

*Erie  
County  
Legal  
Journal*

Vol. 99 No. 43

October 21, 2016



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**99 ERIE 196-198**  
**Commonwealth v. Lesert**

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# Erie County Legal Journal

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

Managing Editor: Michael Yonko  
Administrator of Publications: Paula J. Gregory

**PLEASE NOTE: NOTICES MUST BE RECEIVED AT THE ERIE COUNTY BAR ASSOCIATION OFFICE BY 3:00 P.M. THE FRIDAY PRECEDING THE DATE OF PUBLICATION.**

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# Erie County Bar Association

## Calendar of Events and Seminars

### MONDAY, OCTOBER 24, 2016

Board of Directors Meeting  
Noon - ECBA Headquarters

### TUESDAY, OCTOBER 25, 2016

ECBA Live Lunch-n-Learn Seminar  
*Beyond the CSI Effect: Forensics in the Real World*  
Courtyard Marriott Hotel  
12:15 p.m. - 1:15 p.m. (registration/lunch - 11:45)  
\$45 (ECBA member/non-attorney staff)  
\$58 (nonmember) \$30 (member judge not needing CLE)  
1 hour substantive

### FRIDAY, OCTOBER 28, 2016

Personnel Committee Meeting  
8:30 a.m. - ECBA Headquarters

### TUESDAY, NOVEMBER 1, 2016

ECBA Live Lunch-n-Learn Seminar  
*Topics of Relevance for Estate Practitioners*  
Bayfront Convention Center  
12:15 p.m. - 1:15 p.m. (registration/lunch - 11:45)  
\$45 (ECBA member/non-attorney staff)  
\$58 (nonmember) \$30 (member judge not needing CLE)  
1 hour substantive

### FRIDAY, NOVEMBER 4, 2016

Annual Admission Ceremonies  
Court of Common Pleas - 11:00 a.m. - Courtroom H  
Federal - 1:00 p.m.

### WEDNESDAY, NOVEMBER 9, 2016

ECBA Live Lunch-n-Learn Seminar  
*Ethical, Practical and Technical Considerations  
Important to the Practice of Law*  
Courtyard Marriott Hotel  
12:15 p.m. - 1:45 p.m. (registration/lunch - 11:45)  
\$67 (ECBA member/non-attorney staff)  
\$87 (nonmember)  
\$47 (member judge not needing CLE)  
1.5 hours ethics

### THURSDAY, NOVEMBER 10, 2016

ECBA Solo/Small Firms Division Meeting  
Noon - ECBA Headquarters

### THURSDAY, NOVEMBER 10, 2016

Young Lawyers Division Happy Hour with New  
Admittees and the ECBA Board of Directors  
4:30 - Voodoo Brewery

### FRIDAY, NOVEMBER 11, 2016

Budget Committee Meeting  
8:30 a.m. - ECBA Headquarters

### MONDAY, NOVEMBER 14, 2016

Workers' Compensation Section Meeting  
Noon - ECBA Headquarters

### MONDAY, NOVEMBER 14, 2016

Bankruptcy Section Meeting  
Noon - Calamari's

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



Erie County Bar  
Association



@eriepabar

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

Craig Murphey, First Vice President  
Eric J. Purchase, Second Vice President  
Richard A. Lanzillo, Past President  
Valerie H. Kuntz, Treasurer  
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Gary V. Skiba  
Matthew B. Wachter  
Mark T. Wassell

**NOMINATIONS TO THE ECBA BOARD OF DIRECTORS**

Pursuant to Article V, Section 4 of the Erie County Bar Association By-Laws, the Nominating Committee intends to propose the following for nomination at the Annual Membership Meeting on Thursday, December 1, 2016:

Second Vice President:	Bradley K. Enterline
Treasurer:	Matthew B. Wachter
Board Members (3 yr. terms):	Jennifer K. Fischer Joseph P. Martone Frances A. McCormick William C. Wagner
Board Member (2 yr. term):	Khadija W. Horton

Oct. 21

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**BUSINESS/ESTATE PLANNING ATTORNEY**

Knox McLaughlin Gornall & Sennett is seeking attorneys for our Business and Estate Departments. Requirements include a juris doctorate degree and a minimum of 2 years experience working in the business, tax, or estate department of a law firm. Successful candidates would work on projects such as business planning, corporate formations, tax planning, estate planning, and business succession planning. CPA or MBA is a plus. Resumes should be submitted to the attention of Kris Hunt at 120 West 10th Street, Erie, PA 16501 or khunt@kmgslaw.com. For more information visit [www.kmgslaw.com](http://www.kmgslaw.com).

*Knox McLaughlin Gornall & Sennett is an equal opportunity employer. We do not discriminate on the basis of race, color, religion, age, sex, ancestry, national origin or non disqualifying disability.*

Sept. 30, and Oct. 7, 14, 21

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## COMMONWEALTH OF PENNSYLVANIA

v.

## NATHANIEL LESERT

*CRIMINAL PROCEDURE / POST-TRIAL PROCEDURE*

The failure to timely file a post-sentence motion or direct appeal means there is no jurisdiction to act on the Defendant's motion filed 42 days after sentencing. The Court has no jurisdiction to act after judgment of sentence becomes final.

*Birchfield v. North Dakota* is not retroactive to cases not on direct appeal before it was decided June 23, 2016.

*Com. v. Cabeza* created a limited window of time allowing for the retroactive application of new case law for cases involved on direct appeal addressing the same issue. However, the Defendant's reliance on *Com. v. Cabeza* is misplaced since the Defendant missed the opportunity to file a direct appeal raising *Birchfield* issues.

The Defendant does not assert his innocence, challenge the validity of his pleas or cite any police misconduct in support of his request to withdraw his plea. Therefore he has failed to establish a manifest injustice occurred requiring the withdrawal of his plea.

The rationale for *Birchfield* does not compel retroactivity. *Birchfield* was decided on the privacy interests protected under the Fourth Amendment. The longstanding remedy for Fourth Amendment violations in criminal cases is the exclusion of evidence. The sole purpose of the exclusionary rules is to deter police misconduct. In this case, there was no police misconduct.

Because deterrence is a prospective policy, the police cannot be deterred from conduct which already occurred. Thus, *Birchfield* can only deter those police officers involved in DUI investigations from June 23, 2016 onward.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA  
NO. 578 OF 2016

Appearances: Erie County District Attorney's Office for the Commonwealth  
Nicole Sloane, Esquire for the Defendant

**OPINION**

Cunningham, J., September 26, 2016

The present matter is a "Motion to Withdraw Plea in Response to *Birchfield*" filed by the Defendant, Nathaniel Lesert. After oral argument, the Defendant's Motion is DENIED.

**PROCEDURAL HISTORY**

On April 27, 2016, the Defendant pled guilty to general impairment DUI, his second offense, based on his refusal to submit to a blood test. 75 Pa.C.S.A. §3802(a)(1). On June 8, 2016, the Defendant was sentenced to 60 months of restrictive intermediate punishment including 90 days of electronic monitoring and \$1,500.00 in costs and fines. The Defendant did not file a post-sentence motion or a direct appeal.

On June 23, 2016, the United States Supreme Court issued its decision in *Birchfield v. North Dakota*, 136 S.Ct. 2160 (2016), holding the Fourth Amendment does not permit

warrantless blood tests incident to arrest for drunk driving and that the warrant requirement is not circumvented by consent given on pain of committing a criminal offense.

On July 20, 2016, the Defendant filed the instant Motion seeking to withdraw his guilty plea and enter a guilty plea to general impairment, second offense. Given the procedural posture, the Defendant's Motion is untimely leaving this court without jurisdiction to act on it. Further, *Birchfield* does not provide retroactive relief to the Defendant.

### **THE DEFENDANT'S MOTION IS UNTIMELY**

In fairness to the Defendant, when *Birchfield* was decided on June 23, 2016, the ten-day time period for him to file a post-sentence motion already expired. *Pa.R.Crim.P. 720(A)(3)*. Yet, there was no request to file a post-sentence motion *nunc pro tunc*.

There were fifteen days left for the Defendant to file a direct appeal (on or before July 8, 2016). No direct appeal was filed nor was there a request to reinstate appellate rights *nunc pro tunc*.

On July 20, 2016, some twelve days after the time to take a direct appeal expired, the Defendant filed the present Motion seeking to withdraw his plea and enter a guilty plea to a DUI charge of general impairment. Because the Defendant's conviction became a final judgment on July 9, 2016, his Motion is untimely. *See 42 Pa.C.S.A. §9545(b)(3)(a)* (a judgment becomes final upon the expiration of time for filing a direct appeal).

Pursuant to *42 Pa.C.S.A. §5505*, a court may modify or rescind any order within thirty (30) days after its entry if no appeal from such order has been taken or allowed. Once this 30-day period expires, the trial court is without jurisdiction to alter or modify an order. Within the 30-day time period, the Court can correct a mistake that is patent or obvious. *Com. v. Martz*, 926 A.2d 514 (Pa.Super. 2007)(internal citations omitted); *Pa.R.Crim.P. 720*. A challenge to the legality of a sentence may be raised as a matter of right, is not subject to waiver, and may be entertained as long as the reviewing court has jurisdiction. *Com. v. Foster*, 960 A.2d 160, 163 (Pa.Super. 2008). However, the Defendant's Motion does not allege nor does he argue there were any patent or obvious mistakes in his case. The Defendant does not contest the legality of his sentence.

Based on the foregoing, this Court does not have jurisdiction to act on the Defendant's Motion. *See also, e.g., Com. v. Martinez*, 141 A.3d 485 (2016).

### **BIRCHFIELD CANNOT PROVIDE**

### **RETROACTIVE RELIEF TO THE DEFENDANT**

Assuming *arguendo* jurisdiction exists, the Defendant is not entitled to retroactive relief pursuant to *Birchfield*.

The Defendant relies on *Com. v. Cabeza*, 503 Pa. 228, 469 A.2d 146 (1983) to assert a claim for retroactive relief. In *Cabeza, supra.*, the Pennsylvania Supreme Court held that when two cases are virtually identical save for one case being decided first, the first case should receive retroactive treatment. The applicable law "should not be determined by the fortuity of who first has his case decided by an appellate court." *Cabeza*, pp. 233, 148.

The Defendant also tenders a number of other appellate decisions best summarized by this observation: "Defendants are generally entitled to the retroactive applicability of decisions when they are pursuing an identical issue on direct appeal," provided the issue was properly preserved at all stages of litigation. *Com. v. Lofton*, 57 A.3d 1270, 1276 (Pa. Super. 2012).

These cases create a narrow window of procedural time for the retroactive application of

new case law. However, these cases are not helpful for the Defendant since he is not within the requisite window of procedural time.

The Defendant's case was not on direct appeal at the time *Birchfield* was decided. The Defendant had time to take a direct appeal seeking *Birchfield* relief but failed to do so. The Defendant is not seeking a nunc pro tunc opportunity to file a direct appeal.

As a result, this is not a case in which two similarly situated cases both raising the same issue on direct appeals resulted in a different outcome by mere chance.

The Defendant is also not entitled to withdraw his guilty plea based on more general legal principles. After a sentence has been imposed, a defendant can withdraw a guilty plea "only where necessary to correct a manifest injustice." *Com. v. Prendes*, 97 A.3d 337, 352 (Pa. Super. 2014) quoting *Com. v. Starr*, 301 A.2d 592, 595 (Pa. 1973).

The Defendant does not allege or argue that his plea must be withdrawn because a manifest injustice occurred in his case. The Defendant is not asserting he is innocent of the crime for which he pled guilty, or that his plea was not knowing or voluntary. The Defendant admitted at the time of the plea, and still admits, he was under the influence of alcohol while driving. Within his own motion to withdraw his guilty plea, the Defendant seeks to enter a guilty plea to general impairment.

Additionally, the Defendant does not contest the validity or factual basis for the plea. At the time of the Defendant's refusal to consent to a blood draw, the officers who informed him of the criminal consequences of refusal were acting legally. When the Defendant entered a guilty plea and was sentenced, the statute which provided sanctions as a result of a refusal to submit to a blood draw was the governing law in Pennsylvania. Thus, the Defendant has not sought or demonstrated the need to correct a manifest injustice.

Lastly, the rationale for the *Birchfield* holding does not compel retroactivity. *Birchfield* was decided on the privacy interests protected under the Fourth Amendment. The longstanding remedy for Fourth Amendment violations involving police misconduct in criminal cases is the exclusion of the evidence. The sole purpose of the exclusionary rule is to deter police misconduct. *Utah v. Strieff*, \_\_\_ S.Ct. \_\_\_, June 20, 2016.

In this case, there was no police misconduct since the police were acting in compliance with existing Pennsylvania and federal law. Further, deterrence is inherently a prospective policy. The police cannot be deterred from conduct which already occurred. Accordingly, *Birchfield* can only deter those police officers involved in DUI investigations from June 23, 2016 onward. Therefore the Defendant is not entitled to retroactive relief.

### CONCLUSION

Because the Defendant has not set forth a jurisdictional or legal basis for the withdrawal of his guilty plea, the Motion to Withdraw Plea in Response to *Birchfield* is DENIED.

**BY THE COURT:**

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



**ACTION TO QUIET TITLE**  
 IN THE COURT OF COMMON  
 PLEAS OF ERIE COUNTY,  
 PENNSYLVANIA  
 CIVIL ACTION  
 NO. 11877-2016

GREGORY J. RUBINO, Plaintiff  
 v.

JOHN G. HESHIZER, the heirs, administrators, personal representatives, and all persons claiming by, through, and under JOHN G. HESHIZER, MADELINE C. HESHIZER, the heirs, administrators, personal representatives, and all persons claiming by, through, and under MADELINE C. HESHIZER, ELIZABETH HESHIZER, JOHN G. HESHIZER, JR., CATHY HAYES, BARBARA WAGNER, EDWARD L. FRIEZE, the heirs, administrators, personal representatives, and all persons claiming by, through and under EDWARD L. FRIEZE, IRENE FRIEZE, the heirs, administrators, personal representatives, and all persons claiming by, through and under IRENE FRIEZE, EDWARD L. FRIEZE, JR., JEFFREY G. FRIEZE, DIANE K. LOGESKY, and STACEY A. FRIEZE, now by marriage, STACEY A. WERLEY, Defendants  
**NOTICE**

To: John G. Heshizer and the heirs, administrators and personal representatives and all persons claiming by, through, and under John G. Heshizer, Madeline C. Heshizer, the heirs, administrators, personal representatives, and all persons claiming by, through, and under Madeline C. Heshizer, Elizabeth Heshizer, John G. Heshizer, Jr., Cathy Hayes, Barbara Wagner, Edward L. Frieze, the heirs, administrators, personal representatives, and all persons claiming by, through and under Edward L. Frieze, Irene Frieze, the heirs, administrators, personal representatives, and all persons claiming by, through and under Irene Frieze

Plaintiff is the owner of certain real property located in Millcreek Township, Erie County, Pennsylvania, identified as Lake Front Drive, Lot 35, Part 36, 40x153 and bearing Erie County Tax Index

No. 33-006-019.0-093.00. The defendants may have some interest in the above described property. Plaintiff has filed this action to quiet title to the property and seeks to bar the defendants from ever asserting any right, title, interest, lien or claim against the property.

**NOTICE**

You have been sued in court. If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court within twenty (20) days of the date this notice is published. 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 OR NO FEE.

Lawyer Referral  
 & Information Service  
 PO Box 1792  
 Erie, PA 16507  
 (814) 459-4411  
 Jenna Bickford, Esquire  
 MaCDONALD, ILLIG, JONES & BRITTON LLP  
 100 State Street, Suite 700  
 Erie, Pennsylvania 16507-1498  
 (814) 870-7762  
 Attorney for Plaintiff  
 Gregory J. Rubino

Oct. 21

**CHANGE OF NAME NOTICE**  
 In the Court of Common Pleas of Erie County, Pennsylvania  
 Docket No. 12387 - 16  
 Notice is hereby given that a petition was filed in the above named Court, requesting an Order to change the name of Jaydin Scott to Jaydin Vavreck.

The Court has fixed the 26th day of October, 2016 at 3:30 p.m. in Courtroom G, Room 222 of the Erie County Courthouse, 140 W. 6th St., Erie, PA 16501 as the time and place for the hearing on said petition, when and where all interested parties may appear and show cause, if any they have, why the prayer of the petitioner should not be granted.

Oct. 21

**CHANGE OF NAME NOTICE**  
 In the Court of Common Pleas of Erie County, Pennsylvania  
 Docket No. 12743 - 16  
 Notice is hereby given that a petition was filed in the above named Court, requesting an Order to change the name of Orion Michael Smith to Orion Michael Haener.

The Court has fixed the 21st day of November, 2016 at 3:00 p.m. in Courtroom G, Room 222 of the Erie County Courthouse, 140 W. 6th St., Erie, PA 16501 as the time and place for the hearing on said petition, when and where all interested parties may appear and show cause, if any they have, why the prayer of the petitioner should not be granted.

Oct. 21

**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**  
 Notice is hereby given that, pursuant to 54 Pa.C.S. 311, an application for registration of a fictitious name was filed with the Department of State of the Commonwealth of Pennsylvania

for the conduct of business under the fictitious name of BOCCAFuda with its principal place of business at 12051 Lay Road, Edinboro, PA 16412. The names and addresses of all persons who are parties to the registration are Carlo Fuda LLC, 12051 Lay Road, Edinboro, PA 16412.

Oct. 21

**FICTITIOUS NAME NOTICE**

Notice is hereby given that, pursuant to 54 Pa.C.S. 311, an application for registration of a fictitious name was filed with the Department of State of the Commonwealth of Pennsylvania for the conduct of business under the fictitious name of Peg Your Pants with its principal place of business at 12051 Lay Road, Edinboro, PA 16412. The names and addresses of all persons who are parties to the registration are Carlo Fuda LLC, 12051 Lay Road, Edinboro, PA 16412.

Oct. 21

**INCORPORATION NOTICE**

Notice is hereby given that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, on October 4, 2016 with respect to a Pennsylvania corporation, HERO Diversified Associates, Inc., which has been incorporated under the Pennsylvania Business Corporation Law of 1988.

Maria E. Indovina, Esq.  
Cohen & Grigsby, P.C.  
625 Liberty Avenue  
Pittsburgh, PA 15222-3152

Oct. 21

**FOREIGN WITHDRAWAL**

Notice is hereby given that, pursuant to the provisions of Section 4129 of the Business Corporation Law of 1988, Boxtone Inc., a corporation of the State of Delaware with principal office at 5030 Riverside Drive, Irving, Texas, 75039 and having a Commercial Registered office Provider and county of venue as follows: Corporate Creations Network Inc./ Erie County which on September 12, 2016 was

registered to transact business in the Commonwealth, intends to file a Statement of Withdrawal with the Department of State.

Oct. 21

**ORGANIZATION NOTICE**

Notice is hereby given that J & B Realty, LLC has been organized under the provisions of the Pennsylvania Limited Liability Company Law of 1994, as amended.

Paul J. Carney, Jr., Esq.  
Carney and Ruth Law Office  
224 Maple Ave.  
Corry, PA 16407

Oct. 21

**LEGAL NOTICE**

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PA  
Case #12647-16

A hearing for Involuntary Transfer of vehicle ownership of a 2004 Acura/TL/4 Door Sedan, VIN #19UUA66284A011923, Title #59836680401 HD, Color: Black. Currently abandoned by Chao Hua Zhu, 320 West 8th Street rear parking lot, Erie, PA 16501. A hearing will be held on October 26, 2016 at 1:30 p.m. in Courtroom 206-A of the Erie Court Courthouse, 140 West 6th Street, Erie, PA 16501.

Oct. 21

**LEGAL NOTICE**

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA  
CIVIL ACTION-LAW  
NO. 12658-16

NOTICE OF MOTION FOR INVOLUNTARY TRANSFER OF VEHICLE OWNERSHIP  
filed by P&C Offices, II, Inc. d/b/a Lake Erie Toy Storage for 1978 Chevrolet truck bearing PA VIN CGU1584154559. Hearing on the motion to be held November 9, 2016 at 8:45 a.m. in Courtroom D of the Erie County Courthouse, 140 W. 6th St., Erie, PA.

Oct. 21

**LEGAL NOTICE**

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW  
NO.: 10144-16

NOTICE OF ACTION IN MORTGAGE FORECLOSURE

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR SECURITIZED ASSET BACKED RECEIVABLES LLC TRUST 2006-NC1, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-NC1, Plaintiff,

vs.

Unknown Heirs, and/or Administrators of the Estate of Willie McBride; William McBride, as believed Heir and/or Administrator of the Estate of Willie McBride; LaMont McBride, as believed Heir and/or Administrator of the Estate of Willie McBride; Deaprina McBride McClatchey, as believed Heir and/or Administrator of the Estate of Willie McBride; John Hamilton, as believed Heir and/or Administrator of the Estate of Willie McBride; Pamela Williams, as believed Heir and/or Administrator of the Estate of Willie McBride; Alice Speed, as believed Heir and/or Administrator of the Estate of Willie McBride, Defendants  
TO: John Hamilton, as believed Heir and/or Administrator of the Estate of Willie McBride.

You are hereby notified that Plaintiff, U.S. Bank National Association, as Trustee for Securitized Asset Backed Receivables LLC Trust 2006-NC1, Mortgage Pass-Through Certificates, Series 2006-NC1, filed an Action in Mortgage Foreclosure endorsed with a Notice to Defend, in the Court of Common Pleas of Erie County, Pennsylvania, docketed to No. 10144-16, seeking to foreclose the mortgage secured by the real estate located at 830 East 5th Street, Erie, PA 16507.

A copy of the Action in Mortgage Foreclosure will be sent to you upon request to the Attorney for the Plaintiff, Manley Deas Kochalski LLC, P. O. Box 165028, Columbus, OH 43216-5028. Phone 614-220-5611.

You have been sued in court. If you

wish to defend against the claims in this notice, you must take action within twenty (20) days after this publication, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS NOTICE 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.**

**LAWYER REFERRAL SERVICE**  
 Lawyer Referral  
 & Information Service  
 P.O. Box 1792  
 Erie, PA 16507  
 (814) 459-4411

Oct. 21

**LEGAL NOTICE**

IN RE: ASSIGNMENT FOR THE BENEFIT OF CREDITORS OF: CHIC WIGS, LLC., a Delaware corporation, Assignor,  
 To: TURNAROUND STRATEGIES, INC. PHILIP J. VON KAHLE, Assignee.  
 CASE NO. 12783

**NOTICE OF ASSIGNMENT FOR THE BENEFIT OF CREDITORS**

**TO ALL CREDITORS AND OTHER INTERESTED PARTIES:**

**PLEASE TAKE NOTICE THAT:**

1. On September 29, 2016, a Petition was filed with the Delaware Chancery Court commencing an Assignment for the Benefit of Creditors Proceeding pursuant to 10 Del. C. § 7381, Delaware Statutes, made by **CHIC WIGS, LLC**, Assignor, with offices at 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808 and

2180 Matheson Blvd., East, Unit 1, Mississauga, Ontario, Canada L4W 5E1, to Turnaround Strategies, Inc., a Florida corporation, with offices located c/o Michael Moecker & Associates, Assignee, whose address is 1883 Marina Mile Blvd., Suite 106, Fort Lauderdale, Florida 33315.

**2. YOU ARE HEREBY FURTHER NOTIFIED** that in order to receive a dividend in this proceeding, if one is available; you must file a **Proof of Claim** with the Assignee, Turnaround Strategies, Inc., whose address is 1883 Marina Mile Blvd., Suite 106, Fort Lauderdale, Florida 33315 on or before **January 27, 2017**.

Oct. 21, 28, and Nov. 4, 11

**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 **October 12, 2016** and confirmed Nisi.

**November 23, 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>
274.	Joan M. Fellows ..... a/k/a Joan Mary Fellows	William J. Schaaf ..... Administrator C.T.A.	James E. Marsh Jr., Esquire
275.	Robert J. Tullio.....	Robert A. Tullio, Executor .....	Gary H. Nash, Esquire
276.	Mary Ann Spiegel.....	James B. Spiegel, Executor .....	Charbel G. Latouf, Esquire
277.	Charles M. Hill Jr. ....	John L. Hill, Executor .....	Beverly A. Gazza, Esquire

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

Oct. 21, 28

Is new *technology*  
a blur to you?

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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**

**CALLAHAN, ROBERT L., JR., a/k/a ROBERT L. CALLAHAN a/k/a ROBERT LEE CALLAHAN, JR.,**  
**deceased**

Late of the Township of Summit, County of Erie, State of Pennsylvania  
*Executor:* Jeffrey L. Callahan, 1881 Townhall Road West, Erie, PA 16509  
*Attorney:* Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**DeNARDO, MARIAN E., a/k/a MARIAN EDITH DeNARDO,**  
**deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executor:* Anita DiVecchio-Bissonnette, c/o Kurt L. Sundberg, Esq., Suite 300, 300 State Street, Erie, PA 16507  
*Attorney:* MARSH, SPAEDER, BAUR, SPAEDER & SCHAAF, LLP., Suite 300, 300 State Street, Erie, PA 16507

**FIORETTI, SANTO G.,**  
**deceased**

Late of Greene Township, Erie County, Commonwealth of Pennsylvania  
*Executor:* Assunta E. Stadler, 1212 Mission Drive, Erie, PA 16509  
*Attorney:* None

**GRAEB, HELENE,**  
**deceased**

Late of the City of Erie, County of Erie, and Commonwealth of Pennsylvania  
*Executrix:* Andrea R. Quinn, 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

**LOCKHART, MABEL A.,**  
**deceased**

Late of the Borough of Waterford, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Debby Mead, 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

**RILEY, STEVEN E.,**  
**deceased**

Late of the City of Erie, Erie, Pennsylvania  
*Executor:* Steven E. Riley, Jr., Esq., Conner Riley Friedman & Weichler, 17 West Tenth Street, Erie, PA 16501  
*Attorney:* McNICKLE & BONNER, LLP, 209 West Pine Street, Grove City, PA 16127-1595

**SALHOFF, RONALD R.,**  
**deceased**

Late of the Township of Springfield, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Brent Salhoff, 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

**STEAR, MICHAEL G.,**  
**deceased**

Late of North East Borough, Erie County, North East, Pennsylvania  
*Administrator:* Robert J. Jeffery, 33 East Main Street, North East, Pennsylvania 16428  
*Attorney:* ORTON & JEFFREY, P.C., 33 East Main Street, North East, Pennsylvania 16428

**ZIMMER, CLAUDIA J., a/k/a CLAUDIA JEANNE ZIMMER,**  
**deceased**

Late of the Township of Harborcreek, County of Erie and Commonwealth of Pennsylvania  
*Co-Administrators:* Robert E. Smith, Jr. and David J. Rhodes  
*Attorney:* Thomas J. Minarcik, Esquire, ELDERKIN LAW FIRM, 150 East 8th Street, Erie, PA 16501

**SECOND PUBLICATION**

**BIEBEL, WILLIAM E., a/k/a MSGR. WILLIAM E. BIEBEL,**  
**deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania  
*Executor:* Michael T. Gaines, 3135 Morning Sun Court, Erie, PA 16506-5903  
*Attorneys:* MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**BUFFINGTON, JOHN C.,**  
**deceased**

Late of the Township of Millcreek, County of Erie, State of Pennsylvania  
*Executrix:* Kathryn R. Buffington, 3618 Lancaster Road, Erie, PA 16506  
*Attorney:* James R. Steadman, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417



**HILL, KENNETH,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Administratrix:* Darlene M. Vlahos, 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

**HORVATH, HELEN A.,  
deceased**

Late of Millcreek, County of Erie and Commonwealth of Pennsylvania  
*Co-Executors:* Sandra E. Post, Richard J. Horvath, Jean M. Cannell, c/o Zanita Zacks-Gabriel, Esq., 402 West 6<sup>th</sup> Street, Erie, PA 16507  
*Attorney:* Zanita Zacks-Gabriel, Esq., 402 West 6<sup>th</sup> Street, Erie, PA 16507

**JACKSON, RITA R.,  
deceased**

Late of Erie County, Pennsylvania  
*Co-Executors:* David H. Jackson, and Paul Scott Jackson, c/o Stephen H. Hutzelman, Esq., 305 W. 6th Street, Erie, PA 16507  
*Attorney:* Stephen H. Hutzelman, Esq., 305 W. 6th Street, Erie, PA 16507

**JOHNSON, WILLIAM E.,  
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Administratrix:* Marsha Johnson, c/o Quinn Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd. Erie, PA 16506  
*Attorney:* Melissa L. Larese, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**KALINOWSKI, TEVIN A., a/k/a  
TEVIN ADAM KALINOWSKI,  
deceased**

Late of City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Administratrix:* Ann Kalinowski, c/o Elliot J. Segel, Esquire, Segel & Solymosi, 818 State Street, Erie, PA 16501  
*Attorney:* Elliot J. Segel, Esquire, Segel & Solymosi, 818 State Street, Erie, PA 16501

**PALERMO, MICHAEL J.,  
deceased**

Late of Millcreek Township, Erie County, Pennsylvania  
*Executrix:* Amy Palermo  
*Attorney:* Charbel G. Latouf, Esquire, Latouf Law Firm, 246 West 10th Street, Erie, PA 16501

**REDINGER, HAROLD F., JR.,  
deceased**

Late of Millcreek Township, Erie County, Commonwealth of Pennsylvania  
*Executor:* Michael J. Redinger, 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

**ROPELEWSKI, JEROME J.,  
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Mark J. Swanseger, 2085 Berkshire Lane, Erie, PA 16509-1762  
*Attorneys:* MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**SHIOLENO, LEWIS J., SR.,  
deceased**

Late of the Township of North East, Erie County, Pennsylvania  
*Executor:* Charles A. Shiolen, c/o Raymond A. Pagliari, Esq., 510 Cranberry St., Suite 301, Erie, Pennsylvania 16507  
*Attorney:* Raymond A. Pagliari, Esq., 510 Cranberry St., Suite 301, Erie, Pennsylvania 16507

**TRUST NOTICE**

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

**FREEMAN, RICHARD C.,  
deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Robert L. Freeman  
*Trust:* The Freeman Family Revocable Trust  
*Trustee:* Robert L. Freeman c/o 3213 West 26<sup>th</sup> Street, Erie, PA 16506  
*Attorney:* Joseph B. Spero, Esquire, 3213 West 26<sup>th</sup> Street, Erie, Pennsylvania 16506

**THIRD PUBLICATION**

**AMATANGELO, VIOLA G., a/k/a VIOLA GLORIA AMATANGELO, a/k/a VIOLA AMATANGELO,  
deceased**

Late of the Township of Millcreek, County of Erie, and Commonwealth of Pennsylvania  
*Administrator C.T.A.:* Anthony Amatangelo  
*Attorney:* Adam J. Williams, Esquire, 425 West Tenth Street, Erie, PA 16502

**ANTOLIK, ANDREW T.,  
deceased**

Late of the City of Erie  
*Co-Executors:* Andrew J. Antolik and Emily E. Antolik  
*Attorney:* Steven E. George, Esq., Shapira, Hutzelman and Smith, 305 West 6<sup>th</sup> Street, Erie, PA 16507

**COOPER, GOLDEN,  
deceased**

Late of the Township of Waterford, Erie County, Pennsylvania  
*Administrator:* George Junior Hoag, c/o Matthew J. Lager, Esq., 234 West 6th Street, Erie, PA 16507  
*Attorney:* Matthew J. Lager, Esq., Bernard Stuczynski & Barnett, 234 West 6th Street, Erie, PA 16507

**DeROSE, CHANTAL A., a/k/a  
CHANTAL A. MINNAUGH  
DeROSE, a/k/a CHANTAL A.  
MINNAUGH, a/k/a CHANTAL  
ARMANDE DeROSE,  
deceased**

Late of Harborcreek Township, Erie County, Pennsylvania  
*Co-Executors:* Genevieve D. Thompson, Eric S. DeRose, c/o Thomas C. Hoffman II, Esq., Knox McLaughlin Gornall & Sennett, P.C., 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

**GALVIN, EARL GERARD, a/k/a  
EARL JERRY GALVIN,  
deceased**

Late of the Township of Millcreek  
*Executor:* Daniel G. Galvin  
*Attorney:* Steven E. George, Esq., Shapria, Hutzelman and Smith, 305 West 6th Street, Erie, PA 16507

**GROSSHOLZ, LYN, a/k/a LYN A.  
GROSSHOLZ,  
deceased**

Late of City of Erie, Erie County  
*Executor:* Gregory Grossholz, c/o Jeffrey D. Scibetta, Esquire, 120 West Tenth Street, Erie, PA 16501  
*Attorney:* Jeffrey D. Scibetta, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**JONES, CLANTHA  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Carla M. Johnson, c/o William J. Schaaf, Esq., Suite 300, 300 State Street, Erie, PA 16507  
*Attorney:* William J. Schaaf, Esq., MARSH, SPAEDER, BAUR, SPAEDER & SCHAAF, LLP., Suite 300, 300 State Street, Erie, PA 16507

**KUBEJA, THOMAS G.,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executor:* David J. Kubeja, 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

**MELLORS, LINDA F.,  
deceased**

Late of Greenfield Township, Erie County, North East, Pennsylvania  
*Administrators:* Robert E. Mellors and Allen E. Mellors, c/o Robert J. Jeffery, Esq., 33 East Main Street, North East, Pennsylvania 16428  
*Attorney:* Robert J. Jeffery, Esq., 33 East Main Street, North East, Pennsylvania 16428

**PRATT, JANET M.,  
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Co-Executors:* Joseph R. Komisarski and Robin R. Stonitsch, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508  
*Attorney:* Colleen R. Stumpf, Esq., QUINN, BUSECK, LEEMHUIS, TOOHEY & KROTO, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508

**SMOLINSKI, JOSEPH B.,  
deceased**

Late of Millcreek Township, Erie County, Pennsylvania  
*Executor:* Joseph R. Bilinski, c/o Jeffrey D. Scibetta, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501  
*Attorney:* Jeffrey D. Scibetta, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501



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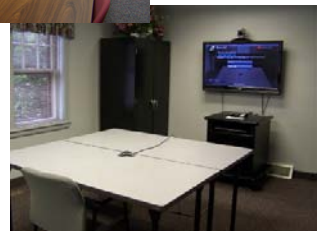
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