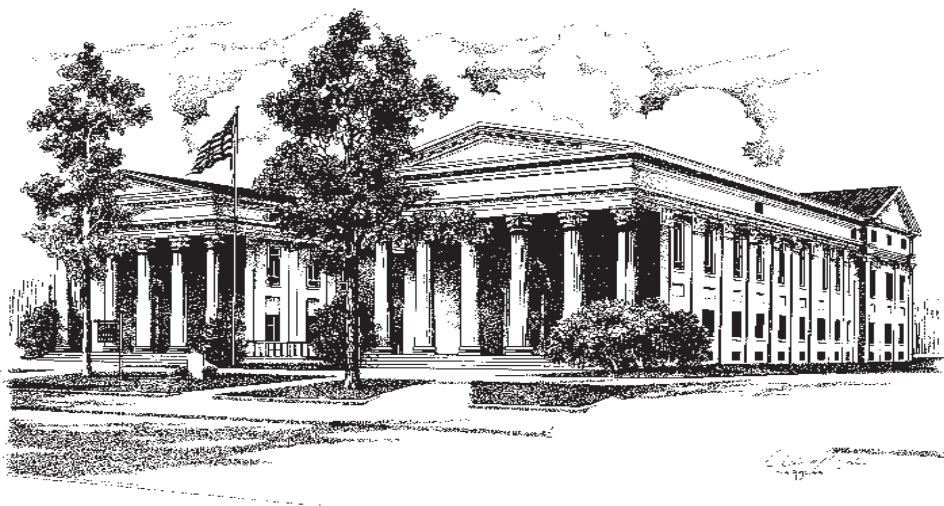


*Erie
County
Legal
Journal*

May 15, 2015

Vol. 98 No. 20

USPS 178-360



98 ERIE

Erie County Legal Journal

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

Managing Editor: Heidi M. Weismiller

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ERIE COUNTY LEGAL JOURNAL (ISSN 0730-6393) is published every Friday for \$57 per year (\$1.50 single issues/\$5.00 special issues, i.e. Seated Tax Sales). Owned and published by the Erie County Bar Association (Copyright 2015©) 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

WEDNESDAY, MAY 27, 2015

Criminal Justice from the View of a Former Police Officer

ECBA Live Lunch-n-Learn Seminar

Bayfront Convention Center

11:45 a.m. - Lunch/Registration

12:15 p.m. - 1:15 p.m. Seminar

\$45 (ECBA member/non-attorney staff)

\$58 (nonmember) \$30 (member Judge not needing CLE)

1 hour substantive law credit

TUESDAY, JUNE 16, 2015

ECBA Mid-Year Meeting

Sheraton Erie Bayfront Hotel

see page 19 for further details

MONDAY, JUNE 22, 2015

ECBA Golf Tournament

Lake Shore Country Club

1:00 p.m. shotgun start

\$99/ECBA member



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

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EDWARD SNOWDEN: HERO OR TRAITOR?¹

by G. Michael Fenner

Is Edward Snowden a hero or a traitor? Let me work my way up to an answer to that question.

I. A Brief History of the U.S. Surveillance of Domestic Communications

I will start with an oversimplified history of American surveillance of domestic communications: not surveillance of communications taking place outside the U.S. As someone once said, “Outside the United States, the CIA prowls the alleys without a leash.”²

If your data leaves the country—even if only routed through an outside server—our intelligence community can access it at will. We learned not so long ago that the CIA got ahold of Mayer, Brown & Platt attorney-client privileged documents because the client was outside the U.S. and the documents were captured outside the U.S.

CIVIL WAR: Domestic surveillance by the Federal Government was first used on a significant scale under President Lincoln during the Civil War. But, of course, this was surveillance of an enemy that was operating domestically.

WWI: During WWI a Military Intelligence Division (MID) was created within the Army. Its charge included locating German spies and saboteurs. It didn’t find many enemy agents, so it turned its attention to the investigation of Americans MID considered dangerous: real or suspected labor unionists, pacifists, socialists, Communists, and civil rights activists.

AFTER WWI: After the war, MID joined with the newly created FBI. They compiled dossiers on thousands of American citizens, conducted illegal raids, made illegal arrests, and subjected many citizens to interrogation. They helped local authorities crush labor strikes and suppress racial disturbances.

WWII: During World War II, domestic military surveillance expanded substantially. By then, military intelligence was called G-2. FDR gave G-2 responsibility for protecting defense plants, and it established a network of thousands of informants. G-2 reported on radical labor and political groups and what it called “semiradical” groups concerned with pacifism and civil liberties. Do you see a pattern here?

AFTER WWII: Shortly after WWII the federal government persuaded—and here’s where the surveillance begins to look a little bit modern. The federal government persuaded the three major American telegraph companies to hand over most of their traffic. That program continued until 1975 and collected the telegrams of 75,000 American citizens.³

THE 60’s: In the 60’s, under J. Edgar Hoover, the FBI devoted considerable resources to the secret surveillance of anti-war protestors, desegregationists, and Communists. At the same time, the CIA was heavily engaged in secret domestic surveillance. Much of Hoover’s surveillance was illegal. And all domestic surveillance by the CIA was directly contrary to federal statutory law. The causative events were, by and large, the civil rights movement and the protests against the war in Viet Nam.

When this FBI and CIA surveillance came to light, Congress did three things. But first

MARCH 8, 1971: How did we learn of this 60’s surveillance? The first trickle of information came to the media in the form of documents stolen from the FBI. The theft happened under cover of darkness on March 8, 1971, the night the country’s attention

was focused on the Fight of the Century: the Ali-Fraizer fight in Madison Square Garden. Burglars took a lock pick and a crowbar and broke into the Media, Pennsylvania, office of the FBI. They put nearly every document in the office into boxes, carted them off to a house in the Pennsylvania woods, and anonymously mailed the stolen documents to various newspaper reporters.

Here is what one of the burglars said, “When you talked to people ... about what the FBI was doing, nobody wanted to believe it. There was only one way to convince people that it was true, and that was to get it in their handwriting.”⁴

One of the documents was a memo from Hoover that urged agents to step up their interviews of antiwar activists and members of dissident student groups. Hoover wrote, “[I]t will enhance the paranoia endemic in these circles and will further serve to get the point across that there is an FBI agent behind every mailbox.”⁵ Likely the most absurd of these documents revealed that the FBI sent Martin Luther King an anonymous blackmail letter threatening to expose his extramarital affairs if he did not commit suicide.⁶

FISA, FISC, & SENATE SELECT COMMITTEE: When this FBI and CIA surveillance came to light, Congress stepped in. The year was 1978, 36 years ago.

- Congress passed a statute, Foreign Intelligence Surveillance Act (FISA) to put a leash on domestic surveillance.
- Congress created the Federal Intelligence Surveillance Court (FISC) where, in part, the Executive Branch is to seek warrants allowing domestic surveillance.
- Congress created the Senate Select Committee on Intelligence to oversee our intelligence agencies.

Thirty-six years ago Congress separated the surveillance power leaving some with the Executive Branch and giving some to a court and some to a legislative-oversight committee—creating two buffers between Executive Branch surveillance and us.

EXPLOSIONS: The next-to-the-last stop in this brief history of domestic surveillance: (1) Technology has exploded. (2) Our ability to communicate worldwide, to transmit data and documents—instantaneously, continuously, and essentially for free—has exploded. (3) Our ability to collect, categorize, collate, and store that information has exploded. (4) The ability of our enemies to terrorize us has exploded. (5) On 9-11 the Twin Towers exploded.

The law is having trouble keeping up.

JUNE 15, 2013, THE GUARDIAN: On June 15, 2013, the British newspaper The Guardian reported the first of several leaks of classified material from Edward Snowden. Former Deputy CIA Director Michael Morell said that this was the “most serious compromise of classified information in the history of U.S. intelligence.”⁷ I don’t know about that. I am not qualified to judge it. I just know that it was said by a man who might be qualified to judge.

LESSONS TO BE LEARNED: Of course there are lessons to be learned from this history. First, these powers are conferred in times of war or domestic turmoil. Historically “turmoil” has included labor-union organization, civil-rights activism, and war protests.

Second, once granted, these powers are always expanded and often in ways that are ultra vires. Like censorship, the surveiller first surveils the one thing and then looks for something more to surveil. We all want to keep our jobs; we all want our organizations to grow. The power of the surveiller expands, the scope of the surveillance expands, and it

keeps expanding until something or someone stops it.

Third, whenever we set up this kind of security system there is a great tendency to produce “false-positive errors: [to] label as suspicious people and events that are actually perfectly normal.”⁸ To label as suspicious, for example, desegregationists, antiwar protesters, and union organizers—those opposed to those in power.

The second problem is that when the intelligence community does tell us what they are doing, it is difficult to determine if they are telling us the truth. For example, in March of 2013, James Clapper, a retired Air Force general and President Obama’s Director of National Intelligence testified before the Senate Intelligence Committee. Senator Ron Wyden asked Clapper a question. As a courtesy, he had provided him a written copy of the question in advance of the hearing. Clapper was not taken by surprise.

II. Where Are We Today With Domestic Surveillance

■ Today the NSA collects metadata: *Telephone* metadata includes the number called, the number from which the call came, the length of the call, how often the one number calls the other. *Internet* metadata includes email and I.P. addresses, who an email is from and to whom it is sent, frequency of communication, and location information. It includes Web sites visited. It includes the electronic traces left when a person goes online.

■ According to a recent study, people worldwide send 182 billion emails each day:⁹ over 67 trillion messages a year. The NSA collects this metadata randomly. They collect as much of it as they can and they keep the records for 5 years.¹⁰

Last December, General Keith Alexander—at the time he led the NSA and the U.S. Cyber Command—said that “[t]he NSA is collecting metadata of more than 300 million Americans.”¹¹ Last December the population of the United States was just over 317 million.¹² 300 million is most of us. At the turn of this year the Washington Post reported that the NSA collects 5 billion new records a day.¹³

In February of this year the Wall Street Journal reported the story under this headline: “NSA Gets Only 20% Of Phone Records.” The article reports that the NSA gets 20% of the phone records of 95% of us. Their stated intention is to “catch up.”¹⁴

We’ve come a long way since the days of telegram surveillance when, over 30 years, the Government collected information on 75,000 citizens by reading their telegrams.

■ FISA, the statute, requires that when the NSA wants to collect metadata it must get a FISC surveillance warrant. The warrant allows the NSA to collect metadata only—not the contents of the calls, emails, and the like. If the news reports and General Alexander are correct and the NSA is collecting some metadata of most Americans, then the surveillance court is either

- very busy, or
- issuing general warrants, or
- rubber-stamping warrants, or
- the NSA is not abiding by FISC’s rulings,¹⁵ or
- the NSA is not going to FISC for warrants.

And it appears that it may be mostly the latter two.

Why would the NSA engage in warrantless surveillance? FISA requires a warrant, but the Executive Branch has opinions from Justice Department and White House lawyers

stating that the NSA can conduct national security operations without a warrant. What we know about these legal opinions is that they rely on three things: a Congressional resolution declaring war against Al Qaeda, the President's commander-in-chief powers, and his inherent powers over military and foreign affairs.

I say, "What we know about these legal opinions" because the opinions are classified. They are secret. The details of the analysis have not been disclosed.

■ So, we have secret justifications for the NSA not going to FISC for warrants. Add this: It is difficult to tell exactly how many requests for surveillance warrants FISC gets per year. This is secret as well. But there are some fairly reliable, if vague, figures that indicate that FISC gets thousands of warrant requests each year and that it approves all but a very few.

A retired federal judge who is a friend of mine and was on FISC, said that the reason there are so few denials is this. Often the Court will tell the government that their warrant request is not sufficient and the government will take it back and investigate further and redo the request to make it sufficient. Sometimes that goes on multiple times with the same warrant request, until the government meets the legal standard. Or until the government gives up and withdraws its request.

That, he told me, is why there are not many judgments of denial. But there are many *de facto* denials. And, he said, the court is not a rubber stamp. I believe him because I believe *him*.

III. Is It Legal?

The first problem with deciding if this surveillance is legal is the problem of finding out just what is being done. It is almost all done in secret—as surely some of it has to be. Most of what we know about what is actually being done is a result of Snowden's leaks and subsequent admissions by the intelligence community that would not have been made but for Snowden's leaks.

The second problem is that when the intelligence community does tell us what they are doing, it is difficult to determine if they are telling us the truth. For example, in March of 2013, James Clapper, a retired Air Force general and President Obama's Director of National Intelligence testified before the Senate Intelligence Committee. Senator Ron Wyden asked Clapper a question. As a courtesy, he had provided him a written copy of the question in advance of the hearing. Clapper was not taken by surprise.

Wyden: "Does the NSA collect any type of data at all on millions or hundreds of millions of Americans?"

Clapper: "No sir."

Wyden: "It does not?"

Clapper: "Not wittingly. There are cases where they could inadvertently perhaps collect, but not wittingly."¹⁶

Senator Wyden did not believe him. His office contacted Clapper's office and asked Clapper to acknowledge that his answer had been wrong. Clapper declined. Subsequently, Snowden's leaks clearly showed that the Director of National Intelligence's answer was incorrect. After the leak, Director Clapper wrote to the Intelligence Committee, saying "My response was clearly erroneous, for which I apologize."¹⁷

It is difficult to know what exactly is being done because it is largely being done in secret. And, when told what is being done, it is difficult to know whether we are being

told the truth ... until we “get it in their own handwriting.” Snowden got it in their own handwriting.

A. Statutory Law

Are the operations of the NSA legal under statutory law?

Since the Snowden revelations a number of FISC judges have criticized the NSA for continually collecting more information than the statute and the court’s opinions allow and for continuing to misrepresent its activities to the court. One judge wrote that he was “exceptionally concerned” that the NSA has been operating in “flagrant violation” of the court’s orders and “directly contrary” to the NSA’s own sworn statements.¹⁸

On the other hand, as I said earlier, the White House has secret legal opinions stating that the NSA can collect much of this information without a warrant and so neither FISA nor FISC control what it can do.

Is this surveillance program illegal under statutory law? It depends on how much you know about what is being done and whether you agree with the Executive Branch’s legal opinions that, in this regard, the President does not have to follow statutory law or court orders.

I will say this: Justice Jackson once famously wrote that the President’s power is strongest “[w]hen [he] acts pursuant to an express or implied authorization of Congress.” It is weakest when he “takes measures incompatible with the expressed or implied will of Congress.”¹⁹ The President seems to be taking action “incompatible with” the express will of Congress and the Court.

B. Constitutional Law

And what about the Constitution?

■ Search and Seizure: When thinking about these surveillance cases we tend to jump to the 4th Amendment. Is this an unreasonable search and seizure? Well, in many ways the 4th Amendment is irrelevant here. It is self-executing in criminal trials. There is no trial here.

Regardless, the NSA argues that the 4th Amendment does not apply to the collection of metadata. First, they argue that the Fourth Amendment applies only to “law enforcement” and they are not involved in law enforcement. They are just gathering data relevant to national security and foreign affairs.²⁰ Second, they cite a 1979 Supreme Court opinion, *Smith v. Maryland*.²¹

Smith v. Maryland (1979): A pen register is a device that records all numbers called from a particular telephone landline. A victim was being called by the man who had robbed her. At the phone company, and without a warrant, the police installed a pen register on Smith’s line. Sure enough, he called the victim. Smith argued that the pen-register evidence was an unreasonable search and seizure.

The Supreme Court held that Smith did not have an expectation of privacy regarding phone numbers he called. First, those numbers were automatically given out to a third party—the phone company that routed the calls to the recipient. Second, if Smith did have a personal expectation of privacy, it was not “reasonable.” No warrant required. The intelligence community argues that the kind of information they are gathering is automatically released to third parties—phone companies; internet service providers; routers; web sites; tracking services; Google; and the like.

Well, a pen register provides phone numbers called. Metadata reveals whom we call, how

often, and how long we talk; to whom we send emails and who all is on the distribution list; what websites we visit and how long we stay—it is one thing if a person stumbles into a pornography site, a gambling site, a support group for those with Parkinson’s Disease, or the site of a suspicious charity and it is another to linger. And remember what General Alexander said last December: The NSA is collecting some metadata of approximately 95% of all Americans.

Earlier this year a federal district court judge issued a preliminary injunction against some of this NSA surveillance.²² He found the surveillance program likely an unconstitutional search and seizure. He wrote that much has changed in the 34 years since Smith was decided. Our relationship with our phones has changed. And metadata reveals so much more about us than just the number we call. He granted a preliminary injunction against surveillance of the plaintiffs. The government appealed directly to the Supreme Court, which declined to take the appeal.

U.S. v. Jones (2012): More recently there is *U.S. v. Jones*. The police attached a GPS to a car. The owner made several trips to a crack distribution center. A unanimous Supreme Court held this tracking was an unreasonable search and seizure.²³ With metadata the NSA is tracking us—even tracking us to crack distribution centers. We can buy crack over the internet, from the comfort of our living rooms. The Federal Government arrested a young American who they allege was running a major drug distribution business from his laptop computer. His site put buyers in touch with sellers, took a piece of each sale, and had a rating system where buyers and sellers could rate each other. The drugs were delivered by UPS and USPS. The money was electronic.²⁴ He got rich before he got caught.

Riley v. California (2014): And there is a third case, one from this year. *Riley v. California* involved a warrantless search of the data on the cellphone of a man who had been arrested. Regarding exceptions from the Constitution’s requirement that the police get a warrant, the Court said that it assesses the degree to which the search intrudes on privacy versus the degree the search is needed for the protection of legitimate government interests. “Modern cell phones,” said the Court,

have an immense storage capacity. Before cell phones, a search of a person was ... only a narrow intrusion on privacy. But cell phones can store millions of pages of text, thousands of pictures, or hundreds of videos.

[T]he Fourth Amendment was the founding generation’s response to the reviled “general warrants” ... of the colonial era, which allowed British officers to rummage through homes in an unrestrained search for evidence of criminal activity.²⁵

The Court said that the police need a warrant before they can search a cellphone. It also recognized that, “One well-recognized exception applies when the exigencies of the situation make the needs of law enforcement so compelling that [a] warrantless search is objectively reasonable under the Fourth Amendment.”²⁶

NSA Surveillance: Back to the matter of NSA surveillance. If the test for exceptions to the warrant requirement is a balance of the degree of intrusion on one’s privacy and the degree to which the search is necessary to serve legitimate government interests, then let

us consider each side of that balance.

On the one side, the intrusion into privacy seems pretty serious. The Court said that the 4th Amendment was a reaction “to the reviled ‘general warrants’ ... of the colonial era, which allowed British officers to rummage through homes in an unrestrained search for evidence of criminal activity.” This sounds a lot like what the NSA is doing today: rummaging in an unrestrained search for evidence of criminal activity.

On the other side, the government’s interest today is one right at the top of the list: national security. *But* national security was the interest of the British “general warrant” as well. The extent to which this much surveillance is needed to serve national security is difficult to determine. Both the surveillance and whatever security it has provided are secret.

Exigent circumstances include terrorist situations. But what we have here is not a “terrorist situation,” but the NSA spreading a wide net to see if they can find something that looks like it could possibly be a terrorist situation.

One response may be, “Well, the NSA is going to FISC and getting warrants.” And perhaps they are, but 300 million warrants? It sounds a lot like those “reviled ‘general warrants.’” And there is a history of NSA clouding the issue, if not outright lying about what they are doing. It is, after all, the culture of spying that the spies must lie about even the most basic fact—who they are. There is also evidence that the NSA does not always comply with the FISC Court’s orders. It all looks a lot like unrestrained rummaging.

■ **Privacy:** Second, there is the independent right-to-privacy argument—independent of the Fourth Amendment search-and-seizure argument. This is not likely to get very far with the current Supreme Court. It is too amorphous a right for this Court, and too tied into abortion.

Outside of the 4th Amendment, there currently is no right to privacy regarding surveillance. But perhaps there should be. Even if the NSA is only collecting metadata, it can learn a lot about the private parts of your life. Are you going to porn sites, gambling sites, or Alzheimer’s sites? Are your porn sites heterosexual, homosexual, transsexual—or do they involve children? What do you watch on TV, what books do you order from Amazon, what movies do you order from Netflix, what magazines do you read online? Do you regularly call an AIDS clinic, a psychiatrist, or a woman who is someone else’s wife? And do you do so from the privacy of your home?

■ **Free Speech:** Some argue that the real constitutional problem here is freedom of speech. We become hesitant to speak if we believe government is listening. Interpretation of the Free Speech Clause is big on preventing government from chilling speech—preventing government from taking actions that cause the timid and the poor to refrain from speaking for fear of prosecution and the attendant costs, both financial and psychological.

During the Civil Rights movement of the 60’s, southern sheriffs would go around to NAACP meetings and the like with cameras with no film in them. They pretended to take pictures of those in attendance. It was a form of intimidation. And it worked on some people.

Remember the FBI memo quoted earlier? Hoover urged agents to step up their interviews with antiwar activists and members of dissident student groups. “It will enhance the paranoia endemic in these circles and will further serve to get the point across that there

is an FBI agent behind every mailbox.” Current NSA practices get the point across that we are under surveillance in record numbers and concerning record amounts of personal information.

The problem, some say, is that all of this surveillance of phone calls, emails, tweets, web searches, and the like chills speech. And most days on the news we hear examples of surveillance chilling speech in places like China, Russia, and the Middle East. Some see it happening here.

C. Is It Legal—I Don’t Know

Justice Souter once wrote, “In my own ignorance I have to accept the real possibility that ‘if we had to decide today ... just what the First Amendment should mean in cyberspace, we would get it fundamentally wrong.’”²⁷ Justice Kennedy has written, “The judiciary risks error by elaborating too fully on the Fourth Amendment implications of emerging technology before its role in society has become clear.”²⁸ I think the problem with discussing the law as applied to this massive surveillance is that we are applying old models to new technologies. How do you govern 21st Century communication with 19th and 20th Century models? Not well.

Judge Leon from the District of Columbia was addressing the Supreme Court’s opinion in the Smith case, the case heavily relied on by the NSA, when he said, “The notion that the government could collect similar data on hundreds of millions of people and retain that data for a five-year period, updating it with new data every day in perpetuity, was ..., in 1979, the stuff of science fiction.”²⁹

Is it legal? I don’t know. We are using 100+ year-old models to solve today’s problems. So much is secret and shrouded in half-truths or outright lies. Members of FISC have criticized the NSA for violating FISA and the surveillance court’s orders. The Executive Branch says that it does not have to comply with legislative or judicial mandates. One federal judge has found that this surveillance is likely unconstitutional, a couple of others have said it is not unconstitutional.

Is it legal? We won’t know until the Supreme Court tells us. And that Court has had a couple of opportunities to take this up and has denied cert.

IV. Who Guards the Guardians?

There are serious national security concerns at risk here. And a first-job of government is keeping its people safe and secure. We must protect the homeland.

Let’s go back to our ancient roots for a moment, when we hunted by day and we either lived in caves or envied those who had caves. That is when we learned this: No matter how strong you are, you are vulnerable when you go to sleep. It is just as true today, when we live in grand homes and others live in caves. No matter how strong we are, we are vulnerable when we go to sleep. *Someone has to stay alert.*

There is a pyramid famous in some circles: Maslow’s hierarchy of needs. What we as humans need first is food, drink, shelter, and warmth. What we need second is security. All other needs build on that base. Government must prevent the use of force directed against its people.

But of course, there is another side to this: On the one hand, our guardians must remain

awake and alert. On the other hand, as Justice Kennedy put it, “Liberty protects the person from unwarranted government intrusions ...”³⁰ The intrusions keep us safe so that we may have liberty. And yet, each intrusion costs us some measure of liberty.

So the question becomes, How do we protect ourselves from those who protect us? How do we maintain the balance between safety and liberty? And who decides where that balance lies?

So far it seems to be mostly the Executive Branch. You may trust this President, but not his predecessor. Or vice versa. I’ll tell you who I do not trust with this power: NIXON & HOOVER. Over the long haul of history, I don’t trust presidents to make these kinds of decisions. And I am pretty sure it would have troubled our Founding Fathers.

■ Regarding presidential war powers, the war against terror will outlive me and my friends. It may have been fine in the past to give a President this kind of unfettered power when we were at war with a defined enemy and one side or the other was going to win in a few years. War no longer comes in such neat packages.

■ Regarding the unitary executive, as most recently defined by John Yoo and Dick Cheney, it justifies effectively unchecked presidential power intelligence gathering. “Unchecked” includes at least these two things: the President can set aside laws that attempt to limit his power over national security; and his actions are not subject to judicial review.

This is what the Founding Fathers knew: When you give the Chief Executive too much power, it does not end well. Too much power in a king, general, or president leads to suppression, repression, even genocide. The Arab Spring lasted about as long as Spring in North Dakota.

Who draws the line between security and liberty? Well, it is all three branches. But, since *Marbury v. Madison*, in the end it is the Judicial Branch. The courts must play a big role. Of course courts can only react to what they know. For this to work, one branch cannot be allowed to hide the ball from the others. Our judges need to hold the secret-keepers’ feet to the fire. As Judge Leon has done, courts must hold the NSA to FISA’s warrant requirement and they need to hold the NSA to offering some evidence that it needs the information—that in each application they have the compelling interest of national security on their side.

Judge Leon wrote that there is little evidence that any significant terror plots have been thwarted. And, you’d think that if there were some solid evidence of thwarted plots the government could have submitted that evidence to the Court—and this can be done *in camera*.³¹ Secrets needn’t be revealed. It does not have to be done in open court. As with the Nixon tapes, it can be turned over to the judge. Eyes only.

It is difficult to assess what is being done because so much of it is done in secret. And when they do tell us something, their record of telling the truth is not a very good one. The intelligence community must regain the trust of the Courts by being open and candid with federal judges. The Executive Branch has to tell the truth, at least to the other Branches. *Separation of powers cannot work when two of the three Branches do not know what is going on.*

The question for the intelligence community should not be “Can we keep this all secret?” Rather, the question should be “How much do we really need to keep secret?” The real problem with secrecy is not secrets, but stupidity. The problem with spying is not spying, but stupidity. One of the lessons of the history of secrecy is that once we begin keeping

secrets, we don't seem to stop. We don't ever stop with keeping the big things secret. We move on and stamp small things as secret as well. Likewise, once we spy on the one, we move on and spy on the other. It was revealed last August that the CIA—you remember: overseas it prowls the alleys without a leash, but is forbidden from domestic spying—admitted that it has been spying on the Senate Select Committee on Intelligence. It secretly monitored the emails of its guardian.

V. Edward Snowden: Hero or Traitor?

Snowden, hero or traitor? There are, I suppose, four positions. Traitor. Hero. Both. Too soon to tell. My position is the latter. History will judge Edward Snowden. Right now it is too soon to tell.

He surely is a criminal, but then so was Martin Luther King, Jr. He was a criminal who broke segregationist laws in his crusade for racial justice. And he is a hero. Edward Snowden is a criminal. He broke the law, he says, to stop massive illegal domestic spying by the NSA, as if the Watergate burglary had been classified secret and he'd leaked that information. He says he is protecting our liberty, just what MLK Jr. was doing. Will history judge Snowden to be a hero? I don't know.

Perhaps a close analogy is Daniel Ellsberg. In the late 60's the Rand Corporation conducted a study of government decision making during the War in Vietnam. The report was not favorable to the United States. It concluded, among other things, that the Executive Branch had consistently lied to Congress and the American people about the war. In 1969 Ellsberg secretly photocopied that report. He provided photocopies to the New York Times. He released a stolen national security document to the press, and the public.

As with Snowden, at the time some considered Ellsberg a traitor and others considered him a hero. Perhaps in Snowden's case the answer to the hero/traitor question is that both are right, but that in the end, like Daniel Ellsberg, one day Snowden will not have a national holiday named after him and will be largely forgotten. But in his wake, he might have left some positive changes in the oversight of our national security system. Hero or traitor? "Maybe so and maybe not."³²



G. Michael Fenner

G. Michael Fenner, James L. Koley, '54, Professor of Constitutional Law, received his Bachelor of Arts degree from Kansas University in 1965; and his JD, with distinction, from the University of Missouri-Kansas City in 1969. From 1969-1972 he was a trial attorney in the Honors Law Graduate Program with the United States Department of Justice. He joined the Creighton Law faculty in 1972. He served as President of the Nebraska State Bar Association in 2013-2014.

Endnotes

- ¹ This article began as a 20-minute speech to the Omaha Bar Ass'n and became a one-hour speech to the 8th Circuit Judicial Conference.
- ² JOHN RADSAN, *THE UNRESOLVED EQUATION OF ESPIONAGE AND INTERNATIONAL LAW* (2007), *reprinted in ETHICS OF SPYING: A READER FOR THE INTELLIGENCE PROFESSIONAL* (Jan Goldman ed. 2010).
- ³ Up to this point, much of this history is based on material found at *THE OXFORD COMPANION TO AMERICAN MILITARY HISTORY Domestic Surveillance* (Oxford University Press, Inc., 2000) found at *Answers.com* 19 Oct. 2014. <http://www.answers.com/topic/domestic-surveillance> (last visited Oct. 19, 2014).
- ⁴ Newsfeed.Time.com (Jan. 7, 2014) *available at* <http://newsfeed.time.com/2014/01/07/new-details-on-historic-fbi-office-burglary-and-other-fascinating-news-on-the-web/> (last visited Oct. 19, 2014).
- ⁵ Betty Medsger, *Remembering an Earlier Time when a Theft Unmasked Government Surveillance*, *THE WASHINGTON POST* (Jan. 10, 2014) *available at* http://www.washingtonpost.com/lifestyle/style/remembering-an-earlier-time-when-a-theft-unmasked-government-surveillance/2014/01/10/30e9ee44-7963-11e3-8963-b4b654bcc9b2_story.html (last visited Oct. 19, 2014).
- ⁶ Editorial: *Los Angeles Daily News* (Jan. 7, 2014), *available at* <http://www.dailynews.com/opinion/20140107/unchecked-government-power-leads-to-dangerous-excess-editorial> (last visited Oct. 19, 2014).
- ⁷ CBS News, 60 Minutes, John Miller interview with Mike Morell (Oct. 30, 2013) *available at* <http://www.cbsnews.com/news/the-deputy-director-mike-morell/> (last visited Oct. 19, 2014).
- ⁸ Malcolm Gladwell, *Trust No One*, *THE NEW YORKER* 70, 73 (July 28, 2014).
- ⁹ 8 REASONS WHY EMAIL IS VITAL FOR ONLINE CAMPAIGNING AND FUNDRAISING, <http://www.campaign.org/blog/8-reasons-why-email-vital-online-campaigning-and-fundraising> (last visited Oct. 19, 2014).
- ¹⁰ PRO PUBLICA, FAQ: *What You Need to Know About the NSA's Surveillance Programs*, <http://www.propublica.org/article/nsadata-collection-faq> (last visited Oct. 19, 2014).
- ¹¹ CBS News, 60 Minutes, John Miller interview with Gen. Keith Alexander (Dec. 15, 2013) *available at* <http://www.cbsnews.com/news/nsa-speaks-out-on-snowden-spying/> (last visited Oct. 19, 2014).
- ¹² <http://www.census.gov/popclock/> (last visited Oct. 19, 2014).
- ¹³ Bryan Fung, *THE WASHINGTON POST*, *The Switchboard: NSA Is Collecting 5 Billion Cellphone Geolocation Records a Day*, found at <http://www.washingtonpost.com/blogs/the-switch/wp/2013/12/05/the-switchboard-nsa-is-collecting-5-billion-cell-phone-geolocation-records-a-day/> (last visited Oct. 19, 2014).
- ¹⁴ WALL STREET JOURNAL (Saturday/Sunday Feb. 8-9 (2014).
- ¹⁵ As for the NSA not following the Orders of the FISC, see Ryan Liza, *State of Deception*, *THE NEW YORKER*, Dec. 16, 2013, at 56.
- ¹⁶ *Id.* at 48.
- ¹⁷ *Id.* at 50.
- ¹⁸ *Id.* at 56.
- ¹⁹ *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 637 (1952) (Jackson, J., concurring).
- ²⁰ See FEDERAL REGISTER, EXECUTIVE ORDER 12333—UNITED STATES INTELLIGENCE ACTIVITIES, 46 F.R. 59941, 3 C.F.R. 1981 Comp, at 200, found at <http://www.archives.gov/federal-register/codification/executive-order/12333.html> (last visited Oct. 19, 2014).
- ²¹ *Smith v. Maryland*, 442 U.S. 735 (1979).
- ²² *Klayman v. Obama*, 957 F. Supp. 2d 1 (D.C. D.C. 2013).
- ²³ *United States v. Jones*, 132 S.Ct. 945 (2012).
- ²⁴ DANNY YARDON, *THE WALL STREET JOURNAL*, *Arrest Made of Alleged Head of Secret Online Drug Market*, (Oct. 2, 2013), *available at* <http://online.wsj.com/articles/SB10001424052702303492504579111804007803082> (last visited Oct. 19, 2014).
- ²⁵ *Riley v. California*, 537 U.S. ___, 134 S.Ct. 2473, 2489-94 (2014).
- ²⁶ *Id.* (internal quotation marks omitted).
- ²⁷ *Denver Area Educ. Telcoms. Consortium v. FCC*, 727, 777 (1996) (Souter, J., concurring) (quoting Lawrence Lessig, *The Path of Cyberlaw*, 104 Yale L. J. 1743, 1745 (1995)).
- ²⁸ *City of Ontario v. Quon*, 560 U.S. 746, 759 (2010).
- ²⁹ *Klayman*, *supra* at 47.
- ³⁰ *Lawrence v. Texas*, 539 U.S. 558, 562 (2003).
- ³¹ *Klayman*, *supra* at 41 n.65.
- ³² TRÉY ANASTASIO & THOMAS MARSHALL, PHISH, *Stash*, on A Live One (Electra Entertainment Group 1995).

CERTIFICATE OF AUTHORITY NOTICE

National Employers Association hereby gives notice that its Application for Certificate of Authority was filed with and approved by the Department of State of the Commonwealth of Pennsylvania, under the provisions of the Pennsylvania Business Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177, effective October 1, 1989, as amended. The purpose for which the corporation is organized is to provide discount benefits and services and other group coverages to its members.

May 15

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania Docket No. 11322-15

In re: Quentin Lee Brown, a minor Notice is hereby given that an application has been filed in the above named Court, by Ashley Nichols-Reyda, requesting an Order to change the name of Quentin Lee Brown to Quentin Michael-Lee Reyda.

The Court has fixed the 22nd day of May, 2015 at 2:30 p.m. in Courtroom G, Room 222 on the 2nd floor of the Erie County Courthouse, 140 W. 6th St., Erie, PA 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.

May 15

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: Jump'n Joey's Inflatable Slides and Rides

2. Address of the principal place of business: 443 Edge Park Drive, Lake City, Pennsylvania 16423

3. The real names and addresses, including street and number, of the persons who are parties to the registration: Moving Entertainment, Inc., 443 Edge Park Drive, Lake City, Pennsylvania 16423

4. An application for registration of a fictitious name under the Fictitious Name Act was filed on or about April 17, 2015.

James R. Steadman, Esquire
24 Main Street East

Girard, Pennsylvania 16417

May 15

FICTITIOUS NAME NOTICE

1. Fictitious Name: Salt Wood Studio

2. Address of the principal place of business: 5501 Old State Road, Edinboro, PA 16412

3. The real name and address of the person who is party to the registration: Neil Donovan, 5501 Old State Road, Edinboro, PA 16412

4. An application for registration of a fictitious name under the Fictitious Name Act was filed with the Pennsylvania Department of State on or about May 5, 2015.

May 15

INCORPORATION NOTICE

NOTICE is hereby given that Lake City Paint, Inc. has been incorporated under the provisions of the Business Corporation Law of 1988, as amended.

James R. Steadman, Esquire
Steadman Law Office

24 Main Street East
P.O. Box 87

Girard, PA 16417

May 15

LEGAL NOTICE

ATTENTION: UNKNOWN BIOLOGICAL FATHER INVOLUNTARY TERMINATION OF PARENTAL RIGHTS

IN THE MATTER OF THE ADOPTION OF MINOR FEMALE CHILD E.R.K DOB: JANUARY 12, 2010 BORN TO: CHRISTINE ANN

KENNELLEY 21 IN ADOPTION 2015

If you could be the parent of the above mentioned child, at the instance of Erie County Office of Children and Youth you, laying aside all business and excuses whatsoever, are hereby cited to be and appear before the Orphan's Court of Erie County, Pennsylvania, at the Erie County Court House, Judge Robert A. Sambroak, Jr. Court Room No. 217-I City of Erie on June 5, 2015 at 1:45 p.m. and there show cause, if any you have, why your parental rights to the above child should not be terminated, in accordance with a Petition and Order of Court filed by the Erie County Office of Children and Youth. A copy of these documents can be obtained by contacting the Erie County Office of Children and Youth at (814) 451-7740.

Your presence is required at the Hearing. If you do not appear at this Hearing, the Court may decide that you are not interested in retaining your rights to your children and your failure to appear may affect the Court's decision on whether to end your rights to your child. You are warned that even if you fail to appear at the scheduled Hearing, the Hearing will go on without you and your rights to your child may be ended by the Court without your being present.

You have a right to be represented at the Hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer, or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Family/Orphan's Court Administrator
Room 204 - 205

Erie County Court House
Erie, Pennsylvania 16501
(814) 451-6251

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

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

May 15

LEGAL NOTICE

THE SCHOOL DISTRICT

CITY OF ERIE, PA

Dr. James E. Barker

Leadership Center

148 West 21st Street, 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 Incandescent, Fluorescent, Projection and Mercury Lamps up to Thursday, May 28, 2015 at 1:30 p.m., at which time they will be opened in the Board Room, in accordance with the bid forms and specifications to be obtained from the Purchasing Department.

Robin Smith

Secretary

May 8, 15

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

**MAY 22, 2015
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.

John T. Loomis
Sheriff of Erie County

May 1, 8, 15

SALE NO. 1

**Ex. #13107 of 2010
Americo Federal Credit Union
v.**

Douglas E. Auer and Patricia C. Auer

SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 2010-13107, Americo Federal Credit Union vs. Douglas E. Auer and Patricia C. Auer, owners of property situated in the City of Erie, County of Erie and Commonwealth of Pennsylvania being 3006 Brandes Street, Erie, Pennsylvania.

Assessment Map Number: (18) 5047-306
Edwin W. Smith, Esq.
305 West Sixth Street

Erie, PA 16507
(814) 452-6800

May 1, 8, 15

SALE NO. 2

**Ex. #12785 of 2014
CAROL A. BIANCHI, Plaintiff
v.**

**JOHN P. WATT and CAROL A. WATT, Defendants
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 2014-12785 Carol A. Bianchi vs. John P. Watt and Carol A. Watt, owners of property situated in City of Erie, Erie County, Pennsylvania being 2120 South Manor Drive, Erie, Pennsylvania 16505

0.1366 acres of land
Assessment Map Number: (16) 3137-328

Assessed Value Figure: \$87,220.00
Improvement Thereon: One story frame dwelling with detached garage

David E. Holland
Pa. Supreme Court ID No. 23793
MacDonald, Illig, Jones & Britton LLP

100 State Street, Suite 700
Erie, Pennsylvania 16507-1459
(814) 870-7755

May 1, 8, 15

SALE NO. 3

**Ex. #12633 of 2014
The Bank of New York Mellon
f/k/a The Bank of New York
as Trustee for the Benefit of
the Certificateholders of the
CWALT, Inc., Alternative Loan
Trust 2004-18CB, Mortgage
Pass-Through Certificates, Series
2004-18CB
v.**

**Timothy M. Corey
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 2014-12633 The Bank of New York Mellon f/k/a The Bank of New York as Trustee for the Benefit of the Certificateholders of the CWALT, Inc., Alternative Loan Trust 2004-18CB, Mortgage Pass-Through Certificates, Series 2004-18CB vs. Timothy M. Corey, owner(s) of property situated in Township of Harborcreek, Erie

County, Pennsylvania being 3012 Nagle Road, Erie, PA 16510
1797 Square Feet
Assessment Map number: (27) 52-162-10
Assessed Value figure: 91,000.00
Improvement thereon: Residential Mattleman, Weinroth & Miller, P.C.
401 Route 70 East, Suite 100
Cherry Hill, NJ 08034
(856) 429-5507

May 1, 8, 15

SALE NO. 4

**Ex. #12720 of 2014
JPMorgan Chase Bank, National
Association, Plaintiff
v.**

**Steven T. Benovic and Teri K. Benovic, Defendant
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 12720-14 JPMorgan Chase Bank, National Association vs. Steven T. Benovic and Teri K. Benovic, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 1641 East 42nd Street Erie, PA 16510
0.2616

Assessment Map number: 18-5252-136
Assessed Value figure: \$123,840.00
Improvement thereon: a residential dwelling

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

May 1, 8, 15

SALE NO. 5

**Ex. #12485 of 2014
JPMorgan Chase Bank, National
Association, Plaintiff
v.**

**Donald E. Hildum, Defendant
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 12485-14 JPMorgan Chase Bank, National Association vs. Donald E. Hildum, owner(s) of property situated in North East Township, Erie County, Pennsylvania being 4268 Emily Drive, North East, PA 16428
0.2571

Assessment Map number:

37-39-90.2-6
 Assessed Value figure: \$98,000.00
 Improvement thereon: a residential dwelling
 Bradley J Osborne
 Shapiro & DeNardo, LLC
 Attorney for Movant/Applicant
 3600 Horizon Drive, Suite 150
 King of Prussia, PA 19406
 (610) 278-6800

May 1, 8, 15

SALE NO. 6

Ex. #10077 of 2015
U.S. Bank National Association
as Trustee for Merrill Lynch First
Franklin Mortgage Loan Trust,
Mortgage Loan Asset-Backed
Certificates, Series 2007-IH1,
Plaintiff

v.

Christopher H. Lacey, Defendant
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 10077-2015 U.S. Bank National Association as Trustee for Merrill Lynch First Franklin Mortgage Loan Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-IH1 vs. Christopher H. Lacey, owner(s) of property situated in Lawrence Park Township Erie County, Pennsylvania being 1057 Rankine Avenue, Erie, PA 16511 0.0484

Assessment Map number: 29-18-59-30
 Assessed Value figure: \$60,120.00
 Improvement thereon: a residential dwelling
 Bradley J Osborne
 Shapiro & DeNardo, LLC
 Attorney for Movant/Applicant
 3600 Horizon Drive, Suite 150
 King of Prussia, PA 19406
 (610) 278-6800

May 1, 8, 15

SALE NO. 7

Ex. #12993 of 2014
Bank of America, N.A. successor
by merger to BAC Home Loans
Servicing, LP f/k/a Countrywide
Home Loans Servicing, LP,
Plaintiff

v.

Carol A. Rutter, Defendant
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 14-12993 Bank of

America, N.A. successor by merger to BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans Servicing, LP vs. Carol A. Rutter, owner(s) of property situated in 5th Ward of the City of Erie, Erie County, Pennsylvania being 2729 East 30th Street. Erie, PA 16510 0.1468

Assessment Map number: 18051050032500
 Assessed Value figure: \$70,680.00
 Improvement thereon: a residential dwelling
 Bradley J Osborne
 Shapiro & DeNardo, LLC
 Attorney for Movant/Applicant
 3600 Horizon Drive, Suite 150
 King of Prussia, PA 19406
 (610) 278-6800

May 1, 8, 15

SALE NO. 8

Ex. #13026 of 2014
Citifinancial Servicing LLC,
A Delaware Limited Liability
Company, Plaintiff

v.

Debra Beeman a/k/a Debra L.
Beeman, Defendant(s)
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 13026-14 Citifinancial Servicing LLC, A Delaware Limited Liability Company vs. Debra Beeman a/k/a Debra L. Beeman Amount Due: \$145,469.71 Debra Beeman a/k/a Debra L. Beeman, owner(s) of property situated in VENANGO TOWNSHIP, Erie County, Pennsylvania being 13960 Route 8, a/k/a 13998 Route 8 & 89, Wattsburg, PA 16442 Acreage: 1.0000

Assessment Map number: 44021036004000
 Assessed Value: \$97,840.00
 Improvement thereon: Residential Phelan Hallinan Diamond & Jones, LLP
 One Penn Center at Suburban Station, Suite 1400
 1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814
 (215) 563-7000

May 1, 8, 15

SALE NO. 10
Ex. #13002 of 2014
First Niagara Bank, N.A.,
Plaintiff

v.

Jeffrey M. Collins, Delina S.
Collins, Defendant(s)
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 2014-13002 First Niagara Bank, N.A. vs. Jeffrey M. Collins, Delina S. Collins Amount Due: \$70,039.79 Jeffrey M. Collins, Delina S. Collins, owner(s) of property situated in NORTH EAST TOWNSHIP, Erie County, Pennsylvania being 3025 Brickyard Road, North East, PA 16428-3701 Dimensions: 162.2 x Irr Acreage: 0.1552

Assessment Map number: 37020069000200
 Assessed Value: 169,390.00
 Improvement thereon: residential Phelan Hallinan Diamond & Jones, LLP
 One Penn Center at Suburban Station, Suite 1400
 1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814
 (215) 563-7000

May 1, 8, 15

SALE NO. 11

Ex. #12249 of 2014
Bank of America, N.A., Plaintiff
 v.
Lawrence A. D'Ambrosio,
Defendant(s)
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 12249-14 Bank of America, N.A. vs. Lawrence A. D'Ambrosio Amount Due: \$90,568.97 Lawrence A. D'Ambrosio, owner(s) of property situated in HARBORCREEK TOWNSHIP, Erie County, Pennsylvania being 65 Carters Beach Road, Erie, PA 16511-1506 Dimensions: 50 X 85 Acreage: 0.0976 Assessment Map number: 270200080006500 Assessed Value: \$135,900.00 Improvement thereon: residential Phelan Hallinan Diamond &



Mid-Year Membership Meeting

Tuesday, June 16, 2015

Sheraton Erie Bayfront Hotel, ballroom



Schedule

- 11:45 am - 12:15 pm - Lunch
- 12:15 pm - 12:30 pm - Business Meeting
- 12:30 pm - 1:30 pm - Seminar

Cost: \$45/ECBA member

- \$30/Member Judge not needing CLE
- \$58/Nonmember - Lunch & Seminar

Business Meeting Agenda

- Call the meeting to order
- Minutes of the last meeting
(to be emailed for review)
- Financial Report
- Brief Comments from PBA Unit County
Governor, Judge James Ross
- Business Partners Program Report
- Update on other ECBA business

Cancellation Policy for ECBA Events/Seminars:

Cancellations received on or before the last reservation deadline will be fully refunded. Cancellations received after the deadline or non-attendance will not be refunded. If you register for an event without payment in advance and don't attend, it will be necessary for the ECBA to send you an invoice for the event.

The Story of "Kids for Cash" and the Lessons Learned

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

It happened in our own state of Pennsylvania. Between 2003 and 2008, a Luzerne County judge mishandled the delinquency cases of thousands of children who appeared before him. In what has become known as the "Kids for Cash" scandal, two judges orchestrated a scheme in which they were paid millions of dollars to arrange for the development of a privately owned juvenile facility to which one of the judges then sent hundreds of children.

We are pleased and honored to welcome as our Mid-Year Meeting speaker Senior Judge John M. Cleland who, as chair of the Interbranch Commission on Juvenile Justice, led an investigation into the scandal and the development of changes to Pennsylvania's juvenile justice system that will help assure such abuses can never happen again.



The Honorable John M. Cleland

Judge Cleland is a Senior Judge of the McKean County Court of Common Pleas. He has earned a reputation throughout the state for his unwavering fairness and commitment to juvenile justice during his 30+ years on the bench. In 2009, Judge Cleland was appointed by the Chief Justice of Pennsylvania to chair the *Interbranch Commission on Juvenile Justice* which was charged with investigating the corruption leading to the breakdown of the juvenile justice system in Luzerne County and the "Kids for Cash" tragedy.

*Reservations due to the ECBA office by Wednesday, June 10.
Register online at www.eriebar.com*

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

May 1, 8, 15

SALE NO. 12

Ex. #11548 of 2014
Wells Fargo Bank, N.A., Plaintiff
v.

Russell Davis, II, in His Capacity
as Heir of Arlene W. Davis a/k/a
Arlene Davis, Deceased
Brenda E. Orsefskie, in Her
Capacity as Heir of Arlene
W. Davis a/k/a Arlene Davis,
Deceased

Charles Davis, in His Capacity
as Heir of Arlene W. Davis a/k/a
Arlene Davis, Deceased
Unknown Heirs, Successors,
Assigns, and All Persons, Firms,
or Associations Claiming Right,
Title or Interest From or Under
Arlene W. Davis a/k/a Arlene
Davis, Deceased, Defendant(s)

SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 11548-2014 Wells Fargo Bank, N.A. vs. Russell Davis, II, in His Capacity as Heir of Arlene W. Davis a/k/a Arlene Davis, Deceased, Brenda E. Orsefskie, in Her Capacity as Heir of Arlene W. Davis a/k/a Arlene Davis, Deceased, Charles Davis, in His Capacity as Heir of Arlene W. Davis a/k/a Arlene Davis, Deceased, Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Arlene W. Davis a/k/a Arlene Davis, Deceased Amount Due: \$156,253.37 Russell Davis, II, in His Capacity as Heir of Arlene W. Davis a/k/a Arlene Davis, Deceased, Brenda E. Orsefskie, in Her Capacity as Heir of Arlene W. Davis a/k/a Arlene Davis, Deceased, Charles Davis, in His Capacity as Heir of Arlene W. Davis a/k/a Arlene Davis, Deceased, Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Arlene W. Davis a/k/a Arlene Davis, Deceased,

owner(s) of property situated in LAWRENCE PARK TOWNSHIP, Erie County, Pennsylvania being 2305 Lakeside Drive, Erie, PA 16511-1153
 Dimensions: 120 X 88.6 IRR
 Acreage: 0.3363
 Assessment Map number: 29-1-1-39
 Assessed Value: \$169,690.00
 Improvement thereon: residential
 Phelan Hallinan Diamond & Jones, LLP
 One Penn Center at Suburban Station, Suite 1400
 1617 John F. Kennedy Boulevard
 Philadelphia, PA 19103-1814
 (215) 563-7000

May 1, 8, 15

SALE NO. 13

Ex. #12408 of 2014
JPMorgan Chase Bank, N.A.,
Plaintiff
v.

Rodney A. Bessetti, in His
Capacity as Administrator and
Heir of The Estate of Emily D.
Enders

Unknown Heirs, Successors,
Assigns, and All Persons, Firms,
or Associations Claiming Right,
Title or Interest From or Under
Emily D. Enders, Deceased,
Defendant(s)

SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 12408-14 JPMorgan Chase Bank, N.A. vs. Rodney A. Bessetti, in His Capacity as Administrator and Heir of The Estate of Emily D. Enders, Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Emily D. Enders, Deceased Amount Due: \$62,442.80 Rodney A. Bessetti, in His Capacity as Administrator and Heir of The Estate of Emily D. Enders, Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Emily D. Enders, Deceased, owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania being 917 East 27th Street, Erie, PA 16504-2903

Dimensions: 35 X 127.75
 Acreage: 0.1020
 Assessment Map number: 18050052011700
 Assessed Value: \$66,100.00
 Improvement thereon: residential
 Phelan Hallinan Diamond & Jones, LLP
 One Penn Center at Suburban Station, Suite 1400
 1617 John F. Kennedy Boulevard
 Philadelphia, PA 19103-1814
 (215) 563-7000

May 1, 8, 15

SALE NO. 14

Ex. #14099 of 2010
Deutsche Bank National Trust
Company, as Trustee for
Soundview Home Loan Trust
2006-WfI, Plaintiff
v.

David M. Johnson
Catherine M. Johnson,
Defendant(s)

SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 14099-10 Deutsche Bank National Trust Company, as Trustee for Soundview Home Loan Trust 2006-WfI. vs. David M. Johnson, Catherine M. Johnson Amount Due: \$617,606.95 David M. Johnson, Catherine M. Johnson, owner(s) of property situated in MILLCREEK TOWNSHIP, Erie County, Pennsylvania being 5903 Dogwood Drive, Erie, PA 16509-2871 Acreage: 1.814 Assessment Map number: 33190619016302 Assessed Value: \$603,300.00 Improvement thereon: residential
 Phelan Hallinan Diamond & Jones, LLP
 One Penn Center at Suburban Station, Suite 1400
 1617 John F. Kennedy Boulevard
 Philadelphia, PA 19103-1814
 (215) 563-7000

May 1, 8, 15

SALE NO. 15

JPMorgan Chase Bank, N.A.,
Plaintiff
v.

Dilene M. Kaliszewski,

Defendant(s)
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 10274-2014
JPMorgan Chase Bank, N.A. vs. Dilene M. Kaliszewski
Amount Due: \$88,070.53
Dilene M. Kaliszewski, owner(s) of property situated in FAIRVIEW TOWNSHIP, Erie County, Pennsylvania being 7718 Fairlane Drive, Fairview, PA 16415-1205
Dimensions: 115 X 175.02
Acreage: 0.4621
Assessment Map number: 21084023004100
Assessed Value: 137,200.00
Improvement thereon: residential
Phelan Hallinan Diamond & Jones, LLP
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

May 1, 8, 15

SALE NO. 16

Ex. #13364 of 2014
Deutsche Bank National Trust Company, as Trustee for Morgan Stanley Capital I Inc. Trust 2006-NC2, Mortgage Pass-Through Certificates, Series 2006-NC2, Plaintiff

v.

Wanda Lamberty, Defendant(s)
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 13364-14
Deutsche Bank National Trust Company, as Trustee for Morgan Stanley Capital I Inc. Trust 2006-NC2, Mortgage Pass-Through Certificates, Series 2006-NC2 vs. Wanda Lamberty
Amount Due: \$62,021.34
Wanda Lamberty, owner(s) of property situated in ERIE CITY, 6TH, Erie County, Pennsylvania being 1018 West 28th Street, Erie, PA 16508-1528
Dimensions: 40 X 135
Acreage: 0.1240
Assessment Map number: 19060037023800
Assessed Value: \$82,850.00
Improvement thereon: residential
Phelan Hallinan Diamond &

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

May 1, 8, 15

SALE NO. 18
Ex. #11811 of 2014
Wells Fargo Bank, NA, Plaintiff

v.

Anne L. Richardson, Defendant(s)
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 11811-2014
Wells Fargo Bank, NA vs. Anne L. Richardson
Amount Due: \$30,045.77
Anne L. Richardson, owner(s) of property situated in CORRY CITY, 4TH, Erie County, Pennsylvania being 503 Second Avenue, a/k/a 503 South 2nd Avenue, Corry, PA 16407-1824
Dimensions: 79 X 145
Acreage: 0.2630
Assessment Map number: 08037127001300
Assessed Value: \$33,000.00
Improvement thereon: residential
Phelan Hallinan Diamond & Jones, LLP
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

May 1, 8, 15

SALE NO. 21
Ex. #11747 of 2013
FEDERAL NATIONAL MORTGAGE ASSOCIATION

v.

DARRICK D. DEMAY MICHELLE M. DEMAY
ADVERTISING DESCRIPTION
ALL THAT CERTAIN piece or parcel of land situate in the City of Erie, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows, to-wit:
BEING Lot #4 of the Chas. J. Geuck Subdivision, as per plot recorded in the Office of the Recorders of Deeds for the County of Erie,

Pennsylvania, in Map Book No. 3, on page 129 thereof.
BEING KNOWN AS: 3915 WOOD STREET, ERIE, PA 16509
PARCEL# 18-5309-215
Improvements: Residential Dwelling.
Powers, Kirm & Associates, LLC
Daniel C. Fanaselle, Esquire
Id. No. 312292
Eight Neshaminy Interplex Suite 215
Trevose, PA 19053
(215) 942-2090

May 1, 8, 15

SALE NO. 22
Ex. #11950 of 2014
WELLS FARGO BANK, N.A.

v.

JAMES A. RUFF NATALIE A. WIENSEN
ADVERTISING DESCRIPTION
ALL THAT CERTAIN piece or parcel of land being part of Tract 289 in the Township of Fairview, County of Erie and Commonwealth of Pennsylvania and being Lot No. 123 and the South five (5) feet of Lot No. 122 of WHITEHALL VILLAGE, Section No. 5, a plot of the same being recorded in Erie County Map Book 8 at page 27, and re-recorded in Map Book 8 at page 31, subject to all easements and rights-of-way as recorded and restrictions recorded in Erie County Deed Book 946 at page 3 and supplemental restrictions recorded in Erie County Deed Book 1042 at page 442. Said premises have erected thereon a dwelling commonly known as 1060 Lord Road, Fairview, PA 16415, and being further identified by Erie County Assessment Index No. (21) 14-11-143.17
BEING THE SAME PREMISES which William T. Eilola and Colleen M. Eilola, by Deed dated August 3, 2006 and recorded August 28, 2006 in the Office of the Recorder of Deeds in and for Erie County in Deed Book Volume 1356, Page 79, granted and conveyed unto JAMES A. RUFF and NATALIE A. WIENSEN.
BEING KNOWN AS: 1060 LORD ROAD, FAIRVIEW, PA 16415

PARCEL #(21) 14-11-143.17
 Improvements: Residential
 Dwelling.
 Powers, Kim & Associates, LLC
 Daniel C. Fanaselle, Esquire
 Id. No. 312292
 Eight Neshaminy Interplex
 Suite 215
 Treviso, PA 19053
 (215) 942-2090

May 1, 8, 15

SALE NO. 23

Ex. #13486 of 2014
U.S. BANK NATIONAL
ASSOCIATION, AS TRUSTEE
FOR THE PENNSYLVANIA
HOUSING FINANCE AGENCY,
Plaintiff

v.

BOBBIE JO BLAKE, Defendants
SHERIFF'S SALE

By virtue of a Writ of Execution No. 2014-13486 U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff vs. BOBBIE JO BLAKE, Defendants Real Estate: 958 LEWIS WAY, GIRARD, PA 16417
 Municipality: Borough of Girard, Erie County, Pennsylvania
 Lot 8, Reese Subdivision No. 1, Map Book 15, Pg. 45.
 See Deed Book 1340, Page 0907
 Tax I.D. (23) 4-38.4-18
 Assessment: \$19,300. (Land)
 \$92,780. (Bldg)
 Improvement thereon: a residential dwelling house as identified above
 Leon P. Haller, Esquire
 Purcell, Krug & Haller
 1719 North Front Street
 Harrisburg, PA 17104
 (717) 234-4178

May 1, 8, 15

SALE NO. 24

Ex. #13151 of 2014
MIDFIRST BANK, Plaintiff
 v.
DOUGLAS D. RANGE,
EXECUTOR OF THE ESTATE
OF CHARLES T. BUSH,
DECEASED, Defendants
SHERIFF'S SALE

By virtue of a Writ of Execution No. 13151-14

MIDFIRST BANK, Plaintiff
 vs.
 DOUGLAS D. RANGE,
 EXECUTOR OF THE ESTATE OF
 CHARLES T. BUSH, DECEASED,
 Defendants
 Real Estate: 704 WEST 18TH
 STREET, ERIE, PA 16502
 Municipality: City of Erie
 Erie County, Pennsylvania
 Dimensions: 29 x 82 ½
 See Deed Book 385, Page 1461
 Tax I.D. (16)3036-117
 Assessment: \$ 7,600. (Land)
 \$16,600. (Bldg)
 Improvement thereon: a residential dwelling house as identified above
 Leon P. Haller, Esquire
 Purcell, Krug & Haller
 1719 North Front Street
 Harrisburg, PA 17104
 (717) 234-4178

May 1, 8, 15

SALE NO. 25

Ex. #10003 of 2015
U.S. BANK NATIONAL
ASSOCIATION, AS TRUSTEE
FOR THE PENNSYLVANIA
HOUSING FINANCE AGENCY,
Plaintiff

v.

EDMUND A. DLUGOLENSKI
AND GABRIELLE M. RIZZI,
Defendants
SHERIFF'S SALE

By virtue of a Writ of Execution No. 2015-10003 U.S. Bank National Association, as Trustee for the Pennsylvania Housing Finance Agency, Plaintiff vs. Edmund A. Dlugolenski and Gabrielle M. Rizzi, Defendants
 Real Estate: 6817 ROUTE 6N., EDINBORO, PA 16412
 Municipality: Township of Washington, Erie County, Pennsylvania
 See Deed Book 2014-005640
 Tax I.D. (45)20-42-1.02
 Assessment: \$40,700. (Land)
 \$76,800. (Bldg)
 Improvement thereon: a residential dwelling house as identified above
 Leon P. Haller, Esquire
 Purcell, Krug & Haller
 1719 North Front Street
 Harrisburg, PA 17104
 (717) 234-4178

May 1, 8, 15

SALE NO. 26

Ex. #11647 of 2003
Option One Mortgage
Corporation, Plaintiff
 v.
CHELSEA JOBCZYNSKI
KEVIN JOHN JOBCZYNSKI,
Defendant(s)
SHORT DESCRIPTION FOR
ADVERTISING

ALL THAT CERTAIN LOT OF LAND SITUATE IN TOWNSHIP OF MILLCREEK, ERIE COUNTY, PENNSYLVANIA: BEING KNOWN AS 3114 Legion Rd., Erie, PA 16506
 PARCEL NUMBER: 33-76-288-47
 IMPROVEMENTS: Residential Property
 Udren Law Offices, P.C.
 Attorney for Plaintiff
 David. Neeren, Esquire
 PA ID 204252
 Woodcrest Corporation Center
 111 Woodcrest Road, Suite 200
 Cherry Hill, NY 08003-3620
 856-669-5400

May 1, 8, 15

SALE NO. 27

Ex. #13536 of 2014
PNC Bank, National Association,
Plaintiff
 v.
MICHAEL J. MELTER
PATRICIA A. MELTER,
Defendant(s)
SHERIFF'S SALE

ALL THAT CERTAIN LOT OF LAND SITUATE IN CITY OF ERIE, ERIE COUNTY, PENNSYLVANIA: BEING KNOWN AS 1338 W 35th St., Erie, PA 16508
 PARCEL NUMBER: 19-6131-121
 IMPROVEMENTS: Residential Property
 Udren Law Offices, P.C.
 Attorney for Plaintiff
 Elizabeth L. Wassall, Esquire
 PA ID 77788
 Woodcrest Corporation Center
 111 Woodcrest Road, Suite 200
 Cherry Hill, NY 08003-3620
 856-669-5400

May 1, 8, 15

SALE NO. 28
Ex. #10693 of 2013
Goldman Sachs Mortgage
Company, Plaintiff

MARY KATHLEEN
PIRRELLO, Defendant(s)

SHORT DESCRIPTION FOR
ADVERTISING

ALL THAT CERTAIN LOT OF LAND SITUATE IN CITY OF ERIE, WARD 5, ERIE COUNTY, PENNSYLVANIA: BEING KNOWN AS 972 East 32nd Street, Erie, PA 16504
 PARCEL NUMBER: 18-5054-100
 IMPROVEMENTS: Residential Property
 Udren Law Offices, P.C.
 Attorney for Plaintiff
 J. Eric Kishbaugh, Esquire
 PA ID 33078

Woodcrest Corporation Center
 111 Woodcrest Road, Suite 200
 Cherry Hill, NY 08003-3620
 856-669-5400

May 1, 8, 15

SALE NO. 29
Ex. #13980 of 2009
PNC Bank, NA, Successor in
Interest to National City Real
Estate Services, LLC, S/B/M to
National City Mortgage, Inc.,
FKA National City Mortgage
Co., DBA Accubane Mortgage,
Plaintiff

v.
COLLIN STANTON JR.,
KNOWN HEIR OF COLLIN L.
STANTON SR., LAST RECORD
OWNER

DARLENE L. STANTON,
KNOWN HEIR OF COLLIN L.
STANTON SR., LAST RECORD
OWNER

COLLIN L. STANTON SR.,
LAST RECORD OWNER
SHERRY STANTON-LYONS,
KNOWN HEIR OF COLLIN L.
STANTON SR.

UNKNOWN HEIRS,
SUCCESSORS, ASSIGNS AND
ALL PERSONS, FIRMS OR
ASSOCIATIONS CLAIMING
RIGHT, TITLE OR INTEREST
FROM OR UNDER COLLIN L.
STANTON SR., LAST RECORD
OWNER, Defendant(s)

SHORT DESCRIPTION FOR
ADVERTISING

ALL THAT CERTAIN LOT OF LAND SITUATE IN CITY OF ERIE, ERIE COUNTY, PENNSYLVANIA: BEING KNOWN AS 437 E 26TH ST., Erie, PA 16504
 PARCEL NUMBER: (18)5077-208
 IMPROVEMENTS: Residential Property
 Udren Law Offices, P.C.
 Attorney for Plaintiff
 J. Eric Kishbaugh, Esquire
 PA ID 33078
 Woodcrest Corporation Center
 111 Woodcrest Road, Suite 200
 Cherry Hill, NY 08003-3620
 856-669-5400

May 1, 8, 15

SALE NO. 30
Ex. #10064 of 2014

JPMORGAN CHASE BANK,
NATIONAL ASSOCIATION,
Plaintiff

v.
BONETA L. BORRERO
CARLOS M. BORRERO, Jr.,
Defendant(s)

DESCRIPTION

ALL that certain piece of parcel of land situate in the Township of North East, County of Erie and Commonwealth of Pennsylvania, being a portion of Tract No. 56, bounded and described as follows, to-wit:
 BEGINNING at a point in the east line of the Station Road, also known as Pennsylvania Route No. 89, said point being 565 feet northerly from the point of intersection of the east line of said Station Road and the centerline of the Town Line road; thence northerly along the east line of Station Road two hundred Twenty-five (25) feet to a point; thence easterly parallel with the centerline of the Town Line Road, three hundred twenty-five (325) feet to a point; thence southerly parallel with the east line of the Station Road, two hundred twenty-five (225) feet to a point; thence westerly parallel with the centerline of the Town Line Road, three hundred twenty-five (325) feet to the place beginning.
 BEING known and designated as

Assessment Index No. 37-34-132-26.01 in The Erie County Recorder of Deeds Office, Book 117, Page 1652.

ALSO, ALL THAT CERTAIN piece or parcel of land situate in the Township of North East, County of Erie, and Commonwealth of Pennsylvania, being a portion of Tract No. 56, bounded and described as follows, to-wit:

BEGINNING at a point in the east line of the Station Road, also known as Pennsylvania Route No. 89, said point being seven hundred ninety (790) feet northerly from the point of intersection of the east line of said Station Road and the centerline of the Townline Road, the said point begin the northwest corner of lands conveyed to Dennis Coburn and Jean Coburn, his wife, by deed recorded in Erie County Deed Book 938 at Page 366; thence northerly along the east line of Station Road, three hundred ten (310) feet to a point and the southeast corner of lands conveyed to Theodore C. Esterline by deed recorded in Erie County Deed Book 786 at Page 38; thence easterly along the South line of Theodore C. Esterline lands three hundred twenty five (325) feet distant therefrom along the west line of Theodore C. Easterline lands three hundred ten (310) feet to a point, said point being the northeasterly corner of lands conveyed to Dennis Coburn and Jean Coburn, his wife, by deed recorded in Erie County Deed Book 938 at Page 366; thence westerly along the north line of said Dennis Coburn and wife lands, three hundred twenty-five (325) feet to a point in the east lie of the Station Road and the place of beginning.
 BEING known and designated as Assessment Index #37-34-132-26.02 in the Erie County Recorder of Deeds Office.
 PROPERTY ADDRESS: 9213 Route 89, North East, PA 16428
 KML Law Group, P.C.
 Attorney for Plaintiff
 Suite 5000 - BNY Independence Center, 701 Market Street
 Philadelphia, PA 19106-1532
 (215) 627-1322

May 1, 8, 15

SALE NO. 31
Ex. #10123 of 2015
THE BANK OF NEW YORK MELLON, FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2007-BC3, Plaintiff

v.
GAYLE CALDWELL
KIRK CALDWELL,
Defendant(s)

DESCRIPTION

All that certain piece or parcel of land situate in Township of Washington, County of Erie, Pennsylvania, being part of Tract 444, bounded and described as follows, to-wit:

COMMENCING at a point in the Northeast corner of Tract 444, said point also being the intersection of the centerlines of Neyland and Lay Road; thence South 01 Degrees 11 minutes West along the centerline of Lay Road, 700 feet to the place of beginning thence South 01 degrees 11 Minutes West along the centerline of Lay Road 300 feet to a point; thence West 700 feet to a point; thence North 01 degrees 11 Minutes East 300 feet to a point, thence East 700 feet to the place of beginning, and containing 4.82 acres of land, more or less.

Tax ID Number (45) 7-11-8-14.
PROPERTY ADDRESS: 11510 Lay Road, Edinboro, PA 16412
KML Law Group, P.C.
Attorney for Plaintiff
Suite 5000 - BNY Independence Center, 701 Market Street Philadelphia, PA 19106
(215) 627-1322

May 1, 8, 15

SALE NO. 32
Ex. #13450 of 2014
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., DOING BUSINESS AS ACCUBANC MORTGAGE, Plaintiff

v.
TINA L. COOK
KEVIN M. COOK, Defendant(s)

DESCRIPTION

ALL THAT CERTAIN piece or parcel of land situated in the Township of Elk Creek, County of Erie, State of Pennsylvania, consisting of 24.384 Acres more or less which are bounded and described as follows, to wit:

BEGINNING at the Southeast corner of premises herein to be described, said beginning point also being the Northwest corner of intersecting roads, Fillinger Road and West Road, Fillinger Road is also known as Township Route 427, and West Road is also known as Township Route 378, thence Westerly along the North side of Fillinger Road 1720 feet, more or less, to a point, thence Northwardly parallel with West Road 860 feet, more or less, to a point, thence Northwardly parallel with West Road 860 feet, more or less, to a point; thence Eastwardly parallel with Fillinger Road 1720 feet, more or less, to a point on the West side of West Road; thence Southerly along the West side of West Road 850 feet, more or less, to the place of beginning, and having erected thereon a frame dwelling house, frame barn and other outbuildings, and being index No. 2-5-4 for Elk Creek Township. Originally containing 34.4 acres of land, more or less before Excepting and Reserving a 10.16 acre parcel of land situated in the Township of Elk Creek, County of Erie and State of Pennsylvania, farther described in a deed from Eugene W. Lasch and Hazel K. Lasch, his wife to Frederick C. Vandervert and Gail L. Vandervert, his wife dated May 10, 1983 and recorded in Erie County Deed Book 1495 at page 88 on May 20, 1983.

Parcel Number (13) 2-5-4
PROPERTY ADDRESS: 9410 Fillinger Road, Cranesville, PA 16410
KML Law Group, P.C.

Attorney for Plaintiff
Suite 5000 - BNY Independence Center, 701 Market Street Philadelphia, PA 19106
(215) 627-1322

May 1, 8, 15

SALE NO. 33
Ex. #10849 of 2014
JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, Plaintiff

v.
GARY M. RAVETTO
WILLIAM B. SUTTON,
Defendant(s)

DESCRIPTION

All that certain piece or parcel of land situate in the City of Erie, County of Erie and Commonwealth of Pennsylvania, being part of Frontier Place Subdivision of Tracts Nos. Twenty-nine (29), Thirty (30) and Thirty-one (31) of the Third Section of the City of Erie, Erie County, Pennsylvania, as shown on a plat of said subdivision recorded in the Office of the Recorder of Deeds for Erie County, Pennsylvania, in Map Book 2, pages 443 and 444; being Lot No. One hundred Fifty-nine (159) of said Frontier Subdivision.

PROPERTY ADDRESS: 225 Seminole Drive, 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

May 1, 8, 15

SALE NO. 34
Ex. #13501 of 2013
HSBC Bank USA, National Association, as Trustee for Option One Mortgage Loan Trust 2007-HL1, Asset-Backed Certificates, Series 2007-HL1, by its servicer, Ocwen Loan Servicing LLC

v.
Cullen R. Myers
Jacqueline A. Caputo
LEGAL DESCRIPTION

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE

CITY OF ERIE (FORMERLY THE TOWNSHIP OF MILLCREEK), COUNTY OF ERIE AND COMMONWEALTH OF PENNSYLVANIA, BEING LOTS NUMBERED TWO HUNDRED FORTY-SEVEN (247), TWO HUNDRED FORTY-EIGHT (248), THREE HUNDRED FORTY-FIVE (345) AND THREE HUNDRED FORTY-SIX (346) ON A MAP OR PLAN OF ERIE TERRACE, DATED JUNE 19, 1909, MADE BY A.L. ELLIOT CIVIL ENGINEER, AND FILED IN THE RECORDER'S OFFICE OF ERIE COUNTY, PENNSYLVANIA, IN MAP BOOK I, PAGE 378, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BOUNDED EASTERLY BY STOUGH AVENUE, FIFTY (50) FEET SOUTHERLY BY LOTS 249 AND 344 ON SAID PLAN, TWO HUNDRED (200) FEET WESTERLY BY POST AVENUE, FIFTY (50) FEET NORTHERLY BY LOTS 246 AND 347 ON SAID PLANS TWO HUNDRED (200) FEET CONTAINING, ACCORDING TO SAID PLAN, TEN THOUSAND (10,000) SQUARE FEET, MORE OR LESS, AND HAVING ERECTED THEREON A STORY AND A HALF FRAME DWELLING. PROPERTY ADDRESS: 3313 Post Avenue, Erie, PA 16505 PARCEL 19061059010100 BEING the same premises which Dustin D. Rhoades and Angela A. Rhoades by Deed dated December 29, 2006, and recorded January 22, 2007, in the Office of the Recorder of Deeds in and for Adams County in Deed Book 1390, Page 1388, granted and conveyed unto Jacqueline A. Caputo and Cullen R. Myers, As Joint Tenants with right of Survivorship.
M. Troy Freedman, Esquire
Stern & Eisenberg, PC
1581 Main Street, Suite 200
The Shops at Valley Square
Warrington, PA 18976
(215) 572-8111

May 1, 8, 15

SALE NO. 36

Ex. #12686 of 2014
VOLT Asset Holdings Trust XVI,
Plaintiff

v.

Meridith Mackowski, Defendant
SHORT DESCRIPTION

By virtue of a Writ of Execution filed to No. 12686-14 VOLT Asset Holdings Trust XVI v. Meridith Mackowski, owners of property situated in the Township of City of Erie, Erie County, Pennsylvania being 2412 Raspberry Street, Erie, Pennsylvania 16502.
Tax I.D. No. 19-6036-205
Assessment: \$ 113,743.04
Improvements: Residential Dwelling
McCabe, Weisberg and Conway, P.C.
123 South Broad Street, Suite 1400
Philadelphia, PA 19109
215-790-1010

May 1, 8, 15

SALE NO. 37

Ex. #12976 of 2014
EverBank, Plaintiff

v.

Paul Richards A/K/A Paul D. Richards, Defendant
SHORT DESCRIPTION

By virtue of a Writ of Execution filed to No. 12976-14 EverBank v. Paul Richards A/K/A Paul D. Richards, owners of property situated in the Township of City of Corry, Erie County, Pennsylvania being 105 Franklin Street, Cony, Pennsylvania 16407.
Tax I.D. No. 07023090000500
Assessment: \$53,771.80
Improvements: Residential Dwelling
McCabe, Weisberg and Conway, P.C.
123 South Broad Street, Suite 1400
Philadelphia, PA 19109
215-790-1010

May 1, 8, 15

SALE NO. 38

Ex. #14616 of 2010
HSBC Mortgage Corporation,
USA, Plaintiff

v.

John R. Ritz and Lynne M. Ritz,
Defendant
SHORT DESCRIPTION

By virtue of a Writ of Execution

filed to No. 201014616
HSBC Mortgage Corporation,
USA v. John R. Ritz and Lynne M. Ritz, owners of property situated in the Township of City of Erie, Erie County, Pennsylvania being 1114 West 6th Street, Erie, Pennsylvania 16507.
Tax I.D. No. 17040035013300 & 17040035014300
Assessment: \$56,397.68
Improvements: Residential Dwelling
McCabe, Weisberg and Conway, P.C.
123 South Broad Street, Suite 1400
Philadelphia, PA 19109
215-790-1010

May 1, 8, 15

**AUDIT LIST
NOTICE BY
KENNETH J. GAMBLE**

**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 **Tuesday, May 26, 2015** and confirmed Nisi.

June 18, 2015 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.

<u>2015 ESTATE</u>	<u>ACCOUNTANT</u>	<u>ATTORNEY</u>
120. Theresa Merski	Ronald M. Merski, Executor	Philip B. Friedman, Esquire
121. Anthony M. Canella	Mary C. Bartko, Executrix	Darlene M. Vlahos, Esquire
122. Anthony M. Bobrowicz	Thomas Bobrowicz, Executor	William J. Schaaf, Esquire

KENNETH J. GAMBLE
Clerk of Records
Register of Wills &
Orphans' Court Division

May 15, 22

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**ABRAM, MAE E.,
deceased**

Late of Millcreek Township, Erie County, Commonwealth of Pennsylvania

Executor: Pamela Abram Drylewicz, c/o Jeffrey D. Scibetta, Esquire, 120 West Tenth Street, Erie, PA 16501

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

**ACKERMAN, GLEN A.,
deceased**

Late of Girard Borough

Administratrix: Lori L. Ackerman
Attorney: Andrew J. Sisinni, Esquire, 1314 Griswold Plaza, Erie, PA 16501

**BALL, CLIFFORD ARNOLD,
deceased**

Late of Waterford Township, Erie County, Commonwealth of Pennsylvania

Administrator: Melanie D. Windsor, 775 Conneauttee Rd., Waterford, PA 16441
Attorney: None

**BOYCE, MARIAN R.,
deceased**

Late of Millcreek Township, Erie County, Commonwealth of Pennsylvania

Administrator: Patrick J. Boyce, 2043 Robin Dr., Erie, PA 16505
Attorney: None

**BRUSONE, MAMIE,
deceased**

Late of the City of Erie, Erie County, Pennsylvania

Executor: Salvatore Gligora, c/o Raymond A. Pagliari, Esq., 510 Cranberry St., Suite 301, Erie, Pennsylvania 16507

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

**CARTER, REVEREND JOHN T.,
deceased**

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

Executor: Bishop Lawrence T. Persico, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

Attorney: Scott L. Wallen, Esquire, Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**FELLOWS, JOAN M., a/k/a
JOAN MARY FELLOWS,
deceased**

Late of the Township of Lawrence Park, County of Erie and Commonwealth of Pennsylvania

Executor: William J. Schaaaf, Esq., c/o James E. Marsh, Jr., Esq., Suite 300, 300 State Street, Erie, PA 16507

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

**HAWK, SUSAN L.,
deceased**

Late of the City of Erie, County of Erie

Administrator: Kelly S. Oler, c/o Charbel G. Latouf, Esq., 246 West 10th St., Erie, PA 16501

Attorney: Charbel G. Latouf, Esq., 246 West 10th Street, Erie, PA 16501

**ISAAC, PATTY SUE,
deceased**

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

Administrator: Ruth A. Isaac, 725 E. 13th St., Erie, PA 16503
Attorney: None

**KRAHE, NORMA M., a/k/a
NORMA KRAHE,
deceased**

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

Executor: Ronald Paul Krahe, c/o James E. Marsh, Jr., Esq., Suite 300, 300 State Street, Erie, PA 16507

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

**McCREA, PAULINE G.,
deceased**

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

Executor: Malcolm A. McCrea, Jr., 135 Klopp Road, Robesonia, PA 19551-8993

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

**METZ, CATHERINE S., a/k/a
CATHERINE METZ,
deceased**

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

Executrix: Mary Kay Markham, c/o 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508

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

STRUCHEN, ERIKA,
deceased

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

Executor: George H. Struchen, 12050 Route 98, Edinboro, PA 16412

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

WALLINGFORD, ALICE
IRENE KING,
deceased

Late of Fairview, County of Erie and Commonwealth of Pennsylvania

Executor: Jane Wallingford Levin, 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

WILSON, ALICE B.,
deceased

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

Executor: William Blakeslee
Attorney: David J. Rhodes, Esquire, Elderkin Law Firm, 150 East 8th Street, Erie, PA 16501

YOUNGS, MARY J.,
deceased

Late of the Township of Harborcreek, Erie County, PA

Executor: James S. Bryan, Esq., Knox McLaughlin Gornall & Sennett, P.C., 11 Park Street, North East, PA 16428

Attorney: James S. Bryan, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

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

CARLSON, PAUL H., Trustee of Paul H. and Dorothy M. Carlson Trust,
deceased

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Successor Trustee: Philip M. Fatica

Attorney: David J. Rhodes, Esquire, Elderkin Law Firm, 150 East 8th Street, Erie, PA 16501

SECOND PUBLICATION**DEMBINSKI, JOAN F.,**
deceased

Late of the Township of Millcreek, Commonwealth of Pennsylvania

Executrix: Julia R. Burton, c/o Joseph P. Vendetti, Esquire, 3820 Liberty Street, Erie, Pennsylvania 16509

Attorney: Joseph P. Vendetti, Esq., Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

FIES, RUTH,
deceased

Late of the Albion Borough, County of Erie and Commonwealth of Pennsylvania

Executrix: Karen F. Smith
Attorney: David J. Rhodes, Esquire, Elderkin Law Firm, 150 East 8th Street, Erie, PA 16501

GOCAL, GLADYS,
deceased

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

Administrator: Von Allen, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Boulevard, Erie, PA 16506-4508

Attorneys: Colleen R. Stumpf, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Boulevard, Erie, PA 16506-4508

KIENER, JEFFREY L.,
deceased

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

Administrator: John Kiener, 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

MORROW, GLENDA R.,
deceased

Late of the City of Erie, Erie County, PA

Administrator: Larry E. Morrow, 136 Prospect Street, Cambridge Springs, PA 16493

Attorney: Jeffrey C. Youngs, Esq., Pepicelli, Youngs and Youngs PC, 363 Chestnut Street, Meadville, PA 16335

REISENAUER, ALMA C.,
deceased

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

Co-Executors: Carolyn L. Lindstrom and Suzanne A. Taylor
Attorney: Thomas J. Minarcik, Esquire, Elderkin Law Firm, 150 East 8th Street, Erie, PA 16501

**ROSS, MARY C.,
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Executrix: Judy Ann Oros, c/o 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508
Attorney: Darlene M. Vlahos, Esquire, 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508

**WENZEL, JAMES L.,
deceased**

Late of the Township of Harborcreek
Executor: Diane M. Pierce, 7922 Clark Road, Erie, PA 16510
Attorney: David J. Mack, 510 Parade Street, Erie, PA 16507

THIRD PUBLICATION

**ALEXANDER, AMIE S., a/k/a
AMIE ALEXANDER,
deceased**

Late of Fairview Township, Erie County, Pennsylvania
Executrix: Jennifer J. Santos, c/o Thomas C. Hoffman II, Esq., 120 West 10th St., Erie, PA 16501
Attorney: Thomas C. Hoffman II, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**CONSTANTINO, IRENE S.,
deceased**

Late of the City of Erie, Erie County, PA
Executor: Richard F. Constantino, c/o 120 West 10th Street, Erie, PA 16501
Attorney: Christine Hall McClure, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**DAUGHERTY, HELEN M.,
deceased**

Late of the City of Erie, County of Erie
Executor: Cathy Ann Zboyovski, 5380 Cray Road, Erie, PA 16509
Attorney: John C. Melaragno, Esquire, Melaragno, Placidi, Parini & Veitch, 502 West Seventh Street, Erie, Pennsylvania 16502

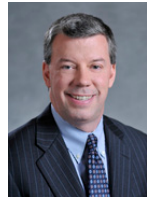
**NICHOLS, MARY H.,
deceased**

Late of the City of Erie
Executors: Betsy Stone Mitchell and John C. Stone, c/o 246 West 10th Street, Erie, PA 16501
Attorney: Evan E. Adair, Esq., 246 West 10th Street, Erie, PA 16501

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