

# Erie County Legal Journal

July 10, 2009

Vol. 92 No. 28

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92 ERIE 157 - 163

Erie Insurance Exchange v. Marks, et al.

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# Erie County Legal Journal

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

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

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

All legal notices must be submitted in typewritten form and are published exactly as submitted by the advertiser. Neither the Erie County Bar Association nor the printer will assume any responsibility to edit, make spelling corrections, eliminate errors in grammar or make any changes in content.

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ERIE COUNTY LEGAL JOURNAL (ISSN 0730-6393) is published every Friday for \$55 per year (\$1.50 single issues/\$5.00 special issues, i.e. Seated Tax Sales). Owned and published by the Erie County Bar Association (Copyright 2009©) 302 West 9th St., Erie, PA 16502 (814/459-3111). Periodical Postage paid at Erie, PA 16515. POSTMASTER: Send Address changes to THE ERIE COUNTY LEGAL JOURNAL, 302 West 9th St., Erie, PA 16502-1427.

# Erie County Bar Association

## Calendar of Events and Seminars

### WEDNESDAY, JULY 15, 2009

*ECBA Young Lawyers Division  
Victorian Princess Party Cruise*

6:00 p.m. - 7:30 p.m. Cruise (5:30 boarding)  
Event is Free for ECBA Young Lawyers and their  
spouses/significant others

### THURSDAY, JULY 16, 2009

*Open Records Law & The Sunshine Act  
ECBA Live Seminar*

Bayfront Convention Center  
9:00 a.m. - 11:00 a.m.  
\$54 (ECBA member/staff)  
\$79 (nonmember)  
2 hours substantive

### FRIDAY, JULY 17, 2009

*Evaluating the DAI Case*

PBI Groupcast Seminar  
Bayfront Convention Center  
8:30 a.m. - 12:45 p.m.

\$204 (member) \$184 (admitted after 1/1/05)  
\$224 (nonmember)

Early Registration - If you register more than 2 days before this  
presentation you will qualify for this Early Registration Fee:  
\$179 (member) \$139 (admitted after 1/1/05) \$199 (nonmember)  
4 hours substantive

### TUESDAY, JULY 21, 2009

*Current Issues for Child Advocates 2009  
PBI Video Seminar*

Bayfront Convention Center  
9:00 a.m. - 4:00 p.m. (Reg. 8:30 a.m.)  
\$129 (member) \$109 (admitted after 1/1/05)  
\$149 (nonmember)  
5 hours substantive / 1 hour ethics

### TUESDAY, JULY 28, 2009

*The Basics of Consumer Bankruptcy Practice  
PBI Video Seminar*

Bayfront Convention Center  
9:00 a.m. - 4:00 p.m. (Reg. 8:30 a.m.)  
\$129 (member) \$109 (admitted after 1/1/05)  
\$149 (nonmember)  
5 hours substantive / 1 hour ethics

### WEDNESDAY, JULY 29, 2009

*ECBA Annual Golf Tournament  
Lawrence Park Golf Club*

1:15 p.m. shotgun start  
\$115 members  
\$105 Young Lawyers

### THURSDAY, JULY 30, 2009

*Technology in the Courtroom  
ECBA Lunch-n-Learn Seminar*

Bayfront Convention Center  
11:30 a.m. (Registration)  
11:45 a.m. - 12:15 p.m. (Lunch)  
12:15 p.m. - 1:15 p.m. (Seminar)  
\$27 (ECBA member) \$39 (nonmember) \$20 (judges)  
1 hour substantive

### TUESDAY, AUGUST 4, 2009

*Ethics Potpourri - Attorney Discipline in Pennsylvania  
PBI Video Seminar*

Bayfront Convention Center  
9:00 a.m. - 10:00 a.m. (Reg. 8:30 a.m.)  
\$39 (member) \$49 (nonmember)  
1 hour ethics

### WEDNESDAY, AUGUST 5, 2009

*Business Valuation and Divorce*

PBI Groupcast Seminar  
Bayfront Convention Center  
12:00 p.m. - 4:15 p.m. (Reg. 11:30 a.m.)

LUNCH INCLUDED  
\$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, AUGUST 11, 2009

*Advanced Issues of Realty Transfer Tax  
PBI Video Seminar*

Erie County Bar Association \* Note Location \*  
9:00 a.m. - 12:30 p.m. (Reg. 8:30 a.m.)  
\$119 (member) \$99 (admitted after 1/1/05)  
\$139 (nonmember)  
3 hours substantive

### TUESDAY, AUGUST 18, 2009

*Trial Tactics, Tips and Techniques*

PBI Video Seminar  
Bayfront Convention Center  
9:00 a.m. - 4:00 p.m.  
\$129 (members) \$109 (admitted after 1/1/05)  
\$149 (nonmember)  
6 hours substantive

## 2009 BOARD OF DIRECTORS

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**COMMONWEALTH COURT NOTICE**

**Effective AUGUST 3, 2009 the Commonwealth Court of Pennsylvania will move to the Pennsylvania Judicial Center.**

The Chief Clerk's Office address will change to:  
**Commonwealth Court of Pennsylvania  
Pennsylvania Judicial Center  
601 Commonwealth Avenue, Suite 2100  
P.O. Box 69185  
Harrisburg, PA 17106-9185.**

The Court indicates that it is very important that its complete mailing address, including the PO Box and full zip code, be used.

The Court's telephone numbers and the Philadelphia filing office address will not change. Please make a note of this address change.

Filings should be directed to the Court's new address effective **AUGUST 3, 2009.**

For more information, contact the Chief Clerk's Office at 717-255-1650 or visit the Court's web page at [www.aopc.org](http://www.aopc.org).

Jul. 10



The Erie County Bar Association  
along with its  
Civil Litigation Section  
presents

# TECHNOLOGY IN THE COURTROOM

*This course covers effective ways to keep your jury's attention and increase the impact of case facts and exhibits through modern trial-presentation techniques. The course instructor will demonstrate these techniques using actual courtroom proceeding examples.*

**ECBA Lunch-n-Learn Seminar**  
**Thursday, July 30, 2009**  
Bayfront Convention Center  
11:45 am - 12:15 pm (lunch)  
12:15 - 1:15 pm (seminar)  
\$27 (ECBA member)  
\$39 (nonmember) \$20 (judges)

*Presented by*  
**PETER L. MANSMANN, ESQUIRE OF PRECISE, INC.**

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## ANNUAL CHARITY GOLF TOURNAMENT & OPTIONAL SCRAMBLE

**WEDNESDAY, JULY 29**  
**LAWRENCE PARK GOLF CLUB**

### TOURNAMENT SCHEDULE

- 12:45 pm - Arrive at the Club and Register
- 1:15 pm - Shotgun Start
- 6:00 pm - Hors d'oeuvres & refreshments
- 6:45 pm - Dinner, brief awards ceremony



### PRIZES & TROPHIES:

ECBA Low Gross Trophies; John E. Britton Trophy;  
Will J. Schaaf Senior's Trophy;  
Team Scramble Trophy; Callaway Competition;  
Closest to the Pin; Longest Drive; Longest Putt

**Cost: ECBA members - \$115**  
**ECBA Young Lawyers - \$105**

(includes greens fee, half cart,  
dinner and donation to ECBF)

*New*

**Don't play much golf?**  
**Worried about keeping up?**  
**Enter your foursome in the Optional**  
**Scramble. Trophy to be awarded to**  
**the top finishing foursome.**

*All participants will be entered in a  
drawing to win a 26" Flat Screen  
HDTV LCD Television (drawing to be  
held at dinner - must be present to win!)*

**Proceeds benefit the Erie County Bar Foundation  
and its programs including  
the Chief Justice Samuel J. Roberts Scholarship Fund.**

**ERIE INSURANCE EXCHANGE, Plaintiff**

**v.**

**VINCENT WILLIAM MARKS, MARK E. KENNELLEY,  
MARK EDMUNDS, DARLENE EDMUNDS, his wife, and  
ROBERT BORTZ, Defendants**

*CIVIL PROCEDURE / MOTION FOR SUMMARY JUDGMENT*

Summary judgment should only be granted in a case that is clear and free from doubt.

*CIVIL, PROCEDURE / MOTION FOR SUMMARY JUDGMENT*

Where the non-moving party has failed to produce sufficient evidence to establish the existence of an element essential to the case, in which he bears the burden of proof, the moving party is entitled to judgment as a matter of law.

*NEGLIGENCE / ACTS OR OMISSIONS CONSTITUTING*

There is no general legal duty to come to the aid of another when one is free from fault in causing or contributing to the peril.

*INSURANCE / INTENTIONAL ACTS / DUTY TO DEFEND / DUTY  
TO INDEMNIFY*

Where defendants are involved in the underlying intentional tort that created a duty to protect or assist the injured party, plaintiff-insurer has no duty to defend or indemnify them because, without their active involvement in the intentional tort (which is not an insured "occurrence"), their duty to assist or protect the injured party, even if otherwise insurable, would not have arisen.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY,  
PENNSYLVANIA  
NO. 14049 OF 2006

CIVIL DIVISION - EQUITY

Appearances: William C. Wagner, Esquire, Attorney for Plaintiff  
Tibor R. Solymosi, Esquire, Attorney for Defendants  
Mark Edmunds and Darlene Edmunds  
Richard T. Ruth, Esquire  
Dale E. Huntley, Esquire  
Jeffrey S. Cole, Esquire  
Gary J. Shapira, Esquire

**OPINION AND ORDER**

DiSantis, Ernest J., Jr., J.

This case comes before the Court on the Plaintiff's Motion For Summary Judgment filed February 13, 2009. The defendants have responded.

**I. BACKGROUND OF THE CASE**

On November 3, 2006, the plaintiff filed a complaint in declaratory

judgment pursuant to 42 Pa.C.S.A. § 7531 *et seq.* and Pa.R.Civ. P.1601 *et seq.* The purpose of the action is to determine whether the plaintiff has an obligation to defend and/or indemnify defendants, Vincent William Marks and/or Mark E. Kennelley, arising out of an alleged incident that occurred on July 30, 2005 at 2946 Poplar Street in Erie, Pennsylvania. As a result Mark Edmunds and his wife, Darlene, filed suit against Vincent William Marks, Mark Kennelley and Robert Bortz on November 3, 2005 alleging that Marks, Kennelley and Bortz intentionally committed an assault and battery upon him outside Mr. Edmund's home. They also alleged that the three conspired to commit the assault and battery and that each was negligent by failing to prevent the others from assaulting Mr. Edmunds, by failing to come to his aid and by failing to call the police.<sup>1</sup> They seek compensatory and punitive damages. See Erie County Civil Docket Number 14158-2005.

At the time of the alleged incident, plaintiff had issued a Homeprotector HP Extra-cover Insurance Policy to Daryl E. Marks and Karen A. Marks as named insured's. (Policy Number Q58-2706120). Their son, Vincent Marks, lived with them.

Plaintiff also issued a Homeprotector Ultra Cover Insurance Policy to Kelly Bauer and Mark E. Kennelley. (Policy Number Q50-0504944).

Briefly stated, plaintiff seeks summary judgment asserting that it has no contractual liability under the homeowners' policies to defend and/or indemnify Vincent Marks or Mark Kennelley.

The defendants counter that there are genuine issues of material fact that preclude the grant of summary judgment

## II. LEGAL DISCUSSION

Summary judgment should only be granted in a case that is clear and free from doubt. *Toy v. Metro Life Ins. Co.*, 928 A.2d 186, 195 (Pa. 2007). Additionally, summary judgment can be granted at the close of the pleadings:

- (1) whenever there is no genuine issue of any material fact as to a necessary element of the cause of action or defense which would be established by additional discovery or expert report, or
- (2) if, after the completion of discovery relevant to the motion, including the production of expert reports, an adverse party who will bear the burden of proof at trial has failed to produce evidence of facts essential to the cause of action or defense which in a jury trial would require the issues to be submitted to a jury.

---

<sup>1</sup> The facts of record are that Mr. Edmunds had a confrontation with Marks, Kennelley and Bortz at an Erie night club (Kings Rook) on the evening in question. Later, the three (3) went to Edmund's home where they allegedly assaulted him in front of his residence.

Pa.R.Civ.P. 1035.2.

Pa.R.Civ.P. 1035.3 provides, in part:

(a) the adverse party may not rest upon the mere allegations or denials of the pleadings but must file a response within thirty

(30) days after service of the motion identifying

(1) one or more issues of fact arising from evidence in the record controverting the evidence cited in support of the motion or from a challenge to the credibility of one or more witnesses testifying in support of the motion, or

(2) evidence in the record establishing the facts essential to the cause of action or defense which the motions cite as not having been produced.

The Pennsylvania Supreme Court has stated that:

Where the non-moving party has failed to produce sufficient evidence to establish the existence of an element essential to the case, in which he bears the burden of proof, the moving party is entitled to judgment as a matter of law.

*Ertel v. Patriot-News Company*, 674 A.2d 1038, 1042 (Pa.1996).

The resolution of this matter necessitates an examination of the applicable insurance policy provisions, specifically the scope of coverage. As the Pennsylvania Supreme Court has stated:

The task of interpreting [an insurance] contract is generally performed by a court rather than by a jury. The purpose of that task is to ascertain the intent of the parties as manifested by the terms used in the written insurance policy. When the language of the policy is clear and unambiguous, a court is required to give effect to that language. When a provision in a policy is ambiguous, however, the policy is to be construed in favor of the insured to further the contract's prime purpose of indemnification and against the insurer, as the insurer drafts the policy, and controls coverage. Contractual language is ambiguous if it is reasonably susceptible of different constructions and capable of being understood in more than one sense. Finally, in determining what the parties intended by their contract, the law must look to what they clearly expressed. Courts in interpreting a contract, do not assume that its language was chosen carelessly. Thus, we will not consider merely individual terms utilized in the insurance contract, but the entire insurance provision to ascertain the intent of the parties.

*401 Fourth St. v. Investors Insurance Group*, 879 A.2d 166, 171 (Pa. 2005) (internal citations and quotation marks omitted).



It is not disputed that the Marks and Kennelley policies contain identical provisions. In particular they provide:

**BODILY INJURY LIABILITY COVERAGE**

**PROPERTY DAMAGE LIABILITY COVERAGE**

**OUR PROMISE**

We will pay all sums up to the amount shown on the **Declarations** which **anyone we protect** becomes legally obligated to pay as damages because of **bodily injury** and **property damage** caused by an occurrence during the policy period. **We** will pay for only **bodily injury** and **property damage** covered by this policy.

Exhibit A, at 17 and Exhibit B at 14.<sup>2</sup>

**We** may investigate or settle any claim or suit for damages against anyone we **protect** at our expense. If **anyone we protect** is sued for damages because of **bodily injury** or **property damage** covered by this policy, we will provide a defense with a lawyer we choose, even if the allegations are not true. We are not obligated to pay any claim or judgment or defend any suit if we have already used up the amount of insurance by paying a judgment or settlement.

Continuing, the policies state:

**WHAT WE DO NOT COVER-EXCLUSIONS**

**Bodily Injury Liability Coverage**

**Property Damage Liability Coverage**

**Personal Injury Liability Coverage**

**Medical Payments To Others Coverage**

**We** do not cover under Bodily Injury Liability Coverage, Property Damage Liability Coverage, Personal Injury liability Coverage and Medical Payments to Others Coverage:

1. **Bodily injury, property damage or personal injury** expected or intended by **anyone we protect** even if:

- a. The degree, kind and quality of the injury or damage is different than what was expected or intended; or
- b. a different person, entity, real or personal property sustained the injury or damage than was expected or intended.

We do not cover reasonable acts committed to protect persons and property....

<sup>2</sup> References are to the Plaintiff's Appendix In Support Of Motion For Summary Judgment.

**9. Personal Injury** arising out of a willful violation of a law or ordinance **by anyone we protect**

Exhibit A at 17 and Exhibit B at 15.

The policies also exclude punitive or exemplary damages and related costs. Exhibit A, Exclusion 12 at 19 and Exhibit B, Exclusion 12 at 16.

The definition section of the policies defines the term "occurrence" as "an accident including continuous repeated exposure to the same general harmful conditions". *Id.*, Definitions at 5. The term does not include the term "intentional acts".

Under Pennsylvania Law, when the term "occurrence" includes an accident and does not specifically provide coverage for intentional, willful and malicious conduct, the latter situations are excluded from coverage. *See, Gene's Rest. v. Nationwide Ins. Co.*, 548 A.2d 246, 247(Pa. 1988); *Erie Ins. Exch. v. Fidler*, 587, 590 (Pa.Super 2002). citing *United Serv. Auto. Ass'n v. Elitzky*, 517 A.2d 982, 985 (Pa.Super 1986).

In *Donegal Mutual Insurance Company v. Baumhammers*, 938 A.2d 286 (Pa.2007), *Donegal* asked the Court to determine whether multiple shootings perpetrated by Richard Baumhammers that resulted in the death of five (5) people and serious bodily injury to another, qualified as an "accident" under an insurance policy issued by *Donegal*. The assailant's parents were insured under a homeowner's policy issued by *Donegal* covering them and any relative residing in their household, which Richard Baumhammer was. The Pennsylvania Supreme Court noted that in *Gene's Restaurant, supra*, intentional acts or torts are not accidents that trigger a duty to defend and/or indemnify. *Id.* at 291. However, the Court went on to say:

"While *Donegal* is correct that intentional conduct may not qualify as "accidental," the complaint in the instant case contains allegations of negligence on the part of the insured. Our conclusion in *Gene's Restaurant* that injuries caused by intentional conduct are not "accidental" does not absolve an insurer of the duty to defend its insured when the complaint filed against the insured alleges that *the intentional conduct of a third party was enabled by the negligence of the insured*.

(emphasis added)

It then reviewed its rationale in *Mohn v. Am. Casualty Co. of Redding*, 326 A.2d 346 (Pa.1974). In *Mohn*, the dependant son of the insured was fatally shot by police while attempting to flee from the scene of a crime that he was in the process of committing. The insured-parent sought reimbursement from his insurer for the expenses incurred as a result of his son's hospitalization and treatment before he died. The Supreme Court determined that the assailant sustained an "accident" and "the fact that the event causing the injury may be traceable to an intentional act of

a third party does not preclude the occurrence from being an 'accident'." *Id.* at 348. The Court noted that the determination of whether the injury is a result of an accident is determined from the viewpoint of the insurer. *Id.*

In *Donegal* it was significant that the allegation of negligence was predicated upon the assailant's parents' purported duty to take possession of their son's gun and/or alert law enforcement authorities and others of his dangerous propensities. *Donegal*, 938 A.2d, at 291. That differs from the allegations here in that Marks, Kennelley and Bortz are all alleged to have been involved in the underlying intentional tort that the Edmunds allege created the duty to protect or assist Mr. Edmunds.. This is significant because absent their active involvement in the intentional tort or conspiracy, they would not have had any duty to assist or protect Mr. Edmunds. This distinguishes the instant case from *Donegal*, *Mohn* and *Gene's Restaurant*.

The *Donegal* Court's discussion of the term "accident" is also significant. As it said:

We further observed in *Mohn*, that the test of whether injury is the result of an accident is to be determined from the viewpoint of the insured and not from the viewpoint of the one that committed the act causing the injury." *Id.* ... to determine whether *Donegal* has a duty to defend its insured in the actions brought by Plaintiffs it is necessary for this court to examine whether the injuries that are the impetus of the action were caused an "accident" so as to constitute an occurrence under the policy. The *Donegal* homeowner's insurance policy provides no definition of the term "accident". However, we have established that the term "accident" within insurance policies refers to an unexpected and undesirable event occurring unintentionally, and that the key term in the definition of the "accident" is "unexpected" which implies a degree of fortuity. (citation omitted). An injury therefore is not "accidental" if the injury was the natural and expected result of the insured's actions. (citation omitted) ... it is an undersigned, unexpected event. (citation omitted).

*Id.* at 292.

In *Mohn*, it was the father of the assailant who sought recovery for hospitalization costs. His role vis-à-vis the event is distinguishable from that of Messrs. Marks, Kennelley and Bortz because he was not an alleged participant. Only Ms. Edmunds is not alleged to have participated. However, she is not an insured or covered under either the Kennelley or Marks policies, as was the case *Mohn*.

As to the negligence counts, Marks, Kennelley and Bortz were under

no legal duty to become "good samaritans" and come to the aid of Mr. Edmunds unless, perhaps, they had taken some action to instigate or facilitate the alleged fight.<sup>3</sup> That entails intentional conduct and is not an accident or negligence. The gist or essence of the Edmunds' case is one of intentional tort and the negligence counts are inextricably intertwined. Without it, the negligence counts cannot stand on their own. Because intentional conduct is not an "accident", plaintiff has no obligation to defend and/or indemnify Marks and Kennelley.

### III. CONCLUSION

Based upon the above, the Plaintiff's Motion For Summary Judgment shall be granted.

### **ORDER**

AND NOW, this 15th day of April, 2009, for the reasons set forth in the accompanying Opinion, the Plaintiff's Motion For Summary Judgment is GRANTED.

**BY THE COURT:**

**/s/ ERNEST J. DISANTIS, JR., JUDGE**

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<sup>3</sup> There has long been a conflict between the moral and civil law concerning the duty or obligation to assist one in need or peril. Nevertheless, this Court is not aware of any general legal duty in Pennsylvania that requires private citizens to come to the aid of another when the former are free from fault in causing or contributing to the peril. Such obligations became legal duties if prescribed by statute or contract. See, *Robert A. Carlson, The Duty To Rescue The Good Samaritan*, 71 Dick, LR, 75 *et seq.* (1966)

**CERTIFICATE OF AUTHORITY**

Notice is hereby given that an Application for Certificate of Authority has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about June 26, 2009, for a foreign corporation with a registered address in the state of Pennsylvania as follows:

American Association of  
Professional Drivers  
c/o Corporate Creations  
Network, Inc.

This corporation is incorporated under the law of Illinois.

The address of its principal office under the law of its jurisdiction in which it is incorporated is 555 Republic Drive, Ste 200, Plano, TX 75074.

The corporation has been qualified in Pennsylvania under the provisions of the Pennsylvania Nonprofit Corporation Law of 1988.

Jul. 10

**CERTIFICATE OF AUTHORITY**

Notice is hereby given that an Application for Certificate of Authority has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about May 22, 2009, by SALA Architects, a foreign corporation with a registered address in the State of Pennsylvania. The corporation is incorporated under the laws of the state of Minnesota with its principal office located at 326 East Hennepin Ave., Suite 200, Minneapolis, MN 55414. This corporation has been qualified in Pennsylvania under the provisions of the Pennsylvania Corporation Law of 1988.

Jul. 10

**INCORPORATION NOTICE**

Notice is hereby given that Dr. Sanders Professional Eye Care, Inc. has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

Susmarski & Hain  
Ronald J. Susmarski, Esq.  
4030-36 West Lake Road  
Erie, PA 16505

Jul. 10

**LEGAL NOTICE**

IN THE COURT OF COMMON  
PLEAS OF ERIE COUNTY,  
PENNSYLVANIA  
CIVIL ACTION-LAW  
NO. 11846-09

NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE

DEUTSCHE BANK NATIONAL  
TRUST COMPANY, AS  
TRUSTEE FOR MERITAGE  
MORTGAGE LOAN TRUST  
2005-2, PLAINTIFF  
vs.

KRISTA BAKER, DEFENDANT  
TO: KRISTA BAKER,  
DEFENDANT, whose last known  
address is 723 East 23rd Street,  
Erie, PA 16503.

COMPLAINT IN MORTGAGE  
FORECLOSURE

You are hereby notified that Plaintiff, DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR MERITAGE MORTGAGE LOAN TRUST 2005-2, has filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of Erie County, Pennsylvania, docketed to NO. 11846-09, wherein Plaintiff seeks to foreclose on the mortgage secured on your property located, 723 East 23rd Street, Erie, PA 16503, whereupon your property would be sold by the Sheriff of Erie County.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the notice above, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

You should take this paper to your

lawyer at once. If you do not have a lawyer go to or telephone the office set forth below. This office can provide you with the information about hiring a lawyer. If you cannot afford to hire a lawyer, this office may be able to provide you with information about agencies that may offer legal services to eligible persons at a reduced fee or no fee.

Lawyers Referral Service  
PO Box 1792  
Erie, PA 16507  
814.459.4411

Mark J. Udren, Stuart Winneg,  
Chandra M. Arkema, Lorraine Doyle,  
Alan M. Minato and Louis A.  
Simoni, Attorneys for Plaintiff  
Udren Law Offices, P.C.  
111 Woodcrest Rd., Ste. 200  
Cherry Hill, NJ 08003  
856.482.6900

Jul. 10

**LEGAL NOTICE**

THE SCHOOL DISTRICT  
CITY OF ERIE, PA

Administration Office Building  
148 West 21st Street  
Erie, PA 16502

NOTICE TO BIDDERS

The School District of the City of Erie, 148 West 21st Street, Erie, PA 16502 will receive SEALED BIDS for Pre-Engineering Equipment & (2) Vehicles: (One Eight Passenger Wagon & One Crew Cab 4 X 4) Thursday, August 6, 2009 at 1:30 p.m., Daylight Savings Times, and will be opened in the Board Room in accordance with the bid forms and specifications to be obtained from the Purchasing Department.

Robin Smith  
Secretary

Jul. 10, 17, 24

**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 property located at 10888 Station Road, North East, PA 16428 being more fully described at Erie County Deed Book 1054, Page 1472.

SAID SALE to be held at the  
ERIE COUNTY COURTHOUSE,

ROOM 209, ERIE, PA at 9:00 a.m. prevailing, standard time, on AUGUST 3, 2009.

All those certain tracts of land, together with the buildings, and improvements erected thereon described as Erie County Tax Index Number (26)7-19-16. Seized and taken in execution as the property of Matthew R. Barnett at the suit of the United States of America, acting through the Under Secretary of Rural Development, on behalf of Rural Housing Service, United States Department of Agriculture, to be sold on Writ of Execution as Civil Number 07-158Erie. **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. Marshal's costs, 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.

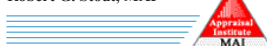
Jul. 10, 17, 24, 31



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Robert G. Stout, MAI



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**SHERIFF SALES**

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

**July 17, 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

Jun. 26 and Jul. 3, 10

**SALE NO. 1**

**Ex. #14658 of 2008**

**Marquette Savings Bank**

**v.**

**Vladimir Solop, d/b/a Solop  
Development Corp.**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed at No. 14658-2008, Marquette Savings Bank vs. Vladimir Solop, d/b/a Solop Development Corp., owner of property situate in Summit Township, Erie County, Pennsylvania being: Solop Development Corp., 2440 Glory Drive, Lot 14, Waterford, Pennsylvania 16441.

90' x 185'

Assessment Map Number:  
(40) 16-72-43.21

Assessed Value Figure: \$22,200.00  
(land only)

Improvement Thereon: Dwelling house and lot

Donald F. Fessler, Jr., Esq.

Marsh Spaeder Baur Spaeder

& ShAAF, LLP

Suite 300, 300 State Street

Erie, Pennsylvania 16507

(814) 456-5301

Jun. 26 and Jul. 3, 10

**SALE NO. 2**

**Ex. #15095 of 2008**

**National City Bank of  
Pennsylvania, Plaintiff**

**v.**

**Robert N. Michel III**

**Dawn L. Michel, Defendant(s)**

**LEGAL DESCRIPTION**

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

BEGINNING at the northwest corner hereof at a point in the center of Concord Road leading to Union City; running thence south twelve (12) degrees west one hundred thirty (130) perches; thence north eighty-eight (88) degrees west eighty-four (84) perches; thence south two (2) degrees west twenty-five (25) perches; thence south eighty-eight (88) degrees east one hundred seventy-seven (177) perches to the west edge of Hungry Run Road; thence along said road north two (2) degrees east one hundred twelve (112) perches to a point on the west side of said road; thence north sixty five (65) degrees west ten (10) perches; thence North two (2) degrees east seventeen (17) perches to the center of Concord Road aforesaid; and thence along the center of said Concord Road north sixty (60) degrees west eighty-two (82) perches to the point or place of beginning, containing 100.46875 acres.

EXCEPTING AND RESERVING therefrom all that certain piece or parcel of land situate in the Township of Union, County of Erie and State of Pennsylvania, bounded and described as follows, to-wit: BEGINNING at a point in

the center of Concord Road at the northeast corner of Lloyd Reynolds' land; thence south twelve (12) degrees west two hundred fifty (250) feet to a post; thence south sixty (60) degrees east two hundred twelve (112) feet to a post; thence north twelve (12) degrees east two hundred fifty (250) feet to the center of Concord Road; and thence along the center of Concord Road north sixty (60) degrees west two hundred (200) feet to the point or place of beginning, containing 1.18 acres, more or less, and having erected thereon a wooden frame dwelling.

EXCEPTING AND RESERVING from the foregoing described land such interest as may be possessed by the Pennsylvania Electric Company, its successors and assigns, under a right of way agreement dated January 18, 1932, and recorded in Contract Book 13 at Page 387.

EXCEPTING AND RESERVING all that property conveyed in Erie County Deed Book 1509 at Page 238.

EXCEPTING AND RESERVING all that property conveyed in Erie County Record Book 161 at page 1301.

ALSO, EXCEPTING therefrom all that certain piece or parcel of land situate in the Township of Union, County of Erie and State of Pennsylvania, being part of Tract 154 and G bounded and described as follows, to-wit: BEGINNING at a spike in the centerline of Concord Road at the northeast corner of the parcel herein described, said point being N 63° 44' 00" W, 197.59 feet from a spike at the intersection of the centerlines of Concord Road and Hungry Run Road; THENCE N 63° 44' 00" W, along the centerline of Concord Road, Six Hundred Thirty-four and Fifty-seven Hundredths (634.57) feet to a spike; THENCE S 7° 00' 00" W, along the east line of land now or formerly of Bradley J. Hubbell, and passing by a rebar at 26.48 feet, Five Hundred Six and Ten Hundredths (506.10) feet to a point; THENCE N 83° 00' 00" W, continuing along said land, Seven Hundred Twenty (720) feet to an iron survey pin in the east line of



land now or formerly of Lloyd R. and Marcia A. Reynolds; THENCE S 7° 00' 00" W along said east line of said land; Six Hundred Thirty-two and Seventeen Hundredths (632.17) feet to an iron survey pin; THENCE S 00° 00' 00" W, continuing along said land, Four hundred (400) feet to an iron survey pin; THENCE S 90° 00' 00" E, passing over an iron survey pin at 1,582.25 feet, One Thousand Six Hundred Seven and Thirty-one Hundredths (1,607.31) feet to the centerline of Hungry Run Road; THENCE N 00° 12' 00" W, along said centerline, Seven Hundred Sixty-four and Thirty-two Hundredths (764.32) feet to a point; THENCE N 67° 12' 00" W, passing over an iron survey pin at 27.16 feet, One Hundred Ninety-two and Sixteen Hundredths (192.16) feet to an iron survey pin; THENCE N 00° 12' 00" W, along the west line of land now or formerly of David B. Mickle and passing over an iron survey pin at 175.86 feet. Two Hundred Three and Seventy-nine Hundredths (203.79) feet to the point of beginning and containing 36.888 acres of land net measure. THE ABOVE described property is also subject to the following Driveway Easement, described as follows: BEGINNING at a point in the centerline of Hungry Run Road, said point being S 00° 12' 00" E 165.18' from SE Corner Parcel "A" THENCE S 85° 31' 00" E, Along the centerline of a 20 foot Driveway Easement, 296.40' to a point of curve; THENCE along a curve to the left having a radius of 200 feet an arc distance of 155.55 feet to a point of tangency; THENCE S 61° 22' 50" W, along said centerline, 149.38 feet to a point of curve; THENCE along a curve to the right having a radius of 250 feet an arc distance of 164.68 feet to a point of tangency; THENCE S 80° 52' 40" W, continuing along said centerline, 99.16 feet to a point of curve; THENCE along a curve to the right having a radius of 120 feet an arc distance of 100.44 feet to a point of tangency; THENCE N 32° 55' 10" W, continuing along said centerline, 96.06 feet to a point of curve;

THENCE along a curve to the left having a radius of 500 feet an arc distance of 52.28 feet to the south line of Parcel "A", being the end of the 20 ft. Driveway Easement. BEING more commonly known as 18400 Hungry Run Road, Union City, PA 16438. BEING KNOWN AS: 18400 HUNGRY RUN ROAD, UNION CITY, PA 16438 PROPERTY ID NO. : 43-16-50-7 TITLE TO SAID PREMISES IS VESTED IN Robert N. Michel, III and Dawn L. Michel, his wife by deed from Robert N. Michel, III and Dawn L. Michel, his wife, and Jeffrey S. Ferringer and Elizabeth J. Ferringer, his wife dated 10/18/99 recorded 10/18/99 in Deed Book 668 Page 1465. Uden Law Offices, P.C. Attorneys for Plaintiff Woodcrest Corporate Center 11 Woodcrest Road, Suite 200 Cherry Hill, NJ 08003-3620 856-669-5400

Jun. 26 and Jul. 3, 10

**SALE NO. 3**

**Ex. #10950 of 2009**

**The Huntington National Bank,  
Successor by merger to Sky  
Bank, Plaintiff,**

**v.**

**Christopher J. Kavanagh,  
Defendant**

**LONG FORM DESCRIPTION**

ALL that certain piece or parcel of land situate in the City of Erie, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows, to wit: COMMENCING in the south line of Eighteenth Street fifty-eight (58) feet West of the West line of Poplar Street; thence South, parallel with Poplar Street, one hundred twenty-four (124) feet to an alley; thence West, parallel with Eighteenth Street two (2) feet; thence North, parallel to Poplar Street, one hundred twenty-four (124) feet to Eighteenth Street; then East, by South line of Eighteenth Street, two (2) feet to the place of beginning. ALSO, all that certain piece and parcel of land situate in the City of Erie, County of Erie and

Commonwealth of Pennsylvania, bounded and described as follows, to wit: BEGINNING at a point in the south line of West Eighteenth Street, twenty-six (26) feet westwardly from the west line of Poplar Street; thence southwardly, parallel with Poplar Street, one hundred twenty-four (124) feet to an alley; thence westwardly parallel with Eighteenth Street, thirty-two (32) feet to a point; thence northwardly, parallel with Poplar Street, one hundred twenty-four (124) feet to the South line of Eighteenth Street; and thence eastwardly, along the South line of Eighteenth Street, thirty-two (32) feet to the place of beginning. Said premises are commonly known as 705 West 18th Street, Erie, Pennsylvania 16502 and further identified as Erie County Tax Index No. (19) 6020-205. BEING the same premises Michael H. Lafferty and Theresa M. Lafferty, his wife by Deed dated September 27, 2004 and recorded in the Office of the Recorder of Deeds of Erie County on September 29, 2004 in Deed Book Volume 1177, Page 1325, granted and conveyed unto Christopher J. Kavanagh. Grenen & Birsic, P.C. Daniel J. Birsic, Esquire Attorneys for Plaintiff One Gateway Center, Ninth Floor Pittsburgh, PA 15222 (412) 281-7650

Jun. 26 and Jul. 3, 10

**SALE NO. 4**

**Ex. #12099 of 2007**

**American Home Mortgage  
Servicing, Inc., Plaintiff  
v.**

**Lynn M. Scheffner, Defendant  
LONG FORM DESCRIPTION**

ALL that certain piece or parcel of land situate in the City of Erie, County of Erie, State of Pennsylvania, being part of Lots Nos. Twenty-nine (29) and Thirty (30) of the Rossi Addition, as per plot thereof recorded in Erie County Map Book No. 2, pages 82, 83, bounded and described as follows, to wit: Beginning at a point in the south line of Thirtieth Street, one



hundred thirty-eight and eighty-two hundredths (138.82) feet eastwardly from the east line of Caldwell Road, now known as Elmwood Avenue; thence southwardly parallel with Elmwood Avenue, seventy-five (75) feet; thence westwardly parallel with Thirtieth Street, thirty-eight (38) feet; thence northwardly parallel with Elmwood Avenue, seventy-five (75) feet to the south line of Thirtieth Street; thence eastwardly along the south line of Thirtieth Street, thirty-eight (38) feet to the place of beginning.

Said premises having erected thereon a two-story frame dwelling and cement block garage, known as 1217 West Thirtieth Street, Erie, Pennsylvania and bearing Erie County Tax Index No. (19) 6221-205.

Subject to all restrictions, easements, right of ways, building lines, leases, and/or gas leases of record and to all easements and right of ways visible and discoverable upon an inspection of the premises.

BEING the same premises which William E. Lindsey and Frances A. Lindsey, by Deed dated April 8, 2005 and recorded in the Office of the Recorder of Deeds of Erie County on April 15, 2005, in Deed Book 1225, Page 2002, granted and conveyed unto Lynn M. Scheffner.

Tax ID #19-6221-205

Grenen & Birsic, P.C.

Joseph A. Fidler, Esquire

Attorneys for Plaintiff

One Gateway Center, Ninth Floor

Pittsburgh, PA 15222

(412) 281-7650

Jun. 26 and Jul. 3, 10

**SALE NO. 6**

**Ex. #10992 of 2009**

**Northwest Savings Bank,  
Plaintiff**

**v.**

**Word of Life Christian Center  
International, a Pennsylvania  
Corporation, Defendant  
LEGAL DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situate in the City of Erie, County of Erie and Commonwealth of Pennsylvania,

being lots Nos. 67, 68 and the northern 10 feet of Lot No. 69 in Block No. 14 of the Hess Addition to the City of Erie as recorded in the Office of the Recorder of Deeds for Erie County, Pennsylvania, in Map Book 1, Page 81 and being more fully described as follows, to-wit:

BEGINNING at the point of intersection of the south line of Lynn Street (formerly Elliott Street) with the west line of Hess Avenue; thence westwardly and along the south of Lynn Street, one hundred twenty (120) feet to a point; thence southwardly and parallel with the west line of Hess Avenue, eighty (80) feet to a point; thence eastwardly and parallel with the south line of Lynn Street, one hundred twenty (120) feet to a point in the west line of Hess Avenue; thence northwardly and along the west line of Hess Avenue, eighty (80) feet to the place of beginning.

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

BEGINNING at point in the west line of Hess Avenue, eighty (80) feet northwardly from the point of intersection of the north line of Seventh Street with the West line of Hess Avenue, thence westwardly parallel with the north line of Seventh Street, one hundred twenty (120) feet to a point; thence northwardly parallel with the west line of Hess Avenue, sixty (60) feet to a point; thence eastwardly parallel with the north line of Seventh Street one hundred twenty (120) feet to the west line of Hess Avenue, sixty (60) feet to a point; thence southwardly along the west line of Hess Avenue, sixty (60) feet to the place of beginning. Being commonly known as 660 Hess Avenue, Erie, Pennsylvania and bearing Erie County Index No. (14) 1042-203.

BEING the same premises conveyed to Word of Life Christian Center International by Deed dated September 1, 2006 and recorded on September 1, 2006 in the Office of the Recorder of Deeds in and for

Erie County, Pennsylvania at Deed Book 1357, Page 2389.

Knox McLaughlin Gornall  
& Sennett, P.C.

Mark G. Claypool, Esquire

PA ID No. 63199

120 West Tenth Street

Erie, Pennsylvania 16501-1461

(814) 459-2800

Jun. 26 and Jul. 3, 10

**SALE NO. 7**

**Ex. #14540 of 2008**

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

**v.**

**Tiffany T. Martin  
SHERIFF'S SALE**

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

Assessment Map number:  
17-4035-132

Assessed Value figure: \$63,798.00

Improvement thereon: Residential  
Dwelling

Mary L. Harbert-Bell, Esquire

220 Lake Drive East, Suite 301

Cherry Hill, NJ 08002

(856) 482-1400

Jun. 26 and Jul. 3, 10

**SALE NO. 8**

**Ex. #13168 of 2008**

**FNB Consumer Discount Co.,  
Plaintiff**

**v.**

**Rosalind Myers and  
Donald E. Morton, Defendant  
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 2008-13168 FNB Consumer Discount Co. vs. Rosalind Myers and Donald E. Morton.

Rosalind Myers and Donald E.

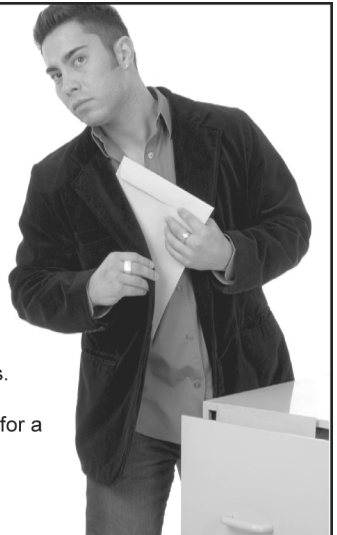
## ***Case #9: Legal Records vs. Privacy Laws***

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## Erie County Bar Association Live Seminar

# Open Records Law & The **Sunshine** Act

presented in cooperation  
with the ECBA Municipal Law Committee

Speaker: **Shelley A. Houk**

*Director of Research, PA State Association of Boroughs*

This seminar has been approved  
by the PA CLE Board for 2 hours  
substantive law credit.

**Thursday, July 16, 2009**

9:00 - 11:00 a.m. (reg. - 8:30a.m.)

Bayfront Convention Center

\$54 (ECBA member/staff)

\$79 (nonmember)

Cancellation Policy:

Cancellations received on or before the last reservation deadline will be fully refunded. Cancellations received after the deadline or non-attendance will not be refunded. If you register for an event without payment in advance and don't attend, it will be necessary for the ECBA to send you an invoice for the event.

***Reservations are due to the ECBA office by Friday, July 10, 2009.***

## ***Erie County Bar Association Videoconferencing Services***

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

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

Morton, owner(s) of property situated in the City of Erie, Erie County, Pennsylvania being 2521 Wayne Street, Erie, PA 16503  
 25 x 125 feet  
 Assessment Map number: 18-5035-124  
 Assessed Value figure: 29170  
 Improvement thereon: house  
 Nathaniel I. Holland  
 201 Chestnut St., Ste 201  
 Meadville, PA 16335  
 814-336-6400

Jun. 26 and Jul. 3, 10

**SALE NO. 9**

**Ex. #10718 of 2009**  
**Branch Banking and Trust Company**  
 v.

**Paula G. Geary**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 10718-2009 Branch Banking and Trust Company v. Paula G. Geary, Owner of property situated in Washington Township, Erie County, Pennsylvania being 5850 Gibson Hill Road, Edinboro, PA 16412  
 Lot 53.70 X 108.65  
 Assessment Map number: 45-33-78-5  
 Assessed Value figure: 206,100.00  
 Improvement thereon: single family dwelling and detached frame garage  
 Robert S. Bernstein, Esquire  
 Bernstein Law Firm, P.C.  
 Suite 2200 Gulf Tower  
 Pittsburgh, PA 15219  
 (412) 456-8100

Jun. 26 and Jul. 3, 10

**SALE NO. 10**

**Ex. #10004 of 2009**  
**Deutsche Bank National Trust Company, as trustee under NovaStar Mortgage Funding Trust Series 2006-5, by Saxon Mortgage Services**  
 v.

**Frank A. Kartesz, II**  
**LEGAL DESCRIPTION**

ALL that certain piece or parcel of land situate in the Township of Harborcreek, County of Erie and Commonwealth of Pennsylvania, being part of Tract Number Two

Hundred Twenty (220), bounded and described as follows, to wit: BEGINNING at a point in the North line of Lake Forest Drive, two hundred and thirty (230) feet Eastwardly from the West line of Kraus Drive; thence Northwardly parallel with Kraus Drive, one hundred and forty (140) feet to the Bank of Lake Erie; thence Eastwardly, along the Bank of Lake Erie, one hundred (100) feet to a point; thence Southwardly parallel with Kraus Drive, one hundred and sixty (160) feet to the North line of Lake Forest Drive; and thence westwardly along the North line of Lake Forest Drive, one hundred (100) feet to the place of beginning. SAID premises have been erected thereon a dwelling commonly known as 6420 Lake Forest Drive, Erie, Pennsylvania, and being further identified by Erie County Assessment Index Number (27) 19-8-90.

ALSO, ALL THAT CERTAIN piece or parcel of land situate in the Township of Harborcreek, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows, to-wit: BEGINNING at a point in the north line of Lake Forest Drive, two hundred thirty (230) feet eastwardly from the west line of Kraus Drive; thence northwardly parallel with Kraus Drive, one hundred sixty (160) feet to the Bank of Lake Erie; thence westwardly along the Bank of Lake Erie, ten (10) feet to a point; thence southwardly parallel with Kraus Drive, one hundred sixty (160) feet to the north line of Lake Forest Drive; thence eastwardly along the north line of Lake Forest Drive, ten (10) feet to the place of beginning.

Said second parties are hereby assigned all of the right, title and interest of the first parties to use in common with John A. Kraus, et ux, and lessees and heirs and assigns to the roadway as is now used, being known as Kraus Drive, running from the Lake Road in a Northwesterly direction to the Beach of Lake Erie, also Lake Forest Drive, which runs easterly and westerly from Kraus

Drive, for the purpose of ingress and egress to and from said land and said lake to be kept free and clear from all obstruction at all times. The easement referred to above is specifically set forth in the Deed recorded in Erie County Deed Book kept free and clear from all obstruction at all times. The easement referred to above is specifically set forth in the Deed recorded in Erie County Deed Book 283, at page 56.

TOGETHER WITH all mineral, oil & gas well rights. THIS DEED is taken under and subject to easements, restrictions and rights of way of record and/or those that are visible to a physical inspection.

PARTIES of the first part have no actual knowledge of any hazardous waste, as defined in Act No. 1980-97 of the Commonwealth of Pennsylvania, having been or presently being disposed of on or about the property described in this deed.

BEING the same premises which Helen W. Miodus, widow and unmarried, by Deed dated April 22, 2004, and recorded April 22, 2004, in Book 1127, Page 1432, granted and conveyed unto Frank A. Kartesz, II and Stephanie A. Kartesz, husband and wife, as tenants by the entirety with right of survivorship to the entirety in the survivor thereof, in fee. Premises: 6420 Lake Forrest Drive, Erie, PA 16511.

Attorney for Plaintiff:  
 Steven K. Eisenberg, Esquire  
 Stern and Eisenberg, LLP  
 The Pavilion  
 261 Old York Road, Suite 410  
 Jenkintown, PA 19046

Jun. 26 and Jul. 3, 10

**SALE NO. 11**

**Ex. #10266 of 2009**  
**First National Bank of Pennsylvania, successor in interest to The National Bank of North East, Plaintiff**  
 v.

**Clinton B. Keller and Ellen S. Keller, Defendants**  
**SHORT DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land located in the Township of Harborcreek, County of Erie, and Commonwealth of Pennsylvania located at 990 Highmeyer Road, Harborcreek, Pennsylvania 16421 and identified as Erie County Tax Parcel No. (27) 21-32-19.

Having erected thereon a two-story single family dwelling, with detached garage and pole barn.

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

Jun. 26 and Jul. 3, 10

**SALE NO. 12**

**Ex. #18044 of 2008**

**HSBC Bank USA, National Association, as Trustee for Wells Fargo Asset Securities Corporation Home Equity Asset-Backed Certificates Series 2006-3, Plaintiff,**

**v.**

**Mark Anders**

**Molly Anders, Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 18044-08 HSBC Bank USA, National Association, as Trustee for Wells Fargo Asset Securities Corporation Home Equity Asset-Backed Certificates Series 2006-3 v. Mark Anders and Molly Anders, owner(s) of property situated in Millcreek Township, Erie County, Pennsylvania being 428 Zephyr Street a/k/a 428 Zephyr Avenue, Erie, PA 16505-1557.

Dimensions: 50 X 125

Assessment Map number: 33-004-002-0-038-00

Assessed Value figure: 111,800.00

Improvement thereon: residential  
Daniel G. Schmieg, Esquire  
One Penn Center at Suburban  
Station, Suite 1400

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

Jun. 26 and Jul. 3, 10

**SALE NO. 13**

**Ex. #11813 of 2008**

**US Bank National Association, as Trustee for Asset-Backed Pass-Through Certificates, Series 2006-NC2, Plaintiff,**

**v.**

**Charles R. Arkwright**

**Rachael A. Arkwright,**

**Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 11813-08 US Bank National Association, as Trustee for Asset-Backed Pass-Through Certificates, Series 2006-NC2 vs. Charles R. Arkwright and Rachael A. Arkwright  
Charles R. Arkwright and Rachael A. Arkwright, owner(s) of property situated in Washington Township, Erie County, Pennsylvania being 11060 Edinboro Road & 11070 Edinboro Road, McKean, PA 16426.

Dimensions:

11070 Edinboro Road- 98 X 259 IRR

11060 Edinboro Road- 54 X 259

Acreage:

11070 Edinboro Road- 0.7885

11060 Edinboro Road- 0.3211

Assessment Map number:

11070 Edinboro Road- 45001002002200

11060 Edinboro Road- 45001002002300

Assessed Value figure:

11070 Edinboro Road- \$23,500.00

11060 Edinboro Road- \$25,500.00

Improvement thereon: Residential

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Jun. 26 and Jul. 3, 10

**SALE NO. 14**

**Ex. #10367 of 2009**

**PHH Mortgage Corporation, f/k/a Cendant Mortgage Corporation, Plaintiff,**

**v.**

**Ronald J. Burick**

**Janine M. Burick, 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, bounded and described as follows to-wit:

BEING Lot No. 17 of the A. C. Hadberg Subdivision per a replot of said Subdivision as recorded January 3, 1959 in Erie County Map Book 6, page 3. Said lot bearing Erie County Index Number (27) 035-134-013. Being known as 2172 Timber Lane, Erie, PA.

BEING a part of the same premises as conveyed into the Grantors herein by Deed of Robert R. Gindlesperger and Ruth L. Gindlesperger, his wife, dated and recorded October 28, 1994, in Erie County Record Book 360, page 1217.

SUBJECT to restrictions on Hadberg Subdivision as recorded on May 9, 1987, in Erie County Record Book 9, page 0881, and Record Book 0035, page 2045, recorded December 7, 1987, and as amended.

TITLE TO SAID PREMISES IS VESTED IN Ronald J. Burick and Janine M. Burick, h/w, as tenants by the entireties with the right of survivorship in the survivor thereof, by Deed from Todd P. Swanson and Deborah L. Swanson, h/w, dated 12/20/2001, recorded 12/28/2004 in Book 1200, Page 108.

Tax parcel #: 27-035-134.0-013-00  
Premises being: 2172 TIMBER LAND, HARBORCREEK, PA 16421-1635

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Jun. 26 and Jul. 3, 10

**SALE NO. 15**

**Ex. #11075 of 2009**

**Lehman Brothers Bank, FSB, Plaintiff,**

**v.**

**Ella L. Crockett a/k/a**

**Ella L. Crockett, Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 11075-09 Lehman Brothers Bank, FSB vs. Ella L. Crockett a/k/a Ella L. Crockett

Ella L. Crockett, a/k/a Ella L. Crocket, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 236 Maryland Avenue, Erie, PA 16505-2220.  
 Dimensions: 50 X 153  
 ACREAGE: 0.1756  
 Assessment Map number: 17-041-030.0-129.00  
 Assessed Value figure: \$102,780.00  
 Improvement thereon: residential  
 Daniel G. Schmieg, Esquire  
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Jun. 26 and Jul. 3, 10

**SALE NO. 16**

**Ex. #14540 of 2006**  
**PHH Mortgage Corporation,**  
**f/k/a Cendant Mortgage Corporation**  
**v.**

**Christopher R. Dann**  
**SHERIFF'S SALE**

By Virtue of a Writ of Execution No. 14540-06 PHH Mortgage Corporation, f/k/a Cendant Mortgage Corporation vs. Christopher R. Dann, Owners of property situate in the Township of Conneaut, County of Erie, Pennsylvania, being 10690 Whittaker Road, Albion, PA 16401 Improvements thereon: Residential Dwelling  
 Daniel G. Schmieg, Esquire  
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Jun. 26 and Jul. 3, 10

**SALE NO. 17**

**Ex. #13856 of 2008**  
**Wells Fargo Bank, NA, Plaintiff,**  
**v.**

**Ramzia M. El-Annan a/k/a**  
**Ramzia El-Annan, Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 13856-08 Wells Fargo Bank, NA, vs. Ramzia M. El-Annan a/k/a Ramzia El-Annan  
 Ramzia M. El-Annan a/k/a Ramzia El-Annan owner(s) of property

situated in City of Erie, Erie County, Pennsylvania being 1520 West 24th Street, Erie, PA 16502-2211  
 Dimensions: 44x135  
 Acreage 0.1364  
 Assessment Map number: 19-062-047.0-129.00  
 Assessed Value figure: 57,530.00  
 Improvement thereon: residential  
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Jun. 26 and Jul. 3, 10

**SALE NO. 18**

**Ex. #15968 of 2008**  
**Chase Home Finance LLC,**  
**Plaintiff,**  
**v.**

**Hillary J. Fogerty, Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 15968-08 Chase Home Finance LLC vs. Hillary J. Fogerty Hillary J. Fogerty owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 934 West 9th Street, Erie, PA 16502-1129.

Dimensions: 41.25 X 165  
 Acreage: 0.1553  
 Assessment Map number: 16-030-047.0-234.00  
 Assessed Value figure: 86,540.00  
 Improvement thereon: residential  
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Jun. 26 and Jul. 3, 10

**SALE NO. 19**

**Ex. #10918 of 2009**  
**Deutsche Bank National**  
**Trust Company as Trustee for**  
**Soundview Home Loan Trust**  
**2006-3, Plaintiff,**  
**v.**

**Charles Foht, Jr., Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 1 0918-09 Deutsche Bank National Trust Company as Trustee for Soundview Home Loan

Trust 2006-3 vs. Charles Foht, Jr. Charles Foht, Jr., owner(s) of property situated in First Ward of the City of Erie, Erie County, Pennsylvania being 1041 East 5th Street, Erie, PA 16507-1864.  
 Dimensions: 26 X 120.5  
 ACREAGE: 0.0719  
 Assessment Map number: 14-010-036.0-106.00  
 Assessed Value figure: 32,410.00  
 Improvement thereon: residential  
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Jun. 26 and Jul. 3, 10

**SALE NO. 20**

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

**Frank J. Gresh, Jr.**  
**Melinda M. Gresh**

**SHORT DESCRIPTION**

By virtue of a Writ of Execution No.: 10057-08 U.S. Bank National Association, as Trustee for SG Mortgage Securities Asset Backed Certificates, Series 2006-FRE2 vs. Frank J. Gresh, Jr. and Melinda M. Gresh, owners of property situate in the Township of Fairview, County of Erie and State of Pennsylvania, being 7121 Water Street, Fairview, PA 16415  
 Parcel No. 21-064-117.0-002.00  
 Improvements thereon: Residential Dwelling  
 Daniel G. Schmieg, Esquire  
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Jun. 26 and Jul. 3, 10

**SALE NO. 21**

**Ex. #18014 of 2008**  
**First Horizon Home Loans, a**  
**Division of First Tennessee Bank**  
**National Association, Plaintiff,**  
**v.**  
**Jason R. Harned, Defendant(s)**



**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 2008-18014 First Horizon Home Loans, a Division of First Tennessee Bank National Association, vs. Jason R. Harned Jason R. Harned, owner(s) of property situated in Millcreek Township, Erie County, Pennsylvania being 2640 West 24th Street, Erie, PA 16506-3004. Dimensions: 80 X 135.14

0.2482 ACRES

Assessment Map number: 33-051-198.0-016-00

Assessed Value figure: 79,230.00

Improvement thereon: residential

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Jun. 26 and Jul. 3, 10

**SALE NO. 22**

**Ex. #10852 of 2009**

**Citimortgage, Inc. s/b/m to ABN**

**AMRO Mortgage Group, Inc.,**

**Plaintiff,**

**v.**

**Scott W. Lobaugh**

**Lisa A. Lobaugh, Defendant(s)**

**LEGAL DESCRIPTION**

All that certain piece or parcel of land situate in the Township of McKean, County of Erie and Commonwealth of Pennsylvania and being Lot No. 6 of DEER RUN SUBDIVISION, part of Tract 18, according to a plot of DEER RUN SUBDIVISION as recorded in Erie County Map Book 1998-99 on April 6, 1998 as amended and recorded on the Replot of DEER RUN SUBDIVISION in Erie County Map Book 1998-310 on September 2, 1998 and bearing Erie County Tax Index No. (31) 15-59-6.13.

This deed is taken under and subject to Declaration of Easement as recorded in Erie County Record Book 664, Page 190, Also, under and subject to Declaration of Restrictions for Deer Run Subdivision as recorded in Record Book 751 Page 484 and/or those that are visible to a physical

inspection.

TITLE TO SAID PREMISES IS VESTED IN Scott W. Lobaugh and Lisa M. Lobaugh, h/w, as tenants by the entireties with right of survivorship, by Deed from Dorothy J. Zimmer and Henry M. Zimmer, Jr., her husband, dated 08/23/2002, recorded 08/27/2002 in Book 914, Page 510.

Tax Parcel #: 31-015-059.0-006.13  
Premises being: 10071 AUBURY ROAD, WATERFORD, PA 16441-2729

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Jun. 26 and Jul. 3, 10

**SALE NO. 23**

**Ex. #14984 of 2008**

**Countrywide Home Loan, Inc.**

**v.**

**John A. Malachi**

**SHORT DESCRIPTION**

By virtue of a Writ of Execution No. 14984-08 Countrywide Home Loans, Inc. vs. John A. Malachi, owners of property situated in the City of Erie, County of Erie, Pennsylvania, being 1202 East 20th Street, Erie, PA 16503-2408  
Parcel No.: 15021006021900  
Improvements thereon: Residential Dwelling

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Jun. 26 and Jul. 3, 10

**SALE NO. 24**

**Ex. #18078 of 2008**

**Wells Fargo Bank, N.A., Plaintiff,**

**v.**

**James I. Maphis, Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 18078-08 Wells Fargo Bank, N.A. vs. James I. Maphis James I. Maphis, owner(s) of property situated in the Township of Millcreek, Erie County, Pennsylvania being 6004 Larch

Drive, Fairview, PA 16415-3252.

Dimensions 90 X 120.07

Acreage: 0.2479

Assessment Map number:

33-133-572.0-203.00

Assessed Value figure: 186,860.00

Improvement thereon: residential

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Jun. 26 and Jul. 3, 10

**SALE NO. 25**

**Ex. #10369 of 2009**

**PHH Mortgage Corporation f/k/a**

**Cendant Mortgage Corporation,**

**Plaintiff,**

**v.**

**Donald A. Marinucci**

**Laura A. Collins a/k/a**

**Laura A. Marinucci,**

**Defendant(s)**

**LEGAL DESCRIPTION**

All that certain piece or parcel of land situate in the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania being Lots 31 and 32 of Perry Highlands Subdivision according to the plat of the same as recorded in Erie County Map Book 3, at pages 45. Having erected thereon a one-story frame dwelling house and garage known as 405 Dumar Road, Erie, Pennsylvania and bearing Erie County Tax Index Number (33) 146-499-17.

Subject to all restrictions, easements, rights-of-way, building lines, leases and oil and gas leases of record and to all easements and rights-of-way visible and discoverable upon an inspection of the premises.

TITLE TO SAID PREMISES IS VESTED IN Donald A. Marinucci and Laura A. Collins, as tenants in common with right of survivorship, by Deed from John A. Pacileo, II and Cynthia L. Pacileo, his wife, dated 06/24/2004, recorded 06/29/2004 in Book 1150, Page 410.

Tax Parcel #: 33-146-499-0-017-00

Premises being: 405 DUMAR ROAD, ERIE, PA 16509-3216

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Jun. 26 and Jul. 3, 10

**SALE NO 26**

**Ex. #10696 of 2009**

**Countrywide Home Loans  
Servicing LP, Plaintiff,  
v.**

**Graham S. Mashner**

**Karen A. Schelinski, Defendant(s)  
LEGAL DESCRIPTION**

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

BEGINNING at the point of intersection of the east line of Reed Street with the south line of Fourth Street; thence east along the south line of East Fourth Street, ninety (90) feet to a point; thence south parallel with Reed Street, thirty-one (31) feet to a point; thence west parallel with East Fourth Street, ninety (90) feet to a point in the east line of Reed Street; thence north along the east line of Reed Street, thirty-one (31) feet to the place of beginning; being a two-family frame flat and two-car frame garage and being known as 401-403 Reed Street, and bearing City Index No. (14) 1023-209. Being the same premises conveyed to Gentle R. Cooley, Jr., single, by deed dated and recorded March 21, 1996 in Erie County Record Book 429, page 1269. Also see Record Book 749, page 366.

TITLE TO SAID PREMISES IS VESTED IN Graham S. Mashner and Karen A. Schelinski, as joint tenants with the right of survivorship in the survivor thereof, by Deed from Gentle R. Cooley, Jr. and Andrea Cooley, his wife, dated 02/28/2001, recorded 03/01/2001 in Book 0755, Page 2161.

Tax Parcel #: 14-010.023.0-209.00  
Premises being: 401/403 REED STREET, ERIE, PA 16507-0000  
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Jun. 26 and Jul. 3, 10

**SALE NO. 27**

**Ex. #10430 of 2009**

**Citimortgage, Inc., s/b/m to  
Principal Residential Mortgage,  
Inc., Plaintiff,  
v.**

**William E. McGill**

**Trina M. McGill, a/k/a**

**Trina L. McGill, Defendant(s)  
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 10430-09 Citimortgage, Inc., s/b/m to Principal Residential Mortgage, Inc. vs. William E. McGill and Trina M. McGill, a/k/a Trina L. McGill

William E. McGill and Trina M. McGill, a/k/a Trina L. McGill, owner(s) of property situated in Township of Harborcreek, Erie County, Pennsylvania being 2212 Nagle Road, Erie, PA 16510-2134.  
Dimensions: 86.6 X 150

Acreage: 0.2982

Assessment Map number:  
27-051-151.0-026.00

Assessed Value figure: 78,730.00

Improvement thereon: residential

Daniel G. Schmieg, Esquire

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Jun. 26 and Jul. 3, 10

**SALE NO. 28**

**Ex. #14964 of 2008**

**PHH Mortgage Corporation,  
f/k/a Cendant Mortgage  
Corporation, Plaintiff,  
v.**

**Roger G. Murphy, Defendants(s)  
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 14964-2008, PHH Mortgage Corporation, f/k/a Cendant Mortgage Corporation vs. Roger G. Murphy

Roger G. Murphy, owner(s) of property situated in the Fifth Ward of Erie County, Pennsylvania being 2011 Fairmount Parkway, Erie, PA 16510-1203.

Dimensions: 118 X 165

Acreage: 0.4470

Assessment Map number:  
18-051-031.0-415.00

Assessed Value figure: \$ 55,750.00

Improvement thereon: residential

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Jun. 26 and Jul. 3, 10

**SALE NO. 29**

**Ex. #10364 of 2009**

**Wells Fargo Financial  
Pennsylvania, Inc., Plaintiff,  
v.**

**Tim R. Robertson**

**Paula Jean Robertson,**

**Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 10364-09 Wells Fargo Financial Pennsylvania, Inc. vs. Tim R. Robertson and Paula Jean Robertson

Tim R. Robertson and Paula Jean Robertson, owner(s) of property situated in Township of Fairview, Erie County, Pennsylvania being 6638 West Ridge Road, Fairview, PA 16415-2032.

Dimensions: 100 X 300 IRR 0.6876

Assessment Map number:  
21-052-074.0-028.01

Assessed Value figure: \$103,350.00

Improvement thereon: residential

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Jun. 26 and Jul. 3, 10

**SALE NO. 30**

**Ex. #10765 of 2009**

**The Huntington National Bank,  
s/b/m Sky Bank, Plaintiff,  
v.**

**Roberta L. Rodriguez,**

**Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 10765-09 The Huntington National Bank, s/b/m Sky Bank vs. Roberta L. Rodriguez

Roberta L. Rodriguez, owner(s) of



property situated in City of Erie, Erie County, Pennsylvania being 1023 McCarter Avenue, Erie, PA 16503-1536.

Dimensions: 40 x 70

ACREAGE: 0.0643

Assessment Map number: 14-010-035.0-109.00

Assessed Value figure: \$26,700.00

Improvement thereon: Residential

Andrew L. Spivack, Esquire

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Jun. 26 and Jul. 3, 10

**SALE NO. 31**

**Ex. #10162 of 2009**

**Taylor, Bean & Whitaker  
Mortgage Corporation, Plaintiff,**  
v.

**Theresa A. Speice, Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 10162-09 Taylor, Bean & Whitaker Mortgage Corporation vs. Theresa A. Speice

Theresa A. Speice, owner(s) of property situated in Erie, Erie County, Pennsylvania being 2219 Prospect Avenue, Erie, PA 16510-1359.

Dimensions: 80 x 120

ACREAGE: 0.2204

Assessment Map number: 18-051-034.0-214-00

Assessed Value figure: \$57,660.00

Improvement thereon: Residential

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Jun. 26 and Jul. 3, 10

**SALE NO. 32**

**Ex. # 10759 of 2008**

**PHH Mortgage Corporation,  
f/k/a Cendant Mortgage  
Corporation, d/b/a, PHH  
Mortgage Services, Plaintiff,**  
v.

**Todd A. Thoma**

**Cara A. Thoma, Defendant(s)**

**LEGAL DESCRIPTION**

ALL that certain piece or parcel

of land situate in the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania, more fully bounded and described as follows, to-wit:

Lot #74 of the Southland Village Subdivision - Phase III as per subdivision recorded in Erie County as Map No. 1998-23 on the 20th day of January, 1998.

SAID premises commonly known as 6036 Courtland Drive, Erie, Pennsylvania 16509.

ERIE COUNTY TAX  
ASSESSMENT NO.  
(33) 192-628.4-21.

BEING the same premises conveyed to the parties of the first part herein by Deed dated February 3, 2003 and recorded February 18, 2003 in Erie County Record Book 977 at page 834.

TITLE TO SAID PREMISES IS VESTED IN Todd A. Thoma and Cara A. Thoma, h/w, as tenants by the entireties with the right of survivorship, by Deed from Theresa Paterniti and Charles J. Paterniti, w/h, dated 07/18/2003, recorded 07/23/2003, in Deed Book 1039, page 1763.

Premises being: 6036  
COURTLAND DRIVE, ERIE, PA  
16509

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Jun. 26 and Jul. 3, 10

**SALE NO. 33**

**Ex. #14995 of 2008**

**Northwest Savings Bank,  
Plaintiff,**  
v.

**Brenda M. Weaver, Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 14995-08 Northwest Savings Bank vs. Brenda M. Weaver

Brenda M. Weaver, owner(s) of property situated in Township of Springfield, Erie County, Pennsylvania being 11868 Main Street, East Springfield, PA 16411.

Dimensions: 52.8 X 105.6

Acreage: 0.1280

Assessment Map number: 39-041-012-0-012-00

Assessed Value figure: 61,300.00

Improvement thereon: residential

Daniel G. Schmieg, Esquire

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Jun. 26 and Jul. 3, 10

**SALE NO. 34**

**Ex. #10921 of 2009**

**HSBC Bank, USA as Trustee for  
MANA 2007-F1, Plaintiff,**  
v.

**Amy B. Weber a/k/a**

**Amy B. Lowes**

**Frederick M. Weber,**

**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, bounded and described as follows, to-wit:

The residue of land on the east side of Wales Road as identified on a map recorded with the Erie County Recorder of Deeds on August 19, 1999 at Map Book 1999, page 264 consisting of 53.225 acres more or less and the residue of land on the west side of Wales Road consisting of .687 acres more or less.

For the information purpose only the APN is shown by the Assessor is 27-077-238.0-009.00; source of the title is Book 1038; Page 2112; Recorded (07/21/03)

TITLE TO SAID PREMISES IS VESTED IN Amy B. Lowes, nbm, Amy B. Weber and Frederick M. Weber, h/w, by Deed from Amy B. Lowes, nbm, Amy B. Weber and Frederick M. Weber, h/w, dated 05/16/2003, recorded 07/21/2003 in Book 1038, Page 2112.

Tax Parcel #: 27-077-238.0-009.00  
Premises being: 5680 WALES ROAD, ERIE, PA 16510-5733

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Jun. 26 and Jul. 3, 10

**SALE NO. 35**

**Ex. #10987 of 2009**

**First Horizon Home Loan Corporation, a Division of First Tennessee Bank National Association, Plaintiff,**

**v.**

**Robert P. Weschler, Defendant(s)**

**LEGAL DESCRIPTION**

All that certain property situate in the Township of Millcreek, County of Erie, and State of Pennsylvania, the following described Unit (as that term is defined by the Act of the General Assembly of Pennsylvania of July 3, 1963, P.L. 196, (68 P.S. 700.101 et seq.) known as the Unit Property Act (the 'Act') or Units in HERITAGE HILLS CONDOMINIUM No. 2 identified in a certain Declaration and Declaration Plan in HERITAGE HILLS CONDOMINIUM NO. 2, HERITAGE HILLS DEVELOPMENT, INC., both dated June 24, 1977, made by Heritage Hills pursuant to the provisions of the Act, said Declaration with Exhibits, including the Code of Regulations being recorded in the Office of the Recorder of Deeds of Erie County, Pennsylvania, on June 27, 1977, in Deed Book 1269 at page 93, et seq. and said Declaration Plan being recorded in said office in Map Book 15 at page 35, et seq. pursuant to the provisions of the Act:

Proportionate Undivided Percentage of Interest in Unit or Units Common Elements

Unit 5035 8.3%

and being further identified as 5035 Cider Mill Road, Erie, Pennsylvania, 16509, and having Index No. (33) 114- 494-27.56. Together with all appurtenances.

SUBJECT to utility easements of record, the provisions of the Act, the abovementioned Declaration and Declaration Plan, including the Code of Regulations recorded as Exhibit 'B' to said Declarations, all provisions thereof including restrictions and easements contained therein, and the Declaration of Covenants and Restrictions recorded in the Office of the Recorder of Deeds of Erie County, Pennsylvania,

on June 27, 1977, in Deed Book 1269 page 135, et seq., all as now existent and as amended or modified hereafter. The documents referred to herein shall be Covenants running with the land.

TITLE TO SAID PREMISES IS VESTED IN Robert P. Weschler, unmarried, by Deed from Ruth M. Frontz, now Ruth M. Frontz-Bredhorn, married, but individually, dated 06/26/1990, recorded 07/03/1990 in Book 128, Page 1427.

TITLE TO SAID PREMISES IS VESTED IN Robert P. Weschler, unmarried, by Deed from Wilbur F. Bredhorn, husband of Ruth M. Fronz Bredhorn of Arlington Heights, dated 06/28/1990, recorded 07/03/1990 in Book 128, Page 1435.

Note: This is a quit claim deed.

Tax Parcel #: 33-114-494.0-027.56

Premises being: 5035 CIDER MILL ROAD UNIT 5035, ERIE, PA 16509-3918

Daniel G. Schmieg, Esquire  
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Jun. 26 and Jul. 3, 10

**SALE NO. 36**

**Ex. #13237 of 2008**

**Lasalle Bank National Association as Trustee for Merrill Lynch First Franklin Mortgage Loan Trust 2007-4, Mortgage Loan Asset-Backed Certificates, Series 2007-4, Plaintiff,**

**v.**

**Daniel J. Youngs, 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 known as Lot Number Forty-two (42) of the CAREY FARM SUBDIVISION, according to a plot or plan of the same recorded in the Office of the Recorder of Deeds of Erie County, Pennsylvania, in Map Book No. 3, at page 103, reference to said plan being made for a further description of said property; said lot having

a frontage of fifty (50) feet, and a depth of one hundred twenty (120) feet, together with the right to use the beach in front of said subdivision, also the use of all roads.

The within conveyance is given under and subject to the restrictions contained in Deeds from Mary E. Carey, widow, to Jennie A. Stenstrom, recorded in the Recorder's Office of Erie County, Pennsylvania, in Deed Book 317, Page 236, and Deed Book 317, Page 179.

ALSO, All that certain piece or parcel of land situate in Harborcreek Township, County of Erie and State of Pennsylvania, being known as Lot No. 43 of the 'Carey Farm' subdivision, according to plot or plan recorded in the Office of the Recorder of Deeds of Erie County, Pennsylvania in Map Book 3 at page 103, reference to said plan being made for further description of said property together with the right to use the beach in front of said subdivision, also the use of all roads except as hereinafter stated in said subdivision in common with other owners of lots in said subdivision, together with all the rights and privileges, and subject however to all the conditions, embodied in deed from Mary E. Carey, widow, to Violet Mack, widow and single, dated June 14, 1927 recorded in the Recorder's Office of Erie County, Pennsylvania in Deed Book 328, Page 455.

ALSO, All that other certain piece or parcel of land situate in Harborcreek Township, Erie County, Pennsylvania being the northerly one half of Lot No. 44 of the 'Carey Farms' subdivision, according to a plot or plan recorded in the office of the Recorder of Deeds in Erie County, Pennsylvania, in Map Book No. 3 at page 103, reference to said plan being made for further description of said property, together with the right to use the beach, roads, etc., and also subject to the conditions and restrictions contained in the deed from Mary E. Carey to Charence T. Comstock et ux, dated August 3, 1927 and from Clarence T. Comstock et ux dated

June 13, 1928 and recorded in Erie County Deed Book 286 at page 783 in the Recorder's Office of Erie County, Pennsylvania. The premises herein conveyed being the northerly one-half of the northerly twenty-five feet of the Lot No. 44 conveyed by said deed.

Also together with all of the right, title and interest of the Grantor herein, in and to a certain easement reserved for the supply of water as set forth in a certain deed of conveyance from Violet A. Mack to Edward L. Mack and Judith A. Mack his wife, dated June 22, 1979 and recorded June 22, 1979 in Erie County Deed Book 1353, page 343. Having erected thereon a frame dwelling being commonly known as 56 Carey Farms Road, Erie, Pennsylvania 16511, and bearing Erie County Tax Index Number (27) 024-013.0-0-010.00 (formerly identified as Erie County Tax Index Number (27) 24-15-3). Premises being: 56 CAREY FARMS ROAD, ERIE, PA 16511-1607 Daniel G. Schmieg, Esquire One Penn Center at Suburban Station, Suite 1400 1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814 (215) 563-7000

Jun. 26 and Jul. 3, 10

**SALE NO. 37**

**Ex. #10737-09**

**U.S. Bank National Association  
Trustee for the Pennsylvania  
Housing Finance Agency,  
Plaintiff**

**v.**

**Kevin J. Fox and  
Deanna L. Fox f/k/a**

**Deanna L. Capron, Defendants  
SHERIFF'S SALE**

By virtue of a Writ of Execution No. 10737-09 U.S. Bank National Association Trustee for the Pennsylvania Housing Finance Agency, Plaintiff vs. Kevin J. Fox and Deanna L. Fox f/k/a Deanna L. Capron, Defendants Real Estate: 517 LIBERTY STREET, CORRY, PA Municipality: City of Corry, Erie County, Pennsylvania Dimensions: Irregular

See Deed Book 703, Page 1445 Tax I.D. (5) 21-104.1-7 Assessment: \$ 5,000. (Land) \$29,200. (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

Jun. 26 and Jul. 3, 10

**SALE NO. 38**

**Ex. #11057 of 2009**

**U.S. Bank National Association  
Trustee for the Pennsylvania  
Housing Finance Agency,  
Plaintiff**

**v.**

**Rachel N. Kimmy, Defendants  
SHERIFF'S SALE**

By virtue of a Writ of Execution No. 11057-09 U.S. Bank National Association Trustee for the Pennsylvania Housing Finance Agency, Plaintiff vs. Rachel N. Kimmy, Defendants Real Estate: 916 WEST 17TH STREET, ERIE, PA Municipality: City of Erie, Erie County, Pennsylvania Dimensions: 132' 6" x 30' See Deed Book 1405, Page 1601 Tax I.D. (16) 3043-231 Assessment: \$ 6,000. (Land) \$39,500. (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

Jun. 26 and Jul. 3, 10

**SALE NO. 39**

**Ex. #13374 of 2008**

**U.S. Bank National Association  
Trustee for the Pennsylvania  
Housing Finance Agency,  
Plaintiff**

**v.**

**Charles Adam Knapp,  
Defendants  
SHERIFF'S SALE**

By virtue of a Writ of Execution No. 13374-08 U.S. Bank National Association Trustee for the

Pennsylvania Housing Finance Agency, Plaintiff vs. Charles Adam Knapp, Defendants Real Estate: 2426 CRANBERRY STREET, ERIE, PA Municipality: City of Erie, Erie County, Pennsylvania Dimensions: 106 x 35 See Deed Book 1302, Page 844 Tax I.D. (19) 6202-106 Assessment: \$ 8,800. (Land) \$37,380. (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

Jun. 26 and Jul. 3, 10

**SALE NO. 40**

**Ex. #11260 of 2009**

**U.S. Bank National Association,  
(Trustee for the Pennsylvania  
Housing Finance Agency,  
pursuant to a Trust Indenture  
dated as of April 1, 1982),  
Plaintiff,**

**v.**

**Daniel L. Harmon, Jr., Defendant  
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 11260-09, U.S. Bank National Association, et al vs. Daniel L. Harmon, Jr., owner(s) of property situated in the Sixth Ward, Erie City, Erie County, Pennsylvania being 2517 Poplar Street, Erie, PA 16502.

Dimensions: 35 X Irregular for square footage and .11 acreage Assessment Map Number: (19) 6019-117

Assess Value figure: \$51,760.00

Improvement thereon: Dwelling

Louis P. Vitti, Esquire Attorney for Plaintiff 916 Fifth Avenue Pittsburgh, PA 15219 (412) 281-1725

Jun. 26 and Jul. 3, 10

**SALE NO. 41**

**Ex. #10813 of 2009**

**U.S. Bank National Association  
(Trustee for the Pennsylvania  
Housing Finance Agency,  
pursuant to a Trust Indenture**

**dated as of April 1, 1982),  
assignee of Pennsylvania Housing  
Finance Agency, assignee of  
Countrywide Home Loans, Inc.,  
Plaintiff,**

**v.**

**John E. Tingley and  
Melissa Y. Tingley, Defendants**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 10813-09, U.S. Bank National Association, et al vs. John E. Tingley and Melissa Y. Tingley, owner(s) of property situated in Erie City, Erie County, Pennsylvania being 4114 Davison Avenue, Erie, PA 16504.

Dimensions: .8 acres and 7,656 square footage

Assessment Map Number:  
(18) 5220-109

Assess Value figure: \$60,170.00

Improvement thereon: Dwelling

Louis P. Vitti, Esquire

Attorney for Plaintiff

916 Fifth Avenue

Pittsburgh, PA 15219

(412) 281-1725

Jun. 26 and Jul. 3, 10

**SALE NO. 42**

**Ex. #10498 of 2009**

**Wells Fargo Bank, N.A. as  
Trustee for the MLMI Trust  
Series 2005-SD1, Plaintiff**

**v.**

**Melinda M. Howe a/k/a  
Melinda Howe, Defendant**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 10498-09 Wells Fargo Bank, N.A. as Trustee for the MLMI Trust Series 2005-SD1 v. Melinda M. Howe a/k/a Melinda Howe, Owner(s) of property situated in Township of Millcreek, Erie County, Pennsylvania, being 3207 West 38th Street, Erie, PA 16506 Building A Unit 2 Condominium.

ALL THAT CERTAIN piece or parcel of land situate in the Township of Millcreek, County of Erie and State of Pennsylvania, the following described Unit [as that term is defined by the Act of the General Assembly of Pennsylvania of July 2, 1980, P.L. 82 (68 P.S. 3101 et seq.) known as the Pennsylvania Uniform Condominium Act (the

"Act")] or Units in Cedar Loft Condominium identified in a certain Declaration and Plats and Plans for Cedar Loft Condominium, made pursuant to the provisions of the Act, said Declaration with Exhibits being recorded in the Office of the Recorder of Deeds of Erie County, Pennsylvania of December 19, 1983 in Deed Book 1519, at page 480, et seq., and said Plats and Plans being recorded in said Office in Deed Book 1519, at page 501, et seq., pursuant to the provisions of the Act, together with the undivided Fractional Interest in the common Elements as set forth in said Declaration.

Assessment Map number:  
(33) 83-409-651

Assessed Value figure: \$73,900.00

Improvement thereon: Residential Dwelling

Martha E. Von Rosenstiel, Esquire

649 South Avenue, Unit #6

P.O. Box 822

Secane, PA 19018

(610) 328-2887

Jun. 26 and Jul. 3, 10

**SALE NO. 43**

**Ex. #12241 of 2004**

**Mortgage Electronic Registration  
Systems, Inc.**

**v.**

**William H. Hicks and  
Carrie L. Hicks**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 12241-04 Mortgage Electron Registration Systems, Inc. vs. William H. Hicks and Carrie L. Hicks, owners of property situated in Borough of Mill Village, Erie County, Pennsylvania being 2140 West Center Street, Mill Village, PA 16427

Assessment Map number: (34) 3-2-8  
Assessed Value figure: \$79,500.00

Improvement thereon: Residential Dwelling

Mary L. Harbert-Bell, Esquire

220 Lake Drive East, Suite 301

Cherry Hill, NJ 08002

(856) 482-1400

Jun. 26 and Jul. 3, 10

**SALE NO. 44**

**Ex. #10915 of 2009**

**Deutsche Bank National Trust  
Company, as Trustee for Long  
Beach Mortgage Loan Trust  
2004-5, Plaintiff**

**v.**

**Christine A. Firster, Defendant(s)**

**DESCRIPTION**

ALL that certain piece or parcel of land being a part of Tract No. 196, situated in Harborecek Township, Erie County, Pennsylvania bounded and described as follows, to-wit:

BEGINNING at a point of intersection of the East line of land conveyed to Scanley Gadlinski, et ux., by Deed recorded in the Office of the Recorder of Deeds for Erie County, in Deed Book 548, page 486, with the centerline of Challis Road; thence Easterly along the centerline of Challis Road, one hundred ten (110) feet, more or less, to the West side of a 29 1/2 foot private driveway leading from Challis Road North to the property of Lewis A. Urmann et ux., and Nilton Ellsworth, et ux.; thence Northwardly along the west side of said driveway, six hundred (600) feet to an iron pin; thence Westerly on a line parallel with the centerline of Challis Road, one hundred ten (110) feet, more or less to an iron pipe at the Northeast corner of the Gadlinski lot and thence Southwardly on a line parallel with the West line of the 29 1/2 foot private driveway, six hundred (600) feet to the center of the Challis Road and the place of beginning.

There is EXCEPTED AND RESERVED from this conveyance the following described parcel of land:

ALL that certain piece or parcel of land situated in the Township of Harborecek, Erie County, Pennsylvania, being a part of Tract No. 196, bounded and described as follows:

BEGINNING at a point in the center of the Challis Road approximately one hundred ten (110) feet East of the point of intersection of the West property line of land now owned or previously owned by Donald R. Harvey; thence Northwardly

along the West side of 29 ½ foot private roadway and the East side of land now owned or previously owned by Donald R. Harvey six hundred (600) feet, said 29 ½ foot roadway leading Northwardly from the Challis Road to the land now under Contract of sale to Lester A. and Ethel V. Carlson, said roadway also leading to the land recently sold by Lewis A. Urmann, et ux., to Milton and Katherine A. Ellsworth, which said point is the starting point for this description; thence Westerly one hundred ten (110) feet along the North line of land conveyed by Lewis A. Urmann, et ux., to Donald R. Harvey by Deed dated July 14, 1950; thence Southerly along the East line of land of Stanley Gadlinski, et ux., three hundred (300) feet to a point; thence Easterly on a line parallel with the North line hereof to the West line of the aforesaid 29 ½ foot private roadway, one hundred ten (110) feet; thence Northerly along the West line of the aforesaid 29 ½ foot private roadway, three hundred (300) feet to the point of beginning. RESERVING herefrom 6 ½ feet along the East side hereof which 6 ½ feet to be used in conjunction with the 29 ½ foot roadway above mentioned, it being the intention of Lester A. and Ethel V. Carlson, Milton and Katherine A. Ellsworth and Donald R. Harvey that the private roadway herein mentioned shall be broadened to thirty-six (36) feet and shall be used and maintained by all the properties fronting thereon.

This conveyance is subject to the provisions of a Driveway Agreement recorded in Erie County contract Book 36, page 353.

Being the same property conveyed to Delbert R. Shaffer, also known as Delbert L. Shaffer and Margaret L. Shaffer, his wife, by deed recorded on November 1, 1976 in Erie County Deed Book 1242 page 299.

ID# 27-36-126-39

Parcel # 27036126003900

PROPERTY ADDRESS: 7189 Belle

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

Jun. 26 and Jul. 3, 10

**SALE NO. 45**

**Ex. #15378 of 2008**

**The Bank of New York Trust  
Company, N.A. as Successor to  
JPMorgan Chase Bank N.A. as  
Trustee s/b/m to Bank One, N.A.**

**as Trustee s/b/m to The First  
National Bank of Chicago as**

**Trustee, Plaintiff**

**v.**

**Diane M. Morschhauser,  
Defendant**

**DESCRIPTION**

Situate in the City of Erie, County of Erie and State of Pennsylvania, bounded and described as follows, to wit: Being Lot No. Thirty (30) of Garden Heights Subdivision No. One (1) Part of Tract No. Fifty-Eight (58) as shown upon a plot of said subdivision recorded in the Office of the Recorder of Deeds of Erie County, Pennsylvania in Map Book 4, Page 250 and 251.

Having erected thereon a one story frame dwelling known as 3815 English Avenue, Erie, Pennsylvania 16510, and bearing Index No. (18) 5246-109.

Subject to all restrictions, rights-of-way, building lines, leases and oil and gas leases of record and to all easements and rights-of-way visible and discoverable upon an inspection of the premises.

Property Address: 3815 English Avenue, Erie, PA 16510

Michael T. McKeever, Esquire

Attorney for Plaintiff

Suite 5000 - Mellon Independence

Center, 701 Market Street

Philadelphia, PA 19106-1532

(215) 627-1322

Jun. 26, and July 3, 10

**SALE NO. 46**

**Ex. #10609 of 2009**

**Countrywide Home Loans  
Servicing, L.P., Plaintiff**

**v.**

**William Seth Moss, Defendant(s)**

**DESCRIPTION**

ALL that certain piece or parcel

of land situate in the Township of Union, County of Erie and State of Pennsylvania, bounded and described as follows, to-wit:

COMMENCING at an iron pin located in the westerly line of O'Neil Road; said pin also being situate at the southerly corner of land formerly of Cornelius O'Neil, now Joseph Boleratz; thence South 30 degrees East along the westerly line of O'Neil Road, 270 feet to an iron pin; thence South 80 degrees 3 minutes 1 seconds West along the northerly line of land of Gerald Elliott, Grantor herein, 820.99 feet to an iron pin; thence North 30 degrees West, still along land of Elliott, 270 feet to an iron pin in the southerly line of land Boleratz aforementioned; and thence North 80 degrees 3 minutes 1 seconds East along the southerly line of land of said Boleratz, 820.99 feet to an iron pin, the place of beginning. Containing 5.000 acres of land according to a survey made by Terry A. Darnofall on August 8, 1986, and having erected thereon a frame dwelling and garage and being designated as Parcel No. 1 of Elliott Subdivision No.1 and recorded in Erie County Map Book 31 at page 89, on April 8, 1987, and being a part of the same land conveyed to Gerald J. Elliott by deed dated April 18, 1978 and recorded in Erie County Deed Book 1301 at page 489 on April 19, 1978. EXCEPTING and reserving unto party of the first part, his heirs and assigns, all oil, gas and minerals in and under the above described land. EXCEPTING and reserving unto Gerald J. Elliott, his heir and assigns a certain fifty (50) foot right-of-way along the northerly portion of the land herein described extending westerly 820.99 feet from the westerly line of O'Neil Road to other lands of Gerald J. Elliott, Grantor herein Said right-of-way to be used for the purposes of ingress, egress and regress.

PROPERTY ADDRESS: 17490 Oneil 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

Jun. 26 and Jul. 3, 10

**SALE NO. 47**

**Ex. #15161 of 2008**

**Citimortgage Inc., s/b/m to  
Source One Mortgage Services  
Corporation, Plaintiff**

**v.**

**Margaret A. Ryan-States a/k/a**

**Margaret Ryan**

**David M. States a/k/a**

**David States, Defendant(s)**

**DESCRIPTION**

ALL that certain piece or parcel of land situate in the Borough of Wesleyville, County of Erie and State of Pennsylvania, being Lot Number Fifty-seven (57) of the Wesleyville Subdivision, as subdivided by the Security Savings and Trust Company, according to the plan of plot recorded in the Recorder's Office of Erie County in Map Book No. 1, at page 419, and more fully bounded and described as follows, to-wit:

BEGINNING at a point in the east line of Union Avenue, three hundred and sixty (360) feet south of the point of intersection of the east line of Union Avenue with the south line of Edison Avenue; thence southwardly along the east line of Union Avenue forty (40) feet to a point in the north line of Lot Number fifty six (56), thence eastwardly along the north line of Lot Number fifty-six (56) and parallel with Edison Avenue, one hundred and twenty (120) feet; thence northwardly along the west line of Lot Number one hundred and eighteen (118) and parallel with Union Avenue, forty (40) feet to a point in the south line of Lot Number fifty-eight (58); thence westwardly along the south line of Lot Number fifty-eight (58) and parallel with Edison Avenue, one hundred and twenty (120) feet and a point in the east line of Union Avenue, the place of beginning. Having erected thereon a two story brick and frame house commonly known as 223 Union Avenue, Wesleyville, Pennsylvania.  
PROPERTY ADDRESS: 2237

Union Avenue, Erie, PA 16510  
Michael T. McKeever, Esquire  
Attorney for Plaintiff  
Suite 5000 - Mellon Independence  
Center, 701 Market Street  
Philadelphia, PA 19106  
(215) 627-1322

Jun. 26 and Jul. 3, 10

**SALE NO. 49**

**Ex. #10802 of 2009**

**Deutsche Bank National Trust  
Company, as Trustee for  
Soundview Home Loan Trust  
2005-2, Plaintiff**

**v.**

**Karen H. Shor, Defendant(s)**

**DESCRIPTION**

ALL that certain piece or parcel of land situate in the City of Erie, County of Erie and State of Pennsylvania, bounded and described as follows, to-wit: Beginning at a point in the east line of Maryland Avenue, forty-four and three tenths (44.3) feet south of the south line of Sixth Street; thence eastwardly parallel with Sixth Street, one hundred twenty (120) feet; thence southwardly parallel with Maryland Avenue, thirty-nine and seven tenths (39.7) feet; thence westwardly parallel with Sixth Street, one hundred twenty (120) feet to the east line of Maryland Avenue; thence northwardly along the east line of Maryland Avenue, thirty-nine and seven tenths (39.7) feet to the place of beginning. Said premises having erected thereon a dwelling commonly known as 607 Maryland Avenue, Erie, Pennsylvania. Bearing Erie County Assessment Index No. (17) 4128-203.

PROPERTY ADDRESS: 607 Maryland 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

Jun. 26 and Jul. 3, 10

**SALE NO. 50**

**Ex. #10517 of 2008**

**Citimortgage, Inc., s/b/m  
Citifinancial Mortgage Company,**

**Inc., Plaintiff**

**v.**

**Judith M. Thomas a/k/a  
Judith Murzynski Thomas as  
Administratrix and Heir of the  
Estate of James A. Thomas,  
Deceased, Defendant(s)**

**DESCRIPTION**

All that certain piece or parcel of land situate in the First Ward of the City of Erie, County of Erie and State of Pennsylvania; Beginning at a point in the north line of Atkins Street, 100 feet west of the west line of Hess Avenue; thence northwardly and parallel to Hess Avenue one hundred sixteen (116) feet; thence westwardly and parallel to Atkins Street, thirty (30) feet; thence southwardly and parallel to Hess Avenue one hundred sixteen (116) feet to the north line of Atkins Street; thence eastwardly along the north line of Atkins Street thirty (30) feet to the place of beginning. Having erected thereon a two story frame dwelling house, commonly known as 1214 Atkins Street, Erie, Pennsylvania and bearing Erie County Index No. (14) 1043-215. PROPERTY ADDRESS: 1214 Atkins Street, Erie, PA 16503  
Michael T. McKeever, Esquire  
Attorney for Plaintiff  
Suite 5000 - Mellon Independence  
Center, 701 Market Street  
Philadelphia, PA 19106  
(215) 627-1322

Jun. 26 and Jul. 3, 10

**SALE NO. 51**

**Ex. #14323 of 2007**

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

**v.**

**Marcus DeSantis a/k/a  
Marcus L. DeSantis and  
Elizetta DeSantis a/k/a  
Elizetta L. DeSantis**

**SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 14323-07 Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania v. Marcus DeSantis a/k/a Marcus L. DeSantis and Elizetta DeSantis a/k/a Elizetta L.

DeSantis

Marcus DeSantis a/k/a Marcus L. DeSantis and Elizetta DeSantis a/k/a Elizetta L. DeSantis, owners of property situated in the Township of Hillcreek, Erie County, Pennsylvania being 3654 W. Lake Road, Erie, Pennsylvania 16505.

Tax I.D. No. 33-006-022.0-014.00

Assessment: \$ 106,051.13

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

Jun. 26 and Jul. 3, 10

**SALE NO. 52**

**Ex. #11215 of 2009**

**Countrywide Home Loans  
Servicing, L.P.**

**v.**

**Donnie R. Gillespie a/k/a**

**Donnie Ray Gillespie a/k/a**

**Donnie Gillespie a/k/a**

**Don Gillespie and**

**Kimberly A. Gillespie a/k/a**

**Kimberly Ann Gillespie a/k/a**

**Kimberly Gillespie a/k/a**

**Kim Gillespie**

**SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 11215-09 Countrywide Home Loans Servicing, L.P. v. Donnie R Gillespie a/k/a Donnie Ray Gillespie a/k/a Donnie Gillespie a/k/a Don Gillespie and Kimberly A Gillespie a/k/a Kimberly Ann Gillespie a/k/a Kimberly Gillespie a/k/a Kim Gillespie

Donnie R Gillespie a/k/a Donnie Ray Gillespie a/k/a Donnie Gillespie a/k/a Don Gillespie and Kimberly A Gillespie a/k/a Kimberly Ann Gillespie a/k/a Kimberly Gillespie a/k/a Kim Gillespie, owners of property situated in the 5th Ward of the City of Erie, Erie County, Pennsylvania being 4024 Stanley Avenue, Erie, Pennsylvania 16504.

Tax I.D. No. 18-5204-301

Assessment: \$79,466.43

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

Jun. 26 and Jul. 3, 10

**SALE NO. 53**

**Ex. #12369 of 2008**

**US Bank National Association as  
Successor Trustee to Wachovia  
Bank, N.A.**

**v.**

**David J. Kloecker**

**SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 12369-08 US Bank National Association as Successor Trustee to Wachovia Bank, N.A. v. David J. Kloecker  
David J. Kloecker, owners of property situated in the Township of Summit, Erie County, Pennsylvania being 1882 Julie Ann Ln, Summit Twp., Pennsylvania 16509.

Tax I.D. No. 40-030-084.0-013.00

Assessment: \$ 154,111.39

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

Jun. 26 and Jul. 3, 10

**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**

**ABBOTT, ESTHER ADRIAN, deceased**

Late of the City of Erie  
*Administratrix:* Debbie Wagner, 313 East 22nd Street, Erie, PA 16503  
*Attorney:* Elliott J. Ehrenreich, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**BRANSON, JERRLYN J., deceased**

Late of the Township of Summit, County of Erie, and Commonwealth of Pennsylvania  
*Executor:* Robert Howell, 2207 Easthill Ave., Cincinnati, OH 45208  
*Attorney:* Thomas S. Kubinski, Esquire, The Gideon Ball House, 135 East 6th Street, Erie, PA 16501

**CROSS, ELEANOR H., deceased**

Late of Millcreek Township, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Martha Jean Agostino, 4042 Chilton Court, Erie, PA 16505  
*Attorney:* None

**DEDINSKY, WANDA C., deceased**

Late of the Township of Washington, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Patricia A. McAndrew, 11640 Maple Lawn Drive, Edinboro, PA 16412  
*Attorney:* John E. Gomolchak, Esq., 3854 Walker Blvd., Erie, PA 16509

**HARRISON, LOIS A., deceased**

Late of Wesleyville, County of Erie, Commonwealth of Pennsylvania  
*Administrator CTA:* Charles R. Harrison, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506  
*Attorney:* James F. Toohey, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**LANGER, DOLORES ANN, a/k/a DOLORES A. LANGER, deceased**

Late of the City of Erie, Commonwealth of Pennsylvania  
*Executrix:* Sheila Lee Spellenberg, 2122 Cook Avenue, Erie, Pennsylvania 16510  
*Attorney:* C. James Vendetti, Esq., Vendetti & Vendetti, 3820 Liberty Street, Pennsylvania 16509

**LETKIEWICZ, EDWARD A., deceased**

Late of the City of Erie, County of Erie, and Commonwealth of Pennsylvania  
*Executor:* Denise McCracken, 4418 Greystone Village Drive, Columbus, OH 43228  
*Attorney:* Thomas S. Kubinski, Esquire, The Gideon Ball House, 135 East 6th Street, Erie, PA 16501

**NIGBOR, VERONICA J., deceased**

Late of the City of Erie, County of Erie, and Commonwealth of Pennsylvania  
*Executor:* Donald Nigbor, 9 Harvest Way, Angleton, TX 77515  
*Attorney:* Thomas S. Kubinski, Esquire, The Gideon Ball House, 135 East 6th Street, Erie, PA 16501

**WALBRIDGE, DONALD G., SR., deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Administratrix c.t.a:* Mary Beth Trostle  
*Attorney:* Edward P. Wittmann, Esquire, Elderkin, Martin, Kelly & Messina, 150 East 8th Street, Erie, PA 16501

**WEINHEIMER, RICHARD J., a/k/a RICHARD WEINHEIMER, deceased**

Late of the Borough of Wesleyville, County of Erie, State of Pennsylvania  
*Executrix:* Leigh W. Kostis, 818 Michigan Blvd., Erie, Pennsylvania 16505  
*Attorney:* James R. Steadman, Esq., 24 Main St. E., Girard, Pennsylvania 16417

**SECOND PUBLICATION  
 CHARNEY, JOHN, JR., deceased**

Late of the City of Erie, County of Erie, Commonwealth of PA  
*Executrix:* Cheryl L. Seippel, c/o 504 State Street, Suite 200, Erie, PA 16501  
*Attorney:* Richard E. Filippi, Esquire, 504 State Street, Suite 200, Erie, PA 16501



**GRAPPY, CHARLES E.,  
deceased**

Late of the Township of Millcreek,  
Erie County, Pennsylvania  
*Executrix:* Betty Lou Grappy, 837  
McConnell Avenue, Erie, PA  
*Attorney:* Christine Hall McClure,  
Esq., Knox McLaughlin Gornall  
& Sennett, P.C., 120 West Tenth  
Street, Erie, PA 16501

**HEDDERICK, FRANCES L.,  
deceased**

Late of the Township of  
McKean, County of Erie and  
Commonwealth of Pennsylvania  
*Executor:* John Deimling, c/o 504  
State Street, Suite 300, Erie, PA  
16501  
*Attorney:* Alan Natalie, Esquire,  
504 State Street, Suite 300, Erie,  
PA 16501

**KRAUSE, ARTHUR R., a/k/a  
ARTHUR KRAUSE, a/k/a  
ARTHUR RICHARD KRAUSE,  
deceased**

Late of the Township of  
Fairview, County of Erie, State  
of Pennsylvania  
*Executrix:* Deborah E. Krause,  
1829 West 34th Street, Erie,  
Pennsylvania 16508  
*Attorney:* James R. Steadman,  
Esq., 24 Main St. E., Girard,  
Pennsylvania 16417

**PRATT, FRANCIS M., a/k/a  
FRANCES PRATT,  
deceased**

Late of the City of Erie, County  
of Erie and Commonwealth of  
Pennsylvania  
*Administratrix:* Kathleen M.  
Byers  
*Attorney:* Edward P. Wittmann,  
Esquire, Elderkin, Martin, Kelly  
& Messina, 150 East 8th Street,  
Erie, PA 16501

**PRZYBYSZEWSKI FRANCES,  
a/k/a FRANCES V.  
PRZYBYSZEWSKI,  
deceased**

Late of the City of Erie, County  
of Erie, and Commonwealth of  
Pennsylvania  
*Executor:* Carol Przybyszewski,  
2043 West 29th Street, Erie, PA  
16508  
*Attorney:* Thomas S. Kubinski,  
Esquire, The Gideon Ball House,  
135 East 6th Street, Erie, PA  
16501

**SOBIESKI, ALEX A., a/k/a  
ALEXANDER A. SOBIESKI,  
deceased**

Late of Millcreek Township, Erie  
County, Pennsylvania  
*Executor:* Michael Sobieski, c/o  
McCarthy, Martone & Peasley,  
150 West Fifth Street, Erie,  
Pennsylvania 16507  
*Attorneys:* Joseph P. Martone,  
Esquire, McCarthy, Martone &  
Peasley, 150 West Fifth Street,  
Erie, Pennsylvania 16507

**ZUCK, THERESA,  
deceased**

Late of the City of Erie, County  
of Erie, and Commonwealth of  
Pennsylvania  
*Executor:* Gordon Zuck, 663  
Silliman Avenue, Erie, PA 16511  
*Attorneys:* MacDonald, Illig,  
Jones & Britton, LLP, 100  
State Street, Suite 700, Erie,  
Pennsylvania 16507-1459

**THIRD PUBLICATION**

**BEEMUS, FRED C., a/k/a  
FRED BEEMUS,  
deceased**

Late of the Township of  
Millcreek  
*Co-Executors:* JoEllen Beemus  
Mannarelli, Cynthia Lee Beemus  
and Fred G. Beemus.  
*Attorney:* Michael G. Nelson,  
Esquire, Marsh, Spaeder, Baur,  
Spaeder & Schaaf, LLP, 300  
State Street, Suite 300, Erie,  
Pennsylvania 16507

**BROWN, CHARLES L.,  
deceased**

Late of the Township of  
Waterford, County of Erie and  
Commonwealth of Pennsylvania  
*Executrix:* Julie Brown, c/o  
Kurt L. Sundberg, Esq., Suite  
300, 300 State Street, Erie, PA  
16507  
*Attorney:* Kurt L. Sundberg,  
Esq., Marsh, Spaeder, Baur,  
Spaeder & Schaaf, LLP,  
Attorneys-at-Law, Suite 300,  
300 State Street, Erie, PA 16507

**CARR, MCBRIDE PAZELLA,  
deceased**

Late of the County of Erie, State  
of Pennsylvania  
*Executrix:* Angela Carr-  
Heidelberg, 2627 Brandes Street,  
Erie, PA 16504  
*Attorney:* None

**GREEN, LEIGH R.,  
deceased**

Late of the City of Erie  
*Executor:* Patricia L. Noneman  
*Attorneys:* Will J. Schaaf, Esquire,  
Marsh, Spaeder, Baur, Spaeder &  
Schaaf, LLP, Attorneys-at-Law,  
Suite 300, 300 State Street, Erie,  
PA 16507

**HALE, MARILYN JANE  
AUSTIN,  
deceased**

Late of the Borough of  
Edinboro, County of Erie and  
Commonwealth of Pennsylvania  
*Administrator:* Thomas R. Hale,  
c/o Ritchie T. Marsh, Esq., Suite  
300, 300 State Street, Erie, PA  
16507  
*Attorney:* Ritchie T. Marsh, Esq.,  
Marsh, Spaeder, Baur, Spaeder &  
Schaaf, LLP, Suite 300, 300 State  
Street, Erie, PA 16507

**KIDDER, ROBERT E., JR.,  
a/k/a ROBERT E. KIDDER,  
deceased**

Late of the Borough of  
Cranesville, County of Erie,  
Pennsylvania

*Executrix:* Linda L. Braner, c/o  
150 East Eighth Street, Erie,  
Pennsylvania 16501

*Attorney:* Edward P. Wittmann,  
Esq., Elderkin, Martin, Kelly &  
Messina, 150 East Eighth Street,  
Erie, Pennsylvania 16501

**KRUPA, ANN V.,  
deceased**

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

*Executrix:* Chantal Cummings,  
c/o Paul J. Carney, Jr., Esq., 224  
Maple Avenue, Corry, PA 16407

*Attorney:* Paul J. Carney, Jr.,  
Esq., 224 Maple Avenue, Corry,  
PA 16407

**LASCAK, MARY, a/k/a  
MARY D. LASCAK,  
deceased**

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

*Co-Executors:* Stephen P. Lascak,  
4270 Pin Oak Drive, Girard,  
Pennsylvania 16417 and Diane  
Lascak, 3676 West Lake Road,  
Erie, Pennsylvania 16505

*Attorney:* James R. Steadman,  
Esq., 24 Main St. E., Girard,  
Pennsylvania 16417

**LOIBL, CLIFFORD R.,  
deceased**

Late of Millcreek Township

*Administrator:* Kurt M. Slater,  
1360 Wana Drive, Erie, PA  
16505

*Attorney:* Jerome C. Wegley,  
Knox McLaughlin Gornall &  
Sennett, P.C., 120 West Tenth  
Street, Erie, PA 16501

**McHENRY, DAVID H.,  
deceased**

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

*Executor:* James R. Steadman, 24  
Main St. E., Girard, Pennsylvania  
16417

*Attorney:* James R. Steadman,  
Esq., 24 Main St. E., Girard,  
Pennsylvania 16417

**NIEMIEC, ANNE E.,  
deceased**

Late of the City of Erie

*Executor:* Anne E. Van Dusen,  
4533 US Highway 6, Linesville,  
PA 16424

*Attorney:* None

**PHILIP, ALEXANDER P.,  
deceased**

Late of Millcreek Township, Erie  
County, Erie, Pennsylvania

*Executor:* Barry Philip, c/o  
Edward Orton, 33 East Main  
Street, North East, Pennsylvania  
16428

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

**ROSSI, AQUINO MARK,  
deceased**

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

*Executor:* Northwest Savings  
Bank, Michele D. Cavalier, Sr.  
Trust Offices, 800 State Street,  
Erie, PA 16507

*Attorney:* Thomas E. Kuhn,  
Esquire, Marsh, Spaeder, Baur,  
Spaeder & Schaaf, LLP, 300 State  
Street, Suite 300, Erie, PA 16507

**SHAMBURG, WILLIAM J.,  
deceased**

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

*Executrix:* Mary E. Gentilman,  
c/o Joan M. Fairchild, Esq., 132  
N. Center St., Corry, PA 16407

*Attorney:* Joan M. Fairchild,  
Esq., 132 N. Center St., Corry,  
PA 16407

**STEARNS, WILLIAM ALLEN, JR.,  
deceased**

Late of the Borough of Lake City,  
Commonwealth of Pennsylvania

*Administratrix:* Tamie Nieger, c/o  
Anthony Angelone, Esquire, 3820  
Liberty Street, Erie, PA 16509

*Attorney:* Anthony Angelone,  
Esquire, Vendetti & Vendetti,  
3820 Liberty Street, Erie, PA  
16509

## CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

**William T. Morton** ----- (814) 836-1011  
3213 West 26th Street ----- (f) (814) 836-1140  
Erie, PA 16506 ----- *wtmorton@erie.net*

**J. W. Alberstadt, Jr.**, ----- (814) 870-7750  
MacDonald, Illig, Jones & Britton, LLP ----- (f) (814) 454-4647  
100 State Street, Suite 700  
Erie, PA 16507 ----- *jalberstadt@mijb.com*

### **FIRM NAME CHANGE**

Agresti Morton & Moore is now known as **The Agresti Law Firm.**

### **NEW EMAIL ADDRESS**

**Tina M. Fryling** ----- *tina.fryling@frylingatlaw.com*

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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.

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