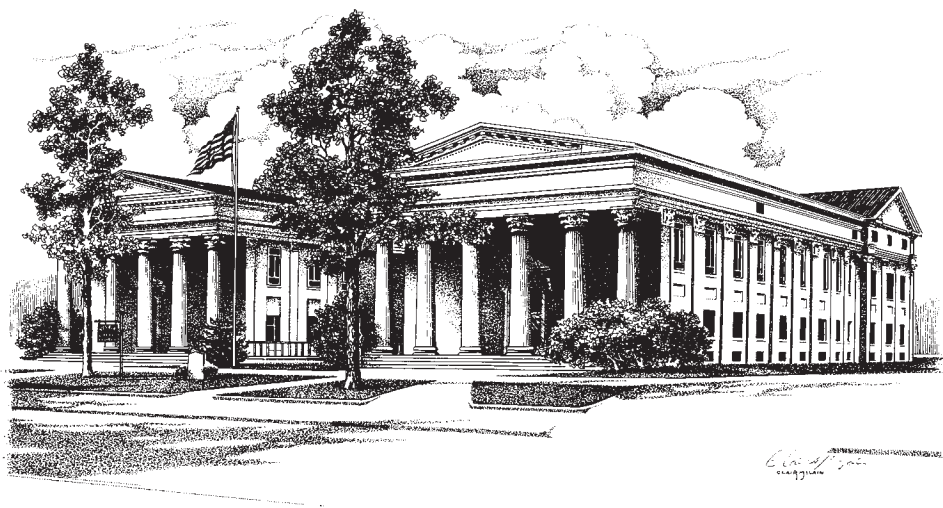


Erie County Legal Journal

January 11, 2019

Vol. 102 No. 2



**In the Commonwealth Court of Pennsylvania
In Re Board of Auditors of McKean Township/2017 Meeting**

Erie County Legal Journal

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

Managing Editor: Megan E. Black

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Erie County Bar Association

Calendar of Events and Seminars

THURSDAY, JANUARY 17, 2019

In-House Counsel Division Meeting
Will J. Schaaf & Mary B. Schaaf Education Center
5:00 p.m.

MONDAY, JANUARY 21, 2019

Martin Luther King Day
Erie County and Federal Courthouses closed
ECBA office closed

FRIDAY, JANUARY 25, 2019

ECBA Live Lunch-n-Learn Seminar
Annual Criminal Law Update
The Will J. Schaaf & Mary B. Schaaf Education Center
11:00 a.m. - Seminar begins
Noon - Brief break for lunch (provided)
12:15 p.m. - 1:15 p.m. - Seminar continues
\$94 (ECBA members/their non-attorney staff)
\$120 (non-members)
1 hour substantive and 1 hour ethics

MONDAY, JANUARY 28, 2019

ECBA Board of Directors Meeting
Noon
ECBA Headquarters

TUESDAY, JANUARY 29, 2019

WEDNESDAY, JANUARY 30, 2019
PBA/ECBA Mock Trial Competition
1:00, 3:00 and 5:00 p.m.
Erie County Courthouse

FRIDAY, FEBRUARY 1, 2019

Beat the Wintertime Blues Cocktail Party
4:30 p.m.
Warner Theater Grand Lobby

MONDAY, FEBRUARY 18, 2019

Presidents' Day
Erie County and Federal Courthouses closed



Erie County Bar
Association



@eriepabar

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

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ERIE COUNTY BAR ASSOCIATION JUDICIAL CANDIDATE RATINGS
(formerly called Plebiscite)

Below is the Resolution regarding judicial candidate ratings that was passed by the membership on December 6, 2018. Note that judicial candidates must submit their resume to the ECBA Executive Director no later than March 11, 2019 to be given the opportunity to address the membership at the special membership meeting scheduled for this purpose on March 12, 2019 at Noon at the Bayfront Convention Center.

RESOLUTION

Be it resolved as follows:

I. In any year in which there is an election for initial terms as Common Pleas Judges, the Erie County Bar Association will conduct judicial candidate ratings whereby candidates shall be rated by members of the Bar Association as:

HIGHLY RECOMMENDED; RECOMMENDED; NOT RECOMMENDED; NO OPINION

II. The evaluation of prospective candidates should be directed primarily to professional qualifications, i.e., competence, integrity, temperament, and experience.

Ratings' Definitions

Competence - the intellectual capability, judgment, legal writing and analytical ability, industry, knowledge of the law, scholarship and academic talent, and professional contributions necessary to serve as a judge.

Integrity - the good moral character, ethics, honesty, and trustworthiness necessary to serve as a judge.

Temperament - the compassion, decisiveness, open-mindedness, sensitivity, courtesy, patience, freedom from bias, and commitment to justice necessary to serve as a judge.

Experience - the years in practice, diversity of legal experience, trial experience, work with administrative agencies and arbitration boards, teaching, and public service necessary to serve as a judge.

Highly Recommended - The candidate possesses the highest level of competence, integrity, temperament, and experience and would be capable of outstanding performance as a judge.

Recommended - The candidate possesses an adequate level of competence, integrity, temperament, and experience and would be capable of satisfactory performance as a judge.

Not Recommended - At the present time, the candidate does not possess an adequate level of

competence, integrity, temperament, or experience, or a combination thereof, to be capable of satisfactory performance as a judge.

No Opinion - I do not know the candidate well enough to evaluate whether he or she possesses the level of competence, integrity, temperament, and experience to be capable of satisfactory performance as a judge.

III. The procedure shall be as follows:

1. The Erie County Bar Association shall publish in each edition of the *Erie County Legal Journal* during the month of January, a notice inviting prospective judicial candidates to submit a resume of not more than two 8 1/2 x 11 typewritten pages. The resumes will be submitted to the Erie County Bar Association Executive Director no later than one day before the membership meeting described in the next paragraph.
2. Each potential candidate who has submitted a resume shall be given the opportunity to address the Erie County Bar at a membership meeting to be scheduled in February or March with each candidate being allocated an equal amount of time.
3. The resumes and appropriate ballots will be distributed to the active membership within three days of the said membership meeting and shall be returned by mail postmarked no later than fifteen days after the date of distribution.
4. The ballot shall ask the said membership to rate on a scale of 1 to 5 (with 1 representing "strongly disagree" and 5 representing "strongly agree") the extent to which they agree (or disagree) that each potential candidate possesses the competence, integrity, temperament, and experience necessary to serve as a judge. The ballot also shall ask the said membership to give each potential candidate an overall rating of "Highly Recommended," "Recommended," "Not Recommended," or "No Opinion."
5. A two-envelope system shall be used. Each voting member shall sign the outer envelope and shall leave the inner envelope unsigned. An accounting firm shall act as teller.
6. Each candidate who agrees not to release the results until such time the Erie County Bar Association releases the results shall be privately advised of their own results by the President of the Erie County Bar Association, or the Chair of the Judicial Committee when the President is unavailable, before the results are published.
7. If more than 50% of the ballots have been returned, the results shall be published through a press release to be issued as soon as possible after the receipt of the results. Publication of the results shall be in the form of a paid advertisement to be run on the two Sundays immediately preceding the primary election. Publication of the results shall occur in the same manner on the two Sundays immediately preceding the general election.
8. There shall be no publication of the results as to any person who is not a candidate for judicial office at the time of the publication.

9. The press release and the paid advertisement shall contain raw data i.e., the actual count and actual percentage of ballots returned. The press release and paid ad shall specify that the results are based on ballots received, not total active membership. The publication shall identify those candidates who were found to be “Highly Recommended,” “Recommended” or “Not Recommended” by more than 50% of the membership returning ballots. For the purpose of determining whether a candidate has been found to be “Recommended” by more than 50% of the membership returning ballots, votes received by candidates in the category “Highly Recommended,” shall be added to the votes received by a candidate in the category “Recommended.” The press release and the paid advertisement shall also set forth the definitions of the categories as set forth above.

10. To make the results of the poll easy for the public to understand, the results will be published in the following order: Any candidate found to be “Highly Recommended” shall be listed first. In the event more than one candidate is found to be “Highly Recommended,” the candidate with more “Highly Recommended” votes shall be listed first. In the event of a tie, the candidate with more combined “Highly Recommended” and “Recommended” votes shall be listed first. Any candidate found to be “Recommended” shall be listed next. In the event more than one candidate is found to be “Recommended,” then the candidate with more combined “Highly Recommended” and “Recommended” votes shall be listed first. In the event of a tie, the candidate with more “Highly Recommended” votes shall be listed first. Any candidate found to be “Not Recommended” shall be listed next. In the event more than one candidate is found to be “Not Recommended,” then the candidate with fewer “Not Recommended” votes shall be listed first. In the event of a tie, the candidate with more combined “Highly Recommended” and “Recommended” votes shall be listed first. If a candidate does not receive more than 50% of the membership returning ballots in any of these categories, then the press release and paid ad shall list separately those candidates who did not receive an overall rating. Further, for each rating on a scale of 1 to 5, the press release and paid ad shall specify for each candidate the average numerical rating, rounded to the nearest tenth. The results shall be published in the order of highest average rating to the lowest average rating for each qualification.

Jan. 11, 18, 25

CHANCELLOR OF THE BAR NOMINATIONS

The Erie County Bar Association is accepting nominations for Chancellor of the Bar, properly endorsed by at least five members in good standing and confirming that the nominee has practiced at the Erie County Bar for more than 30 years. Chancellor of the Bar is an honorary position; the Chancellor serves on the Association's Nominating Committee.

The ECBA's Law Day Committee and Board of Directors will review the nominations and evaluate each nominee's contributions with respect to ethical practice, attitude toward the Courts and fellow lawyers, participation in civil affairs, community life and activities involving the Erie County Bar Association.

Nominations should be sent to the ECBA office and received/postmarked no later than January 25, 2019.

Jan. 11, 18

OFFICE SPACE AVAILABLE 2019

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Jan. 11

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In Re: Appeal of the Board of Auditors of McKean Township/2017 Meeting

Appeal of: Board of Auditors of McKean Township

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

No. 1419 C.D. 2017

Argued: May 7, 2018

BEFORE: HONORABLE PATRICIA A. McCULLOUGH, Judge
HONORABLE MICHAEL H. WOJCIK, Judge
HONORABLE JAMES GARDNER COLINS, Senior Judge

OPINION BY

JUDGE McCULLOUGH

FILED: December 21, 2018

The Board of Auditors of McKean Township (Board or Auditors) appeals from the September 12, 2017 order and verdict entered by the Court of Common Pleas of Erie County (trial court) in favor of the Supervisors of McKean Township (Supervisors) following a non-jury trial. We affirm.

Background

In addition to their duties as elected Supervisors, for which they are paid a statutorily imposed stipend, the Supervisors appoint themselves to work in various additional capacities as employees of McKean Township (Township). (Trial Court’s Finding of Fact (F.F.) No. 9.) However, like all other supervisors in Second Class Townships, the Supervisors set the pay rates for the Township’s employees, (F.F. Nos. 8, 11), and this gives rise to general concerns that the Supervisors may engage in self-dealing if they were vested with the authority to decide and approve their own compensation as employees. *See Delaware Township Board of Auditors v. Delaware Township*, 132 A.3d 523, 530 (Pa. Cmwlth. 2016). This is why, under section 606(a) of The Second Class Township Code (Code),¹ “[t]he compensation of supervisors, when employed as roadmasters,” “secretary,” or some other permissible employment position, “shall be determined by the board of auditors, at an hourly, daily, weekly, semi-monthly or monthly basis.” 53 P.S. §65606(a). However, the auditors do not have utterly free reign over the matter. Pursuant to section 606(a) of the Code, the supervisors’ compensation, as set by the board of auditors, “shall be comparable to compensation paid in the locality for similar services.” *Id.* The auditors’ authority to determine the supervisors’ compensation is also curtailed by the general requirement that discretion must not be abused in the legal sense. *See Blumenschein v. Housing Authority of Pittsburgh*, 109 A.2d 331, 334-35 (Pa. 1954); *Mason v. Hanover Township School District*, 89 A. 552, 552 (Pa. 1913).

The Township has three elected Supervisors and three elected Auditors. (F.F. Nos. 4, 6.) On January 4, 2017, as they are required to do so on a yearly basis,² the Auditors, Joseph Szymanowski, Delores Renick, and Barbara Craig, established the 2017 pay rates for the

¹ Act of May 1, 1933, P.L. 103, as amended, 53 P.S. §65606(a).

² Section 901(a) of the Code, 53 P.S. §65901(a) (“The board of auditors shall meet annually [and] shall determine the compensations for the current year authorized in section 606 for supervisors employed by the township.”).

three Supervisors, Brian P. Cooper (supervisor and roadmaster since 2012), Janice T. Dennis (supervisor and secretary, who in her second term, has at least four years of experience), and Ronald T. Bole (supervisor and roadmaster since 2016). Contrary to a past pattern and practice of gradually increasing the wages for the Supervisors when working as a roadmaster or secretary, the Auditors reduced the salaries for these positions.³ Specifically, the Auditors reduced the wage of Supervisor Cooper, in his role as roadmaster, from \$23.60/hour in 2016 to \$20.19/hour, and reduced the wage of Supervisor Dennis, in her role as secretary, from \$23.60/hour in 2016 to \$14.00/hour. Regarding Supervisor Bole, in his role as roadmaster, the Auditors determined that his 2016 hourly wage rate of \$18.00 would remain the same in 2017. (F.F. Nos. 5-7, 13-14, 29.) The Auditors also eliminated the Supervisors' compensation for overtime and "substantially reduced" their benefit packages. (F.F. No. 15)

Dissatisfied, the Supervisors appealed to the trial court. They contended that the Auditors' determinations with respect to their compensation were not "comparable" to the compensation paid in the geographic locale, thereby violating section 606(a) of the Code. The Supervisors further contended that the Auditors acted arbitrarily, capriciously, with improper bias, and/or in bad faith.

On May 3, 2017, the trial court conducted a non-jury trial. On June 15, 2017, the trial court deemed it necessary to appoint Aaron Phillips from Decision Associates Business Consulting Group as a neutral expert in the field of human resources, responsibilities/duties, and compensation/benefits. Citing Pa.R.E. 706, the trial court entered an order appointing Phillips "as an expert to review possible compensation, payroll and benefit packages for [the] Supervisors and develop a report for [the trial court] and for both counsel." (F.F. No. 23.) The trial reconvened on July 13, 2017. After receiving evidence and testimony from various witnesses, including Phillips, the trial court directed the parties to submit proposed findings of fact and conclusions of law. They complied. (Trial court op. at 3-4.)

On September 12, 2017, the trial court entered its findings and conclusions, which we summarize as follows.

The Township is a Second Class Township with a population of 4,409 as of the 2010 Census. There are 21 Second Class Townships located in Erie County, Pennsylvania. (F.F. Nos. 1-2; 2010 Census Summary File, Geographic Identifiers.⁴)

Auditor Craig contacted numerous Second Class Townships surrounding the Township to inquire about the compensation of their supervisors, including the years of service and salary; however, she did not inquire as to whether or not these townships reduced their supervisors' compensation. Auditor Craig stated that although Supervisors Dennis and Cooper had their wage rates reduced, and Supervisor Cooper was reclassified as a salaried employee, there were no problems with their work performance. (F.F. Nos. 20-21.) Further, Auditor Szymanowski admitted that the Auditors did not speak with comparable Second Class Townships that

³ In 2012 and 2013, the former Auditors increased the hourly pay rate of the Supervisors in their capacities of roadmaster and secretary. (Pet'r Ex. 20-21.) In 2014, Auditors Renick and Craig, along with then-Auditor Rodger Eck, voted unanimously to increase the hourly rate of the roadmasters to \$23.40 and to increase the hourly rate of the Secretary to \$23.40. (Pet'r Ex. 22.) Apparently, Supervisor Bole started at a lesser wage in his capacity as a roadmaster because he did not become a supervisor and a roadmaster until 2016.

⁴ *American FactFinder*, U.S. CENSUS BUREAU, POPULATION, HOUSING UNITS, AREA, AND DENSITY: 2010 - COUNTY -- COUNTY SUBDIVISION AND PLACE 2010 CENSUS SUMMARY FILE 1, *available at* <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF> (last visited December 4, 2018).

actually reduced the compensation and benefits of their supervisors. (F.F. Nos. 37-38.)

Auditor Renick complained that the Supervisors were being paid “too much,” including overtime pay. (F.F. No. 36.) Auditor Szymanowski had previously stated that the Supervisors’ benefits packages were “unheard of in this marketplace.” (F.F. No. 44.) However, Supervisor Dennis stated that the Township faced no financial problems, such as a budget crisis or debt issues, that would have a negative impact on the Township employees’ compensation. (F.F. No. 50.)

In addition, Auditor Szymanowski stated that in determining the compensation rates for the Supervisors, the Auditors reviewed the results listed in the Pennsylvania State Association of Township Supervisors 2016 Wage and Benefits Survey (PSATS). (F.F. No. 39.) The PSATS provides the compensation wages for Second Class Townships with populations between 4,001 and 8,000 throughout the Commonwealth, separated into four categories: low, average, medium, and high. The hourly rate information for a full-time roadmaster is: low—\$9.00/hour, average—\$23.85/hour, medium—\$23.60/hour, and high—\$36.46/hour. The hourly rate information for a part-time secretary is: low—\$16.48/hour, average—\$18.84/hour, medium—\$17.24/hour, and high—\$23.60/hour. (Reproduced Record (R.R.) at 37a.)

According to Auditor Szymanowski, the Auditors established the compensation and benefits for Supervisors Bole and Cooper by dividing the average part-time road master salary and the average full-time roadmaster salary, and then multiplying that quotient and the salary of the non-elected roadmaster to arrive at \$18.00/hour and \$20.19/hour, respectively. (F.F. Nos. 41, 43.) Auditor Szymanowski stated that the Auditors established the compensation and benefits for Supervisor Dennis by dividing the average part-time average Secretary salary and the average full-time Secretary salary, then multiplying that quotient with the only full-time Secretary salary that was obtainable from a nearby Second Class Township, Greene Township (\$20.90/hour), to arrive at \$14.00. (F.F. No. 42.)

Phillips conducted his own inquiry into the matter and reviewed, among other things, information from comparable and relevant Second Class Townships, PSATS data, and the level of experience that the Supervisors possess. Phillips ultimately opined that Supervisors Bole and Cooper, as roadmasters, should have a compensation rate between \$23.79 and \$28.55, and Supervisor Dennis, as secretary, should have a compensation rate between \$18.91 and \$22.69. (F.F. Nos. 24-29.) Phillips also concluded that “Supervisors Bole and Dennis, both of whom work part-time, are not eligible for Township benefits; however, Supervisor Cooper is eligible for benefits, which he determined are currently inferior to benefits offered by other comparable Second Class Townships.” (F.F. No. 30.)

With respect to the Auditors’ motivation or intent in making the wage reductions, the trial court found:

22. Auditor Craig was “upset” that [the] Supervisors hired an independent auditor, Monahan & Monahan, to which she [(Auditor Craig)] wrote a “Letter to the Editor” expressing her disapproval with the outsourcing of auditing work and [the] Supervisors’ “refusal” to supply information relating to expenditures.

* * *

40. Auditor Szymanowski believed Supervisor Bole supported and campaigned for his [(Auditor Szymanowski’s)] opponent for Auditor in 2015.

* * *

47. At the January 4, 2017 meeting, Auditor Szymanowski told Supervisor Dennis that she “couldn’t ask questions” as to why [the] Supervisors’ compensation was reduced.

* * *

49. When [the] Supervisors hired an independent auditor, Monahan & Monahan, “as needed,” [the] Auditors became “upset.”

* * *

53. Supervisor Bole acknowledged he supported the opponent for Auditor Szymanowski’s Auditor position in 2015, and Auditor Szymanowski informed him to stop supporting his opponent “or else.”

(F.F. Nos. 22, 40, 47, 49,53.)

Based on these facts, the trial court made the following conclusions of law:

A comparison of the 2016 PSATS Survey compensation information and [the] Supervisors’ compensation following the January 4, 2017 Township meeting clearly demonstrates [that the] Supervisors’ compensation is below the average compensation for a full-time roadmaster and a part-time secretary in other Second[]Class Townships. Furthermore, [the] Auditors failed to present a specific methodology for arriving at [the] Supervisors’ compensation. According to Auditor Szymanowski, [the] Auditors divided the average compensation for part-time and full-time roadmasters and secretaries, and then multiplied the respective quotients by [the] Supervisors’ current salaries to arrive at the 2017 compensation. However, [the] Auditors’ determination simply reduces [the] Supervisors’ compensation. [The] Auditors failed to account for “comparable compensation paid in the locality for similar services” pursuant to the [Code]. Rather, [the] Auditors “cherry-picked” certain Second[]Class Townships that they thought subjectively were comparable to [the] Township. The Court finds and concludes [that] the determinations made by [the] Auditors do not adhere to statutory requirements of the [Code].

Furthermore, the Auditors’ decisions to reduce [the] Supervisors’ compensation and benefits are based upon improper bias and are arbitrary and capricious. First, Supervisor Bole supported and campaigned for Auditor Szymanowski’s opponent for Auditor in 2015, which created friction between Auditor Szymanowski and Supervisor Bole. Second, [the] Supervisors hired an independent auditor, Monahan & Monahan, to review [the] Township’s finances, which became another point of contention between the Auditors and Supervisors. Auditor Craig demonstrated displeasure about this decision to hire an independent auditor by her writing and submitting for publication a “Letter to the Editor,” expressing her disapproval with [the] Supervisors’ outsourcing auditing work and the Supervisors’ “refusal” to supply [the] Auditors with information relating to expenditures. Finally, during the January 4, 2017 meeting, Auditor Szymanowski refused to answer [the] Supervisors’ questions [and] explain why [the] Auditors reduced [the] Supervisors’ compensation, thereby providing no rationale or basis for [the] Auditors’ decision-making. Therefore, the clear negativism between [the] Auditors and [the] Supervisors was the catalyst for [the] Auditors reducing [the] Supervisors’ compensation and benefits.

(Conclusions of Law (COL), at pp. 8-9.)

The trial court then focused on the testimony and report of Phillips. The trial court determined that Phillips “developed an agreeably and generally acceptable methodology in the field of human resources for determining [the] Supervisors’ compensation.” *Id.* at 9. In his report, Phillips “analyzed and developed three (3) options in crafting the appropriate ranges of compensation.” *Id.* “For the first option, Mr. Phillips utilized Second[]Class Township data within the Northwest Region; for the second option, he utilized Second[]Class Township data with populations between 4,001 and 8,000; and for the final option, he utilized a custom blend of similar size and population Second-Class Townships within Erie County.” *Id.* In making this multifaceted assessment, Phillips considered the PSATS data and compared the Supervisors’ level of experience to other supervisors in Second Class Townships. The trial court credited and accepted the recommendations of Phillips as “the appropriate methodology for determining [the] Supervisors’ compensation and benefits.” *Id.* at 10.

In a separate order dated September 12, 2017, the trial court (1) set the compensation rate for Supervisors Bole and Cooper, while acting as roadmasters, at \$26.17/hour; (2) set the compensation rate for Supervisor Dennis, while acting as Secretary, at \$21.75/hour; (3) reinstated the Supervisors’ benefit packages, concluding that the Supervisors’ inclusion in the fringe benefits program did not require approval by the Auditors pursuant to section 606(c)(1) of the Code, 53 P.S. §65606(c)(1);⁵ (4) reinstated the Supervisors’ overtime compensation; and (5) ordered the Township to pay the Supervisors’ reasonable attorney’s fees under section 915(1) of the Code, 53 P.S. §65915(1).⁶

Thereafter, the Auditors filed a notice of appeal, and the trial court ordered them to file a statement of errors complained of on appeal pursuant to Pa.R.A.P. 1925(b). They did.

In its accompanying opinion under Pa.R.A.P. 1925(a), the trial court initially determined that the Auditors’ statement of errors was too lengthy and failed to document the precise legal issues raised. The trial court therefore requested that this Court deem the issues in the Auditors’ statement waived. (Trial court Pa.R.A.P. 1925(a) op. at 4-5.)

Addressing the merits of the issues in the Auditors’ statements in the alternative, the trial court reiterated its impression that the Auditors employed an unsound methodology and that their “decision was influenced by improper bias.” *Id.* at 5. The trial court emphasized the fact that the Auditors devised compensation rates that were below the “average” listed in the section of the PSATS dealing with the wage rates for Second Class Townships throughout Pennsylvania and reiterated that the determinations were tainted by improper bias:

The [PSATS] clearly demonstrated [that the] Supervisors’ 2017 compensation, as set by [the] Auditors, is below the standard compensation for roadmasters and secretaries. According to “Townships with Populations from 4,001 to 8,000,” the average full-time roadmaster salary is \$23.85/hour, but [the] Auditors set [Supervisor] Cooper’s 2017 compensation at \$20.19/hour. Further, the average part-time roadmaster salary is \$18.23/

⁵ “In addition to the compensation authorized under this section, supervisors while in office or while in the employ of the township may be eligible for inclusion in township-paid insurance plans,” including “group life, health, hospitalization, medical service and accident insurance plans paid in whole or in part by the township.” 53 P.S. §65606(c)(1).

⁶ “If in the opinion of the court the final determination is more favorable to the township officer involved than that awarded by the board of auditors, the township shall pay reasonable attorney fees.” 53 P.S. §65915(1).

hour, but [the] Auditors had frozen [Supervisor] Bole's 2017 compensation at \$18.00/hour. Finally, the average part-time secretary salary is \$18.84/hour, but [the] Auditors set [Supervisor] Dennis' 2017 compensation at \$14.00/hour. Although the [Code] did not require calculation of the average compensation or a specific methodology for determining calculations, the testimony and evidence demonstrated [that the] Auditors arbitrarily and capriciously reduced or had frozen [the Supervisors'] salaries and did not provide a consistent and well-reasoned methodology other than personal preference and ideals.

Id. at 10-11.

This appeal ensued.

Discussion

The Auditors assert that any perceived conflict between them and the Supervisors is superficial and that the evidence was legally inadequate to support a finding of bad faith, arbitrary or capricious action, or an abuse of power. The Auditors contend that they discharged their duty in accordance with section 606(a) of the Code and properly balanced the financial interests of the taxpayers that they represent and those of the Supervisors. According to the Auditors, their compensation determinations were based on rational calculations; the wages were consistent with the PSATS survey dealing with the Northwest Region of the Commonwealth; and the trial court effectively substituted its own judgment as to what the rates should be, using a court-appointed expert to do so.

In rebuttal, the Supervisors point out that the Auditors cut or reduced their wages and claim that this is a drastic and novel event, marked by a "complete lack of methodology." (Supervisors' brief at 18.) The Supervisors further argue that the Auditors acted in bad faith or were impermissibly biased because they "followed through with threats to punish the Supervisors." *Id.* at 12. Additionally, the Supervisors urge this Court to conclude that the Auditors' statement of errors was extremely vague, resulting in waiver of all the issues they seek to raise on appeal.

The Pennsylvania State Association of Township Supervisors (Association) filed an amicus brief. Most notably, the Association asserts that the Auditors need a legitimate reason to reduce wages, such as budgetary issues.

Waiver

Prefatorily, this Court declines to find waiver due to alleged deficiencies in the Auditors' statement of errors. Under the Pennsylvania Rules of Appellate Procedure, a statement of errors "should be sufficiently specific to allow the judge to draft the opinion required under 1925(a), and ... the number of issues alone will not constitute waiver—so long as the issues set forth are non-redundant and nonfrivolous." Pa.R.A.P. 1925, *Note*. Here, the Auditors have filed a "concise-yet-sufficiently-detailed," *id.*, statement of errors, specifically listing the findings of fact that they challenged and the relevant portions of the trial court's conclusions of law. (*See* Auditors' brief at App. C.) The trial court also issued an opinion fully addressing the issues raised, and our ability to conduct appellate review has not been hampered in any manner.

Bias, Bad Faith, or Arbitrary/Capricious Decision-Making

Although the Auditors possess discretion under section 606(a) of the Code to set salaries, *Synoski v. Hazle Township*, 500 A.2d 1282, 1285 (Pa. Cmwlth. 1985), this discretion cannot be exercised in a manner that is stained with “bad faith, fraud, capricious action or abuse of power.” *Blumenschein*, 109 A.2d at 334. As our Supreme Court observed while discussing a statute that provided an elected board of officials with discretion to determine the compensation rate of a municipal employee:

[T]here must be somewhere a line of demarcation between the exercise of reasonable official discretion in fixing compensation upon the one hand, and a clear abuse of that discretion, and the unreasonable performance of duty, upon the other. No specific rate of compensation is fixed by the law. It contemplates the exercise of reasonable discretion ... in the interest of the public. The language of the [statute] is not, however, to be construed as vesting in the [] board an arbitrary discretion, to be used in defiance of the public interest, and without restraint.

Mason, 89 A. at 552.

In order for a public official to render a decision that is not arbitrary and capricious, the official

must examine the relevant data and articulate a satisfactory explanation for [the] action including a rational connection between the facts found and the choice made. In reviewing that explanation, [the court] must consider whether the decision was based on a consideration of the relevant factors and whether there has been a clear error of judgment

Cary v. Bureau of Professional and Occupational Affairs, State Board of Medicine, 153 A.3d 1205, 1210 (Pa. Cmwlth. 2017) (en banc) (quoting *Motor Vehicle Manufacturers Association v. State Farm Mutual Automobile Insurance Co.*, 463 U.S. 29, 43 (1983)).

Moreover, a discretionary act made by a public official will be set aside if it is made in bad faith; that is, when the decision is tainted with an improper motive or ill will. *See Lily Penn Food Stores, Inc. v. Pennsylvania Milk Marketing Board*, 472 A.2d 715, 719 (Pa. Cmwlth. 1984); *Bruhin v. Commonwealth*, 320 A.2d 907, 910 (Pa. Cmwlth. 1974); *Redevelopment Authority of the City of Erie v. Owners or Parties in Interest*, 274 A.2d 244, 247 (Pa. Cmwlth. 1971). The decision of a public official cannot “be based upon private motives inconsistent with the public welfare.” *Washington Park, Inc. Appeal*, 229 A.2d 1, 3 (Pa. 1967). Somewhat relatedly, an abuse of discretion occurs when there is “a showing of manifest unreasonableness, or partiality, prejudice, bias, or ill-will, or such lack of support as to be clearly erroneous.” *Paden v. Baker Concrete Construction Inc.*, 658 A.2d 341, 343 (Pa. 1995). “Fairness of course requires an absence of actual bias.” *In re Schlesinger*, 172 A.2d 835, 840 (Pa. 1961).

Upon review, we conclude that the evidence was sufficient to support the trial court’s findings and legal conclusion that the Auditors’ compensation decisions were the byproduct of bad faith, improper bias, and/or constituted arbitrary or capricious action.

With regard to the Auditors' underlying motive, the credited evidence demonstrates that there were no discernable problems with the Supervisors' work performance as roadmasters or secretary, or that the Township was experiencing financial problems, that would necessitate or rationalize the wage reductions. (F.F. Nos. 20-21, 50.) Instead, the trial court's findings establish that the Auditors were "upset" that the Supervisors outsourced auditing work to a private firm, (F.F. Nos. 22, 49), which is most notably memorialized in Auditor Craig's letter to an editor in a local newspaper. In this submission, Auditor Craig portrayed a deep and divisive conflict between the Auditors and the Supervisors, alleged that the Supervisors have acted indecorously, and essentially requested the public to take the side of the Auditors in the dispute:

The state municipal code in part charges the elected auditors with auditing, adjusting and settling the accounts of all elected officials of the township.

Of major concern to the elected auditors and taxpayers is the supervisors' outsourcing of the audit to Monahan & Monahan, public accountants, to restrict the open records availability to the elected auditors for inspection.

Historically the [] Township auditors have a record of performing a detailed audit of township records, which in the past has identified supervisors' personal household expenses being paid with township monies.

Over the last year, the supervisors have refused to supply the elected auditors with information relating to expenditures. However, the auditors through an intense investigation have been able to put their fingers on runaway township expenditures [T]he auditors have also put their fingers on major purchases made outside municipal code regulations.

The auditors have focused on doing their job for the taxpayers by employing over 2,000 hours of their time, at no cost to the township, and look for taxpayers' support as they push forward in a positive direction for the township.

(Pet'r Ex. 17.)

Based on their content, the above allegations strongly suggest, if not outright claim, that the Supervisors have engaged in misconduct and intentionally thwarted the Auditors' statutory responsibilities, namely their duty to oversee and conduct an official inspection of the expenditures of the Supervisors and the Township's overall fiscal health.⁷ This animosity toward the Supervisors is further reflected by the fact that the Auditors refused to answer

⁷ Pursuant to the Code, the Auditors are statutorily obligated to audit, settle, and adjust the accounts of all elected officials of the Township, including the Supervisors. Section 901(a) of the Code, 53 P.S. §65901(a). The Auditors must also issue an annual report that contains, among other things, "a statement of the disbursements of the township during the fiscal year," "a detailed statement of the indebtedness of the township at the close of the fiscal year and the provisions made for the payment thereof together with the purposes for which it was incurred," and "a statement of the cost of ownership and operation of each public service industry owned, maintained or operated by the township." Section 904(b)-(d) of the Code, 53 P.S. §65904(b)-(d).

questions regarding the reductions in compensation at the January 4, 2017 meeting and failed to provide the Supervisors with a reason for the downward adjustments. In addition, the strife occurring between the Supervisors and the Auditors is underscored by the fact that Auditor Szymanowski utilized the phrase “or else” toward Supervisor Bole on the campaign trail, carrying with it a thinly veiled threat that there “will be consequences” for the Supervisors. (F.F. Nos. 22, 49.)

Viewing these circumstances collectively and in a coalesced fashion, we conclude that they provided the trial court with an adequate basis upon which to reassess the Auditors’ wage determinations on a substantive level to ensure fairness. In conducting such an inquiry, the trial court found that the Auditors engaged in statistical “cherry picking” and concluded that the Auditors arrived at their wage reductions through a flawed methodology. (COL at pp. 8-9, 11.) Given the trial court’s factual findings, which find ample support in the record and are not meaningfully contested by the Auditors, we cannot conclude that the trial court erred in inferring, as a matter of law, that improper “personal preference and ideals” served as “the catalyst for [the] Auditors reducing [the] Supervisors’ compensation and benefits.” *Id.*; see *Robb v. Stone*, 146 A. 91, 93-94 (Pa. 1929) (discussing the authority of the fact-finder to infer that official action amounted to “arbitrary will and caprice”).

Although the Auditors dedicate a great portion of their brief in an attempt to minimize the conflict with the Supervisors and validate their wage reductions, these matters concern the weight and credibility of the evidence presented to the trial court. In essence, the Auditors contend that the trial court should have believed and afforded greater evidentiary weight to their testimony.⁸

It is beyond peradventure that the trial court, sitting as the fact-finder, is free to believe all, part or none of the evidence, to make all credibility determinations, and to resolve all conflicts in the evidence. See *Commonwealth v. Holtzapfel*, 895 A.2d 1284, 1289 n.2 (Pa. Cmwlth. 2006). An argument that the evidence was “unbelievable” is one that goes to the credibility of the witness’s testimony. *Commonwealth v. Griffin*, 65 A.3d 932, 939 (Pa. Super. 2013). An argument that the fact-finder should have credited one witness’s testimony over that of another witness goes to the weight of the evidence. *Commonwealth v. Gibbs*, 981 A.2d 274, 281-82 (Pa. Super. 2009). Under our standard of review, however, this Court cannot upset the trial court’s credibility determinations or reweigh the evidence to make findings contrary to the trial court. *Holtzapfel*, 895 A.2d at 1289 n.2. Indeed, where, as here, a sufficiency of the evidence claim is raised, issues concerning the credibility and weight of the evidence are irrelevant and not part of the calculus. *Griffin*, 65 A.3d at 939; *Gibbs*, 981 A.2d at 281-82; *Commonwealth v. Wilson*, 825 A.2d 710, 713-14 (Pa. Super. 2003). Instead, in a sufficiency challenge, we must view the evidence in the light most favorable

⁸ See, e.g., Brief for the Auditors at 15 (“Auditor Szymanowski testified that he has known Supervisor Bole for more than 60 years and has considered him a friend, and did not agree he had any interactions with Supervisor Bole regarding political campaigns.”); 16-17 (“In her testimony, Auditor Craig admitted to some concern and explained that allowing the [A]uditors to perform the audit would have saved the taxpayers money.”); 17 (“While Auditor Renick did testify she was upset, she explained she felt that way because the role of auditor is to watch out for the taxpayers and there had been discrepancies in the books before. She denied the 2017 compensation decisions were in retaliation for outsourcing the audit.”); 17 (“Auditor Szymanowski testified that he was happy the audit had been outsourced, though he was concerned with the company hired for the audit due to problems in other townships with missing money.”); 17 (“The individual Auditors voiced some legitimate concerns over the decision to outsource the audit, and in some cases, shared those concerns with the township citizens.”).

to the Supervisors as the verdict winner and disregard any unfavorable evidence. *See Prieto Corporation v. Gambone Construction Co.*, 100 A.3d 602, 609 (Pa. Super. 2014). Applying that standard here, we are unable to find merit in the Auditors' arguments.

In analogous situations, the appellate courts of this Commonwealth have not hesitated to affirm the vacatur of reduced compensation where the fact-finder inferred that the decision maker based the reduction on an improper motive. *See Robb*, 146 A. at 93-94 (affirming a trial court's decree enjoining and voiding the decisions of a board of school directors to erect a new school and award a construction contract because the decisions were "influenced by other considerations than the public interests," being "based upon selfish and improper motives" and indicative of an "attitude ... of revenge"); *Farris v. Swetts*, 46 A.2d 504, 506-07 (Pa. Super. 1946) (concluding that the decision of the board of school directors to lower the compensation of the tax collector from 4% to 2% on taxes collected was an arbitrary exercise of power where the trial court found that the compensation was "inadequate" and "unreasonable" and the decision was motivated by "political differences ... between the tax collector and president of the school board"). Therefore, providing the trial court the deference it is entitled to as the fact-finder, we conclude that the trial court neither erred nor committed an abuse of discretion in setting aside the Auditors' wage determinations.

Propriety of Expert Testimony

The Auditors contend that the trial court erred in appointing and relying upon an expert, Phillips, asserting that this had the effect of "usurping the statutory role of the elected [] Auditors." (Brief for Auditors at 27.) However, in advancing this argument, the Auditors presuppose that they exercised their wage-setting discretion in an appropriate manner. As previously discussed, the trial court did not err in voiding the Auditors' wage determinations. Consequently, as a functional matter, it was necessary for the trial court to appoint an independent and neutral expert to decide the appropriate amount of wages for the Supervisors, 'especially considering that any expert proffered by the Supervisors would be exposed to claims of self-dealing and would severely undermine the command and purpose of section 606(a) of the Code. *See Delaware Township Board of Auditors*, 132 A.3d at 530 ("[T]he manifest intent of the legislature in Section 606 of the Code [is] to limit self-interested decision-making by supervisors."). In this context, we disagree with the Auditors that the trial court substituted its own discretion for that of the Auditors by appointing Phillips as an expert.

In their brief, the Auditors concede that Pennsylvania Rule of Evidence 706 vests the trial court with authority to appoint an expert witness. We must agree. *See Pa.R.E. 706* (Court-Appointed Expert Witnesses);⁹ *Commonwealth v. Correa*, 648 A.2d 1199, 1203 n.2 (Pa. Super. 1994) (reiterating a trial court's authority to appoint its own expert in a bench trial); *see also Wayne v. Cassatly*, 349 A.2d 545, 548 (N.J. Ct. App. 1975) (upholding the appointment of an independent expert when the testimony of the parties' experts suggested "undue partisanship"). Notably, a trial court need not accept the recommendation or conclusions of a court-appointed expert, *see Nomland v. Nomland*, 813 A.2d 850, 854 (Pa.

⁹ "Where the court has appointed an expert witness, the witness appointed must advise the parties of the witness's findings, if any. The witness may be called to testify by the court or any party. The witness shall be subject to cross-examination by any party, including a party calling the witness. In civil cases, the witness's deposition may be taken by any party." Pa.R.E.706.

Super. 2002), and a court-appointed expert is subject to the same standards which govern other expert witnesses under the Pennsylvania Rules of Evidence, *see In re Shell Oil Co.*, 607 A. 2d 1213, 1223 (Del. 1992) (observing that appointed experts are treated like any other expert under the Delaware Rules of Evidence).

Here, the Auditors do not challenge the admissibility of Phillip's expert opinion through the *Frye* test or otherwise.¹⁰ Rather, the Auditors attack the evidentiary value of his expert testimony, contending that Phillips' survey "was limited by severe time constraints as he only had one day to collect the information"; his methodology "skewed the numbers presented" in the data forming the bases for his opinions; and Phillips erroneously interpreted "the experience claimed by the individual Supervisors." (Auditors' Brief at 28-30.) These arguments, however, mount challenges that pertain to the weight of the evidence. *See Craftmaster Manufacturing, Inc. v. Bradford County Board of Assessment Appeals*, 903 A.2d 620, 625, 629 (Pa. Cmwlth. 2006) (concluding that an expert's "error was relevant to the weight to be given to [his] opinion"); *Emerick v. Carson*, 472 A.2d 1133, 1136 (Pa. Super. 1984) (finding argument that the expert's opinion was "flawed" was a contention that "obviously goes to the weight to be accorded to [the] testimony ... and not to its admissibility"). As explained above, such issues are to be resolved by the trial court as fact-finder and do not provide this Court with grounds to find reversible error.

Therefore, we conclude that the trial court did not err in appointing Phillips as an expert and crediting his testimony to support its findings of fact and conclusions of law.

Conclusion

For the forgoing reasons, we can perceive no basis upon which to upset the trial court's order setting aside the Auditors' compensation determinations and devising a proper compensation package and remedy for the Supervisors.

ORDER

AND NOW, this 21st day of December, 2018, the September 12, 2017 order and verdict entered by the Court of Common Pleas of Erie County is hereby affirmed.

/s/ **Patricia A. McCullough, Judge**

¹⁰ *See Frye v. United States*, 293 F. 1013 (D.C. Cir. 1923); *Commonwealth v. Safka*, 95 A.3d 304, 306-08 (Pa. Super. 2014) (discussing the standards for admissibility of expert opinion testimony pursuant to the *Frye* test); *see also* Pa.R.E. 702 (Testimony by Expert Witnesses); 703 (Bases of an Expert's Opinion Testimony); 704 (Opinion on an Ultimate Issue); 705 (Disclosing the Facts or Data Underlying an Expert's Opinion).



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DISSOLUTION NOTICE

LEGAL NOTICE is hereby given by SESLER, 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 109 East 10th Street, Erie, PA 16501
 3. The deadline by which claims must be given the Corporation is March 15, 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.
- SESLER & SESLER, 109 East 10th Street, Erie, PA 16501

Jan. 11

FICTITIOUS NAME NOTICE

Pursuant to Act 295 of December 16, 1982 notice is hereby given of the intention to file with the Secretary of the Commonwealth of Pennsylvania a "Certificate of Carrying On or Conducting Business under an Assumed or Fictitious Name." Said Certificate contains the following information:

FICTITIOUS NAME NOTICE

Notice is hereby given that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on December 04, 2018 for 1201 Fitness & Training at 20 West 4th St. Waterford, PA 16441. The name and address of each individual interested in the business is Jennifer Burick at 20 West 4th St. Waterford, PA 16441. This was filed in accordance with 54 Pa.C.S. 311.

Jan. 11

FICTITIOUS NAME NOTICE

1. The fictitious name is The Cork 1794.
2. The address of the principal office is 900 West Erie Plaza Drive, Erie,

Pennsylvania 16505, Erie County.

3. The names and address of all persons or parties to the registration are Cork Too, LLC, 19 West Main Street, North East, Pennsylvania 16428, Erie County.

4. An application for registration of a fictitious name has been filed under the Fictitious Names Act.

Jan. 11

FICTITIOUS NAME NOTICE

Notice is hereby given that a Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania for VER with a principle place of business located at 200 Business Park Drive, Suite 109, Armonk, NY 10504. The entity interested in such business is Production Resource Group, L.L.C. whose commercial registered office address is c/o Corporate Creations Network Inc. in Erie County. This is filed in accordance with 54 Pa. C.S. 311.

Jan. 11

LEGAL NOTICE

ATTENTION: KIMBERLY SUE ELLIS

INVOLUNTARY TERMINATION OF PARENTAL RIGHTS IN THE MATTER OF THE ADOPTION OF MINOR FEMALE CHILD T.L.S. DOB: 05/12/2018
127 IN ADOPTION, 2018

If you could be the parent of the above-mentioned child, at the instance of Erie County Office of Children and Youth you, laying aside all business and excuses whatsoever, are hereby cited to be and appear before the Orphan's Court of Erie County, Pennsylvania, at the Erie County Court House, Honorable Joseph M. Walsh, III, Court Room No. I-217, City of Erie on February 14, 2019, at 9:30 a.m. and there show cause, if any you have, why your parental rights to the above child should not be terminated, in accordance with a Petition and Order of Court filed by the Erie County Office of Children and Youth. A copy of these documents can be obtained by contacting the Erie County Office of Children and Youth at (814) 451-7729.

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

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

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

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

Jan. 11

LEGAL NOTICE

ATTENTION: TYREE SALTER
INVOLUNTARY TERMINATION OF PARENTAL RIGHTS IN THE MATTER OF THE ADOPTION OF MINOR FEMALE CHILD T.L.S. DOB: 05/12/2018
BORN TO: KIMBERLY SUE ELLIS
127 IN ADOPTION, 2018
If you could be the parent of the

above-mentioned child, at the instance of Erie County Office of Children and Youth you, laying aside all business and excuses whatsoever, are hereby cited to be and appear before the Orphan's Court of Erie County, Pennsylvania, at the Erie County Court House, Honorable Joseph M. Walsh, III, Court Room No. 1-217, City of Erie on February 14, 2019, at 9:30 a.m. and there show cause, if any you have, why your parental rights to the above child should not be terminated, in accordance with a Petition and Order of Court filed by the Erie County Office of Children and Youth. A copy of these documents can be obtained by contacting the Erie County Office of Children and Youth at (814) 451-7729.

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Jan. 11

LEGAL NOTICE

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 11161 Willow Road, North East, PA 16428 more particularly described at Erie County Instrument Number 2013-002267.

SAID SALE to be held in the Erie County Courthouse, Room 209, 140 West Sixth Street, Erie, PA 16501 at 10:00 a.m. prevailing, standard time, on February 7, 2019. All that certain tract of land, together with the buildings, and improvements erected thereon described as Tax Parcel No. 37041088011000 recorded in Erie County, Pennsylvania. Seized and taken in execution as the property of Kathrine A. Lehner, at the suit of the United States of America, acting through the Rural Housing Service, on behalf of United States Department of Agriculture, to be sold on Writ of Execution as Civil Action No. 1:18-CV-00190. **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 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.

Jan. 11, 18, 25 and Feb. 1

Annual Criminal Law Update

FRIDAY, JANUARY 25, 2019

The Will J. Schaaf & Mary B. Schaaf Education Center
429 West 6th Street, Erie, PA 16507

NOTE TIMES

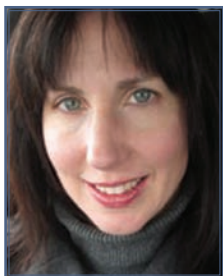
Seminar begins: 11:00 a.m.

Noon: Brief break for lunch (provided)

Seminar continues: 12:15 p.m. - 1:15 p.m.

\$94 - ECBA members (Judges & Attorneys)
and their Non-Attorney Staff
\$120 - Non-Members

**This seminar has been approved for
1 hour Substantive & 1 hour Ethics CLE/CJE credit.**



SPEAKER:

NICOLE D. SLOANE, ESQ.

Our knowledgeable speaker, Attorney Nicole D. Sloane, is an experienced trial attorney who focuses on criminal defense work. She has represented clients in numerous jury trials since 2006, including capital homicide cases, is a published author of articles on topics including correcting illegal sentences, and in 2017 was the recipient of The Public Defender Association of Pennsylvania's *Gideon Award* for indigent defense work.

Attorneys practicing in the criminal law area won't want to miss this much-anticipated annual update. Those attending will benefit from a comprehensive review of the latest case law developments as well as valuable materials.

Reservations due to the ECBA office by Friday, January 18.

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

**JANUARY 18, 2019
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

Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 1

**Ex. #12040 of 2018
MARQUETTE SAVINGS
BANK, Plaintiff**

v.

**KEVIN R. DONAHUE,
Defendant**

DESCRIPTION

By virtue of a Writ of Execution filed at No. 2018-12040, Marquette Savings Bank vs. Kevin R. Donahue, owner of property situate in the City of Erie, Erie County, Pennsylvania being: 335 East Third Street, Erie, Pennsylvania.

41.25' X 165' X 41.25' X 165'

Assessment Map Number: (14) 1012-116

Assessed Value Figure: \$56,700.00

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

Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 2

**Ex. #12200 of 2018
MARQUETTE SAVINGS
BANK, Plaintiff**

v.

**JAMES P. HARVEY, JR. and
JENNIFER L. DAVIDSON,
Defendants**

DESCRIPTION

By virtue of a Writ of Execution filed at No. 12200-18, Marquette Savings Bank vs. James P. Harvey, Jr. and Jennifer L. Davidson, owners of property situate in the City of Erie, Erie County, Pennsylvania being: 3519 Oakwood Street, Erie, Pennsylvania.

43.25' X 130' X 43.25' X 130'

Assessment Map Number: (19) 6144-220

Assessed Value Figure \$83,500.00

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

Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 4

**Ex. #12039 of 2018
MARQUETTE SAVINGS
BANK, Plaintiff**

v.

**ROBERT SHOTWELL, III
and GLORIA L. SHOTWELL,
Defendants**

DESCRIPTION

By virtue of a Writ of Execution filed at No. 2018-12039, Marquette Savings Bank vs. Robert Shotwell, III and Gloria L. Shotwell, owners of property situate in the City of Erie, Erie County, Pennsylvania being: 3030 Hudson Road, Erie, Pennsylvania.

Approx. 0.2143 Acre

Assessment Map Number: (19) 062-038.0-206.00

Assessed Value Figure: \$80,860.00

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

Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 6

**Ex. #11764 of 2018
NORTHWEST BANK f/k/a
NORTHWEST SAVINGS
BANK, Plaintiff**

v.

**GERALD B. WEISS and ERICA
E. ERWIN, Defendants**

DESCRIPTION

By virtue of a Writ of Execution filed at No. 2018-11764, Northwest Bank vs. Gerald B. Weiss and Erica E. Erwin, owners of property situate in the City of Erie, Erie County, Pennsylvania being: 309 Shenley Drive, Erie, Pennsylvania.

40' X 138' X 40' X 138'

Assessment Map Number: (17) 4130-116

Assessed Value Figure: \$181,000.00

Improvement Thereon: Residence

Kurt L. Sundberg, Esq.

Marsh Spaeder Baur Spaeder
& Schaaf, LLP

300 State Street, Suite 300

Erie, Pennsylvania 16507

(814) 456-5301

Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 7

**Ex. #13001 of 2016
EQUESTRIAN ENDEAVORS,
LLC, Plaintiff**

v.

DONALD D. TUCCI, Defendant

DESCRIPTION

By virtue of a Writ of Execution filed at No. 2016-13001, Equestrian Endeavors, LLC vs. Donald D. Tucci, owner of property situate in the Township of McKean, Erie County, Pennsylvania being: 9780 Old Route 99 a/k/a 9780 Edinboro Road, McKean, Pennsylvania.

Approx. 1.152 Acres

Assessment Map Number: (31) 19-70.1-9.04

Assessed Value Figure: \$137,800.00

Improvement Thereon: Residence

Michael A. Agresti, Esq.

Marsh Spaeder Baur Spaeder
& Schaaf, LLP
300 State Street, Suite 300
Erie, Pennsylvania 16507
(814) 456-5301
Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 8

Ex. #11193 of 2018
WILMINGTON SAVINGS
FUND SOCIETY, FSB, AS
TRUSTEE OF STANWICH
MORTGAGE LOAN TRUST
A c/o Carrington Mortgage
Services, LLC, Plaintiff
v.
THOMAS J. MALLON,
Administrator of the Estate
of John T. Mallon, deceased,
Defendant

DESCRIPTION

By virtue of a Writ of Execution filed to No. 11193-18, Wilmington Savings Fund Society, FSB, as Trustee of Stanwich Mortgage Loan Trust A vs. Thomas J. Mallon, Administrator of the Estate of John T. Mallon, deceased, owner of property situated in the City of Erie, Erie County, Pennsylvania being 1037 W. 37th Street, Erie, PA 16508 768 square feet, 0.1722 acres
Assessment Map number: 19061019011800
Assessed Value figure: 95,250.00
Improvement thereon: Residential
Jill M. Fein, Esquire
Attorney I.D. 318491
Hill Wallack LLP
777 Township Line Rd, Suite 250
Yardley, PA 19067
(215) 579-7700
Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 9

Ex. #11063 of 2018
WILMINGTON SAVINGS
FUND SOCIETY, FSB, AS
TRUSTEE OF STANWICH
MORTGAGE LOAN TRUST
A c/o Carrington Mortgage
Services, LLC, Plaintiff
v.
BRADLEY T. WILKINS and
JUDY A. WILKINS, Defendant
DESCRIPTION

By virtue of a Writ of Execution filed to No. 11063-18, Wilmington Savings Fund Society, FSB, as

Trustee of Stanwich Mortgage Loan Trust A vs. Bradley T. Wilkins and Judy A. Wilkins owner of property situated in the City of Erie, Erie County, Pennsylvania being 1424 E. 35 Street, Erie, PA 16504 660 square feet, 0.1253 acres
Assessment Map number: 18052024013500
Assessed Value figure: 71,180.00
Improvement thereon: Residential
Jill M. Fein, Esquire
Attorney I.D. 318491
Hill Wallack LLP
777 Township Line Rd, Suite 250
Yardley, PA 19067
(215) 579-7700
Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 10

Ex. #12192 of 2016
DEUTSCHE BANK NATIONAL
TRUST COMPANY, AS
TRUSTEE, IN TRUST FOR
REGISTERED HOLDERS OF
LONG BEACH MORTGAGE
LOAN TRUST 2006-1, ASSET-
BACKED CERTIFICATES,
SERIES 2016-1, Plaintiff
v.

HOWARD J. BEALE,
Defendant(s)
DESCRIPTION

ALL that certain piece or parcel of land situate in the Township of Waterford, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows, to-wit:
BEING a Five and Fifty-eight hundredths (5.580) acre parcel of land with Six hundred Ninety-three and seven tenths (693.70) feet frontage on Hull Road and being further identified as the parcel "To Be Conveyed" in Erie County Map Book Number 1995-246 as the same was recorded in the Office of the Recorder of Deeds in and for the County of Erie, Commonwealth of Pennsylvania on August 4, 1995, reference made to said Map for a more complete description. Said premises, in particular, are bound by a consolidated oil and gas lease, as well as an easement agreement for the transportation of natural gas. ALSO, ALL that certain piece or parcel of land situate in the Township

of Waterford, County of Erie and Commonwealth of Pennsylvania, being part of Tracts D and F, and being more particularly bounded and described as follows, to-wit:
BEGINNING at a point in the centerline of Hull Road (50 Ft. R.O.W.), being the northwest corner of a parcel marked "to be conveyed" on the D. James Subdivision plat as recorded in the Office of the Erie County Recorder of Deeds as Map No. 1995-246.
THENCE North 74 degrees, 38 minutes, 24 seconds East, along the residue of the D' Arcy James Whitman property, passing over an iron survey point in the east line of Hull Road at 28.16 feet, a total distance of 234.95 feet (N 7° 38' 24" E, 234.95 feet) to an iron survey point.
THENCE South 89 degrees, 18 minutes, 32 seconds East, still along the residue of the Whitman property, 204.97 feet (S 89° 18' 32" E, 204.97") to an iron pipe at the southwest corner of the Ronald D. Hurta property and being in the north line of the lands of Marguerite A. Kuhn.
THENCE South 82 degrees 06 minutes, 54 seconds West, along the north line of said Kuhn property, passing over an iron survey point in the east line of Hull Road at 405.16 feet, a total distance of 435.63 feet (S 82° 06' 54" W, 435.63') to the place of beginning.
CONTAINING 6,602 square feet of land net measure and intended to be Parcel "A" of a survey by Lynn S. Hofius, PLS dated May 7, 1996 and recorded in the Office of the Erie County Recorder of Deeds as Map No. 1996-158.
PROPERTY ADDRESS: 882 Hull Road, Waterford, PA 16441
KML Law Group, P.C.
Attorney for Plaintiff
Suite 5000 - BNY Independence Center, 701 Market Street
Philadelphia, PA 19106-1532
(215) 627-1322
Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 11

Ex. #11483 of 2018
BAYVIEW LOAN SERVICING,
LLC, Plaintiff

v.
ARNOLD J. FISHER,
Defendant(s)
DESCRIPTION

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

Beginning at a point in the south line of Third Street 71 feet east of the east line of Poplar Street; thence southwardly parallel with Poplar Street 93 feet to a point; thence eastwardly parallel with Third Street 30 feet to a point; thence northwardly parallel with Poplar Street 93 feet to the south line of Third Street; thence Westwardly along the south line of Third Street 30 feet to the place of beginning.

Said premises have erected thereon a dwelling commonly known as 653 West 3rd Street, Erie, Pennsylvania, and are further identified by Erie County Assessment Index No. (17) 4021-121.

PROPERTY ADDRESS: 653 West 3rd Street, Erie, PA 16507
KML Law Group, P.C.

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

Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 12

Ex. #11922 of 2018

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

v.

RICHARD A. GRASSO,
BARBARA J. GRASSO,
Defendant(s)

DESCRIPTION

All that certain piece or parcel of land situate in the First Ward of the City of Erie, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows, to-wit: COMMENCING at a point in the intersection of the south line

of Atkins Street with the west line of Payne Avenue; thence westerly, along the south line of Atkins Street, one hundred twenty (120) feet to a point; thence southerly, parallel with Payne Avenue, ninety (90) feet to a point; thence easterly, parallel with Atkins Street, one hundred twenty (120) feet to the west line of Payne Avenue; thence northerly, along said west line of Payne Avenue, ninety (90) feet to the place of beginning; having erected thereon a two-story dwelling known as 628 Payne Avenue, Erie, Pennsylvania. Index No. (14) 1102-103.

PARCEL #: 14-011-0020-10300
PROPERTY ADDRESS: 628 Payne Avenue, Erie, PA 16503
KML Law Group, P.C.

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

Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 13

Ex. #11080 of 2018

BAYVIEW LOAN SERVICING, LLC, A DELAWARE LIMITED LIABILITY COMPANY, Plaintiff

v.

MONICA G. JOHNSON,
ROLAND J. JOHNSON JR.
AKA ROLAND J. JOHNSON,
Defendant(s)

DESCRIPTION

All that certain piece or parcel of land situate in the City of Erie, County of Erie, and Commonwealth of Pennsylvania, bounded and described as follows, to-wit: Commencing at a point in the east line of Pennsylvania Avenue, seventy-five (75) feet south of the south line of Twenty-seventh Street; thence southerly along the east line of Pennsylvania Avenue, thirty (30) feet; thence easterly parallel with Twenty-seventh, eighty (80) feet; thence northerly parallel with the east line of Pennsylvania Avenue, Erie, Pennsylvania Avenue, thirty (30) feet; thence westerly parallel with Twenty-seventh Street, eighty (80) feet to the place of beginning, having erected thereon a dwelling known

as 2709 Pennsylvania Avenue, Erie, Pennsylvania 16504, being further identified as Erie County Tax Index No. (18) 5044-120.

Parcel #: 18-050-0440-12000
PROPERTY ADDRESS: 2709 Pennsylvania Avenue, Erie, PA 16504

KML Law Group, P.C.
Attorney for Plaintiff
Suite 5000 - BNY Independence Center, 701 Market Street
Philadelphia, PA 19106
(215) 627-1322

Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 14

Ex. #11519 of 2018

BAYVIEW LOAN SERVICING, LLC, Plaintiff

v.

ANDREA KING, RICHARD D. KING, 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:

Being Lot Numbered 338 of Block Lettered "V" as shown in the certain plat entitled West Tract Subdivision, United States Housing Corp., Project No. 10 as duly recorded in Erie County Map Book 2, Pages 320 and 321 in the office of the County Recorder of said County of Erie, reference thereto made for a more complete description of said premises.

Parcel #: 16-031-012.0-207.00
PROPERTY ADDRESS: 1811 West 14th Street, Erie, PA 16505

KML Law Group, P.C.
Attorney for Plaintiff
Suite 5000 - BNY Independence Center, 701 Market Street
Philadelphia, PA 19106
(215) 627-1322

Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 15

Ex. #10373 of 2018

NATIONSTAR MORTGAGE LLC D/B/A CHAMPION MORTGAGE COMPANY, Plaintiff

v.

The Unknown Heirs of Albert L. Russell, Deceased, NATALIE

FERRARO, Solely in Her Capacity as Heir of Albert L. Russell, Deceased, CHARLOTTE L. RUSSELL, ALBERT RUSSELL, JR., Solely in His Capacity as Heir of Albert L. Russell, Deceased, Defendant(s)

DESCRIPTION

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE AND BEING PART OF TRACT 369 IN THE TOWNSHIP OF SUMMIT, COUNTY OF ERIE AND STATE OF PENNSYLVANIA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT IN THE CENTER LINE OF CHERRY STREET EXTENSION, SAID POINT BEING SOUTH TWENTY-SIX (26) DEGREES EAST, ONE HUNDRED TWENTY-NINE AND SIXTY-EIGHT HUNDREDTHS (129.68) FEET FROM THE NORTHWEST CORNER OF TRACT 369; THENCE NORTH SIXTY-FOUR (64) DEGREES EAST, THREE HUNDRED SEVENTY-NINE AND FIVE TENTHS (379.5) FEET TO A POINT; THENCE SOUTH TWENTY-SIX (26) DEGREES EAST, ONE HUNDRED (100) FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE SOUTHEAST CORNER OF THE LAND CONVEYED TO HIRAM WOODS AND WIFE BY DEED RECORDED IN ERIE COUNTY DEED BOOK 568 AT PAGE 89; THENCE SOUTH SIXTY-FOUR (64) DEGREES WEST, THREE HUNDRED SEVENTY-NINE AND FIVE-TENTHS (379.5) FEET, MORE OR LESS, TO THE CENTER LINE OF CHERRY STREET EXTENSION IN THE LINE COMMON TO TRACT 369 AND 370; THENCE NORTH TWENTY-SIX (26) DEGREES WEST, ALONG THE CENTER LINE OF CHERRY STREET EXTENSION, BEING THE LINE COMMON TO TRACT 369 AND 370, ONE HUNDRED (100) FEET TO A POINT, THE PLACE OF BEGINNING. BEING KNOWN AS 6361 CHERRY

STREET EXTENSION, ERIE, PENNSYLVANIA (FORMERLY KNOWN AS 6217 CHERRY STREET EXTENSION, ERIE, PENNSYLVANIA).
PROPERTY ADDRESS: 6361 Cherry Street Ext, Erie, PA 16509
PARCEL #: 40005026000200
KML Law Group, P.C.
Attorney for Plaintiff
Suite 5000 - BNY Independence Center, 701 Market Street
Philadelphia, PA 19106
(215) 627-1322

Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 16

Ex. #10217 of 2018

METROPOLITAN LIFE INSURANCE COMPANY,

Plaintiff

v.

MARIE SCUPSKI, as Administratrix of the Estate of Florence A. Scupski, Deceased, Defendant(s)

DESCRIPTION

ALL THAT CERTAIN PARCEL OF LAND IN THE CITY OF ERIE, ERIE COUNTY, COMMONWEALTH OF PENNSYLVANIA, AS MORE FULLY DESCRIBED IN BOOK 890, PAGE 164, ID#18-52-08-210, BEING KNOWN AND DESIGNATED AS A METES AND BOUNDS PROPERTY. 4209 ESSEX
BY FEE SIMPLE DEED FROM HARRIS REALTY CORPORATION AS SET FORTH IN BOOK 890, PAGE 164 DATED 01/30/1964, ERIE COUNTY RECORDS, TOTAL CONSIDERATION IS \$11790.00
PARCEL #: 18052008021000
PROPERTY ADDRESS: 4209 Essex 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

Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 17

Ex. #11471 of 2017

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE

FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff

v.

CHARLES L. FOX II, Defendant DESCRIPTION

By virtue of a Writ of Execution No. 2017-11471, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff vs. CHARLES L. FOX II, Defendant Real Estate: 12238 RIDGE ROAD (aka 12238 W. Ridge Road) EAST SPRINGFIELD, PA 16411
Municipality: Springfield Township
Erie County, Pennsylvania
Dimensions: 120 x 170
See Deed Book 410, page 1027
Tax I.D. (39) 44-9-18-03
Assessment: \$23,400 (Land)
\$63,800 (Bldg)
Improvement thereon: a residential dwelling house as identified above
Leon P. Haller, Esquire
Purcell, Krug & Haller
1719 North Front Street
Harrisburg, PA 17104
(717) 234-4178

Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 18

Ex. #11822 of 2018

U.S. Bank Trust National Association, not in its individual capacity but solely as Delaware trustee and U.S. Bank National Association, not in its individual capacity but solely as Co-Trustee for Government Loan Securitization Trust 2011-FV1, Plaintiff

v.

Brenda J. Trimble, AKA Brenda Trimble; James T. Trimble, Defendants

DESCRIPTION

By virtue of a Writ of Execution file to No. 2018-11822, U.S. Bank Trust National Association, not in its individual capacity but solely as Delaware trustee and U.S. Bank National Association, not in its individual capacity but solely as Co-Trustee for Government Loan Securitization Trust 2011-FV1 vs. Brenda J. Trimble, AKA Brenda Trimble; James T. Trimble, owner(s)

of property situated in The Borough of Cranestown, County of Erie, Commonwealth of Pennsylvania being 10319 Bowman Avenue, Cranestown, PA 16410
1234 SQFT

Assessment Map Number:
09005012001800

Assessed Value figure: \$58,900.00
Improvement thereon: Single

Family Dwelling
Kimberly J. Hong, Esquire
Manley Deas Kochalski LLC
P.O. Box 165028

Columbus, OH 43216-5028
614-220-5611

Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 19

Ex. #12089 of 2018

**Citizens Bank, N.A. f/k/a RBS
Citizens N.A., Plaintiff**

v.

Brian C. Crew, Defendant

DESCRIPTION

By virtue of a Writ of Execution filed to No. 12089-18, Citizens Bank, N.A. f/k/a RBS Citizens N.A. v. Brian C. Crew, owners of property situated in the Township of City of Erie, Erie County, Pennsylvania being 2002 Prospect Avenue, Erie, Pennsylvania 16510.

Tax ID. No. 18051030021900

Assessment: \$28,944.40

Improvements: Residential
Dwelling

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

Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 20

Ex. #12012 of 2018

Northwest Bank, Plaintiff
v.

John P. Grazioli, Defendant

DESCRIPTION

By virtue of a Writ of Execution filed to No. 12012-18, Northwest Bank v. John P. Grazioli, owners of property situated in the Township of Millcreek, Erie County, Pennsylvania being 5843 Forest Crossing, Erie, Pennsylvania 16506.
Tax I.D. No. 33-174-565.0-050.00
Assessment: \$269,348.92

Improvements: Residential

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

Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 21

Ex. #11720 of 2016

**Citizens Bank N.A. f/k/a RBS
Citizens N.A., Plaintiff**

v.

Richard A. Matos, Defendant

DESCRIPTION

By virtue of a Writ of Execution filed to No. 11720-2016, Citizens Bank N.A. f/k/a RBS Citizens N.A. v. Richard A. Matos, owners of property situated in the Township of Summit, Erie County, Pennsylvania being 8681 Oliver Road, Erie, Pennsylvania 16509.

Tax I.D. No. 40019082001100

Assessment: \$132,211.85

Improvements: Residential
Dwelling

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

Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 22

Ex. #11405 of 2018

Bank of America, N.A., Plaintiff
v.

**Mark Anthony Atkinson,
Administrator for the Estate of
Johnie M. Atkinson-Faulkerson
a/k/a Johnie Mae Atkinson-
Faulkerson, Deceased, Defendant**

DESCRIPTION

By virtue of a Writ of Execution filed to No. 11405-18, Bank of America, N.A. vs. Mark Anthony Atkinson, Administrator for the Estate of Johnie M. Atkinson-Faulkerson a/k/a Johnie Mae Atkinson-Faulkerson, Deceased, owners of property situated in Fairview Township, Erie County, Pennsylvania being 3707 Guilford Drive, Erie, PA 16506
0.9235 Acres

Assessment Map number:
21059083003600

Assessed Value figure: \$342,860.00
Improvement thereon: Residential

Dwelling

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

Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 23

Ex. #11684 of 2018

**U.S. Bank National Association,
as Trustee, successor in interest
to Bank of America, National
Association, as Trustee, successor
by merger to LaSalle Bank
National Association, as Trustee
for Bear Stearns Asset Backed
Securities I Trust 2006-1, Asset
Backed Certificates, Series 2006-
1, Plaintiff**

v.

Charlene M. Moffett, Defendant
DESCRIPTION

TO THE SHERIFF OF ERIE
COUNTY:

PROPERTY OF: Charlene M.
Moffett

EXECUTION NO: 2018-11684

JUDGMENT AMT: \$106,284.50

ALL the right, title, interest and
claim of: Charlene M. Moffett

Of in and to:

ADDRESS: 2650 Cherry Street,
Erie, PA 16508

MUNICIPALITY: City of Erie

All that certain piece or parcel
of land situate in the City of Erie,
County of Erie and Commonwealth
of Pennsylvania

Tax ID: 19-060-043.0-111.00

Commonly known as 2650 Cherry
Street, Erie, PA 16508

PARKER McCAY P.A.

Patrick J Wesner, Esquire

Attorney ID# 203145

9000 Midlantic Drive, Suite 300

P.O. Box 5054

Mount Laurel, NJ 08054-1539

(856) 810-5815

Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 25

Ex. #11982 of 2018

Ditech Financial LLC, Plaintiff
v.

Robert J. Christy, Defendant(s)

DESCRIPTION

By virtue of a Writ of Execution filed
to No. 11982-18, Ditech Financial
LLC vs. Robert J. Christy
Amount Due: \$65,348.22

Robert J. Christy, owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania being 439 West 8th Street, Erie, PA 16502
 Dimensions: 28.37 X 115
 Acres: 0.0747
 Assessment Map number: 16030025024100
 Assessed Value: \$81,200.00
 Improvement thereon: residential
 Phelan Hallinan Diamond & Jones, LLP
 One Penn Center at Suburban Station, Suite 1400
 1617 John F. Kennedy Boulevard
 Philadelphia, PA 19103-1814
 (215) 563-7000
 Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 26

Ex. #11664 of 2018
U.S. Bank National Association,
as Trustee for Structured Asset
Investment Loan Trust, Mortgage
Pass-Through Certificates, Series
2005-9, Plaintiff
v.
Lori M. Grinnell, Thomas C.
Spencer, Defendant(s)

DESCRIPTION

By virtue of a Writ of Execution filed to No. 11664-18, U.S Bank National Association, as Trustee for Structured Asset Investment Loan Trust, Mortgage Pass-Through Certificates, Series 2005-9 vs. Lori M. Grinnell, Thomas C. Spencer
 Amount Due: \$54,395.10
 Lori M. Grinnell, Thomas C. Spencer, owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania being 2437 Woodlawn Avenue, Erie, PA 16510-1545
 Dimensions: 60 X 100
 Acreage: 0.1377
 Assessment Map number: 18051068021200
 Assessed Value: \$80,300.00
 Improvement thereon: residential
 Phelan Hallinan Diamond & Jones, LLP
 One Penn Center at Suburban Station, Suite 1400
 1617 John F. Kennedy Boulevard
 Philadelphia, PA 19103-1814
 (215) 563-7000
 Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 27

Ex. #11443 of 2018
Hsbc Bank USA, National

Association as Trustee for Ace
Securities Corp. Home Equity
Loan Trust, Series 2005-Sn1,
Asset Backed Pass-Through
Certificates, Plaintiff
v.

Charlene R. Manning,
Defendant(s)

DESCRIPTION

By virtue of a Writ of Execution filed to No. 11443-18, Hsbc Bank USA, National Association as Trustee for Ace Securities Corp. Home Equity Loan Trust, Series 2005-Sn1, Asset Backed Pass-Through Certificates vs. Charlene R. Manning
 Amount Due: \$60,029.22
 Charlene R. Manning, owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania being 324-326 West 22nd Street, Erie, PA 16502-0000
 Dimensions: 35 X 135
 Assessment Map number: 19-6010-125
 Assessed Value: \$66,410.00
 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
 Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 28

Ex. #12203 of 2017
Wells Fargo Bank, NA, Plaintiff
v.

Marshall E. Nicks, III, in His
Capacity as Heir of Marshall E.
Nicks, Jr, Deceased, Unknown
Heirs, Successors, Assigns,
and All Persons, Firms, or
Associations Claiming Right,
Title or Interest From or Under
Marshall E. Nicks, Jr, Deceased,
Defendant(s)

DESCRIPTION

By virtue of a Writ of Execution filed to No. 12203-17, Wells Fargo Bank, NA vs. Marshall E. Nicks, III, in His Capacity as Heir of Marshall E. Nicks, Jr, Deceased, Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Marshall E. Nicks, Jr, Deceased

Amount Due: \$35,522.10
 Marshall E. Nicks, III, in His Capacity as Heir of Marshall E. Nicks, Jr, Deceased, Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Marshall E. Nicks, Jr, Deceased, owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania being 2901 Burton Avenue, Erie, PA 16504-1443
 Dimensions: 39.75 X 129.7
 Assessment Map number: 18-051-005.0-226.00
 Assessed Value: \$51,900.00
 Improvement thereon: residential
 Phelan Hallinan Diamond & Jones, LLP
 One Penn Center at Suburban Station, Suite 1400
 1617 John F. Kennedy Boulevard
 Philadelphia, PA 19103-1814
 (215) 563-7000
 Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 29

Ex. #11187 of 2018
Ditech Financial LLC, Plaintiff
v.

Fawn R. Yost, in Her Capacity
as Administratrix and Heir of
The Estate of Claude C. Proper
a/k/a Claude Carlyle Proper,
Jr, Unknown Heirs, Successors,
Assigns, and All Persons, Firms,
or Associations Claiming Right,
Title or Interest From or Under
Claude C. Proper, Deceased,
Defendant(s)

DESCRIPTION

By virtue of a Writ of Execution filed to No. 11187-2018, Ditech Financial LLC vs. Fawn R. Yost, in Her Capacity as Administratrix and Heir of The Estate of Claude C. Proper a/k/a Claude Carlyle Proper, Jr, Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Claude C. Proper, Deceased
 Amount Due: \$50,752.61
 Fawn R. Yost, in Her Capacity as Administratrix and Heir of The Estate of Claude C. Proper a/k/a Claude Carlyle Proper, Jr, Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest

From or Under Claude C. Proper, Deceased, owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania being 1132 West 32nd Street, Erie, PA 16508
 Dimensions: 40 X 135
 Acreage: 0.1240
 Assessment Map number: 19062019013000
 Assessed Value: \$81,800.00
 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
 Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 30

Ex. #11876 of 2018
Wells Fargo Bank, NA, Plaintiff
v.

Christopher M. Slawson, Aslan
M. Slawson, Defendant(s)

DESCRIPTION

ALL THAT CERTAIN piece or parcel of land situated in Millcreek Township, county of Erie and Commonwealth of Pennsylvania, being lot no. forty in what is known as Ken Acres subdivision of part of tract 310 of Millcreek Township, Erie County, Pennsylvania as per plat of same duly recorded in map book 5, pages 6, 7, 8 & 9 in the recorder's office of Erie County, Pennsylvania, having erected thereon a one-story frame and brick dwelling with one and one-half car attached garage, commonly known and numbered as 4603 Tulane Avenue, Erie, Pennsylvania, and being Erie County tax ID no. 33-62-235-009.
 TITLE TO SAID PREMISES IS VESTED IN CHRISTOPHER M. SLAWSON AND ASLAN M. SLAWSON, HIS WIFE, by Deed from JOSEPH L. PEEBLES AND KIMBERLY A. PEEBLES, HIS WIFE, Dated 01/24/2003, Recorded 01/28/2003, in Book 971, Page 1.
 Tax Parcel #: 33062235000900
 Premises being: 4603 Tulane Avenue, Erie, PA 16506-1519
 Phelan Hallinan Diamond & Jones, LLP
 1617 JFK Boulevard, Suite 1400
 One Penn Center Plaza
 Philadelphia, PA 19103

215-563-7000
 Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 31

Ex. #12165 of 2018
New Residential Mortgage Loan
Trust 2017-6, Plaintiff
v.

Thomas C. Trapp, Defendant(s)
DESCRIPTION

By virtue of a Writ of Execution filed to No. 12165-18, New Residential Mortgage Loan Trust 2017-6 vs. Thomas C. Trapp
 Amount Due: \$94,571.57
 Thomas C. Trapp, owner(s) of property situated in AMITY TOWNSHIP, Erie County, Pennsylvania being 12565 Arbuckle Road, Union City, PA 16438-9023
 Acres: 2.0810
 Square Footage: 1456
 Assessment Map number: 02001002000101
 Assessed Value: \$109,890.00
 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
 Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 32

Ex. #10662 of 2018
Mid America Mortgage, Inc.,
Plaintiff
v.

Unknown Executor of The Estate
of James E. Weaver, James
Patrick Weaver, in His Capacity
as Devisee of The Estate of James
E. Weaver, Patricia J. Weaver,
in Her Capacity as Devisee of
The Estate of James E. Weaver,
Defendant(s)
DESCRIPTION

By virtue of a Writ of Execution filed to No. 10662-18, Mid America Mortgage, Inc. vs. Unknown Executor of The Estate of James E. Weaver, James Patrick Weaver, in His Capacity as Devisee of The Estate of James E. Weaver, Patricia J. Weaver, in Her Capacity as Devisee of The Estate of James E. Weaver
 Amount Due: \$98,267.30
 Unknown Executor of The Estate

of James E. Weaver, James Patrick Weaver, in His Capacity as Devisee of The Estate of James E. Weaver, Patricia J. Weaver, in Her Capacity as Devisee of The Estate of James E. Weaver, owner(s) of property situated in FAIRVIEW TOWNSHIP, Erie County, Pennsylvania being 8211 Middle Road, Fairview, PA 16415-1852
 Dimensions: 160 X 157 IRR
 Acreage: 0.5209
 Assessment Map number: 21048066000500
 Assessed Value: \$101,160.00
 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
 Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 33

Ex. #11760 of 2018
CITIMORTGAGE, INC.,
Plaintiff
v.

JOSHUA J. MILLER, Defendant
DESCRIPTION

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN THE CITY OF ERIE, COUNTY OF ERIE AND STATE OF PENNSYLVANIA.
 BEING KNOWN AS: 160 BELMONT AVENUE, ERIE, PA 16509
 PARCEL # 19-061-021.0-218.00
 Improvements: Residential Dwelling.
 POWERS KIRN & ASSOCIATES, LLC
 Amanda L. Rauer, Esquire
 Id. No. 307028
 Attorneys for Plaintiff
 Eight Neshaminy Interplex
 Suite 215
 Treviso, PA 19053
 (215) 942-2090
 Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 34

Ex. #11376 of 2018
CITIMORTGAGE, INC.,
Plaintiff
v.
ALLAN W. MULVIN, SR.,
Defendant

DESCRIPTION

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN THE TOWNSHIP OF MILLCREEK, COUNTY OF ERIE AND STATE OF PENNSYLVANIA. BEING KNOWN AS: 1758 HIGH STREET, ERIE, PA 16509
 PARCEL # 33-099-424.0-013.00
 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
 Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 35

Ex. #11579 of 2018
THE BANK OF NEW YORK
MELLON F/K/A THE
BANK OF NEW YORK AS
SUCCESSOR TRUSTEE
BANK, N.A., AS TRUSTEE
FOR THE BENEFIT OF THE
CERTIFICATEHOLDERS
OF POPULAR ABS, INC.
MORTGAGE PASS-THROUGH
CERTIFICATES SERIES 2005-
6, Plaintiff
v.

BARBARA M. ALBERT,
Defendant(s)

DESCRIPTION

ALL THOSE CERTAIN LOTS OR PIECES OF GROUND SITUATE IN THE TOWNSHIP OF MCKEAN, ERIE COUNTY, PENNSYLVANIA: BEING KNOWN AS: 6261 STERRETTANIA ROAD, FAIRVIEW (MCKEAN TOWNSHIP), PA 16415
 PARCEL NUMBER: (31) 1-2-3.03
I M P R O V E M E N T S :
 RESIDENTIAL PROPERTY
 RAS Citron, LLC
 Robert Crawley, Esq.
 Attorney ID No. 319712
 133 Gaither Drive, Suite F
 Mt. Laurel, NJ 08054
 855-225-6906
 Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 36

Ex. #11964 of 2016
Madison Revolving Trust 2017,
Plaintiff
v.
Cecil W. Sparks and Joetta
Sparks, Defendant
DESCRIPTION

By virtue of a Writ of Execution filed to No. 2016-11964, Madison Revolving Trust 2017 vs. Cecil W. Sparks and Joetta Sparks, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 704 Plum Street, Erie, PA 16502
 0.0500
 Assessment Map number: 17040028010700
 Assessed Value figure: \$52,110.00
 Improvement thereon: a residential dwelling
 Katherine M. Wolf, Esquire
 Shapiro & DeNardo, LLC
 Attorney for Movant/Applicant
 3600 Horizon Drive, Suite 150
 King of Prussia, PA 19406
 (610) 278-6800
 Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 37

Ex. #11860 of 2018
Nationstar Mortgage LLC d/b/a
Mr. Cooper, Plaintiff
v.
Raymond S. Zapolski and Susan
M. Zapolski, Defendant
DESCRIPTION

By virtue of a Writ of Execution filed to No. 2018-11860, 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 1037-1039 West 10th Street, Erie, PA 16502
 0.1042
 Assessment Map number: 16030051021800
 Assessed Value figure: \$40,050.00
 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
 Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 38

Ex. #12101 of 2018
Ocwen Loan Servicing, LLC,
Plaintiff
v.
Amy Cahill, Defendant
DESCRIPTION

By virtue of a Writ of Execution filed to No. 12101-18, Ocwen Loan Servicing, LLC vs. Amy Cahill, owner(s) of property situated in Erie City, Erie County, Pennsylvania being 645 Brown Avenue, Erie, PA 16502
 Frame or CB Detached Garage, 1482 Sq Feet 40XIRR
 Assessment Map number: 19060017021400
 Assessed Value figure: 66,960.00
 Improvement thereon: N/A
 Andrew J. Marley
 1581 Main Street, Suite 200
 Warrington, PA 18976
 (215) 572-8111
 Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 39

Ex. #10317 of 2018
Bayview Loan Servicing, LLC,
a Delaware Limited Liability
Company, Plaintiff
v.
Gerald M. McMurdy, Defendant
DESCRIPTION

PARCEL NO.: (18) 5334-207
 All that certain piece or parcel of land situate in the City of Erie, County of Erie and State of Pennsylvania, bounded and described as follows, to-wit: BEGINNING at a point in the southerly line of Locust Street, 120 feet westerly from the west line of Eliot Road; thence westwardly along the south line of Locust Street, 120 feet; thence southwardly parallel with Eliot Road, 130 feet to a point; thence eastwardly parallel with Locust Street, 120 feet to a point; thence northwardly parallel with Eliot Road, 130 feet to the place of beginning; having erected thereon a dwelling known as 221 Locust Street, Erie, Pennsylvania, and bearing City Index No. (18) 5334-207.
 Fee Simple Title Vested in Gerald M. McMurdy by deed from, James V. Farr and Jane E. Farr, his wife, dated 9/17/1980, recorded

9/17/1980, in the Erie County Recorder of deeds in Deed Book 1398, Page 198.

PROPERTY ADDRESS: 221 Locust Street, Erie, PA 16508
JESSICA N. MANIS, ESQUIRE
STERN & EISENBERG, PC
1581 Main Street, Suite 200
The Shops at Valley Square
Warrington, PA 18976
(215) 572-8111

Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 40

Ex. #13495 of 2017

M&T Bank, Plaintiff

v.

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

DESCRIPTION

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

BEGINNING at a point in the west line of Ash Street, sixty-five (65) feet Northwardly from the point of intersection of the west line of Ash Street, with the North line of East Twenty-third Street; thence Westwardly, and parallel with the North line of East Twenty-third Street, one hundred five (105) feet to a point; thence Northwardly, and parallel with the west line of Ash Street, thirty-five (35) feet to a point; thence Eastwardly, and parallel with the North line of East Twenty-third Street, one hundred five (105) feet to the west line of Ash Street; thence Southwardly, along the west line of Ash Street, thirty-five (35) feet to the place of beginning.

HAVING ERECTED THEREON a one family dwelling.

BEING THE SAME PREMISES AS Gene R. Brinig, Administrator of the Estate of James E. Brinig, deceased, by Deed dated February 27, 2002, and recorded on February 27, 2002, by the Erie County Recorder of Deeds in Deed Book 857, Page 406, as Instrument No. 2002-009488, granted and conveyed unto Arby Newell, an Individual.

AND THE SAID Arby Newell

departed this life on March 12, 2016, intestate.

WHEREBY ON May 18, 2016, Arby Newell III was granted Letters of Administration and appointed as the Administrator of the Estate of Arby Newell, Jr., a/k/a Arby Newell, Deceased, by the Erie County Register of Wills on April 20, 2016, as Case No. 180702.

WHEREBY title to the premises vested with Arby Newell III, as Administrator of the Estate of Arby Newell, Jr., a/k/a Arby Newell, Deceased, by Operation of Law. BEING KNOWN AND NUMBERED AS 2220 Ash Street, Erie, PA 16503.

TAX PARCEL NO. (18) 5022-202.
ANDREW J. MARLEY, ESQUIRE
STERN & EISENBERG, PC
1581 Main Street, Suite 200
The Shops at Valley Square
Warrington, PA 18976
(215) 572-8111

Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 41

Ex. #10441 of 2018

**PNC BANK, NATIONAL
ASSOCIATION, Plaintiff**

v.

**JAMIE L. LOPATYNSKI AND
KRISTIN M. ISSACSON,
SOLELY IN THEIR CAPACITY
AS KNOWN HEIRS OF LYNNE
A. JOHNSON, AND ALL
UNKNOWN HEIRS OF LYNNE
A. JOHNSON, Defendants**

DESCRIPTION

By virtue of a Writ of Execution filed to No. 10441-18, PNC BANK, NATIONAL ASSOCIATION vs. JAMIE L. LOPATYNSKI AND KRISTIN M. ISSACSON, SOLELY IN THEIR CAPACITY AS KNOWN HEIRS OF LYNNE A. JOHNSON, AND ALL UNKNOWN HEIRS OF LYNNE A. JOHNSON, owner(s) of property situated in TOWNSHIP OF MILLCREEK, Erie County, Pennsylvania being 927 Potomac Avenue, Erie, PA 16505

0.2410 acre

Assessment Map number:
33018082002200

Assessed Value figure: \$92,190.00

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

Dec. 28, 2018 and Jan. 4, 11, 2019

SALE NO. 42

Ex. #10510 of 2018

**NATIONSTAR HECM
ACQUISITION TRUST 2017-1,
WILMINGTON SAVINGS
FUND SOCIETY, FSB, NOT
INDIVIDUALLY, BUT SOLELY
AS TRUSTEE, Plaintiff**

v.

**BETTY LYONS A/K/A BETTY
J. LYONS, JETSON LYONS,
Defendant(s)**

DESCRIPTION

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN THE CITY OF ERIE, COUNTY OF ERIE, STATE OF PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT IN THE INTERSECTION OF THE SOUTH LINE OF TWENTY-SEVENTH STREET WITH THE WEST LINE OF GERMAN STREET, THENCE RUNNING WESTWARD, ALONG THE SOUTH LINE OF TWENTY-SEVENTH STREET, ONE HUNDRED (100) FEET TO A POINT; THENCE SOUTHWARDLY, PARALLEL WITH GERMAN STREET, THIRTY-FOUR (34) FEET TO A POINT; THENCE EASTWARDLY, PARALLEL WITH TWENTY-SEVENTH STREET, ONE HUNDRED (100) FEET TO THE WEST LINE OF GERMAN STREET; AND THENCE NORTHWARDLY ALONG THE WEST LINE OF GERMAN STREET, THIRTY-FOUR (34) FEET TO THE PLACE OF BEGINNING; HAVING ERECTED THEREON A TWO AND ONE-HALF STORY BRICK ONE-FAMILY DWELLING AND ONE CAR INTEGRAL GARAGE, KNOWN AS 261 EAST TWENTY-SEVENTH STREET.

PARCEL #: 18050081010700
 PROPERTY ADDRESS: 261 East
 27th Street, Erie, PA 16504
 KML Law Group, P.C.
 Attorney for Plaintiff
 Suite 5000 - BNY Independence
 Center, 701 Market Street
 Philadelphia, PA 19106-1532
 (215) 627-1322
 Dec. 28, 2018 and Jan. 4, 11, 2019

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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

**BLOSE, RUTH, a/k/a
RUTH A. BLOSE,
deceased**

Late of the Township of Millcreek, County of Erie and State of Pennsylvania
Executrix: Ruth Carnes, 6240 Rte 215, Girard, PA 16417
Attorney: Ronald J. Susmarski, Esq., 4030 West Lake Road, Erie, PA 16505

**BRETZ, CARL A., a/k/a
CARL ANDREW BRETZ,
deceased**

Late of the Township of Fairview, County of Erie, Commonwealth of Pennsylvania
Executrix: Anne M. Bretz, 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

**BROWN, ALBERTA,
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Executor: Todd I. Glazar, 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

**BROWN, WILLIAM E., a/k/a
WILLIAM EARL BROWN,
deceased**

Late of the City of Erie, County of Erie
Executor: Donald J. Boyd, 3520 Stone Quarry Road, Waterford, Pennsylvania 16441
Attorney: Kari A. Froess, Esquire, CARNEY & GOOD, 254 West Sixth Street, Erie, Pennsylvania 16507

**D'ANDREA, RICHARD V.,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executor: Richard M. D'Andrea, 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

**DARDEN, JOSEPH E., JR., a/k/a
JOSEPH E. DARDEN,
deceased**

Late of Township of Harborcreek, Erie County, Commonwealth of Pennsylvania
Co-Executors: Craig M. Darden and Debra A. Sutton, c/o 120 W. 10th Street, Erie, PA 16501
Attorney: Christine Hall McClure, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West 10th Street, Erie, PA 16501

**LAYDEN, DAVID R.,
deceased**

Late of the Township of Fairview, County of Erie, State of Pennsylvania
Administrator: James M. Layden, 1028 Evergreen Drive, Erie, PA 16505
Attorney: James R. Steadman, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**MARTHALER, MARILYN M.,
deceased**

Late of the Borough of Girard, County of Erie, State of Pennsylvania
Executrix: Kimberly A. Brown, 9878 Amador Ranch Avenue, Las Vegas, Nevada 89149
Attorney: Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**ROBLES, JAIME MONTERO,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Co-Executors: James A. Montero & George H. Montero, 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

**THEISS, ROBERT L., a/k/a
ROBERT THEISS,
deceased**

Late of the City of Erie, County of Erie, State of Pennsylvania
Executrix: Mary Margaret Malue, 2431 West 36th Street, Erie, Pennsylvania 16506
Attorney: Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**TOPERZER, WALTER, a/k/a
WALTER F. TOPERZER,
a/k/a WALTER FREDERICK
TOPERZER,
deceased**

Late of the City of Erie and County of Erie and Commonwealth of Pennsylvania
Executrix: Rhoda Toperzer, 361 West Duval Street, Philadelphia, PA 19144
Attorney: None

SECOND PUBLICATION

**HENDERSON, HENRY,
deceased**

Late of the City of Erie
Administrator: Gordon M. Mitchell, P.O. Box 152, Erie, PA 16512-0152
Attorney: None

**HUTZLER, BERNADETTE A., a/k/a BERNADETTE ANN HUTZLER, a/k/a BERNADETTE HUTZLER,
deceased**

Late of the Township of Millcreek, County of Erie, State of Pennsylvania
Executrix: Kathleen M. Paluh, 7601 Franklin Road, Girard, Pennsylvania 16417
Attorney: Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**KENNEDY, ROBERTA M.,
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Executrix: Samantha M. Kennedy, c/o James E. Marsh Jr., Esquire, Suite 300, 300 State Street, Erie, PA 16507
Attorney: James E. Marsh Jr., Esquire, MARSH, SPAEDER, BAUR, SPAEDER & SCHAAF, LLP., Suite 300, 300 State Street, Erie, PA 16507

**KOZUCHOWSKI, GENEVIEVE CATHERINE, a/k/a GENEVIEVE C. KOZUCHOWSKY, a/k/a GENEVIEVE KOZUCHOWSKY, a/k/a GENEVIEVE C. KOZUCHOWSKI, a/k/a GENEVIEVE KOZUCHOWSKI,
deceased**

Late of Township of Harborcreek, Erie County, Commonwealth of Pennsylvania
Executors: Carol Piazza and Michael Kozuchowsky, c/o 120 W. 10th Street, Erie, PA 16501
Attorney: Christine Hall McClure, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West 10th Street, Erie, PA 16501

**NUTZ, MARY R.,
deceased**

Late of Girard Borough, Erie County, Pennsylvania
Executor: Albert J. Nutz, c/o J. Lauson Cashdollar, Esquire, 1176 Third Street, Beaver, PA 15009
Attorney: J. Lauson Cashdollar, Esquire, 1176 Third Street, Beaver, PA 15009

**SPROVERI, SEAN A., a/k/a SEAN SPROVERI,
deceased**

Late of the City of Corry, County of Erie, Commonwealth of Pennsylvania
Administratrix: Patricia A. Moon, c/o Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407
Attorney: Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407

**TRACY, HILSTON L., a/k/a HILSTON LEROY TRACY,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executrix: Mildred N. Larouche, P.O. Box 335, Fairfield, ME 04937
Attorney: None

**VERNO, DOLORES, a/k/a DOLORES C. VERNO,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Administratrix C.T.A.: Carol Bianchi, 9592 West Lake Road, Lake City, PA 16423
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**WISINSKI, MARTHA M.,
deceased**

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

THIRD PUBLICATION

**BONITO, ALICE, a/k/a ALICE E. BONITO,
deceased**

Late of the Borough of Waterford, County of Erie, Commonwealth of Pennsylvania
Co-Executors: James A. Bonito and Patricia A. Sarring, 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

**CHRISTIE, NORMAN LEE, a/k/a NORMAN L. CHRISTIE,
deceased**

Late of the Township of Fairview, County of Erie and Commonwealth of Pennsylvania
Executrix: Mary E. Christie
Attorney: David J. Rhodes, Esquire, ELDERKIN LAW FIRM, 150 East 8th Street, Erie, PA 16501

**CULBERTSON, EARL A.,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executrix: Mary Ellen Long
Attorney: James H. Richardson, Esquire, ELDERKIN LAW FIRM, 150 East 8th Street, Erie, PA 16501

**HUTCHINSON, JOHN W.,
deceased**

Late of the Township of Millcreek,
County of Erie and Commonwealth
of Pennsylvania
Executrix: Darci L. Taylor, 2546
Pandora Drive, Erie, PA 16505
Attorneys: MacDonald, Illig, Jones
& Britton LLP, 100 State Street,
Suite 700, Erie, Pennsylvania
16507-1459

**LEONARDI, MARY S., a/k/a
MARY SWASHO LEONARDI,
deceased**

Late of the Township of McKean,
County of Erie, Commonwealth of
Pennsylvania
Executrix: Marcia Stewart,
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

**LOHSE, IDA E.,
deceased**

Late of the County of Erie and
Commonwealth of Pennsylvania
Co-Executors: Msgr. Edward M.
Lohse and Stephen G. Lohse, c/o
Norman A. Stark, Esq., Suite 300,
300 State Street, Erie, PA 16507
Attorney: Norman A. Stark, Esq.,
MARSH, SPAEDER, BAUR,
SPAEDER & SCHAAF, LLP.,
Suite 300, 300 State Street, Erie,
PA 16507

**MACALUSO, THOMAS P.,
deceased**

Late of the Township of
Millcreek, County of Erie, State
of Pennsylvania
Executor: Anne Jean Blore, 1228
Chelsea Avenue, Erie, PA 16505
Attorney: Valerie H. Kuntz, Esq.,
24 Main St. E., P.O. Box 87,
Girard, PA 16417

**MALLIN, ARTHUR H., a/k/a
ARTHUR MALLIN,
deceased**

Late of the City of Erie, County
of Erie, Commonwealth of
Pennsylvania
Executrix: Karen Lee Lewis,
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

**MUZZI, CAESAR,
deceased**

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

**WALKER, WILLIAM E., a/k/a
WILLIAM EVERETT WALKER,
deceased**

Late of Millcreek Township, Erie
County, Pennsylvania
Executors: Everett D. Walker and
Jana Walker Spano, 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

CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

DARRELL W. KUNTZ, III.....814-833-1987
 Sebald & Hackwelder(f) 814-616-4095
 2503 West 26th Street
 Erie, PA 16506 *d.kuntz@sebaldhackwelder.com*

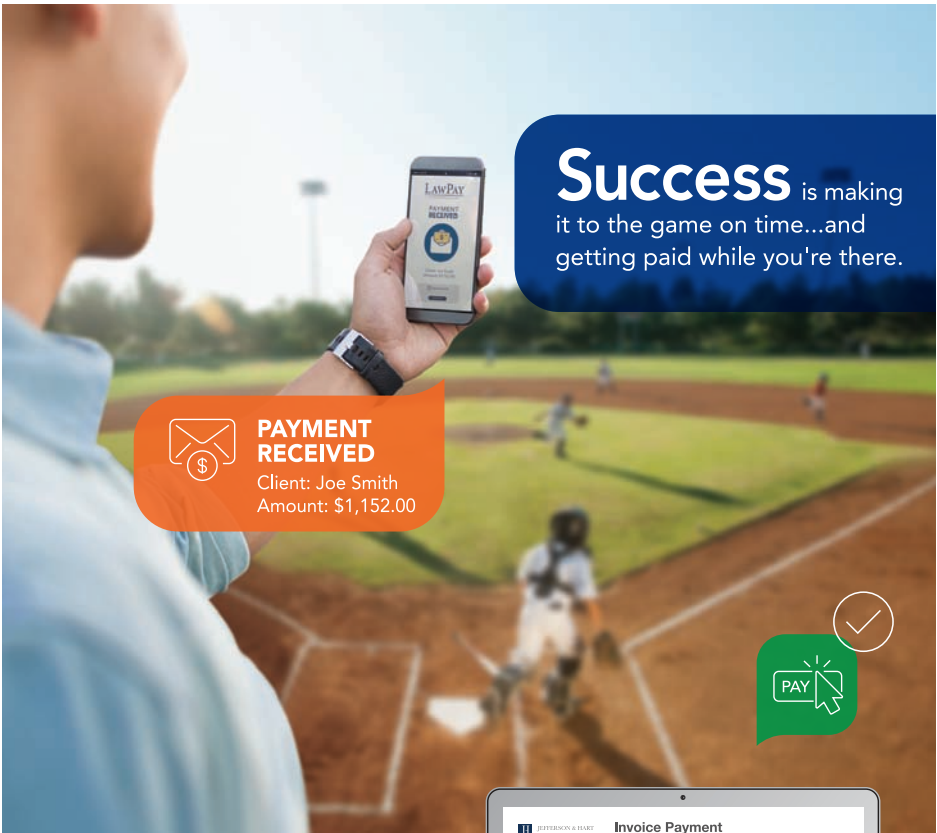
DOMINICK A. SISINNI.....412-288-5485
 Federal Home Loan Bank of Pittsburgh(f) 412-288-7315
 601 Grant Street
 Pittsburgh, PA 15219..... *Dominick.Sisinni@fhfb-pgh.com*

ATTENTION ALL ATTORNEYS

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

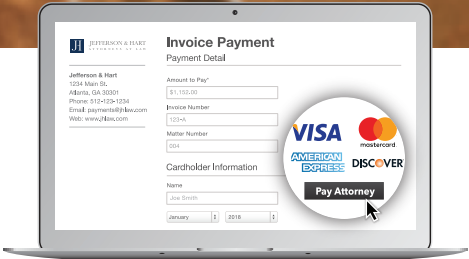
— YOU ARE FAR FROM BEING ALONE! —

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



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