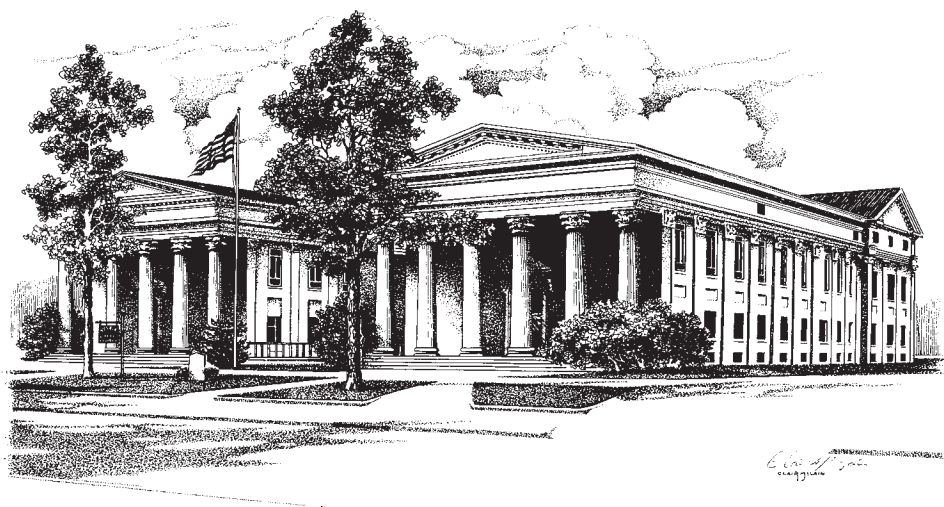


Erie County Legal Journal

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Commonwealth v. Ellis

Erie County Legal Journal

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

Managing Editor: Megan E. Black

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Erie County Bar Association

Calendar of Events and Seminars

THURSDAY, JULY 4, 2019

Fourth of July Holiday
ECBA Office Closed
Erie County and Federal Courthouses Closed

FRIDAY, JULY 5, 2019

ECBA Office Closed

TUESDAY, JULY 9, 2019

Young Lawyers Division Lunch with Judge Brabender
Noon
The Will J. Schaaf & Mary B. Schaaf Education Center
\$10/ECBA member

MONDAY, JULY 15, 2019

AKT Kid Koneksi Event
Scallywags
5:30 p.m. - 7:00 p.m.

TUESDAY, JULY 16, 2019

ECBA Live Seminar
Bridge the Gap
The Will J. Schaaf & Mary B. Schaaf Education Center
1:00 p.m. - 5:00 p.m.
Free for newly admitted attorneys
\$188 (ECBA members)
\$240 (non-members)
4 hours ethics

THURSDAY, JULY 18, 2019

Young Lawyers Division & Family Law Section
Happy Hour
Trackside at The Brewerie
5:00 p.m. - 7:00 p.m.

MONDAY, JULY 22, 2019

ECBA Board of Directors Meeting
Noon
ECBA Headquarters

THURSDAY, JULY 25, 2019

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

THURSDAY, AUGUST 1, 2019

AKT Kid Koneksi Event
Group Shopping at the Millcreek Mall
5:30 p.m. - 7:00 p.m.



Erie County Bar Association



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<http://www.eriebar.com/public-calendar>

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COMMONWEALTH OF PENNSYLVANIA

v.

RUSSELL L. ELLIS

CRIMINAL PROCEDURE / POST-CONVICTION RELIEF ACT

To qualify for this invoke the newly discovered facts exception to the PCRA's time-bar exception, a petitioner need only establish that the facts upon which the claim is based were unknown to him and could not have been ascertained by the exercise of due diligence.

CRIMINAL PROCEDURE / POST-CONVICTION RELIEF ACT

The PCRA's timeliness requirements are mandatory and jurisdictional in nature, no court may properly disregard or alter these requirements in order to reach the merits of the claims raised in an untimely PCRA Petition.

CRIMINAL PROCEDURE / POST-CONVICTION RELIEF ACT

Petitioner must satisfy two requirements for the "after-recognized constitutional right" timeliness exception under Section 9545(b)(1)(iii): (1) the right asserted is a constitutional right that was recognized by the United States Supreme Court or the Pennsylvania Supreme Court after the time prescribed in this section; and (2) the right has been held to apply retroactively.

CRIMINAL PROCEDURE / POST-CONVICTION RELIEF ACT

A new constitutional rule applies retroactively in a collateral proceeding only if (1) the rule is substantive, i.e. rules that decriminalize conduct or prohibit punishment against a class of persons, or (2) the rule is a watershed rule of criminal procedure implicating the fundamental fairness and accuracy of the criminal proceeding.

CRIMINAL PROCEDURE / POST-CONVICTION RELIEF ACT

A new rule of constitutional law is applied retroactively to cases on collateral review only if the United States Supreme Court or our Supreme Court specifically holds it to be retroactively applicable to those cases.

CRIMINAL PROCEDURE / POST-CONVICTION RELIEF ACT

A claim for ineffective assistance of counsel does not save an otherwise untimely petition for review on the merits.

CRIMINAL PROCEDURE / POST-CONVICTION RELIEF ACT

A second or subsequent petition for post-conviction relief will not be entertained unless a strong prima facie showing is offered to demonstrate that a miscarriage of justice may have occurred.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
NO. CR 2327 of 2013

Appearances: Russell L. Ellis, *pro se*

John H. Daneri, Erie County District Attorney, for Appellee Commonwealth
of Pennsylvania

OPINION

Domitrovich, J.

November 20, 2018

The instant matter is currently before the Pennsylvania Superior Court on the Appeal of Russell L. Ellis (“Appellant”) from this Trial Court’s Order dated August 27, 2018, wherein this Trial Court dismissed Appellant’s second Petition for Post Conviction Collateral Relief (“PCRA Petition”) as patently untimely and since Appellant failed to satisfy any of the timeliness exceptions under 42 Pa. C.S. § 9545(b)(1). As such, this Trial Court has no jurisdiction to reach the merits of Appellant’s untimely PCRA Petition. *See Commonwealth v. Taylor*, 933 A.2d 1035, 1038 (Pa. Super. 2007) (“Pennsylvania law makes clear no court has jurisdiction to hear an untimely PCRA petition.”). Moreover, said PCRA Petition stated no grounds for relief to be granted under the Post-Conviction Relief Act. Defendant, *pro se*, raised three issues in his Concise Statement of Matter Complained of on Appeal which this Trial Court is addressing as follows: whether the holding in *Montgomery v. Louisiana*, 136 S.Ct. 718 (2016) requires the decision set forth in *Alleyne v. United States*, 570 U.S. 99 (2013) be applied retroactively in cases pending on collateral review such that Appellant’s PCRA Petition falls within the “after-recognized constitutional right” timeliness exception under Section 9545(b)(1)(iii), and whether this Trial Court has the jurisdiction to hear claims that Appellant’s plea counsel and first PCRA counsel were allegedly ineffective in this untimely-filed PCRA Petition.

On March 7, 2014, Appellant appeared before Judge Ernest J. DiSantis, Jr. with his counsel, Michael A. DeJohn, Esq., and entered a guilty plea to Count 1: Manufacture, Deliver or Possession with Intent to Manufacture or Deliver, in violation of 35 P.S. § 780-113(a)(30). In exchange for the negotiated plea, the Commonwealth *nolle prossed* Count 2: Possession of a Controlled Substance (35 P.S. § 780-113(a)(16)), Count 3: Possession of Drug Paraphernalia (35 P.S. § 780-113(a)(32)), and Count 4: Possession of Firearm Prohibited (18 Pa. C.S. § 6105(a)(1)).

On April 28, 2014, Judge DiSantis sentenced Appellant as follows:

Count 1: sixty (60) to one hundred twenty (120) months of incarceration with the Pennsylvania Department of Corrections (RRRI Eligible: fifty (50) months) consecutive to the sentenced imposed at docket no. CR 2569 of 2009; a thirty thousand dollar and 00/100 (\$30,000.00) fine; and court costs.¹

Appellant did not file a direct appeal from Judge DiSantis’ Sentencing Order dated April 28, 2014. Rather, Appellant filed his first Motion for Post Conviction Collateral Relief on April 30, 2014.² By Order dated June 4, 2014, William J. Hathaway, Esq., was appointed as Appellant’s PCRA counsel and was directed to supplement or amend Appellant’s first PCRA within thirty (30) days. On September 2, 2014, Attorney Hathaway filed a “No Merit” letter and a Petition for Leave to Withdraw as Counsel. On September 3, 2014, Judge DiSantis filed a Notice of Intent to Dismiss Appellant’s first PCRA Petition and granted Attorney Hathaway’s Petition for Leave to Withdraw as Counsel. On September 18, 2014,

¹ Judge DiSantis applied the mandatory minimum pursuant to 18 Pa. C. S. § 7508(a)(7)(ii) to Petitioner’s sentence.

² This Trial Court notes at no time in his first PCRA Petition, which was timely filed, did Petitioner raise any challenge to the legality of the sentence imposed by Judge DiSantis.

Appellant filed a “Petition for *Habeas Corpus* Relief Pursuant to Article I, Section 14 of the Pennsylvania Constitution and for Post-Conviction Relief Pursuant to the Post-Conviction Relief Act, 42 Pa. C.S. 9542, *et seq.* and Consolidated Memorandum of Law and Motion for Extension of Time.” On September 30, 2014, Judge DiSantis denied both Appellant’s first PCRA Petition and his Petition for *Habeas Corpus*/PCRA. Appellant filed a Notice of Appeal to the Pennsylvania Superior Court on October 24, 2014. On March 5, 2015, the Pennsylvania Superior Court dismissed Appellant’s appeal due to Appellant’s failure to file a brief.

On April 15, 2016, Appellant filed another PCRA Petition. By Order dated April 25, 2016, this Trial Court appointed William J. Hathaway, Esq., as Appellant’s PCRA counsel and directed Attorney Hathaway to supplement or amend Appellant’s *pro se* PCRA Petition within thirty (30) days. Attorney Hathaway filed a Supplement to Motion for Post Conviction Collateral Relief on May 16, 2016. By Order dated May 17, 2016, this Trial Court directed the Commonwealth to respond to Appellant’s Amended PCRA Petition within thirty (30) days. The Commonwealth, by and through Assistant District Attorney Paul S. Sellers, filed a Response to Appellant’s PCRA Petition on June 16, 2016. By Order dated September 28, 2016, this Trial Court dismissed that PCRA Petition as said Petition was filed untimely.

On October 26, 2016, Appellant filed his Notice of Appeal *Nunc Pro Tunc* appealing this Trial Court’s Order dated September 28, 2016, dismissing Appellant’s second PCRA Petition. On May 23, 2017, the Pennsylvania Superior Court remanded Appellant’s case to this Trial Court since Appellant’s PCRA counsel did not comply with the procedural requirements for withdrawal as set forth in *Commonwealth v. Turner*, 544 A.2d 927 (Pa. 1988) and *Commonwealth v. Finley*, 550 A.2d 213 (Pa. Super. 1988). As such, this Trial Court held a Remand Hearing consistent with the Pennsylvania Superior Court’s decision dated May 23, 2017. By Order dated June 8, 2017, this Trial Court “substantiate[d] that William J. Hathaway, Esq., shall continue as Appellant’s counsel during the pendency of the instant PCRA appeal as Appellant has not chosen to waive his right to counsel and this PCRA Court will not dismiss Attorney Hathaway as Appellant’s counsel at the request of Appellant.” (*See* Trial Court Order dated June 8, 2017). However, by Judgment Order filed July 10, 2017, the Pennsylvania Superior Court quashed Appellant’s appeal pursuant to *Commonwealth v. Glacken*, 32 A.3d 750 (Pa. Super. 2011).

On February 9, 2018, Appellant filed his “Motion to Reinstate PCRA *Nunc Pro Tunc*,” wherein Appellant requested to proceed *pro se* for the purpose of pursuing relief under the PCRA. On March 29, 2018, a hearing was held, at which Appellant Russell L. Ellis was present and represented by his counsel, William J. Hathaway, Esq.; and Assistant District Attorney Paul S. Sellers appeared on behalf of the Commonwealth. After an on-the-record *pro se* colloquy with Appellant pursuant to which this Trial Court found Appellant knowingly, voluntarily, and intelligently waived his right to counsel, this Trial Court authorized Attorney Hathaway to withdraw as counsel of record. By Order dated March 29, 2018, this Trial Court set forth the following: “[Appellant] has indicated he will file a new PCRA Petition, and with no objection from the Commonwealth, when [Appellant] files said new PCRA Petition, this Trial Court will consider said new PCRA Petition as [Appellant’s] second PCRA Petition effective the date of his prior second PCRA Petition.” (*See* Trial Court Order dated March 29, 2018).

On May 25, 2018, Appellant filed the instant PCRA Petition, which this Trial Court considered as Appellant's second PCRA Petition filed as of April 15, 2016. On July 31, 2018, this Trial Court issued this Trial Court's Notice of Intent to Dismiss Appellant's second PCRA Petition. On August 20, 2018, Appellant filed his "Petition to Object to the Intent to Dismiss Order for the Second P.C.R.A. Filed April 15, 2016." By Order dated August 27, 2018, this Trial Court dismissed Appellant's second PCRA Petition as being patently untimely and since Appellant failed to satisfy any of the timeliness exceptions under 42 Pa. C.S. § 9545(b)(1). On September 24, 2018, Appellant filed his Notice of Appeal. By Order dated September 28, 2018, this Trial Court issued its 1925(b) Order directing Appellant to file a concise statement of the matters complained of on appeal within twenty-one days from the date of said Order, and Appellant filed his "Concise Statement of Matters Complained of an Appeal," on October 18, 2018.

Under the Post-Conviction Relief Act, a PCRA petition, including a second or subsequent PCRA petition, must be filed within one year of the date that judgment becomes final unless the petition alleges and the petitioner proves one of the following exceptions applies:

- (i) The failure to raise the claim previously was the result of interference by government officials with the presentation of the claim in violation of the Constitution or laws of this Commonwealth or the Constitution or laws of the United States;
- (ii) The facts upon which the claim is predicated were unknown to the petitioner and could not have been ascertained by the exercise of due diligence; or
- (iii) The right asserted is a constitutional right that was recognized by the Supreme Court of the United States or the Supreme Court of Pennsylvania after the time period provided in this section and has been held by that court to apply retroactively.

42 Pa. C.S. § 9545(b)(1)(i)-(iii). A PCRA petition invoking any of the above exceptions to the timeliness requirement must be filed within sixty days of the date the claim could have been presented. 42 Pa. C.S. § 9545(b)(2). The Pennsylvania Supreme Court has clearly stated that where a PCRA Petition is untimely, the petitioner, by statute, has the burden to plead in the petition and prove that one of the three exceptions set forth in 42 Pa. C.S. § 9545(b)(1)(i)-(iii) applies. *Commonwealth v. Beasley*, 741 A.2d 1258, 1261 (Pa. 1999). "That burden necessarily entails an acknowledgment by the petitioner that the PCRA Petition under review is untimely but that one or more of the exceptions apply." *Id.* Thus, the petitioner must allege in his petition and prove that said petition satisfies one of the three exceptions under Section 9545(b)(1)(i)-(iii). *Id.* As the PCRA's timeliness requirements are mandatory and jurisdictional in nature, no court may properly disregard or alter these requirements in order to reach the merits of the claims raised in an untimely PCRA Petition. *Commonwealth v. Taylor*, 933 A.2d 1035, 1042-43 (Pa. Super. 2007).

In the instant PCRA Petition, pursuant to 42 Pa. C.S. § 9545(b)(3), Appellant's judgment of sentence became final on May 28, 2014, when the thirty (30) day time period to file a direct

appeal to the Pennsylvania Superior Court elapsed. *See* Pa.R.Crim.P. 720(a)(4). Therefore, Appellant could have filed a timely PCRA Petition on or before May 28, 2015. As Appellant filed the instant PCRA Petition on April 15, 2016, Appellant has not filed the instant PCRA Petition in a timely fashion. Although not expressly alleged in the instant PCRA, Appellant indicates the instant PCRA Petition falls within the “after-recognized constitutional right” timeliness exception under Section 9545(b)(1)(iii), arguing the holding in *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016) requires the decision set forth in *Alleyne* be applied retroactively in cases pending on collateral review.

In order for Appellant to allege and prove his otherwise untimely petition satisfies the “after-recognized constitutional right” timeliness exception under Section 9545(b)(1)(iii), Appellant must satisfy two requirements: (1) the right asserted is a constitutional right that was recognized by the United States Supreme Court or the Pennsylvania Supreme Court after the time prescribed in this section; and (2) the right has been held to apply retroactively. *Commonwealth v. Leggett*, 16 A.3d 1144, 1147 (Pa. Super. 2011). Thus, a petitioner must prove that there is a new constitutional right and that the right has been held by United States Supreme Court or the Pennsylvania Supreme Court to apply retroactively. *Id.* A new constitutional rule applies retroactively in a collateral proceeding only if (1) the rule is substantive, i.e. rules that decriminalize conduct or prohibit punishment against a class of persons, or (2) the rule is a watershed rule of criminal procedure implicating the fundamental fairness and accuracy of the criminal proceeding. *Commonwealth v. Riggle*, 119 A.3d 1058, 1065 (Pa. Super. 2015) (citing *Whorton v. Bockting*, 549 U.S. 406 (2007)).

Indeed, “a new rule of constitutional law is applied retroactively to cases on collateral review only if the United States Supreme Court or our Supreme Court specifically holds it to be retroactively applicable to those cases.” *Commonwealth v. Miller*, 102 A.3d 988, 995 (Pa. Super. 2014). However, the Superior Court of Pennsylvania has concluded “[e]ven assuming that *Alleyne* did announce a new constitutional right, neither our Supreme Court, nor the United States Supreme Court has held that *Alleyne* is to be applied retroactively. . . .” *Id.*; *see also Commonwealth v. Washington*, 142 A.3d 810, 820 (Pa. 2016) (“We hold that *Alleyne* does not apply retroactively to cases pending on collateral review.”). Thus, Appellant does not satisfy the newly-recognized constitutional right timeliness exception under Section 9545(b)(1)(iii). *See e.g. Commonwealth v. Hall*, 3075 EDA 2016, 2017 WL 4150535, at *4 (Pa. Super. Sept. 19, 2017) (noting the Superior Court of Pennsylvania “has held that *Alleyne* does not apply when the claim is raised in an untimely PCRA petition [and] reliance on *Alleyne* to satisfy the constitutional right exception is misplaced”).³

Moreover, Appellant did not raise his *Alleyne* claim “within 60 days of the date the claim could have been presented.” 42 Pa. C.S.A. § 9545(b)(2). Instead, the first time Appellant raised his *Alleyne* claim was in his PCRA Petition dated April 15, 2016—over two years after the United States Supreme Court decided *Alleyne* on June 17, 2013. Therefore, Appellant has not properly pled the newly-recognized constitutional right exception to the PCRA’s one-year timeliness requirement. *See Commonwealth v. Boyd*, 923 A.2d 513, 517 (Pa. Super. 2007) (“With regard to an after-recognized constitutional right, . . . the sixty-day period begins to run upon the date of the underlying judicial decision.”). Therefore, this Trial Court

³ *Commonwealth v. Hall* is a non-precedential, unpublished Pennsylvania Superior Court Opinion decided on September 19, 2017. This case is being cited as persuasive, and not precedential, case law.

did not have jurisdiction to address the merits of Appellant's untimely PCRA Petition. *See Commonwealth v. Taylor*, 933 A.2d 1035, 1038 (Pa. Super. 2007) ("Pennsylvania law makes clear no court has jurisdiction to hear an untimely PCRA petition.").

Since Appellant's PCRA Petition was untimely, this Trial Court does not have the jurisdiction to hear claims that Appellant's counsel was ineffective. In the Appellant's "Concise Statement of Matters Complained Of On Appeal," the Appellant claims he experienced ineffective assistance of counsel with respect to his plea counsel, Attorney DeJohn; and first PCRA counsel, Attorney Hathaway.

As for Appellant's claim that his plea Counsel was ineffective, this Trial Court does not have the jurisdiction to hear this claim. *Commonwealth v. Gamboa-Taylor*, 562 Pa. 70, 80, 753 A.2d 780, 785 (2000) ("[A] claim for ineffective assistance of counsel does not save an otherwise untimely petition for review on the merits."). As examined earlier, Appellant's PCRA Petition is untimely. Therefore this Trial Court cannot address the issues of ineffective assistance of counsel during Appellant's plea as this Trial Court does not have jurisdiction to reach this claim.

As for Appellant's claim that his PCRA Counsel was ineffective during Appellant's previously-filed PCRA, this claim is similarly unreviewable due to the instant PCRA Petition being filed untimely. In the Appellant's "Concise Statement of Matters Complained Of On Appeal," Appellant appears to cite *Martinez v. Ryan*, 566 U.S. 1, 8 (2012) for the proposition that Appellant was entitled to counsel in his second post-conviction collateral proceeding as a matter of *federal* constitutional law. However, prisoners do not have a federal constitutional right to counsel in post-conviction collateral proceedings. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987) ("We have never held that prisoners have a constitutional right to counsel when mounting collateral attacks upon their convictions"). Moreover, the United States Supreme Court in *Martinez* expressly declined to address the issue of whether an exception exists to the general rule of whether prisoners are entitled to counsel in an initial post-conviction collateral proceeding. *Martinez v. Ryan*, 566 U.S. 1, 8 (2012). Instead, the U.S. Supreme Court in *Martinez* addressed the narrow issue of whether ineffective assistance in an initial-review collateral proceeding on a claim of ineffective assistance at trial may provide cause for a "procedural default" in a federal habeas proceeding. As *Martinez* relates exclusively to federal habeas review procedures, which are obviously not at issue here, *Martinez* is inapplicable. *Commonwealth v. Sanders*, 190 A.3d 732 (Pa. Super. Ct. 2018) (noting that reliance on *Martinez* was misplaced in claim for ineffective assistance of PCRA counsel since that case relates exclusively to federal habeas review procedures).

Notwithstanding, under Pennsylvania law, Appellant was clearly entitled to counsel at least in his first PCRA Petition, which this Court did provide to Appellant. Pa.R.Crim.P. 904(C). However, regardless of whether Appellant's claims of ineffectiveness of his PCRA counsel in connection with his first or second PCRA proceeding, since Appellant's PCRA Petition is time barred, the Court does not have jurisdiction to address Appellant's claim that his PCRA counsel was ineffective. *Commonwealth v. Sanders*, 190 A.3d 732 (Pa. Super. Ct. 2018).

Finally, assuming this Trial Court has jurisdiction to address the merits of Appellant's untimely PCRA Petition, as the instant PCRA Petition is being deemed Appellant's second PCRA Petition, Appellant was also required to comply with the mandates of *Commonwealth v. Lawson*, 549 A.2d 107, 112 (Pa. 1988) and its progeny. *Commonwealth v. Allen*, 732 A.2d

582, 586 (Pa. 1999). The Pennsylvania Supreme Court has held “a second or subsequent petition for post-conviction relief will not be entertained unless a strong prima facie showing is offered to demonstrate that a miscarriage of justice may have occurred.” *Id.* In particular, the Pennsylvania Supreme Court has stated:

[A petitioner] makes a prima facie showing of entitlement to relief only if he demonstrates either that the proceedings which resulted in his conviction were so unfair that a miscarriage of justice occurred which no civilized society could tolerate, or that he was innocent of the crimes for which he was charged.

Id. (citing *Commonwealth v. Szuchon*, 633 A.2d 1098, 1100 (Pa. 1993)). In the instant case, Appellant’s PCRA Petition merely stated: “This PCRA is dealing with the matter[] of . . . the Lawson standard of mis[]carriage of justice, pursuant to *Commonwealth v. Lawson*, 549[] A.2d 107, 112 (Pa. 1988).” (PCRA Petition at pg. 6). However, Appellant failed to argue successfully that his second PCRA Petition satisfies the *Lawson* requirement, in that Petitioner did not argue either the proceedings resulting in his conviction were so unfair that a miscarriage of justice occurred or that Petitioner is innocent of the crimes charged. As such, assuming this Trial Court has jurisdiction to address the merits of Appellant’s PCRA Petition, Appellant failed to satisfy the *Lawson* requirement.

Thus, for all of the foregoing reasons, this Trial Court respectfully requests the Pennsylvania Superior Court affirm this Trial Court’s Order dated August 27, 2018.

BY THE COURT

/s/ **Stephanie Domitrovich, Judge**

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA, Appellee

v.

RUSSELL LEE ELLIS, Appellant

IN THE SUPERIOR COURT OF PENNSYLVANIA

No. 1387 WDA 2018

Appeal from the PCRA Order Entered August 27, 2018

in the Court of Common Pleas of Erie County

Criminal Division at No(s): CP-25-CR-0002327-2013

BEFORE: BENDER, P.J.E., OTT, J. and STRASSBURGER, J.*

MEMORANDUM BY STRASSBURGER, J.:

FILED MAY 21, 2019

Russell Lee Ellis (Appellant) appeals from the August 27, 2018 order dismissing his petition filed pursuant to the Post Conviction Relief Act (PCRA), 42 Pa.C.S. §§ 9541-9546. Upon review, we affirm.

Appellant filed the instant PCRA petition on May 23, 2018 (2018 PCRA Petition), claiming his sentence was illegal and Attorney Hathaway provided ineffective assistance of counsel during Appellant's 2014 PCRA Petition because he failed to raise the illegal sentencing claim. Appellant asserted his petition was timely filed pursuant to 42 Pa.C.S. § 9545(b)(1) (ii), which provides that "the facts upon which the claim is predicated were unknown to the petitioner and could not have been ascertained by the exercise of due diligence[.]" based upon Appellant's discovery of the *Alleyne*¹ decision while incarcerated. *Pro se* PCRA Petition, 5/23/2018, at 7. The PCRA court issued notice of its intent to dismiss Appellant's petition as time-barred on July 31, 2018. Appellant filed a response. The PCRA court dismissed the petition on August 27, 2018.

Appellant *pro se* timely filed a notice of appeal.² On appeal, Appellant argues that the PCRA court erred in denying the 2018 PCRA Petition as untimely filed and further claims that his sentence is illegal pursuant to *Alleyne* and his prior attorneys were ineffective for failing to raise this issue. Appellant's Brief at 9.

Alleyne claims implicate the legality of sentence, and therefore are always subject to review under the PCRA as long as the petition is timely filed. *Commonwealth v. DiMatteo*, 177 A.3d 182, 192 (Pa. 2018) (citation omitted). See also *Commonwealth v. Miller*, 102 A.3d 988, 995 (Pa. Super. 2014) (citations omitted) (noting that while this Court may consider an illegal sentencing issue *sua sponte*, "there must be a basis for our jurisdiction to engage in such review"). Thus, before reaching the merits of Appellant's claims, we must first consider whether Appellant has timely filed his petition, as neither this Court nor the PCRA court has jurisdiction to address the merits of an untimely-filed petition. *Commonwealth v. Leggett*, 16 A.3d 1144, 1145 (Pa. Super. 2011).

* Retired Senior Judge assigned to the Superior Court.

¹ *Alleyne v. United States*, 570 U.S. 99 (2013) (holding that any fact which increases the mandatory minimum sentence for a crime is an element of that crime, and therefore must be submitted to a jury and proven beyond a reasonable doubt).

² Both Appellant and the PCRA court complied with Pa.R.A.P. 1925.

Any PCRA petition, including second and subsequent petitions, must either (1) be filed within one year of the judgment of sentence becoming final, or (2) plead and prove a timeliness exception. 42 Pa.C.S. § 9545(b). Furthermore, the petition “shall be filed within 60 days of the date the claim could have been presented.” 42 Pa.C.S. § 9545(b)(2) (effective 1995-2018).³

“For purposes of [the PCRA], a judgment [of sentence] becomes final at the conclusion of direct review, including discretionary review in the Supreme Court of the United States and the Supreme Court of Pennsylvania, or at the expiration of time for seeking the review.” 42 Pa.C.S. § 9545(b)(3). Here, Appellant was sentenced on April 28, 2014. Because Appellant did not file a post-sentence motion or direct appeal, his judgment of sentence became final on May 28, 2014. *See* 42 Pa.C.S. § 9545(b)(3); Pa.R.A.P. 903. Accordingly, Appellant had until May 28, 2015, to file a timely PCRA petition. Thus, Appellant’s 2018 PCRA Petition, filed on May 23, 2018, was patently untimely.

However, even if we were to consider the 2018 PCRA Petition as being filed in 2016 as the PCRA court attempted to do, *see* Order, 4/2/2018 (backdating new PCRA petition to April 15, 2016), Appellant’s petition still was untimely filed, and Appellant had the burden of pleading and proving an exception to the time-bar. 42 Pa.C.S. § 9545(b)(1).

In the 2018 PCRA Petition, Appellant attempted to invoke the newly-discovered facts exception to the PCRA’s time-bar. To qualify for this exception, “a petitioner need only establish that the facts upon which the claim is based were unknown to him and could not have been ascertained by the exercise of due diligence.” *Commonwealth v. Burton*, 158 A.3d 618, 629 (Pa. 2017) (some citations omitted). “Due diligence demands that the petitioner take reasonable steps to protect his own interests. A petitioner must explain why he could not have obtained the new fact(s) earlier with the exercise of due diligence.” *Commonwealth v. Monaco*, 996 A.2d 1076, 1080 (Pa. Super. 2010) (citations omitted).

Appellant’s alleged “newly-discovered fact” is his learning while incarcerated about the United States Supreme Court’s decision in *Alleyne*. However, our Supreme Court has held that “subsequent decisional law does not amount to a new ‘fact’ under [sub]section 9545(b)(1)(ii) of the PCRA.” *Commonwealth v. Watts*, 23 A.3d 980, 987 (Pa. 2011). Even if Appellant could rely on *Alleyne* as a basis for a timeliness exception, he was required to file his petition within 60 days of *Alleyne*’s issuance. *See Commonwealth v. Brandon*, 51 A.3d 231, 235 (Pa. Super. 2012) (citation and quotation marks omitted) (observing that the 60-day “period begins to run upon the date of the underlying judicial decision”). *Alleyne* was decided on June 17, 2013, several years before either 2016 or 2018.

Based on the foregoing, we conclude that Appellant’s 2018 PCRA Petition was filed untimely, and he has not asserted a valid exception to the timeliness requirements. Thus, he is not entitled to relief. *See Commonwealth v. Albrecht*, 994 A.2d 1091, 1095 (Pa. 2010) (affirming dismissal of PCRA petition without a hearing because the appellant failed to meet burden of establishing timeliness exception).

Order affirmed.

Judgment Entered.

/s/ Joseph D. Seletyn, Esq., Prothonotary

Date: 5/21/2019

³ This subsection was recently amended, effective December 24, 2018, to extend the time for filing from 60 days of the date the claim could have been presented to one year. However, this amendment does not apply to Appellant’s PCRA petition because it was filed prior to the amendment’s effective date.

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania. In re Change of Name of Aubree Rae Kiehlmeier to Aubree Rae Donahue. Notice is hereby give that, on June 10, 2019, the Petition of Aubree Rae Kiehlmeier was filed in the Erie County Court of Common Pleas, requesting an order to change the Name of Aubree Rae Kiehlmeier to Aubree Rae Donahue.

The Court has fixed the day of July 19, 2019 at 11:30 a.m. in Courtroom G, Room 222, of the Erie County Courthouse, Erie, Pennsylvania as the time and place for the Hearing on said Petition, when and where all interested parties may appear and show cause, if any, why the request of the Petition should not be granted.

June 28

FICTITIOUS NAME NOTICE

Pursuant to Act 295 of December 16, 1982 notice is hereby given of the intention to file with the Secretary of the Commonwealth of Pennsylvania a "Certificate of

Carrying On or Conducting Business under an Assumed or Fictitious Name." Said Certificate contains the following information:

FICTITIOUS NAME NOTICE

1. The fictitious name is: Erie Medical Marijuana Clinic
2. The address, including number and street, of the principal place of business: 2028 West 38th Street, Erie, PA 16509
3. Each entity, other than an individual, interested in such business is (are): Pro Medical Inc., 2028 West 38th Street, Erie, PA 16508
4. An application for registration of the above fictitious name was filed with the Pennsylvania Department of State under the Fictitious Name Act on January 22, 2019.

June 28

LEGAL NOTICE

IN THE MATTER OF PROCEEDINGS BY THE REDEVELOPMENT AUTHORITY OF THE CITY OF ERIE FOR THE CONDEMNATION OF PROPERTY OF: RASHAAN L. ARNEY, JULIAN S. BEARD, THERESA MIZIKOWSKI, BRIAN MARLOWE, Heir of DOUGLAS J. MARLOWE, MELISSA A. HUDSON, HENRY HENDERSON, KRISTEN MICHELLE SKEEN

OWNERS OR REPUTED OWNER(S)

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA

DOCKET NOS: 2019-11643; 2019-11644; 2019-11645; 2019-11646; 2019-11647; 2019-11648; 2019-11649;

EMINENT DOMAIN

NOTICE OF CONDEMNATION

In accordance with Section 305 of the Eminent Domain Code of 1964, Pa. C.S. §305, the Redevelopment Authority of the City of Erie (the "Authority") hereby notifies the owner(s) or reputed owner(s) (hereinafter "Condemnee(s)"), and any mortgage holder and/or lienholder of record that:

1. The property referenced below has been condemned by the Authority for the purposes of elimination of blight and promotion of urban renewal and rehabilitation pursuant to its authority under the Urban Redevelopment Law at 35 P.S. §§1701, 1712 and 1712.1.

2. A Declaration of Taking was filed on the date referenced below in the Court of Common Pleas of Erie County, Pennsylvania at the term and number referenced below.

3. The filing of the Declaration of Taking and this Notice of Condemnation were authorized by Resolution of the Authority, adopted at a meeting on the date referenced below, and the Resolution may be examined at the office of the Authority set forth in Paragraph 5 below.

4. The Condemnee(s) and the Properties being condemned, including the docket numbers at which the Declarations of Taking were filed, are as follows:

ERIE COUNTY LEGAL JOURNAL

COMMON PLEAS COURT

LEGAL NOTICE

COMMON PLEAS COURT

Condemnee(s)	Mortgagee(s) or Lienholders unable to be served	Address of Condemned Property	Tax Index Number of Condemned Property	Court Docket Number	Date of Public Meeting	Declaration of Taking Filing Date
RASHAAN L. ARNEY		704-706 EAST 8TH STREET	(14) 1022-120	2019-11643	June 13, 2019	June 18, 2019
JULIAN S. BEARD		437 EAST 11TH STREET	(15) 2022-111	2019-11644	June 13, 2019	June 18, 2019
THERESA MIZIKOWSKI	F.N.B. Consumer Discount Co. c/o First National Bank of PA	634 EAST 13TH STREET	(15) 2033-327	2019-11645	June 13, 2019	June 18, 2019
BRIAN MARLOWE Heir of DOUGLAS J. MARLOWE	PA Dept. of Revenue/ Bureau of Individual Taxes Erie County Clerk of Courts	1241 BUFFALO ROAD	(18) 5101-212	2019-11646	June 13, 2019	June 18, 2019
MELISSA A. HUDSON	Presque View Apartments	809 CHERRY STREET	(16) 3030-213	2019-11647	June 13, 2019	June 18, 2019
HENRY HENDERSON	Erie School Employees Federal Credit Union	220 CHESTNUT STREET	(17) 4015-201	2019-11648	June 13, 2019	June 18, 2019
KRISTEN MICHELLE SKEEN		1118 WALLACE STREET	(15) 2022-102	2019-11649	June 13, 2019	June 18, 2019

5. The Condemnor is the Redevelopment Authority of the City of Erie, whose offices are located at 626 State Street, Room 107, Erie, PA 16501.

6. The nature of the title acquired in and to the condemned property is fee simple title.

7. The Authority Condemnor has secured the payment of just compensation for the Condemnee(s) by the filing with the Declaration of Taking a bond, without surety, payable to the Commonwealth of Pennsylvania, for the use of the owner of the property interests condemned, the condition of which shall be that the Condemnor shall pay the damages determined by law as authorized by 26 Pa.C.S. §303(a).

8. A detailed written offer of just compensation based on the fair market value of the condemned property, which amount compensates the Condemnee(s) for any loss sustained as a result of the condemnation of the property, has been prepared. Please contact Attorney Eugene C. Sundberg, Jr. at Marsh Spaeder Baur Spaeder & Schaaf, LLP, 300 State Street, Suite 300, Erie, PA 16507, (814) 456-5301 during normal business hours to receive your written offer of just compensation and/ or to review full copies of the Declaration of Taking and Notice of Condemnation.

IF THE CONDEMNEE(S) WISH TO CHALLENGE THE POWER OR THE RIGHT OF THE REDEVELOPMENT AUTHORITY OF THE CITY OF ERIE AS CONDEMNOR TO APPROPRIATE THE CONDEMNED PROPERTY, THE SUFFICIENCY OF THE SECURITY, THE PROCEDURE FOLLOWED BY THE CONDEMNOR, OR THE DECLARATION OF TAKING, THE CONDEMNEE(S) ARE REQUIRED TO FILE PRELIMINARY OBJECTIONS WITHIN THIRTY (30) DAYS AFTER THE DATE OF PUBLICATION OF THIS NOTICE.

REDEVELOPMENT AUTHORITY OF THE CITY OF ERIE

Eugene C. Sundberg, Jr., Esquire, Marsh Spaeder Baur Spaeder & Schaaf, LLP
300 State Street, Suite 300, Erie, PA 16507 (814) 456-5301

June 28

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

JULY 19, 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

June 28 and July 5, 12

SALE NO. 1

Ex. #10832 of 2019

**MARQUETTE SAVINGS
BANK, Plaintiff**

v.

**THERESA VAN DYKE,
Tenant and Heir of WALTER
TARWACKI, Deceased,
Defendant**

DESCRIPTION

By virtue of a Writ of Execution filed at No. 2019-10832, Marquette Savings Bank vs. Theresa Van Dyke, owners of property situate in the City of Erie, Erie County, Pennsylvania being: 425 East 11th Street, Erie, Pennsylvania.

41' X 155' X 41' X 155'

Assessment Map Number: (15) 2022-114

Assessed Value Figure: \$27,480.00
Improvement Thereon: Residence
Eugene C. Sundberg, Jr., Esq.
Marsh Spaeder Baur Spaeder
& Schaaf, LLP
Suite 300, 300 State Street
Erie, Pennsylvania 16507
(814) 456-5301

June 28 and July 5, 12

SALE NO. 2

Ex. #10538 of 2019

**ERIE FEDERAL CREDIT
UNION, Plaintiff**

v.

**ROBERT K. FILIPOWICZ,
Defendant
DESCRIPTION**

By virtue of Writ of Execution filed at No. 10538-2019, Erie Federal Credit Union vs. Robert Filipowicz, owner of the following properties identified below:

1) Situate in the City of Erie, County of Erie, and Commonwealth of Pennsylvania at 4006 Maxwell Avenue, Erie, Pennsylvania 16504: Assessment Map No.: 18-052-021.0-212.00

Assessed Value Figure: \$11,800.00
Improvement Thereon: Residential Vacant Lot

Assessment Map No.: 18-052-021.0-211.00

Assessed Value Figure: \$15,200.00
Improvement Thereon: Residential Vacant Lot

Assessment Map No.: 18-052-021.0-210.00

Assessed Value Figure: \$92,390.00
Improvement Thereon: Single Family Residential Dwelling

Assessment Map No.: 18-052-021.0-209.00

Assessed Value Figure: \$14,300.00
Improvement Thereon: Residential Vacant Lot

Assessment Map No.: 18-052-021.0-208.00

[erroneously identified as (18)52-21-2218 in Deed at Record Book 1533, Page 1078 and Mortgage at Instrument No. 2016-003577]

Assessed Value Figure: \$14,300.00
Improvement Thereon: Residential Vacant Lot

Assessment Map No.: 18-052-021.0-207.00

Assessed Value Figure: \$14,300.00

Improvement Thereon: Residential Vacant Lot
Assessment Map No.: 18-052-021.0-206.00
Assessed Value Figure: \$14,300.00
Improvement Thereon: Residential Vacant Lot
Michael S. Jan Janin, Esquire
Pa. I.D. No. 38880
The Quinn Law Firm
2222 West Grandview Boulevard
Erie, PA 16506
(814) 833-2222

June 28 and July 5, 12

SALE NO. 3

Ex. #10435 of 2019

**Northwest Bank f/k/a Northwest
Savings Bank, Plaintiff**

v.

**Kimberly A. Matha, Defendant
DESCRIPTION**

By virtue of a Writ of Execution filed at No. 2019-10435, Northwest Bank f/k/a Northwest Savings Bank v. Kimberly A. Matha, owner of property situated in the City of Erie, Erie County, Pennsylvania being commonly known as 4345 Carney Avenue, Erie, PA.

Assessment Map No. (18) 5248-211
Assessed Value Figure: \$88,570.80

Improvement thereon: Residential
Mark G. Claypool, Esquire
Knox McLaughlin Gornall
& Sennett, P.C.

120 West Tenth Street
Erie, Pennsylvania 16501
(814) 459-2800

June 28 and July 5, 12

SALE NO. 4

Ex. #10010 of 2019

**CITIZENS BANK OF
PENNSYLVANIA, Plaintiff**

v.

**Charles A.J. Halpin, III, Esquire,
Personal Representative of
the Estate of Richard Flaugh,
Deceased, Defendant**

DESCRIPTION

ALL THAT CERTAIN tract or piece of land situate in the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania, BEING KNOWN AS: 5945 Pilgrim Drive, Erie, PA 16509
PARCEL #33-192-645.0-018.00
Improvements: Residential

Dwelling.
Gregory Javardian, Esquire
Id. No. 55669
Attorneys for Plaintiff
1310 Industrial Boulevard
1st Floor, Suite 101
Southampton, PA 18966
(215) 942-9690

June 28 and July 5, 12

SALE NO. 5

Ex. #10132 of 2019

**PENNYMAC LOAN SERVICES
LLC, Plaintiff**

v.

BRIAN P. BLUMISH,

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:

BEGINNING at a point in the north line of Second Street, one hundred sixty-five (165) feet westwardly from the intersection of the west line of Myrtle Street with the north line of Second Street; THENCE northwardly, parallel with Myrtle Street, eighty-two and one-half (82-1/2) feet to a point; THENCE eastwardly, parallel with Second Street, forty-one and one-quarter (41-1/4) feet to a point; THENCE southwardly, parallel with Myrtle Street, eighty-two and one-half (82-1/2) feet to the north line of Second Street; and THENCE westwardly, along the north line of Second Street, forty-one and one-quarter (41-1/4) feet to the point or place of beginning.

HAVING erected thereon a two-story frame two-family flat and one car garage commonly known as 314-316 West Second Street, Erie, Pennsylvania and bearing Erie County Tax Index No. (17) 4042-129.

Parcel Identifier(s):
17040042012900

PROPERTY ADDRESS: 314-316 West 2nd 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

June 28 and July 5, 12

SALE NO. 7

Ex. #10534 of 2019

**KEY BANK NA S/B/M FIRST
NIAGARA BANK, N.A., Plaintiff**

v.

ROBERT E. JUDE, Defendant(s)

DESCRIPTION

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN THE TOWNSHIP OF NORTH EAST, COUNTY OF ERIE AND COMMONWEALTH OF PENNSYLVANIA, BEING PART OF TRACT NO. 167, BOUNDED AND DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT IN THE CENTER LINE OF THE EAST MIDDLE ROAD, SAID POINT BEING NORTH SIXTY THREE DEGREES, TWENTY MINUTES (63 DEGREES - 20 MINUTES) EAST, FIVE HUNDRED SEVENTY TWO AND FORTY SEVEN HUNDREDTHS (572.47) FEET MEASURED ALONG THE CENTER LINE OF SAID ROAD FROM ITS INTERSECTION WITH THE WEST LINE OF TRACT NO. 167; THENCE NORTH TWENTY SIX DEGREES, FORTY MINUTES (26 DEGREES - 40 MINUTES) WEST, THREE HUNDRED TWENTY (320.00) FEET TO A POINT; THENCE NORTH SIXTY THREE DEGREES, TWENTY MINUTES (63 DEGREES - 20 MINUTES) EAST, THREE HUNDRED SIXTY NINE AND SIXTY NINE HUNDREDTHS (369.69) FEET TO A POINT IN THE CENTER LINE OF THE DUNCAN ROAD; THENCE SOUTH ZERO DEGREES, FIFTY TWO MINUTES (0 DEGREES - 52 MINUTES) EAST ALONG THE CENTER LINE OF SAID ROAD, THREE HUNDRED FIFTY FIVE AND TWENTY SEVEN HUNDREDTHS (355.27) FEET TO THE CENTER LINE OF THE EAST MIDDLE ROAD; THENCE SOUTH SIXTY THREE DEGREES, TWENTY MINUTES (63 DEGREES - 20 MINUTES)

WEST ALONG THE CENTER LINE OF SAID ROAD, TWO HUNDRED FIFTEEN (215.0) FEET TO THE PLACE OF BEGINNING.

PARCEL NO. 37-015-037.0-013-00
PROPERTY ADDRESS: 11994 Middle Road, North East, PA 16428
KML Law Group, P.C.
Attorney for Plaintiff
Suite 5000 - BNY Independence Center, 701 Market Street
Philadelphia, PA 19106
(215) 627-1322

June 28 and July 5, 12

SALE NO. 8

Ex. #10154 of 2019

**METROPOLITAN LIFE
INSURANCE COMPANY,
Plaintiff**

v.

CRAIG D. LINDSEY, DYSA D.

LINDSEY, 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: Beginning at a point in the south line of Ninth Street, 82.5 feet west of the intersection of the west line of Plum Street with the south line of Ninth Street; thence southwardly in a line parallel with Plum Street, 165 feet; thence westwardly in a line parallel with Ninth Street, 34 feet; thence northwardly in a line parallel with Plum Street 165 feet to the south line of Ninth Street; thence eastwardly along the south line of Ninth Street, 34 feet to the place of beginning.

HAVING erected thereon a two story brick dwelling and two car garage known as 907 West Ninth Street, Erie, Pennsylvania, and being further identified as Erie County

Tax Parcel Index No. (16) 3047-110.

PROPERTY ADDRESS: 907 West 9th Street, Erie, PA 16502

KML Law Group, P.C.

Attorney for Plaintiff

Suite 5000 - BNY Independence Center, 701 Market Street
Philadelphia, PA 19106

(215) 627-1322

June 28 and July 5, 12

SALE NO. 9

Ex. #12278 of 2018
BAYVIEW LOAN SERVICING,
LLC, A DELAWARE LIMITED
LIABILITY COMPANY,
Plaintiff
v.

The Unknown Heirs of JOHN
R. LUBMAN, Deceased, LISA
DIPLACIDO Solely in Her
Capacity as Heir of JOHN R.
LUBMAN, Deceased, THERESE
GLENNON Solely in Her
Capacity as Heir of JOHN R.
LUBMAN, Deceased, KEVIN
KUPNIEWSKI Solely in His
Capacity as Heir of JOHN R.
LUBMAN, Deceased, CHARLES
LUBMAN Solely in His Capacity
as Heir of JOHN R. LUBMAN,
Deceased, MICHAEL LUBMAN
Solely in His Capacity as Heir of
JOHN R. LUBMAN, Deceased,
ROBERTA LUBMAN Solely
in Her Capacity as Heir of
JOHN R. LUBMAN, Deceased,
JOSEPH R. LUBMAN JR.
Solely in His Capacity as Heir of
JOHN R. LUBMAN, Deceased,
Defendant(s)

DESCRIPTION

ALL THAT CERTAIN piece or parcel of land of situate in the City of Erie, Ward, County of Erie, and State of Pennsylvania bounded and described as follows, to-wit: Beginning at a point on the north line of Thirteenth Street, two hundred six (206) feet and three (3) inches East from the intersection of the same with the East line of Holland Street; thence Northwardly and parallel with Holland Street, one hundred forty-three (143) feet to the South line of an alley; thence Eastwardly along said South line of said alley, and parallel with Thirteenth (13th) Street, forty-one (41) feet and three (3) inches; Thence Southwardly, parallel with Holland Street, one hundred forty-three (143) feet to the North line of Thirteenth Street, and Thence Westwardly, along the North line of Thirteenth Street forty-one (41) feet, and three (3) inches to the point

and place of beginning.

Having erected thereon a two (2) story frame dwelling house and being known as 222 East 13th Street, Erie, Pennsylvania. Bearing Erie County Tax Index No. (15) 2013-229.

Parcel Identifier(s): 15-020-013.0-229-00

PROPERTY ADDRESS: 222 East 13th Street, 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

June 28 and July 5, 12

SALE NO. 10

Ex. #10293 of 2019
PNC BANK, NATIONAL
ASSOCIATION, Plaintiff
v.

KENNETH H. POTTER,
Defendant(s)

DESCRIPTION

All that certain piece or parcel of land situate in Tract 154, North East Township, Erie County, Pennsylvania, bounded and described as follows, to wit: Being Lot No. 10 of the Salcone Realty Subdivision No. 3, recorded in Erie County Map Book 17 at Page 9 and revised in July 1981, and known as Plan of Salcone Realty Subdivision No. 3, recorded March 9, 1982, in Erie County Map Book 23 at Page 162.

PARCEL #: 37-039-090.0-0002.00
 PROPERTY ADDRESS: 11326 Emily Drive, North East, PA 16428
 KML Law Group, P.C.

Attorney for Plaintiff
 Suite 5000 - BNY Independence Center
 701 Market Street
 Philadelphia, PA 19106

(215) 627-1322

June 28 and July 5, 12

SALE NO. 11

Ex. #12309 of 2018
WELLS FARGO BANK
N.A., AS TRUSTEE, FOR
CARRINGTON MORTGAGE
LOAN TRUST, SERIES 2006-
NC3 ASSET-BACKED PASS-

THROUGH CERTIFICATES,
Plaintiff

v.

DENISE YOST AKA DENIS
[sic] J. YOST, RICHARD YOST
AKA RICHARD J. YOST,
Defendant(s)

DESCRIPTION

All that certain piece or parcel of land situate in the First Ward of the Borough of Union City, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at the point where the eastern line of Dowman Street is joined by the northern line of Liberty Street; thence North 12 degrees 02'58" West along the eastern line of Dowman Street for a distance of 5.94 feet to the southern line of East High Street; thence North 64 degrees 40'02" east along the southern line of East High Street; for a distance of 187.30 feet to a point; thence south 12 degrees 02'58" East along the western line of the land of Fox for a distance of 88.08 feet to the northern line of Liberty Street; thence north 89 degrees 56'30" West along the Northern Line of Liberty Street for a distance of 186.44 feet to the place of beginning. Containing .0139 acre, being Parcel 2 as set forth in the Map of Townsend Subdivision No. 1, recorded in Map Book 22, Page 112 in the Erie County Recorder of Deeds Office. Having erected thereon a house and other improvements.

PROPERTY ADDRESS: 136 East High Street, Union City, PA 16438
 PARCEL No.: 41-5-46-1

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

(215) 627-1322

June 28 and July 5, 12

SALE NO. 12

Ex. #10327 of 2019
PNC BANK, NATIONAL
ASSOCIATION, Plaintiff
v.
RAYMOND ZAPOLSKI
JR., SUSAN ZAPOLSKI,

Defendant(s)
DESCRIPTION

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN THE TOWNSHIP OF SUMMIT, COUNTY OF ERIE, AND STATE OF PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHWEST CORNER OF THE WITHIN DESCRIBED PREMISES AT A POINT IN THE CENTER LINE OF CHERRY STREET EXTENSION, SAID POINT BEING THE POINT OF INTERSECTION OF THE CENTER LINE OF CHERRY STREET EXTENSION AND THE NORTH LINE OF CHERRY HILL SUBDIVISION, AS SAID SUBDIVISION IS PLOTTED IN ERIE COUNTY DEED BOOK NO. 353, PAGE 798; THENCE NORTH 28° 53' 45" WEST, ALONG THE SAID CENTER LINE OF CHERRY STREET EXTENSION, ONE HUNDRED TEN (110) FEET TO A POINT THENCE NORTH 63° 43' EAST, CROSSING AN IRON PIPE, IN THE EAST LINE OF CHERRY STREET EXTENSION, A DISTANCE OF TWO HUNDRED (200) FEET TO A POINT; THENCE SOUTH 28° 53' 45" EAST, ONE HUNDRED TEN (110) FEET TO AN IRON PIPE IN THE NORTH BOUNDARY LINE OF CHERRY HILL SUBDIVISION; THENCE SOUTH 63° 45' WEST ALONG THE NORTH BOUNDARY LINE OF CHERRY HILL SUBDIVISION, 200 FEET TO THE CENTER LINE OF CHERRY STREET EXTENSION, THE POINT OF BEGINNING; AND BEING THE SOUTHERLY ONE HUNDRED TEN (110) FEET FRONTAGE FOR A DEPTH OF TWO HUNDRED (200) FEET, OF PROPERTY CONVEYED TO JEROME U. SAMICK AND MARION E. SAMICK, HIS WIFE, AND FREDERICK PRECHTEL AND VIOLA PRECHTEL, HIS WIFE, BY DEED FROM NESTOR DIMMICK ET UX. - DATED MAY 19, 1958, AND RECORDED IN ERIE COUNTY DEED BOOK NO.

776, PAGE 397.
PROPERTY ADDRESS: 8075 Cherry Street Extension, Erie, PA 16509
PARCEL #: 40-008-069.0-055.00
KML Law Group, P.C.
Attorney for Plaintiff
Suite 5000 - BNY Independence Center, 701 Market Street Philadelphia, PA 19106
(215) 627-1322

June 28 and July 5, 12

SALE NO. 13
Ex. #13073 of 2018
PENNSYLVANIA HOUSING
FINANCE AGENCY, Plaintiff
v.
JASON A. DARIN, STACEY M. DARIN, Defendants
DESCRIPTION

By virtue of a Writ of Execution No. 2018-13073, PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff vs. JASON A. DARIN, STACEY M. DARIN, Defendants
Real Estate: 2817 GERMAN STREET, ERIE, PA 16504
Municipality: City of Erie
Erie County, Pennsylvania
Dimensions: 33 x IRR
See Instrument #: 2010-031409
Tax I.D. (18) 5079-223
Assessment: \$16,300 (Land)
\$26,500 (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

June 28 and July 5, 12

SALE NO. 15
Ex. #10489 of 2019
U.S. BANK NATIONAL
ASSOCIATION, AS TRUSTEE
FOR THE PENNSYLVANIA
HOUSING FINANCE AGENCY,
Plaintiff
v.
ALEX J. DUDAS, Defendants
DESCRIPTION

By virtue of a Writ of Execution No. 2019-10489, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE PENNSYLVANIA HOUSING

FINANCE AGENCY, Plaintiff vs. ALEX J. DUDAS, Defendants
Real Estate: 1025 NORTHGATE DRIVE, ERIE, PA 16505
Municipality: MILLCREEK TOWNSHIP
Erie County, Pennsylvania
Dimensions: 60 x 197
See Deed Book 1408, page 832
Tax I.D. (33) 19-105-24
Assessment: \$23,900 (Land)
\$72,520 (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

June 28 and July 5, 12

SALE NO. 16
Ex. #12827 of 2017
U.S. BANK NATIONAL
ASSOCIATION, AS TRUSTEE
FOR THE PENNSYLVANIA
HOUSING FINANCE AGENCY,
Plaintiff
v.

MICHAEL L. HERMAN AND
JENNIFER A. PATTERSON,
Defendants
DESCRIPTION

By virtue of a Writ of Execution No. 2017-12827, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff vs. MICHAEL L. HERMAN AND JENNIFER A. PATTERSON, Defendants
Real Estate: 1230 WEST 22ND STREET, ERIE, PA 16502
Municipality: City of Erie
Erie County, Pennsylvania
Dimensions: 35 x 135
See Deed Book 2010-015947
Tax I.D. (19) 6201-228
Assessment: \$11,000 (Land)
\$51,490 (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

June 28 and July 5, 12

SALE NO. 17

Ex. #10173 of 2016
PNC Bank, National Association,
Plaintiff

v.

David A. Chrzanowski; Cheryl A.
Chrzanowski; The United States
of America, Defendants

DESCRIPTION

By virtue of a Writ of Execution filed to No. 10173-16, PNC Bank National Association vs. David A. Chrzanowski; Cheryl A. Chrzanowski; The United States of America, owner(s) of property situated in The Township of Millcreek, Erie County, Pennsylvania being 4194 Stone Creek Drive, Erie, PA 16506 0.8362

Assessment Map Number: 33174565011000
 Assessed Value figure: \$617,470.00
 Improvement thereon: Single Family Dwelling
 Justin F. Kobeski, Esquire
 Manley Deas Kochalski LLC
 P.O. Box 165028
 Columbus, OH 43216-5028
 614-220-5611

June 28 and July 5, 12

SALE NO. 18

Ex. #11860 of 2017
Wilmington Savings Fund
Society, FSB, D/B/A Christiana
Trust Not Individually but as
Trustee for Pretium Mortgage
Acquisition Trust, Plaintiff

v.

Jacob Greishaw In His Capacity
As Administrator Cta And
Devisee Of The Estate Of David
A. Greishaw, Deceased And
Unknown Heirs, Successors,
Assigns And All Persons, Firms
Or Associations Claiming Right,
Title Or Interest From Or Under
David A. Greishaw, Deceased,
Defendant

DESCRIPTION

By virtue of a Writ of Execution filed to No. 11860-17, Wilmington Savings Fund Society, FSB, D/B/A Christiana Trust Not Individually but as Trustee for Pretium Mortgage Acquisition Trust v. Jacob Greishaw In His Capacity As Administrator Cta And Devisee Of The Estate

Of David A. Greishaw, Deceased And Unknown Heirs, Successors, Assigns And All Persons, Firms Or Associations Claiming Right, Title Or Interest From Or Under David A. Greishaw, Deceased, Owner(s) of property situated in North East Township, Erie County, Pennsylvania, being 10288 Townline Road, North East, PA 16428

ALL that certain piece or parcel of land situate in Tract 93, North East Township, Erie County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point on the center line of Legislative Route 25070, also known as Townline Road (as a 50 feet right-of-way), said point being South 89 degrees - 30 minutes East, 1988.57 feet from the intersection of said centerline with the centerline of Legislative Route 25071, also known as Williams Road (as a 50 feet right-of-way); thence North 0 degrees - 10 minutes East, 874.94 feet to a point; thence South 89 degrees - 28 minutes 48 seconds East, 1988.57 feet to a point; thence South 2 degrees - 32 minutes - 48 seconds West, 875.30 feet to a point on the centerline of Townline Road; thence along said centerline North 89 degrees - 30 minutes West 481.60 feet to the place of beginning, containing 10.037 acres of land. Having a single family dwelling erected thereon and being more commonly known as 10288 Townline Road, North East, Pennsylvania. Said premises bears Erie County Tax Index Number (37) 33-128-8.05.

The rights and obligations under the oil and gas lease in favor of Pennsylvania Gas Company, now National Fuel Gas Supply Corporation, recorded in Erie County Contract Book 64 at page 151 and Erie County Contract Book 109 at page 49, are specifically transferred to Parties of the Second Part insofar as the land described in this deed affects the lease.

Being the same premises conveyed to Susan L. Mason by Deed dated October 9, 1997 and recorded March 24, 1998 at Erie County

Record Book 549, Page 1568.
 Assessment Map number: 37-033-128.0-008.05
 Assessed Value figure: \$118,800.00
 Improvement thereon: Residential Dwelling
 MARTHA E. VON ROSENSTIEL, P.C.
 Martha E. Von Rosenstiel, Esq / No 52634
 Heather Riloff, Esq / No 309906
 Lorraine Gazzara Doyle, Esq / No 34576
 649 South Ave, Ste 7
 Secane, PA 19018
 (610) 328-2887

June 28 and July 5, 12

SALE NO. 19

Ex. #12996 of 2018
Federal National Mortgage
Association ("Fannie Mae"),
Plaintiff

v.

Diana L. Robison, Defendant
DESCRIPTION

By virtue of a Writ of Execution filed to No. 2018-12996, Federal National Mortgage Association ("Fannie Mae") v. Diana L. Robison, Owner(s) of property situated in Erie County, Pennsylvania, being 2618 Van Buren Avenue, Erie, PA 16504

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:

BEGINNING at a point in the west line of Van Buren Avenue (formerly Lincoln Avenue South), one hundred sixty (160) feet south of the south line of Twenty-sixth Street; THENCE westwardly, parallel with Twenty-sixth Street, eighty-six and one hundred twenty-five thousandths (86.125) feet; THENCE southwardly, parallel with Van Buren Avenue (formerly Lincoln Avenue South), thirty-two (32) feet; THENCE eastwardly parallel with Twenty-sixth Street, eighty-six and one hundred twenty-five thousandths (86.125) feet to the west line of Van Buren Avenue (formerly Lincoln Avenue South); THENCE northwardly, along the west line of Van Buren Avenue

(formerly Lincoln Avenue South), thirty-two (32) feet to the PLACE OF BEGINNING.

HAVING erected thereon a one-family brick and frame dwelling and a one-car garage, known as 2618 Van Buren Avenue, Erie, Pennsylvania.

BEARING Erie County Tax Index No. (18) 5056-212.

BEING the same premises conveyed to Christopher J. Wenzel, Party of the First Part herein, by deed dated January 30, 1998 and recorded February 9, 1998 in Erie County Record Book 541, at Page 1990, et seq.

Assessment Map number: 18-050-056.0-212.00

Assessed Value figure: \$64,500.00
Improvement thereon: Residential Dwelling

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

Heather Riloff, Esq / No 309906
Lorraine Gazzara Doyle, Esq / No 34576

649 South Ave, Ste 7
Secane, PA 19018

(610) 328-2887

June 28 and July 5, 12

SALE NO. 20

Ex. #10202 of 2018

LSF10 Master Participation Trust, Plaintiff
v.

Nathan G. Zaczek aka Nathan Gerid Zaczek aka Nathan Zaczek, Defendant
DESCRIPTION

By virtue of a Writ of Execution filed to No. 10202-18, LSF10 Master Participation Trust v. Nathan G. Zaczek aka Nathan Gerid Zaczek aka Nathan Zaczek, owners of property situated in the Township of North East, Erie County, Pennsylvania being 8615 Route 89 AKA 8615 Station Road, North East, Pennsylvania 16428.

Tax I.D. No. 37029131000200

Assessment: \$125,563.80

Improvements: Residential Dwelling

McCabe, Weisberg & Conway, LLC
123 South Broad Street, Suite 1400
Philadelphia, PA 19109

215-790-1010

June 28 and July 5, 12

SALE NO. 21

Ex. #11929 of 2017

PennyMac Loan Services, LLC, Plaintiff
v.

Robert L. Pulliam, III, Defendant
DESCRIPTION

By virtue of a Writ of Execution filed to No. 11929-17, PennyMac Loan Services, LLC vs. Robert L. Pulliam, III, owners of property situated in Erie City, Erie County, Pennsylvania being 3107 Charlotte Street, Erie, PA 16508

1458 Square Feet

Assessment Map number: 19-062-032.0-118.00

Assessed Value figure: \$90,760.00
Improvement thereon: Residential Dwelling

Roger Fay, Esquire

1 E. Stow Road

Marlton, NJ 08053

(856) 482-1400

June 28 and July 5, 12

SALE NO. 22

Ex. #10519 of 2019

The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as Successor to JPMorgan Chase Bank, N.A., as Trustee for Residential Asset Mortgage Products, Inc., Mortgage Asset-Backed Pass-Through Certificates Series 2006-Rz3, Plaintiff
v.

Todd M. Beer, Defendant(s)
DESCRIPTION

By virtue of a Writ of Execution filed to No. 2019-10519, The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as Successor to JPMorgan Chase Bank, N.A., as Trustee for Residential Asset Mortgage Products, Inc., Mortgage Asset-Backed Pass-Through Certificates Series 2006-Rz3 vs. Todd M. Beer

Amount Due: \$52,824.88

Todd M. Beer, owner(s) of property

situated in ERIE CITY, Erie County, Pennsylvania being 1122 West 21ST Street, Erie, PA 16502-2308
Dimensions: 40 X 130

Assessment Map number: 19060034023200

Assessed Value: \$67,700.00

Improvement thereon: residential
Phelan Hallinan Diamond & Jones, LLP
One Penn Center at Suburban Station, Suite 1400

1617 John F. Kennedy Boulevard

Philadelphia, PA 19103-1814

(215) 563-7000

June 28 and July 5, 12

SALE NO. 23

Ex. #13340 of 2018

Specialized Loan Servicing LLC, Plaintiff
v.

Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Nicholas J. Digilio, III, Deceased, Defendant(s)
DESCRIPTION

By virtue of a Writ of Execution filed to No. 13340-18, Specialized Loan Servicing LLC vs. Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Nicholas J. Digilio, III, Deceased

Amount Due: \$70,578.39

Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Nicholas J. Digilio, III, Deceased, owner(s) of property situated in NORTH EAST BOROUGH, Erie County, Pennsylvania being 103 East Main Street, North East, PA 16428-1332
Dimensions: 121.45 X 144

Assessment Map number: 36-005-034.0-007.00

Assessed Value: \$122,000.00

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

June 28 and July 5, 12

SALE NO. 24
Ex. #11967 of 2018
Wells Fargo Bank, NA, Plaintiff
v.

Dane C. Evans a/k/a Dane
Lamont Christopher Evans,
Defendant(s)

DESCRIPTION

By virtue of a Writ of Execution filed to No. 11967-18, Wells Fargo Bank, NA vs. Dane C. Evans a/k/a Dane Lamont Christopher Evans
 Amount Due: \$35,719.81
 Dane C. Evans a/k/a Dane Lamont Christopher Evans, owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania being 2317 Downing Avenue, Erie, PA 16510-6211
 Dimensions: 40 X 132
 Assessment Map number: 18051025031900
 Assessed Value: \$57,090.00
 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

June 28 and July 5, 12

SALE NO. 25
Ex. #10557 of 2019
Wells Fargo Bank, N.A., Plaintiff
v.

Jeffrey L. Frailey, II, Jessica M. Frailey, Defendant(s)

DESCRIPTION

By virtue of a Writ of Execution filed to No. 10557-19, Wells Fargo Bank, N.A. vs. Jeffrey L. Frailey, II, Jessica M. Frailey
 Amount Due: \$210,107.65
 Jeffrey L. Frailey, II, Jessica M. Frailey, owner(s) of property situated in MILLCREEK TOWNSHIP, Erie County, Pennsylvania being 2730 Alexandra Drive, Erie, PA 16506-5048
 Dimensions: 60X130
 Assessment Map number: 33140414003400
 Assessed Value: \$197,600.00
 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
 June 28 and July 5, 12

SALE NO. 26
Ex. #11584 of 2014
CitiMortgage, Inc., Successor by Merger With Principal Residential Mortgage, Inc., Plaintiff
v.

Daniel P. Freeburg, Robert L. Freeburg, Defendant(s)
DESCRIPTION

By virtue of a Writ of Execution filed to No. 11584-14, CitiMortgage, Inc., Successor by Merger With Principal Residential Mortgage, Inc. vs. Daniel P. Freeburg, Robert L. Freeburg
 Amount Due: \$53,342.80
 Daniel P. Freeburg, Robert L. Freeburg, owner(s) of property situated in Erie County, Pennsylvania being 32 Warden Street, Union City, PA 16438-1040
 Dimensions: 118 X 100
 Assessment Map number: (41) 6-14-9
 Assessed Value: \$69,830.00
 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

June 28 and July 5, 12

SALE NO. 27
Ex. #10738 of 2019
Loandepot.Com, LLC, Plaintiff
v.

Brienna S. Richardson, in Her Capacity as Administratrix Cta of The Estate of Darryl J. Hunt a/k/a Darryl Hunt a/k/a Darryl James Hunt, Defendant(s)
DESCRIPTION

By virtue of a Writ of Execution filed to No. 2019-10738, Loandepot.Com, LLC vs. Brienna S. Richardson, in Her Capacity as Administratrix Cta of The Estate of Darryl J. Hunt a/k/a Darryl Hunt a/k/a Darryl James Hunt
 Amount Due: \$166,005.20
 Brienna S. Richardson, in Her Capacity as Administratrix Cta

of The Estate of Darryl J. Hunt a/k/a Darryl Hunt a/k/a Darryl James Hunt, owner(s) of property situated in LAWRENCE PARK TOWNSHIP, Erie County, Pennsylvania being 175 Joliette Avenue, Erie, PA 16511-1231
 Dimensions: 77.27 X 130.06
 Square Footage: 1,520
 Assessment Map number: 29001004001000
 Assessed Value: \$134,830.00
 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

June 28 and July 5, 12

SALE NO. 28
Ex. #10477 of 2019
Citizens Bank, N.A., Plaintiff
v.

Michael J. Knotts, Christa M. Knotts a/k/a Christa M. Goodwin, Defendant(s)
DESCRIPTION

By virtue of a Writ of Execution filed to No. 10477-19, Citizens Bank, N.A. vs. Michael J. Knotts, Christa M. Knotts a/k/a Christa M. Goodwin
 Amount Due: \$177,207.12
 Michael J. Knotts, Christa M. Knotts a/k/a Christa M. Goodwin, owner(s) of property situated in HARBORCREEK TOWNSHIP, Erie County, Pennsylvania being 3835 Grannery Drive, Erie, PA 16510-3101
 Dimensions: 75 X 160 IRR
 Assessment Map number: 27055191001511
 Assessed Value: \$140,340.00
 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

June 28 and July 5, 12

SALE NO. 29
Ex. #10515 of 2019
Home Point Financial Corporation, Plaintiff

v.

James R. McDuff, Defendant(s)

DESCRIPTION

By virtue of a Writ of Execution filed to No. 10515-19, Home Point Financial Corporation vs. James R. McDuff

Amount Due: \$148,383.61

James R. McDuff, owner(s) of property situated in ALBION BOROUGH, Erie County, Pennsylvania being 5 Collins Drive, Albion, PA 16401-1301
Dimensions: 150 X 80

Assessment Map number: 01-008-035.0-018.00

Assessed Value: \$98,900.00

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

June 28 and July 5, 12

SALE NO. 31

Ex. #12515 of 2018

**CITIMORTGAGE, INC.,
Plaintiff**

v.

MATTHEW J. FARLEY,

HOLLY L. SHULTZ F/K/A

HOLLY L. FARLEY, Defendants

DESCRIPTION

ALL that certain piece or parcel of land situate in the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
BEING KNOWN AS: 3226 WEST

11TH STREET, ERIE, PA 16505

PARCEL # 33-028-072.0-047.00

Improvements: Residential
Dwelling.

POWERS KIRN, LLC

Amanda L. Rauer, Esquire

Id. No. 307028

Attorneys for Plaintiff

Eight Neshaminy Interplex
Suite 215

Trevose, PA 19053

(215) 942-2090

June 28 and July 5, 12

SALE NO. 32

Ex. #12774 of 2018

**U.S. Bank N/A et. al, Plaintiff
v.**

Jessica L. Edwards, Defendant

DESCRIPTION

By virtue of a Writ of Execution filed to No. 2018-12774, U.S. Bank N/A et. al vs. Jessica L. Edwards, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 3422 Devoe Avenue, Erie, PA 16508

60 X 100 1142 Sq Ft Single Family
Assessment Map number:
19061063041200

Assessed Value figure: \$6,400.00

Improvement thereon: Residential
Single Dwelling

Stern & Eisenberg, P.C.

M. Troy Freedman, Esquire

1581 Main Street, Suite 200

Warrington, PA 18976

June 28 and July 5, 12

SALE NO. 33

Ex. #13281 of 2018

**Pennsylvania Housing Finance
Agency, Plaintiff**

v.

Mary P. McKinley, Robert

A. Martin and Toni V. Hart,

Defendants

DESCRIPTION

By virtue of a Writ of Execution filed to No. 13281-18, Pennsylvania Housing Finance Agency vs. Mary P. McKinley, Robert A. Martin and Toni V. Hart, owners of property situated in the 2nd Ward, Borough of Union City, Erie County, Pennsylvania being:

12 Washington Street, Union City, PA 16438

Dimensions: Square Feet: 1592
Acreage: 0.0979

Assessment Map Number: (42)-015-078.0-015.00

Assess Value figure: \$61,390

Improvement thereon: Single
Family Dwelling

Lois M. Vitti, Esquire

Attorney for Plaintiff

333 Allegheny Avenue, Suite 303
Oakmont, PA 15139

(412) 281-1725

June 28 and July 5, 12



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Erie, PA 16506
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113 Meadville St.
Edinboro, PA 16412
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Certified Public Accountants and Business Advisors

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Joseph P. Maloney, CPA, CFE • James R. Scarpitti, CPA

Rick L. Clayton, CPA • Christopher A. Elwell, CPA • Ryan Garofalo, CPA

Confidential inquiries by phone or email to mrsinfo@mrs-co.com.

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**ANDRUS, MARY E.,
deceased**

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

Executor: James F. Andrus

Attorney: Thomas J. Minarcik, Esquire, ELDERKIN LAW FIRM, 150 East 8th Street, Erie, PA 16501

**CONLEY, ROBERT W.,
deceased**

Late of the City of Erie, County of Erie

Co-Executrices: Laura Conley, 3524 Hamilton Road, Erie, Pennsylvania 16510 and Melinda Conley, 386 Joshua Drive, Apt. 2B, Erie, Pennsylvania 16511

Attorney: Kari A. Froess, Esquire, CARNEY & GOOD, 254 West Sixth Street, Erie, Pennsylvania 16507

**JOHNSTON, KATHLEEN E.,
deceased**

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

Executrix: Kathleen M. McCarthy, c/o 3939 West Ridge Road, Suite B-27, Erie, PA 16506

Attorney: James L. Moran, Esquire, 3939 West Ridge Road, Suite B-27, Erie, PA 16506

**JORDAN, BENJAMIN,
deceased**

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

Administratrix: Eboni Carson, 2012 Ash Street, Erie, Pennsylvania 16503

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

SECOND PUBLICATION**BECKER, LOUISE M., a/k/a
LOUISE MARY BECKER,
deceased**

Late of City of Erie, Erie County, Pennsylvania

Executor: Russell W. Becker, 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

**CAMPBELL, JAMES KARL,
a/k/a KARL CAMPBELL, a/k/a
J. KARL CAMPBELL,
deceased**

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

Executrix: Beverly A. Campbell, 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

**COBURN, THOMAS A., JR., a/k/a
THOMAS ANDREW COBURN,
JR., a/k/a THOMAS COBURN,
JR.,
deceased**

Late of the Borough of McKean, County of Erie and Commonwealth of Pennsylvania

Executor: Thomas A. Coburn, III, 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

**FONDA, JEANNE E., a/k/a
JEANNE FONDA,
deceased**

Late of Township of Lawrence Park, County of Erie and Commonwealth of Pennsylvania

Executor: Dennis F. Sterrett, 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

**SMITH, RICHARD V., a/k/a
RICHARD VALENTINE SMITH,
deceased**

Late of Summit Township, Erie County

Administrator: Gary R. Smith
Attorney: John F. Mizner, Esquire, 311 West Sixth Street, Erie, PA 16507

**TELLERS, MARY D.,
deceased**

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

Executor: Gregory J. Tellers, 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

**WESMILLER, ROBERT C.,
deceased**

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

Co-Executors: John E. Wesmiller and Elaine Berndt, 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

THIRD PUBLICATION

**BAKER, CHARLES E., a/k/a
CHARLES EDWARD BAKER,
deceased**

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

Administratrix: Kimberly S.
Hennessy, 8845 Ennis Dr., Erie,
PA 16509

Attorney: None

**BARKO, AGNES A.,
deceased**

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

Executor: Michael N. Barko, c/o
300 State Street, Suite 300, Erie,
PA 16507

Attorney: Thomas V. Myers,
Esquire, Marsh Schaaf Law Firm,
300 State Street, Suite 300, Erie,
PA 16507

**BOWLER, MICAELA,
deceased**

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

Executrix: Renee Weiss, 2250
Clairmont Drive, Pittsburgh, PA
15241

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

**CAMPBELL, CLAUDIA L., a/k/a
CLAUDIA LOU CAMPBELL,
deceased**

Late of Mill Village Borough, Erie
County, Pennsylvania

Executrix: Gwendolyn B.
Campbell, c/o Jerome C. Wegley,
Esq., 120 West Tenth Street, Erie,
PA 16501

Attorney: Jerome C. Wegley, Knox
McLaughlin Gornall & Sennett,
P.C., 120 West Tenth Street, Erie,
PA 16501

**CRILLEY, RAYMOND E., SR.,
deceased**

Late of Springfield Township

Executor: Paul M. Crilley, c/o 246
West 10th Street, Erie, PA 16501

Attorney: Evan E. Adair, Esq., 246
West 10th Street, Erie, PA 16501

**DAUER, DENNIS D.,
deceased**

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

Administrator: Denise R. Housel,
c/o Thomas J. Buseck, Esq.,
MacDonald, Illig, Jones & Britton
LLP, 100 State Street, Suite 700,
Erie, Pennsylvania 16507-1459

Attorney: Thomas J. Buseck, Esq.,
MacDonald, Illig, Jones & Britton
LLP, 100 State Street, Suite 700,
Erie, Pennsylvania 16507-1459

**McINTOSH, NADINE A., a/k/a
NADINE McINTOSH,
deceased**

Late of the Borough of Girard,
County of Erie, Commonwealth of
Pennsylvania

Executor: David E. Bell, 5640
Bondy Drive, Erie, Pennsylvania
16509

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

**MOORE, WILMA E., a/k/a
WILMA MOORE,
deceased**

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

Executor: Robert A. Moore, 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

**OHMAN, CHARLOTTE J.,
deceased**

Late of City of Erie

Executors: Sandra J. Flewelling
and Denise D. Marquis, c/o 246
West 10th Street, Erie, PA 16501

Attorney: Evan E. Adair, Esq., 246
West 10th Street, Erie, PA 16501

**ROSS, SALLY A.,
deceased**

Late of Fairview, County of
Erie and Commonwealth of
Pennsylvania

Executor: Michelle A. Tarr, c/o
Kevin M. Monahan, Esq., Suite
300, 300 State Street, Erie, PA
16507

Attorney: Kevin M. Monahan,
Esq., MARSH, SPAEDER,
BAUR, SPAEDER & SCHAAF,
LLP., Suite 300, 300 State Street,
Erie, PA 16507

**RUSSELL, NANCY JANE
CORLE, a/k/a JANE C.
RUSSELL,
deceased**

Late of Millcreek Township, Erie
County, PA

Executor: Michael R. Russell,
1790 Follett Run Road, Warren,
PA 16365

Attorney: Bruce T. Rosen, 112
Center Street, PO Box B, Oil City,
PA 16301

**SANFILIPPO, HELEN EILEEN,
a/k/a HELEN E. SANFILIPPO,
a/k/a EILEEN H. SANFILIPPO,
a/k/a EILEEN GARNER
SANFILIPPO,
deceased**

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

Executor: Timothy A. Garner,
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



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