

Erie County Legal Journal

May 6, 2016

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Commonwealth v. Leggett

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 Bar Association

Calendar of Events and Seminars

THURSDAY, MAY 12, 2016

ECBA Live Seminar

An Economic Development Roundtable:

What resources are available for businesses in Erie, PA
Sheraton Hotel

7:30 a.m. - 9:30 a.m. (registration - 7:15 a.m.)

Free to local business owners, their attorneys (w/out

CLE), their CFOs and other business advisors

Cost w/ CLE: \$90 (ECBA member/non-attorney staff)

\$116 (nonmember) \$60 (member judge not needing CLE)

2 hours substantive

TUESDAY, MAY 24, 2016

ECBA Live Seminar

Sentencing Updates

Bayfront Convention Center

8:30 a.m. - 11:45 a.m. (registration/breakfast - 8:00 a.m.)

\$135 (ECBA member/non-attorney staff)

\$174 (nonmember) \$90 (member judge not needing CLE)

\$69* Professional (non-attorney)

3 hours substantive

THURSDAY, JUNE 23

ECBA Annual Golf Tournament

Lawrence Park Golf Club

1:00 p.m. shotgun start

more details coming soon

THURSDAY, JULY 26, 2016

ECBA Mid-Year Membership Meeting

Sheraton Hotel

Guest Speaker: Hon. John E. Jones, III

more details coming soon

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



Erie County Bar
Association



@eriepabar

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Thriving personal injury law firm seeks litigation attorney who is a recent law school graduate licensed to practice in Pennsylvania or a third year law student scheduled to take the July, 2016 Pennsylvania Bar Examination.

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If you are prepared to make a career seeking justice and adequate compensation for injury victims by battling corporations and insurance companies, then please submit a resume and cover letter detailing the reasons for your desire and why you think you possess the necessary qualifications to the Erie County Bar Association, 302 W 9th Street, Box A, Erie, PA 16502.

May 6

Office space available at 821 State Street Law Offices - Conveniently located 2 blocks from the Courthouse next to the Warner Theater. Spacious offices begin at \$660/month. Includes conference room, library, and kitchen. Also available, off street parking, receptionist and, if needed, office furnishings. Contact John Carlson at 459-8011.

May 6, 13

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
MOTION COURT DATES FOR JUDGE THOMAS P. AGRESTI
ERIE AND PITTSBURGH DIVISION CASES**

MAY 2016 NOTICE

The following is a list of *May 2016, June 2016 and July 2016* motion court dates and times to be used for the scheduling of motions pursuant to *Local Rule 9013-5(a)* before **Judge Thomas P. Agresti** in the Erie and Pittsburgh Divisions of the Court. The use of these dates for scheduling motions consistent with the requirements of *Local Rule 9013-5(a)* and Judge Agresti's *Procedure B(1)-(3)* summarized below and on Judge Agresti's webpage at: www.pawb.uscourts.gov. ***The motions will be heard in the Erie Bankruptcy Courtroom, U.S. Courthouse, 17 South Park Row, Erie, PA 16501 and Courtroom C, 54th Floor, U.S. Steel Building, 600 Grant Street, Pittsburgh, PA 15219.***

Counsel for a moving party shall select one of the following dates and times for matters subject to the "self-scheduling" provisions of the *Local Bankruptcy Rules* and the Judge's procedures, insert same on the notice of hearing for the motion, and serve the notice on all respondents, trustee(s) and parties in interest. Where a particular type of motion is listed at a designated time, filers shall utilize that time, *only*, for the indicated motions(s) *unless*: (a) special arrangements have been approved in advance by the Court, or, (b) another motion in the same bankruptcy case has already been set for hearing at a different time and the moving party chooses to use the same date and time as the previously scheduled matter.

SCHEDULE CHAPTERS 13 & 12 MOTIONS ON:

Select the following times, EXCEPT for the specific matters to be scheduled at 11:30 a.m.:

Wednesday, May 11, 2016	9:30 a.m.:	Open for all Erie and Pittsburgh Ch. 13 matters
Wednesday, June 8, 2016	10:00 a.m.:	Open for all Erie and Pittsburgh Ch. 13 matters
Wednesday, July 6, 2016	10:30 a.m.:	Open for all Erie and Pittsburgh Ch. 13 matters
Wednesday, July 27, 2016	11:00 a.m.:	Open for all Erie and Pittsburgh Ch. 13 matters
	11:30 a.m.:	Ch. 13 Sale, Financing and Extended/Impose Stay and all Ch. 12 matters at this time, only

SCHEDULE CHAPTERS 11 & 7 MOTIONS ON:

Select the following times, EXCEPT for Ch. 7 Motions to Extend/Impose Stay scheduled only at 11:00 am and all sale motions which are only to be scheduled at 11:30 a.m.:

Thursday, May 5, 2016	9:30 a.m.:	Open for all Erie & Pittsburgh Ch. 11 matters
Thursday, May 19, 2016	10:00 a.m.:	Open for all Erie & Pittsburgh Ch. 11 matters
Thursday, June 2, 2016	10:30 a.m.:	Open for all Erie & Pittsburgh Ch. 7 matters
Thursday, June 16, 2016	11:00 a.m.:	Open for all Erie & Pittsburgh Ch. 7 matters,
Thursday, June 30, 2016		including all Ch. 7 Motions to Extend/Impose Stay
Thursday, July 21, 2016	11:30 a.m.:	Ch. 11 and 7 Sale motions at this time, only

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

Michael R. Rhodes
Clerk of Court

May 6

2 Upcoming ECBA CLE Programs

LIVE
SEMINARS **ECBA**
ERIE COUNTY BAR ASSOCIATION



in cooperation with
The Erie Regional Chamber
presents

An Economic Development Roundtable:

What resources are available for businesses in Erie, PA?

Thursday, May 12, 2016

Sheraton Hotel

Registration - 7:15 am

Seminar - 7:30 - 9:30 am

Free - to local business owners, their attorneys (w/out CLE), their CFOs and other business advisors (Reservations requested)

Reservations due to the ECBA office by Wednesday, May 4.

Cost with CLE credit:

\$90 (ECBA members/non-attorney staff)

\$116 (nonmembers)

\$60 (member judges not needing CLE)

This seminar has been approved by the PA CLE Board for 2 hours substantive credits.

✓ **WHO SHOULD ATTEND?** - Business owners, their attorneys, CFOs and other advisors

✓ **WHAT WILL ATTENDEES LEARN?** - Presented in a Roundtable format, each representative below will speak for 5-10 minutes, providing a summary of the economic development tools provided by his or her particular office - available specialized grants, low interest loan programs (access and process), economic assistance programs, and other resources/help available. Q & A session at the end of the presentations.

Sentencing Updates

Tuesday, May 24 • Bayfront Convention Center

8:00 a.m. Registration / Breakfast

• 8:30 - 11:45 a.m. Seminar

Speaker: Carrie L. Peters

Sentencing Policy Specialist

PA Commission on Sentencing

3 hours substantive CLE

This seminar will provide an overview of recent amendments to the 7th Edition Sentencing Guidelines (Amendments 1, 2, and 3). It will include updates related to specific sentencing-related statutes as well as an update on the development of the Commission's risk assessment tool.

\$135 ECBA Member • \$174 Non-Member

\$90 Member Judge not needing CLE • \$69* Professional (Non-Attorney)

COMMONWEALTH OF PENNSYLVANIA, Appellee

v.

JOHN WESLEY LEGGETT, Appellant

PCRA / JURISDICTION AND PROCEEDINGS

A PCRA petition must be filed within one year of the date judgment becomes final unless the petition alleges and the petitioner proves one of the following exceptions apply: (i) the failure to raise the claim previously was the result of interference by government officials with the presentation of the claim in violation of the Constitution or laws of this Commonwealth or the Constitution or laws of the United States; (ii) the facts upon which the claim is predicated were unknown to the petitioner and could not have been ascertained by the exercise of due diligence; or (iii) the right asserted is a constitutional right that was recognized by the Supreme Court of the United States or the Supreme Court of Pennsylvania after the time period provided in this section and has been held by that court to apply retroactively. Any petition invoking any of the above exceptions to the filing time requirement must be filed within sixty days of the date the claim could have been presented.

PCRA / JURISDICTION AND PROCEEDINGS

The Post-Conviction Collateral Relief Act makes clear that where the petition is untimely, it is the petitioner's burden to plead in the petition and prove that one of the exceptions applies. That burden necessarily entails an acknowledgment by the petitioner that the PCRA petition under review is untimely but that one or more of the exceptions apply. It is for the petitioner to allege in his petition and to prove the petitioner falls within one of the exceptions found in 42 Pa. C. S. §9545(b)(1)(i)-(iii).

PCRA / JURISDICTION AND PROCEEDINGS

The Post-Conviction Collateral Relief Act's timeliness requirements are mandatory and jurisdictional in nature, and no court may properly disregard or alter them in order to reach the merits of the claims raised in a PCRA petition that is filed in an untimely manner.

PCRA / TIMELINESS EXCEPTION / NEWLY DISCOVERED FACTS

The newly-discovered fact exception has two components, which must be alleged and proved; namely, the petitioner must establish that (1) the facts upon which the claim was predicated were unknown, and (2) the facts could not have been ascertained by the exercise of due diligence.

PCRA / TIMELINESS EXCEPTION / NEWLY DISCOVERED FACTS

Pennsylvania courts have expressly rejected the notion that judicial decisions can be considered newly-discovered facts which would trigger the protections afforded by 42 Pa. C. S. §9545(b)(1)(ii), as a judicial opinion does not qualify as a previously unknown "fact" capable of triggering the newly-discovered fact exception.

PCRA / TIMELINESS EXCEPTION / AFTER RECOGNIZED CONSTITUTIONAL RIGHT

A new constitutional rule applies retroactively in a collateral proceeding only if (1) the rule is substantive, i.e. rules that decriminalize conduct or prohibit punishment against a class of persons, or (2) the rule is a watershed rule of criminal procedure implicating the fundamental fairness and accuracy of the criminal proceeding.

PCRA / TIMELINESS EXCEPTION / AFTER RECOGNIZED CONSTITUTIONAL RIGHT

Pennsylvania courts have held *Alleyne v. United States* is not substantive as it does not prohibit punishment for a class of offenders, nor does it decriminalize conduct; rather,

the holding in *Alleyne* procedurally mandates the inclusion of facts in an indictment or information, which will increase a mandatory minimum sentence, and a determination by a fact finder of those facts beyond a reasonable doubt. Nor does the holding in *Alleyne* constitute a watershed procedural rule.

PCRA / TIMELINESS EXCEPTION / AFTER RECOGNIZED CONSTITUTIONAL RIGHT

Assuming the holding in *Alleyne v. United States* did announce a new constitutional right, neither the Pennsylvania Supreme Court nor the United States Supreme Court has held *Alleyne* to be applied retroactively to cases in which the judgment of sentence had become final.

PCRA / SECOND OR SUBSEQUENT REVIEW

Requests for review of a second or subsequent post-conviction petition will not be entertained unless a strong *prima facie* showing is offered to demonstrate that a miscarriage of justice may have occurred. This standard is met only if petitioner can demonstrate either: (a) the proceedings resulting in his conviction were so unfair that a miscarriage of justice occurred which no civilized society can tolerate; or (b) he is innocent of the crimes charged.

PCRA / SECOND OR SUBSEQUENT REVIEW

A *Lawson* determination is not a merits determination. Like the threshold question of timeliness, whether a second petition satisfies the *Lawson* standard must be decided before a PCRA court may entertain the petition. Like an untimely petition, a *Lawson*-barred petition yields a dismissal. The merits are not addressed.

CRIMINAL LAW / SENTENCING / MANDATORY MINIMUM

In *Alleyne v. United States*, the United States Supreme Court held that, because mandatory minimum sentences increase the penalty for a crime, any fact that increases the mandatory minimum is an “element” of the crime that must be submitted to the jury and proven beyond a reasonable doubt.

CRIMINAL LAW / SENTENCING / ENHANCEMENTS

Alleyne dealt with factors that either increased the mandatory minimum sentence or increased the prescribed sentencing range beyond the statutory maximum, respectively. In contrast, when dealing with a sentencing enhancement, the sentencing court is required to raise the standard guideline range; however, the court retains the discretion to sentence outside the guideline range

CRIMINAL LAW / SENTENCING / ENHANCEMENTS

By their very character, sentencing enhancements do not share the attributes of a mandatory minimum sentence that the United States Supreme Court held to be elements of the offense that must be submitted to a jury. Sentencing enhancements do not bind a trial court to any particular sentencing floor, nor do they compel a trial court in any given case to impose a sentence higher than the court believes is warranted, but only require a trial court consider a higher range of possible minimum sentences, which are not binding on a trial court.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
NO. 685 of 1999

Appearances: John Wesley Leggett, *Pro Se*
Nathaniel E. Strasser, Esq., Attorney for the Commonwealth, Appellee

OPINION

Domitrovich, J., November 25th, 2015

The instant matter is currently before the Pennsylvania Superior Court on the Appeal of John Wesley Leggett (hereafter referred to as “Appellant”) from this Trial Court’s Opinion and Order dated September 2nd, 2015, whereby this Trial Court dismissed Appellant’s seventh (7th) Petition for Post-Conviction Collateral Relief (hereafter referred to as “PCRA Petition”). Appellant’s 7th PCRA Petition, which argued Appellant’s current sentence of incarceration was illegal and unconstitutional pursuant to the United States Supreme Court’s holding in *Alleyne v. United States*, 133 S. Ct. 2151 (2013), was patently untimely as it was filed nine (9) years after Appellant’s judgment of sentence became final, and Appellant failed to prove any of the three (3) timeliness exceptions pursuant to 42 Pa. C. S. §9545(b) (1). Furthermore, assuming *arguendo* Appellant’s 7th PCRA Petition was filed timely, this Trial Court concluded Appellant would not be entitled to any relief as the holding in *Alleyne v. United States* does not apply to “Deadly Weapon Enhancements,” which was applied to Appellant’s sentence; rather, *Alleyne* only held any fact which increases the **mandatory minimum** sentence is an “element” which must be submitted to a jury.

Factual and Procedural History

Appellant was found guilty by a jury of Count 1 – Robbery: Inflicting Serious Bodily Injury, in violation of 18 Pa. C. S. §3701(a)(1)(i); Count 2 – Conspiracy to Commit Robbery, in violation of 18 Pa. C. S. §903(a)(1); Count 3 – Simple Assault, in violation of 18 Pa. C. S. §2701(a)(3); Count 4 – Criminal Attempt: Criminal Homicide/Murder, in violation of 18 Pa. C. S. §901(a); and Count 5 – Aggravated Assault, in violation of 18 Pa. C. S. §2702(a) (4).¹ Thereafter, on August 30th, 1999, this Trial Court sentenced Appellant as follows: at Count 1, Appellant was sentenced to serve seven (7) to twenty (20) years state incarceration; at Count 2 Appellant was sentenced to serve six (6) to fifteen (15) years state incarceration consecutive to the sentence imposed at Count 1; and at Count 4 Appellant was sentenced to serve ten (10) to twenty (20) years state incarceration consecutive to the sentence imposed at Count 2.²

On October 1st, 1999, Appellant filed a Notice of Appeal, in which Appellant challenged the sufficiency of evidence presented at the trial conducted before this Trial Court and the denial of his Pre-Trial Motion to suppress photographic identification evidence. On September 15th, 2000, in a Memorandum Opinion, the Pennsylvania Superior Court affirmed this Trial Court’s judgment of sentence.

On February 12th, 2001, Appellant filed his first PCRA Petition. On February 14th, 2001, William J. Hathaway, Esq., was appointed by this Trial Court as Appellant’s PCRA counsel. However, on March 30th, 2001 due to a conflict of interest in that Attorney Hathaway represented Appellant’s Co-Appellant, this Trial Court granted Attorney Hathaway’s Petition for Leave of Court to Withdraw as Counsel, and this Trial Court appointed Charbel G. Latouf, Esq., as Appellant’s subsequent PCRA counsel. Thereafter, on September 27th, 2001, this Trial Court dismissed Appellant’s first PCRA Petition. On October 10th, 2001, Appellant

¹ This Trial Court notes the jury also found Appellant guilty of Carrying a Firearm without a License codified at 18 Pa. C. S. §6106(a); however, this charge was later demurred.

² For sentencing purposes, Count 3 merged into Count 1, and Count 5 merged into Count 4.

filed a Notice of Appeal. On March 1st, 2004, the Pennsylvania Superior Court addressed the merits of Appellant's appeal and affirmed this Trial Court's September 27th, 2001 Order, which dismissed Appellant's first PCRA Petition.

On May 14th, 2004, Appellant filed his second PCRA Petition, in which Appellant claimed he was afforded ineffective assistance of counsel because John Kent Lewis, Esq., Appellant's previous appellate counsel, failed to inform Appellant of his right to file an appeal to the Pennsylvania Supreme Court from the Pennsylvania Superior Court's March 1st, 2004 Opinion. Subsequently, this Trial Court appointed James A. Pitonyak, Esq. as Appellant's PCRA counsel, and on June 24th, 2004, Attorney Pitonyak filed Appellant's Supplemented Motion For Post-Conviction Collateral Relief, in which Attorney Pitonyak argued for Appellant's right to direct appeal to the Pennsylvania Supreme Court be reinstated *nunc pro tunc*. Thereafter, on August 25th, 2004, upon no objection by the Commonwealth, this Trial Court granted Appellant's second PCRA Petition to the extent that Appellant's right to file a Petition for Allowance of Appeal to the Supreme Court of Pennsylvania was reinstated. On September 27th, 2004, Appellant filed a Petition for Allowance of Appeal with the Pennsylvania Supreme Court, and on February 10th, 2005, the Pennsylvania Supreme Court denied Appellant's Petition.

On June 9th, 2008, Appellant filed his third PCRA Petition. On June 25th, 2008, this Trial Court appointed Alison M. Scarpitti, Esq. as Appellant's PCRA counsel, and on December 1st, 2008, Attorney Scarpitti filed a Petition to Withdraw as Counsel and No Merit Letter, in which Attorney Scarpitti stated Appellant had failed to state a colorable claim for Post-Conviction Collateral Relief. On April 17th, 2009, this Trial Court entered an Order dismissing Appellant's third PCRA.

On September 16th, 2009, Appellant filed his fourth PCRA Petition. On January 15th, 2010, this Trial Court entered an Order dismissing Appellant's fourth PCRA. On February 3rd, 2012, Appellant filed a Notice of Appeal. On April 13th, 2012, the Pennsylvania Superior Court affirmed this Trial Court's Order dismissing Appellant's fourth PCRA.

On June 21st, 2012, Appellant filed his fifth PCRA Petition. On August 7th, 2012, Appellant filed an Amended Petition for Post-Conviction Collateral Relief. This Trial Court dismissed Appellant's fifth PCRA on September 28th, 2012. Appellant filed a Notice of Appeal on October 29th, 2012 and the Pennsylvania Superior Court dismissed Appellant's appeal for failure to file a brief on May 21st, 2013.

Appellant filed a Praecipe for Writ of Habeas Corpus *Ad Subjiciendum*, which this Trial Court treated as Appellant's sixth PCRA petition, on November 22nd, 2013. On December 17th, 2013, this Trial Court entered an Order dismissing Appellant's sixth PCRA petition. Appellant filed a Notice of Appeal on January 16th, 2014 and the Pennsylvania Superior Court dismissed Appellant's appeal for failure to file a brief on September 4th, 2014.

Appellant filed the instant PCRA petition, his seventh (7th), on March 12th, 2015, whereby Appellant claims he is serving an illegal sentence pursuant to the holding of *Alleyne v. United States*, 133 S. Ct. 2151 (2013). Keith H. Clelland, Esq., was appointed as PCRA counsel on April 8th, 2015. The Commonwealth filed its Response to Appellant's Petition for Post-Conviction Collateral Relief on June 18th, 2015. On July 27th, 2015, this Trial Court notified Appellant of its intention to dismiss his 7th PCRA Petition and Appellant had twenty (20) days to file any Objections. On September 2nd, 2015, and with no Objections

filed by Appellant or his counsel, this Trial Court dismissed Appellant's 7th PCRA Petition and also granted Appellant's counsel's Motion to Withdraw Representation.

On September 30th, 2015, Appellant, pro se, filed a Notice of Appeal. This Trial Court filed its 1925(b) Order on October 2nd, 2015. Appellant filed his "Concise Statement of Matters Complained Of on Appeal, Pursuant to Pa. R. A. P. 1925(b)" on October 15th, 2015.

Legal Argument

In his "Concise Statement of Matters Complained Of on Appeal, Pursuant to Pa. R. A. P. 1925(b)," Appellant argues (1) the Court of Common Pleas of Erie County erred by dismissing his 7th PCRA Petition; (2) the "Deadly Weapon Enhancement" is an element that should have been submitted to the jury and found beyond a reasonable doubt since it increased the penalty of a crime; and (3) Appellant is serving an illegal sentence under 42 Pa. C. S. §9713, according to the ruling made in *Commonwealth v. Newman*, 99 A.3d 86 (Pa. Super. 2014), and *Alleyne v. United States*, 133 S. Ct. 2151 (2013). This Trial Court will combine and summarize Appellant's three (3) issues into two (2) issues as follows:

1. This Trial Court properly dismissed Appellant's 7th PCRA Petition as it is patently untimely and fails to prove any of the timeliness exceptions pursuant to 42 Pa. C. S. §9545(b)(1).

A PCRA Petition must be filed within one year of the date judgment becomes final unless the petition alleges and the Petitioner proves one of the following exceptions applies:

- (i) The failure to raise the claim previously was the result of interference by government officials with the presentation of the claim in violation of the Constitution or laws of this Commonwealth or the Constitution or laws of the United States;
- (ii) The facts upon which the claim is predicated were unknown to the petitioner and could not have been ascertained by the exercise of due diligence; or
- (iii) The right asserted is a constitutional right that was recognized by the Supreme Court of the United States or the Supreme Court of Pennsylvania after the time period provided in this section and has been held by that court to apply retroactively.

42 Pa. C. S. §9545(b)(1)(i)-(iii). Any PCRA Petition invoking any of the above exceptions to the timeliness requirement must be filed within sixty (60) days of the date the claim could have been presented. 42 Pa. C. S. §9545(b)(2). The Pennsylvania Supreme Court has stated the statute makes clear that where, as here, a PCRA Petition is untimely, it is the petitioner's burden to plead in the Petition and prove that one of the exceptions of 42 Pa. C. S. §9545(b)(1) applies. See *Commonwealth v. Beasley*, 741 A.2d 1258, 1261 (Pa. 1999). "That burden necessarily entails an acknowledgment by the petitioner that the PCRA Petition under review is untimely but that one or more of the exceptions apply." *Id.* It is for the petitioner to allege in his Petition and to prove that he falls within one of the exceptions found in 42 Pa. C. S. §9545(b)(1)(i) – (iii). See *Commonwealth v. Holmes*, 905 A.2d 507, 511 (Pa. Super. 2006). As the PCRA's timeliness requirements are mandatory and jurisdictional in nature, no court may properly disregard or alter them in order to reach the merits of the claims raised in a PCRA Petition that is filed in an untimely manner. See *Commonwealth v. Taylor*, 933 A.2d

1035, 1042-43 (Pa. Super. Ct. 2007).

In the instant PCRA Petition, pursuant to 42 Pa. C. S. §9545(b)(3), Appellant's judgment of sentence became final on February 10th, 2005, when the Pennsylvania Supreme Court denied Appellant's Petition for Allowance of Appeal. Therefore, Appellant could have filed a timely PCRA Petition on or before February 10th, 2006. As Appellant filed his 7th PCRA Petition on March 12th, 2015, nine (9) years after his judgment of sentence became final, Appellant failed to timely file his 7th PCRA Petition. However, Appellant alleged his 7th PCRA Petition fell within either the newly-discovered facts exception, pursuant to 42 Pa. C. S. §9545(b)(1)(ii), or the after-recognized constitutional right exception, pursuant to 42 Pa. C. S. §9545(b)(1)(iii).³ Specifically, Appellant argued, in consideration of the United States Supreme Court's holding in *Alleyne v. United States*, 133 S. Ct. 2151 (2013)⁴, his current sentence is illegal and his constitutional rights have been violated due to this Trial Court's imposition of the "Deadly Weapon Enhancement," codified at 204 Pa. Code 303.10(a).

Appellant's argument that his 7th PCRA Petition falls within the newly-discovered fact exception, pursuant to 42 Pa. C. S. 9545(b)(1)(ii), is without merit. The newly-discovered fact exception has two components, which must be alleged and proved; namely, the petitioner must establish that (1) the facts upon which the claim was predicated were unknown, and (2) the facts could not have been ascertained by the exercise of due diligence. *See Commonwealth v. Cintora*, 69 A.3d 759, 763 (Pa. Super. 2013). However, Pennsylvania courts have expressly rejected the notion that judicial decisions can be considered newly-discovered facts which would trigger the protections afforded by 42 Pa. C. S. §9545(b)(1)(ii), as a judicial opinion does not qualify as a previously unknown "fact" capable of triggering the newly-discovered fact exception. *See id* (citing *Commonwealth v. Watts*, 23 A.3d 980, 986 (Pa. 2011)); *see also Commonwealth v. Brandon*, 51 A.3d 231, 235 (Pa. Super. 2012). Thus, Appellant's reliance on the holding in *Alleyne* as a newly-discovered fact is misplaced and cannot be used to invoke the newly-discovered fact exception, pursuant to 42 Pa. C. S. §9545(b)(1)(ii).

Furthermore, Appellant's argument that his 7th PCRA Petition falls within after-recognized constitutional right exception, pursuant to 42 Pa. C. S. §9545(b)(1)(iii), is without merit. A new constitutional rule applies retroactively in a collateral proceeding only if (1) the rule is substantive, i.e. rules that decriminalize conduct or prohibit punishment against a class of persons, or (2) the rule is a watershed rule of criminal procedure implicating the fundamental fairness and accuracy of the criminal proceeding. *See Commonwealth v. Riggle*, 2015 Pa. Super. 147 (citing *Whorton v. Bockting*, 549 U.S. 406 (2007)). Ultimately, the Pennsylvania Superior Court has held the holding in *Alleyne* is not substantive as it does not prohibit punishment for a class of offenders, nor does it decriminalize conduct; rather, the holding in *Alleyne* procedurally mandates the inclusion of facts in an indictment or information, which will increase a mandatory minimum sentence, and a determination by a fact finder of

³ As Appellant does not argue his failure to timely file his 7th PCRA Petition was "the result of interference by government officials with the presentation of the claim in violation of the Constitution or laws of this Commonwealth or the Constitution or laws of the United States," pursuant to 42 Pa. C. S. §9545(b)(1)(i), said timeliness exception will not be addressed in this Opinion.

⁴ In *Alleyne*, the United State Supreme Court overruled *Harris v. United States*, 536 U.S. 545 (2002), and held because mandatory minimum sentences increase the penalty for a crime, any fact that increases the mandatory minimum is an "element" of the crime that must be submitted to the jury and cannot merely be determined to be true by a judge's discretion.

those facts beyond a reasonable doubt. See *id.* Nor does the holding in *Alleyne* constitute a watershed procedural rule. *Id.* Finally, assuming the holding in *Alleyne* did announce a new constitutional right, neither the Pennsylvania Supreme Court nor the United States Supreme Court has held *Alleyne* to be applied retroactively to cases in which the judgment of sentence had become final. See *Commonwealth v. Miller*, 102 A.3d 988, 995 (Pa. Super 2014). Thus, Appellant's reliance on the holding in *Alleyne* as an after-recognized constitutional right is misplaced and cannot be used to invoke the after-recognized constitutional right exception, pursuant to 42 Pa. C. S. §9545(b)(1)(iii).

Additionally, as the instant PCRA Petition is Appellant's 7th PCRA Petition, Appellant was also required to comply with the mandates of *Commonwealth v. Lawson*, 549 A.2d 107, 112 (Pa. 1988) and its progeny. See *Commonwealth v. Palmer*, 814 A.2d 700, 709 (Pa. Super. 2002). As part of its holding in *Palmer*, the Pennsylvania Superior Court has stated:

Requests for review of a second or subsequent post-conviction petition will not be entertained unless a strong *prima facie* showing is offered to demonstrate that a miscarriage of justice may have occurred... This standard is met only if the petitioner can demonstrate either: (a) the proceedings resulting in his conviction were so unfair that a miscarriage of justice occurred which no civilized society can tolerate; or (b) he is innocent of the crimes charged.

Id. at 709. Furthermore, in *Palmer*, the Pennsylvania Superior Court stated:

A *Lawson* determination is not a merits determination. Like the threshold question of timeliness, whether a second petition satisfies the *Lawson* standard must be decided before a PCRA court may entertain the petition. Like an untimely petition, a *Lawson*-barred petition yields a dismissal. The merits are not addressed.

Id. at 709, footnote 18. As thoroughly stated above, Appellant's reliance on *Alleyne v. United States* to invoke either the newly-discovered facts timeliness exception or the after-recognized constitutional right timeliness exception is without merit and failed to demonstrate Appellant's 7th PCRA Petition was timely filed. Appellant offered no further argument to demonstrate a strong *prima facie* showing that either the proceedings resulting in his conviction were so unfair that a miscarriage of justice occurred which no civilized society can tolerate or that Appellant is innocent of the crimes charged. See *id.* As Appellant failed to meet the *Lawson* standard, his 7th PCRA Petition is time-barred and this Trial Court properly dismissed Appellant's 7th PCRA Petition.

Therefore, as Appellant's 7th PCRA Petition was filed nine (9) years after his judgment of sentence became final, failed to prove any of the (3) timeliness exceptions, pursuant to 42 Pa. C. S. §9545(b)(1) and failed to meet timeliness standards pursuant to *Commonwealth v. Lawson*, Appellant's 7th PCRA Petition is patently untimely and this Trial Court properly dismissed Appellant's 7th PCRA Petition.

2. Appellant is serving a legal sentence as the holdings in *Alleyne v. United States* and *Commonwealth v. Newman* require any fact that increases the mandatory minimum sentence must be submitted to a jury and found beyond a reasonable doubt, and these decisions have been held not to apply to "Deadly Weapon Enhancements," which were applied to Appellant's sentence.

Appellant argues he is serving an illegal sentence due to the imposition of the “Deadly Weapon Enhancement,” in light of the holdings in *Alleyne v. United States* and *Commonwealth v. Newman*. In *Alleyne*, the United States Supreme Court held that, because mandatory minimum sentences increase the penalty for a crime, any fact that increases the mandatory minimum is an “element” of the crime that must be submitted to the jury and proven beyond a reasonable doubt. *See Alleyne*, 133 S. Ct. 2151, 2158 (2013); *see also Commonwealth v. Newman*, 99 A.3d 86, 98 (Pa. Super. 2015) (holding 42 Pa. C. S. §9714 unconstitutional as it permits the trial court, as opposed to the jury, to increase a defendant's minimum sentence based upon a preponderance of the evidence that the defendant was dealing drugs and possessed a firearm, a fact which, under *Alleyne*, must be presented to the jury and found beyond a reasonable doubt).

However, the holding in *Alleyne* dealt strictly with **mandatory minimum sentences**, not **sentencing enhancements**. The Pennsylvania Superior Court distinguished mandatory minimum sentences and sentencing enhancements in *Commonwealth v. Buterbaugh*, 91 A.3d 1247 (Pa. Super. 2014), stating:

Alleyne dealt with factors that either increased the **mandatory minimum sentence** or increased the prescribed sentencing range beyond the statutory maximum, respectively. Our case does not involve either situation; instead, we are dealing with a **sentencing enhancement**. If a sentencing enhancement applies, the sentencing court is required to raise the standard guideline range; however, the court retains the discretion to sentence outside the guideline range. Therefore, the situations addressed in *Alleyne* are not implicated.

See Buterbaugh, 91 A.3d at 1269 [emphasis added]; *see also Commonwealth v. Ali*, 112 A.3d 1210, 1226 (Pa. Super. 2015) (“By their very character, sentencing enhancements do not share the attributes of a mandatory minimum sentence that the United States Supreme Court held to be elements of the offense that must be submitted to a jury. Sentencing enhancements do not bind a trial court to any particular sentencing floor, nor do they compel a trial court in any given case to impose a sentence higher than the court believes is warranted, but only require a trial court consider a higher range of possible minimum sentences, which are not binding on a trial court.”). In sentencing Appellant, this Trial Court applied the “Deadly Weapon Enhancement,” codified at 204 Pa. Code 303.10(a). The “Deadly Weapon Enhancement” only required this Trial Court to consider an enhanced range of minimum sentences and did not bind this Trial Court’s sentence to a mandatory minimum. As recent case law has continuously held the “Deadly Weapon Enhancement,” along with other sentencing enhancements, do not run afoul of *Alleyne*, this Trial Court properly and legally sentenced Appellant using an enhanced range of minimum sentences.

Conclusion

For all of the foregoing reasons, this Trial Court concludes the instant appeal is without merit and respectfully requests the Pennsylvania Superior Court affirm its Order dated September 2nd, 2015.

BY THE COURT:
/s/ Stephanie Domitrovich, Judge

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA

v.

JOHN WESLEY LEGGETT, Appellant

IN THE SUPERIOR COURT OF PENNSYLVANIA

No. 1519 WDA 2015

Appeal from the PCRA Order September 2, 2015
in the Court of Common Pleas of Erie County Criminal Division
at No(s): CP-25-CR-0000685-1999

BEFORE: BENDER, P.J.E., PANELLA, and FITZGERALD,* JJ.

MEMORANDUM BY FITZGERALD, J.:

FILED APRIL 14, 2016

Appellant, John Wesley Leggett, appeals *pro se* from the order of the Erie County Court of Common Pleas dismissing his seventh Post Conviction Relief Act¹ (“PCRA”) petition as untimely. Appellant contends that his August 30, 1999 sentence for robbery inflicting serious bodily injury,² conspiracy to commit robbery,³ simple assault,⁴ criminal attempt to commit homicide/murder,⁵ and aggravated assault⁶ is illegal under *Alleyne v. United States*, 133 S. Ct. 2151 (2013). We affirm.

We adopt the procedural posture as set forth by the PCRA court. PCRA Ct. Op., 11/25/15, at 1-4. Appellant was sentenced to seven to twenty years’ imprisonment for robbery, six to fifteen years’ imprisonment for conspiracy to commit robbery and ten to twenty years’ imprisonment for criminal attempt. For sentencing purposes, simple assault merged with his robbery conviction and aggravated assault merged with criminal attempt. The PCRA court noted that the jury also found Appellant guilty of carrying a firearm without a license. *Id.* at 2, n.1. “[T]his charge was later demurred.” *Id.*

Appellant raises the following issues on appeal:

A. Did the court of Common Pleas error [sic] by dismissing Appellant’s Post Conviction Petition?

B. Is the deadly weapons enhancement an element that should have been submitted to the jury, and found beyond a reasonable doubt since it increases the penalty for a crime?

C. Is the Appellant serving an illegal sentence under 42 Pa.C.S.A. 9712, according to the ruling made in *Commonwealth v. Newman*, [99 A.3d 86 (Pa. Super. 2014) (*en banc*)], and *Alleyne v. United States*, 133 S. Ct. 2151 (2013)?

Appellant’s Brief at VI.

When analyzing the dismissal of a PCRA petition, “an appellate court’s scope of review is limited by the PCRA’s parameters; since most PCRA appeals involve mixed questions of

* Former Justice specially assigned to the Superior Court.

¹ 42 Pa.C.S. §§ 9541-9546.

² 18 Pa.C.S. § 3701(a)(1)(i).

³ 18 Pa.C.S. § 903(a)(1).

⁴ 18 Pa.C.S. § 2701(a)(3).

⁵ 18 Pa.C.S. 901(a).

⁶ 18 Pa.C.S. § 2702(a)(4).

fact and law, the standard of review is whether the PCRA court's findings are supported by the record and free of legal error." *Commonwealth v. Pitts*, 981 A.2d 875, 878 (Pa. 2009) (citation omitted).

As a prefatory matter, we consider whether the instant PCRA petition is timely. The timeliness of a PCRA petition is a threshold question that implicates the jurisdiction of a court to consider the merits of the relief requested. *Commonwealth v. Davis*, 86 A.3d 883, 887 (Pa. Super. 2014).

To be timely, a PCRA petition must be filed within one year of the date that the petitioner's judgment of sentence became final, unless the petition alleges and the petitioner proves one or more of the following statutory exceptions:

- (i) the failure to raise the claim previously was the result of interference by government officials with the presentation of the claim in violation of the Constitution or laws of this Commonwealth or the Constitution or laws of the United States;
- (ii) the facts upon which the claim is predicated were unknown to the petitioner and could not have been ascertained by the exercise of due diligence; or
- (iii) the right asserted is a constitutional right that was recognized by the Supreme Court of the United States or the Supreme Court of Pennsylvania after the time period provided in this section and has been held by that court to apply retroactively.

42 Pa.C.S. § 9545(b)(1).

We emphasize that it is the petitioner who bears the burden to allege and prove that one of the timeliness exceptions applies. In addition, a petition invoking any of the timeliness exceptions must be filed within 60 days of the date the claim first could have been presented. 42 Pa.C.S. § 9545(b)(2). A petitioner fails to satisfy the 60-day requirement of Section 9545(b) if he or she fails to explain why, with the exercise of due diligence, the claim could not have been filed earlier.

Commonwealth v. Marshall, 947 A.2d 714, 719-20 (Pa. 2008) (some citations omitted). "[A]n untimely petition may be received when the petition alleges, and the petitioner proves, that any of the three limited exceptions to the time for filing the petition, set forth at [42 Pa.C.S. § 9545] are met." *Commonwealth v. Lawson*, 90 A.3d 1, 5 (Pa. Super. 2014) (footnote omitted).

Appellant was sentenced on August 30, 1999. This Court affirmed his judgment of sentence on September 15, 2000. *Commonwealth v. Leggett*, 1667 WDA 1999 (unpublished memorandum) (Pa. Super. Sept. 15, 2000). On February 10, 2005, the Pennsylvania Supreme Court denied his petition for allowance of appeal. *Commonwealth v. Leggett*, 868 A.2d 451 (Pa. 2005). Appellant's judgment of sentence became final on May 11, 2005, ninety days after the Pennsylvania Supreme Court denied his petition for allowance of appeal. *See* 42 Pa.C.S. § 9545(b)(3) (providing "a judgment becomes final at the conclusion of direct review, including discretionary review in the Supreme Court of the United States and the Supreme Court of Pennsylvania, or at the expiration of time for seeking the review[]"); *see also* U.S. Sup. Ct. R. 13(1). Appellant had until May 11, 2006, to file his PCRA petition. Therefore,

the instant PCRA petition, filed on March 12, 2015, is untimely.

Appellant avers that because he is serving an illegal sentence pursuant to *Alleyne*, the court erred in dismissing his petition as untimely. He posits that *Alleyne* applies retroactively. Appellant's Brief at 7. Appellant argues that this Court in *Newman* held that *Alleyne* applies retroactively. *Id.* We find no relief is due.

This Court in *Newman* observed that the defendant was entitled to retroactive application of *Alleyne* because his "case was still pending on **direct appeal** when *Alleyne* was handed down[.]" *Id.* at 90 (emphasis added). In the case sub judice, Appellant's sentence was final when *Alleyne* was decided. This Court has considered whether *Alleyne* entitles an untimely PCRA petitioner to relief under Section 9545(b)(1)(iii).

Even assuming that *Alleyne* did announce a new constitutional right, neither our Supreme Court, nor the United States Supreme Court has held that *Alleyne* is to be applied retroactively to cases in which the judgment of sentence had become final. This is fatal to [the a]ppellant's argument regarding the PCRA time-bar. This Court has recognized that a new rule of constitutional law is applied retroactively to cases on collateral review only if the United States Supreme Court or our Supreme Court specifically holds it to be retroactively applicable to those cases.

Commonwealth v. Miller, 102 A.3d 988, 995 (Pa. Super. 2014) (citations omitted).

Appellant's judgment of sentence was final on May 11, 2005, thus his PCRA petition, filed on March 12, 2015 is facially untimely. Appellant contends *Alleyne* applies retroactively. However, *Miller* held that *Alleyne* does not apply retroactively. *Id.* Therefore, Appellant did not plead and prove any exception to the PCRA's timeliness requirement. *See Marshall*, 947 A.2d at 719-20; *Lawson*, 90 A.3d at 5. The PCRA court did not err in dismissing his PCRA petition as untimely. *See Pitts*, 981 A.2d at 878; *Marshall*, 947 A.2d at 719-20. Thus, the PCRA court lacked jurisdiction to consider the legality of Appellant's sentence. *See Davis*, 86 A.3d at 887.

Order affirmed.

Judgment Entered.



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Darlene M. Vlahos
Attorney

Attorney Joins Quinn Law Firm

The Quinn Law Firm is pleased to announce **Attorney Darlene M. Vlahos** has joined the firm's Estate Planning, Probate, and Administration Department, along with the Real Estate and Business Law Departments. Attorney Vlahos' practice focuses on the probate and administration of decedent's estates and assisting individuals in obtaining adult guardianships. She also has experience in Estate Planning, including Wills, Powers of Attorney, Health Care Powers of Attorney and Living Wills, as well as Real Estate, Business Law and Incorporations. Attorney Vlahos received her undergraduate degree from Gannon University in 1980 and her Masters in Accounting from Syracuse University in 1981. Attorney Vlahos earned her Juris Doctorate from The University of Akron School

of Law in 1984, while at the same time earning her Masters of Taxation. She is licensed to practice in the State of Pennsylvania, the Supreme Court of Ohio and the United States Tax Court. Attorney Vlahos is an active member of the Pennsylvania Bar Association and the Erie County Bar Association, as well as the Estate Planning Council of Erie.

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Erie 16506

833.2222



CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania
Docket No. 11218-16
In re: Christopher E. Sahovey-Szuba Notice is hereby given that a Petition has been filed in the above named Court, requesting an Order to change the name of Christopher E. Sahovey-Szuba to Christopher E. Sahovey. The Court has fixed the 16th day of May, 2016 at 10:30 a.m. in Courtroom G, Room 222 of the Erie County Courthouse, 140 West 6th St., Erie, PA 16501 as the time and place for the hearing on said Petition, when and where all interested persons may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

May 6

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

An application for registration of the fictitious name BAIL ERIE, 11053 Firethorn Rd., Wattsburg, PA 16442, was filed in the Department of State at Harrisburg, PA, April 05, 2016, pursuant to the Fictitious Names Act, Act 1982-295. The name and address of the person who is a party to the registration is Terry R. Dawley, 11053 Firethorn Rd., Wattsburg, PA 16442. Cercone, Erlain & Associates 564 Forbes Avenue, Suite 1100 Pittsburgh, PA 15219

May. 6

ORGANIZATION NOTICE

A Certificate of Organization for Skrutsky Rentals, LLC, a Domestic Limited Liability Company has been filed with the Department of State, Corporation Bureau.
Richard E. Filippi, Esquire
504 State Street, Suite 200
Erie, PA 16501

May 6

LEGAL NOTICE

Custody hearing for Jasin Dzambic-Spahic will take place at the Erie County Courthouse on May 12th 2016 at 3:00PM in Custody Conciliation room 2. Admir Spahic is invited to attend the custody conference, should he not want Fadila Dzambic to obtain full custody of their child.

May 6

LEGAL NOTICE

Milstead & Associates, LLC
By: Robert W. Williams, Esquire
Attorney ID#315501
1 East Stow Road,
Marlton, NJ 08053
Attorney for Plaintiff
(856) 482-1400

Bayview Loan Servicing, LLC,
a Delaware Limited Liability
Company, Plaintiff,
Vs.

Craig J. Johnston Real Owner and
Carl D. Lindy Original Mortgagor,
Defendant(s)

COURT OF COMMON PLEAS
ERIE COUNTY
No.: 2015-12150

**TO: Carl D. Lindy, Original
Mortgagor**

**TYPE OF ACTION: CIVIL
ACTION/ Complaint in
MORTGAGE FORECLOSURE
PREMISES SUBJECT TO
FORECLOSURE: 5311 Helen
Street, Erie, PA 16443**

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing to the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS
NOTICE TO YOUR LAWYER
AT ONCE. IF YOU DO NOT
HAVE A LAWYER, GO TO OR
TELEPHONE THE OFFICE SET
FORTH BELOW. THIS OFFICE
CAN PROVIDE YOU WITH
INFORMATION ABOUT HIRING
A LAWYER.**

IF YOU CANNOT AFFORD TO
HIRE A LAWYER, THIS OFFICE
MAY BE ABLE TO PROVIDE YOU
WITH INFORMATION ABOUT
AGENCIES THAT MAY OFFER
LEGAL SERVICES TO ELIGIBLE
PERSONS AT A REDUCED FEE
OR NO FEE.

Erie County Lawyer Referral Service
P.O. Box 1792
Erie, PA 16507
814-459-4411

May 6

LEGAL NOTICE

IN THE COURT OF COMMON
PLEAS OF PENNSYLVANIA
ERIE COUNTY

Civil Action Number: 13323-15
Wells Fargo Bank, N.A., as Trustee for the Pooling and Servicing Agreement dated as of February 1, 2004 First Franklin Mortgage Loan Trust Mortgage Loan Asset-Backed Certificates, Series 2004-FF1, c/o Ocwen Loan Servicing, LLC, Plaintiff vs. Marc Gold, solely as heir to Herbert Gold, deceased and Mayer Gold a/k/a Mayer William Gold, solely as heir to Herbert Gold, deceased, Defendant(s)

To: Mayer Gold a/k/a Mayer William Gold, Solely as Heir to Herbert Gold, Deceased, Defendant(s), whose last known address is 928 Potomac Avenue, Erie, PA 16505.

You have been sued in mortgage foreclosure on premises: 928 Potomac Avenue, Erie, PA 16505, based on defaults since May 1, 2015. You owe \$66,790.75 plus interest.

NOTICE

**YOU HAVE BEEN SUED IN
COURT.** If you wish to defend against the claims set forth in the notice above, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim

or relief requested by the Plaintiff. You may lose money or property or other rights important to you. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH THE INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Northwestern Legal Services
(Erie), 1001 State St., Ste. 1200,
Erie, PA 16501, (814) 452-6949.
Steven K. Eisenberg, M. Troy
Freedman, Andrew J. Marley &
Edward J. McKee, Attys. for Plaintiff
Stern & Eisenberg, P.C.

1581 Main Street, Ste. 200
Warrington, PA 18976
215-572-8111

May 6

LEGAL NOTICE

FAMILY COURT OF THE STATE
OF NEW YORK COUNTY OF
CHAUTAUQUA

In the Matter of File #:19040

Docket #:NN-02740-15

A. J.-S. Child under Eighteen Years
of Age Alleged to be Neglected
by T.S., Respondent. SUMMONS
(Publication)

IN THE NAME OF THE PEOPLE
OF THE STATE OF NEW YORK:

To: Eric Johnson address unknown,
A petition under Article 10 of the
Family Court Act having been
filed with this Court requesting the
following relief: Neglect; YOU ARE
HEREBY SUMMONED to appear
before this Court on Date Time: June
6, 2016 at 9:30 AM

Purpose: Return after Publication

Part: 3 Floor/Room: Floor I/Room
See Court Officer Presiding:
Hon. Judith S. Claire Location:
Community Municipal Building
(Old Mayville School) 2 Academy
Street, Suite 5, Mayville, NY 14757
to answer the petition and to be dealt
with in accordance with Article 10
of the Family Court Act. On your
failure to appear as herein directed,
a warrant may be issued for your
arrest. Dated: April 4, 2016 David E
Travis, Deputy Chief Clerk TO THE
ABOVE-NAMED RESPONDENT:
The foregoing summons is served
upon you by publication pursuant to
an Order of the Hon. Judith S. Claire
of the Family Court, Chautauqua
County, dated and filed with the
petition and other papers in the Office
of the Clerk of the Family Court,
Chautauqua County.

Apr. 15, 22, 29 and May 6

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MEMBER
FDIC



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 20, 2016

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

April 29 and May 6, 13

SALE NO. 1

Ex. #13599 of 2015

MARQUETTE SAVINGS

BANK, Plaintiff

v.

REHMITTE, LLC, and LOUIS M.

KARG, Manager, Defendants

SHERIFF'S SALE

By virtue of a Writ of Execution filed at No. 13599-15, Marquette Savings Bank vs. Rehmitte, LLC and Louis M. Karg, owners of property situate in the City of Erie, Erie County, Pennsylvania being: 218 East 32nd Street, Erie, Pennsylvania.

34' X 155' X 34' X 155'

Assessment Map Number:

(18) 5083-127

Assessed Value Figure: \$64,880.00

Improvement Thereon: Residence

Eugene C. Sundberg, Jr., Esq.
Marsh Spaeder Baur Spaeder
& Schaaf, LLP
Suite 300, 300 State Street
Erie, Pennsylvania 16507
(814) 456-5301

April 29 and May 6, 13

SALE NO. 2

Ex. #13564 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 2002-BC3,
Plaintiff**

v.

**MELISSA DVORAK A/K/A
MELISSA S. DVORAK
MICHAEL DVORAK A/K/A
MICHAEL E. DVORAK,
Defendants**

SHORT DESCRIPTION

ALL THAT CERTAIN LOT OF LAND SITUATE IN TOWNSHIP OF MILLCREEK, ERIE COUNTY, PENNSYLVANIA: BEING KNOWN AS 1115 Hartt Road, Erie, PA 16505
PARCEL NUMBER: 33-26-95-9
IMPROVEMENTS: Residential Property
Udren Law Offices, P.C.
J. Eric Kishbaugh, Esquire
PA ID 33078

111 Woodcrest Road, Suite 200
Cherry Hill, NJ 08003-3620
856-669-5400

April 29 and May 6, 13

SALE NO. 3

Ex. #13597 of 2015

**PNC Bank, National Association,
Plaintiff**

v.

**DARLENE M. KANIS A/K/A
DARLENE M. OCHALEK,
Defendant**

SHORT DESCRIPTION

ALL THAT CERTAIN LOT OF LAND SITUATE IN TOWNSHIP OF MILLCREEK, ERIE COUNTY, PENNSYLVANIA: BEING KNOWN AS 4845 Conrad Road, Erie, PA 16510
P A R C E L N U M B E R : 33107480403200
IMPROVEMENTS: Residential

Property
Udren Law Offices, P.C.
Sherri J. Braunstein, Esquire
PA ID 90675
111 Woodcrest Road, Suite 200
Cherry Hill, NJ 08003-3620
856-669-5400

April 29 and May 6, 13

SALE NO. 4

Ex. #10683 of 2015

**Wells Fargo Bank, N.A., as
Trustee for Option One Mortgage
Loan Trust 2003-5 Asset-Backed
Certificates, Series 2003-5,
Plaintiff**

v.

**OSCAR J. LONGO, Defendant
DESCRIPTION**

ALL THAT CERTAIN LOT OF LAND SITUATE IN BOROUGH OF EDINBORO, ERIE COUNTY, PENNSYLVANIA: BEING KNOWN AS 101 Georgian Drive, Edinboro, PA 16412
P A R C E L N U M B E R : 11001011002200
IMPROVEMENTS: Residential Property
Udren Law Offices, P.C.
Elizabeth L. Wassall, Esq.
PA ID 77788
111 Woodcrest Road, Suite 200
Cherry Hill, NJ 08003-3620
856-669-5400

April 29 and May 6, 13

SALE NO. 5

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, Plaintiff**

v.

**Timothy M. Corey, Defendant
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
Alicia M. Sandoval
Mattleman, Weinroth & Miller, P.C.
401 Route 70 East, Suite 100
Cherry Hill, NJ 08034
(856) 429-5507

April 29 and May 6, 13

SALE NO. 6

Ex. #11634 of 2015

**NATIONAL LOAN
INVESTORS, L.P. assignee
of National City Bank of
Pennsylvania, successor to
Pennbank and Integra Bank,
Plaintiff**

v.

**ROBERT L. THOMSON and
MARY ANN THOMSON a/k/a
MARY ANN REID-BOYD, and
THE UNITED STATES OF
AMERICA, Defendants
SHORT DESCRIPTION**

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN THE TOWNSHIP OF NORTH EAST, COUNTY OF ERIE, AND COMMONWEALTH OF PENNSYLVANIA:
BEING KNOWN AS: Meehl Road, North East, Pennsylvania 16428
PARCEL NUMBERS: 37-22-100-7.01, 37-22-100-7, and 37-22-100-8.02
IMPROVEMENTS:
RESIDENTIAL/FARM
Kozloff Stoudt
Charles N. Shurr, Jr., Esquire
Attorney I.D. #74813
2640 Westview Drive
Wyomissing, PA 19610
610-670-2552

April 29 and May 6, 13

SALE NO. 7

Ex. #13205 of 2015

**OCWEN Loan Servicing, LLC,
Plaintiff**

v.

**John E. Anderson, Jr.
Elizabeth A. Anderson,
Defendants**

SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 13205-15 OCWEN Loan Servicing, LLC vs. John E. Anderson, Jr., Elizabeth A. Anderson Amount Due: \$163,492.88
John E. Anderson, Jr., Elizabeth A. Anderson, owners of property situation in GIRARD BOROUGH, Erie County, Pennsylvania being 206 Chestnut Street, Girard, PA 16417-1606.
Dimensions: 99.74 X 330
Acreage: 0.7556
Assessment Map number: 23016053001900
Assessed Value: \$124,530.00
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

April 29 and May 6, 13

SALE NO. 8

Ex. #13432 of 2015

**U.S. Bank National Association,
as Trustee for Sasco Mortgage
Loan Trust 2005-Wf2, Plaintiff**

v.

**Charity E. Bowser, Defendant
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 13432-15, U.S. Bank National Association, as Trustee for Sasco Mortgage Loan Trust 2005-Wf2 vs. Charity E. Bowser Amount Due: \$55,241.10
Charity E. Bowser, owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania being 2411 Pennsylvania Avenue, Erie, PA 16503-2325
Dimensions: 43 X 80
Acreage: 0.790
Assessment Map number: 18050043022200
Assessed Value: 43,100
Improvement thereon: Residential
Phelan Hallinan Diamond & Jones, LLP
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 191034814
(215) 563-7000

April 29 and May 6, 13

SALE NO. 9

Ex. #13370 of 2015

Bank of America, N.A., Plaintiff

v.

**William E. Holmes, Defendant
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 13370-15 Bank of America, N.A. vs. William E. Holmes Amount Due: \$63,042.37
William E. Holmes, owner(s) of property situated in Erie County, Pennsylvania being 1062 West 8th Street, Erie, PA 16502
Dimensions: 41.25 X 80
Acreage: 0.0758
Assessment Map number: 17040031014500
Assessed Value: \$72,470.00
Improvement thereon: residential
Phelan Hallinan Diamond & Jones, LLP
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-4814
(215) 563-7000

April 29 and May 6, 13

SALE NO. 10

Ex. #12398 of 2015

Wells Fargo Bank, N.A., Plaintiff

v.

**Theodore J. Jaggi, Jr., in His
Capacity as Heir of Esther
L. Jaggi a/k/a Esther Jaggi,
Deceased, Unknown Heirs,
Successors, Assigns, and All
Persons, Firms, or Associations
Claiming Right, Title or Interest
From or Under Esther L. Jaggi
a/k/a Esther Jaggi, Deceased,
Defendants**

SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 12398-2015, Wells Fargo Bank, N.A. vs. Theodore J. Jaggi, Jr., in His Capacity as Heir of Esther L. Jaggi a/k/a Esther Jaggi, Deceased, Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Esther L. Jaggi a/k/a Esther Jaggi, Deceased Amount Due: \$45,748.19
Theodore J. Jaggi, Jr., in His Capacity as Heir of Esther L. Jaggi a/k/a Esther Jaggi, Deceased, Unknown Heirs, Successors, Assigns, and All Persons,

Firms, or Associations Claiming Right, Title or Interest From or Under Esther L. Jaggi a/k/a Esther Jaggi, Deceased, owner(s) of property situated in Erie County, Pennsylvania being 338 Marion Street, Corry, PA 16407-1403
 Dimensions: 50 X 128
 Acreage: 0.1469
 Assessment Map number: 07023071001300
 Assessed Value: \$64,400.00
 Improvement thereon: residential
 Phelan Hallinan Diamond & Jones, LLP
 One Penn Center at Suburban Station, Suite 1400
 1617 John F. Kennedy Boulevard
 Philadelphia, PA 191034814
 (215) 563-7000

April 29 and May 6, 13

SALE NO. 11

Ex. #14122 of 2012
JPMorgan Chase Bank, N.A.,
s/b/m Chase Home Finance LLC,
Plaintiff
v.

Larry Pytlarz a/k/a Larry A. Pytlarz, Defendant
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 14122-12, JPMorgan Chase Bank, N.A., s/b/m Chase Home Finance LLC vs. Larry Pytlarz a/k/a Larry A. Pytlarz
 Amount Due: \$221,595.79
 Larry Pytlarz a/k/a Larry A. Pytlarz, owner(s) of property situated in FAIRVIEW TOWNSHIP, Erie County, Pennsylvania being 6722 Walnut Creek Drive, Fairview, PA 16415-2047
 Dimensions: 126 x 148
 Acreage: 0.4281
 Assessment Map number: 21-053-095-0011-00
 Assessed Value: \$183,960.00
 Improvement thereon: residential
 Phelan Hallinan Diamond & Jones, LLP
 One Penn Center at Suburban Station, Suite 1400
 1617 John F. Kennedy Boulevard
 Philadelphia, PA 19103-4814
 (215) 563-7000

April 29 and May 6, 13

SALE NO. 12

Ex. #10731 of 2015
Wells Fargo Bank, N.A., Plaintiff
v.

Mark A. Sturdivant, in His Capacity as Executor and Devisee of The Estate of Lester R. Sturdivant

Dale R. Sturdivant, in His Capacity as Devisee of The Estate of Lester R. Sturdivant
Melissa S. Sturdivant, in Her Capacity as Devisee of The Estate of Lester R. Sturdivant,
Defendants

SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 10731-2015, Wells Fargo Bank, N.A. vs. Mark A. Sturdivant, in his Capacity as Executor and Devisee of The Estate of Lester R. Sturdivant, Dale R. Sturdivant, in his Capacity as Devisee of The Estate of Lester R. Sturdivant, Melissa S. Sturdivant, in Her Capacity as Devisee of The Estate of Lester R. Sturdivant
 Amount Due: \$49,814.34
 Mark A. Sturdivant, in His Capacity as Executor and Devisee of The Estate of Lester R. Sturdivant, Dale R. Sturdivant, in His Capacity as Devisee of The Estate of Lester R. Sturdivant, Melissa S. Sturdivant, in Her Capacity as Devisee of The Estate of Lester R. Sturdivant, owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania being 2305 Wagner Avenue, Erie, PA 16510-1533
 Dimensions: 40 X 132.19
 Acreage: 0.1212
 Assessment Map number: 18051042040100
 Assessed Value: \$67,950.00
 Improvement thereon: residential
 Phelan Hallinan Diamond & Jones, LLP
 One Penn Center at Suburban Station, Suite 1400
 1617 John F. Kennedy Boulevard
 Philadelphia, PA 19103-4814
 (215) 563-7000

April 29 and May 6, 13

SALE NO. 13

Ex. #13890 of 2012
Wells Fargo Bank, N.A., Plaintiff
v.

Candy M. Wright
Roy L. Wright a/k/a Roy L. Wright, Jr., Defendants
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 13890-12, Wells Fargo Bank, N.A. vs. Candy M. Wright, Roy L. Wright a/k/a Roy L. Wright, Jr.
 Amount Due: \$47,256.92
 Candy M. Wright, Roy L. Wright a/k/a Roy L. Wright, Jr., owner(s) of property situated in ERIE CITY, Erie County, Commonwealth of Pennsylvania being 1253 West 21ST Street, Erie, PA 16502-2311
 Dimensions: 33 X 135
 Acreage: 0.1023
 Assessment Map number: 19062001021700
 Assessed Value: \$56,100.00
 Improvement thereon: residential
 Phelan Hallinan Diamond & Jones, LLP
 One Penn Center at Suburban Station, Suite 1400
 1617 John F. Kennedy Boulevard
 Philadelphia, PA 191034814
 (215) 563-7000

April 29 and May 6, 13

SALE 14

Ex. #12432 of 2015
CITIZENS BANK OF PENNSYLVANIA, Plaintiff
v.

Cherilyn A. Weber
Edward J. Weber
a/k/a Edward J. Weber, Sr., Defendants
DESCRIPTION

ALL THAT CERTAIN piece or parcel of land situate in the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania. BEING KNOWN AS: 3115 West 24th Street, Erie, PA 16506
 PARCEL 03-052-217.0-003.00
 Improvements: Residential Dwelling.
 Gregory Javardian, Esquire
 I.D. No. 55669
 1310 Industrial Boulevard
 1st Floor, Suite 101
 Southampton, PA 18966
 (215) 942-9690

April 29 and May 6, 13

SALE NO. 15

Ex. #13256 OF 2015

**LSF9 MASTER
PARTICIPATION TRUST,
Plaintiff**

v.

**JEFFREY G. SERFOZO,
SHEILA A. SERFOZO AND
ALICE B. JOLLY, Defendant
DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situate in the Township of Fairview, County of Erie and Commonwealth of Pennsylvania, being part of tract 290, bounded and described as follows, to-wit: BEGINNING at the southwesterly corner of the piece at a tack in the original centerline of the depot or Lockhaven Road, also known as Pennsylvania route #98, distant thereon north 43° 15' west, one hundred seventy-six and ninety-two hundredths (176.92) feet from the southwesterly corner of the whole piece at the corner common to lands now, or formerly of Mae Johnson Zaun, Marian Pederson and J.W. Jones, said point being distant along said centerline north 43° 15' west, twenty-eight and seven hundredths (28.07) feet from its intersection with the centerline of the Mill Road; THENCE north 43° 15' west along the original centerline of the depot or Lockhaven Road, two hundred three and fifty-two hundredths (203.52) feet to a tack; THENCE by the residue of the piece, north 49° 22' east, passing over an iron survey point at a distance of twenty-five and three hundredths (25.03) feet, one hundred eighty-one and forty-eight hundredths (181.48) feet to an iron survey point; THENCE by the same, north 65° 28' 30" east, two hundred forty and seven hundredths (240.07) feet to an iron survey point; THENCE by the same, south 29° 53' east, two hundred twenty-nine and twenty-five hundredths (229.25) feet to an iron survey point; THENCE by the same, south 63° 11' west, passing over an iron survey point at a distance of three hundred forty-four and seventy-two hundredths (344.72) feet, three hundred seventy and seventy-eight

hundredths (370.78) feet to the place of BEGINNING.

CONTAINING two and sixty-seven thousandths (2.067) acres of land Being Parcel No. 21-46-61-12 BEING the same premises which Alice B. Jolly, a single person, by Deed dated January 27, 1997, and recorded January 28, 1997, in the Office of the Recorder of Deeds in and for the County of Erie, Deed Book 3694, Book 0237, granted and conveyed unto Alice B. Jolly, a single person, one-half interest, and Jeffrey G. Serfozo and Sheila A. Serfozo, Husband and Wife, as Tenants by the Entireties with the Right of Survivorship, one-half interest, as Joint Tenants With Right of Survivorship as to each one-half interest, in fee.

Keri P. Ebeck, Esquire

PA ID# 91298

Weltman, Weinberg

& Reis, Co., L.P.A.

436 7th Avenue, Suite 2500

Pittsburgh, PA 15219

April 29 and May 6, 13

SALE 16

Ex. #13065 of 2015

MIDFIRST BANK, Plaintiff

v.

**CHARLES M. CALHOUN
AND THE SECRETARY OF
HOUSING AND URBAN
DEVELOPMENT, Defendants
SHERIFF'S SALE**

By virtue of a Writ of Execution No. 13065-2015 MIDFIRST BANK, Plaintiff v. CHARLES M. CALHOUN AND THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, Defendants

Real Estate: 5423 SEBAGO DRIVE, FAIRVIEW, PA

Municipality: Township of Fairview Erie County, Pennsylvania

Dimensions: 135 x 162

See Deed Book: 888, page 2190

Tax I.D. (21) 61-87.2-10

Assessment: \$28,400 (Land)

\$132,810 (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

April 29 and May 6, 13

SALE NO. 17

Ex. #12988 of 2015

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

v.

**DAVID M. GNACINSKI,
LISA M. GNACINSKI AND
THE UNITED STATES
OF AMERICA AND THE
SECRETARY OF HOUSING
AND URBAN DEVELOPMENT,
Defendants**

SHERIFF'S SALE

By virtue of a Writ of Execution No. 12988-15, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff vs. DAVID M. GNACINSKI, LISA M. GNACINSKI AND THE UNITED STATES OF AMERICA AND THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, Defendants

ALL THAT CERTAIN parcel of land in the City of Erie, County of Erie, State of Pennsylvania, being the south 25.75 feet of Lot No. 3 and the north 19.25 feet of Lot No. 4 of Perry Park Subdivision, Erie County Map Book 2, page 215.

HAVING THEREON ERECTED A DWELLING KNOWN AS 3412 RASPBERRY STREET, ERIE, PENNSYLVANIA 16508.

TAX PARCEL: (19) 6127-204.

Erie County Deed Book 131, Page 2003.

TO BE SOLD AS THE PROPERTY OF DAVID M. GNACINSKI AND LISA M. GNACINSKI ON JUDGMENT NO. 12988-15.

Leon P. Haller, Esquire

Purcell, Krug & Haller

1719 North Front Street

Harrisburg, PA 17104

(717) 234-4178

April 29 and May 6, 13

SALE NO. 18

Ex. #10027 of 2015

U.S. BANK NATIONAL

**ASSOCIATION, AS TRUSTEE
FOR THE PENNSYLVANIA
HOUSING FINANCE AGENCY,
Plaintiff**

v.

**KELLY J. GRINOLDS,
Defendant**

SHERIFF'S SALE

By virtue of a Writ of Execution No. 2015-10027, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff vs. KELLY J. GRINOLDS, Defendant ALL that certain parcel of land in the City of Erie, County of Erie, Pennsylvania being 45 x 100, and HAVING THEREON ERECTED A DWELLING KNOWN AS 2716 ASH STREET, ERIE, PA 16504. TAX PARCEL: (18) 5068-127. Erie County Deed Book 1071, Page 2205.

TO BE SOLD AS THE PROPERTY OF KELLY J. GRINOLDS ON JUDGMENT NO. 2015-10027 Leon P. Haller, Esquire Purcell, Krug & Haller 1719 North Front Street Harrisburg, PA 17104 (717) 234-4178

April 29 and May 6, 13

SALE NO. 20

Ex. #13050 of 2013

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

v.

**JEREMY E. KURCZEWSKI
AND CELLA M.**

**KURCZEWSKI, Defendants
SHERIFF'S SALE**

By virtue of a Writ of Execution No. 2013-13050, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff vs. JEREMY E. KURCZEWSKI AND CELLA M. KURCZEWSKI, Defendants ALL that parcel of land in the Township of Girard, County of Erie, Pennsylvania, beginning at a point on the north side of Ridge Road;

containing about 22,050 square feet of land, and having thereon erected a dwelling known as 9922 OLD RIDGE ROAD, GIRARD, PA 16417.

TAX PARCEL: (24) 11-56-12.

Erie County Deed Book 1608, Page 161.

TO BE SOLD AS THE PROPERTY OF JEREMY E. KURCZEWSKI AND CELLA M. KURCZEWSKI ON JUDGMENT NO. 2013-13050.

Leon P. Haller, Esquire
Purcell, Krug & Haller
1719 North Front Street
Harrisburg, PA 17104
(717) 234-4178

April 29 and May 6, 13

SALE NO. 21

Ex. #13469 of 2015

MIDFIRST BANK, Plaintiff

v.

**JILL M. REISER AND GEORGE
W. REISER, Defendants
SHERIFF'S SALE**

By virtue of a Writ of Execution No. 13469-15, MIDFIRST BANK, Plaintiff vs. JILL M. REISER and GEORGE W. REISER, Defendants Real Estate: 10330 SHERMAN ROAD, CRANESVILLE, PA 16410 Municipality: Township of Elk Creek, Erie County, Pennsylvania See Deed Instrument No. 2013-004303

Tax I.D. (13) 11-22-2

Assessment: \$23,600. (Land)
\$72,000. (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

April 29 and May 6, 13

SALE NO. 22

Ex. #12368 of 2015

MIDFIRST BANK, Plaintiff

v.

**ANDREW M. ZYBOWSKI AND
CHRISTINE M. ZYBOWSKI,
Defendants
SHERIFF'S SALE**

By virtue of a Writ of Execution No. 12368-15 MIDFIRST BANK, Plaintiff vs. ANDREW M.

ZYBOWSKI AND CHRISTINE M. ZYBOWSKI, Defendants

ALL THAT CERTAIN piece of land situate in City of Erie, County of Erie, Pennsylvania, bounded and being Lot No. 47, Lindy Subdivision of Part of Lot 8 Section 3, Erie County Map Book 3, Pages 140-141. HAVING THEREON ERECTED A DWELLING KNOWN AS 2423 RUDOLPH AVENUE, ERIE, PA 16502.

TAX PARCEL: 19-6213-309.

Erie County Deed Book 1399, Page 1968.

TO BE SOLD AS THE PROPERTY OF ANDREW M. ZYBOWSKI AND CHRISTINE M. ZYBOWSKI ON JUDGMENT NO. 12368-15,

Leon P. Haller, Esquire
Purcell, Krug & Haller
1719 North Front Street
Harrisburg, PA 17104
(717) 234-4178

April 29 and May 6, 13

SALE NO. 23

Ex. # 12464 of 2015

**FEDERAL NATIONAL
MORTGAGE ASSOCIATION,
Plaintiff**

v.

**PETER A. MAJOR, Defendant
DESCRIPTION**

ALL THAT CERTAIN PROPERTY SITUATED IN THE CITY OF ERIE, WARD, IN THE COUNTY OF ERIE AND COMMONWEALTH OF PENNSYLVANIA, BEING MORE FULLY DESCRIBED IN A DEED DATED 04/30/2001 AND RECORDED 05/14/2001, AMONG THE LAND RECORDS OF THE COUNTY AND STATE SET FORTH ABOVE, IN DEED VOLUME 773 AND PAGE 1872. Parcel ID No.: 17-4022-202 PROPERTY ADDRESS: 705 Park Avenue S, Erie, PA 16502 KML Law Group, P.C. Suite 5000 - BNY Independence Center 701 Market Street Philadelphia, PA 19106 (215) 627-1322

April 29 and May 6, 13

SALE NO. 24

Ex. #13149 of 2015

**NATIONSTAR MORTGAGE
LLC d/b/a CHAMPION
MORTGAGE COMPANY,
Plaintiff**

v.

NORMA J. SITTER, Defendant

DESCRIPTION

ALL THAT CERTAIN UNIT LOCATED IN SOUTH POINTE CONDOMINIUM, SAID PROPERTY AND THE BUILDING ERECTED THEREON BEING LOCATED IN THE TOWNSHIP OF MILLCREEK, COUNTY OF ERIE AND COMMONWEALTH OF PENNSYLVANIA, AND BEING THE SAME PROPERTY SUBMITTED TO THE PROVISIONS OF THE PENNSYLVANIA UNIFORM CONDOMINIUM ACT BY DECLARATION RECORDED AT ERIE COUNTY RECORD BOOK 528 AT PAGE 1665, AS MOST RECENTLY AMENDED BY THIRD AMENDMENT TO DECLARATION, RECORDED FEBRUARY 24, 1999, AT ERIE COUNTY RECORD BOOK 669 AT PAGE 1333, AND BY PLATS AND PLANS RECORDED FEBRUARY 24, 1999, AS ERIE COUNTY MAP 1999-42 SAID UNIT BEING MORE FULLY DESCRIBED IN SUCH DECLARATION AND THE PLATS AND PLANS AS FOLLOWS UNIT NO. 34, 2532 LILAC COURT ERIE, PENNSYLVANIA, UNDIVIDED PERCENTAGE INTEREST IN COMMON ELEMENTS 1.36% SAID PREMISES COMMONLY KNOWN AS 2532 LILAC COURT, ERIE, PENNSYLVANIA, 16509 AND ARE FURTHER IDENTIFIED BY ERIE COUNTY ASSESSMENT INDEX NUMBER (33) 97-417-11.53.

PROPERTY ADDRESS: 2532 Lilac Court, Unit 34 Erie, PA 16506
KML Law Group, P.C.
Suite 5000 - BNY Independence
Center 701 Market Street
Philadelphia, PA 19106
(215) 627-1322

April 29, and May 6, 13

SALE NO. 25

Ex. #12730 of 2014

**LSF8 Master Participation Trust,
Plaintiff**

v.

**Estate of Christopher S. Yonko
(real owner and mortgagor) and
Sharron A. Yonko (mortgagor),
Defendants**

SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 12730-14 LSF8 Master Participation Trust Plaintiff vs. Estate of Christopher S Yonko (real owner and mortgagor) and Sharron A Yonko (mortgagor) owner(s) of property situated in Erie County, Pennsylvania being: 457 Glenridge Road, Erie, PA 16509

Assessment Map number: 33-118-466-28

Assessed Value figure: \$147,000.00
Improvement thereon: Single Family Home - 1.836 sq ft

Bradley J. Osborne, Esquire
Richard M. Squire & Associates, LLC
115 West Avenue, Suite 104
Jenkintown, PA 19046
(215) 886-8790

April 29 and May 6, 13

SALE NO. 26

Ex. #10906 of 2015

**Deutsche Bank National Trust, et
al., Plaintiff**

v.

David M. Mattison, Defendant
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 2015-10906, Deutsche Bank National Trust, et al. vs. David M. Mattison, owner(s) of property situated in Washington Township, Erie County, Pennsylvania being 10880 Oliver Road
2530 Square feet; 4.48 acres

Assessment Map number: 45001004001401

Assessed Value figure: 325,640
Improvement thereon: Residential Dwelling

Stephen M. Hladik, Esq.

298 Wissahickon Ave
North Wales, PA 19454
215.855.9521

April 29 and May 6, 13

SALE NO. 27

Ex. #12119 of 2013

**The Bank of New York Mellon, et
al., Plaintiff**

v.

Gary R. Miles, Defendant
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 2013-12119, The Bank of New York Mellon, et al. vs. Gary R. Miles, owner(s) of property situated in North East Township, Erie, County, Pennsylvania being 11530 East Lake Road
1843 sq. feet; 2.25 acres

Assessment Map number: 37009014000500

Assessed Value figure: 219,400
Improvement thereon: Residential Dwelling

Stephen M. Hladik, Esq.

298 Wissahickon Ave
North Wales, PA 19454
215.855.9521

April 29 and May 6, 13

SALE NO. 28

Ex. #13522 of 2015

Vinmak, LLC, Plaintiff
v.

**Michael Osiecki and Yvonne M.
Osiecki, Defendant**
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 13522-15, Vinmak, LLC vs. Michael Osiecki and Yvonne M. Osiecki, owner(s) of property situated in Erie City, Erie County, Pennsylvania being 1270 E. 28th Street
40 x 135; 1142; .1240

Assessment Map number: 18051004014000

Assessed Value figure: 55,570
Improvement thereon: Residential Dwelling

Stephen M. Hladik, Esq.

298 Wissahickon Ave
North Wales, PA 19454
215.855.9521

April 29 and May 6, 13

SALE NO. 29

Ex. #12861 of 2015

**The Bank of New York Mellon
Trust Company, National
Association fka The Bank of New
York Trust Company, N.A. as
successor to JPMorgan Chase**

Bank, as Trustee for Residential Asset Securities Corporation, Horne Equity Mortgage Asset-Backed Pass Through Certificates Series 2003-KS10, c/o Omen Loan Servicing, LLC, Plaintiff
v.

John T. Trohoske a/k/a John Trohoske and Sarah C. Trohoske, Defendant

LEGAL DESCRIPTION

All that certain piece or parcel of land situate in the Sixth Ward of the City of Erie (formerly Millcreek Township), County of Erie and Commonwealth of Pennsylvania, being Lot No. Sixty-six (66) in the plan of Lots of George A. Tupper, as recorded in the Recorder's Office of said Erie County in Plan (Map) Book Volume 1, Page 337, having a frontage of thirty-five (35) feet on the easterly side of Washington Avenue and extending back therefrom easterly of the same width on the northerly line one hundred one and four hundredths (101.04) feet, on the southerly line one hundred one and three hundredths (101.03) feet to an alley as shown on the above said plan, having erected thereon a two story frame dwelling house and a frame garage, being commonly known as 3035 Washington Avenue, Erie, Pennsylvania and further identified as Tax Index No. (19) 6225-215

PROPERTY ADDRESS: 3035 Washington Avenue, Erie, PA 16508
PARCEL 19-062-025-0-215.00
BEING the same premises which Paula S. Breter, single by Deed dated May 3, 2004, and recorded May 12, 2004 in the Office of the Recorder of Deeds in and for Erie County in Deed Book 1134, Page 1009, granted and conveyed unto John J. Trohoske and Sarah C. Trohoske, his wife.
Andrew J. Marley, Esquire
Stern & Eisenberg, PC
1581 Main Street, Suite 200
The Shops at Valley Square
Warrington, PA 18976
(215) 572-8111

April 29 and May 6, 13

SALE NO. 30

Ex. #13565 of 2015

U.S. Bank National Association,

as Trustee under the Pooling and Servicing Agreement, dated as of April 1, 2002, ABFC 2002-SB1 Trust, ABFC Asset-Backed Certificates, Series 2002-SB1 c/o Ocwen Loan Servicing, LLC, Plaintiff
v.

Tamara M. Williams, Defendants
LEGAL 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: BEGINNING at a point of intersection of the east line of Perry Street with the north line of Twenty-Fourth Street; thence northwardly along the east line of Perry Street, ninety (90) feet; thence eastwardly parallel with Twenty-Fourth Street forty (40) feet; thence southwardly parallel with Perry Street, ninety (90) feet to the north line of Twenty-Fourth Street; thence westwardly along the north line of Twenty-Fourth Street forty (40) feet to the place of beginning, and being part of Lot One Hundred Thirty-One (131). BEING the same premises which Mel Martinez, Secretary of Housing and Urban Development of Washington, D.C., by Toni Johnson, their attorney-in-fact, by Deed dated October 9, 2001 and recorded on October 16, 2001 in the office of the recorder of deeds in and for Erie County at book 817 page 1191 granted and conveyed unto Tamara M. Williams.
PROPERTY ADDRESS: 902 East 24th Street, Erie, PA 16503
PARCEL 18050038012000
Jessica N. Manis, Esquire
Stern & Eisenberg, PC
1581 Main St, Suite 200
The Shops at Valley Square
Warrington, PA 18976
(215) 572-8111

April 29 and May 6, 13

SALE NO. 31

Ex. #12304 of 2015

The Huntington National Bank, Plaintiff
v.

Dean S. Cubitt, Defendant

SHORT DESCRIPTION

By virtue of a Writ of Execution filed

to No. 12304-15 The Huntington National Bank v. Dean S. Cubitt, owners of property situated in the Township of City of Erie, Erie County, Pennsylvania being 1920 West 37th Street, Erie, Pennsylvania 16508.

Tax I.D. No. 19061058021200

Assessment: \$85,086.38

Improvements: Residential Dwelling
McCabe, Weisberg and Conway, P.C.
123 South Broad Street, Suite 1400
Philadelphia, PA 19109
215-790-1010

April 29 and May 6, 13

SALE NO. 32

Ex. #13302 of 2015

Bank of America, N.A., Plaintiff
v.

William Lowery, Defendant
SHORT DESCRIPTION

By virtue of a Writ of Execution filed to No. 13302-15 Bank of America, N.A. v. William Lowery, owners of property situated in the Township of Millcreek, Erie County, Pennsylvania being 2718 Carter Avenue, Erie, Pennsylvania 16506.

Tax I.D. No. 33-054-2510-027-00

Assessment: \$144,732.37

Improvements: Residential Dwelling
McCabe, Weisberg and Conway, P.C.
123 South Broad Street, Suite 1400
Philadelphia, PA 19109
215-790-1010

April 29 and May 6, 13

SALE NO. 33

Ex. #12148 of 2015

Reverse Mortgage Solutions, Inc., Plaintiff
v.

Unknown Surviving Heirs of Janet H. Turner, Patrick A. Turner, Known Surviving Heir of Janet H. Turner, Catherine H. Agresti, Known Surviving Heir of Janet H. Turner and Susan E. Turner, Known Surviving Heir of Janet H. Turner, Defendants
SHORT DESCRIPTION

By virtue of a Writ of Execution filed to No. 12148-15 Reverse Mortgage Solutions, Inc. v. Unknown Surviving Heirs of Janet H. Turner, Patrick A. Turner, Known Surviving Heir of Janet H. Turner, Catherine H. Agresti, Known Surviving Heir

of Janet H. Turner and Susan E. Turner, Known Surviving Heir of Janet H. Turner, owners of property situated in the Township of County of Erie, Erie County, Pennsylvania being 4314 Washington Avenue, Erie, Pennsylvania 16509.

Tax I.D. No. 19-061-069.0-102.00

Assessment: \$74,875.13

Improvements: Residential Dwelling McCabe, Weisberg and Conway, P.C. 123 South Broad Street, Suite 1400 Philadelphia, PA 19109

215-790-1010

April 29 and May 6, 13

SALE NO. 34

Ex. #11808 of 2014

**Wells Fargo Financial,
Pennsylvania, Inc. c/o Wells
Fargo Bank, N.A., Plaintiff
v.**

**Charles A. Wagner and Carole L.
Wagner, Defendants**

SHORT DESCRIPTION

By virtue of a Writ of Execution filed to No. 11808-14 Wells Fargo Financial Pennsylvania, Inc. c/o Wells Fargo Bank, N.A. v. Charles A. Wagner and Carole L. Wagner, owners of property situated in the Township of Harborcreek Township, Erie County, Pennsylvania being 2818 East 29th Street, Erie, Pennsylvania 16510.

Tax I.D. No. 50-005-059.0-009.00

Assessment: \$103,722.40

Improvements: Residential Dwelling

McCabe, Weisberg and Conway, P.C. 123 South Broad Street, Suite 1400 Philadelphia, PA 19109

215-790-1010

April 29 and May 6, 13

SALE NO. 35

Ex. #13007 of 2015

**The Huntington National Bank,
Plaintiff**

v.

**Bonnie L. Voyda, Executrix of
the Estate of David Zimmerman,
Defendant**

SHORT DESCRIPTION

By virtue of a Writ of Execution filed to No. 13007-15 The Huntington National Bank v. Bonnie L. Voyda, Executrix of the Estate of David Zimmerman, owners of property situated in the City of Erie, Erie County, Pennsylvania being 903 West 9th Street, Erie, Pennsylvania 16502.

Tax I.D. No. 16030047010800

Assessment: \$55,403.75

Improvements: Residential Dwelling McCabe, Weisberg and Conway, P.C. 123 South Broad Street, Suite 1400 Philadelphia, PA 19109

215-790-1010

April 29 and May 6, 13

SALE NO. 36

Ex. #13548 of 2015

ERIE FEDERAL CREDIT

UNION, Plaintiff

v.

**BETTY L. STUMPO, Defendant
DESCRIPTION**

By virtue of Writ of Execution filed at No. 13548-2015 Erie Federal Credit Union v. Betty L. Stumpo, owner of the following property identified below:

1) Situate in the City of Erie, County of Erie, and Commonwealth of Pennsylvania at 3243 East Avenue, Erie, PA 16504:

Assessment Map No.: (18) 5201-320

Assessed Value Figure: \$52,590.00

Improvement Thereon: Two-Family Residential Dwelling

Michael S. Jan Janin, Esquire

Pa. I.D. No. 38880

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April 29 and May 6, 13



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FIRST PUBLICATION

**BACON, NANCY L., a/k/a
NANCY LANCE BACON,
deceased**

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

Executrix: Catherine B. Koch, 101 Parker Road, Wellesley, MA 02482-2230

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

**COLE, PATRICIA S.,
deceased**

Late of North East Borough, County of Erie, Commonwealth of Pennsylvania

Executor: Richard M. Cole, c/o Denise C. Pekelnicky, Esq.

Attorney: Denise C. Pekelnicky, Esq., 68 East Main Street, North East, PA 16428

**KULESA, JOSEPH C.,
deceased**

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

Executor: Melvin Edwards, 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

**METZGER, CARL P.,
deceased**

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

Executor: Teresa J. Metzger, c/o Howard A. Hain, Esq., 821 State Street, Erie, PA 16501

Attorney: Howard A. Hain, Esquire, 821 State Street, Erie, PA 16501

**NEENAN, DAVID M.,
deceased**

Late of the Borough of North East, County of Erie, Commonwealth of Pennsylvania

Executor: Jonathan Neenan, c/o Denise C. Pekelnicky, Esq.

Attorney: Denise C. Pekelnicky, Esq., 68 East Main Street, North East, PA 16428

**REICHERT, RONALD,
deceased**

Late of Erie, Erie County, Pennsylvania

Administrator: Rose Marie Reichert, 1052 South Hill Road, Erie, PA 16509

Attorney: Matthew D. Reichert, Esq., 1406 Peach St., Erie, PA 16501

**ROBERTS, WILLIAM S.,
deceased**

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

Executrix: Bonnie G. Morton, 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

**STUART, VICTOR,
deceased**

Late of the County of Erie

Executor: Kenneth G. Stuart, 8853 Cruden Bay Ct., Dublin, Ohio 43017

Attorney: None

**WRIGHT, ARCHIE D.,
deceased**

Late of North East Township, Erie County, North East, Pennsylvania

Executrix: Denise M. Wright Newman, c/o Robert J. Jeffery, Esq., 33 East Main Street, North East, Pennsylvania 16428

Attorneys: Orton & Jeffery, P.C., 33 East Main Street, North East, Pennsylvania 16428

**ZIEGLER, ROSE M.,
deceased**

Late of the Township of Summit

Co-Executors: William H. Rearick, 729 Mayhill Ridge, League City, TX 77573 and Kenneth H. Rearick, 277 Westwood Drive, League City, TX 77573

Attorney: Michael A. Fetzner, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

SECOND PUBLICATION

**ANDERSON, LARRY J., a/k/a
LAWRENCE J. ANDERSON,
deceased**

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

Executrix: Christine A. Anderson, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

Attorney: Darlene M. Vlahos, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**BRANDT, THOMAS L.,
deceased**

Late of the City of Erie, County of Erie

Executor: Cynthia R. Brandt, 2904 Glenwood Park Ave., Erie, PA 16508

Attorney: John C. Melaragno, Esquire, Melaragno Placidi Parini & Veitch, 502 West Seventh Street, Erie, Pennsylvania 16502

**CLINTON, RAYMOND E.,
deceased**

Late of Girard Township, County of Erie

Executor: Raymond Keith Clinton, c/o Thomas A. Testi, Esq., 3952 Avonia Road, PO Box 413, Fairview, PA 16415

Attorney: Thomas A. Testi, Esq., 3952 Avonia Road, PO Box 413, Fairview, PA 16415

**ESPY, JANE F., a/k/a JANE RAE
ESPY, a/k/a JANE R. ESPY,
deceased**

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

Executrix: Holly J. Deshner, 1190 W. Leesport Road, Leesport, PA 19533

Attorney: Grant M. Yochim, Esq., 24 Main St. E., PO Box 87, Girard, PA 16417

**GEHRLEIN, DANIEL P.,
deceased**

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

Executor: David R. Gehrlein, Jr., 2190 New Road, Waterford, PA 16441

Attorney: Gary K. Schonthal, Esquire, The Conrad - F.A. Brevillier House, 502 Parade Street, Erie, PA 16507

**HEDGES, MICHAEL O., a/k/a
MICHAEL ORRIS HEDGES,
deceased**

Late of Erie, Erie County, Pennsylvania

Administrator: Patricia L. Hedges, c/o Dan W. Susi, Esquire, 714 Sassafra Street, Erie, PA 16501

Attorney: Dan W. Susi, Esquire, 714 Sassafra Street, Erie, PA 16501

**HOPKINS, JUDITH M., a/k/a
J. MARGARET HOPKINS, a/k/a
JUDITH MARGARET HOPKINS,
deceased**

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

Administrator: Thomas W. Hopkins, 7600 Rea Road, West Springfield, PA 16443

Attorney: Grant M. Yochim, Esq., 24 Main St. E., PO Box 87, Girard, PA 16417

**KONETSKY, EDWARD J.,
deceased**

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

Executor: Michael D. Konetsky, c/o William J. Schaaf, Esq., Suite 300, 300 State Street, Erie, PA 16507

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

**LIPINSKI, MARILYN,
deceased**

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

Executor: Mark H. Lapinski, c/o 3939 West Ridge Road, Suite B-27, Erie, PA 16506

Attorney: James L. Moran, Esquire, 3939 West Ridge Road, Suite B-27, Erie, PA 16506

**MALEE, DAWN KRISTINE, a/k/a
D. KRISTINE MALEE, a/k/a
DAWN K. MALEE,
deceased**

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

Co-Administrators: Daniel J. Ploszkiewicz and Timothy D. Malee, c/o 3210 West 32nd Street, Erie, Pennsylvania 16506-2702

Attorney: Peter W. Bailey, Esquire, 3210 West 32nd Street, Erie, Pennsylvania 16506-2702

**PIETRASIEWICZ,
WALTER L., II,
deceased**

Late of the Township of Millcreek, Erie County

Administrator: Karen M. Pietrasiewicz

Attorney: William J. Kelly, Jr., Esquire, 230 West 6th Street, Suite 201, Erie, PA 16507

**SIMS, FRANK G.,
deceased**

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

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

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

**SPACHT, EDITH G., a/k/a EDITH
GLORIA LUONGO SPACHT,
a/k/a EDITH LUONGO SPACHT,
deceased**

Late of the Township of North East, County of Erie and Commonwealth of Pennsylvania

Executor: Charles D. Spacht

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

**SULLIVAN, THOMAS JAMES,
a/k/a THOMAS J. SULLIVAN,
deceased**

Late of the City of Erie, Erie County, PA

Executor: John Patrick Sullivan, c/o 120 West 10th Street, Erie, PA 16501

Attorney: Jerome C. Wegley, Esquire, Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**VOGT, JACKIE,
deceased**

Late of the City of Erie, County of Erie

Administrator: Tracy M. Vogt, 3301 Springcreek Lane, Sandy Springs, GA 30350

Attorney: John C. Melaragno, Esquire, Melaragno, Placidi, Parini & Veitch, 502 West Seventh Street, Erie, Pennsylvania 16502

**WENZEL, JEANMARIE,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executor: John M. Wenzel
Attorney: David J. Rhodes, Esquire, Elderkin Law Firm, 150 East 8th Street, Erie, PA 16501

THIRD PUBLICATION

**ALLEN, RUTH L.,
deceased**

Late of North East Township, Erie County, Commonwealth of Pennsylvania
Executor: Thomas W. Allen, c/o 120 West 10th Street, Erie, PA 16501
Attorney: Knox McLaughlin Gornall & Sennett, P.C., 120 West 10th Street, Erie, PA 16501

**BRAEGER, CARL F.,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Co-Executors: Rosemary J. Konkell and Jeffrey D. Konkell
Attorney: David J. Rhodes, Esquire, Elderkin Law Firm, 150 East 8th Street, Erie, PA 16501

**BROWN, JOHN M.,
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Executor: Michael R. Anderson, c/o Eugene C. Sundberg Jr., Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorneys: Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, Suite 300, 300 State Street, Erie, PA 16507

**FIELDS, GERALDINE LOUISE,
a/k/a GERALDINE L. FIELDS,
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Executor: David Darling, c/o William J. Schaaf, Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorneys: Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, Suite 300, 300 State Street, Erie, PA 16507

**FISCHER, DAVID T.,
deceased**

Late of the City of Erie, County of Erie
Co-Executors: Megan Krivonak, 2522 Heidelberg Avenue, SE, Massillon, OH 44646 and Emily M. Jurgens, 506 Sanford Place, Erie, Pennsylvania 16511
Attorney: Kari A. Froess, Esquire, Carney & Good, 254 West Sixth Street, Erie, Pennsylvania 16507

**HAYES, MARY L.,
deceased**

Late of the City of Erie, County of Erie, State of Pennsylvania
Executrix: Barbara Jordan Steele, 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

**LANGE, ONNA L., a/k/a ONNA LINDA LANGE, a/k/a ONNA L. DeSANTO, a/k/a ONNA DeSANTO,
deceased**

Late of Millcreek Township, County of Erie and State of Pennsylvania
Executrix: Morgan K. DeSanto, 2247 Stoneybrook Drive, Erie, PA 16510
Attorney: Aaron E. Susmarski, Esq., 4030 West Lake Road, Erie, PA 16505

**MILLER, MARY R., a/k/a MARY RITA MILLER,
deceased**

Late of Harborcreek Township
Executor: Steven C. Miller, c/o 246 West 10th Street, Erie, PA 16501
Attorney: Evan E. Adair, Esq., 246 West 10th Street, Erie, PA 16501

**RUTKOWSKY, MARY,
deceased**

Late of the County of Erie, Commonwealth of Pennsylvania
Executor: Mark Rutkowski, 5808 Jordan Road, Erie, PA 16510
Attorney: Robert M. Barbato, Jr., Esquire, Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

**RZYMEK, MARY LOUISE, a/k/a MARY L. RZYMEK,
deceased**

Late of Millcreek Township, County of Erie, Commonwealth of Pennsylvania
Administrator: Mary Rzymek Wingrove, 4050 Dauphin Parkway, Erie, PA 16506
Attorney: None

**WILKERSON, MARTHA,
deceased**

Late of the City of Erie
Executrix: Carol Bolan, 101 Freeport Road, North East, PA 16428
Attorney: Deanna L. Heasley, Esq., 333 State Street, Suite 203, Erie, PA 16507

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Quinn Law Firm ----- (f) 814-833-6753
2222 West Grandview Blvd.
Erie, PA 16506 -----*mlarese@quinnfirm.com*

DARLENE M. VLAHOS ----- 814-314-1041
Quinn Law Firm ----- (f) 814-833-6753
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Erie, PA 16506 -----*dvlahos@quinnfirm.com*

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