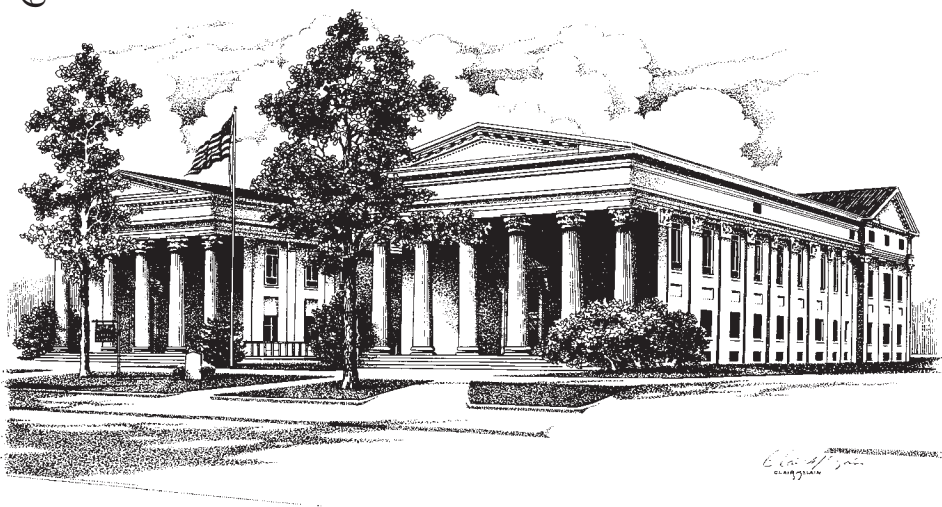


Erie County Legal Journal

February 20, 2009

Vol. 92 No. 8

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Bull v. Clark

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

PLEASE NOTE: NOTICES MUST BE RECEIVED AT THE ERIE COUNTY BAR ASSOCIATION OFFICE BY 3:00 P.M. THE FRIDAY PRECEDING THE DATE OF PUBLICATION.

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Erie County Bar Association

Calendar of Events and Seminars

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)

THURSDAY, FEBRUARY 26, 2009

Dealing with the Problem Employee

PBI Groupcast Seminar
Bayfront Convention Center
12:00 p.m. - 4:15 p.m.

\$214 (member) \$194 (admitted after 1/1/05)
\$234 (nonmember)
3 hours substantive (lunch included)

Early Registration - If you register more than 2 days before this presentation you will qualify for this Early Registration Fee:
\$189 (member) \$169 (admitted after 1/1/05) \$209 (nonmember)

FRIDAY, FEBRUARY 27, 2009

Anatomy of a QDRO

ECBA Live Seminar
Jr's on the Bay

2:00 p.m. - 4:00 p.m. (cocktails to follow)
\$54 (ECBA members/staff) \$79 (nonmember)
2 hours substantive

TUESDAY, MARCH 3, 2009

An Introduction to E-Discovery

ECBA Live Seminar
Bayfront Convention Center
8:30 a.m. - 10:30 a.m.

\$54 (ECBA member/staff) \$79 (nonmember)
2 hours substantive

FRIDAY, MARCH 3, 2009

5th Annual "Pool) Halls of Justice"

Pool Tournament
Andy's Gold Crown Billiards
7:00 p.m. - 10:00 p.m.

\$20 per person/\$40 per team

Event is open to all ECBA members and guests

THURSDAY, MARCH 12, 2009

Trial of a Low Impact Auto Law Case

PBI Video Seminar
Bayfront Convention Center
9:00 a.m. - 4:00 p.m.

\$129 (member) \$109 (admitted after 1/1/05)
\$149 (nonmember)
6 hours substantive

THURSDAY, MARCH 12, 2009

Federal Court Practice: The Good, the Bad and the Ugly

ECBA Live Seminar
Bayfront Convention Center
12:00 p.m. - 3:00 p.m.

\$81 (ECBA member/staff) \$119 (nonmember)
3 hours substantive

FRIDAY, MARCH 13, 2009

Tough Problems in Workers Comp

PBI Groupcast Seminar
Bayfront Convention Center
8:25 a.m. - 12:15 p.m.

\$224 (member) \$204 (admitted after 1/1/05)
\$244 (nonmember)

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)
3.5 hours substantive

WEDNESDAY, MARCH 18, 2009

Advanced Issues in Realty Transfer Tax

PBI Groupcast Seminar
Bayfront Convention Center
12:00 p.m. - 3:15 p.m.

LUNCH INCLUDED
\$214 (member) \$194 (admitted after 1/1/05)
\$234 (nonmember)

Early Registration - If you register more than 2 days before this presentation you will qualify for this Early Registration Fee:
\$189 (member) \$169 (admitted after 1/1/05) \$209 (nonmember)
3 hours substantive

2009 BOARD OF DIRECTORS

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DEBORAH S. BULL, Plaintiff

v.

DAVID L. CLARK, Defendant

FAMILY LAW / DIVORCE / COMMON LAW MARRIAGE

In PA a common-law marriage contracted before January 1, 2005 is a valid marriage.

FAMILY LAW / DIVORCE / COMMON LAW MARRIAGE

A common-law marriage can only be created by an exchange of words in the present tense, spoken with the specific purpose that the legal relationship of husband and wife is created by said exchange.

FAMILY LAW / DIVORCE / COMMON LAW MARRIAGE

A written common-law marriage statement stating the intent of the parties to be legally married executed for the purpose of obtaining health insurance is admissible and probative evidence of common-law marriage.

FAMILY LAW / DIVORCE / COMMON LAW MARRIAGE

When faced with contradictory evidence of intent the Court may consider evidence of constant cohabitation and reputation of marriage in determining common-law marriage.

FAMILY LAW / DIVORCE / COMMON LAW MARRIAGE

Portraying themselves as married on documents such as cell phone and cable service agreements and tax returns is evidence of intent of common-law marriage.

FAMILY LAW / DIVORCE / COMMON LAW MARRIAGE

Parties announcing themselves as Mr. and Mrs. on Christmas cards and in wedding announcements is evidence of intent of common-law marriage.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY,
PENNSYLVANIA NO. 11474-2008 AND NS200800616
PACES NO. 472109932

Appearances: Jennifer B. Hirneisen, Esq., Attorney for Plaintiff
James H. Richardson, Jr., Esq., Attorney for Defendant

OPINION

Kelly, Elizabeth K., President Judge

October 10, 2008: This divorce matter is before the Court by referral from a support conference officer for determination of whether a valid common law marriage exists between Debora S. Bull and David L. Clark.

BACKGROUND

Mr. Clark and Ms. Bull met in 1987. *See* N.T., August 1, 2008, at 6; *see also* N.T. August 25, 2008 at 56. They began dating in February of 1989. *See* N.T., August 1, 2008, at 6. In August of 1992, the couple began residing together. *See* N.T., August 1, 2008 at 6.

Ms. Bull testified that, beginning in 1994, Mr. Clark began introducing her as his wife and Ms. Bull began introducing him as her husband. *See* N.T., August 1, 2008 at 7, 10 and 31; *see also* N.T. August 25, 2008 at 27-28. Mr. Clark testified that he never introduced Ms. Clark as his wife and he never held her out as his wife. *See* N.T., August 25, 2008 at 68. Contrary to Mr. Clark's assertions, but consistent with the testimony of Ms. Bull, the parties began to portray themselves as husband and wife. For example, for the 1995 tax year, the parties had a tax filing status of "married filing jointly." *See* Exhibit 2. Similarly, Mr. Clark, on a Cuna Mutual Group Certificate of Insurance with an April 1, 1995 effective date, designated Ms. Bull as the beneficiary of his life insurance. *See* Exhibit D; *see also* N.T., August 1, 2008 at 12 and 39-40.

Thereafter, on November 5, 1996, Mr. Clark and Ms. Bull signed a Common Law Marriage Statement before a notary public at Snap-tite, Inc, the family-owned business owned by the Clark family. *See* N.T., August 1, 2008 at 7-9. The Statement provides:

We David L. Clark and Debora S. Bull of 4500 Old State Rd. McKean, PA 16426, do hereby declare that we are living together as husband and wife and intend to be considered legally married for all purposes under the laws of the Commonwealth of Pennsylvania. We acknowledge that our marriage can only be dissolved by death, annulment or divorce.

Exhibit A. As Ms. Bull testified, the parties signed the Statement to legalize their relationship and to give Ms. Bull the benefit of Mr. Clark's health insurance. *See* N.T., August 1, 2008 at 8-9, 31, and 36-37.

Subsequent to signing the Common Law Marriage Statement, the parties represented to multiple entities and individuals, not just Mr. Clark's health insurer, that they were husband and wife. For example, on June 18, 1999, Mr. Clark signed an application for insurance with First Colony Life Insurance Company describing himself as married and listing Ms. Bull as his spouse and the primary beneficiary of the policy. *See* Exhibit E; *see also* N.T., August 1, 2008 at 12-13 and N.T., August 25, 2008 at 78-79, 83-84. Similarly, Ms. Bull, on July 10, 2001 signed a life insurance policy with The Penn Mutual Life Insurance Company listing Mr. Clark as her husband and contingent beneficiary on the policy. *See* Exhibit F; N.T., August 1, 2008 at 13-15. Moreover, Ms. Bull and Mr. Clark jointly signed a Mortgage, dated September 11, 2001, as husband and wife. *See* N.T., August 1, 2008 at 17-21 and N.T., August 25, 2008 at 79-80 and 84; *see also* Exhibits I and J. In addition, Mr. Clark and Ms. Bull filed joint tax returns for the years 2003 through 2007 as a married couple.¹ *See* N.T., August 1, 2008

¹ A representation was made to the Court that tax returns were filed jointly since 1995, although, only returns from 2003 through 2007 were introduced as evidence.

at 10; *see also* Exhibit B. Mr. Clark and Ms. Bull also maintain a joint savings account with Community National Bank. *See* N.T., August 1, 2008 at 15-16 and 40-41; *see also* Exhibit G. Furthermore, the parties maintain a joint automobile insurance policy. *See* N.T. August 1, 2008 at 16-17; *see also* Exhibit H.

As a further representation of marital status, the parties, often identified Ms. Bull by using Mr. Clark's surname.² *See* N.T., August 1, 2008 at 21-22; *see also* Exhibits K, M and N. For example, Ms. Bull, on June 13, 2007, signed a Dish Network Service Agreement as "Debora S. Clark." *See* Exhibit M. Similarly, Mr. Clark set up cellular phone service for Ms. Bull under the name "Debora Clark." *See* N.T., August 1, 2008 at 24; *see also* Exhibit N. Moreover, the parties sent and received personal greetings, including Christmas cards, as "Mr. and Mrs." Clark. *See* N.T. August 1, 2008 at 26-31; *see also* N.T. August 25, 2008 at 44 and 50-51; *see also* Exhibits Q, R, S, and T. Similarly, in 2006, the parties were announced to all of the guests present at Ms. Bull's son's wedding reception as "Mr. and Mrs. David Clark." *See* N.T. August 25, 2008 at 28-29.

Mr. Clark and Ms. Bull separated in December of 2007. *See* N.T., August 1, 2008 at 6. On March 24, 2008, Ms. Bull filed a Complaint in Divorce Under Section 3301(C) of the Divorce Code alleging entitlement to a divorce on the grounds that the marriage is irretrievably broken and requesting equitable distribution of marital property. Thereafter, on April 4, 2008, Ms. Bull filed a Complaint for Support requesting spousal support, alimony *pendente lite*, medical/dental coverage, and mortgage assistance. At the support conference, Mr. Clark challenged the validity of the marriage, which Ms. Bull contends is a valid common law marriage. The conference officer referred the matter to the Court for a determination on the validity of the marriage.

DISCUSSION

In Pennsylvania, any common-law marriage contracted on or before January 1, 2005 is a valid marriage³. *See* 23 Pa.C.S.A. 1103. Pennsylvania law provides:

A common law marriage can only be created by an exchange of words in the present tense, spoken with the specific purpose that the legal relationship of husband and wife is created by such exchange. *Staudenmayer v. Staudenmayer*, 552 Pa. 253, 714 A.2d 1016 (Pa. 1998).

² Ms. Bull did not, however, formally change her legal name to Debora Clark because Mr. Clark was previously married to a Debora Clark. *See* N.T., August 1, 2008 at 21. Mr. Clark was upset that Ms. Bull retained her ex-husband's last name. *See* N.T., August 25, 2008 at 69.

³ The legislature amended the Domestic Relations Code to abolish common law marriages in Pennsylvania. *See* 23 Pa.C.S.A. §1103. The amendment does not impact the present matter as the alleged marriage took place prior to January 1, 2005.

Bell v. Ferraro, 849 A.2d 1233, 1235 (Pa. Super. 2004). The proponent of the marriage has the burden of proving a common law marriage. *Id.* A specific form of words is not required. *See Staudenmayer v. Staudenmayer*, 714 A.2d 1016, 1020 (Pa 1998). It is, however, essential to prove that there was an agreement to enter into the legal relationship of marriage at the present time. *See id.* An Affidavit of Common Law Marriage is admissible and probative evidence, although, it is not irrebuttable evidence. *See Bell v. Ferraro*, 849 A.2d 1233, 1235 (Pa. Super. 2004).

Mr. Clark and Ms. Bull signed a Common Law Marriage Statement declaring their living arrangement as that of husband and wife, stating their intent to be legally married, and acknowledging that their marriage could only be dissolved by death, annulment or divorce. Specifically, the parties made the present tense statement that "we...do hereby declare that we are living together as husband and wife and intend to be considered legally married....." They further announced their intention to be legally married through their pronouncement that: "[w]e acknowledge that our marriage can only be dissolved by death, annulment or divorce." Accordingly, the present exchange of words with the intent of the parties to marry is clear from the document alone.

Nevertheless, Mr. Clark asserts that adding Ms. Bull to his health insurance was the document's exclusive purpose. *See N.T.*, August 25, 2008 at 60-65. Ms. Bull agrees that medical insurance was one reason for signing the document, however, she further testified that the parties wished to formalize their arrangement as husband and wife. Because the court is faced with contradictory testimony regarding intent, it may consider evidence of constant cohabitation and reputation regarding the marriage. *See Staudenmayer v Staudenmayer*, 714 A.2d 1016, 1021 (Pa. 1998).

The evidence presented supports Ms. Bull's position that, beyond the benefit of adding her to Mr. Clark's health insurance, the parties intended to enter into a relationship as husband and wife. First, subsequent to signing the Statement, the parties represented, in far more forums than just health insurance, that they were husband and wife. They not only signed major financial documents such as insurance papers, tax returns and mortgage papers as husband and wife, but they also portrayed themselves as married on less significant documents like cell phone and cable service agreements. While Mr. Clark represented to the Court that the parties filed joint tax returns exclusively for the economic benefit, the fact that the parties acted as husband and wife even in insignificant arenas such as cable television agreements discredits Mr. Clark's position. The Court further notes that finding otherwise would indicate that the parties used the Common Law Marriage Statement to open the door to defraud not only the insurance company, but also the IRS and financial

institutions. Rather than engaging in such widespread wrongful acts, the Court believes that the parties signed such documents as a married couple because they intended, on November 5, 1996, to establish the relationship of husband and wife.

Moreover, while they may not have made their marriage a topic of conversation with each and every one of their friends and family members, the parties acted as a married couple. For example, they generally announced their relationship through sending out Christmas cards as "Mr. and Mrs." and by being announced at a family member's wedding as "Mr. and Mrs. David Clark."

As a final note, despite quick resolution of Ms. Bull's health problems, the parties never attempted to revoke the Common Law Marriage Statement. *See* N.T., August 25, 2008 at 77, 81-82.

Considering all of their actions as husband and wife, it simply does not make sense that Mr. Clark and Ms. Bull signed the Common Law Marriage Statement simply for the benefit of health insurance. In that respect, the Court does not find credible Mr. Clark's testimony that the Common Law Marriage Statement was intended solely to allow Ms. Bull to be added to his health insurance. Instead, Ms. Bull and Mr. Clark intended, on November 5, 1996, to enter a relationship as husband and wife.

In a further attempt to rebut the Common Law Marriage Statement, Mr. Clark testified that Ms. Bull rejected two marriage proposals that he extended to her, one of which was after the parties signed the Statement. *See* N.T. August 25, 2008 at 58-60. Mr. Clark's assertion contradicts his testimony that, after he divorced his first wife, he developed and maintained the position that he would never again get married. *See* N.T., August 28, 2008 at 55. Mr. Clark's testimony was simply not credible.

Even though the need for health insurance was a motivating factor for the Common Law Marriage Statement, it does not take away from each party's intent to enter into the legal relationship of husband and wife. Specifically, the Pennsylvania Supreme Court held that, in considering the validity of a common law marriage, the reason underlying the decision to marry is not relevant to the intention to marry. *See In re Estate of Gower*, 284 A.2d 742, 743 (Pa. 1971). In *Gower*, the parties, who had been living together for ten years after Ms. Gower's divorce, appeared before the Selective Service Board and executed a document declaring that they were common law spouses in order for the alleged husband to avoid military service.⁴ The *Gower* Court found that because

⁴ The document stated, in relevant part, that :

"For the purpose of establishing marriage status for consideration of Selective Service Board No. 1 and thereby request and secure deferred classification based on a claim for dependents in order to avoid conscription for military service, I William Charles Gulick, hereby say and declare that I consider and regard

the document demonstrated a present intent of the parties to accept each other as husband and wife, the purpose of establishing marriage in order to avoid military service did not invalidate an otherwise valid common law marriage. *Id.* at 743-44. The document alone established by clear and convincing evidence that a marriage existed and, therefore, the court did not consider whether proof of cohabitation and reputation corroborated or independently established the validity of the marriage. *Id.* at 744.

As a result, Ms. Bull produced clear and convincing evidence of the exchange of words in the present tense stated with the purpose of establishing a marital relationship. Accordingly, the Court finds that, on November 5, 1996, Mr. Clark and Ms. Bull entered into a common law marriage.

BY THE COURT:

/s/ **ELIZABETH K. KELLY,**
PRESIDENT JUDGE

⁴ continued

Ada Gower Gulick, nee Ada Gower, as my wife and as such I have heretofore, likewise do now, and will forever hereafter, assume all of her living expenses and provide her with the necessities of life, as well as endow her with full rights and all privileges of a wife, together with a wife's legal right to, and interest in, whatsoever property I am now possessed of or should hereafter acquire."

"Be it known, and I hereby further declare that I have always regarded Ada Gower Gulick (Ada Gower), as my (common-law) wife ever since and during our entire cohabitation began in 1930 and which has continued without interruption to date, pursuant to an understanding by and between us that we are in all respects to be husband and wife...."

"I Ada Gower Gulick, nee Ada Gower, have read the declaration and statements of my husband, William Charles Gulick, as herein contained, which are made for the purpose of establishing marriage status before, and for the consideration of, the Selective Service Board, and I hereby subscribe to his statements in every particular and respect."

In re Estate of Gower, 284 A.2d 742, 743 (Pa. 1971)

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania

No. 10165-2009

In Re: Osmin Obed Hagerty, a minor

Notice is hereby given that on January 15, 2009, the Petition of Charles and Aimee Hagerty was filed in the above named Court requesting to change the name of Osmin Obed Hagerty, a minor, to Alex Osmin Eric Hagerty.

The Court has fixed March 3, 2009, at 9:00 A.M. in Courtroom No. H on the 2nd floor at the Erie County Courthouse, 140 W. 6th St., Erie, PA 16501 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 petitioners should not be granted.

Feb. 20

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania

No. 10482-09

In Re: Tyler Kinnear

Notice is hereby given that on January 30, 2009, the Petition of Tyler Kinnear was filed in the above named Court requesting to change his name to Tyler Jarrett. The Court has fixed March 19, 2009, at 8:45 A.M. in Courtroom No. H on the 2nd floor at the Erie County Courthouse, 140 W. 6th St., Erie, PA 16501 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.

Feb. 20

FICTITIOUS NAME NOTICE

Pursuant to Act 295 of December 16, 1982 notice is hereby given of the intention to file with the Secretary of the Commonwealth of Pennsylvania a "Certificate of Carrying On or Conducting Business Under an Assumed of Fictitious Name." Said Certificate contains the following information:

FICTITIOUS NAME NOTICE

1. Fictitious Name: CLAY Team Sports Ministry

2. Principal business office: 2919 Bement Street, Erie, PA 16506

3. Names and addresses of the persons party to the registration: Right Choice Today, Inc., 2919 Bement Street, Erie, PA 16506

4. An application for registration of the fictitious name was filed in the office of the Department of State of the Commonwealth of Pennsylvania on February 3, 2009.

Scott E. Miller, Esq.
246 West Tenth Street
Erie, PA 16501

Feb. 20

FICTITIOUS NAME NOTICE

1. Fictitious Name: Leon Construction

2. Principal business office: 1153 East Grandview Blvd., Erie, PA 16504

3. Names and addresses of the persons party to the registration: Leonid Kokhanevich, 1153 East Grandview Blvd., Erie, PA 16504

4. An application for registration of the fictitious name was filed with the Department of State of the Commonwealth of Pennsylvania on or about February 9, 2009.

Feb. 20

FICTITIOUS NAME NOTICE

1. Fictitious Name: Right Choice Today Consulting

2. Principal business office: 2919 Bement Street, Erie, PA 16506

3. Names and addresses of the persons party to the registration: Right Choice Today, Inc., 2919 Bement Street, Erie, PA 16506

4. An application for registration of the fictitious name was filed in the office of the Department of State of the Commonwealth of Pennsylvania on February 3, 2009.

Scott E. Miller, Esq.
246 West Tenth Street
Erie, PA 16501

Feb. 20

INCORPORATION NOTICE

"Gloskey Farms, Inc." has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

Gary H. Nash, Esquire
Yochim & Nash
345 West Sixth Street
Erie, PA 16507

Feb. 20

INCORPORATION NOTICE

Notice is hereby given that Lake City Manufacturing and Service Center, Inc. has been incorporated under the provisions of the Business Corporation Law of 1988, as amended.

James R. Steadman, Esquire
24 Main Street East
P.O. Box 87
Girard, PA 16417

Feb. 20

INCORPORATION NOTICE

Notice is hereby given that Articles of Incorporation have been filed with the Pennsylvania Department of State for The O2 Skate Arena Company, which has been incorporated under the Business Corporation Law of 1988.

William J. Schaaf, Esq.
Marsh Spaeher Baur Spaeher & Schaaf, LLP
Suite 300, 300 State Street
Erie, PA 16507
(814) 456-5301

Feb. 20

ORGANIZATION NOTICE

Notice is hereby given that Standard Home Sales, LLC has been organized under the provisions of the Business Corporation Law of 1988.

Craig A. Zonna, Esq.
Elderkin, Martin, Kelly & Messina
150 E. 8th St.
Erie, PA 16501

Feb. 20

LEGAL NOTICE

IN THE COURT OF COMMON PLEAS OF THE 6TH JUDICIAL DISTRICT OF PENNSYLVANIA
ERIE COUNTY
CIVIL DIVISION

The Salvation Army, A New York Corporation, Plaintiff
v.

Catherine M. Elston, and her heirs, successors, personal representatives and assigns, Defendants
No. 10354 of 2009

TO: Catherine M. Elston, and her heirs, successors, personal representatives and assigns

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so





that this case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property rights important to you. You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below. This office can provide you with information about hiring a lawyer.

Lawyers Referral Service
PO Box 1792
Erie, Pennsylvania 16507
(814) 459-4411

Notice is hereby given that an action has been commenced in this Court on the Complaint of The Salvation Army, a New York Corporation, against Catherine M. Elston, her heirs, successors, personal representatives and assigns to Quiet Title of the real property described therein. The property is located in the City of Corry, County of Erie,

State of Pennsylvania bearing the Map Identification Number 6-22-94-19 and being more commonly known as 152 Park Street, Corry, Pennsylvania 16407. The Erie County Court has ordered that Notice of the action may be given by Publication so that title to the property may be adjudicated. The Complaint requests the Court to decree that title to the property is free and clear of any claim or interest of said Defendants, their heirs and assigns, and anyone claiming by, through or under them and that the said Defendants be barred by asserting any right, title and interest in and to the property inconsistent with the interest and claim of the Plaintiff unless an action in ejectment is brought within thirty (30) days of the Court's Order. Joan M. Fairchild, Esquire Attorney for Plaintiff
132 North Center Street
Corry, Pennsylvania 16407
(814) 665-9212

Feb. 20

 <p>SAMMARTINO & STOUT, INC. REAL ESTATE ANALYSTS APPRAISERS • CONSULTANTS</p>		<p>Raymond J. Sarmmartino, MAI, SRA Robert G. Stout, MAI</p> 	
<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>			
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<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 			
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<p>1001 State Street, Ste 1100, Erie, PA 16501 814-456-2900, Fax (814) 456-8070 www.sas-rea.com rsam@sas-rea.com</p>			
<p><i>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.</i></p>			

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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, February 23, 2009** and confirmed Nisi.

March 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>
28.	Grace L. Ulan	Sally A. Ulan, Exrx.	Knox McLaughlin Gornall & Sennett PC
29.	Andrew P. De Dionisio	Diane M. Davies, Exrx.	Prenatt & Richmond
30.	Mae E. Woelky	I. John Dunn, Exr.	Quinn Buseck Leemhuis Toohey & Kroto Inc.
31.	Benny S. Donatucci aka Bernardino Donatucci.....	Mayme D. Gigl, Exrx.	Darlene M. Vlahos
32.	Albert L. Szocki.....	Patricia Szocki, Admr.	Yochim Skiba Johnson & Nash
33.	William Emil Musolf	Russell W. Musolf, Exr.	Rebecca Musolf

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

Feb. 20, 27

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

**BYRD, HELEN M.,
deceased**

Late of the Township of Millcreek,
Executor: Robert E. Byrd, c/o Malcolm L. Pollard, 4845 W. Lake Rd., Erie, PA 16505
Attorney: Malcolm L. Pollard, Esq., 4845 W. Lake Rd., Erie, PA 16505

**DYLEWSKI, STANLEY M.,
a/k/a STANLEY DYLEWSKI,
deceased**

Late of the Township of Fairview, County of Erie, State of Pennsylvania
Administratrix: Mary Ann Sunseri, 1402 West 51st Street, Erie, Pennsylvania 16509
Attorney: James R. Steadman, Esq., 24 Main St. E., Girard, Pennsylvania 16417

**KESSLER, NORMA M.,
a/k/a NORMA KESSLER,
deceased**

Late of Erie, Millcreek Township, Pennsylvania
Executrix: Danielle Lang, 9329 Tamarack Drive, Meadville, PA 16335
Attorney: Charles J. Swick, Esquire, Shafer Law Firm, 360 Chestnut Street, Meadville, PA 16335-3284

**MALINOWSKI, ROBERT J.,
a/k/a ROBERT JOSEPH
MALINOWSKI,
deceased**

Late of the City of Erie, Erie County, Pennsylvania
Executor: Lawrence Wolf, C2 Manchester House, Meadville, PA 16335
Attorney: R. Charles Thomas, Esquire, Thomas, Spadafore, Walker & Keenan, LLP, 935 Market Street, Meadville, PA 16335

**ROCKI, FLORENCE M.,
a/k/a FLORENCE ROCKI,
deceased**

Late of the City of Erie, County of Erie and State of Pennsylvania
Executor: Robert J. Rocki, 315 Averlon Avenue, Erie, PA 16509
Attorney: Ronald J. Susmarski, Esq., 4030-36 West Lake Road, Erie, PA 16505

**WAKELEY, GERALDINE M.,
a/k/a GERALDINE MARCELLA
WAKELEY,
deceased**

Late of the Township of Harborcreek, County of Erie and Commonwealth of Pennsylvania
Executor: Donald A. Wakeley, c/o W. Atchley Holmes, Esquire, 3820 Liberty Street, Erie, PA 16509
Attorney: W. Atchley Holmes, Esquire, Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

**WISNIEWSKI, REGINA R.,
a/k/a REGINA ROSEMARY
WISNIEWSKI,
deceased**

Late of the Township of Lawrence Park, County of Erie, and Commonwealth of Pennsylvania
Co-Executors: Edward P. Wisniewski, 613 Burkhardt Avenue, Erie, PA 16511 and Frank T. Wisniewski, 2411 Lakeside Drive, Erie, PA 16511
Attorney: Robert E. McBride, Esquire, 32 West Eighth Street, Suite 600, Erie, Pennsylvania 16501

**WITKOWSKI, ANNA K.,
deceased**

Late of the City of Erie, Commonwealth of Pennsylvania
Executrix: Carol A. Wagner, c/o Anthony Angelone, Esquire, 3820 Liberty Street, Erie, PA 16509
Attorney: Anthony Angelone, Esquire, Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

SECOND PUBLICATION

**ARCHER, MARY M.,
deceased**

Late of the City of Erie
Executor: Louis A. Colussi
Attorney: Louis A. Colussi, Esq., 925 French Street, Erie, PA 16501

**BAGEL, THOMAS J.,
deceased**

Late of the City of Erie
Executor: Thomas N. Crozier, 2511 Cabot Avenue, Erie, PA 16511
Attorney: Al Lubiejewski, Esq., 402 West Sixth Street, Erie, Pennsylvania 16507

**BOGERT, KATHLEEN MARY,
deceased**

Late of North East Borough, Erie County, North East, Pennsylvania
Executors: Lois M. Field and Christopher M. Bogert, c/o Edward Orton, 33 East Main Street, North East, Pennsylvania 16428
Attorney: Edward Orton, Esquire, Orton & Jeffery, P.C., 33 East Main Street, North East, Pennsylvania

**BONAMINIO, MARY ANN,
deceased**

Late of the Township of Millcreek, County of Erie, Pennsylvania
Executor: Arthur P. Bonaminio, 412 Marshall Drive, Erie, PA 16505
Attorney: Deanna L. Heasley, Esquire, 337 West Sixth Street, Erie, PA 16507

**BRASINGTON, EDWARD JR.,
a/k/a EDWARD J.
BRASINGTON, JR.,
deceased**

Late of the City of Erie
Executor: Charles M. Brasington
Attorney: Bruce W. Bernard,
Esquire, Bernard & Stuczynski,
234 West Sixth Street, Erie, PA
16507-1319

**GRIFFITH, FREDERICK W.,
a/k/a FREDERICK GRIFFITH,
deceased**

Late of the City of Erie, County
of Erie
Executors: Dianne J.
Chrzanowski, 512 Plain Center
Avenue, NE, Canton, OH 44714 and
Karen A. Hofius, 3271 Hartman
Road, Erie, Pennsylvania 16510
Attorney: Kari A. Froess, Esquire,
Carney & Good, 254 West Sixth
Street, Erie, Pennsylvania 16507-
1398

**HASSEL, SIDNEY E., JR.,
deceased**

Late of the City of Waterford,
Pennsylvania
Executor: Sidney E. Hassel, III,
c/o Thomas C. Hoffman II, Esq.,
120 West 10th Street, Erie, PA
16501
Attorney: Thomas C. Hoffman II,
Esq., Knox McLaughlin Gornall &
Sennett, P.C., 120 West Tenth
Street, Erie, PA 16501

**HAUCK, STEPHEN D., JR.,
deceased**

Late of the City of Erie, County
of Erie, Commonwealth of
Pennsylvania
Administrator: Stephen D.
Hauck, Sr., 75 Highland Avenue,
Jamestown, NY 14701
Attorneys: MacDonald, Illig,
Jones & Britton LLP, 100 State
Street, Suite 700, Erie, PA 16507-
1459

**HUSTON, DALTON V.,
a/k/a DALTON HUSTON,
deceased**

Late of the Township of
Conneaut, County of Erie, State
of Pennsylvania
Executor: Dale R. Huston, 5091
Stateline Road, Conneaut, Ohio
44030
Attorney: James R. Steadman,
Esq., 24 Main St. E., Girard,
Pennsylvania 16417

**IUTCOVICH, MARK,
deceased**

Late of the Township of Millcreek,
County of Erie, Commonwealth
of Pennsylvania
Executrix: Mara T. Iutovich,
6697 Fairfax Road, Chevy Chase,
MD 20815
Attorney: MacDonald, Illig, Jones
& Britton LLP, 100 State Street,
Suite 700, Erie, Pennsylvania
16507-1459

**JOHNSON, VERA LOIS,
a/k/a VERA L. JOHNSON,
deceased**

Late of Harborcreek Township
Executor: Paul Johnson, c/o
Attorney Terrence P. Cavanaugh,
3336 Buffalo Road, Wesleyville,
PA 16510
Attorney: Terrence P. Cavanaugh,
Esq., 3336 Buffalo Road,
Wesleyville, PA 16510

**KAMINSKI, CARL E.,
a/k/a CARL KAMINSKI,
deceased**

Late of Millcreek Township,
County of Erie and State of
Pennsylvania
Executrix: Andrea A. Goodwin,
1501 Hartt Road, Erie, PA 16505
Attorney: Ronald J. Susmarski,
Esq., 4030-36 West Lake Road,
Erie, PA 16505

**KERSNICK, RUTH D.,
deceased**

Late of the Borough of Edinboro
Administratrix C.T.A.: Sandra
Rand, 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

**LYONS, TWILA A.,
deceased**

Late of Greenfield Township, Erie
County, North East, Pennsylvania
Executor: James M. Lyons, c/o
Robert J. Jeffery, 33 East Main
Street, North East, Pennsylvania
16428
Attorney: Robert J. Jeffery,
Esq., Orton & Jeffery, P.C., 33
East Main Street, North East,
Pennsylvania 16428

**MEEDER, JOHN M.,
deceased**

Late of the Borough of North
East, County of Erie, and
Commonwealth of Pennsylvania
Executor: Crandall G. Nyweide,
Esquire
Attorney: L.C. TeWinkle, Esq.,
Sciarrino TeWinkle, Renaissance
Centre, 1001 State Street, Suite
1220, Erie, Pennsylvania 16501

**MORRIS, SOPHIE A.,
deceased**

Late of the Township of
Harborcreek
Executor: Ronald J. Morris, 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

**ORLEMANSKI, RICHARD J.,
deceased**

Late of the Township of
Millcreek, County of Erie and
Commonwealth of Pennsylvania
Executors: Richard J. Orlemanski,
Jr., 304 Riggsbee Farm Drive,
Cary, NC 27519 and Janet
Gonzalez, 1709 Monza Road,
McLean, VA 22101
Attorneys: MacDonald, Illig,
Jones & Britton LLP, 100 State
Street, Suite 700, Erie, PA 16507-
1459

**PARKHURST, CHARLES W.,
deceased**

Late of the City of Corry, County of Erie, Commonwealth of Pennsylvania

Executrix: Craig W. Parkhurst, 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

**STEC, STELLA T.,
deceased**

Late of the City of Corry, Erie County, Pennsylvania

Executrix: Patricia A. Sproveri, P.O. Box 81, Pittsfield, PA 16340
Attorney: William E. Barney, Esq., 200 North Center Street, Corry, Pennsylvania 16407

**STOLZ, DOROTHY J.,
deceased**

Late of the Township of Millcreek, County of Erie, State of Pennsylvania

Executor: Donald C. Stolz, 829 Oregon Avenue, Erie, Pennsylvania 16505
Attorney: James R. Steadman, Esq., 24 Main St. E., Girard, Pennsylvania 16417

THIRD PUBLICATION

**BROWN, JOHN J.,
deceased**

Late of the City of Erie, County of Erie, and Commonwealth of Pennsylvania

Executor: Stephen W. Brown, 159 Bethany Bend Drive, The Woodlands, TX 77382
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**CARDOT, GERTRUDE W.,
deceased**

Late of the Township of Lawrence Park, County of Erie, State of Pennsylvania

Administratrix: Martha Greiner, 762 Copperhead Circle, St. Augustine, FL 32092
Attorney: None

**FLEGER, JUDITH A., a/k/a
JUDITH FLEGER, a/k/a
JUDITH ANNE FLEGER,
deceased**

Late of the Township of Summit, County of Erie and Commonwealth of Pennsylvania

Executrix: Holly M. Waychoff, c/o 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508
Attorney: Darlene M. Vlahos, Esquire, 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508

**KACZMAREK, CAROLYN M.,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania

Administrator: Kathleen A. Banister, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508

Attorney: Scott L. Wallen, Esquire, Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508

**KERNER, MARIE A.,
deceased**

Late of the Township of Millcreek, County of Erie and State of Pennsylvania

Executor: Lewis C. Hamilton, c/o Dennis W. Krill, Esquire, 309 French Street, Erie, Pennsylvania 16507
Attorney: Dennis W. Krill, Esquire, 309 French Street, Erie, Pennsylvania 16507

**LIPINSKI, JOSEPHINE A.,
deceased**

Late of the Township of Fairview, County of Erie, and Commonwealth of Pennsylvania

Executrix: Mary Ann Urbaniak, 8127 Station Road, Erie, PA 16510
Attorney: Thomas S. Kubinski, Esquire, The Gideon Ball House, 135 East 6th Street, Erie, PA 16501

**McCULLOUGH, MARY JANE,
deceased**

Late of the City of Erie
Executor: David J. McCullough, c/o 332 East 6th Street, Erie, PA 16507-1610

Attorney: Evan E. Adair, Esq., Williams & Adair, 332 East 6th Street, Erie, PA 16507-1610

**MEABON, RONALD R.,
deceased**

Late of the Township of Venango, Erie County, Pennsylvania

Executor: Olive E. Meabon, c/o F. J. Constantine, Esq., 306 Masonic Temple, 32 West 8th Street, Erie, PA 16501

Attorney: Francis J. Constantine, Esq., 306 Masonic Temple, 32 West 8th Street, Erie, PA 16501

**MITTAL, AMARNATH,
deceased**

Late of Millcreek Township, County of Erie and Commonwealth of Pennsylvania

Executrix: Patricia E. Mittal, c/o Yochim & Nash, 345 West Sixth Street, Erie, PA 16507

Attorney: Gary H. Nash, Esquire, Yochim & Nash, 345 West Sixth Street, Erie, PA 16507

**OSBORNE, PHYLLISS L.,
deceased**

Late of Wesleyville Borough, Erie County, Erie, Pennsylvania

Executrix: Leticia Alward, c/o Attorney Edward Orton, 33 East Main Street, North East, Pennsylvania 16428

Attorney: Edward Orton, Esquire, Orton & Jeffery, P.C., 33 East Main Street, North East Pennsylvania 16428

**RODGERS, WALTER W.,
deceased**

Late of Millcreek Township, Erie County, Pennsylvania

Executor: Douglas L. Rodgers, c/o McCarthy, Martone & Peasley, 150 West Fifth Street, Erie, Pennsylvania 16507

Attorneys: Joseph P. Martone, Esquire, McCarthy, Martone & Peasley, 150 West Fifth Street, Erie, Pennsylvania 16507

**SCIARRONE, ANGELO F.,
deceased**

Late of Greene Township
Executrix: Victoria Mankowski,
 c/o 332 East 6th Street, Erie, PA
 16507-1610
Attorney: Evan E. Adair, Esq.,
 Williams and Adair, 332 East 6th
 Street, Erie, PA 16507-1610

**SIEGMUND, ESTELLE,
deceased**

Late of the Township of Millcreek,
 County of Erie, Pennsylvania
Executrix: Nancy A. Burlingame,
 9357 N. E. Sherman Road, Ripley,
 NY 14775
Attorney: None

**ZIELINSKI, LAURA M.,
deceased**

Late of the Borough of North East,
 County of Erie, Commonwealth
 of Pennsylvania
Executrix: Patricia P. Minnig,
 c/o Quinn, Buseck, Leemhuis,
 Toohey & Kroto, Inc., 2222 West
 Grandview Blvd., Erie, PA 16506
Attorney: James F. Toohey,
 Esquire, Quinn, Buseck,
 Leemhuis, Toohey & Kroto, Inc.,
 2222 West Grandview Blvd.,
 Erie, PA 16506

**VANICEK, VINCENT J.,
deceased**

Late of Erie County
Executrix: Nancy J. Schaaf
Attorney: Stanley G. Berlin,
 Esquire, Shapira, Hutzelman,
 Berlin, Ely, Smith and Walsh, 305
 West 6th Street, Erie, PA 16507

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Headquartered in the Pittsburgh area, **GENTILE-MEINERT & ASSOCIATES, INC.**, is also licensed in Ohio and West Virginia, with offices in Monaca, and Greensburg, PA Cleveland, OH, as well as a satellite office in Denver, Colorado.

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