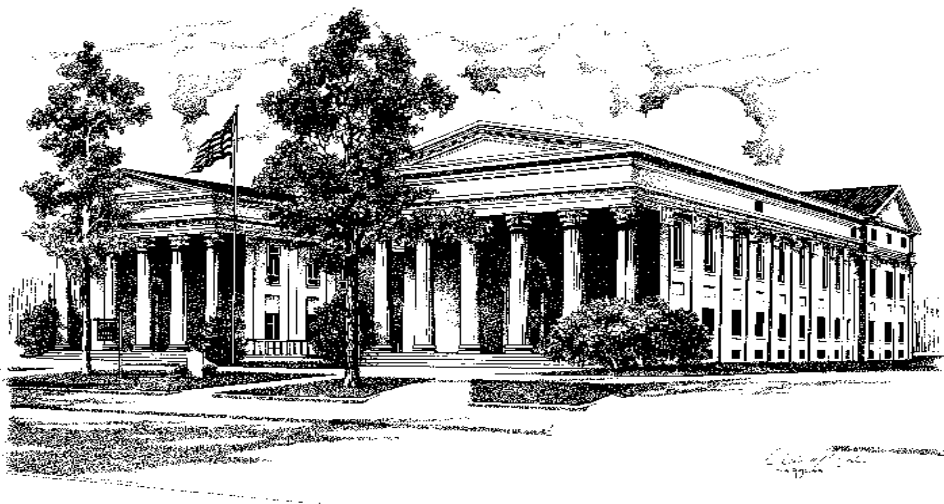


*Erie
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Legal
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February 23, 2018

Vol. 101 No. 8



101 ERIE 7-13

Garlick v. Commonwealth of Pennsylvania Department of Transportation

Erie County Legal Journal

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

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INDEX

NOTICE TO THE PROFESSION	4
OPINION	6
COURT OF COMMON PLEAS	
Change of Name Notice	20
Fictitious Name Notices	20
Legal Notices	20
Sheriff Sales	22
ORPHANS' COURT	
Audit List	30
Estate Notices	31
CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS	35

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Erie County Bar Association

Calendar of Events and Seminars

TUESDAY, FEBRUARY 27, 2018

Family Law Section Meeting
Noon
Judge Walsh's courtroom

TUESDAY, FEBRUARY 27, 2018

PBA/ECBA Mock Trial District Final
3:00 p.m.
Erie County Courthouse

TUESDAY, FEBRUARY 27, 2018

Criminal Defense Meeting
4:00 p.m.
ECBA Headquarters

WEDNESDAY, FEBRUARY 28, 2018

Bench Bar Conference Committee Meeting
4:00 p.m.
ECBA Headquarters

FRIDAY, MARCH 9, 2018

Law Day Committee Meeting
Noon
ECBA Headquarters

MONDAY, MARCH 12, 2018

Workers' Compensation Section Meeting
Noon
ECBA Headquarters

MONDAY, MARCH 26, 2018

ECBA Board of Directors Meeting
4:00 p.m.
ECBA Headquarters

THURSDAY, MARCH 29, 2018

Criminal Defense Meeting
4:00 p.m.
ECBA Headquarters

FRIDAY, MARCH 30, 2018

Good Friday Holiday
ECBA Office Closed
Erie County and Federal Courthouses Closed

THURSDAY, APRIL 5, 2018

AKT Kid Koneksi Kick Off
4:00 p.m. - 7:00 p.m.
ExpERIEence Children's Museum

WEDNESDAY, APRIL 11, 2018

In-House Counsel Meeting
Noon
ECBA Headquarters

MONDAY, APRIL 23, 2018

ECBA Board of Directors Meeting
Noon
ECBA Headquarters



Erie County Bar Association



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

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RECORDING FEE INCREASE EFFECTIVE APRIL 2, 2018

Due to the passage of Erie County Ordinance No. 125-2017 on December 19, 2017, amending the Erie County Affordable Housing Fund Ordinance **AND** Due to the passage of Erie County Ordinance No. 139-2017 on December 19, 2017, creating and implementing the Erie County Demolition Fund **THE BASE RECORDING FEE TO RECORD ALL DEEDS AND MORTGAGES WILL BE: \$86.00**

Feb. 23 and March 9, 23

15th Annual Law Day 5K Run/Walk
Saturday, April 28, 2018

9:00 a.m. - Erie County Courthouse
140 West Sixth Street

Pre-registration Entry Fees:

- \$20.00 (adults w/shirt)
- \$15.00 (adults/no shirt)
- \$15.00 (12 and under w/shirt)
- \$10.00 (12 and under/no shirt)

Race Premium: Top-quality, wicking t-shirt.
You must be pre-registered to be guaranteed a shirt.

Day-of-Race Entry Fees: \$20 (adult)
\$15 (12 or under)

Presented by the



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**IN COOPERATION WITH
THE ERIE RUNNERS CLUB**



*Part I of the
2018 Summer Triple Crown Series*

POSTMARK DEADLINE TO PRE-REGISTER IS FRIDAY, APRIL 13, 2018

Packet Pick-up:

There will be a packet pick-up for pre-registered runners and walkers on Friday, April 27 from 3:00 to 6:30 p.m. at the Erie County Bar Association Headquarters, **Note: we have moved - 429 West Sixth Street**. Registrations for the event will also be accepted during this time. Day-of-Race registration and Chip pick-up will begin on Saturday, April 28 at 8:00 a.m. at the Perry Square Event Platform.

**Event benefits the ECBA's Attorneys & Kids Together Program,
supporting the educational needs of local students living in homeless situations,
and the Erie Runners Club Scholarship Fund.**

Register online at www.eriebar.com

Success is making it to the game on time...and getting paid while you're there.



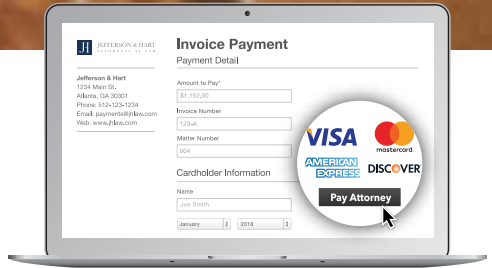
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ROBERT GARLICK

v.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION***TRANSPORTATION LAW / OPERATOR'S LICENSE / SUSPENSION / REFUSAL*

To sustain a suspension of operating privileges under 75 Pa.C.S. §1547, PennDOT must establish that the licensee: (1) was arrested for driving under the influence by a police officer who had reasonable grounds to believe that the licensee was operating or was in actual physical control of the movement of the vehicle while under influence of alcohol; (2) was asked to submit to a chemical test; (3) refused to do so; and (4) was warned that refusal might result in a license suspension. Once PennDOT meets this burden, the licensee must then establish that the refusal was not knowing or conscious or that the licensee physically was unable to take the test.

TRANSPORTATION LAW / OPERATOR'S LICENSE / SUSPENSION & REVOCATION

Section 1547(b)(1)(i) of the Vehicle Code, commonly referred to as the "Implied Consent Law," authorizes suspension of the driving privileges of a licensee where the licensee is placed under arrest for driving under the influence of alcohol, and the licensee refuses a police officer's request to submit to chemical testing.

TRANSPORTATION LAW / OPERATOR'S LICENSE / REFUSAL

The purpose of the "Implied Consent Law" is to inform the licensee of the consequences of refusing to submit to a chemical test in order for the licensee to make a knowing and conscious choice.

TRANSPORTATION LAW / OPERATOR'S LICENSE / SUSPENSION / REFUSAL

A licensee cannot be punished criminally for refusing a police officer's request to submit to a blood test pursuant to the "Implied Consent Law."

GOVERNMENT / LEGISLATION / INTERPRETATION

Where a provision of a statute is invalid for any reason, a court must sever it from the remaining, valid portion of the statute.

SEARCH AND SEIZURE / REASONABLENESS / CONSENT

Pursuant to *Birchfield*, police officers may still validly obtain consent from a licensee based on a warning that refusal would result in a civil license suspension because the United States Supreme Court stated clearly that a civil penalties and evidentiary consequences may be constitutionally imposed, whereas consent based on a warning that refusal would subject a licensee to "the pain of committing a criminal offense" is involuntary, and as such implied consent warnings are now inapplicable.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
NO. 12267 – 2016

Appearances: Chad J. Vilushis, Esq., on behalf of Robert Garlick (Appellant)
Denise H. Farkas, Esq., and Terrance M. Edwards, Esq., on behalf of the
Commonwealth of Pennsylvania Department of Transportation, Bureau of
Driver Licensing (Appellee)

OPINION

Domitrovich, J.

March 6, 2017

The instant matter is before the Pennsylvania Commonwealth Court on Robert Garlick's (hereafter referred to as "Appellant") appeal from this Trial Court's Order dated January 4, 2017, whereby this Trial Court concluded the Department of Transportation's (hereafter referred to as "PennDOT") current amended DL-26B "O'Connell Warnings" Form, which was revised by PennDOT after the United States Supreme Court's decision in *Birchfield v. North Dakota*, 136 S. Ct. 2160 (U.S. 2016) (hereafter referred to as "*Birchfield*") and eliminated statutory language regarding criminal penalties, adheres correctly to recent case law; therefore, this Trial Court denied Appellant's license suspension appeal, finding and concluding (1) Appellant was arrested for Driving Under the Influence of Alcohol by a police officer who had reasonable grounds to believe Appellant was operating or was in actual physical control of the movement of a vehicle while driving under the influence of alcohol; (2) Appellant was asked to submit to a chemical test; (3) Appellant refused to submit to chemical testing; and (4) Appellant was specifically warned that a refusal to submit to chemical testing would result in the suspension of his operating privileges. This Trial Court further concluded Appellant failed to rebut PennDOT's four-prong burden of proof, and Appellant also failed to sustain his burden of proof that he was incapable of making a knowing and conscious refusal.

Factual and Procedural History

The relevant facts of the instant license suspension appeal are undisputed. When Appellant was transported to the Pennsylvania State Police station, Trooper Timothy McConnell read PennDOT's current amended DL-26B "O'Connell Warnings" Form verbatim in its entirety. *See Notes of Testimony, License Suspension Hearing, November 21, 2016, page 9, lines 12-13.* The DL-26B "O'Connell Warnings" Form Trooper O'Connell read to Appellant on July 17, 2016, *attached hereto as Exhibit A*, was from PennDOT's most current DL-26B Form, which PennDOT had amended after the United States Supreme Court's decision in *Birchfield* and omits statutory language concerning the criminal penalties of 75 Pa. C. S. §3804(c). After being requested by Trooper McConnell to submit to a chemical test of his blood, Appellant refused to submit to chemical testing. *See id, page 9, line 25 – page 10, line 7.*

By Notice dated July 29, 2016, PennDOT suspended Appellant's operating privileges for a period of twelve (12) month due to his refusal to submit to chemical testing, pursuant to 75 Pa. C. S. §1547(b)(1)(i). Appellant, by and through his counsel, Chad J. Vilushis, Esq., filed a Petition for Appeal from a Suspension of Operating Privilege on August 25, 2016. This Trial Court conducted a full hearing on November 21, 2016. Thereafter, Appellant's counsel, Chad J. Vilushis, Esq., agreed to submit a Memorandum of Law within twelve (12) days from the date of the hearing, and counsel for PennDOT, Denise H. Farkas, Esq., agreed to submit a Responsive Memorandum of Law within twelve (12) days after receipt of Attorney Vilushis' Memorandum. Attorney Vilushis submitted his Memorandum of Law on December 1, 2016. Attorney Farkas submitted her Responsive Memorandum of Law on December 13, 2016. By Opinion and Order dated January 4, 2017, this Trial Court denied Appellant's license suspension appeal.

Appellant, by and through Attorney Vilushis, filed a Notice of Appeal to the Pennsylvania

Commonwealth Court on January 11, 2017. By Order dated January 11, 2017, this Trial Court directed Appellant and his counsel to submit a Concise Statement of Matters Complained of on Appeal within twenty-one (21) days from the date of said Order. Appellant filed his Statement of Errors Complained of on Appeal on January 17, 2017.

Rationale and Conclusions

To sustain a suspension of operating privileges under 75 Pa. C. S. §1547, PennDOT must establish that the licensee: (1) was arrested for driving under the influence by a police officer who had reasonable grounds to believe that the licensee was operating or was in actual physical control of the movement of the vehicle while under influence of alcohol; (2) was asked to submit to a chemical test; (3) refused to do so; and (4) was warned that refusal might result in a license suspension. *Finney v. Commonwealth of Pennsylvania, Department of Transportation, Bureau of Driver Licensing*, 721 A.2d 420, 423 (Pa. Commw. Ct. 1998). Once PennDOT meets this burden, the licensee must then establish that the refusal was not knowing or conscious or that the licensee physically was unable to take the test. *Berman v. Commonwealth of Pennsylvania, Department of Transportation, Bureau of Driver Licensing*, 842 A.2d 1025, 1027 (Pa. Commw. Ct. 2004).

Based upon the relevant facts of the instant license suspension appeal, which are undisputed, PennDOT has satisfied its four-pronged burden. However, in rebuttal, Appellant argues his refusal to submit to chemical testing was not “knowing or conscious” because Trooper McConnell did not fulfill his statutory duty under 75 Pa. C. S. §1547(b)(2). Specifically, Appellant argues Trooper McConnell did not notify Appellant that refusal to submit to chemical testing would result in criminal penalties pursuant to 75 Pa. C. S. §3804(c).

The pertinent Pennsylvania statute, 75 Pa. C. S. §1547 of the Vehicle Code, commonly referred to as the “Implied Consent Law,” authorizes suspension of the operating privileges of a licensee where the licensee is placed under arrest for driving under the influence of alcohol, and the licensee refuses a police officer’s request to submit to chemical testing. *See Quigley v. Commonwealth of Pennsylvania, Department of Transportation, Bureau of Driver Licensing*, 965 A.2d 349, 351 [fn.1] (Pa. Commw. Ct. 2009). According to §1547, “it shall be the duty of police officers to inform licensees that: (1) the licensee’s operating privilege will be suspended upon refusal to submit to chemical testing; and (2) if the licensee refuses to submit to chemical testing, upon conviction or plea for violation §3802(a)(1), the licensee will be subject to the penalties provided in §3804(c) (relating to criminal penalties).” *See 75 Pa. C. S. §1547(b)(2)(i)-(ii)*.

Prior to the United States Supreme Court’s decision in *Birchfield*, Paragraph Three of PennDOT’s former DL-26B “O’Connell Warnings” Form read as follows:

Paragraph 3. If you refuse to submit to the chemical test, your operating privilege will be suspended for at least 12 months. If you previously refused a chemical test or were previously convicted of driving under the influence, you will be suspended for up to 18 months. **In addition, if you refuse to submit to the chemical test, and you are convicted of violation Section 3802(a)(1) (relating to impaired driving) of the Vehicle Code, then, because of your refusal, you will be subject to more severe penalties set forth in Section 3804(c)**

(relating to penalties) of the Vehicle Code. These are the same penalties that would be imposed if you were convicted of driving with the highest rate of alcohol, which include a minimum of 72 consecutive hours in jail and a minimum fine of \$1,000.00, up to a maximum of five years in jail and a maximum fine of \$10,000. [Emphasis added].

It is undisputed that PennDOT's pre-*Birchfield* DL-26B "O'Connell Warnings" Form adhered to the statutory requirements enumerated in §1547(b)(2). However, according to counsel for PennDOT, following the United States Supreme Court's decision in *Birchfield* on June 23, 2016, the Pennsylvania District Attorneys, concerned that the above-bolded language could result in suppression of evidence due to the *Birchfield* decision, "requested PennDOT amend the DL-26B 'O'Connell Warnings' Form for blood testing by eliminating the warning that refusal of a blood test could lead to criminal penalties if the person were convicted of DUI." See *PennDOT's Memorandum of Law, page 4 (filed December 13, 2016)*. Shortly thereafter, PennDOT "complied with this request" and amended Paragraph Three of PennDOT's DL-26B "O'Connell Warnings" Form to remove the above-bolded statutory language of 1547(b)(2)(ii). See *id.*

It is further undisputed that PennDOT's current amended DL-26B "O'Connell Warnings" Form does not conform with the statutory language of 75 Pa. C. S. §1547(b)(2) as there is no mention that refusal to submit to chemical testing will result in criminal penalties. The statutory language of §1547(b)(2) is clear and unambiguous. "When the words of a statute are clear and free from all ambiguity, they are presumed to be the best indication of legislative intent." *Commonwealth of Pennsylvania, Department of Transportation, Bureau of Driver Licensing v. Weaver*, 912 A.2d 259, 264 (Pa. 2006) (quoting *Hannaberry HVAC v. Workers' Compensation Appeal Board (Snyder, Jr.)*, 834 A.2d 524, 531 (Pa. 2003)). As the Pennsylvania Supreme Court in *Weaver* has stated:

Subparagraph (ii) **commands** police officers to inform an arrestee that "(ii) upon conviction, plea or adjudication of delinquency for violating section 3802(a), the person will be subject to penalties provided in section 3804(c) (relating to penalties)." The words of this statute are clear and free from all ambiguity; thus, we will glean the legislative intent from those words... The plain language requires only that the officer inform the arrestee that if he is convicted of DUI, refusal will result in additional penalties; it does not require the officer to enumerate all of the possible penalties...

See *id* [emphasis added]. Finally, in the instant license suspension appeal, it is undisputed that Trooper McConnell read from within the four corners of PennDOT's current amended DL-26B "O'Connell Warnings" Form and did not advise Appellant independently on July 17, 2016 that his refusal to submit to chemical testing would result in the criminal penalties for refusal as enumerated in 75 Pa. C. S. §3804(c). See *N.T., License Suspension Hearing, November 21, 2016, page 17, lines 4-12.*

However, despite the statutory requirements of §1547(b), recent case law has held implied consent laws cannot impose criminal penalties as a result of a refusal to submit to

chemical testing as said criminal penalties are unduly coercive, unconstitutional and are now inapplicable. On June 23, 2016, the United States Supreme Court decided the case of *Birchfield v. North Dakota*, 136 S. Ct. 2160 (2016). In *Birchfield*, the United States Supreme Court declared implied consent laws that impose criminal penalties for refusing to consent to a blood test are unconstitutional and specifically stated:

Our prior opinions have referred approvingly to the general concept of implied-consent laws that impose civil penalties and evidentiary consequences on motorists who refuse to comply. Petitioners do not question the constitutionality of those laws, and nothing we say here should be read to cast doubt on them.

It is another matter, however, for a State not only to insist upon an intrusive blood test, but also to impose criminal penalties on the refusal to submit to such a test. There must be a limit to the consequences to which motorists may be deemed to have consented by virtue of a decision to drive on public roads... **We conclude that motorists cannot be deemed to have consented to submit to a blood test on pain of committing a criminal offense.**

See id at 2185-2186 [emphasis added].

The Pennsylvania Superior Court applied the United States Supreme Court's ruling in *Birchfield* in the case of *Commonwealth v. Evans*, 2016 PA Super 293 (Pa. Super. 2016). In *Evans*, the defendant, David Eugene Evans (hereafter referred to as "Evans"), was arrested on May 19, 2012 and charged with Driving under the Influence, Highest Rate, Third Offense and Driving under the Influence, General Impairment, Third Offense. *See id* at *1. After Evans was read the implied consent warnings, which included a warning that refusal would result in "enhanced criminal penalties," Evans consented to a chemical test of his blood. *See id* at *1-*2. Evans filed a Motion to Suppress, claiming the police coerced his consent by "informing him that if he did not submit to extraction and subsequent testing of his blood, he would face stiffer criminal penalties." *See id* at *2. The trial court in the *Evans* case denied Evans's Motion to Suppress, reasoning Evans "consented to the blood draw after being read his implied consent warnings by the arresting officer." *See id* at *6. Appellant filed a timely appeal and argued the trial court "erred in failing to suppress evidence of Evans's blood alcohol content where his blood was taken without a warrant and in the absence of knowing and voluntary consent." *See id* at *7.

The Pennsylvania Superior Court in *Evans*, considering the United States Supreme Court's decision in *Birchfield*, concluded that, although Pennsylvania's implied consent law does not make the refusal to submit to a blood test a crime in and of itself, the law undoubtedly "imposes criminal penalties on the refusal to submit to such a test," and, therefore, *Birchfield* controls. *See id* at *18. As *Birchfield* held that a state may not impose criminal penalties on the refusal to submit to a warrantless blood test, the Pennsylvania Superior Court in *Evans* concluded the police officer's reading of the implied consent warnings to Evans, which included the warning that refusal would result in criminal penalties, was "partially inaccurate" and, therefore, Evans's consent was involuntary. *See id* at *19. Ultimately, the Pennsylvania Superior Court vacated Evans's judgment of sentence, vacated the Suppression Order and

remanded the case to the trial court to “reevaluate Evans’s consent... based on the totality of all the circumstances... and given the partial inaccuracy of the officer’s advisory.” *See id.*

Although the statutory language of 75 Pa. C. S. §1547(b)(2) requires a police officer to inform a licensee that refusal would result in both a civil license suspension as well as criminal penalties, the current state of case law in the United States and in Pennsylvania clearly indicate otherwise. First, *Birchfield* holds that implied consent laws which impose criminal penalties as a result of a refusal to submit to chemical testing are unduly coercive and unconstitutional, and licensees cannot be deemed to have consented “on the pain of committing a criminal offense.” *See Birchfield* at 2186. Furthermore, the Pennsylvania Superior Court in *Evans* concluded Pennsylvania’s DUI laws, although not identical to those implicated in *Birchfield*, still impose higher penalties for a refusal to submit to chemical testing, and a police officer’s reading of the implied consent warnings, including a warning that refusal would result in criminal penalties, is “partially inaccurate” due to the unconstitutionality of such implied consent laws. *See Evans* at *19. Finally, the Pennsylvania Superior Court, as a clear and definitive answer to this issue, held recently, “pursuant to *Birchfield*, in the absence of a warrant or exigent circumstances justifying a search, **a defendant who refuses to provide a blood sample when requested by police is not subject to the enhanced penalties provided in 75 Pa. C. S. §§3803-3804.**” *Commonwealth v. Giron*, 2017 Pa. Super. 23, *9 (Pa. Super. 2017) [emphasis added].

In the instant license suspension appeal, Trooper McConnell, in his reading PennDOT’s current amended DL-26B “O’Connell Warnings” Form, correctly advised Appellant that his [Appellant’s] refusal to submit to chemical testing would result in a civil license suspension without mentioning that refusal would result in criminal penalties. This is distinguishable from *Evans*, where the police officer advised defendant that refusal would result in both a civil license suspension and criminal penalties. Pursuant to *Birchfield*, police officers may still validly obtain consent from a licensee based on a warning that refusal would result in a civil license suspension because the United States Supreme Court stated clearly that a civil license suspension may be imposed constitutionally, whereas consent based on a warning that refusal would subject a licensee to “the pain of committing a criminal offense” is involuntary, and as such implied consent warnings are now inapplicable. *See Commonwealth v. Fink*, 2016 Pa. Super. Unpub. LEXIS 4704, *13-*14 (Pa. Super. 2016).¹

After thorough consideration of relevant statutory and case law, this Trial Court concluded that PennDOT’s current amended DL-26B “O’Connell Warnings” Form properly adheres to recent case law, as it (1) advises licensees that refusal to submit to chemical testing would result in a civil license suspension, pursuant to 75 Pa. C. S. §1547(b)(2)(i); (2) advises licensees that they have no right to speak with counsel prior to chemical testing, pursuant to *Commonwealth of Pennsylvania, Department of Transportation, Bureau of Traffic Safety v. O’Connell*, 555 A.2d 873 (Pa. 1989); and (3) omits language regarding criminal penalties, which were rendered unconstitutional and inapplicable pursuant to *Birchfield*, *Evans* and *Giron*. Licensees in Pennsylvania are not subject to criminal penalties for refusing to submit to chemical testing; thus, police officers cannot inform licensees of criminal penalties for

¹ *Commonwealth v. Fink* is a non-precedential, unpublished Pennsylvania Superior Court Opinion decided on December 27, 2016. It is being cited as persuasive, and not precedential, case law.

refusing to submit to chemical testing as such warnings are unduly coercive and deceptively inaccurate. *See Evans* at *19; *see also Giron* at *9. This Trial Court accordingly concluded that Trooper McConnell performed his required duty under recent case law and obtained Appellant's implied consent constitutionally by limiting the warning to Appellant that refusing to submit to chemical testing would result in a civil license suspension, and PennDOT imposed a civil suspension of Appellant's operating privileges properly by Notice dated July 29, 2016 based upon Appellant's refusal to submit to a chemical test of blood. To conclude otherwise would be to extract unduly coercive consent from licensees and would be in direct contravention to the holdings of *Birchfield* and other relevant Pennsylvania case law.

For all of the reasons as set forth above, this Trial Court respectfully requests the Pennsylvania Commonwealth Court affirm its Order dated January 4, 2017.

BY THE COURT

/s/ Stephanie Domitrovich, Judge

ROBERT GARLICK, Appellant

v.

**COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF
TRANSPORTATION, BUREAU OF DRIVER LICENSING**

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

No. 48 C.D. 2017

Argued: November 15, 2017

BEFORE: HONORABLE MARY HANNAH LEAVITT, President Judge
HONORABLE RENÉE COHN JUBELIRER, Judge
HONORABLE ROBERT SIMPSON, Judge
HONORABLE P. KEVIN BROBSON, Judge
HONORABLE ANNE E. COVEY, Judge
HONORABLE MICHAEL H. WOJCIK, Judge
HONORABLE JOSEPH M. COSGROVE, Judge¹

OPINION BY JUDGE COHN JUBELIRER

FILED: JANUARY 3, 2018

Robert Garlick (Licensee) appeals from the January 4, 2017 Order of the Court of Common Pleas of Erie County (common pleas) denying his appeal from a one-year suspension of his operating privilege imposed by the Commonwealth of Pennsylvania, Department of Transportation, Bureau of Driver Licensing (DOT), under Section 1547(b)(1)(i) of the Vehicle Code, 75 Pa. C.S. § 1547(b)(1)(i), commonly referred to as the Implied Consent Law.² On appeal, Licensee argues his suspension must be reversed because he was not warned, in accordance with Section 1547(b)(2)(ii) of the Vehicle Code, 75 Pa. C.S. § 1547(b)(2)(ii), that his refusal to submit to a blood test would subject him to enhanced criminal penalties under Section 3804(c) of the Vehicle Code, 75 Pa. C.S. § 3804(c). Before addressing Licensee's argument, however, it is necessary for the Court to review the recent legal developments that have altered the way in which courts have applied implied consent laws and the penalties that may result from a violation of these laws.

I. Legal Background

Beginning on February 1, 2004, Section 1547(b)(2)(ii) of the Vehicle Code required a police officer to warn a licensee stopped on suspicion of driving under the influence (DUI) that the licensee's refusal to submit to a blood test would subject the licensee to enhanced

¹ This decision was reached before the conclusion of Judge Cosgrove's service with this Court on December 31, 2017.

² Section 1547(b)(1)(i) reads, in pertinent part, as follows:

(1) If any person placed under arrest for a violation of section 3802 [relating to driving under influence of alcohol or controlled substance] is requested to submit to chemical testing and refuses to do so, the testing shall not be conducted but upon notice by the police officer, the department shall suspend the operating privilege of the person as follows:

(i) Except as set forth in subparagraph (ii), for a period of 12 months.

75 Pa. C.S. § 1547(b)(1)(i).

criminal penalties. Section 9.1 of Act of September 30, 2003, P.L. 120.³ Officers followed that requirement by reading from DOT Form DL-26, a portion of which tracked that statutory language.

On June 23, 2016, the United States Supreme Court issued its decision in *Birchfield v. North Dakota*, 136 S. Ct. 2160 (2016). In *Birchfield*, petitioners challenged North Dakota and Minnesota laws that made it a crime for a motorist suspected of DUI to refuse a breath or blood test required under those states' implied consent laws. *Id.* at 2170-72. The petitioners argued that the criminal law ordinarily may not compel a motorist to submit to the taking of a blood sample or to a breath test unless a magistrate issues a warrant authorizing such testing. *Id.* at 2172. The Supreme Court held that a breath test, but not a blood test, is reasonable in the absence of a warrant under the search-incident-to-arrest exception to the warrant requirement because there is a great need for testing a motorist's level of intoxication, and the impact on privacy interests is only slight. *Id.* at 2184. Blood tests, in contrast, are "significantly more intrusive" and, thus, require a warrant or exigent circumstances. *Id.* The Court then rejected the respondents' alternative argument that blood tests were "justified based on the driver's legally implied consent to submit to them." *Id.* at 2185. In doing so, the Court stated that its "prior opinions have referred approvingly to the general concept of implied-consent laws that impose civil penalties and evidentiary consequences on motorists who refuse to comply," that the petitioners did not question the constitutionality of implied consent laws, and nothing said in its opinion "should be read to cast doubt on them." *Id.* Nevertheless, the Court held, a state could not impose **criminal** penalties on a motorist for refusing to submit to a blood test because there had to "be a limit on the consequences to which motorists may be deemed to have consented by virtue of a decision to drive on public roads." *Id.* In short, "motorists cannot be deemed to have consented to submit to a blood test on pain of committing a criminal offense." *Id.* at 2186.

According to DOT, a week after *Birchfield* was decided, the Pennsylvania District Attorneys Association and a number of county district attorneys participated in a teleconference with DOT. (DOT's Br. at 12-13.) During that teleconference, the district attorneys expressed concern that if the warning about enhanced criminal penalties was not removed from Form DL-26, drivers arrested for DUI who consented to a blood test would be able to successfully move to suppress the results in the criminal proceedings. (*Id.* at 13.) DOT agreed to amend Form DL-26 by creating one for breath tests and one for blood tests, the latter of which is now Form DL-26B. (*Id.*)

The district attorneys' concern was subsequently validated by the Superior Court's decision that when a motorist is given the warning contained in Section 1547(b)(2)(ii), the warning is "partially inaccurate" and, consequently, the results of the blood test must be suppressed and

³ When the General Assembly amended Section 1547(b)(2), effective on February 1, 2004, it provided as follows:

It shall be the duty of the police officer to inform the person that: (i) the person's operating privilege will be suspended upon refusal to submit to chemical testing; and (ii) upon conviction, plea or adjudication of delinquency for violating Section 3802(a) [of the Vehicle Code], the person will be subject to the penalties provided in section 3804(c) (relating to penalties).

Former 75 Pa. C.S. § 1547(b)(2). Section 1547(b)(2)(ii) now reads,

It shall be the duty of the police officer to inform the person that: ... (ii) if the person refuses to submit to chemical **breath** testing, upon conviction or plea for violating section 3802(a)(1), the person will be subject to the penalties provided in section 3804(c) (relating to penalties).

75 Pa. C.S. § 1547(b)(2)(ii) (emphasis added).

an enhanced sentence for refusing the blood test must be vacated. *Commonwealth v. Evans*, 153 A.3d 323, 331 (Pa. Super. 2016) (vacating the trial court’s suppression order finding that the driver consented to a draw of his blood where the officer warned the driver that he would be subject to enhanced criminal penalties if he refused); *see also Commonwealth v. Giron*, 155 A.3d 635, 640 (Pa. Super. 2017) (vacating sentence and holding that a defendant is not subject to enhanced criminal penalties when he refuses an officer’s request under the Implied Consent Law to take his blood).

In July 2017, the General Assembly amended Sections 1547(b)(2)(ii) and 3804(c) of the Vehicle Code, consistent with the holding in *Birchfield*, to clarify that enhanced criminal penalties could be imposed only for refusing to submit to “chemical **breath** testing,” not blood testing. Section 4 of Act of July 20, 2017, P.L. 333 (emphasis added). A licensee, thus, is no longer subject to enhanced criminal penalties for refusing an officer’s request to test his blood absent a search warrant.⁴ Concomitantly, since a licensee is no longer subject to enhanced criminal penalties for refusing a blood test, the General Assembly removed from Section 1547(b)(2)(ii) the obligation of an officer to warn a licensee about that consequence. With that background, the question Licensee presents for our consideration is what effect, if any, does an officer’s failure to warn a licensee, as ostensibly required by Section 1547(b)(2)(ii) at the time a sample of his blood was requested, have on the suspension of his license.

II. Factual Background

Following *Birchfield*, but before the decisions in the Superior Court cases applying *Birchfield* to criminal matters and the General Assembly’s amendments to Sections 1547(b)(2)(ii) and 3804(c) of the Vehicle Code, the following undisputed events occurred. On July 17, 2016, Trooper Timothy McConnell (Trooper) of the Pennsylvania State Police responded to a single-car accident scene where there was a Buick Rendezvous lying on its roof in a ditch. No operator was present. Once Trooper identified Licensee’s mother as the registered owner, he proceeded to her residence where he spoke with her and Licensee. While Trooper spoke with Licensee, Licensee exhibited classic signs of intoxication. There were also physical markings on Licensee, such as dirt on his hands and a seat belt rash on the left side of his neck, which suggested he had been driving the vehicle when it had crashed. Trooper asked Licensee’s father to transport Licensee back to the accident scene down the road so that Trooper could administer field sobriety tests. After Trooper administered one test to Licensee, Licensee put his head down and told Trooper to arrest him. Trooper attempted to administer a preliminary breath test, but Licensee refused. Trooper placed Licensee under arrest on suspicion of DUI and transported him back to the State Police barracks. There, Trooper read verbatim the warnings contained in DOT Form DL-26B. Those warnings provide, in relevant part,

1. You are under arrest for driving under the influence of alcohol or a controlled substance in violation of Section 3802 of the Vehicle Code.
2. I am requesting that you submit to a chemical test of blood.

⁴ Section 3804(c) now provides that a licensee’s punishment may be enhanced for refusing testing of his blood “pursuant to a valid search warrant.” 75 Pa. C.S. § 3804(c). Like Section 1547(b)(2)(ii), Section 3804(c) was amended by the Act of July 20, 2017, so as to eliminate enhanced criminal penalties for refusing a test of one’s blood in the absence of a valid search warrant. Section 4 of the Act of July 20, 2017, P.L. 333. A licensee need not be warned that refusing a request for blood pursuant to a valid search warrant will subject him to enhanced criminal penalties.

3. If you refuse to submit to the blood test, your operating privilege will be suspended for at least 12 months. If you previously refused a chemical test or were previously convicted of driving under the influence, you will be suspended for up to 18 months.
4. You have no right to speak with an attorney or anyone else before deciding whether to submit to testing. If you request to speak with an attorney or anyone else after being provided these warnings or you remain silent when asked to submit to a blood test, you will have refused the test.

(Reproduced Record (R.R.) at 37a.) Trooper did not inform Licensee that he would be subject to enhanced **criminal** penalties under Section 3804(c) of the Vehicle Code if he refused to consent, even though that warning was, at the time, apparently required by Section 1547(b)(2)(ii) of the Vehicle Code.⁵ (R.R. at 25a, 29a.) Licensee refused to submit to a blood test.

Thereafter, DOT suspended Licensee's operating privilege for one year. Licensee appealed to common pleas, arguing that DOT could not suspend his operating privilege because Trooper did not warn him that he would be subject to enhanced criminal penalties as required by Section 1547(b)(2)(ii). Licensee noted that DOT removed this warning, which had been previously part of DOT Form DL-26, following the United States Supreme Court's decision in *Birchfield* because of concerns that the warning would adversely impact criminal prosecutions. However, Licensee argued, until the General Assembly amends Section 1547(b)(2)(ii) to reflect *Birchfield*, police officers must give the statutorily mandated warning.

Common pleas denied Licensee's appeal and reinstated his one-year suspension, concluding that DOT met its burden of proof and, Licensee, in opposition, failed to prove that he was incapable of making a knowing and conscious refusal. (Common Pleas Order, Jan. 4, 2017.) In its opinion pursuant to Pennsylvania Rule of Appellate Procedure 1925(a), Pa. R.A.P. 1925(a), common pleas concluded that in light of *Birchfield* and subsequent Pennsylvania law applying *Birchfield*, Form DL-26B is accurate. (Common Pleas Op. at 9, Mar. 6, 2017.) Common pleas recounted that following *Birchfield*, the Superior Court has held that, "in the absence of a warrant or exigent circumstances," a licensee could not be subject to enhanced criminal penalties for refusing a blood test. (*Id.* at 8 (quoting *Giron*, 155 A.3d at 640).) Therefore, common pleas concluded, a police officer cannot warn a licensee about the potential of an enhanced criminal penalty for refusing a blood test because to do so would be "unduly coercive and deceptively inaccurate." (*Id.* at 9.) Trooper here, common pleas held, performed his duty by limiting his warning to Licensee that Licensee's refusal to submit to a blood test would result in a suspension of Licensee's operating privilege, and that was what DOT imposed when Licensee refused. (*Id.* at 9-10.)

III. Analysis

On appeal,⁶ Licensee argues that, at the time it was read to him, Form DL-26B did not conform with the mandate contained in Section 1547(b)(2)(ii) in that he was not informed

⁵ At that time former Section 1547(b)(2)(ii) provided as follows:

It shall be the duty of the police officer to inform the person that: ... (ii) if the person refuses to submit to chemical testing, upon conviction or plea for violating section 3802(a)(1) [of the Vehicle Code], the person will be subject to the penalties provided in section 3804(c) [of the Vehicle Code] (relating to penalties).

Former 75 Pa. C.S. § 1547(b)(2)(ii).

⁶ Our standard of review is limited to determining whether common pleas committed an error of law, whether common pleas abused its discretion, or whether the findings of fact are supported by substantial evidence. *Reinhart v. Dep't of Transp., Bureau of Driver Licensing*, 954 A.2d 761, 765 n.3 (Pa. Cmwlth. 2008).

that his refusal would subject him to enhanced criminal penalties and, therefore, his operating privilege should not have been suspended. Licensee further argues that *Birchfield* has no bearing on civil license suspension proceedings, and Pennsylvania law has distinguished between civil license suspension proceedings and criminal proceedings, indicating that the latter does not affect the former.

In order to support a suspension of Licensee's operating privilege under Section 1547(b)(1), DOT had the burden of proving the following:

(1) Licensee was arrested for violating Section 3802 of the Vehicle Code by a police officer who had "reasonable grounds to believe" that Licensee was operating or was in actual physical control of the movement of a vehicle while in violation of Section 3802 (i.e., while driving under the influence); (2) Licensee was asked to submit to a chemical test; (3) Licensee refused to do so; and (4) Licensee was **specifically warned** that a refusal would result in the suspension of his operating privileges and **would result in enhanced penalties** if he was later convicted of violating Section 3802(a)(1).

Martinovic v. Dep't of Transp., Bureau of Driver Licensing, 881 A.2d 30, 34 (Pa. Cmwlth. 2005) (emphasis added). There is no constitutional requirement for a police officer to provide any warning to a licensee of the consequences of his failure to submit to a blood test, *Negovan v. Department of Transportation, Bureau of Driver Licensing*, _ A.3d _, _ (Pa. Cmwlth., No. 200 C.D. 2017, filed Oct. 24, 2017), slip op. at 5; however, there is a statutory requirement, 75 Pa. C.S. § 1547(b)(2)(ii). It is undisputed that at the time Trooper requested that Licensee submit to a blood test, Section 1547(b)(2)(ii) provided that "[i]t **shall** be the duty of the police officer to inform the person that: ... (ii) if the person refuses to submit to chemical testing, upon conviction or plea for violating section 3802(a)(1), the person will be subject to the penalties provided in section 3804(c) (relating to penalties)." *Former 75 Pa. C.S. § 1547(b)(2)(ii)* (emphasis added). Our Supreme Court has said that the language then in Section 1547(b)(2)(ii) "**command[ed]**" a police officer to warn a licensee about the possibility of enhanced criminal penalties if convicted of DUI. *Dep't of Transp., Bureau of Driver Licensing v. Weaver*, 912 A.2d 259, 264 (Pa. 2006) (emphasis added).

It is true, as Licensee argues, that the language contained in Section 1547(b)(2)(ii) was mandatory at the time Trooper requested that Licensee submit to a blood test. However, while Section 1547(b)(2)(ii) then "command[ed]" that a warning about enhanced criminal penalties be given, *Weaver*, 912 A.2d at 264, the purpose behind that provision is to make a licensee aware "of the consequences of a refusal to take the test so that he can make a knowing and conscious choice." *Dep't of Transp., Bureau of Traffic Safety v. O'Connell*, 555 A.2d 873, 877 (Pa. 1989); see *Commonwealth v. Myers*, 164 A.3d 1162, 1171 n.12 (Pa. 2017) (plurality) ("purpose of [Section 1547(b)(2)] 'is to entitle arrestees to the information necessary to assess the dire consequences they face if they fail to consent to chemical testing, to ensure their choice in that regard is knowing and conscious, as we described in *O'Connell*'" (quoting *Weaver*, 912 A.2d at 267 (Baer, J., dissenting))); *Weaver*, 912 A.2d at 265 (noting that the warning contained in Section 1547(b)(2)(ii) "informs the arrestee that the penalties are concrete, and not inconsequential").

Following *Birchfield*, and as the Superior Court concluded thereafter, a licensee **cannot** be criminally punished for refusing a police officer's request to test his blood pursuant to the Implied Consent Law. Although, at the time Trooper requested that Licensee submit to

a blood test, Section 1547(b)(2)(ii) still required a warning that a licensee would be subject to enhanced criminal penalties under Section 3804(c) for refusing a test of his blood, Licensee could not, as a matter of constitutional law, be subject to such penalties. Stated simply, enhanced criminal penalties were not a consequence of Licensee's refusing the requested blood test. Licensee's argument is, in effect, that because the General Assembly did not immediately amend Section 1547(b)(2)(ii), DOT and the police had to continue to apply Section 1547(b)(2)(ii). However, the effect of *Birchfield* and the Superior Court cases that followed was to render the criminal penalties warned of in Section 1547(b)(2)(ii) as applied to blood testing unenforceable and to effectively sever that section from the rest of the Vehicle Code. See Section 1925 of the Statutory Construction Act of 1972, 1 Pa. C.S. § 1925 (“[t]he provisions of every statute shall be severable” with certain exceptions not applicable here); *Commonwealth v. Batts*, 163 A.3d 410, 441 (Pa. 2017) (emphasis added) (stating that “[i]f a provision of a statute is invalidated for any reason . . . a court must sever it from the remaining, valid portion of the statute”).

Licensee adds that *Birchfield* has no impact on civil license suspension appeals, as recognized by this Court in *Boseman v. Department of Transportation, Bureau of Driver Licensing*, 157 A.3d 10, 21 (Pa. Cmwlth. 2017), and that Pennsylvania Courts have consistently distinguished between civil license suspension proceedings and criminal DUI proceedings. In *Boseman*, the licensee's license was suspended when she refused to submit to a test of her blood under the Implied Consent Law after being arrested for suspicion of DUI. *Id.* at 12. On appeal to this Court, the licensee claimed, *inter alia*, that under *Birchfield*, in the absence of exigent circumstances, the arresting officer had to obtain a warrant for a test of her blood, and his failure to do so required that her appeal be sustained. *Id.* at 19. We concluded that *Birchfield* was not applicable because “[b]y its own language *Birchfield* does not apply to implied consent laws that merely impose civil penalties.” *Id.* at 21 (citing *Birchfield*, 136 S. Ct. at 2185 (“Petitioners do not question the constitutionality of [implied-consent laws that impose civil penalties and evidentiary consequences on motorists who refuse to comply], and nothing we say here should be read to cast doubt on them.”)). Rather, we said, “*Birchfield* addressed the constitutionality of a State statute that made it a **crime** to refuse a warrantless blood test after being arrested for DUI.” *Id.* (emphasis in original). Thus, we concluded, while “*Birchfield* may have some impact in criminal DUI proceedings in Pennsylvania where enhanced penalties based on refusal of a blood test are imposed, such is not the case before us in this civil license suspension appeal under the Implied Consent Law.” *Id.*

Licensee's point from his citation to *Boseman* and other, similar cases is not entirely clear.⁷ We have held that *Birchfield* does not invalidate a civil license suspension based

⁷ In further support of Licensee's position that violations of a licensee's rights in the criminal context have no impact on civil license suspension proceedings and, thus, there is no reason to consider *Birchfield*, he cites to the following cases: *Dep't of Transp. v. Wysocki*, 535 A.2d 77, 79 (Pa. 1987) (holding that whether police roadblock was unconstitutional had no bearing on the validity of a license suspension because Section 1547 merely required an arrest, not a valid one, and, thus, the exclusionary rule does not apply to a license suspension proceeding); *Sitoski v. Dep't of Transp., Bureau of Driver Licensing*, 11 A.3d 12, 20 (Pa. Cmwlth. 2010) (holding that two-hour window for submitting to a chemical test as set forth in Section 3802(a)(2) of the Vehicle Code relates to a licensee's criminal prosecution for DUI and, thus, has no bearing on whether implied consent warnings were for purposes of suspending licensee's license); *Witmer v. Dep't of Transp., Bureau of Driver Licensing*, 880 A.2d 716, 719 (Pa. Cmwlth. 2005) (rejecting licensee's argument that the warnings required by *Miranda v. Arizona*, 384 U.S. 436 (1966), had to precede an officer's request to draw blood before the licensee's license could be suspended because “the sanctions imposed by the Implied Consent Law are civil in nature and wholly unrelated to the consequences of a criminal DUI prosecution”).

on the argument that a warrant was required to obtain the requested blood test. *Id.* at 21. However, what Licensee seems to suggest is that, in order for his license suspension to be valid, Trooper had to violate Licensee's Fourth Amendment rights by warning Licensee about the no-longer enforceable enhanced criminal penalties because Section 1547(b)(2)(ii) still required that warning. This constitutional violation, according to Licensee's interpretation of these cases, would have no impact on his license suspension and, therefore, there was no reason for common pleas to consider *Birchfield* in this proceeding.⁸ To put it simply, Licensee's argument encourages officers to violate licensees' Fourth Amendment rights thereby jeopardizing their criminal prosecutions in order to comply with Section 1547(b)(2)(ii) even though the criminal penalty in the warning is no longer enforceable and, therefore, no longer a consequence of refusing a blood test. We cannot countenance such an argument.

Given our review of the current state of the law, Licensee's argument that his license must be reinstated because he was not warned that he would be subject to no longer constitutionally permissible enhanced criminal penalties for refusing blood testing is unpersuasive. Trooper specifically and accurately warned Licensee about the consequences of refusing a blood test that remain following *Birchfield*, that is, the suspension of his license.⁹ Therefore, common pleas did not err when it denied Licensee's appeal.

IV. Conclusion

For the foregoing reasons, we affirm the January 4, 2017 Order of common pleas denying Licensee's appeal of DOT's one-year suspension of his operating privilege.

/s/ **Renée Cohn Jubelirer, Judge**

Judge Cosgrove concurs in result only.

ORDER

NOW, January 3, 2018, the Order of the Court of Common Pleas of Erie County, dated January 4, 2017, is **AFFIRMED**.

/s/ **Renée Cohn Jubelirer, Judge**

⁸ On October 18, 2017, an en banc panel of this Court heard argument in *Renfroe v. Department of Transportation, Bureau of Driving Licensing*, docket number 1907 C.D. 2016, which raised the issue of whether, after *Birchfield*, a warning that the licensee would be subject to enhanced criminal penalties for refusing a blood test warranted reversal of his civil license suspension. A decision from this Court in *Renfroe* is pending.

⁹ Once DOT meets its burden, the burden shifts to the licensee to establish that he was incapable of making a knowing and conscious refusal. *Dep't of Transp., Bureau of Motor Vehicles v. Kyong Rok Yi*, 562 A.2d 1008, 1009 (Pa. Cmwlth. 1989). Common pleas concluded that Licensee did not prove that his refusal was not knowing and conscious. Although Licensee does not clearly assert in his brief that his refusal was not knowing and conscious, to the extent his argument could be construed in this fashion, it lacks merit for the reasons already articulated.

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania 10364-18 Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Carrie Elizabeth Shay to Carrie Suzanne Shay.

The Court has fixed the 27th day of March, 2018 at 1:30 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.

Feb. 23

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: Sigma Squared Music
2. Address of the principal place of business, including street and number: 3131 Brown Rd., Waterford, PA 16441
3. The real names and addresses, including street and number, of the parties to the registration: Steve Winstead, 3131 Brown Rd., Waterford, PA 16441
4. An application for registration of fictitious name under the Fictitious Names Act was filed on or about February 12, 2018 with the Pennsylvania Department of State.

Feb. 23

FICTITIOUS NAME NOTICE

1. Fictitious Name: Bella Vista Winery
2. Address of the principal place of business, including street and number: 9 East Division Street, North East, PA 16428
3. The real names and addresses,

including street and number, of the parties to the registration: Uncorked, LLC, 9 East Division Street, North East, PA 16428

4. An application for registration of fictitious name under the Fictitious Names Act was filed on or about December 8, 2017

Feb. 23

LEGAL NOTICE

Court of Common Pleas
Erie County, Pennsylvania
Civil Action-Law
No. 2017-12389
Notice of Action in
Mortgage Foreclosure

PNC Bank, National Association, Plaintiff vs. Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest From or Under Nancy Shaw Jordan, deceased, Lauri Lyn Jewell a/k/a Lauri Lyn Jordan Jewell, known Heir of Nancy Shaw Jordan, deceased, John Jordan, known Heir of Nancy Shaw Jordan, deceased and Marci Jo Stahlman, known Heir of Nancy Shaw Jordan, 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 Nancy Shaw Jordan, deceased, Defendant(s), whose last known address is 2054 Riverside Drive, Erie, PA 16510. Your house (real estate) at: 2054 Riverside Drive, Erie, PA 16510, 50-002-035.0-009.00, is scheduled to be sold at Sheriff's Sale on 4/20/18, at 10:00AM, at Erie County Sheriff's Office, 140 W. Sixth St., Erie, PA 16501, to enforce the court judgment of \$45,868.43, obtained by PNC Bank, National Association (the mortgage) 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 PNC Bank, National Association, 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 Service, Lawyer Referral & Information 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. Christopher A. DeNardo, Kristen D. Little, Kevin S. Frankel, Samantha Gable, Daniel T. Lutz, Leslie J. Rase, Alison H. Tulio & Katherine M. Wolf, Attys. for Plaintiff, Shapiro & DeNardo, LLC, 3600 Horizon Dr., Ste. 150, King of Prussia, PA 19406, 610.278.6800.

Feb. 23

LEGAL NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania
Civil Action
13215 - 2017

Tony Johnson, Administrator of the Estate of Toni Elyse Feidler a/k/a Toni E. Feidler, Plaintiff

v.

Victoria A. Severo

Nature of Action: A civil action seeking damages related to the death of Toni Elyse Feidler.

To Defendant: Victoria A. Severo

Notice to Defend: You are hereby notified the plaintiff, Tony Johnson, Administrator of the Estate of Toni Elyse Feidler a/k/a Toni E. Feidler, has filed a Writ of Summons against you at 13215-2017 in the Civil Division of the Court of Common Pleas of Erie County, Pennsylvania. If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff.

You may lose money or property or other rights important to you. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

PA Lawyer Referral Services
PA Bar Association
100 South Street
Harrisburg, PA 17108
Phone (800) 692-7375
Lawyer Referral and
Information Service
P.O. Box 1792

Erie, Pennsylvania 16507
(814) 459-4411

Mon. - Fri. 8:30 a.m.-noon;
1:15 p.m.-3:00 p.m.

Purchase, George & Murphey, P.C.
By: Darrell W. Kuntz, III
Attorney I.D. 316801
2525 West 26th Street, Suite 200,
Erie, PA 16506
(814) 833-7100, Attorney for Plaintiff

Feb. 23

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

**MARCH 16, 2018
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

Feb. 23 and March 2, 9

SALE NO. 1

**Ex. #13202 of 2017
MARQUETTE SAVINGS
BANK, Plaintiff**

v.

**THOMAS C. PASKY, Defendant
DESCRIPTION**

By virtue of a Writ of Execution filed at No. 2017-13202, Marquette Savings Bank vs. Thomas C. Pasky, owner of property situate in the City of Erie, Erie County, Pennsylvania being: 520 East 26th Street, Erie, Pennsylvania.

80' X 143' X 80' X 143'

Assessment Map Number: (18) 5023-116

Assessed Value Figure: \$49,800.00
Improvement Thereon: Residence
Eugene C. Sundberg, Jr., Esq.

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

Feb. 23 and March 2, 9

SALE NO. 2

**Ex. #12976 of 2017
ERIEBANK, a division of CNB
Bank, Plaintiff**

v.

Gregory D. Ashton and Carrie L. Ashton, Defendants

DESCRIPTION

By virtue of a Writ of Execution filed at No. 2017-12976, ERIEBANK, a division of CNB Bank v. Gregory D. Ashton and Carrie L. Ashton, owner of property situated in Millcreek Township, Erie County, Pennsylvania being commonly known as 6323 Stonebrook Drive, Erie, PA 16506 with 1,714 square footage.

Assessment Map No. (33) 181-566-4.32

Assessed Value Figure: \$261,555

Improvement thereon:

Condominium

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

120 West Tenth Street
Erie, Pennsylvania 16501

(814) 459-2800

Feb. 23 and March 2, 9

SALE NO. 4

**Ex. #13164 of 2016
JPMORGAN CHASE BANK,
NATIONAL ASSOCIATION,
Plaintiff**

v.

**ANGELA R. BERRY,
Defendant(s)**

DESCRIPTION

All that certain piece or parcel of land situate in the City of Erie (formerly Township of Millcreek), County of Erie and State of Pennsylvania, being Lot No. 24 in the Burton Heights Subdivision in the western part of Tract No. 62, as shown upon a map of said subdivision recorded in the Office of the Recorder of Deeds for Erie County, Pennsylvania, in Map Book No. 1 at page 403.

Said property commonly known as 1033 East 37th Street, Erie, Pennsylvania, 16504 and being further identified by Erie County Tax Parcel Index No. (18) 5202-105. Being the same premises as conveyed to the mortgagor(s) herein by deed recorded this date.

KML Law Group, P.C.

Attorney for Plaintiff

Suite 5000 - BNY Independence Center, 701 Market Street

Philadelphia, PA 19106-1532

(215) 627-1322

Feb. 23 and March 2, 9

SALE NO. 5

**Ex. #13010 of 2012
PROF-2013-S3 Legal Title
Trust II, By U.S. Bank National
Association As Legal Title
trustee, Plaintiff**

v.

**MELODY B. RINDFUSS, RICK
L. RINDFUSS, Defendant(s)**

DESCRIPTION

ALL that certain piece or parcel of land situate in the Reserve Tract No. 21, Millcreek Township, Erie County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center line of Colonial Avenue and also the west line of Reserve Tract No. 21, said point being North 26 degrees, 04 minutes West a distance of 1,276.42 feet from the intersection of the center line of West 32nd Street and the said center line of Colonial Avenue; thence South 26 degrees, 04 minutes East along the center line of Colonial Avenue, a distance of 100 feet; thence North 64 degrees, 00 minutes, 20 seconds East, passing over an iron survey point at a distance of 40 feet and 390 feet, a total distance of 403 feet plus or minus; thence North 26 degrees, 04 minutes West, a distance of 100 feet to an iron survey point; thence South 64 degrees, 00 minutes, 20 seconds West, passing over an iron survey point at a distance of 13 feet and 363 feet, a total distance of 403 feet, plus or minus to the center line of Colonial Avenue and the place of beginning.

SAID premises have erected thereon a dwelling commonly known as 2807

Colonial Avenue, Erie, Pennsylvania and are further identified by Erie County Assessment Index Number (33) 54-249-49.
 BEING the same premises conveyed to the Mortgagor(s) by deed which is intended to be recorded forthwith.
PROPERTY ADDRESS: 2807 Colonial Avenue Erie, PA 16506
 KML Law Group, P.C.
 Attorney for Plaintiff
 Suite 5000 - BNY Independence Center, 701 Market Street Philadelphia, PA 19106-1532
 (215) 627-1322

Feb. 23 and March 2, 9

SALE NO. 6

Ex. #12394 of 2017
PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff

v.

LEE A. ANDREE AND TERESA R. ANDREE, Defendants

DESCRIPTION

By virtue of a Writ of Execution No. 2017-12394 PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff vs. LEE A. ANDREE AND TERESA R. ANDREE, Defendants
 Real Estate: 2360 EDINBORO ROAD, ERIE, PA 16509
 Municipality: Township of Millcreek
 Erie County, Pennsylvania
 Dimensions: 1.08 acre
 See Deed Book 2010-011237
 Tax I.D. (33) 187-668-23
 Assessment: \$34,800 (Land)
 \$133,600 (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

Feb. 23 and March 2, 9

SALE NO. 7

Ex. #12726 of 2016
PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff

v.

EMILY A. BOYAJIAN, Defendants

DESCRIPTION

By virtue of a Writ of Execution No. 2016-12726 PENNSYLVANIA

HOUSING FINANCE AGENCY, Plaintiff vs. EMILY A. BOYAJIAN, Defendants

Real Estate: 350 EAST 36TH STREET, ERIE, PA 16504
 Municipality: City of Erie
 Erie County, Pennsylvania
 Dimensions: 50 x 110
 See Instrument #: 2010-012222
 Tax I.D. (18) 5365-325
 Assessment: \$17,600 (Land)
 \$85,140 (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

Feb. 23 and March 2, 9

SALE NO. 8

Ex. #13090 of 2017
PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff

v.

ANTHONY J. DEDIONISIO AND COURTNEY M. DEDIONISIO, Defendants

DESCRIPTION

By virtue of a Writ of Execution No. 2017-13090 PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff vs. ANTHONY J. DEDIONISIO AND COURTNEY M. DEDIONISIO, Defendants
 Real Estate: 652 EAST 31ST STREET, ERIE, PA 16504
 Municipality: City of Erie
 Erie County, Pennsylvania
 Dimensions: 50 x 130
 See Deed Book 1505 / 2299
 Tax I.D. (18) 5066-235
 Assessment: \$17,900 (Land)
 \$45,790 (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

Feb. 23 and March 2, 9

SALE NO. 10

Ex. #10141 of 2016
U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE PENNSYLVANIA

HOUSING FINANCE AGENCY, Plaintiff

v.

MICHELLE D. MCGROREY AND MICHAEL P. MCGROREY, Defendants

DESCRIPTION

By virtue of a Writ of Execution No. 2016-10141 U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff vs. MICHELLE D. MCGROREY AND MICHAEL P. MCGROREY, Defendants
 Real Estate: 3729 STIRRUP DRIVE, ERIE, PA 16506
 Municipality: Township of Millcreek
 Erie County, Pennsylvania
 Lot No. 12, Chapel Hill Subdivision No. 2
 Map Book 7, Page 37
 Deed Instrument #2012-001986
 Mortgage Instrument #2012-001987
 Tax Index Number: (33) 183-673-5
 Assessment: \$44,300 (Land)
 \$143,330 (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

Feb. 23 and March 2, 9

SALE NO. 11

Ex. #12766 of 2017
Deutsche Bank National Trust Company, as Trustee for Ameriquest Mortgage Securities, Inc., Asset-Backed Pass-Through Certificates, Series 2004-FR1, Plaintiff

v.

CLARA STRONG A/K/A CLARA MARIE STRONG A/K/A CLARA M. STRONG A/K/A CLARA FOSCO, DANIEL STRONG A/K/A DANIEL D. STRONG, Defendant(s)

DESCRIPTION

ALL THAT CERTAIN LOT OF LAND SITUATE IN TOWNSHIP OF MCKEAN, ERIE COUNTY,

PENNSYLVANIA:
BEING KNOWN AS 8470
Neuburger Road, Fairview
(McKean Township), PA 16415
PARCEL NUMBER: (31)11-50-
10.01
IMPROVEMENTS: Residential
Property
Nicole LaBletta, Esquire
PA ID 202194
Attorney for Plaintiff
Udren Law Offices, P.C.
Woodcrest Corporate Center
111 Woodcrest Road, Suite 200
Cherry Hill, NJ 08003-3620
856-669-5400

Feb. 23 and March 2, 9

SALE NO. 12

Ex. #11719 of 2016
Wells Fargo Bank, N.A., Plaintiff
v.

Elizabeth A. Pasierb, Defendant
DESCRIPTION

By virtue of a Writ of Execution filed to No. 11719-16 Wells Fargo Bank, N.A. vs. Elizabeth A. Pasierb, owners of property situated in Erie City, Erie County, Pennsylvania being 1130 West 35th Street, Erie, PA 16508
Square Feet - 958, Acreage - 0.1550
Assessment Map number: 19061027023100
Assessed Value figure: \$78,400.00
Improvement thereon: Residential Dwelling
Roger Fay, Esquire
1 E. Stow Road
Marlton, NJ 08053
(856) 482-1400

Feb. 23 and March 2, 9

SALE NO. 13

Ex. #12202 of 2017
Wells Fargo Bank, N.A., s/b/m to Wells Fargo Home Mortgage Inc., Plaintiff
v.
Tadd L. Bowman, Defendant(s)

DESCRIPTION

By virtue of a Writ of Execution filed to No. 12202-17 Wells Fargo Bank, N.A., s/b/m to Wells Fargo Home Mortgage, Inc. vs. Tadd L. Bowman
Amount Due: \$92,950.92
Tadd L. Bowman, owner(s) of property situated in NORTH

EAST BOROUGH, Erie County, Pennsylvania being 209 South Lake Street, North East, PA 16428-1230
Dimensions: 93 X 160
Acreage: 0.3515
Assessment Map number: 35008057000800
Assessed Value: \$121,800.00
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

Feb. 23 and March 2, 9

SALE NO. 15

Ex. #11140 of 2017
U.S. Bank National Association, as Trustee, Successor in Interest to Bank of America National Association, as Trustee, Successor by Merger to Lasalle Bank National Association, as Trustee for Residential Asset Mortgage Products, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2007-RP2, Plaintiff
v.

Tracey Y. Easter, Defendant(s)
DESCRIPTION

By virtue of a Writ of Execution filed to No. 11140-17 U.S. Bank National Association, as Trustee, Successor in Interest to Bank of America National Association, as Trustee, Successor by Merger to Lasalle Bank National Association, as Trustee for Residential Asset Mortgage Products, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2007-RP2 vs. Tracey Y. Easter
Amount Due: \$110,317.41
Tracey Y. Easter, owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania being 2810 Holland Street, Erie, PA 16504-1042
Dimensions: 35.17 X 120
Assessment Map number: 18-50-85-204
Assessed Value: \$70,100.00
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
Feb. 23 and March 2, 9

SALE NO. 16

Ex. #10104 of 2017
CitiMortgage, Inc. s/b/m Citicorp Mortgage, Inc., Plaintiff
v.
Carol Y. Gore a/k/a Carolyn Gore a/k/a Carol Y. Bennett, Allen Bennett, Defendant(s)

DESCRIPTION

By virtue of a Writ of Execution filed to No. 10104-2017 CitiMortgage, Inc. s/b/m Citicorp Mortgage, Inc. vs. Carol Y. Gore a/k/a Carolyn Gore, Allen Bennett
Amount Due: \$53,813.92
Carol Y. Gore a/k/a Carolyn Gore a/k/a Carol Y. Bennett, Allen Bennett, owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania being 3604 Bird Dr., Erie, PA 16510-2740
Dimensions: 63 X 125
Acreage: 0.1808
Assessment Map number: 18051047020500
Assessed Value: \$81,210.00
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

Feb. 23 and March 2, 9

SALE NO. 17

Ex. #12157 of 2017
CitiMortgage, Inc., Plaintiff
v.
Gregory J. Guanian, Julie L. Jaworski, Defendant(s)
DESCRIPTION

By virtue of a Writ of Execution filed to No. 12157-17 CitiMortgage, Inc. vs. Gregory J. Guanian, Julie L. Jaworski
Amount Due: \$96,332.48
Gregory J. Guanian, Julie L. Jaworski, owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania being 2426 East 32nd Street, Erie, PA 16510-2702
Dimensions: 57.49 X IRR, 1428 sq. ft.

Assessment Map number: 18-051-064-0-407-00
 Assessed Value: \$110,300.00
 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

Feb. 23 and March 2, 9

SALE NO. 18

Ex. #12737 of 2017

Bank of America, N.A., Plaintiff

v.

Paula B. Harris, Defendant(s)

DESCRIPTION

By virtue of a Writ of Execution filed to No. 12737-17 Bank of America, N.A. vs. Paula B. Harris Amount Due: \$31,993.02

Paula B. Harris, owner(s) of property situated in GREENFIELD TOWNSHIP, Erie County, Pennsylvania being 9190 Dougan Road, North East, PA 16428-5630 Acreage: 2.100

Assessment Map number: 26-008-022.0-014.00

Assessed Value: \$66,220.00

Improvement thereon: residential
 Phelan Hallinan Diamond & Jones, LLP
 One Penn Center at Suburban Station, Suite 1400

1617 John F. Kennedy Boulevard
 Philadelphia, PA 19103-1814
 (215) 563-7000

Feb. 23 and March 2, 9

SALE NO. 19

Ex. #12793 of 2017

Wells Fargo Bank, N.A., Plaintiff

v.

**William A. Hillhouse,
 Defendant(s)**

DESCRIPTION

By virtue of a Writ of Execution filed to No. 12793-17 Wells Fargo Bank, N.A. vs. William A. Hillhouse, The United States of America C/O The United States Attorney for The Western District of PA Amount Due: \$165,948.64

William A. Hillhouse, The United States of America C/O The United States Attorney for The Western District of PA, owner(s) of property situated in MILLCREEK

TOWNSHIP, Erie County, Pennsylvania being 1102 Ardmore Avenue, Erie, PA 16505-3234
 Dimensions: 60 X 190.6

Assessment Map number: 33-027-094.0-022.00

Assessed Value: \$161,300.00

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

Feb. 23 and March 2, 9

SALE NO. 20

Ex. #10066 of 2017

Deutsche Bank National Trust Company, as Trustee for Morgan Stanley Abs Capital I Inc. Trust, Series 2007-Sea1, Plaintiff

v.

Sally A. Johnson, Defendant(s)

DESCRIPTION

By virtue of a Writ of Execution filed to No. 2017-10066 Deutsche Bank National Trust Company, as Trustee for Morgan Stanley Abs Capital I Inc. Trust, Series 2007-Sea1 vs. Sally A. Johnson Amount Due: \$85,534.00

Sally A. Johnson, owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania being 303 Meade Avenue, Erie, PA 16509-1416

Dimensions: 40 X 120

Assessment Map number: 19-61-21-212

Assessed Value: \$99,900.00

Improvement thereon: residential
 Phelan Hallinan Diamond & Jones, LLP
 One Penn Center at Suburban Station, Suite 1400

1617 John F. Kennedy Boulevard
 Philadelphia, PA 19103-1814
 (215) 563-7000

Feb. 23 and March 2, 9

SALE NO. 21

Ex. #12892 of 2017

Wells Fargo Bank, NA, Plaintiff

v.

Ronald F. Mastrog, Defendant(s)

DESCRIPTION

By virtue of a Writ of Execution filed to No. 12892-17 Wells Fargo Bank, NA vs. Ronald F. Mastrog

Amount Due: \$43,285.09

Ronald F. Mastrog, owner(s) of property situated in LAWRENCE PARK TOWNSHIP, Erie County, Pennsylvania being 3816 Main Street, Erie, PA 16511-2868

Dimensions: 19.33 X 100

Acreage: 0.0444

Assessment Map number: 29010049002900

Assessed Value: \$60,170.00

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

Feb. 23 and March 2, 9

SALE NO. 22

Ex. #12891 of 2017

Deutsche Bank National Trust Company, as Trustee for Soundview Home Loan Trust 2006-Wf2, Asset-Backed Certificates, Series 2006-Wf2, Plaintiff

v.

Nibardo A. Munoz, Defendant(s)

DESCRIPTION

By virtue of a Writ of Execution filed to No. 12891-17 Deutsche Bank National Trust Company, as Trustee for Soundview Home Loan Trust 2006-Wf2, Asset-Backed Certificates, Series 2006-Wf2 vs. Nibardo A. Munoz

Amount Due: \$43,030.51

Nibardo A. Munoz, owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania being 1322 West 11th Street, Erie, PA 16502-1033

Dimensions: 33 X 165

Acreage: 0.1250

Assessment Map number: 16030060014500

Assessed Value: \$53,140.00

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

Feb. 23 and March 2, 9

SALE NO. 23

Ex. #11176 of 2017
PHH Mortgage Corporation f/k/a
Cendant Mortgage Corporation,
Plaintiff

v.

Tara L. Posten, Defendant(s)

DESCRIPTION

By virtue of a Writ of Execution filed to No. 11176-17 PHH Mortgage Corporation f/k/a Cendant Mortgage Corporation vs. Tara L. Posten
Amount Due: \$64,255.71
Tara L. Posten, owner(s) of property situated in MILLCREEK TOWNSHIP, Erie County, Pennsylvania being 3402 West 11th, A/K/A 3402 West 11th Street, Erie, PA 16505
Dimensions: 97.25 X 82.5
Assessment Map number: 33-028-077.0-010.00
Assessed Value: \$84,400.00
Improvement thereon: residential Phelan Hallinan Diamond & Jones, LLP One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814
(215) 563-7000

Feb. 23 and March 2, 9

SALE NO. 24

Ex. #10497 of 2017
BENEFICIAL CONSUMER
DISCOUNT COMPANY D/B/A
BENEFICIAL MORTGAGE
CO. OF PENNSYLVANIA,
Plaintiff

v.

SHARON E. REIMER,
INDIVIDUALLY, AND AS
KNOWN HEIR OF WAYNE
REIMER, Unknown Heirs,
Successors, Assigns, and All
Persons, Firms, or Associations
Claiming Right, Title or Interest
From or Under Wayne Reimer,
Deceased, Defendant(s)

DESCRIPTION

By virtue of a Writ of Execution filed to No. 10497-17 BENEFICIAL CONSUMER DISCOUNT COMPANY D/B/A BENEFICIAL MORTGAGE CO. OF PENNSYLVANIA vs. SHARON E. REIMER, INDIVIDUALLY, AND AS KNOWN HEIR OF

WAYNE REIMER, Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Wayne Reimer, Deceased

Amount Due: \$63,638.52
SHARON E. REIMER, INDIVIDUALLY, AND AS KNOWN HEIR OF WAYNE REIMER, Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Wayne Reimer, Deceased, owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania being 522 East 32nd Street, Erie, PA 16504-1116
Dimensions: 40 X 107.25
Square Footage: 1,267
Assessment Map number: 18050073011000
Assessed Value: \$70,350.00
Improvement thereon: residential Phelan Hallinan Diamond & Jones, LLP One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814
(215) 563-7000

Feb. 23 and March 2, 9

SALE NO. 26

Ex. #10070 of 2016
CITIMORTGAGE, INC.,
Plaintiff
v.
DOMINIC A. FERRANTE,
SONIA L. FERRANTE,
Defendants

DESCRIPTION

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN THE TOWNSHIP OF GIRARD, COUNTY OF ERIE AND STATE OF PENNSYLVANIA.
BEING KNOWN AS: 8665 MIDDLE ROAD, LAKE CITY, PA 16423
PARCEL # 24-5-13-0-3.02
Improvements: Residential Dwelling.
POWERS KIRN & ASSOCIATES, LLC Jill Manuel-Coughlin, Esquire
Id. No. 63252
Attorneys for Plaintiff
Eight Neshaminy Interplex
Suite 215

Trevose, PA 19053
(215) 942-2090
Feb. 23 and March 2, 9

SALE NO. 27

Ex. #10042 of 2016
WILMINGTON SAVINGS
FUND SOCIETY, FSB D/B/A
CHRISTIANA TRUST, NOT
INDIVIDUALLY BUT AS
TRUSTEE FOR PRETIUM
MORTGAGE ACQUISITION
TRUST, Plaintiff

v.

JON E. ROESSLER, TAMMY
A. BILOTTI A/K/A TAMMY
BILOTTI-ROESSLER,
MELANEY RONDINELLI,
MARC LONGSTREET JR.,
Defendants

DESCRIPTION

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN THE TOWNSHIP OF MILLCREEK, COUNTY OF ERIE AND STATE OF PENNSYLVANIA.
BEING KNOWN AS: 3002 AMHERST ROAD, ERIE, PA 16506
PARCEL # 33070282001400
Improvements: Residential Dwelling.
POWERS KIRN & ASSOCIATES, LLC Matthew J. McDonnell, Esquire
Id. No. 313549
Attorneys for Plaintiff
Eight Neshaminy Interplex
Suite 215
Trevose, PA 19053
(215) 942-2090

Feb. 23 and March 2, 9

SALE NO. 29

Ex. #11762 of 2017
Nationstar Mortgage LLC,
Plaintiff
v.

Shawn L. Gould, Defendant

DESCRIPTION

By virtue of a Writ of Execution filed to No. 2017-11762 Nationstar Mortgage LLC vs. Shawn L. Gould, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 3313 Auburn Street, Erie, PA 16508
.1435
Assessment Map number:

19061040021200
 Assessed Value figure: \$88,910.00
 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

Feb. 23 and March 2, 9

SALE NO. 30

Ex. #11134 of 2017
JPMorgan Chase Bank, National Association, Plaintiff

v.

Alecia N. Kraus and Thomas M. Kraus, Defendant
DESCRIPTION

By virtue of a Writ of Execution filed to No. 2017-11134 JPMorgan Chase Bank, National Association vs. Alecia N. Kraus and Thomas M. Kraus, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 318 East 37th Street, Erie, PA 16504

0.1212
 Assessment Map number: 18053065020600

Assessed Value figure: \$84,400.00
 Improvement thereon: a residential dwelling

Samantha Gable, Esquire
 Shapiro & DeNardo, LLC
 Attorney for Movant/Applicant
 3600 Horizon Drive, Suite 150
 King of Prussia, PA 19406
 (610) 278-6800

Feb. 23 and March 2, 9

SALE NO. 31

Ex. #13131 of 2017
Nationstar Mortgage LLC d/b/a Mr. Cooper, Plaintiff

v.

Darrell L. Sanson, Defendant
DESCRIPTION

By virtue of a Writ of Execution filed to No. 2017-13131 Nationstar Mortgage LLC d/b/a Mr. Cooper vs. Darrell L. Sanson, owner(s) of property situated in Township of Springfield, Erie County, Pennsylvania being 4326 Nash Road, East Springfield, PA 16411

4.0000
 Assessment Map number:

39016051000601
 Assessed Value figure: \$104,600.00
 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

Feb. 23 and March 2, 9

SALE NO. 32

Ex. #12287 of 2017
Bayview Loan Servicing, LLC, a Delaware Limited Liability Company, Plaintiff

v.

Cecilia Moskel and Robert E. Moskel, Defendants
DESCRIPTION

PARCEL NO.: (15) 2033-336
 ALL the following described real estate situate in the City of Erie, County of Erie and Commonwealth of Pennsylvania, to wit:

BEGINNING at a point in the East line of Ash Street where the same is intersected by the North line of a 15 foot alley (said alley being situate between 12th and 13th Street and extending Eastwardly from Ash Street); thence Northwardly along the East line of Ash Street, forty-two and seventy-five hundredths (42.75) feet to a point; thence Eastwardly twenty-five and five tenths (25.5) feet to a point; thence Southwardly forty-two and seventy-five hundredths (42.75) feet to a point in the North line of said alley; thence Westwardly along the said North line of said alley, twenty-five and five-tenths (25.5) feet to the place of beginning.

Said premises having erected thereon a dwelling house and garage commonly known as 1207 Ash Street, Erie, Pennsylvania.

Fee Simple Title Vested in Robert Moskel and Cecelia Moskel, his wife, as Tenants by the Entireties with the right of survivorship, by deed from, Evelyn Jane Marzka, Executrix of the Estate of Cecilia V. Ostrzeniec, a/k/a Cecelia Ostrzeniec, a/k/a Celia Ostrzeniec, deceased, dated 4/5/1995, recorded 4/10/1995, in the Erie County

Recorder of deeds in Deed Book 378, Page 2388.
 PROPERTY ADDRESS: 1207 Ash Street, Erie, PA 16503
 ANDREW J. MARLEY, ESQUIRE
 STERN & EISENBERG, PC
 1581 Main Street, Suite 200
 The Shops at Valley Square
 Warrington, PA 18976
 (215) 572-8111

Feb. 23 and March 2, 9

SALE NO. 33

Ex. #12391 of 2017
PNC BANK, NATIONAL ASSOCIATION, Plaintiff

v.

JOANN H. EICHLER, Defendant
DESCRIPTION

By virtue of a Writ of Execution filed to No. 12391-17 PNC BANK, NATIONAL ASSOCIATION vs. JOANN H. EICHLER, owner(s) of property situated in CITY OF ERIE, Erie County, Pennsylvania being 306 PARADE STREET, ERIE, PENNSYLVANIA 16507

2464 square feet
 Assessment Map number: 14010012010800

Assessed Value figure: \$34,900.00
 Improvement thereon: single family dwelling

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

Feb. 23 and March 2, 9

SALE NO. 34

Ex. #12004 of 2016
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.

Frank G. Emanuele and Brooke R. Emanuele, Defendants
DESCRIPTION

By virtue of a Writ of Execution filed to No. 12004-16, U.S. Bank National Association, (Trustee for the Pennsylvania Housing Finance agency, pursuant to a Trust Indenture dated as of April 1982)

vs. Frank G. Emanuele and Brooke R. Emanuele, owners of property situated in the Borough of North East, Erie County, Pennsylvania being 41 Vine Street, North East, PA 16428.

Dimensions: Square Footage- 1664 Acreage- 0.2140

Assessment Map Number: 36-005-030.0-005.00

Assess Value figure: \$110,200.00

Improvement thereon: Dwelling

Lois M. Vitti, Esquire

Attorney for Plaintiff

333 Allegheny Avenue, Suite 303

Oakmont, PA 15139

(412) 281-1725

Feb. 23 and March 2, 9

SALE NO. 35

Ex. #11461 of 2017

LSF9 MASTER

PARTICIPATION TRUST,

Plaintiff

v.

BRYAN D. WILLIAMSON,

Defendant

DESCRIPTION

ALL THAT CERTAIN PROPERTY SITUATED IN THE TOWNSHIP OF HARBORCREEK IN THE COUNTY OF ERIE AND COMMONWEALTH OF PENNSYLVANIA, BEING

DESCRIBED AS FOLLOWS: PART OF LOTS NOS. 5-6 IN THE W.S. POLE INTERUBAN VILLA. BEING MORE FULLY DESCRIBED IN A DEED DATED 3/17/1998 AND RECORDED 3/18/1998, AMONG THE LAND RECORDS OF THE COUNTY AND COMMONWEALTH SET FORTH ABOVE, IN DEED VOLUME 548 AND PAGE 1250, TAX MAP OR PARCEL ID NO. 27017036001200.

Being Parcel No. 27017036001200 BEING the same premises which Shirley J. Williamson, unmarried widow, by Deed dated March 17, 1998, and recorded March 18, 1998, in the Office of the Recorder of Deeds in and for the County of Erie, Deed Book 548, Page 1250, granted and conveyed unto Shirley J. Williamson, unmarried widow, and Bryan D. Williamson, single, as Joint Tenants with Rights of Survivorship, in fee. Shirley J. Williamson, unmarried widow, passed away May 11, 2008 and her interest in the property passed to Bryan D. Williamson, by Operation of law.

Kevin J. Cummings, Esquire

PA ID# 209660

Feb. 23 and March 2, 9

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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, February 7, 2018** and confirmed Nisi.

March 21, 2018 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>2018</u>	<u>ESTATE</u>	<u>ACCOUNTANT</u>	<u>ATTORNEY</u>
41.	Gordon E. Toland	Cynthia T. Toland, Executrix.....	Justin L. Magill, Esq.

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

Feb. 16, 23



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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

**AGER, VIRGINIA C.,
deceased**

Late of Millcreek Township
Executor: Mark R. Ager, c/o 246 West 10th Street, Erie, PA 16501
Attorney: Evan E. Adair, Esq., 246 West 10th Street, Erie, PA 16501

**BRANDON, DANIEL A.,
deceased**

Late of the Township of Millcreek
Executrix: Amy Francis, 3917 Perry St., Erie, PA 16504
Attorney: Michael A. Fetzner, Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**BURDICK, EDNA,
deceased**

Late of City of Erie
Executrix: Carol A. Joifrita, c/o 246 West 10th Street, Erie, PA 16501
Attorney: Evan E. Adair, Esq., 246 West 10th Street, Erie, PA 16501

**BUTERBAUGH, LILA, a/k/a
LILA M. BUTERBAUGH,
deceased**

Late of the Township of Greene, County of Erie and Commonwealth of Pennsylvania
Administratrix: Susan Hershelman, 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

**CALABRESE, RENEE C.,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executor: Michael J. Calabrese
Attorney: Kenneth G. Vasil, Esquire, ELDERKIN LAW FIRM, 150 East 8th Street, Erie, PA 16501

**CURRY, KAREN S.,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Administrator: Richard M. Olson, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506
Attorney: Colleen R. Stumpf, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**FUNKHOUSER, MARJORIE L.,
a/k/a MARJORIE FUNKHOUSER,
deceased**

Late of the Township of Conneaut, County of Erie, State of Pennsylvania
Co-Executors: Mark A. Funkhouser, 4996 Crayton Road, West Springfield, PA 16443 and Laura A. Torrey, 523 Memory Court, Girard, PA 16417
Attorney: James R. Steadman, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**HALE, HERMAN LYLE,
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Executrix: Cheri Jo Lang, 538 Gordon Lane, Erie, PA 16509-2328
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**HOWELL, LANCE T., a/k/a
LANCE THATCHER HOWELL,
deceased**

Late of the Township of Fairview, County of Erie, State of Pennsylvania
Executrix: Patricia A. Howell, 7420 Curtis Road, Fairview, PA 16415
Attorney: James R. Steadman, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**KING, WILLIAM F.,
deceased**

Late of the Township of Millcreek, County of Erie, and Commonwealth of Pennsylvania
Executor: Clark W. King
Attorney: Thomas J. Buseck, Esquire, The McDonald Group, L.L.P., 456 West Sixth Street, Erie, PA 16507-1216

**LATA, THEODORE A.,
deceased**

Late of the Township of Millcreek, County of Erie, and Commonwealth of Pennsylvania
Executrix: Brenda M. Wells c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506
Attorney: Melissa L. Larese, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**LEUBE, NANCY C.,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executor: James A. Steber, P.O. Box 36, Bemus Point, NY 14712
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**LYNCH, CAROL F.,
deceased**

Late of the City of Erie
Executor: Jill D. Brown
Attorney: Steven E. George, George Estate and Family Law, 305 West 6th Street, Erie, PA 16507

**MARIELLA, JOHN M.,
deceased**

Late of the Township of Millcreek, County of Erie, and Commonwealth of Pennsylvania
Executor: John A. Mariella, c/o Yochim, Skiba & Nash, 345 West 6th Street, Erie, PA 16507
Attorney: Gary V. Skiba, Esq., Yochim, Skiba & Nash, 345 West 6th Street, Erie, PA 16507

**NOVOTNY, STEPHEN
BERNARD, JR., a/k/a
STEPHEN B. NOVOTNY, JR.,
deceased**

Late of Fort LeBoeuf Township
Executor: Gregory T. Novotny c/o Mary Alfieri Richmond, Esq., Jones School Square, First Floor, 150 East 8th Street, Erie, PA 16501
Attorney: Mary Alfieri Richmond, Esq., Jones School Square, First Floor, 150 East 8th Street, Erie, PA 16501

**SCHMIDT, KATHLEEN, a/k/a
KATHLEEN L. MARCHESE,
deceased**

Late of the Township of Lawrence Park, County of Erie and Commonwealth of Pennsylvania
Administratrix: Jennifer L. Jandt
Attorney: Thomas J. Minarcik, Esquire, ELDERKIN LAW FIRM, 150 East 8th Street, Erie, PA 16501

**SMITH, MARY ALICE, a/k/a
MARY A. SMITH,
deceased**

Late of the Township of Millcreek, County of Erie, State of Pennsylvania
Executor: Edward E. Smith, 634 West Second Street #211, Erie, PA 16507
Attorney: James R. Steadman, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**VOTO, DANIEL JOHN, a/k/a
DANIEL J. VOTO SR., a/k/a
DANIEL J. VOTO,
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Co-Executors: Richard J. Voto and Darlene M. Vlahos, Esq., 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

SECOND PUBLICATION

**ARGENY, RUTH, a/k/a RUTH H.
ARGENY,
deceased**

Late of Millcreek Township, Erie County, PA
Testators: Richard Argeny and Nancy (Argeny) Nielsen; c/o Mary Alfieri Richmond, Esq., Jones School Square, First Floor, 150 East 8th Street, Erie PA 16501
Attorney: Mary Alfieri Richmond, Esq., Jones School Square, First Floor, 150 East 8th Street, Erie PA 16501

**CALLUM, SHIRLEY, a/k/a
SHIRLEY S. CALLUM,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executrix: Gwen Wetzler, c/o James E. Marsh Jr., Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorney: William J. SchAAF, Esq., MARSH, SPAEDER, BAUR, SPAEDER & SCHAAF, LLP., Suite 300, 300 State Street, Erie, PA 16507

**EDWARDS, JULIUS T.,
deceased**

Late of the City of Erie, Commonwealth of Pennsylvania
Executrix: Darlene Blanks, c/o Vendetti & Vendetti, 3820 Liberty Street, Erie, Pennsylvania 16509
Attorney: Richard A. Vendetti, Esquire, Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

**GEISLER, CHARLENE R., a/k/a
CHARLENE GEISLER,
deceased**

Late of Township of Millcreek, Erie County, Commonwealth of Pennsylvania
Executrix: Janet M. Greene, 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

**LOOMIS, CATHERINE C.,
deceased**

Late of Harborcreek Township, County of Erie
Executor: Thomas L. Loomis, c/o Thomas A. Testi, Esq., 3952 Avonia Road, P.O. Box 413, Fairview, PA 16415
Attorney: Thomas A. Testi, Esq., 3952 Avonia Road, P.O. Box 413, Fairview, PA 16415

**LOOSE, WILLIAM DAVID, JR.,
a/k/a WILLIAM DAVID LOOSE,
a/k/a WILLIAM D. LOOSE, a/k/a
DAVID LOOSE,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executrix: Barbara A. Loose, c/o 504 State Street, Suite 300, Erie, PA 16501
Attorney: Alan Natalie, Esquire, 504 State Street, Suite 300, Erie, PA 16501

**MCCARTHY, MARY C.,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executor: Owen P. Toale, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508
Attorney: Colleen R. Stumpf, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508

**THOMAS, JANE E.,
deceased**

Late of Union Township, County of Erie, Commonwealth of Pennsylvania
Executor: David P. Thomas, c/o Joan M. Fairchild, Esq., 132 North Center Street, Corry, Pennsylvania 16407
Attorney: Joan M. Fairchild, Esq., 132 North Center Street, Corry, Pennsylvania 16407

**ZAKOVITCH, THOMAS J., a/k/a THOMAS JAMES ZAKOVITCH,
deceased**

Late of Union City Borough, Erie County, Pennsylvania
Executrix: Ilene Zakovitch, c/o Thomas C. Hoffman II, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501
Attorney: Thomas C. Hoffman II, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**ZAMPEDRI, ROBERT P.,
deceased**

Late of the City of Erie, County of Erie, and Commonwealth of Pennsylvania
Administratrix: Irene M. Zampedri, c/o Yochim, Skiba & Nash, 345 West 6th Street, Erie, PA 16507
Attorney: Gary V. Skiba, Esq., Yochim, Skiba & Nash, 345 West 6th Street, Erie, PA 16507

THIRD PUBLICATION

**ALLEN, MARYLOU,
deceased**

Late of North East Township, Erie County, Pennsylvania
Co-Executors: Lori Rae Durst and Terry William Allen, c/o Jeffrey D. Scibetta, Esquire, 120 West Tenth Street, Erie, PA 16501
Attorney: Jeffrey D. Scibetta, Esquire, Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**DAVIS, THOMAS A.,
deceased**

Late of Greene Township, Erie County
Executor: Randolph Davis, 8771 Old Wattsburg Road, Erie, PA 16510
Attorney: Matthew J. Parini, Esquire, MELARAGNO, PLACIDI, PARINI & VEITCH, 502 West Seventh Street, Erie, PA 16502

**DOBBS, JENNIE ELIZABETH, a/k/a JENNIE E. DOBBS,
deceased**

Late of the City of Erie, Commonwealth of Pennsylvania
Administrator: Richard A. Vendetti, Esquire, Vendetti & Vendetti, 3820 Liberty Street, Erie, Pennsylvania 16509
Attorney: Richard A. Vendetti, Esquire, Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

**GREEN, ALBERT K., a/k/a A. KENNETH GREEN,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Administratrix: Sandra J. Nuber, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506
Attorney: Colleen R. Stumpf, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**HOWELL, NANCY E.,
deceased**

Late of the Township of Millcreek, County of Erie, State of Pennsylvania
Executor: Melody Vogel, c/o 78 East Main Street, North East, PA 16428
Attorney: BRYDON LAW OFFICE, Attorney John C. Brydon, 78 East Main Street, North East, PA 16428

**JOHNSTON, BEATRICE B., a/k/a BEATRICE JOHNSTON,
deceased**

Late of the City of North East, Erie County, Pennsylvania
Executrix: Catherine E. Seymour, c/o Attorney Jeffrey D. Scibetta, 120 West Tenth Street, Erie, PA 16501
Attorney: Jeffrey D. Scibetta, Esquire, Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**KELLOGG, ANNA MAE,
deceased**

Late of Township of Summit, Erie County, Commonwealth of Pennsylvania
Co-Executors: James E. Kellogg and Debra Ann Muye, 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

**KRESS, HELEN R., a/k/a HELEN KRESS,
deceased**

Late of the Township of Harborcreek, Erie County, Pennsylvania
Executrix: Bethany D. Palmer, c/o Raymond A. Pagliari, Esq., 510 Cranberry Street, Suite 301, Erie, Pennsylvania 16507
Attorney: Raymond A. Pagliari, Esq., 510 Cranberry Street, Suite 301, Erie, Pennsylvania 16507

**MacGURN, MICHAEL DAVID,
deceased**

Late of Erie, Erie County, Pennsylvania
Administratrix: Ann L. Sanford, c/o Andrew G. Rothey, Esq., Rosen Louik & Perry, P.C., The Frick Building, Suite 200, 437 Grant Street, Pittsburgh, PA 15219
Attorney: Andrew G. Rothey, Esq., Rosen Louik & Perry, P.C., The Frick Building, Suite 200, 437 Grant Street, Pittsburgh, PA 15219

MACKOWSKI, LEO J., a/k/a LEO JOSEPH MACKOWSKI, SR., deceased

Late of the City of Erie, Commonwealth of Pennsylvania
Executor: David J. Mackowski, c/o Joseph B. Spero, Esquire, 3213 West 26th Street, Erie, Pennsylvania 16506
Attorney: Joseph B. Spero, Esquire, 3213 West 26th Street, Erie, Pennsylvania 16506

OWENS, DOROTHY E., deceased

Late of the Borough of North East, County of Erie, State of Pennsylvania
Executor: Charles Rosequist, c/o 78 East Main Street, North East PA 16428
Attorney: BRYDON LAW OFFICE, Attorney John C. Brydon, 78 East Main Street, North East, PA 16428

RUPP, NANCY L., deceased

Late of the City of Erie, County of Erie, and Commonwealth of Pennsylvania
Executor: Joseph Andrew Rupp, c/o Thomas J. Buseck, Esquire, The McDonald Group, L.L.P., 456 West Sixth Street, Erie, PA 16507-1216
Attorney: Thomas J. Buseck, Esquire, The McDonald Group, L.L.P., 456 West Sixth Street, Erie, PA 16507-1216

SMITH, DOROTHY K., a/k/a DOROTHY SMITH, deceased

Late of Summit Township, Erie County, Pennsylvania
Executor: Steven D. Smith, c/o Thomas C. Hoffman II, Esq., Knox McLaughlin Gornell & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501
Attorney: Thomas C. Hoffman II, Esq., Knox McLaughlin Gornell & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

TYMOSCHENKO, TERRY T., deceased

Late of the City of Erie, Commonwealth of Pennsylvania
Executrix: Laurie A. Oberrath, c/o Vendetti & Vendetti, 3820 Liberty Street, Erie, Pennsylvania 16509
Attorney: Richard A. Vendetti, Esquire, Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

ZIELONIS, GARY P., a/k/a GARY PETER ZIELONIS, deceased

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executor: Norman Edwin Sweet, 5387 Glacier Drive, Erie, PA 16510-3351
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

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CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

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Erie, PA 16501 *ts@hurtlawpa.com*

ANDREW P. SMITH814-315-9255
Williams and Jordan
425 West Tenth Street
Erie, PA 16502 *drew@williamsandjorden.com*

New Phone Numbers:

PETER A. PENTZ814-651-0695
ANDREW F. GORNALL814-651-0696

EFFECTIVE MARCH 1, 2018

BRIAN M. MCGOWAN814-864-6939
McGowan Law
8220 Old French Road
Erie, PA 16509 *mcgowanlaw@verizon.net*

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