

*Erie  
County  
Legal  
Journal*

July 15, 2016

Vol. 99 No. 29



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99 ERIE 128 - 132  
US Bank, National Association, et al. v. Watters

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# 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, JULY 26, 2016

ECBA Mid-Year Membership Meeting  
Sheraton Hotel

11:45 a.m. - 12:15 p.m. - Lunch

12:15 - 12:45 p.m. - Business Meeting

12:45 - 1:45 p.m. - Seminar

*Judicial Independence: Perceptions and Reality*

*Guest Speaker: Hon. John E. Jones, III*

\$45 (ECBA member) \$30 (Member Judge not needing CLE)

1 hour ethics credit

## WEDNESDAY, AUGUST 10, 2016

ECBA Live Lunch-n-Learn Seminar

*Mindfulness: The benefits of being present in the moment for your clients and yourself*

Bayfront Convention Center

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

\$67 (ECBA member/non-attorney staff)

\$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>



Erie County Bar  
Association



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## CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

### NEW EMAIL ADDRESS

WILLIAM DOPIERALA ----- *bdopes50@gmail.com*

DAMON C. HOPKINS ----- *DamonHopkinsLaw@gmail.com*

### 2016 BOARD OF DIRECTORS ————— Melissa H. Shirey, President

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### Full Time ECBA Staff Position Available

The Erie County Bar Association (ECBA) has a position available with responsibilities that include the publication of the weekly Erie County Legal Journal. Applicants must possess excellent skills and recent experience using Adobe InDesign. Please note that this is not a graphic design position.

Position also includes assisting with the Lawyer Referral & Information Service, supporting our Attorneys & Kids Together community service program, interaction with several ECBA Committees and other duties as assigned.

Individuals must function efficiently with great attention to detail and possess an ability to work well with both other professionals and the public.

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Jul. 15

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## Attorneys Join Quinn Law Firm

The Quinn Law Firm is pleased to announce Attorney Jenna Strohmeyer and Attorney Melissa Larese have joined the firm. Attorney Strohmeyer specializes in municipal and land use law, as well as environmental law and general litigation. Attorney Larese's practice focuses on the probate and administration of decedent's estates, Estate Planning, including Wills, Powers of Attorney, Health Care Powers of Attorney, and Living Wills.



**Jenna Strohmeyer, Attorney**

Nova Southeastern University Shepard Broad College of Law,  
Ft. Lauderdale, Florida - Juris Doctorate 2013  
Florida International University, Miami, Florida  
Bachelor of Arts 2010



**Melissa Larese, Attorney**

Duquesne University School of Law, Pittsburgh,  
Pennsylvania - Juris Doctorate 2010  
Gannon University, Erie, Pennsylvania  
Bachelor of Arts 2006

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Erie 16506

**833.2222**



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

**v.**

**BRYAN J. WATTERS, Defendant**

*PETITION TO OPEN MORTGAGE FORECLOSURE / NAMED DEFENDANTS*

A ‘real owner’ or ‘terre-tenant’ required to be named as a defendant under Pa.R.C.P. No. 1144 is limited to one who claims an interest in the land subject to the lien of the mortgage (the original mortgagor) or one who takes title from the original mortgagor.

Individuals who have an equitable right to the subject property, such as the right to equitable division during a pending divorce, are not real owners required to be named as defendants under Rule 1144.

A spouse’s right to equitable division during a pending divorce does not require joinder pursuant to Pa. R.C.P. No. 2227 because the merits of the action can be decided without joining the spouse.

An individual has no right to intervene in a mortgage foreclosure action in which default judgment has been entered and (s)he had notice of the action prior to the foreclosure.

A Petition to Strike or Open Default Judgment filed 584 days after notice of the default judgment was sent to the Defendant is untimely.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA  
CIVIL DIVISION NO. 10516-2014

Appearances: Jill M. Wineka, Esq., Attorney for Plaintiff  
Stephen H. Hutzelman, Esq., Attorney for Defendant

**OPINION**

Cunningham, J., June 9, 2016

The Defendant, Bryan J. Watters, and the Proposed Intervener, Diane Watters (together “Appellants”), filed a Notice of Appeal on April 5, 2016 from an Order dated March 9, 2016, denying the Petition to Strike or Open Judgment and the Application for Leave to Intervene. This Opinion is in response to the Statement of Issues to be Raised on Appeal filed April 18, 2016 by Appellants.

**BACKGROUND**

On June 7, 2006, Bryan J. Watters (the “Defendant”) signed a Note and Mortgage for \$73,071.00 to purchase real property at 831 Rice Avenue, Girard, Pennsylvania 16417 (the “Property”). The Mortgage was assigned from the original mortgagee, American Home Mortgage, to Pennsylvania Housing Finance Agency (PaHFA) and subsequently assigned to U.S. Bank National Association, as Trustee for the PaHFA (the “Plaintiff”).

At the time the Defendant purchased the Property, he was married to Diane Watters (the “Petitioner”). *Hearing Transcript March 8, 2016 (“H.T.”)*, p. 13. Because of Petitioner’s credit rating, she was intentionally not a party to this purchase or the mortgage. *H.T. p. 14.* The Petitioner did not sign the Note or Mortgage and her name did not appear on the

deed when title was transferred to the Defendant's name. *H.T. p. 13*. On April 16, 2013, the Defendant filed for divorce from the Petitioner. *H.T. p. 14*. After separating, the Defendant moved from the Property and the Petitioner continued to reside there. *See H.T. p. 14*.

The Defendant failed to pay the mortgage payment due June 1, 2013 and defaulted on all subsequent installments. The Plaintiff filed an action in mortgage foreclosure on February 28, 2014. *H.T. p. 14*. On March 10, 2014, the Petitioner was served with a copy of the Complaint as an occupant of the Property secured by the Mortgage. *H.T. p. 14*. The Defendant was personally served with the Complaint on March 13, 2014. *H.T. p. 14*.

On April 11, 2014, notices that the Defendant must vacate or pay within 10 days were mailed to the Property and to the Defendant at his new address. *Plaintiff's Brief in Opposition to Petition, p. 2*. When no action was taken, the Plaintiff filed a Praecipe for a Default Judgment against the Defendant.

A Sheriff's sale was scheduled for July 25, 2014. A copy of the Notice of Sale was mailed to the Petitioner at the property address. *H.T. p. 15*. The Petitioner received the Notice of Sale and attempted to work with the bank to stave off the foreclosure. *H.T. p. 15*. As a result of the Petitioner's actions, the Sheriff's sale was continued to August 22, 2014. *H.T. pp. 15*. The Sheriff's sale was postponed a second time to October 17, 2014 after the Plaintiff became aware the Petitioner was attempting to obtain financing to purchase the home from the Defendant. *H.T. p. 15-16*.

The Sheriff's sale occurred on October 17, 2014 and the Plaintiff was the successful bidder. *H.T. p. 15-16*. A deed was recorded November 10, 2014 transferring title to the Plaintiff and extinguishing the Defendant's ownership rights. *H.T. p. 16*.

Over one year later, on December 3, 2015, the Appellants filed a Petition to Open or Strike Default Judgment, Set Aside Sheriff's sale and Application for Leave to Intervene ("Petition"). The Plaintiff filed an Answer on January 8, 2016. After the submission of briefs and oral argument, the Petition was denied *en toto* by Order dated March 9, 2016.

The Appellants filed a Notice of Appeal on April 5, 2016. On April 18, 2016, the Appellants filed a Statement of Issues to be Raised on Appeal raising the following issues, consolidated for clarity:

1. Whether Application to Intervene should have been granted because Diane Watters is a "real owner" of the Property in Pa. R.C.P. 1144(a)(3) and was therefore required to be named as a defendant in the mortgage foreclosure action.
2. Whether actual notice of the foreclosure proceedings by Ms. Watters in this case was sufficient.
3. Whether the Petition to Open or Strike Default Judgment was timely filed.

### **APPLICATION TO INTERVENE**

#### **A. Diane Watters is not a "real owner" required to be joined under Pa. R.C.P. 1144**

Appellants argue the Petitioner is a "real owner" and thus was required to be joined pursuant to Pa.R.C.P. 1144(a)(3) in the mortgage foreclosure proceeding against the property at 831 Rice Avenue, Girard, Pennsylvania. "A 'real owner' or 'terre-tenant' is one who claims an interest in the land subject to the lien of the mortgage." *Levitt v. Patrick*, 976 A.2d 581 (Pa. Super. 2009) *citing Bank of Pennsylvania v. G/N Enterprises, Inc.*, 463 A.2d 4, 6 (Pa. Super. 1983). Thus, a real owner is the original mortgagor or one who takes title from the

original mortgagor. *Id.* Individuals who have an equitable right to the subject property or those who claim title antagonistic to the mortgagor are not real owners required to be named as defendants. *See Bradley v. Price*, 152 A.2d 904 (Pa. 1959) *citing Orient Building & Loan Ass'n v. Gould*, 86 A. 863 (Pa. 1913)(analyzing the term “real owner” in the context of notice required by a local rule of a Sheriff’s sale subsequent to a mortgage foreclosure).

It is uncontroverted the Petitioner was not named on the Mortgage, Note, or Deed. She was not an original mortgagor and never took title from the original mortgagor. At the time of the foreclosure proceedings, the Petitioner had at most an equitable interest in the property because it was marital property and the divorce was not yet finalized. *See* 23 Pa. C.S. § 3501. An equitable interest in property is not an interest in the land subject to the lien of a mortgage. Thus, the Petitioner is not a real owner required to be joined pursuant to Pa. R.C.P. 1144.

In arguing the Petitioner was required to be joined, Appellants relied on the policies of two title insurance companies which state: “Non-titled spouses are required to join in the *execution* of a Deed or Mortgage if there is a pending Divorce.” This provision simply relates to the ability of divorcing parties to tender title clear of all legal and equitable interests to the satisfaction of typically cautious title insurance companies. These policies do not make the Petitioner a real owner required to be a party to this foreclosure action. In fact these policies are irrelevant to this case.

#### **B. Diane Watters is not required to be joined under any other Rules<sup>1</sup>**

Entwined with Appellants’ argument the Petitioner was required to be joined under Rule 1144, Appellants argued the Petitioner is a necessary and indispensable party under Pa. R.C.P. No. 2227. A party is indispensable and must be joined when “his or her rights are so connected with the claims of the litigants that no decree can be made without impairing those rights.” *Polydyne, Inc. v. City of Philadelphia*, 795 A.2d 495, 496 (Pa. Commw. Ct. 2002), as amended (Apr. 30, 2002). Whether an absent party is indispensable is determined by consideration of (1) whether absent parties have a right or interest related to the claim, (2) the nature of the right or interest, (3) whether that right or interest is essential to the merits of the issue, and (4) whether justice can be afforded without violating due process rights of absent parties. *Delaware Cty. v. J.P. Morgan Chase & Co.*, 827 A.2d 594, 598 (Pa. Commw.Ct. 2003).

Upon consideration of these four factors, Diane Watters is not an indispensable and necessary party. Appellants argued the Petitioner had a right related to the mortgage foreclosure because her marriage and pending divorce to the Defendant at the time of the default and Sheriff’s sale. This argument is unavailing.

At the time of the mortgage foreclosure, while the divorce was pending, the Petitioner had a right to equitable division of all marital property and thus had an equitable interest in that property. However, the merits of this case can be determined without joining her as a party. The mortgage foreclosure action herein sought liability under the terms of the mortgage. The Petitioner was not a party to the mortgage transaction. The Petitioner was not responsible for

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<sup>1</sup> Although the Defendant did not raise any issues related to Rule 2227 or Rule 410 in the Statement of Issues to be Raised on Appeal, and thus each is waived, each will be addressed for completeness as each was part of the argument set forth in the Petition.



mortgage payments and was not liable if the payments were in default. Thus, the Petitioner's interest in the property was not linked to the disposition of the mortgage foreclosure action and the merits can be decided absent the Petitioner as a defendant.

Stated differently, if Petitioner was joined as a defendant, she had a successful defense by simply averring that she was not a party to the mortgage transaction and therefore not liable under the terms of the mortgage.

Notably, the Defendant never sought to join the Petitioner as an additional Defendant despite his ability to do so. The Defendant cannot now seek to capitalize on his failure to join the Petitioner, whom he knew to be living on the mortgaged premises and was his spouse at the time the property was purchased.

In the Petition to Intervene, the Petitioner also argued she was required to be named as a defendant under Rule 410(b)(2), which states “[i]f the relief sought is possession the person so served shall thereupon become a defendant in the action.” However, the relief sought in this case was not possession of the property. Instead, this case is a mortgage foreclosure action and therefore Rule 410(b)(3) is applicable, which states “If the relief sought is mortgage foreclosure, the person so served shall not thereby become a party to the action.” Hence, the argument the Petitioner was required to be named as a defendant under Rule 410 is without merit.

### **C. Diane Watters had Actual Notice of the Sheriff's sale**

The final issue raised by Petitioner related to the Application to Intervene is whether actual notice of the foreclosure proceedings was sufficient. Undoubtedly, if Petitioner was required to be named as a defendant formal service of process was required. However, this issue is moot because Petitioner was not required to be named as a defendant under Rule 1144, Rule 2227, or Rule 410.

Nonetheless, it is undisputed the Petitioner had actual notice the mortgage was in default, when the Sheriff's sale would occur and all related proceedings. The Petitioner was served with the Complaint as a resident of the property and received notice of the Sheriff's sale. *H.T. p. 15; Petition, para. 13, 18.* The Petitioner also took a number of actions to forestall the Sheriff's sale. The date of the first Sheriff's sale was continued because the Defendant and the Petitioner were working to save the Property. *H.T. p. 15.* The Petitioner was also “contacting the bank back and forth trying to get them to hold off on the Sheriff's sale.” *H.T. p. 15.* The Sheriff's sale was once again continued when the Petitioner was seeking to obtain funds to purchase the Property. *H.T. p. 15.* According to the Petitioner, she “was aware of the foreclosure action from the start” and did “everything [she] could possibly think of including sending letters to the courthouse.” *H.T. p. 16.* The Sheriff's sale ultimately occurred on October 17, 2014.

Importantly, the Petitioner has failed to set forth any explanation for the delay in filing the Application to Intervene considering she was fully aware of the proceedings. The Petitioner did not seek to intervene before the default judgment was entered. Instead, the Petitioner waited over a full year after the Sheriff's sale, 584 days after the default judgment was entered and 633 days after she originally was given notice of the foreclosure to file the Application to Intervene. Given this unexplained lengthy period of time, the Application to Intervene was not timely filed. *See Financial Freedom, SFC v. Cooper* 21 A.2d 1329 (Pa. Super. 2011).

**PETITION TO STRIKE OR OPEN JUDGMENT**

A default judgment may be opened only if the petition to open the default judgment (1) was promptly filed; (2) shows a meritorious defense to the allegations set forth in the underlying complaint and (3) provides a reasonable excuse or explanation for failure to file a responsive pleading. *Smith v. Morrell Beer Distributors, Inc.*, 29 A.3d 23, 25 (Pa. Super. 2011). In the Statement of Issues to be Raised on Appeal, Appellants only raise the issue of timeliness. However, the Defendant failed to establish any of the three elements.

“The timeliness of a petition to open a judgment is measured from the date that notice of the entry of the default judgment is received.” *Myers v. Wells Fargo Bank, N.A.*, 986 A.2d 171, 176 (Pa. Super. 2009) While there is no specific time period within which a petition to open a judgment must be filed, in cases where courts have found the petition to be timely filed, the period of delay has normally been less than one month. *Id.* Additionally, the reason for the delay is considered in evaluating the timeliness of the petition. *Id.*

Here, default judgment was entered on April 25, 2014 and notice was sent to the Defendant on April 28, 2014. The Defendant filed the Petition to Open on December 3, 2015—584 days after notice was sent to the Defendant. Thus, the Petition to Strike or Open Judgment is patently untimely. Notably, the Defendant did not provide any reason for failing to file a responsive pleading or any reason for the belated filing of the Petition to Strike or Open Judgment.

Additionally, the Defendant was fully aware that the Petitioner was not joined as a Defendant as he was served with notice of the judgment. The Defendant also knew the Petitioner was attempting to purchase the property from the Defendant. This is not a case where a lack of knowledge of the factual basis for the Petition was recently discovered. Rather, the Defendant knew of the facts on which he is now basing the petition before the Sheriff’s sale even occurred. If the Defendant felt the Petitioner’s participation was necessary to the action, he could have acted long before the 1 year 7 months he waited to file the Petition to Strike or Open Judgment. As previously discussed, the Petitioner is not a necessary party or required to be named as a defendant pursuant to the Pennsylvania Rules of Civil Procedure.

Hence, the Defendant failed to promptly file a petition to open, has failed to show a meritorious defense to the allegations in the underlying complaint, and has not provided a reasonable excuse or explanation for failing to file a responsive pleading.

**CONCLUSION**

Appellants’ claims are without merit.

**BY THE COURT:**

**/s/ WILLIAM R. CUNNINGHAM, JUDGE**

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**CHANGE OF NAME NOTICE**

In the Court of Common Pleas of Erie County, Pennsylvania

Docket No. 10745-2015

In re: James Henderson

Notice is hereby given that a petition was filed in the above named Court, requesting an Order to change the name of James Henderson to Al-Mujahid Sirrajuldeen Siffullah Muhhad Ibn Timun.

The Court has fixed the 12th day of August, 2016 at 10:30 a.m. in Courtroom G, Room 222 of the Erie County Courthouse, 140 W. 6th St., Erie, PA 16501 as the time and date for the hearing on said petition, when and where all interested parties may appear and show cause, if any they have, why the prayer of the petitioner should not be granted.

Jul. 15

**FICTITIOUS NAME NOTICE**

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

**FICTITIOUS NAME NOTICE**

1. Fictitious Name: C & G Real Estate Management
2. Address of the principal place of business, including street and number: 3339 West Lake Road, Erie, PA 16505
3. The real name(s) and address, including street and number, of the persons who are the parties to the registration: Carl P. Miller, 3339 West Lake Road, Erie, PA 16505 and Grace P. Ore, 3339 West Lake Road, Erie, PA 16505
4. An application for registration of a fictitious name under the Fictitious Name Act was filed on April 14, 2016 with the Department of State.

Jul. 15

**INCORPORATION NOTICE**

Notice is hereby given that Articles of Incorporation for a Business Corporation were filed with the Commonwealth of Pennsylvania

under the provisions of the Business Corporation Law of 1988, as amended for NIKI SAINT PIERRE AND COMPANY INC.

Jul. 15

**LEGAL NOTICE**

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA  
NILCO CORPORATION, Plaintiff,  
v.

ERIE LUMBER COMPANY and  
JOHN DOE, Defendants

CIVIL DIVISION

Case No. 2016-11414

**NOTICE**

Pursuant to Pennsylvania Rule of Civil Procedure 430 and the Order of Court entered on June 24, 2016, the Plaintiff, NILCO Corporation, hereby provides notice upon Defendants, Erie Lumber Company and John Doe, as representative of all interested parties, of commencement of the above-captioned matter to quiet title to that property identified as 2001 East 12th Street, comprising approximately 4.4036 acres and labeled as Tax Parcel No. 15021019010400, in Erie, Erie County, Pennsylvania (the "Subject Property").

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses and objections in writing with the Court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE

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The Erie County Prothonotary's Office

Erie County Courthouse, Room 120

140 West 6th Street

Erie, PA 16501

Telephone: (814) 451-6250

OR

Lawyer Referral & Information Service

P.O. Box 1792

Erie, PA 16507

Telephone: (814) 459-4411

Jul. 15

**LEGAL NOTICE**

ATTENTION: CHRISTIE MARIE RAMOS

INVOLUNTARY TERMINATION OF PARENTAL RIGHTS

IN THE MATTER OF THE ADOPTION OF MINOR FEMALE CHILD N.M.R.

DOB: 06/21/2010

MINOR FEMALE CHILD

G.N.G.R.DOB: 08/22/2011

MINOR FEMALE CHILD M.G.R.

DOB: 08/26/2013

MINOR MALE CHILD M.A.G.R.

DOB: 07/16/2015

42 A-C IN ADOPTION 2016

If you could be the parent of the above mentioned children, at the instance of Erie County Office of Children and Youth you, laying aside all business and excuses whatsoever, are hereby cited to be and appear before the Orphan's Court of Erie County, Pennsylvania, at the Erie County Court House, Judge Joseph M. Walsh, III, Court Room No. B #208, City of Erie on September 27, 2016 at 9:30 a.m. and there show cause, if any you have, why your parental rights to the above children should not be terminated, in accordance with a Petition and Order of Court filed by the Erie County Office of Children and Youth. A copy of these documents can be obtained by contacting the Erie County Office of Children and Youth at (814) 451-7740.

Your presence is required at the Hearing. If you do not appear at this Hearing, the Court may decide that you are not interested in retaining your rights to your children and your failure to appear may affect the

Court's decision on whether to end your rights to your children. You are warned that even if you fail to appear at the scheduled Hearing, the Hearing will go on without you and your rights to your children may be ended by the Court without your being present.

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

Family/Orphan's  
Court Administrator  
Room 204 - 205  
Erie County Court House  
Erie, Pennsylvania 16501  
(814) 451-6251

NOTICE REQUIRED BY ACT 101 OF 2010: 23 Pa. C.S §§2731-2742. This is to inform you of an important option that may be available to you under Pennsylvania law. Act 101 of 2010 allows for an enforceable voluntary agreement for continuing contact or communication following an adoption between an adoptive parent, a child, a birth parent and/ or a birth relative of the child, if all parties agree and the voluntary agreement is approved by the court. The agreement must be signed and approved by the court to be legally binding. If you are interested in learning more about this option for a voluntary agreement, contact the Office of Children and Youth at (814) 451-7726, or contact your adoption attorney, if you have one.

Jul. 15

**LEGAL NOTICE**

ATTENTION: MIGUEL GONZALEZ –RODRIGUEZ  
INVOLUNTARY TERMINATION OF PARENTAL RIGHTS  
IN THE MATTER OF THE ADOPTION OF MINOR FEMALE CHILD G.N.G.R.  
DOB: 08/22/2011  
MINOR FEMALE CHILD M.G.R.  
DOB: 08/26/2013  
MINOR MALE CHILD M.A.G.R.  
DOB: 07/16/2015  
BORN TO: CHRISTIE MARIE RAMOS

42A, 42B, 42C IN ADOPTION 2016  
If you could be the parent of the above mentioned children, at the instance of Erie County Office of Children and Youth you, laying aside all business and excuses whatsoever, are hereby cited to be and appear before the Orphan's Court of Erie County, Pennsylvania, at the Erie County Court House, Judge Joseph M. Walsh, III, Court Room No. 208-B, City of Erie on September 27, 2016 at 9:30 a.m. and there show cause, if any you have, why your parental rights to the above children should not be terminated, in accordance with a Petition and Order of Court filed by the Erie County Office of Children and Youth. A copy of these documents can be obtained by contacting the Erie County Office of Children and Youth at (814) 451-7740.

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

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

Family/Orphan's  
Court Administrator  
Room 204 - 205  
Erie County Court House  
Erie, Pennsylvania 16501  
(814) 451-6251

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

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

Jul. 15

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

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

The following Executors, Administrators, Guardians and Trustees have filed their Accounts in the Office of the Clerk of Records, Register of Wills and Orphans' Court Division and the same will be presented to the Orphans' Court of Erie County at the Court House, City of Erie, on **July 25, 2016** and confirmed Nisi.

**August 18, 2016** is the last day on which Objections may be filed to any of these accounts.

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

<u>2016</u>	<u>ESTATE</u>	<u>ACCOUNTANT</u>	<u>ATTORNEY</u>
170.	Geneva M. Bleakley, a/k/a Geneva Margaret Bleakley ....	Heidi Marcinko, Executrix .....	David R. Devine, Esquire
171.	Joseph J. Chromik, a/k/a Joseph Chromik, a/k/a Joseph J. Chromik, Sr. ....	Joseph J. Chromik, Jr., Executor .....	James R. Steadman, Esquire
172.	Hazel W. Corbin .....	Richard O. Corbin, Administrator .....	Evan E. Adair, Esquire
173.	Mary Hanlin Havrilla a/k/a Mary H. Havrilla .....	First National Bank, Executor .....	William J. Schaaf, Esquire
174.	Evelyn E. Leshner, a/k/a Evelyn Leshner .....	Evan E. Adair, Administrator .....	Evan E. Adair, Esquire
175.	Francis R. Ross .....	Carol Anderson, Executrix .....	Joseph P. Martone, Esquire
176.	Margaret A. Vandercoy .....	Phillip L. Vandercoy, Administrator CTA .....	David E. Vandercoy, Esquire
177.	Paul E. Zarenko .....	Barbara Smith and Martha Young, Co-Executrices .....	Christine Hall McClure, Esquire
178.	Dorothy M. Zupanick, a/k/a Dorothy Zupanick .....	Mary Carole Sparks, Executrix .....	Darlene M. Vlahos, Esquire

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

Jul. 15, 22

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716-483-0071

**Warren Office**  
814-728-8509



**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****AQUINO, JAMES D.,  
deceased**

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

*Executrix:* Marcianne Honard, c/o Jerome C. Wegley, Esquire, 120 West Tenth Street, Erie, PA 16501  
*Attorney:* Jerome C. Wegley, Esquire, Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**CARLUCCI, ROSE M., a/k/a  
CARLUCCI, ROSE MARIE,  
deceased**

Late of the Erie City

*Executrix:* Mary Beth Pfister  
*Attorney:* Andrew J. Sisinni, Esquire, 1314 Griswold Plaza, Erie, PA 16501

**DITZ, GERALD B.,  
deceased**

Late of the Township of Millcreek, Erie County, PA

*Executrix:* Mary Ditz Kalivoda, 4403 West 28th Street, Erie, PA 16506  
*Attorney:* None

**MILLER, CARL J., a/k/a  
CARL J. MILLER, JR.,  
deceased**

Late of Millcreek Township, Erie County, Pennsylvania

*Co-Executors:* Mark J. Miller & Frances M. Wilson, c/o Robert G. Dwyer, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501  
*Attorney:* Robert G. Dwyer, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**RICHTER, GARY T., a/k/a GARY  
THOMAS RICHTER,  
deceased**

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

*Co-Executors:* Louis P. Richter and Judith A. Richter, c/o Yochim, Skiba & Nash, 345 West Sixth Street, Erie, PA 16507

*Attorney:* Gary H. Nash, Yochim, Skiba & Nash, 345 West Sixth Street, Erie, PA 16507

**SIEROTA, CHRISTINE M.,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania

*Executrices:* Susan Cermak, 6624 Richardson Road, Fairview, PA 16415; Deborah Milligan, 344 Indian Ridge Drive, Coraopolis, PA 15108; and Doreen Szparaga, 5636 Sandalwood Court, Erie, PA 16506

*Attorney:* Gary J. Shapira, Esq., 305 West Sixth Street, Erie, PA 16507

**THOMPSON, GLEN  
THEODORE,  
deceased**

*Co-Administrators:* Patricia Uhl, 254 Toby Road, Kersey, PA 15846; Jeanne Sheeley, 130 Sheeley Road, Kersey, PA 15846; and Roger D. Thompson, 109 Hemlock Lane, Kersey, PA 16846

*Attorneys:* Meyer Wagner Brown & Kraus, 115 Lafayette Street, St. Marys, PA 15857

**SECOND PUBLICATION****BUKOWSKI, VIRGINIA R.,  
deceased**

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

*Co-Executors:* Nancy Bukowski-Werner and Karen Bukowski, c/o Norman A. Stark, Esq., Suite 300, 300 State Street, Erie, PA 16507  
*Attorneys:* Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, Suite 300, 300 State Street, Erie, PA 16507

**DINGLE, RUTH ANN,  
deceased**

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

*Administratrix:* Tammy Pickens, 9476 Griffey Road, Albion, PA 16401

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

**FUREY, PATRICIA A.,  
deceased**

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

*Executor:* Terry Shrout, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508

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

**GARSKE, RAYMOND GEORGE,  
a/k/a RAYMOND G. GARSKE  
a/k/a RAYMOND GARSKE,  
deceased**

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

*Executor:* Raymond Daniel Garske, 5028 Amherst Road, Erie, Pennsylvania 16506

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

**HALLORAN, JOSEPH P., III,  
deceased**

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

*Executor:* James A. Sitter, 2222 West Grandview Blvd., Erie, PA 16506

*Attorney:* Thomas E. Kuhn, Esquire, Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508

**JACOB, GWENDOLYN,  
deceased**

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

*Executor:* James E. Depew, c/o 120 W. 10th Street, Erie, PA 16501

*Attorney:* Christine Hall McClure, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West 10th Street, Erie, PA 16501

**LOMBARDOZZI, JOHN LOUIS,  
deceased**

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

*Administratrix:* Alicia A. Lombardozzi

*Attorney:* Craig A. Zonna, Esquire, Elderkin Law Firm, 150 East 8th Street, Erie, PA 16501

**MANNARELLI, ELVERA M.,  
a/k/a ELVIRA M. MANNARELLI,  
a/k/a ELVERA MARY  
MANNARELLI,  
deceased**

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

*Executrix:* Esther M. Gallagher, 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 16506-4508

**MARAS, EDWIN L.,  
deceased**

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

*Executor:* Matthew Maras, 3818 Floral Ave., Cincinnati, OH 45212  
*Attorney:* Richard T. Ruth, Esq., 1026 West 26th St., Erie, PA 16508

**MARWOOD, SHIRLEY W.,  
deceased**

Late of McKean, County of Erie and Commonwealth of Pennsylvania

*Executor:* Carolyn J. Wiegel, c/o Eugene C. Sundberg Jr., Esq., Suite 300, 300 State Street, Erie, PA 16507

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

**McCAFFERTY, MARGARET  
PRESTON, a/k/a MARGARET  
PRESTON SMITH,  
deceased**

Late of Millcreek Township, Erie County, Pennsylvania

*Administrator:* Susan M. Busse, 328 Roslyn Ave., Erie, PA 16505  
*Attorney:* None

**McLAUGHLIN, CYNTHIA  
R., a/k/a CYNTHIA ROSE  
McLAUGHLIN,  
deceased**

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

*Administratrix:* M. Eileen McLaughlin

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

**POUND, ARLENE E., a/k/a  
ARLENE POUND,  
deceased**

Late of the Township of Harborcreek

*Co-Executors:* David L. Pound and Darrell R. Pound

*Attorney:* Michael G. Nelson, Esquire, Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, 300 State Street, Suite 300, Erie, Pennsylvania 16507

**SHYLER, FREDERICK L., a/k/a  
FRED SHYLER,  
deceased**

Late of Fairview, Erie County, Pennsylvania

*Executrices:* Diane P. Squires, 7281 New Road, Edinboro, PA 16412 and Christine M. Zuzak, 8390 Proctor Drive, Erie, PA 16509-5226

*Attorney:* Randy L. Shapira, Esq., 305 West Sixth Street, Erie, PA 16507

**STONE, LESLIE Z., a/k/a LESLIE  
STONE,  
deceased**

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

*Executor:* Paul S. Stone, 3973 Oxer Road, Erie, PA 16505

*Attorney:* Ronald J. Susmarski, Esq., 4030 West Lake Road, Erie, PA 16505

**WURST, IRWIN R.,  
deceased**

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

*Executor:* Thomas J. Wurst, c/o Michael A. Agresti, Esq., Suite 300, 300 State Street, Erie, PA 16507

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

**THIRD PUBLICATION**

**BARRON, JOYCE ANN, a/k/a  
JOYCE A. BARRON, a/k/a  
JOYCE BARRON,  
deceased**

Late of the Borough of Wesleyville, County of Erie, Commonwealth of Pennsylvania

*Administratrix:* Sandra S. McLaughlin, 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

**GINADER, JOHN B.,  
deceased**

Late of Millcreek Township,  
Erie County, Commonwealth of  
Pennsylvania  
*Executrix:* Alice M. Ginader, c/o  
120 W. 10th Street, Erie, PA 16501  
*Attorney:* Christine Hall McClure,  
Esq., Knox McLaughlin Gornall &  
Sennett, P.C., 120 West 10th Street,  
Erie, PA 16501

**KOMOSA, CHRISTOPHER A.,  
deceased**

Late of the City of Erie  
*Administrator:* James A. Komosa  
*Attorney:* Steven E. George, Esq.,  
Shapira, Hutzelman and Smith, 305  
West 6th Street, Erie, PA 16507

**RANDOLPH, GLORIA, a/k/a  
GLORIA FAY RANDOLPH,  
deceased**

Late of the Township of  
Lawrence Park, County of Erie,  
Commonwealth of Pennsylvania  
*Executrix:* Joslyn Dombroski, c/o  
John J. Shimek, III, Sterrett Mott  
Breski & Shimek, 345 West 6th  
Street, Erie, PA 16507  
*Attorney:* John J. Shimek, III, Esq.,  
Sterrett Mott Breski & Shimek,  
345 West 6th Street, Erie, PA  
16507

**WAKELEY, JULIE A.,  
deceased**

Late of Harborcreek Township,  
Erie County, Erie, Pennsylvania  
*Executor:* Todd M. Wakeley,  
c/o Robert J. Jeffery, Esq., 33  
East Main Street, North East,  
Pennsylvania 16428  
*Attorneys:* Orton & Jeffery, P.C.,  
33 East Main Street, North East,  
Pennsylvania 16428

**WISNIEWSKI, FRANK T.,  
deceased**

Late of the City of Erie, County  
of Erie and Commonwealth of  
Pennsylvania  
*Executor:* Edward P. Wisniewski,  
c/o Norman A. Stark, Esq., Suite  
300, 300 State Street, Erie, PA  
16507  
*Attorneys:* Marsh, Spaeder, Baur,  
Spaeder & Schaaf, LLP, Suite 300,  
300 State Street, Erie, PA 16507



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