

# Adams County Legal Journal

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PHILLIPS ET AL VS. GETTYSBURG HOSPITAL ET AL

*This opinion is continued from the last issue (October 26, 2012).*

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## ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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# CHANGE OF NAME NOTICE CAPTION 2012-S-1493

NOTICE IS HEREBY GIVEN that on October 16, 2012, the Petition of Benjamin J. Codori and Lisa Schydowski-Codori, natural parents of and on behalf of Kailyn Isabella Schydowski, was filed in the above-captioned court petition requesting an order to change the name of Kailyn Isabella Schydowski, a minor child, to Kailyn Isabella Codori.

The Court fixed the day of December 7, 2012, at 8:30 a.m., in Courtroom number 4, third floor of the Adams County Courthouse, 111 Baltimore Street, Gettysburg, Adams County, Pennsylvania, as the time, place, and date for the hearing on said petition, when and where all interested parties may appear and show cause, if any, why the request of the petitioners, on behalf of the minor child, should not be granted.

11/2

## IN THE COURT OF COMMON PLEAS OF DAUPHIN COUNTY, PENNSYLVANIA

### CIVIL ACTION—LAW CIVIL DIVISION

NO. 2010 CV 15360 CV  
NOTICE OF COMPLAINT

THE CINCINNATI INSURANCE  
COMPANY as subrogee of  
TRANSCORPS ENTERPRISES, INC.,  
Plaintiffs

vs.

CRAIG A. DUBS, et al, Defendants

### NOTICE

TO: CRAIG A. DUBS

YOU ARE HEREBY NOTIFIED that on December 3, 2010, Plaintiff, Cincinnati Insurance Company as subrogee of Transcorps Enterprises, Inc., filed a Complaint enclosed with a Notice to Defend, against you in the Court of Common Pleas of Lancaster County, Pennsylvania, docketed to No. 2010 CV 15360 CV which was reissued on October 11, 2012. Wherein, Plaintiffs seek to recover property damages to a tractor-trailer occurring on or about December 8, 2008.

YOU ARE HEREBY NOTIFIED to plead to the above referenced Complaint on or before twenty (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 defense 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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

DAUPHIN COUNTY  
LAWYER REFERRAL SERVICE  
213 North Front Street  
Harrisburg, PA 17101  
717-232-7536

11/2

### SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on FRIDAY, the 16th day of November 2012, at 10 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 111 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

Writ of Execution No.:

2011-SU-0001388

Property Address: 660 Shrivvers Corner Road, Gettysburg, PA 17325-8133

Parcel No.: 38-G09-0036-000

Municipality: Straban

Improvements: Residential Dwelling

Defendants: Mark D. Webb, in his capacity as Executor and Devisee of the Estate of Robert W. Edling

Attorneys for Plaintiff: John Michael

Kolesnik, Esq., 215-563-7000

Writ of Execution No.:

2012-SU-0000289

Property Address: 170 East York Street, Biglerville, PA 17307-9425

Parcel No.: 05004-0022---000

Municipality: Biglerville

Improvements: Residential Dwelling

Defendants: Kenneth W. King, Merline

King, and Denise Engelberg

Attorneys for Plaintiff: John Michael

Kolesnik, Esq., 215-563-7000

Writ of Execution No.:

2012-SU-0000513

Property Address: 210 Upper Temple Road, Biglerville, PA 17307-9310

Parcel No.: 29D07-0011---000

Municipality: Menallen

Improvements: Residential Dwelling

Defendants: Brian C. Weigle

Attorneys for Plaintiff: John Michael

Kolesnik, Esq., 215-563-7000

Notice directed to all parties in interest and claimants that a schedule of distribution will be filed by the Sheriff in his office no later than thirty (30) days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within ten (10) days thereafter. 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.

James Muller

Sheriff of Adams County

<http://www.sheriffofadamscounty.com/sheriffsales.html>

10/19, 26 & 11/2

MOTION IN LIMINE  
FILED ON BEHALF OF GETTYSBURG HOSPITAL

Hospital has filed a Motion in Limine challenging various aspects of Plaintiffs' anticipated trial evidence. As Plaintiffs correctly note, in some instances, it is impossible to address evidentiary issues until the specific nature of the proffered evidence, and the context in which it is presented, is known at trial. However, Pennsylvania law recognizes a trial court may rule upon the admissibility of evidence before the evidence has been offered or heard. *Delpopolo v. Nemetz*, 710 A.2d 92, 94 (Pa. Super. 1998). In such instance, the trial court is permitted to make rulings on the evidence prior to trial in order to expedite the trial and assist in producing just determinations. Moreover, a ruling on a pretrial motion in limine provides counsel with a basis upon which to structure trial strategy. Accordingly, to the extent Hospital's motion is specific in its requests, it shall be addressed.

Hospital initially seeks to preclude several opinions of Plaintiffs' hospital administration expert, Gary Steinberg, F.A.C.H.E., on the basis that the opinions go beyond the liability theories alleged by Plaintiffs in their Complaint. Hospital argues that Plaintiffs' corporate negligence claim, as set forth in the Complaint, identifies three separate theories: (1) failure to have available the appropriate diagnostic testing tools, surgical equipment, supplies, and facilities necessary for Sova's proper care; (2) failure to have available proper transportation for patients with Sova's condition; and (3) failure to have policy and procedure in place sufficient to advise the treating surgeon of important medical information prior to surgery.<sup>5</sup> Hospital argues that the following conclusions reached by Steinberg go beyond these allegations: (1) Hospital lacked a quality assurance

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<sup>5</sup> As discussed above, the final theory of corporate negligence in Plaintiffs' Complaint is inartfully drafted and subject to varying interpretations. Plaintiffs' claim, however, that Hospital's characterization of this paragraph as one alleging negligence on the part of the nurse who received the information is incorrect. Plaintiffs' Brief in Opposition to Hospital's Motion for Partial Summary Judgment, pg. 11. Indeed, Plaintiffs clarify this allegation as a failure on the part of Hospital "to have adequate procedures in place to ensure the communication of vital information to the [treating physician]." *Id.*, pg. 10. Since Plaintiffs are not pursuing a vicarious liability claim against Hospital for the nurse's alleged negligence, the only possible corporate negligence theory available to Plaintiffs must rely on Hospital's duty to oversee persons within its employ or to formulate, adopt, and enforce adequate rules and policies to ensure the quality of care for its patients. See *Thompson*, 591 A.2d at 707.

plan requiring a definitive diagnosis within a reasonable amount of time; (2) Hospital lacked a policy requiring a written consultation report from all consulting specialists to be made part of the medical record; and (3) Hospital failed to provide administrative oversight to ensure only low-risk catheterization procedures were conducted at Hospital. Additionally, Hospital seeks to strike Steinberg's opinion of Hospital's alleged administrative failure in failing to meet with Sova's family to discuss the family's complaints. Finally, Hospital seeks to preclude Steinberg's opinion that serious ethical questions exist surrounding the decision to transport Sova to York Hospital as she was already deceased at the time of transport.

Plaintiffs argue Hospital's motion misstates allegations in their Complaint and the substance of Steinberg's opinion. Plaintiffs counter that, when read properly, the Complaint fully covers the administrative errors pointed out by Steinberg.

In resolving this issue, I note Plaintiffs' Complaint, with the exception of the paragraph discussed in footnotes 3 and 5, clearly and succinctly sets forth the theories for liability. As the statute of limitations has now expired, any effort to allege new or distinct theories through creative interpretation, or otherwise, is improper as an expert may not provide a new theory not mentioned in the complaint. *Reynolds v. Thomas Jefferson University Hospital*, 676 A.2d 1205, 1213 (Pa. Super. 1996).

Turning to Steinberg's report, it clearly and numerically identifies the topics cited by Hospital as "administrative failures that fell below the standard of care in Ms. Sova's case ..." Steinberg Opinion, September 8, 2011, pg. 4. Reading the opinions in the context of the allegations of the Complaint reveals Hospital's objections are well placed. There is a paucity of any specific reference in the Complaint to the alleged policy failures in neglecting to have a quality assurance plan for definitive diagnosis or requiring written consultation reports. Similarly, the Complaint does not include any reference to Hospital's alleged failure to have in place administrative oversight ensuring that only low-risk catheterizations are performed at the facility. Moreover, the Complaint lacks any reference to policy failure on the part of Hospital in not requiring a physician to meet with family members or, indeed, any duty to do so. Finally, ethical concerns over Hospital's attempt to transport Sova to York Hospital are irrelevant and beyond

the scope of the Complaint.<sup>6</sup> Accordingly, Hospital's motion to preclude Steinberg from offering opinion concerning subjects identified in paragraphs 1, 2, 6, 7, and 8 of his September 8, 2011 letter is granted.

Hospital next seeks to strike Steinberg's opinion as it relates to the standard of care of the nurse involved in the alleged lack of report of critical information to the treating surgeon. Plaintiffs concede Steinberg is not qualified to render an opinion as an expert on the standard of care for nursing staff, but they oppose the motion on the grounds that Steinberg's opinion properly refers to failure of Hospital policy.

This issue does not raise a legal dispute, but rather a dispute as to the interpretation of Steinberg's report. A cursory perusal of the report, however, reveals that both parties' points are valid. As discussed previously, Steinberg's report can broadly be read as suggesting that Hospital is negligent in failing to have established policy which requires an attending nurse to inform the surgeon of the type of development alleged by Plaintiffs. On the other hand, in a supplemental report, Steinberg clearly implies a breach of care on the part of the attending nurse. As Steinberg is not qualified to render such an opinion, he is precluded at trial from offering any opinion concerning the nurse's deviation from the standard of care. Moreover, in light of the allegations in the Complaint, the same is irrelevant.<sup>7</sup> On the other

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<sup>6</sup> As mentioned in discussion concerning Hospital's summary judgment motion, Plaintiffs allege liability on the theory of lack of appropriate transportation resources, yet are unable to establish how the alleged negligence caused harm to Sova. As summary judgment has already been granted on this claim in favor of Hospital, ethical issues surrounding transport of a person in Sova's condition are both irrelevant and potentially prejudicial.

<sup>7</sup> The Complaint does not allege any cause of action against the nurse for negligence. Although the Court reads Plaintiffs' Complaint broadly to include a claim that Hospital failed to properly oversee the nurse at issue, this Court is unaware of expert testimony sufficient to present that issue to the jury, as none of the expert reports tendered to the Court include such an opinion. It is important to recognize that a single act of negligence on the part of Hospital staff does not trigger a claim for improper supervision. *Edwards v. Brandywine Hospital, et al.*, 652 A.2d 1382, 1386-87 (Pa. Super. 1995) ("The *Thompson* theory of corporate liability will not be triggered every time something goes wrong in a hospital which harms a patient ... To establish corporate negligence, a plaintiff must show more than an act of negligence by an individual for whom the hospital is responsible ... *Thompson* contemplates a kind of systemic negligence, such as where a hospital knows that one of its staff physicians is incompetent but lets that physician practice medicine anyway ... *Thompson* does not propound a theory of strict liability.").

hand, if it is Steinberg's opinion that the Hospital was negligent in failing to have appropriate policy in place to ensure appropriate information is relayed to a surgeon prior to surgery, he is properly qualified to provide such an opinion.

Hospital also seeks to preclude opinion testimony of Sova's mother, Lillian Phillips. Phillips opined during deposition concerning negligence on the part of the several Defendants in failing to conduct diagnostic tests and properly obtain informed consent from Sova. Apparently, Phillips' opinions are partially based upon her experience as a licensed practical nurse. Plaintiffs concede Phillips is not being offered as an expert, nor has an expert report concerning her testimony been provided in compliance with the Pennsylvania Rules of Civil Procedure. In light of Plaintiffs' concession that she will not be tendered to offer expert testimony at trial, her opinions as to the propriety of the diagnostic tests conducted by Defendants or the sufficiency of informed consent discussions or procedures are not admissible at trial.

Hospital next seeks to limit the testimony of Plaintiffs' experts alleging the same to be cumulative. Hospital cites four separate areas where Plaintiffs' experts' testimony may overlap: (1) Dr. Kamsler's prescription of flecainide to Sova; (2) Dr. Martin's performance of the catheterization at Hospital rather than a hospital with "high-risk" facilities; (3) the staff nurse's negligence in failing to advise the treating surgeon of relevant information; and (4) Dr. Martin's alleged failure to obtain proper informed consent. In light of the discussion above, the overlapping testimony regarding the staff nurse's alleged negligence is irrelevant. Accordingly, only the remaining three claims of cumulative testimony will be further addressed.

Undoubtedly, Pennsylvania Rule of Evidence 401 permits a trial court to limit the "needless presentation of cumulative evidence." However, even if evidence is cumulative, the trial court may properly permit additional evidence on a contentious point central to the case. See e.g., *Land v. The Salvation Army*, 783 A.2d 775, 778 (Pa. Super. 2001) (affirming order granting new trial where the exclusion of testimony as cumulative involved testimony on a matter of consequence). As the testimony at issue is not overly burdensome, and relates to key issues in dispute, this Court will not unnecessarily limit Plaintiffs' presentation of evidence. Accordingly, Hospital's Motion in Limine on this basis is denied.

Hospital's Motion in Limine further seeks to limit Steinberg's opinion on the issue of informed consent. Steinberg, proffered as an expert in hospital administration, opines that appropriate pre-surgery informed consent was not provided to Sova. Hospital objects to this testimony, challenging Steinberg's qualifications to offer an opinion on whether proper informed consent was obtained for the cardiac catheterization procedure. Hospital notes that Steinberg is not a licensed physician in the same medical subspecialty which is at issue in this cause of action.

Plaintiffs concede Steinberg is not being offered to address the standard of cardiac care or the medical care provided by the treating surgeon. Rather, Plaintiffs argue Steinberg's opinion addresses Hospital's written policies and procedures.

Pennsylvania law is clear in holding that the duty placed on a physician to obtain informed consent prior to surgery is non-delegable. *Penea v. Isdaner*, 773 A.2d 782, 796 (Pa. Super. 2001), *affirmed* 812 A.2d 566 (Pa. 2002), *appeal denied* 841 A.2d 532 (Pa. 2003). Consent is informed if a doctor advises a patient of the material facts, risks, complications, and alternatives to surgery sufficient to give the patient "a true understanding of the nature of the operation to be performed, the seriousness of it, the organs of the body involved, the disease or incapacity sought to be cured, and the possible results." *Valles v. Albert Einstein Medical Center*, 805 A.2d 1232, 1237 (Pa. 2002). In establishing a lack of informed consent, the patient bears the burden of producing expert testimony to identify the risks of a procedure, the alternatives to the procedure, and the risks of the alternatives. *Pollock v. Feinstein*, 917 A.2d 875, 878-79 (Pa. Super. 2007) (citations omitted). Importantly, a person is incompetent to offer an expert medical opinion on this subject unless the person possesses sufficient education, training, knowledge, and experience. 40 P.S. § 1303.512(a).

Applying the instruction set forth above, Plaintiffs' concession that Steinberg is not qualified to address the medical care provided by the treating surgeon is appropriate. Steinberg does not possess a medical degree and has never practiced as a physician or provided direct medical care. Moreover, he is not a board certified cardiologist and has never performed a cardiac catheterization.

Plaintiffs' effort to preserve this testimony by claiming the same relates to Hospital's policies and procedures is meritless. As exhaustively discussed hereinabove, Plaintiffs' Complaint has not properly

alleged a cause of action for corporate negligence against Hospital based upon a lack of policy relating to informed consent. As such, the testimony is irrelevant, prejudicial, and will be precluded at trial.<sup>8</sup>

The next subject of Hospital's Motion in Limine relates to the potential testimony of Plaintiffs' private investigator, Charles Tuer. Hospital takes issue with several conclusions reached by the investigator relating to standards of care for the respective Defendants. Plaintiffs, without speaking to the merits of the objection, acknowledge Tuer is not offered as a medical expert and will not be expressing opinions concerning standard of care or treatment provided by the respective Defendants. As it appears that there is no dispute concerning the parameters of Tuer's trial testimony, ruling on the specifics of that testimony will be reserved for trial. Nevertheless, all parties should be aware that Tuer, as any other lay witness, will be limited to providing factual testimony unpolluted by improper opinion.

Hospital also objects to Tuer's anticipated testimony on the basis that it includes hearsay. Specifically, Hospital cites portions of Tuer's testimony referencing conversations with a nonparty. Plaintiffs counter this objection is premature as Tuer's trial testimony has not yet been presented and pretrial exclusion of testimony would therefore be speculative. I agree.

In addressing this issue, it is important to keep in mind that all counsel, while representing the respective interests of their parties, are officers of the court. *Commonwealth v. Stevenson*, 393 A.2d 386, 390 (Pa. 1978) (citations omitted). As such, counsel may not properly assert an issue which is frivolous and lacks any reasonable support in law. Pennsylvania Rule of Professional Conduct, 3.1. This Court will not, pretrial, presume counsel would violate this duty. The rules of hearsay are well defined and have been thoroughly interpreted by the Pennsylvania Rules of Evidence and comprehensive appellate authority. As such, while it is not unusual for counsel to

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<sup>8</sup> In his opinion, Steinberg questions whether informed consent was ever provided to Sova as the authorization form, purportedly carrying the signature of Sova, includes a date and time of execution subsequent to the commencement of surgery. Steinberg's opinion on this subject is irrelevant as it is a factual conclusion which is in the realm of ordinary knowledge and does not require expertise in a particular field. *Trach v. Fellin*, 817 A.2d 1102, 1114 (Pa. Super. 2003) (en banc) ("expert testimony is only required where the knowledge is beyond that possessed by a layperson ...").



inadvertently, or in good faith, make effort to introduce inadmissible evidence, repeated efforts to place clearly improper hearsay testimony before a jury will not be tolerated by this Court. As the Court is currently satisfied that all counsel in this action are both competent and experienced, further discussion of this issue is not necessary. Hospital's PreTrial Motion in Limine is reserved until the trial testimony of Tuer is presented.

Finally, Hospital objects to a portion of Plaintiffs' medical expert's opinion which Hospital interprets to refer to attending physicians not named as Defendants in the Complaint. This issue is moot as Plaintiffs clarify the reference in the report to be Dr. Kamsler who is a named Defendant. Subject to that clarification, the motion is otherwise denied.

#### MOTION IN LIMINE

#### FILED ON BEHALF OF DAVID KAMSLER, M.D. AND GETTYSBURG INTERNAL MEDICINE ASSOCIATES, INC.

Dr. Kamsler seeks to preclude witness testimony regarding the grief and suffering experienced by Sova's family members following her death. Kamsler argues Pennsylvania's Wrongful Death Act, 42 Pa. C.S.A. § 8301, does not allow compensation for emotional pain or the grief and mental suffering endured by family members following the death of an individual. Kamsler's challenge questions the relevancy of evidence describing the survivors' grief and suffering. Plaintiffs counter that the Wrongful Death Act permits recovery not only for the value of services lost, but also the society and comfort lost as a result of the death. They argue witness testimony relating to the depth of the grief experienced is necessary to inform the factfinder of the extent of the loss of companionship and comfort occasioned by the unexpected death.

It is beyond reproach that relevant evidence is defined as "evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Pa. R. E. 401. Resolution of this issue as to the relevancy of the subject evidence therefore must begin with an identification of proper damages under the Wrongful Death Act.

A wrongful death action is not intended to compensate the decedent; rather, it compensates the survivors for damages they sustained

as a result of the decedent's death. *Machado v. Kunkel*, 804 A.2d 1238, 1246 (Pa. Super. 2002) citing *Dennick v. Scheiwer*, 113 A.2d 318, 319 (Pa. 1955). Under Pennsylvania law, an immediate family member can recover wrongful death damages for the loss of services, society, and comfort decedent would have provided if she survived. *Rittenhouse v. Hanks*, 777 A.2d 1113, 1119 (Pa. Super. 2001). The Superior Court has succinctly stated:

[T]his element of damages has also been described as “loss of guidance, tutelage, and moral upbringing.” *Buchecker v. Reading Co.*, 271 Pa. Super. 35, 57, 412 A.2d 147, 158 (1979). *Walton v. Avco Corp.*, 383 Pa. Super. 518, 557 A.2d 372, 388 (1989), *aff’d in part, rev’d in part on other grounds*, 530 Pa. 568, 610 A.2d 454 (1992). See also, Summary of Pennsylvania Jurisprudence 2d Torts § 25:41 (1999). The losses recoverable by the [immediate family] of the decedent in a wrongful death action include the loss of such services as the deceased’s guidance, tutelage, and moral upbringing. These damages are recoverable not under the general theory of loss of “[familial] consortium” but as part of the damages in a wrongful death action. *Quinn v. Com. Dept. of Transp.*, 719 A.2d 1105 (Pa. Cmwlth. 1998), *appeal denied* 737 A.2d 1227 (Pa. 1999).

*Machado v. Kunkel*, 804 A.2d 1238, 1245 (Pa. Super. 2002).

The Wrongful Death Act permits recovery not only for medical, funeral, and estate administration expenses, but also the value of services including society and comfort. However, appellate authority has historically held no recovery is permitted for grief and mental suffering resulting from the loss of the decedent. *Mazzagatti v. Everingham*, 516 A.2d 672, 679 (Pa. 1986); *Sinn v. Burd*, 404 A.2d 672, 675 n.3 (Pa. 1979); *Papieves v. Lawrence*, 263 A.2d 118, 122 (Pa. 1970) (citation omitted); *Skoda v. W. Penn Power Co.*, 191 A.2d 822, 828 (Pa. 1963); *Ferne v. Chadderton*, 69 A.2d 104, 197 (Pa. 1949). Recently, in *Rettger v. UPMC Shadyside*, 991 A.2d 915 (Pa. Super. 2010), a panel of the Superior Court identified damages appropriate in a wrongful death action to extend “to the profound emotional and psychological loss suffered upon the death of a parent or child where the evidence establishes the negligence of another as

its cause.” *Id.* at 933. While it is arguable *Rettger* appears to expand damages collectible under a wrongful death action, this Court will interpret *Rettger* in a manner consistent with previously cited Supreme Court authority. See *Mazzagatti*, 516 A.2d at 679.

Keeping in mind that Kamsler’s objection is based upon relevancy, it is critical to determine whether evidence as to the effect of a loss has any impact on the value of that loss. Central to this resolution is the practical understanding of human nature. It can hardly be questioned that the guidance, tutelage, and comfort provided by a close family member is often more meaningful than that provided by a social acquaintance. On the other hand, the comfort and console provided by a close friend may, in certain circumstances, have greater value to one than would the advice of a family member. Thus, the depth of those services, and the impact caused to one by the lack of those resources, gives color to the value of their termination. At trial, a fact-finder is asked to make a monetary determination as to the value of services lost to family members as a result of an unexpected death. One may properly surmise that if a person is grieving due to the loss of those services, the importance of those services to the survivor has significance as it is a means to establish monetary value. Therefore, the testimony in dispute makes the existence of the factual value of this loss more probable than it would be without admission of the evidence. As such, it is relevant.

In reaching this conclusion, it is important that the parties understand the Court’s interpretation of relevant case law as establishing a distinction between the emotional injuries of grief or mental suffering and actual injury from the loss of society and comfort. As such, the evidence is admissible as it relates to the value of the losses suffered following Sova’s death. On the other hand, it is not admissible as a separate class of damages. While the Court recognizes the difficulty of evidentiary issues necessitated by this separation, sanitizing the trial of this evidence would unfairly limit Plaintiffs’ damages to a mathematical calculation where the substance and depth of society and comfort lost as a result of the decedent’s death is immaterial. Such a conclusion is unfair to any Wrongful Death Act claimant. On the other hand, once this evidence is admitted, a cautionary instruction may be appropriate directing the jury to set aside sympathy and to focus on the proper use of the evidence, thus eliminating prejudice to the Defendants.

Accordingly, Kamsler's PreTrial Motion in Limine seeking to preclude this evidence is denied. However, the Court will properly consider appropriate objection at trial once the context of the testimony is known in compliance with the reasoning set forth herein.

*Continued to next issue (11/9/2012)*

## SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on FRIDAY, the 16th day of November 2012, at 10 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 111 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

Writ of Execution No.:  
2009-NO-0001123  
Property Address: 36 South Queen Street, Littlestown, PA 17340  
Parcel No.: 27008-0302---000  
Municipality: Littlestown  
Improvements: Bar/Hotel  
Defendants: Robert J. Via  
Attorneys for Plaintiff: Robert E. Campbell, Esq., 717-334-9278

Writ of Execution No.:  
2011-SU-0000028  
Property Address: 8 Victor Drive, Arendtsville, PA 17303  
Parcel No.: 02006-0163  
Municipality: Arendtsville  
Improvements: Residential Dwelling  
Defendants: Robert R. Lorenz and Jennifer L. Lorenz  
Attorneys for Plaintiff: Marc S. Weisberg, Esq., 215-790-1010

Writ of Execution No.:  
2008-SU-0001310  
Property Address: 4698 Baltimore Pike, Littlestown, PA 17340  
Parcel No.: 116-49  
Municipality: Germany  
Improvements: Residential Dwelling  
Defendants: Connie M. Lee and Travis Lee  
Attorneys for Plaintiff: Sherri J. Braunstein, Esq., 856-669-5400

Writ of Execution No.:  
2008-SU-0001599  
Property Address: 29 Clines Church Road, Aspers, PA 17304  
Parcel No.: (29)-F05-0041A  
Municipality: Menallen  
Improvements: Residential Dwelling  
Defendants: Barry A. Hush  
Attorneys for Plaintiff: Stuart Winneg, Esq., 856-669-5400

Writ of Execution No.:  
2009-SU-0001132  
Property Address: 1975 Carrolls Tract Road, Orttanna, PA 17353  
Parcel No.: C12-0051B  
Municipality: Highland  
Improvements: Residential Dwelling  
Defendants: Joann R. Garcia and Rolf Garcia  
Attorneys for Plaintiff: Patrick J. Wesner, Esq., 856-482-1400

Writ of Execution No.:  
2008-SU-0001459  
Property Address: 2705 Biglerville Road, Gettysburg, PA 17325-8046  
Parcel No.: 07F09-0052---000  
Municipality: Butler  
Improvements: Residential Dwelling  
Defendants: Roberta W. Brown  
Attorneys for Plaintiff: John Michael Kolesnik, Esq., 215-563-7000

Writ of Execution No.:  
2008-SU-0000500  
Property Address: 59 Steelman Marker Road, Fairfield, PA 17320  
Parcel No.: (25)-C18-0011A  
Municipality: Liberty  
Improvements: Residential Dwelling  
Defendants: Kevin Michael Gaspin and Shari Ellen Gaspin  
Attorneys for Plaintiff: Stuart Winneg, Esq., 856-669-5400

Writ of Execution No.:  
2011-SU-0000930  
Property Address: 518 North Street, McSherrystown, PA 17344  
Parcel No.: 28-05-149  
Municipality: McSherrystown  
Improvements: Residential Dwelling  
Defendants: Mark Wade and Donna Kuhn  
Attorneys for Plaintiff: Kassia Fialkoff, Esq., 856-669-5400

Writ of Execution No.:  
2011-SU-0000055  
Property Address: 840 J. Kuhn Fording Road, East Berlin, PA 17316  
Parcel No.: 17-108-84  
Municipality: Hamilton  
Improvements: Residential Dwelling  
Defendants: Jody L. Allen and Joseph M. Allen  
Attorneys for Plaintiff: Agnes Mombrun, Esq., 856-669-5400

Writ of Execution No.:  
2011-SU-0001883  
Property Address: 35 Raven Trail, Fairfield, PA 17320  
Parcel No.: 43-029-0249  
Municipality: Carroll Valley  
Improvements: Residential Dwelling  
Defendants: Jennifer A. Hodges  
Attorneys for Plaintiff: Terrence J. McCabe, Esq., 215-790-1010

Writ of Execution No.:  
2009-SU-0001278  
Property Address: 455 Gardners Station Road, Gardners, PA 17324-9781  
Parcel No.: 40G04-0070---000  
Municipality: Tyrone  
Improvements: Residential Dwelling  
Defendants: Clair R. Hikes  
Attorneys for Plaintiff: Christina C. Viola, Esq., 215-563-7000

Writ of Execution No.:  
2012-SU-0000791  
Property Address: 112 Jefferson Street a/k/a 112 South Jefferson Street, Hanover, PA 17331  
Parcel No.: 08-008-0271  
Municipality: Conewago  
Improvements: Erected a Dwelling House  
Defendants: Clara A. Hicks and Robert W. Hicks  
Attorneys for Plaintiff: Leon P. Haller, Esq., 717-234-4178

Writ of Execution No.:  
2012-SU-0000300  
Property Address: 696 Gablers Road, Gardners, PA 17324  
Parcel No.: 29F04-0049-000  
Municipality: Menallen  
Improvements: Residential Dwelling  
Defendants: Luis Freire  
Attorneys for Plaintiff: Salvatore Carollo, Esq., 856-669-5400

Writ of Execution No.:  
2012-SU-0000189  
Property Address: 210 Main Street, Arendtsville, PA 17303  
Parcel No.: 4-60  
Municipality: Arendtsville  
Improvements: Residential Dwelling  
Defendants: Robert Dorn and Cheryl Werner  
Attorneys for Plaintiff: Jill P. Jenkins, Esq., 215-627-1322

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James Muller  
Sheriff of Adams County

<http://www.sheriffofadamscounty.com/sheriffsales.html>

10/19, 26 & 11/2

## SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on FRIDAY, the 16th day of November 2012, at 10 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 111 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

Writ of Execution No.:  
2012-SU-0000188  
Property Address: 115 Oak Drive,  
New Oxford, PA 17350  
Parcel No.: 3-65  
Municipality: Oxford  
Improvements: Residential Dwelling  
Defendants: Keith E. Miller and  
Karen L. Miller  
Attorneys for Plaintiff: Jill P. Jenkins,  
Esq., 215-627-1322

Writ of Execution No.:  
2010-SU-0000591  
Property Address: 1380 Chambersburg  
Road, Gettysburg, PA 17325  
Parcel No.: 09-E12-0079  
Municipality: Cumberland  
Improvements: Maintenance Building  
Defendants: Oak Lawn Memorial  
Gardens, Inc. and James H. Delaney Jr.  
Attorneys for Plaintiff: Douglas K.  
Marsico, Esq., 717-232-7661

Writ of Execution No.:  
2011-SU-0001434  
Property Address: 269 South Street,  
Hanover, PA 17331  
Parcel No.: (08)-008-0297  
Municipality: Conewago  
Improvements: Residential Dwelling  
Defendants: William Lutz and  
Melissa Ann Cacace  
Attorneys for Plaintiff: Craig  
Oppenheimer, Esq., 215-886-8790

Writ of Execution No.:  
2012-SU-0000764  
Property Address: 1244 Gablers Road,  
Gardners, PA 17324  
Parcel No.: 29-F4-24  
Municipality: Menallen  
Improvements: Residential Dwelling  
Defendants: Alfonso G. Lua  
Attorneys for Plaintiff: Kevin P. Diskin,  
Esq., 215-572-8111

Writ of Execution No.:  
2010-SU-0000395  
Property Address: 27 Main Trail,  
Fairfield, PA 17320  
Parcel No.: 2-131  
Municipality: Carroll Valley  
Improvements: Residential Dwelling  
Defendants: Ronald E. Kutz and  
Deanna Lynne Kutz  
Attorneys for Plaintiff: Lisa Lee, Esq.,  
215-627-1322

Writ of Execution No.:  
2010-SU-0000536  
Property Address: 485 Basehoar Road,  
Littletown, PA 17340  
Parcel No.: 41,003-0003  
Municipality: Union  
Improvements: Residential Dwelling  
Defendants: James W. Houseman III  
Attorneys for Plaintiff: David Fein, Esq.,  
215-627-1322

Writ of Execution No.:  
2011-SU-0001329  
Property Address: 68 Maple Avenue,  
Littletown, PA 17340  
Parcel No.: 27-008-0126  
Municipality: Littletown  
Improvements: Residential Dwelling  
Defendants: Tony E. Crowl and  
Tine R. Crowl  
Attorneys for Plaintiff: Louis P. Vitti,  
Esq., 412-281-1725

Writ of Execution No.:  
2012-SU-0000612  
Property Address: 114 Old Route 15,  
York Springs, PA 17372  
Parcel No.: 23-14-42  
Municipality: Latimore  
Improvements: Residential Dwelling  
Defendants: Samuel J. Talton and  
Jennifer L. Talton  
Attorneys for Plaintiff: Patrick J. Wesner,  
Esq., 856-482-1400

Writ of Execution No.:  
2012-SU-0000071  
Property Address: 1946 East Berlin  
Road, New Oxford, PA 17350  
Parcel No.: J07-0019A  
Municipality: Reading  
Improvements: Residential Dwelling  
Defendants: Rebecca Strausbaugh and  
Michael J. Strausbaugh  
Attorneys for Plaintiff: Jill P. Jenkins,  
Esq., 215-627-1322

Writ of Execution No.:  
2012-SU-0000729  
Property Address: 2474 Old Waynesboro  
Pike a/k/a 2474 Waynesboro Pike,  
Fairfield, PA 17320  
Parcel No.: (18)-B17-0061  
Municipality: Hamiltonban  
Improvements: Residential Dwelling  
Defendants: Peter Joseph C. Smith  
Attorneys for Plaintiff: Paige M. Bellino,  
Esq., 856-669-5400

Writ of Execution No.:  
2012-SU-0000514  
Property Address: 998 Dicks Dam  
Road, New Oxford, PA 17350  
Parcel No.: 17,J09-0142  
Municipality: Hamilton  
Improvements: Residential Dwelling  
Defendants: Douglas E. Senft and  
Diane M. Redding  
Attorneys for Plaintiff: Marc S.  
Weisberg, Esq., 215-790-1010

Writ of Execution No.:  
2011-SU-0001524  
Property Address: 39 Commerce Street,  
New Oxford, PA 17350  
Parcel No.: 34-005-0212-000  
Municipality: New Oxford  
Improvements: Residential Dwelling  
Defendants: Timothy Rill  
Attorneys for Plaintiff: Thomas M.  
Federman, Esq., 215-572-5095

Writ of Execution No.:  
2012-SU-0000524  
Property Address: 106 North Howard  
Avenue, Gettysburg, PA 17325  
Parcel No.: 16-006-0047-000  
Municipality: Gettysburg  
Improvements: Residential Dwelling  
Defendants: Dominic Picarelli and  
Kristen Picarelli  
Attorneys for Plaintiff: Lisa Lee, Esq.,  
215-627-1322

Writ of Execution No.:  
2011-SU-0001518  
Property Address: 2896 Tract Road,  
Fairfield, PA 17320  
Parcel No.: D18-75  
Municipality: Liberty  
Improvements: Residential Dwelling  
Defendants: Kathy L. Tracey, Kathy  
Lynn Tracey, Ralph Douglas Tracey,  
Ralph D. Tracey  
Attorneys for Plaintiff: Gregory  
Javardian, Esq., 215-942-9690

Writ of Execution No.:  
2012-SU-0000475  
Property Address: 39 Main Street,  
McSherrystown, PA 17344  
Parcel No.: 28-002-0084  
Municipality: McSherrystown  
Improvements: Residential Dwelling  
Defendants: Carl A. Yingling  
Attorneys for Plaintiff: Marc S.  
Weisberg, Esq., 215-790-1010

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James Muller

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10/19, 26 & 11/2

## SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on FRIDAY, the 16th day of November 2012, at 10 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 111 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

Writ of Execution No.:  
2012-SU-0000361  
Property Address: 9 Marsh Creek Heights Road, Gettysburg, PA 17325  
Parcel No.: 13E17-0024---000  
Municipality: Freedom  
Improvements: Residential Dwelling  
Defendants: Jamie Noel Miller, Jamie Noel Warfield Petta, Jamie Noel Petta, and Douglas A. Miller  
Attorneys for Plaintiff: Barbara A. Fein, Esq., 215-653-7450

Writ of Execution No.:  
2012-SU-0000048  
Property Address: 61 Shirley Trail, Fairfield, PA 17320  
Parcel No.: 25-B17-84B  
Municipality: Liberty  
Improvements: Residential Dwelling  
Defendants: M. Joanne Woodward and James L. Zeigler  
Attorneys for Plaintiff: Stuart Winneg, Esq., 856-669-5400

Writ of Execution No.:  
2012-SU-0000310  
Property Address: 486 Guernsey Road, Biglerville, PA 17307  
Parcel No.: 07 F 07 0026  
Municipality: Butler  
Improvements: Residential Dwelling  
Defendants: Wayne B. Ogburn Jr. and Melissa A. Ogburn  
Attorneys for Plaintiff: Mark S. Weisberg, Esq., 215-790-1010

Writ of Execution No.:  
2011-SU-0000883  
Property Address: 235 Lake Meade Drive, East Berlin, PA 17316  
Parcel No.: 6-12  
Municipality: Latimore  
Improvements: Residential Dwelling  
Defendants: Scott E. Hosman and the United States of America  
Attorneys for Plaintiff: Craig Oppenheimer, Esq., 215-886-8790

Writ of Execution No.:  
2009-SU-0001869  
Property Address: 1459 Hanover Road, Gettysburg, PA 17325-7714  
Parcel No.: 38G13-0069---000  
Municipality: Straban  
Improvements: Residential Dwelling  
Defendants: Sean H. Myers and Jessica A. Hill a/k/a Jessica Ann Hill  
Attorneys for Plaintiff: John Michael Kolesnik, Esq., 215-563-7000

Writ of Execution No.:  
2012-SU-0000624  
Property Address: 20 Stonybrook Lane, New Oxford, PA 17350-8581  
Parcel No.: 17K09-0125---000  
Municipality: Hamilton  
Improvements: Residential Dwelling  
Defendants: Donna K. Brown  
Attorneys for Plaintiff: Melissa J. Cantwell, Esq., 215-563-7000

Writ of Execution No.:  
2012-SU-0000447  
Property Address: 115 Redding Lane, Gettysburg, PA 17325-7271  
Parcel No.: 09W03-0022---000  
Municipality: Cumberland  
Improvements: Residential Dwelling  
Defendants: Carmen A. Doyle  
Attorneys for Plaintiff: Melissa J. Cantwell, Esq., 215-563-7000

Writ of Execution No.:  
2012-SU-0000473  
Property Address: 55 Thomas Drive, McSherrystown, PA 17344-1136  
Parcel No.: 08101-0049---000  
Municipality: Conewago  
Improvements: Residential Dwelling  
Defendants: Anthony R. Beccio and Jennifer E. Beccio  
Attorneys for Plaintiff: John Michael Kolesnik, Esq., 215-563-7000

Writ of Execution No.:  
2010-SU-0000450  
Property Address: 11 Smokehouse Court, Littlestown, PA 17340-1155  
Parcel No.: 27007-0149---000  
Municipality: Littlestown  
Improvements: Residential Dwelling  
Defendants: Ryan Purcell and Tara Purcell f/k/a Tara N. Oliver (deceased)  
Attorneys for Plaintiff: John Michael Kolesnik, Esq., 215-563-7000

Writ of Execution No.:  
2012-NO-0000026 and 09-TL-612  
Property Address: 324 West Middle Street, Gettysburg, PA 17325  
Parcel No.: 16009-0053---000  
Municipality: Gettysburg  
Improvements: Residential Dwelling  
Defendants: Kathy Oberlin  
Attorneys for Plaintiff: Bernard A. Yannetti Jr., Esq., 717-334-3105

Writ of Execution No.:  
2010-TL-0000330  
Property Address: 2455 Granite Station Road, Gettysburg, PA 17325  
Parcel No.: 38022-0080---000  
Municipality: Straban  
Improvements: Residential Dwelling  
Defendants: Luzminda U. Schott  
Attorneys for Plaintiff: Bernard A. Yannetti Jr., Esq., 717-334-3105

Writ of Execution No.:  
2011-SU-0001531  
Property Address: 1096 Bollinger Road, Littlestown, PA 17340-9147  
Parcel No.: 41K17-0036B---000  
Municipality: Union  
Improvements: Residential Dwelling  
Defendants: Keith A. Crawmer and Wendy M. Crawmer  
Attorneys for Plaintiff: Andrew J. Marley, Esq., 215-563-7000

Writ of Execution No.:  
2012-SU-0000596  
Property Address: 54 Red Bird Lane, Gettysburg, PA 17325-7988  
Parcel No.: 06002-0023---000  
Municipality: Bonneauville  
Improvements: Residential Dwelling  
Defendants: Matthew G. Hall a/k/a Matthew Grant Hall  
Attorneys for Plaintiff: Andrew J. Marley, Esq., 215-563-7000

Writ of Execution No.:  
2012-SU-0000241  
Property Address: 177 Town Hill Road, York Springs, PA 17372-9767  
Parcel No.: 23I03-0030---000  
Municipality: Latimore  
Improvements: Residential Dwelling  
Defendants: Aaron R. Fishel  
Attorneys for Plaintiff: Matthew Brushwood, Esq., 215-563-7000

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10/19, 26 & 11/2

## SHERIFF SALES

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Writ of Execution No.:  
2009-SU-0001015  
Property Address: 3 Schofield Drive,  
East Berlin, PA 17316  
Parcel No.: 37-8-41  
Municipality: Reading  
Improvements: Residential Dwelling  
Defendants: Tina L. McCauslin  
Attorneys for Plaintiff: Marc S.  
Weisberg, Esq., 215-790-1010

Writ of Execution No.:  
2012-SU-0000243  
Property Address: 35 Buford Avenue,  
Unit 29, Gettysburg, PA 17325-1144  
Parcel No.: 16007-0143---029  
Municipality: Gettysburg  
Improvements: Condominium Unit  
Defendants: Cheryl T. Sheads  
Attorneys for Plaintiff: Christina C. Viola,  
Esq., 215-563-7000

Writ of Execution No.:  
2012-SU-0000446  
Property Address: 24 Blenheim Street,  
Hanover, PA 17331-7836  
Parcel No.: 08031-0066---000  
Municipality: Conewago  
Improvements: Residential Dwelling  
Defendants: Ernest F. Malkin Jr. and  
Carolyn J. Malkin  
Attorneys for Plaintiff: John Michael  
Kolesnik, Esq., 215-563-7000

Writ of Execution No.:  
2008-SU-0000239  
Property Address: 85 Skylark Trail,  
Fairfield, PA 17320-8122  
Parcel No.: 43028-0104---000  
Municipality: Carroll Valley  
Improvements: Residential Dwelling  
Defendants: Andrew L. Boyd  
Attorneys for Plaintiff: John Michael  
Kolesnik, Esq., 215-563-7000

Writ of Execution No.:  
2011-SU-0001919  
Property Address: 19 McClellan Drive,  
East Berlin, PA 17316-9312  
Parcel No.: 36105-0074---000  
Municipality: Reading  
Improvements: Residential Dwelling  
Defendants: Teri L. Kretzer and  
Donald N. Kretzer II  
Attorneys for Plaintiff: John Michael  
Kolesnik, Esq., 215-563-7000

Writ of Execution No.:  
2012-SU-0000402  
Property Address: 18 Antler Lane,  
New Oxford, PA 17350-9780  
Parcel No.: 36002-0081---000  
Municipality: Reading  
Improvements: Residential Dwelling  
Defendants: Steven C. Wray Jr. and  
Lisa E. Wray  
Attorneys for Plaintiff: John Michael  
Kolesnik, Esq., 215-563-7000

Writ of Execution No.:  
2011-TL-0000805  
Property Address: 17 Red Bridge Road,  
Gettysburg, PA 17325  
Parcel No.: 38-021-0040---000  
Municipality: Straban  
Improvements: Residential Dwelling  
Defendants: Brian L. Marsh  
Attorneys for Plaintiff: Bernard A.  
Yannetti Jr., Esq., 717-334-3105

Writ of Execution No.:  
2011-NO-1230 and 2011-TL-1421  
Property Address: 112 West Middle  
Street, Gettysburg, PA 17325  
Parcel No.: 16010-0100A---000  
Municipality: Gettysburg  
Improvements: A building is  
constructed on the property.  
Defendants: Travis I. Braha  
Attorneys for Plaintiff: Bernard A.  
Yannetti Jr., Esq., 717-334-3105

Writ of Execution No.:  
2012-SU-0000156  
Property Address: 1259 The Spangler  
Road, New Oxford, PA 17350-8751  
Parcel No.: 17J10-003-1J  
Municipality: Hamilton  
Improvements: Residential Dwelling  
Defendants: Rafael Leyva Mendivil  
a/k/a Rafael Leyva and Sharon K.  
Leyva  
Attorneys for Plaintiff: Ashleigh L.  
Marin, Esq., 908-233-8500

Writ of Execution No.:  
2011-SU-0001278  
Property Address: 11 Oxwood Circle,  
New Oxford, PA 17350  
Parcel No.: 34,007-0092  
Municipality: New Oxford  
Improvements: Residential Dwelling  
Defendants: Donald L. Roller Jr.  
a/k/a Donald Roller Jr.  
Attorneys for Plaintiff: Patrick J. Wesner,  
Esq., 856-482-1400

Writ of Execution No.:  
2011-SU-0001577  
Property Address: 53 Hunterstown  
Hampton Road, Gettysburg, PA 17325  
Parcel No.: 38,022-0081  
Municipality: Straban  
Improvements: Residential Dwelling  
Defendants: Stanley A. Plank Jr. and  
Melissa Plank  
Attorneys for Plaintiff: Patrick J. Wesner,  
Esq., 856-482-1400

Writ of Execution No.:  
2012-SU-0000255  
Property Address: 252 Thomas Drive,  
Gettysburg, PA 17325  
Parcel No.: 30-106-0031  
Municipality: Mount Joy  
Improvements: Residential Dwelling  
Defendants: Susan L. Lain a/k/a  
Susan Lewis Lain, Individually and as  
Administrator of the Estate of Robert  
F. Lain II a/k/a Robert Freddie Lain II  
Attorneys for Plaintiff: Kristine M.  
Anthou, Esq., 412-281-7650

Writ of Execution No.:  
2012-SU-0000220  
Property Address: 128 Rodas Avenue,  
Gettysburg, PA 17325  
Parcel No.: 38,002,0074  
Municipality: Straban  
Improvements: Residential Dwelling  
Defendants: Christopher J. Popovice  
and Jennifer M. Popovice  
Attorneys for Plaintiff: Richard E.  
Thrasher, Esq., 717-334-2159

Writ of Execution No.:  
2012-SU-0000307  
Property Address: 1484 Cranberry  
Road, York Springs, PA 17372  
Parcel No.: (22) H05-00063  
Municipality: Huntington  
Improvements: Residential Dwelling  
Defendants: Jessica R. Krishngner  
Attorneys for Plaintiff: Andrew Gornall,  
Esq., 215-627-1322

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**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 THELMA O. BOYD, DEC'D**

Late of the Borough of Littlestown, Adams County, Pennsylvania

Joe D. Boyd, 128 West King Street, Littlestown, PA 17340; Constance B. Bankert, 1528 East Mayberry Road, Westminster, MD 21158

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

**ESTATE OF JOSEPH W. CLABAUGH a/k/a JOSEPH WILLIAM CLABAUGH, DEC'D**

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executrix: Mary E. Reiter, 5076 Carrollton Drive, Harrisburg, PA 17112

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

**ESTATE OF DOROTHY M. DeVINE a/k/a DOROTHY MARY DeVINE, DEC'D**

Late of the Borough of New Oxford, Adams County, Pennsylvania

Executrix: Georgia A. Becker, 910D Hanover Street, New Oxford, PA 17350

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

**ESTATE OF MARY G. HEISER, DEC'D**

Late of Highland Township, Adams County, Pennsylvania

Executor: Edward W. Heiser Jr., 62 Weikert Road, Gettysburg, PA 17325

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

**ESTATE OF RUTH C. MALBON, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Elizabeth Richardson Viti, 117 Springs Avenue, Gettysburg, PA 17325

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

**ESTATE OF ANGELA MARIE RIGBY, DEC'D**

Late of the Borough of Fairfield, Adams County, Pennsylvania

William E. Rigby, 4950 Fairfield Road, Fairfield, PA 17320

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

**ESTATE OF FRED A. SCOTT a/k/a FRED A. SCOTT, DEC'D**

Late of Freedom Township, Adams County, Pennsylvania

Executrix: Margaret I. Scott, 10 South Brian Hollow, #95, Houston, TX 77027

Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, 126 Baltimore Street, Gettysburg, PA 17325

**ESTATE OF KENNETH E. STEVENS SR., DEC'D**

Late of Huntington Township, Adams County, Pennsylvania

Executor: Adam Gebhart, 3531 Carlisle Road, Gardners, PA 17324

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

**ESTATE OF JANET R. THOMPSON, DEC'D**

Late of Tyrone Township, Adams County, Pennsylvania

Executors: Lee S. Thompson, 11534 Sipes Mill Road, Harrisonville, PA 17228; Laura A. Koontz, 1658 Deer Ford Way, York, PA 17408; Raymond Jay Thompson, 70 Sayber Trail, Orrtanna, PA 17353

Attorney: Wendy Weikal-Beauchat, Esq., 63 West High Street, Gettysburg, PA 17325

**SECOND PUBLICATION****ESTATE OF MARION S. BLACK, DEC'D**

Late of Menallen Township, Adams County, Pennsylvania

Executrix: Jessica J. Black, 34 West Middle Street, Gettysburg, PA 17325

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

**ESTATE OF CLYDE W. CROUSE, DEC'D**

Late of Germany Township, Adams County, Pennsylvania

Executrix: Jayme Hull, 301 Tinnan Avenue, Franklin, TN 37067

**ESTATE OF DONALD KENT DAVIS, DEC'D**

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Administratrix c.t.a.: Marian E. Davis, 141 Barlow Street, Gettysburg, PA 17325

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

**ESTATE OF SUSAN A. ELLIS, DEC'D**

Late of Reading Township, Adams County, Pennsylvania

Executrix: Stacie S. Burnside, 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

**ESTATE OF JOSEPH A. SCARSELLETTA, DEC'D**

Late of the Borough of Bonneauville, Adams County, Pennsylvania

Executor: Layne Scarselletta, c/o Daniel C. Herr, Esq., Herr & Low, P.C., 234 North Duke Street, P.O. Box 1533, Lancaster, PA 17608

Attorney: Daniel C. Herr, Esq., Herr & Low, P.C., 234 North Duke Street, P.O. Box 1533, Lancaster, PA 17608

**ESTATE OF IDALIA M. SCHAEFFER, DEC'D**

Late of Tyrone Township, Adams County, Pennsylvania

Executrix: Isabel C. Lankford, 290-D Peach Glen-Idaville Road, Gardners, PA 17324

Attorney: John R. Zonarich, Esq., SkarlatosZonarich, LLC, 17 South Second Street, 6th Floor, Harrisburg, PA 17101

**ESTATE OF FLORENCE L. SMITH, DEC'D**

Late of Conewago Township, Adams County, Pennsylvania

Executrices: Rita M. Groft, 128 South Street, McSherrystown, PA 17344; Denise Groft Zinn, 731 Edgegrove Road, Hanover, PA 17331

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

**THIRD PUBLICATION****ESTATE OF MARIE G. BAKER, DEC'D**

Late of the Borough of McSherrystown,  
Adams County, Pennsylvania

Co-Executrices: Darlene Barnhart,  
252 Vincent Drive, McSherrystown,  
PA 17344; Mary Ann Roth, 399  
School Street, York, PA 17402

**ESTATE OF ROSEMARY A. HUNT, DEC'D**

Late of Franklin Township, Adams  
County, Pennsylvania

Executor: ACNB Bank, P.O. Box 4566,  
Gettysburg, PA 17325

Attorney: Teeter, Teeter & Teeter, 108  
West Middle Street, Gettysburg, PA  
17325

**ESTATE OF LEE HAROLD KRAFT, DEC'D**

Late of Straban Township, Adams  
County, Pennsylvania

Executor: Timothy W. Kraft, 5307  
Wentz Road, Manchester, MD  
21102

**ESTATE OF JAMES CURTIS OSBORNE,  
DEC'D**

Late of the Borough of Littlestown,  
Adams County, Pennsylvania

Executrix: Christiana L. Osborne,  
1279 Wanda Drive, Hanover, PA  
17331

Attorney: Stonesifer and Kelley, P.C.,  
209 Broadway, Hanover, PA 17331

**ESTATE OF RICHARD F. WILAND, DEC'D**

Late of Reading Township, Adams  
County, Pennsylvania

Executrix: Donna K. Blevins, 103 Hill  
Drive, Carlisle, PA 17013

Attorney: Karl E. Rominger, Esq., 155  
South Hanover Street, Carlisle, PA  
17013

**SHERIFF SALES**

IN PURSUANCE of writs of execution  
issuing out of the Court of Common  
Pleas of Adams County, Pennsylvania,  
and to me directed, will be exposed to  
Public Sale on FRIDAY, the 16th day of  
November 2012, at 10 o'clock in the  
forenoon at the 4th floor Jury Assembly  
room in the Adams County Court House,  
111 Baltimore Street, Gettysburg,  
Adams County, PA, the following real  
estate, viz.:

Writ of Execution No.:

2011-SU-0001377

Property Address: 109 West York  
Street, Biglerville, PA 17307

Parcel No.: 05003-0052---000

Municipality: Biglerville

Improvements: Residential Dwelling

Defendants: Justin K. Kerchner and

Kristen L. Kerchner

Attorneys for Plaintiff: John Michael

Kolesnik, Esq., 215-563-7000

Writ of Execution No.:

2012-SU-0000558

Property Address: 1876 Stoney Point  
Road, East Berlin, PA 17316-9722

Parcel No.: 36-K06-0011F-000

Municipality: Reading

Improvements: Residential Dwelling

Defendants: Vanessa D. Little and

John C. Balek Jr.

Attorneys for Plaintiff: John Michael

Kolesnik, Esq., 215-563-7000

Writ of Execution No.:

2011-SU-0001956

Property Address: 78 Maple Street,  
Littlestown, PA 17340-9665

Parcel No.: 06009-0098---000

Municipality: Bonneauville

Improvements: Residential Dwelling

Defendants: Richard A. Wilkinson Jr.

and Stephanie L. Wilkinson

Attorneys for Plaintiff: Andrew J. Marley,

Esq., 215-563-7000

Writ of Execution No.:

2011-SU-0001752

Property Address: 305 Harrisburg  
Street, East Berlin, PA 17316-9503

Parcel No.: 10004-0075---000

Municipality: East Berlin

Improvements: Residential Dwelling

Defendants: Charles H. Philips

Attorneys for Plaintiff: John Michael

Kolesnik, Esq., 215-563-7000

Writ of Execution No.:

2012-SU-0001026

Property Address: 147 Main Street,  
McSherrystown, PA 17344

Parcel No.: 28-002-0116

Municipality: McSherrystown

Improvements: Single level frame and

T-ill-sided ice cream shop on

concrete slab

Defendants: James M. Bivens and

Kimberly A. Bivens

Attorneys for Plaintiff: Keith Mooney,

Esq., 717-299-5201

Writ of Execution No.:

2009-SU-0000197

Property Address: 74 Springfield Drive,  
New Oxford, PA 17350-8579

Parcel No.: 17-K09-0066-000

Municipality: Hamilton

Improvements: Residential Dwelling

Defendants: Paula Lara and Alfonso Lua

Attorneys for Plaintiff: John Michael

Kolesnik, Esq., 215-563-7000

Writ of Execution No.:

2009-SU-0000778

Property Address: 7 Brooke Court,  
Unit 91, Gettysburg, PA 17325-6628

Parcel No.: 30, F18-0087---000

Municipality: Mount Joy

Improvements: Residential Dwelling

Defendants: David O. Smith

Attorneys for Plaintiff: John Michael

Kolesnik, Esq., 215-563-7000

Notice directed to all parties in interest  
and claimants that a schedule of distri-  
bution will be filed by the Sheriff in his  
office no later than thirty (30) days after  
the date of sale and that distribution will  
be made in accordance with that sched-  
ule unless exceptions are filed thereto  
within ten (10) days thereafter. Purchaser  
must settle for property on or before fil-  
ing 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.

James Muller

Sheriff of Adams County

[http://www.sheriffadamscounty.com/  
sheriffsales.html](http://www.sheriffadamscounty.com/sheriffsales.html)

10/19, 26 & 11/2