# April 20, 2018

# Erie County Legal Journal

Vol. 101 No. 16



101 ERIE 22-25 Commonwealth v. Knight

# **Erie County Legal Journal**

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

Managing Editor: Megan E. Black Administrator of Publications: Paula J. Gregory

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

All legal notices must be submitted in typewritten form and are published exactly as submitted by the advertiser. The Erie County Bar Association will not assume any responsibility to edit, make spelling corrections, eliminate errors in grammar or make any changes in content.

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INDEX	
IN MEMORIAM	4
NOTICE TO THE PROFESSION	5
OPINION	7
COURT OF COMMON PLEAS	
Change of Name Notice	12
Dissolution Notice	
Fictitious Name Notice	
Foreign Withdrawal Notice	12
Incorporation Notices	12
Legal Notices	12
ORPHANS' COURT	
Audit List	15
Estate Notices	16

ERIE COUNTY LEGAL JOURNAL is published every Friday for \$57 per year (\$1.50 single issues/\$5.00 special issues, i.e. Seated Tax Sales). Owned and published by the Erie County Bar Association (Copyright 2018©) 429 West 6th St., Erie, PA 16507 (814/459-3111). POST-MASTER: Send Address changes to THE ERIE COUNTY LEGAL JOURNAL, 429 West 6th St., Erie, PA 16507-1215.

# Erie County Bar Association Calendar of Events and Seminars

#### MONDAY, APRIL 23, 2018

ECBA Board of Directors Meeting Noon ECBA Headquarters

#### **TUESDAY, APRIL 24, 2018**

Young Lawyers Division Lunch with Judge Walsh Noon Erie Club

#### WEDNESDAY, APRIL 25, 2018

ECBA Live Lunch-n-Learn Seminar
The Pennsylvania Liquor Control Board
Applications, Licensing, Investigation, and Legislation
Bayfront Convention Center
12:15 p.m. - 1:15 p.m. (11:30 a.m. lunch/registration)
\$47 (ECBA members/their non-attorney staff)
\$60 (non-members)
1 hour substantive

#### THURSDAY, APRIL 26, 2018

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

#### FRIDAY, APRIL 27, 2018

ECBA Live Lunch-n-Learn Seminar

Tax Aspects of Family Law: The Basics
Bayfront Convention Center

12:15 p.m. - 1:45 p.m. (11:30 a.m. lunch/registration)

\$70 (ECBA members/their non-attorney staff)
\$90 (non-members)

1.5 hours substantive

#### SATURDAY, APRIL 28, 2018

Law Day 5K Run/Walk 9:00 a.m. more information and registration available at www.eriebar.com

#### THURSDAY, MAY 3, 2018

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

#### WEDNESDAY, MAY 9, 2018

Law Day Noon Bayfront Convention Center, Great Hall

#### **THURSDAY, MAY 10, 2018**

Young Lawyers Division Happy Hour with the Family Law Section 4:30 p.m. Room 33

#### THURSDAY, MAY 17, 2018

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

#### MONDAY, MAY 21, 2018

ECBA Board of Directors Meeting Noon ECBA Headquarters





@eriepabar

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

#### 2018 BOARD OF DIRECTORS

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Donald Joseph Rogala, Esq., age 70, passed away peacefully in his home on Monday, April 9, 2018.

Don was born and spent most of life in Erie, Pennsylvania, where he was a well-respected attorney. He was a graduate of Cathedral Preparatory School, received his bachelor's degree from Gannon University, and completed his law degree at the Dickinson School of Law. Don was the Erie City Solicitor in his early law career. He was also a U.S. Army Veteran.

Having grown up in the automobile industry, Don was a race enthusiast and restored and collected classic cars. He was also an avid horseman and enjoyed trail riding well into his final years.

Don exceeded all medical estimates as a five-year pancreatic cancer survivor, which is a testament to his tremendous strength and perseverance.

Don was preceded in death by his parents Donald Charles Rogala and Margaret Dorothy (Harvey) Rogala.

He is survived by two daughters: Allison R. Rogala DVM (Donald "Chip" Little) of Holly Springs, N.C. and Jennifer H. Rogala (Justin Kennedy) of Frederick, Md.; two sisters: Susan Rogala and Darlene Omark, both of Erie; four nephews; and a niece.

Memorials may be made to the Shriners Hospital for Children of Erie, 1645 W. 8th Street, Erie, PA 16505.

#### ERIE COUNTY LEGAL JOURNAL

NOTICE TO THE PROFESSION

#### OFFICE SPACE

Office space available. Located downtown on millionaires row. Fully remodeled Victorian home to office space. Location 311 West 6th St. Support staff available if requested. Off street parking. Contact Melissa at 814-490-9325.

Apr. 20

#### LAW CLERK POSITION AVAILABLE

The Erie County (PA) Court of Common Pleas has an immediate opening for a judicial law clerk who will work for Senior Judge Shad Connelly, on the Bench until 12/31/19.

Applicants should email their cover letter and resume to Robert J. Catalde, Esquire, Court Administrator at rcatalde@eriecountypa.gov or mail to: Court Administration, Erie County Court House, 140 West 6th Street, Room 210, Erie, PA 16501.

Apr. 13, 20



# Tax Aspects of Family Law: The Basics

# Friday, April 27, 2018 Sheraton Erie Bayfront Hotel

Registration: 11:30 a.m.

Lunch: 11:45 a.m. - 12:15 p.m. Seminar: 12:15 p.m. - 1:45 p.m.

#### Cost

\$70 - ECBA Members (Judges & Attorneys) and their Non-Attorney Staff

\$90 - Non-Members

#### 1.5 hours Substantive CLE/CJE



#### **The Program**

Join our authoritative panel of presenters as they offer an overview of issues that frequently arise in family law cases, with an emphasis on the recent changes to the tax laws.

#### The Speakers

Joseph P. Martone, Esquire • **Moderator / Course Planner** • Martone & Peasley • Erie, PA

Brian C. Vertz, Esquire • Pollock Begg Komar Glasser & Vertz, LLC • Pittsburgh, PA

James H. Richardson, Esquire • Elderkin Law Firm • Erie, PA

Heather J. Baranowski, CPA/ABV/CFF, MST, CVA • BDO Consulting • Pittsburgh, PA

Reservations due to the ECBA office by Friday, April 20

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FDIC



Commonwealth v. Knight

22

#### COMMONWEALTH OF PENNSYLVANIA

V.

#### MARQUIS P. KNIGHT, Defendant

CRIMINAL PROCEDURE / ARD

Under Pennsylvania law, district attorneys have the sole discretion in any criminal case, including drunk driving cases, to move for the admission of a defendant into ARD.

#### CRIMINAL PROCEDURE / ARD

Admission to an ARD program is not a matter of right, but a privilege.

#### CRIMINAL PROCEDURE / ARD

When the district attorney denies a defendant's admission into the ARD program, the trial court's role is limited to whether the Commonwealth abused its discretion.

#### CRIMINAL PROCEDURE / ARD

Although a district attorney has broad discretion to accept or reject a candidate for ARD, the district attorney's authority is subject to the following judicially imposed restrictions: (1) an open, on-the-record specification of reasons which are (2) related to society's protection or the defendant's rehabilitation.

#### CRIMINAL PROCEDURE / ARD

A district attorney may not reject a candidate for ARD where the decision to reject the candidate is wholly, patently, and without doubt unrelated to the protection of society or the likelihood of a candidate's success in rehabilitation, such as race, religion, or other such obviously prohibited considerations.

#### CRIMINAL PROCEDURE / ARD

Although the reasons for denying a candidate into the ARD program may be subject to disagreement as to their wisdom, such reasons do not amount to an abuse of discretion so long as said reasons are related to society's protection or the defendant's rehabilitation.

#### CRIMINAL PROCEDURE / ARD

The Commonwealth does not bear the burden of proving the absence of abuse of discretion; rather, the defendant has the burden of proving the Commonwealth's denial of his request to participate in ARD was based on prohibited reasons.

# IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA CRIMINAL DIVISION

No. CR 2013 of 2016

Appearances: Michael W. Harmon, Esq., on behalf of Marquis P. Knight (Defendant) John H. Daneri, District Attorney, on behalf of the Commonwealth

#### **OPINION**

Domitrovich, J. April 4, 2018

The matter before this Trial Court is Defendant Marquis P. Knight's "Motion to Compel Admission to ARD Program," wherein Defendant Marquis P. Knight ("Defendant") requests permission to participate in the District Attorney's Accelerated Rehabilitative Disposition ("ARD") Program. The issue is whether the District Attorney has abused his discretion in not accepting Defendant's request for admission into the District Attorney's ARD Program.

Commonwealth v. Knight

This Trial Court provides the following analysis:

23

The District Attorney's ARD Program is a pretrial diversionary program as provided by the Pennsylvania Rules of Criminal Procedure and statutory case law. *See* Pa.R.Crim.P. 300-320; *see also* 75 Pa.C.S.A. § 1552. When a defendant successfully completes the ARD Program by complying with all ARD conditions, absent an objection by the Commonwealth, the "judge shall thereafter dismiss the charges against the defendant." Pa.R.Crim.P. 319. "When the judge orders the dismissal of the charges against the defendant, the judge also shall order the expungement of the defendant's arrest record." Pa.R.Crim.P. 320(A); *see also Commonwealth v. Armstrong*, 434 A.2d 1205, 1208 (Pa. 1981) (holding that a petitioner who successfully completes the ARD Program is entitled to expungement). On the other hand, where a defendant is not accepted into the ARD Program and is convicted of a criminal offense, the procedure for expungement is generally more onerous under the Criminal Record Information Act than the expungement procedure pursuant to the ARD rules. *See* 18 Pa.C.S.A. § 9122.

A criminal complaint was filed against Defendant on April 20, 2016. Thereafter, Defendant filed an application for the ARD Program on July 6, 2016. On August 23, 2016, the Erie County District Attorney's Office filed an Information charging Defendant with (1) DUI-General Impairment; and (2) DUI-Highest Rate. Defendant was initially approved for the ARD Program; however, on November 30, 2016, the docket indicates the "event track [was] changed to [a] standard court case from ARD" due to Defendant's new charges at Docket Number 3771 of 2016: (1) First Degree Murder; (2) Aggravated Assault; (3) Recklessly Endangering Another Person; and (4) Possessing Instruments of a Crime.

Throughout the pendency of the proceedings at Docket Number 3771 of 2016, counsel for Defendant, Michael W. Harmon, Esq., filed motions to continue at the above-referenced docket number on the following dates: February 21, 2017, April 25, 2017, September 6, 2017, November 30, 2017, and March 21, 2018. Defense counsel and Defendant continually averred in each motion to continue that Defendant was "zealously defending the charges filed against him at Docket No. 3771 of 2016 and believe[d], and therefore aver[d], that he [would] receive a favorable outcome at his trial." (*See e.g.* Defendant's Motion to Continue at ¶ 5, filed Feb. 21, 2017). Defense counsel and Defendant further averred the purpose of continuing the instant case was "to re-apply for the ARD program in the above-captioned matter following a favorable outcome at Docket No. 3771 of 2016." (*Id.* at ¶ 7). On December 8, 2017, following a jury trial on the homicide-related charges, Defendant was acquitted of all criminal charges at Docket Number 3771 of 2016.

By letter dated January 24, 2018, Defendant, by and through Attorney Harmon, resubmitted Defendant's original ARD application originally filed July 6, 2016, to the District Attorney's Office. However, by letter dated February 22, 2018, Erie County District Attorney John H. Daneri denied Defendant's new request to be accepted into the ARD Program. District Attorney Daneri provided the following reasons in support thereof in his letter dated February 22, 2018:

Defendant perjured himself during his homicide trial; Defendant is a member of an Erie gang; Defendant refused to cooperate with authorities in the homicide investigation.

On March 15, 2018, in response to District Attorney Daneri's letter, Attorney Harmon filed

the instant Motion to Compel Admission to ARD Program. A hearing was held on Defendant's Motion to Compel Admission to ARD Program on March 29, 2018, at which Defendant was present and represented by his counsel, Attorney Harmon, and District Attorney Daneri appeared on behalf of the Commonwealth. At said hearing, Defendant called as a witness Eric V. Hackwelder, Esq., who was Defendant's counsel for the homicide trial at Docket Number 3771 of 2016. Defendant then testified on his own behalf at said hearing. Defendant testified he was not affiliated with any gang-related activity. In addition, Defendant testified he was previously employed as a drug and alcohol counselor before his DUI arrest in the instant matter and that before he could return to his counseling position, his criminal record needed to be expunged.

Under Pennsylvania law, district attorneys "have the sole discretion in any criminal case, including drunk driving cases, to move for the admission of a defendant into ARD." *Commonwealth v. Lutz*, 495 A.2d 928, 932 (Pa. 1985). A defendant's admission into ARD is not a matter of right, but is a privilege as stated in well-established case law. *Id.* (citing *Commonwealth v. Armstrong*, 434 A.2d 1205, 1208 (Pa. 1981) ("Our rules give district attorneys broad discretion to select which crimes and which individuals qualify for diversion into ARD")). Thus, when the Commonwealth denies a defendant's admission into the ARD program, the trial court's role is limited to whether the Commonwealth abused its discretion. *Commonwealth v. Sohnleitner*, 884 A.2d 307, 313 (Pa. Super. 2005). "While the district attorney's discretion is broad, and appellate review of such decisions is narrow, the district attorney's power is not completely unfettered and is subject to the following judicially imposed restrictions: 1) an open, on-the-record specification of reasons which are 2) related to society's protection or the defendant's rehabilitation." *Commonwealth v. Morrow*, 650 A.2d 907, 910–11 (Pa. Super. 1994).

Indeed, "a district attorney may base a decision to grant or deny admission to ARD on any consideration related to the protection of society and the rehabilitation of the defendant" unless such decision is "wholly, patently and without doubt unrelated to the protection of society or the likelihood of a person's success in rehabilitation, such as race, religion or other such obviously prohibited considerations." Sohnleitner, 884 A.2d at 313 (quoting Commonwealth v. Jagodzinski, 739 A.2d 173, 176 (Pa. Super. 1999)) (emphasis in original). Any policy by the District Attorney which is "rationally related to society's protection or an individual's ability to succeed under the program is acceptable and is not considered an abuse of discretion." Morrow, 650 A.2d at 911. The Commonwealth does not bear the burden of proving the absence of abuse of discretion; instead, the defendant has the burden of proving the Commonwealth's denial of his request to participate in ARD was based on the aforementioned prohibited reasons. Id. As such, so long as the district attorney's decision is related to the "protection of society or the likelihood of a person's success in rehabilitation," the trial court is not in a position to inquire further and the district attorney's decision will stand. Id.

In the instant case, at Defendant's homicide trial at Docket Number 3771 of 2016, and at the hearing held on March 29, 2018, Defendant testified in both instances that he had no gang affiliations. District Attorney Daneri disagreed and argued that Defendant is involved in gang-related activities. District Attorney Daneri stated law enforcement authorities had data and other intelligence provided by the Erie City Police Department showing Defendant's

Commonwealth v. Knight

25

involvement in gang-related activities. District Attorney Daneri defined a "gang" as an affiliation of individuals who are criminally associated. District Attorney Daneri stated that if Defendant were accepted into the ARD Program, Defendant would similarly be untruthful with his probation officer concerning efforts to rehabilitate Defendant pursuant to the ARD Program's objectives, and Defendant would not cooperate with directives from probation officers.

Moreover, District Attorney Daneri indicated that, in the past, individuals associated with gangs have been rejected for consideration for the ARD Program. Based on the aforementioned intelligence gathered by the Erie County Police Department, District Attorney Daneri enumerated various gangs in Erie, including "Shid Nation" and "Four Nation." District Attorney Daneri stated he knows from the data and intelligence about Defendant's involvement with the gang known as "Shid Nation." District Attorney Daneri also concluded his refusal to allow Defendant to participate in the ARD Program was for the protection of society. Thus, his policy of refusing individuals associated with gang-related activities into the ARD Program is "rationally related to society's protection or [Defendant's] ability to succeed under the [ARD] program," and District Attorney Daneri's policy is, therefore, an acceptable basis upon which to deny any defendant's—including this Defendant's—admission into the ARD Program. See Morrow, 650 A.2d at 911.

Furthermore, Attorney Harmon argued District Attorney Daneri refused Defendant's admission into the ARD Program based on "personal reasons." District Attorney Daneri insisted he did not abuse his decision by rejecting Defendant's admission into the ARD Program on any prohibited factor, such as race or religion. Rather, District Attorney Daneri articulated specifically in both his letter and in open court his reasons for denying Defendant's request for admission into the ARD Program, and his reasons are clearly related to the protection of society and the likelihood of Defendant's successful rehabilitation. *See Commonwealth v. Jagodzinski*, 739 A.2d 173, 176 (Pa. Super. 1999) (internal quotations omitted) ("District attorneys are . . . required openly to specify their reasons for not submitting a particular case to ARD, and those reasons, while they may be subject to disagreement as to their wisdom, do not amount to an abuse of discretion.").

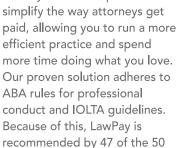
Based on the foregoing reasons, this Trial Court enters the following Order:

#### **ORDER**

AND NOW, to-wit, this 4th day of April, 2018, at the time of the scheduled hearing on the Motion to Compel Admission to ARD Program, filed by Defendant, by and through his counsel, Michael W. Harmon, Esq.; at which Defendant Marquis Knight was present and represented by his counsel, Michael W. Harmon, Esq., and District Attorney John H. Daneri appeared on behalf of the Commonwealth; and after hearing testimony from Eric V. Hackwelder, Esq., as well as testimony from Defendant; and after oral argument from both counsel; and upon review of the relevant statutory and case law; and consistent with the foregoing analysis in the above Opinion, it is hereby **ORDERED**, **ADJUDGED AND DECREED** that Plaintiff's Motion to Compel Admission to ARD Program is **DENIED**.

BY THE COURT /s/ Stephanie Domitrovich, Judge





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LEGAL NOTICE

COMMON PLEAS COURT

#### CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania 10935-18 Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Michele Exume to Michele-Lynne Josephina Ceron.

The Court has fixed the 21st day of May, 2018 at 8:45 a.m. in Court Room G, Room 222, of the Erie County Court House, 140 West 6th Street, Erie, Pennsylvania 16501 as the time and place for the Hearing on said Petition, when and where all interested parties may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

Apr. 20

#### DISSOLUTION NOTICE

TO ALL CREDITORS OF AVERY'S VISION, INC.

This is to notify you that AVERY'S VISION, INC., a Pennsylvania corporation with its registered office located at 3844 Beech Street, Erie, Pennsylvania 16508, is dissolving and winding up its business.

Apr. 20

#### 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: Impact Corry
- 2. The real name and address, including street and number, of the entity to the registration: Corry Community Development Corporation, 221 North Center Street, Corry, PA 16407
- 3. An application for registration of a fictitious name under the Fictitious Names Act was filed on January 22, 2018.

Paul J. Carney, Jr., Esq. 224 Maple Ave. Corry, PA 16407

Apr. 20

#### FOREIGN WITHDRAWAL

Notice is hereby given that, pursuant to the provisions of Section 4129 of the Business Corporation Law of 1988, CAHC Ventures, Inc., a corporation of the State of Delaware with principal office at 95 Lighthouse Drive, Jupiter, FL 33469 and having a Commercial Registered office Provider and county of venue as follows: Corporate Creations Network, Inc., 1001 State Street, #1400, Erie, Erie County, PA 16501, which on April 18, 2016 was registered to transact business in the Commonwealth, intends to file a Statement of Withdrawal with the Department of State.

Apr. 20

#### INCORPORATION NOTICE

NOTICE is hereby given that Denny's Sales and Service Center, Inc. has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

Apr. 20

#### INCORPORATION NOTICE

Notice is hereby given that Edinboro Community Church has been incorporated under the provisions of the 1988 Pennsylvania Business Corporation Law.

Matthew B. Wachter, Esq. MacDonald, Illig, Jones & Britton LLP 100 State Street, Suite 700 Erie, PA 16507-1459

Apr. 20

#### INCORPORATION NOTICE

Notice is hereby given that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania on the 28th day of March, 2018 with respect to a proposed nonprofit corporation, Little Lambs Recovery Center, which has been incorporated under the Nonprofit Corporation Law of 1988.

Apr. 20

#### LEGAL NOTICE

ATTENTION: JILLIAN STRANGE INVOLUNTARY TERMINATION OF PARENTAL RIGHTS IN THE MATTER OF THE ADOPTION OF MINOR MALE CHILD E.N.H. DOB 09/11/2016

29 IN ADOPTION, 2018

If you could be the parent of the above-mentioned child, at the instance of William Healy you, laying aside all business and excuses whatsoever, are hereby cited to be and appear before the Orphan's Court of Erie County, Pennsylvania, at the Erie County Courthouse, Judge Joseph M. Walsh, III, Courtroom No. 217-I, City of Erie on April 26, 2018 at 11:00 a.m. and there show cause. if any you have, why your parental rights to the above child should not be terminated, in accordance with a Petition and Order of Court filed by William Healy. A copy of these documents can be obtained by contacting Amicangelo & Theisen, LLC at (814) 454-1314.

Your presence is required at the Hearing. If you do not appear at this Hearing, the Court may decide that you are not interested in retaining your rights to your child and your failure to appear may affect the Court's decision on whether to end your rights to your child. You are warned that even if you fail to appear at the scheduled hearing, the Hearing will go on without you and your rights to your child may be ended by the Court without your being present. You have a right to be represented at the Hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Family/Orphan's Court Administrator Room 204 – 205

Erie County Courthouse

Erie, PA 16501 (814) 451-6251

NOTICE REQUIRED BY ACT 101 OF 2010: 23 Pa. C.S. §§2731-2742.

This is to inform you of an important option that may be available to you under Pennsylvania law. Act 101 of 2010 allows for an enforceable voluntary agreement for continuing contact or communication following an adoption between an adoptive parent, a child, a birth parent and/or a birth relative of the child, if all parties agree and the voluntary

LEGAL NOTICE

COMMON PLEAS COURT

agreement is approved by the Court. The agreement must be signed and approved by the Court to be legally binding. If you are interested in learning more about this option for voluntary agreement, contact Amicangelo & Theisen, LLC, or contact your adoption attorney, if you have one.

Apr. 20

#### LEGAL NOTICE

NOTICE OF ACTION IN
MORTGAGE FORECLOSURE
IN THE COURT OF COMMON
PLEAS OF ERIE COUNTY,
PENNSYLVANIA
CIVIL ACTION – LAW
NO. 10253-18
HOME POINT FINANCIAL
CORPORATION. Plaintiff

VS.

WILLIAM KOEHLE, A/K/A WILLIAMS J. KOEHLE, in his capacity as Co-Administrator and Heir of the Estate of ANDREW KOEHLE, A/K/A ANDREW W. KOEHLE, PATRICIA KOEHLE, in her capacity as Co-Administrator and Heir of the Estate of ANDREW KOEHLE, A/K/A ANDREW W. KOEHLE, UNKNOWN HEIRS. SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER ANDREW KOEHLE, A/K/A ANDREW W. KOEHLE, DECEASED.

#### Defendants

#### NOTICE

UNKNOWN HEIRS SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER ANDREW KOEHLE, A/K/A ANDREW W. KOEHLE, DECEASED You are hereby notified that on February 1, 2018, Plaintiff, HOME POINT FINANCIAL CORPORATION, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of ERIE County Pennsylvania, docketed to

No. 10253-18. Wherein Plaintiff

seeks to foreclose on the mortgage

secured on your property located at 1525 EAST 19TH STREET, A/K/A, SCHAALAVE., A/K/A E. 19TH ST., ERIE, PA 16510-1056 whereupon your property would be sold by the Sheriff of ERIE County.

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

#### NOTICE

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

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, 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.

Notice to Defend: Lawyer Referral & Information Service P.O. Box 1792 Erie, PA 16507 Telephone (814) 459-4411 Apr. 20

#### LEGAL NOTICE

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA CIVIL ACTION-LAW NO. 10245-18 NOTICE OF ACTION IN MORTGAGE FORECLOSURE KeyBank, N.A., successor by merger to First Niagara Bank, c/o Key Bank, N.A., Plaintiff vs. Theresa Lasky,

Betty L. Luke, Rick Luke, Known Heir of Herbert J. Luke, Vicky Alford, Known Heir of Herbert J. Luke, Yvonne Reed, Known Heir of Herbert J. Luke and Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest from or Under Herbert J. Luke. Defendants

TO: Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest from or Under Herbert J. Luke, Defendant(s), whose last known address is 671 Hess Avenue, Erie, PA 16503.

#### COMPLAINT IN MORTGAGE FORECLOSURE

You are hereby notified that Plaintiff, KeyBank, N.A., successor by merger to First Niagara Bank, c/o Key Bank, N.A., has filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of Erie County, PA, docketed to NO. 10245-18, wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 671 Hess Avenue, Erie, PA 16503, whereupon your property would be sold by the Sheriff of Erie County.

#### NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the notice above, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH THE INFORMATION

LEGAL NOTICE

COMMON PLEAS COURT

ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE. Lawyer Referral & Information Service, P.O. Box 1792. Erie, PA 16507, 814-459-4411. Mark J. Udren, Lorraine Gazzara Doyle, Elizabeth L. Wassall, John Eric Kishbaugh, Nicole B. Labletta, David Neeren, Morris Scott & Walter Gouldsbury, Attys. For Plaintiff, Udren Law Offices, P.C., 111 Woodcrest Rd., Ste. 200, Cherry Hill, NJ 08003, 856.669.5400.

Apr. 20

#### LEGAL NOTICE

NOTICE OF SHERIFF'S SALE IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA NO. 12701-13

TRIFERA LLC VS.

THE ESTATE OF PATRICIA WIECZOREK, A/K/A PATRICIA A. WEICZOREK, ALL UNKNOWN BENEFICIARIES OF THE ESTATE OF PATRICIA WIECZOREK. A/K/A PATRICIA A. WEICZOREK. VIVIAN WIECZOREK GARDOCKI. A/K/A VIVIAN WIECZOREK. IN HER CAPACITY AS EXECUTRIX AND DEVISEE OF THE ESTATE OF RONALD WIECZOREK, A/K/A DR. RONALD J. WIECZOREK, MARK J. GUSTITIS. IN HIS CAPACITY AS ADMINISTRATOR AND HEIR OF THE ESTATE OF KATHLEEN M. WIECZOREK. A/K/A KATHLEEN WIECZOREK. A/K/A KATHLEEN MARIE GUSTITIS AND UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER KATHLEEN M. WIECZOREK, DECEASED

NOTICE TO: THE ESTATE OF PATRICIA WIECZOREK, A/K/A PATRICIA A. WEICZOREK, ALL UNKNOWN BENEFICIARIES OF THE ESTATE OF PATRICIA WIECZOREK, A/K/A PATRICIA
A. WEICZOREK and UNKNOWN
HEIRS, SUCCESSORS, ASSIGNS,
AND ALL PERSONS, FIRMS,
OR ASSOCIATIONS CLAIMING
RIGHT, TITLE OR INTEREST
FROM OR UNDER KATHLEEN M.
WIECZOREK, DECEASED
NOTICE OF SHERIFF'S SALE OF
REAL PROPERTY

Being Premises: 737 CLIFTON DRIVE # 1, A/K/A 737 CLIFTON DRIVE, ERIE, PA 16505-3605

Being in MILLCREEK TOWNSHIP, County of ERIE, Commonwealth of Pennsylvania, 33-017-078.0-042.00 Improvements consist of residential

property.

Sold as the property of THE ESTATE OF PATRICIA WIECZOREK, A/K/A PATRICIA A. WEICZOREK, ALL UNKNOWN BENEFICIARIES OF THE ESTATE OF PATRICIA WIECZOREK, A/K/A PATRICIA A. WEICZOREK. VIVIAN WIECZOREK GARDOCKI, A/K/A VIVIAN WIECZOREK, IN HER CAPACITY AS EXECUTRIX AND DEVISEE OF THE ESTATE OF RONALD WIECZOREK, A/K/A DR. RONALD J. WIECZOREK, MARK J. GUSTITIS, IN HIS CAPACITY AS ADMINISTRATOR AND HEIR OF THE ESTATE OF KATHLEEN M. WIECZOREK. A/K/A KATHLEEN WIECZOREK, A/K/A KATHLEEN MARIE GUSTITIS AND UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER KATHLEEN M. WIECZOREK, DECEASED

Your house (real estate) at 737 CLIFTON DRIVE # 1, A/K/A 737 CLIFTON DRIVE, ERIE, PA 16505-3605 is scheduled to be sold at the Sheriff's Sale on 06/22/2018 at 10:00 AM, at the ERIE County Courthouse, 140 West 6th Street, Room 18, Erie, PA 16501-1077, to enforce the Court Judgment of \$113,744.20 obtained by, TRIFERA LLC (the mortgagee), against the above premises.

PHELAN HALLINAN DIAMOND & JONES, LLP

Attorney for Plaintiff

Apr. 20

# LEGAL NOTICE THE SCHOOL DISTRICT CITY OF ERIE, PA

Dr. James E. Barker Leadership Center, 148 West 21st Street, Erie, PA 16502

Sealed proposals for District-Wide Unified Convenience and Production Print Services Program for the School District of the City of Erie will be received at the Board Secretary's Office, 148 West 21st Street, Erie, PA 16502 until 2:00 p.m. on Monday, April 30, 2018. Specifications may be obtained at the School District's Purchasing Department, 148 West 21st Street, Erie, PA 16502.

Angela Jones Board Secretary

Apr. 13, 20, 27

ORPHANS' COURT LEGAL NOTICE ORPHANS' COURT

### AUDIT LIST NOTICE BY KENNETH J. GAMBLE

**Clerk of Records** 

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

The following Executors, Administrators, Guardians and Trustees have filed their Accounts in the Office of the Clerk of Records, Register of Wills and Orphans' Court Division and the same will be presented to the Orphans' Court of Erie County at the Court House, City of Erie, on **Wednesday, April 11, 2018** and confirmed Nisi.

May 23, 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>	<b>ESTATE</b>	<u>ACCOUNTANT</u>	<b>ATTORNEY</b>
98.	Edward Walter Gundrum	Marcella A. Sullivan	. Richard E. Filippi, Esq.
	a/k/a Edward W. Gundrum	Melissa M. Lobaugh, Executrices	
99.	Warren R. Jones, Jr.	Sandra L. Jones, Administratrix	. Darlene M. Vlahos, Esq.
100.	Inez R. Gonda	Kimberly Richer, Executrix	. Norman A. Stark, Esq.
	a/k/a Inez Rose Gonda	•	

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

Apr. 20, 27



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113 Meadville St. Edinboro, PA 16412 814/734-3787 Joseph P. Maloney, CPA, CFE • James R. Scarpitti, CPA Rick L. Clayton, CPA • Christopher A. Elwell, CPA • Ryan Garofalo, CPA

Confidential inquiries by phone or email to mrsinfo@mrs-co.com.

ORPHANS' COURT LEGAL NOTICE ORPHANS' COURT

#### 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

#### CLARK, LUCILLE E., a/k/a LUCILLE HEIDT CLARK. deceased

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

Co-Executors: Edward C. Clark and Carol A. Nash, c/o Yochim. Skiba & Nash, 345 West Sixth Street, Erie, PA 16507

Attorney: Gary H. Nash, Esq., Yochim, Skiba & Nash, 345 West Sixth Street Erie PA 16507

#### FURSTENBERGER, ROBERTAL., deceased

Late of Millcreek Township, City of Erie

Administratrix: Jeanne Kidder Attorney: John F. Mizner, Esquire, 311 West Sixth Street, Erie, PA 16507

#### HUTZELMAN, DOROTHY M., deceased

Late of Fairview Township, Erie County, PA;

Executor: Stephen H. Hutzelman, Esquire, 305 West Sixth Street, Erie, PA 16507

Attorney: Stephen H. Hutzelman, Esquire, 305 West Sixth Street, Erie, PA 16507

#### JERIN, WILLIAM P., JR., a/k/a WILLIAM JERIN, JR., a/k/a WILLIAM JERIN.

#### deceased

Late of the City of Erie, County of Erie, State of Pennsylvania Co-Administrators: Alex Jerin, 319 Eagle Street, Apt 4, Fairport, Ohio 44077 and Ashley Jerin, 5920 Sweet William Terrace, Land O Lakes, FL 34639

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

#### JOSLIN, PHILLIP J., deceased

Late of Springfield Township Administratrix: Michele L. Fails Attorney: Andrew J. Sisinni. Esquire, 1314 Griswold Plaza, Erie, PA 16501

#### McCALL, M. RUTH, a/k/a MAGGIE RUTH McCALL, a/k/a MARGARET RUTH McCALL. a/k/a MARGARET McCALL. a/k/a MARGARET R. McCALL, deceased

Late of the Borough of Girard, County of Erie, State of Pennsylvania

Executrix: Sara M. Jukes, 217 Mound Street, Corry, PA 16407 Attorney: Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

#### PRESCOTT, LINDA A., a/k/a LINDA ANN PRESCOTT, a/k/a LINDA D. PRESCOTT. deceased

Late of the Township of Harborcreek, County of Erie, Commonwealth of Pennsylvania Executrix: Pamela R. Holzer. 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

#### STANKIEWICZ, WILLIAM P., deceased

Late of the Township of Fairview. County of Erie, Commonwealth of Pennsylvania

Executor: Timothy F. Stankiewicz, 5315 Ferndale Place, Fairview, PA 16415

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

# TRUDNOWSKI, CHARLES,

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

Executrix: Ashlie Davet, c/o Ouinn, 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

#### WAWRZYNIAK, JOSEPHINE B., a/k/a JOSEPHINE A. WAWRZYNIAK, a/k/a JOSEPHINE WAWRZYNIAK. deceased

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

Executrix: Andrea M. Kruzelyak, 36 Forest Grove Road, Coraopolis,

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

#### ZOMBECK, CHESTER L., deceased

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

Executrix: Joan Gigliotto, c/o Kevin M. Monahan, Esq., Suite 300, 300 State Street, Erie, PA 16507

Attorney: Kevin M. Monahan. Esq., MARSH, SPAEDER, BAUR, SPAEDER & SCHAAF, LLP., Suite 300, 300 State Street, Erie, PA 16507

**ORPHANS' COURT** 

LEGAL NOTICE

#### ORPHANS' COURT

#### SECOND PUBLICATION

#### CARUANA, ROSS L., a/k/a ROSS CARUANA,

#### deceased

Late of the Township of Millcreek *Executrix:* Robin A. Caruana *Attorney:* Michael G. Nelson, Esquire, Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, 300 State Street, Suite 300, Erie, Pennsylvania 16507

## FRANZ, JAMES P., JR., deceased

Late of Erie, County of Erie and Commonwealth of Pennsylvania Executor: James P. Franz, III, c/o Norman A. Stark, Esq., Suite 300, 300 State Street, Erie, PA 16507 Attorney: Norman A. Stark, Esq., Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, Suite 300, 300 State Street. Erie. PA 16507

# GINGENBACH, RUTH E., deceased

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

Executor: Craig Zgraggen, c/o Yochim, Skiba & Nash, 345 West Sixth Street, Erie, PA 16507 Attorney: Gary H. Nash, Esq., Yochim, Skiba & Nash, 345 West Sixth Street, Erie, PA 16507

# SMITH, LARRY V., deceased

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

# SUGDEN, BEVERLY A., deceased

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

*Executrix:* Jamie A. Lucas, 5704 Hilltop Road, Middle River, MD 21220-1520

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

# SULLIVAN, JAMES L., deceased

Late of the City of Erie, Erie County, Pennsylvania

Administratrix: Catherine A. Lochner-Trejchel, 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

# WIECZOREK, CHARLES S., deceased

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

Co-Administrators: Karen M. Dibble and Charlotte M. Knight Attorney: Melanie L. Hoover, Esquire, ELDERKIN LAW FIRM, 150 East 8th Street, Erie, PA 16501

# WIECZOREK, SANDRA M., deceased

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

Co-Administrators: Karen M. Dibble and Charlotte M. Knight Attorney: Melanie L. Hoover, Esquire, ELDERKIN LAW FIRM, 150 East 8th Street, Erie, PA 16501

#### THIRD PUBLICATION

# FOYE, REBECCA A., a/k/a REBECCA FOYE,

Late of the City of Erie

#### deceased

Co-Executrices: Betsy L. Rhodes and Kathryn L. Wiltse Attorney: Michael G. Nelson, Esquire, Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, 300 State Street, Suite 300, Erie,

# GEORGE, DOROTHY F., deceased

Pennsylvania 16507

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

Executor: Dale W. George, c/o 3939 West Ridge Road, Suite B-27, Erie, PA 16506

Attorney: James L. Moran, Esquire, 3939 West Ridge Road, Suite B-27, Erie, PA 16506

# GOLEMBIESKI, AGNES S., deceased

Late of City of Erie, Erie County, Commonwealth of Pennsylvania Executor: Terry Lapeusz, c/o 120 W. 10th Street, Erie, PA 16501 Attorneys: Knox McLaughlin Gornall & Sennett, P.C., 120 West 10th Street, Erie, PA 16501

# IRELAND, SHIRLEY A., a/k/a SHIRLEY IRELAND, deceased

Late of the Township of Millcreek *Executrix:* Kathleen Holler *Attorney:* Michael G. Nelson, Esquire, Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, 300 State Street, Suite 300, Erie, Pennsylvania 16507

# JOHNSON, ANNE M., deceased

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

Executrix: Christine Hall McClure, c/o 120 W. 10th Street, Erie, PA 16501

Attorneys: Knox McLaughlin Gornall & Sennett, P.C., 120 West 10th Street, Erie, PA 16501 ORPHANS' COURT LEGAL NOTICE ORPHANS' COURT

# KULKA, ROBERT J., deceased

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

Executor: Thomas J. Kulka, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506 Attorney: Colleen R. Stumpf, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

# LLOYD, BETTY J., deceased

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

Executor: Diann Lloyd-Dennis, 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

# MACK, MITCHELL A., deceased

Late of City of Erie

Executrix: Patricia M. Mannarelli,
5636 Timbercreek Dr., Erie, PA

16509 Attorney: Michael A. Fetzner, Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

# MORTON, MERLIN R., deceased

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

Executrix: Elaine Morton, c/o Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407

Attorney: Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407

#### NAVECKY, JOAN M., a/k/a JOAN NAVECKY,

#### deceased

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

Executrix: Kathleen M. Seth Attorney: Kenneth G. Vasil, Esquire, ELDERKIN LAW FIRM, 150 East 8th Street, Erie, PA 16501

## OTIS, MARY LOU, deceased

Late of North East Borough, Erie County, North East, Pennsylvania Executor: Joel Otis, c/o 33 East Main Street, North East, Pennsylvania 16428

Attorney: Robert J. Jeffery, Esq., KNOX LAW, 33 East Main Street, North East, Pennsylvania 16428

# STEVENSON, ANDREW R., a/k/a ANDREW STEVENSON,

#### deceased

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

Executrix: Linda Stevenson Attorney: David J. Rhodes, Esquire, ELDERKIN LAW FIRM, 150 East 8th Street. Erie, PA 16501

#### STOUGH, JOAN M., a/k/a JOAN S. STOUGH, a/k/a JOAN STEWARD STOUGH, deceased

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

Executrix: Jacqueline Dengel, c/o John J. Shimek, III, Esquire, Sterrett Mott Breski & Shimek, 345 West 6th Street, Erie, PA 16507

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

# TUZYNSKI, JOHN J., a/k/a JOHN TUZYNSKI,

#### deceased

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

Executor: Matthew Tuzynski, 9119 Barney Road, Albion, PA 16401

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

# WERNER, JEANNE M., deceased

Late of the Township of Millcreek, County of Erie, and Commonwealth of Pennsylvania Personal Representatives: Dianne L. Yochim and Tania E. Small, c/o Joseph A. Yochim, Esq., Yochim, Skiba & Nash, 345 West 6th Street, Erie, PA 16507

Attorney: Joseph A. Yochim, Esq., Yochim, Skiba & Nash, 345 West 6th Street, Erie, PA 16507

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