

Erie County Legal Journal

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Meerhoff, et al. v. McCray, et al.

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

TUESDAY, OCTOBER 31, 2017

Young Lawyers Division Event
Lunch With Our Judges - Judge Cunningham
Noon
The Erie Club

FRIDAY, NOVEMBER 3, 2017

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

TUESDAY, NOVEMBER 7, 2017

ECBA In House Counsel Leadership Committee Meeting
Noon
New ECBA Headquarters (429 West Sixth Street)

THURSDAY, NOVEMBER 9, 2017

Open House
3:00 p.m. - 7:00 p.m.
New ECBA Headquarters (429 West Sixth Street)

MONDAY, NOVEMBER 13, 2017

Worker's Compensation Section Meeting
Noon
New ECBA Headquarters (429 West Sixth Street)

THURSDAY, NOVEMBER 16, 2017

Sambroak Memorial Award Committee Meeting
Noon
New ECBA Headquarters (429 West Sixth Street)

MONDAY, NOVEMBER 20, 2017

ECBA Board of Directors Meeting
Noon
New ECBA Headquarters (429 West Sixth Street)

THURSDAY, NOVEMBER 23, 2017

FRIDAY, NOVEMBER 24, 2017

Thanksgiving Holiday
ECBA Office Closed
Erie County and Federal Courthouses Closed

TUESDAY, NOVEMBER 28, 2017

ECBA Live Seminar
Bridge the Gap
1:00 p.m. - 5:00 p.m.
New ECBA Headquarters (429 West Sixth Street)
Free for those required to attend

WEDNESDAY, NOVEMBER 29, 2017

ECBA Live Lunch-n-Learn Seminar
2017 Annual Criminal Law Update
12:15 p.m. - 1:15 p.m. (reg./lunch 11:45 a.m.)
Bayfront Convention Center
\$47 (ECBA members/non-attorney staff), \$60 (nonmembers), \$33 (member Judge not needing CLE)

WEDNESDAY, NOVEMBER 29, 2017

Defense Bar Meeting
Noon
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Erie County Bar Association



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CAROL MEERHOFF, individually and as Administratrix of the Estate of JEREMY MEERHOFF, deceased, and STEVEN LITTLE, an adult individual

v.

DONALD McCRAY; McCRAY ALUMINUM AND BUILDER'S SUPPLY COMPANY, INC.; THE NORTHWESTERN RURAL ELECTRIC CO-OPERATIVE ASSOCIATION, INC.; FIRST ENERGY CORPORATION, an Ohio Corporation; PENNSYLVANIA ELECTRIC COMPANY t/d/b/a Penelec, a wholly owned Subsidiary of First Energy
CIVIL PROCEDURE / SUMMARY JUDGMENT

After the relevant pleadings are closed, but within such time as not to delay unreasonably the trial, any party may move for summary judgment in whole or in part as a matter of law: (1) whenever there is no genuine issue of any material fact as to a necessary element of the cause of action or defense which could be established by additional discovery or expert report, or (2) if, after the completion of discovery relevant to the motion, including the production of expert reports, an adverse party who will bear the burden of proof at trial has failed to produce evidence of facts essential to the cause of action or defense which in a jury trial would require the issues to be submitted to the jury. The reviewing court must view the record in the light most favorable to the nonmoving party, resolving all doubts as to the existence of a genuine issue of material fact against the moving party. When the facts are so clear that reasonable minds cannot differ, a trial court may properly enter summary judgment.

NEGLIGENCE / GENERALLY

Negligence is established by proving the following four elements: (1) a duty or obligation recognized by law; (2) a breach of that duty; (3) a causal connection between the conduct and the resulting injury; and (4) actual damages. Moreover, in any negligence action, establishing a breach of a legal duty is a condition precedent to a finding of negligence.

EVIDENCE / EXPERT TESTIMONY

Pursuant to Pennsylvania Rule of Evidence 702, a witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if: (a) the expert's scientific, technical, or other specialized knowledge is beyond that possessed by the average layperson; (b) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue; and (c) the expert's methodology is generally accepted in the relevant field. If an expert states an opinion, the expert must state the facts or data on which the opinion is based.

CIVIL PROCEDURE / ADMISSIONS

A party may serve upon any other party a written request for the admission, for purposes of the pending action only, of the truth of any matters within the scope of Rules 4003.1 through 4003.5. Each matter of which an admission is requested shall be separately set forth, and the matter is admitted unless, within thirty days after service of the request, or within such shorter or longer time as the court may allow, the party to whom the request is directed serves upon the party requesting the admission an answer verified by the party or an objection, signed by the party or by the party's attorney.

CORPORATIONS / PIERCING THE CORPORATE VEIL

“Piercing the corporate veil” provides a means of assessing liability against a corporation for the actions or inaction of its members and shareholders. The following factors are considered when determining whether to pierce the corporate veil: (1) undercapitalization; (2) failure to adhere to corporate formalities; (3) substantial intermingling of corporate and personal affairs, and (4) use of the corporate form to perpetrate a fraud. Once sufficient evidence exists to apply this doctrine, this doctrine permits holding corporate officers and directors personally liable for the actions of the corporation.

CORPORATIONS / PIERCING THE CORPORATE VEIL

A strong presumption exists in Pennsylvania against piercing the corporate veil; however, courts will not hesitate to impose liability for the acts of a corporation whenever equity requires such be done either to prevent fraud, illegality, or injustice or when recognition of the corporate entity would defeat public policy or shield someone from public liability for a crime.

NEGLIGENCE – COMPARATIVE/CONTRIBUTORY NEGLIGENCE

As a general rule, in all actions to recover damages for negligence resulting in death or injury to person or property, the fact the plaintiff may have been guilty of contributory negligence shall not bar a recovery by the plaintiff or his legal representative where such negligence was not greater than the causal negligence of the defendant or defendants against whom recovery is sought, but any damages sustained by the plaintiff shall be diminished in proportion to the amount of negligence attributed to the plaintiff. The issue of apportionment of negligence should not be submitted to the jury if the plaintiff fails to establish a case of negligence on the defendant’s part in the first place.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
CIVIL DIVISION
NO. 11079 – 2015

Appearances: Peter D. Friday, Esq., and Kevin S. Burger, Esq., on behalf of Carol Meerhoff, individually and as Administratrix of the Estate of Jeremy Meerhoff, deceased, and Steven Little, an adult individual (Appellants)
Mark E. Mioduszewski, Esq., on behalf of Donald McCray (Appellee)
John B. Fessler, Esq., on behalf of McCray Aluminum and Builder’s Supply Company, Inc. (Appellee)
Edward A. Smallwood, Esq., on behalf of Pennsylvania Electric Company t/d/b/a Penelec, a wholly owned subsidiary of First Energy (Appellee)

OPINION

Domitrovich, J.

October 31, 2016

The instant matter is before the Pennsylvania Superior Court on the appeal of Carol Meerhoff, individually and as Administratrix of the Estate of Jeremy Meerhoff, deceased, and Steven Little, an adult individual (both hereafter referred to as “Appellant”), from this Trial Court’s Opinion and Order dated August 19, 2016. By said Opinion and Order dated August 19, 2016, this Trial Court granted the individual Motions for Summary Judgment of

Donald McCray, McCray Aluminum and Builder's Supply Company, Inc., and Pennsylvania Electric Company, t/d/b/a Penelec, a wholly owned subsidiary of First Energy (hereafter referred to as "Appellees") as this Trial Court concluded: (1) Appellants failed to demonstrate successfully a cause of action for negligence against Appellees Donald McCray, McCray Aluminum and Builder's Supply Company, Inc. and Pennsylvania Electric Company, t/d/b/a Penelec, a wholly owned subsidiary of First Energy; (2) Within the ten [10] day time period allotted after the undersigned judge found Plaintiff's proposed expert, James L. Glancey, Ph.D., unqualified as an relevant expert in this case by Order dated July 14, 2016, Appellants failed to produce a new expert qualified to demonstrate (a) whether Appellee Donald McCray's private, non-commercial residence was equipped with smoke detectors, and (b) whether the fire occurring at Appellee Donald McCray's private, non-commercial residence was electrical in nature; (3) Appellants failed to adhere to the time restraints for filing responses to Appellee McCray Aluminum and Builder's Supply Company, Inc.'s First Set of Requests for Admissions, pursuant to Pennsylvania Rule of Civil Procedure 4014(b), thereby admitting the allegations contained therein; (4) Appellants failed to produce sufficient evidence to "pierce the corporate veil" in order to hold Appellee McCray Aluminum and Builder's Supply Company, Inc. liable for Jeremy Meerhoff and Steven Little's injuries; and (5) Appellants failed to demonstrate successfully the "negligence" of the Appellees was greater than the "wanton comparative negligence" of Jeremy Meerhoff and Steven Little, thereby barring Appellants' recovery.

Procedural History

Appellants filed a Motion to Transfer Venue on April 1, 2015, which was granted and the instant civil action was transferred to Erie County, Pennsylvania.

Appellants filed a Praecipe for Writ of Summons and a Praecipe for Issuance for Rule to File Complaint on April 1, 2015. Appellants filed a Complaint in Civil Action on April 1, 2015. Appellee Pennsylvania Electric Company t/d/b/a Penelec filed an Answer, New Matter and Cross-Claims on April 23, 2015. Appellee McCray Aluminum and Builder's Supply Company, Inc. filed an Answer, New Matter and Cross-Claim on May 22, 2015. Appellee Donald McCray filed an Answer, New Matter and Cross-Claim on May 26, 2015.

By Stipulation on May 11, 2015, all allegations against Appellee Donald McCray and McCray Aluminum and Builder's Supply Company, Inc. for recklessness and punitive damages were withdrawn. By Stipulation on May 15, 2015, First Energy Corporation was dismissed from the instant civil action. By Stipulation on December 21, 2015, Northwestern Rural Electric Cooperative Association, Inc. was also dismissed from the instant civil action.

Appellee Pennsylvania Electric Company t/d/b/a Penelec filed a Motion to Strike Report of James L. Glancey on May 16, 2016. Appellants filed a Response to Defendant Penelec's Motion on May 31, 2016. Following a hearing on June 30, 2016, this Trial Court rescheduled the hearing on Appellees' Motions for Summary Judgment, originally scheduled for August 15, 2016, to July 26, 2016, by agreement of all counsel in order to expedite the hearing on Appellees' Motions for Summary Judgment, and this Trial Court deferred ruling on Appellee Pennsylvania Electric Company t/d/b/a Penelec's Motion to Strike Report of James L. Glancey.

Appellants presented a Motion for Clarification to this Trial Court in Motion Court on

July 14, 2016. At that hearing, this Trial Court, having heard argument and after reviewing relevant evidence, granted Appellee Pennsylvania Electric Company t/d/b/a Penelec's Motion to Strike Report of James L. Glancey and denied Appellants' Motion for Clarification.

Appellee Pennsylvania Electric Company t/d/b/a Penelec filed its Motion for Summary Judgment and a Brief in Support on June 2, 2016. Defendant McCray Aluminum and Builder's Supply Company, Inc. filed its Motion for Summary Judgment and a Brief in Support on June 7, 2016. Defendant Donald McCray filed his Motion for Summary Judgment and a Brief in Support on June 17, 2016. Following the hearing on Appellees' Motions for Summary Judgment on July 26, 2016, and by Opinion and Order dated August 19, 2016, this Trial Court granted Appellee's individual Motions for Summary Judgment and dismissed Appellants' civil action against the Appellees with prejudice.

Appellants filed a Notice of Appeal to the Pennsylvania Superior Court on September 15, 2016. This Trial Court filed its 1925(b) Order on September 19, 2016. Appellants filed their Concise Statement of Errors Complained of on Appeal on October 10, 2016.

Appellants raise nine (9) issues in their Concise Statement of Errors Complained of on Appeal, and this Trial Court consolidates Appellants' issues into four (4) issues:

1. **Whether this Trial Court erred by finding and concluding Appellants failed to establish successfully a cause of action for negligence against Appellees Donald McCray, McCray Aluminum and Builder's Supply Company, Inc. and Pennsylvania Electric Company, t/d/b/a Penelec, a wholly owned subsidiary of First Energy.**

- A. **Appellee Donald McCray**

First, Appellants have failed to establish successfully a cause of action for negligence against Appellee Donald McCray. Negligence is established by proving the following four elements: (1) a duty or obligation recognized by law; (2) a breach of that duty; (3) a causal connection between the conduct and the resulting injury; and (4) actual damages. *Grossman v. Barke*, 868 A.2d 561, 566 (Pa. Super. 2005). Absent a duty of care, there can be no negligence. *See Marshall v. Port Authority of Allegheny County*, 568 A.2d 931, 935 (Pa. 1990). Regarding duty of care, the Pennsylvania Supreme Court has stated the following:

Before a person may be subject to liability for failing to act in a given situation, it must be established that the person has a duty to act; **if no care is due, it is meaningless to assert that a person failed to act with due care.** Certain relations between parties may give rise to such a duty. Although each person may be said to have a relationship with the world at large that creates a duty to act where his own conduct places others in peril, Anglo-American common law has for centuries accepted the fundamental premise that mere knowledge of a dangerous situation, even by one who has the ability to intervene, is not sufficient to create a duty to act.

Elbasher v. Simco Sales Service of Pennsylvania, 657 A.2d 983, 984-85 (Pa. Super. 1995) (citing *Wenrick v. Schloemann-Siemag Aktiengesellschaft*, 564 A.2d 1244, 1248 (Pa. 1989) [emphasis added]). Moreover, in any negligence action, establishing a breach of a legal duty is a condition precedent to a finding of negligence. *Grossman* at 566.

In their Complaint in Civil Action, Appellants argue Appellee McCray should be held liable for negligence by “failing to install, service, inspect and operate smoke detectors... in the house and premises.” In addition, Appellants allege Appellee Donald McCray’s private, non-commercial residence was “in violation of Pennsylvania, United States and local fire laws, rules and regulations” due to the lack of smoke detectors. However, Appellants failed to provide any Pennsylvania statute, ordinance, code, case law or other authority requiring private, non-commercial homeowners, such as Appellee Donald McCray, to have smoke detectors installed in their private, non-commercial residences. Absent establishing the alleged duty of care, i.e. a duty to have smoke detectors installed in Appellee Donald McCray’s private, non-commercial residence, Appellants’ cause of action for negligence against Appellee Donald McCray is meaningless. *See Elbasher* at 984. Moreover, without a duty of care, there can be no breach of said duty, which is a condition precedent to a finding of negligence. *See Grossman* at 566.

Appellants allege Jeremy Meerhoff and Steven Little had permission to use the property as “licensees”; and, therefore, Appellee Donald McCray owed Meerhoff and Little a duty to protect alleged “licensees” from a dangerous condition on the property, i.e. a lack of smoke detectors. A possessor of land is subject to liability for physical harm caused to licensees by a condition on the land only if:

- a) The possessor knows or has reason to know of the condition and should realize that it involves an unreasonable risk of harm to such licensees, and should expect that they will not discover or realize the danger; and
- b) The possessor fails to exercise reasonable care to make the condition safe, or to warn the licensees of the condition and the risk involved, and
- c) The licensees do not know or have reason to know of the condition and the risk involved.

See Restatement (2nd) of Torts §342; see also Rossino v. Kovacs, 718 A.2d 755, 758 (Pa. 1998). Appellants cite the case of *Echeverria v. Holley*, 142 A.3d 29 (Pa. Super. 2016) to support their allegations. In *Echeverria*, a fire in a two-unit residential property resulted in the deaths of three individuals, and a common law negligence action was brought by the plaintiffs against the defendant landlord for failure to install smoke detectors at that property. *See id* at 32. The trial court in *Echeverria* granted the defendant landlord’s preliminary objections and dismissed the plaintiffs’ common law negligence claim. *See id* at 33. The trial court later granted summary judgment in favor of the defendant landlord, and the plaintiff’s appealed. *See id*. The Pennsylvania Superior Court vacated the trial court’s ruling on defendant landlord’s preliminary objections, concluding the plaintiffs alleged sufficient facts to support a finding that a dangerous condition, i.e. lack of smoke detectors, was present at the property, and the defendant landlord knew of the dangerous condition and failed to correct it, causing harm to the decedents. *See id* at 36. However, in the instant case, significant differences exist between the facts in *Echeverria* and the facts presented in the instant civil action. Unlike *Echeverria*, Appellee Donald McCray was the owner of a private, non-commercial residence, not a multi-family residential landlord-tenant apartment complex building. Furthermore, as discussed in this Trial Court’s Opinion

and Order dated August 19, 2016 and addressed below, Appellants presented no credible evidence to demonstrate Appellee Donald McCray's private, non-commercial residence was not equipped with smoke detectors. Finally, while the Pennsylvania Superior Court in *Echeverria* did acknowledge smoke detectors must be installed in residential landlord-tenant apartment complex properties, pursuant to the Pennsylvania Uniform Construction Code, 35 P.S. §§ 7210.101 *et seq.*, Appellants in the instant civil action failed to provide any statutory authority or case law requiring a private, non-commercial residence owner to install smoke detectors. Therefore, Appellants have failed to establish successfully a cause of action for negligence against Appellee Donald McCray.

B. Appellee McCray Aluminum and Builder's Supply Company, Inc.

Second, Appellants have failed to establish successfully a cause of action for negligence against Appellee McCray Aluminum and Builder's Supply Company, Inc. The party having possession and control of the premises at the time of an incident is legally responsible for the consequences of said incident. *See Pintek v. Allegheny County*, 142 A.2d 296, 301 (Pa. Super. 1958). The Deed to the subject property, located at 41491 State Highway 77, Spartansburg, Crawford County, Pennsylvania 16434, is in the name of Appellee Donald McCray only. Donald McCray also grew hay on the subject property, which he sold to the public. *See Deposition of Donald McCray, January 8, 2016, pg. 117, lines 9-16.* Although a sign for "McCray Aluminum and Builder's Supply Company" was located on the property, Appellee Donald McCray indicated the sign was for advertising purposes only. *See id, pg. 83, lines 12-17; see also Deposition of Dale McCray, March 11, 2016, pg. 41, lines 14-16.* Appellee McCray Aluminum and Builder's Supply Company, Inc. did not operate its business from the subject property and did not keep building supplies, vehicles or equipment on the subject property. *See id, pg. 83, line 18 – pg. 84, line 2.*

Appellants argue that they "pierced the corporate veil" of Appellee McCray Aluminum and Builder's Supply Company, Inc. "Piercing the corporate veil" provides a means of assessing liability against a corporation for the actions or inaction of its members and shareholders. *See Lomas v. Kravitz*, 130 A.3d 107, 126 (Pa. Super. 2015). The following factors are considered when determining whether to pierce the corporate veil: (1) undercapitalization; (2) failure to adhere to corporate formalities; (3) substantial intermingling of corporate and personal affairs, and (4) use of the corporate form to perpetrate a fraud. *Id.* Once sufficient evidence exists to apply this doctrine, this doctrine permits holding corporate officers and directors personally liable for the actions of the corporation. *See Impac Technology, Inc. v. Ellenberg*, 2005 Phila. Ct. Com. Pl. LEXIS 322, *13 (Pa. C.P. 2005). A strong presumption exists in Pennsylvania against piercing the corporate veil; however, courts will not hesitate to impose liability for the acts of a corporation whenever equity requires such be done either to prevent fraud, illegality, or injustice or when recognition of the corporate entity would defeat public policy or shield someone from public liability for a crime. *See id.*

Appellants allege Appellees Donald McCray and McCray Aluminum and Builder's Supply Company, Inc. were perceived as the same entity and did business as such, and further allege Appellees Donald McCray and McCray Aluminum and Builder's Supply Company, Inc. commingled assets by paying employees with both personal checks from Donald McCray and business checks from McCray Aluminum and Builder's Supply Company, Inc. However, assuming such evidence exists, said evidence does not rise to a level of "substantial

intermingling of corporate and personal affairs.” Furthermore, Appellants offer no evidence as to the other factors applicable to piercing the corporate veil, including undercapitalization, failure to adhere to corporate formalities and use of the corporate form to perpetrate a fraud. The evidence presented by Appellants is insufficient to “pierce the corporate veil” and hold Appellee McCray Aluminum and Builder’s Supply Company, Inc. liable for negligence.

As stated above, establishing a duty of care and a breach of that duty are paramount to a cause of action for negligence. *See Elbasher*, 657 A.2d at 984-85; *see also Grossman*, 868 A.2d at 566. Appellants allege Appellee McCray Aluminum and Builder’s Supply Company, Inc. was negligent for “failing to install, service, inspect and operate smoke detectors... in the house and premises,” which Appellants allege was “in violation of Pennsylvania, United States and local fire laws, rules and regulations.” However, Appellants failed to provide any Pennsylvania statutory authority, codes, regulations or case law requiring Appellee McCray Aluminum and Builder’s Supply Company, Inc. to have smoke detectors installed in Appellee Donald McCray’s private, non-commercial residence. Absent establishing the alleged duty of care, Appellants’ cause of action for negligence against Appellee McCray Aluminum and Builder’s Supply Company, Inc. is meaningless. *See Elbasher* at 984. Moreover, without a duty of care, there can be no breach of said duty, which is a condition precedent to a finding of negligence. *See Grossman* at 566.

Finally, Appellants have admitted several key averments made by Appellee McCray Aluminum and Builder’s Supply Company, Inc. by failing to respond to Appellee McCray Aluminum and Builder’s Supply Company, Inc.’s First Set of Requests for Admissions within the time required. A party may serve upon any other party a written request for the admission, for purposes of the pending action only, of the truth of any matters within the scope of Rules 4003.1 through 4003.5. *See Pa. R. Civ. P. 4014(a)*. Each matter of which an admission is requested shall be separately set forth, and the matter is admitted unless, within thirty days after service of the request, or within such shorter or longer time as the court may allow, the party to whom the request is directed serves upon the party requesting the admission an answer verified by the party or an objection, signed by the party or by the party’s attorney. *See Pa. R. Civ. P. 4014(b)*.

Appellee McCray Aluminum and Builder’s Supply Company, Inc. served its First Set of Requests for Admissions upon Appellants on March 17, 2016, three (3) days before the discovery time period was set to expire on March 20, 2016. Although Appellants claim they were not given a significant amount of time to respond, Appellant McCray Aluminum and Builder’s Supply Company, Inc.’s First Set of Requests for Admissions was served within the discovery time period. To date, Appellants have still failed to answer Appellee McCray Aluminum and Builder’s Supply Company, Inc.’s First Set of Requests for Admissions. Pursuant to Rule 4014(b), several key averments in Appellee McCray Aluminum and Builder’s Supply Company, Inc.’s First Set of Requests for Admissions are deemed “admitted,” including, but not limited to, (1) Appellee Donald McCray is the sole owner of the subject property located at 41491 State Highway 77, Spartansburg, Crawford County, Pennsylvania; (2) Appellee McCray Aluminum and Builder’s Supply Company, Inc. had no ownership in the subject property; (3) no evidence exists indicating the fire at the subject property on October 29, 2012 was started by the actions of any employee of Appellee McCray Aluminum and Builder’s Supply Company, Inc.; and (4) the fire at the

subject property on October 29, 2012 was started due to the actions of Jeremy Meerhoff and/or Steven Little. These admissions have been conclusively established and Appellants have not sought to withdraw or amend these admissions. *See Pa. R. Civ. P. 4014(d)*.

C. Appellee Pennsylvania Electric Company, t/d/b/a Penelec

Finally, Appellants have failed to establish successfully a cause of action for negligence against Appellee Pennsylvania Electric Company t/d/b/a Penelec. As stated above, establishing a duty of care and a breach of that duty are paramount to a cause of action for negligence. *See Elbasher*, 657 A.2d at 984-85; *see also Grossman*, 868 A.2d at 566.

Appellants failed to establish a breach of a recognized duty by Appellee Pennsylvania Electric Company t/d/b/a Penelec to support a cause of action for negligence. First, Appellants failed to produce any evidence that Appellee Pennsylvania Electric Company t/d/b/a Penelec installed or maintained the subject property's electrical equipment, transformers or utility lines improperly. Furthermore, this Trial Court properly did not qualify Appellants' expert, James L. Glancey, Ph.D., P.E., who merely opined the fire occurring at the subject property on October 29, 2012 was electrical in nature and Appellee Pennsylvania Electric Company t/d/b/a Penelec was negligent for failing to mark properly a guy wire on the subject property without proper electrical engineering methodology, as James L. Glancey is not a qualified electrical engineer (as discussed in more detail below), and Appellants failed to produce a new expert qualified to support Appellants' cause of action. Finally, in his Responses to Appellee Pennsylvania Electric Company t/d/b/a Penelec's First Set of Requests for Admissions, Appellee Donald McCray indicated there was no damage to the power lines at his property existing when he was last there on October 28, 2012 at 4:00 p.m.; he did not observe any existing damage, defect or malfunction of any power line, power pole, guy wire, transformer or other exterior electrical component as of October 28, 2012; and, therefore, he did not report any damage, defect or malfunction of any power line, power pole, guy wire, transformer or other exterior electrical component to Appellee Pennsylvania Electric Company t/d/b/a Penelec on or before October 28, 2012. *See Responses of Defendant, Donald McCray, to Penelec's First Set of Requests for Admissions, Interrogatories and Request for Production, verified June 24, 2015*. These conclusively-established admissions by Appellee Donald McCray support the averments that the electrical equipment on the subject property was properly installed and maintained by Appellee Pennsylvania Electric Company t/d/b/a Penelec, thereby demonstrating adherence to a reasonable duty of care.

Therefore, Appellants have failed to establish successfully a cause of action for negligence against the Appellees.

2. Whether this Trial Court properly denied the admission of Appellants' experts, James L. Glancey, Ph.D., P.E. and Jack R. Vinson, Ph.D., P.E., as not being qualified to provide expert testimony on electrical engineering and whose opinions were not based on proper electrical engineering methodology, and Appellants failed to identify a new expert qualified to support their causes of action against the Appellees without resorting to speculation.

Pursuant to Rule 702 of the Pennsylvania Rules of Evidence, a witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if:

- a) The expert's scientific, technical, or other specialized knowledge is beyond that possessed by the average layperson;
- b) The expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue; and
- c) The expert's methodology is generally accepted in the relevant field.

Pa. R. E. 702. Regarding admissibility of expert testimony, the Pennsylvania Superior Court has held:

Whether a witness has been properly qualified to give expert witness testimony is vested in the discretion of the trial court. It is well settled in Pennsylvania that the standard for qualification of an expert witness is a liberal one. When determining whether a witness is qualified as an expert the court is to examine whether the witness has any reasonable pretension to specialized knowledge on the subject under investigation.

The determination of whether a witness is a qualified expert involves two inquiries: When a witness is offered as an expert, the first question the trial court should ask is whether the subject on which the witness will express an opinion is "so distinctly related to some science, profession, business or occupation as to be beyond the ken of the average layman." If the subject is of this sort, the next question the court should ask is whether the witness has "sufficient skill, knowledge, or experience in that field or calling as to make it appear that his opinion or inference will probably aid the trier in his search for truth."

See Kovalev v. Sowell, 839 A.2d 359, 362-63 (Pa. Super. 2003).

In their Pre-trial Narrative Statement, Appellants indicate James L. Glancey, Ph.D., P.E. as an expert witness and attached the Expert Report of James L. Glancey. In his Expert Report, James L. Glancey admitted he examined several pieces of evidence, including civil pleadings filed by the parties, police reports, photographs of the residence, an on-site inspection of the property and depositions of parties and witnesses. James L. Glancey, without proper electrical engineering methodology, concluded the fire occurring on the subject property on October 29, 2012 was electrical in nature and the installation of a reflective marker on the guy wire would have reduced the likelihood an impact on the guy wire by a vehicle.

However, James L. Glancey, Ph.D., P.E. is a registered professional and mechanical engineer, and Appellants' counsel indicated at the time of oral argument that nothing in James L. Glancey's voluminous *curriculum vitae* sets forth any educational, vocational or practical experience in the fields of electrical engineering, which are paramount in the instant civil action. In fact, James L. Glancey's *curriculum vitae* is abound with educational, vocational and practice experience in the fields of mechanical, agricultural, biological and professional engineering, which are separate and distinct from the field of electrical engineering. Furthermore, James L. Glancey's *curriculum vitae* contains no references to education or experience in the field of fire cause/origin. Finally, James L. Glancey's supervisor, Jack R.

Vinson, Ph.D., P.E., also signed James L. Glancey's Expert Report in an attempt to bolster the credibility of James L. Glancey, which this Trial Court found improper as Jack R. Vinson, Ph.D., P.E., was also not an expert qualified in electrical engineering. Absent relevant qualifications in the fields of electrical engineering and/or fire cause/origin, this Trial Court properly concluded James L. Glancey, Ph.D., P.E., a professional and mechanical engineer, does not possess "sufficient skill, knowledge, or experience" in the fields of electrical engineering and/or fire cause/origin which would aid a jury in determining the cause of the fire at the subject property on October 29, 2012. *See id*; *see also Dambacher v. Mallis*, 485 A.2d 408, 418 (Pa. Super. 1984) (if a witness has neither experience nor education in the subject under investigation, he should be found not qualified). Therefore, by Order dated July 14, 2016, this Trial Court granted Appellee Pennsylvania Electric Company t/d/b/a Penelec's Motion to Strike Report of James L. Glancey, filed on May 16, 2016, and provided Appellants ten (10) days to identify a new expert with relevant education and experience in the fields of electrical engineering and/or fire cause/origin, which, to date, Appellants have failed to provide a properly qualified expert.

This Trial Court's decision to exclude Glancey and Vinson is consistent with the decision by Honorable Norman A. Krumenacker III, President Judge, Cambria County Court of Common Pleas, in the case of *Reed v. Pennsylvania Electric Company, a FirstEnergy Company t/d/b/a Penelec et al.*, docket no. 4521 – 2013, Cambria County Court of Common Pleas. In *Reed*, the Defendants Pennsylvania Electric Company, a FirstEnergy Corporation t/d/b/a Penelec and FirstEnergy Corporation filed a Motion *in Limine* to Preclude Proposed Expert Testimony of the same expert, James L. Glancey, Ph.D., P.E., wherein it was argued James L. Glancey, a mechanical engineer, could not offer opinions regarding electrical distribution systems as James L. Glancey did not possess the requisite knowledge, skill, experience, training or education in the field of electrical engineering. Following a hearing, Judge Krumenacker, agreeing with the averments contained within Defendants Pennsylvania Electric Company, a FirstEnergy Corporation t/d/b/a Penelec and FirstEnergy Corporation's Motion, entered his Order dated February 5, 2016 precluding the expert testimony of James L. Glancey, Ph.D., P.E. in his case and providing those plaintiffs forty-five (45) days to identify a new expert and supply a new Expert Report. Appellants in this instant case attempted to introduce the same expert, James L. Glancey, knowing James L. Glancey was not qualified as an electrical engineering expert and had been excluded in a prior case due to his lack of relevant education and experience.

Therefore, this Trial Court properly excluded James L. Glancey, Ph.D., P.E., a mechanical engineer, as James L. Glancey was not properly qualified to provide opinions in the instant civil action regarding the field of electrical engineering and without proper electrical engineering methodology.

3. Whether this Trial Court erred in concluding Appellants, in failing to present a new expert qualified to testify in the instant civil action, failed to establish (1) the cause and/or origin of the October 29, 2012 fire or (2) whether Appellee Donald McCray's private, non-commercial residence was equipped with smoke detectors, without resorting to speculation.

As addressed above, this Trial Court properly excluded Appellants' expert, James L. Glancey, Ph.D., P.E., a registered mechanical engineer, from testifying because James L. Glancey did not possess relevant educational, vocational or practical qualifications in the fields of electrical engineering and/or fire cause/origin, to form the basis of his "opinion," and this Trial Court concluded James L. Glancey did not possess "sufficient skill, knowledge, or experience" in the fields of electrical engineering and/or fire cause/origin which would aid a jury in determining the cause of the fire at the subject property on October 29, 2012. *See Kovalev*, 839 A.2d at 362-63; *see also Dambacher*, 485 A.2d at 418. The undersigned judge provided Appellants ten (10) days to identify a qualified electrical engineering and/or fire cause/origin expert; however, Appellants failed to identify a new qualified expert in electrical engineering, and, therefore, Appellants' cause of action for negligence against the Appellees rests on speculation and does not give rise to a genuine issue of material fact.

Aside from James L. Glancey, Ph.D., P.E., Appellants identify Deborah A. Waller, P.E., a registered engineer with education and experience in the field of fire safety, in their Pre-trial Narrative Statement. Deborah A. Waller, in her Expert Report, which is based upon review of the parties' civil pleadings, depositions and photographs, concluded solely that: (1) there is "no evidence of any working smoke alarms" in Appellee Donald McCray's private, non-commercial residence; (2) "the lack of smoke alarms substantially increased the risk of burns and fatality to the occupants of the home;" and (3) the presence of properly functioning smoke alarms would have given Mr. Jeremy Meerhoff and Mr. Steven Little an advantage in escaping successfully the home fire that occurred on October 29, 2012." *See Expert Report of Deborah A. Waller, P.E., page 3*. Deborah A. Waller's Expert Report should not be considered as the "scientific, technical, or other specialized knowledge" contained therein would easily be comprehensible by a jury and, therefore, is not beyond that possessed of the average layperson. *See Pa. R. E. 702(a)*. Furthermore, assuming *arguendo* Deborah A. Waller's testimony, as illustrated in her Expert Report, is beyond the ken of the jury, her Report failed to provide facts, data and methodology relied upon to support her conclusion that Appellee Donald McCray's private, non-commercial residence was not equipped with smoke detectors. In addition, Deborah A. Waller, in her Expert Report, does not offer any evidence or conclusions regarding the cause and/or origin of the October 29, 2012 fire.

In contrast, Appellees Donald McCray and McCray Aluminum and Builder's Supply Company, Inc.'s presented Robert G. Ryhal, Ryhal Associates Fire Investigations, who provided a thorough analysis of the circumstances occurring on October 29, 2012. Robert G. Ryhal's Report included (1) an initial examination of the scene on October 31, 2012; (2) a review of the electrical system with Eugene Bartel, P.E.; and (3) a review of relevant police reports, depositions, photographs and videos of the scene, medical records and Appellants' Expert Reports. Regarding the issue of whether smoke detectors were installed in Appellee Donald McCray's private, non-commercial residence, Robert G. Ryhal states "there was no investigation or effort to sift through the debris in order to determine if smoke alarms were present on the day of the fire" and "absent a methodical and organized search, a conclusion that there were not any smoke alarms in the McCray residence is unfounded." *See Report of Robert G. Ryhal, page 15*. Furthermore, Robert G. Ryhal acknowledged several witnesses, including Appellee Donald McCray, Charlene Meerhoff, Dale McCray, James McCray and Clifford McCray all indicated independently that "there was at least one smoke detector in

the house, located above the washer and dryer in the kitchen.” *See id.* Regarding the cause of the fire, Robert G. Ryhal stated “there were no viable ignition sources available in the residence, as the electrical power was detached from the house.” *See id., page 19.* Robert G. Ryhal further stated “smoking cannot be eliminated as a potential cause of the fire, as Mr. Little testified that Jeremy Meerhoff smoked **a pack or two a day.**” *See id.* Ultimately, Robert G. Ryhal concluded “the fire which originated within the McCray residence did not result from an electrical failure” as (1) “the electrical system was terminated;” (2) “the mechanical systems were not energized;” (3) “the theorized power surge is not supported by physical damage to the Penelec transformer or the triplex service feeder, nor feasible for the surge to bypass the grounding system;” and (4) “the only reasonable ignition sources remaining can be attributed to the use of an open flame... or smoking related activities...” *See id., page 24.*

Therefore, this Trial Court properly concluded Appellants cannot establish successfully a cause of action for negligence without resorting to speculation.

4. Whether this Trial Court properly concluded Jeremy Meerhoff and Steven Little’s “wanton comparative negligence” greatly exceeded the claims of negligence against the Appellees, thus barring recovery.

As a general rule, in all actions to recover damages for negligence resulting in death or injury to person or property, the fact the plaintiff may have been guilty of contributory negligence shall not bar a recovery by the plaintiff or his legal representative **where such negligence was not greater than the causal negligence of the defendant or defendants against whom recovery is sought**, but any damages sustained by the plaintiff shall be diminished in proportion to the amount of negligence attributed to the plaintiff. *See 42 Pa. C. S. §7102(a)* [emphasis added]. The issue of apportionment of negligence should not be submitted to the jury if the plaintiff fails to establish a case of negligence on the defendant’s part in the first place. *See Peair v. Home Association of Engola Legion No. 751, 430 A.2d 665, 669 (Pa. Super 1981) (citing Powell v. Ouray, 507 P.2d 1101, 1105 (1973)).*

On October 28, 2012, Mr. Meerhoff and Mr. Little had been consuming alcohol in the evening, with Mr. Meerhoff beginning to drink around 6:00 p.m. and Mr. Little beginning to drink around 9:00 p.m. *See Notes of Testimony Deposition of Carol Meerhoff, September 23, 2015, pg. 52, lines 12-16; pg. 55, lines 7-12.* Appellant Carol Meerhoff indicated she purchased a thirty (30) pack of beer earlier in the evening for consumption. *See id., pg. 52, line 22.* After Mr. Meerhoff and Mr. Little had consumed this large amount of beer, Mr. Meerhoff and Mr. Little left Mr. Meerhoff’s home around 1:00 – 1:30 a.m. to buy more beer. *See id., pg. 57, lines 16-19.* Sometime after, Mr. Meerhoff and Mr. Little arrived at Donald McCray’s property. *See Notes of Testimony Deposition of Steven Little, December 29, 2015, pg. 65, lines 20-24.* While at Donald McCray’s property, Mr. Meerhoff and Mr. Little were “race tracking like in a racecar form” and “whipping doughnuts and going in circles.” *See id., pg. 68, lines 17-20.* During this time, Mr. Meerhoff and Mr. Little “hit something.” *See id., pg. 69, lines 6-14.* Thereafter, Mr. Meerhoff and Mr. Little entered Donald McCray’s residence, at which time Mr. Little indicated the “lights were on.” *See id., pg. 75, lines 8-9.* Mr. Meerhoff and Mr. Little “wrestled around” in Appellee Donald McCray’s home for

around fifteen (15) minutes before going to bed. *See id*, pg. 77, line 19 – pg. 78, line 19.

The actions of Mr. Meerhoff and Mr. Little rise far above the level of negligence Appellants have alleged against the Appellees, which, as indicated above, is minimal, if not absent completely. Several photographs were taken at the scene after the fire by Pennsylvania State Police Corporal Matthew Bly, and these photographs depicted tire tracks, damaged electrical wires, a damaged hay wagon and other significant levels of vandalism, all of which was caused by the reckless actions of Mr. Meerhoff and Mr. Little. Several photographs depicted some power lines lying on the ground and the electrical transformer hanging on the power pole with several cables torn off. Furthermore, according to several toxicology reports, Mr. Meerhoff's Blood Alcohol Content ("BAC") was .244%, three (3) times the legal limit of .08%; and Mr. Little's BAC was .12-.13%, with his blood also testing positive for the presence of marijuana. *See Report of Robert G. Ryhal, page 18.*

The "wanton comparative negligence" of Jeremy Meerhoff and Steven Little is also striking in consideration of the condition of the property the day before. Appellee Donald McCray, owner of the property at 41491 State Highway 77, Spartansburg, Crawford County, Pennsylvania 16434, did not observe any damage, defect or malfunction of any electrical equipment on his property on October 28, 2012, nor did he have reason to notify Appellee Penelec of any damage, defect or malfunction of any electrical equipment on or prior to October 28, 2012. *See Responses of Defendant, Donald McCray, to Penelec's First Set of Requests for Admissions, Interrogatories and Request for Production, verified June 24, 2015.*

Therefore, this Trial Court properly concluded Jeremy Meerhoff and Steven Little's "wanton comparative negligence" greatly exceeded the claims of negligence against the Appellees, thus barring recovery.

For all of the foregoing reasons, this Trial Court concludes the instant appeal is without merit and respectfully requests the Pennsylvania Superior Court affirm this Trial Court's Opinion and Order dated August 19, 2016.

BY THE COURT

/s/ Stephanie Domitrovich, Judge

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

**CAROL MEERHOFF, INDIVIDUALLY, AND AS ADMINISTRATRIX OF THE
ESTATE OF JEREMY MEERHOFF, DECEASED, AND STEVEN LITTLE, AN
ADULT INDIVIDUAL, Appellants**

v.

**DALE McCRAY; JAMES McCRAY; McCRAY ALUMINUM AND BUILDER'S
SUPPLY COMPANY, INC.; THE NORTHWESTERN RURAL ELECTRIC
CORPORATION AND OHIO CORPORATION, PENNSYLVANIA ELECTRIC
COMPANY T/D/B/A PENELEC, A WHOLLY OWNED SUBSIDIARY OF FIRST
ENERGY**

IN THE SUPERIOR COURT OF PENNSYLVANIA

No. 1392 WDA 2016

Appeal from the Order Entered August 19, 2016,
in the Court of Common Pleas of Erie County
Civil Division at No. Docket No. 11079-2015

BEFORE: STABILE, J., FORD ELLIOTT, P.J.E., AND STRASSBURGER, J.*

MEMORANDUM BY FORD ELLIOTT, P.J.E.

FILED SEPTEMBER 29, 2017

Appellants Carol Meerhoff, individually, and as Administratrix of the Estate of Jeremy Meerhoff (“Mr. Meerhoff”), deceased, and Steven Little (“Mr. Little”), plaintiffs in the court below, appeal the order entered August 19, 2016, granting summary judgment in favor of defendants/appellees.¹ We affirm.

In the early morning hours of October 29, 2012, Mr. Meerhoff was killed and Mr. Little was seriously injured in a devastating fire that consumed Donald McCray’s 100-year-old farmhouse in Spartansburg. Mr. Little is Mr. McCray’s grandson and had permission to use the residence; however, Mr. McCray was not home at the time and was unaware that Mr. Little would be staying in the farmhouse that night.

Earlier that evening, Mr. Meerhoff and Mr. Little, both of whom had been drinking heavily, drove recklessly around the property in Mr. McCray’s pickup truck, damaging power lines and farm equipment. The cause of the fire was never determined; however, appellants alleged, *inter alia*, that Mr. McCray and McCray Aluminum were negligent for failing to install smoke detectors and/or carbon monoxide (“CO”) monitors.

The trial court determined that since Mr. McCray’s farmhouse was a private, non-commercial residence, he had no legal duty to install and maintain smoke detectors or CO monitors. Appellants also alleged that Pennsylvania Electric Co. (“Penelec”) was negligent for failing to properly mark a guy wire on the property; however, the trial court determined that (a) appellants failed to demonstrate that the cause of the fire was electrical, and (b)

* Retired Senior Judge assigned to the Superior Court.

¹ Donald E. McCray died on May 4, 2017. On July 10, 2017, Dale McCray and James McCray, Donald E. McCray’s sons and co-executors of his estate, made application pursuant to Pa.R.A.P. 502(a) to substitute themselves for Donald E. McCray as party-defendants/appellees. The application was granted on August 30, 2017. The caption has been amended accordingly.

any negligence on the part of Penelec was far exceeded by Mr. Meerhoff's and Mr. Little's wanton misconduct in driving drunk around the property the night of the incident, damaging structures and electrical wires including the guy wire which was attached to a yard pole.

The trial court has set forth the history of this case as follows:

The instant matter is before the Pennsylvania Superior Court on the appeal of Carol Meerhoff, individually and as Administratrix of the Estate of Jeremy Meerhoff, deceased, and Steven Little, an adult individual (both hereafter referred to as "Appellant[s]"), from this Trial Court's Opinion and Order dated August 19, 2016. By said Opinion and Order dated August 19, 2016, this Trial Court granted the individual Motions for Summary Judgment of Donald McCray, McCray Aluminum and Builder's Supply Company, Inc., and Pennsylvania Electric Company, t/d/b/a Penelec, a wholly owned subsidiary of First Energy (hereafter referred to as "Appellees") as this Trial Court concluded: (1) Appellants failed to demonstrate successfully a cause of action for negligence against Appellees Donald McCray, McCray Aluminum [] and [] Penelec []; (2) Within the ten [10] day time period allotted after the undersigned judge found Plaintiff[s'] proposed expert, James L. Glancey, Ph.D., unqualified as an [sic] relevant expert in this case by Order dated July 14, 2016, Appellants failed to produce a new expert qualified to demonstrate (a) whether Appellee Donald McCray's private, non-commercial residence was equipped with smoke detectors, and (b) whether the fire occurring at Appellee Donald McCray's private, non-commercial residence was electrical in nature; (3) Appellants failed to adhere to the time restraints for filing responses to Appellee McCray Aluminum[]'s First Set of Requests for Admissions, pursuant to Pennsylvania Rule of Civil Procedure 4014(b), thereby admitting the allegations contained therein; (4) Appellants failed to produce sufficient evidence to "pierce the corporate veil" in order to hold Appellee McCray Aluminum [] liable for Jeremy Meerhoff and Steven Little's injuries; and (5) Appellants failed to demonstrate successfully the "negligence" of the Appellees was greater than the "wanton comparative negligence" of Jeremy Meerhoff and Steven Little, thereby barring Appellants' recovery.

Procedural History

Appellants filed a Motion to Transfer Venue on April 1, 2015, which was granted and the instant civil action was transferred to Erie County, Pennsylvania.

Appellants filed a Praecipe for Writ of Summons and a Praecipe for Issuance for Rule to File Complaint on April 1, 2015. Appellants filed a Complaint in Civil Action on April 1, 2015. Appellee [] Penelec filed an Answer, New Matter and Cross-Claims on April 23, 2015. Appellee McCray Aluminum [] filed an Answer, New Matter and Cross-Claim on May 22, 2015. Appellee Donald McCray filed an Answer, New Matter and Cross-Claim on May 26, 2015.

By Stipulation on May 11, 2015, all allegations against Appellee Donald McCray and McCray Aluminum [] for recklessness and punitive damages were withdrawn.

By Stipulation on May 15, 2015, First Energy Corporation was dismissed from the instant civil action. By Stipulation on December 21, 2015, Northwestern Rural Electric Cooperative Association, Inc. was also dismissed from the instant civil action.

Appellee [] Penelec filed a Motion to Strike Report of James L. Glancey on May 16, 2016. Appellants filed a Response to Defendant Penelec's Motion on May 31, 2016. Following a hearing on June 30, 2016, this Trial Court rescheduled the hearing on Appellees' Motions for Summary Judgment, originally scheduled for August 15, 2016, to July 26, 2016, by agreement of all counsel in order to expedite the hearing on Appellees' Motions for Summary Judgment, and this Trial Court deferred ruling on Appellee [] Penelec's Motion to Strike Report of James L. Glancey.

Appellants presented a Motion for Clarification to this Trial Court in Motion Court on July 14, 2016. At that hearing, this Trial Court, having heard argument and after reviewing relevant evidence, granted Appellee [] Penelec's Motion to Strike Report of James L. Glancey and denied Appellants' Motion for Clarification.

Appellee [] Penelec filed its Motion for Summary Judgment and a Brief in Support on June 2, 2016. Defendant McCray Aluminum [] filed its Motion for Summary Judgment and a Brief in Support on June 7, 2016. Defendant Donald McCray filed his Motion for Summary Judgment and a Brief in Support on June 17, 2016. Following the hearing on Appellees' Motions for Summary Judgment on July 26, 2016, and by Opinion and Order dated August 19, 2016, this Trial Court granted Appellee[s'] individual Motions for Summary Judgment and dismissed Appellants' civil action against the Appellees with prejudice.

Appellants filed a Notice of Appeal to the Pennsylvania Superior Court on September 15, 2016. This Trial Court filed its [Pa.R.A.P.] 1925(b) Order on September 19, 2016. Appellants filed their Concise Statement of Errors Complained of on Appeal on October 10, 2016.

Trial court opinion, 11/1/16 at 1-4.

Appellants have raised the following issues for this court's review:

1. Did the court err in finding that Appellee, Donald McCray, does not have a legally recognized duty to install smoke and/or carbon monoxide detectors in his private, non-commercial residence?
2. Did the court err in finding that Appellants cannot prove Appellee, Donald McCray's, private, non-commercial residence was not equipped with working smoke detectors without resorting to speculation?
3. Did the court err in finding Appellants failed to adhere to the time restrain[t]s for responding to Appellee McCray Aluminum[]'s First Set of Requests for Admissions, pursuant to Pennsylvania Rule of Civil Procedure 401[4](b) as Appellee's Requests for Admissions were untimely?

4. Did the court err in finding Appellants did not present sufficient evidence to “pierce the corporate veil” in order to hold Appellee McCray Aluminum [] liable for Mr. Meerhoff and Mr. Little’s injuries?
5. Did the court err in striking Appellant[s’] experts, James L. Glancey, Ph.D., P.E. and Jack Vinson, Ph.D., P.E.?
6. Did the court err in finding Appellants have not produced any relevant evidence from a qualified electrical engineer to prove the fire occurring at Donald McCray’s property on October 29, 2012 was electrical in nature?
7. Did the court err in finding Appellants have not established a cause of action against Appellee Penelec?
8. Did the court err in finding Mr. Meerhoff and Mr. Little’s “wanton comparative negligence” greatly exceeds the claims of negligence against Appellee Penelec and thus bars recovery?

Appellants’ brief at 4-5.

Summary judgment may be granted when the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. Pa.R.C.P. 1035(b), 42 Pa.C.S.A. When considering a motion for summary judgment, the trial court must examine the record in the light most favorable to the non-moving party, accept as true all well-pleaded facts in the non-moving party’s pleadings, and give him the benefit of all reasonable inferences drawn therefrom. *Dibble v. Security of America Life Ins.*, 404 Pa.Super. 205, 590 A.2d 352 (1991); *Lower Lake Dock Co. v. Messenger Bearing Corp.*, 395 Pa.Super. 456, 577 A.2d 631 (1990). Summary judgment should be granted only in cases that are free and clear of doubt. *Marks v. Tasman*, 527 Pa. 132, 589 A.2d 205 (1991). We will overturn a trial court’s entry of summary judgment only if we find an error of law or clear abuse of discretion. *Lower Lake Dock Co.*, *supra*.

DeWeese v. Anchor Hocking Consumer and Indus. Products Group, 628 A.2d 421, 422-423 (Pa.Super. 1993).

It is well-settled that a party may not defeat a motion for summary judgment by relying on the allegations of his complaint. Rather, he must present depositions, affidavits, or other acceptable documents that show there is a factual issue for a jury’s consideration. *Brecher v. Cutler*, 396 Pa.Super. 211, 578 A.2d 481 (1990).

Id. at 424.

Thus, our responsibility as an appellate court is to determine whether the record either establishes that the material facts are undisputed or contains insufficient evidence of facts to make out a *prima facie* cause of action, such that there is no issue to be decided by the fact-finder. [*Lackner v. Glosser*, 892 A.2d 21, 29 (Pa. Super. 2006)]; *see* Pa.R.C.P. 1035.2.[Footnote 3] If there is evidence that would allow a fact-finder to render a verdict in favor of the non-moving party, then summary judgment should be denied. *Lackner*, *supra* at 29[.]

[Footnote 3] Rule 1035.2 provides:

After the relevant pleadings are closed, but within such time as not to unreasonably delay trial, any party may move for summary judgment in whole or in part as a matter of law (1) whenever there is no genuine issue of any material fact as to a necessary element of the cause of action or defense which could be established by additional discovery or expert report, or

(2) if, after the completion of discovery relevant to the motion, including the production of expert reports, an adverse party who will bear the burden of proof at trial has failed to produce evidence of facts essential to the cause of action or defense which in a jury trial would require the issues to be submitted to a jury.

Pa.R.C.P. 1035.2.

Jones v. Levin, 940 A.2d 451, 453-454 (Pa.Super. 2007).

To prevail in a negligence suit, the complaining party must prove four elements:

1. A duty or obligation recognized by law.
2. A breach of the duty.
3. Causal connection between the actor's breach of the duty and the resulting injury.
4. Actual loss or damage suffered by complainant.

Lux v. Gerald E. Ort Trucking, Inc., 887 A.2d 1281, 1286 (Pa.Super. 2005), *appeal denied*, 587 Pa. 731, 901 A.2d 499 (2006) (citation omitted and emphasis removed).

Id. at 454.

In their first issue on appeal, appellants argue that the trial court erred in finding that Mr. McCray did not have a legal duty to install smoke detectors and/or CO monitors in his private, non-commercial residence. Appellants argue that Mr. Meerhoff and Mr. Little had permission to be on the premises and should be considered licensees. (Appellants' brief at 18.) As licensees, appellants contend that Mr. McCray had a duty to protect them from unreasonable risks of foreseeable harm. (*Id.* at 19.) Appellants allege that the presence of working smoke detectors/CO monitors would have allowed them to escape the fire unscathed.

Here, it is not disputed that Mr. Meerhoff and Mr. Little had permission to use the farmhouse and were licensees.

If a visitor to land is legally classified as a licensee,

A possessor of land is subject to liability for physical harm caused to licensees by a condition on the land if, but only if, (a) the possessor knows or has reason to know of the condition and should realize that it involves an unreasonable risk of harm to such licensees, and should expect that they will not discover or realize the danger, and (b) he fails to exercise reasonable care to make the condition safe, or to warn the licensees of the condition and the risk involved, and ([c]) the licensees do not know or have reason to know of the condition and the risk involved. Restatement (Second) of Torts § 342.

Liability will only be imposed if all of the criteria in § 342 are met. *Miranda v. City of Philadelphia* [166 Pa.Cmwlt. 181], 646 A.2d 71, 74 (Pa.Cmmw[Cmwlt. Ct.1994). As such, § 342 initially requires that the possessor of the land have actual or constructive notice of the allegedly dangerous condition.

Alexander v. City of Meadville, 61 A.3d 218, 221-222 (Pa.Super. 2012) (brackets in case citation in original).

Appellants in their complaint alleged that Mr. McCray, in failing to install smoke alarms and CO monitors, failed to comply with state, federal, county, and local building codes, rules, and regulations. However, as the trial court observed, “[Appellants] have failed to provide any statutory authority or case law requiring Defendant McCray to install [smoke alarms or CO] detectors in his private, non-commercial residence.” (Opinion and Order, 8/19/16 at 3-4.) As appellee Mr. McCray points out, while there are numerous state statutes requiring smoke detectors and CO monitors in day-care facilities, assisted-living residences, schools, new multi-unit construction, *etc.*, there are no statutes or regulations requiring a homeowner to install smoke detectors or CO monitors in his private, non-commercial residence. (Mr. McCray’s brief at 14-15.)

Similarly, appellants have failed to cite any authority for the proposition that failure to install smoke alarms and/or CO detectors constituted a “dangerous condition” for purposes of Section 342. In the court below, appellants relied on *Echeverria v. Holley*, 142 A.3d 29 (Pa.Super. 2016), *appeal denied*, 2017 WL 1078606 (Pa. 2017), and *appeal denied*, 2017 WL 1078750 (Pa. 2017), in which this court held that a landlord is under a duty to maintain his rental property in a safe condition which includes the provision of smoke detection devices. *Id.* at 36. We agree with the trial court that *Echeverria* is distinguishable because it involved a landlord’s duty to his tenant. (Trial court opinion, 11/1/16 at 6.) Here, Mr. McCray was the owner of a private, non-commercial residence. (*Id.*) Mr. Meerhoff and Mr. Little were not his tenants. Therefore, *Echeverria* is not controlling. Again, appellants have cited no statutory or decisional authority for the proposition that the owner of a private, non-commercial residence has a duty to install and maintain smoke detectors or CO monitors. This is a question better left to the legislature, and in the absence of such authority, we decline to impose such a duty on owners of private residences.

Next, appellants argue that the trial court erred in finding that appellants failed to prove that Mr. McCray’s farmhouse was not equipped with working smoke detectors/CO monitors without resorting to speculation. Appellants claim that there was a genuine issue of material fact as to whether or not functioning smoke detectors/CO monitors existed at the time of the fire. (Appellants’ brief at 22.) However, as the trial court noted, the issue is moot because we have already determined that Mr. McCray was under no legal duty to install and maintain smoke detectors/CO monitors in his private, non-commercial residence. (Opinion and Order, 8/19/16 at 5.) Whether there were actually working smoke detectors/CO monitors in the farmhouse is irrelevant in light of the fact that Mr. McCray had no duty to install them in the first place.

Appellants’ next two issues on appeal relate to their claims against McCray Aluminum. First, appellants complain that the trial court erred in finding that they failed to respond to McCray Aluminum’s request for admissions, and therefore, pursuant to Pa.R.C.P. 4014, the matters raised therein were deemed admitted. “. . . Pa.R.C.P. 4014(b) provides that all matters

raised in a request for admissions are deemed admitted when a party fails to respond to the request within 30 days.” *Thomas v. Elash*, 781 A.2d 170, 177 (Pa.Super. 2001); *Innovate, Inc. v. United Parcel Serv., Inc.*, 418 A.2d 720, 723 (Pa.Super. 1980) (“A party on whom requests for admissions of fact are served runs the risk that the facts as set forth in the request for admissions will be conclusively binding on him if he chooses not to file an answer to the request for admissions or file objections to the request.”).

Instantly, McCray Aluminum served its First Set of Requests for Admissions on the plaintiffs on March 17, 2016, three days before expiration of the discovery time period. Appellants failed to respond by filing answers or objections. Therefore, the matters in McCray Aluminum’s requests for admissions were deemed admitted, including that Mr. McCray was the sole owner of the property, that McCray Aluminum had no ownership interest in the property, and that McCray Aluminum did not design, construct, or maintain the farmhouse. This was a proper basis for McCray Aluminum’s motion for summary judgment. *See Innovate*, 418 A.2d at 724 (defendant properly relied on unanswered requests for admissions of fact filed under Pa.R.C.P. 4014 as a basis for a motion for summary judgment (citations omitted)). While appellants complain that McCray Aluminum’s requests for admissions were filed only 3 days before the discovery deadline, they have waived any objection by not responding.

In their second issue relating to McCray Aluminum, appellants argue that the trial court should have “pierced the corporate veil” to hold McCray Aluminum liable. Even assuming that this doctrine somehow applies as asserted by appellants, we do not need to address this issue because we have already determined that Mr. McCray had no duty to install smoke detectors/CO monitors in his private, non-commercial residence. If Mr. McCray had no duty to do so, certainly McCray Aluminum had no duty either. Furthermore, to the extent appellants alleged in their complaint that McCray Aluminum was responsible for installing faulty wiring, appellants’ failure to respond to McCray Aluminum’s requests for admissions results in those facts being admitted, including that no employee of McCray Aluminum was involved in the design, construction, or maintenance of the farmhouse.

We now turn to appellants’ issues regarding Penelec. In their fifth issue on appeal, appellants claim that the trial court erred in striking the expert report of James L. Glancey, Ph.D., P.E., and Jack Vinson, Ph.D., P.E. We disagree.

The admission of expert testimony is a matter committed to the discretion of the trial court and will not be disturbed absent an abuse of that discretion. *Commonwealth v. Walker*, 625 Pa. 450, 92 A.3d 766, 772 (2014). An abuse of discretion “is not merely an error of judgment, but if in reaching a conclusion the law is overridden or misapplied, or the judgment exercised is manifestly unreasonable, or the result of partiality, prejudice, bias or ill-will, as shown by the evidence or the record, discretion is abused.” *Id.* at 772-73 (citation omitted).

Nobles v. Staples, Inc., 150 A.3d 110, 113 (Pa.Super. 2016).

Pennsylvania Rule of Evidence 702 provides:

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if: (a) the expert’s scientific, technical, or other specialized knowledge is beyond that possessed by the average layperson; (b) the expert’s scientific, technical, or other specialized

knowledge will help the trier of fact to understand the evidence or to determine a fact in issue; and (c) the expert's methodology is generally accepted in the relevant field.

Pa.R.E. 702.

The determination of whether a witness is a qualified expert involves two inquiries:

When a witness is offered as an expert, the first question the trial court should ask is whether the subject on which the witness will express an opinion is so distinctly related to some science, profession, business or occupation as to be beyond the ken of the average layman. . . . If the subject is of this sort, the next question the court should ask is whether the witness has sufficient skill, knowledge, or experience in that field or calling as to make it appear that his opinion or inference will probably aid the trier in his search for truth.

Wexler v. Hecht, 847 A.2d 95, 99 (Pa.Super. 2004), *affirmed*, 928 A.2d 973 (Pa. 2007) (quotation marks and citations omitted; ellipsis in original). "In other words, 'it may appear that the scope of the witness's experience and education may embrace the subject in question in a general way, but the subject may be so specialized that even so, the witness will not be qualified to testify.'" *Id.*, quoting *Dambacher v. Mallis*, 485 A.2d 408, 419 (Pa.Super. 1984), *appeal dismissed*, 500 A.2d 428 (Pa. 1985) (additional citations omitted).

Appellants sought to introduce the expert report of Dr. Glancey and Dr. Vinson to prove that the fire was electrical in origin and that there should have been a reflective marker on the guy cable. According to Dr. Glancey, after the pickup truck hit the service pole, the guy cable deflected significantly, resulting in a substantial tensile or pulling force in the service wires connecting the pole to the transformer. Dr. Glancey opined that the dislodgment of the transformer on Mr. McCray's property caused an electrical surge into the farmhouse, energizing all outlets and appliances in the house with excess voltage and causing an electrical fire. (RR at 678-679.)

Neither Dr. Glancey, nor Dr. Vinson, who also signed the report, is an electrical engineer. Rather, they are mechanical engineers. Mechanical engineering is a separate and distinct discipline which involves the design, production, and operation of machinery and equipment, *e.g.* for the manufacturing industry. There is nothing to suggest that Dr. Glancey or Dr. Vinson have the necessary training, education, or experience to testify as experts in the fields of electrical engineering and/or fire cause and origin. The trial court permitted appellants ten days in which to identify a new expert in electrical engineering and/or fire cause/origin and they failed to do so. (Opinion and Order, 8/19/16 at 8.) The report of their other expert, Deborah A. Waller, P.E., failed to indicate that the fire was electrical in nature. (*Id.*) In fact, the state fire marshal, Pennsylvania State Trooper Dennis R. Lindenberg, was unable to determine the cause of the fire despite a thorough investigation. (*Id.*) Therefore, appellants failed to provide an expert report from a qualified electrical engineer to prove that the cause of the fire was electrical. (*Id.*)

In addition, although not binding precedent, the trial court noted that in a similar case from Cambria County, Dr. Glancey was precluded from testifying as an expert witness regarding electrical distribution systems because he did not possess the requisite knowledge, skill, training, or experience in the field of electrical engineering. (Trial court opinion, 11/1/16 at 13.) We find that the trial court did not abuse its discretion in precluding Dr. Glancey, a

mechanical engineer, from offering expert testimony in the fields of electrical engineering and/or fire cause/origin.

Finally, appellants argue that the trial court erred in finding that the wanton misconduct of Mr. Meerhoff and Mr. Little greatly exceeded any possible negligence that could be attributed to Penelec, thus barring recovery. The trial court determined that any potential recovery would be barred by Pennsylvania's comparative negligence statute, which provides, in relevant part, as follows:

(a) General rule.--In all actions brought to recover damages for negligence resulting in death or injury to person or property, the fact that the plaintiff may have been guilty of contributory negligence shall not bar a recovery by the plaintiff or his legal representative where such negligence was not greater than the causal negligence of the defendant or defendants against whom recovery is sought, but any damages sustained by the plaintiff shall be diminished in proportion to the amount of negligence attributed to the plaintiff.

42 Pa.C.S.A. § 7102(a). "Pennsylvania's comparative negligence statute does not bar recovery by the plaintiff as long as the plaintiff's causal negligence is not greater than that of the defendant." *Terwilliger v. Kitchen*, 781 A.2d 1201, 1209 (Pa.Super. 2001).

[W]hen willful or wanton misconduct is involved, comparative negligence should not be applied. Our primary reason for so holding is the longstanding distinction Pennsylvania courts have made between willful or wanton conduct and negligent conduct.

Wanton conduct has been defined as "something different from negligence, however gross, different not merely in degree but in kind and evincing a different state of mind on the part of the tortfeasor[.]" *Kasanovich v. George*, 348 Pa. 199, 203, 34 A.2d 523, 525 (1943); *Zawacki v. Pennsylvania Railroad Company*, 374 Pa. 89, 97 A.2d 63 (1953); *Geelen v. Pennsylvania Railroad Company*, 400 Pa. 240, 161 A.2d 595 (1960); *Stubbs v. Frazier*, [454 A.2d 119 (Pa.Super. 1982)]. "Negligence consists of inattention or inadvertence, whereas wantonness exists where the danger to the plaintiff, though realized, is so recklessly disregarded that, even though there be no actual intent, there is at least a willingness to inflict injury, a conscious indifference to the perpetration of the wrong." *Kasanovich, supra* at 203, 34 A.2d at 525. Wanton misconduct

. . . means that the actor has intentionally done an act of an unreasonable character, in disregard of a risk known to him or so obvious that he must be taken to have been aware of it and so great as to make it highly probable that harm would follow. It usually is accompanied by a conscious indifference to the consequences.

Prosser, Torts § 33 at 151 (2d ed. 1955) cited in *Evans [v. Philadelphia Trans. Co.]*, 212 A.2d 440, 443 (1965); *Moss v. Reading Company*, 418 Pa. 598, 212 A.2d 226 (1965). *Antonace [v. Ferri Contracting Co., Inc.]*, 467 A.2d 833 (Pa.Super. 1983)]. See also 57 Am.Jur.2d § 102.

Krivijanski v. Union R. Co., 515 A.2d 933, 936-937 (Pa.Super. 1986) (footnote omitted).

This court does not disagree with appellants that, ordinarily, questions of comparative negligence are for the jury. (Appellants' brief at 38.) However, this is surely one of those rare cases where summary judgment on the issue of comparative negligence is appropriate.² As the trial court stated:

Furthermore, the evidence is clear that Mr. Meerhoff and Mr. Little's actions are significantly greater than the cause of action for negligence against Defendant Penelec. First, Mr. Meerhoff and Mr. Little had been consuming alcohol the evening before the incident, with Mr. Meerhoff beginning to drink around 6:00 p.m. and Little beginning to drink around 9:00 p.m. After they had run out of beer, Mr. Meerhoff and Mr. Little left around 1:00 -- 1:30 a.m. to buy more beer. Sometime after, Mr. Meerhoff and Mr. Little arrived at Donald McCray's property. While at Donald McCray's property, Mr. Meerhoff and Mr. Little were "race tracking like in a racecar form" and "whipping doughnuts and going in circles." During this time, Mr. Meerhoff and Mr. Little "hit something." Several photographs were taken at the scene after the fire by Corporal Matthew Bly, and these photographs depicted tire tracks, damaged electrical wires, a damaged hay wagon and other significant levels of vandalism. Several photographs depicted some power lines lying on the ground and the electrical transformer hanging on the power pole with several cables torn off. According to the Coroner's Toxicology Report to Police Agency, Mr. Meerhoff's Blood Alcohol Content ("BAC") was .244%, three (3) times the legal limit of .08%. Thereafter, Mr. Meerhoff and Mr. Little entered Donald McCray's residence, at which time Mr. Little indicated the "lights were on." Mr. Meerhoff and Mr. Little "wrestled around" for around fifteen (15) minutes before going to bed. The actions of Mr. Meerhoff and Mr. Little rise far above the level of negligence Plaintiffs have alleged against Defendant Penelec, which, as indicated above, is minimal, if not absent completely. Therefore, Plaintiffs' claims against Defendant Penelec are barred due to the actions of Mr. Meerhoff and Mr. Little on October 28, 2012.

Opinion and Order, 8/19/16 at 9-10 (citations to the record omitted).

We agree. To the extent appellants could demonstrate a cause of action for negligence against Penelec, it was drastically exceeded by their own willful and wanton misconduct. There is no error here.

As we find the trial court did not err in granting summary judgment for the defendants/appellees and dismissing appellants' complaint with prejudice, we will affirm.

Order affirmed.

Judgment Entered.

/s/ Joseph D. Seletyn, Esq.

Prothonotary - Date: 9/29/2017

² At any rate, since the trial court properly excluded the expert report of Dr. Glancey and Dr. Vinson, appellants failed to prove the cause of the fire and that it was electrical in origin. Mr. McCray did not observe any damage or malfunction of any electrical equipment on his property on October 28, 2012, the day before the fire, nor did he notify Penelec of any damage, defect, or malfunction of any electrical equipment. Therefore, appellants failed to state a claim against Penelec. (Opinion and Order, 8/19/16 at 9.)

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania 12896-17 Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the names of Tika Maya Khanal to Tika Pokhrel and Jenny Pokharel to Jenny Pokhrel.

The Court has fixed the 29th day of November, 2017 at 3:30 p.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.

Oct. 27

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania, In re: Change of Name of Joseph Charles King, No. 12910-2017

Notice is hereby given that on October 18, 2017, the Petition of Joseph Charles King was filed with the above-identified Court, requesting an Order authorizing Petitioner to change his surname from King to Wheeler. The Court has fixed November 30, 2017 at 3:00 p.m. before the Honorable Stephanie Domitrovich, Courtroom G, Room 222 of the Erie County Courthouse, Erie, Pennsylvania, as the time and place for hearing on said Petition, when and where all persons interested may appear and show cause, if any, why the prayer of relief of the said Petition should not be granted.

Catherine M. Doyle, Esquire
Attorney for Petitioner
337 West Tenth Street
Erie, Pennsylvania 16502
(814) 456-6144
Pa. S.Ct. #200239

Oct. 27

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania 12648-17 Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the

name of Suzanne Marie Robinson to Zoelle Marie Rowen.

The Court has fixed the 2nd day of November, 2017 at 2:00 p.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.

Oct. 27

CHANGE OF NAME NOTICE

Notice is hereby given that on October 11, 2017, a Petition for Change of Name was filed in the Court of Common Pleas for Erie County, Pennsylvania, praying for a decree to change the names of Alba Maria Staab and Aleia Anatalya Staab to Alba Maria Potter and Aleia Anatalya Potter.

The Court has fixed the 4th day of December, 2017 at 3:00 p.m. before the Honorable Stephanie Domitrovich at the Erie County Courthouse as the time and place for the hearing on said Petition, when any or all persons interested may appear and show cause, if they have any, why the prayer of the Petition should not be granted.

CARNEY & GOOD

Mary Payton Jarvie, Esquire
254 West Sixth Street
Erie, Pennsylvania 16507

Oct. 27

CHANGE OF NAME NOTICE

CHANGE OF NAME NOTICE is hereby given that on May 5, 2017, the Petition of Benjamin E. Sweeney was filed in the Court of Common Pleas Docket No. 11294-2017 of Erie County, Pennsylvania requesting the change of name of Abigail Isabella Sofia Sweet to Abigail Marie Sweeney. The Court has set November 2, 2017 at 1:15 PM, in Courtroom G, Room 222 on the 2nd floor at the Erie County Courthouse, 140 West 6th Street, Erie, PA 16501 as the day and time for the hearing on the Petition. All interested parties may attend and show cause, if any, why the petition shall not be granted.

John E. Cooper, Esq., 1001 State Street, Ste. 1400, Erie, PA 16501, 814-455-3436.

Oct. 27

FICTITIOUS NAME NOTICE

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

FICTITIOUS NAME NOTICE

1. Fictitious Name: LECOM Home Care
 2. Address of principal place of business, including street and number: 2253 W. Grandview Blvd., Erie, PA 16506.
 3. The real names and addresses, including street and number, of the persons who are parties to the registration: Millcreek Manor dba LECOM SLC, 5535 Peach Street, Erie, PA 16509 and Millcreek Manor dba LECOM, Senior Living Center, 2253 W. Grandview Blvd., Erie, PA 16506
 4. An application for registration of a fictitious name under the Fictitious Names Act was filed on September 15, 2017.
- Aaron E. Susmarski, Esq.
Susmarski Law Offices
4030 West Lake Road
Erie, PA 16505

Oct. 27

FICTITIOUS NAME NOTICE

1. Fictitious Name: LECOM Nursing and Rehabilitation Center
 2. Address of principal place of business, including street and number: 4114 Schaper Ave., Erie, PA 16508.
 3. The real names and addresses, including street and number, of the persons who are parties to the registration: LECOM at Presque Isle, 4114 Schaper Avenue, Erie, PA 16508
 4. An application for registration of a fictitious name under the Fictitious Names Act was filed on September 6, 2017.
- Aaron E. Susmarski, Esq.

Susmarski Law Offices
4030 West Lake Road
Erie, PA 16505

Oct. 27

FICTITIOUS NAME NOTICE

An application for registration of a fictitious name was filed under the Fictitious Names Act on October 5, 2017. Said application contains the following:

1. Fictitious Name: ZFLP Properties
2. Address of the principal place of business, including street and number: 3205 Peach Street, Erie, PA 16508.
3. The real name and address, including street and number, of the persons who are parties to the registration: Zaphiris Family Limited Partnership, 3205 Peach Street, Erie, PA 16508.

Oct. 27

INCORPORATION NOTICE

Notice is hereby given that **Capela Transport, Inc.** has been incorporated under the provisions of the Business Corporation Law of 1988, as amended, Articles of Incorporation having been filed with the Pennsylvania Department of State on September 29, 2017.

Jeffrey G. Herman, Esq.
HERMAN & HERMAN
114 High Street
Waterford, PA 16441

Oct. 27

LEGAL NOTICE

1939 Plymouth Sedan VIN# 9162307. Motion for involuntary transfer of vehicle ownership through court order filed in the Erie County Court House. Court proceedings to be held November 28, 2017, 3:15 p.m., Courtroom 222-G in the Erie County Courthouse.

Oct. 27

LEGAL NOTICE

Court of Common Pleas - Erie County, PA - Civil Action-Law - No. 17-10541 - Notice of Action in Mortgage Foreclosure - Nationstar Mortgage LLC, Plaintiff vs. Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest From or

Under Wilma J. Driver a/k/a Wilma Jean Driver, deceased, Theodore Grant Driver, III, known heir of Wilma J. Driver a/k/a Wilma Jean Driver, deceased and William P. Driver, known heir of Wilma J. Driver a/k/a Wilma Jean Driver, deceased, Defendants - NOTICE OF SHERIFF'S SALE OF REAL PROPERTY - TO: Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest From or Under Wilma J. Driver a/k/a Wilma Jean Driver, deceased, Defendant(s), whose last known address is 1722 West 14th Street, Erie, PA 16505. Your house (real estate) at: 1722 West 14th Street, Erie, PA 16505, 16-031-007.0-408.00, is scheduled to be sold at Sheriff's Sale on 1/19/18, at 10:00 AM, at Erie County Sheriff's Office, 140 W. 6th St., Erie, PA 16501, to enforce the court judgment of \$31,000.06, obtained by Nationstar Mortgage LLC (the mortgagee) against you. - Notice Of Owner's Rights - You May Be Able To Prevent This Sheriff's Sale - To prevent this Sheriff's Sale you must take immediate action: 1. The sale will be cancelled if you pay back to Nationstar Mortgage LLC, the amount of the judgment plus costs or the back payments, late charges, costs, and reasonable attorneys fees due. To find out how much you must pay, you may call 610.278.6800. 2. You may be able to stop the sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause. 3. You may be able to stop the sale through other legal proceedings. 4. You may need an attorney to assert your rights. The sooner you contact one, the more chance you will have of stopping the sale. (See notice below on how to obtain an attorney.) - You May Still Be Able To Save Your Property And You Have Other Rights Even If The Sheriff's Sale Does Take Place - 5. If the Sheriff's Sale is not stopped, your property will be sold to the highest bidder. You may find out the price bid by calling 610.278.6800. 6. You may be able to petition the Court to set aside the sale if the bid price was grossly inadequate compared to the

value of your property. 7. The sale will go through only if the buyer pays the Sheriff the full amount due in the sale. To find out if this has happened you may call 814.451.7012. 8. If the amount due from the buyer is not paid to the Sheriff, you will remain the owner of the property as if the sale never happened. 9. You have a right to remain in the property until the full amount due is paid to the Sheriff and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings to evict you. 10. You may be entitled to a share of the money, which was paid for your house. A schedule of distribution of the money bid for your house will be filed by the Sheriff no later than thirty days after the Sheriff Sale. This schedule will state who will be receiving the money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed distribution is wrong) are filed with the Sheriff within ten (10) days after the date of filing of said schedule. 11. You may also have other rights and defenses or ways of getting your house back, if you act immediately after the sale. 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 Listed Below To Find Out Where You Can Get Legal Help. Erie County Lawyer Referral & Info. Service, P.O. Box 1792, Erie, PA 16507, 814.459.4411. Pursuant To The Fair Debt Collection Practices Act You Are Advised That This Law Firm Is Deemed To Be A Debt Collector Attempting To Collect A Debt. Any Information Obtained Will Be Used For That Purpose. Shapiro & DeNardo, LLC, Attys. for Plaintiff, 3600 Horizon Dr., Ste. 150, King of Prussia, PA 19406, 610-278-6800.

Oct. 27

LEGAL NOTICE

NOTICE OF SHERIFF'S SALE
IN THE COURT OF COMMON
PLEAS OF ERIE COUNTY,
PENNSYLVANIA
NO. 11751-17
WELLS FARGO BANK, N.A.
Vs.
CHRISTOPHER D. HALLER,

U N K N O W N H E I R S ,
SUCCESSORS, ASSIGNS, AND
ALL PERSONS, FIRMS, OR
ASSOCIATIONS CLAIMING
RIGHT, TITLE OR INTEREST
FROM OR UNDER MARK F.
HALLER, DECEASED, SHERRI
HUPP, RHONDA HAMILTON,
FRANKIHUPP and ALYSABOONE
NOTICE TO: UNKNOWN HEIRS,
SUCCESSORS, ASSIGNS, AND
ALL PERSONS, FIRMS, OR
ASSOCIATIONS CLAIMING
RIGHT, TITLE OR INTEREST
FROM OR UNDER MARK F.
HALLER, DECEASED
NOTICE OF SHERIFF'S SALE OF
REAL PROPERTY

Being Premises: 1445 NICHOLSON
STREET, ERIE, PA 16509-2020
Being in MILLCREEK TOWNSHIP,
County of ERIE, Commonwealth of
Pennsylvania, 33100432000500
Improvements consist of residential
property.

Sold as the property of
CHRISTOPHER D. HALLER,
U N K N O W N H E I R S ,
SUCCESSORS, ASSIGNS, AND
ALL PERSONS, FIRMS, OR
ASSOCIATIONS CLAIMING
RIGHT, TITLE OR INTEREST
FROM OR UNDER MARK F.
HALLER, DECEASED, SHERRI
HUPP, RHONDA HAMILTON,
FRANKIHUPP and ALYSABOONE
Your house (real estate) at 1445
NICHOLSON STREET, ERIE,
PA 16509-2020 is scheduled to
be sold at the Sheriff's Sale on
01/19/2018 at 10:00 AM, at the
ERIE County Courthouse, 140
West 6th Street, Room 18, Erie, PA
16501-1077, to enforce the Court
Judgment of \$63,851.70 obtained
by, WELLS FARGO BANK, N.A.
(the mortgagee), against the above
premises.

PHELAN HALLINAN DIAMOND
& JONES, LLP

Attorney for Plaintiff

Oct. 27

LEGAL NOTICE

ATTENTION: TIFFANY MARIE
LEACH
INVOLUNTARY TERMINATION
OF PARENTAL RIGHTS IN THE
MATTER OF THE ADOPTION OF

MINOR FEMALE CHILD S.A.L.
DOB: 01/21/2017
78 IN ADOPTION, 2017

If you could be the parent of the
above-mentioned child, at the
instance of Erie County Office of
Children and Youth you, laying aside
all business and excuses whatsoever,
are hereby cited to be and appear
before the Orphan's Court of Erie
County, Pennsylvania, at the Erie
County Court House, Judge Shad
Connelly, Courtroom No. B-208,
City of Erie on December 15, 2017
at 1:30 p.m. and there show cause,
if any you have, why your parental
rights to the above child should
not be terminated, in accordance
with a Petition and Order of Court
filed by the Erie County Office of
Children and Youth. A copy of
these documents can be obtained by
contacting the Erie County Office
of Children and Youth at (814)
451-7740.

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

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

Family/Orphan's Court Administrator
Room 204 - 205

Erie County Court House
Erie, Pennsylvania 16501
(814) 451-6251

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

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

Oct. 27

LEGAL NOTICE

SALE BY SEALED BID BY
THE SCHOOL DISTRICT
OF THE CITY OF ERIE OF
ROOSEVELT SCHOOL, IRVING
SCHOOL, THE SOFTBALL
FIELD ADJACENT TO IRVING
SCHOOL, BURTON SCHOOL,
WAYNE SCHOOL AND
EMERSON-GRIDLEY SCHOOL

The Board of School Directors of
the School District of the City of
Erie has declared the below noted
buildings and lands to be unused and
unnecessary to the District, and, by
Resolution dated October 11, 2017
(the "Resolution"), has resolved
to sell the Properties by sealed
bid per the terms and conditions
established in the Resolution and
which are included in the respective
Bid Packets. The Properties include:
(1) The property commonly known
as the Roosevelt School, being more
particularly described as a 3.58 acre,
more or less, a portion of a parcel
of real property, with an address
of 2300 Cranberry Street, Erie,
PA, and identified as a subdivided
portion of Erie County Tax Index
No. (19) 6201-100 and designated
as the Parcel "A" on the subdivision
map included within the Roosevelt
School Bid Packet, attached as
Exhibit A to the Resolution; (2)
The property commonly known
as the Irving School, being more
particularly described as a 2.33 acre,
more or less, a portion of a parcel
of real property, with an address
of 2310 Plum Street, Erie, PA, and
identified as a subdivided portion
of Erie County Tax Index No. (19)
6027-100 and designated as the

residual parcel on the subdivision map included within the Irving School Bid Packet, attached as Exhibit B to the Resolution; (3) The property commonly known as the Softball Field Adjacent to Irving School, being more particularly described as a 1.77 acre, more or less, a portion of a parcel of real property, located between W. 23rd Street and W. 24th Street and adjacent to Cascade Street in Erie, PA, and identified as a subdivided portion of Erie County Tax Index No. (19) 6027-100 and designated as Parcel "A" on the subdivision map included within the Softball Field Adjacent to Irving School Bid Packet, attached as Exhibit C to the Resolution; (4) The property commonly known as the Burton School, being more particularly described as a 2.95 acre, more or less, parcel of real property, with an address of 1660 Buffalo Road, Erie, PA, and identified as Erie County Tax Index No. (18) 5118-206, the bid packet for which is attached as Exhibit D to the Resolution; (5)

The property commonly known as the Wayne School, being more particularly described as a 1.94 acre, more or less, parcel of real property, with an address of 650 East Avenue, Erie, PA, and identified as Erie County Tax Index No. (14) 1030-200, the bid packet for which is attached as Exhibit E to the Resolution; and (6) The property commonly known as the Emerson-Gridley School, being more particularly described as a 1.25 acre, more or less, parcel of real property, with an address of 816 Park Avenue North to Plum Street, Erie, PA, and identified as Erie County Tax Index No. (17) 4026-100, the bid packet for which is attached as Exhibit F to the Resolution. Interested bidders may pick up Bid Packets from the Board Secretary's Office located at the Dr. James E. Barker Leadership Center, 148 West 21st Street, Erie PA 16502 during the hours of 8 a.m through 4 p.m. Bids must be received in the Board Secretary's Office by noon on Thursday, December 21, 2017.

Any bids received after that date and time shall be rejected. Bidders are required to submit a Bid Deposit made payable to the School District of the City of Erie in the amount of \$10,000, in the form of a cashier's check or certified check, at the time the Bids are submitted to the District. Bids will be publicly opened and read aloud in the Board Secretary's office at noon on Thursday, December 21, 2017. The District reserves the right to waive any defects, errors, omissions, mistakes or irregularities in the Bids and to reject any or all bids for any reason or no reason. The Board of School Directors, if it determines it to be in the best interest of the District to award a bid on any of the Properties, shall make the award to the highest responsible and responsive bidder at a public meeting to be held on Wednesday, January 10, 2018 at 6:00 p.m., at the East Middle School, 1101 Atkins Street, Erie, PA 16503.

Oct. 20, 27 and Nov. 3

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Invited!*



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ECBA Membership

Open House

Thursday, November 9, 2017

3:00 p.m. to 7:00 p.m.

*The much anticipated renovation of your
new Bar Association headquarters is
complete, and we'd love for you to see it!*

*Refreshments and light snacks
No RSVP necessary*

See you there!

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

NOVEMBER 17, 2017

AT 10 A.M.

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

Oct. 27 and Nov. 3, 10

SALE NO. 1

Ex. #13079 of 2014

**DS&K INVESTMENTS, LLC,
Plaintiff**

v.

**ANDREA E. BUBNA, Defendant
DESCRIPTION**

By virtue of Writ of Execution filed at No. 13079-2014, DS&K Investments, LLC v. Andrea E. Bubna, owner of the following properties identified below:

1) Situate in the Borough of Girard, County of Erie, and Commonwealth of Pennsylvania at 217 Penn Avenue, Girard, Pennsylvania 16417: Assessment Map No.: (23) 12-34-16 Assessed Value Figure: \$71,450.00 Improvement Thereon: Residential House

Michael S. Jan Janin, Esquire
Pa. I.D. No. 38880
The Quinn Law Firm
2222 West Grandview Boulevard
Erie, PA 16506
(814) 833-2222, ext. 1045

Oct. 27 and Nov. 3, 10

SALE NO. 3

Ex. #11819 of 2017

**Northwest Bank f/k/a Northwest
Savings Bank, Plaintiff**

v.

Brian D. Vogt, Defendant

DESCRIPTION

By virtue of a Writ of Execution filed at No. 2017-11819, Northwest Bank f/k/a Northwest Savings Bank v. Brian D. Vogt, owner of property situated in City of Erie, County of Erie, and Commonwealth of Pennsylvania being commonly known as 1322 East 38th Street, Erie, PA with 2,112 square footage and 17.9510 acreage.

Assessment Map Nos.

18052023012700

18052023012800

18052023012900

Assessed Value Figure: \$93,174

Improvement thereon: Two-story dwelling

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

120 West Tenth Street
Erie, Pennsylvania 16501

(814) 459-2800

Oct. 27 and Nov. 3, 10

SALE NO. 4

Ex. #11716 of 2017

Northwest Bank, Plaintiff

v.

**Kevin T. Wetherall and Kathleen
H. Fullerton now by marriage**

**Kathleen H. Smith, Defendants
DESCRIPTION**

By virtue of a Writ of Execution filed at No. 2017-11716, Northwest Bank v. Kevin T. Wetherall and Kathleen H. Fullerton now by marriage Kathleen H. Smith, owner of property situated in Lawrence Park Township, Erie County, Pennsylvania being commonly known as 1053 Priestley Avenue, Erie, PA 16511 with 1,207 square footage and 0.0489 acreage. Assessment Map No. (29) 18-56-42

Assessed Value Figure \$36,750
Improvement thereon: Two-story dwelling
Mark G. Claypool, Esquire
Knox McLaughlin Gornall
& Sennett, P.C.

120 West Tenth Street
Erie, Pennsylvania 16501

(814) 459-2800

Oct. 27 and Nov. 3, 10

SALE NO. 5

Ex. #12851 of 2013

**MICHAEL V. STEWART
and CHERYL A. STEWART,
Plaintiffs**

v.

**JOSEPH FOLTYN, Defendant
DESCRIPTION**

By virtue of a Writ of Execution filed to No. 2013-12851, MICHAEL V. STEWART and CHERYL A. STEWART, Plaintiffs vs. JOSEPH FOLTYN, Defendant, owner(s) of property situated in McKean Township, Erie County, Pennsylvania being 4585 East Stancliff Road, McKean, PA 16426

14.954 acres with residence and detached garage thereon

Assessment Map Number: (31) 21-73-4

Assessed Value Figure: \$138,800.00
Improvement thereon: Residence and garage

Gary V. Skiba, Esq.
345 West Sixth Street
Erie, PA 16507

814/454-6345

Oct. 27 and Nov. 3, 10

SALE NO. 6

Ex. #31312 of 2017

**FIRST NATIONAL BANK OF
PENNSYLVANIA, Plaintiff**

v.

**RCWE HOLDING COMPANY,
Defendant**

DESCRIPTION

By virtue of a Writ of Execution filed to No. 31312-2017, First National Bank of Pennsylvania vs. RCWE Holding Company, owner of property situated in City of Erie, Erie County, Pennsylvania being 155 West 8th Street, Erie, Pennsylvania 16501

0.6642 acres

Assessment Map Number: (16)

3010-212
Assessed Value Figure: 870,500.00
Improvement Thereon: Office
Buildings/Labs/Libraries
Nicholas R. Pagliari, Esq.
Pa. Supreme Court ID No. 87877
MacDONALD, ILLIG, JONES
& BRITTON LLP
100 State Street, Suite 700
Erie, Pennsylvania 16507-1459
(814) 870-7754
Attorneys for Plaintiff
First National Bank of Pennsylvania
Oct. 27 and Nov. 3, 10

SALE NO. 7

Ex. #10999 of 2017
Deutsche Bank National Trust
Company, as Trustee for
Soundview Home Loan Trust
2006-1, Asset-Backed Certificates,
Series 2006-1, Plaintiff

v.

TAWNIA REXFORD A/K/A
TAWNIA CHAPLAIN A/K/A
TAWNIA M CHAPLAIN,
TODD CHAPLAIN A/K/A
TODD M. CHAPLAIN A/K/A
TODD MICHAEL CHAPLAIN,
Defendant(s)

DESCRIPTION

ALL THAT CERTAIN LOT OF
LAND SITUATE IN CITY OF ERIE,
ERIE COUNTY, PENNSYLVANIA:
BEING KNOWN AS 3826 Cherry
Street, Erie, PA 16509-1608
PARCEL NUMBER: 18-5308.0-
107.00
IMPROVEMENTS: Residential
Property
UDREN LAW OFFICES, P.C.
Morris A. Scott, Esquire
PA ID# 83587
111 Woodcrest Road, Suite 200
Cherry Hill, NJ 08003-3620
856-669-5400

Oct. 27 and Nov. 3, 10

SALE NO. 8

Ex. #11572 of 2017
Andover Bank, Plaintiff

v.

Glenn J. Gollmer & Laurie A.
Gollmer, Defendant

DESCRIPTION

By virtue of a Writ of Execution
filed to No. 11572-17, Andover
Bank vs. Glenn J. Gollmer & Laurie
A. Gollmer, owner(s) of property

situated in Springfield Township,
Erie County, Pennsylvania being
12002 Middle Road, East Springfield,
PA 16401
Assessment Map number: (39)
-5-6-9.06
Assessed Value figure: \$100,400.00
Improvement thereon: yes
William L. Walter, Esq.
935 Market Street
Meadville, PA 16335
(814) 332-6000

Oct. 27 and Nov. 3, 10

SALE NO. 9

Ex. #11284 of 2017
MB FINANCIAL BANK, N.A.,
Plaintiff

v.

Linda J. Trohoske, Defendant
DESCRIPTION

ALL THAT CERTAIN piece or
parcel of land situate in the Township
of Millcreek, County of Erie and
Commonwealth of Pennsylvania.
BEING KNOWN AS: 2530 North
Tracy Drive, Erie, PA 16505
PARCEL #33-015-046.0-014.00
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

Oct. 27 and Nov. 3, 10

SALE NO. 10

Ex. #11815 of 2017
FIRST NATIONAL BANK OF
PENNSYLVANIA, Plaintiff

v.

BRUCE A. BRYAN and TAMMY
L. BRYAN, Defendants
DESCRIPTION

ALL THE RIGHT, TITLE,
INTEREST AND CLAIM OF
BRUCE A. BRYAN AND TAMMY
L. BRYAN, OF, IN AND TO THE
FOLLOWING DESCRIBED
PROPERTY:
ALL THAT CERTAIN REAL
ESTATE SITUATED IN THE
BOROUGH OF LAKE CITY,
ERIE COUNTY, PENNSYLVANIA.
HAVING ERRECTED THEREON A
DWELLING KNOWN AS 10182
DUNN AVENUE, LAKE CITY,

PENNSYLVANIA 16423. DEED
BOOK VOLUME 1073, PAGE 831,
TAX PARCEL NO. (28) 14-30-9.
GRENNEN & BIRSIC, P.C.
Kristine M. Anthon, Esquire
Attorneys for Plaintiff
One Gateway Center, Ninth Floor
Pittsburgh, PA 15222
(412) 281-7650

Oct. 27 and Nov. 3, 10

SALE NO. 11

Ex. #11089 of 2017
Home Point Financial, et al,
Plaintiff

v.

Darryl P. May and Karen A.
May, Defendant
DESCRIPTION

By virtue of a Writ of Execution
filed to No. 11089-17 Home Point
Financial, et al vs. Darryl P. May and
Karen A. May, owner(s) of property
situated in Township of Millcreek,
Erie County, Pennsylvania being
5917 Heritage Drive, Erie, PA 16509
.2404 Acres; 2284 square feet
Assessment Map number:
33191619013133
Assessed Value figure: 252,280
Improvement thereon: Residential
Dwelling
Stephen M. Hladik, Esq.
298 Wissahickon Avenue
North Wales, PA 19454
215.855.9521

Oct. 27 and Nov. 3, 10

SALE NO. 12

Ex. #13606 of 2015
U.S. Bank National Association
as Indenture Trustee for CIM
Trust 2016-5, Mortgage Backed
Notes Series 2016-5, Plaintiff

v.

DEBORAH A. MILONE,
VINCENT A. MILONE,
Defendant(s)
DESCRIPTION

All that piece or parcel of land situate
in the sixth ward of the City of Erie,
County of Erie and Commonwealth
of Pennsylvania, bounded and
described as follows, to-wit:
BEGINNING at a point at the
intersection of the north line of
Goodrich Street with the west line of
Sassafras Street; thence westwardly
along the north line of Goodrich

Street sixty-five (65) feet to a point; thence northwardly parallel with Sassafra Street ninety (90) feet to a point; thence eastwardly parallel with Goodrich Street sixty-five (65) feet to a point in the west line of Sassafra Street; thence southwardly along the west line of Sassafra Street ninety (90) feet to the place of beginning; being the west 20 feet x 90 feet of Lot No. 36, all the frontage on Goodrich Street by ninety (90) feet of Lot No. 35, and the easterly 5 feet x 90 feet of Lot No. 34 of Goodrich Subdivision as shown on a plot recorded in Erie count [sic] map Book 1, page 213. Having erected thereon a two story single family dwelling and being commonly known as 204 Goodrich Street, Erie Pennsylvania, and bearing the Erie County Tax Index Number 19-69-53-427.
PROPERTY ADDRESS: 204 Goodrich Street, Erie, PA 16508
KML Law Group, P.C.
Attorney for Plaintiff
SUITE 5000 - BNY Independence Center, 701 Market Street Philadelphia, PA 19106-1532
(215) 627-1322

Oct. 27 and Nov. 3, 10

SALE NO. 13

Ex. #11766 of 2017
PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff
v.
KRISTIE L. BAINBRIDGE AND MICHAEL J. BOWERSOX, Defendants
DESCRIPTION

By virtue of a Writ of Execution No. 2017-11766, PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff vs. KRISTIE L. BAINBRIDGE AND MICHAEL J. BOWERSOX, Defendants
 Real Estate: 2716 W. 14TH STREET, ERIE, PA 16505
 Municipality: Millcreek Township Erie County, Pennsylvania
 Dimensions: 40 x 140 IRR
 See Deed Book 1333, page 1505
 Tax I.D. (33) 33-187-9
 Assessment: \$20,200 (Land)
 \$60,600 (Bldg)
 Improvement thereon: a residential dwelling house as identified above
 Leon P. Haller, Esquire

Purcell, Krug & Haller
 1719 North Front Street
 Harrisburg, PA 17104
 (717) 234-4178
 Oct. 27 and Nov. 3, 10

SALE NO. 14

Ex. #11072 of 2017
PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff
v.
ZACHARY J. COE, Defendant
DESCRIPTION

By virtue of a Writ of Execution No. 2017-11072, PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff vs. ZACHARY J. COE, Defendant
 Real Estate: 3224 FRENCH STREET, ERIE, PA 16504
 Municipality: City of Erie Erie County, Pennsylvania
 Dimensions: 42 x 110
 See Deed Book 1215 / 0666
 Tax I.D. (18) 5352-302
 Assessment: \$17,000 (Land)
 \$57,200 (Bldg)
 Improvement thereon: a residential dwelling house as identified above
 Leon P. Haller, Esquire
 Purcell, Krug & Haller
 1719 North Front Street
 Harrisburg, PA 17104
 (717) 234-4178
 Oct. 27 and Nov. 3, 10

SALE NO. 15

Ex. #11184 of 2017
PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff
v.
ANIS FULURIJA AND DAVORKA FULURIJA, Defendants
DESCRIPTION

By virtue of a Writ of Execution No. 2017-11184, PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff vs. ANIS FULURIJA AND DAVORKA FULURIJA, Defendants
 Real Estate: 2503 WAYNE STREET, ERIE, PA 16503
 Municipality: City of Erie Erie County, Pennsylvania
 Dimensions: 50 x 125
 See Deed Book 1346 / 1937
 Tax I.D. (18) 5035-119
 Assessment: \$5,900 (Land)
 \$54,500 (Bldg)

Improvement thereon: a residential dwelling house as identified above
 Leon P. Haller, Esquire
 Purcell, Krug & Haller
 1719 North Front Street
 Harrisburg, PA 17104
 (717) 234-4178
 Oct. 27 and Nov. 3, 10

SALE NO. 16

Ex. #11765 of 2017
PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff
v.
SHERRIE A. GRADLER AND CHRISTOPHER J. GRADLER, Defendants
DESCRIPTION

By virtue of a Writ of Execution No. 2017-11765, PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff vs. SHERRIE A. GRADLER AND CHRISTOPHER J. GRADLER, Defendants
 Real Estate: 2666 PUTNAM DRIVE, ERIE, PA 16511
 Municipality: Township of Lawrence Park
 Erie County, Pennsylvania
 Dimensions: 50 x 130
 See Deed Book 1222, page 304
 Tax I.D. (29) 6-12-17
 Assessment: \$21,500 (Land)
 \$74,770 (Bldg)
 Improvement thereon: a residential dwelling house as identified above
 Leon P. Haller, Esquire
 Purcell, Krug & Haller
 1719 North Front Street
 Harrisburg, PA 17104
 (717) 234-4178
 Oct. 27 and Nov. 3, 10

SALE NO. 17

Ex. #11827 of 2017
PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff
v.
CYNTHIA J. KIDDO, Defendant
DESCRIPTION

By virtue of a Writ of Execution No. 2017-11827, PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff vs. CYNTHIA J. KIDDO, Defendant
 Real Estate: 1157 EAST 8TH STREET, ERIE, PA 16503
 Municipality: City of Erie Erie County, Pennsylvania

Dimensions: 33.33 X 121.22
See Deed Book 2012-01031
Tax I.D. (15) 2047-202
Assessment: \$5,900 (Land)
\$25,100 (Bldg)
Improvement thereon: a residential dwelling house as identified above
Leon P. Haller, Esquire
Purcell, Krug & Haller
1719 North Front Street
Harrisburg, PA 17104
(717) 234-4178

Oct. 27 and Nov. 3, 10

SALE NO. 18

Ex. #11767 of 2017

**PENNSYLVANIA HOUSING
FINANCE AGENCY, Plaintiff**

v.

**SUSAN A. LANG F/K/A SUSAN
A. EMERSON, Defendant**

DESCRIPTION

By virtue of a Writ of Execution No. 2017-11767, PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff vs. SUSAN A. LANG F/K/A SUSAN A. EMERSON, Defendant
Real Estate: 119 E. FREDERICK STREET, CORRY, PA 16407
Municipality: 2nd Ward City of Corry
Erie County, Pennsylvania
Dimensions: 50 x 92.86
See Deed Book 911, page 2244
Tax I.D. (6) 21-26-9
Assessment: \$11,200 (Land)
\$54,000 (Bldg)
Improvement thereon: a residential dwelling house as identified above
Leon P. Haller, Esquire
Purcell, Krug & Haller
1719 North Front Street
Harrisburg, PA 17104
(717) 234-4178

Oct. 27 and Nov. 3, 10

SALE NO. 19

Ex. #11764 of 2017

**PENNSYLVANIA HOUSING
FINANCE AGENCY, Plaintiff**

v.

**LINDSEY A. MINGOY
AND DANIEL W. MINGOY,
Defendants**

DESCRIPTION

By virtue of a Writ of Execution No. 2017-11764, PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff vs. LINDSEY A. MINGOY

AND DANIEL W. MINGOY,
Defendants
Real Estate: 935 AURORA AVENUE, GIRARD, PA 16417
Municipality: Borough of Girard
Erie County, Pennsylvania
Dimensions: 76 x 137.88 IRR
Instrument No. 2015-015314
Tax I.D. (23) 4-38-4-25
Assessment: \$18,500 (Land)
\$80,200 (Bldg)
Improvement thereon: a residential dwelling house as identified above
Leon P. Haller, Esquire
Purcell, Krug & Haller
1719 North Front Street
Harrisburg, PA 17104
(717) 234-4178

Oct. 27 and Nov. 3, 10

SALE NO. 21

Ex. #11826 of 2017

**PENNSYLVANIA HOUSING
FINANCE AGENCY, Plaintiff**

v.

**SARAH PENROD AND
MATTHEW B. PENROD,
Defendants**

DESCRIPTION

By virtue of a Writ of Execution No. 2017-11826, PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff vs. SARAH PENROD AND MATTHEW B. PENROD, Defendants
Real Estate: 52 NORTH LAKE STREET, NORTH EAST, PA 16425
Municipality: Borough of North East
Erie County, Pennsylvania
Dimensions: 124.5 x 220
See Deed Book 1602, page 961
Tax I.D. (36) 2-15-40
Assessment: \$26,800 (Land)
\$145,800 (Bldg)
Improvement thereon: a residential dwelling house as identified above
Leon P. Haller, Esquire
Purcell, Krug & Haller
1719 North Front Street
Harrisburg, PA 17104
(717) 234-4178

Oct. 27 and Nov. 3, 10

SALE NO. 22

Ex. #11469 of 2017

**PENNSYLVANIA HOUSING
FINANCE AGENCY, Plaintiff**

v.

IRIS B. REYES, Defendant

DESCRIPTION

By virtue of a Writ of Execution No. 2017-11469, PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff vs. IRIS B. REYES, Defendant
Real Estate: 706 E. 9TH STREET, ERIE, PA 16503
Municipality: City of Erie
Erie County, Pennsylvania
Dimensions: 41.25 x 165
See Deed Book 1007, page 1899
Tax I.D. (15) 20-34-226
Assessment: \$6,500 (Land)
\$23,000 (Bldg)
Improvement thereon: a residential dwelling house as identified above
Leon P. Haller, Esquire
Purcell, Krug & Haller
1719 North Front Street
Harrisburg, PA 17104
(717) 234-4178

Oct. 27 and Nov. 3, 10

SALE NO. 23

Ex. #10997 of 2014

**U.S. Bank National Association
(Trustee For the Pennsylvania
Housing Finance Agency,
pursuant to a Trust Indenture
dated As of April 1, 1982),
Plaintiff**

v.

Jessica S. Rufini, Defendant

DESCRIPTION

By virtue of a Writ of Execution filed to No. 2014-10997, U.S. Bank National Association, et al, vs. Jessica S. Rufini, owner of property situated in the City of Erie, Erie County, Pennsylvania being 205 Marshall Drive, Erie, PA 16505.
Dimensions: Square Footage- 1,265
Acreage- 0.1281
Assessment Map Number: (33) 6-19-120
Assess Value figure: \$108,760.00
Improvement thereon: Dwelling
Louis P. Vitti, Esquire
Attorney for Plaintiff
215 Fourth Avenue
Pittsburgh, PA 15222
(412) 281-1725

Oct. 27 and Nov. 3, 10

SALE NO. 24

Ex. #10165 of 2017

**U.S. Bank National Association,
as indenture trustee, for CIM**

**Trust 2016-4, Mortgage-Backed Notes, Series 2016-4, Plaintiff
v.**

**Marsha M. Johnson, AKA
Marsha M. Evans, Defendant
DESCRIPTION**

By virtue of a Writ of Execution file to No. 2017-10165, U.S. Bank National Association, as indenture trustee, for CIM Trust 2016-4, Mortgage-Backed Notes, Series 2016-4 vs. Marsha M. Johnson, AKA Marsha M. Evans, owner(s) of property situated in The City of Erie, County of Erie, Commonwealth of Pennsylvania being 731 East 6th Street, Erie, PA 16507
0.1193 Acres

Assessed Value figure: \$38,300.00
Improvement thereon: Single Family Dwelling

Kimberly J. Hong, Esquire
Meredith H. Wooters, Esquire
Justin F. Kobeski, Esquire
Cristina L. Connor, Esquire
Manley Deas Kochalski LLC
P.O. Box 165028
Columbus, OH 43216-5028
614-220-5611

Oct. 27 and Nov. 3, 10

SALE NO. 25

Ex. #11301 of 2017

**EMC Mortgage LLC formerly
known as EMC Mortgage
Corporation, Plaintiff**

v.

**Roderick M. Jones, Defendant
DESCRIPTION**

By virtue of a Writ of Execution file to No. 2017-11301, EMC Mortgage LLC formerly known as EMC Mortgage Corporation vs. Roderick M. Jones, owner(s) of property situated in The City of Erie, County of Erie, Commonwealth of Pennsylvania being 826 Brown Avenue, Erie, PA 16502
1762 Square Feet

Assessed Value figure: \$79,990.00
Improvement thereon: Single Family Dwelling

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

Oct. 27 and Nov. 3, 10

SALE NO. 26

Ex. #12687 of 2014

**U.S. Bank National Association,
as Trustee for Home Equity
Asset Trust 2004-6 Home Equity
Pass-Through Certificates, Series
2004-6, Plaintiff**

v.

**Samuel Valentin, AKA Samuel
Valentin Mercado, Defendant**

DESCRIPTION

By virtue of a Writ of Execution file to No. 12687-14, U.S. Bank National Association, as Trustee for Home Equity Asset Trust 2004-6 Home Equity Pass-Through Certificates, Series 2004-6 vs. Samuel Valentin, AKA Samuel Valentin Mercado, owner(s) of property situated in The City of Erie, County of Erie, Commonwealth of Pennsylvania being 1615 Hickory Street, Erie, PA 16502

0.0683 Acres

Assessment Map Number: 289

Assessed Value figure: \$34,370.00

Improvement thereon: Single Family Dwelling

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

Oct. 27 and Nov. 3, 10

SALE NO. 27

Ex. #11532 of 2017

**Erie Federal Credit Union,
Plaintiff**

v.

**Thomas F. Pennell and Vickey A.
Pennell, Defendant**

DESCRIPTION

By virtue of a Writ of Execution filed to No 11532-17, Erie Federal Credit Union v. Thomas F. Pennell and Vickey A. Pennell, Owner(s) of property situated in Township of Millcreek, Erie County, Pennsylvania, being 2760 Hrinda Drive, Erie, PA 16505

ALL THAT CERTAIN lot or piece of ground with the building and improvements therein erected hereditaments and appurtenances, SITUATE, in Tract 348 in the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania, being Lot No. Four (4)

of the Hrinda Subdivision according to a plot of said subdivision recorded in the office of the Recorder of Deed of Erie County, Pennsylvania, in Map Book 5 at Page 405.

BEING more commonly known as 2760 Hrinda Drive, Erie, Pennsylvania 16506.

BEING KNOW AS COUNTY INDEX NO.: 33-140-414.1-24.

UNDER AND SUBJECT to all easements, restrictions and rights-of-way of record and/or those that are visible to a physical inspection. Party of the first part has no actual knowledge of any hazardous waste, as defined in Act No. 1980-97 of the Commonwealth of Pennsylvania having been or which is presently being disposed on or about the property described in this deed.

TOGETHER with all and singular rights, liberties, privileges, hereditaments, improvements and appurtenances, whatsoever thereto belonging, and the reversions and remainders, rents, issues and profits thereof; and also, all the estate and interest whatsoever of the said party of the first part, in law or equity, of, in, to or out of the same.

BEING THE SAME PREMISES WHICH Paul Adamovich and Violet Adamovich, Husband and Wife, and Karin L. Tanny and Paul M. Tanny, her Husband by Deed dated September 2, 1999 and recorded September 8, 1999 in the Recorder of Deeds Office in and for the County of Erie in Deed Book 661, Page 117, granted and conveyed unto Karin L. Tanny and Paul M. Tanny, Her Husband.

Assessment Map number: 33-140-414.1-024.00

Assessed Value figure: \$147,890.00
Improvement thereon: Residential Dwelling

MARTHAE. VONROSENSTIEL, PC.
Martha E. Von Rosenstiel, Esq / No 52634

Heather Riloff, Esq / No 309906

Tyler J. Wilk, Esq / No 322247

649 South Ave, Ste 7

Secane, PA 19018

(610) 328-2887

Oct. 27 and Nov. 3, 10

SALE NO. 28

Ex. #11791 of 2017

**Erie Federal Credit Union,
Plaintiff**

v.

Robert M. Will, Defendant

DESCRIPTION

By virtue of a Writ of Execution filed to No. 11791-17, Erie Federal Credit Union v. Robert M. Will, Owner(s) of property situated in City of Erie, Erie County, Pennsylvania, being 4318 Pine Avenue, Erie, PA 16504 ALL that certain piece or parcel of land situate in the Fifth Ward of the City of Erie, County of Erie and Commonwealth of Pennsylvania, and being Lot Number Sixteen (16) of the Replot of Block Sixteen (16) and Seventeen (17) of Arbuckle Heights Subdivision, a plan of which is recorded in Erie County Map Book 5, pages 178 and 179.

HAVING erected thereon a single family dwelling commonly known as 4318 Pine Avenue, Erie, Pennsylvania, and being further identified by Erie County Tax Parcel Index No. (18) 5207-218.

BEING the same premises as conveyed to Leon W. Kwitowski and Lucy A. Kwitowski, his wife, by deed dated September 29, 1988 and recorded September 30, 1988 in Erie County Record Book 66, page 238. Lucy A. Kwitowski also known as Lucy Ann Kwitowski died April 20, 2004 as evidenced by proof of death filed in the Register of Wills Office. Assessment Map number: 18-052-007.0-218.00

Assessed Value figure: \$84,240.00
Improvement thereon: Residential Dwelling

MARTHA E. VONROSENSTIEL, P.C.
Martha E. Von Rosenstiel, Esq / No 52634

Heather Riloff, Esq / No 309906

Tyler J. Wilk, Esq / No 322247

649 South Ave, Ste 7

Secane, PA 19018

(610) 328-2887

Oct. 27 and Nov. 3, 10

SALE NO. 29

Ex. #10912 of 2017

**Bayview Loan Servicing, LLC,
A Delaware Limited Liability
Company, Plaintiff**

v.

**Deborah J. Orton a/k/a Deborah
J. Orton Brumagin, Defendant**

DESCRIPTION

By virtue of a Writ of Execution filed to No. 10912-17, Bayview Loan Servicing, LLC, A Delaware Limited Liability Company, Plaintiff, v. Deborah J. Orton a/k/a Deborah J. Orton Brumagin, owner(s) of property situated in Borough of Union City, Erie County, Pennsylvania being 10 Putnam Street, Union City, PA 16438

0.1250 Acres

Assessment Map number: 41-006-

013.0-003.00

Assessed Value figure: 69,300.00

Improvement thereon: Single Family Residential

Robert W. Williams, Esquire
Mattleman, Weinroth & Miller, P.C.

401 Route 70 East, Suite 100

Cherry Hill, NJ 08034

(856) 429-5507

Oct. 27 and Nov. 3, 10

SALE NO. 30

Ex. #10941 of 2011

Beal Bank S.S.B., Plaintiff

v.

Roy W. Peters and June M.

Peters, Defendants

DESCRIPTION

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

1.0804 Square Feet

Assessment Map number:
37022092000102

Assessed Value figure: 137,710.00

Improvement thereon: Residential Dwelling

Roger Fay, Esquire

1 E. Stow Road

Marlton, NJ 08053

(856) 482-1400

Oct. 27 and Nov. 3, 10

SALE NO. 31

Ex. #11610 of 2017

**U.S. Bank National Association,
as Trustee for Sasco Mortgage**

Loan Trust 2005-Wf2, Plaintiff

v.

Charity E. Bowser, Defendant(s)

DESCRIPTION

By virtue of a Writ of Execution filed to No. 11610-2017, U.S. Bank National Association, as Trustee for Sasco Mortgage Loan Trust 2005-Wf2 vs. Charity E. Bowser Amount Due: \$68,973.31

Charity E. Bowser, owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania being 2411 Pennsylvania Avenue, Erie, PA 16503-2325

Dimensions: 43 X 80

Assessment Map number: 18-050-043.0-222.00

Assessed Value: \$43,100.00

Improvement thereon: residential

Phelan Hallinan Diamond & Jones, LLP
One Penn Center at Suburban

Station, Suite 1400

1617 John F. Kennedy Boulevard

Philadelphia, PA 19103-1814

(215) 563-7000

Oct. 27 and Nov. 3, 10

SALE NO. 32

Ex. #10894 of 2017

**American Financial Resources,
Inc, Plaintiff**

v.

**Daniel Connolly, in His Capacity
as Heir of Sean P. Connolly a/k/a
Sean Patrick Connolly, Deceased,**

**Unknown Heirs, Successors,
Assigns, and All Persons, Firms,
or Associations Claiming Right,
Title or Interest From or Under**

**Sean P. Connolly a/k/a Sean
Patrick Connolly, Deceased,**

Defendant(s)

DESCRIPTION

By virtue of a Writ of Execution filed to No. 10894-2017, American Financial Resources, Inc vs. Daniel Connolly, in His Capacity as Heir of Sean P. Connolly a/k/a Sean Patrick Connolly, Deceased, Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Sean P. Connolly a/k/a Sean Patrick Connolly, Deceased

Amount Due: \$121,266.57

Daniel Connolly, in His Capacity as Heir of Sean P. Connolly a/k/a Sean Patrick Connolly, Deceased,

Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Sean P. Connolly a/k/a Sean Patrick Connolly, Deceased, owner(s) of property situated in HARBORCREEK TOWNSHIP, Erie County, Pennsylvania being 2703 Athens Street, Erie, PA 16510-2413 Dimensions: 100 X 200
Assessment Map number: 27046184000100
Assessed Value: \$101,100.00
Improvement thereon: residential
Phelan Hallinan Diamond & Jones, LLP
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Oct. 27 and Nov. 3, 10

SALE NO. 33

Ex. #10765 of 2012
US Bank National Association,
as Trustee for Structured Asset
Securities Corporation Mortgage
Pass-Through Certificates, Series
2006-NC1, Plaintiff

v.

Roslyn M. Cromer, Defendant(s)
DESCRIPTION

By virtue of a Writ of Execution filed to No. 10765-12, US Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2006-NC1 vs. Roslyn M. Cromer
Amount Due: \$86,798.50
Roslyn M. Cromer, owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania being 920 West 5th Street, Erie, PA 16507-1011 Dimensions: 41.25 X 165
Assessment Map number: 17-040-029.0-232.00
Assessed Value: \$47,640.00
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

Oct. 27 and Nov. 3, 10

SALE NO. 34

Ex. #11095 of 2017
Wells Fargo Bank, NA, Plaintiff
v.
Margaret M. Frazier,
Defendant(s)
DESCRIPTION

By virtue of a Writ of Execution filed to No. 11095-17, Wells Fargo Bank, NA vs. Margaret M. Frazier
Amount Due: \$214,517.27
Margaret M. Frazier, owner(s) of property situated in SUMMIT TOWNSHIP, Erie County, Pennsylvania being 3051 Hershey Road, Erie, PA 16506-5005
Acreage: 1.4957
Assessment Map number: 40-001-004.0-004.00
Assessed Value: \$146,610.00
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

Oct. 27 and Nov. 3, 10

SALE NO. 35

Ex. #14180 of 2006
CitiMortgage, Inc., Plaintiff
v.
Steven T. Kindle, Carol A.
Kindle, Defendant(s)
DESCRIPTION

By virtue of a Writ of Execution filed to No. 14180-06, CitiMortgage, Inc. vs. Steven T. Kindle, Carol A. Kindle
Amount Due: \$133,534.44
Steven T. Kindle, Carol A. Kindle, owner(s) of property situated in MILLCREEK TOWNSHIP, Erie County, Pennsylvania being 1307 West Gore Road, Erie, PA 16509-2415
Dimensions: 86.96 X 134.19
Assessment Map number: 33120526000300
Assessed Value: \$124,990.00
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

Oct. 27 and Nov. 3, 10

SALE NO. 36

Ex. #11916 of 2017
Deutsche Bank National Trust
Company, as Trustee for
Ameriquet Mortgage Securities
Inc., Asset-Backed Pass-Through
Certificates, Series 2005-R5,
Plaintiff
v.

Robert L. Marsh, Christina M.
Marsh, Defendant(s)
DESCRIPTION

By virtue of a Writ of Execution filed to No. 11916-17, Deutsche Bank National Trust Company, as Trustee for Ameriquet Mortgage Securities Inc., Asset-Backed Pass-Through Certificates, Series 2005-R5 vs. Robert L. Marsh, Christina M. Marsh
Amount Due: \$69,818.76
Robert L. Marsh, Christina M. Marsh, owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania being 2805 Ash Street, Erie, PA 16504-1238
Dimensions: 33.75 X 110
Assessment Map number: 18-5065-220, 18-5065-219
Assessed Value: \$87,160.00
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

Oct. 27 and Nov. 3, 10

SALE NO. 37

Ex. #11382 of 2017
Wells Fargo Bank, N.A., Plaintiff
v.
Sharon L. Mcquaid, Defendant(s)
DESCRIPTION

By virtue of a Writ of Execution filed to No. 11382-17, Wells Fargo Bank, N.A. vs. Sharon L. Mcquaid
Amount Due: \$61,290.17
Sharon L. Mcquaid, owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania being 452 East 35th Street, Erie, PA 16504-1610
Dimensions: 50 X 110
Assessment Map number: 18-053-070.0-124.00
Assessed Value: \$89,820.00
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

Oct. 27 and Nov. 3, 10

SALE NO. 39

Ex. #11064 of 2016

**U.S. Bank National Association,
as Trustee for Structured Asset
Investment Loan Trust, Mortgage
Pass-Through Certificates, Series
2005-3, Plaintiff**

v.

Philip C. Wolford, Defendant(s)

DESCRIPTION

By virtue of a Writ of Execution filed to No. 11064-2016, U.S. Bank National Association, as Trustee for Structured Asset Investment Loan Trust, Mortgage Pass-Through Certificates, Series 2005-3 vs. Philip C. Wolford

Amount Due: \$114,894.95

Philip C. Wolford, owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania being 538 West 7th Street, Erie, PA 16502-1333 Dimensions: 41.25 X 165

Assessment Map number: 17040016022000

Assessed Value: \$125,270.00

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

Oct. 27 and Nov. 3, 10

SALE NO. 41

Ex. #10184 of 2016

**PENNYMAC LOAN SERVICES,
LLC, Plaintiff**

v.

**MATHEW P. TURNER,
Defendant**

DESCRIPTION

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN THE CITY OF ERIE, COUNTY OF ERIE AND COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 1561 W 40TH STREET, ERIE, PA 16509

PARCEL # 190-610-680-21200

Improvements: Residential Dwelling.
POWERS KIRN & ASSOCIATES, LLC

Amanda L. Rauer, Esquire
Id. No. 307028
Eight Neshaminy Interplex
Suite 215
Trevose, PA 19053
(215) 942-2090

Oct. 27 and Nov. 3, 10

SALE NO. 42

Ex. #11308 of 2017

**LSF9 Master Participation Trust,
Plaintiff**

v.

**Mignelly Abreu and Luis A.
Abreu, Defendants**

DESCRIPTION

By virtue of a Writ of Execution filed to No. 2017-11308, LSF9 Master Participation Trust vs. Mignelly Abreu and Luis A. Abreu, owners of the property situated in:

Erie County, Pennsylvania being 407 Eagle Point Blvd, Erie, PA 16511

Assessment Map Number: 14011026021300

Assessed Value Figure: \$67,360.00

Improvement thereon: Single Family Home -1144 sq. ft.

Richard M. Squire & Associates, LLC
Bradley J. Osborne, Esq.

(PA I.D. #312169)

115 West Avenue, Suite 104

Jenkintown, PA 19046

215-886-8790

Oct. 27 and Nov. 3, 10

SALE NO. 43

Ex. #11210 of 2017

**Wells Fargo Bank N.A.,
as Trustee, for Carrington
Mortgage Loan Trust, Series
2006-NC1 Asset-Backed Pass-
Through Certificates, Plaintiff**

v.

**Erie A. Littlefield and Melody L.
Littlefield, Defendants**

DESCRIPTION

By virtue of a Writ of Execution filed to No. 2017-11210, Wells Fargo Bank N.A., as Trustee, for Carrington Mortgage Loan Trust, Series 2006-NC1 Asset-Backed Pass-Through Certificates vs. Eric A. Littlefield and Melody L. Littlefield

Erie County, Pennsylvania being 802 East 31st Street, Erie, PA 16504

Assessment Map Number: 1805005802200

Assessed Value Figure: \$74,690.00

Improvement thereon: Single Family Home - 1306 sq. ft.
Richard M. Squire & Associates, LLC
Bradley J. Osborne, Esq.
(PA I.D. #312169)
115 West Avenue, Suite 104
Jenkintown, PA 19046
215-886-8790

Oct. 27 and Nov. 3, 10

SALE NO. 44

Ex. #10541 of 2017

**Nationstar Mortgage LLC,
Plaintiff**

v.

**Unknown Heirs, Successors,
Assigns and All Persons, Firms
or Associations Claiming Right,
Title or Interest from or under
Wilma J. Driver a/k/a Wilma
Jean Driver, deceased, Theodore
Grant Driver, III, known heir
of Wilma J. Driver, a/k/a Wilma
Jean Driver, deceased and
William P. Driver, known heir
of Wilma J. Driver a/k/a Wilma
Jean Driver, deceased, Defendant**

DESCRIPTION

By virtue of a Writ of Execution filed to No. 2017-10541, Nationstar Mortgage LLC vs. Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest from or under Wilma J. Driver a/k/a Wilma Jean Driver, deceased, Theodore Grant Driver, III, known heir of Wilma J. Driver, a/k/a Wilma Jean Driver, deceased and William P. Driver, known heir of Wilma J. Driver a/k/a Wilma Jean Driver, deceased, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 1722 West 14th Street, Erie, PA 16505

0.0709

Assessment Map number: 16-031-007.0-408.00

Assessed Value figure: \$34,830.00

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

Oct. 27 and Nov. 3, 10

SALE NO. 45

Ex. #10727 of 2017

**U.S. Bank National Association
as Indenture Trustee for New
Residential Mortgage Loan Trust
2014-1 Mortgage-Backed Notes,
Series 2014-1, Plaintiff**

v.

**Kathleen L. Roemer a/k/a
Kathleen Roemer, Defendant**

DESCRIPTION

By virtue of a Writ of Execution filed to No. 2017-10727, U.S. Bank National Association as Indenture Trustee for New Residential Mortgage Loan Trust 2014-1 Mortgage-Backed Notes, Series 2014-1 vs. Kathleen L. Roemer a/k/a Kathleen Roemer, owner(s) of property situated in Township of Millcreek, Erie County, Pennsylvania being 804 Clifton Drive, Erie, PA 16505

0.3220

Assessment Map number: 33-017-0790-02000

Assessed Value figure: \$89,600.00

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

Oct. 27 and Nov. 3, 10

SALE NO. 46

Ex. #12800 of 2016

**Mid America Mortgage, Inc.,
Plaintiff**

v.

**James Anthony DeFelippis
and Tanya Lynn DeFelippis,
Defendants**

DESCRIPTION

ALL that certain piece or parcel of land situate in the Township of Waterford, County of Erie and Commonwealth of Pennsylvania and being part of Tract F. bounded and described as follows, to-wit:

BEGINNING at the northeasterly corner of the piece at an iron pipe in the centerline of Seroka Road, formerly known as the Marvin's Road and Martin Road, said point also being the northwesterly corner of land of Thaddeus T. and Irene

J. Kondzielski, Deed Book 460-33; thence due south, along land of said Thaddeus T. Kondzielski et ux., passing over iron pipes at distances of 25.00 feet, 266.28 feet and 545.33 feet, eight hundred seventy and seventy-four hundredths (870.74) feet to an iron pipe at the northeasterly corner of land of Gus W. Welz; thence along said land, North 89 degrees 39' West, passing over an iron pipe at distance of 198.00 feet, five hundred eighteen and seventy-two hundredths (518.72) feet to an iron pipe; thence by the residue of the land of Ray J. Salmon et ux., DUE NORTH, passing over an iron pipe at distance of 328.10 feet, seven hundred sixty seven and seventy-two hundredths (767.72) feet to an iron pipe in the southerly line of lands of Charles J. and Frances Burge, Deed Book 724-433; thence by said land, North 72 degrees 55' 10" East, passing over a pipe at distance of 380.32 feet, four hundred nine and fifty hundredths (409.50) feet to an iron pipe in the centerline of the above mentioned Seroka Road, said point also being the southeasterly corner of land of said Charles J. Burges, et, ux.; thence along the centerline of said road, south 48 degrees 06' 50" East, twenty seven and eighty hundredths (27.80) feet to an iron pipe; thence continuing along centerline of said road South 89 degrees 00' East, one hundred six and fifty-nine hundredths (106.59) feet to the place of beginning and containing 10.000 acres of land. Bearing Erie County Tax Index Number (47)03-071.0-005.01

Fee Simple Title Vested in James Anthony DeFelippis and Tanya Lynn DeFelippis, husband and wife, as tenants by the entireties with the right of survivorship to the survivor thereof by deed from Anthony A. Kondzielski and Linda D. Kondzielski, husband and wife, dated May 15, 2009, recorded May 20, 2009, in the Erie County Recorder of Deeds Office in Deed Book 1562, Page 2326.

PROPERTY ADDRESS: 637 Seroka Road, Waterford, PA 16441

P A R C E L N U M B E R : 47030071000501

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

Oct. 27 and Nov. 3, 10

SALE NO. 47

Ex. #11227 of 2017

**Wells Fargo Bank, National
Association, as Trustee for
Option One Mortgage Loan
Trust 2002-3, Asset-Backed
Certificates, Series 2002-3 c/o
Ocwen Loan Servicing, LLC,
Plaintiff**

v.

Robert E. Jones, Defendant

DESCRIPTION

ALL that certain piece or parcel of land situate in the City of Erie, County of Erie and State of Pennsylvania, bounded and described as follows, to-wit: BEGINNING at a point on the north line of Ninth Street, One hundred fifteen (115) feet west of the west line of Wallace Street; thence westwardly along the north line of Ninth Street, Fifty-nine and six tenths (59.6) feet to a point; thence northwardly parallel with Wallace Street, One hundred fifty-seven and five tenths (157.5) feet to a point; thence eastwardly parallel with Ninth Street, Fifty-nine and six tenths (59.6) feet to a point; thence southwardly parallel with Wallace Street, One hundred fifty-seven and five tenths (157.5) feet to the place of beginning.

SAID premises have erected thereon a four-family frame apartment and six-car garage commonly known as 446-448 East 9th Street, Erie, Pennsylvania and are further identified by Erie County Assessment Index No. (15) 2021-233.

PROPERTY ADDRESS: 446-448 E 9th Street, Erie, PA 16503
PARCEL 15-2021.0-233.00

BEING the same premises which Richard R. Konkel, a/k/a Richard R. Konkol, and Heidi M. Konkel, a/k/a Heidi M. Konkol, husband and wife by Deed dated March 15, 2002, and recorded March 18, 2002, in the Office of the Recorder of Deeds in and for Erie County in Deed Book 0862, Page 1785, granted

and conveyed unto Robert E. Jones.
JESSICA N. MANIS, ESQUIRE
STERN & EISENBERG, PC
1581 Main Street, Suite 200
The Shops at Valley Square
Warrington, PA 18976
(215) 572-8111

Oct. 27 and Nov. 3, 10

SALE NO. 49

Ex. #10915 of 2017

**LSF9 Master Participation Trust,
Plaintiff**

v.

**Richard H. Brown III, Defendant
DESCRIPTION**

By virtue of a Writ of Execution filed to No. 10915-17, LSF9 Master Participation Trust v. Richard H. Brown III, owners of property situated in the Township of City of Erie, Erie County, Pennsylvania being 2710 Van Buren Avenue, Erie, Pennsylvania 16504.

Tax I.D. No. 18-050-0560-20400

Assessment: \$73,109.20

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

215-790-1010

Oct. 27 and Nov. 3, 10

SALE NO. 50

Ex. #11335 of 2017

**Northwest Savings Bank,
Plaintiff**

v.

**Paula C. Leibold, John A.
Leibold and United States of
America, c/o United States
Attorney for the Western District
of Pennsylvania, Defendant
DESCRIPTION**

By virtue of a Writ of Execution filed to No. 11335-17, Northwest Savings Bank v. Paula C. Leibold, John A. Leibold and United States of America, c/o United States Attorney for the Western District of Pennsylvania

Paula C. Leibold and John A. Leibold, owners of property situated in the Township of Township of Millcreek, Erie County, Pennsylvania being 5862 Forest Crossing Drive, Erie, Pennsylvania 16506.

Tax ID. No. 33200002001800

Assessment: \$307,705.70

Improvements: Residential Dwelling

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

Oct. 27 and Nov. 3, 10

SALE NO. 51

Ex. #30944 of 2016

**JTS CAPITAL 2 LLC, assignee
of FIRST NATIONAL BANK OF
PENNSYLVANIA, Plaintiff**

v.

**LOUIS BIZZARRO and DIANA
BIZZARRO, Defendants**

DESCRIPTION

By virtue of a Writ of Execution filed to No. 30944-16, JTS CAPITAL 2 LLC, assignee of FIRST NATIONAL BANK OF PENNSYLVANIA vs. LOUIS BIZZARRO and DIANA BIZZARRO
LOUIS BIZZARRO a/k/a LOUIE BIZZARRO, owner(s) of property situated in TOWNSHIP OF MILLCREEK, Erie County, Pennsylvania being 1602 PITTSBURGH AVENUE, ERIE, PA 16505

5064 square feet

Assessment Map number:
33049174004502

Assessed Value figure: \$197,000.00
Improvement thereon: garage/shop/
car dealers

and
3202 STERRETTANIA ROAD
(A/K/A 3202 STERRETANIA
ROAD), ERIE, PA 16506

5064 square feet

Assessment Map number:
33068343000900

Assessed Value figure: \$90,600.00
Improvement thereon: restaurants,
stores (retail)

Jillian Nolan Snider, Esquire

Matthew J. Burne, Esquire

Tucker Arensberg, P.C.

1500 One PPG Place

Pittsburgh, PA 15222

(412) 566-1212

Oct. 27 and Nov. 3, 10

SALE NO. 52

Ex. #13057 of 2016

**PNC BANK, NATIONAL
ASSOCIATION, Plaintiff**

v.

**ALL KNOWN AND UNKNOWN
HEIRS OF JAMES L. LUBA,**

Defendant

DESCRIPTION

By virtue of a Writ of Execution filed to No. 13057-2016, PNC BANK, NATIONAL ASSOCIATION vs. ALL KNOWN AND UNKNOWN HEIRS OF JAMES L. LUBA, owner(s) of property situated in TOWNSHIP OF MILLCREEK, Erie County, Pennsylvania being 3917 Blossom Terrace, Erie, PA 16506
1094 sq. feet

Assessment Map number: 33-082-414.0-100.57

Assessed Value figure: \$105,100.00
Improvement thereon: Condominium
Unit

Brett A. Solomon, Esquire

Michael C. Mazack, Esquire

Tucker Arensberg, P.C.

1500 One PPG Place

Pittsburgh, PA 15222

(412) 566-1212

Oct. 27 and Nov. 3, 10

SALE NO. 53

Ex. #11033 of 2017

**Pennsylvania State Employees
Credit Union, Plaintiff**

v.

Maureen B. Goller, Defendant

DESCRIPTION

By virtue of a Writ of Execution filed to No. 11033-17, Pennsylvania State Employees Credit Union vs. Maureen B. Goller, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 508 East 38th Street, Erie, PA 16504

Square feet 996; acreage 0.1148,

1949 Bungalow Aluminum/Vinyl

Assessment Map number:
18053073011400

Assessed Value figure: \$27,900.00

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

Oct. 27 and Nov. 3, 10

SALE NO. 54

Ex. #11298 of 2017

**The Bank of New York Mellon,
Plaintiff**

v.

**Dennis I. Henderson and
Jacqueline A. Henderson,
Defendant**

DESCRIPTION

By virtue of a Writ of Execution filed to No. 11298-17, The Bank of New York Mellon vs. Dennis I. Henderson and Jacqueline A. Henderson

Dennis I. Henderson, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 2005 Schaal Avenue, Erie, PA 16510 Square feet 1,824; acreage 0.1143, 1910 Old Style Aluminum/Vinyl Assessment Map number: 15021016010600

Assessed Value figure: \$36,330.00 Improvement thereon: single family dwelling

Keri P. Ebeck, Esquire

PA ID#91298

Weitman, Weinberg & Reis

436 7th Avenue, Suite 2500

Pittsburgh, PA 15219

(412) 434-7955

Oct. 27 and Nov. 3, 10

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AUDIT LIST
NOTICE BY
KENNETH J. GAMBLE

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

The following Executors, Administrators, Guardians and Trustees have filed their Accounts in the Office of the Clerk of Records, Register of Wills and Orphans' Court Division and the same will be presented to the Orphans' Court of Erie County at the Court House, City of Erie, on **Wednesday, October 11, 2017** and confirmed Nisi.

November 22, 2017 is the last day on which Objections may be filed to any of these accounts.

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

<u>2017</u>	<u>ESTATE</u>	<u>ACCOUNTANT</u>	<u>ATTORNEY</u>
293.	John H. Burkhart Jr.	Hamlin Bank & Trust Company, Executor	Erik Ross, Esq.
294.	Shirley S. Stack a/k/a Shirley Stack	Linda Wilcox, Executrix	Grant M. Yochim, Esq.
295.	Joseph C. Klutz Sr.	Camille Klutz, Executrix	Joseph P. Martone, Esq.
296.	Patricia M. Rose	James J. Rose, Executor	Gary H. Nash, Esq.
297.	Paul J. Greenaway a/k/a Paul James Greenaway	Nancy M. Johnson, Susan E. Greenaway, Executrices	Colleen R. Stumpf, Esq.
298.	Leo C. Fortsch	Jane F. Fortsch, Executrix	Melissa L. Larese, Esq.
299.	Leo C. Fortsch Revocable Living Trust, now Irrevocable	Jane F. Fortsch, Trustee	Melissa L. Larese, Esq.

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

Oct. 20, 27

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

COFFMAN, MARGRET L., a/k/a MARGARET IRENE COFFMAN, MARGARET COFFMAN, MARGARET I. COFFMAN, MARGARET L. COFFMAN, deceased

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

Executor: Donald Lee Coffman, c/o John J. Shimek, III, Esquire, Sterrett Mott Breski & Shimek, 345 West 6th Street, Erie, PA 16507
Attorney: John J. Shimek, III, Esquire, Sterrett Mott Breski & Shimek, 345 West 6th Street, Erie, PA 16507

DOUGLAS, BETTY L., a/k/a BETTY DOUGLAS, deceased

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

Executrix: Amy L. Wolff, c/o 504 State Street, 3rd Floor, Erie, PA 16501
Attorney: Michael J. Nies, Esquire, 504 State Street, 3rd Floor, Erie, PA 16501

FRIES, JOHN E., SR., deceased

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

Executor: John E. Fries, Jr., c/o The McDonald Group, L.L.P., 456 West 6th Street, Erie, PA 16507-1216
Attorney: Valerie H. Kuntz, The McDonald Group, L.L.P., 456 West 6th Street, Erie, PA 16507-1216

WAGNER, EILEEN M., deceased

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

Executor: James L. Weigle, c/o 120 W. 10th Street, Erie, PA 16501
Attorney: Christine Hall McClure, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West 10th Street, Erie, PA 16501

SECOND PUBLICATION

ALEXANDER, JANET L., deceased

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

Executor: Gene D. Alexander, c/o Thomas J. Ruth, Esq., 224 Maple Avenue, Corry, PA 16407
Attorney: Thomas J. Ruth, Esq., 224 Maple Avenue, Corry, PA 16407

BEATTY, MARION R., deceased

Late of City of Erie
Executor: Lawrence G. Scott, 602 Reed St., Pittsburgh, PA 15001
Attorney: Michael A. Fetzner, Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

BECKER, HELENE S., deceased

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

Executor: John S. Becker, c/o 120 W. 10th Street, Erie, PA 16501
Attorney: Christine Hall McClure, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West 10th Street, Erie, PA 16501

BORKOWSKI, JULIUS M., deceased

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

Executor: Timothy M. Borkowski, c/o Vlahos Law Firm, P.C., 3305 Pittsburgh Avenue, Erie, PA 16508
Attorney: Darlene M. Vlahos, Esq., Vlahos Law Firm, P.C., 3305 Pittsburgh Avenue, Erie, PA 16508

COCHRAN, RICHARD P., a/k/a RICHARD PAUL COCHRAN, deceased

Late of the City of Erie, County of Erie and State of Pennsylvania
Administrator: Mary L. Fisher, c/o 227 West 5th Street, Erie, PA 16507

Attorney: Mark O. Prenatt, Esquire, 227 West 5th Street, Erie, PA 16507

COSNER, MARYELLEN, a/k/a MARY ELLEN COSNER, deceased

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

Executor: Donald L. Cosner, c/o Justin L. Magill, Esq., 821 State Street, Erie, PA 16501
Attorney: Justin L. Magill, Esquire, 821 State Street, Erie, PA 16501

READE, ROBIN ANN, a/k/a ROBIN A. READE, deceased

Late of Millcreek Township, Erie County, Erie, Pennsylvania
Administratrix C.T.A.: Stacy L. Reade, c/o 1040 Elk Street, P.O. Box 729, Franklin, PA 16323
Attorney: John C. Lackatos, 1040 Elk Street, P.O. Box 729, Franklin, PA 16323

RINGHAND, MARY PATRICIA, a/k/a MARY PAT RINGHAND, deceased

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

Executrix: Linda S. Breter D'Oliveira, c/o Eugene C. Sundberg Jr., Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorney: Eugene C. Sundberg Jr., Esq., Marsh Spaeder Baur Spaeder & Schaaf, LLP, Suite 300, 300 State Street, Erie, PA 16507

**SCHAAF, MARTHA ANNE,
deceased**

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

Executor: David E. Holland, 821 West Dutch Road, Fairview, PA 16415

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

**TRAYLOR, MELISSA E.,
deceased**

Late of City of North East, Erie County, Commonwealth of Pennsylvania

Executor: James A. Stetson, c/o Jeffrey D. Scibetta, Esquire, 120 West Tenth Street, Erie, PA 16501

Attorney: Jeffrey D. Scibetta, Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**YOUNG, MARY A., a/k/a MARY ANNA YOUNG, a/k/a MARY YOUNG,
deceased**

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

Executor: William A. Young, c/o 504 State Street, 3rd Floor, Erie, PA 16501

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

THIRD PUBLICATION

**BIANCOSINO, SHIRLEE, a/k/a SHIRLEE B. BIANCOSINO,
deceased**

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

Administratrix: Kimberly Mahoney, 902 W. 3rd Street, Erie, PA 16507

Attorney: Gary K. Schonthaler, Esquire, The Conrad - F.A. Brevillier House, 502 Parade Street, Erie, PA 16507

**DININNY, PAULETTE LEE, a/k/a PAULETTE L. DININNY, a/k/a PAULETTE DININNY,
deceased**

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

Executor: Craig E. Dininny, P.O. Box 1798, Ellicottville, NY 14731

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

**DOVISHAW, JOHN R.,
deceased**

Late of Millcreek Township

Administrator: Susan M. Henry, c/o 246 West 10th Street, Erie, PA 16501

Attorney: Evan E. Adair, Esq., 246 West 10th Street, Erie, PA 16501

**GIEWONT, SHAWN RYAN, a/k/a SHAWN R. GIEWONT, a/k/a SHAWN GIEWONT,
deceased**

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

Co-Administrators: Julie L. Giewont, 2433 Hillborn Road, Erie, PA 16509 and Richard L. Morris, 10900 Hill Road, Wattsburg, PA 16442

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

**GRIFFITH, JOHN, a/k/a JOHN J. GRIFFITH,
deceased**

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

Executor: Richard E. Griffith, c/o Thomas C. Hoffman, II, 120 West Tenth Street, Erie, PA 16501

Attorney: Thomas C. Hoffman, II, Esquire, Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**KAISER, CAROLYN S.,
deceased**

Late of the City of Erie, County of Erie

Executor: David Kaiser, 2027 Linwood Avenue, Erie, PA 16510

Attorneys: Nicholas, Perot, Smith, Koehler & Wall, P.C.

**LeCLAIR, KAREN,
deceased**

Late of the Township of Elk Creek, County of Erie, State of Pennsylvania

Administratrix: Frank M. Case, Sr., 13478 #85 Old Lake Road, East Springfield, PA 16411

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

**MORFORD, MYRON L.,
deceased**

Late of Summit Township

Executor: Elaine R. Carver, 250 Whetherburn Drive, Wexford, PA 15090

Attorney: John M. Hartzell, Jr., Esquire, Houston Harbaugh, PC, Three Gateway Center, 401 Liberty Avenue, 22nd Floor, Pittsburgh, PA 15222-1005

**ORN, ANNE B., a/k/a ANNE BACHA ORN,
deceased**

Late of the Township of Harborcreek

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

**PRZYBYSZEWSKI, FRANCES P., a/k/a FRANCES PRZYBYSZEWSKI,
deceased**

Late of Erie County, Pennsylvania

Executor: Mark B. Przybyszewski, 7441 West Lake Road, Fairview, PA 16415

Attorney: William T. Morton, Esquire, 2225 Colonial Ave., Ste 206, Erie, Pennsylvania 16506

**STROUP, NOLA E.,
deceased**

Late of the City of Erie, County of Erie

Executor: Wayne W. Stroup
Attorney: Barbara J. Welton, Esquire, 2530 Village Common Dr., Suite B, Erie, PA 16505

**TESTI, THOMAS,
deceased**

Late of Wayne Township, County of Erie
Executor: Thomas A. Testi
Attorney: Thomas A. Testi, Esq.,
 3952 Avonia Road, P.O. Box 413,
 Fairview, PA 16415

**WINNEN, JAMES F., SR.,
deceased**

Late of City of Erie
Executor: James F. Winnen, Jr.
Attorney: John F. Mizner, 311 West
 Sixth Street, Erie, PA 16507

**WOLCHIK, MARY K., a/k/a
MARY WOLCHIK,
deceased**

Late of Greene Township, Erie County, PA
Administrator: Mary Alfieri
 Richmond, Esquire, Jones School Square, Floor 1, 150 East 8th Street, Erie, PA 16501
Attorney: Mary Alfieri Richmond, Esquire, Jones School Square, Floor 1, 150 East 8th Street, Erie, PA 16501



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