

Erie County Legal Journal

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In Re: Anthony B. Andrezeski and Chad Hershey v. Erie County Board of Elections and Aubrea Hagerty-Haynes; In Re: Anthony B. Andrezeski and Chad Hershey v. Erie County Board of Elections v. Aubrea Hagerty-Haynes

Erie County Legal Journal

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

Managing Editor: Megan E. Anthony

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Erie County Bar Association

Calendar of Events and Seminars

MONDAY, APRIL 26, 2021

ECBA Board of Directors Meeting
Noon
via Zoom

TUESDAY, APRIL 27, 2021

Solo/Small Firm Division Meeting
Noon
via Zoom

WEDNESDAY, APRIL 28, 2021

ECBA Wellness Wednesdays Series
Lunchtime Yoga
Noon
via Zoom

THURSDAY, APRIL 29, 2021

Diversity and Inclusion Division
Education Subcommittee Meeting
Noon
via Zoom

THURSDAY, APRIL 29, 2021

Defense Bar Section Meeting
4:00 p.m.
ECBA Headquarters live (must RSVP)
or via Zoom

MONDAY, MAY 3, 2021

Diversity and Inclusion Division
Community Subcommittee Meeting
Noon
via Zoom

TUESDAY, MAY 4, 2021

Diversity and Inclusion Division
Member Subcommittee Meeting
Noon
via Zoom

WEDNESDAY, MAY 12, 2021

Law Day
11:30 a.m. - 2:00 p.m.
via Zoom

*Registration and additional information can be found
at www.eriebar.com/events/public-registration/1634*

THURSDAY, MAY 13, 2021

Diversity and Inclusion Division
Education Subcommittee Meeting
Noon
via Zoom

TUESDAY, MAY 18, 2021

Family Law Section Meeting
Noon
via Zoom

WEDNESDAY, MAY 19, 2021

Women's Division Meeting
Noon
via Zoom



Erie County Bar
Association



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

2021 BOARD OF DIRECTORS

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Feb. 12, 26 and Mar. 12, 26 and Apr. 9, 23



The AKT 5K Run/Walk is being held two ways this year — in-person at Presque Isle State Park and virtually (which can be completed from any location you choose).

Who: You! Also create a team with four members of your family, co-workers and friends from Erie and across the United States — remember — this race is in-person and virtual! Register and then use the app, <https://www.strava.com/clubs/aktrun>, and join our club: AKT Virtual 5K!

In-person: Saturday, May 22, with socially-distanced staggered start times to be assigned starting at 9:00 a.m. at Presque Isle State Park, Beach #1. Start time intervals will be at 5-minute increments.

Virtual: Saturday, May 22 through Sunday, May 30, start time is whatever fits your schedule and any location you choose.

Registration Entry Fees: \$35.00 (adults w/ quarter zip pullover)
\$25.00 (adults w/ t-shirt)
\$20.00 (12 and under w/ t-shirt)
\$15.00 (adults w/o shirt)
\$10.00 (12 and under w/o shirt)

Register online at
[https://www.eriebar.com/events/ecba-events/
1647-18th-annual-attorneys-kids-together-5k-runwalk](https://www.eriebar.com/events/ecba-events/1647-18th-annual-attorneys-kids-together-5k-runwalk)

The event benefits the ECBA's Attorneys & Kids Together Program, supporting the educational needs of local students living in homeless situations.

**IN RE: ANTHONY B. ANDREZESKI and CHAD HERSHEY, Appellees v.
ERIE COUNTY BOARD OF ELECTIONS and AUBREA HAGERTY-HAYNES,
Designated Appellants
Appeal of: AUBREA HAGERTY-HAYNES**

**IN RE: ANTHONY B. ANDREZESKI and CHAD HERSHEY, Appellees v.
ERIE COUNTY BOARD OF ELECTIONS, Designated Appellant v.
AUBREA HAGERTY-HAYNES, Designated Appellant
Appeal of: ERIE COUNTY BOARD OF ELECTIONS**

ELECTION LAW

No nomination petition, nomination paper or nomination certificate shall be permitted to be filed if, *inter alia*, it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or it contains material alterations made after signing without the consent of the signers; or it does not contain a sufficient number of signatures as required by law. *See* 25 P.S. Section 2936.

ELECTION LAW

The Election Code provides that candidates for nomination of public or party offices to be filled by a vote of the electors in counties of the third class at large shall present a nominating petition containing at least two hundred fifty (250) valid signatures of registered and enrolled members of the proper party. *See* 25 P.S. 2872.1(19).

ELECTION LAW

To have standing to challenge a nomination petition, one must be registered to vote in the district holding the primary election and be a member of the political party to which the nomination pertains. Members of one party do not have standing to contest the nomination process of an opposing party. *See In the Matter of Samms*, 674 A.2d 240, 242-243 (Pa. 1996); *In re Pasquay*, 525 A.2d 13, 14 (Pa. Commw. 1987), *aff'd*, 529 A.2d 1076 (Pa. 1987).

ELECTION LAW

Consistent with the rationale in *In re General Election-1985*, 531 A.2d 836, 839 (Pa. Commw. 1987), when a natural disaster creates an emergency situation that interferes with an election, courts may look to the direction of 25 P.S. Section 3046, “Duties of common pleas court on days of primaries and elections”, which provides courts of common pleas the power, on the day of an election, to decide “matters pertaining to the election as may be necessary to carry out the intent” of the Election Code. *See Pennsylvania Democratic Party v. Boockvar*, 238 A.3d 345, 370 (Pa. 2020).

ELECTION LAW

As of September, 2020, the Supreme Court of Pennsylvania determined the ongoing COVID-19 pandemic equated to a natural disaster. *See Pennsylvania Democratic Party v. Boockvar*, 238 A.3d 345, 370 (Pa. 2020).

ELECTION LAW

To prevent disenfranchisement of voters in the 2020 Presidential Election in the midst of the COVID-19 pandemic, the Pennsylvania Supreme Court, *inter alia*, exercised the authority under its Extraordinary Jurisdiction to extend by three days the absentee and

mail-in ballot “received-by deadline” to allow for tabulation of ballots mailed by voters via USPS and post-marked by 8:00 p.m. on Election Day. *See Pennsylvania Democratic Party v. Boockvar*, 238 A.3d 345, 370-371 (Pa. 2020).

ELECTION LAW

In October of 2019, the General Assembly of Pennsylvania enacted Act 77 of 2019, which, *inter alia*, created for the first time in Pennsylvania the opportunity for qualified electors to vote by mail without requiring them to demonstrate their absence from the voting district on Election Day. *See* 25 P.S. Sections 3150.11 – 3150.17; *Pennsylvania Democratic Party v. Boockvar*, 238 A.3d 345, 352 (Pa. 2020).

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA

No. 351 C.D. 2021

No. 357 C.D. 2021

CONSOLIDATED CASES

Appearances: Anthony B. Andrezeski, Esq., *pro se*
Anthony B. Andrezeski, Esq., counsel for Chad Hershey
Thomas Talarico, Esq., counsel for Erie County Board of Elections
J. Timothy George, Esq., counsel for Intervenor, Aubrea Hagerty-Haynes

OPINION

Brabender, Jr., J.

April 7, 2021

This matter is before the Commonwealth Court of Pennsylvania on the consolidated appeals of Designated Appellant, Aubrea Hagerty-Haynes, from the Orders of March 22, 2021 and March 30, 2021 (No. 351 C.D. 2021), and Designated Appellant, Erie County Board of Elections, from the Order of March 30, 2021 (No. 357 C.D. 2021). For the reasons set forth herein and on the record at the hearings held on March 22, 2021 and March 30, 2021, these appeals should be dismissed.

ISSUE

At issue is whether, under the natural disaster or emergencies presented by the COVID-19 pandemic in Erie County, Pennsylvania, with its extraordinary circumstances and unprecedented challenges, the Trial Court properly determined that the Petitions to have the names of Anthony B. Andrezeski (Democratic candidate) and Chad Hershey (Republican candidate) Printed upon the Official Ballots for the May 18, 2021 Municipal Primary Election for the office of Erie County Clerk of Records should be accepted by the Erie County Board of Elections.

BACKGROUND

On March 12, 2021, Appellees Anthony B. Andrezeski, *pro se*, and Chad Hershey, by counsel, Attorney Anthony B. Andrezeski (same Appellee), filed a Petition to Extend the Date to Submit Nomination Papers for the Position of Erie County Clerk of Records. Therein, the Appellees indicate they each attempted to file nomination petitions with the Designated

Appellant-Erie County Board of Elections on March 9, 2021 and their respective petitions were rejected for lack of 250 signatures per 25 P.S. Section 2936 (c) of the Election Code. Appended to the Petition as Exhibit “A” is Appellee-Andrezeski’s request to reduce the number of electors’ signatures to 25. Appended to the Petition as Exhibit “B” is correspondence of March 10, 2021 from Mary Rennie, Chairperson, Erie County Board of Elections, indicating Andrezeski’s nomination petition contained 88 rather than 250 signatures and was rejected for being defective on its face. Appended to the Petition as Exhibit “C” is a statement of Hershey indicating his nominating petition was rejected for the same reason. Appellee-Hershey’s petition contained 209 signatures of electors. The Appellees aver that the COVID-19 pandemic restrictions imposed by the Centers for Disease Control and Prevention (CDC), Pennsylvania Governor Tom Wolf and Health Secretary Dr. Rachel Levine made it impossible for the Appellees to collect the requisite number of signatures to appear on their respective ballots by the March 9, 2021 deadline. The Appellees aver that the Appellant-Board of Elections possesses the authority to change or reduce the number of electors’ signatures required on nominating petitions, but failed to exercise that authority. The Appellees further aver that, upon rejection of their nominating petitions, they filed with the Appellant-Board a Petition for a determination that the number of signatures on their nominating petitions was sufficient for their names to be placed on the ballot; or alternatively, reducing the number of signatures required to 25 signatures. The Appellant-Board denied the requests.

A hearing on the Petition was held before the undersigned on March 22, 2021. The Appellees attended the hearing and testified. The Appellant-Erie County Board of Elections failed to appear at the hearing. Ms. Tonia Fernandez, Erie County Elections Supervisor, confirmed that the Appellant-Board received notice of the hearing, but neither a representative from the office nor its legal counsel would be in attendance.

The Appellees both testified to the challenges they encountered in obtaining signatures on their respective nominating petitions. The challenges ranged from a lack of activities to attend and establishments to visit in order to collect signatures occasioned by the shutdown of businesses, restaurants and clubs, churches, nursing homes, sporting events and functions in general during the relevant period due to the pandemic; door-slamming in their faces and requests to vacate premises due to pandemic restrictions; and patrons’ complaints that the Appellees’ respective attempts to collect signatures violated CDC and government six-foot social distancing guidelines.

Appellee-Hershey testified that during an information session or video presentation for potential candidates interested in running for office, County Clerk of Elections Douglas R. Smith advised there could potentially be a reduction in the number of signatures required on nominating petitions due to restrictions imposed by the COVID-19 pandemic and/or an extension of the deadline for signatures. Appellee-Hershey testified he was hopeful one or both changes would “go through”, but neither did. Ms. Nicole Inan, an Elections Board employee, testified that the Appellant-Board of Elections did not meet or convene to consider the Petition to Extend the Date to Submit Nomination Papers for the Position of Erie County Clerk of Records, which Appellee-Andrezeski submitted to the Appellant-Board.

At the conclusion of the hearing on March 22, 2021, the Court granted the Petition, determining that the Appellees presented a compelling argument that, in these unprecedented

times presented by the COVID-19 pandemic and under the totality of circumstances, the nominating petitions for placement of Appellees' names on ballots were sufficient.

Specifically, the Court noted there was precedent in that the Commonwealth of Pennsylvania significantly modified its election process in the pandemic year 2020. The date of Pennsylvania's 2020 primary election was changed on March 27, from April 28 to June 2, 2020. Also, the absentee receipt deadline was, on June 1, the eve of the primary, changed from June 2 to June 9, 2020, specifically in Erie County and several other counties. Furthermore, the Pennsylvania Supreme Court specifically changed the date for receipt of votes from November 3 to November 6, 2020. All of these date changes were made specifically due to the ramifications of COVID-19.

The Commonwealth's manner of voting was also changed significantly due to COVID-19. Mail-in voting was permitted, with no excuses needing to be offered. The Commonwealth even provided pre-paid postage for mail-in voters. More importantly, the Pennsylvania Supreme Court ruled that election officials *could not reject* (emphasis added) mail-in ballots that had signatures that did not match.

The Court stated that the COVID-19 virus played havoc with what has always been, particularly in local elections, a high-contact, democratic process. In this pandemic time, however, with ordered lockdowns, health restrictions and social distancing mandates, the burden of a 250-signature requirement is not modest. Because of the pandemic crisis conditions, there are no campaign events or rallies; and canvassers and volunteers are homebound and not risking their health by violating CDC and government guidelines. In Erie County, during the time period at issue (February 16 to March 9, 2021), there were no fairs, parades or ethnic street festivals; church events were canceled and Friday Lenten dinners were strictly drive-thru; schools and extracurriculars such as PTA meetings were canceled; restaurants and clubs had limited capacity, if they were open at all, with many having been closed permanently; sporting events did not allow for spectators; bowling alleys were closed; nursing homes were closed to visitors; the Erie County Courthouse had limited access; and Erie City Hall was closed to the public and still is! Additionally, there was a government ban on large gatherings and even family gatherings were discouraged. The six-foot social distancing rule made traditional, high-level contact with electors completely impractical. The Commonwealth of Pennsylvania made no provisions for electronic signatures; there were no additional means to gain signatures; and there was also a limited time in which to collect them. The powers-that-be simply did not address these issues.

In its ruling, the Court did not extend the date in which to obtain signatures nor did it reduce the number needed from 250 to 25, as requested. Rather, the Court reasoned that Appellee-Andrezeski, with 88 signatures, and Appellee-Hershey, with 209 signatures, had a measureable modicum of support from the Erie County community and their names were to be placed on the ballot. The Court further reasoned that the granting of the Appellees' petition would not jeopardize the integrity of the upcoming election, and that the election itself will determine who the citizens want as their Clerk of Records. *See Transcript of Proceedings, Hearing held March 22, 2021 (Fr. 3/22/21), pp. 20-30.*

On March 25, 2021, the Erie County Board of Elections filed a Motion for Reconsideration, asserting that the Court erred or abused its discretion by reversing the Appellant-Board's

decision rejecting the petitions of the Appellees. The Appellant-Board asserts that the Appellees failed to obtain the requisite number of signatures, and abuse of discretion occurred in “attributing Plaintiffs’ failure to secure the requisite number of signatures to the coronavirus pandemic.” See *Motion/or Reconsideration*, ¶10(b). The Appellant-Board avers that the Appellees did not account for the kind and number of difficulties they encountered in trying to secure signatures and did not testify to their effort, time, or actual difficulty attempting to secure signatures. *Id.* The Board of Elections avers that, while the Court properly took judicial notice of the pandemic, not all events and gatherings were completely shut down during the pandemic and three other candidates secured sufficient number of signatures. *Id.*, ¶11. The Court scheduled a hearing to occur on March 30, 2021 on the Motion for Reconsideration.

On March 26, 2021, Designated Appellant Aubrea Hagerty-Haynes filed a Petition to Intervene. She also seeks nomination for the office of Erie County Clerk of Records and filed nomination petitions for her name to appear as a Democratic Party candidate on the official ballot for the May 18, 2021 Primary Election. Appellant-Hagerty-Haynes asserts that Pa.R.Civ.P. 2327(4) authorizes intervention because she has a legally enforceable interest “in the first position on the Democratic ballot ... and [to] ensure that the Election Code is applied equally and fairly to all candidates in accordance with the law.” *Petition to Intervene*, ¶4. Appellant-Hagerty-Haynes argument against Appellee-Hershey immediately fails, because she, as a registered Democrat, lacks standing to challenge the nominating petitions of a registered Republican for the May, 2021 Municipal Primary Election for the office of the Erie County Clerk of Records. See: *In the Matter of the Nomination Petition Gary M. Samms*, 674 A.2d 240, 242-243 (Pa. 1996); *In re Nominating Petition of Kevin Pasquay*, 525 A.2d 13, 14 (Pa. Commw. 1987).

Both Appellants argue that the Appellees should have taken petitions from the elections office out sooner, though there is no requirement as to what day during the three-week time period that one must secure petitions.

On March 29, 2021, the Appellees filed an Opposition to Motion to Reconsideration and concurrently filed an Opposition to Motion to Intervene. In the Opposition to Motion to Reconsideration, the Appellees aver that the Appellant-Board of Elections waived reconsideration by failing to appear at the hearing on March 22, 2021. Further, the Appellees aver that the Appellant-Board misstated the testimony at the hearing, and the averments of the Board’s Motion are belied by the record. In the Opposition to Motion to Intervene, the Appellees aver that Appellant-Hagerty-Haynes lacks a legally enforceable interest in any particular ballot position. The Appellees aver that Appellant-Hagerty-Haynes possesses only the right to ensure the Appellant-Erie County Board of Elections conducts a casting of lots on a particular date, with the specified notice and with the personal attendance of candidates, pursuant to Section 2875 of the Election Code. The Appellees further aver that Appellant-Hagerty-Haynes does not possess the particularized legal interest contemplated by Pa.R.Civ.P. 2327 and possesses nothing more than the interest all citizens possess.

On March 29, 2021, Appellant-Hagerty-Haynes filed a Supplemental Petition to Intervene, asserting she has a legally enforceable interest “in protecting her voters, her electoral prospects, and the electoral prospects of similarly situated candidates who timely comply with the Election Code” *Supplemental Petition*, ¶4(f). Concurrently, Hagerty-Haynes filed

an Intervenor’s Brief in Support of Reconsideration. Therein, Appellant-Hagerty-Haynes asserts that she obtained more than three times the minimum number of signatures required by statute. She asserts that she holds first position on the Democratic Party ballot by virtue of a lottery that did not include Appellee-Andrezeski, also a Democrat, because prior to the lottery the Appellant-Board of Elections rejected Appellee-Andrezeski’s nomination petition. Appellant-Hagerty-Haynes asserts that, due to the undersigned’s determinations of March 22, 2021, she “may lose the coveted first position on the Democratic ballot.” *Intervenor’s Brief* p. 2, n. 3. Paraphrased, Appellant-Hagerty-Haynes asserts that the Appellees’ nominating petitions may not be amended; that the Appellees do not assert the signature requirement is unconstitutional; that the Appellees do not allege misrepresentation or fraud; and that it was possible for other candidates, including herself, to collect the required number of signatures. By Order dated March 29, 2021, the Court granted the Petition to Intervene.

On March 30, 2021, the Court heard argument on the Appellant-Board of Elections’ Motion for Reconsideration. *See Transcript of Proceedings, Hearing Held March 30, 2021 (Tr: 3/30/21), pp. 3-26*, Appellee-Hershey testified and was cross-examined by counsel for the Intervenor, Appellant-Hagerty-Haynes. *See Tr: 3/30/21, pp. 26-60*. Appellee-Hershey testified to the impediments he faced in collecting signatures due to the COVID-19 pandemic and the ensuing restrictions on social activities due to closures, reduced hours and functions; social distancing requirements; and heightened fears and social anxieties about contracting the virus. Appellee-Hershey testified to the concerns he had about potentially placing others at risk for contracting the virus due to his campaign activities and efforts in collecting signatures on the nominating petitions. He testified that the persons he believed were placed at risk included his petition circulators; his volunteers; and even signers who touched a pen which more than one person had touched. The essence of Appellee-Hershey’s testimony is that the COVID-19 pandemic significantly hampered his efforts to collect signatures and, despite his best efforts and good intentions, as a practical matter, it was impossible to obtain the requisite number of signatures without violating public health social distancing guidelines.

Appellee-Hershey testified in pertinent part:

Q. Is it your position, Mr. Hershey, that only you and Mr. Andrezeski respected the CDC restrictions and that everyone else that appears on the ballot this spring violated them?

A. I would — with respect to Governor Wolf and CDC and coming from my background as a government employee, I would say that in order to obtain a large sum of signatures, which I would consider over ten, I would consider that to be very reckless and not appropriate to do that. And I would say if you want to follow the guidelines of our governor — which I respect our governor along with the current administration. I feel that if the candidates would have followed the guidelines — I would — yes. I would say there would have been an enormous amount of candidates that would have fell short of these signatures and — you know. Yeah.

Q. So that’s a yes?

A. I would say yes. An enormous amount of candidates would have fallen short. Not everyone. You know, there's people that, you know, are very groomed. They're professional people that have huge networks and have been doing this for many years in Erie County. But for an average person — and average person maybe — let's say like an entry-level average person that is not established —

Q. I don't know what you're talking about, Mr. Hershey. Is the answer to my question yes, only you and Mr. Andrezeski complied with the CDC guidelines and the other 382 candidates who appear on the ballot did not?

A. I don't feel that's a yes or no. I can't say yes or no.

The Court: I don't even think he said he complied with the guidelines.

A. Exactly. I actually feel bad, because I even broke the guidelines, and I was worried. Like, my father thought I was maybe going to get in trouble with the law or something, you know, with what I'm doing, especially for someone, you know, touching a pen that — more than one person touching the same pen or you're approaching people — groups of people. It just — it's not safe behavior.

Q. But your pen example is something over which you had control. You could have fixed that problem yourself, right?

Mr. Andrezeski: Your Honor, could we move on.

Mr. George: It's my last question.

Mr. Andrezeski: He's simply haranguing the witness.

The Court: If you have an answer to that, go ahead and answer.

A. Looking back — me standing here looking at you, sir, I would agree with you. I would say me standing here now — when you're in the heat of the battle, things are different. It's a little bit different thinking. But me standing here looking at you, I feel guilty about that. I feel guilty in a way that if someone else would potentially get the virus that I would be responsible for. That would bother me greatly.

Mr. George: Those are all my questions.

Tr. 3/30/31, pp. 58-60.

Appellee-Andrezeski presented legal argument on his own behalf and on behalf of Hershey. *Tr. 3/30/21, pp. 60-66.* Counsel for the Appellant-Board of Elections and counsel for Appellant Hagerty-Haynes also presented argument. *Tr. 3/30/21, pp. 66-73.* At the close

of the record, the Court again placed on the record its findings and conclusions, which are incorporated herein by reference as though set forth at length. *See Tr. 3/30/21, pp. 74-83.* In large part, the Court reiterated the findings and conclusions placed on the record at the hearing of March 22, 2021. *See Tr. 3/22/21, pp. 20-30.*

DISCUSSION

The Commonwealth of Pennsylvania significantly modified its election process in the 2020 pandemic year, which gives precedent to this Court to use its discretion in making a decision in this matter. There were several changes in dates due primarily to the COVID-19 pandemic and its restrictions.

Governor Tom Wolf signed Senate Bill 422, which rescheduled the 2020 primary election from April 28 to June 2, 2020, and made other election process changes, including many due to the COVID-19 emergency. The bill provided process improvements to Act 77 of 2019, to allow counties to begin processing and tabulating mail ballots beginning at 7 a.m. on election day, rather than after the polls close at 8 p.m. Additionally, the measure allowed counties to temporarily consolidate polling places without court approval and eased other rules regarding location and staffing of polling places for the primary, to respond to county concerns about a potential shortage of poll workers and appropriate polling place locations.

“Delaying this year’s primary election as several other states have done is in the best interests of voters, poll workers and county election officials,” said Governor Wolf. “I commend the General Assembly for acting quickly on this critical legislation. The Department of State will continue to work with local election officials to ensure Pennsylvania has a fair and accessible election.” *See: Office of the Governor of Pennsylvania, “Gov. Wolf Signs COVID-19 Response Bills to Bolster Health Care System, Workers, and Education and Reschedule the Primary Election,” March 27, 2020.*

On June 1, 2020, Governor Tom Wolf issued an executive order, due in large part to COVID-19 and to civil unrest, extending the absentee ballot receipt deadline for the June 2, 2020, primary to June 9, 2020 in Erie County, as well as Allegheny, Dauphin, Delaware, Montgomery and Philadelphia counties. *See: Executive Order, Commonwealth of Pennsylvania Governor’s Office, Extension of Deadline for Receipt of Absentee and Mail-In Ballots in Certain Counties, 2020-02.*

On September 17, 2020, the Pennsylvania Supreme Court issued rulings that extended the mail-in ballot receipt deadline and authorized the use of drop boxes for returning mail-in ballots in the November 3, 2020, general election. As a result, mail-in ballots postmarked on or before November 3, 2020, and ballots lacking evidence that they were sent after this date were accepted if received by 5 p.m. on November 6, 2020. *Pennsylvania Democratic Party, et. al. v. Boockvar, et. al.*, 238 A.3d 345, Supreme Court of Pennsylvania, 133 MM 2020, submitted September 8, 2020. There is dictum in this case that supports the positions of the Appellees in the case at bar:

Page 20: “Strict enforcement of this deadline, in light of the current COVID-19 pandemic ..., will result in extensive voter disenfranchisement in violation of the Pennsylvania Constitution’s Free and Equal Elections Clause.”

Page 21: “The COVID-19 pandemic ... caused many voters to be wary of congregating in polling places.”

Pages 21-22: “Recognizing that the Election Code *granted the courts the authority to provide relief when there is a natural disaster or emergency* (emphasis added) that threatens to deprive electors of the opportunity to participate in the electoral process, the Courts of Common Pleas of Bucks and Delaware Counties extended the deadline for the return of mail-in ballots for seven days, so long as the ballot was postmarked by the date of the Primary. *In re: Extension of Time for Absentee and Mail-In Ballots to be Received by Mail and Counted in the 2020 Primary Election*, No. 2020-02322-37 (C.P. Bucks) (McMaster, J.); see also *In re: Extension of Time for Absentee and Mail-In Ballots to be Received By Mail and Counted in the 2020 Primary Election*, No.-CV 2020-003416 (C.P. Delaware).”

Page 28: “[C]ourts have previously granted temporary equitable relief to address natural disasters, given that neither the Election Code nor the Constitution ‘provides any procedure to follow when a natural disaster creates an emergency situation that interferes with an election.’ *Id.* at 19 (citing *In re: General Election-1985*, 531 A.2d at 839).²¹ The current pandemic is equivalent to other natural disasters ... ”

Pages 35-36: “We have no hesitation in concluding that the ongoing COVID-19 pandemic equates to a natural disaster. *See Friends of DeVito v. Wolf*, 227 A.3d 872, 888 (Pa. 2020) (agreeing “that the COVID-19 pandemic qualifies as a ‘natural disaster’ under the Emergency Code”). Moreover, the effects of the pandemic threatened the disenfranchisement of thousands of Pennsylvanians during the 2020 Primary, when several of the Commonwealth’s county election boards struggled to process the flow of mail-in ballot applications for voters who sought to avoid exposure to the virus in the ... midst of the pandemic where many voters are still wary of congregating in crowded location ... ”

On October 19, 2020, the U.S. Supreme Court declined to block the Pennsylvania Supreme Court’s order extending the receipt deadline for mail-in ballots from November 3 to November 6, 2020, for ballots postmarked on or before Election Day. Order in pending case of *Scarnati v. Boockvar*, 141 S. Ct. 644 (2020).

There were also several changes to the manner of voting. With Act 77 of 2019 signed into law by Governor Wolf, all eligible Pennsylvanians had the option of voting by mail-in ballot without having to provide an excuse. On July 31, 2020, Pennsylvania Secretary of State Kathy Boockvar announced that the state would provide prepaid return postage for all mail-in and absentee ballots in the November 3, 2020, general election, due primarily to the COVID-19 pandemic and its restrictions. *See: Pennsylvania Pressroom*, “Pennsylvania Will Provide Postage-Paid Return Envelopes with Mail and Absentee Ballots.” July 31, 2020.

Most importantly, on September 14, 2020, Secretary Boockvar’s office issued guidance stating that counties cannot reject mail-in ballots due solely to a perceived mismatch between the signature on the return envelope and the signature on the voter’s registration record. The Secretary’s office stated that Pennsylvania Election Code does not authorize the county board of elections to set aside returned absentee or mail-in ballots based solely on signature analysis by

the county board of elections. *See: Pennsylvania Department of State*, “Guidance Concerning Examination of Absentee and Mail-in Ballot Return Envelopes,” September 11, 2020. This is significant in that signature requirements are now no longer considered very important to state election officials.

The Appellants have argued that this Court abused its discretion in ordering a modification of the signature requirements for the Appellees. When the governor’s office, the secretary of state’s office and the state legislature all failed to address this COVID-19 issue on signature requirements, it cannot be considered an abuse of discretion when the Election Code, 25 P.S. Section 3046, grants this Court the authority to provide relief when there is a natural disaster or emergency, per *Pennsylvania Democratic Party, et. al. v. Boockvar, supra*. There is precedent when no less than 13 states across the country refused to shirk responsibilities of dealing with pandemic signature requirements, as Pennsylvania did, to-wit: Connecticut — Governor Ned Lamont issued an executive order reducing petition signature requirement for all candidates by 30 percent; Georgia — petition signature requirements for independent and minor-party candidates reduced to 70 percent of their original numbers; Illinois — unaffiliated and new-party candidates authorized to collect petition signatures electronically and petition signature requirements for candidates reduced to 10 percent of their original numbers; Maryland — petition signature requirement for new political parties reduced to 5,000 and petition signature requirement for unaffiliated candidates reduced by 50 percent; Massachusetts — candidate petition signature requirements reduced to 50 percent of their statutory requirements and candidates authorized to collect petition signatures electronically; Michigan — petition signature requirements for primary candidates reduced to 50 percent of their original numbers and election officials directed to develop procedures allowing for the collection and submission of electronic petition signatures; New Hampshire — petition signature requirements for Libertarian candidates in the general election reduced by 35 percent; New Jersey — candidates permitted to collect petition signatures electronically and submit petitions online and petition deadline for unaffiliated candidates for non-presidential office extended to July 7, 2020; New York — petition signature requirements for primary candidates reduced and signature-gathering process suspended effective March 17, 2020 and filing deadline for independent nominating petitions extended to July 30, 2020; Rhode Island — petition signature requirements for both primary and general election congressional candidates reduced by half (from 1,000 to 500 for U.S. Senate candidates; from 500 to 250 for U.S. House candidates); Utah — candidates and/or campaigns authorized to deliver petition sheets to voters electronically and voters permitted to return signed petition sheets electronically or by mail; Vermont — candidate petition signature gathering requirements suspended for the August 2020 primary and November 2020 general elections; and Virginia — candidate petition signature gathering requirements suspended for the August 2020 primary and November 2020 general elections. Pennsylvania could have authorized signatures to be gained electronically; could have reduced the number of signatures required; could have extended the period of time beyond three weeks; or could have suspended signature requirements altogether because of the pandemic and its social distancing mandates. The state failed to address these issues, so it can hardly be viewed as an abuse of discretion when this Court acts during this natural disaster and emergency under powers given to him by the Election Code.

The quandary for this Court is this: it should be difficult to get on a ballot, but how difficult

should it be in the face of a recognized natural disaster? Mary Rennie, Chairperson of the Erie County Board of Elections, was quoted after she and other board members authorized an appeal: “It is very straightforward. You either meet the requirements of the law or you don’t.” See: *Erie Times-News*, April 2, 2021, page 4A. What Ms. Rennie fails to recognize, is for one to meet those requirements, one must break the laws — guidelines, mandates and restrictions imposed on citizens by the CDC, Governor Wolf, Dr. Levine and local governments as well. Citizens of this Commonwealth have been cited for failing to abide by the same.

This Court wants a fair resolution to this health issue. Signature requirements are not baked into the Pennsylvania Constitution and are not constitutionally necessary. It is in the public’s interest to have more candidates involved in the election process. In this Court’s discretion, 88 signatures gained by Appellee-Andrezeski and 209 collected by Appellee-Hershey during a national pandemic indicates that these gentlemen do have a measurable and appreciable modicum of public support to run for office. Affirming this Court’s orders does not jeopardize the integrity of the upcoming primary election. The election itself should determine who the citizens of Erie County desire to have as their next Clerk of Records.

This Court is certainly not a supporter of voter suppression — nor is it a supporter of candidate suppression.

CONCLUSION

On April 1, 2021, the Board of Elections filed a Notice of Appeal from the Order of March 30, 2021. On March 31, 2021, Aubrea Hagerty-Haynes filed a Notice of Appeal from the Orders of March 22, 2021 and March 30, 2021. On April 1, 2021, the Commonwealth Court of Pennsylvania issued a scheduling Order.

Appellees Anthony B. Andrezeski and Chad Hershey presented compelling arguments for placement of their names on the ballots of their respective parties for the May, 2021 Municipal Primary Election for Erie County Clerk of Records. For the reasons placed herein and on the record, the Court’s Orders of March 22, 2021 and March 30, 2021 should be affirmed. The Prothonotary is hereby directed to transmit the record to the Commonwealth Court of Pennsylvania.

BY THE COURT

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

**IN RE: ANTHONY B. ANDREZESKI and CHAD HERSHEY, Appellees v.
ERIE COUNTY BOARD OF ELECTIONS and AUBREA HAGERTY-HAYNES,
Designated Appellants
Appeal of: AUBREA HAGERTY-HAYNES**

**IN RE: ANTHONY B. ANDREZESKI and CHAD HERSHEY, Appellees v.
ERIE COUNTY BOARD OF ELECTIONS, Designated Appellant v.
AUBREA HAGERTY-HAYNES, Designated Appellant
Appeal of: ERIE COUNTY BOARD OF ELECTIONS**

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

No. 351 C.D. 2021

No. 357 C.D. 2021

Submitted: April 12, 2021

CASES CONSOLIDATED

BEFORE: HONORABLE P. KEVIN BROBSON, President Judge

OPINION NOT REPORTED

MEMORANDUM OPINION

BY PRESIDENT JUDGE BROBSON

FILED: April 13, 2021

Designated Appellants Erie County Board of Elections (Board of Elections) and Aubrea Hagerty-Haynes (collectively Appellants) appeal from an order of the Court of Common Pleas of Erie County (trial court), dated March 22, 2021, issued by the Honorable Daniel J. Brabender, Jr., pertaining to a petition filed by Appellees Anthony B. Andrezeski and Chad Hershey. Through the petition, Appellees sought in part to require the Board of Elections, which had previously rejected their nomination petitions, to accept their nomination petitions and place their names on the ballot for the 2021 Municipal Primary Election for the office of Erie County Clerk of Records. In ruling on the petition, the trial court required the Board of Elections to accept Appellees' nomination petitions and place their names on the ballot as candidates despite neither of them having submitted the required 250 signatures on their nomination petitions.¹ The trial court denied reconsideration by order dated March 30, 2021, and Appellants appeal that order as well.

On appeal,² Appellants argue that the trial court erred by disregarding the unambiguous statutory requirements of the Election Code³ and that the trial court abused its discretion in finding that the effects of the COVID-19 pandemic made it impossible for Appellees to

¹ Section 912.1(19) of the Pennsylvania Election Code (Election Code), Act of June 3, 1937, P.L. 1333, as amended, added by the Act of December 12, 1984, P.L. 968, 25 P.S. § 2872.1 (19).

² This Court has appellate jurisdiction over the final order of the trial court pursuant to Section 762(a)(4)(i)(C) of the Judicial Code, 42 Pa. C.S. § 762(a)(4)(i)(C), and Section 977 of the Election Code, 25 P.S. § 2937. In reviewing the order of the trial court concerning the validity of challenges to a nomination petition, this Court's standard of review is whether the findings of fact are supported by substantial evidence, whether there was an abuse of discretion or whether errors of law were committed." *In re Nomination Petition of Flaherty*, 770 A.2d 327,331 (Pa.2001).

³ 325 P.S. §§ 2600-3591.

obtain the minimum number of signatures. Appellees respond by stating that the COVID-19 pandemic is a natural disaster, and, therefore, courts are empowered to fashion remedies when natural disasters interfere with elections. *See Pa. Democratic Party v. Boockvar*, 238 A.3d 345, __ (Pa. 2020).

As to Appellants' first argument, Section 977 of the Election Code, 25 P.S. § 2937, mandates that "[i]f the court shall find that [a] nomination petition ... does not contain a sufficient number of genuine signatures of electors ... it shall be set aside." The governing statutory language is clear and unambiguous. There is no argument that the statute itself suffers from some facial or as-applied constitutional infirmity. It is undisputed that Appellees submitted nomination petitions with fewer than the statutorily required number of signatures. Accordingly, under the Election Code, the trial court should have upheld the Erie County Board of Election's decision to reject Appellees' facially defective petitions. *See In re Guzzardi*, 99 A.3d 381, 386 (Pa. 2014) ("Pennsylvania courts may not mitigate the legislatively prescribed outcome through recourse to equity.").

The only basis given by Appellees and the trial court for disregarding the intent of the General Assembly is the COVID-19 pandemic. Appellees argue that the pandemic made it impossible for them to secure the required signatures. They contend that the Pennsylvania Supreme Court's decision in *Pennsylvania Democratic Party* can and should be applied to allow courts to dispense with the signature requirement in Section 912.1(19) of the Election Code. The limited holding in *Pennsylvania Democratic Party* was in response not to difficulty encountered by candidates or voters in complying with the Election Code during the pandemic but to delays in the United States Postal Service's delivery of mail-in and absentee ballots to the boards of elections that could have prevented votes from being counted. *Pennsylvania Democratic Party* cannot and should not be read as an open door for courts to excuse candidate or potential candidate noncompliance with the Election Code under principles of equity.

Like all other potential candidates across Pennsylvania, Appellants had three weeks — from February 16, 2021, to March 9, 2021 — to circulate their nomination petitions and secure the required signatures. They knew in advance that they would have to do so during a pandemic, which without question made the task more challenging than usual. They were, nonetheless, unable to secure the necessary signatures.

This result is consistent with this Court's memorandum opinion in *Tarshish v. Boockvar* (Pa. Cmwlth., No. 425 M.D. 2020, filed August 4, 2020) (single-judge, Wojcik, J.),⁴ wherein the Court considered an application for emergency relief (similar to that before the trial court in this matter) filed by a petitioner who sought to be placed on the November 3, 2020 General Election ballot as an independent candidate for United States House of Representatives from Pennsylvania's 4th Congressional District despite not having the requisite number of signatures on his nomination papers. In *Tarshish*, the petitioner averred that the COVID-19 pandemic had made it severely burdensome, if not virtually impossible, to collect the requisite signatures in order to be placed on the ballot, and he challenged the constitutionality of

⁴ Pursuant to Commonwealth Court Internal Operating Procedure § 414 (b) and (d), 210 Pa. Code § 69.414, a single-judge, unreported opinion in an election court matter "may be cited only for its persuasive value and not as binding precedent."

the Election Code's signature requirement during the pandemic on that basis. In rejecting the petitioner's arguments, the Court cited the United States District Court for the Eastern District of Pennsylvania's decision in *Libertarian Party of Pennsylvania v. Wolf* (E.D. Pa., Civ. Action No. 20-2299, filed July 14, 2020), *aff'd*, 813 Fed. Appx. 834 (3d Cir. 2020),⁵ noting that the district court had recently upheld the Election Code's signature requirements and rejected a request for virtually identical relief. In *Libertarian Party*, the district court determined that the burden on the plaintiffs in that case caused by the COVID-19 pandemic and accompanying state restrictions did not constitute a severe burden on the plaintiffs because they were not precluded from collecting signatures both before Governor Wolf issued Pennsylvania's stay-at-home order and after the Governor rescinded it — *i.e.*, from February 19, 2020, to March 23, 2020, and from June 5, 2020, through August 3, 2020, respectively. With regard to the matter now before the Court, the circumstances facing Appellees relating to the collection of signatures was even less burdensome than the circumstances facing the plaintiffs in *Libertarian Party* because, here, no stay-at-home order precluded Appellees from obtaining the required signatures.⁶

Accordingly, because the Board of Elections properly rejected Appellees' nomination petitions under Section 977 of the Election Code and Appellees have not established that there is a legal basis upon which the Court can grant relief under the circumstances, we must reverse the trial court's orders.

/s/ **P. Kevin Brobson, President Judge**

⁵ Though the Commonwealth Court, in its application of federal substantive law, is not bound by the decisions of federal district courts, federal circuit courts, or the courts of other states, it may cite such decisions when they have persuasive value. *Deshner v. Se. Pa. Transp. Auth.*, 212 A.3d 1179, 1186 (Pa. Cmwlth. 2019).

⁶ The Court takes judicial notice of the executive orders issued by Governor Wolf in response to the outbreak of COVID-19 across the Commonwealth.



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ACTION TO QUIET TITLE
MERIDIAN EXPLORATION CORPORATION and EV ENERGY PARTNERS, L.P. SHOULD TAKE NOTICE that David R. Arneman and June M. Arneman, husband and wife, and Nicholas R. Carone, individually, have filed a Complaint in Action to Quiet Title against them concerning an unsatisfied "Land as Security Agreement", dated April 27, 1990, and recorded on May 22, 1990, in Erie County Record Book 123, Page 86, pertaining to real property commonly known as 2770 Route 6N and part of 2650 Route 6N, Edinboro, Pennsylvania.

NOTICE TO DEFEND

TO: MERIDIAN EXPLORATION CORPORATION
EV ENERGY PARTNERS, L.P.
YOU ARE BEING SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.
YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO

HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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Erie, Pennsylvania 16506
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Apr. 23

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania 10659-2021 Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Cartrell Antonio Tate Jr. to Jax Cartrell Tate Francis.
The Court has fixed the 18th day of May, 2021 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.

Apr. 23

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 NORTH EAST AUTO GALLERY.

2. The address of the principal office is 85 West Main Street, North East, Pennsylvania 16428.
3. The names and address of all persons or parties to the registration are Harborecreek Auto Gallery, LLC, 6850 Buffalo Road, Harborecreek, Pennsylvania 16421, Erie County.
4. An application for registration of a fictitious name has been filed under the Fictitious Names Act.

Apr. 23

FICTITIOUS NAME NOTICE

1. Fictitious Name: Widget Financial
2. Address of the principal place of business, including street and number: 2154 East Lake Road, Erie, PA 16511
3. The real names and addresses, including street and number, of the entities who are parties to the registration: Widget Federal Credit Union, 2154 East Lake Road, Erie, PA 16511
4. An application for registration of a fictitious name under the Fictitious Names Act was filed on March 10, 2021, with the Department of State.

Apr. 23

LEGAL NOTICE

IN THE COURT OF COMMON
PLEAS OF ERIE COUNTY,
PENNSYLVANIA
DOCKET NO. 2021-10739
STEPHEN JONES, Petitioner
Type of Vehicle: 1975 CP Buick
V.I.N.: 4P67T5X150511

**MOTION FOR INVOLUNTARY
TRANSFER OF VEHICLE
OWNERSHIP**

AND NOW I, STEPHEN JONES, respectfully aver as follows:

1. I, STEPHEN JONES, am requesting ownership of a motor vehicle. My address is: 531 East 23rd Street, Erie, PA 16503.
2. The vehicle is identified as follows: Description, Year 1975, Make Buick, Model CP, Vehicle Identification Number 4P67T5X150511, Color red.
3. On or about October 2020, I obtained possession of the vehicle described in paragraph 2 above because it was abandoned on the property I bought at 622 East 24th Street, Erie, PA 16503.

4. I am unable to obtain a Certificate of Title from the Commonwealth of Pennsylvania, Department of Transportation for the following reasons: The owner has disappeared & cannot be located. Her last known address was Willie Mae Cheathams, 352 East 2nd Street, Apt # 2, Erie, PA 16507.

5. The individuals or entities and addresses who have or assert an interest in the above property are as follows: Willie Mae Cheathams, 311 East 25th Street, Erie, PA 16503. (Form DL-1 35 Request for Vehicle Information attached)

WHEREFORE, it is respectfully requested that the Court grant the above motion and award ownership of the above-referenced vehicle to me.

Respectfully submitted,

/s/ Stephen Jones

531 East 23rd Street

Erie, PA 16503

Telephone # (412) 894-5161

SCHEDULING ORDER

AND NOW, this 12th day of April, 2021, upon review of the Motion for Involuntary Transfer of Vehicle Ownership, a hearing is scheduled June 2, 2021 at 11:00 a.m., in Courtroom G of the Erie County Courthouse, 140 West 6th Street, Erie, PA 16501. The above party filing this motion is required to serve copies of the motion and this scheduling order on all interested parties and provide proof of service, or proof of publication if applicable, to the Court at the time of the hearing.

/s/ Judge Stephanie Domitrovich

Apr. 23



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

**Clerk of Records
Register of Wills and Ex-Officio Clerk of
the Orphans' Court Division, of the
Court of Common Pleas of Erie County, Pennsylvania**

The following Executors, Administrators, Guardians and Trustees have filed their Accounts in the Office of the Clerk of Records, Register of Wills and Orphans' Court Division and the same will be presented to the Orphans' Court of Erie County at the Court House, City of Erie, on **Wednesday, April 7, 2021** and confirmed Nisi.

May 19, 2021 is the last day on which Objections may be filed to any of these accounts.

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

2021 ESTATE

ACCOUNTANT

ATTORNEY

97	Terry L. Clover, a/k/a Terry Lee Clover	Emmitt E. Clover, Jr., Executor.....	Melissa L. Larese, Esq.
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KENNETH J. GAMBLE
Clerk of Records
Register of Wills &
Orphans' Court Division

Apr. 16, 23

ESTATE NOTICES

Notice is hereby given that in the estates of the decedents set forth below the Register of Wills has granted letters, testamentary or of administration, to the persons named. All persons having claims or demands against said estates are requested to make known the same and all persons indebted to said estates are requested to make payment without delay to the executors or their attorneys named below.

FIRST PUBLICATION

**CHASE, DONALD S.,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executor: Philip S. Chase, 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

**DASCANIO, LAURA,
deceased**

Late of Fairview Township, Erie County
Executrix: Patricia McMahon
Attorney: William J. Kelly, Jr., Esquire, 230 West 6th Street, Suite 201, Erie, PA 16507

**HICKS, ARTHUR G., JR., a/k/a
ARTHUR G. HICKS, a/k/a
ARTHUR GLENN HICKS,
deceased**

Late of the City of Erie, Erie County
Executrix: Mildred Williams
Attorney: Edwin W. Smith, Esq., Marsh Schaaf, LLP, 300 State Street, Suite 300, Erie, PA 16507

**HILL, DOLORES A.,
deceased**

Late of Millcreek Township, County of Erie, Commonwealth of Pennsylvania
Executrix: Kathleen M. Longenecker, 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

**KUNEMAN, WILLIAM J.,
deceased**

Late of Millcreek Township, County of Erie and Commonwealth of Pennsylvania
Executrix: Caprice L. Schroeck, 233 Pittsburgh Avenue, Erie, PA 16505-2135
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**LEONE, JOSEPH A., a/k/a
JOSEPH ANTHONY LEONE,
deceased**

Late of Millcreek Township, Erie County, Commonwealth of Pennsylvania
Executor: Jeffrey D. Scibetta, 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

**LINEBACH, ADAM, JR., a/k/a
ADAM LINEBACH,
deceased**

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

**MALLOY, ESTHER A.,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executor: Gerald Nelson, 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

**McFARLAND, ROSALIE MARIE,
deceased**

Late of the Borough of Wesleyville, County of Erie, Commonwealth of Pennsylvania
Administrator: Stephen M. Samec, c/o Leigh Ann Orton, Esquire, Orton & Orton, LLC, 68 East Main Street, North East, PA 16428
Attorney: Leigh Ann Orton, Esquire, Orton & Orton, LLC, 68 East Main Street, North East, PA 16428

**MILLER, JOYCE ANN, a/k/a
JOYCE A. MILLER, a/k/a
JOYCE A. MILLER PhD, a/k/a
JOYCE MILLER,
deceased**

Late of Millcreek Township, Erie County, Pennsylvania
Executrix: Norma Johnson, c/o Nadia A. Havard, Esq., 120 West Tenth Street, Erie, PA 16501
Attorney: Nadia A. Havard, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**MOUNTJOY, DONALD A.,
deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania
Co-executrices: Deborah Ann Roberts and Katherine Amelia Cioffi, 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

**OWENS, JAMES C., JR., a/k/a
JAMES C. OWENS, a/k/a
JAMES OWENS,
deceased**

Late of Harborcreek Township,
Erie County
Executrix: Angela Reisinger
Attorney: Steven E. George, Esq.,
Marsh Schaaf, LLP, 300 State
Street, Suite 300, Erie, PA 16507

**RAJECKI, RICHARD F., a/k/a
RICHARD FRANCIS REJECKI,
a/k/a RICHARD RAJECKI,
deceased**

Late of the Township of McKean
Executrix: Renee M. McDonald,
3008 Tamarack Drive, Erie, PA
16506
Attorney: Grant M. Yochim, Esq.,
24 Main Street East, P.O. Box 87,
Girard, PA 16417

**SCARPINO, ANNA M., a/k/a
ANN MARIE SCARPINO,
deceased**

Late of the City of Erie, County
of Erie
Executor: Richard Scarpino, Jr.,
2425 Dorn Road, Waterford,
Pennsylvania 16441
Attorney: Mary Payton Jarvie,
Esquire, CARNEY & GOOD,
254 West Sixth Street, Erie,
Pennsylvania 16507

**STOKES, MARGARET R.,
deceased**

Late of the Borough of North East,
County of Erie, Commonwealth of
Pennsylvania
Co-executors: Kathleen M.
Robbinson and David J.
Robbinson, 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

**THOMAS, HELEN ELIZABETH,
a/k/a HELEN E. THOMAS,
deceased**

Late of North East Township, Erie
County, Pennsylvania
Executor: Bruce D. Thomas,
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

**WEBER, BETTY J.,
deceased**

Late of the City of Erie, Erie
County, Pennsylvania
Executor: James Weber,
c/o Martone & Peasley, 150 West
Fifth Street, Erie, Pennsylvania
16507
Attorney: Joseph P. Martone,
Esquire, Martone & Peasley,
150 West Fifth Street, Erie,
Pennsylvania 16507

SECOND PUBLICATION

**BOZICH, MARY LOU,
deceased**

Late of Millcreek Township,
County of Erie and Commonwealth
of Pennsylvania
Executor: Anthony J. Bozich,
c/o Anthony R. Himes, Esquire,
2409 State Street, Suite 2A, Erie,
PA 16503
Attorney: Anthony R. Himes,
Esquire, Himes Law, 2409 State
Street, Suite 2A, Erie, PA 16503

**DiLUZIO, ANTHONY J., JR., a/k/a
ANTHONY JOSEPH DiLUZIO,
JR., a/k/a ANTHONY J. DiLUZIO,
deceased**

Late of the Township of Millcreek,
County of Erie, Commonwealth of
Pennsylvania
Executrix: Nancy J. Malena,
918 Wyoming Ave., Erie, PA
16505
Attorney: Valerie H. Kuntz, Esq.,
24 Main St. E., P.O. Box 87,
Girard, PA 16417

**GIORDANO, LOUIS J.,
deceased**

Late of the Township of Millcreek,
County of Erie and Commonwealth
of Pennsylvania
Executrix: Joni Marie Broadhead,
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

**GRAHAM, ELIZABETH M.,
a/k/a ELIZABETH GRAHAM,
deceased**

Late of Summit Township, County
of Erie and Commonwealth of
Pennsylvania
Administrator: Clark C. Graham,
c/o 504 State Street, Suite 300,
Erie, PA 16501
Attorney: Alan Natalie, Esquire,
504 State Street, Suite 300, Erie,
PA 16501

**HORNAMAN, RACHEL L.,
deceased**

Late of the City of Erie, County
of Erie and Commonwealth of
Pennsylvania
Co-executors: Margaret J. Muck,
4101 Vista Drive, Erie, PA 16506-
4045 and David F. Hornaman,
4053 Sir Andred Drive, Erie, PA
16506-3929
Attorneys: MacDonald, Illig, Jones
& Britton LLP, 100 State Street,
Suite 700, Erie, Pennsylvania
16507-1459

**LAIESKI, ADAM, JR., a/k/a
ADAM LAIESKI,
deceased**

Late of the City of Erie, County
of Erie, Commonwealth of
Pennsylvania
Administratrix: Patricia Macchia,
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

**LEONARD, MARTHA R., a/k/a
MARTHA RUTH LEONARD,
a/k/a MARTHA LEONARD,
deceased**

Late of the Township of Millcreek
Executrix: Cathy E. Miller,
1036 Northgate Drive, Erie, PA
16505
Attorney: Valerie H. Kuntz, Esq.,
24 Main Street East, P.O. Box 87,
Girard, PA 16417

**LINEBACH, ANNA,
deceased**

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

**LOPEZ, ALICE A., a/k/a
ALICE LOPEZ, a/k/a
ALICE ANN LOPEZ,
deceased**

Late of the City of Erie, County
of Erie and Commonwealth of
Pennsylvania
Co-administrators: Lisa N. Lopez
and Linn R. Rator, c/o 504 State
Street, Suite 300, Erie, PA 16501
Attorney: Alan Natalie, Esquire,
504 State Street, Suite 300, Erie,
PA 16501

**MATZ, JOHN R., a/k/a
JOHN MATZ,
deceased**

Late of the City of Erie
Executor: Grant M. Yochim,
24 Main Street East, Girard,
Pennsylvania 16417
Attorney: Grant M. Yochim, Esq.,
24 Main Street East, P.O. Box 87,
Girard, PA 16417

**MCCLEARY, DEWAYNE P., a/k/a
DEWAYNE MCCLEARY,
deceased**

Late of the McKean Boro, County
of Erie and Commonwealth of
Pennsylvania
Administratrix: Lorrie A. Baney,
c/o 504 State Street, Suite 300,
Erie, PA 16501
Attorney: Alan Natalie, Esquire,
504 State Street, Suite 300, Erie,
PA 16501

**O'MELIAN, VALJEAN M., a/k/a
VALJEAN O'MELIAN,
deceased**

Late of the City of Erie, County
of Erie and Commonwealth of
Pennsylvania
Executrix: Renee Wroblewski,
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

**REXFORD, CAROLYN,
deceased**

Late of the City of Erie, County
of Erie, Commonwealth of
Pennsylvania
Administrator: Richard T.
Rexford, 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

**SHAMP, THERESA F.,
deceased**

Late of the Township of Millcreek,
County of Erie, Commonwealth of
Pennsylvania
Co-executors: Toni M. Wisinski
and Marc A. Waldinger, 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

**SIDMAN, JOHN ROBERT, a/k/a
JOHN R. SIDMAN, a/k/a
JACK SIDMAN,
deceased**

Late of Millcreek Township, Erie
County, PA
Executrix: Christine DeLuca,
c/o Mary Alfieri Richmond, Esq.,
502 Parade Street, Erie, PA 16507
Attorney: Mary Alfieri Richmond,
Esq., 502 Parade Street, Erie, PA
16507

**SIPLE, JAMES COLIN,
deceased**

Late of Erie, Erie County, PA
Executrix: Karen P. Siple,
c/o Richard Winkler, Attorney,
123 North Franklin Street,
Titusville, PA 16354
Attorney: Richard Winkler,
Esquire, 123 North Franklin Street,
Titusville, PA 16354

**SWANSON, JOHN R., a/k/a
JOHN ROBERT SWANSON, a/k/a
JOHN SWANSON,
deceased**

Late of the Township of Millcreek,
County of Erie, Commonwealth of
Pennsylvania
Executrix: Shirley D. Adams,
3305 Aberdeen Avenue, Erie,
Pennsylvania 16506
Attorney: Grant M. Yochim, Esq.,
24 Main St. E., P.O. Box 87,
Girard, PA 16417

**WAXHAM, OWEN OLIVER,
a/k/a OWEN O. WAXHAM, a/k/a
OWEN WAXHAM,
deceased**

Late of the Borough of Lake City,
County of Erie, Commonwealth of
Pennsylvania
Co-executrices: Sarena Lou
Bensur, 316 Church Street,
Girard, PA 16417 and Rebecca
Jean Radaker, 5651 Platz Road,
Fairview, PA 16415
Attorney: Grant M. Yochim, Esq.,
24 Main St. E., P.O. Box 87,
Girard, PA 16417

TRUST NOTICES

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

**MEHLER, MARY K. JEAN, a/k/a
MARY KATHRYN MEHLER,
deceased**

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

Trustee: Catherine A. Carlett

Attorney: John J. Shimek, III, Esquire, 345 West 6th Street, Erie, PA 16507

THIRD PUBLICATION

**EVANOFF, LAWRENCE, JR., a/k/a
REV. LAWRENCE EVANOFF,
a/k/a LAWRENCE L. EVANOFF,
deceased**

Late of Waterford Boro, Erie County, Commonwealth of Pennsylvania

Executrix: Diane Kubicek, 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

**FEDEROFF, VICTOR,
deceased**

Late of Millcreek Township, Erie County

Executor: Kurt A. Federoff

Attorney: Norman A. Stark, Esq., Marsh Schaaf, LLP, 300 State Street, Suite 300, Erie, PA 16507

**FISCUS, MARY J., a/k/a
MARY JOYCE FISCUS,
deceased**

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

Executor: Donald G. Fiscus, 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

**HATHEWAY, KATHLEEN,
deceased**

Late of the City of Erie, Erie County, Pennsylvania

Executor: David Hatheway, 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

**HERRMANN, HAROLD E.,
deceased**

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

Executrix: Amy L. Herrmann, 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

**HOWELL, JULIA A.,
deceased**

Late of the City of Erie, Erie County, Pennsylvania

Executor: Robert G. Howell, 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

**KILLIAN, AUDREY K., a/k/a
AUDREY J. KILLIAN, a/k/a
AUDREY KILLIAN,
deceased**

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

Executor: Richard A. Killian, Jr., 7521 Anchor Drive, Fairview, PA 16415

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

**KURTIS, BARBARA A.,
deceased**

Late of the City of Erie

Co-executrices: Anna M. Harvey, 2314 Sassafras St., Apt. 409, Erie, PA 16502 and Bernadine M. Fetzner, 4527 Perkins St., Erie, PA 16509

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

**LANZ, SALLY JANE, a/k/a
SALLY J. LANZ,
deceased**

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

Executrix: Margaret E. Cole, c/o David R. Devine, Esq., 201 Erie Street, Edinboro, PA 16412

Attorney: David R. Devine, Esq., 201 Erie Street, Edinboro, PA 16412

**LINIEWICZ, LEON,
deceased**

Late of the Township of Millcreek, Erie County, Pennsylvania

Executrix: Nadine Comeau, c/o Martone & Peasley, 150 West Fifth Street, Erie, Pennsylvania 16507

Attorney: Joseph P. Martone, Esquire, Martone & Peasley, 150 West Fifth Street, Erie, Pennsylvania 16507

**MAYNARD, JEFFREY P.,
deceased**

Late of North East Township,
Erie County
Co-administratrix: Tina Maynard
and Andrea L. Maynard
Attorney: Steven E. George, Esq.,
Marsh Schaaf, LLP, 300 State
Street, Suite 300, Erie, PA 16507

**SAPP, SUE JANE, a/k/a
SUJAYNE SAPP, a/k/a
SUE J. SAPP, a/k/a SUE SAPP,
deceased**

Late of the City of Erie
Executor: Mark C. Adams,
405 West 6th Street, Erie, PA
16507
Attorney: Grant M. Yochim, Esq.,
24 Main Street East, P.O. Box 87,
Girard, PA 16417

**SORTH, MARY EMMA,
deceased**

Late of Millcreek Township,
County of Erie and Commonwealth
of Pennsylvania
Executrix: Carolyn Bauer
Attorney: David J. Rhodes,
Esquire, ELDERKIN LAW FIRM,
456 West 6th Street, Erie, PA
16507

**TARKOWSKI, GERTRUDE A.,
a/k/a GERTRUDE TARKOWSKI,
deceased**

Late of the City of Erie, County
of Erie, Commonwealth of
Pennsylvania
Executor: Robert David
Tarkowski, Jr., 28 Kellogg Street,
Erie, Pennsylvania 16508
Attorney: Grant M. Yochim, Esq.,
24 Main St. E., P.O. Box 87,
Girard, PA 16417

**ZATKOFF, HARRY,
deceased**

Late of the Township of
Harborcreek, Erie County,
Pennsylvania
Executor: Brian Zatkoff,
c/o Martone & Peasley, 150 West
Fifth Street, Erie, Pennsylvania
16507
Attorney: Joseph P. Martone,
Esquire, Martone & Peasley,
150 West Fifth Street, Erie,
Pennsylvania 16507

TRUST NOTICES

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

**VIEIRA, AUDREY A., a/k/a
AUDREY ARLENE VIEIRA,
deceased**

Late of the City of Erie, County
of Erie and Commonwealth of
Pennsylvania
Trustees: James A. Vieira and
Therese A. Vieira
Attorney: H. Valentine Holz II,
Esquire, The Holz Law Firm, 8331
Edinboro Road, Erie, PA 16509

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CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

JUSTIN L. MAGILL814-461-6414
 Magill Law Ltd
 2820 W. 23rd St., Suite 100
 Erie, PA 16506*jmagill@magill-law821.com*

BRYAN D. FIFE814-833-2222
 Quinn Law Firm.....(f) 814-833-6753
 2222 W. Grandview Blvd.
 Erie, PA 16506*bfife@quinnfirm.com*

ANDREW F. GORNALL.....814-602-4680
 Gornall Law, LLC.....(f) 814-835-8223
 2535 West 26th Street, Suite B
 Erie, PA 16506*agornall@gornall-law.com*

ATTENTION ALL ATTORNEYS

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