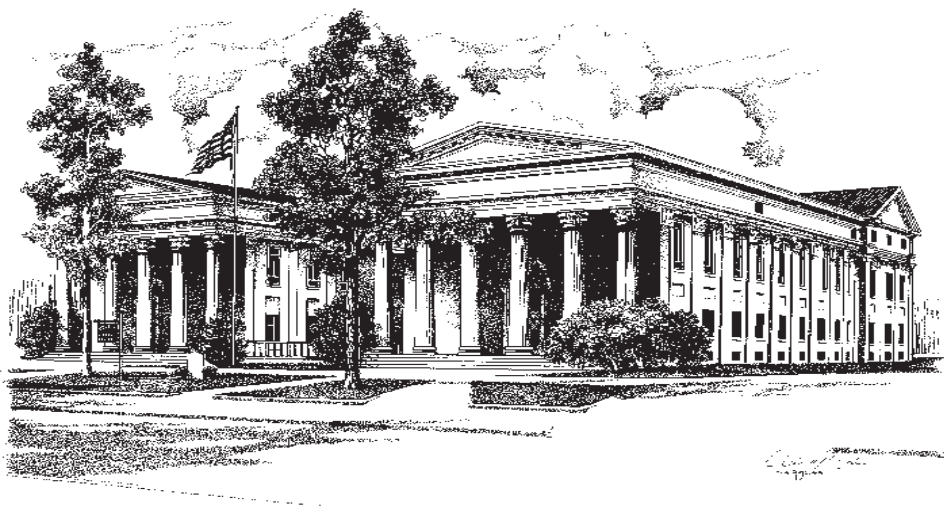


*Erie  
County  
Legal  
Journal*

May 8, 2009

Vol. 92 No. 19

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92 Erie 131 - 140  
Commonwealth v. Spade

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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

### 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

### TUESDAY, JUNE 2, 2009

*Selecting and Influencing Your Jury*  
 PBI Video Seminar  
 Bayfront Convention Center  
 9:00 a.m. - 4:00 p.m.  
 \$319 (member) \$299 (admitted after 1/1/05)  
 \$339 (nonmember)  
 6 hours substantive

### THURSDAY, JUNE 4, 2009

*Consumer Debt Litigation*  
 PBI Groupcast Seminar  
 Bayfront Convention Center  
 9:00 a.m. - 1:15 p.m.  
 \$214 (member) \$194 (admitted after 1/1/05)  
 \$234 (nonmember)

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

### WEDNESDAY, JUNE 17, 2009

*Selecting, Investigating, Evaluating and Settling Personal Injury Cases*  
 PBI Groupcast Seminar  
 Bayfront Convention Center  
 8:30 a.m. - 11:45 a.m.  
 \$214 (member) \$194 (admitted after 1/1/05)  
 \$234 (nonmember)

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

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## COMMONWEALTH OF PENNSYLVANIA

v.

## JOSEPH RALPH SPADE

*CRIMINAL PROCEDURE / INEFFECTIVE ASSISTANCE OF  
COUNSEL*

To prevail on an ineffective assistance of counsel claim, Petitioner/Defendant must demonstrate that (1) that the claim is of arguable merit; (2) that counsel had no reasonable strategic basis for his or her action or inaction; and, (3) that, but for the errors and omissions of counsel, there is a reasonable probability that the outcome of the proceedings would have been different.

*CRIMINAL PROCEDURE / INEFFECTIVE ASSISTANCE OF  
COUNSEL*

Trial counsel will be found ineffective and appellate rights will be reinstated *nunc pro tunc* when Petitioner/Defendant demonstrates that (1) Petitioner directly requested that trial counsel file an appeal on his behalf or (2) if trial counsel has failed to adequately consult with the Petitioner regarding the advantages and disadvantages of an appeal where there is reason to think that a Defendant would want to appeal.

*CRIMINAL PROCEDURE / INEFFECTIVE ASSISTANCE OF  
COUNSEL*

Counsel must file an appeal on defendant's behalf if (1) a rational defendant would want to appeal (for example, due to the existence of non-frivolous grounds for appeal) or (2) the defendant reasonably demonstrated to counsel that he was interested in appealing.

*CRIMINAL PROCEDURE / INEFFECTIVE ASSISTANCE OF  
COUNSEL*

Counsel must adequately and timely consult with a defendant before the time limit for appealing and counsel's failure to consult with the defendant will only entitle the defendant to reinstatement of his appellate rights if the defendant shows prejudice.

*CRIMINAL PROCEDURE / INEFFECTIVE ASSISTANCE OF  
COUNSEL*

Appellate rights will be reinstated and trial counsel will be found ineffective when fee agreement was not clear as to duty to file appeal, Petitioner/Defendant was visibly upset about his sentence, family members contacted trial counsel following sentencing regarding the proceedings, Petitioner/Defendant filed his own *pro se* motion for reconsideration and trial counsel failed to inform Petitioner/Defendant of the result of that motion or the fact that a hearing on that motion had taken place, and trial counsel failed to file an appeal on Petitioner/Defendant's behalf.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY,  
PENNSYLVANIA Nos. 1947, 1948 & 1537 of 2007

Appearances: William J. Hathaway, Esq., Attorney for Defendant  
Lisa Ferrick, Esq., Attorney for Commonwealth

**OPINION**

Bozza, John A., J.

**Procedural History**

On August 31, 2007, the petitioner, Joseph Ralph Spade, entered guilty pleas to the crimes of criminal conspiracy to commit access device fraud<sup>1</sup>, criminal conspiracy to commit forgery<sup>2</sup>, and criminal trespass<sup>3</sup>. On October 5, 2007, the petitioner received the following sentence:

Count 1 of Docket 1537: Criminal Trespass; Break Into Structure - thirty-six (36) months to ninety-six (96) months incarceration, consecutive to state sentence at previous docket

Count 1 of Docket 1947: Criminal Conspiracy to Commit Access Device Fraud - costs, restitution, thirty-six (36) months to seventy-two (72) months incarceration, consecutive to Docket 1537 of 2007;

Count 1 of Docket 1948: Criminal Conspiracy to Commit Forgery - costs, restitution, twenty-four (24) months to sixty (60) months incarceration, consecutive to Docket 1947 of 2007<sup>4</sup>.

On October 24, 2007, the petitioner filed a Motion for Modification of Sentence, which was denied by way of Order dated November 6, 2007. No appeal was filed following the denial of this motion. The petitioner filed the instant PCRA on August 29, 2008, in which he asserted that there were violations of his constitutional rights, that his guilty plea was unlawfully induced, that he was denied effective assistance of counsel at trial, and that his sentence exceeded the lawful maximum. This Court appointed William J. Hathaway, Esq. as the petitioner's PCRA counsel on September 9, 2008.

After a review of the petitioner's file and his PCRA petition, Mr.

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<sup>1</sup> 18 P.S. § 903(a)(1), § 4106.

<sup>2</sup> 18 P.S. § 903(a)(1), § 4101.

<sup>3</sup> 18 P.S. § 3503(a)(1)(ii).

<sup>4</sup> The petitioner received an aggregate sentence of ninety-six (96) months to two hundred and twenty-eight (228) months incarceration, or eight (8) to nineteen (19) years consecutive.

Hathaway filed a Supplemental PCRA petition on December 2, 2008, which asserted that the only meritorious issue contained in the original petition concerned Mr. Spade's allegation that he was denied effective assistance of counsel at trial. Specifically, Mr. Spade claimed that his trial counsel, Dennis Williams, Esq., did not notify him that this Court had denied his Motion for Modification of Sentence, and that Mr. Williams failed to file an appeal of Mr. Spade's sentence to the Pennsylvania Superior Court, which Mr. Spade requested him to do following his Sentencing Hearing. The Supplemental PCRA requested that the Court provide Mr. Spade with an evidentiary hearing in order to address these issues. The Commonwealth filed a response by way of letter dated December 15, 2008, which also requested an evidentiary hearing. Subsequently, this Court held a hearing on the matter on February 24, 2009. For the reasons that follow, this Court grants the petitioner's PCRA and his appellate rights will be reinstated *nunc pro tunc*.

### Facts

Mr. Spade's family retained Mr. Williams on May 15, 2007, to provide legal representation to Mr. Spade for the criminal charges against him at the above-listed dockets. The retainer agreement, submitted by the Commonwealth at trial, states that for the sum of \$2500 Mr. Williams will provide representation to Mr. Spade at his Preliminary Hearing, and that his hourly fee is \$250 per hour. The retainer agreement also states that "[s]hould the matter go beyond the Preliminary Hearing, an additional fee arrangement will be made."<sup>5</sup>

At the PCRA hearing, Mr. Spade testified regarding the extent of the legal representation provided to him by Mr. Williams. He stated that immediately after receiving his sentence, Mr. Williams hurriedly walked out of the courtroom without speaking to him about how he wished to proceed in the matter.<sup>6</sup> Mr. Spade was eventually able to track down Mr. Williams briefly in the hallway outside the courtroom, where he told Mr. Williams that he wanted to appeal his sentence.<sup>7</sup> Mr. Spade stated that Mr. Williams told him that there were no appealable grounds, and proceeded to walk away again.<sup>8</sup> While he acknowledged that Mr. Spade was visibly upset after receiving his sentence, Mr. Williams denied that Mr. Spade ever directly asked him to file an appeal or a post-sentence motion after the hearing.<sup>9</sup>

After sentencing, Mr. Spade was transferred to the Erie County Prison

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<sup>5</sup> PCRA Hearing, 2/24/09, Commonwealth Exhibit 4, ¶3.

<sup>6</sup> N.T., PCRA Hearing, 2/24/09, pg. 5.

<sup>7</sup> *Id.* pp. 5, 22.

<sup>8</sup> *Id.* at 5.

<sup>9</sup> *Id.* at 42-43.

for approximately nine days.<sup>10</sup> During this period, Mr. Williams initiated no contact with his client about his desire to file a post sentence motion or appeal. Mr. Spade tried to have various members of his family contact Mr. Williams by telephone in order to discuss filing a post-sentence motion or an appeal.<sup>11</sup> He did not personally contact Mr. Williams by phone at this location because he was placed “in the hole,” and thus, he did not have access to a telephone.<sup>12</sup> Mr. Spade was permitted to draft and send letters, and although he claimed that he wrote Mr. Williams a letter from the Erie County Prison requesting him to appeal his sentence, he was not able to produce a copy of this letter at the hearing, and Mr. Williams denied ever receiving such a letter.<sup>13</sup>

Instead, Mr. Spade drafted a Motion for Modification of Sentence and sent it directly to this Court.<sup>14</sup> The Court forwarded this motion to Mr. Williams and directed him to proceed accordingly.<sup>15</sup> Thereafter, Mr. Williams attached a cover sheet to the petitioner’s hand-written motion, requested oral argument, and filed the motion on behalf of Mr. Spade.<sup>16</sup> The Court granted the request for oral argument, but Mr. Williams appeared at this hearing without Mr. Spade.<sup>17</sup> Mr. Spade testified that he never received notice from Mr. Williams that his attorney incorporated his motion into a formal document, nor that the Court had scheduled a hearing.<sup>18</sup> When the Court denied the motion by way of Order, the clerk of courts served Mr. Williams, who was still listed as Mr. Spade’s attorney of record, with a copy of this Order. Mr. Williams stated that his standard procedure would have been to inform Mr. Spade by forwarding this copy to Mr. Spade. However, Mr. Williams could not recollect whether he did in fact send Mr. Spade a copy of this Order, and the Commonwealth did not produce any evidence that he sent notification to Mr. Spade, or that he otherwise was aware that the motion was denied. Most importantly, Mr. Spade testified that he never received notice from Mr. Williams that his motion had been denied.<sup>19</sup>

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<sup>10</sup> *Id.* at 6.

<sup>11</sup> *Id.* at 5-6.

<sup>12</sup> *Id.* at 14.

<sup>13</sup> N.T., PCRA Hearing, 2/24/09, pp. 14-15.

<sup>14</sup> *Id.* at 6-7. Mr. Spade testified that he filed this motion on his own because he remained uncertain whether Mr. Williams was going to file anything to preserve his appellate rights.

<sup>15</sup> *Id.* at 48.

<sup>16</sup> *Id.* at 48.

<sup>17</sup> *Id.* at 8.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* When he was asked why Mr. Spade claimed that he never received notice of the hearing on his Motion for Modification of Sentence or its denial, Mr. Williams explained that he sent all correspondence to the only known address he had for Mr. Spade, which was the Erie County Prison.<sup>19</sup> Mr. Williams also stated that none of his mailings to Mr. Spade were ever returned back to his law office as undeliverable or otherwise, which led Mr. Williams to believe that Mr. Spade was receiving mail and that he had notice of the hearing and the denial of his motion for modification.

After his stay in the Erie County Prison, Mr. Spade was transferred to the Albion State Correctional Institution.<sup>20</sup> Mr. Spade testified that he still intended to file an appeal, but he was unable to reach Mr. Williams by phone.<sup>21</sup> Thus, Mr. Spade contacted his sister, Angela Spade, and told her to phone Mr. Williams and inform him that he wanted his case record, and his sentencing and plea transcripts for the purpose of filing an appeal.<sup>22</sup> Ms. Spade, who also testified at the PCRA Hearing, stated that she contacted Mr. Williams by phone and made these requests.<sup>23</sup> However, Mr. Williams informed Ms. Spade that he would only do so if she paid him the necessary filing fees payable to the Clerk of Courts office.<sup>24</sup> She made no payment to Mr. Williams for these transcripts, and she did not contact Mr. Williams after this.<sup>25</sup>

Mr. Spade's only direct contact with Mr. Williams after sentencing was a letter he wrote from SCI-Albion, dated November 26, 2007, which contained a request for his sentencing and plea transcripts, as well as his sentencing order. Mr. Spade did not make a request to file an appeal in this letter, but he does state that he is "working with deadlines," and the overall tone of the letter reveals that Mr. Spade was not happy with the legal services Mr. Williams provided him.<sup>26</sup> Mr. Williams replied to Mr. Spade by way of letter dated November 28, 2007, informing Mr. Spade that in order to obtain these transcripts he would need \$500 to cover the court costs associated with this request.<sup>27</sup> There was no mention that the defendant's motion for modification had been denied or that the appellate deadline was rapidly approaching.<sup>28</sup>

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<sup>20</sup> N.T., PCRA Hearing, 2/24/09, pg. 10.

<sup>21</sup> Although Mr. Spade had access to a telephone at this location, he could not reach Mr. Williams' law office by phone in order to inform him that he wanted to appeal his sentence. Mr. Spade testified that this was due to the fact that he was only given access to the telephone at night and on the weekends, and that no one at Mr. Williams' office answered his phone calls at these times. He also stated that he could not leave a voice message because the recipient of his phone call had to first accept the call before he could leave a message, and because no one was present at Mr. Williams' office to accept Mr. Spade's phone calls at these times, he could not leave a message. *See id.* at 8-17.

<sup>22</sup> *Id.* at 9, 28-29.

<sup>23</sup> *Id.* at 31.

<sup>24</sup> *Id.* at 29, 47.

<sup>25</sup> *Id.* at 31-32.

<sup>26</sup> *See* Commonwealth Exhibit 1; Mr. Spade testified that he wrote this letter with knowledge that his appeal period had expired, and he was upset that Mr. Williams had not contacted him in the interim. N.T., PCRA Hearing, 2/24/09, pp. 21.

<sup>27</sup> PCRA Hearing, 2/24/09, Commonwealth Exhibit 3.

<sup>28</sup> As a result of the Court's denial of the motion, the defendant would have had until December 6, 2007 to file his notice of appeal.



Mr. Williams also recalled having several telephone conversations with some members of Mr. Spade's family concerning Mr. Spade's sentence, the cost of an appeal, appealable issues, and his opinion of Mr. Spade's likelihood of success on appeal.<sup>29</sup> He stated that at no time during any of these discussions did any of Mr. Spade's family members directly ask him to file an appeal.<sup>30</sup> Mr. Williams told these family members that although he did not believe an appeal would be successful, he would still file an appeal provided that he would be paid accordingly for these services.<sup>31</sup>

### Legal Analysis

In general, an ineffective assistance of counsel claim is cognizable as a ground for relief under Section 9543(a)(2)(ii) of the PCRA, which requires that the petitioner must plead and prove by a preponderance of the evidence "ineffectiveness of counsel which, in the circumstances of the particular case, so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place. 42 Pa. C.S.A. § 9543(a)(2)(ii). In addition, the petitioner must make the following showing in order to succeed on an ineffective assistance of counsel claim: "(1) that the claim is of arguable merit; (2) that counsel had no reasonable strategic basis for his or her action or inaction; and, (3) that, but for the errors and omissions of counsel, there is a reasonable probability that the outcome of the proceedings would have been different." *Commonwealth v. Kimball*, 555 Pa. 299, 724 A.2d 326, 333 (1999).

The Pennsylvania Supreme Court has stated that the "unjustified failure to file a requested direct appeal is ineffective assistance of counsel *per se*,..." and a petitioner need not show the prejudice prong of the test for ineffectiveness. *Commonwealth v. Bath*, 2006 PA Super 235, 907 A.2d 619, 622 (Pa. Super. Ct. 2006) (citing *Commonwealth v. Lantzy*, 558 Pa. 214, 736 A.2d 564, 571 (1999)). However, before the court finds ineffectiveness for failing to file a direct appeal, the defendant must first prove that he requested counsel to appeal, and that counsel ignored this request. *Bath*, 2006 PA Super 235, 907 A.2d at 622 (citing *Commonwealth v. Knighten*, 1999 PA Super 291, 742 A.2d 679, 682 (Pa. Super. Ct. 1999)).

Even assuming that Mr. Spade did not directly request Mr. Williams to file an appeal, he can still establish that he is entitled to relief in another manner. Where no direct request for an appeal has been made, counsel may still be found to be ineffective if he or she has failed to "adequately

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<sup>29</sup> N.T., PCRA Hearing, 2/24/09, pp. 44-45.

<sup>30</sup> *Id.* at 46-47.

<sup>31</sup> *Id.* at 56-57.

consult with the defendant as to the advantages and disadvantages of an appeal where there is reason to think that a defendant would want to appeal.” *Roe v. Flores-Ortega*, 528 U.S. 470, 478, 120 S. Ct. 1029 (2000); *Commonwealth v. Touw*, 2001 PA Super 229, 781 A.2d 1250, 1254 (Pa. Super. Ct. 2001). “The failure to consult may excuse the defendant from the obligation to request an appeal ... such that counsel could still be found to be ineffective in not filing an appeal even where appellant did not request the appeal. *Roe*, 528 U.S. at 480, 484; *Touw*, 781 A.2d at 1254.

Under both *Roe* and *Touw*, if counsel has reason to believe that either “(1) ... a rational defendant would want to appeal (for example, because there are non-frivolous grounds for appeal), or (2) that this particular defendant reasonably demonstrated to counsel that he was interested in appealing[,]” then there is a constitutional duty placed upon counsel to adequately consult with the defendant about an appeal. *Touw*, 781 A.2d at 1254; *See also Commonwealth v. Gadsden*, 2003 PA Super 336, 832 A.2d 1082 (Pa. Super. Ct. 2003) (“When addressing [a claim of ineffective assistance of counsel], a PCRA court must consider whether counsel **adequately** and **timely** consulted with the petitioner before the filing deadline and whether counsel’s failure or refusal to file a petition for allowance of appeal with the Pennsylvania Supreme Court was justified.” (emphasis in original)).

In *Roe*, the U.S. Supreme Court stated that when considering what type of consultation qualifies as adequate and timely, in general, courts “must judge the reasonableness of counsel’s conduct on the facts of the particular case, viewed as of the time of counsel’s conduct,” and that courts should be “highly deferential” to counsel’s performance. *Rowe*, 528 U.S. at 478. The Court also defined “consult” as “advising the defendant about the advantages and disadvantages of taking an appeal, and making a reasonable effort to discover the defendant’s wishes.” *Id.*

Counsel’s failure to consult with the defendant “does not automatically entitle the defendant to reinstatement of his or her appellate rights; the defendant must show prejudice.” *Touw*, 781 A.2d at 1254. A defendant can show prejudice by demonstrating that “but for counsel’s deficient failure to consult with him about an appeal, he would have timely appealed.” *Id.* (quoting *Roe*, 528 U.S. at 484).

In *Touw*, the Pennsylvania Superior Court remanded the case to the PCRA court to determine whether counsel’s consultation was adequate, and the court made the following observations. Counsel’s consultation with the defendant’s parents did not satisfy the consultation requirement outlined by the Supreme Court in *Rowe*; the consultation must be with the defendant. *Touw*, 781 A.2d at 1254.

A post-sentence letter sent to the defendant's stepfather also failed to meet the consultation requirement. *Id.* However, the court stated that the consultation requirement may have been met in counsel's discussions with the defendant *before* sentencing. *Id.* at 1255. The Court also held that counsel had a clear duty to consult with the defendant because counsel acknowledged that he believed the Court incorrectly applied the sentencing guidelines to his client's sentence and thus, there was reason to believe that a rational defendant would want to appeal. *Id.*

In this case, Mr. Spade's actions reasonably demonstrated to counsel that he was interested in appealing; indeed, he testified that he told Mr. Williams that he wanted to appeal his sentence. Mr. Williams' actions fall well short of the duty to consult as set out by our Superior Court in *Touw*. Mr. Williams acknowledged that Mr. Spade was visibly frustrated with his sentence, yet he never attempted to find out how Mr. Spade wanted to proceed with his case. When Mr. Williams received Mr. Spade's Motion for Modification of Sentence from the Court, it provided him with clear indication that Mr. Spade was interested in appealing, given that Mr. Spade was informed at his sentencing and plea hearings that filing this motion was a necessary step toward filing an appeal. However, Mr. Williams failed to inform his client that he had resubmitted the motion, that argument had been scheduled on the motion, and that the motion had been denied. Although Mr. Williams contends that his standard procedure would have been to give notice to Mr. Spade of these developments, the record does not support his contention. The Commonwealth provided no proof at the PCRA Hearing that Mr. Williams sent these documents to Mr. Spade, and Mr. Spade testified that he never received notice of these developments.

In addition, Mr. Williams received several phone calls from Mr. Spade's family members in which he discussed, among other things, the advantages and disadvantages of filing an appeal, and his opinion of the likelihood of success in filing an appeal. As the Court in *Touw* clearly stated, discussions with family members do not meet the consultation requirement; the discussions must occur with the defendant. Discussions of this nature never occurred with Mr. Spade. Mr. Williams was informed by and through these family members that, at the very least, Mr. Spade was contemplating filing an appeal.

It is also important to note that the fee agreement signed by the defendant's sister does not support the Commonwealth's position. Any notion that Mr. Williams' duty to consult with his client about the prospect of an appeal was limited by the terms of the fee agreement is not supported by the record. Although the agreement, in letter form, states that an additional fee arrangement will be made if the matter progresses

beyond the Preliminary Hearing, and that Mr. Williams' hourly fee is \$250 per hour, the course of his representation indicates that this was not in fact the nature of what transpired. The matter did go beyond the Preliminary Hearing, as Mr. Williams continued to act on behalf of Mr. Spade and represented him at both a plea proceeding and the sentencing hearing without working out an additional fee arrangement. He also resubmitted the petitioner's Motion for Modification of Sentence, and appeared at the argument on this motion. A reasonable defendant in the position of Mr. Spade would have believed, as he indicated in his testimony, that Mr. Williams was continuing to represent him throughout the course of the criminal proceedings, including the filing of a notice of appeal.

Finally, it should be noted that Mr. Williams' communications with Mr. Spade following the Sentencing Hearing would not meet the duty imposed upon attorneys to communicate with their clients as set forth in Rule 1.4 of the Pennsylvania Rules of Professional Conduct. In pertinent part, "[a] lawyer shall (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent...is required by these Rules;...(3) keep the client reasonably informed about the status of the matter; [and]; (4) promptly comply with reasonable requests for information..." Pa. R.P.C. 1.4(a) (1), (3), (4). The comment for section (a)(3) further provides that a lawyer must "keep the client reasonably informed about the status of the matter, such as significant developments affecting the timing or the substance of the representation." As set forth above, Mr. Spade never received notice of the developments regarding his Motion for Modification of Sentence. This failure to notify directly affected Mr. Spade's opportunity to appeal his sentence to the Superior Court. Had he received such notice, it is likely he would have asked Mr. Williams to file a notice of appeal.

Based on the actions of Mr. Spade and his family members, Mr. Williams had reason to believe that his client was interested in appealing his sentence. Mr. Williams' did not adequately consult with Mr. Spade regarding the post-sentencing options available to him, and Mr. Spade has demonstrated that but for Mr. Williams' actions, he would have timely appealed his sentence. Thus, Mr. Spade has established that he received ineffective assistance of counsel at trial, a cognizable claim for relief under the PCRA.

For the reasons set forth above, the defendant's petition will be granted and his appellate rights will be reinstated *nunc pro tunc*.

Signed this 20th day of April, 2009.

**ORDER**

AND NOW, to-wit, this 20th day of April, 2009, upon consideration of the defendant's Petition for Post Conviction Collateral Relief and following a hearing thereon, it is now hereby **ORDERED, ADJUDGED AND DECREED** that the petition is **GRANTED** and the defendant's direct appellate rights are reinstated *nunc pro tunc*.

**BY THE COURT:**

*/s/ John A. Bozza, Judge*

**BANKRUPTCY NOTICE**

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

IN RE: JOHN R. LEWIS, Debtor

Case No. 04-12912-WWB

Chapter 13

Judge Warren W. Bentz

**NOTICE OF SALE HEARING**

You are hereby notified that the above Debtor seeks court authorization to sell real estate located at 1261 Tower Lane, Erie, Pennsylvania 16505-2535 for \$170,000.00 (a cash deposit of \$10,000.00 is required at the time of hearing with the balance due at closing).

A hearing will be held on **May 22, 2009 at 11:00 A.M.** before Judge Warren W. Bentz in the United States Bankruptcy Court, United States Courthouse, 17 South Park Row, Erie, PA 16501. The Bankruptcy Court will entertain higher offers at the hearing.

Closing shall take place within thirty (30) days of the date of the Order Confirming Sale. "As Is". Examination of the property or further information can be obtained from the undersigned.

Michael J. Graml, Esq.

Attorney for Debtor

714 Sassafras Street

Erie, PA 16501

(814) 459-8288

PA I.D. No. 50220

May 8

**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 State 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

**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 Heubl 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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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.

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Chandra M. Arkema, Esquire

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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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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.

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Apr. 24 and May 1, 8

**SALE NO. 6**

**Ex. #18174 of 2008**

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

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**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.

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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,

PARCEL NO. (30) 6-36-12

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

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 Shaddock 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. 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. 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. 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 J. 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. 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. 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. 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. 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 degrees 44 minutes 13 seconds West, along the residue of the Frank Dachtyl, 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 Dachtyl 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 Dachtyl, Jr. and Karen L. Dachtyl, 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



**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**

**CHAFFEE, CHARLOTTE W., deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Barbara C. Chaffee, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506  
*Attorneys:* J.W. Alberstadt, Jr., Esquire, Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**FRANCIS, PAUL, deceased**

Late of Millcreek Township, Erie County, Erie, Pennsylvania  
*Executrix:* Jane Francis, c/o Robert J. Jeffery, 33 East Main Street, North East, Pennsylvania 16428  
*Attorney:* Robert J. Jeffery, Esq., Orton & Jeffery, P.C., 33 East Main Street, North East, Pennsylvania 16428

**HESSONG, DONNA L., deceased**

Late of the City of Erie, County of Erie and State of Pennsylvania  
*Executor:* David V. Hessong, 311 Lake St., Girard, PA 16417  
*Attorney:* W. Charles Sacco, Esq., 525 West 10th Street, Erie, PA 16502

**HINZ, ROWENA, deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Co-Executors:* Charles M. Hinz and David D. Hinz, c/o Yochim & Nash, 345 West Sixth Street, Erie, PA 16507  
*Attorney:* Gary H. Nash, Esq., Attorney for the Estate of Rowena Hinz, Yochim & Nash, 345 West Sixth Street, Erie, PA 16507

**HIRT, AUDREY C., deceased**

Late of the Township of Fairview, County of Erie, and Commonwealth of Pennsylvania  
*Co-Executors:* Laurel A. Hirt and National City Bank  
*Attorney:* James D. McDonald, Jr., The McDonald Group, L.L.P., P.O. Box 1757, Erie, PA 16507-1757

**LEWANDOWSKI, THADDEUS, J., deceased**

Late of the City of Erie, County of Erie and State of Pennsylvania  
*Executor:* Richard S. Koppelman, 724 East 6th St., Erie, PA 16507  
*Attorney:* W. Charles Sacco, Esq., 525 West 10th Street, Erie, PA 16502

**MACLACHLAN, MARGARET J., deceased**

Late of North East Township, Erie County, PA  
*Co-Executors:* PNC Bank, N.A., and Graham P. Powers, Two PNC Plaza, 9th Floor, 620 Liberty Ave., Pittsburgh, PA 15222-2719  
*Attorney:* Elizabeth J. Poggi, Esq., 1 Oxford Centre, 301 Grant St., 20th Floor, Pittsburgh, PA 15219

**NELSON, DOROTHY O., deceased**

Late of the City of Erie  
*Executrix:* Nancy J. Behringer, 1134 Willow Wood Circle, Omaha, NE 68152  
*Attorney:* Jack M. Gornall, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**QUIROS, PATRICIA A., deceased**

Late of the City of Erie, County of Erie, and Commonwealth of Pennsylvania  
*Executor:* Pat Errigo, 848 State Street, Curwensville, PA 16833  
*Attorney:* Gary K. Schonthalder, Esquire, The Gideon Ball House, 135 East 6th Street, Erie, PA 16501

**SEMENTILLI, JOSEPH C., SR., deceased**

Late of the City of Erie, County of Erie and State of Pennsylvania  
*Executrix:* Edith L. Sementilli, 1449 East 32nd St., Erie, PA 16504  
*Attorney:* W. Charles Sacco, Esq., 525 West 10th Street, Erie, PA 16502

**STRICKENBERGER, JEAN A., deceased**

Late of the City of Erie  
*Executor:* Thomas William Strickenberger, 659 Farragut Commons Drive, Knoxville, TN 37934  
*Attorney:* Michael A. Fetzner, Esquire, Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**WOODARD, CHARLES J., a/k/a CHARLES J. WOODARD, JR., deceased**

Late of the City of Erie, County of Erie and State of Pennsylvania  
*Executor:* Charles Woodard, III, 526 East 24th St., Erie, PA 16503  
*Attorney:* W. Charles Sacco, Esq., 525 West 10th Street, Erie, PA 16502

**SECOND 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, Orwinsburg, 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

**THIRD 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



**CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS**

**David F. Dieteman** ----- (814) 456-3000  
100 State Street, Suite 210 ----- (f) (814) 456-3001  
Erie, PA 165057 ----- *dave@dietemanlaw.com*

**Firm Address Change**

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

**Effective May 18, 2009**

Magisterial District Judge Carol L. Southwick ----- (814) 438-3855  
06-3-04 ----- (f) (814) 438-9107  
132 North Main Street  
Union City, PA 16438

The Erie County Bar Foundation and its Justice Samuel J. Roberts Scholarship Fund continue to be in need of contributions to support this scholarship program.

Have you made your contribution yet?

If not, you can find information about the scholarship and make an online contribution at [www.eriebar.com](http://www.eriebar.com) or contact the ECBF at 459-3111.

IF THERE ARE ANY NEW ATTORNEYS IN ERIE INTERESTED IN JOINING  
THE ERIE COUNTY BAR ASSOCIATION, PLEASE  
CALL 459-3111 AND AN APPLICATION WILL BE MAILED TO YOU OR GO TO OUR  
WEBSITE AT [WWW.ERIEBAR.COM](http://WWW.ERIEBAR.COM) AND FILL OUT THE ONLINE APPLICATION.

IF YOU KNOW OF ANY ADDRESS CHANGES  
PLEASE CONTACT THE LEGAL JOURNAL OFFICE AT 459-3111  
OR [ADMIN@ERIEBAR.COM](mailto:ADMIN@ERIEBAR.COM). THANK YOU.

**PROFESSIONAL INVESTIGATIVE SERVICES  
TO ASSIST YOU IN YOUR PRACTICE**

In order to continue to provide effective, efficient service to our Pennsylvania clients, particularly those in Northwestern Pennsylvania, I am pleased to announce that the firm of **GENTILE-MEINERT & ASSOCIATES, INC.**, has opened our Cleveland office, located at, 600 Superior Avenue East, Cleveland, OH 44114, which will complement our Erie County office, located at 1001 State Street, Erie PA 16501.

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

Our staff includes attorneys, former federal, state and local law enforcement professionals and former military personnel – specializing in:

- Criminal and civil investigations
- Surveillance
- Forensic accounting and fraud investigation
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