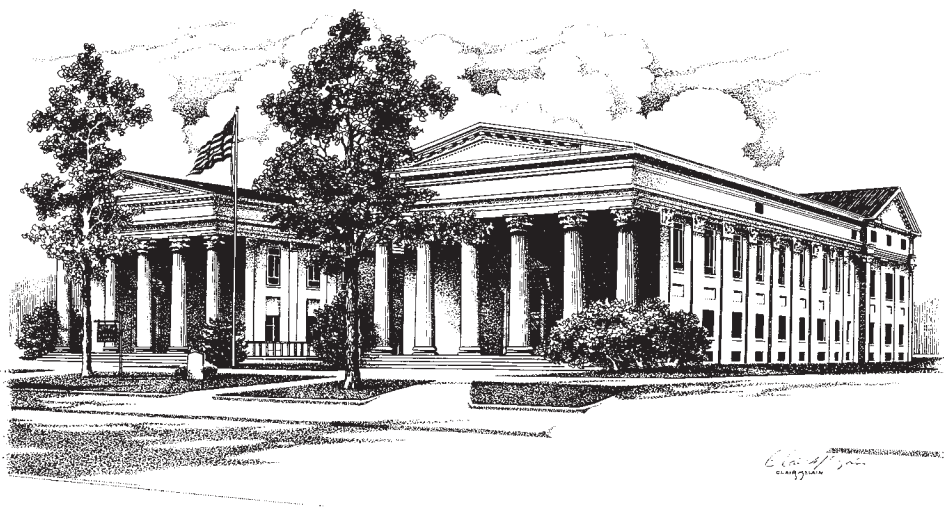


Erie County Legal Journal

January 30, 2009

Vol. 92 No. 5

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In the Commonwealth Court of Pennsylvania
In Re: Erie Golf Course

Erie County Legal Journal

*Reporting Decisions of the Courts of Erie County
The Sixth Judicial District of Pennsylvania*

Managing Editor: Paula J. Gregory
Associate Editor: Heidi M. Weismiller

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Erie County Bar Association

Calendar of Events and Seminars

TUESDAY, FEBRUARY 3, 2009

ECBA Membership Meeting
Judicial Candidates to Speak
Bayfront Convention Center
12:00 p.m.
\$20/ECBA member

TUESDAY, FEBRUARY 10, 2009

Bankruptcy Section Meeting
Bayfront Convention Center
12:00 p.m.
\$15/Section member

WEDNESDAY, FEBRUARY 11, 2009

Auto Law Update
PBI Groupcast Seminar
Bayfront Convention Center
9:00 a.m. - 1:15 p.m.
\$204 (member) \$184 (admitted after 1/1/05)
\$224 (nonmember)

Early Registration - If you register more than 2 days before this presentation you will qualify for this Early Registration Fee: \$179 (member) \$159 (admitted after 1/1/05) \$199 (nonmember)
3 hours substantive / 1 hour ethics

THURSDAY, FEBRUARY 12, 2009

Local, State & Federal Taxes
PBI Video Seminar
Bayfront Convention Center
9:00 a.m. - 1:30 p.m.
\$119 (member) \$99 (admitted after 1/1/05)
\$139 (nonmember)
4 hours substantive

FRIDAY FEBRUARY 13, 2009

ECBA Evening at JR's Last Laugh Comedy Club
5:15 p.m. Social hour; Showtime 6:30 p.m.
\$15/person for show (food/drinks at own expense)

TUESDAY, FEBRUARY 17, 2009

Jurors by the Generations
PBI Video Seminar
Bayfront Convention Center
9:00 a.m. - 12:30 p.m.
\$119 (member) \$99 (admitted after 1/1/05)
\$139 (nonmember)
3 hours substantive

WEDNESDAY, FEBRUARY 18, 2009

Trial Advocacy: Making the Most of What 'Ya Got
ECBA Video Seminar
Erie County Bar Association Headquarters
9:00 a.m. - 12:00 p.m.
\$81 (ECBA member) \$119 (nonmember)
3 hours substantive

FRIDAY, FEBRUARY 20, 2009

Hot Topics in Employment Law
PBI Groupcast Seminar
Bayfront Convention Center
12:00 p.m. - 4:30 p.m.
LUNCH INCLUDED
\$224 (member) \$204 (admitted after 1/1/05)
\$244 (nonmember)
4 hours substantive

Early Registration - If you register more than 2 days before this presentation you will qualify for this Early Registration Fee: \$199 (member) \$179 (admitted after 1/1/05) \$219 (nonmember)

WEDNESDAY, FEBRUARY 25, 2009

LLCs, LPs, S Corps, & C Corps: Choosing the Best Business Entity for Maximum Results
PBI Groupcast Seminar
Bayfront Convention Center
8:30 a.m. - 12:15 p.m.
\$204 (member) \$184 (admitted after 1/1/05)
\$224 (nonmember)
3 hours substantive

Early Registration - If you register more than 2 days before this presentation you will qualify for this Early Registration Fee: \$179 (member) \$159 (admitted after 1/1/05) \$199 (nonmember)

2009 BOARD OF DIRECTORS

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RE: JUDICIAL PLEBISCITE

Please find below the Resolution regarding judicial elections that was passed by the membership. Note that any potential judicial candidate must submit a resume to the Executive Director of the Erie County Bar Association no later than February 2, 2009 and will be given the opportunity to address the membership at the February membership meeting to be held on February 3, 2009 at noon.

RESOLUTION

Be it resolved as follows:

- I. In any year in which there is an election for initial terms as Common Pleas Judges, the Erie County Bar Association will conduct a plebiscite whereby candidates shall be rated by members of the Bar Association as:

HIGHLY RECOMMENDED; RECOMMENDED; NOT RECOMMENDED; NO OPINION

- II. The evaluation of prospective candidates should be directed primarily to professional qualifications, i.e., competence, integrity and temperament.

Professional competence encompasses such qualities as intellectual capacity; judgement; legal writing and analytical ability; industry; knowledge of the law; scholarship and academic talent; professional contributions; professional experience, including such areas as years in practice, trial experience, work with administrative agencies and arbitration boards, law school teaching and public service.

Temperament encompasses such qualities as compassion; decisiveness; open-mindedness; sensitivity; courtesy; patience; freedom from bias and commitment to justice.

Ratings' Definitions

Highly Recommended

The candidate possesses the highest reputation for competence, integrity and temperament, and would be capable of outstanding performance as judge.

Recommended

Based on competency, integrity, and temperament, the candidate would be able to perform satisfactorily as a judge.

Not Recommended

Based on competence, integrity, or temperament, or any combination thereof, at the present time, the candidate is inadequate to perform satisfactorily as a judge.

If a voting member does not know a candidate well enough to evaluate his or her competence, integrity or temperament, then he or she should indicate NO OPINION.

III. The procedure for the conduct of the plebiscite shall be as follows:

1. The Erie County Bar Association shall publish in each edition of the *Erie County Legal Journal* during the month of January, a notice inviting prospective judicial candidates to submit a resume of not more than two 8 1/2 x 11 typewritten pages. The resumes will be submitted to the Erie County Bar Association Executive Director no later than the first day of February.
2. Each potential candidate who has submitted a resume shall be given the opportunity to address the Erie County Bar at a membership meeting to be scheduled in February with each candidate being allocated an equal amount of time.
3. The resumes and appropriate ballots will be distributed to the active membership within three days of the February meeting and shall be returned by mail postmarked no later than fifteen days after the date of distribution.
4. A two-envelope system shall be used. Each voting member shall sign the outer envelope and shall leave the inner envelope unsigned. An accounting firm shall act as teller.
5. Each candidate who agrees not to release the plebiscite results until such time the Erie County Bar Association releases the plebiscite results shall be privately advised of their own results in the plebiscite by the President of the Erie County Bar Association before the end of February.
6. If more than 50% of the February plebiscite ballots have been returned, and if there are any candidates after the last day for filing petitions who did not participate, then a separate ballot as to those persons only shall be distributed to the active membership of the Bar accompanied by ballots to be returned within ten days and tabulated in the same manner as the February plebiscite.
7. The results of any plebiscite for which more than 50% of the ballots are returned shall be published through a press release to be issued as soon as possible after the receipt of the results of the second plebiscite. In the event that a second plebiscite is not necessary, the results of the February plebiscite will be published as soon as possible after the last date for filing petitions for judicial office. Publication of the results shall also be in the form of a paid advertisement to be run on the two Sundays immediately preceding the primary election.
8. There shall be no publication of the results of the February plebiscite as to any person who is not a candidate for judicial office at the time of the publication.
9. The press release and the paid advertisement shall contain raw data only without comment on individual candidates. Raw data shall be actual count and actual percentage of ballots returned. The press release and paid ad shall specify that the results are based on ballots received, not total active membership. However, the publication shall specifically identify those candidates who were found to be "Highly Recommended", "Recommended" or "Not Recommended" by more than 50% of the membership returning ballots. For the purpose of determining whether a candidate has been found to be "Recommended" by more than 50% of the membership returning ballots, votes received by candidates in the category "Highly Recommended", shall be added to the votes received by a candidate in the category "Recommended". The press release and the paid advertisement shall also set forth the definitions of the categories as set forth above.

IN RE: ERIE GOLF COURSE

APPEAL OF: CITY OF ERIE

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

No. 1378 C.D. 2007

Argued: October 15, 2008

Before: Honorable Bonnie Brigance Leadbetter, President Judge
Honorably Bernard L. McGinley, Judge
Honorably Doris A. Smith-Ribner, Judge
Honorably Dan Pellegrini, Judge
Honorably Robert Simpson, Judge
Honorably Mary Hannah Leavitt, Judge
Honorably Johnny J. Butler, Judge

OPINION BY JUDGE SMITH-RIBNER FILED: January 7, 2009

The City of Erie (City) appeals from an order of the Erie County Common Pleas Court (trial court) that denied the City's petition to abandon the use of dedicated public property known as "Erie Golf Course" filed pursuant to the act commonly known as the Donated or Dedicated Property Act (Act), Act of December 15, 1959, P.L. 1772, 53 P.S. §§3381 - 3386. The City argues that the trial court erred by refusing to apply the Act on the basis that the City formally accepted the offer dedicating the property to a public use and erred by relying on the common law public trust doctrine instead of the available statutory remedy.

The City submits that the trial court applied an incorrect standard in reviewing the evidence and construed too narrowly the City's request under Section 4 of the Act, 53 P.S. §3384, and that it erred by concluding that the City presented insufficient evidence to support its opinion that the original use of the property is no longer practicable and has ceased to serve the public interest. This matter was heard by the Court *en banc* to address the inconsistencies between *In re Bangor Memorial Park*, 567 A.2d 750 (Pa. Cmwlth. 1989) (*Bangor II*), and *Vutnoski v. Redevelopment Authority of Scranton*, 941 A.2d 54 (Pa. Cmwlth. 2006), adopting the view that the Act applies only when there is no formal record of acceptance of property by a political subdivision, and *White v. Township of Upper St. Clair*, 799 A.2d 188 (Pa. Cmwlth. 2002), and *Petition of Westmont*, 570 A.2d 1382 (Pa. Cmwlth. 1990), assuming that the Act applies in circumstances where there is a formal record of acceptance and dedication of property.

I

In its June 27, 2007 opinion, the trial court found that on August 13, 1926 the Erie Golf Club resolved to convey the parcels now known as Erie Golf Course to the City for \$1 and the City's assumption of a mortgage of \$15,000. On August 24, 1926, the City Council enacted an ordinance authorizing the purchase.¹ The deed transferring the property to the

¹ The Ordinance, Intervenor's Ex. A, Reproduced Record (R.R.) 1752a, 1754a, provides:

Section 3. That in addition to the consideration set forth in Section 2 hereof, and as a part of the consideration for this conveyance, The City of Erie in the deed of conveyance shall by the acceptance thereof covenant and agree to and with the [Erie Golf Club], its successors and assigns, that the [City], its successors and assigns, shall and will at all times hereafter and forever, keep and maintain the premises hereby conveyed, as a golf course or for public park purposes, or both.

City was duly recorded on August 31, 1926, and it included a deed restriction requiring the City or its successors or assigns to keep and maintain the premises as a golf course or for public park purposes or both.² The City has maintained and used the dedicated property as a golf course, although the trial court noted that in winter people have used it for activities such as skiing and year round for walking, bird watching and so forth. The City owns Downing Golf Course and J.C. Martin Golf Course as well, and it operates the three courses as an enterprise fund separate from the general fund.

In 2004 during the administration of Mayor Richard Fillippi, City Council approved a bond issue for \$2,250,000 to make improvements to the golf courses; approximately ninety percent was spent on Erie Golf Course. Under the general obligation note secured by the City's assets, the City is obligated to pay approximately \$160,000 per year until 2024 when an estimated \$1,200,000 balloon payment is due. It undertook significant renovations in 2005 and completed them in the summer of 2006, but under the administration of Mayor Joseph Sinnott the City permanently closed Erie Golf Course on October 31, 2006. On December 20, 2006, City Council passed a 2007 budget and resolution authorizing advertisement for bids for sale of the golf course; the budget provided no funding for operation of the golf course. The City filed its petition on February 26, 2007, and the Lake Erie Region Conservancy and Committee to Keep Erie Golf Course Open along with two residents (Intervenors) were later granted leave to intervene.

After the trial court denied the petition, the City filed its notice of appeal and statement of matters complained of on appeal under Pa. R.A.P. 1925(a) and listed twelve points. In its August 31, 2007 opinion the trial court concluded that the City waived eleven of its issues.³ It deemed to be preserved the questions of whether the Act applies and whether it abused its discretion in ruling that the City must hold Erie Golf Course consistent with

²The deed, Petitioner's Ex. 3, R.R. 1341a, 1343a, includes the following:

1. And the [City], in part consideration for this conveyance, does for itself, its successors and assigns, by the acceptance of this conveyance, covenant and agree to and with the [Erie Golf Club], its successors and assigns, that the [City], its successors and assigns, shall and will at all times hereafter and forever, keep and maintain the premises hereby conveyed, as a golf course or for public park purposes or both.

....

It is distinctly covenanted and agreed between the parties hereto that all the covenants and agreements above expressed shall be held to run with and bind the land hereby conveyed, and all subsequent owners and occupants thereof, and the acceptance of this deed shall have the same effect and binding force upon the [City], its successors and assigns, as if the same were signed and sealed by the [City].

³Pa. O.C. Rule 7.1(a) provides that in general exceptions may be filed no later than twenty days after entry of an order, decree or adjudication that would become a final order under Pa. R.A.P. 341(b) or 342 following disposition of the exceptions; however: "Failure to file exceptions shall not result in waiver if the grounds for appeal are otherwise properly preserved." *The Explanatory Note* to Rule 7.1 states in part that Rule 7.1 permits but does not require exceptions but that the election of an aggrieved party not to file exceptions will not result in waiver of issues on appeal. It adds, however, that "nothing in this rule is intended to abrogate the requirement of decisional law or court rule mandating that issues on appeal be preserved by a timely petition, answer, claim, objection, offer of proof or other appropriate vehicle." *Id.*

the original dedication.

The trial court quoted Sections 2 through 4, 53 P.S. §§3382 - 3384:

Section 2. All lands or buildings heretofore or hereafter donated to a political subdivision for use as a public facility, or dedicated to the public use or offered for dedication to such use, where no formal record appears as to acceptance by the political [sub]division, as a public facility and situate within the bounds of a political subdivision, regardless of whether such dedication occurred before or after the creation or incorporation of the political subdivision, shall be deemed to be held by such political subdivision, as trustee, for the benefit of the public with full legal title in the said trustee.

Section 3. All such lands and buildings held by a political subdivision, as trustee, shall be used for the purpose or purposes for which they were originally dedicated or donated, except insofar as modified by court order pursuant to this act.

Section 4. When, in the opinion of the political subdivision which is the trustee, the continuation of the original use of the particular property held in trust as a public facility is no longer practicable or possible and has ceased to serve the public interest, or where the political subdivision, as trustee for the benefit of the public, is in doubt as to the effectiveness or the validity of an apparent dedication because of the lack of a record of the acceptance of the dedicated land or buildings, the trustee may apply to the orphans' court of the county in which it is located for appropriate relief. The court may permit the trustee to

(1) Substitute other lands or property of at least equal size and value held or to be acquired by the political subdivision in exchange for the trust property in order to carry out the trust purposes.

(2) If other property is not available, sell the property and apply the proceeds to carry out the trust purposes.

(3) In the event the original trust purpose is no longer practicable or possible or in the public interest, apply the property or the proceeds therefrom in the case of a sale to a different public purpose.

(4) Relinquish, waive or otherwise quitclaim all right and title of the public in and to such land and buildings as have been apparently dedicated but for which no formal acceptance appears of record: Provided, only, That the court is satisfied upon hearing the evidence that there is no acceptance by implication arising out of public user or otherwise, the court shall also determine the consideration, if any, to be paid to the political subdivision.

The trial court noted the City's argument that the Act applies to this case, citing *White and Petition of Westmont*. Intervenor's claimed that common law public trust principles applied as established in *Trustees of Philadelphia Museums v. Trustees of University of Pennsylvania*, 251 Pa. 115, 96 A. 123 (1915), and its progeny, which includes *In re Bangor Memorial Park*, 4 Pa. D. & C.4th 343 (1988) (*Bangor I*), which was affirmed by *Bangor II*.

The trial court quoted the rule of statutory construction from 1 Pa. C.S. §1903 that "[w]ords and phrases shall be construed according to rules of grammar and according to their common and approved usage [and that] [g]eneral words shall be construed to take their meanings and be restricted by preceding particular words." The trial court also noted the rule that when words of a statute are clear there is no need to look beyond their plain meaning. *Colville v. Allegheny County Retirement Board*, 592 Pa. 433, 926 A.2d 424 (2007). It concluded that the language in Section 2 of the Act ("where no formal record appears as to acceptance by the political [sub]division, as a public facility") expressly indicated that the Act applies only when there is no record that the political entity accepted the donated or dedicated property as a public facility. It also stated that *White and Westmont* provided no guidance as they did not address whether the Act applied. Ultimately, the trial court ruled that the Act did not apply because a clear formal record exists to show that the City accepted Erie Golf Course and agreed to keep it as a golf course or for public park purposes or both.

The trial court instead applied common law public trust doctrine as enunciated in *Trustees of Philadelphia Museums and Bangor I*. In *Trustees of Philadelphia Museums* the city passed ordinances setting aside certain land as a public park for museum use for the benefit of the citizens, and then several years later it passed other ordinances attempting to repeal the original ones in order to convey the property to a university. The Supreme Court held that the city had no power or authority to convey the dedicated property for private purposes, quoting *Davenport v. Buffington*, 97 F. 234 (8th Cir. 1899), that when a state becomes the proprietor of a municipality and dedicates streets and parks to public use it cannot revoke the dedication after lots have been sold, streets have been graded and parks cared for and improved and that a municipality that dedicates land as a park is estopped from selling the property or appropriating it to other uses. In *Borough of Ridgway v. Grant*, 425 A.2d 1168 (Pa. Cmwlth. 1981), the Court held that a borough had established clear and unequivocal intent to devote a property to public park use and rejected a proposal to construct a fire house on part of the property as incompatible with such use. In *Bangor I* a borough petitioned under the Act to convey to a school district to construct an elementary school part of land accepted in the 1930s and formally dedicated in 1950 as a public park; the court refused under the public trust doctrine to permit the conveyance. Under these decisions the trial court determined that the public trust doctrine required the City to keep and maintain the property as a golf course or for public park purposes, although under the deed restriction it could be sold if the successor agreed to the same restriction.

Assuming *arguendo* that the Act applied, the trial court nevertheless determined that the City's petition still would fail. The trial court summarized the testimony of the

witnesses, including testimony as to the appraised value and to the opinion of several officials as to the financial effect of continuing to operate Erie Golf Course.⁴ The trial court was not impressed by the financial evidence, and it concluded that Erie Golf Course need not generate any specific amount of income to be a viable asset to the community. It found significant that the City cited only the burden of the debt service that it accepted some three years earlier, apparently believing that it would be feasible to repay the debt over time. Also, it stated that no evidence was presented as to impracticability of using the land as a public park.⁵

II

The City first contends that the trial court erred in its interpretation of Section 2 of the Act by determining that the phrase "where no formal record appears as to acceptance by the political [sub]division, as a public facility" in that section limits the applicability of the entire Act only to cases where there is no formal record. The City invokes the principles that a statute must be construed if possible to give effect to all its provisions and that the legislature intends the entire statute to be effective and certain. 1 Pa. C.S. §§1921(a) and 1922(2). It notes *Commonwealth v. Packer*, 568 Pa. 481, 491, 798 A.2d 192, 198 (2002) (quoting *John Hancock Prop. & Cas. Ins. Co. v. Insurance Department*, 554 A.2d 618, 621 - 622 (Pa. Cmwlth. 1989)), where the Supreme Court, citing 1 Pa. C.S. § 1903, referred to a "well-established canon of construction that courts should generally apply qualifying words or phrases to the words immediately preceding them" and stated that "[q]ualifying

⁴The trial court noted that James Powers, hired to perform an appraisal, concluded that as a golf course that was a going concern the property would be worth \$600,000, but for the highest and best use for development purposes it would be worth \$1,800,000. The trial court perceived "flaws" in the analysis, including failure to consider that Erie Golf Course was designed by a preeminent golf course architect and that Powers was not aware of the deed restriction. He did not visit nearby municipally owned golf courses nor analyze all three City golf courses together. Further, as Mayor Sinnott acknowledged, there is a dump on the property, and Powers did not consider the effect of the dump. Joseph Paporone, a certified public accountant, who audited the City's financial statements, testified that for the years 2004 and 2005 he issued a qualified report due to recurring losses and the general fund's overall deficit and growing debt. Ronald Komorek, the City's Director of Finance, testified that a review of all three golf courses showed operating losses each year from 2001 through 2005, but he did not analyze Erie Golf Course separately. In September 2006 there was a surplus from the golf enterprise of \$174,033, but Komorek concluded in part based upon an early intervention report that in general golf in the City was not a viable operation.

David Mulvihill, the Assistant Director of Public Works, detailed the extensive improvements to Erie Golf Course, costing roughly \$2,000,000. He prepared a report tracking revenues and expenditures for each course, assigning ninety percent of the debt service to Erie Golf Course. He acknowledged that the City did not raise fees or conduct a marketing study before closing the golf course. Mayor Sinnott testified that in the years 1997, 1998, 2001 and 2002 the other golf courses showed surpluses, but Erie Golf Course showed deficits as high as \$123,763. When he took office the City had serious financial problems, with a structural deficit, operational deficits, drained reserves and ongoing layoffs including in public safety positions. The 2006 budget was short by \$800,000 because a bond refinancing loan did not come through due to a lower bond rating. He made the decision not to request funding for Erie Golf Course for 2007, and City Council agreed. If the golf enterprise fund were unable to pay the debt service on the loan, then it would have to be paid from the general fund.

⁵The Court's review is limited to determining whether the record is free from legal error and whether the orphans' court's findings of fact are supported by the evidence. *In Re Estate of Berry*, 921 A.2d 1261 (Pa. Cmwlth.), *appeal denied*, 594 Pa. 700, 934 A.2d 1279 (2007).

words 'do not extend to or include other words, phrases or clauses more remote, unless such extension or inclusion is clearly required by the intent or meaning of the context or disclosed by an examination of the entire act.' "

Therefore, the phrase in Section 2 "where no formal record appears as to acceptance by the political [sub]division" qualifies the immediately preceding phrase "offered for dedication to such use." However, the more remote phrase "dedicated to the public use" is not qualified in any manner by the "no formal record" language. Section 2 addresses three distinct categories: (1) property that is donated to a political subdivision, (2) property for which dedication to a public use is complete, *i.e.*, evidenced by a formal acceptance of an offer of dedication, and (3) property offered for dedication where no formal record exists as to acceptance.

The City also argues that the trial court erred by refusing to apply the Act where statutory relief was available and requested and instead relying upon the common law public trust doctrine. It quotes 1 Pa. C.S. §1504:

In all cases where a remedy is provided or a duty is enjoined or anything is directed to be done by any statute, the directions of the statute shall be strictly pursued, and no penalty shall be inflicted, or anything done agreeably to the common law, in such cases, further than shall be necessary for carrying such statute into effect.

Further, it has been held that where a remedy is provided by statute, the directions of the legislation must be strictly pursued, and the remedy is exclusive.⁶ *Lurie v. Republican Alliance*, 412 Pa. 61, 192 A.2d 367 (1963). The City concedes that there is no factual dispute that Erie Golf Course was dedicated to public use, but it contends that this case is distinguishable from *Trustees of Philadelphia Museums* inasmuch as in 1915 there was no statute permitting alternative disposition.

The City points out that two cases decided after *Bangor II* support the City's position that the Act applies even when there is a formal dedication. In *White* a township permitted erection of a communications tower on property expressly dedicated to use as a public park. The Court held that if the township decided that the dedication of the .428 acres that was leased for the tower no longer served the public interest, it had the recourse of an application under Section 4 of the Act and that in the absence of such an application the residents were permitted to proceed in equity.⁷ In *Westmont* this Court approved an orphans' court's removal of a deed restriction on land and buildings conveyed by a steel corporation to a

⁶The trial court lists this point as among the matters it deems waived by the City, citing Pa. R.A.P. 302(a), which provides: "Issues not raised in the lower court are waived and cannot be raised for the first time on appeal." In this case the "issue" is whether the Act applies to this dispute. The City's invoking the preference for statutory remedies is an argument in support of its position but not a separate issue in the case. In any event, the City proceeded under the Act, and a claim that a statutory remedy is preferred was implicit all along.

⁷ In *Vutnoski*, published after briefs were filed in this case, the Court relied on *Bangor II* and quoted the rationale of *Bangor I*. It affirmed dismissal of the resident/taxpayers' complaint in equity averring, *inter alia*, that the redevelopment authority's proposed conveyance of a sports complex recreational facility violated the Act. The residents argued that *White* supported the position that the Act applied even where property had been formally dedicated. Although acknowledging conflict with *White* this Court simply concluded that the language in *White* was obiter dictum on applicability of the Act where there was formal dedication.

borough for municipal purposes only, after the borough moved its municipal building to a new location. The Court stated that Section 4 granted the orphans' court power to remove a restrictive covenant; otherwise, the power to approve a sale under Section 4(3) where the use of the property "is no longer practicable or possible or in the public interest" would be rendered nugatory.

Intervenors maintain that the trial court was bound to determine that the Act did not apply on the basis of *Bangor II*, where this Court expressly adopted the ruling of the trial court that it was obvious that the language of Section 2 of the Act meant that the Act applies only when there is no formal record as to acceptance. They argue that if ambiguity is found then the presumptions in 1 Pa. C.S. §1922 provide guidance, including, *inter alia*, that the legislature does not intend an absurd result and that it favors public interests over any private interests. They contend that under 1 Pa. C.S. §1924 the title and preamble of a statute may be considered in its construction and that the title of the Act more clearly shows intent to address only the situation where there is no formal record of acceptance. They do not separately address preference for a statutory remedy.

III

The City provides the correct application of the rules of construction and interpretation in the context of the entire Act. Section 2 is one sentence, and after the phrase in dispute it contains the words "regardless of whether *such dedication* occurred before or after the creation or incorporation of the political subdivision," thereby indicating an actual dedication. Section 3 commands that lands and buildings held by a political subdivision as trustee "shall be used for the purposes for which they were originally dedicated or donated," except as modified by court order pursuant to the Act, again referring to an actual dedication.

Section 4 first creates a disjunction between when, in the opinion of the political subdivision as trustee, continuation of the original use of the property held in trust is no longer practicable or possible and has ceased to serve the public interest "or" where the political subdivision is in doubt as to the effectiveness or validity of an apparent dedication because of the lack of a record of acceptance. The lack of a record of acceptance plainly has no application to the first portion. Section 4 lists four types of relief that an orphans' court may permit but only one, Section 4(4), specifically refers to waiving rights "to such land and buildings as have been apparently dedicated but for which no formal acceptance appears of record...." Section 4(3) permits the property or proceeds of its sale to be applied to another public use "[i]n the event the original trust purpose is no longer practicable or possible or in the public interest" and mirrors the first portion of Section 4 and does not turn on lack of a record of acceptance. Finally, if the legislature intended for the Act to apply only where there is no formal record of acceptance of an offer of dedication, it had only to list formal acceptance among the circumstances specifically excluded from the reach of the Act in Section 6, 53 P.S. §3386.

The title of the Act shows an intent to apply to properties donated as public parks, squares or similar uses, to properties otherwise dedicated as public parks, squares or similar uses and to properties "offered for dedication, where no formal record appears as to acceptance by the political subdivision, as public parks, squares or similar uses...." Indeed, but for

the comma between "offered for dedication" and "where no formal record appears" the restrictive application of the qualifying language would be readily apparent. Another rule of construction states, however: "In no case shall the punctuation of a statute control or affect the intention of the General Assembly in the enactment thereof but punctuation may be used to aid in the construction thereof if the statute was finally enacted after December 31, 1964." 1 Pa. C.S. § 1923(b).

The City is correct that the trial court erred in applying the common law public trust doctrine when the statutory relief found in the Act applies. Giving the terms of Section 2 of the Act the meaning dictated by the context in which they are used, *Philadelphia Housing Authority v. Pennsylvania Labor Relations Board*, 508 Pa. 576, 499 A.2d 294 (1985), and applying the qualifying language of "where no formal record appears as to acceptance by the political [sub]division" to the immediately preceding words but not to those more remote, *Packer*, the Court holds that the Act applies when there is a formal record of acceptance and dedication of donated property. The Court therefore overrules contrary holdings in *Bangor II* and *Vutnoski*.

The City next argues that the trial court erred by using an incorrect standard of review to assess the City's evidence in support of its petition. Although the trial court held that the Act did not apply, it nonetheless performed an analysis assuming *arguendo* that it did. The trial court stated that the only reason offered by the City in support of its contention that the original purpose was no longer practicable and had ceased to serve the public interest was that the debt service on the loan had rendered Erie Golf Course too expensive to keep and maintain. In its second opinion the trial court indicated that it did not disregard the City's evidence of financial problems, as contended on appeal.

The City emphasizes the provision in Section 4 of the Act: "*When, in the opinion of the political subdivision which is the trustee, the continuation of the original use ... is no longer practicable or possible and has ceased to serve the public interest*" the trustee may apply to the court for relief. The statute therefore requires deference to the municipality's opinion. In *Goodman Appeal*, 425 Pa. 23, 30, 227 A.2d 816, 820 (1967) (quoting *Blumenschein v. Pittsburgh Housing Authority*, 379 Pa. 566, 573, 109 A.2d 331, 335 (1954)), the Supreme Court stated that a host of authorities had established the following:

"[C]ourts will not review the actions of governmental bodies or administrative tribunals involving acts of discretion, in the absence of bad faith, fraud, capricious action or abuse of power; they will not inquire into the wisdom of such actions or into the details of the manner adopted to carry them into execution.... That the court might have a different opinion or judgment in regard to the action of the agency is not a sufficient ground for interference; *judicial* discretion, may not be substituted for *administrative* discretion[.]"

See also Weber v. Philadelphia, 437 Pa. 179, 262 A.2d 297 (1970), noting that a presumption exists that municipal officers act for the public good, that courts may not inquire into the wisdom of municipal acts absent evidence of fraud, collusion, bad faith or arbitrary action constituting abuse of power, that judicial discretion should not be substituted for administrative discretion and that courts are not super municipal bodies and should not interfere absent improper motivation of record.

The Court agrees with the City that neither its witnesses nor those of Intervenors offered any evidence to support a determination that the City's actions fell outside the scope of its discretionary authority. The trial court plainly did not agree with the City's decision to sell the Erie Golf Course or with all of the elements that went into formulating that decision, but nowhere in its findings is there any basis for concluding that City officials acted with bad faith, fraud, arbitrary or capricious conduct or abuse of power. As a result, the trial court erred by failing to apply the required limited review in this matter.

In a closely related argument the City maintains that the trial court misinterpreted the phrase "no longer practicable or possible" to limit it to physical practicability or possibility, and it also failed to determine that the City presented sufficient evidence. Section 4 twice refers to the phrase "no longer practicable or possible" with regard to the original purpose. Courts may consult dictionaries for the common and approved usage of terms not defined in statutes. *Philadelphia Eagles Football Club, Inc. v. City of Philadelphia*, 573 Pa. 189, 823 A.2d 108 (2003). The word "practicable" is defined in Webster's Third New International Dictionary 1789 (2002) as "1: possible to practice or perform : capable of being put into practice, done or accomplished : FEASIBLE" The City's view is that its common usage is broad enough to encompass fiscal or economic impracticability.

Evidence of the continuing need to cover losses with general fund revenues supports the City's position that the golf course use of the property is no longer practicable. Appraiser James Powers, Assistant Director of Public Works David Mulvihill and Mayor Sinnott testified that the golf course consistently lost money. Powers believed that the course could never sustain itself because there was too much competition in the Erie market. The Mayor and Mulvihill testified that the general fund had to loan money to the golf operations. The Mayor and accountant Papparone testified that the City accrued a \$12,000,000 deficit over the past three years, and the Mayor indicated that the money diverted from the general fund affected core services such as public safety and public works.

The trial court merely noted that the origin and accuracy of the City's financial data was "contested" and then found that financial evidence alone did not clearly demonstrate that use of Erie Golf Course is no longer practicable. The trial court concluded that Erie Golf Course "does not need to generate any specific amount of income to be a viable asset to the public[.]" *see* June 27, 2007 Opinion, p. 13. It adopted the policy that a municipal fiduciary should not be permitted to create a problem that serves as its only justification for overturning a deed restriction because any municipality wishing to sell donated property could simply accept a loan on unreasonable terms and claim that it was too expensive to repay.

The fallacy of this reasoning is that the speculated scenario turns on bad-faith conduct by a municipality. As noted above, courts may and should intervene when bad faith or fraud is shown; otherwise, they should not. *Weber; Goodman Appeal*. In this case, the trial court disagreed with the policy decisions made by the City, but the trial court did not find fraud, bad faith, capriciousness or abuse of power. Based on its review, the Court holds that the trial court erred in determining that the Act did not apply and further that the trial court erred in the manner in which it applied the Act assuming *arguendo* that it did apply. Because of this error, the Court is compelled to reverse the trial court's order denying the City's petition on the basis that the Act did not apply, and it remands this matter to the trial

court for proper consideration of the City's petition applying the Act and for evaluation of the evidence presented under Section 4 with due deference to the actions of municipal officials acting within their discretionary powers.

ORDER

AND NOW, this 7th day of January, 2009, this Court reverses the order of the Court of Common Pleas of Erie County denying the City of Erie's petition to abandon the use of dedicated public property, and this matter is remanded to the trial court for consideration of the petition in a manner consistent with the foregoing opinion.

Jurisdiction is relinquished.

/s/ **DORIS A. SMITH-RIBNER, Judge**

**DISSENTING OPINION
BY JUDGE PELLEGRINI**

FILED: January 7, 2009

Because I disagree with the majority that the public property at issue was donated, I respectfully dissent.

In 1926, the Erie Golf Club conveyed its property to the City of Erie for \$1 and its assumption of a \$15,000 mortgage. Erie City Council enacted an ordinance authorizing the purchase, and the deed transferring the property was recorded, which included a deed restriction requiring the City to keep and maintain the property as a golf course or a public park. Since 1926, the property has been used as a golf course. The City, because of its fiscal condition, now desires to sell the property.

The City filed a petition to abandon the use of the golf course as a dedicated property under the Donated or Dedicated Property Act (Act), Act of December 15, 1959, P.L. 1772, 53 P.S. §§3381-3386. The trial court granted leave to intervene to the Lake Erie Region Conservancy which argued that the common law public trust principles applied. The trial court agreed with intervenors and denied the City's petition.

On appeal to this Court, the majority reverses the trial court and relies on the Act to conclude that the City was entitled to abandon the golf course. In doing so, it relies on Section 2 of the Act, 53 P.S. §3382, which provides:

All lands or buildings heretofore or hereafter *donated to* a political subdivision for use as a public facility, or *dedicated to* the public use or *offered for dedication* to such use, where no formal record appears as to acceptance by the political division, as a public facility and situate within the bounds of a political subdivision, regardless of whether such dedication occurred before or after the creation or incorporation of the political subdivision, shall be deemed to be held by such political subdivision, as trustee, for the benefit of the public with full legal title in the said trustee. (Emphasis added.)

In doing so, the majority focuses on the fact that despite no formal record, the property was dedicated. It then looks at Section 4 of the Act, 53 P.S. §3384, which provides relief that, an orphans' court may allow; specifically, Section 4(4) provides that waiving rights "to such land and buildings as have been apparently dedicated but for which no formal acceptance appears of record..." Further, Section 4(3) provides that "in the event the original trust purpose is no longer practicable or possible or in the public interest," the property or the proceeds from its sale may be applied to a different public purpose. Determining that it is no longer practicable or possible to maintain the golf course financially, the majority reverses the trial court's order. I disagree with the majority because the golf course property was not "donated" but instead was purchased, and, therefore, the Act has no relevance in this decision.

The Act itself does not define the terms "donate" or "dedicate." However, the dictionary defines "donate" as "to make a gift of; to contribute to a public or charitable cause." Webster's Ninth New Collegiate Dictionary 375 (1989). Dedication is defined as "to open for public use." *Id.* at 332. In this case, when the golf course property was conveyed to the City in 1926, the City *purchased* it for \$1.00. It was not "donated" as a gift, and there was never any document dedicating the property to the City and its residents for a public use. Instead, the City assumed the debt that was outstanding on the property at that time - a \$15,000 mortgage in 1926 - and continued until the present to have to make maintenance payments on the property to the point that it could no longer afford to do so.

Because the property was not donated, the Act is irrelevant and the majority should not have applied it to this case. For this reason, I would vacate the trial court's decision because it has no jurisdiction to authorize or deny the sale under the Act. If the City wants to sell the property, it has to do so in accordance with the process of selling City land with a deed restriction.

/s/ **DAN PELLEGRINI, JUDGE**

President Judge Leadbetter and Judge McGinley join.

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania

In re: Dathen Stephen Kossuth
No. 10226-2009

Notice is hereby given that on January 20, 2009 the Petition of Dathen Stephen Kossuth was filed in the above Court requesting a Decree to change his name to Dathen Stephen Bishop.

The Court has fixed February 24, 2009 at 10:00 a.m. in Court Room No. A on the 2nd floor at the Erie County Court House, 140 West Sixth Street, Erie, Pennsylvania, as the time and place for the hearing on said Petition, when and where all interested parties may appear and show cause, if any, why the request of the petitioner should not be granted.

Jan. 30

INCORPORATION NOTICE

Erie Little League Baseball has been incorporated under the provisions of the Nonprofit Corporation Law on January 16, 2009 for the purposes of implanting firmly in the children of the community the ideals of good sportsmanship, honesty, loyalty, courage and respect for authority, so that they may be well adjusted, stronger and happier children that grow to be good, decent, healthy and trustworthy citizens.

Elliott J. Ehrenreich, Esquire
Knox, McLaughlin, Gornall & Sennett, P.C.
120 West Tenth Street
Erie, PA 16501

Jan. 30

INCORPORATION NOTICE

Notice is hereby given that Keeping U Clean, Inc. has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

Becky Lytle
2217 Liberty Street
Erie, PA 16502

Jan. 30

INCORPORATION NOTICE

Mollo & Associates, Inc. has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.
Knox, McLaughlin, Gornall & Sennett, P.C.

120 West 10th Street
Erie, PA 16501

Jan. 30

LEGAL NOTICE

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
CIVIL DIVISION

DOCKET NO. 10196 OF 2009

TRINA LYNN SIMPSON

IBRAHIM, PLAINTIFF

v.

ASHRAF MAHDY-MAHOUD

IBRAHIM, DEFENDANT

NOTICE OF COMPLAINT IN

DIVORCE AND CHILD

CUSTODY

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

You should take this notice/document to your lawyer at once. If you do not have a lawyer, or cannot afford one, go to or telephone the office set forth below. This office can provide you with information about where you can get legal help to hire a lawyer.

If you cannot afford to hire a lawyer, this office may be able to provide you with information about agencies that may offer legal services to eligible persons at a reduced or no fee.

Lawyers Referral Service

P.O. Box 1792

Erie, Pennsylvania 16507

(814) 459-4411

Monday - Friday

8:30 a.m. - 3:00 p.m.

Elvage G. Murphy, Esquire
1001 State Street, Suite 1400
Erie, Pennsylvania 16501
(814) 480-5731

Jan. 30

LEGAL NOTICE

ATTENTION: CRAIG MOSLEY
INVOLUNTARY TERMINATION
OF PARENTAL RIGHTS

IN THE MATTER OF THE
ADOPTION OF MINOR MALE
CHILD (K.J.M.); DOB: 11-15-06
BORN TO: MEGAN HAYLETT
#164 IN ADOPTION, 2008

If you could be the parent of the above mentioned child, at the instance of Erie County Office of Children and Youth you, laying aside all business and excuses whatsoever, are hereby cited to be and appear before the Orphan's Court of Erie County, Pennsylvania, at the Erie County Court House, Judge Bozza, Court Room No. I, City of Erie on February 24, 2009, at 1:30 p.m. and then and there show cause, if any you have, why your parental rights to the above child should not be terminated, in accordance with a Petition and Order of Court filed by the Erie County Office of Children and Youth. A copy of these documents can be obtained by contacting the Erie County Office of Children and Youth at (814) 451-7740.

Your presence is required at the Hearing. If you do not appear at this Hearing, the Court may decide that you are not interested in retaining your rights to your child and your failure to appear may affect the Court's decision on whether to end your rights to your child. You are warned that even if you fail to appear at the scheduled Hearing, the Hearing will go on without you and your rights to your child may be ended by the Court without your being present.

You have a right to be represented at the Hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer, or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Family/Orphan's
Court Administrator

Room 204-205

Erie County Court House

Erie, Pennsylvania 16501

(814) 451-6251

Jan. 30

LEGAL NOTICE

ATTENTION: CRAIG JOHNSON
INVOLUNTARY TERMINATION
OF PARENTAL RIGHTS

IN THE MATTER OF THE
ADOPTION OF MINOR MALE
CHILD (M.K.J.); DOB: 08-29-05
BORN TO: MEGAN HAYLETT
#164A IN ADOPTION, 2008

If you could be the parent of the above mentioned child, at the instance of Erie County Office of Children and Youth you, laying aside all business and excuses whatsoever, are hereby cited to be and appear before the Orphan's Court of Erie County, Pennsylvania, at the Erie County Court House, Judge Bozza, Court Room No. I, City of Erie on February 24, 2009, at 1:30 p.m. and then and there show cause, if any you have, why your parental rights to the above child should not be terminated, in accordance with a Petition and Order of Court filed by the Erie County Office of Children and Youth. A copy of these documents can be obtained by contacting the Erie County Office of Children and Youth at (814) 451-7740.

Your presence is required at the Hearing. If you do not appear at this Hearing, the Court may decide that you are not interested in retaining your rights to your child and your failure to appear may affect the Court's decision on whether to end your rights to your child. You are warned that even if you fail to appear at the scheduled Hearing, the Hearing will go on without you and your rights to your child may be ended by the Court without your being present.

You have a right to be represented at the Hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer, or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Family/Orphan's
Court Administrator
Room 204-205
Erie County Court House
Erie, Pennsylvania 16501
(814) 451-6251

Jan. 30

LEGAL NOTICE

NOTICE OF ACTION IN
MORTGAGE FORECLOSURE
IN THE COURT OF COMMON
PLEAS OF ERIE COUNTY,
PENNSYLVANIA
CIVIL ACTION - LAW
NO. 14374-08

WELLS FARGO BANK, NA
vs.

AMANDA DAVIDSON, HEIR
OF DEBORAH A. DAVIDSON,
DECEASED

UNKNOWN HEIRS,
SUCCESSORS, ASSIGNS,
AND ALL PERSONS,
FIRMS, OR ASSOCIATIONS
CLAIMING RIGHT, TITLE, OR
INTEREST FROM OR UNDER
DEBORAH A. DAVIDSON,
DECEASED

NOTICE

TO: UNKNOWN HEIRS,
SUCCESSORS, ASSIGNS,
AND ALL PERSONS,
FIRMS, OR ASSOCIATIONS
CLAIMING RIGHT, TITLE, OR
INTEREST FROM OR UNDER
DEBORAH A. DAVIDSON,
DECEASED:

You are hereby notified that on SEPTEMBER 10, 2008, Plaintiff, WELLS FARGO BANK, NA, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of ERIE County Pennsylvania, docketed to No. 14374-08. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 4215 CARNEY AVENUE, ERIE, PA 16510-3640 whereupon your property would be sold by the Sheriff of ERIE County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the

plaintiff. You may lose money or property or other rights important to you.

You should take this notice to your lawyer at once. If you do not have a lawyer, go to or telephone the office set forth below. This office can provide you with information about hiring a lawyer.

If you cannot afford to hire a lawyer, this office may be able to provide you with information about agencies that may offer legal services to eligible persons at a reduced fee or no fee.

Erie County Lawyer
Referral Service
PO Box 1792
Erie, PA 16507
(814) 459-4411

Jan. 30

SHERIFF SALES

Notice is hereby given that by virtue of sundry Writs of Execution, issued out of the Courts of Common Pleas of Erie County, Pennsylvania, and to me directed, the following described property will be sold at the Erie County Courthouse, Erie, Pennsylvania on

**February 20, 2009
at 10:00 AM**

All parties in interest and claimants are further notified that a schedule of distribution will be on file in the Sheriff's Office no later than 30 days after the date of sale of any property sold hereunder, and distribution of the proceeds made 10 days after said filing, unless exceptions are filed with the Sheriff's Office prior thereto.

All bidders are notified prior to bidding that they MUST possess a cashier's or certified check in the amount of their highest bid or have a letter from their lending institution guaranteeing that funds in the amount of the bid are immediately available. If the money is not paid immediately after the property is struck off, it will be put up again and sold, and the purchaser held responsible for any loss, and in no case will a deed be delivered until money is paid.

Bob Merski
Sheriff of Erie County

Jan. 30 and Feb. 6, 13

SALE NO. 1

Ex. #14660 of 2008
Marquette Savings Bank
v.
Gregory Alan Rekkitt and
Jean E. Rosenthal
SHERIFF'S SALE

By virtue of a Writ of Execution filed at No. 14660-2008, Marquette Savings Bank vs. Gregory Alan Rekkitt and Jean E. Rosenthal, owners of property situate in Girard Township, Erie County, Pennsylvania being: 217 Chestnut Street, Girard, Pennsylvania.

66.07 x 140
Assessment Map Number:
(23) 16-53-28
Assessed Value Figure: \$53,790
Improvement Thereon: Dwelling

house and lot
Will J. Schaaf, Esq.
Marsh Spaeder Baur Spaeder
& Schaaf, LLP
Suite 300, 300 State Street
Erie, Pennsylvania 16507
(814) 456-5301

Jan. 30 and Feb. 6, 13

SALE NO. 2

Ex. #14743 of 2008
Beneficial Consumer Discount
Company d/b/a Beneficial
Mortgage Co. of Pennsylvania,
Plaintiff
v.

James F. Hammerman
Lisa L. Hammerman,
Defendant(s)

LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in the City of Erie, County of Erie, and State of Pennsylvania, being Lot No. 5, Block "C" of the WILLOW WAY HEIGHTS SUBDIVISION NO. 3 in Tract No. 251 of the City of Erie and State of Pennsylvania, as the same is more particularly described in Erie County Map Book 9 at page 35, having erected thereon a one story frame dwelling house commonly known as 4227 Bird Drive, Erie, Pennsylvania, City of Erie Index No. (18) 5260-502.

BEING KNOWN AS: 4227 BIRD DRIVE, ERIE, PA 16511
PROPERTY ID NO.: 18-5260-502
TITLE TO SAID PREMISES IS VESTED IN James F. Hammerman and Lisa L. Hammerman, husband and wife, as tenants by the entireties by Deed from Lucille J. Grutkowski, an unmarried widow and Charles T. Grutkowski, single dated 3/28/02 recorded 4/1/02 in Deed Book 866 page 2314.

Udren Law Offices, P.C.
Chandra M. Arkema, Esquire
Woodcrest Corporate Center
111 Woodcrest Road, Suite 200
Cherry Hill, NJ 08003-3620
856-669-5400

Jan. 30 and Feb. 6, 13

SALE NO. 3

Ex. #13120 of 2006
JPMorgan Chase Bank, as
Trustee under the Pooling and

Servicing Agreement dated as of
October 1, 2003, ABFS Mortgage
Loan Trust 2003-2, Plaintiff,
v.

Lane M. Steigmeyer a/k/a
Lane Steigmeyer and
Tina Steigmeyer, Defendants
LONG FORM DESCRIPTION

ALL that certain piece or parcel of land situate in the City of Erie, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows, to-wit:

COMMENCING at a point in the north line of Eighth Street, seventy and one-half (70 1/2) feet west of the west line of Pennsylvania Avenue; thence west along the north line of Eighth Street, thirty-five and one-half (35 1/2) feet; thence north, parallel to Pennsylvania Avenue, seventy (70) feet; thence east, parallel to Eighth Street, thirty-five and one-half (35 1/2) feet; thence south, parallel to Pennsylvania Avenue, seventy (70) feet to the place of beginning.

BEING commonly known as 1046 East 8th Street, Erie, Pennsylvania, 16503, and bearing Erie County Index No. (14) 1035-129.

BEING the same premises which Lane M. Steigmeyer and Tina Steigmeyer, his wife, granted and conveyed unto Lane M. Steigmeyer and Tina Steigmeyer, his wife, by Deed dated May 19, 2003 and recorded May 23, 2003 at Deed Book Volume 1015, Page 474 in the Recorder's Office of Erie County, Pennsylvania.
Grenen & Birsic, P.C.
Kristine M. Anthon, Esquire
Attorney for Plaintiff
One Gateway Center, Ninth Floor
Pittsburgh, PA 15222
(412) 281-7650

Jan. 30 and Feb. 6, 13

SALE NO. 4

Ex. #13983 of 2008
Citizens Bank of Pennsylvania,
Plaintiff,
v.

Christine K. Ford, Defendant
LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in the City of Erie, County of Erie and State of

Pennsylvania, of part of Tract No. 249, and being Lots Nos. 158 and 159 of the Industrial Home Site Company Subdivision, recorded in Erie County Map Book 2, pages 330 and 331, now Lot No. five (5) of a plot of survey for Emily A. Brook, being a resubdivision of Lots 118-127 and 158-167, Industrial Home Site Company Subdivision recorded in Erie County Map Book 37, page 128, on January 16, 1991.

Bearing Erie County Index No. 18-51-49-311

ADDENDUM

ALL of the property located at 2741 27th Street, in the City/Town/Village of Erie, County of Erie, State of PA, in which the borrower has an ownership, leasehold or other legal interest having a tax identification number of 18-5149.0-311.00 and being the same property more fully described in Book 1187 page 1657, et seq. dated 10-26-2004, recorded on 11/5/2004, and further described as 1995, 28 x 48 Four Seasons, Serial Number FS200733AB.

PARCEL/TAX ID # 18-5149-311
COMMONLY KNOWN AS: 2741 EAST 27TH STREET, ERIE, PA 16510

Lauren Berschler Karl, Esquire
Wilentz Goldman & Spitzer
Park Building
355 Fifth Avenue, Suite 400
Pittsburgh, PA 15222
412-232-0808

Jan. 30 and Feb. 6, 13

SALE NO. 5

Ex. #14669 of 2008
Nationstar Mortgage, LLC
f/k/a Centex Home Equity
Company, LLC

v.

Patricia V. Conboy
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 14669-08 Nationstar Mortgage, LLC f/k/a Centex Home Equity Company, LLC vs. Patricia V. Conboy, owners of property situated in City of Erie, Erie County, Pennsylvania being 4615 Cherry Street, Erie, PA 16509
Assessment Map number: 18-5316.0-212.00
Assessed Value figure: \$81,647.00

Improvement thereon: Residential Dwelling

Mary L. Harbert-Bell, Esquire
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400

Jan. 30 and Feb. 6, 13

SALE NO. 6

Ex. #12851 of 2008
The Bank of New York Mellon
as Trustee for Popular Financial
Services Mortgage/pass Through
Certificate Series # 2006-C

v.

Sandra K. Gordon and
James Gordon
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 12851-08 The Bank of New York Mellon as Trustee for Popular Financial Services Mortgage/pass Through Certificate Series # 2006-C vs. Sandra K. Gordon and James Gordon, owners of property situated in City of Erie, Erie County, Pennsylvania being 1244 West 21st Street, Erie, PA 16502

Assessment Map number: 16-031-029.0-126.00

Assessed Value figure: \$42,230.00

Improvement thereon: Residential Dwelling

Mary L. Harbert-Bell, Esquire
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400

Jan. 30 and Feb. 6, 13

SALE NO. 7

Ex. #12499 of 2008
Deutsche Bank National Trust
Company, as Trustee Pooling and
Servicing Agreement Dated as of
March 1, 2006

v.

Jena J. Jimerson and
Alester Jimerson
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 12499-08 Deutsche Bank National Trust Company, as Trustee Pooling and Servicing Agreement Dated as of March 1, 2006 vs. Jena J. Jimerson and Alester Jimerson, owners of property situated in City of Erie, Erie County, Pennsylvania being 3815 Sassafras

Street, Erie, PA 16508

Assessment Map number: 18053041011500

Assessed Value figure: \$72,000.00

Improvement thereon: Residential Dwelling

Mary L. Harbert-Bell, Esquire
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400

Jan. 30 and Feb. 6, 13

SALE NO. 8

Ex. #14540 of 2008
Wells Fargo Bank, NA as
Trustee under Pooling and
Servicing Agreement dated as of
January 1, 2004 Merrill Lynch
Mortgage Investors Trust
Mortgage Loan Asset-Backed
Certificates, Series 2004-WMC1

v.

Tiffany T. Martin
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 14540-08 Wells Fargo Bank, NA as Trustee under Pooling and Servicing Agreement dated as of January 1, 2004 Merrill Lynch Mortgage Investors Trust Mortgage Loan Asset-Backed Certificates, Series 2004-WMC1 vs. Tiffany T. Martin, owners of property situated in City of Erie, Erie County, Pennsylvania being 1118 West 6th Street, Erie, PA 16507

Assessment Map number: 17-4035-132

Assessed Value figure: \$63,798.00

Improvement thereon: Residential Dwelling

Mary L. Harbert-Bell, Esquire
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400

Jan. 30 and Feb. 6, 13

SALE NO. 9

Ex. #14488 of 2008
HSBC Bank USA National
Association, as Indenture Trustee
under the Indenture relating
to People's Choice Home Loan
Securities Trust Series 2006-1

v.

Jon A. Mason and
The United States of America
c/o U.S. Attorney
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 14488-08 HSBC Bank USA National Association, as Indenture Trustee under the Indenture relating to People's Choice Home Loan Securities Trust Series 2006-1 vs. Jon A. Mason and The United States of America c/o U.S. Attorney, owners of property situated in Township of Millcreek, Erie County, Pennsylvania being 3118 West 42nd Street, Erie, PA 16506
 Assessment Map number: 33-82-414.6-11
 Assessed Value figure: \$167,860.00
 Improvement thereon: Residential Dwelling
 Mary L. Harbert-Bell, Esquire
 220 Lake Drive East, Suite 301
 Cherry Hill, NJ 08002
 (856) 482-1400

Jan. 30 and Feb. 6, 13

SALE NO. 10

Ex. #11985 of 2008
Consumer Solutions REO, LLC
 v.

Frank A. Kartesz II a/k/a
Frank A. Kartesz
SHERIFF'S SALE

By virtue of a Writ of Execution file to No. 11985-08 Consumer Solutions REO, LLC vs. Frank A. Kartesz II a/k/a Frank A. Kartesz owner(s) of property situated in the City of Erie, County of Erie, Pennsylvania being 725 Plum Street, Erie, PA 16502
 Assessment Map Number: 17-40-25-120
 Assessed Value figure: \$49,010.00
 Improvement thereon: Single Family Dwelling
 Scott A. Dietterick, Esquire
 Kimberly A. Bonner, Esquire
 Richard P. Haber, Esquire
 Eric Santos, Esquire
 Joel Ackerman, Esquire
 Zucker, Goldberg & Ackerman, LLC
 200 Sheffield Street, Suite 301
 Mountainside, NJ 07092
 (908) 233-8500

Jan. 30 and Feb. 6, 13

SALE NO. 11

Ex. #14018 of 2006
Kenneth R. Haibach, Plaintiff
 v.
Dean J. Bagnoni, Defendant
 v.

Lillian L. Bagnoni, Additional Defendant

ADVERTISING DESCRIPTION

By virtue of a Writ of Execution filed to No. 14018-2006, Kenneth R. Haibach vs. Dean J. Bagnoni, owner of the property situated in VENANGO TWP., ERIE CO, PA as follows:
 ADDRESS: The undivided one-half interest as tenants in common to that real estate situate in Venango Township, Erie County and being 231 acres of vacant land, more or less, on Colt Station Road and bearing Erie County Tax Index Nos. (44) 7-15-9 and (44) 7-15-10.01
 ASSESSMENT MAP NO.: (44) 7-15-9 and (44) 7-15-10.01
 ASSESSED VALUE FIGURE: \$26,400.00 and \$274,100.00 respectively
 IMPROVEMENT THEREON: None
 Stephen H. Hutzelman, Esq.
 305 West Sixth Street
 Erie, PA 16507
 (814) 452-6800
 PA ID# 06541

Jan. 30 and Feb. 6, 13

SALE NO. 12

Ex. #14787 of 2008
Northwest Consumer Discount Company, d/b/a Erie Consumer Discount Company, Plaintiff
 v.

Mark C. Hooks and Vasiliki J. Hooks, Defendant

ADVERTISING DESCRIPTION

By virtue of Writ of Execution filed to No. 14787-2008, Northwest Consumer Discount Company, d/b/a Erie Consumer Discount Company vs. Mark C. Hooks and Vasiliki J. Hooks owners of the property situate in City of Erie, Erie County, as follows:
 Address: 818 EAST AVENUE, ERIE, PA
 Assessment Map No.: (15) 2043-204
 Assessed Value Figure: \$39,000.00
 Improvement Thereon: Two Story Frame Building and Frame Garage
 Stephen H. Hutzelman, Esq.
 305 West Sixth Street
 Erie, PA 16507
 (814) 452-6800

PA ID# 06541

Jan. 30 and Feb. 6, 13

SALE NO. 13

Ex. #14210 of 2008
Wells Fargo Bank, N.A., Plaintiff,
 v.

Estate of William C. Aquillono a/k/a William Aquillono Michelle M. Gualtieri Donovan, Executrix and Devisee of the Estate of William C. Aquillono a/k/a William Aquillono, Defendant(s)

LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in the Sixth Ward of the City of Erie, County of Erie and Commonwealth of Pennsylvania, and being a lot thirty-eight (38) feet by seventy-four and 34/100 (74.34) feet located on the southeast corner of Twenty-first Street and Baur Avenue, known as City of Erie Tax Index Number 6203-318, and having erected thereon a dwelling house commonly known as 2103 Baur Avenue, Erie, Pennsylvania. Being the same premises conveyed to Peter J. Richards and Esther Richards, his wife, by Deed dated September 9, 1977 and recorded in Erie County Deed Book 1279 page 510. The said Peter J. Richards died testate at Erie, Pa. on January 30, 1986, for which see Proof of Death intended to be filed forthwith in the Office of the Register of Wills of Erie County, Pennsylvania. In accordance with Section 405 of Act 97 of 1980, House Bill 1840, July 7, 1980, the Grantor states that, to the actual knowledge of the Grantor, solid waste, including hazardous waste, has never been disposed on said property and is not presently being disposed. Party of the First Part further conveys any right, title and interest she has in and to additional frontage along West 21st Street, as prior deeds refer to frontage of 48 feet along West 21st Street. Also, all that certain piece or parcel of land situate in the Sixth Ward, Index 6203-317, being Lot 38 feet x 74.34 feet, in the Baur Subdivision, City of Erie, County of Erie and State of Pennsylvania;

sold to the County Commissioners December 21, 1937 for 1932 taxes; assessed and returned in the name of James E. Speed, and recorded in County Treasurer's Deed Book 'F', page 150.

Being the same premises conveyed to Peter J. Richards and Esther Richards, his wife, by Deed dated May 20, 1960 and recorded in Erie County Deed Book 819 page 429, the said Deed being a Commissioners' Deed.

The above described parcel 6203-317 is more particularly bounded and described as follows: All that certain piece or parcel of land situate in the Township of Millcreek (now Sixth Ward of the City of Erie) County of Erie and State of Pennsylvania, bounded and described as follows, to-wit:

Beginning at a point in the south line of Twenty-first Street forty-eight (48) feet east of the east line of a twenty foot lane; thence eastwardly along the south line of Twenty-first Street, thirty-eight (38) feet to a point; thence southwardly on a line parallel to said twenty foot lane, seventy-four and 40/100 (74.40) feet more or less to a point in the north line of land now or formerly of Bauer Brothers; thence westwardly along said Bauers Brothers' land thirty-eight (38) feet to a point; and thence northwardly on the line parallel to said twenty foot lane seventy-four and 40/100 (74.40) feet, more or less to the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN William C. Aquillono, by Deed from Esther Richards, Unremarried widow, dated 05/10/1996, recorded 05/13/1996 in Book 0439, Page 1085.

Tax Parcel #: 19-062-003.0-318.00 19-062-003.0-317.00

Premises being: 2103 BAUR LANE, ERIE, PA 16502-2217 Daniel G. Schmiege, Esquire One Penn Center at Suburban Station, Suite 1400

1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814 (215) 563-7000

Jan. 30 and Feb. 6, 13

SALE NO. 15
Ex. #14574 of 2008
Lasalle Bank National Association, as Trustee for Structured Asset Securities Corporation Trust 2005-WF1, Plaintiff,
v.

David Bostaph Jr., Defendant(s)
LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in the City of Erie, County of Erie and State of Pennsylvania, being Lot No. 19 in Block 'C' as shown on that certain plat entitled 'East Tract Subdivision United States Housing Corporation's Project Number 10' as duly recorded in Erie County Map Book Number 2, page 317 in the Office of the Recorder of Deeds of Erie County, Pennsylvania, having a frontage of Thirty-six (36) feet on Euclid Avenue, and a depth of one hundred thirteen and six tenths (113.6) feet more or less, and having a dwelling known as 645 Euclid Avenue, Erie, Pennsylvania and bearing Erie County Tax Index No. (14) 1116-106 BEING KNOWN AS PARCEL NUMBER: 14-1116-106.

TOGETHER with all and singular the rights, liberties, privileges, hereditaments, improvements, and appurtenances, whatsoever thereto belonging, and the reversions and remainders, rents, issues and profits thereon; and also, all the estates and interest whatsoever of the said Party of the First Part, in law or equity, of, in to or out of the same.

TITLE TO SAID PREMISES IS VESTED IN David Bostaph, Jr., unmarried, by Deed from Oscar K. Eck and Virginia K. Eck, h/w, as tenants by the entireties with the right of survivorship, dated 12/29/2003, recorded 01/12/2004 in Book 100, Page 1082.

Tax Parcel #: 14011016010600 Premises being: 645 EUCLID AVENUE, ERIE, PA 16511-1828 Daniel G. Schmiege, Esquire One Penn Center at Suburban Station, Suite 1400

1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814 (215) 563-7000

Jan. 30 and Feb. 6, 13

SALE NO. 16
Ex. #15498 of 2007
JP Morgan Mortgage Acquisition Corporation, Plaintiff,
v.
John P. Carrick
Brittany L. Mathers,
Defendant(s)

LEGAL DESCRIPTION

All that certain piece or parcel of land situate in the City of Erie, County of Erie and Commonwealth of Pennsylvania, and known as Lots Nos. 286, 287 and 288 of CONRAD HEIGHTS SUBDIVISION, a plan of the same being recorded in Erie County Map Book 3, at pages 222 and 223, to which plan reference is made for a further description of said lots.

Said premises are commonly known as 3922 Fargo Street, Erie, Pennsylvania, and being further identified as Erie County Tax Parcel Index No. (18) 5228-208.

Being the same premises as conveyed to the mortgagor(s) herein by deed recorded this date.

John P. Carrick and Brittany L. Mathers, husband and wife, as tenants by the entirety with right of survivorship to the survivor thereof, by Deed from James R. Wright and Julie A. Wright, husband and wife, dated 02/12/2007, recorded 02/14/2007, in Deed Book 1395, page 455.

Tax Parcel #: 18052028020800 Premises being: 3922 FARGO STREET, ERIE, PA 16510

Daniel G. Schmiege, Esquire One Penn Center at Suburban Station, Suite 1400

1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814 (215) 563-7000

Jan. 30 and Feb. 6, 13

SALE NO. 17
Ex. #14416 of 2008
Citimortgage, Inc. s/b/m to ABN AMRO Mortgage Group, Inc., Plaintiff,
v.
Gary A. Casey
Paula A. Casey, Defendant(s)

LEGAL DESCRIPTION

All that certain piece or parcel of land situate in the Township

of Fairview, County of Erie and Commonwealth of Pennsylvania, being Lots Nos. 317 and 318 of the LAKE SHORE CLUB DISTRICT SUBDIVISION, as appears in Erie County Map Book 3, pages 176 and 177.

Said property being more commonly known as 1005 Webster Road, Erie, Pennsylvania and bearing Erie County Tax Index Number (21) 35-16-92

TITLE TO SAID PREMISES IS VESTED IN Gary A. Casey and Paula A. Casey, his wife, as tenants by the entireties, by Deed from Carolyn R. Heltman, nbm, Carolyn R. Carr and Michael L. Carr, her husband, dated 11/14/2003, recorded 11/14/2003 in Book 1086, Page 1418.

Tax Parcel #: 21-035-016.0-092.00
Premises being: 1005 WEBSTER DRIVE, ERIE, PA 16505

Daniel G. Schmiege, Esquire
One Penn Center at Suburban Station, Suite 1400

1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Jan. 30 and Feb. 6, 13

SALE NO. 18

Ex. #15557 of 2007

Citigroup Global Markets Realty Corporation, Plaintiff,

v.

Dawn Crystal, Defendant(s)

LEGAL DESCRIPTION

All that certain unit located in the Township of Millcreek, County of Erie, and Commonwealth of Pennsylvania, being Unite No. 29 of the Oak Hill Phase Two, a Planned Community, as shown on the Plat recorded in Erie County as Map No. 2005-22 titled Phase Two, Oak Hill Subdivision, together with a percentage interest in the common elements of Oak Hill, a Planned Community, as described in the Declaration recorded in Erie County, Pennsylvania Record Book 1069, at page 0017 as amended in the First Amendment to Declaration of Oak Hill, a Planned Community, recorded in Erie County Record Book 1208 page 418. The Oak Hill, a Planned Community,

was created pursuant to the Pennsylvania Uniform Planned Community Act. The Unit has an address of 6129 Inverness Terrace, Fairview, Pennsylvania 16415. The index number of the Unit is (33) 177-573-222.

TITLE TO SAID PREMISES IS VESTED IN Dawn Crystal, by Deed from Dawn M. King, now known as Dawn Crystal, single, dated 05/24/2006, recorded 05/25/2006, in Deed Book 1330, page 1168.

Tax Parcel #: 33-177-573.0-222.00
Premises being: 6129 INVERNESS TERRACE, FAIRVIEW, PA 16415-3279

Daniel G. Schmiege, Esquire
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Jan. 30 and Feb. 6, 13

SALE NO. 19

Ex. #11353 of 2008

GMAC Mortgage, LLC, Plaintiff,

v.

**Charles L. Dunlap
Pearl Dunlap, Defendant(s)**

LEGAL DESCRIPTION

Parcel 1:

ALL that certain piece or parcel of land situate in the Borough of Albion, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point or stake in the northwest corner of the lot formerly owned by Thos Hurst in the South line of State Street;

THENCE, south along the west line of the said Hurst lot one hundred thirty (130) feet to a point or stake; THENCE, west sixty (60) feet to a stake;

THENCE, north one hundred thirty (130) feet to the south line of West State Street;

THENCE, east along the south line of West State Street sixty (60) feet to the place of beginning.

ALSO, all that certain piece or parcel of land situate in the Borough, County and Commonwealth aforesaid; bounded and described as follows, to-wit:

COMMENCING at the northwest corner of State Street and West Avenue;

THENCE, southwardly one hundred thirty (130) feet to the land now or formerly of Dora Kennedy;

THENCE, eastwardly fifty-five and one-half (55.5) feet to land now or formerly of J.L. O'Connor;

THENCE northwardly one hundred thirty (130) feet to State Street;

THENCE, westwardly fifty-five and one-half (55.5) feet to the point of beginning.

HAVING erected thereon a two-story frame dwelling.

SAID premises are further identified by Erie County Assessment Index No. (1) 5-47-1 and are commonly known as 94 West State Street, Albion, Pennsylvania.

PARCEL 2:

ALSO, all that certain piece or parcel of land situate in the Borough of Albion, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point on the south side of West State Street, said beginning point being one hundred fifteen and five tenths (115.5) feet, more or less, from the south line of West State Street and east line of West Avenue, said beginning point one hundred fifteen and five tenths (115.5) feet east of the intersecting line of the south side of West State Street and the east side of West Avenue;

THENCE, eastwardly along the south side of West State Street one hundred thirty-two (132) feet to a point;

THENCE, southerly one hundred forty-eight (148) feet, to a point;

THENCE, westwardly one hundred thirty-two (132) feet, parallel with West State Street, to a point;

THENCE, northwardly one hundred forty-eight (148) feet, parallel with West Avenue, to the place of beginning.

HAVING erected thereon a two-car garage.

SAID premises are further identified by Erie County Assessment Index No. (1) 5-47-2.

TITLE TO SAID PREMISES IS

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Gerald Nichols
30 Years - FBI

Benjamin Suchocki
30 Years - FBI/IRS

Jennifer Mazur
Investigator

NORTHWEST PENNSYLVANIA'S PREMIER INVESTIGATIVE TEAM

VESTED IN Charles L. Dunlap and Pearl Dunlap, h/w, by Deed from Roland R. Shumate and Sherrie Shumate, aka Sherry L. Shumate, h/w, dated 05/15/2000, recorded 05/16/2000, in Deed Book 703, page 1768.

Tax Parcel #: 01-005-047-2
Premises being: 94 WEST STATE STREET, ALBION, PA 16401.

Daniel G. Schmieg, Esquire
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Jan. 30 and Feb. 6, 13

SALE NO. 20

Ex. #14754 of 2008

Deutsche Bank Trust Company Americas as Trustee for 2007Q5S RALI, Plaintiff,

v.

Debra A. Euliano a/k/a

Debra A. Euliano, Defendant(s)

LEGAL DESCRIPTION

ALL THAT CERTAIN lot or piece of ground situate in the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania described as follows:

Unit No. 36 (the 'Unit') of Whispering Woods Estates, a Planned Community as depicted on the Plat of Whispering Woods Estates, A Planned Community (the 'Plat'), recorded on August 18, 1999 in the office of the recorder of Deeds of Erie County, Pennsylvania in Map Book 1999 at page 259.

TITLE TO SAID PREMISES IS VESTED IN Debra A. Euliano, by Deed from Debra A. Euliano, aka, Debra A. Euliano, dated 12/22/2006, recorded 12/29/2006 in Book 1386, Page 0297

Tax Parcel #: 33-174-565.1-116.00
Premises being: 5820 FOREST CROSSING, ERIE, PA 16506-7004
Daniel G. Schmieg, Esquire
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Jan. 30 and Feb. 6, 13

SALE NO. 21

Ex. #12581 of 2008

US Bank National Association, as Trustee for Asset-Backed Pass-Through Certificates Series 2006-WFHE3, Plaintiff,

v.

Theresa A. Finke

Stephen T. Proper, Defendant(s)

LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in the Borough of Wesleyville (formerly the Township of Harborcreek), County of Erie and State of Pennsylvania, being Subdivision Number (Lot No.) eighty-seven (87) in what is known as the Bird Real Estate and Improvement Company's Subdivision, as shown upon a plot of said Subdivision recorded in the Recorder's Office of Erie County, Pa., in Map Book 2, pages 112 and 113, and being further bounded and described as follows, to-wit:

Beginning at the point of intersection of the West line of the Shannon Road with the south line of East 27th Street (formerly Walter Place prior to that known as Davie Place); thence westwardly, along the south line of East 27th Street, one hundred twenty-nine and five-tenths (129.5) feet to a point; thence southwardly, nearly parallel with Shannon Road, forty-eight (48) feet to a point; thence eastwardly parallel with East 27th Street, about one hundred thirty-three (133) feet to the West line of the Shannon Road; thence northwardly, along the west line of the Shannon Road, forty-eight (48) feet to the place of beginning.

Also, all that certain piece or parcel of land situate in the Borough of Wesleyville (formerly the Township of Harborcreek), County of Erie and State of Pennsylvania, being the northerly ten feet of Subdivision number (lot number) eighty-six (86) in what is known as the Bird Real Estate and Improvement Company Subdivision, as shown upon a plot of said Subdivision recorded in the Office of the Recorder of Deeds, Erie, Pennsylvania, in Map Book 2, at pages 112 and 113, and being more fully described as follows:

Beginning at a point on the Shannon

Road at the northeast corner of Subdivision number eighty-six (86); thence westwardly along the north line of Subdivision number eighty-six (86) to the east boundary line of Subdivision number eighty-four (84); thence southwardly along the west lot line of Subdivision eighty-six (86), ten (10) feet to a point; thence eastwardly parallel with the north lot line of Subdivision eighty-six (86) to the west line of the Shannon Road; and thence northwardly along the west line of the Shannon Road, ten (10) feet to the place of beginning.

Bearing Erie County Tax Index Number (50) 5-57-5 and being more commonly known as 2716 Shannon Road, Erie, Pennsylvania 16510.

Being the same premises conveyed to ERNEST FINKE, JR. and PATRICIA FINKE, his wife, by CORINNE R. DAHLBERG, now by marriage, CORINNE R. HARVEY, by deed dated December 29, 1983, and recorded February 24, 1984 in the Office of the Recorder of Deeds of Erie County, Pennsylvania in Deed Book 1526 at Page 471.

TITLE TO SAID PREMISES IS VESTED IN Theresa A. Finke and Stephen T. Proper, her husband, as tenants by the entireties, by Deed from Ernest Finke, Jr. and Patricia Finke, his wife, dated 07/29/2006, recorded 08/02/2006, in Deed Book 1349, page 1856.

Tax Parcel #: 50-005-057.0-005.00
Premises being: 2716 SHANNON ROAD, ERIE, PA 16510

Jan. 30 and Feb. 6, 13

SALE NO. 22

Ex. #12976 of 2008

The Bank of New York Trust Company, N.A. as Successor to JPMorgan Chase Bank, N.A. as Trustee, Plaintiff,

v.

Ella C. Flick

Edward L. Flick, Defendant(s)

LEGAL DESCRIPTION

All that certain piece or parcel of land situate in the City of Erie, County of Erie and Commonwealth of Pennsylvania, and being Lot No. 21 of Block 'F' of the 'Scenery Hill' Subdivision No. 2, Part of Reserve

Tract No. 72, Sixth Ward of the City of Erie, Pennsylvania as more fully bounded and described in Erie County Map Book 5, Page 283, in the Recorder of Deeds Office of Erie County, Pennsylvania, to which reference is made.

Having erected thereon a one story single family dwelling with one and one half car detached garage and being more commonly known as 1650 West 41st Street, Erie, PA 16509. Also bearing Erie County Index No. (19) 6172-122.

Subject to restrictions of record.

TITLE TO SAID PREMISES IS VESTED IN Edward L. Flick and Ella C. Flick, his wife, as tenants by the entireties with the right of survivorship in the survivor thereof, by Deed from Daniel W. Barone and Kathleen D. Barone, his wife, dated 02/19/1992, recorded 02/21/1992, in Deed Book 196, page 475.

Tax Parcel #: 19-061-072.0-122.00
Premises being: 1650 WEST 41ST STREET, ERIE, PA 16509

Daniel G. Schmiege, Esquire
One Penn Center at Suburban Station, Suite 1400

1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Jan. 30 and Feb. 6, 13

SALE NO. 23

Ex. #13954 of 2008

Lasalle Bank National Association, as Trustee for ARC 2004-1, Plaintiff,

v.

**Julian C. Flowers
Michelle L. Flowers,
Defendant(s)**

LEGAL DESCRIPTION

All that certain piece or parcel of land situate in the First Ward of the City of Corry, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows: COMMENCING at a point on the westerly line of Railroad Street, said point being situate South 00 degrees 09 minutes East a distance of 255 feet from the point of intersection of the southerly line of Liberty Street and the westerly line of Railroad Street; thence North 78 degrees 36 minutes 24 seconds West a distance

of 129.93 feet to a set iron pipe; thence North 00 degrees 09 minutes West a distance of 104 feet to a set iron pipe; thence South 89 degrees 51 minutes West a distance of 96.16 feet to a set iron pipe; thence South 00 degrees 09 minutes East a distance of 134.23 feet to a set iron pipe on the northerly line of lands now or formerly of the P & E Railroad; thence South 66 degrees 39 minutes 12 seconds East a distance of 243.66 feet to a set iron pipe on the westerly line of Railroad Street; thence North 00 degrees 09 minutes West a distance of 101.38 feet to the point of beginning.

Commonly known as 233 Railroad Street, Corry, Pennsylvania, bearing Erie County Tax Index No. (5) 28-111-1.04.

Being the same premises conveyed to party of the first part by deed dated April 23, 2004, and recorded April 30, 2004, in Erie County Record Book 1130 at Page 287.

TITLE TO SAID PREMISES IS VESTED IN Julian C. Flowers and Michelle L. Flowers, his wife, as tenants by the entireties with the right of survivorship, by Deed from Beneficial Consumer Discount Company, dba, Beneficial Mortgage Company of Pennsylvania, dated 07/21/2004, recorded 07/27/2004 in Book 1157, Page 2139.

Tax Parcel #: 05-028-111.0-001.04
Premises being: 233 RAILROAD STREET, CORRY, PA 16407

Daniel G. Schmiege, Esquire
One Penn Center at Suburban Station, Suite 1400

1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Jan. 30 and Feb. 6, 13

SALE NO. 24

Ex. #14088 of 2008

Greenpoint Mortgage Funding, Inc., Plaintiff,

v.

David B. Getz, Defendant(s)

LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in the Sixth Ward of the City of Erie, County of Erie, and Commonwealth of Pennsylvania, bounded and described as follows,

to-wit:

COMMENCING at a point in the north line of Twenty-second Street, 67.77 feet east of the east line of an alley running from the north line of Twenty-second Street, to the south line of Twenty-first Street, which east line of said alley is 195 feet or more east of the east line of the Sassafras Street; thence north along the west line of land now or formerly of Joseph F. and Eva Holland, eighty-five (85) feet to a point; thence west and parallel with the north line of Twenty-second Street, thirty-four and twenty-seven hundredths (34.27) feet to a point; thence south parallel with Sassafras Street, eighty-five (85) feet to an iron pin in the north line of Twenty-second Street; thence east along the north line of Twenty-second Street, thirty-four and twenty-seven hundredths (34.27) feet to the point of beginning.

This premises is commonly known as 142 West 22nd Street, Erie, Pennsylvania and bears Erie County Tax Index No. (19) 6002-116.

Being the same premises conveyed to mortgagors herein by Deed to be recorded herewith, which description is hereby incorporated by reference.

TITLE TO SAID PREMISES IS VESTED IN David B. Getz, by Deed from Nancy Ann Foster, Executrix of the Estate of Margaret Ann Haas, aka, Margaret A. Haas, dated 07/27/2004, recorded 07/28/2004 in Book 1158, Page 1606.

Tax Parcel #: 19-60-02-116
Premises being: 142 WEST 22ND STREET, ERIE, PA 16502-2803

Daniel G. Schmiege, Esquire
One Penn Center at Suburban Station, Suite 1400

1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Jan. 30 and Feb. 6, 13

SALE NO. 25

Ex. #13765 of 2008

US Bank National Association, as Trustee for Citigroup Mortgage Loan Trust 2006-WFHE4, Plaintiff,

v.

Jennifer Grant, Defendant(s)
LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in the Fourth (4th) Ward of the City of Erie, County of Erie and State of Pennsylvania, bounded and described as follows, to-wit:

Beginning at a point in the north line of Seventh Street one hundred sixty-five (165) feet west from the point of intersection of the north line of Seventh Street with the west line of Plum Street; thence northwardly, parallel with Plum Street, 165 feet; thence westwardly 29 feet; thence southwardly, parallel with Plum Street, 165 feet; thence eastwardly, along the north line of Seventh Street 29 feet to the place of beginning.

SAID premises have erected thereon a two story stucco dwelling commonly known as 918 West 7th Street, Erie, Pennsylvania, 16502, and being further identified by Erie County Assessment Index Number (17) 4028-238.

TITLE TO SAID PREMISES IS VESTED IN Jennifer Grant, single, by Deed from Edward M. Lupher, single, dated 08/21/2006, recorded 08/22/2006 in Book 1354, Page 1521.

Tax Parcel #: 17-040-028.0238.00
 Premises being: 918 WEST 7TH STREET, ERIE, PA 16502-1101
 Daniel G. Schmieg, Esquire
 One Penn Center at Suburban Station, Suite 1400
 1617 John F. Kennedy Boulevard
 Philadelphia, PA 19103-1814
 (215) 563-7000

Jan. 30 and Feb. 6, 13

SALE NO. 26

Ex. #10057 of 2008
U.S. Bank National Association,
as Trustee for SG Mortgage
Securities Asset Backed
Certificates, Series 2006- FRE2,
Plaintiff,

v.

Frank J. Gresh, Jr
Melinda M. Gresh, Defendant(s)

LEGAL DESCRIPTION

All that certain piece or parcel of land situated in the Township of Fairview, County of Erie and State of Pennsylvania, bounded and

described as follows: BEGINNING at a point of the center of a public road, Pennsylvania Legislative Road, Route 25022, leading from Fairview to Sterrettania, said beginning point also being the North West corner of Land of William M. Pender, described in Deed Book 405, Page 278; thence Southeastwardly along the center of said road; and the North line of Pender, a distance of sixteen point sixty-seven (275.0 feet) rods to a point; thence South twenty-five degrees, forty-five minutes East (25 degrees-45 minutes) by residue of land of William Pender and parallel with the west line of Tract 361, a distance of twenty-eight point seven (473.5 feet) rods to a point; thence South sixty-four degrees fifteen minutes (64 degrees-15 minutes) West by land of William Pender a distance of seven point fifty-seven rods (125 feet) to a point in the west line of Tract 361, thence north twenty-five degrees, forty-five minutes (25 degrees-45 minutes) West along the west line of Tract 361, a distance of twenty rods (330 feet) to a point, a stone post; thence South fifty-two degrees, fifteen minutes West (52 degrees-15 minutes) a distance of two point fifty-six rods (42.24 feet) to a stone; thence North sixty-six degrees thirty minutes West (66 degrees-30 minutes) thirteen rods (214.5 feet) to a point; thence North sixteen degrees (16 degrees) East a distance of six point sixty-seven rods (110.05 feet) to a point in the center of the public road, the place of beginning and containing two acres, more or less, and being the North westwardly portion of the William Pender property, and part of Tract 361 and a small portion of Tract 362, described in Deed Book 405 Page 278, aforesaid.

EXCEPTING AND RESERVING THEREFROM, all that certain piece or parcel of land conveyed to Wilbur R. Knarr and Susan I. Knarr his wife, by deed dated June 7, 1967 and recorded June 7, 1967 in the Office of the Recorder of Deeds for Erie County, Pennsylvania in Erie County Deed Book 962 at page 388, and bearing Erie County Tax

Assessment No. (21) 64-117-2.01. The parcel herein conveyed is also described as the 'residue of Land of Dominic B. and Joan M. Perseo' on a survey dated September 22, 1966 by Robert F. Bille, a copy of which is recorded at Erie County Deed Book 16, Page 805, as follows: 'Beginning at a point in the centerline of East Water Street a distance of 65.98 feet southeasterly from an iron bolt located in the Tract line between Tracts 361 and 362 and also located in the centerline of East Water Street, said point also being the northeasterly corner of lands conveyed to Wilbur R. Knarr and Susan I. Knarr by Deed recorded on June 7, 1967 in Erie County Deed Book 962 at Page 388; thence South 74 degrees 12 minutes 30 seconds East a distance of 100.00 feet to a point; said point also being designated on such survey as the northwesterly corner of lands of Boyd A. McKean; thence South 25 degrees 25 minutes 10 seconds East a distance of 473.55 feet to a point; thence South 64 degrees 34 minutes 50 seconds West a distance of 124.91 feet to a point; thence North 25 degrees 25 minutes 10 seconds West a distance of 440.35 feet to an old stone monument, said monument also being designated on such survey as being the northeasterly corner of lands of George and Mary Waisley; thence North 01 degree 11 minutes 40 seconds East a distance of 110.83 feet to the place of beginning. Containing 1.433 acres of land, more or less.

The parcel herein conveyed bears Erie County Tax Assessment No. (21) 64-117-2.00.

ALSO all that certain piece or parcel of land situate in the Township of Fairview, County of Erie and State of Pennsylvania, bounded and described as follows, to-wit: BEING Lot No. 1 of TROUT RUN ESTATES, a plot of which is recorded in the Recorder of Deeds' Office of Erie County, Pennsylvania, On June 12, 1981, in Map Book 22 at page 165.

The above described premises are further identified by Erie County Assessment Index No. (21) 64-117-

3.01.
TITLE TO SAID PREMISES IS VESTED IN Frank J. Gresh, Jr. and Melinda M. Gresh, his wife, by Deed from Melinda M. Gresh and Frank J. Gresh, Jr., her husband, dated 02/28/1989, recorded 03/01/1989, in Deed Book 79, page 645.

Tax Parcel #: 21-064-117.0-002.00
Premises being: 7121 WATER STREET, FAIRVIEW, PA 16415
Daniel G. Schmiege, Esquire
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Jan. 30 and Feb. 6, 13

SALE NO. 27

Ex. #12718 of 2008
Deutsche Bank National Trust Company, as Trustee for GSAA Home Equity Trust 2006-18, Plaintiff,

v.

David R. Hess, Defendant(s)
LEGAL DESCRIPTION

All that certain piece or parcel of land situate in the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania, being part of Original Tract Number 81, and bounded and described as follows, to-wit: COMMENCING in the south line of Thirty-second Street at a point therein which is 773.32 feet east of the intersection of the east line of the east line of Grubb Road with the south line of said Thirty-second Street; thence South 26 degrees 26 minutes East, two hundred seventy-five (275) feet to a point; thence North 63 degrees 34 minutes East, one hundred four and ninety-eight hundredths (104.98) feet to a point; thence North 25 degrees 41 minutes West, two hundred seventy-five (275) feet to a point in the south line of Thirty-second Street; thence westerly on and along the south line of said Thirty-second Street, one hundred eight and seven tenths (108.7) feet to the place of beginning, being all of Lot Number Sixty-three of the Minniglyn Subdivision. This parcel is commonly known as 3051 West

32nd Street, Erie, Pennsylvania 16506 and bears Erie County Tax Index Number (33) 76-339-9.

TITLE TO SAID PREMISES IS VESTED IN David R. Hess, by Deed from Hewitt Associates, LLC., a Limited Liability Company formed in the State of Illinois, dated 05/30/2006, recorded 06/02/2006, in Deed Book 1333, page 786.

Tax Parcel #: 33-076-339.0-009.00
Premises being: 3051 WEST 32ND STREET, ERIE, PA 16506
Daniel G. Schmiege, Esquire
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Jan. 30 and Feb. 6, 13

SALE NO. 28

Ex. #14468 of 2008
Lasalle Bank National Association as Trustee for Merrill Lynch First Franklin Mortgage Loan Trust 2007-H1, Mortgage Loan Asset-Backed Certificates, Series 2007-H1, Plaintiff,

v.

Stephon M. Holman
Trista M. Holman, Defendant(s)
LEGAL DESCRIPTION

Commonly known as: 1243 Brown Avenue, Erie, PA 16502. All that certain piece or parcel of land situate in the City of Erie (formerly Township of Millcreek), County of Erie and Commonwealth of Pennsylvania, being Lot Number Eleven (11) of Joseph M. Schabacker's Subdivision of Block forty-two (42) of the subdivision of the Conrad Brown farm, as per plot recorded in Map Book 1, page 225, having a frontage on Brown Avenue forty (40) feet by a depth of one hundred twenty (120) feet, bearing Erie County Index No. (19) 6202-116 and more commonly known as 1243 Brown Avenue, Erie, PA 16502.

TITLE TO SAID PREMISES IS VESTED IN Stephon M. Holman and Trista M. Holman, by Deed from US Bank National Association, as Trustee, dated 05/18/2007, recorded 07/09/2007 in Book 1430, Page 168.

Tax Parcel #: 19-062-002.00-116.00
Premises being: 1243 BROWN AVENUE, ERIE, PA 16502
Daniel G. Schmiege, Esquire
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Jan. 30 and Feb. 6, 13

SALE NO. 30

Ex. #14003 of 2008
Huntington National Bank, s/b/m to Sky Bank, Plaintiff,

v.

Laura M. Huff
Burnel J. Huff, Defendant(s)
LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in the Township of Union, County of Erie and State of Pennsylvania, more particularly bounded and described as follows, to-wit:

BEGINNING at a point at the intersection of the South line of the new right-of-way of the Erie Railroad Company with the East line of the O'Neil Road;

Thence, in a southerly direction along the East line of the O'Neil Road to a stake, a distance of one hundred (100) feet more or less;

Thence, in an easterly direction parallel with the South line of the new right-of-way of the Erie Railroad Company to a stake, a distance of one hundred seventy-five (175) feet, be the same more or less;

Thence, in a northerly direction parallel to the first course to a point in the South line of the right-of-way of the Erie Railroad Company, a distance of one hundred (100) feet, be the same more or less;

Thence, in a westerly direction along the South line of the right-of-way of the Erie Railroad Company to the place of beginning, a distance of one hundred seventy-five (175) feet, be the same more or less.

Having erected thereon a cement block building and other improvements.

SAID premises are further identified by Erie County Assessment Index No. (43) 15-45-1.01 and are

commonly known as 17629 O'Neil Road, Union City, Pennsylvania.

ALSO, ALL that certain piece or parcel of land situate in Township of Union, County of Erie and State of Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point in the East line of O'Neil Road, located at the southwest corner of land of the first parcel described herein, said beginning point being South 18 degrees 00 minute 00 second West, 100 feet from a railroad spike set on the East line of said Road and on the South line of a 220 foot wide railroad right-of-way;

Thence, South 72 degrees 18 minutes 00 second East, 175 feet along said land of the first parcel described herein, to a point;

Thence, North 18 degrees 00 minute 00 second East, 100 feet along said land of the first parcel described herein, to a point in the South line of the aforesaid railroad right-of-way;

Thence, South 72 degrees 18 minutes 00 second East, 190 feet along the South line of said railroad right-of-way to a 1-inch iron pipe;

Thence, South 18 degrees 00 minute 00 second West, 128.40 feet along land now or formerly of Glenn L. Elder, et ux, to a 1-inch iron pipe;

Thence, North 72 degrees 00 minute 00 second West, 365 feet, still along said land of Glenn L. Elder, et ux, to a 1-inch iron pipe set on the East line of O'Neil Road;

Thence, North 18 degrees 00 minute 00 second East, 26.50 feet along the East line of O'Neil Road, to the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Burnel J. Huff and Laura M. Huff, h/w, as tenants by the entirety with the right of survivorship, by Deed from David A. Keep and Sara S. Keep, h/w, dated 10/08/2003, recorded 10/09/2003 in Book 1074, Page 1026.

Tax Parcel #: 43-015-045.0-001.01
Premises being: 17629 ONEIL ROAD, UNION CITY, PA 16438-7913

Daniel G. Schmieg, Esquire
One Penn Center at Suburban Station, Suite 1400

1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Jan. 30 and Feb. 6, 13

SALE NO. 31

Ex. #13853 of 2008
Wells Fargo Bank, N.A., Plaintiff,
v.

Chad Klimow

Jessica Klimow, Defendant(s)

LEGAL DESCRIPTION

All that certain piece or parcel of land situate in the Borough of Girard, County of Erie and Commonwealth of Pennsylvania being Lot Number Fifteen (15) of a Replot of LAWRENCE COURT SUBDIVISION, SECTION NUMBER 2, recorded on July 19, 1990 in Erie County Map Book 36, page 151 to which reference is made for a further description of said lot. Having erected thereon a single-family dwelling commonly known as 1102 Lawrence Court, Girard Pennsylvania and bearing Erie County Tax Index No. (23) 3-16-1.18.

Being the same premises conveyed to the mortgagors herein by deed to be recorded herewith which description is hereby incorporated by reference.

TITLE TO SAID PREMISES IS VESTED IN Chad Edward Klimow and Jessica Barbara Klimow, h/w, by Deed from Eric J. Schuette and Susan M. Schuette, h/w, dated 09/23/2005, recorded 09/26/2005 in Book 1272, Page 2050.

Tax Parcel #: 23-003-016.0-001.18
Premises being: 1102 LAWRENCE COURT, GIRARD, PA 16417

Daniel G. Schmieg, Esquire
One Penn Center at Suburban Station, Suite 1400

1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Jan. 30 and Feb. 6, 13

SALE NO. 32

Ex. #16504-2240
Flagstar Bank, FSB, Plaintiff,
v.

Michael J. Kohlmler

Mary Ann Kohlmler,

Defendant(s)

LEGAL DESCRIPTION

All that certain piece or parcel of land situate in the City of Erie, County of Erie and State of Pennsylvania, bounded and described as follows, to-wit: Beginning at a point in the East line of Wayne Street, as the same is presently laid out as per ordinance #8227 of the City of Erie, approved on October 23, 1945, one hundred five (105) feet Southwardly from the intersection of the Easterly line of Wayne Street with the Southerly line of East 43rd Street in the City of Erie aforesaid; thence Eastwardly on a line parallel to the Southerly line of East 43rd Street, sixty-five (65) feet to a point; thence Northwardly and parallel with the East line of Wayne Street, one hundred five (105) feet to a point in the South line of East 43rd Street; thence Westwardly and along South line of East 43rd Street sixty-five (65) feet to the point of intersection of the Easterly line of Wayne Street with the Southerly line of East 43rd Street; thence Southwardly and along the Easterly line of Wayne Street one hundred five (105) feet to the place of beginning.

Being the same premises conveyed to Elmer F. Kohlmler and Margaret C. Kohlmler by deed dated August 10, 1957 and recorded in Erie County Deed Book 763, page 125, and subject to restrictions as set forth in Erie County Deed Book 718, page 555, and further subject to the restrictions in deed in Erie County Deed Book 763, page 125.

And further being the same premises conveyed to Michael J. Kohlmler, Mary R. Kohlmler, Christopher K. Kohlmler and Paul H. Kohlmler by decree of Erie County Orphans' Court dated March 11, 1985 and recorded March 22, 1985 in Erie County Deed Book 1572, page 413. TITLE TO SAID PREMISES IS VESTED IN Michael J. Kohlmler and Mary Ann Kohlmler, his wife, as tenants by the entirety with the right of survivorship, by Deed from Michael J. Kohlmler and Mary Ann Kohlmler, his wife and Mary R. Kohlmler, nbm, Mary R. Vollentine and Gerry R. Vollentine,

her husband and Christopher K. Kohlmler and Barbara Kohlmler, his wife and Paul M. Kohlmler, single, dated 03/21/1985, recorded 03/22/1985 in Book 1572, Page 542, rerecorded 03/22/1985 in Book 176, Page 412.
 Tax Parcel #: (18) 5372-906
 Premises being: 4305 WAYNE STREET, ERIE, PA 16504
 Daniel G. Schmieg, Esquire
 One Penn Center at Suburban Station, Suite 1400
 1617 John F. Kennedy Boulevard
 Philadelphia, PA 19103-1814
 (215) 563-7000

Jan. 30 and Feb. 6, 13

SALE NO. 33

Ex. #11814 of 2008

Greenpoint Mortgage Funding, Inc., Plaintiff,

v.

Daniel A. Lehr, Defendant(s)

LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in the Second Ward of the City of Erie, County of Erie, and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

Beginning at a point in the South line of Eleventh Street, thirty-four (34) feet Westwardly from the West line of Wallace Street;
 Thence Westwardly parallel with Eleventh Street, forty (40) feet;
 Thence Northwardly parallel with Wallace Street, ninety-nine (99) feet to the South line of Eleventh Street;
 Thence Eastwardly along the South line of Eleventh Street, forty (40) feet to the place of beginning.
 Being known and designated as Parcel No. 15-2022-106 in the Deed Registry Office of Erie County, more commonly known as 455 East 11th Street.

TITLE TO SAID PREMISES IS VESTED IN Daniel A. Lehr, by Deed from Mel Martinez, Secretary of Housing and Urban Development of Washington D.C. By Lew Carison, their attorney in fact, dated 07/22/2003, recorded 08/21/2003, in Deed Book 1054, page 315.

NOTE: This is a re-recording of the prior deed. It has been re-recorded to correct the date of

acknowledgment.
 Tax Parcel #: 15-2022-106
 Premises being: 455 EAST 11TH STREET, ERIE, PA 16503
 Daniel G. Schmieg, Esquire
 One Penn Center at Suburban Station, Suite 1400
 1617 John F. Kennedy Boulevard
 Philadelphia, PA 19103-1814
 (215) 563-7000

Jan. 30 and Feb. 6, 13

SALE NO. 34

Ex. #14483 of 2008

Countrywide Home Loans, Inc., Plaintiff,

v.

Travis M. Lockwood

Katie A. Lockwood, Defendant(s)

LEGAL DESCRIPTION

PARCEL I: All that certain piece or parcel of land situate in the Borough of Lake City, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a stake in the south line of Dunn Avenue at the northeast corner of the piece, said point also being the northwest corner of lot now or formerly of Mrs. C. Grimshaw; thence, south along the west line of said Grimshaw lot and west line of Lots No. 33, 34 and 35, about one hundred fifty-four (154) feet to an iron pipe; thence westerly along land now or formerly of M.F. Gossman and parallel with Dunn Avenue, twenty-six (26) feet and seven and one-half (7 1/2) inches to a stake; thence, northerly one hundred forty (140) feet to a stake in the south line of Dunn Avenue; Thence easterly along south line of said Dunn Avenue, about eighty-nine (89) feet to the place of beginning. BEING Lot No. 62 and easterly one-half of Lot No. 63 of the Mrs. John Dunn Subdivision.

PARCEL II: All that certain piece or parcel of land situate in the Borough of Lake City, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the southerly line of Dunn Avenue, about 232 feet 6/12 inches westerly from the point of intersection of said

southerly line of Dunn Avenue with the west line of Union Street;
 Thence southerly along the west line of land now or formerly of Lorena M. Sargent, one hundred forty (140) feet to a marker;
 Thence westerly along the north line of land now or formerly of M.F. Cossman, three (3) feet top a marker;

Thence, northerly along the east line of land now or formerly of Harry L. and Anna I. Daggett, one hundred forty (140) feet to the south line of Dunn Avenue;
 Thence, easterly along the south line of Dunn Avenue, three (3) feet to the place of beginning.

BEING a piece of land three (3) feet wide from the east side of land deeded to Harry L. Daggett and Anna I. Daggett by Frank Hopkins and Ruby Hopkins December 30, 1926 and recorded in the Recorder's Office of Erie County in Deed Book 312, page 92.

PARCEL III: All that certain piece or parcel of land situate in the Borough of Lake City, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point in the southerly line of Dunn Avenue, about two hundred thirty-five (235) feet and six and one-half (6 1/2) inches westerly from the point of intersection of said southerly line of Dunn Avenue with west line of Union Street;

Thence southerly along the west line of land now or formerly of Lorena M. Sargent, one hundred forty (140) feet to a marker;

Thence, westerly along the north line of land now or formerly of M.F. Gossman, twenty-two (22) feet to a marker;

Thence, northerly along the east line of land now or formerly of Harry L. and Anna I. Daggett, one hundred forty (140) feet to the south line of Dunn Avenue;

Thence easterly along the south line of Dunn Avenue, twenty-two (22) feet to the place of beginning.

Vested by Quitclaim Deed, dated 7/29/2004, given by Donald A. Reinke, Jr. husband and Renee G.

Peyton now known as Renee G. Reinke to Travis M. Lockwood and Katie Lockwood, husband and wife, as tenants by the entireties with the right of survivorship and recorded 8/10/2004 in Book 1162 Page 1657. Tax Parcel #: 28-014-031.0-008.00 Premises being: 10223 DUNN AVENUE, LAKE CITY, PA 16423-1303

Daniel G. Schmieg, Esquire
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814
(215) 563-7000

Jan. 30 and Feb. 6, 13

SALE NO. 35

Ex. #13118 of 2008

U.S. Bank National Association as Trustee for Asset Backed Pass Through Certificates Series 2006-HE1, Plaintiff,

v.

John L. Malone

Kelly S. Malone, Defendant(s)

LEGAL DESCRIPTION

All that certain piece or parcel of land situate in the City of Erie, County of Erie, and Commonwealth of Pennsylvania, being Lot No. 3 in Block 7 in C.K. Riblets Subdivision of part of Reserve Tract No. 53, a plot of which is recorded in Erie County Map Book No. 1, pages 96 and 97, being commonly known as 2611 Pear Street, Erie, Pennsylvania, Erie County Index No. (18) 5121-215.

TITLE TO SAID PREMISES IS VESTED IN John L. Malone and Kelly S. Malone, h/w, as joint tenants with the right of survivorship, by Deed from Alpha One Investors Corporation, a Pennsylvania corporation, dated 10/07/2005, recorded 10/13/2005, in Deed Book 1278, page 146.

Tax Parcel #: 18-051-021.0-215.00 Premises being: 2611 PEAR STREET, ERIE, PA 16507

Daniel G. Schmieg, Esquire
One Penn Center at Suburban Station, Suite 1400

1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814
(215) 563-7000

Jan. 30 and Feb. 6, 13

SALE NO. 36

Ex. #12477 of 2005

Wells Fargo Bank, N.A., s/b/m to Wells Fargo Home Mortgage, Inc., f/k/a Norwest Mortgage, Inc., d/b/a Directors Acceptance, Plaintiff,

v.

Donald H. McAdoo

Nancy L. McAdoo, Defendant(s)

LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in the City of Erie, County of Erie and State of Pennsylvania, bounded and described as follows, to-wit: Being Lot No. eighty-one (81) of the Andrews Land Company subdivision, known as Hillside Boulevards, part of Tract No. 67 as shown upon a map of said subdivision recorded in the Office of the Recorder of Deeds for Erie County in Map Book No. 2, Pages 224-225; said lot having a frontage of sixty (60) feet and a common depth of one hundred fifty (150) feet. Having erected thereon a frame dwelling house commonly known as 4212 Parade Boulevard, Erie, Pennsylvania 16504 and being further identified in the assessment records of Erie County as Index (18) 53-68-209.

TITLE TO SAID PREMISES IS VESTED IN Donald H. McAdoo and Nancy L. McAdoo, his wife, by Deed from David Simon, also known as, David Szymanski, Executor of the Estate of Roman M. Szymanski, deceased, dated 4-13-99, recorded 4-13-99, in Deed Book 629, page 1140.

Tax Parcel #: (18) 53-68-209
Premises being: 4212 PARADE STREET, ERIE, PA 16504

Daniel G. Schmieg, Esquire
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814
(215) 563-7000

Jan. 30 and Feb. 6, 13

SALE NO. 37

Ex. #10760 of 2006

Mortgage Electronic Registration Systems, Inc., Plaintiff,

v.

Stephen M. Mitchell, Sr.,

Defendant(s)

LEGAL DESCRIPTION

ALL THAT CERTAIN piece or parcel of land situate in the Township of LeBoeuf, County of Erie and State of Pennsylvania, beginning at the northeast corner of the piece at a point in the center line of Township Road 572 as shown on Map of the Roscoe L. and Marilyn C. Mitchell Subdivision recorded in the Office of the Recorder of Deeds in and for Erie County, Pennsylvania, in Map Book 34, page 109, said point being also situate in the northern boundary line of LeBoeuf Township with the southern boundary line of Waterford Township; thence north 88 degrees 03 minutes 55 seconds west along the northern boundary line of LeBoeuf Township a distance of 1,275.00 feet to a point; thence south 01 degree 47 minutes 35 seconds west a distance of 350.00 feet to a point; thence south 88 degrees 03 minutes 55 seconds east a distance of 1,275.00 feet to a point in the center line of Township Road 572; thence north 01 degree 47 minutes 35 seconds east along the center line of Township Road 572 a distance of 350.00 feet to the place of beginning. Containing 10.04 acres of land and being parcel (1) as shown on the Roscoe L. and Marilyn C. Mitchell Subdivision recorded in Erie County Map Book 34 at page 109. Being part of the premises conveyed to party of the first part by Deed recorded in Erie County Record Book 118, at page 834. Bearing Index Nos. (30) 1-3-3.01.

Tax. Parcel #: 30-001-003.0-003.01 Premises being: 13150 KINTER ROAD, WATERFORD, PA 16444
Daniel G. Schmieg, Esquire
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814
(215) 563-7000

Jan. 30 and Feb. 6, 13

SALE NO. 40

Ex. #12447 of 2008

GMAC Mortgage, LLC, Plaintiff,

v.

Richard A. Parrett

**Julianna E. Beraducci a/k/a/
Julianna E. Beraducci a/k/a
Julianna W. Ward, Defendant(s)
LEGAL DESCRIPTION**

ALL that certain piece or parcel of land situate in the City of Erie, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point in the West line of Ash Street, one hundred forty-six and one-half (146 1/2) feet (plus .08 foot pro-rated surplusage in block) South of the South line of East Fifth Street;

Thence, westwardly and parallel with East Fifth Street, ninety (90) feet to a point;

Thence, northwardly and parallel with Ash Street, thirty-four and one-half (34 1/2) feet (plus .02 foot pro-rated surplusage in block) to a point;

Thence, eastwardly and parallel with East Fifth Street, ninety (90) feet to the West line of Ash Street;

Thence, southwardly, along the West line of Ash Street, thirty-four and one-half (34 1/2) feet (plus .02 foot pro-rated surplusage in block) to the place of beginning.

SAID premises are further identified by Erie County Assessment Index No. (14) 1017-104 and are commonly known as 516 Ash Street, Erie, Pennsylvania.

TITLE TO SAID PREMISES IS VESTED IN Richard A. Parrett and Juliana B. Beraducci, as joint tenants with the right of survivorship, by Deed from Dale L. Matha, Jr. and Melissa A. Matha, h/w, dated 08/09/2007, recorded 08/10/2007, in Deed Book 1438, page 2046.

NOTE: According to a prior marriage and subsequent divorce, Julianna E. Beraducci was at one time also known as Julianna E. Ward.

Tax Parcel #: 14-010-017.0-104.00
Premises being: 516 ASH STREET, ERIE, PA 16507

Daniel G. Schmiege, Esquire
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Jan. 30 and Feb. 6, 13

**SALE NO. 41
Ex. #13650 of 2008
PHH Mortgage Corporation,
Plaintiff,**

v.

**Debra Peters
Frank Ferraro, Defendant(s)
LEGAL DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situate in the First Ward of the City of Corry, County of Erie and State of Pennsylvania, bounded and described as follows, to-wit:

COMMENCING at a point in the north line of Pleasant Street at the southwest corner of a lot recently conveyed by Evalgeline E. Lawrence to Mrs. Kate Lutz, such point being about one hundred and twenty-five (125) feet distant westerly from the intersection of the north line of Pleasant Street with the west line of Summer Street, running THENCE west along the north line of Pleasant Street about one hundred and twenty-five (125) feet to land now or formerly of one Fray; THENCE northerly along said Fray's land one hundred and eighty (180) feet or thereabouts, to the northeast corner of said Fray's land; THENCE east on a line parallel with Pleasant Street one hundred twenty-five (125) feet or thereabouts to the northwest corner of land Lutz's land; THENCE south along the west line of said Lutz's land one hundred and eighty (180) feet to the north line of Pleasant Street, the PLACE OF BEGINNING, be the same more or less, and having erected thereon a frame dwelling house.

TITLE TO SAID PREMISES IS VESTED IN Debra Peters and Frank Ferraro, as joint tenants with the right of survivorship, by Deed from Otto W. Disselhoff and Bernadine L. Eccles, now by marriage, Bernadine L. Disselhoff, dated 07/06/2005, recorded 07/07/2005 in Book 1249, Page 940.

Tax Parcel #: 05-028-189.0-016.00
Premises being: 457 EAST PLEASANT STREET, CORRY, PA 16407

Daniel G. Schmiege, Esquire
One Penn Center at Suburban

Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000
Jan. 30 and Feb. 6, 13

**SALE NO. 42
Ex. #13230 of 2006
Wells Fargo Bank, N.A., Plaintiff,**

v.

**Germal A. Smith a/k/a
Germal Armon Smith,
Defendant(s)
LEGAL DESCRIPTION**

ALL that certain piece or parcel of land situate in the Fifth Ward of the City of Erie, County of Erie and State of Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point in the north line of Twenty-sixth Street, sixty-five (65) feet westwardly from the point of intersection of the said north line of Twenty-sixth Street with the west line of German Street; thence northwardly in a line parallel with German Street, ninety (90) feet to a point; thence westwardly in a line parallel with Twenty-sixth Street, thirty two and one-half (32 1/2) feet to a point; thence southwardly in a line parallel with German Street, ninety (90) feet to the north line of Twenty-sixth Street, thence eastwardly along the north line of Twenty-sixth Street, thirty-two and one-half (32 1/2) feet to the place of beginning, having erected thereon a two-story frame dwelling and garage commonly known as 258 East Twenty-sixth Street, Erie, Pennsylvania and bearing Erie County Tax Parcel Index No. (18) 5011-135.

TITLE TO SAID PREMISES IS VESTED IN Germal A. Smith, by Deed from Major Williams and Barbara Williams, his wife, 06/06/2005, recorded 06/06/2005, in Deed Book 1239, page 2327.

Tax Parcel #: 18-050-011.0-135.00
Premises being: 258 EAST 26TH STREET, ERIE, PA 16504

Daniel G. Schmiege, Esquire
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Jan. 30 and Feb. 6, 13

SALE NO. 43
Ex. #14417 of 2008
Countrywide Home Loans, Inc.,
Plaintiff,

v.

Karen L. Smith
Adrian W. Smith, Defendant(s)

LEGAL DESCRIPTION

ALL THAT CERTAIN piece or parcel of land situate in Fairview Township, Erie County, Pennsylvania, being part of Tract #286 lying West of Walnut Creek, bounded and described as follows: BEGINNING at a point South 17 degrees 21 minutes 30 seconds West, 255.2 feet from a point in the center line of one 30-foot private road leading to the public road from the intersection of the center lines of four private roads at the corner of Blocks A, B, and C as shown upon the recorded 'Manchester Beach' replot, Map Book 3, Page 105, which is South 72 degrees 37 minutes East, 647.78 feet from the intersection of the center lines of four private roads. This point of beginning also being the South East corner of the first parcel of land described in the Deed from P. Maley to Alice H. Gunnison, dated August 22, 1952; Thence South 17 degrees 21 minutes 30 seconds West along the West line of the private roadway 312.13 feet to a point; Thence North 72 degrees 38 minutes 30 seconds West, 454.18 feet to an old iron pipe; Thence North 46 degrees 54 minutes East along the now or formerly Hoffstatter lands, 147 feet to a stake; Thence North 38 degrees 32 minutes West along now or formerly Hoffstatter lands, 50.45 feet to an iron pipe; Thence North 18 degrees 22 minutes East, 109.7 feet to an iron pipe; Thence South 73 degrees 24 minutes East, 168.25 feet to an iron pipe; Thence South 82 degrees 28 minutes East, 257.12 feet to the place of beginning. Commonly known as 170 West Gateway Drive, Manchester Beach, Fairview, Pennsylvania. Bearing Erie County Tax Index Number (21) 24-11-168.

ALSO, AN UNDIVIDED ONE-THIRD INTEREST in all that certain piece or parcel of land situate in Fairview Township, Erie County, Pennsylvania, being part of Tract # 286 lying West of Walnut Creek, being further bound and described as follows:

Beginning at an old iron pipe in the center of the 30-foot private road leading to the public road from the intersection of the center lines of four private roads at the corner of Blocks A, B, and C as shown upon the recorded 'Manchester Beach' plot, which is South 72 degrees 37 minutes East, 677.78 feet from the center line intersections of the four private roads:

Thence South 17 degrees 21 minutes 30 seconds West, 567.33 feet to a stake;

Thence North 72 degrees 38 minutes 30 seconds West, 30 feet to a point; Thence North 17 degrees 21 minutes 30 seconds East, 567.33 feet to a point in the center line of the private road;

Thence South 72 degrees 37 minutes East, 30 feet to the place of beginning.

Bearing Erie County Tax Index Number (21) 24-11-167.01. This parcel is conveyed for use as a Roadway, for vehicles and on foot, by all owners, their heirs, and assigns of lands adjoining the West and South lines thereof.

It is a condition that Grantees, their heirs and assigns shall pay one-third of reasonable costs and expenses of roadway maintenance for its entire length.

TITLE TO SAID PREMISES IS VESTED IN Adrian W. Smith and Karen L. Smith, his wife, as tenants by the entireties with the right of survivorship, by Deed from Michael P. Faulkner and Jill J. Faulkner, his wife, dated 10/19/2007, recorded 10/22/2007 in Book 1455, Page 294.

Tax Parcel #: 21-024-011.0-168.00 2 21-024-011.0-167.01

Premises being: 170 WEST GATEWAY DRIVE, FAIRVIEW, PA 16415

Daniel G. Schmiege, Esquire
 One Penn Center at Suburban

Station, Suite 1400
 1617 John F. Kennedy Boulevard
 Philadelphia, PA 19103-1814
 (215) 563-7000

Jan. 30 and Feb. 6, 13

SALE NO. 44
Ex. #12752 of 2008
U.S. Bank National Association,
as Trustee for Lehman Brothers-
Structured Asset Securities
Corporation SASCO 2006-AM1,
Plaintiff,

v.

Timothy W. Smith, Defendant(s)
LEGAL DESCRIPTION

All that certain piece or parcel of land situate in the City of Erie, County of Erie and State of Pennsylvania, and BEING Lot No. Seven (7) of Block 'G' of the 'SCENERY HILL' SUBDIVISION No. 2, Part of Reserve Tract No. 72, Sixth Ward of the City of Erie, Pennsylvania, as more fully bounded and described in Erie County Map Book 5, Pages 120 and 121 in the Recorder of Deed's Office of Erie County, Pennsylvania, to which reference is made. Being More Commonly Known as 1653 W. 41st St Erie PA. BEING PARCEL NO. (19) 61-76-106 TITLE TO SAID PREMISES IS VESTED IN Timothy W. Smith, by Deed from Anthony M. Letizio and Caroline A. Letizio, his wife, dated 12/02/2005, recorded 12/08/2005, in Deed Book 1292, page 1847.

Tax Parcel #: 19-061-076.0-106.00 Premises being: 1653 WEST 41ST STREET, ERIE, PA 16509 Daniel G. Schmiege, Esquire One Penn Center at Suburban Station, Suite 1400 1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814 (215) 563-7000

Jan. 30 and Feb. 6, 13

SALE NO. 45
Ex. #10002 of 2008
U.S. Bank National Association,
as Trustee for Credit Suisse First
Boston Heat 2004-6, Plaintiff,
 v.

Dawnita R. Sterling
Preston E. Sterling, Defendant(s)
LEGAL DESCRIPTION

All that certain piece or parcel

of land situate in the Borough of Cranesville, County of Erie and State of Pennsylvania, bounded and described as follows, to-wit: BEGINNING at a post in the east margin of Reed Street at the southwest corner of land now or late of Earl Freeman; thence east along land now or late of Earl Freeman, one hundred twenty-eight (128) feet to a post to the land now or late of Antha R. Bowman; thence south along land now or late of Antha R. Bowman, sixty (60) feet to a post; thence west along land now or late of Antha R. Bowman, one hundred twenty-eight (128) feet to the east margin of Reed Street; thence north along margin of said Reed Street, sixty (60) feet to the place of beginning.

Having erected thereon a dwelling known as 10024 Reed Street, Cranesville, Pennsylvania 16410.

RECORD OWNER
TITLE TO SAID PREMISES IS VESTED IN Preston E. Sterling and Dawnita R. Sterling, his wife, by Deed from Ricky L. Rash and Darlene K. Rash, his wife, dated 12/10/1993, recorded 12/13/1993, in Deed Book 309, page 070.

Tax Parcel #: 09-005-006.0-015.00
Premises being: 10024 REED STREET, CRANESVILLE, PA 16410

Daniel G. Schmieg, Esquire
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Jan. 30 and Feb. 6, 13

SALE NO. 46

Ex. #14641 of 2008
Taylor, Bean & Whitaker
Mortgage Corporation, Plaintiff,

v.

John Tersigni
Sarah Tersigni, Defendant(s)

LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in the Township of Millcreek, County of Erie, and Commonwealth of Pennsylvania, bounded and described as follows: BEING Lot No. 30 and the east sixteen (16) feet of Lot 31, in Lot

31, in Block 8 in what is known as Nicholson Heights Addition to the City of Erie, being part of Reserve Tract No. 346 and a part of the South Gore Tract, as shown upon a Map of said Subdivision recorded in the Office of the Recorder of Deeds of Erie County, Pennsylvania, in Map Book No. 1, pages 416-417.

HAVING erected thereon a two-story frame dwelling with attached garage known as: 1440 High Street, Erie, Pennsylvania 16509.

HAVING Been Designated as Parcel ID # 33-100-432-14

TITLE TO SAID PREMISES IS VESTED IN John Tersigni and Sarah Tersigni, h/w, by Deed from Barbara L. Zimmer, a single person, dated 09/26/2002, recorded 10/07/2002 in Book 929, Page 1874.

Tax Parcel #: 33-100-432.0-014.00
Premises being: 1440 HIGH STREET, ERIE, PA 16509-2017

Daniel G. Schmieg, Esquire
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Jan. 30 and Feb. 6, 13

SALE NO. 47

Ex. #14570 of 2008
Citifinancial Services, Inc.,
Plaintiff,
v.
Heather K. Tuholski a/k/a
Heather K. Tucholski,
Defendant(s)

LEGAL DESCRIPTION

All that certain piece or parcel of land situate in the Township of Greene, County of Erie and Commonwealth of Pennsylvania, bounded and described as Parcel 'B-1' of the John H. and Dorothy M. Craft subdivision, as recorded in the Green Township Planning Commission and as a part of the subdivision known as Parcel 'B' of the John H. and Dorothy M. Craft subdivision as recorded in Erie County Courthouse as map number Book 1997, Page 80, recorded March 21, 1997.

Said premises containing 2.27 acres and identified as Parcel 'B-1' as

evidenced by exhibit 'A' attached hereto

TITLE TO SAID PREMISES IS VESTED IN Heather K. Toholski, by Deed from John H. Craft and Dorothy M. Craft, his wife, dated 03/13/2003, recorded 03/13/2003 in Book 0985, Page 1626.

Tax Parcel #: 25-25-65-4.05
Premises being: 3087 HASKINS ROAD, WATERFORD, PA 16441-2323

Daniel G. Schmieg, Esquire
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Jan. 30 and Feb. 6, 13

SALE NO. 48

Ex. #14397 of 2008
HSBC Bank USA National
Association as Trustee for PHH
2007-1, Plaintiff,
v.
Leona M. Varasso
Joy Booth, Defendant(s)
LEGAL DESCRIPTION

ALL THAT CERTAIN piece or parcel of land situate in the City of Corry, County of Erie and State of Pennsylvania, bounded and described as follows;

COMMENCING at a point in the east line of North Center Street at the intersection of the east line of North Center Street with the north line of Raymond Avenue; thence northerly along the east line of said Center Street, Fifty-five (55) feet to a post in the south line of land recently conveyed to one Barnes; thence easterly along said Barnes' south line, one hundred forty (140) feet to the west line of a fifteen (15) foot alley; thence southerly along said alley, fifty-five (55) feet to the north line of Raymond Avenue; thence westerly along the north line of Raymond Avenue, one hundred forty (140) feet to the place of beginning, being Lot No. 7, on the Raymond Subdivision plan of lots. Prior deed reference: Erie County Deed Book 1510 at page 360. Bearing Erie County Assessment Index No. (6) 10-20-16. Being known generally as 974 North

Center Street, Corry, PA 16407.
 TITLE TO SAID PREMISES IS VESTED IN Leona M. Varasso and Joy Booth, joint tenants with the right of survivorship and not as tenants in common, by Deed from Michael K. Kowalski and Cindy L. Kowalski, h/w, dated 10/27/2006, recorded 11/13/2006 in Book 1375, Page 1425.

Tax parcel #: 06-010-020.0-016.00
 Premises being: 974 NORTH CENTER STREET, CORRY, PA 16407

Daniel G. Schmieg, Esquire
 One Penn Center at Suburban Station, Suite 1400

1617 John F. Kennedy Boulevard
 Philadelphia, PA 19103-1814
 (215) 563-7000

Jan. 30 and Feb. 6, 13

SALE NO. 50

Ex. #14746 of 2008
GMAC Mortgage, LLC, Plaintiff,
v.

Martin D. Yori, Defendant(s)
LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in North East Borough, County of Erie, Pennsylvania, being Lot No. 14 of the Donlar Subdivision, recorded in Erie County Map Book 9 at page 69. SAID property is known as 75 Skellie Drive, North East, Pennsylvania 16428 and bearing Erie County Tax Index No. (35) 1-1.1-4.

BEING the same premises conveyed to United Companies Lending Corporation by deed dated September 14, 2001 and recorded September 25, 2001 in Erie County Record Book 811 at page 1641

TITLE TO SAID PREMISES IS VESTED IN Martin D. Yori, unmarried, by Deed from EMC Mortgage Corporation, as successor to United Companies Lending Corporation by Matrix Asset Management It's Attorney in Fact, dated 10/17/2002, recorded 10/29/2002 in Book 938, Page 1932.

Tax Parcel #: 35-001-001.1-004.00
 Premises being: 75 SKELLIE DRIVE, NORTH EAST, PA 16428
 Daniel G. Schmieg, Esquire

One Penn Center at Suburban Station, Suite 1400
 1617 John F. Kennedy Boulevard
 Philadelphia, PA 19103-1814
 (215) 563-7000

Jan. 30 and Feb. 6, 13

SALE NO. 51

Ex. #14195 of 2008
U.S. Bank National Association
Trustee for the Pennsylvania
Housing Finance Agency,
Plaintiff

v.

Stanley C. Bayer and
Penny L. Bayer, Defendants

SHERIFF'S SALE

By virtue of a Writ of Execution No. 2008-14195 U.S. Bank National Association Trustee for the Pennsylvania Housing Finance Agency, Plaintiff vs. Stanley C. Bayer and Penny L. Bayer, Defendants

Real Estate: 28 GROVE STREET, CORRY, PA

Municipality: City of Corry
 Erie County, Pennsylvania
 See Deed Book 1202, Page 147
 Tax I.D. (5) 32-1653

Assessment: \$ 5,000. (Land)
 \$39,700. (Bldg)

Improvement thereon: a residential dwelling house as identified above
 Leon P. Haller, Esquire
 Purcell, Krug & Haller
 1719 North Front Street
 Harrisburg, PA 17104
 (717) 234-4178

Jan. 30 and Feb. 6, 13

SALE NO. 52

Ex. #10170 of 2008
U.S. Bank National Association
Trustee for the Pennsylvania
Housing Finance Agency,
Plaintiff

v.

Diann M. Buterbaugh,
Defendants

SHERIFF'S SALE

By virtue of a Writ of Execution No. 10170-08 U.S. Bank National Association Trustee for the Pennsylvania Housing Finance Agency, Plaintiff vs. Diann M. Buterbaugh, Defendants
 Real Estate: 909 EAST 24TH STREET, ERIE, PA

Municipality: CITY OF ERIE
 Erie County, Pennsylvania
 Dimensions: 24 x 57
 See Deed Book 1342 Page 1276
 Tax: I.D. (18) 5039-220
 Assessment: \$5200 (Land)
 \$38010 (Bldg)

Improvement thereon: a residential dwelling house as identified above
 Leon P. Haller, Esquire
 Purcell, Krug & Haller
 1719 North Front Street
 Harrisburg, PA 17104
 (717) 234-4178

Jan. 30 and Feb. 6, 13

SALE NO. 53

Ex. #10828 of 2008
Lasalle Bank National
Association, as Trustee for First
Franklin Mortgage Loan Trust
2006-FF18, Mortgage Loan
Asset-Backed Certificates, Series
2006-FF18, Plaintiff,
v.

Phyllis A. Zimmer, Defendant
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 10828-08, Lasalle Bank National Association, et al vs. Phyllis A. Zimmer, owner(s) of property situated in Erie City, Erie County, Pennsylvania being 956 West 21st Street, Erie, PA 16502.
 Dimensions: 4,400 square footage
 Assessment Map Number: 19-6026-222

Assess Value figure: \$49,800.00
 Improvement thereon: Dwelling
 Louis P. Vitti, Esquire
 Attorney for Plaintiff
 916 Fifth Avenue
 Pittsburgh, PA 15219
 (412) 281-1725

Jan. 30 and Feb. 6, 13

SALE NO. 54

Ex. #14774 of 2008
Deutsche Bank National Trust
Company, as Trustee, in Trust for
the Registered Holders of Argent
Securities Inc., Asset-Backed
Pass-Through Certificates Series
2006-M1, Plaintiff
v.

Rayshawn Alberico, Defendant(s)
DESCRIPTION

ALL THAT certain piece or parcel of land situate in the City of Erie,

County of Erie and Commonwealth of Pennsylvania, bounded and described as follows to-wit: BEGINNING at a point in the south line of Twenty first Street, three hundred and one (301) feet and ten and one half (10 ½) inches west of the west line of Cascade Street; Thence southwardly parallel with Cascade Street one hundred and thirty-five (135) feet to the centerline of an alley which was vacated by City Ordinance No. 131-1957, Dated October 29, 1957; thence westwardly parallel with Twenty-first street thirty three (33) feet to a point; thence northwardly parallel with Cascade Street one hundred thirty-five (135) feet to the south line of Twenty-first Street; thence eastwardly along the south line of Twenty-first Street; thence thirty-three (33) feet to the place of beginning. Having erected thereon a two-story frame dwelling house, commonly known as 1031 West 21st Street in the City of Erie, Pennsylvania and bearing Erie County Index No. (19) 6030.111. PROPERTY ADDRESS: 1031 West 21st Street, Erie, PA 16502 Michael T. McKeever, Esquire Attorney for Plaintiff Suite 500 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106 (215) 627-1322

Jan. 30 and Feb. 6, 13

SALE NO. 55

Ex. #14509 of 2008
Financial Freedom Senior Funding Corporation, A Subsidiary of Indymac Bank, FSB, Plaintiff

v.

John P. Altenberger, Defendant(s)
DESCRIPTION

ALL that certain piece or parcel of land situate in the 5th Ward of the City of Erie, County of Erie and Commonwealth of Pennsylvania, being Lot No. 123 in the Eastholm Subdivision, being part of Tract 62 as shown in Map of said subdivision recorded in Map Book 1, page 401, bounded and described as follows: BEGINNING at a point in the East

line of East Avenue, 137 feet South of the intersection of the East line of East Avenue and the South line of Thirty-Fourth Street now Thirty-Third Street; thence East, parallel with Thirty-Fourth Street, now Thirty-Third Street, 120 feet to a point; thence South parallel with East Avenue, 34 feet to a point; thence West, parallel with Thirty-Fourth Street, now Thirty-Third Street, 120 feet to the east line of East Avenue, thence North along the East line of the East Avenue, 34 feet to the place of beginning. Also, all that certain piece or parcel of land situate in the Township of Millcreek, now City of Erie, County of Erie and Commonwealth of Pennsylvania, being the southerly two (2) feet in width by 120 feet in depth of Lot No. 124 in the Eastholm Subdivision, being part of Tract No. 62, as shown upon a map of said subdivision recorded in the Office of the Recorder of Deeds for Erie County, in Map Book No. 1, page 401. HAVING erected thereon a dwelling known as 3415 East Avenue. PROPERTY ADDRESS: 3315 East Avenue, Erie, PA 16504 Michael T. McKeever, Esquire Attorney for Plaintiff Suite 500 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106 (215) 627-1322

Jan. 30 and Feb. 6, 13

SALE NO. 56

Ex. #14463 of 2008
National City Mortgage Inc., f/k/a National City Mortgage Company, Plaintiff

v.

Ronald A. Ames
Diana L. Ames a/k/a
Diane L. Ames, Defendant(s)
DESCRIPTION

All that certain piece or parcel of land situate in the City of Erie, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows, to wit: BEGINNING at a point in the south line of Sixth Street, one hundred sixty-five (165) feet eastwardly from the east line of Cascade Street;

thence eastwardly, along the south line of Sixth Street, thirty (30) feet, eleven and one-fourth (11 ¼) inches to a point; thence southwardly, parallel with Cascade Street, one hundred sixty-five (165) feet to a point; thence westwardly; parallel with Sixth Street, thirty (30) feet, eleven and one-fourth (11 ¼) inches to a point; thence northwardly, parallel with Cascade Street, One hundred sixty-five (165) feet to the place of beginning. Said premises are more commonly known as 947 West Sixth Street, Erie, Pennsylvania and further identified by Erie County Assessment Index Number (17) 4028-216. PROPERTY ADDRESS: 947 West 6th Street Erie, PA 16507 Michael T. McKeever, Esquire Attorney for Plaintiff Suite 5000 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106 (215) 627-1322

Jan. 30 and Feb. 6, 13

SALE NO. 57

Ex. #14843 of 2008
JPMorgan Chase Bank, National Association, as Purchaser of the Loans and other Assets of Washington Mutual Bank, f/k/a Washington Mutual Bank, FA, Plaintiff

v.

John C. Emhoff, Defendant(s)
DESCRIPTION

All that certain piece or parcel of land situate in the Fifth Ward of the City of Erie, County of Erie and State of Pennsylvania, Being Lot No. 81 in what is known as No. 10 Subdivision of Andrews Land Company of part of Reserve Tract No. 34 as shown upon a map of said Subdivision recorded in the Office of the Recorder of Deeds of Erie County, Pennsylvania, in Map Book 2, pages 104 and 105. PROPERTY ADDRESS: 3109 East Avenue Erie, PA 16504 Michael T. McKeever, Esquire Attorney for Plaintiff Suite 5000 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106 (215) 627-1322

Jan. 30 and Feb. 6, 13

SALE NO. 58
Ex. #14757 of 2008
Greenpoint Mortgage Funding,
Inc., Plaintiff

v.

Albert W. Kirkpartick
Sheila A. Mingoy, Defendant(s)

DESCRIPTION

All that certain piece or parcel of land situate in the Township of Girard, County of Erie and Commonwealth of Pennsylvania, being part of Tract No. 525, bounded and described as follows, to-wit:

Beginning at the northwesterly corner of the piece at a spike in the centerline of the Lexington Road leading from Girard Borough to Albion Borough, distant thereon South 41 degrees 30 minutes West, five hundred fourteen and thirty hundredths (514.30) feet from the northwesterly corner of the whole piece and the southwesterly corner of land now or formerly of Maurice Gabel;

Thence by the residue of the piece South 50 degrees 20 minutes East passing over a stake at a distance of 25.01 feet, two hundred four (204) feet to a point;

Thence, in a southerly direction on a line parallel to the centerline of the Lexington Road, to a point in the centerline of the Lockport Road;

Thence, North 62 degrees 11 minutes West, along the centerline of the Lockport Road to a spike at its intersection with the centerline of the Lexington Road;

Thence, North 41 degrees 30 minutes East, along the centerline of the Lexington Road, one hundred thirty-five and ninety-five hundredths (135.95) feet to the place of beginning.

Containing one-half acre of land, more or less and having erected thereon a one-story cement block dwelling.

Said premises are further identified by Erie County Assessment Index No. (24) 19-80-6, and are commonly known as 10990 Springfield Road, Girard, Pennsylvania.

Being the same premises conveyed to the mortgagor(s) herein by deed recorded this date.

TAX PARCEL # (24) 19-80-6

PROPERTY ADDRESS: 10990 Springfield Road, Girard, PA 16417
 Michael T. McKeever, Esquire
 Attorney for Plaintiff
 Suite 5000 - Mellon Independence Center, 701 Market Street
 Philadelphia, PA 19106
 (215) 627-1322

Jan. 30 and Feb. 6, 13

SALE NO. 59
Ex. #11713 of 2008

Deutsche Bank National Trust
Company, as Trustee, in Trust for
the Registered Holders of Argent
Securities Inc., Asset-Backed
Pass-Through Certificates, Series
2005-W3, Plaintiff

v.

Cheryl L. McLaughlin
Joseph P. McLaughlin,
Defendant(s)

DESCRIPTION

All that certain piece or parcel of land situate in the Township of McKean, County of Erie and State of Pennsylvania, being a part of Tract No. 260, bounded and described as follows, to-wit: BEGINNING at a point in the centerline of Dunn Valley Road six hundred ninety three (693) feet easterly (incorrectly set forth as "westerly" in the Deed immediately prior to this Deed due to a scrivener's error) from the intersection of Dunn Valley Road and Reichert Road; thence South one (1) degree, thirty-five (35) minutes West (incorrectly set forth as "East" in the Deed immediately prior to this Deed due to a scrivener's error) three hundred thirty-one and forty six hundredths (331.46) feet to an iron pin; thence North zero (0) degrees fifty (50) minutes East two hundred seventeen and nine tenths (217.9) feet to the centerline of Dunn Valley Road; thence North eighty-eight (88) degrees, twenty-five (25) minutes West three hundred twenty-five (325) feet to the point and place of beginning; having erected thereon a two (2)

story frame with aluminum siding dwelling with attached breezeway and one (1) car garage.

The above described property is more commonly known as 3915 Dunn Valley Road, Erie, Pennsylvania 16509, and is further identified by Erie County Tax Index Number (31) 8-45-11.

PROPERTY ADDRESS: 3915 Dunn Valley Road, Erie, PA 16509
 Michael T. McKeever, Esquire
 Attorney for Plaintiff
 Suite 5000 - Mellon Independence Center, 701 Market Street
 Philadelphia, PA 19106
 (215) 627-1322

Jan. 30 and Feb. 6, 13

SALE NO. 60
Ex. #14727 of 2008
Citifinancial Services, Inc.,
Plaintiff

v.

Peggy Bea Pierson
Douglas W. Pierson, Defendant(s)
DESCRIPTION

ALL THAT CERTAIN piece of parcel of land situate in the City of Erie, County of Erie and State of Pennsylvania, bounded and described as follows, to-wit: Commencing at a point in the East line of Wallace Street, one hundred twenty-seven and one-half (127.1/2) feet South of the point where the South line of Seventh Street intersects the East line of Wallace Street; thence Eastwardly parallel with Seventh Street, sixty (60) feet to a point; thence Southwardly parallel with Wallace Street, thirty (30) feet to a point in the North line of an alley; thence Westwardly along the North line of said alley and parallel with Seventh Street; sixty (60) feet to a point in the East line of Wallace Street; thence Northwardly along the East line of Wallace Street, thirty (30) feet to the place of beginning, and being part of Subdivision Nos. 34 and 35 of Erie Out Lot 581.

PROPERTY ADDRESS: 713 Wallace Street, Erie, PA 16503
 Michael T. McKeever, Esquire
 Attorney for Plaintiff
 Suite 5000 - Mellon Independence Center, 701 Market Street

Philadelphia, PA 19106
(215) 627-1322

Jan. 30 and Feb. 6, 13

SALE NO. 62

Ex. #10608 of 2008

**Countrywide Home Loans, Inc.
v.**

**Carolyn A. Cox a/k/a
Carolyn Cox and Charles L. Cox
a/k/a Charles Cox**

SHORT DESCRIPTION

By virtue of a Writ of Execution filed to No. 10608-08 Countrywide Home Loans, Inc. v. Carolyn A. Cox a/k/a Carolyn Cox and Charles L. Cox a/k/a Charles Cox
Premises: 835 East Main Street, Corry, Pennsylvania 16407

Carolyn A. Cox a/k/a Carolyn Cox and Charles L. Cox a/k/a Charles Cox, owners of property situated in the First Ward of the City of Corry, Erie County, Pennsylvania being 835 E Main St., Corry, Pennsylvania 16407.

Tax I.D. No. (5) 29-104-27

Assessment: \$ 51,773.92

Improvements: Residential Dwelling

McCabe, Weisberg and Conway, P.C.
123 South Broad Street, Suite 2080
Philadelphia, PA 19109

Jan. 30 and Feb. 6, 13

SALE NO. 63

Ex. #11407 of 2008

**Beneficial Consumer Discount
Company d/b/a Beneficial
Mortgage Company of
Pennsylvania
v.**

Henrietta Gore

SHORT DESCRIPTION

By virtue of a Writ of Execution filed to No. 11407-08 Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania v. Henrietta Gore
Henrietta Gore, owners of property situated in the City of Erie, Erie County, Pennsylvania being 2219 Harrison Street, Erie, Pennsylvania 16510.

Premises: 2219 Harrison Street, Erie, PA 16510

Tax I.D. No. 18-5140-317

Assessment: \$ 97,134.39

Improvements: Residential

Dwelling
McCabe, Weisberg and Conway, P.C.
123 South Broad Street, Suite 2080
Philadelphia, PA 19109

Jan. 30 and Feb. 6, 13

SALE NO. 64

Ex. #14393 of 2008

**Beneficial Consumer Discount
Company, d/b/a Beneficial
Mortgage Company of
Pennsylvania
v.**

**Judith K. Krahnke and
Harry Krahnke**

SHORT DESCRIPTION

By virtue of a Writ of Execution filed to No. 14393-2008 Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania v. Judith K. Krahnke and Harry Krahnke
Premises: 1319 West 30th Street, Erie, Pennsylvania 16508

Judith K. Krahnke and Harry Krahnke, owners of property situated in the City of Erie, Erie County, Pennsylvania being 1319 West 30th Street, Erie, Pennsylvania 16508.

Tax I.D. No. (19) 6223-307
Assessment: \$ 82,918.99
Improvements: Residential

McCabe, Weisberg and Conway, P.C.
123 South Broad Street, Suite 2080
Philadelphia, PA 19109

Jan. 30 and Feb. 6, 13

SALE NO. 65

Ex. #14670 of 2008

**Beneficial Consumer Discount
Company, d/b/a Beneficial
Mortgage Company of
Pennsylvania
v.**

**United States of America and
Sarah G. Lander, Administratrix
CTA of the Estate of**

**Michael N. Guzzardo, Deceased
Mortgagor and Real Owner**

SHORT DESCRIPTION

By virtue of a Writ of Execution filed to No. 14670-08 Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania v. United States of America and Sarah G. Lander, Administratrix CTA of the Estate of Michael N. Guzzardo, Deceased

Mortgagor and Real Owner
Premises: 1013 Brooks Bay, Erie, Pennsylvania 16505

Sarah G. Lander, Administratrix CTA of the Estate of Michael N. Guzzardo, Deceased Mortgagor and Real Owner, owners of property situated in the Township of Millcreek, Erie County, Pennsylvania being 1013 Brooks Bay, Erie, Pennsylvania 16505.

Tax I.D. No. 33-020-001.3-002.00

Assessment: \$ 279,709.72

Improvements: Residential Dwelling

McCabe, Weisberg and Conway, P.C.
123 South Broad Street, Suite 2080
Philadelphia, PA 19109

Jan. 30 and Feb. 6, 13

SALE NO. 66

Ex. #14859 of 2008

**The Bank of New York Mellon,
as Successor Trustee Under
Novastar Mortgage Funding
Trust 2005-2**

v.

Stephanie Parent

SHORT DESCRIPTION

By virtue of a Writ of Execution filed to No. 14859-08 The Bank of New York Mellon, as Successor Trustee Under Novastar Mortgage Funding Trust 2005-2 v. Stephanie Parent
Premises: 1250 West 20th Street, Erie, Pennsylvania 16502

Stephanie Parent, owners of property situated in the City of Erie, Erie County, Pennsylvania being 1250 West 20th Street, Erie, Pennsylvania 16502.

Tax I.D. No. (16) 3129-208
Assessment: \$ 79,617.19
Improvements: Residential Dwelling.

McCabe, Weisberg and Conway, P.C.
123 South Broad Street, Suite 2080
Philadelphia, PA 19109

Jan. 30 and Feb. 6, 13

SALE NO. 67

Ex. #14606 of 2007

**Beneficial Consumer Discount
Company d/b/a Beneficial
Mortgage Company of
Pennsylvania
v.**

Bernard J. Zomcik a/k/a

**Bernard James Zomicik a/k/a
Bernard Zomicik and
Wanda F. Zomicik a/k/a
Wanda Frances Zomicik**
SHORT DESCRIPTION

By virtue of a Writ of Execution filed to No. 14606-07 Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania v. Bernard J. Zomicik a/k/a Bernard James Zomicik a/k/a Bernard Zomicik and Wanda F. Zomicik a/k/a Wanda Frances Zomicik
Premises: 5430 Lucky Lane, Erie, Pennsylvania 16509
Bernard J. Zomicik a/k/a Bernard James Zomicik a/k/a Bernard Zomicik and Wanda F. Zomicik a/k/a Wanda Frances Zomicik, owners of property situated in the Township of Millcreek, Erie County, Pennsylvania being 5430 Lucky Lane, Erie, Pennsylvania 16509.
Tax I.D. No. 33-145-619.3-004.00
Assessment: \$ 141,032.06
Improvements: Residential Dwelling
McCabe, Weisberg and Conway, P.C.
123 South Broad Street, Suite 2080
Philadelphia, PA 19109
Jan. 30 and Feb. 6, 13

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**AUDIT LIST
NOTICE BY
PATRICK L. FETZNER**

**Clerk of Records,
Register of Wills and Ex-Officio Clerk of
the Orphans' Court Division, of the
Court of Common Pleas of Erie County, Pennsylvania**

The following Executors, Administrators, Guardians and Trustees have filed their Accounts in the Office of the Clerk of Records, Register of Wills and Orphans' Court Division and the same will be presented to the Orphans' Court of Erie County at the Court House, City of Erie, on **Monday, January 26, 2009** and confirmed Nisi.

February 19, 2009 is the last day on which Objections may be filed to any of these accounts.

Accounts in proper form and to which no Objections are filed will be audited and confirmed absolutely. A time will be fixed for auditing and taking of testimony where necessary in all other accounts.

<u>2009</u>	<u>ESTATE</u>	<u>ACCOUNTANT</u>	<u>ATTORNEY</u>
4.	Ina Mae Woods	Thomas B. Woods, Exr.	Knox McLaughlin Gornall & Sennett PC
5.	Donald J. Vandervort	Matthew L. Vandervort, Exr.	Marsh Spaeder Baur Spaeder & Schaaf LLP
6.	David L. Arnold.....	Carol S. Arnold, Exrx.	Quinn Buseck Leemhuis Toohey & Kroto Inc
7.	Cheryl L. Meyer	Christine E. Tombaugh, Exrx.	Darlene M. Vlahos
8.	Thelma Marie Musolf.....	Russell W. Musolf, Exr.	Rebecca Musolf

PATRICK L. FETZNER
Clerk of Records
Register of Wills & Orphans' Court Division

Jan. 23, 30

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 their attorneys named below.

FIRST PUBLICATION

BISHOP, HELEN MAXINE,
a/k/a **HELEN BISHOP,**
deceased

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executrix: June Elaine Peacock
Attorney: Edward P. Wittmann, Esquire, Elderkin, Martin, Kelly & Messina, 150 East 8th Street, Erie, PA 16501

CHIAPETTA, CAROLINE E.,
deceased

Late of the Millcreek Township, County of Erie, State of Pennsylvania
Executrix: Linda S. Didion, 120 West Tenth Street, Erie, PA 16501
Attorney: Jerome C. Wegley, Esquire, Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

CHIAPETTA, LOUIS S.,
deceased

Late of the Millcreek Township, County of Erie, State of Pennsylvania
Executrix: Linda S. Didion, 120 West Tenth Street, Erie, PA 16501
Attorney: Jerome C. Wegley, Esquire, Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

COFINI, ANN S.,
deceased

Late of the Township of Summit, County of Erie and Commonwealth of Pennsylvania
Executrix: Kaye L. Cofini, c/o 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508
Attorney: Darlene M. Vlahos, Esquire, 3305 Pittsburgh Avenue, Erie, PA 16508

FITZGERALD BARBARA A.,
deceased

Late of Harborcreek Township
Executrix: Nicole M. Scavo, c/o Attorney Terrence P. Cavanaugh, 3336 Buffalo Road, Wesleyville, PA 16510
Attorney: Terrence P. Cavanaugh, Esquire, 3336 Buffalo Road, Wesleyville, PA 16510

FREY, L. LEORA, a/k/a
L. LEORA COCHRAN FREY,
deceased

Late of the Township of Fairview, County of Erie, State of Pennsylvania
Executrix: Deborah A. Pieper, 3585 Shauna Drive, Fairview, Pennsylvania 16415
Attorney: James R. Steadman, Esq., 24 Main St. E., Girard, Pennsylvania 16417

GLOSSER, MARIE G.,
deceased

Late of the City of Corry, County of Erie, Commonwealth of Pennsylvania
Executrix: Linda A. Sherred, c/o Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407
Attorney: Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407

HARAS, EDMUND JOHN,
a/k/a **EDMUND J. HARAS,**
deceased

Late of the City of Erie, Commonwealth of Pennsylvania
Administrator: Richard A. Vendetti, Esquire, Vendetti & Vendetti, 3820 Liberty Street, Erie, Pennsylvania 16509
Attorney: Richard A. Vendetti, Vendetti & Vendetti, 3820 Liberty Street, Erie, Pennsylvania 16509

KIENHOLZ, ETHELDA C.,
deceased

Late of the City of Erie
Executor: Mark A. Kienholz, c/o James S. Bryan, Esq., 11 Park Street, North East, PA 16428
Attorney: James S. Bryan, Esq., Knox McLaughlin Gornall & Sennett, P.C., 11 Park Street, North East, PA 16428

LUKE, JEANNE M.,
deceased

Late of North East Township
Co-Executors: Frederick C. Luke and Douglas G. Luke, c/o James S. Bryan, Esq., 11 Park Street, North East, PA 16428
Attorney: James S. Bryan, Esq., Knox McLaughlin Gornall & Sennett, P.C., 11 Park Street, North East, PA 16428

MILLER, FRANK,
deceased

Late of Union City Boro, County of Erie and Commonwealth of Pennsylvania
Executrix: Rose Marie Miller
Attorney: Thomas J. Minarcik, Esquire, Elderkin, Martin, Kelly & Messina, 150 East 8th Street, Erie, PA 16501

MILLER, JULIA
deceased

Late of Union City Boro, County of Erie and Commonwealth of Pennsylvania
Executrix: Rose Marie Miller
Attorney: Thomas J. Minarcik, Esquire, Elderkin, Martin, Kelly & Messina, 150 East 8th Street, Erie, PA 16501

VALENTINE, FLOYD L.,
deceased

Late of the Borough of Albion
Co-Executors: Larry L. Valentine and Sally S. Valentine Kemling, c/o James S. Bryan, Esq., 11 Park Street, North East, PA 16428
Attorney: James S. Bryan, Esq., Knox McLaughlin Gornall & Sennett, P.C., 11 Park Street, North East, PA 16428

SECOND PUBLICATION

**ADAMS, VIRGINIA W.,
a/k/a DOROTHY V. ADAMS,
a/k/a VIRGINIA ADAMS,
deceased**

Late of the City of Erie, County of Erie, Pennsylvania
Executor: Richard Skinner, c/o 150 West Fifth St., Erie, PA 16507
Attorney: Colleen C. McCarthy, Esq., McCarthy, Martone & Peasley, 150 West Fifth St., Erie, PA 16507

**BERARDUCCI, ANN MARIE,
a/k/a ANN M. BERARDUCCI
and ANN BERARDUCCI,
deceased**

Late of the City of Erie, County of Erie and State of Pennsylvania
Administrators: Jacqueline S. Bongiorno and Joann Campanella, c/o 305 West Sixth Street, Erie, PA 16507
Attorney: Randy L. Shapira, Esq., 305 West Sixth Street, Erie, PA 16507

**BORGIA, JOSEPH J.,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executor: Joseph A. Borgia, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508
Attorney: Scott L. Wallen, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508

**CARTER, HELEN A.,
a/k/a HELEN CARTER,
deceased**

Late of Millcreek Township, County of Erie and Commonwealth of Pennsylvania
Administratrix: Terri L. Toy
Attorney: David J. Rhodes, Esquire, Elderkin, Martin, Kelly & Messina, 150 East 8th Street, Erie, PA 16501

**DEAK, HARRIET MELISSA,
deceased**

Late of Summit Township, County of Erie, and Commonwealth of Pennsylvania
Executor: David P. Milk, 8690 Perry Hwy., Erie, PA 16509
Attorney: Thomas S. Kubinski, Esquire, The Gideon Ball House, 135 East 6th Street, Erie, PA 16501

**FRANCIS, JUNE M.,
deceased**

Late of Millcreek Township, Erie County, Pennsylvania
Executrix: Anita M. Wilson, c/o 2580 West 8th Street, Erie, Pennsylvania 16505
Attorney: Ralph R. Riehl, III, 2580 West 8th Street, Erie, Pennsylvania 16505

**HUDY, JEANNA L., a/k/a
JEAN HUDY a/k/a GINA HUDY,
deceased**

Late of the Township of Summit, Erie County, PA
Co-Executors: Kelly M. Hudy-Boyles and William P. Boyles, 104 Chasbrier Court, Cary, NC 27518.
Attorney: None

**KNAF, ROBERT W.,
deceased**

Late of the City of Erie, Commonwealth of Pennsylvania
Executor: Benjamin F. Lydic, Jr., c/o Anthony Angelone, Esquire, 3820 Liberty Street, Erie, PA 16509
Attorney: Anthony Angelone, Esquire, Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

**KORYNOSKI, VIOLET M., a/k/a
VIOLET MECCI KORYNOSKI,
deceased**

Late of the Township of Fairview, County of Erie, State of Pennsylvania
Executor: William N. Korynoski, PO Box 112, Lake City, Pennsylvania 16423
Attorney: James R. Steadman, Esq., 24 Main St. E., Girard, Pennsylvania 16417

**LOSCALZO, VINCENT J.,
deceased**

Late of Millcreek Township, County of Erie, Pennsylvania
Executor: Michael B. Loscalzo, c/o 150 West Fifth Street, Erie, PA 16507
Attorney: Colleen C. McCarthy, Esq., McCarthy, Martone & Peasley, 150 West Fifth St., Erie, PA 16507

**MARKIEWICZ, FRANK J.,
deceased**

Late of the City of Erie
Administrators: Karen Couse and Christine Simu
Attorneys: Marsh Spaeder Baur Spaeder & Schaaf, LLP, Will J. Schaaf, Esquire, Attorneys at Law, Suite 300, 300 State Street, Erie, PA 16507

**MEYER, ROBERT J.,
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Administratrix: Christine E. Tombaugh, c/o 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508
Attorney: Darlene M. Vlahos, Esquire, 3305 Pittsburgh Avenue, Erie, PA 16508

**RODNEY, JAMES P.,
deceased**

Late of the Township of Harborcreek, County of Erie, and Commonwealth of Pennsylvania
Executrix: Susan M. Stroz, c/o Joseph A. Yochim, Esq., 345 West 6th Street, Erie, PA 16507
Attorney: Joseph A. Yochim, Esq., Yochim & Nash, 345 West 6th Street, Erie, PA 16507

**SCHWARTZ, MILDRED J.,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executor: Frank R. Schwartz, Jr., c/o William J. Schaaf, Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorneys: Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, William J. Schaaf, Esq., Suite 300, 300 State Street, Erie, PA 16507

**SIITERSON, MARY E.,
a/k/a MARY LUCHANSKY
SIITERSON,
deceased**

Late of Lawrence Park Township, County of Erie and Commonwealth of Pennsylvania
Executor: PNC Bank National Association
Attorney: Thomas J. Minarcik, Esquire, Elderkin, Martin, Kelly & Messina, 150 East 8th Street, Erie, PA 16501

**TEIXEIRA, IDA MAY,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executrix: Denise DiGiacomo, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506
Attorney: Colleen R. Stumpf, Esquire, Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**WATKINS, ROGER,
deceased**

Late of Erie County
Co-Administrators: Melissa A. Watkins and Roger J. Watkins
Attorney: Stanley G. Berlin, Esquire, Shapira, Hutzelman, Berlin, Ely, Smith and Walsh, 305 West 6th Street, Erie, PA 16507

THIRD PUBLICATION

**BLACKWOOD, JAMES E.,
deceased**

Late of the Borough of Edinboro, Commonwealth of Pennsylvania
Executrix: Nancy Bird-Blackwood, c/o Anthony Angelone, Esquire, 3820 Liberty Street, Erie, PA 16509
Attorney: Anthony Angelone, Esquire, Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

**CLARK, LILLIAN MAE, a/k/a
LILLIAN M. CLARK,
deceased**

Late of the Township of Fairview, County of Erie, State of Pennsylvania
Executrix: Marylou Partington, 7567 Anchor Drive, Fairview, Pennsylvania 16415
Attorney: James R. Steadman, Esq., 24 Main St. E., Girard, Pennsylvania 16417

**CULBERTSON, OLIVE P.,
deceased**

Late of Millcreek Township
Executor: Gary W. Culbertson, 18909 Haida Road, Apple Valley, CA 92307-5301
Attorney: Jack M. Gornall, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**EDWARDS, GERALD L., a/k/a
GERALD LEROY EDWARDS,
a/k/a GERALD EDWARDS,
deceased**

Late of Union City Borough, Erie County, Pennsylvania
Executor: Melvin Edwards, c/o Paul J. Carney, Jr., Esquire, 43 North Main Street, Union City, Pennsylvania 16438
Attorney: Paul J. Carney, Jr., Esquire, 43 North Main Street, Union City, Pennsylvania 16438

**MARTIN, MILDRED T.,
deceased**

Late of the Township of Harborcreek, County of Erie and Commonwealth of Pennsylvania
Executrix: Betty Korrell, c/o William J. Schaaf, Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorney: William J. Schaaf, Esq., Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, Suite 300, 300 State Street, Erie, PA 16507

**SHENKER, DOLORES C.,
deceased**

Late of the Township of Harborcreek, County of Erie and Commonwealth of Pennsylvania
Executor: James E. Marsh, Jr., Esquire, c/o Marsh, Spaeder, et al., Suite 300, 300 State Street, Erie, PA 16507
Attorney: James E. Marsh, Jr., Esq., Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, Suite 300, 300 State Street, Erie, PA 16507

**WARUSZEWSKI, HELENE,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executor: Chester F. Waruszewski, c/o 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508
Attorney: Darlene M. Vlahos, Esquire, 3305 Pittsburgh Avenue, Erie, PA 16508

CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS





Lee S. Acquista ----- (814) 835-2121
 Acquista Law Office ----- (f) (814) 835-0401
 2525 West 26th Street, Suite 203
 Erie, PA 16506 ----- *leeacquista@acquistalawfirm.com*

John F. Mizner ----- (814) 480-5747
 The Renaissance Center
 1001 State Street, Suite 1400
 Erie, PA 16501

Carolyn E. Gold ----- (814) 451-6200
 Gaming Revenue Manager
 Erie County Court House
 140 West Sixth Street
 Erie, PA 16501 ----- *cgold@eriecountygov.org*

Firm Name Change

Yochim, Skiba, Johnson & Nash is now **Yochim & Nash**
 Bryan & Bryan is now a branch of **Knox, McLaughlin, Gornall & Sennett, P.C.**

 REAL ESTATE ANALYSTS APPRAISERS • CONSULTANTS		Raymond J. Sammartino, MAI, SRA Robert G. Stout, MAI 	
<p>Sammartino & Stout, Inc. is committed to providing regional real estate valuation and consulting expertise which meets or exceeds our clients' expectations in a timely, concise, and reliable manner.</p>			
<p>State certified general appraisers in Pennsylvania, Ohio, and New York.</p> <p>We provide real estate valuation and consulting expertise for:</p> <ul style="list-style-type: none"> • Bankruptcy • Eminent Domain (Condemnation) • Tax Appeal • Litigation Support • Mortgage Underwriting <p>Sammartino & Stout, Inc. subscribes to the Code of Ethics and Uniform Standards of Professional Appraisal Practice (USPAP) as promulgated by the Appraisal Institute, assuring our clients of the highest standards in valuation and consulting services.</p> <p style="display: flex; justify-content: space-between;">1001 State Street, Ste 1100, Erie, PA 16501 814-456-2900, Fax (814) 456-8070</p> <p style="display: flex; justify-content: space-between;">www.sas-rea.com rsam@sas-rea.com</p> <p style="text-align: center; font-style: italic;">To acquire the designation MAI, an appraiser must complete numerous courses, perform acceptable appraisal work for a specific period of time, prepare a demonstration narrative appraisal report, and receive a passing grade on a comprehensive examination.</p>			

Erie County Bar Association

Videoconferencing Services

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HOW DO I FIND A VIDEOCONFERENCING SITE IN THE CITY WHERE THE OTHER PARTY IS LOCATED?

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DO I HAVE TO OPERATE ANY EQUIPMENT DURING A VIDEOCONFERENCE?

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For the Public, the Erie County Bar Association charges \$215/hour during business hours of Monday-Friday, 8:30 a.m. - 5:00 p.m. Rates are \$270/hour for conferences within 2 hours before or 4 hours after regular business hours. These rates are for the ECBA receiving a videoconference call initiated by the another site. If we initiate the call, add \$75/hour.

Optional services/fees:

- \$25 - VHS tape of conference
- \$25/hour - use of conference room before and/or after videoconference

Contact the Erie County Bar Association for further details or to schedule a demonstration. (814) 459-3111 or admin@eriebar.com

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