

# Adams County Legal Journal


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## IN THIS ISSUE

PENNYMAC LOAN SERVICES V. ROBERT CZYZEWSKI, JR., A/K/A ROBERT J. CZYZEWSKI, JR., AND LINDA CZYZEWSKI



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

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**NOTICE BY THE ADAMS COUNTY  
CLERK OF COURTS**

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statements of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County - Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts entering decrees of distribution on Thursday, September 3, 2015 8:30 am.

**ASPERS FIRE COMPANY** – Orphans' Court Action Number OC-62-2012. The First and Final Account of Todd A. King, Esq., Liquidating Receiver for the Aspers Fire Company, Aspers Volunteer EMS and Aspers Fireman Relief Association, of Adams County, Pennsylvania

**LAMBERSON** – Orphans' Court Action Number OC-85-2015. The First and Final Account of Richard Wartluft and Scott Gerrick, Co-Executors of the Estate of Carson Lamberson, Deceased, late of Mt. Pleasant Township, Adams County, Pennsylvania

**SMITH** – Orphans' Court Action Number OC-86-2015. The First and Final Account of Manufacturers and Traders Trust Company, Executor of the Estate of Bernadine E. Smith, Deceased, late of Oxford Township, Adams County, Pennsylvania

**JOHNSTON** – Orphans' Court Action Number OC-91-2015. The First and Final Account of Walter W Moul, Administrator of the Estate of Elsie G. Johnston, Deceased, late of Franklin Township, Adams County, Pennsylvania

Kelly A. Lawver

8/21 & 8/28

**FICTITIOUS NAME NOTICE**

NOTICE IS HEREBY GIVEN that ANDREW C. DONAHUE, 15 Park Ave. Gettysburg, Pennsylvania, filed an Application for Registration of the Fictitious Name of New Horizons Professional Services, 15 Park Ave. Gettysburg, Pennsylvania, with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of registering under 54 Pa.C.S. Ch. 3, relating to fictitious names.

Law Office of Tony Miley  
3585 Carlisle Pike  
New Oxford, PA 17350

8/28

**IN THE COURT OF  
COMMON PLEAS OF  
YORK COUNTY, PENNSYLVANIA  
NO. 2015-002658-13**

**CHANGE OF NAME NOTICE**

NOTICE IS HEREBY GIVEN that on the 6th day of August, 2015, the Petition of Kevin Anthony Franceschini was filed in the above-named Court, praying for a Decree to change his name to Kevin Anthony Lenkner.

The Court has fixed the 30th day of September, 2015 at 2:00 p.m., in Court Room 6003, Sixth Floor, York County Judicial Center, 45 North George Street, York, PA, as the time and place for the Hearing of said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of said Petitioners should not be granted.

CGA Law Firm  
Leanne M. Miller, Esquire

8/28

PENNYMAC LOAN SERVICES V. ROBERT CZYZEWSKI,  
JR., A/K/A ROBERT J. CZYZEWSKI, JR., AND LINDA  
CZYZEWSKI

1. Under the Pennsylvania Rules of Civil Procedure a court may enter summary judgment when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.
2. The holder of a mortgage has the right upon default to bring a foreclosure action or sue on the bond accompanying the mortgage. The former is strictly an in rem proceeding, the purpose of which is to affect a judicial sale of the mortgage property. In a proceeding on the note or bond, the matter is in personam and the object is to obtain a judgment against the obligor of the note.
3. In an action for mortgage foreclosure, the entry of summary judgment is proper if the mortgagor admits the mortgage is in default, that he has failed to pay interest on the obligation, and that the recorded mortgage is in the specified amount. Judgment is entered on the amount due. The precise amount due is essential because upon sale of the real estate after judgment is entered, the sheriff must distribute the proceeds among the parties in interest.
4. General denials by the mortgagor of the amount owing can, under certain circumstances, be deemed an admission.
5. Defective verifications and lack of capacity to sue must be raised by preliminary objections, Pa. R.C.P. 1028, or the objection is waived. Here, Mr. Czyzewski did not raise this issue by preliminary objection. Accordingly, this issue is waived.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,  
PENNSYLVANIA, CIVIL 2014-S-968, PENNYMAC LOAN  
SERVICES V. ROBERT CZYZEWSKI, JR., A/K/A ROBERT J.  
CZYZEWSKI, JR., AND LINDA CZYZEWSKI

Joseph Schalk, Esq., Attorney for Plaintiff  
Robert Czyzewski, Jr., Defendant  
Linda Czyzewski, Defendant

Kuhn, J., July 10, 2015

## OPINION

Before the Court for disposition is a Motion for Summary Judgment filed by Pennymac Loan Services. For reasons set forth herein, the Motion is granted in part and denied in part.

Pennymac Loan Services (“Plaintiff”) initiated this action by filing a Complaint in Mortgage Foreclosure on August 7, 2014, against Robert Czyzewski, Jr. a/k/a Robert J. Czyzewski, Jr. and Linda Czyzewski (“Defendants”). Therein, Plaintiff avers that Defendants own property located at 14 White Birch Lane, Littlestown, Pennsylvania 17340-9419 (“Property”). On April 22, 2010, Defendants executed a Note in the amount of \$238,872.00.<sup>1</sup> To secure the Note, a Mortgage<sup>2</sup> for the Property was executed and delivered to mortgagee, Mortgage Electronic Registration Systems, Inc. (“MERS”), acting solely as nominee for the lender, Residential Mortgage Solutions, Inc., A Maryland Corporation. The Mortgage was assigned to Plaintiff and recorded on February 24, 2014. Plaintiff avers that Defendants made payments up until August 1, 2012, at which time they defaulted on the Note and Mortgage payments and continued to be in default at the time of filing the Complaint.

Defendants were properly served and on September 18, 2014, Mr. Czyzewski filed an Answer which contained New Matter. In his Answer, he admitted executing and delivering a mortgage to MERS; however, he denied that the mortgage was assigned to Plaintiff. He admitted that “some” monthly payments are in default after August 2012 but denies that the total due on April 16, 2014, is

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<sup>1</sup> The first payment was due on June 1, 2010, in the amount of \$1,560.00, and like monthly payments were to continue until May 1, 2030. Interest was fixed at 4.875%. The note permitted a late fee of 4% on any overdue amount.

<sup>2</sup> The Mortgage required Defendants to include a sum for taxes and insurance in each monthly payment. Payments made by Defendants were to be applied in the following order: 1) to mortgage insurance, 2) to taxes and insurance, 3) to the interest due under the Note, 4) to amortization of the principal of the Note, and 5) to late charges. The Mortgage further provides that upon default the lender may pursue foreclosure and in such circumstances is entitled to collect attorney fees and costs.

\$248,017.28<sup>3</sup>, because he claims the amount includes an extra month of interest in the amount of \$905.00 and “fictitious” property inspections totaling \$48.00. Mr. Czyzewski further denied, based on lack of sufficient knowledge or information, that the Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner’s Emergency Mortgage Assistance Program pursuant to Act 91 of 1983, as amended in 2008 and/or Notice of Default as required by the mortgage document were sent to Defendants.

In the New Matter, Mr. Czyzewski avers that 1) Jamie Corona, Default Specialist II (the signatory on the Verification), does not have authority to sue on Plaintiff’s behalf because she is not a member/manager of the company who is authorized to sue, 2) Plaintiff has not included any formal corporate action authorizing the litigation, and 3) the action is *ultra vires*. On October 6, 2014, Plaintiff timely filed its Reply to Defendants’ [sic] New Matter.<sup>4</sup> Therein, Plaintiff denied all averments in the New Matter and attached a copy of the Assignment of Mortgage, recorded February 24, 2014, which assigned the mortgage to Plaintiff. Based on Mrs. Czyzewski’s failure to file a responsive pleading a default judgment was entered against her on December 3, 2014. On January 29, 2015, Plaintiff filed a Motion for Summary Judgment and corresponding Brief. On March 5, 2015, Defendant filed his Response to Motion for Summary Judgment and corresponding Brief.

Under the Pennsylvania Rules of Civil Procedure a court may enter summary judgment when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. Pa. R. Civ. P. 1035.2; **Strine**

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<sup>3</sup> The pleadings contain several examples of poor draftsmanship and lack of attention to detail one would expect in a matter of such importance. For example, Paragraph 6 of the Complaint averred the total balance owing as being \$248,017.28 but the “wherefore” clause requested judgment in the amount of \$248,113.13, without an explanation of the difference.

<sup>4</sup> Attached to the pleading are five pages of what appears to be internal memorandum and billing requests between Plaintiff’s counsel and his client.

**v. Commonwealth**, 894 A.2d 733, 737 (Pa. 2006). Summary judgment is only appropriate where the pleadings, depositions, answers to interrogatories, omissions and affidavits, and other materials demonstrate that there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. **Roche v. Ugly Duckling Car Sales, Inc.**, 879 A.2d 785, 789 (Pa. Super. 2005) (quotations and citations omitted). The burden of demonstrating the lack of any genuine issue of material fact falls upon the moving party, and, in ruling on the motion, the court must consider the record in the light most favorable to the non-moving party. **Id.** Thus, summary judgment is only appropriate in those cases which are free and clear from doubt. **McConnaughey v. Bldg. Components, Inc.**, 637 A.2d 1331, 1333 (Pa. Super. 1994).

The holder of a mortgage has the right upon default to bring a foreclosure action or sue on the bond accompanying the mortgage. *Cunningham v. McWilliams*, 714 A.2d 1054, 1056-7 (Pa. Super.1998). The former is strictly an in rem proceeding, the purpose of which is to affect judicial sale of the mortgage property. *Rearick v. Elderton Sate Bank*, 97 A.3d 374, 383 (Pa. Super. 2014). In a proceeding on the note or bond the matter is in personam and the object is to obtain a judgment against the obligor of the note. **Levitt v. Patrick**, 973 A.2d 581, 591 (Pa. Super. 2009). Here, Plaintiff is pursuing only an in rem judgment.

In an action for mortgage foreclosure, the entry of summary judgment is proper if the mortgagor admits the mortgage is in default, that he has failed to pay interest on the obligation, and that the recorded mortgage is in the specified amount. **Bank of America, N.A. v. Gibson**, 102 A.3d 462, 464 (Pa. Super. 2014). Judgment is entered on the amount due. The precise amount due is essential because

upon sale of the real estate after judgment is entered the sheriff must distribute the proceeds among the parties in interest. **U.S. Bank, N.A. v. Pautenis**, \_\_\_\_ A.3d \_\_\_\_, \_\_\_\_ (PA. Super. 2015)(2015 WL 3444581). General denials by the mortgagor of the amount owing can, under certain circumstances, be deemed an admission. See **Cunningham v. Williams, supra.**, where the interest rate was fixed and the ability to calculate the amount owing is a simple calculation. Compare with **U.S. Bank, N.A. v. Pautenis, supra.**, where the interest rate was adjustable and **Landau v. W. Pa. Nat'l Bank**, 282 A.2d 335 (Pa. 1971), where the mortgagee was in possession of the property and collecting rent, making capital improvements, and paying taxes without the mortgagor's involvement.

Here, Mr. Czyzewski admits he executed a mortgage in the face amount of \$238,872.00, that he has not made some of the monthly payments due on and after August 1, 2012, and that Plaintiff is the assignee of the mortgage.

Mr. Czyzewski argues that the requested amount of the judgment is incorrect for several reasons. First, in his Answer to the Complaint he contended that he was charged an extra month of interest in July 2012 in the amount of \$905.00. It is unclear what information was available to him in order to state that amount because the Loan History document<sup>5</sup> setting forth all transactions on the account was only filed as an exhibit with Plaintiff's Motion for Summary Judgment. Nevertheless, he continues that same argument in response to the current motion.

A review of the record suggests that Defendants made the mortgage payment due April 1, 2012 on May 25, 2012 after which the principal balance was reported as \$224,687.16. The May 1, 2012 payment was made on June 18, 2012 and after crediting for interest, escrow payments, and late charges,

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<sup>5</sup> See Exhibit E attached to Plaintiff's Motion for Summary Judgment.

the principal was reduced to \$224,039.95. Defendants made the June 1, 2012 payment on July 6, 2012 in the amount of \$1,900.00. Interest was credited in the amount of \$910.16 and after credit for the escrow and late fees the principal was reduced to \$223,390.11. Defendants' last payment was made on August 17, 2012 and applied to the payment due for July 1, 2012. Interest in the amount of \$907.52 was credited from that payment. The principal balance was reduced to \$222,737.63, which is the balance claimed in the Complaint. Our examination reveals that Defendants were not charged an extra month of interest.<sup>6</sup>

However, our review of the loan history document does reveal confusing information which calls into question Plaintiff's request for judgment by raising an issue of fact. Several examples illustrate the point:

1. The principal balance on May 25, 2012 is listed as \$224,687.16. The next payment was made on June 18, 2012. The interest rate is 4.875%. Therefore, the interest accruing for that period should have been approximately \$570.18.<sup>7</sup> However, Plaintiff applied \$912.79 toward interest.
2. The principal balance on June 18, 2012 was listed as \$224,039.95. The next payment was made on July 6, 2012. The interest accruing for that period should have been approximately \$538.62.<sup>8</sup> However, Plaintiff applied \$910.16 toward interest.

If, as it appears from this small sampling<sup>9</sup>, payment was

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<sup>6</sup> Mr. Czyzewski seems to believe that monthly mortgage payments are made "like a lease payment" on the "first of the month for the rest of the month." In that regard, he misunderstands the nature of the obligation. Unless otherwise agreed, the borrower's duty is to pay interest on the principal balance of the loan at the agreed upon rate. When a payment is made, the amount of the interest accruing from the last payment to the current payment is first subtracted before the remainder is applied to further reduce the principal balance.

<sup>7</sup>  $\$224,687.16 \times 0.04875 \div 365 \text{ (days per year)} \times 19 \text{ (days)} = \$570.18.$

<sup>8</sup>  $\$224,039.95 \times 0.04875 \div 365 \text{ (days of the year)} \times 19 \text{ (days)} = \$538.62.$

<sup>9</sup> The Court chose not to examine each transaction to see if similar discrepancies appeared.



applied toward interest that should have been credited to reduce principal, the balance owing upon which judgment is requested could be significantly impacted. This issue needs to be addressed before entry of final judgment.

Second, Mr. Czyzewski challenges Plaintiff's request for "Property Inspections" in the amount of \$48.00. Plaintiff has not identified where in the Note or Mortgage it is entitled to charge for property inspections. Initially, the Court finds that this item is not recoverable but, because we will be requiring Plaintiff to explain or revise the total amount due, Plaintiff will be given the opportunity to clarify this item.

As noted, Plaintiff initially averred both that the notices required by Act 6 of 1974 and Act 91 of 1983 were sent to Defendants but also averred that those acts were not applicable to this case.<sup>10</sup> Mr. Czyzewski answered that he was without sufficient knowledge or information to form a belief that the Notices were sent. The Notices were not attached to the Complaint; however, the applicable Notice of Default was subsequently attached as Exhibit "C" to Plaintiff's Motion for Summary Judgment. Within that Motion, Plaintiff averred that Defendants were each sent a letter notifying them of their defaults and of Plaintiff's intent to foreclose. In his Response to Summary Judgment, Mr. Czyzewski admitted that averment with the caveat that the writings speak for themselves. Accordingly, Plaintiff's averments are deemed admitted and the issue is resolved in favor of Plaintiff.

Finally, in New Matter<sup>11</sup>, Mr. Czyzewski averred that: 1)

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<sup>10</sup> Plaintiff correctly argues that the amount owing was greater than the threshold amount needed to trigger the notice provisions of Act 6 (See 41 P.S. § 406(d)) and that because the subject mortgage is insured by the Federal Housing Administration (FHA), Act 91 is not applicable.

<sup>11</sup> The New Matter included in the Answer to Complaint.

there is no authority for Jamie Corona to sue on behalf of Plaintiff; 2) there are no corporate resolutions authorizing Plaintiff to initiate this action; and 3) this action is *ultra vires*. However, neither party discussed these issues in their briefs. Nevertheless, those alleged defenses can be dismissed without much discussion.

Jamie Corona did not “sue on behalf of Plaintiff”; instead she signed the verification attached to the Complaint. Therein she is identified as a “Default Specialist II of Pennymac Loan Services, LLC.” All pleadings containing an averment of fact not appearing of record must be verified. Pa. R.C.P. 1024. Corporate verifications are normally signed by a corporate officer or other appropriate employee of the corporation. Defective verifications and lack of capacity to sue must be raised by preliminary objections, Pa. R.C.P. 1028, or the objection is waived. Here, Mr. Czyzewski did not raise this issue by preliminary objection. Accordingly, this issue is waived.

Mr. Czyzewski also suggests that there is no corporate resolution authorizing the litigation. This issue speaks to the Plaintiff’s capacity to sue and likewise must be raised by preliminary objection or the issue is waived.

Lastly, Mr. Czyzewski does not clarify why he contends that this action is *ultra vires*; therefore, the Court is in no position to address that issue. The term “*ultra vires*” means “unauthorized; beyond the scope of power allowed or granted by a corporate charter or by law.” **Black’s Law Dictionary** (7th Ed.). Regardless, this issue ultimately raises Plaintiff’s capacity to sue and therefore is waived because it was not raised by preliminary objection. Nevertheless, here the mortgage clearly authorizes the holder to pursue foreclosure upon default. Plaintiff appears to be the current holder of the note and mortgage by virtue of the most recent assignment of record. No evidence has

been offered that Plaintiff's corporate documents preclude it from pursuing an in rem foreclosure action and the undersigned would be surprised if that limitation exists.<sup>12</sup>

Accordingly, the attached Order is entered.

BY THE COURT:

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**JOHN D. KUHN**

**Judge**

**Dated: July \_\_\_\_, 2015**

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<sup>12</sup> Mr. Czyzewski also contends that Adams County should have a Residential Mortgage Foreclosure Diversion Program as adopted in other counties. No such program is offered locally and the lack of the same has no legal impact on the merits of Plaintiff's Motion for Summary Judgment.

## SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on Friday, the 18th day of September 2015, at 10 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

**No. 13-SU-755****FEDERAL NATIONAL MORTGAGE ASSOCIATION**

vs

**KATHLEEN M. ALBERTINI, MARK A. ALBERTINI**

PROPERTY ADDRESS: 590 BOLLINGER ROAD, LITTLESTOWN, PA 17340

By Virtue of Writ of Execution No. 13-SU-755

Federal National Mortgage Association vs

Mark A. Albertini and Kathleen M. Albertini

All that certain piece or parcel or Tract of land situate in Union Township, Adams County, Pennsylvania, and being known as:

590 Bollinger Road, Littlestown, Pennsylvania 17340.

TAX MAP AND PARCEL NUMBER: 41J18-0029C

THE IMPROVEMENTS THEREON ARE: Residential Dwelling

REAL DEBT: \$251,863.89

SEIZED AND TAKEN IN EXECUTION AS THE PROPERTY OF: Mark A.

Albertini and Kathleen M. Albertini McCabe, Weisberg and Conway, P.C. 123 South Broad Street, Suite 1400 Philadelphia, PA 19109

**No. 15-SU-142****PHH MORTGAGE CORPORATION**

vs

**ANGELA M. BOWIE**

PROPERTY ADDRESS: 2090 GOLDENVILLE ROAD, GETTYSBURG, PA 17325

By virtue of a Writ of Execution No. 15-SU-142

PHH Mortgage Corporation

v.

Angela M. Bowie

owner(s) of property situate in the FRANKLIN TOWNSHIP, ADAMS County, Pennsylvania, being

2090 Goldenville Road, Gettysburg, PA 17325-7441

Parcel No. 12E10-0040A--000

Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$146,700.71

Attorneys for Plaintiff

Phelan Hallinan Diamond & Jones, LLP

**No. 15-SU-27****ACNB BANK, FORMERLY KNOWN AS ADAMS COUNTY NATIONAL BANK**

vs

**ESTATE OF JOYCE M. HOCH, WILLIAM SHOENBERGER, EXECUTOR, FRANKLIN SHOENBERGER, EXECUTOR**

PROPERTY ADDRESS: 343 PEACH GLEN IDAVILLE ROAD, GARDNERS, PA 17324

By virtue of Writ of Execution No. 2015-SU-27

ACNB BANK, formerly known as Adams County National Bank

vs.

ESTATE OF JOYCE M. HOCH

343 PEACH GLEN IDAVILLE ROAD

GARDNERS, PA 17324

HUNTINGTON TOWNSHIP

Parcel ID Number: 22-G03-0089--000

IMPROVEMENTS THEREON:

Residential Dwelling

JUDGMENT AMOUNT: \$40,617.11

Attorneys for Plaintiff

Sharon E. Myers, Esquire

CGA Law Firm

135 North George Street

York, PA 17401

717-848-4900

**No. 13-SU-648****WILMINGTON SAVINGS FUND SOCIETY FSB**

vs

**PEGGY DARLENE FISHER, CYNTHIA L. KLINGLER**

PROPERTY ADDRESS: 74 MAPLE STREET, LITTLESTOWN, PA 17340

By virtue of Writ of Execution No.

13-SU-648

Wilmington Savings Fund Society, FSB, Doing Business as Christiana Trust, Not in its Individual Capacity but Solely as Legal Title Trustee for Bronze Creek Title Trust 2013-NPLI

vs.

PEGGY DARLENE FISHER

CYNTHIA L. KLINGLER

74 Maple Street

Littlestown, PA 17340

Borough of Bonneauville

PARCEL NO.: 06-009-0100

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$279,768.78

ATTORNEYS FOR PLAINTIFF

POWERS, KIRN & ASSOCIATES, LLC

**No. 12-SU-1387****SANTANDER BANK, N.A.**

vs

**LINDA J. FISSEL**

PROPERTY ADDRESS: 328 N. BLETTNER AVENUE, HANOVER, PA 17331

BY Virtue of Writ of Execution No.

12-S-1387

SANTANDER BANK, N.A., f/k/a

Sovereign Bank, N.A., f/k/a Sovereign Bank

vs.

LINDA J. FISSEL

328 N. Blettner Avenue

Hanover, PA 17331

Conewago Township

Parcel No. 08010-0021

IMPROVEMENTS THEREON:

Residential Dwelling House

JUDGMENT AMOUNT: \$130,664.02

Attorneys for Plaintiff:

Gross McGinley, LLP

Thomas A. Capehart, Esquire

**No. 15-SU-287****LSF8 MASTER PARTICIPATION TRUST**

vs

**STEVEN D. FITEZ, VIVIAN A. FITEZ**

PROPERTY ADDRESS: 12 MILE TRAIL, FAIRFIELD, PA 17320

By virtue of a Writ of Execution No.

15-SU-287

Lsf8 Master Participation Trust

v.

Steven D. Fitez

Vivian A. Fitez

owner(s) of property situate in the

CARROLL VALLEY BOROUGH, ADAMS

County, Pennsylvania, being 12 Mile

Trail, Fairfield, PA 17320-8465

Parcel No. 43,041-0130

Improvements thereon: RESIDENTIAL

DWELLING

Judgment Amount: \$247,537.27

Attorneys for Plaintiff

Phelan Hallinan Diamond & Jones, LLP

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

Purchaser must settle for property on or before filing date. ALL claims to property must be filed with Sheriff before sale date.

AS SOON AS THE PROPERTY IS DECLARED SOLD TO THE HIGHEST BIDDER 20% OF THE PURCHASE PRICE OR ALL OF THE COST, WHICHEVER MAY BE THE HIGHER, SHALL BE PAID FORTHWITH TO THE SHERIFF.

James W. Muller

Sheriff of Adams County

www.adamscounty.us

8/21 & 28 & 9/4

## SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on Friday, the 18th day of September 2015, at 10 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

**No. 15-SU-234**

**THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK AS SUCCESSOR TRUSTEE FOR JPMORGAN CHASE BANK, N.A., AS TRUSTEE FOR THE BENEFIT OF THE CERTIFICATEHOLDERS OF POPULAR ABS, INC. MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2006-B**

vs

**JOYCE L. HOWES**

PROPERTY ADDRESS: 138 JACKSON ROAD, GETTYSBURG, PA 17325  
By virtue of a Writ of Execution No. 15-S-234

The Bank of New York Mellon f/k/a The Bank of New York as Successor Trustee for JPMorgan Chase Bank, N.A., as Trustee for The Benefit of The Certificateholders of Popular Abs, Inc. Mortgage Pass-Through Certificates Series 2006-B v.

Joyce L. Howes owner(s) of property situate in MT. JOY TOWNSHIP, ADAMS County, Pennsylvania, being 138 Jackson Road, Gettysburg, PA 17325-8914  
Parcel No. 30108-0024---000  
Improvements thereon: RESIDENTIAL DWELLING  
Judgment Amount: \$153,767.06  
Attorneys for Plaintiff  
Phelan Hallinan Diamond & Jones, LLP

**No. 15-SU-237**

**WELLS FARGO BANK, N.A.**

vs

**KURT M. HUTCHISON, KIMBERLY P. HUTCHISON**

PROPERTY ADDRESS: 18 PIN OAK DRIVE, GETTYSBURG, PA 17325  
By virtue of a Writ of Execution No. 15-S-237  
Wells Fargo Bank, N.A.  
v.

Kurt M. Hutchison  
Kimberly P. Hutchison  
owner(s) of property situate in BONNEAUVILLE BOROUGH, ADAMS County, Pennsylvania, being 18 Pin Oak Drive, Gettysburg, PA 17325-7805  
Parcel No. 06,006-0043  
Improvements thereon: RESIDENTIAL

## DWELLING

Judgment Amount: \$156,666.40  
Attorneys for Plaintiff  
Phelan Hallinan Diamond & Jones, LLP

**No. 14-SU-1251**

**U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR RESIDENTIAL ASSET MORTGAGE PRODUCTS, INC., MORTGAGE ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2005-EFC3**

vs

**DARRELL J. LITTLE, SR., ELIZABETH A. LITTLE**

PROPERTY ADDRESS: 44 LOCUST DRIVE, LITTLESTOWN, PA 17340  
By virtue of a Writ of Execution No. 14-SU-1251  
U.S. Bank National Association, as Trustee for Residential Asset Mortgage Products, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2005-Efc3  
v.

Darrell J. Little a/k/a Darrell J. Little, Sr  
Elizabeth A. Little  
owner(s) of property situate in the GERMANY TOWNSHIP, ADAMS County, Pennsylvania, being 44 Locust Drive, Littlestown, PA 17340-9710  
Parcel No. 15117-0020A--000  
Improvements thereon: RESIDENTIAL DWELLING  
Judgment Amount: \$123,537.57  
Attorneys for Plaintiff  
Phelan Hallinan Diamond & Jones, LLP

**No. 13-SU-406**

**PNC BANK NATIONAL ASSOCIATION**

vs

**MICHAEL S. MIDKIFF, TINA M. MIDKIFF**

PROPERTY ADDRESS: 212 SOUTH QUEEN STREET, LITTLESTOWN, PA 17340  
By Virtue of Writ of Execution No. 13-SU-406  
PNC Bank, National Association, successor to Bank of Hanover and Trust Company  
v.

Michael S. Midkiff and Tina M. Midkiff  
212 South Queen Street, Littlestown, PA 17340  
Littlestown Borough Adams County, Pennsylvania  
Parcel No. (27)8-368  
Improvements thereon of the commercial property  
Judgment in the amount of \$833,266.30  
James W. Hennessey, Esquire  
Dilworth Paxson LLP  
1500 Market Street, Suite 3500E  
Philadelphia, PA 19102  
Telephone: 215-575-7000, Facsimile: 215-575-7200

**No. 15-SU-170**

**ACNB BANK, FORMERLY KNOWN AS ADAMS COUNTY NATIONAL BANK**

vs

**CHRISTOPHER J. POPOVICH,****JENNIFER M. POPOVICH**

PROPERTY ADDRESS: 128 RODES AVENUE, GETTYSBURG, PA 17325  
By virtue of Writ of Execution No. 2015-SU-170  
ACNB BANK, formerly known as Adams County National Bank  
vs.

CHRISTOPHER J. POPOVICH and JENNIFER M. POPOVICH  
128 RODES AVENUE  
GETTYSBURG, PA 17325  
STRABAN TOWNSHIP  
Parcel ID Number: 38-002-0074---000  
IMPROVEMENTS THEREON:  
Residential Dwelling  
JUDGMENT AMOUNT: \$173,851.00  
Attorneys for Plaintiff  
Sharon E. Myers, Esquire  
CGA Law Firm  
135 North George Street  
York, PA 17401  
717-848-4900

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

Purchaser must settle for property on or before filing date. ALL claims to property must be filed with Sheriff before sale date.

AS SOON AS THE PROPERTY IS DECLARED SOLD TO THE HIGHEST BIDDER 20% OF THE PURCHASE PRICE OR ALL OF THE COST, WHICHEVER MAY BE THE HIGHER, SHALL BE PAID FORTHWITH TO THE SHERIFF.

James W. Muller  
Sheriff of Adams County  
[www.adamscounty.us](http://www.adamscounty.us)

8/21 &amp; 28 &amp; 9/4

## SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on Friday, the 18th day of September 2015, at 10 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

**No. 14-SU-1065****JPMORGAN CHASE BANK,  
NATIONAL ASSOCIATION**

vs

**JAMES A. PRYOR, IV, JENNIFER L. PRYOR**

PROPERTY ADDRESS: 68  
FRUITWOOD TRAIL, FAIRFIELD, PA  
17320

By virtue of a Writ of Execution No.  
14-SU-1065

JPMorgan Chase Bank, National  
Association

v.

James A. Pryor, IV

Jennifer L. Pryor

owner(s) of property situate in the  
CARROLL VALLEY BOROUGH, ADAMS  
County, Pennsylvania, being  
68 Fruitwood Trail, Fairfield, PA 17320-  
8478

Parcel No. 43040-0035---000

(Acreage or street address)

Improvements thereon: RESIDENTIAL  
DWELLING

Judgment Amount: \$215,523.69

Attorneys for Plaintiff

Phelan Hallinan Diamond & Jones, LLP

**No. 14-SU-1264****WELLS FARGO BANK, N.A.**

vs

**DAVID G. REINTZELL, VALERIE M. REINTZELL**

PROPERTY ADDRESS: 411  
ORPHANAGE ROAD, LITTLESTOWN,  
PA 17340

By virtue of a Writ of Execution No.  
14-SU-1264

Wells Fargo Bank, N.A.

v.

David G. Reintzell

Valerie M. Reintzell

owner(s) of property situate in Mt. Joy  
Township, ADAMS County,  
Pennsylvania, being  
411 Orphanage Road, Littlestown, PA  
17340-9728

Parcel No. 30G17-0030

Improvements thereon: RESIDENTIAL  
DWELLING

Judgment Amount: \$46,092.14

Attorneys for Plaintiff

Phelan Hallinan Diamond & Jones, LLP

**HOWARD M. SAPERSTEIN PROFIT  
SHARING PLAN**

vs

**DEREK SAILORS, MAUREEN  
SAILORS**

PROPERTY ADDRESS: 4 Trout Run  
Trail, Fairfield, PA 17320

By Virtue of Writ of Execution No.

14-SU-798

Howard M. Saperstein Profit Sharing  
Plan

v.

Derek Sailors and Maureen Sailors  
4 Trout Run Trail, Fairfield, PA 17320

Carroll Valley Borough

Parcel ID NO. 43006-0093---00

Improvements consist of a Residential  
Dwelling

Judgment Amount: \$343,961.85

Matthew D. Menges

Attorney for Plaintiff

Sup Court ID 208.132

Trinity Law

145 East Market Street

York, PA 17401

MMenges@TrinityLaw.com

T: 717-843-8046

F: 717-854-4362

**No. 15-SU-276****WELLS FARGO BANK, NATIONAL  
ASSOCIATION, AS TRUSTEE UNDER  
POOLING AND SERVICING  
AGREEMENT**

vs

**PETER J. SCHRIVER, VICKIE LYNN  
SCHRIVER**

PROPERTY ADDRESS: 5 LATIMORE  
ROAD, GARDNERS, PA 17324

BY VIRTUE OF WRIT OF EXECUTION  
ADAMS COUNTY NO. 15-SU-276

Wells Fargo Bank, National Association,  
as Trustee under Pooling And Servicing  
Agreement

Dated as of October 1, 2006

Securitized Asset Backed Receivables  
LLC Trust 2006-WM2

Mortgage Pass-Through Certificates,  
Series 2006-WM2, by its servicer  
Owen Loan Servicing, LLC

v.

Peter J. Schriver a/k/a Peter Schriver

Vickie L. Schriver a/k/a Vickie Schriver

JUDGMENT AMOUNT: \$164,618.66

PROPERTY ADDRESS: 5 Latimore

Road, Gardners, PA 17324

PARCEL ID NUMBER: 22H02-0039-000

ALL that tract of land lying and situate  
in Huntington Township, Adams County,  
Pennsylvania,

with improvements thereon consisting

of Residential Real Estate

Stern & Eisenberg, PC

1581 Main Street, Suite 200

Warrington, PA 18976

215-572-8111

**No. 11-SU-10  
WELLS FARGO BANK NA**

vs

**MICKEY J. SENTZ, CATHY ANN  
SENTZ**

PROPERTY ADDRESS: 40 WEST KING  
STREET, LITTLESTOWN, PA 17340

By virtue of a Writ of Execution No.

2011-SU-10

Wells Fargo Bank, N.A.

v.

Mickey J. Sentz

Cathy Ann Sentz a/k/a Cathy Ann Dell  
owner(s) of property situate in

LITTLESTOWN BOROUGH, ADAMS

County, Pennsylvania,

being

40 West King Street, Littlestown, PA

17340-1404

Parcel No. 27,008-0243

Improvements thereon: RESIDENTIAL

DWELLING

Judgment Amount: \$172,249.84

Attorneys for Plaintiff

Phelan Hallinan Diamond & Jones, LLP

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

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AS SOON AS THE PROPERTY IS DECLARED SOLD TO THE HIGHEST BIDDER 20% OF THE PURCHASE PRICE OR ALL OF THE COST, WHICHEVER MAY BE THE HIGHER, SHALL BE PAID FORTHWITH TO THE SHERIFF.

James W. Muller  
Sheriff of Adams County  
www.adamscounty.us

8/21 & 28 & 9/4

**No. 14-SU-798**

## SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on Friday, the 18th day of September 2015, at 10 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

**No. 15-SU-315  
SUSQUEHANNA BANK SUCCESSOR  
IN INTEREST TO SUSQUEHANNA  
BANK PA**

**vs**  
**DOUGLAS M. SHUFFLER, LINDA J. SHUFFLER**  
PROPERTY ADDRESS: 385 ROLLING LANE, ABBOTTSTOWN, PA 17301  
By virtue of Writ of Execution No. 2015-SU-315

Susquehanna Bank successor in interest to Susquehanna Bank PA  
**vs.**

Douglas M. Shuffler and Linda J. Shuffler  
385 Rolling Lane, Abbottstown, PA 17301  
located in Hamilton Township, Adams County  
Parcel No. 17-001-0042  
Improvements thereon a single family dwelling  
Judgment amount \$67,367.18,  
Kornfield and Benchoff, LLP

**No. 14-SU-1308  
CITIMORTGAGE, INC.**

**vs**  
**NEAL LESLIE SMILEY, SR**  
PROPERTY ADDRESS: 231 DRUMMER DR, NEW OXFORD, PA 17350  
By virtue of Writ of Execution No. 14-S-1308  
CITIMORTGAGE, INC.

**vs.**  
Neal L. Smiley, Sr.  
231 Drummer Drive  
New Oxford, PA 17350  
Oxford Township  
Parcel No.: 35-1-111  
Improvements thereon: Residential Dwelling

Judgment amount: \$123,372.50  
MILSTEAD & ASSOCIATES, LLC  
BY: Robert W. Williams, Esquire  
ID No. 315501  
1 E. Stow Road  
Marlton, NJ 08053  
(856) 482-1400  
Attorney for Plaintiff

**No. 13-SU-1586  
WELLS FARGO FINANCIAL  
PENNSYLVANIA, INC.**

**vs**  
**BARRY M. SMITH**  
PROPERTY ADDRESS: 24 SUSAN LANE, NEW OXFORD, PA 17350  
By Virtue of Writ of Execution Number 2013-SU-0001586  
WELLS FARGO FINANCIAL  
PENNSYLVANIA, INC  
VS  
BARRY M. SMITH  
24 Susan Lane, New Oxford, PA 17350  
Reading Township  
PARCEL No. 36-J08-0062-000  
Improvements consist of a Residential Dwelling  
Judgment Amount: \$204,686.44  
Zucker, Goldberg & Ackerman, LLC  
Roger Fay, Esq.  
200 Sheffield Street, Suite 101  
Mountainside, NJ 07092  
(908)233-8500

**No. 14-SU-634  
WELLS FARGO BANK, N.A.**

**vs**  
**KATHY L. TRACEY, RALPH D. TRACEY**  
PROPERTY ADDRESS: 2896 TRACT ROAD, FAIRFIELD, PA 17320  
By Virtue of Writ of Execution No. 14-SU-634  
Wells Fargo Bank NA  
**vs**  
Kathy L. Tracey and Ralph D. Tracey  
All that certain piece or parcel or Tract of land situate Liberty Township, Adams County, Pennsylvania, and being known as:  
2896 Tract Road, Fairfield, Pennsylvania 17320.  
TAX MAP AND PARCEL NUMBER: 25-D18-75  
THE IMPROVEMENTS THEREON ARE:  
Residential Dwelling  
REAL DEBT: \$403,511.27  
SEIZED AND TAKEN IN EXECUTION AS THE PROPERTY OF: Kathy L. Tracey and Ralph D. Tracey  
McCabe, Weisberg and Conway, P.C.  
123 South Broad Street, Suite 1400  
Philadelphia, PA 19109

**No. 13-SU-1185  
FEDERAL NATIONAL MORTGAGE  
ASSOCIATION ("FANNIE MAE"), A  
CORPORATION ORGANIZED AND  
EXISTING UNDER THE LAWS OF THE  
UNITED STATES OF AMERICA**

**vs**  
**ROBERT TRAINUM, KATHLEEN TRAINUM**  
PROPERTY ADDRESS: 265 TRACT ROAD, FAIRFIELD, PA 17320  
By virtue of Writ of Execution No. 2013-SU-1185  
Federal National Mortgage Association

("Fannie Mae"), a corporation organized and existing under the laws of the United States of America

**vs.**  
Robert Trainum  
Kathleen Trainum  
265 Tract Road  
Fairfield, PA 17320-9177  
Hamiltonban Township  
PARCEL NO.: 18C16-0024A  
IMPROVEMENTS THEREON:  
RESIDENTIAL DWELLING  
JUDGMENT AMOUNT: \$249,836.23  
ATTORNEYS FOR PLAINTIFF  
POWERS, KIRN & ASSOCIATES, LLC

**No. 15-SU-146  
JPMORGAN CHASE BANK,  
NATIONAL ASSOCIATION**

**vs**  
**BRANDON K. WEIBLEY, ANGELA M. WEIBLEY**  
PROPERTY ADDRESS: 4 FIDDLER DRIVE, NEW OXFORD, PA 17350  
By virtue of Writ of Execution No.: 15-SU-146  
JPMorgan Chase Bank, National Association  
**vs.**  
Brandon K. Weibley  
Angela M. Weibley  
Property Address 4 Fiddler Drive, New Oxford, PA 17350  
Township or Borough: Oxford Township  
PARCEL NO.: 35001-0052-002  
IMPROVEMENTS THEREON: A RESIDENTIAL DWELLING  
JUDGMENT AMOUNT: \$128,160.61  
ATTORNEYS FOR PLAINTIFF  
Shapiro & DeNardo, LLC  
3600 Horizon Drive, Suite 150  
King of Prussia, PA 19406  
610-278-6800

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

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James W. Muller  
Sheriff of Adams County  
www.adamscounty.us

8/21 & 28 & 9/4

**ESTATE NOTICES**

**NOTICE IS HEREBY GIVEN that in the estates of the decedents set forth below, the Register of Wills has granted letters, testamentary of or 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 THOMAS L. BUCHER, A/K/A THOMAS LESTER BUCHER, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executor: Leonard T. Bucher, 8 Wheaton Drive, Littlestown, PA 17340

ESTATE OF MARGARET G. WOOD-HAYS, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Mary L. Wood-Shedel

Attorney: Samuel A. Gates, Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

ESTATE OF MARY V. ZIRK, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Personal Representative: Edith M. Valentin, 2065 Box Ox Road, New Oxford, PA 17350

Attorney: Robert L. McQuaide, Suite 204, 18 Carlisle Street, Gettysburg, PA 17325

**SECOND PUBLICATION**

ESTATE OF MICHAEL J. BEARD, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Tracy Martin, 1815 Mummasburg Road, Gettysburg, PA 17325

ESTATE OF DAVID EUGENE LITTLE, DEC'D

Late of Union Township, Adams County, Pennsylvania

Administrator: Christopher M. Little, 145 Pine Grove Road, Hanover, Pennsylvania 17331

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

ESTATE OF THERESA M. MILAZZO, A/K/A THERESA MARIE MILAZZO, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Joseph J. Milazzo, Jr., 155 Irish Drive, New Oxford, PA 17350

Attorney: George E. Wenger, Jr., Hoskinson & Wenger, 147 East Washington Street, Chambersburg, PA 17201

ESTATE OF MARGARET I. SANDERS, DEC'D

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

Co-Executors: Mr. Michael E. Sanders, 981 Kohler Mill Road, New Oxford, PA 17350; Mr. Daniel D. Sanders, 5705 York Road, New Oxford, PA 17350

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

ESTATE OF DORIS G. SMITH, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Administratrix: Doris P. Mehring, 161 Gettysburg Rd., Littlestown, PA 17340

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

ESTATE OF PAULINE J. TODT, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Co-Executrices: Stephanie A. Baumgardner, 16 Paul St., Hanover, PA 17331; Melanie S. Todt, 532 Edgegrove Rd., Hanover, PA 17331

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

ESTATE OF MARY L. WERNER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Sharon F. Fissel

Attorney: Amy S. Eyster, O'Donnell & Barr Law Group, LLP, 11 Carlisle Street, Suite 301, Hanover, PA 17331

**THIRD PUBLICATION**

ESTATE OF DELORES M. KRESS, DEC'D

Late of Mount Pleasant, Gettysburg, Adams County, Pennsylvania

Executors: Joanna M. Townsley, 275 Berwick Road, Abbottstown, PA 17301

Attorney: Larry W. Wolf, P.C., 215 Broadway, Hanover, PA 17331

ESTATE OF ROGER J. MCDANNELL, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Carole P. Eppley, a/k/a Carol Eppley, 500 Hunterstown-Hampton Road, New Oxford, PA 17350

Attorney: John J. Murphy III, Patrono & Murphy, LLC, 28 West Middle Street, Gettysburg, PA 17325

ESTATE OF LUCY JOANNE SWAIM, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executor: David Michael Lee, 176 Pheasant Run Lane, Hanover, Pennsylvania 17331