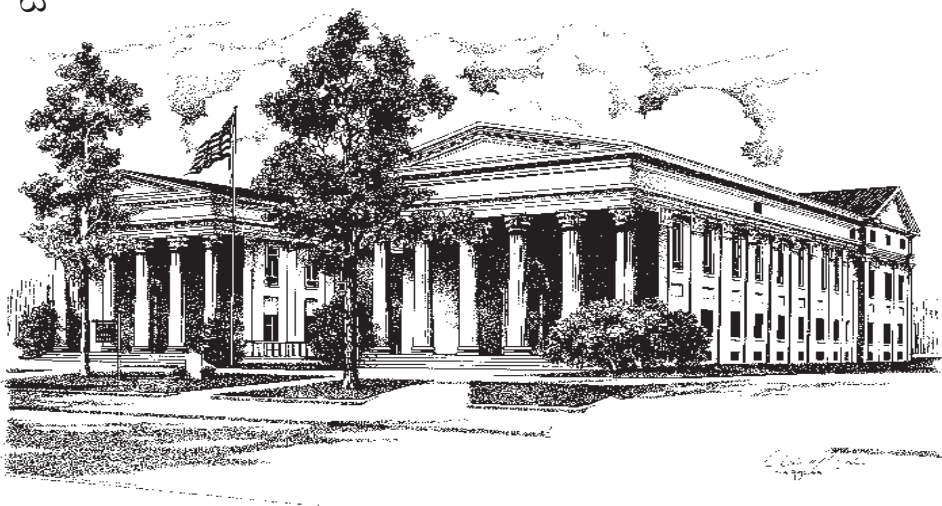


*Erie  
County  
Legal  
Journal*

September 6, 2013

Vol. 96 No. 36

USPS 178-360



---

96 ERIE 27 - 41  
S.J.S. v. M.J.S.

---

# Erie County Legal Journal

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

Managing Editor: Heidi M. Weismiller

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

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

The *Erie County Legal Journal* makes no representation as to the quality of services offered by an advertiser in this publication. Advertisements in the *Erie County Legal Journal* do not constitute endorsements by the Erie County Bar Association of the parties placing the advertisements or of any product or service being advertised.

## INDEX

<b>NOTICE TO THE PROFESSION</b> .....	4
<b>OPINION</b> .....	10
<b>BANKRUPTCY COURT</b> .....	37
<b>COURT OF COMMON PLEAS</b>	
Certificate of Authority .....	38
Incorporation Notices .....	38
Organization Notice .....	38
Legal Notices .....	38
Sheriff Sales .....	40
<b>ORPHANS' COURT</b>	
Estate Notices .....	51
<b>CHANGES IN CONTACT INFORMATION FOR ECBA MEMBERS</b> .....	55

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 2013©) 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

---

## THURSDAY, SEPTEMBER 12, 2013

*The 2013 Custody Rules: Changes that Effect our  
Daily Practice*

ECBA Live Lunch-n-Learn Seminar  
The Erie Club

12:15 p.m. - 1:15 p.m. (11:45 a.m. reg./lunch)

\$35 (ECBA member/non-attorney staff)

\$53 (nonmember)

\$24 (ECBA member Judge not needing CLE)

1 hour substantive

## THURSDAY, SEPTEMBER 19, 2013

ECBA Young Lawyers Division

Oktoberfest

The BrewErie

5:30 p.m. - 7:30 p.m.



Erie County Bar  
Association



@eriepabar

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

### 2013 BOARD OF DIRECTORS ————— John M. Quinn, Jr., President

Edwin W. Smith, First Vice President

Richard A. Lanzillo, Second Vice President

Donald F. Fessler, Jr., Past President

Valerie H. Kuntz, Treasurer

Melissa H. Shirey, Secretary

Bradley K. Enterline

Lisa R. Ferrick

Craig A. Markham

Craig Murphy

Raymond A. Pagliari

Eric J. Purchase

Christopher J. Sinnott

Eugene C. Sundberg, Jr.

Adam J. Williams

Gregory P. Zimmerman

**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 2013 NOTICE**

The following is a list of *September 2013, October 2013 and November 2013* 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](http://www.pawb.uscourts.gov). ***The motions will be heard in the Bankruptcy Courtroom, U.S. Courthouse, 17 South Park Row, Erie, PA 16501.***

**ERIE CH. 13 AND CH. 7 CASES**

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

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

Wednesday, September 11, 2013	
Friday, September 27, 2013 NOT AVAILABLE	<i>NOTE: Please be sure to choose the correct, revised times below.</i>
date has been changed to	
Wednesday, September 25, 2013**	9:30 a.m.: Open for all Erie matters
Wednesday, October 9, 2013	10:00 a.m.: Open for all Erie matters
Wednesday, November 6, 2013	10:30 a.m.: Open for all Erie matters

*\*\* All matters scheduled for Friday, September 27, 2013 have been rescheduled to Wednesday, September 25, 2013*

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 12, 2013	10:30 a.m.: Open for all Erie matters
Thursday, October 3, 2013	11:00 a.m.: Open for all Erie matters***
Thursday, October 17, 2013	11:30 a.m.: Sale Motions at this time, only
Thursday, November 7, 2013	
Thursday, November 22, 2013	***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.*



**ERIE COUNTY LEGAL JOURNAL**  
NOTICE TO THE PROFESSION

Jodie M. Thies-Abrams	Jason A. Abrams	10282-2005
Bruce Zeigler	Kelly Zeigler	10332-2005
Jason E. Lockwood	Jennifer A. Lockwood	10340-2005
John F. Cooley	Ebony Fleming Cooley	10399-2005
Terri A. Coleman	Justin Coleman	10410-2005
Debra H. Seneta	John Seneta	10421-2005
Richard W. Starks	Linda S. Starks	10448-2005
Clare M. Terrill	Joseph W. Terrill	10505-2005
Carol S. Barnes	John D. Barnes	10557-2005
Athena M. Bonfa	Steven J. Bonfa	10558-2005
Jenine Frank	Douglas Frank	10572-2005
Joyce Ann Williamson	Ronald W. Williamson	10611-2005
Carl Duncan	Doris Duncan	10612-2005
Leslie Ann Davis	Jonathan David Davis	10614-2005
Sally H. Grace	Kevin J. Grace	10725-2005
Maurice P. Foley	June Robinson	10780-2005
William F. Page	Melanie Page	10919-2005
David Chylinski	Elma Chylinski	10924-2005
Timothy R. Morrison	Susan L. Morrison	10969-2005
Michael J. Renzi	Linda A. Renzi	10970-2005
Thurston Mills	Jacqueline M. Mills	10976-2005
Nicole J. Thompson	Brian T. Thompson	10996-2005
Heather Oxford	Christopher M. Oxford	11007-2005
William A. McCallum, Sr	Patricia A. King-McCallum	11053-2005
Robert D. Lyons, Jr	Sherry C. Lyons	11055-2005
Mary Ann Tillman	Thomas L. Tillman	11061-2005
Jennene L. Richards	Michael D. Richards	11108-2005
Robinso Hall	Jennifer Hall	11321-2005
Brian Fuller, Jr	Daniella Galliano Fuller	11339-2005
Norma C. Rodriguez	Alfredo B. Rodriguez	11347-2005
April L. Chase	Mark N. Chase	11360-2005
Christine B. Cook	Allan G. Cook	11391-2005
James H. Anderson	Cynthia Ann Anderson	11435-2005
Shirley M. Draskiewicz	Gregory J. Draskiewicz	11493-2005
Barbara J. Gray	Billie L. Gray	11521-2005
Ghalibh H. Al-Harbi	Muna Al-Harbi	11526-2005
Leah Jo Therasse	Robert S. Nagy	11536-2005
Alice M. Ambrose-Fisher	Joseph C. Ambrose	11543-2005
Jennifer A. Harvey	John S. Harvey	11566-2005
Theresa M. Gamble	Erik F. Mildner	11587-2005
Yekaterina V. Snihur	Viktor V. Snihur	11635-2005
Mary Jude	Matthew Jude	11753-2005
Joseph Maas ,III	Shelly Lindenberger	11754-2005
Diana L. Reagle	Matthew C. Reagle	11791-2005
Anna Hoang	Duc Lee Hoang	11814-2005
Antoine P. Le Ber	Kathleen Le Ber	11845-2005
Saundra E. Stewart	Leroy Stewart	11895-2005
David R. Marchionna	Shannon M. Marchionna	11927-2005

**ERIE COUNTY LEGAL JOURNAL**  
**NOTICE TO THE PROFESSION**

Charles J. Kirkpatrick	Kathryn B. Kirkpatrick	11935-2005
Mary Kathryn Fromknecht	Glen Fromknecht	11965-2005
Atilla Horvath	Robin Horvath	11966-2005
David Lee Thomas	Tina Jenkins-Thomas	12035-2005
Barbara A. Russo	Frank J. Russo	12100-2005
Shatasha L. Nelson	Andre O. Nelson	12102-2005
Jeannette M. Metzler	Donald A. Metzler, Sr	12107-2005
Terrance V. Pacley	Josetta Lyn Mecci	12124-2005
Janice Bittner	Donald E. Bittner	12146-2005
Sheryl D. Seaman	Dan Seaman	12149-2005
Shawnn Y. Lanier	Ely K. Lanier	12319-2005
Sue E. Spencer	Cecil R. Spencer	12370-2005
Terry Hooks	Juanita Hooks	12371-2005
Tina M. Swartz	Daniel Swartz	12428-2005
Robin E. Green	Robert H. Green	12570-2005
Jefferay Thomas Craven	Paulette Ann Craven	12621-2005
Bob R. Pollock	Michelle Lucas	12734-2005
Tracy L. Ferguson-Phelps	Ronald L. Phelps	12772-2005

Sept. 6

**NOTICE OF PROPOSED TERMINATION OF DIVORCE CASE**

Plaintiff : IN THE COURT OF COMMON PLEAS  
 VS. : OF ERIE COUNTY, PENNSYLVANIA  
 Defendant : FAMILY DIVISION

The Court intends to terminate this case without further notice because the docket shows no activity in the case for at least two years.

You may stop the Court from terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed should be filed with the Prothonotary's Office at the Erie County Courthouse, 140 West Sixth Street, Room 120, Erie, Pennsylvania 16501 on or before October 9, 2013.

The Statement of Intention to Proceed shall be in the following form:

(Caption)

Statement of Intention to Proceed

To the Court:

\_\_\_\_\_(name)\_\_\_\_\_ intends to proceed with the above captioned matter.

Date: \_\_\_\_\_ (Signature) \_\_\_\_\_  
 Attorney for \_\_\_\_\_

**If you fail to file the required Statement of Intention to Proceed, the case will be terminated.**

Peter E. Freed, Deputy Court Administrator

<b>PLAINTIFF</b>	<b>DEFENDANT</b>	<b>Docket #</b>
Ryan E. Hallmark	Kelly M. Hallmark	12820-2005

**ERIE COUNTY LEGAL JOURNAL****NOTICE TO THE PROFESSION**

Andrew L. Hinspeter	Catherine M. Hinspeter	12852-2005
Patty Bianchi	William Leo Schroeck	12858-2005
William H. Adams	Ok I. Adams	12959-2005
Carl P. Minnitte	Jennifer J. Minnitte	12964-2005
Tamara Newaskovskiy	Viktor Nedaskovskiy	12995-2005
Michelle L. Roth	Darin Roth	13001-2005
Patricia Contreras	Aaron Contreras	13016-2005
Mary K. Renaud	Gerald A. Renaud	13064-2005
Jeffery S. Semczuk	Rebecca L. Semczuk	13066-2005
Ramon L. Nunez	Terry A. Nunez	13067-2005
Ramon Valazquez	Patricia Ann Valazquez	13071-2005
Kimberely A. Miehler	Gary J. Miehler	13099-2005
Shelia J. Gantz	Thomas L. Gantz	13187-2005
Terry Wallace	Tina Wallace	13298-2005
Matthew Clement	Lisa Clement	13361-2005
Carol S. Barnes	John D. Barnes	13397-2005
Jeffery A. Schultz	Chel Maree Schultz	13445-2005
David Lee Curtis	Collette D. Curtis	13470-2005
Marion L. Irwin-Bliss	Joel R. Bliss	13472-2005
Janet Glover	Michael Glover	13507-2005
Patricia J. Jassak	David A. Jassak	13570-2005
Linda J. Blount	Timothy J. Blount	13606-2005
Edward M. Gieza, III	Sharie E. Gieza	13635-2005
Heather A. Mesmer	Charles B. Denardi, Jr.	13687-2005
Leona I. Folmar	Chester J. Folmar	13719-2005
Richard A. Macormac	Kolenda L. Macormac	13725-2005
Patricia A. Christmas	Donald E. Christmas	13786-2005
Irena Wantusiak	Marek Wantusiak	13922-2005
Richard Alaniz, Jr.	Diane L. Alaniz	13930-2005
Tamika Daniel	Markeis Daniel, Sr.	13997-2005
Harold Reddinger	Elaine Reddinger	14019-2005
Harold Crisswell	Sue Ann Crisswell	14033-2005
Em V. Lam	Hanh P. Lam	14103-2005
Robert O. Anderson	Jeanette J. Anderson	14105-2005
Saha Meskovic	Ermin Meskovic	14106-2005
Kimberly Day	Kevin W. Day	14114-2005
Stacey L. Casella	Robert G. Casella	14127-2005
Loan T. Nyguen	Tu T. Nyguen	14131-2005
Paula J. Robertson	Timothy R. Robertson	14181-2005
John W. Waddell	Teresa A. Waddell	14211-2005
Robert G. Casella	Stacey L. Casella	14212-2005
M Tal Hindson	Judith L. Hindson	14225-2005
Deborah R. Reynolds	Kenneth E. Reynolds	14262-2005
Frank Martino	Caroline Martino	14264-2005
Charles C. Hirtzel	Jennifer L. Hirtzel	14267-2005
John M. Marucci	Anna M. Marucci	14308-2005
Valentino R. Coccarelli, Jr.	Angela M. Coccarelli	14336-2005
Kathleen D. Rogers	Kirk J. Rogers	14550-2005



**ERIE COUNTY LEGAL JOURNAL**

**NOTICE TO THE PROFESSION**

Jovietta M. Waters	Charles E. Waters	14576-2005
Robert M. Roesch	Steffani Roesch	14583-2005
Ronald R. Angelotti	Gail M. Angelotti	14621-2005
Brian Dennington	Krista Dennington	14623-2005
Mary V. Snyder	Gregory A. Snyder	14647-2005
Norma Jean Fogle	Raymond Richard Fogle	14780-2005
Shelly M. Payne	William E. Payne	14794-2005
Richard A. Jacobitz	Tina L. Jacobitz	14811-2005
Heidi J. McLallen	Todd M. McLallen	14815-2005
Christine M. Steele	Tracy L. Steele	14852-2005

Sept. 6

---

**ERIE COUNTY  
SHERIFF SALE SCHEDULE FOR THE YEAR 2014**

**LAST DATE TO FILE**

December 2, 2013  
January 3, 2014  
February 3, 2014  
March 3, 2014  
April 1, 2014  
May 1, 2014  
June 2, 2014  
July 1, 2014  
August 1, 2014  
August 29, 2014  
November 3, 2014

**DATE OF SALE**

February 21, 2014  
March 21, 2014  
April 25, 2014  
May 23, 2014  
June 20, 2014  
July 25, 2014  
August 22, 2014  
September 19, 2014  
October 17, 2014  
November 21, 2014  
January 23, 2015

**NO SALE IN DECEMBER**

Sept. 6

**S.J.S.****v.****M.J.S.***FAMILY LAW / CHILD CUSTODY*

In a child custody case, the appellant must prove that the trial court abused its discretion, to be successful on appeal. To prove an abuse of discretion, the appellant must show that the trial court's factual findings are not supported by competent evidence of record, or that the trial court's conclusions are unreasonable or that the trial court misapplied the law.

*FAMILY LAW / CHILD CUSTODY*

To qualify as a relocation case under the Child Custody Act, there must be a break in the continuity and frequency of contact between the child and the non-relocating parent that threatens significant impairment to the non-relocating parent's ability to exercise his or her custodial rights.

*FAMILY LAW / CHILD CUSTODY*

In a relocation case, the burden of proof is to be placed upon the party proposing to relocate to prove that the relocation will serve the best interests of the child under the factors specified in the Child Custody Act in section 5337(h).

*FAMILY LAW / CHILD CUSTODY*

When a Court is deciding a proposed relocation at the same time as deciding an initial final custody award, the relocation analysis must be part of the overall broader best interests analysis that the Court must perform using the factors set forth in section 5328(a) of the Child Custody Act as the factors in section 5337(h) take into account only the concerns related to relocation. The Court must undertake a dual review of factors in both sections.

*FAMILY LAW / CHILD CUSTODY*

It is proper for the trial court to determine that the elimination of weekly custodial periods with the non-relocating parent would have a detrimental impact on the child if allowed to relocate with the moving parent, specifically as it relates to the bond between the child and the non-relocating parent and the child's emotional development. Extended custody time over the summer, holiday and school breaks is not a sufficient substitute for the regular, weekly contact between the child and the non-relocating parent.

*FAMILY LAW / CHILD CUSTODY*

In a relocation case, it is proper for the Court to give weight to one parent's role as the primary caretaker, however, this role is only one part of the overall analysis that must be performed by the Court and it is not dispositive. It is also proper for the Court to consider the other parent's ability to be the primary caretaker for the children if the children are not permitted to relocate.

*FAMILY LAW / CHILD CUSTODY*

In a relocation case, the impact upon the child of having to switch schools is proper for the trial court to consider in evaluating the child's stability. Further, a comparison analysis of the schools should be undertaken if one parent is asserting a better educational opportunity is available to the children if permitted to relocate.

*FAMILY LAW / CHILD CUSTODY*

While necessity is not required for the Court to find in granting relocation, the parent

seeking to relocate needs to show that the motive for the relocation is not that parent's own self-serving reasons and desires.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA  
FAMILY DIVISION - CUSTODY NO. 11777-2008

Appearances: Stacey K. Baltz, Esquire  
Zanita A. Zacks-Gabriel, Esquire  
Office of Custody Conciliation

### **MEMORANDUM OPINION**

Trucilla, J., Judge

October 18, 2012: This matter is before the Court upon, Appellant, S.J.S.'s, appeal of this Court's August 24, 2012 Memorandum Opinion and Order (hereinafter: "Memorandum Opinion") regarding custody of the minor children, C.S., born March 10, 2002, and E.S., born November 11, 2004. Appellant is the Mother and Appellee, M.J.S., is the Father. Notably, because this case involves custody of minor children, it qualifies as a children's fast-track appeal pursuant to Pa.R.A.P. 102. In accordance with Pa.R.A.P. 1925(a)(2), S.J.S. filed her Statement of Matters Complained of on Appeal (hereinafter: "Mother's Statement") on September 19, 2012. This opinion, pursuant to PA.R.A.P. 1925(a)(2) demonstrates that Mother's appeal and request for relief must be dismissed.

### **FACTUAL & PROCEDURAL HISTORY**

This appeal involves a request by Mother to relocate the children to Buckingham, Pennsylvania (hereinafter: "Buckingham") from Erie, Pennsylvania (hereinafter: "Erie"), which is a move of over 400 miles. Mother desires to be awarded final primary custody and to reside in Buckingham with her independently wealthy "life partner," A.M., whom she met on the Internet. Mother and the children have no family in Buckingham, and the children have only had contact with A.M. on an intermittent basis. Up until this point, both parties' and the children's entire lives have been centered in Erie. Father objects to Mother's proposed move with the children.

In this Court's Memorandum Opinion it set forth the relevant procedural and factual history, which is hereby incorporated by reference. However, in response to Mother's Statement and due to her number of claims, additional details are set forth below.

The parties were married in November of 2001. Separation came in June of 2008 when Father learned of Mother's relationship with A.M. Since the parties' separation in June of 2008, Mother and Father were following an informal custody arrangement by mutual agreement, wherein Mother was the primary custodian and Father maintained regular partial custody periods. On May 9, 2012, Mother mailed a Notice of Relocation to Father, however, she mailed it to an incorrect address. She subsequently served Father with a proper Notice of Relocation on May 17, 2012. Father filed a formal Custody Complaint on May 16, 2012 in an effort to prohibit Mother from relocating with the children. On May 29, 2012, Father filed a Counter-Affidavit regarding relocation which indicated that he objected to the proposed relocation and to Mother's proposed custody arrangement. As

a result of these motions, a custody conciliation conference was held on June 13, 2012. At the conference, the parties were able to come to an agreement where Father was afforded weekly custody periods pending resolution of the relocation request advanced by Mother.

On July 25, 2012, an adversarial hearing was held in the matter. At the hearing, testimony was taken from several witnesses on behalf of Mother. As discussed on the record, the Court did not find that testimony from Father, or any of the witnesses identified in Father's pretrial narrative statement, necessary because Father's fitness, competence, and capability to parent the children were never at issue. In fact, these issues were conceded by Mother. *See* Notes of Testimony (hereinafter: "N.T."), 7/25/12, at 213. Also, it was undisputed at trial that Father has formed a deep-seated emotional bond with both minor children and has consistently been a part of the children's lives since birth.

On August 24, 2012, this Court issued a Memorandum Opinion, denying Mother's request for relocation and holding that the June 13, 2012 Order would become final and remain *status quo*, wherein Mother would remain primary custodian of the children in Erie. The Court ordered, however, that if Mother decided to move away from the Erie area, Father would become primary custodian of the children pursuant to their best interests. This Court reached this conclusion in accordance with the Child Custody Act, 23 Pa.C.S. §§ 5321-5340. Specifically, this Court's decision was governed by a dual review of § 5337(h) regarding relocation and the best interests analysis of § 5328(a).

On September 19, 2012, Mother filed a Notice of Appeal from this Court's Memorandum Opinion, as well as her Statement of Matters Complained of on Appeal. In Mother's Statement, she asserts fourteen reasons why this Court erred in reaching its decision regarding custody in this case.

For the reasons set forth below, Mother's issues on appeal are without factual and legal merit. Therefore, Mother's appeal from this Court's Memorandum Opinion governing custody of C.S. and E.S. must be **DISMISSED**.

### **DISCUSSION**

In Mother's Statement, she asserts fourteen reasons why this Court erred in issuing its Memorandum Opinion regarding custody of C.S. and E.S. After a careful review of Mother's claims, this Court has determined that its factual findings are supported by competent evidence of record, its conclusions are reasonable, it has not misapplied the law and, consequently, has not abused its discretion in addressing issues of custody herein. Therefore, Mother's claims should be dismissed.

Under well-established child custody law in Pennsylvania, in order for Mother to succeed in her claims she must prove that this Court abused its discretion. Specifically, our Superior Court in *C.M.K. v. K.E.M.*, 45 A.3d 417, 421 (Pa. Super. 2012), set forth the following as the standard of review in a challenge to a trial court's order addressing a request to relocate and to modify custody:

[O]ur scope is of the broadest type and our standard is abuse of discretion. This Court must accept findings of the trial court that are supported by competent evidence of record, as our role does not include making independent factual determinations. In addition, with regard to issues of credibility and weight of the evidence, this Court must defer to the trial judge who presided over the proceedings and thus viewed the witnesses first hand. However, we are not bound by the trial court's deductions or inferences from its factual findings. Ultimately,

the test is whether the trial court's conclusions are unreasonable as shown by the evidence of record. We may reject the conclusions of the trial court only if they involve an error of law, or are unreasonable in light of the sustainable findings of the trial court.

The reasons for dismissing Mother's issues on appeal are addressed in this Court's Memorandum Opinion. Therefore, this Court primarily relies on the merits of that opinion to demonstrate that Mother's instant claims do not warrant relief.

Further, this Court is also guided by the holding set forth in *C.M.K.*, *supra*. *C.M.K.* is a recently decided relocation case which utilized the provisions of the Child Custody Act. Specifically, *C.M.K.* confronted similar and analogous facts to the current case and applied the factors set forth in § 5337(h).

Factually, *C.M.K.* concerned custody and relocation of one minor child. See *C.M.K.*, at 419-28. The mother was the primary custodian of the child, and similar to the instant case, the father had partial custody every Wednesday and every other weekend. *Id.* Also consistent with the current case, the child enjoyed a good relationship with both parents. *Id.* Both parents were deemed to be fit and competent caregivers. *Id.* The parties lived in Grove City, Pennsylvania (Mercer County) from at least the child's birth in 2004 until they separated in 2008. *Id.* The record demonstrated that the child had a strong family unit in Grove City and several friends. *Id.* In 2011, the mother proposed relocation of the child to Albion, Pennsylvania (Erie County), encompassing a distance of 68 miles from Grove City. *Id.* The mother had immediate family and several relatives living in Albion. *Id.* However, the mother's primary motive to relocate was premised on her prospects of an increased job opportunity as a partner in an insurance company with the hope of economic improvement. *Id.* The mother offered the father a substitute partial custody schedule which would effectively eliminate weekday visitation. *Id.* The father opposed the relocation. *Id.* The trial court denied the relocation and the Superior Court affirmed the trial court's finding. *Id.*

The Superior Court found that the case qualified as a "relocation" case under the Child Custody Act because "Mother's proposed relocation would break the continuity and frequency of Father's involvement with Child and therefore threatens significant impairment of Father's ability to exercise his custodial rights." *Id.* at 426. After making this determination, the Superior Court continued and assessed the case pursuant to § 5337(h) of the Child Custody Act. *Id.* at 427-29. Upon conclusion of its assessment, the Superior Court affirmed the trial court's holding that relocation was not in the best interests of the child. *Id.* at 429. In affirming the trial court, the Superior Court favorably cited the trial court's reasoning, stating that relocation of the child would "have a negative impact on Child's emotional development and on his bond with Father and other relatives and friends." *Id.* at 428. The Superior Court recognized that the elimination of the "critical" weekly custody periods that the child had with father would have a detrimental impact on the child. *Id.* Moreover, the Court emphasized that the child did not have an "equally strong support system from Mother's family in the Albion area" and would have to "adjust to Mother's family, as well as to his new neighborhood, school, and surrounding area." *Id.* at 427-28. Further, the Court found that the mother's asserted economic improvements were speculative. *Id.* at 428. Ultimately, the Court found that the benefits of moving the child to

Albion were minor and were outweighed by the best interest considerations of remaining in Grove City. *Id.* at 428-29.

Turning to the facts *sub judice*, if the children were permitted to relocate to Buckingham, Father's regular consistent custody periods with the children would be eliminated thereby resulting in a negative impact on the children's emotional development and their bond with father. *See also C.M.K.* at 428. Moreover, as was determined in *C.M.K.*, this breach in the regular weekly contact with Father would "jeopardize [Child's] relationship with Father, Father's family and [Child's] friends." *Id.* at 428. Additionally, as was the case in *C.M.K.*, Mother's economic prospects in Buckingham are speculative. In fact, in the instant case, Mother has no job in Buckingham and only has an interview, which is even more tenuous than the mother's circumstance in *C.M.K.* Further, as the Court in *C.M.K.* considered, the children will have to adjust to an entirely new set of surroundings and group of friends. *Cf. C.M.K.* at 427-28.

To further illustrate how damaging the relocation would be in this case, the distance considered for relocation from Father and family is over 400 miles. That distance is more than six times farther than the move which was proposed and denied by the Court in *C.M.K.* *Id.* at 429. Continuing, Mother's proposed relocation to Buckingham would take the children to a new school with no friends and none of Mother's family present. This is vastly different from the significant family ties that the children in *C.M.K.* would have if Mother was permitted to relocate to Albion. *Id.* at 426-28. Again, in this case, Mother is only relying on her relationship with A.M. to assist in stabilizing the children's lives in Buckingham. The current set of facts is even more egregious than those set forth in *C.M.K.* wherein relocation was denied. Therefore, applying the holding and rationale of *C.M.K.* to these facts, dismissal of Mother's requested relief is warranted.

Consequently, this Court cites your Honorable Court to the Memorandum Opinion and the holding in *C.M.K.* to deny Mother's appeal. However, to the extent that Mother has raised fourteen issues in her appeal, each will be addressed *ad seriatim*.

A. Issue One

First, Mother argues:

The Trial Court erred in failing to give proper weight to the role of Mother as primary caretaker of the children, in determining that Mother should have primary custody of the children unless she relocates to Buckingham, Pennsylvania, but then failing to award Mother primary custody of the children in Buckingham, Pennsylvania.

*See* Mother's Statement ¶ 1.

Here, Mother misinterprets the Court's holding. This Court did, in fact, give weight to Mother's role as a primary caregiver. *See* Memorandum Opinion at 21 (discussing § 5328(a) (3), which this Court noted favored Mother as primary custodian). To that end, this Court found that if Mother stayed in Erie she would remain primary caregiver. However, this Court found that if Mother were to leave the Erie area, it would not be in the children's best interests to go with her. Rather, the children's best interests would be served by remaining in Erie, where their entire lives were centered. After weighing all custody factors, this Court found that it was in the children's best interests to remain in Erie, whether it was

with Father or Mother. In sum, Mother's role as a primary caregiver was given significant weight by this Court, but was outweighed by the factors militating against awarding Mother primary custodianship in Buckingham. *See* Memorandum Opinion at 14-26.

Moreover, Mother is misguided in her argument regarding how much weight should be given to her role as primary caretaker of the children. By the plain language of § 5328(a) and §5337(h), a party's role in caring for the child is only part of the overall analysis that must be performed. The Court assessed Mother's role and weighted it accordingly. Importantly, this Court also scrutinized Father's role as a caregiver for the girls. Historically, Father was credited with caring for the children before the parties' separation in June of 2008. Although Mother can claim the role as primary caregiver for the children, her role was not in a vacuum or without substantial assistance from Father. In fact, it was undisputed at trial that Father was a fit parent capable of primarily caring for the children. Mother admitted that if relocation were denied, she "would consider and let [Father] have primary custodianship." *See* N.T. at 170. Consequently, this Court's assessment of Mother as primary caregiver explored the comparative role of each parent as caregivers and gave Mother the proper valuation for her role. Ultimately, however, awarding Mother primary custody of the children in Buckingham was not in the best interests of the children.

B. Issue Two

In her second argument, Mother contends:

The Trial Court erred in emphasizing the stability of the children's relationships and lives in Erie, Pennsylvania as a main factor in denying Mother's request to relocate with the children, where the children will be experiencing a change in their school (1) if they live with Mother in Erie, due to the fact that their prior school has closed, and (2) if they live with Father in Erie, as he is in a different school district than Mother.

*See* Mother's Statement ¶ 2.

In this argument, Mother's claim is again misplaced because, by comparative analysis, the change that the children would experience from switching schools to Cold Spring Elementary in Buckingham would be vastly more profound and tumultuous than changing their schools in Erie. The record established that the children have a network of family and friends in Erie that would support them. A change in schools *within* Erie will not undermine the children's stability. It was undisputed that the children have resided in Erie for their entire lives. Their group of friends includes classmates from Glenwood Elementary, the school they attended last year. However, Glenwood Elementary is closing, and the girls will be forced to attend a new school in Erie. Nonetheless, the Court would be hard pressed to conclude that the girls would not maintain their current relationships and also possibly have former Glenwood Elementary classmates join them in their new school. Regardless, the geographic composition of Erie and the proximity of other elementary schools are conducive for the girls to continue these friendships and continue to enjoy the support of their extended family in and around the Erie area. What *would* undermine the children's stability, however, is enrolling them in a new school, in a new neighborhood over 400 miles away in Buckingham, removed from their life-long established relationships with family and friends in Erie.



C. Issue Three

In her third claim, Mother asserts:

The Trial Court erred in disregarding the developmental needs of the children which are served primarily by Mother and the impact on the children's physical, educational and emotional development which would result from a transfer of primary custody to the Father, where the Father has no involvement with the children's schooling, school activities, friends, little to no involvement with their extracurricular activities, and no history of providing any extended care of the children over the past four years.

*See* Mother's Statement ¶ 3.

Mother's argument is similar to her first claim on appeal, asserting her role as primary caregiver should have been given more weight by the Court, thereby allowing her to relocate and retain primary custodianship of the children in Buckingham. However, Mother again argues her role as primary custodian in isolation, disregarding the multitude of other factors that a Court must consider in a best interests analysis. Moreover, although Father has not recently been substantially involved with the children's schooling, friends and extracurricular activities, Father was a co-caregiver in the past. This Court recognizes that Mother's recent role as primary caregiver must be given its accordant weight. *See* this opinion, *supra* at 7-8. However, Mother's argument against Father as primary caregiver is also contradicted by her position at trial. Mother readily conceded that Father was a fit parent, capable of being a primary custodian and caring for the children's needs. Again, it is underscored that there would be a traumatic and harmful emotional impact on the children if they were relocated to Buckingham, far away from the only life they have known in Erie. It should not be underestimated that to have the children move to Buckingham would be to introduce them to completely unfamiliar surroundings without family and friends and in a home with a man (A.M.) who is best described as an acquaintance of the children.

Thus, Mother's assertion that this Court has "disregarded" the children's needs in light of her role as primary caregiver is in error because this Court performed a comparative analysis considering not only Father's current and historical role in the children's lives but also the emotional impact separation from Father would have on the girls. Father has remained a consistent and stable parental figure in the girls' lives. This Court understands that, although Father has recently not been the primary custodian of the children, he has had weekly contact with them for essentially their entire lives. In fact, C.S., the older sister of E.S., testified that she wants to continue to see both parents. In her testimony, it was noted that she was emotionally torn about moving to Buckingham. When asked if she would miss Father, C.S. became emotional on multiple occasions. *See* N.T. at 30-53.<sup>1</sup>

Clearly, any separation from Father and a disruption in his regular weekly contact with the girls would have a negative impact on their best interests. Accordingly, proper weight was given to the children's needs and Mother's role as primary caregiver.

D. Issue Four

In her fourth issue, Mother states:

---

<sup>1</sup> The Court, with agreement of the parties, did not find that it was necessary to hear testimony from E.S. because it would be duplicative and would cause the young girl undue stress. *See* N.T. at 53-54.



The Trial Court erred in placing weight on the lack of “necessity” of the move to Buckingham, Pennsylvania, where the statutes and case law do not require the custodial parent to show that a move is necessary before a relocation is granted.

See Mother’s Statement ¶ 4.

Mother’s argument here fails as well. This Court did not find as a matter of law, as Mother seems to imply in her statement, that a move be “necessary” in order for Mother to be granted permission to relocate with her children. In fact, this Court acknowledged that, sometimes, moving residences for children is “unavoidable.” See Memorandum Opinion at 22. Precisely, this Court noted that Mother’s relocation with the children was not “absolutely necessary” only to show Mother’s elevation of her own desires and self-serving reasons for relocation over those of her children’s best interests. *Id.* Moreover, this notion was only part of the Court’s overall analysis and hardly made up a dispositive factor in denying Mother’s request to relocate, as Mother seems to imply.

E. Issue Five

In her next issue, Mother provides:

The Trial Court erred in determining that there are not adequate substitute partial custody arrangements which would preserve the relationship between Father and the children.

See Mother’s Statement ¶ 5.

Mother’s argument here is belied by the record. As is addressed in this Court’s Memorandum Opinion, the substitute custody that Mother proposes would completely disrupt the constant, regular contact that the children have always had with Father. See Memorandum Opinion at 16-17. Buckingham is over 400 miles from Erie and located nearly across the state, which makes regular and consistent visitation with Father nearly impossible. Mother’s proposed offer of extended custody time with Father over the summer, holidays and school breaks is not a sufficient substitute for the regular, weekly contact Father has with the girls. In fact, C.S. testified to the Court that she enjoys seeing her Father on a regular basis and would be unhappy if she “wouldn’t get to see [her] Father like every day.” See N.T. at 43-44. Thus, the partial custody schedule proposed here would negatively impact the children and disrupt their relationship with Father and extended family. In reaching this conclusion, the Court is persuaded by the holding in *C.M.K.*, *supra*, previously discussed herein at pp. 4-6, where the Superior Court found a proposal for substitute custody in a factually similar relocation case not to be in the child’s best interests. See *C.M.K.*, 45 A.3d at 429. In *C.M.K.*, the mother’s proposed relocation was 68 miles. *Id.* The Court found that such a distance between the parties’ residences would inhibit the father’s regular, consistent visitation with the child. *Id.* Here, the proposed distance between residences is much farther, over 400 miles, and much more disruptive to Father’s regular, consistent contact with the children. It is not lost on the Court that any separation of the children from Mother would have an emotional toll on them. However, for the reasons demonstrated throughout this opinion, relocation to Buckingham with Mother and A.M. is not in the best interests of the children.

Therefore, for the above reasons, the substitute visitation schedule proposed by Mother was considered and found to be inadequate.

F. Issue Six

In her sixth issue, Mother asserts the following:

The Trial Court erred in finding that factor five of 23 Pa. C.S. § 5337(h) and factor one of 23 Pa. C.S. § 5328(a) are neutral as to their application to either Mother or Father, where there is a clear pattern established that Mother acted to promote the relationship between Father and the children since the parties' separation, and where there is no allegation or evidence that Father has taken any steps to promote the relationship between Mother and the children.

*See* Mother's Statement ¶ 6.

In addressing this argument, it is clear from this Court's Memorandum Opinion that the Court considered Mother's actions in cooperating with Father in facilitating visitation with the children. In fact, this Court noted that Mother's cooperation with Father was "commendable" in this area. *See* Memorandum Opinion at 17 (in this Court's discussion of § 5337(h)(5)). Continuing, this Court also assessed § 5328(a)(1) and again noted that both parties were cooperative in facilitating visitation. *See* Memorandum Opinion at 20.

Mother's attempt now to paint a picture revealing her as the only party cooperating in facilitating a relationship between the children and both parents is clearly contradicted by the record. Under the totality of the evidence presented, both parties cooperated in visitation until early in 2012. In fact, Father and Mother mutually agreed to all terms of custody until Mother filed a Notice of Relocation, which prompted Father to file a Complaint in custody in order to stop Mother from moving with the girls. Also, the only evidence of record of either party attempting to thwart the other party's relationship with the children was Mother's statement at the adversarial hearing where she testified that part of her motivation for leaving the Erie area with the girls was to "be away from the situation," and that she did "not want to be around [Father]." *See* N.T. at 167, 161, respectively. *See also* Memorandum Opinion at 17, 20.

Accordingly, for these reasons, it was not error for this Court to assess § 5337(h)(5) and § 5328(a)(1) as neutral.

G. Issue Seven

In her seventh argument, Mother provides:

The Trial Court erred in emphasizing the emotional toll a relocation would have on the children if regular and consistent contact with Father is taken away and in failing to consider the emotional toll it would take on the children to be removed from the primary care of Mother and the day-to-day contact and care provided by Mother if the children are not permitted to reside primarily with her.

*See* Mother's Statement ¶ 7.

This Court disagrees with Mother's argument here, which is similar to her first and third arguments. First, Mother admitted that, although she may not prefer it, it is entirely possible for her and A.M. to remain in Erie sparing the children any emotional turmoil that relocation may bring. This Court did not find that Mother would or could not be primary caregiver if she remained in Erie. To the contrary, this Court did find that relocation to

Buckingham with Mother was not in the children's best interests. Namely, the negative emotional impact on the children of leaving their home, family and friends and moving to Buckingham with Mother and A.M. is far more detrimental than remaining in Erie. Again, it is worth repeating that Mother admitted that the children had a strong bond with Father and their family in Erie and did not dispute that Father was qualified to be the children's primary custodian. This Court also re-emphasizes that C.S. testified she clearly did not want her contact with Father to be disrupted and the thought of moving away from him caused her to become upset. Accordingly, Mother's argument here does not warrant relief.

H. Issue Eight

In her eighth issue, Mother claims:

The Trial Court erred in determining that Mother's motives for the move to Buckingham, Pennsylvania were not based upon what is in the children's best interests, where Mother testified that she wanted the children to have better financial and educational opportunities and to have the opportunity to move out of the inner-city into a suburban and family-oriented setting.

*See* Mother's Statement ¶ 8.

Mother's claim is not supported by the record. This Court properly concluded that Mother's motive was to improve her best interests instead of the children's educational and financial opportunities. First, Mother provided no conclusive evidence that a move to Buckingham would bring a better educational opportunity for the children than those provided in Erie. Consequently, although Cold Spring Elementary is recognized as an excellent school, it was not found to be superior to any proposed school in Erie because no comparison analysis was undertaken.

Mother continues and claims that the move would also improve the children's "financial opportunity" and the children would be able to move out of the "inner city" and into a suburban setting. This assertion is unavailing as well. First, Mother has no job in Buckingham. Mother's testimony was that she had a "second interview" with a company that could possibly pay her more money than her current job in Erie. *See* N.T. at 95. Despite her best wishes, Mother's testimony underscores the tenuous and speculative nature of her employment opportunities in Buckingham. This hardly impresses this Court that Buckingham is a better financial situation for the children. This is contrasted by Mother's employment situation in Erie, where she has worked for the same company for fifteen years with a steady and secure income.

Essentially, if Mother moved to Buckingham with the children, they would be almost entirely dependent on A.M.'s trust fund stipend. A.M. has no job, no book deals and only the monthly trust fund as his source of income. Consequently, reliance on Mother's relationship with A.M. becomes somewhat critical to the children and their financial circumstances. Logically, if the relationship between A.M. and Mother collapses, so does the dependence on his money and the home the children would live in. Again, the Court has every reason to believe that this relationship is less than permanent. There have been no outward signs of commitment by A.M. to the relationship with Mother and, importantly, her children. Despite describing Mother and himself as "life partners," he has not proposed or asked Mother to marry him, no engagement ring or "promise" ring was given and A.M.

is the only named lessor on the home in Buckingham. Mother and children are identified as “permanent guests” on the one year lease. In fact, A.M. even testified that he has considered breaking up with Mother. Mother appears to be the committed partner in this relationship. She has offered to move her children away from everything they know and across the state to a location that best suits A.M.’s needs as an aspiring author. Therefore, if Mother and A.M. were to separate, this could have a devastating effect on the children and their “financial opportunity.”

For these reasons, it is proper to conclude that Mother’s contention that the children’s educational and financial opportunities would be improved by moving to Buckingham is misplaced. It was, therefore, fair for this Court to opine that Mother’s primary motive to move to Buckingham with A.M. was not to promote the children’s best interests but appeared to be motivated to improve her own.

I. Issue Nine

Next, Mother argues:

The Trial Court erred in determining that factor ten of 23 Pa. C.S. § 5328(a) is neutral rather than heavily in favor of Mother, where Father has failed to attend to or even participate in any area of the children’s lives other than to provide brief periods of supervision, and where Mother has been solely responsible for the children’s daily needs, medical needs and educational needs for four years since the parties separated.

*See* Mother’s Statement ¶ 9.

Again, Mother’s claim here fails. It was undisputed at trial that both parties are capable of caring for the daily physical, emotional, developmental, and educational needs of the children. Mother may have actually provided more of this type of care in the past for the children, which this Court recognized in other factors in this analysis, however, that is not what § 5328(a)(10) contemplates. This factor specifically asks which party is more likely to care for the child’s needs, implying needs in the *future*. It was conceded that Mother had a history of attending to the girls’ needs. However, it was undisputed that both parents were not only likely to be able to care for the children’s needs, but entirely capable of doing so. Consequently, this Court’s conclusion in assessing § 5328(a)(10) as neutral is supported by the record. Moreover, as previously noted, crediting Mother with the role of a primary caregiver responsible for the children’s needs is but one factor in the overall analysis. However, even if Mother is credited with this factor to be in her favor, it is not dispositive and clearly not “heavily” in her favor as she contends. Father clearly is ready, willing and able to meet the children’s needs.

J. Issue Ten

Tenth, Mother asserts:

The Trial Court erred in failing to analyze both custodial options on equal ground, where there was no prior custody determination made by the Court.

*See* Mother’s Statement ¶ 10.

This Court addressed Mother’s argument in its Memorandum Opinion and it incorporates that discussion herein. The plain language of the Child Custody Act mandates that the

burden of proof be placed on the party proposing to relocate. Specifically, the Act provides: “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 factors set forth in subsection (h).” 23 Pa.C.S. § 5337(i). Here, Mother filed a Notice of Relocation asking this Court to approve the proposed move of the girls to Buckingham. Thus, by the plain language of § 5337(i), Mother bears the instant burden of proof as she is the party proposing relocation in this matter.

Further, the cases relied upon by Mother in her brief at trial to support her position (that where there is no prior custody order in place the burden of proof should be equal) were decided before the effective date of the current Child Custody Act. *See Kirkendall v. Kirkendall*, 844 A.2d 1261 (Pa. Super. 2004); *Collins v. Collins*, 897 A.2d 466 (Pa. Super. 2006); *Klos v. Klos*, 934 A.2d 724 (Pa. Super. 2007)(cited in Mother’s brief at 10). Thus, the clear language of the Child Custody Act effectively replaces this authority.

However, this Court is cognizant of the holding in *N.J.M. v. C.C.M.*, 2012 Pa. Super. LEXIS 2852, and its recognition of *Kirkendall*, *supra*, and *Collins*, *supra*, which state that custody options be assessed equally when determining a proposed relocation and an initial custody award. Nonetheless, *N.J.M.* is an unpublished opinion providing no controlling authority, whereas the language of the Child Custody Act is clear and unequivocal. *See* 23 Pa.C.S § 5337(i). Thus, this Court’s assessment of the burden of proof in this matter was not in error.

Most importantly, however, Mother’s argument regarding the burden in this case is entirely inconsequential. As this Court expressly provided in its Memorandum Opinion, it would have reached the same holding with regard to custody of the children regardless of which party the burden of proof was placed on, or if there was no burden assigned at all. *See* Memorandum Opinion at 13. Ultimately, as demonstrated in the Memorandum Opinion, this Court effectively assessed the custody situation as if it were on equal ground. Thus, any error that Mother alleges with regard to the instant burden of proof is harmless.

K. Issue Eleven

In her eleventh matter complained of on appeal, Mother states:

The Trial Court erred in concluding that the best interests of the children would be served by awarding Mother primary custody on the condition that Mother remain in Erie, Pennsylvania, rather than analyzing both the residence of Mother in Buckingham and of Father in Erie on equal footing in an initial custody determination.

*See* Mother’s Statement ¶ 11.

To the extent that Mother again questions her burden of proof, this Court relies on the above discussion to show the reasons why Mother’s argument is without merit. Mother’s argument is again flawed because this Court extensively considered both Mother’s proposed residence in Buckingham and Father’s residence in Erie. This Court did not conclude that the children’s best interests were solely governed by the condition that Mother remain in Erie.

The fitness of Father as a primary caregiver and his residence was undisputed. Mother conceded she would be open to Father as a primary custodian. In fact, not only was Father a historical caregiver for the children, he recently has had regular contact and overnight

visitation with the girls. Thus, no further analysis of his parenting skills was necessary.

In light of Father's undisputed status as a fit parent, this Court found it appropriate to analyze the children's residence in Erie, whether it were with Father or Mother versus their potential residence in Buckingham with Mother and A.M. To that end, this Court analyzed §5328(a) and §5337(h) and determined that it was in the best interests of the children to remain in Erie, whether it was with Mother or Father. In fact, in this Court's order following the Memorandum Opinion, if Mother remained in Erie, the custody order would remain status quo and Mother would remain primary custodian.

Thus, Mother's argument that this Court did not analyze Father's residence in Erie against Mother's residence in Buckingham is belied by the assessment performed by this Court and set forth in the Memorandum Opinion. Consequently, both residences and parties were assessed equally and Mother's consideration as primary custodian was not conditioned solely on her residing in Erie.

L. Issue Twelve

In her twelfth argument, Mother insists:

The Trial Court erred in failing to conclude that it is in the children's best interests to reside with Mother in Buckingham, Pennsylvania.

*See* Mother's Statement ¶ 12.

Here, Mother is simply making a bald assertion that this Court failed to properly consider the evidence of record or so overlooked it as to abuse its discretion. This Court has exhaustively addressed Mother's argument in this matter and previously in the Memorandum Opinion, explaining why it is in the best interests of the children to remain in Erie.

M. Issue Thirteen

Thirteenth, Mother states:

To the extent the relocation factors apply to this case, the Trial Court failed to give proper weight to the facts that Mother has no opportunity for advancement in employment at her current position, that Mother testified that the house selected for the first year was selected where there would be opportunities to purchase a residence within the children's school district and that Mother is in a four-year relationship with her paramour with significant time spent together.

*See* Mother's Statement ¶ 13.

Again, Mother's argument is without merit, as was demonstrated in this Court's Memorandum Opinion. First, Mother's claim that this Court did not address the fact that she has no opportunity for advancement in employment in Erie is hardly persuasive. Mother failed to demonstrate how she would have superior employment opportunities for financial growth in Buckingham as opposed to Erie. It was not lost on this Court that although Mother had job interviews in Buckingham which promised higher pay than her Erie job, she did not have a job in Buckingham. Rather, Mother only has prospects of employment. Mother's assertion that she may make more money in Buckingham is speculative. By contrast, Mother has worked for fifteen years in Erie with a stable income. Although Mother testified that she has reached her economic capacity in Erie and she

might be able to earn more money in Buckingham, this fact does not carry the day in advancing the best interests of the children when viewed in conjunction with the totality of factors considered by the Court.

Mother's next assertion that she has an "opportunity" to buy a house within the children's school district in Buckingham is entirely collateral to the determination of whether awarding Mother primary custody and allowing relocation to Buckingham is in the best interests of the children. This Court noted in its Memorandum Opinion that Cold Spring Elementary is an excellent school, however, it was not proven to be a better school than those in Erie. *See* Memorandum Opinion at 16. Nor was any evidence presented that suggests that the schools in Erie did not meet Pennsylvania academic standards. Thus, it is irrelevant whether Mother can purchase a house in that school district, because she has not proven that the school district is superior to school districts in Erie.

Continuing, it was proper for the Court to consider that the home in Buckingham was only rented for one year in A.M.'s name alone. Mother and the children were not named leaseholders, rather, they were named as "permanent guests." *See* N.T. at 194. Therefore, if A.M. chose to evict Mother and children from the residence, Mother and children would have little recourse. It is difficult to surmise how this uncertainty can be stated to be in the best interests of the children. The fact that Mother has the "opportunity" to buy a house in the same school district does not change this fact. The "opportunity" to buy a house in Buckingham is of very little significance. Mother has the same "opportunity" to purchase a home in the suburbs of Erie. What is of concern, however, is that Mother's primary reason to move to Buckingham is premised on her relationship with A.M. Consequently, if Mother's relationship with A.M. does not survive, Mother would have no home for the children, no job, and no economic or family support.

Despite Mother's contentions to the contrary, this Court is not convinced that Mother and A.M.'s relationship is stable or a permanent one. Mother describes her relationship with A.M. as "life partners." Mother insists that she has spent "significant" time with A.M. However, this assertion does not change the facts recited in this Court's Memorandum Opinion illustrating the tenuousness of the relationship. *See* Memorandum Opinion at 18-19, 21-22, 24-25. The Court again emphasizes that Mother and A.M. met on the Internet, have never shared the same residence, and have only spent "significant" time with one another on an intermittent basis and on vacation trips. Further, A.M.'s lease on the home in Buckingham names Mother and the children as "permanent guests." There simply are no objective signs of commitment by A.M. to this relationship. He has not given Mother an engagement ring, there is no proposal, no wedding date, and A.M. has admitted he has contemplated breaking off the relationship with Mother. The Court has every reason to opine that it does not have confidence in the permanency of this relationship and, if broken, the result would be detrimental to the children if uprooted from Erie and moved to Buckingham.

Accordingly, Mother's claims in her thirteenth matter complained of on appeal must be dismissed.

N. Issue Fourteen

Lastly, Mother argues:

The Trial Court erred in failing to apply the best interests analysis under 23 Pa.



C.S. §(a) [sic] to each proposed residence in the initial custody determination, and apply the relocation factors as just one corner of that analysis.

See Mother's Statement ¶ 14.

Mother's claim does not warrant relief. This Court did undertake an initial custody determination and apply a best interests analysis to each proposed residence in accordance with the factors set forth in § 5328(a). As noted above, and in its Memorandum Opinion, this Court compared Mother's proposed residence in Buckingham with Father's residence in Erie. The Court also contemplated keeping the order *status quo* with Mother as primary caregiver if she remains in Erie. Father's fitness as a parent and the appropriateness of his residence were not in dispute. Both parties conceded that either parent was fit and competent to care for the children. This Court found it appropriate to compare the best interests of the children between Mother's proposed residence in Buckingham and the residences in Erie, with Mother or Father. This Court fully assessed the children's relationship with family and friends, schooling and all aspects of their lives in Erie. Thereby, the crux of this case was whether relocation of the children to Buckingham to live with Mother and A.M. was in the best interests of the children. This Court analyzed that question in its bi-lateral analysis of § 5328(a) and § 5337(h) and after carefully weighing all of the factors held that it was not.

Mother's assertion that this Court should have considered the relocation factors as "one corner of the analysis" is opaque. Mother made this same claim in her brief at trial, wherein she cited *Kirkendall*, *supra* at 1265 and *Collins*, *supra* at 472, to support her argument. See Mother's brief at 10-11. However, it is difficult to discern Mother's exact argument. It appears Mother is implying that the relocation analysis should take a secondary role to the best interests analysis. To the extent Mother argues such, her argument is erroneous. First, *Kirkendall* and *Collins* were decided before the effective date of the Child Custody Act, reducing the import of their persuasive value. *Kirkendall* was decided in 2004; *Collins* was decided in 2006. However, even assuming these cases are still authoritative, they do not support the legal theory Mother supposes. Rather, the cases hold that where the Court is deciding a proposed relocation along with an initial final custody award, the relocation analysis should be *part* of the overall broader best interests analysis that must be performed, because the relocation factors "take into account only those best interest concerns related to relocation." See *Collins*, *supra* at 472 (citing *Kirkendall*, *supra* at 1265).

Here, this Court's analysis did not violate this principle. This Court analyzed both the § 5337(h) relocation factors and the broader § 5328(a) best interests factors. In fact, this Court expressly stated that it was not elevating one set of factors over the other. See Memorandum Opinion at 14. This Court analyzed the two sets of factors harmoniously, in accordance with the Child Custody Act. Thus, Mother's assertion that this Court erred because it did not apply the relocation factors as "one corner of the analysis" is meritless.

### CONCLUSION

For the foregoing reasons, Mother's appeal should be **DISMISSED**. Accordingly, this Court's August 24, 2012 Order awarding Mother primary custody of the children in Erie and denying relocation of the children to Buckingham should be **AFFIRMED**.

**BY THE COURT:**

/s/ **John J. Trucilla, Administrative Judge**



**S.J.S., Appellant**

**v.**

**M.J.S., Appellee**

IN THE SUPERIOR COURT OF PENNSYLVANIA  
NO. 1442 WDA 2012

Appeal from the Order Entered August 24, 2012  
In the Court of Common Pleas of Erie County  
Civil Division at No(s): 11777-2008

BEFORE: BOWES, J., LAZARUS, J., and COLVILLE, J.\*

OPINION BY LAZARUS, J.

FILED AUGUST 7, 2013

S.J.S. (Mother) appeals from the order of the Court of Common Pleas of Erie County denying her petition for primary custody of her two minor daughters, C.S. (born March 2002), and E.S. (born November 2004), and denying her request to relocate with them from Erie, Pennsylvania, to Buckingham, in Bucks County, Pennsylvania. After our review, we affirm.

Mother and M.J.S. (Father) were married in 2002. They separated in 2008 when the girls were ages 6 and 3. Throughout the marriage, Father worked from 6:00 a.m. to 2:30 p.m. during the week, and Mother worked from 3:00 p.m. to 9:00 p.m. During that time, Father was the primary caregiver. After the parties separated, the parties agreed to a custody arrangement. Mother's work schedule changed to four days a week, and for three years after separation, Father watched the girls two days a week and Mother's stepmother watched them two days a week. Mother and Father worked out alternating weekends and holidays, and Father enjoyed open telephone communication with the children.

On May 17, 2012, Mother mailed a notice of relocation to Father.<sup>1</sup> Father filed a complaint for shared custody on May 16, 2012, as well as an objection to the proposed relocation notice on May 29, 2012.

In June 2012, after a hearing before a custody conciliator, Mother and Father entered into a consent order for shared legal and physical custody of their children. Mother had primary physical custody, and Father had partial physical custody every other weekend, from Friday at 6:00 p.m. to Sunday at 6:00 p.m., and on Wednesdays from 3:00 p.m. until 8:00 p.m. Based on the parties' agreement, the Honorable John J. Trucilla issued an order dated June 13, 2012, which was entered on the docket on June 19, 2102 [sic]. *See* Order of Court, 6/13/2012. Judge Trucilla deferred Mother's relocation request for trial.

Following trial, Judge Trucilla denied Mother's request for relocation and issued a final custody order providing that Mother would retain primary custody if she remained in Erie, but that if Mother chose to relocate, Father would be awarded primary custody and the parties by mutual agreement would arrange for Mother's partial custody periods. Mother appealed and filed a timely Statement of Errors Complained of on Appeal pursuant to

---

\* Retired Senior Judge assigned to the Superior Court.

<sup>1</sup> Mother had mailed the notice on May 9, 2012, but had sent it to the wrong address.

Pa.R.A.P. 1925(b). The court issued its Pa.R.A.P. 1925(a) opinion on October 18, 2012. Mother raises fourteen issues for our review:

1. Whether the trial court erred in failing to give proper weight to the role of Mother as primary caretaker of the children, in determining that Mother should have primary custody of the children unless she relocates to Buckingham, Pennsylvania, but then failing to award Mother primary custody of the children in Buckingham, Pennsylvania?
2. Whether the trial court erred in emphasizing the stability of the children's relationships and lives in Erie, Pennsylvania as a main factor in denying Mother's request to relocate with the children, where the children will be experiencing a change in their school (1) if they live with Mother in Erie due to the fact that their prior school has closed, and (2) if they live with Father in Erie, as he is in a different school district than Mother?
3. Whether the trial court erred in disregarding the developmental needs of the children which are served primarily by Mother and the impact on the children's physical, educational and emotional development which would result from a transfer of primary custody to the Father, where the Father has no involvement with the children's schooling, school activities, friends, little to no involvement with their extracurricular activities, and no history of providing any extended care of the children over the past four years?
4. Whether the trial court erred in placing weight on the lack of "necessity" of the move to Buckingham, where the statutes and case law do not require the custodial parent to show that a move is necessary before relocation is granted?
5. Whether the trial court erred in determining that there are not adequate substitute partial custody arrangements that would preserve the relationship between Father and the children, where the children would have the opportunity to spend long weekends at least every other month, plus extended holidays and extended time in the summer with Father?
6. Whether the trial court erred in finding that factor five of 23 Pa.C.S. § 5337(h) and factor one of 23 Pa.C.S. § 5328(a) are neutral as to their application to either Mother or Father, where there is a clear pattern established that Mother acted to promote the relationship between Father and the children since the parties' separation, and where there is no allegation or evidence that Father has taken any steps to promote the relationship between Mother and the children?
7. Whether the trial court erred in emphasizing the emotional toll a relocation would have on the children if regular and consistent contact with Father is taken away and in failing to consider the emotional toll it would take on the children to be removed from the primary care of Mother and the day-to-day contact and care provided by Mother if the children are not permitted to reside primarily with her?
8. Whether the trial court erred in determining that Mother's motives for the move to Buckingham were not based upon what is in the children's best interests, where Mother testified that she wanted the children to have better financial and

educational opportunities and to have the opportunity to move out of the inner city into a suburban and family-oriented setting?

9. Whether the trial court erred in determining that factor ten of 23 Pa.C.S. § 5328(a) is neutral rather than heavily in favor of Mother, where Father has failed to attend or even participate in any area of the children's lives other than to provide brief periods of supervision, and where Mother has been solely responsible for the children's daily needs, medical needs and educational needs for four years since the parties separated?

10. Whether the trial court erred in failing to analyze both custodial options on equal ground, where there was no prior custody determination made by the court?

11. Whether the trial court erred in concluding that the best interests of the children would be served by awarding Mother primary custody on the condition that Mother remain in Erie, rather than analyzing both the residence of Mother in Buckingham and of Father in Erie on equal footing in an initial custody determination?

12. Whether the trial court erred in failing to conclude that it is in the children's best interests to reside with Mother in Buckingham, Pennsylvania?

13. To the extent the relocation factors apply to this case, whether the trial court failed to give proper weight to the facts that: Mother has no opportunity for advancement in employment at her current position; Mother testified that the house selected for the first year in Buckingham was selected where there would be opportunities to purchase a residence within the children's school district; and Mother is in a four-year relationship with her paramour with significant time spent together?

14. Whether the trial court erred in failing to apply the best interests analysis under 23 Pa.C.S. § 5323(a) to each proposed residence in the initial custody determination, and apply the relocation factors as just one corner of that analysis?<sup>2</sup>

At trial, the court heard testimony from Mother, from C.S. (the elder daughter, age 10), and from K.R., Mother's stepmother. The court also heard testimony from Dr. Stephen Barrett, an expert in school district evaluations, and from Mother's paramour, D.M.

The distance between Erie and Buckingham is approximately 7-1/2 hours by car. Father, his family, and Mother's family reside in Erie. There is no dispute that the children are happy in Erie; they have strong and loving bonds with both parents as well as with their large extended family. Mother admitted that if relocation were granted, Father would be unable to visit frequently. Additionally, the trial court indicated its concern with Mother's motives for relocating across the state, pointing out that Mother acknowledged it was "to get away from [Father]" and to accommodate her "life partner," D.M., and his wish to be

---

<sup>2</sup> We note that Mother's Statement of Questions Involved exceeds the two-page limit as set forth in Pa.R.A.P. 2116(a), which was effective at the time Mother filed her brief on November 21, 2012. On March 27, 2013, Rule 2116 was amended, effective May 26, 2013, removing the two-page limit, but noting that "[t]he appellate courts strongly disfavor a statement that is not concise." Official Note- Pa.R.A.P. 2116.

near both Philadelphia and New York City to pursue his desire to publish a novel. *See* 23 Pa.C.S.A. § 5337(i)(2) ("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.").

Mother met D.M. through an online board game two months after separating from Father. Mother and D.M. maintained a relationship for several years. The lease for the house D.M. rents in Bucks County lists him as the lessor and Mother and the children as "permanent guests." N.T. Trial, 7/25/2012, at 194. D.M. is an aspiring writer who has traveled extensively and whose income is from a family trust. As the trial court stated, he "is a privileged beneficiary of the wealth of his parents[.] . . . Quite simply, he has not grown up, nor does it appear that he is any rush to do so." Trial Court Opinion, 8/24/2012, at 9. The court expressed its reservations with respect to whether D.M. was capable or willing to "responsibly assist in the upbringing of two adolescent girls." *Id.*

Throughout trial, Mother explained that she wanted a "better" life for the children, proclaiming that Buckingham, Bucks County, could provide the children with a quality education and a suburban neighborhood. Mother was reluctant to acknowledge that the suburbs of Erie or Pittsburgh could afford them as much, despite the fact one of the homes D.M.'s parents own is located in Pittsburgh. D.M. testified that, although not his top choice, he would live in Erie. *Id.* at 205.

Mother recognized that the children were happy and doing well in Erie, academically and socially. She acknowledged that C.S. had a wide circle of friends and her class had elected her to be the fourth grade class president. *Id.* at 155.

Mother currently earns \$31,000 annually at her present job in Erie. She admitted that she did not have employment lined up in Buckingham, but stated she was scheduled for a second interview at a company in Buckingham. *Id.* at 144. Mother also testified that she would earn \$36,000 if she were ultimately hired. *Id.* She admitted, however, that the difference in salaries would be negligible in light of the higher cost of living in Buckingham. *Id.* at 145.

Doctor Barrett testified to the quality of the Central Bucks School District, in particular Cold Spring Elementary School, the school in which Mother intends to enroll the children. Doctor Barrett opined that Cold Spring Elementary School is "one of the top schools in Pennsylvania" and exceeds academic expectations. *Id.* at 16.

C.S., the oldest child, testified that she understood the move would mean she would only see Father every other month, and her preference as to spending time with each parent would be to "keep it the same" *Id.* at 43. It was not lost on the court that C.S. was upset at the idea of not seeing Father each week.<sup>3</sup> The court noted that C.S. was upset, and C.S. stated that both she and Father were crying earlier that day. *Id.* at 52-53.

The Court: Would you want more time with your dad, less time with your dad, keep it the same? What would you want?

C.S.: Keep it the same. It's fine.

The Court: If you move, you understand that would change?

C.S.: Uh-hum.

---

<sup>3</sup> The court, with the parties' agreement, found it unnecessary to hear testimony from the younger child, E.S., as it would likely be duplicative and cause the child undue stress. *See* N.T., Trial, at 53-54.

The Court: What do you think about that?

C.S.: I would get to see him every other month, I think, and spend time with him.

The Court: Would you miss him?

C.S.: (Nods head.)

The Court: Yes?

C.S.: Yes.

The Court: Would that make you sad?

C.S.: Yes.

The Court: So, if that makes you sad, then why would you agree to want to move with your mom?

C.S.: 'Cause I want to move with my mom because I get to meet new people and have fun.

The Court: I mean, just watching you, I see that you're - you have tearing in your eyes.

C. S.: Yes.

The Court: Why? What's making you sad now?

C.S.: Well, that I wouldn't get to see my father like every day.

The Court: You see him every day now?

C.S.: Not really, but like we see him every Wednesday and every—basically the weekend.

The Court: You see him a lot?

C.S.: Uh-hum.

The Court: You would miss that time seeing him; is that right?

C.S.: Uh-hum.

*Id.* at 42-44.

K.R., Mother's stepmother, testified that she spends a lot of time with the children, caring for them in the summer. Although she supported Mother's decision to move to Buckingham, she acknowledged that she would miss the children, that the children would miss her, and that the children were happy in Erie. *Id.* at 55-60. K.R. also acknowledged that Father is very active with his children, that he is a good dad and that he loves his children. *Id.* at 60.

The court determined that Father's testimony, and that of the witnesses he identified in his pretrial narrative statement, was unnecessary as his fitness, competence and capability to parent were not at issue. Mother conceded that Father had a strong bond with the children, has been a consistent part of their lives since birth, and has a stable job and residence. She also stated that if the court denied relocation and she decided to relocate without the girls, she "would let [Father] have primary custodianship, ... - I'd be open to that." *Id.* at 170.

Our scope and standard of review is as follows:

[O]ur scope is of the broadest type and our standard is abuse of discretion. This Court must accept findings of the trial court that are supported by competent evidence of record, as our role does not include making independent factual determinations. In addition, with regard to issues of credibility and weight of the evidence, this Court must defer to the trial judge who presided over the proceedings and thus viewed the witnesses first hand. However, we are not bound by the trial court's deductions or inferences from its factual findings. Ultimately, the test is whether the trial court's conclusions are unreasonable as shown by the evidence of record. We may reject the conclusions of the trial court only if they involve an error of law, or are unreasonable in light of the sustainable findings of the trial court.

*A.D. v. M.A.B.*, 989 A.2d 32, 35-36 (Pa. Super. 2010) (citations and quotation marks omitted).

Recently, our Legislature adopted a new Child Custody Act ("Act"), effective on January 24, 2011. *See* 23 Pa.C.S.A. §§ 5321-5340. The new Act applies to "disputes relating to child custody matters" filed after the effective date of the new law. 23 Pa.C.S.A. § 5321. In *E.D. v. M.P.*, 33 A.3d 73, 76 (Pa. Super. 2011), we held that the Act applied to any proceeding, including a petition for relocation, initiated by a *filing* made after the effective date of the Act. Here, Mother mailed her petition for relocation to Father on May 17, 2012. Father filed a complaint for shared custody on May 16, 2012; he also filed an objection to the proposed relocation notice on May 29, 2012. Because Mother initiated her relocation request after the effective date of the new Act and Father's complaint was filed after the effective date of the Act, the provisions of the new Act apply here.<sup>4</sup>

Mother asserts this is a novel case since there is no published decision applying the new Act to a relocation request where there has been no prior custody determination. Mother argues a court "cannot apply only the relocation factors to a case where it has not yet awarded primary physical custody to one of the parents, because the relocation factors take into account only those best interests related to relocation: 'a small corner of the best interest cosmos.'" Appellant's Brief, at 27-28, quoting *Collins v. Collins*, 897 A.2d 466, 472 (Pa. Super. 2006) and *Kirkendall v. Kirkendall*, 844 A.2d 1261, 1265 (Pa. Super. 2004). Additionally, Mother claims that the court erred in placing the burden of proof on her, and essentially "elevating the issue of relocation over the issue of primary custody." Appellant's Brief, at 17.

We address Mother's claims in issues 10, 11 and 14 first, as each challenges the court's dual relocation/custody analysis.

Although the Act has altered the custody and relocation analyses, the *Gruber* analysis<sup>5</sup> remains, *see* 23 Pa.C.S.A. § 5337(h)(6)-(8), as well as the best-interests analysis in a custody determination.

Here, there was no custody order in place prior to Mother's request for relocation. Prior to Mother seeking relocation, the parties had worked out custody arrangements

---

<sup>4</sup> The Act does not *require* notice of proposed relocation be filed with the court; it requires only that the notice be sent by certified mail. *See* 23 Pa.C.S.A. § 5337(c)(2). However, if the non-relocating party objects, that party must file an objection with the court within 30 days of receipt of notice. 23 Pa.C.S.A. § 5337(c)(3)(xi); (d). *See also E.D.*, *supra* at 79-80.

<sup>5</sup> *Gruber v. Gruber*, 583 A.2d 434 (Pa. Super. 1990).

to accommodate Mother's work schedule, with Mother being primary custodian. The matter was heard before a custody conciliator on June 13, 2012, and the parties entered into a consent agreement. Pursuant to that agreement, Mother had primary residential custody and Father had partial custody on Wednesday evenings and every other weekend. That agreement was entered as an order by the court, however the court and the parties acknowledged that both the custody and relocation matters would be tried before the court at the July 25, 2012 trial.

At the start of the trial, the court stated that it would assess the case under the sixteen custody factors set forth in section 5328 and under the ten relocation factors contained in section 5337. *See* N.T. Trial, *supra* at 1. The parties agreed to this prior to the start of trial. *Id.* Notwithstanding the fact that Mother agreed to proceed as such, she now challenges the court's dual analysis and argues the court elevated the relocation matter over the custody matter.

We find no error. Mother suggests that the court should have made a custody determination and then engaged in the relocation analysis, rather than, as here, combining the considerations and rendering an order that awarded primary custody contingent on Mother's ultimate decision on where she would reside.

Judge Trucilla provided two opinions in this matter, the first in support of the order denying relocation and awarding primary custody based on Mother's choice to remain in Erie or relocate to Buckingham, *see id.*, and the second in response to Mother's Rule 1925(b) statement. Trial Court Opinion, 10/18/2012. Both opinions set forth the relocation factors of section 5337<sup>6</sup> and the custody factors of section 5328<sup>7</sup>, and both opinions set

<sup>6</sup> **(h) Relocation factors.**--In determining whether to grant a proposed relocation, the court shall consider the following factors, giving weighted consideration to those factors which affect the safety of the child:

- (1) The nature, quality, extent of involvement and duration of the child's relationship with the party proposing to relocate and with the nonrelocating party, siblings and other significant persons in the child's life.
- (2) The age, developmental stage, needs of the child and the likely impact the relocation will have on the child's physical, educational and emotional development, taking into consideration any special needs of the child.
- (3) The feasibility of preserving the relationship between the nonrelocating party and the child through suitable custody arrangements, considering the logistics and financial circumstances of the parties.
- (4) The child's preference, taking into consideration the age and maturity of the child.
- (5) Whether there is an established pattern of conduct of either party to promote or thwart the relationship of the child and the other party.
- (6) Whether the relocation will enhance the general quality of life for the party seeking the relocation, including, but not limited to, financial or emotional benefit or educational opportunity.
- (7) Whether the relocation will enhance the general quality of life for the child, including, but not limited to, financial or emotional benefit or educational opportunity.
- (8) The reasons and motivation of each party for seeking or opposing the relocation.
- (9) The present and past abuse committed by a party or member of the party's household and whether there is a continued risk of harm to the child or an abused party.
- (10) Any other factor affecting the best interest of the child.

23 Pa.C.S.A. § 5337(h).

<sup>7</sup> **(a) Factors.**--In ordering any form of custody, the court shall determine the best interest of the child by considering all relevant factors, giving weighted consideration to those factors which affect the safety of the child, including the following:

*footnote continued on next page*



forth a detailed and comprehensive analysis of each relevant factor as it applies to this case. Further, the two analyses are not entirely separate. In this case, the parties respected the quality of the opposing party's parenting. Mother acknowledged that if relocation were denied and she chose to move to Buckingham, she was amenable to Father having primary custody. See N.T. Trial, *supra* at 170. Similarly, Father agreed to maintain the current custody arrangement if Mother chose to remain in Erie. Under these circumstances, it was suitable to engage in a dual analysis and enter one order.

As far as Mother's claim that the court elevated relocation over custody, we disagree. The court specifically stated in its opinion in support of the order that it placed no greater emphasis on the relocation factors simply because they were analyzed first. Trial Court Opinion, 8/24/2012, at 14. "The Court considers the § 5337(h) factors together with the broader best interests of the children in mind in assessing which party shall be ordered primary physical custodial and whether Mother's request for relocation will be permitted." *Id.* Under these circumstances, it is unrealistic to compartmentalize the issues.

In *Collins v. Collins*, 897 A.2d 466 (Pa. Super. 2006), the trial court awarded father primary custody despite finding mother was the better parent; the court found mother's status as the better parent was dependent upon the location of her residence. We reversed, finding the court's conclusion that father offered a more stable environment was not supported in the record and, therefore, the court committed an error of law by "dissociating the issue of primary custody from the issue of relocation, rather than keeping both inquiries under a single umbrella of best interests of the children[.]" *Id.* at 473. In *Collins*, mother's

(footnote continued)

- (1) Which party is more likely to encourage and permit frequent and continuing contact between the child and another party.
- (2) The present and past abuse committed by a party or member of the party's household, whether there is a continued risk of harm to the child or an abused party and which party can better provide adequate physical safeguards and supervision of the child.
- (3) The parental duties performed by each party on behalf of the child.
- (4) The need for stability and continuity in the child's education, family life and community life.
- (5) The availability of extended family.
- (6) The child's sibling relationships.
- (7) The well-reasoned preference of the child, based on the child's maturity and judgment.
- (8) The attempts of a parent to turn the child against the other parent, except in cases of domestic violence where reasonable safety measures are necessary to protect the child from harm.
- (9) Which party is more likely to maintain a loving, stable, consistent and nurturing relationship with the child adequate for the child's emotional needs.
- (10) Which Party is more likely to attend to the daily physical, emotional, developmental, educational and special needs of the child.
- (11) The proximity of the residences of the parties.
- (12) Each party's availability to care for the child or ability to make appropriate child-care arrangements.
- (13) The level of conflict between the parties and the willingness and ability of the parties to cooperate with one another. A party's effort to protect a child from abuse by another party is not evidence of unwillingness or inability to cooperate with that party.
- (14) The history of drug or alcohol abuse of a party or member of a party's household.
- (15) The mental and physical condition of a party or member of a party's household.
- (16) Any other relevant factor.

23 Pa.C.S.A. § 5328(a).



proposed relocation was to her parents' home in Utah. The court found this was an unstable residence because it inferred it was a temporary situation. The trial court found father's living situation to be more stable despite the likelihood of bankruptcy and mortgage foreclosure. Our Court stated: "Given the uncertainties surrounding Father's finances and their possible implications for the family home, the trial court's conclusion that Father offered a more stable home environment than did Mother is unreasonable." *Id.* at 475.

This is not the situation before us. Here, the trial court engaged in the proper analysis using both relocation and custody factors, with the best interest standard as the guide. The court may have concentrated on relocation factors, but this was because it recognized that the custody arrangement was in dispute only in the event Mother chose to relocate. The parties recognized this as well. Contrary to Mother's claim, the court did not disregard an analysis of both custodial settings. In fact, it is clear the court's focus was upon which parent could provide a familiar setting that would serve the children's best interests. The evidence of record supports the trial court's findings. *See E.D, supra; cf. Fuehrer v. Fuehrer*, 906 A.2d 1198 (Pa. Super. 2006) (trial court erred in finding move to another country with mother would be to children's advantage without considering whether it would be best for children to remain with mother in the United States).

Finally, as the party proposing relocation, Mother bears the burden of proving relocation will serve the children's best interests. *See* 23 Pa.C.S.A. § 5337(i). Each party, however, 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). The court did not err in placing the burden on Mother to show that relocation was in the children's best interests. The court found that relocation to Buckingham would accommodate D.M.'s interests. The benefits to the children, the suburban neighborhood and excellent school, are not exclusive to Buckingham and do not outweigh the detrimental effect on Father's time and relationship with the children. Further, Mother did not meet her burden of establishing the integrity of her reasons for leaving Erie. The trial court was aware of Mother's statement that she wanted to get away from Father. The court also noted that moving to Buckingham with D.M. would alleviate some of Mother's financial concerns, and it noted Mother's interest in remaining with D.M. and traveling with him.

As far as Father's motives for opposing relocation, the parties do not dispute that he sought only to preserve his relationship with the children. He also sought to preserve the children's relationship with his and Mother's extended families. The record bears this out, and we find no abuse of discretion.

In issue 1, Mother argues the court failed to give proper weight to her role as primary caretaker. We disagree. The court noted that Mother was the primary caretaker, especially in recent years, and that she took the girls to their activities, school functions and medical appointments. N.T. Trial, *supra* at 67-81; Trial Court Opinion, 8/24/2012, at 21. The trial court acknowledged Mother's role as primary custodian, and concluded that this factor favored Mother. However, the court determined that this factor did not outweigh other factors in the best interest analysis, in particular the fact that the children's relationship with Father.

In issue 2, Mother claims the court erred in emphasizing the "stability of the children's relationships in Erie" when the children will be experiencing a change in their school whether

they live in Erie with Mother or with Father. If they stay in Erie with Mother, the girls will attend a different school since theirs has closed, and if they live with Father in Erie, they will attend a different school because he resides in a different school district than Mother. We find no error. The relationships the court referred to were those between the girls and their Father and their extended families. A change in schools might alter their friendships to an extent, but the primary concern was the familial relationships. Additionally, even though the girls' school had closed, if they remained in Erie with Mother, many of the girls' school friends would be attending a new school with them.

In issues 3, 7 and 9, Mother argues that the court erred in disregarding the developmental needs of the children if Father were to be primary custodian "where the Father has no involvement with the children's schooling, school activities, friends, little to no involvement with their extracurricular activities, and no history of providing any extended care of the children over the past four years[.]" Appellant's Brief, at 21. She claims the court disregarded this factor in its custody determination, when it determined it was neutral rather than weighted in favor of Mother. *See* 23 Pa.C.S.A. § 5328(a)(10). She also claims the court erred in emphasizing the emotional toll relocation would have on the children and failing to consider the emotional toll on the children were they to be removed from the primary care of Mother. We find no error.

First, we agree with the court's assessment that Mother has viewed her primary caregiver role in a vacuum. As Mother acknowledged, she has had received considerable help from Father and from her stepmother, and readily conceded at trial that Father was a fit and caring parent, and capable of being primary custodian. Mother admitted that the children had a strong bond with Father and their families in Erie. Further, it is clear that Father has been a consistent and stable parental figure in the girls' lives. Additionally, as both Mother and D.M. testified, it is possible for them to remain in the Erie area and spare the children emotional turmoil, and, if this were the case, Mother would remain primary custodian. Accordingly, this claim warrants no relief.

Next, in issue 4, Mother claims the court erred in weighing the lack of "necessity" for the move to Buckingham. In examining the need for stability and continuity in the children's education, family life and community life pursuant to section 5328(a)(4), the court stated it was not "absolutely necessary" that Mother relocate. *See* Trial Court Opinion, 8/24/2012, at 22. The court's focus was on the emotional toll the girls would face. The court stated:

Instantly, the need for stability and continuity in the children's lives is especially pronounced. Upon presentation of the evidence, this Court is convinced that the children's lives would be traumatically upset by relocation. The children's current bond with Father is strong and is important in their lives, and to disrupt that bond would certainly negatively impact the children. Basically, the children's entire lives are centered in Erie. . . . All of the children's friends are in Erie, all of the children's family is in Erie, the children's schoolmates are in Erie, and all of the children's familiar surroundings are in Erie. Moreover, Mother has not convinced this Court that her relationship with [D.M.], which is the driving force behind this relocation request, will be a permanent one. . . . Were this Court to grant Mother's request to relocate and then Mother and [D.M.] were to break apart their relationship, the children's lives would be thrown into complete turmoil. This Court will not risk

putting the children in such a situation, especially in a case where, as here, the children's lives in their current location are completely healthy and normal.

*Id.* at 22.

The trial court was of the opinion that Mother and D.M. were placing a premium on their relationship and their own desires, with "only somewhat collateral consideration" for the girls' best interests. *Id.* After reading the testimony at trial, this Court reluctantly agrees. As this Court stated in *Fuehrer, supra*:

[W]e find evidence that Mother's concern is with her own romantic welfare. As a result of Mother's romantic interest she seeks to move her young daughters overseas to live in another country, away from their father and life as they know it. ... and that [Mother] proposed to move these children into the home of another man to whom she is neither married, or engaged, based upon his promise to support Mother.

906 A.2d at 1203-04.

We have similar concerns. Though it is understandable that Mother would want a "better" life for her children and a way out of her financial worries, this cannot occur at the expense of Father's relationship with his daughters. Unlike the trial court in *Fuehrer, supra*, the trial court here did consider the impact on the children should Mother's romance fall. *See* N.T. Trial, *supra* at 225; *see also* Trial Court Opinion, 10/18/2012, at 7.

In issue 5, Mother claims that the court erred in concluding that there were not adequate substitute partial custody arrangements that would preserve Father's relationship with the children. Mother's claim is meritless. Mother's offer of proposed extended custody periods during holidays and summer vacations is not a realistic substitute for twice-weekly consistent contact between Father and children. Our review of the record does not indicate that the children are more deeply invested in their relationship with Mother than they are with Father. As the trial court recognized, this was clear from C.S.'s own testimony. *See* N.T. Trial, *supra* at 43-44. *See also C.M.K. v. K.E.M.*, 45 A.3d 417 (Pa. Super. 2012) (mother failed to prove 68-mile relocation, together with related modification of parties' custody arrangement, was in child's best interest where child and father had strong support system in present location from extended family, child was excelling academically, child had no established support system at proposed new location, and mother's proposed custody arrangement would eliminate weekdays that had been critical for providing child opportunity to bond with father and extended family).

Next, in issue 6, Mother argues the trial court erred in finding that factor five of 23 Pa.C.S. § 5337(h) and factor one of 23 Pa.C.S. § 5328(a) are neutral as to their application to either Mother or Father, where there is a clear pattern established that Mother acted to promote the relationship between Father and the children since the parties' separation, and where there is no allegation or evidence that Father has taken any steps to promote the relationship between Mother and the children. We find no error. Although the court found Mother's expressed intention to move away from Father "somewhat troubling," it did not conclude from this that Mother established a pattern of conduct to thwart Father's relationship with the children. The court acknowledged that Mother's cooperation was "commendable" and that she "accommodated the children's custody time with Father consistently." Trial Court Opinion, 8/24/2012, at 17. The record supports the court's findings that both parties were

instrumental in facilitating the relationship with the opposing party. As such, the court's finding that these factors were neutral to both parties was not error.

In issues 8, 12 and 13, Mother argues that the trial court erred in determining that her motives for the move to Buckingham were not based upon what is in the children's best interests, and that the court failed to give proper weight to: Mother's lack of opportunity for advancement in her current position and the fact that Mother's relationship with D.M. has been consistent for four years. She argues that her motives were to improve their financial status and raise the children in a good school in a suburban setting. These claims, too, are meritless. As noted above, Mother did not establish that she had secured employment in Buckingham. Her prospects were speculative at best. The court contrasted this with Mother's fifteen-year history of employment at a company in Erie with a steady and secure income. Further, the court recognized Mother's four-year relationship with D.M., but also noted there was no engagement or plans to marry. Mother's financial situation, as that of the children, would be entirely dependent on Mother's relationship with D.M. This claim is unavailing.

Our concern in any custody or relocation matter is the best interest of the child, which considers all factors, on a case-by-case basis, that legitimately affect a child's physical, intellectual, moral, and spiritual well-being. *See Saintz v. Rinker*, 902 A.2d 509, 512 (Pa. Super. 2009). No doubt, the cost and logistics of Father maintaining contact with his daughters from across the state would weigh against relocation unless other factors militated strongly in favor. We agree with the trial court that there is little to favor relocation here. The children are doing well in school and in their activities, they have a strong bond with their Father and their extended families in Erie, Mother's employment prospects in Buckingham are nebulous at best, and Mother's motives for moving do not appear to be driven by her children's best interests.

After our review of the record, the parties' briefs, and the relevant law, we believe that Judge Trucilla carefully analyzed the statutory factors with respect to custody and relocation, and we find no error or abuse of discretion in his determination. *See A.D., supra*.

Order affirmed.

Judgment Entered.

/s/ Nicholas V. Corsetti

Deputy Prothonotary

Date: 8/7/2013

**BANKRUPTCY NOTICE**

NOTICE OF SALE  
IN RE: PAUL J. FOSTER  
BANKRUPTCY CASE NUMBER  
12-10749-TPA

NOTICE IS GIVEN THAT Paul J. Foster seeks an Order authorizing the sale of real estate parcel located at 603 East 13th Street to Woodlawn Properties.

A hearing will be held on the 25th day of September, 2013 at 11:00 AM before the Honorable Thomas P. Agresti at the US Courthouse, 17 South Park Row, Bankruptcy Courtroom, Erie, PA 16501.

OBJECTION DEADLINE IS  
SEPTEMBER 15, 2013

Property to be sold is commonly known as 603 East 13th Street, Erie, PA 16503, Parcel ID 15-020-033.0-217.00. The Initial Offer is \$27,000.00. Parcel is found at Deed and Book Page 1461/0752.

The hand money requirement is \$1,500.00. Cash or Certified Check is required for the remainder on day of closing. Property to close within 30 days after the Order is signed. Additional bidders may appear at the hearing and bid more than the terms set forth and the Court may deny the Motion for Sale and conduct a public auction, at which the property will be sold to the highest bidder.

Please contact Jaime Martini of Foster Law Offices at 814.724.1165 with questions or to examine the property.

Sept. 6

**BANKRUPTCY NOTICE**

NOTICE OF SALE  
IN RE: PAUL J. FOSTER  
BANKRUPTCY CASE NUMBER  
12-10749-TPA

NOTICE IS GIVEN THAT Paul J. Foster seeks an Order authorizing the sale of real estate parcel located at 601 and 601 1/2 East 13th Street to Leonard Ellis.

A hearing will be held on the 25th day of September 2013 at 11:00 am, before the Honorable Thomas P. Agresti at the US Courthouse, 17 South Park Row, Bankruptcy Courtroom, Erie, PA 16501.

OBJECTION DEADLINE IS

SEPTEMBER 15, 2013

Property to be sold is commonly known as 601 and 601 1/2 East 13th Street, Erie, PA 16503, Parcel ID 15-020-033.0-218.00. The initial offer is \$59,900.00. Parcel is found at Deed and Book Page 1461/0752. The hand money requirement is \$1,500.00. Cash or Certified Check is required for the remainder on day of closing. Property to close within 30 days after the Order is signed. Additional bidders may appear at the hearing and bid more than the terms set forth and the Court may deny the Motion for Sale and conduct a public auction, at which the property will be sold to the highest bidder.

Please contact Jaime Martini of Foster Law Offices at 814.724.1165 with questions or to examine the property.

Sept. 6

**BANKRUPTCY NOTICE**

NOTICE OF SALE  
IN RE: MILDRED C. JONES  
BANKRUPTCY CASE NUMBER  
10-11654-TPA

NOTICE IS GIVEN THAT Mildred C. Jones seeks an Order authorizing the sale of real estate located at 4222 Conrad Road, Erie, PA 16510 to Damir Delic.

A hearing will be held on the 25th day of September 2013 at 11:00 am, before the Honorable Thomas P. Agresti at the US Courthouse, 17 South Park Row, Bankruptcy Courtroom, Erie, PA 16501.

OBJECTION DEADLINE IS  
SEPTEMBER 5, 2013

Property to be sold is commonly known as 4222 Conrad Road, Erie, PA 16510, Book 1366, Page 2300, Tax ID 18-052-034.0-116.00. The initial offer is \$62,000.00.

The hand money requirement is \$1,500.00. Cash or Certified Check is required for the remainder on day of closing. Property to close within 30 days after the Order is signed. Additional bidders may appear at the hearing and bid more than the terms set forth and the Court may deny the Motion for Sale and conduct a public auction, at which the property will be sold to the

highest bidder.

Please contact Jaime Martini of Foster Law Offices at 814.724.1165 with questions or to examine the property.

Sept. 6

**CERTIFICATE OF AUTHORITY**

NOTICE IS HEREBY GIVEN that an Application for Certificate of Authority has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on or about August 15, 2013, for a foreign corporation with a registered address in the state of Pennsylvania as follows:

Yard House USA, Inc.  
c/o Corporation Creations Network, Inc.

This corporation is incorporated under the laws of Delaware. The address of its principal office under the laws of its jurisdiction in which it is incorporated is 3411 Silverside Road, Rodney Building #104, Wilmington, DE 19810. The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended.

Sept. 6

**INCORPORATION NOTICE**

Custom Home Solutions, Inc. has been incorporated under the provisions of the Business Corporation Law of 1988, as amended.

Richard E. Filippi, Esquire  
504 State Street, Suite 200  
Erie, PA 16501

Sept. 6

**INCORPORATION NOTICE**

Notice is hereby given that Erie County Citizens Legal Academy, Inc. has been incorporated under the provisions of the Business Corporation Law of 1988, as amended.

Aaron E. Susmarski, Esq.  
Susmarski Hain & Juliante  
4030 West Lake Road  
Erie, PA 16505

Sept. 6

**ORGANIZATION NOTICE**

A Certificate of Organization for Tipperary Irish Tours, LLC, a Domestic Limited Liability Company has been filed with the Department of State, Corporation Bureau.

Richard E. Filippi, Esquire  
504 State Street, Suite 200  
Erie, PA 16501

Sept. 6

**LEGAL NOTICE**

Anyone with an interest in the 1974 Fawn mobile home located at 87 Pinewood Lane, Erie, PA 16509, please call Linda at 814-868-9069.

Sept. 6

**LEGAL NOTICE**

Docket # 12351-13  
Justin Bartosek has a motion for Involuntary Transferee of Vehicle ownership on "94" Dump Trailer VIN# 154BC162XRT010101 (Paris Model) against Russel Larry Garipey Jr. on September 11, 2013 at Erie County Court House 140 West 6th Street, Erie PA 16501, Court Room # 212C

Sept. 6

**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-00060, I shall expose to public sale the real property of Brandy A. Dyne known as 8724 Oriole Drive, Erie, PA 16509, being fully described in the Deed dated February 2, 2009 and recorded February 3, 2009 in the Recorder's Office of Erie County, Pennsylvania, in Deed Book Volume 1541, Page 1994.

**TIME AND LOCATION OF SALE: Tuesday, October 8, 2013, at 10:00 A.M. at the Erie County Courthouse, Front Steps, 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](http://www.resales.usda.gov) or contact Ms. Cathy Diederich at 314-457-5514.

September 6, 13, 20, 27

**LEGAL NOTICE**

**MARSHAL'S SALE:** By virtue of a Writ of Execution issued out of the United States District Court for the Western District of Pennsylvania and to me directed, I shall expose to public sale the property known as 9939 Holly Drive, Lake City, PA 16423 and being more fully described at Erie County Deed Book Volume 561 Page 949.

**SAID SALE to be held at the ERIE COUNTY COURTHOUSE, ROOM 209, 140 WEST SIXTH STREET, ERIE PA 16501 at 10:00 a.m.** prevailing, standard time, on **SEPTEMBER 27, 2013.**

All those certain tracts of land, together with the buildings, and improvements erected thereon described as Tax Parcel No. 28015021005600 in Erie County, Pennsylvania Assessment Office. Seized and taken in execution as the property of Shari R. Clark, at the suit of the United States of America, acting through the Under Secretary of Rural Development, on behalf of Farmers Home Administration,

United States Department of Agriculture, to be sold on Writ of Execution as Civil Action Number 1:11-CV-00190. TERMS OF SALE: Successful bidder will pay ten percent (10%) by certified check or money order 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 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 me on the thirtieth day after the date of sale, and that distribution will be made in accordance with the Schedule unless exemptions are filed thereto within ten (10) days thereafter. Purchaser must furnish State Realty Transfer Tax Stamps, and stamps required by the local taxing authority. Purchaser shall furnish Marshal with Grantee information at the sale. Marshal's costs, fees and commissions are to be borne by seller. Steven Frank, United States Marshal. For additional information visit [www.resales.usda.gov](http://www.resales.usda.gov) or contact Dan Varland at 314-457-5489.

Aug. 30 and Sept. 6, 13, 20

---



**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 20, 2013  
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. 30 and Sept. 6, 13

**SALE NO. 1**

**Ex. #11116 of 2013**

**PNC Bank, National Association,  
Plaintiff**

v.

**LEE S. ACQUISTA  
TIFFANY L. ACQUISTA,  
Defendant(s)**

**SHORT DESCRIPTION FOR  
ADVERTISING**

ALL THAT CERTAIN LOT OF LAND SITUATE IN TOWNSHIP OF MILLCREEK, ERIE COUNTY, PENNSYLVANIA:  
BEING KNOWN AS 2558 Brooksboro Drive, Erie, PA 16510  
PARCEL NUMBER: 33-109-480.3-23  
IMPROVEMENTS: Residential Property  
Jordan David, Esquire

PA ID #311968  
Attorney for Plaintiff  
Udren Law Offices, P.C.  
Woodcrest Corporate Center  
111 Woodcrest Road, Suite 200  
Cherry Hill, NJ 08003-3620  
856-669-5400  
Aug. 30 and Sept. 6, 13

**SALE NO. 2**

**Ex. #11323 of 2013**

**HSBC Bank USA, National  
Association, as Indenture Trustee  
for People's Choice Home Loan  
Securities Trust Series 2005-4,  
Plaintiff**

v.

**MICHELE R. BONE  
SCOTT M. BONE, Defendant(s)  
SHORT DESCRIPTION FOR  
ADVERTISING**

ALL THAT CERTAIN LOT OF LAND SITUATE IN TOWNSHIP OF MILLCREEK, ERIE COUNTY, PENNSYLVANIA:  
BEING KNOWN AS 3619 Lansing Way, Erie, PA 16506  
PARCEL NUMBER: 33-79-325-22  
IMPROVEMENTS: Residential Property  
David Neeren, Esquire  
PA ID #204252  
Attorney for Plaintiff  
Udren Law Offices, P.C.  
Woodcrest Corporate Center  
111 Woodcrest Road, Suite 200  
Cherry Hill, NJ 08003-3620  
856-669-5400  
Aug. 30 and Sept. 6, 13

**SALE NO. 3**

**Ex. #11089 of 2013**

**PNC Bank, National Association,  
Plaintiff**

v.

**EILEEN NIEBAUER A/K/A  
EILEEN P. NIEBAUER  
RALPH NIEBAUER A/K/A  
RALPH L. NIEBAUER,  
Defendant(s)**

**SHORT DESCRIPTION FOR  
ADVERTISING**

ALL THAT CERTAIN LOT OF LAND SITUATE IN TOWNSHIP OF FAIRVIEW, ERIE COUNTY, PENNSYLVANIA:  
BEING KNOWN AS 7157 Old Ridge Road, Fairview, PA 16415  
PARCEL NUMBER: 21-77-9-2

IMPROVEMENTS: Residential Property  
Elizabeth L. Wassall, Esq.  
PA ID #77788  
Attorney for Plaintiff  
Udren Law Offices, P.C.  
Woodcrest Corporate Center  
111 Woodcrest Road, Suite 200  
Cherry Hill, NJ 08003-3620  
856-669-5400  
Aug. 30 and Sept. 6, 13

**SALE NO. 4**

**Ex. #11408 of 2013**

**HSBC Bank USA, National  
Association, as Trustee for  
Fremont Home Loan Trust 2005-  
D, Mortgage-Backed Certificates,  
Series 2005-D, Plaintiff**

v.

**RANDY M. POSTEN  
KRISTA WOJTKIEWIC-  
POSTEN, Defendant(s)  
SHORT DESCRIPTION FOR  
ADVERTISING**

ALL THAT CERTAIN LOT OF LAND SITUATE IN TOWNSHIP OF MILLCREEK, ERIE COUNTY, PENNSYLVANIA:  
BEING KNOWN AS 3144 Aberdeen Avenue, Erie, PA 16506  
PARCEL NUMBER: (33) 77-338-23  
IMPROVEMENTS: Residential Property  
J. Eric Kishbaugh, Esquire  
PA ID #33078  
Attorney for Plaintiff  
Udren Law Offices, P.C.  
Woodcrest Corporate Center  
111 Woodcrest Road, Suite 200  
Cherry Hill, NJ 08003-3620  
856-669-5400  
Aug. 30 and Sept. 6, 13

**SALE NO. 5**

**Ex. #11275 of 2013**

**Wells Fargo Bank, N.A., as  
Trustee for Securitized Asset  
Backed Receivables LLC Trust  
2005-OP1, Mortgage Pass-  
Through Certificates, Series  
2005-OP1, Plaintiff**

v.

**CLIFFORD E. SMATHERS  
GRACE R. SMATHERS,  
Defendant(s)**

**SHORT DESCRIPTION FOR  
ADVERTISING**

ALL that certain lot of land situate



in Township of North East, Erie County, Pennsylvania:  
 BEING KNOWN AS 8802 RT 89, North East, PA 16428-5244  
 PARCEL NUMBER: (37) 33-130-15  
 IMPROVEMENTS: Residential Property  
 Jordan David, Esquire  
 PA ID #311968  
 Attorney for Plaintiff  
 Udren Law Offices, P.C.  
 Woodcrest Corporate Center  
 111 Woodcrest Road, Suite 200  
 Cherry Hill, NJ 08003-3620  
 856-669-5400

Aug. 30 and Sept. 6, 13

**SALE NO. 6**

**Ex. #30488 of 2013**  
**PNC BANK, N.A., Plaintiff**  
 v.  
**DEAN L. MOREHOUSE AND ALICE A. MOREHOUSE, Defendant**

**LEGAL DESCRIPTION**

ALL that certain piece or parcel of land situated in the Township of Millcreek, County of Erie, and the State of Pennsylvania, being Lots Nos. Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16) and Seventeen (17) of KELSO PARK SUBDIVISION or part of Reserve Tract No. 8, made by Maahs and Markwood as shown upon a plot of said subdivision recorded in Erie County Map Book 2, page 234. Subject to conditions and restrictions set forth in Erie County Deed Book 380, page 776. BEING the same premises more commonly known as THE RIVIERA MOTEL, 3107 West Lake Road, Erie, PA and comprised of twenty-six (26) units plus an office. Being the same premises conveyed to Dean L. Morehouse and Alice A. Morehouse, dated March 30, 2000, and recorded in Erie County Record Book 695, page 62. This deed is taken under and subject to all easements, restrictions, rights-of-way of record and/or those that are visible to physical inspection. Mark G. Claypool, Esquire  
 Pa ID #63199  
 Knox McLaughlin Gornall & Bennett, P.C.  
 120 West Tenth Street

Erie, Pennsylvania 16501  
 (814) 459-2800  
 Aug. 30 and Sept. 6, 13

**SALE NO. 7**

**Ex. #10763 of 2013**  
**NORTHWEST CONSUMER DISCOUNT COMPANY, Plaintiff**  
 v.  
**MARY E. JOINT, Defendant**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed at No. 2013-10763, Northwest Consumer Discount Company vs. Mary E. Joint, owner of property situate in the City of Erie, Erie County, Pennsylvania being: 409 Ross Street, Erie, Pennsylvania. Approx. 143 1/2' x 33' x 143 1/2' x 33' Assessment Map Number: (14) 1032-131 Assessed Value Figure: \$38,500.00 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. 30 and Sept. 6, 13

**SALE NO. 8**

**Ex. #10436 of 2012**  
**PNC Bank, National Association, Plaintiff**  
 v.  
**Carol M. Bretschneider and Donald E. Bretschneider, II, Defendants**  
**SHERIFFS SALE**

By virtue of a Writ of Execution filed to No. 10436-2012 PNC BANK, NATIONAL ASSOCIATION vs. CAROL M. BRETSCHNEIDER and DONALD E. BRETSCHNEIDER, II, owner(s) of property situated in TOWNSHIP OF MILLCREEK Erie County, Pennsylvania being 2213 MIDLAND DRIVE, ERIE, PA 16505 0.226 acres Assessment Map number: (33) 52-220-1 Assessed Value figure: \$88,890.00 Improvement thereon: one-story family dwelling and two car detached garage

Brett A. Solomon, Esquire  
 Michael C. Mazack, Esquire  
 1500 One PPG Place  
 Pittsburgh, PA 15222  
 (412) 566-1212  
 Aug. 30 and Sept. 6, 13

**SALE NO. 9**

**Ex. #11389 of 2010**  
**EverBank, Plaintiff**  
 v.  
**Donald C. Wilkinson, III and Sherry Wilkinson, Defendant**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 11389-10 EverBank vs. Donald C. Wilkinson, III and Sherry Wilkinson, owner(s) of property situated in North East Borough, Erie County, Pennsylvania being 2023 Freeport Road, North East, PA 16428 .2342 Assessment Map number: 37-5-46-21 Assessed Value figure: \$104,240.00 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. 30 and Sept. 6, 13

**SALE NO. 10**

**Ex. #11747 of 2012**  
**SUNTRUST MORTGAGE, INC., Plaintiff**  
 v.  
**STANLEY J. CODY, Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 11747-12 SUNTRUST MORTGAGE, INC. vs. STANLEY J. CODY Amount Due: \$98,044.73 STANLEY J. CODY, owner(s) of property situated in TOWNSHIP OF ERIE CITY, Erie County, Pennsylvania being 3974 ZIMMERMAN ROAD, ERIE, PA 16510-3684 Dimensions: 62 X IRR Acreage: 0.1738 Assessment Map number: 18052058041600 Assessed Value: \$87,890.00

Improvement thereon: Residential  
Phelan Hallinan, LLP  
One Penn Center at Suburban  
Station, Suite 1400  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000

Aug. 30 and Sept. 6, 13

**SALE NO. 11**

**Ex. #10696 of 2013**  
**BANK OF AMERICA, N.A.,**  
**Plaintiff**  
**v.**

**TERRI L. ELLER, Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution  
filed to No. 10696-2013  
BANK OF AMERICA, N.A. vs.  
TERRI L. ELLER

Amount Due: \$93,838.54  
TERRI L. ELLER, owner(s) of  
property situated in MILLCREEK  
TOWNSHIP, Erie County,  
Pennsylvania being 4860  
HARTLEY LANE, ERIE, PA  
16505-2930

Dimensions: 60 x 245  
Acreage: 0.3375  
Assessment Map number:  
33024117003300

Assessed Value: \$110,750  
Improvement thereon: Residential  
Phelan Hallinan, LLP

One Penn Center at Suburban  
Station, Suite 1400  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000

Aug. 30 and Sept. 6, 13

**SALE NO. 12**

**Ex. #10821 of 2013**  
**ALLY BANK, Plaintiff**  
**v.**  
**GARY L. HICKS, Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution  
filed to No. 10821-2013  
ALLY BANK vs. GARY L. HICKS  
Amount Due: \$18,223.49

GARY L. HICKS, owner(s) of  
property situated in CITY OF  
CORRY, 3RD WARD, Erie County,  
Pennsylvania being 602 WEST  
WASHINGTON STREET, CORRY,  
PA 16407-1467

Dimensions: 45 X 266.48  
Acreage: 0.2753

Assessment Map number:  
07025067000500

Assessed Value: \$39,290  
Improvement thereon: residential  
Phelan Hallinan, LLP  
One Penn Center at Suburban  
Station, Suite 1400  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000

Aug. 30 and Sept. 6, 13

**SALE NO. 13**

**Ex. #10980 of 2012**  
**NATIONSTAR MORTGAGE,**  
**LLC, Plaintiff**  
**v.**

**DANIEL M. KILLIAN**  
**CAROL A. KILLIAN,**  
**Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution  
filed to No. 10980-2012

NATIONSTAR MORTGAGE,  
LLC vs. DANIEL M. KILLIAN,  
CAROL A. KILLIAN  
Amount Due: \$100,985.59  
DANIEL M. KILLIAN,  
owner(s) of property situated in  
CRANESVILLE BOROUGH,  
Erie County, Pennsylvania being  
9820 BATEMAN AVENUE,  
CRANESVILLE, PA 16410-1702  
Dimensions: 100 X 264  
Acreage: 0.6061

Assessment Map number:  
09001001000300  
Assessed Value: 68,800.00

Improvement thereon: residential  
Phelan Hallinan, LLP  
One Penn Center at Suburban  
Station, Suite 1400

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

Aug. 30 and Sept. 6, 13

**SALE NO. 14**

**Ex. #10738 of 2012**  
**U.S. BANK TRUST NATIONAL**  
**ASSOCIATION, NOT IN ITS**  
**INDIVIDUAL CAPACITY**  
**BUT SOLELY AS DELAWARE**  
**TRUSTEE AND U.S. BANK**  
**NATIONAL ASSOCIATION,**  
**NOT IN ITS INDIVIDUAL**  
**CAPACITY BUT SOLELY**  
**AS CO-TRUSTEE FOR**  
**GOVERNMENT LOAN**  
**SECURITIZATION TRUST**

**2011-FV1, Plaintiff**

**v.**  
**LISA MARIE LENOX,**  
**Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution  
filed to No. 10738-12

U.S. BANK TRUST NATIONAL  
ASSOCIATION, NOT IN ITS  
INDIVIDUAL CAPACITY  
BUT SOLELY AS DELAWARE  
TRUSTEE AND U.S. BANK  
NATIONAL ASSOCIATION, NOT  
IN ITS INDIVIDUAL CAPACITY  
BUT SOLELY AS CO-TRUSTEE  
FOR GOVERNMENT LOAN  
SECURITIZATION TRUST 2011-  
FV1 vs. LISA MARIE LENOX  
Amount Due: \$165,457.08

LISA MARIE LENOX, owner(s)  
of property situated in TOWNSHIP  
OF MILLCREEK, County of Erie,  
Commonwealth of Pennsylvania  
being 3552 BREEZEWAY DRIVE,  
ERIE, PA 16506-1937  
Dimensions: 105.7 X 165

Acreage: 0.3605  
Assessment Map number:  
33063370001300

Assessed Value: 147,200  
Improvement thereon: residential  
Phelan Hallinan, LLP

One Penn Center at Suburban  
Station, Suite 1400  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000

Aug. 30 and Sept. 6, 13

**SALE NO. 15**

**Ex. #12000 of 2012**  
**WELLS FARGO FINANCIAL**  
**PENNSYLVANIA, INC., Plaintiff**  
**v.**

**TERRENCE MCQUAID,**  
**Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution  
filed to No. 12000-12

WELLS FARGO FINANCIAL  
PENNSYLVANIA, INC vs.  
TERRENCE MCQUAID  
Amount Due: \$176,587.14

TERRENCE MCQUAID,  
owner(s) of property situated in  
MILLCREEK TOWNSHIP, Erie  
County, Pennsylvania being 146  
FIELDSTONE WAY A/K/A, 146  
FIELDSTONE WAY, UNIT 1R-  
146, ERIE, PA 16505-5802

Acreage: 0  
 Assessment Map number:  
 33007019028253  
 Assessed Value: \$189,300  
 Improvement thereon:  
 Condominium Unit  
 Phelan Hallinan, LLP  
 One Penn Center at Suburban  
 Station, Suite 1400  
 1617 John F. Kennedy Boulevard  
 Philadelphia, PA 19103-1814  
 (215) 563-7000

Aug. 30 and Sept. 6, 13

**SALE NO. 16**

**Ex. #10752 of 2013**

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

v.

**JOHN A. ONORATO,  
 Defendant(s)  
 SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 10752-2013  
 BANK OF AMERICA, N.A.,  
 SUCCESSOR BY MERGER TO  
 BAC HOME LOANS SERVICING  
 LP, FKA COUNTRY WIDE HOME  
 LOANS SERVICING LP vs. JOHN  
 A. ONORATO  
 Amount Due: \$78,563.81  
 JOHN A. ONORATO, owner(s)  
 of property situated in the THIRD  
 WARD OF THE CITY OF ERIE,  
 Erie County, Pennsylvania being  
 711 WEST 10TH STREET, ERIE,  
 PA 16502-1226  
 Dimensions: 42 x 165.25  
 Acreage: 0.1593  
 Assessment Map number:  
 160330039020600  
 Assessed Value: \$72,580.00  
 Improvement thereon: Residential  
 Phelan Hallinan, LLP  
 One Penn Center at Suburban  
 Station, Suite 1400  
 1617 John F. Kennedy Boulevard  
 Philadelphia, PA 19103-1814  
 (215) 563-7000

Aug. 30 and Sept. 6, 13

**SALE NO. 17**

**Ex. #10545 of 2013**

**HSBC BANK USA, NATIONAL  
 ASSOCIATION AS TRUSTEE**

**FOR WELLS FARGO ASSET  
 SECURITIES CORPORATION,  
 MORTGAGE ASSET-  
 BACKED PASS-THROUGH  
 CERTIFICATES SERIES  
 2007-PA2, Plaintiff**

v.

**DARLENE PAMULA  
 Defendant(s)  
 SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 10545-13  
 HSBC BANK USA, NATIONAL  
 ASSOCIATION AS TRUSTEE  
 FOR WELLS FARGO ASSET  
 SECURITIES CORPORATION,  
 MORTGAGE ASSET-  
 BACKED PASS-THROUGH  
 CERTIFICATES SERIES 2007-  
 PA2 vs. DARLENE PAMULA  
 Amount Due: \$100,371.58  
 DARLENE PAMULA, owner(s) of  
 property situated in MILLCREEK  
 TOWNSHIP, Erie County,  
 Pennsylvania being 1734 WEST  
 50TH STREET, ERIE, PA 16509-  
 1833  
 Dimensions: 40 X 121.4 (Irr)  
 Acreage: .01111  
 Assessment Map number:  
 33121543000501  
 Assessed Value: \$109,210  
 Improvement thereon: Residential  
 Phelan Hallinan, LLP  
 One Penn Center at Suburban  
 Station, Suite 1400  
 1617 John F. Kennedy Boulevard  
 Philadelphia, PA 19103-1814  
 (215) 563-7000

Aug. 30 and Sept. 6, 13

**SALE NO. 18**

**Ex. #12967 of 2012**

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

v.

**RODNEY NEAL SHAFFER,  
 IN HIS CAPACITY AS HEIR  
 OF JOYCE M. KONKOL,  
 DECEASED**

**UNKNOWN HEIRS,  
 SUCCESSORS, ASSIGNS, AND  
 ALL PERSONS, FIRMS, OR  
 ASSOCIATIONS CLAIMING  
 RIGHT, TITLE OR INTEREST  
 FROM OR UNDER JOYCE**

**M. KONKOL, DECEASED,  
 Defendant(s)  
 SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 12967-2012  
 JPMORGAN CHASE BANK,  
 NATIONAL ASSOCIATION  
 S/B/M TO CHASE HOME  
 FINANCE LLC, S/B/M TO  
 CHASE MANHATTAN  
 MORTGAGE CORPORATION  
 vs. RODNEY NEAL SHAFFER,  
 IN HIS CAPACITY AS HEIR  
 OF JOYCE M. KONKOL,  
 DECEASED, UNKNOWN HEIRS,  
 SUCCESSORS, ASSIGNS, AND  
 ALL PERSONS, FIRMS, OR  
 ASSOCIATIONS CLAIMING  
 RIGHT, TITLE OR INTEREST  
 FROM OR UNDER JOYCE M.  
 KONKOL, DECEASED  
 Amount Due: \$73,493.31  
 RODNEY NEAL SHAFFER,  
 IN HIS CAPACITY AS HEIR  
 OF JOYCE M. KONKOL,  
 DECEASED, UNKNOWN HEIRS,  
 SUCCESSORS, ASSIGNS, AND  
 ALL PERSONS, FIRMS, OR  
 ASSOCIATIONS CLAIMING  
 RIGHT, TITLE OR INTEREST  
 FROM OR UNDER JOYCE M.  
 KONKOL, DECEASED, owner(s)  
 of property situated in the City of  
 Erie, Erie County, Pennsylvania  
 being 1034 WEST 36TH STREET,  
 ERIE, PA 16508-2516  
 Dimensions: 45 x 135  
 Acreage: 0.1395  
 Assessment Map number:  
 19-061-018.0-119.00  
 Assessed Value: \$107,240.00  
 Improvement thereon: residential  
 Phelan Hallinan, LLP  
 One Penn Center at Suburban  
 Station, Suite 1400  
 1617 John F. Kennedy Boulevard  
 Philadelphia, PA 19103-1814  
 (215) 563-7000

Aug. 30 and Sept. 6, 13

**SALE NO. 19**

**Ex. #11361 of 2012**

**WELLS FARGO BANK, N.A.,  
 Plaintiff**

v.

**SCOTT J. WASIULEWSKI  
 A/K/A SCOTT WASIULEWSKI,  
 Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution

filed to No. 11361-12  
 WELLS FARGO BANK, N.A. vs.  
 SCOTT J. WASIULEWSKI A/K/A  
 SCOTT WASIULEWSKI  
 Amount Due: \$ 120,180.19  
 SCOTT J. WASIULEWSKI  
 A/K/A SCOTT WASIULEWSKI,  
 owner(s) of property situated in  
 MILLCREEK TOWNSHIP, Erie  
 County, Pennsylvania being 2244  
 STONEYBROOK DRIVE, ERIE,  
 PA 16510-6404.  
 Dimensions: 60 X 120  
 Acreage: 0.1653  
 Assessment Map number:  
 33108480001416  
 Assessed Value: \$137,400.00  
 Improvement thereon: Residential  
 Phelan Hallinan, LLP  
 One Penn Center at Suburban  
 Station, Suite 1400  
 1617 John F. Kennedy Boulevard  
 Philadelphia, PA 19103-1814  
 (215) 563-7000  
 Aug. 30 and Sept. 6, 13

**SALE NO. 20**

**Ex. #11669 of 2012**  
**Bank of America, N.A. S/B/M**  
**BAC Home Loans Servicing, L.P.**  
**F/K/A Countrywide Home Loans**  
**Servicing, L.P.**  
 v.

**Kathleen E. Thompson**

**ADVERTISING DESCRIPTION**

ALL THAT CERTAIN piece or  
 parcel of land situate in the Third  
 Ward of the City of Erie, County of  
 Erie and State of Pennsylvania  
 BEING KNOWN AS: 2021  
 Woodrow Street, Erie, PA 16502  
 PARCEL # (16) 31-28-112  
 Improvements: Residential  
 Dwelling.  
 Sean P. Mays, Esquire  
 Id. No. 307518  
 Attorney for Plaintiff  
 1310 Industrial Boulevard  
 2nd Floor, Suite 201  
 Southampton, PA 18966  
 (215) 942-2090  
 Aug. 30 and Sept. 6, 13

**SALE NO. 21**

**Ex. #10916 of 2013**  
**PNC BANK, NATIONAL**  
**ASSOCIATION, SUCCESSOR**  
**IN INTEREST TO NATIONAL**  
**CITY REAL ESTATE**  
**SERVICES, LLC, SUCCESSOR**

**BY MERGER TO NATIONAL**  
**CITY MORTGAGE, INC.,**  
**FORMERLY KNOWN AS**  
**NATIONAL CITY MORTGAGE**  
**CO., SUCCESSOR BY**  
**MERGER TO INTEGRA**  
**MORTGAGE COMPANY,**  
**Plaintiff**

v.

**KENNETH H. STEELE**  
**ANNETTE N. STEELE,**  
**Defendant(s)**

**DESCRIPTION**

All that certain piece or parcel  
 of land being part of Tract No.  
 110, Situate in the Township of  
 LeBoeuf, County of Erie and State  
 of Pennsylvania, being Lot Nos.  
 2 And 253 of the Indian Head  
 Park Subdivision. Map of said  
 subdivision having been plotted  
 in Map Book 2 at pages 465 and  
 466 in the Recorder's Office of  
 Erie County, Pennsylvania, and  
 Deed to Norma T. Sobel for the  
 property now so subdivided having  
 been recorded in the office of the  
 Recorder of Deeds for Erie County,  
 Pennsylvania, in Deed Book 282 at  
 page 2.  
 Also, all that other certain piece  
 or parcel of land being Lot No.  
 83, Tract 110. Corner Seneca and  
 Iroquois Drive, LeBoeuf Township,  
 Erie County, Pennsylvania. Being  
 further identified by Erie County  
 Tax Index No. (30) 3-24-6 and  
 3-27-9.  
 KML Law Group, P.C.  
 Attorney for Plaintiff  
 Suite 5000 - BNY Independence  
 Center, 701 Market Street  
 Philadelphia, PA 19106  
 (215) 627-1322

Aug. 30 and Sept. 6, 13

**SALE NO. 22**

**Ex. #10999 of 2013**  
**NATIONSTAR MORTGAGE,**  
**LLC, F/K/A CENTEX HOME**  
**EQUITY COMPANY, LLC,**  
**Plaintiff**

v.

**BRET H. VISALLE,**  
**Defendant(s)**  
**DESCRIPTION**

All that certain piece or parcel  
 of land situated in Tract No.  
 218, Harborcreek Township,  
 Erie County, Pennsylvania, more

particularly described as follows,  
 to-wit: Beginning at an iron pipe at  
 the northwest corner of land now  
 or formerly of Gerard Maille as  
 described in Deed Book 1009 at  
 page 429 and the southwest corner  
 of land of Donald Schuster, said  
 point also being on the east line  
 of Ruth Dennis; Thence south 0  
 degrees, 55 minutes, 18 seconds  
 east, 538.43 feet along the east line  
 of Ruth Dennis and Jean Hunt to an  
 iron pin; Thence north 78 degrees,  
 22 minutes, 30 seconds east, 82.50  
 feet along the land of Gerard Maille  
 to an iron pin; Thence north 0  
 degrees, 55 minutes, 18 seconds  
 west, 538.34 feet along the west  
 line of Gerard Maille to an iron  
 pin; thence south 78 degrees, 22  
 Minutes, 30 seconds west, 82.50  
 feet along the south line of Donald  
 Schuster to an iron pipe and place  
 of beginning. Said bounds contain  
 1.00 acre more or less.

Also, all that certain piece or parcel  
 of land situate in the Township of  
 Harborcreek, County of Erie and  
 Commonwealth of Pennsylvania,  
 bounded and described as follows,  
 to-wit: Beginning in the south  
 line of the Lake Road where it is  
 intersected by the west line of land  
 of William W. Davison (deceased),  
 Thence south 0 degrees, 25 minutes  
 west forty-eight (48) rods to the  
 north line of land now or formerly  
 of Ira Sherwin (heirs), thence by  
 same south 63 degrees 45 minutes  
 west fifteen and four-tenths (15.4)  
 rods to a post, thence north 0  
 degrees 25 minutes east forty-five  
 and four-tenths rods to the south  
 line of the Lake Road, thence north  
 54 degrees 45 minutes east seventeen  
 (17) rods to the place of beginning.  
 Being part of Tract 218, containing  
 4 acres of land. Excepting and  
 reserving approximately a half acre  
 of land heretofore conveyed out  
 of the north west corner of said tract  
 unto Louis Maille, 110 feet in front  
 along the old south line of the Lake  
 Road and 198 feet in depth, said  
 conveyance having been recorded  
 in Erie County Deed Book 436 at  
 page 413 and bears Erie County  
 Index No. (27) 25-13-1701.  
 PROPERTY ADDRESS: 7281 East  
 Lake Road, Erie, PA 16511

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

Aug. 30 and Sept. 6, 13

**SALE NO. 23**

**Ex. #12969 of 2012**  
**PNC BANK, NATIONAL ASSOCIATION, Plaintiff**  
 v.  
**NICOLLE J. SHALLOP, Defendant**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 2012-12969, PNC Bank, National Association vs. Nicolle J. Shallop, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 1710 East 27th Street, Erie, PA 16510.  
 Dimensions: 0.1489 acreage  
 Assessment Map Number: (18)-5121-226  
 Assess Value figure: 81,860.00  
 Improvement thereon: Dwelling  
 Louis P. Vittit, Esquire  
 Attorney for Plaintiff  
 215 Fourth Avenue  
 Pittsburgh, PA 15222  
 (412) 281-1725

Aug. 30 and Sept. 6, 13

**SALE NO. 24**

**Ex. #10519 of 2013**  
**U.S. Bank National Association, as trustee, on behalf of the holders of the Home Equity Asset Trust 2007-3 Home Equity Pass-Through Certificates, Series 2007-3, Plaintiff**  
 v.  
**Marcia A. Spenton, Defendant**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 10519-13 U.S. Bank National Association, as trustee, on behalf of the holders of the Home Equity Asset Trust 2007-3 Home Equity Pass-Through Certificates, Series 2007-3 v. Marcia A. Spenton, Owner(s) of property situated in Borough of North East, Erie County, Pennsylvania, being 72 Bernwood Drive, North East, PA 16428.  
 All that certain piece or parcel of land situate in the Borough of North East, County of Erie and

Commonwealth of Pennsylvania, being Lot No. 79 of Wellington Heights Subdivision, Section IV, recorded in Erie County Map Book 12 at page 91, and more particularly bounded and described as follows, to-wit:

BEGINNING at a point on the north line of Bernwood Drive at its intersection with the westerly line of Lot No. 79, said point also being the southwest corner of Lot No. 79; thence North 34 degrees 51 minutes East along the west line of Lot No. 79, one hundred six and seventy hundredths (106.70) feet to a point on the easterly portion of the turn around of Lowry Lane; thence North 83 degrees 51 minutes East along the line of the turn around of Lowry Lane, an arc distance of nineteen and twenty hundredths (19.20) feet to a point on the northerly line of Lot No. 79; thence South 55 degrees 09 minutes East, ninety one and sixty hundredths (91.60) feet to a point at the northeast corner of Lot No. 79; thence South 34 degrees 51 minutes West along the easterly line of Lot No. 79, one hundred nineteen and twenty-two hundredths (119.22) feet to a point on the north line of Bernwood Drive; thence North 55 degrees 09 minutes West along the northerly line of Bernwood Drive, one hundred six (106) feet to a point and the place of beginning.

This conveyance is made under and subject to protective conditions and restrictions for Wellington Heights Subdivision, Section 1, North East Borough, Erie County, Pennsylvania, recorded May 26, 1971 in Erie County Deed Book 1044 at Page 92; Section II recorded July 7, 1972 in Erie County Deed Book 1072 at Page 610 and re-recorded April 2, 1979 in Erie County Deed Book 1343 at Page 277; Section III, recorded May 21, 1974 in Erie County Deed Book 1120 at Page 221 and re-recorded April 2, 1979 in Erie County Deed Book 1343 at Page 285; and Section IV recorded March 26, 1976 in Erie County Deed Book 1206 at Page 243 and re-recorded April 2, 1979 in Erie County Deed Book 1343 at Page 294; and subject to rights-of-way of record.

More commonly known as 72 Bernwood Drive, North East, Pennsylvania, and bears Erie County Tax Index Number (36) 9-59-77.

Being the same premises conveyed to Randy J. Houle and Carla Ann Houle, his wife, by deed recorded in Erie County Record Book 392 at page 2400.

Grantors do hereby warrant that the property conveyed has not, to the knowledge of Grantors, nor by reason of any action of the Grantors, been used for the purpose of disposal of hazardous waste as the same are defined in 35 P.S. 6018.103.

Assessment Map number: 36-009-059.0-077.00  
 Assessed Value figure: \$83,830.00  
 Improvement thereon: Residential Dwelling  
 Martha E. Von Rosenstiel, Esquire  
 No. 52634  
 Heather Riloff, Esquire  
 No. 309906  
 649 South Avenue, Unit #6  
 P.O. Box 822  
 Secane, PA 19018  
 (610) 328-2887

Aug. 30 and Sept. 6, 13

**SALE NO. 25**

**Ex. #11087 of 2013**  
**PNC BANK, NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO NATIONAL CITY BANK, SUCCESSOR BY MERGER TO NATIONAL CITY MORTGAGE, A DIVISION OF NATIONAL CITY BANK OF INDIANA, Plaintiff**  
 v.  
**PATRICIA A. SESSAMEN, Defendant(s)**  
**DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situate in the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania, being part of Tract No. Thirteen (13) thereof, and more particularly bounded and described as follows, to-wit: BEGINNING at the intersection of the north line of Twelfth Street and the east line of Idaho Avenue; thence northwardly along the east line of Idaho Avenue, one hundred Sixty-seven and five tenths (167.5) feet to an iron pin;



thence eastwardly parallel with the north line of Twelfth Street, one hundred forty-four (144) feet to an iron pin; thence southwardly parallel with Idaho Avenue, One hundred sixty-seven and five tenths (167.5) feet to an iron pin in the north Hoe [sic] of Twelfth Street; thence westwardly along the north line of Twelfth Street, One hundred forty-four (144) feet to the place of beginning and being parts of Lots Nos. 18 and 19 of EDGEWOOD SUBDIVISION, a plat of said Subdivision being recorded in Erie County Map Book 2, page 499. Said premises having erected thereon a dwelling more commonly known as 3268 West 12th Street, Erie, Pennsylvania and being further identified with Erie County Tax Index Number (33) 28-73-22. PROPERTY ADDRESS: 3268 West 12th Street Erie, PA 16505 KML Law Group, P.C. Attorney for Plaintiff Suite 5000 - BNY Independence Center 701 Market Street Philadelphia, PA 19106 (215) 627-1322

Aug. 30 and Sept. 6, 13

**SALE NO. 26**

**Ex. #13769 of 2012**  
**TAMMAC HOLDINGS CORPORATION, Plaintiff**  
 v.  
**BRIAN L. TEMPLE and KATHY M. TEMPLE, Defendants**  
**LEGAL DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situated in the Township of Springfield, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows, to-wit: BEGINNING at a point in the centerline of the East and West of Highway known as U.S. Route No. 20 at the Northeast corner of lands of the U.S. Steel Company; thence South along the East line of said U.S. Steel Company property a distance of about 1900 feet to the North line of the right of way and Highway known as U.S. Route 90; thence easterly along the north line of said U.S. Route No. 90 about 183 feet to

the southwest corner of lands of the Workingman's Friend Oil, Inc., (See Deed Book 1016, page 327, Erie County Recorder of Deeds); thence North along the West line of lands of said Workingman's Friend Oil, Inc., a distance of about 1900 feet to the centerline of said U.S. Route No. 20; thence Westerly along the centerline of U.S. Highway 20 about 183 feet to the piece of beginning. EVIDENCE of title being the Deed recorded June 21, 1967 at Book 1225, page 362, in the Recorder's Office of Erie County, Pennsylvania. SUBJECT to a Right-of-Way for Electrical Line from Vernon R. Laux to Pennsylvania Electric Company recorded December 10, 1959 in Contract Book 78, Page 504, Erie County Records. SUBJECT to Right-of-Way and Easement from Raymond W. and Shirley Thomas to American Telegraph & Telephone Co., recorded April 4, 1946 in Contract Book 24, page 578 in the office of the Erie County Recorder. SUBJECT to Covenants, conditions and restrictions of record. SAID premises is known as 14861 Ridge Road, West Springfield, Pennsylvania, and further identified as Erie County Index No. (39) 13-39-3. HAVING erected thereon a 1995 Fairmont 16 X 72 Manufactured home, serial #MY9597595K. Robert W. Koehler, Esquire Manor Complex, Penthouse 564 Forbes Avenue Pittsburgh, PA 15219

Aug. 30 and Sept. 6, 13

**SALE NO. 27**

**Ex. #13309 of 2011**  
**The Bank of New York, as indenture trustee for the Encore Credit Receivables Trust 2005-2**  
 v.  
**Michelle Berry Thomas J. Berry**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution file to No. 13309-11 The Bank of New York, as indenture trustee for the Encore Credit Receivables Trust 2005-2 v. Michelle Berry; Thomas J. Berry, owner(s) of property situated

in the Township of Creekbrook, County of Erie, Pennsylvania being 3106 Athens Street, Erie, PA 16510 Assessment Map Number: 27-48-179-6 Assessed Value figure: 90,810 Improvement thereon: Single Family Dwelling Zucker, Goldberg & Ackerman, LLC 200 Sheffield Street, Suite 101 Mountainside, NJ 07092 (908) 233-8500

Aug. 30 and Sept. 6, 13

**SALE NO. 28**

**Ex. #12650 of 2008**  
**Washington Mutual Bank**  
 v.  
**Albert L. Crawford Laurie L. Crawford**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution file to No. 12650-08 Washington Mutual Bank vs. Albert L. Crawford; Laurie L. Crawford; owner(s) of property situated in the Township of Wayne, County of Erie, Pennsylvania being 11866 Route 6, Corry, PA 16407 1270 square feet; 0.9183 acre Assessment Map Number: 49-20-44-11 Assessed Value figure: \$78,120.00 Improvement thereon: Single Family Dwelling Zucker, Goldberg & Ackerman, LLC 200 Sheffield Street, Suite 101 Mountainside, NJ 07092 (908) 233-8500

Aug. 30 and Sept. 6, 13

**SALE NO. 29**

**Ex. #11342 of 2012**  
**HSBC Bank USA, National Association, as Trustee for Wells Fargo Home Equity Trust 2004-2**  
 v.  
**Donna L. King a/k/a Donna King; William Phillip Jr. a/k/a William Phillip, deceased; United States of America**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution file to No. 2012-11342 HSBC Bank USA, National Association, as Trustee for Wells Fargo Home Equity Trust 2004-2 vs. Donna L. King a/k/a Donna King; William Phillip Jr. a/k/a William Phillip, deceased; United States of America

owner(s) of property situated in the City of Erie, County of Erie, Pennsylvania being 1051 East 24th Street, Erie, PA 16503-2304.

Assessment Map Number: 18-5042.0-207.00

Assessed Value figure: 36,500.00

Improvement thereon: Single Family Dwelling

Zucker, Goldberg & Ackerman, LLC  
200 Sheffield Street, Suite 101

Mountainside, NJ 07092

(908) 233-8500

Aug. 30 and Sept. 6, 13

**SALE NO. 30**

**Ex. #11283 of 2013**

**Deutsche Bank National Trust Company, as Trustee for Morgan Stanley ABS Capital 1 INC. Trust 2004-HE5, by its Attorney-in-fact, Ocwen Loan Servicing, LLC**

v.

**Sandra A. Sharp**

**LEGAL DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situate in the City of Erie, County of Erie and Commonwealth of Pennsylvania, being the westerly sixty (60) feet of Lot Number 7 of the East Grandview Subdivision as recorded in the office of the Recorder of Deeds of Erie County, Pennsylvania, in Map Book 5, Page 305 and subject to the restrictions set forth in Deed recorded in the office of the Recorder of Deeds of Erie County, Pennsylvania in Deed Book 746, Page 264.

BEING the same premises which Richard P. Amendola, Single by General Warranty Deed dated August 29, 1997 and recorded on September 2, 1997 in the office of the Recorder of Deeds in and for Erie County at book 516 page 1984 granted and conveyed unto Sandra A. Sharp, Single

PROPERTY ADDRESS: 815 East 41st Street, Erie, PA 16504

PARCEL # (18) 5379-207

Andrew J. Marley, Esquire  
Attorney for Plaintiff

Stern & Eisenberg, P.C.

1581 Main Street, Ste. 200

The Shops at Valley Square

Warrington, PA 18976

(215) 572-8111

Aug. 30 and Sept. 6, 13

**SALE NO. 31**

**U.S. Bank National Association, as Trustee, successor in interest to Bank of America, National**

**Association as Trustee as successor by merger to LaSalle**

**Bank National Association as Trustee for certificateholders**

**of Bear Stearns Asset Backed Securities, Inc., Plaintiff**

v.

**Lawrence L. Burkett and**

**Mary B. Burkett, Defendant**

**SHORT DESCRIPTION**

ALL that certain piece of parcel of land situate in the Township of Millcreek, County of Erie, and Commonwealth of Pennsylvania, being Lot No. 24, Block H, on Evans Estates, Subdivision No. 2, of part of Reserve Tract No. 17, as the same is shown on a Map of said Subdivision recorded in the Office of Recorder of Deeds in and for said County of Erie, Pennsylvania, in Map Book 4, pages 320, 322 and 323 to which reference is made for further description of said property, and having erected thereon a One floor Modular Home being more commonly known as 3051 West 22nd Street, Erie, Pennsylvania. Bearing Erie County index No. (33) 52-219-8.

Being the same property acquired by Lawrence L. Burkett and Mary B. Burkett, by Deed recorded 10/13/1994, of record in Deed Book 358, Page 119, in the Office of the Recorder of Erie County, Pennsylvania.

By virtue of a Writ of Execution filed to No. 10625-13 U.S. Bank National Association, as Trustee, successor in interest to Bank of America, National Association as Trustee as successor by merger to LaSalle Bank National Association as Trustee for certificateholders of Bear Stearns Asset Backed Securities, Inc. v. Lawrence L. Burkett and Mary B. Burkett, owners of property situated in the Township of Millcreek, Erie County, Pennsylvania being 3051 West 22nd Street, Erie, Pennsylvania 16506.

Tax I.D. No. 33-52-219-8

Assessment: \$83,058.12

McCabe, Weisberg and Conway, P.C.

123 South Broad Street, Suite 1400  
Philadelphia, PA 19109

Aug. 30 and Sept. 6, 13

**SALE NO. 32**

**Ex. #10575 of 2013**

**Clearview Federal Credit Union, Plaintiff**

v.

**Laura M. Fisher and**

**Brandon J. Fisher, Defendant**

**SHORT DESCRIPTION**

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

Being Lot No. "16" in Block "0" of the Reedhurst Addition, as laid out by Carl M. Reed, a plan of same being recorded in Map Book One, Page 409, in the Office of the Recorder of Deeds in and for said County of Erie, to which plan reference is made for a further description of said Lot; said Lot being Forty (40) feet front by one hundred thirty (130) feet in depth.

By virtue of a Writ of Execution filed to No. 10575-13 Clearview Federal Credit Union v. Laura M. Fisher and Brandon J. Fisher, owners of property situated in the Township of Lawrence Park, Erie County, Pennsylvania being 410 Halley Street, Erie, Pennsylvania 16511.

Tax I.D. No. 29006001001600

Assessment: \$ 85,201.19

McCabe, Weisberg and Conway, P.C.

123 South Broad Street, Suite 1400  
Philadelphia, PA 19109

Aug. 30 and Sept. 6, 13

**SALE NO. 33**

**Ex. #13325 of 2012**

**The Bank of New York Mellon fka The Bank of New York as Successor Trustee to JPMorgan Chase Bank, N.A., as Trustee for the Noteholders of the CWHEQ Inc., CWHEQ Revolving Home Equity Loan Trust, Series 2005-L, Plaintiff**

v.

**Jessica D. Rodak, Defendant**

**SHORT DESCRIPTION**

By virtue of a Writ of Execution



filed to No. 13325-12 THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS SUCCESSOR TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE FOR THE NOTEHOLDERS OF THE CWHEQ INC., CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES 2005-L v. Jessica D. Rodak, owners of property situated in the Township of Millcreek, Erie County, Pennsylvania being 1135 Western Lane, Erie, Pennsylvania 16505. Tax I.D. No. 330201090005000 Assessment: \$ 73,519.68 Improvements: Residential Dwelling McCabe, Weisberg and Conway, P.C.

123 South Broad Street, Suite 1400 Philadelphia, PA 19109  
 Aug. 30 and Sept. 6, 13

For over 50 years, USI Affinity has been administering insurance and financial programs to attorneys and other professionals.

Our programs include:

- Professional Liability
- Health Insurance
- Life Insurance
- Short-Term Disability
- Long Term Disability



Contact us today at  
 (800) 327-1550  
 or visit our website at  
[www.usiaffinity.com](http://www.usiaffinity.com)



# Renaissance Centre

CALL TODAY FOR YOUR  
 PERSONAL TOUR  
 814.451.1110

[www.pdainc.us](http://www.pdainc.us)

At Renaissance Centre, location and amenities combine to create a business environment that is professional, resourceful and convenient.

- Custom-designed suites from 100 sq. ft. to 10,000 sq. ft.
- Elegant lobby with casual dining and retailers
- Adjacent parking via the skyway connection
- On-site management and security
- Business services, high speed internet conference rooms

MOVE UP TO ERIE'S PREMIER OFFICE AND RETAIL SUITES AT THE CORNER OF 10<sup>TH</sup> AND STATE



# Helping Victims of Medical Malpractice

Experience  
MATTERS.

Birth injuries are devastating, especially when they could have been prevented. When healthcare providers' negligence causes a child's developmental delay, life-long disability, or even death, they should be held responsible.

Nurenberg Paris is considered one of the top medical malpractice firms in Ohio. With a full-time nurse with litigation experience on staff, we offer our clients and referring attorneys in-depth medical insight into their cases.

IF YOU HAVE A CLIENT WHO HAS BEEN A VICTIM OF MEDICAL NEGLIGENCE OR A BIRTH INJURY, CALL NURENBERG PARIS TO REVIEW THE CASE.



**NURENBERG ■ PARIS**  
INJURY LAWYERS

**CALL JEFFREY LEIKIN, ESQ.**  
Licensed to practice in Pennsylvania

(216) 694-5203

email: [JLeikin@nphm.com](mailto:JLeikin@nphm.com)

[www.NPHM.com](http://www.NPHM.com)

Cleveland, Ohio

**MEDICAL MALPRACTICE CASES WE HANDLE:**

WRONGFUL DEATH | BIRTH TRAUMA | MISDIAGNOSIS | SURGICAL OR MEDICATION ERROR  
FAILURE OR DELAY TO DIAGNOSE | DELAYED SURGERY

# The Five Stages of the *Typical* e-Discovery Experience

## 1. Surprise



## 2. Anxiety



## 3. Desperation



## 4. Anger



## 5. Regret



It Doesn't Have to be Like This...

## Let RVM Show You e-Discovery Done Right!

### 1. Know What to Expect

Are you on the edge of your seat during your e-Discovery projects, not knowing what to expect? For each project, RVM's consultants prepare a detailed workflow. We ensure that we are on the same page as our clients. No surprises.

### 2. Effective Project Management

Not hearing back from your e-Discovery partner leaves you feeling anxious and neglected. RVM's premier project managers proactively communicate with our clients. Likewise, when clients reach out to us, we respond right away.

### 3. Innovative Solutions

Tired of countless exceptions in your e-Data processing projects? Off the shelf e-Data processing tools cannot handle the ever changing data sets. That's why RVM developed Revelation™, our proprietary e-data processing tool with enhanced functionality to handle challenging data sources such as Bloomberg and Lotus Notes where others fall short.

- Litigation Needs Analysis Consulting
- ESI Sources
- Forensics (Data Collection & Analysis)
- e-Data Processing
- Online Hosting & Review
- Enterprise Content Management Solutions



### 4. Unparalleled Client Service

Does it take getting angry for you to get a response from your e-Discovery partner? At RVM our clients come first. Our dedicated staff carry out RVM's commitment to client satisfaction on every single aspect of each project.

### 5. Repeat Performance

At the end of the project life-cycle, you're left with the impression of your experience. After working with RVM you may feel regret—but only for not having turned to us sooner.



Reliable • Versatile • Manageable Data

[ediscoverydoneright.com](http://ediscoverydoneright.com)



877.358.9180

New York • Chicago • Cleveland • Columbus

**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****BANKA, LILLIAN MAE,  
deceased**

Late of the Township of McKean, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Darlene M. Vlahos, Esquire, c/o 3305 Pittsburgh Avenue, Erie, Pennsylvania 16509

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

**BESSEMER, JEAN, a/k/a  
JEAN C. BESSEMER,  
deceased**

Late of the Township of Millcreek, County of Erie, State of Pennsylvania  
*Executrix:* Connie J. Dugan, 906 Beaumont Avenue, Erie, PA 16505

*Attorney:* James R. Steadman, Esq., 24 Main St. E., PO Box 87, Girard, PA 16417

**JACKSON, MARY L., a/k/a  
MARY LOUISE JACKSON,  
a/k/a MARY T. JACKSON,  
a/k/a MARY JACKSON,  
deceased**

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

*Co-Executors:* Robert P. Jackson, 6122 Clinton Street, Erie, PA 16509 and Luetta A. Jones, 9373 Hanna Hall Road, Wattsburg, PA 16442

*Attorney:* James R. Steadman, Esq., 24 Main St. E., PO Box 87, Girard, PA 16417

**KLANCER, GERTRUDE J.,  
deceased**

Late of the Township of Harborcreek, County of Erie and Commonwealth of Pennsylvania  
*Executor:* David J. Klancer  
*Attorney:* Craig A. Markham, Esquire, Elderkin Law Firm, 150 East 8th Street, Erie, PA 16501

**POLANSKI, SHIRLEE A.,  
a/k/a SHIRLEY A. POLANSKI,  
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Christine M. Nerthling, c/o Kurt L. Sundberg, Esq., Suite 300, 300 State Street, Erie, PA 16507

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

**RICHARDSON, JACK K., III,  
a/k/a JACK KESSEL  
RICHARDSON, III,  
deceased**

Late of Waterford, Erie County, Pennsylvania

*Executrix:* Nancy L. Richardson, c/o Raymond A. Pagliari, Esq., 510 Cranberry Street, Suite 301, Erie, Pennsylvania 16507

*Attorney:* Raymond A. Pagliari, Esq., 510 Cranberry Street, Suite 301, Erie, Pennsylvania 16507

**ROSE, SCOTT ALAN,  
deceased**

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

*Administrator:* David Allen Rose, c/o Quinn, Buseck, Leemhuis, Toohy & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508

*Attorney:* Valerie H. Kuntz, Esq., Quinn, Buseck, Leemhuis, Toohy & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508

**SHERMAN, THERESA,  
deceased**

Late of the City of Erie  
*Administrator:* Carol C. Nichols  
*Attorney:* Deanna L. Heasley, Esquire, 333 State Street, Suite 203, Erie, PA 16507

**SWEENEY, BRIAN PATRICK,  
deceased**

Late of the City of Erie, County of Erie and State of Pennsylvania  
*Executor:* Daniel Sweeney, c/o Elizabeth Brew Walbridge, 1001 State Street, Suite 1400, Erie, PA 16501

*Attorney:* Elizabeth Brew Walbridge, Esq., 1001 State Street, Suite 1400, Erie, PA 16501

**SECOND PUBLICATION****ALLEN, EDWARD E.,  
deceased**

Late of the Township of North East, Erie County, PA  
*Executrix:* Katherine A. Leonelli, c/o 120 West 10th Street, Erie, PA 16501

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

**BRAGGINS, ANNA MARIE,  
a/k/a ANNA M. BRAGGINS,  
a/k/a ANN M. BRAGGINS,  
deceased**

Late of the City of Erie, Commonwealth of Pennsylvania  
*Executor:* Brad C. Braggins, 3820 Stanley Avenue, Erie, PA 16504

*Attorney:* Richard A. Vendetti, Esq., Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

**CLARK, ROBERT C., a/k/a  
ROBERT CHARLES CLARK,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Administratrix:* Kay Kubacki  
*Attorney:* Edward P. Wittmann, Esquire, Elderkin Law Firm, 150 East 8th Street, Erie, PA 16501

**DREISCHALICK, DOROTHY E.,  
a/k/a DOROTHY  
DREISCHALICK,  
deceased**

Late of the City of Erie, County of Erie and State of Pennsylvania  
*Executors:* David Dreischalick, 1304 W. 54th Street, Erie, PA 16509  
*Attorney:* Aaron E. Susmarski, Esq., 4030 West Lake Road, Erie, PA 16505

**HANSEN, DAVID C.,  
deceased**

Late of the City of Erie  
*Executrix:* Kimberly K. Bowden, 34 Kellogg Street, Erie, PA 16508  
*Attorney:* Michael A. Fetzner, Esquire, Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**KLAN, SALLY A.,  
deceased**

Late of the City of Erie, County of Erie, Pennsylvania  
*Executor:* Mark D. Klan, c/o 900 State Street, Suite 215, Erie, PA 16501  
*Attorney:* Gregory L. Heidt, Esquire, 900 State Street, Suite 215, Erie, PA 16501

**LANDIS, KATHLEEN L., a/k/a  
KATHLEEN LENORE LANDIS,  
deceased**

Late of Harborcreek Township, Erie County, PA  
*Administrators:* Amber Landis and Courtney Landis, 3556 Hamilton Road, Erie, Pennsylvania 16510  
*Attorney:* William Taggart, Esq., 1001 State Street, Suite 1400, Erie, Pennsylvania 16501

**NESTERICK, JANET M.,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Administrator:* Michael J. Nesterick, c/o Stephen A. Tetuan, Esq., Suite 300, 300 State Street, Erie, PA 16507  
*Attorneys:* Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, Suite 300, 300 State Street, Erie, PA 16507

**PERRY, LOIS A.,  
deceased**

Late of the City of Erie  
*Executrix:* Lori A. Perry, 625 Liberty Street, Erie, PA 16502  
*Attorney:* Michael A. Fetzner, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**SCALZITTI, PIA N.,  
deceased**

Late of the City of Erie, Commonwealth of Pennsylvania  
*Administrator:* Timothy J. Scalzitti, Jr., 6729 Richardson Circle, Fairview, PA 16415  
*Attorney:* Timothy D. McNair, Esquire, 821 State Street, Erie, PA 16501

**SCHROECK, ELIZABETH JEAN,  
a/k/a ELIZABETH JEAN HINDS,  
deceased**

Late of the City of Erie  
*Executor:* Lawrence E. Hinds  
*Attorney:* Joseph M. Walsh, III, Esq., Shapira, Hutzelman, Berlin, Ely, Smith and Walsh, 305 West 6th Street, Erie, PA 16507

**VICKEY, MARY D., a/k/a  
MARY VICKEY,  
deceased**

Late of City of Erie, Erie County, Pennsylvania  
*Executor:* Geoffrey S. Vickey, c/o Raymond A. Pagliari, Esq., 558 West Sixth Street, Erie, Pennsylvania 16507-1129  
*Attorney:* Raymond A. Pagliari, Esq., 558 West Sixth Street, Erie, Pennsylvania 16507-1129

**WHEELER, CHARLENE A.,  
deceased**

Late of the Township of Fairview  
*Executor:* Jeffrey E. Wheeler  
*Attorney:* Joseph M. Walsh, III, Esquire, Shapira, Hutzelman, Berlin, Ely, Smith and Walsh, 305 West 6th Street, Erie, PA 16507

**ZASADA, JOSEPH C.,  
deceased**

Late of the City of Erie, Commonwealth of Pennsylvania  
*Executor:* Joseph H. Zasada, 2970 Poplar Street, Erie, Pennsylvania 16508  
*Attorney:* Richard A. Vendetti, Esq., Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

**THIRD PUBLICATION**

**CARR, MARVIN, a/k/a  
MARVIN E. CARR,  
deceased**

Late of the Borough of Cranesville, County of Erie, State of Pennsylvania  
*Executor:* Wayne M. Carr, 670 N. 400 E, Valparaiso, Indiana 46383  
*Attorney:* Grant M. Yochim, Esq., 24 Main St. E., PO Box 87, Girard, PA 16417

**DAHL, FRANK A.,  
deceased**

Late of the City of Corry, Erie County, Pennsylvania  
*Executor:* Raymond C. Dahl, c/o 305 West 6th St., Erie, PA 16507  
*Attorney:* Stephen H. Hutzelman, Esq., 305 West 6th St., Erie, PA 16507

**DeDIONISIO, CARL J.,  
deceased**

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

*Executrix:* Mary Brown, c/o Melaragno & Placidi, 502 West Seventh Street, Erie, PA 16502

*Attorney:* Gene P. Placidi, Esquire, Melaragno & Placidi, 502 West Seventh Street, Erie, PA 16502

**DiPLACIDO, MARY ANN,  
deceased**

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

*Executrix:* Andrea L. Moran

*Attorney:* Thomas J. Minarcik, Esquire, Elderkin Law Firm, 150 East 8th Street, Erie, PA 16501

**HAJEC, WILLIAM R.,  
deceased**

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

*Administrator:* David P. Hajec, 125 East South Street, Corry, PA 16407

*Attorney:* Rebecca A. Herman, Esq., Herman & Herman, LLC, 412 High Street, Waterford, PA 16441

**HEALY, DIANA D.,  
deceased**

Late of Millcreek Township, Erie County, Pennsylvania

*Administrator:* John E. Clifton, 6745 Richardson Cr., Fairview, PA 16415

*Attorney:* None

**KALIVODA, ROBERT F., SR.,  
a/k/a ROBERT F. KALIVODA,  
deceased**

Late of the Township of Millcreek, Erie County, PA

*Executor:* David Robert Kalivoda, 4403 West 28th Street, Erie, PA 16506-1450

*Attorney:* None

**KENNEDY, MARGARET G.,  
a/k/a MARGARET KENNEDY,  
deceased**

Late of Lawrence Park Township  
*Executor:* Thomas W. Kennedy, Jr., c/o Attorney Terrence P. Cavanaugh, 3336 Buffalo Road, Erie, PA 16510

*Attorney:* Terrence P. Cavanaugh, Esq., 3336 Buffalo Road, Erie, PA 16510

**MANDIC, MARIA,  
deceased**

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

*Administrator:* Anton F. Mandic, 3932 Leprechaun Lane, Erie, PA 16510

*Attorney:* James R. Steadman, Esq., 24 Main St. E., PO Box 87, Girard, PA 16417

**NYBERG, THEODORE a/k/a  
THEODORE N. NYBERG,  
deceased**

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

*Executrix:* Gail M. Panella, 5510 Stonerun Drive, Fairview, PA 16415

*Attorney:* James R. Steadman, Esq., 24 Main St. E., PO Box 87, Girard, PA 16417

**PAPANIKOS, KONSTANTINOS,  
deceased**

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

*Executor:* William Papanikos

*Attorney:* Edward P. Wittmann, Esquire, Elderkin Law Firm, 150 East 8th Street, Erie, PA 16501

**WARD, TERRI L.,  
deceased**

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

*Executrix:* Karen Marzka, c/o Melaragno & Placidi, 502 West Seventh Street, Erie, PA 16502

*Attorney:* Gene P. Placidi, Esquire, Melaragno & Placidi, 502 West Seventh Street, Erie, PA 16502

**WESOLOWSKI, DONALD J.,  
deceased**

Late of City of Erie, Erie County, Pennsylvania

*Executrix:* Diane M. Carcic, c/o Raymond A. Pagliari, Esq., 558 West Sixth Street, Erie, Pennsylvania 16507-1129

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

**WOODWORTH, CLARA B.,  
deceased**

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

*Executrix:* John Woodworth, c/o Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407

*Attorney:* Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407

**YOUNGQUIST, DONNA M.,  
deceased**

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

*Executrix:* Scot A. Youngquist, 3222 West 24th Street, Erie, PA 16506

*Attorney:* James R. Steadman, Esq., 24 Main St. E., PO Box 87, Girard, PA 16417

# Erie County Bar Association

## Videoconferencing Services

**ECBA** ——— Your connection to the world of communication.

### WHAT IS VIDEOCONFERENCING?

Videoconferencing, sometimes called teleconferencing, brings together people at different locations around the country and around the world. Our videoconferencing site can connect with one location or with multiple locations, providing an instantaneous connection to facilitate meetings, interviews, depositions and much more.

### WHY USE VIDEOCONFERENCING?

Business can be conducted without the expense and inconvenience of travel, overnight accommodations and time out of the office.

### WHAT ARE SOME OF THE COMMON USES OF VIDEOCONFERENCING?

Depositions, employment interviews, seminars, training sessions - the list of possibilities is endless.

### I'M NOT FAMILIAR WITH VIDEOCONFERENCING.

#### CAN I SEE HOW IT WORKS?

Certainly. Call us for a free demonstration.

### HOW DO I SCHEDULE THE USE OF THE ECBA'S VIDEOCONFERENCING SERVICES?

It's very easy. Just call the ECBA at 814-459-3111 or email [sbsmith@eriebar.com](mailto:sbsmith@eriebar.com). We will check availability of our space and handle all of the details for you, including locating convenient sites in the other location(s) you wish to connect with - all included in our hourly rate.

### WHAT DOES IT COST?

#### RATES:

##### Non-ECBA Members:

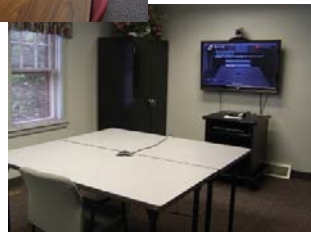
*\$185/hour - M-F, 8:30 a.m. - 5:00 p.m.*

*\$235/hour - M-F, All other times; weekends*

##### ECBA Members:

*\$150/hour - M-F, 8:30 a.m. - 5:00 p.m.*

*\$200/hour - M-F, all other times, weekends*





CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

TALARICO & NIEBAUER ----- (814) 459-4472  
510 Cranberry Street, Suite 301 ----- (f) (814) 454-5851  
Erie, PA 16507  
EDWARD J. NIEBAUER ----- *ejniebauer@aol.com*  
THOMAS S. TALARICO ----- *tstalarico@verizon.net*

RAYMOND A. PAGLIARI, JR. ----- (814) 464-1587  
510 Cranberry Street, Suite 301 ----- (f) (814) 464-1589  
Erie, PA 16507 ----- *attypags@msn.com*

JOHN F. KROTO----- (814) 459-2800  
Knox McLaughlin Gornall & Sennett, P.C. ----- (f) (814)453-4530  
120 West Tenth Street  
Erie, PA 16501----- *jkroto@kmgslaw.com*

EVAN E. ADAIR ----- (814) 452-2209  
246 West Tenth Street ----- (f) (814) 456-9398  
Erie, PA 16501----- *eadair@velocity.net*

INTERESTED IN JOINING THE ERIE COUNTY BAR ASSOCIATION?  
GO TO OUR WEBSITE AT [WWW.ERIEBAR.COM](http://WWW.ERIEBAR.COM) AND COMPLETE THE ONLINE  
APPLICATION OR CALL (814) 459-3111 AND AN APPLICATION WILL BE MAILED TO YOU  
  
ADDRESS CHANGE?  
PLEASE CONTACT THE LEGAL JOURNAL OFFICE AT (814) 459-3111  
OR [ADMIN@ERIEBAR.COM](mailto:ADMIN@ERIEBAR.COM). THANK YOU.

LOOKING FOR A LEGAL AD PUBLISHED IN ONE OF  
PENNSYLVANIA'S LEGAL JOURNALS?



- ▶ Look for this logo on the Erie County Bar Association website as well as Bar Association and Legal Journal websites across the state.
- ▶ It will take you to THE website for locating legal ads published in counties throughout Pennsylvania, a service of the Conference of County Legal Journals.

LOGIN DIRECTLY AT [WWW.PALEGALADS.ORG](http://WWW.PALEGALADS.ORG). IT'S EASY. IT'S FREE.

*Quality... Experience... Results...  
It's what your clients deserve.*

*Medical Malpractice • Auto Accidents • Personal Injury*



**GISMONDI**  
& ASSOCIATES

412-281-2200 • [www.gislaw.com](http://www.gislaw.com) • 700 Grant Bldg., 310 Grant St., Pgh., PA 15219