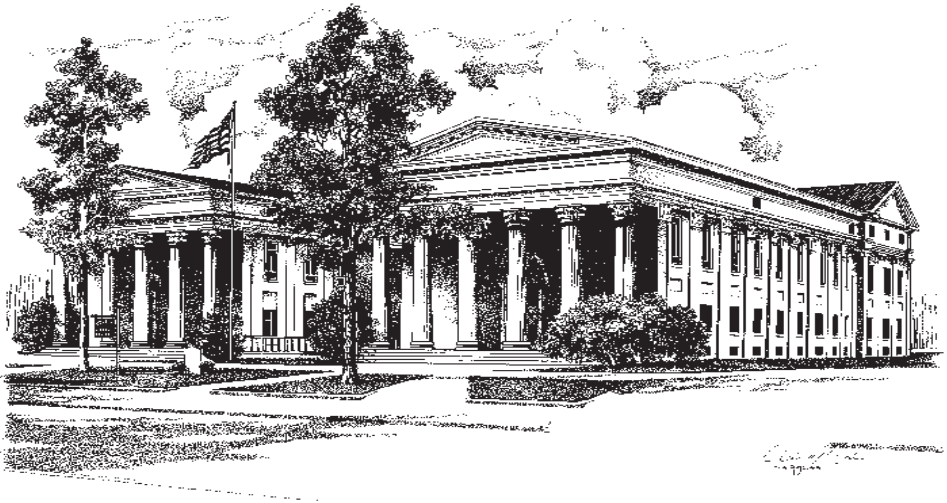


# Erie County Legal Journal

August 5, 2011

Vol. 94 No. 31

USPS 178-360



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**In the Superior Court of Pennsylvania  
In the matter of In the Adoption of M.F.B., J.L.B.**

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# 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

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# Erie County Bar Association

## Calendar of Events and Seminars

### MONDAY, AUGUST 8, 2011

*Bob Dylan and the Art of Taking Legal Ethics Seriously*  
 PBI Video Seminar  
 Erie County Bar Association  
 9:00 a.m. – 10:00 a.m. (8:30 a.m. reg.)  
 \$49 (member) \$59 (nonmember)  
 1 hour ethics

### TUESDAY, AUGUST 9, 2011

*Pennsylvania Taxes – Update and Selected Topics*  
 PBI Groupcast Seminar  
 Erie County Bar Association  
 9:00 a.m. – 1:15 p.m. (8:30 a.m. reg.)  
 \$254 (member) \$234 (admitted after 1/1/07)  
 \$274 (nonmember)

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

### WEDNESDAY, AUGUST 10, 2011

*The Nine Principles of Litigation, And Perhaps of Life*  
 PBI Groupcast Seminar  
 Erie County Bar Association  
 8:30 a.m. – 3:30 p.m. (8:00 a.m. reg.)  
*Lunch is Included*  
 \$354 (member) \$334 (admitted after 1/1/07)  
 \$374 (nonmember)

*Early Registration - If you register more than 2 days before this presentation you will qualify for this Early Registration Fee: \$329 (member) \$309 (admitted after 1/1/07) \$349 (nonmember)*  
 5 hours substantive / 1 hour ethics

### THURSDAY, AUGUST 11, 2011

*Litigating the Failed Real Estate Deal*  
 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)  
 2 hours substantive / 1 hour ethics

### TUESDAY, AUGUST 16, 2011

*Legal Issues in Advertising*  
 PBI Video Seminar  
 Erie County Bar Association  
 9:00 a.m. – 1:30 p.m. (8:30 a.m. reg.)  
 \$129 (member) \$109 (admitted after 1/1/07)  
 \$149 (nonmember)  
 3 hours substantive / 1 hour ethics

### TUESDAY, AUGUST 16, 2011

*Lincoln on Professionalism*  
 PBI Groupcast Seminar  
 Erie County Bar Association  
 9:00 a.m. – 12:15 p.m. (8:30 a.m. reg.)  
 \$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)*  
 3 hours ethics

### THURSDAY, AUGUST 18, 2011

*Anatomy of a "Superstar" Deposition*  
 PBI Groupcast Seminar  
 Erie County Bar Association  
 8:30 a.m. – 4:15 p.m. (8:00 a.m. reg.)  
*Lunch is Included*  
 \$344 (member) \$324 (admitted after 1/1/07)  
 \$364 (nonmember)

*Early Registration - If you register more than 2 days before this presentation you will qualify for this Early Registration Fee: \$319 (member) \$299 (admitted after 1/1/07) \$339 (nonmember)*  
 6 hours substantive

### TUESDAY, AUGUST 23, 2011

*Doing Good Deeds... and Title Work (Title, Conveyancing, and Ownership)*  
 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

### WEDNESDAY, AUGUST 24, 2011

*Family Law Institute - 2011*  
 PBI Video Seminar  
 Erie County Bar Association  
 9:00 a.m. – 5:00 p.m. (8:30 a.m. reg.)  
 \$149 (member) \$129 (admitted after 1/1/07)  
 \$169 (nonmember)  
 5 hours substantive / 1 hour ethics

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Aug. 5

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**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?

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

MOTION COURT DATES FOR CHIEF JUDGE THOMAS P. AGRESTI In Re: ERIE DIVISION SCHEDULING PROCEDURES

AUGUST 2011 NOTICE

The following is a list of August through October 2011 motion court dates and times to be used for the scheduling of motions pursuant to Local Rule 9013-5(A) before Chief Judge Thomas P. Agresti in the Erie Division of the Court. The use of these dates for scheduling motions consistent with the requirements of Local Rule 9013-5(A) is summarized below and on Chief Judge Agresti's website at: www.pawb.uscourts.gov. The motions will be heard in the Bankruptcy Courtroom, U.S. Courthouse, 17 South Park Row, Erie, PA 16501.

ERIE CH. 13 AND CH. 7 CASES

Counsel for a moving party shall select one of the following dates and times for matters subject to the "self-scheduling" provisions of the Local Rules (See Court Website at http://www.pawb.uscourts.gov and W.D. PA Local Rule 9013-5(A), insert same on the notice of hearing for the motion, and serve the notice on all respondents, trustee(s) and parties in interest. Where a particular type of motion is listed at a designated time, filers shall utilize that time for the indicated motions(s) unless: (a) special arrangements have been approved in advance by the Court, or, (b) another motion in the same bankruptcy case has already been set for hearing at a different time and the moving party chooses to use the same date and time as the previously scheduled matter.

Scheduling of CHAPTER 13 Motions before Chief Judge Thomas P. Agresti

Wednesday, August 10, 2011 1:30 p.m.: Open for all Erie matters
Wednesday, August 31, 2011 2:00 p.m.: Open for all Erie matters
2:30 p.m.: Open for all Erie matters\*

\* ALL Chapter 12 matters are to be scheduled for 2:30 p.m. Sale, Financing and Extend/Impose Stay Motions also scheduled at 2:30 p.m.

Friday, September 16, 2011
Friday, October 21, 2011

NOTE: Please be sure to choose the correct, revised times below. The time changes will continue going forward.

9:30 a.m.: Open for all Erie matters
10:00 a.m.: Open for all Erie matters
10:30 a.m.: Open for all Erie matters

Chapter 12 matters are to be scheduled at 11:00 a.m. Sale, Financing and Extended/Impose Stay Motions are scheduled at 11:00 a.m.

Scheduling of CHAPTER 7 Motions before Chief Judge Thomas P. Agresti

Thursday, August 18, 2011 10:30 a.m.: Open for all Erie matters
Thursday, September 1, 2011 11:00 a.m.: Open for all Erie matters\*\*
Thursday, September 15, 2011 11:30 a.m.: Sale Motions at this time, only

Friday, October 7, 2011
Thursday, October 20, 2011 \*\*All Motions to Extend/Impose Stay are to be scheduled at 11:00 a.m.

**ERIE CHAPTER 11 CASES**

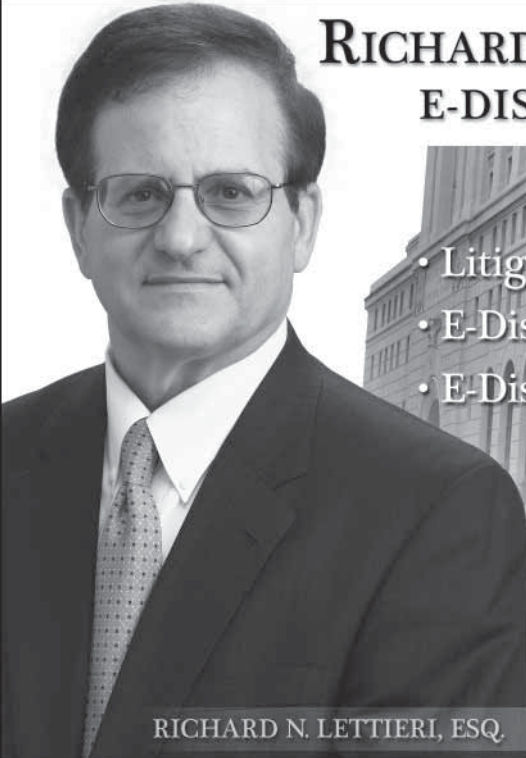
The Self-scheduling Rule does not apply to Chapter 11 cases. Documents are to be electronically filed with the Clerk's Office. Thereafter, scheduling Orders will be issued from Chambers which schedule any required hearings and, where applicable, outline the specific procedures to be utilized. *Any pleadings in Chapter 11 cases which are self-scheduled will be dismissed upon filing.*

***ALL OF THE ABOVE DATES ARE SUBJECT TO REVISION. Please check each month for any changes in the dates that have been published previously. THIS SCHEDULE CAN BE VIEWED ON PACER*** (Public Access to Court Electronic Records) and on the Court's Web Site ([www.pawb.uscourts.gov](http://www.pawb.uscourts.gov)).

John J. Horner  
Clerk of Court

Aug. 5

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**RICHARD N. LETTIERI, ESQ.**  
**E-DISCOVERY COUNSEL**

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- E-Discovery Mediator
- E-Discovery Special Master

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RICHARD N. LETTIERI, ESQ.

**IN THE MATTER OF IN THE ADOPTION OF M.F.B (D.O.B.: July 17, 2003)  
and J.L.B. (D.O.B.: November 7, 2000)**

**APPEAL OF: ERIE COUNTY CYS**

IN THE SUPERIOR COURT OF PENNSYLVANIA

No. 1942 WDA 2010

*Appeal from the Order Entered December 7, 2010  
In the Court of Common Pleas of Erie County  
Orphans' Court at No(s): 122, 122A In Adoption 2009*

Appearances: Catherine A. Allgeier, Esq., Attorney for mother  
Kevin C. Jennings, Esq., Attorney for father  
Eric V. Hackwelder, Esq., Attorney for the Office of Children and Youth  
Rebecca Wolford, Esq., Guardian Ad Litem for children

BEFORE: STEVENS, P.J., GANTMAN, and STRASSBURGER,\* JJ.

FILED: JULY 15, 2011

MEMORANDUM\*\*

Erie County Office of Children and Youth ("OCY") appeals from the trial court order entered on December 7, 2010, dismissing OCY's petitions for the involuntary termination of parental rights of K.F.Z. ("Mother") and W.B. ("Father") on the basis of OCY's failure to sustain its burden of proof under 23 Pa.C.S.A. § 2511(b). After careful review, we reverse.

The relevant facts and procedural history of this case are as follows. This case involves two male children: J.L.B., who was born in November of 2000 and M.F.B., who was born in July of 2003 ("Children"). Father and Mother never married, but lived together with their Children. Our review of the record reveals that OCY has been involved with this family as early as August 2001,<sup>1</sup> when the police were informed that Mother, as a result of her intoxication, fell into a pool while two-month-old J.L.B. was in her arms. N.T., 6/17/10, at 65-68. OCY received numerous referrals involving Mother and Father's care of the children while they were intoxicated. One such incident includes Mother's 2002 arrest for DUI upon her involvement in an automobile accident in which two-year-old J.L.B. was sitting in the front seat without a seatbelt or a car seat. *Id.* at 66-67. The Children were first adjudicated dependent in Mother's home on November 8, 2005.

Several years later, on January 14, 2009, OCY reopened this family's case and intervened on behalf of the Children after hearing allegations of Mother and Father's domestic violence and abuse of drugs and alcohol in the home. *Id.* at 52. Consequently, Mother and Father were directed to submit to random drug testing, however, neither parent complied. *Id.* On March 24, 2009, the Erie Police Department notified OCY that Mother had been arrested

---

<sup>1</sup> Father was known to OCY as his parental rights to two of his other sons, A.B. and T.B., were involuntarily terminated in 2000.

\* Retired Senior Judge assigned to the Superior Court.

\*\* By: STEVENS, P.J.

after she left the Children unsupervised in her vehicle outside a bar while she was inside. *Id.* When police brought Mother out of the bar, she appeared intoxicated, was having trouble walking, and had slurred speech. *Id.* at 38-39. The car contained several open containers of alcohol; one fell out of the car and began to empty. *Id.* at 42. Mother was arrested upon telling the officers that she intended to drive the Children home. *Id.* at 39.

On April 16, 2009, a hearing was held after which the Children were adjudicated dependent in their home on the condition that Mother and Father complete drug and alcohol treatment. However, on the same day, Mother failed her random urine screening, which indicated the presence of alcohol and cocaine. Accordingly, the Children were immediately removed from their home and placed in foster care that same day. Mother filed a PFA against Father in April 2009, after Father admittedly kicked her in the ribs and threw a full can of beer at her face. *Id.* at 105, 162.

After a dispositional hearing was held, the trial court entered an order on May 28, 2009, establishing the Children's permanency goal as a concurrent plan of adoption or reunification. *Id.* at 58. The Court ordered Mother and Father to comply with their Family Service Plan which required both parents to abstain from using drugs or alcohol, refrain from further acts of violence, submit to random drug testing, complete drug and alcohol treatment programs, parent skills education, and domestic violence avoidance classes. Moreover, Mother's visitation with the Children was contingent on being drug and alcohol free and she was ordered to comply with mental health treatment, maintain safe and stable housing, and to refrain from any contact with Father. Father was not given visitation rights to the Children.

Neither parent complied with their Family Service Plan. Father admitted he did not refrain from using drugs or alcohol and claimed he did not complete drug treatment or parent skills classes because OCY did not "follow through with what [OCY was] supposed to have done." *Id.* at 105. Although Father was not permitted to see the Children after they were placed in foster care, Father never inquired to OCY about the children and wrote one letter to the Children. Mother did not avoid contact with Father; Father failed to refrain from violence as he pled guilty to simple assault and harassment after he ran over Mother with a car while they were drinking together. *Id.* at 58, 162.

Mother failed to visit Children regularly, as her visitation was contingent on her sobriety and Mother missed 52 scheduled urine screens. *Id.* at 50-60. Mother did not refrain from using alcohol as she was charged with her fourth and fifth DUI offenses on May 20, 2009 and August 5, 2009, respectively. *Id.* at 70, 130. In addition, on September 4, 2009, Mother arrived intoxicated to visit the Children. Social workers reported that Mother was asked to leave OCY as she was belligerent, spoke incoherently, and told Children that this was her last visit, causing the Children to cry. *Id.* at 46, 159. On December 10, 2009, Mother was sentenced to an aggregate term of one to five years imprisonment for her DUI convictions. *Id.* at 130-31. Due to Mother's and Father's lack of compliance with their Family Service Plans, the trial court suspended their visitation rights and changed the permanency goal to adoption on September 29, 2009. *Id.* at 60-61.

On November 13, 2009, OCY filed petitions to involuntarily terminate Mother and Father's parental rights pursuant to 23 Pa.C.S.A. §§ 2511(a)(1), (2), (5), and (b). On June 17, 2010, a trial was held on the termination petitions. On September 3, 2010, the



trial court entered an order dismissing OCY's petitions for its failure to sustain its burden of proof under 23 Pa.C.S.A. § 2511(b). OCY submitted a Petition to Re-Open the Record for additional evidence regarding the effect termination would have on the Children. The trial court granted OCY's petition and held a hearing on September 17, 2010. In its December 7, 2010 order, the trial court again found OCY failed to sustain its burden under 23 Pa.C.S.A. § 2511(b) and dismissed the petitions. On December 15, 2010, OCY filed timely notices of appeal along with a Statement of Matters Complained of on Appeal pursuant to Pa.R.A.P. 1925(b).

OCY raises the following issue on appeal:

Whether the trial court erred in denying Erie County Office of Children and Youth's Petition for Involuntary Termination in this matter based upon a finding that [OCY] did not satisfy 23 Pa.C.S.A. § 2511(b), in that it did not provide evidence regarding what effect termination would have on the children?

OCY's brief at 4.

Our review of a trial court's decision to grant or deny a petition for the involuntary termination of parental rights is guided by the following standard:

[O]ur standard of review is limited to determining whether the order of the trial court is supported by competent evidence, and whether the trial court gave adequate consideration to the effect of such a decree on the welfare of the child. *In re I.J.*, 972 A.2d 5, 8 (Pa. Super. 2009) (quoting *In re S.D.T., Jr.*, 934 A.2d 703 (Pa. Super. 2007), *appeal denied*, 597 Pa. 68, 950 A.2d 270 (2008)).

Absent an abuse of discretion, an error of law, or insufficient evidentiary support for the trial court's decision, the decree must stand. ... We must employ a broad, comprehensive review of the record in order to determine whether the trial court's decision is supported by competent evidence. *In re B.L.W.*, 843 A.2d 380, 383 (Pa. Super. 2004) (*en banc*), *appeal denied*, 581 Pa. 668, 863 A.2d 1141 (2004) (internal citations omitted).

*In re Z.P.*, 994 A.2d 1108, 1115-16 (Pa. Super. 2010). The burden is upon the petitioner to prove by clear and convincing evidence that its asserted grounds for seeking the termination of parental rights are valid. *In re R.N.J.*, 985 A.2d 273, 276 (Pa. Super. 2009).

Moreover, we have explained that:

[t]he standard of clear and convincing evidence is defined as testimony that is so "clear, direct, weighty and convincing as to enable the trier of fact to come to a clear conviction, without hesitation, of the truth of the precise facts in issue."

*Id.* (quoting *In re J.L.C.*, 837 A.2d 1247, 1251 (Pa. Super. 2003)).

The applicable grounds for termination of Mother and Father's parental rights in this case are as follows:

### **§ 2511. Grounds for involuntary termination**

**(a) General rule.** - The rights of a parent in regard to a child may be terminated after a petition filed on any of the following grounds:

(1) The parent by conduct continuing for a period of at least six months immediately preceding the filing of the petition either has evidenced a settled purpose of relinquishing parental claim to a child or has refused or failed to perform parental duties.

(2) The repeated and continued incapacity, abuse, neglect or refusal of the parent has caused the child to be without essential parental care, control or subsistence necessary for his physical or mental well-being and the conditions and causes of the incapacity, abuse, neglect or refusal cannot or will not be remedied by the parent.

\*\*\*

(5) The child has been removed from the care of the parent by the court or under a voluntary agreement with an agency for a period of at least six months, the conditions which led to the removal or placement of the child continue to exist, the parent cannot or will not remedy those conditions within a reasonable period of time, the services or assistance reasonably available to the parent are not likely to remedy the conditions which led to the removal or placement of the child within a reasonable period of time and termination of the parental rights would best serve the needs and welfare of the child.

\*\*\*

**(b) Other considerations.** - The court in terminating the rights of a parent shall give primary consideration to the developmental, physical and emotional needs and welfare of the child. The rights of a parent shall not be terminated solely on the basis of environmental factors such as inadequate housing, furnishings, income, clothing and medical care if found to be beyond the control of the parent. With respect to any petition filed pursuant to subsection (a)(1), (6) or (8), the court shall not consider any efforts by the parent to remedy the conditions described therein which are first initiated subsequent to the giving of notice of the filing of the petition.

23 Pa.C.S.A. § 2511(a)(1), (2), (5), (b).

In following this statutory framework, the termination of parental rights involves a two-part test:

Initially, the focus is on the conduct of the parent. The party seeking termination must prove by clear and convincing evidence that the parent's conduct satisfies the statutory grounds for termination delineated in Section 2511(a). Only if the court determines that the parent's conduct warrants termination of ... her parental rights does the court engage in the second part of the analysis pursuant to Section 2511(b): determination of the needs and welfare of the child under the standard of best interests of the child.

*In re R.M.G.*, 997 A.2d 339, 348 (Pa. Super. 2010) (quoting *In re L.M.*, 923 A.2d 505, 511 (Pa. Super. 2007) (internal citations omitted)).

As the trial court in this case ruled that Mother and Father's conduct satisfied the statutory grounds for termination under subsections (a)(1), (2), and (5), OCY's challenge on appeal

is limited to whether the trial court abused its discretion in finding OCY failed to sustain its burden pursuant to subsection 2511(b). In determining whether the child's needs and welfare will be met by termination pursuant to subsection 2511(b), this Court has described the requisite analysis as follows:

Subsection 2511(b) focuses on whether termination of parental rights would best serve the developmental, physical, and emotional needs and welfare of the child. In *In re C.M.S.*, 884 A.2d 1284, 1287 (Pa. Super. 2005), this Court stated, "Intangibles such as love, comfort, security, and stability are involved in the inquiry into the needs and welfare of the child." In addition, we instructed that the trial court must also discern the nature and status of the parent-child bond, with utmost attention to the effect on the child of permanently severing that bond. *Id.* However, in cases where there is no evidence of a bond between a parent and child, it is reasonable to infer that no bond exists. *In re K.Z.S.*, 946 A.2d 753, 762-63 (Pa. Super. 2008). Accordingly, the extent of the bond-effect analysis necessarily depends on the circumstances of the particular case. *Id.* at 63.

*In re Adoption of J.M.*, 991 A.2d 321, 324 (Pa. Super. 2010). This Court "must take into account whether a bond exists between child and parent, and whether termination would destroy an existing, necessary and beneficial relationship." *In re Z.P.*, 994 A.2d at 1121. Section 2511(b) requires neither a formal bonding evaluation nor expert testimony; social workers and caseworkers may offer evaluations of the parent-child bond. *Id.*

In this case, the trial court concluded that termination of Mother and Father's parental rights was improper under subsection 2511(b) based on its finding that OCY failed to present sufficient evidence to show the effect termination would have on the Children. In making this conclusion, the trial court relied on *In Re: Involuntary Termination of C.W.S.M. and K.A.L.M.S.*, 839 A.2d 410 (Pa. Super. 2003), in which this Court remanded the case to the trial court for additional evidence as the record was devoid of any evidence of the effect that termination of the father's parental rights would have on his children.

However, our review of the record reveals that OCY presented sufficient testimony at both the termination hearing and the subsequent hearing for additional evidence for the trial court to conclude that termination of Mother and Father's parental rights would serve the emotional needs of the Children. The family's caseworker, Robin Brown, testified that termination of Mother and Father's parental rights would have a positive effect on the children given the unstable and chaotic home environment their parents have created for them. N.T. 6/17/10, at 81, 85; N.T., 9/17/10, at 7, 8. J.L.B. has indicated that he "feels safe now" in foster care, and both Children have shared that they do not wish to live with Mother, but desire to be adopted. N.T., 6/17/10, at 88; N.T., 9/17/10, at 8-9.

Although Brown recognized that the Children show affection and love for Mother and enjoy her visits, Brown indicated that she did not see a benefit in returning the Children to Mother as the children do not ask about Mother or Father in their absence. N.T., 6/17/10, at 73, 81; N.T. 9/17/10, at 84. OCY social service aide Brenda Hampton testified that while Mother had successful visits with the Children, Mother was always preoccupied and rushed during her visits, telling the Children that she did not visit because she had a lot of things to do. N.T. 6/17/10, at 48. Hampton shared that she felt the Children were bonded

to Mother as they cried when she told the Children that she could not see them anymore because she was going to jail. *Id.* at 48-50, 159. Mother was asked to leave OCY on that occasion because she was intoxicated. *Id.* Hampton admitted she often had to ask Mother to come prior to her scheduled visitation time in case she did not show up so the children would not be disturbed when she did not arrive. *Id.* at 49.

Even though the Children have not seen Father since they were placed in foster care in April 2009, Father never inquired to OCY about his Children's welfare and claims he sent one letter to them in this time period. Mother testified at the termination hearing that Father was a "good father when he was sober" which she estimated was at least "70% of the time." *Id.* at 149. Brown testified that the children do not have a relationship with their Father. N.T. 9/17/10, at 8.

Given the Children have special needs due to their past family history of residing in Mother and Father's care, Brown testified that the Children are thriving in their pre-adoptive foster home and have made tremendous improvements in school and in their behavior. N.T. 6/17/10, at 74-75, 84-85. Brown indicated that the Children are "very bonded" to their foster parents, whom the Children call "Grandma and Grandpa." *Id.* at 73, 85. J.L.B. indicated to his foster mother that he wanted to be adopted so he could be "safe." *Id.* at 88. Brown reiterated her position that the termination of Mother's and Father's parental rights would have a positive effect on the Children, giving them permanency and a stable environment.

The trial court found Brown's opinion that termination would be in the Children's best interests to be unpersuasive in light of the positive interaction between the Children and Mother and their sadness when she failed to visit. Pointing to the testimony of the Children's maternal grandmother and maternal aunt as to the Children's affection for Mother and Father, the trial court specifically found OCY "failed to present clear and convincing evidence termination of parental rights would have *no impact* upon the Children." Trial Court Opinion, 1/13/11, at 7-8 (emphasis added). However, this Court has rejected the notion that a child's affection for and lack of negative feelings toward a parent is sufficient to establish that a beneficial parent-child bond exists. *In re K.K.R.-S.*, 958 A.2d 529, 534-35 (Pa. Super. 2008).

The appropriate manner in which to define the bond between parent and child in the context of a termination proceeding is set forth in the following passage:

The bonding cannot be in one direction only - that of child to the parent - but must exhibit a bilateral relationship which emanates from the parents' willingness to learn appropriate parenting, anger management, drug rehabilitation and marital stability. It is inconceivable that a child's bonding to the parent, if it can be documented, will supervene failure to thrive, abuse reports ... domestic violence reports and removal of the children into foster care due to adjudications of dependency and termination findings....

*In re Involuntary Termination of C.W.S.M.*, 839 A.2d 410, 418-19 (Pa. Super. 2003) (Tamilia, J., dissenting).

This passage relies on an immutable psychological truth. Even the most abused of children will often harbor some positive emotion towards the abusive parent. Nurturing such emotion can, and almost always will, result in further harm to the child, as this emotion necessarily leaves the child vulnerable. Once clear and convincing evidence is produced demonstrating a parent has failed to cultivate a bond with her children, we cannot then overturn the termination of her parental rights on the basis that an agency did not produce enough evidence to prove the children do not feel strongly about the parent—a showing which is inherently negative in the first instance. A child's feelings toward a parent are relevant to the section 2511(b) analysis. Nonetheless, concluding a child has a beneficial bond with a parent simply because the child harbors affection for the parent is not only dangerous, it is logically unsound. If a child's feelings were the dispositive factor in the bonding analysis, the analysis would be reduced to an exercise in semantics as it is the rare child who, after being subject to neglect and abuse, is able to sift through the emotional wreckage and completely disavow a parent. *"The continued attachment to the natural parents, despite serious parental rejection through abuse and neglect, and failure to correct parenting and behavior disorders which are harming the children cannot be misconstrued as bonding."* C.W.S.M., *supra* at 418 (Tamilia, J. dissenting). Nor are we of the opinion that the biological connection between appellant and the children is sufficient in of itself, or when considered in connection with a child's feeling toward a parent, to establish a *de facto* beneficial bond exists. "The psychological aspect of parenthood is more important in terms of the development of the child and its mental and emotional health than the coincidence of biological or natural parenthood." *T.B. v. L.R.M.*, 874 A.2d 34, 44 (Pa. Super. 2005) (Tamilia, J., concurring), *appeal denied*, 586 Pa. 729, 890 A.2d 1060 (2005), quoting *Hoy v. Willis*, 165 N.J. Super. 265, 398 A.2d 109, 112 (1978), *quoting in turn* Joseph Goldstein, Anna Freud, & Albert J. Solnit, *Beyond the Best Interests of the Child* (1973).

*Id.* at 534-35.

In light of our review of the record and our relevant precedent, we cannot uphold the trial court's conclusion that the Children's affection and lack of negative feelings towards their parents require us to deny OCY's termination petitions when Mother and Father have failed to correct their dangerous behavior or show they can provide a stable and safe environment for the Children. We find that OCY presented sufficient evidence to show that termination of Mother and Father's parental rights would not destroy an existing, necessary and beneficial relationship. Accordingly, we find the trial court erred in finding that CYS failed to prove termination would not support the needs and welfare of the Children.

Reversed and remanded with instructions to grant the termination petitions. Jurisdiction relinquished.

**CHANGE OF NAME NOTICE  
IN THE COURT OF COMMON  
PLEAS OF ERIE COUNTY,  
PENNSYLVANIA - Civil Division**

In the matter of Petition of Change of Name of Dannielle Lynn Robison and Luke Samuel Robison

Notice is hereby given that on the 19th day of July, 2011, the Petition of Melissa Lee Schodt, was filed in the above named Court, praying for a Decree changing her minor children's names from Dannielle Lynn Robison to Dannielle Lynn Schodt and Luke Samuel Robison to Luke Samuel Schodt.

The Court has fixed the 12th day of September, 2011, at 9:00 o'clock A.M. in Courtroom F, before the Honorable John Garhart, Judge, at the Erie County Courthouse, Erie, Pennsylvania as the time and place for the hearing on said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of the Petition should not be granted.

Agresti Law Firm  
Michael A. Agresti, Esquire  
4934 Peach Street  
Erie, Pennsylvania 16509  
(814) 866-8800

Aug. 5

**INCORPORATION NOTICE**

Olson Educational Consulting, Inc. has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988, as amended.

James D. McDonald, Jr., Esquire  
The McDonald Group, L.L.P.  
456 West Sixth Street  
P.O. Box 1757  
Erie, PA 16507-0757

Aug. 5

**LEGAL NOTICE**

ATTENTION: UNKNOWN  
FATHER  
INVOLUNTARY TERMINATION  
OF PARENTAL RIGHTS

IN THE MATTER OF THE  
ADOPTION OF MINOR MALE  
CHILD (J.O.A.) DOB: 2/8/2010  
BORN TO: AMANDA MARIE

**ORMSBEE**

**23 IN ADOPTION 2011**

If you could be the parent of the above mentioned child, at the instance of Erie County Office of Children and Youth you, laying aside all business and excuses whatsoever, are hereby cited to be and appear before the Orphan's Court of Erie County, Pennsylvania, at the Erie County Court House, Judge Brabender Court Room No. F-220, City of Erie on October 11, 2011, at 1:30 p.m. 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 children 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

NOTICE REQUIRED BY ACT 101 OF 2010: 23 Pa. C.S §§2731-2742. This is to inform you of an important option that may be available to you under Pennsylvania law. Act 101 of 2010 allows for an enforceable voluntary agreement for continuing

contact or communication following an adoption between an adoptive parent, a child, a birth parent and/or a birth relative of the child, if all parties agree and the voluntary agreement is approved by the court. The agreement must be signed and approved by the court to be legally binding. If you are interested in learning more about this option for a voluntary agreement, contact the Office of Children and Youth at (814) 451-7726, or contact your adoption attorney, if you have one.

Aug. 5



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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

**August 19, 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

Jul. 29 and Aug. 5, 12

**SALE NO. 1**

**Ex. #11988 of 2010**

**PMC INVESTMENT CORPORATION, Plaintiff  
v.**

**EDINBORO HOSPITALITY GROUP, INC., Defendant  
SHORT DESCRIPTION**

ALL that certain piece or parcel of land situate in the Borough of Edinboro, Erie County, Pennsylvania, having erected thereon a commercial building operated as a hotel and conference center and being commonly known as 300 Plum Street (alternatively, 401 Plum Street), Edinboro, Pennsylvania, and bearing Erie County Tax Parcel No. (11) 12-39-4.03.

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  
Jul. 29 and Aug. 5, 12

**SALE NO. 2**

**Ex. #11263 of 2011**

**ERIE GENERAL ELECTRIC FEDERAL CREDIT UNION,  
Plaintiff  
v.**

**ROBERT S. SANKO, Defendant  
ADVERTISING DESCRIPTION**

By virtue of Writ of Execution filed at No. 11263-2011, Erie General Electric Federal Credit Union v. Robert S. Sanko, owner of the following properties identified below:

1) Situate in the Township of McKean, County of Erie, and Commonwealth of Pennsylvania at 10475 West Old Route 99, McKean, PA 16426:  
Assessment Map No.: 31021073101000  
Assessed Value Figure: \$86,570.00  
Improvement Thereon: Single Family Residential Dwelling with Four side closed MTL pole building  
Michael S. Jan Janin, Esquire  
Pa. I.D. No. 38880  
The Quinn Law Firm  
2222 West Grandview Boulevard  
Erie, PA 16506  
(814) 833-2222

Jul. 29 and Aug. 5, 12

**SALE NO. 3**

**Ex. #11163 of 2011**

**NORTHWEST SAVINGS BANK, Plaintiff,  
v.**

**MICHAEL J. BAUMANN and DESTINE A. BAUMANN,  
Defendants  
SHERIFF'S SALE**

By virtue of a Writ of Execution filed at No. 2011-11163, Northwest Savings Bank vs. Michael J. Baumann and Destine A. Baumann, owners of property situate in the City of Erie, Erie County, Pennsylvania being: 616 East 14th

Street, Erie, Pennsylvania.  
40' x 105' x 40' x 105'  
Assessment Map Number:  
(15) 2033-224  
Assessed Value Figure: \$36,010.00  
Improvement Thereon: Residence  
Kurt L. Sundberg, Esq.  
Marsh Spaeder Baur Spaeder & Schaaf, LLP  
Suite 300, 300 State Street  
Erie, Pennsylvania 16507  
(814) 456-5301

Jul. 29 and Aug. 5, 12

**SALE NO. 5**

**Ex. #11233 of 2010**

**PNC BANK, NATIONAL ASSOCIATION, Plaintiff  
v.**

**DAVID J. WAITE, Defendant  
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 2010-11233 PNC BANK, NATIONAL ASSOCIATION vs. DAVID J. WAITE, owner(s) of property situated in CITY OF CORRY, Erie County, Pennsylvania being 302 East Street, Corry, PA 16407  
0.1421 Acres  
Assessment Map number: 5-28-182-1  
Assessed Value figure: \$49,210.00  
Improvement thereon: Residential Dwelling  
Michael C. Mazack, Esq.  
1500 One PPG Place  
Pittsburgh, PA 15222  
(412) 594-5506

Jul. 29 and Aug. 5, 12

**SALE NO. 7**

**Ex. #14230 of 2010**

**US BANK NATIONAL ASSOCIATION AS TRUSTEE FOR MASTR ASSET SECURITIES TRUST, 2006-HE2, Plaintiff  
v.**

**SHANA K. DEBOE, Defendant(s)  
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 14230-10 US BANK NATIONAL ASSOCIATION AS TRUSTEE FOR MASTR ASSET SECURITIES TRUST, 2006-HE2 vs. SHANA K. DEBOE  
Amount Due: \$97,194.89  
SHANA K. DEBOE, owner(s) of



property situated in the CITY OF ERIE, Erie County, Pennsylvania being 4311 HARDING DRIVE, ERIE, PA 16509-1446  
 Dimensions: 40 X IRR  
 Acreage: 0.1240  
 Assessment Map number: 19-061-024.0-213.00  
 Assessed Value: \$73,150.00  
 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

Jul. 29 and Aug. 5, 12

**SALE NO. 8**

**Ex. #14514 of 2010**

**CITIMORTGAGE, INC. S/B/M  
 CITIFINANCIAL MORTGAGE  
 COMPANY, INC., Plaintiff  
 v.**

**VIRGINIA SUE SHAFFER  
 A/K/A VIRGINIA S. SHAFFER  
 ROBERT LEE SHAFFER A/K/A  
 ROBERT L. SHAFFER,**

**Defendant(s)**

**LEGAL DESCRIPTION**

All that certain piece or parcel of land situate in the Borough of North East, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows, to-wit:  
 BEGINNING at a point on the east line of Blaine Street, said point being South 1 degree - 55 minutes East, 251.4 feet from the intersection of the south line of Main Street with the east line of Blaine Street, said point also being the southwest corner of premises conveyed by Joanna L. Orton, now by marriage, Joanna O. Meehl, and James R. Meehl, her husband, to North East Projects, Inc. by deed dated August 1, 1969, and recorded August 1, 1969 in Erie County Deed Book 1007 at Page 360; thence North 84 degrees- 33 minutes - 01 second East, 148.06 feet along the south line of premises formerly conveyed to North East Projects, Inc. to a point; thence South 00 degree - 59 minutes - 44 seconds East, 69.96 feet to a point; thence South 88 degrees - 58 minutes - 18

seconds West, along the south line of premises conveyed to James R. Meehl et ux, by deed recorded in Erie County Deed Book 670 at Page 417, 146.67 feet to a point on the east line of Blaine Street, said point being the southwest corner of premises conveyed to James R. Meehl, et ux, by deed recorded in Erie County Deed Book 670 at Page 417; thence North 1 degree - 55 minutes - 00 second West, 58.60 feet along the east line of Blaine Street to a point and the place of beginning.

Said premises more commonly known as 14 Blaine Street, North East, Pennsylvania 16428 and bearing Erie County Index No. (36) 5-34-25. This description is derived from a survey prepared by Francis M. Melnichak, registered surveyor, dated February 24, 2003, and recorded September 12, 2003, in Erie County Map No. 2003, page 208, and being identified as 'PARCEL 1.'

THIS DEED is taken under and subject to all restrictions, easements, rights of way, building lines, leases, oil and gas leases or record, and to all easements and rights of way visible and discoverable upon an inspection of the premises.

TITLE TO SAID PREMISES IS VESTED IN Robert Lee Shaffer and Virginia Sue Shaffer, h/w, by Deed from North East Christian and Missionary Alliance Church, a Pennsylvania non-profit corporation, dated 10/07/2003, recorded 10/09/2003 in Book 1074, Page 1001.

Tax Parcel #: 36-005-034.0-025.00  
 Premises being: 14 BLAINE STREET, NORTH EAST, PA 16428-1502  
 Phelan Hallinan & Schmieg, LLP  
 1617 JFK Boulevard, Suite 1400  
 One Penn Center Plaza  
 Philadelphia, PA 19103  
 215-563-7000

Jul. 29 and Aug. 5, 12

**SALE NO. 9**

**Ex. #10472 of 2011**

**MIDFIRST BANK, Plaintiff  
 v.  
 TOM A. LUEDKE, EXECUTOR**

**OF THE ESTATE OF  
 DONALD A. LUEDKE, II,  
 DECEASED, Defendants  
 SHERIFF'S SALE**

By virtue of a Writ of Execution No. 10472-11 MIDFIRST BANK, Plaintiff vs. TOM A. LUEDKE, EXECUTOR OF THE ESTATE OF DONALD A. LUEDKE, II, DECEASED, Defendants  
 Real Estate: 12220 LAKEVIEW DRIVE, EDINBORO, PA  
 Municipality: Township of Washington, Erie County, Pennsylvania  
 Lakeside Cliffs Subdivision, Lot 17, Map Book 4, Pages 414 & 415  
 See Deed Book 200, Page 989  
 Tax I.D. (45) 16-28-2  
 Assessment: \$19,500. (Land)  
 \$36,980. (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

Jul. 29 and Aug. 5, 12

**SALE NO. 10**

**Ex. #11120 of 2011**

**U.S. BANK NATIONAL  
 ASSOCIATION TRUSTEE  
 FOR THE PENNSYLVANIA  
 HOUSING FINANCE AGENCY,  
 Plaintiff**

**v.**

**STEPHANIE L. MORENO  
 A/K/A STEPHANIE LYNN  
 MORENO A/K/A STEPHANIE L.  
 CHRISTIE, Defendants  
 SHERIFF'S SALE**

By virtue of a Writ of Execution No. 11120-11 U.S. BANK NATIONAL ASSOCIATION TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff vs. STEPHANIE L. MORENO A/K/A STEPHANIE LYNN MORENO A/K/A STEPHANIE L. CHRISTIE, Defendants  
 Real Estate: 511 LIGHTHOUSE STREET, ERIE, PA  
 Municipality: City of Erie, Erie County, Pennsylvania  
 Dimensions: 114 x 36  
 See Deed Book 1414, Page 0404  
 Tax I.D. (14) 1044-242

Assessment: \$ 6,900. (Land)  
 \$23,210. (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

Jul. 29 and Aug. 5, 12

**SALE NO. 11**

**Ex. #12270 of 2010**  
**PNC MORTGAGE, A DIVISION**  
**OF PNC BANK, N.A. S/B/M/T**  
**NATIONAL CITY MORTGAGE**  
**COMPANY, Plaintiff,**

v.

**KAREN MOHR, Defendant**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 12270-10, PNC Mortgage, et al, vs. Karen Mohr, owner(s) of property situated in the City of Erie, Erie County, Pennsylvania being 1029 East 29th Street, Erie, PA 126504. [sic]

Dimensions: 0.1550 acres

Assessment Map Number: 18-5050-108.

Assess Value figure: \$48,480.00

Improvement thereon: Dwelling

Louis P. Vitti, Esquire

Attorney for Plaintiff

215 Fourth Avenue

Pittsburgh, PA 15222

(412) 281-1725

Jul. 29 and Aug. 5, 12

**SALE NO. 12**

**Ex. #15555 of 2010**  
**HSBC Bank USA, N.A., as**  
**Indenture Trustee for the**  
**registered Noteholders of**  
**Renaissance Home Equity Loan**  
**Trust 2007-2, Plaintiff**

v.

**Lori A. Porter**  
**Ralph J. Porter, Defendant(s)**  
**SHERIFF'S SALE**

ALL OUR RIGHT, TITLE, AND INTEREST in that certain piece or parcel of land situate on the east side of Ellis Road, (Twp. Rt. 473) in the Township of Springfield, Erie County, Pennsylvania, bearing Erie County Assessment No. (39) 2-14-7.01, bounded and described as follows, to-wit:

BEGINNING at an iron spike located in the centerline of Ellis Road at the Northwest corner of lands herein described, said point also being the Southwest corner of lands of Loren J. and Sandra J. Davis known as Erie County Index No. (39) 3-13-19, and said point being distant South 00 degrees 10' 50" West, 874.32 feet from an iron spike located at the intersection of the centerlines of Ellis Road and Old Lake Road (Twp. Rt. 417); Thence from said point of beginning, the following courses:

- 1) S 89 degrees 57' 12" E, along said lands of Davis, passing over an iron pipe at a distance of 24.85 feet, a total distance of 349.42 feet to an iron survey pin located on the west line of lands of Old Luke Road Summer City Trust known as Erie County Index No. (39) 3-13-1. said point being the Northeast corner of lands herein described; Thence,
- 2) S 00 degrees 13' 18" E, along the West line of said Summer City Trust, a distance of 74.92 feet to an iron survey pin, said point being a Northeast corner of lands of James S. & Kristin A. Smith known as Erie County Index No. (39) 3-13-18; Thence,
- 3) N 89 degrees 56' S311 [sic] W, along said lands of Smith, a distance of 349.93 feet to an iron spike located in the centerline of Ellis Road at the Southwest corner of lands herein described, said point also being the Northwest corner of said lands of Smith; Thence,
- 4) N 00 degrees 10' 50" E, along the centerline of Ellis Road, a distance of 74.89 feet to the point of beginning.

SAID parcel containing 0.558 net ac. (excluding road r/w), and said parcel being shown on the map titled "Subdivision for Beckie R. Burgos and Jeffrey W. DiPolito", dated October 10, 1997, and recorded as Erie County Drawing Number 1997-357.

ALSO

ALL THAT PARCEL of land situate on the West side of Ellis Road (Twp. Rt. 473), Township of Springdale, County of Erie and Commonwealth of Pennsylvania, bounded and

described as follows:

BEGINNING at an iron survey pin located in the centerline of Ellis Road, at the Northeast corner of lands herein described, said point also being the Southeast corner of lands of Robert L. and Judy R. Bort as described in Record Book 84, page 1683, and said point being distant S 00 degrees 10' 50" W, 1261.52 feet from an iron spike located at the intersection of the centerline of Ellis Road and Old Lake Road (Twp. Rt. 417), Thence from said point of beginning the following courses:

- 1) S 00 degrees 14' 20" W, along the centerline of Ellis Road, a distance of 488.00 feet to an iron spike, said point being the Southeast corner of lands herein described and also the Northeast corner of the residue of lands of G.A. & C. Lesley Ryan as described in Record Book 455, Page 510; Thence,
- 2) N 89 degrees 50' 05" W, along said residue of lands of Ryan, passing over iron survey pins at distances of 25.00 feet and 683.00 feet, a total distance of 1272.48 feet to an iron survey pin located on the East line of lands of Robert L. & Judy R. Bort as described in Record Book 84, Page 1683, said point being the Northwest corner of said residue of lands of Ryan and also the Southwest corner of lands herein described; Thence,
- 3) N 00 degrees 42' 30" E, along said lands of Bort, a distance of 366.00 feet to an old stone monument, said point being the Southwest corner of lands of Gary L. Coxon as described in Record Book 80, Page 762; Thence,
- 4) S 88 degrees S8' [sic] 40" E, along said lands of Coxon, a distance of 291.92 feet to an iron survey pin, said point being the Southeast corner of said lands of Coxon; Thence,
- 5) N 00 degrees 09' 49" E, continuing along said lands of Coxon, a distance of 126.19 feet to an iron survey pin, said point being the southwest corner of the aforementioned lands of Bort; Thence,
- 6) S 89 degrees 50' 45" E, along

said lands of Bort, passing over iron survey pins at distances of 514.93 feet 952.76 feet, a total distance of 977.76 feet to the point of beginning.  
 BEING KNOWN AS: 808 Ellis Road, East Springfield, PA 16411  
 PROPERTY ID NO.: 39-002-014.0-007.01  
 TITLE TO SAID PREMISES IS VESTED IN Lori A. Porter and Ralph J. Porter by Deed from Jeffrey W. DiPolito, single and Beckie R. Burgos, single dated 04/27/2007 recorded 05/29/2007 in Deed Book 1418, Page 2141.  
 Udren Law Offices, P.C.  
 Chandra M. Arkema, Esquire  
 PA ID 203437  
 Attorney for Plaintiff  
 Woodcrest Corporate Center  
 111 Woodcrest Road, Suite 200  
 Cherry Hill, NJ 08003-3620  
 856-669-5400

Jul. 29 and Aug. 5, 12

**SALE NO. 13**

**Ex. #14226 of 2010**  
**PNC Bank, National Association,**  
**Plaintiff,**

v.

**Dennis M. Casey &**  
**Janet L. Casey, Defendant**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 14226-2010 PNC Bank, National Association vs. Dennis M. Casey & Janet L. Casey, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 814 West 23rd Street, Erie, PA 16502  
 130' x 135'  
 Assessment Map number: (19) 6022-216  
 Assessed Value figure: \$47,560.00  
 Improvement thereon: A dwelling  
 Patrick Thomas Woodman, Esq.  
 436 Seventh Ave., 1400 Koppers Bldg.  
 Pittsburgh, PA 15219  
 (412) 434-7955

Jul. 29 and Aug. 5, 12

**SALE NO. 14**

**Ex. #10574 of 2011**  
**JPMC Specialty Mortgage**  
**LLC f/k/a WM Specialty**  
**Mortgage LLC**

v.

**Barry A. Brumett; Melissa A. Brumett**

**SHERIFF'S SALE**

By virtue of a Writ of Execution file to No. 10574-2011 JPMC Specialty Mortgage LLC f/k/a WM Specialty Mortgage LLC vs. Barry A. Brumett; Melissa A. Brumett, owner(s) of property situated in the Borough of Wattsburg, County of Erie, Pennsylvania being 14405-14407 Church Street, Wattsburg, PA 16442  
 82.5 X 264, 21,780 Square feet  
 .025 acre  
 Assessment Map Number: 48-1-5-3  
 Assessed Value figure: \$67,440.00  
 Improvement thereon: Two Family Dwelling  
 Zucker, Goldberg & Ackerman, LLC  
 200 Sheffield Street, Suite 101  
 Mountainside, NJ 07092  
 (908) 233-8500

Jul. 29 and Aug. 5, 12

**SALE NO. 15**

**Ex. #11367 of 2011**  
**Household Finance Consumer**  
**Discount Company**

v.

**William A. McCommons and**  
**Lisa M. McCommons**

**LEGAL DESCRIPTION**

ALL that certain piece or parcel of land situate in the Township of McKean, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows, to-wit:  
 BEGINNING at a point of intersection of the West line of Lowe Road (formerly known as Baron Road) with the south line of Pond View Drive; thence South 13° 18' 07" East along the west line of Lowe Road (formerly known as Baron Road) 360.96 feet to a point; thence South 76° 41' 53" West, 400.00 feet to a point; thence North 13° 18' 07" East, 332.99 feet to a point in the south line of Pond View Drive; thence North 72° 41' 53" East along the south line of Pond View Drive, 400.98 feet to the west line of Lowe Road (formerly known as Baron Road), the place of beginning, containing 3.186 acres of land, be the same more or less. Having erected thereon a two

story frame dwelling, detached garage and barn, and being more commonly known as 8372 Lowe Road, McKean, Pennsylvania 16426.

Being further identified by Erie County Assessment Index No. (31) 10-24-70

Being the same premises indicated as the "residue" in Erie County Map Book 16 at page 150.

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

Subject to all rights of way, easements and oil and gas leases of record, and those visible to a physical inspection of the property including the visibility of activities and/or equipment indicating the drilling, storage, or pumping of oil and gas.

Also Subject to restrictions as listed in Deed Book 1298 at page 311 recorded in the Recorder of Deeds Office of Erie County.

BEING the same premises which Linda J. Jepson, single by Deed dated 07/03/1996, and recorded 07/03/1996 in the Office of the Recorder of Deeds in and for Erie County as Deed Book 449 and page 10, Instrument # 1996-042249, granted and conveyed unto William A. McCommons and Lisa A. McCommons, husband and wife, in fee.

PROPERTY ADDRESS: 8372 Lowe Road, McKean, PA 16426  
 PARCEL ID # 31010024000.

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

Jul. 29 and Aug. 5, 12

**SALE NO. 16**

**Ex. #15390 of 2010**  
**Financial Freedom Acquisition,**  
**LLC**

v.

**Penelope McChesney, Known**  
**Surviving Heir of Patricia A.**  
**Sproveri, Deceased Mortgagor**  
**and Real Owner, Phillip**

**Sproveri, Known Surviving Heir of Patricia A. Sproveri, Deceased Mortgagor and Real Owner and Unknown Surviving Heirs of Patricia A. Sproveri, Deceased Mortgagor and Real Owner**  
**SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 15390-2010 Financial Freedom Acquisition, LLC v. Penelope McChesney, Known Surviving Heir of Patricia A. Sproveri, Deceased Mortgagor and Real Owner, Phillip Sproveri, Known Surviving Heir of Patricia A. Sproveri, Deceased Mortgagor

and Real Owner and Unknown Surviving Heirs of Patricia A. Sproveri, Deceased Mortgagor and Real Owner, owners of property situated in the Township of Erie County, Pennsylvania being 107 West Irving Street, Corry, Pennsylvania 16407.  
 Tax I.D. No. 7-14-38-6  
 Assessment: \$ 62,693.55  
 McCabe, Weisberg and Conway, P.C.  
 123 South Broad Street, Suite 2080  
 Philadelphia, PA 19109  
 Jul. 29 and Aug. 5, 12



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Dennis Lagan	Gerald Nichols	Benjamin Suchocki	Jennifer Mazur
27 Years- PSP	30 Years - FBI	30 Years - FBI/IRS	Investigator

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**FIRST PUBLICATION**

**BAUGHMAN, DONALD G.,  
a/k/a D.G. BAUGHMAN,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Janet Ann Nowak, c/o Yochim, Skiba & Nash, 345 West Sixth Street, Erie, PA 16507  
*Attorney:* Gary H. Nash, Esq., Yochim, Skiba & Nash, 345 West Sixth Street, Erie, PA 16507

**BEVERIDGE, MARILYN J.,  
deceased**

Late of the Township of Harborcreek, Erie County, Pennsylvania  
*Executor:* David J. Beveridge, 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

**HUDSON, CHARLES W., SR.,  
a/k/a CHARLES HUDSON,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Co-Executors:* Samella Brewton and James Hudson  
*Attorney:* David J. Rhodes, Esquire, Elderkin, Martin, Kelly & Messina, 150 East 8th Street, Erie, PA 16501

**KIEHL, MARY S., a/k/a  
MARY M. KIEHL,  
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania  
*Co-Executors:* John W. Kiehl and William J. Kiehl, c/o Yochim, Skiba & Nash, 345 West Sixth Street, Erie, PA 16507  
*Attorney:* Gary H. Nash, Esq., Yochim, Skiba & Nash, 345 West Sixth Street, Erie, PA 16507

**LAWRENCE, LUCILE A.,  
deceased**

Late of the Township of Fairview, County of Erie and State of Pennsylvania  
*Executor:* Wayne M. Lawrence, c/o David M. Keck, Esq., P.O. Box S, Fairview, PA 16415  
*Attorney:* David M. Keck, Esq., P.O. Box S, Fairview, PA 16415

**LEACH, DOROTHY A.,  
deceased**

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

**LESTER, JOHN H.,  
deceased**

Late of the Township of Millcreek, County of Erie and State of Pennsylvania  
*Executor:* Ronald J. Lester, c/o David M. Keck, Esq., P.O. Box S, Fairview, PA 16415  
*Attorney:* David M. Keck, Esq., P.O. Box S, Fairview, PA 16415

**McLAUGHLIN, RICHARD J., JR.,  
deceased**

Late of the County of Erie and State of Pennsylvania  
*Administratrix:* Desiree McLaughlin, c/o Edward J. Niebauer, Esquire, 558 West 6th Street, Erie, Pennsylvania 16507  
*Attorney:* Edward J. Niebauer, Esquire, Talarico & Niebauer, 558 West 6th Street, Erie, Pennsylvania 16507

**PAULSON, IRENE H.,  
deceased**

Late of the Township of Fairview, County of Erie and State of Pennsylvania  
*Executrix:* Marianne Keck, c/o David M. Keck, Esq., P.O. Box S, Fairview, PA 16415  
*Attorney:* David M. Keck, Esq., P.O. Box S, Fairview, PA 16415

**REINHARDT, DAVID PETER,  
deceased**

Late of the Township of Millcreek  
*Executrix:* Kathleen R. Wagner, 480 Sandstone Court, Erie, PA 16505  
*Attorney:* None

**RIVAS, ARLENE T.,  
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Linda Bole, 6755 Carpenter Road, Conneautville, PA 16406  
*Attorney:* Ross C. Prather, Esquire, 791 North main Street, Meadville, PA 16335

**SELLING, MARILYN M.,  
deceased**

Late of Summit Township, Erie County  
*Executor:* Allen Selling  
*Attorney:* Stanley G. Berlin, Esquire, Shapira, Hutzelman, Berlin, Ely, Smith and Walsh, 305 West 6th Street, Erie, PA 16507

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.

**RUNDELL, DORA E.,  
deceased**

Late of North East Township, Erie County, PA  
*Trustees:* Elmer W. Rundell and William E. Rundell, c/o Brett B. Weinstein, Esquire, Weinstein Law Offices PC, 705 W. DeKalb Pike, King of Prussia, PA 19406  
*Attorney:* Brett B. Weinstein, Esquire, Weinstein Law Offices PC, 705 W. DeKalb Pike, King of Prussia, PA 19406

**SECOND PUBLICATION**

**CERIO, NICK A.,  
a/k/a NICHOLAS CERIO,  
deceased**

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

**FORSTER, SUSAN V. C.,  
deceased**

Late of Fairview Township, Erie County, Pennsylvania  
*Co-Executors:* Rebecca H. Forster and Nancy Lane Nelson, 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

**GEHRLEIN, DONALD J.,  
deceased**

Late of Millcreek Township, Erie County, Pennsylvania  
*Executrix:* Jennifer L. Kelly, c/o Raymond A. Pagliari, Esq., 558 West Sixth Street, Erie, Pennsylvania 16507  
*Attorney:* Raymond A. Pagliari, Esq., 558 West Sixth Street, Erie, Pennsylvania 16507

**GORNICK, STEVE A.,  
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Alethea A. Cassidy, 523 Jacksonia St., Pittsburgh PA 15212  
*Attorney:* None

**KARAI SZ, GEORGE N.,  
a/k/a GEORGE KARAI SZ,  
deceased**

Late of the Township of Millcreek  
*Executrix:* Lillian Karaisz  
*Attorney:* Michael G. Nelson, Esquire, Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, 300 State Street, Suite 300, Erie, Pennsylvania 16507

**KITCHENER, GEORGE D.,  
deceased**

Late of North East Township, Erie County, North East, Pennsylvania  
*Executor:* David H. Kitchener, c/o Robert J. Jeffery, Esq., 33 East Main Street, North East, Pennsylvania 16428  
*Attorney:* Orton & Jeffery, P.C., 33 East Main Street, North East, Pennsylvania 16428

**KRACK, LYDIA H.,  
deceased**

Late of the Township of Millcreek  
*Executor:* Howard W. Krack, 8774 Laurel Drive, Erie, PA 16509  
*Attorney:* Michael A. Fetzner, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**KRAUSE, BETTY M.,  
deceased**

Late of the City of Erie  
*Co-Executrices:* Susan A. Hulick and Sandra Kaye Krause, c/o Sikov and Love, P.A., 428 Forbes Avenue, Suite 1400, Pittsburgh, PA 15219  
*Attorney:* Carol Sikov Gross, CELA, Sikov and Love, P.A., 428 Forbes Avenue, Suite 1400, Pittsburgh, PA 15219

**MENUTO, MARY K.,  
deceased**

Late of the City of Erie, County of Erie, and State of Pennsylvania  
*Executrix:* Pamela Menuto Booth, 1400 Solar Drive, Holiday, FL 34691  
*Attorney:* Richard T. Ruth, Esq., 1026 West 26th St., Erie, PA 16508

**OLSON, A. MARIE,  
deceased**

Late of the County of Erie, Commonwealth of Pennsylvania  
*Administrator:* Carl M. Olson, 420 Chestnut Street, Pleasantville, PA 16341  
*Attorney:* Thomas S. Talarico, Esquire, Talarico & Niebauer, 558 West Sixth St., Erie, PA 16507

**WALTERS, ROBERT D., SR.,  
deceased**

Late of the City of Erie, County of Erie, State of Pennsylvania  
*Executor:* Robert D. Walters, Jr., c/o 78 East Main Street, North East, PA 16428  
*Attorney:* John C. Brydon, Esq., Brydon Law Office, 78 East Main Street, North East, PA 16428

**THIRD PUBLICATION**

**BEVERIDGE, WILLIAM S., JR.,  
a/k/a WILLIAM S.  
BEVERIDGE, III,  
deceased**

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

*Co-Executors:* William S. Beveridge, IV and Karen L. Rebar, c/o 504 State Street, 3rd Floor, Erie, PA 16501

*Attorney:* Michael J. Nies, Esquire, 504 State Street, 3rd Floor, Erie, PA 16501

**DeROOY, CAROL J.,  
deceased**

Late of the Township of Millcreek, Commonwealth of Pennsylvania

*Executrix:* Linda M. Brooks, c/o Joseph B. Spero, Esquire, 3213 West 26th Street, Erie, Pennsylvania 16506

*Attorney:* Joseph B. Spero, Esquire, 3213 West 26th Street, Erie, Pennsylvania 16506

**DOUGHTY, EDWARD M., a/k/a  
EDWARD DOUGHTY, a/k/a  
ED M. DOUGHTY, a/k/a  
ED DOUGHTY,  
deceased**

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

*Executor:* Dennis D. Doughty, 110 Walnut Street, Girard, Pennsylvania 16417

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

**HAGER, JOSEPH J. JR.,  
deceased**

Late of the Township of Harborcreek, Erie County, Pennsylvania

*Administratrix:* Carol A. Hager, 558 West Sixth Street, Erie, Pennsylvania 16507-1129

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

**KMECIK, STEPHEN G., a/k/a  
STEPHEN KMECIK,  
deceased**

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

*Executrix:* Carol A. Struchen, c/o 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508

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

**KOENIG, THEODORE A.,  
deceased**

Late of the City of Erie, Commonwealth of Pennsylvania

*Administrator:* Timothy V. Koenig, c/o Joseph B. Spero, Esquire, 3213 West 26th Street, Erie, Pennsylvania 16506

*Attorney:* Joseph B. Spero, Esquire, 3213 West 26th Street, Erie, Pennsylvania 16506

**MANGANARO, SCOTT A.,  
a/k/a TOMMY MANGANARO,  
deceased**

Late of Millcreek Township

*Executrix:* Megan N. Rainbow, c/o Jeffrey D. Scibetta, Esq., 120 West Tenth Street, Erie, PA 16501

*Attorney:* Jeffrey D. Scibetta, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**RESCH, MARGIT,  
deceased**

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

*Executrix:* Marianna Z. Rhodes, 4131 W. Lake Road, Erie, PA 16505

*Attorney:* Greg Allison, Esq., Allison Law Associates, LLC, 600 Grant Street, Suite 660, Pittsburgh, PA 15219

**SCHAAF, WILL J.,  
deceased**

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

*Executor:* William J. Schaaf, Suite 300, 300 State Street, Erie, PA 16507

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

**SIEMBIDA, HELEN R.,  
deceased**

Late of the City of Erie, Commonwealth of Pennsylvania

*Executrix:* Elaine M. Kowicki, c/o Joseph B. Spero, Esquire, 3213 West 26th Street, Erie, Pennsylvania 16506

*Attorney:* Joseph B. Spero, Esquire, 3213 West 26th Street, Erie, Pennsylvania 16506



**CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS**

JAMES E. BEVERIDGE ----- (814) 440-5335  
2291 Columbus Drive  
Erie, PA 16506 ----- *jebev@msn.com*

ADAM J. WILLIAMS ----- (814) 452-6800  
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305 West 6th Street  
Erie, PA 16507 ----- *awilliams@shapiralaw.com*

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