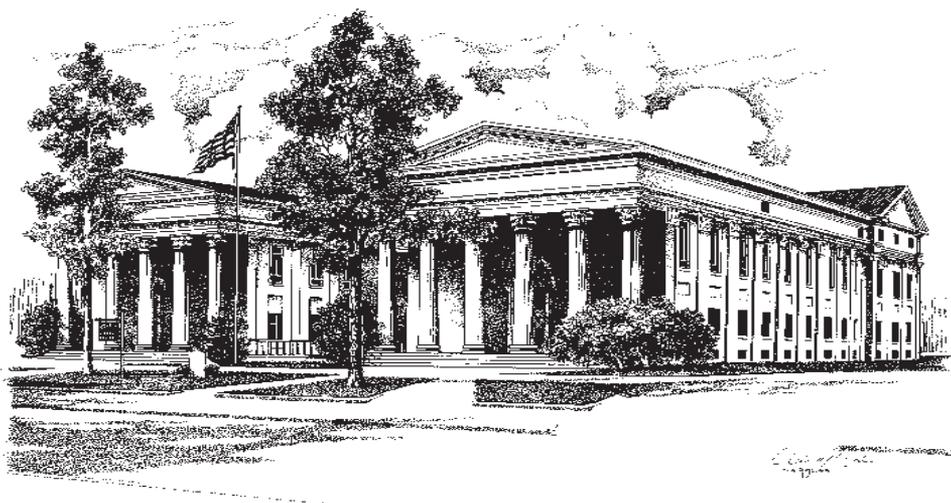


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Wiler v. Maggio

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, JUNE 23, 2016

ECBA Annual Golf Tournament
Lawrence Park Golf Club
1:00 p.m. shotgun start

THURSDAY, JULY 26, 2016

ECBA Mid-Year Membership Meeting
Sheraton Hotel
Guest Speaker: Hon. John E. Jones, III
more details coming soon

WEDNESDAY, JUNE 29, 2016

ECBA Live Lunch-n-Learn Seminar
Navigating Casemaker (a Free PBA Member Benefit!) and Ethics Guidance
Bayfront Convention Center
12:15 p.m. - 1:45 p.m. (registration/lunch - 11:45 a.m.)
\$67 (ECBA member) \$87 (nonmember) \$47 (member judge not needing CLE)
1.5 hours ethics

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



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

JUNE 2016 NOTICE

The following is a list of *June 2016, July 2016 and August 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, June 8, 2016	9:30 a.m.:	Open for all Erie and Pittsburgh Ch. 13 matters
Wednesday, July 6, 2016	10:00 a.m.:	Open for all Erie and Pittsburgh Ch. 13 matters
Wednesday, July 27, 2016	10:30 a.m.:	Open for all Erie and Pittsburgh Ch. 13 matters
Wednesday, August 17, 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, June 2, 2016	9:30 a.m.:	Open for all Erie & Pittsburgh Ch. 11 matters
Thursday, June 16, 2016	10:00 a.m.:	Open for all Erie & Pittsburgh Ch. 11 matters
Thursday, June 30, 2016	10:30 a.m.:	Open for all Erie & Pittsburgh Ch. 7 matters
Thursday, July 21, 2016	11:00 a.m.:	Open for all Erie & Pittsburgh Ch. 7 matters,
Thursday, August 4, 2016		including all Ch. 7 Motions to Extend/Impose Stay
Thursday, August 18, 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

Jun. 3

THOMAS WILER, Plaintiff

v.

THOMAS M. MAGGIO, Defendant

DOCTRINE OF LACHES AND INJUNCTIVE RELIEF

A suit in equity is not viable when the moving party is engaging in the same conduct that the party seeks to enjoin.

To successfully assert the Doctrine of Laches, a party must show a lack of due diligence in pursuing a claim by the other party that causes prejudice because of the delay.

A delay of nearly a century in enforcing a deed restriction is sufficient to invoke the Doctrine of Laches. By failing to bring a claim for 6 ½ years, the Plaintiff is "guilty of a want of due diligence."

The Plaintiff's awareness of the investment of time, labor, and materials to improve the Defendant's rear building for rental purposes constitutes evidence of the actual prejudice suffered by the Defendant due to the Plaintiff's delay in seeking to enforce the deed restriction. The Defendant's need to rent the rear building to pay the mortgage and the fact he would not have purchased the property if he could not rent the rear building constitute irreparable harm.

When a greater harm would result from granting an injunction rather than denying it, the extraordinary remedy of a permanent injunction is not warranted.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
CIVIL DIVISION NO. 12230-2012

Appearances: Gery Nietupski, Esq., Attorney for Plaintiff
Richard Filippi, Esq., Attorney for Defendant

OPINION

Cunningham, William R., J.

May 24, 2016

This lawsuit represents the Plaintiff's attempt to enjoin a neighbor from renting a single family dwelling in alleged violation of their respective deed restrictions.

A bench trial resulted in a verdict in favor of the Defendant on January 11, 2016 denying the Plaintiff's request for an injunction. After the Plaintiff's Motion for Post Trial Relief was denied, this timely appeal followed. A Statement of Matters Complained of on Appeal was filed April 12, 2016; this Opinion is in response thereto.

In summary, the Garden Court deed restrictions do not prevent a member from renting a single family dwelling. If renting is a violation of the deed restrictions, the Plaintiff is committing the same violation as the Defendant. Further, the doctrine of laches prevents the Plaintiff from objecting to the Defendant's use of his building. As a matter of equity, the Plaintiff has not set forth a basis to receive the extraordinary remedy of a permanent injunction.

BACKGROUND

The Plaintiff Thomas Wiler is the sole owner of 614 Cherry Street, Erie, Pennsylvania by deed dated December 10, 2005.¹ *Plaintiffs' Exhibit 26*. This property is adjacent to the real

¹ At the time of trial, Michael Kohler was withdrawn as a Plaintiff for lack of standing since he has never had an ownership interest in co-Plaintiff Thomas Wiler's property that is the subject of this lawsuit.

property known as 620 Cherry Street, Erie Pennsylvania, owned by the Defendant by deed dated January 30, 2008 and recorded on February 5, 2008. *Plaintiffs' Exhibit 1*.

These two properties are located in the historic Garden Court area of the City of Erie and governed, in part, by a Declaration of Trust of J.W. Little to Edward J. Crowell, et al. recorded on June 22, 1907 (the "Declaration"). *Plaintiffs' Exhibit 4*.

The Declaration has a total of eight restrictions serving as covenants running with the land of each lot within the Garden Court. The first three restrictions limit each lot to only one single family building with minimum cost and setback requirements. *Id.*, *Restrictions 1-3*. The fourth restriction states that "(n)o barns, automobile houses or sheds, or other out buildings shall be placed or erected ..." *Id.*, *Restriction 4*. Further, "[n]o building placed or erected on the said described premises shall at any time be used for commercial purposes." *Id.*, *Restriction 5*. The question in this case is whether these restrictions, which have never been abrogated and remain generally valid, are nonetheless unenforceable against the Defendant.

The Defendant's property is the only one in the Garden Court with two buildings suitable for residential living. These two buildings have been in existence likely since 1913. The main house on the Defendant's property has always been identified as 620 Cherry Street and is over 2000 square feet. The second building, which is approximately 675 square feet, sits on the rear of the Defendant's property. It has been identified as 620 ½ Cherry Street from at least 1930 until the Defendant had the address changed to 622 Cherry Street in 2012. It is the smaller building, identified as 620 ½ Cherry, which is the subject of this lawsuit.

The Plaintiff claims the Defendant converted 620 ½ Cherry from a garage to a rental apartment sometime between 2008 and 2011. The Plaintiff contends the Defendant cannot use 620 ½ Cherry for commercial purposes by renting it as an apartment to non-members of the Garden Court.

At trial the Defendant did not contest the validity of the deed restrictions. The Defendant denied converting 620 ½ Cherry from a garage and presented a long history of the open, residential use of it by many different tenants. The governing body of the Garden Court, known as the Civic Art Realty Company, knew of the deed violations at 620 ½ Cherry likely since 1913 yet never instituted any legal action to enforce the deed restrictions.

The Plaintiff was aware of these deed violations prior to buying 614 Cherry in 2005 and never took action until filing this lawsuit in 2012. The Defendant would not have bought this property if he could not use the smaller building as a rental and he spent considerable sums on this building since the time of his purchase.

I. THE PLAINTIFF CANNOT PREVENT THE DEFENDANT'S RENTAL

The Plaintiff selectively contorts the restrictions within the Declaration to read that he can rent his home but his neighbor cannot rent a longstanding residential building behind his home. There is no support for the Plaintiff's position from a plain reading of the restrictions and as a matter of equity.

There is no language in any of the Declaration's eight restrictions using the words rent or rental or prohibiting the rental of a building. Likewise, there is no definition of "commercial purposes" in Restriction 5 or anywhere in the Declaration.

As a result, the Plaintiff maintains the rental of his home, which he has done for years, is

not in violation of any restriction. *Trial Transcript October 7, 2015 (hereafter "T.T.") pp. 60-61.*² To accept the Plaintiff's testimony and interpretation inherently means renting a home is not a commercial activity proscribed by Restriction 5 or anywhere in the Declaration. If renting is not a commercial endeavor, then the Plaintiff cannot seek equitable relief to preclude the Defendant from renting since the Defendant is not violating any restriction.

If renting is a commercial activity prohibited by Restriction 5, it is applicable to the only type of building permitted under the Declaration, to-wit, a single-family home. As such, Restriction 5 applies to all homes, including the Plaintiff's.

Since the recording of the Declaration in 1907, no enforcement action has ever been taken by the governing body or any association member of the Garden Court to prevent another association member from renting a home in the Garden Court because such a rental constituted commercial activity. For years members have rented homes within the Garden Court—including the Plaintiff.

As a matter of equity, the Plaintiff cannot prevent the Defendant from renting a building just as the Plaintiff has been doing for years. The Plaintiff does not have a viable claim in equity.³

The analysis of this case need go no further since the equitable relief the Plaintiff seeks is to enjoin the Defendant from renting his rear building. However, to the extent the use of the Defendant's building as a rental unit remains in dispute, laches bars any further argument.

II. THE DOCTRINE OF LACHES APPLIES

"The doctrine of laches is an equitable bar to the prosecution of stale claims and is the practical application of the maxim that those who sleep on their rights must awaken to the consequence that they have disappeared." *Fulton v. Fulton*, 106 A.3d 127, 131 (Pa. Super. 2014), quoting *Jackson v. Thomson*, 53 A. 506, 506 (Pa. 1902).

The doctrine of laches bears these requirements:

Laches bars relief when the complaining party is guilty of want of due diligence in failing to promptly institute the action to the prejudice of another. Thus, in order to prevail on an assertion of laches, respondents must establish: a) a delay arising from petitioner's failure to exercise due diligence; and, b) prejudice to the respondents resulting from the delay. Moreover, the question of laches is factual and is determined by examining the circumstances of each case.

Fulton, 106 A.3d at 132, quoting *Estate of Scharlach*, 809 A.2d 382, 383 (Pa. Super. 2002).

The doctrine of laches is not subject to a statute of limitations; indeed, laches may bar a suit in equity when a legal claim involving the same matter is still within a statute of limitations. *Fulton, supra*.

In this case, the smaller building on the Defendant's property was likely built in 1913 and used as a medical office. Since the early 1920s it has been used as a residential apartment for non-members of the Garden Court.

² See also Plaintiff's Proposed Findings of Fact, Paragraph 18 ("There are no restrictions in the Declaration of Trust concerning the renting out of the property.").

³ Separately, the Plaintiff is in violation of Restriction 6 of the Declaration since 2011 when he put up a fence. This violation is yet another reason he does not have clean hands in making this claim in equity.

Since its construction 620 ½ Cherry has been in violation of Restrictions 2, 3 and 4 of the Declaration which together permit only one single-family building per lot. Despite knowledge of these violations since the construction of the second building, no legal action was ever filed by the governing body or any member of the Garden Court until the Plaintiff filed this lawsuit in 2012.

The Plaintiff was aware of these violations prior to his purchase of 614 Cherry in 2005 and waited over 6 ½ years to seek to enforce the restrictions despite his knowledge of the time and expense incurred by the Defendant to give his rear building a facelift.

Hence, there is nearly a century's worth of delay in enforcing the deed restrictions. To enforce the deed restrictions now would cause substantial prejudice to the Defendant. Each prong of laches is satisfied in this case.

A. The Historical Use of 622 Cherry Street

As noted, the Declaration of Trust creating the deed restrictions for the Garden Court was formally recorded in 1907. From 1910 until the time of the Defendant's purchase in 2008, there were only two predecessors in title for 620 Cherry. For those 98 years, each of these two prior owners openly used 620 ½ Cherry as an apartment, albeit sporadically at times.

Carl and Emma Kirschner, husband and wife, bought 620 Cherry by deed dated August 23, 1910 and recorded August 25, 1910. *Plaintiff's Exhibit 3*. Carl Kirschner used the building now known as 620 ½ Cherry as a medical office. *Defendant's Exhibit 8*. It is unclear when this use began, but it ended when Dr. Kirschner died on April 20, 1920. His widow then held title to this property until 1961.

After her husband's death, Emma Kirschner converted 620 ½ Cherry to an apartment suitable for residential living. This conversion had to be before 1930.

At some point Mrs. Kirschner's daughter and son-in-law lived in the converted apartment. Thereafter the public records show various other people living there when it was known as 620 ½ Cherry, an address recognized by the US Census Bureau in 1930.

The U.S. Census for 1930 showed a Charles and Myrtle Stanbaugh paid rent to live at 620 ½ Cherry. It is unknown whether this couple is the daughter and son-in-law of Mrs. Kirschner.

Thereafter, the City of Erie Directory shows a Mrs. Mod Thompson lived at 620 ½ Cherry in 1934. *Defendant's Exhibit 26*. Likewise, the City of Erie Directory shows a Mrs. Mod Thompson lived at 620 ½ Cherry in 1943. *Defendant's Exhibit 27*.

The same Directory shows a Raymond G. Kern living at 620 ½ Cherry in 1953. *Defendant's Exhibit 28*. The City of Erie telephone book for 1955 lists a phone number for Raymond J. Kern at 620 ½ Cherry. *Defendant's Exhibit 29*.

The 1957 City Directory shows a Mrs. Jean Kern lived at 620 ½ Cherry. *Defendant's Exhibit 30*. She was possibly a spouse or family member of Raymond Kern. The City Directory shows a Gladys Wilkinson living at 620 ½ Cherry in 1959 and 1960. *Defendant's Exhibits 31, 32*.

In 1961 Mrs. Emma Kirschner conveyed a deed for 620 Cherry and 620 ½ Cherry to John and Micaela Bowler. *Plaintiff's Exhibit 2*.

In the latter years of Mrs. Kirschner's ownership, the Civic Art Realty Company did raise a concern to her about the residential use of 620 ½ Cherry. The following entry appears in

the minutes of a March 19, 1957 Civic Art Realty Company meeting under “New Business”:

“Garage Apartment at 620 Cherry St. – It was learned that Mrs. Kirschner is planning to rent the garage apartment which had originally been established for her husband’s office and later for her daughter and son-in-law. It is felt that renting this apartment to outsiders would become a precedent for the establishment of two-family homes or apartments on the Court. Mr. Lovercheck will see the owner personally within a few days to express the Court’s feeling on this matter and to attempt to have her plans changed. If this is not successful, Messrs. McClure and Quinn will draft a letter to the owner to go on record as a preliminary step to further action.”

Plaintiffs’ Exhibit 10.

The diplomatic approach of Mr. Lovercheck was unsuccessful. One week later, the minutes of the March 26, 1957 meeting of the Civic Art Realty Company reflect an entry under “Old Business” as follows:

“Garage apartment at 620 Cherry St. – Mr. Lovercheck reported the results of his visit with Mrs. Kirschner on March 24. The latter said she would be cooperative by being careful who rents the apartment, and that she would allow no one with children because of the insufficient room; at the same time, she was positive in her determination to keep the apartment. She expressed the opinion that the Court should have complained several years earlier; she said also that she wasn’t the first person to rent such an apartment, but did not say who was the first. Insofar as we know, of, course, no rent had previously been collected for the apartment, which was originally established as an office for Dr. Kirschner and subsequently used by Mrs. Kirschner’s daughter and her husband as an apartment. We believe that, for the reason that the garage dwelling had up to this time been used by members of the owner’s family, no action had been taken in the past.”

Defendant’s Exhibit 19.

These minutes clearly reflect the knowledge of the Civic Art Realty Company in 1957 there were two single-family dwellings on one lot in violation of Restrictions 2 and 4. The minutes also reflect the Board’s failed attempt through its envoy Mr. Lovercheck to get Mrs. Kirschner to cease using the rear building as an additional dwelling/apartment.

The Civic Art Realty Company then chose to report Mrs. Kirschner to the City of Erie building inspector for an alleged zoning violation. By letter dated April 1, 1957 on company letterhead, Mr. J. G. Ward, in his capacity as Secretary-Treasurer of the Civic Art Realty Co., requested an investigation into the rental by Mrs. Kirschner of both buildings at 620 Cherry, identifying one rental as “a second dwelling (garage apartment) at the rear of the lot is or will be rented by Mrs. Kirschner to a new tenant.” *Defendant’s Exhibit 15.* This is no evidence the City of Erie conducted the requested investigation. What is known is the City of Erie never instituted an enforcement action against Mrs. Kirschner for an alleged zoning violation.

Despite the knowledge and belief of members of the Civic Art Realty Company that Mrs. Kirschner’s use of 620 ½ Cherry was in violation of the deed restrictions, the Board never took any legal action of any type to enforce the deed restrictions during the 41 years that

she owned the property.⁴ The failure of the Board to file any enforcement action against Mrs. Kirschner means the Board acquiesced to her use of 620 ½ Cherry Street and “slept on its rights” making laches applicable.

The same failure of the Civic Art Realty Company to file any enforcement action occurred during the nearly 47 years the Bowlers owned 620 and 620 ½ Cherry. According to Mrs. Bowler, various people lived in the rear building throughout the years. *Plaintiffs’ Exhibit 34, p. 26*. Clara Storch was a tenant living in the building for 5 to 6 years and Mrs. Bowler’s sister-in-law also lived there for a time. *Plaintiffs’ Exhibit 34, p. 11-12*. She also let family members stay at 620 ½ Cherry. Her neighbor of twenty-four years, Gerald Urbaniak, recalled the Bowlers’ daughters staying in what his daughter affectionately called the Little House. *T.T. p. 182*.

Mr. Bowler was an attorney. According to Mr. Urbaniak, at times he thought Mr. Bowler was using the rear building as an office. *T.T. p. 183*. Mr. Urbaniak observed mail being delivered there by the mailman. *Id.* If so, such use was arguably commercial in violation of Restriction 5. Yet at no time did the Civic Art Realty Company ever file any enforcement action against the Bowlers.

The use of 620 ½ Cherry again surfaced in 1974 when the City of Erie was contemplating a zoning change affecting the Garden Court. Most of the Garden Court residents were in favor of the proposed rezoning. John Bowler was not in favor of it.

The minutes of a Civic Art Realty Company meeting on October 20, 1974 state:

“A petition in support of the rezoning had been circulated in the Court and all but three members of the Court signed the petition. John Bowler did not sign because he has two dwellings on his property, and he felt that the Rezoning would limit the possible use of the second dwelling. He would like a clarification of this before he would sign the petition.”

Defendant’s Exhibit 16, page 2.

Thereafter, Attorney Bowler authored a letter dated February 11, 1975 to John Horan, Director of Community Development and City Planning for the City of Erie, in which he outlined his concerns for the rezoning of 620 and 620 ½ Cherry. *Defendant’s Exhibit 17*. Attorney Bowler was very open that “our premises had erected thereon two single-family dwellings” and he wanted assurances that the rezoning “was not intended to adversely affect our rights in any way.” *Id.* He wanted to ensure that the new zoning “will not be construed to restrict the unqualified right of my wife and me and our successors in title to use the premises for two single family dwellings and that such rights shall not be lost by periodic vacancy (no matter how long continued) in view of the permanent nature of the design for use as separate dwellings.” *Id.*

There is no documented evidence of a response from any City of Erie official to Attorney Bowler’s letter. However, there was a response from the Civic Art Realty Company.

⁴ It is interesting to note the reference by Mrs. Kirschner to Mr. Lovercheck in their March 24, 1957 meeting that she was not the first owner to rent an apartment in the Garden Court which perhaps explains the unwillingness of the Board to take action. Another possible explanation is the recognition, as the Plaintiff endorses in this case, that renting a home is not prohibited by the terms of the Declaration.

In an effort to assuage Attorney Bowler's concerns, the Civic Art Realty Company sent a letter dated September 15, 1975 to him stating *en toto*:

“This is to assure you that the present Board of Directors of the Civic Art Realty Company realize you have two existing dwellings on your property. Because the smaller building now exists as a complete dwelling, the Directors would not object to the future occupancy of this building under the R-1 zoning restrictions.”

Defendant's Exhibit 19.

For purposes of laches, this letter speaks volumes. The Board recognized the existence of two dwellings and described the smaller one as “a complete dwelling.” *Id.* Further, the Board acquiesced to the continued use of the smaller building as a dwelling under the proposed zoning change despite the fact the Board knew this constitutes a violation of the deed restrictions. This second acquiescence of the Board to the use of 620 ½ Cherry was in 1975, some 45 years after a tenant first appeared in the US Census at 620 ½ Cherry and 37 years before the Plaintiff filed this lawsuit.

The most recent occasion when the Civic Art Realty Company reviewed the use of 620 ½ Cherry was when William Lechner was Board President. In 2012, the Board received an “informal” opinion letter from Attorney William Schaaf that the deed restrictions were not enforceable regarding 620 ½ Cherry because no legal action had been taken in the nearly 100 years of the violations. *T.T. p. 158.* As a result, the Board decided not to take any enforcement action against the Defendant. When prodded, Mr. Lechner opined the decision not to take legal action was based 60-75 percent on the lack of merit and the remaining percentage due to a lack of funds. *T.T. p. 162.* The decision not to take legal action constitutes the third time the Civic Art Realty Company acquiesced to the use of 620 ½ Cherry as an apartment.

Over the decades there were a host of prominent lawyers who were associated with and/or resided in Garden Court.⁵ Several lawyers were involved in attempting to dissuade Mrs. Kirschner from renting 620 ½ Cherry. Other lawyers were involved in reporting her to the zoning office. None of these lawyers or any other association member ever took legal action to enforce the deed restrictions against 620 ½ Cherry between 1913 and 2012.

Mathew Puz, the current zoning officer for the City of Erie, testified the City's records show a “permitted occupancy” at 620 Cherry allowing “a one-family dwelling in front and additional one-family dwelling (676 square feet) in rear – legal nonconforming use existing prior to 1968.” *T.T. p. 113.* Mr. Puz believes the legal nonconforming use of the rear dwelling unit goes back to at least 1937 when the 1937 Polk Directory showed there was a tenant at 620 Cherry and a tenant at 620 ½ Cherry. *T.T. p. 116.* Whether 1937 is an accurate starting date is not dispositive. The main point is the legal, nonconforming use of 620 ½ Cherry predates the City of Erie's zoning ordinance enacted in 1968 and therefore is grandfathered in.

The Defendant also presented Scott Maas, the current Director of Assessment for the County of Erie. After the first full tax reassessment of properties in 33 years for Erie County, the assessment records since 2003 for 620 Cherry show two dwelling units, one

⁵ Attorneys Ritchie T. Marsh, Charles Lovercheck, John Quinn, Harvey McClure, William Schaaf and Thomas Lent to name a few.

in the front and one in the rear. *T.T. p. 131*. There are two separate assessment cards, one for each dwelling. The rear dwelling is listed as a 676 square foot bungalow type building built around 1913 containing a bedroom, two full bathrooms, one bedroom and a kitchen. There is central heat from a forced air and gas system. The building is listed as in good condition. *T.T. p. 132-135*. All of these assessment records are public documents available for inspection by any citizen.

When the Plaintiff bought 614 Cherry in 2005, Mrs. Bowler still owned 620 and 620 ½ Cherry.⁶ The “complete dwelling” as described by the Board in 1975 still existed. By his own admission, the Plaintiff was in 620 ½ Cherry prior to buying the adjoining property. *T.T. pp. 31, 57*. He was also in this building during the three years Mrs. Bowler owned it before she sold the property to the Defendant in 2008. The Plaintiff knew the rear building was more suitable for residential living than for a garage. The Plaintiff was familiar with the restrictions within the Declaration prior to the purchase of his property. *T.T. pp. 25, 30, 31*.⁷ At no time during these three years did the Plaintiff file any legal action to enforce the deed restrictions against Mrs. Bowler.

The Plaintiff was informed early on by the Defendant of the cosmetic updates he was making to both dwellings and his intent to rent the rear dwelling. *T.T. pp. 213-216*. The Defendant was very open with the Civic Art Realty Company Board about his renovations and at least three board members came to the Defendant’s property to witness the work. *Id.* Yet it was not until 2012, and after differences arose between Mr. Kohler and the Defendant, that the Plaintiff filed this lawsuit.

Hence, the Plaintiff failed to take action from the date of his purchase on December 10, 2005 until the filing of this lawsuit on June 20, 2012, a period of over 6 ½ years. During this time period, the Plaintiff acquiesced to the use of 620 ½ Cherry as had his predecessors in title and all of the other association members since at least 1913.

B. The Plaintiff is “Guilty Of A Want Of Due Diligence”

To successfully assert the defense of laches, the Defendant must show the Plaintiff did not exercise due diligence in pursuing his claim against the Defendant. “In determining whether a party exercised due diligence, the focus is on what the party reasonably should have known by the use of the means of information within his reach, with the vigilance the law requires, not on what he actually knew.” *Fulton, supra., p. 135*.

The Plaintiff maintains he did research about 620 Cherry before he bought the adjoining property. He claimed to have read the restrictions in the Declaration prior to his purchase. *T.T., pp. 25, 30, 31*. If so, the position he has taken in this lawsuit would have been obvious to him because there is no language in the Declaration prohibiting the rental of a building in Garden Court. He would have been aware of the restriction of one building per lot, which would make the very existence of 620½ Cherry an obvious violation of the Declaration prior to the Plaintiff’s purchase of 614 Cherry.

As the Plaintiff’s purported research of the property would have made him aware of the basis of his claim as early as 2005, the only way he can justify the belated filing of this lawsuit is if there was some change serving as the impetus for the lawsuit. The Plaintiff

⁶ John Bowler died on July 1, 2000.

⁷ See also Plaintiff’s Proposed Findings of Fact 15 (“Plaintiff was aware of the restrictions set forth in the Declaration of Trust and the restrictions played a role in his decision to purchase 614 Cherry Street.”).

asserted just such a change in the Complaint.

In its entirety, Paragraph 11 of the Plaintiff's Complaint reads: "Sometime between 2008 and 2011, Defendant converted a garage on the premises into an apartment which is currently renting or is intending to rent." The Plaintiff, Thomas Wiler, signed the Verification to the Complaint in this case. *Plaintiff's Exhibit 1*. This statement is patently false and the Plaintiff knew so when he signed the Verification.

The reason the Plaintiff knew it was false was because he was inside 620 ½ Cherry at least once before he bought 614 Cherry in 2005 and several times during Mrs. Bowler's ownership. During this time he knew there were four rooms, including a bathroom. The Plaintiff had no basis to believe the building was a garage nor did he identify any structural changes the Defendant made to convert it from a garage to an apartment.

By contrast, the Defendant presented a number of photographs of the interior of 620 ½ Cherry in 2007. *Defendant's Exhibits 9 – 11*. These pictures show that in 2007 the building was not a garage. Instead it was laid out for residential purposes. There was a kitchen stove in a kitchen room, with markings on the floor where a refrigerator once stood. There was a living room with a bookcase over a fireplace. *T.T. p.195*. There was a bathroom with a working toilet and sink. There was water and sewer service. There was forced air heating with a functioning furnace. The hot water heater was working. There was electricity and a separate meter for electrical service to this building.

The Defendant's pictures were taken before he bought the property and after the Plaintiff had been in 620 ½ Cherry several times with Mrs. Bowler. These pictures were also around 5 years before the Plaintiff signed the Verification to his Complaint.

According to Mrs. Bowler, the rear building was not a garage when they bought the property in 1961. Instead, it was always a house with a kitchen, bathroom, living room, furnace room and gas and water service separate from the main house. *Plaintiffs' Exhibit 34, pp.7-12*. Mrs. Bowler's neighbor of 24 years, Mr. Urbaniak, had been in the rear building numerous times before 2008 and described a kitchen, bathroom and living room. *T.T. pp. 181-182*. Former Board President William Lechner observed the Defendant fixing up the rear structure and stated the Defendant did not convert the building from a garage. *T.T. pp. 158, 159*. Mr. Lechner has lived in Garden Court since 2000 and never saw a garage door for a vehicle on this building. *Id.*

The Plaintiff adduced the testimony of Attorney Thomas Lent, a resident of Garden Court from 1990 to 2000. Attorney Lent authored a history of Garden Court. *Plaintiff's Exhibit 8*. According to him, the only property in Garden Court with a second building that was not a garage was 620 Cherry. *T.T. p. 99*. Attorney Lent observed the rear building used as an apartment because there was no garage door, it had a chimney and Mr. Bowler always parked his car behind it. *T.T. pp. 103, 104*.

The Defendant presented Richard Bertges, a licensed realtor/ broker whom he asked to evaluate the property before buying it. Mr. Bertges visited the premises at least twice before the Defendant's purchase. *T.T. p. 261*. The building known as 620 ½ Cherry had a kitchen with a sink and stove and a mark where a refrigerator stood. *T.T. p. 258*. There was a bathroom with a cast iron tub. *Id.* The bathroom and kitchen fixtures appeared to be of 1930s and 1940s vintage. *Id.* There was a living room and a bedroom. *T.T. p. 259*. There was forced air heating and a gas hot water tank. The electrical service was on. *Id.* It was not

a garage, and there was no garage door. *T.T. p. 260*. Mr. Bertges' observations corroborated the Defendant's testimony.

Pictures of the physical structure of 620 ½ Cherry show that it was not a garage. There is not a door big enough to admit a vehicle. There were no structural changes to the building by the Defendant. The fact the Defendant did not need any building permits corroborates the lack of any structural changes.

The Defendant's pictures; his testimony; the testimony of Mrs. Bowler, Mr. Urbaniak, Mr. Lechner, Attorney Lent, and Mr. Bertges; and all of the historical documents eviscerate the Plaintiff's credibility when he signed the Verification in 2012 representing that the Defendant had converted a garage into an apartment between 2008 and 2011.

Moreover, all of the Plaintiff's posturing about the Defendant's purported conversion of a garage to an apartment is meaningless because 620 ½ Cherry by its mere existence constitutes a violation regardless of its use. Therein lies the fallacy of the Plaintiff's position.

If the Plaintiff was as concerned about the use of 620 ½ Cherry prior to his purchase as he proffers, such a concern was not reflected in any effort to research the public records readily available to him.

The Plaintiff did not review the records of the Civic Art Realty Company about the use of 620 ½ Cherry. If he had done so, the Plaintiff would have learned about the failed effort of the Civic Art Realty Company in 1957 to prevent Mrs. Kirschner from renting this building. He would have also learned the Board reported Mrs. Kirschner to the zoning officer in 1957 but that no enforcement action was ever filed by any zoning entity.

The Plaintiff would have also discovered the unequivocal acquiescence of the Civic Art Realty Company in 1975 to the existence and use of 620 ½ Cherry under a proposed rezoning of Garden Court properties. *Defendant's Exhibit 19*. The "complete dwelling" as recognized and accepted in 1975 by the Board remained unchanged (except for the Defendant's cosmetic improvements) through the time of the Plaintiff's lawsuit in 2012.

The Plaintiff's research could not have included an examination of the publicly available zoning and assessment records of this property. If he had done so, the Plaintiff would have learned that for zoning purposes, 620 ½ Cherry is a permitted occupancy for a single-family dwelling grandfathered in since 1968, a period of some 37 years before the Plaintiff became a member of Garden Court and some 44 years before he filed this lawsuit.

The Erie County tax assessment records, which are accessible online, show 620 ½ Cherry is taxed as a separate residential building containing 676 square feet of living space since 2003. This public information was available two years prior to the Plaintiff's purchase and 9 years before instituting this case.

The public records available at the county library in the form of census reports, address directories and phone books all would have shown the Plaintiff that 620 ½ Cherry has been an apartment since at least 1930. The county library is less than one mile from the Plaintiff's property on a bus line in downtown Erie.

The Plaintiff's investigation of 620 ½ Cherry was limited to his visual observations of it during the time Mrs. Bowler owned it. However, as reflected in the Defendant's pictures in 2007, during Mrs. Bowler's ownership, 620 ½ Cherry had every appearance of a history of (and capability for) residential living.

At trial, the Plaintiff created a moving target regarding his accusation the Defendant

converted a garage to an apartment. When faced with the overwhelming evidence that 620 ½ Cherry was not a garage prior to the Defendant's purchase, the Plaintiff shifted gears to contend what he meant was the Defendant "changed its legal standing, according to the tax records from a garage/barn to a bungalow and the current listing for that building now, with tax record, is a bungalow." *T.T. pp. 78-79.*

This testimony is utterly false. Had the Plaintiff done any research before buying 614 Cherry, prior to verifying his Complaint, or prior to trial, he would have known that the tax status of 620 and 620 ½ Cherry has been unchanged since 2003. Also, there has been no change in zoning status of the property since 1968.

Under these circumstances, the Plaintiff is "guilty of a want of due diligence" in bringing this claim against the Defendant. *Fulton, supra.*

C. For Laches Purposes, the Defendant has Suffered Actual and Irreparable Prejudice

The second prong of a laches claim involves proof of prejudice. In this case, the Defendant would suffer actual and irreparable prejudice/harm due to the Plaintiff's lack of due diligence and nearly a century's worth of Garden Court members sleeping on their right to object to 620 ½ Cherry.

Upon observing the parties testify, this Court finds the Defendant was more credible and straightforward than the Plaintiff. Unlike the Plaintiff, the Defendant was very thorough in researching the use of 620 ½ Cherry before buying in the Garden Court. *T.T. p. 197.*

The Defendant knew three owners within the Garden Court and discussed this property with them prior to his purchase. *T.T. p. 204.* In fact it was one of these owners, Gerry Urbaniak, who suggested the Defendant consider buying 620 Cherry. *T.T. p. 198.* The Defendant discussed with them the rules of Garden Court and learned of the Declaration. He received an emailed copy of the Declaration and read the restrictions, which prompted his investigation to ensure that he could use 620 ½ Cherry as a rental. *Id.*

The Defendant reviewed the letter from Attorney John Bowler claiming the right for himself, spouse and subsequent owners to use the rear building for residential use. *T.T. p. 211. Defendant's Exhibit 17.*

The Defendant's professional work in municipal matters, including zoning, helped. *T.T. p. 205.* He researched the current R-1 zoning and quickly learned 620 ½ Cherry was a recognized nonconforming use predating the zoning ordinance. *T.T. p. 205.*

The Defendant researched the county tax assessment records on the county's website and learned the rear building was listed as a bungalow dating back to 1913. *T.T. p. 203.* The City of Erie directories, phone books and census reports found at the public library revealed to the Defendant there were tenants at 620 ½ Cherry since the 1930s. *T.T. p. 203.*

The title search of the property for closing purposes did not uncover any lawsuits ever filed against or liens placed against 620 or 620 ½ Cherry in the preceding 100 years. *T.T. p. 241.*

The Defendant toured 620 ½ multiple times before buying it. *T.T. p. 199.* He took pictures of it in 2007. *Defendant's Exhibits 7-11.* These pictures clearly show from the vintage of the electrical and plumbing fixtures a long history of residential use. The floor plan of the building was intended for residential use more than any other type of use. There were no structural changes necessary to create living space.

There was viable plumbing, heating and electrical service to 620 ½ Cherry. The Defendant

toyed with the idea of living in the rear building while fixing up the main building. *T.T. p. 200.*

The Defendant had someone with expertise, Richard Bertges, look at the rear building prior to the purchase. Mr. Bertges' observations corroborated the Defendant's in terms of the historical and present use of the rear building.

The Defendant bought the house with the understanding the rear building was a separate residence with a separate address dating back to the 1930s. *T.T. p. 197.* Although the Defendant knew of the restrictions on the property, he believed the history of it meant the rear building was a recognized non-conforming use and could be rented. *T.T. pp. 203-205.*

The Defendant's calculus of the costs of ownership required that 620 ½ Cherry was rentable. In his view it was in livable condition, just needed some cosmetic work. *T.T. p. 200.* The Defendant would not have purchased the property if he could not have rented out the rear dwelling. *T.T. pp. 219-220.* The ability to rent the rear building was the deciding factor in the Defendant's decision to purchase the home. *T.T. pp. 219-220.* This building is not otherwise useful to the Defendant since he and his wife do not need 4 bedrooms (between the two dwellings). *T.T. p. 219.*

The Defendant did not hide his intent to give the rear building a face lift so that he could rent it out. The first time the Defendant had the chance to talk to the Plaintiff in early 2008 he told him of his plans to update and rent the rear building. *T.T. p. 213.* The Defendant also told three members of the Civic Art Realty Company of his plans and each at times visited his property to observe the work. *T.T. p. 213, 214.*

The Defendant began his work on the rear building right after the closing in early 2008. The Plaintiff observed the Defendant working on the rear building for years before filing this lawsuit.

The Defendant created his own sweat equity in 620 ½ Cherry by virtue of the time, labor and expenses invested in making cosmetic upgrades to it. The Defendant and his wife did most of the work, including replacing the electrical wiring. *T.T. p. 201, 202.* They removed about 100 years of wallpaper, painted walls, removed carpet, removed paint from wood trim, finished the floors and installed several storm windows. *Id.* The Defendant updated the appliances. The Defendant has rented the apartment since 2012 on a seasonal basis to various coaches of the Erie Seawolves, a Double A minor league baseball team in Erie. *T.T. p. 222.*

Hence, the Defendant has suffered actual prejudice by the Plaintiff's lack of due diligence.

For the Defendant to be enjoined from renting 620 ½ Cherry deprives him of the benefit of purchasing this property and adversely affects his ability to pay for his property. He would not have bought this property if he knew he could not rent the rear building. These forms of prejudice are irreparable.

By virtue of the actual and irreparable prejudice/harm to the Defendant, the second prong of laches is satisfied.

III. A PERMANENT INJUNCTION IS NOT WARRANTED

To be entitled to the extraordinary remedy of permanent injunctive relief the Plaintiff seeks, there must be a clear right to relief; an urgent necessity to avoid an injury that cannot be compensated in damages; and a finding that greater injury will result from refusing, rather than granting, the relief requested. *Woodward Twp. v. Zerbe*, 6 A.3d 651, 658 (Pa. Commw. Ct. 2010) quoting *Big Bass Lake Community Association v. Warren*, 950 A.2d 1137, 1144 (Pa.Cmwlth.2008). Even if the essential prerequisites are satisfied, a permanent injunction

should be issued with caution and “only where the rights and equity of the plaintiff are clear and free from doubt, and where the harm to be remedied is great and irreparable.” *Id.*

Based on the foregoing, the Plaintiff has failed to establish the first requirement. As to the second and third prongs, the Defendant would suffer far greater harm than the Plaintiff should an injunction be granted.

The Plaintiff fails to identify any harm that he is suffering that his predecessors in title dating back at least to 1930 did not suffer. Other than cosmetic updates, 620 ½ Cherry has remained structurally the same size and dimensions since its original construction.

When asked what irreparable harm he suffers, the Plaintiff replied he “purchased the home in the Court versus anywhere else in the City to get away from having multiple dwellings next to me.” *T.T. p. 57.* This testimony cannot be true. The Plaintiff knew of the existence of 620 ½ Cherry before he bought his property. In fact, he was inside this building prior to his purchase so he observed the living quarters there. *Defendant’s Exhibits 9-12.* The Plaintiff made a conscious choice to buy his property knowing there were two dwellings next door.

To create a basis to argue he suffered harm (and possibly avoid laches), the Plaintiff concocted the garage conversion story to try to make it appear that it was a garage in 2005 when he bought next door but somehow the Defendant surreptitiously converted it to an apartment between 2008 and 2011. The Plaintiff’s testimony on this subject is fictional.

The Plaintiff also represented he was harmed because he lost privacy and the use of his yard. To lose something requires that the something previously existed. The Plaintiff fails to establish how he lost privacy or use of his yard when 620 ½ Cherry has been there long before his ownership. This is not a case of a new building being erected next door after the Plaintiff’s purchase, taking away the Plaintiff’s existing privacy and/or use of his yard.

It is uncontroverted the Plaintiff rents 614 Cherry. According to the Defendant, the Plaintiff did not live at 614 Cherry and was there occasionally on week-ends. *T.T. p. 213.* At trial the Plaintiff acknowledged he has lived in Westfield, New York for the last 2 or 3 years. *T.T. p. 59.*

Although originally the Plaintiff was coy on this point, ultimately he admitted on cross-examination that he has 614 Cherry listed for sale and intends to rent it out until he sells it. *T.T. p. 60.* Plaintiff cannot claim a lack of privacy or lost use of yard when he does not live there. Further, the Plaintiff did not present any evidence from any tenant, including Michael Kohler, that there was a loss of privacy and/or a loss of the use of the back yard caused by his neighbors. As a result, the Plaintiff never adduced any form of evidence to support his claimed lack of privacy, lost use of his yard or any alleged traffic problems.

This Court does not find any credible evidence of harm established by the Plaintiff. Instead, this Court finds the real motivation for this lawsuit was vindictive based on events involving Mr. Kohler, with whom he has some form of a relationship beyond landlord/tenant.⁸

In April, 2011, Mr. Kohler lived at 614 Cherry. On April 25, 2011, as the Defendant was directing storm water down his driveway with a shovel, Mr. Kohler came out and erupted into a vulgar rant toward the Defendant and the Defendant’s wife. At first the couple thought Mr. Kohler was joking but then realized he was serious. Mr. Kohler’s behavior was so worrisome the Defendant called Crisis Services seeking help for him. The Defendant also

⁸ His lawyer described Mr. Kohler as the Plaintiff’s “partner” without any further elaboration. *T.T. pp. 14-15.*

sent an email to the Plaintiff asking if Mr. Kohler was on some type of medication. The Plaintiff never responded. *T.T. pp. 214- 215.*

The situation quickly escalated that evening when Mr. Kohler posted 18 No Trespassing signs along their common border. The Defendant requested the signs be removed. Kohler refused and failed to offer any apology for his behavior. *T.T. p. 215.*

Next, Mr. Kohler and/or the Plaintiff installed a spotlight that shone directly on the Defendant's house. This intentional nuisance continued until eventually the Plaintiff received a notice to cease from the City of Erie zoning office. It was an unsettling situation that caused the Defendant to file harassment charges against Mr. Kohler which were resolved by a Magisterial District Justice. The Defendant installed a security camera out of fear for his wife's safety from Mr. Kohler. *T.T. pp. 215-216.*

It was in the wake of these events that this lawsuit was subsequently filed by the Plaintiff. It is not lost on this Court that Mr. Kohler, who had no ownership interest in 614 Cherry, was originally a named plaintiff in this lawsuit and remained so through the time of trial despite his obvious lack of standing. The Plaintiff's motivation in filing this lawsuit was not about any purported harm, it was rather out of spite for the Defendant.

Consequently, the Plaintiff fell woefully short of adducing sufficient evidence at trial that would warrant a finding that greater injury will result from refusing, rather than granting, the relief requested.

VII. CONCLUSIONS

The Plaintiff has no equitable basis to prevent the Defendant from renting a building under the plain meaning of the restrictions within the Declaration. If the Defendant is in violation of the restrictions, so is the Plaintiff.

The objective evidence is overwhelming that 620 ½ Cherry has been used as a residential apartment likely since the early 1920s. Despite this open use of 620 ½ Cherry, there was never any legal action instituted to enforce the violation of the deed restrictions by the Civic Art Realty Company or any other association member, including the Plaintiff's predecessors in title.

The Plaintiff was not duly diligent in bringing this claim against the Defendant. The Plaintiff's contention the Defendant converted the rear structure from a garage to an apartment sometime between 2008 and 2011 is intentionally misleading and a transparent attempt to manufacture a reason for the belatedly filed lawsuit. Overall, the Plaintiff was coy and evasive; much of his testimony was not credible. The doctrine of laches bars any enforcement claim in equity by the Plaintiff.

To grant an injunction would cause actual and irreparable prejudice to the Defendant. Conversely, the Plaintiff has failed to establish what harm he would suffer as a result of the Defendant's use of the building. Thus, greater injury would result from granting, rather than refusing, the injunction.

BY THE COURT:

/s/ WILLIAM R. CUNNINGHAM, JUDGE



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John Gugliotta
Attorney

Attorney Joins Quinn Law Firm

The Quinn Law Firm is pleased to announce **Attorney John Gugliotta** has joined the firm as Of Counsel and will lead the firm's Intellectual Property, Patent, Copyright and Trademark Departments. Attorney Gugliotta specializes in Intellectual Property Application and Prosecution, with experience in Patent, Copyright, and Trademark protection services and IP counseling including monitoring and guiding of research at the idea stage to determine avenues of patentability, marketability, licensability, and enforceability; referral of inventions to joint venturers, OEM production facilities and independent contractors for production and sale. Attorney Gugliotta is also a Professional Engineer which allows him to better assist clients in the overall protection of technology based Intellectual Property. He received his Bachelor of Science undergraduate degree in Chemical Engineering from Carnegie-Mellon University in 1985. Attorney

Gugliotta earned his Juris Doctorate from Cleveland State University, Cleveland-Marshall College of Law in 1993. He is licensed to practice in the United States District Courts for the Western District of Pennsylvania and Northern District of Ohio, the United States Patent and Trademark Office, the United States Supreme Court, and the State of Ohio.

photo: 194326

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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

NOTICE IS HEREBY GIVEN pursuant to Section 311(g) of the Fictitious Name Act as follows:

1. The fictitious name is: Little Acorns Learning Center
2. The principal place of business to be carried on under the fictitious name is: 911 Route 19 North, Suite D, Waterford, PA 16441
3. The name and address of the party to the registration is: Learners Leaders & Dreamers, LLC, 7481 White Birch Lane, Erie, PA 16509
4. An application for registration of the above fictitious name will be filed with the Pennsylvania Department of State under the Fictitious Name Act.

Jun. 3

INCORPORATION NOTICE

Notice is hereby given that Erie Resource Management Corp. has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988, as amended.

Brian W. Bolash, Esquire
Erie Insurance
100 Erie Insurance Place
Erie, PA 16530

Jun. 3

INCORPORATION NOTICE

PR1 Community, Inc. has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

David M. Mosier
Knox McLaughlin Gornall & Sennett, P.C.
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Erie, Pennsylvania 16501

Jun. 3

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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

**JUNE 17, 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

May 27 and June 3, 10

SALE NO. 2

**Ex. #10178 of 2016
NORTHWESTERN SAVINGS
BANK, Plaintiff**

v.

**FLORA E. KINDLE, Defendant
SHERIFF'S SALE**

By virtue of a Writ of Execution filed at No. 2016-10178, Northwest Savings Bank vs. Flora E. Kindle, owner of property situate in the Township of Millcreek, Erie County, Pennsylvania being: 130 Kelso Drive, Erie, Pennsylvania. Approx. 42' X 89.37' X 42' X 89.06' Assessment Map Number: (33) 7-29-7

Assessed Value Figure: \$78,260.00 Improvement Thereon: Residence Kurt L. Sundberg, Esq.

Marsh Spaeder Baur Spaeder & Schaaf, LLP

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

May 27 and June 3, 10

SALE NO. 3

**Ex. #10368 of 2016
ERIE FEDERAL CREDIT
UNION, Plaintiff**

v.

**KEVIN A. PATTERSON and
SUSAN M. PATTERSON and
UNITED STATES OF AMERICA
(INTERNAL REVENUE
SERVICE), Defendants
DESCRIPTION**

By virtue of Writ of Execution filed at No. 10368-2016, Erie Federal Credit Union v. Kevin A. Patterson and Susan M Patterson and United States of America (Internal Revenue Service), owner of the following properties identified below:

1) Situate in the Township of Millcreek, County of Erie, and Commonwealth of Pennsylvania at 2775 West 17 Street, Erie, PA 16505:

Assessment Map No.: (33) 47-182-1
Assessed Value Figure: \$261,700.00
Improvement Thereon: Commercial Office/Warehouse
Michael S. Jan Janin, Esquire
The Quinn Law Firm
2222 West Grandview Boulevard
Erie, PA 16506
(814) 833-2222

May 27 and June 3, 10

SALE NO. 5

**Ex. #13248 of 2015
Wells Fargo Bank, National
Association, as Trustee for BNC
Mortgage Loan Trust 2007-
4, Mortgage Pass-Through
Certificates, Series 2007-4,
Plaintiff**

v.

**UNITED STATES OF
AMERICA, DEPARTMENT OF
THE TREASURY - INTERNAL
REVENUE SERVICE
ADAM COOVER A/K/A
ADAM B COOVER A/K/A
ADAM BRAYTON COOVER,
Defendants
LEGAL DESCRIPTION**

All that certain unit in the property known, named and identified in the Declaration and Plat referred to below as Harbor Ridge Golf Community, located in the Township of Harborcreek, County of Erie and Commonwealth of Pennsylvania, which has heretofore been submitted to the provisions of the Pennsylvania Uniform Planned Community Act by the recording in the office of the Recorder of Deeds for Erie County, Pennsylvania, of a Declaration dated January 27, 2000 and recorded on January 28, 2000 at Record Book 685, page 941, as amended, a "Master Site Planned Residential Development for Harbor Ridge" in Erie County as Map 2000-47 and 2000-49, and a Plat for Phase II recorded on November 27, 2000 as Map No. 2000-360, being and designated on said Plat as Unit No. S5.

Together with the undivided fractional interest in the Common Elements, as defined in such Declaration;

Being commonly known as 3709 Harbor Ridge Trail, Erie, PA 16510 and bearing Erie County Index No. (27) 81-211.2-37.

BEING KNOWN AS: 3709 Harbor Ridge Trl, Erie, PA 16510
PARCEL NUMBER: 81-211.2-37
TITLE TO SAID PREMISES IS VESTED IN Adam Coover BY DEED FROM Evelyn P. Maynard and James E. Maynard, her husband DATED 05/29/2007 RECORDED 06/01/2007 IN DEED BOOK 1420 PAGE 0627.

Udren Law Offices, P.C.
Morris A. Scott, Esquire
PA ID #83587
111 Woodcrest Road, Suite 200
Cherry Hill, NJ 08003-3620
856-669-5400

May 27 and June 3, 10

SALE NO. 6

**Ex. #10149 of 2016
PNC Bank, National Association,
Plaintiff**

v.

**EMILY A. STEIGERWALD,
Defendant**

DESCRIPTION

ALL THAT CERTAIN LOT

OF LAND SITUATE IN CITY OF ERIE, ERIE COUNTY, PENNSYLVANIA: BEING KNOWN AS 2169 S Manor Dr., Erie, PA 16505
 PARCEL NUMBER: 16031039020400
 IMPROVEMENTS: Residential Property
 Udren Law Offices, P.C.
 Sherri J. Braunstein, Esquire
 PA ID 90675
 111 Woodcrest Road, Suite 200
 Cheren Hill, NJ 08003-3620
 856-669-5400

May 27 and June 3, 10

SALE NO. 7

Ex. #30584 of 2015
ROBERT B. ROWLAND and
BRENDA S. ROWLAND,
Plaintiff

v.

INFO MANAGEMENT, S.R.L.,
Defendant
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 30584-2015 Robert B. Rowland and Brenda S. Rowland vs. Info Management, S.R.L. Info Management, S.R.L., owner of property situated in Concord Township, Erie County, Pennsylvania being 11999 Route 6, Corry, Pennsylvania 16407
 Totalling Approximately 4.758 Acres of Land
 Assessment Map Number: (3) 2-2-11 and (3) 2-2-12
 Assessed Value Figure: \$326,800.00
 Improvement Thereon: Two Industrial Warehouses
 Nicholas R. Pagliari, Esquire
 MacDONALD, ILLIG, JONES & BRITTON LLP
 100 State Street, Suite 700
 Erie, Pennsylvania 16507-1459
 (814) 870-7754

May 27 and June 3, 10

SALE NO. 8

Ex. #10219 of 2016
FIRST NATIONAL BANK OF
PENNSYLVANIA, Plaintiff

v.

ANGELA R. WESTLEY,
Defendant
SHERIFF'S SALE

By virtue of a Writ of Execution

filed to No. 10219-2016, First National Bank of Pennsylvania vs. Angela R. Westley
 Angela R. Westley, owner of property situated in City of Corry, Erie County, Pennsylvania being 538 East Main Street, Corry, Pennsylvania 16407
 Approximately 0.4273 acres of land
 Assessment Map Number: (5) 28-190-4
 Assessed Value Figure: 66,800.00
 Improvement Thereon: Two Family Frame Dwelling
 Nicholas R. Pagliari, Esq.
 MacDONALD, ILLIG, JONES & BRITTON LLP
 100 State Street, Suite 700
 Erie, Pennsylvania 16507-1459
 (814) 870-7754

May 27 and June 3, 10

SALE NO. 9

Ex. #10499 of 2015
PNC Bank, National Association
v.

Priscilla A. Hardman, a/k/a
Priscilla Hardman and Barry G.
Hardman, Defendants
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 10499-2015, PNC BANK, NATIONAL ASSOCIATION vs. PRISCILLA A. HARDMAN, a/k/a PRISCILLA HARDMAN, and BARRY G. HARDMAN
 PRISCILLA A. HARDMAN, a/k/a PRISCILLA HARDMAN, and BARRY G. HARDMAN, owner(s) of property situated in ELK CREEK TOWNSHIP, Erie County, Pennsylvania being 12490 EUREKA ROAD, EDINBORO, PA 16412
 15.283 net acres
 Assessment Map number: 13018033000602
 Assessed Value figure: \$128,000.00
 Improvement thereon: mobile home
 Brett A. Solomon, Esquire
 Tucker Arensberg, P.C.
 1500 One PPG Place
 Pittsburgh, PA 15222
 (412) 566-1212

May 27 and June 3, 10

SALE NO. 10

Ex. #12518 of 2015
Nationstar Mortgage LLC,
Plaintiff

v.

Bryan C. Lechner and Christy A.
Lechner, Defendant
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 12518-15, Nationstar Mortgage LLC vs. Bryan C. Lechner and Christy A. Lechner, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 4024 Washington Avenue, Erie, PA 16509
 0.2169
 Assessment Map number: (19) 6168-200
 Assessed Value figure: \$97,370.00
 Improvement thereon: a residential dwelling.
 Shapiro & DeNardo, LLC
 3600 Horizon Drive, Suite 150
 King of Prussia, PA 19406
 (610) 278-6800

May 27 and June 3, 10

SALE NO. 11

Ex. #11389 of 2010
EverBank, Plaintiff
v.

Sherry Wilkinson, Defendant
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 11389-10, EverBank vs. Sherry Wilkinson, owner(s) of property situated in North East Borough Erie County, Pennsylvania being 2023 Freeport Road, North East, PA 16428
 .2342
 Assessment Map number: 37-5-46-21
 Assessed Value figure: \$104,240.00
 Improvement thereon: a residential dwelling
 Shapira & DeNardo, LLC
 3600 Horizon Drive, Suite 150
 King of Prussia, PA 19406
 610-278-6800

May 27 and June 3, 10

SALE NO. 12

Ex. #13054 of 2015
JPMorgan Chase Bank, National
Association, Plaintiff

v.

William E. Finney
Bonnie K. Finney a/k/a Bonnie

**Finney, Defendant
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 13054-15, JPMorgan Chase Bank, National Association vs. William E. Finney, Bonnie K. Finney a/k/a Bonnie Finney
Amount Due: \$68,822.50
William E. Finney, Bonnie K. Finney a/k/a Bonnie Finney, owner(s) of property situated in WATERFORD TOWNSHIP, Erie County, Pennsylvania being 68 Lincoln Avenue, Waterford, PA 16441-9061
Dimensions: 160 X 105
Acreage: 0.3857
Assessment Map number: 47026082001000
Assessed Value: 80,300.00
Improvement thereon: residential Phelan Hallinan Diamond & Jones, LLP
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814
(215) 563-7000

May 27 and June 3, 10

SALE NO. 13

**Ex. #13449 of 2015
Wells Fargo Bank, N.A., Plaintiff
v.**

**Gail E. Foor, Defendant
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 13449-15 Wells Fargo Bank, N.A. vs. Gail E. Foor
Amount Due: \$45,509.36
Gail E. Foor, owner(s) of property situated in ERIE CITY, 1ST, Erie County, Pennsylvania being 1025 East 7th Street, Erie, PA 16503-1511
Dimensions: 30 X 67.5
Acreage: 0.0465
Assessment Map number: 14010035020900
Assessed Value: \$40,100.00
Improvement thereon: residential Phelan Hallinan Diamond & Jones, LLP
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814
(215)563-7000

May 27 and June 3, 10

SALE NO. 15

**Ex. #10274 of 2014
JPMorgan Chase Bank, N.A.,
Plaintiff**

v.

**Dilene M. Kaliszewski, Defendant
SHERIFF'S SALE**

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

May 27 and June 3, 10

SALE NO. 16

**Ex. #13574 of 2015
U.S. Bank National Association,
as Trustee for The Registered
Holder of Asset Backed Securities
Corporation Horne Equity Loan
Trust 2004-He7 Asset Backed
Pass-Through Certificates, Series
2004-He7, Plaintiff**

v.

**Debra A. Kern, Defendant
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 13574-15, U.S. Bank National Association, as Trustee for The Registered Holder of Asset Backed Securities Corporation Home Equity Loan Trust 2004-He7 Asset Backed Pass-Through Certificates, Series 2004-11e7 vs. Debra A. Kern
Amount Due: \$52,226.99
Debra A. Kern, owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania being 2622 Raspberry Street, Erie, PA 16508-1544
Dimensions: 35 X 120

Acreage: 0.0964
Assessment Map number: 19062018030100
Assessed Value: \$71,810.00
Improvement thereon: residential Phelan Hallinan Diamond & Jones, LLP
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814
(215) 563-7000

May 27 and June 3, 10

SALE NO. 17

**Ex. #10025 of 2016
Wells Fargo Bank, NA, Plaintiff
v.**

**Jeffrey J. Martin, Defendant
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 10025-2016 Wells Fargo Bank, NA vs. Jeffrey J. Martin
Amount Due: \$98,600.51
Jeffrey J. Martin, owner(s) of property situated in HARBORCREEK TOWNSHIP, Erie County, Pennsylvania being 6757 Garfield Avenue, Harborcreek, PA 16421-1410
Dimensions: 80 X 120
Acreage: 0.2204
Assessment Map number: 27033126000600
Assessed Value: \$ 103,900.00
Improvement thereon: residential Phelan Hallinan Diamond & Jones, LLP
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814
(215) 563-7000

May 27 and June 3, 10

SALE NO. 18

**Ex. #13008 of 2015
Wells Fargo Bank, NA, Plaintiff
v.**

**Joseph H. Warr, Jr
Paula M. Warr, Defendants
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 13008-15, Wells Fargo Bank, NA vs. Joseph H. Warr, Jr, Paula M. Warr
Amount Due: \$148,062.17
Joseph H. Warr, Jr, Paula M. Warr, owner(s) of property situated in

NORTH EAST TOWNSHIP,
 Erie County, Commonwealth of
 Pennsylvania being 5601 South
 Washington Street, A/K/A 5601
 South Washington Street Ext and
 1-90 TR 138 6.89 AC CAL, North
 East, PA 16428-5029
 Dimensions: 2688 sq. ft
 Acreage: 7.5700
 Assessment Map number:
 37024194000200
 Assessed Value: \$143,700.00
 Improvement thereon: residential
 Phelan Hallinan Diamond
 & Jones, LLP
 One Penn Center at Suburban
 Station, Suite 1400
 1617 John F. Kennedy Boulevard
 Philadelphia, PA 19103-1814
 (215) 563-7000

May 27 and June 3, 10

SALE NO. 19

Ex. #12772 of 2015
PENNYMAC LOAN SERVICES,
LLC, Plaintiff

v.

DANNY R. CARTER, II,
Defendant

DESCRIPTION

All that certain piece or parcel
 of land situate in the Borough of
 Wattsburg, County of Erie and
 State of Pennsylvania, bounded
 and described as follow, to-wit:
 Bounded on the north by lands
 formerly owned by Abraham
 Sageon, on the East by Lowville
 Street; On the South by land of
 Melissa M. Weed, formerly Melissa
 M. Crosby, now Gertrude Pettit, and
 On the West by Church Street
 BEING KNOWN AS: 14370
 LOWVILLE STREET,
 WATTSBURG, PA 16442
 PARCEL # 48-1-2-38
 Improvements: Residential
 Dwelling.
 Powers Kirm & Associates, LLC
 Harry B. Reese, Esquire
 Id. No. 310501
 Eight Neshaminy Interplex
 Suite 215
 Trevose, PA 19053
 (215) 942-2090

May 27 and June 3, 10

SALE NO. 20

Ex. #12766 of 2015
U.S. BANK NATIONAL
ASSOCIATION F/K/A FIRSTAR

BANK, N.A. FKA STAR
BANK, N.A. S/B/M TO GREAT
FINANCIAL BANK, FSB
S/B/M TO LINCOLN SERVICE
CORPORATION, Plaintiff

v.

RALPH MALONEY, IN HIS
CAPACITY AS EXECUTOR OF
THE ESTATE OF CAROLINE
MALONEY, DECEASED,

Defendant

DESCRIPTION

ALL THAT CERTAIN PIECE OR
 PARCEL OF LAND SITUATE
 IN THE SECOND WARD OF
 THE CITY OF ERIE, COUNTY
 OF ERIE AND STATE OF
 PENNSYLVANIA.
 BEING KNOWN AS: 549 EAST
 13TH STREET, ERIE, PA 16503
 PARCEL # 15020028020400
 Improvements: Residential
 Dwelling.
 Powers Kirm & Associates, LLC
 Amanda L. Rauer, Esquire
 Id. No. 307028
 Eight Neshaminy Interplex
 Suite 215
 Trevose, PA 19053
 (215) 942-2090

May 27 and June 3, 10

SALE NO. 24

Ex. #10141 of 2016
U.S. Bank National Association,
as Trustee for the Pennsylvania
Housing Finance Agency,
Plaintiff

v.

Michelle D. McGrorey and
Michael P. McGrorey, Defendant
SHERIFF'S SALE

By virtue of a Writ of Execution
 No. 2016-10141, U.S. BANK
 NATIONAL ASSOCIATION,
 AS TRUSTEE FOR THE
 PENNSYLVANIA HOUSING
 FINANCE AGENCY, Plaintiff
 vs. MICHELLE D. MCGROREY,
 AND MICHAEL P. MCGROREY,
 Defendants
 Real Estate: 3729 STIRRUP
 DRIVE, ERIE, PA 16506
 Municipality: Township of
 Millcreek

Erie County, Pennsylvania
 Lot No. 12, Chapel Hill Subdivision
 No. 2

Map Book 7, Page 37
 Deed Instrument #2012-001986
 Tax Index Number: (33) 183-673-5
 Assessment: \$ 44,300. (Land)
 \$143,330. (Bldg)

Improvement thereon: a residential
 dwelling house as identified above
 Leon P. Haller, Esquire
 Purcell, Krug & Haller
 1719 North Front Street
 Harrisburg, PA 17104
 (717) 234-4178

May 27 and June 3, 10

SALE NO. 25

Ex. #10012 of 2016
M&T BANK, Plaintiff

v.

MARTIN J. ACKERMAN,
Defendant

DESCRIPTION

All that certain piece or parcel of
 land situate in the Sixth Ward of
 the City of Erie, County of Erie
 and State of Pennsylvania, bounded
 and described as follows, to-wit:
 Beginning at a point in the East line
 of Elmwood Avenue, 117 1/2 feet
 South of the South line of Thirtieth
 Street; thence Eastwardly and
 parallel with the Thirtieth Street,
 138 feet more or less to a point;
 thence Southwardly and parallel
 with Elmwood Avenue, 37 1/2 feet
 to a point; thence Westwardly and
 parallel with Thirtieth Street, 138
 feet more or less to the East line
 of Elmwood Avenue; and thence
 Northwardly along the East line
 of Elmwood Avenue. 37 1/2 feet
 to the place of beginning. Said
 premises have erected thereon a
 dwelling commonly known as
 3015 Elmwood Avenue, Erie,
 Pennsylvania and bears Erie County
 Index No. (19) 6221-210.
 APN: 19-062-0210-210-00
 PROPERTY ADDRESS: 3015
 Elmwood Avenue Erie, PA 16508
 KML Law Group, P.C.
 Suite 5000 - BNY Independence
 Center, 701 Market Street
 Philadelphia, PA 19106
 (215) 627-1322

May 27 and June 3, 10

SALE NO. 26
Ex. #13039 of 2015
FIRST NIAGARA BANK, N.A.,
Plaintiff

v.
JAMES W GIRTS, Defendant
DESCRIPTION

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATED IN NORTH EAST TOWNSHIP, ERIE COUNTY, PENNSYLVANIA AND DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT A POINT ON THE CENTER LINE OF REMINGTON OR NEWTON ROAD, SAID POINT BEING NORTH SEVEN DEGREES, FIFTEEN MINUTES (7 DEGREES 45') [sic] EAST, TWO HUNDRED NINETEEN AND SEVEN TENTHS (219.7) FEET FROM THE INTERSECTION OF SAID CENTER LINE WITH THE CENTER LINE OF THE PEABODY ROAD; THENCE SOUTH EIGHTY NINE DEGREES, FIFTEEN MINUTES (89 DEGREES-15') WEST, ONE HUNDRED SEVENTY-SIX AND TWO TENTHS (176.2) FEET TO A POINT; THENCE NORTH THREE DEGREES, THIRTY EIGHT MINUTES (3 DEGREES-38') EAST, ONE HUNDRED FIFTY FIVE AND SIX TENTHS (155.6) FEET TO A POINT; THENCE SOUTH EIGHTY TWO DEGREES, FORTY FIVE MINUTES (82 DEGREES-45') EAST, ONE HUNDRED EIGHTY FOUR AND SEVEN TENTHS (184.7) FEET TO THE CENTER LINE OF THE REMINGTON ROAD; THENCE BY SAID CENTER LINES SOUTH SEVEN DEGREES, FIFTEEN MINUTES (7 DEGREES-15') WEST, ONE HUNDRED THIRTY AND NO TENTHS (130.0) FEET TO THE PLACE OF BEGINNING, CONTAINING FIFTY NINE HUNDREDTHS (.59) OF AN ACRE, BE THE SAME MORE OR LESS.

BEING THE SAME PREMISES AS CONVEYED IN ERIE COUNTY RECORD BOOK 118 AT PAGE 2107, AND PRESENTLY BEARING ERIE COUNTY

ASSESSMENT INDEX NO. (37) 25-86-5.
PARCEL 37-025-0860-00500
PROPERTY ADDRESS: 8266 REMINGTON ROAD, NORTH EAST, PA 16428
KML Law Group, P.C.
Suite 5000 - BNY Independence Center, 701 Market Street Philadelphia, PA 19106
(215) 627-1322

May 27 and June 3, 10

SALE NO. 27
Ex. #11389 of 2014
MTGLQ INVESTORS LP,
Plaintiff
v.
TONY E. HERWALD, Defendant
DESCRIPTION

The following property located in the County of Erie, State of Pennsylvania, described as follows: All that certain piece or parcel of land situate in the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows, to-wit:

Beginning at a point in the west line of Powell Avenue (formerly Wayne Avenue), 570 5/6 feet southerly from the intersection of the north line of Reserve Tract No. 10 and the west line of Powell Avenue; thence westerly parallel with the north line of Reserve Tract No. 10 (erroneously described in former deeds as west line of Reserve Tract No. 10), 167 feet to a point; thence southerly parallel with Powell Avenue, 60 feet to a point; thence easterly parallel with the north, line of Reserve Tract No. 10, 167 feet to the west line of Powell Avenue; thence northerly along the west line of Powell Avenue, 60 feet to the place of beginning.
Parcel ID #: 33-005-010.0-004.00
PROPERTY ADDRESS: 520 Powell Avenue Erie, PA 16505
KML Law Group, P.C.
Suite 5000 - BNY Independence Center, 701 Market Street Philadelphia, PA 19106
(215) 627-1322

May 27 and June 3, 10

SALE NO. 28
Ex. #13458 of 2015

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR IN INTEREST TO BANK OF AMERICA, NATIONAL ASSOCIATION, AS TRUSTEE, S/B/M TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR FIRST FRANKLIN MORTGAGE LOAN TRUST 2007-2, MORTGAGE PAST THROUGH CERTIFICATES, SERIES 2007-2, Plaintiff

v.
FREDDIE. T. JONES, Defendant
DESCRIPTION

ALL THAT CERTAIN piece or parcel of land situate in the City of Erie, County of Erie and Commonwealth of Pennsylvania, more fully bounded and described as follows, to wit:

BEGINNING at a point in the south line of Thirty-third Street, 42.4 feet west of the west line of Parade Street Boulevard;
THENCE southwardly at right angles to Thirty-third Street, 135 feet to a point;
THENCE eastwardly parallel with Thirty-third Street, 110 feet, more or less, to the west line of Parade Street Boulevard;
THENCE northwestwardly along the west line of Parade Street Boulevard, 147.73 feet, more or less, to the south line of Thirty-third Street;
THENCE westwardly along the south line of Thirty-third Street, 42.4 feet to the place of beginning.
SAID premises having erected thereon a single family dwelling being commonly known and municipally numbered as 3306 Parade Street Boulevard, Erie, Pennsylvania.
BEARING Erie County Tax Index No. (18) 5364-218.
PROPERTY ADDRESS: 3306 Parade Street a/k/a 3306 Parade Street Boulevard, Erie, PA 16504
KML Law Group, P.C.
Suite 5000 - BNY Independence Center, 701 Market Street Philadelphia, PA 19106
(215) 627-1322

May 27 and June 3, 10

SALE NO. 29
Ex. #13606 of 2015
U.S. BANK NATIONAL ASSOCIATION, AS INDENTURE TRUSTEE FOR SPRINGLEAF MORTGAGE LOAN TRUST 2013-1, Plaintiff

v.
DEBORAH A. MILONE
VINCENT A. MILONE,
Defendants

DESCRIPTION

All that piece or parcel of land situate in the sixth Ward of the City of Erie, County of Erie and State of Pennsylvania, bounded and described as follows, to-wit: BEGINNING at a point at the intersection of the north line of Goodrich Street with the west line of Sassafras Street; thence westwardly along the north line of Goodrich Street sixty-five (65) feet to a point; thence northwardly parallel with Sassafras Street ninety (90) feet to a point; thence eastwardly parallel with Goodrich Street sixty-five (65) feet to a point in the west line of Sassafras Street; thence southwardly along the west line of Sassafras Street ninety (90) feet to the place of beginning; being the west 20 feet x 90 feet of Lot No. 36, all the frontage on Goodrich Street by ninety (90) feet of Lot No. 35, and the easterly 5 feet x 90 feet of Lot No. 34 of Goodrich Subdivision as shown on a plot recorded in Erie County Map Book 1, page 213. Having erected thereon a two story single family dwelling and being commonly known as 204 Goodrich Street, Erie, Pennsylvania, and bearing Erie County Tax Index Number 19-69-53-427.

PROPERTY ADDRESS: 204 Goodrich Street, Erie, PA 16508
 KML Law Group, P.C.
 Suite 5000 - BNY Independence Center, 701 Market Street Philadelphia, PA 19106
 (215) 627-1322

May 27 and June 3, 10

SALE NO. 30
Ex. #10941 of 2011
Beal Bank S.S.B.
v.
June M. Peters and

Roy W. Peters
SHERIFF SALE

By virtue of a Writ of Execution filed to No. 2011-10941, Beal Bank S.S.B. vs. June M Peters and Roy W Peters, owners of property situated in Erie City, Erie County, Pennsylvania being 4369 South Cemetery Road a/k/a 4369 South Cemetery Road, North East, PA 16428

Assessment Map number: (37) 222-92-1-02
 Assessed Value figure: Improvement thereon: Residential Dwelling
 Robert W. Williams, Esquire
 1 E. Stow Road
 Marlton, NJ 08053
 (856) 482-1400

May 27 and June 3, 10

SALE NO. 31

Ex. #12533 of 2014
Wells Fargo Bank National Association, Successor by Merger to Wells Fargo Bank Minnesota, National Association, as Trustee for the Holders of the Banc of America Mortgage Securities, Inc. Mortgage Pass-Through Certificates, Series 2003-1, Plaintiff
v.

Joseph W. Koch, Defendant
SHERIFF'S SALE

By virtue of a Writ of Execution file to No. 12533-14, Wells Fargo Bank National Association, Successor by Merger to Wells Fargo Bank Minnesota, National Association, as Trustee for the Holders of the Banc of America Mortgage Securities, INC. Mortgage Pass-Through Certificates, Series 2003-1 vs. Joseph W. Koch, owner(s) of property situated in The Township of Harborcreek, County of Erie, Commonwealth of Pennsylvania being 2018 Cook Ave, Erie, PA 16510
 944

Assessment Map Number: 27-045-147.0-014.00
 Assessed Value figure: \$65,400.00
 Improvement thereon: Single Family Dwelling
 Scott A. Dietterick, Esquire
 Manley Deas Kochalski LLC

P.O. Box 165028
 Columbus, OH 43216-5028
 614-220-5611

May 27 and June 3, 10

SALE NO. 32

Ex. #12478 of 2015
U.S. Bank National Association, as Trustee, successor in interest to Bank of America, National Association, as Trustee, successor by merger to LaSalle Bank National Association, as Trustee for Merrill Lynch Mortgage Investors Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-HE1, Plaintiff
v.

Malinda Ann Kuzminsky,
Defendant
SHERIFF'S SALE

By virtue of a Writ of Execution file to No. 12478-15 U.S. Bank National Association, as Trustee, successor in interest to Bank of America, National Association, as Trustee, successor by merger to LaSalle Bank National Association, as Trustee for Merrill Lynch Mortgage Investors Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-HE1 vs. Malinda Ann Kuzminsky, owner(s) of property situated in The City of Erie, County of Erie, Commonwealth of Pennsylvania being 3022 Holland St., Erie, PA 16504
 0.0884

Assessment Map Number: 18-5086
 Assessed Value figure: \$60,900.00
 Improvement thereon: Single Family Dwelling
 Scott A. Dietterick, Esquire
 Manley Deas Kochalski LLC
 P.O. Box 165028
 Columbus, OH 43216-5028
 614-220-5611

May 27 and June 3, 10

SALE NO. 33

Ex. #13304 of 2015
LSF8 Master Participation Trust, Plaintiff
v.
Paul Paver, a/k/a Paul A. Paver, Jr.; Mary Paver, a/k/a Mary M. Paver, Defendants
SHERIFF'S SALE

By virtue of a Writ of Execution file

to No. 2015-13304, LSF8 Master Participation Trust vs. Paul Paver, AKA Paul A. Paver, Jr.; Mary Paver, AKA Mary M. Paver owner(s) of property situated in The Township of Springfield, County of Erie, Commonwealth of Pennsylvania being 13182 Sanford Road, West Springfield, PA 16443
 1760 square feet, 5.0560, acres
 Assessment Map Number: 39024048000300
 Assessed Value figure: \$88,900.00
 Improvement thereon: Single Family Dwelling
 Scott A. Dietterick, Esquire
 Manley Deas Kochalski LLC
 P.O. Box 165028
 Columbus, OH 43216-5028
 614-220-5611

May 27 and June 3, 10

SALE NO. 34

Ex. #11652 of 2015

HSBC Bank USA, N.A., by its servicer Ocwen Loan Servicing, LLC, Plaintiff

v.

Kevin D. Bennett and Richard D. Bennett, co Administrators of the Estate of Melvin E. Bennett, Sr., Defendant

LEGAL DESCRIPTION

ALL THAT CERTAIN piece or parcel of land situate in the City of Erie, County of Erie and State of Pennsylvania, being Lot No. 26 in Block B of C.K. Riblet Subdivision of part of Reserve Tract 53, a plot of which Subdivision is recorded in Erie County Map Book 1, pages 96 and 97. Being further identified as County of Erie Tax Index Number (18) 5121-117.

PROPERTY ADDRESS: 1710 East 28th Street, Erie, PA 16510
 PARCEL 18051021011700

BEING the same premises which Melvin E. Bennet Sr. and Mary E. Bennett, his wife, by Deed dated February 8, 1999 and recorded on February 11, 1999 in the office of the recorder of deeds in and for Erie County at book 0617 page 1376 granted and conveyed unto Melvin E. Bennett Sr. Melvin E. Bennett Sr., departed this life on October 1, 2009.

Andrew J. Marley, Esquire

Stern & Eisenberg, PC
 1581 Main St., Ste. 200
 The Shops at Valley Square
 Warrington, PA 18976
 (215) 572-8111

May 27 and June 3, 10

SALE NO. 35

Ex. #13368 of 2015

Ocwen Loan Servicing, LLC, Plaintiff

v.

**Charles L. Dunlap
 Pearl Dunlap, Defendants
LEGAL DESCRIPTION**

PARCEL 1:

All that certain piece or parcel of land situate in the borough of Albion, County of Erie and commonwealth of Pennsylvania, bounded and described As follows, to-wit:

Beginning at a point or stake in the North West corner of the Lot formerly owned by Thos Hurst in the South line of State Street;

Thence, South along the West line of the said Hurst Lot one hundred thirty (130) feet to a point or stake; Thence, West sixty (60) feet to a stake;

Thence, North one hundred thirty (130) feet to the South line of West state Street;

Thence, East along the South line of West State Street sixty (60) feet to the place of beginning.

Also, all that certain piece or parcel of land situate in the Borough, County and Commonwealth aforesaid; bounded and described as follows, to-wit:

Commencing at the North West corner of State Street and West avenue;

Thence, southwardly one hundred thirty (130) feet to the land now or formerly of Dora Kennedy; Thence, eastwardly fifty-five and one-half (55.5) feet to land now or Formerly of J. L. O'Connor; Thence, northwardly one hundred thirty (130) feet to state street;

Thence, westwardly fifty-five and one-half (55.5) feet to the point of beginning. Having Erected Thereon a two-story frame Dwelling.

Said premises are further identified by Erie County assessment Index

No. (1) 5-47-1 and are commonly known as 94 West State Street, Albion, Pennsylvania.

PARCEL 2:

Also, all that certain piece or parcel of land situate in the Borough of Albion, County of Erie and commonwealth of Pennsylvania, bounded and described as follows, to-wit:

Beginning at a point on the South side of West state Street, said beginning Point being one hundred fifteen and five tenths (115.5) feet, more or less, From the South line of West state street and East line of West avenue, said Beginning point one hundred fifteen and five tenths (115.5) feet East of the intersecting line of the South side of West State Street and the East side of West avenue;

Thence, eastwardly along the South Side of West State Street one hundred Thirty-two (132) feet to a point; Thence, southerly one hundred forty-eight (148) feet to a point;

Thence, westwardly one hundred thirty-two (132) feet, parallel with West State Street, to a point;

Thence, northwardly one hundred forty-eight (148) feet, parallel with West Avenue, to the place of beginning.

Having erected thereon a two-car garage.

Said premises are further identified by Erie County assessment Index No. (1) 5-47-2.

ALSO KNOWN AS: 94 West State Street, Albion, PA 16401

PARCEL ID 1:01005047000200

PARCEL ID 2: 01005047000100

BEING the same premises which Roland R. Shumate and Sherrie Shumate also known as Sherry L. Shumate, husband and wife by Deed May 15, 2000 and recorded on May 16, 2000 in the office of the recorder of deeds in and for Erie County at book 0703 page 1768 granted and conveyed unto Charles L. Dunlap and Pearl Dunlap, husband and wife, as tenants by the entireties with the right of survivorship.

Jessica N. Manis, Esquire
 Stern & Eisenberg, PC

1581 Main Street, Suite 200
The Shops at Valley Square
Warrington, PA 18976
(215) 572-8111

May 27 and June 3, 10

SALE NO. 36

Ex. #12719 of 2014

Deutsche Bank Trust Company Americas, f/k/a Bankers Trust Company, as Trustee for Saxon Asset Securities Trust 2001-2, Mortgage Loan Asset Backed Certificates, Series 2001-2, by its servicer Ocwen Loan Servicing, LLC, Plaintiff

v.

Christine A. Shipley and Michael P. Shipley, Defendants

LEGAL DESCRIPTION

ALL THAT CERTAIN piece or parcel of land situate in the City of Erie, County of Erie and State of Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point in the west line of Chestnut Street, 357 feet southwardly from the south line of Twenty-sixth Street; THENCE westwardly, parallel with Twenty-sixth Street, 150 feet; THENCE southwardly, parallel with Chestnut Street, 40 feet; Thence eastwardly, parallel with Twenty-sixth Street, 150 feet to the west line of Chestnut Street; and THENCE northwardly, along the west line of Chestnut Street, 40 feet to the place of beginning

PROPERTY ADDRESS: 2636 Chestnut Street, Erie, PA 16508
PARCEL 19060048011300

BEING the same premises which Elizabeth Sanderson, single by Deed dated January 25, 1999, and recorded February 9, 1999 in the Office of the Recorder of Deeds in and for Erie County in Deed Book 0617, Page 0014, granted and conveyed unto Michael P. Shipley and Christine A. Shipley, his wife, as tenants by the entireties with right of survivorship

Jessica N. Manis, Esq.
Stern & Eisenberg, PC
1581 Main Street, Suite 200
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Warrington, PA 18976
(215) 572-8111

May 27 and June 3, 10

SALE NO. 37

Ex. #11402 of 2015

The Huntington National Bank, Plaintiff

v.

Trevor P. Berarducci, Defendant
DESCRIPTION

By virtue of a Writ of Execution filed to No. 11402-15, The Huntington National Bank v. Trevor P. Berarducci

Trevor P. Berarducci and Heather Ann Berarducci, owners of property situated in the Township of Millcreek, Erie County, Pennsylvania being 4579 Tulane Avenue, Erie, Pennsylvania 16506.

Tax I.D. No. 33062235001000

Assessment: \$ 166,560.66

Improvements: Residential Dwelling

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

215-790-1010

May 27 and June 3, 10

SALE NO. 38

Ex. #12415 of 2015

The Huntington National Bank, Plaintiff

v.

Thomas Goodwin and Heather Goodwin, Defendant
DESCRIPTION

By virtue of a Writ of Execution filed to No. 12415-15, The Huntington National Bank v. Thomas Goodwin and Heather Goodwin

Thomas Goodwin and Heather Goodwin, owners of property situated in the Township of City of Erie, Erie County, Pennsylvania being 2203 Eastlawn Parkway, Erie, Pennsylvania 16510.

Tax I.D. No. 18051042021900

Assessment: \$ 86,819.57

Improvements: Residential Dwelling

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

215-790-1010

May 27 and June 3, 10

SALE NO. 39

Ex. #10810 of 2015

Kondaur Capital Corporation, as Separate Trustee of Matawin

Ventures Trust Series 2015-2, Plaintiff

v.

Tracey Harris-Hall, Defendant
DESCRIPTION

By virtue of a Writ of Execution filed to No. 10810-2015, Kondaur Capital Corporation, as Separate Trustee of Matawin Ventures Trust Series 2015-2 v. Tracey Harris-Hall Tracey Harris-Hall, owners of property situated in the Township of Millcreek, Erie County, Pennsylvania being 901 Michigan Boulevard, Erie, Pennsylvania 16505.

Tax I.D. No. 33-29-67-25

Assessment: \$ 121,984.83

Improvements: Residential Dwelling

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

215-790-1010

May 27 and June 3, 10

SALE NO. 40

Ex. #13622 of 2015

LSF9 Master Participation Trust c/o Caliber Home Loans, Inc., Plaintiff

v.

Andrew D. Nowosielski and Shari L. Nowosielski, Defendant
DESCRIPTION

By virtue of a Writ of Execution filed to No. 13622-15, LSF9 Master Participation Trust c/o Caliber Home Loans, Inc v. Andrew D. Nowosielski and Shari L. Nowosielski

Andrew D. Nowosielski and Shari L. Nowosielski, owners of property situated in the Township of City of Erie, Erie County, Pennsylvania being 1603 East 42nd Street, Erie, Pennsylvania 16510.

Tax I.D. No. 18052052012000

Assessment: \$ 131,530.12

Improvements: Residential Dwelling

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

215-790-1010

May 27 and June 3, 10

SALE NO. 42

Ex. #12296 of 2014

OneWest Bank N.A., Plaintiff

v.

**Wendy L. Boyd, Known
Surviving Heir of Mary Jane
Roy, Howynn Vinita Heidelberg,
Known Surviving Heir of Mary
Jane Roy, Unknown Surviving
Heirs of Mary Jane Roy and
Shawn A. Roy, Known Surviving
Heir of Mary Jane Roy,
Defendant**

DESCRIPTION

By virtue of a Writ of Execution filed to No. 12296-14, OneWest Bank N.A. v. Wendy L. Boyd, Known Surviving Heir of Mary Jane Roy, Howynn Vinita Heidelberg, Known Surviving Heir of Mary Jane Roy, Unknown Surviving Heirs of Mary Jane Roy and Shawn A. Roy, Known Surviving Heir of Mary Jane Roy

Wendy L. Boyd, Known Surviving Heir of Mary Jane Roy, Howynn Vinita Heidelberg, Known Surviving Heft of Mary Jane Roy, Unknown Surviving Heirs of Mary Jane Roy, and Shawn A. Roy, Known Surviving Heir of Mary Jane Roy, owners of property situated in the Township of City of Erie, Erie County, Pennsylvania being 316 Reed Street, Erie, Pennsylvania 16507.

Tax I.D. No. 14010021010200

Assessment: \$ 70,107.08

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

May 27 and June 3, 10

SALE NO. 43

Ex. #12527 of 2014

**LSF8 Master Participation Trust
c/o Caliber Home Loans, Inc.,
Plaintiff**

v.

Christine Sobolewski, Defendant

DESCRIPTION

By virtue of a Writ of Execution filed to No. 12527-14, LSF8 Master Participation Trust c/o Caliber Home Loans, Inc. v. Christine Sobolewski

Christine Sobolewski, owners of property situated in the Township of City of Erie, Erie County, Pennsylvania being 2818 Wayne Street, Erie, Pennsylvania 16501.

Tax ID. No. 18-5061-202

Assessment: \$ 107,377.30

Improvements: Residential Dwelling
McCabe, Weisberg and Conway, P.C.
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Philadelphia, PA 19109
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ESTATE NOTICES

Notice is hereby given that in the estates of the decedents set forth below the Register of Wills has granted letters, testamentary or of administration, to the persons named. All persons having claims or demands against said estates are requested to make known the same and all persons indebted to said estates are requested to make payment without delay to the executors or their attorneys named below.

FIRST PUBLICATION**CAVICCHIO, ROSE D.,
deceased**

Late of the City of Erie, County of Erie

Executor: Christine A. Schloss, 2627 Oakwood Street, Erie, Pennsylvania 16508

Attorney: Karl A. Froess, Esquire, Carney & Good, 254 West Sixth Street, Erie, Pennsylvania 16507

**FEENEY, GERALD DENNIS
a/k/a FEENEY, GERALD D.
deceased**

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

Administratrix: Suzanne M. Flowers, 2101 E. Lumsden Road, Valrico, FL 33594

Attorney: none

**FOLEY, MICHAEL P., SR.,
deceased**

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

Executrix: Michelle P. Snyder
Attorney: Gerald J. Villella, Esquire, Dailey, Karle & Villella, 150 East Eighth Street, 2nd Floor, Erie, PA 16501

**GAVIO, JOSEPH J.,
deceased**

Late of Summit Township, County of Erie, Commonwealth of Pennsylvania

Executor: Joseph A. Gavio, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506
Attorney: Colleen R. Stumpf, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**GREENER, ALAN E.,
deceased**

Late of the Township of Millcreek
Executor: BNY Mellon - National Association, Attn: Connie L. Wollenweber, 500 Grant St., Ste. 3740, Pittsburgh, PA 15258

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

**KOSIENSKI, GEORGEANNE,
deceased**

Late of the City of Erie
Administratrix: Tracie Drzewiecki, c/o 731 French Street, Erie, PA 16501

Attorney: Angelo P. Arduini, Esquire, Arduini, Jewell and Karn, 731 French Street, Erie, PA 16501

**LYDEN, MATTHEW P.,
deceased**

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

Executrix: Patricia A. Slomski, 4726 Shellbark Court, Erie, PA 16506-4364

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

**MELZER, FLORENCE E.,
deceased**

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

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

**MITCHELL, THOMAS H.,
deceased**

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

Administrator: Charles D. Mitchell, c/o 504 State Street, Suite 300, Erie, PA 16501

Attorney: Alan Natalie, Esquire, 504 State Street, Suite 300, Erie, PA 16501

**POTTER, GEOFFREY E.,
deceased**

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

Executor: Geoffrey E. Potter, Jr., 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

**STEINMAN, KAREN L.,
deceased**

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

Administratrix: Timothy R. Steinman, 2821 E. 30th Street, Erie, PA 16510-2833
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**URMANN, PEGGY L.,
deceased**

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

Executor: Anita Klein, c/o Kevin M. Monahan, Esq., Suite 300, 300 State Street, Erie, PA 16507

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

**VARGO, JOHN W.,
deceased**

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

Executrix: Theresa Paluh, 714 E. 4th St., #2, Erie, PA 16507

Attorney: Thomas S. Kubinski, Esquire, The Conrad - F.A. Brevillier House, 502 Parade Street, Erie, PA 16507

**VOLTZ, HELEN F.,
deceased**

Late of the City of Erie
Co-Executors: Jeffrey A. Ferraro and Karen L. Case, c/o 731 French Street, Erie, PA 16501

Attorney: Angelo P. Arduini, Esquire, Arduini, Jewell and Karn, 731 French Street, Erie, PA 16501

**YORK, HELEN M.,
deceased**

Late of the Township of Fairview, County of Erie and Commonwealth of Pennsylvania
Executrix: Kathleen A. Forish
Attorney: David J. Rhodes, Esquire, Elderkin Law Firm, 150 East 8th Street, Erie, PA 16501

SECOND PUBLICATION

**ARTELLO, JAMES M.,
deceased**

Late of the Township of Fairview, County of Erie and Commonwealth of Pennsylvania
Administratrix: Shannon M. Artello
Attorney: Thomas J. Minarcik, Esquire, Elderkin Law Firm, 150 East 8th Street, Erie, PA 16501

**CHAFFEE, LAWRENCE B.,
deceased**

Late of the Borough of Union City, County of Erie, Commonwealth of Pennsylvania
Executrix: Cynthia I. Miller, c/o Thomas J. Ruth, Esq., 224 Maple Avenue, Corry, PA 16407
Attorney: Thomas J. Ruth, Esq., 224 Maple Avenue, Corry, PA 16407

**COWHER, HAROLD BARRY,
a/k/a H. BARRY COWHER,
a/k/a HAROLD B. COWHER,
a/k/a HAROLD COWHER, a/k/a
HBCOWHER, a/k/a BARRY
COWHER, a/k/a BARRY H.
COWHER,
deceased**

Late of the Township of West Springfield, County of Erie and Commonwealth of Pennsylvania
Administratrix: Robin Cowher, c/o 3210 West 32nd Street, Erie, PA 16506-2702
Attorney: Peter W. Bailey, Esquire, 3210 West 32nd Street, Erie, Pennsylvania 16506-2702

**CRAIG, ELLA MAE,
deceased**

Late of the Township of Millcreek, County of Erie and State of Pennsylvania
Executrix: Charles R. Craig, c/o Attorney Elizabeth Brew Walbridge, 1001 State Street, Suite 1400, Erie, PA 16501
Attorney: Elizabeth Brew Walbridge, Esq., 1001 State Street, Suite 1400, Erie, PA 16501

**De MARCO, MARGARET C.,
deceased**

Late of the Township of Millcreek, County of Erie and State of Pennsylvania
Executor: Paul R. DeMarco, c/o Howard A. Hain, Esq., 821 State Street, Erie, PA 16501
Attorney: Howard A. Hain, Esquire, 821 State Street, Erie, PA 16501

**GAYDOS, JAMES M., a/k/a
JAMES MICHAEL GAYDOS,
a/k/a JAMES GAYDOS,
deceased**

Late of the Township of Elk Creek, County of Erie and State of Pennsylvania
Executor: Gerald H. Carnes, Jr., c/o David R. Devine, Esq., 201 Erie Street, Edinboro, PA 16412
Attorney: David R. Devine, Esq., 201 Erie Street, Edinboro, PA 16412

**HORAN, JOHN E.,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executrix: Jessica Horan-Kunco, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506
Attorney: Darlene M. Vlahos, Esquire, Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**KIGHTLINGER, MARGARETA,
deceased**

Late of Fairview, County of Erie and Commonwealth of Pennsylvania
Executrix: Gayle Ann Elmer, c/o James E. Marsh, 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

**KULHANEK, ROBERT B.,
deceased**

Late of the Township of Fairview, County of Erie and Commonwealth of Pennsylvania
Executor: Keith R. Kulhanek, 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

**O'BRIEN, AGNES L.,
deceased**

Late of the City of Erie, Commonwealth of Pennsylvania
Executor: Joseph P. Vendetti, Esquire, 3820 Liberty Street, Erie, Pennsylvania 16509
Attorney: Joseph P. Vendetti, Esquire, Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

**O'BRIEN, JAMES J.,
deceased**

Late of the City of Erie, Commonwealth of Pennsylvania
Executor: Earnest D. Eyles, c/o Vendetti & Vendetti, 3820 Liberty Street, Erie, Pennsylvania 16509
Attorney: Joseph P. Vendetti, Esquire, Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

**ORSINI, LEO C.,
deceased**

Late of the City of Erie
Executor: John Orsini, 7502 Blazy Road, Edinboro, PA 16412
Attorney: David J. Mack, Esq., 510 Parade Street, Erie, PA 16507

**STUART HELEN, a/k/a
ELEANOR HELEN STUART,
a/k/a HELEN E. STUART,
deceased**

Late of the City of Erie,
Commonwealth of Pennsylvania
Executor: Kenneth G. Stuart, c/o
Vendetti & Vendetti, 3820 Liberty
Street, Erie, Pennsylvania 16509
Attorney: James J. Bruno, Esquire,
Vendetti & Vendetti, 3820 Liberty
Street, Erie, PA 16509

**SVENTEK, FRANCES M.,
deceased**

Late of the City of Corry, County
of Erie, Commonwealth of
Pennsylvania
Executrix: Mary F. Davis, c/o
Thomas J. Ruth, Esq., 224 Maple
Avenue, Corry, PA 16407
Attorney: Thomas J. Ruth, Esq.,
224 Maple Avenue, Corry, PA
16407

**TAYLOR, LAURENCE D.,
deceased**

Late of Cranesville Boro, Erie
County, PA
Administrator: Moya Taylor,
c/o Robert M. Slutsky, Esq., 600
W. Germantown Pike, #400,
Plymouth Meeting, PA 19462
Attorney: Robert M. Slutsky, Esq.,
600 W. Germantown Pike, #400,
Plymouth Meeting, PA 19462

**WILCOX, WINIFRED GRACE,
deceased**

Late of Greene Township, Erie
County, Pennsylvania
Executor: David L. Wilcox, 9197
Heibel Road, Erie, PA 16510
Attorney: None

THIRD PUBLICATION

**BLUMISH, SHIRLEY M., a/k/a
SHIRLEY MAE BLUMISH,
deceased**

Late of the City of Erie, Erie
County, PA
Executor: Paul Blumish, 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

**CROSS, MARGARET J.,
deceased**

Late of the Township of Millcreek,
County of Erie, Commonwealth of
Pennsylvania
Executrix: Cheryl A. Cross and
Elaine L. Cross
Attorney: Brian M. McGowan,
Esq., 425 West 10th St., Ste. 201,
Erie, PA 16502

**DAUBENSPECK, DAVID
GRANT,
deceased**

Late of the City of Erie, County
of Erie and Commonwealth of
Pennsylvania
Co-Executors: Nancy L. Dolan
and Gregg A. Daubenspeck, c/o
504 State Street, Suite 300, Erie,
PA 16501
Attorney: Alan Natalie, Esquire,
504 State Street, Suite 300, Erie,
PA 16501

**HACKENBERG, ANNELIESE,
deceased**

Late of Venango Township,
Erie County, Commonwealth of
Pennsylvania
Executor: John P. Hackenberg, c/o
Thomas C. Hoffman II, Esq., 120
West Tenth Street, Erie, PA 16501
Attorney: Thomas C. Hoffman II,
Esq., Knox McLaughlin Gornall
& Sennett, P.C., 120 West Tenth
Street, Erie, PA 16501

**HOWELL, SARAH J., a/k/a
SARAH JAQUITH HOWELL,
a/k/a SARAH PAULINE
HOWELL,
deceased**

Late of the City of Corry, Erie
County, Commonwealth of
Pennsylvania
Executor: Carl Jay Howell, c/o
115 West Frederick Street, Corry,
PA 16407
Attorney: None

**KENEHAN, SHIRLEY B.,
deceased**

Late of the City of Erie, County
of Erie, and Commonwealth of
Pennsylvania
Co-Executors: Jean M. Mays and
Deborah J. Anderson
Attorney: Thomas J. Buseck,
Esquire, The McDonald Group,
LLP, 456 West Sixth Street, Erie,
PA 16507-1216

**KENT, JAMES N.,
deceased**

Late of the Borough of Union City,
County of Erie, Commonwealth of
Pennsylvania
Co-Administrators: Regina M.
Kent and Jason E. Kent, 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

**KLUTZ, JOSEPH C., SR.,
deceased**

Late of Fairview Township, Erie
County, Pennsylvania
Executor: Camille Klutz, c/o
Martone & Peasley, 150 West Fifth
Street, Erie, Pennsylvania 16507
Attorney: Joseph P. Martone,
Esquire, Martone & Peasley,
150 West Fifth Street, Erie,
Pennsylvania 16507

McCALEB, HELEN M., a/k/a HELEN MARIE McCALEB, deceased

Late of the City of Erie, County of Erie

Executor: Brian McCaleb, US Airforce Academy, 6454 East Hawthorn Drive, Unit G, Colorado Springs, Colorado 80840

Attorney: Kari A. Froess, Esquire, Carney & Good, 254 West Sixth Street, Erie, Pennsylvania 16507

McCRAV, PHILLIP C., deceased

Late of the City of Corry, Erie County, Pennsylvania

Executrix: Kimberly Haner Merritt, 18650 Conelway Road, Corry, PA 16407

Attorney: William E. Barney, Esq., 200 North Center Street, Corry, Pennsylvania 16407

MILLER, KUM C., a/k/a KUM CHA MILLER, a/k/a KUM MILLER, a/k/a KUM C. PIERCE, a/k/a KUM CHA PIERCE, deceased

Late of the City of Erie, Commonwealth of Pennsylvania

Executor: Gary M. Miller, c/o Vendetti & Vendetti, 3820 Liberty Street, Erie, Pennsylvania 16509

Attorney: James J. Bruno, Esquire, Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

POLANSKI, PATRICIA E., deceased

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

Executors: Frank R. Polanski II, Kathleen J. Noce and Lori L. Polanski, 502 Parade Street, Erie, PA 16507

Attorney: Thomas S. Kubinski, Esquire, The Conrad - F.A. Brevillier House, 502 Parade Street, Erie, PA 16507

ROPEY, WILLIAM J., deceased

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

Executrix: Diane E. Welch, 2222 West Grandview Blvd., Erie, PA 16506

Attorney: Thomas E. Kuhn, Esquire, Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

SALVATORE, VIOLA A., deceased

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

Co-Executors: Marcia C. Hines and James P. Salvatore, 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

SIMS, FRANK G., JR., deceased

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

Executrix: Sandra L. Carney, c/o Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16507

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

SPRAGUE, JERRY A., a/k/a JERRY ALAN SPRAGUE, deceased

Late of the Borough of Platea, County of Erie, State of Pennsylvania

Executrix: Norma Jean Crowley, 8377 Sun Lake Drive, Girard, PA 16417

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

THOMPSON, JULIA M., deceased

Late of Erie County, Commonwealth of Pennsylvania
Administrator: Lois Lyons, 2803 New Street, Erie, PA 16504

Attorney: Matthew J. Parini, Esq., Melaragno, Placidi, Parini & Veitch, 502 West Seventh Street, Erie, Pennsylvania 16502

TRIMBLE, FRED, deceased

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

Co-Executors: Sherri Dolan, 11684 Hopson Hill Road, Wattsburg, PA 16442 and Jeffrey S. Trimble, 14354 Charter Landing Drive, Midlothian, VA 23114

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

WILLIAMS, BERTHA MAE, deceased

Late of McKean Township, County of Erie

Executor: Carol DeSantis
Attorney: Barbara J. Welton, Esquire, 2530 Village Common Dr., Suite B, Erie, PA 16505

WRIGHT, LAWRENCE H., a/k/a LAWRENCE WRIGHT, deceased

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

Administratrix: Christanna K. Wright, 503 Rondeau Drive, Fairview, PA 16505

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

Navigating Casemaker (a Free PBA Member Benefit!) and Ethics Guidance

Wednesday, June 29, 2016

Bayfront Convention Center

Time: Lunch/Registration - 11:45 a.m.
Seminar - 12:15 - 1:45 p.m.

Cost: \$67 (ECBA member/non-attorney staff)
\$87 (non-member)
\$47 (member Judge not needing CLE)

*This seminar has been approved
by the PA CLE Board for 1.5 hours
Ethics credit.*

Topics and Speakers:

Casemaker is the powerful legal research tool provided exclusively to PBA members. Learn how to use this free, innovative service to conduct effective searches for cases and statutes. This training session will provide practice tips on navigating through Casemaker and will highlight the free CasemakerPro features including the CaseCheck+ and CiteCheck programs.



Presented by **Elizabeth Swivel**,
PBA Director of Member Services

Attendees will be provided with clear guidance on how to avoid making mistakes that could result in violations to the Rules of Professional Conduct. In addition to emphasizing what constitutes unethical conduct, the session will include discussion on how to utilize the PBA ethics hotline and gain access to formal and informal ethics opinions.

Presented by **Victoria White, Esquire**,
PBA Ethics Counsel



Reservations due to the ECBA office by June 22, 2016

CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

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Marsh Spaeder, et al. ----- (f) (814) 456-1112
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Erie, PA 16507 ----- *cagresti@marshspaeder.com*

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ATTENTION ALL ATTORNEYS

Are you or an attorney you know dealing with personal issues related to drug or alcohol dependency, depression, anxiety, gambling, eating disorders, sexual addiction, other process addictions or other emotional and mental health issues?

— **YOU ARE FAR FROM BEING ALONE!** —

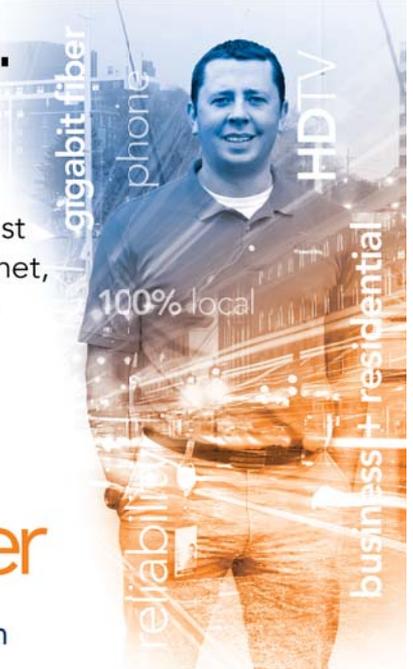
*You are invited and encouraged to join a small group of fellow attorneys who meet informally in Erie on a monthly basis. Please feel free to contact ECBA Executive Director Sandra Brydon Smith at 814/459-3111 for additional information. Your interest and involvement will be kept **strictly confidential**.*

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