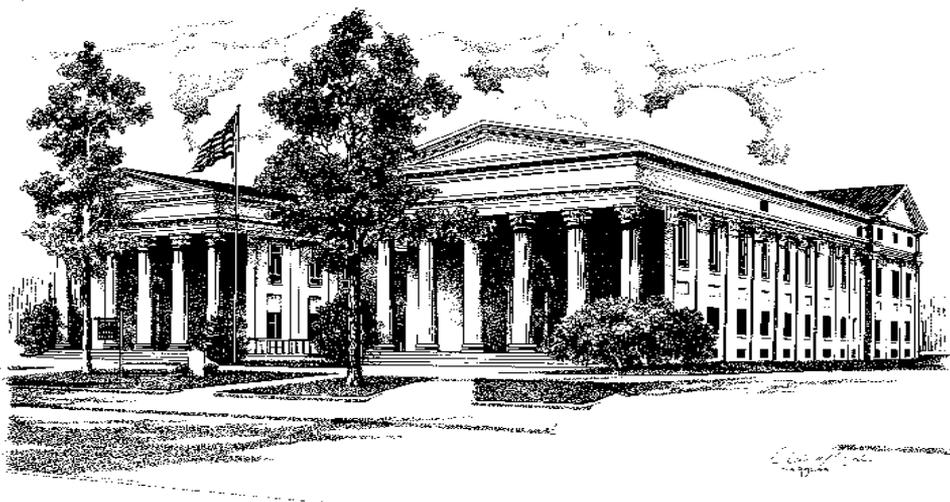


*Erie
County
Legal
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February 25, 2011

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In the United States District Court for the Western District of Pennsylvania
Wisinski v. American Commerce Group, Inc., et al.

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

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

FRIDAY, MARCH 18, 2011

Sophisticated Issues in Foreclosure Proceedings

PBI Groupcast Seminar

Erie County Bar Association

8:30 a.m. - 3:45 p.m. (8:00 a.m. reg.)

Lunch Included

\$294 (member) \$274 (admitted after 1/1/07)

\$314 (nonmember)

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

\$269 (member) \$249 (admitted after 1/1/07) \$289 (nonmember)

5 hours substantive / 1 hour ethics

TUESDAY, MARCH 22, 2011

Slicing Up the Pie: Property Distribution in Pennsylvania

PBI Video Seminar

Erie County Bar Association

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

\$219 (member) \$199 (admitted after 1/1/07)

\$239 (nonmember)

3 hours substantive

WEDNESDAY, MARCH 23, 2011

24th Annual Civil Litigation Update

PBI Groupcast Seminar

Erie County Bar Association

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

Lunch Included

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5 hours substantive / 1 hour ethics

FRIDAY, MARCH 25, 2011

Business Divorce - Shareholder Relations

PBI Groupcast Seminar

Erie County Bar Association

9:00 a.m. - 4:15 p.m. (8:30 a.m. reg.)

Lunch Included

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MARGARET WISINSKI, Plaintiff

v.

**AMERICAN COMMERCE GROUP, INC. AND AMERICAN COMMERCE
INSURANCE COMPANY, Defendant**IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA Civil No. 07-346 Erie**OPINION**

Cohill, Maurice B. Jr., J. January 4, 2011

This is an insurance coverage case brought by Margaret Wisinski against her insurer, American Commerce Group, Inc. ("ACIC") (also identified in the Complaint as American Commerce Insurance Company). Ms. Wisinski initially filed a Complaint in the Court of Common Pleas of Erie County Pennsylvania on November 20, 2007 alleging bad faith in violation of the Pennsylvania Bad Faith statute, 42 Pa.C.S.A. §8371, breach of contract and unfair trade practices in violation of the Motor Vehicle Financial Responsibility Law, 75 Pa.C.S.A. §1701, *et.seq.* ACIC timely removed the case to this Court on December 11, 2007, based on diversity of the parties. (Doc. Nos 1 and 15). The parties have filed cross-motions for summary judgment. As explained below, we will grant in part, and deny in part, both parties' motions.

I. Factual Background

Ms. Wisinski was involved in a motor vehicle accident in Fairview, Erie County, Pennsylvania on December 20, 2001. (Def.'s Statement of Facts at 1; Pl.'s Resp. to Def.'s Statement of Facts at 1). The accident also involved another vehicle driven by Jeffrey Kowalski, who was uninsured at the time because his policy with State Farm had expired or been cancelled on September 1, 2001. *Id.* As a result of the accident, Ms. Wisinski suffered trauma to both of her knees. (Pl.'s Statement of Facts at 4; Def.'s Resp. to Pl.'s Statement of Facts at 4). The injury required injections for pain in both knees, arthroscopic repair and bilateral total knee replacements. *Id.* In total, Ms. Wisinski incurred medical costs of \$41,269. *Id.*

Ms. Wisinski reported the accident to ACIC on December 21, 2001. (Pl.'s Statement of Facts at 3; Def.'s Resp. to Pl.'s Statement of Facts at 3). That same day, ACIC opened a claim file and reviewed Ms. Wisinski's coverage. *Id.* The claim was assigned to Terri West. (Def.'s Statement of Facts at 8; Pl.'s Statement of Facts at 8). The claim file log indicates that Terri West documented the claim to be under Ms. Wisinski's personal auto policy with \$5,000 in First Party Medical Benefits, Additional First-Party Benefits and Collision, with a \$200 Collision deductible and also documented that a message was left for Ms. Wisinski on her answering machine. *Id.*

The claim file log also indicates that Ms. West documented a conversation with Ms. Wisinski, informing her that she would mail a Pennsylvania Personal Injury Protection, or PIP, application ("Application for Benefits") to her. (Def.'s Statement of Facts at 9; Pl.'s Statement of Facts at 9). Ms. Wisinski completed and signed the application, which was received by ACIC on January 4, 2002. (Def.'s Statement of Facts at 10; Pl.'s Statement of Facts at 10). Ms. Wisinski's initial Application for Benefits indicated that she did not have lost wages as a result of the injury. (Def.'s Statement of Facts at 11; Pl.'s Resp. to Def.'s

Statement of Facts at 11).

In January 2002, Ms. Wisinski retained an attorney from the law firm of Dallas W. Hartman, P.C. to represent her in regard to the accident. (Def.'s Statement of Facts at 12; PL.'s Resp. to Def.'s Statement of Facts at 12). On January 17, 2002, Ms. Wisinski's counsel wrote to ACIC, advising of his representation of Ms. Wisinski and requesting a declarations page and specimen policy. (Def.'s Statement of Facts at 12; Pl.'s Statement of Facts at 5). The letter also included an authorization for release of medical records, which revoked all prior authorizations. (Def.'s Statement of Facts at 13; Pl.'s Resp. to Def.'s Statement of Facts at 13). It also directed all future correspondence by ACIC to Ms. Wisinski to be made through her counsel's office. *Id.*

Terri West acknowledged Ms. Wisinski's counsel's letter by letter dated February 7, 2002. Her correspondence indicated that she had ordered a copy of the declarations page and included the original Application for Benefits form completed by Ms. Wisinski, with an additional copy for any necessary changes. (Def.'s Statement of Facts at 14; Pl.'s Resp. to Def.'s Statement of Facts at 14). The claim file log indicates that Ms. West requested a full certified policy, including applicable declarations page and policy forms on February 7, 2002. (Def.'s Statement of Facts at 15; Pl.'s Resp. to Def.'s Statement of Facts at 15). On February 25, 2002, Ms. West sent a letter to Ms. Wisinski's counsel indicating that she had sent a certified copy of the declaration of limits to Ms. Wisinski's counsel. (Def.'s Statement of Facts at 16; Pl.'s Resp. to Def.'s Statement of Facts at 16). According to the parties, it is unclear whether a certified copy of Ms. Wisinski's policy was also sent to her counsel and whether an entire declarations page, including pages for both vehicles, was sent with this correspondence. (*Id.*; Pl.'s Statement of Facts at 5; Def.'s Resp. to Pl.'s Statement of Facts at 5). No further requests were made by Ms. Wisinski's counsel following West's February 25, 2002 correspondence. (Def.'s Statement of Facts at 17; Pl.'s Resp. to Def.'s Statement of Facts at 17).

Between January 2002 and August 2002, the claim file log indicates the receipt of and payment for Ms. Wisinski's medical bills. (Def.'s Statement of Facts at 18; Pl.'s Resp. to Def.'s to Plaintiff's Statement of Facts at 18). A June 11, 2003, entry in the claim file indicates that Ms. Wisinski's first party medical benefits in the amount of \$5,000 had been exhausted. (Pl.'s Statement of Facts at 6; Def.'s Resp. to Pl.'s Resp. to Def.'s Statement of Facts at 6).

On August 30, 2002, Ms. Wisinski's counsel indicated that he would provide a narrative report from Ms. Wisinski's physician regarding her right knee and a signed wage verification form in order to proceed with an income loss benefits claim. (Def.'s Statement of Facts at 19; Pl.'s Resp. to Def.'s Statement of Facts at 19). In response, ACIC provided Ms. Wisinski with a second Application for Benefits form. (Def.'s Statement of Facts at 20; Pl.'s Resp. to Def.'s Statement of Facts at 20).

Ms. Wisinski completed a second Application for Benefits dated September 20, 2002, which included her income loss claim. *Id.* The application indicated that Ms. Wisinski was employed by the United States Postal Service at the time of the accident, earning \$776 weekly. *Id.* It also indicated that Ms. Wisinski incurred lost wages as a result of the December 20, 2001 accident. *Id.* Ms. Wisinski's counsel made a demand for payment of wage benefits in a settlement demand letter dated September 23, 2003. (Pl.'s Statement of

Facts at 7; Def.'s Resp. to Pl.'s Statement of Facts at 7). The letter also indicates that Ms. Wisinski's counsel was unable to find insurance coverage for the tortfeasor, Mr. Kowalski. *Id.* Ms. Wisinski's counsel made a demand to settle Ms. Wisinski's uninsured motors coverage for the limits. *Id.*

In November 2002, ACIC documented a conversation with Ms. Wisinski indicating that ACIC's claim representative, Nelson Brothers, spoke directly to Ms. Wisinski advising her to fax a request to her physician to verify disability as a result of the accident. (Def.'s Statement of Facts at 21; Pl.'s Resp. to Def.'s Statement of Facts at 21).

On March 20, 2003, Barbara Welton, representing Ms. Wisinski, wrote to Mr. Brothers indicating that she would be handling all future correspondence regarding Ms. Wisinski's claim. (Def.'s Statement of Facts at 23; Pl.'s Resp. to Def.'s Statement of Facts at 23). Thereafter, on May 18, 2003, another attorney representing Ms. Wisinski, Larry Keith, contacted ACIC requesting that he be contacted regarding the income loss payment issue. (Def.'s Statement of Facts at 24; Pl.'s Resp. to Def.'s Statement of Facts at 24). The claim file log indicates that as of May 2003 ACIC was waiting for documentation to support the wage loss claim. (Def.'s Statement of Facts at 25; Pl.'s Resp. to Def.'s Statement of Facts at 25). The log also indicates that Susan Ridgeway was handling Ms. Wisinski's First Party Benefit file and on May 21, 2003 she contacted Mr. Keith to advise him that she was awaiting documentation from Ms. Wisinski's employer and physician regarding the income loss claim. (Def.'s Statement of Facts at 26; Pl.'s Resp. to Def.'s Statement of Facts at 26). The log indicates that Mr. Keith noted he was not the primary attorney on the claim, but their office would provide the requested documentation. *Id.*

Also in May 2003, ACIC reassigned Ms. Wisinski's First Party Benefits claims, including her income loss claim, to claims manager Kelly Bihn. (Def.'s Statement of Facts at 27; Pl.'s Resp. to Def.'s Statement of Facts at 27). Ms. Bihn's May 15, 2003 log notes indicate that Ms. Wisinski's file was open for first party benefits including medical coverage in the amount of \$5,000 and income loss coverage with a limit of \$1,500 a month and an aggregate limit of \$25,000. (Def.'s Statement of Facts at 27; Pl.'s Resp. to Def.'s Statement of Facts at 27). She indicated that on May 15, 2003 she told Ms. Wisinski's counsel that ACIC still needed income loss information from Ms. Wisinski's employer and physician. (Def.'s Statement of Facts at 28; Pl.'s Resp. to Def.'s Statement of Facts at 28). On June 5, 2003, Ms. Wisinski's counsel provided, to ACIC, a form entitled "Wage and Salary Verification" from the United States Postal Service, as well as the police report from the accident. (Def.'s Statement of Facts at 31; Pl.'s Resp. to Def.'s Statement of Facts at 31).

Ms. Bihn's log notes indicate that between May and July 2003, she noted that medical records provided from Ms. Wisinski indicated that she had been granted Social Security Disability Benefits as of July 2001. (Def.'s Statement of Facts at 32; Pl.'s Resp. to Def.'s Statement of Facts at 32). The log also indicates that despite the medical records indication that Ms. Wisinski had been granted disability benefits, her counsel assured Ms. Bihn that Ms. Wisinski was not on disability. *Id.* Ms. Wisinski's counsel indicated that she would submit a signed affidavit from Ms. Wisinski indicating as such. *Id.* Ms. Wisinski's counsel then provided a wage and salary verification from the United States Postal Service, which

indicated that Ms. Wisinski had not been in a "pay status", that is, had not been actively working for the Postal Service since January 3, 2001. (Def.'s Statement of Facts at 33; Pl.'s Resp. to Def.'s Statement of Facts at 33). On July 2, 2001, the Postal Service issued a "letter of removal" terminating Ms. Wisinski's employment with the Service six months prior to the December 20, 2001 accident. (*Id.*)

Ms. Bihn wrote to Ms. Wisinski's counsel on July 31, 2003 advising that she needed further explanation regarding the wage loss information provided by the Postal Service, specifically, why Ms. Wisinski was no longer on pay status as of January 3, 2001. (Def.'s Statement of Facts at 34; Pl.'s Resp. to Def.'s Statement of Facts at 34). She likewise indicated that she needed an affidavit from Ms. Wisinski indicating that she was not on Social Security Disability. *Id.*

On September 10, 2003, Ms. Bihn indicated that Ms. Wisinski's counsel provided a physician's report from Dr. German indicating that Ms. Wisinski had an injury to her right knee prior to the December 20, 2001 accident and a diagnosis post-accident of "exacerbation of underlying arthritis" as a result of the accident. (Def.'s Statement of Facts at 35; Pl.'s Resp. to Def.'s Statement of Facts at 35). In regard to income loss, Dr. German indicated that he believed that Ms. Wisinski was unable to work. *Id.* Ms. Bihn's log notes indicate that she questioned whether or not the income loss claim was related to Ms. Wisinski's injuries. *Id.*

On September 18, 2003, Ms. Wisinski's counsel advised ACIC that because Mr. Kowalski was uninsured at the time of the accident, Ms. Wisinski would be pursuing an uninsured motorist claim against ACIC. (Def.'s Statement of Facts at 37; Pl.'s Resp. to Def.'s Statement of Facts at 37). On October 15, 2003, ACIC was advised that Mr. Kowalski was deceased. (Pl.'s Resp. to Def.'s Statement of Facts at 38). Ms. Wisinski's counsel also requested that ACIC waive subrogation at this time. *Id.* On February 2, 2004 ACIC waived subrogation. (Def.'s Statement of Facts at 38; Pl.'s Resp. to Def.'s Statement of Facts at 38).

On January 30, 2004, Ms. Bihn offered to settle Ms. Wisinski's uninsured motorist claim for \$7,798. (Pl.'s Statement of Facts at 8; Def.'s Resp. to Pl.'s Statement of Facts at 8). At the same time, Ms. Bihn denied Ms. Wisinski's income loss claim. *Id.* The claim file log indicates that ACIC had a reserve of \$12,000 and had considered the case an "aggravation only" case. *Id.* A February 2, 2004 log note indicates that Ms. Bihn evaluated Ms. Wisinski's claim as an "aggravation only" claim, and with a settlement range between \$7,798 and \$14,943. (Def.'s Statement of Facts at 39; Pl.'s Resp. to Def.'s Statement of Facts at 39). Ms. Bihn noted a settlement goal of \$12,000. *Id.* According to Ms. Wisinski, the log notes from February 2, 2004 do not indicate that ACIC had been provided with information that Ms. Wisinski had arthroscopy on both knees subsequent to the December 20, 2001 accident. *Id.*

In February 2004, ACIC reassigned the claim file to a more experienced adjuster, Diane Hericks. (Def.'s Statement of Facts at 40; Pl.'s Resp. to Def.'s Statement of Facts at 40). Ms. Hericks reviewed the file on March 29, 2004, identified the policy limits to be \$50,000, and on March 30, 2004, set the reserve at \$50,000. (Pl.'s Statement of Facts at 9; Def.'s Resp. to Pl.'s Statement of Facts at 9).

Ms. Hericks' log entry dated March 30, 2004 states:

[Claimant's] medical records indicate that she may have had a history of right knee problems prior to this accident but her doctors are reporting her condition was aggravated. It appears that her left knee complaints first started after our loss. Her MRI showed arthritic changes but they are arguing the accident caused the tear. Meds running over \$14,000 claiming she has been unable to work (was earning \$40,000 a year?) Wage records need to be checked out more closely/questionable if she was already on disability. But, considering worst case scenario I recommend we increase the reserve to the full \$50,000 UM limit.

(Def.'s Exh. 6 at 1664).

A letter to Ms. Wisinski's counsel dated March 27, 2004 from Ms. Hericks requested a new signed authorization to release medical information and a list of past and present treating physicians. (Def.'s Statement of Facts at 42; Pl.'s Resp. to Def.'s Statement of Facts at 42). According to Ms. Wisinski, her counsel had already provided extensive medical records in September 2002, prior to this request. (Pl.'s Response to Def.'s Statement of Facts at 42). Counsel for Ms. Wisinski responded by letter dated May 10, 2004 indicating that he was in the process of obtaining updated medical and treatment records and bills. (Def.'s Statement of Facts at 45; Pl.'s Resp. to Def.'s Statement of Facts at 45).

Ms. Hericks followed up on November 9, 2004 with a letter to Ms. Wisinski's counsel, indicating that ACIC had waived subrogation rights and confirmed that Ms. Wisinski's counsel was in the process of gathering additional medical and wage documentation, including her medical history. (Def.'s Statement of Facts at 48; Pl.'s Resp. to Def.'s Statement of Facts at 48). Documentation in the log notes from May 26, 2005 indicates that, on that date, ACIC received a lien notice for Medicare benefits. (Def.'s Statement of Facts at 51; Pl.'s Resp. to Def.'s Statement of Facts at 51).

On August 11, 2005, Mr. Keith advised Ms. Hericks that the law firm of Dallas Hartman was no longer representing Ms. Wisinski. (Def.'s Statement of Facts at 52; Pl.'s Resp. to Def.'s Statement of Facts at 52). Ms. Hericks sent a letter to Ms. Wisinski, dated August 25, 2005, requesting that Ms. Wisinski contact her if she wished to pursue her claim further. (Def.'s Statement of Facts at 54; Pl.'s Resp. to Def.'s Statement of Facts at 54). Ms. Wisinski faxed a letter to ACIC dated November 22, 2005, indicating that she received Ms. Hericks August 25, 2005 letter and that she was interested in pursuing both an uninsured motorist and income loss claim. *Id.* Ms. Wisinski attached a report from her physician, Dr. Steele, and demanded \$50,000, which was what she still believed the policy limits to be, as well as the aggregate of her first party income limit of \$25,000. *Id.* The letter also indicated that if she did not hear from ACIC within ten days, she would file suit. *Id.*

On December 9, 2005, Ms. Hericks responded to Ms. Wisinski's correspondence by sending out new authorizations and again requesting a medical history so that ACIC could consider the demand. (Def.'s Statement of Facts at 57; Pl.'s Resp. to Def.'s Statement of Facts at 57). Ms. Hericks also increased her settlement offer to \$9,000, while also indicating that Ms. Wisinski still had not provided additional income loss information. (Def.'s Statement of Facts at 58; Pl.'s Resp. to Def.'s Statement of Facts at 58). On December 9, 2005, Ms. Wisinski's new counsel, Timothy George, wrote to ACIC, requesting that the parties proceed to arbitration on Ms. Wisinski's uninsured motorist claim. (Pl.'s Statement

of Facts at 11; Def.'s Resp. to Pl.'s Statement of Facts at 11).

On December 12, 2005, Ms. Wisinski filed suit against ACIC by filing a Writ of Summons in the Court of Common Pleas of Erie County, Pennsylvania. (Def.'s Statement of Facts at 60; Pl.'s Resp. to Def.'s Statement of Facts at 60). On December 28, 2005, Ms. Hericks contacted attorney Douglas Godshall and retained him to represent ACIC in regard to Ms. Wisinski's claims. (Pl.'s Statement of Facts at 12; Def.'s Resp. to Pl.'s Statement of Facts at 12). Ms. Hericks sent a fax to Mr. Godshall on December 28, 2008 asking whether arbitration would be required and stating her opinion that it "[a]ppeared according to our policy wording we have the option." (Pl.'s Statement of Facts at 8, Exh. H). However, ACIC had provided Mr. Godshall with an outdated policy that did not include Ms. Wisinski's new Pennsylvania Uninsured Motorists Endorsement that allowed arbitration upon the request of either party. The original relevant arbitration language provided that "[b]oth parties must agree to arbitration." (Pl.'s Exh. H at 0131.) The Pennsylvania Uninsured Motorist Endorsement to the policy changed the applicable relevant arbitration language to provide that "[e]ither party may make a written demand for arbitration." (Pl.'s Exh. A, Bates No. 45.)

On December 28, 2005, Mr. Godshall wrote to Mr. George indicating that he had ordered a certified copy of the policy and would provide a copy of the policy to Mr. George. (Exh. I). He also indicated that he believed that the applicable policy language did not require arbitration. (*Id.*; Def.'s Statement of Facts at 64; Pl.'s Resp. to Def.'s Statement of Facts at 64).

On February 6, 2006, Mr. George faxed a Motion to Compel Arbitration and Appoint Arbitrator and Notice of Presentation to Mr. Godshall. (Pl.'s Statement of Facts at 13; Def.'s Resp. to Pl.'s Statement of Facts at 13). Said Motion was filed in the Court of Common Pleas of Erie County and heard by Honorable John Bozza. *Id.* Judge Bozza granted Ms. Wisinski's Motion to Compel Arbitration. *Id.*

On February 9, 2006 ACIC filed a Motion to Reconsider Judge Bozza's Order compelling arbitration. (Pl.'s Statement of Facts at 14; Def.'s Resp. to Pl.'s Statement of Facts at 14). The parties filed written submissions and argument was held before Judge Bozza on ACIC's Motion to Reconsider. *Id.* On March 1, 2006, Judge Bozza denied ACIC's Motion to Reconsider. *Id.* On March 15, 2006, Mr. Godshall wrote to Ms. Hericks regarding the arbitration issue, stating as follows:

We have taken a look at the procedural issues, which have been placed in front of us by Judge Bozza's decision to let this go to arbitration. Unfortunately, his ruling is not appealable at this time. We will have to go through the arbitration and then petition the Court to vacate the arbitration award based upon our policy. Given the Court's ruling against us, it is highly unlikely that he would so rule.

We would then have an appeal. ...Unfortunately lawyers tend to give more money than juries. I will be constantly reminding opposing counsel that I have an appeal in my back pocket should the award be too high.

(Ex. L).

On February 8, 2006, Mr. Godshall sent a certified copy of Ms. Wisinski's policy to Mr. George. (Def.'s Statement of Facts at 70; Pl.'s Resp. to Def.'s Statement of Facts at 70). In a March 2, 2006 letter to Mr. Godshall, Mr. George indicated that, after reviewing the certified copy of the policy, he believed the policy limits for Ms. Wisinski's uninsured

motorist claim to be \$100,000, not \$50,000, because of stacking. (Exh. M; Pl.'s Statement of Facts at 16; Def.'s Resp. to Pl.'s Statement of Facts at 16).

In a May 4, 2006 letter to Ms. Hericks, Mr. Godshall noted:

Plaintiff's counsel asked whether or not we considered his view that the coverage should be "stacked". Unfortunately, our research indicates that they can, given the Claimant[s]'s \$100,000 of uninsured motorist benefits.

(Exh. N). By letter dated June 26, 2006, Mr. Godshall advised Mr. George that he agreed that stacking was available. (Def.'s Statement of Facts at 72; Pl.'s Resp. to Def.'s Statement of Facts at 75).

On April 19, 2006, ACIC took a statement of Ms. Wisinski under oath. (Pl.'s Statement of Facts at 18; Def.'s Resp. to Pl.'s Statement of Facts at 18). On May 10, 2006, an independent medical examination of Ms. Wisinski was performed by Dr. William Abraham on behalf of ACIC. *Id.* Dr. Abraham concluded that any injuries sustained by Ms. Wisinski as a result of the December 20, 2001 accident did not substantially alter or accelerate the degenerative process in Ms. Wisinski's knees. (Def.'s Statement of Facts at 76; Pl.'s Resp. to Def.'s Statement of Facts at 76). Ms. Wisinski disputes Dr. Abraham's conclusion noting that his report did not adequately state Ms. Wisinski's medical conditions and was inconsistent with Dr. Steele's report and Ms. Wisinski's deposition testimony. Dr. Steele's deposition testimony indicated that Ms. Wisinski "did have preexisting arthritis in her knees and that the injury aggravated the condition and caused an acceleration in her knee - - in her need for a new knee joint in both knees." (Pl.'s Resp. To Def.'s Statement of Facts; Pl.'s Exhibit EE at 12196.)

Mr. Godshall took Dr. Steele's deposition testimony, which was documented in the claim file log on July 18, 2006. (Def.'s Statement of Facts at 77; Pl.'s Resp. to Def.'s Statement of Facts 77). Ms. Herrick's log notes dated June 22, 2006 indicated that Dr. Steele acknowledged that Ms. Wisinski had bone degeneration of the right knee prior to the December 20, 2001 accident. (Def.'s Statement of Facts at 78; Pl.'s Resp. to Def.'s Statement of Facts at 78). Moreover, the log notes indicate that Dr. Steele testified that he did not know that Ms. Wisinski was receiving Social Security Disability Benefits at the time of the accident and Mr. Godshall opined that Dr. Steele's deposition testimony was favorable to ACIC. *Id.* According to Ms. Wisinski, Dr. Steele clearly related Ms. Wisinski's knee surgeries to the motor vehicle accident. *Id.* Dr. Steele testified that trauma can accelerate the degenerative process in an individual who already had arthritic changes in the knee. (Pl.'s Exhibit EE at 12196).

[Y]ou can damage tissue with an injury on a microscopic level, and there's studies in the literature which show that even normal joints where X rays are perfectly normal, MRIs are perfectly normal, a patient sustains an injury such as this, a jamming contact type of injury, where you can kill cells in the joint and you can't see that on an X ray or an MRI, and - - but because of the damage to the cells, the tissue doesn't get adequate nutrition or proper nutrition, and the tissue will deteriorate.

(Pl.'s Resp. to Def.'s Statement of Facts at 77; Pl.'s Exhibit EE at 12197.)

The log notes indicate that Ms. Hericks completed an Injury Evaluation and Claim File Analysis. (Def.'s Statement of Facts at 81; Pl.'s Resp. to Def.'s Statement of Facts at

81). She noted a settlement range between \$7,208.78 to \$149,306.00 based on soft tissue injuries and the possibility of arbitration. *Id.* Her log notes also indicate that ACIC would need to increase the next offer to at least \$20,000. *Id.* She also noted that ACIC's counsel will "take the position that Arbitration will not necessary resolve (will appeal) & they will also eliminate a lot of time/expense if we resolve now." (Pl.'s Resp. to Def.'s Statement of Facts at 81.)

On July 28, 2006, a claims examiner for ACIC, Steve Shiner, increased the reserve to \$100,000. (Def.'s Statement of Facts at 83; Pl.'s Resp. to Def.'s Statement of Facts at 83). Specifically, Shiner stated:

I will extend settlement authorization to the \$100,000 [policy limits]. That said, we should continue negotiating this case as if we have every intention of taking it to arbitration (with plans of appealing an adverse decision) and, if necessary, proceed with the next scheduled deposition to demonstrate our commitment to that plan to PC [plaintiff's counsel].

(Pl.'s Statement of Facts at 83). Mr. Shiner also noted that stacking had been "overlooked" and that defense counsel believed the arbitration panel would likely accept Ms. Wisinski's arguments. (Def.'s Statement of Facts at 84; Pl.'s Resp. to Def.'s Statement of Facts at 84).

In a letter to Mr. George dated July 28, 2006, Mr. Godshall states:

I would like the opportunity to explore settlement. I am firmly of the opinion that this matter should not be arbitrated [I]n an attempt to compromise this matter, I would offer you and your client the sum of \$20,000 to see if we can resolve this matter.

(Exh. P).

Ms. Herick's log indicates that Mr. George sent correspondence to Ms. Hericks on August 22, 2006, in which he indicated that ACIC had twenty-one days to pay the policy limits or the demand would be withdrawn and a bad faith action would be initiated. (Def.'s Statement of Facts at 89; Pl.'s Resp. to Def.'s Statement of Facts at 89). Ms. Hericks' log also indicates that Mr. Godshall reviewed Mr. George's letter and recommended to ACIC that it extend the settlement offer to the policy limits of \$100,000. *Id.* Ms. Hericks' note indicates a desire to further negotiate, but gave Mr. Godshall authority to settle up to the policy limit. (Def.'s Statement of Facts at 90; Pl.'s Resp. to Def.'s Statement of Facts at 90).

The parties agreed to settle for \$100,000. (Def.'s Statement of Facts at 90; Pl.'s Resp. to Def.'s Statement of Facts at 90). ACIC directed that Medicare must be the payee on the settlement check as a result of the lien asserted by Medicare on Ms. Wisinski's settlement proceeds. (Pl.'s Statement of Facts at 21; Def.'s Resp. to Pl.'s Statement of Facts at 21). However, even Mr. Godshall advised ACIC, by way of a letter dated November 7, 2006, that it would be very rare for Medicare to be placed on a check and that other carriers typically will accept personal indemnities from counsel as an alternative. *Id.*

During the process of settling the claim, Ms. Wisinski filed for Bankruptcy and as a result, this settlement required the approval of the United States Bankruptcy Court for the Western District of Pennsylvania ("Bankruptcy Court."). (Def.'s Statement of Facts at 92; Pl.'s Resp. to Def.'s Statement of Facts at 92, Exhibit 51). On December 29, 2006, Mr. George obtained Court approval from the Bankruptcy Court for fee agreement and

settlement. *Id.* The Bankruptcy Court Order addressed the Medicare lien. *Id.*

On January 18, 2007, Mr. Godshall offered a Release of All Claims to Mr. George, which included language waiving Ms. Wisinski's income loss claim and potential bad faith claims. (Pl.'s Statement of Facts at 22; Def.'s Resp. to Pl.'s Statement of Facts at 22). Ms. Wisinski's counsel objected to said terms in the release and multiple versions were exchanged until an acceptable release was executed on February 9, 2007. (Def.'s Statement of Facts at 93; PL.'s Resp. to Def.'s Statement of Facts at 93).

*This opinion will continue in next week's issue of
the Erie County Legal Journal
Vol. 94 No. 9 - March 4, 2011*

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Email: ealthof@LSinsure.com

CERTIFICATE OF AUTHORITY

Notice is hereby given that:

1. Beacon Consulting, Inc., a Texas Corporation, has applied for a Certificate of Authority under the provisions of the Pennsylvania Business Corporation Law of 1988.
 2. Its principal office under the laws of Texas is located at 3313 West Valley Drive, Bedford, TX 76021.
 3. Its proposed registered office in Pennsylvania will be 13662 Sanford Road, West Springfield, PA 16443.
- John P. Leemhuis, Jr., Esquire
Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc.
2222 West Grandview Boulevard
Erie, Pennsylvania 16506-4508

Feb. 25

FICTITIOUS NAME NOTICE

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

FICTITIOUS NAME NOTICE

1. Fictitious Name: Inspired by Buddy Dog Treats
2. Address of the principal place of business, including street and number: 3913 Pine Ave., Erie, PA 16504
3. The real names and addresses, including street and number, of the persons who are parties to the registration: Rebecca Niemeyer, 3913 Pine Ave., Erie, PA 16504
4. An application for registration of a fictitious name was filed with the Department of State on or about February 7, 2011.

Feb. 25

INCORPORATION NOTICE

Notice is hereby given that Luxury Cats, Inc. has been incorporated under the Business Corporation Law of 1988.

Gery T. Nietupski, Esquire
Law Offices of Gery T. Nietupski, Esquire, LLC
818 State Street, Suite A
Erie, Pennsylvania 16501

Feb. 25

INCORPORATION NOTICE

Sceiford Quality Fruit, Inc. has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.
Brian Glowacki, Esquire
Knox McLaughlin Gornall & Sennett, P.C.
120 West Tenth Street
Erie, Pennsylvania 16501

Feb. 25

LEGAL NOTICE

NOTICE OF ACTION IN MORTGAGE FORECLOSURE IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA CIVIL ACTION - LAW CITIFINANCIAL SERVICES, INC.

vs.

JASON R. FOSTER, IN HIS CAPACITY AS HEIR OF PATRICIA B. FOSTER, DECEASED

CINDY WALTERS, IN HER CAPACITY AS HEIR OF PATRICIA B. FOSTER, DECEASED

TOM FOSTER, IN HIS CAPACITY AS HEIR OF PATRICIA B. FOSTER, DECEASED

JOHN FOSTER, IN HIS CAPACITY AS HEIR OF PATRICIA B. FOSTER, DECEASED

UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE, OR INTEREST FROM OR UNDER PATRICIA B. FOSTER, DECEASED
COURT OF COMMON PLEAS
CIVIL DIVISION
ERIE COUNTY
NO. 15613-10

NOTICE

TO UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE, OR INTEREST FROM OR UNDER PATRICIA B. FOSTER, DECEASED:

You are hereby notified that on OCTOBER 11, 2010, Plaintiff, CITIFINANCIAL SERVICES,

INC., filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of ERIE County Pennsylvania, docketed to No. 15613-10. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 3606 PITTSBURGH AVENUE, ERIE, PA 16508 whereupon your property would be sold by the Sheriff of ERIE County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

You should take this notice to your lawyer at once. If you do not have a lawyer, go to or telephone the office set forth below. This office can provide you with information about hiring a lawyer.

If you cannot afford to hire a lawyer, this office may be able to provide you with information about agencies that may offer legal services to eligible persons at a reduced fee or no fee.

ERIE COUNTY
LAWYER REFERRAL SERVICE
PO Box 1792
Erie, PA 16507
814-459-4411

Feb. 25

LEGAL NOTICE

ATTENTION: JOHN DOE INVOLUNTARY TERMINATION OF PARENTAL RIGHTS IN THE MATTER OF THE ADOPTION OF MINOR FEMALE CHILD (K.M.D.)
DOB: 01-08-06

#102 IN ADOPTION 2010
If you could be the parent of the

above mentioned child, at the instance of the Petitioner, Erin Marie Koestel (nee Noyer), you, laying aside all business and excuses whatsoever, are hereby cited to be and appear before the Orphan's Court of Erie County, Pennsylvania, at the Erie County Court House, Judge Daniel J. Brabender, Court Room No. 220-F, City of Erie on April 19, 2011 at 9:30 a.m. and then and there show cause, if any you have, why your parental rights to the above child should not be terminated in accordance with a Petition and Order of Court filed by the Petitioner, Erin Marie Koestel (nee Noyer). A copy of these documents can be obtained by contacting Richard A. Blakely, Esquire at (814) 833-2222.

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

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

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

Feb. 25

LEGAL NOTICE

ATTENTION: NICHOLAS CORNMAN
INVOLUNTARY TERMINATION OF PARENTAL RIGHTS
IN THE MATTER OF THE ADOPTION OF MINOR FEMALE CHILD (M.P.S.); DOB: 11-24-2004 #59 IN ADOPTION, 2010

If you could be the parent of the above mentioned child, at the instance of Erie County Office of Children and Youth you, laying aside all business and excuses whatsoever, are hereby cited to be and appear before the Orphan's Court of Erie County, Pennsylvania, at the Erie County Court House, Judge Cunningham, Court Room C, City of Erie on March 11, 2011 at 9:00 a.m. and then there show cause, if any you have, why your parental rights to the above child should not be terminated, in accordance with a Petition and Order of Court filed by the Erie County Office of Children and Youth. A copy of these documents can be obtained by contacting the Erie County Office of Children and Youth at (814) 451-7740.

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

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

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

Feb. 25

LEGAL NOTICE

ATTENTION: RONALD FREDERICK
INVOLUNTARY TERMINATION OF PARENTAL RIGHTS
IN THE MATTER OF THE ADOPTION OF MINOR FEMALE CHILD (N.E.W.); DOB: 11-17-09 #66 IN ADOPTION, 2010

If you could be the parent of the above mentioned child, at the instance of Erie County Office of Children and Youth you, laying aside all business and excuses whatsoever, are hereby cited to be and appear before the Orphan's Court of Erie County, Pennsylvania, at the Erie County Court House, Judge Brabender, Court Room F, City of Erie on April 5, 2011 at 9:30 a.m. and then there show cause, if any you have, why your parental rights to the above child should not be terminated, in accordance with a Petition and Order of Court filed by the Erie County Office of Children and Youth. A copy of these documents can be obtained by contacting the Erie County Office of Children and Youth at (814) 451-7740.

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

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

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

Feb. 25

LEGAL NOTICE

ATTENTION: KEVIN A. MCKINZIE
INVOLUNTARY TERMINATION OF PARENTAL RIGHTS
IN THE MATTER OF THE ADOPTION OF MINOR FEMALE CHILD (K.R.W.); DOB: 2-27-00 #89 IN ADOPTION, 2010

If you could be the parent of the above mentioned child, at the instance of Erie County Office of Children and Youth you, laying aside all business and excuses whatsoever, are hereby cited to be and appear before the Orphan's Court of Erie County, Pennsylvania, at the Erie County Court House, Judge Brabender, Court Room F, City of Erie on March 22, 2011 at 9:30 a.m. and then there show cause, if any you have, why your parental rights to the above child should not be terminated, in accordance with a Petition and Order of Court filed by the Erie County Office of Children and Youth. A copy of these documents can be obtained by contacting the Erie County Office of Children and Youth at (814) 451-7740.

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

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

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

Feb. 25

LEGAL NOTICE

IN THE ORPHANS' COURT
DIVISION OF THE COURT
OF COMMON PLEAS OF
WESTMORELAND COUNTY,
PENNSYLVANIA

IN RE: Adoption of Peyton Allen
Thomas (Adoptee's name as on birth

certificate)

No: 122 of 2010

ATTORNEY: Charles F. Wade

NOTICE

(Involuntary Termination)

TO: Elizabeth Mary Anne
Weimer, birth mother of Peyton
Allen Thomas

A petition has been filed asking the court to put an end to all rights you have to your child Peyton Allen Thomas. The court has set a hearing to consider ending your rights to your child. That hearing will be held in Courtroom # 10 on the 13th day of April, 2011 at 9:00 A.M. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the court without your being present.

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

If you cannot afford to hire a lawyer, this office may be able to provide you with information about agencies that may offer legal services to eligible persons at a reduced fee or no fee.

Lawyer Referral Service
Westmoreland Bar Association
P.O. Box 565

Greensburg, PA 15601
(724) 834-8490

Charles F. Wade, Esquire
40 N. Pennsylvania Avenue, Suite 310
Greensburg, PA 15601
(724)830-3300

Feb. 25 and March 4, 11

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.

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

**March 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

Feb. 25 and Mar. 4, 11

SALE NO. 2

Ex. #13107 of 2010

**Americo Federal Credit Union
v.**

**Douglas E. Auer and
Patricia C. Auer
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 2010-13107, Americo Federal Credit Union vs. Douglas E. Auer and Patricia C. Auer, owners of property situated in the City of Erie, County of Erie and Commonwealth of Pennsylvania being 3006 Brandes Street, Erie, Pennsylvania.

Assessment Map Number:
(18) 5047-306
Edwin W. Smith, Esq.
305 West Sixth Street

Erie, PA 16507
(814) 452-6800

Feb. 25 and Mar. 4, 11

SALE NO. 3

Ex. #14006 of 2010

**US BANK, NATIONAL
ASSOCIATION AS TRUSTEE
FOR JPM ALT 2006-S3, Plaintiff
v.**

**AMIN AL-BARKISHI,
Defendant(s)
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 14006-10

US BANK, NATIONAL
ASSOCIATION AS TRUSTEE
FOR JPM ALT 2006-S3 vs. AMIN
AL-BARKISHI

Amount Due: \$67,947.13
AMIN AL-BARKISHI, owner(s)
of property situated in City of Erie,
Erie County, Pennsylvania being
1036 EAST 26th STREET, ERIE,
PA 16504-2910

Dimensions: 40 x 165
Acreage: .1515
Assessment Map number:
18-050-042.0-131.00
Assessed Value: 39,200

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

Feb. 25 and Mar. 4, 11

SALE NO. 4

Ex. #14035 of 2010

**CITIMORTGAGE, INC.,
Plaintiff
v.**

**DEBBIE A. BEVERIDGE A/K/A
DEBBIE BEVERIDGE A/K/A
DEBORAH A. BEVERIDGE,
Defendant(s)
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 2010-14035

CITIMORTGAGE, INC. vs.
DEBBIE A. BEVERIDGE A/K/A
DEBBIE BEVERIDGE A/K/A
DEBORAH A. BEVERIDGE
Amount Due: \$59,663.36

DEBBIE A. BEVERIDGE A/K/A
DEBBIE BEVERIDGE A/K/A
DEBORAH A. BEVERIDGE,

owner(s) of property situated in the TOWNSHIP OF LAWRANCE [sic], Erie County, Pennsylvania being 1059 RANKINE AVENUE, ERIE, PA 16511-2845
Dimensions: 19.4 X 109
Acreage: .0486

Assessment Map number:
29-018-059.0-029.00
Assessed Value: \$49,980.00

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

Feb. 25 and Mar. 4, 11

SALE NO. 5

Ex. #13613 of 2009

**US BANK NATIONAL
ASSOCIATION, AS TRUSTEE
FOR CMLTI 2007-WFHE3,
Plaintiff
v.**

**ANTHONY M. DUFALA,
Defendant(s)
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 13613-09

US BANK NATIONAL
ASSOCIATION, AS TRUSTEE
FOR CMLTI 2007-WFHE3 vs.
ANTHONY M. DUFALA
Amount Due: \$67,075.33

ANTHONY M. DUFALA, owner(s)
of property situated in BOROUGH
OF UNION CITY, 2ND WARD,
Erie County, Pennsylvania being 42
SOUTH STREET, UNION CITY,
PA 16438-1219

Dimensions: 54
Acreage: 165
Assessment Map number:
42-009-032.0-002.00
Assessed Value: 55,380

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

Feb. 25 and Mar. 4, 11

SALE NO. 6

**Ex. #14800 of 2010
NATIONSTAR MORTGAGE**

**LLC, Plaintiff
v.
APRIL LYNN ESPY,
Defendant(s)
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 14800-10
NATIONSTAR MORTGAGE LLC vs. APRIL LYNN ESPY
Amount Due: \$59,255.63
APRIL LYNN ESPY, owner(s) of property situated in CITY OF ERIE, Erie County, Pennsylvania being 3825 PERRY STREET, ERIE, PA 16504-2371
Dimensions: 40 X 130
Acreage: 0.1194
Assessment Map number: 18-053-083.0-126.00
Assessed Value: 58,860.00
Improvement thereon: residential Phelan Hallinan & Schmiegl, LLP One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814
(215) 563-7000
Feb. 25 and Mar. 4, 11

SALE NO. 7

**Ex. #13606 of 2008
GMAC MORTGAGE, LLC,
S/I/I TO GMAC MORTGAGE
CORPORATION, Plaintiff
v.
LEON JACKSON
WINNIE L. JACKSON,
Defendant(s)
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 13606-08
GMAC MORTGAGE, LLC, S/I/I GMAC MORTGAGE CORPORATION vs. LEON JACKSON and WINNIE L. JACKSON
Amount Due: \$131,832.79
LEON JACKSON and WINNIE L. JACKSON, owner(s) of property situated in Erie County, Pennsylvania being 4110 PINE AVENUE, ERIE, PA 16504-2334
Acreage: 1.6020
Assessment Map number: 18052005010700
Assessed Value: \$87,1000.00 [sic]
Improvement thereon: Residential Phelan Hallinan & Schmiegl, LLP One Penn Center at Suburban

Station, Suite 1400
1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814
(215) 563-7000
Feb. 25 and Mar. 4, 11

SALE NO. 8

**Ex. #14153 of 2010
CITIMORTGAGE, INC.,
Plaintiff**

**v.
HEATHER KENNEDY-
GONZALEZ, Defendant(s)
SHERIFF'S SALE**
By virtue of a Writ of Execution filed to No. 14153-10
CITIMORTGAGE, INC. vs. HEATHER KENNEDY-GONZALEZ
Amount Due: \$84,858.35
HEATHER KENNEDY-GONZALEZ, owner(s) of property situated in TOWNSHIP OF CITY OF ERIE, Erie County, Pennsylvania being 3912 RASPBERRY STREET, ERIE, PA 16509-1324
Dimensions: 45 X 140
Acreage: 0.1446
Assessment Map number: 19061029010300
Assessed Value: 46,330.00
Improvement thereon: residential Phelan Hallinan & Schmiegl, LLP One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814
(215) 563-7000
Feb. 25 and Mar. 4, 11

SALE NO. 9

**Ex. #10556 of 2005
JPMC SPECIALTY
MORTGAGE LLC, F/K/A WM
SPECIALTY MORTGAGE,
LLC, Plaintiff**

**v.
THOMAS L. KESSELRING
DOROTHY E. BUREK,
Defendant(s)
SHERIFF'S SALE**
By virtue of a Writ of Execution filed to No. 10556-05
JPMC SPECIALTY MORTGAGE LLC, F/K/A WM SPECIALTY MORTGAGE, LLC vs. THOMAS L. KESSELRING and DOROTHY E. BUREK

Amount Due: \$77,008.81
THOMAS L. KESSELRING and DOROTHY E. BUREK, owner(s) of property situated in the FIRST WARD OF THE BOROUGH OF UNION CITY, Erie County, Pennsylvania being 45 BRIDGE STREET, UNION CITY, PA 16438
Dimensions: 66 X 372.27
Acreage: .2121
Assessment Map number: (41) 13-49-3
Assessed Value: 80,300
Improvement thereon: residential Phelan Hallinan & Schmiegl, LLP One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814
(215) 563-7000
Feb. 25 and Mar. 4, 11

SALE NO. 10

**Ex. #13732 of 2010
WELLS FARGO BANK, N.A.,
S/B/M TO WELLS FARGO
HOME MORTGAGE, INC.,
Plaintiff**

**v.
JENNIFER H. KOZLOWSKI,
Defendant(s)
SHERIFF'S SALE**
By virtue of a Writ of Execution filed to No. 13732-10
WELLS FARGO BANK, N.A., S/B/M TO WELLS FARGO HOME MORTGAGE, INC. vs. JENNIFER H. KOZLOWSKI
Amount Due: \$48,718.84
JENNIFER H. KOZLOWSKI, owner(s) of property situated in the CITY OF ERIE, Erie County, Pennsylvania being 2121 WEST 34TH STREET, ERIE, PA 16508-1917
Dimensions: 50 X 125
Acreage: 0.1435
Assessment Map number: 19-061-063.0-203.00
Assessed Value: 44,270.00
Improvement thereon: residential Phelan Hallinan & Schmiegl, LLP One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814
(215) 563-7000
Feb. 25 and Mar. 4, 11

SALE NO. 11
Ex. #13982 of 2009
THE BANK OF NEW YORK
MELLON TRUST COMPANY,
NATIONAL ASSOCIATION
FKA THE BANK OF NEW
YORK TRUST COMPANY,
N.A. AS SUCCESSOR TO
JPMORGAN CHASE BANK
N.A. AS TRUSTEE FOR RASC
2003KS4, Plaintiff

v.
DAWN L. RAINEY, Defendant(s)
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 13982-09 THE BANK OF NEW YORK MELLON TRUST COMPANY, NATIONAL ASSOCIATION FKA THE BANK OF NEW YORK TRUST COMPANY, N.A. AS SUCCESSOR TO JPMORGAN CHASE BANK N.A. AS TRUSTEE FOR RASC 2003KS4 vs. DAWN L. RAINEY

Amount Due: \$93,800.50
DAWN L. RAINEY, owner(s) of property situated in CITY OF ERIE, Erie County, Pennsylvania being 714 EAST 33RD STREET, ERIE, PA 16504
Dimensions: 35
Acreage: 135
Assessment Map number: 18050063012700
Assessed Value: 61,960
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

Feb. 25 and Mar. 4, 11

SALE NO. 12
Ex. #14584 of 2010
PHH MORTGAGE
CORPORATION, F/K/A
CENDANT MORTGAGE
CORPORATION, Plaintiff

v.
DANIEL J. SIMON,
Defendant(s)
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 14584-10 PHH MORTGAGE CORPORATION, F/K/A

CENDANT MORTGAGE CORPORATION vs. DANIEL J. SIMON

Amount Due: \$31,445.74
DANIEL J. SIMON, owner(s) of property situated in the City of Erie, Erie County, Pennsylvania being 2229 PROSPECT AVENUE, ERIE, PA 16510-1359 .
Dimensions: 80 X 120
Acreage: 0.2204
Assessment Map number: 18-051-034.0-212.00
Assessed Value: 46,910.00
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

Feb. 25 and Mar. 4, 11

SALE NO. 14
Ex. #14675 of 2010
WELLS FARGO BANK, N.A.,
Plaintiff

v.
LILLY A. WEED, Defendant(s)
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 14675-10 WELLS FARGO BANK, N.A. vs. LILLY A. WEED
Amount Due: \$57,120.63
LILLY A. WEED, owner(s) of property situated in CITY OF ERIE, Erie County, Pennsylvania being 3936 ESSEX AVENUE, ERIE, PA 16504-2450

Dimensions: 62.94 x 91
Acreage: 0.1337
Assessment Map number: 18-052-010.0-300.00
Assessed Value: 53,600.00
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

Feb. 25 and Mar. 4, 11

SALE NO. 15
Ex. #13144 of 2010
CITIMORTGAGE, INC.,
Plaintiff
v.

MICHAEL WIENCZKOWSKI
MELISSA WIENCZKOWSKI,
Defendant(s)
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 13144-10 CITIMORTGAGE, INC. vs. MICHAEL WIENCZKOWSKI and MELISSA WIENCZKOWSKI
Amount Due: \$209,525.00
MICHAEL WIENCZKOWSKI and MELISSA WIENCZKOWSKI, owner(s) of property situated in TOWNSHIP OF CONCORD, Erie County, Pennsylvania being 12804 LOVELL ROAD, CORRY, PA 16407-7704
Acreage: 7.0690

Assessment Map number: 03-003-007.0-003.04
Assessed Value: 124,220
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

Feb. 25 and Mar. 4, 11

SALE NO. 16
Ex. #15639 of 2008
DEUTSCHE BANK NATIONAL
TRUST COMPANY AS
TRUSTEE FOR FIRST
FRANKLIN MORTGAGE
LOAN TRUST 2006-FF11,
Plaintiff

v.
JOHN K. WILLIAMS
TINA M. WILLIAMS,
Defendant(s)
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 15639-08 DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR FIRST FRANKLIN MORTGAGE LOAN TRUST 2006-FF11 vs. JOHN K. WILLIAMS and TINA M. WILLIAMS
Amount Due: \$74,306.07
JOHN K. WILLIAMS and TINA M. WILLIAMS, owner(s) of property situated in CORRY CITY WARD 2/0601, Erie County, Pennsylvania being 419 WRIGHT STREET, CORRY, PA 16407-1221
Dimensions: 50

Acreage: 234
Assessment Map number:
06015024001000
Assessed Value: 37,000
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

Feb. 25 and Mar. 4, 11

SALE NO. 17

Ex. #14746 of 2010
THE BANK OF NEW YORK
MELLON, AS TRUSTEE FOR
CIT MORTGAGE LOAN
TRUST 2007-1

v.

JENNIFER MCGARVIE

ADVERTISING DESCRIPTION

ATC piece or parcel of land sit. in
Bor. of Wesleyville, Co. of Erie,
PA. Beg. at a point in the N. line of
Chestnut St., now Edison Ave., 120
ft. E. from the intersection of N.
line of Edison Ave., and E. line of
Market St.

Front: 40 ft. Depth: 100.375 ft.
BEING known as 3514 Edison
Ave., Wesleyville Borough, Erie, PA
16510

Deed Book Volume 1402 Page 547
PARCEL No. 50002036000600

Gregory Javardian, Esquire
Attorney for Plaintiff
1310 Industrial Boulevard
1st Floor, Suite 101
Southampton, PA 18966
(215) 942-9690

Feb. 25 and Mar. 4, 11

SALE NO. 18

Ex. #15034 of 2010
U.S. BANK NATIONAL
ASSOCIATION TRUSTEE
FOR THE PENNSYLVANIA
HOUSING FINANCE AGENCY,
Plaintiff

v.

JOHN C. BUCKLAND,
Defendants

SHERIFF'S SALE

By virtue of a Writ of Execution No.
15034-10 U.S. BANK NATIONAL
ASSOCIATION TRUSTEE FOR
THE PENNSYLVANIA HOUSING
FINANCE AGENCY, Plaintiff vs.

JOHN C. BUCKLAND, Defendants
Real Estate: 124 SOUTH
WASHINGTON STREET, NORTH
EAST, PA

Municipality: Borough of North
East, Erie County, Pennsylvania
See Deed Book 1227, Page 1430
Tax I.D. (36) 12-66-19

Assessment: \$24,300. (Land)
\$43,780. (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

Feb. 25 and Mar. 4, 11

SALE NO. 19

Ex. #10170 of 2008
U.S. BANK NATIONAL
ASSOCIATION TRUSTEE
FOR THE PENNSYLVANIA
HOUSING FINANCE AGENCY,
Plaintiff

v.

DIANN M. BUTERBAUGH,
Defendants

SHERIFF'S SALE

By virtue of a Writ of Execution No.
10170-08 U.S. BANK NATIONAL
ASSOCIATION TRUSTEE FOR
THE PENNSYLVANIA HOUSING
FINANCE AGENCY, Plaintiff
vs. DIANN M. BUTERBAUGH,
Defendants

Real Estate: 909 EAST 24TH
STREET, ERIE, PA

Municipality: CITY OF ERIE, Erie
County, Pennsylvania

Dimensions: 24 x 57
See Deed Book 1342 Page 1276

Tax I.D. (18) 5039-220
Assessment: \$5200 (Land)
\$38010 (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

Feb. 25 and Mar. 4, 11

SALE NO. 21

Ex. #14934 of 2010
US BANK NATIONAL
ASSOCIATION, (TRUSTEE

FOR THE PENNSYLVANIA
HOUSING FINANCE AGENCY,
PURSUANT TO A TRUST
INDENTURE DATED AS OF
APRIL 1, 1982,) Plaintiff,

v.

KENNETH H. LONGSTREET
AND LINDA A. LONGSTREET,
Defendants

SHERIFF'S SALE

By virtue of a Writ of Execution
filed to No. 14934-10, US Bank
National Association, et al vs.
Kenneth H. Longstreet and Linda A.
Longstreet, owner(s) of property
situated in Erie City, Erie County,
Pennsylvania being 421 Stafford
Ave, Erie, PA 16508.

Dimensions: 5300 square feet
Assessment Map Number:
19-6049-208

Assess Value figure: 58,170.00
Improvement thereon: Dwelling
Louis P. Vitti, Esquire
Attorney for Plaintiff
215 Fourth Avenue
Pittsburgh, PA 15222
(412) 281-1725

Feb. 25 and Mar. 4, 11

SALE NO. 22

Ex. #14607 of 2010
SRMOF 2009-1 Trust, Plaintiff
v.
Linda Sanderson, Defendant
SHERIFF'S SALE

By virtue of a Writ of Execution
filed to No 14607-10, SRMOF
2009-1 Trust v. Linda Sanderson,
Owner(s) of property situated in
Erie, Erie County, Pennsylvania,
being 3011 Pine Avenue, Erie, PA
16504

ALL THAT CERTAIN piece
or parcel of land situate in the
City of Erie, County of Erie, and
Commonwealth of Pennsylvania,
being part of Reserve Tract Number
thirty-two (32), bounded and
described as follows, to-wit:

BEGINNING at a point in the East
line of Pine Avenue at the Northwest
corner of land now or formerly
owned by Katie May,
THENCE Northwardly along the
East line of Pine Avenue, forty-one
and 04/100 (41.04) feet;
THENCE in a line parallel to the
land now or formerly owned by

John Scheloske Eastwardly one hundred ninety-nine and 17/100 (199.17) feet to a point; THENCE in a line parallel to the East line of Pine Avenue Southwardly Forty-one and 04/100 (41.04) feet to a point; THENCE in a line parallel to the said South side of the said Land of Scheloske Westwardly one hundred ninety-nine and 17/100 (199.17) feet to a point on the East line of Pine Avenue and the point of beginning.

SAID premises have erected thereon a brick flat commonly known as 3009-3011 Pine Avenue, Erie, Pennsylvania, bearing Erie County Tax Index No. (18) 5076-120

Assessment Map number: 18050076012000

Assessed Value figure: \$51,350.00
Improvement thereon: Residential Dwelling

Martha E. Von Rosenstiel, Esquire
649 South Avenue, Unit #6

P.O. Box 822
Secane, PA 19018
(610) 328-2887

Feb. 25 and Mar. 4, 11

SALE NO. 23

Ex. #14875 of 2010
WELLS FARGO BANK, N.A.,
AS TRUSTEE FOR OPTION
ONE MORTGAGE LOAN
TRUST 2000-B, ASSET-
BACKED CERTIFICATES,
SERIES 2000-B, Plaintiff

v.

THOMAS G. TOZZI
JEAN P. TOZZI, Defendant(s)

DESCRIPTION

All that certain piece or parcel of land situate in the Borough of Girard, Erie County, Pennsylvania, bearing Erie County Assessment No. (23) 4-18-11, bounded and described as follows, to-wit:

Being known as Lot No. 29 and Lot No. 30 of the Rice Avenue Allotment, having erected thereon a frame dwelling house known as 51 Miles Avenue, Girard, Pennsylvania; and is further identified by Erie County Tax Index No. (23) 4-18-11.

Excepting and reserving a five foot (5) strip of land from the

Southwesterly side of Lot No. 30
PROPERTY ADDRESS: 51 Miles
Avenue, Girard, PA 16417
Goldbeck McCafferty & McKeever
Attorney for Plaintiff
Suite 5000 - Mellon Independence
Center, 701 Market Street
Philadelphia, PA 19106
(215) 627-1322

Feb. 25 and Mar. 4, 11

SALE NO. 24

Ex. #14469 of 2010
The Huntington National Bank,
Plaintiff

v.

Martha C. Keister, Defendant
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 14469-10 The Huntington National Bank vs. Martha C. Keister, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 2804 Liberty Street, Erie, PA 16508 75.93 x 70

Assessment Map number:
(19) 6041-404

Assessed Value figure: \$55,790.00
Improvement thereon: a dwelling
Patrick Thomas Woodman, Esq.

436 Seventh Avenue
1400 Koppers Bldg.
Pittsburgh, PA 15219
(412) 434-7955

Feb. 25 and Mar. 4, 11

SALE NO. 25

Ex. #14676 of 2010
Wells Fargo Bank, N.A.

v.

Angel P. Montalban
SHERIFF'S SALE

By virtue of a Writ of Execution file to No. 2010-14676 Wells Fargo Bank, N.A. vs. Angel P. Montalban, owner(s) of property situated in the City of ERIE, County of Erie, Pennsylvania being 516 Hess Avenue, Erie, PA 16507

0.0661 acres
Assessment Map Number:
14-1044-201

Improvement thereon: Single Family Dwelling
Scott A. Dietterick, Esquire
Kimberly A. Bonner, Esquire
Joel Ackerman, Esquire
Ashleigh L. Levy, Esquire

Zucker, Goldberg & Ackerman, LLC
200 Sheffield Street, Suite 101
Mountainside, NJ 07092
(908) 233-8500

Feb. 25 and Mar. 4, 11

SALE NO. 26

Ex. #12880 of 2010
Self Help Ventures Fund
v.

Ishmael V. Trainor;
Allana T. Trainor
SHERIFF'S SALE

By virtue of a Writ of Execution file to No. 12880-10 Self Help Ventures Fund vs. Ishmael V. Trainor; Allana T. Trainor, owner(s) of property situated in the City of Erie, County of Erie, Pennsylvania being 638 Payne Avenue, Erie, PA 16503

0.1102 acres
Assessment Map Number:
14-1102-102

Assessed Value figure: \$42,030.00
Improvement thereon: Single Family Dwelling

Scott A. Dietterick, Esquire
Kimberly A. Bonner, Esquire
Joel Ackerman, Esquire
Ashleigh L. Levy, Esquire
Zucker, Goldberg & Ackerman, LLC
200 Sheffield Street, Suite 101
Mountainside, NJ 07092
(908) 233-8500

Feb. 25 and Mar. 4, 11

SALE NO. 27

Ex. #12995 of 2010
Beneficial Consumer Discount
Company, d/b/a Beneficial
Mortgage Co. of Pennsylvania
v.

Michael Gallagher
LEGAL DESCRIPTION

All that certain piece or parcel of land situate in the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania, being Lot No. Sixty-two (62) as shown on the plan of lots of WESTBURY FARMS, PHASE III, as recorded on October 26, 1994, in Erie County Map 1994-291, to which plan reference is made for a more complete description thereof. Having erected thereon a dwelling commonly known as 5035 Westbury Farms Drive, Erie, Pennsylvania, and being further identified

by Erie County Tax Index No. (33) 128-376.2-11.

Subject to all restrictions, easements, rights-of-way and building lines of record or visible and discoverable upon an inspection of the demised property.

BEING the same premises which Lisa E. Gallagher, married, by Quit Claim Deed dated August 21, 1996 and recorded August 22, 1996 in the Office of the Recorder of Deeds in and for Erie County in Deed Book 0457 Page 1274, granted and conveyed unto Michael F. Gallagher, married, in fee.

PROPERTY ADDRESS: 5035 Westbury Farms Drive, Erie, PA 16505

PARCEL ID # (33) 128-376.2-11 Attorney for Plaintiff.

Steven K. Eisenberg, Esquire Stern and Eisenberg, LLP The Pavilion

261 Old York Road, Suite 410 Jenkintown PA 19046 (215) 572-8111

Feb. 25 and Mar. 4, 11

SALE NO. 28

Ex. #15300 of 2010

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

v.

Michael A. Klan

LEGAL DESCRIPTION

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

BEGINNING at a point in the east line of Jackson Place, 128 feet northwardly from the north line of Skellie Avenue;

THENCE northwardly, along the east line of Jackson Place, 34-1/2 feet more or less, to a point, which point is the northwest corner of Lot No. 14 of Peck and Rose Subdivision, as per plot recorded in Map Book 1, page 395;

THENCE eastwardly, along the north line of Lots 12, 13 and 14 of said Peck and Rose Subdivision, 113 feet, more or less, to a point in the west line of land heretofore conveyed to J.W. Herrick;

THENCE southwardly, along the west line of land heretofore conveyed to J.W. Herrick, 44.2 feet; THENCE westwardly, parallel with the north line of Skellie Avenue, 113.35 feet, more or less, to the east line of Jackson Place, the place of beginning.

Said premises have erected thereon a two and one-half story frame dwelling commonly known as 2213 Jackson Place, Erie, Pennsylvania.

ALSO, all that certain piece or parcel of land situate in the Borough of Wesleyville, County of Erie and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pin on the east line of Jackson Place, said pin being on the property line between Clinton W. Britton, now J. Detrich property, and the Peck and Rose Subdivision, and 325.05 feet west from the west line of Station Road, and approximately 170 feet north from the north line of Skellie Avenue;

THENCE, North 28° West, along said Jackson Place, 35 feet to an iron pin;

THENCE, North 52° East, 156.8 feet to an iron pin;

THENCE, South 33° East, 35 feet to an iron pin on the line between Clinton W. Britton, now J. Detrich property, and Peck and Rose Subdivision.

THENCE, South 52° West, along said line, 160.05 feet to the place of beginning.

Bearing Erie County Index No. (50) 3-31-19.

Under and Subject to easements, restrictions and rights of way of record and/or those that are visible to a physical inspection.

BEING the same premises which Charles S. Kubaney and Laurie E. Kubaney, husband and wife, by Deed dated January 5, 2006 and recorded January 9, 2006 in the Office of the Recorder of Deeds in and for Erie County in Deed Book 1299 Page 1309, as Instrument Number 2006 000902, granted and conveyed unto Michael A. Klan, in fee.

PROPERTY ADDRESS: 2213 Jackson Place, Erie, PA 16510.

PARCEL ID # 50003031001900, Attorney for Plaintiff:

Steven K. Eisenberg, Esquire Stern and Eisenberg, LLP The Pavilion

261 Old York Road, Suite 410 Jenkintown, PA 19046 (215) 572-8111

Feb. 25 and Mar. 4, 11

SALE NO. 29

Ex. #14616 of 2010

HSBC Mortgage Corporation, USA, Plaintiff

v.

John R. Ritz and

Lynne M. Ritz, Defendant

SHORT DESCRIPTION

By virtue of a Writ of Execution filed to No. 201014616 HSBC Mortgage Corporation, USA v. John R. Ritz and Lynne M. Ritz, owners of property situated in the Township of City of Erie, Erie County, Pennsylvania being 1114 West 6th Street, Erie, Pennsylvania 16507.

Tax I.D. No. 17040035014300

Assessment: \$56,397.68

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

Feb. 25 and Mar. 4, 11

**AUDIT LIST
NOTICE BY
PATRICK L. FETZNER**

**Clerk of Records,
Register of Wills and Ex-Officio Clerk of
the Orphans' Court Division, of the
Court of Common Pleas of Erie County, Pennsylvania**

The following Executors, Administrators, Guardians and Trustees have filed their Accounts in the Office of the Clerk of Records, Register of Wills and Orphans' Court Division and the same will be presented to the Orphans' Court of Erie County at the Court House, City of Erie, on **Monday, February 28, 2011** and confirmed Nisi.

March 24, 2011 is the last day on which Objections may be filed to any of these accounts.

Accounts in proper form and to which no Objections are filed will be audited and confirmed absolutely. A time will be fixed for auditing and taking of testimony where necessary in all other accounts.

<u>2011</u>	<u>ESTATE</u>	<u>ACCOUNTANT</u>	<u>ATTORNEY</u>
36.	Robert W. Allison	Robert V. Allison and Deborah Allison-Logan, Co-Executors	David J. Rhodes, Esq.
37.	Rona J. Freitas a/k/a Rona Jean Freitas	Jacqueline Meinhart, Executrix	Darlene M. Vlahos, Esq.
38.	Jean Martha Farrah	Bradford P. Farrah, Executor	Shaun B. Adrian, Esq.
39.	Evelyn A. Kosobucki	David M. Kosobucki, Executor	Joseph A. Yochim, Esq.
40.	Willard A. Gustafson, Jr.	Nancy Rea, Executrix	Thomas J. Minarcik, Esq.
41.	Ann P. Moon	PNC Bank, Trustee	Jeffrey D. Scibetta, Esq.
	T/W for Mary Ann (Westcott) Juzaitis		

PATRICK L. FETZNER
Clerk of Records
Register of Wills &
Orphans' Court Division

Feb. 25 and Mar. 4

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**BERARDUCCI, DOMINICK P., deceased**

Late of the Township of Millcreek, County of Erie, Pennsylvania
Executor: Americo J. Berarducci, c/o 900 State Street, Suite 215, Erie, PA 16501
Attorney: Gregory L. Heidt, Esquire, 900 State Street, Suite 215, Erie, PA 16501

BURAWA, MARGARET, deceased

Late of the Township of LeBoeuf, County of Erie, Commonwealth of Pennsylvania
Executor: John Burawa, 1732 Rt. 6N, Edinboro, PA 16412
Attorney: Rebecca A. Herman, Esq., Herman & Herman, 412 High Street, Waterford, PA 16441

BUTERBAUGH, LUCILLE E., deceased

Late of the City of Erie, County of Erie
Executor: Larry J. Fenton, 843 East 43rd Street, Erie, Pennsylvania 16504
Attorney: W. Richard Cowell, Esquire, Carney & Good, 254 West Sixth Street, Erie, Pennsylvania 16507

DREW, MICHAEL T., deceased

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Administrator: Bonita R. Voegele, 1204 Davey Hill Rd., Pittsfield, PA 16340
Attorney: John E. Gomolchak, Esq., 3854 Walker Blvd., Erie, PA 16509

GRAHAM, LLOYD D., deceased

Late of the Township of Harborcreek
Executor: Dale E. Graham, 4407 Carney Avenue, Erie, PA 16510
Attorney: Michael A. Fetzner, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

KENNEDY, HARRIET E., deceased

Late of Erie County
Co-Executors: William C. Kennedy, Susan J. Hamilton, Kay C. Pomeroy, c/o James S. Bryan, Esq., 11 Park Street, North East, PA 16428
Attorney: James S. Bryan, Esq., Knox McLaughlin Gornall & Sennett, P.C., 11 Park Street, North East, PA 16428

KING, PATRICIA A., deceased

Late of the Township of Fairview
Executor: Thomas J. King, 631 Avonia Road, Fairview, PA 16415
Attorney: Michael A. Fetzner, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

MOGEL, MARY E., a/k/a MARY ELIZABETH MOGEL, deceased

Late of the City of Erie, County of Erie, and Commonwealth of Pennsylvania
Executrix: Gail B. Mogel, 1526 West 25th Street, Erie, Pennsylvania 16502-2215
Attorney: Robert E. McBride, Esquire, 32 West 8th Street, Suite 600, Erie, Pennsylvania 16501

PEARSON, RONALD W., deceased

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Executor: David V. Pearson
Attorney: James H. Richardson, Jr., Esquire, Elderkin, Martin, Kelly & Messina, 150 East 8th Street, Erie, PA 16501

REYNOLDS, JANET E., deceased

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executor: Gregory S. Reynolds, 6730 Clayton Road, Fairview, PA 16415
Attorney: John E. Gomolchak, Esq., 3854 Walker Blvd., Erie, PA 16509

SIWIECKI, DAVID A., SR., deceased

Late of Erie County, Pennsylvania
Executor: David A. Siwiecki, Jr., c/o E. James Lucht, Esquire, 1001 State Street, Suite 303, Erie, PA 16501
Attorney: E. James Lucht, Esquire, 1001 State Street, Suite 303, Erie, PA 16501

WEBER, CHARLES H., deceased

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Executor: BNY Mellon N.A., c/o James E. Marsh, Jr., Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorneys: Marsh, Spaeder, Baur, Spaeder & Schaff, LLP, Attorneys-at-Law, Suite 300, 300 State Street, Erie, PA 16507

WRIGHT, WENDELL S., a/k/a WENDELL WRIGHT, deceased

Late of the City of Erie, County of Erie, Pennsylvania
Executrix: Mary Ann Curtze, P.O. Box 748, Erie, PA 16512
Attorney: None

SECOND PUBLICATION

**ANDRUS, WILLIAM R.,
deceased**

Late of the Township of Summit, County of Erie and Commonwealth of Pennsylvania
Executor: James F. Andrus
Attorney: Thomas J. Minarcik, Esq., Elderkin, Martin, Kelly & Messina, 150 East 8th Street, Erie, PA 16501

**COSTELLO, PATRICK A.,
deceased**

Late of the City of Corry, County of Erie and Commonwealth of Pennsylvania
Executor: James Bryant, c/o 210 1/2 Maple Ave., Corry, PA 16407
Attorney: None

**GUSTAFSON, EVELYN,
deceased**

Late of Edinboro, County of Erie, Pennsylvania
Executor: James Gustafson, 1419 East 29th Street, Erie, PA 16504
Attorney: None

**KAUS, ELIZABETH P.,
deceased**

Late of Summit Township, County of Erie and Commonwealth of Pennsylvania
Executor: Myrna E. Calabrese, c/o Kevin M. Monahan, Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorneys: Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, Attorneys-at-Law, Suite 300, 300 State Street, Erie, PA 16507

**LOEFFLER, ANN B.,
deceased**

Late of Erie, PA
Executor: Robert J. Loeffler, 8141 Grubb Rd., McKean, PA 16426
Attorney: None

**MOORE, DOROTHY A.,
deceased**

Late of the City of Erie, County of Erie
Administrator: Lynne S. Parker Poyer, 327 Connecticut Drive, Erie, PA 16505
Attorney: Donald J. Rogala, Esq., 246 West Tenth Street, Erie, PA 16501

THIRD 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



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CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

New Name

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

New Email

DENISE M. CUNEO ----- dcuneco@npsslaws.com
ANDREW C. HAZI ----- ahazi@npsslaws.com
MICHAEL J. KOEHLER ----- mkoehler@npsslaws.com
PATRICK SULLIVAN ----- psullivan@npsslaws.com
THOMAS P. WALL, II ----- twall@npsslaws.com
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