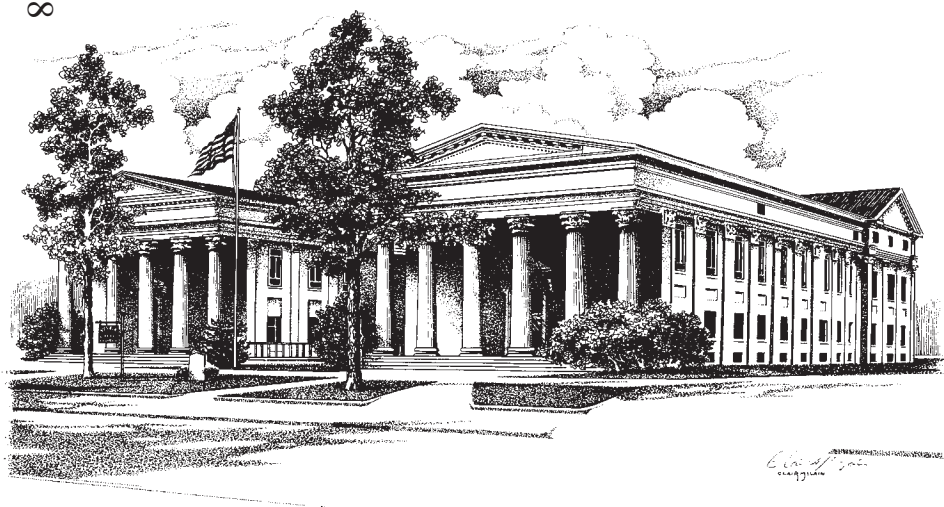


Erie County Legal Journal

November 23, 2018

Vol. 101 No. 47



101 ERIE 215 - 218
Commonwealth v. C.K.

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

TUESDAY, NOVEMBER 27, 2018

ECBA Live Seminar

Bridge the Gap

ECBA Headquarters

11:00 a.m. - 5:00 p.m.

For those required to attend

4 hours ethics

WEDNESDAY, NOVEMBER 28, 2018

ECBA Live Seminar

Roundtable Discussion with Orphan's Court Judges

Kelly and Walsh

The Will J. Schaaf & Mary B. Schaaf Education Center

Cocktails - 4:00 p.m. - 4:30 p.m.

Seminar - 4:30 p.m. - 5:30 p.m.

\$47 (ECBA members), \$60 (non-members)

1 hour substantive

THURSDAY, NOVEMBER 29, 2018

Defense Bar Only Meeting

ECBA Headquarters

Noon

WEDNESDAY, DECEMBER 5, 2018

Film Grain Series: Dinner & A Movie

at the Bourbon Barrel

Sponsored by the ECBA's Women's Division

5:00 p.m.

THURSDAY, DECEMBER 6, 2018

ECBA Annual Membership Meeting & CLE

Lake Shore Country Club

Registration - 2:30 p.m.

Financial Statements 101 for Attorneys and Judges

2:45 p.m. - 3:45 p.m.

\$47 (ECBA members), \$60 (non-members)

1 hour substantive

Transfer break - 3:45 p.m. - 4:00 p.m.

Avoiding Malpractice

4:00 p.m. - 5:00 p.m.

\$47 (ECBA members), \$60 (non-members)

1 hour ethics

followed by

Social "Hour" - 5:00 p.m. - 5:30 p.m.

Business Meeting - 5:30 p.m. - 6:30 p.m.

Cocktail Party - 6:30 - 7:30 p.m.

TUESDAY, DECEMBER 11, 2018

*Basic Workers' Compensation Practice from
Claim Petition to Decision and An Overview of
Act 111, the Resuscitation of Impairment Ratings*
The Will J. & Mary B. Schaaf Education Center
12:15 p.m. - 1:15 p.m.

(11:45 p.m. registration/lunch)

\$47 (ECBA members/their non-attorney staff)

\$60 (non-members)

1 hour substantive CLE/CJE credit

TUESDAY, DECEMBER 11, 2018

Annual Senior Lawyers Division Holiday Lunch

Noon

The Erie Club



Erie County Bar
Association



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

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2019 TRIAL/MOTION COURT SCHEDULE

| Month (Trial Term) | Criminal Trial | Civil Trial | Trial Division Motion Court 9:00 a.m. | License Suspension | Family Division Motion Court 9:00 a.m. | Final PFA's 9:30 a.m. |
|---|-------------------------------|------------------------|--|-------------------------------|--|--|
| January 7 th – 18 th | Brabender Mead Walsh | Domitrovich | Brabender | Domitrovich | 2-11 Kelly 14-18 Domitrovich 22-25 Kelly 28-31 Trucilla | 3, 8, 10, 22, 24, 29, 31 Connelly 15, 17 Trucilla |
| February 4 th – 15 th | Brabender Mead | | Mead | Domitrovich | 1-8 Trucilla 11-15 Walsh 19-28 Connelly | 5, 7, 12, 14, 26, 28 Connelly 19 Walsh 21 Kelly |
| March 11 th – 22 nd | Trucilla Brabender Mead | Domitrovich | Brabender | Domitrovich | 1 Connelly 4-15 Domitrovich 18-22 Walsh 25-29 Trucilla | 5, 7, 12, 14, 19, 21, 26, 28 Connelly |
| April 8 th – 18 th | Brabender Mead | Domitrovich | Mead | Domitrovich | 1-12 Connelly 15-26 Domitrovich 29-30 Connelly | 2, 4, 9, 11, 30 Connelly 16, 18, 23, 25 Kelly |
| May 6 th – 17 th | Brabender Mead | Domitrovich | Brabender | Domitrovich | 1-3 Connelly 6-17 Walsh 20-31 Kelly | 2, 7, 9, 14, 16, 28, 30 Connelly 21, 23 Walsh |
| June 10 th – 21 st | Brabender Mead | | Mead | Domitrovich | 3-13 Connelly 17-21 Domitrovich 24-28 Trucilla | 4, 6, 11, 13, 18, 20, 25, 27 Connelly |
| July | | | Brabender | Domitrovich | 1-12 Domitrovich 15-26 Kelly 29-31 Connelly | 2, 9, 11, 16, 18, 30 Connelly 23, 25 Trucilla |
| August 12 th – 23 th | Brabender Mead | Domitrovich | Mead | Domitrovich | 1-9 Connelly 12-23 Trucilla 26-30 Domitrovich | 1, 6, 8, 13, 15 Connelly 20, 22 Kelly 27, 29 Trucilla |
| September 9 th – 20 th | Brabender Mead | Domitrovich | Brabender | Domitrovich | 3-6 Domitrovich 9-20 Walsh 23-30 Kelly | 3, 5, 10, 12, 17, 19, 24, 26 Connelly |
| October 7 th – 18 th | Trucilla Brabender Mead | Domitrovich | Mead | Domitrovich | 1-4 Kelly 7-18 Domitrovich 21-31 Kelly | 1, 3, 8, 10, 15, 17, 29, 31 Connelly 22 Walsh 24 Trucilla |
| November 4 th – 15 th | Brabender Mead | Domitrovich | Brabender | Domitrovich | 1 Kelly 4-15 Walsh 18-22 Trucilla 25-27 Connelly | 5, 7, 12, 14, 19, 21, 26 Connelly |
| December | | | Mead | Domitrovich | 2-13 Walsh 16-20 Trucilla 23-27 Kelly 30-31 Connelly | 3, 5, 10, 12, 17, 19, 31 Connelly 24 Kelly |

REVISED 11/8/18

Nov. 23

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Nov. 23



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COMMONWEALTH OF PENNSYLVANIA

v.
C.K.

CRIMINAL PROCEDURE / DECERTIFICATION TO JUVENILE COURT

Juvenile decertification from adult court to juvenile court must serve the public interest.
42 Pa.C.S.A. §6322(a).

CRIMINAL PROCEDURE / DECERTIFICATION / BURDEN OF PROOF

To transfer a case from the criminal division to the juvenile division, the child is required to establish by a preponderance of the evidence the transfer will serve the public interest.

CRIMINAL PROCEDURE / DECERTIFICATION / FACTORS

The factors for decertification at 42 Pa.C.S.A. §6355(a)(4):

- (a) Impact of offense on the victim/victims;
- (b) Impact of offense on community;
- (c) Threat to the safety of the public or any individual posed by the child;
- (d) Nature and circumstances of the offense;
- (e) Degree of child's culpability;
- (f) Adequacy and duration of dispositional alternatives available under the juvenile justice chapter and the adult criminal justice system; and
- (g) Whether the child is amenable to treatment, supervision or rehabilitation as a juvenile after consideration of additional factors.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
CRIMINAL DIVISION
NO. 1930 of 2018

Appearances: Erin Connelly, Esq., Office of the District Attorney
Maria Goellner, Esq., Office of the Public Defender, Juvenile Probation

MEMORANDUM OPINION

Brabender, J.

November 14, 2018

This matter is before the Court on a Motion to Decertify Defendant for Juvenile Disposition.

By Information filed on August 22, 2018, Defendant was charged as an adult with Criminal Conspiracy (to commit Robbery), Receiving Stolen Property and Theft By Unlawful Taking or Disposition.¹

The charges arose from an incident on June 14, 2018 wherein Defendant allegedly agreed with Marquel McCutchen and/or Tanner Greer to steal various items, including cellular phones, from the Verizon Wireless Store at 5093 Peach Street, Erie, Pennsylvania. According to the Affidavit of Probable Cause, Marquel McCutchen entered the Verizon store, followed by Defendant who carried a bag. McCutchen threatened a store employee with a handgun. Defendant placed in the bag miscellaneous store merchandise worth approximately \$12,000.00. McCutchen and Defendant left the area in a getaway vehicle operated by Greer.

¹ 18 Pa.C.S.A. §903(a)/18 Pa.C.S.A. §3701(a)(1)(ii), 18 Pa.C.S.A. §3925(a) and 18 Pa.C.S.A. §3921(a), respectively.

After a vehicle pursuit and foot chase shortly following the incident, Defendant and the other two individuals were arrested.

Defendant's date of birth is December 29, 2000; he was seventeen (17) years old when the offenses occurred; and he is from Cleveland, Ohio where he resided with his mother.

A hearing on the decertification motion was held on October 23, 2018. The Court considered testimony from Randolph A. Matuscak, MSW, AFSW, a social worker who conducted a forensic evaluation at Defendant's request. The expert transfer evaluation report of Mr. Matuscak was admitted in evidence as Defendant Exhibit "A." The Court also considered testimony from Defendant's maternal grandfather, M. K.

Matuscak opined Defendant is amenable to treatment through the juvenile justice system and transfer of Defendant's case to the juvenile justice system is in the Defendant's best interest and will best serve the public interest. In formulating his opinion, Matuscak reviewed records of Defendant including juvenile history records, academic and mental health records, and records concerning the instant charges and the preliminary hearing transcript. Matuscak also interviewed Defendant, Defendant's mother, and the Defendant's juvenile probation officer in Cuyahoga County and members of Defendant's extended family. Matuscak testified concerning the factors at 42 Pa.C.S.A. §6355(a)(4)(iii). M.K., the maternal grandfather, also believes Defendant is amenable to treatment. M.K. is a placement resource for Defendant in Arkansas. M.K. is actively employed and involved in a youth soccer program in Arkansas.

RELEVANT LEGAL PRINCIPLES AND ANALYSIS

Significantly, Defendant is charged with crimes that are delinquent acts and are not excluded from the definition of "delinquent act" pursuant to 42 Pa.C.S.A. §6302. Under the general rule at 42 Pa.C.S.A. §6322, if a juvenile is able to establish the public interest is served by treatment in the juvenile justice system, the trial court may "decertify" the case back to the juvenile justice system. *See 42 Pa.C.S.A. §§6322(a), 6355(e), (g).*

In evaluating whether to transfer such a case from the criminal division to the juvenile division, the child is "required to establish by a preponderance of the evidence that the transfer will serve the public interest." *42 Pa.C.S.A. §6322(a).*

The decertification court must determine there are reasonable grounds to believe the public interest is served by transfer of the case. In so doing, the Court must consider the factors at 42 Pa.C.S.A. §6355(a)(4)(iii). *42 Pa.C.S.A. §§6322(a), 6355(a)(4)(iii).* See also, *Commonwealth v. Ruffin*, 10 A.2d 336, 338 (Pa. Super. 2010).

This Court's analysis of the factors at §6355(a)(4) is summarized herein.

(A) The impact of the offense on the victim or victims – There is no indication Defendant's actions had an impact upon the store clerk aside from viewing Defendant in the store with a black bag. There is no indication Defendant verbally or physically threatened the store clerk, who fled the store after being threatened by McCutcheon and was not pursued by the Defendant.

(B) The impact of the offense on the community – The import of Matuscak's testimony is the incident had minimal impact upon the community aside from the reaction of the store clerk. Matuscak's review of the transcript from the preliminary hearing indicated that only one person, McCutcheon, had a weapon. No shots were fired. There was no indication of public or customer involvement in the brief episode. The individuals were apprehended without any

apparent threat to the public. The items removed from the store were recovered.

(C) **The threat to the safety of the public or any individual posed by the child** – As indicated above, the Defendant posed little threat to the safety of the public or any individual. There is no indication Defendant presented a direct threat to the store clerk or any third person. While the flight of Defendant and counterparts could have potentially created a risk of harm to third persons, no evidence was introduced that third persons were placed in harm's way during pursuit of Defendant, McCutcheon or Greer.

(D) **The nature and circumstances of the offense committed by the child** – This factor has been previously discussed.

(E) **The degree of the child's culpability** – Matuscak indicates Defendant has accepted responsibility for his actions. The offenses as described reflect Defendant was a follower, not an instigator or mastermind.

(F) **The adequacy and duration of dispositional alternatives available under this chapter and in the adult criminal justice system** – As described by Matuscak, more than three years remain for Defendant to receive appropriate remedial treatment which is available to him through the juvenile justice system upon decertification. Upon juvenile disposition the matter may be transferred to the Ohio juvenile justice system. Matuscak advises his interview with Defendant's former Ohio juvenile probation officer revealed there is a multitude of suitable and effective programs available to Defendant through the Ohio juvenile justice system. In contrast, in Pennsylvania there are limited options for youthful "adult" offenders in the criminal justice system.

(G) **whether the child is amenable to treatment, supervision or rehabilitation as a juvenile by considering the following factors:**

(I) **age** – Defendant's date of birth is December 29, 2000. He was seventeen (17) years old when the alleged offenses occurred.

(II) **mental capacity** – Defendant has mental limitations. Defendant does not have the intellectual capacity to benefit from adult rehabilitative concepts. Matuscak opined Defendant appeared to be below average intelligence based upon his interview with Defendant and review of Defendant's academic records.

(III) **maturity** – Matuscak noted Defendant is immature; Defendant needs to develop life and coping skills in order to satisfactorily function as an adult; and Defendant is behind academically. However, Matuscak opined Defendant's motivation and participation in programs at the Erie County Prison demonstrate an ability to positively respond in highly structured, small group and individualized settings which are more common in the juvenile justice system.

(IV) **the degree of criminal sophistication exhibited by the child** – Defendant's criminal behavior does not appear particularly "sophisticated."

(V) **previous records; if any** – The records reviewed by Matuscak are identified in detail in the expert report.

(VI) the nature and extent of any prior delinquent history, including the success or failure of any previous attempts by the juvenile court to rehabilitate the child – Juvenile records in Ohio reveal Defendant complied with the terms of his court supervision. The matter was closed in May of 2017.

(VII) whether the child can be rehabilitated prior to the expiration of the juvenile court jurisdiction – Matuscak is optimistic about the likelihood of Defendant's rehabilitation through the juvenile justice system over the next three years.

In view of relevant factors, the Court concludes the burden of proof has been met and there are reasonable grounds to believe the public interest is served by transfer of the case. The Court believes Defendant will be sufficiently rehabilitated and the public interest will best be served through Defendant's participation in the juvenile justice system.

CONCLUSION

The Defendant's Motion to Decertify must be granted. An appropriate Order will follow.

ORDER

AND NOW, to-wit, this 9th day of November, 2018, following a hearing on the Motion to Decertify Defendant for Juvenile Disposition, it is **ORDERED** the petition is **GRANTED**. The case shall be immediately transferred to the Juvenile Division of the Court of Common Pleas of Erie County for further disposition.

It is **FURTHER ORDERED** the juvenile shall be immediately transferred from the Erie County Prison to the Edmund L. Thomas Adolescent Center.

BY THE COURT

/s/ **Daniel J. Brabender, Jr., Judge**

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ARTICLES OF AMENDMENT

1. The name of the Authority is Erie Sewer Authority.
 2. The registered office of the Erie Sewer Authority is 120 West 10th Street, Erie, Pennsylvania 16501.
 3. The Erie Sewer Authority is located within Erie County.
 4. The Erie Sewer Authority intends to amend its Articles of Incorporation by extending its term of existence. Specifically, Paragraph 8 of the Articles of Incorporation are amended to read as follows: "The term of existence of the Erie Sewer Authority shall be extended from November 15, 2031 to October 15, 2068.
 5. This notice and the Amendment of the Articles of Incorporation is pursuant to the Municipal Authorities Act, 53 Pa.C.S.A. §8601 et seq.
 6. The Articles of Amendment will be filed with the Secretary of the Commonwealth on November 27, 2018 which is at least three days after the date of publication of this notice.
 Knox McLaughlin Gornall
 & Sennett, P.C.
 120 W. 10th Street
 Erie, PA 16501

Nov. 23

INCORPORATION NOTICE

HACKCAB, Inc. has been incorporated under the provisions of the Business Corporation Law of 1988, as amended.
 Richard E. Filippi, Esquire
 504 State Street, Suite 200
 Erie, Pa. 16501

Nov. 23

LEGAL NOTICE

IN THE COURT OF COMMON
 PLEAS OF ERIE COUNTY,
 PENNSYLVANIA
 CIVIL DIVISION
 NO.: 11837-18

IN RE: George Rovny

PETITION FOR

**INVOLUNTARY TRANSFER
 OF VEHICLE OWNERSHIP**

This is a Petition for Involuntary Transfer of Vehicle Ownership. Petitioner is seeking an involuntary transfer of eight (8) mobile home trailers identified as follows:

(a) A 1971 Mark IV Mobile Home, Manufacturer's Serial No.:

1260FK31211671 with Title No. Of A22208635;
 (b) An ABC Mobile Home, Manufacturer's Serial No. 10548 with Title No.: H00377993, original date of issue of April 7, 1970;
 (c) An Active Mobile Home, with a Title No. E00588484 and VIN of SM55722C01894 with a date of issue of March 11, 1975;
 (d) A 1967 Brookwood ABC with Title No. of B00650729 and VIN of FFBJZMC02911;
 (e) An Atlantic Mobile Home, Manufacturer's Serial No.: 0709643377 with Title No. A21241615 with a date of issue of December 23, 1969;
 (f) A Skyline Mobile Home what is believed to be a VIN of 541407612E;
 (g) A Richardson Mobile Home, Title No. E00580116 with a VIN of 150G20036, date of issue July 25, 1974; and
 (h) A Richardson Mobile Home, Manufacturer's Serial No.: 145AFKC8966 with Title No. A00689317
 You may or may not have an interest in the property.
 A Rule to Show Cause is hereby issued upon any parties in interest to the mobile homes to appear at a hearing scheduled for December 5, 2018 at 11:00 a.m. in Courtroom 222-G at the Erie County Courthouse, 140 West 6th Street, Erie, Pa 16501 in front of the Honorable Judge Stephanie Domitrovich.
NOTICE
 If you wish to defend, you must enter a written appearance personally or by attorney and filed your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you.
 YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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

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Richard E. Filippi, Esquire
 PA. I.D. No.: 66525
 RICHARD E. FILIPPI
 & ASSOCIATES, P.C.
 504 State Street, Suite 200
 Erie, Pa. 16501
 (814) 874-0558
 Attorney for Petitioner.

Nov. 23

LEGAL NOTICE

CIVIL ACTION
 COURT OF COMMON PLEAS
 ERIE COUNTY, PA
 CIVIL ACTION-LAW
 NO. 11872-18

NOTICE OF ACTION IN
 MORTGAGE FORECLOSURE
 NATIONSTAR MORTGAGE LLC
 D/B/A CHAMPION MORTGAGE
 COMPANY, Plaintiff
 v.

UNKNOWN HEIRS,
 SUCCESSORS, ASSIGNS AND
 ALL PERSONS, FIRMS OR
 ASSOCIATIONS CLAIMING
 RIGHT, TITLE OR INTEREST
 FROM OR UNDER BETH
 ANN BASSING, DECEASED;
 THERESA BASSING, IN HER
 CAPACITY AS HEIR OF BETH
 ANN BASSING, DECEASED,
 Defendants

To: UNKNOWN HEIRS,
 SUCCESSORS, ASSIGNS AND
 ALL PERSONS, FIRMS OR
 ASSOCIATIONS CLAIMING
 RIGHT, TITLE OR INTEREST
 FROM OR UNDER BETH
 ANN BASSING, DECEASED,
 Defendant(s), 2514 EAST 42ND
 STREET, ERIE, PA 16510

COMPLAINT IN
 MORTGAGE FORECLOSURE
 You are hereby notified that Plaintiff,
 NATIONSTAR MORTGAGE LLC

D/B/A CHAMPION MORTGAGE COMPANY, has filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of ERIE County, PA docketed to No. 11872-18, seeking to foreclose the mortgage secured on your property located, 2514 EAST 42ND STREET, ERIE, PA 16510.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in this notice you must take action within twenty (20) days after the Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you, and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

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

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RAS CITRON, LLC
ATTORNEYS FOR PLAINTIFF
Zayln Bajor, Esq. ID No. 320459
133 Gaither Drive, Suite F
Mt. Laurel, NJ 08054
855-225-6906

Nov. 23

LEGAL NOTICE
IN THE UNITED STATES
DISTRICT COURT
FOR THE WESTERN DISTRICT
OF PENNSYLVANIA
CIVIL ACTION NO. 1:17-cv-00294
UNITED STATES OF AMERICA,
Plaintiff

vs.
MICHAEL E. WEBER and
CATHERINE J. WEBER,
Defendants

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 Volume 1176, Page 368.

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 December 12, 2018.

ALL that certain tract of land, together with the buildings, and improvements erected thereon described as Tax Parcel No. (28) 5-6.3-15 recorder in Erie County, Pennsylvania, commonly known as: 10314 Rose Street, Lake City, PA 16423. IDENTIFIED as Tax/Parcel No.: (28) 5-6.3-15 in the Deed Registry Office of Erie County, Pennsylvania. HAVING erected a dwelling thereon known as 10314 ROSE STREET, LAKE CITY, PA 16423. BEING the same premises conveyed to Michael E. Weber and Catherine J. Weber, dated September 22, 2004, and recorded on September 24, 2004 in the office of the Recorder of Deeds in and for Erie County, Pennsylvania. Seized and taken in execution as the property of Michael E. Weber and Catherine J. Weber 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. 1:17-cv-00294.

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.

Nov. 9, 16, 23, 30

LEGAL NOTICE
IN THE UNITED STATES
DISTRICT COURT
FOR THE WESTERN DISTRICT
OF PENNSYLVANIA
CIVIL ACTION NO.
1:17-CV-00049-AJS
UNITED STATES OF AMERICA,
Plaintiff

vs.
WILSON & SON FARMS, A
PENNSYLVANIA PARTNERSHIP,
BRADLEY W. WILSON, LORI J.
WILSON (KARNS), GUY LEROY
AND JAMES WINSCHERL,
Defendants

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 Volume 601, Page 2133, and Volume 1522, Page 591.

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 December 12, 2018.

ALL that certain tract of land, together with the buildings, and improvements erected thereon described as Tax Parcel Nos. (49)-017-043.0-001.00, (49)-017-043.0-004.00 and (49)-020-044.0-21.00 recorded in Erie County, Pennsylvania, commonly known as: 12135 Turnpike Road, Corry, PA 16407, 18345 King Road, Corry, PA 16407 and 18358 King Road, Corry, PA 16407. IDENTIFIED as Tax/ Parcel Nos.: (49)-017-043.0-001.00, (49)-017-043.0-004.00 and (49)-020-044.0-21.00 in the Deed Registry Office of Erie County, Pennsylvania. HAVING erected a dwelling thereon known as 12135 TURNPIKE ROAD, CORRY, PA 16407, 18345 KING ROAD, CORRY, PA 16407 and 18358 KING ROAD, CORRY, PA 16407.

BEING part of the same land conveyed to Bradley W. Wilson by deed dated September 8, 1998 and recorded in Erie County Deed Book 601, Page 2133, on November 24, 1998, currently known as 12135 Turnpike Road, Corry, PA and bearing Parcel No. (49)-017-043.0-001.00.

AND being part of the same land conveyed to Wilson and Son Farms, A Partnership, consisting of Bernard W. Wilson and Bradley W. Wilson by deed of Bernard W. Wilson and Norma L. Wilson, his wife, dated January 17, 1984 and recorded in Erie County Deed Book 1522, Page 591, on January 18, 1984, currently known as 18345 King Road, Corry, PA and 18358 King Road, Corry, PA and bearing Parcel Nos. (49)-017-043.0-004.00 and (49)-020-044.0-21.00.

Seized and taken in execution as the property of Wilson & Son Farms, A Pennsylvania Partnership, Bradley W. Wilson, Lori J. Wilson (Karns), Guy Leroy and James Winschel 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. 1:17-cv-00049.

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.

Nov. 9, 16, 23, 30

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

Clerk of Records

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

Court of Common Pleas of Erie County, Pennsylvania

The following Executors, Administrators, Guardians and Trustees have filed their Accounts in the Office of the Clerk of Records, Register of Wills and Orphans' Court Division and the same will be presented to the Orphans' Court of Erie County at the Court House, City of Erie, on **Wednesday, November 7, 2018** and confirmed Nisi.

December 19, 2018 is the last day on which Objections may be filed to any of these accounts.

Accounts in proper form and to which no Objections are filed will be audited and confirmed absolutely. A time will be fixed for auditing and taking of testimony where necessary in all other accounts.

2018 ESTATE

ACCOUNTANT

ATTORNEY

382. Patricia L. Regensburger David R. Devine, Executor David R. Devine, Esq.

383. Rita R. Boldizar Richard Boldizar, Administrator Melissa L. Larese, Esq.

KENNETH J. GAMBLE

Clerk of Records

Register of Wills &

Orphans' Court Division

Nov. 16, 23

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**EASTMAN, FAITH M., a/k/a FAITH E. EASTMAN, deceased**

Late of the City of Corry, Erie County, Pennsylvania
Executrix: Lisa D. Eastman, 820 E. South Street, Corry, PA 16407
Attorney: William E. Barney, Esquire, 200 N. Center St., Corry, PA 16407

FLOOD, LOGAN P., a/k/a LOGAN FLOOD, deceased

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

HARTMAN, RONALD B., a/k/a RONALD HARTMAN, a/k/a RONALD BRADLEY HARTMAN, deceased

Late of the City of Erie, Erie County, Commonwealth of Pennsylvania
Administratrix: Karen S. Brinton, 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

KARPINSKI, LOUISE P., deceased

Late of the Borough of Edinboro, County of Erie and Commonwealth of Pennsylvania
Executrix: Linda A. Hedges, c/o 2222 West Grandview Blvd., Erie, PA 16506
Attorney: Thomas E. Kuhn, Esquire, QUINN, BUSECK, LEEMHUIS, TOOHEY & KROTO, INC., 2222 West Grandview Blvd., Erie, PA 16506

MOIR, ROBERT G., deceased

Late of the Township of Millcreek, County of Erie, and Commonwealth of Pennsylvania
Administrator: Jon Moir, 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

REICHARD, RITA A., a/k/a RITA AUCKER REICHARD, a/k/a RITA REICHARD, deceased

Late of the City of Erie
Executrix: Laura Wickline
Attorney: Michael G. Nelson, Esquire, Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, 300 State Street, Suite 300, Erie, Pennsylvania 16507

SCHERRER, JOHN C., deceased

Late of the City of Erie, County of Erie, State of Pennsylvania
Executor: Virginia A. Titus, 314 East Lakeview Blvd., Erie, PA 16504
Attorney: Valerie H. Kuntz, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

WAGNER, GAIL L., deceased

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

SECOND PUBLICATION**BADACH, MARGARET, deceased**

Late of Lawrence Park Township
Executor: Gregory A. Badach, c/o 246 West 10th Street, Erie, PA 16501
Attorney: Evan E. Adair, Esq., 246 West 10th Street, Erie, PA 16501

BAKER, JACK E., deceased

Late of the City of Erie, Erie County, Pennsylvania
Executor: Ann Marie Pochedly, c/o 3209 East Avenue, Erie, PA 16504
Attorney: Cathy M. Lojewski, Esq., 3209 East Avenue, Erie, PA 16504

CARTER, JAMES F., deceased

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

CLARIDGE, GABRIELLE H., a/k/a GAY CLARIDGE, a/k/a GABRIELLE HADDEN, a/k/a GABRIELLE HADDEN CLARIDGE, deceased

Late of Millcreek Township, Erie County, Commonwealth of Pennsylvania
Executor: Scott Roberts, 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

CONTI, ANNA MARIE, deceased

Late of the Township of Millcreek
Executor: Christian John Pellicano
Attorney: Steven E. George, Esquire, George Estate and Family Law, 305 West 6th Street, Erie, PA 16507

DiCARA, SUSAN J., a/k/a SUSAN JANE DiCARA, deceased

Late of the Township of Summit, County of Erie, Commonwealth of Pennsylvania
Executor: Martha Hilbert, c/o Thomas J. Buseck, Esq., MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459
Attorney: Thomas J. Buseck, Esq., MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

DILLEN, HERBERT C., deceased

Late of Greenfield Township, Erie County, Erie, PA
Administratrix: Patte Lee Dillen, 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

FLAUGH, RICHARD, deceased

Late of Mill Creek Twp., Erie County, PA
Administrator: Charles A. J. Halpin, III, c/o Land Title Building, 100 S. Broad St., Ste. 1830, Phila., PA 19110
Attorney: Charles A. J. Halpin, III, Esquire, Land Title Building, 100 S. Broad St., Ste. 1830, Phila, PA 19110

HOLLAND, TIMOTHY M., deceased

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania
Administrator: David E. Holland, 821 Dutch Road, Fairview, PA 16415
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

KOZLOWSKI, JOHN J., deceased

Late of the Township of Fairview, County of Erie, State of Pennsylvania
Executor: Roberta M. Kozlowski, 1301 Morrison Drive, Erie, PA 16505
Attorney: Valerie H. Kuntz, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

PELLETIER, ELIZABETH A., a/k/a BETTY PELLETIER, deceased

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania
Executor: Michael P. Pelletier, P.O. Box 8002, Erie, PA 16505
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

SLAYTON, THOMAS A., SR., a/k/a THOMAS A. SLAYTON, deceased

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Administrator: Peter W. Bailey, c/o 3210 West 32nd Street, Erie, Pennsylvania 16506-2702
Attorney: Peter W. Bailey, Esquire, 3210 West 32nd Street, Erie, Pennsylvania 16506-2702

SMITH, LUCINDA M., a/k/a LUCINDA SMITH, deceased

Late of Erie County, Pennsylvania
Executor: Sandra E. Hultberg, 7750 Bargain Road, Erie, PA 16509
Attorney: William T. Morton, Esquire, 2225 Colonial Ave., Suite 206, Erie, PA 16506

SWOGER, RUTHE T., a/k/a RUTHE SWOGER, deceased

Late of the City of Erie, Erie County, Pennsylvania
Executrices: J. Christine Craig, 941 Orr Ave., Kitanning, PA 16201 and Cindi Ruf, 930 West 25th Street, Erie, PA 16502
Attorney: Michael Harmon, Esq., 305 West 6th Street, Erie, PA 16507

URBANIAK, RITA ANN, a/k/a RITA A. URBANIAK, deceased

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executor: Gerald T. Urbaniak
Attorney: Thomas J. Minarcik, Esquire, ELDERKIN LAW FIRM, 150 East 8th Street, Erie, PA 16501

**WHITNEY, BETTY L., a/k/a
BETTY WHITNEY,
deceased**

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

Executrix: Karen R. Altimus,
c/o 337 West 10th Street, Erie,
PA 16502

Attorneys: THE FAMILY LAW
GROUP, LLC, 337 West 10th
Street, Erie, PA 16502

THIRD PUBLICATION

**BEAN, ALICE H.,
deceased**

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

Executor: Thomas J. Bean, c/o
2222 West Grandview Blvd., Erie,
PA 16506

Attorney: Thomas E. Kuhn,
Esquire, QUINN, BUSECK,
LEEMHUIS, TOOHEY &
KROTO, INC., 2222 West
Grandview Blvd., Erie, PA 16506

**CADY, GAYLE L.,
deceased**

Late of North East Township,
County of Erie, Commonwealth
of Pennsylvania

Co-Administrators: Kory S. Cady
and Matthew D. Cady, c/o Leigh
Ann Orton, Esq., Orton & Orton,
68 E. Main St., North East, PA
16428

Attorney: Leigh Ann Orton, Esq.,
Orton & Orton, 68 E. Main St.,
North East, PA 16428

**DiMATTIO, MARY H., a/k/a
MARY HELEN DiMATTIO, a/k/a
MARY DiMATTIO,
deceased**

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

**FIORETTI, FRANCESCO,
a/k/a FRANK FIORETTI, a/k/a
FRANCESCO A. FIORETTI,
deceased**

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

Administratrix: Linda Ann
Kemper, 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

**HUTCHINSON, WATESAH M.,
deceased**

Late of Erie County, North East,
PA

Co-Executors: Marianne Phillips
and Donald Hutchinson, 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

**LILLEY, HAL D.,
deceased**

Late of North East, Erie County
Executor: Victoria O. Lilley,
8323 Ox Bow Road, North East,
PA 16428

Attorney: John C. Melaragno,
Esquire, MELARAGNO,
PLACIDI, PARINI & VEITCH,
502 West Seventh Street, Erie,
PA 16502

**LYNCH, MARY F., a/k/a
MARY LYNCH,
deceased**

Late of Erie County, Pennsylvania
Executor: Judy Montgomery, 3228
Holmes Street, Erie, PA 16504

Attorney: William T. Morton,
Esquire, 2225 Colonial Ave., Suite
206, Erie, PA 16506

**MAURER, JAMES I.,
deceased**

Late of the Township of
Millcreek, County of Erie, and
Commonwealth of Pennsylvania
Administrator CTA: Donald G.
Maurer, c/o Gary D. Bax, Attorney
at Law, 2525 West 26th Street,
Erie, PA 16506

Attorney: Gary D. Bax, Attorney
at Law, 2525 West 26th Street,
Erie, PA 16506

**PAMULA, FLORA F.,
deceased**

Late of Township of Millcreek
Executor: Phillip H. Millimaci,
6326 Heidler Road, Fairview,
PA 16415

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

**POHL, JANET, a/k/a
JANET MCCALL POHL,
deceased**

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

Executor: Eric Douglas Pohl, c/o
Kurt L. Sundberg, Esq., Suite 300,
300 State Street, Erie, PA 16507

Attorney: Kurt L. Sundberg, Esq.,
MARSH, SPAEDER, BAUR,
SPAEDER & SCHAAF, LLP.,
Suite 300, 300 State Street, Erie,
PA 16507

**SIMON, MICHAEL H.,
deceased**

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

Executrix: Susan M. Simon,
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

**TACCONI, CHARLES C.,
deceased**

Late of Erie County, North East, PA
Executrix: Rebecca L. Taccone,
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

**TOFEL, PATRICIA LOU, a/k/a
PATRICIA L. TOFEL, a/k/a
PATRICIA TOFEL,
deceased**

Late of the City of Erie, County
of Erie and Commonwealth of
Pennsylvania
Executor: Ronald A. Walker, Jr.,
c/o 504 State Street, Suite 300,
Erie, PA 16501
Attorney: Alan Natalie, Esquire,
504 State Street, Suite 300, Erie,
PA 16501

TRUST NOTICES

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

**IRWIN, ALVIN L.,
deceased**

Late of the Township of Millcreek,
County of Erie and Commonwealth
of Pennsylvania
Successor Trustee: Audrey R.
Irwin, 308 Voyageur Drive, Erie,
PA 16505-5428
Attorneys: MacDonald, Illig, Jones
& Britton LLP, 100 State Street,
Suite 700, Erie, Pennsylvania
16507-1459

Erie County Bar Association

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