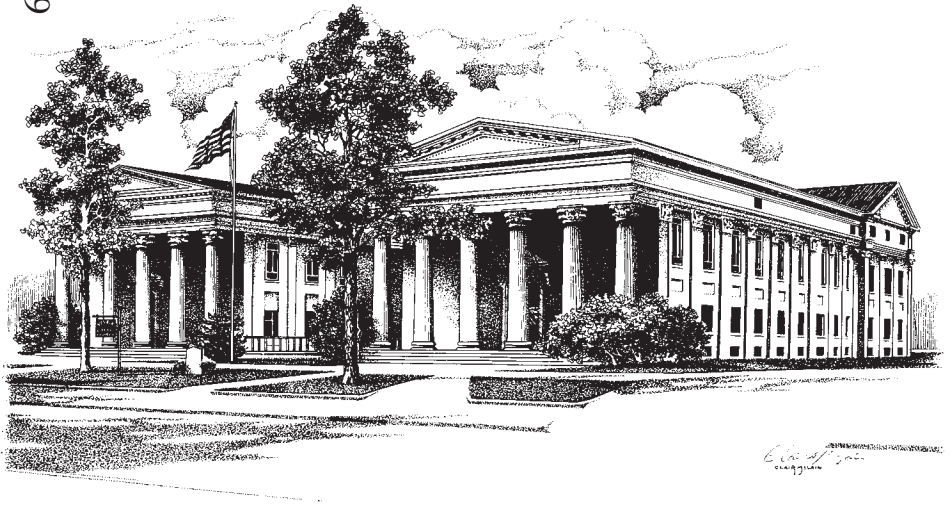


Erie
County
Legal
Journal

September 13, 2019

Vol. 102 No. 37



102 ERIE 113 - 123

Summit Township Sewer Authority v. Summit Township Zoning Hearing Board

Erie County Legal Journal

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

Managing Editor: Megan E. Anthony

PLEASE NOTE: NOTICES MUST BE RECEIVED AT THE ERIE COUNTY BAR ASSOCIATION OFFICE BY 3:00 P.M. THE FRIDAY PRECEDING THE DATE OF PUBLICATION.

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Erie County Bar Association

Calendar of Events and Seminars

TUESDAY, SEPTEMBER 17, 2019

Estates Leadership Committee Meeting
Noon
ECBA Headquarters

TUESDAY, SEPTEMBER 17, 2019

ECBA Live Lunch-n-Learn Seminar
New 2019 Guardianship Rules, Practice and Forms
The Will J. Schaaf & Mary B. Schaaf Education Center
11:45 a.m. - 12:15 p.m. - Registration/Lunch
12:15 p.m. - 1:15 p.m. - Seminar
\$47 (ECBA members/their non-attorney staff)
\$60 (non-members)
1 hour substantive

THURSDAY, SEPTEMBER 19, 2019

Bench-Bar Conference Committee Meeting
Noon
ECBA Headquarters

MONDAY, SEPTEMBER 23, 2019

ECBA Board of Directors Meeting
Noon
ECBA Headquarters

TUESDAY, SEPTEMBER 24, 2019

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

THURSDAY, SEPTEMBER 26, 2019

Women's Division Leadership Committee Meeting
Noon
ECBA Headquarters

THURSDAY, SEPTEMBER 26, 2019

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

FRIDAY, SEPTEMBER 27, 2019

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

SATURDAY, SEPTEMBER 28, 2019

Young Lawyers Division
Lake Erie Wine Tour 2019
Meet at the ECBA 12:45 p.m.
Tour (\$10/person) from 1:00 p.m. - 6:00 p.m.
BBQ (\$5/person) from 6:00 p.m. - 8:00 p.m.

TUESDAY, OCTOBER 1, 2019

In-House Counsel Leadership Committee Meeting
Noon
ECBA Headquarters

TUESDAY, OCTOBER 1, 2019

Red Mass
Saint Peter Cathedral
5:15 p.m.

Buffet Dinner immediately following Red Mass
Gannon University's Morosky Center
\$39/person



Erie County Bar
Association



@eriepabar

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

2019 BOARD OF DIRECTORS

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LEGAL ASSISTANT/PARALEGAL

Baldwin Brothers, Inc., an Erie-based national real estate company, has immediate need for a full-time legal assistant/paralegal as lease administration manager. Responsibilities include lease review, notices, legal correspondence, lease interpretation and compliance. Two years' experience required. Paralegal degree not necessary. Please submit resumes to development@baldwinbros.com.

Sept. 13

OFFICES FOR RENT

Partially furnished offices for rent - appropriate for 2-4 attorneys / 150 West Fifth St. / contact Colleen McCarthy 814-566-8024

Sept. 13

ECBA NOMINATING COMMITTEE TO MEET

In accordance with Article V, Section (2) of the Erie County Bar Association (ECBA) By-Laws, the membership is hereby notified that the Nominating Committee will meet on Friday, September 27, 2019 at 8:30 a.m. at the ECBA Headquarters. Any Association member wishing to nominate a candidate for any of the following offices may do so in writing to the ECBA office prior to September 27th: Second Vice-President (1 year term); Treasurer (1 year term); four Board Members (3 year terms each.)

Positive leadership characteristics of nominees include, among other things, a willingness to devote the necessary time to this commitment; integrity, intelligence, vision, decisiveness, reliability, open-mindedness; interest in and support of the ECBA and its mission exhibited through current or recent involvement in the Association's work; is an ethical and respected member of the ECBA; unlikely to embarrass the ECBA by words or deeds; works well with staff.

It will be the duty of the Nominating Committee to place in nomination the names of one candidate for each seat to be filled by election. Nominations to be considered will come from the membership and from the Nominating Committee itself. No other nominations may be made from the floor at the election meeting.

Sept. 13, 20

Observations from the Bench & Private Practice: Tips on Effectively Advancing Your Client's Interests During the Litigation Process



Friday, October 11, 2019

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

Registration: 8:00 a.m.

Seminar: 8:30 a.m. to 9:30 a.m.

Cost: \$47 ECBA Members
and their Non-Attorney Staff
\$60 Non-Members

1 hour Substantive CLE

What you will learn:

Whether you are a newer attorney with little litigation experience yet OR you are a seasoned attorney with years of trial experience 'under the belt,' attending this seminar will provide you with the insights of our authoritative speaker! Don't miss this opportunity.

Our speaker, Judge Sean J. McLaughlin (Ret.) will provide a unique perspective, based on his experience as a Federal Court Judge, private practitioner, and General Counsel for The Erie Insurance Group, as to how a client's interests can be most effectively advanced throughout the litigation process.

Speaker:



The Honorable Sean J. McLaughlin began his career as a Federal Court law clerk and thereafter spent 13 years at Knox Law, where he focused his practice in civil litigation. In 1994, he was appointed to the U.S. District Court for the Western District of Pennsylvania, where he served from 1994 through 2013, completing his tenure as Chief Judge. During his time on the bench, he served as Chair of the District Court's Court Governance Committee, the Court's Long-Range Planning Committee, and the Magistrate Judges Committee. In 2012, he was appointed by Chief Justice John G. Roberts, Jr. to serve on the United States Judicial Conference Committee on Court Administration and Case Management.

Subsequent to his tenure on the court, Judge McLaughlin served as general counsel of The Erie Insurance Group, a Fortune 500 company, for over 5 years. In January of 2019, he returned to Knox Law, where he focuses his practice exclusively on alternative dispute resolution, including mediation, arbitration and early neutral evaluation in both federal and state courts.

Reservations due to the ECBA office by Friday, October 4.

**SUMMIT TOWNSHIP SEWER AUTHORITY
v.
SUMMIT TOWNSHIP ZONING HEARING BOARD**

ZONING / APPEALS

When a trial court does not take additional evidence, it is limited to considering whether the zoning board erred as a matter of law or abused its discretion.

ZONING / APPEALS

A zoning board abuses its discretion if its findings are not supported by substantial evidence.

ZONING / APPEALS

Issues not raised before a zoning board are not preserved for appeal absent due cause, such as a situation where the appellant had been prevented from raising those issues before the board.

ZONING / SPECIAL EXCEPTION

Once the applicant meets the requirements for a special exception, the application has made out a prima facie case and the application must be granted unless the objectors present sufficient evidence that the proposed use has a detrimental effect on the public health, safety, and welfare.

MUNICIPAL CORPORATION / DISQUALIFICATION BY INTEREST

As a general rule, a municipal officer should disqualify himself from any proceeding in which he has a personal or pecuniary interest that is immediate or direct.

MUNICIPAL CORPORATION / DISQUALIFICATION BY INTEREST

The standard for a conflict of interest is: 1) whether the municipal officer had an immediate or direct personal or pecuniary interest in the subject matter of the application, and (2) the board member conducted himself in a biased or prejudicial manner.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
NO. 13259-2018

Appearances: George Joseph, Esq., for Appellant Summit Township Sewer Authority
David J. Rhodes, Esq., for Appellee Summit Township Zoning Hearing Board

OPINION

Domitrovich, J.

July 2, 2019

Appellant Summit Township Sewer Authority’s (hereinafter “Appellant Sewer Authority”) operates the public sanitary sewer system in Summit Township and sought approval from Summit Township Zoning Hearing Board (hereinafter “Appellee Zoning Board”) to construct a 1,000,000 gallon sewage retention tank. Appellant Sewer Authority submitted an application for a special exception as a “sewage lagoon” under the “Water Recreation and Storage” provision of the Summit Township, Pa., Zoning Ordinance 1992-05 (May 18, 1992) (hereinafter “Ordinance”). Appellee Zoning Board held a hearing on October 30, 2018 and denied Appellant Sewer Authority’s application.

On appeal, this Trial Court heard argument of counsel wherein Appellant Sewer Authority initially raised four (4) issues in its “Notice of Land Use Appeal” to this Trial Court. However,

when Appellant Sewer Authority provided this Trial Court with its “Brief of the Appellant, Summit Township Sewer Authority,” Appellant Sewer Authority now raises five (5) issues on appeal as follows: (1) “Is Appellant Sewer Authority’s proposed use of the property for a sewage detention tank a permitted use as an essential service under the township zoning ordinance”; (2) “Where the authority presented evidence that it satisfied the conditions required in the zoning ordinance for the granting of a special exception, does the zoning hearing board’s denial of the special exception constitute an error of law”; (3) “Where the objectors failed to present substantive evidence that the proposed detention tank will to a high probability pose a threat to the health and safety of the community, is the zoning hearing board’s denial of the special exception supported by substantial evidence in the record”; (4) “Where the zoning hearing board imposed the burden of persuasion on the summit township sewer authority to address the unsubstantiated and speculative concerns of the objectors, does the board’s decision constitute an abuse of its discretion”; and (5) “Does the record support a determination that a zoning hearing board member had a conflict of interest and that the board exhibited bias against the application of the authority.”

A brief factual history is as follows: Appellant Sewer Authority is the owner of land in Summit Township, and is identified as Erie County Index No. 40-011-035.0-001.00 on Harold Road (hereinafter “Subject Property”). The Subject Property is zoned as an R-2 Residential District. On September 21, 2018, Appellant Sewer Authority submitted an application for a special exception in order to construct a one million (1,000,000) gallon sewage equalization tank on the property in Summit Township. Appellant Sewer Authority submitted the applicable special exception application for a “Water Recreation & Storage” exception.

On October 30, 2018, a public hearing was held on Appellant Sewer Authority’s application to obtain a special exception for the Subject Property. Appellee Zoning Board had made the following Findings of Fact and Conclusion of Law:

Findings of Fact

1. The Applicant is Summit Township Sewer Authority, 8890 Old French Road, Erie, Pennsylvania, 16509. Applicant is the owner of the Subject Property on Harold Road.
2. The Subject Property is located in Summit Township, Pennsylvania, and is identified by the Erie County Index No. 40-011-035.0-001.00. The parcel is currently zoned R-2.
3. Applicant is seeking a special exception to allow them to construct a 1,000,000 gallon Sewage Equalization Basin (Sewage Lagoon) on the Subject Property.
4. Pursuant to Summit Township Zoning Ordinance, Table 310.2, sewage lagoon may be allowed in Summit Township in the R-2 District by special exception.
5. Summit Township Zoning Ordinance, Section 400.00 provides:
“The criteria for Special Exceptions are listed below. In addition to these, the Zoning Hearing Board, in granting Special Exception is charged with considering the effect that such proposed uses will have upon the immediate neighborhood. The preservation and integrity of existing development must be carefully weighted and given priority in each decision.”
6. Summit Township Zoning Ordinance, Section 400.05 provides:
“sewage lagoons . . . shall comply with the following regulations:

(a) The facility must meet all setback requirements.

(b) The facility must be enclosed by a fence no less than four (4) feet high . . . Any fence gates shall be self-latching and self-locking.”

7. Summit Township Zoning Ordinance, Section 605 provides:

“No use of land or structure in any district shall involve any element, or cause any condition, that may be dangerous, injurious, or noxious to any other property or person in the Township. Furthermore, every use of land or structure in any district must observe the following performance requirements.

. . .

605.6 Odors: In any district, except the industrial district, no malodorous gas or matter shall be permitted which is discernable on any adjoining lot or property.”

8. William Steff, Applicant, testified that a sewage retention system is both critical and fundamental to the operation of Applicant’s sewer system.

9. Mr. Steff testified that sewage retention is necessary due to recent significant expansion in Summit Township. Specifically, Mr. Steff noted that there have been 590 new homes constructed since 2002, and the 2006 addition of Presque Isle Downs added a usage of an equivalent to 462 new homes. With this development and the improvements to pumping stations, a retention system is necessary to ensure that Summit Township does not exceed its permitted sewage capacity.

10. Mr. Steff testified that Applicant considered many alternative methods and sites for a retentions system. He explained that the proposed modular in-ground rectangular tank in the proposed location on Subject Property was the best alternative.

11. Mr. Steff testified that the tank will be located on a site that is surrounded by trees. The wooded areas would be preserved. The tank area would be surrounded by 6 foot high chain-link security fencing with three strands of barbed wire. The tank would not be visible from the road. The tank location would comply with all Summit Township setback requirements.

12. Mr. Steff testified that the plan would be to add additional arborvitae trees to further block the view of the facility from Harold Road.

13. Mr. Steff testified that Applicant would install downward facing light which would only be used for emergency or security purposes. He offered to leave the lights on around the facility if that was the preference of the neighbors.

14. With regard to odor, Mr. Steff testified that Applicant was purchasing two water cannons to assist Applicant in cleaning the tank after each use.

15. Mr. Steff confirmed that the tank would not have a cover or cap on it.

16. Mr. Steff estimated that the tanks would be utilized 6 to 12 times a year. If full, the tank would take approximately 15 hours to empty. In most cases, the tank would take one to two hours to empty after each use.

17. The tank would only be utilized during heavy rain events. While the liquid stored in the tanks would be sewage, Mr. Steff explained that the sewage would be extremely diluted due to infiltration from the heavy rain event.

18. Chad Yuriscic, Applicant’s engineer, testified that the tank is designed for rare use and would only be used in the event of significant rain storms. He explained that the

majority of the time, the tank would be empty. The top of the tank would be 42 inches above the ground.

19. Mr. Yuriscic testified that the open tank in-ground system was preferable to the use of above ground steel tanks. He explained that the above ground tanks require pumps and a lift station. In addition, the lift-station would involve the constant presence [of] sewage.

20. Several residents appeared and testified in opposition to Applicant' proposal. The nature of the objections centered around the odor associated with the sewage in the tank, the concern that a leak in the tank could harm residential water wells, and the proposal's overall negative impact on the surrounding residential neighborhood.

21. Several residents expressed concerns that future development could result in a greater usage of the tank. With such greater usage, the problems with odor would be exacerbated.

22. Applicant did not deny the potential for greater usage of the tank in the event of future development. While Applicant disputed the severity of potential odor, it did not offer any solution to an odor problem other than the usage of water cannons and the passage of time.

23. There was no other testimony offered either in favor of or in opposition to Applicant's request.

Conclusion of Law

Applicant has not met the requirements for a special exception to allow them to construct a 1,000,000 gallon Sewage Equalization Basin (Sewage Lagoon) on the Subject Property. The area surrounding the Subject Property is residential in nature. While Applicant meets the specific requirements regarding fencing and setback, Applicant's proposal fails to identify sufficient protections for the residential neighbors. Of particular concern is Applicant's inability to prevent or promptly address odor issues.

(Findings of Fact and Conclusion of Law, pg. 1-3).

The following is the relevant procedural history of the instant case: On December 14, 2018, Appellant Sewer Authority filed a Land Use Notice of Appeal. Appellant Sewer Authority filed a Motion to Request Evidentiary Hearing. Appellee Zoning Board filed a response to Appellant Sewer Authority's Motion and argument was heard on March 23, 2019. This Trial Court denied Appellant Sewer Authority's Motion without prejudice and permitted Appellant's counsel to re-raise the issue at the time of Argument on May 31, 2019 after the parties had a better understanding of the case. This Trial Court further permitted counsel for Appellant and Appellee to submit Memoranda of Law. Argument on Appellant Sewer Authority's and Appellee Zoning Board's Memoranda of Law was held on May 31, 2019. This Trial Court did not hear additional evidence, nor did Appellant Sewer Authority re-raise its Motion for this Trial Court to hear additional evidence.

Standard of Review

This Trial Court did not take additional evidence and is, therefore, "limited to considering whether the Appellee Zoning Board erred as a matter of law or abused its discretion."

Driscoll v. Zoning Bd. of Adjustment of City of Philadelphia, 201 A.3d 265, 268 n.2 (Pa. Cmwlth. Ct. 2018) (citing *German v. Zoning Bd. of Adjustment*, 41 A.3d 947, 949 n.1 (Pa. Cmwlth. Ct. 2012)). Appellee Zoning Board “abuses its discretion if its findings are not supported by substantial evidence.” *Id.* (citing *Arter v. Phila. Zoning Bd. of Adjustment*, 916 A.2d 1222, 1226 n.9 (Pa. Cmwlth. Ct. 2007), appeal denied, 934 A.2d 75 (Pa. 2007)). Findings of the Appellee Zoning Board “shall not be disturbed by the court if supported by substantial evidence.” 53 P.S. § 11005-A. This Trial Court is “bound by the board’s findings that result from resolutions of credibility and conflicting testimony rather than a capricious disregard of evidence.” *Taliaferro v. Darby Twp. Zoning Hearing Bd.*, 873 A.2d 807, 811 (Pa. Cmwlth. Ct. 2005) (citing *Macioce v. Zoning Hearing Bd. of the Borough of Baldwin*, 850 A.2d 882 (Pa. Cmwlth. 2004), appeal denied, 863 A.2d 1150 (Pa. 2004)).

I. Is Appellant Sewer Authority’s proposed use of the property for a sewage detention tank a permitted use as an essential service under the township zoning ordinance

Case law indicates “issues not raised before a zoning board are not preserved for appeal absent due cause, such as a situation where the appellant had been prevented from raising those issues before the board.” *Leoni v. Whitpain Twp. Zoning Hearing Bd.*, 709 A.2d 999, 1002 (Pa. Cmwlth. Ct. 1998).

Upon review, the Certified Record does not reflect Appellant sought any application for “Essential Services.” The Certified Record in the instant case demonstrates Appellant Sewer Authority’s “Summit Township Zoning Hearing Board Application” unequivocally sought a special exception only based upon “Water Recreation & Storage” and the applicable sections of the Ordinance: “Table 310.2; Section 400.05.” (Certified Record - Application). Furthermore, the Project Description attached to the “Summit Township Zoning Hearing Board Application” verifies Appellant Sewer Authority was solely seeking a special exception as a “Water Recreation & Storage.” (*Id.*). Since Appellant Sewer Authority neither brought this issue before Appellee Zoning Board nor demonstrated Appellant Sewer Authority was prevented from raising this issue at said hearing, this issue regarding “Essential Services” is waived in the instant appeal.

II. Where the authority presented evidence that it satisfied the conditions required in the zoning ordinance for the granting of a special exception, does the zoning hearing board’s denial of the special exception constitute an error of law?

When the zoning board considers special exceptions enumerated in the zoning ordinance with express requirements to be permitted or denied, “the board shall hear and decide requests for such special exceptions in accordance with such standards and criteria.” 53 P.S. § 10912.1. “The applicant for a special exception has the burden of proving that the proposed special exception use satisfies the standards in the zoning ordinance.” *Greth Dev. Grp., Inc. v. Zoning Hearing Bd. of Lower Heidelberg Twp.*, 918 A.2d 181, 186 (Pa. Cmwlth. Ct. 2007) (citing *Shamah v. Hellam Township Zoning Hearing Board*, 648 A.2d 1299 (Pa. Cmwlth Ct. 1994)).

Summit Township’s Ordinance permits a special exception for Water Recreation &

Storage uses in R-2 residential districts. A Water Recreation & Storage use is defined in the Summit Township Ordinance as: “Any facility for water recreation such as inground swimming pools, commercial fishing ponds, reservoirs, fish hatcheries, sewage lagoons or farm ponds.” Summit Township, Pa., Zoning Ordinance 1992-05(400.05) (May 18, 1992). In order to receive a special exception for a Water Recreation & Storage use, two conditions must be met: (1) “the facility must meet all setback requirements”; and (2) “the facility must be enclosed by a fence no less than four (4) feet high, except that farm ponds in the A-1 Agriculture District are exempt from this requirement. Any fence gates shall be self-latching and self-locking.” *Id.* Generally, “[o]nce the applicant meets the requirements, he has made out his prima facie case and the application must be granted unless the objectors present sufficient evidence that the proposed use has a detrimental effect on the public health, safety, and welfare.” *In re Thompson*, 896 A.2d 659, 670 (Pa. Cmwlth. Ct. 2006) (citing *Bailey v. Upper Southampton Township*, 690 A.2d 1324 (Pa. Cmwlth. Ct. 1997)).

In the instant case, it is undisputed Appellant Sewer Authority had met the specific conditions relating to fencing and set back requirements for a special exception; however, Summit Township has a specific additional ordinance which applies to all applicants and requires all uses of land in every district to meet these performance standards:

No use of land or structure in any district shall involve any element, or cause any condition, that may be dangerous, injurious, or noxious to any other property or person in the Township. Furthermore, every use of land or structure in any district must observe the following performance requirements.

...

605.6 Odors: In any district, except the industrial district, no malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.

Summit Township, Pa., Zoning Ordinance 1992-05(605) (May 18, 1992) (emphasis added).

When reviewing ordinances, “one of the primary rules of statutory construction is that an ordinance must be construed, if possible, to give effect to all of its provisions.” *In re Thompson*, 896 A.2d 659, 669 (Pa. Cmwlth. Ct. 2006) (citing *Mann v. Lower Makefield Township*, 634 A.2d 768 (Pa. Cmwlth. Ct. 1993)). Further, this Trial Court is to give deference to the interpretation of the zoning ordinance by the zoning board. *In re Thompson*, 896 A.2d 659, 669 (Pa. Cmwlth. Ct. 2006) (“The basis for the judicial deference is the knowledge and expertise that a zoning hearing board possesses to interpret the ordinance that it is charged with administering.”).

In the instant case, Appellant Sewer Authority disputes whether Appellee Zoning Board had sufficient evidence to deny Appellant Sewer Authority’s special exception application for not complying with the performance standard at Section 605.6. Nonetheless, a review of the record contains substantial evidence to support Appellee Zoning Board decision. The Ordinance is clear: “every use of land or structure in any district must observe the following performance requirements. . . no malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.” (605.6). Appellant Sewer Authority’s expert, Mr. William Steff, initially addressed the odor performance standard at Section 605.6. Mr. Steff indicated Appellant Sewer Authority would add water cannons to wash the tank out

after use. (Notes of Testimony, Summit Township Zoning Hearing Board, October 30, 2018, at 14:18-25 (“N.T.I”).) After questioning from members of Appellee Zoning Board, Mr. Steff stated the tank would be “open to the air” and “sunlight and oxidation are pretty good weapons against . . . sewage odors and so forth.” (N.T.I at 22:25-23:9). Upon receiving questions regarding procedures for odor complaints, Mr. Steff testified it could take up to ninety (90) days to correct an odor issue. (N.T.I at 60:21-23). Moreover, Mr. Duane Hudak, a board member of Appellee Zoning Board, expressed concerns regarding odors and the Section 605.6 performance standard:

MR. HUDAK: Thank you. Just so we’re clear here, as we look at the special exception and we look at the 400.00 for the preservation and integrity of existing development, we need to carefully weigh those options, and odor seems to be an issue, and that’s under the performance standard on 605, that on any special exception we have to review. Odor seems like it’s an issue, and at that point did you ever consider reducing the size of the basin and putting a building over it and venting that to eliminate the odor, or what is your intention for odor if there is any?

(N.T.I at 54:10-22). Following this board member expressing these concerns, expert witnesses for Appellant Sewer Authority discussed another option—adding a lid to the tank. However, the experts indicated the lid option was not chosen due to the lid costing “1.5 or \$1.2 million,” and the necessity for stormwater management. (N.T.I at 55:19-58:18).

Therefore, the record demonstrates Appellee Zoning Board’s decision to deny Appellant Sewer Authority’s application for a special exception is supported by the evidence. Appellee Zoning Board’s decision was not an abuse of discretion or error of law.

III. Where the objectors failed to present substantive evidence that the proposed detention tank will to a high probability pose a threat to the health and safety of the community, is the zoning hearing board’s denial of the special exception supported by substantial evidence in the record?

Generally, “[o]nce the applicant meets the requirements, he has made out his prima facie case and the application must be granted unless the objectors present sufficient evidence that the proposed use has a detrimental effect on the public health, safety, and welfare.” *In re Thompson*, 896 A.2d 659, 670 (Pa. Cmwlth. Ct. 2006) (citing *Bailey v. Upper Southampton Township*, 690 A.2d 1324 (Pa. Cmwlth. Ct. 1997)). However in the instant case, Summit Township has performance standards codified in the Ordinance addressing issues such as odor. Therefore, Appellee Zoning Board is required to give effect to all provisions of the Ordinance and make their decision based upon the Ordinance. *See In re Thompson*, 896 A.2d 659, 669 (Pa. Cmwlth. Ct. 2006) (“one of the primary rules of statutory construction is that an ordinance must be construed, if possible, to give effect to all of its provisions.”). Further, after a review of the record, this Trial Court finds substantial evidence exists to support Appellee Zoning Board’s decision to deny Appellant Sewer Authority’s application based upon the applicable performance standards in the Ordinance.

Summit Township requires “no malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.” Summit Township, Pa., Zoning Ordinance 1992-05(605) (May 18, 1992). An expert witness for Appellant Sewer Authority briefly addressed compliance with this provision in the presentation. (N.T.1 at 14:18-25). Also, Mr. Duane Hudak, a board member of the Appellee Zoning Board, expressed concerns regarding odor pursuant to the Section 605.6 performance standard: “... we need to carefully weigh those options, and odor seems to be an issue, and that’s under the performance standard on 605, that on any special exception we have to review.” (N.T.1 at 54:10-22). Here, evidence exists to substantiate Appellee Zoning Board’s Findings of Fact and Conclusion of Law that Appellant Sewer Authority did not sufficiently address the requisite ordinance. As Appellee Zoning Board’s decision was made based upon the applicable performance standard as codified in the Ordinance and not based upon the opinions of the objectors, Appellant Sewer Authority’s issue is meritless.

IV. Where the zoning hearing board imposed the burden of persuasion on the summit township sewer authority to address the unsubstantiated and speculative concerns of the objectors, does the board’s decision constitute an abuse of its discretion?

As reiterated above, Summit Township has a specific ordinance that applicants must comply with in addition to complying with the requirements for a special exception. Summit Township requires all uses of land in every district to meet performance standards. Appellee Zoning Board found Appellant Sewer Authority did not comply with the odor performance standard codified in the Ordinance at Section 605.6, which is necessary to be granted a special exception.

Moreover, an expert witness from Appellant Sewer Authority admitted at the time of the hearing that Appellant Sewer Authority’s application must abide by the odor performance standard at Section 605.6:

MR. STEFF: And the last item was best management practices were recommended and to be provided and followed to prevent and eliminate odors in accordance with Section 605.6. To that end we’ve added two water cannons in the current plans for wash-down purposes, the idea being every time the facility is used operators would investigate the site, wash down as necessary.

(N.T.1 at 14:18-25). Also, Mr. Duane Hudak, a board member of Appellee Zoning Board expressed concerns regarding odor and the Section 605.6 performance standard: “we need to carefully weigh those options, and odor seems to be an issue, and that’s under the performance standard on 605, that on any special exception we have to review.” (N.T.1 at 54:10-22). Following this board member’s comments and concerns, the witnesses for Appellant Sewer Authority discussed the option of adding a lid to the tank, but the witnesses concluded the lid option was not chosen due to the lid costing “1.5 or \$1.2 million,” and the necessity for storm water management. (N.T.1 at 55:19-58:18).

A thorough review of the record indicates Appellee Zoning Board made its decision

consistent with and based upon Summit Township Ordinance Section 605.6 requiring all projects to not cause malodorous gas to travel to other properties. Sufficient evidence exists in the record to demonstrate Appellee Zoning Board’s Findings of Fact and Conclusions of Law as to the plans presented by Appellant Sewer Authority did not meet the Section 605.6 requirements. Thus, Appellant Sewer Authority’s issue is meritless.

V. Does the record support a determination that a zoning hearing board member had a conflict of interest and that the board exhibited bias against the application of the authority?

This Trial Court initially notes no objection to Mr. Stewart’s participation in Appellee Zoning Board’s decision was made at the time of the hearing. Case law indicates “issues not raised before a zoning board are not preserved for appeal absent due cause, such as a situation where the appellant had been prevented from raising those issues before the board.” *Leoni v. Whitpain Twp. Zoning Hearing Bd.*, 709 A.2d 999, 1002 (Pa. Cmwlth. Ct. 1998). Since this issue was not addressed at the time of the hearing and Appellant Sewer Authority was not prevented from raising the issue at the time of the hearing, this issue is waived.

Assuming *arguendo* this issue regarding a conflict of interest or recusal was not waived, the law is as follows: “As a general rule, a municipal officer should disqualify himself from any proceeding in which he has a personal or pecuniary interest that is immediate or direct.” *Amerikohl Min. Inc. v. Zoning Hearing Bd. of Wharton Twp.*, 597 A.2d 219, 222 (Pa. Cmwlth. Ct. 1991). Importantly, “[w]hile an appearance of nonobjectivity is sufficient to trigger judicial scrutiny, the significant remedy of invalidation often depends on something more tangible.” *Piccolella v. Lycoming Cty. Zoning Hearing Bd.*, 984 A.2d 1046, 1057-58 (Pa. Cmwlth. Ct. 2009) (citing *Caln Nether Co., L.P. v. Bd. of Supervisors*, 840 A.2d 484, 496 (Pa. Cmwlth. Ct. 2003)). To find a conflict of interest, evidence must demonstrate: (1) the board member “had an immediate or direct personal or pecuniary interest in the subject matter of the application,” and (2) the board member “conducted himself in a biased or prejudicial manner.” *Amerikohl Min. Inc. v. Zoning Hearing Bd. of Wharton Twp.*, 597 A.2d 219, 223 (Pa. Cmwlth. Ct. 1991).

Factually, Mr. Stewart was on the mailing list to receive notice of the hearing on Appellant Sewer Authority’s proposed 1,000,000 sewage retention tank. (Certified Record; STSA - Mailing List). Mr. Stewart owns property in close proximity to the Appellant Sewer Authority’s proposed retention tank. Additionally, after a review of the transcript of the hearing, Mr. Stewart asked only a few questions, which are reasonable. The following is a sample:

MR. STEWART: How high above ground level is the top of the tank?

(N.T.1 at 16:19-20);

MR. STEWART: Now, you realize this request is for one unit, and if you plan on putting two or three in, you have to come back?

(N.T.1 at 18:24-19: 1); and this conversation attempting to understand a possible alternative:

- MR. STEWART:** Chad, the alternative of this was tanks. How many tanks does it take to replace what you're doing here, and how big would they be?
- MR. YURISIC:** I'm not sure I understand the question about tank - this is a tank. As an alternative?
- MR. STEWART:** Yeah, an alternative to this lagoon would be tanks, right, storage tanks?
- MR. YURISIC:** That's what this is, is a storage tank.
- MR. STEWART:** No, no, I'm talking about --
- MR. YURISIC:** Multiple tanks?
- MR. STEFF:** Aboveground tanks?
- MR. YURISIC:** One of the previous iteration of the design had aboveground storage tanks, glass-lined steel tanks similar to like a silo that you see. The downside to that arrangement was it required a pump to pump into those tanks. That would require a lift station, and then that would be full of sewage all the time. This site is advantageous because it allows us to gravity flow in and gravity flow out. We don't get that opportunity very often.
- MR. STEWART:** I was just wondering how big these tanks would have been. Are they-
- MR. YURISIC:** They would have been the same size, a million gallons. We need a million gallons of storage.
- MR. STEWART:** Thirty feet high?
- MR. YURISIC:** Probably, yeah, probably 25 or 30 feet tall, yeah.
- MR. STEWART:** Thank you.

(N.T.1 at 23:17-24:18). Further, after review of the entire record and all statements made by Mr. Stewart, the record demonstrates Mr. Stewart did not conduct himself in a biased or prejudicial manner. Therefore, Appellant Sewer Authority's fifth issue is meritless.

Based on the foregoing analysis, this Trial Court hereby enters the following Order of Court:

ORDER

AND NOW, to-wit, on this 2nd day of July, 2019, after the scheduled Argument on Summit Township Sewer Authority's Land Use Appeal from the Summit Township Zoning Hearing Board's decision to deny Summit Township Sewer Authority's application for a special exception to build a sewage retention tank; at which George Joseph, Esq. appeared on behalf of Appellant; David J. Rhodes, Esq., appeared on behalf of Appellee; and after a thorough review of the entire certified record from the Summit Township Zoning Hearing Board meeting, Summit Township Zoning Hearing Board's Findings of Fact and Conclusion of Law, Memoranda of Law submitted by both counsel, and oral argument from counsel on May 31, 2019, it is hereby **ORDERED, ADJUDGED and DECREED** that the decision of the Summit Township Zoning Hearing Board is hereby **AFFIRMED** for the reasons set forth in the Opinion attached.

BY THE COURT

/s/ **Stephanie Domitrovich, Judge**



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CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania 12354-19 Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Joshua S. Davis to Rachel Ann Davis.

The Court has fixed the 17th day of October, 2019 at 9:00 a.m. in Court Room G, Room 222, of the Erie County Court House, 140 West 6th Street, Erie, Pennsylvania 16501 as the time and place for the Hearing on said Petition, when and where all interested parties may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

Sept. 13

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania 12368-19 Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Cameron Lyons-Anderson to Cameron Anderson.

The Court has fixed the 18th day of October, 2019 at 2:00 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.

Sept. 13

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania

Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Michael Alexander Whyte-Garcia to Michael Alexander Whyte. The Court has fixed the 15th day of October, 2019 at 10:45 a.m. in Court Room G, Room 222, of the Erie County Court House, 140 West 6th Street, Erie, Pennsylvania 16501 as the time and place for the Hearing on said Petition, when and where all interested parties may appear and show cause, if any they have, why

the prayer of the Petitioner should not be granted.

Sept. 13

FICTITIOUS NAME NOTICE

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

FICTITIOUS NAME NOTICE

An application for registration of the fictitious name Polyanna Law Boutique, 603 Maryland Ave., Erie, PA 16505 has been filed in the Department of State at Harrisburg, PA, File Date 07/10/2019 pursuant to the Fictitious Names Act, Act 1982-295. The names and address of the people who are a party to the registration are Amy Thompson-Smith and Chad Thompson-Smith, 603 Maryland Ave., Erie, PA 16505.

Sept. 13

INCORPORATION NOTICE

Notice is hereby given that Articles of Incorporation were filed with the Department of State for Steelman Delivery Inc, a corporation organized under the Pennsylvania Business Corporation Law of 1988.

Sept. 13

LEGAL NOTICE

ATTENTION: TERRA BREANN CROSS

INVOLUNTARY TERMINATION OF PARENTAL RIGHTS IN THE MATTER OF THE ADOPTION OF MINOR MALE CHILDE.J.C. DOB: 12/20/2017
68 IN ADOPTION, 2019

If you could be the parent of the above-mentioned child, at the instance of Erie County Office of Children and Youth you, laying aside all business and excuses whatsoever, are hereby cited to be and appear before the Orphan's Court of Erie County, Pennsylvania, at the Erie County Court House, Senior Judge Shad Connelly, Courtroom B-208, City of Erie on October 18, 2019

at 1:30 p.m. and there show cause, if any you have, why your parental rights to the above child should not be terminated, in accordance with a Petition and Order of Court filed by the Erie County Office of Children and Youth. A copy of these documents can be obtained by contacting the Erie County Office of Children and Youth at (814) 451-7740.

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

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

Family/Orphan's Court Administrator Room 204 - 205

Erie County Court House
Erie, Pennsylvania 16501
(814) 451-6251

NOTICE REQUIRED BY ACT 101 OF 2010: 23 Pa. C.S §§2731-2742.

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

Sept. 13

LEGAL NOTICE

ATTENTION: RICHARD BLAIR MENCHYK
 INVOLUNTARY TERMINATION OF PARENTAL RIGHTS IN THE MATTER OF THE ADOPTION OF MINOR MALE CHILDE.J.C. DOB: 12/20/2017
 BORN TO: TERRA BREANN CROSS
 68 IN ADOPTION, 2019

If you could be the parent of the above-mentioned child, at the instance of Erie County Office of Children and Youth you, laying aside all business and excuses whatsoever, are hereby cited to be and appear before the Orphan's Court of Erie County, Pennsylvania, at the Erie County Court House, Senior Judge Shad Connelly, Courtroom B-208, City of Erie on October 18, 2019 at 1:30 p.m. and there show cause, if any you have, why your parental rights to the above child should not be terminated, in accordance with a Petition and Order of Court filed by the Erie County Office of Children and Youth. A copy of these documents can be obtained by contacting the Erie County Office of Children and Youth at (814) 451-7740.

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Sept. 13

LEGAL NOTICE

NOTICE OF ACTION IN MORTGAGE FORECLOSURE IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
 CIVIL ACTION – LAW
 NO.: 2019-11436
 PNC BANK, NATIONAL ASSOCIATION, Plaintiff
 vs.

Toni Lynn Fulton, as believed Heir and/or Administrator to the Estate of Diana L. Cox; Unknown Heirs and/or Administrators of the Estate of Diana L. Cox; Sheryl Strickland, as believed Heir and/or Administrator to the Estate of Diana L. Cox, Defendants

TO: Unknown Heirs and/or Administrators of the Estate of Diana L. Cox

You are hereby notified that Plaintiff, PNC Bank, National Association, filed an Action in Mortgage Foreclosure endorsed with a Notice to Defend, in the Court of Common Pleas of Erie County, Pennsylvania, docketed to No. 2019-11436, seeking to foreclose the mortgage secured by the real estate located at 933 Burton Avenue, Corry, PA 16407.

A copy of the Action in Mortgage Foreclosure will be sent to you upon request to the Attorney for the Plaintiff, Manley Deas Kochalski

LLC, P.O. Box 165028, Columbus, OH 43216-5028. Phone 614-220-5611.

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

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYER REFERRAL SERVICE

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

Sept. 13

LOOKING FOR ESTATE NOTICES

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IN A PA LEGAL JOURNAL?

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has been published.



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

**SEPTEMBER 20, 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

Aug. 30 and Sept. 6, 13

SALE NO. 2

**Ex. #10059 of 2018
MARQUETTE SAVINGS
BANK, Plaintiff**

v.

**DAVID A. WILL, JR., and JODI
LYNN WILL, Defendants**

DESCRIPTION

By virtue of a Writ of Execution filed at No. 2018-10059, Marquette Savings Bank vs. David A. Will, Jr. and Jodi Lynn Will, owners of property situate in the Township of Greene, Erie County, Pennsylvania being: 8122 Lake Pleasant Road, Erie, Pennsylvania.
Approx. 2.41 acres
Assessment Map Number: (25) 1-32-3
Assessed Value Figure: \$167,000.00

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

Aug. 30 and Sept. 6, 13

SALE NO. 3

**Ex. #12363 of 2015
ERIE GENERAL ELECTRIC
FEDERAL CREDIT UNION,
now by change of name,
WIDGET FEDERAL CREDIT
UNION, Plaintiff**

v.

**JOHN L. LOMBARDOZZI and
ALICIA A. LOMBARDOZZI
and THE UNITED STATES
OF AMERICA (INTERNAL
REVENUE SERVICE),
Defendants**

DESCRIPTION

By virtue of Writ of Execution filed at No. 12363-2015, Erie General Electric Federal Credit Union, now by change of name, Widget Federal Credit Union v. John L. Lombardozzi and Alicia A. Lombardozzi and the United States of America (Internal Revenue Service), owners of the following property identified below:

1) Situate in the City of Erie, County of Erie and Commonwealth of Pennsylvania at 5 West Sixth Street, Erie, Pennsylvania 16508:
Assessment Map No.: 18-053-051.0-403.00
Assessed Value Figure: \$177,400.00
Improvement Thereon: Residential Dwelling
Michael S. Jan Janin, Esquire
Pa. I.D. No. 38880
The Quinn Law Firm
2222 West Grandview Boulevard
Erie, PA 16506
(814) 833-2222

Aug. 30 and Sept. 6, 13

SALE NO. 4

**Ex. #11047 of 2019
Jonathan L. Bowser and Maria
L. Bowser, Plaintiffs**

v.

**Erie Civic Ballet Company d/b/a
Lake Erie Ballet Company and
the United States of America,**

**Department of the Treasury,
Internal Revenue Service,
Defendants**

DESCRIPTION

By virtue of a Writ of Execution filed at No. 11047-2019, Jonathan L. Bowser and Maria L. Bowser vs. Erie Civic Ballet Company d/b/a Lake Erie Ballet Company and the United States of America, Department of the Treasury, Internal Revenue Service, owner of property situated in the City of Erie, Erie County, Pennsylvania being commonly known as 1020 Holland Street, Erie, PA 16501.

Assessment Map No. 15-2007-202
Assessed Value Figure: \$185,812
Improvement thereon: Commercial - Warehouse
Mark G. Claypool, Esquire
Knox McLaughlin Gornall & Sennett, P.C.
120 West Tenth Street
Erie, Pennsylvania 16501
(814) 459-2800

Aug. 30 and Sept. 6, 13

SALE NO. 6

**Ex. #12243 of 2018
Northwest Bank f/k/a Northwest
Savings Bank, Plaintiff**

v.

**James R. Turner a/k/a James
R. Turner, Jr. and Lynette R.
Turner, Defendants**

DESCRIPTION

By virtue of a Writ of Execution filed at No. 2018-12243, Northwest Bank f/k/a Northwest Savings Bank v. James R. Turner a/k/a James R. Turner, Jr. and Lynette R. Turner, owners of property situated in the Township of Greene, Erie County, Pennsylvania being commonly known as 8215 Wattsburg Road, Erie, PA.

Assessment Map No. (25) 2-6-37
Assessed Value Figure: \$195,915
Improvement thereon: Mixed Residential/Commercial
Mark G. Claypool, Esquire
Knox McLaughlin Gornall & Sennett, P.C.
120 West Tenth Street
Erie, Pennsylvania 16501
(814) 459-2800

Aug. 30 and Sept. 6, 13

SALE NO. 7

Ex. #11155 of 2019

**QUEST TRUST COMPANY,
f/k/a QUEST IRA INC. FBO
LUIS BASTO IRA #1774011,
Plaintiff**

v.

**DANIEL J. WRIGHT and
AIMEE L. WRIGHT, Defendants
DESCRIPTION**

By virtue of Writ of Execution filed at No. 11155-2019, Quest Trust Company, f/k/a Quest IRA Inc. FBO Luis Basto IRA #1774011 vs. Daniel J. Wright and Aimee L. Wright, owners of the following properties identified below:

1) Situate in the City of Erie, County of Erie, and Commonwealth of Pennsylvania at 459 East 28th Street, Erie, Pennsylvania 16504: Assessment Map No.: 18-050-069.0-222.00

Assessed Value Figure: \$68,590.00 Improvement Thereon: Single Family Residential Dwelling Michael P. Kruszewski, Esquire Pa. I.D. No. 91239

The Quinn Law Firm
2222 West Grandview Boulevard
Erie, PA 16506
(814) 833-2222

Aug. 30 and Sept. 6, 13

SALE NO. 8

Ex. #11145 of 2019

**CITIZENS BANK, N.A. S/B/M
TO CITIZENS BANK OF
PENNSYLVANIA, Plaintiff**

v.

**Charles A.J. Halpin, III, Esquire,
Personal Representative of the
Estate of Margaret M. Serafine,
Deceased, Defendant
DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situate in the City of Erie, County of Erie, and Commonwealth of Pennsylvania. BEING KNOWN AS: 2230 Fairmount Parkway, Erie, PA 16510 PARCEL #18-051-034.0-238.00

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

Aug. 30 and Sept. 6, 13

SALE NO. 9

Ex. #10570 of 2019

**CARRINGTON MORTGAGE
SERVICES, LLC, Plaintiff**

v.

**TIMOTHY D. SCHNAEKEL,
Defendant
DESCRIPTION**

By virtue of a Writ of Execution filed to No. 10570-19, Carrington Mortgage Services, LLC vs. Timothy D. Schnaekel, owner of property situated in the City of Erie, Erie County, Pennsylvania being 1038-1040 West 8th Street, Erie, PA 16502

1788 square feet 0.1515 acres
Assessment Map number:
17040031013500

Assessed Value figure: 63,800.00
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

Aug. 30 and Sept. 6, 13

SALE NO. 10

Ex. #11054 of 2019

**Towd Point Mortgage Trust
2018-1, U.S. Bank National
Association, as Indenture Trustee
c/o Select Portfolio Servicing,
LLC, Plaintiff**

v.

**James Fuhrman a/k/a James J.
Fuhrman, Jr., Defendant
DESCRIPTION**

By Virtue of Writ of Execution filed to No. 11054-2019, Towd Point Mortgage Trust 2018-1, U.S. Bank National Association, as Indenture Trustee c/o Select Portfolio Servicing, LLC vs. James Fuhrman a/k/a James J. Fuhrman, Jr., owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 550 East 29th Street, Erie, PA 16504

0.1147
Assessment Map number:
18050069024300
Assessed figure: \$80,720.00

Improvement thereon: Single Family Residential
Stephen M. Hladik, Esquire
289 Wissahickon Avenue
North Wales, PA 19454
(215) 855-9521

Aug. 30 and Sept. 6, 13

SALE NO. 11

Ex. #11107 of 2019

**ROUNDPOINT MORTGAGE
SERVICING CORPORATION,
Plaintiff**

v.

**LAURA R. GOOLEY and
ALEXANDER L. IVANIC,
Defendants
DESCRIPTION**

By virtue of a Writ of Execution filed to No. 11107-19, ROUNDPOINT MORTGAGE SERVICING CORPORATION vs. LAURA R. GOOLEY and ALEXANDER L. IVANIC, owner(s) of the property situated in Erie County, Pennsylvania being 4010 WOOD STREET, ERIE, PA 16509

Assessment Map Number:
18053009040000

Assessed Value Figure: \$99,550.00
Improvement Thereon: A Residential Dwelling
KML LAW GROUP, P.C.

ATTORNEY FOR PLAINTIFF
701 MARKET STREET, SUITE 5000
PHILADELPHIA, PA 19106
(215) 627-1322

Aug. 30 and Sept. 6, 13

SALE NO. 12

Ex. #11024 of 2019

**RED STICK ACQUISITIONS,
LLC, Plaintiff**

v.

**KATHLEEN GRANT AKA
KATHLEEN A. GRANT
and MARIPAT C. GRANT,
Defendants
DESCRIPTION**

By virtue of a Writ of Execution filed to No. 11024-19, RED STICK ACQUISITIONS, LLC vs. KATHLEEN GRANT AKA KATHLEEN A. GRANT and MARIPAT C. GRANT, owner(s) of the property situated in City of Erie, Erie County, Pennsylvania being 3125 FLORIDA AVENUE, ERIE,

PA 16504
 Assessment Map Number:
 18050070012600
 Assessed Value Figure: \$86,400.00
 Improvement Thereon: A
 Residential Dwelling
 KML LAW GROUP, P.C.
 ATTORNEY FOR PLAINTIFF
 701 MARKET STREET, SUITE
 5000
 PHILADELPHIA, PA 19106
 (215) 627-1322

Aug. 30 and Sept. 6, 13

SALE NO. 15

Ex. #11065 of 2019

**The Bank of New York Mellon
 f/k/a The Bank of New York, as
 successor in interest to JPMorgan
 Chase Bank, as Trustee for
 Centex Home Equity Loan Trust
 2004-C, Plaintiff**

v.

**Robert A. Smith, AKA Robert
 Smith; Amy B. Smith, AKA Amy
 Smith, Defendants**

DESCRIPTION

By virtue of a Writ of Execution file to No. 2019-11065, The Bank of New York Mellon f/k/a The Bank of New York, as successor in interest to JPMorgan Chase Bank, as Trustee for Centex Home Equity Loan Trust 2004-C vs. Robert A. Smith, AKA Robert Smith; Amy B. Smith, AKA Amy Smith, owner(s) of property situated in The Borough of Lake City, Erie County, Pennsylvania being 10323 Clifton Drive, Lake City Borough, AKA Lake City, PA 16423
 1232 sq. ft.

Assessment Map Number:
 28009009001400

Assessed Value figure: \$102,350.00
 Improvement thereon: Single
 Family Dwelling

Justin F. Kobeski, Esquire
 Manley Deas Kochalski LLC
 P.O. Box 165028
 Columbus, OH 43216-5028
 614-220-5611

Aug. 30 and Sept. 6, 13

SALE NO. 16

Ex. #10966 of 2019

**Land Home Financial Services,
 Inc., Plaintiff**

v.

Adam J. Vybiral, Defendant

DESCRIPTION

By virtue of a Writ of Execution file to No. 10966-2019, Land Home Financial Services, Inc. vs. Adam J. Vybiral, owner(s) of property situated in The City of Erie, Erie County, Pennsylvania being 2909 Perry Street, Erie, PA 16504
 1254 SQFT

Assessment Map Number:
 18050053012600

Assessed Value figure: \$50,600.00
 Improvement thereon: Single
 Family Dwelling

Justin F. Kobeski, Esquire
 Manley Deas Kochalski LLC
 P.O. Box 165028
 Columbus, OH 43216-5028
 614-220-5611

Aug. 30 and Sept. 6, 13

SALE NO. 17

Ex. #11028 of 2019

**PNC Bank, National Association,
 Plaintiff**

v.

Douglas E. Wells, Defendant

DESCRIPTION

By virtue of a Writ of Execution file to No. 2019-11028, PNC Bank, National Association vs. Douglas E. Wells, owner(s) of property situated in The City of Erie, Erie County, Pennsylvania being 2625 1/2 Chestnut Street, Erie, PA 16508
 3262 (sqft)

Assessment Map Number:
 19060050023000

Assessed Value figure: \$89,300.00
 Improvement thereon: Single
 Family Dwelling

Justin F. Kobeski, Esquire
 Manley Deas Kochalski LLC
 P.O. Box 165028
 Columbus, OH 43216-5028
 614-220-5611

Aug. 30 and Sept. 6, 13

SALE NO. 19

Ex. #11144 of 2019

**New Residential Mortgage LLC,
 Plaintiff**

v.

**Dana D. Long, Cheryl M. Long,
 Defendant(s)**

DESCRIPTION

By virtue of a Writ of Execution filed to No. 11144-2019, New

Residential Mortgage LLC vs. Dana D. Long, Cheryl M. Long
 Amount Due: \$138,381.34

Dana D. Long, Cheryl M. Long, owner(s) of property situated in GREENE TOWNSHIP, Erie County, Pennsylvania being 9550 Lake Pleasant Road, Erie, PA 16509-5760

Acreage: 0.7146
 Assessment Map number:
 25014057000300

Assessed Value: \$157,300.00
 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

Aug. 30 and Sept. 6, 13

SALE NO. 20

Ex. #10455 of 2019

Wells Fargo Bank, N.A., Plaintiff

v.

**Diane M. Miles, James F. Miles,
 Defendant(s)**

DESCRIPTION

By virtue of a Writ of Execution filed to No. 10455-2019, Wells Fargo Bank, N.A. vs. Diane M. Miles, James F. Miles
 Amount Due: \$71,804.56

Diane M. Miles, James F. Miles, owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania being 257 East Lakeview Boulevard, Erie, PA 16504-2023

Dimensions: 100 X 139
 Acreage: 0.3191
 Assessment Map number:
 18053058010500

Assessed Value: \$79,270.00
 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

Aug. 30 and Sept. 6, 13

SALE NO. 21

Ex. #12691 of 2018

**Ditech Financial LLC f/k/a Green
 Tree Servicing LLC, Plaintiff**

v.

James A. Weiland, Defendant(s)
DESCRIPTION

By virtue of a Writ of Execution filed to No. 12691-18, Ditech Financial LLC f/k/a Green Tree Servicing LLC vs. James A. Weiland
Amount Due: \$140,236.79
James A. Weiland, owner(s) of property situated in MILLCREEK TOWNSHIP, Erie County, Pennsylvania being 914 West 52nd Street, Erie, PA 16509-2524
Dimensions: 88 X 147.2
Assessment Map number: 33-119-517.0-017.00
Assessed Value: \$190,100.00
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
Aug. 30 and Sept. 6, 13

SALE NO. 22

Ex. #12788 of 2018
Wells Fargo Bank, NA, Plaintiff
v.
Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Dorothy Wojtasik, Deceased, Defendant(s)

DESCRIPTION

By virtue of a Writ of Execution filed to No. 12788-18, Wells Fargo Bank, NA vs. Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Dorothy Wojtasik, Deceased
Amount Due: \$9,935.82
Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Dorothy Wojtasik, Deceased, owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania being 406 Parkway Drive, Erie, PA 16511-1052
Dimensions: 30 X 135
Acreage: 0.0930
Assessment Map number: 14011011011100
Assessed Value: \$60,200.00
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
Aug. 30 and Sept. 6, 13

SALE NO. 23

Ex. #11187 of 2019
Nationstar Mortgage LLC d/b/a Mr. Cooper, Plaintiff
v.

David A. McMutrie and Elizabeth A. McMutrie, Defendants

DESCRIPTION

By virtue of a Writ of Execution filed to No. 2019-11187, Nationstar Mortgage LLC d/b/a Mr. Cooper vs. David A. McMutrie and Elizabeth A. McMutrie, owner(s) of property situated in Millcreek, Erie County, Pennsylvania being 3456 West 42nd Street, Erie, PA 16506
0.1843
Assessment Map number: 33-083-402.0-001.02
Assessed Value figure: \$150,840.00
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
Aug. 30 and Sept. 6, 13

SALE NO. 24

Ex. #11279 of 2019
U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-GEL2, Plaintiff
v.

Imogene L. Stockton, Defendant
DESCRIPTION

By virtue of a Writ of Execution filed to No. 2019-11279, U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-GEL2 vs. Imogene L. Stockton, owner(s) of property situated in City Erie, Erie County, Pennsylvania being 245 East 24th Street, Erie, PA

16503
0.1109
Assessment Map number: 18050011020800
Assessed Value figure: \$39,100.00
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
Aug. 30 and Sept. 6, 13

SALE NO. 25

Ex. #12456 of 2018
MB Financial Bank, N.A., Plaintiff
v.

Christina M. Goss, Defendant
DESCRIPTION

By virtue of a Writ of Execution filed to No. 2018-12456, MB Financial Bank, N.A. v. Christina M. Goss, owners of property situated in the City of Erie, Erie County, Pennsylvania being 3913 English Avenue, Erie, Pennsylvania 16510.
Tax I.D. No. 18-052-046.0-112.00
Assessment: \$ 75,695.31
Improvements: Residential Dwelling
McCabe, Weisberg & Conway, LLC
123 South Broad Street, Suite 1400
Philadelphia, PA 19109
215-790-1010
Aug. 30 and Sept. 6, 13

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FIRST PUBLICATION

**BELL, RUTH S.,
deceased**

Late of the Township of Harborecreek, County of Erie and Commonwealth of Pennsylvania
Executor: Arthur G. Kriner, 432 Joliette Avenue, Erie, PA 16511-1238
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**BLOUGH, JANET DELORES,
a/k/a JANET DELORES BREHM
BLOUGH, a/k/a JANET D.
BLOUGH,
deceased**

Late of Borough of Albion, County of Erie, Commonwealth of Pennsylvania
Executrix: Gretchen Jean Blough, c/o Leigh Ann Orton, Esquire, Orton & Orton, 68 E. Main St., North East, PA 16428
Attorney: Leigh Ann Orton, Esquire, Orton & Orton, 68 E. Main St., North East, PA 16428

**BOHEN, JEANNE S., a/k/a
JEANNE S. NIEDZIELSKI,
a/k/a JEANNE S. BOHEN, a/k/a
JEANNE NIEDZIELSKI,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executor: Stephen Bohen, c/o 504 State Street, Suite 300, Erie, PA 16501
Attorney: Alan Natalie, Esquire, 504 State Street, Suite 300, Erie, PA 16501

**BORDONARO, ROSE M.,
deceased**

Late of Township of Millcreek, County of Erie, and Commonwealth of Pennsylvania
Executor: Richard E. Bordonaro, 6063 Volkman Road, Erie, PA 16506
Attorney: Gary K. Schonhaler, Esquire, The Conrad - F.A. Brevillier House, 502 Parade Street, Erie, PA 16507

**FULLER, BRADLEY A., a/k/a
BRADLEY FULLER, a/k/a
BRAD A. FULLER, a/k/a
BRAD FULLER,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Administratrix: Dorothy Boban, c/o 504 State Street, Suite 300, Erie, PA 16501
Attorney: Alan Natalie, Esquire, 504 State Street, Suite 300, Erie, PA 16501

**KNUPP, SHIZUE S.,
deceased**

Late of Erie County, Pennsylvania
Executor: Katherine Sue Knupp, c/o David W. Bradford, Esq., 731 French Street, Erie, PA 16501
Attorney: David W. Bradford, Esq., 731 French Street, Erie, PA 16501

**NIEBAUER, JOHN G.,
deceased**

Late of the Borough of Girard, County of Erie and State of Pennsylvania
Administrator: Anthony F. Niebauer, c/o Nicholas W. Radock, Esquire, 821 State Street, Erie, Pennsylvania 16501
Attorney: Nicholas W. Radock, Esquire, 821 State Street, Erie, Pennsylvania 16501

**SOBOLEWSKI, JOAN,
deceased**

Late of the City of Erie, County of Erie, Pennsylvania
Administratrix: Christine Sobolewski, c/o 150 East 8th Street, Erie, PA 16501
Attorney: Gregory L. Heidt, Esquire, 150 East 8th Street, Erie, PA 16501

**TROCKI, ROBERT
VINCENT KENNETH, a/k/a
ROBERT VINCENT TROCKI,
a/k/a ROBERT V. TROCKI, a/k/a
ROBERT TROCKI,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executrix: Pamela M. Trocki-Ables, c/o 504 State Street, Suite 300, Erie, PA 16501
Attorney: Alan Natalie, Esquire, 504 State Street, Suite 300, Erie, PA 16501

**WEARY, CATHERINE E., a/k/a
CATHERINE ELIZABETH
WEARY,
deceased**

Late of the Township of Waterford, County of Erie, Commonwealth of Pennsylvania
Executrix: Kathleen E. Kahala, c/o Herman & Herman LLC, 114 High Street, PO Box 455, Waterford, PA 16411
Attorney: Rebecca A. Herman, Esq., 114 High Street, Herman & Herman LLC, PO Box 455, Waterford, PA 16441

SECOND PUBLICATION

AULENBACHER, WILLIAM W., JR., a/k/a WILLIAM W. AULENBACHER, a/k/a WILLIAM AULENBACHER, deceased

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

Administrator: Marlene S. Aulenbacher, c/o Leigh Ann Orton, Esquire, Orton & Orton, 68 E. Main St., North East, PA 16428
Attorney: Leigh Ann Orton, Esquire, Orton & Orton, 68 E. Main St., North East, PA 16428

BURDICK, THOMAS R., a/k/a THOMAS BURDICK, deceased

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

Executrix: Patricia Ann Borkowski, c/o 504 State Street, Suite 300, Erie, PA 16501
Attorney: Alan Natalie, Esquire, 504 State Street, Suite 300, Erie, PA 16501

CHAUNCEY, ARTHUR O., deceased

Late of the Township of Girard, County of Erie, Commonwealth of Pa.

Executor: Richard Chauncey, c/o 504 State Street, Suite 200, Erie, Pa. 16501
Attorney: Richard E. Filippi, Esquire, 504 State Street, Suite 200, Erie, Pa. 16501

DILLON, JAMES P., a/k/a JAMES DILLOM, deceased

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

Administratrix: Karen B. Elder, c/o Gary V. Skiba, Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorney: Gary V. Skiba, Esq., MARSH, SPAEDER, BAUR, SPAEDER & SCHAAF, LLP., Suite 300, 300 State Street, Erie, PA 16507

DORICH, JOHN H., deceased

Late of the City of Erie, Erie County, PA

Administrator: John Dorich, 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

EVANOFF, JOHN ROGALA, a/k/a JOHN R. EVANOFF, deceased

Late of the City of Erie, County of Erie

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

FRANCIOSE, COLLEEN

ELIZABETH, a/k/a

COLLEEN WRIGHT, a/k/a

COCO FRANCIOSE, a/k/a

COCO WRIGHT, deceased

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

Executrix: Dorothy Ann Bearance, c/o Anthony Angelone, Esquire, Law Office of Gery T. Nietupski, Esquire, LLC, 818 State Street, Erie, PA 16501
Attorney: Anthony Angelone, Esquire, Law Office of Gery T. Nietupski, Esquire, LLC, 818 State Street, Erie, PA 16501

GRAF, BERNARD R., deceased

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

Administratrix c.t.a.: Judith A. Barthelmes, 126 Anderson Drive, Erie, PA 16509-3203
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

LESNICKI, JAMIE, a/k/a JAMIE D. LESNICKI, a/k/a JAMIE DENISE LESNICKI, deceased

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

Executor: Karen Lesnicki, c/o 504 State Street, 3rd Floor, Erie, PA 16501
Attorney: Michael J. Nies, Esquire, 504 State Street, 3rd Floor, Erie, PA 16501

MERRYMAN, ALAN R., deceased

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

Executor: Brian Merryman, 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

NEDRESKI, DONALD L., a/k/a DONALD LEE NEDRESKI, deceased

Late of Summit Township, Erie County, Pennsylvania

Executor: Michelle L. Puentes, P.O. Box 694, Eagle Butte, SD 57625
Attorney: None

RENDULIC, CHARLOTTE, a/k/a CHAR RENDULIC, a/k/a CHARLOTTE A. RENDULIC, deceased

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

Administrator: Joseph Rendulic, 4018 Canterbury Drive, Erie, PA 16506
Attorney: None

REYNOLDS, JULIA ANN, deceased

Late of Millcreek Township, County of Erie

Executor: Daniel Wade Reynolds, 341 McWilliams Road, Trafford, PA 15085
Attorney: None

**SMITH, JAMES F.,
deceased**

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

Executrix: Darlene K. Kinnear,
118 East 6th Street, Waterford,
PA 16441

Attorney: Valerie H. Kuntz, Esq.,
24 Main St. E., P.O. Box 87,
Girard, PA 16417

**SMITH, SHIRLEY R.,
deceased**

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

Executor: Sheila M. Smith, 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

**TURIFY, JOHN M.,
deceased**

Late of Springfield Township

Administrator: Michele R.
Sperrazzo, c/o 246 West 10th
Street, Erie, PA 16501

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

**VAN SLYKE, HALLY E.,
deceased**

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

Co-Executors: Derek F. Van Slyke,
4128 Magnolia Blossom Dr., Erie,
PA 16510-6652 and Heather L.
Rogers, 418 Sparkhill Avenue,
Erie, PA 16511-2352

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

THIRD PUBLICATION**HOUSTON, JOHN C.,
deceased**

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

Executrix: Colleen R. Stumpf,
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

**KELLER, MARY LOUISE,
deceased**

Late of the Township of McKean

Executor: Robin C. Keller
Attorney: Steven E. George,
Esquire, George Estate and Family
Law, 305 West 6th Street, Erie,
PA 16507

**MANCO, JAMES R.,
deceased**

Late of the Township of Millcreek,
Erie County, Pennsylvania

Executor: Kevin Hall, c/o 3228
Florida Avenue, Erie, PA 16504
Attorney: Cathy M. Lojewski,
Esq., 3228 Florida Avenue, Erie,
PA 16504

**MATCZAK, LEON D.,
deceased**

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

Executor: Marc M. Matczak,
10950 Lake Pleasant Road,
Waterford, PA 16441
Attorney: None

**McCULLUM, MILLIE GRACE,
a/k/a MILLIE G. McCULLUM,
deceased**

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

Co-Executors: Angela Grace
Jones, 527 W. 7th St., Erie, PA
16502 and Arden McCullum, 1726
Clifford Drive, Erie, PA 16505
Attorney: None

**OSSORIO, JULIO M.,
deceased**

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

Co-Administrators: Julissa
Ossorio-Bermudez and Julio J.
Ossorio-Torres

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

**PALMER, GEORGE L.,
deceased**

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

Executrix: Rebecca L.
Bartholomew, 105 Cherrywood
Court, Harrison City, PA 15636-
1445

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

**REESE, BARBARA E., a/k/a
BARB REESE,
deceased**

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

Executor: Barry J. Sherman, 9320
Tate Rd., Erie, PA 16509
Attorney: None

**ROOT, DOUGLAS E.,
deceased**

Late of the City of Erie, Erie
County, Pennsylvania

Executor: Douglas E. Root, c/o
3228 Florida Avenue, Erie, PA
16504

Attorney: Cathy M. Lojewski,
Esq., 3228 Florida Avenue, Erie,
PA 16504

**SERENO, JOSEPH C.,
deceased**

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

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

**SWANSON, JANE W.,
deceased**

Late of the City of Corry, Erie County, Pennsylvania
Executrix: Nancy A. Vandercoy, 316 Sixth Street, Corry, PA 16407
Attorney: William E. Barney, Esquire, 200 N. Center St., Corry, PA 16407

**TERRANOVA, PAMELA J.,
deceased**

Late of Borough of Girard, County of Erie, Commonwealth of Pennsylvania
Executor: Raymond Keith Tackett, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508
Attorney: Colleen R. Stumpf, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508

**VERALDI, FRANK,
deceased**

Late of the City of Erie, Erie County, Pennsylvania
Executor: Cynthia A. Roberts, c/o 3228 Florida Avenue, Erie, PA 16504
Attorney: Cathy M. Lojewski, Esq., 3228 Florida Avenue, Erie, PA 16504

**WOODS, SYLVIA A., a/k/a
SYLVIA WOODS,
deceased**

Late of Erie County, Pennsylvania
Executor: Michael J. Woods, 3157 Avonia Road, Fairview, PA 16415
Attorney: William T. Morton, Esquire, 2225 Colonial Ave., Ste. 206, Erie, Pennsylvania 16506

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Cairns Law Offices
3433 West Lake Road
Erie, PA 16505

New email address

BRIAN M. MCGOWAN.....brianmcgowanmdj@gmail.com



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