

93 ERIE 118 - 125 Erie Renewable Energy, LLC., v. Zoning Hearing Board of the City of Erie Petroff, et al. v. City of Erie Zoning Hearing Board

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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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 <u>www.eriebar.com</u> 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

WEDNESDAY, JULY 7, 2010

Social Security Disability: The Basics PBI Groupcast Seminar Erie County Bar Association 9:00 a.m. - 1:15 p.m. (8:30 a.m. reg.) \$224 (member) \$204 (admitted after 1/1/06) \$244 (nonmember) Early Registration - If you register more than 2 days before this presentation you will qualify for this Early Registration Fee:

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WEDNESDAY, JULY 14, 2010

Boating Law Liability PBI Groupcast Seminar Erie County Bar Association 12:00 p.m. - 4:15 p.m. (11:30 a.m. reg.) Lunch Included \$244 (member) \$224 (admitted after 1/1/06) \$264 (nonmember) Early Registration - If you register more than 2 days before this

Early Registration - If you register more than 2 days before this presentation you will qualify for this Early Registration Fee: \$219 (member) \$199 (admitted after 1/1/06) \$239 (nonmember) 4 hours substantive

THURSDAY, JULY 15, 2010

Outsourcing PBI Groupcast Seminar Erie County Bar Association 9:00 a.m. - 1:15 p.m. (8:30 a.m. reg.) \$234 (member) \$214 (admitted after 1/1/06) \$254 (nonmember) Early Registration - If you register more than 2 days before this presentation you will qualify for this Early Registration Fee: \$209 (member) \$189 (admitted after 1/1/06) \$229 (nonmember) 4 hours substantive

WEDNESDAY, JULY 21, 2010

Understanding Easements in Pennsylvania PBI Groupcast Seminar Erie County Bar Association 8:30 a.m. - 12:45 p.m. (8:00 a.m. reg.) \$244 (member) \$224 (admitted after 1/1/06) \$264 (nonmember)

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

NOTICE

In Re: Court Closure

Please be advised that that Clerk's Office of the United States Bankruptcy Court for the Western District of Pennsylvania will be closed on Monday, July 5, 2010, in observance of Independence Day.

John J. Horner Clerk of Court

Jun. 25

THE PENNSYLVANIA DEFENSE INSTITUTE

Proudly Presents a Continuing Legal Education Program:

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Thursday, July 15, 2010

Sheraton Station Square Hotel Pittsburgh, Pennsylvania 1:30 P.M. – 4:45 P.M. Registration begins at 1:00 P.M. **Cost: \$125** 3 Substantive CLE Credits

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For information, an agenda and registration information, please contact PDI at 800-734-0737 (phone), 800-734-0732 (fax) or at coled01@padefense.org.

Erie Renewable Energy v. Zoning Hearing Board of the City of Erie Petroff, et al. v. City of Erie Zoning Hearing Board

ERIE RENEWABLE ENERGY, LLC., Appellant, v.

ZONING HEARING BOARD OF THE CITY OF ERIE, ERIE COUNTY, PENNSYLVANIA, Appellee

ROBERT PETROFF and SUSAN TYMOCZKO, Appellant, v. THE CITY OF ERIE ZONING HEARING BOARD, Appellee

ZONING / VARIANCE

Where the Court does not take additional evidence, the Court is limited to determining whether the board abused its discretion or committed legal error.

ZONING / VARIANCE

The trial court may not substitute its interpretation for that of the board because determinations about the credibility and the weight to be given to the evidence are to be made by the board.

ZONING / VARIANCE

The fact that there may be a significant amount of testimony or evidence contrary to the Zoning Board's finds does not mean, in and of itself, the Board's findings are unsupported. A single witness or piece of evidence, if credible and substantial, may be sufficient to carry the day.

ZONING / VARIANCE

A zoning hearing board's interpretation of its own zoning ordinance is entitled to great deference and weight.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA CIVIL DIVISION 12547-2009

Appearances:Clifford B. Levine, Esq., Attorney for Erie Renewable
Energy
Donald L. Wagner, Esq., Attorney for the City of Erie

Edward J. Betza, Esq., Attorney for Robert Petroff and Susan Tymoczko

OPINION

Garhart, J., March 24, 2010

Before the Court are several appeals from rulings (set forth below) made by the City of Erie Zoning Hearing Board ("Board") with regards to Erie Renewable Energy, LLC's ("ERE") proposed 'tires-to-energy' power plant. For the reasons stated herein, all rulings of the Board are hereby affirmed.

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Erie Renewable Energy v. Zoning Hearing Board of the City of Erie Petroff, et al. v. City of Erie Zoning Hearing Board

I. BACKGROUND

On February 24, 26, and March 24, 2009, the Board conducted hearings with regards to various requests for relief filed by both ERE and Robert Petroff. On February 24, 2009, the Board issued the following decisions: 1) by a 5-0 vote, the Board denied ERE's appeal from the Zoning Officer's denial of ERE's second proposed site plan; and 2) by a 3-2 vote, the Board denied ERE's application for a dimensional variance. On February 26, 2009, the Board issued the following decisions: 1) by a 4-1 vote, the Board denied ERE's motion to quash Mr. Petroff's appeal from the Zoning Officer's approval of ERE's third proposed site plan; and 2) by a 4-1 vote, the Board granted Mr. Petroff's appeal and overturned the Zoning Officer's approval of the third site plan. On March, 24, 2009, by a 3-2 vote, the Board granted ERE's exclusionary challenge to Erie's Zoning Ordinance ("Ordinance").

II. DISCUSSION

A. Standard of Review

Not in dispute in this case is the Court's standard for review of decisions by zoning boards. Where the Court does not take additional evidence, the Court is limited to determining whether the board abused its discretion or committed legal error. *Twp. of Exeter v. Zoning Hearing Bd. of Exeter*, 962 A.2d 653, 659 (Pa. 2009). An abuse of discretion occurs when the board's findings are not supported by substantial evidence in the record. *Id.* Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. *Id.*

Further, in weighing evidence presented before the zoning hearing board, the trial court may not substitute its interpretation for that of the board because determinations about the credibility and the weight to be given to the evidence are to be made by the board. *In re: Cutler Group, Inc.*, 880 A.2d 39 (Pa.Cmwlth. 2005), *appeal denied*, 897 A.2d 461 (Pa. 2006). The fact that there may be a significant amount of testimony or evidence contrary to the Zoning Board's findings does not mean, in and of itself, the Board's findings are unsupported. A single witness or piece of evidence, if credible and substantial, may be sufficient to carry the day. *Taliaferro v. Darby Twp. Zoning Hearing Bd.*, 873 A.2d 807 (Pa. Cmwlth. 2005), *appeal denied*, 887 A.2d 1243 (Pa. 2005).

B. Exclusionary Challenge

ERE's argument before the Board was that the 100-foot height restriction contained in Section 205 of the Ordinance constitutes a *de facto* exclusion of power plants, which are a permitted use in M-2 districts pursuant to Section 204.20 of the Ordinance. As such, ERE claims it is entitled to 'site-specific relief,' thus allowing them to build its proposed plant on the site in question. *See Twp. of Exeter*, 962 A.2d at 657. By 3 to 2 decision, the Board granted ERE's request, and found "the

ordinance, as written, was invalid in that it excluded the applicants from building the proposed tires-to-energy power plant in the city." (Written Decision, 5/6/09, 6.)

On appeal to this Court, Mr. Petroff and Susan Tymoczko, property owners near the site in question, argue the Board erred as a matter of law when it invalidated the Ordinance based upon the finding that only ERE's proposed plant is excluded. According to the property owners, the legal standard in exclusion challenges requires the Board to find *all* power plants excluded before invalidating the Ordinance. They argue ERE's experts only had experience with combustion power plants, and there is no credible evidence regarding the viability of non-combustion power plants such as wind, solar, or hydro-electric power plants. (Reply Mem. 4-5).

Zoning ordinances that exclude uses fall into two categories - *de jure* or *de facto. Twp. of Exeter*, 962 A.2d at 659. All parties agree *de facto* exclusion is at issue in the present matter. In a *de facto* exclusion case, the challenger alleges that an ordinance appears to permit a use, but under such conditions that the use cannot in fact be accomplished. *Id.* In this case, power plants are a permitted use, pursuant to the Ordinance, in M-2 districts. The 100-foot height restriction is alleged to be one of those conditions whereby the use cannot, in fact, be accomplished.

In *Exeter*, a provision in a township's zoning ordinance, titled "Signs Permitted in Commercial and Industrial Zoning Districts," allowed for the erection of signs in commercial and industrial zoning districts. Id. at 655. However, pursuant to the same section, "advertising signs" were not permitted to exceed 25-square-feet. Id. An advertising company, specializing in billboards, brought an exclusionary challenge before the township's zoning hearing board, claiming the ordinance operated as a de facto exclusion of billboards. Id. at 656. The company's proposed billboards were 300-square-feet and above, clearly in violation of the ordinance's size restriction. Id. at 654. After an evidentiary hearing, the board found the ordinance excluded billboards as a permitted use. Id. at 656. Without taking additional evidence, the trial court affirmed the board. Id. at 658. In reversing the trial court, the Commonwealth Court noted the record included several photographs of advertising signs in the township that met the 25-square-foot restriction. Id. In the majority's view, the fact that such signs existed demonstrated the ordinance did not exclude billboards. Id.

On appeal to our Supreme Court, the advertising company argued the Commonwealth Court erroneously grouped all off-site advertising together and failed to focus on the narrower subject of billboards. *Id.* In reversing the Commonwealth Court and affirming the board and the trial court, the Supreme Court found the board's finding of *de facto* exclusion of billboards was supported by substantial evidence. *Id.* at 662. Erie Renewable Energy v. Zoning Hearing Board of the City of Erie Petroff, et al. v. City of Erie Zoning Hearing Board

In responding to the Commonwealth Court's reliance on the existence of 25-square-foot signs in the township, the Supreme Court stated the evidence revealed "these signs did not function as billboards." *Id.* at 663.

Based on this Court's reading of *Exeter*, a zoning hearing board can sustain an exclusionary challenge based on the finding that a subcategory of a permitted use is excluded due to restrictions within a zoning ordinance. Therefore, the Board's finding that the Ordinance is invalid for excluding ERE's proposed tires-to-energy plant can be sustained if there is substantial evidence in the record establishing that tire-derived-fuel combustion power plants cannot be constructed to comply with the 100-foot height restriction.

Based upon the record, such substantial evidence existed, and the Court affirms the Board's ruling. Ned Popovic and Joseph Pezze provided testimony with regards to combustion power plants. Both agree the necessary components of a combustion power plant must be built in excess of 100-feet. Therefore, the Board could conclude that, pursuant to the height restriction in the Ordinance, no combustion power plant, including ERE's proposed tires-to-energy power plant, can be built in the City of Erie.

C. Variance Request

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As a backup to its exclusionary challenge, ERE requested the Board grant it a dimensional variance¹ so it could build the necessary components of its power plant in excess of 100 feet. By a 3-2 decision, the Board denied ERE's request, stating ERE did not provide "proof of hardship as expressed in the Municipalities Planning Code." (Written Decision, 5/6/09, 5.) ERE appeals the decision to this Court, claiming the Board denied the variances without reference to specific evidence or use of the correct legal standard for dimensional variances².

Under the Municipalities Planning Code, where an ordinance inflicts unnecessary hardship upon a property owner, a board may grant a

¹ When seeking a dimensional variance within a permitted use, the owner is asking only for a reasonable adjustment of the zoning regulations in order to utilize the property in a manner consistent with the applicable regulation. A use variance, on the other hand, involves a proposal to use the property in a manner that is wholly outside the zoning regulation. *Hertzberg v. Zoning Bd. of Adjustment of the City of Pittsburgh*, 721 A.2d 43, 47 (Pa. 1998).

² ERE points out the rationales of the different Board members forming the majority in favor of denial. Mr. Sal Parco asserted it was the duty of the Board to maintain the integrity of the Ordinance, and that the Board did not have the authority to overrule a height restriction. Mr. Richard Wagner believed ERE created its own hardship. Ms. Lisa Austin stated, "architects, urban planners and other professionals drafted the [Ordinance], and they limited structures in M-2 districts to 100'. The M-2 site in question is adjacent to commercial and residential zoning districts. Property owners [from the area] testified in opposition to the variance request. The Board, comprised of non-architects, non-engineers, and non-urban planners, must embrace a conservative interpretation of the ordinance, leaving it to the ordinance writers or the courts to make revisions." (Written Decision, 5/6/09, 5-6).

variance if the following findings, among others, are made:

(1) That there are unique physical conditions peculiar to the particular property and that the unnecessary hardship is due to those conditions;

(2) That because of the physical conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that a variance is needed to enable reasonable use of the property;

(3) That unnecessary hardship has not been created by the appellant;

Hertzberg, 721 A.2d at 46, citing 53 P.S. § 10910.2.

ERE calls to the Court's attention the difference between the quantum of proof needed in 'dimensional variance' cases as opposed to 'use variance' cases. In *Hertzberg*, our Supreme Court held "the quantum of proof required to establish unnecessary hardship is indeed lesser when a dimensional variance, as opposed to a use variance, is sought." 721 A.2d at 48. ERE claims it has provided substantial evidence demonstrating it is impracticable and economically impossible for a power plant to comply with both the 100-foot height limitation and the extensive federal and state regulations governing power plants. (Mem. of Law 16.)

Although ERE is correct as to the burden of proof, based upon the record, ERE has merely demonstrated that the application of the ordinance has rendered the property unsuitable for its proposed use. See *Commonwealth v. Zoning Hearing Bd. of Susquehanna Twp.*, 677 A.2d 853, 857 (Pa.Cmwlth. 1996). Thus, the Board was correct in finding that ERE has not provided proof of unnecessary hardship, and the Court affirms the Board's ruling.

D. Site Plan 2, Site Plan 3, and Motion to Quash Petroff Appeal

1. Background

In order to effectively render a decision with these particular appeals, some background information is necessary. ERE's proposed tires-toenergy power plant includes: an 85-foot turbine, two 165-foot boilers, a 180-foot cooling tower, and a 300-foot smoke stack. On May 8, 2008, the Zoning Officer issued a preliminary approval of ERE's first proposed site plan, which depicted only the turbine as being enclosed within a building. On appeal, the Board reversed the Zoning Officer's approval, concluding the boilers were not "appurtenances" within the meaning of 205.15^3 of the Ordinance because "the renderings show the

³ § 205.15: Appurtenances to buildings, chimneys, stacks, elevator bulkheads, penthouses, gas or water towers, cooling towers, stage towers or scenery lofts, electric signs, wireless towers, and other necessary mechanical appurtenances, where permitted by Building Code and Use Regulations, *and erected upon and as an integral part of the building*, or a monument, shaft, spire, dome, tower, if erected for ornamental purposes only, may be erected or extended above the height limit of the district... (emphasis added).

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boilers to be free-standing of the turbine building so that the requirement that they be 'erected upon and as an integral part of the building' is not met." (Board's Minutes, 7/22/08, 3.) Had the Board found the boilers to be appurtenances, ERE could extend the boilers above the 100-foot height limit. ERE filed an appeal to Court of Common Pleas, and on December 12, 2008, the Honorable Shad Connelly affirmed the Board's decision. See No. 14767-2008, Opinion, 12/12/08.

After the Board denied the first site plan, ERE submitted a second site plan to the Zoning Officer. ERE's second plan integrated the two 165foot boilers with the existing 85-foot turbine building. On October 14, 2008, the Zoning Officer denied ERE's second plan because the 300-foot smoke stack and 180-foot cooling and filtering equipment, did not meet the definition of "appurtenance" as defined by the Board previously. (Written Decision, 5/6/09, 2; Zoning Officer's Letter, October 14, 2008.) ERE appealed this decision to the Board.

After the Zoning Officer denied the second site plan, ERE submitted a third proposed site plan to the Zoning Officer. The third site plan depicted an enclosure around all the various components of the power plants in an effort to comply with the Board's interpretation of § 205.15. On December 23, 2008, the Zoning Officer approved the third plan. (Zoning Officer's Letter, 12/23/08.) On January 16, 2009, the Zoning Officer received an appeal from his approval of the third plan. The appeal, written on behalf of Mr. Petroff by his agent, Randy Barnes, stated, "Please be advised that I wish to appeal the decision that approved the plan for the ERE tire plant on 12/23/08." (Appeal Letter, 1/16/09.)

In response, the Board wrote a letter to Mr. Petroff, which stated,

You recently filed an appeal to the Erie Zoning Office regarding their decision on the proposed ERE plant. A hearing on this matter is scheduled before the Board on February 24th, 2009. The Zoning Hearing Board has rejected to hear your appeal as written. [Line omitted.] In order to have your appeal heard, you must submit another appeal that is more specific. There was nothing in your appeal that indicates the reason for your appeal or the harm that would result if your appeal is denied. You may consider having your attorney draft the appeal.

(Hearing, 2/26/09, 237).⁴ The letter also indicates Mr. Petroff had until February 9, 2009 to file his "revised appeal" with Zoning Office. Id. On February 6, 2009, Mr. Petroff submitted his revised appeal to the Board. In response, ERE requested the Board quash the appeal as untimely.

⁴ After review of the record, the Court could not locate the Board's letter to Mr. Petroff. ERE indicates, in its Brief, that it is Exhibit 30. The Court cites to the transcript as the letter was read verbatim into the hearing record. Regardless, if any exhibits, considered by the Board, have not been made part of this record, ERE or the Board is advised to file them promptly.

2. Second Site Plan

At the February 24, 2009, hearing, the Board unanimously voted to uphold the Zoning Officer's denial of the second site plan. In its written decision, the Board stated, "Constructing buildings around the base of such industrial structures does not satisfy the requirement of being 'erected upon and as an integral part of a building' [section 205.15]. The stacks, boilers and filtering system are not appurtenances, and may not exceed the 100' maximum height limit." (Written Decision, 5/6/09, 5).

Pursuant to 53 P.S. § 10603.1,

In interpreting the language of a zoning ordinance to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.

However, the Court also notes it is well settled law that a zoning hearing board's interpretation of its own zoning ordinance is entitled to great deference and weight. *Arter v. Philadelphia Zoning Board of Adjustment*, 916 A.2d 1222, 1229 (Pa.Cmwlth. 2007).

In rendering its decision, the Board considered the proposed site plan, the language of the zoning ordinance, the testimony of the Zoning Officer, and the testimony of Ned Popovic. The Board found the components at issue did not meet § 205.15's requirement that they be "erected upon and as an integral part of the building," regardless of whether or not such component was enclosed by a building. Based upon the evidence the Board considered, and the deference given to the Board when it interprets its own ordinance, this Court cannot conclude the Board committed an abuse of discretion or an error of law. Therefore, the ruling of the Board is affirmed.

3. Motion to Quash Petroff Appeal: Site Plan 3

In its motion to quash, ERE argued Mr. Petroff s original appeal was not accepted by the Board due to lack of specificity. Therefore, the subsequent appeal, filed on February 6, 2009, was untimely pursuant to 53 P.S. § 10914.1(a)⁵. Mr. Petroff s counterargument is that he filed a timely appeal on January 16, 2009, and that he was given an extension of time to clarify the reasons for his appeal. (Hearing, 2/26/09, 240.) At the February 26, 2009, hearing, the Board denied ERE's motion to quash by a 4-1 vote, agreeing with the argument proffered by Mr. Petroff.

The Court holds Mr. Petroff filed a timely appeal to the Board on January 16, 2009, and that the "revised appeal," filed on February 6,

⁵ Pursuant to this section, an appellant has a thirty-day window in which to file an appeal to a zoning hearing board.

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2009, acted as a supplement to the existing appeal. The Court finds the Board did not reject the January 16, 2009 appeal, but only rejected *to hear* the appeal *as written*. The Board's letter to Mr. Petroff evidences the fact the Board accepted the appeal and scheduled a hearing with regards to the matter. The Board merely requested more specifics in order for the appeal to be heard. Therefore, Mr. Petroff was fully compliant with the statute, and the ruling of the Board is affirmed.

After denying the motion to quash, the Board took up the substantive issue of Mr. Petroff s appeal - the Zoning Officer's approval of the third site plan. Mr. Petroff argued that merely placing a building around all of the separate components of the power plant does not make the separate components appurtenances, as defined in the Ordinance. (Hearing, 2/26/09, 258-261.) By a 4-1 vote, the Board granted Mr. Petroff's appeal, ruling the components were not appurtenances.

The Court hereby affirms the ruling of the Board with respect to the grant of Mr. Petroff's appeal. The Court applies the same reasoning employed in affirming the Board's ruling with respect to the second site plan.

III. CONCLUSION

For the reasons stated above, all rulings of the Board are hereby affirmed. An appropriate order follows this Opinion.

<u>ORDER</u>

AND NOW, this 24th day of March, 2010, upon consideration of the appeals consolidated at docket number 12547-2009, the briefs of the parties, and the arguments of counsel, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

1. The Board's decision to deny ERE's appeal from the Zoning Officer's denial of the second proposed site plan is AFFIRMED.

2. The Board's decision to deny ERE's application for a dimensional variance is AFFIRMED.

3. The Board's decision to deny ERE's Motion to Quash the appeal of Robert Petroff is AFFIRMED.

4. The Board's decision to grant Mr. Petroff's appeal and overturn the Zoning Officer's approval of the third site plan is AFFIRMED.

5. The Board's decision to grant ERE's exclusionary challenge is AFFIRMED.

BY THE COURT: /s/ John Garhart, Judge

CERTIFICATE OF AUTHORITY

Notice is hereby given that an Application For Certificate of Authority has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about June 7, 2010, for a foreign corporation with a registered address in the state of Pennsylvania as follows:

All Source Recruiting Group, Inc.

c/o Corporate Creations

Network, Inc.

This corporation is incorporated under the laws of Florida.

The address of its principal office under the laws of its jurisdiction in which it is incorporated is 5830 Coral Ridge Drive, Suite 120, Coral Springs, FL 33076.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended.

Jun. 25

CERTIFICATE OF AUTHORITY

AULD CORNER COMPANY, LLC applied for a Certificate of Authority with the Pennsylvania Department of State under the provisions of the Business Corporation Law of 1988 on April 26, 2010. AULD CORNER COMPANY, LLC was originally organized under the laws of the State of Delaware with its address at CT Center, 1209 Orange Street, Wilmington, DE 19801. AULD CORNER COMPANY, LLC is proposed to have its registered office in this Commonwealth of Pennsylvania located at 5018 William Flynn Highway, Gibsonia, PA 15044

Knox McLaughlin Gornall & Sennett, P.C. 120 West Tenth Street Erie, Pennsylvania 16501

Jun. 25

CHANGE OF NAME NOTICE In the Court of Common Pleas of Erie County, Pennsylvania Docket No.: 12693-10 In Re: Anthony David Cefaratti Notice is hereby given that on June 18, 2010, a Petition was filed in the above named Court requesting on order to change the name of Anthony David Cefaratti to Anthony David Lytle. The Court has fixed the 3rd day of August, 2010 at 10:00 a.m. in Courtroom No. 208 of the Erie County Courthouse, 140 W. 6th St., Erie, PA 16501 as the time and place for the hearing on said petition, when and where all interested parties may appear and show cause, if any, why the prayer of the Petitioner should not be granted.

Jun. 25

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania Docket No.: 14735-09 In Re: Katelyn Montalvo (a minor) Notice is hereby given that on June 7, 2010, a Petition was filed by Colleen Olinger, on behalf of Katelyn Montalvo (a minor), in the above named Court requesting on order to change the name of Katelyn Elizabeth Montalvo to Katelyn Elizabeth Olinger.

The Court has fixed the 3rd day of August, 2010 at 9:30 a.m. in Courtroom No. B of the Erie County Courthouse, 140 W. 6th St., Erie, PA 16501 as the time and place for the hearing on said petition, when and where all interested parties may appear and show cause, if any, why the prayer of the Petitioner should not be granted.

Jun. 25

INCORPORATION NOTICE

Take Notice - On 5/24/10, Nice Shot, Inc., 9970 Barney Rd., Albion, PA 16401 was newly incorporated under the BCL of 1988 having previously wound up operations under the same name on 5/10/10. Rebecca A. DeSimone, Esq. 3241 West 41st Street Erie, PA 16506

Jun. 25

LEGAL NOTICE PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Township of Harborcreek intends to consider enactment of an ordinance at the regularly scheduled weekly meeting of July 7,

2010, at 9:00 a.m. at the Township Municipal Building, 5601 Buffalo Road, Harborcreek, Pennsylvania 16421 providing for the repeal of Ordinance No. 84-100, and its various amendments and adopting a new comprehensive tax abatement ordinance providing for real estate tax exemption for improvements properties, both residential to and commercial, in certain areas/ neighborhoods, pursuant to the Local Economic Revitalization Tax Assistance Act ("LERTA"), 72 P.S. Section 4722, et seq., as well as, the Improvement Of Deteriorating Real Property or Areas Tax Exemption Act, 72 P.S. §4711-101. Anyone wanting to view the full text of this ordinance may do so at the Township Municipal Building or the Erie County Law Library. A copy of the full text of the ordinance has also been sent to the Erie Times News accompanied by this public notice.

Robert C. Ward, Esquire Solicitor for Harborcreek Township 307 French Street Erie, Pennsylvania 16507 (814) 454-1129

Jun. 25

SHERIFF SALES

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

July 16, 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 <u>MUST</u> possess a cashier's or certified check in the amount of their highest bid or have a letter from their lending institution guaranteeing that funds in the amount of the bid are immediately available. If the money is not paid immediately after the property is struck off, it will be put up again and sold, and the purchaser held responsible for any loss, and in no case will a deed be delivered until money is paid.

Bob Merski

Sheriff of Erie County

Jun. 25 and Jul. 2, 9

SALE NO. 1 Ex. #15804 of 2009 LaSalle Bank National Association, as Trustee for Merrill Lynch Mortgage Investors Trust Mortgage Loan Asset-Backed Certificates, Series 2006-OPT1, Plaintiff V.

Todd Dewey, Defendant(s) LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in the First Ward, City of Corry, Erie County, Pennsylvania, bounded and described as follows, to-wit: Commencing at a point of intersection on the south line of Chestnut Street with the west line of East Street at a stake; Thence westerly along the north line of

Chestnut Street; about eighty (80) feet to the southeast corner of land now or formerly owned by Earnest J. Morris; Thence northerly along said Morris near line, one hundred fiftysix and one-half $(156 \frac{1}{2})$ feet to a stake, in the south line of land now or formerly of Clarence M. Dav: Thence easterly along said Day's south line, eighty (80) feet to a stake in the west line of East Street: Thence southerly along the west line of East Street, about one hundred fourteen and one-fourth $(114 \frac{1}{4})$ feet to the north line of Chestnut Street. the place of beginning, be the same more or less.

Tax Parcel ID: (5) 32-162-3 Address: 49 Chestnut Street, Corry, PA 16407 BEING KNOWN AS: 49 Chestnut Street, Corry, PA 16407 PROPERTY ID NO.: (05) 32-162-3 TITLE TO SAID PREMISES IS VESTED IN Todd Dewey, single by Deed from Peggy E. Chelton, single dated 06/16/2006 recorded 06/21/2006 in Deed Book 1338 Page 598. Udren Law Offices, P.C. Mark J. Udren. Esquire Woodcrest Corporate Center 111 Woodcrest Road, Suite 200

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

Jun. 25 and Jul. 2, 9

SALE NO. 2 Ex. #11039 of 2010 Bank of America, N.A., Plaintiff

Keith Hough, Defendant(s) LEGAL DESCRIPTION

All that certain piece or parcel of land situate in the City of Erie, County of Erie and Commonwealth Pennsvlvania. of being Lot No. Fifteen (15) in Block "H" of Andrews Land Company Subdivision of Reserve Tract No. 33 as shown upon a map or plot of said subdivision recorded in the office of the Recorder of Deeds of Erie County in Map Book 1, pages 374 and 375.

Having erected thereon a dwelling house and being commonly known as 933 East 29th Street, Erie, Pennsylvania, and being further identified as Erie County Tax Parcel Index No. (18) 5053-117.

Being the same premises as conveyed to the mortgagor(s) herein by deed recorded this date.

BEING KNOWN AS: 933 East 29th Street, Erie, PA 16504

PROPERTY ID NO.: E9NE2A-6-10 TITLE TO SAID PREMISES IS VESTED IN Keith Hough by Deed from Stephen M. Erdos and Leann K. Edros [sic], husband and wife dated 11/30/2005 recorded 12/01/2005 in Deed Book 1290 Page 2269.

Udren Law Offices, P.C. Mark J. Udren, Esquire Woodcrest Corporate Center 111 Woodcrest Road, Suite 200 Cherry Hill, NJ 08003-3620 856-669-5400

Jun. 25 and Jul. 2, 9

SALE NO. 3 Ex. #11038 of 2010 Wells Fargo Bank, N.A. successor by merger to Wells Fargo Bank Minnesota, N.A., as Trustee f/k/a Norwest Bank Minnesota, N.A., as Trustee for the registered holders of Renaissance Home Equity Loan Asset-Backed Certificates, Series 2002-4, Plaintff

Cynthia D. Maines Richard Pierce (Mortgagor), Defendant(s)

LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in Greenfield Township, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows, to-wit: BEGINNING at a point in the public road known as the Station Road at the southeast corner of land of George Evans, from thence north along said Evans' land ninety (90) rods; thence east along the lands of Mrs. Ella Orton forty-eight and five-sixths (48 5/6) rods to a point being northeast corner of land herein conveyed, from thence south by land of George B. Moore ninety (90) rods to the aforesaid public highway, from thence along the center of this highway west fortyeight and five-sixth (48 5/6) rods to

the place of beginning. This land being a part of Tract Number one hundred and fifteen (115).

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

UNDER and subject to outsale recorded at Deed Book Volume 986, Page 439 recorded August 2, 1968.

BEING KNOWN and designated as Parcel No. (26) 8-22-15 in the Deed Registry Office of Erie County, more commonly known as 9458 Station Road.

BEING the same premises which Cynthia D. Maines and William D. Maines her husband, by Cynthia D. Maines his Attorney-in-Fact by Deed dated August 2, 2002 and recorded August 2, 2002 in Erie County Deed Book 907 Page 1150 granted and conveyed unto Cynthia D. Maines, in fee.

BEING KNOWN AS: 9458 Station Road, North East, PA 16428

PROPERTY ID NO.: E9NE2A-6-10 TITLE TO SAID PREMISES IS VESTED IN Cynthia D. Maines by Deed from Cynthia D. Maines and William D. Maines, her husband, by Cynthia D. Maines his Attorneyin-Fact dated 08/02/2002 recorded 08/02/2002 in Deed Book 907 Page 1150.

Udren Law Offices, P.C. Mark J. Udren, Esquire Woodcrest Corporate Center 111 Woodcrest Road, Suite 200 Cherry Hill, NJ 08003-3620 856-669-5400

Jun. 25 and Jul. 2, 9

SALE NO. 4 Ex. #10411 of 2010 Regency Finance Company t/d/b/a F.N.B. Consumer Discount Company, Plaintiff

v. Dale R. Pierce, Defendant

All that certain property situated in the City of Erie, Ward 5, in the County of Erie and Commonwealth of Pennsylvania, being described as follows: Lot 334 in Burton Terrace Subdivision. Being more fully described in a Deed dated 05/18/1995 and recorded 05/19/1995, among the land records of the County and State set forth above, in Deed Volume 384 and Page 487. Address: 2317 Downing Road, Erie, PA 16501 Tax Map or Parcel ID NO .: 18-5125-319 Culbertson, Weiss, Schetroma and Schug, P.C. Dearald W. Shuffstall, II, Esquire Nathaniel I. Holland, Esquire 201 Chestnut Street, Suite 200 Meadville, PA 16335 (814) 336-6400

Jun. 25 and Jul. 2, 9

SALE NO. 5 Ex. #10412 of 2010 Regency Finance Company t/d/b/a F.N.B. Consumer Discount Company, Plaintiff

Dale R. Pierce, Defendant

All that certain property situated in the City of Erie, Ward 2, in the County of Erie and Commonwealth of Pennsylvania, being described as follows: One parcel. Being more fully described in a Deed dated 07/31/1989 and recorded 08/02/1989, among the land records of the County and State set forth above, in Deed Volume 94 and Page 1188.

Address: 229 E. 10th St., Erie, PA 16503

Tax map or Parcel ID No.: 15-2012-244

Culbertson, Weiss, Schetroma and Schug, P.C. Dearald W. Shuffstall, II, Esquire Nathaniel I. Holland, Esquire 201 Chestnut Street, Suite 200 Meadville, PA 16335

(814) 336-6400

Jun. 25 and Jul. 2, 9

SALE NO. 6 Ex. #10413 of 2010 Regency Finance Company t/d/b/a F.N.B. Consumer Discount Company, Plaintiff v.

Dale R. Pierce, Defendant ALL that certain piece or parcel of land situate in the City of Erie, County of Erie and Commonwealth

of Pennsylvania, being more particularly bounded and described as follows: COMMENCING at an iron pin in the north line of 21st Street where the same is intersected by the west line of Lot No. 25 in Block No. 1 in WARFEL'S SUBDIVISION of Lots of the City of Erie, as recorded in the Recorder of Deeds Office in Erie County, Pennsylvania, in Deed Book 74, page 235, said point being one hundred twenty (120) feet east of the east line of Brandes Street: thence northwardly along the west line of said Lot No. 25, one hundred five (105) feet to the center of the said block: thence North 64° East, along the center of said block, thirty-two (32) feet to a point; thence southwardly on a line parallel with the west line of Lot No. 25, one hundred five (105) feet to the north line of 21st Street; thence westwardly, along the north line of 21st Street, thirty-two (32) feet to the place of beginning. Having erected thereon a two story, frame dwelling commonly known as 1214 East 21st Street, Erie, Pennsylvania, and bearing Erie County Tax index Number (18) 5101-228. Being the same premises conveyed to first parties by Sheriff's Deed recorded November 1, 2001 in Erie County Record Book 822, page 253.

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 Buffalo Road, two hundred fifty-six (256) feet westwardly from the east line of Lot No. 11 in Block No. 1 of the Warfel Addition to the City of Erie as per plot recorded in Erie County at Deed Book 74, page 235: thence southwardly, parallel with the east line of said Lot No. 11. one hundred five (105) feet to the center of said block; thence westwardly along the center of said block, parallel with the south line of the Buffalo Road, thirty-two (32) feet to a point: thence northwardly on a line parallel with the east line of Lot No. 11, one hundred five (105) feet to the south line of the

Buffalo Road; thence eastwardly along the south line of the Buffalo Road, thirty-two (32) feet to the place of beginning, having erected thereon a two-story frame dwelling house and one-car garage. Being commonly known as 1217 Buffalo Road and bearing Erie County Tax Index Number (18)5101-219 Culbertson, Weiss, Schetroma and Schug, P.C. Dearald W. Shuffstall, II, Esquire Nathaniel I. Holland, Esquire 201 Chestnut Street, Suite 200

Meadville, PA 16335

(814) 336-6400

Jun. 25 and Jul. 2, 9

SALE NO. 7 Ex. #10858 of 2010 Marquette Savings Bank

v.

Richard A. Johannesmeyer and Carrie L. Johannesmeyer <u>SHERIFF'S SALE</u>

By virtue of a Writ of Execution filed at No. 10858 - 2010, Marquette Savings Bank vs. Richard A. Johannesmeyer and Carrie L. Johannesmeyer, owner of property situate in Millcreek Township. Erie County, Pennsylvania, being: 1128 East Gore Road, Erie, Pennsylvania. 60 x 120 Assessment Map Number: (33) 105-474-49.02 Assessed Value Figure: \$81,420.00 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 Jun. 25 and Jul. 2. 9

SALE NO. 8 Ex. #11126 of 2010 Northwest Savings Bank

Nancy Rea, Executrix of the Estate of Willard A. Gustafson, Jr. a/k/a Willard A. Gustafson, <u>SHERIFF'S SALE</u>

By virtue of a Writ of Execution filed at No. 11126-2010, Northwest Savings Bank vs. Nancy Rea, Executrix of the Estate of

ERIE COUNTY LEGAL JOURNAL LEGAL NOTICE

Willard A. Gustafson, Jr. a/k/a Willard A. Gustafson, owner of property situate in the Borough of Albion, Erie County, Pennsylvania being: 81 Jackson Avenue, Erie, Pennsvlvania. 120' X 120' X 120' X 120' Assessment Map Number: (1) 5-47-11 Assessed Value Figure: \$54,290.00 Improvement Thereon: Residence Kurt L. Sundberg, Esa. Marsh Spaeder Baur Spaeder & Schaaf, LLP Suite 300, 300 State Street Erie, Pennsylvania 16507 (814) 456-5301

Jun. 25 and Jul. 2, 9

SALE NO. 9 Ex. #15470 of 2009 Marquette Savings Bank V.

Hanlon Development, LLC SHERIFF'S SALE

By virtue of a Writ of Execution filed at No. 15470-2009. Marquette Savings Bank VS. Hanlon Development, LLC, owner of property situate in the Township of Summit, Erie County, Pennsylvania being: 2824 Sunset Trail, 2826 Sunset Trail. 2821 Sunset Trail and 2801 Sunset Trail Erie. Pennsvlvania. 1 2824 Sunset Trail - 60 x 130 2 2826 Sunset Trail - 98 x 130 3. 2821 Sunset Trail - 87 x 120 4. 2801 Sunset Trail - 115.36 x 120 irr. Assessment Map Number: 1. (40) 19-82-5.15 2. (40) 19-82-5.16 3. (40) 19-82.1-1 4. (40) 19-82.1-10 Assessed Value Figure: 1. \$24,300 2. \$29,200 3. \$26,900 4. \$25,300 Improvement Thereon: N/A Kurt L. Sundberg, Esq. Marsh Spaeder Baur Spaeder & Schaaf, LLP Suite 300, 300 State Street Erie, Pennsylvania 16507 (814) 456-5301

Jun. 25 and Jul. 2, 9

SALE NO. 10 Ex. #15471 of 2009 Marquette Savings Bank v. Hanlon Development, LLC

COMMON PLEAS COURT

SHERIFF'S SALE

By virtue of a Writ of Execution filed at No. 15471-2009. Marquette Savings Bank VS. Hanlon Development, LLC, owner of property situate in the Township of Summit, Erie County, Pennsylvania being: 6.930 acres of land on Hamot Road. Erie, Pennsylvania. 6 930 acres Assessment Map Number: (40) 19-82-6 Assessed Value Figure: \$41,400.00 Improvement Thereon: N/A Kurt L. Sundberg, Esa. Marsh Spaeder Baur Spaeder & Schaaf, LLP Suite 300, 300 State Street Erie, Pennsylvania 16507 (814) 456-5301

Jun. 25 and Jul. 2, 9

SALE NO. 11 Ex. #10292 of 2010 PNC Bank, National Association, Plaintiff

v.

James L. Grill, Defendant SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 10292-10. PNC Bank. National Association vs. James L. Grill, owner(s) of property situated in City of Erie. Erie County. Pennsylvania being 711 Ohio Street. Erie, PA 16505 0.0885 Acres Assessment Map number: (17) 41-23-508 Assessed Value figure: \$76,150.00 Improvement thereon: Residential Dwelling Michael C. Mazack, Esquire 1500 One PPG Place Pittsburgh, PA 15222 (412) 594-5506

Jun. 25 and Jul. 2, 9

SALE NO. 12 Ex. #10284 of 2010

PNC Bank, National Association, Plaintiff

James L. Grill, Defendant <u>SHERIFF'S SALE</u>

By virtue of a Writ of Execution filed to No. 10284-10, PNC Bank, National Association vs. James L. Grill, owner(s) of property situated

in City of Erie, Erie County, Pennsylvania being 710 East 8th Street, Erie, PA 16503 0.1023 Acres Assessment Map number[.] (14) 10-22-121 Assessed Value figure: \$48,270.00 Improvement thereon: Residential Dwelling Michael C. Mazack, Esquire 1500 One PPG Place Pittsburgh, PA 15222 (412) 594-5506 Jun. 25 and Jul. 2. 9

SALE NO. 13 Ex. #13310 of 2009 SUNTRUST MORTGAGE, INC., Plaintiff v MICHAEL O. APPLETON DARLA L. APPLETON. Defendant(s) SHERIFF'S SALE By virtue of a Writ of Execution filed to No. 13310-2009 SUNTRUST MORTGAGE. INC. vs. MICHAEL O. APPLETON and DARLA L. APPLETON Amount Due: \$84,754,43 MICHAEL O. APPLETON and DARLA L. APPLETON. owner(s) of property situated in TOWNSHIP OF CONNEAUT. Erie County. Pennsvlvania being 10133 BARNEY ROAD, ALBION, PA 16401-9735 Acreage: 40.0000 Assessment Map number[.] 04-016-042.0-019.00 Assessed Value: \$108,600.00 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 Jun. 25 and Jul. 2, 9

SALE NO. 14 Ex. #10330 of 2005 WASHINGTON MUTUAL BANK, F.A., Plaintiff

v. NANCY J. BLUM, Defendant(s) <u>SHERIFF'S SALE</u>

By virtue of a Writ of Execution filed to No. 10330-05

ERIE COUNTY LEGAL JOURNAL LEGAL NOTICE

WASHINGTON MUTUAL BANK. F.A. vs. NANCY J. BLUM Amount Due: \$74.625.83 NANCY J. BLUM, owner(s) of property situated in Erie County, Pennsylvania being 3750 GREENLAWN AVENUE, ERIE, PA 16510 Dimensions: 75 x 175 Acreage: 0.3013 Assessment Map number: (27) 55-191.00-15.07 Assessed Value: \$89,300.00 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 Jun. 25 and Jul. 2, 9

SALE NO. 15 Ex. #10511 of 2010 WELLS FARGO BANK, N.A., Plaintiff v. TERRY J. CARROLL. Defendant(s) SHERIFF'S SALE By virtue of a Writ of Execution filed to No. 10511-10 WELLS FARGO BANK, N.A. vs. TERRY J. CARROLL Amount Due: \$133,861.10 TERRY J. CARROLL, owner(s) of property situated in HARBORCREEK TOWNSHIP. Erie County, Pennsylvania being 8797 EAST LAKE ROAD, ERIE. PA 16511-1623 Dimensions: 237S x 307.56 Irr. Acreage: 0.9699 Assessment Map number[.] 27-030-028.0-011.02 Assessed Value: \$93,600.00 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

Jun. 25 and Jul. 2, 9

SALE NO. 16 Ex. #10493 of 2010 FIFTH THIRD MORTGAGE COMPANY, Plaintiff COMMON PLEAS COURT

v. ERIC A. HAWES VIRGINIA L. HAWES, Defendant(s) SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 10493-2010 FIFTH THIRD MORTGAGE COMPANY vs. ERIC A. HAWES and VIRGINIA L. HAWES Amount Due: \$140,159,58 ERICA. HAWES and VIRGINIAL. HAWES, owner(s) of property TOWNSHIP situated in OF MILLCREEK. Erie County. Pennsylvania being 3114 ATLANTIC AVENUE, ERIE, PA 16506-3422 Dimensions: 70 x 138.6 Acreage: 0.2222 Assessment Map number: 33-073-2303.0-016.00 Assessed Value: \$79,930.00 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

Jun. 25 and Jul. 2, 9

SALE NO. 17 Ex. #10492 of 2010 CITIMORTGAGE INC S/B/M ABN AMRO MORTGAGE GROUP INC., Plaintiff v. MICHELE M. INTER

Defendant(s) <u>SHERIFF'S SALE</u>

By virtue of a Writ of Execution filed to No. 10492-2010 CITIMORTGAGE INC S/B/M ABN AMRO MORTGAGE GROUP INC. vs. MICHELE M. INTER Amount Due: \$44,611.08 MICHELE M. INTER, owner(s) of property situated in the Fifth Ward, CITY of ERIE, Erie County,

Pennsylvania being 941 EAST 35TH STREET, ERIE, PA 16504-1827 Dimensions: 55.13 x IRR. Acreage: 0.1641 Assessment Map number: 18-053-095.0-108.00 Assessed Value: \$59,610.00

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

Jun. 25 and Jul. 2, 9

SALE NO. 18 Ex. #11515 of 2009 NORTHWEST SAVINGS BANK, Plaintiff

CHARITY A. MADEWELL DANIELLE M. BRENNEN, Defendant(s) <u>SHERIFF'S SALE</u>

v.

By virtue of a Writ of Execution filed to No. 11515-09 NORTHWEST SAVINGS BANK vs. CHARITY A. MADEWELL and DANIELLE M. BRENNEN Amount Due: \$91.356.61 CHARITY A MADEWELL and DANIELLE М. BRENNEN. owner(s) of property situated in BOROUGH OF LAKE CITY, Erie County, Pennsylvania being 9990 SMITH STREET, LAKE CITY, PA 16423-1418 Dimensions: 58.08 X 225 Acreage: 0.3000 Assessment Map number: 28-010-004-0-047.00 Assessed Value: \$52,950.00 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

Jun. 25 and Jul. 2, 9

SALE NO. 19 Ex. #10084 of 2010 WELLS FARGO BANK, N.A., Plaintiff v.

> WILLIAM MCBRIDE, Defendant(s) <u>SHERIFF'S SALE</u>

By virtue of a Writ of Execution filed to No. 10084-10 WELLS FARGO BANK, N.A. vs. WILLIAM MCBRIDE Amount Due: \$277,994.95 WILLIAM MCBRIDE, owner(s) of property situated in TOWNSHIP OF FAIRVIEW, Erie County, Pennsylvania being 6686 OTTEN COURT, FAIRVIEW, PA 16415-3006 Dimensions: 103.28 x 300.37 Irregular Acreage: 0.6354 Assessment Map number[.] 21-052-074.0-022.13 Assessed Value: \$201,950.00 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 Jun. 25 and Jul. 2, 9

SALE NO. 20 Ex. #10911 of 2010 NATIONSTAR MORTGAGE LLC, Plaintiff v

BETSY H. MITCHELL KEVIN W. MITCHELL, Defendant(s) SHERIFF'S SALE

By virtue of a Writ of Execution filed to No 10911-10 NATIONSTAR MORTGAGE LLC vs. BETSY H. MITCHELL and KEVIN W. MITCHELL Amount Due: \$219,460,11 BETSY H MITCHELL and KEVIN W. MITCHELL, owner(s) of property situated in TOWNSHIP OF MILLCREEK, Erie County, Pennsvlvania being 5965 DEERFIELD DR., FAIRVIEW, PA 16415-3215 Dimensions: 134.8 x 113 Acreage: 0.3660 Assessment Map number[.] 33-133-572.3-001-00 Assessed Value: \$186,140.00 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

Jun. 25 and Jul. 2, 9

SALE NO. 21 Ex. #10545 of 2010 DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR RBSGC 2007-B, Plaintiff v.

> STACY M. MORGAN, Defendant(s) SHERIFF'S SALE

By virtue of a Writ of Execution filed to No 10545-10 DEUTSCHE BANK NATIONAL TRUST COMPANY. AS TRUSTEE FOR RBSGC 2007-B vs. STACY M. MORGAN Amount Due: \$150.081.17 STACY M. MORGAN, owner(s) of property situated in the CITY OF ERIE, Erie County, Pennsylvania being 4603 HOMELAND BLVD. ERIE, PA 16509-2230 Acreage: 0.1915 Assessment Map number: 18-053-016 0-110 00 18-053-016.0-111-00 Assessed Value: \$159,000.00 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

Jun. 25 and Jul. 2, 9

SALE NO. 22 Ex. #15111 of 2009 LEHMAN BROTHERS HOLDINGS, INC., Plaintiff v. PAUL A. OLSON, Defendant(s) SHERIFF'S SALE By virtue of a Writ of Execution filed to No. 15111-09 LEHMAN BROTHERS HOLDINGS, INC. vs. PAUL A. OLSON Amount Due: \$77,122.22 PAUL A. OLSON, owner(s) of property situated in TOWNSHIP OF MILLCREEK. Erie County. Pennsvlvania being 726 WYOMING AVENUE, ERIE, PA 16505-3830 Dimensions: 45 x 136.5 Acreage: 0.1410 Assessment Map number: 33-029-067.0-005.00 Assessed Value: \$67,630.00 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

Jun. 25 and Jul. 2, 9

SALE NO. 23 Ex. #15168 of 2009 SUNTRUST MORTGAGE, INC., Plaintiff

ROGER W. SCALISE SHERRI A. SCALISE, Defendant(s) <u>SHERIFF'S SALE</u>

By virtue of a Writ of Execution filed to No. 15168-09 SUNTRUST MORTGAGE, INC. vs. ROGER W. SCALISE and SHERRIA. SCALISE Amount Due: \$119.318.82 ROGER W. SCALISE and SHERRI A. SCALISE, owner(s) of property situated in LAKE BOROUGH CITY Frie County, Pennsylvania being 572 RICHARDSON DRIVE, LAKE CITY, PA 16423-1820 Dimensions: 75 x 227 Irr. Acreage: 0.3848 Assessment Map number: 28-003-00300-008.00 Assessed Value: \$86,260.00 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 Jun. 25 and Jul. 2, 9

SALE NO. 24 Ex. #14842 of 2009 U.S. BANK NATIONAL ASSOCIATION TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff

KENNETH E. BARNES and TERRI L. BARNES, Defendants SHERIFF'S SALE

By virtue of a Writ of Execution No. 14842-09 U.S. BANK NATIONAL ASSOCIATION TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff vs. KENNETH E. BARNES and

TERRI L. BARNES. Defendants Real Estate: 1040-1042 WEST 20TH STREET, ERIE, PA Municipality: City of Erie Erie County, Pennsylvania Dimensions: 40' x 130' See Deed Book 702, Page 226 Tax I.D. (19) 6029-122 Assessment: \$9,400. (Land) \$38,810. (Bldg) Improvement thereon: a residential dwelling house as identified above Leon P. Haller. Esquire Purcell, Krug & Haller 1719 North Front Street Harrisburg, PA 17104 (717) 234-4178 Jun. 25 and Jul. 2, 9

SALE NO. 25 Ex. #10573 of 2010 U.S. BANK NATIONAL ASSOCIATION TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff

v.

MICHAEL P. CROSBY and RANDI R. CROSBY, Defendants SHERIFF'S SALE

By virtue of a Writ of Execution No. 10573-10 U.S. BANK NATIONAL ASSOCIATION TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY. Plaintiff vs. MICHAEL P. CROSBY and RANDI R. CROSBY, Defendants Real Estate: 13270 CARTER HILL ROAD, CORRY, PA Municipality: Township of Wayne Erie County, Pennsylvania See Deed Book 111. Page 1303 Tax I.D. (49) 13-20-2501 Assessment: \$10,000. (Land) \$33,500. (Bldg) Improvement thereon: a residential dwelling house as identified above Leon P. Haller, Esquire Purcell, Krug & Haller 1719 North Front Street Harrisburg, PA 17104 (717) 234-4178

Jun. 25 and Jul. 2, 9

SALE NO. 26 Ex. #10671 of 2010 MIDFIRST BANK, Plaintiff v. CYNTHIA L. WALTERS,

Defendants SHERIFF'S SALE By virtue of a Writ of Execution 10671-10 MIDFIRST No. BANK, Plaintiff vs. CYNTHIA L. WALTERS, Defendants Real Estate: 9871 MARK ROAD, ERIE PA Municipality: Township of Greene Erie County, Pennsylvania See Deed Book 0090, Page 0217 Tax I.D. (25) 15-43-63 Assessment: \$31,900. (Land) \$42,010. (Bldg) Improvement thereon: a residential dwelling house as identified above Leon P. Haller. Esquire Purcell, Krug & Haller 1719 North Front Street Harrisburg, PA 17104 (717) 234-4178

Jun. 25 and Jul. 2, 9

SALE NO. 27 Ex. #14809 of 2009 OneWest Bank, FSB successor by merger to Indymac Bank FSB, Plaintiff

Keith A. Dumond and Joan Dumond aka Joan M. Dumond, Defendant <u>SHERIFF'S SALE</u>

By virtue of a Writ of Execution filed to No. 14809-09 OneWest Bank, FSB successor by merger to Indvmac Bank FSB vs. Keith A. Dumond and Joan Dumond aka Joan M. Dumond, owner(s) of property situated in Fairview Township, Erie County. Pennsylvania being 1101 Lord Road, Fairview, PA 16415 3 87 Assessment number: Map 21-17-11-148 Assessed Value figure: \$257,070.00

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

Jun. 25 and Jul. 2, 9

SALE NO. 28 Ex. #11200 of 2010 Wells Fargo Bank N.A., as Trustee, for Carrington Mortgage Loan Trust, Series 2006-NC3 Asset-Backed Pass-Through Certificates, Plaintiff

Alan L. Kiniry and Cynthia R. Bammer, Defendant SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 11200-10 Wells Fargo Bank N.A., as Trustee, for Carrington Mortgage Loan Trust, Series 2006-NC3 Asset-Backed Pass-Through Certificates vs. Alan L. Kiniry and Cynthia R. Bammer, owner(s) of property situated in Township of Conneaut and Borough of Allison [sic], Erie County, Pennsylvania being 10100 Old Albion Road, Albion, PA 16401. 2.041

Assessment Map number: 04007024000201 and 01-001-001.0-002.00 Assessed Value figure: \$79,410.00 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

Jun. 25 and Jul. 2, 9

SALE NO. 29 Ex. #14987 of 2009 Beneficial Consumer Discount Company D/B/A Beneficial Mortgage Co of Pennsylvania

Timothy J. Weyand <u>SHERIFF'S SALE</u>

By virtue of a Writ of Execution filed to No. 2009-14987 Beneficial Consumer Discount Company D/B/A Beneficial Mortgage Co of Pennsylvania vs. Timothy J. Weyand, owners of property situated in Township of Millcreek, Erie County, Pennsylvania being 725 Saint Claire Avenue, Erie, PA 16505 Assessment Map number: 33-18-83-35

Assessed Value figure: \$135,500.00 Improvement thereon: Residential Dwelling Mary L. Harbe

Mary L. Harbert-Bell, Esquire 220 Lake Drive East, Suite 301 Cherry Hill, NJ 08002 (856) 482-1400

Jun. 25 and Jul. 2, 9

SALE NO. 30 Ex. #10730 of 2010 CITIMORTGAGE INC. F/K/A CITIFINANCIAL MORTGAGE CONSUMER DISCOUNT COMPANY. Plaintiff

v.

MICHAEL G. AMIDON, Defendant(s) DESCRIPTION

All that parcel of land in Borough of Edinboro, Erie County, State of Pennsylvania, as more fully described in Deed Book 281, Page 1795 date 07/23/93 and recorded 07/31/93, ID# 11-2-19-7, being known and designated as a metes and bounds property. Known as 401 Lakeside Drive. Edinboro, PA 16412 PROPERTY ADDRESS: 401 Lakeside 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

Jun. 25 and Jul. 2, 9

SALE NO. 31 Ex. #10731 of 2010 CITIMORTGAGE, INC., Plaintiff

WADE E. BURGE DEBRA L. RODGERS, Defendant(s) DESCRIPTION

ALL that certain piece or parcel of land situate in the Township of Millcreek, County of Erie and State of Pennsylvania, bounded and described as follows, towit: Being Lots Numbered One Hundred Sixty-three (163) and One Hundred Sixty-four (164) in LAKE SHORE ACRES NO. 2, a subdivision of parts of Tracts 282 and 314, as shown on a plot of subdivision recorded in the Office

COMMON PLEAS COURT

of the Recorder of Deeds of Erie County, Pennsylvania, Map Book 3, Page 282. Having a single family dwelling erected thereon and being more commonly known as 1917 Cole Drive, Erie, Pennsylvania. Bearing Erie County Assessment Index Number (33) 40-137-5. Parcel# (33) 40-137-5 PROPERTY ADDRESS: 1917 Cole Drive, Erie, PA 16505 Michael T. McKeever, Esquire Attorney for Plaintiff Suite 5000 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106 (215) 627-1322 Jun. 25 and Jul. 2, 9

SALE NO. 32 Ex. #10839 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, FA, Plaintiff

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, bounded and described as follows, to-wit: Being Lot Twenty-one (21) of Block "B" of the ERIE MANOR SUBDIVISION as re-recorded in Erie County Map Book 4, Pages 326, 327, 330, 331, 334, 335 and 337, to which plan reference is made for a further description of said property. Subject to applicable subdivision restrictions and sanitary sewer as per City Council Resolution recorded in Erie County Contract Book 68, Page 509, and creek drainage through the southern portion of said lot. Having erected thereon a one story dwelling house. Bearing Erie County Tax Index Number (16) 3117-200 and being more commonly known as 846

Shenley Drive, Erie, Pennsylvania 16505.

Subject to all restrictions, easements, rights of way, building lines, leases and oil and gas leases of record and to all easements and rights-ofway visible and discoverable upon inspection of the premises. PROPERTY ADDRESS: 846 Shenley Drive, Erie, PA 16505 Michael T. McKeever, Esquire Attorney for Plaintiff Suite 5000 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106 (215) 627-1322

Jun. 25 and Jul. 2, 9

SALE NO. 33 Ex. #11073 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, FA, A FEDERAL ASSOCIATION, 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, and being known as Lot Number Twenty-three (23) in Block "P" of the Andrews Land Company Subdivision, No. 1, as recorded in Erie County Map Book No. 1, pages 374 and 375. Having erected thereon a small frame house and being commonly known as 3110 East Avenue, Erie, Pennsylvania and bearing Erie County Tax Index No. (18) 5054-103. PROPERTY ADDRESS: 3110 East Avenue, Erie, PA 16504 Michael T. McKeever, Esquire Attorney for Plaintiff Suite 5000 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106 (215) 627-1322

Jun. 25 and Jul. 2, 9

SALE NO. 34 Ex. #10668 of 2010 LOANCARE, A DIVISION OF FNF SERVICING, INC., Plaintiff V.

THOMAS D. DAVENPORT, Defendant(s) <u>DESCRIPTION</u>

ALL THAT CERTAIN piece or parcel of land situate in the Township of Millcreek, County of Erie and State of Pennsylvania, and being the north seventy-seven and 20/100 (77.20) feet of Lot No. 7, the north one-half of Lot No. 9, and all of Lot No. 6. of the RICHLAND GARDENS SUBDIVISION. as shown by plat of said subdivision recorded in Erie County Map Book 2. at pages 378 and 379. Being more commonly known as 1310 Hartt Road, Erie, Pennsylvania and bearing Erie County Index No. (33) 26-154-8. Parcel# 33-26-1548 PROPERTY ADDRESS: 1310 Hartt Road, Erie, PA 16505 Michael T. McKeever, Esquire Attorney for Plaintiff Suite 5000 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106 (215) 627-1322

Jun. 25 and Jul. 2, 9

SALE NO. 36 Ex. #15629 of 2009 CITIMORTGAGE INC., Plaintiff

EUGENE L. SCHOOLFIELD II, Defendant(s) DESCRIPTION

ALL that certain piece or parcel of land situate in the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania, being part of Track 343, more particularly described as follows, to-wit:

BEING Lot No. 26 of the GLENRIDGE HILLS SUBDIVISION, as recorded in Erie County Map Book 9 at page 23.

CONTAINING thereon a residential dwelling known as 5366 Pinehurst Drive, Erie, Pennsylvania 16509 and bearing Erie County Tax Index No.: (33) 117-497.1-14

COMMON PLEAS COURT

TAX PARCEL #: (33) 117-497.1-14 PROPERTY ADDRESS: 5366 Pinehurst Drive, Erie, PA 16509 Michael T. McKeever, Esquire Attorney for Plaintiff Suite 5000 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106 (215) 627-1322

Jun. 25 and Jul. 2, 9

SALE NO. 37 Ex. #10806 of 2010 CITIMORTGAGE, INC., Plaintiff

BRENDA L. WILSON JEFFRY L. WILSON, Defendant(s) <u>DESCRIPTION</u>

All that certain piece or parcel of land situate in the Borough of Lake City, County of Erie and State of Pennsylvania, being Lot No. 14 of the PLAN OF LOTS FOR RESUBDIVISION OF PARK SHORES SUBDIVISION as recorded October 22, 1992 in Erie County Map No. 1992 at page 252. Said property commonly known as 10304 North Park Drive, Lake City, Pennsylvania, and being further identified as Erie County Tax Parcel Index No. (28) 5-6.2-9.

Being the same premises as conveyed to the mortgagor(s) herein by deed recorded this date.

PROPERTY ADDRESS: 10304 North Park Drive, Lake City, PA 16423

Michael T. McKeever, Esquire Attorney for Plaintiff

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

Jun. 25 and Jul. 2, 9

SALE NO. 38

Ex. #16074 of 2010 Green Tree Consumer Discount Company, f/k/a Conseco Finance Consumer Discount Company v. Evelyn P. Fries, Individually and as Executrix of the Estate of Mary B. Fries, deceased and Fred Fries

SHORT DESCRIPTION

All that certain piece or parcel of land situate in the City of Erie, County of Erie, and State of Pennsylvania, being Lot No. 128 of Easthome Subdivision being part of Tract No. 62 as shown upon a map of the subdivision recorded in the Office of the Recorder of Deeds for Erie County, PA, in Map Book 1, page 401.

County of Erie Index No. 18-52-1-222 BEING known and numbered as 1014 E. 34th Street, Erie, PA 16504 Pamela L. Brickner, Esq. Voelker & Associates, P.C. 3960 Route 8, Suite 200 Allison Park, PA 15101-3603 412-486-8800

Jun. 25 and Jul. 2, 9

SALE NO. 39 Ex. #10619 of 2010 PNC BANK, National Association, s/b/m/t NATIONAL **CITY BANK, Plaintiff,**

v. **KENNETH DORNHOEFER.** JR., Executor of the Estate of John Joseph Livoti, Defendant SHORT FORM DESCRIPTION

ALL the right, title, interest and claim of the Estate of John Joseph Livoti and Kenneth Dornhoefer. Jr., Executor for the Estate of John Joseph Livoti of, in and to the following described real property: ALL the following described real estate situated in the Borough of Wesleyville, County of Erie, Commonwealth of Pennsylvania. Having erected thereon a dwelling known as 2041 Riverside Drive. Erie, PA 16510, Deed Book Volume 875, Page 851, Parcel No. 50-2-16-9

Jun. 25 and Jul. 2, 9

SALE NO. 40 Ex. #10515 of 2010 PNC BANK, N.A., Plaintiff,

RICHARD L. GLOVER, Defendant

SHORT FORM DESCRIPTION ALL the right, title, interest and claim of Richard L. Glover of, in and to the following described real property:

ALL the following described real estate situated in the City of Erie,

ERIE COUNTY LEGAL JOURNAL LEGAL NOTICE

County of Erie, Commonwealth of Pennsylvania. Having erected thereon a dwelling known as 724 Ash Street, Erie, PA 16503. Deed Book 410, Page 133, Parcel No. (14) 1016-143.

Jun. 25 and Jul. 2, 9

SALE NO. 41 Ex. #13118 of 2009 National City Bank, Plaintiff

v Barry Kinnan, a/k/a Barry J. Kinnan, Defendant SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 13118-09 National City Bank vs. Barry Kinnan, a/k/a Barry J. Kinnan, owner(s) of property situated in Borough of Platea, Erie County, Pennsylvania being 8527 Maiden Lane, Girard, PA 16417 Approximately 3/4 of an acre. Assessment Map number: (38) 15-11-26 Assessed Value figure: \$65,670,00 Improvement thereon: A dwelling Patrick Thomas Woodman, Esq. 436 Seventh Ave 1400 Koppers Bldg. Pittsburgh, PA 15219 (412) 434-7955

Jun. 25 and Jul. 2, 9

SALE NO. 42 Ex. #11049 of 2010 Bac Home Loans Servicing, L.P. fka Countrywide Home Loans Servicing, L.P. v.

Tammy J. Baker and Timothy A. Baker SHORT DESCRIPTION

By virtue of a Writ of Execution filed to No. 11049-2010 Bac Home Loans Servicing, L.P. Fka Countrywide Home Loans Servicing, L.P. v. Tammy J. Baker and Timothy A. Baker, owners of property situated in the Township of North East, Erie County, Pennsylvania being 22 Eagle Street, Northeast, Pennsylvania 16428. Tax I D No 35-006-026 0-011 00 Assessment: \$102,440,96 Improvements: Residential Dwelling McCabe, Weisberg and Conway, P.C. 123 South Broad Street, Suite 2080 Philadelphia, PA 19109 Jun. 25 and Jul. 2, 9

SALE NO. 43 Ex. #11002 of 2010

> Bank of America, N.A. v.

Robert P. Chamberlain a/k/a Robert P. Chamberlain, III SHORT DESCRIPTION

By virtue of a Writ of Execution filed to No. 11002-10 Bank Of America. N.A. v. Robert P. Chamberlain a/k/a Robert P Chamberlain III owners of property situated in the Township of City of Erie, Erie County, Pennsylvania being 2105 North Manor Drive, Erie, Pennsylvania 16505

Tax I.D. No. 16031038011300 Assessment: \$106.346.00 Improvements: Residential Dwelling McCabe, Weisberg and Conway, P.C. 123 South Broad Street, Suite 2080 Philadelphia, PA 19109

Jun. 25 and Jul. 2. 9

SALE NO. 44

Ex. #10280 of 2010 Deutsche Bank National Trust Company, As Trustee Of The Residential Asset Securitization Trust 2006-A5CB, Mortgage Pass-Through Certificates, Series 2006-E under the Pooling and Servicing Agreement

v. Christopher M. Davison SHORT DESCRIPTION

By virtue of a Writ of Execution filed to No. 10280-2010 Deutsche Bank National Trust Company. As Trustee Of The Residential Asset Securitization Trust 2006-A5CB, Mortgage Pass-Through Certificates, Series 2006-E under the Pooling and Servicing Agreement v. Christopher M.

Davison, owners of property situated in the Township of Sixth Ward of the City of Erie, Erie County, Pennsylvania being 3511 Melrose Street, Erie, Pennsylvania 16508.

Tax I.D. No. (19) 61-32-314 Assessment: \$95,657.86 Improvements: Residential Dwelling McCabe, Weisberg and Conway, P.C. 123 South Broad Street, Suite 2080 Philadelphia, PA 19109

Jun. 25 and Jul. 2, 9

SALE NO. 45 Ex. #14898 of 2009 Deutsche Bank National Trust Company on Behalf of Vendee Mortgage Trust 2008-1

v. Charles Hayes <u>SHORT DESCRIPTION</u>

By virtue of a Writ of Execution filed to No. 14898-09 Deutsche Bank National Trust Company On Behalf Of Vendee Mortgage Trust 2008-1 v. Charles Hayes, owner of property situated in the City of Erie, Erie County, Pennsylvania being 510 E. 21st Street, Erie, Pennsylvania 16503. Tax I.D. No. 18-050-021-0-316.00

Assessment: \$23,925.09 Improvements: Residential Dwelling McCabe, Weisberg and Conway, P.C. 123 South Broad Street, Suite 2080 Philadelphia. PA 19109

Jun. 25 and Jul. 2, 9

SALE NO. 46 Ex. #10161 of 2010 Beneficial Consumer Discount Company dba Beneficial Mortgage Company of Pennsylvania V

Irene L. Johnson SHORT DESCRIPTION

By virtue of a Writ of Execution filed to No. 10161-10 Beneficial Consumer Discount Company dba Beneficial Mortgage Company of Pennsylvania v. Irene L. Johnson, owners of property situated in the City of Erie, Erie County, Pennsylvania being 815 West 27th Street, Erie, Pennsylvania 16508. Tax I.D. No. 19-6041-320 Assessment: \$80,805.78 Improvements: Residential Dwelling McCabe, Weisberg and Conway, P.C. 123 South Broad Street, Suite 2080 Philadelphia, PA 19109

Jun. 25 and Jul. 2, 9

SALE NO. 47 Ex. #10959 of 2010 Wells Fargo Bank, N.A. as Trustee for Option One Mortgage Loan Trust 2007-1 Asset-backed Certificates v. Mantin Klowa and Ting Klowa

Martin Klaus and Tina Klaus

SHORT DESCRIPTION

By virtue of a Writ of Execution filed to No. 10959-10 Wells Fargo Bank, N.A. As Trustee For Option One Mortgage Loan Trust 2007-1 Asset-backed Certificate v. Martin Klaus and Tina Klaus, owners of property situated in the Township of Springfield, Erie County, Pennsylvania being 4538 Crayton Road, West Springfield, Pennsylvania 16443. Tax I.D. No. 39-014-04100-120 01 Assessment: \$54,701.67 Improvements: Residential Dwelling McCabe, Weisberg and Conway, P.C.

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

Jun. 25 and Jul. 2, 9

SALE NO. 48 Ex. #15206 of 2009 BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing LP

v.

Barbara J. Odom SHORT DESCRIPTION

By virtue of a Writ of Execution filed to No. 15206-09 BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing LP v. Barbara J. Odom, owners of property situated in the Township of City of Erie, Erie County, Pennsylvania being 1422 East 32nd Street, Erie, Pennsylvania 16504. Tax I.D. No. 18-5153.0-114.00

Assessment: \$69,750.87 Improvements: Residential Dwelling McCabe, Weisberg and Conway, P.C. 123 South Broad Street, Suite 2080 Philadelphia, PA 19109

Jun. 25 and Jul. 2, 9

SALE NO. 49 Ex. #10574 of 2010

Deutsche Bank National Trust Company, As Trustee for, Argent Securities Inc. Asset-Backed Pass-Through Certificates, Series 2006-W3, Under the Pooling and Servicing Agreement Dated March 1, 2006 V. Gilbert N. Vasile and

Elena Raucci SHORT DESCRIPTION

By virtue of a Writ of Execution filed to No. 10574-10 Deutsche Bank National Trust Company, As Trustee for, Argent Securities Inc. Asset-Backed Pass-Through Certificates, 2006-W3 Series Under the Pooling and Servicing Agreement Dated March 1, 2006 v. Gilbert N. Vasile and Elena Raucci, owners of property situated in the Fifth Ward of the City of Erie, Erie County, Pennsylvania being 4329 Pine Avenue, Erie, Pennsylvania 16504

Tax I.D. No. 18-5208-200 Assessment: \$143,026.91 Improvements: Residential Dwelling McCabe, Weisberg and Conway, P.C. 123 South Broad Street, Suite 2080 Philadelphia, PA 19109

Jun. 25 and Jul. 2, 9

SALE NO. 50 Ex. #12289 of 2009 Edward J. Sharisky and Rose Marie Sharisky, Plaintiff

v. James A. Thayer and Joseph A. Thayer, t/d/b/a The Jamie-Joe Group, Defendant <u>SHERIFF'S SALE</u>

By virtue of a Writ of Execution filed to No. 12289 of 2009 Edward J. Sharisky and Rose Marie Sharisky vs. James A. Thayer and Joseph A. Thayer, t/d/b/a The Jamie-Joe Group, owner(s) of property situated in City of Erie, Erie County. Pennsylvania being 2005 West 8th Street, Unit 102 of 2000 West Condominium. Condominium Unit 102 Assessment Map number: 16-031-013.1-102.00 Assessed Value figure: 52,210 Improvement thereon: Condominium Unit #102 Emil M. Spadafore, Jr., Esq. 935 Market Street Meadville, PA 16335 (814) 332-6000

Jun. 25 and Jul. 2, 9





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> 3537 West 12th Street Erie, PA 16505

Phone: (814) 833-5433 Fax: (814) 838-6172 Email: ealthof@LSinsure.com

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 28**, **2010** and confirmed Nisi.

July 22, 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>	ESTATE	ACCOUNTANT	A	ттон	RNEY	7
177.	Joan L. Baker	. Robert C. LeSuer, Exr	Elderkin M	Martin	Kelly	/ & Messina
178.	Anthony J. Matusik	. Virginia Jean Peterson, Exrx	"	"	"	"
179.	Bernadette M. Shumac	. Julie M. Finke, Exrx	Knox Mcl	Laugh	lin Go	ornall & Sennett PC
180.	Richard M. Osterberg	. Eleanor J. Heim, Exrx	Steadman	Law (Office	S
181.	Russell John Stevens	. Michele E. Westerburg, Admrx	The McDe	onald (Group)

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

Jun. 25 and Jul. 2

ORPHANS' COURT

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

FIELDS, BENJAMIN R., deceased

Late of the City of Erie, Erie County

Executor: Scott B. Fields

Attorney: Stanley G. Berlin, Esq., Shapira, Hutzelman, Berlin, Ely, Smith and Walsh, 305 West 6th Street, Erie, PA 16507

FROMNECHT, MARCELLA, a/k/a MARCELLA FROMKNECHT, deceased

Late of the City of Erie, County of Erie and State of Pennsylvania *Executor:* Norbert Fromknecht, 4439 South Colonial Parkway, Erie, PA 16509

Attorney: Edwin W. Smith, Esq., Shapira, Hutzelman, Berlin, Ely, Smith & Walsh, 305 West Sixth Street, Erie, PA 16507

GUSKEA, ANDREW E., JR., deceased

Late of the City of Corry, County of Erie, Commonwealth of Pennsylvania *Executrix:* Andrea E. Stile, 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

JOHNSON, HOWARD C., deceased Late of the City of Erie,

Pennsylvania Executor: Mary Joan Wagner, c/o Jerome C. Wegley, Esq., 120 West 10th Street, Erie, PA 16501 Attorney: Jerome C. Wegley, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

MUNSON, DORIS J., a/k/a DORIS JEAN MUNSON, a/k/a DORIS JEAN EATON MUNSON, deceased

Late of Millcreek Township, County of Erie and Commonwealth of Pennsylvania *Executrix:* Mary E. Baggao *Attorney:* David J. Rhodes, Esquire, Elderkin, Martin, Kelly & Messina, 150 East 8th Street, Erie, PA 16501

SNELL, NAOMI L., deceased

Late of the City of Corry, Erie County, Pennsylvania *Executor:* Gary W. Snell, 16425 Route 89, Corry, PA 16407 *Attorney:* William E. Barney, Esq., 200 North Center Street, Corry, Pennsylvania 16407

SECOND PUBLICATION

BUNTING, SUZANNE, deceased

Late of Millcreek Township, County of Erie, Pennsylvania *Executor:* Gary J. Bunting, c/o Robert C. Brabender, Esquire, 2741 West 8th Street, Suite No. 16, Erie, PA 16505 *Attorney:* Robert C. Brabender, Esquire, 2741 West 8th Street, Suite No. 16, Erie, PA 16505

ORPHANS' COURT

CHIOCCO, ANTOINETTE F., deceased

Late of the Township of Millcreek, County of Erie, Pennsylvania *Executor:* Gayle M. Chiocco, c/o 3939 West Ridge Road, Suite B-27, Erie, PA 16506 *Attorney:* James L. Moran, Esquire, 3939 West Ridge Road, Suite B-27, Erie, PA 16506

COY, MARY LOU, a/k/a MARY L. COY, deceased

Late of the City of Erie, County of Erie, Pennsylvania *Administratrix:* Carol A. Horton, c/o 246 West 10th Street, Erie, PA 16501

Attorney: Scott E. Miller, Esquire, 246 West Tenth Street, Erie, PA 16501

DINICOLA, JOANNE M., deceased

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

Executor: Jamie DiNicola

Attorney: Craig A. Zonna, Esquire, Elderkin, Martin, Kelly & Messina, 150 East 8th Street, Erie, PA 16501

FLICK, PAUL L., deceased

Late of Fairview Twp., Erie County, Pennsylvania *Executor:* Gary P. Flick, c/o Thomas C. Hoffman II, Esq., 120 West 10th Street, Erie, PA 16501 *Attorney:* Thomas C. Hoffman II, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

HARTMANN, LAURETTA A., a/k/a ANNE HARTMANN, deceased

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania Administrator c.t.a.: Msgr. Richard J. Sullivan, 1116 W. 7th St., Erie, PA 16502 Attorney: David F. Dieteman,

Attorney: David F. Dieteman, Esq., 100 State Street, Suite 210, Erie, PA 16507

KENNERKNECHT, RAYMOND P., deceased

Late of Greene Township, Erie County, Pennsylvania *Co-Executors:* Kathleen M. Testi, and James E. Kennerknecht, and

Raymond J. Kennerknecht, c/o Robert C. Brabender, Esquire, 2741 West 8th Street, Suite No. 16, Erie, PA 16505

Attorney: Robert C. Brabender, Esquire, 2741 West 8th Street, Suite No. 16, Erie, PA 16505

LANGER, RICHARD E., deceased

Late of the Township of Harborcreek

Co-Executrices: Carol A. Daly and Marybeth Dale, c/o James S. Bryan, Esq., 11 Park Street, North East, PA 16428

Attorney: James S. Bryan, Esq., Knox McLaughlin Gornall & Sennett, P.C., 11 Park Street, North East, PA 16428

MOORE, CARLOS W., a/k/a CARLOS MOORE, a/k/a CARLOS WILLARD MOORE, deceased

Late of the Township of Girard, County of Erie, State of Pennsylvania Administratrix: Melissa Grettler, 8974 Ivarea Road, Cranesville, Pennsylvania 16410 Attorney: James R. Steadman, Esq., 24 Main St. E., Girard, Pennsylvania 16417

REGENOR, JON A., deceased

Late of the Township of Millcreek, Erie County, Pennsylvania *Executor:* Kenneth R. Regenor, 507 Pittsburgh Avenue, Erie, PA 16505

Attorney: Thomas C. Hoffman, II, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

ROSE, WILLIAM MURRAY, a/k/a WILLIAM M. ROSE, a/k/a WILLIAM ROSE,

deceased

Late of the Township of Conneaut, County of Erie, State of Pennsylvania *Executrix:* Ann M. Gere, 11708 Middle Road, East Springfield, Pennsylvania, 16411 *Attorney:* James R. Steadman, Esq., 24 Main St. E., Girard, Pennsylvania 16417

SCHUELER, EDNA M., deceased

Late of the City of Erie, County of Erie *Executor:* Ruth Ann Fabrizio, 410 West 29th Street, Erie, Pennsylvania 16508 *Attorney:* None

SIEGEL, MARTIN H.,

deceased

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania *Executor:* Stuart P. Siegel, 2907 Berkeley Road, Erie, PA 16506 *Attorney:* None

SIMKOVITCH, BRIAN P., deceased

Late of the Borough of Girard, County of Erie, State of Pennsylvania *Executrix:* Eileen K. Simkovitch, 1103 Lake Street, Girard, Pennsylvania 16417 *Attorney:* James R. Steadman, Esq., 24 Main St. E., Girard, Pennsylvania 16417

SNIDER, HENRIETTA H., deceased

Late of the City of Erie *Executor:* James C. Snider, c/o 731 French Street, Erie, PA 16501 *Attorney:* Jeffrey J. Jewell, Esquire, Arduini, Jewell and Karn, 731 French Street, Erie, PA 16501

ORPHANS' COURT

WENZEL, FLORENCE M., deceased

Late of the City of Erie, County of Erie, Pennsylvania *Executor:* John M. Wenzel, c/o 150 West Fifth St., Erie, PA 16507 *Attorney:* Colleen C. McCarthy, Esq., McCarthy, Martone & Peasley, 150 West Fifth Street, Erie, PA 16507

WOJNAROWSKI, MICHAEL J., SR.,

deceased

Late of the City of Erie Executor: Michael Wojnarowski, Jr., 2239 Foxboro Ct., Erie, PA 16510 Attorney: None

THIRD PUBLICATION

BIEL, MARY ANN,

deceased

Late of the City of Erie, Erie County, Pennsylvania

Executor: Kevin Michael Biel, c/o 3209 East Avenue, Erie, PA 16504

Attorney: Cathy M. Lojewski, Esq., 3209 East Avenue, Erie, PA 16504

DeMARCO, MILDRED L., deceased

Late of the City of Erie, Erie County, Pennsylvania *Executor:* Linda Lee Montgomery, 2840 Greeley Avenue, Erie, PA 16506 *Attorney:* Christine Hall McClure, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street. Erie. PA 16501

DOUGAN, MARTHA G. deceased

Late of the Township of Harborcreek Executor: H. Patrick Dougan, c/o Malcolm L. Pollard, 4845 W. Lake Rd., Erie, PA 16505 Attorney: Malcolm L. Pollard, 4845 W. Lake Rd., Erie, PA 16505

MORRIS, JOHN H.,

deceased

Late of the Township of Harborcreek *Executor:* Ronald J. Morris, c/o James S. Bryan, Esq., 11 Park Street, North East, PA 16428 *Attorney:* James S. Bryan, Esq., Knox McLaughlin Gornall & Sennett, P.C., 11 Park Street, North East, PA 16428

MOWERY, BETTY L., a/k/a BETTY MOWERY, deceased

Late of the Borough of Girard, County of Erie, State of Pennsylvania *Executrix:* Karen S. Ellis, 905 Michigan Blvd., Erie, Pennsylvania 16505 *Attorney:* James R. Steadman, Esq., 24 Main St. E., Girard, Pennsylvania 16417

SCEIFORD, GEORGE W., deceased

Late of North East

Executor: Susan E. Sceiford, 611 Dewey Road, North East, PA 16428

Attorney: James M. Rayback, James M. Rayback, Inc., 102 E. College Avenue, State College, PA 16801

YAPLE, IDA F., a/k/a IDA YAPLE, deceased

Late of the City of Waterford, Green Township, County of Erie and State of Pennsylvania *Executor:* Wellie W. Yaple, II, c/o Denis W. Krill, P.C., 309 French Street, Erie, Pennsylvania 16507 *Attorney:* Denis W. Krill, Esquire, 309 French Street, Erie, Pennsylvania 16507

YARBENET, MICHAEL R., deceased

Late of the Township of Fairview, County of Erie and Commonwealth of Pennsylvania *Co-Executors:* Carole A. Collins and Douglas M. Yarbenet *Attorney:* Thomas J. Minarcik, Esquire, Elderkin, Martin, Kelly & Messina, 150 East 8th Street, Erie, PA 16501

CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

Catherine Moody Doyle 426 Seminole Drive Erie, PA 16505	
Lori R. Miller 120 East Sandle Avenue Pittsburgh, PA 15237	lrmilleresq1@gmail.com
Patricia J. Kennedy Public Defender's Office 509 Sassafras Street Erie, PA 16507	(f) (814) 451-6513

New Firm Address - Effective Monday, June 28

Family Law Group, LLC (Kelly Mroz, Melissa Pagliari, Melissa Shirey) (814) 456-6144
Frontier Place (f) (814) 456-6143
1353 West Sixth Street
Erie, PA 16505

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

IF YOU KNOW OF ANY ADDRESS CHANGES PLEASE CONTACT THE LEGAL JOURNAL OFFICE AT 459-3111 OR *ADMIN@ERIEBAR.COM*. THANK YOU.

The Erie County Bar Foundation and its Justice Samuel J. Roberts Scholarship Fund continue to be in need of contributions to support this scholarship program. Have you made your contribution yet? If not, you can find information about the scholarship and make an online contribution at www.eriebar.com or contact the ECBF at 459-3111.

EEBA Annual Charity Golf Tournament & Optional Scramble

Wednesday, August 4 Lawrence Park Golf Club

With the state

Cost:

Join Us WEDNESDAY, AUGUST 4TH for the ERIE COUNTY BAR ASSOCIATION'S **ANNUAL CHARITY GOLF TOURNAMENT** & OPTIONAL SCRAMBLE at the LAWRENCE PARK GOLF CLUB

1:00 pm - Shotgun Start

TOURNAMENT SCHEDULE

12:30 pm - Arrive at the Club and Register

5:30 pm - Hors d'oeuvres & refreshments 6:00 pm - Dinner, brief awards ceremony

PRIZES & TROPHIES

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

ECBA members - \$115 ECBA Young Lawyers - \$105

> (includes greens fee, 1/2 cart, beverages/snacks on the course, cocktails & hors d'oeuvres after golf, dinner and donation to our Foundation)

Hole in One Event

The "target hole" is #9 – Hole-in-One wins \$10,000.

Other prizes on the Par 3s will be: ✓Bose Sound System ✓Nike Irons or Woods ✓\$500 Visa gift card

Every Par 3 has a prize

for a Hole-in-One.

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

Special Thanks to Our Non-Member Sponsors

USI Affinity Open Bar & hors d'oeuvres following Tournament Ferguson & Holdnack Reporting Inc. Beverage Stations during the Tournament

Country Fair, Inc. Snacks during the Tournament **INtegrity First Insurance** Hole in One Event and

\$50 gift certificate to www.store4golfers.com for all tournament participants

Penn Attorneys Title Insurance Co. Refreshing ice cream sundaes after dinner

Please Note:

- Only ECBA members may participate and are eligible for trophies Summer law clerks are welcome on a space-available basis
- Dress code: no jeans, short-shorts, jean shorts; men must wear a collared shirt; all players must use "soft spikes

Reservations due to the ECBA office by July 23!



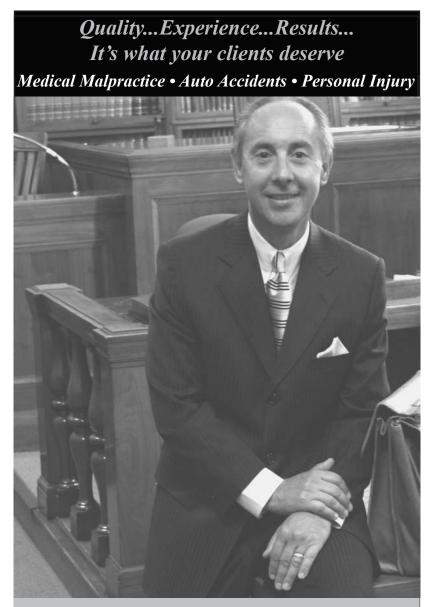
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