

*Erie
County
Legal
Journal*

November 29, 2013

Vol. 96 No. 48

USPS 178-360



96 ERIE 62 - 66

C.B. Enterprizes, Inc., et al., v. Union City Volunteer Fire Department, et al. v.
John A. Luebbert, Sr., et al.

Erie County Legal Journal

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

Managing Editor: Heidi M. Weismiller

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INDEX

NOTICE TO THE PROFESSION	4
OPINION	5
COURT OF COMMON PLEAS	
Certificate of Authority Notice	11
Change of Name Notices	11
Fictitious Name Notice	11
Legal Notices	11
ORPHANS' COURT	
Audit List	14
Estate Notices	15
CHANGES IN CONTACT INFORMATION FOR ECBA MEMBERS	19

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, DECEMBER 5, 2013

Annual Membership Meeting, CLE and Cocktail Party
Lakeshore Country Club
CLE includes *Avoiding Malpractice* and
It's not the Fruit, It's the Root
Business Meeting - 5:30 p.m.
followed by open bar/hors d'oeuvres
more information available at www.eriebar.com

WEDNESDAY, DECEMBER 11, 2013

Retirement Planning with Annuities
ECBA Live Lunch-n-Learn Seminar
Bayfront Convention Center
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

FRIDAY, DECEMBER 20, 2013

Holiday Dinner Party
Erie Art Museum
6:30 - 10:30 p.m.
\$99 /person (includes abundant food stations and open bar)



Erie County Bar
Association



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<http://www.eriebar.com/public-calendar>

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Nov. 29 and Dec. 6

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C.B. ENTERPRIZES, INC. and CARL BOONE, Plaintiffs

v.

UNION CITY VOLUNTEER FIRE DEPARTMENT and BOROUGH OF UNION CITY, Defendants

v.

JOHN A. LUEBBERT, SR., RALPH EUGENE LEE BURGER, VICTOR CHARLES LEESE, SR., and DARELL STEENROD, Additional Defendants

POLITICAL SUBDIVISIONS / MUNICIPAL CORPORATIONS / GOVERNMENTAL IMMUNITY

Volunteer fire companies are entitled to governmental immunity.

POLITICAL SUBDIVISIONS / MUNICIPAL CORPORATIONS / GOVERNMENTAL IMMUNITY

Exceptions to governmental immunity are to be narrowly interpreted.

POLITICAL SUBDIVISIONS / MUNICIPAL CORPORATIONS / GOVERNMENTAL IMMUNITY

Volunteer fire company’s presence on private property to fight fire in structure located thereon does not constitute “custody or control” for purposes of real property exception to governmental immunity.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
CIVIL DIVISION NO. 13756-2011

Appearances: Scott McPartland, Esq., Attorney for Plaintiffs
Paul N. Lally, Esq., Attorney for Borough of Union City
Brooks R. Foland, Esq., Attorney for Union City Volunteer Fire Department

OPINION AND ORDER

Currently before the Court is the motion for summary judgment of defendant, Union City Volunteer Fire Department ("Fire Department"). Plaintiffs have filed a response and the additional defendants have not. Those parties who have submitted filings have waived oral argument. (As additional defendants did not respond, they are precluded from oral argument.)

BACKGROUND OF THE CASE

This is a civil suit for money damages filed by plaintiffs against the Fire Department and the Borough of Union City. By order dated September 13, 2013, summary judgment was granted in favor of the Borough of Union City. Plaintiff Carl Boone is an adult individual who is president of C.B. Enterprizes, Inc. See Complaint at ¶ 2. The Fire Department is a volunteer fire department located in Erie County, Pennsylvania. Complaint at ¶¶ 3 - 4.

On or about April 29, 2008, the plaintiff, Carl Boone, acquired a building located at 77 S. Main Street, Union City, Pennsylvania. Complaint ¶ 6. On or about December 2, 2010, a fire occurred in the building.¹ Upon discovery, a 911 call was made and the Fire Department responded. See

¹ The plaintiffs purchased the property with the intent of creating an indoor shopping center and had rented out space to several tenants. The building was equipped with a dry pipe fire suppression system. In order to be operational, the suppression system would need to be activated by the fire department by connecting water hoses to water connections on the outside of the building. In and around November 2010, the Fire Department toured

continued...

Complaint at ¶¶ 17 - 20. Plaintiffs have alleged that the Fire Department committed a trespass upon its property and that its actions in response to the call were negligent. As a result, plaintiffs allege that they were injured as a result of damages to their property.

LEGAL DISCUSSION

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

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

Pa.R.C.P. 1035.2.

Summary judgment may be granted where there is no genuine issue of material fact and the moving party is entitled to relief as a matter of law. The purpose of the summary judgment rule "is to eliminate cases prior to trial where a party cannot make out a claim or defense". *Miller v. Sacred Heart Hospital*, 753 A.2d 829, 833 (Pa. Super. 2000) (citation omitted). The Court must examine the record in the light most favorable to the non-moving party and resolve all doubt against the moving party. *Aetna Casualty and Surety Company v. Roe*, 650 A.2d 94, 97 (Pa. Super. 2004).

A moving party has the burden of proving that no genuine issue of material fact exists. *Gutteridge v. A.P. Green Services, Inc.*, 804 A.2d 643, 651 (Pa. Super. 2002) (citation omitted). Therefore, summary judgment is appropriate when "the uncontroverted allegations in the pleadings, depositions, answers to interrogatories, admissions of record, and submitted affidavits demonstrate that no genuine issue of material fact exists, and that the moving party is entitled to judgment as a matter of law." *Id.* (citation omitted). "[A] court may grant summary judgment only where the right to such a judgment is clear and free from doubt." *Toy v. Metropolitan Life Ins. Co.*, 593 Pa. 20, 928 A.2d 186, 195 (2007) (citation omitted).

[P]ursuant to *Nanty-Glo Borough v. American Surety Co.*, 309 Pa. 236, 163 A. 523 (1932), summary judgment may not be entered where the moving party relies exclusively on oral testimony, either through testimonial affidavits or deposition testimony, to establish the absence of a genuine issue of material fact except where the moving party supports the motion by using admissions of the opposing party or the opposing party's own witness.

... continued

the building to familiarize itself with it. On November 2, 2010, two individuals were allegedly stealing metal from the building using a blowtorch. As a result it is alleged that the fire was started. It is alleged that once the Fire Department responded to the call, it did not extinguish the fire and, according to plaintiffs, directed other responding fire departments not to provide fire protection services. As a result, the building was permitted to burn. Plaintiffs' Brief In Opposition To Defendant's Motion For Summary Judgment at 1 - 2.

First Philson Bank, N.A. v. Hartford Fire Ins. Co., 727 A.2d 584, 587 (Pa. Super. 1999) (citation omitted).

Pa.R.Civ.P. 1035.3 provides, in part:

(a) the adverse party may not rest upon the mere allegations or denials of the pleadings but must file a response within thirty (30) days after service of the motion identifying

- (1) one or more issues of fact arising from evidence in the record controverting the evidence cited in support of the motion or from a challenge to the credibility of one or more witnesses testifying in support of the motion, or
- (2) evidence in the record establishing the facts essential to the cause of action or defense which the motions cite as not having been produced.

The Pennsylvania Supreme Court has stated that:

Where the non-moving party has failed to produce sufficient evidence to establish the existence of an element essential to the case, in which he bears the burden of proof, the moving party is entitled to judgment as a matter of law.

Ertel v. Patriot-News Company, 674 A.2d 1038, 1042 (Pa.1996).

The Fire Department asserts that it is entitled to summary judgment because it is immune under the Political Subdivision Tort Claims Act ("PSTCA"), specifically 42 Pa.C.S.A. § 8541. It claims that it is a local agency as defined by the PSTCA and that its actions do not fall within the enumerated exceptions.

Under the PSTCA, a local agency or any of its employees may be liable for certain acts involving: (1) vehicle liability; (2) care, custody or control of personal property; (3) real property; (4) trees, traffic controls and street lighting; (5) utility service facilities; (6) streets; (7) sidewalks; and (8) care, custody or control of animals. 42 Pa.C.S.A. § 8542(b).

The Fire Department argues that negligent fire suppression, trespass, etc., do not fall within the exceptions. Furthermore, it argues that the real property exception apply because a dangerous condition must exist arising from the care, custody and control of the real property by the governmental agency. It further avers that there is no evidence to support the plaintiffs' position that the Fire Department intentionally permitted the fire to burn which allegedly resulted in a total loss of the property and, even if it did, liability would not extend to the Fire Department. See, Defendant Union City Volunteer Fire Company's Motion For Summary Judgment at 3 - 8.

Plaintiffs respond that for summary judgment purposes they have been able to establish that there is evidence that the Fire Department is not immune under the care, custody or control of personal/real property exception. They aver that the Fire Department's representatives toured the subject building months prior to the fire and were aware of the nature of the structure and the fire suppression system. Plaintiffs further claim that its witnesses will testify that the Fire Department did not operate the fire suppression system either at all, or to its maximum capabilities and it did not act with the sense of urgency required in combating the fire that occurred. They also allege that there was a preconceived plan by the Fire Department to allow the building to burn if it ever caught fire. Plaintiffs' Brief In Opposition To Defendant Union City Volunteer Fire Company's Motion For Summary Judgment at 3 - 4. Plaintiffs further argue that once the Fire Department responded to the

scene of the fire, it assumed control of the building and the property. Therefore, the Fire Department had "control" of that property. *Id.* at 4 - 5.

Volunteer fire companies are entitled to governmental immunity, even when they are not acting in furtherance of their fire fighting duties. See, *Guinn v. Alburdis Fire Co.*, 614 A.2d 218, 220 (Pa. 1992); *Plavi v. Nemaocolin Volunteer Fire Co.*, 618 A.2d 1054, 1056 (Pa. Cmwlth. 1992) (summary judgment granted on basis that fire department is not liable for acts of one of its members who allegedly sexually assaulted a minor at the firehouse). Moreover, as a matter of statutory interpretation, the exceptions to governmental immunity are to be narrowly interpreted, "given the expressed legislative intent to insulate political subdivisions from tort liability". See, *Mascaro v. Youth Study Center*, 523 A.2d 1118, 1123 (Pa. 1987) (other citations omitted).

All parties agree that in order to maintain a negligence claim under the real property exception, the injured party must prove that the injury resulted from a dangerous condition of the real property itself, arising from the care, custody and control of the real property by a local governmental agency. See *Mellon v. City of Pittsburgh Zoo*, 760 A.2d 921, 924 (Pa. Cmwlth. 2000). In support of its position, the Fire Department cites *Walsh by Walsh v. Camelot Bristol Co., Inc.*, 517 A.2d 577 (Pa. Cmwlth. 1986), a case which the plaintiffs argue is factually distinguishable. In that case, Brian Walsh, a junior fireman, sustained personal injuries while fighting a fire. He alleged that the volunteer fire companies were negligent through their respective officers' conduct in ordering him to enter and remain inside a burning building without proper safety equipment. *Id.* at 577. The departments did not own the building. In *Walsh*, the common pleas court granted summary judgment finding that the volunteer fire companies were local agencies entitled to governmental immunity under the PSTCA. *Id.* at 578. As the Commonwealth Court critically noted:

A volunteer fire company's temporary occupancy of a privately owned building for the limited purpose of extinguishing a fire does not constitute "possession" of that property for the purposes of Section 8542(b)(3). We conclude that Section 8542(b)(3) is inapplicable.

Id.

Plaintiffs rely on *Gramlich v. Lower South Hampton TP.*, 838 A.2d 843 (Pa. Cmwlth. 2003). In that case, Mr. Gramlich was injured while collecting recyclable materials during the course of his employment with a waste management company. *Id.* at 844. He stepped in an opening around a drainage pipe which was covered with snow. As a result, hurt his knee. As it turns out, the open hole was located on property owned by private individuals, but was adjacent to a public roadway. The drainage hole into which he stepped was located one to two feet from the paved surface of the street. There was no covering or grating on top of the opening. *Id.* at 844. The Commonwealth Court analysis first focused on the "streets exception" of the PSTCA. After its review, it rejected the plaintiff's contention that street exception applied. *Id.* at 847. The Court then addressed the real property exception. It found that:

There is no evidence that the Township has ever exercised any sort of dominion or control over the drainage hole. In fact, the Cullmans never notified the Township of the drainage pipe, nor did they apply for permits to construct or improve the

drainage pipe. Consequently, we agree with the trial court that the Township has not "possessed" the real property where the drainage pipe is located and, as a result, the real property exception to governmental immunity does not apply.

Id. at 848. Although the Cullmans utilized the Township's right-of-way, no facts established liability on behalf of the Township.

Gramlich is of no aid to the plaintiff. In the case at bar, the Fire Department's contact with the property was to fight the fire. Furthermore, contrary to plaintiffs' assertions derived from the deposition testimony (see Plaintiffs' Brief at 4 - 5), the evidence of record does not create a genuine issue of material fact as to the real property exception. Rather it is clear and free from doubt that under the circumstances of this case, the Fire Department is immune from liability. *Guinn v. Alburdis Fire Co., supra.*

CONCLUSION

Based upon the above, this Court finds that the Fire Department is entitled to summary judgment and will issue the appropriate order.

ORDER

AND NOW, this 18th day of September 2013, for the reasons set forth in the accompanying opinion, it is hereby ORDERED that the Defendant Union City Volunteer Fire Department's Motion For Summary Judgment is GRANTED.

BY THE COURT:

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

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Notice is hereby given that a foreign corporation has applied for a Certificate of Authority to do business in the Commonwealth of Pennsylvania under the provisions of the Business Corporation Law of 1988. The name of the business is Real Estate Research Corporation. The business is incorporated under the laws of the state of Iowa. The address of its principal office under the laws of said jurisdiction is 99 E. Bremer Ave., Waverly, IA 50677. The address of its proposed registered office in Pennsylvania is c/o CT Corporation System.

Nov. 29

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania

In re: Dominick Robert Giusti, a minor

Notice is hereby given that on November 13, 2013, the Petition of Dominick Robert Giusti was filed in the above-named Court, praying for a decree to change the name of Dominick Robert Giusti to Nick Joshua Seapker.

The Court has fixed the 7th day of January, 2014 at 9:00 a.m. in the Erie County Court House as the time and place for the hearing on said petition, when any or all persons interested may appear and show cause, if any they have, why the prayer of the petition should not be granted.

Kari A. Froess, Esquire
Carney & Good
254 West Sixth Street
Erie, Pennsylvania 16507
(814) 453-5004

Nov. 29

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania

No. 13328-2013

In re: Jessica Ann Morton-Edwards, a minor

Notice is hereby given that on November 19, 2013, a Petition to change Jessica Ann Morton-Edwards' name was filed in the Court of Common Pleas of Erie

County, Pennsylvania, praying for a Decree to change her name to Jessica Ann Morton. On November 19, 2013, the Court set December 30, 2013, at 10:00 a.m. as the date and time for the hearing on said Petition. Said hearing will take place in Courtroom A, Erie County Court House, 140 West 6th Street, Erie, PA. All persons interested may appear at said time and place to show cause why the prayer of said Petition should not be granted.

Brian M. McGowan
Pa. I.D. No. 73438
425 W. 10th St., Suite 201
Erie, PA 16502
(814) 453-4141

Attorney for Petitioners, Karen S. Paszko and Jessica Ann Morton-Edwards

Nov. 29

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania
No. 13315-13

In re: Miah Hultberg and Elaina Hultberg, minor children

Notice is hereby given that a Petition has been filed in the above named court by Marsha Ann Stover, requesting an Order to change the names of Miah Marie Hultberg and Elaina Ann Hultberg to Miah Marie Stover and Elaina Ann Stover, respectively.

The Court has fixed the 17th day of December, 2013 at 1:15 p.m. in Courtroom No. 213 C of the Erie County Court House, 140 W. 6th St., as the time and place for the hearing on said Petition, when and where, all interested parties may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

Nov. 29

FICTITIOUS NAME NOTICE

Pursuant to Act 295 of December 16, 1982 notice is hereby given of the intention to file with the Secretary of the Commonwealth of Pennsylvania a "Certificate of Carrying On or Conducting Business under an Assumed or Fictitious Name." Said Certificate contains the following information:

FICTITIOUS NAME NOTICE

1. Fictitious Name: Lakeside Chevrolet Buick
2. Address of the principal place of business: 10215 W. Main Road, North East, PA 16428
3. Person who is party to the registration: Lakeside Acquisition Group, Inc., 818 State Street, Erie, PA 16501
4. An application for registration of a fictitious name under the Fictitious Names Act was filed November 8, 2013.

Law Offices of Gery T. Nietupski,
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Erie, PA 16501

Nov. 29

LEGAL NOTICE

THE SCHOOL DISTRICT
CITY OF ERIE, PA

Dr. James E. Barker
Leadership Center

148 West 21st St., Erie, PA 16502

NOTICE TO BIDDERS

The School District of the City of Erie, 148 West 21st Street, Erie, PA 16502 will receive SEALED BIDS for Powder Coat Booth Package for Central High up to Tuesday, December 3, 2013 at 9:00 a.m., prevailing time, and will be opened in the Board Room at 9:00 a.m. prevailing time, in accordance with the bid forms and specifications to be obtained from the Purchasing Department.

Robin Smith
Secretary

Nov. 22, 29

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 real property located at 63 N. Water Street, Albion, PA 16401 being more fully described at Erie County Record Book 1602, Page 1935.

SAID SALE to be held at the Erie County Courthouse, Room 209, 140 W. Sixth Street, Erie, Pennsylvania 16501 at **10:00 a.m.** prevailing, standard time, on December 27,

2013.

All that certain tract of land, together with the buildings, and improvements erected thereon described as Tax Map No. 01004027000200 recorded in Erie County, Pennsylvania. Seized and taken in execution as the property of Valarie Baksik, at the suit of the United States of America, acting through the Under Secretary of Rural Development, on behalf of Rural Housing Service, United States Department of Agriculture, to be sold on Writ of Execution as Civil Action No. 13-159 E. **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. Marshal's costs, fees and commissions are to be borne by seller. Steve Frank, United States Marshal. For additional information, please contact Dan Varland at 314-457-5489 or the USDA foreclosure website at www.resales.usda.gov.

Nov. 29 and Dec. 6, 13, 20

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. 1:13-cv-00144, I shall expose to public sale the real property of Virginia M.

Rettger known as 1126 Mechanic Street, Girard, PA 16417 a/k/a Lot #4 Lawrence Court, Girard, PA 16417, being fully described in the Deed dated July 30, 1987 and recorded July 30, 1987 in the Recorder of Deeds Office of Erie County, Pennsylvania, in Deed Book Volume 0022, Page 0130.

TIME AND LOCATION OF SALE: Friday, December 27, 2013, at 10:00 A.M. at the Erie County Courthouse, Room 209, 140 West Sixth Street, Erie, PA 16501.

TERMS OF SALE: Successful bidder will pay ten percent (10%) by cashier's check, certified check or bank money order at the time of the sale and the remainder of the bid within thirty (30) days from the date of the sale and in the event bidder cannot pay the remainder, the property will be resold and all monies paid in at the original sale will be applied to any deficiency in the price at which the property is resold. The successful bidder must send payment of the balance of the bid directly to the U.S. Marshal's Office c/o Ms. Sheila Blessing, Room 241, U.S. Post Office & Courthouse, Pittsburgh, PA 15219. Notice is hereby given that a Schedule of Distribution will be filed by the Marshal's Office on the thirtieth day after the date of sale, and that distribution will be made in accordance with the Schedule unless exemptions are filed thereto within ten (10) days thereafter. The successful bidder takes the real estate subject to, and shall pay all taxes, water rents, sewer charges, municipal claims, and other charges and liens not divested by the sale. Purchaser must furnish State Realty Transfer Tax Stamps, and stamps required by the local taxing authority. Purchaser shall furnish Marshal with Grantee information at the time of the sale. Marshal's costs, fees and commissions are to be borne by seller. Steve Frank, United States Marshal. For additional information visit www.resales.usda.gov or contact Ms. Cathy Diederich at 314-457-5514.

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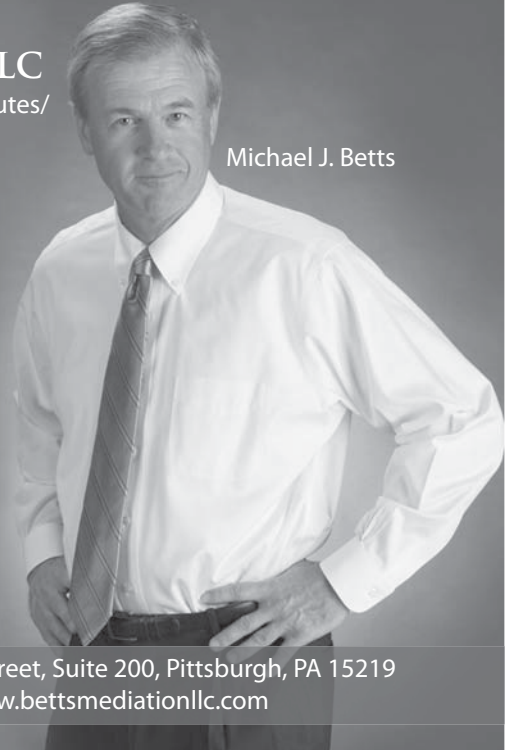
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**AUDIT LIST
NOTICE BY
PATRICK L. FETZNER**

**Clerk of Records,
Register of Wills and Ex-Officio Clerk of
the Orphans' Court Division, of the
Court of Common Pleas of Erie County, Pennsylvania**

The following Executors, Administrators, Guardians and Trustees have filed their Accounts in the Office of the Clerk of Records, Register of Wills and Orphans' Court Division and the same will be presented to the Orphans' Court of Erie County at the Court House, City of Erie, on **Monday, November 25, 2013** and confirmed Nisi.

December 19, 2013 is the last day on which Objections may be filed to any of these accounts.

Accounts in proper form and to which no Objections are filed will be audited and confirmed absolutely. A time will be fixed for auditing and taking of testimony where necessary in all other accounts.

2013 ESTATE

ACCOUNTANT

ATTORNEY

253. Alvin S. Dundon Lester Hamill, Executor Darlene M. Vlahos, Esq.

254. Robert Peter Scarvell Susan Patton, Executrix Michael S. Barr, Esq.

PATRICK L. FETZNER
Clerk of Records
Register of Wills &
Orphans' Court Division

Nov. 22, 29

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**BONNELL, JAMES O.,
deceased**

Late of the City of Erie, County of Erie, Pennsylvania
Executrix: Margaret A. Merritt, c/o 900 State Street, Suite 215, Erie, PA 16501
Attorney: Gregory L. Heidt, Esquire, 900 State Street, Suite 215, Erie, PA 16501

**BROCKETT, DONNA ELAINE,
a/k/a ELAINE BROCKETT,
deceased**

Late of the Township of Springfield, County of Erie, State of Pennsylvania
Executrix: Wayne W. Brockett, 9320 Carlisle Road, Wellsville, PA 17365
Attorney: Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**DAHL, LEDA B., a/k/a
LEDA L. DAHL,
deceased**

Late of the City of Corry, Erie County, Pennsylvania
Executrix: Patricia I. Arnold, 29 University Park, Fredonia, NY 14063
Attorney: William E. Barney, Esq., 200 North Center Street, Corry, Pennsylvania 16407

**ERBIN ANN M., a/k/a
ANNA ERBIN, a/k/a
ANNA M. ERBIN,
deceased**

Late of Green Township, County of Erie and Commonwealth of Pennsylvania
Co-Executors: Sandra Ann Paulsen and Donald Stephen Erbin, c/o Norman A. Stark, Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorneys: Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, Suite 300, 300 State Street, Erie, PA 16507

**HAUGHNEY, RICHARD J.,
deceased**

Late of the City of Erie, Erie County, PA
Executrix: Richard G. Haughney, 5332 Heidler Road, Fairview, PA 16415
Attorney: Christine Hall McClure, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**JULFS, U. LAVONNE,
deceased**

Late of the Borough of North East, County of Erie, Commonwealth of Pennsylvania
Executrix: Mary Lou Malesiewski, 43 Bernwood Drive, North East, Pennsylvania 16428
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**RODGERS, CRAIG A.,
deceased**

Late of the Township of Millcreek, County of Erie and State of Pennsylvania
Executrix: Susanne Rodgers, c/o 17 West 10th Street, Erie, Pennsylvania 16501
Attorneys: Conner Riley Friedman & Weichler, 17 West 10th Street, Erie, Pennsylvania 16501

**SUNDQUIST, MARILYN J.,
a/k/a MARILYN SUNDQUIST,
deceased**

Late of the City of Erie, County of Erie
Executrix: Paula Randolph, 613 Japan Street, Erie, Pennsylvania 16502
Attorney: John Mir, Esquire, 2530 Village Common Dr., Suite B, Erie, Pennsylvania 16506

**UGINO, CHARLES J.,
deceased**

Late of the Township of Millcreek, County of Erie and State of Pennsylvania
Co-Executors: Lynn Ugino McGill and Laurie Ugino Malone, c/o Attorney Elizabeth Brew Walbridge, 1001 State Street, Suite 1400, Erie, PA 16501
Attorney: Elizabeth Brew Walbridge, Esq., 1001 State Street, Suite 1400, Erie, PA 16501

**WEBER, GERTRAUD J., a/k/a
GERTRAUD J. MEYER WEBER,
a/k/a GERTRUDE WEBER,
a/k/a GERTRUDE J. WEBER,
deceased**

Late of Millcreek Township, Erie County, Pennsylvania
Co-Executors: Michael Weber, 6291 Stonebridge Drive, Fairview, PA 16415 and John R. Weber, 4719 Glen Crest Drive, Erie, PA 16509
Attorney: Jerome C. Wegley, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**YAPLE, NORMA,
deceased**

Late of Fairview Township, Erie County, Pennsylvania
Executrix: Deborah Ann Wells, 1348 South Shore Drive, Erie, PA 16505
Attorney: Jerome C. Wegley, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

ZURN, FREDERICK H., a/k/a FREDERICK ZURN, deceased
 Late of Millcreek Township, Erie County
Executrix: Marian M. Zurn
Attorney: Adam J. Williams, Esq., Shapira, Hutzelman, Berlin, Ely, Smith and Walsh, 305 West Sixth Street, Erie, PA 16507

SECOND PUBLICATION

CAMPANELLI, JOSEPHINE T., deceased
 Late of the City of Erie
Executors: Nicholas Campanelli, 430 Euclid Avenue, Erie, PA 16511
Attorney: David J. Mack, Esq., 510 Parade Street, Erie, PA 16507

DeMARTINO, LOUIS S., deceased
 Late of Millcreek Township, Erie County, Pennsylvania
Executrix: Elaine F. DeMartino, 1261 Townhall Road, Apt. #3, Erie, Pennsylvania 16509
Attorney: John R. Falcone, Esq., 3820 Liberty Street, Erie, Pennsylvania 16509

EDWARDS, LOGAN, deceased
Administrator: Paul Edwards, 585 Manchester Road, Fairview, PA 16415
Attorney: Brian F. Levine, Esq., 22 E. Grant Street, New Castle, PA 16101

HORWATH, ROBERTA E., deceased
 Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Executors: Joseph P. Horwath and Jeffrey R. Horwath
Attorney: Thomas J. Buseck, Esq., The McDonald Group, L.L.P., 456 West Sixth Street, Erie, PA 16507-1216

LANICH, JACK D., SR., deceased
 Late of the Township of Harborcreek, County of Erie, State of Pennsylvania
Executrix: Sharon E. Lechner, c/o 78 East Main Street, North East, PA 16428
Attorney: John C. Brydon, Esq., Brydon Law Office, 78 East Main Street, North East, PA 16428

LUNCHER, EDITH C., deceased
 Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executrix: Barbara J. Kwiatkowski
Attorney: Kenneth G. Vasil, Esquire, Elderkin Law Firm, 150 East 8th Street, Erie, PA 16501

POKRYWIECKI, ANN B., deceased
 Late of Greene Township, County of Erie
Executrix: Christine Krol, c/o 3209 East Avenue, Erie, PA 16504
Attorney: Cathy M. Lojewski, Esq., 3209 East Avenue, Erie, PA 16504

ROBBINS, RUTH A., deceased
 Late of Millcreek Township
Executrix: Raymond J. Angelo, c/o 246 West 10th Street, Erie, PA 16501
Attorney: Evan E. Adair, Esq., 246 West 10th Street, Erie, PA 16501

THIRD PUBLICATION

BARTLETT, BETTY A., a/k/a BETTY BARTLETT, deceased
 Late of the Township of Millcreek, County of Erie and State of Pennsylvania
Executrix: Michael Bartlett, 649 Gold Ave., Erie, PA 16509
Attorney: Aaron E. Susmarski, Esq., 4030 West Lake Road, Erie, PA 16505

BRADY, SHIRLEY M., deceased
 Late of the City of Erie
Executrix: Marjorie M. Whipple, c/o Attorney Terrence P. Cavanaugh, 3336 Buffalo Road, Erie, PA 16510
Attorney: Terrence P. Cavanaugh, Esq., 3336 Buffalo Road, Erie, PA 16510

CRISCIONE, GLORIA M., deceased
 Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executrix: Dana L. Larson
Attorney: John B. Enders, Esquire, Elderkin Law Firm, 150 East 8th Street, Erie, PA 16501

DECKER, LUCILLE A., deceased
 Late of the Township of Greene, County of Erie and Commonwealth of Pennsylvania
Executor: Kevin Decker, c/o W. Atchley Holmes, Esquire, 3820 Liberty Street, Erie, PA 16509
Attorney: W. Atchley Holmes, Esquire, 3820 Liberty Street, Erie, PA 16509

DiTULLIO, EMMA F., deceased
 Late of the Township of Millcreek, Erie County, Pennsylvania
Executrix: Marlene D. Mosco
Attorney: Emily E. Mosco, Esquire, 3820 Liberty Street, Erie, Pennsylvania 16509

ELIASON, SHIRLEY M., a/k/a SHIRLEY MAE ELIASON, deceased
 Late of the Township of Waterford, County of Erie and Commonwealth of Pennsylvania
Co-Executors: Ronald E. Eliason and Alvin R. Richardson, c/o Ritchie T. Marsh, Esq., 300 State Street, Suite 300, Erie, PA 16507
Attorney: Ritchie T. Marsh, Esq., Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, 300 State Street, Suite 300, Erie, PA 16507

**HLOPICK, DANIEL S.,
deceased**

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

Executrix: Susan M. Nitkiewicz, 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

**KINDLE, JAMES R., a/k/a
JAMES ROBERT KINDLE,
a/k/a JAMES KINDLE,
deceased**

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

Executor: Michael J. Kindle, 3523 Lakeview Ave., Fairview, PA 16415

Attorney: Aaron E. Susmarski, Esq., 4030 West Lake Road, Erie, PA 16505

**MARR, SHIRLEY A.,
deceased**

Late of Wesleyville Borough

Executrix: Marlene M. Silbaugh, c/o Attorney Terrence P. Cavanaugh, 3336 Buffalo Road, Erie, PA 16510

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

**MENZ, MILDRED A., a/k/a
MILDRED ANNA MENZ,
deceased**

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

Administrator: Eric J. Menz, 452 West 28th Street, Erie, PA 16508-1771
Attorneys: MacDonald, Illig, Jones & Britton, LLP, 100 State Street, Suite 100, Erie, Pennsylvania 16507-1459

**PEDERSEN, DAVID C.,
deceased**

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

Executor: Erik C. Pedersen, c/o 504 State Street, Suite 200, Erie, PA 16501

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

**PETERS, MARY L.,
deceased**

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

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

**ROSE, DREW, JR.,
deceased**

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

Administrator: S. Craig Shamburg, 100 State Street, Suite 700, Erie, PA 16507-1459

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


**STEVENS, HELEN V.,
deceased**

Late of Elk Creek Township, Erie County, Pennsylvania

Executor: Gregory G. Stevens, 11769 State Road, Albion, PA 16401

Attorney: None

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Edinboro, PA 16444 ----- *jonorato@edinboro.edu*

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