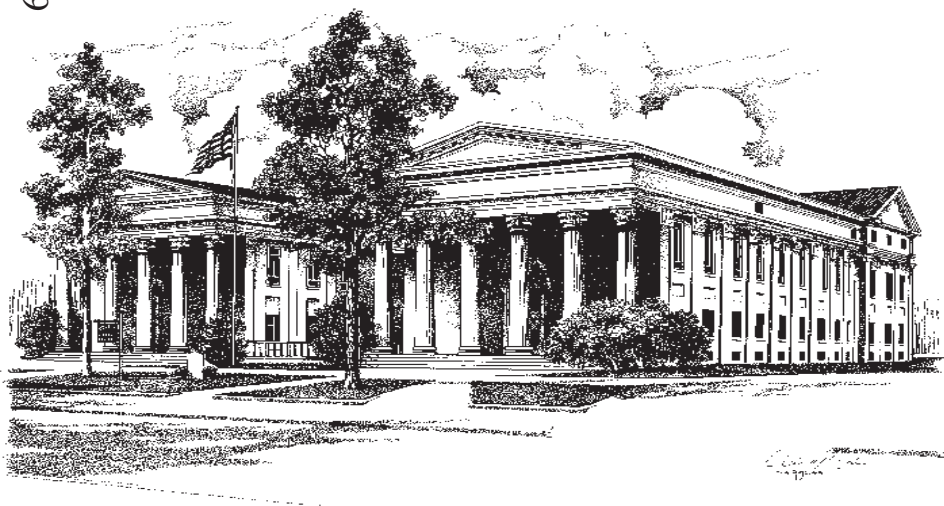


*Erie  
County  
Legal  
Journal*

November 6, 2009

Vol. 92 No. 45

USPS 178-360



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92 ERIE 252 - 265

Vaughn, et al., v. Fairview Manor, et al.

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# Erie County Legal Journal

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

Managing Editor: Paula J. Gregory

Associate Editor: Heidi M. Weismiller

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

# Erie County Bar Association

## Calendar of Events and Seminars

### TUESDAY, NOVEMBER 10, 2009

*Elder Law Update*  
PBI Groupcast Seminar  
Bayfront Convention Center  
9:00 a.m. - 12:15 p.m. (8:30 a.m. reg.)  
\$224 (member) \$204 (admitted after 1/1/05)  
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3 hours substantive

### WEDNESDAY, NOVEMBER 11, 2009

*Critical Evidentiary Issues in Capital Cases*  
PBI Groupcast Seminar  
Erie County Bar Association  
12:30 p.m. - 4:45 p.m. (12:00 p.m. reg.)  
LUNCH INCLUDED  
\$224 (member) \$204 (admitted after 1/1/05)  
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3 hours substantive / 1 hour ethics (integrated)

### THURSDAY, NOVEMBER 12, 2009

*Estates & Trusts 101*  
ECBA Live Seminar  
Bayfront Convention Center  
12:30 p.m. - 1:30 p.m. (12:00 lunch)  
\$27 (ECBA member) \$39 (nonmember)  
Free (new admittees)  
1 hour substantive

### MONDAY, NOVEMBER 16, 2009

*Bankruptcy 101*  
ECBA Live Seminar  
US Federal Courthouse - Hon. T. Agresti Courtroom  
9:00 a.m. - 10:00 a.m.  
\$27 (ECBA member) \$39 (nonmember)  
Free (new admittees)  
1 hour substantive

### TUESDAY, NOVEMBER 17, 2009

ECBA Live Seminars  
Bayfront Convention Center  
*Family Law 101* (11:00 a.m. - 12:00 p.m.)  
AND  
*Workers' Compensation 101* (12:30 p.m. - 1:30 p.m.)  
Lunch (12:00 - 12:30 p.m.)  
\$39 (ECBA member) \$50 (nonmember)  
Free (new admittees)  
1 hour substantive for each seminar

### TUESDAY, NOVEMBER 17, 2009

*Advanced Issues in Social Security Disability*  
PBI Video Seminar  
Bayfront Convention Center  
9:00 a.m. - 4:00 p.m. (8:30 a.m.)  
\$149 (member) \$129 (admitted after 1/1/05)  
\$169 (nonmember)  
5 hours substantive / 1 hour ethics

### WEDNESDAY, NOVEMBER 18, 2009

*13th Annual Family Law Update*  
PBI Groupcast Seminar  
Bayfront Convention Center  
8:30 a.m. - 1:00 p.m. (8:00 a.m. reg.)  
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\$244 (nonmember)

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4 hours substantive

### THURSDAY, NOVEMBER 19, 2009

ECBA Live Seminars  
Bayfront Convention Center  
*Criminal Law 101* (11:00 a.m. - 12:00 p.m.)  
AND  
*Real Estate 101* (12:30 p.m. - 1:30 p.m.)  
Lunch (12:00 - 12:30 p.m.)  
\$39 (ECBA member) \$50 (nonmember)  
Free (new admittees)  
1 hour substantive for each seminar

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Nov. 6, 13

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Nov. 6

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## ***Case #11: Legal Records vs. Water Damage***

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IN THE UNITED STATES BANKRUPTCY COURT FOR  
THE WESTERN DISTRICT OF PENNSYLVANIA  
MOTION COURT DATES FOR CHIEF JUDGE THOMAS P. AGRESTI  
In Re: ERIE DIVISION SCHEDULING PROCEDURES  
NOVEMBER 2009 NOTICE

The following is a list of *November 2009 through January 2010* motion court dates and times to be used for the scheduling of motions pursuant to *Local Rule 9013-5(A)* before **Chief Judge Thomas P. Agresti** in the Erie Division of the Court. The use of these dates for scheduling motions consistent with the requirements of *Local Rule 9013-5(A)* is summarized below and on Chief Judge Agresti's website at: [www.pawb.uscourts.gov](http://www.pawb.uscourts.gov). ***The motions will be heard in the Bankruptcy Courtroom, U.S. Courthouse, 17 South Park Row, Erie, PA 16501.***

**ERIE CH. 13 AND CH. 7 CASES**

Counsel for a moving party shall select one of the following dates and times for matters subject to the "self-scheduling" provisions of the *Local Rules* (See Court Website at <http://www.pawb.uscourts.gov> and *W.D. PA Local Rule 9013-5(A)*), insert same on the notice of hearing for the motion, and serve the notice on all respondents, trustee(s) and parties in interest. Where a particular type of motion is listed at a designated time, filers shall utilize that time for the indicated motions(s) *unless*: (a) special arrangements have been approved in advance by the Court, or, (b) another motion in the same bankruptcy case has already been set for hearing at a different time and the moving party chooses to use the same date and time as the previously scheduled matter.

**Scheduling of CHAPTER 13 Motions  
before Chief Judge Thomas P. Agresti**

Wednesday, November 18, 2009

~~Wednesday, December 9, 2009~~

***changed to Tuesday, December 15, 2009***

Wednesday, January 6, 2010

Wednesday, January 27, 2010

1:30 p.m.: Open for all Erie matters

2:00 p.m.: Open for all Erie matters

2:30 p.m.: Open for all Erie matters

(Sale, Financing and Extend/Impose Stay Motions  
scheduled at this time)

**Scheduling of CHAPTER 7 Motions  
before Chief Judge Thomas P. Agresti**

Thursday, November 5, 2009

Thursday, November 19, 2009

Thursday, December 3, 2009

Thursday, December 17, 2009

Thursday, January 7, 2010

Thursday, January 21, 2010

1:30 p.m.: Open for all Erie matters

2:00 p.m.: Open for all Erie matters

**ERIE CHAPTER 11 CASES**

The Self-scheduling Rule does not apply to Chapter 11 cases. Documents are to be electronically filed with the Clerk's Office. Thereafter, scheduling Orders will be issued from Chambers which schedule any required hearings and, where applicable, outline the specific procedures to be utilized. *Any pleadings in Chapter 11 cases which are self-scheduled will be dismissed upon filing.*

***ALL OF THE ABOVE DATES ARE SUBJECT TO REVISION. Please check each month for any changes in the dates that have been published previously. THIS SCHEDULE CAN BE VIEWED ON PACER (Public Access to Court Electronic Records) and on the Court's Web Site ([www.pawb.uscourts.gov](http://www.pawb.uscourts.gov)).***

John J. Horner  
Clerk of Court

Nov. 6

**BRENDA J. VAUGHN, Executor of the Estate of Christine D. Vaughn, Deceased, and GLENDA ARRINGTON, Executor of the Estate of Christine D. Vaughn, Deceased, Plaintiffs**

**v.**

**FAIRVIEW MANOR; HCF OF FAIRVIEW, INC.;  
DAVID C. LESSESKI, D.O., and PRESQUE ISLE FAMILY  
MEDICINE, INC., Defendants**

*PLEADINGS / PRELIMINARY OBJECTIONS*

Preliminary objections in the form of a demurrer should be sustained only when the facts averred are clearly insufficient to establish the pleader's right to relief. The Court's analysis must be limited to the pleadings alone and may not include testimony or evidence outside the Complaint. Grant of demurrer is appropriate only in those cases so 'clear and free from doubt' that plaintiff will be unable to prove legally sufficient facts to establish any right to relief.

*PLEADINGS / GENERAL REQUIREMENTS*

While 42 Pa.R.C.P. 1019(a) requires pleadings "to allege the material facts on which a cause of action...is based...in a concise and summary form" the Court has broad discretion in determining the level of specificity that is required. While the pleadings alone may not be sufficient for an adverse party to make adequate preparations for trial, the Court may nevertheless dismiss preliminary objections seeking greater specificity if the Court believes it would be more practical for the adverse party to use discovery to obtain the necessary information.

*ALTERNATIVE DISPUTE RESOLUTION / ARBITRATION*

Arbitration agreement entered into by decedent will not be enforced in wrongful death and survival lawsuit when lawsuit included parties (wrongful death plaintiffs and a defendant) and claims (wrongful death) that were not subject to arbitration agreement because bifurcation of the arbitrable claims would be an inefficient use of resources for the parties; would create risk of inconsistent results on the same facts; and would unnecessarily protract resolution of the issues.

*PLEADINGS / PRELIMINARY OBJECTIONS*

Statute of limitations defense may not be raised via preliminary objection.

*NEGLIGENCE / ACTS OR OMISSIONS CONSTITUTING*

Negligence *per se* can be established by demonstrating (1) the violation of a statute or regulation designed to protect a group of individuals (as opposed to the public) (2) which statute clearly applies to the defendant's conduct; and (3) the violation of which is the proximate cause of plaintiff's injury.

*NEGLIGENCE / ACTS OR OMISSIONS CONSTITUTING*

18 Pa. C. S. § 2713, which defines offenses relating to the neglect of a dependent person by a "caretaker," has as its purpose the protection of

care-dependent individuals and may be furthered by claims of plaintiffs alleging injury stemming from a violation of the act. Thus, its violation may establish negligence *per se*.

*NEGLIGENCE / ACTS OR OMISSIONS CONSTITUTING*

The corporate liability doctrine imposes on hospitals: (1) a duty to use reasonable care in the maintenance of safe and adequate facilities and equipment; (2) a duty to select and retain only competent physicians; (3) a duty to oversee all persons who practice medicine within its walls as to patient care; and (4) a duty to formulate, adopt and enforce adequate rules and policies to ensure quality care for patients.

*NEGLIGENCE/ACTS OR OMISSIONS CONSTITUTING*

The corporate liability doctrine applies to nursing homes when there is a comprehensive control by the nursing home over the resident's medical treatment and care.

*NEGLIGENCE / NECESSARY ALLEGATIONS OF PLEADINGS*

Allegations in complaint that resident entered nursing home; engaged the home to provide nursing care; and also selected the nursing home's medical director to be her primary physician sufficiently described the pervasive nature of the nursing home's control over her care to withstand nursing home's demurrer to claim of corporate negligence.

*PLEADINGS / PRELIMINARY OBJECTIONS*

Failure to identify the specific employees or agents whose actions give rise to a claim for vicarious liability is not a fatal pleading defect because the defendant employer can obtain this information through the discovery process.

*NEGLIGENCE / ACTS OR OMISSIONS CONSTITUTING*

Nursing home does not have duty to notify each and every family member of dependent's physical condition but nursing home does have a duty to so notify the resident or her guardian, power of attorney or contact person and cause of action premised on nursing home's failure to so notify an appropriate person will not be dismissed on preliminary objection.

*TORTS / BATTERY / INFORMED CONSENT*

Allegation that defendant physician was negligent in "(H)olding out expertise which induced decedent and her family that adequate and proper care would be provided when, in fact, adequate proper and reasonable care were not provided" is not sufficient to serve as the basis of a claim for lack of informed consent because informed consent sounds in battery, not negligence.



Appearances: Christina S. Nacopoulos, Esq., Attorney for Plaintiffs  
Brenda Vaughn and Glenda Arrington  
Thomas M. Lent, Esq., Attorney for Defendants,  
Fairview Manor and HCF of Fairview, Inc.  
Steven S. Forry, Esq., Attorney for Defendants, David C.  
Lesseski, D.O. and Presque Isle Family Medicine, Inc.

### **OPINION AND ORDER**

DiSantis, Ernest J., Jr., J.

This case comes before this Court on the preliminary objections filed by all defendants and the Motion For Sanctions pursuant to Rules 1023.2

and 1023.4 filed by Fairview Manor and HCF of Fairview, Inc.

#### **I. BACKGROUND OF THE CASE**<sup>1</sup>

##### **A. Procedural History**

Plaintiffs initiated this action by filing a writ of summons on December 10, 2008. Defendant Lesseski filed a Rule To File Complaint on February 23, 2009. On March 12, 2009, plaintiffs filed a Motion For Pre-Complaint Discovery/Motion To Stay Rule To File Complaint. Defendants Fairview Manor and HCF of Fairview, Inc. ("HCF") objected. Plaintiffs' motion was granted in part by this Court. On May 12, 2009, plaintiffs filed a 71-page Complaint alleging wrongful death and survival actions against each defendant. Plaintiffs further allege cause of actions for corporate liability and negligence *per se* against Fairview Manor. On June 4, 2009, Lesseski and Presque Isle Family Medicine, Inc. ("PIFM") filed preliminary objections and a brief in support. On June 4, 2009, Fairview Manor and HCF filed preliminary objections. They filed a supporting brief on June 12, 2009. On June 24, 2009, Lesseski and PIFM filed a supplemental brief in connection with the parties' pending preliminary objections. On June 26, 2009, Fairview Manor and HCF filed the motion for sanctions referred to above. On July 6, 2009, plaintiffs filed a brief in opposition to the Lesseski and PIFM preliminary objections. On July 8, 2009, plaintiffs filed a brief in opposition to the preliminary objections filed on behalf of Fairview Manor and HCF. On July 8, 2009 plaintiffs filed a brief in response to Fairview Manor & HCF's Motion To Compel Arbitration and Lesseski and PIFM's supplemental brief regarding arbitration. Ancillary filings followed.

##### **B. Factual History**

On January 25, 2005, Christine D. Vaughn was admitted to Fairview Manor for nursing care. During the course of her stay, Dr. Lesseski, Fairview Manor's Medical Director, became her personal physician.

---

<sup>1</sup> The background of the case is based upon the filings of record.



Upon admission, Ms. Vaughn was ambulatory and free of any pressure sores or infections. Her medical conditions were manageable and none were life-threatening. During her stay at Fairview Manor, she developed pressure ulcers, immobility and a deterioration of her physical condition. She had a number of accidents which resulted in unexplained bruising and skin breakdowns. The pressure ulcers occurred on several areas of her body, including her feet, coccyx and thighs. The skin breakdown occurred on virtually all areas of her body. In and around December 2006, she experienced a clostridium difficile infection that caused diarrhea. This condition eventually progressed to toxic colitis. She became so dehydrated that her kidneys shut down. In October, 2006, she was hospitalized at Hamot Medical Center in Erie. After treatment, she was discharged. She was readmitted on December 11, 2006, when she showed signs of massive dehydration and stage four pressure ulcers. They were oozing, painful and fist-deep. Her clostridium difficile infection had progressed to the point that her white blood cell count was so grossly abnormal that she had no chance of recovering. Ms. Vaughn died on December 20, 2006.

## **II. THE MOTIONS BEFORE THE COURT**

The motions currently before the Court can be summarized as follows:

### **A. Preliminary Objections of Fairview Manor and HCF**

Defendants assert that this matter must be submitted to arbitration, relying upon Section IV of the Admissions Agreement signed by Glenda Vaughn (as Christine Vaughn's power of attorney) on January 25, 2005. They request that, pursuant to Pa.R.Civ. P. 1028(a)(6), preliminary objections be sustained because the agreement compels alternative dispute resolution.

They also request this Court strike Count I ¶¶ 30 - 34, 98 - 102, 160 - 162, 165 - 168, 172 - 173, 183 - 184, subparagraphs 185(a) - (i), (o) - (u), 9(w) - (ff), (jj) - (nn), (pp) - (ccc), (eee) - (qqq) and 186 of the complaint. They posit that the plaintiffs' allegations are so vague and overbroad that plaintiffs can assert almost any theory of liability, without specifically defining their claims. See, ¶¶ 26 - 30 of the preliminary objections.

These defendants further argue that the complaint is deficient because plaintiffs have failed to identify the names of agents, servants, employees, staff members, etc. who were engaged in conduct that supports the claims. See, ¶¶ 31 - 39 of the preliminary objections. Defendants point out that plaintiffs - through pre-complaint discovery - had the means to identify those individuals who treated the plaintiff. Defendants state it is virtually impossible for them to respond to the vicarious liability claim because defendants do not know through whom the actions are imputed. See, ¶¶ 40 - 46 of the preliminary objections.

Defendants have moved to strike all alleged scandalous and

impertinent material. They strenuously object to the plaintiffs' allegations of negligence *per se* predicated upon the violation of a criminal statute, 18 Pa.C.S.A. § 2713.<sup>2</sup> They further object to plaintiffs' assertion of a cause of action based upon Fairview Manor's failure to notify the deceased's family of the nature, extent and severity of her condition. They argue that no such duty exists in Pennsylvania. See, ¶¶ 47 - 56 of the preliminary objections.

Defendants further argue that many of the events occurred beyond the two-year statute of limitations. See, ¶¶ 58 - 64 of the preliminary objections.

Defendants also contend that allegations of corporate liability/negligence should be stricken from the complaint because Pennsylvania's appellate courts do not recognize a cause of action for corporate negligence against a nursing home. See, ¶¶ 66 - 75 of the preliminary objections.

Finally, defendants have moved to strike any claim for punitive damages for insufficient specificity of the pleading.

### **B. Preliminary Objections of Defendants Lesseski and PIFM**

These defendants first argue that there is no Pennsylvania law supporting the plaintiffs' purported theory that there was a duty to notify the patient's entire family of the nature, extent and severity of her condition. They state that there is no negligence survival claim extant in Pennsylvania predicated upon that basis. See, ¶¶ 8 - 12 of the preliminary objections. They also argue that the alleged cause of action for lack of informed consent against Dr. Lesseski cannot stand absent an allegation that he misrepresented his expertise and that this caused the decedent to choose him rather than another physician. See, ¶¶ 13 - 15 of the preliminary objections.

Defendants move to strike plaintiffs' allegation of lack of informed consent based upon plaintiffs' claims that Dr. Lesseski was negligent by: "Holding out expertise which induced decedent and her family that adequate and proper care would be provided when, in fact, adequate proper and reasonable care were not provided". Complaint, ¶ 192 vv.

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<sup>2</sup> That statute provides, in part:

**§2713. Neglect of care-dependent person**

**(a) Offense defined.** -- A caretaker is guilty of neglect of a care-dependent person if he:

- (1) Intentionally, knowingly or recklessly causes bodily injury or serious bodily injury by failing to provide treatment, care, goods or services necessary to preserve the health, safety or welfare of a care-dependent person for whom he is responsible to provide care....

The term "caretaker" is defined in subsection (f) of the statute. It includes the owner, operator, manager or employee of a nursing home.

After review, this Court agrees with defendants that this cannot serve as the basis of a lack of informed consent claim because that type of claim sounds in battery, not negligence. To the extent plaintiffs allege a cause of action for fraudulent representation, it is not properly pleaded.

Defendants also move to strike paragraphs 192(ww) through 192(bbb) of the complaint on the grounds that the allegations are vague and boilerplate. See, ¶¶ 16 - 21 of the preliminary objections.

Defendants next argue that: (1) references to "punitive" and "reckless" conduct found in Complaint ¶¶ 193, 197 - 209 should be stricken because there are no degrees of negligence in Pennsylvania; and (2) the allegations do not support a claim for punitive damages. See, ¶¶ 22 - 35 of the preliminary objections.

Defendants also move to strike ¶ 193(d), a survival claim, because under their interpretation of Pennsylvania Law, these damages are only available under the Wrongful Death Act, 42 Pa.C.S.A. § 8301. They conclude that duplicative damages cannot be awarded. See, ¶¶ 36 - 40 of the preliminary objections.

Plaintiffs have filed a response asserting counter arguments.

### **C. Motion For Sanctions**

Defendants Fairview Manor and HCF filed a Motion For Sanctions pursuant to Pa.R.Civ.P. 1023.2 and 1023.4. In brief, they seek to strike any allegations that the defendants violated 18 Pa.C.S.A. § 2713. They further request sanctions because the plaintiffs refused to submit the controversy to arbitration. As part of their claim, they request reasonable attorneys' fees and costs for preparing and presenting the sanctions motion, as well as for preparing and presenting their preliminary objections and brief.

Plaintiffs oppose this motion as well.

## **III. LEGAL DISCUSSION**

Preliminary objections are governed by Pa.R.C.P. 1028. The rule provides that:

(a) Preliminary objections may be filed by any party to any pleading and are limited to the following grounds:

- (1) lack of jurisdiction over the subject matter of the action or the person of the defendant, improper venue or improper form or service of a writ of summons or a complaint;
- (2) failure of a pleading to conform to law or rule of court or inclusion of scandalous or impertinent matter;
- (3) insufficient specificity in a pleading;
- (4) legal insufficiency of a pleading (demurrer);

- (5) lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action; and
- (6) pendency of a prior action or agreement for alternative dispute resolution.

Generally, a preliminary objection in the form of a demurrer should be sustained when the facts averred are clearly insufficient to establish the pleader's right to relief. *HCB Contractors v. Liberty Palace Hotel Associates*, 652 A.2d 1278, 1279 (Pa. 1995). Moreover, when taking into account a motion for a demurrer, the trial court must recognize as true "all well-pleaded material facts set forth in the complaint and all inferences fairly deducible from those facts." *Yocca v. Pittsburgh Steelers Sports, Inc.*, 854 A.2d 425, 436 (Pa. 2004) (quoting *Small v. Horn*, 722 A.2d 664, 668 (Pa. 1998)).

Additionally, "conclusions of law and unjustified inferences are not admitted by the pleadings," *Lobolito, Inc., v. North Pocono Sch. Dist.*, 755 A.2d 1287, 1289 n.2 (Pa. 2000), and the trial court must resolve the intrinsic worth "of the preliminary objections 'solely on the basis of the pleadings' and not on testimony or evidence outside the complaint." *Belser v. Rockwood Casualty Ins. Co.*, 791 A.2d 1216, 1219 (Pa. Super. 2002) (quoting *Williams v. Nationwide Mut. Ins. Co.*, 750 A.2d 881, 883 (Pa. Super. 2000)); see also *Texas Keystone, Inc., Pennsylvania Department of Conservation and Natural Resources*, 851 A.2d 228, 239 (Pa.Cmwlth. 2004). A demurrer confronts the pleadings insisting that under the cause of action, relief cannot "be granted under any theory of law." See *Regal Industrial Corp., v. Crum and Forster, Inc.*, 890 A.2d 395, 398 (Pa. Super. 2005); *Sutton v. Miller*, 692 A.2d 83, 87 (Pa. Super. 1991); see also *Previsch v. Northwest Med. Ctr.*, 692 A.2d 192, 197 (Pa. Super. 1997), affirmed, 553 Pa. 73, 717 A.2d 1023 (1998) (citing *Chiropractic Nutritional Assoc., Inc. v. Empire Blue Cross and Blue Shield*, 669 A.2d 975, 984 (Pa. Super. 1995) ("...a dismissal of a cause of action should be sustained only in cases that are [so] 'clear and free from doubt' that the plaintiff [litigant] will be unable to prove legally sufficient facts to establish any right to relief.")).

Pleading is governed by Pa.R.C.P. 1019. Rule 1019(a) requires pleadings "to allege the material facts on which a cause of action ... is based ... in a concise and summary form," and a court must ascertain whether the facts alleged are "sufficiently specific so as to enable defendant to prepare his defense." *Smith v. Wagner*, 588 A.2d 1308, 1310 (Pa. 1991) (quoting *Baker v. Rangos*, 324 A.2d 498, 505-506 (Pa. Super. 1974)). 'Material facts' are 'ultimate facts,' i.e., those facts essential to support the claim. *The General State Authority v. The Sutter Corporation*, 356 A.2d 377, 381 (Pa.Cmwlth. 1976); See also,

*The General State Authority v. The Sutter Corporation*, 403 A.2d 1022, 1025 (Pa.Cmwlth. 1979).

Regarding the level of specificity in pleadings, the court has broad discretion in determining the amount of detail. *United Refrigerator Co. v. Applebaum*, 189 A.2d 253, 254 (Pa. 1963). In lieu of preliminary objections, a party may avail itself of the Pennsylvania Rules of Civil Procedure regarding discovery at 4001 *et seq.*, if it believes facts are required which were not contained, as desired, in a particular pleading. *Brandeis v. Kenny*, 31 Pa. D. & C. 2d 347, 349 (C.P. Montgomery Co. 1963) (holding that if a party believes themselves unable from the pleadings alone to make adequate preparations for trial they may resort to the Pennsylvania Rules of Civil Procedure). As between the use of preliminary objections and/or discovery to obtain material facts as to a party's cause of action or defense, a court may dismiss the preliminary objections if it believes discovery to be more practical than further pleadings. *Brandeis*, 31 Pa. D. & C. 2d at 352.

#### Whether this controversy should be submitted to arbitration?

The arbitration provision is set forth in Section IV of the Admission Agreement which was signed by Glenda Vaughn (as Christine Vaughn's power of attorney) and Fairview Manor on January 25, 2005, the day of Christine Vaughn's admission. It provides that:

#### **IV. RESOLUTION OF LEGAL DISPUTES**

The parties wish to work together to resolve any disputes in a timely fashion and in a manner that minimizes both of their legal costs. Therefore, in consideration of the mutual promises contained in this Agreement, You and the Manor agree to submit legal disputes to binding arbitration, as follows:

**A. Disputes To Be Arbitrated.** Any legal controversy, dispute, disagreement or claim of any kind now existing or occurring in the future between the parties arising out of or in any way relating to this Agreement or the Resident's stay at the Manor shall be settled by binding arbitration, including but not limited to, all claims based on breach of contract, negligence, medical malpractice, tort, breach of statutory duty, resident's rights, and any departures from accepted standards of care. This includes claims against the Manor, its employees, agents, officers, directors, any parent, subsidiary or affiliate of the Manor.

Section V of the Admission Agreement (miscellaneous matters) states, in pertinent part, as follows:

**E. Partially Illegality.** This Agreement shall be construed in accordance with the laws of the State of Pennsylvania, and

the county in which the Manor is located, and shall be the sole and exclusive venue for any dispute between the parties. If any portion of this Agreement is determined to be illegal or not in conformity with applicable laws and regulations, such part shall be deemed to be modified so as to be in accordance with such laws and regulations, and the validity of the balance of this Agreement shall not be affected,

(emphasis added). The last page also has a caveat (in bold capitalization) as follows:

**I DO FOR MYSELF (AND ON BEHALF OF THE RESIDENT, IF APPROPRIATE), AND THE HEIRS, ADMINISTRATORS AND EXECUTORS OF MYSELF AND THE RESIDENT, AGREE TO THE TERMS OF THIS AGREEMENT IN CONSIDERATION OF THE FACILITY'S ACCEPTANCE OF AND RENDERING SERVICES TO THE RESIDENT.**

Arbitration agreements are strictly construed and should not be extended by implication. *Hassler v. Columbia Gas Transmission Corp.*, 464 A.2d 1354 (Pa Super 1983); *Cumberland - Perry Area of Vocational - Technical School Authority v. Bogar & Bink*, 396 A.2d 433 (Pa. Super. 1978). They are contracts and it is for the court to determine whether an expressed agreement between the parties to arbitrate exists or existed. *Smith v. Cumberland Group, LTD.*, 687 A.2d 1167, 1171 (Pa. Super. 1997). The Court may enforce certain provision of arbitration agreements while setting aside others based upon valid contract defenses such as duress, illegality, fraud and unconscionability. *Lytle v. CitiFinancial Services*, 810 A.2d 643, 656-657 (Pa. Super. 2002). abrogated on other grounds by *Sally v. Option One Mortgage Corp.*, 925 A.2d 115, 129 (Pa. 2007). Title 42 Pa.C.S.A. § 7303 reflects that proposition.

Plaintiffs argue that there are eight persons (decedent's children) who have independent personal claims against the defendants for the wrongful death of Ms. Vaughn. They are listed at page six of the Plaintiffs' Brief filed July 8, 2009. Plaintiffs assert that because decedent's children are not parties to the contract, they have no obligation to arbitrate. Plaintiffs further assert that because the children have separate claims under the Wrongful Death statute, and because a wrongful death action and survival action must be consolidated for trial [Pa.R.Civ.P. 213(e)], the matters cannot be bifurcated and submitted for arbitration. See, *Graziosi v. Altoona Center For Nursing Care, LLC*, Blair County No. 2006 GN 4189 (December 20, 2006, Sullivan, J.). Plaintiffs also argue that as a matter of judicial economy, severing the claims would "engender

enormous costs and expenses to the plaintiffs, which would impair their ability to proceed further". See Plaintiffs' Brief at 9. See, *Central Contracting Co. v. C.E. Youngdahl & Co.*, 209 A.2d 810, 816 (Pa. 1965). Plaintiffs note that Defendant Lesseski is not a party to the agreement and, therefore, claims against him, as well as PIFM, could not be arbitrated.

Plaintiffs also argue that the Arbitration Agreement is voidable because it is the product of a confidential relationship. Because such a contract is presumptively voidable, the matter cannot be submitted for arbitration. See, *Frowen v. Blank*, 425 A.2d 412, 416 (Pa. 1981).<sup>3</sup>

First, the only parties to the admission agreement were Christine Vaughn and the defendants, Fairview and HCF. Second, it does appear that certain claims related to her care could be raised after her death if asserted during the applicable statute of limitations. See, Arbitration Code of Procedure, Rule 10 at 11. (Plaintiffs' Brief, Exhibit "3"). Third, Christine Vaughn's children have separate causes of action under the Wrongful Death Act, 42 Pa.C.S.A. § 8301(b). Fourth, although the law favors the arbitration of disputes, it would be a waste of resources to bifurcate the survival claim (which may be subject to the arbitration agreement) from the wrongful death claim. Cf. Pa.R.Civ.P. 213(e). There will be two proceedings involving the same facts and possibly some of the same defenses. This will not only increase expenses, but it will unnecessarily protract resolution of the issues. Therefore, the actions should be consolidated for disposition and this lawsuit is the appropriate procedural vehicle to accomplish that end.

Defendants Fairview Manor and HCF's Motion To Strike Certain Paragraphs contained in Count 1 of the Complaint because they are vague, overbroad and/or contain scandalous or impertinent material.

Defendants are correct when they assert that, "[e]ven our present liberalized system of pleadings requires that the material facts upon which a cause of action is premised must be plead with sufficient specificity so as to set forth the *prima facie* elements of the tort or torts alleged." See, *Feingold v. Hill*, 521 A.2d 33, 38 (Pa. Super. 1987), alloc. denied, 533 A.2d 714 (1989). Furthermore, statements are not scandalous or impertinent unless they are immaterial and inappropriate to the proof involved in the case, totally irrelevant and lacking any influence on the result. See, *Department of Environmental Resources v. Peggs Run Coal Company*, 423 A.2d 765, 769 (Pa. Cmwlth. 1980).

After its review of the complaint, this Court finds no need to grant the defendants' request.

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<sup>3</sup> The Court disagrees with this proposition.



Whether the Statute of Limitations Bars Some of Plaintiffs' Claims?

Defendants allege that many of the alleged events of negligence occurred beyond the two-year statute of limitations. However, this issue is not appropriate for disposition by way of preliminary objections. See, Pa.R.Civ.P. 1028, 1030; *Farinacci v. Beaver County Industrial Development Authority*, 511 A.2d 757 (Pa. 1986); *Devine v. Hutt*, 863 A.2d 1160, 1166 - 67 (Pa. Super. 2004),

Whether the Plaintiffs Can Advance A Negligence Per Se Claim?

Plaintiffs allege a cause of action based upon negligence *per se* asserting that the defendants violated 18 Pa.C.S.A. § 2713. See, Note 2, *supra*. If the plaintiffs can demonstrate that a violation of a statute or regulation that is clearly applicable to the conduct of a defendant is a proximate cause of a plaintiff's injury, it can establish negligence *per se*. See, *Wagner v. Anzon, Inc.*, 684 A.2d 570 (Pa. Super, 1996).

It has been noted that: "the concept of negligence *per se* establishes both duty and the required breach of duty where an individual violates an applicable statute, ordinance or regulation designed to prevent a public harm...." *Braxton v. PennDOT*, 634 A.2d 1150, 1157 (Pa. Cmwlth. 1993). The purpose for the statute upon which the claim is based must be to protect the interest of a group of individuals, as opposed to the public, and the statute must clearly apply to the conduct of the defendant. There must be a direct connection between the harm sought to be prevented by the statute and the injury. See, *Wagner v. Anzon, Inc.*, 684 A.2d 570, 574 (Pa. 1996). It is the plaintiffs' burden to establish that the purpose of the particular statute is to protect the interest of a group of individuals, as opposed to the general public, and whether the statute clearly applies to the conduct of the defendant. See, *Cabiroy v. Scipione*, 767 A.2d 1078, 1081 (Pa. Super. 2001) (citation omitted).

Title 18 Pa.C.S.A. § 2713 does not provide a private cause of action to a nursing home patient. Nevertheless, the purpose of this penal statute is to protect a group of individuals, i.e., care-dependent persons. Therefore, the act may be furthered by plaintiffs' claim.

The parties are reminded that we are at the pleading stage and the Court's focus is quite different than it would be at the summary judgment phase. Analyzing ¶¶ 30 - 34, 98 - 102, 160 - 162, 165 -168, 172 - 173, 181 and 183 - 186 in light of the preliminary objection standard, this Court finds that there is no basis upon which to strike them.

Whether the Plaintiffs Can Advance A Corporate Liability Negligence Claim?

The Defendants have moved to strike allegations of corporate liability/negligence. They argue that the causes of action for corporate

liability and vicarious liability are separate and should be addressed in separate counts. They further assert that a corporate negligence claim against a nursing home is not recognized by the Pennsylvania appellate courts and that such a claim can only be asserted against a hospital. In support of their position, they cite *Thompson v. Nason Hospital*, 591 A.2d 703 (Pa. 1991) and *Shannon v. McNulty*, 718 A.2d 828 (Pa. Super. 1998).

The genesis of the corporate liability doctrine is summarized in the following passage:

Hospitals in the past enjoyed absolute immunity from tort liability. (citation omitted) The basis of that immunity was the perception that hospitals function as charitable organizations. (citation omitted) However, hospitals have evolved into highly sophisticated corporations operating primarily on a fee-for-service basis. The corporate hospital of today has assumed the role of a comprehensive health center with responsibility of arranging and coordinating the total health care of its patients.<sup>4</sup> (footnote omitted) As a result of this metamorphosis, hospital immunity was eliminated. (citation omitted).

*Thompson v. Nason Hospital*, 591 A.2d at 706.

The elements of this cause of action are: (1) a duty to use reasonable care in the maintenance of safe and adequate facilities and equipment; (2) a duty to select and retain only competent physicians; (3) a duty to oversee all persons who practice medicine within its walls as to patient care; and (4) a duty to formulate, adopt and enforce adequate rules and policies to ensure quality care for the patients. *Id.* at 707. The doctrine was expanded to cover health maintenance organizations. *Shannon v. McNulty*, 718 A.2d at 835.

No Pennsylvania appellate court has extended this cause of action to nursing homes. However, some courts of common pleas have allowed the cause of action to be pleaded, leaving ultimate resolution of the issue to the summary judgment stage of the case. See, *Capriotti v. Beverly Enterprises Pennsylvania Inc.*, 72 Pa. D.&C. 4th 564, 572 (Fayette County, 2004) and *Frantz v. HCR Manor Care Inc.*, 64 Pa. D.&C. 4th 457 (Schuylkill County, 2003).

This Court concludes that the corporate negligence doctrine may be applicable in some situations where there is a comprehensive control by the nursing home over the resident's medical treatment and care. It is particularly significant in this case that when Christine Vaughn entered Fairview Manor, she not only engaged it to provide nursing care, but she also selected its medical director to be her primary physician. In effect, her entire care was provided by or through Fairview Manor. Given the pervasive nature of Fairview Manor's control over her care, the Court

finds that, for preliminary objection purposes, the plaintiffs' claim of corporate negligence can stand.

The doctrine of vicarious liability is a separate concept. A nursing home, like other entities, can be vicariously liable under certain circumstances based upon the negligence of its agents and employees which may be imputed to it, given the proper evidentiary foundation. The fact that the specific employees, agents, etc. have not been specifically named at this stage in the proceedings is not fatal to plaintiffs' pleadings; although it may eventually support a defense request for summary judgment. The defendants can obtain this information through the discovery process. Therefore, the vicarious liability claims against Defendants Fairview Manor and HCF can stand.

The Court agrees with the defendants' argument that they had no duty to notify each and every family member of Christine Vaughn's physical condition. However, they did have a duty to apprise the deceased or her guardian, power of attorney or contact person of her health status as part of their overall duty to provide care for her. That duty was owed to Christine Vaughn and is relevant to the survival claim. Therefore, read in that context, the complaint is not defective.

As to the defendants' separate punitive damages argument, this Court notes that plaintiffs must allege facts that, if proven, would establish a claim for punitive damages. Punitive damages are recoverable in those instances where a defendant's conduct is outrageous due to either "the defendant's evil motive or reckless indifference to the rights of others". *Phillips v. Cricket Lighters*, 883 A.2d 439, 445 (Pa, 2005). Punitive damages should not be awarded for mere inadvertence, mistake, errors of judgment, and the like, which constitute ordinary negligence. See, Restatement (Second) of Tort § 908, Comment (b). The essence of punitive damages is not compensation, but punishment and deterrence.

After its review, this Court finds that ¶¶ 197 - 209 of the complaint sufficiently plead a claim for punitive damages based upon the allegations of reckless indifference.

#### Defendants Fairview Manor and HCF's Motion For Sanctions

As noted above, the Motion For Sanctions is related to two issues: (1) defendants' claim that this entire controversy is subject to an arbitration agreement; and (2) that the plaintiffs have improperly alleged a negligence *per se* theory predicated upon 18 Pa.C.S.A. § 2713.

The Court incorporates the rationale set forth above and finds that the defendants have failed to establish a claim for sanctions.

**III. CONCLUSION**

Based upon the above, this Court will issue the appropriate order. To the extent the Court has not addressed a specific ground for relief asserted by defendants, it concludes that it was not necessary to do so in light of its findings set forth in this opinion.

**ORDER**

AND NOW, this 6th day of October 2009, for the reasons set forth in the accompanying opinion, it is hereby ORDERED that the Defendants Fairview Manor and HCF of Fairview Inc.'s Preliminary Objections are OVERRULED and their Motion For Sanctions is DENIED. As to Defendants' (David C. Lesseski, D.O. and Presque Isle Family Medicine, Inc.) Preliminary Objections, Complaint Paragraph 192 vv is hereby STRICKEN. In all other respects, their preliminary objections are OVERRULED.

All defendants shall have thirty (30) days from the date of this order to answer the complaint.

**BY THE COURT:**

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

**FICTITIOUS NAME NOTICE**

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

**FICTITIOUS NAME NOTICE**

1. Fictitious Name: Walnut Creek Auto Sales  
2. Address and principal place of business, including street and number: 6345 West Ridge Road, Erie, PA 16506.  
3. The real name of the entity registering this name: Bryan A. Barnes, 280 Honey Brook Circle, Girard, PA 16417.  
4. An application for registration of the fictitious name was filed with the Department of State under the Fictitious Names Act on or about October 16, 2009.  
Angelo P. Arduini, Esquire  
731 French Street  
Erie, PA 16501

Nov. 6

**INCORPORATION NOTICE**

Notice is hereby given that The Christian Cupboard has been incorporated under the provisions of the Nonprofit Corporation Law of 1988, as amended.  
James R. Steadman, Esquire  
24 Main Street East  
P.O. Box 87  
Girard, PA 16417

Nov. 6

**INCORPORATION NOTICE**

Notice is hereby given that Double A's, Inc. has been incorporated under the provisions of the Business Corporation Law of 1988, as amended.  
James R. Steadman, Esquire  
24 Main Street East  
P.O. Box 87  
Girard, PA 16417

Nov. 6

**INCORPORATION NOTICE**

Notice is hereby given that Articles of Incorporation have been filed in the Pennsylvania Department of State for Western PA Area Police, Inc., which has been incorporated under the Business Corporation Law of 1988.

Kurt L. Sundberg  
Marsh Spaeder Baur Spaeder & Schaaf, LLP  
300 State Street, Suite 300  
Erie, PA 16507

Nov. 6

**LEGAL NOTICE**

ATTENTION: JOHN WILLIAM DURST II  
INVOLUNTARY TERMINATION OF PARENTAL RIGHTS  
IN THE MATTER OF THE ADOPTION OF MINOR MALE CHILD (J.S.D.); DOB: 07-28-99 #103 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 November 19, 2009, at 1:30 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

Nov. 6

**LEGAL NOTICE**

ATTENTION: MICHAEL GRIFFITHS AKA OCTAVIUS JONES  
INVOLUNTARY TERMINATION OF PARENTAL RIGHTS  
IN THE MATTER OF THE ADOPTION OF MINOR CHILD (J.N.); DOB: 11-21-07 #21E IN ADOPTION, 2009

If you could be the parent of the above mentioned child, at the instance of Erie County Office of Child 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 Cunningham, Court Room No. C, City of Erie on November 20, 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 Child and Youth. A copy of these documents can be obtained by contacting the Erie County Office of Child and Youth at (814) 451-6647.

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

Nov. 6

**LEGAL NOTICE**

ATTENTION: COLLEENA MITCHELL

INVOLUNTARY TERMINATION OF PARENTAL RIGHTS

IN THE MATTER OF THE ADOPTION OF MINOR MALE CHILDREN (R.R.M.); DOB: 10/23/08 AND (K.C.T.); 06/22/98 #93 AND 100 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 John Bozza, Court Room No. I, City of Erie on November 19, 2009, at 9:00 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

Nov. 6

**LEGAL NOTICE**

ATTENTION: CRYSTAL SHAW INVOLUNTARY TERMINATION OF PARENTAL RIGHTS

IN THE MATTER OF THE ADOPTION OF MINOR FEMALE CHILD (M.L.S.); DOB: 12/26/08 #85 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 Cunningham, Court Room No. C, City of Erie on January 5, 2010, at 9:15 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

Nov. 6

**LEGAL NOTICE**

ATTENTION: NICHOLAS A. TAYLOR INVOLUNTARY TERMINATION OF PARENTAL RIGHTS

IN THE MATTER OF THE ADOPTION OF MINOR FEMALE CHILD (I.Z.M.) DOB: 05-27-08 #84A 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 Cunningham, Court Room No. C, City of Erie on December 9, 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

Nov. 6

**LEGAL NOTICE**

ATTENTION: UNKNOWN  
BIOLOGICAL FATHER  
INVOLUNTARY TERMINATION  
OF PARENTAL RIGHTS

IN THE MATTER OF THE  
ADOPTION OF MINOR MALE  
CHILD (I.R.O.) DOB: 09-21-08  
BORN TO: STEPHANIE OLSEN  
#25 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 Cunningham, Court Room No. C, City of Erie on January 5, 2010, at 9:15 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

Nov. 6

**LEGAL NOTICE**

ATTENTION: UNKNOWN  
BIOLOGICAL FATHER  
INVOLUNTARY TERMINATION  
OF PARENTAL RIGHTS

IN THE MATTER OF THE  
ADOPTION OF MINOR FEMALE  
CHILD (V.R.R.); DOB: 11-29-06  
BORN TO: STACEY  
MIGLIACCIO  
#108 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 December 2, 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

Nov. 6



**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

**November 20, 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  
Oct. 30, and Nov. 6, 13

**SALE NO. 1**

**Ex. #10374 of 2009**  
**MARQUETTE SAVINGS**  
**BANK, Plaintiff,**  
**v.**  
**BARRY L. McCRACKEN**  
**and KIMBERLEE M.**  
**McCRACKEN, Defendants**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed at No. 10374-09 Marquette Savings Bank vs. Barry L. McCracken and Kimberlee M. McCracken, owner(s) of property situate in Erie, Erie County, Pennsylvania being: 77' x 125.8'  
Assessment Map Number: (33) 17-79-3  
Assessed Value Figure: \$ 133,140.00  
Improvement Thereon: Dwelling

house and lot  
Will J. Schaaf, Esq.  
Marsh Spaeder Baur Spaeder  
& Schaaf, LLP  
Suite 300, 300 State Street  
Erie, Pennsylvania 16507  
(814) 456-5301  
Oct. 30, and Nov. 6, 13

**SALE NO 2**

**Ex. #13055 of 2009**  
**MARQUETTE SAVINGS**  
**BANK, Plaintiff,**  
**v.**  
**MARK A. MOORE and**  
**SANDIE L. MOORE, Defendants**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed at No. 13055-09 Marquette Savings Bank vs. Mark A. Moore and Sandie L. Moore, owners of property situate in Erie, Erie County, Pennsylvania being: 140' x 100' Approx. .3200 Acres Assessed Value Figure \$69,780.00 Improvement Thereon: Dwelling house and lot  
Donald F. Fessler, Jr., Esq.  
Marsh Spaeder Baur Spaeder & Schaaf, LLP  
Suite 300, 300 State Street  
Erie, Pennsylvania 16507  
(814) 456-5301  
Oct. 30, and Nov. 6, 13

**SALE NO. 3**

**Ex. #11846 of 2009**  
**Deutsche Bank National Trust**  
**Company, as Trustee for**  
**Meritage Mortgage Loan Trust**  
**2005-2, Plaintiff**  
**v.**  
**Krista Baker, Defendant(s)**  
**LEGAL DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situate in the City of Erie, County of Erie and Commonwealth of Pennsylvania, part of Out Lot No. 127 as originally laid out and identified in the general Plan of the City of Erie, bounded and described as follows: COMMENCING at a point in the north line of Out Lot No. 127, distant thereon easterly two hundred eighty-seven and five-tenths (287.5) feet from the northwest corner of said Out Lot No. 127; thence southerly and parallel with the west

line of said Out Lot No. 127, one hundred sixty-five (165) feet to a point; thence westerly and parallel with the north line of said Out Lot No. 127, fifty (50) feet to a point; thence northerly and parallel with said west line of Out Lot No. 127, one hundred sixty-five (165) feet to the north line of Out Lot No. 127; thence easterly along said north line of Out Lot No. 127, fifty (50) feet to the place of beginning.

SUBJECT nevertheless to the northerly part thereof now being used as a highway and known as 23rd Street.

HAVING erected thereon a one-family frame dwelling commonly known and municipally numbered as 723 East 23rd Street, Erie, Pennsylvania 16503 and bearing Erie County Tax ID No. (18) 5030-110.

BEING KNOWN AS: 723 EAST 23RD STREET, ERIE, PA 16503  
PROPERTY ID NO.: 18-5030-110  
TITLE TO SAID PREMISES IS VESTED IN Krista Baker by Deed from RLD Enterprises of Erie, Inc., a Corporation dated 3/31/05 recorded 4/4/05 in Deed Book 1222 Page 387.

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

Oct. 30, and Nov. 6, 13

**SALE NO. 5**

**Ex. #14041 of 2008**  
**National City Mortgage Co. dba**  
**Accubanc Mortgage, Plaintiff**  
**v.**  
**Robert H. Schiefelbein,**  
**Defendant(s)**  
**LEGAL DESCRIPTION**

ALL that certain piece or parcel of land situate in Lawrence Park Realty Company Plot of portions of Tracts No. 246 and 247 in Lawrence Park Township, Erie County, Pennsylvania as recorded in Erie County Map Book No. 3, Page 39, 40 and 41, subject to the terms and conditions therein and herein mentioned, and being a part of Lot 1, Block 173, more particularly

described as follows, to-wit:  
 BEGINNING at a point in the southerly line of Main Street 55.845 feet westwardly from the westerly line of Priestley Avenue;  
 THENCE, southwardly parallel with the westerly line of Priestley Avenue, 100 feet to the northerly line of a 16 foot alley;  
 THENCE, westwardly along the northerly line of said 16 foot alley, 19.43 feet to a point;  
 THENCE, northwardly parallel with the westerly line of Priestley Avenue, 100 feet to the southerly line of Main Street;  
 THENCE, eastwardly along the southerly line of Main Street 19.43 feet to the point of beginning, being known as 3819 Main Street, and bearing Erie County Tax Index No. (29) 18-55-8.  
 BEING the same premises conveyed to Donald Paul Blair, Party of the First Part herein, by an undivided one-third interest awarded him by Decree of Distribution of the Orphans' Court of Erie County, Pennsylvania entered in the Estate of Mary W. Wright, deceased, an excerpt of which is recorded in Erie County Deed Book 1055, Page 265, an undivided one-third interest by deed from Maynard Batts, an unmarried widower, dated September 18, 1993 and recorded October 1, 1993 in Erie County Record Book 295, at Page 87, et seq., and an undivided one-third interest by deed from Donald P. Blair, Executor of the Estate of Frances W. Blair, deceased, dated May 16, 1997 and recorded May 22, 1997 in Erie County Record Book 499, at Page 1448, et seq., thereby constituting the entire interest in said property.  
 THE division lines between the property hereby conveyed and the properties located immediately east and west thereof pass through the center of the walls between the apartment located on the property hereby conveyed, known as 3819 Main Street, and the apartments located on the lots immediately east and west thereof, known as 3821 and 3817 Main Street, which walls are to be considered as party

walls; and said grantee, his heirs and assigns, shall have no right to remove or interfere with said walls, except by and with the consent of the adjoining party wall property owner or owners.  
 SUBJECT to all valid and subsisting conditions, covenants, restrictions, reservations, exceptions, setbacks, rights-of-way and easements of record and/or those that are visible to a physical inspection and all laws, regulations, and restrictions, including building and zoning ordinances, of municipal and other governmental authorities applicable to and enforceable against the above-described property.  
 BEING KNOWN AS: 3819 MAIN STREET (LAWRENCE PARK TOWNSHIP) ERIE, PA 16511  
 PROPERTY ID NO.: 29/18-55-8  
 TITLE TO SAID PREMISES IS VESTED IN Robert H. Schiefelbein, single by deed from Donald Paul Blair, single dated 7/17/03 recorded 7/23/03 in Deed Book 1039 Page 1389.  
 Udren Law Offices, P.C.  
 Attorneys for Plaintiff  
 Woodcrest Corporate Center  
 111 Woodcrest Road, Suite 200  
 Cherry Hill, NJ 08003-3620  
 (856) 669-5400

Oct. 30, and Nov. 6, 13

**SALE NO. 7**

**Ex. #12963 of 2009**  
**ERIE COMMUNITY CREDIT UNION, Plaintiff**

v.

**REBECCA MALINSKI,**  
**Defendants**  
**SHORT DESCRIPTION**

ALL that certain piece or parcel of land situate in City of Erie, County of Erie, and Commonwealth of Pennsylvania, bearing Erie County Tax ID No. (18) 5077-126, having erected thereon a two-story dwelling with a one car attached garage commonly known as 460 East 28th Street, Erie, Pennsylvania 16504.  
 David E. Holland  
 Pa. Supreme Court ID No. 23793  
 MacDonald, Illig, Jones  
 & Britton LLP  
 100 State Street, Suite 700

Erie, Pennsylvania 16507-1459  
 (814) 870-7755  
 Attorneys for Plaintiff  
 Oct. 30, and Nov. 6, 13

**SALE NO. 8**

**Ex. #12806 of 2009**  
**Northwest Savings Bank**  
 v.  
**Terrall D. Anderson and Julie D. Anderson**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed at No. 12806-2009, Northwest Savings Bank vs. Terrall D. Anderson and Julie D. Anderson, owners of property situate in the Second Ward of the City of Corry, Erie County, Pennsylvania being: 116 East Congress Street, Corry, Pennsylvania.  
 50' x 92.3' x 50' x 92.3'  
 Assessment Map Number: (6) 21-26-4  
 Assessed Value Figure: \$53,380.00  
 Improvement Thereon: Residence Kurt L. Sundberg, Esq.  
 Marsh Spaeder Baur Spaeder & Schaafl, LLP  
 Suite 300, 300 State Street  
 Erie, Pennsylvania 16507  
 (814) 456-5301

Oct. 30, and Nov. 6, 13

**SALE NO. 9**

**Ex. #12600 of 2009**  
**ABRAHAM SILVER,**  
**ASSIGNEE OF THE FIRST NATIONAL BANK OF PENNSYLVANIA, Plaintiff,**

v.

**MAX SILVER & SONS,**  
**A PENNSYLVANIA PARTNERSHIP, Defendant**  
**ADVERTISING DESCRIPTION**  
 By virtue of Writ of Execution filed at No. 12600-2009, Abraham Silver, Assignee of The First National Bank of Pennsylvania vs. Max Silver & Sons, a Pennsylvania Partnership, owner of the following properties identified below located on Myrtle Street in the City of Erie: 1) Situate in the City of Erie, County of Erie, and Commonwealth of Pennsylvania described as follows:  
 Assessment Map Nos.: (16)3017-202 and (16)3012-120  
 Assessed Value Figure:

(16)3017-202 is assessed at \$49,700.00; (16)3012-120 is assessed at \$134,200.00  
 Improvement Thereon: (16)3017-202: Commercial Warehouse  
 (16)3012-120: Commercial Building  
 Lawrence C. Bolla, Esquire  
 Pa. I.D. No. 19679  
 The Quinn Law Firm  
 2222 West Grandview Boulevard  
 Erie, PA 16506  
 (814) 833-2222

Oct. 30, and Nov. 6, 13

**SALE NO. 10**

**Ex. #11308 of 2009**

**National City Bank**  
 v.  
**Nancy Anne Casey Maring a/k/a Nancy Anne Maring, Executrix of the Estate of Bridget J. Sybrandt**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 11308-09, National City Bank vs. Nancy Anne Casey Maring a/k/a Nancy Anne Maring, Executrix of the Estate of Bridget J. Sybrandt  
 Bridget J. Sybrandt, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 302 West 21st Street  
 41' 3" x 130'

Assessment Map number: 19-6010-200  
 Assessed Value figure: \$61,680.00  
 Improvement thereon: single family dwelling

Patrick Thomas Woodman, Esq.  
 436 Seventh Ave.  
 1400 Koppers Bldg.  
 Pittsburgh, PA 15219  
 (412) 434-7955

Oct. 30, and Nov. 6, 13

**SALE NO. 11**

**Ex. #12476 of 2009**

**J.P. Morgan Chase Bank, N.A.**  
 v.  
**Thomas D. O'Sullivan**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 12476-09, J.P. Morgan Chase Bank, N.A. vs. Thomas D. O'Sullivan, owner(s) of property situated in Borough of Wesleyville, Erie County, Pennsylvania being 1808 Eastern Avenue, Wesleyville, PA 16510

37' x 120'  
 Assessment Map number: (50) 1-8-6  
 Improvement thereon: one-story dwelling house  
 Patrick Thomas Woodman, Esq.  
 436 Seventh Ave.  
 1400 Koppers Bldg.  
 Pittsburgh, PA 15219  
 (412) 434-7955

Oct. 30, and Nov. 6, 13

**SALE NO. 12**

**Ex. #31047 of 2009**  
**FIRST NATIONAL BANK OF PENNSYLVANIA, Plaintiff**  
 v.  
**SUTTON ENTERPRISES, LTD., Defendants**

**SHORT DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situate in the Township of Summit, Erie County, Pennsylvania, containing approximately 0.912 acres of land, commonly known as 6611 Peach Street, Erie, Pennsylvania 16509, formerly operated as Bruster's Ice Cream and bearing Erie County Tax Index No. (40) 5-19-112.  
 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  
 Oct. 30, and Nov. 6, 13

**SALE NO. 14**

**Ex. #12390 of 2009**  
**BANK OF AMERICA, N.A., Plaintiff,**  
 v.  
**TERRY J. CARROLL, Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 12390-09  
 Bank of America, N.A. vs. Terry J. Carroll  
 Terry J. Carroll, owner(s) of property situated in Albion Borough, Erie County, Pennsylvania being 220-226 SOUTH MAIN STREET, ALBION, PA 16401-1331.

Acreage: 1.6200 and 47.4220  
 Assessment Map number: 04-018-050.0-031.00 and

01-007-035.0-024.00  
 Assessed Value: \$17,200.00 and \$96,790.00  
 Improvement thereon: residential  
 Phelan, Hallinan & Schmieg, LLP  
 Attorney for Plaintiff  
 One Penn Center at Suburban Station, Suite 1400  
 1617 John F. Kennedy Boulevard  
 Philadelphia, PA 19103-1814  
 (215) 563-7000

Oct. 30, and Nov. 6, 13

**SALE NO. 15**

**Ex. #13581 of 2008**  
**BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS, CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2004-7, Plaintiff,**  
 v.  
**KEITH T. CAUGHEY STACY CAUGHEY A/K/A STACY L. CAUGHEY, Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 13581-08  
 Bank of New York as Trustee for the Certificateholders, CWABS, Inc., Asset-Backed Certificates, Series 2004-7 v. Keith T. Caughey and Stacy Caughey a/k/a Stacy L. Caughey  
 Amount Due: \$178,896.11  
 Keith T. Caughey and Stacy Caughey a/k/a Stacy L. Caughey, Owner(s) of property situated in Erie County, Pennsylvania being 4416 AMHERST ROAD, ERIE, PA 16506-4335.

Dimensions: 72 x 138.83 IRR  
 Acreage: 0.2298  
 Assessment Map number: 33095414004252  
 Assessed Value: \$112,330.00  
 Improvement thereon: residential  
 Phelan, Hallinan & Schmieg, LLP  
 Attorney for Plaintiff  
 One Penn Center at Suburban Station, Suite 1400  
 1617 John F. Kennedy Boulevard  
 Philadelphia, PA 19103-1814  
 (215) 563-7000

Oct. 30, and Nov. 6, 13

**SALE NO. 16**  
**Ex. #11353 of 2008**  
**GMAC MORTGAGE, LLC,**  
**Plaintiff,**  
 v.  
**CHARLES L. DUNLAP**  
**PEARL DUNLAP, Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 11353-08  
 GMAC Mortgage, LLC vs. Charles L. Dunlap and Pearl Dunlap  
 Amount Due: \$110,436.21  
 Charles L. Dunlap and Pearl Dunlap, owner(s) of property situated in Borough of Albion, Erie County, Pennsylvania being 88 AND 94 WEST STATE STREET, ALBION, PA 16401.  
 Assessment Map number: 01-005-047.0-001.00 (94 West State Street, Albion, PA 16401)  
 Dimensions: 115.5 X 130  
 Acreage: 0.3447  
 Assessed Value: \$96,260.00  
 Assessment Map number: 01-005-047.0-002.00 (88 West State Street, Albion, PA 16401)  
 Dimensions: 132 x 148  
 Acreage: 0.4485  
 Assessed Value: \$38,400.00  
 Improvement thereon: residential Phelan, Hallinan & Schmieg, LLP Attorney for Plaintiff  
 One Penn Center at Suburban Station, Suite 1400  
 1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814  
 (215) 563-7000  
 Oct. 30, and Nov. 6, 13

**SALE NO. 17**  
**Ex. #13649 of 2008**  
**THE BANK OF NEW YORK**  
**AS TRUSTEE FOR THE**  
**CERTIFICATEHOLDERS**  
**CWABS, INC. ASSET-BACKED**  
**CERTIFICATES, SERIES 2002-**  
**BC3, Plaintiff,**  
 v.  
**MICHAEL E. DVORAK,**  
**Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 13649-2008  
 The Bank of New York as Trustee for the Certificateholders CWABS, Inc. Asset-Backed Certificates, Series 2002-BC3 vs. Michael E.

Dvorak  
 Amount Due: \$111,471.27  
 Michael E. Dvorak, Owner(s) of property situated in Millcreek Township, Erie County, Pennsylvania being 1115 HARTT ROAD, ERIE, PA 16505.  
 Dimensions: 60 X 145  
 Acreage: 0.1997  
 Assessment Map number: 33-026-095.0-009.00  
 Assessed Value: 87,480.00  
 Improvement thereon: Residential Phelan, Hallinan & Schmieg, LLP Attorney for Plaintiff  
 One Penn Center at Suburban Station, Suite 1400  
 1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814  
 (215) 563-7000  
 Oct. 30, and Nov. 6, 13

**SALE NO. 18**  
**Ex. #12712 of 2009**  
**PHH MORTGAGE**  
**CORPORATION, Plaintiff,**  
 v.  
**CHESTER R. EATON A/K/A**  
**CHESTER EATON,**  
**Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 2009-12712  
 PHH Mortgage Corporation vs. Chester R. Eaton a/k/a Chester Eaton  
 Chester R. Eaton a/k/a Chester Eaton, owner(s) of property situated in Township of Millcreek, Erie County, Pennsylvania being 5229 RICHMOND STREET, ERIE, PA 16509-1831.  
 Dimensions: 40 X 165  
 Acreage: 0.1515  
 Assessment Map number: 33-120-537.0-009.00  
 Assessed Value: 66,030.00  
 Improvement thereon: residential Daniel G. Schmieg, Esquire Attorney for Plaintiff  
 One Penn Center at Suburban Station, Suite 1400  
 1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814  
 (215) 563-7000  
 Oct. 30, and Nov. 6, 13

**SALE NO. 19**  
**Ex. 12116 of 2009**  
**THE BANK OF NEW YORK**  
**MELLON FKA THE BANK OF**  
**NEW YORK AS TRUSTEE FOR**  
**THE CERTIFICATEHOLDERS**  
**OF CSWABS 2005-6, Plaintiff,**  
 v.  
**MARK EMLING, Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 12116-09  
 The Bank of New York Mellon fka The Bank of New York as Trustee for the Certificateholders of CSWABS 2005-6 vs. Mark Emling  
 Amount Due: \$49,060.32  
 Mark Emling, Owner(s) of property situated in Third Ward of the City of Erie, Erie County, Pennsylvania being 1426 POPLAR STREET, ERIE, PA 16502-1615.  
 Dimensions: 41.58 X 165  
 Acreage: 0.1549  
 Assessment Map number: 16030037010600  
 Assessed Value: \$18,160.00  
 Improvement thereon: Residential Phelan, Hallinan & Schmieg, LLP Attorney for Plaintiff  
 One Penn Center at Suburban Station, Suite 1400  
 1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814  
 (215) 563-7000  
 Oct. 30, and Nov. 6, 13

**SALE NO. 20**  
**Ex. #15712 of 2008**  
**WELLS FARGO BANK, NA,**  
**Plaintiff,**  
 v.  
**KELLY JO FERLA/K/A**  
**KELLY J. FERL, Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 15712-08  
 Wells Fargo Bank, NA vs. Kelly Jo Ferl a/k/a Kelly J. Ferl  
 Amount Due: \$67,143.41  
 Kelly Jo Ferl a/k/a Kelly J. Ferl, Owner(s) of property situated in Borough of Albion, Erie County, Pennsylvania being 19 CLIFF STREET, ALBION, PA 16401-1005.  
 Dimensions: 50 x 150  
 Acreage: 0.1722  
 Assessment Map number:

01-005.045.0-019.00  
 Assessed Value: \$58,670.00  
 Improvement thereon: residential  
 Phelan, Hallinan & Schmieg, LLP  
 Attorney for Plaintiff  
 One Penn Center at Suburban  
 Station, Suite 1400  
 1617 John F. Kennedy Boulevard  
 Philadelphia, PA 19103-1814  
 (215) 563-7000

Oct. 30, and Nov. 6, 13

**SALE NO. 21**

**Ex. #13249 of 2007**  
**BANK OF NEW YORK**  
**AS TRUSTEE FOR THE**  
**CERTIFICATEHOLDERS**  
**CWABS, INC. ASSET-BACKED**  
**CERTIFICATES, SERIES 2006-**  
**18, Plaintiff,**

v.

**WILFREDO COLON**  
**FIGUEROA, Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 13249-07  
 Bank of New York as Trustee for the Certificateholders CWABS, Inc. Asset-Backed Certificates, Series 2006-18 vs. Wilfredo Colon Figueroa  
 Amount Due: \$91,991.63  
 Wilfredo Colon Figueroa, owner(s) of property situated in the 5TH WARD OF THE CITY OF ERIE, Erie County, Pennsylvania being 1346 EAST 32ND STREET, ERIE, PA 16504-1904.

Dimensions: 72.37 X 130.25, 37 X 130.50, 37 X 130.25  
 Acreage: 0.2164, 0.1106, 0.1106  
 Assessment Map number: 18051010020000, 18051010022400, 18051010022500

Assessed Value: 50,370.00, 1,500.00, 1,500.00  
 Improvement thereon: residential  
 Phelan, Hallinan & Schmieg, LLP  
 Attorney for Plaintiff  
 One Penn Center at Suburban  
 Station, Suite 1400  
 1617 John F. Kennedy Boulevard  
 Philadelphia, PA 19103-1814  
 (215) 563-7000

Oct. 30, and Nov. 6, 13

**SALE NO. 22**

**Ex. #12684 of 2009**  
**DEUTSCHE BANK NATIONAL**  
**TRUST COMPANY, AS**  
**TRUSTEE FOR MORGAN**  
**STANLEY ABS CAPITAL I INC.**  
**TRUST 2006-HE4, Plaintiff,**

v.

**BILLY M. GARNER**  
**THERESA G. GARNER,**

**Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 12684-09  
 Deutsche Bank National Trust Company, as Trustee for Morgan Stanley ABS Capital I Inc. Trust 2006-HE4 vs. Billy M. Garner and Theresa G. Garner  
 Amount Due: \$103,516.10  
 Billy M. Garner and Theresa G. Garner, owner(s) of property situated in Township of Millcreek, Erie County, Pennsylvania being 2815 BROADLAWN DRIVE, ERIE, PA 16506-1809.

Dimensions: 80 X 130  
 Acreage: 0.2388  
 Assessment Map number: 33-055-246.0-002.00  
 Assessed Value: 92,040.00

Improvement thereon: residential  
 Phelan, Hallinan & Schmieg, LLP  
 Attorney for Plaintiff  
 One Penn Center at Suburban  
 Station, Suite 1400  
 1617 John F. Kennedy Boulevard  
 Philadelphia, PA 19103-1814  
 (215) 563-7000

Oct. 30, and Nov. 6, 13

**SALE NO. 23**

**Ex. #12442 of 2009**  
**NORTHWEST SAVINGS**  
**BANK, Plaintiff,**

v.

**STEVEN J. GUIANEN A/K/A**  
**STEVEN J. GULANEN**  
**KARI M. CASHORE A/K/A**  
**KARI GUIANEN A/K/A**  
**KARI GULANEN A/K/A**  
**KARRIE GUIANEN,**

**Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 12442-09  
 Northwest Savings Bank vs. Steven J. Guianen a/k/a Steven J. Gulanen and Kari M. Cashore a/k/a

Kari Guianen a/k/a Kari Gulanen a/k/a Karrie Guianen  
 Amount Due: \$169,649.71  
 Steven J. Guianen a/k/a Steven J. Gulanen and Kari M. Cashore a/k/a Kari Guianen a/k/a Kari Gulanen a/k/a Karrie Guianen, owner(s) of property situated in Albion Borough Erie County, Pennsylvania being 74 MARKET STREET, ALBION, PA 16401.

Dimensions: 66 x 168.45  
 Acreage: 0.2552  
 Assessment Map number: 01001012000500  
 Assessed Value: \$92,500.00  
 Improvement thereon: residential  
 Phelan, Hallinan & Schmieg, LLP  
 Attorney for Plaintiff  
 One Penn Center at Suburban  
 Station, Suite 1400  
 1617 John F. Kennedy Boulevard  
 Philadelphia, PA 19103-1814  
 (215) 563-7000

Oct. 30, and Nov. 6, 13

**SALE NO. 24**

**Ex. #14638 of 2008**  
**CITIMORTGAGE, INC.,**  
**Plaintiff,**

v.

**ARTHUR L. HALL**  
**CAPRICE A. HALL**  
**CORDELE MILES, III,**  
**Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 14638-08  
 Citimortgage, Inc. vs. Arthur L. Hall and Caprice A. Hall and Cordele Miles, III  
 Amount Due: \$35,920.37  
 Arthur L. Hall and Caprice A. Hall and Cordele Miles, III, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 708 EAST 21ST STREET, ERIE, PA 16503-2205.

Dimensions: 35 x 135  
 Acreage: 0.1085  
 Assessment Map number: 18-050-029.0-203.00

Assessed Value: \$29,210.00  
 Improvement thereon: Residential  
 Phelan, Hallinan & Schmieg, LLP  
 Attorney for Plaintiff  
 One Penn Center at Suburban  
 Station, Suite 1400  
 1617 John F. Kennedy Boulevard

Philadelphia, PA 19103-1814  
(215) 563-7000

Oct. 30, and Nov. 6, 13

**SALE NO. 25**  
**Ex. #12685 of 2009**

**AURORA LOAN SERVICES LLC, Plaintiff,**

v.

**KATHRYN HARPER  
ANTHONY HARPER,  
Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 12685-09

Aurora Loan Services LLC vs. Kathryn Harper and Anthony Harper

Amount Due: \$88,589.24

Kathryn Harper and Anthony Harper, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 1128 WEST 28TH STREET, ERIE, PA 16508-1530.

Dimensions: 40 X 135

Acreage: 0.1240

Assessment Map number: 19-062-018.0-231.00

Assessed Value: 75,500.00

Improvement thereon: residential Phelan, Hallinan & Schmieg, LLP Attorney for Plaintiff

One Penn Center at Suburban Station, Suite 1400

1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814

(215) 563-7000

Oct. 30, and Nov. 6, 13

**SALE NO. 26**  
**Ex. #13853 of 2008**

**WELLS FARGO BANK, N.A., Plaintiff,**

v.

**CHAD KLIMOW  
JESSICA BARBARA KLIMOW  
A/K/A JESSICA B. KLIMOW,  
Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 13853-08

Wells Fargo Bank, N.A. vs. Chad Klimow and Jessica Barbara Klimow a/k/a Jessica B. Klimow

Amount Due: \$139,306.00

Chad Klimow and Jessica Barbara Klimow a/k/a Jessica B. Klimow, owner(s) of property situated

in Borough of Girard, Erie County, Pennsylvania being 1102 LAWRENCE COURT, GIRARD, PA 16417.

Dimensions: 70 x 240.24

Acreage: 0.3849

Assessment Map number: 23-003-016.0-001.18

Assessed Value: 120,270.00

Improvement thereon: residential Phelan, Hallinan & Schmieg, LLP Attorney for Plaintiff

One Penn Center at Suburban Station, Suite 1400

1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814

(215) 563-7000

Oct. 30, and Nov. 6, 13

**SALE NO. 27**  
**Ex. 14415 of 2008**

**FLAGSTAR BANK, FSB, Plaintiff,**

v.

**MICHAEL J. KOHLMILLER  
MARY ANN KOHLMILLER  
A/K/A**

**MARY A. KOHLMILLER,  
Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 14415-08

Flagstar Bank, FSB vs. Michael J. Kohlmitter and Mary Ann Kohlmitter a/k/a Mary A. Kohlmitter

Amount Due: \$118,217.57

Michael J. Kohlmitter and Mary Ann Kohlmitter a/k/a Mary A. Kohlmitter, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 4305 WAYNE STREET, ERIE, PA 16504-2240.

Dimensions: 65 x 105

Acreage: 0.1567

Assessment Map number: (18)5372-906

Assessed Value: \$83,530.00

Improvement thereon: Residential Phelan, Hallinan & Schmieg, LLP Attorney for Plaintiff

One Penn Center at Suburban Station, Suite 1400

1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814

(215) 563-7000

Oct. 30, and Nov. 6, 13

**SALE NO. 29**  
**Ex. #11848 of 2009**

**BAC HOME LOANS SERVICING, L.P., F/K/A COUNTRYWIDE HOME LOANS SERVICING, L.P., Plaintiff,**

v.

**CHARLES F. MORGAN  
SANDRA L. MORGAN,  
Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 11848-09

BAC Home Loans Servicing, L.P., f/k/a Countrywide Home Loans Servicing, L.P. vs. Charles F. Morgan and Sandra L. Morgan

Charles F. Morgan and Sandra L. Morgan, owner(s) of property situated in Township of Harborcreek, Erie County, Pennsylvania being 3742 HARBOR RIDGE TRAIL, ERIE, PA 16510-5956.

Dimensions: 55.01 ft. x 110 ft. x 62.56 ft. x 110 ft.

Acreage: 0.15 acres

Assessment Map number: 27-081-211.0-107.00

Assessed Value: 154,700.00

Improvement thereon: residential Phelan, Hallinan & Schmieg, LLP Attorney for Plaintiff

One Penn Center at Suburban Station, Suite 1400

1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814

(215) 563-7000

Oct. 30, and Nov. 6, 13

**SALE NO. 30**  
**Ex. #12843 of 2009**

**US BANK NATIONAL ASSOCIATION, F/K/A FIRST UNION NATIONAL BANK, AS TRUSTEE FOR ACE SECURITIES HOME EQUITY LOAN TRUST 2001- HE1, Plaintiff,**

v.

**JEFFREY A. POHL  
LISA M. POHL, Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 12843-09

US Bank National Association, f/k/a First Union National Bank, as Trustee for ACE Securities Home Equity Loan Trust 2001-HE1 vs.



Jeffrey A. Pohl and Lisa M. Pohl  
 Amount Due: \$57,275.57  
 Jeffrey A. Pohl and Lisa M. Pohl,  
 owner(s) of property situated  
 in City of Erie, Erie County,  
 Pennsylvania being 32 EAGLE  
 POINT BOULEVARD, ERIE, PA  
 16511-1146.  
 Dimensions: 40 X 165  
 Acreage: 0.1515  
 Assessment Map number:  
 14-011-024.0-112.00  
 Assessed Value: \$49,830.00  
 Improvement thereon: Residential  
 Phelan, Hallinan & Schmieg, LLP  
 Attorney for Plaintiff  
 One Penn Center at Suburban  
 Station, Suite 1400  
 1617 John F. Kennedy Boulevard  
 Philadelphia, PA 19103-1814  
 (215) 563-7000  
 Oct. 30, and Nov. 6, 13

**SALE NO. 31**

**Ex. #12575 of 2009**  
**WELLS FARGO BANK, N.A.,**  
**S/B/M WELLS FARGO HOME**  
**MORTGAGE, INC., Plaintiff,**  
 v.  
**EDGAR ALAN RODGERS,**  
**Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution  
 filed to No. 12575-09  
 Wells Fargo Bank, N.A., s/b/m  
 Wells Fargo Home Mortgage, Inc.  
 vs. Edgar Alan Rodgers  
 Edgar Alan Rodgers, owner(s)  
 of property situated in Erie  
 County, Pennsylvania being 5850  
 CARRIAGE HILL DRIVE #D,  
 ERIE, PA 16509-3135.  
 Dimensions: 188 X 115  
 Acreage: 0.3175  
 Assessment Map number:  
 33-163-619.1-006.00  
 Assessed Value: \$108,200.00  
 Improvement thereon: residential  
 Phelan, Hallinan & Schmieg, LLP  
 Attorney for Plaintiff  
 One Penn Center at Suburban  
 Station, Suite 1400  
 1617 John F. Kennedy Boulevard  
 Philadelphia, PA 19103-1814  
 (215) 563-7000  
 Oct. 30, and Nov. 6, 13

**SALE NO. 32**

**Ex. #13254 of 2008**  
**WELLS FARGO BANK, N.A.,**  
**Plaintiff,**  
 v.  
**CAROLYN A. STONE,**  
**Defendant(s)**  
**SHERIFF'S SALE**  
 By virtue of a Writ of Execution  
 filed to No. 13254-08  
 Wells Fargo Bank, N.A. vs.  
 Carolyn A. Stone  
 Amount Due: \$91,059.58  
 Carolyn A. Stone, owner(s) of  
 property situated in City of Erie,  
 Erie County, Pennsylvania being  
 1205 EAST 28TH STREET, ERIE,  
 PA 16504.  
 Dimensions: 40.5 X 124  
 Acreage: 0.1153  
 Assessment Map number:  
 18-050-045.0-206.00  
 Assessed Value: 70,770.00  
 Improvement thereon: residential  
 Phelan, Hallinan & Schmieg, LLP  
 Attorney for Plaintiff  
 One Penn Center at Suburban  
 Station, Suite 1400  
 1617 John F. Kennedy Boulevard  
 Philadelphia, PA 19103-1814  
 (215) 563-7000  
 Oct. 30, and Nov. 6, 13

**SALE NO. 33**

**Ex. #12687 of 2009**  
**BAC HOME LOANS**  
**SERVICING, L.P. F/K/A**  
**COUNTRYWIDE HOME**  
**LOANS SERVICING, L.P.,**  
**Plaintiff,**  
 v.  
**BLAIR G. UMLAH,**  
**Defendant(s)**  
**SHERIFF'S SALE**  
 By virtue of a Writ of Execution  
 filed to No. 12687-09  
 BAC Home Loans Servicing, L.P.  
 f/k/a Countrywide Home Loans  
 Servicing, L.P. vs. Blair G. Umlah  
 Amount Due: \$43,458.84  
 Blair G. Umlah, owner(s) of  
 property situated in City of Erie,  
 Erie County, Pennsylvania being  
 932 EAST 9TH STREET, ERIE, PA  
 16503-1412.  
 Dimensions: 32 x 155  
 Acreage: 0.1139  
 Assessment Map number:  
 15-020-043.0-235.00

Assessed Value: \$25,220.00  
 Improvement thereon: Residential  
 Phelan, Hallinan & Schmieg, LLP  
 Attorney for Plaintiff  
 One Penn Center at Suburban  
 Station, Suite 1400  
 1617 John F. Kennedy Boulevard  
 Philadelphia, PA 19103-1814  
 (215) 563-7000  
 Oct. 30, and Nov. 6, 13

**SALE NO. 34**

**Ex. #14927 of 2007**  
**JPMORGAN CHASE BANK,**  
**N.A., AS TRUSTEE FOR**  
**THE C-BASS MORTGAGE**  
**LOAN ASSET-BACKED**  
**CERTIFICATES, SERIES 2005-**  
**RP2, Plaintiff,**  
 v.  
**WILLIAM R. WAKELEY**  
**A/K/A**  
**WILLIAM RICHARD WAKELEY**  
**WILMA M. WAKELEY**  
**A/K/A**  
**WILMA MARIE WAKELEY,**  
**Defendant(s)**  
**SHERIFF'S SALE**  
 By virtue of a Writ of Execution  
 filed to No. 14927-07  
 JPMorgan Chase Bank, N.A., as  
 Trustee for the C-Bass Mortgage  
 Loan Asset-Backed Certificates,  
 Series 2005-RP2 vs. William R.  
 Wakeley a/k/a William Richard  
 Wakeley and Wilma M. Wakeley  
 a/k/a Wilma Marie Wakeley  
 Amount Due: \$195,719.68  
 William R. Wakeley a/k/a  
 William Richard Wakeley  
 and Wilma M. Wakeley a/k/a  
 Wilma Marie Wakeley, owner(s)  
 of property situated in Township of  
 McKean, Erie County, Pennsylvania  
 being 9770 OLIVER ROAD,  
 MCKEAN, PA 16426.  
 Acreage: 11.465  
 Assessment Map number:  
 31-014-058.0-015.02  
 Assessed Value: 192,130.00  
 Improvement thereon: residential  
 Phelan, Hallinan & Schmieg, LLP  
 Attorney for Plaintiff  
 One Penn Center at Suburban  
 Station, Suite 1400  
 1617 John F. Kennedy Boulevard  
 Philadelphia, PA 19103-1814  
 (215) 563-7000  
 Oct. 30, and Nov. 6, 13



**SALE NO. 36**  
**Ex. #12711 of 2009**  
**FLAGSTAR BANK, FSB,**  
**Plaintiff,**  
**v.**  
**RHONDA M. WILKINSON**  
**DONALD C. WILKINSON, JR,**  
**Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 12711-09 Flagstar Bank, FSB vs. Rhonda M. Wilkinson and Donald C. Wilkin, [sic] Jr. Amount Due: \$221,841.32 Rhonda M. Wilkinson and Donald C. Wilkinson, Jr., owner(s) of property situated in TOWNSHIP OF NORTH EAST, Erie County, Pennsylvania being 11567 EAST LAKE ROAD, NORTH EAST, PA 16428-3270. Assessment Map number: 37-011-040.0-006-01 Acreage: 3.8700 Assessed Value: 104,100.00 Assessment Map number: 37-011-040.0-006-00 Acreage: 14.4000 Assessed Value: 50,400.00 Improvement thereon: residential Phelan, Hallinan & Schmieg, LLP Attorney for Plaintiff One Penn Center at Suburban Station, Suite 1400 1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814 (215) 563-7000  
 Oct. 30, and Nov. 6, 13

**SALE NO. 37**  
**Ex. #15025 of 2007**  
**DEUTSCHE BANK NATIONAL**  
**TRUST COMPANY AS**  
**TRUSTEE, Plaintiff**  
**v.**  
**MICHAEL S. WAGNER and**  
**SOPHIA WAGNER, Defendants**  
**PROPERTY DESCRIPTION**

All that certain Tract of Lot of Seated Land located in the City of Erie, County of Erie and State of Pennsylvania bounded and described as follows, to wit: Beginning in the east line of Chestnut Street with the south line of 16th Street. Dwelling known as 1605 Chestnut Street, Erie, PA 16502. Identified as Tax/Parcel ID#:

(16) 3016-310 in the Deed Registry Office of Erie County, Pennsylvania Daniel J. Mancini, Esquire Attorney for Plaintiff 201A Fairview Drive Monaca, PA 15061  
 Oct. 30, and Nov. 6, 13

**SALE NO. 39**  
**Ex. #12801 of 2009**  
**U.S. BANK NATIONAL**  
**ASSOCIATION TRUSTEE**  
**FOR THE PENNSYLVANIA**  
**HOUSING FINANCE AGENCY,**  
**Plaintiff**  
**v.**  
**FRANK M. SAVOIA, Defendants**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution No. 12801-09, U.S. Bank National Association Trustee for the Pennsylvania Housing Finance Agency, Plaintiff vs. Frank M. Savoia, Defendants Real Estate: 104 EAST 41ST STREET, ERIE, PA Municipality: City of Erie Erie County, Pennsylvania Dimensions: 130 x 50 See Deed Book 1044, Page 769 Tax I.D. (18) 5357-402 Assessment: \$16,100. (Land) \$49,730. (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  
 Oct. 30, and Nov. 6, 13

**SALE NO. 41**  
**Ex. #12916 of 2009**  
**U.S. BANK NATIONAL**  
**ASSOCIATION, (TRUSTEE**  
**FOR THE PENNSYLVANIA**  
**HOUSING FINANCE AGENCY,**  
**PURSUANT TO A TRUST**  
**INDENTURE DATED AS OF**  
**APRIL 1, 1982), Plaintiff,**  
**v.**  
**CHRISTOPHER E. CHASE and**  
**PATRICE L. EISERT,**  
**Defendants**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 12916-09, U.S. Bank, et al vs. Christopher E.

Chase and Patrice L. Eisert, owner(s) of property situated in Elk Creek Township, Erie County, Pennsylvania being 8910 Crossingville Road, Albion, PA 16401. Dimensions: 3.8578 acres Assessment Map Number: 13-21-35-12 Assess Value figure: 68,470.00 Improvement thereon: Dwelling Louis P. Vitti, Esquire Attorney for Plaintiff 916 Fifth Avenue Pittsburgh, PA 15219 (412) 281-1725  
 Oct. 30, and Nov. 6, 13

**SALE NO. 42**  
**Ex. #11304 of 2004**  
**Wells Fargo Bank, N.A. successor**  
**by merger to Wells Fargo Home**  
**Mortgage, Inc., Plaintiff**  
**v.**  
**Larry J. Fey and Ruth E. Smith,**  
**Defendant**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 11304-04, Wells Fargo Bank, N.A. successor by merger to Wells Fargo Home Mortgage, Inc. v. Larry J. Fey and Ruth E. Smith, Owner(s) of property situated in City of Erie, Erie County, Pennsylvania, being 2921 Holland Street, Erie PA 16504 ALL THAT CERTAIN piece or parcel of land situate in the City of Erie, County of Erie and Commonwealth of Pennsylvania, more particularly bounded and described as follows, to-wit: BEGINNING at a point in the East line of Holland Street sixty (60) feet North of the North line of Thirtieth Street; thence Eastwardly parallel with Thirtieth Street, one hundred (100) feet to a point; thence Northwardly parallel with Holland Street, thirty (30) feet to a point; thence Westwardly parallel with Thirtieth Street, one hundred (100) feet to the East line of Holland Street; thence Southwardly along the East line of Holland Street, thirty (30) feet to the place of beginning. HAVING erected thereon a two-story frame dwelling house and garage, commonly known as 2921

Holland Street, Erie, Pennsylvania.  
 TOGETHER with the right in the driveway as conveyed in that certain Deed of August 11, 1920.  
 Erie County Tax Index No. (18)5082-126.  
 Assessment Map number: (18)5082-126  
 Assessed Value figure: \$35,130.00  
 Improvement thereon: Residential Dwelling  
 Martha E. Von Rosenstiel, Esquire  
 649 South Avenue, Unit #6  
 P.O. Box 822  
 Secane, PA 19018  
 (610) 328-2887

Oct. 30, and Nov. 6, 13

**SALE NO. 44**

**Ex. #10695 of 2009**  
**CITIMORTGAGE INC.,**  
**Plaintiff**  
 v.  
**LAURA J. CASEY A/K/A**  
**LAURA JANE RIHEL,**  
**Defendant(s)**

**DESCRIPTION**

ALL that parcel of land in Township of Harborcreek, Erie County, Commonwealth of Pennsylvania, as more fully described in Deed Book 1050, Page 842, ID # (27) 47-187-10, being known and designated as; Lot 155-157, Brookside, filed in Plat Book 2, Page 342.  
 Deed from Daniel T. Casey Jr. and Laura J. Casey, husband and wife as set forth in Deed Book 1050, Page 842 Date 08/12/2003 and Recorded 08/13/2003, Erie County Records, Commonwealth of Pennsylvania.  
 PROPERTY ADDRESS: 3855 Hereford Road, Erie, PA 16510  
 Michael T. McKeever, Esquire  
 Attorney for Plaintiff  
 Suite 5000 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106  
 (215) 627-1322

Oct. 30, and Nov. 6, 13

**SALE NO. 45**

**Ex. #12907 of 2009**  
**CITIMORTGAGE INC. F/K/A**  
**CITIFINANCIAL MORTGAGE**  
**COMPANY INC., Plaintiff**  
 v.  
**ARTHUR L. JASKIEWICZ**  
**CHRISTINE M. JASKIEWICZ,**  
**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 Lot No. 24, Block "F", in Evans Estates, Subdivision No. 2, of part of Reserve Tract No. 17, as the same is shown on a map of said subdivision recorded in the Office of the Recorder of Deeds in and for said County of Erie, Pennsylvania, in Map Book No. 4, pages 320, 322 and 323, to which reference is made for a further description of said property, and being known as 3045 West 24th Street, Erie, Pennsylvania.

Erie County Tax Index No. (33) 52-217-9.

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

PROPERTY ADDRESS: 3045 West 24th Street, Erie, PA 16506  
 Michael T. McKeever, Esquire  
 Attorney for Plaintiff  
 Suite 5000 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106  
 (215) 627-1322

Oct. 30, and Nov. 6, 13

**SALE NO. 46**

**Ex. #13727 of 2008**  
**COUNTRYWIDE HOME**  
**LOANS, INC., Plaintiff**  
 v.  
**EDWARD E. KAVALA JR.**

**LEA M. KAVALA, Defendants**  
**DESCRIPTION**

All that certain property situated in the Township of Concord in the County of Erie and Commonwealth of Pennsylvania, being more fully described in a deed dated 11/20/2000 and recorded 11/22/2000, among the land records of the county and state set forth above, in deed volume 739 and page 842.

ALSO DESCRIBED IN DEED AS: ALL THAT CERTAIN piece or parcel of land situate in the Township of Concord, County of Erie, and State of Pennsylvania, bounded and described as follows to-wit:

BEGINNING at the northeast corner of land now or formerly owned by Robert Akam in the center of the road; THENCE west along the said now or formerly Akam's north line thirty-two or (32) rods to a stake; THENCE north parallel to the road twenty (20) rods to lands now or formerly owned by Jahial Drake, Jr.; THENCE east parallel to the first line aforementioned thirty-two (32) rods to the center of the road; THENCE southerly along the center of the road (20) rods to the place of beginning. Containing four (4) acres of land, be the same more or less.

PROPERTY ADDRESS: 21180 Lindsey Hollow Road, Corry, PA 16407  
 Michael T. McKeever, Esquire  
 Attorney for Plaintiff  
 Suite 5000 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106  
 (215) 627-1322

Oct. 30, and Nov. 6, 13

**SALE NO. 47**

**Ex. #12933 of 2009**  
**DEUTSCHE BANK NATIONAL**  
**TRUST COMPANY AS**  
**TRUSTEE ON BEHALF OF**  
**MORGAN STANLEY ABS**  
**CAPITAL I INC. TRUST 2004**  
**HE8 MORTGAGE PASS-**  
**THROUGH CERTIFICATES,**  
**SERIES 2004 HE8, Plaintiff**

v.  
**LARRY A. NEAVINS**  
**ANGELA M. NEAVINS,**  
**Defendant(s)**

**DESCRIPTION**

All that certain piece or parcel of land situate in the City of Erie, County of Erie and State of Pennsylvania, being Lot B of a replot of Lots 131, 132, 133, 134, 135, 136, and 139 of Burton Terrace Subdivision as recorded in Erie County Map Book 17 at page 57, to which reference is made for further description of said property. This is a parcel 65 feet by 100 feet which has erected thereon as single-family residence commonly known as 2306 Cameron Road, and bears Erie County Tax Index No. (18) 5125-302  
 PROPERTY ADDRESS: 2306 Cameron Road, Erie, PA 16510

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

Oct. 30, and Nov. 6, 13

**SALE NO. 49**

**Ex. #12532 of 2009**  
**CITIMORTGAGE INC.,**  
**Plaintiff**

v.

**BRANDON J. SPANGLER, as**  
**Administrator of the Estate of**  
**Lisa J. Spangler, Deceased**

**DESCRIPTION**

ALL that certain piece or parcel of land situate in the Township of Lawrence Park, County of Erie and Commonwealth of Pennsylvania, being part of Tract 246, bounded and described as follows, to-wit:

BEGINNING at an iron pin in the west right-of-way line of Burkhart Street at the southeast corner of the parcel herein described, said point being the intersection of Lots #34 and #35 of the Burklee Place Subdivision as recorded in Erie County Map Book 4, page 122 and 123;

THENCE South 64 degrees 15 minutes 00 Seconds West, along said line, one hundred forty-two (142) feet to an iron pin;

THENCE North 25 degrees 45 minutes 00 seconds West, one hundred fifty (150) feet to a spike in the concrete base of a fence post; THENCE North 64 degrees 15 minutes 00 seconds East, one hundred forty-two (142) feet to an iron pin in the west right-of-way line of Burkhart Street;

THENCE South 25 degrees 45 minutes 00 seconds East, along said street, one hundred fifty (150) feet to the point of beginning;

CONTAINING 0.489 acre of land;  
 PROPERTY ADDRESS: 302 Burkhart Avenue, Erie, PA 16511  
 Michael T. McKeever, Esquire  
 Attorney for Plaintiff

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

Oct. 30, and Nov. 6, 13

**SALE NO. 50**

**Ex. #12842 of 2009**  
**BANK OF AMERICA, Plaintiff**  
 v.

**JENNIFER M. WALLS,**  
**Defendant(s)**

**DESCRIPTION**

All that certain piece or parcel of land situate in the Township of Millcreek, County of Erie and State of Pennsylvania, being Lot No. One Hundred Thirty-five (135) of the Andrews Land Company Subdivision known as WESTRIDGE, part of Tract No. 25, as shown upon a map of said subdivision recorded in Erie County Deed Book 221, page 795.

ALSO DESCRIBED IN DEED AS: ALL that certain piece or parcel of land situate in the Township of Millcreek, County of Erie and State of Pennsylvania, being Lot No. One Hundred Thirty-five (135) of the Andrews Land Company Subdivision known as WESTRIDGE, part of Tract No. 25, as shown upon a map of said subdivision recorded in Erie County Deed Book 221, page 795. Having erected thereon a two-story dwelling and garage and being commonly known as 3021 Court Avenue, Erie, Pennsylvania and being further identified as Erie County Tax Assessment No. (33) 73-307-11.

PROPERTY ADDRESS: 3021 Court Avenue, Erie, PA 16506  
 Michael T. McKeever, Esquire  
 Attorney for Plaintiff  
 Suite 5000 - Mellon Independence  
 Center, 701 Market Street  
 Philadelphia, PA 19106  
 (215) 627-1322

Oct. 30, and Nov. 6, 13

**SALE NO. 51**

**Ex. #14465 of 2008**  
**Beneficial Consumer Discount**  
**Company d/b/a Beneficial**  
**Mortgage Company of**  
**Pennsylvania**  
 v.

**Charles J. Dominick**

**SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 14465-08  
 Beneficial Consumer Discount

Company d/b/a Beneficial Mortgage Company of Pennsylvania v. Charles J. Dominick, owners of property situated in the Township of Fairview, Erie County, Pennsylvania being 515 Avonia Road, Fairview, Pennsylvania 16415.

Tax I.D. No. (21) 12-11-60  
 Assessment: \$ 31,667.15  
 Improvements: Residential Dwelling  
 McCabe, Weisberg and Conway, P.C.  
 123 South Broad Street, Suite 2080  
 Philadelphia, PA 19109

Oct. 30, and Nov. 6, 13

**SALE NO. 52**

**Ex. #12781 of 2008**  
**Wells Fargo Bank, N.A. as**  
**Trustee for Option One Mortgage**  
**Loan Trust 2005-5 Asset-Backed**  
**Certificate, Series 2005-5**

v.

**David B. Getz**

**SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 12781-08  
 Wells Fargo Bank, N.A. As Trustee For Option One Mortgage Loan Trust 2005-5 Asset-Backed Certificate, Series 2005-5 v. David B. Getz, owners of property situated in the Township of Millcreek, Erie County, Pennsylvania being 4115-7 West 30th Street, Erie, Pennsylvania 16506.

Tax I.D. No. (33) 64-244-19  
 Assessment: \$ 158,805.23  
 Improvements: Residential Dwelling  
 McCabe, Weisberg and Conway, P.C. 123 South Broad Street, Suite 2080  
 Philadelphia, PA 19109

Oct. 30, and Nov. 6, 13

**SALE NO. 54**

**Ex. #11195 of 2009**  
**Indymac Federal Bank FSB**  
 v.

**Jacqueline J. Pesi**

**SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 11195-09  
 Indymac Federal Bank FSB v. Jacqueline J. Pesi, owners of property situated in the Township of Millcreek, Erie County,

Pennsylvania being 727 West Gore Road, Erie, Pennsylvania 16509.  
 Tax I.D. No. (33) 119-460-11  
 Assessment: \$ 194,104.39  
 Improvements: A Residential Dwelling  
 McCabe, Weisberg and Conway, P.C. 123 South Broad Street, Suite 2080  
 Philadelphia, PA 19109  
 Oct. 30, and Nov. 6, 13

**SALE NO. 55**

**Ex. #12138 of 2009**

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

v.

**Timothy A. Soggs**

**SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 12138-09  
 BAC Home Loans Servicing, L.P. fka Countrywide Home Loans Servicing, L.P. v. Timothy A. Soggs, owners of property situated in the Township of Millcreek, Erie County, Pennsylvania being 2925 Feasler Street, Erie, Pennsylvania 16506.  
 Tax I.D. No. 33-73-303-3  
 Assessment: \$ 72,759.49  
 Improvements: Residential Dwelling  
 McCabe, Weisberg and Conway, P.C. 123 South Broad Street, Suite 2080  
 Philadelphia, PA 19109  
 Oct. 30, and Nov. 6, 13

**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****BROOKS, DAVID L.,  
deceased**

Late of Erie County  
*Executor:* Bryan Brooks  
*Attorney:* Stanley G. Berlin, Esquire, Shapira, Hutzelman, Berlin, Ely, Smith and Walsh, 305 West 6th Street, Erie, PA 16507

**BROOKS, STEVEN T.,  
deceased**

Late of Erie County  
*Executor:* Bryan Brooks  
*Attorney:* Stanley G. Berlin, Esquire, Shapira, Hutzelman, Berlin, Ely, Smith and Walsh, 305 West 6th Street, Erie, PA 16507

**COLEGRANDE, PAMELA J.,  
deceased**

Late of the City of Erie, County of Erie and State of Pennsylvania  
*Administratrix:* Frances Colegrande, 2166 South Manor Drive, Erie, PA 16505  
*Attorney:* Edwin W. Smith, Esq., Shapira, Hutzelman, Berlin, Ely, Smith & Walsh, 305 West Sixth Street, Erie, PA 16507

**COOK, ANNAGRACE EILEEN,  
a/k/a ANNAGRACE E. COOK,  
deceased**

Late of Erie, Pennsylvania  
*Executor:* Kevin V. Cook, 9940 North Clear Fork Road, Prescott, AZ 86305  
*Attorney:* Todd A. Fuller, Brenlove & Fuller, LLC, P.O. Box 36, 401 Washington Avenue, Bridgeville, PA 15017

**ELLETTSON, GERALDINE N.,  
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania  
*Administrator:* John S. Stein Sr., c/o Kevin M. Monahan, Esq., Suite 300, 300 State Street, Erie, PA 16507  
*Attorneys:* Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, Attorneys-at-Law, Suite 300, 300 State Street, Erie, PA 16507

**JACKSON, CAROL D.,  
deceased**

Late of the City of Erie  
*Co-Executors:* Daniel Peplinski and Sharon Peplinski  
*Attorney:* Lawrence L. Kinter, Esquire, 3820 Liberty Street, Erie, PA 16509

**MARSHALL, WILMA M.,  
deceased**

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

**MIKOLAJCZAK, MICHAEL R.,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Executor:* Michele L. Nowacki, 158 Shanor Heights, Butler, PA 16001  
*Attorney:* Christine Hall McClure, Esq., Knox McLaughlin Gornall & Sennett, P.C., , 120 West Tenth Street, Erie, PA 16501

**MITCHELL, RICHARD L.,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Administrator:* Christian A. Mitchell  
*Attorney:* Stephen H. Hutzelman, Esq., 305 West Sixth Street, Erie, PA 16507

**MOCZULSKI, MARY M.,  
deceased**

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

**MURPHY, DOROTHY M.,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Executrix:* Marilyn A. Allegretto, c/o Thomas A. Tupitza, Esq., 120 W. 10th St., Erie, PA 16501  
*Attorney:* Thomas A. Tupitza, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**SCHLOSSER, CALVIN PAUL,  
deceased**

Late of the Township of Millcreek, County of Erie, and Commonwealth of Pennsylvania  
*Executor:* John C. Schlosser, 4024 Donahue Road, Erie, PA 16506  
*Attorney:* Gregory P. Sesler, Esquire, Sesler and Sesler, 109 East Tenth Street, Erie, PA 16501

**SIMONETTI, FRANCIS R.,  
deceased**

Late of the City of Erie, Commonwealth of Pennsylvania  
*Executor:* Ronald R. Simonetti, 871 West 50th Street, Erie, PA 16509  
*Attorney:* Timothy D. McNair, Esquire, Law Offices of Timothy D. McNair, 821 State Street, Erie, PA 16501

**SWANEY, RITA,  
deceased**

Late of Millcreek Township, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Carol McCall, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508  
*Attorney:* Scott L. Wallen, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508

**SZCZESNY, KATHERINE,  
deceased**

Late of Millcreek Township, Erie County, Pennsylvania  
*Administrator:* Walter Nesgoda, c/o Edward Orton, 33 East Main Street, North East, Pennsylvania 16428  
*Attorney:* Edward Orton, Esq., Orton & Jeffery, P.C., 33 East Main Street, North East, Pennsylvania 16428

**WAISLEY, MERNA V.,  
deceased**

Late of the Township of McKean, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Bernard H. Teodorski, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506  
*Attorney:* James F. Toohey, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**WEBB, CAROLYN O.,  
deceased**

Late of the Township of Union, County of Erie, Commonwealth of Pennsylvania  
*Co-Executors:* Kenyon D. Webb and Keith J. Webb, 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

Notice is hereby given of the administration of the Trust set forth below. All persons having claims or demands against the decedent are requested to make known the same and all persons indebted to said decedent are requested to make payment without delay to the trustee named below.

**PIPOLY, RUTH V.,  
deceased**

Late of the Township of Millcreek, County of Erie, and Commonwealth of Pennsylvania  
*Trustee:* Terrence J. Pipoly, 11942 Dynamite Lane, Kuna, ID 83634  
*Attorneys:* MacDonald, Illig, Jones & Britton, LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**SECOND PUBLICATION**

**ALFIERI, NORMA M.,  
deceased**

Late of Millcreek Township, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Daniel L. Alfieri, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508  
*Attorney:* Scott L. Wallen, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508

**BAUER, HELEN R.,  
deceased**

Late of the Township of Harborcreek, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Kathryn M. Wilcox, c/o W. Atchley Holmes, Esquire, 3820 Liberty Street, Erie, PA 16509  
*Attorney:* W. Atchley Holmes, Esquire, Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

**BRONAKOSKI, MARY,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Barbara A. Wood, c/o Yochim & Nash, 345 West Sixth Street, Erie, PA 16507  
*Attorney:* Gary H. Nash, Esquire, Yochim & Nash, 345 West Sixth Street, Erie, PA 16507

**BROWN, WILLIAM E., SR.,  
deceased**

Late of North East Township, Erie County, North East, Pennsylvania  
*Administrator:* Robert J. Jeffery, 33 East Main Street, North East, Pennsylvania 16428  
*Attorney:* Robert J. Jeffery, Esquire, Orton & Jeffery, P.C., 33 East Main Street, North East, Pennsylvania 16428

**FERL, RANDY THOMAS,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Administratrix:* Beverly Ferl  
*Attorney:* Stephen H. Hutzelman, Esq., 305 West Sixth Street, Erie, PA 16507

**FOX, WILLIAM A.,  
deceased**

Late of Harborcreek Township  
*Administrator:* Charlotte F. Drobniowski, 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

**KEMICK, ROBERT S.,  
deceased**

Late of the Township of North East, County of Erie, State of Pennsylvania  
*Executrix:* Elizabeth A. Seitz, 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

**PARKER, SUSAN K.,  
deceased**

Late of the Borough of North East, County of Erie, State of Pennsylvania  
*Executrix:* Lynda M. Parker, 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

**RICK, AUDREY LOIS, a/k/a  
AUDREY L. RICK, a/k/a  
AUDREY RICK,  
deceased**

Late of the City of Erie, County of Erie, and State of Pennsylvania  
*Administrator:* Randal E. Rick, 3419 Dynes Avenue, Erie, PA 16510  
*Attorney:* Stephen A. Tetuan, Esquire, 558 West Sixth Street, Erie, PA 16507



**SHERRELL, RICHARD A., SR.,  
deceased**

Late of the City of Erie  
*Executor:* Mary L. Sherrell, 1343  
E. 20th St., Erie, PA 16503  
*Attorney:* Larry D. Meredith,  
Esq., 2021 E. 20th St., Erie, PA  
16510

**TABB, JOHN A., a/k/a  
JOHN TABB,  
deceased**

Late of the City of Erie, County  
of Erie, and State of Pennsylvania  
*Executrix:* Nancy L. Carlucci,  
303 Presque Isle Boulevard, Unit  
102, Erie, PA 16505  
*Attorney:* Stephen A. Tetuan,  
Esquire, 558 West Sixth Street,  
Erie, PA 16507

**TUZNICK, EUGENIA A., a/k/a  
EUGENIA A. RUTKOWSKI,  
a/k/a EUGENIA TUZNICK, a/k/a  
EUGENIA A. RUTKOWSKI  
TUZNICK, a/k/a  
JEAN RUTKOWSKI, a/k/a  
JEAN A. RUTKOWSKI,  
deceased**

Late of the City of Erie, County  
of Erie, Pennsylvania  
*Co-Executors:* Mary Beth Dillon  
and Stanley J. Tuznik, c/o 150  
West Fifth St., Erie, PA 16507  
*Attorney:* Colleen C. McCarthy,  
Esq., McCarthy, Martone &  
Peasley, 150 West Fifth St., Erie,  
PA 16507

**THIRD PUBLICATION**

**BAKER, EDWARD T., JR.,  
deceased**

Late of the Township of  
Summit, County of Erie and  
Commonwealth of Pennsylvania  
*Executor:* Charles W. Baker, c/o  
227 West 5th Street, Erie, PA  
16507  
*Attorney:* Mark O. Prenatt,  
Esquire, 227 West 5th Street,  
Erie, Pennsylvania 16507

**BEICHTNER, RONALD W.,  
deceased**

Late of the City of Erie, County  
of Erie, and Commonwealth of  
Pennsylvania  
*Executrix:* Maryann Serkin, c/o  
900 State Street, Suite 104, Erie,  
PA 16501  
*Attorney:* Thomas V. Myers,  
Esquire, Nichols & Myers, P.C.,  
900 State Street, Suite 104, Erie,  
PA 16501

**BLACKBURN, MARY E.,  
deceased**

Late of Millcreek Township, Erie,  
Pennsylvania  
*Executors:* Mark R. Blackburn  
and Matthew T. Blackburn, 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

**CHETONI, PAUL A.,  
deceased**

Late of the City of Erie, County  
of Erie, and Commonwealth of  
Pennsylvania  
*Administrator:* Sumner E.  
Nichols, II, Esquire, Nichols &  
Myers, P.C., 900 State Street,  
Suite 104, Erie, PA 16501  
*Attorney:* Sumner E. Nichols, II,  
Esquire, Nichols & Myers, P.C.,  
900 State Street, Suite 104, Erie,  
PA 16501

**GREEN, BEN H., a/k/a  
BENJAMIN GREEN, JR.,  
deceased**

Late of Union Township, County  
of Erie, and Commonwealth of  
Pennsylvania  
*Executor:* Emelee A. Green, 8050  
Route 97, Union City, PA 16438  
*Attorney:* Sumner E. Nichols, II,  
Esquire, Nichols & Myers, P.C.,  
900 State Street, Suite 104, Erie,  
PA 16501

**ROBERTS, DARLEEN, a/k/a  
DARLEEN ANN ROBERTS,  
deceased**

Late of the City of Edinboro,  
County of Erie and  
Commonwealth of Pennsylvania  
*Executor:* Daniel C. Roberts  
*Attorney:* Joseph T. Messina,  
Esquire, Elderkin, Martin, Kelly  
& Messina, 150 East 8th Street,  
Erie, PA 16501

**ROBINS, DONALD H.,  
deceased**

Late of the Township of  
Millcreek, County of Erie,  
Commonwealth of Pennsylvania  
*Executrix:* Sharon E. Martin, 809  
North Main Street, Auburn, IN  
46706-1225  
*Attorney:* MacDonald, Illig,  
Jones & Britton LLP, 100  
State Street, Suite 700, Erie,  
Pennsylvania 16507-1459

**WILKINS, MARGARET,  
deceased**

Late of the City of Erie  
*Executrix:* Sheila A. Winslow,  
8346 Sunlake Drive West, Girard,  
PA 16417  
*Attorney:* None



**CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS**

**David A. Schroeder** ----- (814) 461-7876  
1001 State Street, Suite 1429 ----- (f) (866) 756-0133  
Erie, PA 16501 ----- *counsel99@aol.com*

**Rebecca Wolford** ----- (814) 459-7754  
337 West Sixth Street ----- (f) (814) 240-1022  
Erie, PA 16507

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.

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[www.eriebar.com](http://www.eriebar.com) or contact the ECBF at 459-3111.

# Erie County Bar Association

## Videoconferencing Services

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### WHAT IS VIDEOCONFERENCING?

Technology that allows you to conduct business face-to-face with others who are in a different city, state or country - as if they were in the room with you. The audio and video are crisp, clear and immediate.

### WHAT ARE THE BENEFITS OF VIDEOCONFERENCING?

Saving time and money while adding convenience. For example, a two hour meeting with someone in Denver, Colorado takes two hours by videoconference. Traveling to and from Denver takes at least 24 hours, if not more, along with the expense of air fare and hotel accommodations.

Videoconferencing also eliminates time away from family as well as catching up on work, phone calls, and E-mail when you return - thus, eliminating stress and increasing productivity.

### WHO MAY USE THIS SERVICE?

**Rates**, including scheduling, location of distant site, set up, testing, room rental, and conference

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

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

*Optional services/fees:*

\$25 - VHS tape of conference

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

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

### WHAT CAN VIDEOCONFERENCING BE USED FOR?

Depositions, examination of expert witnesses, job interviews, business meetings and seminars are common examples.

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

The ECBA will do this for you, and can provide you with that site's hourly rate.

### DO I HAVE TO OPERATE ANY EQUIPMENT DURING A VIDEOCONFERENCE?

No. The ECBA staff will handle everything.

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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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