

# Erie County Legal Journal

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In the United States Bankruptcy Court for the Western District of Pennsylvania  
In re Kasbee

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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  
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## INDEX

<b>IN MEMORIAM</b>	4
<b>NOTICE TO THE PROFESSION</b>	5
<b>OPINION</b>	6
<b>COURT OF COMMON PLEAS</b>	
Fictitious Name Notices	14
Incorporation Notice	14
Legal Notices	14
Sheriff Sales	16
<b>ORPHANS' COURT</b>	
Estate Notices	29
<b>CHANGES IN CONTACT INFORMATION FOR ECBA MEMBERS</b>	34

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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)

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\$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.

### 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)

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

2 hours substantive / 1 hour ethics

### WEDNESDAY, OCTOBER 20, 2010

#### *How to Prepare the PA Inheritance Tax Return*

PBI Groupcast Seminar

Bayfront Convention Center

8:30 a.m. - 2:15 p.m. (8:00 a.m. reg.)

\$244 (member) \$224 (admitted after 1/1/06)

\$264 (nonmember)

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5 hours substantive

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# *In Memoriam*

*Louis A. Colussi*

*November 30, 1930 - September 4, 2010*



*Louis A. Colussi died on Saturday, September 4, 2010 at his residence. He was born in Erie, Pennsylvania on November 30, 1930, son of the late Louis John and Ione Armanini Colussi.*

*Highly educated, Lou was a 1948 graduate of Cathedral Prep, attended St. Francis College, received his Bachelor's Degree from John Carroll University in Cleveland and his Juris Doctor from Georgetown University in Washington, D.C.*

*Inducted into to the armed forces, Lou proudly served as Corporal in the United States Army during the Korean War. His career in law began with an appointment as an attorney with the Office of Judicial Examination in the Administrative Division of the U.S. Department of Justice, headed by Robert F. Kennedy. Lou received the Meritorious Award and the Special Achievement Award for superior performance in the Justice Department. He was also the recipient of numerous commendations from government officials and federal judges. Following ten years with the Justice Department, Lou returned to Erie and was selected by then Mayor Louis Tullio for the unique position of Ombudsman. He was a City Official who worked directly with the people in unraveling government red tape. Lou then opened his own law office and began a career as a private practitioner spanning more than 50 years.*

*During his time as a lawyer, Lou also founded Colussi Real Estate and was very successful in his vision of land investment and development, home construction, and property management. He was also Trustee of the Joseph G. Olszewski Estate Scholarship Fund. He took great pride in this work, as the scholarships provided an opportunity for higher education to many young students.*

*He was a member of the Pennsylvania and Erie County Bar Associations, the Erie Photography Club, the Maennerchor Club, and served as a Director of the Erie Civic Music Association.*

*Photography was Lou's avocation. He gave generously of his time and skills to the Erie County Bar Association by taking photographs at many events over the last decade. His dedication and exceptional abilities have given the ECBA community a wonderful archive of photos, documenting its membership and their many activities. He was known as the official photographer of the Erie Seawolves and took the photos for the Seawolves' player cards. He also shared his talents at many other community and personal events.*

*Attorney Colussi is survived by his sons, Louis Edward Colussi and his wife Caroline, and Mark Louis Colussi and his wife Shannon; a grandson, Brandon Louis Colussi; a sister, Mary R. Mahon and her husband Jack; two nieces, Kathleen Bowman and her husband Tom of Hershey, PA and Michele Gausman and her husband Dr. Paul Gausman; great nieces and nephews, Kyle and Sean Bowman, and Carson, Alexis and Katelin Gausman. Also survived by a dear friend, Meg Loncharic as well as his dedicated secretaries Andrea Kinnear and Mickey Rumpf.*

*To honor Louis's reverence toward education and books, memorial contributions may be made to the Asbury School PTA Library Fund, 5875 Sterrettania Road, Fairview PA 16415.*

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IN RE:

BRIAN K. KASBEE AND MELANIE K. KASBEE, Debtors

BRIAN K. KASBEE AND MELANIE K. KASBEE, Plaintiffs

v.

HUNTINGTON NATIONAL BANK, Defendant

IN THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT  
OF PENNSYLVANIA Case No. 09-11575-TPA Chapter 12

Adversary No. 09-1137-TPA

Related to Document No. 10

Appearances: Gary J. Gaertner, Esq. for Huntington National Bank  
Stephen H. Hutzelman, Esq. for Debtor

**MEMORANDUM OPINION**

Agresti, Thomas P., Chief Judge July 30, 2010

Currently before the Court is a *Motion for Summary Judgment* (“Summary Judgment Motion”) filed at Adv. No. 09-1137, Document No. 10, by the Debtors, Brian K. Kasbee and Melanie K. Kasbee, (“Debtors”) in reference to their pending *Complaint for Determination of Secured Status* (“*Complaint*”).<sup>1</sup> Defendant, Huntington National Bank (“Huntington”) opposes entry of the summary judgment. For the reasons that follow, the Court will deny the *Summary Judgment Motion*.

***PROCEDURAL AND FACTUAL BACKGROUND***

The material facts underlying the *Summary Judgment Motion* currently before the Court are not in dispute. The Debtors operate a family farm, which includes their residence, on land located at 136 Oniontown Road, Greenville, Pennsylvania (“Property”). On March 20, 2006, the Debtors entered into a loan agreement with Sky Bank, now by merger Huntington, in the face amount of \$267,000. This obligation was secured by a mortgage on the Property dated March 20, 2006, also in the amount of \$267,000 and recorded March 27, 2006. The Debtors filed a voluntary Petition under Chapter 12 of the *Bankruptcy Code* on August 31, 2009. In *Schedule A* of the *Petition* the Debtors valued the Property at \$285,000. On November 8, 2009, Huntington filed a proof of claim concerning the above debt in the amount of \$249,903.41, designating it as a secured claim.

Also on November 8, 2009, in the main bankruptcy case, Huntington filed a *Motion for Relief from Automatic Stay* (“Relief Motion”) at Document No. 17. In the *Relief Motion*, Huntington averred that its payoff was \$252,272.45 and that “[t]he fair market value of the premises was \$169,000 based on an appraisal/BPO dated November 4, 2009.” *Id.* at ¶

<sup>1</sup> The Court’s Jurisdiction to hear and determine the *Motion for Summary Judgment on the Complaint for Determination of Secured Status* arises under 28 U.S.C. §§1334 and 157. This is a core matter pursuant to 28 U.S.C. §157(b)(2)(A), (K) and (O). This Opinion constitutes the Court’s findings of fact and conclusions of law pursuant to *Fed.R.Bankr.P.* 7052 and 9014.

12. Debtors filed a Response to the *Relief Motion* in which they agreed with the value that Huntington alleged, stating:

“Admitted. The Debtors accept the fair market value of the premises as \$169,000.00 per the appraisal attached to the *Relief Motion*. Accordingly, they are in the process of filing a Complaint under Section 506 of the Bankruptcy Code for determination of the secured lien of the Movant Huntington.”

*Id.* at Document No. 23. Debtors then filed a Chapter 12 Plan in which they provided:

“Huntington Bank holds a mortgage on Debtor’s real estate which it has valued at \$169,000.00 in a secured proof of claim (No. 6) of \$249,903.41. Debtor’s will accept Huntington’s value and file a Complaint under § 506 to establish the secured portion of this claim, and the balance shall be unsecured.”

*Id.* at Document No. 26. Thereafter, on December 3, 2009, the Debtors filed the within Adversary Proceeding. The initial hearing on the *Relief Motion* was held on December 15, 2009. The following colloquy took place at the hearing:

**Court:** What is the equity situation?

**Atty. Gaertner:** We have the mortgage on the 48 acres and on the equity issue, first of all, a claim has been filed in this case listing total indebtedness of \$249,900. With respect to the issue of equity, a broker’s price opinion was requested and attached to our motion and it shows a value of \$169,000. My client has looked at it and has said, why in the world are we even using this because this farm has 48 acres and it is using comparables with one-third of an acre, I believe one has 4 acres. So my client has gone ahead and ordered a full interior appraisal and I will be contacting Mr. Hutzelman to basically request their cooperation so that we can get the appraisal done and get a good reliable figure on what the property is worth.

*See Audio Transcript of Proceedings* dated December 15, 2009, 1:38:25 to 1:39:36. After a discussion about the payments proposed under the Plan, the colloquy continued:

**Court:** Any objection to continuing this to the conciliation?

**Atty. Gaertner:** No, your honor. .... We will not object to continuing it to the conciliation conference.

*Id.* at 1:43:36 to 1:44:13.

The *Complaint* seeks a determination that the value of the Property is \$169,000, the same value alleged by Huntington in its *Relief Motion*. On February 12, 2010, Debtors filed an *Amended Schedule A* in which the Debtors changed the value of the Property from the \$285,000 value that they originally stated to a value of \$169,000, indicating that they now agree with the value as alleged by Huntington in the *Relief Motion*. Huntington



filed a withdrawal of its *Relief Motion* on May 31, 2010, which was granted by Order dated June 1, 2010. Document Nos. 72, 73. Huntington has now filed a full appraisal which asserts a value for the Property in the amount of \$267,500. *See Adversary Proceeding*, Document No. 30.

### SUMMARY JUDGMENT STANDARD

Summary judgment, made applicable to adversary proceedings pursuant to *Fed.R.Bankr.P. 7056* which incorporates *Fed.R.Civ.P. 56*, is appropriate if the pleadings, depositions, supporting affidavits, answers to interrogatories and admissions that are part of the record demonstrate that there exists no genuine issue of material fact and that only a legal issue exists thereby entitling the moving party to judgment as a matter of law. *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986); *Earth Data Int'l of N.C., L.L.C. v. STV, Inc.*, 159 F. Supp.2d 844 (E.D. Pa. 2001); *In re Air Nail Co.*, 329 B.R. 512 (Bankr. W.D. Pa. 2005). *Med. Protective Co. v. Watkins*, 198 F.3d 100, 103 (3d Cir. 1999) (quoting *Armbruster v. Unisys Corp.*, 32 F.3d 768, 777 (3d Cir. 1994)); *Fed.R.Bankr.P. 56(c)*. Here, the Parties agree, and the record is clear, that no material facts are at issue.

### DISCUSSION

#### (a) Judicial Admission

In their *Summary Judgment Motion*, the Debtors ask that judgment be entered in their favor on the issue of whether Huntington is bound by the \$169,000 value it originally alleged in the *Relief Motion* claiming that the allegation is a binding judicial admission. If the Court were to agree, the Debtors believe entry of summary judgment would effectively resolve the *Complaint* in their favor. Alternatively, the Debtors claim that Huntington is judicially estopped from asserting any other value. The Court disagrees with the Debtors' position in both instances.

"Judicial admissions are concessions in pleadings or briefs that bind the party who makes them." *Berkeley Inv. Group, Ltd. v. Colkitt*, 455 F.3d 195, 211 n.20 (3d Cir. 2006) citing *Parilla v. IAP Worldwide Serv., VI, Inc.*, 368 F.3d 269, 275 (3d Cir. 2004) (finding that the plaintiff was bound because she "expressly conceded those facts in her complaint."), citing, *inter alia*, *Soo Line R. Co. v. St. Louis Southwestern Ry.*, 125 F.3d 481, 483 (7th Cir. 1997) (noting the "well-settled rule that a party is bound by what it states in its pleadings"); *Glick v. White Motor Co.*, 458 F.2d 1287, 1291 (3d Cir. 1972) (noting that unequivocal "judicial admissions are binding for the purpose of the case in which the admissions are made[,] including appeals").

However, when a party making a judicial admission subsequently provides a timely explanation as to the error, the trial court must accord the explanation due weight. *Sicor Ltd. v. Cetus Corp.*, 51 F.3d 848, 859-60 (9th Cir. 1995); *Schwartz v. Adams County*, 2010 WL 2011582 at \*4 (D. Idaho, May 20, 2010); *In re LRP Mushrooms, Inc.*, 2010 WL 2772510 at \*10 (Bankr. E.D. Pa., July 13, 2010); *Adani Exports, Ltd. v. Amci (Export) Corp.*, 2009 WL 2485370 at \*9 (W.D. Pa. August 7, 2009). Although factual assertions in a pleading can ultimately be considered judicial admissions, "admissions" made in superseded pleadings lose their binding force and have value only as evidentiary



admissions. *See Bank One, Tex., N.A. v. Prudential Ins. Co. of Am.*, 939 F.Supp. 533, 541 (N.D. Tex. 1996). An unequivocal judicial admission is binding on the party who made it which is to be distinguished from an evidentiary admission which is admissible but not conclusive. *In re Jordan*, 403 B.R. 339, 351 (Bankr. W.D. Pa. 2009). A party may introduce superceded admissions into evidence to be considered as adverse evidentiary admissions by the fact-finder. *In re Gruppo Antico, Inc.*, 359 B.R. 578, 587-88 (Bankr. D. Del. 2007) quoting *In re C.F. Foods, L.P.*, 265 B.R. 71, 87 (Bankr. E.D. Pa. 2001). Even the Debtors agree with the foregoing standard in their brief which summarizes how to apply the doctrine of judicial admissions, i.e., "statements contained in a party's pleadings are binding on that party and are considered judicial admissions unless the statements are withdrawn or amended." *See Brief in Support of Motion for Summary Judgment*, p.3, Adversary Proceeding, Document No. 21.

As demonstrated by the prior reference to the record, Huntington timely repudiated its allegation of value at the initial hearing on the *Relief Motion*. It explained that the value of \$169,000 was the result of a broker's price opinion ("BPO") and not a formal appraisal and that it had, by the time of the first hearing, realized that the comparables utilized in the BPO were inadequate and that as a result it was obtaining a full appraisal to determine the true value. Furthermore, it subsequently, although belatedly, withdrew the *Relief Motion* in which the allegation of value was set forth.

The Court finds that Huntington's timely explanation of the error at the first hearing and its subsequent withdrawal of the *Relief Motion* supercedes and warrants relief from the allegation of value relied upon by the Debtors in the *Summary Judgment Motion*. The Court did not make any determination based on the asserted value by Huntington. The Debtors were promptly made aware of Huntington's position and have had or will have adequate opportunity to obtain their own appraisal to learn the true value of the Property for use at trial. Thus, the Court concludes that the allegation of value is not a binding judicial admission. It is an evidentiary admission which may be presented as evidence by the Debtors at trial and which may be controverted or explained by Huntington.

#### *(b) Judicial Estoppel*

Closely related to the doctrine of judicial admissions is the doctrine of judicial estoppel. Judicial estoppel "is a tool designed to protect the Court from parties who seek to gain advantage by 'litigating on one theory and then subsequently seeking additional advantage by pursuing an irreconcilably inconsistent theory'." *Bosco v. C.F.G. Health Systems, LLC*, 2007 WL 1791254 at \*3 (D.N. J., June 19, 2007) quoting *Ryan Operations G. P. v. Santiam-Midwest Lumber Co.*, 81 F.3d 355, 358 (3d Cir. 1996). It is an extraordinary remedy to be invoked when a party's inconsistent behavior will otherwise result in a miscarriage of justice. *Oneida Motor Fght., Inc. v. United Jersey Bank*, 848 F.2d 414, 424 (3d Cir. 1988).

To find that the doctrine of judicial estoppel applies, cases emanating from the Court of Appeals for the Third Circuit require that: (1) the party to be estopped took two irreconcilably inconsistent positions; (2) the change of position was done in bad faith, in order to play "fast and loose" with the court; and (3) the sanction

of estoppel is “tailored to address the harm” and cannot be remedied by a lesser sanction. *Montrose Med. Group Participating Saving Plan v. Bulger*, 243 F.3d 773, 779-80 (3d Cir. 2001) quoting *Klein v. Stahl GMBH & Co. Maschnefabrik*, 185 F.3d 98, 108 (3d Cir. 1999). The doctrine of judicial estoppel is to be applied sparingly and reserved for the most egregious case. *Krystal Cadillac-Oldsmobile GMC Truck, Inc. v. GMC*, 337 F.3d 314, 324 (3d Cir. 2003). These factors need not necessarily be considered, in determining the existence of judicial estoppel where the party alleging the inconsistent positions did not ultimately convince the trial court to accept its earlier position. *G-I Holdings, Inc. v. Reliance Ins. Co.*, 586 F.3d 247, 262 (3d Cir. 2009) (citations omitted).

The Debtors direct our attention to *United Bank/Seaboard Nat’l v. B. F. Saul Real Estate Inv. Trust*, 641 F.2d 185 (4th Cir. 1981) in support of the application of judicial estoppel here. In that case, Triangle Inn Associates (“Triangle”) owned and operated a Holiday Inn motel. It owed balances on a first mortgage to B. F. Saul Real Estate Investment Trust (“Saul”) and on second and third mortgages to two banks, United Virginia Bank and Virginia National Bank (collectively, the “Banks.”) Triangle filed a bankruptcy reorganization proceeding and Saul sought relief from stay. The Banks successfully opposed the relief, asserting that Saul was adequately protected because the value of the Holiday Inn property, including \$650,000 in personal property, was far in excess of the amount of Triangle’s debt to Saul. The Banks also successfully obtained a “cramdown” of Triangle’s plan of reorganization because, as the court found, Saul was fully secured by virtue of the Inn’s value which included the personal property, which aggregate value, “handsomely” exceeded Saul’s debt. Only when Triangle defaulted on its plan and the bankruptcy court allowed Saul to revive its foreclosure proceeding, that had been suspended for two and one-half years by the bankruptcy proceeding, did the Banks assert the contrary position that Saul’s security interest did not include the personal property.

Unlike the situation before this Court, a finding of judicial estoppel was appropriate in the *B.F. Saul Real Estate* case since the Banks successfully argued one position to conclusion to obtain a desired result in their favor and, only when the situation changed and the Debtor failed, did they begin to argue a contrary position that could lead to an opposite result that would favor the Banks under the changed circumstances. Here, Huntington never obtained a favorable result. It alerted the Court of the problems with the BPO at the first hearing and is not now seeking to change its position only after successfully advancing a different position. Therefore, the *B.F. Saul Real Estate* case does not support the Debtors’ position under these facts.

The Debtor also directs the Court’s attention to *In re Stroh*, 34 Fed. Appx. 562 (9th Cir. 2002), believing it too supports the Debtor’s position since it held that an individual who stated he had no partnership interests in his prior bankruptcy, could not thereafter claim, in fact, that he possessed a partnership interest in a subsequent, non-bankruptcy matter. *Stroh* does not help the Debtor’s cause, either.

In *Stroh*, the Debtor filed a bankruptcy on June 15, 1995. In his bankruptcy schedules he stated that he owned no partnership interests. The case was closed as a no asset case on October 4, 1995. In 1998, Stroh sued an individual by the name of

Grant in state court claiming that Grant owed him money from an alleged partnership between them. Stroh claimed in the subsequent action that the partnership began before the filing of his bankruptcy petition on June 15, 1995. The court found that all three elements of judicial estoppel were met. First, Stroh's later claim of a partnership was inconsistent with his bankruptcy schedule. Second, the bankruptcy court accepted Stroh's earlier position when it closed Stroh's bankruptcy case as a no-asset case. Third, "regardless of whether Stroh would now receive a benefit from his lawsuit against Grant, Stroh derived an unfair advantage when he deceived the bankruptcy court into closing his case." *Id.* at 565. As a result, the court in Stroh concluded that the application of judicial estoppel "was necessary to preserve the integrity of the bankruptcy process." *Id.* Here, Huntington has not deceived the Court into taking action. Nor did it obtain a result based on false statements that resulted in an unfair advantage.

The Debtors next reference *In re Artha Mgmt., Inc.*, 174 B.R. 671 (Bankr. S. D. N.Y. 1994) in support of summary judgment. This case involved a preference action where the Chapter 11 trustee sought to recover monies paid to a bank within a year of the February 15, 1990 bankruptcy filing. Previously, in December, 1990, the Bank sought relief from stay. In 1991, relief was granted by stipulation entered between the Chapter 11 trustee and the bank. In the stipulation it was agreed that liens against the debtor's property exceeded the property's value and that the debtor possessed no equity. The trustee sought to preclude the bank, on the basis of judicial estoppel, from introducing an appraisal to contest the company's solvency. The court concluded that the bank's statements in the stipulation regarding the property's value – made in the context of a stay relief motion – did not preclude the bank from making a statement regarding the property's value at the time of the alleged preferential transfers, two years earlier. Here, we have a similar situation. Even if there had been a stipulation or finding of value in regard to the *Relief Motion*, that value was asserted in the context of that motion. Such an event is not necessarily binding in a subsequent *Section 506* action.

Finally, application of the doctrine of judicial estoppel as applied to estimates of value in a bankruptcy is considered with a different, more relaxed, view. "It is well settled that 'estimates of value made during bankruptcy proceedings are binding only for the purpose of a specific hearing ... [do] not have a res judicata effect' in subsequent hearings." *Suntrust Bank v. Blue Water Fiber, L.P.*, 93 F. Supp. 2d 787, 796 (E.D. Mich. 2000) quoting *In re Snowshoe Co.*, 789 F.2d 1085, 1088-89 (4th Cir. 1986). "Under Code § 506(a), valuation for one purpose in a case is not even binding for other papers in the same case." *In re Kouterick*, 161 B.R. 755, 760 (Bankr. D. N.J. 1993).

In *In re Thomas* 344 B.R. 386 (Bankr. W.D. Pa. 2000), the Honorable Judith K. Fitzgerald of this District was faced with a factual situation very similar to the present case and she rendered an apt opinion which the Court finds to be instructive here. In *Thomas*, the mortgagee sought relief from stay, attaching to its motion a BPO that listed the fair market value of the property at \$140,000. The motion was granted by default. The debtors subsequently filed a motion to reconsider and also converted the bankruptcy case from

Chapter 7 to Chapter 13. Thereafter, the court vacated the default order and the debtors then filed a complaint for determination of secured status. In their complaint the debtors asserted that under the doctrine of judicial estoppel the mortgagee was precluded from asserting a property value different from the value asserted in the prior motion for relief from stay.

The court in *Thomas* found that the doctrine of judicial estoppel did not apply for two reasons. First, the order granting relief was vacated and was of no effect. Therefore, there was no finding of value. Second, the determination of value for purposes of a motion for relief from stay and for a valuation under *Section 506(a)* are made under differing standards. When considering a motion for relief from stay, a court need only determine that there is no equity; it need not determine an exact value. Under *Section 506(a)*, the parties are bound to a specific value. “Full appraisals, not just the ‘drive by’ Broker’s Price Opinion are used for purposes of § 506(a) when the matter is contested.” *Id.* at 393.<sup>2</sup> In this case, there was never an order, not even a default order on the *Relief Motion*. There was no finding of value. Judicial estoppel does not apply.

### CONCLUSION

The original, \$169,000 value for the Property as asserted by Huntington was promptly withdrawn and an adequate explanation of that withdrawal provided. The Debtors have suffered no prejudice by the withdrawal. As such, the doctrine of judicial admission is not applicable. Furthermore, the original value asserted by Huntington was never relied upon by the Court. The Court made no determination of value for any purpose. Nothing in the record indicates that Huntington’s actions were intended to take advantage of, or play “fast and loose,” with Court.<sup>3</sup> Therefore, the doctrine of judicial estoppel does not apply. Finally, allowing the Parties to move forward in this fashion will allow the true value of the Property to be decided on the merits, with both Parties having the opportunity to seek full appraisals and to present all of their evidence to the Court.

For the foregoing reasons, the *Summary Judgment Motion* will be denied. An appropriate Order will be entered.

---

<sup>2</sup> At argument Huntington explained that it often submitted BPOs at the pleading stage of a relief from stay motion merely as a cost saving tactic both to Huntington and, ultimately, the debtor. A full blown appraisal can be very costly depending on the subject matter. Huntington takes the position that it is prudent not to incur these costs early on in the pleading stage, which costs will be borne by the debtor if the claim is ultimately cured, and pose an additional cost to Huntington, if not, if no issue as to value arises in the litigation. Depending on the course of the relief from stay litigation, unnecessary costs therefore can be avoided. This approach in financing relief from stay litigation is practical, reasonable and appropriate. It is supported by the Court’s decision in *Thomas*. This Court concurs and agrees with the reasoning behind taking such an approach.

<sup>3</sup> Huntington no more played “fast and loose” with the Court than did the Debtors, who alleged a value of \$285,000 for the Property in their initial *Schedule A*, and once the faulty BPO was in hand, quickly changed its allegation of value to \$169,000 and immediately filed a Plan and the within Complaint in an attempt to bind Huntington to the reduced value.

**ORDER**

**AND NOW**, this *30th* day of *July, 2010*, for the reasons given and based upon the findings of fact and conclusions of law issued pursuant to *Fed. R. Bankr. P. 7052* as set forth in the *Memorandum Opinion* filed this date at Document No. 38, it is hereby **ORDERED, ADJUDGED and DECREED** that the *Motion for Summary Judgment*, filed by Plaintiffs Brian K. Kasbee and Melanie K. Kasbee at Document No. 10, is **DENIED**.

It is **FURTHER ORDERED** that *on or before August 20, 2010*, Plaintiffs shall advise the court whether the Complaint will be withdrawn or whether the matter should be set for trial.

/s/ **Thomas P. Agresti, Chief Judge**  
**United States Bankruptcy Court**

**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: KAT Creative Signs
2. Address of the principal place of business: 605 West 8th Street, Erie, PA 16502
3. The real names and addresses of the persons who are party to the registration: Kimberly Ann Tavernese, 605 West 8th Street, Erie, PA 16502
4. An application for registration of the fictitious name under the Fictitious Names Act was filed on or about May 28, 2010 with the Pennsylvania Department of State.

Sept. 10

**FICTITIOUS NAME NOTICE**

1. Fictitious Name: Stereogenic Solutions
2. Address of the principal place of business: 2856 West 33rd Street, Erie, Pennsylvania 16506
3. The real names and addresses of the persons who are party to the registration: Damian J. Gallina, 2856 West 33rd Street, Erie, Pennsylvania 16506
4. An application for registration of the fictitious name under the Fictitious Names Act was filed on or about June 4, 2010 with the Pennsylvania Department of State.

Sept. 10

**INCORPORATION NOTICE**

Notice is hereby given that MC Painting Homes & Services, Inc. has been incorporated under the Business Corporation Law of 1988. Gery T. Nietupski, Esquire  
Law Office of Gery T. Nietupski, Esquire, LLC  
818 State Street, Suite A  
Erie, Pennsylvania 16501

Sept. 10

**LEGAL NOTICE**

**NOTICE OF HEARING**

A Petition for Reinstatement to the active practice of law has been filed by BARRY FRANKLIN LEVINE, and will be the subject of a hearing on October 25, 2010 before a hearing committee designated by the Board. Anyone wishing to be heard in reference to this matter should contact the District IV Office of the Disciplinary Board of the Supreme Court of Pennsylvania, Suite 1300, Frick Building, 437 Grant Street, Pittsburgh, PA 15219, phone: 412-565-7620, on or before **October 8, 2010.**

Elaine M. Bixler  
Secretary of the Board  
The Disciplinary Board of the  
Supreme Court of Pennsylvania  
Sept. 10

**LEGAL NOTICE**

ATTENTION: UNKNOWN  
BIOLOGICAL FATHER AND  
AMIR DEMIRI  
INVOLUNTARY TERMINATION  
OF PARENTAL RIGHTS

IN THE MATTER OF THE  
ADOPTION OF MINOR  
FEMALE CHILD (V.Y.P.)  
DOB: 06/29/09

BORN TO: AMIE MAY MORTON  
#26 IN ADOPTION 2010

If you could be the parent of the above mentioned child, at the instance of Erie County Office of Children and Youth you, laying aside all business and excuses whatsoever, are hereby cited to be and appear before the Orphan's Court of Erie County, Pennsylvania, at the Erie County Court House, Judge Daniel Brabender, Court Room No. F, City of Erie on October 25, 2010, at 1:30 p.m. and then and there show cause, if any you have, why your parental rights to the above child should not be terminated, in accordance with a Petition and Order of Court filed by the Erie County Office of Children and Youth. A copy of these documents can be obtained by contacting the Erie County Office of Children and Youth at (814) 451-7740.

Your presence is required at the

Hearing. If you do not appear at this Hearing, the Court may decide that you are not interested in retaining your rights to your child and your failure to appear may affect the Court's decision on whether to end your rights to your child. You are warned that even if you fail to appear at the scheduled Hearing, the Hearing will go on without you and your rights to your child may be ended by the Court without your being present.

You have a right to be represented at the Hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer, or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Family/Orphan's  
Court Administrator  
Room 204 - 205  
Erie County Court House  
Erie, Pennsylvania 16501  
(814) 451-6251

Sept. 10

**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

#### 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. 1:09-CV-111, I shall expose to public sale the real property of Lori C. Custer known as 149 Glenn Drive, Franklin, PA 16323 f/k/a RD No. 4, Box 693, Franklin, PA 16323, being fully described in the Deed dated March 28, 2000 and recorded March 29, 2000 in the Recorder's Office of Venango County, Pennsylvania at Instrument No. 2000-001897.

**TIME AND LOCATION OF SALE:** Friday, September 17, 2010 at 10:00 A.M. at the Venango County Courthouse, Front Steps, 1168 Liberty Street, Franklin, PA 16323.

**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. Kimberly Williamson at 314-457-5513.

Aug. 20, 27 and Sept. 3, 10



**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

**September 17, 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

Aug. 27 and Sept. 3, 10

**AUGUST SALE NO. 47**

**Ex. #10130 of 2010**

**Bank of America, N.A., Plaintiff  
v.**

**John C. Balouris II and  
Kristin L. Balouris, 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 Lot Number four (4) in Belle Valley Estates Subdivision, Section 1, as recorded in Erie County Map Book 37 at page 78 on November 19, 1990. Having a frontage of 62.52 feet on the east side of Conrad Road and a depth of 140.72 feet on the south line of Lot 4.

ALSO, conveying the five (5) feet contiguous to the entire South side of Lot 4 with a uniform depth of 140.72 feet as more fully described in the Replot of Lot 4 as recorded in the Erie County Recorder of Deeds Office as Map 1993-32 on February 24, 1993. This five (5) foot piece of land to become an integral part of Lot 4.

The original Lot 4 frontage (62.52) feet plus the five feet replot will result in an overall frontage of 67.52 feet on the east side of Conrad Road. Having erected thereon a single family residence with attached garage commonly known as 4735 Conrad Road and bearing Erie County Tax Index No. (33) 107-480-13.04

**PROPERTY ADDRESS:** 4735 Conrad Drive, Erie, PA 16510  
Michael T. McKeever, Esquire  
Attorney for Plaintiff  
Suite 5000-Mellon Independence Center, 701 Market Street  
Philadelphia, PA 19106  
(215) 627-7734

Aug. 27 and Sept. 3, 10

**SALE NO. 1**

**Ex. #10777 of 2010**

**NORTHWEST SAVINGS  
BANK, Plaintiff**

**v.**

**JAY S. MASI and THE UNITED  
STATES OF AMERICA  
DEPARTMENT OF THE  
TREASURY, INTERNAL  
REVENUE SERVICE,**

**Defendants**

**LEGAL DESCRIPTION**

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE in the City of Erie (formerly the Township of Millcreek), County of Erie and State of Pennsylvania, being all of Lots numbered 351, 352, 353 and the southern ten (10) feet of Lot No. 354 on a map or plan of Peach Street Terrace No. 2 as filed in the Recorder's Office of Erie County, Pennsylvania in Map Book 2, on Page 55. Bearing Erie County Tax Index No. (19) 6116-107.

ALSO, all that certain piece or parcel of land situate in the City of Erie, County of Erie and State of Pennsylvania, bounded and

described as follows, to wit: Beginning at a point in the west line of Edinboro Road (Peach Street Extension), three hundred (300) feet southwardly from the point of intersection of the west line of Edinboro Road and the south line of Averlon Avenue; thence running westwardly at right angles with the westerly line of said Edinboro Road and along the northerly line of Lots 236 and 289 of "PEACH STREET TERRACE", as recorded in the Office of the Recorder of Deeds of Erie County, Pennsylvania in Map Book No. 2, at Page 55, one hundred fifty five and fifty seven hundredths (155.57) feet to a stake; thence turning at a right angle and running northerly, one hundred (100) feet to a point; thence turning at a right angle and running easterly, 155.57 feet to a point in the west line of the Edinboro Road; thence turning at a right angle and turning southerly along the westerly line of the Edinboro Road, one hundred (100) feet to the place of beginning. Having erected thereon a one story brick dwelling building known as 4026 Peach Street, Erie, Pennsylvania. Bearing Erie County Tax Index No. (19) 6116-116. EXCEPTING AND RESERVING THEREFROM, all that certain piece or parcel of land situate in the City of Erie, County of Erie and State of Pennsylvania, being a part of the Sixth Ward, and being more particularly bounded and described as follows, to wit: .

BEGINNING at the southeasterly corner of the easement in the westerly line of Peach Street (75' foot right of way) at a point, said point being the northeasterly corner of Lot 236 of the Peach Street Terrace Subdivision as recorded in the Erie County Courthouse Map Book 1, Pages 360 and 361.

Thence, North 68° 38' 15" West, along the northerly line of said Lot 236, a distance of 73.00 feet to a point;

Thence, North 21° 16' 45" East, along a line parallel with said Peach Street, a distance of 30.00 feet to a point;

Thence, South 68° 38' 15" East,

along a line parallel with said northerly line of Lot 236, a distance of 73.00 feet to a point on the westerly line of said Peach Street; Thence, South 21° 16' 45" West, along said westerly line of Peach Street, a distance of 30.00 feet to a point and the place of beginning. Containing 2,190 square feet of land, therein, net measure, and being the same easement shown on a plan entitled "Survey for Lamar Advertising of Erie", prepared by David James Laird Associates, dated September 15, 2005.

ALSO, ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE in the City of Erie, County of Erie and State of Pennsylvania, and being Lot No. 289 and the northernmost thirteen and five tenths (13.5) feet of Lot No. 288 in Peach Street Terrace, according to Map Book 1, Page 361, recorded in the Office of the Recorder of Deeds of Erie County, Pennsylvania, being a piece of land fifty (50) feet fronting on Royal Avenue, formerly Sparkhill Avenue, and one hundred (100) feet deep. Bearing Erie County Tax Index No. (19) 6116-108.

BEING the same premises conveyed to Jay S. Masi by Deed dated October 4, 2005 and recorded October 4, 2005 in Erie County Record Book 1275, Page 1646.

Mark G. Claypool, Esquire  
Knox McLaughlin Gornall  
& Sennett, P.C.

Attorneys for Plaintiff  
120 West Tenth Street  
Erie, Pennsylvania 16501-1461  
(814) 459-2800

Aug. 27 and Sept. 3, 10

**SALE NO. 2**

Ex. #11988 of 2010

**PMC INVESTMENT  
CORPORATION, Plaintiff**

v.

**EDINBORO HOSPITALITY  
GROUP, INC., Defendant  
SHORT DESCRIPTION**

ALL that certain piece or parcel of land situate in the Borough of Edinboro, Erie County, Pennsylvania, having erected thereon a commercial building

operated as a hotel and conference center and being commonly known as 300 Plum Street, Edinboro, Pennsylvania, and bearing Erie County Tax Parcel No. (11) 12-39-4.03  
Susan Fuhrer Reiter, Esq.  
MacDonald, Illig, Jones  
& Britton LLP  
100 State Street, Suite 700  
Erie, Pennsylvania 16507-1459  
(814) 870-7760

Attorneys for Plaintiff

Aug. 27 and Sept. 3, 10

**SALE NO. 3**

Ex. #12185 of 2010

**FIRST NATIONAL BANK OF  
PENNSYLVANIA, Plaintiff**

v.

**JOHN D. PANETTA, also  
known as JOHN O. PANETTA,  
DAWN M. PANETTA, and  
THE UNITED STATES OF  
AMERICA, Defendants  
SHORT DESCRIPTION**

ALL that certain piece or parcel of land situate in the City of Erie, County of Erie and Commonwealth of Pennsylvania, having erected thereon a two story frame dwelling with attached garage and being commonly known as 4208 Conrad Road, Erie, Pennsylvania 16510, and being further identified as Erie County Tax Index No. (18) 52-37-120.

Susan Fuhrer Reiter, Esq.  
MacDonald, Illig, Jones  
& Britton LLP

100 State Street, Suite 700  
Erie, Pennsylvania 16507-1459  
(814) 870-7760

Attorneys for Plaintiff

Aug. 27 and Sept. 3, 10

**SALE NO. 4**

Ex. #10486 of 2010

**Marquette Savings Bank**

v.

**Monica L. Pinczewski**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed at No. 10486 - 2010, Marquette Savings Bank vs. Monica L. Pinczewski, owner of property situate in the City of Erie, Erie County, Pennsylvania being: 1036 Brown Avenue, Erie, Pennsylvania.

29 x irregular  
Assessment Map Number:  
(19) 6031-243  
Assessed Value Figure: \$43,420.00  
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

Aug. 27 and Sept. 3, 10

**SALE NO. 5**

Ex. #11889 of 2010

**Northwest Savings Bank**

v.

**Peter E. Troutman**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed at No. 11889-2010, Northwest Savings Bank v. Peter E. Troutman, owner of property situate in the Township of Elk Creek, Village of Wellsburg, Erie County, Pennsylvania, being: 10312 Route 18, Albion, Pennsylvania.

appx. 190' x 175' x 190' x 175'

Assessment Map Number:  
(13) 12-23-06

Assessed Value Figure: \$45,000.00  
Improvement Thereon: Residence  
Kurt L. Sundberg, Esq.

Marsh Spaeder Baur Spaeder  
& Schaaf, LLP

Suite 300, 300 State Street  
Erie, Pennsylvania 16507  
(814) 456-5301

Aug. 27 and Sept. 3, 10

**SALE NO. 6**

Ex. #13936 of 2008

**U.S. BANK NATIONAL  
ASSOCIATION, as Trustee, on  
Behalf of the Holders of the Asset  
Backed Securities Corporation  
Home Equity Loan Trust, Series  
NC2005-HE8, Asset Backed  
Pass-Through Certificates Series  
NC2005-HE8**

v.

**LAURA SLYKER AND**

**CHARLES PYLE**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 13936-2008, U.S. BANK NATIONAL ASSOCIATION, as Trustee, on Behalf of the Holders of the Asset Backed Securities

Corporation Home Equity Loan Trust, Series NC2005-HE8, Asset Backed Pass-Through Certificates Series NC2005-HE8 v. LAURA SLYKER AND CHARLES PYLE, Owners of the property situated in Township of Harborcreek being known as 4801 Reese Road, Erie, PA.

Tax Map Number: 27066198001400 and 27066198001500.

Assessed Value Figure: \$159,510.00  
Improvements thereon: Detached, Single Story Ranch-Style Single Family Residential Dwelling.

Barbara A. Fein, Esquire

The Law Offices of

Barbara A. Fein, P.C.

425 Commerce Drive, Suite 100

Fort Washington, PA 19034

(215) 653-7450

Aug. 27 and Sept. 3, 10

**SALE NO. 7**

**Ex. #10207 of 2010**

**CITIMORTGAGE, INC.,**

**Plaintiff**

**v.**

**ROBERT M. APPLEBEE,**

**Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 10207-10

CITIMORTGAGE, INC. vs.

ROBERT M. APPLEBEE

Amount Due: \$69,106.08

ROBERT M. APPLEBEE, owner(s) of property situated in BOROUGH OF ALBION, Erie County, Pennsylvania being 19 CHERRY STREET, ALBION, PA 16401-1003  
Dimensions: 50 X 175

Acreage: 0.2009

Assessment Map number:

01-005-047.0-006.00

Assessed Value: \$4,690.00

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

Aug. 27 and Sept. 3, 10

**SALE NO. 9**

**Ex. #11813 of 2008**

**US BANK NATIONAL**

**ASSOCIATION, AS TRUSTEE**

**FOR ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2006-NC2, Plaintiff**

**v.**

**CHARLES R. ARKWRIGHT**

**RACHAEL A. ARKWRIGHT,**

**Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 11813-08

US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2006-NC2 vs. CHARLES R. ARKWRIGHT and RACHAEL A. ARKWRIGHT

Amount Due: \$92,102.87

CHARLES R. ARKWRIGHT and RACHAEL A. ARKWRIGHT, owner(s) of property situated in WASHINGTON TOWNSHIP, Erie County, Pennsylvania being 11060 EDINBORO ROAD & 11070 EDINBORO ROAD, MCKEAN, PA 16426

Assessment Map number:

45001002002200

Dimensions: 54 X 259

Acreage: 0.3211

Assessment Map number:

45001002002300

Dimensions: 98 X 259

IRREGULAR

Acreage: 0.7885

Assessment Map number:

45001002002200

&

45001002002300

Assessment Map number:

45001002002200

Assessed Value: \$66,760.00

Assessment Map number:

45001002002300

Assessed Value: \$23,500.00

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

Aug. 27 and Sept. 3, 10

**SALE NO. 11**

**Ex. #11227 of 2010**

**CITIFINANCIAL SERVICES,**

**INC., Plaintiff**

**v.**

**MARY A. GANZER**

**Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 11227-10

CITIFINANCIAL SERVICES, INC. vs. MARY A. GANZER

Amount Due: \$87,810.55

MARY A. GANZER, owner(s) of property situated in the CITY OF ERIE, Erie County, Pennsylvania being 4034 DAVISON AVENUE, ERIE, PA 16504-2520

Dimensions: 60 X 132

Acreage: 0.1818

Assessment Map number: 18052021010300

Assessed Value: \$67,100.00

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

Aug. 27 and Sept. 3, 10

**SALE NO. 12**

**Ex. #10805 of 2010**

**FIRST HORIZON HOME**

**LOANS, A DIVISION OF**

**FIRST TENNESSEE BANK**

**NATIONAL ASSOCIATION**

**F/K/A FIRST HORIZON HOME**

**LOAN CORPORATION,**

**Plaintiff**

**v.**

**ROBERT P. WESCHLER,**

**Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 10805-10

FIRST HORIZON HOME LOANS, A DIVISION OF FIRST TENNESSEE BANK NATIONAL ASSOCIATION F/K/A FIRST HORIZON HOME LOAN CORPORATION vs. ROBERT P. WESCHLER

Amount Due: \$38,931.18

ROBERT P. WESCHLER, owner(s) of property situated in the TOWNSHIP OF MILLCREEK, Erie County, Pennsylvania being 5035 CIDER MILL ROAD, UNIT 2, ERIE, PA 16509-3918

Assessment Map number: 33114494002756

Assessed Value: \$74,880.00

Improvement thereon: Residential

(Condominium)  
Phelan Hallinan & Schmieg, LLP  
One Penn Center at Suburban  
Station, Suite 1400  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000

Aug. 27 and Sept. 3, 10

**SALE NO. 14**

**Ex. #11509 of 2010**  
**DEUTSCHE BANK NATIONAL**  
**TRUST COMPANY, AS**  
**TRUSTEE ON BEHALF OF**  
**THE CERTIFICATEHOLDERS**  
**OF MORGAN STANLEY ABS**  
**CAPITAL I INC. TRUST 2005-**  
**WMC1 MORTGAGE PASS-**  
**THROUGH CERTIFICATES,**  
**SERIES 2005-WMC1, Plaintiff**

v.

**BRENDA S. GELOTTE,**  
**Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution  
filed to No. 11509-10  
DEUTSCHE BANK NATIONAL  
TRUST COMPANY, AS  
TRUSTEE ON BEHALF OF  
THE CERTIFICATEHOLDERS  
OF MORGAN STANLEY ABS  
CAPITAL I INC. TRUST 2005-  
WMC1 MORTGAGE PASS-  
THROUGH CERTIFICATES,  
SERIES 2005-WMC1 vs.  
BRENDA S. GELOTTE  
Amount Due: \$76,443.57

BRENDA S. GELOTTE, owner(s)  
of property situated in the  
TOWNSHIP OF MILLCREEK,  
Erie County, Pennsylvania being  
6012 MERIDIAN DRIVE, ERIE,  
PA 16509-3436  
Dimensions: 150 x 150  
Acreage: 0.5165  
Assessment Map number:  
33188584001800  
Assessed Value: \$74,390.00  
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

Aug. 27 and Sept. 3, 10

**SALE NO. 15**

**Ex. #11605 of 2010**  
**HSBC BANK USA, NATIONAL**  
**ASSOCIATION, AS TRUSTEE**  
**FOR SG MORTGAGE**  
**SECURITIES TRUST 2006-**  
**FRE1, Plaintiff**

v.

**VICTORIA M. MUSOLFF,**  
**Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution  
filed to No. 11605-10  
HSBC BANK USA, NATIONAL  
ASSOCIATION, AS TRUSTEE  
FOR SG MORTGAGE  
SECURITIES TRUST 2006-FRE1  
vs. VICTORIA M. MUSOLFF  
Amount Due: \$186,753.21  
VICTORIA M. MUSOLFF,  
owner(s) of property situated  
in TOWNSHIP OF MCKEAN,  
Erie County, Pennsylvania being  
6860 STERRETTAN ROAD,  
FAIRVIEW, PA 16415-2918  
Dimensions: 2.799 AC  
Acreage: 2.7990  
Assessment Map number:  
31-001-021.0-007-00  
Assessed Value: 125,760.00  
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

Aug. 27 and Sept. 3, 10

**SALE NO. 16**

**Ex. #11593 of 2010**  
**WELLS FARGO BANK, N.A.,**  
**Plaintiff**

v.

**DAVID J. WOLF, Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution  
filed to No. 11593-10  
WELLS FARGO BANK, N.A. vs.  
DAVID J. WOLF  
Amount Due: \$8,282.87  
DAVID J. WOLF, owner(s) of  
property situated in CITY OF ERIE,  
Erie County, Pennsylvania being  
2402 CAMPHAUSEN AVENUE,  
ERIE, PA 16510-1014  
Dimensions: 40X123.2  
Acreage: 0.1132  
Assessment Map number:

18-051-012.0-110.00  
Assessed Value: 53,220.00  
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  
Aug. 27 and Sept. 3, 10

**SALE NO. 17**

**Ex. #15593 of 2009**  
**NORTHWEST SAVINGS**  
**BANK, Plaintiff**  
v.  
**GRETCHEN BEBKO,**  
**Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution  
filed to No. 15593-09  
NORTHWEST SAVINGS BANK  
vs. GRETCHEN BEBKO  
Amount Due: \$64,911.13  
GRETCHEN BEBKO, owner(s) of  
property situated in the CITY OF  
ERIE, Erie County, Pennsylvania  
being 451 EAST 37TH STREET,  
ERIE, PA 16504-1617  
Assessment Map number:  
18-053-071.0-104.00  
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

Aug. 27 and Sept. 3, 10

**SALE NO. 18**

**Ex. #11225 of 2010**  
**PHH MORTGAGE**  
**CORPORATION, Plaintiff**  
v.

**JOSE P. ORTIZ**  
**ESTHER ORTIZ, Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution  
filed to No. 11225-10  
PHH MORTGAGE CORPORATION  
vs. JOSE P. ORTIZ and ESTHER  
ORTIZ  
Amount Due: \$77,405.60  
JOSE P. ORTIZ and ESTHER  
ORTIZ, owner(s) of property  
situated in the FIFTH WARD OF  
THE CITY OF ERIE, Erie County,  
Pennsylvania being 222 EAST 34th

STREET, ERIE, PA 16504-1553  
 Dimensions: 39 X 95  
 Acreage: 0.0851  
 Assessment Map number:  
 18053063022600  
 Assessed Value: \$58,890.00  
 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  
 Aug. 27 and Sept. 3, 10

**SALE NO. 19**

**Ex. #12816 of 2009**  
**BAC HOME LOANS**  
**SERVICING, L.P. F/K/A**  
**COUNTRYWIDE HOME**  
**LOANS SERVICING, L.P.,**  
**Plaintiff**  
**v.**  
**ESTHER P. WEITHMAN,**  
**DECEASED**  
**DAVID R. WEITHMAN,**  
**Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution  
 filed to No. 12816-09  
 BAC HOME LOANS SERVICING,  
 L.P. F/K/A COUNTRYWIDE  
 HOME LOANS SERVICING,  
 L.P. vs. ESTHER P. WEITHMAN,  
 DECEASED AND DAVID R.  
 WEITHMAN  
 Amount Due: \$62,420.27  
 ESTHER P. WEITHMAN,  
 DECEASED AND DAVID R.  
 WEITHMAN, owner(s) of  
 property situated in BOROUGH  
 OF GIRARD BOROUGH, Erie  
 County, Pennsylvania being  
 227 TEMPLETON AVENUE,  
 GIRARD, PA 16417-1333  
 Dimensions: 50 x 150  
 Acreage: 0.1722  
 Assessment Map number:  
 23-009-008.0-025.00  
 Assessed Value: \$58,370.00  
 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  
 Aug. 27 and Sept. 3, 10

**SALE NO. 20**

**Ex. #10506 of 2009**  
**WILMINGTON TRUST**  
**COMPANY AS SUCCESSOR**  
**TRUSTEE TO CITIBANK,**  
**N.A. A NATIONAL BANKING**  
**ASSOCIATION, AS TRUSTEE**  
**FOR SASCO 2005-11H, Plaintiff**  
**v.**  
**PAUL E. BENES**  
**KRISTEN J. BENES,**  
**Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution  
 filed to No. 10506-09  
 WILMINGTON TRUST  
 COMPANY AS SUCCESSOR  
 TRUSTEE TO CITIBANK,  
 N.A. A NATIONAL BANKING  
 ASSOCIATION, AS TRUSTEE  
 FOR SASCO 2005-11H vs.  
 PAUL E. BENES and KRISTEN J.  
 BENES  
 Amount Due: \$91,928.58  
 PAUL E. BENES and KRISTEN J.  
 BENES, owner(s) of property  
 situated in CITY OF ERIE, Erie  
 County, Pennsylvania being 3811  
 RICE AVENUE, ERIE, PA 16510-  
 3776  
 Acreage: 0.1653  
 Assessment Map number:  
 18052053011400  
 Assessed Value: \$74,610.00  
 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  
 Aug. 27 and Sept. 3, 10

**SALE NO. 21**

**Ex. #15042 of 2009**  
**CHASE HOME FINANCE LLC,**  
**Plaintiff**  
**v.**  
**KATHLEEN M. REINSEL**  
**A/K/A KATHLEEN REINSEL,**  
**Defendant(s)**  
**SHERIFF'S SALE**  
 By virtue of a Writ of Execution  
 filed to No. 15042-09  
 CHASE HOME FINANCE LLC vs.  
 KATHLEEN M. REINSEL A/K/A  
 KATHLEEN REINSEL  
 Amount Due: \$142,788.94  
 KATHLEEN M. REINSEL A/K/A

KATHLEEN REINSEL, owner(s) of  
 property situated in the TOWNSHIP  
 OF HARBORCREEK, Erie County,  
 Pennsylvania being 7976 BELLE  
 ROAD, ERIE, PA 16510  
 Dimensions: 80X250  
 Acreage: 0.4591  
 Assessment Map number:  
 27-036-126.0-032.01  
 Assessed Value: \$107,000.00  
 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  
 Aug. 27 and Sept. 3, 10

**SALE NO. 22**

**Ex. #10689 of 2010**  
**CITIMORTGAGE, INC.,**  
**Plaintiff**  
**v.**  
**MICHAEL W. STICKLE,**  
**Defendant(s)**  
**SHERIFF'S SALE**  
 By virtue of a Writ of Execution  
 filed to No. 10689-10  
 CITIMORTGAGE, INC. vs.  
 MICHAEL W. STICKLE  
 Amount Due: \$70,031.33  
 MICHAEL W. STICKLE, owner(s)  
 of property situated in the CITY OF  
 ERIE, Erie County, Pennsylvania  
 being 3108 PINE AVENUE, ERIE,  
 PA 16504-1158  
 Acreage: 0.4743  
 Assessment Map number:  
 18050072011700  
 Assessed Value: \$67,530.00  
 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  
 Aug. 27 and Sept. 3, 10

**SALE NO. 23**

**Ex. #11078 of 2010**  
**BAC HOME LOANS**  
**SERVICING, L.P., Plaintiff**  
**v.**  
**BRIAN E. TINKO**  
**JESSICA L. TINKO,**  
**Defendant(s)**  
**SHERIFF'S SALE**



By virtue of a Writ of Execution filed to No. 11078-2010

BAC HOME LOANS SERVICING, L.P. vs. BRIAN E. TINKO and JESSICA L. TINKO

Amount Due: \$122,284.78

BRIAN E. TINKO and JESSICA L. TINKO, owner(s) of property situated in TOWNSHIP OF AMITY, Erie County, Pennsylvania being 8647 HASKELL HILL ROAD, A/K/A, 8647 HASKELL HILL ROAD, LOT A, WATTSBURG, PA 16442-9402

Acreage: 12.3130

Assessment Map number: 02-002-004.0-027-00

Assessed Value: \$102,530.00

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

Aug. 27 and Sept. 3, 10

**SALE NO. 26**

**Ex. #10726 of 2010**

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

**v.**

**ANTHONY G. BOSTAPH  
STACEY A. DEPKON-  
BOSTAPH, Defendant(s)  
LEGAL DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situate in the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania, and being Lot Numbered Thirty-one (31) of BRIAR WOOD VILLAGE SUBDIVISION No. 4, a plot of said subdivision having been recorded in the Records Office of Erie County, Pennsylvania, on August 7, 1986, in Erie County Map Book 30 at page 40.

Said premises have erected thereon a dwelling commonly known as 5219 Mill Street, Erie, Pennsylvania and are further identified by Erie County Assessment Index No. (33) 119-515.1-8.

TITLE TO SAID PREMISES IS VESTED IN Anthony G. Bostaph and Stacey A. Depkon-Bostaph, h/w, as tenants by the entireties with right of survivorship, by Deed

from Joseph B. Spero, as and only as trustee of the Estate of Doina Vacalie, dated 04/23/2007, recorded 05/22/2007 in Book 1417, Page 1413.

Tax Parcel #: 33-119-515.1-008.00 Premises being: 5219 MILL STREET, ERIE, PA 16509-2581 Phelan Hallinan & Schmieg, LLP 1617 JFK Boulevard, Suite 1400 One Penn Center Plaza Philadelphia, PA 19103 215-563-7000

Aug. 27 and Sept. 3, 10

**SALE NO. 27**

**Ex. #12300 of 2007**

**EMC MORTGAGE  
CORPORATION, Plaintiff,  
v.**

**GARY L. BROWN and  
COLLEEN R. BROWN,  
Defendants**

**LONG FORM DESCRIPTION**

ALL those certain parcels of land situated in the City of Erie, County of Erie and Commonwealth of Pennsylvania, being known and designated as Lot 10 and 11 of Block "D", of Bayview Subdivision as shown upon Map of said subdivision recorded in Erie County Map Book 1, Pages 272-273.

COMMONLY known as 1324 East 31st Street, Erie, Pennsylvania 16504.

BEING the same premises which Gary L. Brown, who acquired title incorrectly as Garl L. Brown and Colleen R. Brown, husband and wife, by Deed dated March 2, 2004 and recorded in the Office of the Recorder of Deeds of Erie County on April 23, 2004 in Deed Book Volume 1127, Page 1852, granted and conveyed to Gary L. Brown and Colleen R. Brown, husband and wife, as tenants by the entirety with rights of survivorship.

Parcel No. 18-5110-320

Grenen & Birsic, P.C.

Kristine M. Anthou, Esquire

Attorneys for Plaintiff

One Gateway Center, Ninth Floor

Pittsburgh, PA 15222

(412) 281-7650

Aug. 27 and Sept. 3, 10

**SALE NO. 28**

**Ex. #10447 of 2010**

**CHASE HOME FINANCE  
LLC, s/b/m/t Chase Manhattan  
Mortgage Corporation, Plaintiff,  
v.**

**DAVID B. GETZ, Defendant**

**LONG FORM DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situate in the Township of Millcreek, County of Erie, and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEING Lots 76 and 77, having a total frontage of not more than eighty (80) feet and a depth of one hundred two (102) feet more or less, and also including the Northerly four (4) feet of Lot 75, in Crowley Farms Subdivision, as more fully described on a plot of said Subdivision recorded in Erie County Map Book 3, Page 225, reference thereto being made, and having erected thereon a brick and aluminum two-story duplex commonly known as 612-614 Strathmore Avenue, Erie, Pennsylvania, bearing Erie County Tax Index No. (33) 18-15-8.

This conveyance is made subject to valid and subsisting 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.

BEING the same premises which Daniel R. Rettger and Sharon Rettger, his wife, by Deed dated June 30, 2003 and recorded in the Office of the Recorder of Deeds of Erie County on July 1, 2003 in Deed Book Volume 1030, Page 628, granted and conveyed to David B. Getz.

Parcel No. 33-18-15-8

Grenen & Birsic, P.C.

Kristine M. Anthou, Esquire

Attorneys for Plaintiff

One Gateway Center, Ninth Floor

Pittsburgh, PA 15222

(412) 281-7650

Aug. 27 and Sept. 3, 10

**SALE NO. 29**

**Ex. #18094 of 2008**

**U.S. BANK NATIONAL  
ASSOCIATION TRUSTEE  
FOR THE PENNSYLVANIA  
HOUSING FINANCE AGENCY,  
Plaintiff**

**v.**

**SHAWN M. COCHRAN,  
Defendants**

**SHERIFF'S SALE**

By virtue of a Writ of Execution  
No. 2008-18094 U.S. BANK  
NATIONAL ASSOCIATION  
TRUSTEE FOR THE  
PENNSYLVANIA HOUSING  
FINANCE AGENCY, Plaintiff  
vs. SHAWN M. COCHRAN,  
Defendants

Real Estate: 1216 WEST 29TH  
STREET, ERIE, PA

Municipality: City of Erie  
Erie County, Pennsylvania

Dimensions: 30 x 135

See Deed Book 1065, Page 1525

Tax I.D. (19) 6220-115

Assessment: \$13,500. (Land)

\$46,750. (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

Aug. 27 and Sept. 3, 10

**SALE NO. 30**

**Ex. #12731 of 2009**

**MIDFIRST BANK, Plaintiff**

**v.**

**JONATHAN D. RATCLIFF and  
ERNESTINE RATCLIFF  
F/K/A ERNESTINE WELLS,  
Defendants**

**SHERIFF'S SALE**

By virtue of a Writ of Execution  
No. 12731-09 MIDFIRST BANK,  
Plaintiff vs. JONATHAN D.  
RATCLIFF and ERNESTINE  
RATCLIFF F/K/A ERNESTINE  
WELLS, Defendants

Real Estate: 1157 WEST 11TH  
STREET, ERIE, PA

Municipality: City of Erie  
Erie County, Pennsylvania

Dimensions: 75 x 30

See Deed Book 727, Page 2095

Tax I.D. (16) 3056-123

Assessment: \$ 5,800. (Land)

\$36,210. (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

Aug. 27 and Sept. 3, 10

**SALE NO. 31**

**Ex. #11851 of 2010**

**The Bank of New York Mellon,  
successor in interest to JPMorgan  
Chase Bank, National Association  
Trustee for the registered holders  
of NovaStar Mortgage Funding  
Trust, Series 2004-4 NovaStar  
Home Equity Loan Asset-Backed  
Certificates, Series 2004-4,  
Plaintiff**

**v.**

**Susan A. Clawson, Defendant(s)**

**LEGAL DESCRIPTION**

ALL that certain piece or parcel  
of land, situate in the Township  
of North East, County of Erie and  
Commonwealth of Pennsylvania,  
bounded and described as follows,  
to wit:

BEGINNING at a point on the  
southerly bound or line of the  
highway known as the Lake  
Road and on the west line of land  
formerly owned by Fred Archer,  
now or formerly Lee Stetson;

THENCE Southerly along said  
Stetson's west line, ten (10) rods to  
a stake and corner;

THENCE Westerly and parallel  
with the line of said road, four (4)  
rods to a stake and corner;

THENCE Northerly and parallel  
with said Stetson's line, ten (10)  
rods to the southerly bounds of said  
Lake Road;

THENCE Easterly along the  
southerly bounds of said Lake  
Road, four (4) rods to the place of  
beginning, containing one-fourth of  
an acre of land, be the same more or  
less, having erected thereon a one-  
story frame dwelling.

ALSO, all that certain tract or parcel  
of land, situate in the Township of  
North East, County of Erie and  
State of Pennsylvania, beginning at  
a point in the boundary line between

lands now or formerly of Bertha  
Smith and Lee Stetson and at the  
southeast corner of lands formerly  
deeded to Almira Osborne;

THENCE South along the aforesaid  
boundary line, thirteen hundred feet  
(1300) to a stake;

THENCE Westerly, four (4) rods to  
a stake;

THENCE Northerly and parallel to  
the first line, thirteen hundred feet  
(1300) to lands mentioned above as  
deeded to Almira Osborne;

THENCE Easterly, four (4) rods  
along that lands and to the place  
of beginning, containing all within  
said bounds, more or less.

BEING KNOWN AS: 12451 East  
Lake Road, North East, PA 16428  
PROPERTY ID NO.:

370150270004000

TITLE TO LAND PREMISES IS  
VESTED IN Susan A. Clawson  
by Deed from Ricky A. Ayers and  
Jolene M. Ayers, husband and  
wife dated 08/14/2003 recorded  
08/14/2003 in Deed Book 1050  
Page 2034.

Udren Law Offices, P.C.

Attorneys for Plaintiff

Woodcrest Corporate Center  
111 Woodcrest Road, Suite 200  
Cherry Hill, NJ 08003-3620  
856-669-5400

Aug. 27 and Sept. 3, 10

**SALE NO. 32**

**Ex. #11997 of 2010**

**PNC Mortgage, a division of  
PNC Bank NA, Plaintiff**

**v.**

**Joseph B. Jaros  
Kristy L. Jaros, Defendant(s)**

**LEGAL DESCRIPTION**

ALL that certain piece or parcel  
of land situate in the Township of  
Summit, County of Erie and State  
of Pennsylvania, being part of Tract  
No. 259 in said Township and more  
particularly bounded and described  
as based upon a survey made by  
R.M. Fry, Registered Engineer  
No. 2418, on October 19, 1966, as  
follows, to wit;

BEGINNING at a point in the  
center line of the Oliver Road,  
at the southwest corner of lands  
of Arthur Haibuch, as described  
in Deed Book 377 at Page 522,



said beginning point also being the northwest corner of lands of William Gribbon; THENCE North thirteen degrees East (N 13° E) (designated in error as "N13°W in Deed Book 742, Page 228) along the center line of Oliver Road, one hundred fifty-three and ninety-five hundredths (153.95) feet to a point; THENCE East, passing over an iron pin in the East side of the road, five hundred (500) feet to an iron pin; THENCE, South one hundred fifty (150) feet to an iron pin in the North line of lands of William Gribbon; THENCE, West along the North line of lands of William Gribbon, five hundred thirty-four and sixty-three hundredths (543.63) feet to the place of beginning. Containing 1.78 acres of land more or less.

AND ALSO

ALL that certain piece or parcel of land situate in the Township of Summit, County of Erie and State of Pennsylvania, and being more particularly bounded and described as follows, to wit;

BEGINNING at a point in the center line of the Oliver Road at the southwest corner of lands of Verna J. Haibach, in Deed Book 1063, Page 623; THENCE, Eastwardly along lands of Verna J. Haibach as aforesaid, three hundred (300) feet to a point; THENCE Southwardly, parallel with the Oliver Road, fifty (50) feet to a point; THENCE Westwardly, parallel with the South line of lands of Verna J. Haibach aforesaid, three hundred (300) feet to a point in the center line of Oliver Road; THENCE, Northwardly, along the center line of Oliver Road, fifty (50) feet to the place of beginning. BEING KNOWN AS: 8681 Oliver Road, Erie, PA 16509

PROPERTY ID NO.: 40-19-82-11  
TITLE TO SAID PREMISES IS VESTED IN Joseph B. Jaros and Kristy L. Jaros, his wife, as tenants by the entireties with the right of survivorship in the survivor of them by Deed from George J. Borsuk and Denise M. Borsuk, his wife, by George Borsuk, attorney in fact for Denise M. Borsuk, also known as Denise Borsuk dated 12/06/1999

recorded 12/09/1999 in Deed Book 677 Page 2177.  
Udren Law Offices, P.C.  
Attorneys for Plaintiff  
Woodcrest Corporate Center  
111 Woodcrest Road, Suite 200  
Cherry Hill, NJ 08003-3620  
856-669-5400

Aug. 27 and Sept. 3, 10

**SALE NO. 33**

**Ex. #11929 of 2010**

**The Bank of New York Mellon  
f/k/a the Bank of New York as  
successor to JPMorgan Chase  
Bank, National Association,  
f/k/a JPMorgan Chase Bank, as  
Trustee Under the Pooling and  
Servicing Agreement, Dated as  
of May 1, 2004, Among Credit-  
Backed Asset Servicing and  
Securitization LLC, C-Bass ABS,  
LLC Litton Loan Servicing LP  
and JPMorgan Chase Bank,  
C-Bass Mortgage Loan Asset  
Backed Certificates, Series 2004-  
RP1, Plaintiff**

v.

**Vincent L. Leone  
Antonette M. Leone,  
Defendant(s)**

**LEGAL DESCRIPTION**

ALL that certain piece or parcel of land situate in the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows: BEING Lot No. 88 of the Shady Knoll Subdivision No. 5, per plot of said subdivision as recorded November 13, 1996, in Erie County, Pennsylvania, as Map Number 1996-329, said lot bearing Erie County Index Number (33) 91-376-103.

BEING part of the same premises conveyed unto grantor herein by Deed recorded April 15, 1994, in Erie County Record Book 329 at Page 946.

SUBJECT to restrictions of Shady Knoll Subdivision No. 5 as recorded on November 14, 1996, in Erie County Record Book 471 at Page 316, as well as all easements, rights-of-way, building lines of record or visible and discoverable upon an inspection of the premises.

TOGETHER with all and singular the improvements, ways,

streets, alleys, passages, waters, watercourses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever thereunto belonging, or in any wise appertaining, and the reversions and remainders, rents, issues and profits thereof; and also, all estate, right, title, interest, property, claim and demand whatsoever of the said party of the first part, in law, equity, or otherwise howsoever, of, in, and to the same and every part thereof. BEING KNOWN AS: 4308 Alison Avenue, Erie, PA 16506  
PROPERTY ID NO.: 33-91-376-103  
TITLE TO SAID PREMISES IS VESTED IN Vincent L. Leone and Antonette M. Leone, his wife by Deed from Woodberry Development, Inc. dated 08/21/1998 recorded 08/25/1998 in Deed Book 582 Page 2204.  
Udren Law Offices, P.C.  
Attorneys for Plaintiff  
Woodcrest Corporate Center  
111 Woodcrest Road, Suite 200  
Cherry Hill, NJ 08003-3620  
856-669-5400

Aug. 27 and Sept. 3, 10

**SALE NO. 34**

**Ex. #11418 of 2010**

**The Bank of New York Mellon  
f/k/a The Bank of New York as  
successor to JPMorgan Chase  
Bank, National Association f/k/a  
The Chase Manhattan Bank,  
as trustee for the benefit of the  
Certificateholders of Equity  
One ABS, Inc. Mortgage Pass-  
Through Certificates, Plaintiff**

v.

**Jerome Odom  
Barbara J. Odom, Defendant(s)**

**LEGAL DESCRIPTION**

ALL that certain piece or parcel of land situate in the City of Erie, County of Erie and State of Pennsylvania and being Lots 8 and 9 in Block 9 of the Riblet Subdivision of Reserve Tract Number 53 as recorded in the Office of the Recorder of Deeds of Erie County, Pennsylvania in Map Book 1, Pages 96 and 97 and being part of the same premises conveyed to the grantors by Deed of Charles R. McNeill and wife dated April 12,

1943 and recorded April 26, 1943 in the Erie County Deed Book 436, Page 12.

The real estate conveyed herein is more commonly known as 2112 Pear Street, Erie, Pennsylvania.

BEING KNOWN AS: 2112 PEAR STREET, ERIE, PA 16510

PROPERTY ID NO.: 18-5113-101  
TITLE TO SAID PREMISES IS VESTED IN Jerome Odom and Barbara J. Odom, his wife, as tenants by the entireties with the right of survivorship by Deed from Robert Kandza, executor of the Estate of Stella K. Walczak, deceased dated 04/01/1988 recorded 04/04/1988 in Deed Book 45 Page 1918.

Udren Law Offices, P.C.

Attorneys for Plaintiff

Woodcrest Corporate Center

111 Woodcrest Road, Suite 200

Cherry Hill, NJ 08003-3620

856-669-5400

Aug. 27 and Sept. 3, 10

**SALE NO. 35**

**Ex. #12220 of 2010**

**Deutsche Bank National Trust Company, as Trustee for the Fremont Home Loan Trust 2004-2, Asset Backed Certificates, Series 2004-2, Plaintiff**

**v.**

**John J. Trohoske**

**Sarah C. Trohoske, Defendant(s)**

**LEGAL DESCRIPTION**

ALL that certain piece or parcel of land situate in the Sixth Ward of the City of Erie (Formerly Millcreek Township), County of Erie and Commonwealth of Pennsylvania, being Lot No. Sixty-six (66) in the plan of Lots of George A. Tupper, as recorded in the Recorders's Office of the said Erie County in Plan (Map) Book Volume 1, Page 337, Having a frontage of thirty-five (35) feet on the easterly side of Washington Avenue and extending back therefrom easterly of the same width on the northerly line one hundred one and four hundredths (101.04) feet, in the southerly line one hundred one and three hundredths (101.03) feet to an alley as shown on the above said plan.

BEING KNOWN AS: 3035 WASHINGTON AVENUE, ERIE,

PA 16508

PROPERTY ID NO.: (19) 6225-215  
TITLE TO SAID PREMISES IS VESTED IN John J. Trohoske and Sarah C. Trohoske, his wife by Deed from Paula S. Breter, single dated 05/03/2004 recorded 05/12/2004 in Deed Book 1134 Page 1009.

Udren Law Offices, P.C.

Attorneys for Plaintiff

Woodcrest Corporate Center

111 Woodcrest Road, Suite 200

Cherry Hill, NJ 08003-3620

856-669-5400

Aug. 27 and Sept. 3, 10

**SALE NO. 36**

**Ex. #11720 of 2010**

**JPMorgan Chase Bank, National Association, Plaintiff**

**v.**

**Robert J. Landis, Defendant**

**SHERIFF'S SALE**

All that certain piece or parcel of land situate in the Township of Waterford, County of Erie and State of Pennsylvania, bounded and described as follows, to-wit:

Being Lots Nos. 274, 275, 276, 291, 292, 293, 294, 295, 296 and 297 of LAKE LEBOEUF GARDENS according to a plot recorded in Erie County Map Book 2, Pages 491 and 492.

This property is known as 12902 Washington Circle, Waterford, Pennsylvania 16441. Erie County Tax Index No. (47) 26-79-13, 14, 15 and part of (47) 26-79-1.

BEING THE SAME PREMISES which Robert J. Landis, by Deed dated March 24, 2003 and recorded March 24, 2003, in the Office for the Recorder of Deeds in and for the County of Erie, in Deed Book 0989 Page 0834, granted and conveyed unto the Robert J. Landis, in fee.

AND ALSO, All that certain piece or parcel of land situate in the Township of Waterford, County of Erie and State of Pennsylvania, bounded and described as follows, to-wit: BEING Lots Nos. 277, 278 and 279 of LAKE LEBOEUF GARDENS, according to a plot recorded in Erie County Map Book 2, Pages 491 and 492.

Being more commonly known as 12918 Washington Circle,

Waterford, Pennsylvania 16441

Being Erie County Tax Index # (47) 26-79-1

BEING THE SAME PREMISES which Lenora K. Vogan, now known as Lenora K. Hamme, by Deed dated February 28, 2003 and recorded March 3, 2003, in the Office for the Recorder of Deeds in and for the County of Erie, in Deed Book 0981 Page 1509, granted and conveyed unto the Robert J. Landis, in fee.

Michael J. Clark, Esquire

Shapiro & DeNardo, LLC

3600 Horizon Drive, Suite 150

King of Prussia, PA 19406

Aug. 27 and Sept. 3, 10

**SALE NO. 38**

**Ex. #10363 of 2010**

**CITIMORTGAGE INC., Plaintiff**

**v.**

**ANTHONY R. COLLINS**

**MEREDITH YVETTE**

**COLLINS, Defendant(s)**

**DESCRIPTION**

All that certain piece or parcel of land situate in the City of Erie and County of Erie and State of Pennsylvania, bounded and described as follows:

Being the north forty-seven (47) feet to a Lot No. 46 and the south eleven (11) feet of Lot No. 45 of the Andrew Land Company Subdivision No. 17 as part of Reserve Tract No. 63, as per plot of said subdivision recorded in the Office of the Recorder of Deeds of Erie County, Pennsylvania, in Deed Book 227, at page 9 thereof said plot of ground being also particularly bounded and described as follows, to wit:

Beginning at a point in the west line of Wayne Street, 274 feet southwardly from the intersection of the east line of Wayne Street and the south line of 42nd Street, now by Ordinance No. 7557 of the City of Erie, changed to 40th Street, thence eastwardly parallel with 40th Street to a point; thence westwardly parallel with 40th Street, 125 feet to the east line of Wayne Street, thence northwardly along the east line of Wayne Street 50 feet to the place of

beginning.

Parcel# 18-5378-208

PROPERTY ADDRESS: 4029

Wayne Street, Erie, PA 16504

Michael T. McKeever, Esquire

Attorney for Plaintiff

Suite 5000 - Mellon Independence

Center, 701 Market Street

Philadelphia, PA 19106

(215) 627-1322

Aug. 27 and Sept. 3, 10

**SALE NO. 39**

Ex. #11930 of 2010

**DEUTSCHE BANK NATIONAL**

**TRUST COMPANY, AS**

**TRUSTEE FOR ARGENT**

**SECURITIES INC., ASSET-**

**BACKED PASS-THROUGH**

**CERTIFICATES, SERIES 2006-**

**W5, Plaintiff**

v.

**HELEN A. GOULDSMITH**

**KERRY L. GOULDSMITH,**

**Defendant(s)**

**DESCRIPTION**

ALL that certain piece or parcel of land situate in the Township of Millcreek, County of Erie and State of Pennsylvania, being Lot Number Thirty-six (36) of the Vinnie E. Butt Subdivision of part of Reserve Tracts Twenty-three (23) and Twenty four (24), according to a plat recorded in Erie County Map Book 3, at pages 359 and 360. Said premises being commonly known as 2702 Angle Street, Erie, Pennsylvania and further identified by Erie County Assessment Index No. (33) 70-286-3.

The grantors include in this deed and transfer to the grantees herein all right, title and interest in and to an easement set forth in a certain deed from Wiliam J. Goetz, et ux to Samuel Kahn and Ida Kohn, [sic] his wife, recorded in Erie County Deed Book 604, page 43, and which pertains to a right of way over and through the property described in Erie County Deed Book 604, page 43 with respect to water and gas furnished to the dwelling erected on Lot Thirty-six (36) herein described. This deed is taken under subject to all easements, restrictions and rights of way of record and/or those that are visible to a physical inspection.

Said premises being commonly known as 2702 Angle Street, Erie, Pennsylvania.

TAX PARCEL NO: (33) 70-286-3

PROPERTY ADDRESS: 2702

Angle Street, Erie, PA 16506

Michael T. McKeever, Esquire

Attorney for Plaintiff

Suite 5000 - Mellon Independence

Center, 701 Market Street

Philadelphia, PA 19106

(215) 627-1322

Aug. 27 and Sept. 3, 10

**SALE NO. 40**

Ex. #10102 of 2010

**CITIMORTGAGE, INC,**

**Plaintiff**

v.

**DANIEL J. HARRIS**

**MELISSA L. HARRIS a/k/a**

**MELISSA L. TRESSE,**

**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 more particularly bounded and described as follows, to-wit:

BEING Lot No. 35 of Calico Field Subdivision No. VI, a plot of which is recorded in the Office of the Recorder of Deeds of Erie County in Erie County Map Book Number 25 at Page 87;

HAVING erected thereon a dwelling being commonly known as 4065 Calico Drive, Erie, Pennsylvania 16506 and bearing Erie County Tax Index No.: (33) 82-414-3.19;

PROPERTY ADDRESS: 4065

Calico Drive, Erie, PA 16506

Michael T. McKeever, Esquire

Attorney for Plaintiff

Suite 5000 - Mellon Independence

Center, 701 Market Street

Philadelphia, PA 19106

(215) 627-1322

Aug. 27 and Sept. 3, 10

**SALE NO. 42**

Ex. #12119 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, Plaintiff**

v.

**RICHARD A. LASH**

**LINDA R. LASH, Defendant(s)**

**DESCRIPTION**

ALL that certain piece or parcel of land situate in the Township of Millcreek, County of Erie and State of Pennsylvania. Being known as Lot 73 of the Knobloch Place Subdivision, as more fully set forth in plat recorded in Erie County Map Book 3, Pages 144 and 145, and having erected thereon a one and one-half story aluminum-sided dwelling commonly known and referred to as 3413 Court Avenue, Erie, Pennsylvania, and bearing Erie County Tax Assessment Number (33) 74-311-2.

PROPERTY ADDRESS: 3413

Court Avenue, Erie, PA 16506

Michael T. McKeever, Esquire

Attorney for Plaintiff

Suite 5000 - Mellon Independence

Center, 701 Market Street

Philadelphia, PA 19106

(215) 627-1322

Aug. 27 and Sept. 3, 10

**SALE NO. 43**

Ex. #12887 of 2009

**JPMORGAN CHASE**

**BANK, N.A., AS ACQUIRER**

**OF CERTAIN ASSETS**

**AND LIABILITIES OF**

**WASHINGTON MUTUAL**

**BANK FROM THE FEDERAL**

**DEPOSIT INSURANCE**

**CORPORATION ACTING**

**AS RECEIVER F/K/A**

**WASHINGTON MUTUAL**

**BANK F.A., Plaintiff**

v.

**SHARYN A. MASI, Defendant(s)**

**DESCRIPTION**

All that certain piece or parcel of land situate in the City of Erie, County of Erie and State of Pennsylvania, bounded and described as follows, to-wit:

Being Lot No. in Block I of Kakhwa Park Subdivision of Tract No. 33 and the west one-half of Tract No. 32, recorded in Map Book 2, pages 146 and 147, in the Recorder's Office of Erie County,

Pennsylvania.

Said premises have erected thereon a two-story brick dwelling, together with a two-car concrete block garage, known as 515 Kakhwa Boulevard, Erie, PA, and are further identified by Erie County Index No. (17) 4119-211.

PROPERTY ADDRESS: 515 Kakhwa Boulevard, Erie, PA 16505  
Michael T. McKeever, Esquire  
Attorney for Plaintiff  
Suite 5000 - Mellon Independence Center, 701 Market Street  
Philadelphia, PA 19106  
(215) 627-1322

Aug. 27 and Sept. 3, 10

**SALE NO. 44**

**Ex. #10669 of 2010**

**WELLS FARGO BANK, N.A.  
AS TRUSTEE FOR OPTION  
ONE MORTGAGE LOAN  
TRUST 2005-1 ASSET-BACKED  
CERTIFICATES, SERIES  
2005-1, Plaintiff**

v.

**WILBUR RASTATTER,  
Defendant(s)  
DESCRIPTION**

All that certain piece or parcel of land situate in the Township of Greene, County of Erie and Commonwealth of Pennsylvania, and being part of Tract 227, bounded and described as follows, to-wit: BEGINNING in the south line of the Erie and Wattsburg Plank Road at the northwest corner of land now or formerly of L. Seus, and running south Thirty and one half (30 ½) perches to a post; thence West four and one-third (4 1/3) perches to a post; thence northerly, thirty and one half (30 ½) perches to a post in the south line of Plank Road; thence East Six and one third (6 1/3) perches to the place of beginning. Containing One (1) Acre of land, strict measure, and having erected thereon a one story frame dwelling house, small barn and a small frame building, being commonly known as 9396 Wattsburg Road, (formerly 7636 Wattsburg Road) Erie, Pennsylvania 16509.

Being further identified by Erie County Assessment Index No. (25) 16-42-4.

PROPERTY ADDRESS: 9396 Wattsburg Road, Erie, PA 16509  
Michael T. McKeever, Esquire  
Attorney for Plaintiff  
Suite 5000 - Mellon Independence Center, 701 Market Street  
Philadelphia, PA 19106  
(215) 627-1322

Aug. 27 and Sept. 3, 10

**SALE NO. 45**

**Ex. #11394 of 2010**

**PNC Bank, N.A., Plaintiff  
v.**

**Timothy S. Carter, Defendant  
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 11394-10 PNC Bank, N.A. vs. Timothy S. Carter, owner(s) of property situated in 3rd Ward - City of Corry, Erie County, Pennsylvania being 333 W. Washington Street, Corry, PA 16407  
72 ft 6 inches west, 50 ft north, 115-½ feet south & 15 feet east  
Assessment Map number: 7-26-73-13  
Assessed Value figure: \$67,500.00  
Improvement thereon: a dwelling  
Patrick Thomas Woodman, Esq.  
436 Seventh Ave., 1400 Koppers Bldg.  
Pittsburgh, PA 15219  
(412) 434-7955

Aug. 27 and Sept. 3, 10

**SALE NO. 46**

**Ex. #11984 of 2010**

**HSBC Bank USA, N.A., as  
Indenture Trustee for the  
registered Noteholders of  
Renaissance Home Equity Loan  
Trust 2005-3, Renaissance Home  
Equity Loan Asset-Backed Notes,  
Series 2005-3, by its attorney in  
fact, Ocwen Loan Servicing, LLC  
v.**

**Clarence C. Chase, Jr. and  
Valerie J. Chase  
LEGAL DESCRIPTION**

ALL THAT certain piece or parcel of land situate in the Township of Summit, County of Erie and Commonwealth of Pennsylvania. bounded and described as follows, to-wit: BEING Lot No. 5 of the Wurst-Beals Subdivision No. 2 as recorded in Erie County Map Book 31, at page 150. Bearing Erie County Index No. (40) 23-110-8.05.

Excepting and reserving therefrom the use of a strip of ground eighteen (18') feet in width running along the north boundary of Lot No. 5 of the Wurst-Beals Subdivision, to be used as an easement for ingress and egress in and to that certain parcel shown as the "Residue" in Erie County Map Book 31, page 150 as now or formerly owned by Jerome J. Wurst and Catherine Wurst, his wife, and R. David Beals and Lorna Kay Beals, his wife. This easement shall not be assignable and shall be a covenant running with the land only so long as the Wursts or Beals hold title to such "Residue" or any portion thereof.

BEING the same premises which Paul R. Mather, widowed and unmarried, by deed dated June 14, 2005, and recorded on June 16, 2005, in Book 1242 at Page 2239, of the Erie County, PA Records, granted and conveyed unto, Clarence C. Chase, Jr. and Valerie J. Chase, husband and wife.  
Property Address: 9611 Perry Highway, Waterford, PA 16441  
Attorney for Plaintiff:  
Kevin P. Diskin, Esquire  
Stern and Eisenberg, LLP  
The Pavilion  
261 Old York Road, Suite 410  
Jenkintown, PA 19046  
(215) 572-8111

Aug. 27 and Sept. 3, 10

**SALE NO. 47**

**Ex. #11257 of 2010**

**HSBC Mortgage Corporation  
USA**

v.

**Christian A. Mitchell,  
Administrator of the Estate of  
Richard L. Mitchell, deceased  
LEGAL DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situate in the City of Erie, County of Erie and State of Pennsylvania, being the southwest corner of Out Lot No. 108 and bounded and described as follows; Beginning at the point of intersection of the north line of Twenty-fourth Street with the east line of Chestnut Street; thence northwardly along the east line of Chestnut Street One hundred (100)

feet; thence eastwardly in a line parallel with twenty-fourth Street Fifty (50) feet; thence southwardly in a line parallel with Chestnut Street One hundred (100) feet to the north line of Twenty-fourth Street; thence westwardly along the north line of Twenty-fourth Street Fifty (50) feet to the east line of Chestnut Street, the place of beginning and having erected thereon a multi-family dwelling house and garages and being more commonly known and numbered as 362 West 24th Street, Erie, Pennsylvania, and being further identified by Erie County Tax Index No. (19) 6011-121.

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 an inspection of the premises.

No hazardous waste as described in the Solid Waste Management Act, No. 97 of 1980, is presently being disposed or has ever been disposed on the herein described property by the grantor or to the grantor's knowledge.

BEING the same premises which John W. Heitmann and Julie Boehm Heitmann, husband and wife, by Warranty Deed dated April 19, 1994 and recorded April 20, 1994 in the Office of the Recorder of Deeds in and for Erie County in Deed Book 330 Page 255, granted and conveyed unto Richard L. Mitchell, single, in fee.

And the said Richard L. Mitchell died September 2, 2009 intestate. And Letters of Administration were granted to Christian A. Mitchell by the Register of Wills of Erie County, Pennsylvania as Estate No. 166452. PROPERTY ADDRESS: 362 West 24th Street, Erie, PA 16508 PARCEL ID # 19-6011.0-121.00.

Attorney for Plaintiff:  
Steven K. Eisenberg, Esquire  
Stern and Eisenberg, LLP  
The Pavilion  
261 Old York Road, Suite 410  
Jenkintown, PA 19046  
(215) 572-8111

Aug. 27 and Sept. 3, 10

**SALE NO. 48**

**Ex. #11752 of 2010**

**Beneficial Consumer Discount Company, d/b/a Beneficial Mortgage Co. of Pennsylvania v.**

**Paul E. Morris, Jr. AND The United States of America**  
**LEGAL DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situate in Tract 194, in the Township of Harborcreek, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on the centerline of Depot Road (as a 50' right-of-way), said point being S. 49° 45' E., 458.25 feet from the intersection of said centerline with the centerline of Firman Road (as a 50' right-of-way); thence N. 40° 15' E., passing over an iron survey point at 24.76 feet, a total distance of 372.89 feet to an iron survey point; thence S. 88° 53' 10" E., 255.20 feet to a point thence S. 26° 44' 25" E., 30.87 feet to a point; thence S. 40° 15' W., passing over an iron survey point at 497.13 feet, a total distance of 521.89 feet to a point on the centerline of Depot Road; thence along the centerline of Depot Road N. 49° 15' W., 226.36 feet to the place of beginning. Being Lot # 1 on a plat recorded in the Office of the Recorder of Deeds numbered 1993-304. Said premises being more commonly known as 3675 Depot Road, Erie, Pennsylvania and bearing Erie County Tax Id No. (27) 63-210-1.07.

PARTY of the first part has no actual knowledge of any hazardous waste, as defined in Act No. 1980-97 of the Commonwealth of Pennsylvania, having been or presently being disposed on or about the herein described premises.

BEING the same premises which Bianchi Motors, Inc., a Pennsylvania corporation, by Corporate Deed dated July 8, 2002 and recorded July 15, 2002 in the Office of the Recorder of Deeds in and for Erie County in Deed Book 900 Page 288, as Instrument Number 2002-034426, granted and conveyed unto Paul E. Morris, Jr.,

in fee.

PROPERTY ADDRESS: 3675 Depot Road, Erie, PA 16514.  
PARCEL ID # 27-063-210.0-001.07.  
Attorney for Plaintiff:  
Steven K. Eisenberg, Esquire  
Stern and Eisenberg, LLP  
The Pavilion  
261 Old York Road, Suite 410  
Jenkintown, PA 19046  
(215) 572-8111

Aug. 27 and Sept. 3, 10

**SALE NO. 49**

**Ex. #11510 of 2010**

**BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing LP v.**

**Evan J. Legenzoff and Sherrie A. Legenzoff**  
**SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 11510-10 BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing LP v. Evan J. Legenzoff and Sherrie A. Legenzoff, owners of property situated in the Township of Erie City, Erie County, Pennsylvania being 2403 East 44th Street, Erie, Pennsylvania 16510.

Tax I.D. No. 18052055010700

Assessment: \$101,741.95

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

Aug. 27 and Sept. 3, 10



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**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**

**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

**SECOND 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

**THIRD PUBLICATION**

**ARNOLD, HAROLD R., a/k/a  
HAROLD ARNOLD,  
deceased**

Late of the Township of Millcreek, County of Erie, State of Pennsylvania  
*Executrix:* Lina H. Arnold, 1314 Aris Drive, Erie, Pennsylvania 16505  
*Attorney:* James R. Steadman, Esq., 24 Main St. E., Girard, Pennsylvania 16417

**BONADIO, MARGARET L.,  
deceased**

Late of the City of Erie, Pennsylvania  
*Executrix:* Bonita Staszak, c/o Robert G. Dwyer, Esq., 120 West 10th Street, Erie, PA 16501  
*Attorney:* Robert G. Dwyer, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**BUSER, JOHN A.,  
deceased**

Late of Millcreek Township, Erie County, Pennsylvania  
*Administratrix:* Kathy B. Miller, c/o Robert J. Felton, Esquire, 314 South Franklin Street, Suite 201, Titusville, PA 16354  
*Attorney:* Robert J. Felton, Esquire, 314 South Franklin Street, Suite 201, Titusville, PA 16354

**DAVIS, LEO L., a/k/a  
LEO IGNATIUS DAVIS,  
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania  
*Executor:* Monsignor Richard J. Sullivan, c/o 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508  
*Attorney:* Darlene M. Vlahos, Esquire, 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508

**GARBER, B. IRENE WARD,  
deceased**

Late of the Township of Wayne, County of Erie, Commonwealth of Pennsylvania  
*Co-Executors:* Shirley Garber, Elton Garber, 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

**KOSTEK, FLORENCE A.,  
deceased**

Late of the City of Erie, County of Erie, Pennsylvania  
*Executor:* Gary R. Kostek, c/o 105 West Fifth St., Erie, PA 16507  
*Attorney:* Colleen C. McCarthy, Esq., McCarthy, Martone & Peasley, 150 West Fifth St., Erie, PA 16507

**MAHER, JOSEPH J.,  
deceased**

Late of the City of Erie, County of Erie  
*Administrator:* Patricia E. Johnson, 4703 Upland Drive, Erie, PA 16509  
*Attorney:* Donald J. Rogala, Esq., 246 West Tenth Street, Erie, PA 16501

**MAZAK, PETER W.,  
deceased**

Late of the City of Erie, County of Erie, State of Pennsylvania  
*Executrix:* Mary Timashenka, 5228 Rainbow Drive, Post Office Box 755, Edinboro, Pennsylvania 16412

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

**MERSKI, MILDRED, a/k/a  
MILDRED LOUISE MERSKI,  
a/k/a MILDRED L. MERSKI,  
deceased**

Late of Harborcreek, Erie County, Pennsylvania

*Executor:* Robert Merski, c/o Peter J. Sala, Esquire, 731 French Street, Erie, PA 16501

*Attorney:* Peter J. Sala, Esquire, 731 French Street, Erie, PA 16501

**PURVIS, MARIE H.,  
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Margaret Unks

*Attorney:* David J. Rhodes, Esquire, Elderkin, Martin, Kelly & Messina, 150 East 8th Street, Erie, PA 16501

**RADACK, STEPHEN T., JR.,  
deceased**

Late of the Township of Millcreek, Erie County, Pennsylvania

*Executor:* Stephen T. Radack, III, 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

**RAEKE, CHARLES H.,  
deceased**

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

*Executor:* Robert C. Raeke, 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

**STEPHENS, ARTHUR, a/k/a  
ARTHUR L. STEPHENS, JR.,  
deceased**

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

*Executrix:* Karen Ann Marks, c/o William J. Schaaf, 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

**TOBIN, ROBERT, a/k/a  
ROBERT J. TOBIN,  
deceased**

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

*Executor:* David M. Tobin, 613 E. 31st Street, Erie, PA 16504

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

**URBAN, RICHARD J.,  
deceased**

Late of Millcreek Township, Erie County, Erie, Pennsylvania

*Executor:* John R. Urban, c/o Robert J. Jeffery, Esq., 33 East Main Street, North East, Pennsylvania 16428

*Attorney:* Robert J. Jeffery, Esq., Orton & Jeffery, P.C., 33 East Main Street, North East, Pennsylvania 16428

**WEISLOGEL, CHARLOTTE M.,  
deceased**

Late of the Township of Fairview, Erie County, Pennsylvania

*Executor:* Ronald Weislogel, 7655 Welcana Drive, Fairview, PA 16415

*Attorney:* Christine Hall McClure, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

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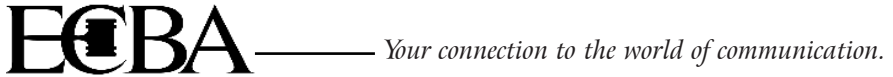
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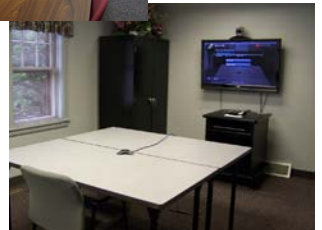
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Erie, PA 16507 ----- *jfm@miznerfirm.com*

**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

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