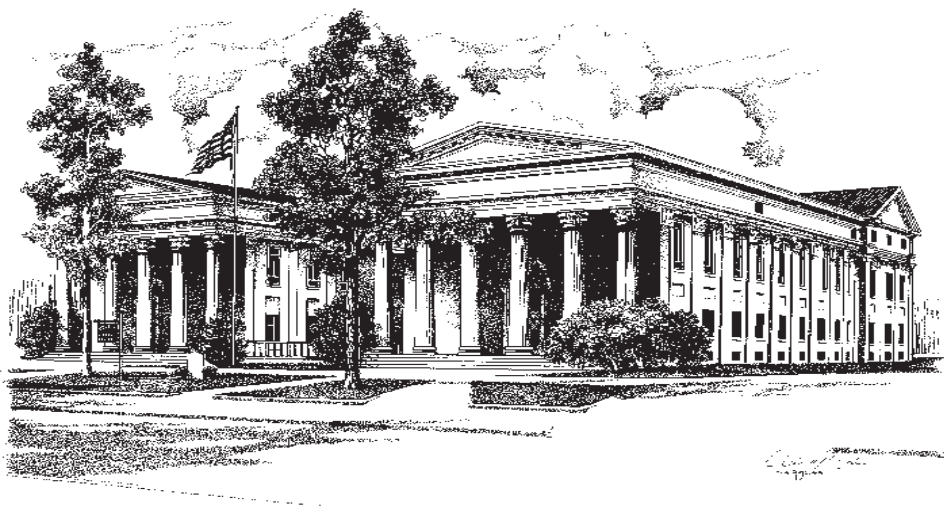


*Erie  
County  
Legal  
Journal*

May 1, 2009

Vol. 92 No. 18

USPS 178-360



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In the Superior Court of Pennsylvania  
MacDonald v. Belott et al.

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# 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

### SATURDAY, MAY 2, 2009

*6th Annual Law Day 5K Run/Walk*

ECBA event benefiting AKT

Erie County Court House

9:00 a.m.

\$20 (adults) \$10 (children 12 and under)

### FRIDAY, MAY 8, 2009

*President Obama's Ethics Reforms:*

*Will They Improve Lawyers' Ethics Generally?*

ECBA Live Seminar

Bayfront Convention Center

10:30 a.m. - 11:30 a.m.

\$27 (ECBA members)

\$39 (nonmembers)

1 hour ethics

### FRIDAY, MAY 8, 2009

*Annual Law Day Luncheon*

Bayfront Convention Center

12:00 p.m. luncheon

\$25/per seat

\$250/per table

### WEDNESDAY, MAY 13, 2009

*Practice in the Federal Courts from an*

*Historical Perspective*

ECBA Live Seminar

Bayfront Convention Center

Lunch: 12:00 p.m. - 12:30 p.m.

Seminar: 12:30 p.m. - 1:30 p.m.

\$27 (ECBA member) \$39 (nonmember)

\$20 (judge)

1 hour substantive

### THURSDAY, MAY 14, 2009

*Using Trusts in Basic Estate Planning:*

*Primary Techniques and Tax Considerations*

PBI Groupcast Seminar

Bayfront Convention Center

8:30 a.m. - 12:45 p.m.

\$204 (member) \$184 (admitted after 1/1/05)

\$214 (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)*

4 hours substantive

### THURSDAY, MAY 14, 2009

*Sophisticated Estate Planning Techniques:*

*Using Trusts for the High Net Worth Client*

PBI Groupcast Seminar

Bayfront Convention Center

1:30 p.m. - 4:45 p.m.

LUNCH is INCLUDED

\$204 (member) \$184 (admitted after 1/1/05)

\$214 (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

**\*\* Attend ONE of the Estate Planning seminars at the cost indicated with each description, or attend BOTH of these seminars at the reduced cost listed below.**

The following prices include lunch:

\$294 (member) \$274 (admitted after 1/1/05)

\$314 (nonmember)

*Early Registration - If you register more than 2 days before this presentation you will qualify for this Early Registration Fee:*

*\$269 (member) \$249 (admitted after 1/1/05) \$289 (nonmember)*

### WEDNESDAY, MAY 20, 2009

*3rd Annual Estate Law Update*

PBI Groupcast Seminar

Bayfront Convention Center

8:30 a.m. - 12:45 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)*

4 hours substantive

### 2009 BOARD OF DIRECTORS

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**IN THE UNITED STATES BANKRUPTCY COURT FOR  
THE WESTERN DISTRICT OF PENNSYLVANIA**

**MAY 2009 NOTICE**

**In Re: SCHEDULING PROCEDURES  
MOTION COURT DATES FOR THE HON. WARREN W. BENTZ**

**SCHEDULING PROCEDURES EFFECTIVE FEBRUARY 3, 2003**

**JUDGE WARREN W. BENTZ, ERIE DIVISION CASES**

Bankruptcy Courtroom  
U.S. Courthouse  
17 South Park Row, Erie, PA 16501

All motions and adversary proceedings are electronically filed with the Court. The Court will fix a hearing.

At the option of the movant, the following motions may be self-scheduled for hearing at the same time that the motion is filed:

Relief from stay	Chapter 13 Trustee's motion to dismiss (not
Lien avoidance	including a Chapter 13 Trustee's Certificate of
Objection to claims	Default Requesting Dismissal of Case)
Abandonment	Determination of secured status
Sale	Redemption

**Chapter 7 and 11 Motions**

Monday, May 4, 2009	1:30 PM and 2:30 PM
Monday, May 11, 2009	1:30 PM and 2:30 PM
Monday, May 18, 2009	1:30 PM and 2:30 PM
Monday, June 1, 2009	1:30 PM and 2:30 PM
Monday, June 8, 2009	1:30 PM and 2:30 PM
Monday, June 15, 2009	1:30 PM and 2:30 PM
Monday, June 29, 2009	1:30 PM and 2:30 PM
Monday, July 6, 2009	1:30 PM and 2:30 PM
Monday, July 13, 2009	1:30 PM and 2:30 PM
Monday, July 20, 2009	1:30 PM and 2:30 PM

**Chapter 12 and 13 Motions**

Friday, May 22, 2009	11:00 AM and 1:30 PM
Friday, June 19, 2009	11:00 AM and 1:30 PM
Friday, July 17, 2009	11:00 AM and 1:30 PM

ALL OF THE ABOVE DATES ARE SUBJECT TO REVISION. Please continue to check the Court's website for schedule changes.

**PLEASE NOTE THAT THIS SCHEDULE IS AVAILABLE TO BE VIEWED ON PACER** (Public Access to Court Electronic Records) and on our Court's Web Site ([www.pawb.uscourts.gov](http://www.pawb.uscourts.gov)). For more information, call the Clerk's office.

John J. Horner  
Clerk, U.S. Bankruptcy Court

May 1

**GLENN L. MacDONALD AND MAUREEN L. MacDONALD, his wife, Appellees**

**v.**

**PETER J. BELOTT, JR., ESQUIRE, AND THE BELOTT LAW FIRM,  
WESTPORT INSURANCE CORPORATION,**

**APPEAL OF: WESTPORT INSURANCE CORPORATION, Appellant**

Appeal from the Order entered on October 18, 2007 in the Court of Common Pleas  
of Erie County, Civil Division, No. 1998-14570

IN THE SUPERIOR COURT OF PENNSYLVANIA

NO. 1922 WDA 2007

**GLENN L. MacDONALD AND MAUREEN L. MacDONALD, his wife, Appellees**

**v.**

**PETER J. BELOTT, JR., ESQUIRE, AND THE BELOTT LAW FIRM,  
WESTPORT INSURANCE CORPORATION,**

**APPEAL OF: WESTPORT INSURANCE CORPORATION, Appellant**

Appeal from the Order entered on September 20, 2007 in the Court of Common Pleas  
of Erie County, Civil Division, No. 1998-14570

IN THE SUPERIOR COURT OF PENNSYLVANIA

NO. 1923 WDA 2007

**GLENN L. MacDONALD AND MAUREEN L. MacDONALD, his wife, Appellees**

**v.**

**PETER J. BELOTT, JR., ESQUIRE, AND THE BELOTT LAW FIRM,  
WESTPORT INSURANCE CORPORATION,**

**APPEAL OF: WESTPORT INSURANCE CORPORATION, Appellant**

Appeal from the Order entered on October 18, 2007 in the Court of Common Pleas  
of Erie County, Civil Division, No. 1998-14570

IN THE SUPERIOR COURT OF PENNSYLVANIA

NO. 1924 WDA 2007

**GLENN L. MacDONALD AND MAUREEN L. MacDONALD, his wife, Appellants**

**v.**

**PETER J. BELOTT, JR., ESQUIRE, AND THE BELOTT LAW FIRM,  
WESTPORT INSURANCE CORPORATION, Appellees**

Appeal from the Order entered on October 18, 2007 in the Court of Common Pleas  
of Erie County, Civil Division, No. 1998-14570

IN THE SUPERIOR COURT OF PENNSYLVANIA

NO. 1993 WDA 2007

Attorneys: Andrew J. Conner, Esq., Attorney for MacDonald  
Scott R. Eberle, Esq. and Beth Ann Berger Zerman, Esq.,  
Attorneys for Westport

BEFORE: MUSMANNO, DONOHUE and COLVILLE\*, JJ.

\* Retired Senior Judge assigned to Superior Court.

MEMORANDUM: FILED: April 15, 2009

Westport Insurance Corporation ("Westport") appeals and Glenn L. MacDonald and Maureen L. MacDonald, ("the MacDonalds") cross-appeal from the trial court's Order granting the MacDonalds' Amended Motion for summary judgment and entering judgment in their favor in the amount of \$500,000. We affirm.

The trial court set forth the pertinent facts underlying this garnishment action as follows:

On December 6, 1988, [ ] Glenn L. MacDonald[ ] was injured in an automobile accident caused by David A. Stevens. [ ] Peter J. Belott, Jr., Esq. and the Belott Law Firm, [collectively hereinafter "Belott", ] agreed to represent the [MacDonalds.] On November 27, 1990, [the MacDonalds] filed a personal injury lawsuit against Mr. Stevens and a worker's compensation claim against [Glenn MacDonald's] employer. On January 29, 1993, [Belott] settled [the MacDonalds'] claims against Mr. Stevens. However, [Belott] never filed an un[derin]sured motorist (UIM) claim against [Glenn MacDonald's employer's] insurance company before the statute of limitations expired on January 29, 1997[, as Belott believed that under Pennsylvania law, a claimant cannot receive both workmen's compensation benefits and benefits under a UIM policy purchased by his employer.] Subsequently, [the MacDonalds] retained [new counsel]. . . . to review the feasibility of a UIM claim.

On December 15, 1998, [the MacDonalds] filed a praecipe for a writ of summons against [Belott], ostensibly to retrieve [Belott's] files for discovery purposes. [Belott] received the praecipe for a writ of summons a[s well as a] . . . Request for Production of Documents[, which] . . . focused on the [MacDonalds'] UIM claim.

\* \* \*

[Belott carried a legal malpractice insurance policy issued by Westport.] On April 15, 1999, [Belott] renewed [his] legal malpractice insurance ([the renewed policy was] effective May 6, 1999). [Westport's] renewal application contained the following interrogatory (Question 11):

Is the Applicant, its predecessor firms, or any individual proposed for this insurance aware of any circumstance, act, error, omission or personal injury which might be expected to be the basis of a legal malpractice claim or suit that has not previously been reported to the firm's insurance carrier? If yes, please complete a Claim Information Supplement.

[Belott] answered "no" to question 11.

The applicable [insurance] policy provided[, *inter alia*, as follows]:

#### XIV. EXCLUSIONS

This POLICY shall not apply to any CLAIM based upon, arising out of, attributable to, or directly or indirectly resulting from:

B. any act, error, omission, circumstance or PERSONAL INJURY occurring prior to the effective date of this POLICY if any INSURED at the effective date knew or could have reasonably foreseen that such act, error, or omission, circumstance or PERSONAL INJURY might be a basis of a CLAIM.

[capitalization in original, hereinafter "Exclusion B"].

On July 16, 1999, [the MacDonalds] filed a civil complaint against [Belott] alleging legal malpractice. On July 19, 1999, [Belott] reported the claim to Westport and asserted that the [MacDonalds] did not possess a viable UIM claim. [Subsequently, Westport denied coverage to Belott under the legal malpractice insurance policy and declined to defend him.]

\* \* \*

On September 21, 2001[, Belott] consented [to a judgment being entered against him in the amount of \$750,000.00.<sup>1</sup> By an Order dated October 12, 2001, the trial court granted summary judgment in favor of the MacDonalds and fixed a judgment against Belott in this amount.]

\* \* \*

On October 17, 2002, [the MacDonalds] filed a praecipe for writ of execution against [Belott's] property [and against Westport as garnishee.] On October 3, 2003, [the trial judge] sustained Garnishee Westport's [] preliminary objections[,] thereby striking the writ of execution. On October 9, 2003, [the MacDonalds] filed an appeal. On February 17, 2005, [a panel of this] Court reversed [the trial judge's] October 2, 2003 Order and remanded the case [*See MacDonald v. Belott*, 869 A.2d 22 (Pa. Super. 2004) (unpublished memorandum)].

On November 11, 2005, Westport filed a [M]otion for summary judgment. Westport argued that [Belott] did not timely report the December 15, 1998 praecipe for a writ of summons as a claim during the 1998-99 policy year (*i.e.*, Westport pointed out that Belott] reported the [MacDonalds'] July 16, 1999 civil complaint during the 1999-2000 policy year). [By an Order dated March 8, 2006, the trial court granted Westport's counsel's oral request that the trial court strike "any defense of rescission in this case" and expressly limited the scheduled deposition of a Westport employee to the issue of "notice to Westport by . . . Belott or any representative."] On October 18, 2006, [the trial c]ourt denied Westport's [M]otion for summary judgment. [The trial court] determined that the civil complaint, not the praecipe for a writ of summons, was a claim and that [Belott had, in fact,] timely reported it. [In other words, the trial court reasoned that the MacDonalds' praecipe for a writ of summons was merely a discovery device utilized to obtain documents from Belott, and not a "claim" as defined by the Westport insurance policy, and thus, Belott was not required to report his receipt of the praecipe to Westport.]

\* \* \*

On April 9, 2007, [the MacDonalds] filed an Amended . . . [M]otion for Summary Judgment in which they asserted] that a genuine issue of material fact does not exist as to liability because th[e trial court determined that [Belott's] claim was properly made under the Westport policy.

\* \* \*

On May 21, 2007, Westport filed a Motion for Summary Judgment . . . arguing that it is entitled to summary judgment based upon the Exclusion B[] provision. . . .

---

<sup>1</sup> We note that Westport did not enter a consent.

Trial Court Opinion, 9/20/07, at 1-6 (footnotes and citations omitted).

On September 20, 2007, in an Order attached to its Opinion, the trial court granted the MacDonalds' Amended Motion for summary judgment and entered judgment in their favor in the amount of \$500,000, Belott's policy limit under the Westport policy, based upon the trial court's determination that there existed no genuine issue of material fact as to Westport's liability. On October 15, 2007, Westport sought leave to amend its pleadings; the trial court denied this request in an Order entered October 18, 2007. On October 19, 2007, Westport instituted the instant timely appeal. The MacDonalds subsequently cross-appealed.

On appeal, Westport raises the following issues for our review:

- I. [Whether] Westport . . . waive[d] its Exclusion B[] defense as a matter of law when it withdrew its rescission claim[?]
- II. [Whether] the trial court abused its discretion in denying Westport's Motion to amend its pleadings to restate its Exclusion B[] defense[?]
- III. [Whether] Westport . . . waive[d] its right to contest the reasonableness of the amount of the underlying consent judgment in this action, as a matter of law, when it declined to defend its insured in the action below[?]

Brief for Appellant at 5 (capitalization omitted, stylistic changes made for clarity). In their cross-appeal, the MacDonalds assert that the trial court erred in failing to grant them interest at the rate of 6%, pursuant to 42 Pa.C.S.A. 8101,<sup>2</sup> on the \$500,000 policy proceeds from the date of the October 12, 2001 consent judgment entered against Belott. Brief for the MacDonalds at 6, 17. We will first address Westport's issues.

We begin our analysis mindful that our standard of review applicable to an order granting summary judgment permits us to disturb that order only if the court granting the motion committed an error of law or abuse of discretion. *Murphy v. Duquesne Univ. of the Holy Ghost*, 777 A.2d 418, 429 (Pa. 2001). This matter presents a question of law, for which our scope of review is plenary. *Id.*

In its first claim, Westport asserts that the trial court erred in determining that it waived its affirmative defense under the Exclusion B provision of the insurance policy when Westport withdrew its "rescission defense." Brief for Appellant at 11-17.

By means of background, Westport asserted, in paragraph 5 of its Answer and New Matter filed March 16, 2005,<sup>3</sup> that it had the right to rescind the insurance policy contract based upon Belott's material misrepresentations, specifically with regards to his answer to Question 11 of his renewal application. Westport's defense under Exclusion B is set forth

---

<sup>2</sup> Section 8101 provides, in pertinent part, that "a judgment for a specific sum of money shall bear interest at the lawful rate from the date of the verdict or award, or from the date of the judgment, if the judgment is not entered upon a verdict or award." 42 Pa.C.S.A. § 8101.

<sup>3</sup> Specifically, Paragraph 5 of Westport's New Matter provides that "Westport[s] Policy [issued to Belott] was procured by way of material misrepresentations made by the insured in the application for that policy, and is therefore subject to rescission."



in paragraph 4 of its New Matter.<sup>4</sup>

Westport asserts that although the trial court, on March 8, 2006, granted Westport's motion to strike "any defense of rescission in this case[.]" this action does not preclude Westport from raising a defense under Exclusion B to the MacDonalds' Motion for summary judgment, as Westport relinquished *only* its "rescission defense" and not its Exclusion B defense. Brief for Appellant at 11. Westport points out that under Pennsylvania law, waiver is predicated on a party's *intentional* relinquishment of a known right, and thus, since counsel for Westport intended to withdraw *only* the "rescission defense" and was not authorized by Westport to withdraw any other defense, the trial court's finding of waiver as to the Exclusion B defense was error. *Id.* at 11-12. Westport contends that the trial court's only basis for its determination that Westport had waived its Exclusion B defense is the trial court's "own erroneous and irrelevant novel theory that Exclusion B[] is a 'predicate' to rescission." *Id.* at 13. In sum, Westport asserts that "here, the Exclusion B[] defense is not depend[e]nt upon the success, or even the existence of, a rescission claim. [A]n insurer can establish the existence of sufficient facts to trigger a defense under Exclusion B[] while never being able to satisfy the requirements to void[, i.e., rescind,] the policy in its entirety." *Id.* at 17.

Regarding Westport's first issue, the trial court explained that "Westport agreed to withdraw . . . its 'rescission defense', found in ¶¶ 4 and 5 of its new matter[,] to accomplish the following: (1) limit and/or narrow discovery on depositions of Westport employees . . . ; and (2) expedite and/or speed the discovery process." Trial Court Opinion, 9/20/07, at 16. The trial court further held as follows:

Because rescission is a remedy, there must be a substantive legal theory that serves as its predicate. In this case, rescission and the Exclusion B defense are inextricably intertwined. . . . [and] must be read in conjunction with one another. For a discovery concession, Westport expressly waived not only its request for a rescission remedy, but its Exclusion B defense, which serves as its predicate. Westport made a tactical decision to proceed solely upon the theory that [] Belott failed to report his claim [to Westport] in a timely manner (i.e., Belott did not report to Westport his receipt of) the [MacDonalds'] praecipe for writ of summons and the[ir] discovery requests). To find otherwise would be to conclude that Westport gave up nothing in order to gain the discovery concession.

*Id.* at 17-18.

After reviewing the briefs and the certified record in the instant case, we conclude that the trial court aptly summarized the applicable law and thoroughly analyzed Westport's above-described claim and correctly concluded that it lacks merit. *See* Trial Court Opinion, 9/20/07, at 13-18. We determine that since a defense under Exclusion B, if proved, would entitle Westport to rescind the policy issued to Belott, the trial court's grant of Westport's counsel's motion to strike "any defense of rescission" also eliminated the Exclusion B

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<sup>4</sup> Paragraph 4 states that "[a]ssuming, *arguendo*, coverage for the MacDonald claim met the Insuring Agreements of Westport[']s policy issued to Belott,] . . . coverage for the MacDonald claim is nonetheless excluded under said Policy pursuant to Exclusion B[] of . . . that Policy. . . ." *See supra* for the language of exclusion B.

defense. We agree with the trial court's reasoning, and adopt it for purposes of the instant appeal. *Id.* We further note that we agree with the MacDonalds' following contention on appeal:

If [] Westport, on March 8, 2006, intended only to withdraw its misrepresentation claim pled in paragraph 5 of its New Matter and intended to preserve its Exclusion B defense pled in paragraph 4, then Westport's counsel, at [the] May 22, 2006 [] deposition of [Janice Neems Carman, "Carman", a Senior Claims Analyst employed by Westport], had no basis for stating to [the] MacDonald[s]' counsel [that] "we[, *i.e.*, Westport,] withdrew our rescission claim because we wanted a ruling [o]n the issue in this case [, *i.e.*, regarding whether a praecipe for a writ of summons is a claim under the Westport policy]. . . ." [Counsel for Westport further pointed out at the Carman deposition that] "[t]he Judge specifically allowed [Carman's] deposition to proceed only on the issue of notice to Westport by [] Belott." Carman possessed relevant information regarding Westport's Exclusion B defense. [In fact, Westport's] New Matter was filed with her affidavit.

Brief for Appellee at 32 (citing to Deposition of Janice Neems Carman, 5/22/06, at 204-05.) Based on the foregoing, we conclude that the trial court did not commit an error of law or abuse its discretion in granting the MacDonalds' Motion for summary judgment.

In its second claim, Westport asserts that even if the trial court properly concluded that Westport waived its Exclusion B defense, the trial court abused its discretion by denying Westport's Motion to amend its pleadings to restate this defense. Brief for Appellant at 18-20.

Our standard of review of a trial court's denial of a Motion to amend a pleading is as follows:

A motion to amend a pleading is addressed to the sound discretion of the trial court and the trial court's determination is not to be disturbed on appeal absent an abuse of discretion. In exercising its discretion, a trial court should liberally allow amendments so as to permit cases to be decided on the merits. An amendment should not be allowed, however, where it will present an entirely new cause of action or unfairly surprise or prejudice the opposing party.

*Sejpal v. Corson, Mitchell, Tomhave & McKinley, M.D.'s*, 665 A.2d 1198, 1200 (Pa. Super. 1995) (citations omitted).

After reviewing the parties' briefs and the record, we determine that the trial court did not abuse its discretion in denying Westport's Motion to Amend, as Westport sought to re-plead the same Exclusion B defense that the trial court properly had deemed waived in its Opinion and Order dated September 20, 2007. We further determine that if the trial court granted Westport leave to re-plead its waived Exclusion B defense, this would unfairly prejudice the MacDonalds, as they would have to conduct considerable additional discovery surrounding this defense, a defense which they did not previously prepare for based upon the trial court's entry of the March 8, 2006 Order, which granted Westport's request that discovery be limited to the sole issue of whether Belott or his representatives timely provided notice

to Westport of a pending claim against Belott.<sup>5</sup> Based on the foregoing, we conclude that Westport's second claim lacks merit.

In its third claim, Westport contends that the trial court erred in granting summary judgment in favor of the MacDonalds on the grounds that Westport waived its right to contest the reasonableness of the amount of the consent judgment by denying coverage to Belott for the MacDonalds' underlying claim. Brief for Appellant at 21-24. Westport asserts that since it did not enter a consent, unlike Belott, it should be allowed to challenge the reasonableness of the amount of the consent judgment, which constitutes a genuine issue of material fact. *Id.* at 23-24. We disagree.

Upon our review of the briefs and the certified record, we conclude that the trial court correctly addressed this claim and properly determined that it lacks merit. *See Trial Court Opinion*, 9/20/07, at 18-20. The trial court did not commit an error of law or abuse of discretion in determining that Westport is precluded from relitigating the reasonableness of the amount of the consent judgment, an issue that Westport failed to previously raise, since Westport's incorrect determination at the outset of this litigation that it was not obligated to defend Belott under the policy was a determination that it "ma[de] at its own peril." *Id.* at 19 (citing *Cadwallader v. New Amsterdam Cas. Co.*, 152 A.2d 484, 488 (Pa. 1959) (stating that "[i]t is clear that where a claim potentially may become one which is within the scope of the [insurance] policy, the insurance company's refusal to defend at the outset of the controversy is a decision it makes at its own peril.")). We thus affirm with regard to this claim on the reasoned analysis of the trial court, as set forth in its Opinion.<sup>6</sup> *See Trial Court Opinion*, 9/20/07, at 19-20.

The MacDonalds assert in their cross-appeal that the trial court erred as a matter of law in denying their request that they be awarded interest on the \$500,000 judgment entered against Westport for the time period from October 12, 2001, the date of the trial court's Order fixing the consent judgment against Belott, to September 20, 2007, the date that the trial court granted the MacDonalds' Amended Motion for summary judgment and entered judgment against Westport. Brief for the MacDonalds at 52-54. We disagree.

The trial addressed the merits of the MacDonalds' cross-appeal in a Clarification of Order

---

<sup>5</sup> An objection by counsel for Westport during the deposition of Carman illustrates the effect of the trial court's March 8, 2006 Order:

[Counsel for Westport]: . . . [The MacDonalds'] requests for production of documents are] outside of the scope of the [trial] Judge's March 8, 2006, order, which is -- which limits this deposition today to notice to Westport by [] Belott or any representative. That is the only issue that this deposition can touch on.

\* \* \*

[Counsel for Westport]: [Westport's] claim handling procedures are not at issue in this case. This case is limited to when the -- when a claim was made and when that claim was reported to Westport.

Deposition of Janice Neems Carman, 5/22/06, at 5, 6-7.

<sup>6</sup> Even if we did not agree with the trial court that Westport waived this claim, we nonetheless would determine that it lacks merit, as Westport bore the burden of proof on this affirmative defense, which it pled in its New Matter, but failed to meet this burden in light of its failure to adduce any evidence that the amount of the consent judgment was unreasonable. See Pa.R.C.P. 1035.2(2) (providing, in pertinent part, that a party may move for summary judgment where the "adverse party who will bear the burden of proof at trial has failed to produce evidence of facts essential to the cause of action or defense. . .").

dated October 9, 2007, as follows:

[the trial court's] Order of October 12, 2001[,] fixed a judgment against Belott . . . in the amount of \$750,000.00 by consent of those parties. Westport did not consent and contested liability. Its liability was not fixed until [the trial court issued the Order of September 20, 2007.

Clarification of Order, 10/9/07, at 3 (citation omitted). We agree with the reasoned opinion of the trial court and adopt its reasoning for purposes of this appeal. As the October 12, 2001 Order fixed a judgment against Belott and *not* Westport, and Westport contested liability, interest did not begin to accrue against Westport until the trial court entered judgment against it on September 20, 2007. Based on the foregoing, we determine that the trial court correctly declined to award the MacDonalds interest from the date of the consent judgment entered against Belott, and thus, we conclude that their cross-appeal lacks merit. *See id.*

Order affirmed.

**Judgment Entered:**

/s/ **Eleanor R. Valecko**

**Deputy Prothonotary**

**CERTIFICATE OF AUTHORITY**

Notice is hereby given that an Application for Certificate of Authority has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about April 6, 2009, for a foreign corporation with a registered address in the state of Pennsylvania as follows:

MCA GRAPHIC SOLUTIONS, INC.  
c/o Corporate Creations Network, Inc.

This corporation is incorporated under the laws of New York.

The address of its principal office under the laws of its jurisdiction in which it is incorporated is 111 Cheney Street, Jamestown, NY 14701.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended.

May 1

**CHANGE OF NAME NOTICE**

In the Court of Common Pleas of Erie County, Pennsylvania No. 11869-2009

In Re: Bridget Farr

Notice is hereby given that on April 22, 2009, the Petition of Bridget Ann Farr was filed in the above named Court, requesting to change her name to Brigid Ann Farr. The Court has fixed May 27, 2009, at 10:00 A.M. in Courtroom No. 208B on the 2nd Floor at the Erie County Court House, 140 W. 6th St., Erie, PA 16501 as the time and place for 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.

May 1

**ORGANIZATION NOTICE**

A Certificate of Organization for Kunco Lawncare, LLC, a Domestic Limited Liability Company has been filed with the Department of State, Corporation Bureau.

Richard E. Filippi, Esquire  
504 State Street, Suite 200  
Erie, PA 16501

May 1

**LEGAL NOTICE**

CIVIL ACTION/COMPLAINT IN MORTGAGE FORECLOSURE IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA  
No. 14194-2008

The Bank of New York as Trustee for Popular Mortgage Servicing, Inc. Mortgage/pass Through Certificate Series #2006-E, Plaintiff, v.

Tammy Schley and Unknown heirs, successors, assigns and all persons, firms or associations claiming right, title or interest from or under Kathleen Paul Frantz, Deceased Mortgagor and Real Owner, Defendants

TO: Unknown heirs, successors, assigns and all persons, firms or associations claiming right, title or interest from or under Kathleen Paul Frantz, Deceased Mortgagor and Real Owner, Defendants

TYPE OF ACTION: Civil Action/ Complaint in Mortgage Foreclosure PREMISES SUBJECT TO FORECLOSURE: 862 Smithson Avenue, Erie, PA 16511

**NOTICE**

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing to 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.

Lawyer Referral & Information Service  
PO Box 1792  
Erie, PA 16507

814-459-4411

Mary L. Harbert-Bell, Esquire  
Attorney ID #80763  
Milstead & Associates, LLC  
Woodland Falls Corporate Park  
220 Lake Drive East, Suite 301  
Cherry Hill, NJ 08002  
(856) 482-1400

May 1

**LEGAL NOTICE**

THE SCHOOL DISTRICT CITY OF ERIE, PA  
Administration Office Building  
148 West 21st Street  
Erie, PA 16502

**NOTICE TO BIDDERS**

The School District of the City of Erie, 148 West 21st Street, Erie, PA 16502 will receive SEALED BIDS for Art Supplies, Pencils & Pens, School Paper, Lamps, Regular & Office Supplies, up to Thursday, May 7, 2009 at 1:30 p.m., Daylight Savings Times, and will be opened in the Board Room in accordance with the bid forms and specifications to be obtained from the Purchasing Department.

Robin Smith  
Secretary

Apr. 17, 24 and May 1

**LEGAL NOTICE**

**MARSHAL'S SALE:** By virtue of a Writ of Execution issued out of the United States Court for the Western District of Pennsylvania and to me directed, I shall expose to public sale the property located at 12520 Hopkins Road, North East, PA 16428 being more fully described in Erie County Record Book 730 at Page 1648.

SAID SALE to be held at the ERIE COUNTY COURTHOUSE, ROOM 209, ERIE, PA at 10:00 a.m. prevailing, standard time, on MAY 18, 2009.

All those certain tracts of land, together with the buildings, and improvements erected thereon described as Index Number (37)26-79-8 Erie County, Assessment Office, Pennsylvania. Seized and taken in execution as the property of Shannon E. Strong, at the suit of the United States of America,

acting through the Under Secretary of Rural Development, on behalf of Rural Housing Services, United States Department of Agriculture, to be sold on Writ of Execution at Civil Action No. 1:07-CV-181. **TERMS OF SALE:** Successful bidder will pay ten percent (10%) by certified check or money order and the remainder of the bid within thirty (30) days from the date of the sale and in the event bidder cannot pay the remainder, the property will be resold and all monies paid in at the original sale will be applied to any deficiency in the price at which the property is resold. The successful bidder must send payment of the balance of the bid directly to the U.S. Marshal's Office c/o Sheila Blessing, Room 241, U.S. Post Office & Courthouse, Pittsburgh, PA

15219. Notice is hereby given that a Schedule of Distribution will be filed by me on the thirtieth day after the date of sale, and that distribution will be made in accordance with the Schedule unless exemptions are filed thereto within ten (10) days thereafter. Purchaser must furnish State Realty Transfer Tax Stamps, and stamps required by the local taxing authority. Purchaser shall furnish Marshal with Grantee information at the sale. Marshal's cost, fees, and commissions are to be borne by seller. Thomas M. Fitzgerald, United States Marshal. For additional information visit [www.resales.usda.gov](http://www.resales.usda.gov) or contact Kimberly Williamson at 800-349-5097 ext 4500.

Apr. 24 and May 1, 8, 15

## Case #8: Legal Records vs. The Recession

We've seen it happen everywhere...budgets are cut, and the work of three staffers must be done by one. Law firms need to focus on cases, not stretching the staff so thin that records can't be found.

Business Records Management is dedicated to becoming your records management staff, with fast and thorough record retrieval. BRM is equipped to handle your needs with Document Storage, Certified Shredding and Email Archiving services.

Contact BRM and mention the *Erie County Legal Journal* for a free assessment of your practice.

**Verdict: Choose BRM!**



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823 East 8<sup>th</sup> Street, Erie, PA 16503

**877-DIAL-BRM**

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**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

**May 15, 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

Apr. 24 and May 1, 8

**SALE NO. 1**

**Ex. #15799 of 2008  
National City Mortgage, a  
division of National City Bank of  
Indiana, Plaintiff**

v.

**Sergio A. Cosio  
Irma Leticia Cosio, Defendant(s)**

**LEGAL DESCRIPTION**

All that certain piece or parcel of land situated in the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania, described as follows: Unit No. 32 (the "Unit") of Whispering Woods Estates, a Planned Community, as depicted on the Plat of Whispering Woods Estates, a Planned Community, (the "Plat"), as recorded on August 18, 1999, in

the Office of the Recorder of Deeds of Erie County, Pennsylvania Map Book 1999 at Page 259.

This premises is commonly known as 5814 Forest Crossing, Erie, Pennsylvania 16506 and bears Erie County Tax Index Number (33) 174-565.1-114.

BEING KNOWN AS: 5814 FOREST CROSSING, ERIE, PA 16506

PROPERTY ID NO.: 33-174-565.1114

TITLE TO SAID PREMISES IS VESTED IN Sergio A. Cosio and Irma Leticia Cosio, husband and wife by Deed from Hewitt Associates, LLC, an Illinois, LLC, successor in interest to Hewitt Relocation Services, Inc., by assignment and assumption agreement dated October 1, 2005 dated 10/20/05 recorded 11/4/05 in Deed Book 1284 Page 1943.

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

Apr. 24 and May 1, 8

**SALE NO. 2**

**Ex. #15367 of 2008  
Deutsche Bank Trust Company  
Americas, as Trustee for  
Meritage Mortgage Loan Trust  
2004-2, Plaintiff**

v.

**Nicholas Dominick  
Robert Holmes, II, 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:

COMMENCING at the point of intersection of the west line of Shenk Street, now known as Florida Avenue, with the south line of 28th Street; thence westwardly along the south line of 28th Street, twenty-nine and twelve one-hundredths (29.12) feet to a point; thence southwardly, one hundred forty-eight and seventy-three one-hundredths (148.73) feet to a point; thence in a northeastwardly direction, ninety-

seven and six one-hundredths (97.06) feet to a point in the west line of Shenk Street, now known as Florida Avenue; thence along the said west line of Shenk Street, now known as Florida Avenue, in a northwesterly direction, one hundred seventeen and thirty-six one-hundredths (117.36) feet to the place of beginning. Comprising Lots Numbers Nine and Ten according to a map or plot designed as survey of Heubel property made by L. Vincent Metz, Surveyor.

Having erected thereon a two-story brick dwelling and two-car garage carrying the property address of 435 East 28th Street, Erie, Pennsylvania and being further identified by Erie County Tax Index No. (18) 5076-105.

BEING KNOWN AS: 435 EAST 28TH STREET, ERIE, PA 16504

PROPERTY ID NO.: 18-5076-105

TITLE TO SAID PREMISES IS VESTED IN Nicholas Dominick and Robert Holmes II, joint tenants with right of survivorship by Deed from Richard D. Arlington, III and Crystal A. Arlington, his wife dated 5/3/04 recorded 5/7/04 in Deed Book 1133 Page 68.

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

Apr. 24 and May 1, 8

**SALE NO. 3**

**Ex. #15607 of 2008  
Beneficial Consumer Discount  
Company d/b/a Beneficial  
Mortgage Co. of Pennsylvania,  
Plaintiff**

v.

**Robert Earl Edmiston,  
Defendant(s)**

**LEGAL DESCRIPTION**

All that certain piece and parcel of land situate in the Borough of Lake City, formerly the Borough of North Girard, County of Erie, and State of Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at the southeasterly corner of the piece at a concrete monument in the northerly line of

Sampson Avenue, distant thereon, North 89 degrees 38 minutes West, 65 feet from an old stone monument at the southeasterly corner of Lot No. 2 in Block C of the subdivision of the James Sampson Farm and recorded in Erie County Map Book 1, at page 45, said point also being the southwesterly corner of land of the Trustees of the First Methodist Church of North Girard; thence North 89 degrees, 38 minutes West, along the northerly line of Sampson Avenue, seventy-three (73.0) feet; thence by the residue of the piece North 00 degrees 22 minutes East parallel with and 125.4 feet at right angles from the center line of Lake Street, eighty-two and five tenths (82.5) feet to the southerly line of Lot No. 1, now owned by Harold Oliver; thence along said line, South 89 degrees 38 minutes East, seventy-three (73.0) feet to the northwesterly corner of land of the Trustees of the First Methodist Church of North Girard aforesaid; thence along said land, South 00 degrees 22 minutes West, eighty-two and five tenths (82.5) feet to the place of beginning.

BEING the same premises conveyed to Robert Earl Edmiston and Carla Lou Edmiston, his wife, by deed dated November 16, 1978, and recorded on November 16, 1978, in the Recorder's Office of Erie County, Pennsylvania, in Deed Book 1329 at Page 307.

Having erected thereon a one story cement block dwelling, being commonly known as 10082 Sampson Avenue, formerly known as 4 Sampson Avenue, Lake City, Pennsylvania, and further identified as Erie County Assessment Index No. (28) 13-25-17.

BEING KNOWN AS: 10082 SAMPSON AVENUE, LAKE CITY, PA 16423

PROPERTY ID NO.: 28-13-25-17  
TITLE TO SAID PREMISES IS VESTED IN Robert Earl Edmiston by Deed from Robert Edmiston and Carla Lou Edmiston, his wife dated 8/25/93 recorded 9/1/93 in Deed Book 289 Page 272.

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

Apr. 24 and May 1, 8

**SALE NO. 4**

**Ex. #10164 of 2009**

**National City Mortgage Co.,  
Plaintiff  
v.**

**Joan M. Froehlich, 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. 119 of the Meyer Estate Subdivision of Out-Lots Nos. 599, 600, 601 and 602, recorded December 24, 1921, in Map Book 2, pages 417 and 418, and being further bounded and described as follows:

BEGINNING at a point on the west line of Jackson Avenue, two hundred thirty-five (235) feet northwardly from the intersection of the north line of Twenty-sixth Street with the west line of Jackson Avenue; thence westwardly and parallel with Twenty-eighth Street, eight-six and sixty-five hundredths (86.65) feet to a point; thence northwardly and parallel with Jackson Avenue, forty (40) feet to a point; thence eastwardly and parallel with Twenty-eighth Street, eighty-six and sixty-five hundredths (86.65) feet to the west line of Jackson Avenue; thence southwardly along the west line of Jackson Avenue, forty (40) feet to the place of beginning, having erected thereon a dwelling house known and numbered as 2706 Jackson Street, Erie, Pennsylvania and being also known as Index No. (18) 5056-303.

BEING KNOWN AS: 2706 JACKSON AVENUE, ERIE, PA 16504

PROPERTY ID NO.: 18-5056-303  
TITLE TO SAID PREMISES IS VESTED IN Joan M. Froehlich by Deed from William D. Whiteford, Jr. and Karen M. Whiteford, his wife dated 12/30/98 recorded 12/31/98 in Deed Book 609 Page 2276.

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Chandra M. Arkema, Esquire

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Apr. 24 and May 1, 8

**SALE NO. 5**

**Ex. #11280 of 2008**

**Deutsche Bank Trust Co.  
Americas, as Trustee and  
Custodian for Soundview Home  
Loan Trust 2006-EQ1 by: Saxon  
Mortgage Services Inc. as its  
attorney-in-fact, Plaintiff  
v.**

**Kari L. Horvath, Defendant(s)**

**LEGAL DESCRIPTION**

All that certain piece or parcel of land situate in the Township of Harborcreek, County of Erie and State of Pennsylvania, being Lot Number Sixteen of Fairfield-on-the-Lake Subdivision of Section #2 made by the Andrews Land Company of part of Reserve Tract #245 as shown on a plot recorded in the Recorder's Office of Erie County in Map Book 3, pages 46 and 47, having erected thereon a one-story frame cottage and a two-car detached garage, commonly known as 455 Fair Avenue, Erie, Pennsylvania. Bearing Erie County Tax Index No. (27) 8-67-5.

THE within described premises is subject to restrictions as recorded in Erie County Deed Book 307 Page 2. BEING KNOWN AS: 455 FAIR AVENUE, (HARBORCREEK TOWNSHIP), ERIE, PA 16511  
PROPERTY ID NO.: (27) 8-67-5

TITLE TO SAID PREMISES IS VESTED IN Kari L. Horvath by Deed from Stephen S. Oler and Kelly S. Oler, his wife dated 3/11/05 recorded 9/23/05 in Deed Book 1272, Page 214.

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

Apr. 24 and May 1, 8

**SALE NO. 6**

**Ex. #18174 of 2008**

**The Bank of New York Mellon,  
formerly known as The Bank**



**of New York on behalf of CIT  
Mortgage Loan Trust 2007-1,  
Plaintiff**

v.

**Robert E. LeGrand, Sr.  
Melody R. LeGrand,  
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 north line of East Twenty Ninth Street, 237 3/4 feet east of the east line of Holland Street; thence northwardly parallel with Holland Street, 135 feet; thence eastwardly parallel with East Twenty Ninth Street 31 feet; thence southwardly parallel with Holland Street, 135 feet to the north line of East Twenty Ninth Street; thence westwardly along the north line of East Twenty Ninth Street 31 feet to the place of beginning, containing thereon a two-story dwelling house and garage all being commonly known as 226 East Twenty Ninth Street, located in the City of Erie, Pennsylvania and being further identified by current County of Erie Index Number (18) 50-82-238.

BEING the same premises as conveyed in Deed from William G. Schau and Helen A. Schau recorded 3/12/04 in document number 8459, Book 1115, Page 232 in said county and state.

BEING KNOWN AS: 226 EAST 29TH STREET, ERIE, PA 16504  
PROPERTY ID NO.: 18-05082-238

TITLE TO SAID PREMISES IS VESTED IN Robert E. LeGrand, Sr. and Melody R. LeGrand, his wife by Deed from William G. Schau and Helen A. Schau, his wife dated 3/12/04 recorded 3/12/04 in Deed Book 1115, Page 232.

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

Apr. 24 and May 1, 8

**SALE NO. 7  
Ex. #10116 of 2009  
Wells Fargo Bank N.A., as  
Trustee for BSSP Trust Series  
2007-EMX1, Plaintiff  
v.  
Jay H. Proctor  
Jeana L. Proctor, Defendant(s)**

**LEGAL DESCRIPTION**

BEGINNING at a stone on the bank of the creek; thence north 28-1/2 degrees west, 78 perches to corner of Preston Lot; thence north 63-1/2 degrees east, 15.2 perches to a post; thence south 71-1/2 degrees east, 8 perches to a post; thence north 19 degrees east, 3 perches to side of right of way of the Philadelphia and Erie Railroad; thence north 71-1/2 degrees west, 34 perches along side of said right of way to intersect the old line; thence north 28-1/2 degrees west, 68 perches to an elm tree; thence south 84-1/2 degrees west, 4 perches to a stone; thence north 36 degrees east, 76.7 perches to a stone; thence south 54-1/2 degrees east, 40 perches to a stone; thence south 47-1/2 degrees east, 97.5 perches to a stone; thence south 2 degrees west, 16.5 perches to a white oak stump; thence south 30-1/2 degrees east, 84 perches to a post on the bank of the creek; thence south 49-1/2 degrees west, 20 perches along the creek; thence south 78-1/2 degrees west, 8 perches along the creek; thence north 84 degrees west, 44 perches along the creek; thence south 75-1/2 degrees west, 22 perches, thence south 57 degrees west, 10 perches along the creek; thence south 15-1/2 degrees west, 16.3 perches to a stone at the place of beginning, containing 120 acres and 1 perch of land. Exclusive of the right of way of the Philadelphia and Erie Railroad, more or less.

COMMONLY KNOWN AS: 6099 WHEELERTOWN ROAD, WATERFORD, PA 16441. LEBOEUF TOWNSHIP.  
PARCEL NOS. (30) 7-41-1 & (30) 6-36-12 & (30) 8-42-5

BEING the same property conveyed to Jay H. Proctor and Jeana L. Proctor, his wife, by Deed dated February 7, 1996, from Brian L. Proctor and Katrina M. Proctor, his

wife and Jay H. Proctor and Jeana L. Proctor, his wife, of record in Book 424, Page 2392, Office of the Erie County Court Clerk.

ASSESSED VALUES:  
PARCEL NO. (30) 7-41-1  
Land: \$45,200.00  
Improvements: \$69,570.00  
Total: \$114,770.00  
PARCEL NO. (30) 6-36-12  
Land: \$64,900.00  
Total: \$64,900.00  
PARCEL NO. (30) 8-42-5  
Land: \$48,600.00  
Total: \$48,600.00

BEING KNOWN AS: 6099 WHEELERTOWN ROAD, WATERFORD, PA 16441  
PROPERTY ID NO.: 30-7-41-1 30-6-36-12 (assessed as Rt. 97 Good Luck Tr.) 30-8-42-5 (assessed as Wheelertown Rd.)

TITLE TO SAID PREMISES IS VESTED IN Jay H. Proctor and Jeana L. Proctor, his wife, as tenants by the entireties by Deed from Brian L. Proctor and Katrina M. Proctor, his wife and Jay H. Proctor and Jeana L. Proctor, his wife dated 2/7/96 recorded 2/21/96 in Deed Book 424 Page 2392.

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

Apr. 24 and May 1, 8

**SALE NO. 8  
Ex. #30717 of 2009  
Leon F. Wasielewski and  
Elda J. Wasielewski, Plaintiffs  
v.  
Hanlon Development, LLC,  
Defendant  
SHORT DESCRIPTION**

ALL that certain piece or parcel of land situate in the Township of Summit, County of Erie, and Commonwealth of Pennsylvania, being vacant land with frontage on Hamot Road and bearing Erie County Tax ID No. (40) 19-82-5. Being part of the same premises conveyed to Hanlon Development, LLC by deed dated June 30, 2006 and recorded July 3, 2006 in the Office of the Recorder of Deed



# DENNIS LAGAN & ASSOCIATES, INC

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- ◆ WIRETAP/"BUG" DETECTION
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ERIE, PENNSYLVANIA

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Dennis Lagan 27 Years- PSP	Gerald Nichols 30 Years - FBI	Benjamin Suchocki 30 Years - FBI/IRS	Jennifer Mazur Investigator
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Robert G. Stout, MAI



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for Erie County, Pennsylvania in Record Book 1341, Page 2195.  
David E. Holland  
Pa. Supreme Court ID No. 23793  
MacDonald, Illig, Jones  
& Britton LLP  
100 State Street, Suite 700  
Erie, Pennsylvania 16507-1459  
(814) 870-7755  
Attorneys for Plaintiff  
Apr. 24 and May 1, 8

**SALE NO. 9**

**Ex. #12300 of 2007**  
**EMC Mortgage Corporation,**  
**Plaintiff,**

**v.**

**Gary L. Brown and**  
**Colleen R. Brown, Defendants**  
**LONG FORM DESCRIPTION**

ALL those certain parcels of land situated in the City of Erie, County of Erie and Commonwealth of Pennsylvania, being known and designated as Lot 10 and 11 of Block "D", of Bayview Subdivision as shown upon Map of said subdivision recorded in Erie County Map Book 1, Pages 272-273.  
COMMONLY known as 1324 East 31st Street, Erie, Pennsylvania 16504.  
BEING the same premises which Gary L. Brown, who acquired title incorrectly as Garl L. Brown and Colleen R. Brown, husband and wife, by Deed dated March 2, 2004 and recorded in the Office of the Recorder of Deeds of Erie County on April 23, 2004 in Deed Book Volume 1127, Page 1852, granted and conveyed to Gary L. Brown and Colleen R. Brown, husband and wife, as tenants by the entirety with rights of survivorship.  
Parcel No. 18-5110-320  
Grenen & Birsic, P.C.  
Kristine M. Anthon, Esquire  
Attorneys for Plaintiff  
One Gateway Center, Ninth Floor  
Pittsburgh, PA 15222  
(412) 281-7650

Apr. 24 and May 1, 8

**SALE NO. 10**

**Ex. #18007 of 2008**  
**Northwest Savings Bank**  
**v.**  
**Aaron S. Hoover**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed at No. 18007-2008, Northwest Savings Bank vs. Aaron S. Hoover, owner of property situate in Venango Township, Erie County, Pennsylvania being: 11230 Firethorn Road, Wattsburg, Pennsylvania. Approximately 1.499 acres  
Assessment Map Number: (44) 9-20-6.25  
Assessed Value Figure: \$184,300.00  
Improvement Thereon: Residence Kurt L. Sundberg, Esq.  
Marsh Spaeder Baur Spaeder & Schaaf, LLP  
Suite 300, 300 State Street  
Erie, Pennsylvania 16507  
(814) 456-5301

Apr. 24 and May 1, 8

**SALE NO. 11**

**Ex. #11950 of 2008**  
**Northwest Savings Bank**  
**v.**

**Debra C. Sharp**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed at No. 11950-2008, Northwest Savings Bank vs. Debra C. Sharp, owner of property situate in Millcreek Township, Erie County, Pennsylvania being: 4123 Wabash Avenue, Erie, Pennsylvania.  
40' x 100' x 40' x 100'  
Assessment Map Number: (18) 5302-213  
Assessed Value Figure: \$58,000.00  
Improvement Thereon: Residence Kurt L. Sundberg, Esq.  
Marsh Spaeder Baur Spaeder & Schaaf, LLP  
Suite 300, 300 State Street  
Erie, Pennsylvania 16507  
(814) 456-5301

Apr. 24 and May 1, 8

**SALE NO. 12**

**Ex. #15823 of 2008**  
**Northwest Savings Bank**  
**v.**

**Constantinos G. Simos, Jr., a/k/a**  
**Constantinos Simos**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed at No. 15823-2008, Northwest Savings Bank vs. Constantinos G. Simos, Jr., a/k/a Constantinos Simos, owner of property situate in

Millcreek Township, Erie County, Pennsylvania being: 922 Filmore Avenue, Erie, Pennsylvania.  
40' x 144.5' x 40' x 144.5'  
Assessment Map Number: (33) 29-56-6  
Assessed Value Figure: \$82,000.00  
Improvement Thereon: Residence Kurt L. Sundberg, Esq.  
Marsh Spaeder Baur Spaeder & Schaaf, LLP  
Suite 300, 300 State Street  
Erie, Pennsylvania 16507  
(814) 456-5301

Apr. 24 and May 1, 8

**SALE NO. 13**

**Ex. #18095 of 2008**  
**Deutsche Bank National Trust**  
**Company as Trustee under**  
**Pooling and Servicing Agreement**  
**dated as of May 1, 2005 Morgan**  
**Stanley Home Equity Loan Trust**  
**2005-2 Mortgage Pass-Through**  
**Certificates, Series 2005-2**

**v.**

**Susan Foley**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 18095-08 Deutsche Bank National Trust Company as Trustee under Pooling and Servicing Agreement dated as of May 1, 2005 Morgan Stanley Home Equity Loan Trust 2005-2 Mortgage Pass-Through Certificates, Series 2005-2 vs. Susan Foley, owners of property situated in City of Erie, Erie County, Pennsylvania being 1015 West 20th Street, Erie, PA 16502  
Assessment Map number: 19-6030-209  
Improvement thereon: Residential Dwelling  
Mary L. Harbert-Bell, Esquire  
220 Lake Drive East, Suite 301  
Cherry Hill, NJ 08002  
(856) 482-1400

Apr. 24 and May 1, 8

**SALE NO. 14**

**Ex. #15145 of 2008**  
**National City Bank, as successor**  
**by merger to Provident Bank**  
**v.**

**Stephen B. McGarvey, Deceased,**  
**by and through Raymond L.**  
**McGarvey and James Voss, as**  
**and only as Co-executors of the**

**Estate of Stephen B. McGarvey,  
Deceased**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 2008-15145 National City Bank, as successor by merger to Provident Bank vs. Stephen B. McGarvey, Deceased, by and through Raymond L. McGarvey and James Voss, as and only as Co-executors of the Estate of Stephen B. McGarvey, Deceased.

Stephen B. McGarvey, owner(s) of property situated in the City of Erie, Erie County, Pennsylvania being more commonly known as "Lovell Place" and consisting of the following Tax Index Numbers:

- (15)2013-114           (15)2013-115
- (15)2013-305           (15)2013-311
- (15)2014-301           (15)2009-201
- (15)2008-202           (15)2008-226
- (15)2008-211           (15)2008-212
- (15)2008-102           (15)2008-203
- (15)2004-201           (15)2004-202
- (15)2013-300           (15)2013-312
- (15)2008-200           (15)2008-227
- (15)2008-100           (15)2008-214
- (15)2008-213           (15)2013-302
- (15)2013-314           (15)2008-201
- (15)2008-228           (15)2008-101
- (15)2008-215

Babst, Clland, Clements & Zomnir, P.C.  
Norman E. Gilkey, Esquire  
Pa. I.D. #34310  
David W. Ross, Esquire  
Pa. I.D. #62202  
Two Gateway Center, 8th Floor  
Pittsburgh, PA 15222  
(412) 394-5400  
Attorney for Plaintiff

Apr. 24 and May 1, 8

**SALE NO. 15**

**Ex. #14066 of 2007  
National City Bank, Plaintiff**

v.

**Richard G. Gray, Defendant  
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 14066-07 National City Bank vs Richard G. Gray.

Richard G. Gray, owner(s) of property situated in Millcreek Township, Erie County, Pennsylvania being 1850 West Gore Road, Erie, PA 16509.  
Assessment Map number:

33-98-420-11  
Assessed Value figure: \$41,400.00  
Improvement thereon: Single Family Dwelling  
Patrick Thomas Woodman, Esq.  
436 Seventh Ave., 1400 Koppers Bldg.  
Pittsburgh, PA 15219  
(412) 434-7955

Apr. 24 and May 1, 8

**SALE NO. 16**

**Ex. #10017 of 2002  
Altegra Credit Company**

v.

**William D. Levesque,  
Angela L. Levesque and  
The United States of America  
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 10017-02 Altegra Credit Company vs. William D. Levesque, Angela L. Levesque and The United States of America, owners of property situated in City of Erie, Erie County, Pennsylvania being 2922 Rudolph Avenue, Erie, PA 16508

Front: 40 ft., Depth: 181.54 ft. Being Lot No. 97 of the Ardmore Subdivision of Tract No. 26  
Assessment Map number: (19) 6240-402

Assessed Value figure: \$58,800.00  
Improvement thereon: Residential Dwelling  
Rob Saltzman, Esquire  
2000 Horizon Way, Suite 900  
Mt. Laurel, NJ 08054  
(856) 813-1700

Apr. 24 and May 1, 8

**SALE NO. 17**

**Ex. #10047 of 2009  
First National Bank of  
Pennsylvania, successor in  
interest to The National Bank of  
North East, Plaintiff**

v.

**Kelly L. Hansen, formerly known  
as Kelly L. Morgan, Defendant  
SHORT DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situate in the Township of Lawrence Park, Erie County, Pennsylvania, having erected thereon a single family dwelling being commonly known as 713 Tyndall Avenue, Erie, Pennsylvania 16511, and bearing Erie County Tax

Parcel No. (29) 14-41-32.  
BEING the same premises conveyed to Kelly L. Morgan, single, by deed dated October 27, 1997, and recorded in the Office of the Recorder of Deeds for Erie County on October 28, 1997, in Record Book 526, page 490.

Susan Fuhrer Reiter  
Pa. Supreme Court ID No. 43581  
MacDonald, Illig, Jones & Britton LLP  
100 State Street, Suite 700  
Erie, Pennsylvania 16507-1459  
(814) 870-7760  
Attorneys for Plaintiff  
Apr. 24 and May 1, 8

**SALE NO. 18**

**Ex. #18064 of 2008  
First National Bank of  
Pennsylvania, Plaintiff**

v.

**Timothy M. Rotunda and  
Natalie Ann Rotunda, Defendants  
SHORT DESCRIPTION**

ALL that certain piece or parcel of land situate in Township of Millcreek, County of Erie, and Commonwealth of Pennsylvania having erected thereon a single-family dwelling commonly known as 2930 Tamarack Drive, Erie, Pennsylvania 16506, and bearing Erie County Tax ID No. (33) 58-233-2.02.

Susan Fuhrer Reiter  
Pa. Supreme Court ID No. 43581  
MacDonald, Illig, Jones & Britton LLP  
100 State Street, Suite 700  
Erie, Pennsylvania 16507-1459  
(814) 870-7760  
Attorneys for Plaintiff  
Apr. 24 and May 1, 8

**SALE NO. 19**

**Ex. #13521 of 2007  
First National Bank of  
Pennsylvania, successor in  
interest to The National Bank of  
North East, Plaintiff**

v.

**Robert Sumbler, Defendant  
SHORT DESCRIPTION**

ALL that certain piece or parcel of land situate in North East Township, Erie County, Pennsylvania, having erected thereon a frame dwelling,

garage, bar and associated improvements being commonly known as 11388 Shadduck Road, North East, Pennsylvania 16428, and bearing Erie County Tax Index No. (37) 24-90-7.

BEING the same premises conveyed to Robert Sumbler by deed dated March 20, 2001 and recorded March 23, 2001 in the Office of the Recorder of Deeds of Erie County, Pennsylvania in Record Book 760, Page 883.

Susan Fuhrer Reiter  
Pa. Supreme Court ID No. 43581  
MacDonald, Illig, Jones  
& Britton LLP

100 State Street, Suite 700  
Erie, Pennsylvania 16507-1459  
(814) 870-7760

Attorneys for Plaintiff

Apr. 24 and May 1, 8

**SALE NO. 20**

**Ex. #15914 of 2008**  
**Deutsche Bank National Trust Company, as Trustee**

v.

**Alexander R. M. Bruton a/k/a Reverend Father Alexander R. M. Bruton and Carina M. Bruton**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 15914-08 Deutsche Bank National Trust Company, as Trustee vs. Alexander R. M. Bruton a/k/a Reverend Father Alexander R. M. Bruton and Carina M. Bruton

Alexander R. M. Bruton a/k/a Reverend Father Alexander R. M. Bruton and Carina M. Bruton, owners of property situated in Fourth Ward of the City of Erie, Erie County, Pennsylvania being 507 W. 7th Street, Erie, PA 16502

Dimensions of parcel: 40 X 100  
Acreage: 0.0918

Assessment Map number: 17-4016-104

Assessed Value figure: \$72,090.00  
Improvement thereon: Two Story Single Family Residential Dwelling  
M. Troy Freedman, Esquire

Attorney for Plaintiff  
Richard M. Squire & Associates, LLC  
115 West Avenue, Suite 104  
Jenkintown, PA 19046  
(215) 886-8790

Apr. 24 and May 1, 8

**SALE NO. 21**

**Ex. #15876 of 2008**  
**The Bank of New York Trust Company, N.A. (Successor in Interest to JPMorgan Chase Bank, N.A., Successor by Merger to Bank One, N.A., f/k/a as The First National Bank of Chicago), as Trustee, on Behalf of the Holders of the WMC Mortgage Loan Pass-Through Certificates Series 1998-B**

v.

**Don M. Antonio and Karen M. Antonio**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 15876-08, The Bank of New York Trust Company, N.A. (Successor in Interest to JPMorgan Chase Bank, N.A., Successor by Merger to Bank One, N.A., f/k/a as The First National Bank of Chicago), as Trustee, on Behalf of the Holders of the WMC Mortgage Loan Pass-Through Certificates Series 1998-B v. Don M. Antonio and Karen M. Antonio, Owners of the property situated in City of Erie being known as 660 East Grandview Boulevard, Erie, PA.

Tax Map Number: 18053072070700

Assessed Value Figure: \$147,500.00  
Improvements thereon: Detached, Ranch Style Single Family Residential Dwelling  
Barbara A. Fein, Esquire  
The Law Offices of

Barbara A. Fein, P.C.  
425 Commerce Drive, Suite 100  
Fort Washington, PA 19034  
(215) 653-7450

Apr. 24 and May 1, 8

**SALE NO. 22**

**Ex. #11492 of 2006**  
**U.S. Bank National Association, as Trustee for the Holders of the EQCC Home Equity Loan Asset Backed Certificates, Series 1999-2**

v.

**Annette Felice-Schaal**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 11492-06, U.S. Bank National Association, as Trustee for the Holders of the EQCC Home Equity Loan Asset Backed

Certificates, Series 1999-2 v. Annette Felice-Schaal, Owner of the property situated in the Township of Millcreek being known as 1714 Bryant Street, Erie, PA.

Tax Map Number: 33120542000502

Assessed Value Figure: \$118,160.00  
Improvements thereon: Two Story, Two Family Dwelling with Two Car Garage an Apartment Complex  
Barbara A. Fein, Esquire  
The Law Offices of

Barbara A. Fein, P.C.  
425 Commerce Drive, Suite 100  
Fort Washington, PA 19034  
(215) 653-7450

Apr. 24 and May 1, 8

**SALE NO. 24**

**Ex. #11599 of 2008**  
**Citimortgage Inc., s/b/m to Citifinancial Mortgage Company, Inc., Plaintiff,**

v.

**Laura Brantner, Defendant(s)**  
**LEGAL DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situate in the Township of Harborcreek, County of Erie and Commonwealth of Pennsylvania, being Lot No. 101 of Fair Grounds, Fairfield-on-the-Lake, Section Four Tract No. 245 as recorded in the Recorder's Office for Erie County in Map Book Volume 4, pages 22 and 23. More commonly known as 1007 Parkside Drive, Erie, Pennsylvania and bearing Erie County Tax Index No. (27) 9-61-1.

TITLE TO SAID PREMISES IS VESTED IN Laura Brantner, by Deed from Sandra A. Harris, Administratrix of the Estate of Jeffrey A. Harris, deceased and Sandra A. Harris, widow, dated 07/09/2004, recorded 07/14/2004, in Deed Book 1154, page 697.

Tax Parcel #: 27-009-061-0-001-00  
Premises being: 1007 PARKSIDE DRIVE, ERIE, PA 16511

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

Apr. 24 and May 1, 8

**SALE NO. 25**

**Ex. #14744 of 2008**  
**Wells Fargo Bank, N.A., Plaintiff,**  
**v.**

**Willie Mae Cheathams,**  
**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. 38 in Block "B" of the Andrews Land Company Subdivision of Reserve Tract 33, as recorded in Map Book 1, page 374, having erected thereon a dwelling commonly known as 714 East 29th Street, Erie, Pennsylvania and bearing Erie County Tax Index No. (18) 5061-227.

ALSO all that certain piece or parcel of land situate in the City of Erie, County of Erie and Commonwealth of Pennsylvania, being Lot No. Thirty-seven (37) in Block "B" of Andrews Land Company Subdivision of Reserve Tract No. 33, as shown upon a map of subdivision recorded in the Office of the Recorder of Deeds for Erie County in Map Book No. 1, pages 374 and 375.

Bearing Erie County Tax Index No. (18) 5061-228.

HAVING Erected thereon a dwelling known and numbered as 714 East 29th Street, Erie, Pa. 16504.

TITLE TO SAID PREMISES IS VESTED IN Willie Mae Cheathams, by Deed from Andrew M. Cuomo, Secretary of Housing and Urban Development, Washington, D.C., by Dale Albertelli, their Attorney-in-Fact, dated 03/24/2000, recorded 04/12/2000 in Book 697, Page 1453.

Tax Parcel #: 18-050-061.0-228.00 & 18-050-061.0-227.00

Premises being: 714 EAST 29TH STREET, ERIE, PA 16504-1211

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

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

Apr. 24 and May 1, 8

**SALE NO. 26**

**Ex. #14667 of 2008**  
**Lasalle Bank, N.A., as Trustee,**  
**Plaintiff**

**v.**

**Tracey Y. Easter, 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, known as number 2810 Holland Street, Erie, Pennsylvania 16504, Index No. 18-5085-204, and being further bounded and described as follows:

BEGINNING at a point in the west line of Holland Street 765 feet south of the intersection of the south line of Twenty Sixth Street and the west line of Holland Street; thence southwardly along the west line of Holland Street thirty five and seventeen one hundredths (35.17) feet to a point; thence westwardly along land formerly of Mary C. Ingersoll, 120 feet; thence northwardly in a line parallel with the west line of Holland Street, 35.17 feet; thence eastwardly parallel with the south line of Twenty-sixth Street 120 feet to the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Tracey Y. Easter, an unmarried woman, by Deed from Seth Deering, By Attorney in fact Julie Lanahan, dated 03/06/2006, recorded 03/22/2006 in Book 1314, Page 850.

Tax Parcel #: 18-50-85-204  
 Premises being: 2810 HOLLAND STREET, ERIE, PA 16504-1042  
 Daniel G. Schmieg, Esquire  
 One Penn Center at Suburban Station, Suite 1400  
 1617 John F. Kennedy Boulevard  
 Philadelphia, PA 19103-1814  
 (215) 563-7000

Apr. 24 and May 1, 8

**SALE NO. 27**

**Ex. #10981 of 2007**  
**Wells Fargo Bank, N.A. as Trustee for Option One Mortgage Loan Trust 1999-C, Plaintiff,**

**v.**

**Clarence H. Heidelberg**  
**Howynn V. Heidelberg a/k/a**  
**Howynn Vinita Heidelberg,**

**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 described as follows, to-wit:

BEGINNING at a point on the south of Fourth Street one hundred ten and eight tenths (110.8) feet, westwardly from the intersection of the south line of Fourth Street and the west line of Dunn Street; thence southwardly parallel with Dunn Street one hundred twenty and five tenths (120.5) to a point; thence westwardly parallel with Fourth Street thirty-three (33) feet to a point; thence Northwardly parallel with Dunn Street, one hundred twenty and five tenths (120.5) feet to a point on Fourth Street; thence eastwardly along Fourth Street thirty three (33) feet to the place of beginning and having erected thereon a two story brick house, being commonly known as 1129 East Fourth Street, Erie, PA. Index No. 1040-206.

Being further described as Lot No. 31 of the Andrews Land Company Subdivision of second section of Land Light House Property, part of Tract No. 38 as shown upon a map of said Subdivision recorded in the office of the Recorder of Deeds in Map Book No. 2, page 96 and 97.

This deed is made with the agreement that the west three and one-half (3 1/2) feet of Lot No. 31 shall be used together with the east three and one-half (3 1/2) feet of Lot No. 32 for a common driveway for both parties. This condition can be cancelled by agreement of both owners of Lots 31 and 32 at any time mutually agreed upon.

TITLE TO SAID PREMISES IS VESTED IN Clarence H. Heidelberg and Howynn V. Heidelberg, his wife by Deed from Gregory L. Swanson and Carol A. Swanson, his wife, dated 1-30-87 and recorded 1-30-87, in Deed Book 1667, Page 322.

Tax Parcel #: 14-010-040-0-206-00  
 Premises being: 1129 EAST 4TH 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

Apr. 24 and May 1, 8

**SALE NO. 29**

**Ex. #14101 of 2008**  
**Wells Fargo Bank, N.A., Plaintiff,**  
**v.**

**Michael D. Johnson,**  
**Defendant(s)**

**LEGAL DESCRIPTION**

ALL that certain piece or parcel of land situated formerly in the Township of Millcreek, now City of Erie, County of Erie, State of Pennsylvania, being subdivision Lots 421 and 422 in Industrial Home-Site Company, Subdivision of part of tract No. 249, as shown upon a plot of said subdivision recorded in the Recorder's Office of Erie County, Pennsylvania, in Map Book 2, pages 52-53, being further described as follows: Lots 421 and 422, each having a frontage of 34 feet on Grand Boulevard, now East 32nd Street, and a depth of 112 feet. Being more commonly known as 2732 East 32nd Street, Erie, Pennsylvania and bearing Erie County Tax Index No. (18) 5105-231.

BEING the same premises conveyed to the Mortgagor(s) by Deed which is intended to be recorded forthwith.

TITLE TO SAID PREMISES IS VESTED IN Michael D. Johnson, by Deed from Ronald Zielinski, Single, dated 10/27/2005, recorded 10/31/2005 in Book 1283, Page 283

Tax Parcel #: 18-5150-231  
Premises being: 2732 EAST 32ND STREET, ERIE, PA 16510-2808  
Daniel G. Schmiege, Esquire  
One Penn Center at Suburban Station, Suite 1400  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000

Apr. 24 and May 1, 8

**SALE NO. 30**

**Ex. #15656 of 2008**  
**HSBC Bank USA, National Association, as Trustee for PHH**

**2007-2, Plaintiff,**  
**v.**

**Miguel A. Rivas**

**Wanda Bones, Defendant(s)**

**LEGAL DESCRIPTION**

All that certain piece or parcel of land being part of In Lot #1353, 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 north line of Eighth Street at the southeast corner of In Lot #1353; thence westerly by and along the north line of Eighth Street, thirty-seven (37) feet; thence northerly, parallel with German Street, one hundred sixty-five (165) feet to the corner of a sixteen (16) foot alley; thence easterly, parallel with Eighth Street and by and along the centerline of said alley (the centerline of which said alley coincides with the north line of said In Lot #1353), thirty-seven (37) feet to the northeast corner of said In Lot #1353; thence southerly, parallel with German Street and by and along the east line of said In Lot #1353, one hundred sixty-five (165) feet to the place of beginning.

Said premises having erected thereon a two-family brick, two-story dwelling with a detached three-car garage commonly known as 332 East Eighth Street, Erie, Pennsylvania, and being further identified as Erie County Tax Parcel Index No. (14)1010-138.

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

TITLE TO SAID PREMISES IS VESTED IN Miguel A. Rivas and Wanda Bones, as joint tenants with right of survivorship, by Deed from Robert Brest and Kimberly G. Brest, his wife and Christopher J. Bloomquist and Linda B. Bloomquist, his wife, dated 02/08/2007, recorded 02/09/2007 in Book 1394, Page 1116.

Tax Parcel #: 14-010-010.0-138.00  
Premises being: 332 EAST 8TH STREET, ERIE, PA 16503-1104  
Daniel G. Schmiege, Esquire  
One Penn Center at Suburban Station, Suite 1400

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

Apr. 24 and May 1, 8

**SALE NO. 31**

**Ex. #15972 of 2008**  
**Citimortgage, Inc. s/b/m to ABN AMRO Mortgage Group, Inc., Plaintiff,**  
**v.**

**Barry J. Sharp**

**Elizabeth A. Sharp, Defendant(s)**  
**LEGAL DESCRIPTION**

ALL that certain piece or parcel of land situate in the Township of Fairview, County of Erie and State of Pennsylvania, and being Lot No. 82 as shown in the Plan of Subdivision of Huntington Farms No. 7 in White Swan Woods dated February 8, 1989 and recorded April 25, 1989 in Erie County Map Book 34, page 187.

Having erected thereon a dwelling known as 725 Stockbridge Drive, Erie, Pennsylvania 16505 and bearing Erie County Tax Index No. (21) 29-16-87.

TITLE TO SAID PREMISES IS VESTED IN Barry J. Sharp and Elizabeth A. Sharp, h/w, as Tenants by the Entirety with the Right of Survivorship, by Deed from Daniel J. Canaday and Amy Brereton-Canaday, h/w, dated 05/10/2001, recorded 05/16/2001 in Book 774, Page 2253.

Tax Parcel #: 21-029-016.0-087.00  
Premises being: 725 STOCKBRIDGE DRIVE, ERIE, PA 16505-5303

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

Apr. 24 and May 1, 8

**SALE NO. 32**

**Ex. #18154 of 2008**  
**Countrywide Home Loans Servicing, LP, Plaintiff,**  
**v.**

**Linda Williams, 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 north line of Fourth Street, 120 feet west of the west line of Pennsylvania Avenue; thence northwardly, parallel with Pennsylvania Avenue, one hundred twenty (120) feet; thence westwardly parallel with Fourth Street, thirty (30) feet; thence southwardly, parallel with Pennsylvania Avenue, one hundred twenty (120) feet to the north line of Fourth Street; thence eastwardly along the north line of Fourth Street, thirty (30) feet to the place of beginning. Having erected thereon a two-story frame dwelling house known as 1042 East 4th Street, Erie, Pennsylvania, Erie Tax Index No. 14-10-370-129, and being subject to a driveway agreement referred to and contained in Deed Book 535 at Page 598.

TITLE TO SAID PREMISES IS VESTED IN Linda Williams, by Deed from Joseph J. Bender, executor of the Estate of Theresa R. Bender, deceased, dated 03/31/2003, recorded 04/01/2003 in Book 993, Page 689.

Tax Parcel #: 14-010-037.0-129.00  
Premises being: 1042 EAST 4TH STREET, ERIE, PA 16503-1836  
Daniel G. Schmieg, Esquire  
One Penn Center at Suburban Station, Suite 1400  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000

Apr. 24 and May 1, 8

**SALE NO. 33**

**Ex. #18094 of 2008**  
**U.S. Bank National Association**  
**Trustee for the Pennsylvania**  
**Housing Finance Agency,**  
**Plaintiff**

v.

**Shawn M. Cochran, Defendants**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution No. 2008-18094 U.S. Bank National Association Trustee for the Pennsylvania Housing Finance Agency, Plaintiff vs. Shawn M. Cochran, Defendants

Real Estate: 1216 WEST 29TH STREET, ERIE, PA  
Municipality: City of Erie, Erie County, Pennsylvania  
Dimensions: 30 x 135  
See Deed Book 1065, Page 1525  
Tax I.D. (19) 6220-115  
Assessment: \$13,500. (Land)

\$46,750. (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

Apr. 24 and May 1, 8

**SALE NO. 34**

**Ex. #11824 of 2008**  
**U.S. Bank National Association**  
**Trustee for the Pennsylvania**  
**Housing Finance Agency,**  
**Plaintiff**

v.

**Ramona Jordan Jones, Olivia**  
**Jordan, Sherena Jordan**  
**Navarro, Octavia Jordan and**  
**Isaiah Brown known and sole**  
**heirs of Oliver Jordan, Deceased,**  
**Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution No. 11824-08 U.S. Bank National Association Trustee for the Pennsylvania Housing Finance Agency, Plaintiff vs. Ramona Jordan Jones, Olivia Jordan, Sherena Jordan Navarro, Octavia Jordan and Isaiah Brown known and sole heirs of Oliver Jordan, Deceased, Defendant(s)

Real Estate: 1907 EAST 8TH STREET, ERIE, PA

Municipality: City of Erie, Erie County, Pennsylvania  
Dimensions: 48 x 120

See Deed Book 567, Page 2203

Tax I.D. (14) 1115-208

Assessment: \$12,200. (Land)  
\$44,800. (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

Apr. 24 and May 1, 8

**SALE NO. 35**

**Ex. #15890 of 2008**  
**National City Real Estate**  
**Services, LLC s/b/m/t National**  
**City Mortgage, Inc., f/k/a**  
**National City Mortgage Co.,**  
**Plaintiff,**

v.

**Donald E. Yohe and**  
**Pamela S. Yohe, Defendants**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 15890-08, National City Real Estate Services, LLC, et al vs. Donald E. Yohe and Pamela S. Yohe, owner(s) of property situated in North East Township, Erie County, Pennsylvania being 1701 North Pearl Street, North East, PA 16428.

Dimensions: 79.5 X 150

Assessment Map Number:  
(37) 4-49-10

Assess Value figure: \$74,900.00

Improvement thereon: Dwelling

Louis P. Vitti, Esquire

Attorney for Plaintiff

916 Fifth Avenue

Pittsburgh, PA 15219

(412) 281-1725

Apr. 24 and May 1, 8

**SALE NO. 36**

**Ex. #14339 of 2006**  
**The Bank Of New York Mellon,**  
**fka The Bank Of New York**  
**As Successor In Interest To**  
**JPMorgan Chase Bank NA As**  
**Trustee For GSAMPS Mortgage**  
**Loan Trust 2003-2, Plaintiff**

v.

**Jack J. Clifton a/k/a**  
**Jack J. Clifton Barone a/k/a**  
**Jack J. Barone, Defendant**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 14339-06 The Bank Of New York Mellon fka The Bank Of New York As Successor In Interest To JPMorgan Chase Bank NA As Trustee For GSAMPS Mortgage Loan Trust 2003-2 vs. Jack J. Clifton a/k/a Jack J. Clifton Barone a/k/a Jack J. Barone, owner(s) of property situated in Borough of Wesleyville, Erie County, Pennsylvania being 2406 Eastern Avenue, Erie, PA 16510

Assessment Map number:



50-4-27-20

Assessed Value figure: \$63,030.00  
Improvement thereon: A residential dwelling

Michael J. Clark, Esquire  
Shapiro & DeNardo, LLC  
Attorney for Movant/Applicant  
3600 Horizon Drive, Suite 150  
King Of Prussia, PA 19406  
(610) 278-6800

Apr. 24 and May 1, 8

**SALE NO. 37**

**Ex. #15940 of 2008**

**Wells Fargo Bank N.A., successor by merger to Wells Fargo Bank Minnesota, N.A., as Trustee f/k/a Norwest Bank Minnesota, N.A., as Trustee for the registered holders of Renaissance Home Equity Loan Asset-Backed Certificates, Series 2004-2, Plaintiff**

v.

**John R. DeBerry;**

**Barbara A. DeBerry, Defendant**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 15940-2008 Wells Fargo Bank N.A., successor by merger to Wells Fargo Bank Minnesota, N.A., as Trustee f/k/a Norwest Bank Minnesota, N.A., as Trustee for the registered holders of Renaissance Home Equity Loan Asset-Backed Certificates, Series 2004-2 vs. John R. DeBerry; Barbara A. DeBerry, owner(s) of property situated in Borough of Girard, Erie County, Pennsylvania being 113 Myrtle Street, Girard, PA 16417

0.1641 acres  
Assessment Map number: 2301505000 3201

Assessed Value figure: \$67,260.00  
Improvement thereon: A residential dwelling

Michael J. Clark, Esquire  
Shapiro & DeNardo, LLC  
Attorney for Movant/Applicant  
3600 Horizon Drive, Suite 150  
King Of Prussia PA 19406  
(610) 278-6800

Apr. 24 and May 1, 8

**SALE NO. 38**

**Ex. #18240 of 2008**

**JPMorgan Chase Bank, National Association, Plaintiff**

v.

**Eileen A. Blakeslee  
Patrick A. Blakeslee,**

**Defendant(s)**

**DESCRIPTION**

ALL that certain piece of ground situate in the CITY OF ERIE, County of Erie and Commonwealth of Pennsylvania, being Lot No. 42 and 44 in the Block "4" OF THE ROBBINS AND GLASS SUBDIVISION Plan of Lots as recorded in the Office of the Recorder of Deeds of ERIE County, Pennsylvania in Plan Book Volume 1, page 366.

IDENTIFIED as Tax/Parcel ID#: 19-6038-135 in the Deed Registry Office of ERIE County, Pennsylvania.

PROPERTY ADDRESS: 1034 West 32nd Street Erie, PA 16508

Michael T. McKeever, Esquire  
Attorney for Plaintiff  
Suite 5000 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106  
(215) 627-1322

Apr. 24 and May 1, 8

**SALE NO. 39**

**Ex. #15470 of 2008**

**First Heritage Financial, LLC,  
Plaintiff**

v.

**Carrie A. Farkasovsky  
Stephen C. Farkasovsky,**

**Defendant(s)**

**DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situate in the Township of McKean, County of Erie and Commonwealth of Pennsylvania, being part of Tract 37 and being more particularly bounded and described as follows, to wit:

BEGINNING in the centerline of Hamot Road (50 feet R/W) being 924 feet northerly from the intersection of said centerline with the centerline of Quance Road and being the northeast corner of the Daniel J. Renick property as described in Deed Book 1244 at Page 182;

Thence South 87 degrees 43 minutes 28 seconds West, along the north line of the Renick and Joseph R. Flatley properties

respectively, passing over an iron survey point in the west line of road at 25.01 feet, total distance of 975.00 feet (South 87 degrees 34 minutes 28 seconds West, 975.00 feet) to an iron survey point;

Thence North 03 decrees 44 minutes 13 seconds West, along the residue of the Frank Dachtlyl, Jr. property, 462.00 feet (North 03 degrees 44 minutes 13 seconds West, 462.00 feet) to an iron survey point;

Thence North 87 degrees 34 minutes 28 seconds East continuing along the residue of the Dachtlyl property, passing over an iron survey point in the west line of Hamot Road at 949.99 feet, a total distance of 975.00 feet (North 87 degrees 34 minutes 28 seconds East, 975.00 feet) to the centerline of said road;

Thence South 03 degrees 44 minutes 13 seconds East, along said centerline, 462.00 feet (South 03 degrees 44 minutes 13 seconds East, 462.00 feet) to the place of beginning.

Containing 10.073 acres of land not measure and being Parcel "B" as shown on a subdivision plat by Lynn S. Hofius, P.L.S., dated October 8, 2002, and recorded in the Office of the Erie County Recorder of Deeds as Map No. 2003-83.

Being the same premises which Frank Dachtlyl, Jr. and Karen L. Dachtlyl, husband and wife, by Deed dated April 9, 2003 and recorded on May 15, 2003 in Deed Book 1011 Page 1102 in the office for the Recording of Deeds in and for the County of Erie, the Commonwealth of Pennsylvania, granted and conveyed unto Carrie A. Farkasovsky and Stephen C. Farkasovsky, in fee.

Parcel No.# 31-17-67-5.02  
PROPERTY ADDRESS: 10530 Hamot Road, McKean, PA 16426

Michael T. McKeever, Esquire  
Attorney for Plaintiff  
Suite 5000 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106  
(215) 627-1322

Apr. 24 and May 1, 8

**SALE NO. 40**

**Ex. #15192 of 2008**  
**ACT Properties LLC, Plaintiff**

v.

**Unknown Heirs of**  
**Carmen M. Guzman, Deceased**  
**Ismael Silva Tirado, Defendant(s)**

**DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situate in the Township of Millcreek, County of Erie and State of Pennsylvania, being Lot No. 229, 21 by 140 feet, Avondale and located in the Township of Millcreek, said premises being further described as Lot No. 229 of AVONDALE ADDITION, of part of Reserve Tracts Numbers 6 and 15, made by S.H. Drown, as per plot of said Subdivision recorded in the Office of the Recorder of Deeds for Erie County in Map Book No. 2, pages 208 and 209. Having erected a dwelling house known as 1029 Filmore Avenue, Erie, Pennsylvania.

PROPERTY ADDRESS: 1029 Filmore Avenue, Erie, PA 16505  
 Michael T. McKeever, Esquire  
 Attorney for Plaintiff  
 Suite 5000 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106  
 (215) 627-1322

Apr. 24 and May 1, 8

**SALE NO. 41**

**Ex. #15917 of 2008**  
**HSBC Mortgage Corporation**  
**USA, Plaintiff**

v.

**Mariann F. Hubbell**  
**Jon L. Hubbell, Defendant(s)**

**DESCRIPTION**

ALL that certain piece or parcel of land situate in the Township of LeBoeuf, County of Erie and State of Pennsylvania, being more particularly bounded and described as follows, to-wit: BEGINNING at a point in the centerline of the public highway commonly known as the "Stone Quarry Road" at the center of a small creek or spring run; thence south following the course of the said creek or spring run to the north line at the right of way of the Erie Railroad Company; thence east

following the north line of right of way of the Erie Railroad Company to a point; thence north on a straight line to the center line of the said "Stone Quarry Road" to a point which is 430 feet east of the point of beginning; thence west along the center line of the said "Stone Quarry Road" 430 feet to the center of the small creek or spring run and the place of beginning, containing approximately 1 acre of land be the same; more or less. Having erected thereon a one-family dwelling known as R. D. #1, Stone Quarry Road, Union City, Pennsylvania.

BEING the same property conveyed to the Mortgagors herein by Deed to be recorded herewith.

PROPERTY ADDRESS: RD#1 Stone Quarry Road a/k/a 6671 Stone Quarry Road, Union City, PA 16438

Michael T. McKeever, Esquire  
 Attorney for Plaintiff  
 Suite 5000 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106  
 (215) 627-1322

Apr. 24 and May 1, 8

**SALE NO. 42**

**Ex. #10017 of 2007**  
**Citimortgage Inc., Plaintiff**

v.

**Carrie A. Lanager**  
**Jason A. Lanager, Defendant(s)**

**DESCRIPTION**

All that certain piece of 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:

Being Lot Number Eight (8) of Block A of a replot of the John Burton Subdivision as shown on a map of said replot recorded in Erie County in Map Book 4 at Pages 218 and 219; having erected thereon a one-story frame dwelling being commonly known as 927 West 36th Street, Erie, Pennsylvania 16508 Under and subject to conditions and restrictions as recited in Erie County Deed Book 614 at Page 214.

Bearing Erie County Index No. (19) 6114.0-206.00

PROPERTY ADDRESS: 927 West

36th Street, Erie, PA 16508  
 Michael T. McKeever, Esquire  
 Attorney for Plaintiff  
 Suite 5000 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106-1532  
 (215) 627-1322

Apr. 24 and May 1, 8

**SALE NO. 43**

**Ex. #15992 of 2008**  
**Deutsche Bank National Trust**  
**Company as Trustee for the**  
**MLN1 Trust Series 2007-MLN1,**  
**Plaintiff**

v.

**Jack McIntire**  
**Jessie L. McIntire, Defendant(s)**

**DESCRIPTION**

ALL that certain tract of land lying and being in the Township of LeBoeuf, County of Erie, State of Pennsylvania, being more particularly described as follows:

Starting at the intersection of the north east corner of Milo Hull property and the west right of way of Rt. 19; Thence North 2 degrees 22 minutes 49 seconds East, 150.00 feet to the Point of Beginning; Thence North 79 degrees 33 minutes 00 seconds West 300.00 feet to an iron stake; Thence North 2 degrees 22 minutes 49 seconds East 150.00 feet to an iron stake; Thence South 79 degrees 33 minutes 00 seconds East 300.00 feet to an iron stake on the west right of way of Rt. 19; Thence South 2 degrees 22 minutes 49 seconds West along the west right of way of Rt. 19 150.00 feet to the POINT OF BEGINNING.

And being known as Parcel 2 of Niemeyer Subdivision No. 4 as recorded in Map Book 39, page 42. BEING PARCEL NO. (30) 4-32-2.03

PROPERTY ADDRESS: 13240 Route 19, Waterford, PA 16441  
 Michael T. McKeever, Esquire  
 Attorney for Plaintiff  
 Suite 5000 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106  
 (215) 627-1322

Apr. 24 and May 1, 8

**SALE NO. 44**

**Ex. #15136 of 2008**  
**Countrywide Home Loans Inc.,**  
**Plaintiff**  
**v.**

**Cheryl L. Phillips, Defendant(s)**  
**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. Thirty-four (34) in Block "A" of the Andrews Land Company Subdivision No. 2 of Reserve Tract No. 32, as recorded in Erie County Map Book 1, page 387, together with all improvements erected thereon. Said premises have erected thereon a dwelling commonly known as 534 East 29th Street, Erie, Pennsylvania.

PROPERTY ADDRESS: 534 East 29th Street, Erie, PA 16505  
 Michael T. McKeever, Esquire  
 Attorney for Plaintiff  
 Suite 5000 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106  
 (215) 627-1322

Apr. 24 and May 1, 8

**SALE NO. 45**

**Ex. #18239 of 2008**  
**The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank, Nation Association, f/k/a JPMorgan Chase Bank, as Trustee for Truman Capital Mortgage Loan Trust 2006-1, Plaintiff**  
**v.**

**Darren Victory**  
**Janice Victory, Defendant(s)**

**DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situate in the Township of Harborcreek, County of Erie and State of Pennsylvania, bounded and described as follows, to wit: BEGINNING at the intersection of the center line of Highmeyer Road and Dutton Road; thence along the center line of Dutton Road South 73 degrees 28 minutes 00 seconds West 3,495.87 feet to a point; thence North 2 degrees 58 minutes West 316.20 feet to a point, said point being the north-east corner of the within-described piece; thence

South 73 degrees 28 minutes West 332.75 feet along the South line of that parcel conveyed to the County of Erie by deed recorded in Erie County Deed Book 052 at page 290, to a point; thence South 17 degrees 01 minutes East 300.00 feet to the center line of Dutton Road; thence East 224.00 feet along the center line of Dutton Road to the point of beginning. Containing 1.0 acres more or less.

Said premises having erected thereon a dwelling house commonly known as R.D. #1, Dutton Road, Harborcreek, Pennsylvania 16421. BEING the same premises which Mary Alice Schneider, now by Marriage Mary Alice Nagosky & Dennis P. Nagosky, husband and wife, by deed dated May 9, 1996 and recorded on May 14, 1996 in the Office of the Recorder of Deeds for Erie County in Deed Book Volume 439, Page 1836, granted and conveyed unto Darren M. Victory and Janice M. Victory, Husband and Wife.

DVB 349 Page 1636  
 Parcel No. 27-25-31-47  
 PROPERTY ADDRESS: 7518 Dutton Road, Harborcreek, PA 16421

Michael T. McKeever, Esquire  
 Attorney for Plaintiff  
 Suite 5000 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106  
 (215) 627-1322

Apr. 24 and May 1, 8

**SALE NO. 46**

**Ex. #15736 of 2008**  
**Deutsche Bank Trust Company Americas, as Trustee for Meritage Mortgage Loan Trust 2004-2, Plaintiff**  
**v.**  
**Tanya Wallace, Defendant(s)**

**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.

BEGINNING at a point in the west line of Cochran Street, one hundred thirty (130) feet north of the north

line of Thirtieth Street; thence westerly parallel with Thirtieth Street, one hundred fifty (150) feet, thence northerly parallel with Cochran Street, thirty (30) feet, thence easterly parallel with Thirtieth Street, one hundred fifty (150) feet to the west line of Cochran Street; thence southerly along the west line of Cochran Street, thirty (30) feet to the place of beginning; being Lot No. Twelve (12) of Block 8 of the Glenwood Park Land Company's plot recorded in Erie County Map Book 1, page 329.

Having erected thereon a two-story aluminum dwelling with detached two-car garage commonly known as 2944 Cochran Street, Erie, Pennsylvania and further identified as Erie County Tax Index No. (19) 6051-204

PROPERTY ADDRESS: 2944 Cochran Street, Erie, PA 16508  
 Michael T. McKeever, Esquire  
 Attorney for Plaintiff  
 Suite 5000 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106  
 (215) 627-1322

Apr. 24 and May 1, 8

**SALE NO. 47**

**Ex. #14602 of 2008**  
**Everhome Mortgage Company**  
**v.**

**Heather K. Bova and John M. Bova**

**SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 14602-08 Everhome Mortgage Company v. Heather K. Bova and John M. Bova Heather K. Bova and John M. Bova, owners of property situated in the Township of Millcreek, Erie County, Pennsylvania being 701 Lowell Avenue, Erie, Pennsylvania 16505.

Tax I.D. No. (33) 15-49-38  
 Assessment: \$ 116,432.22  
 Improvements: Residential Dwelling McCabe, Weisberg and Conway, P.C. 123 South Broad Street, Suite 2080 Philadelphia, PA 19109

Apr. 24 and May 1, 8

**SALE NO. 48**

**Ex. #18220 of 2008**

**Household Finance Consumer  
Discount Company**

**v.**

**John K. Duemmel a/k/a**

**John Duemmel and**

**Joanna Duemmel a/k/a**

**JoAnna M. Duemmel a/k/a**

**Joanna M. Pease a/k/a**

**Joanna M. DeRosa**

**SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 18220-2008 Household Finance Consumer Discount Company v. John K. Duemmel a/k/a John Duemmel and Joanna Duemmel a/k/a JoAnna M. Duemmel a/k/a Joanna M. Pease a/k/a Joanna M. DeRosa

John K. Duemmel a/k/a John Duemmel and Joanna Duemmel a/k/a JoAnna M. Duemmel a/k/a Joanna M. Pease a/k/a Joanna M. DeRosa, owners of property situated in the City of Erie, Erie County, Pennsylvania being 445 West 7th Street, Erie, Pennsylvania 16502.

Tax I.D. No. 17-040-013.0-119.00

Assessment: \$ 116,288.64

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

Apr. 24 and May 1, 8

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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, April 27, 2009** and confirmed Nisi.

**May 21, 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>
95.	Victoria A. Jarosz .....	Josephine M. Dunst, Exrx. ....	Knox McLaughlin Gornall & Sennett PC
96.	James A. Weyers & Lorraine M. Weyers .....	Kathryn M. Ritt, Tr. ....	" " " "
97.	Lorraine M. Weyers .....	Kathryn M. Ritt, Gdn. ....	" " " "
98.	George R. French .....	Karen E. Pietsch, Exrx. ....	Denis W. Krill PC
99.	Gary C. Kaiser aka Gary Fergie Kaiser .....	Theresa A. Mastery, Exrx. ....	" "
100.	Dr. Frank R. Episcopo aka.... Edward DiMattio .....	Frank R. Episcopo &..... Albert DiMattio, Exrs.	Kubinski Susko & Schonthal
101.	Janet J. Bernatowicz aka Janet Jean Bridge .....	Patricia Zello, Exrx. ....	McCarthy Martone & Peasley
102.	Norma L. Burns .....	Robert W. Murray, Admr. ....	Robert W. Murray
103.	Blaine W. Wagner .....	Barbara J. Walker, Admrx. ....	Darlene M. Vlahos, Esq.
104.	Margaret K. Sexauer .....	Darlene M. Vlahos, Esq., Exrx. ....	Ward & Pagliari

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

Apr. 24 and May 1

**ESTATE NOTICES**

Notice is hereby given that in the estates of the decedents set forth below the Register of Wills has granted letters, testamentary or of administration, to the persons named. All persons having claims or demands against said estates are requested to make known the same and all persons indebted to said estates are requested to make payment without delay to the executors or their attorneys named below.

**FIRST PUBLICATION**

**BAUMANN, PATRICIA ANN, deceased**

Late of the Township of Harborcreek  
*Executor:* Stephen Mark Danch, 933 Hilltop Road, Erie, PA 16509  
*Attorney:* Michael A. Fetzner, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**BEACH, MICHAEL D., deceased**

Late of North East Township, Erie County, North East, Pennsylvania  
*Administrator:* James D. Beach, c/o Robert J. Jeffery, Esq., 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

**BRACE, RACHEL E., deceased**

Late of the City of Erie, County of Erie and State of Pennsylvania  
*Executrix:* Wendy L. Brace, c/o 305 West Sixth Street, Erie, PA 16507  
*Attorney:* Randy L. Shapira, Esquire, 305 West Sixth Street, Erie, PA 16507

**DOLAK, ELIZABETH, a/k/a BETTY DOLAK, deceased**

Late of the Township of Fairview, County of Erie and Commonwealth of Pennsylvania  
*Executor:* John M. Dolak  
*Attorney:* Craig A. Zonna, Esquire, Elderkin, Martin, Kelly & Messina, 150 East 8th Street, Erie, PA 16501

**GUSTAFSON, WILLARD A., JR., deceased**

Late of the Borough of Albion, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Nancy Rea  
*Attorney:* Thomas J. Minarcik, Esquire, Elderkin, Martin, Kelly & Messina, 150 East 8th Street, Erie, PA 16501

**HILLKIRK, PATRICIA J., deceased**

Late of the Township of Harborcreek  
*Executor:* R. Keith Hillkirk, 2006 Ridge View Drive, Orwingsburg, PA 17961  
*Attorney:* Jack M. Gornall, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**KONIECZKO, LEONARD S., deceased**

Late of the City of Erie, County of Erie, and Commonwealth of Pennsylvania  
*Executor:* Anne E. Rydzewski, 3920 Tuttle Avenue, Erie, PA 16504  
*Attorney:* Thomas S. Kubinski, Esquire, The Gideon Ball House, 135 East 6th Street, Erie, PA 16501

**MERCH, FRANK J., a/k/a FRANK MERCH, deceased**

Late of the Township of Springfield, County of Erie, State of Pennsylvania  
*Administratrix:* Marian L. Merch, 13079 West Ridge Road, PO Box 152, West Springfield, Pennsylvania 16443  
*Attorney:* James R. Steadman, Esq., 24 Main St. E., Girard, Pennsylvania 16417

**MOZUR, JAMES DAVID, deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania  
*Administratrix:* Lisa Grassi, 3508 Ellsworth Ave., Erie, PA 16508  
*Attorney:* Kelly A. Mroz, Esq., 1359 West Sixth Street, Erie, PA 16505

**PRZEPIERSKI, VIRGINIA M., deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Executrix:* Patricia Gray, 307 French Street, Erie, Pennsylvania 16507  
*Attorney:* Robert C. Ward, Esquire, 307 French Street, Erie, Pennsylvania 16507-1542

**STEWART, GILLEAN B., deceased**

Late of the Township of Summit, County of Erie, and State of Pennsylvania  
*Executrix:* Beverly Stewart Medic, 434 Small Road, Clarks Mills, PA 16114  
*Attorney:* Stephen A. Tetuan, Esquire, 558 West Sixth Street, Erie, PA 16507

**TEUBNER, SOPHIA T., deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Executor:* Thomas Horvath, c/o 3209 East Avenue, Erie, PA 16504  
*Attorney:* Cathy M. Lojewski, Esq., 3209 East Avenue, Erie, PA 16504

## SECOND PUBLICATION

**ANDERSON, CHARLOTTE A.,  
deceased**

Late of Millcreek Township, Erie County, PA

*Executor:* Karen L. Acker, 5459 Sebago Drive, Fairview, PA 16415

*Attorney:* Nadia H. Havard, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**BAGLEY, R. BERNICE,  
deceased**

Late of the Borough of North East, County of Erie, State of Pennsylvania

*Executor:* Jill Marie Macomber and Beth Ann Brownhill, c/o 78 East Main Street, North East, PA 16428

*Attorney:* Brydon Law Office, Attorney John C. Brydon, 78 East Main Street, North East, PA 16428

**BAKER, THOMAS A.,  
deceased**

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

*Administrator:* Thomas V. Myers, Esquire, c/o 900 State Street, Suite 104, Erie, PA 16501

*Attorney:* Thomas V. Myers, Esquire, Nichols & Myers, P.C., 900 State Street, Suite 104, Erie, PA 16501

**BUCARELLI, JOSEPH A.,  
deceased**

Late of the City of Erie, Commonwealth of Pennsylvania

*Executor:* Elizabeth J. Bucarelli, 3417 Greengarden Blvd., Erie, Pennsylvania 16508

*Attorney:* Richard A. Vendetti, Esq. Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

**CAMPBELL, ELIZABETH E.,  
deceased**

Late of the Township of Harborcreek

*Executrix:* Sandra K. Lutz, c/o James S. Bryan, Esq., 11 Park Street, North East, PA 16428

*Attorney:* James S. Bryan, Knox McLaughlin Gornall & Sennett, P.C., 11 Park Street, North East, PA 16428

**FULCHER, EUGENE,  
deceased**

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

*Executor:* Eugene E. Fulcher, 5605 Sunnybrook Drive, Girard, PA 16417

*Attorneys:* MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**HOGUE, HOWARD R.,  
deceased**

Late of the Township of North East

*Executor:* Jeffrey L. Wakley, c/o James S. Bryan, Esq., 11 Park Street, North East, PA 16428

*Attorney:* James S. Bryan, Knox McLaughlin Gornall & Sennett, P.C., 11 Park Street, North East, PA 16428

**MUSE, GEORGE H.,  
deceased**

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

*Administrator:* Dr. James G. Johannes, c/o 900 State Street, Suite 104, Erie, PA 16501

*Attorney:* Thomas V. Myers, Esquire, Nichols & Myers, P.C., 900 State Street, Suite 104, Erie, PA 16501

**PAOLELLA, DOMINIC J.,  
deceased**

Late of the Township of Millcreek, Commonwealth of Pennsylvania

*Executor:* David J. Paoella, 5608 King Road, Erie, Pennsylvania 16509

*Attorney:* Richard A. Vendetti, Esq. Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

**PARKER, JUNE A.,  
deceased**

Late of Fairview Township, County of Erie

*Administrator:* Michael A. Parker, 6721 Walnut Creek Drive, Fairview, PA 16415

*Attorney:* Donald J. Rogala, Esq., 246 West Tenth Street, Erie, PA 16501

**RIGAZZI, ADOLPH J.,  
deceased**

Late of the City of Erie, County of Erie

*Executor:* Josephine M. Rigazzi, 3303 Stough Ave., Erie, PA 16508

*Attorney:* Gene P. Placidi, Esquire, Melaragno & Placidi, 502 West Seventh Street, Erie, Pennsylvania 16502

**SORNBERGER, MILDRED,  
deceased**

Late of Erie County

*Executor:* Janet Myers, c/o 332 East 6th Street, Erie, PA 16507-1610

*Attorney:* Dennis V. Williams, Esq., Williams and Adair, 332 East 6th Street, Erie, PA 16507-1610

**VOLK, AUDREY E.,  
deceased**

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

*Executor:* Dr. James G. Johannes, c/o 900 State Street, Suite 104, Erie, PA 16501

*Attorney:* Thomas V. Myers, Esquire, Nichols & Myers, P.C., 900 State Street, Suite 104, Erie, PA 16501

**WEIGERT, BARBARA A., a/k/a  
BARBARA ANN WEIGERT,  
deceased**

Late of the City of Erie, Erie County, PA

*Executor:* Richard M. Weigert, 5950 Turner Road, Union City, PA 16438

*Attorney:* Jeffrey D. Scibetta, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**ZDUNSKI, LEO T.,  
deceased**

Late of the Township of Millcreek, County of Erie, and Commonwealth of Pennsylvania  
*Executor:* Victoria A. Barko, c/o 900 State Street, Suite 104, Erie, PA 16501  
*Attorney:* Thomas V. Myers, Esquire, Nichols & Myers, P.C., 900 State Street, Suite 104, Erie, PA 16501

**THIRD PUBLICATION**

**ALLEN, SARAH B.,  
deceased**

Late of Millcreek Township  
*Executor:* Sarah L. Rogers, 740 Marshall Drive, Erie, PA 16505  
*Attorney:* Jeffrey D. Scibetta, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**BENSON, JACQUELINE D.,  
deceased**

Late of the City of Corry, Erie County, Pennsylvania  
*Administrator:* Daniel L. Benson, 213 W. Smith Street, Corry, PA 16407  
*Attorney:* William E. Barney, Esq., 200 North Center Street, Corry, Pennsylvania 16407

**BERNITTER, MARIE J., a/k/a  
MARIE JOAN BERNITTER,  
deceased**

Late of the Township of Millcreek, County of Erie, Pennsylvania  
*Executrix:* Amy M. Jackson, c/o 246 West 10th Street, Erie, PA 16501  
*Attorney:* Scott E. Miller, Esquire, 246 West Tenth Street, Erie, PA 16501

**BERNITTER, ROBERT P.,  
deceased**

Late of the Township of Millcreek, County of Erie, Pennsylvania  
*Executrix:* Amy M. Jackson, c/o 246 West 10th Street, Erie, PA 16501  
*Attorney:* Scott E. Miller, Esquire, 246 West Tenth Street, Erie, PA 16501

**DEVLIN, WILLIAM M.,  
deceased**

Late of the Township of Greene, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Mark J. Devlin, 9220 New Road, North East, PA 16428-5714  
*Attorneys:* MacDonald, Illig, Jones & Britton, LLP, 100 State Street, Suite 700, Erie, PA 16507-1459

**GUPTA, LAKSHMI PRAKASH,  
a/k/a LAKSHMI P. GUPTA,  
a/k/a LAKSHMI GUPTA,  
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania  
*Administratrix:* Shubhra Gupta, c/o 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508  
*Attorney:* Darlene M. Vlahos, Esquire, 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508

**HAMILTON, DOROTHY M.,  
deceased**

Late of the Township of Millcreek  
*Executrix:* H. S. Zuck, 531 Delaware Avenue, Erie, PA 16505  
*Attorney:* Jerome C. Wegley, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**OEHLER, GERTRUDE B., a/k/a  
GERTRUDE OEHLER,  
deceased**

Late of Lake City Borough, County of Erie, Pennsylvania  
*Co-Executrices:* Maureen Frey and Kathleen Haven c/o 150 West Fifth Street, Erie, PA 16507  
*Attorney:* Colleen C. McCarthy, Esq., McCarthy, Martone & Peasley, 150 West Fifth Street, Erie, PA 16507

**PRATT, MORRELL B.,  
deceased**

Late of the Borough of Waterford, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Alan Pratt, 1646 Granite Lane, Loganville, GA 30052  
*Attorney:* Jeffrey G. Herman, Esq., 412 High Street, Waterford, PA 16441

**SERR, MARY LOUISE,  
deceased**

Late of the County of Erie and Commonwealth of Pennsylvania  
*Executor:* Colin Acker, c/o Jeff A. Connelly, Esquire, 2913 Pittsburgh Ave., Erie, Pennsylvania 16508  
*Attorney:* Jeff A. Connelly, Esquire, 2913 Pittsburgh Ave., Erie, Pennsylvania 16508

**STRONG, JAMES,  
deceased**

Late of the County of Erie and Commonwealth of Pennsylvania  
*Executor:* David Strong c/o Jeff A. Connelly, Esquire, 2913 Pittsburgh Ave., Erie, Pennsylvania 16508  
*Attorney:* Jeff A. Connelly, Esquire, 2913 Pittsburgh Ave., Erie, Pennsylvania 16508



**CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS**

**Firm Address Change**

**Dailey, Karle and Vilella** is now at 900 State Street, **Suite 103**, Erie, PA 16501.

**Effective May 18, 2009**

**Hon. Carol L. Southwick** ----- (814) 438-3855

Magisterial District Judge, 06-3-04 ----- (f) (814) 438-9107

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