

Erie County Legal Journal

January 4, 2019

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Lesh v. Erie International Airport Services, LLC, et al.

Erie County Legal Journal

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

Managing Editor: Megan E. Black

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INDEX

NOTICE TO THE PROFESSION	4
OPINION	6
COURT OF COMMON PLEAS	
Change of Name Notice	19
Dissolution Notice	19
Legal Notice	19
Sheriff Sales.....	21
ORPHANS' COURT	
Estate Notices	31
CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS	34

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Erie County Bar Association

Calendar of Events and Seminars

WEDNESDAY, JANUARY 9, 2019

AKT Kid Konnection Planning Meeting
Noon
ECBA Headquarters

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
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

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

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

JANUARY 2019 NOTICE

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

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

SCHEDULE CHAPTER 13 MOTIONS ON:

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

Wednesday, January 9, 2019	9:30 a.m.:	Open for all Erie & Pittsburgh Ch. 13 matters
Wednesday, January 30, 2019	10:00 a.m.:	Open for all Erie & Pittsburgh Ch. 13 matters
Wednesday, February 27, 2019	10:30 a.m.:	Open for all Erie & Pittsburgh Ch. 13 matters
Wednesday, March 27, 2019	11:00 a.m.:	Open for all Erie & Pittsburgh Ch. 13 matters
	11:30 a.m.:	Ch. 13 Sale, Financing and Extend/Impose Stay

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

SCHEDULE CHAPTERS 12, 11 & 7 MOTIONS ON:

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

Thursday, January 3, 2019	9:30 a.m.:	Open for all Erie & Pittsburgh Ch. 11 matters
Thursday, January 17, 2019	10:00 a.m.:	Open for all Erie & Pittsburgh Ch. 11 matters
Thursday, February 7, 2019	10:30 a.m.:	Open for all Erie & Pittsburgh Ch. 7 matters
Thursday, February 28, 2019	11:00 a.m.:	Open for all Erie & Pittsburgh Ch. 7 matters, including all Ch. 7 Motions to Extend/Impose Stay
Thursday, March 14, 2019	11:30 a.m.:	Ch. 11 and 7 Sale Motions and all Ch. 12 matters at this time, only

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

Michael R. Rhodes
Clerk of Court

Jan. 4

CHASTITY LESH, Plaintiff

v.

ERIE INTERNATIONAL AIRPORT SERVICES, LLC,

t/d/b/a ERIE INTERNATIONAL AIRPORT, and

ERIE REGIONAL AIRPORT AUTHORITY, Defendants

CIVIL PROCEDURE / MOTION FOR SUMMARY JUDGMENT

Any party may move for summary judgment in whole or in part as a matter of law: (1) whenever there is no genuine issue of any material fact as to a necessary element of the cause of action or defense which could be established by additional discovery or expert report, or (2) if, after the completion of discovery relevant to the motion, including the production of expert reports, an adverse party who will bear the burden of proof at trial has failed to produce evidence of facts essential to the cause of action or defense which in a jury trial would require the issues to be submitted to the jury.

CIVIL PROCEDURE / MOTION FOR SUMMARY JUDGMENT

The reviewing court must view the record in the light most favorable to the nonmoving party, resolving all doubts as to the existence of a genuine issue of material fact against the moving party.

*POLITICAL SUBDIVISIONS / MUNICIPAL CORPORATION /
ACTIONS BY GOVERNMENTAL IMMUNITY*

In order to overcome Defendants' immunity under the Political Tort Claims Act and recover in the instant civil action, Plaintiff must establish damages recoverable under common law or a statute creating a cause of action.

NEGLIGENCE / PREMISES LIABILITY / HILLS AND RIDGES DOCTRINE

The "hills and ridges" doctrine protects an owner or occupier of land from liability for generally slippery conditions resulting from ice and snow where the owner has not permitted the ice and snow to unreasonably accumulate in ridges or elevations.

*POLITICAL SUBDIVISIONS / MUNICIPAL CORPORATION /
ACTIONS BY GOVERNMENTAL IMMUNITY*

The meaning of "possession" within the "real property" exception is total control over the premises, and limited control or mere occupation of the premises for a limited period is insufficient to impose liability.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
CIVIL DIVISION
NO. 14127 - 2012

Appearances: Paul G. Mayer, Esq., on behalf of Chastity Lesh, Plaintiff
Sara Anderson Frey, Esq., on behalf of Erie International Airport Services,
LLC, t/d/b/a Erie International Airport, and Erie Regional Airport Authority,
Defendants

OPINION

AND NOW, to-wit, this 26th day of May, 2017, following the April 26th, 2017 hearing on the Motion for Summary Judgment, filed by Erie International Airport Services, LLC, t/d/b/a Erie International Airport, and Erie Regional Airport Authority, by and through their counsel, Sara Anderson Frey, Esq.; at which Paul G. Mayer, Esq., appeared via telephone on behalf of Plaintiff Chastity Lesh, and Sara Anderson Frey, Esq., appeared via telephone on behalf of Defendants Erie International Airport Services, LLC, t/d/b/a Erie International Airport, and Erie Regional Airport Authority; upon consideration of the arguments of counsel, and after thorough review of the record and relevant statutory and case law, Defendants' Motion for Summary Judgment is hereby **GRANTED** in favor of Erie International Airport Services, LLC t/d/b/a Erie International Airport and Erie Regional Airport Authority, and this Trial Court provides the following analysis:

Chastity Lesh (hereafter referred to as "Plaintiff") filed a Complaint in Civil Action on December 24, 2012, claiming negligence against Erie International Airport Services, LLC, t/d/b/a Erie International Airport, and Erie Regional Airport Authority (hereafter referred to as "Defendants") due to a slip-and-fall occurring on January 6, 2011. Defendants were served with a copy of Plaintiff's Complaint on December 28, 2012. Defendants filed an Answer and New Matter to Plaintiff's Complaint on January 16, 2013. Plaintiff filed a Reply to Defendants' New Matter on February 4, 2013.

Following the close of discovery, Defendants filed a Motion for Summary Judgment and a supporting Memorandum of Law on March 21, 2017. Plaintiff filed a Brief in Opposition to Defendants' Motion for Summary Judgment on April 21, 2017. At a hearing on April 26, 2017, this Trial Court heard argument from Plaintiff's counsel, Paul G. Mayer, Esq., and from Defendants' counsel, Sara Anderson Frey, Esq.

Pennsylvania Rule of Civil Procedure 1035.2 states that after the relevant pleadings are closed, but within such time as not to delay unreasonably the trial, any party may move for summary judgment in whole or in part as a matter of law: (1) whenever there is no genuine issue of any material fact as to a necessary element of the cause of action or defense which could be established by additional discovery or expert report, or (2) if, after the completion of discovery relevant to the motion, including the production of expert reports, an adverse party who will bear the burden of proof at trial has failed to produce evidence of facts essential to the cause of action or defense which in a jury trial would require the issues to be submitted to the jury. *See Pa. R. Civ. P. 1035.2*. The reviewing court must view the record in the light most favorable to the nonmoving party, resolving all doubts as to the existence of a genuine issue of material fact against the moving party. *Gilbert v. Synagro Central, LLC*, 131 A.3d 1, 10 (Pa. 2015). A defendant moving for summary judgment may make the showing necessary to support the entrance of summary judgment by demonstrating materials which indicated the plaintiff is unable to satisfy an element of his cause of action, and where a plaintiff fails to adduce any evidence to substantiate any element of his cause of action, a defendant is entitled to summary judgment as a matter of law. *See Shipley Fuels Mktg., LLC v. Medrow*, 37 A.3d 1215, 1217 (Pa. Super. 2012).

I. Defendants herein are immune from liability under the Political Tort Claims Act, 42 Pa. C.S. §8541 et seq., and, therefore, are entitled to summary judgment as a matter of law.
Pursuant to the Political Tort Claims Act, no local agency shall be liable for any damages

on account of any injury to a person or property caused by any act of the local agency or an employee thereof or any other person. 42 Pa. C. S. §8541. However, a local agency may be liable for damages on account of an injury to a person or property if both of the following conditions are satisfied and the injury occurs as a result of one of the eight (8) acts set forth in subsection (b):

(1) The damages would be recoverable under common law or a statute creating a cause of action if the injury were caused by a person not having available a defense under §8541 (relating to governmental immunity generally) or §8546 (relating to defense of official immunity); and

(2) The injury was caused by the negligent act(s) of the local agency or an employee thereof acting within the scope of his office or duties with respect to one of the categories listed in subsection (b).

See 42 Pa. C. S. §8542(a). After thorough review of the record, this Trial Court finds and concludes Plaintiff is unable to demonstrate damages recoverable under common law or by statute and is unable to establish one of the exceptions under subsection (b) applies in the instant civil action.

a. Plaintiff is unable to demonstrate damages recoverable under common law or by statute.

First, in order to overcome Defendants' immunity under the Political Tort Claims Act and recover in the instant civil action, Plaintiff must establish damages recoverable under common law or a statute creating a cause of action. 42 Pa. C. S. §8542(a)(1). However, Plaintiff is unable to demonstrate such damages as Plaintiff's claim is precluded by the "hills and ridges" doctrine.

The "hills and ridges" doctrine protects an owner or occupier of land from liability for generally slippery conditions resulting from ice and snow where the owner has not permitted the ice and snow to unreasonably accumulate in ridges or elevations. *Morin v. Traveler's Rest Motel, Inc.*, 704 A.2d 1085, 1087 (Pa. Super. 1997). In order to recover from a slip-and-fall on snow or ice under the "hills and ridges" doctrine, a plaintiff must prove all of the following elements:

(1) Snow and ice had accumulated naturally in ridges or elevations of such size and character as to unreasonably obstruct travel and constitute a danger to pedestrians travelling thereon;

(2) The property owner had notice, either actual or constructive, of the existence of such condition; and

(3) The dangerous accumulation of snow and ice caused the plaintiff to fall.

See *id* at 1088. A prerequisite to the application of the "hills and ridges" doctrine is a finding of generally slippery conditions as opposed to isolated icy patches. *Id*.

This Trial Court finds and concludes the record in the instant civil case is devoid of evidence demonstrating snow and/or ice had accumulated in ridges or elevations on January 6, 2011. According to the Record of Climatological Observations at Erie International Airport, in a twenty-four (24) hour period, the maximum temperature was twenty-eight (28) degrees, the minimum temperature was twenty (20) degrees, .26 inches of rain/melted snow had accumulated and 3.6 inches of snow/ice pellets/hail had accumulated, with a trace amount of snow/ice pellets/hail/ice being observed on the ground. *See Defendant's Memorandum of Law, Exhibit F*. Plaintiff indicated there was "patchy ice all over" and knew there was "some type of precipitation" as deicing was occurring on other aircrafts. *Deposition of Chastity Lesh, February 26, 2014, page 24, lines 8-12, 14-16; page 32, lines 16-19*. Other individuals on scene concurred with the appearance of smooth or "black" ice and other generally slippery conditions on the ramp/apron and other areas within the airport on January 6, 2011. *See Deposition of Amanda Hilwiller, April 21, 2015, pages 31-32; see also Deposition of David Duguay, July 29, 2014, pages 22-23, 49*. Pennsylvania appellate courts have granted summary judgment in similar situations where the evidence demonstrates generally slippery conditions and the plaintiff has failed to establish snow and/or ice accumulated in unreasonable ridges and elevations. *See Moon v. Dauphin County*, 129 A.3d 16, 23 (Pa. Commw. Ct. 2015) ("hills and ridges" doctrine applies where evidence, including plaintiff's testimony, demonstrates plaintiff's awareness of generally slippery conditions caused by weather and defendant county did not permit snow or ice to accumulate in ridges or elevations); *see also Alexander v. City of Meadville*, 61 A.3d 218, 222-223 (Pa. Super. 2012) (plaintiff cannot recover under the "hills and ridges" doctrine where plaintiff testifies he slipped on smooth, not rippled or ridged, ice). Therefore, Plaintiff has failed to meet the elements necessary to recover damages under the "hills and ridges" doctrine.

Assuming *arguendo* the "hills and ridges" doctrine does not apply, Plaintiff is still unable to demonstrate damages recoverable under common law or by statute due to the existence of a valid lease agreement. As a general rule, a landlord out of possession is not liable for injuries incurred by third parties on the leased premises because the landlord has no duty to such persons. *Jones v. Levin*, 940 A.2d 451, 454 (Pa. Super. 2007). This rule is based on the legal perspective of a lease transaction as the equivalent of a sale of the land for the term of the lease; thus, liability is premised primarily on possession and control, and not merely on ownership. *See id.*

On June 25, 2004, the Erie Municipal Airport Authority entered into an "Air Transport Operator's Use and Lease Agreement" (hereafter referred to as "Lease Agreement") with Plaintiff's employer, Piedmont Airlines, Inc. d/b/a U.S. Airways Express (hereafter referred to as "Piedmont"). *See Defendant's Memorandum of Law, Exhibit G*. Pursuant to Article II, paragraph 1 of the Lease Agreement:

Airline shall at all times maintain its exclusive leased areas, the ramp under and around its aircraft when in use by it, and the areas immediately adjacent to either, in a neat, clean, safe and orderly condition; excluding the janitorial service provided in the terminal common areas by the Authority and major ramp/apron maintenance. Airline shall maintain any check-in counters or other personal property in and around joint use or public areas in a neat, safe and orderly condition.

See id, page 8 [emphasis added]. By the terms of the Lease Agreement, Piedmont, and not the Defendants, had possession and control over the area around the aircraft when the aircraft is parked on the ramp/apron; therefore, Piedmont had the sole responsibility of clearing the area around the aircraft of snow and/or ice and ensuring the area was safe for travel. *See Jones at 454*. One employee indicated the aircraft in the area Plaintiff fell had been parked there overnight, meaning none of the Defendants' employees could clear snow and/or ice from the area, pursuant to the terms of the Lease Agreement. *Hilwiller Deposition, page 49, lines 16-19*. Several individuals have indicated that, historically, when an aircraft is parked on the ramp/apron of the Erie International Airport, the airline has the responsibility to clear snow and/or ice from the ramp/apron area around the aircraft. *See Deposition of Ian Bogle, February 26, 2014, pages 16-17, 45-47; see also Deposition of Richard R. Robie, April 21, 2015, pages 35, 61, 100-101; see also Deposition of Robert A. Sims, March 14, 2016, page 28; see also Deposition of April Welsbacher, July 29, 2014, page 48*. Therefore, Plaintiff has failed to demonstrate damages recoverable under common law or by statute due to the language of the Lease Agreement, which requires the airline, and not the Defendants, to keep the ramp/apron area around the aircraft clear of snow and/or ice.

b. Plaintiff is unable to demonstrate one of the eight (8) exceptions to the Political Tort Claims Act applies to the instant civil action.

In order to overcome the Political Tort Claims Act, in addition to demonstrating damages recoverable under common law or by statute, Plaintiff must demonstrate the injury occurred as a result of one of eight (8) negligent acts, pursuant to §8542(b).¹ 42 Pa. C. S. §8542 (a). The only exception which applies in the instant civil action is the "real property" exception, which imposes liability from the "the care, custody or control of real property in the possession of the local agency." *See 42 Pa. C. S. §8542(b)(3)*. In order for the "real property" exception to apply, the dangerous condition of the property itself must cause the injury and must derive, originate from, or have as its source the municipal realty. *Poulous v. City of Philadelphia*, 628 A.2d 1198, 1201 (Pa. Commw. Ct. 1993). However, the "real property" exception will not apply where the injury is merely "facilitated" by the dangerous condition of the real estate and not caused by the dangerous condition of the real estate itself. *See id; see also Kiley v. City of Philadelphia*, 645 A.2d 184, 187 (Pa. 1994) (the Pennsylvania Supreme Court made abundantly clear that the "real property" exception to the rule of immunity applies only in cases where it is alleged that the dangerous condition of the land itself causes injury and not where the dangerous condition merely facilitates injury by the acts of others).

First, Plaintiff has failed to demonstrate Defendants had possession of the area where Plaintiff fell. The meaning of "possession" within the "real property" exception is total control over the premises, and limited control or mere occupation of the premises for a limited period is insufficient to impose liability. *See Gramlich v. Lower Southampton Township*, 838 A.2d 843, 848 (Pa. Commw. Ct. 2003). As stated above, pursuant to the Lease Agreement, when an aircraft is parked on the ramp/apron, the airline has the responsibility to ensure the ramp/apron area surrounding the aircraft is clear of snow and/or ice. *See Defendant's Memorandum of Law, Exhibit G, page 8*. The airline has total control over the ramp/apron

¹ The eight (8) negligent acts of §8542 include: (1) vehicle liability; (2) care, custody or control of personal property; (3) real property; (4) trees, traffic control and street lighting; (5) utility service facilities; (6) streets; (7) sidewalks; and (8) care, custody or control of animals. 42 Pa. C. S. §8542(b).

area where the aircraft is parked. Furthermore, the evidence in the record demonstrates a Piedmont aircraft had parked overnight and was still parked in the ramp/apron area where Plaintiff suffered her fall. *Hilwiller Deposition, page 49, lines 16-19*. Therefore, under the clear and unambiguous terms of the Lease Agreement, Piedmont, not the Defendants, had total control over the area where Plaintiff fell on January 6, 2011 and Piedmont had the sole responsibility of clearing snow and/or ice from the ramp/apron area.

Finally, Plaintiff has failed to demonstrate her injury was caused by a dangerous condition on the property itself and was not merely facilitated by the property. This Trial Court finds and concludes the record in the instant civil case is devoid of evidence demonstrating the ramp/apron itself was defective and dangerous; rather, the testimony and evidence clearly shows the ramp merely facilitated Plaintiff's injury due to a slight buildup of snow and/or ice, which caused generally slippery conditions. This Plaintiff failed to overcome immunity pursuant to the "real property" exception. *See Shedrick v. William Penn School District*, 654 A.2d 163, 165 (Pa. Commw. Ct. 1995) (accumulation of rainwater on terrazzo floor, which caused plaintiff's injury, did not originate from the real property nor was it caused by a defect in the real property; rather, the real property merely facilitated plaintiff's injury, which did not allow plaintiff to recover under the "real property" exception to immunity). Therefore, Defendants cannot be held liable for Plaintiff's injury pursuant to the Political Tort Claims Act.

Conclusion

Therefore, for all of the reasons as set forth above, this Trial Court hereby grants Defendants' Motion for Summary Judgment in favor of Erie International Airport Services, LLC t/d/b/a Erie International Airport and Erie Regional Airport Authority and enters the following Order of Court:

ORDER

AND NOW, to-wit, this 26th day of May, 2017, following the April 26, 2017 hearing on the Motion for Summary Judgment, filed by Erie International Airport Services, LLC, Erie International Airport and Erie Regional Airport Authority, by and through their counsel, Sara Anderson Frey, Esq., and for all of the reasons as more thoroughly discussed above, it is hereby **ORDERED, ADJUDGED AND DECREED** that Defendants Erie International Airport Services, LLC, Erie International Airport and Erie Regional Airport Authority's Motion for Summary Judgment is hereby **GRANTED** and Plaintiff's Complaint against Erie International Airport Services, LLC, Erie International Airport and Erie Regional Airport Authority is hereby **DISMISSED with prejudice**.

BY THE COURT

/s/ Stephanie Domitrovich, Judge

CHASTITY LESH, Appellant

v.

**ERIE INTERNATIONAL AIRPORT SERVICES, LLC,
t/d/b/a ERIE INTERNATIONAL AIRPORT AUTHORITY**

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

No. 549 C.D. 2018

Argued: October 16, 2018

BEFORE: HONORABLE ROBERT SIMPSON, Judge
HONORABLE MICHAEL H. WOJCIK, Judge
HONORABLE JAMES GARDNER COLINS, Senior Judge

OPINION NOT REPORTED

MEMORANDUM OPINION

BY JUDGE WOJCIK

FILED: December 17, 2018

Chastity Lesh (Appellant) appeals¹ from the May 26, 2017 order of the Court of Common Pleas of Erie County (trial court) granting the motion for summary judgment filed by Erie International Airport Services, LLC, t/d/b/a Erie International Airport, and Erie Regional Airport Authority (collectively, ERAA) and dismissing Appellant's civil complaint with prejudice.² We affirm.

Appellant was employed as a customer service agent for Piedmont Airlines, which provided service for U.S. Airways and Delta Airlines flights at the Erie International Airport. On January 6, 2011, she began work at 4:00 a.m. and was responsible for checking in passengers for a Delta flight scheduled to depart at 6:00 a.m. After the passengers boarded, she walked down the jet way to exchange paperwork with the aircraft's captain. Appellant then noticed that the ground power unit (GPU), a power cord running from the aircraft to the jet bridge, had not been unplugged. She walked down the jet bridge stairs to the outside ramp, and then walked under the jet bridge to the nose of the aircraft to get the captain's authorization to unplug the GPU. The captain gave his approval, and she walked approximately ten steps to the GPU and unplugged it. After taking a step or two away, she slipped on ice and fell.

Appellant suffered multiple fractures to her tibia and fibula; she underwent three surgeries; and she was subsequently diagnosed with reflex sympathetic dystrophy. On December 24, 2012, she filed a complaint against ERAA seeking damages for injuries she sustained in the slip and fall, alleging that ERAA was negligent in allowing extremely icy and slippery conditions to exist on the premises. Reproduced Record (R.R.) at 2-8. ERAA filed an Answer and New Matter, and Appellant filed a Reply to the New Matter. After the close of discovery, ERAA filed a motion for summary judgment. The trial court heard argument on the motion at a hearing on April 26, 2017. By opinion and order dated May 26, 2017, the trial court

¹ This appeal was originally filed with Superior Court, which *sua sponte* transferred the matter to this Court by order dated March 6, 2018.

² According to Appellant's complaint, appellee Erie International Airport Services, LLC, t/d/b/a Erie International Airport, is a Pennsylvania corporation and appellee Erie Regional Airport Authority is a Pennsylvania Municipal Authority. Both entities have the same business address. The same counsel represents both appellees and refers to them collectively as ERAA.

granted ERAA's motion for summary judgment and dismissed Appellant's complaint.

In granting the motion, the trial court determined that Appellant's claim was precluded by the "hills and ridges" doctrine. The trial court further concluded that a lease agreement between ERAA and Piedmont Airlines relieved ERAA of any duty to clear ice and snow from the area. Finally, the trial court concluded that Appellant failed to establish that her claim fell within an exception to immunity under the act commonly known as the Political Subdivision Tort Claims Act (Tort Claims Act), 42 Pa. C.S. §§8541-8542.

On appeal,³ Appellant argues that the trial court erred in granting summary judgment. Specifically, Appellant maintains that: the lease agreement did not relieve ERAA of the duty to clear ice and snow from the area around the aircraft; genuine issues of material fact existed concerning whether generally slippery conditions were present, as necessary for application of the hills and ridges doctrine; and the facts fall within the real property exception to governmental immunity.

At the time of Appellant's fall, a lease agreement between ERAA and Piedmont Airlines provided:

MAINTENANCE. Airline shall at all times maintain its exclusive leased areas, the ramp under and around its aircraft when in use by it, and the areas immediately adjacent to either, in a neat, clean, safe and orderly condition; excluding the janitorial service provided in the terminal common area by the Authority and major ramp/apron maintenance.

R.R. at 46

Appellant argues that the trial court erred in relying on the lease agreement to conclude that ERAA did not have possession and control over the area when she fell. Appellant maintains that a determination of who is a possessor of land is a question of fact to be decided by a jury. She relies on the definition of a possessor of land in Restatement (Second) of Torts §328E:

A possessor of land is (a) a person who is in occupation of the land with the intent to control it; or (b) a person who has been in occupation of land with intent to control it, if no other person has subsequently occupied it with intent to control it; or (c) a person who is entitled to immediate occupation of land, if no other person is in possession under clauses (a) or (b).

³ On appeal from a trial court's order granting or denying summary judgment, our standard of review is *de novo* and our scope of review is plenary. *Pentlong Corporation v. GLS Capital, Inc.*, 72 A.3d 818, 823 n.6 (Pa. Cmwlth. 2013). Summary judgment is properly entered only when, "after examining the record in the light most favorable to the non-moving party, and resolving of all doubts as to the existence of a genuine issue of material fact against the moving party, the moving party is clearly entitled to judgment as a matter of law." *Pyeritz v. Commonwealth*, 32 A.3d 687, 692 (Pa. 2011). An appellate court may disturb a trial court's order granting summary judgment only where there has been an error of law or an abuse of discretion. *Kilgore v. City of Philadelphia*, 717 A.2d 514 (Pa. 1998).

A party is entitled to summary judgment as a matter of law: (1) whenever there is no genuine issue of any material fact as to a necessary element of the cause of action or defense which could be established by additional discovery; or (2) if, after the completion of discovery relevant to the motion, an adverse party who will bear the burden of proof at trial has failed to produce evidence of facts essential to the cause of action or defense which in a jury trial would require the issues to be submitted to a jury. Pa. R.C.P. No. 1035.2.

The moving party has the burden of proving the nonexistence of any genuine issue of material fact. *Kilgore*. The moving party may make the showing necessary to support the grant of summary judgment by showing that the non-moving party "is unable to satisfy a necessary element of his cause of action." *Shipley Fuels Marketing, LLC v. Medrow*, 37 A.3d 1215, 1217 (Pa. Super. 2012). The court must view the record in the light most favorable to the non-moving party, and all doubts as to the existence of a genuine issue of material fact must be resolved against the moving party. *Kilgore*. Summary judgment is granted only where the right to it is clear and free from doubt. *Id.*

Appellant contends that occupation and control, i.e., physical possession, rather than legal title, determines possession for purposes of §328E. Appellant emphasizes that under the lease, ERAA had possession and control of the area at issue both before an aircraft was parked at the gate and after an aircraft left the gate. Appellant also asserts that, regardless of the lease, ERAA created a duty to clear ice and snow from the premises by its course of conduct in clearing ice and snow. According to Appellant, testimony offered by witnesses concerning the removal of ice and snow by ERAA employees creates an issue of material fact precluding summary judgment.

ERAA argues that this latter argument is waived because Appellant did not raise it before the trial court. Supplemental Reproduced Record at 14b-24b. ERAA further contends that, in any event, the testimony cited by Appellant is insufficient to create a genuine issue of material fact as to whether ERAA had a duty to remove ice or snow at the time of her fall. We agree.

A “possessor of land” is a person who occupies land with intent to control it. Restatement (Second) of Torts §328E. Appellant correctly notes that whether a party is a “possessor of land” is a determination to be made by the trier of fact. *Blackman v. Federal Realty Investment Trust*, 664 A.2d 139 (Pa. Super. 1995). Nevertheless, where the alleged “possessor of land” has filed a motion for summary judgment and asserted that the non-moving party has not produced evidence to establish that the moving party is a “possessor of land,” the non-moving party must identify evidence establishing that fact in its response to the motion. *See* Pa. R.C.P. No. 1035.3(a)(2).

Here, Appellant offered no evidence to establish facts that would bring ERAA within the definition of possessor of land in §328E. The terms of the lease reflect that ERAA did not have the “intent to control” the area. Rather, the lease agreement states that the *airline* was required “at all times [to] maintain its exclusive leased areas, the ramp under and around its aircraft when in use by it, and the areas immediately adjacent to either, in a neat, clean, safe and orderly condition.” R.R. at 46. Moreover, there is no dispute that the aircraft was parked at the gate overnight, and Appellant admits that ERAA employees were limited in their access to the area for snow and ice removal when the aircraft was at the gate. Appellant’s brief at 19 (citing the maintenance provisions of the lease, R.R. at 46). Thus, ERAA did not have access to the area beginning the night before Appellant’s fall, while rain and/or snow was falling. The record supports the trial court’s determination that ERAA did not have possession and control over the area at the relevant time.

Appellant further argues that the trial court erred in applying the hills and ridges doctrine. In *Moon v. Dauphin County*, 129 A.3d 16 (Pa. Cmwlth. 2015), we explained:

The [‘hills and ridges doctrine’] as defined and applied by the courts of Pennsylvania, is a refinement or clarification of the duty owed by a possessor of land and is applicable to a single type of dangerous condition, i.e., ice and snow. It protects an owner or occupier of land from liability for generally slippery conditions resulting from ice and snow where the owner has not permitted the ice and snow to unreasonably accumulate in ridges or elevations.

The [hills and ridges doctrine] provides that an owner or occupier of land **is not liable for general slippery conditions**, for to require that one’s walks be always free of ice and snow would be to impose an impossible burden in view of the climatic conditions

in this hemisphere. Snow and ice upon a pavement create merely transient danger, and the **only duty upon the property owner or tenant is to act within a reasonable time after notice to remove it** when it is in a dangerous condition.

Thus, in order to recover for a fall on ice or snow, an injured party must prove the following factual elements:

(1) that snow and ice had accumulated on the sidewalk in ridges or elevations of such size and character as to unreasonably obstruct travel and constitute a danger to pedestrians travelling thereon; (2) that the property owner had notice, either actual or constructive, of the existence of such a condition; and (3) that it was the dangerous accumulation of snow and ice which caused the plaintiff to fall.

129 A.3d at 22-23 (emphasis in original and citations and internal quotations omitted).

Appellant contends that an exception to the hills and ridges doctrine was recognized in *Williams v. Shultz*, 240 A.2d 812,813-14 (Pa. 1968), and applies in this case. In *Williams*, the appellant was walking along a sidewalk that from all outward appearances was free from ice and snow. A portion of the sidewalk was covered by leaves. When the appellant stepped on the leaves, she slipped and fell on a patch of ice hidden underneath them. The relevant weather records in *Williams* showed that the last snow fell 11 days before the accident and the last rain fell 5 days before. Additionally, the evidence showed that the entire area was generally free of ice or snow. The Supreme Court reversed the trial court's grant of compulsory nonsuit on the basis that the appellant failed to establish the existence of hills and ridges of ice on the sidewalk. In doing so, the Court stated that, "where a specific, localized, isolated patch of ice exists, it is comparatively easy for a property owner to take the necessary steps to alleviate the condition, while at the same time considerably more difficult for the pedestrian to avoid it even using the utmost care." 240 A.2d at 814. Because those circumstances were found to exist, the Court held in *Williams* that the appellant was not required to prove the existence of hills and ridges.

ERAA argues that *Williams* does not apply, because the uncontroverted testimony of all witnesses, including Appellant, establishes that conditions around the ramp and in the area were generally slippery, there was patchy ice all over, and there was precipitation the day before and the day of Appellant's accident. We agree.

Viewing the record in the light most favorable to Appellant, the record establishes that when Appellant went outside earlier that morning, there was patchy ice all over the area at issue. As the trial court noted, the Record of Climatological Observations at Erie International Airport for January 6, 2011, reflects that in a twenty-four hour period, the maximum temperature was 28 degrees; the minimum temperature was 20 degrees; .26 inches of rain/melted snow had accumulated; and 3.6 inches of snow/ice pellets/ hail had accumulated, with a trace amount of snow/ice pellets/ice being observed on the ground. R.R. at 1. Appellant stated that she saw "patchy ice all over." R.R. at 624-25, 632, 636, 642, 646. Thus, Appellant's own testimony establishes that ERAA did not permit ice to unreasonably accumulate in ridges or elevations that caused her to fall and that the ice on which she fell was not a "localized, isolated patch." Consequently, the trial court ruled that the action was precluded by the "hills and ridges" doctrine.

Generally, local agencies are immune from tort liability under Section 8541 of the Tort Claims Act. *Gibellino v. Manchester Twp.*, 109 A.3d 336,342 (Pa. Cmwlth.2015). However, a local agency may be liable for damages if the damages: (1) would be recoverable under common law or a statute creating a cause of action; (2) were caused by the negligent act of the local agency or its employees acting within the scope of their employment; and (3) were caused by one of the specific acts enumerated in Section 8542(b) of the Act.

Section 8542(b)(3) of the Tort Claims Act states:

(b) Acts which may impose liability.-- The following acts by a local agency or any of its employees may result in the imposition of liability on a local agency:

(3) Real property.-- The care, custody or control of real property in the *possession of the local agency*, except that the local agency shall not be liable for damages on account of any injury sustained by a person intentionally trespassing on real property in the possession of the local agency. As used in this paragraph, ‘real property’ shall not include:

- (i) trees, traffic signs, lights and other traffic controls, street lights and street lighting systems;
- (ii) facilities of steam, sewer, water, gas and electric systems owned by the local agency and located within rights-of-way;
- (iii) streets; or
- (iv) sidewalks.

42 Pa.C.S. §8542(b)(3) (emphasis added). The determinative inquiry under the real property exception to governmental immunity is whether the injury was caused by the care, custody, or control of the real property itself. *Grieff v. Reisinger*, 693 A.2d 195 (Pa. 1997).⁴

Appellant argues that the trial court erred in concluding that the real property exception to governmental immunity does not apply in this case. In support of this argument, she asserts that ERAA employees were responsible for maintenance around the ramp and the plane before the plane was parked at the gate, while there was precipitation, and she asserts that this alone is sufficient to establish ERAA’s liability. Appellant also cites testimony that it was common practice for ERAA’s union employees to maintain the ramp area.

However, for purposes of the real property exception to governmental immunity, “possession” means total control over the premises. *City of Pittsburgh v. Estate of Stahlman*, 677 A.2d 384, 387 (Pa. Cmwlth. 1996). “[L]imited control or mere occupation of the premises for a limited period is insufficient to impose liability.” *Id.* The trial court correctly concluded that Appellant failed to present evidence demonstrating that ERAA had total control of the property.

In sum, the trial court correctly held that the hills and ridges doctrine precluded Appellant’s claims because (1) no evidence was presented to establish an accumulation of snow or ice in ridges and (2) the uncontradicted evidence established icy conditions existed all around the jet way area where the aircraft had been parked overnight. Additionally, the trial court correctly concluded that ERAA was not in possession of the area, based on the terms of the

⁴ The trial court and ERAA incorrectly state that the injury must arise from a *dangerous condition* of the real property itself.

lease agreement as well as testimony establishing that ERAA did not have total possession of the area. Consequently, Appellant did not prove that damages are recoverable under common law or statute, or that her injuries resulted from negligent acts of agency employees, as required under the Tort Claims Act.

Accordingly, we affirm.

ORDER

AND NOW, this 17th day of December, 2018, the order of the Court of Common Pleas of Erie County, dated May 26, 2017, is AFFIRMED.

/s/ **Michael H. Wojcik, Judge**



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CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania 13282-18 Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Jacob I. Couch to Jacob I. Cordray.

The Court has fixed the 4th day of February, 2019 at 3:00 p.m. in Court Room G, Room 222, of the Erie County Court House, 140 West 6th Street, Erie, Pennsylvania 16501 as the time and place for the Hearing on said Petition, when and where all interested parties may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

Jan. 4

DISSOLUTION NOTICE

**NOTICE OF WINDING UP
PROCEEDINGS OF THE**

**WOMEN'S ROUNDTABLE, INC.,
A PENNSYLVANIA**

**NON-PROFIT CORPORATION
TO ALL CREDITORS OF THE
WOMEN'S ROUNDTABLE, INC.**

This is to notify you that THE WOMEN'S ROUNDTABLE, INC., a Pennsylvania non-profit corporation with its registered office located at 1001 State Street, Suite 1400t, Erie, Pennsylvania 16501, is dissolving and winding up its business.

Jan. 4

LEGAL NOTICE

To: AARON M. CAPOZZIELLO

Please take notice of the following Order scheduling a hearing on the Motion for Involuntary Transfer of Vehicle Ownership filed by KJN, Inc., d/b/a Briggs Hagenlocher: Please direct your inquiries to James J. Bruno, 3820 Liberty Street, Erie, PA 16509, 814-868-8541.

IN THE COURT OF COMMON
PLEAS OF ERIE COUNTY,
PENNSYLVANIA
CIVIL DIVISION
Docket No. 12919-2018
KJN, INC., d/b/a BRIGGS
HAGENLOCHER, Plaintiff

vs.

AARON M. CAPOZZIELLO,
Defendant

ORDER

AND NOW, to wit, this 14th day of December, 2018, after receiving the Motion to Reschedule Hearing, from James J. Bruno, Esquire, it is hereby ORDERED, ADJUDGED and DECREED that the Motion to Reschedule Hearing is GRANTED. The Motion For Involuntary Transfer of Vehicle Ownership is rescheduled to February 4, 2019, at 10:00 a.m., before the undersigned Judge.

BY THE COURT:

/s/ Stephanie Domitrovich, Judge

Jan. 4

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SHERIFF SALES

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

**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. 3

**Ex. #12273 of 2018
MARQUETTE SAVINGS
BANK, Plaintiff**

v.

**DONALD MALINOWSKI
and KATHRYN ANN
MALINOWSKI a/k/a
KATHRYN ANN MCCABE,
Defendants**

DESCRIPTION

By virtue of a Writ of Execution filed at No. 2018-12273, Marquette Savings Bank vs. Donald Malinowski and Kathryn Ann Malinowski, owners of property situate in the Township of Millcreek, Erie County, Pennsylvania being: 426 Clifton Drive, Erie, Pennsylvania.

52.5' X 185' X 52.5' X 185'

Assessment Map Number: (33) 6-25-5

Assessed Value Figure: \$119,680.00
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 southwesterly 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 filed 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 Cranesville, County of Erie, Commonwealth of Pennsylvania being 10319 Bowman Avenue, Cranesville, 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 Johnnie M. Atkinson-Faulkerson a/k/a Johnnie 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 Johnnie M. Atkinson-Faulkerson a/k/a Johnnie 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. 24

Ex. #12053 of 2018
The Money Source, Inc., Plaintiff
v.

Harold Buckner, Defendant(s)

DESCRIPTION

By virtue of a Writ of Execution filed to No. 12053-18, The Money Source, Inc. vs. Harold Buckner
Amount Due: \$213,666.69
Harold Buckner, owner(s) of property situated in FAIRVIEW TOWNSHIP, Erie County, Pennsylvania being 5604 Langmore Lane, Erie, PA 16505-1128
Dimensions: 200 X 187.50
Assessment Map number: 21-034-037.0-005.00
Assessed Value: \$214,000.00
Improvement thereon: residential
Phelan Hallinan Diamond & Jones, LLP
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000
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
Trevose, 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
Trevose, 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
FOR JPMORGAN CHASE
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

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**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

SECOND 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

THIRD PUBLICATION**AIKENS, DORIS A., a/k/a DORIS
ANN AIKENS,
deceased**

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

Executor: Jeffrey P. Aikens, 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

**BARR, ROSE MARIE, a/k/a
ROSE M. BARR,
deceased**

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

Executor: David H. Barr, c/o Eugene C. Sundberg Jr., Esq., Suite 300, 300 State Street, Erie, PA 16507

Attorney: Eugene C. Sundberg Jr., Esq., MARSH, SPAEDER, BAUR, SPAEDER & SCHAAF, LLP., Suite 300, 300 State Street, Erie, PA 16507

**CALLAHAN, JAMES E., a/k/a
JAMES CALLAHAN,
deceased**

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

Administratrix: Betty J. Callahan, 5250 Colby Drive, West Springfield, PA 16443

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

**CONNER, CAROL M., a/k/a
CAROL CONNER,
deceased**

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

Executor: Clarence L. Conner, 406 California Drive, Erie, PA 16505

Attorney: Ronald J. Susmarski, Esq., 4030 West Lake Road, Erie, PA 16505

CONWAY, MICHAEL PATRICK, deceased

Late of City of Erie
Administratrix: Renae M. Conway, 2611 VanBuren Ave., Erie, PA 16504
Attorney: Jeffrey D. Scibetta, Esquire, Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

FREE, MARILYN ADA, a/k/a MARILYN A. FREE, deceased

Late of Washington Township, Erie County, Pennsylvania
Co-Executors: Rita Lutz and William Free, 12410 Fry Rd., Edinboro, PA 16412
Attorney: None

FULLER, DOUGLAS S., a/k/a DOUGLAS FULLER, deceased

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

GORR, JAMES R., a/k/a JAMES GORR, a/k/a JAMES RICHARD GORR, deceased

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Executrix: Robin M. Semrau, 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

KEMLING, SALLY SUE, a/k/a SALLY S. KEMLING, deceased

Late of Borough of Albion, Erie County, Commonwealth of Pennsylvania
Executrix: Susan Shaffer, 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

PATBERG, ROLF L., deceased

Late of Municipality of Murrys ville, Westmoreland County, PA
Executrix: Sharon L. Patberg, 4700 Logan Ferry Road, Murrys ville, PA 15668
Attorney: Mary Jo Corsetti, Esquire, One Gateway Center, 16th Floor, 420 Fort Duquesne Blvd., Pittsburgh, PA 15222
Please note: If you (or your organization) were a client of Attorney Rolf L. Patberg, deceased, or have funds on deposit with Patberg, Carmody & Ging, P.C., d/b/a the Patberg Law Firm, please contact Mary Jo Corsetti, Esq., Williams Coulson, 420 Fort Duquesne Blvd., 16th Floor, Pittsburgh, PA 15222, Phone 412-454-0228

PUGH, BEULAH MAE, a/k/a BEULAH PUGH, a/k/a BEULAH PATTERSON PUGH, deceased

Late of the Township of Girard, County of Erie and State of Pennsylvania
Executor: David John Pugh, 27 Wilcox Street, Girard, PA 16417
Attorney: Ronald J. Susmarski, Esq., 4030 West Lake Road, Erie, PA 16505

RUTKOWSKI, JAMES M., deceased

Late of the City of Erie, Erie County, Pennsylvania
Executor: Richard G. Rutkowski, c/o Mary Alfieri Richmond, Esquire, 150 East 8th Street, Floor 1, Erie, PA 16501
Attorney: Mary Alfieri Richmond, Esquire, 150 East 8th Street, Floor 1, Erie, PA 16501

SCEIFORD, CHESTER L., a/k/a CHESTER LAFFER SCEIFORD, deceased

Late of North East Township, Erie County, Commonwealth of Pennsylvania
Executor: Michael R. Sceiford, c/o Thomas C. Hoffman, II, Esq., 120 West Tenth Street, Erie, PA 16501
Attorney: Thomas C. Hoffman, II, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

SHREVE, JACK W., a/k/a JACK WILLIAM SHREVE, deceased

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

WYGANT, MICHAEL ANTHONY, deceased

Late of Harborcreek Township, County of Erie
Executors: Sharon Wygant and Danny L. Wygant
Attorney: John F. Mizner, Esq., 311 West Sixth Street, Erie, PA 16507

YOUNG, ROBERT L., deceased

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executors: Scott K. Young and Denise A. King, 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

CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

SCOTT E. MILLER.....814-456-1880
 535 W. Arlington Rd.(f) 814-240-2055
 Erie, PA 16509-2266 sem@cpaatty.com

ATTENTION ALL ATTORNEYS

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