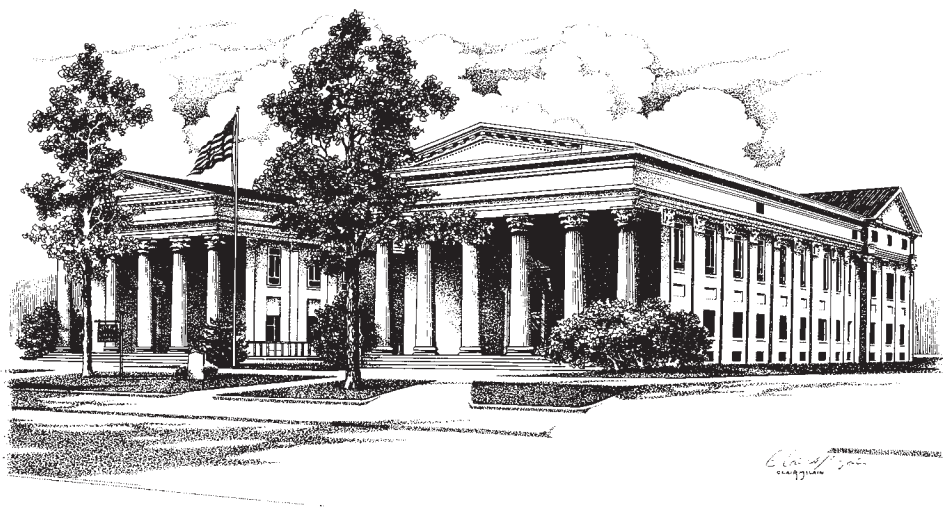


Erie
County
Legal
Journal

November 2, 2018

Vol. 101 No. 44



101 ERIE 199 - 214

Comm. of PA ex. rel. Jack Daneri, District Attorney of Erie County, PA
v. Foster d/b/a Lasharles LLC, et al.

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

MONDAY, NOVEMBER 5, 2018

Workers' Compensation Section Meeting
The Will J. & Mary B. Schaaf Education Center
Noon

MONDAY, NOVEMBER 12, 2018

Veteran's Day Observed
Erie County and Federal Courthouses Closed

MONDAY, NOVEMBER 12, 2018

Budget Committee Meeting
ECBA Headquarters
8:30 a.m.

TUESDAY, NOVEMBER 13, 2018

In-House Counsel Meeting
ECBA Headquarters
Noon

FRIDAY, NOVEMBER 16, 2018

Investiture of Susan Paradise Baxter
as a Judge of the United States District Court
Western District of Pennsylvania
United States Courthouse
17 South Park Row
4:00 p.m.

MONDAY, NOVEMBER 19, 2018

ECBA Board of Directors Meeting
ECBA Headquarters
Noon

TUESDAY, NOVEMBER 20, 2018

Family Law Section Meeting
Judge Walsh's Courtroom
Noon

THURSDAY, NOVEMBER 22, 2018

FRIDAY, NOVEMBER 23, 2018

Thanksgiving Holiday
ECBA Office Closed
Erie County and Federal Courthouses Closed

TUESDAY, NOVEMBER 27, 2018

ECBA Live Seminar
Bridge the Gap
ECBA Headquarters
1:00 p.m. - 5:00 p.m.
Free for those required to attend
4 hours ethics

THURSDAY, NOVEMBER 29, 2018

Defense Bar Only Meeting
ECBA Headquarters
Noon



Erie County Bar
Association



@eriepar

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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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**MOTION COURT DATES FOR JUDGE THOMAS P. AGRESTI
ERIE AND PITTSBURGH DIVISION CASES**

NOVEMBER 2018 NOTICE

The following is a list of *November 2018, December 2018, and January 2019* motion court dates and times to be used for the scheduling of motions pursuant to *Local Rule 9013-5(a)* before **Judge Thomas P. Agresti** in the Erie and Pittsburgh Divisions of the Court. The use of these dates for scheduling motions consistent with the requirements of *Local Rule 9013-5(a)* and Judge Agresti's *Procedure B(1)-(3)* summarized below and on Judge Agresti's webpage at: www.pawb.uscourts.gov. ***The motions will be heard in the Erie Bankruptcy Courtroom, U.S. Courthouse, 17 South Park Row, Erie, PA 16501 and Courtroom C, 54th Floor, U.S. Steel Building, 600 Grant Street, Pittsburgh, PA 15219.***

Counsel for a moving party shall select one of the following dates and times for matters subject to the "self-scheduling" provisions of the *Local Bankruptcy Rules* and the Judge's procedures, insert same on the notice of hearing for the motion, and serve the notice on all respondents, trustee(s) and parties in interest. Where a particular type of motion is listed at a designated time, filers shall utilize that time, *only*, for the indicated motions(s) *unless*: (a) special arrangements have been approved in advance by the Court, or, (b) another motion in the same bankruptcy case has already been set for hearing at a different time and the moving party chooses to use the same date and time as the previously scheduled matter.

SCHEDULE CHAPTER 13 MOTIONS ON:

Select the following times, EXCEPT for the specific matters to be scheduled at 11:30 a.m.:

| | | |
|------------------------------|-------------|---|
| Wednesday, November 14, 2018 | 9:30 a.m.: | Open for all Erie & Pittsburgh Ch. 13 matters |
| Wednesday, December 12, 2018 | 10:00 a.m.: | Open for all Erie & Pittsburgh Ch. 13 matters |
| Wednesday, January 9, 2019 | 10:30 a.m.: | Open for all Erie & Pittsburgh Ch. 13 matters |
| Wednesday, January 30, 2019 | 11:00 a.m.: | Open for all Erie & Pittsburgh Ch. 13 matters |
| | 11:30 a.m.: | Ch. 13 Sale, Financing and Extend/Impose Stay |

NOTE: Chapter 12 matters are now scheduled on Ch. 11/7 Motion Court days, only.

SCHEDULE CHAPTERS 12, 11 & 7 MOTIONS ON:

Select the following times, EXCEPT for Ch. 7 Motions to Extend/Impose Stay scheduled only at 11:00 a.m., and, all sale motions and all Ch. 12 matters which are only to be scheduled at 11:30 a.m.:

| | | |
|------------------------------|-------------|---|
| Thursday, November 8, 2018** | 9:30 a.m.: | Open for all Erie & Pittsburgh Ch. 11 matters |
| Thursday, November 29, 2018 | 10:00 a.m.: | Open for all Erie & Pittsburgh Ch. 11 matters |
| Thursday, December 20, 2018 | 10:30 a.m.: | Open for all Erie & Pittsburgh Ch. 7 matters |
| Thursday, January 3, 2019 | 11:00 a.m.: | Open for all Erie & Pittsburgh Ch. 7 matters, |
| Thursday, January 17, 2019 | | including all Ch. 7 Motions to Extend/Impose Stay |
| | 11:30 a.m.: | Ch. 11 and 7 Sale Motions and all Ch. 12 matters at this time, only |

***On November 8, 2018, the following times are to be used, only:*

ERIE COUNTY LEGAL JOURNAL
NOTICE TO THE PROFESSION

9:30 a.m.: Open for all Erie & Pittsburgh Ch. 11 matters
10:00 a.m.: Open for all Erie & Pittsburgh Ch. 7 matters, including all Ch. 7 Motions to
Extend/Impose Stay
1:00 p.m.: Ch. 11 and 7 Sale Motions and all Ch.12 matters at this time, only

ALL OF THE ABOVE DATES ARE SUBJECT TO REVISION. Please check each month for any changes in the dates that have been published previously. THIS SCHEDULE CAN BE VIEWED ON PACER (Public Access to Court Electronic Records) and on the Court's Web Site (www.pawb.uscourts.gov).

Michael R. Rhodes
Clerk of Court

Nov. 2

NOMINATIONS TO THE ECBA BOARD OF DIRECTORS

Pursuant to Article V, Section 4 of the Erie County Bar Association By-Laws, the Nominating Committee intends to propose the following for nomination at the Annual Membership Meeting on Thursday, December 6, 2018:

| | |
|------------------------------|---|
| Second Vice President: | Nicholas R. Pagliari |
| Treasurer: | Matthew B. Wachter |
| Board Members (3 yr. terms): | Maria J. Goellner Michael P. Kruszewski William S. Speros |

Oct. 26 and Nov. 2

SEEKING PARALEGAL OR LEGAL SECRETARY

Paralegal or legal secretary with experience in both Federal and State Court matters, especially in Criminal area. Knowledge of QuickBooks and basic bookkeeping necessary. Applicants are invited to send their resume to: Leonard Ambrose, Esquire, 3702 Volkman Road, Erie, PA 16506. Feel free to also respond by telephone or by email.

lambrose@ambroselawfirm.net

Office: 814-459-5900

Cellphone: 814-397-9071

Position for a qualified individual is available immediately.

Oct. 12, 19, 26 and Nov. 2



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COMMONWEALTH OF PENNSYLVANIA, ex. rel. JACK DANERI, DISTRICT ATTORNEY OF ERIE COUNTY, PENNSYLVANIA, Plaintiff

v.

LASHARLES FOSTER D/B/A LASHARLES LLC D/B/A ERIE VIEW HOTEL & ULTRA VIEW LOUNGE AND VALINTON FOSTER AND JOHN JAMES D/B/A ERIE VIEW INN, LLC D/B/A ERIE VIEW HOTEL & ULTRA VIEW LOUNGE, Defendants

EQUITY / WEIGHT OF EVIDENCE

The trial court sitting in equity is the ultimate finder of fact, and, especially concerning the credibility of witnesses, trial court findings are entitled to great weight.

INTOXICATING LIQUORS / STATUTORY PROVISIONS

Courts should liberally construe the Liquor Code to effectuate its purpose of protecting the public health, welfare, peace, and morals.

EQUITY / INJUNCTIONS / NUISANCE

An action to enjoin any nuisance defined in this the Liquor Code may be brought in the name of the Commonwealth of Pennsylvania by the district attorney of the proper county and that such action shall be brought and tried as an action in equity. 47 P.S. § 6-611. Such actions may be brought against both licensees and non-licensees who violate the Liquor Code.

EQUITY / INJUNCTIONS / NUISANCE

Under the Liquor Code, a bar or tavern may be closed for one year where the court finds that the bar constitutes a common nuisance. 47 P.S. § 6-611.

EQUITY / INJUNCTIONS / NUISANCE

In deciding whether to close a bar pursuant to § 6-611, the trial court should examine whether any apparently reasonable grounds for closing the bar exist. A court may consider violations of the Crimes Code when deciding whether the closure of an establishment is proper. Also, an inquiry into the activities outside the bar is permissible so long as the conduct at issue is in the immediate vicinity of the bar and there is a causal relationship between what occurs inside and outside the premises.

EQUITY / INJUNCTIONS / NUISANCE

An injunction should issue abating a nuisance under the Liquor Code where the evidence is clear and there exists a causal relationship between the deplorable situation outside the premises and what occurred inside the bar.

EQUITY / INJUNCTIONS / NUISANCE / EVIDENCE

Moreover, testimony concerning conduct by bar patrons in the area of the bar who are attracted to the area by the manner of operation of the bar is competent evidence to support an injunction as a nuisance in law and in fact.

EQUITY / INJUNCTIONS / GROUNDS IN GENERAL

In order to establish a claim for a permanent injunction, the movant must establish: (1) his right to relief is clear; (2) an urgent necessity exists to avoid an injury which cannot be compensated for by damages; and (3) greater injury will result from refusing rather than granting the relief requested.

EQUITY / INJUNCTIONS

Courts are precluded from granting injunctive relief where an adequate remedy exists at law.

EQUITY / INJUNCTIONS

Where the essential prerequisites of an injunction are satisfied, courts must narrowly tailor the remedy to abate the injury.

EQUITY / INJUNCTIONS

A court has discretion to grant or refuse an injunction under the circumstances and the facts of the particular case.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
CIVIL DIVISION
No. 11961 – 2018

Appearances: Jeremy Lightner, Assistant District Attorney, for the Commonwealth
Anthony Rodrigues, Esq., for Defendants John James and VaLinton Foster

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Domitrovich, J. October 17, 2018

After thorough consideration of the testimony and argument regarding the “Complaint in Equity (Permanent Injunction)” filed by Commonwealth of Pennsylvania *ex rel.* Jack Daneri, District Attorney of Erie County Pennsylvania (“Plaintiff”), including the Exhibit entered into evidence of the transcripts from the Emergency Temporary Injunction and Preliminary Injunction hearing held on August 8, 2018, as well as all other evidence and testimony presented at the Permanent Injunction hearing held October 15, 2018, including two “Orders to Correct Code Violations” issued by City of Erie Property Maintenance on both January 18, 2018, and September 25, 2018, two “Violation Notices” prepared by the Erie Fire Department, Inspection Division resulting from two inspections on both January 12, 2018, and September 13, 2018, “Pennsylvania State Police Victim/Witness Statement” dated July 13, 2018, “Affidavit of Control” signed by Richard A. Vendetti, Esq., and Statement of Receipts from the Erie County Tax Claim Bureau detailing tax payments from September 24, 2011, through March 29, 2017, for the property bearing County of Erie Index No. (17)4029-205; and after review of the relevant statutory and case law, this Trial Court hereby enters the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT¹

1. Ann M. McDermott is the legal owner of the property located at 901 West 4th Street, Erie, Pennsylvania, 16507 (bearing County of Erie Index No. (17)4029-205) (the “Property”) by virtue of a Warranty Deed dated October 16, 2013.
2. John James and VaLinton Foster have an equitable interest in said Property by virtue of an “Agreement for Installment Sale of Real Estate” dated April 9, 2015, entered into between Ann M. McDermott and John James as well as VaLinton Foster.² Said Agreement is executory since John James and VaLinton Foster have not fully fulfilled

¹ The trial court sitting in equity is the ultimate finder of fact, and, especially concerning the credibility of witnesses, trial court findings are entitled to great weight. *Moscattello v. Whitehall Borough*, 848 A.2d 1071 (Pa.Cmwth.2004).

² This Trial Court notes Paragraph 24 of this Agreement states: “This Agreement shall not be recorded by Buyers, and any such recording shall constitute an Event of Default hereunder.” Said Agreement was recorded on December 3, 2015, at Instrument No. 2015-026551.

- their obligations under said Agreement.
3. Residential homes exist all along at 901 West 4th Street. The distance of these residential homes from the sidewalks on this street are approximately ten (10) to fifteen (15) feet. (Notes of Testimony, Emergency Temporary Injunction and Preliminary Injunction, August 8, 2018, at pg. 69:17-22 (“NT”).) These residential homes are in the immediate vicinity to the Property at 901 West 4th Street.
 4. The Pennsylvania Liquor Control Board (“LCB”) granted from the previous owner a Hotel Liquor License to LaSharles, LLC on November 10, 2015 (Liquor ID # 71875).³ (NT at 9:22-25). LCB then issued said Hotel Liquor License to LaSharles, LLC on November 16, 2015. (NT at 9:22-25).
 5. LaSharles Foster is the sole corporate officer of LaSharles LLC. (NT at 10:9-12). Only corporate owners, corporate officers, or board approved managers may act pursuant to Hotel Liquor Licenses.
 6. John James and VaLinton Foster are corporate owners of the Erie View Inn, LLC. Erie View Inn, LLC is a legally distinct entity from LaSharles, LLC. The LCB has never issued a liquor license to Erie View Inn, LLC. The Erie View Inn, LLC provided \$22,140.00 to LaSharles, LLC to purchase and obtain a Hotel Liquor License.
 7. The Hotel Liquor License held by LaSharles, LLC requires that LaSharles, LLC manage and have available a “required number of bedrooms.” *See* 47 P.S. § 4-461(c).
 8. John James and VaLinton Foster are not employees of LaSharles, LLC.
 9. LaSharles Foster resides at 24500 Heartland Road, Euclid, Ohio 44123. (NT at 41:12-18).
 10. John James and VaLinton Foster each have criminal histories precluding John James and VaLinton from legally obtaining a liquor license under their own names or as sole or corporate officers. (NT at 12:24-13:7).
 11. Richard A. Vendetti, Esq., assisted LaSharles, LLC in obtaining said Hotel Liquor License from the Pennsylvania Liquor Control Board. In furtherance of obtaining this Hotel Liquor License, Attorney Vendetti submitted an “Affidavit of Control” wherein Attorney Vendetti stated and affirmed “LaSharles, LLC will be in full and complete control of all Hotel rooms situate at the Licensee’s establishment situate at 901 West 4th Street, Erie, PA 16507.” (*See* Permanent Injunction Plaintiff’s Exhibit # 6).
 12. The Hotel Liquor Licensee, LaSharles, LLC, operated a bar and hotel by virtue of the Hotel Liquor License under the name “Ultra View Lounge” and “Erie View Hotel” at the Property (**hereinafter collectively referred to as “Ultra View Lounge”**). The bar portion was operated out of the basement of the building. (NT at 62:19-22). The bar and hotel are therefore intertwined and inseparable as the same entity under this Hotel Liquor License pursuant to the Pennsylvania Liquor Code. *See* 47 P.S. § 1-101, *et seq.*
 13. Only a Wholesale Liquor Purchase Permit Card permit holder or authorized agent may use the Wholesale Liquor Purchase Permit Card to purchase liquor at wholesale prices.
 14. John James and VaLinton Foster are not Wholesale Liquor Purchase Permit Card permit

³ Under 47 P.S. § 1-102 of the Liquor Code, “hotel” is defined as “any reputable place operated by responsible persons of good reputation where the public may, for a consideration, obtain sleeping accommodations and meals and which, in a city, has at least ten, and in any other place at least six, permanent bedrooms for the use of guests, a public dining room or rooms operated by the same management accommodating at least thirty persons at one time, and a kitchen, apart from the public dining room or rooms, in which food is regularly prepared for the public.” 47 P.S. § 1-102.

- holders or authorized agents. However, John James and VaLinton Foster have accepted and signed deliveries for wholesale liquor in violation of the Liquor Code. On May 23, 2017, LaSharles Foster pled guilty to an administrative citation regarding this Wholesale Liquor Purchase Permit Card violation before an Administrative Law Judge Richard O’Neill Earley at citation #170146.
15. The Ultra View Lounge operated Thursday through Sunday nights frequently and regularly into the early hours of the morning. (NT at 35:4-7; 88:5-15; 96:5-97:2).
 16. Before the Ultra View Lounge began operating, the establishment called the “Starlight Hotel” existed at 901 West 4th Street. (NT at 46:11-17). The Starlight Hotel was a quiet neighborhood bar and did not intrude upon the surrounding neighborhood beyond a few incidents, which involved noise. (NT at 95:8-20). Once the Ultra View Lounge began operating, the noise issues emanating from the Property escalated. (NT at 95:21-24).
 17. The Ultra View Lounge produced noise in excess of acceptable noise levels for a residential area Thursday through Sunday from approximately 10 a.m. to as early as 3:00 a.m. (NT at 35:4-7; 88:5-15; 96:5-97:2). Specifically, music emanated from the Ultra View Lounge so loudly that the music caused the nearby houses to vibrate. (NT at 88:5-6; 93:10-15; 96:23; 104:11-12; 105:22-106:1). This noise frequently and regularly interrupted the sleep of neighborhood residents. (NT at 95:25-96:97:2; 105:22-106:1; 106:24-107:4; 109:3-4).
 18. After the Ultra View Lounge closed for the night on Thursday through Sunday nights, patrons exiting from the Ultra View Lounge frequently and regularly caused a wide variety of disturbances in the neighborhood, including, but not limited to, screaming, urinating in the yards of nearby residential properties, trespassing upon nearby residential properties and porches without permission, littering various trash such as beverage bottles and soiled undergarments onto nearby residential properties, and discharging firearms. Before the Ultra View Lounge began operating, these disturbances did not exist. (NT at 108:21-109:2).
 19. Patrons of the Ultra View Lounge were often obnoxious, loud, drunk, and disorderly outside of the Ultra View Lounge in the very early hours of the mornings. (NT at 53:3-5; 54:15-17; 55:7-21).
 20. Patrons of the Ultra View Lounge also frequently and regularly parked their vehicles in and in front of nearby residential driveways and in the yards of residential homes as well as handicap spots. (NT at 49:17-22; 54:25-55:1; 91:10-19; 93:10-15; 101:12-102:1; 109:5-11). Patrons also played loud music from their vehicles late at night and early in the morning. (NT at 55:16-23; 93:10-15).
 21. Since the Ultra View Lounge began operating, the Erie City Police received 166 calls related to the Ultra View Lounge, twenty (20) of which were “major events.” (NT at 43:25-44:19). A major event is defined as aggravated assault, shots fired, stabbing, shooting, or attempted homicide or homicide. (NT at 44:14-16).
 22. At least nine (9) “shots fired” incidents resulting in at least five (5) shootings have occurred outside of the Ultra View Lounge since the Ultra View Lounge began operating. (NT at 45:12-15).
 23. On October 28, 2017, at around 3:01 a.m., a shooting occurred outside of the Ultra View Lounge where a patron of the Ultra View Lounge shot and hit two other patrons of the Ultra View Lounge multiple times. (NT at 58:4; 63:4-64:2).

24. On June 9, 2018, at around 2:42 a.m., a patron of the Ultra View Lounge approached an individual from behind on the street and shot this individual in the head. (NT at 65:9; 68:12-16).
25. On May 6, 2018, two patrons exited the Ultra View Lounge and fired gunshots hitting a vehicle traveling eastbound on 4th Street. (NT at 70:7-71:3). The gunfire also hit a second vehicle containing three occupants. (NT at 70:7-71:3). The gunfire also twice hit a house on the corner of 902 West 4th Street with residents inside, one being a pregnant female and one being an infant child. (NT at 70:7-71:7).
26. On July 29, 2018, at approximately 2:18 a.m., another shooting occurred outside of the Ultra View Lounge where a female victim of the shooting was discovered by Erie Police on the porch of a residence two houses south of the Ultra View Lounge without permission of the owner. (NT at 82:4-10). Another victim had been “removed from the scene via a private vehicle” and taken to the hospital. (NT at 82:19-22).
27. The streets outside of the Ultra View Lounge frequently and regularly became “extremely congested” due to patrons parking vehicles on each side of roads “in the areas radiating from 4th and Plum going north, south, east and west” such that these roads “essentially bec[a]me[] one-way street[s].” (NT at 80:10-21). This created a difficult and almost impossible situation for emergency responders to enter the area. (NT at 80:10-14).
28. On June 3, 2017, a patron was stabbed outside of the Ultra View Lounge over a disagreement which occurred inside the Ultra View Lounge regarding payment for sexual favors from a female. (NT at 47:14-48:14).
29. Since the Ultra View Lounge began operating, residents of the neighborhood surrounding the Ultra View Lounge felt threatened and did not feel safe. (NT at 102:2-16). Indeed, the patrons of the Ultra View Lounge caused residents to “feel danger and suspicion of everyone . . . in the area.” (NT at 102:2-16).
30. After this Court issued the “Emergency Temporary Injunction and Preliminary Injunction Order” dated August 18, 2018, enjoining, *inter alia*, the operation of the Ultra View Lounge and adjoining hotel, the chaos, noise, and violence ceased.
31. The Pennsylvania State Police Bureau of Liquor Control Enforcement (“LCE”) conducts criminal and administrative investigations regarding liquor licenses issued by the Commonwealth. (NT at 8:24-9:1). The LCE conducted at least six investigations and an ongoing investigation is being conducted of the Hotel Liquor License attached to the Property at which LaSharles, LLC operated both the bar and hotel. (NT at 14:11-15). LCE received numerous calls regarding the bar and hotel operated by LaSharles, LLC. (NT at 14:16-21).
32. LCE commenced a “new license orientation” investigation beginning on March 7, 2016, to provide guidance with operating a licensed establishment legally. (NT at 14:24-15:2). LCE issued an administrative citation. LaSharles Foster was not present when LCE conducted this investigation. (NT at 15:3-5).
33. LCE began a “noisy and disorderly” investigation beginning on October 25, 2016, due to numerous public nuisance complaints arising from administrative violations and criminal activity occurring in and around the Ultra View Lounge. (NT at 16:16-22). A nuisance investigation was initiated thereafter to determine if the bar qualified as a nuisance. (NT at 18:3-23).

34. LCE initiated another “noisy and disorderly” investigation on January 13, 2017, based on an incident which occurred over New Year’s Eve. (NT at 23:4-20). LCE closed this investigation without citation or warning. (NT at 23:4-20).
35. LCE began another “noisy and disorderly” investigation on May 1, 2017, in response to a large volume of community complaints as well as from a request by the Erie Police Department arising from a shooting occurring shortly prior to this date. (NT at 23:21-24; 24:5-8). LCE cited the Ultra View Lounge for administrative “loud-speaker” violations since “activities at the [Ultra View Lounge] were spilling out into the community.” (NT at 24:14-18).
36. LCE started another “noisy and disorderly” investigation on May 14, 2018, at the request of the community for numerous administrative problems as well as recent criminal activity including recent shootings. (NT at 24:19-25:1).
37. On July 13, 2018, the “Nuisance Bar Task Force” met with John James and VaLinton Foster, as well as Rick Adams, who self-identified as the manager of the hotel portion of the Ultra View Lounge, and Sabrina Porter, the sole board approved manager for the Hotel Liquor License. (NT at 28:11-22). LaSharles Foster was not present at said meeting and informed LCE personnel that the above-named individuals could be present and speak on behalf of LaSharles Foster at said meeting. (*See* NT at 28:11-22). Sabrina Porter as the board approved manager also permitted the above-named individuals to be present at said meeting and signed a “Pennsylvania State Police Victim/Witness Statement Form.” (NT at 28:8-22; Permanent Injunction Plaintiff’s Exhibit # 7). At said meeting, LCE informed the above-named individuals of five corrective actions that needed to be taken. (NT at 30:1-35:25). To date, these corrective actions have not been taken or remedied. (NT at 35:25).
38. After an inspection conducted by the City of Erie Code Enforcement on January 12, 2018, of the Property in the presence of two “representatives” of the “hotel,” by Order dated January 18, 2018, the City of Erie Code Enforcement cited twenty-six (26) violations of the International Property Maintenance Code and set forth the corrective actions to be taken in order to remedy these violations. This Order was sent to the Erie View Inn care of Rick Adams and was sent to the current legal owner of the Property, Ann M. McDermott.
39. Later in the year, after another inspection conducted by the City of Erie Code Enforcement on August 29, 2018, of the Property, by Order dated September 25, 2018, the City of Erie Code Enforcement declared the Property uninhabitable stating the building cannot “be occupied until the violations are cleared and the building is re-inspected by [the code enforcement] office.” Said Order cited forty-six (46) violations of the International Property Maintenance Code and set forth the corrective actions to be taken by LaSharles Foster in order to remedy the violations. Said Order stated persons directly affected by this Order may appeal within twenty days. This Order was mailed to LaSharles Foster. No appeal was taken from this Order.
40. The pertinent International Property Maintenance Codes to be followed include, as set forth in the “Order to Correct Violations” issued by Erie County Property Maintenance’s “Order to Correct Code Violations” dated September 25, 2018 (Permanent Injunction Plaintiff’s Exhibit # 1), as well as the “to wit” violations of these International Property

Maintenance Codes, are as follows:

- a. **PM-108.1.3.** A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
 - i. #1-The structure has been declared uninhabitable due to the violations found within.
- b. **PM-304.10.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
 - i. #1-Balcony off of rear upstairs apartment is in a major state of disrepair.
- c. **PM-304.13.1.** All glazing materials shall be maintained free from cracks and holes.
 - i. #1-Broken window(s)
- d. **PM-304.18.1.** Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.
 - i. #1-Missing deadbolt locks on exterior doors.
- e. **PM-304.2.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant.
 - i. #1-Soffit and fascia damaged
 - ii. #2-Exterior wood surfaces such as window and door frames have peeling/chipping paint.
- f. **PM-304.7.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
 - i. #1-Damaged or missing gutters and downspouts.
- g. **PM-305.1.** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure that they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies,

shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

- i. #1-The interior of the building and all of its rooms are filled with garbage and other derbis [sic] putting them into an extremely unsanitary condition.
- h. **PM-305.3.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.
 - i. #1-Peeling/bubbling/chipping paint on walls and ceiling.
 - ii. #2-Unfinished drop ceiling and missing or damaged ceiling tiles.
 - iii. #3-Damaged interior doors.
 - iv. #4-Board covering hole in floor in utility room is not structurally sound.
 - v. #5-Holes in walls and ceilings.
 - vi. #6-Loose paneling behind the bar.
 - vii. #7-Bathtub not property caulked and sealed.
- i. **PM-305.4.** Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.
 - i. #1-The tile stair case that leads to the basement is damaged and in need or [sic] repair.
 - ii. #2-Multiple flooring surfaces in the interior of the building are badly damaged or deteriorating.
- j. **PM-305.6.** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.
 - i. #1-Many door frames serverly [sic] damaged
 - ii. #2-Room number 12 door is to [sic] short for the frame.
 - iii. #3-Multiple doors damaged or broken.
- k. **PM-307.1.** Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.
 - i. #1-Handrail in west side stairway is not a proper handrail.
- l. **PM-308.1.** All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.
 - i. #1-Junk and derbis [sic] and other garbage along the side of the building
 - ii. #2-Garbage and other junk and derbis [sic] throughout the entire interior of the building.
- m. **PM-309.1.** All structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper

precautions shall be taken to prevent reinfestation.

- i. #1-Infestation of various insects including bedbugs and cockroaches.
- n. **PM-403.3.** Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit. Exceptions:
 1. Where specifically approved in writing by the code official;
 2. Devices such as coffee pots and microwave ovens shall not [sic]
 - i. #1-Hot plate found in a rooming unit.
- o. **PM-403.5.** Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions. Exception: Listed and labeled condensing (ductless) clothes dryers.
 - i. #1-Clothes dryer exhaust is not properly maintained and is damaged.
- p. **PM-404.3.** Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a minimum clear ceiling height of 7 feet (2134 mm). Exceptions:
 1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting a maximum of 6 inches (152 mm) below the required ceiling height.
 2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes [sic]
 - i. #1-Ceiling heights in the bathroom above lavatory are less than 7ft.
- q. **PM-504.1.** All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.
 - i. #1-Sinks in kitchen do not have proper traps.
 - ii. #2-Multiple shower units in rooming house not properly installed or maintained.
 - iii. #3-Water lines in the laundry room for the washing machines are not properly installed and maintained.
- r. **PM-603.1.** Mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.
 - i. #1-Missing cover panel on furnace in basement utility [sic] room.
 - ii. #2-Water heater exhaust pipe does not have proper slope.
 - iii. #3-Copper gas line fueling second floor furnace.
 - iv. #4-Water sitting inside the furnace in the basement utility room.
 - v. #5-Both hot water heaters in the basement utility room are deteriorating.
- s. **PM-603.3.** All required clearances to combustible materials shall be maintained.
 - i. #1-Combustibles leaning against furnace and waterheaters [sic] in basement utility room.
- t. **PM-604.3.** Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

- i. #1-Extension cords used throughout the building.
 - u. **PM-605.1.** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.
 - i. #1-Unknown device installed in basement kitchen window wired to an extension cord.
 - ii. #2-Service panel cover not installed.
 - iii. #3-Interior of service panel in unmaintained.
 - iv. #4-Multiple receptacles and switches missing covers.
 - v. #5-Multiple open splices in electrical [sic] wiring throughout the building.
 - vi. #6-Multiple damaged receptacles throughout the building.
 - vii. #7-Multiple improperly [sic] installed or unmaintained light fixtures in the building.
 - v. **PM-702.3.** All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code.
 - i. #1-Security bars placed over exit doors.
 - w. **PM-704.1.** All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code.
 - i. #1-Smoke alarms not properly installed or maintained.
41. After an inspection conducted by the Erie Fire Department, Inspection Division on January 12, 2018, of the Property, the Erie Fire Department, Inspection Division cited nine (9) violations of the International Fire Code. By “Violation Notice” dated September 19, 2018, after a separate inspection was conducted by the Erie Fire Department, Inspection Division on September 13, 2018, the Erie Fire Department, Inspection Division cited eighteen (18) other violations of the International Fire Code. This Violation Notice was emailed to Andy Zimmerman at the Office of Code Enforcement. Many of these violations appear to be incorporated into the Orders issued by the City of Erie Code Enforcement.
42. As the sole owner of LaSharles, LLC, which is the entity holding the Hotel Liquor License, LaSarles Foster has failed to perform her duties as a Hotel Liquor Licensee under the Liquor Code.

CONCLUSIONS OF LAW

The District Attorney of Erie County has filed this action in equity asking this Trial Court to find the Ultra View Lounge constitutes a common nuisance under 47 P.S. § 6-611, which provides that a bar or tavern may be closed for one year where the court finds that it constitutes a common nuisance. 47 P.S. § 6-611. The Liquor Code, which is remedial legislation, “is to be liberally construed to effectuate its purpose to protect the public health, welfare, peace, and morals.” *Hyland Enterprises, Inc. v. Liquor Control Bd.*, 631 A.2d 789, 792 (Pa.Cmwlt. 1993). Specifically, 47 P.S. § 6-611 states: “An action to enjoin any nuisance defined in this act may be brought in the name of the Commonwealth of Pennsylvania by . . . the district attorney of the proper county” and that “[s]uch action shall be brought and tried as an action in equity.” 47 P.S. § 6-611. A municipality may bring such actions against both licensees and non-licensees who violate the Liquor Code. 47 PS. § 4-491; *Commonwealth ex rel Ness*

v. *Keystone Sign, Co., Inc.*, 355 Pa.Super. 562, 513 A.2d 1066 (1986). Title 47 P.S. § 6-611 permits the Court to enjoin permanently the activities of a licensee:

Upon the decree of the court ordering such nuisance to be abated, the court may, upon proper cause shown, order that the room, house, building, structure, boat, vehicle or place shall not be occupied or used for one year thereafter

47 P.S. § 6-611; see also *Commonwealth v. The Down Low Nightclub*, 2009 WL 7127398 (Pa.Com.Pl.), *affirmed*, 993 A.2d 331 (Pa.Cmwlt. 2010) (ordering the abatement of a nuisance at a bar under 47 P.S. § 6-611(c) for a period of one year thereby enjoining all business at the bar).

In deciding whether to close a bar pursuant to § 6-611, the trial court should examine whether any “apparently reasonable grounds for [closing the bar]” exist. *Commonwealth v. Graver*, 461 Pa. 131, 334 A.2d 667, 669 (1975) (citations omitted). A court may consider violations of the Crimes Code when deciding whether the closure of an establishment is proper. *Commonwealth ex rel Ness v. Keystone Sign Co., Inc.*, 355 Pa.Super. 562, 513 A.2d 1066, 1068-69 (1986). Further, an inquiry into the activities outside the bar is permissible so long as the conduct at issue is in the immediate vicinity of the bar and there is a causal relationship between what occurs inside and outside the premises. *Id.*; see also *Graver*, 334 A.2d at 669.

The Pennsylvania Supreme Court has further held where “the evidence is clear and, indeed, so found by the Trial Court, that there was a causal relationship between the deplorable situation outside the premises and what went on inside the . . . bar,” the trial court abuses its discretion in not granting the injunction. *Commonwealth v. Tick, Inc.*, 233 A.2d 866, 868 (Pa. 1967). Moreover, testimony concerning conduct by bar patrons in the area of the bar who are attracted to the area by the manner of operation of the bar is competent evidence to support an injunction as a nuisance in law and in fact. *Reid v. Brodsky*, 397 Pa. 463, 156 A.2d 334 (1959).

In *Commonwealth v. Sal-Mar Amusements, Inc.*, 630 A.2d 1269, 1273 (Pa.Super. 1993), the district attorney of Dauphin County brought an action in equity under § 6-611 to close the bar for one year. The trial court in *Sal-Mar Amusements* enjoined operation of the bar, and the bar owners appealed. On appeal, the Superior Court of Pennsylvania in *Sal-Mar Amusements* concluded the Commonwealth presented ample evidence supporting the closure of the bar. Specifically, the Superior Court of Pennsylvania in *Sal-Mar Amusements* noted:

Inside the bar, repeated sales of drugs were made to an undercover officer by persons with access to private areas of the bar and in view of bar employees. Police witnesses testified to numerous calls for assistance from the bar and in the area surrounding it. Police also conducted surveillance of the area and reported on the loud and disruptive behavior of persons congregating outside the bar. A videotape of the activity was shown to the court. Finally, several residents of the neighborhood testified that the conduct of the people in and around the bar was noisy, disorderly, vulgar and rude. Traffic, litter, excessive alcohol use and drug activity were all found to be by-products of the bar’s operation. It was the Commonwealth’s position, and that of many area residents, that the bar brought much of this undesirable behavior into the neighborhood.

Sal-Mar Amusements, Inc., 630 A.2d at 1274. The Superior Court of Pennsylvania in *Sal-Mar Amusements* further noted:

We find that the testimony by the residents and police, coupled with the drug violations, was more than sufficient to support the injunction. *See Graver*, 334 A.2d at 670. The fact that Vanity operated in the past without these particular difficulties does not negate the existence of present harm to the neighborhood. *Id.* (deterioration of business changed law-abiding establishment into one that was offensive to sensibilities of the community).

Id. The Superior Court of Pennsylvania in *Sal-Mar Amusements* concluded the Commonwealth established a “persistent and continuous disturbing of the peace and good order of the neighborhood,” and determined the trial court properly found a nuisance existed and properly acted within its power to enjoin the bar’s operation. *Id.*

Similarly, in *Commonwealth v. Graver*, 334 A.2d 667, 668 (Pa. 1975), the Commonwealth, in support of its request for injunctive relief under Section 611 of the Liquor Code, averred numerous violations of the Liquor Code occurred in the months preceding the filing of the complaint. At the hearing, the Commonwealth introduced various testimony, including the custodian of police records who read from daily police logs listing the date, time, and names of policemen dispatched to the area of the bar, their observations upon arriving, and the action taken, if any. Residents of the neighborhood credibly testified extensively to the deteriorating condition of the area immediately surrounding the bar due to the unruly behavior of patrons of the bar. Included in this testimony were incidents where patrons engaged in loud, boisterous, and violent conduct, urinated and littered on property of residents living adjacent to or near the bar, directed abusive and obscene language toward the people of the neighborhood and, in one instance, physically attacked a resident. Credible testimony also revealed many residents were undergoing severe emotional strain due to the manner of the operation of this business establishment. Based on this testimony, the Pennsylvania Supreme Court in *Graver* affirmed the trial court’s order enjoining the operation of the bar, holding: “In our judgment the voluminous testimony in this case of increasing abhorrent conduct by patrons in a once peaceful neighborhood, coupled with the admitted Liquor Code violations amply support the issuance of the injunction.” *Id.* at 137.

Under well-settled Pennsylvania law, to prevail on a petition for a permanent injunction, the Plaintiff must establish: (1) his right to relief is clear; (2) an urgent necessity exists to avoid an injury which cannot be compensated for by damages; and (3) greater injury will result from refusing rather than granting the relief requested. *Eleven Eleven Pennsylvania, LLC v. Commonwealth*, 169 A.3d 141, 145 (Pa.Cmwlth. 2017). Courts are precluded from granting injunctive relief where an adequate remedy exists at law. *Bronstein v. Sheppard*, 412 A.2d 672 (Pa.Commonwealth 1980). Even where the essential prerequisites of an injunction are satisfied, the court must narrowly tailor its remedy to abate the injury. *John G. Bryant Co., Inc. v. Sling Testing & Repair, Inc.*, 369 A.2d 1164, 1167 (Pa. 1977). The power to grant or refuse an injunction “rests in the sound discretion of the court under the circumstances and the facts of the particular case.” *Rick v. Cramp*, 53 A.2d 84, 88 (Pa. 1949). Unlike a preliminary injunction, the moving party need not establish either irreparable harm or immediate relief, and a trial court “may issue a final injunction if such relief is necessary

to prevent a legal wrong for which there is no adequate redress at law.” *Eleven Eleven Pennsylvania*, 169 A.3d at 145. A violation of a statutory scheme justifies injunctive relief. *Id.* (citing *Grine v. Centre Cnty.*, 138 A.3d 88 (Pa. Cmwlth. 2016))

The first issue is whether Plaintiff’s right to relief is clear. In the instant case, before the Hotel Liquor License was issued to LaSharles, LLC, an establishment called the “Starlight Hotel” operated at 901 West 4th Street. The Starlight Hotel was a quiet neighborhood bar and did not intrude upon the surrounding neighborhood beyond a few minor incidents, which involved noise. However, since the Ultra View Lounge began operating under the Hotel Liquor License issued to LaSharles, LLC, the safety of the lives of the surrounding neighborhood residents has been placed in jeopardy. Erie City Police received 166 calls related to 901 West 4th Street, twenty (20) of which were “major events.” Nine (9) “shots fired” incidents resulted in at least five (5) gunshot victims in the immediate vicinity of the Ultra View Lounge since the Ultra View Lounge began operating. A causal relationship exists between what occurs inside and outside the premises of the Ultra View Lounge. For example, a disagreement which began inside the Ultra View Lounge resulted in a stabbing outside of the Ultra View Lounge. Moreover, patrons of the Ultra View Lounge have engaged in multiple shootings. At least one shooting by a patron resulted in a residential home on the corner of 902 West 4th Street across the street from the Ultra View Lounge being hit twice by gunshots. Residents of the neighborhood surrounding the Ultra View Lounge felt their lives and safety were threatened and did not feel safe in their own homes. The streets outside of the Ultra View Lounge frequently and regularly became extremely congested making emergency responders’ ability to enter the area almost impossible. Patrons of the Ultra View Lounge conducted themselves with no regard for the safety or welfare of the surrounding neighborhood and created a wide variety of disruptions, including frequently and regularly creating loud noise into the early hours of the morning, urinating and littering on private property of nearby residents, and discharging firearms with the intent to inflict serious bodily harm upon other patrons. These shootings often resulted in unintended targets being struck, such as nearby homes and passersby. Given the foregoing circumstances created by the Ultra View Lounge and patrons, Plaintiff presented substantial and voluminous evidence of increasing abhorrent and violent and deadly criminal conduct by patrons of the Ultra View Lounge in the immediate vicinity of the Ultra View Lounge in a once peaceful neighborhood.

Aside from a routine inspection, LCE has commenced five investigations into LaSharles LLC. These investigations were often initiated in response to complaints of nuisances and criminal activity in the area near the Ultra View Lounge, including shootings by patrons taking place in front of the Ultra View Lounge. LCE cited LaSharles, LLC for administrative “loud-speaker” violations since activities at the Ultra View Lounge were “spilling out into the community.” Moreover, John James and VaLinton Foster were not Wholesale Liquor Purchase Permit Card permit holders or authorized agents. However, John James and VaLinton Foster accepted and signed for deliveries for wholesale liquor in violation of the Liquor Code. As a result, on May 23, 2017, LaSharles Foster pled guilty to an administrative citation regarding this Wholesale Liquor Purchase Permit Card violation before Administrative Law Judge Richard O’Neill Earley.

Also, on July 13, 2018, LCE provided six (6) corrective actions for the LaSharles LLC, the Hotel Liquor Licensee, to remedy in order for the LaSharles, LLC to continue operating

the Erie View Lounge legally. However, to date, LaSharles, LLC has not made any of these corrective actions. LaSharles, LLC's refusal to take any corrective actions demonstrates LaSharles, LLC was unwilling to engage voluntarily in remedial steps to ensure a safe environment at and around the Ultra View Lounge or that the Ultra View Lounge operating under Hotel Liquor Licensee LaSharles, LLC complied with the Liquor Code. Additionally, between the inspection conducted by the City of Erie Code Enforcement on January 12, 2018, resulting in twenty-six (26) violations of the International Property Maintenance Code and the inspection conducted on August 29, 2018, resulting in forty (46) violations, after being notified of these violations, the LaSharles, LLC has failed to make any good faith efforts to engage in corrective actions to remedy these violations, which have greatly increased in number since January 2018. Similarly, although apparently and mostly incorporated into the Orders issued by the City of Erie Code Enforcement, between the inspection conducted by the Erie Fire Department, Inspection Division in January 2018 resulting in nine (9) violations of the International Fire Code and the inspection conducted by the Erie Fire Department, Inspection Division in September 2018 resulting in eighteen (18) violations of International Fire Code, no corrective actions were taken by the Ultra View Lounge. Thus, Plaintiff presented evidence showing LaSharles, LLC has repeatedly violated the Liquor Code, International Property Maintenance Code, and International Fire Code.

Based on the foregoing, Plaintiff has established its right to relief is clear in that LaSharles, LLC doing business as the Ultra View Lounge operating a bar and hotel constitutes a common nuisance under 47 P.S. § 6-611.

The second issue is whether an urgent necessity exists to avoid an injury which cannot be compensated with damages. An injunction is necessary to prevent LaSharles, LLC and agents thereof from storing, possessing, and dispensing alcohol at the premises of the Ultra View Lounge. An injunction is also necessary to enjoin the operation of LaSharles, LLC's bar and hotel, which may only legally operate so long as the LaSharles, LLC complies with the Liquor Code, the International Property Maintenance Code, and the International Fire Code. Indeed, the City of Erie Code Enforcement has declared the entire Property, not just the hotel portion, uninhabitable. Moreover, the Ultra View Lounge's substantial infringement upon the tranquility and safety of the residents in the neighborhood due to the frequent and regular noise and violent crime caused by patrons of the Ultra View Lounge cannot be adequately compensated by damages. Thus, damages are not adequate in addressing the problems caused by LaSharles, LLC and the Ultra View Lounge.

The third issue is whether greater injury will result from refusing rather than granting the relief requested. Plaintiff has demonstrated the extensive amount of crime associated with the Ultra View Lounge since the Ultra View Lounge began operating in 2016. Granting the injunction will prevent the Ultra View Lounge from continuing to violate the Liquor Code and suspend a business which, in light of all the foregoing circumstances, is an establishment conducive to crime. If this Trial Court refuses the injunction and abatement of LaSharles, LLC doing business as the Ultra View Lounge, which this Trial Court has concluded constitutes a common nuisance, greater injury will result since patrons of the Ultra View Lounge will continue to engage in disruptive, violent, and deadly criminal activity threatening lives of nearby residents as well as the peace and safety of the neighborhood.

Counsel for John James and VaLinton Foster concedes the "bar" portion of the Ultra View

Lounge must be abated and closed but argues the “hotel” portion of the Ultra View Lounge should be permitted to operate notwithstanding a closure of the “bar” portion. However, as noted above, both the “hotel” and “bar” portions of the Ultra View Lounge operate under a single indivisible Hotel Liquor License granted to LaSharles, LLC, not to John James and VaLinton Foster or the Erie View Inn LLC. Moreover, this Trial Court cannot permit a building to operate as a hotel which has been declared uninhabitable. Title 47 P.S. § 6-611 expressly permits courts to abate nuisances and “order that the room, house, **building, structure**, boat, vehicle or place shall not be occupied or used for one year thereafter” 47 P.S. § 6-611 (emphasis added). This Trial Court also notes LaSharles, LLC has demonstrated no good faith efforts have been made to take the corrective action necessary in response to numerous violations of the Liquor Code, International Property Maintenance Code, and International Fire Code. *See Matter of Boelter Bar Corp.*, 372 A.2d 1253, 1254 (Pa.Cmwlth. 1977) (hotel liquor license was properly suspended where no rooms were available for guests due to uninhabitable conditions and concluding even good faith efforts to remedy condition “does not justify the continued operation of the hotel liquor license on premises which do not qualify to have one”). LaSharles Foster as sole corporate officer of LaSharles, LLC was absent and irresponsible in her duties regarding both the bar and hotel.

Accordingly, for all of the foregoing reasons, the issuance of a permanent injunction pursuant to 47 P.S. § 6-611 is necessary to abate the nuisance at 901 West 4th Street which operated under Hotel Liquor Licensee LaSharles, LLC.

ORDER

AND NOW, to-wit, this 17th day of October, 2018, after a full hearing on the “Complaint in Equity (Permanent Injunction)” filed by Commonwealth of Pennsylvania ex rel. Jack Daneri, District Attorney of Erie County Pennsylvania (“Plaintiff”); at which Assistant District Attorney Jeremy Lightner appeared for the Plaintiff; and Anthony Rodriques, Esq., appeared for Defendants John James and VaLinton Foster; and LaSharles Foster failed to appear; and after hearing credible testimony from International Property Maintenance Inspector Jake Binney of the City of Erie, Erie Fire Inspector Mark Polanski, Lieutenant William Marucci of the City of Erie Police, Limited Jurisdiction Officer Douglas Keys of the Pennsylvania State Police Bureau of Liquor Control Enforcement, as well as neighbors James Anderson and Michael Thomas; and after a thorough review of the entire record, including all Exhibits presented at this Permanent Injunction hearing as well as transcripts from the Emergency Temporary Injunction and Preliminary Injunction hearing held on August 8, 2018, entered into evidence; in view of the relevant statutory and case law; and consistent with the analysis in the foregoing Findings of Fact and Conclusions of Law, it is hereby **ORDERED, ADJUDGED AND DECREED** as follows:

- (1) All Defendants are hereby enjoined and prohibited from conducting or permitting any further business of any kind whatsoever on the premises at 901 West 4th Street, also known as the Erie View Hotel and Ultra View Lounge, for a period of one year ending on **Tuesday, October 15, 2019**;
- (2) Defendants and all other persons acting directly or indirectly in concert with Defendants are hereby enjoined and prohibited from removing or in any way interfering with the liquids, beverages or other matters used in connection with the violation of the Liquor Code constituting a nuisance; and

(3) The Office of the District Attorney of Erie County and the City of Erie Police Department shall hereby continue to secure completely the entire Hotel Liquor Licensed premises at 901 West 4th Street, also known as the Erie View Hotel and Ultra View Lounge, for a period of one year ending on **Tuesday, October 15, 2019**. The entire premises including the hotel shall remain secured for a period of one year ending on **Tuesday, October 15, 2019**, pursuant to 47 P.S. § 6-611 and relevant case law.

BY THE COURT

/s/ **Stephanie Domitrovich, Judge**

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CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania 12622-18 Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of JaCori Elijah Magee to JaCori Elijah Magee-Montiero. The Court has fixed the 19th day of November, 2018 at 9:00 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.

Nov. 2

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania 12708-18 Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Skyler Paul Valimont to Skyler Paul Kyanvash. The Court has fixed the 3rd day of December, 2018 at 3:30 p.m. in Court Room G, Room 222, of the Erie County Court House, 140 West 6th Street, Erie, Pennsylvania 16501 as the time and place for the Hearing on said Petition, when and where all interested parties may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

Nov. 2

DISSOLUTION NOTICE

LEGAL NOTICE is hereby given by ERIE SPORT STORE, INC. (the "Corporation") of its dissolution. All persons having a claim against the Corporation are required to present their claims in accordance with this Notice.

1. Claims must be presented in writing and must contain sufficient information to inform the Corporation of the identity of the claim and the substance of the claim.
2. Claims must be mailed to P.O. Box 3304, Erie, PA 16508.
3. The deadline by which claims must

be given the Corporation is January 31, 2019.

4. A claim will be barred if not received by the deadline.

5. The Corporation will make distributions to its Shareholders after the deadline date without further notice to any claimant .

KNOX MCLAUGHLIN GORNALL & SENNETT, P.C.
120 West 10th Street
Erie, PA 16501

Nov. 2, 9

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

An application for registration of the fictitious name Amanda Rae Massage Therapy, 6952 Buffalo Rd., Harborcreek, PA 16421 has been filed in the Department of State at Harrisburg, PA, File Date 9/04/2018 pursuant to the Fictitious Names Act, Act 1982-295. The name and address of the person who is a party to the registration is Amanda Huey, 7894 East Lake Rd., Erie, PA 16511.

Nov. 2

FICTITIOUS NAME NOTICE

1. Fictitious Name: White Birch Holdings
2. Address of principal place of business, including street and number: 532 West 8th Street, Erie, PA 16502
3. The real names and addresses, including street and number, of the entities who are parties to the registration: Hestia Ventures, LLC, 532 West 8th Street, Erie, PA 16502
4. An application for registration of a fictitious name under the Fictitious Names Act was filed on April 18, 2018, with the Department of State.

Nov. 2

**LEGAL NOTICE
NOTICE OF
ADMINISTRATIVE
SUSPENSION**

Notice is hereby given that Barry Franklin Levine of Erie County has been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated September 17, 2018, pursuant to Rule 219, Pa.R.D.E, which requires that all attorneys admitted to practice in any court of this Commonwealth must pay an annual assessment of \$225.00. The Order became effective October 17, 2018.

Suzanne E. Price
Attorney Registrar
The Disciplinary Board of the
Supreme Court of Pennsylvania

Nov. 2

LEGAL NOTICE

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE
IN THE COURT OF COMMON
PLEAS OF ERIE COUNTY,
PENNSYLVANIA
CIVIL ACTION – LAW
No. 13715-12
NATIONSTAR MORTGAGE LLC
D/B/A CHAMPION MORTGAGE
COMPANY, Plaintiff**

vs.
DEBRA THACKER A/K/A
DEBRA JEAN SMYKLO
A/K/A DEBRA J. SMYKLO,
in her capacity as Heir of
BERNADINE SMYKLO A/K/A
BERNADINE T. SMYKLO,
Deceased and in her capacity as
Heir of JEFFREY SMYKLO,
Deceased Heir of BERNADINE
SMYKLO A/K/A BERNADINE
T. SMYKLO, UNKNOWN
HEIRS, SUCCESSORS,
ASSIGNS, AND ALL PERSONS,
FIRMS, OR ASSOCIATIONS
CLAIMING RIGHT, TITLE OR
INTEREST FROM OR UNDER
BERNADINE T. SMYKLO,
DECEASED, UNKNOWN HEIRS,
SUCCESSORS, ASSIGNS, AND
ALL PERSONS, FIRMS, OR
ASSOCIATIONS CLAIMING
RIGHT, TITLE OR INTEREST
FROM OR UNDER JEFFREY
SMYKLO, DECEASED Heir of
BERNADINE SMYKLO A/K/A

BERNADINE T. SMYKLO, 2416 PARKER AVENUE, Defendants

NOTICE

To UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER JEFFREY SMYKLO, DECEASED Heir of BERNADINE SMYKLO A/K/A BERNADINE T. SMYKLO

2416 PARKER AVENUE

You are hereby notified that on November 9, 2012, Plaintiff, NATIONSTAR MORTGAGE LLC D/B/A CHAMPION MORTGAGE COMPANY, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of ERIE County Pennsylvania, docketed to No. 13715-12. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 2416 PARKER AVENUE, ERIE, PA 16510-2034 whereupon your property would be sold by the Sheriff of ERIE County.

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

NOTICE

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

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

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT

AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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

Nov. 2

**LEGAL NOTICE
IN THE UNITED STATES
DISTRICT COURT FOR THE
WESTERN DISTRICT OF
PENNSYLVANIA
CIVIL ACTION NO.**

1:18-CV-00062-AJS
UNITED STATES OF AMERICA,
Plaintiff

vs.

JARED W. SCHMIDT, Defendant
MARSHAL'S SALE: By virtue of a Writ of Execution issued out of the United States District Court for the Western District of Pennsylvania and to me directed, I shall expose to public sale the real property located at and being more fully described at Erie County Deed Book 1432 Page 1902.

SAID SALE to be held at the Erie County Courthouse, 140 West Sixth Street, Room 209, Erie, PA 16501 at 10:00 a.m. prevailing standard time, on November 9, 2018.

ALL that certain tract of land, together with the buildings, and improvements erected thereon described as Tax Parcel No. (37) 4-48-11.01 recorded in Erie County, Pennsylvania, commonly known as: 11034 Highland Avenue, North East, PA 16428.

IDENTIFIED as Tax/Parcel #: (37) 4-48-11.01 in the Deed Registry Office of Erie County, Pennsylvania. HAVING erected a dwelling thereon known as 11034 HIGHLAND AVENUE, NORTH EAST, PA 16428. BEING the same premises conveyed to Jared W. Schmidt, dated July 18, 2007, and recorded on July 19, 2007 in the office of the Recorder of Deeds in and for Erie County, Pennsylvania. Seized and taken in execution as the property of Jared W. Schmidt at the

suit of the United States of America, acting through the Under Secretary of Rural Development on behalf of Rural Housing Service, United States Department of Agriculture, to be sold on Writ of Execution as Civil Action No. 1:18-cv-00062.

TERMS OF SALE: Successful bidder will pay ten percent (10%) by certified check or money order upon the property being struck down to such bidder, and the remainder of the bid within thirty (30) days from the date of the sale and in the event the bidder cannot pay the remainder, the property will be resold and all monies paid in at the original sale will be applied to any deficiency in the price at which the property is resold. The successful bidder must send payment of the balance of the bid directly to the U.S. Marshal's Office c/o Sheila Blessing, 700 Grant Street, Suite 2360, Pittsburgh, PA 15219. Bidder must have deposit funds immediately available and on his person in order to bid, bidder will not be permitted to leave the sale and return with deposit funds. Notice is hereby given that a Schedule of Distribution will be filed by me on the thirtieth (30th) day after the date of sale, and that distribution will be made in accordance with the Schedule unless exemptions are filed thereto within ten (10) days thereafter. Purchaser must furnish State Realty Transfer Tax Stamps, and stamps required by the local taxing authority. Marshal's costs, fees and commissions are to be borne by seller. Michael Baughman, Acting United States Marshal. For additional information, please contact Cathy Diederich at 314-457-5514 or the USDA foreclosure website at www.resales.usda.gov.

Oct. 12, 19, 26 and Nov. 2

Erie County Bar Association

Videoconferencing Services

ECBA ——— Your connection to the world of communication.

WHAT IS VIDEOCONFERENCING?

Videoconferencing, sometimes called teleconferencing, brings together people at different locations around the country and around the world. Our videoconferencing site can connect with one location or with multiple locations, providing an instantaneous connection to facilitate meetings, interviews, depositions, and much more.

WHY USE VIDEOCONFERENCING?

Business can be conducted without the expense and inconvenience of travel, overnight accommodations and time out of the office.

WHAT ARE SOME OF THE COMMON USES OF VIDEOCONFERENCING?

Depositions, employment interviews, seminars, training sessions - the list of possibilities is endless.

I'M NOT FAMILIAR WITH VIDEOCONFERENCING.

CAN I SEE HOW IT WORKS?

Certainly. Call us for a free demonstration.

HOW DO I SCHEDULE THE USE OF THE ECBA'S VIDEOCONFERENCING SERVICES?

It's very easy. Just call the ECBA at 814-459-3111 or email sbsmith@eriebar.com. We will check availability of our space and handle all of the details for you, including locating convenient sites in the other location(s) you wish to connect with - all included in our hourly rate.

WHAT DOES IT COST?

RATES:

Non-ECBA Members:

\$185/hour - M-F, 8:30 a.m. - 5:00 p.m.

\$235/hour - M-F, All other times; weekends

ECBA Members:

\$150/hour - M-F, 8:30 a.m. - 5:00 p.m.

\$200/hour - M-F, all other times, weekends



SHERIFF SALES

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

**NOVEMBER 16, 2018
AT 10 A.M.**

All parties in interest and claimants are further notified that a schedule of distribution will be on file in the Sheriff's Office no later than 30 days after the date of sale of any property sold hereunder, and distribution of the proceeds made 10 days after said filing, unless exceptions are filed with the Sheriff's Office prior thereto.

All bidders are notified prior to bidding that they **MUST** possess a cashier's or certified check in the amount of their highest bid or have a letter from their lending institution guaranteeing that funds in the amount of the bid are immediately available. If the money is not paid immediately after the property is struck off, it will be put up again and sold, and the purchaser held responsible for any loss, and in no case will a deed be delivered until money is paid.

John T. Loomis
Sheriff of Erie County

Oct. 26 and Nov. 2, 9

SALE NO. 1

**Ex. #11779 of 2018
WALTER R. BENDER, JR.,
trading as Bender Investments,
Plaintiff**

v.

**DARYL W. HOSEY and
OCCUPANT(S), Defendants
DESCRIPTION**

By virtue of a Writ of Execution filed at No. 2018-11779, Walter R. Bender, Jr. vs. Daryl W. Hosey, owners of property situate in the Township of Fairview, Erie County, Pennsylvania being: 960 Sirak Drive, Fairview, Pennsylvania. 100' X 207.04' X 100' X 207.04' Assessment Map Number: (21) 11-9-3.01 Assessed Value Figure: \$121,800.00

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

Oct. 26 and Nov. 2, 9

SALE NO. 2

**Ex. #11765 of 2018
NORTHWEST BANK f/k/a
NORTHWEST SAVINGS
BANK, Plaintiff**

v.

**WALTER O. WALKER, JR. and
AMY L. WALKER, Defendants
DESCRIPTION**

By virtue of a Writ of Execution filed at No. 2018-11765, Northwest Bank vs. Walter O. Walker, Jr. and Amy L. Walker, owners of property situate in the Borough of Lake City, Erie County, Pennsylvania being: 1018 Lake Street, Lake City, Pennsylvania.

Approx. 1.524 acres
Assessment Map Number: (28) 4-5-5 and (28) 4-5-6
Assessed Value Figure: \$160,500.00
Improvement Thereon: Residence Kurt L. Sundberg, Esq. Marsh Spaeder Baur Spaeder & Schaaf, LLP 300 State Street, Suite 300 Erie, Pennsylvania 16507 (814) 456-5301

Oct. 26 and Nov. 2, 9

SALE NO. 3

**Ex. #13079 of 2014
DS&K INVESTMENTS, LLC,
Plaintiff**

v.

**ANDREA E. BUBNA, Defendant
DESCRIPTION**

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

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

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

Oct. 26 and Nov. 2, 9

SALE NO. 4

**Ex. #11540 of 2018
PAT LYON and MARY LYON,
Plaintiffs**

v.

**JAMES WINSCHEL and
BENJAMIN BERLIN and
WINSCHEL AND BERLIN
BUILDERS, LLC, Defendants
DESCRIPTION**

By virtue of a Writ of Execution filed at No. 2018-11540, Pat Lyon and Mary Lyon vs. James Winschel, Benjamin Berlin and Winschel and Berlin Builders, Inc., owners of property situate in the City of Erie, Erie County, Pennsylvania being: 1766 East Grandview Boulevard, Erie, Pennsylvania. Approx. 0.1286 Acre Assessment Map Number: (18) 5226-100 Assessed Value Figure: \$50,540.00
Improvement Thereon: Residence Norman A. Stark, Esq. Marsh Spaeder Baur Spaeder & Schaaf, LLP 300 State Street, Suite 300 Erie, Pennsylvania 16507 (814) 456-5301

Oct. 26 and Nov. 2, 9

SALE NO. 5

**Ex. #11541 of 2018
PAT LYON and MARY LYON,
Plaintiffs**

v.

**JAMES WINSCHEL and
BENJAMIN BERLIN and
WINSCHEL AND BERLIN
BUILDERS, LLC, Defendants
DESCRIPTION**

By virtue of a Writ of Execution filed at No. 2018-11541, Pat Lyon and Mary Lyon vs. James Winschel, Benjamin Berlin and Winschel and Berlin Builders, Inc., owners of property situate in the City of Erie, Erie County, Pennsylvania

being: 802 West 8th Street, Erie, Pennsylvania.
 Approx. 0781 Acre
 Assessment Map Number: (17) 4025-100
 Assessed Value Figure: \$50,000.00
 Improvement Thereon: Residence
 Norman A. Stark, Esq.
 Marsh Spaeder Baur Spaeder & Schaaf, LLP
 300 State Street, Suite 300
 Erie, Pennsylvania 16507
 (814) 456-5301

Oct. 26 and Nov. 2, 9

SALE NO. 6

Ex. #11996 of 2014
Beneficial Opportunity Fund, LLC, Plaintiff

v.

Richard J. Bohrer, Defendant
DESCRIPTION

By Virtue of Writ of Execution filed to No. 11996-14, Beneficial Opportunity Fund, LLC vs. Richard J. Bohrer, as Sole Owner, owner(s) of property situated in Fifth Ward, City of Erie, Erie County, Pennsylvania being 314 East 32nd Street, Erie, PA 16504
 0.2178 Acres
 Assessment Map number: 18050080010700
 Assessed figure: 71,900.00
 Improvement thereon: Cape Style, Single Family, Residential Dwelling
 Stephen M. Hladik, Esquire
 289 Wissahickon Avenue
 North Wales, PA 19454
 (215) 855-9521

Oct. 26 and Nov. 2, 9

SALE NO. 7

Ex. #10796 of 2018
BAYVIEW LOAN SERVICING, LLC, Plaintiff

v.

The Unknown Heirs of LAMAR ANDERSON, Deceased, MICHAEL ANDERSON Solely in His Capacity as Heir of LAMAR ANDERSON, Deceased, Defendant(s)
DESCRIPTION

The land hereinafter referred to is situated in the City of Erie, County of Erie, State of PA, and is described as follows:
 Beginning at a point in the East

line of Camphausen Avenue three hundred forty (340) feet North of the North line of the Buffalo Road; thence Northwardly along the East line of Camphausen Avenue eighty (80) feet to a point; thence Eastwardly parallel with the Buffalo Road one hundred fifteen and one-fourth (115-1/4) feet to a point; thence Southwardly parallel with the East line of Camphausen Avenue eighty (80) feet to a point; thence Westwardly parallel with the Buffalo Road one hundred fifteen and one-fourth (115-1/4) feet to the East line of Camphausen Avenue and the place of beginning, being Lots Numbered 9 and 10 of the Camphausen Subdivision according to plan of the same as recorded in Erie County, Pennsylvania Map Book 1 Page 351 and more.

APN: 15021010021600
 PROPERTY ADDRESS: 1917 Camphausen 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

Oct. 26 and Nov. 2, 9

SALE NO. 8

Ex. #10325 of 2018
CITIZENS BANK, N.A., Plaintiff

v.

EILEEN A. COREY AKA EILEEN COREY, HAROLD E. COREY II AKA HAROLD COREY, Defendant(s)
DESCRIPTION

ALL THAT CERTAIN piece or parcel of land situate in Tract 196, Harborcreek Township, Erie County, Pennsylvania, bounded and described as follows, to-wit:
 BEGINNING at a point on the centerline of Davison Road (as a 50' right-of-way), said point being the southwest corner of land conveyed to James P. Sheridan, et ux by deed recorded in Erie County Deed Book 1626 at page 310 and as shown by a plan of the same as recorded in Erie County Map Book 29 at page 133; THENCE along the south line of the same N. 45 degrees 00 minutes

25 seconds E., passing over an iron survey point at 25.21 feet, a total distance of 398.48 feet to an iron survey point;
 THENCE S. 33 degrees 31 minutes 15 seconds E., 303.58 feet to an iron survey point;
 THENCE S. 45 degrees 00 minutes 25 seconds W., passing over an iron point at 274.29 feet, a total distance of 299.50 feet to a point on the centerline of Davison Road;
 THENCE along said centerline N. 52 degrees 23 minutes 10 seconds W., 300 feet to the place of beginning.

Being Lot No. 2 of Survey for Harold Corey, prepared by James No. Helffrich, Registered Surveyor, recorded in Erie County Map Book 30, at page 188.
 PARCEL No.: 27032125001004
 PROPERTY ADDRESS: 1865 Davison Road, Harborcreek, PA 16421
 KML Law Group, P.C.
 Attorney for Plaintiff
 Suite 5000 - BNY Independence Center, 701 Market Street
 Philadelphia, PA 19106
 (215) 627-1322

Oct. 26 and Nov. 2, 9

SALE NO. 9

Ex. #11752 of 2017
BAYVIEW LOAN SERVICING, LLC, A DELAWARE LIMITED LIABILITY COMPANY, Plaintiff

v.

DONALD A. MCCALMON, SHERRILYN L. MCCALMON, Defendant(s)
DESCRIPTION

ALL THAT CERTAIN PARCEL OF LAND IN BOROUGH OF ALBION, ERIE COUNTY, COMMONWEALTH OF PA, AS MORE FULLY DESCRIBED IN BOOK 1019 PAGE 682 ID#1-4-18-13, BEING KNOWN AND DESIGNATED AS A METES AND BOUNDS PROPERTY 59N MAIN ST.
 BEING THE SAME FEE SIMPLE PROPERTY CONVEYED BY DEED FROM JOSEPH R CURRY, JR AND KATHLEEN A CURRY HUSBAND AND WIFE TO

DONALD A MCCALMON AND SHERRILYN L MCCALMON HUSBAND AND WIFE, DATED 03/28/1970 RECORDED ON 03/31/1970 IN BOOK 1019, PAGE 682 IN ERIE COUNTY RECORDS, COMMONWEALTH OF PA.
 PARCEL No.: 01-004-0180-01300
 PROPERTY ADDRESS: 59 North Main Street, Albion, PA 16401
 KML Law Group, P.C.
 Attorney for Plaintiff
 Suite 5000 - BNY Independence Center, 701 Market Street Philadelphia, PA 19106-1532
 (215) 627-1322
 Oct. 26 and Nov. 2, 9

SALE NO. 10
Ex. #12631 of 2017
MIDFIRST BANK, Plaintiff
 v.

KRIS L. KOSSBIEL AND THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, Defendants

DESCRIPTION

By virtue of a Writ of Execution No. 12631-17, MIDFIRST BANK, Plaintiff vs. KRIS L. KOSSBIEL AND THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, Defendants
 Real Estate: 1052 WEST 31ST STREET, ERIE, PA 16508
 Municipality: City of Erie
 Erie County, Pennsylvania
 Dimensions: 29.5 x 135
 See Deed Book 1499 / 0403
 Tax I.D. (19) 6038-232
 Assessment: \$16,200 (Land)
 \$69,470 (Bldg)
 Improvement thereon: a residential dwelling house as identified above
 Leon P. Haller, Esquire
 Purcell, Krug & Haller
 1719 North Front Street
 Harrisburg, PA 17104
 (717) 234-4178

Oct. 26 and Nov. 2, 9

SALE NO. 11
Ex. #10983 of 2018
PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff
 v.
THOMAS L. LOOMIS II, Defendants

DESCRIPTION

By virtue of a Writ of Execution No. 2018-10983, PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff vs. THOMAS L. LOOMIS II, Defendants
 Real Estate: 503 EAST 2ND STREET, ERIE, PA 16507
 Municipality: City of Erie
 Erie County, Pennsylvania
 Dimensions: 40 x 80
 See Deed Book 1243, page 1143
 Tax I.D. (14) 1018-212
 Assessment: \$6,600 (Land)
 \$28,100 (Bldg)
 Improvement thereon: a residential dwelling house as identified above
 Leon P. Haller, Esquire
 Purcell, Krug & Haller
 1719 North Front Street
 Harrisburg, PA 17104
 (717) 234-4178

Oct. 26 and Nov. 2, 9

SALE NO. 12
Ex. #11363 of 2018
Wells Fargo Bank, N.A., Plaintiff
 v.

Deltheia N. Durah, Defendant

DESCRIPTION

By virtue of a Writ of Execution file to No. 2018-11363, Wells Fargo Bank, N.A. vs. Deltheia N. Durah, owner(s) of property situated in the City of Erie, County of Erie, Commonwealth of Pennsylvania being 2112 McClelland Avenue, Erie, PA 16510
 1176 SQFT
 Assessment Map Number: 18051034020300
 Assessed Value figure: \$66,410.00
 Improvement thereon: Single Family Dwelling
 Kimberly J. Hong, Esquire
 Manley Deas Kochalski LLC
 P.O. Box 165028
 Columbus, OH 43216-5028
 614-220-5611

Oct. 26 and Nov. 2, 9

SALE NO. 13
Ex. #11155 of 2018
Wells Fargo Bank, NA, Plaintiff
 v.

Dung D. Pham, Defendant

DESCRIPTION

By virtue of a Writ of Execution file to No. 2018-11155, Wells Fargo

Bank, NA vs. Dung D. Pham, owner(s) of property situated in the Township of Fairview, County of Erie, Commonwealth of Pennsylvania being 7725 West Ridge Road, Fairview, PA 16415
 3.91000
 Assessment Map Number: 21080019000400
 Assessed Value figure: \$164,000.00
 Improvement thereon: Single Family Dwelling
 Kimberly J. Hong, Esquire
 Manley Deas Kochalski LLC
 P.O. Box 165028
 Columbus, OH 43216-5028
 614-220-5611
 Oct. 26 and Nov. 2, 9

SALE NO. 14
Ex. #12836 of 2016
The Bank of New York Mellon f/k/a The Bank of New York, as Trustee for the Certificateholders of CWALT, Inc., Alternative Loan Trust 2005-10CB, Mortgage Pass Through Certificates, Series 2005-10CB, Plaintiff
 v.

Emily Johnson and Unknown Heirs, Successors, Assigns and all Persons, Firms, or Associations Claiming Right, Title or Interest from or under Timothy E. Miller, Deceased and Unknown Heirs, Successors, Assigns and all Persons, Firms, or Associations Claiming Right, Title or Interest from or under Jonathan Miller, Deceased, Defendants

DESCRIPTION

By virtue of a Writ of Execution filed to No. 12836-16, The Bank of New York Mellon f/k/a The Bank of New York, as Trustee for the Certificateholders of CWALT, Inc., Alternative Loan Trust 2005-10CB, Mortgage Pass Through Certificates, Series 2005-10CB, Plaintiff, v. Emily Johnson and Unknown Heirs, Successors, Assigns and all Persons, Firms, or Associations Claiming Right, Title or Interest from or under Timothy E. Miller, Deceased and Unknown Heirs, Successors, Assigns and all Persons, Firms, or Associations Claiming Right, Title or Interest from or under Jonathan Miller, Deceased, Defendants

By virtue of a Writ of Execution filed to No. 12836-16, The Bank of New York Mellon f/k/a The Bank of New York, as Trustee for the Certificateholders of CWALT, Inc., Alternative Loan Trust 2005-10CB, Mortgage Pass Through Certificates, Series 2005-10CB, Plaintiff, v. Emily Johnson and Unknown Heirs, Successors, Assigns and all Persons, Firms, or Associations Claiming Right, Title or Interest from or under Timothy E. Miller, Deceased and Unknown Heirs, Successors, Assigns and all Persons, Firms, or Associations Claiming Right, Title or Interest from or under Jonathan Miller, Deceased, Defendants

Deceased, owner(s) of property situated in Borough of North East, Erie County, Pennsylvania being 26 Park Street, North East, PA 16428
 0.0611 Acres
 Assessment Map number: 35002016001900
 Assessed Value figure: 96,400.00
 Improvement thereon: Single Family Robert W. Williams
 Mattleman, Weinroth & Miller, P.C. 401 Route 70 East, Suite 100
 Cherry Hill, NJ 08034
 (856) 429-5507

Oct. 26 and Nov. 2, 9

SALE NO. 16

Ex. #14183 of 2011
Wilmington Savings Fund Society, FSB D/B/A Christiana Trust Not in its Individual Capacity but Solely as Trustee for Winsted Funding Finance Trust 2015-1, Plaintiff

v.

Vincent L. Proctor A/K/A Vincent L. Proctor, II and Melinda D. Proctor, Defendants

DESCRIPTION

By virtue of a Writ of Execution filed to No. 14183-11, Wilmington Savings Fund Society, FSB D/B/A Christiana Trust Not in its Individual Capacity but Solely as Trustee for Winsted Funding Finance Trust 2015-1 v. Vincent L. Proctor A/K/A Vincent L. Proctor, II and Melinda D. Proctor

Vincent L. Proctor A/K/A Vincent L. Proctor, II, owner of property situated in the City of Erie, Erie County, Pennsylvania being 933 West 31st Street, Erie, Pennsylvania 16508.

Tax I.D. No. 19 06.0 040.0 116.00
 Assessment: \$75,300.00

Improvements: Residential Dwelling
 McCabe, Weisberg & Conway, LLC 123 South Broad Street, Suite 1400 Philadelphia, PA 19109
 215-790-1010

Oct. 26 and Nov. 2, 9

SALE NO. 17

Ex. #13002 of 2017
PNC BANK, NATIONAL ASSOCIATION, successor in interest to NATIONAL CITY

BANK OF PENNSYLVANIA, Plaintiff

v.

JOHN P. MUROSKY, SUSAN ZEIBER, and THE UNITED STATES OF AMERICA, Defendants

DESCRIPTION

By virtue of a Writ of Execution filed to No. 13002-2017, PNC Bank, National Association, successor in interest to National City Bank of Pennsylvania, Plaintiff vs. John P. Murosky, Susan Zeiber, and The United States of America, Defendants, owner(s) of property situated in the Township of Lawrence Park, Erie County, Pennsylvania being 2300 Lakeside Drive, Erie, PA 16511
 60 x 160.7; 2610 SF; 0.2886 acres
 Assessment Map number: 29001001004103

Assessed Value figure: \$289,400.00
 Improvement thereon: 1 story dwelling

Justin M. Tuskan, Esquire
 Metz Lewis Brodman Must O'Keefe LLC

535 Smithfield Street, Suite 800
 Pittsburgh, PA 15222
 412.918.1100

Oct. 26 and Nov. 2, 9

SALE NO. 18

Ex. #11105 of 2018
U.S. Bank National Association, as indenture trustee, for the CIM Trust 2016-1, Mortgage-Backed Notes, Series 2016-1, Plaintiff

v.

Anita E. Bayle and Timothy R. Bayle, Defendants

DESCRIPTION

By virtue of a Writ of Execution filed to No. 2018-11105, U.S. Bank National Association, as indenture trustee, for the CIM Trust 2016-1, Mortgage-Backed Notes, Series 2016-1 vs. Anita E. Bayle and Timothy R. Bayle, owners of property situated in Amity Township, Erie County, Pennsylvania being 8163 Welch Road, Union City, PA 16438

1659 Square Feet / 6,4200 Acres
 Assessment Map number: 02007016100300

Assessed Value figure: \$77,470.00

Improvement thereon: Residential Dwelling
 Roger Fay, Esquire
 1 E. Stow Road
 Marlton, NJ 08053
 (856) 482-1400

Oct. 26 and Nov. 2, 9

SALE NO. 19

Ex. #13394 of 2017
U.S. Bank National Association, as trustee for the holders of the First Franklin Mortgage Loan Trust 2006-FF10 Mortgage Pass-Through Certificates, Series 2006-FF10, Plaintiff

v.

Debra L. Murphy, Defendant
DESCRIPTION

By virtue of a Writ of Execution filed to No. 2017-13394, U.S. Bank National Association, as trustee for the holders of the First Franklin Mortgage Loan Trust 2006-FF10 Mortgage Pass-Through Certificates, Series 2006-FF10 vs. Debra L. Murphy, owners of property situated in Millcreek Township, Erie County, Pennsylvania being 1620 Clifford Drive, Erie, PA 16506
 1,020 Square Feet, 0.4821 Acres
 Assessment Map number: 33023127001600
 Assessed Value figure: \$95,800.00
 Improvement thereon: Residential Dwelling

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

Oct. 26 and Nov. 2, 9

SALE NO. 20

Ex. #10233 of 2018
Nationstar Mortgage LLC d/b/a Mr. Cooper, Plaintiff

v.

Justin Pfadt, known heir of Thomas Pfadt a/k/a Thomas J. Pfadt, Deceased and Unknown heirs, successors, assigns and all persons, firms, or associations claiming right, title or interest from or under Thomas J. Pfadt, Deceased, Defendant
DESCRIPTION

By virtue of a Writ of Execution filed to No. 2018-10233, Nationstar

Mortgage LLC d/b/a Mr. Cooper vs. Justin Pfadt, known heir of Thomas Pfadt a/k/a Thomas J. Pfadt, Deceased and Unknown heirs, successors, assigns and all persons, firms, or associations claiming right, title or interest from or under Thomas J. Pfadt, Deceased, owners of property situated in Millcreek Township, Erie County, Pennsylvania being 4821 Summer Street, Erie, PA 16509
 840 Square Feet, 0.2313 Acres
 Assessment Map number: 33098421001400
 Assessed Value figure: \$92,650.00
 Improvement thereon: Residential Dwelling
 Roger Fay, Esquire
 1 E. Stow Road
 Marlton, NJ 08053
 (856) 482-1400

Oct. 26 and Nov. 2, 9

SALE NO. 22

Ex. #10714 of 2013

**Bank of America, N.A., as
 Successor by Merger to BAC
 Home Loans Servicing, LP
 f/k/a Countrywide Home Loans
 Servicing, LP, Plaintiff**

v.

Jason R. Lloyd, Defendant(s)

DESCRIPTION

By virtue of a Writ of Execution filed to No. 10714-13, Bank of America, N.A., as Successor by Merger to BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans Servicing, LP vs. Jason R. Lloyd Amount Due: \$136,514.03
 Jason R. Lloyd, owner(s) of property situated in WATERFORD BOROUGH, Erie County, Pennsylvania being 509 Cherry Street, Waterford, PA 16441-7815
 Dimensions: 77.5 X 82.5
 Acreage: 0.1486
 Assessment Map number: 46006016001500
 Assessed Value: \$97,440.00
 Improvement thereon: residential Phelan Hallinan Diamond & Jones, LLP One Penn Center at Suburban Station, Suite 1400
 1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814
 (215) 563-7000

Oct. 26 and Nov. 2, 9

SALE NO. 23

Ex. #11227 of 2018

**Nationstar Mortgage LLC d/b/a
 Champion Mortgage Company,
 Plaintiff**

v.

**Michael Vargo, in His Capacity
 as Heir of Robert J. Vargo,
 Deceased, Brenda Klett, in Her
 Capacity as Heir of Robert J.
 Vargo, Deceased, Andrew Vargo
 a/k/a Andrew Anthony Vargo, in
 His Capacity as Heir of Robert
 J. Vargo, Deceased, Matthew
 Vargo, in His Capacity as Heir of
 Robert J. Vargo, Deceased, John
 Vargo, in His Capacity as Heir
 of Robert J. Vargo, Deceased,
 Unknown Heirs, Successors,
 Assigns, and All Persons, Firms,
 or Associations Claiming Right,
 Title or Interest From or Under
 Robert J. Vargo, Deceased,
 Defendant(s)**

DESCRIPTION

By virtue of a Writ of Execution filed to No. 2018-11227, Nationstar Mortgage LLC d/b/a Champion Mortgage Company vs. Michael Vargo, in His Capacity as Heir of Robert J. Vargo, Deceased, Brenda Klett, in Her Capacity as Heir of Robert J. Vargo, Deceased, Andrew Vargo a/k/a Andrew Anthony Vargo, in His Capacity as Heir of Robert J. Vargo, Deceased, Matthew Vargo, in His Capacity as Heir of Robert J. Vargo, Deceased, John Vargo, in His Capacity as Heir of Robert J. Vargo, Deceased, Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Robert J. Vargo, Deceased, The United States of America C/O The United States Attorney for The Western District of PA
 Amount Due: \$65,197.85
 Michael Vargo, in His Capacity as Heir of Robert J. Vargo, Deceased, Brenda Klett, in Her Capacity as Heir of Robert J. Vargo, Deceased, Andrew Vargo a/k/a Andrew Anthony Vargo, in His Capacity as Heir of Robert J. Vargo, Deceased, Matthew Vargo, in His Capacity as Heir of Robert J. Vargo, Deceased, John Vargo, in His Capacity as

Heir of Robert J. Vargo, Deceased, Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Robert J. Vargo, Deceased, The United States of America C/O The United States Attorney for The Western District of PA, owner(s) of property situated in HARBORCREEK TOWNSHIP, Erie County, Pennsylvania being 2610 Parker Avenue, Erie, PA 16510-2038
 Dimensions: 60 X 125
 Assessment Map number: 27-052-161.0-002.00
 Assessed Value: \$84,700.00
 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

Oct. 26 and Nov. 2, 9

SALE NO. 25

Ex. #11178 of 2017

**PENNYMAC LOAN SERVICES,
 LLC, Plaintiff**

v.

**TERRY L. BARRETT, JR.,
 ERICA L. KOVACH, Defendants
DESCRIPTION**

ALL THAT CERTAIN PIECE OF PARCEL OF LAND SITUATE IN THE CITY OF ERIE, COUNTY OF ERIE AND COMMONWEALTH OF PENNSYLVANIA.
 BEING KNOWN AS: 1642 E 42ND STREET, ERIE, PA 16510
 PARCEL # (18) 5252-203
 Improvements: Residential Dwelling.
 POWERS KIRN & ASSOCIATES, LLC
 Amanda L. Rauer, Esquire
 Id. No. 307028
 Attorneys for Plaintiff
 Eight Neshaminy Interplex
 Suite 215
 Trevoise, PA 19053
 (215) 942-2090

Oct. 26 and Nov. 2, 9

SALE NO. 26

Ex. #10184 of 2016

**PENNYMAC LOAN SERVICES,
 LLC, Plaintiff**

v.

MATHEW P. TURNER,
Defendant
DESCRIPTION

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN THE CITY OF ERIE, COUNTY OF ERIE AND COMMONWEALTH OF PENNSYLVANIA. BEING KNOWN AS: 1561 W 40TH STREET, ERIE, PA 16509 PARCEL # 190-610-680-21200 Improvements: Residential Dwelling. POWERS KIRN & ASSOCIATES, LLC Amanda L. Rauer, Esquire Id. No. 307028 Attorneys for Plaintiff Eight Neshaminy Interplex Suite 215 Trevoese, PA 19053 (215) 942-2090

Oct. 26 and Nov. 2, 9

SALE NO. 27

Ex. #10200 of 2018
Carrington Mortgage Services, LLC, Plaintiff
v.
Jeffrey S. Maloney and Catherine E. Walsh, Defendants

DESCRIPTION

By virtue of a Writ of Execution filed to No. 2018-10200, Carrington Mortgage Services, LLC vs. Jeffrey S. Maloney and Catherine E. Walsh, owner(s) of property situated in Borough of Edinboro, Erie County, Pennsylvania being 102 Gibson Lane, Edinboro, PA 16412 0.3567 Assessment Map number: (11) 14-48-21 Assessed Value figure: \$79,260.00 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

Oct. 26 and Nov. 2, 9

SALE NO. 28

Ex. #11831 of 2018
Nationstar Mortgage LLC d/b/a Mr. Cooper, Plaintiff
v.
Raymond S. Zapolski and Susan

M. Zapolski, Defendants
DESCRIPTION

By virtue of a Writ of Execution filed to No. 2018-11831, Nationstar Mortgage LLC d/b/a Mr. Cooper vs. Raymond S. Zapolski and Susan M. Zapolski, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 1215 West 24th Street, Erie, PA 16502 0.0826 Assessment Map number: 19062002020400 Assessed Value figure: \$60,800.00 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

Oct. 26 and Nov. 2, 9

SALE NO. 29

Ex. #11682 of 2018
Velocity Commercial Capital, LLC, Plaintiff
v.
Beach Investors, LLC, by Sally C. Barbour, Managing Member, Defendant

DESCRIPTION

By virtue of Writ of Execution No. 11682-2018, Velocity Commercial Capital, LLC v. Beach Investors, LLC, by Sally C. Barbour, Managing Member, 208 Freeport Road, Township of North East, PA 16428, Tax Parcel No. (37) 6-6-35. Improvements thereon consisting of a Residential Dwelling, sold to satisfy judgment in the amount of \$166,728.23. Edward J. McKee, Esquire Stern & Eisenberg, PC 1581 Main Street, Suite 200 The Shops at Valley Square Warrington, PA 18976 (215) 572-8111

Oct. 26 and Nov. 2, 9

SALE NO. 30

Ex. #10336 of 2018
PNC BANK, NATIONAL ASSOCIATION, Plaintiff
v.
DANIEL E. MITCHELL AND ANNE B. MITCHELL,

Defendants
DESCRIPTION

By virtue of a Writ of Execution filed to No. 10336-2018, PNC BANK, NATIONAL ASSOCIATION vs. DANIEL E. MITCHELL AND ANNE B. MITCHELL, owner(s) of property situated in TOWNSHIP OF MILLCREEK, Erie County, Pennsylvania being 5856 Forest Crossing, Erie, PA 16506 0.2663 acre Assessment Map number: 33174565112800 Assessed Value figure: \$320,460.00 Improvement thereon: single family dwelling Michael C. Mazack, Esquire Kevin J. Cummings, Esquire Tucker Arensberg, P.C. 1500 One PPG Place Pittsburgh, PA 15222 (412) 566-1212

Oct. 26 and Nov. 2, 9

SALE NO. 31

Ex. #12884 of 2017
Pennsylvania Housing Finance Agency, Plaintiff
v.
David Miller, Steven Miller and All Other Heirs of Janet Miller, Deceased, Known or Unknown, Defendants

DESCRIPTION

By virtue of a Writ of Execution filed to No. 12884-17, Pennsylvania Housing Finance Agency vs. David Miller, Steven Miller and All Other Heirs of Janet Miller, Deceased, Known or Unknown, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being. Dimensions: Square feet - 1,714 Acreage - .0930 Assessment Map Number: 19-060-010.0-122.00 Assessed Value figure: 77,950.00 Improvement thereon: Single Family Dwelling Lois M. Vitti, Esquire Attorney for Plaintiff 333 Allegheny Avenue, Suite 303 Oakmont, PA 15139 (412) 281-1725

Oct. 26 and Nov. 2, 9

SALE NO. 32

Ex. #10403 of 2018

**Pennsylvania Housing Finance
Agency, Plaintiff**

v.

**Robert J. Trojanowski and
Bridget C. Trojanowski,
Defendants**

DESCRIPTION

By virtue of a Writ of Execution filed to No. 10403-18, Pennsylvania Housing Finance Agency vs. Robert J. Trojanowski and Bridget C. Trojanowski, owners of property situated in Township of Greene, Erie County, Pennsylvania being:

Dimensions: Square feet - 1344
Acreage - 1.1479

Assessment Map Number: 25-010-029.0-055.00 and 25-010-029.0-056.01

Assess Value figure: \$108,900.00
Improvement thereon: Single Family Dwelling

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

Oct. 26 and Nov. 2, 9

LOOKING FOR ESTATE NOTICES

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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**BATTAGLIA, CHARLES FRANKLIN, deceased**

Late of Harborcreek Township, City of Erie
Administratrix: Sandra Battaglia
Attorney: John F. Mizner, 311 West Sixth Street, Erie, PA 16507

BERZONSKI, HELEN V., deceased

Late of Millcreek Township, City of Erie
Executrix: Helen A. Behrendsen
Attorney: John F. Mizner, 311 West Sixth Street, Erie, PA 16507

BRISSEY, GEORGE EDWARD, a/k/a GEORGE E. BRISSEY, deceased

Late of Harborcreek Township, Erie County, Pennsylvania
Co-Executors: Debra DeSantis and Brian Brissey, 1074 Hobbs Lane, Waterford, PA 16441
Attorney: James P. Shields, Esq., Elder Law Offices of Shields & Boris, 109 VIP Drive, Suite 102, Wexford, PA 15090

HILLS, HAROLD N., deceased

Late of City of Edinboro, Erie County, PA
Executor: Steven Hills, 13638 Shartle Ave., Meadville, PA 16335
Attorney: Brian T. Cagle, Esq., Pepicelli, Youngs and Youngs PC, 363 Chestnut Street, Meadville, PA 16335

JANKOWSKI, THEODORE J., a/k/a THEODORE JANKOWSKI, a/k/a TED JANKOWSKI, deceased

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executrix: Dolores Madura, c/o 504 State Street, 3rd Floor, Erie, PA 16501
Attorney: Michael J. Nies, Esquire, 504 State Street, 3rd Floor, Erie, PA 16501

LOPEZ, PETRINA V., deceased

Late of the City of Erie, County of Erie and State of Pennsylvania
Executrix: Frances M. Pustelak, c/o Denis W. Krill, P.C., 309 French Street, Erie, Pennsylvania 16507-1542
Attorney: Denis W. Krill, Esquire, Denis W. Krill, P.C., 309 French Street, Erie, Pennsylvania 16507-1542

REED, JEAN D., deceased

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Executrix: Joy R. McGaughran, c/o William J. Schaaf, Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorney: William J. Schaaf, Esq., MARSH, SPAEDER, BAUR, SPAEDER & SCHAAF, LLP., Suite 300, 300 State Street, Erie, PA 16507

SALUSKY, TIMOTHY A., a/k/a TIMOTHY ALAN SALUSKY, deceased

Late of Waterford Township, County of Erie and Commonwealth of Pennsylvania
Administratrix: Mary Ann Olson, c/o William J. Schaaf, Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorney: William J. Schaaf, Esq., MARSH, SPAEDER, BAUR, SPAEDER & SCHAAF, LLP., Suite 300, 300 State Street, Erie, PA 16507

SCHAAL, WILLIAM A., SR., deceased

Late of Millcreek Township, Erie County, Commonwealth of Pennsylvania
Co-Executors: Edwin L. R. McKean and Thomas A. Tupitza, 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

SCHWAB, RAYMOND F., JR., deceased

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

SPANGENTHAL, ELLA, deceased

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Executrix: Debra S. Hurwitz, 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

STAFFORD, DANIEL R., a/k/a DANIEL ROBERT STAFFORD, deceased

Late of North East Township, Erie County, North East, PA
Executrix: Jeanne A. Stafford, 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

SECOND PUBLICATION

**BRIDGER, MARY ANN,
deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania
Executor: William A. Bridger, 3223 West 25th Street, Erie, Pennsylvania 16506
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**COUGHLIN, DANIEL T., SR.,
a/k/a DANIEL T. COUGHLIN,
a/k/a DANIEL COUGHLIN, a/k/a
DANIEL THOMAS COUGHLIN,
deceased**

Late of the Township of Millcreek, Commonwealth of Pennsylvania
Executor: Margaret Huggins, c/o Vendetti & Vendetti, 3820 Liberty Street, Erie, Pennsylvania 16509
Attorney: James J. Bruno, Esquire, Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

**DOBRUK, DARLENE SYLVIA,
deceased**

Late of the Township of Greene, Erie County, Pennsylvania
Administratrix: Christine Dobruk, c/o Nathaniel K. Conti, Esq., 234 West 6th Street, Erie, PA 16507
Attorney: Nathaniel K. Conti, Esq., Bernard Stuczynski Barnett & Lager, PLLC, 234 West 6th Street, Erie, PA 16507

**HASENHUETTL, HELEN M.,
deceased**

Late of the Township of Fairview, County of Erie, and Commonwealth of Pennsylvania
Executor: Helen M. Velez, c/o 300 State Street, Suite 300, Erie, PA 16507
Attorney: Thomas V. Myers, Esquire, Marsh Spaeder Baur Spaeder & Schaaf, LLP, 300 State Street, Suite 300, Erie, PA 16507

**LIGHT, ROBERT W.,
deceased**

Late of the Township of Greene, Erie County, Pennsylvania
Executrix: Judy Light, c/o Nathaniel K. Conti, Esq., 234 West 6th Street, Erie, PA 16507
Attorney: Nathaniel K. Conti, Esq., Bernard Stuczynski Barnett & Lager, PLLC, 234 West 6th Street, Erie, PA 16507

**MANKOWSKI, CHARLOTTE T.,
deceased**

Late of Erie County, Erie, PA
Executor: David R. Mankowski, 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

**PESKORSKI, FRANCIS
EUGENE, a/k/a FRANCIS E.
PESKORSKI,
deceased**

Late of the City of Erie, County of Erie, State of Pennsylvania
Executor: Scott A. Peskorski, 3355 Bridgeport Drive, North Olmsted, OH 44070
Attorney: James R. Steadman, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**SALVIA, ANNA C.,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executrix: Lucia T. Salvia, 5060 Wolf Run Drive, Erie, PA 16505
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**SUROVIEC, EDWARD J.,
deceased**

Late of Waterford Borough, Erie County, Pennsylvania
Executrix: Sandra J. Turi, 209 Youkers Road, Butler, PA 16001
Attorney: James F. Nowalk, Esquire, The Manor, Suite 203, 4701 Baptist Road, Pittsburgh, PA 15227

**WHITING, THOMAS A., a/k/a
THOMAS ALLEN WHITING,
deceased**

Late of Summit Township, County of Erie and Commonwealth of Pennsylvania
Executrix: Beverly A. Whiting, c/o Eugene C. Sundberg Jr., Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorney: Eugene C. Sundberg Jr., Esq., MARSH, SPAEDER, BAUR, SPAEDER & SCHAAF, LLP, Suite 300, 300 State Street, Erie, PA 16507

**WISINSKI, HELEN R., a/k/a
HELEN ROSE WISINSKI,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executor: Joseph Wisinski, 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

THIRD PUBLICATION

**ANDRASY, KATHRYN ANN,
a/k/a KATHRYN A. ANDRASY,
deceased**

Late of the Township of Girard, County of Erie, State of Pennsylvania
Executor: Norman D. Andrasy, 7679 Meadville Road, Girard, PA 16417
Attorney: James R. Steadman, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

BINALI, ELDAR, a/k/a ELDAR S. BINALI, a/k/a ELDAR BINALI UGLY, a/k/a ELDAR S. BINALI UGLY,
deceased

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Administratrix: Yulduz Bashatova, 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

EMBLER, BEVERLY A.,
deceased

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Administrator C.T.A.: Douglas B. Embler, 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

GINGRICH, ROBERT L.,
deceased

Late of Millcreek Township, Erie County, Commonwealth of Pennsylvania
Executrix: Barbara E. Moore, c/o Jerome C. Wegley, Esq., 120 West Tenth Street, Erie, PA 16501
Attorney: Jerome C. Wegley, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

HILL, GARY R.,
deceased

Late of Township of Millcreek
Executrix: Beverly A. Jenks, 4450 Carlton Dr., Fairview, PA 16415
Attorney: Michael A. Fetzner, Esquire, Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

KONNERTH, OSCAR F.,
deceased

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Co-Executors: Stephen M. Konnerth and Kathleen A. Dunlap, 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

KOPPELMAN, JOAN V.,
deceased

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executor: Richard S. Koppelman, c/o John J. Shimek, III, Esquire, Sterrett Mott Breski & Shimek, 345 West 6th Street, Erie, PA 16507
Attorney: John J. Shimek, III, Esquire, Sterrett Mott Breski & Shimek, 345 West 6th Street, Erie, PA 16507

ROGOWSKI, MOLLY I.,
deceased

Late of 6351 West Lake Road, Fairview, PA 16505
Personal Representative: Eugene Dobrzynski, 5507 River Run Drive, Fairview, PA 16415
Attorney: Al Lubiejewski, Esquire, 402 West 6th Street, Erie, Pennsylvania 16507

CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

LEIGH ANN ORTON.....814-347-5724
Orton & Orton
68 E. Main St.
North East, PA 16428.....*lorton@ortonandorton.com*

G. CHRISTOPHER ORTON.....814-347-5724
Orton & Orton
68 E. Main St.
North East, PA 16428..... *corton@ortonandorton.com*

STEPHEN E. SEBALD.....814-833-1987
Sebald & Hackwelder(f) 814-616-4095
2503 West 26th Street
Erie, PA 16506*lgm@sebaldhackwelder.com*

ERIC V. HACKWELDER.....814-833-1987
Sebald & Hackwelder(f) 814-616-4095
2503 West 26th Street
Erie, PA 16506 *evh@sebaldhackwelder.com*

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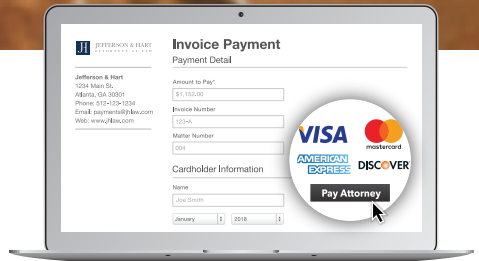
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