

Erie County Legal Journal

April 28, 2017

Vol. 100 No. 17



100 ERIE 41 - 55
In the Interest of R.M., A Minor

Erie County Legal Journal

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

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Erie County Bar Association

Calendar of Events and Seminars

SATURDAY, APRIL 29, 2017

Law Day 5k Run/Walk
9:00 a.m.

*more information and registration
available at www.eriebar.com*

MONDAY, MAY 1, 2017

Annual Law Day Luncheon
Noon

Bayfront Convention Center
*more information and registration
available at www.eriebar.com*

WEDNESDAY, MAY 3, 2017

Portrait Unveiling Ceremony to commemorate the late
Honorable Robert A. Sambroak, Jr.

Noon
Erie County Courthouse - Courtroom H

MONDAY, MAY 9, 2017

Family Law Section Meeting
11:30 a.m.
Courtroom H

MONDAY, MAY 8, 2017

Young Lawyers Division
Leadership Committee Meeting
Noon
ECBA Headquarters

TUESDAY, MAY 9, 2017

Family Law Section Meeting
11:30 a.m.

Erie County Courthouse - Courtroom H

TUESDAY, MAY 9, 2017

ECBA In-House Counsel
Leadership Committee Meeting
Noon
ECBA Headquarters

TUESDAY, MAY 9, 2017

AKT Kid Koneksi Event
5:30 p.m. - 7:00 p.m.
Claytopia

MONDAY, MAY 15, 2017

Bankruptcy Section Meeting
Noon
Plymouth Tavern

MONDAY, MAY 15, 2017

Workers' Compensation Section Meeting
Noon
ECBA Headquarters

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



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IN THE INTEREST OF R.M., A Minor

JUVENILE / DELINQUENCY / BURDEN OF PROOF / DISPOSITION

Under the Juvenile Act, the trial court has broad discretion in determining an appropriate disposition. A trial court's disposition will not be disturbed on appeal absent a manifest abuse of discretion.

JUVENILE / DELINQUENCY / RESTITUTION

Under the Juvenile Act, the court has the authority to award restitution where a juvenile has been adjudicated delinquent. The court has broad discretion in deciding whether to impose restitution as part of apportioning responsibility and accountability, considering the nature of the delinquent act and subject to the juvenile's ability to pay.

JUVENILE / DELINQUENCY / RESTITUTION

Restitution is appropriate where there is a causal connection between the total losses sustained by the victim and the juvenile's role in the burglary and receipt of the victim's stolen property.

JUVENILE / DELINQUENCY / RESTITUTION

Where there are multiple juveniles who are responsible for the victim's losses, the court should consider the proportion of the damage caused by each juvenile.

*CRIMINAL PROCEDURE / APPEALS / SUFFICIENCY OF EVIDENCE /
BURDEN OF PROOF*

The standard of review for a sufficiency of the evidence claim is "whether, viewing all the evidence admitted at trial in the light most favorable to the verdict winner, there is sufficient evidence to enable the factfinder to find every element of the crime beyond a reasonable doubt." The appellate court may not reweigh the evidence and substitute its judgment for that of the trial court. Additionally, "the facts and circumstances established by the Commonwealth need not preclude every possibility of innocence. Any doubts regarding a defendant's guilt may be resolved by the fact-finder unless the evidence is so weak and inconclusive that as a matter of law no probability of fact may be drawn from the combined circumstances."

CRIMINAL PROCEDURE / APPEALS / SUFFICIENCY OF EVIDENCE / BURGLARY

In order for there to be sufficient evidence of burglary, the Commonwealth is not required to allege or prove the particular crime the juvenile intended to commit after his entrance into a building by criminal means. When a juvenile enters a building by criminal means, the court may infer that the juvenile intended a criminal purpose based on the totality of the circumstances.

*CRIMINAL PROCEDURE / APPEALS / SUFFICIENCY OF EVIDENCE /
RECEIVING STOLEN PROPERTY*

A passenger in a stolen vehicle may be convicted of theft by receiving stolen property if they are in joint or constructive possession of the stolen vehicle, which is appropriate when the totality of circumstances indicate that the occupants of the vehicle were acting in concert. When a passenger from a stolen vehicle flees the vehicle to avoid arrest, the court may infer the dominion and guilty knowledge necessary to convict the passenger of receiving stolen property.

JUVENILE / DELINQUENCY / PLACEMENT

Under the Juvenile Act, the court has broad discretion in determining the appropriate disposition of a delinquent juvenile. As part of the disposition, the court may commit the child to an institution, youth development center, camp, or other facility for delinquent children.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
JUVENILE DIVISION – DELINQUENCY
No. 7 of 2016

Appearances: Jonathan W. Neenan, Esq. for the Commonwealth
Jason A. Checque, Esq. for R.M.

MEMORANDUM OPINION

Trucilla, J.

July 1, 2016: This matter is before the Court upon the appeal of R.M. (hereinafter “Appellant”) from this Court’s Order dated March 9, 2016. For the reasons set forth below, the appeal should be dismissed.

FACTUAL & PROCEDURAL HISTORY

A. Procedural History

On January 19, 2016, the Commonwealth filed Allegations of Delinquency against Appellant charging him with the following delinquent acts: Allegation 13, Aggravated Assault (in violation of 18 Pa. C.S. § 2702(a)(3)); Allegation 14, Burglary (in violation of 18 Pa. C.S. § 3502(a)(4)); Allegation 15, Criminal Trespass (in violation of 18 Pa. C.S. § 3503(a)(1)(i)); Allegation 16, Receiving Stolen Property (in violation of 18 Pa. C.S. § 3925(a)); Allegation 17, Resisting Arrest or Other Law Enforcement (in violation of 18 Pa. C.S. § 5104); Allegation 18, Theft by Unlawful Taking or Disposition (in violation of 18 Pa. C.S. § 3921(a)); Allegation 19, Receiving Stolen Property (in violation of 18 Pa. C.S. § 3925(a)); and Allegation 20, Disorderly Conduct (in violation of 18 Pa. C.S. § 5503(a)(4)).

A Delinquency Hearing was scheduled before the Honorable Daniel J. Brabender for January 26, 2016. On January 22, 2016, Appellant, represented by Jason A. Checque, Esquire, filed a Motion to Continue, seeking to continue the Delinquency Hearing due to a scheduling conflict and additional time needed to gather medical records and interview witnesses. Judge Brabender granted Appellant’s Motion to Continue, and a Delinquency Hearing was scheduled for February 4, 2016 at 1:30 p.m. before this Court.

On February 4, 2016, the day of the Delinquency Hearing, Appellant filed another Motion to Continue, seeking to continue the Delinquency Hearing due to Appellant’s medical appointment at 2:30 p.m. This Court denied Appellant’s Motion to Continue. However, this Court spoke with Appellant’s medical personnel and agreed to make Appellant available between 3:00 p.m. and 3:30 p.m. so that Appellant could attend his medical appointment. Accordingly, the Delinquency Hearing was held on February 4, 2016. The Commonwealth, represented by Jonathan W. Neenan, Esquire, called its first two witnesses, Officer Gabriel Carducci and Officer Nicholas Bernatowicz. After the two officers testified, the Court

recessed and the trial was continued so that Appellant could attend his scheduled medical appointment. On February 11, 2016, the Court reconvened. The Commonwealth called Officer Jason Russell and the victims, Destiny Belle and Latasha Barnett. Following this testimony, the Commonwealth rested its case. Counsel for Appellant made a Motion for Judgment for Acquittal for Allegation 14, Burglary and Allegation 16, Receiving Stolen Property. The Court denied Appellant's request and the matter proceeded.

The Court subsequently conducted a colloquy with Appellant concerning his constitutional rights, including his right not to testify. Appellant informed the Court of his desire to testify on his own behalf and forego his constitutional right to remain silent. The Court found that Appellant knowingly and voluntarily waived his right not to testify. Following Appellant's testimony, Appellant rested. Both Appellant and the Commonwealth made a closing statement.

Following the conclusion of the Delinquency Hearing, the Court stated its findings of fact on the record. The Court did not find the testimony of Appellant credible. The Court found that Commonwealth's witnesses were credible. The Court found that the Commonwealth had proven beyond a reasonable doubt that Appellant had committed: Allegation 13, Aggravated Assault; Allegation 14, Burglary; Allegation 15, Criminal Trespass; Allegation 17, Resisting Arrest or Other Law Enforcement; Allegation 18, Theft by Unlawful Taking or Disposition; and Allegation 20, Disorderly Conduct. The Court held that Allegation 19, Receiving Stolen Property, merged with Allegation 18, Theft by Unlawful Taking or Disposition. The Court held in abeyance its ruling on Allegation 16, Receiving Stolen Property, to allow counsel for Appellant the opportunity to submit a brief on the issue of whether a person who is a passenger in a stolen vehicle could commit the crime of Receiving Stolen Property with respect to the stolen vehicle.

On February 17, 2016, Counsel for Appellant submitted a Motion to Reconsider Adjudication(s) of Delinquency. In addition to addressing the issue relating to Allegation 16, Receiving Stolen Property as it related to being a passenger in a stolen vehicle, Appellant also asked this Court to reconsider Allegation 13, Aggravated Assault; Allegation 14, Burglary; and Allegation 15, Criminal Trespass.

A Dispositional Hearing was held on February 23, 2016. The Court heard arguments from Appellant and the Commonwealth regarding Appellant's Motion to Reconsider Adjudications of Delinquency. The Court sustained its findings that Appellant committed Allegation 14, Burglary and Allegation 15, Criminal Trespass. The Court further found that the Commonwealth had proven beyond a reasonable doubt that Appellant committed Allegation 16, Receiving Stolen Property. This Court granted Appellant's request regarding Allegation 13 and thereby amended Aggravated Assault to Simple Assault. After considering the Court Summary and statements of the parties, the Court then found Appellant in need of treatment, supervision, and rehabilitation and, consequently, adjudicated him delinquent. The Court ordered Appellant to be placed at Loysville Youth Development Center (hereinafter "Loysville") for two to three months, with a possible transition to George Junior Republic if Appellant was on positive status at Loysville. Also the Court ordered Appellant to pay \$1,620.99 in restitution. In an Order dated February 25, 2016, the Court modified its previous Order and thereby ordered Appellant to pay restitution in the amount of \$1,361.00.

On March 4, 2016, Appellant filed Post Dispositional Motions, which included a "Motion

to Reconsider Juvenile's Motion to Reconsider Adjudications of Delinquency," "Motion for [sic] Reconsider Juvenile to Pay Restitution," and "Motion to Reconsider Placement at Loysville YDC." On March 8, 2016, this Court issued an Order denying Appellant's Motions.

Appellant filed the instant Notice of Appeal on April 8, 2016.¹ On April 19, 2016, this Court ordered Appellant to file a concise statement of matters complained of on appeal, pursuant to Pa. R.A.P. 1925(b), within twenty-one days. On May 11, 2016, Appellant filed his "Statement of Matters Complained of on Appeal."

The Court will now address the relevant facts of the instant case.

B. Factual History

The Commonwealth first called Officer Gabriel A. Carducci, a patrolman with the City of Erie Police Department, to testify. *Delinquency Hearing Transcript* (hereinafter "*D.H.T.*"), February 4, 2016 at 4-5. Officer Carducci testified that while working third shift at approximately 1:00 a.m. on Monday, January 18, 2016,² during a routine patrol in the City of Erie, he spotted a late model white Ford Explorer at West 18th Street and Liberty Street. *Id.* at 6, 12, 37. The Ford Explorer matched the description of a vehicle that had been reported stolen within the previous few days. *Id.* at 6. Officer Carducci testified that the description of the vehicle had been given to him on roll call for several days. *Id.* Officer Carducci turned his police cruiser around so he could follow the Ford Explorer. *Id.* at 6-7. By the time he turned around, the Ford Explorer was no longer visible. *Id.* at 7. On this particular late evening and early morning, there had been a severe snow storm, and Officer Carducci was able to catch up to the Ford Explorer by following the vehicle's tracks in the fresh snow. *Id.* Due to the inclement weather and early morning hours, there were not many vehicles on the road and it was therefore easier to follow the tracks of the Ford Explorer. *Id.* at 12-13, 37. Officer Carducci spotted the Ford Explorer again at 20th Street and Sassafras Street within five minutes. *Id.* at 7. He began following the vehicle, and called on the radio to report he was following a vehicle matching the description of the Ford Explorer that had been reported stolen. *Id.* Another Erie Police Department vehicle occupied by Officer Nicholas Bernatowicz crossed paths with the Ford Explorer on State Street, and the Ford Explorer began to rapidly accelerate. *Id.* at 8-9. Officer Carducci activated his emergency lights and sirens as he continued to follow the Ford Explorer. *Id.* at 10. In an apparent attempt to evade police, the Ford Explorer went through traffic lights and stop signs at a speed of upwards of fifty miles per hour in a twenty-five mile per hour zone. *Id.* at 11, 14. At 245 East 22nd Street, the driver of the vehicle lost control, hit a tree, and the Ford Explorer came to a stop. *Id.* at 14.

Officer Carducci observed two people exit the vehicle: a driver, who went northbound, and a front seat passenger, who went southbound. *Id.* at 14-15. Officer Carducci exited his vehicle and chased the driver of the vehicle. *Id.* at 15. Officer Bernatowicz gave chase to the passenger of the vehicle. *Id.* Officer Carducci apprehended the driver of the vehicle, J.G. *Id.* at 16. Officer Carducci returned to the Ford Explorer, and was able to identify the owner

¹ This Court was not, however, served a copy of the Notice of Appeal until April 19, 2016, eleven days after the Notice of Appeal was filed and Counsel for Appellant certified that he served this Court.

² The Court takes judicial notice that Monday, January 18, 2016 was Martin Luther King, Jr. Day.

of the vehicle as Latasha Barnett. *Id.* at 17-18. He also verified that this Ford Explorer was the same vehicle that had been reported stolen by using the vehicle's identification number. *Id.* at 18. Finally, Officer Carducci testified that Appellant's booking sheet listed the items Appellant had on his person, which included a prescription pill bottle for Venlafaxine belonging to Latasha Barnett. *Id.* at 34.

The Commonwealth next called Officer Nicholas Bernatowicz, a patrolman and SWAT operator with the City of Erie Police Department. *Id.* at 43-44. Officer Bernatowicz testified that he responded to Officer Carducci's radio call around 1:00 a.m. while he was working third shift. *Id.* at 46. He was on East 24th Street headed toward State Street. *Id.* at 46-47. Officer Bernatowicz saw the Ford Explorer coming down the hill on State Street as he went through the intersection of State Street and East 24th Street. *Id.* at 47. Officer Bernatowicz saw that there were two black males in the vehicle, and identified Appellant as the person sitting in the front passenger seat. *Id.* at 47-48. The Ford Explorer went through the intersection without stopping, and began to accelerate at a high rate of speed. *Id.* at 49. Officer Bernatowicz turned his vehicle around, turned on his emergency lights and siren, and pursued the Ford Explorer. *Id.* at 49, 62. Officer Carducci's vehicle was directly behind the Ford Explorer, and Officer Bernatowicz's vehicle was directly behind Officer Carducci's vehicle. *Id.* at 49-50. Officer Bernatowicz observed the Ford Explorer lose control and hit a tree. *Id.* at 50. As Officer Bernatowicz was pulling up to the scene of the crash, he saw two people exit from the vehicle. *Id.* at 50, 64. As the driver ran north and Appellant ran south, Officer Bernatowicz pursued Appellant and Officer Carducci followed the driver. *Id.* at 50-51.

Officer Bernatowicz cleared the Ford Explorer and found no other occupants. *Id.* at 51, 64. Next, Officer Bernatowicz, in full police uniform, gave chase to Appellant. *Id.* at 51, 57. Officer Bernatowicz gave Appellant verbal commands to stop, but Appellant did not comply. *Id.* at 51. Instead, Appellant ran south toward an alley. *Id.* Appellant was ahead of Officer Bernatowicz, but Officer Bernatowicz was able to follow Appellant because he could easily identify Appellant's footprints in the recent snowfall. *Id.* at 52. Officer Bernatowicz followed the footprints west through a backyard, over two fences, and through an alley. *Id.* at 51-52, 65. In the alley, the footprints led to a vehicle with an open door, and went in one side and out the other. *Id.* at 51-52, 65, 67. Officer Bernatowicz cleared the open vehicle with the help of Officer Jason Russell who joined him in the pursuit of Appellant at the open vehicle. *Id.* at 51. The Officers continued to follow the footprints over fences, across a park, and ultimately to a single car detached garage located at 2224 Holland Street. *Id.* at 52, 65, 69. Officer Bernatowicz testified that Appellant did not live at 2224 Holland Street. *Id.* at 61. In total, the Officer Bernatowicz pursued Appellant for one and a half to two blocks. *Id.* at 51-52, 66. At no point during the chase did Appellant stop, despite being pursued by two uniformed police officers and their repeated verbal commands. *Id.* at 67.

The footprints led into the garage. *Id.* at 52. Officer Bernatowicz gave Appellant commands from outside the garage to show his hands. *D.H.T.*, February 11, 2016 at 10, 21. As he did not receive a response, Officer Bernatowicz went through the partially open man door to the garage with his weapon drawn and turned left. *D.H.T.*, February 4, 2016 at 53, 68. The garage was pitch black, but Officer Bernatowicz had a flashlight attached to his weapon. *Id.* at 53, 55, 74. Appellant was standing in the left corner of the garage.

Id. at 53. Officer Russell entered the garage after Officer Bernatowicz. *Id.* at 53, 71-72. Officer Bernatowicz testified that Appellant was six to seven feet away, had a black object in his right hand, and stood at a “bladed stance” with half his body turned away from Officer Bernatowicz. *Id.* at 54-55, 69, 72-73. Officer Bernatowicz repeatedly commanded Appellant to show him his hands. *Id.* at 55. Appellant failed to comply, turned his back towards Officer Bernatowicz, and reached towards the waistband of his pants.³ *Id.* at 55, 71. Officer Bernatowicz re-holstered his weapon, approached Appellant, and grabbed ahold of him. *Id.* at 56. Appellant attempted to get free from Officer Bernatowicz’s grasp and to escape through the man door. *Id.* at 56, 77. Officer Bernatowicz could feel force as Appellant struggled and resisted arrest, ultimately striking Officer Bernatowicz in the right knee. *Id.* at 56-57, 77-78. Officer Bernatowicz got Appellant to the ground, where Appellant continued to struggle and tried to break free. *Id.* at 57, 80. Appellant moved his hands underneath him, in a further attempt to resist arrest. *Id.* at 57. With the help of Officer Russell, Officer Bernatowicz was able to get Appellant’s hands behind his back and handcuff him. *Id.* at 57-58, 80. While Appellant was on the ground, Officer Bernatowicz gave him repeated commands to stop resisting, to release his hands from under his body, and to let go of objects he was holding. *Id.* at 58. Officer Bernatowicz and Officer Russell conducted a search incident to arrest of Appellant. *Id.* at 59-60. They recovered multiple items, including a prescription pill bottle that was found in Appellant’s left pocket. *Id.* at 60. The booking sheet indicated that the pill bottle contained Venlafaxine belonging to Latasha Barnett. *Id.* at 34.

The Commonwealth next called Officer Jason Russell, a patrolman with the City of Erie Police Department. *D.H.T.*, February 11, 2016 at 4. Officer Russell testified that on January 18, 2016, he was working third shift. *Id.* at 5. He heard Officer Carducci’s radio broadcast that the Ford Explorer was eluding him and joined in the pursuit. *Id.* at 5-6. Officer Russell heard on the radio that the Ford Explorer had crashed in the 200 block of East 24th Street and that both occupants had fled from the vehicle on foot. *Id.* at 6. He stopped his vehicle in the 200 block East 25th Street to establish a perimeter. *Id.* Officers Carducci and Bernatowicz were already at the scene. *Id.* Officer Russell assisted Officer Bernatowicz in the pursuit of the passenger of the Ford Explorer, and joined Officer Bernatowicz at the vehicle in the alley. *Id.* at 6-7. The Officers cleared the vehicle, and followed the footprints westbound. *Id.* at 7. Officer Russell testified that they scaled two fences and followed the footprints across Holland Street into a park, leading to a garage at 2224 Holland Street. *Id.* at 7-8. The footprints led to the garage’s man door, located at the corner of the garage. *Id.* at 8.

Officer Russell heard Officer Bernatowicz give the individual inside the garage commands to show his hands while both officers were outside the garage. *Id.* at 21. As was testified to by Appellant, Appellant heard police voices outside of the garage but did not come out, and instead backed into the corner of the garage. *Id.* at 67-69. As no one exited the garage, Officer Bernatowicz entered the garage through the man door, followed by Officer Russell.

³ It is worthy to note that in spite of Appellant’s conduct and level of defiance, Officer Bernatowicz established a factual predicate that may have warranted the use of deadly force. This Court recognized that this issue is thankfully not before the Court and it is only because of the sound judgment and exercised experience of a seasoned veteran. As noted, the Court found that the conduct of the officers, especially Officer Bernatowicz, was particularly commendable.

Id. at 8. Officer Russell cleared the back corners of the garage as Officer Bernatowicz focused on the individual inside the garage. *Id.* at 8-9. Officer Russell heard Officer Bernatowicz ordering the individual to show his hands and get on the ground. *Id.* at 9-10. When Officer Russell finished clearing the back corners of the garage, he turned around and saw Officer Bernatowicz in contact with the individual. *Id.* at 23-24. Officer Russell identified R.M. as the individual in the garage at 2224 Holland Street. *Id.* at 9. Officer Russell testified that Officer Bernatowicz closed the distance between himself and R.M. and then grabbed Appellant in an attempt to handcuff him. *Id.* at 10. Officer Russell testified that Appellant was not compliant, and that Appellant was trying to get through or around Officer Bernatowicz. *Id.* at 9. Officer Russell holstered his weapon and helped Officer Bernatowicz get Appellant to the ground. *Id.* Appellant struggled on the ground and resisted the officers. *Id.* Officer Russell got Appellant's left arm out from underneath him, while Officer Bernatowicz got Appellant's right arm out from underneath him, and the two were able to handcuff Appellant. *Id.* at 10-11. Officer Russell did not see any objects in Appellant's hand. *Id.* at 23. No weapons were found on Appellant or in the garage. *Id.* at 29. Officer Russell testified that he and Officer Russell performed a search incident to arrest of Appellant and found an orange pill bottle in Appellant's left pocket. *Id.* at 11-12. The pill bottle listed the name Latasha Barnett and identified the prescriptive drug as Venlafaxine. *Id.* at 18.

The Commonwealth then called Destiny Belle, the owner of the one-car garage located at 2224 Holland Street. *Id.* at 34-35. Ms. Belle testified that she was sleeping in the early morning hours of January 18, 2016, when her children woke her up because they saw, from their bedroom window, police officers outside of their garage. *Id.* at 35, 40-41. Ms. Belle testified that she knew Appellant because he was her son's friend and had been over to her house on multiple occasions. *Id.* at 36, 39. Ms. Belle had always given Appellant permission to come into her house, but had never given him permission to be in her garage at 1:00 a.m. *Id.* at 41-43. Ms. Belle testified that she had not given Appellant permission to be in her garage on January 18, 2016. *Id.* at 37. Ms. Belle testified that no one had permission to be in her garage that night, and that her garage was not open to the public nor was it abandoned. *Id.* at 35-36.

The Commonwealth called its last witness Latasha Barnett, the owner of the Ford Explorer. *Id.* at 44-45. Ms. Barnett testified that she owned a 2013 pearl white Ford Explorer. *Id.* at 45. The Ford Explorer was titled in her name, with Maurice Martin, the father of her children, as the co-owner. *Id.* at 46, 55. Ms. Barnett reported her Ford Explorer stolen on January 16, 2016. *Id.* at 45. Ms. Barnett testified that the last time she saw the vehicle before it was stolen was at 12:00 a.m. on January 16, 2016 when it was parked in front of her house at 242 East 25th Street. *Id.* at 45-46. Ms. Barnett testified that she does not know Appellant. *Id.* at 46. Ms. Barnett stated that Mr. Martin had permission to use the vehicle, but that Appellant did not have permission to use the vehicle. *Id.* at 46, 56. Ms. Barnett had never seen Appellant before, and had not seen Appellant get into the vehicle. *Id.* at 49. Ms. Barnett testified that on January 18, 2016, she received a call from the City of Erie Police Department that they had recovered her vehicle. *Id.* at 45. When Ms. Barnett saw her Ford Explorer after January 18, 2016, it was totaled. *Id.* at 47. Ms. Barnett testified that she kept jewelry, car seats, two televisions, games, and her medication in her vehicle. *Id.* at 47-48. Ms. Barnett testified that she kept her medication in the center console of her vehicle. *Id.* at 49.

After the Commonwealth rested, Appellant waived his right to remain silent and testified in his own defense. *Id.* at 61, 65. Appellant admitted that he knew the Ford Explorer was stolen. *Id.* at 84. Appellant admitted that he was the passenger in the stolen Ford Explorer. *Id.* Appellant also admitted to possessing Ms. Barnett's prescription pill bottle for Venlafaxine. *Id.* at 79. Appellant admitted to knowing he was being chased by police officers from 24th Street and Sassafras Street. *Id.* at 83. Appellant further admitted that he was trying to "get away" from the officers. *Id.*

Despite having previously been to Ms. Belle's house, Appellant conceded that he did not have permission to be on her property at approximately 1:20 a.m. or in her garage. *Id.* Appellant testified that once inside the garage, he leaned on the man door for five to ten minutes before he heard police voices outside. *Id.* at 67-69. Appellant heard commands and a police officer say "Is anyone inside the garage?" *Id.* at 69, 84. Appellant testified that he did not respond or go outside, but instead started to go towards the corner of the garage. *Id.* at 69, 82.

Appellant testified that three officers came into the garage. *Id.* at 69. Appellant identified Officers Bernatowicz and Russel as two of the officers that came into the garage. *Id.* at 70. Appellant did not provide a name for the third officer. *Id.* According to Appellant, all three officers had their weapons drawn. *Id.* at 69, 71-72. Appellant said that when the officers entered the garage, he put his hands up in the air and immediately got down on the ground. *Id.* at 71, 73. Appellant testified that Officer Russell picked him up off the ground and then threw him to the ground. *Id.* at 71. According to Appellant, the three officers proceeded to stomp on him, kick him, and punch him in his ribs. *Id.* Appellant testified that Officer Bernatowicz stomped on his right hand with his boot, and that the officers kicked him in his face. *Id.* at 74-75. Appellant denied striking any of the officers. *Id.* at 80. Appellant testified that police officers from the City of Erie Police Department took him to the hospital on January 18, 2016 and that his hand was broken. *Id.* at 76-77, 88-89. The Court questioned Appellant about this alleged police brutality. *Id.* at 85-87. The Court asked Appellant if he received any stitches, to which he replied no. *Id.* at 86. The Court asked Appellant if he broke any ribs, to which he replied no. *Id.* The Court asked if his eyes were swollen shut from being kicked in the face, and Appellant again responded no. *Id.* at 86-87. The Court did not find Appellant's testimony regarding the alleged police brutality credible. *Id.* at 111. The Court later found that the trauma to Appellant's right hand was a result of Appellant's struggle, defiance, and resistance to his arrest, not the result of police brutality. *Id.* at 114.

DISCUSSION

Appellant raises three issues on appeal. The Court will address each issue *in seriatim*.

A. Sufficiency of Evidence

In his first issue raised on appeal, Appellant states:

Appellant avers and believes that the verdict goes against the sufficiency of the evidence for the following allegations:

a) Appellant avers and believes that the trial court erred when it adjudicated Appellant delinquent and subsequently denied Appellant's Post-Dispositional Motions for Allegation 14 (Burglary) because Appellant did not have the intent to commit the crime of burglary and/or the evidence does not substantiate the crime of burglary and/or the Commonwealth cannot meet the "beyond a reasonable doubt" burden of proof

for purposes of the aforementioned adjudication of delinquency;

b) Appellant avers and believes that the trial court erred when it adjudicated Appellant delinquent and subsequently denied Appellant's Post-Dispositional Motions for Allegation 15 (Criminal Trespass) because the Appellant did not have the intent to commit the crime of criminal trespass and/or the evidence does not substantiate the crime of criminal trespass and/or the Commonwealth cannot meet the "beyond a reasonable doubt" burden of proof for purposes of the aforementioned adjudication of delinquency; and

c) Appellant avers and believes that the trial court erred when it adjudicated Appellant delinquent and substantially denied Appellant's Post-Dispositional Motions for Allegation 16 (Receiving Stolen Property) because the Appellant did not have the intent to commit the crime of receiving stolen property and/or the evidence does not substantiate the crime of receiving stolen property and/or the Commonwealth cannot meet the "beyond a reasonable doubt" burden of proof for purposes of the aforementioned adjudication of delinquency.

App.'s 1925(B) Statement at ¶ 1.

The standard of review for a sufficiency of the evidence claim is well-settled:

The standard we apply in reviewing the sufficiency of evidence is whether, viewing all the evidence admitted at trial in the light most favorable to the verdict winner, there is sufficient evidence to enable the factfinder to find every element of the crime beyond a reasonable doubt. In applying [the above] test, we may not weigh the evidence and substitute our judgment for that of the fact-finder. In addition, we note that the facts and circumstances established by the Commonwealth need not preclude every possibility of innocence. Any doubts regarding a defendant's guilt may be resolved by the fact-finder unless the evidence is so weak and inconclusive that as a matter of law no probability of fact may be drawn from the combined circumstances. The Commonwealth may sustain its burden of proving every element of the crime beyond a reasonable doubt by means of wholly circumstantial evidence. Moreover, in applying the above test, the entire record must be evaluated and all evidence actually received must be considered. Finally, the trier of fact, while passing upon the credibility of witnesses and the weight of the evidence produced, is free to believe all, part or none of the evidence.

Commonwealth v. Lambert, 795 A.2d 1010, 1014 (Pa. Super. Ct. 2002) (quoting *Commonwealth v. Hennigan*, 753 A.2d 245 (Pa. Super. Ct. 1996)) (internal citations and quotations omitted); *See also*, *Commonwealth v. Ratsamy*, 934 A.2d 1233, 1236 n.2 (Pa. 2007).

A person commits Burglary in violation of 18 Pa. C.S. § 3502(a)(4) when he "enters a building or occupied structure, or separately secured or occupied portion thereof that is not adapted for overnight accommodations in which at the time of the offense no person is present," with the intent to commit a crime therein. 18 Pa. C.S. § 3502(a)(4). It is a defense to Burglary if, at the time of the commission of the offense, the building or structure was abandoned, the premise was open to the public, or the actor is licensed or privileged to enter. 18 Pa. C.S. § 3502(b). Stated simply, "[a] person is guilty of burglary if he or she enters a

building or occupied structure with the intent to commit a crime therein, unless he or she is licensed or privileged to enter.” *Lambert*, 795 A.2d at 1015.

The intent to commit a crime after entry may be inferred from the circumstances surrounding the incident. While this intent may be inferred from actions as well as words, the actions must bear a reasonable relation to the commission of a crime. ***Once one has entered a private residence by criminal means, we can infer that the person intended a criminal purpose based on the totality of circumstances.*** The Commonwealth is not required to allege or prove what particular crime a defendant intended to commit after his forcible entry into the private residence.

Id. at 1022 (internal citations omitted; emphasis supplied).

The Commonwealth proved beyond a reasonable doubt each element of Burglary. The Commonwealth first established that Appellant entered a building not adapted for overnight accommodations: Destiny Belle’s garage. Appellant himself admitted that he entered Ms. Belle’s garage in the middle of the night, and further admitted that he entered the garage to “get away” from police officers. *D.H.T.*, February 11, 2016 at 67, 79, 82-83. Appellant did not raise any defense to Burglary, and the record reflects that no defense exists. Ms. Belle testified that she had not given Appellant permission to be in her garage on that night, no one had permission to be in her garage that night, her garage was not open to the public, and her garage was not abandoned. *Id.* at 35-37. Appellant himself admitted that he did not have permission to enter the garage. *Id.* at 83. The Commonwealth was not required to allege or prove what particular crime Appellant intended to commit after his entrance by criminal means. *Lambert*, 795 A.2d at 1022. The record reflects that Appellant entered the garage in the middle of the night without license, privilege, or permission. These actions permit the inference that Appellant intended a criminal purpose. See *Lambert*, *supra*. For these reasons, Appellant’s argument that there was insufficient evidence for Burglary lacks merit.

A person commits Criminal Trespass in violation of 18 Pa. C.S. § 3503(a)(1)(i) when he, knowing that he is not licensed or privileged to do so, “enters, gains entry by subterfuge or surreptitiously remains in any building or occupied structure or separately secured or occupied portion thereof.” 18 Pa. C.S. § 3503(a)(1)(i). It is a defense to Criminal Trespass if the building or structure was abandoned, the premise was open to the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises, or the actor reasonably believed that the owner of the premises, or other person empowered to license access thereto, would have licensed him to enter or remain. 18 Pa. C.S. § 3503(d).

The Commonwealth proved beyond a reasonable doubt each element of Criminal Trespass. Again, the Commonwealth established that Appellant entered a building: Destiny Belle’s garage. Appellant himself admitted that he entered Ms. Belle’s garage in the middle of the night. *D.H.T.*, February 11, 2016 at 67. Ms. Belle testified that her garage was not abandoned, that no one was permitted to be in her garage, and specifically Appellant was not permitted to be in her garage. *Id.* at 35-37. Appellant did not testify that he thought that Ms. Belle would permit him to be in her garage in the middle of the night. In fact, Appellant admitted that he did not have permission to enter the garage that night. *Id.* at 83. Therefore, no defense to Criminal Trespass is present in this case. Consequently, Appellant’s second insufficiency of evidence claim lacks merit.

A person commits the crime of receiving stolen property in violation of 18 Pa. C.S. § 3925(a) when “he intentionally receives, retains, or disposes of movable property of another knowing that it has been stolen, or believing that it has probably been stolen, unless the property is received, retained, or disposed with intent to restore it to the owner.” 18 Pa. C.S. § 3925(a). “Receiving” is defined as “acquiring possession, control or title, or lending on the security of the property.” 18 Pa. C.S. § 3925(b). “To convict [A]ppellant of theft by receiving stolen property, the Commonwealth was required to prove beyond a reasonable doubt that the car had been stolen, that [A]ppellant had been in possession of it, and that he had known or had reason to know it was stolen.” *In re Scott*, 566 A.2d 266, 267 (Pa. Super. Ct. 1989).

The Commonwealth proved beyond a reasonable doubt each element of receiving stolen property. First, the Commonwealth established that the vehicle was stolen. The Commonwealth offered testimony to prove that Latasha Barnett was the owner of the Ford Explorer in question. Officer Carducci testified that the vehicle identification number from the Ford Explorer that he gave chase to matched the vehicle identification number from the vehicle that Latasha Barnett reported stolen. *D.H.T.*, February 4, 2016 at 18. Second, the Commonwealth proved that Appellant was in joint and constructive possession of the stolen Ford Explorer. The evidence reflects that Appellant was the passenger in the Ford Explorer. In fact, Appellant himself admitted that he was the passenger in the Ford Explorer. *D.H.T.*, February 11, 2016 at 84. Additionally, Appellant was in possession of Latasha Barnett’s pill bottle, which she testified she kept in the center console of her Ford Explorer. *Id.* at 49. The fact that Appellant had the pill bottle illustrates that he had dominion and control over the vehicle under a theory of joint and constructive possession. Third, the Commonwealth established that Appellant knew that the vehicle was stolen. Appellant admitted on the stand that he knew the Ford Explorer was stolen. *Id.* at 84.

Appellant has argued that he cannot be guilty of receiving stolen property because he was only a passenger in the stolen vehicle and did not drive the stolen vehicle. This argument is without legal merit. The case sub judice is almost factually identical to *In re Scott*, *supra*. In *Scott*, police officers observed a car speeding, going through a stop sign, and ultimately striking two parked vehicles. 566 A.2d at 267. The driver and the passenger of the vehicle leaped from the vehicle and ran in different directions. *Id.* Officer Panikowski pursued the passenger of the vehicle as he ran down an alley. *Id.* Officer Panikowski lost sight of the passenger, but moments later saw the passenger walking towards him. *Id.* Officer Panikowski apprehended the passenger, who he identified as Andre Scott. *Id.* The vehicle was found to have been stolen. *Id.* Scott testified that he had not been a passenger in the vehicle and had not run from the police. *Id.* Scott was adjudicated delinquent for, *inter alia*, receiving stolen property. *Id.* at 266.

Since there was no evidence that Scott had been driving the stolen vehicle, the Commonwealth contended that Scott had been in joint or constructive possession of the vehicle. *Id.* at 267. The Superior Court held that it was not fatal to the Commonwealth’s case if they could not prove that a passenger in a stolen vehicle actually drove the vehicle. *Id.* at 268. In *Scott* the Court stated that where “the trier of fact finds that appellant was either driving or riding in a vehicle he knew was stolen” and “attempted to escape with his companion... there is a sufficient basis for the fact finder to apply the doctrine of joint

possession, which is appropriate when the ‘...totality of the circumstances justify a finding that all of the occupants of the vehicle were acting in concert.’” *Id.* (citing to *Commonwealth v. Murray*, 371 A.2d 910 (Pa. Super. Ct. 1977)). “Under this doctrine, **it is immaterial that appellant may not have been behind the wheel of the stolen vehicle.**” *Id.* (emphasis supplied). The *Scott* Court went on to state that: “[W]here a passenger in a stolen vehicle flees for the purpose of avoiding arrest, a fact finder may infer therefrom the dominion and guilty knowledge necessary to convict.” *Id.* at 269. Based on these standards, the Superior Court held that there was sufficient evidence to convict Scott of theft by receiving stolen property. *Id.*

Scott makes clear that a passenger of a vehicle can be convicted of theft by receiving stolen property. In this case, Appellant was in joint or constructive possession of stolen the Ford Explorer. Appellant, like Scott, fled from the vehicle to avoid arrest. Appellant admitted that he was trying to “get away” from the police officers. *D.H.T.*, February 11, 2016 at 83. This fleeing allows the fact finder to infer guilty knowledge. See *In re Scott*, 566 A.2d at 266. However, this inference is not even necessary in this case because Appellant admitted that he knew the vehicle he was a passenger in was stolen. *D.H.T.*, February 11, 2016 at 83-84. Appellant had the dominion and guilty knowledge necessary to convict him of theft by receiving stolen property. Thus, there was sufficient evidence to support Appellant’s adjudication and his claim of insufficiency thereby warrants dismissal.

B. Restitution

In his second issue raised on appeal, Appellant argues:

Appellant avers and believes that the trial court erred when it determined that Appellant owed restitution for damages to the motor vehicle, for damages to any tangible property located within the motor vehicle (except with regards to Allegations 18 and 19), and/or for damages to any tangible property not located in the motor vehicle (except with regards to Allegations 18 and 19), especially with the trial court’s finding that Appellant was adjudicated delinquent at Allegation 16 (Receiving Stolen Property).

App.’s 1925(B) Statement at ¶ 2.

The Pennsylvania Supreme Court has held:

[O]ne of the purposes of the Juvenile Act is to hold children accountable for their behavior. Accordingly, the Juvenile Act authorizes the court to “order [] payment by the child of reasonable amounts of money as fines, costs or restitution as deemed appropriate as part of the plan of rehabilitation concerning the nature of the acts committed and the earning capacity of the child.” 42 Pa.C.S.A. § 6352, Disposition of delinquent child, (a) General rule.-(5). Consistent with the protection of the public interest and the community, the rehabilitative purpose of the Juvenile Act is attained through accountability and the development of personal qualities that will enable the juvenile offender to become a responsible and productive member of the community. Thus, the policies underlying the Juvenile Act and its restitution provision, as well as the plain language of Section 6352, serve to invest the juvenile court with a broad measure of discretion to apportion responsibility for damages based upon the nature of the delinquent act and the earning capacity of the juvenile.

In re M.W., 725 A.2d 729, 732–33 (Pa. 1999). Trial courts have broad discretion in awarding

restitution. *In re D.G.*, 114 A.3d 1091, 1098 (Pa. Super. Ct. 2015). “In reviewing an order of restitution, discretion is abused where the order is speculative or excessive or lacks support in the record.” *Id.* at 1097.

Appellant is not objecting to the calculation of restitution that he was ordered to pay, but rather is objecting to the fact that he has to pay any restitution other than for the pill bottle. Counsel for Appellant has never raised an objection this Court’s calculation of the amount of restitution. For the reasons set forth below, Appellant’s argument that he is not responsible for any restitution other than for the pill bottle is without merit.

The Court acted within its broad discretion in awarding restitution in this case. Ms. Barnett’s Ford Explorer was totaled when it hit a tree during the police chase on January 18, 2016. *D.H.T.* February 11, 2016 at 47. As recognized previously, this Court found Appellant responsible for Receiving Stolen Property of the Ford Explorer. Additionally, a number of items contained in the Ford Explorer were damaged or never found, including: jewelry (bangles and three rings), \$250.00 cash, two booster seats, 40 caliber clip with ammunition, two DS XL hand games, two RCA portable televisions, and kids games. These were itemized by the victim, Latasha Barnett, and the receipts were set forth on the record. *Dispositional Transcript* (“D.T.”), February 23, 2016 at 10-12. The Court was also provided receipts of items documenting the amount of loss to Ms. Barnett. The Commonwealth argued that the loss to the victim was \$3,241.99, and that Appellant should be responsible for half (\$1,620.99). *Id.* at 10-12, 25. After hearing arguments from Attorney Neenan and Attorney Checque at the February 23, 2016 Dispositional Hearing, the Court ordered Appellant to pay \$1,620.99. *Id.* at 10-12, 25-26. However, as stated on the record, the Court reviewed the receipts again and on February 25, 2016 modified the restitution order and lowered the amount of restitution to \$1,361.00. *See* February 25, 2016 Order attached as Exhibit 1. This illustrates the Court’s willingness to be fair and not arbitrary in its award. This amount also signified that this adjusted loss amount was half of the total loss as determined by the Court. The total loss was to be split with Appellant’s co-defendant, J.G. Restitution is within the sound discretion of the Court. *See In re D.G.*, *supra*. This record is saturated with facts illustrating that this Court considered not only the statements of the victim regarding her loss, but also receipts admitted by the Commonwealth to support the value of the items which were missing. The Court also reduced the value of the items and, out of fairness to Appellant, only ordered he pay half of the amount as opposed to holding him jointly and severally liable. The Court also considered Appellant’s ability to pay and placed him at Loysville where he would be able to earn restitution. *D.T.* at 32, 34.

As discussed above, there was sufficient evidence to adjudicate Appellant delinquent for theft by receiving stolen property in regards to the motor vehicle. Appellant exercised dominion and control over the Ford Explorer and the items in the Ford Explorer. Accordingly, it was appropriate that Appellant pay a one-half share of the restitution for the damages to the motor vehicle and for the items located within the motor vehicle at the time of the theft. The amount of \$1,361.00 represents a fair and reasonable amount for Appellant to pay as a foreseeable consequence of his criminal actions regarding the Receiving Stolen Property of the vehicle. This amount reasonably accounts for the victim’s loss, and is an adequate measure of accountability for Appellant. Accordingly, this claim is without merit.

C. Placement

In his third and final issue, Appellant states:

Appellant avers and believes that the trial court erred when it determined that Appellant's best placement option was Loysville Youth Development Center (YDC) near Loysville, Pennsylvania, which is further from the Juvenile's home county than other placements that could accomplish the same "treatment, supervision and rehabilitation" goals such as George Junior Republic near Grove City, Pennsylvania, especially in this particular case as Juvenile's mother and sisters visited Juvenile on a daily basis while Juvenile was detained and/or the denial process was ongoing.

App.'s 1925(B) Statement at ¶ 3.

The Juvenile Act "grants the juvenile court broad discretion in determining the appropriate disposition for a delinquent child," which the Superior Court will not disturb absent a manifest abuse of discretion. *In re D.C.D.*, 124 A.3d 736, 739 (Pa. Super. Ct. 2015), appeal granted, 134 A.3d 50 (Pa. 2016). If a child is found to be delinquent, the Court may commit "the child to an institution, youth development center, camp, or other facility for delinquent children operated under the direction or supervision of the court or other public authority and approved by the Department of Public Welfare." 42 Pa. C.S. § 6352(a)(3).

In placing Appellant at Loysville Youth Development Center, the Court considered Appellant's need for treatment, supervision, and rehabilitation, including his need for a structured environment. The current acts that Appellant was adjudicated delinquent on are serious crimes. Three of the acts for which Appellant was adjudicated delinquent are felonies: Burglary (Allegation 14), Criminal Trespass (Allegation 15), and Receiving Stolen Property (Allegation 16). Moreover, Appellant had committed six past delinquent acts: Defiant Trespass (in violation of 18 Pa. C.S. § 3505(b)(ii)),⁴ Simple Assault (in violation of 18 Pa. C.S. § 2701(a)(1)),⁵ Harassment (in violation of 18 Pa. C.S. § 2709(a)(1)),⁶ Disorderly Conduct (in violation of 18 Pa. C.S. § 5503(a)(3)),⁷ Terroristic Threats (in violation of 18 Pa. C.S. § 2706(a)(1)),⁸ and Disorderly Conduct (in violation of 18 Pa. C.S. § 5503(a)(1)).⁹ In fact, Appellant had previously been placed out of his home for acts of delinquency. On August 11, 2015, Appellant was placed at the Cornell Abraxas Leadership Development Program (hereinafter "Abraxas"). It is not lost on the Court that Appellant had been discharged from Abraxas on December 12, 2015, just over a month before he committed the delinquent acts that are the subject of this appeal. *D.T.* at 2.

Also in this matter, the Court indicated that it had read and considered the Court Summary and made it part of the record. *Id.* at 3. The Court considered that Appellant needed a program with a strong educational component, which Loysville offers. *Id.* at 32, 34. The Court also considered that Appellant would be able to earn restitution at Loysville. *Id.* at 32, 34. The Court did take into account Appellant's request to be placed closer to home so

⁴ At Juvenile Docket 216 of 2014.

⁵ At Juvenile Docket 93 of 2015.

⁶ At Juvenile Docket 93 of 2015.

⁷ At Juvenile Docket 295 of 2015.

⁸ At Juvenile Docket 322 of 2015.

⁹ At Juvenile Docket 322 of 2015.

that his family could visit him. *Id.* at 33-34. The Court ordered that Appellant remain at Loysville for only two to three months, with a possible transition to George Junior Republic if Appellant was on positive status at Loysville. *Id.* at 38. Again, the Court considered in great detail the juvenile's need for treatment, supervision, and rehabilitation, and balanced those considerations with the need to protect the community and to account for the impact on the victim and the need to financially compensate her. Accordingly, the Court did not abuse its broad discretion in placing Appellant at Loysville.

CONCLUSION

For the reasons set forth above, R.M.'s appeal should be dismissed.

BY THE COURT:

/s/ Hon. John J. Trucilla, President Judge

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

**IN THE INTEREST OF: R.M., A MINOR
APPEAL OF: R.M.**

IN THE SUPERIOR COURT OF PENNSYLVANIA

No. 524 WDA 2016

Appeal from the Order February 23, 2016

In the Court of Common Pleas of Erie County

Criminal Division at No(s): CP25JV 0007 of 2016

BEFORE: LAZARUS, J., DUBOW, J., and STRASSBURGER, J.*

MEMORANDUM BY LAZARUS, J.:

FILED APRIL 12, 2017

R.M. appeals from the dispositional order,¹ entered in the Court of Common Pleas of Erie County, after he was adjudicated delinquent for burglary (F-2),² criminal trespass (F-3),³ receiving stolen property of a motor vehicle (M-3),⁴ simple assault (M-2),⁵ resisting arrest (M-2),⁶ theft by unlawful taking (M-3),⁷ and disorderly conduct.⁸ R.M. was ordered to be placed at Loysville Youth Development Center for 2 to 3 months, with possible transition to George Junior Republic if R.M. was on positive status at Loysville. R.M. was also ordered to pay \$1,361.00 in restitution to the victim. After careful review, we affirm.

On January 18, 2016, at 1:00 a.m., Erie Police Officer Gabriel A. Carducci spotted a late-model, white Ford Explorer that had been reported stolen within the past few days. The officer, who was on routine patrol, followed the Explorer and was ultimately able to catch up with it by following the vehicle's tracks in the fresh snow. Officer Carducci radioed for backup, reporting that he was following the stolen vehicle. When another police officer crossed paths with the Explorer, the Explorer began to rapidly accelerate. Officer Carducci activated his emergency lights and sirens and continued to follow the Explorer, which attempted to evade the police by going through traffic lights and stop signs at a speed in excess of 50 miles per hour in a posted 25 miles per hour speed zone. Ultimately, the driver of the vehicle lost control of the car and hit a tree. The driver and passenger, R.M., exited the vehicle and fled from the police on foot.

Officer Nicholas Bernatowicz gave chase to R.M. as he ran south from the accident site. Officer Bernatowicz repeatedly told R.M. to stop; he refused to comply. The officer followed R.M.'s footprints in the snow for a block and a half, which included traversing through a backyard, over two fences, and down an alley. The officer finally apprehended R.M. in a

* Retired Senior Judge assigned to the Superior Court.

¹ Our standard of review of dispositional orders in juvenile proceedings is well settled. "The Juvenile Act grants broad discretion to the court when determining an appropriate disposition. We will not disturb a disposition absent a manifest abuse of discretion." *In re R.D.R.*, 876 A.2d 1009, 1013 (Pa. Super. 2005).

² 18 Pa.C.S. § 3502(a).

³ 18 Pa.C.S. § 3503(a).

⁴ 18 Pa.C.S. § 3925(a).

⁵ 18 Pa.C.S. § 2701(a)(1).

⁶ 18 Pa.C.S. § 5104.

⁷ 18 Pa.C.S. § 3921(a).

⁸ 18 Pa.C.S. § 5503(a)(4).

single-car detached garage. The officer told R.M. to show his hands, observing that he had a black object in his right hand. R.M. failed to comply, stood at a "bladed stance" and, at one point, completely turned his back to the officer. Officer Bernatowicz approached R.M., grabbed hold of him, and struggled with him. R.M. resisted arrest and struck the officer in the right knee. With the help of a second officer, R.M. was handcuffed. A search incident to arrest uncovered multiple items on R.M.'s person, including a prescription pill bottle belonging to the victim.

At the delinquency hearing, the victim testified that she had never given R.M. permission to use her vehicle and that she had reported her car stolen two days prior to the instant incident. The owner of the single-family home with the detached garage testified that she had not given R.M. permission to be on her property or in her garage. R.M. testified that he knew the Explorer was stolen, that he was a passenger in the stolen vehicle, that he possessed the victim's prescription pill bottle, and that he had tried to "get away" from the officers as they chased him.

Following the delinquency hearing, the court concluded that, based on the evidence, the Commonwealth had proven, beyond a reasonable doubt, that R.M. had committed the crimes of receiving stolen property, aggravated assault, burglary, criminal trespass, resisting arrest, disorderly conduct, and theft by unlawful taking.⁹ R.M. filed a motion to reconsider his adjudication for receiving stolen property in light of the fact that he was the passenger, not the driver, of the stolen vehicle.¹⁰ After hearing arguments, the court denied the motion. The court amended the charge of aggravated assault to simple assault and adjudicated R.M. delinquent, finding that he was in need of treatment, supervision, and rehabilitation. R.M. filed post-dispositional motions that were denied.

R.M. filed a timely notice of appeal and court-ordered Pa.R.A.P. 1925(b) concise statement of matters complained of on appeal. R.M. raises the following issues for our review:

(1) Whether the verdict of the trial court goes against the sufficiency of the evidence because (a) [R.M.] did not have the intent to commit the crime of Burglary, the crime of Criminal Trespass, and Receiving Stolen Property of a Motor Vehicle and/or (b) the evidence does not substantiate an adjudication of delinquency on the aforementioned allegations of delinquency and/or the Commonwealth cannot meet the "beyond a reasonable doubt" burden of proof for purposes of the aforementioned allegations of delinquency.

(2) Whether the trial court erred at the time of disposition when it determined that [R.M.'s] best placement option was Loysville Youth Development Center (YDC) near Loysville, Pennsylvania, which is further from the Juvenile's home county than other placements that could accomplish the same "treatment, supervision and rehabilitation" goals such as George Junior Republic near Grove City, Pennsylvania, especially in this particular case as Juvenile's mother and sisters visited Juvenile on a daily basis while Juvenile was detained and/or the denial process was ongoing.

⁹ The court found that receiving stolen property merged with theft by unlawful taking for disposition purposes.

¹⁰ See *In the Interest of Scott*, 566 A.2d 266 (Pa. Super. 1989) (joint and constructive possession of stolen vehicle found where juvenile passenger fled on foot after police stopped car and was apprehended; evidence showed defendant acted in concert with driver of stolen vehicle).

(3) Whether the trial court erred when it determined that [R.M.] owed restitution for damages to the motor vehicle, for damages to any tangible property located within the motor vehicle, and/or for damages to any tangible property not located in the motor vehicle especially with the trial court's finding that [R.M.] was adjudicated delinquent at receiving stolen property.^[11]

After a careful review of the parties' briefs, case law and the certified record, we conclude that the trial court correctly disposes of R.M.'s first two issues on appeal that concern the sufficiency of the evidence and determination of an appropriate placement facility for R.M. Accordingly, we rely upon the opinion, authored by the Honorable John J. Trucilla, in affirming these issues on appeal. We instruct the parties to attach a copy of Judge Trucilla's decision in the event of further proceedings in the matter.

In his final claim on appeal, R.M. asserts that the trial court erred in ordering him to pay restitution with regard to the stolen vehicle (and its missing contents). R.M. contends that the Commonwealth did not provide any evidence that he was responsible for the damaged car or the items stolen from it, that he was not responsible for these losses because he was not the driver of the car, and that there was no proof that he was in control of any of the lost items.

R.M. was properly held accountable for the damage to the victim's property, which included the items stolen from her vehicle. Here, there was a causal connection between the total losses sustained by the victim and R.M.'s role in the burglary and receipt of the victim's stolen property, including the missing contents of her vehicle. *Cf. Commonwealth v. Reed*, 543 A.2d 587 (Pa. Super. 1988) (restitution cannot be ordered for property Commonwealth has not proven was either stolen or recovered by defendant). The court properly balanced the need to hold R.M. responsible for the losses with his rehabilitative needs and ability to pay. *See In the Interest of M.W.*, 725 A.2d 729, 732-33 (Pa. 1999) (juvenile court invested with "broad measure of discretion to apportion responsibility for damages based upon the nature of the delinquent act and the earning capacity of the juvenile.").

In cases where multiple juveniles are responsible for a victim's losses, a court should consider the "proportion of the damage caused by" each juvenile. *In the Interest of Dublinski*, 695 A.2d 827 (Pa. Super. 1997). Here, the trial court appropriately apportioned the damages¹² caused by each of the responsible juveniles, R.M. and the driver of the victim's stolen vehicle, when calculating the restitution award. In fact, the court decreased the initial restitution amount (\$1,620.99) to further reflect the appropriate proportion of R.M.'s accountability (\$1,361.00) after reducing the value of the items.¹³ *See* N.T. Dispositional Hearing, 2/23/16,

¹¹ See 42 Pa.C.S. § 6352(a)(5) (delinquent child may be ordered to pay "reasonable amounts of money as fines, costs, fees or restitution as deemed appropriate as part of the plan of rehabilitation considering the nature of the acts committed and the earning capacity of the child, including a contribution to a restitution fund"); *see also In the Interest of J.G.*, 45 A.3d 1118, 1122 (Pa. Super. 2012) (under Juvenile Act, "a court has the authority to award restitution where a minor has been adjudicated delinquent. The court also enjoys broad discretion when deciding whether to impose restitution as part of the overall goal of apportioning responsibility and accountability, subject to the child's ability to pay.").

¹² Although R.M. does not claim that the Commonwealth did not provide proof of the value of the stolen items, we note that it did provide receipts to support the value of the items. *See* N.T. Dispositional Hearing, 2/23/16, at 10-12.

¹³ The total loss to the victim was calculated to be \$3,241.99. This included the damage to the vehicle, and several items never recovered from the vehicle (jewelry, two booster seats, 40 caliber clip with ammunition, two DS XL hand garnes, two RCA portable televisions, and kids' games).

at 38; Order, 2/25/16 (upon consideration of facts at dispositional hearing court concludes that restitution amount of \$ 1,361.00 "represents the fair and reasonable amount for [R.M.] to pay . . . based on a review of the police reports and in the interest of justice."). Under these circumstances, we conclude that the trial court's restitution order, which is supported in the record, was not a manifest abuse of discretion. *In the Interest of J.G., supra.*

Order affirmed.

Judgment Entered.

/s/ Joseph D. Seletyn, Esq.

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CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania Docket No. 10733-17

Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Eric Daniel Walton to Eric Daniel Holcomb.

The Court has fixed the 1st day of May 2017 at 10:00 a.m. in Court Room G, Room 222, of the Erie County Court House, 140 West 6th Street, Erie, Pennsylvania 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.

Apr. 28

LEGAL NOTICE

ATTENTION: ELISHA MARIE BELLOTTI

INVOLUNTARY TERMINATION OF PARENTAL RIGHTS

IN THE MATTER OF THE ADOPTION OF MINOR FEMALE CHILDA.T-M.C. DOB: 03/23/2004 MINOR MALE CHILD C.R. DOB: 09/07/2012

MINOR FEMALE CHILDA.M.R.R. DOB: 06/07/2014

24 A-B IN ADOPTION 2017

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, Senior Judge Shad Connelly, Courtroom I-217, City of Erie on June 22, 2017 at 1:30 p.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.

Apr. 28

LEGAL NOTICE

MARQUETTE SAVINGS BANK,
Plaintiff

v.

MATTHEW SKISUSKI, Defendant
IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW
NO. 13239-16

MATTHEW SKISUSKI SHOULD TAKE NOTICE that Marquette

Savings Bank has filed a Writ of Execution to schedule a Sheriff Sale on July 21, 2017 at 10:00 a.m. with the Sheriff of Erie County Pennsylvania, located at 140 West Sixth Street, Erie, PA 16501 against him concerning the property commonly known as 746 East 14th Street, Erie, Pennsylvania 16503 and bearing Erie County Tax Assessment Index No. (15) 2036-228.

NOTICE

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. 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 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.

Lawyers Referral
& Information Service

P.O. Box 1792
Erie, PA 16507
(814) 459-4411

Eugene C. Sundberg, Jr., Esquire
Marsh Spaeder Baur Spaeder
& Schaaf, LLP

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

Apr. 28

LEGAL NOTICE

NOTICE OF SHERIFF SALE OF REAL ESTATE PURSUANT TO Pa.R.C.P. No. 3129
IN THE COURT OF COMMON

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

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: 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
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

Take Notice that by virtue of the
Writ of Execution issued out of the
Court of Common Pleas of Erie
County, Pennsylvania, and directed
to the Sheriff of Erie County, there
will be exposed to Public Sale at the
Erie County Sheriff's Office, 140
West 6th Street, Room 18, Erie, PA
16501 on July 21, 2017 at 10:00AM,
prevailing local time, your real
property described herein.
The Real Property To Be Sold
is delineated in detail in a legal
description consisting of a statement

of the measured boundaries of the
property, together with a brief
mention of the buildings and any
other major improvements erected
on the land.

The Location of your property to
be sold is: 830 East 5th Street, Erie,
PA 16507

The Judgment under or pursuant to
which your property is being sold is
docketed to: No. 10144-16

A complete copy of the Notice of
Sheriff Sale will be sent to you
upon request to the Attorney for the
Plaintiff, Kimberly J. Hong, Manley
Deas Kochalski LLC, P. O. Box
165028, Columbus, OH 43216-
5028, 614-220-5611.

This Paper Is A Notice of the Time
and Place of the Sale of Your
Property. It has been issued because
there is a Judgment Against You.
It May Cause Your Property to be
Held, to be Sold Or Taken to Pay the
Judgment. You may have legal rights
to prevent your property from being
taken away. A lawyer can advise you
more specifically of those rights. If
you wish to exercise your rights, You
Must Act Promptly.

YOU SHOULD TAKE THIS PAPER
TO YOUR LAWYER AT ONCE.
GO TO OR TELEPHONE THE
OFFICE SET FORTH BELOW TO
FIND OUT WHERE YOU CAN
GET FREE LEGAL ADVICE:

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

Apr. 28

LEGAL NOTICE

NORTHWEST SAVINGS BANK,
Plaintiff

vs.

JOSEPH G. WISE, GLENDA J.
HENDERSON, EXECUTRIX
OF THE ESTATE OF RUTH E.
SCHALL (DECEASED), RUTH
YOHO, ROSE MARIE HAYES,
WALTER R. HENDERSON,
DONNA BLAIR, NORMAN P.
HENDERSON and all unknown
heirs, successors, and assigns and
all persons, firms or associations
claiming right, title, or interest
from or under RUTH E. SCHALL

(DECEASED), Defendants
IN THE COURT OF COMMON
PLEAS OF ERIE COUNTY
PENNSYLVANIA
CIVIL ACTION LAW
NO. 12691-2016

NOTICE

TO: THE UNKNOWN HEIRS OF
RUTH E. SCHALL, DECEASED
AND WALTER R. HENDERSON
YOU ARE HEREBY NOTIFIED
that, Plaintiff, Northwest Savings
Bank, filed a Complaint in Mortgage
Foreclosure endorsed with a Notice
to Defend, against you in the Court
of Common Pleas of Erie County
Pennsylvania, at Docket No. 12691-
2016, wherein Plaintiff seeks to
obtain Judgment in Mortgage
Foreclosure against you in the
amount of \$105,279.38, plus interest
at the Term Note rate of interest
until paid in full, plus late charges,
attorneys' fees and costs of suit, and
for such other relief as is necessary
and just including the ability to take
722 Sedgwick Road, Waterford, PA
realty to Sheriff Sale.

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.
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.

LAWYERS REFERRAL &
INFORMATION SERVICE

P.O. Box 1792
Erie, PA 16507
814/459-4411

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.

KNOX McLAUGHLIN GORNALL
& SENNETT, P.C.

Mark G. Claypool, Esquire

PA ID No. 63199

120 West Tenth Street

Erie, Pennsylvania 16501

Telephone: 814-459-2800

Fax: 814-453-4530

Attorneys for Plaintiff,

Northwest Savings Bank

Apr. 28



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- Disability Insurance
- Medical & Dental



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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

**MAY 19, 2017
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

Apr. 28 and May 5, 12

SALE NO. 2

Ex. # 12648 of 2016

**MARQUETTE SAVINGS
BANK, Plaintiff**

v.

RYAN M. HOLDEN, Defendant

SHERIFF'S SALE

By virtue of a Writ of Execution filed at No. 2016-12648, Marquette Savings Bank vs. Ryan M. Holden, owner of property situate in the City of Erie, Erie County, Pennsylvania being: 1159 West 27th Street, Erie, Pennsylvania.

36' X 135' X 36' X 135'

Assessment Map Number: (19) 6218-219

Assessed Value Figure: \$63,850.00
Improvement Thereon: Residence
Eugene Sundberg, Jr., Esq.

Marsh Spaeder Baur Spaeder
& Schaaf, LLP
300 State Street, Suite 300
Erie, Pennsylvania 16507
(814) 456-5301

Apr. 28 and May 5, 12

SALE NO. 3

Ex. #11817 of 2016

**Northwest Savings Bank,
Plaintiff**

v.

**Perry E. Keys, Defendant
SHERIFF SALE**

By virtue of a Writ of Execution filed at No. 2016-11817, Northwest Savings Bank v. Perry E. Keys, owner of property situated in Millcreek Township, Erie County, Pennsylvania being commonly known as 1047 East Grandview Boulevard, Erie, PA 16501 with 1,114 square footage and 0.1636 acreage.

Assessment Map No. (33) 105-472-7
Assessed Value Figure: \$104,097

Improvement thereon: 1.5 story dwelling

Mark G. Claypool, Esquire
Knox McLaughlin Gornall
& Sennett, P.C.

120 West Tenth Street
Erie, Pennsylvania 16501
(814) 459-2800

Apr. 28 and May 5, 12

SALE NO. 4

Ex. #12272 of 2016

**KARIN LEE VANTASSEL a/k/a
KARIN LEE WEAVER, Plaintiff**

v.

**JAMES HILL and MICHELLE
PARKER, Defendants**

DESCRIPTION

By virtue of Writ of Execution filed at No. 12272-2016, Karin Lee Vantassel a/k/a Karin Lee Weaver v. James Hill and Michelle Parker, owner of the following properties identified below:

1) Situate in the City of Corry, of County of Erie, and Commonwealth of Pennsylvania at 45 Grove Street, Corry, Pennsylvania 16407:

Assessment Map No.: (5)32-166-10
Assessed Value Figure: \$53,070.00

Improvement Thereon: Single-Family Residence

Michael S. Jan Janin, Esquire

Pa. I.D. No. 38880
The Quinn Law Firm
2222 West Grandview Boulevard
Erie, PA 16506
(814) 833-2222

Apr. 28 and May 5, 12

SALE NO. 5

Ex. #10021 of 2017

**ERIE FEDERAL CREDIT
UNION, Plaintiff**

v.

**EMILIO VASUI and ANNA
VASUI, his wife, Defendants**

DESCRIPTION

By virtue of Writ of Execution filed at No. 10021-2017, Erie Federal Credit Union v. Emilio Vasui and Anna Vasui, his wife, owners of the following properties identified below:

1) Situate in the City of Erie, County of Erie, and Commonwealth of Pennsylvania at 2514 Bird Drive, Erie, Pennsylvania 16510:

Assessment Map No.: 18-051-043.0-202.00

Assessed Value Figure: \$108,900.00
Improvement Thereon: Single Family Home

Michael S. Jan Janin, Esquire
Pa. I.D. No. 38880

The Quinn Law Firm
2222 West Grandview Boulevard
Erie, PA 16506
(814) 833-2222

Apr. 28 and May 5, 12

SALE NO. 6

Ex. #13228 of 2016

**CITIZENS BANK, N.A., f/k/a
RBS CITIZENS, N.A., Plaintiff**

v.

**RICHARD T. BECKER,
Defendant**

DESCRIPTION

ALL THAT CERTAIN piece or parcel of land situate in the Township of Harborcreek, County of Erie and Commonwealth of Pennsylvania.

BEING KNOWN AS: 6370 Clark Road, Erie, PA 16510

PARCEL #27-061-203.0-025.00

Improvements: Residential Dwelling
Gregory Javardian, Esquire

Id. No. 55669
Attorneys for Plaintiff

1310 Industrial Boulevard
1st Floor, Suite 101

Southampton, PA 18966
(215) 942-9690

Apr. 28 and May 5, 12

SALE NO. 7

Ex. #10767 of 2014

**HUNTINGTON NATIONAL
BANK, successor by merger to
Sky Bank, Plaintiff**

v.

**Vaughn Lee Raup and
Kimberley S. Raup, Defendant**

SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 10767-2014 HUNTINGTON NATIONAL BANK, successor by merger to Sky Bank vs. VAUGHN LEE RAUP and KIMBERLEY S. RAUP, owner(s) of property situated in Washington Township, Erie County, Pennsylvania being 5448 Linden Avenue, Lot #2, Edinboro, PA 16412

111.41 X 107.48 IRR; square feet 2976; acreage 0.3850

Assessment Map number: (45) 16-29-3.02

Assessed Value figure: \$195,900.00
Improvement thereon: two family dwelling

Keri P. Ebeck, Esquire
PA ID #91298

Weltman, Weinberg & Reis
436 7th Avenue, Suite 2500
Pittsburgh, PA 15219

(412) 434-7955

Apr. 28 and May 5, 12

SALE NO. 8

Ex. #13176 of 2016

**LSF8 Master Participation Trust,
Plaintiff**

v.

**Glen E. Rice and Diane Rice,
Defendant**

SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 2016-13176, LSF8 Master Participation Trust vs. Glen E. Rice and Diane Rice, owner(s) of property situated in North East Township, Erie County, Pennsylvania being 7072 Findley Lake Road, North East, PA 16428

Square feet 1,520; acreage 1.15, 1955
Aluminum/Vinyl Ranch with Frame
Utility Shed

Assessment Map number:
37024090000400

Assessed Value figure: \$43,000.00
Improvement thereon: single family
dwelling

Keri P. Ebeck, Esquire

PA ID #91298

Weltman, Weinberg & Reis
436 7th Avenue, Suite 2500

Pittsburgh, PA 15219

(412) 434-7955

Apr. 28 and May 5, 12

SALE NO. 9

Ex. #11814 of 2012

**The Huntington National Bank,
Plaintiff**

v.

**William Snow Jr. And
Jacquelin J. Snow, Defendant**

SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 2012-11814, The Huntington National Bank vs. William Snow Jr and Jacquelin J. Snow, owner(s) of property situated in Platea Borough, Erie County, Pennsylvania being 8558-8562 Meadville Road aka 8562 Route 18, Girard, PA 16417

Sq ft 1,999; acreage 3.00, 1850 Old
Style Aluminum/Vinyl Double Wide
Mobile Home

Assessment Map number:
38014016000500

Assessed Value figure: \$ 133,000.00
Improvement thereon: single family
dwelling

Keri P. Ebeck, Esquire
PA ID #91298

Weltman, Weinberg & Reis
436 7th Avenue, Suite 2500

Pittsburgh, PA 15219

(412) 434-7955

Apr. 28 and May 5, 12

SALE NO. 10

Ex. #10728 of 2012

**The Huntington National Bank,
Plaintiff**

v.

**Frederick H. Zurn and
Marian M. Zurn, Defendants**

SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 10728-12, The Huntington National Bank vs. Frederick H. Zurn and Marian M. Zurn, owner(s) of property situated in Township of Millcreek, Erie County, Pennsylvania being 1108 St. Mary Drive, Erie, PA 16509

33164619030100 acreage 0.5103; sq

ft 6942; 33164619030200 acreage
0.4263; vacant land

Assessment Map number:
33164619030100 &
33164619030200

Assessed Value figure: \$908,600
& \$40,100

Improvement thereon: Single family
dwelling; concrete pool; vacant land
Keri P. Ebeck, Esquire
PA ID #91298

Weltman, Weinberg & Reis
436 7th Avenue, Suite 2500

Pittsburgh, PA 15219

(412) 434-7955

Apr. 28 and May 5, 12

SALE NO. 11

Ex. #10875 of 2016

**LAKEVIEW LOAN
SERVICING, LLC, Plaintiff**

v.

JAMES ASELA/k/a JAMES S.

ASEL, Defendant (s)

DESCRIPTION

All that certain piece or parcel of
land situate in the City of Erie,
County of Erie and Commonwealth
of Pennsylvania, bounded and
described as follows, to-wit:

Beginning at a point in the south
line of West Twenty-Third Street,
fifty (50) feet east of the intersection
of the east line of Geist Road with
the south line of West Twenty-Third
Street; thence North 64 degrees 00
minutes East, along the south line
of West Twenty-Third Street, fifty
(50) feet to a point in the south line
of West Twenty-Third Street; thence
South 26 degrees 32 minutes East,
one hundred thirty-five (135) feet
to a point; thence South 64 degrees
00 minutes West, fifty (50) feet to a
point; thence North 26 degrees 32
minutes West, one hundred thirty-
five (135) feet to a point in the south
line of West Twenty-Third Street, the
point of beginning.

APN: (19) 6210-115

PROPERTY ADDRESS: 1855 West
23rd Street, Erie, PA 16502

KML Law Group, P.C.

Attorney for Plaintiff

Suite 5000 - BNY Independence
Center, 701 Market Street
Philadelphia, PA 19106-1532

(215) 627-1322

Apr. 28 and May 5, 12

SALE NO. 13
Ex. #11346 of 2016
WILMINGTON SAVINGS
FUND SOCIETY, FSB, D/B/A
CHRISTIANA TRUST, NOT IN
ITS INDIVIDUAL CAPACITY,
BUT SOLELY AS TRUSTEE
FOR RMAC TRUST, SERIES
2015-5T, Plaintiff

v.

DEBORAH LENT AKA
DEBORAH A. LENT, Defendant
DESCRIPTION

ALL THAT PARCEL OF LAND
 IN TOWNSHIP OF MILLCREEK,
 ERIE COUNTY, STATE OF
 PENNSYLVANIA, AS MORE
 FULLY DESCRIBED IN DEED
 BOOK 451, PAGE 2007, ID #33-
 73-298-25, BEING KNOWN
 AND DESIGNATED AS LOT 58
 RIDGEFIELD SUBDIVISION,
 FILED IN PLAT BOOK 217, PAGE
 598.

PARCEL #: 33-073-2980-02500
 PROPERTY ADDRESS: 3115
 Highland Road, Erie, PA 16506
 KML Law Group, P.C.
 Attorney for Plaintiff
 Suite 5000 - BNY Independence
 Center, 701 Market Street
 Philadelphia, PA 19106-1532
 (215) 627-1322

Apr. 28 and May 5, 12

SALE NO. 14
Ex. #13007 of 2016
U.S. Bank National Association,
as Trustee for the Pennsylvania
Housing Finance Agency,
Plaintiff

v.

Suzanne M. Firster, Defendant
SHERIFF'S SALE

By virtue of a Writ of Execution
 No. 2016-13007, U.S. BANK
 NATIONAL ASSOCIATION,
 AS TRUSTEE FOR THE
 PENNSYLVANIA HOUSING
 FINANCE AGENCY, Plaintiff
 vs. SUZANNE M. FIRSTER,
 Defendants
 Real Estate: 118 EAST 34TH
 STREET, ERIE, PA 16504
 Municipality: City of Erie
 Erie County, Pennsylvania
 Dimensions: 49 X IRR
 See Instrument No. 2010-013741
 Tax I.D. (19)5353-118
 Assessment: \$16,100 (Land)

\$60,000 (Bldg)
 Improvement thereon: a residential
 dwelling house as identified
 Leon P. Haller, Esquire
 Purcell, Krug & Haller
 1719 North Front Street
 Harrisburg, PA 17104
 (717) 234-4178

Apr. 28 and May 5, 12

SALE NO. 15
Ex. #12849 of 2016
U.S. Bank National Association,
as Trustee for the Pennsylvania
Housing Finance Agency,
Plaintiff

v.

Tiffany J. Gordon, Defendant
SHERIFF'S SALE

By virtue of a Writ of Execution
 No. 2016-12849, U.S. BANK
 NATIONAL ASSOCIATION,
 AS TRUSTEE FOR THE
 PENNSYLVANIA HOUSING
 FINANCE AGENCY, Plaintiff
 vs. TIFFANY J. GORDON,
 Defendants
 Real Estate: 1123 EAST 28TH
 STREET, ERIE, PA 16504
 Municipality: City of Erie
 Erie County, Pennsylvania
 See Deed Book 1607, Page 1002
 Tax I.D. (18) 5048-215
 Assessment: \$18,700. (Land)
 \$52,590. (Bldg)

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

Apr. 28 and May 5, 12

SALE NO. 16
Ex. #13161 of 2016
U.S. Bank National Association,
as Trustee for the Pennsylvania
Housing Finance Agency,
Plaintiff

v.

Gary L. Rictor, Jr., Defendant
SHERIFF'S SALE

By virtue of a Writ of Execution
 No. 13161-2016, U.S. BANK
 NATIONAL ASSOCIATION,
 AS TRUSTEE FOR THE
 PENNSYLVANIA HOUSING
 FINANCE AGENCY, Plaintiff vs.
 GARY L. RICTOR, JR., Defendant

Real Estate: 1416 CHELSEA
 AVENUE, ERIE, PA 16505
 Municipality Township of Millcreek
 Erie County, Pennsylvania
 Dimensions: 120 x 60
 See Instrument No. 2010-031976
 Tax I.D. (33) 27-161-13
 Assessment: \$ 20,800. (Land)

\$101,620. (Bldg)

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

Apr. 28 and May 5, 12

SALE NO. 18
Ex. #13074 of 2016
LSF8 Master Participation Trust,
Plaintiff

v.

Edward Eachus, a/k/a
Edward F. Eachus; Karin
Eachus, a/k/a Karin D. Eachus,
Defendants

SHERIFF'S SALE

By virtue of a Writ of Execution file
 to No. 2016-13074, LSF8 Master
 Participation Trust vs. Edward
 Eachus, a/k/a Edward F. Eachus;
 Karin Eachus, a/k/a Karin D. Eachus,
 owner(s) of property situated in
 The Township of Harborcreek,
 County of Erie, Commonwealth of
 Pennsylvania being 5551 Frazier
 Street, Erie, PA 16510
 1974

Assessed Value figure: \$130,650.00
 Improvement thereon: Single Family
 Dwelling

Kimberly J. Hong, Esquire
 Manley Deas Kochalski LLC
 P.O. Box 165028
 Columbus, OH 43216-5028
 614-220-5611

Apr. 28 and May 5, 12

SALE NO. 19
Ex. #10918 of 2016
U.S. Bank National Association,
as Trustee for Terwin Mortgage
Trust 2004-9HE, Asset Backed
Certificates, Series TMTS 2004-
9HE, Plaintiff

v.

Kristine Falk, a/k/a Kristine
K. Falk; Michael Falk, a/k/a
Michael A. Falk, Defendants

SHERIFF'S SALE

By virtue of a Writ of Execution file to No. 2016-10918, U.S. Bank National Association, as Trustee for Terwin Mortgage Trust 2004-9HE, Asset Backed Certificates, Series TMTS 2004-9HE, Plaintiff vs. Kristine Falk, a/k/a Kristine K. Falk; Michael Falk, a/k/a Michael A. Falk, owner(s) of property situated in The Borough of Waterford, County of Erie, Commonwealth of Pennsylvania being 640 East Street, Waterford, PA 16441 1568

Assessed Value figure: \$103,200.00
Improvement thereon: Single Family Dwelling

Kimberly J. Hong, Esquire
Manley Deas Kochalski LLC
P.O. Box 165028

Columbus, OH 43216-5028
614-220-5611

Apr. 28 and May 5, 12

SALE NO. 20

Ex. #12992 of 2016
Wells Fargo Bank, NA, Plaintiff
v.

Sandra A. Markiewicz,
Defendant

SHERIFFS SALE

By virtue of a Writ of Execution file to No. 2016-12992, Wells Fargo Bank, NA, vs. Sandra A. Markiewicz, owner(s) of property situated in The Township of Millcreek, County of Erie, Commonwealth of Pennsylvania being 544 Wilshire Road, Erie, PA 16509 0.1837

Assessed Value figure: \$115,670.00
Improvement thereon: Single Family Dwelling

Kimberly J. Hong, Esquire
Manley Deas Kochalski LLC
P. O. Box 165028

Columbus, OH 43216-5028
614-220-5611

Apr. 28 and May 5, 12

SALE NO. 21

Ex. #13150 of 2015
Wells Fargo Bank, N.A., Plaintiff
v.

Michael S. McCarthy, Sr;
Sheri L. McCarthy, Defendant
SHERIFF'S SALE

By virtue of a Writ of Execution file to No. 2015-13150, Wells Fargo

Bank, N.A. vs. Michael S. McCarthy, Sr.; Sheri L. McCarthy owner(s) of property situated in The Township of Millcreek, County of Erie, Commonwealth of Pennsylvania being 5725 Platinum Drive, Erie, PA 16509 2510 sq. ft.

Assessed Map Number: 33-157-494-123

Assessed Value figure: \$317,300.00
Improvement thereon: Single Family Dwelling

Kimberly J. Hong, Esquire
Manley Deas Kochalski LLC
P. O. Box 165028
Columbus, OH 43216-5028
614-220-5611

Apr. 28 and May 5, 12

SALE NO. 22

Ex. #12927 of 2016
Federal National Mortgage
Association ("Fannie Mae"),
Plaintiff
v.

Frankie Morales and Barbara
Morales, Defendant

SHERIFFS SALE

By virtue of a Writ of Execution filed to No. 2016-12927 Federal National Mortgage Association ("Fannie Mae") v. Frankie Morales and Barbara Morales

Owner(s) of property situated in City of Erie, Erie County, Pennsylvania, being 959 West 25th Street, Erie, PA 16502

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 south line of Twenty-fifth Street, 30 feet east of the east line of Cascade Street; thence southwardly parallel with Cascade Street, seventy (70) feet; thence eastwardly parallel with Twenty-fifth Street, thirty (30) feet; thence northwardly parallel with Cascade Street, 70 feet to the south line of Twenty-fifth Street, thence westwardly along the south line of Twenty-fifth Street, 30 feet to the place of beginning. Having erected thereon a two story frame dwelling house known as 959 West 25th Street, Erie, Pennsylvania. City of Erie Index No. (19) 6028-121.

Being the same premises conveyed

to Grantors by deed recorded in Erie County Deed Book 1395 page 94.
Assessment Map number: 19-060-028.0-121.00

Assessed Value figure: \$59,450.00
Improvement thereon: Residential Dwelling

MARTHA E. VON ROSENSTIEL, PC.
Martha E. Von Rosenstiel, Esq / No 52634

Heather Riloff, Esq / No 309906
Jeniece D. Davis, Esq / No 208967
Tyler J. Wilk, Esq / No 322247

649 South Ave, Ste 7
Secane, PA 19018
(610) 328-2887
Attorneys for Plaintiff

Apr. 28 and May 5, 12

SALE NO. 23

Ex. #12956 of 2016
US Bank National Association, as
Trustee for Sasco Mortgage Loan
Trust 2006-Wf2, Plaintiff
v.

Michael D. Coles a/k/a Michael
Coles, Merlin Coles, Defendants
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 2016-12956, US Bank National Association, as Trustee for Sasco Mortgage Loan Trust 2006-Wf2 vs. Michael D. Coles a/k/a Michael Coles, Merlin Coles

Amount Due: \$71,098.46
Michael D. Coles a/k/a Michael Coles, Merlin Coles, owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania being 1110 West 20th Street, Erie, PA 16502-2301

Dimensions: 30 X 125
Assessment Map number: 19060033012300

Assessed Value: \$56,010.00
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

Apr. 28 and May 5, 12

SALE NO. 24

Ex. #13241 of 2016
Loandepot.Com, LLC, Plaintiff
v.

Steven A. Ferringger

**Sharon M. Ferringier,
Defendant(s)
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 2016-13241, Loandepot.Com, LLC vs. Steven A. Ferringier, Sharon M. Ferringier
Amount Due: \$280,280.47
Steven A. Ferringier, Sharon M. Ferringier, owner(s) of property situated in FAIRVIEW TOWNSHIP, Erie County, Pennsylvania being 8070 Toski Drive, Girard, PA 16417-8164
Dimensions: 49.13 X 257.91
Acreage: 0.6160
Assessment Map number: 21068108000307
Assessed Value: \$283,840.00
Improvement thereon: residential
Phelan Hallinan Diamond & Jones, LLP
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Apr. 28 and May 5, 12

SALE NO. 25

**Ex. #12873 of 2016
Wells Fargo Bank, N.A., as
Trustee for The Pooling and
Servicing Agreement Dated as
of June 1, 2004 Merrill Lynch
Mortgage Investors Trust
Mortgage Loan Asset-Backed
Certificates, Series 2004-Wmc4,
Plaintiff**

v.

**Paul Gorlowski a/k/a
Paul E. Gorlowski
Jo Ann Miller, Defendant(s)**

SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 12873-16, Wells Fargo Bank, N.A., as Trustee for The Pooling and Servicing Agreement Dated as of June 1, 2004 Merrill Lynch Mortgage Investors Trust Mortgage Loan Asset-Backed Certificates, Series 2004-Wmc4 vs. Paul Gorlowski a/k/a Paul E. Gorlowski, Jo Ann Miller
Amount Due: \$62,961.31
Paul Gorlowski a/k/a Paul E. Gorlowski, Jo Ann Miller, owner(s) of property situated in FRANKLIN TOWNSHIP, Erie County, Pennsylvania being 10528 Route 98, Edinboro, PA 16412-9743

Dimensions: N/A
Assessment Map number: 22007026000401
Assessed Value: \$134,400.00
Improvement thereon: residential
Phelan Hallinan Diamond & Jones, LLP
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Apr. 28 and May 5, 12

SALE NO. 26

**Ex. #12508 of 2016
Wells Fargo Financial
Pennsylvania, Inc. Plaintiff
v.**

**Sharon R. Graycochea
George K.N. Graycochea
a/k/a George K. Graycochea,
Defendant(s)**

SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 12508-2016, Wells Fargo Financial Pennsylvania, Inc. vs. Sharon R. Graycochea, George K.N. Graycochea a/k/a George K. Graycochea
Amount Due: \$102,688.47
Sharon R. Graycochea, George K.N. Graycochea a/k/a George K. Graycochea, owner(s) of property situated in NORTH EAST TOWNSHIP, Erie County, Pennsylvania being 4395 Emily Drive, A/K/A 4395 Emily Street, North East, PA 16428-1836
Dimensions: 132.94 X 120.75 IR
Acreage: 0.3571
Assessment Map number: 37-039-090.0-017.00
Assessed Value: \$123,410.00
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

Apr. 26 and May 5, 12

SALE NO. 27

**Ex. #12142 of 2016
Wells Fargo Bank, N.A., Plaintiff
v.**

**Gary Louis Kowalski, in His
Capacity as Heir of Mary M.
Kowalski, Deceased**

**Unknown Heirs, Successors,
Assigns, and All Persons, Firms,
or Associations Claiming Right,
Title or Interest From or Under
Mary M. Kowalski, Deceased,
Defendant(s)**

SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 12142-16, Wells Fargo Bank, N.A. vs. Gary Louis Kowalski, in His Capacity as Heir of Mary M. Kowalski, Deceased, Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Mary M. Kowalski, Deceased
Amount Due: \$145,132.02

Gary Louis Kowalski, in His Capacity as Heir of Mary M. Kowalski, Deceased, Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Mary M. Kowalski, Deceased, owner(s) of property situated in MILLCREEK TOWNSHIP, Erie County, Pennsylvania being 5450 Gardner Drive, Erie, PA 16509-3019
Dimensions: 78 X 118
Acreage: 0.2113
Assessment Map number: (33) 145-463-17
Assessed Value: \$145,350.00
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

Apr. 28 and May 5, 12

SALE NO. 28

**Ex. #13334 of 2016
JPMorgan Chase Bank, National
Association, Plaintiff
v.**

**Jasmine S. Szyplik a/k/a Jasmine
D. Szyplik a/k/a Jasmin D.
Szyplik, Defendants
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 13334-2016, JPMorgan Chase Bank, National Association vs. Jasmine S. Szyplik a/k/a Jasmine D. Szyplik a/k/a Jasmin D. Szyplik
Amount Due: \$121,642.82
Jasmine S. Szyplik a/k/a Jasmine

D. Szyplik a/k/a Jasmin D. Szyplik, owner(s) of property situated in NORTH EAST BOROUGH, 2ND, Erie County, Pennsylvania being 57 Liberty Street, North East, PA 16428-1616

Dimensions: 40.66 X 140.25, 26 X 140.25

Acreage: 0.1309, 0.0837

Assessment Map number: 36010060000800, 36010060000700
Assessed Value: \$88,440.00

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

Apr. 28 and May 5, 12

SALE NO. 29

Ex. #11569 of 2013

**US Bank National Association,
as Trustee, Successor in Interest
to Wachovia Bank, National
Association as Trustee for Mastr
Alternative Loan Trust 2004-9,
Plaintiff**

v.

**Arnold E. Thompson, Jr.,
Defendant(s)**

SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 11569-13, US Bank National Association, as Trustee, Successor in Interest to Wachovia Bank, National Association as Trustee for Mastr Alternative Loan Trust 2004-9 vs. Arnold E. Thompson, Jr, The United States of America C/O The United States Attorney for The Western District of PA

Amount Due: \$228,681.05

Arnold E. Thompson, Jr., owner(s) of property situated in MILLCREEK TOWNSHIP, Erie County, Pennsylvania being 4728 South Wayside Drive, Erie, PA 16505-1364
Dimensions: 104.24 X 140

Acreage: 0.3077

Assessment Map number: 33024117101100

Assessed Value: \$273,220.00

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

Apr. 28 and May 5, 12

SALE NO. 30

Ex. #15708 of 2009

**Central Mortgage Company,
Plaintiff**

v.

**Timothy J. Windsor,
Kenneth A. Windsor a/k/a
Kenneth A. Windsor, Jr., in His
Capacity as Executor of The
Estate of Patricia Ann Windsor
a/k/a Patricia Ann Wisinski a/k/a
Patricia A. Windsor, Defendant(s)**

SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 15708-09, Central Mortgage Company vs. Timothy J. Windsor, Kenneth A. Windsor a/k/a Kenneth A. Windsor, Jr., in His Capacity as Executor of The Estate of Patricia Ann Windsor a/k/a Patricia A. Windsor Amount Due: \$160,831.10

Timothy J. Windsor, Kenneth A. Windsor a/k/a Kenneth A. Windsor, Jr., in His Capacity as Executor of The Estate of Patricia Ann Windsor a/k/a Patricia Ann Wisinski a/k/a Patricia A. Windsor, owner(s) of property situated in WASHINGTON TOWNSHIP, Erie County, Pennsylvania being 2951 Route 6N, A/K/A 2951 State Highway Route 79, A/K/A 2951 State Highway Route No. 6N, Edinboro, PA 16412-1748

Acreage: 23.15

Assessment Map number: 45023054000300

Assessed Value: \$158,900.00

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

Apr. 28 and May 5, 12

SALE NO. 31

Ex. #13413 of 2016

**Wilmington Savings Fund
Society, FSB, d/b/a Christiana
Trust, as trustee for Normandy
Mortgage Loan Trust, Series
2016-1, Plaintiff**

v.

**Jeffrey A. Laird and Sarah
Carnes, Defendants
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 2016-13413, Wilmington Savings Fund Society, FSB. d/b/a Christiana Trust, as trustee for Normandy Mortgage Loan Trust, Series 2016-1, Plaintiff vs. Jeffrey A. Laird and Sarah Carnes, owner(s) of property situated in Erie County, Pennsylvania being 1147 W. 36th Street, Erie, PA 16508

Assessment Map Number: 19061028021500

Assessed Value Figure: \$70,360.00
Improvement thereon: Single Family Home — 768 sq. ft.

Richard M. Squire & Associates, LLC
115 West Avenue, Suite 104
Jenkintown, PA 19046
215-886-8790

Attorneys for Plaintiff

Apr. 28 and May 5, 12

SALE NO. 32

Ex. #10516 of 2016

**Carrington Mortgage Services,
LLC, Plaintiff**

v.

**Jeffery L. Moorehead, Defendant
SHERIFF'S SALE**

By Virtue of Writ of Execution filed to No. 10516-16, Carrington Mortgage Services, LLC, Plaintiff v. Jeffery L. Moorehead, owner(s) of property situated in Erie County, Pennsylvania being 10071 Old Route 99, McKean, PA 16426.

Assessment Map Number: 31019071100201

Assessed Value figure: \$113,830.00
Improvement thereon: Residential Dwelling

Richard M. Squire & Associates, LLC
115 West Avenue, Suite 104
Jenkintown, PA 19046
215-886-8790

Attorneys for Plaintiff

Apr. 28 and May 5, 12

SALE NO. 33

Ex. #13577 of 2015

**LSF9 Master Participation Trust,
Plaintiff**

v.

**Diane M. Laidlaw, Defendant
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 13577-15, LSF9 Master Participation Trust vs. Diane M. Bland, owners of property situated in Millcreek Township, Erie County, Pennsylvania being 2617 West 24th Street, Erie, PA 16506
.2386 Acreage
Assessment Map number: (33) 51-197-6
Assessed Value figure: \$115,160.00
Improvement thereon: Residential Dwelling
Robert W. Williams, Esquire
1 E. Stow Road
Marlton, NJ 08053
(856) 482-1400
Apr. 28 and May 5, 12

SALE NO. 34

Ex. #11337 of 2016
U.S. Bank National Association,
successor Trustee to Bank of
America NA as successor trustee
to LaSalle Bank N.A. as Trustee
for the holders of the First
Franklin Mortgage Loan Trust,
Mortgage Loan Asset-Backed
Certificates, Series 2006-FF18,
Plaintiff
v.

Aimee L. Farley, Defendant
SHERIFF'S SALE
By virtue of a Writ of Execution filed to No. 11337-16, U.S. Bank National Association, successor Trustee to Bank of America NA as successor trustee to LaSalle Bank N.A. as Trustee for the holders of the First Franklin Mortgage Loan Trust, Mortgage Loan Asset-Backed Certificates, Series 2006-FF18 vs. Aimee L. Farley, owners of property situated in Waterford Borough, Erie County, Pennsylvania being 129 E First St, Waterford, PA 16441
.2936 Acreage
Assessment Map number: 46-9-59-3
Assessed Value figure: \$72,400.00
Improvement thereon: Residential Dwelling
Robert W. Williams, Esquire
1 E. Stow Road
Marlton, NJ 08053
(856) 482-1400
Apr. 28 and May 5, 12

SALE NO. 35

Ex. #12802 of 2016
Nationstar Mortgage LLC,
Plaintiff
v.
Michael A. Arment and Brittany
Jo Arment, Defendant
SHERIFF'S SALE
By virtue of a Writ of Execution filed to No. 12802-16, Nationstar Mortgage LLC vs. Michael A. Arment and Brittany Jo Arment, owner(s) of property situated in Township of Millcreek, Erie County, Pennsylvania being 3518 West 43rd Street, Erie, PA 16506
0.3278
Assessment Map number: 33083555001300
Assessed Value figure: \$83,230.00
Improvement thereon: a residential dwelling
Samantha Gable, Esquire
Shapiro & DeNardo, LLC
Attorney for Movant/Applicant
3600 Horizon Drive, Suite 150
King of Prussia, PA 19406
(610) 278-6800
Apr. 28 and May 5, 12

SALE NO. 36

Ex. #10223 of 2017
Nationstar Mortgage LLC,
Plaintiff
v.
Raymond T. Chorney,
Administrator of the Estate of
Richard Chorney a/k/a Richard
A. Chorney a/k/a Richard Allan
Chorney, Defendant
SHERIFF'S SALE
By virtue of a Writ of Execution filed to No. 10223-17, Nationstar Mortgage LLC vs. Raymond T. Chorney., Administrator of the Estate of Richard Chorney a/k/a Richard A. Chorney a/k/a Richard Allan Chorney, deceased, owner(s) of property situated in Fairview Township, Erie County, Pennsylvania being 7216 Sterrettania Road, Fairview, PA 16415
2.1200
Assessment Map number: 21070126000800
Assessed Value figure: \$100,400.00
Improvement thereon: a residential dwelling
Samantha Gable, Esquire

Shapiro & DeNardo, LLC
Attorney for Movant/Applicant
3600 Horizon Drive, Suite 150
King of Prussia, PA 19406
(610) 278-6800
Apr. 28 and May 5, 12

SALE NO. 37

Ex. #14341 of 2006
JPMorgan Chase Bank, National
Association, Plaintiff
v.
Kevin A. Dukich and
Kimberly M. Dukich, Defendant
SHERIFF'S SALE
By virtue of a Writ of Execution filed to No. 14341-06, JPMorgan Chase Bank, National Association vs. Kevin A. Dukich and Kimberly M. Dukich, owner(s) of property situated in Borough of Wesleyville, Erie County, Pennsylvania being 2114 Eastern Avenue, Erie, PA 16510
0.2204
Assessment Map number: 50-3-24-11
Assessed Value figure: \$91,380.00
Improvement thereon: a residential dwelling
Samantha Gable, Esquire
Shapiro & DeNardo, LLC
Attorney for Movant/Applicant
3600 Horizon Drive, Suite 150
King of Prussia, PA 19406
(610) 278-6800
Apr. 28 and May 5, 12

SALE NO. 38

Ex. #13268 of 2016
Christiana Trust, et al, Plaintiff
v.
Mark A. Wilcox, II and Mark
Wilcox, Defendant
SHERIFF'S SALE
By virtue of a Writ of Execution filed to No. 13268-16, Christiana Trust, et al vs. Mark A. Wilcox, II and Mark Wilcox, owner(s) of property situated in Erie County, Pennsylvania being 440 E. 11th Street
Two Story Family; 2060 square feet
Assessment Map number: 15020022023800
Assessed Value figure: 57,800
Improvement thereon: Two Story Dwelling
Stephen M. Hladik, Esq.
298 Wissahickon Avenue
North Wales, PA 19454

215-855-9521

Apr. 28 and May 5, 12

SALE NO. 39

Ex. #13443 of 2016
HSBC Bank USA, National
Association, as Indenture Trustee
for People's Choice Home Loan
Securities Trust Series 2005-4
c/o Ocwen Loan Servicing, LLC,
Plaintiff

v.

Scott M. Bone, Michele R. Bone,
Defendants

DESCRIPTION

ALL THAT CERTAIN piece or parcel of land situate in the Township of Millcreek (Tract 77), County of Erie and State of Pennsylvania, being all of Lot No. Sixteen (16) of Brentwood Hills Subdivision No. 1, as appears upon a map of said subdivision recorded in Erie County Map Book 6, page 84, and rerecorded in Erie County Map Book 6, page 117 on February 12, 1963. Said lot having a frontage of Eighty-two and Two hundredths (82.02) feet on the easterly line of Lansing Way, with a depth of One Hundred Twenty (120) feet extending eastwardly therefrom. PROPERTY ADDRESS: 3619 Lansing Way, Erie, PA 16506 PARCEL 33079325002200 BEING the same premises which Howard N. Kemp and Nancy Ann Kemp, his wife by Deed dated December 27, 1993, and recorded December 28, 1993, in the Office of the Recorder of Deeds in and for Erie County in Deed Book 0311, Page 1632, granted and conveyed unto Scott M. Bone and Michele R. Bone, his 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

Apr. 28 and May 5, 12

SALE NO. 41

Ex. #12190 of 2016
M&T Bank, Plaintiff
 v.

Timothy R. Raine, Defendant

DESCRIPTION

PARCEL NO.: (17) 4028-240

All that certain parcel of land situate in the Fourth Ward of the City of Erie, County of Erie and State of Pennsylvania, being a part of the last half of Lot No. 1829 in Square 43 in the Second Section of the Town of Erie, bounded and described as follows:

Beginning in the northerly line of Seventh Street at a point eighty-two and one-half feet (82 ½') west from the intersection, the north line of Seventh Street with the west line of Plum Street; thence northerly in a line perpendicular to Seventh Street, eighty two and one-half feet (82 ½') to a point; thence westerly in a line parallel with Seventh Street, forty-one and one-fourth feet (41 ¼') to a point; thence southerly in a line parallel with Plum Street eighty-two and one-half feet (82 ½') to a point in the northerly line of Seventh Street; thence easterly along the north line of Seventh Street, forty-one and one-fourth (41 ¼') to the place of beginning; having erected thereon a dwelling known as 910 West 7th Street, Erie, Pennsylvania 16502. Bearing Erie County Tax Index No. 17040028024000.

Fee Simple Title Vested in Timothy M. Rainey by deed from Mary B. Dietz, Executrix of the Estate of Edward N. Dietz, Jr., dated August 26, 2011, recorded August 29, 2011, in the Erie County Recorder of Deeds Office in Deed Instrument Number 2011-020213.

PROPERTY ADDRESS: 910 West 7th Street, Erie, PA 16502

PARCEL: 17040028024000

Attorney for Plaintiff:

EDWARD J. MCKEE, ESQUIRE
 STERN & EISENBERG, PC
 1581 Main Street, Suite 200
 The Shops at Valley Square
 Warrington, PA 18976
 (215) 572-8111

Apr. 28 and May 5, 12

SALE NO. 42

Ex. #13483 of 2015
LSF9 Master Participation Trust,
Plaintiff

v.

Jesse D. Fellows and
Catherine A. Fellows, Defendants

DESCRIPTION

By virtue of a Writ of Execution filed to No. 13483-15, LSF9 Master Participation Trust v. Jesse D. Fellows and Catherine A. Fellows, owners of property situated in the Borough of Cranesville, Erie County, Pennsylvania being 9866 Bateman Avenue, Cranesville, Pennsylvania 16410.

Tax I.D. No. 09-001-001.0-010.00
 Assessment: \$ 81,292.24

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

215-790-1010

Apr. 28 and May 5, 12

SALE NO. 43

Ex. #11720 of 2016
Citizens Bank N.A. f/k/a RBS
Citizens N.A., Plaintiff
 v.

Richard A. Matos, Defendant

DESCRIPTION

By virtue of a Writ of Execution filed to No. 11720-2016, Citizens Bank N.A. f/k/a RBS Citizens N.A. v. Richard A. Matos, owners of property situated in the Township of Summit, Erie County, Pennsylvania being 8681 Oliver Road, Erie, Pennsylvania 16509.

Tax ID. No. 40019082001100

Assessment: \$ 132,211.85

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

215-790-1010

Apr. 28 and May 5, 12

SALE NO. 44

Ex. #13335 of 2016
Bank of America, N.A., Plaintiff
 v.

Shane K. Polach a/k/a Shane
Polach, Defendant

DESCRIPTION

By virtue of a Writ of Execution filed to No. 13335-16, Bank of America, N.A. v. Shane K. Polach a/k/a Shane Polach, owner of the property situated in the Township of Fairview, Erie County, Pennsylvania being 4200 Carlton Drive, Fairview, Pennsylvania 16415.

Tax I.D. No. 21-065-093.0-002-00

Assessment: \$ 395,350.35
Improvements: Residential Dwelling
McCabe, Weisberg and Conway, P.C.
123 South Broad Street, Suite 1400
Philadelphia, PA 19109
215-790-1010

Apr. 28 and May 5, 12

SALE NO. 45

Ex. #12351 of 2015

**PNC Bank, National Association,
Plaintiff**

v.

**Carol M. Bretschneider,
Defendant**

DESCRIPTION

By virtue of a Writ of Execution filed
to No. 12351-2015, PNC BANK,
NATIONAL ASSOCIATION vs.
CAROL M. BRETSCHNEIDER,
owner(s) of property situated in
TOWNSHIP OF MILLCREEK,
Erie County, Pennsylvania being
2213 MIDLAND DRIVE, ERIE,
PA 16505

0.226 acres

Assessment Map number: 33-052-
220.0-001.00

Assessed Value figure: \$98,600.00
Improvement thereon: one-story
family dwelling and two car detached
garage

Brett A. Solomon, Esquire
Michael C. Mazack, Esquire
Tucker Arensberg, P.C.
1500 One PPG Place
Pittsburgh, PA 15222
(412) 566-1212

Apr. 28 and May 5, 12

SAFETY IN YOUR LAW OFFICE

Plan and Prepare for the Unexpected



Wednesday, May 17, 2017

Manufacturers & Business Association Conference Center

2171 West 38th Street - Erie, PA 16508

Registration 8:00 a.m. | Program 8:30 a.m. - 10:45 a.m.

Cost: \$15.00 per Person (No CLE)



The Program

On March 22 of this year, Wisconsin Attorney Sara Quirt Sann, age 45, and three others were killed in a shooting that stemmed from a domestic dispute. Attorney Sann represented the shooter's wife.

No one wants to consider that this could happen to them. Unfortunately, it could. But knowledge is power... and safety!

The Erie County Bar Association is offering this program with the goal of equipping its membership - **and their staff** - with the knowledge required to do all that's possible to protect themselves and their co-workers should a potentially dangerous situation ever arise. Topics will include:

- Controlled entrances and exits
- How to secure parking area
- Suspicious packages information
- What are 'safe areas'?
- Conducting your own threat and vulnerability assessment
- Informing employees about safety policies
- Background screening of new employees
- Hiring and firing protocol; exit interview safety
- How the receptionist, your assistant, or you (attorney) should deal with someone who is potentially violent
- Active shooter response
- Run/Hide/Fight
- "See Something Say Something"
- How to respond when Law Enforcement arrives on the scene
- Recognizing signs of potential workplace violence
- Signs of Terrorism



Officer Mitchell L. Ross started with the Milwaukee Police Department in 2000. He has been a Patrol Officer and Field Training Officer, as well as assigned to the Anti Gang Unit Squads. He has also worked in the Department's Sensitive Crimes Division, which handles crimes against children and elderly, to include sexual assault and physical abuse. He is a member of the Milwaukee Police Major Incident Response Team. Officer Ross is an adjunct instructor at the Milwaukee Police Training Academy in the following unified tactics: CPR, DAAT, Firearms, Vehicle

Contacts, Professional Communications / Tactical Communications and Leadership in Police Organization.



From 2012 to 2016 he was assigned to the Milwaukee Police Department's Intelligence Fusion Center, Southern Threat Analysis Center Division, as the Training and Outreach Officer where he instructs Suspicious Activity Reporting (SAR), Civilian Response to Active Shooter Events, Suspicious Package / Bomb Threat Response, as well as the Seven / Eight Signs of Terrorism and Information Collection on Patrol. He is responsible for Terrorism Liaison Officer programs and Fusion Liaison Officer programs, Exercise Preparedness, National SAR Initiative Training, and Security Briefings. Currently Officer Ross is assigned to Milwaukee Police Department Day Shift Patrol.



Reservations due to the ECBA office by Monday, May 8.

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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

ANDERSON, DONA C., a/k/a DONA CARR ANDERSON, deceased

Late of City of Erie, Erie County, Commonwealth of Pennsylvania
Administrators: John K. Anderson and Karyn L. Starrett, 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

BOJARSKI, RAYMOND J., a/k/a RAYMOND BOJARSKI, deceased

Late of the City of Erie, Commonwealth of Pennsylvania
Executrix: Mary Ann Reddecliff, c/o Vendetti & Vendetti, 3820 Liberty Street, Erie, Pennsylvania 16509
Attorney: James J. Bruno, Esquire, Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

BROWN, VELMA MARTIN, deceased

Late of the City of Erie
Executrix: Kizzy N. Hines, 1427 Lynn St., Erie, PA 16503
Attorney: Larry D. Meredith, Esq., 2021 E. 20th Street, Erie, PA 16510

COLONNA, VIRGINIA R., a/k/a VIRGINIA COLONNA, deceased

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Co-Executors: David Colonna and Judith Falbo, c/o Yochim, Skiba & Nash, 345 West Sixth Street, Erie, PA 16507
Attorney: Gary H. Nash, Esq., Yochim, Skiba & Nash, 345 West Sixth Street, Erie, PA 16507

CRANE, THOMAS G., deceased

Late of the Township of Venango, County of Erie and Commonwealth of Pennsylvania
Executrix: Christy Crane, 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

EDWARDS, VIRGINIA J., deceased

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Executor: James Borowicz, 438 Blackstone Drive, Erie, PA 16505
Attorney: John J. Shimek, III, c/o Sterrett Mott Breski & Shimek, 345 West 6th Street, Erie, PA 16507

IRISH, SANDRA J., deceased

Administrator: Yvonne M. Guest, 17832 Boonslick Road, Boonville, MO 65233
Attorney: Tina M. Fryling, Esq., 4402 Peach Street, Suite 3, Erie, PA 16509

KIMMETH, CHARLES J., II, a/k/a CHARLES J. KIMMETH, deceased

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania
Administratrix C.T.A.: Joy A. Costolo, 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

KURUC, JAMES J., a/k/a JAMES KURUC, deceased

Late of the City of Erie, Erie County, Pennsylvania
Co-Executors: Laura Kuruc and Jennifer Bille
Attorney: Tammi Elkin, Esq., 143 East Main Street, North East, PA 16428

MANTYLA, JAMES E., a/k/a JIM MANTYLA, deceased

Late of Millcreek Township, Erie County, Pennsylvania
Executor: John A. Mantyla, 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

PALLOTO, LEROY, a/k/a LEROY A. PALLOTO, deceased

Late of the Township of Harborcreek, County of Erie and Commonwealth of Pennsylvania
Executor: Matthew Anthony Palloto, II, 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

**VLAHOS, GEORGE T., a/k/a
GEORGE THOMAS VLAHOS,
deceased**

Late of the Township of Millcreek,
County of Erie and Commonwealth
of Pennsylvania
Executrixes: Deborah J. Pagliari,
217 Anderson Drive, Erie, PA
16509-3204 and Corrine A.
Dyakon, 919 Ruth Avenue, Erie,
PA 16509-2940
Attorneys: MacDonald, Illig, Jones
& Britton LLP, 100 State Street,
Suite 700, Erie, Pennsylvania
16507-1459

**WHITE, JOAN,
deceased**

Late of the Township of
Harborcreek, County of Erie and
Commonwealth of Pennsylvania
Administrator: Douglas K. White,
c/o 504 State Street, 3rd Floor,
Erie, PA 16501
Attorney: Michael J. Nies,
Esquire, 504 State Street, 3rd
Floor, Erie, PA 16501

**WILLIAMS, BETTY M.,
deceased**

Late of Millcreek Township, Erie
County, Pennsylvania
Co-Executors: Donald D.
Williams and Richard A. Williams,
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

SECOND PUBLICATION

**ALLEN, ERNEST L.,
deceased**

Late of the Township of Concord,
County of Erie and Commonwealth
of Pennsylvania
Executrix: Elsie Culver, 20380
Route 89, Corry, PA 16407-7834
Attorneys: MacDonald Illig Jones
& Britton LLP, 100 State Street,
Suite 700, Erie, PA 16507-1459

**BREWSTER, ROBERT H., a/k/a
ROBERT BREWSTER,
deceased**

Late of the Township of
Springfield, County of Erie and
State of Pennsylvania
Executor: Michael S. Brewster,
4350 Nye Road, West Springfield,
Pennsylvania 16443
Attorney: Grant M. Yochim,
Esq., 24 Main St. E., P.O. Box 87,
Girard, PA 16417

**CIOTOLI, YOLANDA M., a/k/a
YOLANDA CIOTOLI,
deceased**

Late of the City of Erie, County
of Erie, Commonwealth of
Pennsylvania
Executrix: Gail Runyan, 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

**DISANTIS, WILLIAM L.,
deceased**

Late of the Township of Millcreek,
County of Erie and Commonwealth
of Pennsylvania
Executor: Ernest J. DiSantis, c/o
Yochim Skiba & Nash, 345 West
Sixth Street, Erie, PA 16507
Attorney: Gary H. Nash, Esq.,
Yochim, Skiba & Nash, 345 West
Sixth Street, Erie, PA 16507

**DZIUBKOWSKI, ANNE L., a/k/a
ANNE P. DZIUBKOWSKI,
deceased**

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

**GOVE, LAVERNE R., a/k/a
LA VERNE R. GOVE,
deceased**

Late of the Township of Millcreek,
County of Erie and Commonwealth
of Pennsylvania
Executor: Gregory James Gove,
c/o 504 State Street, 3rd Floor,
Erie, PA 16501
Attorney: Michael J. Nies,
Esquire, 504 State Street, 3rd
Floor, Erie, PA 16501

**HENRY, DAVID L.,
deceased**

Late of the City of Erie
Administrator: Melba J. Henry,
c/o 246 West 10th Street, Erie,
PA 16501
Attorney: Evan E. Adair, Esq., 246
West 10th Street, Erie, PA 16501

**HERWALD, ANTHONY E.,
deceased**

Late of the Township of Millcreek,
County of Erie, Commonwealth of
Pennsylvania
Co-Administratrices: Ashley Neil
Welch and Mary Beth Herwald,
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

**JIULIANTE, JESS S., JR.,
a/k/a HONORABLE JESS S.
JIULIANTE JR., a/k/a JESS S.
JIULIANTE II,
deceased**

Late of the Township of Millcreek,
County of Erie and State of
Pennsylvania
Co-Executors: Jess S. Giuliente III
and Jessica Giuliente
Attorney: Gerald J. Villella,
Esquire, Dailey, Karle & Villella,
150 East Eighth Street, 2nd Floor,
Erie, PA 16501

**KLIMEK, EDWARD N., a/k/a
EDWARD KLIMEK,
deceased**

Late of the Township of Girard,
County of Erie and State of
Pennsylvania
Executor: Clinton E. Klimek,
7886 South Creek Road, Girard,
PA 16417
Attorney: Grant M. Yochim,
Esq., 24 Main St. E., P.O. Box 87,
Girard, PA 16417

**MIDDENDORF, KATHERINE
M., a/k/a KATHERINE
MIDDENDORF,
deceased**

Late of Fairview Township, Erie
County, Pennsylvania
Executor: William B. Middendorf,
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

**MLECZKO, JOHN P.,
deceased**

Late of City of Erie, Erie County,
Erie, Pennsylvania
Executor: Robert L. Mleczeko,
c/o Robert J. Jeffery, Esq., 33
East Main Street, North East,
Pennsylvania 16428
Attorney: Orton & Jeffery, P.C.,
33 East Main Street, North East,
Pennsylvania 16428

**SHAFFER, NANCY C., a/k/a
NANCY SHAFFER,
deceased**

Late of the Township of Elk
Creek, County of Erie and State
of Pennsylvania
Executrix: Stacey Beery,
10360 Wanetta Drive, Albion,
Pennsylvania 16401
Attorney: Grant M. Yochim,
Esq., 24 Main St. E., P.O. Box 87,
Girard, PA 16417

**ZDUNSKI, JOSEPH T., JR.,
deceased**

Late of Millcreek Township,
Erie County, Commonwealth of
Pennsylvania
Executrix: Andrea M. Zdunski,
c/o 120 West 10th Street, Erie,
PA 16501
Attorney: Jerome C. Wegley,
Esq., Knox McLaughlin Gornall
& Sennett, P.C., 120 West Tenth
Street, Erie, PA 16501

THIRD PUBLICATION

**BLUE, ALMA LUCILLE, a/k/a
ALMA LUCILLE TATE DAVIS
BLUE, a/k/a ALMA LUCILLE
DAVIS BLUE,
deceased**

Late of the Borough of Wesleyville,
County of Erie, Commonwealth of
Pennsylvania
Executor: James Madison Davis,
Jr., c/o Terrence P. Cavanaugh,
Esquire, PO Box 3243, Erie, PA
16508
Attorney: Terrence P. Cavanaugh,
Esquire, PO Box 3243, Erie, PA
16508

**COSTELLOE, YVONNE
LOUISE, a/k/a YVONNE L.
COSTELLOE,
deceased**

Late of the City of Erie, County
of Erie and Commonwealth of
Pennsylvania
Executrix: Yvonne M. Costelloe,
c/o 504 State Street, 3rd Floor,
Erie, PA 16501
Attorney: Michael J. Nies,
Esquire, 504 State Street, 3rd
Floor, Erie, PA 16501

**COWSER, MARY M., a/k/a
MARY COWSER,
deceased**

Late of the Township of
Harborcreek, County of Erie,
Commonwealth of Pennsylvania
Co-Executors: John D. Cowser
and Thomas L. Cowser, c/o John
J. Shimek, III, Sterrett Mott Breski
& Shimek, 345 West 6th Street,
Erie, PA 16507
Attorney: John J. Shimek, III,
Sterrett Mott Breski & Shimek,
345 West 6th Street, Erie, PA
16507

**DUNN, JAMES B.,
deceased**

Late of the City of Erie
Executrix: Karen M. Dunn, 338 E.
30th Street, Erie, PA 16504
Attorney: Michael A. Fetzner,
Esquire, Knox McLaughlin
Gornall & Sennett, P.C., 120 West
Tenth Street, Erie, PA 16501

**FALUSZCZAK, STEPHEN W.,
deceased**

Late of Millcreek Township,
County of Erie, Commonwealth
of Pennsylvania
Executrix: Mary C. Faluszczyk,
c/o 504 State Street, Suite 200,
Erie, PA 16501
Attorney: Richard E. Filippi,
Esquire, 504 State Street, Suite
200, Erie, PA 16501

**GREEN, MARGARET MARY,
deceased**

Late of the Township of Millcreek,
County of Erie and Commonwealth
of Pennsylvania
Administrator: Richard D. Green,
c/o Norman A. Stark, Esq., Suite
300, 300 State Street, Erie, PA
16507
Attorney: Marsh, Spaeder, Baur,
Spaeder, Schaaf, LLP., Suite 300,
300 State Street, Erie, PA 16507

**NIEDZWECKI, LEO J., a/k/a
LEO JOSEPH NIEDZWECKI,
a/k/a LEO NIEDZWECKI,
deceased**

Late of the City of Erie, County
of Erie and State of Pennsylvania
Executor: Michael J. Niedzwecki,
4625 Southgate Parkway, Myrtle
Beach, South Carolina 29579
Attorney: Grant M. Yochim,
Esq., 24 Main St. E., P.O. Box 87,
Girard, PA 16417

**POST, JANE W., a/k/a JANE
MARIE POST,
deceased**

Late of the Township of North
East, County of Erie and
Commonwealth of Pennsylvania
Executrix: Amelia J. Wall, c/o
Yochim, Skiba & Nash, 345 West
Sixth Street, Erie, PA 16507
Attorney: Gary H. Nash, Esq.,
Yochim, Skiba & Nash, 345 West
Sixth Street, Erie, PA 16507

**ROBIE, SHIRLEY F.,
deceased**

Late of the Township of Millcreek,
County of Erie, Commonwealth of
Pennsylvania
Executor: Thomas C. Robie, 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

**SCHAAK, DONALD P.,
deceased**

Late of the Township of Conneaut,
Erie County
Executrix: Stephanie Rae Saul
Attorney: William J. Kelly, Jr.,
Esquire, 230 West 6th Street, Suite
201, Erie, PA 16507

CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

CHAD J. VILUSHIS814-455-5362
 McCormick and Vilushis(f) 814-455-5150
 1514 Liberty Street
 Erie, PA 16502chad@mccormickandvilushis.com

DOUGLAS G. MCCORMICK814-455-5362
 McCormick and Vilushis(f) 814-455-5150
 1514 Liberty Street
 Erie, PA 16502doug@mccormickandvilushis.com

ALAN WOOLSLARE814-833-0037
 735 Old Mill Road
 Erie, PA 16505

CRAIG MURPHEY814-833-7100
 Purchase, George & Murphey, P.C.f - 814-835-0401
 2525 West 26th Street
 Erie, PA 16506craig@purchasegeorge.com

New E-mail

SUMNER NICHOLSsumner@sumnernichols.com

Firm Name Change

*Bernard Stuczynski & Barnett is now **Bernard Stuczynski Barnett & Lager***

*Purchase & George, P.C. is now **Purchase, George & Murphey, P.C.***

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