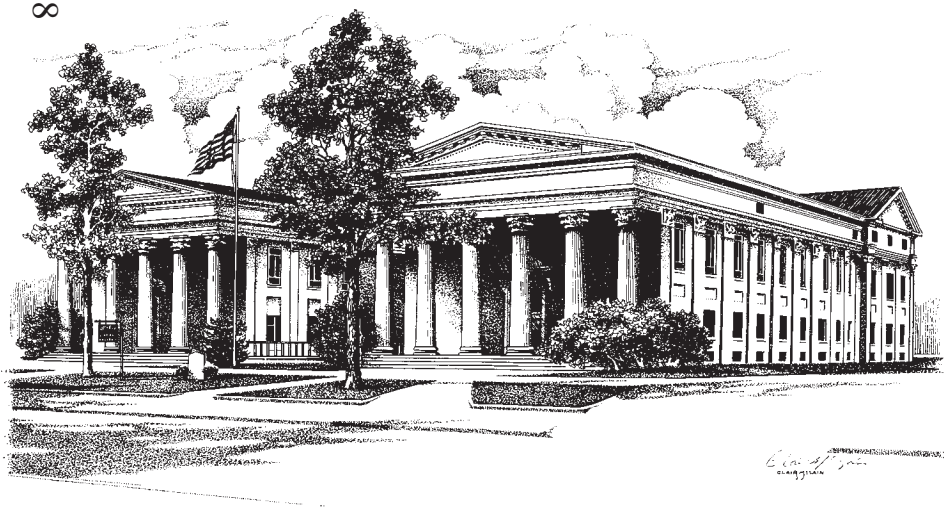


Erie
County
Legal
Journal

September 14, 2018

Vol. 101 No. 37



101 ERIE 145 - 152
Commonwealth v. Waller

Erie County Legal Journal

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

Managing Editor: Megan E. Black

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

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Erie County Bar Association

Calendar of Events and Seminars

SUNDAY, SEPTEMBER 16, 2018

Women's Division Event
Boxing & Bloodies
11:45 a.m. - 1:00 p.m.
Level Red Boxing, 2147 W. 12th St.

MONDAY, SEPTEMBER 17, 2018

Worker's Compensation Section Meeting
Noon
ECBA Headquarters

MONDAY, SEPTEMBER 17, 2018

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

TUESDAY, SEPTEMBER 18, 2018

What you need to know about the differences between Social Security (SS) and Supplemental Security Income (SSI)
The Will J. & Mary B. Schaaf Education Center
12:15 p.m. - 1:15 p.m.
(11:45 p.m. registration/lunch)
\$47 (ECBA members/their non-attorney staff)
\$60 (non-members)
1 hour substantive CLE/CJE credit

THURSDAY, SEPTEMBER 20, 2018

Estate & Trust Section Leadership Committee Meeting
Noon
ECBA Headquarters

THURSDAY, SEPTEMBER 20, 2018

Judicial Committee Meeting
Noon
The Will J. & Mary B. Schaaf Education Center

FRIDAY, SEPTEMBER 21, 2018

Senior Lawyer Division
Private Tour of the Robert H. Jackson Center
10 a.m.

FRIDAY, SEPTEMBER 21, 2018

Headquarters Committee Meeting
Noon
ECBA Headquarters

MONDAY, SEPTEMBER 24, 2018

ECBA Board of Directors Meeting
Noon
ECBA Headquarters

TUESDAY, SEPTEMBER 25, 2018

Pennsylvania Superior Court Special Session
Erie County Courthouse, Courtroom H
Oral Arguments Begin at 9:30 a.m.
Cocktails and Dinner with the Superior Court Judges
Erie Club
5:00 p.m.

WEDNESDAY, SEPTEMBER 26, 2018

Appellate Advocacy Before the Superior Court
Sheraton Bayfront Hotel
8:00 a.m. - 9:00 a.m.
(7:45 a.m. registration/breakfast)
\$47 (ECBA members/their non-attorney staff)
\$60 (non-members)
1 hour substantive CLE/CJE credit

THURSDAY, SEPTEMBER 27, 2018

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

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

2018 BOARD OF DIRECTORS

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OFFICIAL COURT REPORTER

The United States District Court for the Western District of Pennsylvania is seeking a qualified individual for the full time position of Official Court Reporter who is certified realtime. The official duty station is in Erie, PA. Official Court Reporters are responsible for recording court proceedings in court and in chambers for all judges and magistrate judges. The reporter produces transcripts requested by a judge or the parties and files copies as required with the Clerk of Court. The position has an annual starting salary range of \$86,073 - \$93,898, which is dependent upon certifications and federal experience. The United States District Court for the Western District of Pennsylvania is one of three federal judicial districts in Pennsylvania and comprises 25 of the 67 counties in Pennsylvania. For a detailed position description, including representative duties, qualification and requirements, and instructions on how to apply, visit the court's website at <http://www.pawd.uscourts.gov/employment> The Court is an Equal Opportunity Employer.

Sept. 14

POSITION AVAILABLE

The Court is seeking to fill the Title IV-D Attorney part time position for its Domestic Relations Section. The Pennsylvania Department of Human Services has entered into an agreement with the County of Erie entitled Cooperative Agreement Under Title IV-D of the Social Security Act. The Title IV-D Cooperative Agreement requires the Domestic Relations to provide legal services to assist in the establishment and enforcement of support orders, this position will be responsible for that and other necessary legal services on behalf of the Domestic Relations Department. It is anticipated that this position will require approximately 10 hours of work per week.

DEADLINE: September 20, 2018

In order to be considered for this position, all Attorneys must submit a letter of interested to:
Robert J. Catalde, Esquire
District Court Administrator
Erie County Courthouse
140 West 6 St., Room 210
Erie, Pa 16501
rcatalde@eriecountypa.gov

Sept. 14

ECBA NOMINATING COMMITTEE TO MEET

In accordance with Article V, Section (2) of the Erie County Bar Association (ECBA) By-Laws, the membership is hereby notified that the Nominating Committee will meet on Thursday, October 4, 2018 at 8:30 a.m. at the ECBA Headquarters. Any Association member wishing to nominate a candidate for any of the following offices may do so in writing to the ECBA office prior to October 4th: Second Vice-President (1 year term); Treasurer (1 year term); Three Board Members (3 year terms each.)

Positive leadership characteristics of nominees include, among other things, a willingness to devote the necessary time to this commitment; integrity, intelligence, vision, decisiveness, reliability, open-mindedness; interest in and support of the ECBA and its mission, exhibited

through current or recent involvement in the Association's work; is an ethical and respected member of the ECBA; unlikely to embarrass the ECBA by words or deeds; works well with staff.

It will be the duty of the Nominating Committee to place in nomination the names of one candidate for each seat to be filled by election. Nominations to be considered will come from the membership and from the Nominating Committee itself. No other nominations may be made from the floor at the election meeting.

Sept. 14, 21



*The Erie County Bar Association
cordially invites you to attend a*

RED MASS

*celebrated by The Most Reverend
Lawrence T. Persico, JCL, Bishop of Erie*

TUESDAY, OCTOBER 9, 2018

5:15 p.m.

Saint Peter Cathedral

10th & Sassafras Streets

All judges are invited to bring their robes and participate in the procession with the Bishop.

After-dinner speaker

Rev. Dr. Jason A. Mitchell, S.T.L., Ph.D.

Gannon University, Department of Philosophy

The Foundation of Law According to Thomas Aquinas

Buffet Dinner immediately following the Red Mass will be at Gannon University's Morosky Center, lower level, 10th and Sassafras Streets, directly across from the Cathedral.

Dinner Buffet: \$20/person

Spouses are welcome to attend.

RSVP by Thursday, October 4 by sending payment to the ECBA office with registration form or by registering online at www.eriebar.com. Questions? Call the ECBA at 814-459-3111

RED MASS is an historic tradition dating back to the thirteenth century when it officially opened the term of court for most European countries. It is called "Red Mass" for the color of the vestments worn by the celebrants, signifying the fire of the Holy Spirit as God's blessing and guidance is evoked for judges, attorneys, government officials and all who seek justice.

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



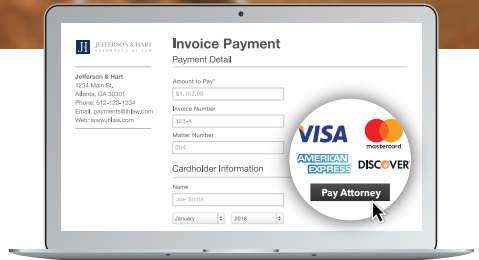
PAYMENT RECEIVED

Client: Joe Smith
Amount: \$1,152.00



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COMMONWEALTH OF PENNSYLVANIA

v.

NATHAN J. WALLER

*POST-CONVICTION RELIEF ACT /**COGNIZABLE ISSUES RESULTING FROM GUILTY PLEA*

Upon entering a plea of guilty, the only cognizable issues available in a PCRA proceeding are the validity of the plea and the legality of the sentences.

POST-CONVICTION RELIEF ACT / LEGALITY OF SENTENCE

The phrase “illegal sentence” is a term of art which is applied to three narrow categories of cases: (1) claims the sentence falls outside of the legal parameters prescribed by the applicable statute; (2) claims involving merger/double jeopardy; and (3) claims implicating the rule in *Apprendi v. New Jersey*, 530 U.S. 466 (2000).

POST-CONVICTION RELIEF ACT / LEGALITY OF SENTENCE / MERGER

Whether a defendant’s convictions merge for sentencing is a question implicating the legality of defendant’s sentence.

POST-CONVICTION RELIEF ACT / LEGALITY OF SENTENCE / MERGER

With specific reference to claims involving merger, Section 9765 of the Sentencing Code governing the merger of sentences prohibits merger unless two distinct facts are present: (1) the crimes arise from a single criminal act; and (2) all of the statutory elements of one of the offenses are included in the statutory elements of the other. 42 Pa.C.S. § 9765.

POST-CONVICTION RELIEF ACT / LEGALITY OF SENTENCE / MERGER

Where crimes merge for sentencing purposes, the court may sentence the defendant only on the higher graded offense. 42 Pa.C.S. § 9765.

POST-CONVICTION RELIEF ACT / LEGALITY OF SENTENCE

A claim that implicates the fundamental legal authority of the court to impose a particular sentence constitutes a challenge to the legality of the sentence. A sentence is illegal if the sentence exceeds the statutory maximum. Thus, when a court imposes a sentence outside of the legal parameters prescribed by the applicable statute, the sentence is illegal.

POST-CONVICTION RELIEF ACT

A request for relief challenging the discretionary aspects of a sentence is not a cognizable claim under the PCRA.

RECIDIVISM RISK REDUCTION INCENTIVE (“RRRI”)

The Recidivism Risk Reduction Incentive Act, 61 Pa.C.S. § 4501–4512, makes certain offenders eligible for release on parole before the expiration of their minimum terms of imprisonment. Under the RRRI sentencing rules, the “minimum shall be equal to three-fourths of the minimum sentence imposed when the minimum sentence is three years or less.” 61 Pa.C.S. § 4505.

RECIDIVISM RISK REDUCTION INCENTIVE (“RRRI”)

The stated purpose of RRRI is to create a program that ensures appropriate punishment for persons who commit crimes, encourages inmate participation in evidence-based programs that reduce the risks of future crime, and ensures the openness and accountability of the criminal justice process while ensuring fairness to crime victims. 61 Pa.C.S. § 4502.

MOTIVATIONAL BOOT CAMP

Motivational boot camp is a program in which eligible inmates participate for a period

of six months in a humane program for motivational boot camp programs which shall provide for rigorous physical activity, intensive regimentation and discipline, work on public projects, substance abuse treatment services licensed by the Department of Health, continuing education, vocational training, prerelease counseling, and community corrections aftercare. 61 Pa.C.S. § 3903.

MOTIVATIONAL BOOT CAMP

Upon certification of the inmate's successful completion of Motivational Boot Camp, the Pennsylvania Board of Probation and Parole must release the inmate on parole, notwithstanding any minimum sentence imposed in the case. The parolee is first subject to intensive supervision for a period of time determined by the board, after which the parolee is then subject to the usual parole supervision. 61 Pa.C.S. § 3907.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
CRIMINAL DIVISION
No. CR 1058 of 2017

Appearances: William J. Hathaway, Esq., on behalf of Nathan J. Waller
Paul S. Sellers, Esq., for the Commonwealth

OPINION

Domitrovich, J.

August 17, 2018

AND NOW, to-wit, this 17th day of August, 2018, after a thorough review of the *pro se* Motion for Post-Conviction Collateral Relief, which this Trial Court notes is Nathan J. Waller's ("Petitioner") first Motion for Post-Conviction Collateral Relief ("PCRA Petition") filed on February 14, 2018; Attorney William J. Hathaway's "No Merit" Letter filed on May 29, 2018; and Commonwealth's letter submitted to this Trial Court by Assistant District Attorney Paul S. Sellers; as well as a thorough and independent review of the entire record and relevant statutory law and case law, it is hereby **ORDERED, ADJUDGED AND DECREED** that Petitioner's PCRA Petition is hereby **DISMISSED** as his Petition states no grounds for which relief may be granted under the Post-Conviction Relief Act, 42 Pa.C.S. § 9541 *et seq.*

On May 12, 2017, the District Attorney's Office filed a Criminal Information charging Petitioner with the following: (1) Driving Under the Influence, General Impairment – Incapable of Safe Driving, 3rd Offense; (2) Driving Under the Influence, Highest Rate of Alcohol, BAC 0.16% or greater, 3rd Offense; (3) Driving While Operating Privilege is Suspended or Revoked following ARD/DUI-related suspension; and (4) Driving While Operating Privilege is Suspended or Revoked, BAC 0.02% or greater, 2nd Offense, following ARD/DUI-related suspension. This is the third occasion DUI-related charges have been levied against Petitioner since Petitioner was convicted previously of DUI twice. Petitioner was assigned Kenneth A. Bickel as Petitioner's court-appointed counsel.

On August 8, 2017, Petitioner entered a counseled guilty plea to Count Two (Driving Under the Influence, Highest Rate of Alcohol, BAC 0.16% or greater, 3rd Offense) in violation of 75 Pa.C.S. § 3802(c) and Count Four (Driving While Operating Privilege is Suspended or Revoked, BAC 0.02% or greater, 2nd Offense, following ARD/DUI-related suspension) in

violation of 75 Pa.C.S. § 1543(b)(1.1)(ii). In exchange, the Commonwealth agreed to *nolle pros* Counts One and Three. On September 27, 2017, Petitioner was sentenced as follows:

- Count Two: Incarceration for a minimum period of 16 months and a maximum period of 48 months at the Pa Department of Corrections in the **standard range** consecutive to any sentence(s) Petitioner is currently serving.
- Count Four: Incarceration for a minimum period of 6 months and a maximum period of 12 months at the Pa Department of Corrections in the **standard range** consecutive to Count Two.

Thus, Petitioner was sentenced to an aggregate total of twenty-two (22) months to sixty (60) months of incarceration. This Trial Court also found Petitioner RRRI eligible and applied the RRRI formula to the minimum portion of his sentence to sixteen and one-half (16 ½) months; therefore, if Petitioner complies with all requirements under RRRI while incarcerated, Petitioner’s total sentence will be sixteen and one-half (16 ½) months to sixty months. No direct appeal was filed from Petitioner’s judgment of sentence.

On February 14, 2018, Petitioner timely filed the instant PCRA Petition, wherein Petitioner challenges the sentences imposed by this Trial Court. Specifically, “Petitioner contends that his sentences should have merged due to the similar nature of the crimes he was convicted of.” (*See* PCRA Petition at pg. 4). Petitioner also argues this Trial Court misinterpreted the legislative intent of the statutes 75 Pa.C.S. § 3802(c) and 75 Pa.C.S. § 1543(b)(1.1)(ii) under which Petitioner was convicted.

By Order dated February 28, 2018, this Trial Court appointed Attorney William J. Hathaway as Petitioner’s PCRA counsel. After the Plea and Sentencing Hearings, transcripts were filed with Clerk of Courts of Erie County, Attorney Hathaway filed his “No Merit” letter, wherein Attorney Hathaway details the nature and extent of his review. Attorney Hathaway also lists the issues Petitioner desires to raise, and Attorney Hathaway explains why Petitioner’s issues are meritless. Specifically, Attorney Hathaway states:

The instant sentence is patently legal in nature and the Petitioner has not presented any claims that implicate the legality of the sentence. The sentence imposed was within the standard range of the sentencing guidelines and does not exceed the statutory maximum so as to state a colorable challenge to the legality of sentence. The sentence imposed was in accord with the discretion and authority of the sentencing court and would not implicate the discretionary aspects of sentencing on direct appeal let alone constitute a claim of illegal sentence.

(*See* Attorney Hathaway’s “No Merit” Letter dated May 29, 2018). Thus, Attorney Hathaway states Petitioner does not have any colorable claims for relief. Attorney Hathaway filed therewith a Petition for Leave to Withdraw as Counsel, which is currently pending before this Trial Court.

On July 3, 2018, this Trial Court received a letter from ADA Paul S. Sellers on behalf of the Commonwealth. Therein, ADA Sellers “concur[s] with the assessment of Attorney Hathaway in his letter dated May 29, 2018 that the petitioner, Nathan J. Waller, has failed to state any

colorable claim for PCRA relief.” (See Letter from ADA Paul S. Sellers dated July 2, 2018).

As Attorney Hathaway has filed a “No Merit” letter, this Trial Court is required to conduct an independent review as an appropriate follow-up to said “No Merit” letter. *Commonwealth v. Merritt*, 827 A.2d 485, 487 (Pa. Super. 2003).

Under the Post-Conviction Collateral Relief Act, a petitioner must plead and prove by a preponderance of the evidence all of the following to be eligible for relief:

- (1) That the petitioner has been convicted of a crime under the laws of this Commonwealth and is at the time relief is granted:
 - i. Is currently serving a sentence of imprisonment, probation or parole for the crime;
 - ii. Awaiting execution of a sentence of death for the crime; or
 - iii. Serving a sentence which must expire before the person may commence serving the disputed sentence;
- (2) That the conviction or sentence resulted from one or more of the following:
 - i. A violation of the Constitution of this Commonwealth or the Constitution or laws of the United States, which, in the circumstances of the particular case, so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place;
 - ii. Ineffective assistance of counsel which in the circumstances of the particular case, so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place;
 - iii. A plea of guilty unlawfully induced where the circumstances make it likely that the inducement caused the petitioner to plead guilty and the petitioner is innocent;
 - iv. The improper obstruction by government officials of the petitioner’s right of appeal where a meritorious appealable issue existed and was properly preserved in the trial court;
 - v. The unavailability at the time of trial of exculpatory evidence that has subsequently become available and would have changed the outcome of the trial if it had been introduced;
 - vi. The imposition of a sentence greater than the lawful maximum;
 - vii. A proceeding in a tribunal without jurisdiction;
- (3) That the allegation of error has not been previously litigated or waived; and
- (4) That the failure to litigate the issue prior to or during trial, during unitary review or on direct appeal could not have been the result of any rational, strategic or tactical decision by counsel.

42 Pa.C.S. § 9543(a). A petitioner must meet all four requirements of the statute to be eligible for relief. *Commonwealth v. Rachak*, 62 A.3d 389, 394 (Pa. Super. 2012). In the instant case, Petitioner satisfies the first requirement since he is currently serving a sentence of incarceration for a period of twenty-two (22) months to sixty (60) months of incarceration at the Pennsylvania Department of Corrections pursuant to the sentence on his convictions at the above-referenced docket.

Second, Petitioner must plead and prove by a preponderance of the evidence that imposition of Petitioner's sentence is greater than the lawful maximum. Specifically, Petitioner alleges his sentences at Counts Two and Four should have merged pursuant to the merger doctrine. Upon entering a plea of guilty, the only cognizable issues available in a PCRA proceeding are the validity of the plea of guilty and the legality of the sentences. See *Commonwealth v. Martinez*, 539 A.2d 399, 401 (1988). Whether a defendant's convictions merge for sentencing is a question implicating the legality of defendant's sentence. *Commonwealth v. Baldwin*, 985 A.2d 830, 833 (Pa. 2009). The phrase "illegal sentence" is a "term of art" in Pennsylvania Courts which is applied to three narrow categories of cases: (1) claims the sentence falls "outside of the legal parameters prescribed by the applicable statute"; (2) claims involving merger/double jeopardy; and (3) claims implicating the rule in *Apprendi v. New Jersey*, 530 U.S. 466 (2000). *Commonwealth v. Munday*, 78 A.3d 661, 664 (Pa. Super. 2013).

With specific reference to claims involving merger, Section 9765 of the Sentencing Code governs the merger of sentences:

No crimes shall merge for sentencing purposes unless the crimes arise from a single criminal act and all of the statutory elements of the offense are included in the statutory elements of the other offense. Where crimes merge for sentencing purposes, the court may sentence the defendant only on the higher graded offense.

42 Pa.C.S. § 9765. Thus, this statute prohibits merger "unless two distinct facts are present: 1) the crimes arise from a single criminal act; and 2) all of the statutory elements of one of the offenses are included in the statutory elements of the other." *Commonwealth v. Tanner*, 61 A.3d 1043, 1046 (Pa. Super. 2013). Moreover, the Pennsylvania Supreme Court has held the proper analysis "is whether the elements of the lesser crime are all included within the elements of the greater crime, and the greater offense includes at least one additional element which is different, in which case the sentences merge, or whether both crimes require proof of at least one element which the other does not, in which case the sentences do not merge." *Commonwealth v. Anderson*, 650 A.2d 20, 24 (Pa. 1994).

In the instant case, Petitioner pled guilty to two offenses: (1) Driving Under the Influence, Highest Rate of Alcohol, in violation of 75 Pa.C.S. § 3802(c); and (2) Driving While Operating Privilege is Suspended or Revoked, BAC 0.02% or Greater, in violation of 75 Pa.C.S. § 1543(b)(1.1)(ii). Petitioner raises the issue of whether merger applies. This Trial Court's analysis is as follows:

Section 3802(c), Driving Under the Influence, Highest Rate of Alcohol is defined as:

(c) Highest rate of alcohol.--An individual may not drive, operate or be in actual physical control of the movement of a vehicle after imbibing a sufficient amount of alcohol such that the alcohol concentration in the individual's blood or breath is 0.16% or higher within two hours after the individual has driven, operated or been in actual physical control of the movement of the vehicle.

75 Pa.C.S. § 3802(c).

Section 1543(b)(1.1)(i)-(ii), Driving While Operating Privilege is Suspended or Revoked,

BAC 0.02% or Greater, which includes the penalty clause, is defined as:

(1.1)(i) A person who has an amount of alcohol by weight in his blood that is equal to or greater than .02% at the time of testing or who at the time of testing has in his blood any amount of a Schedule I or nonprescribed Schedule II or III controlled substance, as defined in the act of April 14, 1972 (P.L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or its metabolite or who refuses testing of blood or breath and who drives a motor vehicle on any highway or traffic way of this Commonwealth at a time when the person's operating privilege is suspended or revoked as a condition of acceptance of Accelerated Rehabilitative Disposition for a violation of section 3802 or former section 3731 or because of a violation of section 1547(b) (1) or 3802 or former section 3731 or is suspended under section 1581 for an offense substantially similar to a violation of section 3802 or former section 3731 shall, upon a first conviction, be guilty of a summary offense and shall be sentenced to pay a fine of \$1,000 and to undergo imprisonment for a period of not less than 90 days.

(ii) A second violation of this paragraph shall constitute a misdemeanor of the third degree, and upon conviction thereof the person shall be sentenced to pay a fine of \$2,500 and to undergo imprisonment for not less than six months.

75 Pa.C.S. § 1543(B)(1.1)(i)-(ii).

In the instant case, Section 3802(c) requires proof that Petitioner's BAC was "0.16% or higher within two hours after the individual has driven, operated or been in actual physical control of the movement of the vehicle." 75 Pa.C.S. § 3802(c); *see also Commonwealth v. Thur*, 906 A.2d 552, 563 (Pa. Super. 2006) (noting the General Assembly "plainly intended to penalize driving after drinking enough alcohol that the BAC reaches 0.16% at any time within two hours after driving."). Section 3802(c)'s BAC requirement is an independent element distinct from Section 1543(b)(1.1)(i) since a higher BAC is required than Section 1543(b)(1.1)(i). Specifically, Section 1543(b)(1.1)(i) merely requires a BAC of "equal to or greater than .02%." 75 Pa.C.S. § 1543(b)(1.1)(i).

On the other hand, Section 1543(b)(1.1)(i) also contains an independent element distinct from Section 3802(c) since Section 1543(b)(1.1)(i) additionally requires Petitioner must have been driving a motor vehicle "at a time when the person's operating privilege is suspended or revoked as a condition of acceptance of Accelerated Rehabilitative Disposition." 75 Pa.C.S. § 1543(b)(1.1)(i); *Cf. Commonwealth v. Raven*, 97 A.3d 1244, 1250 (Pa. Super. 2014). Since each offense requires at least one element not included in the other, these statutes contemplate independent offenses. Therefore, Petitioner's claim of merger issue fails to merit relief.

Petitioner's next issue is whether Petitioner's sentences are legal. Under Pennsylvania law, "[a] claim that implicates the fundamental legal authority of the court to impose a particular sentence constitutes a challenge to the legality of the sentence." *Commonwealth v. Catt*, 994 A.2d 1158, 1160 (Pa. Super. 2010). A sentence is illegal if the sentence exceeds the statutory maximum. *Commonwealth v. Infante*, 63 A.3d 358, 363 (Pa. Super. 2013). Thus, "when a court imposes a sentence outside of the legal parameters prescribed by the applicable statute, the sentence is illegal." *Commonwealth v. Vasquez*, 744 A.2d 1280, 1284 (Pa. 2000). If no statutory

authorization exists for a particular sentence, such a sentence is illegal and therefore subject to correction. *Commonwealth v. Berry*, 877 A.2d 479, 483 (Pa. Super. 2005). On the other hand, a request for relief challenging the discretionary aspects of a sentence is not a cognizable claim under the PCRA. *Commonwealth v. Wrecks*, 934 A.2d 1287, 1289 (Pa. Super. 2007).

Regarding Count Two of Petitioner's sentence, Section 3804(c)(3) provides the mandatory minimum sentence as twelve months. 75 Pa.C.S.A. § 3804(c)(3). Under 18 Pa.C.S.A. § 1104(1), since Count Two is a misdemeanor of the first degree, the statutory maximum is sixty months. 18 Pa.C.S.A. § 1104(1). Under the Pennsylvania Sentencing Guidelines, the mitigated range is twelve months; standard range sentence is twelve to sixteen months; and aggravated range is nineteen months.

In order to determine Petitioner's sentences, this Trial Court considered the information in Petitioner's Presentence Investigation Report which details a number of prior charges involving drugs and driving while operating privilege is suspended. (*See* Notes of Testimony, Sentencing Hearing, Sept. 27, 2017, at pg. 15:6-17; *See also* Adult Probation Department Presentence Investigation Report). This Trial Court also noted at the time of sentencing that since Petitioner was under state supervision when he committed the present offenses at this docket, Petitioner could have been sentenced in the aggravated range; however, this Trial Court did not choose to implement an aggravated range sentence in Petitioner's case. (Notes of Testimony, Sentencing Hearing, at 15:25-16:3). This Trial Court additionally considered Pennsylvania Sentencing Guidelines, Pennsylvania Sentencing Code, Petitioner's age, seriousness of the offenses, facts and nature and circumstances of the offenses, protection of society, Petitioner's rehabilitative needs, sincerity of his remorsefulness, and a letter from an Associate Professor Academic Advisor of Edinboro University as well as Petitioner's school transcripts from Edinboro University. (*Id.* at 16:4-17:14).

After review of all of these considerations, this Trial Court sentenced Petitioner on Driving Under the Influence, Highest Rate of Alcohol, BAC 0.16% or greater, 3rd Offense in violation of Section 3802(c), in the standard range to a period of incarceration from sixteen months to forty-eight months. Petitioner's sentence does not exceed the statutory maximum nor is the sentence outside of the legal parameters prescribed by Section 3804(c)(3) or the Sentencing Code. Petitioner's sentence for his conviction under Section 3802(c) is patently legal.

Next, Regarding Count Four of Petitioner's sentence, Section 1543(b)(1.1)(ii) provides mandatory minimum sentence is six months. 75 Pa.C.S. § 1543(B)(1.1)(ii). Under 18 Pa.C.S. § 1104(3), since Count Four is a misdemeanor of the third degree, the statutory maximum is twelve months. 18 Pa.C.S.A. § 1104(3). Under the Pennsylvania Sentencing Guidelines, Petitioner's sentence is in the standard range for period of incarceration of a minimum of six months and a maximum of twelve months. Petitioner's sentence clearly does not exceed the statutory maximum nor is this sentence outside of the legal parameters prescribed by Section 1543(b)(1.1)(ii) or the Sentencing Code. Petitioner's sentence for his conviction at Section 1543(b)(1.1)(ii) is patently legal.

Notwithstanding imposing a patently legal sentence, this Trial Court also found Petitioner eligible for RRRI.¹ The Recidivism Risk Reduction Incentive Act, 61 Pa.C.S. § 4501-4512

¹ The stated purpose of RRRI is "to create a program that ensures appropriate punishment for persons who commit crimes, encourages inmate participation in evidence-based programs that reduce the risks of future crime and ensures the openness and accountability of the criminal justice process while ensuring fairness to crime victims." 61 Pa.C.S. § 4502.

makes certain offenders eligible for release on parole before the expiration of their minimum terms of imprisonment. *Commonwealth v. Hansley*, 47 A.3d 1180, 1181 (Pa. 2012). Under the RRRRI sentencing rules, the “minimum shall be equal to three-fourths of the minimum sentence imposed when the minimum sentence is three years or less.” 61 Pa.C.S. § 4505. According to this formula, since Petitioner was initially sentenced to an aggregate minimum total of twenty-two (22) months of incarceration, Petitioner’s minimum sentence under RRRRI sentencing rules is sixteen and one-half (16 ½) months. Thus, a possibility exists Petitioner may be released after only serving a total minimum of sixteen and one-half (16 ½) months so long as Petitioner complies with all requirements under RRRRI while incarcerated. *See* 61 Pa.C.S. § 4501, *et seq.*

Moreover, this Trial Court recommended Petitioner for Boot Camp.² “Upon certification by the department of the inmate’s successful completion of the program, the Pennsylvania Board of Probation and Parole shall immediately release the inmate on parole, notwithstanding any minimum sentence imposed in the case.” 61 Pa.C.S. § 3907. “The parolee will be subject to intensive supervision for a period of time determined by the board, after which the parolee will be subject to the usual parole supervision.” *Id.*

After review of Petitioner’s sentences, and consistent with the foregoing analysis, this Trial Court finds and concludes Petitioner’s challenge regarding the legality of his sentences is wholly without merit. Although Petitioner argues this Trial Court “misinterpreted the legislative intent” of these statutes under which Petitioner was sentenced, this issue is moot as Petitioner’s sentence is patently legal. (*See* PCRA Petition at pg. 4).

For all of the foregoing reasons, Defendant’s PCRA Petition is hereby **DISMISSED**. Furthermore, the Petition for Leave to Withdraw as Counsel, filed by William J. Hathaway, Esq., on May 29, 2017, is hereby **GRANTED**. Defendant is hereby informed of his right to appeal from this Order within thirty (30) days of the date of this Order, and can proceed *pro se* or by retaining private counsel.

BY THE COURT

/s/ Stephanie Domitrovich, Judge

² Motivational boot camp is “a program in which eligible inmates participate for a period of six months in a humane program for motivational boot camp programs which shall provide for rigorous physical activity, intensive regimentation and discipline, work on public projects, substance abuse treatment services licensed by the Department of Health, continuing education, vocational training, prerelease counseling and community corrections aftercare.” 61 Pa.C.S. § 3903



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**ACTION TO QUIET TITLE
NOTICE**

To: Linda Stutsman, Daniel Carr, Ken Carr, Timothy Redenz, Noah Redenz, and Robert Redenz
Please take notice that Troy Jaggi and Tami Jaggi, Plaintiffs, have filed a complaint to quiet title against you as heirs of Ronald E. Redenz owner of 429 West Church St. and 433 West Church St., Corry, PA 16407, defendants, in the Court of Common Pleas of Erie County, Pennsylvania, Civil Division, No. 11102-2018. Plaintiffs are the owners of the described property situate in the City of Corry, County of Erie and Commonwealth of Pennsylvania, bearing Tax Index Numbers 08-033-143.0-010.00 and 08-033-143.0-011.00. The defendants may have some interest in the above described properties. Plaintiffs have filed this action to quiet title to the property and seek to bar the defendants from ever asserting any right, title, interest, lien or claim against the property.

NOTICE

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFFS. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU. YOU SHOULD TAKE THIS NOTICE TO A 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.

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Phone: (814) 459-4411

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Jennifer B. Hirneisen, Esquire
MacDonald, Illig, Jones
& Britton LLP

100 State Street, Suite 700
Erie, PA 16507-1459
(814) 870-7703

Attorneys for Troy and Tami Jaggi
Sept. 14

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania 12280-18 Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Charlotte Marylyn Proper to Charlotte Mary-Lynn Reyda.

The Court has fixed the 17th day of October, 2018 at 11:00 a.m. in Court Room H, Room 229, 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.

Sept. 14

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
NOTICE IS HEREBY GIVEN pursuant to Section 311(g) of the Fictitious Name Act as follows:

1. The fictitious name is Auto Express Mazda.
2. The principal place of business to be carried on under the fictitious name is 4021 Peach Street, Erie, PA 16509.
3. The name and address of the party to the registration is Auto Express Erie, Inc., 9070 Peach Street, Waterford, PA 16441.
4. An application for registration of the above fictitious name was filed with the Pennsylvania Department of State under the Fictitious Name Act on March 26, 2018
Kurt L. Sundberg
MARSH SCHAAF
300 State Street, Suite 300
Erie, PA 16507

Sept. 14

FICTITIOUS NAME NOTICE

An application for registration of the fictitious name Patrick Cooper Construction Remodeling Services, 804 Beaumont Ave., Erie, PA 16505 has been filed in the Department of State at Harrisburg, PA, File Date **07/20/2018** pursuant to the Fictitious Names Act, Act 1982-295. The name and address of the person who is a party to the registration is Patrick Cooper, 804 Beaumont Ave., Erie, PA 16505.

Sept. 14

INCORPORATION NOTICE

Notice is given that the Articles of Incorporation of CrypTechGroup, Inc. have been filed with the Pennsylvania Department of State, and the corporation has been incorporated under the provisions of the Business Corporation Law of 1988.

Sept. 14

INCORPORATION NOTICE

NOTICE is hereby given that Hyper-Tek Precision Mfg., Inc. has been incorporated under the provisions of the Business Corporation Law of

1988, as amended.
James R. Steadman, Esquire
Steadman Law Office, P.C.
24 Main Street East
P.O. Box 87
Girard, PA 16417

Sept. 14

LEGAL NOTICE
NOTICE OF TRANSFER TO
INACTIVE STATUS

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated August 23, 2018, Joseph B. Aguglia, II, (#94516), of 1001 State St., Suite 812, Erie, PA, has been transferred to inactive status, effective immediately, pursuant to Rule 301(e), Pa.R.D.E. (relating to disabled attorneys) for an indefinite period and until further Order of the Supreme Court. Marcee D. Sloan
Prothonotary
The Disciplinary Board of the Supreme Court of Pennsylvania

Sept. 14

LEGAL NOTICE

ATTENTION: CHARLES E. THOMAS
INVOLUNTARY TERMINATION OF PARENTAL RIGHTS IN THE MATTER OF THE ADOPTION OF MINOR MALE CHILD S.L.H. DOB: 7/15/2015
BORN TO: TANESHA MARIE HARKLESS
83 IN ADOPTION 2018
If you could be the parent of the above-mentioned children, at the instance of Erie County Office of Children and Youth you, laying aside all business and excuses whatsoever, are hereby cited to be and appear before the Orphan’s Court of Erie County, Pennsylvania, at the Erie County Court House, Judge Shad Connelly, Courtroom 208-B, City of Erie on October 4, 2018 at 1:30 p.m. and there show cause, if any you have, why your parental rights to the above children should not be terminated, in accordance with a Petition and Order of Court filed by the Erie County Office of Children and Youth. A copy of these documents can be obtained by contacting the Erie County Office

of Children and Youth at (814) 451-7740.

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

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

Family/Orphan’s Court Administrator
Room 204 - 205
Erie County Court House
Erie, Pennsylvania 16501
(814) 451-6251

NOTICE REQUIRED BY ACT 101 OF 2010: 23 Pa. C.S §§2731-2742. This is to inform you of an important option that may be available to you under Pennsylvania law. Act 101 of 2010 allows for an enforceable voluntary agreement for continuing contact or communication following an adoption between an adoptive parent, a child, a birth parent and/ or a birth relative of the child, if all parties agree and the voluntary agreement is approved by the court. The agreement must be signed and approved by the court to be legally binding. If you are interested in learning more about this option for a voluntary agreement, contact the Office of Children and Youth at (814) 451-7726, or contact your adoption attorney, if you have one.

Sept. 14

LEGAL NOTICE

ATTENTION: UNKNOWN BIOLOGICAL FATHER
INVOLUNTARY TERMINATION OF PARENTAL RIGHTS IN THE MATTER OF THE ADOPTION OF MINOR MALE CHILD S.L.H. DOB: 7/15/2015

BORN TO: TANESHA MARIE HARKLESS
83 IN ADOPTION 2018

If you could be the parent of the above-mentioned children, at the instance of Erie County Office of Children and Youth you, laying aside all business and excuses whatsoever, are hereby cited to be and appear before the Orphan’s Court of Erie County, Pennsylvania, at the Erie County Court House, Judge Shad Connelly, Courtroom 208-B, City of Erie on October 4, 2018 at 1:30 p.m. and there show cause, if any you have, why your parental rights to the above children should not be terminated, in accordance with a Petition and Order of Court filed by the Erie County Office of Children and Youth. A copy of these documents can be obtained by contacting the Erie County Office of Children and Youth at (814) 451-7740.

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Sept. 14

LEGAL NOTICE

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW
NO.: 11540-2018
PAT LYON and MARY LYON,
Plaintiffs

v.

JAMES WINSCHER and BENJAMIN BERLIN and WINSCHER AND BERLIN BUILDERS, LLC, Defendants
JAMES WINSCHER SHOULD TAKE NOTICE that Pat Lyon and Mary Lyon have filed to schedule a Sheriff Sale, on November 16, 2018 at 10:00 a.m. with the Sheriff of Erie County Pennsylvania, located at 140 West 6th Street, Erie, PA 16501 concerning the property commonly known as 1766 East Grandview Boulevard, Erie, Pennsylvania and bearing Erie County Tax Index No. (18) 5226-100.

NOTICE

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE

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

Lawyers Referral & Information Service
P.O. Box 1792
Erie, PA 16507
(814) 459-4411

MARSH SPAEDER BAUR SPAEDER & SCHAAF, LLP
Norman A. Stark, Esquire
Attorney for Plaintiffs
300 State Street, Suite 300
Erie, Pennsylvania 16507
(814) 456-5301

Sept. 14

LEGAL NOTICE

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW
NO.: 11541-2018
PAT LYON and MARY LYON,
Plaintiffs

v.

JAMES WINSCHER and BENJAMIN BERLIN and WINSCHER AND BERLIN BUILDERS, LLC, Defendants
JAMES WINSCHER SHOULD TAKE NOTICE that Pat Lyon and Mary Lyon have filed to schedule a Sheriff Sale, on November 16, 2018 at 10:00 a.m. with the Sheriff of Erie County Pennsylvania, located at 140 West 6th Street, Erie, PA 16501 concerning the property commonly known as 802 West 8th Street, Erie, Pennsylvania and bearing Erie County Tax Index No. (17) 4025-100.

NOTICE

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

lose money or property or other rights important to you.

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

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MARSH SPAEDER BAUR SPAEDER & SCHAAF, LLP
Norman A. Stark, Esquire
Attorney for Plaintiffs
300 State Street, Suite 300
Erie, Pennsylvania 16507
(814) 456-5301

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SHERIFF SALES

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

**SEPTEMBER 21, 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

Aug. 31 and Sept. 7, 14

SALE NO. 1

**Ex. #10802 of 2018
MARQUETTE SAVINGS
BANK, Plaintiff
v.**

**BETTY J. BARTON, Defendant
DESCRIPTION**

By virtue of a Writ of Execution filed at No. 2018-10802 Marquette Savings Bank vs. Betty J. Barton, owner of property situate in the Township of Millcreek, Erie County, Pennsylvania being: 4463 South Park Lane, Erie, Pennsylvania. Being Unit 4463 with a proportionate undivided percentage and interest in the Common Element as 3.02%
Assessment Map Number: (33) 56-242-99.63

Assessed Value Figure: \$60,900.00
Improvement Thereon: Residence
Eugene C. Sundberg, Jr., Esq.
Marsh Spaeder Baur Spaeder
& Schaaf, LLP
300 State Street, Suite 300
Erie, Pennsylvania 16507
(814) 456-5301

Aug. 31 and Sept. 7, 14

SALE NO. 2

**Ex. #31006 of 2018
PAUL J. CONSIDINE, Plaintiff
v.
ERIE MAENNERCHOR,
Defendant
DESCRIPTION**

By virtue of a Writ of Execution filed to No. 2018-31006, Paul J. Considine vs. Erie Maennerchor, owner of property situated in City of Erie, Erie County, Pennsylvania being 1607 State Street, Erie, Pennsylvania 16501
2.0455 acres
Assessment Map Number: (15) 2005-205
Assessed Value Figure: \$498,700.00
Improvement Thereon: Social Hall
Nicholas R. Pagliari
Pa. Supreme Court ID No. 87877
MacDONALD, ILLIG, JONES & BRITTON LLP
100 State Street, Suite 700
Erie, Pennsylvania 16507-1459
(814) 870-7754
Attorneys for Plaintiff
Paul J. Considine

Aug. 31 and Sept. 7, 14

SALE NO. 3

**Ex. #10272 of 2018
KeyBank, N.A., s/b/m to First
Niagara Bank, N.A., Plaintiff
v.
Jeffrey M. Collins, Defendant
DESCRIPTION**

By virtue of a Writ of Execution filed to No. 2018-10272, KeyBank, N.A., s/b/m to First Niagara Bank, N.A. vs. Jeffrey M. Collins, owner(s) of property situated in North East Township, Erie County, Pennsylvania being 3025 South Brickyard Road, North East, PA 2,818 square feet/.01552 acres
Assessment Map number: 37020069000200
Assessed Value figure: 169,390.00

Improvement thereon: single family dwelling and related improvements
Kelly L. Eberle, Esquire
P.O. Box 215
Perkasie, PA 18944
215-257-6811

Aug. 31 and Sept. 7, 14

SALE NO. 4

**Ex. #11141 of 2018
BAYVIEW LOAN SERVICING,
LLC, A DELAWARE LIMITED
LIABILITY COMPANY,
Plaintiff
v.
LORETHA JOHNSON,
Defendant(s)
DESCRIPTION**

All that certain piece or parcel of land situate in the City of Erie, County of Erie and Commonwealth of Pennsylvania, being Lot No. 52 of the Homeowner's Subdivision. A plot of said subdivision being recorded in Erie County Map Book 8, at page 3, and re-recorded in Map Book 8, at page 20. Having erected thereon premises commonly known as 2425 Woodlawn Avenue, Erie, Pennsylvania, Index No. 5168-214. Under and subject, nevertheless, to certain restrictions and conditions as appear of record in Erie County Deed Book 1048, at page 45. And further under and subject to all easements as shown upon the map of said subdivision as recorded in the Office of the Recorder of Deeds for Erie County. Further, subject to all restrictions, rights-of-way, building lines, leases and oil and gas leases of record and to all easements and rights-of-way visible and discoverable upon inspection of the premises.
PARCEL NUMBER: 18-051-0680-21400
PROPERTY ADDRESS: 2425 Woodlawn Avenue, Erie, PA 16510
KML Law Group, P.C.
Attorney for Plaintiff
Suite 5000 - BNY Independence Center, 701 Market Street
Philadelphia, PA 19106
(215) 627-1322

Aug. 31 and Sept. 7, 14

SALE NO. 5

Ex. #10097 of 2018
NATIONSTAR MORTGAGE
LLC D/B/A MR COOPER,
Plaintiff
v.
CHRISTINA A. OLA AKA
CHRISTINA OLA, Defendant(s)
DESCRIPTION

ALL THAT CERTAIN piece or parcel of land situate in the City of Erie, County of Erie and Commonwealth of Pennsylvania, being part of Lot No. 799, being bounded and described as follows, to-wit:-

BEGINNING at a point in the East line of Walnut Street, 40 feet South line of Ninth Street; THENCE Eastwardly parallel with Ninth Street, 82.5 feet; THENCE Southwardly parallel with Walnut Street, 33 feet; THENCE Westwardly parallel with Ninth Street, 82.5 feet to the East line of Walnut Street; THENCE Northwardly by and along the East line of Walnut Street, 33 feet to the place of beginning.

HAVING erected thereon a 2-story frame dwelling with detached storage building, being commonly known as 905 Walnut Street, Erie, PA 16502.

BEING IDENTIFIED AS INDEX NO. (16) 3025-123.

PROPERTY ADDRESS: 905 Walnut 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

Aug. 31 and Sept. 7, 14

SALE NO. 6

Ex. #10378 of 2018
PENNSYLVANIA HOUSING
FINANCE AGENCY, Plaintiff
v.
LEANN STRAIGHT, Defendant
DESCRIPTION

By virtue of a Writ of Execution No. 2018-10378, PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff vs. LEANN STRAIGHT, Defendant
 Real Estate: 93 CLINTON

STREET, NORTH EAST, PA 16428
 Municipality: Borough of North East
 Erie County, Pennsylvania
 Dimensions: 33 x 165
 See Instrument: 2012-018193
 Tax I.D. (35) 7-53-5
 Assessment: \$26,600 (Land)
 \$46,900 (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

Aug. 31 and Sept. 7, 14

SALE NO. 7

Ex. #10375 of 2018
PENNSYLVANIA HOUSING
FINANCE AGENCY, Plaintiff
v.
AMY M. TAYLOR, Defendant
DESCRIPTION

By virtue of a Writ of Execution No. 2018-10375, PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff vs. AMY M. TAYLOR, Defendant

Real Estate: 3503 STATION ROAD, ERIE, PA 16510

Municipality: Harborcreek Township

Erie County, Pennsylvania
 Dimensions: 1.32 acre

See Instrument 2015-025126
 Tax I.D. (27) 53-213-5

Assessment: \$41,500 (Land)
 \$37,510 (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

Aug. 31 and Sept. 7, 14

SALE NO. 8

Ex. #11040 of 2018
The Huntington National Bank,
Plaintiff
v.
David M. Desimone, AKA David
M. DeSimone, Defendant
DESCRIPTION

By virtue of a Writ of Execution file to No. 2018-11040, The

Huntington National Bank vs. David M. Desimone, AKA David M. DeSimone, owner(s) of property situated in The Township of Millcreek, County of Erie, Commonwealth of Pennsylvania being 3613 Amherst Road, Erie, PA 16506
 1104 SQFT
 Assessment Map Number: 33077336000100
 Assessed Value figure: \$91,000.00
 Improvement thereon: Single Family Dwelling
 Kimberly J. Hong, Esquire
 Manley Deas Kochalski LLC
 P.O. Box 165028
 Columbus, OH 43216-5028
 614-220-5611

Aug. 31 and Sept. 7, 14

SALE NO. 9

Ex. #10655 of 2018
Wells Fargo Bank, N.A., Plaintiff
v.
Donald J. Heath, Jr., AKA,
Donald J. Heath, as Co-Executor
of the Estate of Donald J. Heath,
Sr., AKA Donald J. Heath;
Irene Rubay, as Co-Executor of
the Estate of Donald J. Heath,
Sr., AKA Donald J. Heath,
Defendants
DESCRIPTION

By virtue of a Writ of Execution file to No. 2018-10655, Wells Fargo Bank, N.A. vs. Donald J. Heath, Jr., AKA Donald J. Heath, as Co-Executor of the Estate of Donald J. Heath, Sr., AKA Donald J. Heath; Irene Rubay, as Co-Executor of the Estate of Donald J. Heath, Sr., AKA Donald J. Heath, owner(s) of property situated in The City of Erie, County of Erie, Commonwealth of Pennsylvania being 822 West 5th Street, Erie, PA 16507
 0.1553

Assessment Map Number: 17040026021800

Assessed Value figure: \$69,370.00
 Improvement thereon: Single Family Dwelling

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

Aug. 31 and Sept. 7, 14

SALE NO. 10

Ex. #11301 of 2017

EMC Mortgage LLC formerly known as EMC Mortgage Corporation, Plaintiff

v.

Roderick M. Jones, Defendant

DESCRIPTION

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

1762 Square Feet

Assessment Map Number: 19060021031000

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

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

614-220-5611

Aug. 31 and Sept. 7, 14

SALE NO. 11

Ex. #13110 of 2017

U.S. Bank National Association, as Trustee for Citigroup Mortgage Loan Trust 2007-WFHE2, Asset-Backed Pass-Through Certificates, Series 2007-WFHE2, Plaintiff

v.

Melissa McClaren; Laurel Bundy-McClaren, AKA Laurel Bundy McClaren, AKA Laurel Alyson Bundy-McClaren, Defendants

DESCRIPTION

By virtue of a Writ of Execution file to No. 2017-13110, U.S. Bank National Association, as Trustee for Citigroup Mortgage Loan Trust 2007-WFHE2, Asset-Backed Pass-Through Certificates, Series 2007-WFHE2 vs. Melissa McClaren; Laurel Bundy-McClaren, AKA Laurel Bundy McClaren, AKA Laurel Alyson Bundy-McClaren, owner(s) of property situated in The Township of Millcreek, County of Erie, Commonwealth of Pennsylvania being 806 West

Arlington Road, Erie, PA 16509
1523

Assessment Map Number: 33101455000300

Assessed Value figure: \$114,640.00
Improvement thereon: Single Family Dwelling

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

Aug. 31 and Sept. 7, 14

SALE NO. 12

Ex. #11106 of 2018

DEUTSCHE BANK NATIONAL TRUST COMPANY, as Trustee for MORGAN STANLEY ABS CAPITAL I INC. TRUST 2005-HE7, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-HE7, Plaintiff

v.

JASON A. COLLINS, Defendant(s)

DESCRIPTION

ALL THAT CERTAIN LOT OF LAND SITUATE IN TOWNSHIP OF MILLCREEK, ERIE COUNTY, PENNSYLVANIA:

BEING KNOWN AS 3039 West 25th Street, Erie (Millcreek Township), PA 16506-2327

PARCEL NUMBER: 33070216001000

IMPROVEMENTS: Residential Property
Elizabeth L. Wassall, Esq.
PA ID 77788

Attorney for Plaintiff
Udren Law Offices, P.C.
Woodcrest Corporate Center
111 Woodcrest Road, Suite 200
Cherry Hill, NJ 08003-3620
856-669-5400

Aug. 31 and Sept. 7, 14

SALE NO. 13

Ex. #11757 of 2017

Federal National Mortgage Association (“Fannie Mae”), Plaintiff

v.

Charles M. Shumac, Defendant

DESCRIPTION

By virtue of a Writ of Execution filed to No. 11757-17, Federal National Mortgage Association

(“Fannie Mae”) v. Charles M. Shumac, Owner(s) of property situated in City of Erie, Erie County, Pennsylvania, being 2014 Wagner Avenue, Erie, PA 16510

All that certain piece or parcel of land situate in the City of Erie, County of Erie, and Commonwealth of Pennsylvania, being Lot NO. Six and one-half (6-1/2) in the H. E. WAGNER SUBDIVISION as recorded in Map Book 2, page 7, in the Office of the Recorder of Deeds of Erie County, Pennsylvania, having erected thereon a dwelling house known as 2014 Wagner Avenue, Erie, Pennsylvania. Being part of the same premises conveyed to the party of the first part by deed dated and recorded July 19, 1974 in Erie County Deed Book 1124 page 461.

First parties have no actual knowledge of any hazardous waste, as defined in Act No. 1980-97, of the Commonwealth of Pennsylvania, having been or which is presently being disposed on or about the property described in this deed.

Assessment Map number: 18-051-039.0-206.00

Assessed Value figure: \$55,640.00
Improvement thereon: Residential Dwelling

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

Heather Riloff, Esq / No 309906
Tyler J. Wilk, Esq / No 322247
649 South Ave, Ste 7
Secane, PA 19018
(610) 328-2887

Aug. 31 and Sept. 7, 14

SALE NO. 14

Ex. #10099 of 2015

Wilmington Savings Fund Society, FSB, D/B/A Christiana Trust as Owner Trustee of the Residential Credit Opportunities Trust V, Plaintiff

v.

Lorie L. Hansen, Defendant

DESCRIPTION

By virtue of a Writ of Execution filed to No. 10099-15, Wilmington Savings Fund Society, FSB, D/B/A Christiana Trust as Owner Trustee of the Residential Credit Opportunities

Trust V vs. Lorie L. Hansen, owners of property situated in Erie City, Erie County, Pennsylvania being 3121 Hazel Street, Erie, PA 16508 1,320 Square Feet/0.0727 Acres Assessment Map number: 19060044025000 Assessed Value figure: 66,460.00 Improvement thereon: Residential Dwelling Roger Fay, Esquire 1 E. Stow Road Marlton, NJ 08053 (856) 482-1400

Aug. 31 and Sept. 7, 14

SALE NO. 15

Ex. #12814 of 2017
Nationstar Mortgage LLC d/b/a
Champion Mortgage Company,
Plaintiff

v.

Kevin M. Carter, in His Capacity
as Heir of Rose A. Carter,
Deceased, Lindsay Coccarelli, in
Her Capacity as Heir of Rose A.
Carter, Deceased, Lynn Marie
Scheffner, in Her Capacity as
Heir of Rose A. Carter, Deceased,
Unknown Heirs, Successors,
Assigns, and All Persons, Firms,
or Associations Claiming Right,
Title or Interest From or Under
Rose A. Carter, a/k/a Rose
Orlando Carter, Deceased,
Defendant(s)

DESCRIPTION

By virtue of a Writ of Execution filed to No. 12814-17, Nationstar Mortgage LLC d/b/a Champion Mortgage Company vs. Kevin M. Carter, in His Capacity as Heir of Rose A. Carter, Deceased, Lindsay Coccarelli, in Her Capacity as Heir of Rose A. Carter, Deceased, Lynn Marie Scheffner, in Her Capacity as Heir of Rose A. Carter, Deceased, Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Rose A. Carter a/k/a Rose Orlando Carter, Deceased Amount Due: \$97,715.94 Kevin M. Carter, in His Capacity as Heir of Rose A. Carter, Deceased, Lindsay Coccarelli, in Her Capacity as Heir of Rose A. Carter, Deceased, Lynn Marie

Scheffner, in Her Capacity as Heir of Rose A. Carter, Deceased, Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Rose A. Carter a/k/a Rose Orlando Carter, Deceased, owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania being 3412 Greengarden Boulevard, Erie, PA 16508-2241

Dimensions: 65 X 150
 Acreage: .2238
 Assessment Map number: 19061044020700
 Assessed Value: \$77,700.00

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

Aug. 31 and Sept. 7, 14

SALE NO. 16

Ex. #11049 of 2018
U.S. Bank National Association
s/b/m to U.S. Bank National
Association nd, Plaintiff

v.

Lakeya T. Duck, Craig Duck,
Defendant(s)
DESCRIPTION

By virtue of a Writ of Execution filed to No. 11049-18, U.S. Bank National Association s/b/m to U.S. Bank National Association nd vs. Lakeya T. Duck, Craig Duck Amount Due: \$36,099.80 Lakeya T. Duck, Craig Duck, owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania being 2510 Perry Street, Erie, PA 16503-2267

Dimensions: 30 X 60
 Assessment Map number: 185035105
 Assessed Value: \$32,300.00

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

Aug. 31 and Sept. 7, 14

SALE NO. 18

Ex. #14273 of 2008
U.S. Bank National Association
as Successor Corporate Trustee
to Wachovia Bank, N.A. as
Aforesaid and Not Individually,
Plaintiff

v.

Kimberly S. Raup, Vaughn L.
Raup, Defendant(s)

DESCRIPTION

By virtue of a Writ of Execution filed to No. 2008-14273, U.S. Bank National Association as Successor Corporate Trustee to Wachovia Bank, N.A. as Aforesaid and Not Individually vs. Kimberly S. Raup, Vaughn L. Raup Amount Due: \$187,908.06 Kimberly S. Raup, Vaughn L. Raup, owner(s) of property situated in WASHINGTON TOWNSHIP, Erie County, Pennsylvania being 5448-5450 Linden Avenue, Edinboro, PA 16412-1437

Dimensions: 111.41 X 107.48 IRR
 Assessment Map number: 45016029000300

Assessed Value: \$195,900.00 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

Aug. 31 and Sept. 7, 14

SALE NO. 19

Ex. #10987 of 2018
The Bank of New York
Mellon fka The Bank of
New York as Trustee for The
Certificateholders of Cwabs, Inc.,
Asset Backed Certificates, Series
2004-Bc4, Plaintiff

v.

Trish A. Straughn, Jason D.
Smith, Defendant(s)

DESCRIPTION

By virtue of a Writ of Execution filed to No. 2018-10987, The Bank of New York Mellon fka The Bank of New York as Trustee for The Certificateholders of Cwabs, Inc., Asset Backed Certificates, Series 2004-Bc4 vs. Trish A. Straughn, Jason D. Smith Amount Due: \$163,589.00

Trish A. Straughn, Jason D. Smith, owner(s) of property situated in MILLCREEK TOWNSHIP, Erie County, Pennsylvania being 3403 Pacific Avenue, Erie, PA 16506-3526

Dimensions: 50 X 172.50
Acreage: 0.1980
Assessment Map number: 33-074-318.0-001.00

Assessed Value: \$93,700.00
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

Aug. 31 and Sept. 7, 14

SALE NO. 20

Ex. #10940 of 2018

Citibank, N.A., Not in Its Individual Capacity, But Solely as Trustee of Nrz Pass-Through Trust VI, Plaintiff

v.

Melvin M. Thomas, Defendant(s)

DESCRIPTION

By virtue of a Writ of Execution filed to No. 10940-18, Citibank, N.A., Not in Its Individual Capacity, But Solely as Trustee of Nrz Pass-Through Trust VI vs. Melvin M. Thomas

Amount Due: \$45,365.02
Melvin M. Thomas, owner(s) of property situated in CORRY CITY, Erie County, Pennsylvania being 303 Wayne Street, Corry, PA 16407-1309

Dimensions: 49.1 X 143.97
Acreage: 0.1575
Assessment Map number: 06-021-027.0-005.00

Assessed Value: \$58,280.00
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

Aug. 31 and Sept. 7, 14

SALE NO. 21

Ex. #10241 of 2018

PENNYMAC LOAN SERVICES, LLC, Plaintiff

v.

CHRISTOPHER T. HILBRICH, Defendant

DESCRIPTION

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

BEING KNOWN AS: 4212 ROXANNA DRIVE, ERIE, PA 16510

PARCEL # 18052060051800
Improvements: Residential Dwelling.

POWERS KIRN & ASSOCIATES, LLC
Matthew J. McDonnell, Esquire
Id. No. 313549

Attorneys for Plaintiff
Eight Neshaminy Interplex
Suite 215

Trevoise, PA 19053
(215) 942-2090

Aug. 31 and Sept. 7, 14

SALE NO. 22

Ex. #10830 of 2018

PENNYMAC LOAN SERVICES, LLC, Plaintiff

v.

WILLIAM B. SZYPLIK, Defendant

DESCRIPTION

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN THE FIRST WARD OF THE CITY OF CORRY, ERIE COUNTY, PENNSYLVANIA.

BEING KNOWN AS: 324 S. CENTER STREET, CORRY, PA 16407

PARCEL # 05-032-166.0-018.00
Improvements: Residential Dwelling.

POWERS KIRN & ASSOCIATES, LLC
Matthew J. McDonnell, Esquire
Id. No. 313549

Attorneys for Plaintiff
Eight Neshaminy Interplex
Suite 215

Trevoise, PA 19053
(215) 942-2090

Aug. 31 and Sept. 7, 14

SALE NO. 23

Ex. #11062 of 2018

Carrington Mortgage Services, LLC, Plaintiff

v.

Amy J. Harris & Kenneth D. Harris, Defendants

DESCRIPTION

By virtue of a Writ of Execution filed to No. 2018-11062, Carrington Mortgage Services, LLC, Plaintiff vs. Amy J. Harris & Kenneth D. Harris, owner(s) of property situated in Erie County, Pennsylvania being 1631 West 40th Street, Erie, PA 16509.

Assessment Map Number: 19061072010600

Assessed Value Figure: \$104,800
Improvement thereon: Single Family Home -1349 sq. ft.

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

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

Aug. 31 and Sept. 7, 14

SALE NO. 24

Ex. #11172 of 2018

Bayview Loan Servicing, LLC, a Delaware Limited Liability Company, Plaintiff

v.

Ronald J. Haggerty, Jr., Defendant

DESCRIPTION

By virtue of a Writ of Execution filed to No. 2018-11172, Bayview Loan Servicing, LLC, a Delaware Limited Liability Company vs. Ronald J. Haggerty, Jr., owner(s) of property situated in Township of Millcreek, Erie County, Pennsylvania being 2342 W 32nd Street, Erie, PA 16506

0.1357

Assessment Map number: 33-073-302.0-014.00

Assessed Value figure: \$61,900.00
Improvement thereon: a residential dwelling

Daniel T. Lutz, Esquire
Shapiro & DeNardo, LLC
Attorney for Movant/Applicant

3600 Horizon Drive, Suite 150
King of Prussia, PA 19406
(610) 278-6800

Aug. 31 and Sept. 7, 14

SALE NO. 25

Ex. #11186 of 2018

**Nationstar Mortgage LLC d/b/a
Mr. Cooper, Plaintiff**

v.

**Alexandra M. Laughlin and
Patrick T. Laughlin, Defendants**

DESCRIPTION

By virtue of a Writ of Execution filed to No. 2018-11186, Nationstar Mortgage LLC d/b/a Mr. Cooper vs. Alexandra M. Laughlin and Patrick T. Laughlin, owner(s) of property situated in Township of Millcreek, Erie County, Pennsylvania being 4063 Holly Rue, Erie, PA 16506 0.3711

Assessment Map number: 33-63-356-1

Assessed Value figure: \$121,540.00
Improvement thereon: a residential dwelling

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

Aug. 31 and Sept. 7, 14

Chapter 13 Bankruptcy Plan Refresher

Tuesday, October 9, 2018

The Will J. Schaaf & Mary B. Schaaf
Education Center, 429 W. 6th Street



Registration: 11:30 a.m.
Lunch: 11:45 a.m. - 12:15 p.m.
Seminar: 12:15 p.m. - 1:15 p.m.

Cost

\$47 - ECBA Members (Judges & Attorneys)
and their Non-Attorney Staff

\$60 - Non-Members

1 hour Substantive CLE/CJE

The new Chapter 13 Bankruptcy Plan Form will be presented and explained in detail. This seminar is beneficial to consumer bankruptcy practitioners as well as those attorneys who represent creditors.

A confirmed Plan is binding on all parties. Attend this program to learn how to make sure your client's interests are adequately protected and how to appropriately classify each creditor in your client's case.

The Speaker



Jana Pail, Esquire

Chief Counsel, Office of the Chapter 13 Trustee, WDPA

Jana Pail is Chief Counsel for the Office of the Chapter 13 Standing Trustee for the Western District of Pennsylvania. She received her law degree and MBA from the University of Pittsburgh. During graduate school, she completed internships with PriceWaterhouseCoopers, the City of Pittsburgh and the Governor's Office of General Counsel. She also clerked for a local bankruptcy firm. Jana Pail received the CALL award for the highest grade in the Advanced Bankruptcy course, and was Notes and Comments Editor for the University of Pittsburgh School of Law Journal of Law & Commerce. Her article, "How Far Should the 'No Contact Rule' Go to Protect Government Employees? Finding a Solution in the Land Use Regulation Context," appeared in the Fall 2000 Volume of the Journal of Law and Commerce. She has also been published twice in the Norton Bankruptcy Law Advisor. Prior to joining the Chapter 13 Trustee staff, Jana Pail worked for Wheeling-Pitt Steel and several small bankruptcy firms before opening a consumer bankruptcy practice. She is past Chair of the Bankruptcy & Commercial Law Section of the Allegheny County Bar Association, and is also a member of the Western Pennsylvania Bankruptcy Inn of Court. She is a frequent lecturer on consumer bankruptcy topics. Jana Pail is a native of Bedford County, Pennsylvania and currently resides in Mount Lebanon.

Reservations due to the ECBA office by Tuesday, October 2.

Online!
REGISTRATION
Available at
www.eriebar.com

Cancellation Policy for ECBA Events/Seminars:

Cancellations received on or before the last reservation deadline will be fully refunded. Cancellations received after the deadline or non-attendance will not be refunded. If you register for an event without payment in advance and don't attend, it will be necessary for the ECBA to send you an invoice for the event.

**AUDIT LIST
NOTICE BY
KENNETH J. GAMBLE**

Clerk of Records

**Register of Wills and Ex-Officio Clerk of
the Orphans' Court Division, of the**

Court of Common Pleas of Erie County, Pennsylvania

The following Executors, Administrators, Guardians and Trustees have filed their Accounts in the Office of the Clerk of Records, Register of Wills and Orphans' Court Division and the same will be presented to the Orphans' Court of Erie County at the Court House, City of Erie, on **Wednesday, September 5, 2018** and confirmed Nisi.

October 17, 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>
312.	Lois G. Shelhamer.....	David L. Shelhamer, Agent.....	Joseph E. Sinnott, Esq.
313.	Oswaldo Sergio Suppa.....	Veronica A. Suppa,.....	Robert G. Dwyer, Esq.
	a/k/a Oswaldo S. Suppa	Andrea V. Hamilton, Co-Executrices	

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

Sept. 14, 21

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

CROCKETT, CHARLES, a/k/a CHARLES C. CROCKETT, deceased

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executrix: Stephanie A. O'Rourke, 18123 Scottsdale Blvd., Shaker Heights, OH 44122
Attorney: None

DOMBROWSKI, EDWIN D., a/k/a CORKY DOMBROWSKI, deceased

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executor: Mark Dombrowski, c/o Kevin M. Monahan, Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorney: Kevin M. Monahan, Esq., MARSH, SPAEDER, BAUR, SPAEDER & SCHAFF, LLP., Suite 300, 300 State Street, Erie, PA 16507

FOGLE, AGNES, a/k/a AGNES C. FOGLE, a/k/a AGNES COLETTA FOGLE, deceased

Late of the City of Erie, County of Erie, State of Pennsylvania
Executor: Alan F. Fogle, 6621 West Ridge Road, Lot 51, Fairview, PA 16415
Attorney: Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

GERLACH, FRANK M., a/k/a FRANK MARTIN GERLACH, deceased

Late of Harborcreek Township, City of Erie, Commonwealth of Pennsylvania
Executrix: Elizabeth J. Gerlach, c/o Thomas C. Hoffman, II, Esq., 120 West Tenth Street, Erie, PA 16501
Attorney: Thomas C. Hoffman, II, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

GORDON, JOHN T., JR., deceased

Late of City of Erie, Erie County, Commonwealth of Pennsylvania
Executor: Kirk L. Gordon, c/o Jeffrey D. Scibetta, Esq., 120 West Tenth Street, Erie, PA 16501
Attorney: Jeffrey D. Scibetta, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

KOSEFF, ROGER DANIEL, a/k/a ROGER D. KOSEFF, a/k/a ROGER KOSEFF, deceased

Late of the Township of Washington, County of Erie, State of Pennsylvania
Administrator: Alain P. Koseff, 12160 Skyview Drive, Edinboro, PA 16412
Attorney: Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

PARMERTER, RICHARD L., a/k/a RICHARD LEE PARMERTER, a/k/a RICHARD PARMERTER, deceased

Late of the Township of Springfield, County of Erie, State of Pennsylvania
Executrix: Shelly L. Potter, 12037 West Lake Road, East Springfield, PA 16411
Attorney: Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

THAYER, TERRY M., a/k/a TERRY M. THAYER, SR., a/k/a TERRY THAYER, deceased

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

WILLIAMS, BONNIE J., deceased

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

SECOND PUBLICATION

BIONDI, CRAIG R., deceased

Late of the Township of Fairview, County of Erie, Commonwealth of Pennsylvania
Administrator: Richard P. Biondi, 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

BURROWS, MARGARET E., deceased

Late of the Township of Cherry Tree, County of Crawford and Commonwealth of Pennsylvania
Executor: Ronald B. Burrows, c/o Schroeck and Associates, LLC, 117 West 7th Street, Erie, PA 16507
Attorney: George M. Schroeck, Esq., Schroeck and Associates, LLC, 117 West 7th Street, Erie, PA 16507

**FRANZ, CYNTHIA A., a/k/a
CYNTHIA FRANZ a/k/a
CYNTHIA ANN FRANZ,
deceased**

Late of the City of Erie, County of Erie and State of Pennsylvania
Executor: Eric Michael Franz, 427 Sybil Drive, Erie, PA 16505
Attorney: Ronald J. Susmarski, Esq., 4030 West Lake Road, Erie, PA 16505

**KENNEDY, JEANNE A.,
deceased**

Late of City of Erie
Executrix: Kathlyne Kennedy Beer, c/o 246 West 10th Street, Erie, PA 16501
Attorney: Evan E. Adair, Esq., 246 West 10th Street, Erie, PA 16501

**LOMBARDOZZI, MARY A.,
deceased**

Late of the City of Erie, County of Erie and State of Pennsylvania
Executor: Mary T. Carroll, 5 Kellogg Street, Erie, PA 16508
Attorney: Ronald J. Susmarski, Esq., 4030 West Lake Road, Erie, PA 16505

**REKITT, SANDRA L.,
deceased**

Late of the Borough of Wesleyville, Erie County
Executor: Jeffrey Gross
Attorney: William J. Kelly, Jr., Esquire, 230 West 6th Street, Suite 201, Erie, PA 16507

**STEVENSON, THELMA P.,
deceased**

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

**ZIELINSKI, RONALD M.,
deceased**

Late of the City of Erie, County of Erie, Pennsylvania
Executrix: Clearistene Zielinski, 1808 Chestnut St., Erie, PA 16502
Attorney: None

THIRD PUBLICATION

**AMOND, CATHERINE E.,
deceased**

Late of the City of Erie, Erie County, Commonwealth of Pennsylvania
Executor: Charles R. Amond, c/o Jeffrey D. Scibetta, Esq., 120 West Tenth Street, Erie, PA 16501
Attorney: Jeffrey D. Scibetta, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**BLISS, ANNETTE R.,
deceased**

Late of the Township of McKean, County of Erie, Commonwealth of PA
Executor: Robert H. Bliss, Jr., c/o 504 State Street, Suite 200, Erie, PA 16501
Attorney: Richard E. Filippi, Esquire, 504 State Street, Suite 200, Erie, PA 16501

**CHAPMAN, EDGAR B., a/k/a
EDGAR BENJAMIN CHAPMAN,
deceased**

Late of Harborcreek Township, Erie County, Commonwealth of Pennsylvania
Executor: Dennis E. Chapman, c/o Frances A. McCormick, Esq., 120 West Tenth Street, Erie, PA 16501
Attorney: Frances A. McCormick, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**EBERLIN, FLORENCE F.,
deceased**

Late of the Township of Harborcreek, County of Erie and Commonwealth of Pennsylvania
Executor: Richard D. Eberlin, 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

**LUNDGREN, MARIAN H.,
deceased**

Late of City of Erie
Executor: Melvin E. Lundgren, c/o 246 West 10th Street, Erie, PA 16501
Attorney: Evan E. Adair, Esq., 246 West 10th Street, Erie, PA 16501

**OLSON, EMELYN D.,
deceased**

Late of Erie County, North East, PA
Co-Executors: John A. Olson and Portia L. Harris, c/o 33 East Main Street, North East, Pennsylvania 16428
Attorney: Robert J. Jeffery, Esq., Knox, McLaughlin, Gornall & Sennett, P.C., 33 East Main Street, North East, Pennsylvania 16428

**PRUZENSKI, GLEN J.,
deceased**

Late of City of Erie
Administrator: Karen A. Wagner, 11818 Silverthorn Road, Edinboro, PA 16412
Attorney: David J. Mack, Esquire, 510 Parade Street, Erie, PA 16507

**WAY, DANIEL L.,
deceased**

Late of the City of Corry, Erie County, Pennsylvania
Administratrix: Cody Mora, 3 Market Street, Corry, PA 16407
Attorney: William E. Barney, Esquire, 200 N. Center St., Corry, PA 16407

**WILLIAMS, SHIRLEY LOUISE,
a/k/a SHIRLEY L. WILLIAMS,
deceased**

Late of the City of Erie, County of Erie, and Commonwealth of Pennsylvania
Executrix: Cathy Ann Durst, c/o Quinn, Buseck, Leemhuis, Toohy & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506
Attorney: Melissa L. Larese, Esq., Quinn, Buseck, Leemhuis, Toohy & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**ZALEWSKI, ALICE M.,
deceased**

Late of Summit Township, Erie
County, Commonwealth of
Pennsylvania

Executor: James R. Zalewski, c/o
Thomas C. Hoffman, II, Esq., 120
West Tenth Street, Erie, PA 16501

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

TRUST NOTICES

Notice is hereby given of the
administration of the Trust set forth
below. All persons having claims
or demands against the decedent
are requested to make known the
same and all persons indebted to
said decedent are required to make
payment without delay to the trustees
or attorneys named below:

**GRIFFIN, COLLEEN E., a/k/a
KATHALEEN ELLEN GRIFFIN,
deceased**

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

Successor Trustee: Dean P. Zeller,
624 West Arlington Road, Erie, PA
16509-2208

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

CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

RAYMOND A. PAGLIARI814-450-3865
217 Anderson Drive
Erie, PA 16509 atypags@msn.com

NEW ADDRESS

H. VALENTINE HOLZ, II.....814-868-3900
The Holz Law Firm
8331 Edinboro Road
Erie, PA 16509 holzlawfirm@gmail.com

~~TALARICO & NIEBAUER~~
TALARICO & ASSOCIATES
230 West 6th Street, Suite 202
Erie, PA 16507

ATTENTION ALL ATTORNEYS

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?

— YOU ARE FAR FROM BEING ALONE! —

*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**.*

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