

Adams County Legal Journal

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IN THIS ISSUE

LEMMON ESTATE VS. GETTYSBURG RETIREMENT
COMMUNITY ET AL

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

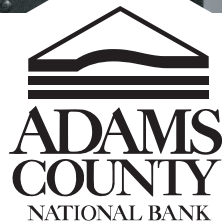
Karen Arthur
Trust Officer



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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1713 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of April, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot or piece of ground, with improvements thereon erected, situate lying and being on the South side of Linden Avenue, in the Township of Conewago, County of Adams, Pennsylvania and known on a general plan of a series of lots, Streets, Avenues, etc., of lands now or formerly of Hanover Improvement Company, as lots nos. 7, 8 and 9, in block 7, adjoining lot no. 6 on the West, a Public Alley on the South; Lot No. 10 on the East, and Linden Avenue on the North.

MAP NUMBER: (08) 008 - 0167

IMPROVEMENTS: Residential Dwelling 110 Linden Ave, Hanover, PA 17331

TITLE TO SAID PREMISES IS VESTED IN Ravinder Kapoor by Deed from Brian R. Seymore and Holly M. Rebert, NKA Holly M. Seymore dated 5/6/2005 and recorded 6/11/2005 in Record Book 3962 Page 273

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 15, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/27, 4/3 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1524 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of April, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate along the public road leading from the Hanover-Carlisle State Highway to the Hanover-Abbottstown State Highway, in Berwick Township, Adams County, PA, which is bounded and described as follows:

BEGINNING at an iron pin on the North side of the public road aforesaid at land now or formerly of Merle C. Brailer; thence by said lands North 28 degrees 15 minutes West 120 feet to an iron pin at other land now or formerly of C.H. Bittinger; thence by the same North 62 degrees East 35.5 feet to an iron pin at lands now or formerly of the Evangelical Church; thence by the same South 31 degrees 30 minutes East 120 feet to an iron pin at the public road aforesaid; thence by the same South 62 degrees West 42 feet to an iron pin, the place of BEGINNING.

HAVING erected thereon a dwelling known as 342 Green Springs Road, Hanover, PA 17331.

TAX PARCEL # (04) L12- 53

BEING the same premises which William R. Upole, by Deed dated 06/28/2006 and recorded 07/13/2006 in the Records Office, Adams County, Pennsylvania, Deed Book Volume 4490, page 153, granted and conveyed unto Nicholas Derita, Sr. and Nicholas Derita, Jr., as tenants by the entirety.

SEIZED and taken into execution as the property of **Nicholas Derita, Sr. & Nicholas Derita, Jr.** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 15, 2009, and distribution will be made in accordance with said schedule, unless exceptions are

filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/27, 4/3 & 9

TRUST ESTATE NOTICE

Betty J. Martin died on November 20, 2008, a resident of Germany Township, Adams County, Pennsylvania. During her lifetime she created a revocable trust for her benefit. All persons indebted to her or the trust are requested to make payment, and those having claims against her or the trust are requested to present the same, without delay, to: David S. Martin, Trustee, 159 Kingsdale Road, Littlestown, PA 17340.

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

4/3, 9 & 17

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation of the VETERANS ASSOCIATION OF SAILORS OF THE VIETNAM WAR, INC., were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on or about 17 March, 2009, for Non-Profit Incorporation under Section 5307 of the NPCL. VASVW, Inc. is an educational organization.

4/9

LEMMON ESTATE VS. GETTYSBURG RETIREMENT COMMUNITY ET AL

1. The time period within which an appeal is to be filed is jurisdictional and may not be extended as a matter of grace or a mere indulgence as such an extension would breed a lack of finality to judicial action.

2. Under extraordinary circumstances, however, a court may extend the appeal period by granting equitable relief in the form of a nunc pro tunc appeal.

3. Historically, the grant of nunc pro tunc relief was proper only in extraordinary circumstances involving fraud or a breakdown in the court's operation. The Supreme Court expanded the limited exceptions permitting nunc pro tunc relief where there has been a non-negligent failure to file a timely appeal which was corrected within a very short time.

4. Appellate authority has explained this exception to require a demonstration by the appellant that (1) the notice of appeal was filed late as a result of non-negligent circumstances, either as they relate to the appellant or the appellant's counsel; (2) appellant filed the notice of appeal shortly after the expiration date; and (3) the appellee was not prejudiced by the delay.

5. Trial counsel's unavailability due to his mother's illness did not justify nunc pro tunc relief where counsel failed to make alternative arrangements to protect his client's interests.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 06-S-1108, DEBRA LITTLE AS ADMINISTRATOR OF THE ESTATE OF MERLE LEMMON VS. GETTYSBURG RETIREMENT COMMUNITY, INC., D/B/A SHEPHERD'S CHOICE OF GETTYSBURG.

Michael D. Pomerantz, Esq., for Plaintiff

Kathryn C. Mason, Esq., for Defendant

George, J., May 14, 2008

OPINION PURSUANT TO PA. R.A.P. 1925(A)

On May 25, 2006, Debra Little, as Administrator of the Estate of Merle Lemmon ("Estate"), filed suit against Gettysburg Retirement Community, Inc. d/b/a Shepherd's Choice of Gettysburg ("SCG") alleging a cause of action for negligence. Following the filing of various pleadings by both parties, on April 25, 2007, SCG filed a Praecipe for the entry of judgment of non pros which was subsequently granted.¹ Thirteen days after service of entry of the judgment of non pros, the Estate filed a Petition seeking to strike the judgment. By Order dated August 10, 2007, the Estate's Petition to Strike Judgment of Non Pros was denied. On August 24, 2007, the Estate

¹The basis for the Petition was the Estate's failure to file a Certificate of Merit within the time frame required by Pa. R.C.P. 1042(3).

filed a Motion to reconsider the August 10, 2007 Order. That Motion was denied without Opinion on September 5, 2007. On October 5, 2007, the Estate filed a Notice of Appeal with the Superior Court. By Order dated January 16, 2008, the Superior Court quashed the appeal as being untimely. On January 31, 2008, the Estate filed with this Court a Petition to Appeal Nunc Pro Tunc. After hearing and argument on the Petition, the Estate's Petition to Appeal Nunc Pro Tunc was denied by Order dated May 10, 2008. The Estate currently appeals this Court's denial of the Motion to Appeal Nunc Pro Tunc.

The time period within which an appeal is to be filed is jurisdictional and may not be extended as a matter of grace or a mere indulgence as such an extension would breed a lack of finality to judicial action. *Nixon v. Nixon*, 198 A. 154, 157 (Pa. 1938). Statutory appeal periods evidence a legislative determination that the finality of court adjudications must be promoted by limiting the time within which they can be questioned on appeal. *In Re Interest of C.K.*, 535 A.2d 634, 636 (Pa.Super. 1987). Under extraordinary circumstances, however, a court may extend the appeal period by granting equitable relief in the form of a nunc pro tunc appeal. *Criss v. Wise*, 781 A.2d 1156, 1159 (Pa. 2001). As such, the denial of an appeal nunc pro tunc is within the sound discretion of the trial court and will only be reversed for an abuse of discretion. *Freeman v. Bonner*, 761 A.2d 1193, 1194 (Pa.Super. 2000).

Historically, the grant of nunc pro tunc relief was proper only in extraordinary circumstances involving fraud or a breakdown in the court's operation. *West Penn Power Co. v. Goddard*, 333 A.2d 909, 912 (Pa. 1975). In *Bass v. Commonwealth*, 401 A.2d 1133, 1135 (Pa. 1979), the Supreme Court expanded the limited exceptions permitting nunc pro tunc relief where there has been a non-negligent failure to file a timely appeal which was corrected within a very short time. 401 A.2d at 1135. Appellate authority has explained this exception to require a demonstration by the appellant that "(1) [t]he notice of appeal was filed late as a result of non-negligent circumstances, either as they relate to the appellant or the appellant's counsel; (2) [a]ppellant filed the notice of appeal shortly after the expiration date; and (3) [t]he appellee was not prejudiced by the delay." *Criss v. Wise*, 781 A.2d 1156, 1159 (Pa. 2001).

In compliance with the instruction of *Berger and Montague, P.C. v. Phila. Historical Comm'n.*, 898 A.2d 1, 4 (Pa.Cmwlt. 2006), this

Court conducted an evidentiary hearing to determine whether non-negligent circumstances caused an untimely appeal to be filed in this matter. Although not formally called as a witness, Estate's counsel, as an officer of the court, represented that his 35-year-old wife had recently been diagnosed with stage III ovarian cancer and needed immediate surgery. He indicated that as a result of her illness, she underwent two separate surgeries. He claimed that he was required to be at the hospital during this period of time to attend and assist his wife. When questioned by the Court, he was unable to indicate the specific time periods during which the surgeries occurred or the exact periods of time he was required to be at the hospital. It was noted that in his January 10, 2008 correspondence to legal staff for the Superior Court of Pennsylvania, he indicated that the surgeries occurred after the notice of appeal had been filed in this matter. See Petition to Appeal Nunc Pro Tunc Exhibit B. Estate's counsel acknowledged practicing law with another attorney and, importantly, that his personal circumstances did not interfere with his ability to file a Motion to Reconsider with this Court which, incidentally, was filed within the statutory period for appeal.

Counsel's predicament, while unfortunate, does not fall within the exception crafted by *Bass*, *i.e.* non-negligent happenstance. In *Bass*, an appeal was prepared and ready to be filed on a Friday, six days prior to the expiration of the appeal period. The secretary, who was tasked with filing the appeal, left work early Friday due to sickness and did not return the entire following week. In addition to being tasked with filing the appeal, she was the secretary responsible for checking other secretaries' work to make sure it had been completed. However, while she was out due to illness, no one checked her desk. When she returned to work on the Monday following her recovery, a Petition to Appeal Nunc Pro Tunc was filed. The court determined that the interests of the public to an opportunity to have a matter heard in court should not be circumvented in circumstances involving a non-negligent failure to file an appeal. The court elaborated that "without a doubt, the passage of any but the briefest period of time during which an appeal was not timely filed would make it most difficult to arrive at a conclusion that the failure to file was non-negligent." *Bass*, A.2d at 1135. On the other hand, where the appeal nunc pro tunc is filed within a very short time, any prejudice to the other party is necessarily minimal. *Id.*

Bass is clearly distinguishable from the current circumstances. Although this Court sympathizes with counsel's extremely tragic fate, the circumstances do not equate with the "non-negligent" happenstance recognized by the *Bass* Court. Counsel has not presented any indication that the appeal filing deadline was missed despite the existence of adequate procedures within his office. Indeed, despite the need to be attendant to his wife's medical issues, he did not arrange for other counsel within his office to monitor his cases. Moreover, he did not notify the Estate that they should seek alternate appellate counsel to protect their interests. Thus, even should I presume that counsel's absence during the relevant time period was unavoidable, his failure to make alternative arrangements to protect the Estate's interest cannot be considered non-negligent happenstance justifying nunc pro tunc relief. See *In Re Interests of C.K.*, 535 A.2d 634, 639 (Pa.Super. 1987) (trial counsel's unavailability due to his mother's illness did not justify nunc pro tunc relief where counsel failed to make alternative arrangements to protect his client's interests); *Freeman v. Bonner*, 761 A.2d 1193, 1196 (Pa.Super. 2000) (counsel's absence from jurisdiction while attending to terminally ill parent did not amount to non-negligent happenstance where counsel failed to arrange for substitute counsel).

Perhaps a more compelling reason *Bass* is inapplicable is apparent in counsel's inability to relate the failure to timely file an appeal with his wife's illness other than through the broad claim that he was unable to leave his sick wife. It is problematic that the most significant occurrences related to his wife's illness, *i.e.* the surgeries, appear to have occurred after the appeal period had expired as noted in the previously referenced correspondence to the Superior Court. His claim of unavailability is belied by a record which indicates that he filed a Motion to Reconsider, accompanied by a Brief, well within the time period within which he was required to file an appeal. Curiously, counsel had no difficulty filing a Notice of Appeal within 30 days of this Court's denial of his Motion to Reconsider.²

²An appeal does not lie from an order denying reconsideration but must be timely filed from the underlying appealable order. *Commonwealth v. Moir*, 766 A.2d 1253, 1254 (Pa.Super. 2000). Moreover, a motion for reconsideration does not toll or stay the appeal period unless a trial court enters an order expressly granting a reconsideration within 30 days of the appealable order. *Cheatham v. Temple University Hosp.*, 743 A.2d 518, 520-21 (Pa.Super. 1999).

Finally, I note that counsel has failed to offer any explanation for the significant delay in filing the Petition for nunc pro tunc consideration. The Order, which was the proper subject of appeal, is dated August 10, 2007. The Estate's Petition to Appeal Nunc Pro Tunc was not filed until almost six months later on January 31, 2008. Presumably, this delay relates to the initial appeal not being quashed by the Superior Court until January 16, 2008. Rather than serving as a justification, however, this lack of action on the part of counsel until after the Superior Court's action only corroborates a finding that the procedural rules applicable to appellate practice have been repeatedly misapplied by counsel. This finding is quite contrary to the non-negligent happenstance envisioned by the *Bass* Court. The lengthy delay also contradicts the reasonable minimal time period envisioned by *Bass* and, in and of itself, is a basis to deny the petition. See *City of Philadelphia v. Tirrill*, 906 A.2d 663, 667 (Pa.Cmwlth. 2006) (lack of explanation for a 29-day delay in timely filing an appeal is proper basis for denial of nunc pro tunc relief).

For the foregoing reasons, it is respectfully requested that this Court's dismissal of the Petition to Appeal Nunc Pro Tunc be affirmed.³

³In reaching this decision, I was cognizant of the Estate's argument that they will be severely prejudiced if a nunc pro tunc appeal is not permitted. This argument suggests that the Estate would be successful in a trial on the merits of their civil action and that denial of a nunc pro tunc appeal operates to frustrate their right to a fair hearing on the merits. Unfortunately for the Estate, this argument has been squarely addressed by the Supreme Court in *Robinson v. Board of Probation and Parole*, 582 A.2d 857 (Pa. 1990) wherein the Court opined: "Where jurisdiction of the court has been lost because of the staleness of the complaint, the attractiveness of an argument on the merits is of no moment because the tribunal is without the power to grant the requested relief." *Id.* A.2d at 860.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1617 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of April, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those two tracts of land situate, lying and being in the Borough of Biglerville, Adams County, Pennsylvania, being more particularly bounded and described as follows:

TRACT NO. 1: BEGINNING at a nail set on the curb line of East York Street at corner of Lot No. 3 on the hereinafter referred to draft of survey, said point of beginning being South 87 degrees 30 minutes 00 seconds West, 62.81 feet from the corner of lands now or formerly of Christopher A. Edwards; thence along the curb line of East York Street, South 87 degrees 30 minutes 00 seconds West, 52.68 feet to a chisel mark set on the curb line at corner of Lot No. 1 on the hereinafter referred to draft of survey; thence by said Lot No. 1, North 02 degrees 41 minutes 12 seconds West, 165.60 feet to an iron pipe set on the Southern edge of an alley; thence along the Southern edge of said alley, North 87 degrees 54 minutes 20 seconds East, 9.00 feet to an existing iron pipe; thence continuing along same, North 88 degrees 02 minutes 33 seconds East, 47.30 feet to a railroad spike set at corner of Lot No. 3, aforesaid; thence along said Lot No. 3, South 01 degree 25 minutes 55 seconds East, 165.12 feet to a nail set on the curb line of East York Street, the point and place of beginning. CONTAINING 9,010 square feet, more or less.

The above description was taken from a draft of survey prepared by Boyer Surveys dated March 28, 1983, and recorded in Adams County Plat Book 38 at page 28, designating the above as Lot No. 2.

TRACT NO. 2: BEGINNING at an existing nail on the curb line of East York Street at corner of land now or formerly of Ronald L. Fox; thence by said Fox lands, North 02 degrees 41 minutes 15 seconds West, 165.98 feet to an existing steel pin on the Southern edge of an alley; thence along the Southern edge of said alley, North 87 degrees 54 minutes 20 seconds East, 54.00 feet to an iron pipe set at corner of Lot No. 2, South 02 degrees 41 minutes 12 seconds East, 165.60 feet to a chisel mark set on the curb line of East York Street; thence along the curb line of East York Street, South 87 degrees 30 minutes 00 seconds West, 54.00 feet to an existing nail on the curb line, the point and place of

BEGINNING. CONTAINING 8,953 square feet, more or less.

The above description was taken from a draft of survey prepared by Boyer Surveys dated March 28, 1983, and recorded in Adams County Plat Book 38 at page 28, designating the above as Lot No. 1.

BEING the same premises which Nelson H. Leiphart, Sr. and Laura M. Leiphart, by Deed dated April 10, 2008 and recorded in the Recorder of Deeds of Adams County on April 11, 2008, granted and conveyed unto James P. Decker.

Property Parcel # (05) 004-0011

Property Being: 88 E. York St., Biglerville, PA 17307

GRENE & BIRSIC, P.C.
Kristine M. Anthow, Esquire
Attorney for Plaintiff
One Gateway Center, Ninth Floor
Pittsburgh, PA 15222
(412) 281-7650

SEIZED and taken into execution as the property of **James P. Decker** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 15, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/27, 4/3 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-89 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of April, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land situate in Huntington Township, Adams County, Pennsylvania, more specifically described as follows:

BEGINNING at a point marked by an iron pin at the northwest corner of Lot No. 3 of the hereinafter recited subdivision plan; thence South 89 degrees 46 minutes 50 seconds East, along Lot No.

6 of the same subdivision, a distance of 378.71 feet to a point marked by an iron pin; thence South 6 degrees 14 minutes 17 seconds East, along Lot No. 2 of the same subdivision, a distance of 417.74 feet to a point marked by a P.K. nail in Township Road 810; thence along Township Road 810, South 83 degrees 45 minutes 43 seconds West, a distance of 369.70 feet to a point marked by a P.K. nail in Township Road 810; thence along lands now or formerly of Ronald Cheeks, North 7 degrees 3 minutes 32 seconds West, a distance of 460.38 feet, to the place of BEGINNING.

SUBJECT to a right of way agreement dated October 13, 1987 and recorded November 6, 1987 in and for Adams County in Book 472, Page 847.

SUBJECT to a right of way agreement dated November 16, 1988 and recorded December 30, 1988 in and for Adams County in Book 511, Page 204

SUBJECT to the following use restrictions which shall be enforceable in either law or equity as appropriate

1. NO mobile homes
2. NO junked or unlicensed vehicles unless garaged.
3. NO dumping or open stock-piling of materials, firewood excepted.

BEING KNOWN AS: 398 Rolling Road (Huntington Township), York Springs, PA 17372

PROPERTY ID NO.: (22) H5-14H

TITLE TO SAID PREMISES IS VESTED IN Michael Gingrich and Judie Gingrich, husband and wife by deed from Michael Gingrich dated 12/23/04 recorded 1/3/05 in Deed Book 3825 Page 297.

SEIZED and taken into execution as the property of **Michael A. Gingrich & Judie Gingrich** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 15, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/27, 4/3 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1796 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of April, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that the following described tract of land situate, lying and being in Reading Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING at a railroad spike (set) in Old Log House Lane (T-620), an existing 50' wide right of way, thence leaving said Old Log House Lane (T-620) North sixteen (16) degrees thirty-two (32) minutes fifty-one (51) seconds East, One thousand three hundred eighty-six and twenty-four hundredths (1,386.24) feet to a steel pin set at Lot No. 1 as shown on the hereinafter referred to Final Plan; thence along and with said Lot No. 1, and other lands now or formerly of Jack W. Anderson and Barbara E. Anderson, South forty-eight (48) degrees twenty-nine (29) minutes twenty (20) seconds East, one thousand five hundred seven and sixty-three hundredths (1,507.63) feet to a point at lands now or formerly of Harry W. Fletcher; thence continuing along lands of the same, South forty-eight (48) degrees twenty-nine (29) minutes twenty (20) seconds East, one thousand five hundred seven and sixty-three hundredths (1,507.63) feet to a point at lands now or formerly of Harry W. Fletcher, thence continuing along lands of the same, South twenty-one (21) degrees eleven (11) minutes thirty-one (31) seconds West, four hundred thirteen and seventy-two hundredths (413.72) feet to a point at Lot No. 20, as shown on the hereinafter referred to Final Plan; thence along and with said Lot No. 20, North fifty-eight (58) degrees zero (00) minutes forty-five (45) seconds West, eight hundred one and thirty-two hundredths (801.32) feet to a steel pin (set); thence continuing along said Lot No. 20, the following four (4) courses and distances: (1) South fifty-seven (57) degrees eleven (11) minutes forty-three (43) seconds West, two hundred twenty-seven and eighty-seven hundredths (227.87) feet to a steel pin (set); (2) South fifty-two (52) degrees thirty-six (36) minutes thirty-four (34) seconds West, one hundred twelve and twenty-seven (27) hundredths (112.27) feet to a steel pin (set); (3) South forty-four (44) degrees forty-two (42) minutes fourteen (14) seconds West, one hundred ninety-eight and forty-two hundredths (198.42) feet to a steel pin (set); (4) South thirty-six (36) degrees forty-seven (47)

minutes fifteen (15) seconds West, one hundred sixty-five and ninety-eight hundredths (165.98) feet to a point on Old Log House Lane (T-620); thence continuing in and through said Old Log House Lane, North sixty (60) degrees fifty-five (55) minutes thirty-one (31) seconds West, two hundred and seven hundredths (200.07) feet to a railroad spike (set) in Old Log House Lane (T-620), the point and place of BEGINNING.

CONTAINING 22.7527 acres and known as Lot No. 19 on a Final Plan prepared for Jack W. Anderson and Barbara E. Anderson by Worley Surveying bearing date of April 25, 1995, revised June 1, June 9, and June 20, 1995 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania on June 29, 1995 in Plat Book 67, Page 45.

UNDER AND SUBJECT, NEVERTHELESS, to the Declaration of Restrictions and Covenants recorded July 17, 1995 in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 1054, Page 234.

SUBJECT ALSO, to any notes, restrictions, covenants and conditions set forth in Plan Book 67, Page 45.

BEING known as Parcel Identification Number (36) K6-56.

BEING the same premises which Henry J. Lesinski and Elizabeth D. Lesinski, husband and wife, by deed dated February 24, 1999 and recorded March 11, 1999 in Adams County in Deed Book 1784, Page 0087, granted and conveyed unto David A. Munson and Virginia L. Munson, husband and wife.

Property address being: 102 Old Log House Lane, East Berlin, PA 17316

SEIZED and taken into execution as the property of **Joanne Seeley & United States Government** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 15, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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3/27, 4/3 & 9

IN THE COURT
OF COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA
ORPHANS' COURT NOTICE
No. RT-2-09(A)

To: ANDREW K. BRIGGEMAN, SR.

You are hereby notified that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for April 23, 2009 at 1:00 p.m., prevailing time, at the Adams County Courthouse, 111-117 Baltimore St., Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

You should contact your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

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

Chester G. Schultz, Attorney at Law
145 Baltimore Street
Gettysburg, PA 17325

3/27, 4/3 & 9

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania in Harrisburg, Pennsylvania for the purpose of obtaining a certificate of incorporation for a domestic for profit business corporation pursuant to the provisions of the Pennsylvania Business Corporation Law of 1988, as amended. The name of the proposed corporation is **CLAUDE GRIM SONS ACQUISITION, INC.**

Mary Alice Busby, Esq.
Mette, Evans & Woodside
1105 Berkshire Blvd. Suite 320
Wyomissing, PA 19610

4/9

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 DALE D. ECKERT, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Executor: Ray R. Eckert, 2452 Beeler Avenue, York, PA 17408

Attorney: George W. Swartz, II, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

ESTATE OF JAMES H. GARDNER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Randy A. Gardner, 24 Brethren Court, Gettysburg, PA 17325

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

ESTATE OF LINDA M. STAUB, DEC'D

Late of the Borough of Bonneauville, Adams County, Pennsylvania

Co-Executors: Raymond M. Staub, 29 Locust Street, Gettysburg, PA 17325; Rhonda L. Staub-Spicka, 23 Summer Drive, Gettysburg, PA 17325

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

SECOND PUBLICATION**ESTATE OF ROBERT WILLIAM KAHLER, DEC'D**

Late of Germany Township, Adams County, Pennsylvania

Executrix: Janet Dell, 50 W. Summit Dr., Littlestown, PA 17340

ESTATE OF ALAN RICHARD KEMPTON, DEC'D

Late of the Borough of Bonneauville, Adams County, Pennsylvania

Administrator: Pamela Anne Kempton, 7915 Thrush Meadow Place, Severn, MD 21144

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

ESTATE OF GRACE A. RIDER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Jon P. Priest, 285 Cavalry Field Rd., Gettysburg, PA 17325

Attorney: Phillips & Phillips, 101 W. Middle St., Gettysburg, PA 17325

THIRD PUBLICATION**ESTATE OF DOROTHY M. CARDI-NALE, DEC'D**

Late of Latimore Township, Adams County, Pennsylvania

Executrices: Charlotte E. Calcara, 1909 W. Market Street, York, PA 17404; Holly E. Garner, 381 Rohlers Church Road, Dover, PA 17315

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

ESTATE OF EVA BELLE GROFT, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executrix: Pamela M. Brazeal, 598 York St., Hanover, PA 17331

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

ESTATE OF GLORIA A. SALISBURY, DEC'D

Late of the Borough of Abbottstown, Adams County, Pennsylvania

Executors: William C. Salisbury, 14 East High St., 2nd Fl., New Oxford, PA 17350; Cerenna K. Martin, 147 Sunrise Dr., Abbottstown, PA 17301; Randy L. Salisbury, 333 North Biesecker Rd., Thomasville, PA 17364

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

ESTATE OF JOYCE R. STEVENS, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Executor: Robert A. Stevens, 93 Ironstone Road, York Springs, PA 17372

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-705 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of April, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land situated, lying and being in Cumberland Township, Adams County, Pennsylvania, being known as Unit No. 26 in Roselawn, a Planned Community, more particularly bounded and described in the As Built House Location Plan dated April 22, 2004 and recorded 3.24.2005 in the Office of the Recorder of Deeds for Adams County, Pennsylvania in Miscellaneous Drawer, Record Book 5907 at Page 126 and the Declaration Plan relating to Roselawn, a Planned Residential Community, recorded on June 18, 2002 in the office of the Recorder of Deeds for Adams County, Pennsylvania, in Record Book 2702 at Page 326, and the Declaration Plat recorded in the aforementioned Declaration Plan as Exhibit "D" and recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania in the Miscellaneous Drawer as set forth in Plan Book 76 at Page 51 which unit includes an undivided interest in the Common Expenses as

defined and provided for in said Declaration all as amended which the first amendment is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 2949 at Page 29 and the second amendment is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 3459 at Page 231. Together with the right to use and enjoyment of the Common Elements as defined and provided for in said Declaration. Subject nevertheless to conditions and covenants contained in the said Declaration and Exhibits thereto as well as the Bylaws for the Roselawn Homeowners Association, Inc. recorded June 18, 2002 in the Office of the Recorder of Deeds for Adams County, Pennsylvania in Record Book 2703 at Page 1.

TAX PARCEL #: (09) F 12-0255

Property Address: 41 Delawares Ridge, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Michael K. Lenhart & Patricia A. Lenhart** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 15, 2009, and distribution will be made in accordance with said schedule, unless exceptions are

filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/27, 4/3 & 9

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