

# *Erie County Legal Journal*

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In the Superior Court of Pennsylvania  
Commonwealth v. Rhodes

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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, FEBRUARY 15, 2011

#### *Fundamentals of Insurance Law*

#### PBI Groupcast Seminar

#### Erie County Bar Association

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

\$254 (member) \$234 (admitted after 1/1/07)

\$274 (nonmember)

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

\$229 (member) \$209 (admitted after 1/1/07) \$249 (nonmember)

4 hours substantive

### WEDNESDAY, FEBRUARY 16, 2011

#### *Criminal Law Update 2010*

#### ECBA Video Replay Seminar

#### Erie County Bar Association

9:00 a.m. - 10:30 a.m. (8:30 a.m. reg.)

\$48 (ECBA member/non-attorney staff)

\$72 (nonmembers)

1.5 hours substantive

### THURSDAY, FEBRUARY 17, 2011

#### *Avoiding Surprises - Grantor Trusts & Other Tough*

#### *Fiduciary Income Tax Topics*

#### PBI Video Seminar

#### Erie County Bar Association

9:00 a.m. – 11:00 a.m. (8:30 a.m. reg.)

\$89 (member) \$99 (nonmember)

2 hours substantive

### TUESDAY, FEBRUARY 22, 2011

#### *E-Discovery*

#### ECBA Live Lunch-n-Learn Seminar

#### Bayfront Convention Center

12:15 p.m. - 1:15 p.m. (11:45 a.m. lunch)

\$32 (ECBA member/non-attorney staff)

\$48 (nonmember)

1 hour substantive

### WEDNESDAY, MARCH 2, 2011

#### *Litigating the Complex Disfigurement Case: Specific Loss, Hearing Loss, & Vision Claims*

#### PBI Groupcast Seminar

#### Erie County Bar Association

12:30 p.m. - 3:45 p.m. (12:00 p.m. reg.)

*Lunch Included*

\$254 (member) \$234 (admitted after 1/1/07)

\$274 (nonmember)

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

\$229 (member) \$209 (admitted after 1/1/07) \$249 (nonmember)

3 hours substantive

### TUESDAY, MARCH 8, 2011

#### *Department of Corrections 101*

#### PBI Video Seminar

#### Erie County Bar Association

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

\$129 (member) \$109 (admitted after 1/1/07)

\$149 (nonmember)

4 hours substantive

### MONDAY, MARCH 14, 2011

#### *Dead Man's Rule*

#### PBI Groupcast Seminar

#### Erie County Bar Association

12:30 p.m. - 2:30 p.m. (12:00 p.m. reg.)

*Lunch Included*

\$214 (member) \$194 (admitted after 1/1/07)

\$234 (nonmember)

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

\$189 (member) \$169 (admitted after 1/1/07) \$209 (nonmember)

2 hours substantive

### THURSDAY, MARCH 17, 2011

#### *Primer on the Fair Debt Collection Practices Act*

#### PBI Video Seminar

#### Erie County Bar Association

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

\$129 (member) \$109 (admitted after 1/1/07)

\$149 (nonmember)

4 hours substantive

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

**In Re: Court Closure**

Please be advised that the United States Bankruptcy Court for the Western District of Pennsylvania will be closed Monday, February 21, 2011, in observance of President's Day.  
John J. Horner  
Clerk of Court

Feb. 11

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**COMMONWEALTH OF PENNSYLVANIA, Appellee**  
**v.**  
**TERI RHODES, Appellant**

IN THE SUPERIOR COURT OF PENNSYLVANIA

No. 143 WDA 2009

*Appeal from the Judgment of Sentence entered November 21, 2008  
In the Court of Common Pleas of Erie County  
Criminal Division at No. CP-25-CR-0000110-2008*

Editors Note: Related publications can be found in the following issues of the *Erie County Legal Journal*:  
*Statement of Sentencing Rationale* - Vol. 91 No. 28 - November 28, 2008  
*Commonwealth v. Rhodes (Court of Common Pleas Opinion)* - Vol. 92 Nos. 12 & 13 - March 20 & March 27, 2009

BEFORE: FORD ELLIOTT, P.J., ORIE MELVIN and BENDER, JJ.

OPINION BY BENDER, J.:

Filed: December 31, 2009

¶ 1 Teri Rhodes appeals the judgment of sentence imposed following her entry of an open plea of guilty to Voluntary Manslaughter, 18 Pa.C.S. § 2503(a), in the death of her infant daughter by neonaticide. Rhodes contends that the sentence imposed, of nine to eighteen years' incarceration, was manifestly excessive and the trial judge was motivated in imposing sentence by a pronounced bias that should have compelled him to recuse. Upon review, we concur in Rhodes's assessment. Because the record of these proceedings establishes that the trial judge acted substantially in derogation of the Pennsylvania Sentencing Code on the basis of evidence gathered *ex parte*, we conclude that the sentence imposed constitutes an abuse of discretion. We conclude further that the trial judge abused his discretion in refusing to grant Rhodes's request for recusal. Accordingly, we vacate the judgment of sentence and remand this matter for re-sentencing before another jurist.

¶ 2 This matter arises out of a tragic incident in which Teri Rhodes, an eighteen-year-old college student, gave birth to a full-term infant and, following labor, left her to die in a plastic bag. At the time of these events Rhodes was a sophomore at Mercyhurst College, a Catholic institution in the City of Erie, where she played as a member of the volleyball team. In August 2007, Rhodes returned to Mercyhurst from her home in Commerce Township, Michigan, to participate in varsity volleyball camp. On Friday, August 10, Rhodes underwent a team physical, during which the team doctor noted that she had a protuberant abdomen and had gained a substantial amount of weight. Although Rhodes denied that she was pregnant, the doctor suspected the contrary and ordered a sonogram for the following week.<sup>1</sup> In the interim, however, he cleared Rhodes to play volleyball. On Saturday, August 11, Rhodes completed two practices but at the conclusion of evening practice experienced severe abdominal cramping for which she took medication and went to bed early. On the following morning, Rhodes reported to practice but told her coaches that she was too ill to participate and excused herself to return to her apartment. Later that morning, she entered labor in her apartment bathroom and after several hours gave birth to a full-term baby girl delivered in the breech position. After the delivery, Rhodes placed the

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<sup>1</sup> The record does not reflect the precise day or date on which the sonogram was to take place. A police report, which the trial court filed with the certified record after entry of the judgment of sentence, indicates that "they were going to scheduled [sic] her for an ultra sound on Monday 8-13-07."

baby in a plastic bag and left her in the bathtub. Police later found the baby in that same location, dead. When Rhodes's assistant coach transported her to the hospital, Rhodes initially denied that she had been pregnant but ultimately acknowledged she had delivered a baby. An autopsy revealed that the baby's cause of death was asphyxiation.

¶ 3 Over a period of several days following Rhodes's delivery of the baby, Erie police conducted an investigation, interviewing her roommate and her coach and seizing her laptop computer for forensic examination. In a subsequent affidavit of probable cause, police alleged that Rhodes's roommate, Julia Butler, reported that she returned to the apartment at about 12:45 p.m. on the day in question and found Rhodes closed in the bathroom making noises suggestive that she was in pain. Upon inquiry by Butler of whether she was alright, Rhodes asked that Butler go to the drugstore for her and buy some Midol. Butler did as requested and, upon returning, noted that Rhodes was still in the bathroom, where she could hear the shower running and Rhodes groaning. She then noticed spots of blood on the carpet in the bedroom and called assistant volleyball coach Sarah King for assistance. King arrived shortly thereafter and transported Rhodes to the hospital.

¶ 4 During her own interview with police, Coach King reported that when she arrived at Rhodes's apartment, she saw blood on the floor outside the bathroom. When she asked what was wrong, Rhodes responded that she was having a heavy menstrual bleed but did not suggest that she had delivered a baby. During another police interview, hospital personnel reported that after initially denying the delivery of her baby, Rhodes acknowledged that she had given birth but stated that the baby had died and that she had left it in a dumpster, although she could not recall where the dumpster was. In addition, Rhodes's roommate reported that she later discovered a message from Rhodes on her voicemail suggesting that she avoid going into the bathroom as "it [was] a mess." In the affidavit of probable cause executed for Rhodes's arrest, the police attested that forensic examination of the cache in Rhodes's laptop computer revealed that sometime prior to giving birth<sup>2</sup> she had conducted internet searches on pregnancy and means to provoke a miscarriage or otherwise abort a pregnancy.

¶ 5 On September 18, 2007, the Commonwealth charged Rhodes with Criminal Homicide, Concealing the Death of a Child, Endangering the Welfare of a Child, Reckless Endangerment, and Abuse of a Corpse, 18 Pa.C.S. § 2501(a), 4303(a), 4304(a), 2705, 5510 (respectively). Following negotiations with Rhodes's counsel, Philip B. Friedman, Esquire, the District Attorney of Erie County agreed to accept an open plea of guilty to Involuntary Manslaughter in exchange for dismissal of the remaining charges. Thereafter, however, the trial judge, the Honorable William R. Cunningham, rejected the plea and, when asked why, declined to elaborate.<sup>3</sup> Subsequently, defense counsel and the District Attorney renegotiated the proposed plea, agreeing that Rhodes would enter a plea to Voluntary Manslaughter. At the plea colloquy, convened on August 5, 2008, District Attorney Bradley Foulk<sup>4</sup> appeared on behalf of the Commonwealth and explained the terms of the plea agreement, the legal

<sup>2</sup> The affidavit of probable cause does not indicate the dates on which Rhodes conducted the searches.

<sup>3</sup> Rhodes asserts that Judge Cunningham had previously indicated that he would in fact accept a plea to Involuntary Manslaughter and then changed his position. However, Rhodes does not establish that the court's initial indication is documented of record.

<sup>4</sup> Mr. Foulk is now deceased.

elements of the charge and the factual basis for the plea.<sup>5</sup> Mr. Foulk also explained that although the plea did not include a negotiated sentence, allowing the court to impose a sentence anywhere within the Guidelines ranges, he “[did] not believe that anyone here thinks that the aggravated range would apply.” N.T., Plea Colloquy, 8/5/08, at 8. Mr. Foulk noted further that, pending a favorable pre-sentence report, the Commonwealth would have no objection or would recommend that the court make a downward departure from the standard range.<sup>6</sup> Rhodes tendered her plea accordingly, following which Judge Cunningham clarified that “a judge can disregard or reject what the Commonwealth’s position is and disregard or reject what your lawyer is saying on your behalf and impose whatever sentence the Judge thinks is appropriate[.]”<sup>7</sup> *Id.* at 22. Following Rhodes’s confirmation of her understanding, Judge Cunningham reaffirmed with her that she was tendering her plea voluntarily, accepted her plea, and deferred sentencing pending the completion of the pre-sentence report.

¶ 6 At the subsequent sentencing proceeding, convened on October 27, 2008, Judge Cunningham acknowledged having received and reviewed some sixty-eight letters from Rhodes’s family and friends as well as clergy, educators, counselors and charity leaders with whom Rhodes had studied or volunteered. N.T., Sentencing, 11/21/08, at 5. Every letter attested to Rhodes’s character and good works and many pleaded that the court minimize Rhodes’s jail time and see to her rehabilitation through community service. Sentencing Exhibits D1-D68. In support of their requests, ten of those who had written, including Rhodes’s parish priest, appeared at the sentencing hearing and testified on Rhodes’s behalf. N.T., Sentencing, 11/21/08, at 9-22. Rhodes then exercised her right of allocution, following which District Attorney Foulk noted for the record that following receipt of the pre-sentence report, approximately two days before sentencing, the court had initiated contact with the District Attorney’s Office to obtain copies of police reports compiled by the Erie Police Department and Erie County detectives. *Id.* at 23-24.

¶ 7 The Commonwealth then presented a nuanced position on sentencing, noting the absence of any comparable case in Erie County, and detailing the extent to which Rhodes and the circumstances of her crime fit the profile for neonaticide compiled by the Behavioral Science Unit of the FBI. D.A. Foulk then followed with an explanation of the profile as follows, highlighting the notable absence of motive and Rhodes’s inexplicable denials in the face of certain discovery:

[T]he profile for individuals that commit this type of crime are [sic] almost identical. They’re almost solely within a particular age group that this defendant falls into. The crime is predominantly committed by middle - upper, middle or upper class women who are highly educated or in the process of being educated.

<sup>5</sup> Foulk recited that “you Teri Rhodes intentionally caused the death of Teresa Rhodes, a newborn infant, while acting under a sudden and intense passion, resulting from serious provocation, and you killed her by intentionally placing Teresa Rhodes in a plastic bag, causing her death by asphyxiation [sic] or suffocation.” Rhodes accepted that recitation as the basis for her plea. Plea Colloquy, 8/5/08, at 14.

<sup>6</sup> Based on Rhodes’s prior record score of 0, a mitigated range sentence for Voluntary Manslaughter (Offense Gravity Score of 11) would be two to four years’ incarceration.

<sup>7</sup> The court’s emphasis on its ability to reject the Commonwealth’s sentencing recommendation prompted District Attorney Foulk to interject “[t]he Court can also accept the Commonwealth’s recommendation as well, your Honor.” N.T., Plea Colloquy, 8/5/08, at 22.



Ninety-five percent of them, or higher, give the same scenarios, the same identical scenarios as we have in this particular case . . . .

All are full term pregnancies. Unlike most crimes, what made this case particularly difficult from a prosecution standpoint, is that when you ponder why an individual commits a crime, usually you have a motive. In this particular case, as in all neonaticide cases, it's hard to judge what the motive would be. Additionally, lacking motive, in this particular case you had a denial following the crime, and a continued denial through the process for quite a period of time. Yet what we found is there's no motive. And in this particular case there was absolutely no possibility of this crime going undetected. It was an eventual outcome that the baby's body would be discovered, which would lead to the contact of the authorities.

*Id.* at 26-27. Mr. Foulk then continued that prior to arriving at the plea, he researched the incidence and disposition of such cases nationally noting, "[a]s I said, there are very few, fortunately. But the cases that I was able to find, most of which were pleas, very seldom do these cases go to trial. As you know, some were pleas to involuntary manslaughter, some were pleas to voluntary manslaughter." *Id.* at 28-29. In lieu of a formal "recommendation," Mr. Foulk demurred noting that "the Commonwealth would take no position with regard to sentence . . ." but then added that "if the Court saw fit to impose a sentence, mitigated, standard, Commonwealth would have no objection." *Id.* at 29.

¶ 8 Thereafter, commencing his own discussion of sentencing rationale, Judge Cunningham acknowledged the D.A.'s emphasis on the absence of any motive but then verified with him that motive is not an element of the crime to which Rhodes pled. *Id.* ("THE COURT: Well, you ask, Mr. Foulk, about why. I mean, you agree with me that motive is not an element of any crime."). The court then rejected the Commonwealth's application of the FBI's neonaticide profile and castigated D.A. Foulk at length for his exercise of prosecutorial discretion in recommending a sentence the court thought inconsistent with one imposed after a jury trial in another case.<sup>8</sup> Mr. Foulk explained that the case to which the court referred was distinguishable on the basis that it was subject to a mandatory minimum sentence enhancement and had been prosecuted to verdict after the defendant turned down a plea offer that would have waived the enhancement. Nevertheless, the court remained resolute. The following exchange is illustrative of the court's concerns, which, as D.A. Foulk explained, were not relevant to the Commonwealth's sentencing recommendation for Teri Rhodes:

THE COURT: I understand the Commonwealth's position in this case, but I'm not sure how it squares with your position in other cases.

MR. FOULK: What?

THE COURT: How it squares with your position in other cases. And not necessarily neonaticide, but, I mean, we have cases in Erie County that have been prosecuted with child abusers that haven't killed someone, that have a mandatory minimum, and they're doing at least five years in jail.

<sup>8</sup> As Mr. Foulk recognized, prior to his own election in 2000, Judge Cunningham served for two terms as District Attorney of Erie County.



MR. FOULK: Judge, if you're referring to a particular case, which I believe that you are --

THE COURT: I'm about to.

MR. FOULK: Okay. If you were referring to that particular case, the Commonwealth, if it's the case that I think it is --

THE COURT: It's Chytoria Graham.

MR. FOULK: Chytoria Graham.<sup>9</sup> The Chytoria Graham case I think can be very easily distinguished. The Commonwealth offered the defense a plea bargain in that case where the Commonwealth agreed to waive the mandatory five in exchange for a plea in the case. Chytoria Graham and her defense team rejected the plea with the waiver of [the] mandatory five, went to trial.

I've heard about the Chytoria Graham case for months and months and months and months. It is easily distinguishable. That was a beating case in my opinion, and it was a waiver of the mandatory five. She chose to go to trial. She was convicted and it placed the Commonwealth in a position where we couldn't do anything about the mandatory five.

THE COURT: Well, after the trial and before sentencing you could still waive it. You're not compelled to seek it.

MR. FOULK: I understand that. But you can't have - you can't reject a plea bargain, go to trial and then come back to the Commonwealth and ask the Commonwealth to waive a mandatory minimum. That would put me in an untenable position.

THE COURT: I understand that. But, my point is, you still have discretion up until the time of sentencing to waive it.

MR. FOULK: Correct.

THE COURT: I understand why you didn't, but I think there needs to be some explanation of it --

*Id.* at 33.<sup>10</sup>

¶ 9 Following a defense by Mr. Foulk of his record in prosecuting crimes against children, the record reflects for the first time the trial court's distribution of its written Statement of Sentencing Rationale. *Id.* at 34. Although both counsel had only then received the document, according to Rhodes's brief the court had passed it to those assembled in the courtroom,

<sup>9</sup> In the Chytoria Graham case, Defendant Graham was convicted of aggravated assault after she used her baby, then several months old, as a projectile, throwing the infant at her paramour during a drunken quarrel. The baby was seriously injured.

<sup>10</sup> We find D.A. Foulk's explanation of the Commonwealth's decision to seek a mandatory minimum sentence in the Graham case facially reasonable. Nevertheless, before ever hearing that explanation, Judge Cunningham had recorded in his Statement of Sentencing Rationale that, based on the Graham case, "the Commonwealth's sentencing position in this [Rhodes] case does not carry any weight." Statement of Sentencing Rationale, 11/21/08, at 34. The court's stated rationale is limited to the assertion that "[t]he gravity of the criminal conduct of Teri Rhodes is greater than [that of] Chytoria Graham." *Id.* The court's statement thus recognizes no distinction between the procedural contexts of the two prosecutions and appears to usurp prosecutorial discretion in arriving at a plea bargain.

including members of the media, before the sentencing hearing had even commenced. Brief for Appellant at 48 (“Prior to the commencement of the hearing and unbeknownst to counsel, the court, through its staff, distributed a 36 page document entitled ‘Statement of Sentencing Rationale’ to members of the media and to members of the public seated in the courtroom. . . . Neither the district attorney nor defense counsel were provided with a copy of the document nor even advised of its existence. At the end of counsel’s presentations the court’s staff handed a copy of the document to counsel.”). Rhodes’s counsel objected to the dissemination of the document and requested an opportunity to read it and to confer with the court in chambers. N.T., Sentencing, 11/21/08, at 34. Judge Cunningham declined to recess the proceedings and continued with an extended discussion on the record largely duplicative of what appeared in the document. Significantly, the court drew far-reaching factual inferences concerning both Rhodes’s motive and conduct from police reports filed with the Erie Bureau of Police, which were not then of record. Judge Cunningham had obtained those reports from the District Attorney’s Office, apparently without the knowledge of defense counsel, who then was afforded no opportunity to examine the officers who compiled the reports or the witnesses from whose interviews the reports were composed. Brief for Appellant at 11 (“Unbeknownst to defendant’s counsel, Judge Cunningham obtained copies of police reports and other documents several days prior to the sentence hearing.”); N.T., Sentencing, 11/21/08, at 23 (“MR FOULK: . . . As the Court will recall, you requested that the Commonwealth provide you with copies of all the Erie Police Department police reports”). The court made no reference, however, to the pre-sentence investigation it had ordered or the resulting report.<sup>11</sup> In that report, following a meeting with and evaluation of Rhodes, Probation Officer Jayne M. McNally, described the defendant as “still, in almost every aspect a child[,]” and recommended that, regardless of the sentence imposed, she receive ongoing treatment by a psychologist or psychiatrist. Pre-Sentence Investigation Report, 8/5/08, at 4 (unnumbered). The report also included a written assessment by Cathy J. Pietrofesa, Ph.D., Rhodes’s treating psychologist, which substantiated Officer McNally’s conclusion.

¶ 10 Although the court purported to accept as the basis for Rhodes’s plea her acknowledgment of the “sudden and intense passion” and “serious provocation” inherent in Voluntary Manslaughter,<sup>12</sup> it in fact rejected those same elements for the purpose of

<sup>11</sup> Ultimately, in an opinion filed with its order denying Rhodes’s postsentence motion, the court dismissed the pre-sentence report as “meager,” noting that it “provided little insight into the circumstances surrounding this crime.” Trial Court Opinion, 1/26/09, at 41.

<sup>12</sup> The Pennsylvania Crimes Code defines Voluntary Manslaughter as follows:

**§ 2503. Voluntary manslaughter**

(a) **General rule.**—A person who kills an individual without lawful justification commits voluntary manslaughter if at the time of the killing he is acting under a sudden and intense passion resulting from serious provocation by:

- (1) the individual killed; or
- (2) another whom the actor endeavors to kill, but he negligently or accidentally causes the death of the individual killed.

18 Pa.C.S.A. § 2503.

imposing sentence. The following excerpt is illustrative:

I recognize that accepting the testimony of Dr. Sadoff, perhaps Dr. Kaye, Dr. . . . Pietrofesa, the therapist, that it is possible, if the jury found their testimony credible, along with any other evidence presented by the defendant, that it could be determined that this killing occurred as part of a sudden passion and serious provocation.

Now I accept that proffer for purposes of the plea and allowing the plea. Part of the determination that's made in this case is - or made for purposes of a plea is whether there's sufficient evidence for a jury to find serious provocation for purposes of a plea. It doesn't mean that a judge or a court would find that, but that the defendant would have a right to present that to a jury if there's sufficient evidence. So I make that distinction that, yes, there is sufficient testimony that if that testimony and evidence is found to be credible, it would allow the entry of a plea. But that does not mean that those facts are binding for sentencing purposes. And I note that because when I read the police reports and saw the chronology of what occurred in this case I have to say that had I been sitting as a juror in this case, I could not have found there was serious provocation, and I want to explain in detail why, and I want to explain why I do not find there's mitigation in this killing.

N.T., Sentencing, 11/21/08, at 37-38. The court then proceeded with an alternate recitation of the case, drawing unfavorable inferences against the defendant and fashioning a narrative of depravity and deceit indicative of a "premeditated, calculated and intentional killing." N.T., Sentencing, 11/21/08, at 38, 39, 50, 63. *See also id.* at 44 ("There were circumstances where you obviously knew you were pregnant. And when you go on the Internet and research ways to kill your fetus, or kill a fetus, in different methods, this is the beginning of your intent to kill this fetus."). The court also dismissed the conclusion of the psychological evaluations that Rhodes was dissociated from reality, *id.* at 44, to reach the conclusion that the defendant had not only plotted the demise of her baby but seemingly had induced her own labor so as to kill her infant before ultrasound imaging disclosed her pregnancy:

What is apparent to me is that on Friday, when you learned that there was going to be an ultrasound test on Monday, you knew that your secret couldn't survive. That you have, up to Friday, anybody that questioned you about your pregnancy you could deny it and there's no way they could confirm their suspicion one way or another. But you knew that you couldn't lie to the ultrasound test and you knew that come Monday,<sup>13</sup> it would be discovered. You also knew, based on your research on the Internet, ways to kill a fetus, ways to terminate a pregnancy, and all the different sites that you had gone and researched. And at some point during this weekend you made an intentional, deliberate decision to kill this child.

<sup>13</sup> The court's conclusion that the ultrasound imaging was scheduled for Monday, August 13, appears to come from a police report that, in turn, related the recollection of team trainer Bryan Bentz. Neither Mr. Bentz nor the officer who compiled the police report appeared at the sentencing hearing.

*Id.* at 61. Characterizing these apparent fact findings as a recitation of aggravating factors, the court then concluded the hearing with a nod to the Sentencing Guidelines, but imposed a sentence of ten to twenty years' imprisonment, only one to two years shy of the statutory maximum for Voluntary Manslaughter.<sup>14</sup>

¶ 11 At the conclusion of the hearing, defense counsel rose to record his objections but the judge declined to proceed further, closing the record at 11:05 a.m. and leaving the bench. When the court returned seven minutes later, it did so in closed session, all spectators and members of the media having been cleared from the courtroom. Defense counsel was then permitted to enter his objections of record, which he did, arguing strenuously that his client had suffered prejudice of constitutional proportions as a result of the trial court's extreme approach to sentencing:

MR. FRIEDMAN: Your Honor, for the record, the record should indicate that the Court, following the remarks of the defense and Commonwealth, provided us with a Statement of Sentencing Rationale.

THE COURT: Right.

Mr. Friedman: Thirty-six pages in length.

\* \* \*

Your Honor, the Court then went through a long recitation of the Court's view of [the] facts of this case. Has the Court, in fact, held hearings and heard these witnesses testify?

THE COURT: I don't think I need to.

MR. FRIEDMAN: Your Honor, I object to this procedure. This is a star chamber procedure. The Court has gone through and made all kinds of factual findings and conclusions based upon things that I don't even know that I've ever seen, and then - and then --

THE COURT: This information was available to you and to me.

MR. FRIEDMAN: I don't know but the Court made conclusions from facts that are not of record. The Court has turned itself, in my view, into the prosecutor in this case. The Court has not provided me with this information, given me a chance to cross-examine any of these people.

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<sup>14</sup> In his Statement of Sentencing Rationale, Judge Cunningham seemingly drew further inferences concerning Rhodes's motivation, treating her behavior as a manifestation of personal inconvenience. The court's rationale also enunciates a philosophy of indiscriminate sentencing based principally on the fact of a child's involvement as the victim and appears to include Rhodes's case in that larger class of cases. The court stated as follows:

Unfortunately, too many young people are bringing children into this world without any sense of parental responsibilities. In Erie County there has been an alarming number of horrific cases in which young parents have killed and/or seriously abused an infant child. The reason for such immoral behavior varies. A hardened cynic may observe we have become a society of disposable babies.

Can it become acceptable to kill a newborn child who might otherwise interfere with the parent's future? Can we allow babies to be seriously harmed or killed because they are an inconvenience or frustration to the parents? The only true answer to these questions is for our society to say that any killing of a child warrants serious consequences. This response has to be consistent, regardless of whether the victim is seconds, minutes, days or years old. To hold otherwise creates an open season on all infant children in our community.

Statement of Sentence Rationale, 11/21/08, at 30.

THE COURT: There were police reports.

MR. FRIEDMAN: Could I finish?

THE COURT: The police reports you had access to read.

MR. FRIEDMAN: The Court goes on to say it was a premeditated, calculated and intentional killing. That's what the Court says in here.

THE COURT: That's correct.

MR. FRIEDMAN: The Court concludes, based upon a review of evidence not of record, not subject to cross-examination that this is a first degree murder case and then the Court imposes a sentence totally rejecting the plea that was done in this case to voluntary manslaughter. I think the Court has abused its discretion. I would ask - I would ask you to recuse yourself in this case. I've asked before. Originally, as the Court will recall, we had an agreement that we ran past the Court, this was going to be a plea to involuntary manslaughter. The Court at that time indicated that based upon information that it had obtained that we were not aware of, that it would not accept the plea. The Court then indicated --

THE COURT: No, I indicated to you this was an intentional killing, this wasn't grossly negligent or reckless for purposes of involuntary.

MR. FRIEDMAN: You told us specifically you will not - on the day of the plea you called us in and said I will not accept the plea to involuntary. We, therefore, agreed to enter a plea to voluntary manslaughter which the Court accepted. And today, not only did the Court go into [sic] beyond the aggravated range times two, but it does so based upon a proceeding that was totally unfair. We had a sentencing hearing today that was a complete nullity. We brought these people in and it made - they didn't need to be here. There was a violation of the Sentencing Code but [sic] not even having a hearing, the sentence was predetermined, but based upon evidence not of record.

THE COURT: Are you done, because if you want to take an appeal, go ahead, Mr. Friedman.

MR. FRIEDMAN: I have to put it on the record.

THE COURT: You can file a motion. Good luck.

MR. FRIEDMAN: I ask for bail pending appeal.

THE COURT: File a motion.

N.T., Sentencing Objections, 11/21/08, at 2-5.

¶ 12 Following sentencing, on December 1, 2008, Rhodes filed a motion for post sentence relief requesting that Judge Cunningham vacate the judgment of sentence and recuse himself from further consideration of her case. On January 20, 2009, Rhodes supplemented the motion with a submission amplifying the motion to recuse based upon the court's refusal to entertain a post-trial request for bail due to a typographical error in the body

of the application, which cited Pa.R.Crim.P. 520(B) (“Bail Before Verdict”) rather than Pa.R.Crim.P. 521(B) (“Bail After Finding of Guilt”).<sup>15</sup> In that supplemental filing, Rhodes averred that “the application for bail clearly indicates that the application was being filed pursuant to Pa.R.Crim.P. 521(B)[,]” and accused Judge Cunningham of having willfully refused to consider the merits of the bail application: “It is respectfully averred that the court knew full well that the motion was being filed for bail following sentence pursuant to Rule 521. Ms. Rhodes had obviously been sentenced and the bail application, although containing a typographical error, clearly was for bail post sentencing.” Supplement to Post Sentence Motion, 1/20/09, at 1-2. Six days after Rhodes filed the Supplement, the court denied her post sentence motion by order of January 26, 2009, and filed with it a sixty-page opinion repeating and amplifying the findings and conclusions the court had reached before the sentencing hearing and then recited on the record at the hearing. Trial Court Opinion and Order, 1/26/09. In the order, Judge Cunningham responded specifically to Rhodes’s motion for recusal as follows:

Defense Counsel has also requested recusal pursuant to Cannon III (c) of the Code of Judicial Conduct. As Defense Counsel is aware, this Court is not related to any of the parties involved in this case. This Court does not know the Defendant and/or her family and/or any witnesses tendered in this case. Further, this Court is not a witness to any of the events nor has this Court ever served as a lawyer in any matter affecting the parties. This Court has no financial or fiduciary interest in this case.

*Id.* at 61.

¶ 13 On January 27, 2009, Rhodes’s counsel filed a Notice of Appeal to this Court. Subsequently, counsel filed an additional motion to recuse asserting that Judge Cunningham’s interaction with members of the media surrounding sentencing created an appearance of impropriety that should compel his recusal. Rhodes’s “Motion to Recuse (Second Request)” averred in pertinent part as follows:

4. Immediately upon filing the court’s opinion, the court, upon information and belief, contacted electronic and print media in Erie County. The court even went so far as to suggest that WJET-TV post the court’s opinion on its web site. A copy of the email from the court to WJET is attached hereto and marked as Exhibit “A.”

5. The defendant respectfully avers that the court’s actions in this case require recusal. The court has not acted in an impartial fashion and continued involvement creates an appearance of impropriety. The court has repeatedly used this case to generate publicity. Prior to the sentencing hearing the court communicated by e-mail with a reporter from the Erie Times News in which the court indicated that it would “have a lot to say about this case including prosecutorial discretion in the appropriate legal forum.” At the time of the sentencing hearing the court

<sup>15</sup> Although the Application for Bail cited Rule 520(B) in the precatory language of its opening paragraph (line 3), the body of the application cited Rule 521(B)(2), (3), and asserted that “Pennsylvania Rule 521 provides for bail after sentencing while a post-sentence motion is pending.” Application for Bail, filed 12/22/08, at 1.

made good on its promise to the Erie Times News by contrasting this case with other cases which had been prosecuted in Erie County but which were completely unrelated to the current case. In addition, the court prepared in advance of the sentencing hearing a 36 page hearing document entitled “Statement of Sentencing Rationale.” In advance of the sentencing hearing, the court made approximately 75 copies of the document which were, upon information and belief, copied at taxpayers’ expense. At time of sentencing hearing [sic] the court’s staff provided all the spectators in the courtroom and representatives of the media with copies of the document.

Motion to Recuse (Second Request), 2/17/09, at 1-2. Judge Cunningham denied this motion and on March 31, 2009, filed an opinion pursuant to Pa.R.A.P. 1925(a), responding to counsel’s assertions of impropriety in his communication with members of the media, noting specifically that his remarks to the Erie Times News had been made in response to a request for information from a reporter.<sup>16</sup> The court then averred that “[t]he timing and content of defense counsel’s requests for recusal suggest the real motive: a readily transparent attempt to judge-shop.” Trial Court Rule 1925(a) Opinion, 3/31/09, at 6. The court went on to note its dismay stating “[i]t is surprising these attacks come from a lawyer charged with ethical responsibilities under the Rules of Professional Conduct and our Code of Civility.” Trial Court Rule 1925(a) Opinion, 3/31/09, at 6 (footnote omitted).

*This opinion will continue in next week's issue of  
the Erie County Legal Journal  
Vol. 94 No. 7 - February 18, 2011*

<sup>16</sup> The reporter’s request, in the form of an e-mail, contrasted Rhodes’s case with that of one Rodger O. Henry who had killed a 4-month old baby in 2001 and attempted to plead guilty to Voluntary Manslaughter but whose plea was rejected by another Erie County judge. The reporter observed “I’m unclear on how the Teri Rhodes plea fits the definition of voluntary manslaughter[.]” and noted that Henry ultimately pled guilty to third-degree murder and was sentenced to 15 to 35 years in prison. Trial Court Rule 1925(a) Opinion, 3/31/09, at 2-3 (quoting E-mail dated 8/6/08)).



**LEGAL NOTICE**

**MARSHALS SALE:** By virtue of a Writ of Execution issued on August 24, 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 March 4, 2011, at 9:00 a.m., local time.** Said hereinafter described property is located at 9816 Bateman Avenue, Cranesville, PA 16410, being more fully described as follows:

All those certain tracts of land, together with the buildings, and improvements erected thereon, described in Deed Book Volume 1095, Page 2109, recorded in the Recorder's Office of Erie County, Pennsylvania, seized and taken in execution as the property of Kelly L. Lascak, at the suit of *The United States of America v. Kelly L. Lascak*, to be sold on Writ of Execution at Case No. 1:10-cv-00021, 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).

Feb. 4, 11, 18, 25

**SHERIFF SALES**

Notice is hereby given that by virtue of sundry Writs of Execution, issued out of the Courts of Common Pleas of Erie County, Pennsylvania, and to me directed, the following described property will be sold at the Erie County Courthouse, Erie, Pennsylvania on

**February 18, 2011  
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

Jan. 28 and Feb. 4, 11

**SALE NO. 1**

**Ex. #13673 of 2010**

**DAVID O. THAYER, Plaintiff**

**v.**

**JOSEPH A. THAYER and  
JAMES A. THAYER, as  
co-partners in THE JAMIE-  
JOE GROUP, a Pennsylvania  
partnership, Defendants  
LEGAL DESCRIPTION**

By virtue of a Writ of Execution No. 13673-2010 DAVID O. THAYER, Plaintiff vs. JOSEPH A. THAYER and JAMES A. THAYER, as co-partners in THE JAMIE-JOE GROUP, Defendants

Real Estate: Avonia Road, Erie County Tax Index No. (21) 70-126-1  
Municipality: Township of Fairview, Erie County, Pennsylvania

Dimensions: 14.08 acres  
See Record Book 833, Page 1086  
Assessment: \$48,000. (Land)  
\$0. (Bldg)

Improvement thereon: None  
Real Estate: Market Road, Erie County Tax Index No. (21) 70-126-1.02  
Municipality: Township of Fairview, Erie County, Pennsylvania  
Dimensions: 3.51 acres  
See Record Book 833, Page 1086  
Assessment: \$31,500. (Land)  
\$0. (Bldg)

Improvement thereon: None  
Attorneys for Plaintiff  
James D. McDonald  
John J. Estok  
The McDonald Group, L.L.P.  
456 West 6th Street, P.O. Box 1757  
Erie, PA 16507-0757  
Phone: (814) 456-5318

Jan. 28 and Feb. 4, 11

**SALE NO. 2**

**Ex. #12977 of 2010**

**ERIE COMMUNITY CREDIT  
UNION formerly known as  
ZURN FEDERAL CREDIT  
UNION, Plaintiffs**

**v.**

**DENISE A. ZELINA, Defendant  
SHORT DESCRIPTION**

ALL that certain piece or parcel of land situate in the Township of Millcreek, Erie County, Pennsylvania, having erected thereon a one-story frame dwelling with two car detached garage being commonly known as 1846 West 50th Street, Erie, Pennsylvania, and bearing Erie County Tax Parcel No. (33) 121-551-9.01

BEING the same premises conveyed to Denise Zelina, by deed dated January 7, 1999, and recorded in the Office of the Recorder of Deeds for Erie County on January 20, 1999, at Deed Book 0613, page 0316.

David E. Holland  
Pa. Supreme Court ID No. 23793  
MacDonald, Illig, Jones  
& Britton LLP  
100 State Street, Suite 700  
Erie, Pennsylvania 16507-1459  
(814) 870-7755

Attorneys for Plaintiff

Jan. 28 and Feb. 4, 11

**SALE NO. 3**

**Ex. #14033 of 2010**

**Greater Erie Area Habitat for  
Humanity, Incorporated**

**v.**

**Angela M. Robinson  
SHERIFF'S SALE**

By virtue of a Writ of Execution filed at Civil Action - Law No. 14033-2010, Greater Erie Area Habitat for Humanity, Incorporated vs. Angela M. Robinson, owner of property situated in the City of Erie, Erie County, Pennsylvania being: 2504 McClelland Avenue, Erie, PA 16510;

Assessment Map Number: (18) 5135-102;

Assessed Value Figure: \$55,600.00  
Improvements thereon: single family ranch style dwelling.

James R. Steadman, Esq.  
Attorney for Plaintiff

24 Main Street East

Girard, PA 16417

(814) 774-2628

Jan. 28 and Feb. 4, 11

**SALE NO. 4**

**Ex. #12938 of 2010**

**FIRST NATIONAL BANK OF  
PENNSYLVANIA, successor in  
interest to The National Bank of  
North East, Plaintiff**

**v.**

**J. WILLIAM PUSTELAK,  
AUDREY L. PUSTELAK, and  
THE UNITED STATES OF  
AMERICA, Defendants  
SHORT DESCRIPTION**

ALL that certain piece or parcel of land situate in the Township of Summit, County of Erie, and Commonwealth of Pennsylvania, having erected thereon a commercial warehouse, office, and rental units of brick and block construction, containing approximately 21,000 square feet, being commonly known as 9070 Peach Street, Erie, Pennsylvania 16509, and bearing Erie County Tax Parcel No. (40) 19-83-11.

BEING the same premises conveyed to J. William Pustelak and Audrey L. Pustelak by deed dated January 11, 2002 and recorded in the Office of the Recorder of Deeds for Erie County, Pennsylvania on January 14,

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Fax: (814) 838-6172  
Email: [ealthof@LSinsure.com](mailto:ealthof@LSinsure.com)

2002 at Deed Book 0843, page 1351.

Susan Fuhrer Reiter  
Pa. Supreme Court ID No. 43581  
MacDonald, Illig, Jones  
& Britton LLP

100 State Street, Suite 700  
Erie, Pennsylvania 16507-1459  
(814) 870-7755

Attorneys for Plaintiff  
Jan. 28 and Feb. 4, 11

**SALE NO. 6**

**Ex. #14594 of 2010**  
**LEE J. MINTER, Plaintiff**

v.

**PAUL D. DURIS and THE  
UNITED STATES OF  
AMERICA, Defendants  
SHERIFF'S SALE**

By virtue of a Writ of Execution filed at No. 14594-2010, Lee J. Minter vs. Paul D. Duris, et. al. owner of property situate in the City of Erie, Erie County, Pennsylvania being: 1704-1706-1708 West 8th Street, Erie, Pennsylvania.

Approx. 50' X 150' X 50' X 150'  
Assessment Map Number:  
(17) 4118-123

Assessed Value Figure: \$86,000.00  
Improvement Thereon: Residence  
Kurt L. Sundberg, Esq.

Marsh Spaeder Baur Spaeder  
& Schaaf, LLP  
Suite 300, 300 State Street  
Erie, Pennsylvania 16507  
(814) 456-5301

Jan. 28 and Feb. 4, 11

**SALE NO. 7**

**Ex. #11029 of 2010**  
**NORTHWEST SAVINGS  
BANK, Plaintiff,**

v.

**MICHAEL R. KANE, Defendant  
SHERIFF'S SALE**

By virtue of a Writ of Execution filed at No. 11029-2010, Northwest Savings Bank vs. Michael R. Kane, owner of property situate in the Township of Harborscreek, Erie County, Pennsylvania being: 4856 Daniels Road, Erie, Pennsylvania.

Approx. 75' x 143'  
Assessment Map Number:  
(27) 40-145-16

Assessed Value Figure: \$92,770.00  
Improvement Thereon: Residence

Kurt L. Sundberg, Esq.  
Marsh Spaeder Baur Spaeder  
& Schaaf, LLP  
Suite 300, 300 State Street  
Erie, Pennsylvania 16507  
(814) 456-5301

Jan. 28 and Feb. 4, 11

**SALE NO. 9**

**Ex. #13387 of 2010**  
**PARTNERS FOR PAYMENT  
RELIEF, LLC, Plaintiff**

v.

**THOMAS R. JOHNSON,  
Defendant  
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 2010-13387 PARTNERS FOR PAYMENT RELIEF, LLC vs. THOMAS R. JOHNSON, owner(s) of property situated in CITY OF ERIE, Erie County, Pennsylvania being 2052 WATER STREET, ERIE, PA 16510

1.) (50) 2-34-6: 0.1196  
2.) (50) 2-34-6.01: 0.0589

Assessment Map number:  
1.) (50) 2-34-6 & 2.) (50) 2-34-6.01  
Assessed Value figure: 1.) \$12,400  
& 2.) 38,510

Improvement thereon: Residential  
Dwelling

Brett A. Solomon, Esq.  
1500 One PPG Place  
Pittsburgh, PA 15222  
(412) 566-1212

Jan. 28 and Feb. 4, 11

**SALE NO. 10**

**Ex. #14820 of 2009**  
**NORTHWEST SAVINGS  
BANK, Plaintiff**

v.

**DANIEL J. ABATA, Defendant(s)  
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 14820-09

NORTHWEST SAVINGS BANK  
vs. DANIEL J. ABATA  
Amount Due: \$102,500.75

DANIEL J. ABATA, owner(s) of property situated in TOWNSHIP OF Millcreek, Erie County, Pennsylvania being 4631 WEATHERWOOD TRAIL, ERIE, PA 16506-6153

Dimensions: 63 x 120

Acreage: 0.1736

Assessment Map number:

33-092-376.2-011.00  
Assessed Value: \$125,210.00  
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

Jan. 28 and Feb. 4, 11

**SALE NO. 11**

**Ex. #14513 of 2010**  
**CITIMORTGAGE, INC.,  
Plaintiff**

v.

**CYNTHIA M. BANEY,  
Defendant(s)  
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 14513-10

CITIMORTGAGE, INC. vs. CYNTHIA M. BANEY  
Amount Due: \$40,167.44

CYNTHIA M. BANEY, owner(s) of property situated in the City of Erie, Erie County, Pennsylvania being 917-919 WEST 7TH STREET, ERIE, PA 16502-1102

Dimensions: 41.25 x 165

Acreage: 0.1572

Assessment Map number:  
17-040-028.0--112.00

Assessed Value: \$41,640.00  
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

Jan. 28 and Feb. 4, 11

**SALE NO. 12**

**Ex. #13879 of 2010**  
**NORTHWEST SAVINGS  
BANK, Plaintiff**

v.

**KEVIN T. CARNEY A/K/A  
KEVIN CARNEY, Defendant(s)  
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 2010-13879

NORTHWEST SAVINGS BANK  
vs. KEVIN T. CARNEY A/K/A  
KEVIN CARNEY

Amount Due: \$93,037.07

KEVIN T. CARNEY A/K/A  
KEVIN CARNEY, owner(s) of

property situated in CITY OF ERIE, Erie County, Pennsylvania being 216 MERLINE AVENUE, ERIE, PA 16509-1522

Dimensions: 60 X 100

Acreage: .1377

Assessment Map number: 18-053-006.0-109.00

Assessed Value: 59,200

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

Jan. 28 and Feb. 4, 11

**SALE NO. 13**

**Ex. #14744 of 2008**

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

v.

**WILLIE MAE CHEATHAMS,  
Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 14744-08

WELLS FARGO BANK, N.A. vs. WILLIE MAE CHEATHAMS

Amount Due: \$36,032.36

WILLIE MAE CHEATHAMS, owner(s) of property situated in CITY OF ERIE, Erie County, Pennsylvania being 714 EAST 29TH STREET, ERIE, PA 16504-1211

Dimensions: 37.35 X 135

Acreage: 0.1085

Assessment Map number: 18-050-061.0-228.00,

18-050-061.0-227.00

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

Jan. 28 and Feb. 4, 11

**SALE NO. 14**

**Ex. #14125 of 2010**

**U.S. BANK NATIONAL  
ASSOCIATION AS TRUSTEE  
FOR RASC 2006KS2, Plaintiff**

v.

**MARILYN K. COMSTOCK  
RONALD L. COMSTOCK,**

**Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 14125-10

U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE FOR RASC 2006KS2 vs. MARILYN K. COMSTOCK and RONALD L. COMSTOCK

Amount Due: \$163,222.52

MARILYN K. COMSTOCK and RONALD L. COMSTOCK, owner(s) of property situated in Township of Harborcreek, Erie County, Pennsylvania being 140 LOWRY ROAD, ERIE, PA 16511-1325

Dimensions: 75 x 218

Acreage: 0.3753

Assessment Map number: 27001002000500

Assessed Value: \$100,800.00

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

Jan. 28 and Feb. 4, 11

**SALE NO. 15**

**Ex. #14100 of 2010**

**WELLS FARGO BANK, N.A.,  
S/B/M TO WELLS FARGO  
HOME MORTGAGE, INC.,  
Plaintiff**

v.

**THOMAS E. DOWNEY,  
Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 14100-10

WELLS FARGO BANK, N.A., S/B/M TO WELLS FARGO HOME MORTGAGE, INC. vs. THOMAS E. DOWNEY

Amount Due: \$69,850.85

THOMAS E. DOWNEY, owner(s) of property situated in CITY OF ERIE, Erie County, Pennsylvania being 1038 WEST 9TH STREET, ERIE, PA 16502-1100

Dimensions: 41.25 X 165

Acreage: 0.1561

Assessment Map number: 16-030-052.0-229.00

Assessed Value: 82,900.00

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

Jan. 28 and Feb. 4, 11

**SALE NO. 16**

**Ex. #10279 of 2010**

**US BANK NATIONAL  
ASSOCIATION, AS TRUSTEE  
FOR STRUCTURED ASSET  
SECURITIES CORPORATION  
TRUST 2006-WF3, Plaintiff**

v.

**JENIEVE L. EDINGER  
JACKIE E. EDINGER,  
Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 10279-2010

US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET SECURITIES CORPORATION TRUST 2006-WF3 vs. JENIEVE L. EDINGER and JACKIE E. EDINGER

Amount Due: \$47,312.06

JENIEVE L. EDINGER and JACKIE E. EDINGER, owner(s) of property situated in TOWNSHIP OF ERIE CITY, Erie County, Pennsylvania being 536 EAST 6TH STREET, ERIE, PA 16507-1714

Dimensions: 35 x 185

Acreage: 0.1486

Assessment Map number: 14-010-017.0-131.00

Assessed Value: \$45,570.00

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

Jan. 28 and Feb. 4, 11

**SALE NO. 18**

**Ex. #12117 of 2010**

**PHH MORTGAGE  
CORPORATION, F/K/A  
CENDANT MORTGAGE  
CORPORATION, Plaintiff**

v.

**CRYSTAL MARIE GORTON  
A/K/A CRYSTAL M. GORTON**

**LEE ANTONIO STEPP,**

**Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 2010-12117

PHH MORTGAGE CORPORATION, F/K/A CENDANT MORTGAGE CORPORATION vs. CRYSTAL MARIE GORTON A/K/A CRYSTAL M. GORTON and LEE ANTONIO STEPP

Amount Due: \$32,973.81

CRYSTAL MARIE GORTON A/K/A CRYSTAL M. GORTON and LEE ANTONIO STEPP, owner(s) of property situated in the City of Erie, Erie County, Pennsylvania being 2513 WALLACE STREET, ERIE, PA 16503-2049

Dimensions: 43 x 63

Acreage: 0.0622

Assessment Map number: 1-23.0-110.00

Assessed Value: \$16,190.00

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

Jan. 28 and Feb. 4, 11

**SALE NO. 19**

**Ex. #18014 of 2008**

**FIRST HORIZON HOME  
LOANS, A DIVISION OF  
FIRST TENNESSEE BANK  
NATIONAL ASSOCIATION,  
Plaintiff**

**v.**

**JASON R. HARNED,  
Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 2008-18014

FIRST HORIZON HOME LOANS, A DIVISION OF FIRST TENNESSEE BANK NATIONAL ASSOCIATION vs. JASON R. HARNED

Amount Due: \$74,899.78

JASON R. HARNED, owner(s) of property situated in TOWNSHIP OF MILLCREEK, Erie County, Pennsylvania being 2640 WEST 24th STREET, ERIE, PA 16506-3004

Dimensions: 80 x 135.14

Acreage: 0.2482

Assessment Map number: 33051198001600

Assessed Value: \$79,230.00

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

Jan. 28 and Feb. 4, 11

**SALE NO. 20**

**Ex. #13474 of 2010**

**PHH MORTGAGE  
CORPORATION, F/K/A  
CENDANT MORTGAGE  
CORPORATION, Plaintiff**

**v.**

**PAUL A. HELSLEY  
YAZIRA D. HELSLEY,  
Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 13474-10

PHH MORTGAGE CORPORATION, F/K/A CENDANT MORTGAGE CORPORATION vs. PAUL A. HELSLEY and YAZIRA D. HELSLEY

Amount Due: \$101,084.97

PAUL A. HELSLEY and YAZIRA D. HELSLEY, owner(s) of property situated in TOWNSHIP OF City of Erie, Erie County, Pennsylvania being 1504 WEST GRANDVIEW BOULEVARD A/K/A 1504 GRANDVIEW BOULEVARD, ERIE, PA 16509-1167

Dimensions: 100 x 150

Acreage: 0.3444

Assessment Map number: 19-061-070.0-100.00

Assessed Value: \$86,640.00

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

Jan. 28 and Feb. 4, 11

**SALE NO. 21**

**Ex. #15706 of 2009**

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

**v.**

**BRIAN P. HOLLAND  
CHRISTINE M. HOLLAND,  
Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 15706-09

WELLS FARGO BANK, N.A. vs. BRIAN P. HOLLAND and CHRISTINE M. HOLLAND

Amount Due: \$133,780.63

BRIAN P. HOLLAND and CHRISTINE M. HOLLAND, owner(s) of property situated in TOWNSHIP OF MILLCREEK, Erie County, Pennsylvania being 3507 PACIFIC AVENUE, ERIE, PA 16506-3528

Dimensions: 62 x 172.5

Acreage: 0.2455

Assessment Map number: 33-074-318.0-007.00

Assessed Value: \$79,500.00

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

Jan. 28 and Feb. 4, 11

**SALE NO. 22**

**Ex. #13957 of 2006**

**EVERHOME MORTGAGE  
COMPANY, Plaintiff**

**v.**

**HAROLD G. HOSACK  
STEPHANIE HOSACK A/K/A  
STEPHANIE L. HOSACK,  
Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 13957-06

EVERHOME MORTGAGE COMPANY vs. HAROLD G. HOSACK and STEPHANIE HOSACK A/K/A STEPHANIE L. HOSACK

Amount Due: \$86,969.29

HAROLD G. HOSACK and STEPHANIE HOSACK A/K/A STEPHANIE L. HOSACK, owner(s) of property situated in the Borough of Albion, Erie County, Pennsylvania being 12 ELK



STREET, ALBION, PA 16410  
 Dimensions: 45 X 69.64  
 Acreage: 0.0719  
 Assessment Map number:  
 1-004-026.0-006.00  
 Assessed Value: 47,000.00  
 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

Jan. 28 and Feb. 4, 11

**SALE NO. 23**

**Ex. #14274 of 2010**  
**DEUTSCHE BANK NATIONAL**  
**TRUST COMPANY, AS**  
**TRUSTEE FOR SOUNDVIEW**  
**HOME LOAN TRUST 2006-**  
**WF2, Plaintiff**

v.

**ANNA HUGHES A/K/A**  
**ANNA MARIE HUGHES**  
**JOE HUGHES A/K/A**  
**JOE LOUIS HUGHES, JR.,**  
**Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution  
 filed to No. 14274-10  
 DEUTSCHE BANK NATIONAL  
 TRUST COMPANY, AS TRUSTEE  
 FOR SOUNDVIEW HOME LOAN  
 TRUST 2006-WF2 vs. ANNA  
 HUGHES A/K/A ANNA MARIE  
 HUGHES and JOE HUGHES  
 A/K/A JOE LOUIS HUGHES, JR.  
 Amount Due: \$124,741.36

ANNA HUGHES A/K/A ANNA  
 MARIE HUGHES and JOE  
 HUGHES A/K/A JOE LOUIS  
 HUGHES, JR., owner(s) of  
 property situated in the CITY OF  
 ERIE, Erie County, Pennsylvania  
 being 2613 BIRD DRIVE, ERIE,  
 PA 16510-2719

Dimensions: 76 x 125

Acreage: 0.1923

Assessment Map number:  
 18-051-048.0-120.00

Assessed Value: \$99,300.00

Improvement thereon: Residential  
 Phelan Hallinan & Schmieg, LLP  
 One Penn Center at Suburban  
 Station, Suite 1400

1617 John F. Kennedy Boulevard  
 Philadelphia, PA 19103-1814  
 (215) 563-7000

Jan. 28 and Feb. 4, 11

**SALE NO. 24**

**Ex. #14099 of 2010**

**Deutsche Bank National Trust**  
**Company, as Trustee for**  
**Soundview Home Loan Trust**  
**2006-WF1, Plaintiff**

v.

**DAVID M. JOHNSON**  
**CATHERINE M. JOHNSON,**  
**Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution  
 filed to No. 14099-10

Deutsche Bank National Trust  
 Company, as Trustee for Soundview  
 Home Loan Trust 2006-WF1  
 vs. DAVID M. JOHNSON and  
 CATHERINE M. JOHNSON

Amount Due: \$617,606.95

DAVID M. JOHNSON and  
 CATHERINE M. JOHNSON,  
 owner(s) of property situated in  
 TOWNSHIP OF MILLCREEK,  
 Erie County, Pennsylvania being  
 5903 DOGWOOD DRIVE, ERIE,  
 PA 16509-2871

Acreage: 1.8140

Assessment Map number:  
 33-190-619.0-163.02

Assessed Value: \$499,700.00

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

Jan. 28 and Feb. 4, 11

**SALE NO. 26**

**Ex. #10159 of 2010**

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

v.

**JASON P. JONES, IN HIS**  
**CAPACITY AS EXECUTOR**  
**AND DEVISEE OF THE**  
**ESTATE OF LINDA L.**  
**TAYLOR, Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution  
 filed to No. 10159-10

WELLS FARGO BANK, N.A.  
 vs. JASON P. JONES, IN HIS  
 CAPACITY AS EXECUTOR AND  
 DEVISEE OF THE ESTATE OF  
 LINDA L. TAYLOR

Amount Due: \$62,758.29

JASON P. JONES, IN HIS

CAPACITY AS EXECUTOR AND  
 DEVISEE OF THE ESTATE OF  
 LINDA L. TAYLOR, owner(s) of  
 property situated in the CITY OF  
 ERIE, Erie County, Pennsylvania  
 being 1022 PENNSYLVANIA  
 AVENUE, ERIE, PA 16503-1544  
 Dimensions: 30 x 120

Acreage: 0.0826

Assessment Map number:  
 15-020-046.0-201.00

Assessed Value: \$34,210.00

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

Jan. 28 and Feb. 4, 11

**SALE NO. 27**

**Ex. #13906 of 2010**

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

v.

**KELLY D. LONG, Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution  
 filed to No. 13906-10

WELLS FARGO BANK, N.A. vs.  
 KELLY D. LONG

Amount Due: \$95,331.25

KELLY D. LONG, owner(s) of  
 property situated in TOWNSHIP  
 OF WAYNE, Erie County,  
 Pennsylvania, being 12164  
 TURNPIKE ROAD, CORRY, PA  
 16407

Dimensions: 1512 sq. ft.

Acreage: 1.4250

Assessment Map number:  
 49-011-031.0-012.00

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

Jan. 28 and Feb. 4, 11

**SALE NO. 28**

**Ex. #10101 of 2010**

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

v.

**PRESTON S. MCKEEN**  
**JENNIFER L. MCKEEN,**

**Defendant(s)  
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 10101-10  
WELLS FARGO BANK, N.A.  
vs. PRESTON S. MCKEEN and JENNIFER L. MCKEEN  
Amount Due: \$128,425.36  
PRESTON S. MCKEEN and JENNIFER L. MCKEEN, owner(s) of property situated in TOWNSHIP OF FAIRVIEW, Erie County, Pennsylvania being 6812 OLD RIDGE ROAD, FAIRVIEW, PA 16415-2054

Acres: 1.6200  
Assessment Map number: 21-050-073.0-008.00  
Assessed Value: \$92,590.00  
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

Jan. 28 and Feb. 4, 11

**SALE NO. 29**

**Ex. #13836 of 2010**  
**BANK OF AMERICA**  
**NATIONAL ASSOCIATION AS**  
**SUCCESSOR BY MERGER TO**  
**LASALLE BANK NATIONAL**  
**ASSOCIATION, AS TRUSTEE**  
**FOR STRUCTURED ASSET**  
**INVESTMENT LOAN TRUST**  
**2004-10, Plaintiff**

v.

**PATRICIA R. NEAL,**  
**Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 13836-10  
BANK OF AMERICA  
NATIONAL ASSOCIATION AS SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET INVESTMENT LOAN TRUST 2004-10 vs. PATRICIA R. NEAL  
Amount Due: \$60,497.72  
PATRICIA R. NEAL, owner(s) of property situated in TOWNSHIP OF CITY OF ERIE, Erie County, Pennsylvania being 126 CHESTNUT STREET, ERIE, PA 16507-1218

Dimensions: 36.42 X 107.5  
Acres: 0.9009  
Assessment Map number: 17-040-041.0-100.00, 17-040-041.0-101.00  
Assessed Value: \$48,630.00  
Improvement thereon: residential  
Phelan Hallinan & Schmieg, LLP  
One Penn Center at Suburban Station, Suite 1400  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000

Jan. 28 and Feb. 4, 11

**SALE NO. 30**

**Ex. #14463 of 2010**  
**WELLS FARGO BANK, N.A.,**  
**S/B/M TO WELLS FARGO**  
**HOME MORTGAGE, INC.,**  
**F/K/A NORWEST MORTGAGE,**  
**INC., Plaintiff**

v.

**THOMAS B. PANGBORN A/K/A**  
**THOMAS BRIAN PANGBORN**  
**GAIL SQUIRES A/K/A GAIL**  
**PANGBORN, Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 14463-10  
WELLS FARGO BANK, N.A., S/B/M TO WELLS FARGO HOME MORTGAGE, INC., F/K/A NORWEST MORTGAGE, INC. vs. THOMAS B. PANGBORN A/K/A THOMAS BRIAN PANGBORN and GAIL SQUIRES A/K/A GAIL PANGBORN  
Amount Due: \$74,671.49

THOMAS B. PANGBORN A/K/A THOMAS BRIAN PANGBORN and GAIL SQUIRES A/K/A GAIL PANGBORN, owner(s) of property situated in TOWNSHIP OF ERIE, Erie County, Pennsylvania being 1636 WEST 39TH STREET, ERIE, PA 16509-1132  
Dimensions: 50x129.70  
Acres: .1489  
Assessment Map number: 19-061-072.0-328.00  
Assessed Value: 65,460  
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

Jan. 28 and Feb. 4, 11

**SALE NO. 32**

**Ex. #13812 of 2010**  
**AURORA LOAN SERVICES,**  
**LLC, Plaintiff**

v.

**DAVID M. REPKO**  
**LISA R. REPKO, Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 13812-10  
AURORA LOAN SERVICES, LLC. vs. DAVID M. REPKO and LISA R. REPKO  
Amount Due: \$67,194.03  
DAVID M. REPKO and LISA R. REPKO, owner(s) of property situated in TOWNSHIP OF LAWRENCE PARK, Erie County, Pennsylvania being 2614 DOBBINS ROAD, ERIE, PA 16511-1223  
Dimensions: 50 x 127  
Acres: 0.1458  
Assessment Map number: 29-006-010.0-023.00  
Assessed Value: \$81,300.00  
Improvement thereon: Residential  
Phelan Hallinan & Schmieg, LLP  
One Penn Center at Suburban Station, Suite 1400  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000

Jan. 28 and Feb. 4, 11

**SALE NO. 33**

**Ex. #13210 of 2009**  
**NATIONAL CITY BANK,**  
**Plaintiff**

v.

**ALICE A. RICE**  
**KEITH A. RICE, Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 13210-09  
NATIONAL CITY BANK vs. ALICE A. RICE and KEITH A. RICE  
Amount Due: \$103,303.44  
ALICE A. RICE and KEITH A. RICE owner(s) of property situated in TOWNSHIP OF HARBORCREEK, Erie County, Pennsylvania being 1429 DAVISON ROAD, HARBORCREEK, PA 16421  
Dimensions: 218 x 150  
Acres: 0.7507  
Assessment Map number: 27-021-118.0-006.00

Assessed Value: \$77,610.00  
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

Jan. 28 and Feb. 4, 11

**SALE NO. 34**

**Ex. #13941 of 2010**

**NATIONSTAR MORTGAGE,  
LLC, F/K/A CENTEX HOME  
EQUITY COMPANY, LLC,  
F/K/A CENTEX HOME  
EQUITY CORPORATION,  
Plaintiff**

**v.**

**JASON R. SCHELOSKE  
MICHELLE J. SCHELOSKE,  
Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution  
filed to No. 13941-10

NATIONSTAR MORTGAGE,  
LLC, F/K/A CENTEX HOME  
EQUITY COMPANY, LLC,  
F/K/A CENTEX HOME EQUITY  
CORPORATION vs. JASON R.  
SCHELOSKE and MICHELLE J.  
SCHELOSKE

Amount Due: \$75,139.26

JASON R. SCHELOSKE and  
MICHELLE J. SCHELOSKE,  
owner(s) of property situated in Erie  
County, Pennsylvania being 1115  
WEST 10TH STREET, ERIE, PA  
16502-1140

Dimensions: 45 x 165

Acreage: 0.1705

Assessment Map number:

16-3056.0-212.00

Assessed Value: \$77,800.00

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

Jan. 28 and Feb. 4, 11

**SALE NO. 35**

**Ex. #13753 of 2010**

**DEUTSCHE BANK NATIONAL  
TRUST COMPANY, AS  
TRUSTEE FOR MORGAN  
STANLEY ABS CAPITAL I INC**

**TRUST 2006-NC4, Plaintiff  
v.  
NICHOLAS J. SWANTEK  
JILLIAN A. SWANTEK,  
Defendant(s)  
SHERIFF'S SALE**

By virtue of a Writ of Execution  
filed to No. 13753-10

DEUTSCHE BANK NATIONAL  
TRUST COMPANY, AS TRUSTEE  
FOR MORGAN STANLEY ABS  
CAPITAL I INC TRUST 2006-NC4  
vs. NICHOLAS J. SWANTEK and  
JILLIAN A. SWANTEK

Amount Due: \$72,260.29

NICHOLAS J. SWANTEK and  
JILLIAN A. SWANTEK, owner(s)  
of property situated in TOWNSHIP  
OF CITY OF ERIE, 6th, Erie  
County, Pennsylvania being 961  
WEST 36TH STREET, ERIE, PA  
16508-2513

Dimensions: 65.5 x 144

Acreage: 0.2165

Assessment Map number:

19061014021300

Assessed Value: \$61,930.00

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

Jan. 28 and Feb. 4, 11

**SALE NO. 36**

**Ex. #13543 of 2010**

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

**v.**

**RAYMOND C. WALL  
KIM Y. WALL, Defendant(s)  
SHERIFF'S SALE**

By virtue of a Writ of Execution  
filed to No. 13543-10

WELLS FARGO BANK, N.A. vs.  
RAYMOND C. WALL and KIM Y.  
WALL

Amount Due: \$72,862.73

RAYMOND C. WALL and KIM Y.  
WALL, owner(s) of property  
situated in TOWNSHIP OF ERIE  
CITY, Erie County, Pennsylvania  
being 1510 EAST 35TH STREET,  
ERIE, PA 16510-2608

Dimensions: 95.48 x IRR.

Acreage: 0.2317

Assessment Map number:

18-051-065.0-32.000

Assessed Value: \$98,740.00

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

Jan. 28 and Feb. 4, 11

**SALE NO. 37**

**Ex. #11966 of 2010**

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

**v.**

**PATRICIA A. WIGHAM,  
Defendant(s)  
SHERIFF'S SALE**

By virtue of a Writ of Execution  
filed to No. 11966-10

WELLS FARGO BANK, N.A. vs.  
PATRICIA A. WIGHAM

Amount Due: \$40,224.28

PATRICIA A. WIGHAM, owner(s)  
of property situated in TOWNSHIP  
OF ERIE CITY, Erie County,  
Pennsylvania being 615 EAST  
32ND STREET, ERIE, PA 16504-  
1220

Dimensions: 69 x 135

Acreage: 0.2107

Assessment Map number:

18-050-067.0-117.00

Assessed Value: \$56,020.00

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

Jan. 28 and Feb. 4, 11

**SALE NO. 38**

**Ex. #13327 of 2010**

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

**v.**

**THERESA M. WILLIAMS  
DAVID M. POPOVICH,  
Defendant(s)  
SHERIFF'S SALE**

By virtue of a Writ of Execution  
filed to No. 13327-10

WELLS FARGO BANK, N.A. vs.  
THERESA M. WILLIAMS and  
DAVID M. POPOVICH

Amount Due: \$116,184.86

THERESA M. WILLIAMS and  
DAVID M. POPOVICH, owner(s)  
of property situated in TOWNSHIP  
OF SPRINGFIELD, Erie County,  
Pennsylvania being 3400 SCOTT  
ROAD, EAST SPRINGFIELD, PA  
16411-9416  
Dimensions: SINGLE FAMILY  
Acreage: 2.9300  
Assessment Map number:  
39-008-029-0-008.02  
Assessed Value: 79,330.10  
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

Jan. 28 and Feb. 4, 11

**SALE NO. 39**

**Ex. #14102 of 2010**  
**US BANK, NATIONAL**  
**ASSOCIATION,**  
**v.**

**LEROY F. MOTLEY**

**ADVERTISING DESCRIPTION**

ATC piece or parcel of land sit.  
in Summit Twp., Co. of Erie, PA.  
Lot No. 6 of Hamot Village Ltd.  
Planned Community, as depicted  
on the Plat of Hamot Village Ltd.  
Planned Community, recorded  
1/31/07 in Map Book 2007, page  
18 and being commonly known as  
2692 N. Shelby Dr., Erie, PA 16509.  
SUBJECT to the interest, rights and  
obligations appurtenant thereto as  
described and referenced in chain  
of title.

PARCEL NO.: 40033072000700

Gregory Javardian, Esquire

Attorney for Plaintiff

Powers, Kirm & Javardian, LLC

1310 Industrial Boulevard, Suite 101  
Southampton, PA 18966

Jan. 28 and Feb. 4, 11

**SALE NO. 41**

**Ex. #12240 of 2010**  
**CITIZENS BANK OF**  
**PENNSYLVANIA, Plaintiff,**  
**v.**

**DAVID C. RICHARDS AND**  
**VIRGINIA S. RICHARDS,**  
**Defendants**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution

filed to No. 12240-2010  
Citizens Bank of Pennsylvania vs.  
David C. Richards and Virginia S.  
Richards  
David C. Richards and Virginia S.  
Richards, owner(s) of property  
situated in Erie, Erie County,  
Pennsylvania being 814 West 7th  
Street, Erie, PA 16504:  
ALL THAT CERTAIN tract or  
parcel of land, situate, lying, and  
being in the City of Erie, County  
of Erie, State of Pennsylvania  
and being part of In-lot No. 1835,  
Block 42, bounded and described  
as follows, to-wit: BEGINNING at  
a point in the north line of Seventh  
Street, 165 feet westwardly from the  
west line of Liberty Street; thence  
northwardly and parallel with  
Liberty Street, 82 ½ feet to a point;  
thence eastwardly and parallel with  
Seventh Street, 37 ½ feet to a point;  
thence southwardly and parallel  
with Liberty Street 82 ½ feet to the  
north line Seventh Street; thence  
westwardly along the north line  
of Seventh Street, 37 ½ feet to the  
place of beginning. Having erected  
thereon a dwelling and garage  
commonly known as 814 West 7th  
Street, Erie Pennsylvania.

Assessment Map Number:  
17040025021700

Assessed Value figure: \$52,720.00

Improvement thereon: Residential  
Property

Lauren Berschler Karl, Esquire

355 Fifth Avenue, Suite 400

Pittsburgh, PA 15222

412-232-0808

Jan. 28 and Feb. 4, 11

**SALE NO. 42**

**Ex. #14697 of 2010**  
**U.S. BANK NATIONAL**  
**ASSOCIATION TRUSTEE**  
**FOR THE PENNSYLVANIA**  
**HOUSING FINANCE AGENCY,**  
**Plaintiff**

**v.**

**STACIE L. MAJCZYK,**  
**Defendants**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution No.  
14697-10 U.S. BANK NATIONAL  
ASSOCIATION TRUSTEE FOR  
THE PENNSYLVANIA HOUSING  
FINANCE AGENCY, Plaintiff vs.

STACIE L. MAJCZYK, Defendants  
Real Estate: 427 EAST 2ND  
STREET, ERIE, PA  
Municipality: City of Erie, Erie  
County, Pennsylvania  
Dimensions: 159 x 33  
See Deed Book 829, Page 267  
Tax I.D. (14) 1015 - 217  
Assessment: \$7,500. (Land)  
\$18,890. (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

Jan. 28 and Feb. 4, 11

**SALE NO. 44**

**Ex. #15577 of 2009**  
**Deutsche Bank National**  
**Trust Company, as Trustee**  
**in trust for the benefit of the**  
**Certificateholders for Argent**  
**Securities Trust 2006-M1,**  
**Asset-Backed Pass-Through**  
**Certificates, Series 2006-M1,**  
**Plaintiff**

**v.**

**Thomas J. May, Defendant(s)**

**LEGAL DESCRIPTION**

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

Being Lot No. Six hundred one  
(601) of Southlands Subdivision,  
Second Section, a map or plot of the  
same having been recorded in the  
Office of the Recorder of Deeds of  
Erie County, Pennsylvania, in Map  
Book 3, Pages 82 and 83, having a  
frontage on the north side of West  
Thirty-Eighth Street of sixty (60)  
feet and a depth northwardly from  
Thirty-Eighth Street along the East  
line of one hundred thirty-eight  
(138) feet, had having a depth  
Northwardly from Thirty-Eighth  
Street along the West line of one  
hundred thirty-eight and two tenths  
(138.2) feet.

Having erected thereon a frame one  
and one-half story dwelling known  
as 1712 West 38th Street, Erie,  
Pennsylvania.

PARCEL ID# 19-6149-225

BEING KNOWN AS: 1712 West 38th Street, Erie, PA 16508  
 PROPERTY ID NO.: 19-6149-225  
 TITLE TO SAID PREMISES IS VESTED IN Thomas J. May by Deed from Thomas J. May & Karen M. May, his wife dated 04/26/2006 recorded 05/05/2006 in Deed Book 1325 Page 1058.  
 Alan M. Minato, Esquire  
 PA ID 75860  
 Attorney for Plaintiff  
 Udren Law Offices, P.C.  
 Woodcrest Corporate Center  
 111 Woodcrest Road, Suite 200  
 Cherry Hill, NY 08003-3620  
 856-669-5400

Jan. 28 and Feb. 4, 11

**SALE NO. 45**

**Ex. #14260 of 2005**  
**US Bank NA, as Trustee for the**  
**Structured Asset Investment**  
**Loan Trust 2005-3, Plaintiff**  
**v.**

**Christopher A. Pentz,**  
**Defendant(s)**

**LEGAL DESCRIPTION**

ALL that certain piece or parcel of land situate in the North East Borough, Erie County, Pennsylvania, bearing Erie County Index No. (35) 1-21-25, bounded and described as follows, to-wit: BEGINNING on the north side of Main Street at the center of the Arch Culvert at Main Street and Robinson Street; thence South 68° west along the north side of Main Street, eighty four and one half feet to land formerly owned by Frans Peterson; thence North 12° 54' west along the land formerly owned by Peterson, one hundred six feet to the center of the creek, thence South 80° 24' east along the creek sixty five feet; thence south 31° 54' east, seventy one and one half feet to the place of beginning.  
 HAVING erected thereon a dwelling known and numbered as 68 West Main St., North East, PA 16428  
 PARCEL NO.: 35-1-21-25  
 UNDER and subject to all conditions, covenants, restrictions, easements, and right-of-ways as of record, including, but not limited to, those listed on the recorded plan (if any), and the following (if any):

BEING KNOWN AS: 68 West Main Street, North East, PA 16428-1134  
 PROPERTY ID NO.: 35-1-21-25  
 TITLE TO SAID PREMISES IS VESTED IN Christopher A. Pentz, individually by Deed from Christopher L. Pentz, a/k/a Christopher A. Pentz, individually dated 01/13/2005 recorded 01/20/2005 in Deed Book 1205 Page 1404.  
 Jerome B. Blank, Esquire  
 PA ID 49736  
 Attorney for Plaintiff  
 Udren Law Offices, P.C.  
 Woodcrest Corporate Center  
 111 Woodcrest Road, Suite 200  
 Cherry Hill, NY 08003-3620  
 856-669-5400

Jan. 28 and Feb. 4, 11

**SALE NO. 46**

**Ex. #14486 of 2010**  
**Wells Fargo Bank, N.A., as**  
**Trustee for Option One Mortgage**  
**Loan Trust 2004-2, Asset-Backed**  
**Certificates, Series 2004-2,**  
**Plaintiff**  
**v.**

**Karen A. Pissanos, Defendant(s)**

**LEGAL DESCRIPTION**

ALL that certain piece or parcel of land situate in the Township of Greene, County of Erie and State of Pennsylvania, bounded and described as follows, to-wit: Beginning at a point in the center line of the Old Wattsburg Road at the northwest corner of lands now or formerly of John Desmond's heirs; THENCE South 00° 15' East, four hundred ten (410) feet to the center line of the pavement of a former Wattsburg Road; THENCE North 60° 52' West, along the center line of said pavement of the former Old Wattsburg Road, 135.4 feet; THENCE North 00° 15' West, parallel to the east line hereof, 331.8 feet to the center line of the Old Wattsburg Road; THENCE North 88° 45' East, along the center line of the Old Wattsburg Road, 118.6 feet to the place of beginning. Containing one (1) acre of land.  
 SAID premises have erected thereon a dwelling commonly known as 9689 Wattsburg Road,

and being further identified by Erie County Tax Index No. (25) 7-23-26.  
 BEING KNOWN AS: 9689 Wattsburg Road Extension, Erie, PA 16509  
 PROPERTY ID NO.: 25007023002600  
 TITLE TO SAID PREMISES IS VESTED IN Karen A. Pissanos by Deed from Floyd L. Pissanos and Karen A. Pissanos dated 09/04/2003 recorded 09/08/2003 in Deed Book 1061 Page 2345.  
 Alan M. Minato, Esquire  
 PA ID 75860  
 Attorney for Plaintiff  
 Udren Law Offices, P.C.  
 Woodcrest Corporate Center  
 111 Woodcrest Road, Suite 200  
 Cherry Hill, NY 08003-3620  
 856-669-5400

Jan. 28 and Feb. 4, 11

**SALE NO. 47**

**Ex. #11103 of 2010**  
**Deutsche Bank National Trust**  
**Company, as Trustee of the Home**  
**Equity Mortgage Loan Trust**  
**Asset-Backed Trust Series SPMD**  
**2004-A, under the Pooling and**  
**Servicing agreement dated**  
**June 1, 2004, Plaintiff**  
**v.**

**Rick Bergquist, co-Administrator**  
**of the Estate of Roger D.**  
**Bergquist, deceased and James**  
**Bergquist, co-Administrator of**  
**the Estate of Roger D. Bergquist,**  
**deceased, Defendant**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 11103-10 Deutsche Bank National Trust Company, as Trustee of the Home Equity Mortgage Loan Trust Asset-Backed Trust Series SPMD 2004-A, under the Pooling and Servicing agreement dated June 1, 2004 vs. Rick Bergquist, co-Administrator of the Estate of Roger D. Bergquist, deceased and James Bergquist, co-Administrator of the Estate of Roger D. Bergquist, deceased, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 1422 East 34th Street, Erie, PA 16504  
 0.1822  
 Assessment Map number:

18051054041400  
Assessed Value figure: \$61,950.00  
Improvement thereon: a residential dwelling  
Michael J. Clark, Esquire  
Shapiro & DeNardo, LLC  
Attorney for Movant/Applicant  
3600 Horizon Drive, Suite 150  
King of Prussia, PA 19406  
(610) 278-6800

Jan. 28 and Feb. 4, 11

**SALE NO. 48**

**Ex. #14104 of 2010**

**U.S. BANK NATIONAL  
ASSOCIATION, AS TRUSTEE  
FOR THE HOLDERS OF  
THE FIRST FRANKLIN  
MORTGAGE LOAN TRUST  
2006-FF12 MORTGAGE PASS-  
THROUGH CERTIFICATES,  
SERIES 2006-FF12, Plaintiff**

**v.**

**VAN W. WILLIAMS,**

**Defendant(s)**

**DESCRIPTION**

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

BEGINNING at a post at the northeast corner of said piece of land herein described; Thence west along Mrs. Nellie Gross south line, thirty-six (36) paces (108 feet) more or less to the middle of Church Street; Thence south to land owned by John Munsee (being five rods); Thence east along the line of land of John Munsee thirty-six (36) paces about 108 feet, more or less to the west line of land of Mrs. Nellie Gross; Thence north along line of Mrs. Nellie Gross five (5) rods to the place of beginning.

HAVING a single family dwelling erected thereon commonly known as 14365 Church Street, Wattsburg, Pennsylvania and bearing Erie County Tax Parcel Index No. (48) 1-2-36.

PROPERTY ADDRESS: 14365 Church Street, Wattsburg, PA 16442  
Michael T. McKeever, Esquire  
Attorney for Plaintiff  
Suite 5000 - Mellon Independence Center, 701 Market Street

Philadelphia, PA 19106  
(215) 627-1322  
Jan. 28 and Feb. 4, 11

**SALE NO. 49**

**Ex. #14130 of 2010**

**Everhome Mortgage Company,  
Plaintiff**

**v.**

**Ronald L. Schweiger, Jr., and  
Kimberly Sue Schweiger,  
Defendant**

**SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 14130-10 Everhome Mortgage Company v. Ronald L. Schweiger, Jr. and Kimberly Sue Schweiger, owners of property situated in the Township of Third Ward of the City of Corry, Erie County, Pennsylvania being 312 Essex Street, Corry, Pennsylvania 16407.

Tax I.D. No. 7-23-72-18

Assessment: \$ 45,742.89

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

Jan. 28 and Feb. 4, 11



**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****CATHERMAN, SUSAN K.,****deceased**

Late of the City of Erie, County of Erie

*Executor:* Duane C. Catherman, 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

**CAUFMAN, JAMES A.,****deceased**

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

*Executrix:* Mary M. Hilliard, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

*Attorney:* Scott L. Wallen, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**DAUGHERTY, DELBERT C.,****deceased**

Late of the Township of Harborcreek, County of Erie, Pennsylvania

*Executor:* Carl J. Daugherty, c/o 246 West 10th Street, Erie, PA 16501

*Attorney:* Scott E. Miller, Esquire, 246 West Tenth Street, Erie, PA 16501

**GADOMSKI, WILLIAM L.,****deceased**

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

*Executor:* Sandra Delaney, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

*Attorney:* Scott L. Wallen, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**GLASS, WILLIAM B.,****deceased**

Late of the City of Erie, County of Erie

*Executrix:* Filomena M. Glass, 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

**GORDON, GEORGE S.,****deceased**

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

*Executrix:* Sandy G. Rounds, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

*Attorneys:* I. John Dunn, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**GUNTHER, EDWARD JAMES,****a/k/a EDWARD J. GUNTHER,****deceased**

Late of the Township of Millcreek, County of Erie, Pennsylvania

*Executrix:* Shyla O. Gunther, c/o 246 West 10th Street, Erie, PA 16501

*Attorney:* Scott E. Miller, Esquire, 246 West Tenth Street, Erie, PA 16501

**HURLEY, SHIRLEY M., a/k/a****SHIRLEY MELISSA HURLEY,****deceased**

Late of Millcreek Township, County of Erie, and Commonwealth of Pennsylvania

*Executor:* Patricia A. Hurley, 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

**KEITH, MARIAN V.,****deceased**

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

*Co-Executrices:* Marilyn Hunt and Diane Keith, c/o 150 West Fifth St., Erie, PA 16507

*Attorney:* Colleen C. McCarthy, Esq., McCarthy, Martone & Peasley, 150 West Fifth St., Erie, PA 16507

**KOPER, BETTY F., a/k/a****BETTY KOPER, a/k/a****ELIZABETH F. KOPER,****deceased**

Late of the Township of Girard, County of Erie, State of Pennsylvania

*Executrix:* Karen A. Koper, 4211 Elk Park Road, Lake City, Pennsylvania 16423

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

**McHENRY, ALICE M.,****deceased**

Late of Lawrence Park Township, Erie County, Erie, Pennsylvania

*Executor:* Clinton S. McHenry, 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



**MONSCHEIN, JACOB H.,  
deceased**

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

**NELSON, JEAN L., a/k/a  
JEAN NELSON, a/k/a  
JEAN LOUISE NELSON,  
deceased**

Late of the Township of Millcreek  
*Administrator:* Carol Seib  
*Attorney:* Michael G. Nelson, Esq., Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, 300 State Street, Suite 300, Erie, Pennsylvania 16507

**SHAFFER, JOYCE M., a/k/a  
JOYCE MARIE SHAFFER,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Administrator:* Rodney N. Shaffer, 1034 West 36th Street, Erie, PA 16508  
*Attorney:* None

**SOTO, HERON DE LEON, a/k/a  
ERON DE LEON SOTO, a/k/a  
ERON DELEON SOTO, a/k/a  
ERON D. SOTO,  
deceased**

Late of the City of Erie, County of Erie, and Commonwealth of Pennsylvania  
*Executor:* Andrew De Leon Soto, 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

**TUROWSKI, PETER WALTER,  
deceased**

Late of the City of Erie  
*Administrator:* Janet Martinez  
*Attorney:* Catherine A. Allgeier, Esq., 504 State St., Suite 203, Erie, PA 16501

**ULLAND, JOHN L.,  
deceased**

Late of Erie City, Erie County, Pennsylvania  
*Executrix:* Marlene D. Ulland, 1020 West 36th Street, Erie, Pennsylvania 16508  
*Attorney:* John R. Falcone, Esq., The Gideon Ball House, 135 East 6th Street, Erie, Pennsylvania 16501

**WEAVER, EDWARD J.,  
deceased**

Late of the City of Erie  
*Administrator:* Timothy Deckert, c/o Attorney Terrence P. Cavanaugh, 3336 Buffalo Road, Wesleyville, PA 16510  
*Attorney:* Terrence P. Cavanaugh, Esq., 3336 Buffalo Road, Wesleyville, PA 16510

**WILCZEWSKI, JEAN,  
deceased**

Late of Millcreek Township, Erie County, Pennsylvania  
*Administrator:* Richard L. Wilczewski, 4611 Basin Circle, Erie, Pennsylvania 16509  
*Attorney:* John R. Falcone, Esq., The Gideon Ball House, 135 East 6th Street, Erie, Pennsylvania 16501

**WOLFF, GERALD MARK, a/k/a  
GERALD M. WOLFF,  
deceased**

Late of the Township of Harborcreek, County of Erie, and Commonwealth of Pennsylvania  
*Administratrix:* Deborah A. Wolff, 3304 Rose Avenue, Apt. #14, Erie, Pennsylvania 16510  
*Attorney:* Robert E. McBride, Esquire, 32 West Eighth Street, Suite 600, Erie, Pennsylvania 16501

**SECOND PUBLICATION**

**BARGIELSKI, FRANCES V.,  
deceased**

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

**BLACK, JACK L., SR.,  
deceased**

Late of the City of Corry, County of Erie and Commonwealth of Pennsylvania  
*Executor:* Carmen M. Black, 13567 W. Smith St. Ext., Corry, PA 16407-8915  
*Attorney:* None

**CALAWAY, ALICE L., a/k/a  
ALICE CALAWAY,  
deceased**

Late of the Borough of Girard, County of Erie, State of Pennsylvania  
*Co-Executrices:* Diana R. Fetterman, 10067 Sampson Avenue, Lake City, Pennsylvania 16423 and Elaine M. Heiden, 419 Olin Avenue, Girard, Pennsylvania 16417  
*Attorney:* James R. Steadman, Esq., 24 Main St. E., Girard, Pennsylvania 16417

**EASTMAN, RAYMOND,  
deceased**

Late of the Township of North East, Commonwealth of Pennsylvania  
*Executor:* Sandra J. Pavlinko, 3433 West 32nd Street, Erie, Pennsylvania 16506  
*Attorney:* Richard A. Vendetti, Esq., Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

**HARSH, JOHN A.,  
deceased**

Late of the Borough of North East, Erie County, Pennsylvania  
*Executrix:* JoAnn Askey, c/o James S. Bryan, Esquire, 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

**KIEWICE, BERTHA STELLA,  
a/k/a BERTHA S. KIEWICE,  
deceased**

Late of the City of Erie, Commonwealth of Pennsylvania  
*Executor:* Sandra M. Goring, 4229 Alan Drive, Erie, Pennsylvania 16510  
*Attorney:* Richard A. Vendetti, Esq., Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

**McCULLOUGH, STEWART C.,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Executors:* Roger Frantz and J. Ronald Kushner  
*Attorney:* J. Ronald Kushner, Esquire, PO Box 7, 248 Seneca Street, Oil City, PA 16301

**MILLER, ANNE K., a/k/a  
ANNA J. MILLER, a/k/a  
ANNA K. MILLER, a/k/a  
ANNA MILLER,  
deceased**

Late of the Borough of Lake City, County of Erie, and Commonwealth of Pennsylvania  
*Administrator dncta:* Richard S. Miller, 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

**NELSON, KARIN C.,  
deceased**

Late of Millcreek Township, Erie County, Pennsylvania  
*Executor:* Judith K. Johnson, c/o Robert G. Dwyer, Esquire, 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

**OHMAN, ROBERT E.,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Executrix:* Lucia Ann DePalma, 558 West Sixth Street, Erie, Pennsylvania 16507-1129  
*Attorney:* Raymond A. Pagliari, Esq., 558 West Sixth Street, Erie, Pennsylvania 16507-1129

**PONTORIERO, JOSEPH  
DONALD, a/k/a JACK J.  
PONTORIERO,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Frances H. Pontoriero, 4204 Trask Ave., Erie, PA 16508  
*Attorney:* None

**PRESS, IRWIN,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Executrix:* Ann Ivory, c/o Jeffrey D. Scibetta, Esq., Knox, McLaughlin, Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501  
*Attorney:* Jeffrey D. Scibetta, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**RESTIFO, JOSEPH D.,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Carol Lee Restifo  
*Attorney:* David J. Rhodes, Esquire, Elderkin, Martin, Kelly & Messina, 150 East 8th Street, Erie, PA 16501

**ROSCINSKI, KATHRYN A.,  
deceased**

Late of the City of Erie  
*Executrix:* Cynthia A. Strickenberger, 2432 Pepper Tree Drive, Erie, PA 16510  
*Attorney:* Michael A. Fetzner, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**SABOL, RUDOLPH R., a/k/a  
RUDOLPH SABOL, a/k/a  
RUDY SABOL,  
deceased**

Late of the Township of Girard, County of Erie, State of Pennsylvania  
*Executrix:* Susan L. Sabol, 1739 Skyline Drive, Erie, Pennsylvania 16509  
*Attorney:* James R. Steadman, Esq., 24 Main St. E., Girard, Pennsylvania 16417

**WRIGHT, RALPH T.,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Executor:* Mark A. Wright, c/o Jerome C. Wegley, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501  
*Attorney:* Jerome C. Wegley, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**THIRD PUBLICATION**

**ACHILLE, MARY A., a/k/a  
MARY ANN ACHILLE,  
deceased**

Late of the City of Erie, County of Erie and State of Pennsylvania  
*Executors:* Ann Marie Hart and Antonio Achille, Sr., c/o 17 West 10th Street, Erie, Pennsylvania 16501  
*Attorneys:* Conner Riley Friedman & Weichler, 17 West 10th Street, Erie, Pennsylvania 16501

**CZAJKOWSKI, MARION H.,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Executor:* Jeffrey Czajkowski, c/o 3209 East Avenue, Erie, PA 16504  
*Attorney:* Cathy M. Lojewski, Esq., 3209 East Avenue, Erie, PA 16504

**DUNN, LANCE J., a/k/a  
LANCE J. DUNN, SR.,  
deceased**

Late of the City of Erie, County of Erie, State of Pennsylvania  
*Executrix:* Darlene L. Dunn, c/o 78 East Main Street, North East, PA 16428  
*Attorney:* John C. Brydon, Esq., Brydon Law Office, 78 East Main Street, North East, PA 16428

**FIALKOWSKI, MARY T.,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executor:* Thomas E. Kuhn, 300 State Street, Suite 300, Erie, PA 16507  
*Attorney:* Thomas E. Kuhn, Esquire, Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, 300 State Street, Suite 300, Erie, PA 16507

**FULLER, MARIE E.,  
deceased**

Late of the Township of Washington, County of Erie, Commonwealth of Pennsylvania  
*Executor:* PNC Bank, National Association, 901 State Street, Erie, PA 16501  
*Attorneys:* MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**GARITY, ALICE B.,  
deceased**

Late of the Borough of Lake City, County of Erie, State of Pennsylvania  
*Executrix:* A. Marie Golden, 10364 Hall Avenue, Lake City, Pennsylvania 16423  
*Attorney:* James R. Steadman, Esq., 24 Main St. E., Girard, Pennsylvania 16417

**HENRY, JAMES K., a/k/a  
JIM HENRY,  
deceased**

Late of the City of Erie, County of Erie  
*Executrix:* Linda Nearhoof, 3610 Scarboro Road, Erie, PA 16506  
*Attorney:* None

**LAWSON, VICTORIA ROSE,  
deceased**

Late of the City of Erie, County of Erie, Pennsylvania  
*Executor:* Patrick M. Lawson, c/o Richards & Associates, P.C., 100 State St., Suite 440, Erie, PA 16507-1456  
*Attorney:* W. John Knox, Esquire, Richards & Associates, P.C., 100 State St., Suite 440, Erie, PA 16507-1456

**MARKLEY, SHIRLEY L.,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Administrator:* Robert P. Markley, c/o 3209 East Avenue, Erie, PA 16504  
*Attorney:* Cathy M. Lojewski, Esq., 3209 East Avenue, Erie, PA 16504

**MARTYNA, JOSEPH T.,  
deceased**

Late of the City of Erie, County of Erie, and Commonwealth of Pennsylvania  
*Executor:* Robert J. Mizwa, 219 Winslow Drive, Oakdale, PA 15071  
*Attorney:* Thomas S. Kubinski, Esquire, The Gideon Ball House, 135 East 6th Street, Erie, PA 16501

**MURRAY, LAURA L., a/k/a  
LAURA LOUISE MURRAY,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Anne L. Haas, 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

**OMNIEWSKI, THOMAS J.,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Administrator:* Christina E. Omniewski, c/o 3209 East Avenue, Erie, PA 16504  
*Attorney:* Cathy M. Lojewski, Esq., 3209 East Avenue, Erie, PA 16504

**SEYMOUR, BENITA C., a/k/a  
BENITA SEYMOUR,  
deceased**

Late of the City of Erie, County of Erie, and State of Pennsylvania  
*Executor:* Stephen A. Tetuan  
*Attorney:* Stephen A. Tetuan, Esq., 100 State Street, Suite 210, Erie, PA 16507

**SYDOW, PATRICIA E.,  
deceased**

Late of the Borough of Girard, County of Erie, State of Pennsylvania  
*Executor:* Robert L. Sydow, 447 Kibler Drive, Girard, Pennsylvania 16417  
*Attorney:* James R. Steadman, Esq., 24 Main St. E., Girard, Pennsylvania 16417

**TILLMAN, CAROLYN J.,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Executor:* Carolyn Counasse, c/o 3209 East Avenue, Erie, PA 16504  
*Attorney:* Cathy M. Lojewski, Esq., 3209 East Avenue, Erie, PA 16504

**WALCZAK, ANGELA ANNE,  
a/k/a ANGELA A. WALCZAK,  
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Bernadette F. Slomski, 664 East 37th Street, Erie, PA 16504  
*Attorneys:* MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

## CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

KEVIN C. JENNINGS ----- (814) 452-6800  
Shapira, Hutzelman, et al ----- (f) (814) 456-2227  
305 West Sixth Street  
Erie, PA 16507 ----- *kjennings@shapiralaw.com*

### New Name

MARISSA SAVASTANA is now MARISSA SAVASTANA WATTS ---- *mwatts@mijb.com*

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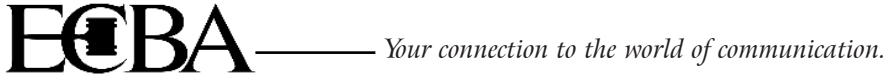


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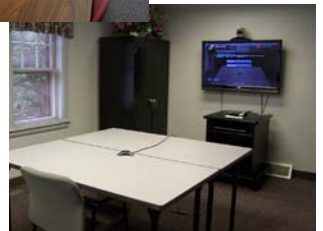
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