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IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
No. 12-S-159
ORDER

M&L PROPERTIES, LLC,
10 Confederate Drive,
Gettysburg, PA 17325, Plaintiff
v.

WOODCREST, INC., 104 Baltimore
Street, Gettysburg, PA 17325, Defendant

AND NOW, this 24th day of May 2012, it is appearing that a Complaint with Notice to Defend was filed herein on February 1, 2012 and that the same was served on Defendant by publication pursuant to Order of Court dated February 22, 2012, on dates set forth in the Proofs of Service filed of record; and it further is appearing that no appearance of any answer or other pleading has been filed herein on behalf of the Defendant within the time allotted by law for the same, and, therefore, upon motion of John J. Murphy III, Esq., of Patrono & Associates, LLC, attorney for Plaintiff, IT IS HEREBY ORDERED AND DIRECTED that judgment by default be and the same is hereby entered in favor of Plaintiff M&L Properties, LLC.

AND IT IS FURTHER ORDERED AND DIRECTED that the said Defendant be and the same hereby are forever barred from asserting any right, title, interest, or claim inconsistent with the right, title, interest, and claim of Plaintiff as set forth in the Complaint with respect to the land herein described:

ALL that certain tract of land lying, being, and situate in the Township of Cumberland, County of Adams and Commonwealth of Pennsylvania, being more particularly bound and described as follows:

BEGINNING at a point of land being twenty-five feet (25') from a U.S.D.I. concrete monument set at the northwestern corner of lands now or formerly of the United States of America, thence from said point along lands now or formerly of M&L Properties, LLC along a curve to the

left having a radius of 100.00 feet, an arc 157.08 feet and a chord bearing of south 59 degrees 55 minutes 30 seconds west for a distance of 141.42 feet to a point; thence along said point and along the right-of-way for Confederate Drive north 14 degrees 55 minutes 30 seconds east for a distance of 100 feet to a point being a 5/8" rebar with SDGI cap set along the right-of-way for Woodcrest Drive; thence along said point south 75 degrees 04 minutes 30 seconds east for a distance of 100.00 feet to a point being the place of BEGINNING. CONTAINING 2,146.1 +/- square feet.

SAID LEGAL DESCRIPTION taken from a Boundary Plat prepared by Sharrah Design Group, Inc. dated October 5, 2011.

Unless the same Defendant shall within thirty (30) days after publication of the Notice of this Order commence an Action in Ejectment or other appropriate action to assert any claim they may have against the Plaintiff herein; and upon the failure of the Defendant to commence such action against the Plaintiff within thirty (30) days after said publication, the Prothonotary of Adams County, Pennsylvania, is directed upon praecipe of the Plaintiff to enter final judgment herein in favor of Plaintiff and against Defendant pursuant to Pa. R.C.P. 1066(b)(1), and to cause a true and attested copy of this Order and such final judgment to be recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, the same to be indexed in the name of the Defendant, their respective successors and assigns, as GRANTOR, and the names of the Plaintiff as GRANTEE.

BY THE COURT:
/s/Thomas R. Campbell
J.

6/8

NOTICE

NOTICE IS HEREBY GIVEN that Jamison Entwistle intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on August 3, 2012, and that she intends to practice law in the Law Office of Entwistle & Roberts, located at 66 West Middle Street, Gettysburg, Pennsylvania.

6/1, 8 & 15

TUCKER INDUSTRIAL VS. EAST BERLIN ZHB ET AL

1. In order for a Court to declare that a municipal officer, such as a Zoning Hearing Board member, should have recused himself, the record must demonstrate bias, prejudice, capricious disbelief, or prejudgment.

2. Generally, if a municipal officer thinks he is capable of hearing a case fairly, his decision not to withdraw will ordinarily be upheld on appeal. Recusal is ordinarily warranted in situations where a municipal officer participates as an advocate or witness, publicly expresses predisposition, or has a fiduciary relationship with a party in interest.

3. The Commonwealth Court stated that a Board member is not precluded from voting on a matter solely because that member expressed an opinion on the matter either in an official or unofficial status.

4. In zoning cases where the trial court does not receive any additional evidence, the scope of review is limited to determining whether the Board committed an error of law or a manifest abuse of discretion. The Board, as a fact finder, is the sole judge of credibility with power to resolve conflicts in the testimony and to reject even uncontradicted testimony that it finds to be lacking in credibility.

5. A vested right is a judicial construction used in Pennsylvania land use and zoning law to allow an equitable remedy in cases where statutory or bureaucratic inequities resulted in detrimental reliance by an individual or business entity.

6. In determining whether a landowner has acquired a vested right from permits issued by a local government, the Pennsylvania Supreme Court has set forth the following standard, which considers:

- (1) The due diligence exercised by a landowner in attempting to comply with the law;
- (2) A landowner's good faith throughout the proceedings;
- (3) The expenditure of substantial unrecoverable funds;
- (4) The expiration, without appeal, of the period during which an appeal could have been taken from the issuance of the permit; and
- (5) The insufficiency of the evidence to prove that the individual property rights or the public health, safety, or welfare would be adversely affected by the use of the permit.

7. In order to be considered "substantial," the evidence relied upon by the Board to make its determination must be capable of being accepted by a reasonable mind as adequate to support the conclusion.

8. The Pennsylvania Supreme Court stated that a party who makes a zoning inquiry to the proper municipal officer adequately exercises due diligence even if the party itself did not conduct independent research of the applicable zoning statutes.

9. A lawful, nonconforming use is a use of a property that predates a subsequent prohibitory restrictive zoning action. The right to maintain this nonconforming use is only available for uses that were lawful when they came into existence and which existed when the ordinance took effect.

10. In zoning appeals such as the instant matter, the Board is the sole fact finder and is charged with determining the credibility of witnesses and the weight to be afforded to evidence. This Court is not entitled to substitute its own interpretation of the evidence presented during the hearings for that of the Board.

11. A special exception is a conditioning permitted use, legislatively allowed, so long as a zoning hearing board finds that standards and conditions set forth in the zoning ordinance are met.

12. What an applicant must demonstrate to obtain a special exception is determined on a case-by-case basis and will vary among the municipalities based upon the use requested and the language in the ordinance. Once the applicant for a special exception meets his initial burden of showing compliance with all the objective requirements of the zoning ordinance, the burden then shifts to any objectors to prove that the proposed use is, in fact, detrimental to those same concerns.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 10-S-1314, TUCKER INDUSTRIAL LIQUID COATINGS, INC., APPELLANT, VS. EAST BERLIN BOROUGH ZONING HEARING BOARD, APPELLEE, AND EAST BERLIN BOROUGH, INTERVENOR.

Steven M. Hovis, Esq., for Appellant

Victor A. Neubaum, Esq., for Appellee

Charles M. Suhr, Esq., and Timothy Shultis, Esq., for Intervenor

Kuhn, P.J., December 6, 2011

OPINION

Before this Court is a Notice of Appeal filed by Tucker Industrial Liquid Coatings, Inc. (Tucker) on August 5, 2010. Tucker alleges that it was denied its constitutional right to a fair and impartial adjudication by the Board. Additionally, Tucker alleges that the Zoning Hearing Board of East Berlin Borough (Board) abused its discretion when it denied Tucker's requests for a Special Exception for its properties located at 407 North Avenue and 224 East King Street, respectively, in East Berlin, Pennsylvania, as reflected in the Board's Decision dated July 7, 2010 (Decision).

The relevant facts are as follows. Appellant, Tucker, operates a painting and liquid coating business in the Borough of East Berlin, Adams County, Pennsylvania. Tucker operates two separate facilities associated with this business that are located at the above-mentioned addresses.

In 2005, Tucker wanted to expand the facility located at 407 North Avenue (North Avenue Facility) 130 feet by 160 feet to include additional painting booths for its business operations. Before the commencement of any construction on the Expansion, Tucker met with then Borough Manager/Zoning Officer/Codes and Building Permit Official, T. Michael Thoman (Thoman), in order to ascertain the proper procedures that should be followed for the construction of the Expansion at the North Avenue Facility. As a result of these

meetings, Tucker submitted a Building Permit Application, dated August 10, 2005, and a sketch plan of the Expansion to Thoman for review by the East Berlin Borough Planning Commission (the Commission).

A Building Permit, also dated August 10, 2005, was issued to Tucker by Thoman. The Building Permit authorized the construction of the Expansion. On the Permit, the intended use of the proposed construction (i.e. the Expansion) was stated to be industrial. The Building Permit notifies the applicant, Tucker, that it must apply for a Use and Occupancy Permit prior to occupation of the improvement. It is the responsibility of the Borough Official, Thoman, to fill out the portion of the Permit that indicates whether a variance or Special Exception was required for the construction of the proposed improvement. This section was left unmarked on the Permit issued by Thoman to Tucker for the Expansion.

Following the issuance of the Building Permit, Tucker constructed the Expansion at a total cost of approximately \$1.2 million. Borough officials were aware of the construction of the Expansion and visited the site multiple times throughout the construction process.

On September 26, 2006, after construction of the Expansion was fully completed, the Borough Building Inspector inspected and approved the Expansion and issued Tucker a Use and Occupancy Permit. Subsequent to the issuance of the Use and Occupancy Permit, Thoman instructed Tucker to install vegetative screening around the Expansion in order to ensure compliance with the Ordinance. Tucker complied with Thoman's instructions, occupied the building, and began to use the facility for its designated use as part of Tucker's painting and coating business.

It was not until sometime in the middle of 2008 that the Borough determined the Expansion was not in compliance with the Zoning Ordinance. On August 4, 2009, the Borough issued a Notice of Violation (NOV) to Tucker, regarding the North Avenue Facility Expansion and alleged that Tucker's use of the Expansion was not permitted in the Mixed Use zoning district without Special Exception approval from the East Berlin Zoning Hearing Board (the Board). The NOV further stated that because Tucker had not applied for said Special Exception, its continued use of the North Avenue Facility was in violation of the Zoning Ordinance.

The standards and criteria governing the issuance of Building Permits and Use and Occupancy Permits in the Borough remained identical and unchanged throughout the entire period of time starting with the issuance of Tucker's respective Permits and the Borough's issuance of the NOV.

The other property of importance in this matter is Tucker's facility located at 224 East King Street (Tyco Facility). Brian Properties, L.P. (Brian Properties) is the current owner of the Tyco Facility and leases the property to Tucker. Brian Properties purchased the Tyco Facility from Tyco Industries (Tyco) on June 6, 2008. Tucker currently utilizes the Tyco Facility for office space, storage, and an abrasive sand-blasting process as part of its painting and coating business operation.

Also, on August 4, 2009, the Borough issued Tucker an NOV alleging that Tucker's continued use of the Tyco Facility as a light industrial use in a Mixed Use zoning district without Special Exception was in violation of the Zoning Ordinance and must therefore be discontinued unless and until a Special Exception authorizing such use is granted by the Board.

The relevant procedural history of this case is as follows. After receiving the NOVs, Tucker filed a timely appeal of the NOVs and Special Exception applications for each of its respective properties that were issued the NOVs.

Pursuant to the filings by Tucker, the Board held hearings on October 27 and December 8, 2009, as well as January 26, March 16, April 13, April 27, and May 25, 2010.

At the October 27, 2009 hearing, the Board heard Tucker's appeal of the NOVs and determined that the NOVs were valid and would remain in effect.

Following the May 25, 2010 hearing, the Board voted, 4-0, in favor of upholding the violations cited in the NOVs. On July 6, 2010, the Board issued a written decision (Decision) which concluded that:

1. Tucker does not have a vested right in the light industrial use of the North Avenue Facility Expansion;
2. Tucker is not entitled to a continuation of Tyco's nonconforming light industrial use of the Tyco Facility;
3. Tucker failed to adequately demonstrate the right to a Special Exception for a light industrial use within the Expansion; and

4. Tucker failed to adequately demonstrate the right to a Special Exception for a light industrial use within the Tyco Facility.

On August 5, 2010, Tucker timely appealed the Decision and filed its Notice of Appeal concurrently with its Petition to Stay with this Court. On October 7, 2010, this Court issued an order granting Tucker's Petition to Stay and setting a briefing schedule.

On October 27, 2010, Tucker filed its brief in support of its position, and the Board filed its brief in opposition on December 23, 2010. East Berlin Borough was granted Intervenor status by this Court and filed its brief in opposition to Tucker's Appeal on December 22, 2010. On January 21, 2011, Tucker filed its reply brief to the brief filed in opposition by the Board.

On January 27, 2011, Tucker filed a request for oral argument which was granted by this Court in an order dated March 22, 2011. On April 1, 2011, oral argument was held before this Court, and this Opinion follows.

Tucker's first claim is that the refusal of Board Members William Powell and Stanley Hollenbaugh to recuse themselves from hearing Tucker's applications, after they were challenged for bias, constituted a denial of Tucker's right to due process.

Fairness and an unbiased examination of every case are bedrock principles of the justice system and requirements for due process. "Questions concerning the fairness, impartiality, or bias of the [individuals charged with hearing the case] always affect the administration of justice and can cloak the whole system of judicature with suspicion and distrust." *Reily by Reily v. Southeastern Pennsylvania Transportation Auth.*, 489 A.2d 1291, 1301 (Pa. 1985). "If [the] courts are perceived to be unfair and biased, our future ability to adjudicate ... will be threatened." *Id.*

As a general rule, "a municipal officer should disqualify herself from any proceeding in which she has an immediate or direct personal or pecuniary interest." *Christman v. Zoning Hearing Bd. of Twp. of Windsor*, 854 A.2d 629, 633 (Pa. Commw. Ct. 2004) (citing *Amerikohl Min. Inc. v. Zoning Hearing Bd. of Wharton Twp.*, 597 A.2d 219 (Pa. Commw. Ct. 1991)). More specifically, the Commonwealth Court stated the standards used to examine a claim of bias as being:

The Court recognizes that due process requires a local governing body in the performance of its quasi-judicial functions to avoid even the appearance of bias or impropriety. A showing of actual bias is unnecessary in order to assert a cognizable due process claim; the mere potential of bias or the appearance of nonobjectivity may be sufficient to constitute a violation of that right.

Christman, 854 A.2d at 633 (citing *Kuszyk v. Zoning Hearing Bd. of Amnity Twp.*, 834 A.2d 661, 665 (Pa. Commw. Ct. 2003)).

Though a showing of actual bias is unnecessary in order to make a due process claim, “the significant remedy of invalidation often depends on something more tangible.” *Caln Nether Co., L.P. v. Bd. of Supervisors*, 840 A.2d 484, 496 (Pa. Commw. Ct. 2004). In order for a Court to declare that a municipal officer, such as a Zoning Hearing Board member, “should have recused himself, the record must demonstrate bias, prejudice, capricious disbelief, or prejudgment.” *Christman*, 854 A.2d at 633 (quoting *Appeal of Miller & Son Paving, Inc.*, 636 A.2d 274, 278 (Pa. Commw. Ct. 1993)).

Generally, if a municipal officer “thinks he is capable of hearing a case fairly, his decision not to withdraw will ordinarily be upheld on appeal.” *Id.* Recusal is ordinarily warranted in situations where a municipal officer “participates as an advocate or witness, publicly expresses predisposition, or has a fiduciary relationship with a party in interest” *Id.* (citations omitted).

In the instant matter, the Board is comprised of five (5) members, specifically, Jan Hoffman (Chairperson), William Powell (Vice Chairperson), Kathy Kuhn (Secretary), Stanley Hollenbaugh (Member) and Noelle Kline (Member).

The first hearing regarding Tucker’s applications was held on October 27, 2009, and all five Board members were present and participated in the hearing. Due to settlement discussions between Tucker and the Board, the next hearing did not take place until March 16, 2010. At that hearing, Chairperson Hoffman recused herself. At the beginning of the same hearing, Tucker’s counsel, Steven M. Hovis, Esq. (Hovis), requested that Mr. Hollenbaugh and Mr. Powell also recuse themselves because each of them had expressed predisposition against Tucker which demonstrated the requisite potential bias and appearance of nonobjectivity necessary to trigger a recusal.

Tucker's challenge of bias stems from four statements made by Member Powell and two by Member Hollenbaugh over the course of a two-year period from September 2007 to August 2009.¹ Aside from their respective decisions not to recuse themselves from the hearing, Tucker makes no allegations that Members Powell and Hollenbaugh exhibited any behavior during the course of the hearings that amounted to bias. The Board contends that the statements attributed to Members Powell and Hollenbaugh were made in their individual capacity as citizens of the Borough and not as Board Members, and that all statements, with the exception of one, occurred before the issuance of the NOV's.²

Furthermore, both Members Hollenbaugh and Powell were questioned about and asked to affirm their ability to remain fair and impartial on the record during the March 16, 2010 hearing.³ They both, respectively, affirmed their individual abilities and willingness to remain impartial, and fairly and objectively consider all the evidence presented during the hearing(s) concerning Tucker's

¹ Specifically, Tucker cites the following: a September 26, 2007 statement by Powell by way of an "Air Quality Complaint Form" against Tucker submitted to the Borough, another such complaint submitted by Powell on February 5, 2008, a statement by Powell at a July 28, 2008 Borough Council meeting discussing a matter unrelated to any zoning issues involving Tucker's properties wherein he chastised council for "working in any way with Tucker," and a letter sent by Powell on October 25, 2008 to the Pennsylvania Department of Environmental Protection (DEP) which suggested "willful violations" by Tucker and requested the DEP to ensure that Tucker was in compliance with all relevant regulations. Regarding Member Hollenbaugh, Tucker has cited the following incidents: a statement by Hollenbaugh at the same July 28, 2008 Borough Council meeting at which Member Powell spoke and expressed his desire for stricter Borough regulations against toxic materials allegedly emanating from Tucker's business, suggesting that Tucker's pollutants could be causing a neighbor's cancer, and his hope that Tucker would leave, and a statement made by Hollenbaugh at an August 27, 2009 public meeting held by the DEP concerning an air permit application submitted by Tucker wherein he suggested that Tucker's pollution of the community was "perhaps criminal," that property values would be lowered, and that birds disappeared. He clearly indicated his desire that Tucker move from the Borough.

² This Court finds this argument rather curious. The appearance of bias can certainly arise from conduct of a quasi-judicial officer in his or her nonjudicial capacity prior to the instant litigation. It would be ludicrous to limit conduct demonstrating bias to those actions arising only from official proceedings. Likewise, it is not uncommon for evidence of bias to be found in conduct preceding the current dispute; otherwise, there would be no basis to raise the objection.

³ Attorney Charles Suhr, Special Council for the Borough of East Berlin, questioned both Hollenbaugh and Powell regarding their duties as Zoning Board members.

applications and render a decision based solely upon the standards set forth in the Zoning Ordinance. Official Notes of Testimony of March 16, 2010 East Berlin Zoning Hearing Board Hearing, p. 32.⁴

The allegations of bias in this case are similar to those present in *Appeal of Miller & Son*, 636 A.2d 274 (Pa. Commw. Ct. 1993). In *Appeal of Miller*, Miller alleged bias based upon one Board member's registered appearance at a hearing concerning the subject matter property conducted by the Pennsylvania Department of Environmental Resources. *Id.* In its opinion, the Commonwealth Court determined that, despite his allegations, Miller had "not presented any evidence that the board member exhibited bias in his conduct as a supervisor during the hearings" associated with that case. *Id.* at 278. Accordingly, the Court found that the Board member's decision to not recuse himself should not be disturbed because there was no abuse of discretion committed by the Board member in making his decision.

This Court notes that the statements made by Members Hollenbaugh and Powell about Tucker are more significant in nature than the actions present in *Appeal of Miller*. Furthermore, one can understand why Tucker would be concerned and raise the issue of bias. Tucker likely did not feel confident that it would receive a fair adjudication when one half of the Board had publicly expressed their opinions as to the detrimental effect Tucker had on the community. Nevertheless, this Court finds the standard set forth by the Commonwealth Court in *Appeal of Miller* to be dispositive in this case. Similar to *Appeal of Miller*, Tucker has not alleged any actions by Hollenbaugh or Powell that occurred during the course of the hearings concerning Tucker's applications that would constitute bias while acting in their respective capacities as members of the Board. This Court is satisfied that the affirmations made on the record by both Members Hollenbaugh and Powell are sufficient, under law, to support their respective decisions to not recuse themselves.

Furthermore, a prior statement of personal opinion by a Board member does not, alone, justify recusal. E.g. *Crandell v. Pennsbury Twp. Bd. of Supervisors*, 985 A.2d 288. (Pa. Commw. Ct. 2009). In *Crandell*, the Commonwealth Court stated that, "a (B)oard member is not precluded from voting on a matter solely because [that]

⁴ Hereinafter referred to as "N.T. (date) p. ____."

member expressed an opinion on the matter either in an official or unofficial status.” *Id.* at 294.

Tucker makes an additional claim that it was entitled to further question Members Hollenbaugh and Powell regarding their respective abilities to remain fair and impartial during the hearings. The case law does not support Tucker’s contention, as the sole standard set forth that the only requirement for a municipal officer is that he state, on the record, that he could listen to the evidence presented and decide the issue in an unbiased manner. *Christman v. Zoning Hearing Bd. of Twp. of Windsor*, 854 A.2d 629, 634. This standard was met by both Members Hollenbaugh and Powell in this case as both affirmatively stated on the record that they would remain fair and impartial in the execution of their duties as Board members throughout the entirety of the hearings.⁵

Therefore, after reviewing the evidence in the record and the standards established in the case law, this Court is satisfied that Tucker’s due process rights were not violated by Members Hollenbaugh and Powell’s refusal to recuse themselves from the Board’s hearings concerning Tucker’s applications. E.g. *Christman v. Zoning Hearing Bd. of Twp. of Windsor*, 854 A.2d 629, 633 (Pa. Commw. Ct. 2004); *Appeal of Miller & Son Paving, Inc.*, 636 A.2d 274, 278 (Pa. Commw. Ct. 1993).

Tucker’s remaining claims concern the conclusions reached by the Board and articulated in its July 6, 2010 written Decision. This Court will address these claims in order. As mentioned supra, in its Decision, the Board stated the following:

1. Tucker does not have a vested right in the light industrial use of the North Avenue Facility Expansion;
2. Tucker is not entitled to a continuation of Tyco’s nonconforming light industrial use of the Tyco Facility;

⁵ This Court would find it disrespectful and beneath the dignity of any judicial officer to be subject to voir dire concerning that jurist’s possible bias. Rather, it is incumbent upon the requester to present the basis for the request and then to rely upon the good conscience of the jurist to initially determine whether recusal is appropriate. If that discretion is abused, it may hopefully be corrected on appeal. Nevertheless, this Court recognizes that the secret thoughts of all jurists are subject to human frailties. It is incumbent upon all jurists to recognize that the stability of the law is grounded in the public’s confidence in the fairness and impartiality of the decision makers. Where pride prevails over good conscience, public trust can be swept aside like dust before a tornado, and the barren landscape left in its wake may take years to repair.

3. Tucker failed to adequately demonstrate the right to a Special Exception for a light industrial use within the Expansion; and
4. Tucker failed to adequately demonstrate the right to a Special Exception for a light industrial use within the Tyco Facility.

Continued to next issue (6/15/2012)

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 JOHN E. EMANUEL a/k/a JOHN E. EMANUEL SR., DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

John E. Emanuel Jr. and Michael C. Emanuel, c/o David W. Reager, Esq., Reager & Adler, PC, 2331 Market Street, Camp Hill, PA 17011

Attorney: David W. Reager, Esq., Reager & Adler, PC, 2331 Market Street, Camp Hill, PA 17011

ESTATE OF HARRY S. KRAMER, DEC'D

Late of the Borough of Fairfield, Adams County, Pennsylvania

Executor: A.J. Kramer, c/o Steven A. Widdes, Esq., Reardon & Associates, LLC, 985 Old Eagle School Road, Suite 516, Wayne, PA 19087

Attorney: Steven A. Widdes, Esq., Reardon & Associates, LLC, 985 Old Eagle School Road, Suite 516, Wayne, PA 19087

ESTATE OF KATHRYN A. LASH, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Co-Executors: Pearl A. Thorpe, 1407 New Forest Drive, Longview, TX 75601; Mark R. Fleming, 120 Ridge Drive, Dillsburg, PA 17019

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

ESTATE OF HELEN Y. OMWAKE, DEC'D

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

Patti German, 84 Rose Lane, New Oxford, PA 17350

Attorney: Stephen D. Kulla, Esq., Kulla, Barkdoll, Ullman & Painter, P.C., 9 East Main Street, Waynesboro, PA 17268

ESTATE OF LULA V. SADLER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Janis Lyn Ball, 183 Belmont Road, Gettysburg, PA 17325

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

SECOND PUBLICATION

ESTATE OF RICHARD DENIKE a/k/a RICHARD GEORGE DENIKE, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Administrator: Scott Denike, c/o Keith R. Nonemaker, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York Street, Hanover, PA 17331

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

ESTATE OF ROBERT C. GROVE, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Deborah E. Horn, 62 Hunterstown-Hampton Road, Gettysburg, PA 17325

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

ESTATE OF THOMAS E. LARSON, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executrix: Evelyn M. Larson, c/o Erin J. Miller, Esq., Elder Law Firm of Robert Clofine, 120 Pine Grove Commons, York, PA 17403

Attorney: Erin J. Miller, Esq., Elder Law Firm of Robert Clofine, 120 Pine Grove Commons, York, PA 17403

ESTATE OF ARLENE B. MURRAY, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Co-Executrices: Johneta M. Yingling, 432 West Middle Street, Gettysburg, PA 17325; June F. Rea, 517 4th Street, New Cumberland, PA 17070

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

ESTATE OF NORMA L. POLAND, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Donna L. Troyer, 50 Sycamore Lane, Hanover, PA 17331

Attorney: John A. Wolfe, Esq., Wolfe & Rice, LLC, 47 West High Street, Gettysburg, PA 17325

ESTATE OF PAUL D. SCOTT, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Robert A. Scott, 640 Stone Jug Road, Biglerville, PA 17307

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

THIRD PUBLICATION

ESTATE OF ALLEN F. KASTEN, DEC'D

Late of the Borough of Carroll Valley, Adams County, Pennsylvania

Executrix: Patricia Kasten, 5 Janet Trail, Fairfield, PA 17320

Attorney: John A. Wolfe, Esq., Wolfe & Rice, LLC, 47 West High Street, Gettysburg, PA 17325

ESTATE OF LEONARD P. SHIPLEY, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Leonard W. Shipley, 205 Deep Woods Court, Nashville, TN 37214; Faye E. Haker, 63 Myrtle Point Circle SW, Supply, NC 28462

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

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
No. 12-S-524

NOTICE OF ACTION IN
MORTGAGE FORECLOSURE

Nationstar Mortgage, LLC, Plaintiff
vs.
Dominic Picarelli & Kristen Picarelli,
Mortgagors and Real Owners,
Defendants

To: Kristen Picarelli, Mortgagor and Real
Owner, Defendant, whose last known
address is 106 North Howard Avenue,
Gettysburg, PA 17325. This firm is a
debt collector and we are attempting to
collect a debt owed to our client. Any
information obtained from you will be
used for the purpose of collecting the
debt.

You are hereby notified that Plaintiff,
Nationstar Mortgage, LLC, has filed a
Mortgage Foreclosure Complaint
endorsed with a notice to defend against
you in the Court of Common Pleas of
Adams County, Pennsylvania, docketed
to No. 12-S-524, wherein Plaintiff seeks
to foreclose on the mortgage secured on
your property located at 106 North
Howard Avenue, Gettysburg, PA 17325,
whereupon your property will be sold by
the Sheriff of Adams County.

NOTICE

You have been sued in court. If you
wish to defend against the claims set
forth in the following pages, you must
take action within twenty (20) days after
the Complaint and notice are served, by
entering a written appearance personal-
ly or by attorney and filing in writing with
the court your defenses or objections to
the claims set forth against you. You are
warned that if you fail to do so, the case
may proceed without you and a judg-
ment may be entered against you by the
Court without further notice for any
money claimed in the Complaint or for
any other claim or relief requested by the
Plaintiff. You may lose money or prop-
erty or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO
YOUR LAWYER AT ONCE. IF YOU DO
NOT HAVE A LAWYER OR CANNOT
AFFORD ONE, GO TO OR TELEPHONE
THE OFFICE SET FORTH ABOVE
RIGHT. THIS OFFICE CAN PROVIDE
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