

Adams County **Legal Journal**

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COMMONWEALTH VS. CARRETO

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*Karen Arthur
Trust Officer*



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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-429 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of January, 2011, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-429

PNC BANK NATIONAL ASSOCIATION
vs.

ERIC W. WALLEN &
DEBORAH M. WALLEN

24 and 26 ANTILER LANE
EAST BERLIN, PA 17316
READING TOWNSHIP

Parcel No.: 36-002-0077-000 and
36-002-77-000

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$75,840.76

Attorneys for Plaintiff
WELTMAN, WEINBERG & REIS CO.,
LPA

SEIZED and taken into execution as the property of **Eric W. Wallen & Deborah M. Wallen** 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 February 4, 2011, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/10, 17 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1107 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of January, 2011, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-1107

PNC MORTGAGE

vs.

DUSTIN DREW HARTLAUB &
HEATHER MARIE HARTLAUB

97 S. GALA
LITTLESTOWN, PA 17340
BOROUGH OF LITTLESTOWN

Parcel No.: (27) 004-0096

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$99,418.68

Attorneys for Plaintiff
VITTI AND VITTI AND ASSOCIATES,
PC.

SEIZED and taken into execution as the property of **Dustin Drew Hartlaub & Heather Marie Hartlaub** 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 February 4, 2011, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/10, 17 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-0979 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of January, 2011, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-0979

JPMC SPECIALTY MORTGAGE LLC
vs.

JOHN P. DOUBLE &
CATHERINE A. DOUBLE

913 JOHNSON DRIVE
GETTYSBURG, PA 17325-8903
MOUNT JOY TOWNSHIP

Parcel No.: 31-009-0085-000

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$196,427.38

Attorneys for Plaintiff
PHELAN HALLINAN & SCHMIEG LLP

SEIZED and taken into execution as the property of **John P. Double & Catherine A. Double** 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 February 4, 2011, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/10, 17 & 23

COMMONWEALTH VS. CARRETO

1. A person commits the offense of bad checks if he issues or passes a check or similar sight order for the payment of money, knowing that it will not be honored by the drawee.

2. The statute criminalizing the issuance of bad checks requires knowledge, at the time the check was issued, that the check would be dishonored. If the check is post-dated or is given for a debt past due there is no criminal intent, and therefore no crime.

3. Even if Defendant's check was not a postdated check, the statute of limitations begins to run once the offense is completed.

4. A person need not be given notice and a ten-day grace period to make the check good before the offense is deemed committed. The provisions of 18 Pa. C.S.A. §4105(b) merely create a *presumption* that the defendant knew the check would not be honored.

5. The offense is complete when the check was issued. The statute of limitations begins to run from that time.

In the Court of Common Pleas of Adams County, Pennsylvania,
Criminal, No. CP-01-CR-368-2009, COMMONWEALTH OF
PENNSYLVANIA VS. FRANCISCO J. CARRETO.

Andrew E. Stage, Esq., Assistant District Attorney, for Commonwealth
Warren P. Bladen, Esq., Assistant Public Defender, for Defendant
Campbell, J., June 9, 2010

OPINION

On February 5, 2009, Patrolman Andrew Hansen of the Liberty Township Police Department filed a criminal complaint in the above captioned matter charging Defendant with one count of Bad Checks.¹ The facts as alleged by the Commonwealth are summarized as follows:

Defendant presented a check in the amount of \$7,450.00 to the Gettysburg Auto Exchange on January 17, 2007. The check was dated January 18, 2007. Gettysburg Auto Exchange cashed the check on or about January 29, 2007. On February 5, 2007, the check was returned due to insufficient funds in Defendant's account. On April 7, 2008, Gettysburg Auto Exchange sent a certified letter to Defendant advising him that he had ten business days after receipt of the letter to pay the face amount of the check plus a \$40 bad check fee. A certified mail receipt bearing Defendant's signature is stamped as having been delivered on April 14, 2008. Defendant failed to pay

¹ 18 Pa. C.S. § 4105(a)(1)

off the check as directed within the ten days. Gettysburg Auto Exchange contacted Patrolman Hansen of the Liberty Township Police Department on February 5, 2009, and requested that a bad check charge be filed against Defendant. The charge was filed later that date.

Before this Court is Defendant's Motion to Dismiss the Charges.

A person commits the offense of bad checks "if he issues or passes a check or similar sight order for the payment of money, knowing that it will not be honored by the drawee." 18 Pa. C.S.A. § 4105(a)(1). There is a presumption that the issuer of the check or order knew that the check or order (other than a postdated check or order) would not be paid if "payment was refused by the drawee for lack of funds, upon presentation within 30 days after issue, and the issuer failed to make good within ten days after receiving notice of that refusal." 18 Pa. C.S.A. § 4105 (b)(1)(ii).

Defendant claims that the instant bad check charge was brought more than two years after January 18, 2007, the date on which Defendant issued the check. Defendant argues the offense was committed on the day that the check was issued, and thus the statute of limitations has run prohibiting the Commonwealth from prosecuting Defendant for the charged offense of Bad Checks. The Commonwealth asserts that because there is a presumption of knowledge of the issuer after notice, the statute of limitations does not start to run until the issuer fails to make the check good within ten days after receiving notice of that refusal. This Court finds the Commonwealth's assertion as unpersuasive.

First, the check issued by the Defendant was a postdated check. The statute criminalizing the issuance of bad checks requires knowledge, at the time the check was issued, that the check would be dishonored. "If the check is postdated or is given for a debt past due there is no criminal intent, and therefore no crime." See Official Comment to 18 Pa. C.S.A. 4105 (citing *Commonwealth v. Kelson*, 184 A.2d 374 (Pa. Super. 1962)). "The elements of the offense must be established by the evidence and one of the essential elements is knowing at the time of the making that there is insufficient funds to cover it. This is impossible when the check on its face made it due in the future and the payee in accepting it is looking to the promise of payment in the future and is not then defrauded." *Kelson*, 184 A.2d

at 376.² The Commonwealth is unable to show that Defendant's actions fall within the statute criminalizing the issuance of bad checks.

Second, even if Defendant's check was not a postdated check, the statute of limitations begins to run once the offense is completed. Pennsylvania law is clear that 18 Pa. C.S.A. 4105 does not impose upon the Commonwealth a requirement to prove an intent to defraud on the part of one accused of passing a bad check. *Commonwealth v. Burruss*, 551 A.2d 580 (Pa. Super. 1988); *Commonwealth v. Mutnik*, 406 A.2d 516 (Pa. 1979). "To prove a violation it is necessary to establish only that the drawer issued a check knowing that there were insufficient funds in his or her account to cover it. *Burruss*, 551 A.2d at 583. Thus, the Commonwealth cannot rely upon a timeliness exception or tolling provision provided for in 42 Pa. C.S. § 5552(c).

Rules of Statutory Construction tell us that the notice provisions found in 18 Pa. C.S.A. § 4105(b)(1) are not an element of the defined offense. The elements are set forth expressly in 18 Pa. C.S.A. § 4105(a). A person need not be given notice and a ten-day grace period to make the check good before the offense is deemed committed. The provisions of 18 Pa. C.S.A. § 4105(b) merely create a ***presumption*** that the defendant knew the check would not be honored. It is merely an evidentiary tool which enables the Commonwealth to prove its case. Notice is not an element of the offense. Moreover, although the presumption of knowledge isn't established until a defendant is given notice and fails to make good on the check within ten days, the presumption that is thereby established goes only to the critical element which is that the defendant knew at the time the check was issued that it would not be honored. Thus, the offense is complete when the check is issued. The statute of limitations begins to run from that time.

The Commonwealth mistakenly relies upon language in *Burruss* for the proposition that the statute of limitations begins to run 10 days after notice was given to the defendant. The Commonwealth quotes: "The statute of limitations began to run, at the latest, when

² The acceptance of a postdated check amounts to delivery on credit. Although Defendant may not be criminally liable, civil remedies may be available to Gettysburg Auto Exchange as set forth in the Uniform Commercial Code. See *Commonwealth v. Kelson*, 184 A.2d 374 (Pa. Super. 1962).

ten days had expired without the check's having been made good." *Burruss*, 551 A.2d at 584. However, the decision in *Burruss*, only addressed whether the statute of limitations was tolled by the drawer's fraudulent promises to make the check good after the payee learns the check was dishonored. The *Burruss* Court never said that the offense of bad checks was committed ten days after notice of dishonor.³

The Commonwealth acknowledges that pursuant to 42 Pa. C.S. § 5552(d), an offense is committed "when every element occurs, or if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the complicity of the defendant is terminated. Time starts to run on the day after the offense is committed." Even if the check was not post-dated, the Defendant issued the check on January 17, 2007. Based on the plain language of the statute, in order to be guilty of the offense, Defendant would have had to issue the check knowing that the check would not be honored. See 18 P. C.S.A. § 4105 (a)(1). Time therefore started to run on January 18, 2007. Gettysburg Auto Exchange failed to file a complaint until February 5, 2009. Although the charge was filed on the same day that Gettysburg Auto Exchange made the complaint, it was more than two years after the check was issued. Therefore the statute of limitations has run. Accordingly, for the reasons set forth herein, the attached order is entered granting Defendant's Motion to Dismiss the Charges.

ORDER

AND NOW, this 9th day of June, 2010, Defendant's Motion to Dismiss the Charges is granted.

³ In *Burruss*, the check was dated April 15, 1984. *Burruss* was given notice that the check had been dishonored by the end of April or early May 1984. Charges were not filed until July 30, 1986. Thus, the *Burruss* Court stated that even if the offense was complete either when the check was issued or ten days after notice *at the latest*, the charges were still not timely.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1827 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of January, 2011, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 09-S-1827

AMTRUST BANK

vs.

IAN PATRICK BREWER &
JENNIFER M. MCKEE

ALL THAT tract of land, situate, lying and being in the Cumberland Township, Adams County, Pennsylvania, more fully described in deed dated August 9, 1978, and revised October 17, 1978, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 25 page 15.

Being known as
220 CAREY LANE
GETTYSBURG, PA 17325
CUMBERLAND TOWNSHIP

Parcel No.: (9) E17-66E

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$259,167.31

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

SEIZED and taken into execution as the property of **Ian Patrick Brewer & Jennifer M. McKee** 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 February 4, 2011, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/10, 17 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-655 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of January, 2011, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-655

BANK OF NEW YORK

vs.

LESLIE A. BARTLEBAUGH &
MARK D. BARTLEBAUGH

All that certain tract of land situated, lying and being in the Borough of Carroll Valley, Adams County, Pennsylvania, being known as Lot No. 316 in Section "K," more fully described in deed dated May 26, 1999 and recorded June 8, 1999 in Deed Book 1847, Page 0221.

Being known as
27 SUNFISH TRAIL
FAIRFIELD, PA 17320-8515
CARROLL VALLEY BOROUGH

Parcel No.: 43-003-065

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$211,681.68

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

SEIZED and taken into execution as the property of **Leslie A. Bartlebaugh & Mark D. Bartlebaugh** 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 February 4, 2011, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/10, 17 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1052 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of January, 2011, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 09-S-1052

ONE WEST BANK FSB

vs.

NORMA A. BAKER

All that certain lot of improved real estate situate in the Borough of Gettysburg, Adams County, Pennsylvania, more fully described in deed dated October 17, 2005 and recorded October 20, 2005 in Deed Book 4172, Page 166.

Being know as
32 SOUTH WASHINGTON STREET
GETTYSBURG, PA 17325
GETTYSBURG BOROUGH

Parcel No.: 16-010-0023

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$50,245.77

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

SEIZED and taken into execution as the property of **Norma A. Baker** 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 February 4, 2011, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/10, 17 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1074 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of January, 2011, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-1074

BANK OF NEW YORK MELLON
vs.

ANDREW W. BURKE &
TANISHA N. BURKE

All that certain tract of land, situate, lying and being in Hamilton Township, Adams County, Pennsylvania, more fully described in deed dated February 14, 2007 and recorded February 22, 2007 in Deed Book 4747, Page 214 Instrument # 200700003408.

Being known as

71 SPRINGFIELD DRIVE
NEW OXFORD, PA 17350
HAMILTON TOWNSHIP

Parcel No.: 17-K09-0123-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$322,570.07

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

SEIZED and taken into execution as the property of **Andrew W. Burke & Tanisha N. Burke** 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 February 4, 2011, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/10, 17 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-0670 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of January, 2011, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-0670

BAC HOME LOANS SERVICING LP
vs.

CRYSTAL M. CARBAUGH

ALL THAT CERTAIN described lot of ground, with improvements there on erected, SITUATE in Mt. Pleasant Township, Adams County, Pennsylvania, more fully described in deed dated March 26, 2007 and recorded April 3, 2007 in Deed Book 4790, Page 337.

Being known as

573 HOOKER DRIVE
GETTYSBURG, PA 17325
MT. PLEASANT TOWNSHIP

Parcel No.: (32) 105-0066

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$209,935.56

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

SEIZED and taken into execution as the property of **Crystal M. Carbaugh** 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 February 4, 2011, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/10, 17 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-785 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of January, 2011, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-785

WELLS FARGO BANK NA
vs.

CLINT F. HEINTZELMAN

116 STANLEY DRIVE
NEW OXFORD, PA 17350-9457
BERWICK TOWNSHIP

Parcel No.: 04 K11-0048E--000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$171,137.11

Attorneys for Plaintiff
PHELAN HALLINAN & SCHMIEG LLP

SEIZED and taken into execution as the property of **Clint F. Heintzelman** 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 February 4, 2011, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/10, 17 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1174 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of January, 2011, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-1174

FULTON BANK N.A.
vs.

GARY L. MUMMERT &
DIXIE L. MUMMERT

1945 HANOVER PIKE
LITTLESTOWN, PA 17340
UNION TOWNSHIP

Parcel No.: 41-K16-0024

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$169,301.53

Attorneys for Plaintiff
REAM, CARR, MARKEY & WOLOSHIN
LLP

SEIZED and taken into execution as
the property of **Gary L. Mummert &
Dixie L. Mummert** 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 February 4, 2011,
and distribution will be made in accordance
with said schedule, unless exceptions
are filed thereto within 20 days after
the filing thereof. Purchaser must settle
for property on or before filing date.

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

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

12/10, 17 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1005 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of January, 2011, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-1005

WELLS FARGO BANK NA
vs.

RONALD E. MCCLAIN &
SANDRA L. MCCLAIN

23 SUNFISH TRAIL
FAIRFIELD, PA 17320-8515
BOROUGH OF CARROLL VALLEY

Parcel No.: 004-0024

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$169,699.94

Attorneys for Plaintiff
PHELAN HALLINAN & SCHMIEG LLP

SEIZED and taken into execution as
the property of **Ronald E. & Sandra L.
McClain** 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 February 4, 2011,
and distribution will be made in accordance
with said schedule, unless exceptions
are filed thereto within 20 days after
the filing thereof. Purchaser must settle
for property on or before filing date.

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

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

12/10, 17 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-SU-1388 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of January, 2011, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 09-SU-1388

CHASE HOME FINANCE LLC
vs.

JEREMY J. MCKNIGHT &
SARAH C. MCKNIGHT

11 BLUE GILL TRAIL
FAIRFIELD, PA 17320
CARROLL VALLEY BOROUGH

Parcel No.: 43-003-0020---000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$179,611.69

Attorneys for Plaintiff
GRENEN & BIRSIC, P.C.

SEIZED and taken into execution as
the property of **Jeremy J. McKnight &
Sarah McKnight** 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 February 4, 2011,
and distribution will be made in accordance
with said schedule, unless exceptions
are filed thereto within 20 days after
the filing thereof. Purchaser must settle
for property on or before filing date.

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

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

12/10, 17 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-664 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of January, 2011, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-664

CHASE HOME FINANCE LLC
vs.

BRANDON RIPPEON, PERSONAL
REPRESENTATIVE OF ROBERT
RIPPEON & ROBERT F. RIPPEON JR.

83 MUMMERT DRIVE
LITTLSTOWN, PA 17340
UNION TOWNSHIP

Parcel No.: (41) J17-0090-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

PRINCIPAL BALANCE: \$218,765.22

Attorneys for Plaintiff
GRENN & BIRSIC, P.C.

SEIZED and taken into execution as
the property of **Brandon Rippeon,**
Personal Representative of Robert
Rippeon 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 February 4, 2011,
and distribution will be made in accor-
dance with said schedule, unless excep-
tions 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, which-
ever may be the higher, shall be paid
forthwith to the Sheriff.

12/10, 17 & 23

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 14th day of January, 2011, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

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

COUNTRYWIDE HOME LOANS
SERVICING LP

vs.
MICHAEL J. SHUMBERGER

20 SHERMAN DRIVE
EAST BERLIN, PA 17316
READING TOWNSHIP

Parcel No.: (36) 002-0038A---000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING
JUDGEMENT 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 February 4, 2011,
and distribution will be made in accor-
dance with said schedule, unless excep-
tions 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, which-
ever may be the higher, shall be paid
forthwith to the Sheriff.

12/10, 17 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-NO-203 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of January, 2011, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 08-NO-0203

CARROLL VALLEY SEWER AND
WATER AUTHORITY

vs.
JOSEPH M. SEVENTKO

50 CROSS LAND TRAIL
CARROLL VALLEY, PA 17320
BOROUGH OF CARROLL VALLEY

Parcel No.: 43-002-0071004-0024

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING
JUDGEMENT AMOUNT: \$24,144.57

Attorneys for Plaintiff
SALZMANN HUGHES, P.C.

SEIZED and taken into execution as
the property of **Joseph Seventko** 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 February 4, 2011,
and distribution will be made in accor-
dance with said schedule, unless excep-
tions are filed thereto within 20 days after
the filing thereof. Purchaser must settle
for property on or before filing date.

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with Sheriff before sale date.

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

12/10, 17 & 23

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 ARTHUR E. MENTZER, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Executrices: Rosalie Mentzer Kerr and Betty Mentzer Weirich, c/o Jared S. Childers, Esq., R. Thomas Murphy & Associates, P.C., 2005 East Main Street, Waynesboro, PA 17268

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

ESTATE OF LORRAINE M. RILEY, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Amy C. Gilbert, 785 Taneytown Road, Gettysburg, PA 17325

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

ESTATE OF THELMA M. RUPPERT, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: ACNB Bank, formerly known as Adams County National Bank, P.O. Box 4566, Gettysburg, PA 17325

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

SECOND PUBLICATION**ESTATE OF TROCELIA W. COULTER, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Executors: Burt J. Coulter, 116 Rodes Avenue, Gettysburg, PA 17325; David C. Coulter, 7229 Apple Street, Bath, NY 14810

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

ESTATE OF OLIVE D. NEIDERER a/k/a OLIVE D. HANSFORD, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Beverly Ann Kebil, 92 Patrick Avenue, Littlestown, PA 17340

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

ESTATE OF LONNIE C. ROSE, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Randall Lou Rose, 970 Gettysburg Road, Littlestown, PA 17340

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

THIRD PUBLICATION**ESTATE OF LOUISE A. MCATEE, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executor: Kathleen M. Knapp, 451 Deerfield Drive, Hanover, PA 17331

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

ESTATE OF EARL W. ZUMBRUM, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executors: Sharon L. Eckenrode and Kevin E. Zumbrum, c/o Keith R. Nonemaker, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York Street, Hanover, PA 17331

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1054 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of January, 2011, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-1054

HOUSEHOLD FINANCE CONSUMER
DISCOUNT COMPANY

vs.

TRACY LYNN SNADER &
TRACY BOLLMAN &
JACK L. INNERST, JR.

294 LABOR CAMP ROAD
GARDNERS, PA 17324
HUNTINGTON TOWNSHIP

Parcel No.: 22-G03-0116---000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$101,986.49

Attorneys for Plaintiff
STERN AND EISENBERG LLC

SEIZED and taken into execution as the property of **Tracy Lynn Snader & Tracy Bollman & Jack L. Innerst Jr.** and to be sold by me.

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

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12/10, 17 & 23

NOTICE

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Act of Assembly of December 16, 1982, Act 295, as amended, that an Application for Registration of Fictitious Name has been/will be filed in the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, for the conduct of business in Adams County, Pennsylvania, under the

assumed or fictitious name of: HICKORY HILL FARM RESOURCES, L.P. with its principal place of business at: 160 Cold Springs Road, Gettysburg, PA 17325. The name and address of the entity owning or interested in said business is HHF Management, LLC, 160 Cold Springs Road, Gettysburg, PA 17325. The purpose of the business will be to manage real investment property.

Mark D. Hipp, Esq.
Mette, Evans & Woodside
3401 North Front Street
P.O. Box 5950
Harrisburg, PA 17110-0950
(717) 232-5000

12/17

LEGAL NOTICE--ANNUAL MEETING

The annual meeting of the policyholders of the Protection Mutual Insurance Company of Littlestown will be held at the office located at 101 South Queen Street in Littlestown, PA, between the hours of 1:00 and 2:00 p.m., on January 15th, 2011 to elect directors and to transact any other business properly presented.

Attest: Marilyn Q. Butt
President/Treasurer

12/10, 17, 23 & 31

DISSOLUTION NOTICE

NOTICE IS HEREBY GIVEN that GETTYSBURG INSURANCE SERVICES, INC., a Pennsylvania business corporation with its principal place of business at 53 Hunters Trail, Gettysburg, PA 17325 has elected to dissolve voluntarily and has commenced winding up proceedings under the Pennsylvania Business Corporation Law of 1988.

Robert G. Teeter, Esq.
Teeter, Teeter & Teeter

12/17 & 23

NOTICE

NOTICE IS HEREBY GIVEN that AMBER LANE, ESQUIRE, intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 4th day of February, 2011, and that she intends to practice law as the Assistant District Attorney in the Office of the District Attorney, County of Adams, Adams County Courthouse, 111 Baltimore Street, Room #6, Gettysburg, Pennsylvania.

12/17, 23 & 31

NOTICE

NOTICE IS HEREBY GIVEN that FAWN E. SMITH, ESQUIRE, intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 4th day of February, 2011, and that she intends to practice law as the Assistant District Attorney in the Office of the District Attorney, County of Adams, Adams County Courthouse, 111 Baltimore Street, Room #6, Gettysburg, Pennsylvania.

12/17, 23 & 31

NOTICE BY THE ADAMS COUNTY
CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statements of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphan's Court, Gettysburg, Pennsylvania, for confirmation of accounts entering decrees of distribution on Friday, January 7, 2011 at 8:30 a.m.

MOORE—Orphan's Court Action Number – OC-136-2009. The First and Final Account of Eustace Hagley, Jr., Administrator for the Estate of Terri Lynn Moore, late of Gettysburg Borough, Adams County, Pennsylvania, deceased.

Kelly A. Lawver
Clerk of Courts

12/17 & 23

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, for the conducting of a business under the fictitious name of "THE PEAK 98.5-SMART MAGAZINE WOMEN'S SHOW" with its principal office of place of business at 275 Radio Road, Hanover, PA 17331. The party to the registration is Radio Hanover, Inc.

This notice is given pursuant to 54 Pa. C.S.A. §311(g).

Todd F. Truntz, Esq.
Keefer Wood Allen & Rahal, LLP
635 North 12th Street, Suite 400
Lemoyne, PA 17043

12/17