

*Erie  
County  
Legal  
Journal*

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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 Bar Association

## Calendar of Events and Seminars

### MONDAY, JUNE 7, 2010

Three Live ECBA Seminars  
Bayfront Convention Center

*Time Management for Solo & Small Firm Attorneys*  
8:30 a.m. - 10:00 a.m.

*Financial Management in a Troubled Economy*  
10:15 a.m. - 11:45 a.m.

Lunch - 11:45 a.m. - 12:30 p.m.

*The Top Legal Technologies*  
12:30 p.m. - 2:00 p.m.

Package Deal - \$109 (ECBA members)  
\$156 (nonmembers)  
individual seminars priced at: \$45 (ECBA member)  
\$65 (nonmember)  
1.5 hours substantive per seminar

### THURSDAY, JUNE 10, 2010

*How to Start a Nonprofit Organization*

PBI Groupcast Seminar  
Erie County Bar Association

9:00 a.m. - 12:30 p.m. (8:30 a.m. reg.)  
\$129 (member) \$109 (admitted after 1/1/06)  
\$149 (nonmember)  
3 hours substantive

### MONDAY, JUNE 14, 2010

*Juvenile Injustice in Luzerne County: What can be done to restore faith in the System*

PBI Groupcast Seminar  
Erie County Bar Association

9:00 a.m. - 1:15 p.m. (8:30 a.m. reg.)  
\$214 (member) \$194 (admitted after 1/1/06)  
\$234 (nonmember)

*Early Registration - If you register more than 2 days before this presentation you will qualify for this Early Registration Fee: \$189 (member) \$169 (admitted after 1/1/06) \$209 (nonmember) 4 hours ethics*

### WEDNESDAY, JUNE 16, 2010

*A Conversation with the Bankruptcy Bench*

PBI Groupcast Seminar  
Erie County Bar Association

12:00 p.m. - 2:00 p.m. (11:30 a.m. reg.)  
lunch included  
\$164 (member) \$144 (admitted after 1/1/04)  
\$184 (nonmember)

*Early Registration - If you register more than 2 days before this presentation you will qualify for this Early Registration Fee: \$139 (member) \$119 (admitted after 1/1/06) \$159 (nonmember) 2 hours substantive*

### THURSDAY, JUNE 17, 2010

*Sophisticated Issues for Family Lawyers*

PBI Groupcast Seminar

Erie County Bar Association

8:30 p.m. - 12:30 p.m. (8:00 a.m. reg.)  
\$254 (member) \$234 (admitted after 1/1/04)  
\$274 (nonmember)

*Early Registration - If you register more than 2 days before this presentation you will qualify for this Early Registration Fee: \$229 (member) \$209 (admitted after 1/1/06) \$249 (nonmember) 4 hours substantive*

### TUESDAY, JUNE 22, 2010

*The Amazing Case: How to make a Commercial Case come Alive!*

PBI Video Seminar

Erie County Bar Association

9:00 a.m. - 4:00 p.m. (8:30 a.m. reg.)

Lunch is Included

\$344 (member) \$324 (admitted after 1/1/06)  
\$364 (nonmember)

*Early Registration - If you register more than 2 days before this presentation you will qualify for this Early Registration Fee: \$319 (member) \$299 (admitted after 1/1/06) \$339 (nonmember) 5 hours substantive/1 hour ethics*

### TUESDAY, JUNE 29, 2010

Mid-Year Meeting & Live ECBA Seminars  
Bayfront Convention Center

10:00 a.m. - 3:30 p.m.

Package Deal available for ECBA members  
go to [www.eriebar.com](http://www.eriebar.com) for detailed information

### WEDNESDAY, JUNE 30, 2010

*General Practitioners Update 2010*

PBI Groupcast Seminar

Bayfront Convention Center

8:30 a.m. - 4:10 p.m. (Reg. 8:00 a.m.)

lunch included

\$254 (member) \$234 (admitted after 1/1/06)  
\$274 (nonmember)

*Early Registration: If you register more than 2 days before this presentation you will qualify for this Early Registration Fee: \$229 (member) \$209 (admitted after 1/1/06) \$249 (nonmember) 5 hours substantive/1 hour ethics*

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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**

**JUNE 2010 NOTICE**

The following is a list of *June through August 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, June 2, 2010  
Wednesday, June 23, 2010  
Wednesday, July 14, 2010  
Wednesday, August 4, 2010  
Wednesday, August 18, 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)

\* ALL Chapter 12 matters are to be scheduled at this time

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

Thursday, June 10, 2010  
Thursday, June 24, 2010  
Thursday, July 15, 2010  
Thursday, July 29, 2010  
Thursday, August 12, 2010  
Thursday, August 26, 2010

2:00 p.m.: Open for all Erie matters\*  
2:30 p.m.: Open for all Erie matters

\*NOTE: 1:30 p.m. has been removed for self-scheduling Chapter 7 matters. Please use 2 p.m. and 2:30 p.m.

**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

Jun. 4

**Paralegal/Legal Secretary**

One of Northwestern Pennsylvania's busiest personal injury/criminal defense law firms with offices in Erie, Edinboro, and Warren, has an opening in the Edinboro office. We are seeking a candidate who desires a career opportunity to be associated with a very successful law firm. Send letter of interest and résumé to Attorney Grant C. Travis, The Travis Law Firm, Travis Law Building, 102 Lorna Lane, Edinboro, PA 16412.

Jun. 4

**CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS**

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RICHARD N. LETTIERI, ESQ.

**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 / NEW MATTER*

42 Pa. R.C.P. 1030 requires that all affirmative defenses be pled as "New Matter." While Rule 1030 does not itself require factual averments, neither does it relieve the pleading party from complying with Rule 1019(a), which requires that material facts supporting a defense be pled in concise and summary form.

*PLEADINGS / GENERAL REQUIREMENTS*

A verification does not meet the requirements of 42 Pa. R.C.P. 206.3 when signed by a person who is not identified as an authorized representative of a party.

*PLEADINGS / GENERAL REQUIREMENTS*

A verification does not meet the requirements of 42 Pa. R.C.P. 206.3 when it does not specify whether or not the signor has personal knowledge of the averments in the pleading.

*PLEADINGS / NEW MATTER*

New Matter which merely incorporates the averments of previously filed preliminary objections and supporting brief is overly broad and vague.

*PLEADINGS / NEW MATTER*

New Matter which asserts the statute of repose as a defense but which reveals no factual basis for the defense other than to make the assertion of defense contingent upon the revelation of a basis for the defense in discovery is insufficiently specific.

*PLEADINGS / NEW MATTER*

New Matter which asserts generally that agreement may limit or bar plaintiff's claims but which identifies no specific basis for the defense is overly broad and vague.

*PLEADINGS / NEW MATTER*

New Matter which raises objections to Complaint, which objections were previously raised in defendant's preliminary objections to Complaint and overruled by Court, is improper and will be stricken without leave to amend.

*PLEADINGS / NEW MATTER / INTERVENING CAUSES*

The defense of intervening or superseding is one that requires more specificity in pleading than other defenses and New Matter that merely asserts that other parties over whom defendant had no control may have caused plaintiff's injuries but which does not otherwise identify those

parties is insufficiently specific.

*PLEADINGS / NEW MATTER / MITIGATION*

New Matter which asserts that mitigation may bar or limit plaintiff's claims "If in fact supported by discovery yet to be conducted..." is insufficiently specific.

*PLEADINGS / NEW MATTER / PRELIMINARY OBJECTIONS*

New Matter that describes plaintiff's pre-existing conditions in detail asserts that plaintiff's claims are barred or limited by said pre-existing condition was sufficiently pled and preliminary objections to same would be overruled.

*PLEADINGS / NEW MATTER*

Mere assertion of MCARE Act and Health Care Services Malpractice Act of Pennsylvania as offering affirmative defenses without any greater specificity is insufficient even when the pleading party asserts that there has been insufficient time and opportunity to identify more specific information pertaining to such defenses.

*PLEADINGS / NEW MATTER*

New Matter alleging that failure to obtain Certificate of Merit is an affirmative defense "(I)n the event that discovery should determine... [that a Certificate of Merit was not obtained]" is an improper assertion of an anticipatory defense and will be stricken without leave to amend.

*PLEADINGS / NEW MATTER*

New Matter which purports to "reserve right to amend" later is overly broad and will be stricken.

*PLEADINGS / NEW MATTER*

New Matter which purports to assert defense to delay damages is improper at pleadings stage but such defense may be raised in response to claim for delay damages if and when such claim arises.

*PLEADINGS / NEW MATTER*

New Matter that asserts preexisting condition(s) as an affirmative defense but which does not identify the preexisting condition is impermissibly vague and overbroad, even when defendant asserts that "(A)s this matter is only in the early stages of discovery, and these Defendants have not completed their investigation of plaintiffs' claims, Defendants have not yet identified which preexisting medical conditions may have caused Decedent's claimed injuries..."

*PLEADINGS / NEW MATTER*

"Two Schools of Thought Doctrine" is not an affirmative defense which must be pled as New Matter.

*PLEADINGS / NEW MATTER / PRELIMINARY OBJECTION*

New Matter that raises defense of contractual arbitration clause, which defense was previously raised by defendant via preliminary objection and specifically rejected by Court on its merits, is improper and will be stricken without leave granted to amend.

*CIVIL PROCEDURE / COMMENCEMENT OF ACTION*

Personal representative of decedent is proper party to bring wrongful death action for the benefit of those persons entitled by law to recover damages for such wrongful death. 42 Pa. R.C.P. 2202.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY,  
 PENNSYLVANIA                      CIVIL DIVISION                      NO. 15969-2008

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

**OPINION AND ORDER**

DiSantis, Ernest J., Jr., J.

This matter comes before the Court on Preliminary Objections to Defendants' Answers and Amended New Matter, filed on behalf of Plaintiffs, 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"). Argument was held before the Court on April 1, 2010.

**I.                      BACKGROUND OF THE CASE**

Plaintiffs commenced this action against Defendants, Fairview Manor, HCF of Fairview, Inc., David C. Lesseski, D.O. ("Dr. Lesseski"), and Presque Isle Family Medicine, Inc. ("PIFM"), by filing a Praecipe for Writ of Summons on December 10, 2008, pursuant to Pa.R.C.P. 1007. On May 12, 2009, Plaintiffs filed a seventy-one page Complaint, alleging wrongful death and survival actions against each Defendant. Plaintiffs further alleged causes of action for corporate liability and negligence *per se* against Fairview Manor and HCF of Fairview, Inc. Plaintiffs asserted, *inter alia*, that Defendants were negligent in their failure to provide appropriate and necessary treatment and care to Christine D. Vaughn during her stay at Fairview Manor. Moreover, they asserted that, as a result of Defendants' negligence, Ms. Vaughn suffered serious injuries, pressure ulcers, dehydration, skin breakdown and progression of c-difficile colitis. Ultimately, Ms. Vaughn died on December 20, 2006.

In June 2009, the Defendants filed their respective preliminary objections and supporting briefs. On October 6, 2009, this Court ruled on the parties' preliminary objections and ordered Defendants to file their respective Answers within thirty days.

In November 2009, the Defendants filed their respective answers and new matter, to which Plaintiffs filed Preliminary Objections to Defendants' Answers and New Matter. In response, Fairview Manor and



HCF of Fairview, Inc. filed an Answer and Amended New Matter on December 10, 2009. Dr. Lesseski and PIFM filed their Amended New Matter on December 18, 2009.

Plaintiffs filed Preliminary Objections to Defendants' Answers and Amended New Matter and a supporting brief on December 29, 2009 and January 28, 2010, respectively. On January 29, 2010, Dr. Lesseski and PIFM filed a Response and Opposition to Plaintiffs' Preliminary Objections to Defendants' Answers and Amended New Matters. On February 23, 2010, Fairview Manor and HCF of Fairview, Inc. filed a Brief in Opposition to Preliminary Objections to Defendants' New Matter.

## II. DISCUSSION

### A. Law

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:

- ...
- (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;
- ...

Pa.R.C.P. 1028.

In ruling on preliminary objections, this Court must accept as true all well-pleaded, material and relevant facts. *Mellon Bank v. Fabinyl*, 650 A.2d 895, 899 (Pa. Super. 1994). This Court need not accept as true "conclusions of law, unwarranted inferences from the facts, argumentative allegations or expressions of opinion." *Myers v. Ridge*, 712 A.2d 791, 794 (Pa.Cmwlt. 1998). In order to sustain preliminary objections, it must appear with certainty or be clear and free from doubt based on the facts as pleaded, that the law will not permit recovery. *Harrisburg Sch. Dist. v. Hickok*, 781 A.2d 221 (Pa. Cmwlt. 2001).

New matter is governed by Pa.R.C.P. 1030. Rule 1030 provides that a party must set forth all affirmative defenses in his responsive pleading under the heading 'New Matter'. Pa.R.C.P. 1030(a). Although Rule 1030(a) lists various affirmative defenses that must be pleaded, that list is not exhaustive and the Rule requires that other affirmative defenses not listed must still be pleaded in New Matter. Moreover, a "party may set forth as new matter any other material facts which are not merely denials of the averments of the preceding pleading." *Id.*

New matter ignores what the adverse party has averred and adds new facts to the legal dispute on the theory that such new

facts dispose of any claim or claims which the adverse party had asserted in his pleading. An affirmative defense is distinguished from a denial of facts which make up the plaintiff's cause of action in that a defense will require the averment of facts extrinsic to the plaintiff's claim for relief.

*Coldren v. Peterman*, 763 A.2d 905, 908 (Pa. Super. 2000) (internal citations omitted).

Pennsylvania Rule of Civil Procedure 1019(a) requires that "the material facts on which a cause of action or defense is based shall be stated in a concise and summary form". Pa.R.C.P. 1019 (a). The purpose of this rule is to require the pleader to disclose material facts sufficient to enable the adverse party to prepare his case. *Smith v. Allegheny County*, 155 A.2d 615 (Pa. 1959); *Landau v. W. Pennsylvania Nat'l Bank*, 282 A.2d 335, 339 (Pa. 1971). 'Material facts' are those facts essential to support a claim raised in the matter. *Baker v. Rangos*, 325 A.2d 498 (Pa. Super. 1974). "While it is true that Rule 1030 does not require factual averments, it does not relieve the pleading party from complying with Rule 1019 (a). *Allen v. Lipson*, 8 Pa. D & C 4th 390, 394 (Pa. Cmwlth. 1990).

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).

### **B. Motion to Strike Fairview Manor's Amended Answer for Failing to Conform to Rule of Court.**

Plaintiffs assert that Fairview Manor's Answer and Amended New Matter is not properly verified, as required by Pa.R.C.P. Nos. 1024 and 206.3. In particular, Plaintiffs contend that the supplied verification of Ryan Stechschulte is not identified as an authorized representative of Fairview Manor or HCF of Fairview, Inc., such as to bind both Defendants to the averments of the Answer and Amended New Matter. Furthermore, Plaintiffs argue that Mr. Stechschulte did not assert that he had personal knowledge of the averments and did not set forth his authority to act on behalf of Defendants or his representative capacity.

Rule 206.3 of the Pennsylvania Rules of Civil Procedure provides that, "A petition or answer containing an allegation of fact which does not appear of record shall be verified." Pa.R.C.P. 206.3 Rule 1024 of the Pennsylvania Rules of Civil Procedure provides, *inter alia*, the following:

(a) Every pleading containing an averment of fact not appearing of record in the action or containing a denial of fact shall state that the averment or denial is true upon the signer's personal knowledge or information and belief and shall be verified. The signer need not aver the source of the information

or expectation of ability to prove the averment or denial at the trial. A pleading may be verified upon personal knowledge as to a part and upon information and belief as to the remainder.

(b) If a pleading contains averments which are inconsistent in fact, the verification shall state that the signer has been unable after reasonable investigation to ascertain which of the inconsistent averments, specifying them, are true but that the signer has knowledge or information sufficient to form a belief that one of them is true.

(c) The verification shall be made by one or more of the parties filing the pleading unless all the parties (1) lack sufficient knowledge or information, or (2) are outside the jurisdiction of the court and the verification of none of them can be obtained within the time allowed for filing the pleading. In such cases, the verification may be made by any person having sufficient knowledge or information and belief and shall set forth the source of the person's information as to matters not stated upon his or her own knowledge and the reason why the verification is not made by a party.

Pa.R.C.P. 1024.

This Court agrees with Plaintiffs' assertion and will sustain this preliminary objection. Defendants shall have 20 days from the date of this Order to file a verification that reflects Mr. Stechschulte's representative capacity, authority, employment status and if he has personal knowledge of those averments set forth in Defendants' Answer and Amended New Matter.

**C. Motion to dismiss paragraphs 1, 8, 10-30 of Fairview Manor's Amended New Matter or in the alternative, request for a more specific pleading.**

Plaintiffs claim these paragraphs contain no factual allegations to support the defenses asserted or specific material facts required by Rule 1019(a). They also assert that these paragraphs lack the specificity required by Pa.R.C.P. 1028(3). In addition, Plaintiffs also argue that Defendants have improperly raised anticipatory defenses. The paragraphs in question are:

*1. These defendants hereby incorporate their . . . Preliminary Objections and supportive Brief as though same were fully set forth herein.*

This paragraph referencing Defendants' preliminary objections and supportive brief is overly broad and vague. As such, it shall be stricken from Defendants' Answer and Amended New Matter without leave to amend.

8. *Should discovery reveal the basis for same, defendants plead the defense of statute of repose.*

Defendants fail to specifically plead the defense of statute of repose. Therefore, Plaintiffs' preliminary objection to paragraph 8 will be sustained and Defendants shall have 20 days from the date of this Order to file an amended pleading.

10. *To the extent that any terms of the Admission Agreement which is in the possession of the plaintiffs provide any defense or limitation of damages or liability, plaintiff's claim is therefore limited or barred by those terms.*

Paragraph 10 is overbroad, vague, and fails to assert any specific defense. Therefore, Plaintiffs' preliminary objection to paragraph 10 will be sustained and Defendants shall have 20 days from the date of this Order to file an amended pleading.<sup>1</sup>

12. *Plaintiff's Complaint alleges in a very general manner; that all of the alleged negligent conduct set forth in the Complaint was caused by agents, servants or employees of these defendants. As an example, plaintiffs have made the following allegation at ¶ 162:*

*"All of the actions, inactions, negligence, breaches of regulations and standards of care and all other activities related to the care provided Christine D. Vaughn, while she was a resident of defendant, Fairview Manor and HCF of Fairview, Inc., and the management of defendant, Fairview Manor and HCF of Fairview, Inc.'s activities as set forth herein arose within the course and scope of the employment and/or the agency of those persons, and all of the above individuals were acting within the scope and course of their employment and/or actual agency or apparent agency with defendant, Fairview Manor and HCF of Fairview, Inc. in and about their respective duties as such and acted on behalf of said defendant and within the scope of their authority at all relevant times."*

13. *No portion of the Complaint provides the name or identity of any individual referenced in this paragraph or any of the other similar paragraphs in plaintiff's Complaint.*

14. *In the event discovery would reveal that any of the individuals referenced in the Complaint were in fact not acting "within the course and scope" of the employment and/or the agency "of these defendants", nor were acting in accordance with their "respective duties" or not acting within the "scope of their authority at all relevant*

---

<sup>1</sup> Paragraph 11 of Fairview Manors' Amended New Matter is addressed *supra*.

*times", defendant, Fairview Manor asserts that the plaintiff's causes of action and any and all damages claimed by plaintiff may have in fact been caused by individuals and/or entities over whom the answering defendants had no control, nor the right to control, and as may be applied to the facts disclosed in discovery.*

*15. These defendants incorporate by reference their preceding paragraphs in New Matter and again set forth the principles of superseding and/or intervening cause, insofar as the plaintiff's complaint fails to identify any particular individual whom is claimed cause any injury or harm to the plaintiff's decedent. Should it be determined that such an individual was not an agent, servant or employee of these defendants, then the argument will be made at trial that the injury may have been the result of a superceding and/or intervening cause as discovery may indicate.*

Relative to paragraphs 12, 13, and 15, this Court previously overruled Defendants' motion to strike paragraph 162 of Plaintiffs' Complaint. *See, Opinion and Order*, 10/06/09. In addition, Defendants fail to specifically plead the defense of a superseding and/or intervening cause is not sufficient. *See, Lee v. Denner*, 76 Pa. D & C 4th 181 (2005), *citing Fitzgerald v. Kaguyutan*, 18 Pa. D & C 4th 1, 3 (1993)("Certain defenses, such as pleading intervening and superseding acts of others, require more specificity than others.") Accordingly, Plaintiffs' preliminary objections to paragraphs 12 through 15 will be sustained. As to paragraphs 14 and 15, Defendants shall have 20 days from the date of this Order to file an amended pleading.

*16. If in fact supported by discovery yet to be conducted, Plaintiff's Complaint and all causes of action are barred by Plaintiff's failure to mitigate her damages by promptly and properly following the physician's orders and directives regarding care and treatment.*

The defendants have failed to specifically plead the defense of failure to mitigate damages. Therefore, Plaintiffs' preliminary objection to paragraph 16 will be sustained and Defendants shall have 20 days from the date of this Order to file an amended pleading asserting the material facts on which allegation is based.

*17. Plaintiff's Complaint at ¶ 21 asserts that Christine D. Vaughn was admitted to Fairview Manor with the "expectation that the level of care she would receive would be commensurate with her rights in the state of Pennsylvania as a nursing home resident."*

*18. Paragraph 22 of plaintiff's Complaint asserts that at the time of her admission to Fairview Manor, plaintiff's decedent suffered from "ambulatory dysfunction secondary to degenerative joint disease of the knee, hypertension, dementia, hypothyroidism and Vitamin B-12 deficiency" and further asserts that she was taking many medications.*

19. Paragraph 23 of plaintiff's Complaint asserts that plaintiff's decedent was able to ambulate only with a walker and that she required a "skilled level of nursing care."

20. Plaintiff's Complaint at ¶ 24 also asserts that plaintiff's decedent suffered from "anemia, ambulatory dysfunction, osteoarthritis, limited mobility and incontinence," and she was noted to be "at risk for impaired skin integrity and pressure ulcers, and due to this risk, several interventions were to be implemented."

21. Plaintiff's Complaint and all causes of action are therefore barred and/or mitigated by the fact that plaintiff's injuries and damages were the result of a pre-existing condition and/or injury which are referenced above and which resulted in plaintiff's decedent being admitted to Fairview Manor in the first place.

The Court concludes these paragraphs are sufficiently pled and will overrule Plaintiffs' objections to paragraphs 17-21.

22. To the extent that the Medical Care and Availability and Reduction of Error Act, 40 P.S. §1301.101, as amended by the Act of March 20, 2002, and all of the provisions therein provide legal requirements and parameters for recovery in the within case, defendant pleads any and all applicable sections and defenses set forth therein.

This paragraph does not specifically plead an affirmative defense. Therefore, Plaintiffs' preliminary objection to paragraph 22 will be sustained and Defendants shall have 20 days from the date of this Order to file an amended pleading.

23. In the event discovery should determine and/or it should be determined at any time thereafter, that plaintiff's counsel has failed to obtain the required Certificate of Merit, these defendants request dismissal of the case as well as reimbursement of any monies paid to the plaintiffs as a result of any such insufficient or non-existent documentation supporting the required Certificate of Merit.

Paragraph 23, is anticipatory and does not specifically plead an affirmative defense under Pa.R.C.P. 1030. Therefore, this paragraph is stricken without leave to amend.

24. Answering Defendants reserve the right to amend their New Matter defenses to include those defenses enumerated in Pennsylvania Rules of Civil Procedure 1030, should discovery reveal a factual basis for same and any other affirmative defenses upon completion of discovery in this matter consistent with the Pennsylvania law allowing liberality in the amendment of pleadings.

25. Any claim the plaintiffs may make regarding entitlement for delay damages is barred on the grounds of such a claim, or its source of authorization, violates the due process requirements of the United States and Pennsylvania Constitution.

Paragraphs 24 and 25 are overbroad, vague and shall be stricken. This issue of delay damages is not extant at this point in the case. Defendants may raise defenses to a delay damage claim if and when it arises.

**D. Motion to dismiss paragraphs 210, 212-214, 216, 217, 219, 220 and 222 of Dr. Lesseski's New Matter or in the alternative, request for a more specific pleading.**

Plaintiffs claim these paragraphs do not contain any factual allegations to support the defenses asserted as required by Rule 1019(a) and Pa.R.C.P 1028 (3). In addition, Plaintiffs claim that Defendants impermissibly raise anticipatory defenses. The challenged paragraphs are:

*210. These Defendants incorporate Paragraphs 1 through 209 of their Answer to Plaintiff's Complaint as if fully set forth herein.*

This Court finds this paragraph is sufficiently pled.

*212. These Defendants raise all affirmative defenses set forth in or available as a result of the provisions of the Health Care Services Malpractice Act of Pennsylvania, 40 P.S. § 1301, et. seq. As this matter is only in the early stages of discovery, and these defendants have not completed their investigation of the Plaintiffs' claims, the Defendants cannot yet identify with greater specificity which affirmative defenses may be applicable here. However, these Defendants will provide support for any and all applicable affirmative defenses in accordance with the Pennsylvania Rules of Civil Procedure or any Order by this Court.*

*213. These Defendants raise all affirmative defenses set forth in or available as a result of the provisions of the Medical Care Availability and Reduction of Error Act, 40 P.S. § 1303, et. seq. As this matter is only in the early stages of discovery, and these Defendants have not completed their investigation of the Plaintiffs' claims, Defendants cannot yet identify with greater specificity which affirmative defenses may be applicable here. However, these Defendant will provide support for any and all applicable affirmative defenses in accordance with the Pennsylvania Rules of Civil Procedure or any Order by this Court.*

*214. Without limiting the generality of the foregoing averment, the Plaintiffs' request for punitive damages against these Defendants is barred by 40 Pa. C.S.A. § 1303.505.*

As to paragraphs 212 and 213, the Court finds that Defendants are attempting to raise anticipatory defenses. The paragraphs lack specificity. Accordingly, Plaintiffs' preliminary objections to paragraphs 212 and 213 will be sustained and Defendants shall have 20 days from the date of this Order to file amended pleadings as to paragraphs.

Paragraph 214 is sufficiently pled.

216. *These Defendants hereby incorporate their Preliminary Objections in this matter as if set forth fully herein. Specifically, Defendants maintain that Plaintiffs' Complaint fails to conform to the pleading requirements of Pa.R.C.P. 1019(a) in that Plaintiffs' 161 - paragraph statement of facts contains numerous immaterial and impertinent facts. Further, Defendants maintain that Paragraphs 101 and 192 (bb) of Plaintiffs' Complaint are legally insufficient in that Pennsylvania law does not recognize a duty to notify a patient's "entire family" of the nature, extent, and severity of a condition. Paragraph 192 (vv) is also legally insufficient, as a claim for lack of informed consent sounds in battery rather than negligence, and because [h]olding out expertise which induced decedent and her family to believe that adequate and proper care would be provided" is not a recognized claim under Pennsylvania law.*

This paragraph's reference to Defendants' previous preliminary objections is overly broad and vague. Plaintiffs preliminary objection to paragraph 216 of Defendants' new matter will be sustained because: (1) this Court previously struck paragraph 192(vv) of Plaintiffs Complaint as part of its ruling on the Defendants' preliminary objections; and, (2) Defendants' challenges to paragraphs 101 and 192 (bb) of Plaintiffs Complaint, along with their motion to strike for failure to conform to rule of court, were previously overruled by this Court as part of its ruling on the Defendants' preliminary objections.

217. *These Defendants plead the doctrine of intervening and superseding causes as an affirmative defense. As this matter is only in the early stages of discovery, and these Defendants have not completed their investigation of Plaintiffs' claims, Defendants cannot yet identify which intervening or superseding causes of the Decedent's injury will be applicable as affirmative defenses here. However, these Defendants will provide support for any and all applicable affirmative defenses in accordance with the Pennsylvania Rules of Civil Procedure and/or any Order by this Court.*

Defendants have failed to sufficiently plead the defense of intervening and superseding cause. *See, Lee v. Denner*; 76 Pa. D & C 4th 181 (2005), *citing Fitzgerald v. Kaguyutan*, 18 Pa. D & C 4th 1, 3 (1993)("Certain defenses, such as pleading intervening and superseding acts of others, require more specificity than others.") Therefore, Plaintiffs' preliminary objection to paragraph 217 will be sustained and Defendants shall have 20 days from the date of this Order to file an amended pleading.

219. *These Defendants are not liable for any preexisting medical conditions which caused the claimed injuries and/or damages. As this matter is only in the early stages of discovery, and these Defendants have not completed their investigation of Plaintiffs' claims, Defendants have not yet identified which preexisting medical conditions may have*



*caused Decedent's claimed injuries. However, these Defendants will provide support for any and all applicable affirmative defenses in accordance with the Pennsylvania Rules of Civil Procedure or any Order by this Court.*

This Court finds that paragraph 219 is essentially a general denial of causation and belongs in Defendants' Answer, not New Matter. To the extent that it reflects the Defendants' hope that other defenses may be disclosed during discovery, it is vague and overbroad. They may amend their pleading accordingly within 20 days.

*220. To the extent that the evidence developed during discovery demonstrates the application of the "two schools of thought doctrine," these Defendants plead that doctrine as providing a complete defense to any alleged negligence and/or malpractice. These Defendants will timely produce experts in accordance with the Pennsylvania Rules of Civil Procedure and/or any Scheduling Order entered by this Court.*

Paragraph 220 is superfluous because Defendants do not have to raise the theory of "two schools of thought as a defense." *See, Colangeli v. Pallone*, 63 Pa D & C 4th 386, 392 (2003), *citing Voorhees v. Trustees of the University of Pennsylvania*, 33 Phila. 302, 331 (1997), affirmed, 718 A.2d 869 (Pa. Super. 1998 (unpublished memorandum) (recognizing that the two schools of thought doctrine is not an affirmative defense but is a label as to a type of evidence offered in a case when a medical practitioner is alleged to have deviated from a standard of care).

*222. Any claim that the Plaintiffs may make regarding entitlement for damages for delay is barred on the ground that such a claim, or its source of authorization, violates the due process requirements of the United States Constitution and the Pennsylvania Constitution.*

This paragraph is overbroad, vague and shall be stricken. Furthermore, the issue of delay damages is not extant at this point in the case.

**E. Motion to dismiss paragraphs 26 and 27 of Fairview Manor's New Matter with prejudice.**

Fairview Manor attempts to raise the defense of arbitration. This Court previously ruled that the wrongful death and survival actions were consolidated for trial and, therefore, the case was not subject to arbitration. *See*, Opinion and Order, 10/06/09, at 9-12. Therefore, Counts 26 and 27 of Fairview Manor's New Matter shall be stricken without leave to amend.

**F. Motion to dismiss paragraphs 28-30 of Fairview Manor's Amended New Matter.**

These paragraphs assert that Plaintiffs have failed to join wrongful death complainants as indispensable parties. A wrongful death action "shall be brought only by the personal representative of the decedent

for the benefit of those persons entitled by law to recover damages for such wrongful death." Pa.R.C.P. 2202 As such, paragraphs 28 through 30 shall be stricken from Defendants' Answer and Amended New Matter without leave to amend.

**G. Motion to dismiss with prejudice paragraphs 10 and 11 of Fairview Manor's Amended New Matter and paragraph 223 of Dr. Lesseski's Amended New Matter.**

Fairview Manor alleges in paragraph 11 that the Admission Agreement may provide the defense of release of liability.<sup>2</sup> In paragraph 11, they allege the defense of release of liability. Specifically, they allege:

*11. Should discovery reveal any portion of the Admission Agreement is deemed a release of liability, then defendants plead the terms of any such release.*

Dr. Lesseski alleges in allegation the defense of release in paragraph 223 of his amended new matter. As it states:

*The Plaintiffs may have entered into a release having the effect of discharging one or more Defendants from liability in this matter. If, so, these Defendants plead the benefits of said release. As this matter is only in the early stages of discovery, and these Defendants have not completed their investigation of Plaintiffs' claims, Defendants have yet to determine whether any such writing or release discharges one or more of these Defendants from liability in this matter. However, any such writing or release will be provided in the course of discovery in accordance with the Pennsylvania Rules of Civil Procedure and/or any Scheduling Order entered by this Court.*

Paragraph 11 of Fairview Manor's Amended New Matter and paragraph 223 of Dr. Lesseski's Amended New Matter are bald assertions of an anticipatory defense that lack specificity.<sup>3</sup> Therefore, the preliminary objections to paragraphs 11 of Fairview Manor's Amended New Matter and paragraph 223 of Dr. Lesseski's Amended New Matter will be sustained and they will not be allowed to amend.

**III. Conclusion**

In many instances, Defendants have raised anticipatory defenses without factual support. They have done so, they say, because discovery has not been completed. This Court does not find that appropriate. Assuming Defendants cannot amend their pleadings within the 20 day period provided by the Court, they may seek leave to amend their pleadings to include additional defenses if those defenses are disclosed

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<sup>2</sup> Paragraph 11 was addressed *infra*.

<sup>3</sup> 28 Pa.Code § 201.24(b) provides that, "[a] facility may not obtain from or on behalf of residents a release from liabilities or duties imposed by law or this subpart except as part of formal settlement in litigation."

during discovery or, in the alternative, file a motion *in limine* to seek permission to raise the defenses at trial. This Court will consider those requests at the appropriate time.

Based upon the above, this Court will issue an order in accordance with this opinion.

### **ORDER**

AND NOW, this 13th day of May, 2010, for the reasons set forth in the accompanying opinion, Plaintiffs' Preliminary Objections to Defendants' Answers and Amended New Matter are sustained as follows:

(1) Plaintiffs' motion to strike Fairview Manor's Amended Answer for failing to conform to rule of court is sustained and Defendants shall have 20 days from the date of this Order to file a proper verification;

(2) Paragraphs 1, 11 through 13, and 23 through 30 of Defendants', Fairview Manor and HCF of Fairview Inc., Amended New Matter are stricken without leave to amend;

(3) Paragraphs 8, 10, 14 through 16 and 22 of Defendants', Fairview Manor and HCF of Fairview, Inc., Amended New Matter are stricken and Defendants shall have 20 days from the date of this Order to file an amended pleading;

(4) Paragraphs 216, 220, 222 and 223 of Defendants', David C. Lesseski, D.O. and Presque Isle Family Medicine, Inc., Amended New Matter are stricken without leave to amend;

(5) Paragraphs 212, 213, 217 and 219 of Defendants', David C. Lesseski, D.O. and Presque Isle Family Medicine, Inc., Amended New Matter are stricken and Defendants shall have 20 days from the date of this Order to file an amended pleading; and,

(6) In all other respects, Plaintiffs' Preliminary Objections are overruled.

**BY THE COURT:**

**/s/ Ernest J. DiSantis, Jr., Judge**

**CHANGE OF NAME NOTICE**

In the Court of Common Pleas of Erie County, Pennsylvania  
No. 12253 - 2010

IN RE: BRIANNA MARIE FEATHERS

NOTICE is hereby given that on May 24, 2010, a Petition was filed in the above named Court requesting an order to change the name of Brianna Marie Feathers to Brianna Marie Tatar.

A hearing will be held on July 8, 2010 at 1:30 p.m. in Courtroom B of the Erie County Courthouse, 140 West 6th Street, Erie, PA 16501. All interested parties may appear and show cause why the Petition should not be granted.

Mary Alfieri Richmond, Esquire  
Suite 215, 900 State Street  
Erie, PA 16501  
(814) 455-2200

Jun. 4

**CHANGE OF NAME NOTICE**

In the Court of Common Pleas of Erie County, Pennsylvania

In Re: Change of Name of Rosealena Marie Jenkins to Rosealena Marie Thompson-Carroll. Notice is hereby given that on May 26, 2010, the Petition of Ruth Thompson-Carroll and Bryan Carroll on behalf of Rosealena Marie Jenkins was filed with the above identified court, requesting the order authorizing Petitioner to change the name of Rosealena Marie Jenkins to Rosealena Marie Thompson-Carroll. The court has fixed June 17, 2010 at 9:00 o'clock a.m. before the Honorable Michael E. Dunlavey in Room 217, Courtroom I, of the Erie County Courthouse, 140 West Sixth Street, Erie, Pennsylvania as the time and place for hearing on said Petition, when and where all persons interested may appear and show cause, if any, why the prayer for relief should not be granted.

Any questions may be directed to Kari A. Froess, Esquire, at 254 West Sixth Street, Erie, Pennsylvania 16507, telephone number (814) 453-5004.

Jun. 4

**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: PEACH PICKERS ANTIQUES AND COLLECTIBLES
  2. Address of principal place of business, including street and number: 10 S. Center Street, Corry, PA 16407
  3. The character of the business so carried on or conducted is: retail business selling antiques
  4. The real name and address including street and number of the persons who are parties to the registration: Jason Miller, 44 E. Congress Street, Corry, PA 16407 and Melanie Miller, 44 E. Congress Street, Corry, PA 16407
  5. An application for registration of a Fictitious Name under the Fictitious Names Act was filed on May 17, 2010.
- Carney and Ruth Law Office  
224 Maple Avenue  
Corry, Pennsylvania 16407

Jun. 4

**INCORPORATION NOTICE**

Notice is hereby given that LL Masonry, Inc. has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

Michael A. Agresti, Esquire  
4934 Peach Street  
Erie, PA 16509

Jun. 4

**INCORPORATION NOTICE**

Notice is hereby given that Soha Enterprises, Inc. has been incorporated under the provisions of the Business Corporation Law of 1988.

Stephen H. Hutzelman, Esquire  
Shapira, Hutzelman, Berlin, Ely,  
Smith & Walsh  
305 West Sixth Street  
Erie, PA 16507

Jun. 4

**LEGAL NOTICE**

ATTENTION: CHARLES TIMOTHY ROSS  
INVOLUNTARY TERMINATION OF PARENTAL RIGHTS

IN THE MATTER OF THE ADOPTION OF MINOR FEMALE CHILD (K.L.S.); DOB: 12-27-97 #22 IN ADOPTION, 2010

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 Brabender, Court Room F, City of Erie on June 29, 2010 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

Jun. 4

**LEGAL NOTICE**

TO: John Doe Father of Rosealena Marie Jenkins  
 Please be advised that a Petition for Guardianship in regard to your minor daughter, Rosealena Marie Jenkins, born to Melanie Su Jenkins in Erie, Pennsylvania, on March 15, 1995 has been filed in the Erie County Court of Common Pleas on May 27, 2010. A hearing will be held in the Court of Common Pleas of Erie County, Pennsylvania, at the Erie County Courthouse, 140 West Sixth Street, Erie, Pennsylvania 16501, before the Honorable Stephanie Domitrovich on the 2nd day of July, 2010 at 11:45 a.m. in Courtroom G, Room 222. If you wish to object to the same your presence is required. Any questions may be directed to Kari A. Froess, Esquire at 254 West Sixth Street, Erie, Pennsylvania 16507, (814) 453-5004.

Jun. 4, 11, 18

**LEGAL NOTICE**

TO: Melanie Su Jenkins, Mother of Rosealena Marie Jenkins  
 Please be advised that a Petition for Guardianship in regard to your minor daughter, Rosealena Marie Jenkins, born to Melanie Su Jenkins in Erie, Pennsylvania, on March 15, 1995 has been filed in the Erie County Court of Common Pleas on May 27, 2010. A hearing will be held in the Court of Common Pleas of Erie County, Pennsylvania, at the Erie County Courthouse, 140 West Sixth Street, Erie, Pennsylvania 16501, before the Honorable Stephanie Domitrovich on the 2nd day of July, 2010 at 11:45 a.m. in Courtroom G, Room 222. If you wish to object to the same your presence is required. Any questions may be directed to Kari A. Froess, Esquire at 254 West Sixth Street, Erie, Pennsylvania 16507, (814) 453-5004.

Jun. 4, 11, 18

**LEGAL NOTICE**

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

The School District of the City of Erie, 148 West 21st Street, Erie, PA 16502 will receive SEALED BIDS for Thermal Learning System, Pro V10 Two Post Lift, and Paper Towels and Toilet Tissues, up to Thursday, June 24, 2010 at 12:00 p.m., Daylight Savings Times, and will be opened in the Board Room on Thursday, June 24, 2010, at 1:30 p.m. in accordance with the bid forms and specifications to be obtained from the Purchasing Department.  
 Robin Smith  
 Secretary

Jun. 4, 11, 18



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Fax: (814) 838-6172  
Email: ealthof@LSinsure.com

**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

**June 18, 2010  
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  
May 28 and Jun. 4, 11

**SALE NO. 1**

**Ex. #10059 of 2010**  
**AMERICAN GENERAL  
CONSUMER DISCOUNT  
COMPANY, Plaintiff**

v.

**REO ADKINS and  
RODERICK ADKINS,  
Defendants**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 10059-2010; American General Consumer Discount Company vs. Roderick Adkins and Reo Adkins, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 712 East 21st Street Parcel contains 0.1085 acres of land Assessment Map Number:

(18) 5029-204  
Assessed Value Figure: \$28,350.00  
Improvement thereon: two-story frame dwelling  
William T. Morton, Esq.  
Attorney for Plaintiff  
3213 West 26th Street  
Erie, PA 16506  
(814) 836-1011  
May 28 and Jun. 4, 11

**SALE NO. 2**

**Ex. #10060 of 2010**  
**AMERICAN GENERAL  
CONSUMER DISCOUNT  
COMPANY, Plaintiff**

v.

**LOUIS W. JOHNSON, JR.,**

**Defendant**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 10060-2010 American General Consumer Discount Company vs. Louis W. Johnson, Jr.  
Louis W. Johnson, Jr., owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 852 East 23rd Street, Erie, Pennsylvania 16503  
Parcel contains 0.0788 acres of land Assessment Map Number: 18-5034-234  
Assessed Value Figure: \$39,702.60  
Improvement thereon: Two story frame dwelling  
William T. Morton, Esq.  
Attorney for the Plaintiff  
3213 West 26th Street  
Erie, PA 16506  
(814) 836-1011  
May 28 and Jun. 4, 11

**SALE NO. 3**

**Ex. #12595 of 2009**  
**GREENFIELD INVESTMENT  
COMPANY, Plaintiff**

v.

**DAVID A. KELLOGG,**

**Defendant**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed at No. 12595-09, Greenfield Investment Company v. David A. Kellogg, owner of property situated in Summit Township, Erie County, Pennsylvania, on Old Oliver Road and bearing approximately 2.011 acres.  
Assessment Map number:

(40) 17-73-208  
Assessed Value figure: \$73,800.00  
Improvement thereon: Vacant Land Elderkin, Martin, Kelly & Messina Joseph T. Messina, Esquire  
PA I.D. No. 6574  
Attorney for Plaintiff  
150 East Eighth Street  
Erie, Pennsylvania 16501  
(814) 456-4000  
May 28 and Jun. 4, 11

**SALE NO. 4**

**Ex. #10391 of 2010**  
**Northwest Savings Bank  
v.**

**Vernon W. Lilly**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed at No. 10391-2010, Northwest Savings Bank vs. Vernon W. Lilly, owner of property situate in the City of Erie, Erie County, Pennsylvania being: 356 West 23rd Street, Erie, Pennsylvania.  
33' X 125' X 33' X 125'  
Assessment Map Number: (19) 6011-222  
Assessed Value Figure: \$35,000.00  
Improvement Thereon: Residence Kurt L. Sundberg, Esq.  
Marsh Spaeder Baur Spaeder & Schaff, LLP  
Suite 300, 300 State Street  
Erie, Pennsylvania 16507  
(814) 456-5301  
May 28 and Jun. 4, 11

**SALE NO. 6**

**Ex. #15659 of 2009**  
**NORTHWEST CONSUMER  
DISCOUNT COMPANY, d/b/a  
ERIE CONSUMER DISCOUNT  
COMPANY, Plaintiff**

v.

**CHARLES M. FARRELL and  
CRISTLE L. FARRELL, his  
wife, Defendants**

**ADVERTISING DESCRIPTION**

By virtue of Writ of Execution filed to No. 2009-15659 NORTHWEST CONSUMER DISCOUNT COMPANY, d/b/a ERIE CONSUMER DISCOUNT COMPANY vs. CHARLES M. FARRELL and CRISTLE L. FARRELL, owners of the property situate in City of Erie, Erie County, as follows:  
Address: 531-533 EAST 10TH

STREET, ERIE, PA  
 Assessment Map No.: (15) 2027-216  
 Assessed Value Figure: \$39,000.00  
 Improvement Thereon: Two Story  
 Frame Building and Frame Garage  
 Stephen H. Hutzelman, Esq.  
 305 West Sixth Street  
 Erie, PA 16507  
 (814) 452-6800  
 PA ID# 06541

May 28 and Jun. 4, 11

**SALE NO. 7**

**Ex. #12321 of 2009**

**Wells Fargo Bank, National  
 Association, as Trustee for  
 Merrill Lynch Mortgage  
 Investors Trust Mortgage Loan  
 Asset-Backed Certificates, Series  
 2004-OPT1, Plaintiff**

v.

**Denise M. Bender, Defendant(s)**

**LEGAL DESCRIPTION**

ALL that certain piece or parcel of land situate in the Borough of Girard, County of Erie and State of Pennsylvania, bounded and described as follows, to-wit: BEGINNING at the southwesterly corner of the piece at a point in the relocated centerline of the Old Ridge Road distant thereon the following two courses and distances from its intersection with the westerly line of the Borough of Girard, viz; thence along the centerline of said highway, along the arc of a curve to the left having a radius of 674.69 feet, the chord of which bears North 42° 40' 55" East, 63.16 feet, 63.18 feet to the original southwesterly corner of the whole piece; and continuing along the arc of said curve, the chord of which bears North 36° 36' East, 80.64 feet, an arc distance of 80.70 feet, said point also being the northwesterly corner of a 1.052 acre parcel of land heretofore conveyed to Kenneth W. and Janice J. Borland; thence continuing along the arc of said curve having a radius of 674.69 feet; the chord of which bears North 31° 21' 10" East, 42.32 feet, forty-two and thirty-three hundredths (42.33) feet to a point of compound curve; thence continuing along the centerline of the Old Ridge Road, along the arc of a curve to the left having a radius of 3755.86 feet, the chord of which bears North 28° 43'

43" East, one hundred eight and forty-two hundredths (108.42) feet to the southwesterly corner of Girard Plastics; thence along said land South 60° 31' East, thirty-nine and fifty-three hundredths (39.53) feet to an iron survey point; thence by the same South 22° 39' West, twelve and no one hundredths (12.00) feet to an iron survey point; thence by the same South 60° 31' East, two hundred seventy-five and fifty-five hundredths (275.55) feet to an iron survey point and continuing along land of Girard Plastics South 29° 29' West, one hundred seventy-four and ninety-four hundredths (174.94) feet to an iron survey point at the northeasterly corner of aforesaid 1.052 acres parcel of land heretofore conveyed to Kenneth W. and Jance [sic] J. Borland; thence along said land for the following three courses and distances, viz; North 61° 30' 30" West, one hundred forty and thirty-three hundredths (140.33) feet to an iron survey point; North 28° 46' 40" West, sixty-two and forty-three hundredths (62.43) feet to an iron survey point; and North 57° 51' 40" West, passing over an iron survey point at distance of 24.8 feet, one hundred twenty-three and no one hundredths (123.00) feet to the place of beginning and having a two-story frame dwelling, frame barn and appurtenances erected thereupon. Being commonly known as 711 Old Ridge Road, Girard, Pennsylvania. Subject to all restrictions, easements, right of ways, building lines, leases, and/or gas leases of record and to all easements and right of ways visible and discoverable upon an inspection of the premises.  
 BEING KNOWN AS: 711 OLD RIDGE ROAD, GIRARD, PA 16417  
 PROPERTY ID NO.: 23-16-53-1  
 TITLE TO SAID PREMISES IS VESTED IN Denise M. Bender by Deed from Denise M. Bender and Edward J. Tome, her husband dated 7/16/01 recorded 7/20/01 in Deed Book 794 Page 521.  
 Mark J. Udren, Esquire  
 Udren Law Offices, P.C.  
 Woodcrest Corporate Center  
 111 Woodcrest Road, Suite 200  
 Cherry Hill, NJ 08003-3620  
 856-669-5400

May 28 and Jun. 4, 11

**SALE NO. 8**

**Ex. #10177 of 2010**

**Household Finance Consumer  
 Discount Company, Plaintiff**

v.

**Terry K. Dimperio  
 Camella S. Dimperio,  
 Defendant(s)**

**LEGAL DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situate in the Borough of North East, County of Erie and Commonwealth of Pennsylvania, more particularly bounded and described as follows, to-wit: BEGINNING at an iron pin at the intersection of the north line of Lincoln Street with the west line of Center Street; thence westerly along the north line of Lincoln Street, sixty-six (66) feet to an iron pin; thence northerly parallel with the west line of Center Street, one hundred sixty-five (165) feet to an iron pin; thence easterly parallel with the north line of Lincoln Street, sixty-six (66) feet to an iron pin on the west line of Center Street; thence southerly along the west line of Center Street, one hundred sixty-five (165) feet to a point and the place of beginning.  
 BEING KNOWN AS PARCEL 35-6-24-31  
 BEING KNOWN AS: 26 LINCOLN STREET, NORTH EAST, PA 16428  
 PROPERTY ID NO.: 35-6-24-31  
 TITLE TO SAID PREMISES IS VESTED IN Terry K. Dimperio and Camella S. Dimperio, his wife, as Tenants by the Entireties with the Right of Survivorship by Deed from Peter D. Adams, single dated 5/6/94 recorded 5/6/94 in Deed Book 333 Page 191.  
 Mark J. Udren, Esquire  
 Udren Law Offices, P.C.  
 Woodcrest Corporate Center  
 111 Woodcrest Road, Suite 200  
 Cherry Hill, NJ 08003-3620  
 856-669-5400

May 28 and Jun. 4, 11

**SALE NO. 10**

**Ex. #10543 of 2010**

**Wells Fargo Bank, N.A. as  
 Trustee for Option One Mortgage  
 Loan Trust 2005-2 Asset-Backed  
 Certificates, Series 2005-2,  
 Plaintiff**



v.  
**James Myers**

**Kimberly Myers, Defendant(s)**  
**LEGAL DESCRIPTION**

ALL that certain piece or parcel of land situate in Township of Elk Creek, County of Erie and State of Pennsylvania, bounded and described as follows, to-wit: BEGINNING at a point on the centerline of the Kidder Road, said point being the southwest corner of lands conveyed to Ellis L. Herring and wife by Deed recorded in Erie County Deed Book 984 and Page 635, and said point being four hundred and sixty-seven (467) feet west of the point of intersection of the centerline of the Kidder Road and the west line of Miller Road; thence north zero (0) degrees forty-five (45) feet east, along the west line four hundred and ninety two (492) feet to a point and point being the northwest corner of said Herring Land as described in Erie County Deed Book 984 at Page 635; thence westerly, parallel with the centerline of the Kidder Road and four hundred and ninety-two (492) feet distant therefrom, two hundred seventy-five (275) feet more or less to a point in the west line of lands conveyed to Glenn T. Griffis and wife by Deed recorded in Erie Deed Book 898 at Page 324; thence south along the west line of said Griffis Lands, four hundred ninety-two (492) feet more or less to the centerline of the Kidder Road; thence along the centerline to the place of beginning; containing two and three fourths (2 ¾) acres more or less having erected thereon a dwelling house with storage shed; and being more commonly known as 9750 Kidder Road, Cranesville, Pennsylvania 16410. Being further identified as Erie County Tax Identification No. (13) 1-11-6.02 BEING KNOWN AS: 9750 KIDDER ROAD (ELK CREEK TOWNSHIP), CRANESVILLE, PA 16410  
 PROPERTY ID NO.: 13-1-11-6.02 TITLE TO SAID PREMISES IS VESTED IN James Myers and Kimberly Myers, his wife by Deed from Frank L. Hillman and Linda R. Hillman, his wife dated

12/23/04 recorded 12/28/04 in Deed Book 1200 Page 469.  
 Udren Law Offices, P.C.  
 Attorneys for Plaintiff  
 Woodcrest Corporate Center  
 111 Woodcrest Road, Suite 200  
 Cherry Hill, NJ 08003-3620  
 856-669-5400

May 28 and Jun. 4, 11

**SALE NO. 11**

**Ex. #12502 of 2009**  
**HSBC Mortgage Services, Inc.,**  
**Plaintiff**

v.

**Dr. Frank J. Taylor**

**Mary Jane Taylor, Defendant(s)**

**LEGAL DESCRIPTION**

ALL that certain piece or parcel of land situate in Tract 289 in the Township of Fairview, County of Erie and State of Pennsylvania, bounded and described as follows, to-wit: BEING Lot No. One (1) of Pine Tree Subdivision, as recorded in the Office of the Recorder of Deeds of Erie County, Pennsylvania in Erie County Map Book 15 at Page 206, reference to which is hereby made for a more complete description of said Lot.

This conveyance is subject to a Joint Use Agreement by and among first parties herein and Arnold E. Bergquist and Marilyn R. Bergquist, his wife and Jack R. Foht and Ann Foht, his wife, with respect to Lots One, Two and Three (1, 2, and 3) of Pine Tree Subdivision, recorded or intended to be recorded at or about the recording hereof in Erie County, Pennsylvania.

This conveyance is subject to mortgages and encumbrances of record.

BEING KNOWN AS: 80 LORD ROAD, FAIRVIEW, PA 16415  
 PROPERTY ID NO.: 21-13-11-12-04  
 TITLE TO SAID PREMISES IS VESTED IN Dr. Frank J. Taylor and Mary Jane Taylor, his wife by Deed from Dr. Frank J. Taylor and Mary Jane Taylor, his wife, dated 06/06/1978 Recorded 06/06/1978 in Deed Book 1311 Page 434.

Mark J. Udren, Esquire  
 Udren Law Offices, P.C.  
 Woodcrest Corporate Center  
 111 Woodcrest Road, Suite 200

Cherry Hill, NJ 08003-3620  
 856-669-5400

May 28 and Jun. 4, 11

**SALE NO. 12**

**Ex. #15520 of 2009**  
**Marquette Savings Bank**

v.

**Richard A. Shade and**  
**Deborah A. Shade**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed at No. 15520-2009, Marquette Savings Bank vs. Richard A. Shade and Deborah A. Shade, owners of property situate in Summit Township, Erie County, Pennsylvania being: 8530 Oliver Road, Erie, Pennsylvania.

1.52 acres  
 Assessment Map Number: (40) 17-80-1.01  
 Assessed Value Figure: \$176,150.00  
 Improvement Thereon: Residence Donald F. Fessler, Jr., Esq. Marsh Spaeder Baur Spaeder & Schaaf, LLP  
 Suite 300, 300 State Street  
 Erie, Pennsylvania 16507  
 814-456-5301

May 28 and Jun. 4, 11

**SALE NO. 13**

**Ex. #10004 of 2010**  
**PNC BANK, NATIONAL**  
**ASSOCIATION, Plaintiff**

v.

**John A. Parker, Defendant**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 2010-10004 PNC Bank, National Association vs. John A. Parker, owner(s) of property situated in Township of Millcreek, Erie County, Pennsylvania being 4214 McKee Road, Erie, PA 16506

7.2357 Acres  
 Assessment Map number: (33) 85-376-20.03  
 Assessed Value figure: \$322,100.00  
 Improvement thereon: Residential Dwelling  
 Brett A. Solomon, Esq.  
 Michael C. Mazack, Esq.  
 1500 One PPG Place  
 Pittsburgh, PA 15222  
 (412) 594-5506

May 28 and Jun. 4, 11

**SALE NO. 14**  
**Ex. #15562 of 2009**  
**PNC BANK, NATIONAL ASSOCIATION, Plaintiff**  
 v.  
**Gerald A. SanFelice, Defendant**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 2009-15562 PNC Bank, National Association vs. Gerald A. SanFelice, owner(s) of property situated in Borough of Lake City, Erie County, Pennsylvania being 2218 Rice Avenue, Lake City, PA 16423

0.3610 Acres  
 Assessment Map number:  
 (28) 13-23.2  
 Assessed Value figure: \$148,400.00  
 Improvement thereon: Residential Dwelling  
 Michael C. Mazack, Esq.  
 1500 One PPG Place  
 Pittsburgh, PA 15222  
 (412) 594-5506

May 28 and Jun. 4, 11

**SALE NO. 15**  
**Ex. #13549 of 2009**  
**DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE UNDER POOLING AND SERVICING AGREEMENT DATED AS OF JANUARY 1, 2006 MORGAN STANLEY ABS CAPITAL I INC. TRUST 2006-NC1 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-NC1, PLAINTIFF**  
 v.  
**VINCENT J. ALBANO, TERESA I. ALBANO, AND THE UNITED STATES INTERNAL REVENUE SERVICE, DEFENDANTS**  
**SHORT PROPERTY**

**DESCRIPTION**  
 ALL THAT CERTAIN piece or parcel of land situate in the City of Erie, County of Erie and Commonwealth of Pennsylvania and being further described as follows:

ALL THAT CERTAIN piece or parcel bounded and described as Lots 22, 23 and 24 in Block "S" of the Bayview Subdivision of Tracts 34 and 62 as further shown in Map Book 1, pages 272 and 273.

DWELLING KNOWN AS 1285 EAST 37TH STREET, ERIE, PA 16504  
 IDENTIFIED as TAX/PARCEL ID#: 18-052-014-0-006.00 in the Deed Registry Office of Erie County, Pennsylvania  
 Daniel J. Mancini, Esquire  
 Attorney for Plaintiff  
 201A Fairview Drive  
 Monaca, PA 15061

May 28 and Jun. 4, 11

**SALE NO. 16**  
**Ex. #14890 of 2007**  
**DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE, PLAINTIFF**  
 v.  
**KAREN L. TUSZYNSKI AND KENNETH R. TUSZYNSKI, JR., DEFENDANTS**  
**SHORT PROPERTY**

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

DWELLING KNOWN AS 16843 DONATION ROAD, CORRY, PA 16407  
 IDENTIFIED AS TAX/PARCEL ID#: (49) 8-22-1.06 in the Deed Registry Office of Erie County, Pennsylvania.  
 Daniel J. Mancini, Esquire  
 Attorney for Plaintiff  
 201A Fairview Drive  
 Monaca, PA 15061

May 28 and Jun. 4, 11

**SALE NO. 17**  
**Ex. #15394 of 2009**  
**US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR ASSET-BACKED PASS-THROUGH CERTIFICATES SERIES 2007-AHL1, Plaintiff**  
 v.  
**DOROTHY BAKER A/K/A DOROTHY D. LADOW, Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 15394-09

US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR ASSET-BACKED PASS-THROUGH CERTIFICATES SERIES 2007-AHL1 vs. DOROTHY BAKER A/K/A DOROTHY D. LADOW  
 Amount Due: \$80,914.40  
 DOROTHY BAKER A/K/A DOROTHY D. LADOW, owner(s) of property situated in the 5TH WARD OF THE CITY OF ERIE, Erie County, Pennsylvania being 936 EAST 28TH STREET, ERIE, PA 16504-1306  
 Dimensions: 37 X 127.75  
 Acreage: 0.1085  
 Assessment Map number: 18050052013000  
 Assessed Value: \$53,090.00  
 Improvement thereon: residential Phelan Hallinan & Schmiegg, LLP  
 One Penn Center at Suburban Station, Suite 1400  
 1617 John F. Kennedy Boulevard  
 Philadelphia, PA 19103-1814  
 (215) 563-7000

May 28 and Jun. 4, 11

**SALE NO. 18**  
**Ex. #10039 of 2010**  
**U.S. BANK, NATIONAL ASSOCIATION, AS SUCCESSOR TRUSTEE TO BANK OF AMERICA, N. A. AS SUCCESSOR BY MERGER TO LASALLE BANK N.A., AS TRUSTEE FOR MERRILL LYNCH FIRST FRANKLIN MORTGAGE LOAN TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2007-2, Plaintiff**  
 v.  
**BETTY A. BOLLA MICHAEL BOLLA, Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 10039-2010  
 U.S. BANK, NATIONAL ASSOCIATION, AS SUCCESSOR TRUSTEE TO BANK OF AMERICA, N. A. AS SUCCESSOR BY MERGER TO LASALLE BANK N.A., AS TRUSTEE FOR MERRILL LYNCH FIRST FRANKLIN MORTGAGE LOAN TRUST, MORTGAGE LOAN ASSET-BACKED

CERTIFICATES, SERIES 2007-2 vs. BETTY A. BOLLA and MICHAEL BOLLA

Amount Due: \$74,224.38

BETTY A. BOLLA and MICHAEL BOLLA, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 821 WEST 29TH STREET, ERIE, PA 16508-3217

Dimensions: 30x92

Acreege: 0.0634

Assessment Map number: 19-6042-210

Assessed Value: \$49,680.00

Improvement thereon: Residential Phelan Hallinan & Schmiegl, LLP One Penn Center at Suburban Station, Suite 1400

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

(215) 563-7000

May 28 and Jun. 4, 11

**SALE NO. 19**

**Ex. #15805 of 2009**

**PHH MORTGAGE CORPORATION, Plaintiff**

v.

**ERIC B. BORING, Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 15805-09

PHH MORTGAGE CORPORATION vs. ERIC B. BORING

Amount Due: \$62,341.72

ERIC B. BORING, owner(s) of property situated in the City of Erie, Erie County, Pennsylvania being 212 EAST 30TH STREET, ERIE, PA 16504-1020

Dimensions: 30 x 135

Acreege: 0.0930

Assessment Map number: 18-050-082.0-129.00

Assessed Value: \$41,520.00

Improvement thereon: Residential Phelan Hallinan & Schmiegl, LLP One Penn Center at Suburban Station, Suite 1400

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

(215) 563-7000

May 28 and Jun. 4, 11

**SALE NO. 21**

**Ex. #13311 of 2009**

**NATIONAL CITY REAL ESTATE SERVICES LLC,**

**S/B/M TO NATIONAL CITY MORTGAGE, INC, F/K/A NATIONAL CITY MORTGAGE CO., Plaintiff**

v.

**LARRY P. DIANGI A/K/A**

**LARRY DIANGI**

**JULIE M. DIANGI, Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 13311-09

NATIONAL CITY REAL ESTATE SERVICES LLC, S/B/M TO NATIONAL CITY MORTGAGE, INC, F/K/A NATIONAL CITY MORTGAGE CO. vs. LARRY P. DIANGI A/K/A LARRY DIANGI and JULIE M. DIANGI

Amount Due: \$104,315.91

LARRY P. DIANGI A/K/A LARRY DIANGI and JULIE M. DIANGI, owner(s) of property situated in TOWNSHIP OF SPRINGFIELD, Erie County, Pennsylvania being 11883 RIDGE ROAD, SPRINGFIELD, PA 16411

Acreege: 3.24

Assessment Map number: 39-041-012.0-001.00

Assessed Value: \$90,350.00

Improvement thereon: Residential Phelan Hallinan & Schmiegl, LLP One Penn Center at Suburban Station, Suite 1400

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

(215) 563-7000

May 28 and Jun. 4, 11

**SALE NO. 23**

**Ex. #10206 of 2010**

**GMAC MORTGAGE, LLC F/K/A GMAC MORTGAGE CORPORATION, Plaintiff**

v.

**HELEN M. PALMER**

**JAMES P. PALMER,**

**Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 10206-10

GMAC MORTGAGE, LLC F/K/A GMAC MORTGAGE CORPORATION vs. HELEN M. PALMER and JAMES P. PALMER

Amount Due: \$177,723.73 HELEN M. PALMER and JAMES P. PALMER, owner(s) of property situated in the TOWNSHIP OF HARBORCREEK, Erie County,

Pennsylvania being 2608 PARKER AVENUE, ERIE, PA 16510-2038

Dimensions: 60 x 125

Acreege: 0.1625

Assessment Map number: 27052161000201

Assessed Value: \$79,560.00

Improvement thereon: residential Phelan Hallinan & Schmiegl, LLP One Penn Center at Suburban Station, Suite 1400

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

(215) 563-7000

May 28 and Jun. 4, 11

**SALE NO. 24**

**Ex. #13865 of 2009**

**GMAC MORTGAGE, LLC, Plaintiff**

v.

**ERIC A. PETROFF**

**KELLI R. PETROFF,**

**Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 13865-09

GMAC MORTGAGE, LLC vs. ERIC A. PETROFF and KELLI R. PETROFF

Amount Due: \$69,734.61

ERIC A. PETROFF and KELLI R. PETROFF, owner(s) of property situated in TOWNSHIP OF MILLCREEK, Erie County, Pennsylvania being 5640 OLD ZUCK ROAD, ERIE, PA 16506-5033

Dimensions: 90.56 x 293 Irr.

Acreege: 0.5952

Assessment Map number: 33-140-554.0-011.00

Assessed Value: \$97,140.00

Improvement thereon: Residential Phelan Hallinan & Schmiegl, LLP One Penn Center at Suburban Station, Suite 1400

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

(215) 563-7000

May 28 and Jun. 4, 11

**SALE NO. 25**

**Ex. #10132 of 2010**

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

v.

**LINDA L. SANDERSON,**

**Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 10132-2010  
**WELLS FARGO BANK, N.A. vs. LINDA L. SANDERSON**  
 Amount Due: \$53,334.66  
 LINDA L. SANDERSON, owner(s) of property situated in the CITY OF ERIE, Erie County, Pennsylvania being 3009 - 3011 PINE AVENUE, ERIE, PA 16504-1155  
 Dimensions: 41.04 x 199.1  
 Acreage: 0.1876  
 Assessment Map number: 18-050-076.0-120.00  
 Assessed Value: \$51,350.00  
 Improvement thereon: Residential Phelan Hallinan & Schmieg, LLP  
 One Penn Center at Suburban Station, Suite 1400  
 1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814  
 (215) 563-7000

May 28 and Jun. 4, 11

**SALE NO. 26**  
**Ex. #10178 of 2010**  
**JPMC SPECIALTY MORTGAGE, LLC, Plaintiff**  
 v.  
**JENNIFER SMITH A/K/A JENNIFER MIKOLAJCZYK, Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 10178-10  
**JPMC SPECIALTY MORTGAGE, LLC vs. JENNIFER SMITH A/K/A JENNIFER MIKOLAJCZYK**  
 Amount Due: \$59,181.17  
 JENNIFER SMITH A/K/A JENNIFER MIKOLAJCZYK, owner(s) of property situated in the 5TH WARD OF THE CITY OF ERIE, Erie County, Pennsylvania being 923 EAST 27TH STREET, ERIE, PA 16504-2903  
 Dimensions: 38 X 127.75  
 Acreage: 0.1115  
 Assessment Map number: 18050052011500  
 Assessed Value: \$45,120.00  
 Improvement thereon: residential Phelan Hallinan & Schmieg, LLP  
 One Penn Center at Suburban Station, Suite 1400  
 1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814  
 (215) 563-7000

May 28 and Jun. 4, 11

**SALE NO. 28**  
**Ex. #15597 of 2009**  
**CITIZENS BANK OF PENNSYLVANIA, Plaintiff,**  
 v.  
**RANDY L. SANFORD, Administrator of the Estate of Charles R. Sanford, Defendant**  
**LEGAL DESCRIPTION**

ALL THAT CERTAIN parcel of land situated in Tract No. 362 in the Township of Greene, County of Erie and State of Pennsylvania bound and described as follows to wit: BEGINNING at a point in the west line of Morehouse Road at the northeast corner of land conveyed by William J. Liebau, et ux, to Chester I. Alendandrowicz and Nancy L. Alendandrowicz, his wife by Deed recorded in Erie County, Pennsylvania Deed Book No. 856 Page 460;  
 thence north 26 degrees west along the West line of the Moorehouse Road, one hundred (100) feet to a point;  
 thence south 64 degrees west two hundred fifty (250) feet to a point;  
 thence south 26 degrees east one hundred (100) feet to a point in the northwest corner of land of Chester J. Alendandrowicz, his wife; thence north 64 degrees east along the north line of Land of Chester J. Alendandrowicz and Nancy L. Alendandrowicz, his wife, two hundred fifty (250) feet to the place of beginning and having erected thereon a one-story frame dwelling with attached garage, situate on the west side of Morehouse Road.  
 BEING further identified as County of Erie Tax Index Number (25) 2-6-10.  
 BEING the same property which Charles R. Sanford, Ruth E. Sanford, Henry Sanford, Mable Sanford by Deed dated November 10, 1964, and recorded with the Erie County Recorder of Deeds Office on November 11, 1964, in Deed Book 906 Page 502, granted and conveyed unto Charles R. Sanford and Ruth E. Sanford, his wife (both now deceased).  
 Parcel No. 25-002-006.0-010.00  
 COMMONLY KNOWN AS: 8330 Morehouse Road, Erie, PA 16509.  
 Lauren Berschler Karl, Esquire

355 Fifth Avenue, Suite 400  
 Pittsburgh, PA 15222  
 412-232-0808  
 May 28 and Jun. 4, 11

**SALE NO. 29**  
**Ex. #10031 of 2010**  
**U.S. BANK NATIONAL ASSOCIATION TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff**  
 v.  
**JOETTE D. O'NEAL F/K/A JOETTE D. SCHICK, Defendants**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution No. 10031-10 U.S. BANK NATIONAL ASSOCIATION TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff vs. JOETTE D. O'NEAL F/K/A JOETTE D. SCHICK, Defendants Real Estate: 3102 PLUM STREET, ERIE, PA  
 Municipality: CITY OF ERIE Erie County, Pennsylvania  
 Dimensions: 34 ft. x 80 ft.  
 See Deed Book 1020, Page 0546  
 Tax I.D. (19) 6040-107  
 Assessment: \$12,500. (Land) \$48,020. (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

May 28 and Jun. 4, 11

**SALE NO. 30**  
**Ex. #14871 of 2009**  
**DEUTSCHE BANK NATIONAL TRUST COMPANY ON BEHALF OF LSF6 MERCURY REO INVESTMENTS TRUST SERIES 2008-1, Plaintiff**  
 v.  
**JOANNE WILLIAMS, JOSEPH WILLIAMS AND MELISSA HOPE WILLIAMS N/K/A MELISSA H. WARDELL, Defendants**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution No. 14871-09 DEUTSCHE BANK NATIONAL TRUST COMPANY ON BEHALF OF LSF6

MERCURY REO INVESTMENTS TRUST SERIES 2008-1, Plaintiff vs. JOANNE WILLIAMS, JOSEPH WILLIAMS AND MELISSA HOPE WILLIAMS N/K/A MELISSA H. WARDELL, Defendants  
 Real Estate: 309-311 WEST SEVENTH STREET, ERIE, PA  
 Municipality: City of Erie  
 Erie County, Pennsylvania  
 Dimensions: 120 ft. x 41.25 ft.  
 See Deed Book 796, Page 1416  
 Tax I.D. (17) 040-010.0 108.00  
 Assessment: \$ 6,900.00 (Land)  
 \$76,460.00 (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

May 28 and Jun. 4, 11

**SALE NO. 31**

**Ex. #14341 of 2006**  
**JPMorgan Chase Bank, National Association, Plaintiff**  
 v.

**Kevin A. Dukich and Kimberly M. Dukich and Defendant**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 14341-06 JPMorgan Chase Bank, National Association vs. Kevin A. Dukich and Kimberly M. Dukich, owner(s) of property situated in Borough of Wesleyville, Erie County, Pennsylvania being 2114 Eastern Avenue, Erie, PA 16510  
 .2204  
 Assessment Map number: 50-3-24-11  
 Assessed Value figure: \$54,230.00  
 Improvement thereon: a residential dwelling  
 Leslie J. Rase, Esquire  
 Shapiro & DeNardo, LLC  
 Attorney for Movant/Applicant  
 3600 Horizon Drive, Suite 150  
 King of Prussia, PA 19406  
 (610) 278-6800

May 28 and Jun. 4, 11

**SALE NO. 32**

**Ex. #10429 of 2010**  
**U.S. BANK, NATIONAL ASSOCIATION, AS SUCCESSOR TRUSTEE TO**

**BANK OF AMERICA, N.A. AS SUCCESSOR BY MERGER TO LASALLE BANK N.A., AS TRUSTEE FOR MERRILL LYNCH FIRST FRANKLIN MORTGAGE LOAN TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATES SERIES 2007-2, Plaintiff,**  
 v.

**BECO JAHIC, Defendant**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 2010-10429, U.S. Bank, National Association, et al, vs. Beco Jahic, owner(s) of property situated in the Township of Millcreek, Erie County, Pennsylvania being 4113 W Lake Road.  
 Dimensions: 0.29 acres; 12,660 sq ft (Call Assessment (814) 451-6225 for square footage and/or acreage)  
 Assessment Map Number: (33) 19-100-2.02  
 Assess Value figure: \$120,128.40 (off title)  
 Improvement thereon: Dwelling  
 Louis P. Vitti, Esquire  
 Attorney for Plaintiff  
 916 Fifth Avenue  
 Pittsburgh, PA 15219  
 (412) 281-1725

May 28 and Jun. 4, 11

**SALE NO. 33**

**Ex. #15050 of 2009**  
**DEUTSCHE BANK NATIONAL TRUST COMPANY, as trustee for FIRST FRANKLIN MORTGAGE LOAN TRUST 2006-FF8, ASSET-BACKED CERTIFICATES SERIES 2006-FF8, Plaintiff,**  
 v.

**KATHEY L. THURAU and ARTHUR V. THURAU, Defendants**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 15050-09, Deutsche Bank, National Trust Company, et al, vs. Kathey L. Thureau and Arthur V. Thureau, owner(s) of property situated in Township of Waterford, Erie County, Pennsylvania being 3989 Lowe Road, Union City, PA 16438.  
 Dimensions: 15 acres  
 Assessment Map Number: 47005019000400

Assess Value figure: \$54,700.00 (off title)  
 Improvement thereon: Dwelling  
 Louis P. Vitti, Esquire  
 Attorney for Plaintiff  
 916 Fifth Avenue  
 Pittsburgh, PA 15219  
 (412) 281-1725  
 May 28 and Jun. 4, 11

**SALE NO. 34**

**Ex. #14822 of 2009**  
**The Bank of New York Mellon Trust Company, National Association as grantor trustee of the Protium Master Grantor Trust**  
 v.

**Sharen L. Hicks, Original Mortgagee and Real Owner and Dennis C. Hicks, Original Mortgagor**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 14822-2009 The Bank of New York Mellon Trust Company, National Association as grantor trustee of the Protium Master Grantor Trust vs. Sharen L. Hicks, Original Mortgagor and Real Owner and Dennis C. Hicks, Original Mortgagor, owners of property situated in Borough of North Girard, Erie County, Pennsylvania being 9994 Smith Street, Lake City, PA 16423  
 Assessment Map number: 28-10-4-46  
 Assessed Value figure: \$70,060.00  
 Improvement thereon: Residential Dwelling  
 Mary L. Harbert-Bell, Esquire  
 220 Lake Drive East, Suite 301  
 Cherry Hill, NJ 08002  
 (856) 482-1400

May 28 and Jun. 4, 11

**SALE NO. 35**

**Ex. #13328 of 2009**  
**JPMORGAN CHASE BANK, N.A., AS ACQUIRER OF CERTAIN ASSETS AND LIABILITIES OF WASHINGTON MUTUAL BANK FROM THE FEDERAL DEPOSIT INSURANCE CORPORATION ACTING AS RECEIVER, Plaintiff**  
 v.  
**CHRISTY BARNES**

**GEORGE E. BARNES JR.,  
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 more particularly described as follows, to-wit: Being all of Lot 35 of Block "J" Map 3 of Fairville Annex No. 1 as recorded in Erie County Map Book 1 at pages 154 and 155, said premises fronting forty (40) feet on the north side of Woodlawn Avenue and having a uniform depth of one hundred twenty (120) feet. SAID premises have erected thereon a dwelling commonly known as 2234 Woodlawn Avenue, Erie, Pennsylvania and are further identified by Erie County Assessment Index Number (18) 5135-240.

BEING the same premises conveyed to the Mortgagor(s) by deed which is intended to be recorded forthwith. PROPERTY ADDRESS: 2234 Woodlawn Avenue, Erie, PA 16510 Michael T. McKeever, Esquire Attorney for Plaintiff Suite 5000 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106 (215) 627-1322

May 28 and Jun. 4, 11

**SALE NO. 38**

**Ex. #10211 of 2010**

**JPMORGAN CHASE  
BANK, N.A., AS ACQUIRER  
OF CERTAIN ASSETS  
AND LIABILITIES OF  
WASHINGTON MUTUAL  
BANK FROM THE FEDERAL  
DEPOSIT INSURANCE  
CORPORATION ACTING  
AS RECEIVER F/K/A  
WASHINGTON MUTUAL  
BANK F.A., Plaintiff**

v.

**SAMUEL L. BUZZARD,  
Defendant(s)**

**DESCRIPTION**

All that certain piece or parcel of land situate in the City of Erie, County of Erie and Commonwealth of Pennsylvania, being Lot Number Two Hundred Sixty-nine (269) and Two Hundred Seventy (270) of Eastholme Subdivision, being part

of Tract No. 62 as shown upon a map of subdivision recorded in the Office of the Recorder of Deeds for Erie County in Map Book 1, page 401 and having erected thereon a two-family frame dwelling and garage known as 1127 East 35th Street, Erie, Pennsylvania. Bearing Erie County Tax Index No. (18) 5211-414.

TAX PARCEL #: (18) 5211 414  
PROPERTY ADDRESS: 1127 East 35th Street, Erie, PA 16504  
Michael T. McKeever, Esquire  
Attorney for Plaintiff  
Suite 5000 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106  
(215) 627-1322

May 28 and Jun. 4, 11

**SALE NO. 39**

**Ex. #12031 of 2009**

**WELLS FARGO BANK, N.A.  
AS TRUSTEE FOR OPTION  
ONE MORTGAGE LOAN  
TRUST 2006-1 ASSET-BACKED  
CERTIFICATES, SERIES  
2006-1, Plaintiff**

v.

**DEBBIE FENDONE  
JOSEPH FENDONE,  
Defendant(s)**

**DESCRIPTION**

ALL THAT CERTAIN place or parcel of land situate in the Township of Washington, County of Erie, and State of Pennsylvania, and known as Lot Number Twenty (20) of Angling Acres Subdivision, Section No. 1 being parts of Tracts 446 and 447, a plait of which is recorded in Erie County, Pennsylvania, in Map Book 7 at page 114, to which reference is made for a further description thereof.

Parcel# 45-34-38-8  
PROPERTY ADDRESS: 12230 Skyview Drive, Edinboro, PA 16412  
Michael T. McKeever, Esquire  
Attorney for Plaintiff  
Suite 5000 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106  
(215) 627-1322

May 28 and Jun. 4, 11

**SALE NO. 40**

**Ex. #10727 of 2010**

**U.S. BANK NATIONAL  
ASSOCIATION, AS TRUSTEE  
FOR THE SPECIALTY  
UNDERWRITING AND  
RESIDENTIAL FINANCE  
TRUST MORTGAGE  
LOAN ASSET-BACKED  
CERTIFICATES SERIES**

**2007-ABI, Plaintiff**

v.

**LESLIE K. FREEMAN  
MICHAEL J. FREEMAN a/k/a  
MIKE FREEMAN, 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 a part of original Tract No. 81 and bounded and described as follows, to-wit:

BEGINNING in the west line of the Lancaster Road at a point thereon which is four hundred sixty (460') feet northwardly from the intersection of the north line of the Knobloch Road with the west line of the said Lancaster Road; thence south 64 degrees and 06 minutes west, parallel with the north line of the Knobloch Road, 320 feet to a point; thence north 25 degrees and 54 minutes west, parallel with the west line of the Lancaster Road, 80 feet to a point; thence north, 64 degrees and 06 minutes east, parallel with the north line of the Knobloch Road, 320 feet to a point in the west line of the Lancaster Road; and thence south, 25 degrees and 54 minutes east, along the west line of the Lancaster Road, 80 feet to the point of beginning, being the whole of Lot numbered 22 of the Minniglyn Subdivision accordingly as said subdivision is recorded in Erie County, Pennsylvania Deed Book No. 372 at page 17 thereof. PROPERTY ADDRESS: 3624 Lancaster Road, Erie, PA 16506 Michael T. McKeever, Esquire Attorney for Plaintiff Suite 5000 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106 (215) 627-1322

May 28 and Jun. 4, 11

**SALE NO. 41**  
**Ex. #13386 of 2009**  
**CITIMORTGAGE, INC.,**  
**Plaintiff**

**v.**  
**Eric James Ginkel, Executor of**  
**the Estate of Maryzita Grinkel,**  
**Deceased, Defendant(s)**

**DESCRIPTION**

ALL that certain piece or parcel of land with the buildings and improvements thereon and being known as 2414 Alan Drive, in the City of Erie, County of Erie and State of Pennsylvania and being more particularly described in a Deed Recorded 3-11-68 in Book 977 at page 370 of the Erie County Public Land Records. Parcel# 18-5239-402  
 PROPERTY ADDRESS: 4214 Alan Drive, Erie, PA 16510  
 Michael T. McKeever, Esquire  
 Attorney for Plaintiff  
 Suite 5000 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106  
 (215) 627-1322

May 28 and Jun. 4, 11

**SALE NO. 42**  
**Ex. #10068 of 2010**  
**BANK OF AMERICA,**  
**NATIONAL ASSOCIATION**  
**S/B/M LASALLE BANK**  
**NATIONAL ASSOCIATION,**  
**AS TRUSTEE, ON BEHALF**  
**OF THE HOLDERS OF**  
**CREDIT SUISSE SEASONED**  
**LOAN TRUST 2006-1 HOME**  
**EQUITY PASS-THOUGH**  
**CERTIFICATES, SERIES 2006-**  
**1, Plaintiff**

**v.**  
**CHRISTOPHER R.**  
**LAUDERBAUGH**  
**a/k/a CHRISTOPHER**  
**LAUDERBAUGH, Defendant(s)**

**DESCRIPTION**

ALL that certain piece or parcel of land situate in the City of Erie, County of Erie and State of Pennsylvania, and known as Lots No. 239 and 240 of the "EUCLID HEIGHTS" Subdivision, a plan of the same being recorded in Map Book 2, Pages 368 and 369, in the Office of the Recorder of Deeds in and for the said County of Erie, to which plan reference is made for a

further description of said lot. Parcel# (18) 5235-416  
 PROPERTY ADDRESS: 4331 Longview Avenue, Erie, PA 16510  
 Michael T. McKeever, Esquire  
 Attorney for Plaintiff  
 Suite 5000 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106  
 (215) 627-1322

May 28 and Jun. 4, 11

**SALE NO. 43**  
**Ex. #10441 of 2010**  
**WACHOVIA BANK NATIONAL**  
**ASSOCIATION, AS TRUSTEE**  
**OF THE SECURITY**

**NATIONAL MORTGAGE**  
**LOAN TRUST 2005-1, Plaintiff**  
**v.**

**CHARLES A. PETERSON**  
**JUNE M. PETERSON,**  
**Defendant(s)**  
**DESCRIPTION**

ALL THAT CERTAIN lot, tract of land, parcel, piece of ground which the buildings and improvements thereon erected, situated in North East Township, Erie County, Pennsylvania, bounded and described as follows, to wit: BEGINNING at a point in the center line of the Findley Lake Road, said point being 600 feet southeast along the center line of the Findley Lake Road and the north line of Parcel No. 1 as described in Erie County Deed Book 4876 at Page 266, said beginning point also being approximately 1600 feet in a northwesterly direction along the center line of the Findley Lake Road from the intersection of the center line of Findley Lake Road and the tract line between Tract No. 16 and 17; thence east parallel with the east line of Parcel No. 1 as described in Erie County Deed Book 486 at page 266.500 feet to a point; thence south parallel with the center line of the Findley Lake Road, 300 feet to a point; thence westerly and parallel in the north line of Parcel No. 1 as described in Erie County Deed Book 486 at Page 266, 500 feet to a point on the center line of the Findley Lake Road; thence north along the center line of the Findley Lake Road, 300 feet to a point and THE PLACE OF BEGINNING.

Parcel# 37-35-136-19.01  
 PROPERTY ADDRESS: 9639 Findley Lake Road, North East, PA 16428  
 Michael T. McKeever, Esquire  
 Attorney for Plaintiff  
 Suite 5000 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106  
 (215) 627-1322

May 28 and Jun. 4, 11

**SALE NO. 44**  
**Ex. #10030 of 2010**  
**CITIFINANCIAL SERVICES,**  
**INC, Plaintiff**

**v.**  
**DONALD E. ROSE,**  
**Defendant(s)**  
**DESCRIPTION**

ALL that certain parcel of land in Borough of Waterford, Erie County, Commonwealth of PA, as more fully described in Book 974 Page 102 ID# 46-3-12-3. BEING known and designated as a metes and bounds property. BEING the same Fee Simple Property conveyed by Deed from Marion Rose aka Marion E. Rose by her agent Martha L. Dean to Donald Rose, dated 04/15/2002 recorded on 4/26/2002 in Book 874, Page 102 in Erie County Records, Commonwealth of PA. 741 Chestnut St.  
 ALSO DESCRIBED AS:  
 ALL that certain piece or parcel of land situate in the Borough of Waterford, County of Erie and Commonwealth of Pennsylvania, being that part of Out Lot No. 59, containing one acre, more or less, and bounded as follows: On the North by lands of the same Out Lot now under sales agreement to Gerald Ester; on the east by East Street; on the south by lot of Virgil A. McArdle, and on the west by Chestnut Street. Having a dwelling erected, thereon and being commonly known and municipally numbered as 741 Chestnut Street, Waterford, Pennsylvania, and being further identified by Erie County Tax Index No. (46) 3-12-3.  
 TAX PARCEL NO: (46) 3-12-3  
 PROPERTY ADDRESS: 741 Chestnut Street, Waterford, PA 16441  
 Michael T. McKeever, Esquire

Attorney for Plaintiff  
Suite 5000 - Mellon Independence  
Center, 701 Market Street  
Philadelphia, PA 19106  
(215) 627-1322  
May 28 and Jun. 4, 11

**SALE NO. 45**

**Ex. #13357 of 2005**  
**ABN AMRO MORTGAGE**  
**GROUP, INC., Plaintiff**  
**v.**

**TRACY A. SHEPARD**  
**STEVEN G. SHEPARD,**

**Defendant(s)**  
**DESCRIPTION**

ALL that certain piece or parcel of land situate in the City of Erie, County of Erie and State of Pennsylvania bounded and described as follows to-wit: BEING Lot Number Ten (10) of a replot of PLEASANT VALLEY Subdivision Number 1, of E.L. Rilling Estate, as shown on a plot of said subdivision recorded in the Office of the Recorder of Deeds of Erie County, Pennsylvania, in Map Book 5, at pages 74 and 75, to which plot reference is hereby made for a further description of said property. HAVING erected thereon a one story frame dwelling with brick front and being commonly known as 1352 West 43rd Street, Erie, Pennsylvania, 16509 and bearing Erie County Tax Index No. (19) 6173-113. PROPERTY ADDRESS: 1352 West 43rd Street, Erie, PA 16509 Michael T. McKeever, Esquire Attorney for Plaintiff Suite 5000 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106-1532 (215) 627-1322

May 28 and Jun. 4, 11

**SALE NO. 46**

**Ex. #11082 of 2008**  
**CITIMORTGAGE, INC.,**  
**S/B/M CITIFINANCIAL**  
**MORTGAGE CO., INC., F/K/A**  
**CITIFINANCIAL MORTGAGE**  
**CONSUMER DISCOUNT**  
**COMPANY, Plaintiff**  
**v.**

**TERRY L. SWAB**  
**KATHLEEN S. SWAB,**  
**Defendant(s)**

**DESCRIPTION**

All that certain property situated in the Township of McKean, in the County of Erie, and the Commonwealth of Pennsylvania, being described as follows parcel 31-3-11-1 and being more fully described in a deed dated 01/27/1976, and recorded 01/27/1976, among the land records of the county and state set forth above, in Deed Book 1195, page 44. Prior interest since 9-3-53 in DBV 659-208

**ALSO DESCRIBED AS:**

ALL THAT certain piece or parcel of land situate in the Township of McKean, County of Erie and State of Pennsylvania, bounded and described as follows, to-wit: Beginning at a post in the South line of Millcreek Township, five and fifty-two one hundredths (5.52) rods westerly from the northwest corner of Summit Township; thence Southwardly 22° West, fifteen and ninety-two one-hundredths (15.92) rods to the center of a public road; thence North 68° 35' west, fourteen and two-tenths (14.2) rods to a post in the South line of land of C. Breckley's heirs; thence along said land, North 63° 52' east twenty-one and eighty-four one hundredths (21.84) rods to the place of beginning; containing one hundred thirteen (113) square rods of land, be the same more or less.

TAX PARCEL #: 31-3-11-1  
PROPERTY ADDRESS: 3360 Hershey Road, Erie, PA 16506 Michael T. McKeever, Esquire Attorney for Plaintiff Suite 5000 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106 (215) 627-1322

May 28 and Jun. 4, 11

**SALE NO. 47**

**Ex. #15451 of 2009**  
**BANK OF AMERICA,**  
**NATIONAL ASSOCIATION**  
**S/B/M LASALLE BANK**  
**NATIONAL ASSOCIATION,**  
**AS TRUSTEE FOR**  
**STRUCTURED ASSET**  
**SECURITIES CORPORATION**  
**STRUCTURED ASSET**  
**INVESTMENT LOAN TRUST**

**MORTGAGE PASS-THROUGH**  
**CERTIFICATES, SERIES 2004-**  
**3, Plaintiff**

**v.**  
**PHILIP F. VASILE**  
**BRENDA L. VASILE,**

**Defendant(s)**  
**DESCRIPTION**

ALL that certain piece or parcel of land situate in the City of Erie, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows, to-wit: BEGINNING at a point in the south line of Fifth Street, one hundred forty (140) feet east of the east line of Ash Street; THENCE southwardly, parallel with Ash Street, one hundred sixty-five (165) feet; THENCE eastwardly, parallel with Fifth Street, fifty (50) feet; THENCE northwardly, parallel with Ash Street, thirty-three (32) [sic] feet; THENCE westwardly, parallel with Fifth Street ten (10) feet; THENCE northwardly, parallel with Ash Street, one hundred thirty-three (133) feet to the south line of Fifth Street; THENCE westwardly, along the south line of Fifth Street, forty (40) feet to the place of beginning. PROPERTY ADDRESS: 615 East 5th Street, Erie, PA 16507 Michael T. McKeever, Esquire Attorney for Plaintiff Suite 5000 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106 (215) 627-1322

May 28 and Jun. 4, 11

**SALE NO. 48**

**Ex. #12991 of 2009**  
**PNC Bank, N.A., Plaintiff**  
**v.**

**Michael E. Ames, Defendant**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 12991-09 PNC Bank, N.A., vs. Michael E. Ames, owner(s) of property situated in East Springfield, Erie County, Pennsylvania being 12024 Main Street, East Springfield, PA 16411 Containing 0.480 Acres of Land Assessment Map number: 39-42-10-7



Assessed Value figure: \$76,520.00  
 Improvement thereon: Dwelling  
 Patrick Thomas Woodman, Esq.  
 436 Seventh Ave.  
 1400 Koppers Bldg.  
 Pittsburgh, PA 15219  
 (412) 434-7955

May 28 and Jun. 4, 11

**SALE NO. 49**

**Ex. #15255 of 2009**  
**BBJD VENTURES, LLC,**  
**Plaintiff**  
**v.**

**PENNIE L. McBRIDE,**  
**Defendant**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 2009-15255 BBJD Ventures, LLC vs. Pennie L. McBride, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 2919 Pennsylvania Avenue, Erie, PA 16504  
 73' east x 33' 9" south, x 72' 10" west x 33' 9" north  
 Assessment Map number  
 (18) 5048-122  
 Assessed Value figure: \$43,400.00  
 Improvement thereon: Two Story Frame Dwelling  
 Patrick Thomas Woodman, Esq.  
 436 Seventh Ave.  
 1400 Koppers Bldg.  
 Pittsburgh, PA 15219  
 (412) 434-7955

May 28 and Jun. 4, 11

**SALE NO. 50**

**Ex. #15560 of 2009**  
**Deutsche Bank National Trust**  
**Company as Trustee for HSI**  
**Asset Securitization Corporation**  
**2006-OPT4 Mortgage Pass-**  
**Through Certificates, Series**  
**2006-OPT4**

**v.**

**Vincent R. Brown and**  
**Cathy J. Brown**

**SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 09-15560 Deutsche Bank National Trust Company as Trustee for HSI Asset Securitization Corporation 2006-OPT4 Mortgage Pass-Through Certificates, Series 2006-OPT4 v. Vincent R. Brown and Cathy J. Brown, owners of property situated in the Township of City of Erie, Erie County,

Pennsylvania being 1117 West 25th Street, Erie, Pennsylvania 16502.  
 Tax I.D. No. 19-6036-109  
 Assessment: \$78,899.80  
 Improvements: Residential Dwelling  
 McCabe, Weisberg and Conway, P.C.  
 123 South Broad Street, Suite 2080 Philadelphia, PA 19109

May 28 and Jun. 4, 11

**SALE NO. 51**

**Ex. #15802 of 2009**  
**Chase Home Finance, LLC**  
**v.**

**Anne M. Burnett**

**SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 15802-09 Chase Home Finance, LLC v. Anne M. Burnett, owners of property situated in the City of Erie, Erie County, Pennsylvania being 420 Monaca Drive, Erie, Pennsylvania 16505.  
 Tax I.D. No. 17-4107-303  
 Assessment: \$148,275.64  
 Improvements: Residential Dwelling  
 McCabe, Weisberg and Conway, P.C.  
 123 South Broad Street, Suite 2080 Philadelphia, PA 19109

May 28 and Jun. 4, 11

**SALE NO. 52**

**Ex. #15590 of 2009**  
**Everhome Mortgage Company**  
**v.**

**Gabriel Charles**

**SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 15590-09 Everhome Mortgage Company v. Gabriel Charles, owners of property situated in the Township of Borough of Wesleyville, Erie County, Pennsylvania being 2921 Gray Avenue, Erie, Pennsylvania 16511.  
 Tax I.D. No. 50003023000300  
 Assessment: \$71,363.54  
 Improvements: Residential Dwelling  
 McCabe, Weisberg and Conway, P.C. 123 South Broad Street, Suite 2080 Philadelphia, PA 19109

May 28 and Jun. 4, 11

**SALE NO. 53**

**Ex. #15060 of 2009**

**AmTrust Bank**  
**v.**

**Mark M. Ferreri and**  
**Jessica S. Logan aka**  
**Jessica S. Ferreri**

**SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 15060-09 AmTrust Bank v. Mark M. Ferreri and Jessica S. Logan aka Jessica S. Ferreri, owners of property situated in the Township of Fourth Ward of the City of Erie, Erie County, Pennsylvania being 714 Park Avenue North, Erie, Pennsylvania 16502.

Tax I.D. No. 17-4023.117  
 Assessment: \$75,893.94  
 Improvements: Residential Dwelling  
 McCabe, Weisberg and Conway, P.C. 123 South Broad Street, Suite 2080 Philadelphia, PA 19109

May 28 and Jun. 4, 11

**SALE NO. 54**

**Ex. #15736 of 2009**  
**Beneficial Consumer Discount**  
**Company dba Beneficial**  
**Mortgage Company of**  
**Pennsylvania**  
**v.**

**Gerald D. Hickin, Jr.**  
**and Denise G. Hickin**

**SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 15736-09 Beneficial Consumer Discount Company dba Beneficial Mortgage Company of Pennsylvania v. Gerald D. Hickin, Jr. and Denise G. Hickin, owners of property situated in the Township of Millcreek, Erie County, Pennsylvania being 2920 Garland Street, Erie, Pennsylvania 16506.

Tax I.D. No. 33-73-299-4  
 Assessment: \$82,549.12  
 Improvements: Residential Dwelling  
 McCabe, Weisberg and Conway, P.C. 123 South Broad Street, Suite 2080 Philadelphia, PA 19109

May 28 and Jun. 4, 11

**SALE NO. 55**

**Ex. #14135 of 2009**  
**BAC Home Loan Servicing LP**  
**fka Countrywide Home Loans**  
**Servicing LP**

v.

**Scott W. Jordan**

**SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 14135-09 BAC Home Loans Servicing LP fka Countrywide Home Loans Servicing LP v. Scott W. Jordan, owners of property situated in the Township of Greene, Erie County, Pennsylvania being 4610 Steger Road, Erie, Pennsylvania 16510.

Tax I.D. No. 25-7-26-11

Assessment: \$108,858.72

Improvements: Residential Dwelling

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

May 28 and Jun. 4, 11

**SALE NO. 56**

**Ex. #10014 of 2010**

**Deutsche Bank National Trust Company, as Trustee for NovaStar Mortgage Funding Trust, Series 2007-1**

v.

**Daniel Ratiu**

**SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 10014-10 Deutsche Bank National Trust Company, as Trustee for NovaStar Mortgage Funding Trust, Series 2007-1 v. Daniel Ratiu, owners of property situated in the Township of Second Ward of the City of Erie, Erie County, Pennsylvania being 409 East 11th Street, Erie, Pennsylvania 16503.

Tax I.D. No. 15-20-22-118

Assessment: \$78,865.08

Improvements: Residential Dwelling

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

May 28 and Jun. 4, 11

**SALE NO. 57**

**Ex. #10052 of 2010**

**The Bank Of New York Mellon Fka The Bank Of New York, As Trustee, For Cwabs, Inc, Asset-backed Certificates, Series 2007-13**

v.

**Ralph T. Russell, Jr. and Linda I. Russell**

**SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 10052-10 The Bank Of New York Mellon Fka The Bank Of New York, As Trustee, For Cwabs, Inc, Asset-backed Certificates, Series 2007-13 v. Ralph T. Russell, Jr. and Linda I. Russell, owners of property situated in the Township of Fairview, Erie County, Pennsylvania being 4400 Kell Road, Fairview, Pennsylvania 16415.

Tax I.D. No. 21-066-093.0-0098.00

Assessment: \$151,238.05

Improvements: Residential Dwelling

McCabe, Weisberg and Conway, P.C.

123 South Broad Street, Suite 2080 Philadelphia, PA 19109

May 28 and Jun. 4, 11

**SALE NO. 58**

**Ex. #10400 of 2010**

**Wells Fargo Bank, N.A., As Trustee For The Certificateholders Of Carrington Mortgage Loan Trust, Series 2004-OPT1, Asset Backed Pass-Through Certificates**

v.

**Timothy Smith a/k/a Timothy W. Smith**

**SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 10400-10 Wells Fargo Bank, N.A., As Trustee For The Certificateholders Of Carrington Mortgage Loan Trust, Series 2004-OPT1, Asset Backed Pass-Through Certificates v. Timothy Smith a/k/a Timothy W. Smith, owners of property situated in the Township of City of Erie, Erie County, Pennsylvania being 3541 Zimmerman Road, Erie, Pennsylvania 16510.

Tax I.D. No. 18-5230-215

Assessment: \$109,301.80

Improvements: Residential Dwelling

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

May 28 and Jun. 4, 11

**SALE NO. 59**

**Ex. #15403 of 2008**

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

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

v.

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

**SHORT DESCRIPTION**

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

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

Assessment: \$78,005.84

Improvements: Residential Dwelling

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

May 28 and Jun. 4, 11

**SALE NO. 60**

**Ex. #10512 of 2010**

**Household Finance Consumer Discount Company**

v.

**Jonathan Lee Walker and Lynne Walker**

**SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 10512-10 Household Finance Consumer Discount Company v. Jonathan Lee Walker and Lynne Walker, owners of property situated in the Township of City of Erie, Erie County, Pennsylvania being 3114 Old French Road, Erie, Pennsylvania 16504.

Tax I.D. No. 18-5080-102

Assessment: \$69,231.93

Improvements: Residential Dwelling

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

May 28 and Jun. 4, 11

**AUDIT LIST  
NOTICE BY  
PATRICK L. FETZNER**

**Clerk of Records,  
Register of Wills and Ex-Officio Clerk of  
the Orphans' Court Division, of the  
Court of Common Pleas of Erie County, Pennsylvania**

The following Executors, Administrators, Guardians and Trustees have filed their Accounts in the Office of the Clerk of Records, Register of Wills and Orphans' Court Division and the same will be presented to the Orphans' Court of Erie County at the Court House, City of Erie, on **Monday, June 1, 2010** and confirmed Nisi.

**June 24, 2010** is the last day on which Objections may be filed to any of these accounts.

Accounts in proper form and to which no Objections are filed will be audited and confirmed absolutely. A time will be fixed for auditing and taking of testimony where necessary in all other accounts.

<u>2010</u>	<u>ESTATE</u>	<u>ACCOUNTANT</u>	<u>ATTORNEY</u>
155.	Josephina G. D'Annunzio aka Jody Nuzzo .....	Daniel S. Tolciu, Admr. ....	Elderkin Martin Kelly & Messina
156.	Marie H. Sessions .....	John K. Hallenburg, Jr., Exr. ....	Knox McLaughlin Gornall & Sennett PC
157.	Mary Beth Booth .....	Charles G. Booth, Admr. ....	Marsh Spaeder Baur Spaeder & Schaaf
158.	Dolores C. Shenker .....	James E. Marsh, Jr., Exr. ....	" " " " "
159.	William R. Golden .....	George Golden, Exr. ....	Steadman Law Offices
160.	Henry Orth Hirt .....	Sentinel Trust Company LBA Susan Hirt Hagen & Elizabeth Hirt Vorsheck, Succ. Trs. f/b/o F. W. Hirt .....	Heckscher Teillon Terrill & Sager PC
161.	Henry Orth Hirt .....	Sentinel Trust Company LBA Susan Hirt Hagen & Elizabeth Hirt Vorsheck, Succ. Trs. f/b/o Susan Hirt Hagen .....	" " " " "

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

May 28 and Jun. 4

**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**

**BLYSTONE, BETTY J.,**

**deceased**

Late of the Township of Union, County of Erie, Commonwealth of Pennsylvania

*Executrix:* Jean M. Sumner, 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

**ECKERT, HARRY EDWARD,**  
**deceased**

Late of the City of Erie  
*Executrix:* Ruth Ann Cacchione, 2244 Oak Ave., Northbrook, IL 60062

*Attorney:* None

**FISHLOW, KATE V., a/k/a**  
**KATE VIKTORA FISHLOW,**  
**deceased**

Late of the Township of Millcreek, County of Erie

*Executrix:* Sandra L. Morris  
*Attorney:* Michael G. Nelson, Esquire, Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, 300 State Street, Suite 300, Erie, Pennsylvania 16507

**GRAVES, BARBARA L.,**  
**deceased**

Late of the Township of Millcreek  
*Executor:* Christopher M. Graves, 2765 Alexandra Drive, Erie, PA 16506

*Attorney:* Michael A. Fetzner, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**GUZAK, GEORGE,**  
**deceased**

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

*Executrix:* Vicki L. Natalo, 1404 East 35th Street, Erie, PA 16504

*Attorney:* Thomas S. Kubinski, Esquire, The Gideon Ball House, 135 East 6th Street, Erie, PA 16501

**MALLON, BETTY STEWART,**  
**a/k/a BETTY MALLON a/k/a**  
**BETTY J. STEWART,**  
**deceased**

Late of the Township of Millcreek

*Co-Executors:* Christine Blackman and Rosemary Buzzard  
*Attorney:* Michael G. Nelson, Esquire, Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, 300 State Street, Suite 300, Erie, Pennsylvania 16507

**MILLER, PATRICIA D., a/k/a**  
**PATRICIA K. MILLER,**  
**deceased**

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

*Executrix:* Michelle Osinski, 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

**PARADISE, SUSAN A.,**  
**deceased**

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

*Executrix:* Susan Paradise Baxter, c/o 24 Main St. E., Girard, Pennsylvania 16417

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

**ROBINSON, CLARENCE N.,**  
**a/k/a C. NORBERT ROBINSON,**  
**deceased**

Late of the City of Erie

*Administratrix:* Deborah Lemmon, c/o Attorney Terrence P. Cavanaugh, 3336 Buffalo Road, Wesleyville, PA 16510

*Attorney:* Terrence P. Cavanaugh, Esq., 3336 Buffalo Road, Wesleyville, PA 16510

**WISHNOK, STELLA A.,**  
**deceased**

Late of Erie, Erie County, PA

*Administratrix:* Patricia A. Wishnok, 138 Alexander Ave., Strabane, PA 15363

*Attorney:* None

**SECOND PUBLICATION**

**BERRY, DORIS B.,**  
**deceased**

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

*Executrix:* Lisa Ann Berry, c/o Eugene C. Sundberg, Jr., Esq., Suite 300, 300 State Street, Erie, PA 16507

*Attorneys:* Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, Attorneys-at-Law, 300 State Street, Erie, PA 16507

**CHURCH, BEVERLY A., a/k/a**  
**BEVERLY ANN CHURCH,**  
**deceased**

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

*Administratrix:* Kathleen J. Earley, c/o Yochim, Skiba & Nash, 345 West Sixth Street, Erie, PA 16507

*Attorney:* Gary H. Nash, Esquire, Yochim, Skiba & Nash, 345 West Sixth Street, Erie, PA 16507

**DABROWSKI, ZDZISLAW,**  
**deceased**

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

*Executrix:* Mary Ann Rivera  
*Attorney:* Edward P. Wittmann, Esquire, Elderkin, Martin, Kelly & Messina, 150 East 8th Street, Erie, PA 16501

**DeBELLO, JOHN M.,  
deceased**

Late of Millcreek Township  
*Co-Administrators:* Anne  
Debello, 464 West Ninth Street,  
First Floor, Erie, PA 16502 and  
John Olson, 3833 Atterbury  
Street, Norfolk, VA 23513  
*Attorney:* Jerome C. Wegley,  
Esq., Knox McLaughlin Gornall  
& Sennett, P.C., 120 West Tenth  
Street, Erie, PA 16501

**KIEHL, DOROTHY J., a/k/a  
DOROTHY KIEHL,  
deceased**

Late of the Township of  
Millcreek, County of Erie, State  
of Pennsylvania  
*Executor:* Fred W. Garnon,  
Jr., 4160 Feidler Drive, Erie,  
Pennsylvania 16506  
*Attorney:* James R. Steadman,  
Esq., 24 Main St. E., Girard,  
Pennsylvania 16417

**LEVINE, MYRTLE L., a/k/a  
MYRTLE FOX LEVINE,  
deceased**

Late of the City of Erie, Erie  
County, Pennsylvania  
*Administrator C.T.A.:* Randy L.  
Shapira, 305 West Sixth Street,  
Erie, PA 16507-1244  
*Attorney:* Randy L. Shapira, Esq.,  
305 West Sixth Street, Erie, PA  
16507

**MILLER, DAVID B.,  
deceased**

Late of the Township of  
Millcreek, County of Erie, and  
Commonwealth of Pennsylvania  
*Executrix:* Nancy P. Morgan, c/o  
The McDonald Group, L.L.P.,  
Gary Eiben, P.O. Box 1757, Erie,  
PA 16507-1757  
*Attorney:* Gary Eiben, Esq., The  
McDonald Group, L.L.P., P.O.  
Box 1757, Erie, PA 16507-1757

**RIOS, HECTOR LUIS,  
deceased**

Late of the City of Erie, County  
of Erie and State of Pennsylvania  
*Administratrix:* Lillianette  
Santiago  
*Attorney:* Philip B. Friedman,  
Esquire, Conner Riley Friedman  
& Weichler, 17 West 10th Street,  
Erie, Pennsylvania 16501

**SCHNEIDER, EDWARD  
WALTER, a/k/a EDWARD W.  
SCHNEIDER,  
deceased**

Late of the City of Erie  
*Co-Executors:* Edward J.  
Schneider, Terance P. Schneider  
and Margaret E. Schneider, 2817  
Oakwood St., Erie, PA 16508  
*Attorney:* None

**YEAGER, GERALD T.,  
deceased**

Late of the City of Erie, Erie  
County, PA  
*Executor:* Kathryn A. Aciri  
*Attorney:* Louis A. Colussi, Esq.,  
925 French Street, Erie, PA 16501

Notice is hereby given of the  
administration of the Estate and  
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  
required to make payment without  
delay to the executrix, trustee or her  
attorney named below.

**JAQUITH, LAVERNE G.,  
deceased**

Late of the Township of Wayne,  
Erie County, Pennsylvania  
*Trustees:* Karen Kubich, 13500  
Stewart Road, Corry, PA 16407  
and Charles Jaquith, 60 N. First  
St., Allegany, NY 14706  
*Trustee's Attorney:* Paul J.  
Carney, Jr., Esq., Carney and  
Ruth Law Office, 224 Maple  
Avenue, Corry, PA 16407

**THIRD PUBLICATION**

**ARCHACKI, VERONICA  
ROSE, a/k/a VERONICA  
ARCHACKI,  
deceased**

Late of the City of Erie,  
Commonwealth of Pennsylvania  
*Executrix:* Barbara A. Zdarko,  
c/o Joseph B. Spero, Esquire,  
3213 West 26th Street, Erie,  
Pennsylvania 16506  
*Attorney:* Joseph B. Spero,  
Esquire, 3213 West 26th Street,  
Erie, PA 16506

**BUTCHER, HENRY E., SR.,  
deceased**

Late of the Township of Concord,  
County of Erie, Commonwealth  
of Pennsylvania  
*Executrix:* Gloria A. Mulson,  
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

**CHURCH, CLIFFORD RAY, JR.,  
a/k/a C. RAY CHURCH, JR.,  
a/k/a C. R. CHURCH,  
deceased**

Late of the Township of  
Millcreek, County of Erie,  
Commonwealth of Pennsylvania  
*Executor:* Clifford Ray  
Church III, 25 Windover Lane,  
Merrimack, NY 03054-2671  
*Attorneys:* MacDonald, Illig,  
Jones & Britton LLP, 100  
State Street, Suite 700, Erie,  
Pennsylvania 16507-1459

**FARRAH, JEAN MARTHA,  
deceased**

Late of the City of Erie, County  
of Erie, Commonwealth of  
Pennsylvania  
*Executor:* Bradford P. Farrah, 103  
East Glenview Drive, Salisbury,  
NC 28147  
*Attorneys:* MacDonald, Illig,  
Jones & Britton LLP, 100  
State Street, Suite 700, Erie,  
Pennsylvania 16507-1459

**FULLER, ANNA MAE,  
deceased**

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

*Executrix:* Margaret Harrison, 1710 Brooklyn Avenue, Erie, PA 16510

*Attorney:* John E. Gomolchak, Esq., 3854 Walker Blvd., Erie, PA 16509

**LUCAS, GEORGE ALLEN, a/k/a  
GEORGE A. LUCAS, a/k/a  
GEORGE LUCAS,  
deceased**

Late of the City of Erie, County of Erie, PA

*Administrator:* Mary Alfieri Richmond, Esquire, 900 State Street, Suite 215, Erie, PA 16501

*Attorney:* Mary Alfieri Richmond, Esquire, 900 State Street, Suite 215, Erie, PA 16501

**LUCIANO, HAZELA.,  
deceased**

Late of the City of Erie, Erie County, PA

*Executor:* Nicholas J. Luciano  
*Attorney:* Bruce W. Bernard, Esquire, Bernard & Stuczynski, 234 West Sixth Street, Erie, PA 16507-1319

**NIEDZIELSKI, FRANCIS A.,  
JR., a/k/a FRANK A.  
NIEDZIELSKI, JR.,  
deceased**

Late of Millcreek Township  
*Administratrix:* Carole A. Graml, 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

**PASKY, EDWARD,  
deceased**

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

*Executor:* Thomas S. Kubinski, Esquire, The Gideon Ball House, 135 East 6th Street, Erie, PA 16501

*Attorney:* Thomas S. Kubinski, Esquire, The Gideon Ball House, 135 East 6th Street, Erie, PA 16501

**RILEY, ANTHOINETTE M.,  
deceased**

Late of North East Township, Erie County, North East, Pennsylvania  
*Executrix:* Elena Brady, 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

**STRICKER-CAUGHLAN,  
SHERIDAN A., a/k/a  
SHERIDAN STRICKER,  
deceased**

Late of Edinboro Borough, Erie County, Pennsylvania

*Executor:* Joseph P. Martone, Esquire, McCarthy, Martone & Peasley, 150 West Fifth Street, Erie, Pennsylvania 16507

*Attorney:* Joseph P. Martone, Esq., McCarthy, Martone & Peasley, 150 West Fifth Street, Erie, PA 16507

**TELISKI, FRANK ANTHONY,  
a/k/a FRANK A. TELISKI,  
deceased**

Late of the City of Erie, Commonwealth of Pennsylvania  
*Executrix:* Kimberly M. Langford, c/o Joseph B. Spero, Esquire, 3213 West 26th Street, Erie, Pennsylvania 16506

*Attorney:* Joseph B. Spero, Esquire, 3213 West 26th Street, Erie, Pennsylvania 16506

**WEDDIGE, MARION, a/k/a  
MARION M. WEDDIGE, a/k/a  
MARION WEDDIGE,  
deceased**

Late of the Township of Millcreek, County of Erie, PA

*Co-Executors:* William H. Weddige and Charlene A. Charette, c/o Mary Alfieri Richmond, Esquire, 900 State Street, Suite 215, Erie, PA 16501

*Attorney:* Mary Alfieri Richmond, Esquire, 900 State Street, Suite 215, Erie, PA 16501

**YERKEY, CHARLES A.,  
deceased**

Late of the Borough of Elgin, Erie County, Pennsylvania

*Executrix:* Tina L. Carnes, 24541 Pinewoods Road, Cambridge Springs, PA 16403

*Attorney:* William E. Barney, Esq., 200 North Center Street, Corry, Pennsylvania 16407



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