grove, PA 17362; Stephen G. Neiderer, 1460 New Chester Road, New Oxford, PA 17350

Attorney: David C. Smith, Esq., 754 Edgegrove Rd., Hanover, PA 17331

ESTATE OF JOSEPH C. NOEL a/k/a JOSEPH CAROL NOEL a/k/a JOSEPH CARROLL NOEL, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executors: Judith M. Strevig, 7709 Gnatstown Road, Hanover, PA 17331; Margaret M. Staub, 3070 Centennial Road, Hanover, PA 17331; Peter S. Noel, 6076 Pigeon Hill Road, Spring Grove, PA 17362

Attorney: David C. Smith, Esq., 754 Edgegrove Rd., Hanover, PA 17331

ESTATE OF GEORGE F. POWERS, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executrix: Christine E. Warner, c/o Samuel A. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

Attorney: Samuel A. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

ESTATE OF JOYCE I. SEIBERT, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Michael R. Seibert, Linda J. Crooks, Randy A. Seibert, c/o Matthew L. Guthrie, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York St., Hanover, PA 17331

Attorney: Matthew L. Guthrie, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York St., Hanover, PA 17331

ESTATE OF RITA C. SHIELDS, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Joan M. Fiscel, 25 Pin Oak Drive, Gettysburg, PA 17325

Attorney: Phillips & Phillips, 101 West Middle Street, Gettysburg, PA 17325

ESTATE OF LYNN D. SLOTHOUR, SR. a/k/a LYNN D. SLOTHOUR, DEC'D

Late of the Borough of East Berlin, Adams County, Pennsylvania

Executrix: Lesa S. Masemer, 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 SHIRLEY A. WEIBLEY, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Executor: Brook A. Weibley, P.O. Box 186, York Springs, PA 17372

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

SECOND PUBLICATION**ESTATE OF VERA LEE CULVER, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executors: Lee C. Knox Culver, 556 DeSoto Drive, Miami Springs, FL 33166; Raymond James Culver, 1050 Barlow Greenmount Road, Gettysburg, PA 17325

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

ESTATE OF JUNE I. LANG, DEC'D

Late of the Borough of Hanover, York County, Pennsylvania

Executor: Floyd W. Lang, Jr., c/o Edward J. O'Donnell, IV, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

Attorney: Edward J. O'Donnell, IV, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

ESTATE OF MICHAEL DEAN OBERLANDER, DEC'D

Late of Reading Township, Adams County, Pennsylvania

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

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

SECOND PUBLICATION (CONTINUED)**ESTATE OF DIANA FUSS SKILES,
DEC'D**

Late of Oxford Township, Adams
County, Pennsylvania

Gerald Lee Sturgill, 20 Liberty Street,
P.O. Box 546, Westminster, MD
21158-0546

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

THIRD PUBLICATION**ESTATE OF EUGENIA E. BUFFING-
TON, DEC'D**

Late of Oxford Township, Adams
County, Pennsylvania

Executors: Bonnie J. Fritz, 774
Broadway, Hanover, PA 17331;
Gloria J. Smith, 4606 Blue Hill Road,
Glenville, PA 17329

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

**ESTATE OF BRIAN K. FLANARY,
DEC'D**

Late of Tyrone Township, Adams
County, Pennsylvania

Executor: Joseph B. Flanary, 520
Cashman Road, New Oxford, PA
17350

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

**ESTATE OF PATRICIA ANN KING,
DEC'D**

Late of Straban Township, Adams
County, Pennsylvania

Executrix: Jacqueline King, 95 White
Church Road, Gettysburg, PA 17325

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

**ESTATE OF MICHAEL J. NICHOLSON,
DEC'D**

Late of the Borough of Bonneauville,
Adams County, Pennsylvania

Administrator c.t.a.: Rita M. Weaver,
15 Faith Drive, New Oxford, PA
17350

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

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
COURT OF COMMON PLEAS
CIVIL DIVISION
ADAMS COUNTY
NO. 10-S-1101

CITIMORTGAGE, INC.

vs.

JERRI L. CHRONISTER
JACK E. CHRONISTER

NOTICE

TO JERRI L. CHRONISTER:

You are hereby notified that on 7/2/10, Plaintiff, CITIMORTGAGE, INC., filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of ADAMS County Pennsylvania, docketed to No. 10-S-1101. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 369 RIDGE ROAD, YORK SPRINGS, PA 17372-9702 whereupon your property would be sold by the Sheriff of ADAMS County.

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

NOTICE

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

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

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

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

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FICTITIOUS NAME

Notice is given that an Application for Registration of Fictitious Name was filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on September 29, 2010, pursuant to the Fictitious Name Act, setting forth that Rowland Brothers Tree Service, LLC, of 820 Tape Worm Road, New Oxford, PA 17350, is the only entity owning or interested in a business, the character of which is tree trimming and removal and that the name, style and designation under which said business is and will be conducted is ROWLAND TREE SERVICE and the location where said business is and will be conducted is 820 Tape Worm Road, New Oxford, PA 17350.

Guthrie, Nonemaker, Yingst & Hart, LLP
Solicitor

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