

Erie County Legal Journal

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Fritts v. McBrier Realty Company, et al. v. Gerlach's Garden & Power
Equipment Center, Inc.

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

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

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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.)

Lunch Included

\$274 (member) \$254 (admitted after 1/1/07)

\$294 (nonmember)

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5 hours substantive / 1 hour ethics

FRIDAY, MARCH 25, 2011

Business Divorce - Shareholder Relations

PBI Groupcast Seminar

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

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TUESDAY, MARCH 29, 2011

Effective Legal Negotiation Skills: 2011

PBI Groupcast Seminar

Erie County Bar Association

9:00 a.m. - 4:45 p.m. (8:30 a.m. reg.)

Lunch Included

\$324 (member) \$304 (admitted after 1/1/07)

\$344 (nonmember)

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

\$299 (member) \$279 (admitted after 1/1/07) \$319 (nonmember)

5 hours substantive / 1 hour ethics

WEDNESDAY, MARCH 30, 2011

Understanding the Basics of Elder Law

PBI Groupcast Seminar

Erie County Bar Association

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

Lunch Included

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

\$274 (nonmember)

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5 hours substantive / 1 hour ethics (integrated)

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Mar. 11

"VIEWERS" SOUGHT FOR CONDEMNATION CASES

The Erie County Court of Common Pleas is looking for Members of the Erie County Board of Realtors and the Pennsylvania Bar Association that would be interested in serving as a "Viewer" on Condemnation cases that are filed in Erie County. Viewers are appointed to a three year term by the President Judge of Erie County. As Condemnation Cases are filed, the Court appoints a panel of three (3) composed of two (2) Realtors and one (1) Attorney from our Viewer List. If you are interested in being appointed as a "Viewer" please forward your letter of interest and your resume to the District Court Administrator at the Erie County Courthouse, 140 West 6 Street, Room 210, Erie, PA 16501. All "Viewers" must be residents of Erie County. All letters of interest and resumes must be received by March 25, 2011.

Mar. 11

ATTENTION ALL ATTORNEYS

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Phone: (814) 833-5433
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KAREN FRITTS, Plaintiff

v.

**McBRIER REALTY COMPANY; JAMES P. McBRIER, t/a
McBRIER REALTY COMPANY; ELIZABETH CHILCOTT, t/a
McBRIER REALTY COMPANY; KLYDE, LLC.;
KELLY A. POWELL; LARRY M. POWELL; and
DIANNE E. POWELL, individually and d/b/a KLYDE,
d/b/a CURVES FOR WOMEN, Defendants**

v.

**GERLACH'S GARDEN & POWER EQUIPMENT
CENTER, INC., Additional Defendants**

CIVIL PROCEDURE / MOTION FOR SUMMARY JUDGMENT

Rule 1035.2 of the Pennsylvania Rules of Civil Procedure provides that a party may move for summary judgment when: 1.) there is no genuine issue of any material fact; or 2.) after completion of discovery relevant to the motion an adverse party who will bear the burden of proof has failed to produce evidence of facts essential to the cause of action.

CIVIL PROCEDURE / MOTION FOR SUMMARY JUDGMENT

In determining whether the moving party is entitled to relief, the Court must review the record in a light most favorable to the non-moving party and must resolve all doubts as to the existence of a genuine issue of material fact against the moving party.

NEGLIGENCE / ACTS OR OMISSIONS CONSTITUTING

The elements of negligence are whether, 1.) the defendant had a duty to conform to a certain standard of conduct; 2.) the defendant breached the duty; 3.) the breach caused the injury in question; and 4.) the plaintiff incurred actual loss or damage.

EVIDENCE / PRESUMPTIONS

The duty of care owed to a business invitee is the highest duty owed to any entrant upon land. The landowner must protect an invitee not only against known dangers but also against those which might be discovered with reasonable care.

EVIDENCE / PRESUMPTIONS

An invitee must prove either that the proprietor of the land had a hand in creating the harmful condition or he had actual or constructive notice of the condition.

EVIDENCE / PRESUMPTIONS

The proprietor of the land however is not an insurer of its patrons. Neither the mere existence of a harmful condition nor the mere happening of an accident evidence a breach of the proprietor's duty of care or raises a presumption of negligence.

EVIDENCE / PRESUMPTIONS

A dangerous condition is obvious when both the condition and risk are apparent to and would be recognized by a reasonable man, in the position of the visitor, exercising normal perception, intelligence and judgment.

*NEGLIGENCE / CONDITION OF LAND, BUILDINGS
AND STRUCTURES*

In this case, the plaintiff testified that when exiting the defendant's premises, she did not look to see if there was ice or water on the sidewalk. The plaintiff, however, provided an affidavit of a witness who observed an isolated patch of clear ice next to the plaintiff. Upon reviewing the entire record, the Court found that there were genuine issues of material fact which should be left for a jury review.

CIVIL PROCEDURE / PLEADINGS / COMPLAINT

The pleading of the plaintiff was sufficiently broad so as to cover both the "hills and ridges" claim and an "isolated patch of ice" claim. No material deviation between allegations of the complaint and the evidence developed existed.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY,
PENNSYLVANIA CIVIL DIVISION No. 10157-2009

Appearances: Robert C. LeSuer, Esq., Attorney for Plaintiff
Mark E. Mioduszewski, Esq., Attorney for Defendants
McBrier Realty Company, James P. McBrier, t/a McBrier
Realty Company; and Elizabeth Chilcott, t/a McBrier
Realty Company
Thomas Geroulo, Esq., Attorney for Defendants, Klyde,
LLC; Kelly A. Powell; Larry M. Powell; and Diane E.
Powell, individually and d/b/a Klyde, d/b/a Curves for
Women
Eric N. Anderson, Esq., Attorney for Additional
Defendant, Gerlach's Garden & Power Equipment
Center, Inc.

OPINION

DiSantis, Ernest J., Jr., J. October 25, 2010

This matter comes before the Court on Defendants' respective motions for summary judgment.¹ On September 8, 2010, argument was held before this Court.

¹ On June 9, 2010, Defendants, McBrier Realty Company; James P. McBrier, t/a McBrier Realty Company; and Elizabeth Chilcott, t/a McBrier Realty Company, filed their Motion for Summary Judgment, supporting brief, and appendix (entitled, "Appendix in Support of Motions of Defendants and Additional Defendant for Summary Judgment.") On June 15, continued...

I. BACKGROUND OF THE CASE

This action arises out of an incident that occurred on February 19, 2007, when the Plaintiff, Karen Fritts, fell while a patron of Curves for Women ("Curves"), located in the Village West shopping center, Erie, PA. Plaintiff alleges that after she exited the front door of Curves and as she attempted to traverse the sidewalk to her vehicle, she encountered an area of ice on the sidewalk, causing her to fall to the ground and sustain injuries. Complaint, at ¶ 18. Plaintiff alleges the accumulation of ice that caused her fall was a defective and dangerous condition. *Id.*, at ¶ 19.

On January 14, 2009, the Plaintiff filed her Complaint, alleging negligence as follows:

- a.) Failing to exercise reasonable care to make the sidewalk of the Subject Premises safe and free from dangerous accumulations of ice;
- b.) Failing to take adequate and reasonable steps to remove the dangerous accumulations of ice from the sidewalk of the Subject Premises such as shoveling, chipping, applying anti-skid materials and applying de-icing materials;
- c.) Failing to exercise reasonable care to inspect, discover and correct the dangerous conditions created by the accumulation of ice on the sidewalk of the Subject Premises;
- d.) Failing to exercise reasonable care to inspect, discover and correct and/or causing the dangerous condition created by the piling of snow around the light pole situated in the pavement of the sidewalk of the Subject Premises;
- e.) Failing to exercise reasonable care to warn, advise and inform Ms. Fritts of the presence of dangerous conditions on the Subject Premises;
- f.) Failing to anticipate that their invitees would not discover or realize the danger caused by the accumulation of ice on the sidewalk of the Subject Premises or that they would fail to protect themselves against it;
- g.) Failing to take the necessary steps to prevent the slip and fall incident which caused the serious and debilitating injuries suffered by Ms. Fritts.

Complaint, at ¶ 22 (a) - (g).

¹ continued

2010, Additional Defendant, Gerlach's Garden and Power Equipment Center, Inc., filed its Motion for Summary Judgment and supporting brief. On June 24, 2010, Defendants, Klyde, LLC, Kelly A. Powell, Larry M. Powell, Dianne E. Powell Individually and d/b/a Klyde, d/b/a Curves for Women filed their Motion for Summary Judgment and supporting brief. Plaintiff has filed individual responses to each motion.

On February 19, 2009, Defendants, McBrier Realty Company, James P. McBrier, t/a McBrier Realty Company, and Elizabeth Chilcott, t/a McBrier Realty Company (collectively, "McBrier"), filed a praeceipe for issuance of a writ to join Gerlach's Garden & Power Equipment Center, Inc. ("Gerlach's"), as an additional defendant. On March 25, 2009, McBrier filed its Complaint to Join Additional Defendant.

Following discovery, the Defendants filed their respective motions for summary judgment. In its motion and supporting brief, McBrier argues that: (1) Plaintiff has failed to establish a duty or breach of duty in that a dangerous condition existed and because any dangerous condition which allegedly existed was open and obvious (no duty or breach); (2) Plaintiff cannot identify how/why she fell or the condition that caused her fall (causation); and, (3) Plaintiff cannot recover on the basis for the condition of the land that differs from the condition alleged in the Complaint. In particular, McBrier notes that in the Complaint, Plaintiff alleged a "dangerous accumulation of ice". However, she testified to the contrary during her deposition.

Defendants, Klyde LLC, Kelly A. Powell, Larry M. Powell, Dianne E. Powell individually and d/b/a Klyde d/b/a Curves for Women (collectively, "Curves") argue that Plaintiff has failed to establish a dangerous condition existed or that they were responsible for generally icy conditions of which they had no notice.

Defendant Gerlach argues there is no evidence that it owed a duty to Plaintiff or breached any duty. It claims that the condition, which allegedly caused Plaintiff's fall, was open and obvious.

As noted *supra*, Plaintiff filed responses to each motion. In support, Plaintiff has provided the following: (1) Affidavit of Elizabeth Skladanowski; (2) Plaintiff's deposition transcript; (3) February 19, 2007 incident report completed by Stacey Kabasinski; and, (4) excerpts from February 19, 2007 Hamot Medical Center record of treatment of Plaintiff.

II. DISCUSSION

A. Summary Judgment Standard

Rule 1035.2 of the Pennsylvania Rules of Civil Procedure provides that after the relevant pleadings are closed, a party may move for summary judgment in the following circumstances:

- (1) whenever there is no genuine issue of any material fact as to a necessary element of the cause of action or defense which could be established by additional discovery or expert report, or
- (2) if, after the completion of discovery relevant to the motion including the production of expert reports, an adverse party who will bear the burden of proof at trial has failed to produce evidence of facts essential to the cause of action or defense

which in a jury trial would require the issues to be submitted to a jury.

Pa.R.C.P. 1035.2.

Summary judgment may be granted where there is no genuine issue of material fact and the moving party is entitled to relief as a matter of law. A moving party has the burden of proving that no genuine issue of material fact exists. *Gulteridge v. A.P. Green Services, Inc.*, 804 A.2d 643, 651 (Pa. Super. 2002) (citation omitted). In determining whether a moving party is entitled to relief, this Court "must view the record in the light most favorable to the non-moving party and must resolve all doubts as to the existence of a genuine issue of material fact against the moving party." *Id.* (citation omitted). Therefore, summary judgment is appropriate when "the uncontroverted allegations in the pleadings, depositions, answers to interrogatories, admissions of record, and submitted affidavits demonstrate that no genuine issue of material fact exists, and that the moving party is entitled to judgment as a matter of law." *Id.* (citation omitted). "[A] court may grant summary judgment only where the right to such a judgment is clear and free from doubt." *Toy v. Metropolitan Life Ins. Co.*, 593 Pa. 20, 928 A.2d 186, 195 (2007) (citation omitted).

Where the non-moving party bears the burden of proof on an issue, he may not merely rely on his pleadings or answers in order to survive summary judgment. Failure of a non-moving party to adduce sufficient evidence on an issue essential to his case and on which he bears the burden of proof establishes the entitlement of the moving party to judgment as a matter of law.

Shepard v. Temple University, 948 A.2d 852, 856 (Pa. Super. 2008), quoting *Murphy v. Duquesne University*, 565 Pa. 571, 777 A.2d 418, 429 (2001) (citations omitted) (emphasis added).

B. WHETHER GENUINE ISSUES OF MATERIAL FACT EXIST AS THE ELEMENTS OF PLAINTIFF'S NEGLIGENCE CLAIM?

The elements of a negligence cause of action are: "(1) the defendant had a duty to conform to a certain standard of conduct; (2) the defendant breached that duty; (3) such breach caused the injury in question; and (4) the plaintiff incurred actual loss or damage." *Krentz v. Conrail*, 589 Pa. 576, 588, 910 A.2d 20 (2006) (citation omitted).

Here, it is undisputed that Ms. Fritts was a business invitee. "The duty of care owed to a business invitee (or business visitor) is the highest duty owed to any entrant upon land. The landowner must protect an invitee not only against known dangers, but also against those which might be discovered with reasonable care." *Gutteridge, supra.* at 656 (citations

omitted). The Restatement (Second) of Torts § 343 defines the duty that a possessor of property owes to a business invitee as follows:

A possessor of land is subject to liability for physical harm caused to his invitees by a condition on the land if, but only if, he (a) knows or by the exercise of reasonable care would discover the condition, and should realize that it involves an unreasonable risk of harm to such invitees, and (b) should expect that they will not discover or realize the danger, or will fail to protect themselves against it, and (c) fails to exercise reasonable care to protect them against the danger.

Restatement (Second) of Torts § 343. An invitee must prove either the proprietor of the land had a hand in creating the harmful condition, or he had actual or constructive notice of such condition. *Moultray v. Great Atlantic & Pacific Tea Co.*, 422 A.2d 593, 598 (Pa. Super. 1980).²

"It does not follow from § 343, however; that the proprietor of a store is an insurer of its patrons." *Neve v. Isalaco's*, 771 A.2d 786, 790 (Pa. Super. 2001) (citation omitted). "Neither the mere existence of a harmful condition in a store nor the mere happening of an accident due to such a condition evidence a breach of the proprietor's duty of care or raises a presumption of negligence." *Campisi v. Acme Markets, Inc.*, 915 A.2d 117, 220 (Pa. Super. 2006) (citations omitted).

Restatement (Second) of Torts § 343A provides that:

(1) A possessor of land is not liable to his invitees for physical harm caused to them by any activity or condition on the land whose danger is known or obvious to them, unless the possessor should anticipate the harm despite such knowledge or obviousness.

(2) In determining whether the possessor should anticipate harm from a known or obvious danger, the fact that the invitee is entitled to make use of public land, or the facilities of public land, or the facilities of a public utility, is a factor of importance indicating that the harm should be anticipated.

Restatement (Second) of Torts, § 343A. Comment f to section 243A states:

f. There are, however, cases in which the possessor of land can and should anticipate that the dangerous condition will cause

² The question whether a landowner had constructive notice of a dangerous condition and thus should have known of the defect, i.e., the defect was apparent upon reasonable inspection, is a question of fact. As such, it is a question for the jury, and may be decided by the court only when reasonable minds could not differ as to the conclusion. *PennDot v. Patton*, 546 Pa. 562, 686 A.2d 1302, 1305 (1997), citing *Carrender v. Fitterer*, 503 Pa. 178, 185, 469 A.2d 120, 124 (1983).

physical harm to the invitee notwithstanding its known or obvious danger. In such cases the possessor is not relieved of the duty of reasonable care which he owes to the invitee for his protection. This duty may require him to warn the invitee, or to take other reasonable steps to protect him, against the known or obvious condition or activity, if the possessor has reason to expect that the invitee will nevertheless suffer physical harm.

Such reason to expect harm to the visitor from known or obvious dangers may arise, for example, whether the possessor has reason to expect that the invitee's attention may be distracted, so that he will not discover what is obvious, or will forget what he has discovered, or fail to protect himself against it. Such reason may also arise where the possessor has reason to expect that the invitee will proceed to encounter the known or obvious danger because to a reasonable man in his position the advantages of doing so would outweigh the apparent risk. In such cases the fact that the danger is known, or is obvious, is important in determining whether the invitee is to be charged with contributory negligence, or assumption of risk. (See §§ 466 and 496D). It is not, however, conclusive in determining the duty of the possessor, or whether he has acted reasonably under the circumstances.

A dangerous condition is obvious when "both the condition and the risk are apparent to and would be recognized by a reasonable man, in the position of the visitor, exercising normal perception, intelligence, and judgment." *Carrender v. Fitterer*, 469 A.2d 120, 123 (Pa. 1983), *quoting* Restatement, *supra*, § 343A comment b. "For a danger to be known", it must 'not only be known to exist, but . . . also be recognized that it is dangerous and the probability and gravity of the threatened harm must be appreciated." *Id.* Normally, the question of whether a danger was known or obvious is a question of fact for the jury. *Id.*, at 124. However, the court may decide this question where reasonable minds cannot differ as to the condition. *Id.*; Restatement, *supra*, § 328B comments c and d.

. . . When an invitee enters business premises, discovers dangerous conditions which are both obvious and avoidable, and nevertheless proceeds voluntarily to encounter them, the doctrine of assumption of risk operates merely as a counterpart to the possessor's lack of duty to protect the invitee from those risks. See Harper & James, *The Law of Torts*, Vol. 2 § 21.1 (1956); Prosser, *Law of Torts* § 68 at 440-446 (4th ed. 1971); Restatement, *supra*, § 496A comment c & § 496C comments b, d, & e. By voluntarily proceeding to encounter a known or obvious danger, the invitee is deemed to have agreed to

accept the risk and to undertake to look out for himself. See *Joyce v. Quinn*, 204 Pa. Super. 580, 885-86, 205 A.2d 611, 613 (1964); *Smith v. Seven Springs Farms, Inc.*, 716 F.2d 1002 (3d Cir.1983). See generally Bohlen, *Voluntary Assumption of Risk*, 20 Harv.L.Rev. 14 (1906). It is precisely because the invitee assumes the risk of injury from obvious and avoidable dangers that the possessor owes the invitee no duty to take measures to alleviate those dangers. Thus, to say that the invitee assumed the risk of injury from a known and avoidable danger is simply another way of expressing the lack of any duty on the part of the possessor to protect the invitee against such dangers. See *Jones v. Three Rivers Management Corp.*, 483 Pa. 75, 394 A.2d 546 (1978)(operator of baseball park owes no duty to guard against common, frequent, and expected risks of baseball; duty extends only to foreseeable risks not inherent in baseball activity).

Carrender, supra. at 125.

During her deposition, Plaintiff testified that when she arrived at Village West on the morning of her fall, she parked her vehicle in the handicapped parking space directly in front of Curves. Fritts Deposition, 08/18/09, at 58, 61-62. She described the weather was sunny and cold. She observed some snow in the parking lot and in the perimeter of the front of the building. *Id.*, at 51-52, 63.

Plaintiff exited her vehicle and walked up the concrete path leading to the entrance of Curves. *Id.*, at 62. As she walked toward the entrance, Plaintiff walked to the left of a lamppost. She did not observe any obstructions, ice, or snow in her path. *Id.*, at 62, 64. However, she noticed ice on the sidewalk on the other side of the lamp post so she avoided it. *Id.*, at 52, 64-65.

Approximately 45 minutes later, Plaintiff exited Curves to retrieve her purse. As she exited, she walked the same path she took earlier. *Id.* at 63-64. When she reached the area next to the lamppost, she fell. *Id.* at 98-99. She did not see any salt on the sidewalk where she fell. *Id.* at 71. While on the ground, she didn't look to see if there was any ice or water. *Id.* at 66-67. As to the presence of ice, she testified as follows:

Q. . . . do you recall today if, in fact, there was any moisture on the ground where you fell?

A. I didn't see it.

Q. Okay. And do you recall today if there was any ice or snow at the place where you fell?

A. I think I feel really obviously if there was ice I wouldn't have walked there, or if I'd seen ice. And I don't recall seeing anything until I fell.

Q. And then after you fell I think you told us that you were in

pain and possibly also in shock?

A. I was.

Q. And so you didn't really look around to see what might have caused you to fall because you were interested in finding someone to help you out?

A. Right. I mean, It was so cold I can remember one of those ladies saying we've got to get her inside, it's bitter out here.

Plaintiff's Deposition, at 101-102.

In the affidavit of Elizabeth Skladanowski, Ms. Skladanowski stated that she helped Plaintiff after her fall. Furthermore, she observed the existence of an isolated patch of clear ice next to the Plaintiff. Plaintiff told her she slipped on ice. Ms. Skladanowski observed ice on the sidewalk in front of Curves to the right of the light pole (as one looks out the Curves door toward the parking lot) which was not obvious. When they assisted Plaintiff back into Curves, they had to be careful because the area was slippery.³

Upon review of the entire record, this Court finds there are genuine issues of material fact as to whether a dangerous condition existed and whether this condition was open and obvious. In addition, this Court finds a genuine issue of material fact exists as to the actual cause of Plaintiff's fall.⁴

C. Whether the condition differed in character from the condition alleged in Plaintiff's Complaint?

In her Complaint Plaintiff alleged that her fall was caused by an "area of ice" or "dangerous and unsafe accumulation of ice." According to McBrier, "regardless of what caused [Plaintiff's] accident, she cannot alter the basic factual premise of her case in an effort to impose liability upon the defendants." McBrier Brief, at 17. *See generally, Hrivnak v.*

³ Plaintiff provided this Court with a Curves incident report. This report described Plaintiff's injury as "member slipped on ice on sidewalk outside club".

⁴ Plaintiff now argues that her injury was caused by an "isolated patch of ice" and not generally slippery conditions. She has abandoned any theory of liability based upon "hills and ridges" doctrine. *See*, Plaintiff's Brief in Opposition to Motion for Summary Judgment Filed by [Curves], at 10, 14-15. This Court notes that under the "hills and ridges" doctrine, an owner/occupier of land is not liable for falls occurring on his/her property where generally slippery conditions exist, unless the owner has "permitted the ice and snow to unreasonably accumulate in ridges or elevations." *Morin v. Traveler's Rest Motel Inc.*, 704 A.2d 1085, 1087 (Pa. Super. 1997). The "hills and ridges" doctrine applies only where there is a generally slippery condition at the time of an accident. *Harmotta v. Bender*, 601 A.2d 837, 841 (Pa. Super. 1992). Proof of "hills and ridges" is not necessary when the hazard is not the result of a generally slippery condition, but originates from a localized patch of ice. *Id.*, citing *Tonik v. Apex Garages Inc.*, 275 A.2d 296 (Pa. Super. 1971). As such, a genuine issue of material fact exists as to whether Plaintiff's fall was due to an isolated patch of ice and whether it was open and obvious. Likewise, there is an issue as to whether Curves had actual or constructive notice of this patch of ice.

Perrone, 472 Pa. 348, 372 A.2d 730 (1977). This appears to be an assertion by McBrier that Plaintiff materially deviated from the liability theory originally posited. However, Plaintiff's original allegations are broad enough to cover both a hills and ridges claim and an isolated patch of ice claim. As noted in footnote 4, the former claim has been abandoned by Plaintiff. However, the latter claim remains and was cognate within the original pleading. Also, based upon the Plaintiff's deposition testimony and affidavit of Elizabeth Skladanowski, there is sufficient evidence that Plaintiff fell on a patch of ice. There is no material deviation between the allegations contained in the Complaint and the evidence developed so far.

III. CONCLUSION

Based upon the above, this Court will issue an appropriate order.

ORDER

And now, this 25th day of October 2010, for the reasons set forth in the accompanying opinion, it is hereby **ORDERED** that: (1) Defendants', McBrier Realty Company; James P. McBrier, t/a McBrier Realty Company; and Elizabeth Chilcott, t/a McBrier Realty Company Motion for Summary Judgment is **DENIED**; (2) Additional Defendant's, Gerlach's Garden and Power Equipment Center, Inc., Motion for Summary Judgment is **DENIED**; and, (3) Defendants', Klyde, LLC, Kelly A. Powell, Larry M. Powell, Dianne E. Powell Individually and d/b/a Klyde, d/b/a Curves for Women Motion for Summary Judgment is **DENIED**.

BY THE COURT:

/s/ **Ernest J. DiSantis, Jr., Judge**



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Jennifer Mazur
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CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania
Docket No.: 10631-2011

In re: Aaron Douglas Kloss
Notice is hereby given that a Petition was filed in the above named Court requesting an order to change the name of Aaron Douglas Kloss to Aaron Michael Trayer.

The Court has fixed the 12th day of April, 2011, at 9:15 a.m. in Courtroom B of the Erie County Courthouse, 140 W. 6th St., Erie, PA 16501 as the time and place for the hearing on said petition, when and where all interested parties may appear and show cause, if any they have, why the prayer of the petitioner should not be granted.

Mar. 11

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania
Docket No.: 10597 - 2011

In re: Bobbie Jo Richardson
Notice is hereby given that a Petition was filed in the above named Court requesting an order to change the name of Bobbie Jo Richardson to Bobbi Jo Wagner.

The Court has fixed the 28th day of March, 2011, at 10:00 a.m. in Courtroom A of the Erie County Courthouse, 140 W. 6th St., Erie, PA 16501 as the time and place for the hearing on said petition, when and where all interested parties may appear and show cause, if any they have, why the prayer of the petitioner should not be granted.

Mar. 11

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania
Docket No.: 10752 - 2011

In re: Robert E. Strohmeier
Notice is hereby given that a Petition was filed in the above named Court requesting an order to change the name of Robert Edward Strohmeier to Caitlyn Elaine Strohmeier.

The Court has fixed the 26th day of April, 2011, at 9:30 a.m. in Courtroom B of the Erie County Courthouse, 140 W. 6th St., Erie,

PA 16501 as the time and place for the hearing on said petition, when and where all interested parties may appear and show cause, if any they have, why the prayer of the petitioner should not be granted.

Mar. 11

INCORPORATION NOTICE

NOTICE is hereby given that Naturally Yours Designs, Inc. has been incorporated under the provisions of the Business Corporation Law of 1988.

Craig A. Zonna, Esq.
Elderkin, Martin, Kelly & Messina
150 E. 8th St.
Erie, PA 16501

Mar. 11

INCORPORATION NOTICE

Notice is hereby given that O'Brien Landscaping & Construction, Inc. has been incorporated under the provisions of the Business Corporation Law of 1988.

Howard A. Hain, Esq.
821 State Street
Erie, PA 16501

Mar. 11

LEGAL NOTICE

ATTENTION: UNKNOWN
FATHER

INVOLUNTARY TERMINATION
OF PARENTAL RIGHTS

IN THE MATTER OF THE
ADOPTION OF MINOR
FEMALE CHILD (H.A.H.)

DOB: 09-08-09

BORN TO: ERICA MARIE
HILLMAN

#88 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 William Cunningham, Court Room No. 213-C, City of Erie on April 13, 2011, at 9:00 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 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

Mar. 11

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



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Attorneys at Law

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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 & 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. 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 & Schmieg, LLP One Penn Center at Suburban

Station, Suite 1400
1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814
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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 & 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. 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 & 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. 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 & 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. 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. 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. 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. 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

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Jenkintown, PA 19046

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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**BIELAK, LUCILE H.,
deceased**

Late of the City of Erie, County of Erie

Executor: Michael J. Bielak, 9701 Beechwood Drive, North Royalton, OH 44133

Attorney: W. Richard Cowell, Esq., Carney & Good, 254 West Sixth Street, Erie, Pennsylvania 16507

**CARNEY, MELVIN E.,
deceased**

Late of Millcreek Twp., Erie, Pennsylvania

Executor: Patrick B. Carney, c/o Thomas C. Hoffman II, Esq., 120 West 10th Street, Erie, PA 16501

Attorney: Thomas C. Hoffman II, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**HART, BARBARA J.,
deceased**

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

Executor: Michael L. Hart, c/o 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508

Attorney: Darlene M. Vlahos, Esquire, 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508

**HARTMAN, RUTH E.,
deceased**

Late of the City of Erie

Executor: John H. Hartman, Jr.

Attorney: Joseph M. Walsh, III, Shapira, Hutzelman, Berlin, Ely, Smith and Walsh, 305 West 6th Street, Erie, PA 16507

**HEBERLEIN, ARTHUR F., JR.,
deceased**

Late of the City of Erie, County of Erie

Administrator: Lisa A. Batkiewicz

Attorney: Stephen J. Bushinski, Esquire, Office of Chief Counsel, Commonwealth of Pennsylvania, Department of Military and Veterans Affairs, Building 7-36, Fort Indiantown Gap, Annville, PA 17003-5002

**JONES, MARY JANE,
deceased**

Late of Summit Township

Executrix: Gayle Lichtinger, c/o Jerome C. Wegley, Esq., 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

**KLINGER, GEORGE W.,
deceased**

Late of the City of Corry, Erie County, Pennsylvania

Administratrix c.t.a.: Betty L. Klinger, 754 Wright Street, Corry, PA 16407

Attorney: William E. Barney, Esq., Attorney at Law, 200 N. Center St., P.O. Box 148, Corry, PA 16407

**KORWEK, MARY,
deceased**

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

Executor: Edward L. Korwek, c/o 900 State Street, Suite 104, Erie, PA 16501

Attorney: Thomas V. Myers, Esquire, Nichols & Myers, P.C., 900 State Street, Suite 104, Erie, PA 16501

**MacLEOD, ROBERT A.,
deceased**

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

Executor: Andrew R. MacLeod, 653 Newton Square, Coraopolis, PA 15108

Attorney: None

**MALLORY, JANE O., a/k/a
JANE ELLEN MALLORY, a/k/a
JANE E. MALLORY, a/k/a
JANE MALLORY,
deceased**

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

Executor: Sean Mallory, c/o William J. Schaaf, Esq., Suite 300, 300 State Street, Erie, PA 16507

Attorneys: Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, Attorneys-at-Law, Suite 300, 300 State Street, Erie, PA 16507

**OTTENI, ANTON C.,
deceased**

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

Executrix: Winifred H. Nickell, c/o 900 State Street, Suite 104, Erie, PA 16501

Attorney: Thomas V. Myers, Esquire, Nichols & Myers, P.C., 900 State Street, Suite 104, Erie, PA 16501

**SACHAR, ANASTAZIA,
deceased**

Late of the Township of Franklin, County of Erie and State of Pennsylvania

Executor: Paul P. Sachar, c/o David R. Devine, Esq., 201 Erie Street, Edinboro, PA 16412

Attorney: David R. Devine, Esq., 201 Erie Street, Edinboro, PA 16412

**SEYMOUR, MYRTLE C.,
deceased**

Late of the Township of Union,
County of Erie, Commonwealth
of Pennsylvania
Executrix: Ruth D. Grant, c/o
Paul J. Carney, Jr., Esq., 224
Maple Avenue, Corry, PA 16407
Attorney: Paul J. Carney, Jr.,
Esq., 224 Maple Avenue, Corry,
PA 16407

**SIRY, IRENE, a/k/a
IRENE M. SIRY,
deceased**

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

**TUJETSCH, LOIS M.,
deceased**

Late of Harborcreek Township,
Erie County, Harborcreek,
Pennsylvania
Executrix: Carolyn J. Bryant, c/o
Robert J. Jeffery, 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

**URCH, LYLE, a/k/a
LYLE H. URCH,
deceased**

Late of the County of Erie and
State of Pennsylvania
Executrix: Lydia Lasher, 93 N.
Summit Road, Greenville, PA
16125
Attorney: Ronald J. Susmarski,
Esq., 4030-36 West Lake Road,
Erie, PA 16505

SECOND PUBLICATION

**BRICKER, JOSEPH R.,
deceased**

Late of the Township of Millcreek
Co-Executors: Sandra K. Peter
and Peter W. Bricker, c/o 332 East
6th Street, Erie, PA 16507-1610
Attorney: Evan E. Adair, Esq.,
Williams & Adair, 332 East 6th
Street, Erie, PA 16507-1610

**BURTON, RUTH H.,
deceased**

Late of the City of Erie, County
of Erie, State of Pennsylvania
Executrix: Karen Burton
Horstman, 448 Shawnee Drive,
Erie, Pennsylvania 16505
Attorney: James R. Steadman,
Esq., 24 Main St. E., Girard,
Pennsylvania 16417

**CARLSON, MARTIN E.,
deceased**

Late of the Township of
Millcreek, County of Erie,
Commonwealth of Pennsylvania
Executor: Martin C. Carlson,
6202 Whitehill Drive,
Mechanicsburg, Pennsylvania
17050
Attorneys: MacDonald, Illig,
Jones & Britton LLP, 100
State Street, Suite 700, Erie,
Pennsylvania 16507-1459

**CHRISTIENSEN, ERIC A.,
deceased**

Late of the City of Erie, County
of Erie, State of Pennsylvania
Administratrix: Beatrice C.
Christiansen, c/o 78 East Main
Street, North East, PA 16428
Attorney: Brydon Law Office,
Attorney John C. Brydon, 78
East Main Street, North East, PA
16428

**ELWELL, HOWARD, a/k/a
BUD ELWELL,
deceased**

Late of the Township of
Millcreek, County of Erie,
Commonwealth of Pennsylvania
Executrix: Nancy Eisenman-
Elwell, 4646 Wynburne Ave.,
Erie, PA 16509
Attorney: John E. Gomolchak,
Esq., 3854 Walker Blvd., Erie,
PA 16509

**FORD, INEZ MABLE, a/k/a
INEZ M. FORD,
deceased**

Late of the Township of
Millcreek, County of Erie,
Commonwealth of Pennsylvania
Executor: Daniel J. Ford, 4115
Ellsworth Ave., Erie, PA 16509
Attorney: John E. Gomolchak,
Esq., 3854 Walker Blvd., Erie,
PA 16509

**HEUBEL, KURT HEINRICH,
deceased**

Late of the City of Erie, County
of Erie
Executor: Stephen R. Heubel,
10069 Lake Pleasant Road,
Waterford, Pennsylvania 16441
Attorney: W. Richard Cowell,
Esquire, Carney & Good,
254 West Sixth Street, Erie,
Pennsylvania 16507

**JAVON, CAROLA.,
deceased**

Late of the City of Erie
Executrix: Bonita McGraw, c/o
Jerome C. Wegley, Esq., 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

**KARUBA, NANCY S., a/k/a
NANCY KARUBA, a/k/a
NANCY SIMON KARUBA,
deceased**

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

Co-Executors: Mark K. Karuba and Marcia L. Karuba, c/o 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508

Attorney: Darlene M. Vlahos, Esquire, 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508

**LANE, EARL E.,
deceased**

Late of the Township of Millcreek, Erie County, Pennsylvania

Executor: Frederick E. Lane, 503 Dunn Blvd., Erie, PA 16507

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

**MAHONEY, THERESA,
deceased**

Late of the Township of Millcreek, Erie County, Pennsylvania

Executor: James J. Mahoney, c/o Raymond A. Pagliari, Esq., 558 West Sixth Street, Erie, Pennsylvania 16507-1129

Attorney: Raymond A. Pagliari, Esq., 558 West Sixth Street, Erie, Pennsylvania 16507-1129

**MARKS, VERN A.,
deceased**

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

Executrix: Katrina Marks, c/o 246 West Tenth Street, Erie, PA 16501

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

**MENGES, AUDREY, a/k/a
AUDREY A. MENGES,
deceased**

Late of Harborcreek Township, County of Erie and Commonwealth of Pennsylvania
Executrix: Jennifer Menges-Dorsch, c/o 5992 Steubenville Pike Ste. C., Robinson Township, PA 15136

Attorney: Aaron M. Tomczak, Esq., West Hills Law, LLC., 5992 Steubenville Pike Ste. C., Robinson Township, PA 15136

**STRONG, PAULA A.,
deceased**

Late of Fairview Township, County of Erie, Commonwealth of Pennsylvania

Administrator: David W. Strong
Attorney: Jessica A. Fiscus, Esq., 337 West Sixth Street, Erie, PA 16507

THIRD 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. Voegelé, 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 & Schaaf, 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

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CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

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ANDREW C. HAZI ----- *ahazi@npsslaws.com*
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