

Adams County Legal Journal

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NEW ADVERTISING RATES EFFECTIVE 1/1/08

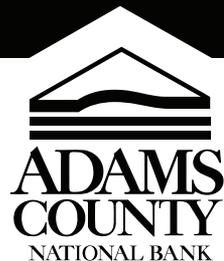
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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-829 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2008, 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 tract of land situate in Liberty Township, Adams County, Pennsylvania, bounded and described as follows:

Tract No. 1:

BEGINNING at a point in the center of the public highway (formerly known as the Waynesboro Turnpike) intersecting with lands of Mrs. Verna Sanders; thence by said public highway, 123 feet to a point intersecting the Jack's Mountain Road; thence by said Jack's Mountain Road, 90 1/3 feet to a point intersecting with the line of Verna Sanders; thence by said line of Verna Sanders 84 7/12 feet in a Southeasterly direction to the place of BEGINNING.

ALL that tract of land situate, lying and being in Hamiltonban Township, Adams County, Pennsylvania, bounded and described as follows:

Tract No. 2:

BEGINNING at a rock at lands now or formerly of Paul Seabrook and an old grave yard; thence by said grave yard South 37 3/4 degrees East 6.2 perches to stones at lands now or formerly of James Kime; thence by said lands North 62 1/4 degrees East 13.95 perches to a stake in the public road; thence by said public road North 17 3/4 degrees West 7.5 perches to a stone; thence South 49 1/4 degrees West 15.5 perches to a rock; the place of BEGINNING. CONTAINING 107.35 perches, more or less.

Tax Parcel No: (25) B 17-72

Premises Being: 1396 Jacks Mountain Road, Fairfield, PA 17320

SEIZED and taken into execution as the property of **Thomas S. Lease** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a

schedule of distribution will be filed by the Sheriff in his office on February 29, 2008, 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.

12/28, 1/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1099 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of January, 2008, 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.:

The following described real property situate in the Borough of Carroll Valley, County of Adams, and Commonwealth of Pennsylvania, to wit:

ALL that certain tract of land situated, lying and being in Carroll Valley Borough, (formerly Liberty Township), Adams County, Pennsylvania, being Lot No. 64 in Section RH, bounded and described as follows:

BEGINNING at a point in the center of Mile Trail at Lot No. 63; thence by said Lot South 2 degrees 37 minutes 20 seconds West, 225 feet to Lot No. 44; thence by said lot North 87 degrees 2 minutes 40 seconds West, 100 feet to Lot No. 65; thence by said lot North 2 degrees 37 minutes 20 seconds East, 225 feet to a point in the center of said Mile Trail; thence in said Mile Trail South 87 degrees 22 minutes 40 seconds East, 100 feet to the point and place of BEGINNING.

By fee simple deed from Charles H. Mort and Agnes Mort, husband and wife as set forth in Deed Book 1224, Page 0278 and recorded on 7/10/1996, Adams County records.

The source deed as stated above is the last record of vesting filed for this

property. There have been no vesting changes since the date of the above referenced source.

TITLE TO SAID PREMISES IS VESTED IN Christopher C. Mart and Julie A. Mart, husband and wife, as tenants of an estate by the entireties, by Deed from Charles H. Mart and Agnes Mart, husband and wife, dated 07/11/1996, recorded 07/11/1996, in Deed Book 1224, Page 278.

Premises being: 57 Mile Trail, Fairfield, PA 17320

Tax Parcel No. (43) 041-0137-000

SEIZED and taken into execution as the property of **Christopher C. Mart & Julie A. Mort** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 15, 2008, 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.

12/21, 28 & 1/4

ECONOMIC LOSS

Conflicts of Law

Plaintiffs raised the issue of applying the choice of law doctrine and claim that even if Pennsylvania law applies the Economic Loss Doctrine would not apply. Defendants assert that while the warranty law of Utah may govern warranty claims; the tort law of Utah can not apply to the tort claims.

Pennsylvania has historically adhered to the doctrine *depecege*, which allows the Court to apply the law of different jurisdictions to different issues within the same case. *Zavec v. Yield Dynamics, Inc.*, 2006 U.S. App. Lexis 10984, 12 (3d Cir. 2006), citing to *Berg Chilling Sys., Inc. v. Hull Corp.*, 435 F.3d 455, 462 (3d Cir. 2006); *Griffith v. United Airlines, Inc.*, 203 A.2d 796, 805 (Pa. 1964), “(adopting Pennsylvania’s ‘flexible’ choice-of-law approach and instructing courts to perform an ‘analysis of the policies and interests underlying *the particular issue* before the court’).”

Depecege is defined as “the process whereby different issues in a single case arising out of a single set of facts are decided according to the laws of different states.” BLACK’S LAW DICTIONARY, 436 (6th ed. 1990). It follows from the principle of depecege that a Court’s application of one state’s law to one issue in a case does not preclude the Court from deciding that another state’s law governs another issue in the same case. *Zavec v. Yield Dynamics, Inc.*, 2006 U.S. App. Lexis 10984, 12 (3d Cir. 2006), citing to *Berg Chilling Sys., Inc. v. Hull Corp.*, 435 F.3d 455, 462 (3d Cir. 2006). Therefore, a Pennsylvania Court could choose to apply Utah’s laws to the contract law claims and apply Pennsylvania laws to the tort law claims.

Because a choice of law issue has been raised concerning the application of the Economic Loss Doctrine, the first step is to determine what the issue is before the Court. Plaintiffs are seeking recovery under theories of both tort and contract law. However, the only claim Defendants are challenging under the theory of the Economic Loss Doctrine are the economic losses claimed in strict liability. Therefore, the issue immediately before this Court is one of tort law and not contract law.

Before the Court can determine whether or not Pennsylvania’s Economic Loss Doctrine can bar recovery for economic losses in tort, the Court must decide if Pennsylvania law applies. Because the

suit is being brought in Pennsylvania, Pennsylvania has procedural power to determine the choice of law. Therefore, the Court will apply Pennsylvania's choice of law rules to determine what state's laws should be applied to the issue.

"Pennsylvania choice of law analysis consists of two parts. First, the court must look to see whether a false conflict exists. Then, if there is no false conflict, the court determines which state has the greater interest in the application of its law." *LeJeune v. Bliss-Salem, Inc.*, 85 F.3d 1069, 1071 (3d Cir 1996) See *Cipolla v. Shaposka*, 267 A.2d 854 (1970). "A false conflict exists where 'only one jurisdiction's governmental interests would be impaired by the application of the other jurisdiction's law.'" *Id.* See *Lacey v. Cessna Aircraft Co.*, 932 F.2d 170, 187 (3d Cir. 1991). "A false conflict exists 'where the accident is fortuitous and the state where the accident occurred has no interest in the regulatory standard at issue.'" *Reyno v. Piper Aircraft Co.*, 630 F.2d 149, 170 (3d Cir. 1980). "Where the site of an accident is not fortuitous, 'the place of injury assumes much greater importance, and in some instances may be determinative'." *LeJeune* at 1072 citing *Shields v. Consolidated Rail Corp.*, 810 F.2d 397, 401 (3d Cir. 1987).

Defendant argues that this case presents a false conflict. Two states have a possible interest in this case, Pennsylvania and Utah. Defendants argue Pennsylvania has an interest in protecting its citizens and highways from dangerous activities. Plaintiffs argue Utah has an interest because the RV was purchased there, as well as Utah's interest in protecting consumers and citizens of its State from unsafe products.

This is a false conflict. Here, Pennsylvania has an interest in the case because the accident happened on a Pennsylvania highway to Pennsylvania citizens. Pennsylvania wants to protect its highways from dangerous activity as well as protect its citizens from harm and injury. Because the issue is one of tort law the place of contracting becomes virtually irrelevant. Plaintiffs were also not citizens of Utah when they purchased the RV or at the time of the accident. The only interest Utah has left is to protect its consumers from unsafe products. It is clear that Pennsylvania's interests of protecting its highways and citizens from dangerous activity and harm would be the only interests impaired by the application of Utah's laws and therefore this represents a false conflict.

Because the Court has determined that this is a false conflict, Pennsylvania law will apply and therefore, there is no need to address Defendants' alternative argument.

ECONOMIC LOSS DOCTRINE

Defendants assert that under Pennsylvania Law, Plaintiffs' strict liability claims for loss of deductible and unpaid loan against Defendants are barred by the Economic Loss Doctrine. Defendants argue that tort claims seeking purely economic recovery are barred. Defendants contend that Plaintiffs cannot recover for economic losses simply because of the fortuity that "other property" was damaged. While Defendants concede that Plaintiffs' tort claims for damage to such "other property" are viable, Defendants claim it does not give them a sufficient basis to allow a claim in tort for economic losses as well.

Plaintiffs argue that there should be no separation between these purely economic losses and the loss of other property because the Court's opinion in *Pennsylvania v. General Public Utilities Corp.*, 710 F. 2d 117 (3d Cir. 1983), did not discuss separating the "purely economic loss" of lost work time and wages from the Commonwealth's claim for temporary physical damage to their buildings from the intrusion of radioactive materials. *Id.*

However, this Court does find it necessary to draw a distinction between the claims for the loss of deductible and unpaid loan and the claims to "other property" because such a distinction is made in the objection itself. Defendants are objecting to loss of deductible and unpaid loan balance to the strict liability claims made in tort. Defendants in fact concede that a claim is viable as to the "other property." In General Public Utilities, the Court concluded that there was not a complete record based on the factually unique issues to warrant granting a motion for summary judgment on claims stemming from an event categorized as a "nuclear incident." *Id.* at 123. Simply because a Court does not choose to discuss an issue does not mean the issue cannot or will not be considered by another Court; it merely means it has not yet been considered.

Plaintiffs argue the Economic Loss Doctrine does not apply to their damage claims for their deductible and an unpaid loan because this was a consumer transaction and arose from a sudden and dangerous occurrence. One situation in which the economic loss doctrine will not be applied is when the Plaintiff has sustained personal

injury or property damage resulting from a “sudden or dangerous” occurrence. *Baloise Ins. Co. v. Haring*, 2006 U.S. Dist. Lexis 32161. Plaintiffs rely on Utah law to support their position. Because the Court has chosen to apply Pennsylvania law, Utah law is not binding on the Court but it may be influential to the Court’s decision.

The Utah Supreme Court determined “where some damage to the product results from the negligence of the manufacturer, the consumer’s damages are not “purely economic...and actions to recover all damages resulting from the product’s deterioration should be allowed under a negligence theory.” *W.R.H., Inc. v. Economy Builders Supply*, 633 P.2d 42, 44 (Utah 1981). However, the Utah Supreme Court limited their holding in *W.R.H.* stating that it created a duty for manufacturers to guard against economic loss of its purchasers where the product was “destined for retail sale to unknown and potentially inexperienced purchasers” and the defect was concealed. *Paul Mueller Co. v. Cache Valley Dairy Ass’n*, 657 P.2d 1279, 1286 (Utah 1982).

“[E]conomic losses are not recoverable in negligence or strict liability in a product liability action.” *NY State Electric & Gas Corp. v. Westinghouse Elec. Corp.*, 564 A.2d 919, 925 (Pa. Super. 1989). Tort claims seeking purely economic recovery are foreclosed. Pennsylvania Courts have adopted the same standard as the United States Supreme Court in *East River* as explained in *REM Coal Co.*

We adopt the standard unanimously adopted by the Supreme Court in *East River Steamship Corp. v. Transamerica Delaval, Inc.*, 476 U.S. 858, (1986), under which recovery in tort is barred in product liability actions between commercial enterprises where the only damage alleged is to the product itself, whether or not the defect posed a risk of other damage or injury or manifested itself in a sudden and calamitous occurrence.

REM Coal Co. v. Clark Equip. Co., 563 A.2d 128, 132 (Pa. Super. 1989). While the Court in *REM Coal* had only discussed commercial enterprises, the decision was later expanded to also include individuals. “[T]he rationale behind *REM Coal* is equally applicable to disputes involving claims brought by individuals.” *Jones v. General Motors Corp.*, 631 A.2d 665, 666 (Pa. Super. 1993).

Because this Court is choosing to separate these claims based on the challenges raised through Defendants’ Preliminary Objection the

specific claims for loss of deductible and unpaid loan are not considered loss of “other property.” The loss of deductible pertains to the insurance of the RV and the unpaid loan pertains to the outstanding loan that was left on the RV after the accident. As such, these specific claims for loss of deductible and unpaid loan will not be permitted in a strict liability action. The Court sustains Defendants’ Preliminary Objection under the Economic Loss Doctrine in relation to the loss of deductible and unpaid loan under the theory of strict liability only.

While the Court sustains Defendants’ preliminary objection barring the economic losses of loss of deductible and unpaid loan, the Court will not dismiss the claims for damages to “other property” under the tort law theory of strict liability.

FAILURE TO STATE A CLAIM

Defendants argue that Plaintiffs have failed to state a claim upon an express warranty. Defendants assert that the express warranty on the RV was the standard warranty used for all RV purchases after January 1, 2000. The warranty was for one year or 18,000 miles whichever came first. The accident happened on July 2, 2004, approximately three years after the purchase of the RV. Therefore, according to Defendants, the warranty had expired before the accident occurred. Because the warranty had already expired before the accident occurred, Defendants argue Plaintiffs’ claims for breach of express warranty are barred by the limitation (to one year) set in the warranty itself. Defendants submitted a standard warranty form used by Defendants for purchases of new motor homes after January 1, 2000 because Plaintiffs’ copy of the warranty was burned in the fire.

Plaintiffs argue their claim for breach of express warranty cannot be dismissed on the basis of an undated, unverified, and blank warranty because it is beyond the scope and standard of review. Plaintiffs assert that the objections should be denied as a speaking demurrer and that the submission of the document is inconsistent with the standard for deciding a demurrer.

Defendants argue that because this is a ground upon which Plaintiffs have made a claim and because it is also being used as a defense, their submission of a warranty is permitted by the Pa. R.C.P. Rule 1019(i) and therefore would not be considered a speaking demurrer.

When any claim or defense is based upon a writing, the pleader shall attach a copy of the writing, or the material part thereof, but if the writing or copy is not accessible to the pleader, it is sufficient so to state, together with the reason, and to set forth the substance of the writing.

Pa.R.C.P. 1019(i).

Where a plaintiff avers the existence of a written agreement and relies upon it to establish his cause of action; a defendant may properly annex that agreement without creating an impermissible speaking demurrer since the agreement is a factual matter arising out of the complaint. *Martin v. DOT*, 556 A.2d 969,971 (Pa.Comm. 1989), *See Satchell v. Insurance Placement Facility of Pennsylvania*, 361 A.2d 375 (1976).

“[P]laintiffs averred the existence of these documents and relied on them to establish their claims, the defendants could properly annex the agreements to their demurrers for they were in every sense of the term factual matters arising out of the complaints themselves.” *Detweiler v. Hatfield Borough Sch. Dist.*, 104 A.2d 110,113 (1954). “The Court was not bound to accept as true the averments in the complaints as to the legal effect of the agreements, for although a demurrer admits every well pleaded, material, relevant, fact and every inference fairly deducible from the facts pleaded, *Byers v. Ward*, 84 A.2d 307, it does not admit as true an alleged construction of a written agreement.” *Id.* (internal citation omitted).

While the Court questions why Defendants cannot produce a copy of the express warranty between Plaintiffs and Defendants, it will not preclude Defendants from submitting (as a substitution of the original), the standard form of express warranty that they use for all new RV purchases.

Therefore, the Court holds that the submission of the standard warranty used by the Defendants does not create a speaking demurrer and the objection will not be overruled on that basis. Defendants will be permitted to use their standard warranty to support their Objection for Failure to State a Claim.

By allowing the use of the warranty submitted, the Court must next decide whether this warranty will be enough to support the objection of Failure to State a Claim. The Court finds that it does. The language in the warranty clearly limits itself to one year

“commencing from the date of the original retail delivery or the date the motor home is first placed into rental, commercial or demonstrator use (whichever comes first).” (Defendants’ Exhibit C). The term of one year applies to all defects in material or workmanship for a period of one year commencing on the aforementioned date or until the motor home accumulates 18,000 miles (whichever comes first). *Id.* Therefore, the Court finds that the defects claimed by Plaintiffs are confined to this one year period. The Court finds the warranty is able to support the objection for Failure to State a Claim and as such the Objection is sustained.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 15th day of December, 2006, in consideration of Defendants’ Preliminary Objections to Plaintiffs’ Complaint and Reply to Plaintiffs’ Brief in Opposition, IT IS ORDERED THAT Preliminary Objections I, III, IV, and V are sustained, and Objection II is dismissed. Because these Objections have been sustained, all Counts within the Complaint are dismissed. The parties are directed to proceed in accordance with the applicable Pennsylvania Rules of Civil Procedure.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1080 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of January, 2008, 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 three (3) tracts of land situate, lying and being along the Southeastern side of the State Highway leading from Taneytown to Littlestown, in Germany Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

TRACT NO. 1:

BEGINNING at a point along the Southeastern side of the aforesaid State Road leading from Taneytown to Littlestown at corner of lands now or formerly of W. B. Shryock, which said point is two hundred fifty (250) feet in a Northeastern direction along the Southeastern side of the aforesaid State Road from an iron pin located at corner of lands now or formerly of Jacob Bucher and the original tract of land containing three (3) acres and seventy-one and three-tenths (71.3) perches, formerly owned by the said W. B. Shryock, of which said original tract this lot of ground was a part; thence along the Southeastern side of the aforesaid State Road, North thirty-nine (39) degrees, four (4) minutes East, one hundred thirty (130) feet to a point along the Southeastern side of the aforesaid State Road at corner of lands now or formerly of the said W. B. Shryock; thence along said last mentioned lands, South fifty-seven (57) degrees forty-two (42) minutes East, two hundred forty-six and eight-tenths (246.8) feet to lands now or formerly of Israel Crouse; thence along said last mentioned lands, South thirty-nine (39) degrees four (4) minutes West, one hundred (100) feet to corner of other lands now or formerly of W. B. Shryock; thence along said last mentioned lands, North sixty-four (64) degrees eight (8) minutes West, two hundred fifty-two (252) feet to a point along the Southeastern side of the aforesaid State Road, the place of BEGINNING.

CONTAINING one hundred seven (107) perches, more or less.

The above description is obtained from a draft of survey made by LeRoy H. Winebrenner, County Surveyor, on September 23, 1938.

TRACT NO. 2:

ALL that lot of land situate on the Southeast side of Pennsylvania Route No. 194 and fronting ninety (90) feet on

said Pennsylvania Route No. 194 and extending in a Southeasterly direction two hundred forty-five (245) feet to the rear of said lot.

TRACT NO. 3:

BEGINNING at a steel pin on the Southeastern side of Pennsylvania State Route No. 194 at the Northwestern corner of lands now or formerly of Herbert Nichols; thence North 39 degrees 4 minutes East, 50 feet to a steel pin at lands now or formerly of James Duttera; thence by said last mentioned lands, South 64 degrees 8 minutes East, 235.25 feet to a steel pin at lands now or formerly of Ivan Huff; thence by said last mentioned lands, South 39 degrees 4 minutes West, 50 feet to a steel pin at lands now or formerly of Herbert Nichols; thence by said last mentioned lands, North 64 degrees 8 minutes West, 235.25 feet to a steel pin, the place of BEGINNING.

CONTAINING 0.2629 acres.

The above description was taken from a draft of survey prepared by J. H. Rife, R. E. dated June 19, 1962.

TITLE TO SAID PREMISES IS VESTED IN Jason S. Williams and Chatrese Williams, husband and wife, as tenants of an estate by the entireties, by Deed from John Raymond Long and Sharon Long, husband and wife, dated 11/16/2006, recorded 11/21/2006, in Deed Book 4649, page 208.

Premises being: 1184 Frederick Pike, Littlestown, PA 17340

Tax Parcel No. (15) I 17-0125-000

SEIZED and taken into execution as the property of **Jason S. Williams & Chatrese Williams** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 15, 2008, 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.

12/21, 28 & 1/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-774 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2008, 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 tract of land situate, lying and being in the Borough of Fairfield, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on public street, Main Street, and bounded on the East by a lot now or formerly of Robert P. McCleaf and Mary E., his wife; on the South by public alley; on the West by lot now or formerly of Fairfield Borough School District; and on the North by a public street (Main Street). Having a frontage of thirty-six and one-half feet and running back two hundred forty feet to an alley. CONTAINING 6,360 square feet, more or less.

Tax Parcel: (11) 006-0026

Property Address: 106 West Main Street, Fairfield, PA 17320

SEIZED and taken into execution as the property of **Gerald C. Clark, II** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 29, 2008, 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.

1/4, 11 & 18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-426 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2008, 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 in the Borough of Littlestown, Adams County, Pennsylvania, as shown on the Subdivision Plan for "Lakeview Village - Phase Two" prepared by Donald E. Worley, Registered Surveyor, of Worley Surveying, dated April 21, 1989, revised September 11, 1989 recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 54, Page 65 (2 pages) and designated as Lot No. 49 thereon, more particularly bounded and described as follows:

BEGINNING at a steel pin on the Northern Right-of-Way line of Starlite Drive at corner of Lot No. 50 on the Plan of Lots hereinabove identified; thence by said Lot No. 50, North forty-four (44) degrees twenty-two (22) minutes thirty-two (32) seconds West, one hundred twenty-six and fifty-one hundredths (126.51) feet to a steel on line of land of Pennsylvania Classics, Inc.; thence by said land of Pennsylvania Classics, Inc., North fifty-five (55) degrees forty-three (43) minutes thirty-six (36) seconds East, thirty-five and fifty-five hundredths (35.55) feet to a steel pin at corner of Lot No. 48; thence by said Lot No. 48, South forty-four (44) degrees twenty-two (22) minutes thirty-two (32) seconds East, one hundred twenty and twenty-seven hundredths (120.27) feet to a steel pin on the Northern Right-of-Way line of Starlite Drive, thence by said Northern Right-of-Way line of Starlite Drive, South forty-five (45) degrees thirty-seven (37) minutes twenty-eight (28) seconds West, thirty-five (35.00) feet to the above described place of BEGINNING.

CONTAINING 4,319 square feet.

TOGETHER with and subject to a fifty (50) feet Right-of-Way in, through along the streets known as Crescent Lane and Starlite Drive to be used in common with other owners of lots in "Lakeview Village - Phase Two," as shown on the Subdivision Plan above referenced.

Tax Parcel # (27) 011-0129

TITLE TO SAID PREMISES IS VESTED IN Ryan M. Glover by Deed from Garry L. Miller, unmarried, dated 11/28/2001 and recorded 12/10/2001 in Record Book 2491 Page 255.

PREMISES BEING: 31 Starlite Drive, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Ryan M. Glover** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 29, 2008, 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.

12/28, 1/4 & 11

NOTICE BY THE ADAMS COUNTY
CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Monday, January 7, 2008, at 9:00 a.m.

WORLEY—Orphans' Court Action Number OC-129-07. The First and Final Account of Mariam G. Gladfelter and James D. Worley, Co-Executors of the Estate of George S. Worley, deceased, late of Union Township, Adams County, Pennsylvania.

ROHRBAUGH—Orphans' Court Action Number OC-131-07. The First and Final Account of Mae Louise Wentz, George W. Rohrbaugh, Jr., and Mary Katie Strausbaugh, Executors of the Estate of Edna M. Rohrbaugh, deceased, late of Oxford Township, Adams County, Pennsylvania.

Kelly A. Lawver
Clerk of Courts

12/28 & 1/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1095 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2008, 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 tract of land situate in Franklin Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to-wit:

BEGINNING at a stone in the public road leading from Cashtown to Hilltown; thence in said public road, North 30 degrees East 65 feet to a stone in road; thence by original tract, South 51 degrees East, 11.7 perches to stake; thence by original tract, South 30 degrees West 65 feet to a stone; thence by lot now or formerly of Mrs. Sharrah, North 51-1/2 degrees West, 11.7 perches to the place of BEGINNING.

CONTAINING 46 perches and 194 Square Feet.

TITLE TO SAID PREMISES IS VESTED IN Robert T. Hunter a/k/a Robert Hunter a/k/a Robert Todd Hunter by deed from James E. Stith and Diana H. Stith, husband and wife, dated 5/7/1998 and recorded 6/8/1998 in Deed Book 1596, Page 23.

Being Known As: 336 High Street, Cashtown, PA 17310.

TAX I.D: (12) C 10-0094

SEIZED and taken into execution as the property of **Robert T. Hunter a/k/a Robert Hunter a/k/a Robert Todd Hunter** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 29, 2008, 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.

1/4, 11 & 18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1034 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2008, 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 with the improvements thereon erected, situate, lying and being in the Borough of New Oxford, Adams County, Pennsylvania, known on the Plan of said Borough as Lot No. 157 and more particularly bounded and described as follows:

BEGINNING at a corner of lot known as No. 156 and Berlin Street and extending thence along said Lot No. 156 one hundred eighty (180) feet to an alley; thence along said alley sixty (60) feet to Lot No. 158; thence along said Lot No. 158 one hundred eighty (180) feet to Berlin Street; thence along said Berlin Street sixty (60) feet to the place of BEGINNING.

TAX ID. #: 34-002-0026

TITLE TO SAID PREMISES IS VESTED IN Elizabeth H. Smith and Richard L. Smith, husband and wife, by deed from Ida Romaine Kitzmiller dated 11/22/2005 and recorded 12/2/2005 in Deed Book 4229, Page 120.

Being Known As: 111 North Berlin Avenue, New Oxford, PA 17350.

SEIZED and taken into execution as the property of **Elizabeth H. Smith & Richard L. Smith** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 29, 2008, 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.

1/4, 11 & 18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1412 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2008, 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, lying and being in Hamilton Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a steel pin set along a fifty (50) feet wide right of way known as Foxtown Drive and Lot No. 44 of the hereinafter referenced subdivision plan; thence along said Lot No. 44 North two (02) degrees four (04) minutes forty-seven (47) seconds West, two hundred sixty-six and eighty-two hundredths (266.82) feet to a steel pin set at Lot No. 42 of said plan; thence along Lot No. 42 South sixty-nine (69) degrees fifty-three (53) minutes thirty-five (35) seconds East, three hundred twelve and ninety-five hundredths (312.95) feet to a steel pin set along the above mentioned Foxtown Drive; thence along and with said Foxtown Drive South seven (07) degrees nine (09) minutes zero (00) seconds West, twenty-three and zero hundredths (23.00) feet to a point; thence continuing by a curve to the right with a radius of one hundred fifty and zero hundredths (150.00) feet, an arc distance of two hundred eleven and forty-six hundredths (211.46) feet, and a long chord bearing and distance of South forty-seven (47) degrees thirty-two (32) minutes six (06) seconds West, one hundred ninety-four and thirty-eight hundredths (194.38) feet to a point; thence continuing South eighty-seven (87) degrees fifty-five (55) minutes thirteen (13) seconds West, one hundred thirty-eight and three hundredths (138.03) feet to a steel pin set at Lot No. 44 of said plan, the point and place of BEGINNING. CONTAINING 1.265 Acres and being identified as Lot No. 43 on the hereinafter referenced subdivision plan.

The above description was taken from a final Subdivision Plan prepared by Worley Surveying. Said Plan was recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Plan Book 78, at Page 56.

SUBJECT, NEVERTHELESS, to a MET-ED Utility Right of Way as shown on the above subdivision plan.

SUBJECT, ALSO, to the Declaration of Restrictions recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania.

IT BEING the same which Lebing Development Company, Inc. by its deed dated December 15, 2000 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Deed Book 2183, at page 302, granted and conveyed unto L.L. Lawrence Builders, Inc., GRANTOR HEREIN.

TITLE TO SAID PREMISES IS VESTED IN Terry M. Jordan, Sr., and Josephine K. Jordan, husband and wife, by Deed from L.L. Lawrence Builders, Inc., dated 5-6-02, recorded 5-7-02, in Deed Book 2652, page 31.

Premises being: 60 Foxtown Drive, Abbottstown, PA 17301

Tax Parcel No. (17) L09-0212-000

SEIZED and taken into execution as the property of **Terry M. Jordan, Sr. & Josephine K. Jordan** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 29, 2008, 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.

1/4, 11 & 18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1029 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2008, 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 piece, parcel or tract of ground, situate, lying and being in the Borough of Littlestown, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point along the Southern edge of Appler Court at corner of Lot No. 45 on the hereinafter mentioned subdivision plan; thence along the Southern edge of Appler Court, South 57 degrees 11 minutes 19 seconds East, 55.00 feet to corner of Lot No. 47; thence along the Lot No. 47, South 32 degrees 48 minutes 41 seconds West, 140.67 feet to a point at Lot No. 30; thence along Lot No. 30 and Lot No. 31, North 63 degrees 41 minutes 47 seconds West, 55.36 feet to a point at the corner of Lot No. 45; thence along Lot No. 45, North 32 degrees 48 minutes 41 seconds East, 146.95 feet to a point along the southern edge of Appler Court, the place of BEGINNING. Containing 7,910 square feet.

BEING Lot No. 46 on a subdivision plan of Appler Development prepared by Group Hanover, Inc., dated August 12, 1996, Project No. 951872, which said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 72, Page 25-C.

UNDER AND SUBJECT, further to the notes, conditions, covenants, easements, restrictions, etc., as are set forth on the subdivision plan of Appler Development recorded in Adams County Plan Book 65, Page 89 and Plan Book 72, Page 25, including but not limited to a ten (10) feet wide drainage and utility easement along the sides and rear of all lots, said easements to be permanently maintained by abutting property owners.

UNDER AND SUBJECT, also, to the conditions and restrictions as more fully set forth in the Declaration of Covenants, Conditions and Restrictions of Appler Community Association, Inc., recorded in Adams County Record Book 941, Page 221 and 978, Page 25 to the point and place of BEGINNING.

BEING the same premises which Garland Construction, Inc., by its Deed dated September 29, 2000, and recorded February 8, 2001, in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 2211, Page 4, granted and conveyed

unto Kevin O. Strevig and Rebecca S. Kagarise. Rebecca S. Kagarise having married Kevin O. Strevig became known as Rebecca S. Strevig.

To be sold as the property of defendant on judgment entered at the above number and term.

Adams County Deed Book 3883, Page 37

Tax Parcel No. (27) 004-0118-000

Premises Being: 33 Appler Court, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Kevin O. Strevig & Rebecca S. Strevig f/k/a Rebecca S. Kagarise** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 29, 2008, 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.

1/4, 11 & 18

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 EDNA ELIZABETH GOULD, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Administrator: William A. Gould, 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 HARRY HARTMAN, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Administrators: Guy Hartman and Paul Hartman, c/o Virginia Shenkan Law Center, P.C., Virginia Shenkan, Esq., P.O. Box 1130, New Castle, PA 16103

Attorney: Virginia Shenkan, Esq., Virginia Shenkan Law Center, P.C., P.O. Box 1130, New Castle, PA 16103

ESTATE OF ARLENE L. HOFE, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Edgar L. Hofe, Jr., 174 Solomon Road, Gettysburg, PA 17325

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

ESTATE OF VERLEY E. KUHN, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Administrator C.T.A.: Phillip G. Kuhn, 220 South Street, Hanover, PA 17331

Attorney: Arthur J. Becker, Jr., Esq., Becker & Strausbaugh, P.C., 544 Carlisle Street, Hanover, PA 17331

SECOND PUBLICATION**ESTATE OF CHARLES F. KLINGER a/k/a CHARLES FRAZIER KLINGER, DEC'D**

Late of Tyrone Township, Adams County, Pennsylvania

Executrix: Martha E. Klinger, 365 Five Points Road, New Oxford, PA 17350

Attorney: Gary J. Heim, Esq., Mette, Evans & Woodside, 3401 North Front Street, Harrisburg, PA 17110

ESTATE OF MAE E. KUHN, DEC'D

Late of the Borough of Bendersville, Adams County, Pennsylvania

Wanda L. Helwig, 1917 North 2nd Street, Harrisburg, PA 17102

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

ESTATE OF ROBERT D. LEE, JR., DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Administratrix: Nancy D. Lee, 44 Apple Avenue, Gettysburg, PA 17325

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

ESTATE OF YVONNE CRABTREE NITZ a/k/a YVONNE NITZ, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Dwight Van Nitz, 7 Heth Street, Gettysburg, PA 17325

Attorney: Barbara Jo Entwistle, Esq., Pyle and Entwistle, 66 West Middle Street, Gettysburg, PA 17325

ESTATE OF MARY ROBERTA STALB, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrices: Donna Lee Burrell, P.O. Box 430, Winnie, TX 77665; Sandra K. Deckert, 2020 Goldenville Road, Gettysburg, PA 17325

Attorney: Andrea M. Singley, Esq., 63 West High Street, Gettysburg, PA 17325

THIRD PUBLICATION**ESTATE OF EMOLAH V. ARNOLD, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Gwyn M. Pfautz a/k/a Gwyn M. Williams, c/o Randall K. Miller, Esq., 1255 South Market Street, Suite 102, Elizabethtown, PA 17022

Attorney: Randall K. Miller, Esq., 1255 South Market Street, Suite 102, Elizabethtown, PA 17022

ESTATE OF MARJORIE C. BARNES, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: John A. Barnes, P.O. Box 62, Cashtown, PA 17310

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

ESTATE OF GLENNA G. BOYER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executors: Kenneth R. Boyer, 285 Montclair Road, Gettysburg, PA 17325; Anna C. Kessel, 136 North Stratton Street #6, Gettysburg, PA 17325

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

ESTATE OF MARIE M. McCULLOUGH, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrices: Deborah A. Riddlemoser, 28 Flohrs Church Road, Biglerville, PA 17307; Kathleen E. Mottler a/k/a Kathleen E. Cook, 212 E. Middle Street, Gettysburg, PA 17325

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

ESTATE OF MARY A. WALKER a/k/a MARY ALICE WALKER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: John H. Deatrck, Jr., c/o Alan M. Cashman, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

Attorney: Alan M. Cashman, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

Adams County Legal Journal

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No. 34, pp. 215-218

NEW ADVERTISING RATES EFFECTIVE 1/1/08

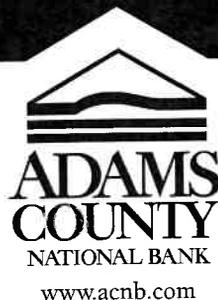
Decedent's Estate Notice	\$50.00
Corporation Notice	50.00
Fictitious Name	50.00
Change of Name	50.00
Guardianship Account	50.00
Trust Account	50.00

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1412 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2008, 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, lying and being in Hamilton Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a steel pin set along a fifty (50) feet wide right of way known as Foxtown Drive and Lot No. 44 of the hereinafter referenced subdivision plan; thence along said Lot No. 44 North two (02) degrees four (04) minutes forty-seven (47) seconds West, two hundred sixty-six and eighty-two hundredths (266.82) feet to a steel pin set at Lot No. 42 of said plan; thence along Lot No. 42 South sixty-nine (69) degrees fifty-three (53) minutes thirty-five (35) seconds East, three hundred twelve and ninety-five hundredths (312.95) feet to a steel pin set along the above mentioned Foxtown Drive; thence along and with said Foxtown Drive South seven (07) degrees nine (09) minutes zero (00) seconds West, twenty-three and zero hundredths (23.00) feet to a point; thence continuing by a curve to the right with a radius of one hundred fifty and zero hundredths (150.00) feet, an arc distance of two hundred eleven and forty-six hundredths (211.46) feet, and a long chord bearing and distance of South forty-seven (47) degrees thirty-two (32) minutes six (06) seconds West, one hundred ninety-four and thirty-eight hundredths (194.38) feet to a point; thence continuing South eighty-seven (87) degrees fifty-five (55) minutes thirteen (13) seconds West, one hundred thirty-eight and three hundredths (138.03) feet to a steel pin set at Lot No. 44 of said plan, the point and place of BEGINNING. CONTAINING 1.265 Acres and being identified as Lot No. 43 on the hereinafter referenced subdivision plan.

The above description was taken from a final Subdivision Plan prepared by

Worley Surveying. Said Plan was recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Plan Book 78, at Page 56.

SUBJECT, NEVERTHELESS, to a MET-ED Utility Right of Way as shown on the above subdivision plan.

SUBJECT, ALSO, to the Declaration of Restrictions recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania.

IT BEING the same which Lebing Development Company, Inc. by its deed dated December 15, 2000 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Deed Book 2183, at page 302, granted and conveyed unto L.L. Lawrence Builders, Inc., GRANTOR HEREIN.

TITLE TO SAID PREMISES IS VESTED IN Terry M. Jordan, Sr., and Josephine K. Jordan, husband and wife, by Deed from L.L. Lawrence Builders, Inc., dated 5-6-02, recorded 5-7-02, in Deed Book 2652, page 31.

Premises being: 60 Foxtown Drive, Abbottstown, PA 17301

Tax Parcel No. (17) L09-0212-000

SEIZED and taken into execution as the property of **Terry M. Jordan, Sr. & Josephine K. Jordan** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 29, 2008, 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.

1/4, 11 & 18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-774 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2008, 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 tract of land situate, lying and being in the Borough of Fairfield, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on public street, Main Street, and bounded on the East by a lot now or formerly of Robert P. McClellan and Mary E., his wife; on the South by public alley; on the West by lot now or formerly of Fairfield Borough School District; and on the North by a public street (Main Street). Having a frontage of thirty-six and one-half feet and running back two hundred forty feet to an alley. CONTAINING 6,360 square feet, more or less.

Tax Parcel: (11) 006-0026

Property Address: 106 West Main Street, Fairfield, PA 17320

SEIZED and taken into execution as the property of **Gerald C. Clark, II** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 29, 2008, 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.

1/4, 11 & 18

CARTY VS. BESTT LIEBCO CORP. ET AL

1. Once a motion for summary judgment is made and properly supported, the nonmoving party may not simply rest upon the mere allegations in its pleadings.

2. If the moving party has supported the motion with oral testimony only, the response may raise the defense that there is a genuine issue of material fact because the cause of action is dependent on the credibility and demeanor of the witnesses who will testify at trial.

3. Oral testimony alone, either through testimonial affidavits or deposition, of the moving party or the moving party's witnesses, even if uncontradicted, is generally insufficient to establish the absence of a genuine issue of material fact.

4. Whether or not witnesses are to be believed, no matter what their interest or lack thereof in a lawsuit is for the jury to decide.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 05-S-037, JAMES C. CARTY VS. BESTT LIEBCO CORPORATION, METROPOLITAN EDISON COMPANY, AND WILLIAM AND DEBORAH D. ALBRIGHT.

Wayne C. Parsil, Esq., for Plaintiff
Charles W. Wasilefski, Esq., Stephen J. Barcavage, Esq., and
Brooks R. Foland, Esq., for Defendants
Bigam, J., December 21, 2006

OPINION

STATEMENT OF FACTS

William and Deborah Albright ("Albrights") hired James Carty ("Plaintiff") to paint a roof on the house located at 118 East Main Street, Fairfield, Pennsylvania. The dwelling borders Centennial Avenue. On or about August 16, 2002, Plaintiff began painting the roof on the second floor of the residence using a ladder and extended roller pole. The extended roller pole was placed into the stream of commerce by Bestt Liebco ("Bestt"), on or about August 16, 2002.

While Plaintiff was painting the roof, the pole came into contact with a distribution line adjacent to the premises. As a result of the contact, electrical current passed through the roller pole causing arcs at several locations, resulting in electrical shock to the Plaintiff. The shock caused the Plaintiff to be thrown from the ladder to the brick sidewalk below. Plaintiff sustained numerous injuries (i.e. fractured right hip and elbow, fractured pelvis, closed head injury, 3rd degree burns on right shoulder and underarm, 2nd degree burns of the thigh, blindness in right eye caused by aggravation to pre-existing eye condition, and shock to his nerves and nervous system). Plaintiff has

incurred medical bills in excess of \$65,000. Plaintiff has been unable to return to work or other gainful employment as a painter, handyman printer or roofer which has resulted in loss of earnings and earning capacity. Plaintiff will sustain a permanent loss of earning capacity and power. Plaintiff has undergone and will continue to undergo great mental and physical pain and suffering, great inconvenience in carrying out daily activities, humiliation and embarrassment. Plaintiff is making claims in negligence against Metropolitan Edison Company ("Met Ed") and the Albrights.

Plaintiff claims Bestt is liable under strict liability and negligence for failure to deliver the product in a condition safe for intended use. Failure includes defects in design, and failure to provide adequate and permanent warnings and instructions concerning the dangers of using an aluminum roller pole in the area of electrical wires.

Plaintiff commenced this action by filing a Complaint in the York County's Prothonotary's Office on August 3, 2004. Met Ed filed a Petition for Change of Venue for Forum Non Conveniens with the York County Prothonotary's office on August 31, 2004. All Defendants respectively and timely filed an Answer with New Matter and Cross-claim. In their Cross-claims all Defendants claim that they are not liable but that liability should lie solely with their respective co-defendants.

On September 8, 2004 an Order was entered granting Change of Venue to Adams County. On January 10, 2005, the Order was filed with the Adams County Prothonotary's Office. Bestt filed a Motion for Summary Judgment on October 26, 2006 with the Adams County Prothonotary's Office concurrently with a Brief in Support of Motion for Summary Judgment. On October 27, 2006, this Court entered an order directing Plaintiff to file a response within 30 days and a brief in support within 15 days thereafter. On November 22, 2006, Plaintiff filed a response to the Defendant's Motion for Summary Judgment and filed a brief in opposition to Defendant's Motion on December 7, 2006.

DISCUSSION

Summary Judgment may be raised based on either of the two grounds listed in Pa.R.C.P. 1035.2, which are as follows:

After the relevant pleadings are closed, but within such time as not to unreasonably delay trial, any party may

move for summary judgment in whole or in part as a matter of law

- (1) whenever there is no genuine issue of any material fact as to a necessary element of the cause of action or defense which could be established by additional discovery or expert report, or
- (2) if, after the completion of discovery relevant to the motion, including the production of expert reports, an adverse party who will bear the burden of proof at trial has failed to produce evidence of facts essential to the cause of action or defense which in a jury trial would require the issues to be submitted to a jury.

Id.

Bestt filed a Motion for Summary Judgment claiming that Plaintiff has failed to produce evidence of facts essential to prove his claim. The Note to Rule 1035.2 places the burden of proof on the adverse party to come forth with evidence that shows the existence of facts essential to their claim because this motion is usually made by the party who does not have the burden of proof at trial and who would not have access to the evidence to make a record which affirmatively supports the motion. While here, the Plaintiff carries the burden at trial, it does not preclude the Plaintiff from bearing the burden on summary judgment. Plaintiff will have to establish evidence that shows facts essential to prove Bestt's warning and design were defective and Defendant should have used nonconductive material in the extension pole at issue.

The Court must construe all evidence in favor of the party opposing the motion and the opposing party must be given the benefit of all favorable inferences that can be drawn from such evidence. The factual assertions of the non-moving party, if supported by evidentiary material must be regarded as true. *Hankin v. Mintz*, 419 A.2d 588 (Pa. Super. 1980). Once a motion for summary judgment is made and properly supported, the nonmoving party may not simply rest upon the mere allegations in its pleadings. *Samarin v. GAF*, 571 A.2d 398, 402 (Pa. Super. 1989).

Defendant cites to the testimony of the Plaintiff as well as Mr. Reighard (Bestt Liebo's President at the time of the accident) given in their depositions and the report of Mr. Panunto (Plaintiff's expert) to show that a prima facie case has not been established.

Plaintiff argues that the expert report done by Mr. Panunto is sufficient to establish a prima facie case of strict liability and negligence against the moving Defendant. Plaintiff also submits an expert report done by Dr. Stephen Wilcox, a human factors expert. Dr. Wilcox has been involved in the design of many products and systems, including designing warnings and instructions as well as participating in the design process of products and systems themselves and has investigated hundreds of accidents over the last 20 years.

“If the moving party has supported the motion with oral testimony only, the response may raise the defense that there is a genuine issue of material fact because the cause of action is dependent on the credibility and demeanor of the witnesses who will testify at trial.” Pa. R.C.P. 1035.3(a)(1), Note citing to *Nanty-Glo v. American Surety Co.*, 163 A. 523, (Pa. 1932); *Penn Center House, Inc. v. Hoffman*, 553 A.2d 900 (Pa. 1989). The Commonwealth has long recognized the rule that the evaluation of oral testimony is solely within the province of the jury. *Peluso v. Walter*, 483 A.2d 905 (Pa. Super. 1984). “Oral testimony alone, either through testimonial affidavits or deposition, of the moving party or the moving party’s witnesses, even if uncontradicted, is generally insufficient to establish the absence of a genuine issue of material fact.” Pa. R.C.P. 1035.2, Note citing to *Nanty-Glo v. American Surety Co.*, 163 A. 523, (Pa. 1932); *Penn Center House, Inc. v. Hoffman*, 553 A.2d 900 (Pa. 1989). Whether or not witnesses are to be believed, no matter what their interest or lack thereof in a lawsuit is for the jury to decide. *Garcia v. Savage*, 586 A.2d 1375, 1379 (Pa. Super. 1991).

Based on the deposition testimony of the Plaintiff and Mr. Reighard, and the expert reports of Mr. Panunto and Dr. Wilcox, revealed during discovery, this Court believes that Plaintiff has adequately established evidence of facts essential to proving there was a defect in the warning or design of the extension pole. Therefore, Bestt’s Motion for Summary Judgment is denied.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 21st day of December 2006, in consideration of Defendant’s Motion for Summary Judgment, IT IS ORDERED THAT Summary Judgment is denied. The parties are directed to proceed in accordance with the applicable Pennsylvania Rules of Civil Procedure.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1029 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2008, 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 piece, parcel or tract of ground, situate, lying and being in the Borough of Littlestown, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point along the Southern edge of Appler Court at corner of Lot No. 45 on the hereinafter mentioned subdivision plan; thence along the Southern edge of Appler Court, South 57 degrees 11 minutes 19 seconds East, 55.00 feet to corner of Lot No. 47; thence along the Lot No. 47, South 32 degrees 48 minutes 41 seconds West, 140.67 feet to a point at Lot No. 30; thence along Lot No. 30 and Lot No. 31, North 63 degrees 41 minutes 47 seconds West, 55.36 feet to a point at the corner of Lot No. 45; thence along Lot No. 45, North 32 degrees 48 minutes 41 seconds East, 146.95 feet to a point along the southern edge of Appler Court, the place of BEGINNING. Containing 7,910 square feet.

BEING Lot No. 46 on a subdivision plan of Appler Development prepared by Group Hanover, Inc., dated August 12, 1996, Project No. 951872, which said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 72, Page 25-C.

UNDER AND SUBJECT, further to the notes, conditions, covenants, easements, restrictions, etc., as are set forth on the subdivision plan of Appler Development recorded in Adams County Plan Book 65, Page 89 and Plan Book 72, Page 25; including but not limited to a ten (10) feet wide drainage and utility easement along the sides and rear of all lots, said easements to be permanently maintained by abutting property owners.

UNDER AND SUBJECT, also, to the conditions and restrictions as more fully set forth in the Declaration of Covenants, Conditions and Restrictions of Appler Community Association, Inc., recorded in Adams County Record Book 941, Page 221 and 978, Page 25 to the point and place of BEGINNING.

BEING the same premises which Garland Construction, Inc., by its Deed dated September 29, 2000, and recorded February 8, 2001, in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 2211, Page 4, granted and conveyed unto Kevin O. Strevig and Rebecca S.

Kagarise. Rebecca S. Kagarise having married Kevin O. Strevig became known as Rebecca S. Strevig.

To be sold as the property of defendant on judgment entered at the above number and term.

Adams County Deed Book 3883, Page 37

Tax Parcel No. (27) 004-0118-000

Premises Being: 33 Appler Court, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Kevin O. Strevig & Rebecca S. Strevig f/k/a Rebecca S. Kagarise** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 29, 2008, 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.

1/4, 11 & 18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-426 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2008, 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 in the Borough of Littlestown, Adams County, Pennsylvania, as shown on the Subdivision Plan for "Lakeview Village - Phase Two" prepared by Donald E. Worley, Registered Surveyor, of Worley Surveying, dated April 21, 1989, revised September 11, 1989 recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 54, Page 65 (2 pages) and designated as Lot No. 49 thereon, more particularly bounded and described as follows:

BEGINNING at a steel pin on the Northern Right-of-Way line of Starlite Drive at corner of Lot No. 50 on the Plan of Lots hereinabove identified; thence by said Lot No. 50, North forty-four (44) degrees twenty-two (22) minutes thirty-two (32) seconds West, one hundred

twenty-six and fifty-one hundredths (126.51) feet to a steel on line of land of Pennsylvania Classics, Inc.; thence by said land of Pennsylvania Classics, Inc., North fifty-five (55) degrees forty-three (43) minutes thirty-six (36) seconds East, thirty-five and fifty-five hundredths (35.55) feet to a steel pin at corner of Lot No. 48; thence by said Lot No. 48, South forty-four (44) degrees twenty-two (22) minutes thirty-two (32) seconds East, one hundred twenty and twenty-seven hundredths (120.27) feet to a steel pin on the Northern Right-of-Way line of Starlite Drive, thence by said Northern Right-of-Way line of Starlite Drive, South forty-five (45) degrees thirty-seven (37) minutes twenty-eight (28) seconds West, thirty-five (35.00) feet to the above described place of BEGINNING.

CONTAINING 4,319 square feet.

TOGETHER with and subject to a fifty (50) feet Right-of-Way in, through along the streets known as Crescent Lane and Starlite Drive to be used in common with other owners of lots in "Lakeview Village - Phase Two," as shown on the Subdivision Plan above referenced.

Tax Parcel # (27) 011-0129

TITLE TO SAID PREMISES IS VESTED IN Ryan M. Glover by Deed from Garry L. Miller, unmarried, dated 11/29/2001 and recorded 12/10/2001 in Record Book 2491 Page 255.

PREMISES BEING: 31 Starlite Drive, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Ryan M. Glover** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 29, 2008, 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.

12/28, 1/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-829 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2008, 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 tract of land situate in Liberty Township, Adams County, Pennsylvania, bounded and described as follows:

Tract No. 1:

BEGINNING at a point in the center of the public highway (formerly known as the Waynesboro Turnpike) intersecting with lands of Mrs. Verna Sanders; thence by said public highway, 123 feet to a point intersecting the Jack's Mountain Road; thence by said Jack's Mountain Road, 90 1/3 feet to a point intersecting with the line of Verna Sanders; thence by said line of Verna Sanders 84 7/12 feet in a Southeasterly direction to the place of BEGINNING.

ALL that tract of land situate, lying and being in Hamiltonban Township, Adams County, Pennsylvania, bounded and described as follows:

Tract No. 2:

BEGINNING at a rock at lands now or formerly of Paul Seabrook and an old grave yard; thence by said grave yard South 37 3/4 degrees East 6.2 perches to stones at lands now or formerly of James Kime; thence by said lands North 62 1/4 degrees East 13.95 perches to a stake in the public road; thence by said public road North 17 3/4 degrees West 7.5 perches to a stone; thence South 49 1/4 degrees West 15.5 perches to a rock; the place of BEGINNING. CONTAINING 107.35 perches, more or less.

Tax Parcel No: (25) B 17-72

Premises Being: 1396 Jacks Mountain Road, Fairfield, PA 17320

SEIZED and taken into execution as the property of **Thomas S. Lease** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 29, 2008, 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.

12/28, 1/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1034 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2008, 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 with the improvements thereon erected, situate, lying and being in the Borough of New Oxford, Adams County, Pennsylvania, known on the Plan of said Borough as Lot No. 157 and more particularly bounded and described as follows:

BEGINNING at a corner of lot known as No. 156 and Berlin Street and extending thence along said Lot No. 156 one hundred eighty (180) feet to an alley; thence along said alley sixty (60) feet to Lot No. 158; thence along said Lot No. 158 one hundred eighty (180) feet to Berlin Street; thence along said Berlin Street sixty (60) feet to the place of BEGINNING.

TAX ID. #: 34-002-0026

TITLE TO SAID PREMISES IS VESTED IN Elizabeth H. Smith and Richard L. Smith, husband and wife, by deed from Ida Romaine Kitzmiller dated 11/22/2005 and recorded 12/2/2005 in Deed Book 4229, Page 120.

Being Known As: 111 North Berlin Avenue, New Oxford, PA 17350.

SEIZED and taken into execution as the property of **Elizabeth H. Smith & Richard L. Smith** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 29, 2008, 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.

1/4, 11 & 18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1095 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2008, 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 tract of land situate in Franklin Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to-wit:

BEGINNING at a stone in the public road leading from Cashtown to Hilltown; thence in said public road, North 30 degrees East 65 feet to a stone in road; thence by original tract, South 51 degrees East, 11.7 perches to stake; thence by original tract, South 30 degrees West 65 feet to a stone; thence by lot now or formerly of Mrs. Sharrah, North 51-1/2 degrees West, 11.7 perches to the place of BEGINNING.

CONTAINING 46 perches and 194 Square Feet.

TITLE TO SAID PREMISES IS VESTED IN Robert T. Hunter a/k/a Robert Hunter a/k/a Robert Todd Hunter by deed from James E. Stith and Diana H. Stith, husband and wife, dated 5/7/1998 and recorded 6/8/1998 in Deed Book 1596, Page 23.

Being Known As: 336 High Street, Cashtown, PA 17310.

TAX I.D.: (12) C 10-0094

SEIZED and taken into execution as the property of **Robert T. Hunter a/k/a Robert Hunter a/k/a Robert Todd Hunter** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 29, 2008, 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.

1/4, 11 & 18

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 LONNIE L. DOWNIN, JR., DEC'D

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

Joel Downin, 584 Oxford Road, New Oxford, PA 17350

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

ESTATE OF KENNETH L. NITTERHOUSE, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Personal Representative: Wanda J. Nitterhouse, c/o Patterson, Kiersz & Murphy, PC, 239 East Main Street, Waynesboro, PA 17268-1681

Attorney: Patterson, Kiersz & Murphy, PC, 239 East Main Street, Waynesboro, PA 17268-1681

SECOND PUBLICATION

ESTATE OF EDNA ELIZABETH GOULD, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Administrator: William A. Gould, 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 HARRY HARTMAN, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Administrators: Guy Hartman and Paul Hartman, c/o Virginia Shenkan Law Center, P.C., Virginia Shenkan, Esq., P.O. Box 1130, New Castle, PA 16103

Attorney: Virginia Shenkan, Esq., Virginia Shenkan Law Center, P.C., P.O. Box 1130, New Castle, PA 16103

ESTATE OF ARLENE L. HOFE, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Edgar L. Hofe, Jr., 174 Solomon Road, Gettysburg, PA 17325

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

ESTATE OF VERLEY E. KUHN, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Administrator C.T.A.: Phillip G. Kuhn, 220 South Street, Hanover, PA 17331

Attorney: Arthur J. Becker, Jr., Esq., Becker & Strausbaugh, P.C., 544 Carlisle Street, Hanover, PA 17331

THIRD PUBLICATION

ESTATE OF CHARLES F. KLINGER a/k/a CHARLES FRAZIER KLINGER, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Executrix: Martha E. Klinger, 365 Five Points Road, New Oxford, PA 17350

Attorney: Gary J. Heim, Esq., Mette, Evans & Woodside, 3401 North Front Street, Harrisburg, PA 17110

ESTATE OF MAE E. KUHN, DEC'D

Late of the Borough of Bendersville, Adams County, Pennsylvania

Wanda L. Helwig, 1917 North 2nd Street, Harrisburg, PA 17102

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

ESTATE OF ROBERT D. LEE, JR., DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Administratrix: Nancy D. Lee, 44 Apple Avenue, Gettysburg, PA 17325

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

ESTATE OF YVONNE CRABTREE NITZ a/k/a YVONNE NITZ, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Dwight Van Nitz, 7 Heth Street, Gettysburg, PA 17325

Attorney: Barbara Jo Entwistle, Esq., Pyle and Entwistle, 66 West Middle Street, Gettysburg, PA 17325

ESTATE OF MARY ROBERTA STALB, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrices: Donna Lee Burrell, P.O. Box 430, Winnie, TX 77665; Sandra K. Deckert, 2020 Goldenville Road, Gettysburg, PA 17325

Attorney: Andrea M. Singley, Esq., 63 West High Street, Gettysburg, PA 17325

Adams County Legal Journal

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No. 35, pp. 219-225

NEW ADVERTISING RATES EFFECTIVE 1/1/08

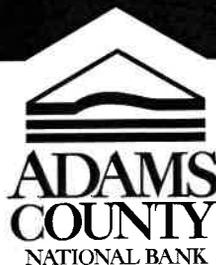
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Corporation Notice	50.00
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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1412 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2008, 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, lying and being in Hamilton Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a steel pin set along a fifty (50) feet wide right of way known as Foxtown Drive and Lot No. 44 of the hereinafter referenced subdivision plan; thence along said Lot No. 44 North two (02) degrees four (04) minutes forty-seven (47) seconds West, two hundred sixty-six and eighty-two hundredths (266.82) feet to a steel pin set at Lot No. 42 of said plan; thence along Lot No. 42 South sixty-nine (69) degrees fifty-three (53) minutes thirty-five (35) seconds East, three hundred twelve and ninety-five hundredths (312.95) feet to a steel pin set along the above mentioned Foxtown Drive; thence along and with said Foxtown Drive South seven (07) degrees nine (09) minutes zero (00) seconds West, twenty-three and zero hundredths (23.00) feet to a point; thence continuing by a curve to the right with a radius of one hundred fifty and zero hundredths (150.00) feet, an arc distance of two hundred eleven and forty-six hundredths (211.46) feet, and a long chord bearing and distance of South forty-seven (47) degrees thirty-two (32) minutes six (06) seconds West, one hundred ninety-four and thirty-eight hundredths (194.38) feet to a point; thence continuing South eighty-seven (87) degrees fifty-five (55) minutes thirteen (13) seconds West, one hundred thirty-eight and three hundredths (138.03) feet to a steel pin set at Lot No. 44 of said plan, the point and place of BEGINNING. CONTAINING 1.265 Acres and being identified as Lot No. 43 on the hereinafter referenced subdivision plan.

The above description was taken from a final Subdivision Plan prepared by

Worley Surveying. Said Plan was recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Plan Book 78, at Page 56.

SUBJECT, NEVERTHELESS, to a MET-ED Utility Right of Way as shown on the above subdivision plan.

SUBJECT, ALSO, to the Declaration of Restrictions recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania.

IT BEING the same which Lebing Development Company, Inc. by its deed dated December 15, 2000 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Deed Book 2183, at page 302, granted and conveyed unto L.L. Lawrence Builders, Inc., GRANTOR HEREIN.

TITLE TO SAID PREMISES IS VESTED IN Terry M. Jordan, Sr., and Josephine K. Jordan, husband and wife, by Deed from L.L. Lawrence Builders, Inc., dated 5-6-02, recorded 5-7-02, in Deed Book 2652, page 31.

Premises being: 60 Foxtown Drive, Abbotstown, PA 17301

Tax Parcel No. (17) L09-0212-000

SEIZED and taken into execution as the property of **Terry M. Jordan, Sr. & Josephine K. Jordan** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 29, 2008, 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.

1/4, 11 & 18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-774 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2008, 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 tract of land situate, lying and being in the Borough of Fairfield, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on public street, Main Street, and bounded on the East by a lot now or formerly of Robert P. McClellan and Mary E., his wife; on the South by public alley; on the West by lot now or formerly of Fairfield Borough School District; and on the North by a public street (Main Street). Having a frontage of thirty-six and one-half feet and running back two hundred forty feet to an alley. CONTAINING 6,360 square feet, more or less.

Tax Parcel: (11) 006-0026

Property Address: 106 West Main Street, Fairfield, PA 17320

SEIZED and taken into execution as the property of **Gerald C. Clark, II** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 29, 2008, 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.

1/4, 11 & 18

REPASKY VS. JELD-WEN, INC. ET AL

1. It is well-settled in Pennsylvania that the Economic Loss Doctrine bars recovery in tort where there is no physical injury and the only damages are to the product itself.

2. The economic loss doctrine applies to consumers as well as between commercial enterprises.

3. To determine what constitutes damages to "other property" for purposes of the economic loss doctrine, the "product" is considered to be the finished product rather than the individual components of which it is comprised.

4. Pennsylvania courts have recognized that when damages to certain building components are alleged to have been caused by other components in the same residential structure, the damage is not considered to be "other property" under the economic loss doctrine.

5. The fundamental rationale behind the economic loss doctrine is that the law of contracts and not of tort provides the appropriate remedy for plaintiffs seeking to recover for the alleged failure of a product to perform as expected.

6. There is no "discovery rule" with respect to a breach of implied warranty claims under Pennsylvania's Commercial Code that would toll the running of the four year statute of limitations period beyond the date of breach. Breach occurs, if at all, (and the four years statute of limitations begins to run) upon tender of delivery of the allegedly defective goods.

7. A statute of repose is distinguishable from a statute of limitations, in that a statute of repose limits potential liability by limiting the time during which a cause of action can arise, and cuts off a right of action after a specified time measured from delivery of a product or completion of work, regardless of the time of accrual of a cause of action or a notice of invasion of legal rights.

8. Where a plaintiff avers the existence of a written agreement and relies upon it to establish his cause of action, a defendant may properly annex that agreement without creating an impermissible speaking demurrer since the agreement is factual matter arising out of the complaint.

9. Under Pennsylvania law there are factors to use in considering whether a reasonable person should have noticed a warranty disclaimer and they include: [1] the disclaimer's placement in the document; [2] the size of the disclaimer's print; and [3] whether the disclaimer was highlighted by being printed in all capitals letters or in a type style or color different from the remainder thereof.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil Action, No. 06-S-717, JOHN REPASKY AND CHRISTINE REPASKY VS. JELD-WEN, INCL, JELD-WELD, INC., T/A POZZI WOOD WINDOWS, POZZI WINDOW COMPANY AND STO CORP.

James E. Chairuttini, Esq., and Paul W. Minnich, Esq., for Plaintiff
John G. Wall, Esq., Jeff Adler, Esq., Wayne W. Ringeisen, Esq., and
Jeffrey MacHarg, Esq., for Defendants

Bigham, J., December 29, 2006

OPINION

STATEMENT OF FACTS

In 1992, John and Christine Repasky (“Plaintiffs”) constructed an addition to their home in Mt. Pleasant Township, Pennsylvania. The addition was built to house a pool and a gymnasium. The exterior of the addition was constructed of stone veneer interspersed with an Exterior Insulation and Finish System (EIFS) which was manufactured by STO Corp. (“STO”) and contained eighteen exterior window and door units manufactured by Jeld-Wen, Inc. (“Jeld-Wen”) and Pozzi Window Company (“Pozzi”). In 2004, Plaintiffs noticed bubbling and cracking in the EIFS system around the windows and discovered extensive decay of the system. Plaintiffs also discovered that the frames of virtually all of the windows, window sills, and doors were rotted. Plaintiffs have had to completely replace the EIFS system as well as the windows and doors.

Plaintiffs commenced this action against STO, Jeld-Wen, and Pozzi on June 28, 2006 by filing a Writ of Summons. Defendant Jeld-Wen filed a Rule to File Complaint on July 24, 2006 and Defendant STO filed a Rule to File Complaint on August 11, 2006. Plaintiffs filed their Complaint on September 11, 2006. STO filed Preliminary Objections to Plaintiffs Complaint on September 27, 2006 and filed their Supporting Brief concurrently therewith.

Plaintiffs filed an Amended Complaint on October 13, 2006. On November 2, 2006, Jeld-Wen and Pozzi filed Preliminary Objections to Plaintiffs Amended Complaint outlining the following objections:

- [1] applying either of the two possible limited warranties, Jeld-Wen and Pozzi properly and expressly excluded the Implied Warranties of Merchantability and Fitness for a Particular Purpose;
- [2] causes of action sounding in implied warranties and express warranties are time barred;
- [3] Plaintiffs’ claims under the theories of negligence and strict liability are barred by the economic loss doctrine; and
- [4] causes of action sounding in negligence and strict liability are time barred.

On November 6, 2006, STO filed Preliminary Objections to Plaintiffs Amended Complaint and as well as their Supporting Brief outlining their objections:

[1] Plaintiffs' tort based claims are barred by the economic loss doctrine where the only damages claimed are to the product itself and do not involve physical injury; and

[2] Plaintiffs' claim for breach of implied warranty is time-barred.

A Court Order was entered on November 8, 2006 directing Plaintiffs to file a responsive brief by November 21, 2006 and scheduling Oral Argument for December 8, 2006 at 8:30 a.m. Plaintiffs' Counsel requested an extension for filing Responsive Brief and with all parties in agreement, Plaintiffs were permitted to file their Responsive Brief on November 30, 2006. STO filed a Reply Brief to Plaintiffs' Response on December 6, 2006. Jeld-Wen filed a Reply Brief to Plaintiffs' Response on December 18, 2006.

LEGAL DISCUSSION

Economic Loss Doctrine

STO and Jeld-Wen ("Defendants") argue that Plaintiffs cannot recover in tort because the damages are barred by the Economic Loss Doctrine.

Plaintiffs claim that neither Defendant has taken their analysis of the economic loss doctrine and its exceptions to the extent necessary to reach an appropriate determination concerning the preliminary objections they now raise. We disagree.

It is well-settled in Pennsylvania that the Economic Loss Doctrine bars recovery in tort where there is no physical injury and the only damages are to the product itself. "The general rule of law is that economic losses may not be recovered in tort (negligence) absent physical injury or [other] property damage." *Spivak v. Berks Ridge Corp.*, 586 A.2d 402, 405 (Pa. Super. 1991). The economic loss doctrine bars recovery for the Plaintiff when a claim is brought in tort (strict liability or negligence) but no physical injury exists, and the only damage is to the product itself. *New York State Elec. & Gas Corp. v. Westinghouse Elec. Corp.*, 546 A.2d 919,925-926 (Pa. Super. 1989).

"In our opinion in the companion to this case, *REM Coal Co. v. Clark Equip. Co.*, this court has held that economic losses are not recoverable in negligence or strict liability in a product liability action." *Id.* at 925.

We adopt the standard unanimously adopted by the Supreme Court in *East River Steamship Corp. v.*

Transamerica Delaval, Inc., 476 U.S. 858, (1986), under which recovery in tort is barred in product liability actions between commercial enterprises where the only damage alleged is to the product itself, whether or not the defect posed a risk of other damage or injury or manifested itself in a sudden and calamitous occurrence.

REM Coal Co. v. Clark Equip. Co., 563 A.2d 128, 132 (Pa. Super. 1989). “A manufacturer in a commercial relationship has no duty under either a negligence or strict products liability theory to prevent a product from injuring itself.” *East River Steamship Corp. v. Transamerica Delaval, Inc.*, 476 U.S. 858, 871 (1986). This rule has been further expanded by the court in *Jones* to include consumers. The economic loss doctrine applies to consumers as well as between commercial enterprises. *Jones v. General Motors Corp.*, 631 A.2d 665, 666 (Pa. Super. 1993).

The Commonwealth’s version of the doctrine precludes recovery for economic losses in a negligence action *if the only damage sustained by the Plaintiff/Purchaser is damage to the product itself, but no other property damage or personal injury resulted.* *REM Coal Co. v. Clark Equip. Co.*, 563 A.2d 128, 134 (Pa. Super. 1989) (*emphasis added*). Therefore, the outcome here turns on what is considered to be the “product itself”?

Defendants claim that the loss suffered was to the product itself and therefore recovery for that loss is not permissible. Defendants argue that a “product” is considered a finished product and not the individual components of which it is comprised and that when an allegedly defective component is incorporated into the final integrated product it is not damage to “other property” under the economic loss doctrine.

Plaintiffs argue Defendants have not analyzed this claim properly under the economic loss doctrine and that a proper analysis would indicate the injuries suffered were to “other property”. Plaintiffs argue that because their claims fall under the “other property” exception to the economic loss doctrine, recovery would not be barred.

Plaintiffs assert this Court should apply the rule from *Saratoga Fishing Co.*, 520 U.S. 875 (S. Ct. 1987) where it was found that a tort Plaintiff could recover for physical damage the product causes to “other property”; equipment added to a product after the manufacturer or

distributor selling in the initial distribution chain has sold the product to an initial user is not part of the product itself that caused physical harm, but rather constitutes “other property.” *Saratoga Fishing Co.*, at 875. The Court’s points of inquiry were identified as being whether or not equipment added by the initial user after the first sale constitutes part of the “product itself” or whether it constitutes “other property.” *Id.* at 877. The Court held that the addition of property to the product sold to the initial user by the manufacturer or distributor constituted “other property” and that therefore the normal tort rules permitted recovery. *Id.* (emphasis added). “When a manufacturer places an item in the stream of commerce by selling it to an initial user, that item is the ‘product itself’ under *East River*. Items added to the product by the initial user are therefore ‘other property,’ and the initial user’s sale of product to a subsequent user does not change these characterizations. *Id.* at 879. (emphasis added).

This Court does not find the rule in *Saratoga Fishing Co.* applicable to this case. The products at issue here are not additions to the completed building but instead are components of the completed building. The separate products (i.e., windows, doors, EIFS) were used in combination with one another to form the building. Therefore the “finished” product is considered to be the entire building inclusive of its component parts. Actually, the Court in *Saratoga Fishing Co.* points this out.

The Supreme Court finds that components that are part of a product when it is initially sold do not fall within the “other property” exception:

Since all but the very simplest of machines have component parts, [a contrary] holding would require a finding of “property damage” in virtually every case where a product damages itself. Such a holding would eliminate the distinction between warranty and strict products liability. Our holding here, however, does not affect this rule.

Saratoga Fishing Co. at 883. Citing *East River*, 476 U.S. at 867 (quoting *Northern Power & Engineering Corp. v. Caterpillar Tractor Co.*, 623 P.2d 324, 330 (Alaska 1981)).

To determine what constitutes damages to “other property” for purposes of the economic loss doctrine, the “product” is considered

to be the finished product rather than the individual components of which it is comprised. *King v. Hilton-Davis*, 855 F.2d 1047, 1052 (3d Cir. 1988). When a component of a structure is alleged to be defective, it is not considered “other property”, and the economic loss doctrine will bar the Plaintiff from recovering under a theory in tort. *Lupinski v. Heritage Homes, Ltd.*, 535 A.2d 656, 657-658 (Pa. Super. 1988)¹ (Damages to house allegedly caused by bug infested lumber that was integrated into the house was not damage to “other property”) *Id.*

Pennsylvania courts have recognized that when damages to certain building components are alleged to have been caused by other components in the same residential structure, the damage is not considered to be “other property” under the economic loss doctrine. *Atkins v. Dryvit Sys., Inc.*, No. 99-10131 (Pa. Com. Pl. Jan. 31, 2003) (Chester County) (Slip-OP).

Damage to building façade caused by allegedly defective exterior wall coating was not damage to “other” property thereby limiting plaintiff’s recovery to contract-based theories. *Wellsboro Hotel Co. v. Prins*, 894 F. Supp. 170, 175 (E.D. Pa. 1995). Damage to building allegedly caused by leaky doors was not damage to “other property” under economic loss rule. *Longport Ocean Plaza Condo., Inc. v. Robert Cato & Assocs., Inc.*, 2002 WL 436742 at 5 (E.D. Pa. Mar. 18, 2002).

In determining whether a product has injured only itself in an action in which a component part manufactured by a defendant causes injury to the product of which it is a part, a court should look not to the product manufactured by the defendant, but to the product purchased by the plaintiff... Therefore, to the extent products used in construction prove defective and result in harm to a building itself, those damages should not be considered damage to ‘other property.’

Id.

¹ Plaintiff points out that *Lupinski* relies heavily on precedent that was set out in *Industrial Uniform Rental Co., v. International Harvester Co.*, 463 A.2d 1085 (Pa. Super. 1983) that was reversed by *REM Coal Co.* However, Defendants argue that the Court in *REM Coal Co.* in overruling *Industrial Uniform* expanded the rule by adopting the standard that was set forth in *East River* and therefore the outcome of *Lupinski* would not change.

The Court held that a claim for damages to “other property” where defective components of a generator allegedly caused damages to other parts of the generator was clearly without merit. *New York State Elec. & Gas Corp. v. Westinghouse Elec. Corp.*, 546 A.2d 919, 925 (Pa. Super. 1989).

The fundamental rationale behind the economic loss doctrine is that the law of contracts and not of tort provides the appropriate remedy for plaintiffs seeking to recover for the alleged failure of a product to perform as expected. The purpose of the economic loss doctrine, as adopted in Pennsylvania, is “maintaining the separate spheres of the law of contract and tort.” *New York State Elec. & Gas Corp.* at 925. Therefore, because the Court finds the building to be the “finished” product, the claims in tort are barred by the Economic Loss Doctrine. Defendants’ preliminary objection under the Economic Loss Doctrine is therefore sustained.

Torts

Jeld-Wen also objected to the tort claims asserting they are barred by the Statute of Limitations. However, because the objection under the Economic Loss Doctrine has been sustained and the tort claims will be barred under that theory, the Court sees no need to address this objection.

Continued to next issue (1/25/2008)

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1029 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2008, 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 piece, parcel or tract of ground, situate, lying and being in the Borough of Littlestown, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point along the Southern edge of Appler Court at corner of Lot No. 45 on the hereinafter mentioned subdivision plan; thence along the Southern edge of Appler Court, South 57 degrees 11 minutes 19 seconds East, 55.00 feet to corner of Lot No. 47; thence along the Lot No. 47, South 32 degrees 48 minutes 41 seconds West, 140.67 feet to a point at Lot No. 30; thence along Lot No. 30 and Lot No. 31, North 63 degrees 41 minutes 47 seconds West, 55.36 feet to a point at the corner of Lot No. 45; thence along Lot No. 45, North 32 degrees 48 minutes 41 seconds East, 146.95 feet to a point along the southern edge of Appler Court, the place of BEGINNING. Containing 7,910 square feet.

BEING Lot No. 46 on a subdivision plan of Appler Development prepared by Group Hanover, Inc., dated August 12, 1996, Project No. 951872, which said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 72, Page 25-C.

UNDER AND SUBJECT, further to the notes, conditions, covenants, easements, restrictions, etc., as are set forth on the subdivision plan of Appler Development recorded in Adams County Plan Book 65, Page 89 and Plan Book 72, Page 25, including but not limited to a ten (10) feet wide drainage and utility easement along the sides and rear of all lots, said easements to be permanently maintained by abutting property owners.

UNDER AND SUBJECT, also, to the conditions and restrictions as more fully set forth in the Declaration of Covenants, Conditions and Restrictions of Appler Community Association, Inc., recorded in Adams County Record Book 941, Page 221 and 978, Page 25 to the point and place of BEGINNING.

BEING the same premises which Garland Construction, Inc., by its Deed dated September 29, 2000, and recorded February 8, 2001, in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 2211, Page 4, granted and conveyed unto Kevin O. Strevig and Rebecca S.

Kagarise. Rebecca S. Kagarise having married Kevin O. Strevig became known as Rebecca S. Strevig.

To be sold as the property of defendant on judgment entered at the above number and term.

Adams County Deed Book 3883, Page 37

Tax Parcel No. (27) 004-0118-000

Premises Being: 33 Appler Court, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Kevin O. Strevig & Rebecca S. Strevig f/k/a Rebecca S. Kagarise** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 29, 2008, 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.

1/4, 11 & 18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-624 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of February, 2008, 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 located in Germany Township, Adams County, Pennsylvania, described as follows, to-wit:

BEGINNING for a point on the Eastern edge of Tyoaka Drive at Lot No. 24 of the hereinafter referenced subdivision plan; thence along said Eastern edge of Tyoaka Drive North 38 degrees 47 minutes 46 seconds East, 183.21 feet to a point at Lot No. 22 of said Plan: thence along same the following same four courses and distance: 1) South 64 degrees 43 minutes 20 seconds East 249.28 feet to a point thence, 2) North 46 degrees 50 minutes 48 seconds East, 100.82 feet to a point thence; 3) North 7 degrees 8 minutes 53 seconds East, 112.18 feet to a point thence, 4) South 83 degrees 44 minutes 15 seconds East, 121.84 feet to a point at lands now or

formerly of Ronald J. Beck thence along same, South 6 degrees 15 minutes 45 seconds West, 594.73 feet to a point at Lot No. 24 of said plan, thence along same North 51 degrees 17 minutes 21 seconds West, 620.19 feet to a point on the Eastern edge of Tyoaka Drive the point and place of BEGINNING.

Identified as Lot No. 23 on a plan of lots prepared by Worley Surveying on May 24, 2004 as revised on June 8, 2004 and known as Hunter's Ridge, Phase III. Said Plan is recorded in the Recorder of Deeds in and for Adams County, Pennsylvania in Plan Book 87, at page 26.

Tax Parcel: (15) H18-130

Property Address: 145 Tyoaka Drive, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Anthony J. Laviola & Deborah L. Laviola** 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 March 14, 2008, 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.

1/18, 25 & 2/1

SHERIFF'S SALE

SHERIFF'S SALE

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-1175 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of February, 2008, 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, lying and being in Oxford Township, Adams County, Pennsylvania, more particularly bounded and described as follows to wit:

BEGINNING for a point at Berlin Road and lands now or formerly of Joseph L. Hockensmith; thence along said lands of Hockensmith, South forty-one (41) minutes twenty-four (24) seconds East, one hundred fifty (150.00) feet to a point at Lot No. 53; thence along Lot No. 44, South forty-eight (48) degrees thirty-four (34) minutes twelve (12) seconds West, eighty-five (85.00) feet to a point at lands now or formerly of Dale E. Shultz; thence along said lands of Shultz, formerly of Dale E. Shultz; thence along said lands of Shultz, North forty-one (41) degrees forty-one (41) minutes twenty-four (24) seconds West, one hundred fifty (150.00) feet to a point at Berlin Road; thence along Berlin Road, North forty-eight (48) degrees eighteen (18) minutes thirty-six (36) seconds East, eighty-five (85.00) feet to the point and place of BEGINNING.

Being the same premises which Charles E. Frey Sr. by deed dated 9/10/01 and recorded on 9/14/01 in the Recorder of Deeds in and for Adams County in book 2404, Page 0227 granted and conveyed unto David Dark and Edmee Dark h/w.

Premises Being: 255 Berlin Road, New Oxford, PA 17350

SEIZED and taken into execution as the property of **David Dark & Edmee Dark** 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 March 14, 2008, 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.

1/18, 25 & 2/1

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1095 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2008, 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 tract of land situate in Franklin Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to-wit:

BEGINNING at a stone in the public road leading from Cashtown to Hilltown; thence in said public road, North 30 degrees East 65 feet to a stone in road; thence by original tract, South 51 degrees East, 11.7 perches to stake; thence by original tract, South 30 degrees West 65 feet to a stone; thence by lot now or formerly of Mrs. Sharrah, North 51-1/2 degrees West, 11.7 perches to the place of BEGINNING.

CONTAINING 46 perches and 194 Square Feet.

TITLE TO SAID PREMISES IS VESTED IN Robert T. Hunter a/k/a Robert Hunter a/k/a Robert Todd Hunter by deed from James E. Slith and Diana H. Slith, husband and wife, dated 5/7/1998 and recorded 6/8/1998 in Deed Book 1596, Page 23.

Being Known As: 336 High Street, Cashtown, PA 17310.

TAX I.D: (12) C 10-0094

SEIZED and taken into execution as the property of **Robert T. Hunter a/k/a Robert Hunter a/k/a Robert Todd Hunter** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 29, 2008, 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.

1/4, 11 & 18

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1034 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2008, 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 with the improvements thereon erected, situate, lying and being in the Borough of New Oxford, Adams County, Pennsylvania, known on the Plan of said Borough as Lot No. 157 and more particularly bounded and described as follows:

BEGINNING at a corner of lot known as No. 156 and Berlin Street and extending thence along said Lot No. 156 one hundred eighty (180) feet to an alley; thence along said alley sixty (60) feet to Lot No. 158; thence along said Lot No. 158 one hundred eighty (180) feet to Berlin Street; thence along said Berlin Street sixty (60) feet to the place of BEGINNING.

TAX ID. #: 34-002-0026

TITLE TO SAID PREMISES IS VESTED IN Elizabeth H. Smith and Richard L. Smith, husband and wife, by deed from Ida Romaine Kitzmiller dated 11/22/2005 and recorded 12/2/2005 in Deed Book 4229, Page 120.

Being Known As: 111 North Berlin Avenue, New Oxford, PA 17350.

SEIZED and taken into execution as the property of **Elizabeth H. Smith & Richard L. Smith** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 29, 2008, 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.

1/4, 11 & 18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1107 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of February, 2008, 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 of land situated in Latimore Township, Adams County, Pennsylvania, being more particularly described as Lot No. 1122 on a plan of lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 1, at Page 7, and subject to all legal highways, easements, rights-of-way and restrictions of record.

TOGETHER with the right in common with other owners of lots in said subdivision to use for all usual purposes the street, ways, beaches, recreation areas, and other public areas, as shown on the said plot, and the right in common with other owners of lots in the said subdivision to use the lake and beaches for swimming, fishing, and boating in accordance with the rules and regulations of Lake Meade Property Owners Association, its successors and/or assigns.

For title reference see Deed recorded August 28, 2003 Book 3272, Page 155.

TITLE TO SAID PREMISES IS VESTED IN Karen M. Samento, an unmarried woman, by Deed from Kenneth L. Samento, an unmarried man and Karen M. Samento, an unmarried woman, who acquired title as husband & wife as tenants by the entireties, dated 12/09/2005, recorded 12/16/2005, in Deed Book 4248, page 169.

Premises being: 251 Lake Meade Drive, East Berlin, PA 17316

Tax Parcel No. (24) 009-0031

SEIZED and taken into execution as the property of **Karen M. Samento** 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 March 14, 2008, 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.

1/18, 25 & 2/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1158 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of February, 2008, 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 tract of land situate in Freedom Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a p.k. nail, in the center line of Legislative Route 01052, Pumping Station Road, at a corner of lands now or formerly of F. Williams; thence along said same lands now or formerly of F. Williams through a pipe set back 25 feet from the beginning reference point, and also running through a corner marker set 29.10 feet from the next reference point, South 76 degrees 14 minutes 00 seconds East, 319.50 feet to a pipe along line of lands now or formerly of Paul M. French and Patrice S. French; thence along said same lands, South 13 degrees 46 minutes 00 seconds West, 150 feet to a pipe at corner of lands now or formerly of Paul M. French and Patrice S. French, also designated as Lot No. 3 on the hereinafter mentioned survey; thence by same lands, and designated as Lot No. 3 as heretofore mentioned, North 76 degrees 14 minutes 00 seconds West, 319.50 feet to a p.k. nail located in the center line of Legislative Route 01052, Pumping Station Road, at corner of lands now or formerly of Paul M. French and Patrice S. French; thence continuing along the center line of Legislative Route 01052, Pumping Station Road, North 13 degrees 46 minutes 00 seconds East, 150 feet to a p.k. nail located in the center line of Legislative Route 01052, Pumping Station Road, at corner of lands now or formerly of F. Williams, the place of BEGINNING. CONTAINING 1.100 Acres (47,925 square feet).

The foregoing description was obtained from a draft of survey prepared by J. Riley Redding, Registered Surveyor, 1/4 Adams County Surveyors, dated January 6, 1987, which is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 47, page 97. The property described above is designated as Lot No. 2 on the heretofore mentioned survey.

BEING the same tract of land which Lawrence H. Lawson and Linda Y. Lawson, husband and wife, by deed dated June 24, 1996 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 1219 at page 193, granted and conveyed unto Kenneth H. Cooper and Georgianne K. Cooper, husband and wife, Grantors herein.

UNDER AND SUBJECT to all applicable zoning, sewer, subdivision or other ordinances, regulations and laws and to all other applicable conditions, restrictions, easements and rights-of-way of record or apparent on or in the premises; provided, however, that none of the foregoing shall be revived hereby if the same shall have expired by limitation violation, agreement or otherwise howsoever.

BEING Known As: 2110 Pumping Station Road, Fairfield (Freedom Township), PA 17320

PROPERTY ID NO.: (13) D 16-0073

TITLE TO SAID PREMISES IS VESTED IN L. John Mohan and Amanda B. Mohan, husband and wife, as tenants of an estate by the entireties by deed from Kenneth H. Cooper and Georgianne K. Cooper, husband and wife dated 3/9/07 recorded 3/12/07 in Deed Book 4766 Page 156.

SEIZED and taken into execution as the property of **Georgianne K. Cooper, Kenneth H. Cooper, L. John Mohan & Amanda B. Mohan** 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 March 14, 2008, 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.

1/18, 25 & 2/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-107 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of February, 2008, 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 tract of land situate, lying and being in Hamiltonban Township, Adams County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at a stone at corner of land now or formerly of William Smith Heirs; thence along land now or formerly of William Smith Heirs, South 45 degrees West, 519 feet to a stone at corner of land now or formerly of Grace E. Fox and Raymond B. Fox; thence along land now or formerly of Grace E. Fox and Raymond B. Fox, crossing State Highway Route 01015 leading from Fairfield to Greenstone and crossing Tom's Creek, North 36-1/2 degrees West, 250 feet to a center of a big rock at line of land now or formerly of William Smith Heirs; thence by land now or formerly of William Smith Heirs, North 45 degrees East, 519 feet to a stone; thence by land now or formerly of same, crossing Tom's Creek and crossing the aforesaid State Highway, South 36-1/2 degrees East, 250 feet to a stone; the place of BEGINNING.

Excepting, however, therefrom, that certain lot or piece of land otherwise conveyed by Warren R. Dannelley and Laura M. Dannelley, husband and wife, to Paul C. McGlaughlin and wife, dated April 9, 1963 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 243 at Page 1023.

All that certain tract of land lying, situate and being Hamiltonban Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at the corner of lands of Grantors and said land known as Lot No. 2 on a certain subdivision, thence South 45 degrees 00 minutes seconds East, 50.00 feet to a point; thence South 45 degrees 03 minutes 21 seconds West, 435.05 feet to a point; thence North 45 degrees 00 minutes 00 seconds West, 50.00 feet to a point at the corner of Lot No. 5 thence continuing along Lot No. 5 North 45 degrees 06 minutes 51 seconds East, 213.05 feet to a point at the corner of Lots No. 4 and 5; thence continuing by Lot No. 4 North 45 degrees 00 minutes 00 seconds East, 70.00 feet to a point at the corner of Lots No. 3 and 4; thence continuing by Lot No. 3 North 45 degrees 00 minutes 00 seconds East, 100.00 feet to a point at the corner of

Lots No. 2 and 3; thence continuing by Lot No. 2 North 45 degrees 00 minutes 00 seconds East, 52.00 feet to the place of BEGINNING.

The above description is known as Lot No. 7 and was taken from a plan of survey prepared by J. Rex Benchoff, Registered Surveyor, dated October 10, 1989 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 55 at Page 66.

Being Known As 1604 Iron Springs/Indian Trail Inn, Fairfield, PA 17320

SEIZED and taken into execution as the property of **Mary Nicholas & George W. Nicholas** 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 March 14, 2008, 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.

1/18, 25 & 2/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1167 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of February, 2008, 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 tract of land situate in Straban Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a stake at the Eastern side of a public alley on line of land now or formerly of Clair Tate, and extending thence along said alley, North 9 degrees East, 244.6 feet to an iron pin at corner of land now or formerly of Bruce Winter; thence along land now or formerly of Bruce Winter, South 81 degrees 45 minutes East, 45.4 feet; thence by same, North 12 degrees 10 minutes East, 133.9 feet to a spike in the center of the State Highway leading to Gulden's Station; thence in and along said Highway, South 62 degrees 25 minutes East, 115.6 feet to a spike in the center of said highway;

thence by land now or formerly of Neely Taughinbaugh and through a stake, which stake is 28.4 feet from said spike, South 7 degrees 40 minutes West, 335.5 feet to a stake on line of land now or formerly of Clair Tate; thence by land now or formerly of Clair Tate, North 83 degrees 30 minutes West, 170.5 feet to the stake, the place of BEGINNING. CONTAINING 1 Acre and 20 Perches, more or less.

LESS, HOWEVER, all that tract of land containing 35 perches which George M. Smith, unmarried, and his sister, Ruth A. Smith, unmarried, by their deed dated September 18, 1967, and recorded in the Office of the Recorder of Deeds in Deed Book 263 at Page 950, sold and conveyed unto Jacob S. Smith and Bonnie R. Smith, husband and wife.

TITLE TO SAID PREMISES IS VESTED IN Gregory D. Smith, by Deed from Randal B. Inskip and Judith G. Inskip, his wife, dated 02/16/2000, recorded 02/23/2000, in Deed Book 2004, page 1.

Premises being: 69 Hunterstown Hampton Road, Gettysburg, PA 17325

Tax Parcel No. (38) 021-0074

SEIZED and taken into execution as the property of **Gregory D. Smith** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 14, 2008, 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.

1/18, 25 & 2/1

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 ANNE L. FABER, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Executor: W. Russell Faber, 4717 Galen Road, Harrisburg, PA 17110

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

ESTATE OF K. KENNETH KITTINGER, SR., DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Gladys L. Masoner, 726 Willow Valley Lakes Drive, Willow Street, PA 17584

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

ESTATE OF LAWRENCE J. RIORDAN, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executors: John Kenneth Riordan, 9039 Sunni Shade Ct., Perry Hall, MD 21128; Eugene Patrick Riordan, 9009 Sudbury Rd., Silver Spring, MD 20901

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

ESTATE OF HAZEL E. SPAHR, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Co-Executors: Diane L. Baker, 121 Smeach Drive, Hanover, PA 17331; Lloyd A. Spahr, 890 Stoney Point Road, East Berlin, PA 17316

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

ESTATE OF ELIZABETH JEAN SPENCE, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Co-Executors: Cloyd W. Spence, 2170 Mount Hope Road, Fairfield, PA 17320; Joyce R. Spence, 2170 Mount Hope Road, Fairfield, PA 17320; Jeffrey W. Spence, 2112 Mount Hope Road, Fairfield, PA 17320

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

ESTATE OF CLARENCE R. THOMPSON a/k/a CLARENCE R. THOMPSON, JR., DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executor: Larry E. Thompson, 5 Winding Brook Road, Biglerville, PA 17307

Attorney: Barbara Jo Entwistle, Esq., Pyle and Entwistle, 66 West Middle Street, Gettysburg, PA 17325

SECOND PUBLICATION**ESTATE OF LONNIE L. DOWNIN, JR., DEC'D**

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

Joel Downin, 584 Oxford Road, New Oxford, PA 17350

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

ESTATE OF KENNETH L. NITTERHOUSE, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Personal Representative: Wanda J. Nitterhouse, c/o Patterson, Kiersz & Murphy, PC, 239 East Main Street, Waynesboro, PA 17268-1681

Attorney: Patterson, Kiersz & Murphy, PC, 239 East Main Street, Waynesboro, PA 17268-1681

THIRD PUBLICATION**ESTATE OF EDNA ELIZABETH GOULD, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Administrator: William A. Gould, 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 HARRY HARTMAN, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Administrators: Guy Hartman and Paul Hartman, c/o Virginia Shenkan Law Center, P.C., Virginia Shenkan, Esq., P.O. Box 1130, New Castle, PA 16103

Attorney: Virginia Shenkan, Esq., Virginia Shenkan Law Center, P.C., P.O. Box 1130, New Castle, PA 16103

ESTATE OF ARLENE L. HOFE, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Edgar L. Hofe, Jr., 174 Solomon Road, Gettysburg, PA 17325

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

ESTATE OF VERLEY E. KUHN, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Administrator C.T.A.: Phillip G. Kuhn, 220 South Street, Hanover, PA 17331

Attorney: Arthur J. Becker, Jr., Esq., Becker & Strausbaugh, P.C., 544 Carlisle Street, Hanover, PA 17331

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-897 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of February, 2008, 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 of ground, situated in Huntington Township, Adams County, Pennsylvania, bounded and described as follows, together with the dwelling erected thereon:

BEGINNING at a point where Leg. Route No. 01012 intersects with the Still House Road; thence in the center of the Still House Road South 38 degrees 25 minutes 40 seconds West, 244.0 feet to a point in the center line of such road at other land now or formerly of Frank Hamilton; thence along other land now or formerly of Frank Hamilton North 61 degrees 33 minutes 30 seconds West, 180.18 feet to a point; thence along land of same North 21 degrees 36 minutes 40 seconds East 200.00 feet to a point in the center of Leg. Route No. 01012 aforesaid; thence in said road South 68 degrees 23 minutes 20 seconds East, 105.46 feet to a spike in said road; thence in such road South 73 degrees 12 minutes 20 seconds East 144.54 feet to a point at the intersection of the aforesaid roads, the place of BEGINNING.

THE above description was taken from draft of survey prepared by Gettysburg Engineering Co., Inc., dated September 3,4, 1969.

TITLE TO SAID PREMISES IS VESTED IN Fred J. Rogers and Melissa A. Rogers, his wife, by Deed from Vicki L. Ardnt, single woman, dated 5/29/1998, recorded 6/8/1998 in Record Book 1596 Page 132

Tax Parcel: H2-27A

Premises Being: 210 Goodyear Road, Gardners, PA 17324

SEIZED and taken into execution as the property of **Fred J. Rogers & Melissa A. Rogers** 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 March 14, 2008, 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.

1/18, 25 & 2/1

CERTIFICATE OF ORGANIZATION

NOTICE IS HEREBY GIVEN that a Certificate of Organization was filed with the Department of State of the Commonwealth of Pennsylvania, for a Limited Liability Company on December 5, 2007, formed under the Limited Liability Company Law of 1994. The name of the company is DIRTY DUGZ, LLC.

Kim Ross Houser
Mears, Smith, Houser & Boyle, P.C.
Attorneys at Law
127 North Main Street
Greensburg, PA 15601-2403
724-832-8700

1/18

Adams County Legal Journal

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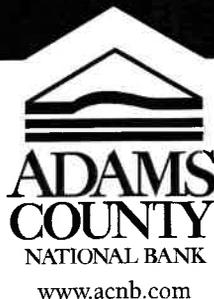
IN THIS ISSUE

REPASKY VS. JELD-WEN, INC. ET AL

This opinion continued from last issue (1/18/2008)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-1175 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of February, 2008, 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, lying and being in Oxford Township, Adams County, Pennsylvania, more particularly bounded and described as follows to wit:

BEGINNING for a point at Berlin Road and lands now or formerly of Joseph L. Hockensmith; thence along said lands of Hockensmith, South forty-one (41) minutes twenty-four (24) seconds East, one hundred fifty (150.00) feet to a point at Lot No. 53; thence along Lot No. 44, South forty-eight (48) degrees thirty-four (34) minutes twelve (12) seconds West, eighty-five (85.00) feet to a point at lands now or formerly of Dale E. Shultz; thence along said lands of Shultz, formerly of Dale E. Shultz; thence along said lands of Shultz, North forty-one (41) degrees forty-one (41) minutes twenty-four (24) seconds West, one hundred fifty (150.00) feet to a point at Berlin Road; thence along Berlin Road, North forty-eight (48) degrees eighteen (18) minutes thirty-six (36) seconds East, eighty-five (85.00) feet to the point and place of BEGINNING.

Being the same premises which Charles E. Frey Sr. by deed dated 9/10/01 and recorded on 9/14/01 in the Recorder of Deeds in and for Adams County in book 2404, Page 0227 granted and conveyed unto David Dark and Edmee Dark h/w.

Premises Being: 255 Berlin Road, New Oxford, PA 17350

SEIZED and taken into execution as the property of **David Dark & Edmee Dark** 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 March 14, 2008, 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.

1/18, 25 & 2/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-624 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of February, 2008, 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 located in Germany Township, Adams County, Pennsylvania, described as follows, to-wit:

BEGINNING for a point on the Eastern edge of Tyoka Drive at Lot No. 24 of the hereinafter referenced subdivision plan; thence along said Eastern edge of Tyoka Drive North 38 degrees 47 minutes 46 seconds East, 183.21 feet to a point at Lot No. 22 of said Plan; thence along same the following same four courses and distance: 1) South 64 degrees 43 minutes 20 seconds East 249.28 feet to a point thence, 2) North 46 degrees 50 minutes 48 seconds East, 100.82 feet to a point thence; 3) North 7 degrees 8 minutes 53 seconds East, 112.18 feet to a point thence, 4) South 83 degrees 44 minutes 15 seconds East, 121.84 feet to a point at lands now or formerly of Ronald J. Beck thence along same, South 6 degrees 15 minutes 45 seconds West, 594.73 feet to a point at Lot No. 24 of said plan, thence along same North 51 degrees 17 minutes 21 seconds West, 620.19 feet to a point on the Eastern edge of Tyoka Drive the point and place of BEGINNING.

Identified as Lot No. 23 on a plan of lots prepared by Worley Surveying on May 24, 2004 as revised on June 8, 2004 and known as Hunter's Ridge, Phase III. Said Plan is recorded in the Recorder of Deeds in and for Adams

County, Pennsylvania in Plan Book 87, at page 26.

Tax Parcel: (15) H18-I30

Property Address: 145 Tyoka Drive, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Anthony J. Laviola & Deborah L. Laviola** 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 March 14, 2008, 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.

1/18, 25 & 2/1

REPASKY VS. JELD-WEN, INC. ET AL

Continued from last issue (1/18/2008)

Statute of Limitations

Implied Warranty/Express Warranty

“An action for breach of any contract for the sale of goods must be commenced within four years after the cause of action has accrued.” 13 Pa. C. S. § 2725 (a).

Defendants argue that if a breach actually occurred it would have occurred when the pool house was originally constructed in 1992. A cause of action accrues for statute of limitations purposes “when the breach occurs, regardless of the aggrieved party’s lack of knowledge of the breach.” 13 Pa. C. S. § 2725 (b). Defendants argue that even if Plaintiffs did not discover a breach until 2004 the statute of limitations period would have already expired.

There is no “discovery rule” with respect to a breach of implied warranty claims under Pennsylvania’s Commercial Code that would toll the running of the four year statute of limitations period beyond the date of breach. Breach occurs, if at all, (and the four years statute of limitations begins to run) upon tender of delivery of the allegedly defective goods). *Northampton County Area Cmty. Coll. v. Dow Chemical U.S.A.*, 566 A.2d 591,599 (Pa. Super. 1989) (tort discovery rule does not apply to breach of warranty actions). The Commercial Code expressly rejects a discovery rule similar to the one that has been developed for personal injury actions. *Patton v. Mack Trucks, Inc.*, 519 A.2d 959, 966-67 (Pa. Super. 1986).

Plaintiffs concede that Defendants properly and accurately cited to the statutory law applicable to the claims. However, Plaintiffs argue that the rationale behind the statute is outdated, against public policy, and no longer applicable in the legal arena of the present day and age. Plaintiffs argue that in this day and age demands that records for certain types of products be kept for a period of time consistent with the typical or expected life of the product, rather than an arbitrarily selected narrow time frame of “four years.” “[I]n the usual circumstances,...defects are apt to surface within that time period, and the few odd situations where this is not the case, resulting in hardship to the buyer are thought to be outweighed by the commercial benefit derived by allowing the parties to destroy records with reasonable promptness.” *Nationwide Ins. Co. v. General Motors*, 625 A.2d 1172, 1174 (Pa. 1993) citing to *William D. Hawkland*, Uniform Commercial Code Series § 2-725:02 (1984).

Plaintiffs also assert that the statute of limitations is actually a statute of repose and that this could potentially leave the Plaintiffs with no means of recovery. *“Thus, in breach of warranty cases the four year statute of limitations period is essentially a statute of repose.”* *Nationwide* at 1174-75 (Pa. 1993). (emphasis added).

A statute of repose is distinguishable from a statute of limitations, in that a statute of repose limits potential liability by limiting the time during which a cause of action can arise, and cuts off a right of action after a specified time measured from delivery of a product or completion of work, regardless of the time of accrual of a cause of action or a notice of invasion of legal rights. *Black’s Law Dictionary, 6th edition.*

Plaintiffs’ arguments are interesting points that are well thought out. However, until the state legislature makes a change to the statute to reflect such an argument the law remains the same. The statute of limitations period is four years beginning at the tender of delivery of the goods. Therefore, because the building was completed in 1992, the alleged breach was discovered in 2004 and the claims were not brought until 2006, the statute of limitations period has expired and this preliminary objection will be sustained.

Warranty of Merchantability and Fitness for a Particular Purpose

Plaintiffs argue that Jeld-Wen warranted that its windows and doors were reasonably fit for the purpose for which they were ordinarily and customarily intended and that the same were of good and merchantable quality. Plaintiffs claim that because of the significant problems that arose Jeld-Wen breached those implied warranties. Plaintiffs argue that Defendants interjecting two limited warranties that “may” have been used to disclaim their implied warranties are new factual information that is beyond the averments of the Complaint and has not been the subject of any discovery yet performed in the case. Plaintiffs claim these documents are prematurely before this Court and therefore should not be considered. Plaintiffs also argue that they should be given a fair opportunity to question and develop a proper discovery record relating to whether the two documents are applicable here.

Jeld-Wen argues that these implied warranties were disclaimed by their express warranties and therefore no breach could have occurred based on those implied warranties. Jeld-Wen claims that Plaintiffs

failed to provide a copy of the limited warranty accompanying the windows and/or door purchase when filing their First Amended Complaint and the Complaint fails to mention the date or month of the purchase as well as the supplier thereof. Therefore, Jeld-Wen offers two standard warranties that were used in 1992, one of which would have been used in this transaction. One warranty was used from January 1, 1992 through October 2, 1992 and the other was used from October 2, 1992 through January 1, 1994.

When any claim or defense is based upon a writing, the pleader shall attach a copy of the writing, or the material part thereof, but if the writing or copy is not accessible to the pleader, it is sufficient so to state, together with the reason, and to set forth the substance of the writing.

Pa.R.C.P. 1019(i).

Where a plaintiff avers the existence of a written agreement and relies upon it to establish his cause of action; a defendant may properly annex that agreement without creating an impermissible speaking demurrer since the agreement is a factual matter arising out of the complaint. *Martin v. DOT*, 556 A.2d 969,971 (Pa.Comm. 1989), *See Satchell v. Insurance Placement Facility of Pennsylvania*, 361 A.2d 375 (1976)

Because the Defendant is using these warranties as a basis for their defense to the claimed breach action, Defendants will be permitted to use their standard warranties used in 1992 to support their objection that any implied or express warranty was disclaimed.

Pennsylvania Commercial Code states, in order to exclude or modify an implied warranty of merchantability the warranty must mention merchantability, and in the case of a writing, the language must be conspicuous. This statute also addresses the issue of implied warranty of fitness and that for exclusion or modification to be valid it must be conspicuous and in a writing. 13 Pa. C.S. § 2316. A term is considered conspicuous when it is so written that a reasonable person against whom it is to operate ought to have noticed it. 13 Pa. C.S. §1201.

Under Pennsylvania law there are factors to use in considering whether a reasonable person should have noticed a warranty disclaimer and they include: [1] the disclaimer's placement in the document; [2] the size of the disclaimer's print; and [3] whether the disclaimer was highlighted by being printed in all capital letters or in a

type style or color different from the remainder of the document. *Borden, Inc. v. Advent Inc. Co.*, 701 A.2d 255, 259 (Pa. Super. 1997); citing *Hornberger v. General Motors Corp.*, 929 F. Supp. 884, 889 (E.D. Pa. 1996); see also *Beck-Hummel v. Ski Shawnee, Inc.*, 902 A. 2d 1266, 1274 (Pa. Super. 2006).

Here, the warranties offered are both short in length and have the disclaimer set in a separate paragraph on the warranties' first pages. The disclaimers are set in a bigger size than the other print of the document and were printed in all capital letters. They both expressly mention merchantability and fitness for a particular purpose. Therefore, applying the factors in *Borden, Inc.*, a reasonable person should have noticed the warranty disclaimer. Because the implied warranties of merchantability and fitness for a particular purpose both mentioned merchantability and fitness, both were in writing with the language of a conspicuous nature, they have been properly disclaimed in accordance with 13 Pa. C.S. 2316(b).

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 29th day of December 2006, in consideration of Defendants Jeld-Wen, Inc. and STO Corp.'s Preliminary Objections to Plaintiffs Amended Complaint and Replies by Defendants Jeld-Wen, Inc. and STO Corp., IT IS ORDERED THAT the Preliminary Objections are sustained. Because these Objections have been sustained Counts 1, 2, 3, 4, 5, and 7 of the Amended Complaint are dismissed. Count 6 of the Complaint remains. The parties are directed to proceed in accordance with the applicable Pennsylvania Rules of Civil Procedure.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1107 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of February, 2008, 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 of land situated in Latimore Township, Adams County, Pennsylvania, being more particularly described as Lot No. 1122 on a plan of lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 1, at Page 7, and subject to all legal highways, easements, rights-of-way and restrictions of record.

TOGETHER with the right in common with other owners of lots in said subdivision to use for all usual purposes the street, ways, beaches, recreation areas, and other public areas, as shown on the said plot, and the right in common with other owners of lots in the said subdivision to use the lake and beaches for swimming, fishing, and boating in accordance with the rules and regulations of Lake Meade Property Owners Association, its successors and/or assigns.

For title reference see Deed recorded August 28, 2003 Book 3272, Page 155.

TITLE TO SAID PREMISES IS VESTED IN Karen M. Samento, an unmarried woman, by Deed from Kenneth L. Samento, an unmarried man and Karen M. Samento, an unmarried woman, who acquired title as husband & wife as tenants by the entireties, dated 12/09/2005, recorded 12/16/2005, in Deed Book 4248, page 169.

Premises being: 251 Lake Meade Drive, East Berlin, PA 17316

Tax Parcel No. (24) 009-0031

SEIZED and taken into execution as the property of **Karen M. Samento** 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 March 14, 2008, 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.

1/18, 25 & 2/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1158 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of February, 2008, 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 tract of land situate in Freedom Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a p.k. nail, in the center line of Legislative Route 01052, Pumping Station Road, at a corner of lands now or formerly of F. Williams; thence along said same lands now or formerly of F. Williams through a pipe set back 25 feet from the beginning reference point, and also running through a corner marker set 29.10 feet from the next reference point, South 76 degrees 14 minutes 00 seconds East, 319.50 feet to a pipe along line of lands now or formerly of Paul M. French and Patrice S. French; thence along said same lands, South 13 degrees 46 minutes 00 seconds West, 150 feet to a pipe at corner of lands now or formerly of Paul M. French and Patrice S. French, also designated as Lot No. 3 on the hereinafter mentioned survey; thence by same lands, and designated as Lot No. 3 as heretofore mentioned, North 76 degrees 14 minutes 00 seconds West, 319.50 feet to a p.k. nail located in the center line of Legislative Route 01052, Pumping Station Road, at corner of lands now or formerly of Paul M. French and Patrice S. French; thence continuing along the center line of Legislative Route 01052, Pumping Station Road, North 13 degrees 46 minutes 00 seconds East, 150 feet to a p.k. nail located in the center line of Legislative Route 01052, Pumping Station Road, at corner of lands now or formerly of F. Williams, the place of BEGINNING. CONTAINING 1.100 Acres (47,925 square feet).

The foregoing description was obtained from a draft of survey prepared by J. Riley Redding, Registered Surveyor, 1/a Adams County Surveyors, dated January 6, 1987, which is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 47, page 97. The property described above is designated as Lot No. 2 on the heretofore mentioned survey.

BEING the same tract of land which Lawrence H. Lawson and Linda Y. Lawson, husband and wife, by deed dated June 24, 1996 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 1219 at page 193, granted and conveyed unto Kenneth H. Cooper and Georgianne K. Cooper, husband and wife, Grantors herein.

UNDER AND SUBJECT to all applicable zoning, sewer, subdivision or other ordinances, regulations and laws and to all other applicable conditions, restrictions, easements and rights-of-way of record or apparent on or in the premises; provided, however, that none of the foregoing shall be revived hereby if the same shall have expired by limitation violation, agreement or otherwise howsoever.

BEING Known As: 2110 Pumping Station Road, Fairfield (Freedom Township), PA 17320

PROPERTY ID NO.: (13) D 16-0073

TITLE TO SAID PREMISES IS VESTED IN L. John Mohan and Amanda B. Mohan, husband and wife, as tenants of an estate by the entireties by deed from Kenneth H. Cooper and Georgianne K. Cooper, husband and wife dated 3/9/07 recorded 3/12/07 in Deed Book 4766 Page 156.

SEIZED and taken into execution as the property of **Georgianne K. Cooper, Kenneth H. Cooper, L. John Mohan & Amanda B. Mohan** 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 March 14, 2008, 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.

1/18, 25 & 2/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-107 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of February, 2008, 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 tract of land situate, lying and being in Hamiltonban Township, Adams County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at a stone at corner of land now or formerly of William Smith Heirs; thence along land now or formerly of William Smith Heirs, South 45 degrees West, 519 feet to a stone at corner of land now or formerly of Grace E. Fox and Raymond B. Fox; thence along land now or formerly of Grace E. Fox and Raymond B. Fox, crossing State Highway Route 01015 leading from Fairfield to Greenstone and crossing Tom's Creek, North 36-1/2 degrees West, 250 feet to a center of a big rock at line of land now or formerly of William Smith Heirs; thence by land now or formerly of William Smith Heirs, North 45 degrees East, 519 feet to a stone; thence by land now or formerly of same, crossing Tom's Creek and crossing the aforesaid State Highway, South 36-1/2 degrees East, 250 feet to a stone; the place of BEGINNING.

Excepting, however, therefrom, that certain lot or piece of land otherwise conveyed by Warren R. Dannelley and Laura M. Dannelley, husband and wife, to Paul C. McGlaughlin and wife, dated April 9, 1963 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 243 at Page 1023.

All that certain tract of land lying, situate and being Hamiltonban Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at the corner of lands of Grantors and said land known as Lot No. 2 on a certain subdivision, thence South 45 degrees 00 minutes seconds East, 50.00 feet to a point; thence South 45 degrees 03 minutes 21 seconds West, 435.05 feet to a point; thence North 45 degrees 00 minutes 00 seconds West, 50.00 feet to a point at the corner of Lot No. 5 thence continuing along Lot No. 5 North 45 degrees 06 minutes 51 seconds East, 213.05 feet to a point at the corner of Lots No. 4 and 5; thence continuing by Lot No. 4 North 45 degrees 00 minutes 00 seconds East, 70.00 feet to a point at the corner of Lots No. 3 and 4; thence continuing by Lot No. 3 North 45 degrees 00 minutes 00 seconds East, 100.00 feet to a point at the corner of

Lots No. 2 and 3; thence continuing by Lot No. 2 North 45 degrees 00 minutes 00 seconds East, 52.00 feet to the place of BEGINNING.

The above description is known as Lot No. 7 and was taken from a plan of survey prepared by J. Rex Benchoff, Registered Surveyor, dated October 10, 1989 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 55 at Page 66.

Being Known As 1604 Iron Springs/Indian Trail Inn, Fairfield, PA 17320

SEIZED and taken into execution as the property of **Mary Nicholas & George W. Nicholas** 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 March 14, 2008, 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.

1/18, 25 & 2/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1167 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of February, 2008, 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 tract of land situate in Straban Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a stake at the Eastern side of a public alley on line of land now or formerly of Clair Tate, and extending thence along said alley, North 9 degrees East, 244.6 feet to an iron pin at corner of land now or formerly of Bruce Winter; thence along land now or formerly of Bruce Winter, South 81 degrees 45 minutes East, 45.4 feet; thence by same, North 12 degrees 10 minutes East, 133.9 feet to a spike in the center of the State Highway leading to Gulden's Station; thence in and along said Highway, South 62 degrees 25 minutes East, 115.6 feet to a spike in the center of said highway;

thence by land now or formerly of Neely Taughinbaugh and through a stake, which stake is 28.4 feet from said spike, South 7 degrees 40 minutes West, 335.5 feet to a stake on line of land now or formerly of Clair Tate; thence by land now or formerly of Clair Tate, North 83 degrees 30 minutes West, 170.5 feet to the stake, the place of BEGINNING. CONTAINING 1 Acre and 20 Perches, more or less.

LESS, HOWEVER, all that tract of land containing 35 perches which George M. Smith, unmarried, and his sister, Ruth A. Smith, unmarried, by their deed dated September 18, 1967, and recorded in the Office of the Recorder of Deeds in Deed Book 263 at Page 950, sold and conveyed unto Jacob S. Smith and Bonnie R. Smith, husband and wife.

TITLE TO SAID PREMISES IS VESTED IN Gregory D. Smith, by Deed from Randall B. Inskip and Judith G. Inskip, his wife, dated 02/16/2000, recorded 02/23/2000, in Deed Book 2004, page 1.

Premises being: 69 Hunterstown Hampton Road, Gettysburg, PA 17325

Tax Parcel No. (38) 021-0074

SEIZED and taken into execution as the property of **Gregory D. Smith** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 14, 2008, 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.

1/18, 25 & 2/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1280 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of February, 2008, 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 tract of land situate, lying and being in Freedom Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an iron pin on the Western edge of the paved area of Legislative Route 01002, at the Northernmost corner of land now or formerly of James R. Bigham; thence by said land of James R. Bigham and passing through a reference iron pin set back 12.50 feet from the last mentioned point, South 47 degrees 45 minutes 00 seconds West, 484.00 feet to an iron pin on the line of land now or formerly of Donald G. Mason; thence by said land of Donald G. Mason, North 42 degrees 15 minutes 00 seconds West, 180.00 feet to an iron pin; thence by same, North 47 degrees 45 minutes 15 seconds East, 487.26 feet to an iron pin on the line of land now or formerly of It's a New Dawn, Inc.; thence by said land of It's a New Dawn, Inc., passing through a 5/8-inch rebar marking the corner of land now or formerly of James W. Bigham, and by said land of James W. Bigham, and reentering the right of way of Legislative Route 01002, South 41 degrees 12 minutes 40 seconds East, 180.00 feet to an iron pin, the place of BEGINNING.

CONTAINING 2.008 acres, more or less.

The above description was taken from a draft of survey prepared by Boyer Surveys, dated April 29, 1982, designating the above as Lot No. 1.

TITLE TO SAID PREMISES IS VESTED IN Douglas R. Caskey and Lori A. Caskey, husband and wife by Deed from Paul E. Miller, Jr. and Melva Eileen Miller, husband and wife dated 9/17/1998, recorded 9/17/1998, in Record Book 1663 Page 230.

Tax Parcel: (13) D 15-0022 C

Premises Being: 745 Camp Gettysburg Road, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Douglas R. Caskey & Lori A. Caskey** 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 March 20, 2008,

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.

1/25, 2/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-897 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of February, 2008, 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 of ground, situated in Huntingdon Township, Adams County, Pennsylvania, bounded and described as follows, together with the dwelling erected thereon:

BEGINNING at a point where Leg. Route No. 01012 intersects with the Still House Road; thence in the center of the Still House Road South 38 degrees 25 minutes 40 seconds West, 244.0 feet to a point in the center line of such road at other land now or formerly of Frank Hamilton; thence along other land now or formerly of Frank Hamilton North 61 degrees 33 minutes 30 seconds West, 180.18 feet to a point; thence along land of same North 21 degrees 36 minutes 40 seconds East 200.00 feet to a point in the center of Leg. Route No. 01012 aforesaid; thence in said road South 68 degrees 23 minutes 20 seconds East, 105.46 feet to a spike in said road; thence in such road South 73 degrees 12 minutes 20 seconds East 144.54 feet to a point at the intersection of the aforesaid roads, the place of BEGINNING.

THE above description was taken from draft of survey prepared by Gettysburg Engineering Co., Inc., dated September 3, 4, 1969.

TITLE TO SAID PREMISES IS VESTED IN Fred J. Rogers and Melissa A. Rogers, his wife, by Deed from Vicki L. Ardnt, single woman, dated 5/29/1998, recorded 6/8/1998 in Record Book 1596 Page 132

Tax Parcel: H2-27A

Premises Being: 210 Goodyear Road, Gardners, PA 17324

SEIZED and taken into execution as the property of **Fred J. Rogers &**

Melissa A. Rogers 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 March 14, 2008, 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.

1/18, 25 & 2/1

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Commonwealth of Pennsylvania, Department of State, at Harrisburg, Pennsylvania on January 7, 2008 for the purpose of obtaining a Certificate of Incorporation.

The name of the corporation organized under the Pennsylvania Business Corporation Law of 1988, Act of December 21, 1988, P.L. 1444, No. 177, as amended and supplemented, is: **SERVICE TECH CONSTRUCTION, INC.**, 51 Shirley Trail, Fairfield, PA 17320.

Duane P. Stone, Esq.
P.O. Box 696
Dillsburg, PA 17019

1/25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1276 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of February, 2008, 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 tract of land situate, lying and being in the Borough of McSherrystown, Adams County, Pennsylvania, being shown as Lot No. 13 on a Final Subdivision Plan for Adams County Interfaith Housing Corporation, dated August 10, 1999, prepared by Wm. F. Hill & Assoc., Inc. and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 79 at page 2 and 2A, more particularly bounded and described as follows:

BEGINNING at a steel pin set at corner of Lot No. 11 and Water Street; thence continuing along Water Street by a curve to the right having a radius of 481.67 feet, arc of 52.73 feet and a chord bearing and distance of North 09 degrees 34 minutes 17 seconds West 52.70 feet to a point as shown on said plan; then continuing along Water Street by a curve to the left having a radius of 698.46 feet, an arc of 85.75 feet and a chord bearing and distance of North 09 degrees 57 minutes 08 seconds West 85.70 feet to a steel pin set on the edge of Saint Joseph Lane; thence continuing along the edge of Saint Joseph Lane North 75 degrees 25 minutes 00 seconds East 68.22 feet to a point; thence continuing along Saint Joseph Lane by a curve to the right having a radius of 125.00 feet, an arc of 86.46 feet and a chord bearing and distance of South 84 degrees 48 minutes 03 seconds East 84.75 feet to a steel pin set at corner of Lot No. 12; thence continuing along Lot No. 12 South 29 degrees 45 minutes 54 seconds West 152.69 feet to a steel pin set at corner of Lot No. 11; thence continuing along Lot No. 11 South 75 degrees 25 minutes 00 seconds West 52.74 feet to a steel pin set, the place of BEGINNING. CONTAINING 14,583 square feet.

FURTHERMORE, this conveyance is subject to the express restriction that the property shall be utilized only for low and very low income housing purposes as those terms are established under guidelines promulgated by the United States Department of Housing and Urban Development for its Section 8 Housing Subsidy Program, as modified by that agency or its department or agencies.

The improvements thereon being known as 6 St. Joseph Lane.

BEING the same premises which Cheryl L. Taylor, a single person, by Deed dated February 28, 2006 and recorded in the Adams County Recorder of Deeds Office on June 16, 2006 in Deed Book 4457, page 196, granted and conveyed unto Chad J. Grimes and Tina M. Wentz.

SEIZED and taken into execution as the property of **Chad J. Grimes & Tina M. Wentz** 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 March 20, 2008, 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.

1/25, 2/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1210 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of February, 2008, 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, lying and being in Menallen Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a concrete nail in the right-of-way limits of Township Road T-394 at corner of land now or formerly of Fred Hartman; thence by said land, North 74 degrees 14 minutes 00 seconds West, 331.45 feet to an iron pipe at lands now or formerly of Pitzer Bros. Fruit Farms, Inc.; thence by same, North 36 degrees 20 minutes 30 seconds East, 288.00 feet to an iron pipe; thence by same, South 88 degrees 11 minutes 00 seconds East, 305.65 feet to a spike in the right-of-way limits of Township Road T-394; thence in same, South 30 degrees 34 minutes 30 seconds West, 103.15 feet to a point; thence in same, South 25 degrees 06 minutes 30 seconds West, 2346.85 feet to a concrete nail, the place of BEGINNING. CONTAINING 2.1100 acres.

BEING the same premises which Ray C. Gee and Beatrice M. Gee, by Raymond W. Newman, Sheriff of Adams County, in the Commonwealth of Pennsylvania, by his deed dated May 28, 2002, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 2675 at page 248, granted and conveyed unto Conesco Finance Servicing Corporation.

Parcel Identification No.: (29) F 05-0009D-000

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Lillian M. Armon, by Deed from Conesco Finance Consumer Discount Company, dated 10/22/2002, recorded 10/29/2002, in Deed Book 2854, page 83.

Premises being: 40 Clines Church Road, Aspers, PA 17304

SEIZED and taken into execution as the property of **Lillian Loubier f/k/a Lillian M. Armon** 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 March 20, 2008, 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.

1/25, 2/1 & 8

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 MARY JANE BENTZEL, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Richard W. Bentzel, Jr., 163 Meadowbrook Lane, Abbottstown, PA 17301; Carole A. Diehl, 34 Amanda Ave., Hanover, PA 17331

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

ESTATE OF LAWRENCE H. ECKERT, JR., DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Richard Patrick Eckert, c/o Fenstermacher and Associates, P.C., 5115 East Trindle Road, Mechanicsburg, PA 17050

Attorney: John R. Fenstermacher, Esq., Fenstermacher and Associates, P.C., 5115 East Trindle Road, Mechanicsburg, PA 17050

ESTATE OF MILDRED IRENE HENNINGER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Thomas P. Henninger, 1844 Whitehall Road, Littlestown, PA 17340

Attorney: Jeffery M. Cook, Esq., 234 Baltimore St., Gettysburg, PA 17325

ESTATE OF MARGARET A. REBERT, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executors: Toni L. Battiste and Eric A. Rebert, c/o Blakinger, Byler & Thomas, P.C., 28 Penn Square, Lancaster, PA 17603

Attorney: Blakinger, Byler & Thomas, P.C., 28 Penn Square, Lancaster, PA 17603

ESTATE OF DOLORES CHARLOTTE RISSO, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Administrator/Executor: Linda Risso, 1312 Rutter Street, Baltimore, MD 21217

ESTATE OF HELEN L. SELL, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Administrator: Homer R. Sell, Jr., 5210 Baltimore Pike, Littlestown, PA 17340

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

ESTATE OF MARY C. WOLFE, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Executrix: Sara J. Chase, 518 Carlisle Road, Hanover, PA 17331

Attorney: Gary L. James, Esq., James, Smith, Dietterick & Connelly, LLP, 134 Sipe Avenue, Hummelstown, PA 17036

SECOND PUBLICATION

ESTATE OF ANNE L. FABER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: W. Russell Faber, 4717 Galen Road, Harrisburg, PA 17110

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

ESTATE OF K. KENNETH KITTINGER, SR., DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Gladys L. Masoner, 726 Willow Valley Lakes Drive, Willow Street, PA 17584

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

ESTATE OF LAWRENCE J. RIORDAN, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executors: John Kenneth Riordan, 9039 Sunni Shade Ct., Perry Hall, MD 21128; Eugene Patrick Riordan, 9009 Sudbury Rd., Silver Spring, MD 20901

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

ESTATE OF HAZEL E. SPAHR, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Co-Executors: Diane L. Baker, 121 Smeach Drive, Hanover, PA 17331; Lloyd A. Spahr, 890 Stoney Point Road, East Berlin, PA 17316

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

ESTATE OF ELIZABETH JEAN SPENCE, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Co-Executors: Cloyd W. Spence, 2170 Mount Hope Road, Fairfield, PA 17320; Joyce R. Spence, 2170 Mount Hope Road, Fairfield, PA 17320; Jeffrey W. Spence, 2112 Mount Hope Road, Fairfield, PA 17320

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

ESTATE OF CLARENCE R. THOMPSON a/k/a CLARENCE R. THOMPSON, JR., DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executor: Larry E. Thompson, 5 Winding Brook Road, Biglerville, PA 17307

Attorney: Barbara Jo Entwistle, Esq., Pyle and Entwistle, 66 West Middle Street, Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF LONNIE L. DOWNIN, JR., DEC'D

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

Joel Downin, 584 Oxford Road, New Oxford, PA 17350

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

ESTATE OF KENNETH L. NITTERHOUSE, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Personal Representative: Wanda J. Nitterhouse, c/o Patterson, Kiersz & Murphy, PC, 239 East Main Street, Waynesboro, PA 17268-1681

Attorney: Patterson, Kiersz & Murphy, PC, 239 East Main Street, Waynesboro, PA 17268-1681

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1024 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of February, 2008, 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, lying and being in Menallen Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an existing P.K. nail in the center line of Center Mills Road (S.R. #4003) at a corner of land now or formerly of Scott Breighner; thence in said road South 28 degrees 11 minutes 55 seconds East 55.17 feet to a cotton gin spindle in the center of said road; thence by land now or formerly of Timothy Werner South 72 degrees 30 minutes 25 seconds West 166.77 feet to a steel rod set over an existing large old iron pin two feet below grade; thence by land now or formerly of Paul Wetzal North 26 degrees 45 minutes West 35 feet to an existing steel rod at a steel post; thence by land now or formerly of Scott Breighner North 62 degrees 34 minutes 55 seconds East 26 feet to a steel rod, thence by the same South 26 degrees 13 minutes 20 seconds East 5.82 feet to a street road; thence by the same North 67 degrees 31 minutes 20 seconds East 70.33 feet to a chain link fence post; thence by the same North 59 degrees 31 minutes East 69.25 feet to an existing P.K. nail in the Center Mills Road the place of BEGINNING.

Tax Parcel No: 29-1-3

Premises Being: 1634 Center Mills Rd., Aspers, PA 17304

SEIZED and taken into execution as the property of **Jerry L. Derita, Sr.** 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 March 20, 2008, 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.

1/25, 2/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1089 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of February, 2008, 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 of land situated in Mt. Pleasant Township, Adams County, Pennsylvania, being more particularly described as Lot No. 818 on a Plan of Lots of Lake Heritage Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County in Misc. Deed Book 4 Page 665, and subject to all legal highways, easements, rights of way and restrictions of record.

UNDER AND SUBJECT, NEVERTHELESS, to conditions, restrictions, easements and rights-of-way of record.

BEING the same premises which Virginia M. Grewe, single person, by Deed dated April 14, 2006 and recorded in the Adams County Recorder of Deeds Office on June 3, 2006 in Deed Book 4401, page 145, granted and conveyed unto DeJuan Cromer, single person.

Premises Being: 818 Hancock Drive, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **DeJuan Cromer** 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 March 20, 2008, 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.

1/25, 2/1 & 8