

Erie County Legal Journal

September 7, 2012

Vol. 95 No. 36

USPS 178-360



95 ERIE 72 - 91

L.A.B. v. J.P.M.

Erie County Legal Journal

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

Managing Editor: Heidi M. Weismiller

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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 2012©) 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

TUESDAY, SEPTEMBER 11, 2012

Personal Contact
ECBA Live Seminar
Bayfront Convention Center
Seminar - 4:00 - 5:00 p.m. (3:45 p.m. reg.)
Happy Hour - 5:00 p.m. - 6:00 p.m.
\$32 (ECBA member/non-attorney staff)
\$48 (nonmember) \$22 (member Judge)
1 hour substantive

THURSDAY, SEPTEMBER 20, 2012

*The Sunshine Act, the Right-to-Know Law, and the
New Borough Code*
ECBA Live Seminar
Bayfront Convention Center
8:30 a.m. - 11:45 p.m. (8:00 a.m. reg.)
\$96 (ECBA member/non-attorney staff)
\$145 (nonmember) \$67 (member Judge)
3 hour substantive

THURSDAY, SEPTEMBER 20, 2012

A Workshop on Estates - Beyond the Basics
ECBA Live Seminar
Bayfront Convention Center
8:30 a.m. - 11:45 p.m. (8:00 a.m. reg.)
\$96 (ECBA member/non-attorney staff)
\$145 (nonmember) \$67 (member Judge)
3 hour substantive

WEDNESDAY, SEPTEMBER 26, 2012

*Mortgage Foreclosures and Deeds in Lieu - A Title
Insurance Perspective*
ECBA Live Seminar
Bayfront Convention Center
Seminar: 4:00 - 5:00 p.m. (3:30 p.m. reg.)
Social Hour: 5:00 - 6:00 p.m.
\$32 (ECBA member/non-attorney staff)
\$48 (nonmember) \$22 (member Judge)
1 hour substantive



Erie County Bar
Association



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To view PBI seminars visit the events calendar on the ECBA website
<http://www.eriebar.com/public-calendar>

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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**

SEPTEMBER 2012 NOTICE

The following is a list of *September 2012, October 2012 and November 2012* 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

Friday, September 14, 2012	<i>NOTE: Please be sure to choose the correct, revised times below.</i>
Friday, September 28, 2012	9:30 a.m.: Open for all Erie matters
Wednesday, October 10, 2012	10:00 a.m.: Open for all Erie matters
Wednesday, November 7, 2012	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, September 20, 2012 ** NO LONGER AVAILABLE. Date changed to
Thursday, September 13, 2012
Friday, October 12, 2012
Thursday, November 1, 2012
Friday, November 16, 2012
Thursday, November 29, 2012

** No matters should be self-scheduled for Thursday, September 20, 2012

10:30 a.m.: Open for all Erie matters
11:00 a.m.: Open for all Erie matters***
11:30 a.m.: Sale Motions at this time, only

***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).

John J. Horner
Clerk of Court

Sept. 7

ECBA NOMINATING COMMITTEE TO MEET

In accordance with Article V, Section (2) of the Erie County Bar Association (ECBA) By-Laws, the membership is hereby notified that the Nominating Committee will meet on Tuesday, September 25, 2012 at noon at the Bar Association Headquarters. Any association member wishing to nominate a candidate for any of the following offices may do so in writing to the ECBA office prior to the September 25th Nominating Committee meeting: Second Vice-President (1 year term); Treasurer (1 year term); Three (3) Board Members (3 year terms each).

It will be the duty of the Nominating Committee to place in nomination the names of one candidate for each seat to be filled by election. Nominations to be considered will come from the membership and from the Nominating Committee itself. No other nominations may be made from the floor at the election meeting.

Sept. 7, 14

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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*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**.*

presented in cooperation with its
Real Estate Section

Mortgage Foreclosures and Deeds in Lieu - *A Title Insurance Perspective*

Wednesday, September 26, 2012

Bayfront Convention Center

Registration - 3:30pm

Seminar - 4:00pm - 5:00pm

Social Hour - 5:00pm - 6:00pm

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

\$48 (nonmember)

\$22 (member Judge)

*Drinks and light hors d'oeuvres
following the seminar sponsored by*

PennAttorneys

A Division of Ohio Bar Title Insurance Company
A First American Company

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

Seminar Outline

I. Mortgage Foreclosures

- a. Review foreclosure process from
Act 91 Notice through Sheriff Sale
- b. Identify and discuss issues in the
foreclosure process that are important
to title insurance companies
 - i. Personal service on defendants
 - ii. Jurisdictional issues
 - iii. Notice to lienholders
- c. Discuss recent case law and legislation
pertaining to foreclosures

II. Deeds in Lieu of Foreclosure

- a. Advantages and disadvantages of a
deed in lieu
- b. Discuss "doctrine of merger"
 - i. Does mortgage merge with deed?
 - ii. Should mortgage merge with deed?
- c. Lien divestiture (or lack thereof)

Our Speaker



Thomas W. Blair, Esquire

is Pennsylvania State Counsel for First American Title Insurance Company. He works out of First American's regional office in King of Prussia, PA. Tom is a member of the Legislative and Judicial Committee of the Pennsylvania Land Title Association, and he has lectured at numerous seminars for the Pennsylvania Bar Institute and Pennsylvania Land Title Institute.

Tom started in the title insurance industry with Penn Title in 2002, later joining First American in 2006. Before becoming an underwriter, Tom practiced law in Missouri (1992 to 1998) and in Pennsylvania (1998 to 2002).

Tom is a native of Missouri, graduating with a BS in Business Administration from Southeast Missouri State University and later receiving his law degree from the University of Missouri - Columbia in 1992. He is licensed to practice in Missouri and Pennsylvania.

A Workshop on ESTATES - Beyond the Basics



Thursday, September 20, 2012
Bayfront Convention Center

Time: Registration/Continental Breakfast: 8:00 a.m.
Seminar: 8:30 a.m. - 11:45 a.m.

Cost: \$96 (ECBA member/non-attorney staff)
\$145 (nonmember)
\$67 (member Judge)

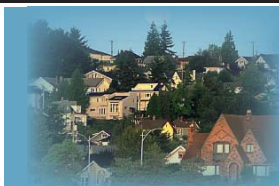
This seminar has been approved by
the PA CLE Board for 3 hours of
Substantive Law Credits.

Our Speaker: *J. Paul Dibert*
J. Paul Dibert Consulting



Having presented a basic seminar in Erie on January 20, 2012, J. Paul Dibert returns to offer a "hands on" program providing five to six inheritance scenarios ranging from mildly difficult to unique in the nature of assets, distributions requirements and procedures - all with the goal of helping you to file the best return with the Department of Revenue. Additional "hot topics" to be discussed include the new mineral rights policy issued by the Department of Revenue; the policy on termination of "sole use trusts"; the *Leitham* and *Bernecker* decisions by the Commonwealth Court; and any additional policy or court decisions that can assist you - the estate representative - with your duties.

The current time frame for returns to be processed by the inheritance tax division and the policy by the Board of Appeals to accept compromise offers on cases that go before the Board will also be reviewed. There will be a question and answer period before the break and at the end of the presentation.



The Sunshine Act, the Right-to-Know Law, and the New Borough Code

THURSDAY, SEPTEMBER 20, 2012

Bayfront Convention Center

Time: Registration: 8:00 a.m.
Seminar: 8:30 a.m. - 11:45 a.m.

Cost: \$96 (ECBA member/non-attorney staff)
\$145 (nonmember)
\$67 (member Judge)

This seminar has been
approved by the PA CLE
Board for 3 hours of
Substantive Law Credits.

Speaker



Shelley A. Houk

"The Sunshine Act and the Right-to-Know Law"

These are the two most important state laws applicable to local governments that generate the most questions about compliance. This session shall provide a thorough review of both acts, including case laws and final determination letters, and a brief discussion of potential amendments proposed by PSAB.

"Mission Accomplished: Act 43, the New Borough Code"

The revision of this 46 year old law will bring the Borough Code and borough governance into the 21st century. Learn about the major highlights as well as the proposed consolidation of the Act.

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**L.A.B., Plaintiff
v.
J.P.M., Defendant**

FAMILY LAW / CHILD CUSTODY

Under 23 Pa.C.S.A. § 5328, the court’s primary consideration in child custody matters is the best interest of the child determined by utilizing the “best interest factors,” giving “weighted consideration” to factors affecting the safety of the child.

FAMILY LAW / CHILD CUSTODY

Pursuant to 23 Pa.C.S.A. § 5329(a), where a party seeks custody, the court shall consider whether that party, or member of that party’s household, has been convicted of or pleaded guilty or no contest to any of the offenses listed in Section 5329(a), and before making any order of custody to that parent, determine whether the party or household member poses a threat of harm to the child and whether counseling is necessary for that offending individual.

FAMILY LAW / CHILD CUSTODY

Under 23 Pa.C.S.A. § 5329(d), if the court determines that counseling is necessary under Section 5329(c), it must appoint a qualified professional specializing in treatment relating to the particular offense to provide counseling that may include a program of treatment or individual therapy designed to rehabilitate the offending individual, which address issues regarding physical and sexual abuse, the psychology of the offender, and the effects of the offense on the victim.

FAMILY LAW / CHILD CUSTODY

Where the court awards custody to a party that has committed an offense under 23 Pa.C.S.A. § 5329(a) or whose household member has committed an offense under 23 Pa.C.S.A. § 5329(a), the court may require subsequent evaluations concerning the rehabilitation of the offending individual and the well-being of the child, and if it determines the offending person poses a threat of physical, emotional, or psychological harm to the child, it may schedule a hearing to modify the custody order, pursuant to 23 Pa.C.S.A. § 5329(e)(2).

FAMILY LAW / CHILD CUSTODY

The court may order a party to pay all or a portion of the costs of counseling and evaluations under 23 Pa.C.S.A. § 5329(f).

FAMILY LAW / CHILD CUSTODY / RELOCATION

Under 23 Pa.C.S.A. § 5337(a), when there is a proposed relocation, the court must also consider ten relocation factors to determine the best interests of the child, giving “weighted consideration” to factors that affect the safety of the child.

FAMILY LAW / CHILD CUSTODY / RELOCATION

While each party has the burden of establishing the integrity of

that party's motives in either seeking relocation or seeking to prevent relocation, the party proposing the relocation has the burden of establishing that the relocation will serve the best interest of the child, pursuant to 23 Pa.C.S.A. § 5337(i).

FAMILY LAW / CHILD CUSTODY

In a custody action, "there shall be no presumption that custody should be awarded to a particular parent," 23 Pa.C.S.A. § 5327(a), and in determining the best interest, "no party shall receive preference based upon gender," 23 Pa.C.S.A. § 5328(b).

FAMILY LAW / CHILD CUSTODY

Where a member of the party's household has been convicted of two offenses listed at 23 Pa.C.S.A. § 5329(a) and has significant, dysfunctional contact with the child, an evaluation pursuant to 23 Pa.C.S.A. § 5329(c) must be granted, and the household member must not have any contact with the child pending court review of the evaluation report.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY,
PENNSYLVANIA FAMILY DIVISION - CUSTODY
NO. 14111-2011

Appearances: Karen L. Klapsinos, Esq., on behalf of Plaintiff
 John R. Evanoff, Esq., on behalf of Defendant

MEMORANDUM OPINION

Brabender, J., March 9, 2012

This matter is before the Court on Plaintiff's Complaint for Custody/ Shared Custody, Defendant's Petition for Special Relief Pursuant to 23 Pa.C.S.A. §5329 and Defendant's Request for Adversarial Hearing.

The Plaintiff, L.A.B., is the child's mother. The Defendant, J.P.M., is the child's father. The child is R.M., who is six years old, born September 9, 2005. The mother resides in Erie, Pennsylvania with her paramour, B.S.G., who is the subject of Defendant's Section 5329 request. The father resides in Ligonier, Pennsylvania.

Each parent seeks primary physical custody of the child. The father objects to the mother's request for custody pursuant to Section 5329 due to B.S.G.'s criminal record. The father wants the Court to permit the child to live with him. The father wants the Court to provide for an initial criminal conviction evaluation of B.S.G. pursuant to Section 5329 to determine whether he poses a threat of harm to the child and whether counseling is necessary.

No custody order existed prior to the mother's custody Complaint and the father's requests for primary custody and an evaluation pursuant to Section 5329. The child had been living with the mother in Erie. The parties shared physical custody by mutual agreement. The child had periods of visitation with the father who lived in Pittsburgh, Pennsylvania.

In November of 2011, during an extended period of visitation with the child, the father moved from Pittsburgh to Ligonier.

After a hearing on February 10, 2012, the Court finds it is in the child's best interests to grant the father's requests for primary physical custody and an evaluation of B.S.G. pursuant to 23 Pa.C.S.A. §5329.

BACKGROUND

On November 17, 2011, the mother filed a Complaint for Custody, seeking shared custody and return of the child to her care in Erie following an extended visit with the father. Concurrently, the mother filed *ex parte* a Motion for Special Relief, requesting return of the child pending a Custody Conciliation Conference.

On November 17, 2011, the Honorable John J. Trucilla directed return of the child to the mother's care pending further proceedings. The child was returned to the mother's care.

On December 20, 2011, the parties attended a Custody Conciliation Conference, represented by counsel.

A Custody Consent Order was entered December 22, 2011, pending an adversarial hearing. Pursuant to the temporary Custody Order, the parties shared physical and legal custody of the child. The child was to reside with the mother and have visitation with the father on alternating weekends. During Weekend One, the parties were to exchange custody in Cranberry, Pennsylvania. During Weekend Two, the father was responsible for transportation arrangements. A Christmas holiday schedule was established whereby the parent receiving the child was responsible for transportation.

On January 9, 2012, the father filed the instant Request for Adversarial Hearing.

Prior to the adversarial hearing, the father submitted a Petition for Special Relief Pursuant to 23 Pa.C.S.A. §5329 concerning criminal convictions of B.S.G. In 2002, following a jury trial, B.S.G. was convicted of Simple Assault and Endangering Welfare of Children.¹ In 2008, after entering a guilty plea, B.S.G. was convicted of Driving Under the Influence of Alcohol or Controlled Substance². The father also cited a domestic incident in approximately 2010 involving the mother and B.S.G.

¹ At Erie County Docket No. 1712-2001, B.S.G. was sentenced to nine to 36 months of incarceration for Simple Assault, 18 Pa.C.S.A. §2701(a)(1). He was sentenced to nine to 36 months of incarceration for the conviction of Endangering Welfare of Children, 18 Pa.C.S.A. §4304, concurrent. B.S.G. was convicted of causing bodily injury to an eleven month-old male child who was in his care at the time of the incident. The Criminal Complaint alleged the child's injuries consisted of bruises, welts and swelling to the left side of the child's face. The Criminal Complaint is attached hereto as Court Ex. 1.

² At Erie County Docket No. 2449-2008, B.S.G. was sentenced to electronic monitoring for 60 days followed by four months probation for Driving Under the Influence of Alcohol, 75 Pa.C.S.A. §3802(b).

Based on B.S.G.'s convictions and status as a household member of the mother, the father requested immediate transfer to him of custody. The father also requested an evaluation of B.S.G. pursuant to 23 Pa.C.S.A. §§5329(a) and (c) to determine whether B.S.G. poses a threat to the child and whether counseling for B.S.G. is necessary. The mother asserts B.S.G. is not a member of her household. She objects to the assessment of costs for an evaluation of B.S.G. due to financial constraints.

LEGAL STANDARDS

In this case, the Court must fashion a primary order of custody where no prior order existed. The parents live in two different locales in Pennsylvania. If the father's request for primary physical custody is granted, only the child would be relocating to Ligonier because the father already lives there.³

Under the Custody Act, 23 Pa.C.S.A. §§5321-5340, the court's primary consideration in child custody matters is the best interest of the child. 23 Pa.C.S.A. §§5323(a), 5328. The issue here is whether the living situation for the child at either the mother's home in Erie or the father's home in Ligonier serves the child's best interests. *See Klos v. Klos*, 934 A.2d 724, 729 (Pa.Super. 2007).

The Custody Act requires the court to determine the best interests of the child utilizing the "best interest factors" set forth at §5328(a)(1 through 16) in ordering any form of custody. "Weighted consideration" is to be given to those factors affecting the safety of the child. 23 Pa.C.S.A. §5328(a).

The issue of primary custody necessarily involves consideration of the father's Section 5329 objection to the mother's request for custody. Pursuant to 23 Pa.C.S.A. §5329(a), where a party seeks any form of custody, the court shall consider whether that party or member of that party's household has been convicted of or has pleaded guilty or no contest to any of the offenses listed at Section 5329(a). Before making any order of custody to that parent, the court must consider such conduct and determine the party does not pose a threat of harm to the child. The Court is to provide for an evaluation to determine whether the party or household member who committed an offense under Section 5329(a) poses a threat to the child and whether counseling is necessary for that party or household member. 23 Pa.C.S.A. §5329(c).

If the Court determines counseling is necessary under Section 5329(c), the Court is to appoint a qualified professional specializing in treatment relating to the particular offense to provide counseling to the offending person. 23 Pa.C.S.A. 5329(d)(1). Counseling may include a program of

³ For a discussion of a similar situation involving a primary custody determination which resulted in the relocation of a child, rather than relocation of a parent with a child, *see Klos v. Klos*, 934 A.2d 724, 729 (Pa.Super. 2007).

treatment or individual therapy designed to rehabilitate the offending individual which addresses, but is not limited to, issues regarding physical and sexual abuse, the psychology of the offender and the effects of the offense on the victim. 23 Pa.C.S.A. §5329(d)(2).

Where the Court awards custody to a party who committed an offense under Section 5329(a) or who shares a household with an individual who committed an offense under Section 5329(a), the Court may require subsequent evaluations concerning the rehabilitation of the offending individual and the well-being of the child subsequent to the order. If, upon review of a subsequent evaluation, the court determines the offending person poses a threat of physical, emotional or psychological harm to the child, the Court may schedule a hearing to modify the custody order. 23 Pa.C.S.A. §5329(e)(2).

The Court may order a party to pay all or a portion of the costs of counseling and evaluations. 23 Pa.C.S.A. §5329(f).

This matter does not involve a request by a parent to relocate out of the area with a child where a prior custody Order exists. Here, no prior order of custody is in place. The parents already reside in different locales. An Order granting the father primary physical custody will have the net effect of relocating the child from this area to the father's residence in Ligonier, Pennsylvania.

To the extent a relocation analysis applies, the standards are as follows.

As to any proposed relocation, the Court must also consider ten relocation factors in determining the best interests of the child. *See* 23 Pa.C.S.A. §§5337(a), (h)(1 through 10). "Weighted consideration" is to be given those factors which affect the safety of the child. 23 §5337(h).

The party proposing the relocation has the burden of establishing that the relocation will serve the best interest of the child as shown under the relocation factors at 23 Pa.C.S.A. §5337(h). 23 Pa.C.S.A. §5337(i)(1). Each party has the burden of establishing the integrity of that party's motives in either seeking the relocation or seeking to prevent the relocation. 23 Pa.C.S.A. §5337(i)(2).

In any custody action between parents, "there shall be no presumption that custody should be awarded to a particular parent." 23 Pa.C.S.A., §.5327(a). Moreover, in determining the best interest of a child in a custody matter, "no party shall receive preference based upon gender." 23 Pa.C.S.A. § 5328(b).

DISCUSSION

The parties are not married. They met online. Their relationship ended on a sour note. Paternity was established when the child was approximately four months old. At that time, the father became involved in the child's life. The parents communicated fairly well about the child. However, the mother was not forthcoming with information to enable the father to obtain school or medical information or medical treatment

for the child.

Prior to August of 2011, the father had visitation with the child approximately two or more weeks at a time every other month and during holidays by agreement. The father also took the child on vacations. Typically the father provided transportation for exchanges of custody.

The child was scheduled to start Kindergarten on approximately August 31, 2011 at the Earl C. Davis Primary School in North East, Pennsylvania. However, the child did not begin school until approximately December 1, 2011.

In August of 2011, the maternal grandmother found the child's home conditions with the mother unacceptable. The poor home conditions included lack of hot water and the stench of cat urine and cat feces which caused the child to have observable difficulty breathing and the maternal grandmother to have burning of the eyes. The condition of the child's bedroom was described as "unbelievable" and cat feces were found in it. The child appeared malnourished. The maternal grandmother reported this information to the child's father and the paternal grandparents. The child's grandparents assisted the father in obtaining physical custody of the child soon thereafter.

At the time, the father lived in Pittsburgh in a two-bedroom apartment. The child resided with the father in Pittsburgh from August of 2011 until November of 2011. In November of 2011, the father moved to Ligonier, Pennsylvania with the child to be closer to the paternal relatives. The father testified he intended to enroll the child in school in Ligonier. In retrospect, the father testified he should have enrolled the child in school sooner. The father returned the child to the mother's care in November of 2011.

From August of 2011 to November of 2011, the father facilitated communication between the mother and the child by telephone. The child gained approximately 10 pounds during this time.

The father believed removing the child from the mother's residence in August of 2011 was in the child's best interests. Previously, the father had concerns about the child's nutrition and weight, the condition of the child's clothing the mother sent for visitation, the child's hygiene and the mother's overall parenting skills. He had hoped the mother would "come around." However, in August of 2011, the father believed it was necessary to "rescue" the child.

The father did not learn of B.S.G.'s criminal record until shortly before the adversarial hearing.

The father is requesting a criminal conviction evaluation of B.S.G. to determine if B.S.G. poses a threat to the child and whether counseling for him is necessary.

The Mother: Current Situation and Caregiving Environment

The mother has a heart defect. She tires easily. She completed the 11th grade. She receives SSI benefits. She is employed part-time at Kwik Fill. She also receives Public Assistance. A friend or B.S.G. babysits the child while the mother is working.

The mother was involved in a domestic incident with B.S.G. in August of 2010. The mother sustained a concussion from a blow to the face. She developed a black eye. The mother stabbed B.S.G. She testified she did not intend to inflict a deep wound. Both were under the influence of alcohol. The mother sought medical treatment for her injuries.

Although the mother learned of B.S.G.'s criminal record at the beginning of their relationship, she withheld this information from the father. The mother testified she keeps the father informed of the child's progress in school. She testified she has not listed the father as a school contact for the child because he lives in Ligonier.

The mother's testimony indicates B.S.G. spans the child. The mother confirmed B.S.G.'s use of Tabasco Sauce on broccoli fed to the child. B.S.G. babysits the child and the mother has left B.S.G. alone with the child. The mother testified B.S.G. has not harmed the child.

The mother testified the father has been consistently involved in the child's life. The father paid child support after paternity was established. At the father's request the mother discontinued the support action.

At times, the mother's residence has had a strong odor of cat feces and cat urine. Bags of empty beer cans have been observed in the mother's kitchen. Cat feces have been found on the floor. The mother admitted to a flea infestation at her residence when the child was an infant.

At times, the mother uses inappropriate language directed at the child.

The mother does not promote the child's relationship with the father. The mother offered no particular reason for not wanting the father to spend time with the child. The mother does not want the child to refer to the father's fiance' as "Mom."

The mother testified the child is disruptive in school and the child's behavior affects his relationships with other children. The child's physician referred the child for therapy but the mother could not afford the expense. The mother has contacted Safe Harbor Behavioral Health concerning the child's developmental delays.

In the mother's estimation, her relationship with the child's maternal grandmother is "horrible."

The mother does not believe the child is malnourished.

The mother proposes a custody schedule whereby the father has custody of the child in July and August. The mother wants custody of the child in June. During the school year, the mother is reluctant to share custody with the father. She testified the child would have difficulty adjusting to exchanges of custody because the child has fun with the

father and they play games together. She testified the father spoils the child and the mother cannot compete with this. Also, the mother cannot assist with exchanges of custody because she does not have a driver's license.

The Mother's Boyfriend: B.S.G.

B.S.G. is 32 years old. He graduated from high school. He has never been married. He has no children. He is employed at Lakeview Country Club. He denied current abuse of alcohol or drugs.

B.S.G. is a member of the mother's household. He has been involved with the child for approximately three and one-half years. He resided with the mother and child on a full-time basis until the domestic incident with the mother in August of 2010. Since then, he has lived with the mother and child on weekends. During the week, B.S.G. spends significant time at the mother's residence. As the mother's paramour, he recently attended a meeting convened by the child's school principal concerning a perceived lack of medical treatment.

B.S.G. was convicted of two offenses listed at 23 Pa.C.S.A. §5329(a): Endangering Welfare of Children,⁴ and Driving Under the Influence of Alcohol.⁵ See 23 Pa.C.S.A. §5329(a).

B.S.G.'s methods of disciplining the child include spanking. He admitted to using Tabasco Sauce as a tool to convince the child to eat vegetables. He uses inappropriate language directed at the child.

The Court finds the circumstances of the Endangering Welfare conviction involving a slap to the face of an eleven-month old infant leaving bruises, welts and swelling to the child's face of grave concern, given the evidence of B.S.G.'s treatment of this father's child. As stated on the record, the Court finds the father's request for a Section 5329 evaluation is appropriate and must be granted.

The Father: Current Situation and Caregiving Environment

The father is 29 years old. He graduated from high school. He resides in Ligonier, Pennsylvania. The father has been self-employed since approximately April of 2011 as owner of a video production company. He receives unemployment compensation benefits. The father lives with his fiancé, D.D.

D.D. is 24 years old. She is employed in a hair salon. She was convicted at Erie County Docket No. 1291-2010 of Driving Without a License, 75 Pa.C.S.A. §1501(a), a summary offense, in September of 2011.

The child has his own bedroom and bathroom in the father's condominium unit.

The child's paternal grandparents live in Ligonier within a few miles

⁴ 18 Pa.C.S.A. §4304.

⁵ 75 Pa.C.S.A. §3802(b).

of the father's residence. They are retired and available to assist with childcare. The paternal grandparents have a loving relationship with the child. Other paternal family members reside in the area.

The father has a loving relationship with the child. The father describes his bond with the child as strong. During visitation the father engages in play activities with the child and they watch television together. The father testified he would place the child's needs above his own.

The father testified the child has a loving relationship with his fiancée. The fiancée engages in activities with the child and shows the child affection. The father testified the child inquires about the fiancée's whereabouts when she is not present and readily shows her affection.

The father denied a history of alcohol abuse or current drug use.

The father proposes to send the child to R.K. Mellon School. The father testified he believes the school will meet the child's needs. The school offers small classrooms, activities and sports activities. The school has programs for children with special needs.

The father testified the travel time between Ligonier and Erie is approximately three hours.

The father testified he would facilitate a positive relationship between the mother and the child. The father proposes he will assist the child in telephoning the mother in the evening, provide her with transportation to attend the child's school events in Ligonier and will otherwise encourage the mother to be involved in the child's life.

The father proposes the following custody schedule with the mother. During the school year, the child would have visitation with the mother two weekends per month. The parents would alternate custody for major holidays. The child would spend Mother's Day with the mother and Father's Day with the father. The mother would have liberal visitation during school breaks.

The father and the paternal grandparents have a good relationship with the child's maternal grandmother. They cooperate well concerning child care issues.

The Child

The child was born two months premature. His lungs were underdeveloped at birth. The child has developmental delays. The child is thin. The child displays symptoms of ADHD. The child has great difficulty staying focused. The child is behind academically due to behavioral issues and his late start in Kindergarten.

The child received special education support services at the preschool level through the North East Head Start program. He is considered at risk for future special education due to hyperactivity and difficulty paying attention. *Plaintiff's Ex. No. 1.*

The child is good-natured and energetic. He comes to school clean and well-kept.

On one occasion, the child's maternal grandmother found the child covered in fleas after being in the mother's care.

Ever since B.S.G. used Tabasco Sauce as a tool to encourage the child to eat his vegetables, the child has a hyper-response whenever he sees a bottle of Tabasco Sauce. The child becomes distraught and difficult to console.

BEST INTEREST ANALYSIS

Utilizing the relevant best interest factors at 23 Pa.C.S.A. §5328(a) (1 through 16) the Court finds the living situation for the child at the father's home in Ligonier presently serves the child's best interests. It is also in the child's best interests for the mother to have liberal periods of partial custody outside the presence of B.S.G. pending the outcome of the Section 5329 evaluation.

The father's Section 5329 requested must be granted. B.S.G. shall undergo an evaluation pursuant to 23 Pa.C.S.A. §§5329(a) and (c). The mother shall pay the cost of the evaluation and any necessary counseling.⁶ A report with findings and recommendations of the evaluator shall be sent this Court. The report shall include the evaluator's opinions whether B.S.G. poses a threat to the child and whether counseling is necessary. Until the Court determines whether B.S.G. poses a threat of harm to the child, the mother's periods of partial custody shall not occur with B.S.G. present or on the same premises.

§5328(a)(1) Which party more likely to encourage and permit frequent and continuing contact between child and another party.

The Court finds the father is the party more likely to encourage and permit frequent and continuing contact between the child and the other parent.

§5328(a)(2) Present and past abuse by party or household member, any continued risk of harm to child or abused party and which party can better provide adequate physical safeguards and supervision.

The mother and B.S.G. have demonstrated abusive behavior toward each other. In August of 2010, the mother and B.S.G. were involved in a domestic incident necessitating medical treatment for the mother. B.S.G. has convictions for offenses listed at 23 Pa.C.S.A. §5329(a). An evaluation shall be ordered to determine if B.S.G. poses a threat of harm to the child and whether counseling is necessary. B.S.G. speaks inappropriately to the child, spans the child and applies Tabasco Sauce to the child's food as a teaching aide. At times the mother's home conditions have been inappropriate for the child. Currently the father can better provide adequate physical safeguards and supervision for the child.

⁶ It is suggested the mother and B.S.G. contact Family Services of Northwestern Pennsylvania or Catholic Charities Counseling and Adoption Services, Inc. for an evaluation.

§5328(a)(3) Parental duties performed by each party. The evidence suggests the father performs parental duties on behalf of the child sufficient to satisfy his basic physical and emotional needs. The evidence suggests the living environment provided by the mother has been unhealthy at times and the child may have received inadequate nutrition in the mother's care.

§5328(a)(4) Need for stability and continuity in child's education and family and community life. As with any child, the need exists for stability and continuity in R.M.'s education and family and community life. The need for stability and continuity in these areas may be heightened due to the child's special needs and developmental delays.

§5328(a)(5) Availability of extended family. The paternal grandparents with whom the child enjoy a loving relationship reside near the father in Ligonier, Pennsylvania. The father has a good relationship with his parents. The paternal grandparents are readily available to assist the father in caring for the child. The child's maternal grandmother who enjoys a loving relationship with the child resides in Ohio. The poor relationship between the mother and the maternal grandmother may impact the amount of contact the maternal grandmother has with the child while he is in the mother's care. The father and the maternal grandmother have a good relationship.

§5328(a)(6) Child's sibling relationships. No evidence was adduced concerning this factor.

§5328(a)(7) Well-reasoned preference of child, based on child's maturity and judgment. The child is six (6) years old. The Court did not interview the child.

§5328(a)(8) Attempts of parent to turn child against other parent, except if domestic violence where reasonable safety measures are necessary to protect child. There is no evidence either parent attempted to turn the child against the other parent.

§5328(a)(9) Which party more likely to maintain loving, stable, consistent and nurturing relationship with child adequate for child's emotional needs. Presently, the father is more likely to maintain a loving, stable, consistent and nurturing relationship with the child adequate for his emotional needs.

§5328(a)(10) Which party more likely to attend to child's daily physical, emotional, developmental, educational and special needs. The father did not register the child for a Kindergarten program while the child was in the father's care from August of 2011 to November of 2011. The father intended to register the child for Kindergarten in Ligonier. When the child has been in the father's care, the father has provided for the child's essential needs. Under the present circumstances, the Court believes the father is more likely to attend to the child's daily physical, emotional, developmental, educational and special needs.

§5328(a)(11) Proximity of residences of parties. The distance between the parents' residences is not an insurmountable obstacle to preserving the relationship between the child and the mother through suitable custody arrangements, considering the logistics and financial circumstances of the parties. In the past, the father lived in Pittsburgh. The mother has lived with the child in Sharon, Altoona and North East, Pennsylvania. The parties cooperated then in establishing a visitation schedule that preserved the relationship between the father and the child. The father has demonstrated a willingness to assist the mother with exchanges of custody.

§5328(a)(12) Availability to care for child or ability to make appropriate child care arrangements. The father's availability to care for the child or ability to make appropriate child care arrangements exceeds that of the mother.

§5328(a)(13) Level of conflict between the parties and willingness and ability to cooperate with one another. Effort to protect child from abuse by party not evidence of unwillingness/inability to cooperate. Except for the issues presented to the Court for decision, the level of conflict between the parties is relatively low. Until August of 2011, the parties demonstrated cooperation in their shared custody, arrangement.

§5328(a)(14) History of drug or alcohol abuse of party or member of party's household. The domestic incident of August of 2010 raises concern about alcohol and physical abuse on the part of the mother and B.S.G.

§5328(a)(15) Mental and physical condition of party or member of party's household. No evidence concerning a mental or physical condition that would interfere with parenting was introduced.

§5328(a)(16) Any other relevant factor. B.S.G. was convicted of two offenses listed at 23 Pa.C.S.A. §5329(a). B.S.G. is a member of the mother's household. He has significant contact with the child. He lives at the mother's residence during weekends and otherwise spends significant time at the residence. The mother relies upon B.S.G. to babysit the child. The mother withheld B.S.G.'s criminal history from the child's father for years. The mother and B.S.G. have behaved violently toward one another. The domestic incident of August of 2010 suggests they have abused alcohol. B.S.G. spans the child. He uses Tabasco Sauce as a tool to train the child to eat vegetables. The child has special needs and is developmentally delayed. Unsanitary and potentially health-threatening conditions existed at the mother's residence in August of 2011. The child is in need of a stable, loving and nurturing environment. The child has a close relationship with the father's fiancé and the child's paternal grandparents. It is in the child's best interests to reside with the father and have visitation with the mother. The father's request B.S.G. receive

an evaluation pursuant to 23 Pa.C.S.A. §5329(c) must be granted. B.S.G. must not have contact with the child pending court review of the evaluation report.

The Court finds the father's request for primary physical custody must be granted.

RELOCATION ANALYSIS

To the extent the relocation factors may apply, they are analyzed as follows.

Utilizing the relevant "relocation factors" at 23 Pa.C.S.A. § 5337(h)(1 through 10), the Court finds the father has established relocation of the child will serve the child's best interests. *See 23 Pa.C.S.A. §5337(i)(1)*. The father established integrity of motives in seeking the relocation. The father loves the child. The father wants to provide the child with a stable and nurturing environment. The father wants to protect the child from harm. He wants to extract the child from conditions with the mother and B.S.G. he perceives as harmful or potentially harmful to the child. The father wants to foster a loving relationship between the mother and the child.

The mother established integrity of motives in seeking to prevent the relocation. The mother believes the child's needs are met in her care. The mother does not perceive B.S.G. as presenting a risk of harm to the child. While the mother's perceptions may be skewed, they appear genuine. The Court finds it is in the child's best interests to grant the relocation request.

§5337(h)(1) Nature, quality, extent of involvement and duration of child's relationship with party proposing to relocate and with nonrelocating party, siblings and other significant persons in child's life. The child has primarily resided with the mother. The child has had ongoing contact with the father the majority of the child's life. The child has spent less time in the father's care, however, the quality of father's contact and involvement in the child's life has been high. Paternal family members have maintained quality contact with the child. Little information was provided about the quality of the contact the child has with the mother. The maternal grandmother has a loving relationship with the child. However, the poor relationship between the maternal grandmother and the mother limits the maternal grandmother's contact with the child.

As of August of 2011, the quality of conditions at the mother's residence was poor. The mother's paramour, B.S.G., spans the child, uses abusive language directed at the child and inappropriately uses Tabasco Sauce to teach the child good nutritional habits. The child has developmental delays and special needs. In the estimation of the child's grandparents, the child was malnourished. The father removed the child from unhealthy living conditions at the mother's residence in August of 2011.

§5337(h)(2) Age, developmental stage, needs of child and likely impact of relocation on child's physical, educational and emotional development, taking into consideration any special needs of child.

The child is young. He began Kindergarten in December of 2011. He is not entrenched in the current school environment. A new school environment will not adversely affect the child. The child's proposed school in Ligonier has programs to address the child's special needs. On the balance, the child's need for stability and structure and the perceived ability of the father's living environment in Ligonier to better meet those needs outweighs any disadvantages to the child in switching Kindergarten programs at this time. The father met the child's nutritional needs. The child gained weight in the father's care. The child loves the father and his fiancée and enjoys being in their company. The child must remain in the father's care at least during the pendency of B.S.G.'s evaluation and the processing of the evaluation results and recommendations.

§5337(h)(3) Feasibility of preserving relationship between nonrelocating party and child through suitable custody arrangements, considering logistics and financial circumstances of parties. Considering the distance between the parties' residences, the father's history of cooperation with transportation arrangements for exchanges of custody, and the support of the paternal grandparents, preserving the child's relationship with the mother through suitable custody arrangements will be feasible.

§5337(h)(4) Child's preference, taking age and maturity of child into consideration. The child is six years old, has special needs and is developmentally delayed. The Court did not interview the child at the hearing.

§5337(h)(5) Whether there is established pattern of conduct of either party to promote or thwart relationship of child and other party. No evidence was adduced concerning this.

§5337(h)(6) Whether the relocation will enhance general quality of life for party seeking relocation, including, but not limited to, financial or emotional benefit or educational opportunity. The father already lives in Ligonier. This is not the case of a parent who seeks to relocate with a child. The father lived in Pittsburgh, Pennsylvania for at least two years before moving to Ligonier in November of 2011. The father moved to Ligonier to live closer to his parents. Based on the father's desire to live closer to his parents, it is believed the move to Ligonier will emotionally benefit the father. The paternal grandparents have a positive, loving relationship with the child. To the extent the father is granted physical custody of the child, the father will receive a derivative benefit from the emotional support the paternal grandparents provide to the child.

§5337(h)(7) Whether relocation will enhance general quality of life for child, including but not limited to, financial or emotional benefit or educational opportunity. The child has a loving relationship with the father, the father's fiancé and the paternal grandparents. It will emotionally benefit the child to reside with the father and his fiancé who live in close proximity to the paternal grandparents.

Little evidence was adduced about the child's relationship with the mother. The mother uses inappropriate language directed at the child. As of August of 2011, the mother's home conditions were poor and potentially threatening to the child's health. The child appeared malnourished. The child has special needs, physically and emotionally.

B.S.G. relates to the child in a dysfunctional manner. He uses inappropriate language directed at the child. B.S.G. spans the child. His nutritional training techniques are negative influences in the child's life. They have caused the child emotional upset. B.S.G. must undergo a criminal conviction evaluation pursuant to Sections 5329(a) and (c).

The child displays symptoms consistent with ADHD. The child is especially vulnerable to problems caused or exacerbated by emotional distress.

Under these circumstances, the Court finds the general quality of the child's life will be enhanced by granting the father's request for primary physical custody.

§5337(h)(8) Reasons and motivation of each party for seeking or opposing the relocation. The father, his fiancé and his parents, who live nearby, love the child. The father wants the child to receive the benefits of living in the loving, nurturing environment the father can provide. The father wants to extract or rescue the child from an environment the father perceives as negative and emotionally and physically unhealthy. The father's motives in wanting to relocate the child to live with him in Ligonier are genuine.

The mother cites no reason in particular for opposing the child's relocation. She feels she cannot compete with the fun and other benefits the child receives when he is in the father's care. She does not want the child to refer to the father's fiancé as the child's mother. She does not perceive her home conditions as unhealthy or inadequate for the child's physical or emotional needs. She does not believe B.S.G. presents a risk of harm to the child. Regardless of the accuracy of the mother's perceptions, the mother's motives in opposing relocation of the child appear genuine.

§5337(h)(9) Present and past abuse committed by a party or member of party's household and whether there is a continued risk of harm to child or abused party. The domestic incident of August of 2010 raises concern about alcohol and physical abuse on the part of the mother and B.S.G. B.S.G.'s criminal convictions in 2001 for Simple Assault

and Endangering Welfare, his relationship with the mother, his ongoing presence in the mother's home and the nature and level of his contact with the child raise concern about the well-being of the child while in the mother's care. Also, an evaluation of B.S.G. pursuant to 23 Pa.C.S.A. §5329(c) based on his criminal convictions is appropriate.

§5337(h)(10) Any other factor affecting the best interest of child. See discussion at best interests factor §5328(a)(16), above.

The Court finds the father's request to relocate the child must be granted.

CONCLUSION

Pursuant to a best interest analysis, it is in the child's best interests to grant the father's request for primary physical custody and permit the child to relocate to Ligonier to live with the father. The custodial environment offered by the father is presently better suited to the child's current needs.

The Court must grant the father's request for an evaluation of B.S.G. pursuant to Section 5329 of the Custody Act. Until the results of the evaluation are fully processed and the Court determines whether B.S.G. poses a threat of harm to the child and whether counseling is necessary, the child shall not have contact with B.S.G.. The mother shall be granted liberal periods of partial physical custody with the child outside the presence of B.S.G.

To the extent the relocation factors may apply, the father established it is in the child's best interests to permit the child to relocate to live with the father at the father's residence in Ligonier, Pennsylvania. The father established the integrity of his motives in seeking relocation of the child. The mother established the integrity of her motives in opposing the father's request.

A Custody Order will be entered consistent with this Memorandum Opinion.

ORDER

AND NOW, to-wit, this 9th day of March, 2011 after a hearing on Plaintiff's Complaint for Custody/Shared Custody, Defendant's Request for Adversarial Hearing and Defendant's Petition for Special Relief Pursuant to 23 Pa.C.S.A. §5329, and in consideration of the best interests of the child, R.M., it is hereby **ORDERED** the following Custody Order shall remain in effect until further Order:

1. The parents shall share legal custody of the child. The child is: R.M., born September 9, 2005.
2. The father, J.P.M., shall have primary physical custody of the child. The mother, L.A.B., shall have partial physical custody of the child.
3. The child shall be move to the father's residence in Ligonier,

Pennsylvania over the child's Easter school break. The child shall reside with the father and the mother shall have partial physical custody of the child as follows:

a. During the school year, every third weekend the child shall be with the mother from Friday at 5:00 p.m. until Sunday at 3:00 p.m. The custody exchange shall occur in Cranberry, Pennsylvania, unless mutually agreed upon otherwise.

b. During summer school break, the child shall be with the mother for six (6) weeks. Unless agreed upon otherwise, the weeks shall be consecutive. The start and end dates of the mother's period(s) of partial custody during the summer shall be mutually agreed upon. The custody exchange(s) shall occur in Cranberry, Pennsylvania unless agreed upon otherwise.

4. The Holiday Schedule shall be as follows:

a. The parties shall reach agreement concerning the holiday/school break for Thanksgiving of 2012, Christmas of 2012 and Easter of 2013. Unless otherwise agreed upon, the following year the child shall be with the other parent for the respective holiday. In subsequent years, custody shall accordingly alternate.

b. The child shall be with the mother on Mother's Day Weekend from 5:00 p.m. on Friday until 3:00 p.m. on Sunday, and with the father on Father's Day Weekend.

c. Custody exchanges for the Holiday Schedule shall occur in Cranberry, Pennsylvania, unless mutually agreed upon otherwise.

d. Each parent shall plan a birthday celebration for the child on one of their regularly scheduled custody days near the child's birthday.

e. ALL HOLIDAY SCHEDULES SHALL SUPERSEDE ANY OTHER PARTIAL CUSTODY OR VISITATION SCHEDULE UNLESS MUTUALLY AGREED UPON OTHERWISE.

5. There shall be open telephone communication at reasonable times and intervals.

6. Each parent shall keep the other informed of current address and telephone numbers.

7. Each parent shall keep the other informed of the child's health, progress in school and general welfare and shall consult the other parent concerning major decisions affecting the child.

8. Each parent is entitled to receive directly from schools, health care providers and other relevant sources information concerning the child. **The mother shall cooperate and assist the father in obtaining the child's school, medical and dental records by Easter school break, or as soon thereafter as practical, to aid in the child's transition.**

9. Neither parent shall engage in conduct that presents to the child a negative or hostile view of the other.

10. This custody arrangement may be modified by agreement of the

parties when required for the best interest of the child. The term "mutual agreement" contemplates good faith discussions by both parents to reach an agreement as to specific dates and times of partial custody or visitation, and the unilateral determination of one parent to deny contact shall be viewed as a violation of this provision.

11.If not already done, the parties shall attend the "Children Cope With Divorce Seminar" even if/though the parties were never married to one another.

12.Pursuant to 23 Pa.C.S.A. §§5329 (a) and (c), the mother's paramour, B.S.G., shall undergo an initial evaluation relative to the convictions for Simple Assault, Endangering the Welfare of Children and Driving Under the Influence of Alcohol.

a. The parties shall agree upon an evaluator to perform the initial evaluation of B.S.G. The mother shall schedule the evaluation of B.S.G. by Friday, March 23, 2012. The mother shall supply the evaluator with a photocopy of this Order and accompanying Memorandum Opinion with Court Exhibit.

b. The evaluation shall result in a report. The report shall include and address the following:

1. Whether B.S.G. poses a threat to the child;

2. Whether counseling for B.S.G. relating to the nature of any of the offenses is necessary;

3. If counseling is recommended, the evaluator shall indicate whether counseling should also include a program of treatment or individual therapy designed to rehabilitate B.S.G., and the nature of that program or individual therapy.

4. If counseling is recommended, the evaluator shall recommend for the Court's consideration qualified professionals who specialize in treatment relating to the particular offense(s) for which counseling is recommended.

c. The evaluator shall send copies of the report to the undersigned, the parties' attorneys, and the Erie County Office of Custody Conciliation.

d. The mother shall pay the cost of the evaluation and the report, unless otherwise agreed upon.

e. The Court will consider the report in determining whether B.S.G. poses a threat of harm to the child.

f. Until this determination, B.S.G. shall have no contact with the child. The mother's periods of partial custody shall not occur with B.S.G. present or on the same premises.

g. The mother shall notify the Court, the father and the Office of Custody Conciliation of the date and time of the scheduled evaluation.

h. Until the child moves to the father's residence, the mother

shall not permit B.S.G. to have contact with the child. If or once this cannot be arranged, then the child shall move to the father's residence at the earliest possible time.

13. NOTIFICATION OF OBLIGATIONS PRIOR TO RELOCATION. Relocation is a change in the child's physical residence which significantly impairs the ability of a non-relocating party to exercise custody of the child. Relocation of the child shall not occur unless either (1) every individual with custody rights consents to the relocation; or (2) the court approves the relocation. For a full understanding of your rights and obligations regarding relocation, you must refer to Section 5337 of Pennsylvania's Domestic Relations Code. Nevertheless, as a general course of action, the following applies:

I. Any party proposing relocation must:

- A. At least 60 days prior to relocation, *send notice* of the proposed relocation, *via certified mail, return receipt requested*, to every individual with custody rights to the child.
 1. The notice shall include the address of the new residence; new mailing address; names and ages of individuals who will live in the new residence; home telephone number of the new residence (if available); name of the new school district and school; date of the proposed relocation; the reasons for the proposed relocation; a proposed custody schedule; any other information deemed appropriate and a warning that failure to file an objection to the relocation within 30 days after receipt of the notice will foreclose the non-relocating party from objecting to the relocation.
 2. If, subsequent to serving the notice of relocation, you become aware of information regarding the relocation that you did not previously have, you must promptly inform every individual who received notice of the relocation.
- B. With the notice of relocation, you must *provide a counter-affidavit*. A form counter-affidavit is provided in the Domestic Relations Code (23 Pa.C.S.A. Section 5337).
- C. If a timely objection to relocation is not filed, you must, prior to relocation, file: (1) an affidavit of notice; (2) proof of service that proper notice was given (the return receipt with the addressee's signature); (3) a copy of the full notice sent; (4) a petition to confirm the relocation and modify any existing custody order; and (5) a proposed order.

II. Any party objecting to relocation must, within 30 days of receipt of the notice of relocation: (1) complete and file with the court a verified counter-affidavit; and (2) serve a copy of the counter-affidavit on the other party *via certified mail, return receipt requested*. Failure to file a timely counter-affidavit to the relocation will preclude you from

objecting to the relocation.

14. Jurisdiction of the aforementioned child and this matter shall remain in the Court of Common Pleas of Erie County, Pennsylvania unless and until jurisdiction would change under the Uniform Child Custody Jurisdiction and Enforcement Act, 23 Pa.C.S.A. Section 5401 *et seq.*

15. VIOLATION OF THIS ORDER BY ANY PERSON MAY RESULT IN CIVIL AND CRIMINAL PENALTIES, INCLUDING PROSECUTION PURSUANT TO SECTION 2904 OF THE PENNSYLVANIA CRIMES CODE, INTERFERENCE WITH CUSTODY OF CHILDREN.

BY THE COURT:

/s/ Daniel J. Brabender, Jr., Judge

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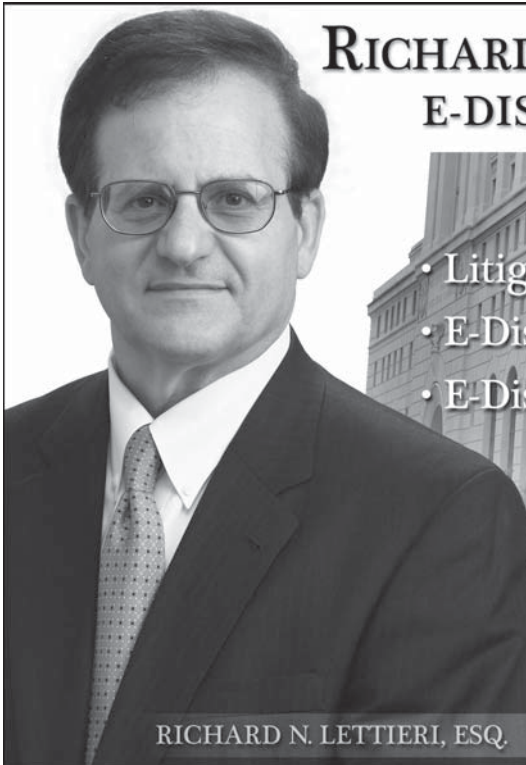
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RICHARD N. LETTIERI, ESQ. E-DISCOVERY COUNSEL

- Litigation 2nd Chair
- E-Discovery Mediator
- E-Discovery Special Master

Lettieri Law Firm, LLC
1620 King James Drive
Pittsburgh, Pa. 15237
412-364-7255 (Office)
rlettierilaw@live.com
www.lettierilaw.com

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania
Docket No. 12886-12

In Re: Hailey Noelle Anthony

Notice is hereby given that a Petition was filed in the above named court requesting an order to change the name of Hailey Noelle Anthony to Robert Calvin Anthony, Jr.

The Court has fixed the 10th day of October, 2012 at 8:45 a.m. in Courtroom B of the Erie County Courthouse, 140 W. 6th St., Erie, PA 16501 as the time and place for the hearing on said Petition, when and where all interested parties may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

Sept. 7

CHANGE OF NAME NOTICE

Notice is hereby given that on August 15, 2012, a Change of Name Petition has been filed by father of JONAH N. DROPSHO, requesting that the name of the minor child be changed from JONAH N. DROPSHO to JONAH M. MANNARINO. The Petition will be heard on November 20, 2012 at 8:45 a.m. in Court Room B at the Erie County Court House. Any person objecting to this Petition must appear in the Court room on date and time identified.

Edward J. Niebauer, Esquire
558 West 6th Street
Erie, Pennsylvania 16507
814-459-4472

Sept. 7

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania
Docket No. 12989-12

In Re: Charles Wesley Whitten

Notice is hereby given that a Petition was filed in the above named court requesting an order to change the name of Charles Wesley Whitten to Charles Wesley Miller.

The Court has fixed the 16th day of October, 2012 at 8:45 a.m. in Courtroom B of the Erie County Courthouse, 140 W. 6th St., Erie, PA 16501 as the time and place for the hearing on said Petition, when

and where all interested parties may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

Sept. 7

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: Cosmic Essentials
2. Principal Business Address: 1908 W. 34th Street, Erie, PA 16508
3. Name and Address of the entity who is party to the registration: Tamara Christ, 1908 W. 34th Street, Erie, PA 16508
4. The Application for registration of the fictitious name was filed with the Department of State under the Fictitious Names Act on or about August 13, 2012.

Sept. 7

LEGAL NOTICE

MARSHAL'S SALE: By virtue of a Writ of Execution issued out of the U. S. Court for the W. D. of PA at suit of the USA at Civil No. 1:12-cv-00057, I shall expose to public sale the real property of Rebecca A. Terhark a/k/a Rebecca A. Kindle known as 10348 North Park Drive, Lake City, PA 16423, being fully described in the Deed dated August 31, 1993 and recorded November 30, 1994 in the Recorder's Office of Erie County, Pennsylvania, in Deed Book Volume 364, Page 1793.

TIME AND LOCATION OF SALE: Thursday, October 4, 2012 at 10:00 A.M. at the Erie County Courthouse, Courtroom 209, 140 West Sixth Street, Erie, PA 16501.

TERMS OF SALE: Successful bidder will pay ten percent (10%) by cashier's check, certified check or bank money order at the time of the sale and the remainder of the bid within thirty (30) days from

the date of the sale and in the event bidder cannot pay the remainder, the property will be resold and all monies paid in at the original sale will be applied to any deficiency in the price at which the property is resold. The successful bidder must send payment of the balance of the bid directly to the U.S. Marshal's Office c/o Ms. Sheila Blessing, Room 241, U.S. Post Office & Courthouse, Pittsburgh, PA 15219. Notice is hereby given that a Schedule of Distribution will be filed by the Marshal's Office on the thirtieth day after the date of sale, and that distribution will be made in accordance with the Schedule unless exemptions are filed thereto within ten (10) days thereafter. The successful bidder takes the real estate subject to, and shall pay all taxes, water rents, sewer charges, municipal claims, and other charges and liens not divested by the sale. Purchaser must furnish State Realty Transfer Tax Stamps, and stamps required by the local taxing authority. Purchaser shall furnish Marshal with Grantee information at the time of the sale. Marshal's costs, fees and commissions are to be borne by seller. Steve Frank, United States Marshal. For additional information visit www.resales.usda.gov or contact Mr. Daniel Varland at 314-457-5489.

Aug. 31 and Sept. 7, 14, 21



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Raymond J. Sammartino, MAI, SRA
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- Market/Feasibility Studies

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E-mail:

Raymond J. Sammartino, MAI, SRA rsam@sas-rea.com
Robert Stout, Jr., MAI rstout@sas-rea.com

Visit our website: www.sas-rea.com

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

**SEPTEMBER 21, 2012
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

Aug. 31 and Sept. 7, 14

SALE NO. 1

Ex. #10716 of 2012

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

**ROBIN E. WHIPPLE, Defendant
ADVERTISING DESCRIPTION**

By virtue of Writ of Execution filed at No. 10716-2012, Erie Federal Credit Union v. Robin E. Whipple, owner of the following properties identified below:

1) Situate in the City of Erie, of County of Erie, and Commonwealth of Pennsylvania at 1258 West 21st Street, Erie, Pennsylvania:

Assessment Map No.
16031029012200

Assessed Value Figure: \$39,950.00
Improvement Thereon: Two story

residential dwelling
Michael S. Jan Janin, Esquire
Pa. I.D. No. 38880
The Quinn Law Firm
2222 West Grandview Boulevard
Erie, PA 16506
(814) 833-2222

Aug. 31 and Sept. 7, 14

SALE NO. 2

Ex. #10021 of 2012

**NORTHWEST SAVINGS
BANK, Plaintiff
vs.**

**TIM SMITH a/k/a TIMOTHY
SMITH, Defendant**

LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania described as follows: Unit No. 173 (the "Unit") of Whispering Woods Estates, a Planned Community as depicted on the Plat of Phase 5 of Whispering Woods Estates, a Planned Community (the "Plat"), recorded on August 23, 2007 in the Office of the Recorder of Deeds of Erie County, Pennsylvania in Map Book 2007 at Page 194.

BEARING Erie County Tax Index No. (33) 200-1-35.

BEING the same premises conveyed to Tim Smith by Deed dated November 1, 2007 and recorded on November 1, 2007 in the Office of the Recorder of Deeds in and for Erie County, Pennsylvania at Book 1457, Page 685.

Mark G. Claypool, Esquire
Knox McLaughlin Gornall
& Sennett, P.C.

120 West Tenth Street
Erie, Pennsylvania 16501-1461
(814) 459-2800

Aug. 31 and Sept. 7, 14

SALE NO. 3

Ex. #11783 of 2012

**Marquette Savings Bank
v.**

**Bradley T. Armstrong
SHERIFF'S SALE**

By virtue of a Writ of Execution filed at No. 11783-2012, Marquette Savings Bank vs. Bradley T. Armstrong, owner of property situate in the City of Erie, Erie

County, Pennsylvania being:
1001-03 West 6th Street, Erie,
Pennsylvania.

41 x 41.25

Assessment Map Number:
(17) 4031-207

Assessed Value Figure: \$52,800.00
Improvement Thereon: Restaurant/
Store/Residence

Eugene C. Sundberg, Jr., Esq.
Marsh Spaeder Baur Spaeder
& Schaaf, LLP

Suite, 300, 300 State Street
Erie, Pennsylvania 16507
(814) 456-5301

Aug. 31 and Sept. 7, 14

SALE NO. 4

Ex. #14744 of 2009

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

**LARRY W. KINNEY, II and
SABRA L. KINNEY, Defendants
SHERIFF'S SALE**

By virtue of a Writ of Execution filed at No. 14744-2009, Northwest Savings Bank vs. Larry W. Kinney, II, and Sabra L. Kinney, owners of property situate in Union Township, Erie County, Pennsylvania being: 10489 Concord Road, Union City, Pennsylvania.

6.96 Acres

Assessment Map Number:
(43) 17-49-1

Assessed Value Figure: \$159,800.00
Improvement Thereon: Residence
Kurt L. Sundberg, Esq.

Marsh Spaeder Baur Spaeder
& Schaaf, LLP

Suite 300, 300 State Street
Erie, Pennsylvania 16507
(814) 456-5301

Aug. 31 and Sept. 7, 14

SALE NO. 5

Ex. #10516 of 2012

**NORTHWEST CONSUMER
DISCOUNT COMPANY,
Plaintiff,
v.**

**RALPH C. PORTER and
PAMULA F. PORTER,
Defendants
SHERIFF'S SALE**

By virtue of a Writ of Execution filed at No. 2012-10516, Northwest Consumer Discount Company

vs. Ralph C. Porter and Pamula F. Porter, owners of property situate in the City of Erie, Erie County, Pennsylvania being: 642 West 21st Street, Erie, Pennsylvania.
110' X 36.17' X 110' X 36.17'
Assessment Map Number: (19) 6017-221
Assessed Value Figure: \$61,520.00
Improvement Thereon: Residence
Kurt L. Sundberg, Esq.
Marsh Spaeder Baur Spaeder & Schaaf, LLP
Suite 300, 300 State Street
Erie, Pennsylvania 16507
(814) 456-5301

Aug. 31 and Sept. 7, 14

SALE NO. 6

Ex. #10517 of 2012
NORTHWEST SAVINGS
BANK, Plaintiff,

v.

ROBERT E. SHREVE and
ANGIE L. SHREVE, Defendants
SHERIFF'S SALE

By virtue of a Writ of Execution filed at No. 2012-10517, Northwest Savings Bank vs. Robert E. Shreve and Angie L. Shreve, owners of property situate in the City of Corry, Erie County, Pennsylvania being: 234 Wayne Street, Corry, Pennsylvania.
96' X 251' X 96' X 251'
Assessment Map Number: (6) 21-15-21
Assessed Value Figure: \$64,000.00
Improvement Thereon: Residence
Kurt L. Sundberg, Esq.
Marsh Spaeder Baur Spaeder & Schaaf, LLP
Suite 300, 300 State Street
Erie, Pennsylvania 16507
(814) 456-5301

Aug. 31 and Sept. 7, 14

SALE NO. 7

Ex. #13699 of 2009
Bank of America, N.A., s/b/m to
BAC Home Loans Servicing, LP,
Plaintiff

v.

Gregory S. Bonominio,
Defendant
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 13699-09 Bank of America, N.A., s/b/m to BAC Home

Loans Servicing, LP vs. Gregory S. Bonominio, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 45 Kellogg Street, Erie, PA 16508
0.1640
Assessment Map number: 18-553/132
Assessed Value figure: \$55,000.00
Improvement thereon: a residential dwelling
Christopher A. DeNardo, Esquire
Shapiro & DeNardo, LLC
Attorney for Movant/Applicant
3600 Horizon Drive, Suite 150
King of Prussia, PA 19406
(610) 278-6800

Aug. 31 and Sept. 7, 14

SALE NO. 8

Ex. #13995 of 2011
CitiMortgage, Inc., Plaintiff
v.

Deborah J. Gorman
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 13995-2011 CitiMortgage, Inc., Plaintiff vs. Deborah J. Gorman, owner of property situated in Sixth Ward City of Erie, Erie County, Pennsylvania being 1158 West 20th Street, Erie, PA 16502
Dimensions of parcel: 30x95
Acreage: 0.0654
Assessment Map number: 19-6033-107
Assessed Value figure: \$49,430.00
Improvement thereon: Two Story Single Family Residential Dwelling
Craig Oppenheimer, Esquire
Attorney for Plaintiff
Richard M. Squire & Associates, LLC
115 West Avenue, Suite 104
Jenkintown, PA 19046
(215) 886-8790

Aug. 31 and Sept. 7, 14

SALE NO. 10

Ex. #15161 of 2008
CITIMORTGAGE, INC., S/B/M
to SOURCE ONE MORTGAGE
SERVICES CORPORATION,
Plaintiff

v.

Margaret A. Ryan-States a/k/a
Margaret Ryan and
David M. States a/k/a
David States, Defendants
SHERIFF'S SALE

By virtue of a Writ of

Execution filed to No. 15161-08 CITIMORTGAGE, INC., S/B/M to SOURCE ONE MORTGAGE SERVICES CORPORATION, Plaintiff vs. Margaret A. Ryan-States a/k/a Margaret Ryan and David M. States a/k/a David States, owners of property situated in Borough of Wesleyville, Erie County, Pennsylvania being 2237 Union Avenue, Erie, PA 16510 a/k/a 2237 Union Avenue, Wesleyville, PA 16510
Dimensions of parcel: 40x120
Assessment Map number: 50-4-27-45
Assessed Value figure: \$47,300.00
Improvement thereon: Two Story Single Family Residential Dwelling
Craig Oppenheimer, Esquire
Attorney for Plaintiff
Richard M. Squire & Associates, LLC
115 West Avenue, Suite 104
Jenkintown, PA 19046
(215) 886-8790

Aug. 31 and Sept. 7, 14

SALE NO. 11

Ex. #10726 of 2012
CITIMORTGAGE, INC.,
Plaintiff
v.

CHERYL I. ADAMS A/K/A
CHERYL ADAMS
JERRY R. ADAMS, JR A/K/A
JERRY ADAMS, JR,
Defendant(s)
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 10726-2012 CITIMORTGAGE, INC. vs. CHERYL I. ADAMS A/K/A CHERYL ADAMS and JERRY R. ADAMS, JR A/K/A JERRY ADAMS, JR
Amount Due: \$96,154.35
JERRY R. ADAMS, JR A/K/A JERRY ADAMS, JR, owner(s) of property situated in BOROUGH OF UNION CITY, Erie County, Pennsylvania being 27 BROWN STREET, UNION CITY, PA 16438-1402
Dimensions: 112 X 120
Acreage: 0.1724
Assessment Map number: 41-014-060.0-011.00
Assessed Value: 44,540.00
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
Aug. 31 and Sept. 7, 14

SALE NO. 12

Ex. #10737 of 2012

**US BANK NATIONAL
ASSOCIATION AS
SUCCESSOR TRUSTEE
TO WACHOVIA BANK,
NATIONAL ASSOCIATION
F/K/A FIRST UNION
NATIONAL BANK, AS
TRUSTEE FOR ACE
SECURITIES HOME EQUITY
LOAN TRUST 2001-HE1,
Plaintiff**

v.

**JAMES A. BOLDEN,
Defendant(s)**

SHERIFF'S SALE

By virtue of a Writ of Execution
filed to No. 10737-2012

US BANK NATIONAL
ASSOCIATION AS SUCCESSOR
TRUSTEE TO WACHOVIA
BANK, NATIONAL
ASSOCIATION F/K/A FIRST
UNION NATIONAL BANK, AS
TRUSTEE FOR ACE SECURITIES
HOME EQUITY LOAN TRUST
2001-HE1 vs. JAMES A. BOLDEN

Amount Due: \$38,185.80

JAMES A. BOLDEN, owner(s) of
property situated in the CITY OF
ERIE, Erie County, Pennsylvania
being 413 EAST 16TH STREET,
ERIE, PA 16503-1904

Dimensions: 40 x 120

Acreage: 0.1102

Assessment Map number:
15020025021300

Assessed Value: \$31,200.00

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

Aug. 31 and Sept. 7, 14

SALE NO. 13

Ex. #10480 of 2012

**CITIMORTGAGE, INC.,
S/B/M TO CITIFINANCIAL**

**MORTGAGE COMPANY, INC.,
F/K/A FORD CONSUMER
DISCOUNT COMPANY,
Plaintiff**

v.

**DAVID J. BRACALENTO
SANDRA L. BRACALENTO,
Defendant(s)**

SHERIFF'S SALE

By virtue of a Writ of Execution
filed to No. 10480-12

CITIMORTGAGE, INC.,
S/B/M TO CITIFINANCIAL
MORTGAGE COMPANY, INC.,
F/K/A FORD CONSUMER
DISCOUNT COMPANY vs.
DAVID J. BRACALENTO and
SANDRA L. BRACALENTO

Amount Due: \$61,704.07

DAVID J. BRACALENTO and
SANDRA L. BRACALENTO,
owner(s) of property situated in
TOWNSHIP OF LAWRENCE
PARK, Erie County, Pennsylvania
being 1032 PRIESTLEY AVENUE,
ERIE, PA 16511-2806

Dimensions: 29.26 X 117

Acreage: 0.0786

Assessment Map number:
29018055001900

Assessed Value: 55,320.00

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

Aug. 31 and Sept. 7, 14

SALE NO. 14

Ex. #11055 of 2012

**CITIMORTGAGE, INC.,
Plaintiff**

v.

**GEORGE E. DUNMIRE, JR
KAREN L. DUNMIRE,
Defendant(s)**

SHERIFF'S SALE

By virtue of a Writ of Execution
filed to No. 11055-12

CITIMORTGAGE, INC. vs.
GEORGE E. DUNMIRE, JR and
KAREN L. DUNMIRE

Amount Due: \$63,202.66

GEORGE E. DUNMIRE, JR
and KAREN L. DUNMIRE,
owner(s) of property situated in
TOWNSHIP OF MILLCREEK,

Erie County, Pennsylvania being
1322 ARDMORE AVENUE, ERIE,
PA 16505-3308

Dimensions: 60 X 110

Acreage: 0.1515

Assessment Map number:
33026159001100

Assessed Value: \$89,880.00

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

Aug. 31 and Sept. 7, 14

SALE NO. 15

Ex. #11509 of 2010

**DEUTSCHE BANK NATIONAL
TRUST COMPANY, AS
TRUSTEE ON BEHALF OF
THE CERTIFICATEHOLDERS
OF MORGAN STANLEY ABS
CAPITAL I INC. TRUST 2005-
WMCI MORTGAGE PASS-
THROUGH CERTIFICATES,
SERIES 2005-WMCI, Plaintiff**

v.

**BRENDA S. GELOTTE
Defendant(s)**

SHERIFF'S SALE

By virtue of a Writ of Execution
filed to No. 11509-10

DEUTSCHE BANK NATIONAL
TRUST COMPANY, AS
TRUSTEE ON BEHALF OF
THE CERTIFICATEHOLDERS
OF MORGAN STANLEY ABS
CAPITAL I INC. TRUST 2005-
WMCI MORTGAGE PASS-
THROUGH CERTIFICATES,
SERIES 2005-WMCI vs.
BRENDA S. GELOTTE

Amount Due: \$79,752.98

BRENDA S. GELOTTE, owner(s)
of property situated in TOWNSHIP
OF MILLCREEK, Erie County,
Pennsylvania being 6012
MERIDIAN DRIVE, ERIE, PA
16509-3436

Dimensions: 150 x 150

Acreage: 0.5165

Assessment Map number:
33188584001800

Assessed Value: \$74,390.00

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

Aug. 31 and Sept. 7, 14

SALE NO. 16

Ex. #10637 of 2012

**JPMORGAN CHASE BANK,
NATIONAL ASSOCIATION
S/B/M TO CHASE HOME
FINANCE LLC, S/B/M TO
CHASE MANHATTAN
MORTGAGE CORPORATION,
Plaintiff**

v.

**DANA S. GLANCE
KATHLEEN M. GLANCE,
Defendant(s)**

SHERIFF'S SALE

By virtue of a Writ of Execution
filed to No. 10637-12

JPMORGAN CHASE BANK,
NATIONAL ASSOCIATION
S/B/M TO CHASE HOME
FINANCE LLC, S/B/M TO CHASE
MANHATTAN MORTGAGE
CORPORATION vs. DANA S.
GLANCE and KATHLEEN M.
GLANCE

Amount Due: \$114,431.85

DANA S. GLANCE and
KATHLEEN M. GLANCE,
owner(s) of property situated in
CITY OF ERIE, Erie County,
Pennsylvania being 3001 REED
STREET, ERIE, PA 16504-1244
Dimensions: 49 X 65

Acreage: 0.0731

Assessment Map number:
18050062021900

Assessed Value: \$61,150.00

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

Aug. 31 and Sept. 7, 14

SALE NO. 17

Ex. #10636 of 2012

**US BANK NATIONAL
ASSOCIATION, AS TRUSTEE
FOR SASCO MORTGAGE
LOAN TRUST 2002-12, Plaintiff**

v.

**BRENDA M. HAMPTON,
Defendant(s)**

SHERIFF'S SALE

By virtue of a Writ of Execution
filed to No. 10636-12

US BANK NATIONAL
ASSOCIATION, AS TRUSTEE
FOR SASCO MORTGAGE LOAN
TRUST 2002-12 vs. BRENDA M.
HAMPTON

Amount Due: \$29,417.41

BRENDAM. HAMPTON, owner(s)
of property situated in the CITY OF
ERIE, Erie County, Pennsylvania
being 524 EAST 10TH STREET,
ERIE, PA 16503-1314

Dimensions: 29.75 X 160

Acreage: 0.1093

Assessment Map number:
15020026012300

Assessed Value: \$29,500.00

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

Station, Suite 1400

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

Aug. 31 and Sept. 7, 14

SALE NO. 18

Ex. #11186 of 2012

**CITIMORTGAGE, INC.,
Plaintiff**

v.

**JAMES R. HENDERSON,
Defendant(s)**

SHERIFF'S SALE

By virtue of a Writ of Execution
filed to No. 11186-12

CITIMORTGAGE, INC. vs.
JAMES R. HENDERSON

Amount Due: \$42,750.21

JAMES R. HENDERSON,
owner(s) of property situated in
CITY OF ERIE, Erie County,
Pennsylvania being 2525 REED
STREET, ERIE, PA 16503-2143

Dimensions: 34 X 90

Acreage: 0.0702

Assessment Map number:
18050031012500

Assessed Value: \$33,460

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

Station, Suite 1400

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

Aug. 31 and Sept. 7, 14

SALE NO. 21

Ex. #10113 of 2012

**BANK OF AMERICA, N.A.,
Plaintiff**

v.

**SCOTT M. KELSO A/K/A
SCOTT KELSO**

**KELLY LYNN KELSO A/K/A
KELLY KELSO, Defendant(s)
SHERIFF'S SALE**

By virtue of a Writ of Execution
filed to No. 10113-2012

BANK OF AMERICA, N.A. vs.
SCOTT M. KELSO A/K/A SCOTT
KELSO and KELLY LYNN
KELSO A/K/A KELLY KELSO

Amount Due: \$75,776.13

SCOTT M. KELSO A/K/A SCOTT
KELSO and KELLY LYNN KELSO
A/K/A KELLY KELSO, owner(s)
of property situated in the CITY OF
ERIE, Erie County, Pennsylvania
being 3407 ELMWOOD AVENUE,
ERIE, PA 16508-2467

Dimensions: 40X110

Acreage: 0.1010

Assessment Map number:
19061027021200

Assessed Value: \$76,540.00

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

Aug. 31 and Sept. 7, 14

SALE NO. 22

Ex. #11248 of 2012

**BANK OF AMERICA, N.A.
SUCCESSOR BY MERGER
TO BAC HOME LOANS
SERVICING, L.P. F/K/A
COUNTRYWIDE HOME
LOANS SERVICING, L.P.,
Plaintiff**

v.

**KATHLEEN L. MAISNER
PAUL C. HANSON, Defendant(s)
SHERIFF'S SALE**

By virtue of a Writ of Execution
filed to No. 11248-12

BANK OF AMERICA, N.A.
SUCCESSOR BY MERGER TO
BAC HOME LOANS SERVICING,
L.P. F/K/A COUNTRYWIDE
HOME LOANS SERVICING, L.P.
vs. KATHLEEN L. MAISNER and

PAUL C. HANSON
Amount Due: \$56,844.71
KATHLEEN L. MAISNER and
PAUL C. HANSON, owner(s) of
property situated in TOWNSHIP
OF FRANKLIN, Erie County,
Pennsylvania being 11151
EUREKA ROAD, EDINBORO, PA
16412-3727
Description: EUREKA RD TR 78
13.45 AC
Acreage: 13.4500
Assessment Map number:
22012022001501
Assessed Value: 97,000
Improvement thereon: residential
Phelan Hallinan & Schmieg, LLP
One Penn Center at Suburban
Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000
Aug. 31 and Sept. 7, 14

SALE NO. 23
Ex. #10248 of 2012
WELLS FARGO BANK, N.A.,
Plaintiff
v.

STEVEN MARSH, IN HIS
CAPACITY AS EXECUTOR
AND DEVISEE OF THE
ESTATE OF EDWARD P.
MARSH, Defendant(s)
SHERIFF'S SALE

By virtue of a Writ of Execution
filed to No. 10248-12
WELLS FARGO BANK, N.A.
vs. STEVEN MARSH, IN HIS
CAPACITY AS EXECUTOR AND
DEVISEE OF THE ESTATE OF
EDWARD P. MARSH
Amount Due: \$99,919.28
STEVEN MARSH, IN HIS
CAPACITY AS EXECUTOR AND
DEVISEE OF THE ESTATE OF
EDWARD P. MARSH, Owner(s) of
property situated in BOROUGH OF
LAKE CITY, ERIE, Pennsylvania
being 10015 MARTIN AVENUE,
F/K/A 33 MARTIN AVENUE,
LAKE CITY, PA 16423-1530
Dimensions: 70 X 135
Acreage: .2169
Assessment Map number:
28015021100900
Assessed Value: \$62,560.00
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
Aug. 31 and Sept. 7, 14

SALE NO. 24
Ex. #14432 of 2011
WELLS FARGO BANK, N.A.,
Plaintiff
v.

BRIAN S. MITCHELL
A/K/A BRIAN MITCHELL,
Defendant(s)
SHERIFF'S SALE

By virtue of a Writ of Execution
filed to No. 14432-11
WELLS FARGO BANK, N.A.
vs. BRIAN S. MITCHELL A/K/A
BRIAN MITCHELL
Amount Due: \$51,497.88
BRIAN S. MITCHELL A/K/A
BRIAN MITCHELL, owner(s) of
property situated in the CITY OF
ERIE, Erie County, Pennsylvania
being 1414 EAST 38TH STREET,
ERIE, PA 16504-3020
Dimensions: 58 X IRREG
Acreage: 0.1465
Assessment Map number:
18-052-023.0-138.00
Assessed Value: \$56,000.00
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
Aug. 31 and Sept. 7, 14

SALE NO. 25
Ex. #10463 of 2012
WELLS FARGO BANK, N.A.,
Plaintiff
v.

JOSEPH M. MOTT
JILL N. MOTT A/K/A
JILL KELLY A/K/A
JILL MOTT, Defendant(s)
SHERIFF'S SALE

By virtue of a Writ of Execution
filed to No. 10463-12
WELLS FARGO BANK, N.A. vs.
JOSEPH M. MOTT and JILL N.
MOTT A/K/A JILL KELLY A/K/A
JILL MOTT
Amount Due: \$187,641.13

JOSEPH M. MOTT and JILL N.
MOTT A/K/A JILL KELLY A/K/A
JILL MOTT, owner(s) of property
situated in the TOWNSHIP OF
MILLCREEK, Erie County,
Pennsylvania being 5532 BONDY
DRIVE, ERIE, PA 16509-3053
Dimensions: 77X118
Acreage: 0.2104
Assessment Map number:
33145619500600
Assessed Value: \$112,680
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
Aug. 31 and Sept. 7, 14

SALE NO. 26
Ex. #13912 of 2011
PHH MORTGAGE
CORPORATION, F/K/A
CENDANT MORTGAGE
CORPORATION, Plaintiff
v.

MARC A. POSTERLI
Defendant(s)
SHERIFF'S SALE
By virtue of a Writ of Execution
filed to No. 13912-11
PHH MORTGAGE
CORPORATION, F/K/A
CENDANT MORTGAGE
CORPORATION vs. MARC A.
POSTERLI
Amount Due: \$143,714.04
MARC A. POSTERLI, owner(s) of
property situated in the TOWNSHIP
OF MILLCREEK, Erie County,
Pennsylvania being 2935 WEST
23RD STREET, ERIE, PA 16506-
2309
Dimensions: 63 X 140.14
Acreage: 0.1930
Assessment Map number:
33052213000400
Assessed Value: \$83,990.00
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
Aug. 31 and Sept. 7, 14

SALE NO. 27
Ex. #14421 of 2011
PHH MORTGAGE
CORPORATION, Plaintiff

v.

JOSE D. RIBEIRO A/K/A
J. DILMAR RIBEIRO
SANDRA ARESTE FURNE,
Defendant(s)
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 14421-11

PHH MORTGAGE CORPORATION, vs. JOSE D. RIBEIRO A/K/A J. DILMAR RIBEIRO and SANDRA ARESTE FURNE

Amount Due: \$167,532.33

JOSE D. RIBEIRO A/K/A J. DILMAR RIBEIRO and SANDRA ARESTE FURNE, owner(s) of property situated in CITY OF ERIE, Erie County, Pennsylvania being 3560 SASSAFRAS STREET, ERIE, PA 16508-2943
 Dimensions: 100 X 110.3
 Acreage: .2525

Assessment Map number: 18053036030000

Assessed Value: \$123,540

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

Aug. 31 and Sept. 7, 14

SALE NO. 28
Ex. #10766 of 2012
PHH MORTGAGE
CORPORATION, F/K/A
CENDANT MORTGAGE
CORPORATION, Plaintiff

v.

BRANDON S. THOMPSON,
Defendant(s)
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 10766-12

PHH MORTGAGE CORPORATION, F/K/A CENDANT MORTGAGE CORPORATION vs. BRANDON S. THOMPSON

Amount Due: \$35,726.75

BRANDON S. THOMPSON,

owner(s) of property situated in the CITY OF ERIE, Erie County, Pennsylvania being 2613 COCHRAN STREET, ERIE, PA 16508-1714

Dimensions: 50 X 37.5

Acreage: 0.0430

Assessment Map Dumber: 19060050015200

Assessed Value: \$46,800

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

Aug. 31 and Sept. 7, 14

SALE NO. 29
Ex. #11261 of 2012
U.S. BANK, NATIONAL
ASSOCIATION, SUCCESSOR
TRUSTEE TO BANK
OF AMERICA, N.A., AS
SUCCESSOR TRUSTEE TO
LASALLE BANK, N.A. AS
TRUSTEE FOR THE MERRILL
LYNCH FIRST FRANKLIN
MORTGAGE LOAN TRUST,
MORTGAGE LOAN ASSET-
BACKED CERTIFICATES,
SERIES 2007-2, Plaintiff

v.

KURT VON ZIERENBERG,
Defendant(s)
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 11261-12

U.S. BANK, NATIONAL ASSOCIATION, SUCCESSOR TRUSTEE TO BANK OF AMERICA, N.A., AS SUCCESSOR TRUSTEE TO LASALLE BANK, N.A. AS TRUSTEE FOR THE MERRILL LYNCH FIRST FRANKLIN MORTGAGE LOAN TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2007-2 vs. KURT VON ZIERENBERG

Amount Due: \$74,966.61

KURT VON ZIERENBERG, owner(s) of property situated in TOWNSHIP OF ERIE City, Erie County, Pennsylvania being 3418 AUBURN STREET, ERIE, PA 16508-2218

Dimensions: 50 X 140

Acreage: 0.1607

Assessment Map number: 19061044010800

Assessed Value: 77,330

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

Aug. 31 and Sept. 7, 14

SALE NO. 31
Ex. #11313 of 2012
Wells Fargo Bank, N.A., as
Trustee for the Pooling and
Servicing Agreement Dated as of
February 1, 2005 Asset-Backed
Pass-Through Certificates
Series 2005-WHQ1, by its
attorney infact Ocwen Loan
Servicing, LLC

v.

Doris M. Morgan
LEGAL DESCRIPTION

ALL THAT CERTAIN piece or parcel of land situate, lying and being the Township of Girard, County of Erie and Commonwealth of Pennsylvania being part of Tract 529, bounded and described as follows, to-wit:

BEGINNING at the southeasterly corner of the whole piece, at a tack in the centerline of Elk Park Road, said point being located north twelve degrees, thirty-six minutes, thirty seconds (12° 36' 30") west, one hundred eighty-two and one hundredths (182.01) feet from a spike in the intersection of the Middle Road, also known as Whalen Tannery Road and the centerline of Elk Park Road; said point of beginning being also the northeast corner of land conveyed by Frank Clifford Kindle to James S. Adams and Katherine S. Adams, his wife, by deed recorded August 31, 1965 in Erie County Deed Book 923, page 514;

THENCE north eighty-nine degrees, thirty-nine minutes, thirty-five seconds (89° 39' 35") west passing over an iron survey point at twenty-five and sixty-five hundredths (25.65) feet, a total of

two hundred twenty-five and sixty-five hundredths (225.65) feet to an iron survey point;
THENCE north twelve degrees, thirty-six minutes, thirty seconds (12° 26' 30") west one hundred (100) feet to a point;
THENCE south eighty-nine degrees, thirty-nine minutes, thirty-five seconds (89° 39' 35") east two hundred twenty-five and sixty-five hundredths (225.65) feet to the centerline of the Elk Park Road; one hundred (100) feet the point of beginning.

HAVING erected thereon a one-story, one family dwelling commonly known as 4544 Elk Park Road, Lake City, Pennsylvania 16423, and bearing Erie County Tax Index No. (24) 8-26-2.01

BEING the same premises which James R. Morgan and Doris M. Morgan, Husband and Wife by Quit Claim deed dated October 19, 2004 and recorded on December 1, 2004 in the office of the recorder of deeds in and for Erie County at book 1193 page 1518 granted and conveyed unto Doris M. Morgan.

PROPERTY ADDRESS: 4544 Elk Park Road, Lake City, PA 16423-1556

PARCEL # (24) 8-26-2.01

Attorney for Plaintiff:

Kevin P. Diskin, Esquire

Stern & Eisenberg, PC

The Pavilion

261 Old York Road, Suite 410

Jenkintown, PA 19046

(215) 572-8111

Aug. 31 and Sept. 7, 14

SALE NO. 32

Ex. #15563 of 2008

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

v.

**DANIELLE M. DIFILIPPO,
Defendants**

SHERIFF'S SALE

By virtue of a Writ of Execution No. 15563-08 U.S. BANK NATIONAL ASSOCIATION TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff

vs. DANIELLE M. DIFILIPPO, Defendants

Real Estate: 3517 MAPLE STREET, ERIE, PA 16508

Municipality: City of Erie, Erie County, Pennsylvania

See Deed Book 1291, Page 634

Tax I.D. (10) 6106-115

Assessment: \$8,300. (Land)

\$37,050. (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

Aug. 31 and Sept. 7, 14

SALE NO. 33

Ex. #12840 of 2011

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

v.

**BRIAN J. REITZ, Defendants
SHERIFF'S SALE**

By virtue of a Writ of Execution No. 12840-2011 U.S. BANK NATIONAL ASSOCIATION TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff vs. BRIAN J. REITZ, Defendants

Real Estate: 6550 ROUTE 6N, EDINBOBO, PA 16412

Municipality: Township of Washington, Erie County, Pennsylvania

See Instrument No. 2010-5254

Tax I.D. (45) 19-41-7.04

Assessment: \$34,100. (Land)

\$34,800. (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

Aug. 31 and Sept. 7, 14

SALE NO. 34

Ex. #11424 of 2012

**Deutsche Bank National Trust
Company as Trustee of the
Residential Asset Securitization**

**Trust 2006-A7CB, Mortgage
Pass-Through Certificates, Series
2006-G under the Pooling and
Servicing Agreement dated
May 1, 2006, Plaintiff**

v.

**JOHN R. EDWARDS, A/K/A
SPARKIE EDWARDS**

PALEMA EDWARDS, A/K/A

PAMELA J. EDWARDS

JONI C. FLORIDA

JORDON M. FLORIDA,

Defendant(s)

**SHORT DESCRIPTION FOR
ADVERTISING**

ALL THAT CERTAIN lot of land situate in Township of LeBoeuf, Erie County, Pennsylvania:

BEING KNOWN AS 14970 Willey Road, Waterford, PA 16441

PARCEL NUMBER: 30-10-52-6.01 IMPROVEMENTS: Residential Property

Amy Glass, Esq.

PA BAR #308367

NJ BAR #13862010

Udren Law Offices, P.C.

Woodcrest Corporate Center

111 Woodcrest Road, Suite 200

Cherry Hill, NJ 08003-3620

856-669-5400

Aug. 31 and Sept. 7, 14

SALE NO. 35

Ex. #11825 of 2012

**GREEN TREE CONSUMER
DISCOUNT COMPANY,
Plaintiff**

v.

**JOSEPH F. FRAZZINI,
Defendant(s)**

DESCRIPTION

All that certain piece or parcel of land situate in the Township of Harborcreek, County of Erie and Commonwealth of Pennsylvania, being Lots Nos. 27, 28, 59 and 60 of Throop Road Gardens Subdivision, of part of Tract No. 220, Harborcreek Township, as per plot of said Subdivision duly recorded in Erie County Map Book 3, pages 206 and 207; having erected thereon a one story frame dwelling more commonly known as 6151 Redwood Drive, Harborcreek, Pennsylvania. Bearing Erie County Tax Index Number (27) 18-33-27
PROPERTY ADDRESS: 6151

Redwood Drive, Harborscreek, PA 16421
KML Law Group, P.C.
Attorney for Plaintiff
Suite 5000, BNY Independence
Center 701 Market Street
Philadelphia, PA 19106
(215) 627-1322

Aug. 31 and Sept. 7, 14

SALE NO. 36

Ex. #11036 of 2012

**BANK OF AMERICA N.A.,
SUCCESSOR BY MERGER
TO BAC HOME LOANS
SERVICING LP, FKA
COUNTRYWIDE HOME
LOANS SERVICING LP,
Plaintiff**

v.

**VINCENT LAMONT MADISON
DEBRA MADISON A/K/A
DEBRA L. MADISON,
Defendant(s)**

DESCRIPTION

All that certain piece or parcel of land situate in the City of Erie (formerly Millcreek Township), County of Erie and Commonwealth of Pennsylvania, bounded and described as follows, to-wit: Being Lot Numbers One (1), Two (2) and Four (4) in Block 6, in C. K. Riblet Subdivision, a part of Reserve Tract No. 53, a plot of which is recorded in Erie County, Pennsylvania Map Book No. 1, pages 96 and 97. Having erected thereon a dwelling more commonly referred to as 2507 Pear Street, Erie, Pennsylvania. And being further identified as Erie County Tax Index Numbers (18) 5120-112, (18) 5120-113, and (18) 5120-114.

PROPERTY ADDRESS: 2507 Pear Street, Erie, PA 16510
KML Law Group, P.C.
Attorney for Plaintiff
Suite 5000, BNY Independence
Center 701 Market Street
Philadelphia, PA 19106
(215) 627-1322

Aug. 31 and Sept. 7, 14

SALE NO. 37

Ex. #10553 of 2012

**FIRST COMMONWEALTH
BANK, Plaintiff**

v.

**HOPE REALTY, LLC, and
KRISTOFOR L. REDINGER
a/k/a KRIS L. REDINGER,
Defendants**

**SHORT DESCRIPTION FOR
ADVERTISEMENT**

All the right, title, interest and claim of Hope Realty, LLC and Kristofor L. Redinger a/k/a Kris L. Redinger, of, in and to the following described real property:

ALL that certain piece or parcel of land situate in the City of Erie, County of Erie, Pennsylvania. HET and being commonly known as 548 E. 22nd Street, Erie, PA 16503. Being Erie County Assessment Index No. 18050021013900, as is further described in the Warranty Deed recorded on June 22, 2006, in Erie County Deed Book Volume 1338, page 1956.

McGrath Law Group, P.C.
Nicholas A. Didomenico, Esquire
PA I.D. No. 93353

Attorneys for Plaintiff
Three Gateway Center, Suite 1375
401 Liberty Avenue
Pittsburgh, PA 15222
(412) 281-4333

Aug. 31 and Sept. 7, 14

SALE NO. 38

Ex. #10063 of 2011

Wells Fargo Bank, N.A.

v.

**Robert G. Smith, Jr.
Dawn M. Smith, a/k/a
Dawn Smith**

SHERIFF'S SALE

By virtue of a Writ of Execution file to No. 10063-11 Wells Fargo Bank, N.A. vs. Robert G. Smith, Jr.; Dawn M. Smith a/k/a Dawn Smith; owner(s) of property situated in the Township of Millcreek, County of Erie, Pennsylvania being 4816 Foxboro Court, Erie, PA 16510 60.34 X 133.09 = 8030.65 Square feet 0.1791 acre

Assessment Map Number:
33107480401400

Assessed Value figure: \$75,470.00
Improvement thereon: Single Family Dwelling

Scott A. Dietterick, Esquire
Kimberly A. Bonner, Esquire
Joel A. Ackerman, Esquire
Ashleigh L. Marin, Esquire

Ralph M. Salvia, Esquire
Jaime R. Ackerman, Esquire
Zucker, Goldberg & Ackerman, LLC
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(908) 233-8500

Aug. 31 and Sept. 7, 14



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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**CALDWELL, ROBERT J., deceased**

Late of Erie Borough, Erie County, PA
Executrix: Jennifer L. Caldwell, 6470 Kelly Drive, McKean, PA 16426
Attorney: Harold G. Caldwell, Esquire, Brann, Williams, Caldwell & Sheetz, 1090 West Main Street, Troy, PA 16947

DYLEWSKI, DORIS L., a/k/a DORIS DYLEWSKI, a/k/a DORIS LUCILLE DYLEWSKI, deceased

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Executor: Gary F. Kuffer, c/o 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508
Attorney: Darlene M. Vlahos, Esquire, 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508

EGGESTON, ROBERT R., deceased

Late of the City of Erie
Administrator: Christine M. McShane, c/o 332 East 6th Street, Erie, PA 16507
Attorney: Evan E. Adair, Esq., Williams and Adair, 332 West 6th Street, Erie, PA 16507-1610

GAMBLE, MARVEL M., a/k/a MARVEL MARIE GAMBLE, deceased

Late of the City of Erie
Administrator: Robert J. Gamble
Attorney: Norman A. Stark, Esquire, The Stark Law Firm, 100 State Street, Suite 210, Erie, PA 16507

HANNA, LORETTA L., a/k/a LORETTA HANNA, deceased

Late of the Township of McKean, County of Erie, State of Pennsylvania
Co-Executors: John A. Hanna, 1900 W. Getz Road, Fairview, Pennsylvania 16415 and Faith E. Heath, 8420 Edinboro Road, Erie, Pennsylvania 16509
Attorney: James R. Steadman, Esq., 24 Main St. E., P.O. Box 87, Girard, Pennsylvania 16417

HESS, JEAN M., a/k/a JEAN HESS, deceased

Late of the City of Corry, Erie County, Pennsylvania
Executor: Charles W. Hess c/o Paul J. Carney, Jr., Esquire, 224 Maple Avenue, Corry, Pennsylvania 16407
Attorney: Paul J. Carney, Jr., Esquire, 224 Maple Avenue, Corry, Pennsylvania 16407

LOREL, JOHN M., deceased

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Executrix: Amber M. Reed, c/o 900 State Street, Suite 104, Erie, PA 16501
Attorney: Summer E. Nichols, II, Esquire, Nichols & Myers, P.C., 900 State Street, Suite 104, Erie, PA 16501

MacKRELL, JOSEPH F., deceased

Late of the City of Erie
Executrix: Elizabeth A. MacKrell, 2905 Greengarden Boulevard, Erie, PA 16508
Attorney: Michael A. Fetzer, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

MUSONE, PATSY L., a/k/a PAT MUSONE, deceased

Late of the Borough of North East, Erie County, Pennsylvania
Executor: Jason Musone, 39 West Lexington #1104, Baltimore, MD 21201
Attorney: Leigh Ann Orton, Esq., Knox McLaughlin Gornall & Sennett, P.C., 11 Park Street, North East, PA 16428

SAYERS, GUY SCOTT, deceased

Township of Washington, Erie County, Pennsylvania
Executor: Wendy Sayers, c/o McCarthy, Martone & Peasley, 150 West Fifth Street, Erie, Pennsylvania 16507
Attorney: Joseph P. Martone, Esq., McCarthy, Martone & Peasley, 150 West Fifth Street, Erie, Pennsylvania 16507

WELLS, GARY LEE, SR., a/k/a GARY LEE WELLS, SR., deceased

Late of the Township of Erie, County of Erie and State of Pennsylvania
Executor: Denise A. Wells, c/o 820 Hess Ave., Erie, PA 16503
Attorney: None

SECOND PUBLICATION**CARSON, BRADLEY R., deceased**

Late of the City of Erie, PA
Executor: Brian J. Carson, 941 West 36th Street, Erie, PA 16508
Attorney: None

DYLEWSKI, CASIMER A., deceased

Late of the City of Erie, Commonwealth of Pennsylvania
Executrix: Helen Ann Gangemi, 240 Locust Street, Erie, Pennsylvania 16508
Attorney: Richard A. Vendetti, Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

**JOHNSON, EDNA M.,
deceased**

Late of Conneaut Township,
County of Erie and
Commonwealth of Pennsylvania
Executrix: June Peacock
Attorney: Edward P. Wittmann,
Esquire, Elderkin Law Firm, 150
East 8th Street, Erie, PA 16501

**KAPSANIS, JOANNE,
deceased**

Late of the City of Erie, County
of Erie, Pennsylvania
Executor: David N. Kapsanis,
c/o 150 West Fifth St., Erie, PA
16507
Attorney: Colleen C. McCarthy,
Esq., McCarthy, Martone &
Peasley, 150 West Fifth St., Erie,
PA 16507

**KLAN, MARGARET H.,
deceased**

Late of Millcreek Township,
County of Erie, Commonwealth
of Pennsylvania
Executor: Edward J. Klan, 3226
Berkeley Road, Erie, PA 16506
Attorney: Michael P. Robb,
Esquire, Savinis, D'Amico,
& Kane, LLC, 707 Grant
Street, Suite 3626 Gulf Tower,
Pittsburgh, PA 15219

**KUNZ, ALFRED NORBERT,
a/k/a ALFRED N. KUNZ,
deceased**

Late of Millcreek Township,
County of Erie and
Commonwealth of Pennsylvania
Co-Executors: Alfred Jerome
Kunz and Jerome Michael Kunz
Attorney: Thomas J. Minarcik,
Esquire, Elderkin Law Firm, 150
East 8th Street, Erie, PA 16501

**NEUBAUER, LAWRENCE J.,
deceased**

Late of the City of Erie, County
of Erie, Pennsylvania
Executor: Lawrence S. Neubauer,
c/o 6350 Meadowrue Lane, Erie,
PA 16505
Attorney: Scott E. Miller,
Esquire, 6350 Meadowrue Lane,
Erie, PA 16505

**SKITKA, GEORGE,
deceased**

Late of Millcreek Township
Executrix: Jill M. Hunt, 10904 Rt.
97 North, Waterford, PA 16441
Attorney: Jerome C. Wegley,
Esq., Knox McLaughlin Gornall
& Sennett, P.C., 120 West Tenth
Street, Erie, PA 16501

**STELLMACK, MARTHA A.,
a/k/a MARTHA ANN
STELLMACK,
deceased**

Late of the City of Wellton,
County of Yuma, and State of
Arizona
Executor: James Grygier, P.O.
Box 252, Wellton, AZ 85356
Attorney: Robert E. McBride,
Esquire, 32 West Eighth Street,
Suite 600, Erie, Pennsylvania
16501

**ZEBROWSKI, EDWARD,
deceased**

Late of Millcreek Township, Erie
County, Pennsylvania
Executrix: Martha K. Zebrowski,
c/o 900 State Street, Suite 215,
Erie, PA 16501
Attorney: Mary Alfieri Richmond,
Esquire, 900 State Street, Suite
215, Erie, PA 16501

THIRD PUBLICATION

**ALTIMUS, GLEN, a/k/a
GLEN L. ALTIMUS,
deceased**

Late of the Township of North
East, County of Erie, State of
Pennsylvania
Executor: Gary Altimus, 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

**BUSCH, KYLE J.,
deceased**

Late of Millcreek Township,
County of Erie, and
Commonwealth of Pennsylvania
Executors: Lisa M. Litowkin,
3516 Hearst Castle Way, Plano,
TX 75025 and Thomas S.
Kubinski, Esquire, 135 East 6th
Street, Erie, PA 16501
Attorney: Thomas S. Kubinski,
Esquire, The Gideon Ball House,
135 East 6th Street, Erie, PA
16501

**DAVIDSON, EVA JEAN, a/k/a
E. JEAN DAVIDSON, a/k/a
JEAN DAVIDSON,
deceased**

Late of the City of Erie, County
of Erie, and Commonwealth of
Pennsylvania
Executor: Jay S. Davidson,
460 West 28th Street, Erie,
Pennsylvania 16508
Attorney: Robert E. McBride,
Esquire, 32 West Eighth Street,
Suite 600, Erie, Pennsylvania
16501

**HEATON, TERESA E., a/k/a
TERESA HEATON,
deceased**

Late of the Borough of Edinboro,
County of Erie and State of
Pennsylvania
Co-Executrices: Wendy Sue
Oakley and Diane Lee Crowl, c/o
David R. Devine, Esq., 201 Erie
Street, Edinboro, PA 16412
Attorney: David R. Devine, Esq.,
201 Erie Street, Edinboro, PA
16412

**HOYT, IVAN L.,
deceased**

Late of North East Borough, Erie
County, North East, Pennsylvania
Co-Executors: Charlotte A. Eidell
and Jeffery V. Hoyt, 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

MacDOUGALL, JAMES DONALD, deceased

Late of the Township of Harborcreek, County of Erie, State of Pennsylvania
Administrator: Allan MacDougall, 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

MAISNER, STANLEY, deceased

Late of the Township of Summit, County of Erie, State of Pennsylvania
Administrator: Stanley J. Maisner, 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

MAITLEN, MARCELLA, deceased

Late of the Township of Fairview, County of Erie, State of Pennsylvania
Executrix: Kathleen A. Clifford, 231 Chestnut Street, Girard, Pennsylvania 16417
Attorney: Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, Pennsylvania 16417

PFADT, JEANNE E., deceased

Late of the City of Erie, County of Erie, and Commonwealth of Pennsylvania
Executor: Ellen A. Pfadt, 230 Fieldstone Way, Erie, PA 16505
Attorney: Thomas S. Kubinski, Esquire, The Gideon Ball House, 135 East 6th Street, Erie, PA 16501

PINKSTON, ROOSEVELT, JR., deceased

Late of the City of Erie
Executrix: Patrice L. Haas, c/o 332 East 6th Street, Erie, PA 16507-1610
Attorney: Evan E. Adair, Esq., Williams and Adair, 332 East 6th Street, Erie, PA 16507-1610

SCHRANTZ, WILLIAM F., deceased

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executor: William J. Schrantz, 5 Katrine Court, Stafford, VA 22556
Attorney: None

SHIGO, PHYLLIS A. POTTER, a/k/a PHYLLIS ANN POTTER SHIGO, deceased

Late of the Borough of North East, Erie County, Pennsylvania
Executrix: Cathleen A. Thompson, 77 E. Division Street, North East, PA 16428
Attorney: Leigh Ann Orton, Esq., Knox McLaughlin Gornall & Sennett, P.C., 11 Park Street, North East, PA 16428

WEISLOGEL, ORVILLE W., a/k/a ORVILLE WALLACE WEISLOGEL, deceased

Late of the Township of Fairview, County of Erie and State of Pennsylvania
Executor: Randy A. Weislogel, c/o David R. Devine, Esq., 201 Erie Street, Edinboro, PA 16412
Attorney: David R. Devine, Esq., 201 State Street, Edinboro, PA 16412

WOLL, LOIS K., deceased

Late of Erie County, Pennsylvania
Administrator: Richard F. Woll, c/o Peter J. Sala, Esquire, 731 French Street, Erie, PA 16501
Attorney: Peter J. Sala, Esquire, 731 French Street, Erie, PA 16501

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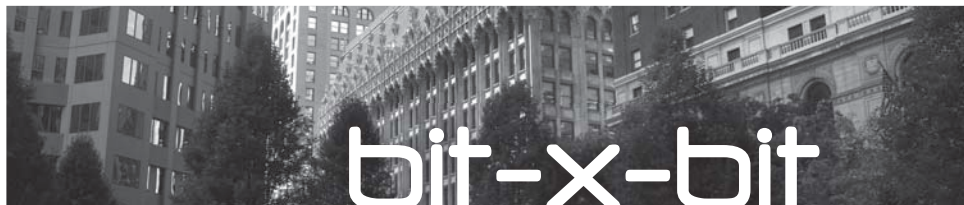
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