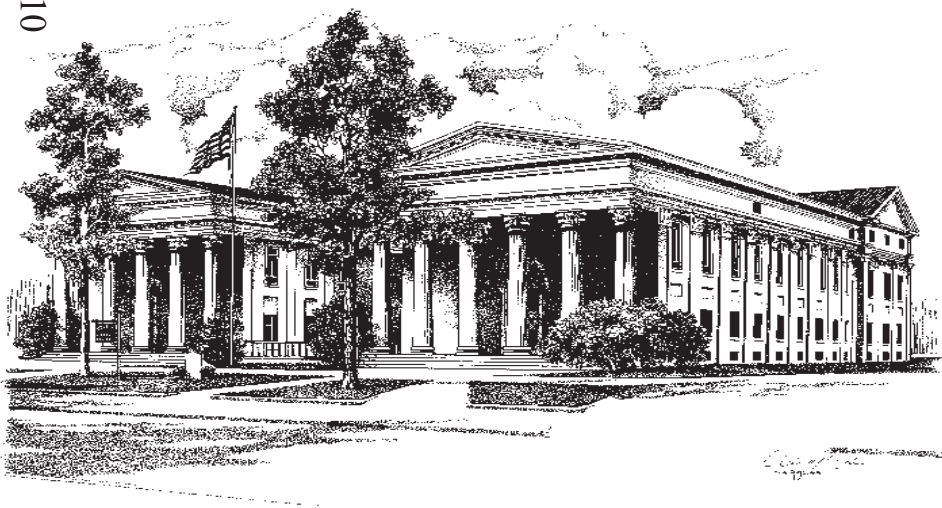


*Erie  
County  
Legal  
Journal*

September 17, 2010

Vol. 93 No. 38

USPS 178-360



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

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# Erie County Legal Journal

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

Managing Editor: Paula J. Gregory  
Associate Editor: Heidi M. Weismiller

**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.**

All legal notices must be submitted in typewritten form and are published exactly as submitted by the advertiser. The Erie County Bar Association will not assume any responsibility to edit, make spelling corrections, eliminate errors in grammar or make any changes in content.

The Erie County Legal Journal makes no representation as to the quality of services offered by an advertiser in this publication.

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ERIE COUNTY LEGAL JOURNAL (ISSN 0730-6393) is published every Friday for \$57 per year (\$1.50 single issues/\$5.00 special issues, i.e. Seated Tax Sales). Owned and published by the Erie County Bar Association (Copyright 2010©) 302 West 9th St., Erie, PA 16502 (814/459-3111). Periodical Postage paid at Erie, PA 16515. POSTMASTER: Send Address changes to THE ERIE COUNTY LEGAL JOURNAL, 302 West 9th St., Erie, PA 16502-1427.

# Erie County Bar Association

## Calendar of Events and Seminars

### 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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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**  
*Susan M. Evans, Ph.D. - Psychologist at Northshore Psychological Associates, LLC*
- 9:30 - 10:30 a.m.**      **Effective Co-Parent Counseling**  
*Jeffrey Natalie, LSW - Private Practice at Family Therapy Practices of Erie*  
*Connie Osiecki, LPC - Private Practice at Family Therapy Practices of Erie*
- 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**  
*Kathleen B. Pae, MS, CAC, LPC - Solutions et al, Inc., Erie, PA*
- 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**  
*Bobbi Dawley Kissman, M.A. - Licensed Psychologist with a private practice in Erie*
- 2:15 - 3:15 p.m.**      **Parental Alienation**  
*Susan M. Evans, Ph.D. - Psychologist at Northshore Psychological Associates, LLC*
- 3:15 - 3:30 p.m.**      **Break**
- 3:30 - 4:30 p.m.**      **What the Judges want to hear from you**  
*Hon. Stephanie Domitrovich, Hon. Elizabeth K. Kelly  
and Hon. John J. Trucilla*
- 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,<sup>1</sup> 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.<sup>2</sup> *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

---

<sup>1</sup> 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).*

<sup>2</sup> 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](http://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. Brocius, 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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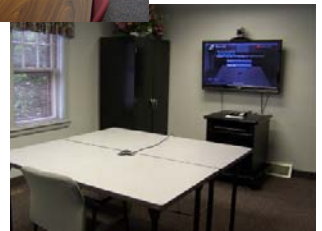
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Erie, PA 16507 ----- *jfm@miznerfirm.com*

**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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