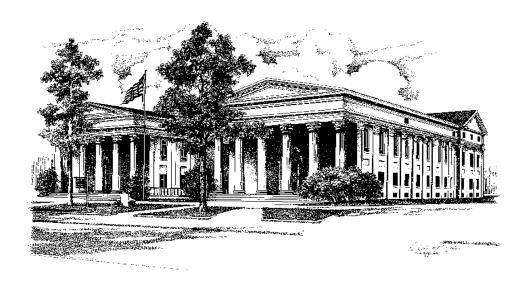
# June 10, 201

# Erie County Legal Journal

Vol. 94 No. 23 USPS 178-360



94 ERIE 38 - 42 Commonwealth v. Keeno

### **Erie County Legal Journal**

Reporting Decisions of the Courts of Erie County The Sixth Judicial District of Pennsylvania

Managing Editor: Heidi M. Weismiller Administrator of Publications: Paula J. Gregory

# PLEASE NOTE: NOTICES MUST BE RECEIVED AT THE ERIE COUNTY BAR ASSOCIATION OFFICE BY 3:00 P.M. THE FRIDAY PRECEDING THE DATE OF PUBLICATION.

All legal notices must be submitted in typewritten form and are published exactly as submitted by the advertiser. The Erie County Bar Association will not assume any responsibility to edit, make spelling corrections, eliminate errors in grammar or make any changes in content.

The Erie County Legal Journal makes no representation as to the quality of services offered by an advertiser in this publication.

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ERIE COUNTY LEGAL JOURNAL (ISSN 0730-6393) is published every Friday for \$57 per year (\$1.50 single issues/\$5.00 special issues, i.e. Seated Tax Sales). Owned and published by the Erie County Bar Association (Copyright 2011©) 302 West 9th St., Erie, PA 16502 (814/459-3111). Periodical Postage paid at Erie, PA 16515. POSTMASTER: Send Address changes to THE ERIE COUNTY LEGAL JOURNAL, 302 West 9th St., Erie, PA 16502-1427.

#### **Erie County Bar Association** Calendar of Events and Seminars

MONDAY, JUNE 13, 2011 12th Annual Estate & Elder Law Symposium PRI Video Seminal PBI Video Seminal PBI Video Seminal PBI Video Seminal Eric County Far Association 9:00 a.m. 10 pbit (8:30 a.m. reg.) \$149 (nember) \$129 (admitted after 1/1/07) \$169 (nonmember)

6 hours substantive

THURSDAY, JUNE 16, 2011 What Every Employer Needs to Know Now about Health Care Reform PBI Video Seminar Erie County Bar Association 9:00 a.m. – 12:30 p.m. (8:30 a.m. reg.) \$129 (member) \$109 (admitted after 1/1/07)

\$149 (nonmember) 3 hours substantive

FRIDAY, JUNE 17, 2011

Happy Hour on the Flagship Niagara Plaza ECBA Young Lawyer's Event Flagship Niagara Plaza (Erie Maritime Museum) 5:30 p.m. - 7:30 p.m. Free to all Young Lawyers and their spouse/significant other/guest

**MONDAY, JUNE 20, 2011** 

Forensics for the Criminal Practitioner
PBI Video Seminar Erie County Bar Association 9:00 a.m. – 12:30 p.m. (8:30 a.m. reg.) \$129 (member) \$109 (admitted after 1/1/07) \$149 (nonmember) 3 hours substantive

#### **MONDAY, JUNE 20, 2011**

Everything You Always Wanted to Know About Contractor Payment (but were afraid to ask) ECBA Live Lunch-n-Learn Seminar **Bayfront Convention Center** 12:15 p.m. - 1:15 p.m. (11:45 a.m. reg./lunch) \$32 (ECBA member/non-attorney staff) \$48 (nonmember) 1 hoùr substantivé

#### WEDNESDAY, JUNE 22, 2011

Dealing with the Problem Employees
PBI Groupcast Seminar Erie County Bar Association 8:30 a.m. – 12:45 p.m. (8:00 a.m. reg.) \$254 (member) \$234 (admitted after 1/1/07) \$274 (nonmember)

Early Registration - If you register more than 2 days before this presentation you will qualify for this Early Registration Fee: \$229 (member) \$209 (admitted after 1/1/07) \$249 (nonmember) 4 hours substantive

MONDAY, JUNE 27, 2011 Annual Charity Golf Tourmanent & Optional Scramble

Erie County Bar Association Event The Kahkwa Club 1:00 p.m. shotgun start (12:00 p.m. registration) \$130 (ECBA members) Please visit www.eriebar.com/members for full

details and sponsorship information **TUESDAY, JUNE 28, 2011** 

Boundary Law in PA PBI Groupcast Seminar Erie County Bar Association 8:30 a.m. – 12:45 p.m. (8:00 a.m. reg.) \$254 (member) \$234 (admitted after 1/1/07) \$274 (nonmember)

Early Registration - If you register more than 2 days before this presentation you will qualify for this Early Registration Fee: \$229 (member) \$209 (admitted after 1/1/07) \$249(nonmember) 4 hours substantive

#### 2011 BOARD OF DIRECTORS —

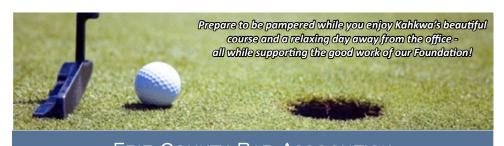
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# ERIE COUNTY BAR ASSOCIATION ANNUAL CHARITY GOLF TOURNAMENT & OPTIONAL SCRAMBLE

#### Monday, June 27, 2011

The Kahkwa Club

### Cost: ECBA members - \$130

### Registration fee includes ALL of the following:

valet parking & bag boys
(tips appreciated),
locker rooms,
use of practice range during
registration,
green fees and half-cart,
beverages & snacks on the course,
rangering to keep the event
moving along,
cocktails after golf,
dinner and brief awards ceremony.

# Reservations due to the ECBA office by June 17.



This year's event has some exciting enrichments - implemented to increase attendance and enjoyment in addition to financial support of the *Erie County Bar Foundation* programs, including the *Chief Justice Samuel J. Roberts Scholarship Fund* that annually awards law school scholarships to three students <u>from Erie</u>.

#### Event Enrichments include:

increased sponsorship opportunities for businesses serving our legal community the opportunity for non-member sponsors to participate in and support the tournament the opportunity for you to be a sponsor - at ECBA member sponsor rates - and invite your clients to join you - at non-member sponsor rates (check out all sponsor rates at <a href="https://www.eriebar.com">www.eriebar.com</a> in the "member center.")

#### **Tournament Schedule**

12:00 p.m. - Registration begins; Practice Range opens

1:00 p.m. - Shotgun Start

5:30 p.m. - Cocktails & light

hors d'oeuvres after golf

6:00 p.m. - Dinner, followed by a brief awards ceremony

#### **Prizes & Trophies**

ECBA Low Gross trophies (members only)

John E. Britton trophy (members only)

Will J. Schaaf Senior's trophy (members only)

Team scramble

(members only)

Callaway competition

Closest to the Pin

Longest Drive
Longest Putt



presented in cooperation with its Business & Commercial Law Section

# EVERYTHING YOU ALWAYS WANTED TO KNOW ABOUT CONTRACTOR PAYMENT

(but were afraid to ask)

In this seminar, the Pennsylvania Mechanics' Lien Law and the Contractor and Subcontractor Payment Act are covered in detail, with an emphasis on the practical application of both to assist clients. Lien waivers and defenses to a contractor seeking to assert payment will also be covered.

Monday, June 20, 2011

Bayfront Convention Center

11:45 a.m. - registration/lunch 12:15 - 1:15 p.m. - seminar

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

\$48 (nonmember)

This seminar has been approved by the PA CLE Board for 1 hour substantive law credit.

Presented by: Patrick J. Mondi, Esq.

MacDonald Illig Jones & Britton LLP

Patrick Mondi is an Associate at MacDonald Illig Jones & Britton LLP. He has a diverse legal practice, handling real estate matters, business transactions, and commercial litigation.

Prior to becoming a lawyer, Patrick worked as a project manager in the information systems department of General Electric Transportation Systems. There, he excelled as an expert in the practical application of business systems, leading diverse projects across the company. Leveraging this experience in the practice of law has helped Patrick to recommend creative, business-focused solutions to his clients. Patrick has also obtained his Project Management Professional certification from the Project Management Institute, giving him a unique perspective on the practice of law.

Reservations due to the ECBA office by Friday, June 17.

#### ATTENTION ALL ATTORNEYS

Are you or an attorney you know dealing with personal issues related to drug or alcohol dependency, depression, anxiety, gambling, eating disorders, sexual addiction, other process addictions or other emotional and mental health issues?

— YOU ARE FAR FROM BEING ALONE! —

You are invited and encouraged to join a small group of fellow attorneys who meet informally in Erie on a monthly basis. Please feel free to contact ECBA Executive Director Sandra Brydon Smith at 814/459-3111 for additional information. Your interest and involvement will be kept strictly confidential.

#### COMMONWEALTH OF PENNSYLVANIA

#### v. BRENT KEENO, Defendant

#### COMMONWEALTH OF PENNSYLVANIA

#### v. SCOTT KEENO, Defendant

#### CRIMINAL PROCEDURE / SEARCH AND SEIZURE

A time lapse of one year and three months between an unknown purchase at a hydroponics store and a "knock and talk" encounter renders the information obtained until that point stale so as not to support probable cause to obtain a search warrant.

#### CRIMINAL PROCEDURE / SEARCH AND SEIZURE

The "faint" odor of raw marijuana allegedly detected during a "knock and talk" does not establish probable cause to obtain a search warrant of a person's home. Rather, law enforcement must "demonstrate a nexus" between his/her experience and the search or seizure of evidence since the ends do not justify the means.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA CRIMINAL DIVISION
No.'s 2508-2010 and 2506-2010 respectively

Appearances: Justin D. Panighetti, Esq. for the Commonwealth

Julia E. Bagnoni, Esq. for Defendant Brent Keeno Dennis V. Williams, Esq. for Defendant Scott Keeno

#### **OPINION**

Dunlavey, Michael E., J. April 18, 2011

#### **Procedural History**

Defendants are both charged with one count each of Possession of marijuana, Possession with Intent to Deliver marijuana, and Possession of Drug Paraphernalia. Defendant Scott Keeno filed an Ominbus Pretrial Motion to Suppress on January 7, 2011, and Defendant Brent Keeno filed an Omnibus Pretrial Motion for Relief on February 10, 2011, both seeking to suppress the evidence against them.

This Court held a joint hearing on the motions on March 9, 2011, hearing both testimony and oral argument. At the conclusion of the hearing, the Court requested briefs from counsel on the sole issue of whether the odor of raw (unburnt) marijuana was sufficient probable cause for a search of the Defendants' trailer. Briefs were received in a timely fashion from all counsel.

#### **Findings of Facts**

The Court gleaned the following facts from the testimony given at the March 9, 2011 hearing and the Search Warrant (Commonwealth's Exhibit 1).

On December 23, 2008, Pennsylvania State Trooper Jeff Brautigam followed a white Jeep from a hydroponics store in Cranberry, Pennsylvania (Butler County) to Millcreek Township, Erie County, Pennsylvania. The Jeep stopped at a trailer located at 1422 Wana Drive in Millcreek. Trooper Brautigam testified that the Jeep was believed to be involved in a marijuana grow operation. The Jeep parked next to a purple PT Cruiser. Trooper Brautigam testified that he did not know what, if anything, was purchased by the Jeep driver at the hydroponics store.

Pennsylvania State Trooper Edward Walker, the affiant in this case, testified the State Police made one "trash pull" from 1422 Wana Drive on January 8, 2009, but found no evidence of a marijuana grow operation. Commonwealth Exhibit 1, p. 5. The State Police attempted to make more trash pulls from 1422 Wana Drive for the "next few months." *Id.* Trooper Walker testified the trash pulls were unsuccessful because no trash was put out for collection at the residence.

Fourteen (14) months later, on March 18, 2010, Trooper Walker, Trooper Brautigam, and Trooper Eric Wagner, all from the Cranberry Pennsylvania State Police barracks, decided to try a "knock and talk" encounter with the residents of 1422 Wana Drive. A "knock and talk" was described by Trooper Walker as walking up to the residence, knocking on the door, and asking to speak with the residents about a marijuana grow operation, and hoping to obtain consent to search the residence.<sup>1</sup>

Trooper Walker described the outside of the trailer located at 1422 Wana Drive as having one window with closed blinds, one window covered with brown cardboard, and another window with condensation. Trooper Walker also indicated that there was a brand-new roof vent on the trailer. See Commonwealth Exhibit 1, p. 5. In the search warrant, Trooper Walker maintained that these observations were indicative of an indoor marijuana grow operation. *Id.* 

At 12:25 p.m., Trooper Wagner approached the trailer door and knocked on it. *Id.* Trooper Brautigam stood to the left side of the door (to the occupant's right). He testified that Trooper Wagner stood several feet back from the door area.

Defendant Scott Keeno (hereinafter Mr. Keeno) answered the door. Trooper Walker identified himself as State Police and showed Mr. Keeno his badge. Trooper Walker asked Mr. Keeno if the Troopers could come in and speak with him. Mr. Keeno said no and stated he had dogs

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<sup>&</sup>lt;sup>1</sup> The Court is slightly mystified as to the effectiveness of this technique, wondering how often those approached in a walk and talk actually confess to running an illegal enterprise.

inside. Trooper Walker testified that Mr. Keeno appeared surprised and nervous at the Troopers' presence that his legs were trembling and he was breathing heavily. Trooper Walker also asked Mr. Keeno to show him some identification. Mr. Keeno went back inside the trailer, shutting and locking the door behind him, to obtain his identification.

When Mr. Keeno returned, he opened the door and handed the requested identification to Trooper Walker. Mr. Keeno was still "trembling" according to Trooper Walker. Trooper Brautigam testified that he detected the "faint odor" of raw marijuana when the door opened a second time. Neither Trooper Walker nor Trooper Wagner detected the odor of marijuana.

Trooper Walker asked again to come in, and again, Mr. Keeno declined. When Mr. Keeno attempted to go back inside, Trooper Walker stuck his foot in the door to prevent the door from closing. He informed Mr. Keeno that the police would be obtaining a search warrant for the residence and gave Mr. Keeno the option of letting the police in or waiting outside with them. Mr. Keeno chose to wait outside with Troopers Brautigam and Wagner while Trooper Walker obtained the warrant. Commonwealth Exhibit 2.

While they waited, two more State Police Troopers and a Millcreek Township police cruiser arrived as backup, and/or support for the search warrant. Defendant Brent Keeno, Scott Keeno's brother, also arrived around 1:15 p.m., driving the purple PT Cruiser. See Commonwealth Exhibit 1, p. 6. Troopers stopped him from entering 1422 Wana Drive. The Keeno brothers waited with the Troopers until the search warrant was executed. See Commonwealth Exhibit 2.

Trooper Walker obtained the search warrant at 2:45 p.m. After the search warrant was executed, four baggies of marijuana (431 grams), \$4,000.00 in cash, a grow light and plant nutrients, a marijuana horticulture book, and marijuana paraphernalia were found in the trailer's back bedrooms. Some baggies of the marijuana were found inside falsebottomed coffee cans, packaged for sale. No smoked or burnt marijuana was located during the search warrant's execution. Neither Defendant spoke to the State Police.

#### **Conclusions of Law**

The sole issue here before the Court is whether the odor of raw marijuana allegedly detected by Trooper Brautigam was sufficient probable cause for the search of Defendants' home.

First, the Court cannot overlook the time lapse involved in this case. See Commonwealth v. Ryerson, 817 A.2d 510 (2003) where false or stale information will not invalidate a warrant if there is other reliable information to support warrant.

Based on the testimony presented, one year and three months passed

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from the time Trooper Brautigam followed the white Jeep to 1422 Wana Drive until Trooper Walker decided to do a "knock and talk" at 1422 Wana Drive. Testimony also revealed that the State Police did not know what was purchased at the hydroponics store and did not make any successful trash pulls revealing evidence of a marijuana grow operation. *Compare* CW Ex 1, p. 6, paragraph 5. The Court finds that the information received up until this point was stale, and that the State Police were fishing for further evidence. The alleged detection of a "faint" odor of raw marijuana by Trooper Brautigam revived the possibility of criminal conduct.

The odor of burnt marijuana detected by a police officer establishes probable cause to conduct a stop, search, and/or arrest on the basis of the "plain smell" doctrine. See Commonwealth v. Pullano, 295 Pa. Super. 68, 440 A.2d. 1226 (1982) and Commonwealth v. Stoner, 344 A.2d 633 (1975). The odor of marijuana must be strong, not faint, to establish probable cause. Commonwealth v. White, 20 Pa. D.&C.4th 208 (1992, Crawford County Court of Common Pleas), Courts cannot simply conclude that probable cause exists on "nothing more than the number of years that an officer has spent on the force. Rather, the officer must demonstrate a nexus between his experience and the search, arrest, and seizure of evidence." Commonwealth v. Dunlap, 941 A.2d 671, at 677, citing Commonwealth v. Lawson, 309 A.2d 392. Misstatements of fact will invalidate a search and require suppression only if they are deliberate and material. Commonwealth v. Bonasorte, 486 A.2d 1361 (1984), citing Commonwealth v. Tucker, 384 A.2d 938 (1978).

Trooper Brautigam testified to a "faint" smell of raw marijuana in one instance, lasting a few seconds when Scott Keeno opened the trailer door. After the search warrant was obtained, no marijuana grow operation or materials, as listed in the search warrant, were found near the door of the trailer. Compare *Pullano, supra*, where the marijuana grow operation was located just inside the front door. Here, all the marijuana that was recovered was found dried, cut, bagged and hidden in back bedrooms inside another container. There was no raw or fresh marijuana recovered in the trailer. Also, despite materials found, there was no growing operation underway. Thus, the Court finds, in spite of his professed years of training, Trooper Brautigam's observations here are unrealistic and not credible. This Court is not accusing Trooper Brautigam of deliberately misstating the facts, rather believes he succumbed to what defense counsel calls the "over-zealous mind set of law enforcement officers". Defendant Brent Keeno's Brief at 4.

Based on the Court's own research, no case law distinguishes between the odor of burnt and raw marijuana. While probable cause has been recognized in cases where there was burnt marijuana, those are not the facts here. No evidence or testimony was presented by the parties as to Commonwealth v. Keeno

the strength of different types of marijuana odors, or the discovery of burnt or smoking joints, blunts, or pipes at the scene. Trooper Brautigam's testimony was that it was only a "faint" odor. The Court finds that innocent facts were stretched in order to obtain a search warrant and search this residence and question these Defendants on no more than a mere suspicion of a marijuana grow operation.

Further, the burden on proof is on the Commonwealth, not the Defendants. The ends do not justify the means here. The Commonwealth's suggestion that Defendant Scott Keeno could have "hunkered down" inside the trailer is speculative at best. Mr. Keeno could have turned the dogs he allegedly had on the police as well. Instead, he came outside and sat and waited with the police until the search warrant was obtained. There was no testimony that he was argumentative or combative or tried to flee. His nervousness was understandable given the fact that three State Troopers showed up at his door asking if he was running an illegal drug operation and threatened to obtain a search warrant.

Thus, the Court must suppress the evidence as the fruits of an illegal search and seizure.

#### ORDER

**AND NOW, to-wit,** this 18th day of April 2011, upon consideration of Defendants' Motions to Suppress, it is hereby **ORDERED and DECREED** that Defendants' Motions are **GRANTED**.

BY THE COURT: /s/ MICHAEL E. DUNLAVEY

LEGAL NOTICE

#### COMMON PLEAS COURT

#### CHANGE OF NAME NOTICE

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA

IN THE MATTER OF WENDY LANG, an adult individual

Notice is hereby given that on April 20, 2011, the Petition of Wendy Lang was filed in the above-named Court, praying for a decree to change the name of Wendy Allison Lang to Wendy Allison Titus

The Court has fixed the 2nd day of August, 2011 at 10:00 a.m. in the Eric County Court House as the time and place for the hearing of said Petition, when any or all persons interested may appear and show cause, if any they have, why the prayer of the petition should not be granted.

Eric V. Hackwelder, Esquire Carney & Good 254 West 6th Street Eric. PA 16507

Jun. 10

#### CHANGE OF NAME NOTICE

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA

IN THE MATTER OF TIFFANY STEPHENS, an adult individual Notice is hereby given that on April 20, 2011, the Petition of

April 20, 2011, the Petition of Wendy Lang was filed in the above-named Court, praying for a decree to change the name of Tiffany Jo Stephens to Tiffany Jo. Titus.

The Court has fixed the 29th day of June, 2011 at 11:15 a.m. in the Erie County Court House as the time and place for the hearing of said Petition, when any or all persons interested may appear and show cause, if any they have, why the prayer of the petition should not be granted.

Eric V. Hackwelder, Esquire Carney & Good 254 West 6th Street Eric, PA 16507

Jun. 10

#### DISSOLUTION NOTICE

Notice is hereby given by JRCG Realty, LLC, a Pennsylvania business corporation, that said corporation is winding up its affairs in the manner prescribed by section 8971 of the Business Corporation Law of 1988, so that its existence shall cease upon the filing of a Certificate of Dissolution in the Department of State of the Commonwealth of Pennsylvania.

Gregory L. Allison, Esq. Business & Succession Planning

(412) 281-2870

Advisors, LLC Attorneys at Law 1133 Penn Avenue, 5th Floor Pittsburgh, PA 15222

Jun. 10

#### 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: Rt. 6 Diner
- 2. Address of the principal place of business, including street and number: 344 East Columbus Avenue, Corry, PA 16407
- 3. The real name(s) and addresses, including street and number, of the persons who are parties to the registration: No-Bar Land II, Inc., 630 East Columbus Avenue, Corry, PA 16407
- 4. An application for registration of a fictitious name under the Fictitious Name Act was filed on May 20, 2011 with the Department of State. Brian Glowacki, Esq. Knox McLaughlin, Gornall

& Sennett, P.C. 120 West Tenth Street Erie, PA 16501

Jun. 10

#### INCORPORATION NOTICE

Notice is hereby given that Articles of Incorporation for a Pennsylvania for profit Corporation were filed with the Department of State of the Commonwealth of Pennsylvania with respect to a corporation incorporated under the provisions of the Business Corporation Law of 1988, with a date of incorporation of January 7, 2011. The name of the corporation is ASSET PROTECTION, LTD.

Jun. 10

#### INCORPORATION NOTICE

Articles were filed with the Dept. of State on May 19, 2011 for ROBERT C. ANDERSON SUBDIVISION NO. 2 PROPERTY OWNER'S ASSOCIATION, INC. pursuant to the provisions of the PA Nonprofit Corporation Law of 1988 for a property owners' association for a small flow treatment system.

Knox, McLaughlin, Gornall & Sennett 11 Park Street North East, PA 16428

Jun. 10

#### SHERIFF SALES

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

#### June 17, 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

May 27 and Jun. 3, 10

SALE NO. 2 Ex. #10139 of 2011 Mercer County State Bank, Plaintiff

#### Benjamin J. Byler, Defendant SHERIFF'S SALE

All that certain piece or parcel of land situate in the Township of LeBoeuf, County of Erie and Commonwealth of Pennsylvania, and being part of the Tract "CC" and more particularly bounded and described as follows, to wit:

COMMENCING at a point in the center of Townline Road (50' R/W) at the southeast corner of lands conveyed to Benjamin J. Byler by deed recorded in Erie County Record Book 452, page

128; THENCE South 02 degrees 52 minutes 53 seconds West, along the center of Townline Road 124.87' to THE POINT OF BEGINNING: THENCE South 02 degrees 52 minutes 53 seconds West, along the center of Townline Road, 385.85 to a point; THENCE North 87 degrees 21 minutes 51 seconds West, passing over an iron pin set in the west margin of Townline Road at a distance of 25.00', a total distance of 548.00' to an iron pin set; THENCE North 02 degrees 52 minutes 53 seconds East, 129.33' to an iron pin set; THENCE North 67 degrees 35 minutes 44 seconds East, passing over an iron pin set in the West margin of Townline Road at distance of 578.41', a total distance of 606.06' to the point of beginning. CONTAINING a total of 3.022 acres of land net measure and being further described as Lot 1 of the Subdivision of Land for Benjamin J. Byler, recorded as Erie County Map Book 1999 at Page 352.

Together with all and singular the right, liberties, privileges, hereditaments, improvements, and appurtenances, whatsoever thereto belonging, and the reversions, remainders, rents, issues and profits thereof; and also, all the estate and interest whatsoever of the said parties of the first part, in law or equity, of, in, to or out of the same; To have and to hold the same, together with the premises thereby granted, or intended so to be, unto the said party of the second part, their heirs/successors, and assigns, to the use of the said property of the second part, their heirs/successors, and assigns, forever. And the said parties of the first part, their heirs/successors, executors administrators, do hereby covenant and agree to and with the said party of the second part, their heirs/ successors, and assigns, that the said parties of the first part, their heirs/successors, and assigns, all the above, together with the above mentioned and described premises, unto the said party of the second party, their heirs/successors, and assigns, against the said parties of the first part, their heirs/successors, and assigns, and against all and every other person or persons whomsoever lawfully claiming or to claim the same shall and will Specially Warrant and forever defend by these presents.

No hazardous waste has ever been disposed of on the above-described property to the best of the Grantor's actual knowledge, pursuant to Act 97 of 1980.

This Deed is taken under and subject to all easements, restrictions and rights-of-way of record and/or those that are visible to a physical inspection.

John C. Swick, Esq. Shafer Law Firm 360 Chestnut Street Meadville, PA 16335

May 27 and Jun. 3, 10

SALE NO. 3 Ex. #10233 of 2011 FIRST NATIONAL BANK OF PENNSYLVANIA, Plaintiff

> v. PASCAL J. ARTISE and

### TRACY A. ARTISE, Defendants SHORT DESCRIPTION

ALL that certain piece or parcel of land situate in the Township of North East, Erie County, Pennsylvania, having erected thereon a two-story dwelling with detached garage being commonly known as 11309 Middle Road, North East, Pennsylvania, and bearing Erie County Tax Parcel No. (37) 17-39-1.

BEING the same premises conveyed to Pascal J. Artise and Tracy A. Artise, his wife, by deed dated September 12, 2003 and recorded in the Office of the Recorder of Deeds for Eric County on September 18, 2003 at Deed Book 1066, page 0072.

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

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

Attorneys for Plaintiff

May 27 and Jun. 3, 10

LEGAL NOTICE

COMMON PLEAS COURT

SALE NO. 4 Ex. #10011 of 2010 FIRST NATIONAL BANK OF PENNSYLVANIA, Plaintiff

v.

CALVIN N. PAYNE, IV, DECEASED, and SHELLY L. PAYNE, Sole Heir of the Estate of Calvin N. Payne, IV, Deceased, Defendants

#### SHORT DESCRIPTION

ALL that certain piece or parcel of land situate in the Township of Millcreek, Erie County, Pennsylvania, having erected thereon a one and one-half split level frame dwelling with a frame front being commonly known as 2002 Asheboro Drive, Erie, Pennsylvania, and bearing Erie County Tax Parcel No. (33) 107-480-4-22.

BEING the same premises conveyed to Calvin N. Payne IV by deed dated June 2, 2007 and recorded in the Office of the Recorder of Deeds for Erie County on December 4, 2007 at Deed Book 1464, page 0241.

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

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

Attorneys for Plaintiff

May 27 and Jun. 3, 10

SALE NO. 5
Ex. #10050 of 2011
NORTHWEST CONSUMER
DISCOUNT COMPANY,
Plaintiff,

#### GREGORY THOMAS ANDERSON, Defendant SHERIFF'S SALE

By virtue of a Writ of Execution filed at No. 2011-10050, Northwest Consumer Discount Company vs. Gregory Thomas Anderson, owner of property situate in the City of Erie, Erie County, Pennsylvania being: 1435 Lynn Street, Erie, Pennsylvania.

100' x 33' x 100' x 33'

Assessment Map Number: (14) 1104-206

Assessed Value Figure: \$32,150.00 Improvement Thereon: Residence

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

May 27 and Jun. 3, 10

SALE NO. 7 Ex. #10197 of 2011 NORTHWEST SAVINGS BANK, Plaintiff,

RONALD ROTUNDA and KATHLEEN J. NOONAN, Defendants

#### SHERIFF'S SALE

By virtue of a Writ of Execution filed at No. 2011-10197, Northwest Savings Bank vs. Ronald Rotunda and Kathleen J. Noonan, owners of property situate in the Township of Washington, Erie County, Pennsylvania being: 11815 Angling Road, Edinboro, Pennsylvania. Approx. 19.913 acres

Assessment Map Number:

Assessment Map Number: (45) 18-37-1 and (45) 18-37-1.04 and (45) 18-37-1.05

Assessed Value Figure: \$258,000.00 Improvement Thereon: Residence

Kurt L. Sundberg, Esq. Marsh Spaeder Baur Spaeder

& Schaaf, LLP Suite 300, 300 State Street Erie, Pennsylvania 16507

(814) 456-5301

May 27 and Jun. 3, 10

SALE NO. 8 Ex. #14240 of 2010 PNC BANK, NATIONAL ASSOCIATION, Plaintiff v.

#### ROBERT L. BUSH, Defendant SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 2010-14240, PNC Bank, National Association vs. Robert L. Bush, owner(s) of property situated in CITY OF ERIE, Erie County, Pennsylvania being 2116 Fairmount Parkway, Erie, PA 16510 0.1818 Acres
Assessment Map number: 18-5134-226

18-5134-226 Assessed Value figure: \$46,150.00

Assessed Value figure: \$46,150.00 Improvement thereon: Residential Dwelling

Michael C. Mazack, Esq. 1500 One PPG Place Pittsburgh, PA 15222 (412) 594-5506

May 27 and Jun. 3, 10

SALE NO. 9 Ex. #13388 of 2010 PNC BANK, NATIONAL ASSOCIATION, Plaintiff

v.

#### ALAN ECKARD and LYNNE M. ECKARD, Defendant SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 13388-10, PNC Bank, National Association vs. Alan Eckard and Lynne M. Eckard, owner(s) of property situated in BOROUGH OF CRANESVILLE, Erie County, Pennsylvania being 9931 BATEMAN AVENUE, CRANESVILLE, PA 16410 0.25 Acres

Assessment Map number: 9-1-20-23 Assessed Value figure: \$59,250.00 Improvement thereon: Residential Dwelling Michael C. Mazack, Esq.

1500 One PPG Place Pittsburgh, PA 15222 (412) 594-5506

May 27 and Jun. 3, 10

SALE NO. 11 Ex. #13755 of 2010 PHH MORTGAGE CORPORATION, Plaintiff

#### MICHAEL J. BARNHART PAIGE M. BERRY, Defendant(s) SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 13755-10

PHH MORTGAGE
CORPORATION vs. MICHAEL
J. BARNHART and PAIGE M.
BERRY

Amount Due: \$138,483.72

MICHAEL J. BARNHART and PAIGE M. BERRY, owner(s) of property situated in TOWNSHIP OF McKean, Erie County, Pennsylvania being 8828 WEST BARON ROAD, MCKEAN, PA 16426-1159

Dimensions: 200 X 175

Acreage: .8035

Assessment Map number: 31-010-026.0-006.08

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Assessed Value: 131,460.00 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

May 27 and Jun. 3, 10

SALE NO. 12 Ex. #11723 of 2010 NATIONSTAR MORTGAGE, LLC, F/K/A CENTEX HOME **EQUITY COMPANY, LLC,** F/K/A CENTEX HOME EQUITY CORPORATION, **Plaintiff** 

CARLYE J. RANKIN, IN HER CAPACITY AS CO-ADMINISTRATRIX AND HEIR OF THE ESTATE OF PEGGY LEE CARLSON A/K/A PEGGY L. CARLSON F/K/A PEGGY L. DAWDY LISA J. MURDICK, IN HER CAPACITY AS CO-ADMINISTRATRIX AND HEIR OF THE ESTATE OF PEGGY LEE CARLSON A/K/A PEGGY L. CARLSON F/K/A PEGGY L. DAWDY UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER PEGGY L. CARLSON A/K/A PEGGY L. CARLSON F/K/A PEGGY L. DAWDY, DECEASED, Defendant(s) SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 11723-10 NATIONSTAR MORTGAGE, LLC, F/K/A CENTEX HOME **EQUITY** COMPANY, LLC, F/K/A CENTEX HOME EQUITY CORPORATION vs. CARLYE J. RANKIN, IN HER CAPACITY AS CO-ADMINISTRATRIX AND HEIR OF THE ESTATE OF PEGGY LEE CARLSON A/K/A PEGGY L. CARLSON F/K/A PEGGY L. DAWDY, LISA J. MURDICK, IN HER CAPACITY AS CO-ADMINISTRATRIX AND HEIR

LEE CARLSON A/K/A PEGGY CARLSON F/K/A PEGGY L. DAWDY AND UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER PEGGY L. CARLSON A/K/A PEGGY CARLSON F/K/A PEGGY DAWDY, DECEASED Amount Due: \$99,316.15 CARLYE J. RANKIN, ΙN HER CAPACITY AS CO-ADMINISTRATRIX AND HEIR OF THE ESTATE OF PEGGY LEE CARLSON A/K/A PEGGY L. CARLSON F/K/A PEGGY L. DAWDY, LISA J. MURDICK, IN HER CAPACITY AS CO-ADMINISTRATRIX AND HEIR OF THE ESTATE OF PEGGY LEE CARLSON A/K/A PEGGY CARLSON F/K/A PEGGY L. DAWDY AND UNKNOWN SUCCESSORS, HEIRS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER PEGGY L. CARLSON A/K/A PEGGY L. CARLSON F/K/A PEGGY L. DAWDY, DECEASED, owner(s) of property situated in Erie County, Pennsylvania being 1288 BAGDAD ROAD, WATERFORD, PA 16441-9149 Acreage: 1.0300 Assessment Map number:

47-013-029.0-011.05

Assessed Value: 72,270.00

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

May 27 and Jun. 3, 10

SALE NO. 13 Ex. #10511 of 2010 WELLS FARGO BANK, N.A., **Plaintiff** 

> v. TERRY J. CARROLL, Defendant(s) SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 10511-10, WELLS FARGO BANK, N.A., vs. TERRY J. CARROLL

Amount Due: \$142,600.17 TERRY J. CARROLL, owner(s) of property situated in TOWNSHIP OF HARBORCREEK, Erie County, Pennsylvania being 8797 EAST LAKE ROAD, ERIE, PA 16511-

Dimensions: 237S X 307.56IR

Acreage: .9699

Assessment Map number: 27-030-028.0-011.02

Assessed Value: 93,600.00 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 May 27 and Jun. 3, 10

SALE NO. 14 Ex. #14560 of 2009

CITIMORTGAGE, INC. S/B/M TO CITIFINANCIAL MORTGAGE COMPANY, INC. F/K/A ASSOCIATES CONSUMER DISCOUNT **COMPANY**, Plaintiff

LARRY V. HOLMES PHYLLIS K. HOLMES A/K/A PHYLLIS K. ANDERSON, Defendant(s)

v.

SHERIFF'S SALE

By virtue of a Writ Execution filed to No. 14560-CITIMORTGAGE, 09, INC. S/B/M TO CITIFINANCIAL MORTGAGE COMPANY, INC. F/K/A ASSOCIATES CONSUMER DISCOUNT **COMPANY** LARRY V. HOLMES, PHYLLIS K. HOLMES A/K/A PHYLLIS K. ANDERSON

Amount Due: \$65,686.55 LARRY V. HOLMES, PHYLLIS K. HOLMES A/K/A PHYLLIS K. ANDERSON, owner(s) of property situated in Erie County, Pennsylvania being 826 CRANBERRY STREET, ERIE, PA 16502-1121

Acreage: 0.1377

Assessment Map number:

LEGAL NOTICE

COMMON PLEAS COURT

16-030-059-0-201-00 Assessed Value: 45,420 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 May 27 and Jun. 3, 10

SALE NO. 15
Ex. #15494 of 2010
WELLS FARGO BANK, NA,
D/B/A AMERICAS SERVICING
COMPANY, Plaintiff

# MARLENE A. KENNERKNECHT F/K/A MARLENE A. DOMBROWSKI, Defendant(s) SHERIFF'S SALE By virtue of a Writ of Execution

filed to No. 15494-2010, WELLS FARGO BANK NA D/B/A AMERICAS SERVICING COMPANY VS. MARLENE KENNERKNECHT F/K/A A. MARLENE A. DOMBROWSKI Amount Due: \$136,656,49 MARLENE A. KENNERKNECHT F/K/A MARLENE DOMBROWSKI. owner(s) of property situated in the BOROUGH MCKEAN, Erie County, Pennsylvania being 4908 EAST AVENUE, MCKEAN, PA 16426-1443 Dimensions: 109.5 X 175 Acreage: 0.4399 Assessment Map number: 32-003-003 0-004 00 Assessed Value: 70.280.00 Improvement thereon: residential Phelan Hallinan & Schmieg, LLP One Penn Center at Suburban Station Suite 1400 1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814

May 27 and Jun. 3, 10

SALE NO. 17 Ex. #14408 of 2010 GMAC MORTGAGE, LLC, Plaintiff

(215) 563-7000

v.
RANDY K. LEWIS
PORTIA S. LEWIS, Defendant(s)

#### SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 14408-10, GMAC MORTGAGE, LLC vs. RANDY K. LEWIS and PORTIA S. LEWIS Amount Due: \$99,529.83 RANDY K. LEWIS and PORTIA S. LEWIS, owner(s) of property situated in WASHINGTON TOWNSHIP, Erie County, Pennsylvania being 12251 LAY ROAD, EDINBORO, PA 16412-1415

Assessment Map number:
45-016-033.0-006.02
Assessed Value: \$86,000.00
Improvement thereon: residential
Phelan Hallinan & Schmieg, LLP
One Penn Center at Suburban
Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

May 27 and Jun. 3, 10

SALE NO. 18 Ex. #11659 of 2010 WELLS FARGO BANK, N.A., Plaintiff

v.

#### MARY C. MARTIN, Defendant(s)

By virtue of a Writ of Execution filed to No. 11659-10, WELLS FARGO BANK, N.A. vs. MARY C. MARTIN

Amount Due: \$60,455.59
MARY C. MARTIN, owner(s) of property situated in the FIFTH WARD OF THE CITY OF ERIE, Erie County, Pennsylvania being 913 EAST 30TH STREET, ERIE, PA 16504-1309

Dimensions: 33 X 130 Acreage: 0.0985

Assessment Map number: 18-050-054.0-220.00
Assessed Value: \$53,200.00
Improvement thereon: residential Phelan Hallinan & Schmieg, LLP One Penn Center at Suburban Station, Suite 1400

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

(215) 563-7000 May 27 and Jun. 3, 10 SALE NO. 19
Ex. #14614 of 2010
WELLS FARGO BANK, N.A.,
Plaintiff

BRUCE D. MCCALL A/K/A
BRUCE MCCALL

CHRISTINE F. MCCALL A/K/A CHRISTINE MCCALL, Defendant(s)

#### SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 14614-10, WELLS FARGO BANK, N.A. vs. BRUCE D. MCCALL A/K/A BRUCE MCCALL and CHRISTINE F. MCCALL A/K/A CHRISTINE MCCALL A/K/A CHRISTINE MCCALL

Amount Due: \$214,790.02
BRUCE D. MCCALL A/K/A
BRUCE MCCALL and
CHRISTINE F. MCCALL A/K/A
CHRISTINE MCCALL, owner(s)
of property situated in TOWNSHIP
OF AMITY, Erie County,
Pennsylvania being 15791 LYONS
ROAD, UNION CITY, PA 164385107

Map

number:

Acreage: 3.5070 Assessment

02-012-020.0-011.02 Assessed Value: \$134,870.00 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

May 27 and Jun. 3, 10

SALE NO. 20 Ex. #14152 of 2010 CITIMORTGAGE, INC., Plaintiff

v.

WILLIAM W. NELSON JAMIE J. NELSON, Defendant(s)

SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 14152-10, CITIMORTGAGE, INC. vs. WILLIAM W. NELSON and JAMIE J. NELSON
Amount Due: \$74.904.79

WILLIAM W. NELSON and JAMIE J. NELSON, owner(s) of

LEGAL NOTICE

COMMON PLEAS COURT

property situated in TOWNSHIP OF FAIRVIEW, Erie County, Pennsylvania being 3468 MICHAEL DRIVE, FAIRVIEW, PA 16415-1102

Dimensions: 70X140 Acreage: .2250

Assessment number: Man 21-076-00-7.0-007.00

Assessed Value: 72.270.

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

May 27 and Jun. 3, 10

SALE NO. 21 Ex. #15751 of 2010 PHH MORTGAGE CORPORATION, F/K/A CENDANT MORTGAGE CORPORATION, Plaintiff

#### JUAN SANTANA, JR AIDA SANTANA, Defendant(s) SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 15751-10. PHH MORTGAGE CORPORATION. F/K/A CENDANT MORTGAGE CORPORATION JUAN VS SANTANA. IR and AIDA **SANTANA** 

Amount Due: \$115,442.00 JUAN SANTANA, JR and AIDA SANTANA, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 1711 PERENNIAL WAY, ERIE, PA 16510-2681

Dimensions: 54 X 109.5 Acreage: .1357

Assessment Map number: 18-051-022 0-133 00

Assessed Value: 79,750. 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

May 27 and Jun. 3, 10

SALE NO. 22 Ex. #11419 of 2010 CITIMORTGAGE, INC., Plaintiff

> BRIAN S. SCHAAF A/K/A BRIAN A. SCHAAF. Defendant(s)

> > SHERIFF'S SALE

#### By virtue of a Writ of Execution

filed to No. 11419-2010 CITIMORTGAGE. INC. SCHAAF BRIAN S A/K/A BRIAN A. SCHAAF Amount Due: \$52,150,99 BRIAN S. SCHAAF A/K/A BRIAN A. SCHAAF, owner(s) of property situated in THIRD WARD OF THE CITY OF ERIE, Erie County. Pennsylvania being 1042 WEST 10TH STREET, ERIE, PA 16502-1137

Dimensions: 30 X 165 Assessment number: 16-030-0520 0-126 00 Assessed Value: 40.810

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

May 27 and Jun. 3, 10

SALE NO. 23 Ex. #10072 of 2011 WELLS FARGO BANK, N.A., Plaintiff

MICHAEL E. STEVENS SHANNON R. STEVENS. Defendant(s)

#### SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 10072-11. WELLS FARGO BANK, N.A. vs. MICHAEL E. STEVENS and SHANNON R. STEVENS

Amount Due: \$244,247.26

MICHAEL E. STEVENS and SHANNON R STEVENS. owner(s) of property situated in the TOWNSHIP OF MILLCREEK. Erie County, Pennsylvania being 4417 FOREST GLEN, ERIE, PA 16506-1669

Dimensions: 150.11 X 256.59 IRR Acreage: 0.8739

Assessment Map number: 33062235005305

Assessed Value: \$272,400.00 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

May 27 and Jun. 3, 10

SALE NO. 24

Ex. #12445 of 2010 HSBC BANK USA, AS TRUSTEE IN TRUST FOR CITIGROUP MORTGAGE LOAN TRUST, INC., ASSET-BACKED PASS-THROUGH CERTIFICATES SERIES 2004-RP1, Plaintiff

#### PAUL V. UBER, Defendant(s) SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 12445-10, HSBC BANK USA, AS TRUSTEE IN TRUST FOR CITIGROUP MORTGAGE LOAN TRUST INC., ASSET-PASS-THROUGH BACKED CERTIFICATES SERIES 2004-RP1 vs. PAUL V. UBER Amount Due: \$102,228.83

PAUL V. UBER, owner(s) of property situated in TOWNSHIP OF HARBORCREEK, Erie County, Pennsylvania being 8930 ROHL ROAD, NORTH EAST, PA 16428-2479

Acreage: 1.8000

Assessment Map number: 27075233000501

Assessed Value: 92.310

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

May 27 and Jun. 3, 10

SALE NO. 25 Ex. #15133 of 2010 U.S. BANK NATIONAL ASSOCIATION TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff

v.

#### EDGAR EL BAYEH ALAM, Defendants SHERIFF'S SALE

By virtue of a Writ of Execution No. 15133-10, U.S. BANK NATIONAL ASSOCIATION TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff vs. EDGAR EL BAYEH ALAM, Defendants

Real Estate: 3326 LOVELAND AVENUE, ERIE, PA

Municipality: Millcreek Township Erie County, Pennsylvania See Deed Book 1514, Page 314 Tax I.D. (33) 68-657-10

Assessment: \$20,400. (Land) \$68,900. (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

May 27 and Jun. 3, 10

SALE NO. 27
Ex. #13548 of 2008
Wells Fargo Bank, National
Association as Trustee Under
Pooling and Servicing
Agreement Dated as of
August 1, 2006 Securitized Asset
Backed Receivables LLC Trust
2006-HE1 Mortgage PassThrough Certificates, Series
2006-HE1, Plaintiff

Denise D. Houston
Houston Enterprises, LLC,
Defendant(s)
LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in the City of Erie, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows, to-wit: BEGINNING at a point in the east line of Cherry Street, eighty-two and one-half (82 ½) feet south of the south line of Eighth Street; Thence by and along the east line of Cherry Street; Southward, forty-one and one-fourth (41 1/4) feet; Thence eastward, parallel with the south line of Eighth Street, eighty-two and one half (82 ½) feet to the west

line of In Lot No. 1203: Thence northward and parallel with the east line of Cherry Street, forty-one and one-fourth (41 1/4) feet; Thence westward, parallel with the south line of Eighth Street, eighty-two and one-half (82 1/2) feet to the place of beginning, being a part of In Lot No. 1202 and Square No. 55 and having erected thereon a two story frame dwelling commonly known as 809 Cherry Street, Erie, Pennsylvania. BEING the same premises which Bob Merski, Sheriff of Erie County, Pennsylvania, by Deed Poll dated 7/9/2004 and recorded 7/9/2004 in the County of Erie in Record Book 1153 Page 448 conveyed unto Associate First Capital Corporation, a Delaware Corporation. BEING KNOWN AS: 809 Cherry Street, Erie, PA 16502 PROPERTY ID NO.: 16-3030-213 TITLE TO SAID PREMISES IS VESTED IN Houston Enterprises,

PROPERTY ID NO.: 16-3030-213
TITLE TO SAID PREMISES IS
VESTED IN Houston Enterprises,
LLC by Deed from Associates First
Capital Corporation, A Delaware
Corporation, successor by reason
of merger with Associates Financial
Services Company, Inc., successor
by reason of merger with Associates
Consumer Discount Company n/k/a
Citifinancial, Inc. dated 03/18/2005
recorded 04/07/2005 in Deed Book
1223 Page 1377.
Udren Law Offices, P.C.

Alan M. Minato, Esq.
PA ID 75860
Attorney for Plaintiff
Woodcrest Corporate Center
111 Woodcrest Road, Suite 200
Cherry Hill, NJ 08003-3620
856-669-5400

May 27 and Jun. 3, 10

SALE NO. 28 Ex. #10315 of 2011 RBS Citizens NA, Plaintiff

#### Gary C. Porsch, Defendant SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 10315-11, RBS Citizens NA vs. Gary C. Porsch, owners(s) of property situated in Township of Millcreek, Erie County, Pennsylvania being 2506 Loveland Avenue, Erie, PA 16506 0.2634

Assessment Map number: 33-53-224-12

Assessed Value figure: \$81,750.00 Improvement thereon: residential dwelling

Michael J. Clark, Esquire Shapiro & DeNardo, LLC Attorney for Movant/Applicant 3600 Horizon Drive, Suite 150 King of Prussia, PA 19406 (610) 278-6800

May 27 and Jun. 3, 10

SALE NO. 29
Ex. #10611 of 2010
CITIMORTGAGE INC. F/K/A
CITIFINANCIAL MORTGAGE
CONSUMER DISCOUNT
COMPANY, Plaintiff

v.
DAWN FITZSIMMONS,
Defendant(s)
DESCRIPTION

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

Being lots 25 and 26, Index No. 5202-106, Burton Heights Subdivision, part of tract #62, as shown in Map Book 1, page 403, in the Office of the Recorder of Deeds, Erie County, Pennsylvania. This property is located on the South side of East 17th Street between East Avenue and Pennsylvania Avenue, in the Fifth Ward, City of Erie, County of Erie, and State of Pennsylvania.

PROPERTY ADDRESS: 1031 East 37th Street, Erie, PA 16504 Goldbeck McCafferty & McKeever Attorney for Plaintiff Suite 5000 - Mellon Independence

Parcel # (18) 5202-106

Center, 701 Market Street Philadelphia, PA 19106 (215) 627-1322

May 27 and Jun. 3, 10

SALE NO. 30
Ex. #14828 of 2010
BANK OF AMERICA,
NATIONAL ASSOCIATION,
SUCCESSOR BY MERGER
TO LASALLE BANK
NATIONAL ASSOCIATION,
AS TRUSTEE, ON BEHALF

LEGAL NOTICE

COMMON PLEAS COURT

#### OF THE HOLDERS OF THE GSAMP TRUST 2006-HE4 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-HE4, Plaintiff

# MICHAEL D. KADER MICHELLE R. KADER, Defendant(s) DESCRIPTION

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

BEGINNING at a point in the center line of Greenlee Road (Route No. (523) where the South line of Tract 39 Intersects with same; Thence Westwardly along the South line of Tract 39, a distance of one thousand six hundred (1600) feet, more or less to a point; Thence Northwardly, three hundred (300) feet, more or less a point; Thence Eastwardly a distance of one thousand four hundred (1400) feet, more or less. to the center line of said Greenlee Road: Thence Southwardly along the center line of Greenlee Road. three hundred fifty (350) feet, more or less to the point or place of beginning.

Parcel Numbers: 47-12-28-4.06 & 47-12-28-4.03

BEING KNOWN AS: 10988 Greenlee Road, Waterford, PA 16441

PROPERTY ADDRESS: 10988 Greenlee Road, Waterford, PA 16441 Goldbeck McCafferty & McKeever Attorney for Plaintiff

Suite 5000 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106 (215) 627-1322

May 27 and Jun. 3, 10

SALE NO. 31 Ex. #14315 of 2009 CITIFINANCIAL SERVICES, INC, Plaintiff

# EVELYN MCCULLUM, Defendant(s) DESCRIPTION

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

Beginning at a point where the East line of German Street intersects with the North line of Twenty-third Street; thence North along the East line of German Street, one hundred (100) feet; thence East, parallel with Twenty-third Street, thirty (30) feet; thence South parallel with German Street, one-hundred (100) feet to the said North line of Twenty-third Street; and thence West, along the said North line of Twenty-third Street, Thirty (30) feet to the place of beginning.

PROPERTY ADDRESS: 302 East 23rd Street, Erie, PA 16503

Goldbeck McCafferty & McKeever Attorney for Plaintiff Suite 5000 - Mellon Independence

Center, 701 Market Street Philadelphia, PA 19106 (215) 627-1322

May 27 and Jun. 3, 10

SALE NO. 32
Ex. #10216 of 2011
BANK OF AMERICA, N.A., AS
TRUSTEE FOR STRUCTURED
ASSET INVESTMENT LOAN
TRUST, MORTGAGE PASSTHROUGH CERTIFICATES,
SERIES 2004-4. Plaintiff

#### MATTHEW J. SPILKO KAREN M. SPILKO, Defendant(s) DESCRIPTION

All that certain piece or parcel of land situate in the City of Erie, County of Erie, and Commonwealth of Pennsylvania, and being bounded and described as follows, to-wit: Beginning at a point, which point is the northwest corner of Lot No. 4 of Stanson Acres Subdivision as recorded in the Recorder of Deeds Office for Erie County. Pennsylvania in Map Book 5, pages 246 and 247; thence in a northerly direction along the west line of said Lot No. 4 extended, 47.97' to a point; thence easterly 245' to a point in the north line of that parcel described in Erie County Deed Book 854 page 274; thence in a southerly direction along a line which is the east line of said Lot No. 4 extended 175' more

or less to a point, which point is the northeast corner of said Lot No. 4; thence in a westerly direction along the north line of said Lot No. 4, 143.9' to a point, being the place of beginning; said land lying to the north of said Lot No. 4 and bearing Erie County Assessment Index No. (18) 5206-118.

PROPERTY ADDRESS: 1034 East 43rd Street, Erie, PA 16504 Goldbeck McCafferty & McKeever Attorney for Plaintiff Suite 5000 - Mellon Independence Center, 701 Market Street Philadelphia, PA 19106 (215) 627-1322

May 27 and Jun. 3, 10

#### SALE NO. 33

Ex. #10309 of 2011

Wells Fargo Bank, NA, successor by merger to Wachovia Bank of Delaware, National Association formerly known as First Union National Bank of Delaware

#### v. Bruce D. Bair; Faith L. Bair, Deceased SHERIFF'S SALE

By virtue of a Writ of Execution file to No. 10309-11, Wells Fargo Bank, NA, successor by merger to Wachovia Bank of Delaware, National Association formerly known as First Union National Bank of Delaware vs. Bruce D. Bair; Faith L. Bair, Deceased, owner(s) of property situated in the City of Erie, County of Erie, Pennsylvania being 2627 Cochran Street, Erie, PA 16508

34x142 = 4,828 Square feet 0.1108 acre Assessment Map Number:

19-6050-131 Assessed Value figure: \$42,200.00 Improvement thereon: Bungalow Zucker, Goldberg & Ackerman, LLC 200 Sheffield Street, Suite 101 Mountainside, NJ 07092 (908) 233-8500

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#### ESTATE NOTICES

Notice is hereby given that in the estates of the decedents set forth below the Register of Wills has granted letters, testamentary or of administration, to the persons named. All persons having claims or demands against said estates are requested to make known the same and all persons indebted to said estates are requested to make payment without delay to the executors or their attorneys named below.

#### FIRST PUBLICATION

# BESONSON, ANDREW JOHN, a/k/a ANDREW J. BESONSON, deceased

Late of Edinboro City, Erie County, Pennsylvania

Administrator: Charmaine J.

Besonson, 14272 Route 19,
Cambridge Springs, PA 16403

Attorney: None

#### BIEBEL, DAVID R., deceased

Late of the City of Erie, County of Erie and State of Pennsylvania Executor: Robert Edward Biebel, 3105 Hemlock Court, Fairview, PA 16415

Attorney: Edwin W. Smith, Esq., Shapira, Hutzelman, Berlin, Ely, Smith & Walsh, 305 West Sixth Street. Erie. PA 16507

#### BURNS, THORA M., a/k/a THORA BURNS, deceased

Late of the City of Erie, County of Erie, Pennsylvania Executor: Joseph E. Darden, 3820 Maxwell Street, Erie, PA 16504 Attorney: None

#### GATHERS, PATRICIA M., deceased

Late of McKean, County of Erie and Commonwealth of Pennsylvania

Executor: Teresa S. Nelson, 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

#### JAMES, J. DOUGLAS, deceased

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

Co-Executors: Douglas B. James, William T. James and Mark L. James, c/o Robert G. Dwyer, Esq., 120 West Tenth Street, Erie, PA 16501

Attorney: Robert G. Dwyer, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

#### MEHLER, FRANK E., a/k/a FRANCIS E. MEHLER, deceased

Late of the Township of

Millcreek, County of Erie, Commonwealth of Pennsylvania Executrix: Mary Ann Hauser, 3949 Leprechaun Lane, Erie, Pennsylvania 16510 Attorneys: MacDonald, Illig, Jones & Britton, LLP, 100 State Street, Suite 700, Erie,

#### MITCHELL, LUELLA J., a/k/a LUELLA JEAN MITCHELL, deceased

Pennsylvania 16507-1459

Late of Union Township, Erie County, Pennsylvania

Executor: Dale Mitchell, c/o Paul J. Carney, Jr., Esquire, 43 North Main Street, Union City, Pennsylvania 16438

Attorney: Paul J. Carney, Jr., Esquire, 43 North Main Street, Union City. Pennsylvania 16438

#### OLOWINSKI, FLORENCE M., a/k/a FLORENCE OLOWINSKI, deceased

Late of the Borough of Girard, County of Erie and Commonwealth of Pennsylvania Executrix: Deborah M. Schenker, c/o 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508

Attorney: Darlene M. Vlahos

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

# PONCE, FRANCIS JOSEPH, a/k/a FRANK PONCE, deceased

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

Administrator: Tia Ponce

Attorney: Craig A. Zonna, Esquire, Elderkin, Martin, Kelly & Messina, 150 East 8th Street, Erie, PA 16501

#### POTRATZ, DORIS H., deceased

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania *Co-Executors:* Melody J. Potratz and John T. Potratz

Attorney: John B. Enders, Esquire, Elderkin, Martin, Kelly & Messina, 150 East 8th Street, Erie, PA 16501

#### STOW, EMMA L., deceased

Late of North East Township, Erie County

Executor: Bryan Stow, c/o Leigh Ann Orton, Esq., 11 Park Street, North East, PA 16428

Attorney: Leigh Ann Orton, Esq., Knox McLaughlin Gornall & Sennett, P.C., 11 Park Street, North East, PA 16428

# TENNEY, RALPH O., a/k/a OBURN RALPH TENNEY, deceased

Late of the City of Erie

Administratrix: Nancy E.

Dusckas, c/o Attorney Terrence P.

Cavanaugh, 3336 Buffalo Road,
Wesleyville, PA 16510

Attorney: Terrence P. Cavanaugh, Esq., 3336 Buffalo Road, Wesleyville, PA 16510 ORPHANS' COURT LEGAL NOTICE ORPHANS' COURT

Notice is hereby given of the administration of the Estate and Trust set forth below. All persons having claims or demands against the decedent are requested to make known the same and all persons indebted to said decedent are required to make payment without delay to the executor, trustee or attorney named below.

#### HOFFMAN, JOHN G., JR., deceased

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania *Trustee:* John G. Hoffman III, 11341 Gates Mill Drive, Knoxville, TN 37934-1755 *Attorneys:* MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

#### SECOND PUBLICATION

#### DIDIER, MARK G., deceased

Late of the City of Erie, County of Erie, and State of Pennsylvania Co-Administrators: Mark Borowski, P.O. Box 282, Forestdale, MA 02644 and Richard T. Ruth, Esq., 1026 W. 26th St., Erie, PA 16508

Attorney: Richard T. Ruth, Esq., 1026 W. 26th St., Erie, PA 16508

#### KITTS, PAMELA A., deceased

Late of the City of Erie, Commonwealth of Pennsylvania Executor: Ryan Bardo, 3229 West 24th Street, Erie, Pennsylvania 16506

Attorney: C. James Vendetti, Esq., Vendetti & Vendetti, 3820 Liberty Street, Erie, Pennsylvania 16509

#### KOWALCZYK, NICOLETTA M., deceased

Late of the Township of Fairview, County of Erie, and Commonwealth of Pennsylvania *Executor:* Philomena Miller, c/o The McDonald Group, L.L.P., James D. McDonald, Jr., P.O. Box 1757, Erie, PA 16507-1757 *Attorney:* James D. McDonald, Jr., Esq., The McDonald Group, L.L.P., P.O. Box 1757, Erie, PA 16507-1757

#### LEBICH, AGNES, deceased

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania Executor: PNC Bank, National Association, 901 State Street, Erie, PA 16501

Attorneys: MacDonald, Illig, Jones & Britton, LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

#### LEONE, GENE J., deceased

Late of Millcreek Township,
County of Erie, and
Commonwealth of Pennsylvania
Executor: Mark A. Leone,
5904 Terrapin Place, Unit 102,
Alexandria, VA 22310
Attorney: Gary K. Schonthaler,
Esquire, The Gideon Ball House,
135 East 6th Street, Erie, PA

#### LUKE, ADRIAN L., deceased

16501

Erie County, Harborcreek, Pennsylvania Executrix: Marcie L. Nagle, c/o Robert J. Jeffery, Esq., 33 East Main Street, North East, Pennsylvania 16428

Late of Harborcreek Township,

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

#### McCARTNEY, WAYNE ERNEST, SR., a/k/a WAYNE E. McCARTNEY, SR., a/k/a WAYNE E. McCARTNEY, deceased

Late of the Township of Millcreek, County of Erie, and Commonwealth of Pennsylvania Executor: Michael C. McCartney, 3722 Atlantic Avenue, Erie, Pennsylvania 16506
Attorney: Robert E. McBride,

Attorney: Robert E. McBride, Esquire, 32 West Eighth Street, Suite 600, Erie, Pennsylvania 16501

#### MOFFETT, CHESTER L., deceased

Late of the City of Erie, Pennsylvania Executor: Chester L. Moffett, Jr., c/o Jeffrey D. Scibetta, Esq., 120 West 10th Street, Erie, PA 16501 Attorney: Jeffrey D. Scibetta, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

#### OSBORN, ROBERT E., deceased

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

Executor: Gerald E. Osborn, 1436 Cronin Road, Waterford, Pennsylvania 16441

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

#### RASTATTER, WILLIAM J., deceased

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

Executrix: Lucy Cappello, c/o 2741 West 8th Street, Suite 16, Erie, PA 16505

Attorney: Robert C. Brabender, Esquire, 2741 West 8th Street, Suite 16, Erie, PA 16505 ORPHANS' COURT LEGAL NOTICE ORPHANS' COURT

#### SCHWARTZ, FRANK J., deceased

Late of the Township of Summit, County of Erie and Commonwealth of Pennsylvania Executor: William F. Schwartz Attorney: David J. Rhodes, Esquire, Elderkin, Martin, Kelly & Messina, 150 East 8th Street, Erie, PA 16501

#### VIRGILIO, NICHOLAS, deceased

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

Executrix: Karen L. Virgilio, 2720 Alexandra Drive, Erie, Pennsylvania 16506

Attorney: William J. Kelly, Jr., Esquire, 100 State Street, Suite 440, Erie, Pennsylvania 16507

#### WALLWORK, JOSEPH R., deceased

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

Executor: J. David Wallwork, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506 Attorney: Scott L. Wallen, Esquire, Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie. PA 16506

#### WOLF, NORBERT G., deceased

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

Executrix: Patricia Andres, 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

#### THIRD PUBLICATION

#### CHASE, BETTY A., deceased

Late of the Township of Lake City, County of Erie and Commonwealth of Pennsylvania Executrix: Bettie L. Stephens Attorney: David J. Rhodes, Esquire, Elderkin, Martin, Kelly & Messina, 150 East 8th Street, Erie, PA 16501

#### COLAO, GEORGE T.,

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

Administrator: Brandon George Colao, c/o 504 State Street, Suite 300, Erie, PA 16501

Attorney: Alan Natalie, Esquire, 504 State Street, Suite 300, Erie, PA 16501

#### CRATTY, MARY, a/k/a MARY K. CRATTY, deceased

Late of the City of Erie, County of Erie and State of Pennsylvania *Co-Executors:* Michael Cratty, 2671 East 33rd Street, Erie, Pennsylvania 16510 and Mark Cratty, 2918 Idyllbrook Lane, Erie, Pennsylvania 16506

Attorney: Grant M. Yochim, Esq., Steadman Law Office, 24 Main St. E., Girard, Pennsylvania 16417

#### FERRINGER, JACK D., deceased

Late of the City of Erie, Pennsylvania

Administrator: David P. Ferringer, 1388 Butler Pike, Mercer, PA 16137

Attorney: Mary Ann McConnell, Esquire, James-McConnell, P.C., 237 W. Market Street, P.O. Box 579, Mercer, PA 16137

#### GAVIN, WILLIE FRANK, deceased

Late of the City of Erie, Commonwealth of Pennsylvania Executor: Bessie Gavin, 618 Reed Street, Erie, PA 16503 Attorney: Kevin W. Barron, Esquire, 821 State Street, Erie, PA 16501

#### HAGMANN, JOYCE M., deceased

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania Executor: Douglas J. Hagmann, c/o Eugene C. Sundberg 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

#### HENDERSON, MARY B., deceased

Late of the Township of Millcreek, Erie County, Pennsylvania Executor: David K. Bell, 2756 Black House Road, Warsaw, NY 14569

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

#### KOCUR, CAROL, deceased

Late of the Township of Millcreek, Commonwealth of Pennsylvania

Executor: Nancy Barron, 303 Chelsea Avenue, Erie, PA 16505 Attorney: Kevin W. Barron, Esquire, 821 State Street, Erie, PA 16501

#### ZALESKI, MARGARET M., deceased

Late of the City of Erie

Executrix: Linda Z. Tufton, 1433 Pleasant Street, New Orleans, LA 70115

Attorney: Michael A. Fetzner, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

#### CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

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|--|-------------------------------|
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| STEVEN M. SRNKA  |                               |
| ANDREW H. WEINRAUBOCY154 West 9th Street   |                               |
| Erie, PA 16501   | , ,                           |
| TRACY L. REINHART  |                               |
| NEW PHONE NUMBER   | reinnariiaw@verizon.nei       |
| JAMES D. DONOVAN   | (803) 705-5636                |
| New Email Address Joan M. Fairchild  | fairchildlaw@neohio.twcbc.com |

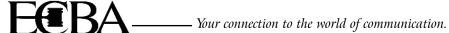
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