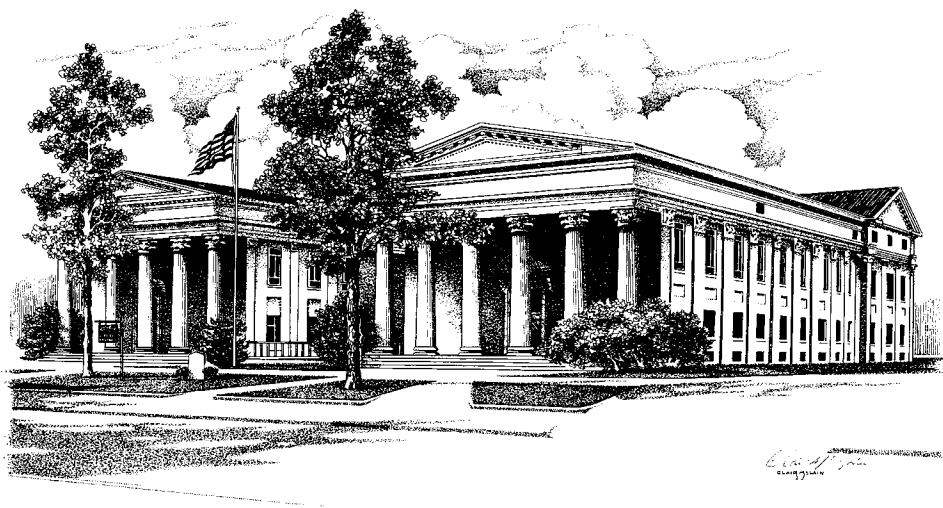


# Erie County Legal Journal

April 27, 2018

Vol. 101 No. 17



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101 ERIE 26-38

Vineyard Oil and Gas Co. v. North East Twp. Zoning Hrg. Bd.  
v. Capital Telecom Holdings, LLC

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# Erie County Legal Journal

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

Managing Editor: Megan E. Black  
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# Erie County Bar Association

## Calendar of Events and Seminars

### **SATURDAY, APRIL 28, 2018**

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

### **WEDNESDAY, MAY 2, 2018**

Bench Bar Conference Committee Meeting  
4:30 p.m.  
ECBA Headquarters

### **THURSDAY, MAY 3, 2018**

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

### **FRIDAY, MAY 4, 2018**

Law Foundation Trustees Meeting  
Noon  
ECBA Headquarters

### **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 Koneksi Event  
5:30 p.m. - 7:00 p.m.  
Eastland Bowl

### **MONDAY, MAY 21, 2018**

ECBA Board of Directors Meeting  
Noon  
ECBA Headquarters

### **TUESDAY, MAY 22, 2018**

Family Law Section Meeting  
Noon  
Judge Walsh's Courtroom

### **WEDNESDAY, MAY 23, 2018**

Criminal Defense Meeting  
Noon  
ECBA Headquarters

### **MONDAY, MAY 28, 2018**

Memorial Day Holiday  
ECBA Office Closed  
Erie County and Federal Courthouses Closed

### **MONDAY, JUNE 11, 2018**

Workers' Compensation Section Meeting  
Noon  
ECBA Headquarters



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on the ECBA website  
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**VINEYARD OIL AND GAS COMPANY, Appellant**  
**v.**  
**NORTH EAST TOWNSHIP ZONING HEARING BOARD, Appellee**  
**v.**  
**CAPITAL TELECOM HOLDINGS, LLC, Intervenor**  
*ZONING / SCOPE OF REVIEW*

If the record below includes findings of fact made by the governing body, board or agency whose decision or action is brought up for review and the court does not take additional evidence, the findings of the governing body, board or agency shall not be disturbed by the court if supported by substantial evidence. *See* 53 P.S. § 11005-A.

*ZONING / SCOPE OF REVIEW*

Where a trial court does not take any additional evidence, the trial court is limited to determining whether the zoning board committed a manifest abuse of discretion or an error of law in granting the variance. An abuse of discretion is established where the findings are not supported by substantial evidence. Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

*ZONING / DIMENSIONAL VARIANCE*

A dimensional variance involves a request to adjust zoning regulations to use the property in a manner consistent with such regulations, as opposed to a use variance, which involves a request to use property in a manner that is wholly outside zoning regulations.

*ZONING / DIMENSIONAL VARIANCE / UNNECESSARY HARDSHIP*

In determining whether unnecessary hardship has been established to justify the grant of a dimensional variance, courts may consider multiple factors, including the economic detriment to the applicant if the variance was denied, the financial hardship created by any work necessary to bring the building into strict compliance with the zoning requirements, and the characteristics of the surrounding neighborhood.

*ZONING / DIMENSIONAL VARIANCE / UNNECESSARY HARDSHIP*

The quantum of evidence required to establish an unnecessary hardship is lesser when a dimensional variance, rather than a use variance, is sought.

*ZONING / SPECIAL EXCEPTION*

A special exception is not an exception to a zoning restriction, but, rather, a use that is expressly permitted, so long as the applicant can show the absence of a detrimental effect on the community.

*ZONING / SPECIAL EXCEPTION*

An 'exception' in a zoning ordinance is one allowable where facts and conditions detailed in the ordinance, as those upon which an exception may be permitted, are found to exist. Thus, an exception has its origin in the zoning ordinance itself. It relates only to such situations as are expressly provided for and enunciated by the terms of the ordinance. The rules that determine the grant or refusal of the exception are enumerated in the ordinance itself. The function of the board when an application for an exception is made is to determine that such specific facts, circumstances and conditions exist which comply with the standards of the ordinance and merit the granting of the exception.

*TELECOMMUNICATIONS / LOCAL GOVERNMENT REGULATION*

Under the Telecommunications Act of 1996, state and local governments retain authority

over zoning and land use issues; however, the Telecommunications Act places several procedural and substantive limitations on such authority when exercised in relation to personal wireless service facilities. 47 U.S.C. § 332(c)(7)(A) and (B).

*TELECOMMUNICATIONS / LOCAL GOVERNMENT REGULATION*

To show a violation of Section 332(c)(7)(B)(i)(II) of the Telecommunications Act of 1996, an unsuccessful provider applicant must show (1) its telecommunications facility will fill an existing significant gap in the ability of remote users to access the national telephone network; and (2) the manner in which the applicant proposes to fill the significant gap in service is the least intrusive means of remedying that gap.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA  
CIVIL DIVISION  
NO. 13050 – 2017

Appearances: Michael Musone, Esq., - Vineyard Oil & Gas Company (Appellant)  
John J. Shimek, III, Esq., - North East Township Zoning Hearing Board (Appellee)  
Joseph J. Perotti, Jr., Esq., - Capital Telecom Holdings, LLC (Applicant/  
Intervenor)

**OPINION**

Domitrovich, J. April 16, 2018

The matter before this Trial Court is Vineyard Oil and Gas Company’s Notice of Land Use Appeal from the October 6, 2017, decision of the North East Township Zoning Hearing Board (“Zoning Hearing Board”) granting Intervenor Capital Telecom Holdings, LLC’s application for dimensional/setback variances to erect a proposed wireless communications facility and a special exception use to construct a self-supporting tower in lieu of a monopole tower. The issue before this Trial Court is whether substantial evidence exists to support the North East Township Zoning Hearing Board’s decision to grant Capital Telecom Holdings, LLC’s application for the dimensional variances and special exception use. This Trial Court provides the following analysis:

**I. Procedural/Factual Background**

Vineyard Oil and Gas Company’s (“Vineyard”) is the owner of real property located at 10299 West Main Street, North East, Pennsylvania 16428, which is directly adjacent to the north of the subject property owned by Jacob R. Jones located at 10325 West Main Street, North East, Pennsylvania 16428 (“Subject Property”). The North East Township Zoning Hearing Board (“ZHB”) operates within North East, Pennsylvania and is governed by Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10901 *et seq.*, and North East Township Zoning Ordinance No. 2014-001. Capital Telecom Holdings, LLC (“Capital”) is a Limited Liability Company operating within the Commonwealth of Pennsylvania and constructs, owns, and manages wireless communications facilities in Pennsylvania and elsewhere.

The Subject Property, which contains 5.58 acres, is located in the B-2 Industrial District of North East Township, and the construction of a wireless communications facility is a permitted use under the Township Zoning Ordinance. *See* N.E. Twp. Ord. Art. XI, § 1103.2.

The Subject Property contains a salvage yard, septic tank, gas well, and an automobile repair business. Mr. Jones, the owner of the Subject Property, also owns adjacent real property located to the south and southwest of the Subject Property. On September 19, 2016, Mr. Jones and Capital entered into an “Option and Telecommunications Facility Lease Agreement.” Under said Agreement, Capital Telecom leased a portion of the Subject Property for the purpose of erecting and operating a wireless communications facility thereon.

Pursuant to Section 1106.1 of the North East Township Ordinance, if an application proposes to build an antenna support structure, the applicant must establish the existence of certain requirements and must comply with certain performance standards. *See* N.E. Twp. Ord. Art. XI, § 1106.1. In particular, if a new antenna support structure is erected, the minimum distance between the base of the support structure and any adjacent property must be equal to the maximum height of the antenna and antenna support structure. *See id.* at § 1106.1(E). In addition, a monopole antenna support structure is ordinarily required pursuant to the Ordinance; however, the Zoning Hearing Board may approve the use of a free-standing support structure where the applicant can establish the existence of certain additional requirements. *See id.* at § 1104.1(F) and (L).

Capital submitted an application dated July 6, 2017, to the North East Township Zoning Hearing Board requesting a variance from the setback requirements under the Township’s Ordinance and for the construction of a free-standing antenna support structure in lieu of a monopole support structure (“Application”). Said Application stated Capital proposed to construct a 195' tower designed to accommodate collocation by other telecommunications carriers and emergency services. Since the North East Township’s Ordinance ordinarily requires the base of the proposed tower to be placed at a distance not less than 195' from adjoining properties under North East’s Zoning Ordinance, Capital’s Application sought approval for the following distances between the base of the proposed tower and the adjoining properties: 54' 4" to the north; 132' 4" to the south; 113' 5" to the east; and 114' 3" to the southwest. (R.R. at 39). Thus, the dimensional variances sought by Capital were: 140' 8" to the north; 62' 8" to the south; 81' 7" to the east; and 80' 9" to the southwest. (R.R. at 2). In addition, Capital indicated its intent to have the proposed tower accompanied by a fenced compound surrounding the tower wherein all associated equipment would be installed. Capital intends to have an access/utility easement to access the property.

A hearing was held before the North East Township Zoning Hearing Board on August 22, 2017. At said hearing, Capital presented evidence in the form of expert testimony from Verizon Wireless Radio Frequency Engineer Matt Wierzchowski concerning the details of Capital’s Application. Scott Von Rein, a representative from Capital, also presented testimony on behalf of Capital, and Rich Hanson, a site acquisition specialist, was also present at the hearing. Mr. Jones, the owner of the Subject Property, also provided testimony. In addition, the Zoning Hearing Board called Russ LaFuria, the North East Zoning Officer to testify. Vineyard was represented at said hearing by Timothy S. Watcher, Esq., who cross-examined witnesses for Capital and raised objections on behalf of Vineyard. At the conclusion of said hearing, the Zoning Hearing Board unanimously voted in favor of granting Capital the setback variance and structure-type special exception request. On October 6, 2017, the Zoning Hearing Board issued its specific “Findings of Fact, Conclusions of Law, and Decision” (“ZHB Decision”).

On October 27, 2017, Vineyard, by and through its counsel Michael Musone, Esq., filed its Notice of Land Use Appeal. A Writ of *Certiorari* was issued on October 31, 2017. On November 9, 2017, the North East Township Zoning Hearing Board filed the record from the hearing before Zoning Hearing Board on August 22, 2017. Capital, by and through its counsel, Joseph J. Perotti, Esq., filed a Notice of Intervention. A Case Management Conference was held before the undersigned judge on January 31, 2018, at which both counsel for Vineyard and Capital stipulated that no additional evidence was required. Thus, this Trial Court directed the parties to submit their Memoranda of Law and scheduled argument for March 21, 2018.

At the hearing held on March 21, 2018, however, this Trial Court raised a concern as to how the record, as submitted, was organized by the Zoning Hearing Board. By Order dated March 21, 2018, this Trial Court rescheduled Argument for March 28, 2018 in order to provide additional time for counsel of the Zoning Hearing Board to submit a more comprehensive, delineated, and reproduced record utilizing Bates stamping. Said Order also directed both counsel for Vineyard and Capital to re-submit Memoranda of Law to reflect notations to the Bates stamping in the resubmitted comprehensive, delineated, and reproduced record. Thus, on March 22, 2018, the Zoning Hearing Board, by and through its counsel, John J. Shimek, III, Esq., properly re-filed the record in accordance with said Order dated March 21, 2018. In addition, on March 26, 2018, Vineyard and Capital properly submitted Amended Memoranda of Law reflecting notations to the Bates stamping found in the resubmitted record.

Argument was held before this Trial Court on March 28, 2018, at which Michael Musone, Esq., appeared on behalf of Vineyard; Joseph J. Perotti, Esq., appeared on behalf of Capital; and John J. Shimek, III, Esq., appeared on behalf of the Zoning Hearing Board.

## **II. Standard of Review**

This Trial Court's standard of review in a zoning hearing board appeal is specified in the Pennsylvania Municipalities Planning Code:

If the record below includes findings of fact made by the governing body, board or agency whose decision or action is brought up for review and the court does not take additional evidence or appoint a referee to take additional evidence, the findings of the governing body, board or agency shall not be disturbed by the court if supported by **substantial evidence**.

53 P.S. § 11005-A (emphasis added); *see also Marshall v. City of Philadelphia*, 97 A.3d 323, 331 (Pa. 2014). Where a trial court does not take any additional evidence, the trial court is limited to determining whether the zoning board committed a manifest abuse of discretion or an error of law in granting the variance. *Marshall*, 97 A.3d at 331. An abuse of discretion is established where the findings are not supported by substantial evidence. *Collier Stone Co. v. Twp. of Collier Bd. of Comm'rs*, 735 A.2d 768, 772, n.9 (Pa.Cmwlt. 1999). "Substantial evidence" is defined as "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Valley View Civic Association v. Zoning Board of Adjustment*, 462 A.2d 637, 640 (Pa. 1983). Determinations as to the credibility of witnesses and the weight to be given evidence are matters solely within the authority of the zoning board in the performance of its fact-finding role. *In re: Cutler Group, Inc.*, 880 A.2d 39, 46 (Pa. Commw. Ct. 2005).



The role of the trial court is to determine whether “there is some basis for the [zoning hearing board’s] action, or in other words, that the action of the zoning board was not arbitrary and capricious.” *In re: Appeal of Lieb*, 116 A.2d 860, 866 (Pa. Super. 1955).

### **III. Law and Analysis**

#### **A. The Zoning Hearing Board Did Not Abuse its Discretion or Commit an Error of Law in Granting Capital’s Dimensional Variance Request.**

The North East Township’s Ordinance governing the dimensional requirement for wireless communication service facilities states:

If a new antenna support structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distances between the base of the support structure or any guy wire anchors and any property line or right-of-way line shall be equal to the maximum height of the antenna and antenna support structure.

N.E. Twp. Ord. Art. XI, § 1106.1(E). A dimensional variance involves a request to adjust zoning regulations to use the property in a manner consistent with regulations, as opposed to a use variance, which involves a request to use property in a manner that is wholly outside zoning regulations. *Hertzberg v. Zoning Board of Adjustment of the City of Pittsburgh*, 721 A.2d 43, 47 (Pa. 1998). Pursuant to Section 703 of the North East Township Ordinance, the Zoning Hearing Board may grant a variance provided that all of the following findings are made where relevant in a given case:

- (1) That there are unique physical circumstances or conditions including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property or use, and that unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property or use is located;
- (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
- (3) That such unnecessary hardship has not been created by the applicant;
- (4) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor weaken the validity of the zoning, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
- (5) The variance, if authorized, will represent the minimum variance that will afford

relief and will represent the least deviation from the regulation in issue.

N.E. Twp. Ord. Art. VII, § 703; *see also* 53 P.S. § 10910.2; *Southeastern Chester Cty. Refuse Auth. v. Zoning Hearing Bd. of London Grove Twp.*, 898 A.2d 680, 688 (Pa.Cmwlt. 2006). “The overriding standard for a variance is unnecessary hardship.” *Doris Terry Revocable Living Trust v. Zoning Board of Adjustment of City of Pittsburgh*, 873 A.2d 57, 63 (Pa. Commw. Ct. 2005). In determining whether unnecessary hardship has been established to “justify the grant of a dimensional variance, courts may consider multiple factors, including the economic detriment to the applicant if the variance was denied, the financial hardship created by any work necessary to bring the building into strict compliance with the zoning requirements and the characteristics of the surrounding neighborhood.” *Hertzberg*, 721 A.2d at 50. Importantly, the quantum of evidence required to establish an unnecessary hardship is lesser when a dimensional variance, rather than a use variance, is sought. *Id.* at 47-48.

In this case, Capital’s intended use of the Subject Property is permitted under North East’s existing Zoning Ordinance. As this case pertains to whether the Zoning Hearing Board abused its discretion in granting Capital’s request for dimensional variances, Capital was only required to demonstrate the zoning requirements work an unreasonable hardship in Capital’s pursuit of a permitted use. *See Hertzberg*, 721 A.2d at 47. With respect to the Zoning Hearing Board’s decision to grant Capital’s request for dimensional variances, Vineyard argues the Zoning Hearing Board abused its discretion and committed errors of law by concluding:

- (1) The stream bisecting the Subject Property, the floodplain conditions on the western portion of the Subject Property, and the size of the Subject Property create an unnecessary hardship on Capital.
- (2) Because of the unnecessary hardship . . . , Capital cannot construct the proposed tower in strict conformance with the required setbacks.
- (3) The unnecessary hardship was not created by Capital or the owner of the Subject Property.
- (4) The requested dimensional variances . . . are the minimum variances necessary to afford relief to Capital.

(*See* ZHB Decision at ¶¶ 9-11, 13; *see also* Vineyard’s Notice of Land Use Appeal at ¶¶ 20(a)-(d)).

Based on the testimony and Exhibits presented at the hearing, as well as the documents set forth in Capital’s variance Application, the Zoning Hearing Board’s conclusions were amply supported by substantial evidence demonstrating the stream bisecting the Subject Property, the floodplain conditions on the western portion of the Subject Property, and the Subject Property’s size create the unnecessary hardship. Specifically, Mr. Von Rein provided credible testimony regarding the rationale behind the physical placement of the tower on the Subject Property due to environmental and safety concerns created by the physical characteristics

attendant to the property. Mr. Von Rein stated a stream encroaches on the western portion of the Subject Property which bisects the Subject Property with the adjoining property to the west also belonging to Mr. Jones. (R.R. at 135; *see also* R.R. at 46). Also, Mr. LaFuria indicated Exhibit B-5, an image extracted from a GIS Mapping System, portrayed an aerial view of the Subject Property along with the floodplain designated by FEMA. (R.R. 150-51; R.R. at 91). Finally, Attorney Perotti noted the “parcel is irregularly shaped,” and pointed to the “Site Plan” depicting an aerial view of the irregular shape of the Subject Property. (R.R. at 139; R.R. 46).

Furthermore, the Zoning Hearing Board properly concluded the existence of said hardships creates a situation in which Capital cannot construct the proposed tower in strict conformance with the setback requirements. For instance, Mr. Von Rein stated the stream existing on the property is “primarily a wetlands,” and that the proposed tower requires a setback distance of no less than fifty feet from the stream. (R.R. at 135, 138). Mr. Von Rein explained the existence of the stream, along with the setback requirement, created an additional obstacle Capital was required to overcome in selecting a location on the Subject Property for the proposed tower. (R.R. at 144-46). Indeed, Mr. Schuyler, a member of the Zoning Hearing Board, acknowledged at the hearing that the existence of the stream creates a situation in which Capital cannot construct the proposed tower in strict conformance with the setback requirements. Mr. Schuyler noted a primary concern regarding the need for a setback variance was not due to the proximity of the adjoining properties but due to the setback distances to the existing stream on the Subject Property. Specifically, Mr. Schuyler noted:

[T]he property boundary on the south and west are sort of irrelevant because the owner of the property is the same as the parcel you’re on. The only thing that would be relevant would be the stream, itself, and making sure that either a setback or a variance . . . were permitted.

(R.R. at 139).<sup>1</sup> In addition, Attorney Perotti stated since the “parcel is irregularly shaped,” regardless of where the tower is located on the parcel, the setback requirements under the Ordinance cannot be satisfied despite the fact the proposed tower is a permitted use on the Subject Property. (R.R. at 139; *see also* R.R. 46).

Moreover, the Zoning Hearing Board had substantial evidence to support its conclusion that physical characteristics attendant to the Subject Property were not created by Capital or Mr. Jones. Although Vineyard argues Capital created the hardship since it selected a property with an existing commercial business including a building, salvage yard, septic tank, and gas well, the Zoning Hearing Board did not conclude an unnecessary hardship resulted due to the existence of the commercial business. Rather, the Zoning Hearing Board

<sup>1</sup> Although not raised by the parties, ordinarily, “where the applicant for a variance owns other property adjoining the lot for which a dimensional variance is in issue, and a merger of the two properties would allow the latter lot to be given a use permitted by the zoning ordinance, then no unnecessary hardship has been shown to justify the grant of a variance.” *Berger v. Zoning Hearing Bd. of Cheltenham Twp.*, 54 Pa.Cmwlt. 405, 410, 422 A.2d 219, 222 (1980). However, in the instant case, Mr. Jones owns both the Subject Property and the adjoining property located to the west and southwest. As this is not a case where both properties are undeveloped, the Zoning Hearing Board of North East Township was justified in concluding unnecessary hardships exist on the Subject Property notwithstanding the above rule. *See BCL, Inc. v. W. Bradford Twp., by Bd. of Sup’rs*, 36 Pa.Cmwlt. 96, 101, 387 A.2d 970, 973 (1978) (noting courts should distinguish between developed and undeveloped properties).

properly concluded, based on the substantial evidence presented, that the hardships attendant to the property resulted from the existence of the “stream bisecting the Subject Property, the floodplain conditions on the western portion of the Subject Property, and the size of the Subject Property.” (See ZHB Decision at ¶ 9). Thus, the Zoning Hearing Board’s conclusion that the unnecessary hardships were not created by Capital or Mr. Jones is supported by substantial evidence.

Finally, the Zoning Hearing Board properly concluded the requested dimensional variances are the minimum variances necessary to afford relief to Capital based on the evidence and testimony offered at the hearing. For instance, Mr. Von Rein emphasized that adjusting the location of the proposed tower southwest of the property would not eliminate Capital’s need for the dimensional variances and may raise environmental and safety concerns due to the proximity of the proposed tower’s location to the stream. (R.R. at 138, 144-46). Accordingly, this Trial Court concludes the Zoning Hearing Board did not commit a manifest abuse of discretion or an error of law in granting Capital’s request for dimensional variances.

**B. The Zoning Hearing Board Did Not Abuse its Discretion or Commit an Error of Law in Granting Capital’s Request for a Special Exception to Construct a Self-Supporting Tower in Lieu of a Monopole Support Structure.**

Vineyard argues the Zoning Hearing Board abused its discretion and committed errors of law by finding Capital satisfied the requirements for a special use exception under the North East Township’s Zoning Ordinance. Under the North East Township’s Zoning Ordinances, a monopole antenna support structure is required except where a special exception use is sought. See N.E. Twp. Ord. Art. XI, § 1106.1(E); See also *id.* at § 1106.1(L) (“Except as hereinafter provided, in all cases, monopole antenna support structures shall be required.”).

For the Zoning Hearing Board to grant the use of a free-standing antenna support structure in lieu of a monopole, the applicant must establish the following for such approval:

- (1) Cost of erecting a monopole would preclude the provision of adequate service to the public, or erection of a safe antenna support structure requires a type other than a monopole;
- (2) The proposed antenna structure would have the least practical adverse visual impact on the environment and closely resembles a monopole; and
- (3) The proposed antenna support structure is architecturally compatible with surrounding buildings and land use through location and design, and blends in with the existing characteristics of the site to the extent practical.

N.E. Twp. Ord. Art. XI, § 1106.1(F)(1)-(3); R.R. 209-210).

A special exception is not an exception to a zoning restriction, but, rather, a use that is expressly permitted, so long as the applicant can show the absence of a detrimental effect on the community. *Southdown, Inc. v. Jackson Twp. Zoning Hearing Bd.*, 809 A.2d 1059, 1063 (Pa. Cmwlth. 2002).

“An ‘exception’ in a zoning ordinance is one allowable where facts and conditions detailed in the ordinance, as those upon which an exception may be permitted, are found to exist.” Thus, an exception has its origin in the zoning ordinance itself. It relates only to such situations as are expressly provided for and enunciated by the terms of the ordinance. The rules that determine the grant or refusal of the exception are enumerated in the ordinance itself. The function of the board when an application for an exception is made is to determine that such specific facts, circumstances and conditions exist which comply with the standards of the ordinance and merit the granting of the exception.

*Greth Dev. Grp., Inc. v. Zoning Hearing Bd. of Lower Heidelberg Twp.*, 918 A.2d 181, 186 (Pa.Cmwlt. 2007) (quoting *Broussard v. Zoning Board of Adjustment of City of Pittsburgh*, 831 A.2d 764, 769 (Pa.Cmwlt.2003) (citations omitted). An applicant seeking a special exception bears both the burden of moving forward with the evidence and of persuasion at a hearing before the zoning hearing board and must prove the proposed use satisfies the objective requirements of a special exception. *Id.* (citing *Manor Healthcare Corporation v. Lower Moreland Twp. Zoning Hearing Board*, 139 Pa.Cmwlt. 206, 590 A.2d 65 (1991)). Once an applicant has established a prima facie case, the burden shifts to any objectors to present sufficient evidence that the proposed use has a detrimental effect on the public health, safety, and welfare. *Greth Dev. Grp., Inc.*, 918 A.2d at 186.

In this case, with respect to the Zoning Hearing Board’s decision to grant Capital’s request for the special exception, Vineyard argues the Zoning Hearing Board abused its discretion and committed errors of law in concluding:

- (1) Although Capital did present testimony relating to the cost of the project, the cost difference between a monopole and the self-supporting tower was not proffered as a reason for the self-supporting tower. However, the nature of the monopole, which can sway and vibrate in the wind, compromises the quality of the cellular service, especially microwave service.
- (2) The proposed self-supporting structure would not have any adverse visual impact on the industrial environment surrounding the Subject Property, especially because of the more than one thousand-foot distance between the proposed tower and the commercial corridor on West Main Road. Furthermore, aesthetic considerations are not sufficient to deny a use by special exception.
- (3) The proposed self-support structure is architecturally compatible with the auto repair shop on the Subject Property, with the Norfolk & Western Railroad tracks to the south, to the farmland to the east, and to the vacant land to the north and to the west of the proposed tower location. Furthermore, aesthetic considerations are not sufficient to deny a use by special exception.

(See ZHB Decision at ¶ 9-11, 13; see also Vineyard’s Notice of Land Use Appeal at ¶ 21).

First, the Zoning Hearing Board properly concluded the erection of a safe antenna support structure requires a type other than a monopole is supported by substantial evidence. At the

hearing, Mr. Von Rein stated: “Coming from a common-sense perspective, if you have a three-legged structure that has a wider base, as opposed to a narrower structure . . . the self-support tower is less wind loading because [the tower is] smaller and because [the tower] allows the wind to go through it all at once.” (R.R. at 174-75). In addition, although not cited as a reason for requesting the special exception, Mr. Von Rein indicated the difference in cost between a monopole and self-support structure is roughly \$25,000 in favor of the self-supporting tower on the structure alone. (R.R. at 177). Mr. Von Rein stated the lesser cost of the self-support structure was at least one of the factors in determining the type of structure selected for this particular project. (R.R. at 177). Moreover, a letter from structural engineer Robert E. Beacom was attached to Capital’s Application wherein Mr. Beacom certified and proposed a self-supporting tower, as opposed to a monopole structure, be erected in accordance with the Telecommunications Industry Association Standards and the “Structural Standard for Antenna Supporting Structures and Antennas.” (R.R. at 56). Said letter stated the proposed tower would withstand a wind speed of ninety miles per hour with no ice and forty miles per hour with “3/4” radial ice.” (R.R. at 56). Lastly, Attorney Perotti explained that an advantage of a self-supporting tower was “for structural purposes” and that the “reason for submitting the self-supporting tower in lieu of the monopole [was for] safety concerns.” (R.R. at 172) (“[T]his tower was the number one pick just based on safety concerns.”). In particular, Attorney Perotti indicated the design of the self-support tower will afford safety to nearby properties because if the tower were to topple, the tower would collapse upon itself. (R.R. at 171).

Furthermore, the Zoning Hearing Board had substantial evidence to support its conclusion that the proposed antenna structure would have the least practical adverse visual impact on the environment and closely resembles a monopole. Mr. Von Rein stated the “aesthetics” of a self-support structure are “basically to the eye of the beholder,” but that it may be more attractive to some since the tower is less solid and one can see through the a self-support structure. (R.R. at 173). Regardless, aesthetics considerations alone cannot support the denial of a special exception. *Heck v. Zoning Hearing Bd. for Harvey’s Lake Borough*, 39 Pa.Cmwlt. 570, 577, 397 A.2d 15, 19 (1979). As such, based on the evidence presented, the Zoning Hearing Board properly concluded the proposed self-supporting structure would not have any adverse visual impact on the industrial environment surrounding the Subject Property.

Finally, the Zoning Hearing Board properly concluded that a self-support structure is architecturally compatible with surrounding buildings and land use through location and design, and blends in with the existing characteristics of the site to the extent practical. Specifically, the Zoning Hearing Board concluded the proposed tower would be architecturally compatible with the auto repair shop on the Subject Property, with the Norfolk & Western Railroad tracks to the south, to the farmland to the east, and to the vacant land to the north and to the west of the proposed tower location. Based on the “Site Plan” included in Capital’s Application, images of the property and the vehicle storage facility, as well as the testimony from Mr. Jones, Mr. Von Rein, and Attorney Perotti, the Zoning Hearing Board was presented with substantial evidence concerning the surrounding buildings, land use, and existing characteristics of the site. (R.R. at 46, 91, 137). Indeed, Attorney Watcher, who appeared at the hearing on behalf of Vineyard, stated the Subject Property is developed,

is currently being used for a business, and that the addition of a telecommunications tower would be “merely an additional use of the property.” (R.R. at 157). Additionally, Attorney Perotti noted the Subject Property was zoned by the Township to account for communications towers; therefore, the Township contemplated the property would have a communications tower on it one day. (R.R. at 176). As the construction of the proposed communication tower is a permissible use on the Subject Property and blends into the existing commercial use of the property as well as the surrounding buildings and land use, the Zoning Hearing Board’s conclusion in this regard is supported by substantial evidence.

Accordingly, this Trial Court concludes the Board did not commit a manifest abuse of discretion or an error of law in granting Capital’s request for a special exception use regarding Capital’s request to erect a free-standing antenna support structure in lieu of a monopole.

### **C. The Zoning Hearing Board’s Decision Granting Capital’s Application is in Accord With the Telecommunications Act of 1996.**

Lastly, Capital contends the Zoning Hearing Board’s approval of Capital’s Application to erect a telecommunications tower facility in North East Township is pursuant to and consistent with the Telecommunications Act of 1996 (“TCA”).<sup>2</sup> Under the Telecommunications Act of 1996, state and local governments retain authority over zoning and land use issues, however, the TCA imposes limitations on such authority. 47 U.S.C. § 332(c)(7)(A) and (B). In essence, the TCA attempts to “strike[] a balance between two competing aims—to facilitate nationally the growth of wireless telephone service and to maintain substantial local control over siting of towers.” *Omnipoint Comm’ns, Inc. v. City of White Plains*, 430 F.3d 529, 531 (2d Cir. 2005) (internal quotations omitted). Section 332(c)(7)(B) sets forth the limitations placed on state and local governments in decisions regarding the placement, construction, and modification of personal wireless services facilities:

(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof—

(I) shall not unreasonably discriminate among providers of functionally equivalent services; and

(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

47 U.S.C. § 332(c)(7)(B)(i).

The Third Circuit has held that in order to show a violation of Section 332(c)(7)(B)(i) (II), “an unsuccessful provider applicant must show two things. First, the provider must show that its facility will fill an existing significant gap in the ability of remote users to access the national telephone network.” *APT Pittsburgh Ltd. P’ship v. Penn Twp. Butler*

<sup>2</sup> Vineyard contends this Court is precluded from considering the TCA’s applicability since the Zoning Hearing Board did not issue findings of fact or conclusions of law regarding the TCA. However, the TCA mandates only that a *denial* of a request to construct a wireless service facility shall be in writing. 47 U.S.C. § 332(c)(7)(B)(iii).

*Cty. of Pennsylvania*, 196 F.3d 469, 480 (3d Cir. 1999). Regarding this first requirement, the applicant must show the existence of a gap in coverage, defined as “a gap in the service available to remote users,” and must proffer “evidence that the area the new facility will serve is not already served by another provider.” *Id.* Second, the provider applicant must also show that the manner in which it proposes to fill the significant gap in service is the least intrusive on the values that the denial sought to serve.” *Id.* Regarding this second requirement, the applicant is required to show “that a good faith effort has been made to identify and evaluate less intrusive alternatives, e.g., that the provider has considered less sensitive sites, alternative system designs, alternative tower designs, placement of antennae on existing structures, etc.” *Id.*

In this case, regarding the first requirement, Capital presented substantial evidence showing Capital’s facility will fill an existing significant gap in the ability of remote users to access the national telephone network. Specifically, Verizon Radio Frequency Engineer Matt Wierzchowski indicated a lack of indoor wireless coverage exists, and illustrated said gap in coverage using an aerial map of the region centered on the Subject Property. (R.R. 121-23). Mr. Wierzchowski, using a computer-generated map entitled “Existing Network Coverage,” presented evidence to the board of the existing gap in Verizon’s coverage for indoor wireless service and, using a map entitled “Future Network Coverage,” illustrated how the proposed wireless services facility would fill the existing gap in coverage. (R.R. 79-80, 121-23). Thus, substantial evidence was presented to support a conclusion that the proposed tower will fill an existing significant gap in the ability of remote users to access Verizon’s network.

Regarding the second requirement, at the hearing Capital provided substantial evidence showing the manner in which Verizon proposed to fill the significant gap in service is the least intrusive means of remedying that gap. In particular, Mr. Wierzchowski stated Verizon considered every site within a four-mile radius of the Subject Property but was unable to find a suitable collocation site, and presented the Zoning Hearing Board with a map of the nearby collocation opportunities. (R.R. at 81, 125). In particular, Mr. Wierzchowski stated Verizon dismissed two structures located within the four-mile radius since said structures were “well outside [Verizon’s] coverage objective.” (R.R. at 125). Mr. Wierzchowski also pointed to two additional structures within the four-mile radius. (R.R. at 125). However, these towers were only 150 feet, and Mr. Wierzchowski stated this height is not sufficient to overcome the challenges of the topography of the region, and at least one of the towers is not structurally sufficient to support Verizon’s antennas. (R.R. at 128-29). Thus, substantial evidence was presented to support a conclusion that Verizon made a good faith effort to identify and evaluate less intrusive alternatives.

Accordingly, to the extent Capital relies on the TCA to further justify the Zoning Hearing Board’s decision to grant Capital’s request for dimensional variances and a special exception use, this Trial Court concludes substantial evidence was presented to support the conclusion the Zoning Hearing Board’s decision is in accord with the TCA. Thus, based on the foregoing analysis, this Trial Court hereby enters the following Order of Court:



**ORDER**

AND NOW, to-wit, this 16th day of April, 2018, after the scheduled Argument on Vineyard Oil and Gas Company's Land Use Appeal from the North East Township Zoning Hearing Board's decision granting Capital Telecom Holding, LLC's variance and special exception requests; at which Michael Musone, Esq., appeared on behalf of Appellant Vineyard Oil and Gas Company; John J. Shimek, III, Esq., appeared on behalf of Appellee North East Township Zoning Hearing Board, and Joseph J. Perotti, Jr., Esq., appeared on behalf of Intervenor Capital Telecom Holdings, LLC; and after thorough review of the entire record, including, but not limited to, the resubmitted record filed by counsel for the Zoning Hearing Board, review of the Zoning Hearing Board's "Findings of Fact, Conclusions of Law, and Decision," oral argument from counsel on March 28, 2018, and Memoranda of Law submitted by both counsel for Vineyard and Capital, it is hereby **ORDERED, ADJUDGED AND DECREED** that the decision of the Zoning Hearing Board is hereby **AFFIRMED** for the reasons as set forth in the Opinion attached.

**BY THE COURT**

/s/ **Stephanie Domitrovich, Judge**



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



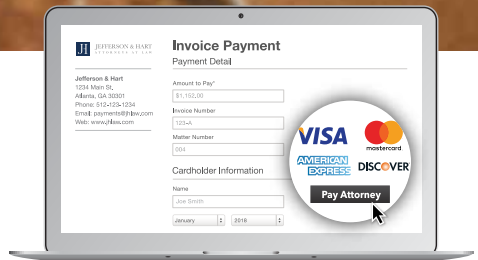
**PAYMENT RECEIVED**

Client: Joe Smith  
Amount: \$1,152.00



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**CHANGE OF NAME NOTICE**

In the Court of Common Pleas of Erie County, Pennsylvania 10851-18 Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Toni Marie Arrington to Toni Marie Mazanowski.

The Court has fixed the 3rd day of May, 2018 at 10:30 a.m. in Court Room G, Room 222, of the Erie County Court House, 140 West 6th Street, Erie, Pennsylvania 16501 as the time and place for the Hearing on said Petition, when and where all interested parties may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

Apr. 27

**CHANGE OF NAME NOTICE**

In the Court of Common Pleas of Erie County, Pennsylvania 10675-18 Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Gabriel Charles Bookhouser to Gabriel Charles Frick.

The Court has fixed the 2nd day of May, 2018 at 2:30 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.

Apr. 27

**CHANGE OF NAME NOTICE**

In the Court of Common Pleas of Erie County, Pennsylvania, No. 10838-2018

Notice is hereby given that a Petition was filed in the above-named Court requesting an Order to change the name of Adrian Cruz Cruz to Luis Adrian Cruz.

The Court has fixed the 30th day of May, 2018, at 10:00 a.m. before the Honorable Stephanie Domitrovich, Courtroom G, Room 222, of the Erie County Courthouse, 140 West 6th Street, Erie, Pennsylvania, as the time and place for hearing on said Petition, when and where all

persons interested may appear and show cause, if any, why the prayer of the Petitioner should not be granted. QUINN, BUSECK, LEEMHUIS, TOOHEY & KROTO, INC.

Stacey K. Baltz, Esq.

2222 West Grandview Blvd.

Erie, PA 16506

(814) 833-2222

Apr. 27

**CHANGE OF NAME NOTICE**

In the Court of Common Pleas of Erie County, Pennsylvania 11053-18 Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Emily G. Sarki to Emily Grace Purkuti and Reeya Sarki to Riya Purkuti.

The Court has fixed the 4th day of June, 2018 at 3:00 p.m. in Court Room G, Room 222, of the Erie County Court House, 140 West 6th Street, Erie, Pennsylvania 16501 as the time and place for the Hearing on said Petition, when and where all interested parties may appear and show cause, if any they have, why the prayer of the Petitioners should not be granted.

Apr. 27

**CHANGE OF NAME NOTICE**

In the Court of Common Pleas of Erie County, Pennsylvania 11041-2018 Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Alyssa Ann Saurbaugh to Alyssa Ann Wales.

The Court has fixed the 29th day of May, 2018 at 3:45 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.

Apr. 27

**FICTITIOUS NAME NOTICE**

Pursuant to Act 295 of December 16, 1982 notice is hereby given of the intention to file with the Secretary of the Commonwealth

of Pennsylvania a "Certificate of Carrying On or Conducting Business under an Assumed or Fictitious Name." Said Certificate contains the following information:

**FICTITIOUS NAME NOTICE**

1. Fictitious Name: Industry Standard Research
2. Address of the principal place of business: 5340 Fryling Road, Suite 300, Erie, PA 16510
3. The name and address, including number and street, of the persons who are parties to the registration: Vert Markets Inc., 5340 Fryling Road, Suite 300, Erie, PA 16510
4. An application for registration of the fictitious name was filed with the Department of State under the Fictitious Names Act on or about April 19, 2018.

Apr. 27

**FICTITIOUS NAME NOTICE**

1. The fictitious name is Westgate Commons
2. The address of the principal office is 109 East Tenth Street, Erie, PA 16501, Erie County.
3. The name and address of all persons or parties to the registration are Commonwealth Realty XII LLC, 109 East Tenth Street, Erie, PA, Erie County.
4. An application for registration of a fictitious name has been filed under the Fictitious Names Act on or about April 16, 2018.

Apr. 27

**LEGAL NOTICE**

In the Court of Common Pleas of Erie County, Pennsylvania  
No. 12884-17

In Re: Pennsylvania Housing  
Finance Agency, Plaintiff  
vs.

David Miller, Steven Miller and  
All Other Heirs of Janet Miller,  
Deceased, Known or Unknown,  
Defendants

Attorney for Plaintiff: Lois M.  
Vitti, Esquire, Vitti Law Group,  
Inc., 333 Allegheny Avenue,  
Suite 303, Oakmont, PA 15139,  
(412) 281-1725

**COMPLAINT IN  
MORTGAGE FORECLOSURE**

CASE NO. 12884-17

You have been named as Defendants in a civil action instituted by Pennsylvania Housing Finance Agency against you in this Court. This action has been instituted to foreclose on a Mortgage dated October 14, 1994, and recorded in the Recorder's Office of Erie County in Mortgage Book Volume 358 Page 1259 on October 17, 1994.

You are hereby notified to plead to the above-referenced Complaint within twenty (20) days from the date of publication of this Notice 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 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.**

Lawyer Referral &  
Information Service

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

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

Apr. 27

**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

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Are you or an attorney you know dealing with personal issues related to drug or alcohol dependency, depression, anxiety, gambling, eating disorders, sexual addiction, other process addictions or other emotional and mental health issues?

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*You are invited and encouraged to join a small group of fellow attorneys who meet informally in Erie on a monthly basis. Please feel free to contact ECBA Executive Director Sandra Brydon Smith at 814/459-3111 for additional information. Your interest and involvement will be kept **strictly confidential**.*

**SHERIFF SALES**

Notice is hereby given that by virtue of sundry Writs of Execution, issued out of the Courts of Common Pleas of Erie County, Pennsylvania, and to me directed, the following described property will be sold at the Erie County Courthouse, Erie, Pennsylvania on

**MAY 18, 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

Apr. 27 and May 4, 11

**SALE NO. 1**

**Ex. #10016 of 2017**

**NORTHWEST BANK, Plaintiff**

**v.**

**MICKEY D. BOWEN and  
SARAH L. BOWEN, Defendants  
DESCRIPTION**

By virtue of a Writ of Execution filed at No. 2017-10016, Northwest Bank vs. Mickey D. Bowen and Sarah L. Bowen, owners of property situate in the Township of Greene, Erie County, Pennsylvania being: 2171 Hillborn Road, Erie, Pennsylvania 16509.

Approx. 1.00 Acre

Assessment Map Number: (25) 12-35-2

Assessed Value Figure: \$91,850.00  
Improvement Thereon: Residence

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

Apr. 27 and May 4, 11

**SALE NO. 2**

**Ex. #13422 of 2017**

**NORTHWEST BANK f/k/a  
NORTHWEST SAVINGS  
BANK, Plaintiff**

**v.**

**CHAD A. MURPHY, Defendant  
DESCRIPTION**

By virtue of a Writ of Execution filed at No. 2017-13422, Northwest Bank vs. Chad A. Murphy, owner of property situate in the City of Erie, Erie County, Pennsylvania being: 2909 Walnut Street, Erie, Pennsylvania 16508.

40' X 110' X 40' X 110'

Assessment Map Number: (19) 6049-312

Assessed Value Figure: \$66,050.00

Improvement Thereon: Residence

Kurt L. Sundberg, Esq.

Marsh Spaeder Baur Spaeder  
& Schaaf, LLP

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

Apr. 27 and May 4, 11

**SALE NO. 3**

**Ex. #11619 of 2015**

**Northwest Savings Bank,  
Plaintiff**

**v.**

**John Q. Walsh, Defendant**

**DESCRIPTION**

By virtue of a Writ of Execution filed at No. 2015-11619, Northwest Savings Bank v. John Q. Walsh, owner of property situated in the Township of Franklin, Erie County, Pennsylvania being commonly known as 6325 Crane Road, Edinboro, PA 16412 with 2.1522 acreage.

Assessment Map No. (22) 12-30-5

Assessed Value Figure: \$106,010

Improvement thereon: Single Family Dwelling (Two-story)

Mark G. Claypool, Esquire

Knox McLaughlin Gornall  
& Sennett, P.C.

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

Apr. 27 and May 4, 11

**SALE NO. 5**

**Ex. #13493 of 2017**

**CITIZENS BANK OF  
PENNSYLVANIA, Plaintiff**

**v.**

**Charles A.J. Halpin, III, Esquire,  
Personal Representative of  
the Estate of Susan M. Colvin,  
Deceased, Defendant**

**DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situate in the 6th Ward of the City of Erie, County of Erie and Commonwealth of Pennsylvania.

BEING KNOWN AS: 2985 Poplar Street, Erie, PA 16508

PARCEL #19-060-044.0-352.00

Improvements: Residential Dwelling.

Gregory Javardian, Esquire

Id. No. 55669

Attorneys for Plaintiff

1310 Industrial Boulevard

1st Floor, Suite 101

Southampton, PA 18966

(215) 942-9690

Apr. 27 and May 4, 11

**SALE NO. 6**

**Ex. #12857 of 2017**

**FIRST NATIONAL BANK OF  
PENNSYLVANIA, Plaintiff**

**v.**

**LOWELL J. WALKER and  
THERESA C. WALKER,  
Defendants**

**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 12857-17, First National Bank of Pennsylvania, Plaintiff vs. Lowell J. Walker and Theresa C. Walker, Defendants, owner(s) of property situated in the Borough of North East, Erie County, Pennsylvania, being 40 Robinson Street, North East, Pennsylvania 16428.

Assessment Map No: (35) 006-047.0-18.00

Assessed Value Figure: \$84,570.00

Improvement Thereon: N/A

JSDC Law Offices

Scott A. Dietterick, Esquire and/or

Kathryn L. Mason, Esquire  
P.O. Box 650  
Hershey, PA 17033  
(717) 533-3280

Apr. 27 and May 4, 11

**SALE NO. 7**

**Ex. #11274 of 2014**

**PNC BANK, NATIONAL  
ASSOCIATION, SUCCESSOR  
BY MERGER TO NATIONAL  
CITY BANK, SUCCESSOR BY  
MERGER TO NATIONAL CITY  
MORTGAGE, A DIVISION OF  
NATIONAL CITY BANK OF  
INDIANA, Plaintiff**

**v.**

**ANDREW C. ELIASON,  
ELISSA M. ELIASON,**

**Defendant(s)**

**DESCRIPTION**

BEGINNING at a existing iron pipe in the north right of way line of Clemens Road (TR-589), said pipe is the southwest corner of the lot herein conveyed, said pipe is also the southeast corner of a lot now or formerly owned by Fallacaro (Tax identification number 25-19-54-30.05); THENCE S 71° 17' 22" E a distance of 46.11 feet along the north right of way line of Clemens Road to a set iron pipe; THENCE N 89° 33' 14" E a distance of 282.33 feet along the north property line of Yapple to an existing iron pipe; THENCE S 01° 32' 08" E a distance of 209.01 feet to a set iron pipe in the north right of way line of Clemens Road; THENCE S 49° 21' 06" E a distance of 133.08 feet along the north right of way line of Clemens Road to a set iron pipe; THENCE N 00° 25' 22" W a distance of 851.09 feet to a set iron pipe in the south line of Niemeyer; THENCE S 88° 36' 32" W a distance of 430.24 feet along the south line of Niemeyer to an existing iron pipe, said pipe is the northeast corner of the Fallacaro property; THENCE S 00° 25' 22" E a distance of 532.41 feet to an existing iron pipe. Said pipe is the point of beginning. Containing 6.03 acres of land as shown on the Yapple Hill Subdivision plot being Lot A as surveyed by Edward E. Northrop, PLS and recorded in the Erie County Recorder of Deeds in

Map Book 2004 page 35.

ALSO all that certain piece or parcel of land situate in the Township of Greene, County of Erie, and Commonwealth of Pennsylvania, being part of tract 192, being more particularly bounded and described as follows, to-wit:

BEING a triangular parcel of vacant land with frontage on the north side of Clemens Road and formerly being the northeast corner of that first parcel of land bearing Erie County Tax Index No. (25) 26-66-1.01 described in Erie County Record Book 974, at page 2156, the within triangular piece or parcel of land bearing Erie County Tax Index No. (25) 19-54-31.

PROPERTY ADDRESS: 5250 Clemens Road Waterford, PA 16441 and Parcel# 25-019-054.0-0304-6 KML Law Group, P.C.  
Attorney for Plaintiff  
Suite 5000 - BNY Independence Center, 701 Market Street Philadelphia, PA 19106-1532  
(215) 627-1322

Apr. 27 and May 4, 11

**SALE NO. 10**

**Ex. #12916 of 2017**

**WELLS FARGO BANK, N.A.,  
AS TRUSTEE FOR GREEN  
TREE MORTGAGE LOAN  
TRUST 2005-HE-1, Plaintiff**

**v.**

**LISA A. PROCTOR,**

**Defendant(s)**

**DESCRIPTION**

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

BEGINNING at a point in the North line of West Sixteenth (W. 16th) Street, three hundred (300) feet West of the point of intersection of the North line of West Sixteenth Street with the West line Cherry Street; thence Westwardly along the North line of West Sixteenth Street, forty (40) feet to a point; thence Northwardly parallel with the West line of Cherry Street, one hundred thirty-five (135) feet to a point; thence Eastwardly parallel with the North line of West Sixteenth Street

forty (40) feet to point; and thence Southwardly parallel with the West line of Cherry Street, one hundred thirty-five (135) feet to the place of beginning.

Having erected thereon a dwelling house known and numbered as 630 West Sixteenth Street, Erie, County Index No. (16) 3032-104.  
Parcel# 16-030-032.0-104.00  
PROPERTY ADDRESS: 630 West 16th Street Erie, PA 16502  
KML Law Group, P.C.  
Attorney for Plaintiff  
Suite 5000 - BNY Independence Center, 701 Market Street Philadelphia, PA 19106  
(215) 627-1322

Apr. 27 and May 4, 11

**SALE NO. 11**

**Ex. #12337 of 2017**

**DITECH FINANCIAL LLC,  
Plaintiff**

**v.**

**IRENE HODACK, Solely in  
Her Capacity as Heir of Irene  
Verok, Deceased, The Unknown  
Heirs of Irene Verok, Deceased,  
ELIZABETH LITOWKIN,  
Solely in Her Capacity as Heir  
of Irene Verok, Deceased,**

**Defendant(s)**

**DESCRIPTION**

All that certain piece or parcel of land situate in the Borough of Lake City, County of Erie, and State of Pennsylvania, being part of Tract 299, and being known as Lot No. 63 of a plot of Lake City No. 3, as shown on a plot of said subdivision recorded in the Office of the Recorder of Deeds of Erie County, Pennsylvania in Erie County Map Book 5 at page 309, to which plot reference is hereby made for the further description of said property. Said lot having a frontage of sixty-five (65) feet along the south line of Clifton Drive and a uniform depths of one hundred forty (140) feet, having erected thereon a one family dwelling bearing Index No. (28) 9-9-12.

Parcel# 28-009-0090-01200  
PROPERTY ADDRESS: 10333 Clifton Drive, Lake City, PA 16423  
KML Law Group, P.C.  
Attorney for Plaintiff

Suite 5000 - BNY Independence  
Center, 701 Market Street  
Philadelphia, PA 19106  
(215) 627-1322

Apr. 27 and May 4, 11

**SALE NO. 12**

**Ex. #13396 of 2016**

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

**v.**

**ANTHONY W. BOYKIN,  
Defendant**

**DESCRIPTION**

By virtue of a Writ of Execution  
No. 2016-13396, U.S. BANK  
NATIONAL ASSOCIATION,  
AS TRUSTEE FOR THE  
PENNSYLVANIA HOUSING  
FINANCE AGENCY, Plaintiff  
vs. ANTHONY W. BOYKIN,  
Defendant

Real Estate: 238 EAST 30TH  
STREET, ERIE, PA 16504  
Municipality: City of Erie  
Erie County, Pennsylvania  
Dimensions: 27 x 135  
See Deed Book 1095, page 1424  
Tax I.D. (18) 5082-138  
Assessment: \$16,800 (Land)  
\$41,800 (Bldg)

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

Apr. 27 and May 4, 11

**SALE NO. 13**

**Ex. #10517 of 2017**

**PENNSYLVANIA HOUSING  
FINANCE AGENCY, Plaintiff**

**v.**

**KENNETH S. CHASE,  
Defendants**

**DESCRIPTION**

By virtue of a Writ of Execution No.  
2017-10517, PENNSYLVANIA  
HOUSING FINANCE AGENCY,  
Plaintiff vs. KENNETH S. CHASE,  
Defendants

Real Estate: 2597 PENN STREET,  
LAKE CITY, PA  
Municipality: Borough of Lake City

Erie County, Pennsylvania  
Dimensions: 75 x 195.83  
See Deed Book 2015-006090  
Tax I.D. (28) 14-32-7  
Assessment: \$17,700 (Land)  
\$79,720 (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

Apr. 27 and May 4, 11

**SALE NO. 14**

**Ex. #12948 of 2017**

**PENNSYLVANIA HOUSING  
FINANCE AGENCY, Plaintiff**

**v.**

**LETESHA M. DUNLAP  
AND THE SECRETARY OF  
HOUSING AND URBAN  
DEVELOPMENT, Defendants**

**DESCRIPTION**

By virtue of a Writ of Execution No.  
2017-12948, PENNSYLVANIA  
HOUSING FINANCE AGENCY,  
Plaintiff vs. LETESHA M.  
DUNLAP AND THE SECRETARY  
OF HOUSING AND URBAN  
DEVELOPMENT, Defendants  
Real Estate: 241 EAST 22ND  
STREET, ERIE, PA 16503  
Municipality: City of Erie  
Erie County, Pennsylvania  
Dimensions: 47.25 x 135.05  
See Deed Book 2010-022291  
Tax I.D. (18) 5010-211  
Assessment: \$5,700 (Land)  
\$90,400 (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

Apr. 27 and May 4, 11

**SALE NO. 15**

**Ex. #12312 of 2017**

**MIDFIRST BANK, Plaintiff**

**v.**

**MITCHELL K. FEDAK AND  
CINDY L. FEDAK, Defendants**

**DESCRIPTION**

By virtue of a Writ of Execution  
No. 12312-17, MIDFIRST BANK,

Plaintiff vs. MITCHELL K.  
FEDAK AND CINDY L. FEDAK,  
Defendants

Real Estate: 1433-1435 ATKINS  
STREET, ERIE, PA 16503  
Municipality: City of Erie  
Erie County, Pennsylvania  
Dimensions: 33.75 x 110  
See Deed Book 643, page 1975  
Tax I.D. (14) 1105-106  
Assessment: \$8,200 (Land)  
\$30,560 (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

Apr. 27 and May 4, 11

**SALE NO. 16**

**Ex. #11369 of 2016**

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

**v.**

**CORRY G. HOWARD,  
Defendant**

**DESCRIPTION**

By virtue of a Writ of Execution  
No. 11369-2016, U.S. BANK  
NATIONAL ASSOCIATION,  
AS TRUSTEE FOR THE  
PENNSYLVANIA HOUSING  
FINANCE AGENCY, Plaintiff vs.  
CORRY G. HOWARD, Defendant  
Real Estate: 12897 W. LAKE  
ROAD, EAST SPRINGFIELD, PA  
16411

Municipality: Township of  
Springfield

Erie County, Pennsylvania  
Dimensions: 1.103 acres  
See Deed Book 1065, Page 0372  
Tax I.D. (39) 8-29-3.06

Assessment: \$24,500 (Land)  
\$41,400 (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

Apr. 27 and May 4, 11



**SALE NO. 18**

**Ex. #11702 of 2017**

**Wells Fargo Bank, N.A., Plaintiff  
v.**

**Matthew J. O'Brien, III, AKA  
Matthew J. Obrien, III, AKA  
Matthew O'Brien, III, Defendant  
DESCRIPTION**

By virtue of a Writ of Execution filed to No. 2017-11702, Wells Fargo Bank, N.A. vs. Matthew J. O'Brien, III, AKA Matthew J. Obrien, III, AKA Matthew O'Brien, III owner(s) of property situated in The City of Erie, County of Erie, Commonwealth of Pennsylvania being 247 East 29th Street, Erie, PA 16504  
0.0961

Assessment Map Number:  
18050082011000

Assessed Value figure: \$57,500.00  
Improvement thereon: Single Family Dwelling

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

Apr. 27 and May 4, 11

**SALE NO. 19**

**Ex. #11791 of 2017**

**Erie Federal Credit Union,  
Plaintiff  
v.**

**Robert M. Will, Defendant  
DESCRIPTION**

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

Index No. (18) 5207-218.

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

Assessment Map number 18-052-007.0-218.00

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

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

Heather Riloff, Esq / No 309906  
Tyler J. Wilk, Esq / No 322247

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

Apr. 27 and May 4, 11

**SALE NO. 20**

**Ex. #12831 of 2017**

**Bridgeway Capital, Inc., Plaintiff  
v.**

**Jenny Faye, LLC, Defendant(s)  
DESCRIPTION**

By virtue of a Writ of Execution filed to No. 2017-12831, Bridgeway Capital, Inc. vs. Jenny Faye, LLC, owner of property situated in the City of Erie, Erie County, Pennsylvania being 3822 Conrad Road, Erie, PA 16510

Assessment Map Number: (18) 5232-115

Assessed Value Figure: \$112,400.00  
Improvement thereon: Retail Single Occupancy

GRIFFITH, MCCAGUE  
& HAPPEL, P.C.

J. Michael McCague  
408 Cedar Avenue  
Pittsburgh, PA 15212  
(412) 803-3690

PA ID #42993  
jmm@gmwplaw.com

Apr. 27 and May 4, 11

**SALE NO. 21**

**Ex. #13356 of 2017**

**Bayview Loan Servicing, LLC,  
Plaintiff  
v.**

**Robert K. Konarski, Defendant  
DESCRIPTION**

By virtue of a Writ of Execution filed to No. 13356-17, Bayview Loan Servicing, LLC vs. Robert K. Konarski, owners of property situated in Fairview Township, Erie County, Pennsylvania being 5430 Somerset Drive, Fairview, PA 16415 1896 Square Feet & .4649- Acreage Assessment Map number: 21061087200400

Assessed Value figure: \$149,100.00  
Improvement thereon: Residential Dwelling

Roger Fay, Esquire  
1 E. Stow Road  
Marlton, NJ 08053  
(856) 482-1400

Apr. 27 and May 4, 11

**SALE NO. 22**

**Ex. #12709 of 2017**

**HSBC Bank USA, National  
Association, as Trustee, in trust  
for the registered holders of ACE  
Securities Corp., Home Equity  
Loan Trust, Series 2006-NC3,  
Asset Backed Pass-Through  
Certificates, Plaintiff  
v.**

**Kelly A. Randolph and Kenneth  
M. Hedderick, II, Defendants  
DESCRIPTION**

By virtue of a Writ of Execution filed to No. 12709-17, HSBC Bank USA, National Association, as Trustee, in trust for the registered holders of ACE Securities Corp., Home Equity Loan Trust, Series 2006-NC3, Asset Backed Pass-Through Certificates vs. Kelly A. Randolph and Kenneth M. Hedderick, owners of property situated in Harborcreek Township, Erie County, Pennsylvania being 6776 Buffalo Road, Harborcreek, PA 16421

2678 Square Feet and 0.4318 acreage

Assessment Map number:  
27034033010600

Assessed Value figure: \$118,800.00  
Improvement thereon: Residential Dwelling

Roger Fay, Esquire  
1 E. Stow Road  
Marlton, NJ 08053  
(856) 482-1400

Apr. 27 and May 4, 11

**SALE NO. 23**

**Ex. #13494 of 2017**

**Deutsche Bank National Trust Company, as Trustee for Novastar Mortgage Funding Trust, Series 2007-1 Novastar Home Equity Loan Asset-Backed Certificates, Series 2007-1, Plaintiff**  
**v.**

**Kelly M. Bailey, Brian K. Bailey, Defendant(s)**

**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 13494-17, Deutsche Bank National Trust Company, as Trustee for Novastar Mortgage Funding Trust, Series 2007-1 Novastar Home Equity Loan Asset-Backed Certificates, Series 2007-1 vs. Kelly M. Bailey, Brian K. Bailey Amount Due: \$123,366.47

Kelly M. Bailey, Brian K. Bailey, owner(s) of property situated in ALBION BOROUGH, Erie County, Pennsylvania being 41 Spring Street, Albion, PA 16401-1356 Dimensions: 150 X 115

Assessment Map number: 01-008-038.0-002.00

Assessed Value: \$81,200.00

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

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

Apr. 27 and May 4, 11

**SALE NO. 24**

**Ex. #10274 of 2014**

**JPMorgan Chase Bank, N.A., Plaintiff**  
**v.**

**Dilene M. Kaliszewski, Defendant(s)**

**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 10274-2014, JPMorgan Chase Bank, N.A. vs. Dilene M. Kaliszewski

Amount Due: \$88,070.53

Dilene M. Kaliszewski, owner(s) of property situated in FAIRVIEW TOWNSHIP, Erie County, Pennsylvania being 7718 Fairlane Drive, Fairview, PA 16415-1205 Dimensions: 115 X 175.02

Assessment Map number: 21084023004100

Assessed Value: \$137,200.00

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

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

Apr. 27 and May 4, 11

**SALE NO. 25**

**Ex. #10039 of 2016**

**Wells Fargo Bank, NA, Plaintiff**  
**v.**

**Eric P. Kosack, Tammy A. Kosack, Defendant(s)**

**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 10039-2016, Wells Fargo Bank, NA vs. Eric P. Kosack, Tammy A. Kosack

Amount Due: \$121,060.55

Eric P. Kosack, Tammy A. Kosack, owner(s) of property situated in GREENE TOWNSHIP, Erie County, Pennsylvania being 3967 Knoyle Road, Erie, PA 16510-4926 Dimensions: 2.3 Acres

Assessment Map number: 25002010001002

Assessed Value: \$127,000.00

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

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

Apr. 27 and May 4, 11

**SALE NO. 26**

**Ex. #12698 of 2017**

**Wells Fargo Bank, National Association, as Trustee for Abfc 2004-Opt5 Trust, Abfc Asset-Backed Certificates, Series 2004-Opt5, Plaintiff**  
**v.**

**William R. Mason, III, Shoshana G. Mason, Defendant(s)**

**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 12698-17, Wells Fargo Bank, National Association, as Trustee for Abfc 2004-Opt5 Trust, Abfc Asset-Backed Certificates, Series 2004-Opt5 vs. William R.

Mason, III, Shoshana G. Mason Amount Due: \$61,118.92

William R. Mason, III, Shoshana G. Mason, owner(s) of property situated in LAKE CITY BOROUGH, Erie County, Pennsylvania being 1819 Chestnut Street, Lake City, PA 16423-1402

Dimensions: 78 X 126

Acreeage: 0.2256

Assessment Map number: 28013018000300

Assessed Value: \$77,900.00

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

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

Apr. 27 and May 4, 11

**SALE NO. 27**

**Ex. #12054 of 2017**

**The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as Successor to JPMorgan Chase Bank, N.A., as Trustee for Residential Asset Mortgage Products, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2006-Rs2, Plaintiff**  
**v.**

**Helen G. Mckelvey, Defendant(s)**

**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 12054-17, The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as Successor to JPMorgan Chase Bank, N.A., as Trustee for Residential Asset Mortgage Products, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2006-Rs2 vs. Helen G. Mckelvey

Amount Due: \$60,452.14

Helen G. Mckelvey, owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania being 1346 West 22nd Street, Erie, PA 16502-2329

Dimensions: 48 X 135.08

Assessment Map number: 19-62-03-333

Assessed Value: \$41,600.00  
Improvement thereon: residential  
Phelan Hallinan Diamond & Jones, LLP  
One Penn Center at Suburban  
Station, Suite 1400  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000

Apr. 27 and May 4, 11

**SALE NO. 28**

**Ex. #12855 of 2016**

**Lsf10 Master Participation Trust,  
Plaintiff**

v.

**Christopher M. Miller, Heather**

**M. Miller, Defendant(s)**

**DESCRIPTION**

By virtue of a Writ of Execution  
filed to No. 12855-16, Lsf10 Master  
Participation Trust vs. Christopher  
M. Miller, Heather M. Miller, The  
United States of America C/O The  
United States Attorney for The  
Western District of PA

Amount Due: \$206,209.19

Christopher M. Miller, Heather  
M. Miller, The United States of  
America C/O The United States  
Attorney for The Western District  
of PA, owner(s) of property situated  
in SUMMIT TOWNSHIP, Erie  
County, Pennsylvania being 8630  
Dundee Road, Erie, PA 16509-5406  
Dimensions: 200 X 175

Acreage: 0.8035

Assessment Map number: 40-013-  
086.0-015.00

Assessed Value: \$171,100.00

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

Apr. 27 and May 4, 11

**SALE NO. 29**

**Ex. #10011 of 2018**

**Ditech Financial LLC f/k/a Green  
Tree Servicing LLC, Plaintiff**

v.

**Elizabeth Colorado-Nunez a/k/a**

**Elizabeth Colorado-Munez, Jose**

**L. Nunez, Defendant(s)**

**DESCRIPTION**

By virtue of a Writ of Execution filed  
to No. 10011-18, Ditech Financial

LLC f/k/a Green Tree Servicing  
LLC vs. Elizabeth Colorado-Nunez  
a/k/a Elizabeth Colorado-Munez,  
Jose L. Nunez

Amount Due: \$132,716.74

Elizabeth Colorado-Nunez a/k/a  
Elizabeth Colorado-Munez, Jose L.  
Nunez, owner(s) of property situated  
in WATERFORD TOWNSHIP, Erie  
County, Pennsylvania being 1623  
Bagdad Road, a/k/a 1663 Bagdad  
Road, Waterford, PA 16441-9146

Dimensions: 1792 sq. ft.

Assessment Map number: 47-016-  
030.0-006.00

Assessed Value: \$135,380.00

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

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

Apr. 27 and May 4, 11

**SALE NO. 30**

**Ex. #10513 of 2014**

**Wells Fargo Bank, N.A., Plaintiff**

v.

**Paulette A. Sanders, Defendant(s)**

**DESCRIPTION**

By virtue of a Writ of Execution filed  
to No. 10513-14, Wells Fargo Bank,  
N.A. vs. Paulette A. Sanders

Amount Due: \$48,223.25

Paulette A. Sanders, owner(s) of  
property situated in ERIE CITY, Erie  
County, Pennsylvania being 1124  
East 5th Street, Erie, PA 16507-1906  
Dimensions: 49.5 X 120.5

Acreage: 0.1369

Assessment Map number: 14-010-  
040.0-223.00

Assessed Value: \$59,400.00

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

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

Apr. 27 and May 4, 11

**SALE NO. 31**

**Ex. #12249 of 2017**

**Wells Fargo Bank, N.A., s/b/m  
to Wells Fargo Home Mortgage,  
Inc., f/k/a Norwest Mortgage,  
Inc., Plaintiff**

v.

**Beverly Lee Thompson,  
Defendant(s)**

**DESCRIPTION**

By virtue of a Writ of Execution  
filed to No. 12249-17, Wells Fargo  
Bank, N.A., s/b/m to Wells Fargo  
Home Mortgage, Inc., f/k/a Norwest  
Mortgage, Inc. vs. Beverly Lee  
Thompson

Amount Due: \$32,505.77

Beverly Lee Thompson, owner(s)  
of property situated in ERIE CITY,  
Erie County, Pennsylvania being  
3211 Reed Street, Erie, PA 16504-  
1248

Dimensions: 40 X 102

Acreage: 0.0937

Assessment Map number:  
18050063012200

Assessed Value: \$70,860.00

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

1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814

(215) 563-7000

Apr. 27 and May 4, 11

**SALE NO. 33**

**Ex. #13375 of 2017**

**MTGLQ Investors, LP, Plaintiff**

v.

**John C. Thorh and Karla K.**

**Thorh, Defendants**

**DESCRIPTION**

By virtue of a Writ of Execution  
filed to No. 2017-13375, MTGLQ  
Investors, LP, Plaintiff vs. John C.  
Thorh and Karla K. Thorh, owner(s)  
of property situated in Erie County,  
Pennsylvania being 6137 Meridian  
Drive, Erie, PA 16509

Assessment Map Number:  
33188590000900

Assessed Value Figure: \$103,600.00  
Improvement thereon: Single Family  
Home - 1910 sqft

Richard M. Squire & Associates, LLC  
Bradley J. Osborne, Esq.  
(PA I.D. #312169)

115 West Avenue, Suite 104  
Jenkintown, PA 19046  
215-886-8790

Apr. 27 and May 4, 11

**SALE NO. 34**

**Ex. #14341 of 2006**  
**JPMorgan Chase Bank, National Association, Plaintiff**

**v.**

**Kevin A. Dukich a/k/a Andrew John Wykoff and Kimberly M. Dukich, Defendant**

**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 2006-14341, JPMorgan Chase Bank, National Association vs. Kevin A. Dukich a/k/a Andrew John Wykoff and Kimberly M. Dukich, owner(s) of property situated in Borough of Wesleyville, Erie County, Pennsylvania being 2114 Eastern Avenue, Erie, PA 16510  
 0.2204

Assessment Map number: 50-3-24-11

Assessed Value figure: \$91,380.00  
 Improvement thereon: a residential dwelling

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

Apr. 27 and May 4, 11

**SALE NO. 35**

**Ex. #11549 of 2017**  
**PHH Mortgage Corporation a/k/a PHH Mortgage Services, Plaintiff**

**v.**

**Matthew L. Harris, Sr. and Melanie R. Harris, Defendant**

**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 2017-11549, PHH Mortgage Corporation a/k/a PHH Mortgage Services vs. Matthew L. Harris, Sr. and Melanie R. Harris, owner(s) of property situated in Township of Millcreek, Erie County, Pennsylvania being 4710 Kaylin Court, Erie, PA 16506  
 0.3374

Assessment Map number: 33092376512300

Assessed Value figure: \$227,070.00  
 Improvement thereon: a residential dwelling

Samantha Gable, Esquire  
 Shapiro & DeNardo, LLC

Attorney for Movant/Applicant  
 3600 Horizon Drive, Suite 150  
 King of Prussia, PA 19406  
 (610) 278-6800

Apr. 27 and May 4, 11

**SALE NO. 36**

**Ex. #10166 of 2016**  
**U.S. Bank National Association, as Trustee, successor in interest to Wilmington Trust Company, as Trustee, successor in interest to Bank of America National Association, as Trustee, successor by merger to LaSalle Bank National Association, as Trustee for Lehman XS Trust Mortgage Pass-Through Certificates, Series 2007-6, Plaintiff**

**v.**

**Sifredo Tejada Pena and Nancy Tejada Pena, Defendant**

**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 2016-10166, U.S. Bank National Association, as Trustee, successor in interest to Wilmington Trust Company, as Trustee, successor in interest to Bank of America National Association, as Trustee, successor by merger to LaSalle Bank National Association, as Trustee for Lehman XS Trust Mortgage Pass-Through Certificates, Series 2007-6 vs. Sifredo Tejada Pena and Nancy Tejada Pena, owner(s) of property situated in Conneaut Township, Erie County, Pennsylvania being 9391 Porkey (aka Porky) Road and 0 Route 6N, Albion, PA 16401  
 10.0040

Assessment Map number: 4-11-32-3 and 04-11-32-3-1

Assessed Value figure: \$86,650.00  
 Improvement thereon: a residential dwelling

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

Apr. 27 and May 4, 11

**SALE NO. 37**

**Ex. #13349 of 2017**  
**JPMorgan Chase Bank, National Association, Plaintiff**

**v.**

**Jessica G. Vogt and Jeffrey A. Vogt a/k/a Jeffery A. Vogt, Defendant**

**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 2017-13349, JPMorgan Chase Bank, National Association vs. Jessica G. Vogt and Jeffrey A. Vogt a/k/a Jeffery A. Vogt, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 1127 West 29th Street, Erie, PA 16508

0.1395

Assessment Map number: 19062019031200

Assessed Value figure: \$99,690.00  
 Improvement thereon: a residential dwelling

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

Apr. 27 and May 4, 11

**SALE NO. 38**

**Ex. #13495 of 2017**  
**M&T Bank, Plaintiff**

**v.**

**Arby Newell, III, Administrator of the Estate of Arby Newell, Jr., a/k/a Arby Newell, Deceased, Defendant**

**DESCRIPTION**

By virtue of Writ of Execution No. 13495-2017, M&T Bank v. Arby Newell, III, Administrator of the Estate of Arby Newell, Jr., a/k/a Arby Newell, Deceased, 2220 Ash Street, City of Erie, PA 16503, Parcel No. 18050022020200. Improvements thereon consisting of a Residential Dwelling, sold to satisfy judgment in the amount of \$25,668.39.

Jessica N. Manis, Esquire  
 Stern & Eisenberg, PC  
 1581 Main Street, Suite 200  
 The Shops at Valley Square  
 Warrington, PA 18976  
 (215) 572-8111

Apr. 27 and May 4, 11

**SALE NO. 39**

**Ex. #11803 of 2017**  
**CIT Bank, N.A., Plaintiff**

**v.**  
**Jeffrey Donofrio, Known**  
**Surviving Heir of Howard**  
**V. Donofrio, Diana Stockton,**  
**Known Surviving Heir of**  
**Howard V. Donofrio, Kevin**  
**Donofrio, Known Surviving**  
**Heir of Howard V. Donofrio and**  
**Unknown Surviving Heirs of**  
**Howard V. Donofrio, Defendant**  
**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 2017-11803, CIT Bank, N.A. v. Jeffrey Donofrio, Known Surviving Heir of Howard V. Donofrio, Diana Stockton, Known Surviving Heir of Howard V. Donofrio, Kevin Donofrio, Known Surviving Heir of Howard V. Donofrio and Unknown Surviving Heirs of Howard V. Donofrio, owners of property situated in the Township of Borough of Waterford, Erie County, Pennsylvania being 146 East Fourth Street, Waterford, Pennsylvania 16441.

Tax ID. No. 46006027000600

Address: 146 EAST FOURTH STREET, WATERFORD, PENNSYLVANIA - 16441

Assessment: \$86,330.66

Improvements: Residential Dwelling

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

Apr. 27 and May 4, 11

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**SALE NO. 40**  
**Ex. #1231 of 2016**  
**MTGLQ Investors, L.P., Plaintiff**  
**v.**

**James Allen Horvath, Defendant**  
**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 13231-2016, MTGLQ Investors, L.P. v. James Allen Horvath, owners of property situated in the City of Erie, Erie County, Pennsylvania being 828 East 26th Street, Erie, Pennsylvania 16504.

Tax I.D. No. 18050035012900

Assessment: \$80,168.54

Improvements: Residential Dwelling

McCabe, Weisberg and Conway, P.C. 123 South Broad Street, Suite 1400

Philadelphia, PA 19109 215-790-1010  
 Apr. 27 and May 4, 11

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**SALE NO. 41**  
**Ex. #12016 of 2017**  
**PNC BANK, NATIONAL**  
**ASSOCIATION, Plaintiff**  
**v.**  
**RICHARD HALL A/K/A**  
**RICHARD J. HALL, Defendant**  
**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 12016-2017, PNC BANK, NATIONAL ASSOCIATION vs. RICHARD HALL A/K/A RICHARD J. HALL, owner(s) of property situated in TOWNSHIP OF MILLCREEK, Erie County, Pennsylvania being 6722 Garfield Avenue, Harborcreek, PA 16421 0.6428 acre

Assessment Map number: 27033127002100

Assessed Value figure: \$76,400.00  
 Improvement thereon: single family dwelling

Brett A. Solomon, Esquire  
 Michael C. Mazack, Esquire  
 Tucker Arensberg, P.C.

1500 One PPG Place  
 Pittsburgh, PA 15222  
 (412) 566-1212

Apr. 27 and May 4, 11

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**SALE NO. 42**  
**Ex. #12060 of 2017**  
**Rose Land and Finance Corp.,**  
**Plaintiff**  
**v.**

**Christopher P. Shearer and Beth**  
**A. Gardner, Defendants**  
**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 2017-12060, Rose Land and Finance Corp. vs. Christopher P. Shearer and Beth A. Gardner, owners of property situated in the Township of Millcreek, County of Erie and State of Pennsylvania being 2917 Feasler Street, Erie, PA 16506.

Dimensions: Square Footage- 1364 Acreage- 0.2094

Assessment Map Number: 33-073-303.0-002.00

Assess Value figure: \$89,600

Improvement thereon: Single Family Dwelling and Frame Utility

Shed  
 Lois M. Vitti, Esquire  
 Attorney for Plaintiff  
 333 Allegheny Avenue, Suite 303  
 Oakmont, PA 15139  
 (412) 281-1725  
 Apr. 27 and May 4, 11



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

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

Apr. 20, 27

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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****BRZOWSKI, DOROTHY, deceased**

Late of the City of Erie, Erie County

*Executrix:* Jan F. Brzowski, 421 West Arlington Road, Erie, Pennsylvania 16509

*Attorney:* Mary Payton Jarvie, Esquire, CARNEY & GOOD, 254 West Sixth Street, Erie, Pennsylvania 16507

**HAVRILLA, ROBERT G., deceased**

Late of Millcreek Township, PA  
*Executor:* David K. McMullin, 2312 Southampton Dr., Pittsburgh, PA 15241

*Attorney:* Andrew K. McMullin, Esq., 596 McCombs Rd., Venetia, PA 15367

**HELMER, BERNARDINE M., deceased**

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

*Co-Executors:* Mark Helmer and Kathleen Holden, 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

**HILL, MARION G., a/k/a MARION HILL, deceased**

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

*Executrix:* Jacqueline A. Hill, 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

**KOFORD, EVELYN J., a/k/a EVELYN KOFORD, a/k/a EVELYN JO KOFORD, deceased**

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

*Executor:* John L. Koford, 2401 Waterwheel Drive, Winston-Salem, NC 27103

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

**LONG, JOHN DESMOND, a/k/a JOHN D. LONG, a/k/a JOHN LONG, deceased**

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

*Administrator:* Alan J. Natalie, Esquire, c/o 504 State Street, Suite 300, Erie, PA 16501

*Attorney:* Alan Natalie, Esquire, 504 State Street, Suite 300, Erie, PA 16501

**McNABB, ROBERT W., SR., a/k/a ROBERT W. McNABB, a/k/a ROBERT McNABB, SR., a/k/a ROBERT McNABB, deceased**

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

*Executrix:* Merritt G. Dill, 303 Stuart Way, Erie, PA 16509

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

**OLIGERI, ROBERT J., deceased**

Late of the City of Erie, Erie County, PA

*Executrix:* Jean Delinski, 10095 Biley Rd., Waterford, PA 16441

*Attorney:* Heritage Elder Law & Estate Planning, LLC, Jeffrey D. Banner, Esquire, 318 South Main Street, Butler, PA 16001

**PERSONS, SHARON, deceased**

Late of Fairview Township, County of Erie

*Executrix:* Lora Hughson, 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

**RAINES, LISA M., deceased**

Late of Millcreek Township, Erie County, Commonwealth of Pennsylvania

*Administrator:* Curtis J. Raines, c/o Thomas C. Hoffman, II, Esquire, 120 West Tenth Street, Erie, PA 16501

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

**SHEEHAN, EVELYN E., deceased**

Late of the City of Erie, County of Erie

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

**WESTERDAHL, RENEE, deceased**

Late of the City of Erie

*Executor:* Karen Wojciki  
*Attorney:* Steven E. George, Esquire, George Estate and Family Law, 305 West 6th Street, Erie, PA 16507



**YOUNG, MARY CELESTE, a/k/a  
M. CELESTE YOUNG,  
deceased**

Late of Harborcreek Township  
*Executrix:* Erin L. Young, 5214  
Birwood Drive, Erie, PA 16511  
*Attorney:* Joseph B. Aguglia, Jr.,  
Esquire, 1001 State Street, Suite  
303, Erie, PA 16501

**SECOND 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,  
deceased**

Late of the Township of Millcreek,  
County of Erie, Commonwealth of  
Pennsylvania  
*Executrix:* Ashlie Davet, 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

**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,  
PA 15108  
*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

**THIRD 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 Zraggen, 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**

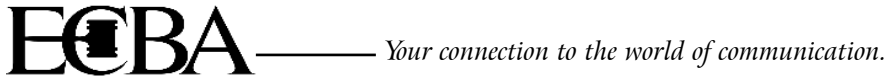
Late of the City of Erie, County  
of Erie and Commonwealth of  
Pennsylvania  
*Co-Administrators:* Karen M.  
Dibble and Charlotte M. Knight  
*Attorney:* Melanie L. Hoover,  
Esquire, ELDERKIN LAW FIRM,  
150 East 8th Street, Erie, PA 16501

**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,  
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# Erie County Bar Association

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