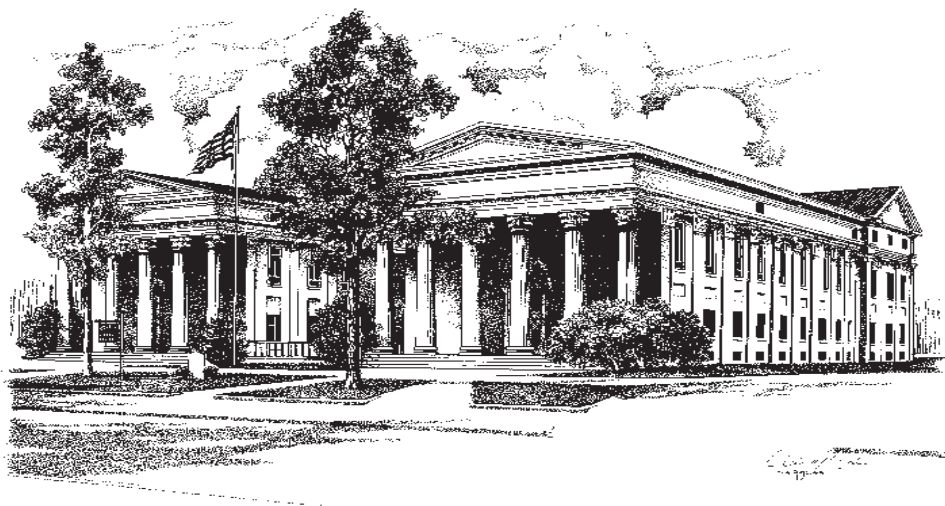


*Erie
County
Legal
Journal*

June 25, 2010

Vol. 93 No. 26

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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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INDEX

NOTICE TO THE PROFESSION	4
OPINION	5
COURT OF COMMON PLEAS	
Certificate of Authority Notices	13
Change of Name Notices	13
Incorporation Notice	13
Legal Notices	13
Sheriff's Sales	14
ORPHANS' COURT	
Audit List	25
Estate Notices	26
CHANGES IN CONTACT INFORMATION FOR ECBA MEMBERS ---	29

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Erie County Bar Association

Calendar of Events and Seminars

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 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:

\$199 (member) \$179 (admitted after 1/1/06) \$219 (nonmember)
4 hours substantive

THURSDAY, JULY 8, 2010

Handling the Sexual Harassment Case

PBI Video Seminar
Erie County Bar Association
9:00 a.m. - 1:30 p.m. (8:30 a.m. reg.)
\$129 (member) \$109 (admitted after 1/1/06)
\$149 (nonmember)
4 hours substantive

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 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)

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

2010 BOARD OF DIRECTORS

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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:

“Key Insurance Law Developments 2010”

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

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Our annual up-to-the-minute program on important insurance law issues. Experienced local counsel will present updates on:

- Compliance with Medicare and DPW liens
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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.

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.

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

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.Cmwltth. 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-to-energy 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 205.15³ 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).

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 165-foot 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.Cmwth. 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.

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.

ORDER

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

Bob Merski
Sheriff of Erie County
Jun. 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 fifty-six and one-half (156 ½) feet to a stake, in the south line of land now or formerly of Clarence M. Day; 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 ¼) 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

v.

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 of Pennsylvania, 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 mortgage(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. Erdos [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, Plaintiff

v.

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

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 Attorney-in-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
v.**

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.

Dearnald 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
SHERIFF'S SALE

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
v.

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

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

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, Pennsylvania.

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, 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. 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, Pennsylvania.

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

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, 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. 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
v.

James L. Grill, Defendant
SHERIFF'S SALE

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, Pennsylvania 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)
SHERIFF'S SALE

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

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

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
 ERIC A. HAWES and VIRGINIA L. HAWES, owner(s) of property situated in TOWNSHIP 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)
SHERIFF'S SALE

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 1RR.
 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

v.

CHARITY A. MADEWELL DANIELLE M. BRENNEN, Defendant(s)

SHERIFF'S SALE

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 M. 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)

SHERIFF'S SALE

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, Pennsylvania 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, Pennsylvania 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

v.

ROGER W. SCALISE
SHERRI A. SCALISE,
Defendant(s)

SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 15168-09 SUNTRUST MORTGAGE, INC. vs. ROGER W. SCALISE and SHERRI A. SCALISE Amount Due: \$119,318.82 ROGER W. SCALISE and SHERRI A. SCALISE, owner(s) of property situated in LAKE CITY BOROUGH, Erie 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

v.

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 No. 10671-10 MIDFIRST 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

v.

Keith A. Dumond and
Joan Dumond aka
Joan M. Dumond, Defendant
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 14809-09 OneWest Bank, FSB successor by merger to Indymac 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 Map number: 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**

v.

**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**

v.

**Timothy J. Weyand
SHERIFF'S SALE**

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. 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**

v.

**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, to-wit: 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

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**

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, 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-of-way 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)

DESCRIPTION

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

v.

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

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

v.

BRENDA L. WILSON, JEFFRY L. WILSON, Defendant(s)

DESCRIPTION

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 Conesco 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,
v.
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,

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

SHORT DESCRIPTION

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.

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. 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, Series 2006-W3, 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
SHERIFF'S SALE

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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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>	<u>ESTATE</u>	<u>ACCOUNTANT</u>	<u>ATTORNEY</u>
177.	Joan L. Baker	Robert C. LeSuer, Exr.	Elderkin Martin Kelly & Messina
178.	Anthony J. Matusik	Virginia Jean Peterson, Exrx.	" " " "
179.	Bernadette M. Shumac	Julie M. Finke, Exrx.	Knox McLaughlin Gornall & Sennett PC
180.	Richard M. Osterberg	Eleanor J. Heim, Exrx.	Steadman Law Offices
181.	Russell John Stevens	Michele E. Westerburg, Admr.	The McDonald Group

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

Jun. 25 and Jul. 2

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

**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, 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

**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. Yarbnet
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 ----- (814) 459-0083
426 Seminole Drive
Erie, PA 16505 ----- *cdoyle30@gmail.com*

Lori R. Miller
120 East Sandle Avenue
Pittsburgh, PA 15237 ----- *lrmilleresq1@gmail.com*

Patricia J. Kennedy ----- (814) 451-6502
Public Defender's Office ----- (f) (814) 451-6513
509 Sassafras Street
Erie, PA 16507 ----- *pkennedy@eriecountygov.org*

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
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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.

ECBA Annual Charity Golf Tournament & Optional Scramble

Wednesday, August 4
Lawrence Park Golf Club



TOURNAMENT SCHEDULE

12:30 pm - Arrive at the Club and Register
1:00 pm - Shotgun Start
5:30 pm - Hors d'oeuvres & refreshments
6:00 pm - Dinner, brief awards ceremony

PRIZES & TROPHIES

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

Cost: 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)

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

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

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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"

Hole in One Event

Every Par 3 has a prize
for a Hole-in-One.

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
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All participants will
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26" Flat Screen TV!
(drawing to be held
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Reservations due to the ECBA office by July 23!



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