

*Erie  
County  
Legal  
Journal*

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U.S. Bank, National Association, Trustee for PA Housing Finance Agency v. Watters

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# 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

**MONDAY, MAY 15, 2017**

Bankruptcy Section Meeting  
Noon  
Plymouth Tavern

**MONDAY, MAY 15, 2017**

Workers' Compensation Section Meeting  
Noon  
ECBA Headquarters

**WEDNESDAY, MAY 17, 2017**

ECBA Seminar  
*Safety in Your Law Office:  
Plan and Prepare for the Unexpected*  
8:30 a.m. - 10:45 a.m. (registration - 8:00 a.m.)  
Manufacturer & Business  
Association Conference Center  
\$15/person

**THURSDAY, MAY 18, 2017**

Young Lawyers Division Happy Hour  
with the Women's and Solo/Small Firm Divisions and  
the Bankruptcy and Municipal Sections  
5:30 p.m.  
Millcreek Brewing Company

**MONDAY, MAY 22, 2017**

ECBA Board of Directors Meeting  
Noon  
ECBA Headquarters

**THURSDAY, MAY 25, 2017**

Solo/Small Firm Division Meeting  
Noon  
Calamari's

**THURSDAY, MAY 25, 2017**

AKT Kid Konnection Event  
Bowling at Eastland Bowl  
5:30 p.m. - 7:00 p.m.

**MONDAY, MAY 29, 2017**

ECBA Office Closed  
Erie County & Federal Courthouses Closed

**WEDNESDAY, MAY 31, 2017**

Defense Bar Meeting  
Noon  
ECBA Headquarters

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on the ECBA website  
<http://www.eriebar.com/public-calendar>



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**IN RE:**  
**U.S. BANK, NATIONAL ASSOCIATION, TRUSTEE FOR PENNSYLVANIA**  
**HOUSING FINANCE AGENCY, Plaintiff**  
**v.**  
**BRYAN J. WATTERS, Defendant**

*FAMILY LAW / MARITAL RIGHTS IN REAL PROPERTY*  
*SUBJECT TO MORTGAGE FORECLOSURE*

During marriage, husband acquired real estate without wife's involvement because of her poor credit rating. Deed, mortgage and note were in husband's name only. Parties have divorce pending when a mortgage foreclosure action is filed and wife is not a party to it. Over one year after the sheriff's sale, wife files to intervene in the foreclosure and petitions to strike or open the judgment.

Wife has an equitable interest in the property but is not a "real owner" required to be a party to the foreclosure action.

Wife did not own the property and had no interest in the mortgage or note, so she was not an indispensable party to the foreclosure action.

Wife's Petition to Open Judgment was filed 584 days after receipt of Notice of Default of mortgage was untimely. It also fails to set forth a defense.

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

Appearances: Jill M. Wineka, Esquire for the Plaintiff  
 Stephen H. Hutzelman, Esquire for the Defendant

**OPINION**

Cunningham, J. June 8, 2016  
 The Defendant, Bryan J. Watters, and the Proposed Intervener, Diane Watters (together "Appellants"), filed a Notice of Appeal on April 5, 2016 from an Order dated March 9, 2016, denying the Petition to Strike or Open Judgment and the Application for Leave to Intervene. This Opinion is in response to the Statement of Issues to be Raised on Appeal filed April 18, 2016 by Appellants.

**BACKGROUND**

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

At the time the Defendant purchased the Property, he was married to Diane Watters (the "Petitioner"). *Hearing Transcript March 8, 2016 ("H.T."), p. 13.* Because of Petitioner's credit rating, she was intentionally not a party to this purchase or the mortgage. *H.T. p. 14.* The Petitioner did not sign the Note or Mortgage and her name did not appear on the deed when title was transferred to the Defendant's name. *H.T. p. 13.* On April 16, 2013, the

Defendant filed for divorce from the Petitioner. *H.T. p. 14*. After separating, the Defendant moved from the Property and the Petitioner continued to reside there. *See H.T. p. 14*.

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

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

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

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

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

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

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

### **APPLICATION TO INTERVENE**

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

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

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

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

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

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

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

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

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

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

interest in the property was not linked to the disposition of the mortgage foreclosure action and the merits can be decided absent the Petitioner as a defendant.

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

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

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

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

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

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

Importantly, the Petitioner has failed to set forth any explanation for the delay in filing the Application to Intervene considering she was fully aware of the proceedings. The Petitioner did not seek to intervene before the default judgment was entered. Instead, the Petitioner waited over a full year after the Sheriff's sale, 584 days after the default judgment was entered and 633 days after she originally was given notice of the foreclosure to file the Application to Intervene.

Given this unexplained lengthy period of time, the Application to Intervene was not timely filed. *See Financial Freedom, SFC v. Cooper*, 21 A.2d 1329 (Pa. Super. 2011).

**PETITION TO STRIKE OR OPEN JUDGMENT**

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

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

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

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

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

**CONCLUSION**

Appellants' claims are without merit.

**BY THE COURT:**

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

2017 PA Super 110

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

v.

BRYAN J. WATTERS AND PROPOSED INTERVENER, DIANE WATTERS,  
Appellants

IN THE SUPERIOR COURT OF PENNSYLVANIA

No. 483 WDA 2016

Appeal from the Order Dated March 9, 2016  
In the Court of Common Pleas of Erie County  
Civil Division at No(s): 10516-14

BEFORE: LAZARUS, J., SOLANO, J., and STRASSBURGER, J. \*

OPINION BY SOLANO, J.:

FILED APRIL 19, 2017

Appellants Bryan J. Watters ("Husband") and Diane Watters ("Wife") appeal from the order entered on March 9, 2016, denying their petition to strike or open a judgment against Husband in an action to foreclose on a mortgage and Wife's application for leave to intervene in that action. We affirm.

On June 7, 2006, Husband signed a note and mortgage for \$73,071 to purchase real property in Girard, Erie County ("the Property"). The original mortgagee was American Home Mortgage, which subsequently assigned the mortgage to the Pennsylvania Housing Finance Agency, which in turn assigned the mortgage to Appellee, U.S. Bank National Association ("Bank").

At the time he purchased the Property, Husband was married to Wife, but Wife was not a purchaser of the Property and her name was not placed on the deed. Husband and Wife deliberately chose not to include Wife as a party to the purchase or to the mortgage because she had a poor credit rating. N.T., 3/8/16, at 13-14; Trial Ct. Op., 6/8/16, at 1.

The trial court accurately detailed the subsequent facts and procedural history underlying this action, as follows:

On April 16, 2013, [Husband] filed for divorce from [Wife. N.T. at 14.] After separating, [Husband] moved from the Property and [Wife] continued to reside there. *See [Id.]*

[Husband] failed to pay the mortgage payment due June 1, 2013 and defaulted on all subsequent installments. The [Bank] filed an action in mortgage foreclosure on February 28, 2014. [N.T. at 14.] On March 10, 2014, [Wife] was served with a copy of the Complaint as an occupant of the Property secured by the Mortgage. [*Id.*<sup>1</sup> Husband] was personally served with the Complaint on March 13, 2014. [*Id.*]

\* Retired Senior Judge assigned to the Superior Court.

<sup>1</sup> Appellants admit that "[t]he parties were separated but not divorced at that time." Appellants' Brief at 6 n.2.

On April 11, 2014, notices that [Husband] must vacate or pay within 10 days were mailed to the Property and to [Husband] at his new address. [Bank's] Brief in Opposition to Petition, p.2. When no action was taken, the [Bank] filed a Praecipe for a Default Judgment against [Husband] on April 25, 2014, and notice was sent to Husband on April 28, 2014.]

A Sheriff's sale was scheduled for July 25, 2014. A copy of the Notice of Sale was mailed to [Wife] at the [P]roperty address. [N.T. at 15. Wife] received the Notice of Sale and attempted to work with the [B]ank to stave off the foreclosure. [Id.] As a result of [Wife]'s actions, the Sheriff's sale was continued to August 22, 2014. [Id.] The Sheriff's sale was postponed a second time to October 17, 2014 after the [Bank] became aware [Wife] was attempting to obtain financing to purchase the home from [Husband]. [Id. at 15-16.]

The Sheriff's sale occurred on October 17, 2014 and the [Bank] was the successful bidder. [N.T. at 15-16.] A deed was recorded November 10, 2014 transferring title to the [Bank] and extinguishing [Husband's] ownership rights. [Id. at 16.]

Over one year later, on December 3, 2015, the Appellants filed a Petition to Open or Strike Default Judgment, Set Aside Sheriff's [S]ale and Application for leave to Intervene ("Petition"). [In the Petition, Appellants alleged that Wife held an equitable interest in the Property as a result of the divorce proceeding and hence was a party required to be named in the action under Rule 1144 of the Rules of Civil Procedure, and, as she was not named as a party nor served by the Bank, the trial court lacked subject matter jurisdiction and had been powerless to enter the default judgment. Petition at ¶¶ 26-27, 32-33, *ad damnum* clause.] The [Bank] filed an Answer on January 8, 2016. After submission of briefs and oral argument, the Petition was denied *en toto* by Order dated March 9, 2016.

Trial Ct. Op., 6/8/16, at 1-3; *see also id.* at 7.<sup>2</sup>

The trial court denied Wife's petition to intervene because it concluded that Wife was not a "real owner" of the Property who was required to be named as a party under Rule 1144 of the Rules of Civil Procedure. Pa.R.C.P. 1141-1150 govern actions in mortgage foreclosure. Rule 1144(a)(3) states: "The plaintiff shall name as defendants . . . the real owner of the property, or if the real owner is unknown, the grantee in the last recorded deed," The court held that a "real owner" is "the original mortgagor or one who takes title for the original mortgagor" and that "[i]ndividuals who have an equitable right to the subject property or those who claim title antagonistic to the mortgagor are not real owners required to be named as defendants." Trial Ct. Op., 6/8/16, at 3-4. Because Wife was not named in the mortgage, note, or deed, she "had at most an equitable interest in the property because it was marital

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<sup>2</sup> We note as an aside that because the parties deliberately kept Wife's name off of the deed, this case is not governed by in *Klebach v. Mellon Bank, N.A.*, 565 A.2d 448, 450 (Pa. Super. 1989), and *Frantz v. Frantz*, 972 A.2d 525, 527 (Pa. Super. 2008), *appeal denied*, 983 A.2d 728 (Pa. 2009), which hold that a creditor of one spouse may not foreclose on property held by a husband and wife as tenants by the entireties. Those decisions also preclude execution on entireties property once a divorce action is filed because the property then becomes the subject of litigation and under the court's control - in *custodia legis* - making it exempt from execution. *See Klebach*, 565 A.2d at 452; *Frantz*, 972 A.2d at 528. The parties have not raised an in *custodia legis* issue on the facts here, and we therefore do not opine on that question. *See generally* 23 Pa.C.S. § 3501(a)(7); *Kronz v. Kronz*, 574 A.2d 91, 94 (Pa. Super. 1990).

property and the divorce was not yet finalized," *Id at 4*. Therefore, the court held, her interest was insufficient to make Wife a real owner for purposes of Rule 1144.<sup>3</sup>

The trial court held that even if Wife had been required to be named as a defendant in the action, the fact that she received actual notice of the action by personal service of the complaint on her as the resident of the Property enabled her to participate in the action. If she wished to be formally named as a party, she then could have sought to intervene before the sheriff's sale occurred, but she did not do so. Instead, she did not seek to intervene until over a year later, and her application was untimely. Trial Ct. Op., 6/8/16, at 7.

The trial court denied the petition to open the default judgment because the petition was not filed until 584 days after notice of the default was sent to defendant Husband and therefore was untimely; Husband provided no reason for the delay. Trial Ct. Op., 6/8/16, at 7-8. Husband also failed to state a meritorious defense to the action. *Id*.

Husband and Wife appealed on April 5, 2016, and raise the following issues for our review:

I. Whether any person, other than the holder of a judgment lien or mortgage, who holds a record interest in real property, prior to the commencement of a foreclosure action and who must be joined in a conveyance of real property [before it] may be delivered to the purchaser of the real property, is a "real owner" of the property required to be joined as a Defendant in a foreclosure proceeding against the property pursuant to Rule 1144(a)(3) of the Pennsylvania Rules of Civil Procedure.

II. Whether the term "real owner" of the property in Rule 1144(a)(3) of the Pennsylvania Rules of Civil Procedure is limited to the record owner of property.

III. Whether a spouse whose name is not included in [a] recorded deed to property becomes a "real owner" of property required to be named as a defendant in a mortgage foreclosure against the property under Rule 1144(a)(3) of the Pennsylvania Rules of Civil Procedure when prior to the foreclosure, the spouse becomes entitled to statutory right of equitable division of marital property because of the commencement of an action in divorce by or against that spouse.

IV. Whether the Petition to Open or Strike a Default Judgment and set aside a Sheriff's Sale of real property was filed on a timely basis.

<sup>3</sup> In Wife's Petition to the trial court, she also alleged that she was an indispensable party who had to be joined as a defendant under Rule 2227 of the Rules of Civil Procedure, which deals with compulsory joinder. The trial court rejected this argument, because, as a non-party to the mortgage, her joinder was not needed to resolve the mortgage foreclosure issues. *See* Trial Ct. Op., 6/8/16, at 1-5. Wife did not preserve this issue in her statement of matters complained of on appeal pursuant to Pa.R.A.P. 1925(b), and she does not now raise this issue before this Court. Nevertheless, because failure to join an indispensable party implicates the court's jurisdiction to provide complete relief, *Sabella v. Appalachian Dev. Corp.*, 103 A.3d 83, 90 (Pa. Super. 2014), *appeal denied*, 114 A.3d 417 (Pa. 2015), we note our agreement with the trial court's ruling. An indispensable party must have a right or interest in the claim that may be affected by disposition of the lawsuit and is essential to the merits of the suit, so that justice may not be afforded without violating due process if the party remains absent. *CRY, Inc. v. Mill Service, Inc.*, 640 A.2d 372, 375-76 (Pa. 1994). Although Wife claims an equitable interest in the property as a result of a pending divorce proceeding, she does not own the property and had no interest in the mortgage or mortgage loan, to which she was not a party and on which she had no liability. Therefore, her presence was not required to resolve the foreclosure action.

V. Whether the Application to Intervene filed by a person who was not made a party of a foreclosure action, but who contends she is required to be made a party defendant and to be served with process by the Sheriff should be granted.

VI. Whether actual notice of a proceeding by a non-party to the action instead of formal service of process is sufficient notice of the action to a person required to have been named as a party defendant to the proceeding.

Appellants' Brief at 4-5.

**Denial of Wife's Petition To Intervene**

"Whether to allow intervention is a matter vested in the discretion of the trial court and the court's decision will not be disturbed on appeal absent a manifest abuse of its discretion." *Johnson v. Tele-Media Co. of McKean Cty.*, 90 A.3d 736, 739 (Pa. Super. 2014).

The trial court's main reason for denying Wife's petition to intervene was its conclusion that Wife was not a "real owner of the property" who had to be named as a defendant under Rule 1144(a)(3). Appellants' first three issues challenge that holding.

Appellants contend that Wife is a "real owner" who was required to be joined because she had an equitable interest in the Property pursuant to the Divorce Code. That statute states that "all property acquired by either party during the marriage" is "marital property," 23 Pa.C.S. § 3501(a), and that such property shall be equitably divided by the court if a request to do so is made in a divorce proceeding, *id.* § 3502(a). *See* Appellants' Brief at 12-14, 16.

This Court has never addressed whether an individual with a marital interest in real property qualifies as a "real owner" under Rule 1144(a)(3). The mortgage foreclosure rules were adopted in 1949 to replace statutes governing proceedings by *scire facias*<sup>4</sup> for the enforcement of a mortgage debt. Under the *scire facias* statute, the plaintiff in a foreclosure action was required to file "an affidavit setting forth to the best of his knowledge, information, and belief, who are real owners of the land charged, and that all such persons shall be made parties to the writ, and served according to its provisions." *Orient Bldg. & Loan Ass'n v. Gould*, 86 A. 863, 863 (Pa. 1913). The Supreme Court construed a "real owner" (sometimes referred to as a "terre-tenant") under the statute to mean "the real or present owner of the title by and under which the mortgagor claimed the land at the time he assumed to mortgage it," *Id.* at 864; *see also Commonwealth Trust Co. v. Harkins*, 167 A. 278, 280-81 (Pa. 1933) ("terre-tenant" must be not only in actual possession of property, but also subject to encumbrance). The 1949 mortgage foreclosure rules replaced the requirement to file an affidavit listing the "real owners" with the statement in Rule 1144(a)(3) that a complaint in mortgage foreclosure must name as a defendant "the real owner of the property." Thereafter, cases interpreting "real owner" did so with reference to decisions under the *scire facias* statute. *See, e.g., Bank of Pa. v. G/N Enters., Inc.*, 463 A.2d 4, 6 (Pa. Super. 1983) (citing cases decided both before and after 1949); *see also Levitt v. Patrick*, 976 A.2d 581, 591 (Pa. Super. 2009) (quoting *Bank of Pa.* with approval).

In 1959, the Supreme Court adopted a trial court decision that applied the "real owner" requirement in Rule 1144 the holder of an equitable interest by looking to the meaning of a "real owner" under the *scire facias* statute. *Bradley v. Price*, 152 A.2d 904, 909 (Pa. 1959) (*per*

<sup>4</sup> In this context, *scire facias* is defined as a "writ ordering a defaulting mortgagor to show cause why the mortgage should not be foreclosed and the property sold in execution." Black's Law Dictionary (10th ed. 2014).

*curiam*) (affirming on basis of opinion at 17 Pa. D. & C.2d 368 (C.P. Del. 1958)). The issue in *Bradley* was whether persons purchasing property from mortgagor under an unrecorded contract of sale were "real owners" under Rule 1144. The purchasers argued that because they "held an equitable title" to the property, they "were 'real owners' in the same sense that a record title owner was, and therefore had the same rights to notice of a sheriff's sale" of the property. 17 Pa. D. & C.2d at 377.<sup>5</sup> The court disagreed, because "'real owner' means the present owner of the title which the mortgagor owned when he mortgaged the premises to the mortgagee by executing and delivering to said mortgagee the mortgage which is the mortgage under which the present foreclosure proceedings were instituted." *Bradley*, 152 A.2d at 909 (emphasis omitted) (quoting 17 Pa. D. & C.2d at 377, which cited *Orient Bldg.*, 86 A. at 863-64)).

We have found no other reported appellate decisions dealing with whether the holder of an equitable interest in mortgaged property is a "real owner" under Rule 1144. In the absence of contrary case law, we hold that the trial court was correct in limiting the definition of "real owner" to those who have liability on the mortgage and that Wife therefore was not a "real owner" under that term.

We must interpret Rule 1144 to effectuate the intention of the Supreme Court when it promulgated the rule. Pa.R.C.P. 127(a). In doing so, we presume that "if the Supreme Court has construed the language of a rule or statute, the Supreme Court in promulgating a rule on the same subject matter which employs the same language intends the same construction to be placed upon such language." Pa.R.C.P. 128(d). Here, the Supreme Court employed the language of the *scire facias* statute when it adopted Rule 1144(a)(3), and it therefore is appropriate to give the term "real owner" in that rule the same meaning as it had been given by the Supreme Court under that legislation. We also note that where, as here, the words of a rule are not explicit in defining their terms, we may interpret the rule by looking to "prior practice, if any, including other rules and Acts of Assembly upon the same or similar subjects." Pa.R.C.P. 127(b)(5).<sup>6</sup> Construing Rule 1144(a)(3) in this manner, we hold that its reference to a "real owner of the property" does not encompass a spouse having a marital

---

<sup>5</sup> The persons who must be served with notice of a sheriff's sale are not necessarily the same as those who must be served with a complaint in a mortgage foreclosure action. Though all persons who must be served with the complaint must also be served with notice of the sheriff's sale, the converse is not always true. As one court has observed:

[T]he Pennsylvania rules of procedure require that notice of an impending foreclosure sale be served upon all lienholders so that they may protect their interests at the foreclosure sale (by bidding, for example). Pa.R.Civ.P. 3129.1. *See, e.g., Beneficial Mut. Sav. Bank v. Murray*, 30 D. & C.3d 115 (Del. Co. 1984). . . . Conversely, though, such lienholders need not, under state law, be served with the foreclosure complaint, or be made a party to the complaint. Pa.R.Civ.P. 1144.

*In re Antell*, 155 B.R. 921, 932 (Bankr. E.D. Pa. 1992) (mem.). As a federal opinion, *Antell* is not precedential here, but we reference it for its persuasive value. *See In re McKinney*, 67 A.3d 824, 832 n.14 (Pa. Super. 2013).

<sup>6</sup> We recently observed:

The Rules of Civil Procedure governing foreclosure actions were drafted by our Supreme Court and adopted in 1949, but they have a statutory basis dating back to 1705. *See* Kenneth E. Gray, *Definition; conformity to civil action*, in 15 West's Pennsylvania Practice, § 2:1 (Thomson Reuters, 3d ed., Dec. 2016 Update). Thus, despite its current embodiment in the Rules, the procedure in connection with the foreclosure of mortgages has been held to be "purely statutory," so that its requirements must be stringently followed. *Peoples Nat'l Bank of Lebanon v. Noble*, 487 A.2d 912, 915 (Pa. Super. 1985).

*Nicholas v. Hofmann*, \_ A.3d \_, 2017 WL 1102790, \*15 (Pa. Super. 2017) (No. 2567 EDA 2015).

interest under the Divorce Code.<sup>7</sup>

The parties agree that Wife was not named on the mortgage, note, or deed. N.T. at 13-14; *see also* Trial Ct. Op., 6/8/16, at 1, 4. The parties also concur that at the time of the foreclosure proceedings, Appellants' divorce was not yet finalized and that Wife therefore had only an equitable interest in the Property. Appellants' Brief at 6 n.2, 7 & n.3, 9 (citing 23 Pa.C.S. § 3501(a)); Bank's Brief at 4, 8; *see also* N.T. at 14; Trial Ct. Op., 6/8/16, at 1, 4. As the trial court stated,

[Wife] was not responsible for [the] mortgage payments and was not liable if the payments were in default. Thus, [her] interest in the property was not linked to the disposition of the mortgage foreclosure action. . . . Stated differently, if [Wife] was joined as a defendant, she had a successful defense by simply averring that she was not a party to the mortgage transaction and therefore not liable under the terms of the mortgage.

*Id.* at 5. For this reason, Wife was not a "real owner" for purposes of the mortgage foreclosure action, and the trial court correctly held that the Bank was not required to name her as a defendant to the foreclosure action at issue. *See* Pa.R.C.P. 1144(a). As a result, Appellants' first through third issues are meritless.<sup>8</sup>

In their fifth issue, Appellants argue more generally that, regardless of whether Wife qualified as a "real owner," the trial court abused its discretion in denying Wife's application to intervene. Appellants' Brief at 5 ¶ V & 20. We disagree. According to the record, Wife did not file her application to intervene during the "pendency" of the mortgage foreclosure action. Rather, her formal request to intervene was filed 584 days after the default judgment had been taken. As we held in *Fin. Freedom, SFC v. Cooper*, 21 A.3d 122 (Pa. Super. 2011)—

To petition the court to intervene after a matter has been finally resolved is not allowed by our Rules of Civil Procedure. It is only *during the pendency* of an action that the court may allow intervention. Pa.R.C.P. 2327. An action is "pending", according to Black's Law Dictionary (5th Ed.), when it is:

begun, but not yet completed; during; before the conclusion of; prior to the completion of; unsettled; undetermined; in process of settlement or adjustment.

Thus, an action or suit is "pending" from its inception until the rendition of final judgment.

21 A.3d at 1231 (emphasis in original; citation omitted). Because Wife did not seek to intervene until after the mortgage foreclosure action no longer was pending, the trial court

---

<sup>7</sup> Rule 1144 was promulgated almost 40 years before the Divorce Code was enacted in 1990, and it therefore is no surprise that it does not specifically address this question. We respectfully suggest that the Supreme Court's Civil Procedural Rules Committee may wish to examine the scope of Rule 1144(a)(3) in light of changes to the law since the rule was adopted.

<sup>8</sup> In their sixth issue, Appellants complain that, even though Wife received actual notice of the foreclosure action at the address of the Property where she was residing, she did not receive formal service of process. She asserts that the "[a]ctual notice" that she received was "not sufficient notice of the action to a person required to have been named as a party defendant to the proceeding." Appellants' Brief at 5 ¶ VI & 22. Because Wife was not required to be named as a party under Rule 1144, there was no requirement to serve her with process, and we therefore do not reach Appellants' sixth issue.

acted properly In denying her application to intervene, and Appellants' fifth issue is without merit.

### **Denial of Petition to Open or Strike the Default Judgment**

Appellants' remaining issue is whether the trial court erred in declining to open or strike the default judgment because Appellants delayed unreasonably in filing their petition seeking that relief. *See* Appellants' Brief at 4 ¶ IV & 18-19.

A petition to strike a judgment and a petition to open a judgment are separate and distinct remedies and not interchangeable. *Manor Bldg. Corp. v. Manor Complex Assocs., Ltd.*, 645 A.2d 843, 845 n.2 (Pa. Super. 1994) (*en banc*); *Neducusin v. Caplan*, 121 A.3d 498, 504-05 (Pa. Super. 2015), *appeal denied*, 131 A.3d 492 (Pa. 2016). A petition to open a judgment seeks to re-open a case following a default judgment in order to assert a meritorious defense; a motion to strike a judgment "is the remedy sought by one who complains of fatal irregularities appearing on the face of the record." *Cameron v. Great Atl. & Pac. Tea Co.*, 266 A.2d 715, 717 (Pa. 1970); *accord, N. Forests II, Inc. v. Keta Realty Co.*, 130 A.3d 19, 28 (Pa. Super. 2015), *appeal denied*, No. 197 MAL 2016, 2016 WL 5815288 (Pa., Oct. 5, 2016).

Although Appellants' petition raised procedural defects attending the default judgment (mainly, the failure to make Wife a defendant), Appellants' ultimate objective was to present grounds for avoiding foreclosure. Accordingly, both the parties and the trial court analyzed the issues presented under the standards applicable to a petition to open a judgment, not to strike it. Trial Ct. Op. 6/8/16, at 7-8; Appellants' Brief at 18-19; Bank's Brief at 13-15. Accordingly, we address the issue under those standards as well,<sup>9</sup> noting that —

A petition to open a default judgment is an appeal to the equitable powers of the court. The decision to grant or deny a petition to open a default judgment is within the sound discretion of the trial court, and we will not overturn that decision absent a manifest abuse of discretion or error of law.

*Smith v. Morrell Beer Distributors, Inc.*, 29 A.3d 23, 25 (Pa. Super. 2011).

"In general, a default judgment may be opened when the moving party establishes three requirements: (1) a prompt filing of a petition to open the default judgment; (2) a meritorious defense; and (3) a reasonable excuse or explanation for its failure to file a responsive pleading." *Smith*, 29 A.3d at 25 (citation omitted). If a petition to open a default judgment fails to fulfill any one prong of this test, then the petition must be denied. *Myers v. Wells Fargo Bank, N.A.*, 986 A.2d 171, 178 (Pa. Super. 2009). *See McFarland v. Witham*, 544 A.2d 929, 930-31 (Pa. 1988) (holding that failure to provide justifiable explanation for failing to respond to complaint in a timely manner was sufficient basis to deny petition); *McCoy v. Pub. Acceptance Corp.*, 305 A.2d 698, 700 (Pa. 1973) (holding that because appellant did not adequately explain the failure to answer the complaint, the trial court was justified in refusing to open the judgment); *US Bank N.A. v. Mallory*, 982 A.2d 986, 996-97 (Pa. Super. 2009) (affirming denial of petition to open without needing to analyze third prong of test).

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<sup>9</sup> Even if the petition were considered under the standard of a petition to strike a judgment, it still was properly denied. A petition to strike a default judgment presents us with a question of law; consequently, our standard of review is *de novo* and our scope of review is plenary. *Oswald v. WB Pub. Square Assocs., LLC*, 80 A.3d 790, 793 (Pa. Super. 2013). The procedural defects of which Appellants complain all relate to the failure to join or serve Wife in the foreclosure action. We have rejected Appellants' position on that issue in the preceding portion of this opinion.

In their brief to this Court, Appellants challenge only the trial court's determination that their petition was not promptly filed. Appellants' Brief at 4 ¶ IV & 18-19. With regard to this timeliness requirement:

The timeliness of a petition to open a judgment is measured from the date that notice of the entry of the default judgment is received. The law does not establish a specific time period within which a petition to open a judgment must be filed to qualify as timeliness. Instead, the court must consider the length of time between discovery of the entry of the default judgment and the reason for delay. . . . In cases where the appellate courts have found a "prompt" and timely filing of the petition to open a default judgment, the period of delay has normally been less than one month. *See Duckson v. Wee Wheelers, Inc.*, 423 Pa. Super. 251, 620 A.2d 1206 (1993) (one day is timely); *Alba v. Urology Associates of Kingston*, 409 Pa. Super. 406, 598 A.2d 57 (1991) (fourteen days is timely); *Fink v. General Accident Ins. Co.*, 406 Pa. Super. 294, 594 A.2d 345 (1991) (period of five days is timely).

*Myers*, 986 A.2d at 176 (quoted citations omitted).

Here, the default judgment was entered on April 25, 2014, and notice thereof was sent to Husband on April 28, 2014. Appellants waited until December 3, 2015 to file the petition to open - more than 19 months after the notice was sent. The trial court did not err in finding that this delay was too long. Because Appellants' petition was not "prompt," we agree with the trial court that it failed the first requirement to open a default judgment. *See Smith*, 29 A.3d at 25.<sup>10</sup>

As Appellants failed to satisfy all of the requirements for a petition to open, the trial court did not err in denying their petition. *See Myers*, 986 A.2d at 178.

**Conclusion**

For the foregoing reasons, the trial court's denial of Wife's application for leave to intervene and of Appellants' petition to strike or open the default judgment were proper.

Order affirmed.

Judgment Entered.

/s/ Joseph D. Seletyn, Esq.

Prothonotary

Date: 4/19/2017

<sup>10</sup> Additionally, Appellants offered no "reason for delay" and the trial court could not discern one. *See Myers*, 986 A.2d at 176. As the trial court explained, Appellants were "fully aware" that Wife was not joined as a defendant as soon as Husband was served with the notice of the judgment, and they knew that Wife "was attempting to purchase the property from [Husband]." Trial Ct. Op., 6/8/16, at 8. If they believed these facts warranted opening the default judgment, no good reason for their delay in filing their motion is apparent in the record.

**BANKRUPTCY NOTICE  
OF SALE**

IN RE: GREATER ERIE INDUSTRIAL DEVELOPMENT CORPORATION

Bankruptcy Case No. 16-10389-TPA  
Real properties being 0 Meadville Street, containing 22.9 acres, and bearing Erie County Tax Index No. (09) 001-002.0-001.00 AND 0 Thrasher Road, containing 6.77 acres, and bearing Erie County Tax Index No. (09) 001-002.0-001.10, both located in Cranesville, Pennsylvania; a full description of both parcels can be found in Instrument Number 2010-020999 in the Erie County Recorder of Deeds. Sale to be held: June 1, 2017 at 11:30 a.m. at the U.S. Courthouse, Bankruptcy Court, 17 South Park Row, Erie, Pennsylvania 16501  
Objections due: May 18, 2017  
Initial Offer: \$75,000.00

Higher and better offers will be considered at the hearing  
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Contact: Joseph B. Spero, Trustee, 3213 West 26th Street, Erie, Pennsylvania 16506, Phone (814) 836-1011, sperolaw@neohio.twcbe.com

For Information, description, and photographs: [www.pawb.uscourts.gov/easi.htm](http://www.pawb.uscourts.gov/easi.htm).

May 12

**BANKRUPTCY NOTICE**

IN THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: JAMES A. CRIFE, Debtor  
JAMES A. CRIFE, Plaintiff  
V.

COLFIN MF5 FUNDING, LLC, and WARREN COUNTY TAX CLAIM BUREAU, Defendants  
BANKRUPTCY NO. 15-10070-TPA

CHAPTER NO. 11  
NOTICE OF NONEVIDENTIARY HEARING ON MOTION FOR PRIVATE SALE OF PERSONAL PROPERTY FREE AND DIVESTED OF LIENS

James A. Crife, the debtor in this bankruptcy matter, seeks an order

to sell twenty-seven mobile homes at the Wilderness Mobile Home Park, 33 Wilderness, Clarendon, Warren County, Pennsylvania, to BF Adventures, LLC, through a transaction or series of transactions with the court-appointed Receiver for \$25,000.00 plus release of Deferred Rent (about \$24,000.00) and the Receiver's or lender's payment of all current and delinquent property taxes from the \$500,000.00 to be paid by BF Adventures, LLC, for Wilderness Mobile Home Park. The Court has already tentatively approved a sale of the mobile homes to the Buyer; anyone wishing to make a higher and better offer on the same terms and conditions, including the accompanying real estate sale, must submit such offer in writing to debtor's attorney on or before May 26, 2017, at 12:00 Noon. Immediately following this deadline, the debtor will file a notice stating whether any higher or better offer has been received; in the event any higher and better offer is received, a further order will be issued as appropriate. In the event no higher and better offer is received, then the provisions of the order tentatively approving the sale shall control. All amounts must be paid promptly at the closing of the sale. Examination of the property or further information can be obtained by contacting debtor's attorney.

Gary V. Skiba, Esq.  
345 West 6th Street  
Erie, PA 16507  
814/454-6345  
Attorney for Debtor

May 12

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**CHANGE OF NAME NOTICE**

In the Court of Common Pleas of Erie County, Pennsylvania  
Docket No. 11292-17

Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Diana Rose Fulton to Francine Rose Fulton.

The Court has fixed the 26th day of June, 2017 at 10:30 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.

May 12

**LEGAL NOTICE**

**NOTICE OF ACTION IN MORTGAGE FORECLOSURE IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PA CIVIL ACTION - LAW**

U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY, PLAINTIFF vs.

BRIAN HARPSTER AND JOSEPH HARPSTER, THE KNOWN HEIRS OF KATHLEEN M. HARPSTER AND THE UNKNOWN HEIRS OF KATHLEEN M. HARPSTER, DECEASED, DEFENDANTS  
MORTGAGE FORECLOSURE NO. 2016-12542

TO: JOSEPH HARPSTER AND THE UNKNOWN HEIRS OF KATHLEEN M. HARPSTER:

You are hereby notified that on January 3, 2017, Plaintiff, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY, filed a Complaint in Mortgage Foreclosure endorsed with a Notice to Defend against you in the Court of Common Pleas of Erie County, Pennsylvania, docketed to No. 2016-12542 wherein Plaintiff seeks to foreclose its mortgage securing your property located at 1113 W. 7th Street, Erie, PA 16502, whereupon

your property would be sold by the Sheriff of Erie County.

You are hereby notified to plead to the above referenced Complaint on or before 20 DAYS from the date of this publication or a Judgment will be entered against you.

**NOTICE**

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

**YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, TELEPHONE THE OFFICE BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

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

Name: Lawyer Referral and Information Service

Address: P.O. Box 1792, Erie, PA 16507

Telephone number: (814) 459-4411  
Leon P. Haller, Esquire

Attorney ID #15700  
1719 North Front Street

Harrisburg, PA 17102  
717-234-4178

May 12

**LEGAL NOTICE**

**NOTICE OF ACTION IN MORTGAGE FORECLOSURE IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA**

No. 13057-16

PNC BANK, NATIONAL ASSOCIATION, Plaintiff,

vs.

ALL KNOWN AND UNKNOWN HEIRS OF JAMES L. LUBA,

Defendant

TO: ALL KNOWN AND UNKNOWN HEIRS OF JAMES L. LUBA:

You are hereby notified that on November 14, 2016, PNC Bank, National Association filed a Complaint in Action of Mortgage Foreclosure, endorsed with a Notice to Defend, against the above Defendant at the above number.

Property Subject to Foreclosure: 3917 Blossom Terrace, Erie (Millcreek Township), Pennsylvania 16506

**NOTICE**

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

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

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

Lawyer Referral & Information Service

P. O. Box 1792

Erie, Pennsylvania 16507

Telephone: 814-459-4411

Brett A. Solomon, Esquire

Pa. I.D. #83746

Michael C. Mazack, Esquire

Pa. I.D. #205742  
Tucker Arensberg, P.C.  
1500 One PPG Place  
Pittsburgh, PA 15222  
412-566-1212  
Attorneys for PNC Bank, National  
Association, Plaintiff

May 12

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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. 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  
Kimberly 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**  
**Jacquilin 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 Jacquilin J. Snow, owner(s) of property situated in Plateau 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 ASEL a/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-ST, 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.  
Assessment 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

MARTHAE.VONROSENSTIEL,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. Ferringer**

**Sharon M. Ferringer,**

**Defendant(s)**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 2016-13241, Loandepot.Com, LLC vs. Steven A. Ferringer, Sharon M. Ferringer

Amount Due: \$280,280.47  
Steven A. Ferringer, Sharon M. Ferringer, 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 Ann Wisinski 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. 32**

**Ex. #10516 of 2016**  
**Carrington Mortgage Services,**  
**LLC, Plaintiff**

v.

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

By Virtue of Writ of Execution filed to No. 10516-16, Carrington Mortgage Services, LLC, Plaintiff v. Jeffrey 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. Bland, 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

.2936 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. 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. Rainey, 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.

#### Cancellation Policy for ECBA Events/Seminars:

Cancellations received on or before the last reservation deadline will be fully refunded. Cancellations received after the deadline or non-attendance will not be refunded.

If you register for an event without payment in advance and don't attend, it will be necessary for the ECBA to send you an invoice for the event.

**Online!**  
**REGISTRATION**  
Available at  
[www.eriebar.com](http://www.eriebar.com)

**ESTATE NOTICES**

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

**FIRST PUBLICATION**

**CHERNICKY, EMIL J., a/k/a  
EMIL CHERNICKY,  
deceased**

Late of the Township of McKean, County of Erie and Commonwealth of Pennsylvania  
*Executor:* Kenneth R. Chernicky  
*Attorney:* Adam J. Williams, Esquire, 425 West Tenth Street, Erie, PA 16502

**COPPLE, DORIS C.,  
deceased**

Late of the City of Erie, County of Erie and State of Pennsylvania  
*Executor:* Barry L. Copple  
*Attorney:* Gerald J. Vilella, Esquire, Dailey, Karle & Vilella, 150 East Eighth Street, 2nd Floor, Erie, PA 16501

**CZARNECKI, MARY M.,  
deceased**

Late of the Township of Fairview, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Jeffrey Czarnicki, c/o Quinn Buseck Leemhuis Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508  
*Attorney:* Colleen R. Stumpf, Esq., Quinn Buseck Leemhuis Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508

**FELDE, DAVID V., a/k/a DAVID  
VICTOR FELDE,  
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Lori A. Felde, c/o Quinn Buseck Leemhuis Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508  
*Attorney:* Darlene M. Vlahos, Esq., Quinn Buseck Leemhuis Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508

**JOHNSON, LOUIE P., SR.,  
deceased**

Late of the Borough of Union City, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Tiana M. McChesney, c/o Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407  
*Attorney:* Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407

**KREIDER, BETTY RUTH, a/k/a  
BETTY R. KREIDER,  
deceased**

Late of the Boro of Girard, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Kimberly S. Horvath, c/o Eugene C. Sundberg, Jr., Esq., Suite 300, 300 State Street, Erie, PA 16507  
*Attorney:* Marsh Spaeder Baur Spaeder & Schaaf, LLP, Suite 300, 300 State Street, Erie, PA 16507

**LUDDY, MARY LOUISE,  
deceased**

Late of Summit Township  
*Executor:* James J. Luddy, c/o 246 West 10th Street, Erie, PA 16501  
*Attorney:* Evan E. Adair, Esq., 246 West 10th Street, Erie, PA 16501

**MALINSKI, NANCY L.,  
deceased**

Late of Erie County, Pennsylvania  
*Co-Administrators:* Rebecca Malinski & Teresa A. Baker  
*Attorney:* Stephen Hutzelman, Esq., 305 West Sixth Street, Erie, PA 16507

**McCOOL, ROBERT J., a/k/a  
ROBERT McCOOL,  
deceased**

Late of the Borough of Lake City, County of Erie and State of Pennsylvania  
*Executor:* Daniel McCool, 2533 Lee Road W, Ashtabula, OH 44004  
*Attorney:* Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**MEOLA, ANTONIO N., a/k/a  
ANTONIO MEOLA, a/k/a  
ANTHONY MEOLA,  
deceased**

Late of the City of Erie, Commonwealth of Pennsylvania  
*Executor:* Daniel J. Moela, c/o Vendetti & Vendetti, 3820 Liberty Street, Erie, Pennsylvania 16509  
*Attorney:* Richard A. Vendetti, Esq., Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

**PAKULSKI, LOUISE A.,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Vicki Risjan  
*Attorney:* David J. Rhodes, Esquire, Elderkin Law Firm, 150 East 8th Street, Erie, PA 16501

**PAYHA, MARY D., a/k/a  
MARY J. PAYHA,  
deceased**

Late of the Township of Lawrence Park, County of Erie and Commonwealth of Pennsylvania  
*Executor:* Joseph M. Payha, c/o Michael A. Agresti, Esq., Suite 300, 300 State Street, Erie, PA 16507  
*Attorney:* Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, Suite 300, 300 State Street, Erie, PA 16507

**ROBERTS, JOHN J., D.D.S.,  
deceased**

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

*Executor:* John B. Fessler, 2222 West Grandview Blvd., Erie, PA 16506

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

**SCALISE, WILMA E.,  
deceased**

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

*Executor:* Raymond W. Scalise, c/o Melaragno, Placidi, Parini & Veitch, 502 West Seventh Street, Erie, PA 16502

*Attorney:* Gene P. Placidi, Esquire, Melaragno, Placidi, Parini & Veitch, 502 West Seventh Street, Erie, PA 16502

**SCHULZE, WADE ALAN, a/k/a  
WADE A. SCHULZE,  
deceased**

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

*Administratrix:* Justine Sullivan, 411 Kelso Drive, #17, Erie, PA 16505

*Attorney:* Michael J. D'Amico, Esquire, D'Amico Law Offices, L.L.C., 310 Grant Street, Suite 825 Grant Building, Pittsburgh, PA 15219

**SIMMONS, RITA B.,  
deceased**

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

*Executor:* Donald E. Benson, c/o 504 State Street, 3rd Floor, Erie, PA 16501

*Attorney:* Michael J. Nies, Esquire, 504 State Street, 3rd Floor, Erie, PA 16501

**SIMON, MICHAEL J.,  
deceased**

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

*Executor:* Elaine M. Wright

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

**TULLIO, VITO, JR., a/k/a  
VITO C. TULLIO, JR.,  
deceased**

Late of Erie County, Pennsylvania

*Executor:* Jeff Lombardo & Dennis Galletta, c/o Martone & Peasley, 150 West Fifth Street, Erie, Pennsylvania 16507

*Attorney:* Joseph P. Martone, Esquire, Martone & Peasley, 150 West Fifth Street, Erie, Pennsylvania 16507

**SECOND PUBLICATION**

**BIDDLESTON, THOMAS,  
deceased**

Late of Erie County, Pennsylvania

*Co-Executors:* Alan Biddlestone, Cammy Biddlestone and Patty Evan

*Attorney:* Elizabeth Brew Walbridge, 1001 State Street, Suite 1400, Erie, PA 16501

**COOK, PATRICIA A.,  
deceased**

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

*Administrator:* Walter C. Randall, 186 Eastwood Drive, North East, PA 16428

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

**KIERSTEIN, KURT W.,  
deceased**

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

*Executor:* Richard A. Kierstein, 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

**LOZOWSKI, NANCY L.,  
deceased**

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

*Executor:* Christine Ann Edinger, c/o John J. Shimek, III, Sterrett Mott Breski & Shimek, 345 West 6th Street, Erie, PA 16507

*Attorney:* John J. Shimek, III, Esq., Sterrett Mott Breski & Shimek, 345 West 6th Street, Erie, PA 16507

**McKENRICK, STEVEN M.,  
deceased**

Late of the Township of Girard  
*Executrix:* Heidi Z. McKenrick, 8770 Old Lake Road, Lake City, PA 16423

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

**PETROFF, MARTHA,  
deceased**

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

*Executrix:* Laurie A. Petroff, c/o John J. Shimek, III, Sterrett Mott Breski & Shimek, 345 West 6th Street, Erie, PA 16507

*Attorney:* John J. Shimek, III, Esq., Sterrett Mott Breski & Shimek, 345 West 6th Street, Erie, PA 16507

**SCEIFORD, MARJORIE P.,  
a/k/a MARJORIE L. SCEIFORD,  
a/k/a MARJORIE LOUISE  
SCEIFORD,  
deceased**

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

*Co-Executors:* Melanie Jane Nash and Douglas C. Sceiford, c/o 120 West 10th Street, Erie, PA 16501

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

**TARBELL, HERMA M.,  
deceased**

Late of the Township of Union, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Steven C. Tarbell, c/o Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407  
*Attorney:* Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407

**TRETTER, FRANCES L., a/k/a  
FRANCES ROSS TRETTER,  
a/k/a FRANCES TRETTER,  
deceased**

Late of the City of Erie, County of Erie and State of Pennsylvania  
*Administrator:* John Tretter, 451 West 9th Street, Erie, PA 16502  
*Attorney:* Ronald J. Susmarski, Esq., 4030 West Lake Road, Erie, PA 16505

**THIRD 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,  
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16507-1459

**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

**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,  
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