

# Erie County Legal Journal

January 21, 2011

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

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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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# Erie County Bar Association

## Calendar of Events and Seminars

### **TUESDAY, JANUARY 25, 2011**

*Best of Oil and Gas Law Colloquium*

PBI Groupcast Seminar

Erie County Bar Association

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

\$244 (member) \$224 (admitted after 1/1/07)

\$264 (nonmember)

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

\$219 (member) \$199 (admitted after 1/1/06) \$239 (nonmember)

4 hours substantive

### **WEDNESDAY, JANUARY 26, 2011**

*2011 Mock Trial Competition*

Erie County Court House

1:00 p.m. / 3:00 p.m. / 5:00 p.m.

Free to attend and participate as a jury member

1 hour substantive

### **THURSDAY, JANUARY 27, 2011**

*2011 Mock Trial Competition*

Erie County Court House

1:00 p.m. / 3:00 p.m.

Free to attend and participate as a jury member

1 hour substantive

### **THURSDAY, FEBRUARY 3, 2011**

*Preventing Nightmares: Presenting Issues and*

*Avoiding Waiver at Trial, on Appeal*

PBI Video Seminar

Erie County Bar Association

9:00 a.m. – 2:30 p.m. (8:30 a.m. reg.)

\$149 (member) \$129 (admitted after 1/1/07)

\$169 (nonmember)

4 hours substantive / 1 hour of ethics

### **WEDNESDAY, FEBRUARY 9, 2011**

*The Revised Model Stock Purchase Agreement:*

*New Business Trends, Provisions & Lessons from the Drafters*

PBI Groupcast Seminar

Erie County Bar Association

9:00 a.m. - 12:30 p.m. (8:30 a.m. reg.)

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3 hours substantive

### **THURSDAY, FEBRUARY 10, 2011**

*Who Pays: Workers' Comp Issues Impacting*

*Your Auto Accident Case*

PBI Groupcast Seminar

Erie County Bar Association

9:00 a.m. - 12:15 p.m. (8:30 a.m. reg.)

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### **FRIDAY, FEBRUARY 11, 2011**

*Independent Contractor v. Employee:*

*Repercussions of Misclassifications*

PBI Groupcast Seminar

Erie County Bar Association

12:00 p.m. - 3:15 p.m. (11:30 a.m. reg.)

*Lunch is Included*

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The ECBA's Law Day Committee and Board of Directors will review the nominations and evaluate each nominee's contributions with respect to ethical practice, attitude toward the courts and fellow attorneys and participation in civic affairs/community life.

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Jan. 14, 21

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**IN RE: JAMES GREGORY MOORE, a/k/a J. GREGORY MOORE, a/k/a  
MOORE LAW FIRM, Debtor**

**PENNSYLVANIA LAWYERS FUND FOR CLIENT SECURITY, Plaintiff**

**v.**

**JAMES GREGORY MOORE, Defendant**

IN THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT  
OF PENNSYLVANIA Case No. 09-11408-TPA Chapter 7

Adversary No. 10-1121-TPA Related to Document No. 12

Hearing: February 8, 2011 at 10:00 A.M.

**MEMORANDUM ORDER**

Presently before the Court is a *Motion to Quash Order and Dismiss Complaints* [sic] *to Determine Dischargeability of Debt* (“Motion to Quash”), Document No. 12, filed by the Debtor, who is the Defendant in this adversary proceeding. A Response to the *Motion to Quash* was filed by the Plaintiff, the Pennsylvania Lawyers Fund for Client Security, at Document No. 16 (“PaLFCS”). The Parties have filed briefs and a hearing was held on December 16, 2010. For the reasons that follow, the Court will grant the *Motion to Quash*, in part, and give the Debtor the opportunity to show that the time allowed for filing this adversary proceeding should not have been extended. Before turning to a discussion as to how the Court arrived at its decision on the *Motion to Quash*, a recitation of the pertinent factual and procedural background will be helpful.<sup>1</sup>

**BACKGROUND**

The Debtor is a formerly-licensed Pennsylvania attorney who filed a *pro se* bankruptcy petition on July 30, 2009.<sup>2</sup> On August 26, 2009, a notice of the Section 341 meeting of creditors was sent out, stating that the meeting would be held on October 13, 2009 and that the last day to oppose discharge was December 14, 2009. On December 4, 2009, PaLFCS filed a Motion to Extend Time to File Complaint to Determine Dischargeability of Debt Pursuant to F.R.B.P. 4007(c) (“Motion to Extend”) at Document No. 34 in the main bankruptcy case. PaLFCS did not formally serve the *Motion to Extend* on the Debtor by mail, opting instead for receipt of a hearing scheduling order from the Court before doing so. Rather than setting a hearing on the matter, the Court granted the extension.

At the time of argument on the *Motion to Quash*, Counsel for the Debtor claimed that prior to the Order allowing the extension, the Debtor had no notice of the *Motion to Extend*, Counsel apparently being unaware that, at the time of its filing, a copy was electronically sent to the Debtor by the Court’s CM/ECF system at two different e-mail addresses listed with the Court by the Debtor. Pursuant to this Court’s *Electronic Court Filing Procedure* #2, by registering as a “filing user” of its CM/ECF system, users – such as the Debtor here

<sup>1</sup> The Court’s jurisdiction under 28 U.S.C. §§157 and 1334 was not at issue. This is a core proceeding pursuant to 28 U.S.C. §§157(b)(2)(I) and (J).

<sup>2</sup> The documents of record indicate that Debtor was disbarred by consent on July 15, 2009. Even though the Debtor was disbarred at the time the *Motion to Extend* was filed, he remained a “user” for purposes of the CM/ECF system.

– waived the right to receive notice by mail and consented to electronic receipt of notice.<sup>3</sup>

In the *Motion to Extend*, PaLFCS represented that it is the body with responsibility for providing reimbursement to clients and others for losses caused by defalcations of Pennsylvania attorneys. It further alleged that PaLFCS had received, to date, seven (7) claims for reimbursement related to the Debtor and had actually approved one of these claims to “Cathleen A. Coleman,” in the amount of \$19,160.80.

The *Motion to Extend* also noted that, although the Debtor had identified PaLFCS as a creditor in his Schedules and testified at the meeting of creditors as to the Coleman matter, he had not identified any of the other six claimants. PaLFCS alleged in the *Motion to Extend* that the conduct described in the various client claims it had already received to date was such as would render the debt owed to them by the Debtor non-dischargeable under 11 U.S.C. §523. PaLFCS further alleged that it would take until October 2010 to complete the processing of the current claims and that in the meantime additional claims might be filed. PaLFCS therefore asserted that there was cause pursuant to *Fed.R.Bankr.P. 4007(c)* to extend the deadline for filing a complaint to determine dischargeability and requested that it be extended to October 31, 2010.

Given the seemingly clear grounds for cause alleged by PaLFCS, without scheduling a hearing and setting a response date, the Court issued an Order on December 8, 2009 (“Extension Order”), Document No. 37, granting the *Motion to Extend* and setting the new deadline for October 31, 2010. A copy of the *Extension Order* was served by regular mail on the Debtor at the address listed in his bankruptcy petition.<sup>4</sup> The Debtor did not file a motion for reconsideration, file a notice of appeal, or do anything else at that time to indicate he disagreed with the terms of the *Extension Order*.

Nothing further concerning this matter occurred until October 28, 2010, when PaLFCS initiated the present adversary proceeding by filing its complaint against the Debtor. Consistent with the allegations in the *Motion to Extend*, the complaint identifies a number of individuals to whom PaLFCS has made payments related to the Debtor’s misconduct as an attorney, totaling over \$230,000. Each of these claimants has signed a subrogation agreement in favor of PaLFCS, and in this capacity, PaLFCS is seeking to have the Debtor’s debt to them found nondischargeable under various provisions of 11 U.S.C §523(a).<sup>5</sup>

The Debtor was served with the summons and complaint on November 1, 2010. On December 1, 2010, an *Emergency Motion for Enlargement of Time to file Answer* was filed by attorney Gary Skiba on behalf of the Debtor which indicated that he had just been contacted by the Debtor to represent him in this matter. Counsel requested additional time

<sup>3</sup> *Electronic Court Filing Procedure #2* states:

Registration as a Filing User constitutes, in any case in which the Filing User has entered an appearance: (1) waiver of the right to receive notice by first class mail and consent to receive notice electronically; and (2) waiver of the right to service by personal service or first class mail and consent to electronic service, except with regard to service of a summons and complaint under Federal Rule of Bankruptcy Procedure 7004. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment under Fed.R.Bankr.P. 9022.

<sup>4</sup> As with the original *Motion to Extend*, the *Extension Order* was also electronically served on the Debtor at his identified email addresses via his still-active, CM/ECF system mail account service.

<sup>5</sup> With the exception of Cathleen Coleman, all of the claimants were paid by PaLFCS after the original deadline for objecting to discharge.

because the answer was due that very date. The Court granted that motion the same date, giving Debtor until December 13, 2010 to file a response to the complaint. On December 9th Debtor then filed the *Motion to Quash* which is presently before the Court. By separate *Order* dated December 21, 2010, the Court directed the Debtor to file a provisional Answer and otherwise stayed all further activity in the adversary proceeding pending resolution of the *Motion to Quash*.

### DISCUSSION

With the foregoing background in mind, the Court turns to a consideration of the *Motion to Quash*. It is not an easy document to decipher. The gist of the argument which Debtor appears to be raising is that the *Extension Order* should be “quashed” because it was entered without a hearing. Paragraph 11 of the *Motion to Quash* states:

Bankruptcy Rule 7012 and Rule 12(b)(4), F.R.Civ.P. Dismissal for Insufficient Process, provides the mechanism to motion the court to quash the defective order for insufficient process, which in the present case is lack of hearing on notice with the Motion to Extend.

The proposed order which Debtor has submitted along with the *Motion to Quash* would have the Court “quash” the *Extension Order* and dismiss the complaint as having been filed beyond the original December 14, 2009 deadline.

As an initial matter, it is abundantly clear that the *Motion to Quash* is fatally flawed by attempting to use *Fed.R.Civ.P. 12(b)(4)* as a “mechanism” for challenging the *Extension Order*. The “insufficient process” referred to in that Rule clearly only permits a defendant to challenge noncompliance with requirements for the contents of the summons not a prior motion seeking an extension of time to file a complaint. *See Wright & Miller, Federal Practice and Procedure* (2010) §1353, text at n.4. Debtor has made no contention whatsoever that the summons in this case was defective in any manner.<sup>6</sup>

The Court agrees with the PaLFCS that the proper means for Debtor to challenge the now-final *Extension Order* is under *Fed.R.Bankr.P. 9024*, incorporating *Fed.R.Civ.P. 60*. Although the Debtor did not request such an approach at argument and it would be well within the Court’s discretion to simply dismiss the *Motion to Quash* as being filed under the wrong Rule, thereby requiring the Debtor to refile under the proper Rule, the Court will instead treat it as having been filed pursuant to *Rule 60*. *See Fed.R.Bankr.P. 1001* (Rules to be construed to secure the just, speedy, and inexpensive determination of every case).

That, however, is not the end of the discussion because *Rule 60(b)*, which identifies the grounds that may be asserted for relief from a final order, includes multiple sub-parts.<sup>7</sup> The

<sup>6</sup> *Fed.R.Civ.P. 12(b)(5)* is something of a “companion” to *12(b)(4)* and allows a defense of insufficient service of process, which relates to a departures from the proper procedure for serving the summons and complaint. Debtor has made no allegations that could fall under this provision either.

<sup>7</sup> *Rule 60(b)* provides:

(b) **Grounds for Relief from a Final Judgment, Order, or Proceeding.** On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to

(continued)



Court must therefore determine which, if any, of these apply to the challenge being raised by the Debtor.

The grounds set forth in *Rule 60(b)(1), (2) or (3)* do not apply here. Not only do these sections fail to describe the argument being made by the Debtor, the Rule provides that motions brought under those sections must be brought within one year of the order in question. See *Rule 60(c)(1)*. In this case, the *Motion to Quash* was filed beyond the allowable one-year window (albeit only by one day). That leaves *Rule 60(b)(4), (5) or (6)* as the only other possible grounds for the *Motion to Quash*. Of these, the one which appears to best fit the Debtor's argument is *60(b)(4)*, i.e., the Debtor's position is premised on a contention that the *Extension Order* is "void."

*Rule 60(b)(4)* can be used to attack a judgment or order that is void either based on lack of subject matter jurisdiction, or because it was entered without the required due process. See *Union Switch & Signal Div. Am. Std. Inc. v. United Electrical, Radio and Machine Workers of America, Local 610*, 900 F.2d 608, 612 n. 1 (3d cir. 1990). Since the Debtor contends the *Extension Order* should be quashed because it was entered without notice and hearing, the Court will therefore treat the *Motion to Quash* as a motion brought pursuant to *Rule 60(b)(4)*.

Anticipating such a result, PaLFCS asserts that the *Motion to Quash* is defective under *Rule 60* as well because the Debtor has not averred any facts to show that he has a "meritorious defense" to the *Motion to Extend*. In other words, the Debtor has not alleged anything factually to show that the deadline should not have been extended as PaLFCS requested.

It does trouble the Court that the *Motion to Quash* is silent in this regard and that Debtor's counsel was unable to articulate *any* reason why the *Motion to Extend* should not have been granted when the Court directly inquired of him at the recent hearing. In the absence of at least a plausible reason to that effect, Debtor's effort to quash the *Extension Order* certainly gives the appearance of nothing but a "gaming of the system" or delay tactic. Nevertheless, unlike motions brought under the other provisions of *Rule 60(b)*, a motion under *Rule 60(b)(4)* is not required to state a meritorious defense. See *Mortgage Elec. Registration Sys., Inc. v. Patock*, 2009 WL 1421295 \*2 (D. V.I. 2009); *In re Antell*, 155 B.R. 921, 927 (Bankr. E.D. Pa. 1992). The *Motion to Quash* cannot therefore be denied on that basis alone.<sup>8</sup>

Turning then to the question of whether the *Extension Order* should be considered "void" on due process grounds under *Rule 60(b)(4)*, the Court finds arguments going both ways.

<sup>7</sup> (continued)

move for a new trial under *Rule 59(b)*;

(3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;

(4) the judgment is void;

(5) the judgment has been satisfied, released or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or

(6) any other reason that justifies relief.

<sup>8</sup> There is another potential reason for finding that the *Motion to Quash* is defective. As previously indicated, the Debtor was promptly given electronic notice of the filing of the *Motion to Extend* and electronic and mail notice of the *Extension Order*, yet he failed to do anything in response to the *Extension Order* for more than a year later. Even though the strict one-year time limit is only applicable to motions under *Rule 60(b)(1)-(3)*, *Rule 60(c)(1)* includes a general requirement that every motion under *Rule 60(b)* must be brought within a "reasonable time" after the entry of the order being challenged. Some courts have dismissed motions under *Rule 60(b)(4)* on grounds that they were not filed within a reasonable time. See, e.g., *Days Inn Worldwide, Inc. v. Patel*, 445 F.3d 899, 906 (6th Cir. 2006) (motion filed 11 months after order was entered dismissed as untimely). The Third Circuit, however, appears to have limited the dismissal of a *Rule 60(b)(4)* motion on timeliness grounds – at least where the order in question is void as opposed to voidable. See *U.S. v. One Toshiba Color Television*, 213 F.3d 147 (3d Cir. 2000).

On the one hand, *Fed.R.Bankr.P. 4007(c)* does speak of a “hearing on notice” and there was no formal hearing held in this case before the *Extension Order* was entered. On the other hand, the term “after notice and hearing,” and similar phrases as used in the *Bankruptcy Code* and Rules, is a “term of art” that provides for flexibility and generally means such notice and hearing as are appropriate under the circumstances. *See 11 U.S.C. §102(1).*<sup>9</sup>

Given the competing arguments as to the merits of the central premise of the *Motion to Quash*, the Court will overlook any timeliness issue and give the Debtor the benefit of the doubt. The Court thus finds that the *Extension Order* is “void” for purposes of *Rule 60(b)(4)* and will vacate it to allow the Debtor an opportunity to respond, first, and possibly to have a hearing as well, assuming he does respond.

The Court reaches this conclusion in full cognizance of the recent decision of *United Student Aid Funds, Inc. v. Espinosa*, 130 S. Ct. 1367 (March 23, 2010). That case involved a due process challenge to a confirmed chapter 13 plan that called for the discharge of the debtor’s student loan interest obligation when no adversary proceeding to establish undue hardship had ever been filed as required by *Fed.R.Bankr.P. 7001(6)*. The creditor argued that the confirmation order was therefore void under *Rule 60(b)(4)* because it did not receive adequate notice of the proposed discharge of the student loan interest obligation. The Supreme Court held that, although it had been error for the bankruptcy court to approve the plan with this provision, *Rule 60(b)(4)* did not give parties a “license for litigants to sleep on their rights.” Since the creditor had been given notice of the proposed plan and an opportunity to object, the Supreme Court found that the creditor had forfeited its argument regarding the adequacy of the bankruptcy court’s procedure by “failing to raise a timely objection in that court.” *Id.* at 1380. The Supreme Court also noted that where a party has failed to “object to confirmation of the plan before the time for appeal expires,” the party has been given a full and fair opportunity to litigate and cannot obtain *Rule 60(b)(4)* relief. *Id.*

Although it is an extremely close call, once again erring in favor of the Debtor’s position, the Court can subtly distinguish *Espinosa* from the present case. In *Espinosa* the creditor had an opportunity to file an objection to the plan *before* it was confirmed, whereas in the present case the Court’s quick entry of the *Extension Order* did not give the Debtor time to file a response to the *Motion to Extend*. Of course, the Debtor in the present case, just like the creditor in *Espinosa*, then proceeded to simply “sit on his rights” once the order had been entered and did nothing while the appeal period ran. It may well be that in *Espinosa*, the Supreme Court intended that such “postorder” inaction would be sufficient in and of itself to justify denial of relief under *Rule 60(b)(4)*. However, again giving the Debtor every benefit of the doubt, the Court will find that the present case is distinguishable from *Espinosa* because the Debtor did not have a meaningful opportunity to respond to the *Motion to Extend* prior to the entry of the *Extension Order*.

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<sup>9</sup> Under these circumstances, this Court routinely grants non-controversial continuances and extensions of time to act in various situations without setting a date for responses and a hearing. In many cases as well, the Court initially sets a response and hearing date and if no response is filed by the deadline an order granting relief is entered without the hearing being held. If the Court were required to inflexibly follow a strict response/hearing procedure in every instance where a request for additional time is sought, the increased burden would be substantial if not over-whelming, not to the point of interfering with the Court’s ability to properly function but nevertheless impacting its function significantly. Coincidentally, the Debtor’s motion to extend the deadline for responding to PaLFCS’ Complaint was similarly extended, without first allowing a response or hearing from PaLFCS.

Finding the *Extension Order* to be void does not, however, end the matter. The Debtor argues that if the *Extension Order* is quashed that means the original deadline is reinstated and that this adversary proceeding must therefore be dismissed as untimely filed. The Debtor is plainly wrong in this regard.

The deadline for purposes of filing *Rule 4007* objections to discharge is not jurisdictional in nature and its enforcement is subject to equitable considerations. *See In re Calinou*, 431 B.R. 121, 123 (Bankr. W.D.Pa. 2010) (citing *Kontrick v. Ryan*, 540 U.S. 443 (2004)). it would be fundamentally unfair and prejudicial to the PaLFCS if the adversary proceeding were to be dismissed under the facts presented.

In order to obtain extra time to file a complaint objecting to discharge the PaLFCS was required to file a motion to that effect, setting forth adequate cause, prior to the expiration of the original deadline. That is exactly what the PaLFCS did and therefore it cannot be prejudiced by any alleged “error” by the Court in unilaterally granting the *Motion to Extend* in a manner that may subsequently be considered improper. *See, e.g., In re Kennerly*, 995 F.2d 145, 147-48 (9th Cir. 1993) (equitably extending deadline is proper where court misleads party as to deadline to object to discharge). *See also, In re J. & L. Structural*, 313 B.R. 382, 386 (W.D. Pa. 2004) (bankruptcy court did not abuse its discretion in denying motions to dismiss adversary proceedings on timeliness grounds after vacating previous order closing the bankruptcy case when the adversary proceedings had been timely filed before case was closed).

The effect of vacating the *Extension Order* is to return matters to the status quo at the time it was originally entered. Therefore, the timely filed *Motion to Extend* remains pending and open for decision by the Court. The Debtor will be given an opportunity to file a Response.<sup>10</sup> If relief is granted thereon, it will be done on a *nunc pro tunc* basis, allowing the adversary proceeding to continue.

**AND NOW**, this 7th day of **January, 2011**, for the reasons stated above, it is hereby **ORDERED, ADJUDGED and DECREED** that:

(1) The *Motion to Quash Order and Dismiss Complaints* [sic] to *Determine Dischargeability of Debt* filed at Document No. 12, construed as a motion pursuant to *Fed.R.Bankr.P. 9024* and *Fed.R.Civ.P. 60(b)(4)*, is **GRANTED in part** and the *Extension Order* is **VACATED**.

(2) **On or before January 21, 2011**, the Debtor shall file a **Response** to the *Motion to Extend*.

(3) **On or before January 31, 2011**, PaLFCS shall file any **Reply** to the *Response*.

(4) A hearing on the *Motion to Extend* is scheduled for **February 8, 2011 at 10:00 A.M.** in the Erie Bankruptcy Courtroom, U.S. Courthouse, 17 South Park Row, Erie, Pa. 16501.

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

<sup>10</sup> As noted above, the Debtor was not required to set forth a “meritorious defense” to the *Motion to Extend* as part of his *Rule 60(b)(4)* challenge to the *Extension Order*. The Debtor will, however, be expected to provide some legitimate reason in his anticipated *Response* as to why the Court should deny the *Motion to Extend*. Given the complete inability of Debtor’s Counsel to provide any such plausible reason at the recent hearing, and given the dictates of *Fed.R.Bankr.P. 9011(b)*, the Court awaits the Debtor’s *Response* with interest.

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**BANKRUPTCY NOTICE**

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

IN RE: LOVELL PLACE LIMITED  
PARTNERSHIP, an Ohio Limited  
Partnership, Reorganized Debtor

LOVELL PLACE LIMITED  
PARTNERSHIP, an Ohio Limited  
Partnership, Movant  
vs.

PNC BANK, N.A., SUCCESSOR  
BY MERGER WITH NATIONAL  
CITY BANK, SUCCESSOR  
BY MERGER WITH  
NATIONAL CITY BANK OF  
PENNSYLVANIA, et al.,

Respondents

Case No. 05-15114-TPA

Chapter 11

Date and Time of Hearing:

February 8, 2011 at 10:00 a.m.

Response Date: February 1, 2011

**NOTICE OF SALE AND SALE  
HEARING**

To the Creditors and Parties in  
Interest of the above-named  
Reorganized Debtor:

Notice is hereby given that Lovell Place Limited Partnership, an Ohio Limited Partnership, Movant, Reorganized Debtor (hereinafter referred to as the "Debtor") has filed a Motion for Private Sale of Real and Personal Property Free, Clear and Divested of Liens, Claims and Encumbrances (hereinafter referred to as the "Sale Motion") to sell substantially all of the Debtor's assets and business as a going-concern, including twenty-six (26) parcels of real estate with improvements, ten (10) interconnected buildings, the real estate leases and personal property, all located in Erie, Pennsylvania and more fully described in the Asset Purchase Agreement attached to the Sale Motion as Exhibit A, to PNC Bank, N.A., or its designee, for \$5,000,000, subject to higher offers at the sale confirmation hearing to be held on February 8, 2011 (hereinafter referred to as the "Sale Hearing"), but only in accordance with the court-approved bidding procedures.

Twenty-five of the parcels for sale

were conveyed to the Debtor by Sheriff's Deed dated May 28, 2009 and recorded in the Erie County Recorder's Office on May 28, 2009 at Record Book 1564, page 1531. The twenty-sixth parcel for sale (Erie County Index No. (15)2013-301) was conveyed to the Debtor by Quit Claim Deed dated April 22, 2010 and recorded in the Erie County Recorder's Office on June 3, 2010 as Instrument No. 2010-02786.

The Erie County Index Numbers for the involved twenty-six parcels of real estate are:

(15)2013-114	(15)2013-115
(15)2013-300	(15)2013-301
(15)2013-302	(15)2013-305
(15)2013-311	(15)2013-312
(15)2013-314	(15)2008-200
(15)2004-201	(15)2004-202
(15)2008-226	(15)2008-227
(15)2008-228	(15)2008-211
(15)2008-212	(15)2008-100
(15)2008-101	(15)2008-102
(15)2008-203	(15)2008-214
(15)2008-215	(15)2008-201
(15)2008-202	(15)2008-213

The Sale also includes business personal property. The personal property for sale includes, but is not limited to, the leasehold improvements; the underground geo-thermal heat exchange wells; the furniture owned by the Debtor which is located with certain tenants; the equipment owned by the Debtor which is located with certain tenants, including maintenance equipment, appliances and restaurant equipment; the Debtor's interest, if any, in the trade name "Lovell Place"; and the Debtor's construction inventory, all of which is more fully described in the Asset Purchase Agreement attached to the Sale Motion as Exhibit A.

The Sale also includes the following leases and contracts which, subject to Bankruptcy Court approval, will be assumed by the Debtor and assigned to the Purchaser in accordance with 11 U.S.C. §365, viz:

- (a) Lease with the Commonwealth of Pennsylvania, Department of Public Welfare;
- (b) Lease with Kathleen Cantrell

d/b/a The Erie Book Store;

- (c) Lease with the Perseus House Charter School of Excellence;
  - (d) Lease with the Commonwealth of Pennsylvania, Department of Labor and Industry, including the corresponding construction contract;
  - (e) Lease with Matthew's Trattoria, Inc.;
  - (f) Lease with St. Martin Center, Inc.;
  - (g) Leases (2) with Sanner Office Supply Co., Inc.;
  - (h) Approximately 100 residential leases, including the tenant security deposits;
  - (i) Contract with Benson's Outdoor Services, LLC;
  - (j) Contract with Michael S. Sullivan d/b/a Master Fire & Security Systems;
  - (k) Contract with Otis Elevator Company;
  - (l) Contract with Leafguard of Lake Erie, Inc. d/b/a Bauer Specialty;
  - (m) Contract with Chem-Aqua, Inc.; and,
  - (n) Contract with Waste Management of Pennsylvania, Inc.
- The Debtor's assets which are excluded from the Sale are cash and cash equivalents; the commercial lease between the Debtor as the landlord and Miller Brothers Garden Center, Inc. as the tenant; the Debtor's ownership interest in the parcels of real estate and improvements leased to Miller Brothers Garden Center, Inc. (Erie Court Index Numbers (15) 2009-201 and (15) 2014-301); and, the Debtor's interest in the related condemnation proceeding brought against those two parcels of real estate and improvements by the Erie Metropolitan Transit Authority.
- An Order has been issued setting the Sale Hearing for February 8, 2011 at 10:00 a.m. in the United States Bankruptcy Court, 5414 U.S. Steel Tower, 600 Grant Street, Pittsburgh, Pennsylvania 15219, at which time objections to the sale will be heard, higher offers may be received in accordance with the court-approved bidding procedures, and a sale confirmation hearing will be held. Arrangements for inspection of the

property prior to the Sale Hearing may be made with:  
Guy C. Fustine, Esquire  
Attorney for Reorganized Debtor  
Knox McLaughlin Gornall  
& Sennett, P.C.  
120 West 10th Street  
Erie, PA 16501  
814-459-2800  
gfustine@kmgslaw.com

Jan. 21

**BANKRUPTCY NOTICE**

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

IN RE: LINDA A. RENZI Debtor  
JOHN C. MELARAGNO,  
ESQUIRE Movant

vs.

LINDA A. RENZI, f/k/a  
LINDA A. LONG,  
MICHAEL J. RENZI,  
MERS,

DECISION ONE MORTGAGE  
CO, LLC, LASALLE BANK,  
N.A. AS TRUSTEE FOR  
RESIDENTIAL FUNDING  
COMPANY, LLC, AS ASSIGNEE  
FROM MERS, ERIE COUNTY  
TAX CLAIM BUREAU  
DEFENDANTS.

Bankruptcy Case No. 10-11390-TPA  
NOTICE OF SALE

Notice is hereby given that the  
Trustee in the above-captioned  
proceeding, John C. Melaragno,  
Esq., intends to sell the following  
property of the Debtor as set forth  
below:

PRICE: \$33,000.00

HEARING AND LOCATION:  
February 10, 2011 at 11:00 a.m.  
before Chief Judge Thomas  
P. Agresti, U.S. Courthouse,  
Bankruptcy Court, 17 South Park  
Row, Erie, PA 16501.

OBJECTION DEADLINE:  
January 24, 2011, or thereafter as  
the Court permits, with a copy to  
Trustee's undersigned counsel.

TERMS & CONDITIONS:

- (a) "as-is, where is and with all faults";
- (b) cash or certified check on date of closing
- (c) real estate to close within thirty (30) days of order approving sale.

(d) Additional bidders may appear at the sale hearing and bid substantially more than the terms set forth above, whereupon the Court may refuse this Motion for Sale and conduct a public auction at which the property will be sold to the highest bidder, free and divested of liens.

PROPERTY TO BE SOLD: The Real Property commonly known as 310 West 26th Street, Erie, PA.

FOR INFORMATION: Contact Trustee's undersigned counsel at (814)459-5557.

Melaragno & Placidi  
John C. Melaragno, Esq.  
P.A. I.D. No. 80207  
502 West Seventh Street  
Erie, PA 16502

Phone: (814) 459-5557

Attorney Pro Se for Trustee, John C. Melaragno, Esq.

Jan. 21

**ACTION TO QUIET TITLE  
NOTICE**

To: EARL W. WINKELMAN, his heirs, administrators and personal representatives and all persons claiming by, through, and under him; JAMES HARRISON WHITE, his heirs, administrators and personal representatives and all persons claiming by, through, and under him; GERTRUDE BEHAN, her heirs, administrators and personal representatives and all persons claiming by, through, and under her; JOHN F. BEHAN, his heirs, administrators and personal representatives and all persons claiming by, through, and under him; FRANCIS C. BEHAN, his heirs, administrators and personal representatives and all persons claiming by, through, and under him; MICHAEL LAYDEN, his heirs, administrators and personal representatives and all persons claiming by, through, and under him; and the heirs, administrators and personal representatives and all persons claiming by, through, and under MARY BEHAN

Please take notice that Joseph D. Krebs and Carra L. Krebs, plaintiffs, have filed a complaint to quiet title against the heirs, administrators and personal representatives and all persons claiming by, through, and under MARY BEHAN; EARL W. WINKELMAN, his heirs, executors, administrators and personal representatives and all persons claiming by, through, and under him; JAMES HARRISON WHITE, his heirs, executors, administrators and personal representatives and all persons claiming by, through, and under him; GERTRUDE BEHAN; the heirs, administrators and personal representatives and all persons claiming by, through, and under JOHN F. BEHAN; JOHN J. SITTERLE; MAURA McLAUGHLIN; FRANCIS C. BEHAN; JANE A. DeMARCO; MARY ANN GLANCE; CHRISTOPHER BOHRER; LISA KERR; MICHAEL

BOHRER; DANIEL MAJEWSKI; GREGORY MAJEWSKI; RICHARD MAJEWSKI; TERRY MAJEWSKI; DAVID MAJEWSKI; and MICHAEL LAYDEN, his heirs, executors, administrators and personal representatives and all persons claiming by, through, and under him, defendants, in the Court of Common Pleas of Erie County, Pennsylvania, Civil Division, No. 15035-2010. Plaintiffs are the owners of the described property situate in the Township of Union, County of Erie and Commonwealth of Pennsylvania, bearing Tax Index Number (41) 011-0380-01200, more commonly known as 40 Bridge Street, Union City, Pennsylvania 16438. The defendants may have some interest in the above described property. Plaintiffs have filed this action to quiet title to the property and seek to bar the defendants from ever asserting any right, title, interest, lien or claim against the property.

**NOTICE**

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiffs. You may lose money or property or other rights important to you. You should take this notice to a lawyer at once. If you do not have a lawyer, go to or telephone the office set forth below. This office can provide you with information about hiring a lawyer.

Lawyer Referral &  
Information Service  
P. O. Box 1792  
Erie, PA 16507  
Phone: (814) 459-4411

MON - FRI 8:30 a.m. to 3:00 p.m.  
If you cannot afford to hire a lawyer, this office may be able to provide you with information about agencies that may offer legal services to eligible persons at a reduced fee or no fee.  
Jenna Bickford, Esquire  
MacDonald, Illig, Jones  
& Britton LLP  
100 State Street, Suite 700  
Erie, PA 16507-1459  
(814) 870-7600  
Attorneys for Joseph D. Krebs  
and Carra L. Krebs

Jan. 21

**INCORPORATION NOTICE**

Emergency Traffic Systems, Inc. has been incorporated under the Business Corporation Law of 1988, as amended.

Richard E. Filippi, Esquire  
504 State Street, Suite 200  
Erie, PA 16501

Jan. 21

**INCORPORATION NOTICE**

Notice is hereby given that Guarino Enterprises, Inc., a statutory close corporation, has been incorporated under the provisions of the Business Corporation Law of 1988, as amended.

W. Richard Cowell, Esquire  
254 West Sixth Street  
Erie, Pennsylvania 16507  
(814) 453-5004

Jan. 21

**INCORPORATION NOTICE**

Notice is hereby given that Priority Electric, Inc. has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

Randy L. Shapira, Esquire  
Shapira, Hutzelman, Berlin, Ely,  
Smith & Walsh  
305 West Sixth Street  
Erie, PA 16507

Jan. 21

**LEGAL NOTICE**

ATTENTION: UNKNOWN  
BIOLOGICAL FATHER  
INVOLUNTARY TERMINATION  
OF PARENTAL RIGHTS  
IN THE MATTER OF THE

ADOPTION OF MINOR MALE  
AND FEMALE CHILDREN  
(S.M.H.) DOB: 03-22-01 AND  
(L.A.W.) DOB: 05-02-09

BORN TO: SHAURICE A.  
WILLIAMS  
#89B AND 89A IN ADOPTION  
2010

If you could be the parent of the above mentioned children, 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 March 22, 2011, at 9:30 a.m. and then and there show cause, if any you have, why your parental rights to the above children 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 children and your failure to appear may affect the Court's decision on whether to end your rights to your children. 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 children 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

Jan. 21

# LEGAL NOTICE

**MARSHAL'S SALE:** By virtue of a Writ of Execution issued out of the United States Court for the Western District of Pennsylvania and to me directed, I shall expose to public sale the property known as 8299 Wattsburg Road, Erie, PA 16509, being more fully described in Erie Deed Book Volume 1297 at Page 1482. **SAID SALE** to be held at the **ERIE COUNTY COURTHOUSE, ROOM 209, ERIE, PA at 9:00 a.m.** prevailing, standard time, on **JANUARY 31, 2011.**

All those certain tracts of land, together with the buildings, and improvements erected thereon described in Assessment Index No. (25) 2-6-32. Recorded in Erie County, Pennsylvania. Seized and taken in execution as the property of Rose E. Ferraro at the suit of the United States of America, acting through the Under Secretary of Rural Development, on behalf of Rural Housing Service, United States Department of Agriculture, to be sold on Writ of Execution as Civil Action Number 1:10-CV-00051. **TERMS OF SALE:** Successful bidder will pay ten percent (10%) by certified check or money order 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 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 me 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. Purchaser must furnish State Realty Transfer Tax Stamps, and stamps required by the local taxing authority. Marshal's costs, fees and commissions are to be borne by seller. Thomas M.

Fitzgerald, United States Marshal. For additional information, please contact Cathy Diederich at 314-457-5514.

Jan. 7, 14, 21, 28

# LEGAL NOTICE

**MARSHALS SALE:** By virtue of a Writ of Execution issued on September 17, 2010 out of the United States Court for the Western District of Pennsylvania and to me directed, I shall expose the following real property to public sale **AT THE ERIE COUNTY COURTHOUSE, located at 140 WEST SIXTH STREET, ERIE, PENNSYLVANIA 16501, on January 31, 2011, at 9:00 a.m., local time.** Said hereinafter described property is 321 Marion Street, Corry, Erie County, Pennsylvania 16407, being more fully described as follows:

All those certain tracts of land, together with the buildings, and improvements erected thereon, described in Mortgage Book 970, Page 631, recorded in the Recorder of Deeds of Erie County, Pennsylvania, seized and taken in execution as the property of Audrey Marie Smith, at the suit of *The United States of America v. Audrey Marie Smith*, to be sold on Writ of Execution at Case No. 1:09-cv-87 filed in the United States District Court for the Western District of Pennsylvania. **TERMS OF SALE:** Successful bidder will pay ten percent (10%) by certified check to be tendered immediately at 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. Notice is hereby given that a Schedule of Distribution will be filed by me 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. Purchaser must furnish State Realty Transfer Tax Stamps



and stamps required by the local taxing authority. Marshals' costs, fees and commissions will be the responsibility of the seller. On behalf of the U.S. Marshals Service, we are allowing the highest bidder to secure, by official bank check or money order, ten percent (10%) of the highest bid amount within one hour of the conclusion of the sale. Additional information can be obtained through the USDA's property foreclosure website at [www.resales.usda.gov](http://www.resales.usda.gov).

Dec. 31 and Jan., 7, 14, 21

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1001 State Street, Suite 1432  
Erie, PA 16501

[www.jeffreyfreedman.com](http://www.jeffreyfreedman.com)

Administrative Offices:  
424 Main Street, Suite 622, Buffalo, NY 14202

**Jeffrey  
Freedman**

Attorneys at Law

**est. 1980**

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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**

**AURITI, JUDITH E.,  
deceased**

Late of the Township of Summit  
*Executrix:* Lorie A. Bardwell,  
3176 West 41st Street, Erie, PA  
16506  
*Attorney:* Michael A. Fetzner,  
Knox McLaughlin Gornall &  
Sennett, P.C., 120 West Tenth  
Street, Erie, PA 16501

**BABOWICZ, EDWARD B.,  
deceased**

Late of the Township of  
Millcreek, Commonwealth of  
Pennsylvania  
*Executor:* Jeffrey Maier, 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

**BUTLIN, DOROTHY M., a/k/a  
DOROTHY MAE BUTLIN,  
deceased**

Late of the Township of  
Millcreek, County of Erie,  
Commonwealth of Pennsylvania  
*Executor:* Edward S. Butlin, 6391  
Downhill Drive, Erie, PA 16505-  
2678  
*Attorneys:* MacDonald, Illig,  
Jones & Britton LLP, 100  
State Street, Suite 700, Erie,  
Pennsylvania 16507-1459

**DAVIS, GEORGE E.,  
deceased**

Late of North East Borough, Erie  
County, North East, Pennsylvania  
*Executrix and Successor Trustee:*  
Eunice Davis Mann, 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

**EIMERS, BETTY A.,  
deceased**

Late of Wesleyville Borough  
*Executrix:* Alice Simmer, c/o  
Attorney Terrence P. Cavanaugh,  
3336 Buffalo Road, Wesleyville,  
PA 16510  
*Attorney:* Terrence P. Cavanaugh,  
Esq., 3336 Buffalo Road,  
Wesleyville, PA 16510

**HOUGHTLING, PATRICIA Y.,  
deceased**

Late of the City of Corry, Erie  
County, Pennsylvania  
*Executrix:* Teri L. Volk, 153  
Johnson Street, Corry, PA 16407  
*Attorney:* William E. Barney,  
Esq., 200 North Center Street,  
Corry, Pennsylvania 16407

**KENNEY, GEORGE S., a/k/a  
GEORGE SIDNEY KENNEY,  
deceased**

Late of the Township of  
Millcreek, County of Erie and  
Commonwealth of Pennsylvania  
*Executrix:* Shirley B. Kenney, c/o  
Yochim, Skiba & Nash, 345 West  
Sixth Street, Erie, PA 16507  
*Attorney:* Gary H. Nash, Esq.,  
Yochim, Skiba & Nash, 345 West  
Sixth Street, Erie, PA 16507

**LEONE, ELIZABETH A.,  
deceased**

Late of the City of Erie, County  
of Erie and Commonwealth of  
Pennsylvania  
*Administratrix:* Shirley M.  
Sadler, 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

**PIERI, SARAH M., a/k/a  
SARAH MARIA PIERI,  
deceased**

Late of the Township of  
Millcreek, County of Erie and  
Commonwealth of Pennsylvania  
*Executrix:* Darlene M. Vlahos,  
Esq., c/o 3305 Pittsburgh Avenue,  
Erie, Pennsylvania 16508  
*Attorney:* Darlene M. Vlahos,  
Esquire, 3305 Pittsburgh Avenue,  
Erie, Pennsylvania 16508

**SAMOL, HELEN C.,  
deceased**

Late of the City of Erie, County  
of Erie and Commonwealth of  
Pennsylvania  
*Administratrix:* Suzanne M.  
Savoia, c/o William J. Schaaf,  
Esq., Suite 300, 300 State Street,  
Erie, PA 16507  
*Attorneys:* Marsh, Spaeder, Baur,  
Spaeder & Schaaf, LLP, Suite  
300, 300 State Street, Erie, PA  
16507

**SCHLINDWEIN, RONALD,  
deceased**

Late of the City of Erie, County  
of Erie  
*Executor:* Michael F. Gallagher,  
c/o Thomas A. Testi, Esq., P.O.  
Box 413, Fairview, PA 16415  
*Attorney:* Thomas A. Testi, Esq.,  
3952 Avonia Road, P.O. Box 413,  
Fairview, PA 16415

**SZCZESNY, JOAN P., a/k/a  
JOAN P. BACHOFNER, a/k/a  
JOAN P. DOVISHAW,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executor:* Charise E. Barber, 6382 Bowman Ct., Erie, PA 16505

**TUTTLE, HELEN K.,  
deceased**

Late of the Township of North East  
*Executor:* Douglas M. Tuttle  
*Attorney:* Joseph M. Walsh, III, Esq., Shapira, Hutzelman, Berlin, Ely, Smith & Walsh, 305 West 6th Street, Erie, PA 16507

**WALDEN, HERBERT C.,  
deceased**

Late of the Township of Conneaut  
*Administrator:* Malcolm L. Pollard, 4845 W. Lake Rd., Erie, PA 16505  
*Attorney:* Malcolm L. Pollard, Esq., 4845 W. Lake Rd., Erie, PA 16505

**WALDEN, JANE E.,  
deceased**

Late of the Township of Conneaut  
*Administrator:* Malcolm L. Pollard, 4845 W. Lake Rd., Erie, PA 16505  
*Attorney:* Malcolm L. Pollard, Esq., 4845 W. Lake Rd., Erie, PA 16505

**SECOND PUBLICATION**

**ALOIZ, FREDERICK E.,  
deceased**

Late of the City of Erie, Erie County, Erie, Pennsylvania  
*Administrator:* David S. Aloiz, 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

**CARLSON, MARJORIE MEAD,  
a/k/a MARJORIE CARLSON,  
a/k/a MARJORIE JANE  
CARLSON,  
deceased**

Late of the City of Erie,  
*Executrix:* Melinda S. Carlson, c/o 4142 Sassafra Street, Erie, PA 16508  
*Attorney:* None

**DRAKES, KIMBERLY A., a/k/a  
KIMBERLY A. KNIGHT,  
deceased**

Late of the Township of Lawrence Park  
*Administrator:* Karen T. Biebel, 7221 Belle Road, Harborcreek, PA 16421  
*Attorney:* David J. Mack, Esq., 115 East 7th Street, Erie, PA 16501

**KNOX, RALPH E.,  
deceased**

Late of the Township of Millcreek  
*Executrix:* Barbara Talkish, c/o 900 State Street, Suite 215, Erie, PA 16501  
*Attorney:* Mary Alfieri Richmond, Esquire, 900 State Street, Suite 215, Erie, PA 16501

**MAY, EARL L.,  
deceased**

Late of the Township of Millcreek, County of Erie, and Commonwealth of Pennsylvania  
*Executor:* Gary L. May, 2400 Dorn Road, Waterford, Pennsylvania 16441  
*Attorneys:* MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16407-1459

**McCALLION, EDWARD J., JR.,  
a/k/a EDWARD J. McCALLION,  
deceased**

Late of the City of Erie, County of Erie, and Commonwealth of Pennsylvania  
*Executrix:* Kathleen M. DiNicola, c/o The McDonald Group, L.L.P., P.O. Box 1757, Erie, PA 16507-1757  
*Attorney:* Thomas J. Buseck, Esq., The McDonald Group, L.L.P., PO Box 1757, Erie, PA 16507-1757

**McCULLOUGH, RICHARD O.,  
a/k/a RICHARD McCULLOUGH,  
deceased**

Late of the Township of Summit Township, County of Erie and Commonwealth of Pennsylvania  
*Executors:* William T. McCullough and Constance J. McCullough, 18556 Birch Drive, Saegertown, PA 16433  
*Attorney:* None

**NOWAK, CONSTANCE,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executor:* Ritchie T. Marsh, c/o James E. Marsh, Jr., 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

**SHATTO, GLORIA D.,  
deceased**

Late of the Township of Springfield, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Dale R. Shatto, 7414 Leonard Ave., Houghton, NY 14744  
*Attorney:* None

**SNIDARICH, VITTORIO,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Co-Administrators:* Frank Snidarich and Nancy Widomski, 3806 Greengarden Road, Erie, PA 16509-1117  
*Attorney:* Lawrence A. D'Ambrosio, Esq., 3806 Greengarden Road, Erie, PA 16509-1117

**VARGO, KRIS J.,  
deceased**

Late of the Township of North East, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Tamara A. Vargo, 8843 Rohl Road, North East, PA 16428  
*Attorneys:* MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**THIRD PUBLICATION****ALEX, ROBERT J., a/k/a  
ROBERT JOHN ALEX,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Stacy L. Hagens, 240 Oakridge Drive, Pulaski, PA 16143  
*Attorney:* William J. Moder, III, Esquire, Kerrwood Place, Suite 104, 2500 Highland Road, P.O. Box 1071, Hermitage, Pennsylvania 16148

**CALLAHAN, KEVIN D., a/k/a  
KEVIN DANIEL CALLAHAN,  
deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania  
*Administrator:* Michael P. Callahan, 2299 East Road, Erie, PA 16509-5769  
*Attorneys:* MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**CIPOLLA, SHERRY A.,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Co-Executors:* Patricia A. Cipolla, 4415 Peach Street, Erie, PA 16509 and Frank A. Cipolla, 5701 Pilgrim Dr., Erie, PA 16509  
*Attorney:* Christine Hall McClure, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**DUDA, EARL H., a/k/a  
EARL DUDA,  
deceased**

Late of the Township of Wattsburg, Erie County, Pennsylvania  
*Executor:* Eric A. Duda, 9165 Townhall Road, Wattsburg, PA 16442  
*Attorney:* Christine Hall McClure, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**KNOLL, HELEN,  
deceased**

Late of Millcreek Twp., Erie County, Pennsylvania  
*Executor:* Christopher C. Knoll, c/o Jerome C. Wegley, Esq., 120 West 10th St., Erie, PA 16501  
*Attorney:* Jerome C. Wegley, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**MUCCARONE, ANTHONY T.,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Elaine M. Schwab, c/o 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508  
*Attorney:* Darlene M. Vlahos, Esquire, 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508

**PIKIEWICZ, ESTHER A.,  
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania  
*Co-Executors:* Thomas Robert Horton and Monica Pikiewicz Firster, 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

**RIVERS, EVELYN E.,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Nikita M. Price, c/o 504 State Street, 3rd Floor, Erie, PA 16501  
*Attorney:* Michael J. Nies, Esquire, 504 State Street, 3rd Floor, Erie, PA 16501

**WOWK, WOLODYMYR,  
deceased**

Late of the Township of Fairview, County of Erie, State of Pennsylvania  
*Executrix:* Anna Marie Kosenko, 6716 Manchester Farms Rd., Fairview, Pennsylvania 16415  
*Attorney:* James R. Steadman, Esq., 24 Main St. E., Girard, Pennsylvania 16417

**ZDUNSKI, JENNIE S.,  
deceased**

Late of Greene Township, Erie County, Erie, Pennsylvania  
*Executor:* Edward Zdunski, 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

## CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

ERIC V. HACKWELDER ----- (814) 453-5004  
Carney & Good ----- (f) (814) 453-3506  
245 West Sixth Street  
Erie, PA 16507 ----- *attorneyhackwelder@sebaldlaw.net*

### **New Email Address**

WALTER E. "STORMY" DEACON, III ----- *sdeacon@verizon.net*  
KEMP C. SCALES ----- *kemp@scaleslawoffices.com*

### **New Phone Number**

CATHY M. LOJEWSKI ----- (814) 871-2965

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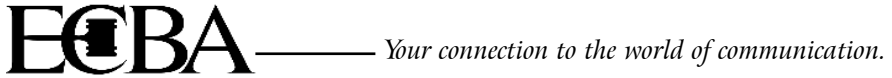
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