

# Erie County Legal Journal

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Commonwealth v. Wyant

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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

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# Erie County Bar Association

## Calendar of Events and Seminars

### THURSDAY, SEPTEMBER 17, 2009 and FRIDAY, SEPTEMBER 18, 2009

*Collaborative Law Training*  
ECBA Live Seminar

Thursday: Time ~ 8:30 a.m. - 4:30 p.m. (8 a.m. reg.)

CLE ~ 5 hours substantive / 1 hour ethics

Friday: Time ~ 8:30 a.m. - 4:00 p.m. (8 a.m. reg.)

CLE ~ 5.5 hours substantive / .5 hours ethics

\$399 (ECBA member) \$475 (nonmember)

Registration fee includes: 10.5 hours Substantive and 1.5 hours

Ethics CLE over two days, breakfast & lunch each day and  
materials.

### FRIDAY, SEPTEMBER 18, 2009

Judgment Day

Annual Seasoned Sluggers v. Young Lawyers

Softball Game

Jerry Uht Park

### TUESDAY, SEPTEMBER 22, 2009

*The Dead Man's Rule: An Overview*

PBI Groupcast Seminar

Bayfront Convention Center

9:00 a.m. - 12:15 p.m.

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

\$244 (nonmember)

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

\$199 (member) \$179 (admitted after 1/1/05) \$219 (nonmember)

3 hours substantive

### THURSDAY, SEPTEMBER 24, 2009

Young Lawyer Division Oktoberfest

The Brewerie

### WEDNESDAY, OCTOBER 1, 2009

*MBA Concepts for Lawyers*

PBI Video Seminar

Bayfront Convention Center

9:00 a.m. - 5:00 p.m.

\$344 (member) \$324 (admitted after 1/1/05)

\$364 (nonmembers)

LUNCH INCLUDED

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

\$319 (member) \$299 (admitted after 1/1/05) \$339 (nonmember)

6 hours substantive

### THURSDAY, OCTOBER 2, 2009

*Winning Before Trial: 10 Keys to Winning Depositions*

PBI Groupcast Seminar

Bayfront Convention Center

8:30 a.m. - 3:30 p.m. (8:00 a.m. reg.)

\$344 (member) \$324 (admitted after 1/1/05)

\$364 (nonmember)

LUNCH INCLUDED

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

\$319 (member) \$299 (admitted after 1/1/05) \$339 (nonmember)

5 hours substantive / 1 hour ethics

### MONDAY, OCTOBER 5, 2009

*Retirement Luncheon for the Honorable*

Warren W. Bentz

Bayfront Convention Center

Noon - 2:00 p.m.

Cost: \$25

### TUESDAY, OCTOBER 6, 2009

*Hot Topics in Employment Law Update*

PBI Groupcast Seminar

Bayfront Convention Center

12:00 p.m. - 4:30 p.m. LUNCH INCLUDED

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

\$244 (nonmember)

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

### THURSDAY, OCTOBER 8, 2009

*Pardons, Expungements and Civil Ramifications*

PBI Video Seminar

Bayfront Convention Center

9:00 a.m. - 12:30 p.m. (Reg. 8:30

\$129 (member) \$109 (admitted after 1/1/05)

\$149 (nonmember)

3 hours substantive

### 2009 BOARD OF DIRECTORS

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COMMONWEALTH OF PENNSYLVANIA

v.

DANIEL C. WYANT

*POST-CONVICTION RELIEF ACT / TIMELINESS OF PETITION*

The PCRA requires that any petition, including second or subsequent petitions, must be filed within one year after the judgement of sentence becomes final, unless the petitioner can prove that one of the three statutory exceptions apply.

*POST-CONVICTION RELIEF ACT / TIMELINESS EXCEPTION*

A defendant may pursue filing an otherwise untimely claim under the PCRA, if the right asserted is a constitutional right recognized by the U.S. Supreme Court or the PA Supreme Court after the normal PCRA time period and has been held to apply retroactively.

*POST-CONVICTION RELIEF ACT / UNTIMELY PETITION*

The defendant's claim based upon a newly recognized constitutional right does not satisfy the timeliness exception of the PCRA, since the newly recognized constitutional right, that defendant alleged, has not been held to apply retroactively.

*POST-CONVICTION RELIEF ACT / TIMELINESS EXCEPTION*

A defendant may pursue filing an otherwise untimely claim under the PCRA, if the facts that support his claim were unknown to him and he could not have uncovered them by exercising due diligence.

*POST-CONVICTION RELIEF ACT / MERITS OF CLAIM*

The defendant's conflict of interest claim is timely where he filed a PCRA petition within 60 days of discovering that the prosecutor had a romantic relationship with a paralegal working for the attorney representing the co-defendant. However, the claim must fail absent any evidence that confidential information was ever shared between the prosecutor and paralegal. Additionally the claim fails since any conflict that may have existed would have only affected the co-defendant, not petitioner.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY,  
PENNSYLVANIA Nos. 249 and 307 of 1992

Appearances: Robert A. Sambroak, Jr., Esq., for the Commonwealth  
Deanna L. Heasley, Esq., for the Defendant  
Jessica A. Fiscus, Esq., for the Defendant

**OPINION**

Bozza, John A., J.

On May 14, 1992, the Petitioner, Daniel C. Wyant, along with his codefendant, Robert Grinnell, were found guilty by a jury of second

degree murder (felony murder),<sup>1</sup> robbery,<sup>2</sup> criminal conspiracy to commit robbery,<sup>3</sup> recklessly endangering another person,<sup>4</sup> terroristic threats,<sup>5</sup> and carrying a firearm without a license.<sup>6</sup> On June 22, 1992, the petitioner received the following sentence:

Docket No. 249 at Count I:	Criminal homicide – life in prison;
Docket No. 307 at Count I:	Robbery - five (5) to ten (10) years incarceration consecutive to Count I of Docket No. 249 of 1992;
At Count II:	Conspiracy – a consecutive term of five (5) to ten (10) years incarceration;
At Count III:	Recklessly Endangering Another Person – a consecutive term of one (1) to two (2) years incarceration;
At Count IV:	Terroristic Threats – a consecutive term of two (2) to five (5) years incarceration.

Following the imposition of sentence, the Petitioner filed a Motion for Reconsideration of Sentence on July 10, 1992, which was denied by way of Order on July 16, 1992. The Petitioner then filed his first Motion for Post Conviction Collateral Relief *pro se* on October 30, 1992, asking that the Court reinstate his appellate rights *nunc pro tunc* due to trial counsel's ineffectiveness in failing to file a requested direct appeal. The Court held an evidentiary hearing on the matter and granted Mr. Wyant's request to appeal *nunc pro tunc* on March 16, 1993. On March 19, 1993, the Petitioner filed a Notice of Appeal *nunc pro tunc*, but the Superior Court affirmed his judgment of sentence on all counts except robbery, which was vacated due to merger. Subsequently, Mr. Wyant filed a petition for allowance of appeal in the Supreme Court, but the Court denied this petition on September 9, 1994.

On January 31, 1996, Mr. Wyant filed another *pro se* PCRA petition, which was denied by way of Order on October 16, 1996. A Notice of Appeal was filed on October 25, 1996, and the Superior Court affirmed the PCRA court's denial on April 23, 1997. The Petitioner filed another petition for allowance of appeal with the Supreme Court on June 9, 1997, which was ultimately denied by the Court on March 31, 1998. Mr. Wyant also filed a *pro se* petition for writ of habeas corpus in federal district court on February 24, 1999, which was denied on January 18,

<sup>1</sup> 18 Pa. C.S. § 2502(b).

<sup>2</sup> 18 Pa. C.S. § 3701.

<sup>3</sup> 18 Pa. C.S. § 903.

<sup>4</sup> 18 Pa. C.S. § 2705.

<sup>5</sup> 18 Pa. C.S. § 2706.

<sup>6</sup> 18 Pa. C.S. § 6106.

2002, and thereafter filed a *pro se* notice of appeal in the U.S. Circuit Court of Appeals for the Third Circuit on April 4, 2002, but the Court of Appeals dismissed this appeal on December 13, 2002, due to a failure to file the appeal in a timely fashion.

Mr. Wyant filed the instant PCRA on December 16, 2008, wherein he argues that he is entitled to a new trial for two reasons: (1) a violation of the confrontation clause occurred when his codefendant's statements were read into evidence during the trial; and (2) that a conflict of interest existed due to the non-disclosure of a romantic relationship between the trial prosecutor, James K. Vogel, and the paralegal of his codefendant's attorney, Deborah Bostaph. In addition, the Petitioner asserts that these claims satisfy exceptions to the time bar restrictions of the Post-Conviction Relief Act.

Because on its face it appears that his PCRA is not timely, Mr. Wyant, in support of his confrontation clause claim, asserts that the after-recognized constitutional right and the unknown facts exceptions apply, and that these claims were brought within sixty (60) days of his learning of the United States Supreme Court's decision in *Danforth v. Minnesota*, 128 S. Ct. 1029 (2008)<sup>7</sup>. In support of his conflict of interest claim, the Petitioner argues that the governmental interference exception and the unknown facts exception to the time-bar apply, and that he brought this claim within sixty (60) days of learning that the relationship existed.<sup>8</sup>

The Court held a hearing on the petition on April 2, 2009, and the Petitioner, through PCRA counsel, filed an amended petition. The amended petition added a governmental interference exception to the time-bar issue on the Petitioner's confrontation clause claim. In addition, the amended petition asserts that a miscarriage of justice occurred that no civilized society could tolerate.

### **Facts**

The facts of this case stem from a shooting that occurred during the early morning hours of December 10, 1991, in the area of 13th and Sassafras Streets in the city of Erie, and at the time of trial were largely not in dispute.<sup>9</sup> Several hours before the shooting of Donald Kremer, the Petitioner obtained a Valor .25 caliber semi-automatic pistol that he planned to sell to another man.<sup>10</sup> He then went to his mother's house,

<sup>7</sup> The petitioner avers that although the decision in *Danforth* was issued on February 20, 2008, he was not provided with access to this decision at the State Correctional Institute at Albion until December 10, 2008.

<sup>8</sup> Mr. Grinnell filed his own Post Conviction Relief Act petition on April 18, 2008. Mr. Grinnell's petition raised the same claims that Mr. Wyant is raising in the instant petition. This Court partially granted Mr. Grinnell's petition because the Commonwealth conceded the validity of the defendant's position.

<sup>9</sup> Jury Trial Transcript, May 13, 1992, pg. 90.

<sup>10</sup> *Id.* at 13-14, 89.

where Robert Grinnell, his co-conspirator, was waiting for him.<sup>11</sup> The two men set out on foot toward the area of 14th Street in Erie, where they met a boy they knew named J.J., who told the two men that he had been in the area “yanking people,” which meant that he was robbing them.<sup>12</sup> Shortly thereafter, the victim pulled up in his car alongside the men on 14th Street and motioned for one of them to come over to his car window.<sup>13</sup>

Mr. Wyant stated that the three individuals agreed that he would be the only person to enter Mr. Kremer’s car.<sup>14</sup> They planned to have Mr. Wyant act as a “decoy” in order to lure Mr. Kremer to an area near the train station, where all three would then “overpower him and take the money and...split it three ways.”<sup>15</sup> Mr. Wyant then entered Mr. Kremer’s car and instructed him to drive towards the train station, while the other two individuals headed towards that same area on foot.<sup>16</sup>

Mr. Kremer drove his car to the area designated by the Petitioner, and put the car in park with the motor running.<sup>17</sup> Mr. Wyant stated that Mr. Kremer then began making sexual advances towards him, but he resisted.<sup>18</sup> A struggle ensued between the two men, and Mr. Wyant attempted to exit through the passenger side door.<sup>19</sup> Both men then noticed Mr. Grinnell and J.J. approaching the car.<sup>20</sup> At that moment, Mr. Kremer put the gearshift in drive and the car began to move.<sup>21</sup> Mr. Wyant then pulled out the .25 caliber pistol, pointed it at Mr. Kremer’s head, and threatened to shoot.<sup>22</sup> However, the struggle continued, and the Petitioner fired the gun at Mr. Kremer.<sup>23</sup> Mr. Wyant then jumped out of the car, met up with Mr. Grinnell and J.J., and all three individuals ran away from the scene.<sup>24</sup>

Mr. Kremer’s car continued heading down 13th Street, where it eventually smashed into a pole.<sup>25</sup> When paramedics arrived at the scene they attempted to revive Mr. Kremer by performing CPR and delivering oxygen, but he was pronounced dead shortly thereafter.<sup>26</sup> Two autopsies were performed, and a forensic pathologist testified that the victim died from a gunshot wound to the chest.<sup>27</sup> At trial, a ballistics expert testified that both the bullet found lodged inside Mr. Kremer and the shell casing found inside Mr. Kremer’s car matched the weapon used by

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<sup>11</sup> *Id.* at 89.

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

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* at 89-90.

<sup>15</sup> *Id.* at 90-92.

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

<sup>17</sup> *Id.* at 90.

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

the Petitioner.<sup>28</sup> This expert also testified that the muzzle of the gun was pointed between three and twelve inches away from Mr. Kremer when it was fired.<sup>29</sup>

Police eventually apprehended both Mr. Wyant and Mr. Grinnell several hours after the shooting. After receiving their *Miranda* warnings and being apprised of their constitutional rights, both men waived these rights and agreed to provide investigators with written and videotaped statements regarding their involvement in the crime.

The cases against the Petitioner and Mr. Grinnell were consolidated for trial. The Court appointed Attorney John Moore to represent the Petitioner, and Attorney Elliott Segel to represent Mr. Grinnell. On February 28, 1992, Attorney Moore filed a motion to suppress the written and videotaped statements that Mr. Wyant made to police following his arrest. The Court denied the motion following a pretrial argument on April 7, 1992. Neither defendant filed a motion for severance.

During the trial Commonwealth witness Detective Sergeant William Turner read aloud to the jury the partially redacted written statements both men gave to the police upon apprehension.<sup>30</sup> The Commonwealth also played each defendant's videotaped statement for the jury. Before these statements were read into evidence, the Court gave a limiting instruction to the jury, which advised them that they must consider each statement only with regard to the liability of the defendant making the statement, and that they should not consider it as evidence against their codefendant. Although it was noted that each statement was redacted by the prosecutor, the names of the codefendants were mentioned many times in each of the defendant's statements as related to the jury. However, at no time did either defendant's attorney make an objection or raise any concern, and the issue was not addressed during the trial by

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*continued from page 180*

<sup>19</sup> *Id.* at 90-91.

<sup>20</sup> *Id.* at 91.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

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

<sup>24</sup> *Id.*

<sup>25</sup> Jury Trial Transcript, May 12, 1992, pg. 47.

<sup>26</sup> *Id.* at 46-48.

<sup>27</sup> Jury Trial Transcript, May 13, 1992, pg. 31, 35.

<sup>28</sup> *Id.* at 65.

<sup>29</sup> *Id.*

<sup>30</sup> The trial transcript indicates that the prosecutor noted to the court that the matter of the codefendant's statements was addressed pre-trial and that he had redacted them apparently to the satisfaction of the parties.



the Court.

When Mr. Grinnell's statement was read, he discussed his involvement in the crime and he mentioned the Petitioner's name numerous times. Mr. Grinnell's statement mirrors the Petitioner's in many respects. He admits that the two of them went walking to the same area, that they met up with a boy they knew named J.J., who told them that he had been robbing people in the area, and that the group planned to rob Mr. Kremer.<sup>31</sup> He stated that the Petitioner got into the passenger seat of Mr. Kremer's car, and the car headed in the direction of 13th and Sassafras Streets.<sup>32</sup> He also stated that he and J.J. headed towards that area, that they saw Mr. Kremer's car start to pull away, and heard a gunshot.<sup>33</sup> He then saw Mr. Wyant jump out of the car and start running toward the train tracks.<sup>34</sup>

Mr. Grinnell's statement added a few details that were not mentioned by Mr. Wyant in his statements to the police. He stated that just before the robbery, he told the Petitioner that he "didn't want to use the gun, [he] wanted to use [his] hands."<sup>35</sup> He also stated that the Petitioner told him that he was "going to go out like a gangster" if the police came to arrest them, and that the two of them should "run away to Philadelphia together."<sup>36</sup>

At trial, the Commonwealth sought to convict the Petitioner of first-degree murder, which as applied to the facts of this case requires proof of a specific intent to kill another human being. 18 Pa. C.S.A. §§ 2501; 2502(a), (d). The Commonwealth argued that the Petitioner intentionally pulled out the gun on the victim, threatened to shoot him, and intentionally pulled the trigger. However, as previously mentioned, after considering all of the evidence in the case the jury rejected that argument and convicted both men of, among other things, second-degree murder, commonly referred to as felony murder.

### **Legal Analysis**

#### **I. Timeliness**

As noted, on its face it appears that Mr. Wyant's PCRA petition is not timely. The PCRA requires that any petition, including second or subsequent petitions, must be filed within one year after the judgment of sentence becomes final, unless the petitioner can prove that one of three statutory exceptions listed in 42 Pa. C.S.A. § 9545(b)(1) apply.

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<sup>31</sup> *Id.* at 107.

<sup>32</sup> *Id.* at 107-08.

<sup>33</sup> *Id.* at 108.

<sup>34</sup> *Id.* at 108.

<sup>35</sup> *Id.* at 110-11.

<sup>36</sup> *Id.* at 109-10.

A petition raising any of the claims listed in § 9545(b)(1) must be filed within sixty (60) days of the date that the claim could have been raised. *Id.* at § 9545(b)(2). A petitioner has ninety (90) days to file a petition for writ of certiorari in the United States Supreme Court. U.S. Sup. Ct. R. 13. A judgment of sentence becomes final once direct review has concluded, “including discretionary review in the Supreme Court of the United States and the Supreme Court of Pennsylvania, or at the expiration of time for seeking the review.” *Id.* at § 9545(b)(3). Finally, these requirements are jurisdictional in nature, and courts do not have jurisdiction to issue relief unless the petitioner can plead and prove that one of the exceptions to the time bar listed in 42 Pa. C.S. § 9545(b)(1) (i) – (iii) applies. *Commonwealth v. Fahy*, 558 Pa. 313, 737 A.2d 214, 217 (1999). The Petitioner asserts that the claims raised in his petition satisfy the timeliness requirements of the PCRA.

In this case, the Supreme Court denied the Petitioner’s petition for allowance of appeal on September 9, 1994; thus, the Petitioner’s judgment of sentence became final on December 8, 1994. In order to be considered timely under the PCRA, a petition must have been filed no later than December 8, 1995. Since the instant petition was not filed until December 16, 2008, this petition is untimely on its face. Thus, the petitioner asserts that the claims raised in his petition satisfy the timeliness exceptions of the PCRA.

#### **A. After-Recognized Constitutional Right Exception - Confrontation Clause Claim**

For his confrontation clause claim, the Petitioner argues that the U.S. Supreme Court’s decisions in *Crawford v. Washington*, 541 U.S. 36 (2004), and *Danforth v. Minnesota*, 128 S. Ct. 1029 (2008), created a new constitutional right enabling him to retroactively challenge his conviction based upon the introduction of Mr. Grinnell’s written and videotaped statements at trial. In *Crawford*, the defendant was on trial for assault and attempted murder. 541 U.S. at 38. During trial, the State played to the jury the recorded statements that the defendant’s wife made to police interrogators, which tended to negate her husband’s self-defense claim. *Id.* This statement was not subject to cross-examination at the time it was taken, and the wife did not testify at trial because of the state of Washington’s marital privilege claim, which prevents one spouse from testifying against her spouse without the consent of that spouse. *Id.* at 40. The Court found that the introduction of the statements made by the defendant’s wife violated the defendant’s Sixth Amendment right to be confronted by the witnesses against him. *Id.* at 68. The Court issued a new rule, stating that testimonial statements of unavailable witnesses cannot be introduced at trial unless that witness was subject to cross-examination. *Id.* The Court did not define what statements are testimonial, but added that the term “applies at a minimum to ...

[statements made during] police interrogations.” *Id.*

In *Danforth*, the Court dealt with the applicability of *Crawford* in state court proceedings and whether a new rule of criminal procedure can be applied retroactively to cases that involved violations of a constitutional right before the announcement of that right. 128 S. Ct. at 1035. The Court held that States are free to provide retroactive relief to criminal defendants who challenge their state convictions based on new rules of criminal procedure. *Id.* at 1046. *Danforth* was decided in February 2008, and the Petitioner did not file his PCRA until December 2008, which falls outside of the sixty-day period to invoke the after-recognized constitutional right exception. However, the Petitioner also asserts that the unknown facts exception and the governmental inference exception apply because he was not provided with access to the *Danforth* decision at the State Correctional Institute at Albion, where he has been confined, until December 2008. At his PCRA hearing, the petitioner presented evidence indicating that a copy of the *Danforth* decision did not reach the prison library at Albion until that time.

The Petitioner essentially argues that *Danforth* gives him the opportunity to retroactively challenge his conviction on the ground that a new confrontation clause right under *Crawford* was violated when Mr. Grinnell’s statements were played and read to the jury because these statements directly named or otherwise made reference to him, implicating his involvement in the killing of Donald Kremer.

The constitutional right exception to the time limitations for filing a PCRA provides that a defendant may pursue an otherwise untimely claim if:

- (iii) the right asserted is a constitutional right that was recognized by the Supreme Court of the United States or the Supreme Court of Pennsylvania after the time period provided in this section and has been held by that court to apply retroactively.

§ 9545(b)(1)(iii). The threshold question then is whether the rule announced by the Supreme Court in *Crawford* involved a “constitutional right that was recognized...” after December 8, 1995, the last day a PCRA petition could have been filed by Mr. Wyant.

At the time of the Petitioner’s trial, the rule concerning the use of a codefendant’s statements in a joint criminal trial was governed by the holdings of *Bruton v. United States*, 391 U.S. 123 (1968), and *Richardson v. Marsh*, 481 U.S. 200 (1987). In *Bruton*, the Supreme Court held that a defendant’s Sixth Amendment right to confrontation was violated when his nontestifying codefendant’s confession naming and incriminating the defendant was played for the jury. *Bruton*, 391 U.S. at 137. The Court further held that such a violation could not be cured by a judge’s limiting instruction to the jury to ignore references to the defendant made by the codefendant. *Id.*

In *Richardson*, the Court narrowed the scope of *Bruton* in holding that there is no confrontation clause violation by the admission of a nontestifying codefendant's confession where (1) "the [codefendant's] confession is redacted to eliminate not only the defendant's name, but any reference to [the defendant's] existence," and (2) the jury is given a proper limiting instruction not to use the codefendant's confession against the defendant. *Richardson*, 481 U.S. at 211. The Court distinguished the redacted confession in that case with the confession in *Bruton*, which "expressly implicated" the defendant by referring to him by name. *Id.* at 208.

Additionally, Pennsylvania law at the time of the Petitioner's trial made clear that redaction was the accepted method of admitting codefendants' statements in a joint criminal trial. "The confession of a co-defendant is admissible if it can be edited so that it retains its narrative integrity and yet in no way refers to the other defendant." *Commonwealth v. Chester*, 526 Pa. 578, 596, 587 A.2d 1367, 1376 (1991) (citing *Commonwealth v. Johnson*, 474 Pa. 410, 412, 378 A.2d 859, 860 (1977)).

As previously mentioned, the written and videotaped statements of Mr. Grinnell were apparently introduced in some manner of redacted form. However, it is apparent from the record relied on by the parties in this proceeding that the statements presented to the jury included many references to Mr. Wyant. Mr. Wyant's counsel, Attorney John Moore, did not object to the introduction of the statements at any time during the proceeding, nor was this issue raised in any other post-trial proceeding. By implication, Mr. Wyant now asserts that while at the time of the trial the introduction of the inadequately redacted statements was proper, the advent of *Crawford* now dictates a different result and should be made retroactive. This position is incorrect.

The law announced in *Crawford* did not change the law that existed at the time of Daniel Wyant's trial. The law in 1991 as it applied to the introduction of codefendant statements was well developed. *Bruton* and *Richardson* precisely held that a defendant's rights under the confrontation clause of the Sixth Amendment were violated if a nontestifying codefendant's confession directly naming and implicating the defendant was introduced in a joint trial. *Bruton*, 391 U.S. at 137; *Richardson*, 481 U.S. at 211. A rule providing that redaction of the provisions of a statement identifying or making references to the codefendant could be sufficient to avoid a confrontation clause problem was also firmly in place and recognized in Pennsylvania. *Chester*, 526 Pa. at 596. Nothing announced by the Court in *Crawford* changed or expanded these rules.

In *Crawford*, the issue before the Court was whether to allow into evidence the statements of a nontestifying witness; not a co-defendant. The witness in *Crawford* was the defendant's wife, who was not a

codefendant. Her statement directly implicated her husband and there was no effort to redact it. It was, in fact, introduced for the explicit purpose of implicating the defendant. Pre-*Crawford* case law permitted such statements to be admitted if the witness was unavailable and the statement bore an “adequate indicia of reliability,” meaning that the evidence fell within a “firmly rooted hearsay exception,” or contained “particularized guarantees of trustworthiness.” *Ohio v. Roberts*, 448 U.S. 56, 66 (1980). Here, there was no rule, whether as an exception to the hearsay rule or otherwise, that would have allowed Mr. Grinnell’s statement to have been introduced in his joint trial with Mr. Wyant unless it had been sufficiently redacted to avoid any reference to his codefendant. However, in a sufficiently redacted form the statement would avoid a confrontation clause problem because it would implicate only the speaker, who would not in such a circumstance be a witness against the co-defendant. See *Richardson*, 481 U.S. at 211.

Recently, in *Commonwealth v. Brown*, 592 Pa. 376, 925 A.2d 147 (2007), the Pennsylvania Supreme Court had its first opportunity to address the merits of a case involving redacted confessions following the *Crawford* decision.<sup>37</sup> In *Brown*, the Commonwealth introduced the redacted confessions that a codefendant made to police. *Id.* at 383. The redacted statements contained no references to the defendant, whose name was replaced with neutral phrases. *Id.* The Court also gave a limiting instruction to the jury before the statements were introduced. *Id.* at 384. However, during closing argument the prosecutor referred to the defendant directly by name as the person mentioned in the statement, and defense counsel made an objection for a mistrial. *Id.* at 385-86.

Although it is not known whether any of the parties raised the holding in *Crawford*, what is most instructive is the Courts’ very precise re-iteration of the holding in *Bruton*, indicating that unredacted codefendant’s statements are inadmissible in a joint trial even with a limiting instruction from the court. The Court made no mention of a new constitutional rule that would have been applicable to the facts of the case, and decided the issue before it against the defendant directly on the basis of *Bruton*.

In addition, the Petitioner has failed to show that the second part of the constitutional right test has been met: namely, that the rule announced in *Crawford* was held to apply retroactively. The Court is not aware of any such decision, and the petitioner cites no case law from either the U.S. Supreme Court or the Pennsylvania Supreme Court that grants retroactive application of the *Crawford* rule. The Court in *Danforth* did

<sup>37</sup> The U.S. Supreme Court announced the decision in *Crawford* in March 2004, and the trial in *Brown* appears to have been conducted in June 2002. It is not known whether the holding in *Crawford* was presented to the Court for consideration in any post-trial or appellate proceeding in the *Brown* case.

not make the holding in *Crawford* retroactive but rather gave the states the option of doing so. Thus, this claim cannot be considered timely on these grounds as well.

Since no new constitutional rule was announced in *Crawford* that would have expanded Mr. Wyant's right to confrontation at the time of his trial, the exception to the PCRA's time limitations he relies on is inapplicable and his petition is not timely.<sup>38</sup> However, for purposes of judicial economy, this Court has addressed the merits of his position below in section II, and finds that even if it would have been considered timely it is in error.

### **B. Unknown Facts Exception - Conflict of Interest Claim**

The Petitioner argues that the "unknown facts" exception contained in 42 Pa. C.S.A. § 9545(b)(1) of the PCRA applies to the conflict of interest claim contained in his petition. In order to show this exception applies, the Petitioner is required to plead and prove that (1) the facts that support his claim were unknown to him, and (2) that he could not have uncovered them by exercising due diligence. *Commonwealth v. Bennett*, 593 Pa. 382, 400, 930 A.2d 1264, 1273 (2007). Evaluating whether this exception applies does not require "any merits analysis of the underlying claim." *Id.* at 395, 930 A.2d at 1271.

The essence of the Petitioner's conflict of interest claim concerns the secret romantic relationship that existed at the time of his trial between Assistant District Attorney Vogel and a defense paralegal, Deborah Bostaph. Mr. Wyant argues that this relationship presented a conflict of interest at trial because Ms. Bostaph may have been privy to confidential information that passed between Attorney Segel and Mr. Grinnell, the Petitioner's codefendant, and that she may have informed Attorney Vogel of such information. Mr. Wyant asserts that neither he nor his attorney knew that this relationship existed at the time of trial, and that he did not learn of the relationship until late-November 2008.<sup>39</sup> He also argues that this information could not have been ascertained by the exercise of due diligence because no circumstances existed to put him on notice of the relationship.

While the merits of this claim will be addressed further in this Opinion, the Court finds that the Petitioner has sufficiently plead that he has satisfied the timeliness aspect of this claim. There is nothing in the record to suggest that Mr. Wyant knew or should have known that this relationship existed at an earlier point in time. He asserts that

<sup>38</sup> The Petitioner has not suggested that his counsel was ineffective for failing to object to the introduction of the statement at issue.

<sup>39</sup> Attorney Moore testified that he did not know about the relationship until the couple was married on October 10, 1992, which was approximately five (5) months after the conclusion of the Petitioner's jury trial. Mr. Moore did not represent the Petitioner at that time. Petitioner's Amended Petition, Exhibit 1.

he did not learn of the relationship until late-November 2008, and he filed the instant petition on December 16, 2008, which is well within the sixty (60) day period to file his petition. Thus, the Petitioner has met his burden with regard to proving that the “unknown facts” exception to the time bar applies to his conflict of interest claim.

The Petitioner also asserts that the governmental interference exception contained in § 9545(b)(1)(i) applies to his conflict of interest claim. However, because the Court finds that Mr. Wyant has satisfied one of the exceptions contained in § 9545(b)(1), it will not address whether the governmental interference exception has been met for this claim.

Nevertheless, assuming that each claim contained in this petition would be considered timely under the exceptions listed in § 9545(b)(1), the Petitioner has failed to assert that he is entitled to relief under the PCRA for the following reasons listed below.

## **II. Merits of the Petitioner’s Confrontation Clause Claim**

Although the Court holds that the Petitioner’s confrontation clause claim does not satisfy the timeliness requirements of the PCRA, given that this case has been ongoing for a long period of time and in the interest of bringing the issues before the court to final resolution as expediently as possible, the Court will nonetheless address the merits of the underlying issue.

The Petitioner argues that a violation of the Confrontation Clause occurred when Mr. Grinnell’s statements were admitted into evidence because they were not sufficiently redacted to remove all references to Mr. Wyant by name. As the Court noted above, the *Crawford* Court held that in order for testimonial statements to be introduced into evidence at trial, the declarant must be unavailable and the statements must have been subject to cross-examination. 541 U.S. at 68. Testimonial statements include statements elicited during police interrogations. *Id.* In addition, the Court in *Danforth* held that criminal defendants may seek retroactive relief in state court when they allege that a new rule of constitutional law was violated prior to the establishment of that rule. 1029 S. Ct. at 1047.

In this case, the statements of Mr. Grinnell that were admitted at trial were testimonial because they occurred during police interrogation. The Petitioner argues that his confrontation clause rights under the Sixth Amendment were violated by the admission of these statements because Mr. Grinnell mentioned the Petitioner’s name numerous times and further implicated the Petitioner in the killing of Mr. Kremer. As mentioned above, although these statements were supposed to appear in their redacted form at trial, the Petitioner’s name still appeared many times. At one point in the written statement, Mr. Grinnell says that he told Mr. Wyant that he didn’t want to use the gun to complete the robbery,



and that he only wanted “to use his hands.”<sup>40</sup> Additionally, Mr. Grinnell was never cross-examined by the Petitioner concerning the assertions he made in those statements. Thus, Mr. Wyant argues that a violation of *Crawford* appears on its face. He also asserts that *Danforth* gives him the ability to challenge his conviction under the announcement of the rule established in *Crawford*, since the Supreme Court did not issue the *Crawford* decision until 2004, which was twelve years after Mr. Wyant’s trial.

However, assuming that a violation of *Crawford* did occur, the mere admission of Mr. Grinnell’s redacted statements does not entitle the Petitioner to a new trial if this error was harmless. See *Commonwealth v. Uderra*, 550 Pa. 389, 399, 706 A.2d 334, 339 (1998) (“In some cases the properly admitted evidence of guilt is so overwhelming, and the prejudicial effect of the codefendant’s admission is so insignificant by comparison, that it is clear beyond a reasonable doubt that the improper use of the admission was harmless error.”) In *Commonwealth v. Markman*, 591 Pa. 249, 916 A.2d 586 (2007), the Pennsylvania Supreme Court stated that an error will be deemed harmless if it meets any of the following criteria:

- (1) the error did not prejudice the defendant or the prejudice was de minimus;...
- (2) the erroneously admitted evidence was merely cumulative of other untainted evidence which was substantially similar to the erroneously admitted evidence; or
- (3) the properly admitted and uncontradicted evidence of guilt was so overwhelming and the prejudicial effect of the error was so insignificant by comparison that the error could not have contributed to the verdict.”

*Id.* at 278, 916 A.2d at 603. In addition, the Commonwealth has the burden of proving harmlessness beyond a reasonable doubt. *Id.* Upon consideration of the evidence that exists in the record, and the arguments put forth by the parties in their briefs, this Court is satisfied that the Commonwealth has met its burden, and thus, the error of admitting the statements of Mr. Grinnell was harmless.

The admittance of Mr. Grinnell’s statement was cumulative of other properly admitted evidence that was substantially similar to the erroneously admitted evidence, and the prejudicial effect of admitting Mr. Grinnell’s statement was de minimis. As the Commonwealth correctly points out, there are no major inconsistencies in the statements of Mr. Grinnell and Mr. Wyant in the events leading up to the shooting. Both men stated that they arrived in the area of 14th and State Street

<sup>40</sup> Jury Trial Transcript, May 13, 1992, pp. 110-11.



to meet J.J., and that J.J. told them that he had been robbing people in the area. Both also stated that they planned on robbing somebody in the vicinity immediately before Mr. Kremer's car pulled up near them, and that Mr. Kremer became the intended target. In fact, Mr. Wyant readily admitted that "[he] was the decoy and Rob and J.J. were going to overpower him and take the money and we were going to split it three ways."<sup>41</sup> Both men also said that Mr. Wyant was the only person who entered the victim's car, and that their plan was to lure the victim to an area near the train tracks in order to effectuate the robbery. When Mr. Kremer's car headed in that direction, both men stated that Mr. Grinnell and J.J. made their way over to the planned meeting area on foot. The only other portion not mentioned in Mr. Grinnell's statement was what transpired in the car between Mr. Wyant and the victim. However, Mr. Wyant admitted that he pulled out the gun and pointed it at Mr. Kremer, threatened to shoot him, and the gun was fired.

It is important to note that the jury chose not to find the Petitioner guilty of first degree murder, but instead found that he was guilty of second degree felony murder. 18 Pa. C.S.A. § 2502(b). The evidence presented at trial was sufficient to find that the jury could have believed that the killing had occurred during the commission of the felony of robbery. At the time of Mr. Wyant's trial, a person could be found guilty of robbery if he committed it during the course of committing a theft, which includes an attempt to commit a theft. 18 Pa. C.S.A. § 3701(a), (b). A person is guilty of attempt when, with the specific intent to commit a crime, he performs an act constituting a substantial step toward the commission of that crime. 18 Pa. C.S.A. § 901(a). Here, the Petitioner's own statement reveals that the group planned to commit a robbery on Mr. Kremer. That plan included luring the victim to a designated area by using the Petitioner as a decoy, and having the other two individuals sneak up on Mr. Kremer to complete the robbery. Both of these acts occurred, and both constitute substantial steps toward the commission of the crime of robbery.

In addition, the properly admitted evidence in this case was so overwhelming and the prejudicial effect of the error was so insignificant by comparison that the error could not have contributed to the guilty verdict. Besides the Petitioner's own confession that the robbery had been planned, there is overwhelming evidence to support a second degree felony murder conviction. Jamie Prescott, the individual who the Petitioner was supposed to sell the gun to, testified that he saw the Petitioner with the gun on the day before the shooting.<sup>42</sup> Two autopsies revealed that Mr. Kremer died of a gunshot wound to the heart. The

<sup>41</sup> Jury Trial Transcript, May 13, 1992, pg. 92.

<sup>42</sup> Jury Trial Transcript, May 13, 1992, pp. 14-15.

bullet found inside Mr. Kremer, as well as a shell casing found inside his vehicle, matched the .25 caliber pistol that Mr. Wyant intended to sell to Mr. Prescott, which was the same gun he used during the robbery. Ballistics tests revealed that the muzzle of the pistol was between three and twelve inches away from Mr. Kremer when the gun was fired. Mr. Wyant also admitted that he pulled out the weapon and pointed it at Mr. Kremer just before the gun was fired.

The Petitioner further implicated himself by showing investigators where the car was parked, where the shot was fired, and the wooded area where he threw his clothes during flight after the shooting.<sup>43</sup> While he lied to investigators at first about where the gun was located, he confessed shortly thereafter that it was “wrapped in a shirt placed on the back steps” where his girlfriend lived.<sup>44</sup> When police arrived at that location, they recovered the weapon.<sup>45</sup>

The Petitioner contends that Mr. Grinnell’s statements were self-serving in that they were used to make it appear as if Mr. Wyant obtained the gun for the purpose of orchestrating the robbery. However, the Petitioner does not address the fact that in both his written and videotaped statements, he readily admitted to planning a robbery with the other members of the group. The crime of robbery does not require use of a weapon; it merely requires the use of force, or threat of the use of force. Here, even assuming that the Petitioner did not intend to use the gun during the robbery, his own statement verified that the group still conspired to take the victim’s property by using some type of force.<sup>46</sup>

Furthermore, the opening and closing remarks by the defense attorneys in this case indicate that both defendants conceded that certain events took place, and the facts were largely undisputed. The prime concern from Mr. Wyant’s perspective appeared to be negating the allegation that he had the intent to kill Mr. Kremer. None of Mr. Grinnell’s statements contradicted this position, and thus, any error in admitting these statements was harmless.

Even if Mr. Grinnell’s statements were erroneously admitted, such admission was de minimis and merely cumulative of the other untainted evidence used to convict the Petitioner. Mr. Wyant’s own statement regarding the planned robbery of the victim would have been sufficient to establish a second degree murder conviction in this case. Thus, this Court finds that the Commonwealth has met its burden of proof

<sup>43</sup> *Id.* at 93-94.

<sup>44</sup> *Id.* at 97.

<sup>45</sup> *Id.*

<sup>46</sup> It is also worth pointing out once again that when the codefendants’ statements were introduced, neither attorney objected, even though both codefendants clearly identified the other codefendant by name in their respective statements. Although it is not entirely clear why neither attorney objected, the statements largely mirror each other in detail and form.

in establishing that the admission of the illegally tainted evidence was harmless error, and the Petitioner is not entitled to a new trial based on his Confrontation Clause claim.

### III. Conflict of Interest

The Petitioner also argues that a conflict of interest occurred at trial due to the undisclosed romantic relationship involving the trial prosecutor, Assistant District Attorney Vogel, and Attorney Segel's paralegal, Deborah Bostaph. Mr. Wyant asserts that these two individuals were living together at the time of trial, and they did not disclose to the Court or the two defendants that this relationship existed. As such, the Petitioner claims that this nondisclosure justifies awarding him a new trial.

The Petitioner cites *Commonwealth v. Wisor*, 902 A.2d 1245 (Pa. Super. 2006) for the proposition that where an "actual conflict of interest affecting the prosecutor exists in the case," the prosecution is barred from proceeding. *Id.* at 1247. "Under such circumstances a defendant need not prove actual prejudice in order to require that the conflict be removed." *Id.* He cites Rule 1.9 of the Rules of Professional Conduct, which prohibits lawyers from participating in cases involving actual or perceived conflicts of interest where privileged information could pass during the course of their representation. He also cites Rule 3.8 in asserting that as a prosecutor, Attorney Vogel had a heightened duty of responsibility to ensure that a defendant "is accorded procedural justice." *Id.*

Whatever professional duty Attorney Vogel may have violated, Mr. Wyant has failed to assert that any privileged information passed between Attorney Vogel and Ms. Bostaph. Instead, he claims that he finds it "incredibly difficult [for the couple] not to discuss the trial."<sup>47</sup> Despite this belief, there is no direct evidence that confidential information was passed between them. This assertion amounts to nothing more than pure speculation by the Petitioner. Furthermore, it is important to note that Ms. Bostaph was employed by Attorney Segel, who represented Mr. Grinnell at trial, not Mr. Wyant. Any conflict that existed would have only affected the representation of Mr. Grinnell, since both defendants had separate trial counsel who employed separate trial strategies. Therefore, without any evidence suggesting that confidential information was passed along to the trial prosecutor through Ms. Bostaph, the Court finds that the Petitioner is not entitled to a new trial based on his conflict of interest claim.

### IV. Miscarriage of Justice

Finally, in his amended petition the Petitioner has added a claim that a miscarriage of justice occurred due to violations of the state and federal

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<sup>47</sup> Petitioner's Brief in Support of Amended Petition for Post-Conviction Collateral Relief, pg. 45.

right to confront witnesses, and the trial prosecutor's failure to disclose his romantic relationship with a defense paralegal. The Petitioner has added this claim due to the Pennsylvania Superior Court's holding in *Commonwealth v. Burkhardt*, 833 A.2d 233, 236 (Pa. Super. 2003), which states that second or subsequent petitions for relief under the PCRA will not be reviewed absent a strong prima facie showing that a miscarriage of justice occurred.

In the alternative, the Petitioner claims that this requirement should no longer apply because such a requirement is not listed in the language of the PCRA, and the Supreme Court's displeasure with Superior Court for adding such language to the Act, as addressed in *Commonwealth v. Bennett*, 593 Pa. 382, 930 A.2d 1264 (2007). Because the Court has already sufficiently explained why the instant petition does not give the Petitioner the right to a new trial, and it would be redundant to list these reasons again. Thus, the Court does not offer an explanation as to this claim.

#### V. Conclusion

Since the Petitioner has failed to assert that he is entitled to a new trial based on the claims that he has raised in his petition, for the reasons set forth above, the petition is hereby **DENIED**.

#### ORDER

AND NOW, to-wit, this 11th day of August, 2009, upon consideration of the Petition for Post Conviction Collateral Relief filed by the defendant, Daniel C. Wyant, the briefs of the Petitioner and the Commonwealth, and following a hearing thereon, it is hereby **ORDERED, ADJUDGED and DECREED** that said petition is **DENIED**.

**BY THE COURT:**

/s/ **John A. Bozza, Judge**

# Introduction to Collaborative Practice

*2-day Interactive Training in Collaborative Family Law  
A Multidisciplinary Team Approach*

**September 17 and 18, 2009**

**Where:** Bayfront Convention Center  
1 Sassafras Pier, Erie, PA 16507

**Time:** 8:30 a.m. - 4:30 p.m. (Thursday)  
8:30 a.m. - 4:00 p.m. (Friday)

**Cost:** \$399 (ECBA member) \$475 (nonmember)  
*Registration fee includes: 10.5 hours Substantive and 1.5 hours Ethics  
CLE over two days, breakfast & lunch each day and materials.*

**CLE:** Thursday - 5 hours substantive; 1 hour ethics  
Friday - 5.5 hours substantive; .5 hours ethics  
*(NY and OH credit will also be available)*

**Speaker:**

**Suzanne L. Brunsting, Esq.**

*Collaborative Attorney, Mediator  
& Settlement Advocate*

## About Suzanne:

The introduction to Collaborative Family Law and Collaborative Practice includes discussions, guided demonstrations and facilitated role-plays bringing together professionals focused on client needs as they go through separation and divorce. Our training includes:

- ▶ Introduction to Collaborative Practice
- ▶ How to begin a Collaborative Case
- ▶ Stages of a Collaborative Case
- ▶ Working with Conflict
- ▶ Understanding Conflict Dynamics and Resolution
- ▶ Ethical Considerations
- ▶ Integrating the roles of the "the neutral" Facilitator, Mental Health Professionals and Financial Specialists
- ▶ Building Your Collaborative Community

## What is "Collaborative Law"?

Resolving marital issues through collaboration, not conflict, is a new approach to family law based upon the commitment that neither the attorneys nor their clients will see the inside of a courtroom. Instead of positional bargaining, the attorneys help clients identify and communicate their financial, emotional, and family interests and needs so that the end result is the best possible result. All negotiations take place in four-way conferences between the parties and their attorneys. Each client has built-in legal advice and advocacy during negotiations. Settlement is the only agenda and all involved rely upon an atmosphere of cooperation and professionalism.

- By Suzanne L. Brunsting, Esq.

Suzanne L. Brunsting has been a matrimonial lawyer since 1982, dedicated to Collaborative Law since 2001 and a past member of the IACP Board of Directors. Since 1993, she has been a Fellow of the American Academy of Matrimonial Lawyers. She was the first president of the Collaborative Association of the Rochester Area; past President of the Rochester Inns of Court; New York State Bar Executive Committee - Collaborative Law Chair, has been named one of the "Best Lawyers in America" for the past fourteen years, named an Upstate New York Superlawyer in 2008 and 2009 and is AV rated by her peers for Martindale-Hubbell.

With guidance for caring and experienced collaborative professionals, couples can divorce intelligently and creatively, considerate of one another and of their children. Sue has been learning and teaching about Collaborative Practice since 2002.

**Reservations due to the ECBA office no later than Friday, September 11, 2009.**

**INCORPORATION NOTICE**

926 Partners, Inc. has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988. Thomas J. Buseck, Esq. The McDonald Group, L.L.P. 456 West Sixth Street, PO Box 1757 Erie, PA 16507-0757

Sept. 11

**INCORPORATION NOTICE**

Notice is hereby given that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania and set forth the following:

1. The name of the non-profit corporation is Countryside Condominium Unit Owners Association, Inc.
2. The non-profit corporation is organized under the Pennsylvania Non-Profit Corporation Law of 1988.
3. The Articles of Incorporation - Domestic Non Profit Corporation, were filed with the Department of State, Commonwealth of Pennsylvania on August 13, 2009. Raymond A. Pagliari, Esq. 307 French Street Erie, Pennsylvania 16507-1542

Sept. 11

**INCORPORATION NOTICE**

Notice is hereby given that Gray Matter Media, Inc. has been organized as a professional corporation under the provisions of the Pennsylvania Business Corporation Law of 1988, as amended. Thomas V. Myers, Esquire Nichols & Myers, P.C. 900 State Street Erie, PA 16501

Sept. 11

**INCORPORATION NOTICE**

Notice is hereby given that TDE Enterprises, Inc. has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988. Michael A. Agresti, Esquire 4934 Peach Street Erie, PA 16509

Sept. 11

**LEGAL NOTICE**

The North East Borough Sewer Authority, 31 West Main Street, North East, PA 16428, does hereby give notice of its intention to file Articles of Amendment with the Secretary of the Commonwealth pursuant to 53 Pa. C.S.A. §5601 and following. The Borough of North East adopted an Ordinance authorizing the amendment on September 8, 2009. The Amendment extends the term of the Authority for fifty years from the date of approval of the Amendment by the Secretary. Said Amendment will be filed with the Secretary on or after September 18, 2009. James S. Bryan, Esq. Borough Solicitor Knox McLaughlin Gornall & Sennett, P.C. 11 Park Street North East, PA 16428

Sept. 11

**LEGAL NOTICE**

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA  
Orphans' Court Division  
No. 55 in Adoption 2009

IN THE MATTER OF THE  
ADOPTION OF BABY GIRL M.  
TO: JOHN DOE

At the instance of ADOPTION BY CHOICE, the petitioner in the above case, you, JOHN DOE, laying aside all business and excuses whatsoever, are hereby cited to be and appear before the Orphans' Court of Erie County, Pennsylvania, at the Erie County Court House, Court Room No. 1, City of Erie, Pennsylvania, on September 30, 2009 at 3:30 p.m., and then and there show cause, if any you have, why your parental rights to Baby Girl M., born January 20, 2009, at Hamot Medical Center, Erie, Pennsylvania, should not be terminated, in accordance with the Petition For Involuntary Termination Of Parental Rights filed on August 12, 2009 at the above term and number. The Petition alleges you, by conduct continuing for a period of at least six (6) months immediately preceding the filing of the petition, either have evidenced a settled purpose of relinquishing

parental claim to the child or have failed or refused to perform parental duties. You hereby are notified that the Confirmation of Consent of the Natural Mother of Baby Girl M. also will take place on September 30, 2009 at 3:30 p.m. before the Honorable John A. Bozza.

If it is your intention to contest these proceedings you, or your attorney, are further directed to immediately notify the Family/Orphans' Court Administrator, Room 205, Erie County Court House, Erie, PA 16501 or at (814) 451-6251 or the office of the Honorable John A. Bozza.

Herein fail not under penalty of the law.

A Petition has been filed asking the Court to put an end to all rights you have to your child, Baby Girl M. The Court has set a hearing to consider ending your rights to your child. That hearing will be held before the Honorable John A. Bozza at the Erie County Court House, Erie, Pennsylvania on the date and at the time set forth above.

You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the Court without your being present and if you fail to file a written objection to such termination with the court prior to the hearing.

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

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

M. Kathryn Karn, Esquire  
731 French Street  
Erie, Pennsylvania 16501  
(814) 452-3151

Sept. 11

**LEGAL NOTICE**

ATTENTION: MICHAEL A. EASTERLING  
INVOLUNTARY TERMINATION  
OF PARENTAL RIGHTS

IN THE MATTER OF THE  
ADOPTION OF MINOR  
FEMALE CHILD (J.M.E.); DOB:  
11-05-06

#67 IN ADOPTION, 2009

If you could be the parent of the above mentioned child, at the instance of Erie County Office of Children and Youth you, laying aside all business and excuses whatsoever, are hereby cited to be and appear before the Orphan's Court of Erie County, Pennsylvania, at the Erie County Court House, Judge Bozza, Court Room I, City of Erie on October 6, 2009, at 1:45 p.m. and then and there show cause, if any you have, why your parental rights to the above child should not be terminated, in accordance with a Petition and Order of Court filed by the Erie County Office of Children and Youth. A copy of these documents can be obtained by contacting the Erie County Office of Children and Youth at (814) 451-7740.

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

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

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

Sept. 11

**LEGAL NOTICE**

ATTENTION: UNKNOWN  
BIOLOGICAL FATHER  
INVOLUNTARY TERMINATION  
OF PARENTAL RIGHTS

IN THE MATTER OF THE  
ADOPTION OF MINOR MALE  
CHILD (R.D.M.) DOB: 11-02-08  
BORN TO: LATASHA MARIE  
MYERS

#73 IN ADOPTION, 2009

If you could be the parent of the above mentioned child, at the instance of Erie County Office of Children and Youth you, laying aside all business and excuses whatsoever, are hereby cited to be and appear before the Orphan's Court of Erie County, Pennsylvania, at the Erie County Court House, Judge Bozza, Court Room No. I, City of Erie on October 29, 2009, at 9:30 a.m. and then and there show cause, if any you have, why your parental rights to the above child should not be terminated, in accordance with a Petition and Order of Court filed by the Erie County Office of Children and Youth. A copy of these documents can be obtained by contacting the Erie County Office of Children and Youth at (814) 451-7740.

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

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

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

Sept. 11

**LEGAL NOTICE**

MARSHALS SALE: By virtue of a Writ of Execution issued on June 23, 2009, out of the United States Court for the Western District of Pennsylvania and to me directed, I shall expose the following real property to public sale AT THE JEFFERSON COUNTY COURTHOUSE, temporarily located at 98 SERVICE CENTER ROAD, BROOKVILLE PA 15825 ON September 28, 2009, at 10:30 a.m., local time. Said hereinafter described property is located 202 ½ Marion Avenue, Punxsutawney, Jefferson County, Pennsylvania 15767, being more fully described as follows:

All those certain tracts of land, together with the buildings, and improvements erected thereon, described in Mortgage Book 92, Page 477, recorded in the Recorder's Office of Jefferson County, Pennsylvania, seized and taken in execution as the property of Sally Anderson at the suit of The United States of America v. Sally Anderson, to be sold on Writ of Execution at Case No. 2:08-cv-1753 filed in the United States District court for the Western District of Pennsylvania. TERMS OF SALE: Successful bidder will pay ten percent (10%) by certified check to be tendered immediately at the sale 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. 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. Marshals' costs, fees and commissions will be the responsibility of the seller. On behalf of the U.S. Marshals Service, we are allowing the highest bidder



to secure, by official bank check or money order, ten percent (10%) of the highest bid amount within one hour of the conclusion of the sale. Additional information can be obtained through the USDA's property foreclosure website at [www.resales.usda.gov](http://www.resales.usda.gov).

Sept. 4, 11, 18, 25

# LEGAL NOTICE

**MARSHALS SALE:** By virtue of a Writ of Execution issued on June 19, 2009, out of the United States Court for the Western District of Pennsylvania and to me directed, I shall expose the following real property to public sale AT THE ERIE COUNTY COURTHOUSE, 140 WEST SIXTH STREET, ERIE, PENNSYLVANIA 16501 ON SEPTEMBER 14, 2009, at 10:00 a.m., local time. Said hereinafter described property is located 475 Manistee Avenue, Erie County, Pennsylvania 16511, being more fully described as follows:

All those certain tracts of land, together with the buildings, and improvements erected thereon, described in Mortgage Book 1200, Page 1944, recorded in the Office of the Recorder of Deeds, Erie County, Pennsylvania, seized and taken in execution as the property of William R. Martin and Renee C. Martin at the suit of The United States of America v. William R. Martin and Renee C. Martin, to be sold on Writ of Execution at Case No. 1:08-cv-274 filed in the United States District court for the Western District of Pennsylvania. **TERMS OF SALE:** Successful bidder will pay ten percent (10%) by certified check to be tendered immediately at the sale 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. 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. Marshals' costs, fees and commissions will be the responsibility of the seller. On behalf of the U.S. Marshals Service, we are allowing the highest bidder to secure, by official bank check or money order, ten percent (10%) of the highest bid amount within one hour of the conclusion of the sale. Additional information can be obtained through the USDA's property foreclosure website at [www.resales.usda.gov](http://www.resales.usda.gov).

Aug. 21, 28 and Sept. 4, 11

For over 50 years, **USI Affinity** has been administering insurance and financial programs to attorneys and other professionals.

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**814-455-7007**  
ERIE, PENNSYLVANIA

**877-99-LAGAN**  
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Dennis Lagan  
27 Years- PSP

Gerald Nichols  
30 Years - FBI

Benjamin Suchocki  
30 Years - FBI/IRS

Jennifer Mazur  
Investigator

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### ***Case #10: Legal Records vs. Record Retention***

"Keep it all forever" should not define your records retention program. The legal industry has unique needs, and all retention schedules are not created equal.

Business Records Management can help you create a retention policy that can be used immediately. BRM can handle your needs with Document Storage, Certified Shredding and Email Archiving services.

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## **BUSINESS RECORDS MANAGEMENT**



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## 13th Annual Judgment Day Softball Game Young Lawyers v. Seasoned Sluggers

ECBA members, families, staff, and courthouse employees are invited to join us...

**Friday, September 18, 2009**  
Jerry Uht Park - 4:00 p.m.

*Hotdogs, pop, beer, and snacks will be provided compliments of Ferguson & Holdnack Reporting, Inc.*



Any interested ECBA member is welcome to play. Seasoned Sluggers should contact Mike Fetzner (459-2800); Young Lawyers should contact Mike Kruszewski (833-2222)

*Young Lawyers must meet the following criteria: An ECBA member who has practiced law in any state for 5 years or less or has not yet attained the age of 38, whichever comes last. A member remains a Young Lawyer until the end of the calendar year during which they exceed the above criteria.*

## Erie County Bar Association Young Lawyers Division

*celebrates*

# Oktoberfest

**Thursday, September 24, 2009**  
**The BREWERIE at Union Station**

**5:00 - 8:00 p.m.**

*A "ghost tour" will also be offered for those interested in the paranormal occurrences at Union Station. Learn what several different investigative teams have discovered and possibly experience your own ghostly encounter.*

Free to ECBA Young Lawyers and spouse/significant other  
Includes beer, soft drinks and appetizers. Mixed drinks are cash bar.

*Contact the ECBA office at (814) 459-3111 or email [pjgregory@eriebar.com](mailto:pjgregory@eriebar.com) to make your reservation.*



**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

**September 18, 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

Aug. 28 and Sept. 4, 11

**SALE NO. 2**

**Ex. #11770 of 2007**

**LaSalle Bank NA, as trustee for  
Securitized Asset Investment  
Loan Trust Mortgage Pass-  
Through Certificates Series  
2004-8, Plaintiff**

**v.**

**Mary Beth Cimino**

**Lindsay C. Cimino**

**Vincent F. Cimino, Defendant(s)**

**LEGAL DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situate in the Borough of Lake City, County of Erie and Commonwealth of Pennsylvania, being further bounded and described as follows, to-wit:

BEGINNING at a point in the northerly line of Walnut Street, now

Martin Avenue, at the southwesterly line of land conveyed to William P. Maher, et ux, on January 13, 1950, said point also being twenty (20) feet westerly from the southeast corner of Lot No. 25 in the redivision of part of subdivision of farm of James Sampson, recorded at Erie County Map Book 1, page 335; thence westerly along the northerly line of Martin Avenue, eighty (80) feet to the southeast corner of land conveyed to Margaret M. Rose by Deed dated February 10, 1949; thence northerly along the east line of land now or formerly of Margaret M. Rose, one hundred seventeen and one-half (117 ½) feet to the northeast corner of said land; thence westerly along the northerly line of said land, twenty (20) feet to the westerly line of Lot No. 26; thence northerly along the westerly line of said Lot No. 26, one hundred (100) feet to the northwesterly corner of Lot No. 26; thence easterly along the northerly line of Lot No. 26 and Lot No. 25, one hundred (100) feet to the northwest corner of land conveyed to William P. Maher, et ux; thence southerly along the westerly line of land now or formerly of William P. Maher, et ux, two hundred seventeen and one-half (217 ½) feet to the point of beginning. Being a part of Lot No. 25 and part of Lot No. 26 as shown in the redivision of part of subdivision of farm of James Sampson as recorded at Erie County Map Book 1, page 335; having erected thereon a dwelling commonly known as 10066 Martin Avenue, Lake City, PA and are further identified by Erie County Index No. (28) 15-26-25.

BEING KNOWN AS: 10066 MARTIN AVENUE, LAKE CITY, PA 16423

PROPERTY ID NO.: 28015026002500

TITLE TO SAID PREMISES IS VESTED IN Mary Beth Cimino, Vincent F. Cimino and Lindsay C. Cimino, her children, as joint tenants with the right of survivorship and not as tenants in common by Deed from Mary E. Cimino, individually and as executrix of the Estate of

Betty R. Gregory, deceased, and David Cimino, her husband; and David R. Gregory and Jennifer Gregory, his wife, and Joseph Gregory and Debra Gregory, his wife dated 3/12/04 recorded 4/20/04 in Deed Book 1126 page 1837.

Udren Law Offices, P.C.

Attorneys for Plaintiff

Woodcrest Corporate Center  
111 Woodcrest Road, Suite 200  
Cherry Hill, NJ 08003-3620  
856-669-5400

Aug. 28 and Sept. 4, 11

**SALE NO. 3**

**Ex. #12343 of 2009**

**Deutsche Bank Trust Company  
Americas, as Trustee for Saxon  
Asset Securities Trust 2003-3,  
Plaintiff**

**v.**

**Diane L. Crowl, Defendant(s)**

**LEGAL DESCRIPTION**

ALL that certain piece or parcel of land situate in the Township of Conneaut, County of Erie and State of Pennsylvania, bounded and described as follow, to-wit: BEGINNING at an iron spike located in the centerline of Knapp Road (L.R. 25079), said point being distant due south 1204.76 feet and then south 00 degrees, 10 minutes, 00 seconds west, 1694.85 feet from the intersection of the centerlines of Knapp Road and U.S. Rt. 6N, said spike also being the southeast corner of lands of Kenneth & Beverly Wilson, thence from said point of beginning the following courses;

BEARING south 00 degrees, 10 minutes, 00 seconds west along the centerline of Knapp Road, a total distance of 175.00 feet to an iron spike; thence, BEARING south 87 degrees, 37 minutes, 30 seconds west, along the residue of lands of Teresa Heaton, passing over an iron survey pin at a distance of 25.00 feet, a total distance of 275.00 feet to an iron survey pin; thence, BEARING north 00 degrees, 10 minutes, 00 seconds east, along the same, a total distance of 175.00 feet to an iron survey pin located in the south line of lands of Kenneth &

Beverly Wilson; thence, BEARING north 87 degrees, 37 minutes, 30 seconds east, along the south line of lands of Kenneth & Beverly Wilson, passing over iron survey pins at distances of 119.40 feet and 250.00 feet, a total distance of 275.00 feet to the point of beginning.

SAID parcel containing 1.003 net acres (excluding road r/w), and having erected thereon a one story frame house and a two car garage. Said legal description is based on a survey of Robert L. Rabell performed on October 25, 1983. BEING KNOWN AS: 10230 KNAPP ROAD (CONNEAUT TOWNSHIP) ALBION, PA 16401 PROPERTY ID NO.: 4-16-42-15.01 TITLE TO SAID PREMISES IS VESTED IN William R. Crowl and Diane L. Crowl, his wife, as tenants by the entireties with the right of survivorship in the survivor herein by deed from Teresa Heaton, a widow dated 10/14/85 recorded 10/15/85 in Deed Book 1601 page 473.

Udren Law Offices, P.C.  
Attorneys for Plaintiff  
Woodcrest Corporate Center  
111 Woodcrest Road, Suite 200  
Cherry Hill, NJ 08003-3620  
856-669-5400

Aug. 28 and Sept. 4, 11

#### **SALE NO. 4**

**Ex. #10378 of 2009**

**U.S. Bank National Association,  
as Trustee for the Structured  
Asset Investment Loan Trust  
2005-4, Plaintiff**

**v.**

**Michael F. Malinowski,  
Defendant(s)**

#### **LEGAL DESCRIPTION**

ALL that certain piece or parcel of land situate in the Township of Harborcreek, County of Erie and Commonwealth of Pennsylvania, being Lot No. 1 of Akerly Subdivision No. 1, per plot thereof made by Terry O. Darnofall, R.S., on September 19, 1977 and recorded in Erie County Map Book 16 at page 45, and containing 10.066 acres of land, more or less, bearing Erie County Index No.

(27) 73-226-58.04 and more commonly known as 6418 Harboregreene Road, Erie, Pennsylvania 16510

BEING KNOWN AS: 6418 HARBORGREENE ROAD, ERIE, PA 16510

PROPERTY ID NO.: 27-73-226-58.04  
TITLE TO SAID PREMISES IS VESTED IN Michael F. Malinowski, single by Deed from Michael F. Malinowski and Dianna K. Malinowski, his wife, as tenants by the entireties with the right of survivorship dated 12/7/04 recorded 1/19/05 in Deed Book 1205 page 1122.

Udren Law Offices, P.C.  
Attorneys for Plaintiff  
Woodcrest Corporate Center  
111 Woodcrest Road, Suite 200  
Cherry Hill, NJ 08003-3620  
856-669-5400

Aug. 28 and Sept. 4, 11

#### **SALE NO. 5**

**Ex. #10087 of 2009**

**Citizens Bank of Pennsylvania,  
Plaintiff,**

**v.**

**Richard J. Kopcznski, Defendant  
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 10087-09 Citizens Bank of Pennsylvania vs. Richard J. Kopcznski  
Richard J. Kopcznski, owner(s) of property situated in the City of Erie, Erie County, Pennsylvania being 3932 McClelland Avenue, Erie, PA 16510:

BEING lot number seven (7) of Garden Heights Subdivision No. 1, part of tract number 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 No. 4, Pages 250 and 251.

Assessment Map Number: 18052046010100  
Assessed Value figure: \$71,310.00  
Improvement thereon: Residential Property

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

Aug. 28 and Sept. 4, 11

#### **SALE NO. 6**

**Ex. #15910 of 2008**

**Citizens Bank of Pennsylvania,  
Plaintiff,**

**v.**

**Donald E. Wienczkowski, Jr.  
and Tina M. Wienczkowski,  
Defendants**

#### **SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 15910-08 Citizens Bank of Pennsylvania vs. Donald E. Wienczkowski, Jr. and Tina M. Wienczkowski  
Donald E. Wienczkowski, Jr. and Tina M. Wienczkowski, owner(s) of property situated in Erie, Erie County, Pennsylvania being 3013 Rose Avenue, Erie, PA 16510:

ALL THAT CERTAIN piece or parcel of land situate in the Borough of Wesleyville, County of Erie and State of Pennsylvania, bounded and described as follows, to-wit: BEGINNING at a point in the South line of Rose Avenue, formerly Maple Street, one hundred twenty (120) feet East of the point of intersection of the South line of Rose Avenue with the East line of Taggart Street; thence Southwardly on a line parallel with the East line of Taggart Street, ninety-one (91) feet to a point; thence Eastwardly, on a line parallel with the South line of Rose Avenue thirty (30) feet to a point; thence Northwardly, on a line parallel with the East line of Taggart Street, ninety-one (91) feet to the South line of Rose Avenue; thence Westwardly, along the South line of Rose Avenue, thirty (30) feet to the place of beginning.

Assessment Map Number: 50-004-044.0-005.00

Assessed Value figure: \$42,930.00

Improvement thereon: Residential Property

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

Aug. 28 and Sept. 4, 11

#### **SALE NO. 7**

**Ex. #11428 of 2009**

**Northwest Savings Bank,  
Plaintiff**

v.

**Charles F. Morgan and  
Sandra L. Morgan, Defendants  
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: BEGINNING at a point located at the intersection of the northerly right-of-way line of Buffalo Road (U.S. Route 20) with the center line of Sevenmile Creek; thence North 66° 26' 38" West along the centerline of Sevenmile Creek 33.52 feet to a point; thence North 72° 20' 47" West along the centerline of Sevenmile Creek 34.98 feet to a point on the southerly right-of-way line of the one New York, Chicago and St. Louis Railroad (now Norfolk Southern Railroad); thence North 66° 4' 0" East along the southerly right-of-way line of said railroad passing over three iron pins at 35 feet, 195 feet and 227 feet, in all 281.80 feet to an iron pin; thence North 51° 46' 0" West, along said railroad right-of-way 23.27 feet to the iron pin; thence along the non-tangent curve of the said railroad southerly right-of-way line, having an arc of 142.75 feet, a radius of 5,759.65 feet, a central angle of 1° 24' 12" and a chord of North 67° 3' 23" East 142.73 feet to an iron pin in the northerly right-of-way line of Buffalo Road (U.S. Route 20); thence southwesterly along the non-tangent curve of the northerly right-of-way line of Buffalo Road (U.S. Route 20) having a radius of 122.03 feet, an arc of 210.22 feet, a central angle of 98° 42' 5" and a chord of South 30° 13' 1" West 185.17 feet to an iron pin at the point of curve; thence South 77° 6' 41" West along the northerly right-of-way line of Buffalo Road, (U.S. Route 20) passing over an iron pin at 188.45 feet, in all 223.45 feet to the place of beginning, said parcel containing 0.680 acres of land, more or less. This description is consistent with a survey map prepared by Northwest Engineering on February 9, 1981. Commonly known as 6484 Buffalo Road, Harborcreek, Pennsylvania,

bearing Erie County Tax Index Number (27) 36-130-1.  
BEING the same premises conveyed to Charles F. Morgan and Sandra L. Morgan by deed recorded March 13, 1997 in Erie County Record Book 487 at Page 1523.  
Mark G. Claypool, Esquire  
Knox McLaughlin Gornall & Sennett, P.C.  
Attorneys for Plaintiff  
120 West Tenth Street  
Erie, Pennsylvania 16501-1461  
(814) 459-2800

Aug. 28 and Sept. 4, 11

**SALE NO. 8**

**Ex. #11843 of 2009**

**Citibank N.A. As Trustee under  
the Pooling and Servicing  
Agreement dated as of  
November 30, 2001 Series 2001-1**

v.

**Esther M. Clinton  
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No 11843-2009 Citizens N.A. As Trustee under the Pooling and Servicing Agreement dated as of November 30, 2001 Series 2001-1 vs. Esther M. Clinton, owners of property situated in City of Erie, Erie County, Pennsylvania being 948 East 24th Street, Erie, PA 16503  
Assessment Map number: 18-5038-131  
Assessed Value figure: \$40,330.00  
Improvement thereon: Residential Dwelling  
Mary L. Harbert-Bell, Esquire  
220 Lake Drive East, Suite 301  
Cherry Hill, NJ 08002  
(856) 482-1400

Aug. 28 and Sept. 4, 11

**SALE NO. 9**

**Ex. #12232 of 2009**

**John W. Waterhouse and  
Mary A. Waterhouse, Plaintiffs**

v.

**Henry S. Chapman and  
Carole L. Chapman, Defendants  
ADVERTISING DESCRIPTION**

By virtue of Writ of Execution filed at No. 12232-2009, John W. Waterhouse and Mary A. Waterhouse v. Henry S. Chapman and Carole L. Chapman, owner of

the following properties identified below:

1) Situate in the Township of Harborcreek, County of Erie, and Commonwealth of Pennsylvania at Ruhl Road a/k/a Townline Road, Harborcreek Township, Erie County, PA:  
Assessment Map Nos.  
(27) 30-27-6 and (27) 30-27-6.01  
Assessed Value Figures:  
(27) 30-27-6: \$27,200.00 and  
(27) 30-27-6.01: \$52,900.00  
Improvements Thereon:  
(27) 30-27-6: 0.9134 Acres; Vacant Lot and (27) 30-27-6.01 5.9780 Acres; Outbuildings Only; No Living Units  
Michael S. Jan Janin, Esquire  
Pa. I.D. No. 38880  
The Quinn Law Firm  
2222 West Grandview Boulevard  
Erie, PA 16506  
(814) 833-2222

Aug. 28 and Sept. 4, 11

**SALE NO. 10**

**Ex. #10976 of 2009**

**National City Bank, Plaintiff**

v.

**Rollin E. Peterson and  
Cheryl Peterson, Defendant  
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 10976-09 National City Bank vs. Rollin E. Peterson and Cheryl Peterson  
Rollin E. Peterson and Cheryl Peterson, owner(s) of property situated in North East Township, Erie County, Pennsylvania being 9525 Findley Lake Road 60' x 330.41'  
Assessment Map number: (37) 35-136-15.01  
Assessed Value figure: \$55,400.00  
Improvement thereon: single family dwelling  
Patrick Thomas Woodman, Esq.  
436 Seventh Ave., 1400 Koppers Bldg.  
Pittsburgh, PA 15219  
(412) 434-7955

Aug. 28 and Sept. 4, 11

**SALE NO. 11**

**Ex. #11563 of 2009**

**Provident Funding Group, Inc.,  
et al., Plaintiff**

v.



**David A. Phillips and  
Kelly Phillips, Defendant  
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 11563-09 Provident Funding Group, Inc., et al. vs. David A Phillips and Kelly Phillips, owner(s) of property situated in Harborcreek Township, Erie County, Pennsylvania being 3926 Markwood Drive, Erie, PA 16510 120' x 85'  
Assessment Map number:  
(27) 41-140-4  
Assessed Value figure: \$60,290.00  
Improvement thereon: single family dwelling  
Patrick Thomas Woodman, Esq.  
436 Seventh Ave., 1400 Koppers Bldg.  
Pittsburgh, PA 15219  
(412) 434-7955

Aug. 28 and Sept. 4, 11

**SALE NO. 12  
Ex. #11328 of 2009  
PNC Bank, NA, Plaintiff  
v.**

**James W. Szympruch, Defendant  
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 11328-09 PNC Bank, NA vs. James W. Szympruch  
James W. Szympruch, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 2503 Raspberry St., Erie, PA 16502 82 1/2' x 30'  
Assessment Map number:  
19-6032-120  
Assessed Value figure: \$45,160.00  
Improvement thereon: single family dwelling  
Patrick Thomas Woodman, Esq.  
436 Seventh Ave., 1400 Koppers Bldg.  
Pittsburgh, PA 15219  
(412) 434-7955

Aug. 28 and Sept. 4, 11

**SALE NO. 13  
Ex. #11148 of 2009  
Citizens Bank of Pennsylvania,  
Plaintiff  
v.**

**Gary C. Porsch, Defendant  
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 11148 of 2009 Citizens Bank of Pennsylvania vs. Gary C.

Porsch  
Gary C. Porsch, owners of property situated in the Township of Millcreek, Erie County, Pennsylvania being 2506 Loveland Avenue, Erie, PA 16506 0.2634 acreage  
Assessment Map Number:  
33-53-224-12  
Assessed Value figure: 81,750.00  
Improvement thereon: building  
Paul David Burke, Esq.  
28th Floor, Two PNC Plaza  
Pittsburgh, PA 15222  
(412) 355-0200

Aug. 28 and Sept. 4, 11

**SALE NO. 14  
Ex. #12053 of 2009  
First Horizon Home Loans a  
division of First Tennessee Bank,  
N.A., Plaintiff**

v.

**Harold E. Corey, II  
Eileen A. Corey and  
The United States of America,  
Defendant  
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 12053-09 First Horizon Home Loans a division of First Tennessee Bank, N.A. vs. Harold E. Corey, II, Eileen A. Corey and The United States of America, owner(s) of property situated in Harborcreek Township, Erie County, Pennsylvania being 1865 Davison Road  
Assessment Map number:  
27-32-125-10.04  
Assessed Value figure: \$206,560.00  
Improvement thereon: single family dwelling  
Scott A. Dietterick, Esquire  
James Smith Dietterick &  
Connelly LLP  
PO Box 650  
Hershey, PA 17033  
(717) 533-3280

Aug. 28 and Sept. 4, 11

**SALE NO. 15  
Ex. #11209 of 2009  
Northwest Consumer Discount  
Company, d/b/a Erie Consumer  
Discount Company, Plaintiff**

v.

**Noel Vega, Defendant  
ADVERTISING DESCRIPTION**

By virtue of Writ of Execution filed to No. 11209-2009 Northwest Consumer Discount Company, d/b/a Erie Consumer Discount Company vs. Noel Vega, owners of the property situate in City of Erie, Erie County, as follows:  
Address: 345 East 27th Street, Erie, PA and 341 East 27th Street, Erie, PA  
Assessment Map No.:  
(18) 5078-106 and (18) 5078-108  
Assessed Value Figure: \$38,630.00 and \$38,190.00 respectively  
Improvement Thereon: Two Story Frame Building on each  
Stephen H. Hutzelman, Esq.  
305 West Sixth Street  
Erie, PA 16507  
(814) 452-6800  
PA ID# 06541

Aug. 28 and Sept. 4, 11

**SALE NO. 16  
Ex. #12024 of 2009  
Joy W. Milne, Plaintiff  
v.**

**Brian Turner, also known as  
Paul Brian Turner, Defendant  
SHORT DESCRIPTION**

ALL that certain piece or parcel of land situate in the Township of Union, County of Erie, and Commonwealth of Pennsylvania, containing 13.542 acres of land, more or less, and a single family dwelling known and numbered as 14819 Kimball Hill Road, Union City, Pennsylvania 16438-7527 and bearing Erie County Tax ID No. (43) 001-005.0-0-012.03  
Susan Fuhrer Reiter  
Supreme Court ID No. 43581  
MacDonald, Illig, Jones  
& Britton LLP  
100 State Street, Suite 700  
Erie, Pennsylvania 16507-1459  
(814) 870-7760  
Attorneys for Plaintiff

Aug. 28 and Sept. 4, 11

**SALE NO. 17  
Ex. #18018 of 2008  
First National Bank of  
Pennsylvania, Plaintiff  
v.**

**John P. Watt and  
Carol A. Watt, Defendants  
SHORT DESCRIPTION**

ALL that certain piece or parcel of land situate in Township of Summit, County of Erie, and Commonwealth of Pennsylvania, bearing Erie County Tax ID No. (40) 32-83.3-07, having erected thereon a two-story single family dwelling, with detached garage, known and numbered as 8820 Evelyn Way, Erie, Pennsylvania 16509.

Supreme Court ID No. 43581

Susan Fuhrer Reiter

MacDonald, Illig, Jones

& Britton LLP

100 State Street, Suite 700

Erie, Pennsylvania 16507-1459

(814) 870-7760

Attorneys for Plaintiff

Aug. 28 and Sept. 4, 11

**SALE NO. 18**

**Ex. #11397 of 2009**

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

**v.**

**Todd M. Alcorn, Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 2009-11397 Lehman Brothers Bank, FSB vs. Todd M. Alcorn

Todd M. Alcorn, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 2118 HARRISON STREET, ERIE, PA 16510-1406.

Dimensions: 20 X 16

Acreage: 0.2133

Assessment Map number: 18-051-036.0-101.00

Assessed Value: 61,770.00

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

Aug. 28 and Sept. 4, 11

**SALE NO. 19**

**Ex. #11890 of 2007**

**Bank of New York as Trustee for  
the Certificateholders of CWABS  
2004-08, Plaintiff,**

**v.**

**Yvonne M. Bolash a/k/a**

**Yvonne M. Fall**

**Eric A. Bolash, Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 11890-07 Bank of New York as Trustee for the Certificateholders of CWABS 2004-08 vs. Yvonne M. Bolash a/k/a Yvonne M. Fall and Eric A. Bolash

Yvonne M. Bolash a/k/a Yvonne M. Fall and Eric A. Bolash, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 418 EAST 33RD STREET, ERIE, PA 16504-1604.

Dimensions: 34 X 135

Acreage: 0.1054

Assessment Map number:

18-053-070.0-403.00

Assessed Value: 54,340.00

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

Aug. 28 and Sept. 4, 11

**SALE NO. 20**

**Ex. #11830 of 2009**

**BAC Home Loans Servicing, LP,  
f/k/a Countrywide Home Loans  
Servicing, LP, Plaintiff,**

**v.**

**Barry A. Brumett**

**Melissa Brumett, Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No 11830-09 BAC Home Loans Servicing, LP, f/k/a Countrywide Home Loans Servicing, LP vs. Barry A. Brumett and Melissa Brumett

Barry A. Brumett and Melissa Brumett, owner(s) of property situated in Township of Venango, Erie County, Pennsylvania being 14091 ROUTE 8/89, WATTSBURG, PA 16442-2921.

Acreage: 2.15 ACRES

Assessment Map number: 44-021-033.0-015.01

Assessed Value: 89,610.00

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

Aug. 28 and Sept. 4, 11

**SALE NO. 21**

**Ex. #11733 of 2009**

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

**Wayne R. Delp, Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 11733-09 PHH Mortgage Corporation, f/k/a Cendant Mortgage Corporation vs. Wayne R. Delp

Wayne R. Delp and, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 3224 REED STREET, ERIE, PA 16504-1249.

Dimensions: 24X28

Acreage: 0.0930

Assessment Map number: 18-050-067.0-100.00

Assessed Value: 68,140.00

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

Aug. 28 and Sept. 4, 11

**SALE NO. 22**

**Ex. #12047 of 2009**

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

**Randy L. Dingle, Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 2009-12047 Taylor, Bean & Whitaker Mortgage Corporation vs. Randy L. Dingle

Randy L. Dingle, owner(s) of property situated in FIRST WARD OF THE BOROUGH OF UNION CITY, Erie County, Pennsylvania being 52 1/2 WARDEN STREET a/k/a 52 WARDEN STREET, UNION CITY, PA 16438-1041.

Acreage: 4.6000

Assessment Map number: 41-003-004.0-002.00

Assessed Value: 91,440.00

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

Aug. 28 and Sept. 4, 11

**SALE NO. 23**

**Ex. #14754 of 2008**

**Deutsche Bank Trust Company  
Americas as Trustee for 2007QS5  
RALI, Plaintiff,**  
**v.**

**Debra A. Euliano a/k/a  
Debra A. Euiliano, Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 14754-08 Deutsche Bank Trust Company Americas as Trustee for 2007QS5 RALI vs. Debra A. Euliano a/k/a Debra A. Euiliano  
Debra A. Euliano a/k/a Debra A. Euiliano, owner(s) of property situated in Township of Millcreek Erie County, Pennsylvania being 5820 FOREST CROSSING, ERIE, PA 16506-7004.

Dimensions: 60.00 X 174.88

Acreage: 0.2800

Assessment Map number:  
33-174-565.1-116.00

Assessed Value: \$197,900.00

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

Aug. 28 and Sept. 4, 11

**SALE NO. 24**

**Ex. #10160 of 2009**

**Chase Home Finance LLC, s/b/m  
to Chase Manhattan Mortgage  
Corporation, Plaintiff,**  
**v.**

**David Getz, Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 10160-09 Chase Home Finance LLC, s/b/m to Chase Manhattan Mortgage Corporation vs. David Getz

David Getz, owner(s) of property situated in the CITY OF ERIE, Erie County, Pennsylvania being 441/443 WEST 9th STREET, ERIE, PA 16502-1346.

Dimensions: 41.25 X 165

Acreage: 0.1562

Assessment Map number:  
16-030-025.0-117.00

Assessed Value: 66,320.00

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

Aug. 28 and Sept. 4, 11

**SALE NO. 25**

**Ex. #10363 of 2009**

**Chase Home Finance LLC, s/b/m  
to Chase Manhattan Mortgage  
Corporation, Plaintiff,**  
**v.**

**David B. Getz, Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 10363-09 Chase Home Finance LLC, s/b/m to Chase Manhattan Mortgage Corporation vs. David B. Getz

David B. Getz, owner(s) of property situated in Township of Millcreek, Erie County, Pennsylvania being 612 STRATHMORE AVENUE a/k/a 612-614 STRATHMORE AVE., ERIE, PA 16505-1758.

Dimensions: 12 x 10

Acreage: 0.2044

Assessment Map number:  
33-018-015.0-008.00

Assessed Value: 135,000.00

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

Aug. 28 and Sept. 4, 11

**SALE NO. 26**

**Ex. #11516 of 2009**

**Deutsche Bank National Trust  
Company, as Trustee, for  
Soundview Home Loan Trust  
Asset-Backed Certificates Series  
2006-2, Plaintiff,**  
**v.**

**Rosa Guzman**

**Enrique Guzman**

**Mignali Mendoza, Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 11516-09 Deutsche

Bank National Trust Company, as Trustee, for Soundview Home Loan Trust Asset-Backed Certificates Series 2006-2 vs. Rosa Guzman, Enrique Guzman and Mignali Mendoza

Rosa Guzman, Enrique Guzman and Mignali Mendoza, owner(s) of property situated in the CITY OF ERIE, Erie County, Pennsylvania being 617 BROWN AVENUE, ERIE, PA 16502-2530.

Dimensions: 35 X IRREGULAR  
Acreage: 0.0960

Assessment Map number:  
19-060-017.0-207.00

Assessed Value: 49,370.00

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

Aug. 28 and Sept. 4, 11

**SALE NO. 27**

**Ex. #11758 of 2009**

**Citimortgage, Inc., Plaintiff,**  
**v.**

**Tamara Hershelman a/k/a  
Tamara M. Hershelman,  
Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 11758-09 Citimortgage, Inc. vs. Tamara Hershelman a/k/a Tamara M. Hershelman

Tamara Hershelman a/k/a Tamara M. Hershelman, owner(s) of property situated in the CITY OF ERIE, Erie County, Pennsylvania being 4007 ELMWOOD AVENUE, ERIE, PA 16509-1348.

Dimensions: 57.5 X 137.855

Acreage: 0.1820

Assessment Map number:  
19-061-030.0-217.00

Assessed Value: 82,790.00

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

Aug. 28 and Sept. 4, 11



**SALE NO. 28**

**Ex. #14745 of 2008**

**GMAC Corporation, LLC,  
Plaintiff,**

**v.**

**Gina C. Hines, Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 14745-08 GMAC Corporation, LLC vs. Gina C. Hines Gina C. Hines, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 1699 WEST 45TH STREET, ERIE, PA 16509-1155.

Assessment Map number:  
19-061-079.0-206.50

Assessed Value; 75,750.00

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

Aug. 28 and Sept. 4, 11

**SALE NO. 29**

**Ex. #14003 of 2008**

**Huntington National Bank, s/b/m  
to Sky Bank, Plaintiff,**

**v.**

**Laura M. Huff**

**Burnel J. Huff, Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 14003-08 Huntington National Bank, s/b/m to Sky Bank vs. Laura M. Huff and Burnel J. Huff

Laura M. Huff and Burnel J. Huff, owner(s) of property situated in Township of Union, Erie County, Pennsylvania being 17629 ONEIL ROAD, UNION CITY, PA 16438-7913.

Acreage: 1.0670 ACRES

Assessment Map number:  
43-015-045.0-001.01

Assessed Value: 50,370.00

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

Aug. 28 and Sept. 4, 11

**SALE NO. 30**

**Ex. #10743 of 2009**

**Wells Fargo Bank, NA, Plaintiff,  
v.**

**Fred Jones, Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 10743-09 Wells Fargo Bank, NA vs. Fred Jones Fred Jones, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 705 EAST 5TH STREET, ERIE, PA 16507-1727.

Dimensions: 31 X 85

Acreage: 0.0605

Assessment Map number:  
14-010-023.0-124.00

Assessed Value: 17,790.00

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

Aug. 28 and Sept. 4, 11

**SALE NO. 32**

**Ex. #12862 of 2008**

**Bank of New York as Trustee for  
the Certificateholders CWABS,  
Inc. Asset-Backed Certificates,**

**Series 2005-14, Plaintiff,  
v.**

**Bonnie S. Laurin**

**Mark L. Laurin, Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 12862-08 Bank of New York as Trustee for the Certificateholders CWABS, Inc. Asset-Backed Certificates, Series 2005-14 vs. Bonnie S. Laurin and Mark L. Laurin

Bonnie S. Laurin and Mark L. Laurin, owner(s) of property situated in City of Corry, Erie County, Pennsylvania being 416 EAST STREET, CORRY, PA 16407- 2235.

Dimensions: 16 X 24

Acreage: 0.3316

Assessment Map number:  
05-028-183.0-008.00

Assessed Value: 43,900.00

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

Aug. 28 and Sept. 4, 11

**SALE NO. 33**

**Ex. #15416 of 2008**

**RBS Citizens, N.A. f/k/a Citizens  
Bank, N.A. s/b/m to Citizens  
Mortgage Corp., Plaintiff,  
v.**

**Mathew R. Marshall**

**Keilani A. Marshall, Defendant(s)  
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 15416-08 RBS Citizens, N.A. f/k/a Citizens Bank, N.A. s/b/m to Citizens Mortgage Corp. vs. Mathew R. Marshall and Keilani A. Marshall

Mathew R. Marshall and Keilani A. Marshall, owner(s) of property situated in CITY OF ERIE, Erie County, Pennsylvania being 303 EAST AVENUE, ERIE, PA 16507.

Dimensions: 27.5 X 112

Acreage: 0.0707

Assessment Map number:  
14-010-037.0-114.00

Assessed Value: 35,580.00

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

Aug. 28 and Sept. 4, 11

**SALE NO. 34**

**Ex. #12849 of 2003**

**Wells Fargo Home Mortgage,  
Inc., Plaintiff,  
v.**

**Eric J. Mehok**

**Kerry Mehok, Defendant(s)  
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 12849-03 Wells Fargo Home Mortgage, Inc. vs. Eric J. Mehok and Kerry Mehok Eric J. Mehok and Kerry Mehok, owner(s) of property situated in BOROUGH OF GIRARD, Erie County, Pennsylvania being 100 PENN AVENUE, GIRARD, PA 16417.

Dimensions: 100 X 65

Acreage: 0.1492  
Assessment Map number:  
23012032001300  
Assessed Value: 66,270.00  
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

Aug. 28 and Sept. 4, 11

**SALE NO. 35**

**Ex. #11661 of 2009**

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

**v.**

**Sherman G. Moore, Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution  
filed to No. 11661-09 PHH  
Mortgage Corporation, f/k/a  
Cendant Mortgage Corporation vs.  
Sherman G. Moore  
Sherman G. Moore, owner(s) of  
property situated in City of Erie,  
Erie County, Pennsylvania being  
1247 EAST 21ST STREET, ERIE,  
PA 16503-2503.  
Dimensions: 40 X 105  
Acreage: 0.0964  
Assessment Map number:  
18-051-001.00-111-00  
Assessed Value: 17,930.00  
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

Aug. 28 and Sept. 4, 11

**SALE NO. 36**

**Ex. #11849 of 2009**

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

**v.**

**Michael R. Peterson,  
Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution  
filed to No. 09-11849 PHH  
Mortgage Corporation, f/k/a  
Cendant Mortgage Corporation vs.  
Michael R. Peterson

Michael R. Peterson, owner(s) of  
property situated in City of Erie,  
Erie County, Pennsylvania being  
1247 EAST 19TH STREET, ERIE,  
PA 16503-2402.  
Dimensions: 78 X 105  
Acreage: 0.01880  
Assessment Map number:  
15-021-006.0-206.00  
Assessed Value: 41,100.00  
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

Aug. 28 and Sept. 4, 11

**SALE NO. 37**

**Ex. #10491 of 2009**

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

**Adam M. Rubin**

**Betty L. Rubin, Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution  
filed to No. 10491-09 Wells Fargo  
Bank, N.A. vs. Adam M. Rubin and  
Betty L. Rubin  
Adam M. Rubin and Betty L. Rubin,  
owner(s) of property situated in  
TOWNSHIP OF GREENE, Erie  
County, Pennsylvania being 10168  
JONES ROAD, ERIE, PA 16510-  
5324.  
Dimensions: 20 X 30  
Acreage: 4.6000  
Assessment Map number:  
25-005-020.0-010.02  
Assessed Value: 187,360.00  
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

Aug. 28 and Sept. 4, 11

**SALE NO. 38**

**Ex. #11847 of 2009**

**Flagstar Bank, FSB, Plaintiff,**  
**v.**

**Diane E. Rupp**

**Stephen J. Nichols, Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution  
filed to No. 11847-09 Flagstar

Bank, FSB vs. Diane E. Rupp and  
Stephen J. Nichols  
Diane E. Rupp and Stephen J.  
Nichols, owner(s) of property  
situated in City of Erie, Erie County,  
Pennsylvania being 2214 WAGNER  
AVENUE, ERIE, PA 16510-1532.  
Dimensions: 78 X 138.4  
Acreage: 0.2415  
Assessment Map number:  
18-051-040.0-303.00  
Assessed Value: 49,360.00  
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

Aug. 28 and Sept. 4, 11

**SALE NO. 40**

**Ex. #13230 of 2006**

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

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

**SHERIFF'S SALE**

By virtue of a Writ of Execution  
filed to No. 13230-06 Wells Fargo  
Bank, N.A. vs. Germal A. Smith  
a/k/a Germal Armon Smith  
Germal A. Smith a/k/a Germal  
Armon Smith, owner(s) of property  
situated in Fifth Ward of the City  
of Erie, Erie County, Pennsylvania  
being 258 EAST 26th STREET,  
ERIE, PA 16504.  
Dimensions: 18 X 20  
Acreage: 0.0671  
Assessment Map number:  
18-050-011.0-135.00  
Assessed Value: 31,880.00  
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

Aug. 28 and Sept. 4, 11

**SALE NO. 41**

**Ex. #11734 of 2009**

**Branch Banking and Trust  
Company, Plaintiff,**  
**v.**

**Kathleen M. Wilcox  
Mark A. Wilcox, Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 11734-09 Branch Banking and Trust Company vs. Kathleen M. Wilcox and Mark A. Wilcox

Kathleen M. Wilcox and Mark A. Wilcox, owner(s) of property situated in the CITY OF ERIE, Erie County, Pennsylvania being 1209 EAST 42ND STREET, ERIE, PA 16504-2418.

Dimensions: 157.5 X IRREGULAR Acreage: 0.6304

Assessment Map number: 18-052-008.0-108.00

Assessed Value: 103,000.00

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

Aug. 28 and Sept. 4, 11

**SALE NO. 42**

**Ex. #11831 of 2009**

**BAC Home Loans Servicing, LP  
f/k/a Countrywide Home Loans  
Servicing, L.P., Plaintiff,  
v.**

**Christopher S. Work**

**Aimee C. Work, Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 11831-09 BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans Servicing, L.P. vs. Christopher S. Work and Aimee C. Work

Christopher S. Work and Aimee C. Work, owner(s) of property situated in the CITY OF ERIE, Erie County, Pennsylvania being 1212 EAST 7TH STREET, ERIE, PA 16503-1614.

Dimensions: 40 X 110

Acreage: 0.1010

Assessment Map number: 14-010-042.0-212.00

Assessed Value: 35,000.00

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

Aug. 28 and Sept. 4, 11

**SALE NO. 43**

**Ex. #14890 of 2007**

**Deutsche Bank National Trust  
Company as Trustee, Plaintiff  
v.**

**Karen L. Tuszynski and**

**Kenneth R. Tuszynski, Jr.,**

**Defendants**

**SHORT PROPERTY**

**DESCRIPTION**

ALL that certain piece or parcel of land situate in the Township of Wayne, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows to-wit: Commencing at the point of intersection of the centerline of Donation Road a distance of 702.53 feet to a point.

DWELLING KNOWN AS 16843 DONATION ROAD, CORRY, PA 16407

IDENTIFIED as TAX/PARCEL ID#: (49) 8-22-1.06 in the Deed Registry Office of Erie County, Pennsylvania

Daniel J. Mancini, Esquire

Attorney for Plaintiff

201A Fairview Drive

Monaca, PA 15061

Aug. 28 and Sept. 4, 11

**SALE NO. 45**

**Ex. #10489 of 2009**

**EMC Mortgage Corporation,  
Attorney-in-Fact for Wells Fargo  
Bank Minnesota, N.A., as Trustee  
for Certificateholders of Bear  
Stearns Asset Backed Securities,  
Inc., Asset-Backed Certificates,  
Series 2000-2**

**v.**

**Charles A.J. Halpin, III, Esquire**

**Administrator of the Estate of**

**Inge Smith, deceased**

**Charlotte S. English, f/k/a**

**Charlotte S. Drummond**

**Paul G. English**

**LEGAL DESCRIPTION**

ALL THAT CERTAIN property situated in the Township of Springfield, in the County of Erie and Commonwealth of Pennsylvania, being described as follows: 1.636 net acres more or less. Being more fully described in a Deed dated 12/24/96 and recorded 12/27/96, among land records of the County and State set forth above, in

Deed Volume 477 and Page 1616.

ALSO DESCRIBED AS FOLLOWS:

ALL THAT CERTAIN piece or parcel of land situate in the Township of Springfield, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point in the centerline of PA Route 5 (S.R. 0005), at northwest corner of lands herein described, said point being the original northwest corner of lands of Forest E. and Inge Smith as described in Deed Book 936 at page 88, and said point also being the northeast corner of lands of Arthur L. and Joyce E. Siders as described in Deed Book 900 at page 597, thence from said point of beginning the following courses:

- 1) Along the centerline of PA Route 5, along the arc of a curve to the left having a delta of 2° 41' 34" and a radius of 1,432.40 feet, an arc distance of 67.32 feet to the PT of the curve; thence,
- 2) North 49° 29' East, continuing along said center line, a distance of 72.00 feet to a point, said point being the northeast corner of lands herein described; thence
- 3) South 40° 31' East, passing over an iron survey pin at a distance of 25.00 feet, a total distance of 60.00 feet to an iron survey pin; thence,
- 4) South 4° 29' West a distance of 30.58 feet to an iron survey pin; thence
- 5) South 35° 28' 15" East a distance of 441.08 feet to an iron survey pin located on the north right-of-way line of the Conrail Railroad, said point being the southeast corner of lands herein described; thence
- 6) South 71° 42' West along said north right-of-way line, a distance of 180.86 feet to an iron pin, said point being the southwest corner of lands herein described, and also the southeast corner of the aforementioned lands of Siders; thence
- 7) North 29° 29' West along the east line of said lands of Siders, passing over an iron survey pin at a distance of 437.48 feet, a total distance of 462.74 feet to the point

of beginning.

Said parcel containing 1.636 net acres (excluding road right-of-way), having erected thereon a one story frame house, a wood shed and a mobile home/wood shed, and said parcel being shown as Lot #1 on the Forest E. and Inge Smith Subdivision Map dated June 11, 1990, as recorded in Erie County Map Book 36 at page 45.

BEING known as 13185 WEST LAKE ROAD, EAST SPRINGFIELD, PA 16411

BEING THE SAME PREMISES which Inge Smith, Life Tenant, and Charlotte S. Drummond, remainderman, by Indenture dated January 25, 1999 and recorded February 4, 1999 in the Office of the Recorder of Deeds in and for Erie County in Deed Book 616, Page 271, granted and conveyed unto Inge Smith, mother and Charlotte S. Drummond, daughter.

ALSO BEING THE SAME PREMISES which Paul G. English by Quit Claim Deed dated February 28, 2006 and recorded March 7, 2006 in the Office of the Recorder of Deeds in and for Erie County in Deed Book 1311, Page 535, granted and conveyed unto Charlotte S. English, formerly Charlotte S. Drummond and Inge Smith, life tenant. Inge Smith departed this life on January 18, 2007. On November 7, 2008 Certificate of Grant of Letters of Administration were granted to Charles A.J. Halpin, III, Esquire. PARCEL No. 39-009-030.0-006.01 Gregory Javardian, Esquire Attorney for Plaintiff 1310 Industrial Boulevard 1st Floor, Suite 101 Southampton, PA 18966 (215) 942-9690

Aug. 28 and Sept. 4, 11

**SALE NO. 47**

**Ex. #11595 of 2009**

**Midfirst Bank, Plaintiff**

**v.**

**William G. Crawford,  
Defendants**

**SHERIFF'S SALE**

By virtue of a Writ of Execution No. 11595-09 Midfirst Bank,

Plaintiff vs. William G. Crawford, Defendants

Real Estate: 442 EAST EIGHTH STREET, ERIE, PA

Municipality: City of Erie, Erie County, Pennsylvania

Dimensions: 44 ¼ x 110

See Deed Book 519, Page 1119

Tax I.D. (14) 1013-113

Assessment: \$ 6,900. (Land)

\$31,390. (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

Aug. 28 and Sept. 4, 11

**SALE NO. 48**

**Ex. #11458 of 2009**

**U.S. Bank National Association**

**Trustee for the Pennsylvania**

**Housing Finance Agency,**

**Plaintiff**

**v.**

**Margaret A. Davis, Deceased**

**John E. Davis, Jr., Administrator**

**of the Estate of, Defendants**

**SHERIFF'S SALE**

By virtue of a Writ of Execution No. 11458-09 U.S. Bank National Association Trustee for the Pennsylvania Housing Finance Agency, Plaintiff vs. Margaret A. Davis, Deceased John E. Davis, Jr., Administrator of the Estate of, Defendants

Real Estate: 410 REED STREET, ERIE, PA

Municipality: City of Erie, Erie County, Pennsylvania

Dimensions: 30 x 94

See Deed Book 143, Page 1097

Tax I.D. (14) 1020-204

Assessment: \$ 6,100. (Land)

\$19,290. (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

Aug. 28 and Sept. 4, 11

**SALE NO. 49**

**Ex. #11755 of 2009**

**U.S. Bank National Association**

**Trustee for the Pennsylvania**

**Housing Finance Agency,**

**Plaintiff**

**v.**

**Tracey Colleen Krause,**

**Defendants**

**SHERIFF'S SALE**

By virtue of a Writ of Execution No. 11755-2009 U.S. Bank National Association Trustee for the Pennsylvania Housing Finance Agency, Plaintiff vs. Tracey Colleen Krause, Defendants

Real Estate: 909 EAST 30TH STREET, ERIE, PA

Municipality: City of Erie, Erie County, Pennsylvania

Dimensions: 65 x 35

See Deed Book 696, Page 1228

Tax I.D. (18) 5054-221

Assessment: \$13,900. (Land)

\$32,580. (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

Aug. 28 and Sept. 4, 11

**SALE NO. 50**

**Ex. #11594 of 2009**

**U.S. Bank National Association**

**Trustee for the Pennsylvania**

**Housing Finance Agency,**

**Plaintiff**

**v.**

**Lisa M. Swift, Defendants**

**SHERIFF'S SALE**

By virtue of a Writ of Execution No. 11594-09 U.S. Bank National Association Trustee for the Pennsylvania Housing Finance Agency, Plaintiff vs. Lisa M. Swift, Defendants

Real Estate: 501 POWELL AVENUE, ERIE, PA

Municipality: Township of Millcreek, Erie County, Pennsylvania

Dimensions: 60 x 120

See Deed Book 1023, Page 1279

Tax I.D. (33) 5-11-20

Assessment: \$17,200. (Land)

\$46,440. (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

Aug. 28 and Sept. 4, 11

**SALE NO. 51**

**Ex. #12688 of 2008**

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

v.

**Brian S. Tripp, Defendants**

**SHERIFF'S SALE**

By virtue of a Writ of Execution No. 2008-12688 U.S. Bank National Association Trustee for the Pennsylvania Housing Finance Agency, Plaintiff vs. Brian S. Tripp, Defendants

Real Estate: 32 WATTSBURG STREET, UNION CITY, PA  
Municipality: Borough of Union City, Erie County, Pennsylvania  
See Deed Book 745/691  
Tax I.D. (41) 5-9-21

Assessment: \$13,600. (Land)  
\$30,270. (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

Aug. 28 and Sept. 4, 11

**SALE NO. 52**

**Ex. #12103 of 2008**

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

v.

**Daniel Hanks, individually and  
as Administrator of the Estate  
of David Hanks, Deceased,  
Elise Hanks, Robert Hanks and  
Michael Hanks, Defendants**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 12103-08, U.S. Bank National Association, et al vs. Daniel Hanks, individually and as

Administrator for David Hanks, Elsie Hanks, Robert Hanks and Michael Hanks, owner(s) of property situated in Erie City, Erie County, Pennsylvania being 3004 Auburn Street, Erie, PA 16508.

Dimensions: .16 acres

Assessment Map Number:  
(19) 6269-109

Assess Value figure: \$51,060.00

Improvement thereon: Dwelling

Louis P. Vitti, Esquire

Attorney for Plaintiff

916 Fifth Avenue

Pittsburgh, PA 15219

(412) 281-1725

Aug. 28 and Sept. 4, 11

**SALE NO. 53**

**Ex. #10585 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 Mellon  
Bank, NA (trustee for the  
Pennsylvania Housing Finance  
Agency Pursuant to a Trust dated  
as of April 1, 1982, as amended  
from time to time) assignee of  
Corestates Bank, NA as trustee  
under a certain trust indenture  
dated as of April 1, 1982 with  
Pennsylvania Housing Finance  
Agency, assignee of Liberty  
Mortgage Corporation, Plaintiff,**

v.

**John H. Irwin, Defendant**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 10585-09, U.S. Bank National Association, et al vs. John H. Irwin, owner(s) of property situated in Erie City, Erie County, Pennsylvania being 740 East 26th Street, Erie PA 16504.

Dimensions: 31 X 150

Assessment Map Number:  
18-5031-134

Assess Value figure: \$33,350.00

Improvement thereon: Dwelling

Louis P. Vitti, Esquire

Attorney for Plaintiff

916 Fifth Avenue

Pittsburgh, PA 15219

(412) 281-1725

Aug. 28 and Sept. 4, 11

**SALE NO. 55**

**Ex. #11664 of 2009**

**Deutsche Bank National Trust  
Company as Trustee for the  
MLMI Trust Series 2005-NC1,  
Plaintiff**

v.

**Tekeeysha Keys, Defendant**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 11664-09 Deutsche Bank National Trust Company as Trustee for the MLMI Trust Series 2005-NC1 v. Tekeeysha Keys, Owner(s) of property situated in City of Erie, Erie County, Pennsylvania, being 2126 Downing Avenue, Erie, PA 16510

ALL THAT CERTAIN piece or parcel of land situate in the City of Erie, County of Erie, and Commonwealth of Pennsylvania, being Lot No. 16 in Block 2 as shown in Riblet's Subdivision of part of Reserve Tract No. 53, on plot recorded in Erie County Map Book No. 1, pages 96 and 97.

BEING commonly known as 2126 Downing Avenue, Erie, Pennsylvania 16510 and bearing Erie County Tax Index No. (18) 5118-100.

Assessment Map number:  
(18) 5118-100

Assessed Value figure: \$57,030.00

Improvement thereon: Residential Dwelling

Martha E. Von Rosenstiel, Esquire

649 South Avenue, Unit #6

P.O. Box 822

Secane, PA 19018

(610) 328-2887

Aug. 28 and Sept. 4, 11

**SALE NO. 56**

**Ex. #13480 of 2006**

**Wells Fargo Bank, N.A.,  
successor by merger to Wells  
Fargo Home Mortgage, Inc.,  
Plaintiff**

v.

**Brian R. Weber, Defendant**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 13480-06 Wells Fargo Bank, N.A., successor by merger to Wells Fargo Home Mortgage, Inc. vs. Brian R. Weber, Owner(s) of property situated in First Ward



of the Borough of Union City, Erie County, Pennsylvania, being 34 Warden Street, Union City, PA 16438

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

BOUNDED on the North by North Street;

BOUNDED on the South by land now or formerly occupied by Mrs. J.C. Cafilisch; BOUNDED on the East by Warden Street; and

BOUNDED on the West by lands now or formerly of Mary Burns and having erected thereon a frame dwelling house. The above described premises being municipally known as No. 34 Warden Street, Union City, Erie County, Pennsylvania and having Municipal Assessment No. (41) 6-14-8.

Assessment Map number: (41) 6-14-8

Assessed Value figure: \$47,550.00  
Improvement thereon: Residential Dwelling

Martha E. Von Rosenstiel Esquire  
649 South Avenue, Unit #6  
P.O. Box 822  
Secane, PA 19018  
(610) 328-2887

Aug. 28 and Sept. 4, 11

**SALE NO. 57**

**Ex. #12342 of 2009**

**HSBC Bank USA, N.A., as Indenture Trustee for the registered Noteholders of Renaissance Home Equity Loan Trust 2007-1, Plaintiff**

**v.**

**Nancy R. Adams and Roy R. Adams, Defendant**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 12342-09 HSBC Bank USA, N.A., as Indenture Trustee for the registered Noteholders of Renaissance Home Equity Loan Trust 2007-1 vs. Nancy R. Adams and Roy R. Adams, owner(s) of property situated in 60th Ward of the City of Erie, Erie County, Pennsylvania being 631 West 25th Street, Erie, PA 16502

0.0860 acres

Assessment Map number: 19-60-19-112

Assessed Value figure: \$48,030.00

Improvement thereon: a residential dwelling

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

Aug. 28 and Sept. 4, 11

**SALE NO. 58**

**Ex. #12319 of 2009**

**HSBC Bank USA, N.A., as Trustee for the registered holders of Renaissance Home Equity Loan Trust 2006-1, Plaintiff**

**v.**

**Robert S. Cleaver and Bonnie W. Cleaver, Defendant**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 09-12319 HSBC Bank USA, N.A., as Trustee for the registered holders of Renaissance Home Equity Loan Trust 2006-1 vs. Robert S. Cleaver and Bonnie W. Cleaver, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 1158 West 5th Street, Erie, PA 16507

0.0689 acres

Assessment Map number: 17040035022700

Assessed Value figure: \$46,750.00  
Improvement thereon: A residential dwelling

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

Aug. 28 and Sept. 4, 11

**SALE NO. 59**

**Ex. #11987 of 2009**

**HSBC Bank USA, N.A., as Indenture Trustee for the registered Noteholders of Renaissance Home Equity Loan Trust 2007-1, Plaintiff**

**v.**

**Robert Teixeira; Monica B. Teixeira, Defendant**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 11987-09 HSBC Bank USA, N.A., as Indenture Trustee for the registered Noteholders of Renaissance Home Equity Loan Trust 2007-2 vs. Robert Teixeira; Monica B. Teixeira, owner(s) of property situated in Township Millcreek, Erie County, Pennsylvania being 2562 West 25th Street, Erie, PA 16506

.2482 acres

Assessment Map number: (33) 51-195-33

Assessed Value figure: \$85,600.00  
Improvement thereon: A residential dwelling

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

Aug. 28 and Sept. 4, 11

**SALE NO. 60**

**Ex. #11196 of 2009**

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

**v.**

**David L. Ellsworth Theresa L. Ellsworth**

**Walter Tarwacki, Defendant(s)**

**DESCRIPTION**

BEGINNING at a point in the West line of Brandes Street, said point being Forty-Two and one-half (42 ½) feet Northwardly along the West line of Brandes Street from the Southeast corner of Lot Number One (1); thence Westwardly and parallel with the South line of East 25th Street, Eighty (80) feet to a point; thence Southwardly and parallel with the West line of Brandes Street, Forty-two and one-half (42 ½) feet to a point in the north line of a ten-foot alley; thence Eastwardly along the north line of said alley and parallel with the South line of East 25th Street, Eighty (80) feet to a point in the West line of Brandes Street; thence Northwardly, along the West line of Brandes Street, forty-two and one-half (42 ½) feet to the place of beginning; and being the South part of Lot No. One (1) and Lot No. Two

(2) of Block J of the Jacob Warfel Addition in Erie County Map Book 1, at page 41. Having erected thereon a one and one-half story frame dwelling house and garage known as 2514 Brandes Street, Erie, PA and being tax index number (18) 50-43-103.

PROPERTY ADDRESS: 2514 Brandes 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

Aug. 28 and Sept. 4, 11

**SALE NO. 62**

**Ex. #12282 of 2009**

**Act Properties LLC, Plaintiff  
v.**

**Jane M. Mallin**

**Donald S. Mallin, Defendant(s)**

**DESCRIPTION**

Land referred to in this commitment is described as all that certain property situated in City of Erie in the County of Erie, and State of PA and being described in a Deed dated 05/05/1992 and recorded 05/05/1992 in Book 210 Page 437 among the land records of the County and State set forth above and referenced as follows:

ALL that certain piece or parcel of land situate in the City of Erie, County of Erie and State of Pennsylvania, being Lots, Nos. 415 and 416 of the Eastholme Subdivision, being part of Reserve Tract No. 52, as shown upon a map of said subdivision recorded in Erie County Map Book 1, at page 401 and having erected thereon a one story ranch dwelling known as 3411 Brandes St., Erie, PA 16504. Also: all that certain piece or parcel of land situate in the City of Erie, County of Erie and State of Pennsylvania, being Lots, No. 413 and 414 of Eastholme Subdivision, being part of Reserve Tract No. 62 as shown upon a map of said subdivisions recorded in Erie County Map Book 1, at page 401.

BEING the same premises conveyed to first party by Deed dated and recorded on October 29,

1991 in Erie County Record Book 182 at Page 714.

PARCEL NO. (18) 5212-123 & 125 & 128

PROPERTY ADDRESS: 3411 Brandes Street, Erie, PA 16504

Michael T. McKeever, Esquire  
Attorney for Plaintiff

Suite 5000 - Mellon Independence Center, 701 Market Street  
Philadelphia, PA 19106  
(215) 627-1322

Aug. 28 and Sept. 4, 11

**SALE NO. 63**

**Ex. #12137 of 2009**

**JPMorgan Chase Bank, N.A., as  
Acquirer of certain assets and  
liabilities of Washington Mutual  
Bank from the Federal Deposit  
Insurance Corporation acting  
as Receiver f/k/a Washington  
Mutual Bank FA, Plaintiff**

**v.**

**Randy Mazzo**

**Karen M. Sisk, Defendant(s)**

**DESCRIPTION**

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

Being a 1.84 acre parcel of land as shown on a subdivision map entitled Callahan Subdivision replot dated March 25, 1998 and prepared by Ralph Allan Heidler, Registered Land Surveyor. Said subdivision map was recorded April 28, 1998 in Map Book 1998-115.

Having erected thereon a frame barn and outbuildings and being commonly known as 7006 Van Camp Road, Girard, Pennsylvania 16417. Erie County Tax Index No. (21) 71-125-9.

PROPERTY ADDRESS: 7006 Van Camp Road, Girard, PA 16417  
Michael T. McKeever, Esquire  
Attorney for Plaintiff  
Suite 5000 - Mellon Independence Center , 701 Market Street  
Philadelphia, PA 19106  
(215) 627-1322

Aug. 28 and Sept. 4, 11

**SALE NO. 64**

**Ex. #11230 of 2009**

**Wells Fargo Bank, N.A. as  
Trustee for Option One Mortgage  
Loan Trust 2004-2 Asset-Backed  
Certificates, Series 2004-2,  
Plaintiff**

**v.**

**Michael A. Mokhriby,  
Defendant(s)**

**DESCRIPTION**

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

BEGINNING at the intersection of East State Street and Elk Street in the Borough of Albion, said beginning point also being the southeast corner of the parcel herein conveyed;

THENCE North, along Elk Street one hundred fifteen (115) feet to a point;

THENCE Westerly, parallel with East State Street sixty-nine and sixty-four one hundredths (69.64) feet to a point;

THENCE Southerly, parallel with Elk Street one hundred fifteen (115) feet to a point;

THENCE Easterly, along East State Street sixty-nine and sixty-four one hundredths (69.64) feet to the place of beginning, said premises being the southerly one hundred fifteen (115) feet of Lot 5 in Block 28 in the Borough of Albion, according to a plot and survey of said Borough made by E. G. Wheeler and recorded in the Recorder's Office of Erie County, Pennsylvania on February 20, 1885 in Deed Book 80 (erroneously referred to as Map Book in that deed recorded in Erie County Record Book 360, at Page 1213), at page 734.

HAVING erected thereon a frame dwelling house known as 154 East State Street, Albion, Pennsylvania, and bearing Erie County Tax Index No. (1) 4-26-7.

BEING the same premises conveyed to Mortgagor hereto by deed dated June 23, 2003 and intended to be recorded in the office of the Recorder of Deeds in and for Erie County, Pennsylvania

contemporaneously herewith.  
PROPERTY ADDRESS: 154 East  
State Street, Albion, PA 16401  
Michael T. McKeever, Esquire  
Attorney for Plaintiff  
Suite 5000 - Mellon Independence  
Center, 701 Market Street  
Philadelphia, PA 19106  
(215) 627-1322

Aug. 28 and Sept. 4, 11

**SALE NO. 66**

**Ex. #11629 of 2009**

**Citimortgage Inc., Plaintiff**

**v.**

**Ralph J. Wagner**

**Patricia Wagner a/k/a**

**Patricia A. Diluzio, Defendant(s)**

**DESCRIPTION**

ALL that certain piece or parcel  
of land situate in the Township  
of Millcreek, County of Erie and  
Commonwealth of Pennsylvania  
being known as Lot No. 3 in Quail  
Hollow Estates Subdivision No. 1,  
as recorded in the Recorder's Office  
of Erie County in County Map  
Book 16, Page 214, having erected  
thereon a dwelling and being  
more commonly known as 2062  
Asheboro Drive, Erie, Pennsylvania  
16510, and bearing Erie County Tax  
Index number: (33) 107-480-36.04.  
PROPERTY ADDRESS: 2062  
Asheboro Drive, Millcreek, PA  
16510  
Michael T. McKeever, Esquire  
Attorney for Plaintiff  
Suite 5000 - Mellon Independence  
Center, 701 Market Street  
Philadelphia, PA 19106  
(215) 627-1322

Aug. 28 and Sept. 4, 11

**SALE NO. 67**

**Ex. #10258 of 2008**

**National City Mortgage Co.,  
f/k/a National City Mortgage, a  
Division of National City Bank,  
Plaintiff**

**v.**

**Veronica L. Walker**

**Ashley M. Walker, Defendant(s)**

**DESCRIPTION**

ALL that certain piece or parcel  
of land situate in the Township of  
McKean, County of Erie and State  
of Pennsylvania, being part of Tract  
437, bounded and described as

follows, to wit:  
BEGINNING at a point in the center  
line of Pennsylvania Highway  
Route 99, distant southwardly two  
hundred eighty three (283) feet  
from the point of intersection of  
the center line of Pennsylvania  
Highway Route 99 with the center  
line of a road running generally in  
an eastwest direction, commonly  
known as East Stancliffe Road, also  
known as Township Route T481;  
thence eastwardly at a 90 degree  
angle Pennsylvania Highway  
Route 99 two hundred fifty (250)  
feet to a point; thence southerly  
and parallel to said Pennsylvania  
Highway Route 99 eighty-four 84  
feet to a point; thence westerly two  
hundred fifty (250) feet to a point  
in the center line of Pennsylvania  
Highway Route 99; thence  
northerly along the center line of  
Pennsylvania Highway Route 99  
eighty-four (84) feet to the place of  
BEGINNING.

AND having erected a one-story  
frame dwelling having an address  
of 10231 Old Rt. 99, McKean, PA  
and bearing  
IDENTIFIED as TAX/PARCEL  
ID#: (31) 21-73-1-1 in the Deed  
Registry Office of Erie County,  
Pennsylvania.

PROPERTY ADDRESS: 10231  
Old Route 99, McKean, PA 16426  
Michael T. McKeever, Esquire  
Attorney for Plaintiff  
Suite 5000 - Mellon Independence  
Center, 701 Market Street  
Philadelphia, PA 19106  
(215) 627-1322

Aug. 28 and Sept. 4, 11

**SALE NO. 68**

**Ex. #13729 of 2008**

**Citifinancial Services Inc.,  
Plaintiff**

**v.**

**Felix A. Wozniak, Jr.,  
Defendant(s)**

**DESCRIPTION**

ALL THAT CERTAIN tracts  
or parcels of land, situate in  
McKean Township, Erie County,  
Pennsylvania, bounded and  
described as follows:  
Parcel 1: BEGINNING in the south  
line of Tract 36 at the Northwest

corner of land formerly of Timothy  
Stancliff; running thence along the  
West line of said land south 816  
perches, more or less, to the center  
of Stancliff Road, so-called; thence  
along the center of Stancliff Road  
West 59.8 perches to the Southwest  
corner of Parcel II herein; thence  
along the Easterly line of Parcel II  
herein North 816 perches, more or  
less, to the South line of Tract 36;  
and thence along the South line  
of Tract 36 East 59.8 perches to  
the point or place of beginning;  
containing 60 acres, more or less.  
PARCEL II; BEGINNING in the  
center of Stancliff Road and in the  
South line of Tract 415; running  
thence along the center of a public  
road North 816 perches, more or  
less; thence East 39.5 perches to  
the Northwest corner of Parcel I  
herein; thence along the Westerly  
line of Parcel I herein; thence along  
the Westerly line of Parcel I herein  
South 816 perches, more or less,  
to the center of Stancliff Road; and  
thence along the center thereof West  
59.5 perches to the point or place  
of beginning; containing 80 acres,  
more or less.

SAID THE PARCEL, taken  
together, containing 100 acres, more  
or less

BEING all of the same premises  
which John Bejarald and Alexandria  
Bejarald, his wife, by Deed dated  
February 16, 1948, and recorded  
in the Recorder's Office of Erie  
County, Pennsylvania, in Deed  
Book 416, at page 145, conveyed  
to Stove Wornick and Mary J.  
Wornick, his wife, the Grantors  
herein.

PROPERTY ADDRESS: 3450 East  
Stancliff Road, McKean, PA 16426  
Michael T. McKeever, Esquire  
Attorney for Plaintiff  
Suite 5000 - Mellon Independence  
Center, 701 Market Street  
Philadelphia, PA 19106  
(215) 627-1322

Aug. 28 and Sept. 4, 11

**SALE NO. 69**

**Ex. #11633 of 2009**

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



**Pennsylvania**

v.

**Arlene M. Bebko**

**SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 11633-09 Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania v. Arlene M. Bebko Arlene M. Bebko, owners of property situated in the City of Erie, Erie County, Pennsylvania being 4044 Marion Street, Erie, Pennsylvania 16510.

Tax I.D. No. 18-5250-116

Assessment: \$ 130,911.73

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

Aug. 28 and Sept. 4, 11

**SALE NO. 71**

**Ex. #18012 of 2008**

**BAC Home Loans Servicing, L.P.  
fka Countrywide Home Loans  
Servicing LP**

v.

**Stephen M. Fitzsimmons, a/k/a  
Stephen Fitzsimmons and  
Ann Marie Fitzsimmons a/k/a  
Ann M. Fitzsimmons**

**SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 18012-08 BAC Home Loans Servicing, L.P. fka Countrywide Home Loans Servicing LP v. Stephen M. Fitzsimmons a/k/a Stephen Fitzsimmons and Ann Marie Fitzsimmons a/k/a Ann M. Fitzsimmons

Stephen M. Fitzsimmons a/k/a Stephen Fitzsimmons and Ann Marie Fitzsimmons a/k/a Ann M. Fitzsimmons, owners of property situated in the Township of Waterford, Erie County, Pennsylvania being 12696 Plank Road, Waterford, Pennsylvania 16441.

Tax I.D. No. 47-030-063.0-006.00

Assessment: \$ 132,059.21

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

Aug. 28 and Sept. 4, 11

**SALE NO. 72**

**Ex. #14273 of 2008**

**U.S. Bank National Association  
as Successor Corporate Trustee  
to Wachovia Bank, N.A. as  
aforesaid and not individually**

v.

**Kimberly S. Raup and  
Vaughn L. Raup**

**SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 2008-14273 U.S. Bank National Association as Successor Corporate Trustee to Wachovia Bank, N.A. as aforesaid and not individually v. Kimberly S. Raup and Vaughn L. Raup Kimberly S. Raup and Vaughn L. Raup, owners of property situated in the Township of Washington, Erie County, Pennsylvania being 5448-5450 Linden Avenue, Edinboro, Pennsylvania 16412.

Tax I.D. No. (45) 16-29-3

Assessment: \$ 150,227.78

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

Aug. 28 and Sept. 4, 11

**SALE NO. 73**

**Ex. #12106 of 2009**

**BAC Home Loans Servicing, L.P.  
fka Countrywide Home Loans  
Servicing, LP.**

v.

**Barbara W. Shuttle**

**SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 12106-09 BAC Home Loans Servicing, L.P. fka Countrywide Home Loans Servicing, L.P. v. Barbara W. Shuttle Barbara W. Shuttle, owners of property situated in the City of Erie, Erie County, Pennsylvania being 511 Cranch Avenue, Erie, Pennsylvania 16511.

Tax I.D. No. 14-1111-219

Assessment: \$ 64,445.72

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

Aug. 28 and Sept. 4, 11

**SALE NO. 74**

**Ex. #11213 of 2007**

**Citibank, N.A. as Trustee for  
Chase Manhattan Mortgage  
2003-C1**

v.

**Gerald P. Smith and  
Michelle Smith**

**SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 11213-07 Citibank, N.A. as Trustee for Chase Manhattan Mortgage 2003-C1 v. Gerald P. Smith and Michelle Smith Gerald P. Smith and Michelle Smith, owners of property situated in the Township of Millcreek, Erie County, Pennsylvania being 2220 W. 32nd Street, Erie, Pennsylvania 16506.

Tax I.D. .No. (33) 73-307-17

Assessment: \$ 82,353.50

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

Aug. 28 and Sept. 4, 11

**SALE NO. 75**

**Ex. #11659 of 2009**

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

v.

**Matthew Socash and  
Karen L. Socash**

**SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 11659 of 2009 Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania v. Matthew Socash and Karen L. Socash

Matthew Socash and Karen L. Socash, owners of property situated in the City of Erie, Erie County, Pennsylvania being 640 Marne Road, Erie, Pennsylvania 16511.

Tax I.D. No. 14-011-016.0307.00

Assessment: \$ 91,581.11

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

Aug. 28 and Sept. 4, 11

**SALE NO. 76**

**Ex. #15403 of 2008**

**BAC Home Loans Servicing, L.P.  
fka Countrywide Home Loans  
Servicing, L.P. s/i/i/t Countrywide  
Home Loans, Inc.**

**v.**

**Ronald R. Spinelli a/k/a**

**Ronald R. Spinelli, Jr.**

**SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 15403-08 BAC Home Loans Servicing, L.P. fka Countrywide Home Loans Servicing, L.P. s/i/i/t Countrywide Home Loans, Inc. v. Ronald R. Spinelli a/k/a Ronald R. Spinelli, Jr. Ronald R. Spinelli a/k/a Ronald R. Spinelli, Jr., owners of property situated in the City of Erie, Erie County, Pennsylvania being 1403 East 37th Street, Erie, Pennsylvania 16504.

Tax I.D. No. 18-5223-106

Assessment: \$ 78,005.84

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

Aug. 28 and Sept. 4, 11

**SALE NO. 77**

**Ex. #11593 of 2009**

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

**v.**

**Kenneth S. Treiber,**

**Edith T. Treiber and**

**Stephen E. Treiber**

**SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 11593-09 BAC Home Loans Servicing, L.P. fka Countrywide Home Loans Servicing, L.P. v. Kenneth S. Treiber, Edith T. Treiber and Stephen E. Treiber

Kenneth S. Treiber, Edith T. Treiber and Stephen E. Treiber owners of property situated in the 2nd Ward of the City of Erie, Erie County, Pennsylvania being 506 East 14th Street, Erie, Pennsylvania 16503.

Tax I.D. No. (15) 2028-221

Assessment: \$ 19,089.43

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

Aug. 28 and Sept. 4, 11

**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**

**BURKHARDT, ELAINE K.,  
deceased**

Late of the Township of Millcreek, Erie County, Pennsylvania  
*Executor:* Dennis K. Burkhardt, c/o 2580 West 8th Street, Erie, Pennsylvania 16505  
*Attorney:* Ralph R. Riehl, III, Esq., 2580 West 8th Street, Erie, Pennsylvania 16505

**HILLS, GARY R.,  
deceased**

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

**JACK, JOSEPH E.,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Executrix:* Carolyn M. Jack, 240 Beverly Drive, Erie, PA 16505  
*Attorney:* Thomas A. Tupitza, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**KENT, KATHRYN L., a/k/a  
KATHRYN LORETA KENT,  
deceased**

Late of the City of Erie  
*Executrix:* Dixie K. (Kent) York  
*Attorney:* Michael G. Nelson, Esquire, Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, 300 State Street, Suite 300, Erie, Pennsylvania 16507

**LAURITO, ROCCO A.,  
deceased**

Late of the Township of Northeast  
*Executor:* Gerard P. Laurito  
*Attorney:* Joseph M. Walsh, III, Esq., Shapira, Hutzelman, Berlin, Ely, Smith and Walsh, 305 West 6th Street, Erie, PA 16507

**LYTLE, LEATHA M.,  
deceased**

Late of the Township of Millcreek, Commonwealth of Pennsylvania  
*Executrix:* Anita L. Marsh, c/o Joseph B. Spero, Esquire, 3213 West 26th Street, Erie, Pennsylvania 16506  
*Attorney:* Joseph B. Spero, Esq., 3213 West 26th Street, Erie, Pennsylvania 16506

**MAKAROWSKY, NONA,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Tamara Makarowsky, c/o James E. Marsh, Jr., Esq., Suite 300, 300 State Street, Erie, PA 16507  
*Attorney:* James E. Marsh, Jr., Esq., Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, Attorneys-at-Law, Suite 300, 300 State Street, Erie, PA 16507

**MYERS, HELEN L.,  
deceased**

Late of Greene Township, Erie County, Pennsylvania  
*Co-Executors:* Joseph E. Gausman, 12233 Donation Road, Waterford, PA 16441 and Larry D. Gafner, 2065 Strong Road, Waterford, PA 16441  
*Attorney:* Thomas C. Hoffman, II, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**OSTERBERG, RICHARD M.,  
deceased**

Late of the Borough of Albion, County of Erie, State of Pennsylvania  
*Executrix:* Eleanor J. Heim, 8366 Sun Lake Drive, Girard, Pennsylvania 16417  
*Attorney:* James R. Steadman, Esq., 24 Main St. E., Girard, Pennsylvania 16417

**SCHMIDT, DAVID C.,  
deceased**

Late of Millcreek Township, Erie County, Pennsylvania  
*Executrix:* Patricia A. Schmidt, 4701 Glen Crest Drive, Erie, PA 16509  
*Attorney:* Thomas C. Hoffman, II, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**SEABERG, ROBERT E.,  
deceased**

Late of the City of Erie  
*Administratrix:* Ruth M. Seaberg  
*Attorney:* Norman A. Stark, Esquire, The Stark Law Firm, 100 State Street, Suite 210, Erie, PA 16507

**SZKODA, ALOIS FRANK, a/k/a  
ALOIS F. SZKODA,  
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Anthony J. Erdley, 1010 Hartt Road, Erie, PA 16505  
*Attorney:* John E. Gomolchak, Esq., 3854 Walker Blvd., Erie, PA 16509

**WASHINGTON, WILLIE JOE,  
deceased**

Late of the City of Erie  
*Executor:* Gordon M. Mitchell,  
4425 E. Lake Road, Erie, PA  
16511  
*Attorney:* Larry D. Meredith,  
Esq., 2021 E. 20th St., Erie, PA  
16510

**WIEST, GERALDINE G.,  
deceased**

Late of Lawrence Park Township  
*Executor:* Beth A. Jones, c/o  
332 East 6th Street, Erie, PA  
16507-1610  
*Attorney:* Evan E. Adair, Esq.,  
Williams and Adair, 332 East 6th  
Street, Erie, PA 16507-1610

**WOTUS, MARIE J.,  
deceased**

Late of the City of Corry, County  
of Erie, Commonwealth of  
Pennsylvania  
*Executor:* Patrick Wotus, 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

**SECOND PUBLICATION**

**BOWERS, ROBERT J.,  
deceased**

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

**CLAYTON, JOHN F.,  
deceased**

Late of the Township of Concord,  
County of Erie, Commonwealth  
of Pennsylvania  
*Executor:* Gary W. Clayton, 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

**COOK, ROBERT W.,  
deceased**

Late of Summit Township, Erie  
County, Pennsylvania  
*Executrix:* Sandra Cashdollar,  
c/o 2580 West 8th Street, Erie,  
Pennsylvania 16505  
*Attorney:* Ralph R. Riehl, III,  
Esq., 2580 West 8th Street, Erie,  
Pennsylvania 16505

**JERIOSKI, MARY,  
deceased**

Late of the City of Erie, Erie  
County, Pennsylvania  
*Executor:* Frank J. Jerioski, Jr.,  
c/o Taggart Law Office, 1400  
Renaissance Centre, 1001 State  
Street, Erie, Pennsylvania 16501.  
*Attorney:* William Taggart, Esq.,  
1400 Renaissance Centre, 1001  
State Street, Erie, Pennsylvania  
16501

**LORANGER, RICHARD G.,  
deceased**

Late of the Township of  
Greenfield, County of Erie, State  
of Pennsylvania  
*Executrix:* Charise A. Loranger,  
c/o 78 East Main Street, North  
East, PA 16428  
*Attorney:* John C. Brydon, Esq.,  
Brydon Law Office, 78 East Main  
Street, North East, PA 16428

**MUTH, BERNICE M., a/k/a  
BERNICE J. MUTH, a/k/a  
BERNICE MUTH,  
deceased**

Late of the City of Erie  
*Executor:* Sherman D. Kohler,  
c/o 731 French Street, Erie, PA  
16510  
*Attorney:* M. Kathryn Karn,  
Esquire, Adruini, Jewell and  
Karn, 731 French Street, Erie, PA  
16501

**OSTERBERG, HELEN A.  
deceased**

Late of the Township of  
Millcreek, County of Erie,  
Commonwealth of Pennsylvania  
*Executor:* David L. Osterberg,  
c/o Quinn, Buseck, Leemhuis,  
Toohey & Kroto, Inc., 2222 West  
Grandview Blvd., Erie, PA 16506  
*Attorney:* Scott L. Wallen,  
Esquire, Quinn, Buseck,  
Leemhuis, Toohey & Kroto, Inc.,  
2222 West Grandview Blvd.,  
Erie, PA 16506

**WARNER, BLANCHE,  
deceased**

Late of the City of Erie, County  
of Erie and Commonwealth of  
Pennsylvania  
*Administrator:* Lisa Warner, c/o  
227 West 5th Street, Erie, PA  
16507  
*Attorney:* Mark O. Prenatt,  
Esquire, 227 West 5th Street,  
Erie, Pennsylvania 16507

**WHITE, LAURENCE A., a/k/a  
LAURENCE WHITE,  
deceased**

Late of Millcreek Township,  
County of Erie and State of  
Pennsylvania  
*Executrix:* Margaret White, 4322  
Lauriston Street, Philadelphia, PA  
19128  
*Attorney:* Ronald J. Susmarski,  
Esq., 4030-36 West Lake Road,  
Erie, PA 16505

**WYKOFF, THELMA J.,  
deceased**

Late of the Township of North  
East, County of Erie and  
Commonwealth of Pennsylvania  
*Administrator:* William Wykoff,  
c/o Kevin M. Monahan, Esq.,  
Suite 300, 300 State Street, Erie,  
PA 16507  
*Attorney:* Kevin M. Monahan,  
Esq., Marsh, Spaeder, Baur,  
Spaeder & Schaaf, LLP,  
Attorneys-at-Law, Suite 300, 300  
State Street, Erie, PA 16507

**THIRD PUBLICATION**

**DOWD, GEORGE MICHAEL,  
deceased**

Late of the City of Erie, County of Erie  
*Administrator:* George J. Dowd, 1177 Southview Drive, Erie, PA 16509  
*Attorney:* Donald J. Rogala, Esq., 246 West Tenth Street, Erie, PA 16501

**GAMMIERO, ANTHONY D.,  
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Dorothy Ducato  
*Attorney:* William T. Morton, Esquire, 3213 West 26th Street, Erie, PA 16506

**HANES, ROBERT P.,  
deceased**

Late of the City of Erie  
*Executrix:* Marion Samick Hanes  
*Attorney:* Lawrence L. Kinter, Esquire, 3820 Liberty Street, Erie, PA 16509

**HONARD, KENNETH J., a/k/a  
KENNETH JOHN HONARD,  
deceased**

Late of the City of Erie, Pennsylvania  
*Executor:* James J. Honard, c/o Jerome C. Wegley, Esq., 120 West 10th Street, Erie, PA 16501  
*Attorney:* Jerome C. Wegley, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**MADAR, AGNES,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executor:* Gary M. Madar  
*Attorney:* James H. Richardson, Jr., Esq., Elderkin, Martin, Kelly & Messina, 150 East 8th Street, Erie, PA 16501

**NOTARANGELO, NELLA M.,  
a/k/a NELLA MARIE  
NOTARANGELO,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Executrix:* Carmella Marie Tellers, c/o Raymond A. Pagliari, Esq., 307 French Street, Erie, Pennsylvania 16507-1542  
*Attorney:* Raymond A. Pagliari, Esq., 307 French Street, Erie, Pennsylvania 16507-1542

**ORLANDO, VIOLA F.,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Diane M. Nucerino, c/o 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508  
*Attorney:* Darlene M. Vlahos, Esquire, 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508

**PRUEADENTI, FRANK JR.,  
deceased**

Late of the Township of Millcreek, County of Erie, Pennsylvania  
*Executor:* James A. Prueadenti, c/o 900 State Street, Suite 215, Erie, PA 16501  
*Attorney:* Gregory L. Heidt, Esquire, 900 State Street, Suite 215, Erie, PA 16501

**ROWANE, WILLIAM A.,  
deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania  
*Executors:* Joyce E. Rowane, 5029 Westbury Farms Drive, Erie, PA 16506-6119 and Christopher M. Rowane, 6685 Deerview Drive, Loveland, OH 45140-5920  
*Attorney:* James D. Cullen, Esquire, MacDonald, Illig, Jones & Britton, LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**ROZELLE, SUSAN ELIZABETH,  
a/k/a SUSAN E. ROZELLE,  
deceased**

Late of Fairview Township  
*Executor:* Jay T. Rozelle, 368 Mooreheadville Road, North East, PA 16428  
*Attorney:* None

**ZUBER, RITA C.,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Co-Administratrices:* Anna Marie Rembert, 1029 W. 34th St., Erie, PA 16508; Jane Marie Durovchic, 3003 Hampton Road, Erie, PA 16508; Kathleen Ann Lane, 503 Dunn Blvd., Erie, PA 16507  
*Attorney:* Christine Hall McClure, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

## CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

**Eric G. Carr** ----- (814) 452-4451  
402 West Sixth Street ----- (f) (814) 452-6527  
Erie, PA 16507 ----- *unitylaw@gmail.com*

### New Email Address

**Ted G. Miller** ----- *mlrconsult@verizon.net*

### New Address

**Francis J. Constantine**

32 West 8th Street, 400 Masonic Temple  
Erie, PA 16501

*Telephone and fax numbers will remain the same.*

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.

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

Have you made your contribution yet?

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

# *Erie County Bar Association*

## *Videoconferencing Services*



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It is available to our members and to the business community.

### WHAT CAN VIDEOCONFERENCING BE USED FOR?

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

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Members of the Erie County Bar Association should contact the ECBA office regarding member rates.

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*Optional services/fees:*

\$25 - VHS tape of conference

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

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*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)*



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