

Erie County Legal Journal

September 17, 2010

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93 ERIE 168 - 173
In re: 1969 Red Ford Mustang

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

PLEASE NOTE: NOTICES MUST BE RECEIVED AT THE ERIE COUNTY BAR ASSOCIATION OFFICE BY 3:00 P.M. THE FRIDAY PRECEDING THE DATE OF PUBLICATION.

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Erie County Bar Association

Calendar of Events and Seminars

MONDAY, SEPTEMBER 20, 2010

Income Tax Planning of Closely Held Businesses

PBI Groupcast Seminar

Erie County Bar Association

9:00 a.m. - 5:00 p.m. (reg. 8:30 a.m.)

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

\$294 (nonmember)

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

\$249 (member) \$229 (admitted after 1/1/06) \$269 (nonmember)

7 hours substantive

TUESDAY, SEPTEMBER 21, 2010

How to Prepare the Fiduciary Income & Decedents

Final Lifetime Income Tax Return

PBI Groupcast Seminar

Erie County Bar Association

9:00 a.m. - 1:15 p.m. (reg. 8:30 a.m.)

\$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, SEPTEMBER 23, 2010

Oktoberfest

ECBA Young Lawyers Event

BrewERIE at Union Station

5:30 p.m. - 7:30 p.m.

Free to all ECBA Young Lawyers and their spouses/significant others

Includes beer, softdrinks and appetizers.

Mixed drinks are cash bar.

MONDAY, OCTOBER 4, 2010

Law Policy Forum: Laws on the

Frontiers of Technology

PBI Groupcast

Erie County Bar Association

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

Lunch Included

\$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)

5 hours substantive / 1 hour ethics

TUESDAY, OCTOBER 5, 2010

8th Annual Nonprofit Institute

PBI Video Seminar

Erie County Bar Association

9:00 a.m. - 5:00 p.m. (reg. 8:30 a.m.)

\$149 (member) \$129 (admitted after 1/1/06)

\$169 (nonmember)

5 hours substantive / 1 hour ethics

WEDNESDAY, OCTOBER 6, 2010

Intellectual Property Defense in an

Age of Social Media

PBI Groupcast Seminar

Erie County Bar Association

1:00 p.m. - 4:15 p.m. (reg. 12:30 p.m.)

\$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)

2 hours substantive / 1 hour ethics

2010 BOARD OF DIRECTORS

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OFFICE SPACE AVAILABLE. 34th and State Street. View property details at www.bobmaxson.com/13792. **COLDWELL BANKER SELECT, REALTORS** 838-2299. Each Office is independently Owned and Operated.

Sept. 3, 10, 17, 24

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The Roles of a Psychologist in a Family Law Case

**Tuesday,
October 26, 2010**

*Presented by the
Erie County Bar Association's
Family Law Section.*

9:00 a.m. - 4:30 p.m.

Bayfront Convention Center

\$179 members/staff \$269 nonmembers \$99 Judges

MODERATOR: **Michael J. Visnosky, Esq.** - *Knox McLaughlin Gornall & Sennett, P.C.*

SCHEDULE

8:30 - 9:00 a.m.	Registration and Breakfast
9:00 - 9:30 a.m.	Introduction to a Psychologist's Role <i>Susan M. Evans, Ph.D. - Psychologist at Northshore Psychological Associates, LLC</i>
9:30 - 10:30 a.m.	Effective Co-Parent Counseling <i>Jeffrey Natalie, LSW - Private Practice at Family Therapy Practices of Erie</i> <i>Connie Osiecki, LPC - Private Practice at Family Therapy Practices of Erie</i>
10:30 - 10:45 a.m.	Break
10:45 - 11:15 a.m.	Effective Co-Parent Counseling (continued)
11:15 - 12:15 p.m.	Family Functioning with Addictions <i>Kathleen B. Pae, MS, CAC, LPC - Solutions et al, Inc., Erie, PA</i>
12:15 - 1:15 p.m.	Buffet Lunch
1:15 - 2:15 p.m.	The Methodology and Purpose of a Custody Evaluation and its Effective Use <i>Bobbi Dawley Kissman, M.A. - Licensed Psychologist with a private practice in Erie</i>
2:15 - 3:15 p.m.	Parental Alienation <i>Susan M. Evans, Ph.D. - Psychologist at Northshore Psychological Associates, LLC</i>
3:15 - 3:30 p.m.	Break
3:30 - 4:30 p.m.	What the Judges want to hear from you <i>Hon. Stephanie Domitrovich, Hon. Elizabeth K. Kelly and Hon. John J. Trucilla</i>
4:30 - 5:30 p.m.	Cocktail Party

Thank You!

*Cocktail Party following the
seminar is courtesy of
Knox McLaughlin Gornall & Sennett, P.C.*

*This seminar has been approved
by the PA CLE Board for 6 hours
substantive credit.*

Reservations are due to the ECBA office by Thursday, October 21.

IN RE: 1969 RED FORD MUSTANG

PLEADINGS / PRELIMINARY OBJECTIONS

Where the Court lacks jurisdiction over a party, the Complaint should be dismissed. However, where an individual was present in the Commonwealth when process was served, was domiciled within the Commonwealth when process was served, or has implicitly consented to jurisdiction, the Complaint should not be dismissed for lack of jurisdiction over a party.

PLEADINGS / PRELIMINARY OBJECTIONS

The fact that Defendant's name is not listed in the caption does not remove jurisdiction over the Defendant from the Court. More particularly, in a replevin action, the Defendant/Respondent's name need not be included in the body or caption of the Complaint. Further, the Court must liberally construe the Rules of Civil Procedure in an effort to secure just, speedy, and inexpensive determination of an action.

PLEADINGS / PRELIMINARY OBJECTIONS

A demurrer should be granted only where the law says with certainty that no recovery is possible. Thus, where the law reveals that a recovery is possible, a demurrer should be dismissed.

PLEADINGS / PRELIMINARY OBJECTIONS

Absent a statutory allowance, established case law, or clear agreement of the parties, an award of counsel fees is not warranted.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY,
PENNSYLVANIA CIVIL DIVISION No. 13559-2009

Appearances: L.C. TeWinkle, Esq., Attorney for Linda Straub Bruce
 Philip B. Friedman, Esq., Attorney for Gary J. Curtis

OPINION

Connelly, J., March 3, 2010

This matter is before the Court of Common Pleas of Erie County, Pennsylvania (hereinafter "the Court"), pursuant to Preliminary Objections filed by Gary J. Curtis (hereinafter "Respondent") in response to a Complaint in Replevin filed by Linda Straub Bruce (hereinafter "Petitioner"). Petitioner opposes Respondent's Pleading.

Statements of Fact

In December of 2008, a foreclosure was commenced on the property located at 2937 Reilly Road, Erie, Pennsylvania (hereinafter "Property"), which was then owned by Petitioner's estranged spouse, Loren Bruce (hereinafter "Petitioner's Spouse"). *Complaint*, ¶¶ 3-4. Respondent acquired the Property via the foreclosure in early March of 2009, and subsequently removed a 1969 Ford Mustang (hereinafter "Mustang")

therefrom. *Id.* at 5, 7. Petitioner learned of the Mustang's removal on March 24, 2009, and has continued to demand its return ever since. *Id.* at 6. Respondent asserts he now owns the Mustang, and refuses to return it. *Id.* at 9-10. Petitioner requests the Court issue an Order whereby Respondent must return the Mustang, pay attorney fees, and pay costs of the present action. *Id.* at p. 2.

Analysis of Law

The Pennsylvania Rules of Civil Procedure (hereinafter "Civil Rule(s)") provide two or more preliminary objections may be raised in one pleading, may be filed by any party to any pleading, shall be raised at one time, shall specifically state the grounds relied upon,¹ and may be inconsistent. *Pa.R.C.P. 1028(a), (b)*. Preliminary objections are to be filed within twenty (20) days after service of the preceding pleading. *Pa.R.C.P. 1026, 1017(a)(4)*. The moving party must also file a brief in support of their preliminary objections within thirty (30) days after the filing of their preliminary objections; likewise, the nonmoving party may respond to the preliminary objections either by filing an amended pleading within twenty (20) days, or by filing a brief in opposition to the preliminary objections within thirty (30) days after service of the preliminary objections.² *Pa.R.C.P. 1028(c)(1); Erie L.R. 1028(c)(2)*.

If the Court overrules the preliminary objections, "the [moving] party shall have the right to plead over within twenty (20) days after notice of the Court's Order or within such other time as the Court shall fix." *Pa.R.C.P. 1028(d)*. If the Court sustains the preliminary objections and allows for the filing of an amended or new pleading, the amended or new pleading must be "filed within twenty (20) days after notice of the

¹ The grounds on which preliminary objections may be relied upon are limited to the following:

(1) lack of jurisdiction over the subject matter of the action or the person of the defendant, improper venue or improper form or service of a writ of summons or a complaint; (2) failure of a pleading to conform to law or rule of court or inclusion of scandalous or impertinent matter; (3) insufficient specificity in a pleading; (4) legal insufficiency of a pleading (demurrer); (5) lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action; (6) pendency of a prior action or agreement for alternative dispute resolution; (7) failure to exercise or exhaust a statutory remedy, and (6) full, complete and adequate non-statutory remedy at law.

Pa.R.C.P. 1028(a)(1)-(8).

² The Erie County Local Rules of Civil Procedure provide:

If the brief of either the objecting party or nonmoving party is not filed within the time periods above stated . . . the Court may then: (A) overrule the objections where the objecting party has failed to comply; (B) grant the requested relief where the responding party has failed to comply and where the requested relief is supported by law, or (C) prohibit the noncomplying party from participating in oral argument although all parties will be given notice of oral argument and shall be permitted to be present at oral argument; and/or (D) impose such other legally appropriate sanction upon a noncomplying party as the Court shall deem proper including the award of reasonable costs and attorney's fees incurred as a result of the noncompliance.

Erie L.R. 1028(c)(4)(A)-(D).

Court's Order or within such other time as the Court shall fix." *Pa.R.C.P. 1028(e)*. Objections that are made to any of these amended pleadings shall be done by the filing of new preliminary objections within twenty (20) days after service of the amended pleading. *Pa.R.C.P. 1017(a)(4), 1026(a), 1028(f)*.

The Pennsylvania Supreme Court ruled preliminary objections "should be sustained only in cases that are clear and free from doubt . . . [that] the pleader will be unable to prove facts legally sufficient to establish his right to relief." *Bower v. Bower*, 611 A.2d 181, 182 (Pa. 1992). The Court shall consider as true all of the well-pled material facts set forth in the pleading of the nonmoving party, as well as all reasonable inferences that may be drawn from those facts to determine whether the Preliminary Objections should be sustained. *See, Id.* In determining whether the Preliminary Objections should be sustained or overruled, the Court has weighed applicable law as it relates to the facts of this case as well as the merit of the arguments presented by both Petitioner and Respondent.

Respondent avers the Complaint should be dismissed pursuant to Civil Rule 1028(a)(1), as the Court lacks jurisdiction; Civil Rule 1028(a)(2) for failure of a pleading to conform to rules of court; and Civil Rule 1028(a)(4) for legal insufficiency of a pleading (demurrer). *Preliminary Objections*, ¶¶ 2-3, 5; *Brief in Support of Preliminary Objections*, pp. 2-3. Respondent further argues that, in the alternative, paragraph eleven (11) of the Complaint should be dismissed as there is not a provision in the law or a rule of court that permits the imposition of counsel fees in a replevin action - such as the one presently before the Court. *Preliminary Objections*, ¶ 4; *Brief in Support of Preliminary Objections*, pp. 3-4.

I. DISMISSAL OF THE COMPLAINT PURSUANT TO CIVIL RULE 1028(a)(1)

Respondent avers the Complaint should be dismissed as the Court lacks jurisdiction over him, in that he is not a named defendant in the present action. *Preliminary Objections*, ¶ 3; *Brief in Support of Preliminary Objections*, p. 3. The Court may exercise jurisdiction over any individual who: was present in the Commonwealth when process was served, was domiciled within the Commonwealth when process was served, or has implicitly consented to such jurisdiction. *See, 42 Pa.C.S. § 5301(a)(1)(i)-(a)(1)(iii)*. Furthermore, a defendant/respondent's name is not required in the body or caption of a complaint in replevin. *See, Pa.R.C.P. 1073.1* (revealing a defendant/respondent's name need not be included in the body or caption of a complaint in replevin); *Petitioner's Memorandum in Support of Motion to Reconsider, Ex. B* (i.e., the Court's Involuntary Transfer for Vehicle Ownership procedures, which reveal a defendant/respondent need not be named in the caption of a petitioner's action regarding involuntary transfer of vehicle ownership).

Respondent not only lived within the Commonwealth, at 2204

Zimmerly Road, Erie, Pennsylvania, when he was served with Petitioner's initial request for the return of the Mustang, but also lived at this address when his attorney was served a copy of the subsequent Complaint requesting the same. *Sheriff's Return-Regular*, Aug. 24, 2009; *Complaint-Replevin*, pp. 1, 11. Therefore, Respondent's presence and domiciliation within the Commonwealth when process was served, alone, subjects him to this Court's personal jurisdiction, notwithstanding the fact his name is not required to appear in the body or caption of the Complaint pursuant Civil Rule 1073.1 and the Court's suggested procedures regarding such present matters as established by the Honorable Ernest J. DiSantis, Jr., President Judge, and attached to Petitioner's Memorandum in Support of Motion to Reconsider as Exhibit "B."

II. DISMISSAL OF THE COMPLAINT PURSUANT TO CIVIL RULE 1028(a)(2)

Respondent further avers the Complaint should be dismissed for failure to conform to Civil Rule 1018, which provides a general complaint should set forth the names of the parties in its caption, and Civil Rule 1073.1(a)(2) and (b), which provides a complaint in replevin shall set forth both the value of the property to be replevied and verification by the plaintiff. *Preliminary Objections*, ¶¶ 2, 5; *Brief in Support of Preliminary Objections*, pp. 2-3. While the Civil Rules read, "the caption of a complaint shall set forth . . . the names of all the parties," the Civil Rules also provide they are to be "liberally construed to secure the just, speedy, and inexpensive determination of [the present action]," and the Court may "disregard any error or defect of procedure which does not affect the substantial rights of the parties." *Pa.R.C.P. 1018*, 126. The Court finds the fact that Petitioner and Respondent's names were not included in the Complaint's caption does not tread on the substantial rights of either party; particularly in light of the facts that: (as previously addressed) complaints in replevin, specifically, do not require such information, and the omission is mitigated by the presence of the parties' names and address within the Complaint's first two paragraphs. Therefore, as a result of the Court's application of Civil Rule 126, the Complaint shall not be dismissed pursuant to Civil Rule 1028(a)(2) for failure of a pleading to conform to Civil Rule 1018.

Civil Rule 1073.1 provides that in regard to an action in replevin, the Complaint was to include the Mustang's value and was to be verified by Petitioner upon personal knowledge or information and belief. *Pa.R.C.P. 1073.1(a)(2)*, (b). Petitioner filed a verification to the Complaint on December 9, 2009. Thus, the Court considers her obligation under Civil Rule 1073.1(b) fulfilled, in that it finds requiring Petitioner to file an amended complaint for the purpose of filing the verification would

unnecessarily delay the resolution of the present matter. Likewise, regarding her obligation under Civil Rule 1073.1(a)(2), the Court finds that in the interests of judicial efficacy pursuant to Civil Rule 126, Petitioner need not file an amended complaint, but shall simply submit (and file with the Prothonotary) the value of the Mustang to both the Court and Respondent within fourteen (14) days in order for the present matter to proceed with all due and hastened diligence.

III. DISMISSAL OF THE COMPLAINT PURSUANT TO CIVIL RULE 1028(a)(4)

Respondent contends that the Complaint should be dismissed for legal insufficiency of a pleading (demurrer). *Preliminary Objections*, ¶ 2; *Brief in Support of Preliminary Objections*, pp. 2-3. The question presented by a demurrer is whether, on the facts, averred, the law says with certainty that no recovery is possible, i.e., Petitioner has clearly failed to state a claim on which relief may be granted. *See, Eckell v. Wilson*, 597 A.2d 696, 698 (Pa. Super. 1991). The averred facts state: Petitioner's estranged spouse was storing the Mustang on the Property, which was acquired by Respondent via a March 2009 foreclosure; and Respondent subsequently removed the Mustang from the Property and is now asserting his ownership thereof, despite the fact Petitioner holds title. As previously stated, procedures exist whereby a party that believes it is entitled to ownership of a motor vehicle may file a Motion for Involuntary Transfer of Vehicle Ownership. *Petitioner's Memorandum in Support of Motion to Reconsider, Ex. B*. Therefore, the law reveals that Petitioner's recovery of the Mustang may be possible, i.e., she has stated a claim on which her desired relief may possibly be granted.

IV. DISMISSAL OF PARAGRAPH ELEVEN PURSUANT TO CIVIL RULE 1018

Respondent further contends paragraph eleven (11) of the Complaint should be dismissed, as there is no provision in the law or rule of court that permits the imposition of counsel fees in a replevin action. *Preliminary Objections*, ¶ 4; *Brief in Support of Preliminary Objections*, pp. 3-4. If judgment would be entered for Petitioner, it shall only determine her right to recover possession of the Mustang; its value; and the amount of any special damages sustained. *Pa.R.C.P. 1084(b)(1)-(3); 1085(b)(1)-(3)*. Thus, an award of counsel fees is not warranted, in absence of statutory allowance, established case law, or clear agreement by the parties. *See, Madden Contracting & Material Co., Inc. v. Lastooka*, 18 Pa. D & C.3d 495 (C.P. Westmoreland Co. 1980). The Court finds Petitioner is not presently entitled to attorney fees if judgment was entered in her favor, as she has failed to support her request by citing any statute, case law, or agreement between her and Respondent stating she is entitled to such.

In conclusion, Respondent's argument that he is outside of the Court's jurisdiction is statutory erroneous. Any failure of the Complaint to conform to the rules of court is inconsequential, as any procedural nonconformity therewith has not affected the substantial rights of either party, and shall be promptly ameliorated by Petitioner as previously instructed. While the law (as outlined above) does not guarantee her success, it does not state with certainty that Petitioner may not obtain ownership of the Mustang. However, it does provide that if Petitioner is successful, she is not entitled to the payment of her attorney fees. Therefore, the Court finds the Complaint need not be dismissed but for paragraph eleven.

ORDER

AND NOW, TO-WIT, this 3rd day of March, 2010, it is hereby **ORDERED, ADJUDGED, and DECREED** that, for the reasons set forth in the foregoing Opinion, the following Order is made. Respondent's Preliminary Objections are **OVERRULED** as to dismissal of the entire Complaint, but **SUSTAINED** as to dismissal of paragraph eleven (11) of the Complaint. Petitioner shall provide the value of the Mustang to the Prothonotary within fourteen (14) days, a copy of which shall be served to the Court.

BY THE COURT:

/s/ **Shad Connelly, Judge**

FICTITIOUS NAME NOTICE

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

FICTITIOUS NAME NOTICE

1. Fictitious Name: Cherished Thoughts
2. Address of the principal place of business: 4571 Tulane Avenue, Erie, PA 16506
3. The real names and addresses of the persons who are party to the registration: Julie Ferraro, 4571 Tulane Avenue, Erie, PA 16506 and Amanda Kelly, 1049 W. 30th Street, Erie, PA 16508
4. An application for registration of the fictitious name under the Fictitious Names Act was filed on or about July 22, 2010 with the Pennsylvania Department of State.

Sept. 17

INCORPORATION NOTICE

Notice is hereby given that Covenant Ministries International Fellowship, Inc. has been incorporated under the provisions of the Nonprofit Corporation Law of 1988 by articles of incorporation filed on June 11, 2010. The purpose of the corporation is to serve as a consortium of churches and ministries.

Evan E. Adair, Esq.
Williams and Adair
332 East 6th Street
Erie, PA 16507

Sept. 17

INCORPORATION NOTICE

SCOTT'S Q1 PEACH PA, INC. has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988. Knox McLaughlin Gornall & Sennett, P.C.
120 West Tenth Street
Erie, Pennsylvania 16501

Sept. 17

LEGAL NOTICE

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
No. 12007-2010

CLIFTON MCNAIR, III, AND
RICHARDA MCNAIR, HIS WIFE
vs.

**KRYSTAL BARTON
WRIT OF SUMMONS**

TO: The above named defendant(s)
You are hereby notified that the above-named Plaintiff(s) has (have) commenced an action against you. Copies of all pleadings filed should be served upon Plaintiff(s) counsel.
Anthony J. Sciarino, Esq.
1001 State Street, Ste 1220
Erie, PA 16501
814/454-1100

Sept. 17

LEGAL NOTICE

MARSHAL'S SALE: By virtue of a Writ of Execution issued out of the U. S. Court for the W. D. of PA at suit of the USA at Civil No. 1:10-cv-00062, I shall expose to public sale the real property of Rhonie L. Bums known as 7445 Water Street, Fairview, PA 16415, being fully described in the Deed dated April 29, 2005 and recorded May 2, 2005 in the Recorder's Office of Erie County, Pennsylvania, in Deed Book Volume 1230, Page 1047.

TIME AND LOCATION OF SALE: Friday, October 15, 2010 at 9:30 A.M. at the Erie County Sheriff's Office, 140 West Sixth Street, Erie, PA 16501.

TERMS OF SALE: Successful bidder will pay ten percent (10%) by cashier's check, certified check or bank money order at the time of the sale and the remainder of the bid within thirty (30) days from the date of the sale and in the event bidder cannot pay the remainder, the property will be resold and all monies paid in at the original sale will be applied to any deficiency in the price at which the property is resold. The successful bidder must send payment of the balance of the bid directly to the U.S. Marshal's Office c/o Ms. Sheila Blessing,

Room 241, U.S. Post Office & Courthouse, Pittsburgh, PA 15219. Notice is hereby given that a Schedule of Distribution will be filed by the Marshal's Office on the thirtieth day after the date of sale, and that distribution will be made in accordance with the Schedule unless exemptions are filed thereto within ten (10) days thereafter. The successful bidder takes the real estate subject to, and shall pay all taxes, water rents, sewer charges, municipal claims, and other charges and liens not divested by the sale. Purchaser must furnish State Realty Transfer Tax Stamps, and stamps required by the local taxing authority. Purchaser shall furnish Marshal with Grantee information at the time of the sale. Marshal's costs, fees and commissions are to be borne by seller. Thomas M. Fitzgerald, United States Marshal. For additional information visit www.resales.usda.gov or contact Ms. Cathy Diedrich at 314-457-5514.

Sept. 10, 17, 24, and Oct. 1

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

**KRAYER, KENNETH R.,
deceased**

Late of the City of Erie, County of Erie
Executor: William Edward Krayer, 8711 Running Fox Court, Fairfax Station, Virginia 22039
Attorney: W. Richard Cowell, Esquire, Carney & Good, 254 West Sixth Street, Erie, Pennsylvania 16507

**MAGUIRE, JOHN PAUL,
deceased**

Late of the Township of Millcreek, County of Erie and State of Pennsylvania
Executor: Gregory P. Maguire, c/o Denis W. Krill, P.C., 309 French Street, Erie, Pennsylvania 16507
Attorney: Denis W. Krill, Esquire, 309 French Street, Erie, Pennsylvania 16507

**MARINO, EVALYN M.,
deceased**

Late of the City of Erie, County of Erie and State of Pennsylvania
Executor: David P. Marino, c/o Denis W. Krill, P.C., 309 French Street, Erie, Pennsylvania 16507
Attorney: Denis W. Krill, Esquire, 309 French Street, Erie, Pennsylvania 16507

**NELSON, BEVERLY J.,
deceased**

Late of North East Township, Erie County, North East, Pennsylvania
Executor: Douglas S. Dunham, c/o Edward Orton, 33 East Main Street, North East, Pennsylvania 16428
Attorney: Edward Orton, Esq., Orton & Jeffery, P.C., 33 East Main Street, North East, Pennsylvania 16428

**SLOTHER, RONALD J.,
deceased**

Late of the Township of Millcreek, County of Erie, PA
Executrix: Elizabeth Brew Walbridge, 900 State Street, Suite 103, Erie, PA 16501
Attorney: Elizabeth Brew Walbridge, Esq., 900 State Street, Suite 103, Erie, PA 16501

**SOLTIS, DENNIS W.,
deceased**

Late of the County of St. Clair, State of Alabama
Administratrix: Kathy E. Soltis, 220 Misty Pines Way, Trussville, Alabama 35173
Attorney: James R. Steadman, Esq., 24 Main St. E., Girard, Pennsylvania 16417

SECOND PUBLICATION

**ALTHOF, ROBERT H., a/k/a
ROBERT H. ALTHOF, SR.,
deceased**

Late of the City of Erie
Co-Executors: Ashley L. Althof and Eric D. Althof, c/o 731 French Street, Erie, PA 16501
Attorney: Jeffrey J. Jewell, Esquire, Arduini, Jewell and Karn, 731 French Street, Erie, PA 16501

**ANDERSON, ESTHER A.,
deceased**

Late of the Township of Millcreek, Erie County, Pennsylvania
Executrix: Margaret A. Crock, 533 Beall Way, Sewickley, PA 15143
Attorney: Christine Hall McClure, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**BAX, ROBERT L., a/k/a
ROBERT BAX,
deceased**

Late of the Borough of Lake City, County of Erie, State of Pennsylvania
Executrix: Elvera P. Bennett, 106 Sunset Drive, Girard, Pennsylvania 16417
Attorney: James R. Steadman, Esq., 24 Main St. E., Girard, Pennsylvania 16417

**BRITTON, NORMA W.,
deceased**

Late of the City of Erie, Erie County, Pennsylvania
Executrix: Loretta Deeds, c/o Thomas A. Tupitza, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501
Attorney: Thomas A. Tupitza, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**COURTNEY, PHYLLIS M.,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Administrator: Richard Courtney, c/o Keith M. Monahan, Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorneys: Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, Attorneys-at-Law, Suite 300, 300 State Street, Erie, PA 16507

**GATHERS, KEITH L.,
deceased**

Late of the Millcreek Township, County of Erie, and Commonwealth of Pennsylvania
Executor: Jeffrey J. Gathers, c/o The McDonald Group, L.L.P., Thomas J. Buseck, P.O. Box 1757, Erie, PA 16507-1757
Attorney: Thomas J. Buseck, Esq., The McDonald Group, L.L.P., P.O. Box 1757, Erie, PA 16507-1757

**GELB, FRANZ,
deceased**

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

**GORCZYCKI, NETTIEANNE B.,
deceased**

Late of the City of Erie, County of Erie, and Commonwealth of Pennsylvania
Executor: James R. Gorczycki, 754 E. Main Street, Corry, PA 16407
Attorney: Thomas S. Kubinski, Esquire, The Gideon Ball House, 135 East 6th Street, Erie, PA 16501

**HANMORE, JOY G., SR.,
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Executrix: Joyce A. Grandinetti
Attorney: Thomas J. Minarcik, Esquire, Elderkin, Martin, Kelly & Messina, 150 East 8th Street, Erie, PA 16501

**KECK, GLENDA B.,
deceased**

Late of the City of Erie
Executrix: Cynthia K. Bryan, 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

**KREBS, EVELYN L., a/k/a
EVELYN KREBS,
deceased**

Late of the Township of Millcreek, Commonwealth of Pennsylvania
Executor: Cynthia S. Murray, c/o Joseph B. Spero, Esquire, 3213 West 26th Street, Erie, Pennsylvania 16506
Attorney: Joseph B. Spero, Esquire, 3213 West 26th Street, Erie, Pennsylvania 16506

**LOOP, LAWRENCE A., a/k/a
LAWRENCE LOOP,
deceased**

Late of the City of Erie, County of Erie and State of Pennsylvania
Executor: Terrance L. Loop, 1320 E. 33rd Street, Erie, PA 16505
Attorney: Ronald J. Susmarski, Esq., 4030-36 West Lake Road, Erie, PA 16505

**MROZOWSKI, MARY, a/k/a
MARY D. MROZOWSKI,
deceased**

Late of Harborcreek Township, County of Erie, and Commonwealth of Pennsylvania
Executrix: Irene Rowinski, 2903 Woodlawn Ave., Erie, PA 16510
Attorney: Thomas S. Kubinski, Esquire, The Gideon Ball House, 135 East 6th Street, Erie, PA 16501

**RIBLET, RICHARD E.,
deceased**

Late of the Township of Lawrence Park, County of Erie, Pennsylvania
Executrix: Rebekah E. Danielson, c/o Thomas E. Larson, 2820 W. 23rd St., Suite 101, Erie, PA 16506
Attorney: Thomas E. Larson, Esq., 2820 W. 23rd Street, Suite 101, Erie, PA 16506

**UTTER, HERMAN R., a/k/a
H. ROBERT UTTER,
deceased**

Late of the Borough of Albion, County of Erie, State of Pennsylvania
Executor: Robert M. Utter, 9406 Carmichael Court, Frederick, Maryland 21701
Attorney: James R. Steadman, Esq., 24 Main St. E., Girard, Pennsylvania 16417

**VOMMORO, RICHARD J.,
deceased**

Late of the Township of Millcreek, County of Erie, and Commonwealth of Pennsylvania
Executor: Mark A. Vommoro, c/o 900 State Street, Suite 104, Erie, PA 16501
Attorney: Thomas V. Myers, Esquire, Nichols & Myers, P.C., 900 State Street, Suite 104, Erie, PA 16501

THIRD PUBLICATION

**ANKIEL, ELEANORE H., a/k/a
ELEANORE P. ANKIEL,
deceased**

Late of Erie County, Millcreek Township
Executrix: Elizabeth S. Rapp, 503 Sybil Drive, Erie, PA 16505
Attorney: None

**BUNCE, HARRIET H., a/k/a
HARRIET C. BUNCE,
deceased**

Late of the City of Erie
Executor: Catherine M. Jaskiewicz, 2912 Poplar Street, Erie, PA 16508
Attorney: Daniel P. Marnen, Esq., Marnen Mioduszewski Bordonaro Wagner & Sinnott, LLC, 516 West Tenth Street, Erie, PA 16502

**HARPER, GARY A., a/k/a
GARY HARPER,
deceased**

Late of the Township of Harborcreek, Erie County, Pennsylvania
Executrix: Susan E. Bossart, c/o Robert C. Ward, Esq., 307 French Street, Erie, Pennsylvania 16507-1542
Attorney: Robert C. Ward, Esq., 307 French Street, Erie, Pennsylvania 16507-1542

**KEEFE, SARA F.,
deceased**

Late of the Township of North East
Administrator: Laurence A. Keefe, 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

**KEITH, DOROTHY K.,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executrix: Tonya K. Bell, c/o Keith M. Monahan, Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorneys: Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, Attorneys-at-Law, Suite 300, 300 State Street, Erie, PA 16507

**KESSELRING, DOROTHY E.,
a/k/a DOROTHY KESSELRING,
deceased**

Late of Fairview Township, Erie County, Pennsylvania
Co-Executrices: Janice E. Hill, and Marlene A. Leone, c/o Raymond A. Pagliari, Esq., 558 West Sixth Street, Erie, Pennsylvania 16507-1129
Attorney: Raymond A. Pagliari, Esq., 558 West Sixth Street, Erie, Pennsylvania 16507-1129

**KUCHAR, JOSEPH,
deceased**

Late of Erie, Erie County, Pennsylvania
Administrator: Laura J. Eaton, c/o Jeffrey A. Misko, Esquire, 1415 West 38th Street, Erie, Pennsylvania 16508
Attorney: Jeffrey A. Misko, Esquire, 1415 West 38th Street, Erie, Pennsylvania 16508

**LUCAS, NANCY E., a/k/a
NANCY EVE LUCAS, a/k/a
NANCY LUCAS, a/k/a
NANCY NEFF LUCAS,
deceased**

Late of the City of Erie, County of Erie, State of Pennsylvania
Administrator: James R. Steadman, 24 Main Street East, Girard, Pennsylvania 16417
Attorney: James R. Steadman, Esq., 24 Main St. E., Girard, Pennsylvania 16417

**PETT, JERRY A.,
deceased**

Late of the Borough of Waterford, Erie County, Pennsylvania
Administratrix: Beverlie J. Brocious, 558 West Sixth Street, Erie, Pennsylvania 16507-1129
Attorney: Raymond A. Pagliari, Esq., 558 West Sixth Street, Erie, Pennsylvania 16507-1129

**SCULLY, ELIZABETH J., a/k/a
BETTY JANE SCULLY,
deceased**

Late of the City of Erie, Erie County, Pennsylvania
Co-Executors: Kevin J. Scully and Eileen Conboy, c/o Robert G. Dwyer, Esq., 120 West Tenth Street, Erie, PA 16501
Attorney: Robert G. Dwyer, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**SNIDER, RONALD C., a/k/a
RONALD C. SNIDER, SR.,
deceased**

Late of Summit Township, Erie County, Pennsylvania
Administrator: Laura Powierza, c/o Peter J. Sala, Esquire, 731 French Street, Erie, PA 16501
Attorney: Peter J. Sala, Esquire, 731 French Street, Erie, PA 16501

**STARR, GRACE J.,
deceased**

Late of Millcreek Township, Erie, County
Executor: Allen Starr
Attorney: Stanley G. Berlin, Esquire, Shapira, Hutzelman, Berlin, Ely, Smith and Walsh, 305 West 6th Street, Erie, PA 16507

**SUMMERS, GLORIA NORMA,
deceased**

Late of Lawrence Park Township, Erie County, Pennsylvania
Co-Executors: Dorothy E. Wisniewski and Mark A. Summers, 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

**TYLKOWSKI, ERNEST F.,
deceased**

Late of the City of Erie, Erie County, Pennsylvania
Administratrix C.T.A.: Pamela Rose, 6261 14th Avenue South, Gulfport, Florida 33707
Attorney: John R. Falcone, Esq., The Gideon Ball House, 135 East 6th Street, Erie, Pennsylvania 16501

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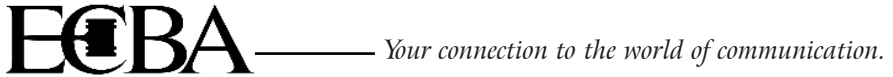
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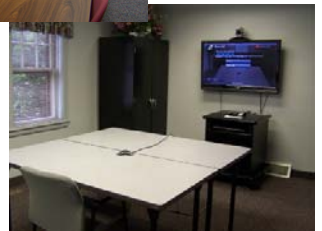
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Krista A. Ott ----- (814) 833-4433
2525 West 26th Street ----- (f) (814) 835-0401
Erie, PA 16506 ----- *kristaott@gmail.com*

Cathy Moodey Doyle ----- (814) 838-3880
2525 West 26th Street ----- (f) (814) 835-0401
Erie, PA 16506 ----- *cdoyle30@gmail.com*

New Email Address

Thomas D. Brasco, Jr. ----- *thomasbrascojr@yahoo.com*
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