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# ERIE COUNTY LEGAL JOURNAL

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In the Matter of the Estate of Raymond E. Crilley  
a/k/a Raymond E. Crilley, Sr.

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## 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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### MONDAY, MARCH 21, 2022

Strategy/Mission Statement Meeting  
Noon  
ECBA Headquarters live (must RSVP)  
or via Zoom

### TUESDAY, MARCH 22, 2022

Live ECBA Lunch-n-Learn Seminar  
*Forensic Meteorology:  
Revealing Weather-Related Truths*  
Noon - 1:00 p.m.  
The Will J. Schaaf & Mary B. Schaaf  
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### WEDNESDAY, MARCH 23, 2022

Workers' Compensation Section Meeting  
4:00 p.m.  
ECBA Headquarters in-person (must RSVP)  
or via Zoom

### THURSDAY, MARCH 24, 2022

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

### FRIDAY, MARCH 25, 2022

Erie County Law Foundation Board Meeting  
Noon  
ECBA Headquarters live (must RSVP)  
or via Zoom

### MONDAY, MARCH 28, 2022

ECBA Board of Directors Meeting  
Noon  
ECBA Headquarters live (must RSVP)  
or via Zoom

### TUESDAY, MARCH 29, 2022

Law Day Committee Meeting  
Noon  
ECBA Headquarters live (must RSVP)  
or via Zoom

### WEDNESDAY, MARCH 30, 2022

Live ECBA Seminar  
*Data Privacy and Information Security:  
Current Issues and Trends*  
5:00 - 6:00 p.m.  
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### THURSDAY, MARCH 31, 2022

Live ECBA Lunch-n-Learn Seminar  
*The Burned Out Lawyer: Recognition and  
Prevention Strategies in the COVID-19 World*  
Noon - 1:00 p.m.  
The Will J. Schaaf & Mary B. Schaaf  
Education Center in-person or via Zoom  
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**IN THE MATTER OF THE ESTATE RAYMOND E. CRILLEY  
A/K/A RAYMOND E. CRILLEY, SR.**

*WILLS / VALIDITY*

In making a will, an individual may leave his or her property to any person or charity, or for any lawful purpose he or she wishes, unless he or she lacked mental capacity, or the will was obtained by forgery or fraud or undue influence or was the product of a so-called insane delusion.

*WILLS / VALIDITY / EXECUTION*

With regard to undue influence, once the proponent of a will establishes proper execution of the same and the will is probated, a presumption of validity arises.

*WILLS / ACTIONS*

The contestant of the will has the burden of proving undue influence by establishing by clear and convincing evidence that: (1) the testator suffered from a weakened intellect; (2) the testator was in a confidential relationship with the proponent of the will; and (3) the proponent receives a substantial benefit from the will in question.

*WILLS / ACTIONS*

If the contestant of a will proves each of the elements of undue influence, the burden shifts back to the will's proponent to show, by clear and convincing evidence, the absence of undue influence.

*WILLS / ACTIONS*

With regard to the first element of an undue influence claim, weakened intellect, the same is typically accompanied by persistent confusion, forgetfulness and disorientation. Undue influence is generally accomplished by a gradual, progressive inculcation of a receptive mind. The testator's mental condition on the date of the will's execution is not as significant as it is when considering testamentary capacity; remote mental history has more credence when considering undue influence.

*WILLS / ACTIONS*

A confidential relationship exists where the parties did not deal on equal terms, but on the one side there is an overmastering influence, or, on the other, weakness, dependence or trust, justifiably reposed.

*WILLS / VALIDITY*

With regard whether or not the proponent of a testamentary writing receives a "substantial benefit", it may be said no hard or fast rule can be laid down. The court's finding must depend on the circumstances of each particular case.

*WILLS / ACTIONS / PARTIES*

The personal representative of an estate has a duty to see that purely private interests are not advanced to the estate's detriment.

*WILLS / ACTIONS / PARTIES*

The court shall have exclusive power to remove a personal representative when, for any reason, the interests of the estate are likely to be jeopardized by his continuation in office.

**IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA  
ORPHAN'S COURT DIVISION  
DOCKET NO. 238-2019**

Appearances: Alan Natalie, Esq. for Petitioners, Barry L. Crilley, Richard E. Crilley, Joseph P. Crilley, Mary M. Crilley, and Melissa M. Linville-Thatcher  
Anthony Angelone, Esq. for Respondent and Executor, Paul M. Crilley

**OPINION**

Kelly, J.,

November 15, 2021

Before the Court are the Petitions to Contest Codicil and to Remove Paul M. Crilley as Executor of Estate filed jointly by Barry L. Crilley, Richard E. Crilley, Joseph P. Crilley, Mary M. Crilley, and Melissa M. Linville-Thatcher. Petitioners request that the court invalidate a February 21, 2019 writing admitted to probate as a codicil ("Codicil") to the September 6, 2017 will ("Will") of Raymond E. Crilley ("Decedent"). Specifically, Petitioners allege that the writing was procured by Paul M. Crilley via undue influence duress, constraint, fraud or scheme at a time when Decedent lacked sound mind or testamentary capacity to execute the same. Petitioners further request the removal of Paul M. Crilley as Executor, alleging that his self-serving conduct resulted in execution of the Codicil.

In July of 2017, Decedent was diagnosed with non-alcoholic cirrhosis of the liver, as well as a coronary artery condition. His diagnosis eventually included liver cancer, specifically, hepatocellular carcinoma. On September 6, 2017, Decedent designated his son, Paul M. Crilley, as his power of attorney and he executed the Will which, in relevant part, appointed Paul as Executor of his Estate. The Will further detailed specific bequests of \$5,000 to the Pennsylvania State University Agricultural Education Scholarship Fund, \$5,000 to the Albion Area Fair, and the real estate known as 4959 Nye Road in Springfield Township to his son, Barry L. Crilley. *See* Petitioner's Exhibit 4, *Last Will and Testament of Raymond E. Crilley*. Pursuant to the Will, the residue of the estate was devised "in seven equal shares, six of which are to my son, Raymond E. Crilley, Jr., of Kansas City, Missouri; my son, Barry L. Crilley, my son, Richard E. Crilley, of Little Elm, Texas; my son, Paul M. Crilley, of Albion, Pennsylvania; my son, Joseph P. Crilley, of Jefferson City, Missouri; and my son, Kirk Hudacky, of Greenville, Pennsylvania; and the seventh share, one-third of which is bequeathed and devised to my daughter, Mary M. Crilley, of Little Elm, Texas, and two-thirds of which shall be devised and bequeathed to my granddaughter, Melissa M. Linville-Thatcher, of East Springfield, Pennsylvania." *See* Petitioner's Exhibit 4. The Will further provides: "I make no provision in this Will for my wife, T. Augusta Gordon, only as her physical ailments have precluded her from being able to hold and enjoy my residential property in East Springfield."<sup>1</sup> *See* Petitioner's Exhibit 4. The September 6, 2017 Last Will and

<sup>1</sup> In 2014, Attorney Evan Adair prepared a will for Decedent which included a provision of specific bequest of all of the furnishings and contents of his residence to his wife, T. Augusta Gordon. Regarding his personal residence, the 2014 will provided as follows:

I give and devise my residential real estate, commonly known as 1881 Eagley Road, East Springfield, Pennsylvania, including tools and equipment related directly to maintenance of the residential property (this not including farm equipment and tools), in equal share, to my wife, T. Augusta Gordon, and my son, Paul M. Crilley of Albion, Pennsylvania, subject to both of the two following provisions:



Testament of Raymond E. Crilley, as well as a February 21, 2019 instrument titled Specific Directive Codicil to the Last Will and Testament of Raymond E. Crilley Sr., were admitted to probate and filed of record as Decedent’s last will and codicil. *See* Petitioner’s Exhibit 3, *Petition for Grant of Letters*, filed March 27, 2019; *see also* Petitioner’s Exhibit 1, *Deposition of Evan Adair, Esquire*, at p. 64. The Codicil identifies the September 6, 2017 Will as Decedent’s last will and testament and provides: “I give and devise my real estate commonly known as 1881 Eagley Road in Springfield Township, Erie County, Pennsylvania to my son, Paul Matthew Crilley, of Albion, Pennsylvania. The remaining provisions in my Last Will and Testament will remain unchanged.” *See* Petitioner’s Exhibit 5, *Specific Directive Codicil to the Last Will and Testament of Raymond E. Crilley Sr.*

Evan Adair, Esquire, who had for nearly 40 years handled numerous legal matters for decedent (including multiple engagements for estate planning), prepared the September 6, 2017 Will which was admitted to probate.<sup>2</sup> *See* Petitioner’s Exhibit 1, *Deposition of Evan Adair, Esquire*, at p. 19. Attorney Adair did not have any involvement in the preparation or execution of the Codicil. *See* Petitioner’s Exhibit 1, *Deposition of Evan Adair, Esquire* at 53. He did not know that the Codicil existed and was surprised to see the same after the Decedent’s death. *See id.* at 55-56. Paul M. Crilley, the Codicil’s beneficiary, created the same. *See* October 29, 2021 testimony of Paul M. Crilley.

On March 1, 2019, eight days after signing the Codicil, the Decedent died.

### **DISCUSSION**

“In making a will, an individual may leave his or her property to any person or charity, or for any lawful purpose he or she wishes, unless he or she lacked mental capacity, or the will was obtained by forgery or fraud or undue influence or was the product of a so-called insane delusion.” *Estate of Nalaschi*, 90 A.3d 8, 11 (Pa. Super. 2014).

#### **A. Undue Influence**

With regard to undue influence, Pennsylvania law provides that, once the proponent of a will establishes proper execution of the same and the will is probated, a presumption of validity arises. *See In re Estate of Smaling*, 80 A.3d 485, 493 (Pa. Super. 2013) (citations omitted); *see also Burns v. Kabboul*, 595 A.2d 1153, 1162 (Pa. Super. 1991). Thereafter, the contestant of the will has the burden of proving undue influence by establishing by clear and

<sup>1</sup> continued

- (1) T. Augusta Gordon shall have the right to reside undisturbed in the residence for her life or until she agrees in writing to termination of this right, subject to her maintenance of casualty and liability insurance on the premises and her timely payment of all real estate taxes, assessments, insurance premiums and costs of repair and/or maintenance of the residence; and
- (2) In the event either T. Augusta Gordon or Paul M. Crilley shall wish to sell her or his one-half interest, such interest must first be offered to the other co-owner, who shall have the right to in the purchase such one-half interest for the sum of \$100,000.00, adjusted by increases in the U.S. Bureau of Labor Statistics’ Consumers Price Index-All Urban Consumers between January 1, 2015 and the first day of the month preceding that in which such purchase is made.

Should my wife, T. Augusta Gordon, predecease me or fail to survive me by six (6) months, then, in that event, this gift and devise shall be made solely to Paul M. Crilley, in this event neither of the above provisions being applicable.

*See* Exhibit Adair 8; *see also* Petitioner’s Exhibit 1, *Deposition of Evan Adair, Esquire*, at pp. 19, 39-40 and 56.

<sup>2</sup> Attorney Adair first represented Decedent in the latter part of 1979 in a custody/partition case. *See* Petitioner’s Exhibit 1, *Deposition of Evan Adair, Esquire*, at p. 6. Thereafter, he handled a variety of legal affairs for Decedent, including estate planning, business affairs, family law and real estate transactions. *See id.* at 13-14, 26 and 31. Attorney Adair began assisting Decedent with his estate planning more than 30 years prior to his death. *See id.* at 14. The last time that Attorney Adair was directly engaged by Decedent was in January of 2018 to effectuate the transfer of the Nye Road property to Barry as detailed by specific devise in the Will. *See id.* at 43.

convincing evidence that: (1) the testator suffered from a weakened intellect; (2) the testator was in a confidential relationship with the proponent of the will; and (3) the proponent receives a substantial benefit from the will in question. *See id.* If the contestant proves each of the elements of undue influence, the burden shifts back to the will’s proponent to show, by clear and convincing evidence, the absence of undue influence. *See id.*

The Codicil was admitted to probate and its execution was not disputed. As a result, the Petitioners have the burden of proving undue influence.

#### **(1) Weakened Intellect**

With regard to the first element of an undue influence claim, weakened intellect, the same “is typically accompanied by persistent confusion, forgetfulness and disorientation.” *See In re Estate of Smaling*, 80 A.3d at 493 *quoting In re Estate of Fritts*, 906 A.2d 601, 607 (Pa. Super. 2006). Moreover, as undue influence is “generally accomplished by a gradual, progressive inculcation of a receptive mind,” the testator’s mental condition on the date of the will’s execution is not as significant as it is when considering testamentary capacity; remote mental history has more credence when considering undue influence. *In re Estate of Smaling* at 498; *see also Estate of Fabian*, 222 A.3d 1143, 1150-51 (Pa. Super. 2019).

In late November of 2018, the Decedent was discovered in New York disoriented and driving the wrong way on the interstate. Decedent expressed his belief that he was in the area of his East Springfield, Pennsylvania home and that he was returning to the same. Thereafter, on November 20, 2018, the Decedent was seen by his primary care physician, Dr. David C. Hutzel, who entered into a “gentleman’s agreement” with Decedent that he would not drive. At the visit, Dr. Hutzel noted that, in conjunction with his liver disease, Decedent was having “episodic significant hepatic encephalopathy” and “has classic symptoms of a waxing and waning mental status.” *See* Hutzel Exhibit 6, Hutzel Raymond E. Crilley Progress Notes. Dr. Bradley Fox, who was accepted by the parties as an expert in medicine and family medicine, testified that hepatic encephalopathy is caused by elevations of liver enzymes within the brain and that, with cirrhosis and hepatocellular carcinoma, high levels of ammonia are the cause of the encephalopathy. *See* Petitioner’s Exhibit 2, *Deposition of Bradley Fox, M.D.*, July 28, 2021, at p. 22. With regard to the same, Dr. Fox testified:

As ammonia levels rise, cognition fails. The synapses in the brain don’t connect, and a person who has high ammonia levels becomes extremely fatigued, drowsy, sleeps. When they’re awake, their cognition is hazy at best, typically not even that. They become — if you read the medical literature, “goofy” is actually a word that’s used within the medical literature to describe how they are, because they make incoherent commentary. They do not recognize things. The don’t even recognize themselves at times, because the synapses in the brain with an elevated level of ammonia are not able to appropriately or correctly transmit the neurotransmitters and, therefore, the right brain waves and right function to get coherent thoughts through.

*Id.* at 20. Dr. Fox further testified that encephalopathy cannot be undone — once it occurs, the patient would always be encephalopathic at some level. *Id.* at 42-44. He further opined that Decedent, at seventy-eight years old with untreated cirrhosis and hepatocellular carcinoma who already had encephalopathy at earlier stages of disease, would have worsening

encephalopathy as the cirrhosis got worse. *Id.* at 35-37.

In December of 2018, Decedent was confused with regard to a stay at the Cleveland Clinic. Specifically, when his son, Barry, arrived to take him home, Decedent refused to sign the discharge papers because he insisted that they were financial papers. Moreover, Decedent insisted on the ride home that Barry was driving the wrong way, and, then, the following day he spent the entire day on the phone calling the hospital and demanding to speak with the people who provided his care because he didn't want to pay since they didn't fix him. In order to facilitate Decedent's discharge from the hospital during that visit, Barry had to ensure hospital staff that someone would be with Decedent 24/7. During the following week, Paul Crilley disclosed to Barry that he had assumed responsibility for writing checks for Decedent as some had bounced. In addition, Barry saw checks written out improperly by Decedent just laying around Decedent's house and he saw overdue bills.

Also in December of 2018, Melissa Thatcher observed Decedent repeatedly attempting to use the phone as the television remote and refusing to accept her explanation of the problem. Around the same time, Ms. Thatcher observed an improperly written check by Decedent and Paul disclosed to her that Decedent had missed payments on his Lincoln, overdrafted his checking account and placed a check in an envelope to the wrong creditor.

On December 14, 2018, Attorney Adair had a telephone conference with Decedent and Paul, initiated by Paul, which caused him to conclude that Decedent would not be able to handle an in-person meeting. *See* Petitioner's Exhibit 1, *Deposition of Evan Adair, Esquire*, at 46-47 and 52. Attorney Adair described the Decedent as being present, but in a weakened state and not really participating. *See id.* at 47-48 and 68. Meanwhile, Decedent's demeanor prior to mid-year in 2018 was universally described by witnesses as intelligent, engaging and humorous.<sup>3</sup>

Melissa Thatcher testified that progressively through 2018 the Decedent became less conversational and that his awareness came and went. She detailed how he became very forgetful with regard to the weekly Friday errands that she took him on. Specifically, he would forget where they needed to go while they were out and forget what they needed to do when they got someplace. She explained that the Decedent really declined after Christmas of 2018. During most of her January and February 2019 visits to Decedent, he slept often and it was difficult to engage him in conversation; everything happened around him, but he wasn't engaging. During this time, he was easily confused and would get frustrated and stop talking. Ms. Thatcher indicated that she often wondered if Decedent even knew who family members were because he wouldn't even call people by name. Decedent, at one point, referred to Paul's girlfriend, Sherry, who was part of the family for eight years, as the visiting nurse. Ms. Thatcher observed that Decedent declined severely the entire month of February 2019, such that he was rarely awake, didn't have clear conversations and would sit at the table and smile, but would not interact with anybody. Ms. Thatcher further testified that on February 20, 2021, the night before the codicil was signed, the Decedent did not engage in conversation at dinner and was hardly able to hold himself up. Afterwards, while Ms. Thatcher, who Decedent treated like one of his own children, was at Decedent's bedside, he asked her "how am I related to you?"

<sup>3</sup> For example, Decedent's older brother, Joseph Crilley, described the Decedent as "very outgoing, very much, and very personable, very intelligent, could carry on a conversation with virtually anybody." Respondent's Exhibit 8, *Deposition of Joseph Crilley*, June 30, 2021 at 18. These statements echo comments of nearly every witness who knew Decedent.

Based upon all of the foregoing evidence presented by Petitioners, they clearly established that Decedent suffered from a weakened intellect in the timeframe leading up to signing the Codicil. In opposition to such a finding, Paul M. Crilley presented his own testimony, that of his girlfriend, Sherry Kent, the testimony of Duane Regelmarm, the deposition testimony of Joseph Crilley and the deposition testimony of Dr. David Hutzel.

Respondent's witnesses testified to specific interactions with Decedent during the last two months of his life wherein they did not believe that the Decedent was confused. Perhaps the most compelling of these interactions is the deposition testimony of Dr. David C. Hutzel.<sup>4</sup> Dr. Hutzel, who was accepted as an expert in internal medicine by the parties, and who acted as Decedent's primary care physician for 12 years, testified to his last visit with Decedent, which occurred on January 11, 2019. *See* Respondent's Exhibit 9, *Notes of Testimony of Videotaped Deposition of Dr. David C. Hutzel*, August 12, 2021; *see also* Deposition Exhibit 2. Dr. Hutzel reported that Decedent's demeanor, alertness, and mental acuity on January 11, 2019 were "excellent." *See* Respondent's Exhibit 9 at 17. Dr. Hutzel relayed how Decedent became tearful as he talked about his farm and that Decedent further asked about Dr. Hutzel's family and referred to Dr. Hutzel's children by their names. *See id.* at 17-19. Nevertheless, while Dr. Hutzel's testimony depicts the Decedent's mental clarity on January 11, 2019, the undersigned is not convinced that Decedent did not suffer from weakened intellect which could subject him to undue influence. As Dr. Hutzel testified, Decedent was suffering from a condition which would cause his mental clarity to come and go. Dr. Hutzel specifically noted that Decedent's confusion from the onset of the hepatic encephalopathy would "wax and wane." *See id.* at 25-26. He further testified that discretion had to be used in the administration of the Lactulose used to treat Decedent's encephalopathy based upon the variations in the patient's clarity and that, even with compliance with prescribed dosages, patients with encephalopathy can still have the symptoms of confusion and poor cognition, even to the point of debilitation. *See id.* at 83. He further testified: "I think the lactulose would have worked well, but it wouldn't necessarily keep the ammonia under control or prevent hepatic encephalopathy every single day. I would say that it — it typically works well, but it's — it — this is not a — this is not a perfect medicine." *See id.* at p.29. Considered in conjunction with the expert testimony of Dr. Fox that, once encephalopathy begins, it is always present at some level and that it would worsen along with the Decedent's underlying liver disease, the court is not convinced by the January 11, 2019 episode of mental clarity, or the other relayed specific encounters of witnesses, that Decedent did not suffer from weakened intellect.

Both Paul and his girlfriend, Sherry Kent, testified more generally that, once they moved in with Decedent in December of 2018 and Paul began to monitor Decedent's medication that they did not observe any confusion in Decedent. Paul opined that the November driving incident was the result of the Decedent failing to take his Lactulose medication as prescribed, but with him assisting with the medication that Decedent's mental acuity improved and he was better in January of 2019 than he had been the two previous months. Ms. Kent testified that, in January of 2019, Decedent seemed as sharp as ever — he watched CNN every day and talked about politics and was able to interact with visitors — and that, in February, she didn't notice a change mentally — Decedent recognized her, Paul, their son and he knew

<sup>4</sup> Petitioners filed of record Petitioners' Objection to Opinion Evidence of Dr. David Hutzel. To the extent that the same was not addressed of record, it was denied prior to review of Dr. Hutzel's deposition testimony.

where he was. Sherry testified that, when the codicil was signed, Decedent was alert, oriented and aware of everything going on around him. It is noteworthy that both Paul and Ms. Kent have an interest in the outcome of these proceedings.<sup>5</sup> With the aforementioned contradictory evidence regarding Decedent's mental clarity in the last months prior to death, as well as the testimony of both experts that the encephalopathy would come and go and Dr. Fox's opinion that it would worsen with Decedent's condition, the testimony of no observations of confusion is incredible.

It would be remiss not to consider specifically the testimony of Duane Regelman, who witnessed Decedent sign page 3 of the Codicil. Mr. Regelman believes that the Decedent recognized him and noted that he didn't address him by name, but by saying "Hi, neighbor," which he asserts was his usual greeting. Mr. Regelman testified that Paul read the Codicil to he and Decedent and that, when he was done, Mr. Regelman asked Decedent if that is what he wants, to which Decedent responded "yes." Mr. Regelman has "no doubt" that Decedent knew what he was saying. Nevertheless, Decedent did not discuss the contents of the Codicil with Mr. Regelman or say that he wanted Paul to have the house. Moreover, Mr. Regelman was present in Decedent's home for only 40-45 minutes on the day that the Codicil was executed. Prior to this encounter, Mr. Regelman had not even seen the Decedent in several weeks. Meanwhile, the testator's mental condition on the date of execution is not as significant when considering undue influence because such influence generally occurs through a "gradual, progressive inculcation of a receptive mind" such that "[t]he 'fruits' of the undue influence may not appear until long after the weakened intellect has been played upon." *In re Clark's Estate*, 334 A.2d 628, 634 (Pa. 1975). In this respect, Mr. Regelman's impression of the Decedent's overall mental weakness for purposes of whether he could be subject to undue influence is extremely limited. With such a limited encounter, Mr. Regelman would not know whether, in the weeks prior to February 21, 2019, Decedent's mental state could have rendered him susceptible to undue influence to induce the production and execution of the Codicil.

Accordingly, it is clear that the Decedent suffered from weakened intellect.

## **(2) Confidential Relationship**

A confidential relationship exists where "the circumstances make it certain that the parties did not deal on equal terms, but on the one side there is an overmastering influence, or, on the other, weakness, dependence or trust, justifiably reposed." *In re Estate of Smaling*, 80 A.3d 485, 498 (Pa. Super. 2013) quoting *In re Estate of Clark*, 334 A.2d 628, 633 (Pa. 1975). "A confidential relationship is created between two persons when it is established that one occupies a superior position over the other — intellectually, physically, governmentally, or morally — with the opportunity to use that superiority to the other's disadvantage." *In re Estate of Smaling*, 80 A.3d at 498 quoting *In re Estate of Thomas*, 344 A.2d 834, 836 (1975). "[S]uch a relationship is not confined to a particular association of parties, but exists whenever one occupies toward another such a position of advisor or counselor as reasonably to inspire confidence that he will act in good faith for the other's interest." *Id.* quoting *Estate of Keiper*, 454 A.2d 31, 33 (Pa. Super. 1982), quoting *Silver v. Silver*, 219 A.2d 659, 662 (Pa. 1966).

<sup>5</sup> While Ms. Kent may not directly benefit financially, she would like for her son to remain enrolled in the school where he is presently attends due to the address of the property devised by the Codicil.

It is relevant that Paul Crilley acted as power of attorney for Decedent. In this respect it is clear that Decedent placed trust in Paul to act in good faith for his interest. Such a relationship is indicative of a confidential relationship. *See In re Estate of Fritts*, 906 A.2d 601, 608 (Pa. Super. 2006) ("The clearest indication of a confidential relationship is that an individual has given power of attorney over her savings and finances to another party."). Nevertheless, while they are facts to be considered, neither the existence of a power of attorney nor the existence of a parent-child relationship are alone sufficient to establish a confidential relationship. *See In re Estate of Luongo*, 823 A.2d 942, 964 (Pa. Super. 2003); *see also Estate of Gilbert*, 492 A.2d 401, 404 (Pa. Super. 1985).

Paul, from at least December of 2018, took on an active role in many aspects of Decedent's life, including his finances, his health care, his calendar and, most telling, communications with Decedent's attorney. Paul testified that, from November of 2018, he managed the Decedent's checkbook. Paul, in December of 2018, moved his family into Decedent's residence in order to provide for Decedent's care. Meanwhile, all of decedent's other children lived remotely and visited infrequently, increasing decedent's reliance on Paul. Paul was very active in the Decedent's health care. Dr. Hutzel testified that the last year or two of decedent's life, Paul attended every appointment. *See Deposition of Dr. David C. Hutzel*, August 12, 2021 at p. 26. Paul spoke with Dr. Hutzel frequently and even had his cell phone number. *See Deposition of Dr. David C. Hutzel*, August 12, 2021 at p. 42. It was primarily Paul, rather than decedent, who communicated to Dr. Hutzel regarding Decedent's compliance with Lactulose. *See id.* at p. 54-56. Paul, rather than the Decedent, managed all of the Decedent's medication and Paul instructed any family members who were present with the Decedent in his absence on the same. Similarly, when Decedent's son, Pete, and Ms. Thatcher took Decedent for a medical appointment, they called Paul so that he could be on the phone for the same. Paul and his girlfriend Sherry provided for Decedent's care from December of 2018 through his death, not even calling for hospice care until three days before he died, despite a January referral for the same. Moreover, Paul assumed an active role in Decedent's legal affairs. The last legal work that Attorney Adair completed for Decedent was in January of 2018. Attorney Adair testified, however, to contacts initiated by Paul regarding Decedent's affairs in late 2018 and 2019. *See* Petitioner's Exhibit 1, Deposition of Evan Adair, Esquire at 46-48, 52 and 67-68. Attorney Adair relayed his impressions regarding one particular telephone discussion as occurring on December 14, 2018. During the same, Attorney Adair described the Decedent as being present but in a weakened state and not really participating, and he described the meeting as follows:

Q: Any discussion within that conversation about preparing any amendments to his last will and testament?

A (by Attorney Adair): These are — and, again, let me just preface this, because I don't want to step on confidentiality of a client. [Decedent] participated in the discussion. [Decedent] participated and was on the line during the discussion by phone on December 14, 2018. But he obviously was weakened in condition. And I was not inclined to try to make anything harder for him. The questions were essentially questions we all had. So a variety of questions were asked, and I responded as best I could to those questions.

Q: Did those questions involve estate planning services, including amendments to his will?

A: They involved estate planning related questions. [Decedent] never asked about revising his will. The question that was asked about doing an irrevocable trust or placing the real estate in joint title. I mean, my notes indicate that I was asked by Paul if the real estate could be placed in joint title. I said — (court reporter requests clarification) — If the real estate could be placed in joint title. And I mean Paul and [Decedent]. And I responded that that would conflict with the statements and intentions in the will. I was asked about whether it could be an irrevocable trust. I expressed an opinion that I didn't see any point at all in an irrevocable trust. And that an irrevocable trust would not accomplish much at all unless — you know, that a will couldn't be handled. There was some kind of discussion about whether the real estate should be sold. And I said they could agree to it. But terms should be set at the time of sale, not after [Decedent's] passing. And so basically I was being asked questions, and I was answering as best I could those questions.

Q: Were these questions directed at you mainly by Paul Crilley?

A: Yes.

*See id.* at 47-48. Attorney Adair was clear that Decedent did not say much of anything during the December of 2018 meeting and that the discussion was driven by Paul's questions. *See id.* at 68. The fact that Paul initiated the meeting and made inquiries of Attorney Adair, while the Decedent, who was universally described as intelligent, conversational and good-humored, was not engaged in the conversation is compelling. Thereafter, Paul initiated email conversations with Attorney Adair regarding the Decedent's legal affairs, including those surrounding a divorce action filed by Augusta Gordon against the Decedent. Almost invariably, the emails were from Paul to Attorney Adair, with Attorney Adair responding. *See id.* at 67. In one of those February of 2019 emails, Paul indicated that the Decedent's condition had markedly declined within a couple of days. *See id.* at 72 and 74. The Decedent and Attorney Adair had a nearly 40-year attorney-client relationship involving numerous legal affairs, including approximately 30 years' worth of estate planning. *See* Petitioner's Exhibit 1 at 13-14, 26 and 31; *see also* Deposition Exhibit Adair 1. This longstanding relationship had evolved to the point that Attorney Adair testified that "[a]fter 40 years, [Decedent] was something of a friend to me and I was something of a friend to him." *See* Petitioner's Exhibit 1 at 72. "[T]his was a guy I wasn't going to bill for every minute of my time." *See id.* at 71. Considering the relationship, it is contrary to the Decedent's established course of action<sup>6</sup>, as well as logic, that Decedent did not seek the assistance of Attorney Adair to effectuate changing the will that he had Attorney Adair draft for him. If the Decedent was aware of the effect of the Codicil, the complete trust that he placed in Paul to draft the same can only be explained to be the result of a confidential relationship. *See generally Burns v. Kabboul*, 595 A.2d 1153, 1163-64 (Pa. Super. 1991) (in finding sufficient evidence to establish a confidential relationship where the proponent of the will was the decedent's primary caretaker, was entrusted with a power of attorney to carry out banking transactions

<sup>6</sup> Not only had Decedent utilized Attorney Adair's services regularly and consistently for decades, but, as recently as January of 2018, he had him handle a matter similar to the one at hand. Specifically, Decedent had Attorney Adair effectuate the transfer of property to his son Barry — property which he specifically devised to Barry via the Will which Attorney Adair had drafted. *See* Petitioner's Exhibit 7.

on the decedent's behalf, and was the scrivener of the testamentary document, the court stated that "[i]t will weigh heavily against the proponent on the issue of undue influence when the proponent was either the scrivener of the will or was present at the dictation of the will.").

Paul asserts that he prepared the Codicil at Decedent's direction. He testified that he did not contact an attorney regarding the Codicil because the Decedent told him to research what it takes to change a will, so he did. Paul testified that he did not think to call an attorney. Meanwhile, as detailed above, Paul was clearly familiar with Decedent's attorney, had very recently engaged in discussions with the same, and was clearly comfortable asking Attorney Adair questions. Paul was not credible. Even if Paul's testimony was accepted as true, it only serves to support the existence of a confidential relationship as it demonstrates that Decedent had so much dependence, confidence and trust in Paul that he chose to abandon the skilled advice of his attorney of nearly forty years in favor of his layperson son to draft a legal document which changed the disposition of a large portion of his estate. It is simply not credible that Decedent who, prior to his weakened state, was clearly precise and business-minded with regard to his affairs would, if he were of mental capacity, ask his layperson son, rather than his attorney of nearly forty years, to draft a document which would change the Will.

Considering the aforementioned evidence, the dependence upon, and trust in, Paul by Decedent while in his weakened state is clear. Even Paul's own statements acknowledge the same, as well as his influence over Decedent, as, on February 26, 2019, he noted in a group text to family regarding Decedent's estranged daughter Mary's inclusion in the Will: "You are only a part of the will because I CHANGED DAD'S MIND." *See* Petitioner's Exhibit II. Accordingly, a confidential relationship between the two existed.

### **(3) Substantial Benefit**

With regard to whether or not the proponent of a testamentary writing receives a "substantial benefit," Pennsylvania law provides: "it may be said no hard and fast rule can be laid down. [The court's finding] must depend upon the circumstances of each particular case." *See In re Estate of Smaling*, 80 A.3d 485, 497 (Pa. Super. 2013) *quoting In re Estate of LeVin*, 615 A.2d 38, 41 (Pa. Super. 1992), *quoting Adams' Estate*, 69 A. 989, 990 (Pa. 1908).

Under the circumstances of this case, there is no doubt that Paul Crilley receives a substantial benefit as a result of the Codicil. During his testimony, Paul set forth that the County assessed value of the property in question is \$248,200.00. He further acknowledged that the property is a substantial asset of the Estate. If the Codicil is upheld, Paul will receive this asset, as well as his share of the residuary Estate. Otherwise, he will only be a 1/7 residuary beneficiary.

As all three elements of undue influence were clearly established, the Codicil was the product of undue influence. As the Codicil is invalidated on the basis of the same, it is unnecessary to analyze the remaining counts set forth by Petitioners for invalidation.

### **B. Removal of Executor**

Petitioners further request the removal of Paul M. Crilley as Executor of the Estate based upon his actions in causing the Codicil to be created and executed.

The grounds for removal of a personal representative of an estate are delineated by statute as follows:

The court shall have exclusive power to remove a personal representative when he:



- (1) is wasting or mismanaging the estate, is or is likely to become insolvent, or has failed to perform any duty imposed by law; or
- (2) Deleted by 1992, April 16, P.L. 108, No. 24, § 4, effective in 60 days.
- (3) has become incapacitated to discharge the duties of his office because of sickness or physical or mental incapacity and his incapacity is likely to continue to the injury of the estate; or
- (4) has removed from the Commonwealth or has ceased to have a known place of residence therein, without furnishing such security or additional security as the court shall direct; or
- (4.1) has been charged with voluntary manslaughter or homicide, except homicide by vehicle, as set forth in sections 3155 (relating to persons entitled) and 3156 (relating to persons not qualified), provided that the removal shall not occur on these grounds if the charge has been dismissed, withdrawn or terminated by a verdict of not guilty; or
- (5) when, for any other reason, the interests of the estate are likely to be jeopardized by his continuance in office.

20 Pa.C.S.A. §3182. With the determination of undue influence detailed herein, the interests of the estate are likely to be jeopardized by Paul Crilley's continuation as executor. A conflict of interest is readily apparent under the circumstances of this case as, via execution of the Codicil, Paul's personal interests were already advanced to the detriment of the Estate. As the personal representative of an estate has a duty to see that purely private interests are not advanced to the estate's detriment, removal is appropriate in this case. *See In re Estate of Andrew*, 92 A.3d 1226, 1230-32 (Pa. Super. 2014).

An appropriate order will follow.

#### **ORDER**

**AND NOW**, to-wit, this 15th day of November, 2021, upon consideration of the Petitions to Contest Codicil and to Remove Paul M. Crilley as Executor of Estate, and for the reasons set forth in the accompanying Opinion, it is hereby **ORDERED, ADJUDGED and DECREED** that said Petitions are **GRANTED**. Accordingly, the February 21, 2019 Codicil admitted to probate is invalidated and Paul M. Crilley is removed as Executor of the Estate of Raymond E. Crilley, Sr.

#### **BY THE COURT**

/s/ **Hon. Elizabeth K. Kelly, Judge**

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**ACTION TO QUIET TITLE  
IN THE COURT OF COMMON  
PLEAS OF ERIE COUNTY,  
PENNSYLVANIA  
NO. 10410 - 2022**

ALEXANDRIA N. HOSU, Plaintiff  
v.

ZHOU HE, his heirs, executors,  
successors and/or assigns, or any  
person or entity claiming title by,  
through or under him, Defendants  
**LEGAL NOTICE**

**ACTION TO QUIET TITLE**

To: **Zhou He**, his heirs, executors,  
successors and/or assigns, or any  
person or entity claiming title by,  
through or under him, Defendants  
You have been sued in Court. If you  
wish to defend against the claims  
set forth in the Complaint you must  
take action within twenty (20) days  
after this publication by entering a  
written appearance personally or by  
an 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 the relief requested  
by the Plaintiff. You may lose money,  
property, or other rights important  
to you.

You should take this notice to your  
lawyer at once. If you do not have a  
lawyer or cannot afford one, go to or  
telephone the following to find out  
where you can get legal help.

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(814) 459-4411

Monday-Friday  
8:30 a.m. to 3:00 p.m.

The Complaint, filed in the Court  
of Common Pleas of Erie County,  
Pennsylvania at No. 10410-2022,  
alleges that the Plaintiff, Alexandria  
N. Hosu, is the sole fee owner of the  
following parcel of property:

**417 Plum Street, City of Erie,  
County of Erie, Pennsylvania  
Erie County Tax ID #  
17040026021400**

The Court, by Court Order dated  
March 1, 2022, has ordered that  
notice to this action may be given  
by publication so that title to the  
property may be adjudicated. The  
Complaint requests the Court to  
decree that title to the property is free  
and clear of any claim or interest of  
any of the said Defendant, his heirs,  
executors, successors and/or assigns,  
and that said Defendant, his heirs,  
executors, successors and/or assigns  
be barred forever from asserting  
any right, title and interest in and to  
the property inconsistent with the  
interest and claim of the Plaintiff  
unless an action of ejectment is  
brought within thirty (30) days of  
the Court's Order.

BLAKELY & BLAKELY, LLC  
By Richard A. Blakely

Mar. 18

**CHANGE OF NAME NOTICE**

In the Court of Common Pleas of Erie  
County, Pennsylvania. In re: Change  
of Name of Mikayla Elizabeth  
Albers to Mikayla Elizabeth Comitiz.  
Notice is hereby given that, on  
March 11, 2022, the Petition of  
Mikayla Elizabeth Albers was filed

in the Erie County Court of Common  
Pleas, requesting an order to change  
her name to Mikayla Elizabeth Comitiz.  
The Court has fixed the day of April  
26, 2022 at 3:30 p.m. in Courtroom  
G, Room 222, of the Erie County  
Courthouse, Erie, Pennsylvania as  
the time and place for the Hearing  
on said Petition, when and where all  
interested parties may appear and  
show cause, if any, why the request  
of the Petition should not be granted.

Mar. 18

**LEGAL NOTICE**

Attorney John Mario Bonanti passed  
away on January 16, 2021. At the  
time of his passing, Atty. Bonanti  
held in his possession files of clients.  
Any client wishing to retrieve their  
file (or who believes that they are  
owed money by Atty. Bonanti)  
should immediately contact the  
following:

Margaret Blumish, Executor  
c/o Jerome C. Wegley, Esq.  
120 West Tenth Street,  
Erie, PA 16501

Any files not retrieved within ninety  
(90) days of the publication of this  
notice will be destroyed.

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

Mar. 11, 18, 25

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**AUDIT LIST  
NOTICE BY  
AUBREA HAGERTY-HAYNES  
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, March 9, 2022** and confirmed Nisi.

**April 20, 2022** 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.

<u>2022</u>	<u>ESTATE</u>	<u>ACCOUNTANT</u>	<u>ATTORNEY</u>
71	Pamela J. Lamary ..... a/k/a Pamela Joan Lamary a/k/a Pamela Lamary	Tammy M. Lamary-Toman ..... <i>Executrix</i>	Michael A. Fetzner, Esq.
72	James S. Michael.....	PNC Bank, National Association ..... <i>Trustee</i>	Brian Cagle, Esq.
73	Patrick M. McCafferty.....	Michael J. McCafferty..... <i>Administrator</i>	Craig A. Zonna, Esq.

AUBREA HAGERTY-HAYNES  
Clerk of Records  
Register of Wills &  
Orphans' Court Division

Mar. 18, 25

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**ESTATE NOTICES**

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

**FIRST PUBLICATION**

**ADAMS, NANCY JEAN,  
deceased**

Late of Girard Township, Erie County, Pennsylvania  
*Executor:* Donald E. Eagley,  
c/o 502 Parade Street, Erie, PA 16507  
*Attorney:* Gregory L. Heidt,  
Esquire, 502 Parade Street, Erie,  
PA 16507

**ADAMS, ROBERT, a/k/a  
ROBERT LEROY ADAMS,  
deceased**

Late of the City of Erie, County of Erie, Commonwealth of PA  
*Administratrix:* Melissa Adams,  
c/o 102 East 4th Street, Erie, PA 16507  
*Attorney:* Richard E. Filippi,  
Esquire, 102 East 4th Street, Erie,  
PA 16507

**ALLMAN, JAMES A., a/k/a  
JAMES ALLMAN, a/k/a  
JIM ALLMAN,  
deceased**

Late of Millcreek Township, Erie County, Commonwealth of Pennsylvania  
*Executrix:* Patricia A. Stucke,  
c/o Frances A. McCormick, Esq.,  
120 West Tenth Street, Erie, PA 16501  
*Attorney:* Frances A. McCormick,  
Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**BEDDICK, MAY LOUISE, a/k/a  
MAY L. BEDDICK,  
deceased**

Late of Millcreek Township, Erie County, Commonwealth of Pennsylvania  
*Administrator:* Steven G. Beddick,  
c/o Thomas C. Hoffman, II, Esq.,  
120 West Tenth Street, Erie, PA 16501  
*Attorney:* Thomas C. Hoffman, II, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**BOLLA, CHRISTOPHER MARK,  
a/k/a CHRISTOPHER M. BOLLA,  
deceased**

Late of the Township of Washington, Commonwealth of Pennsylvania  
*Executrix:* Jessica A. Vendetti,  
c/o Vendetti & Vendetti,  
3820 Liberty Street, Erie,  
Pennsylvania 16509  
*Attorney:* Richard A. Vendetti,  
Esquire, Vendetti & Vendetti,  
3820 Liberty Street, Erie, PA 16509

**BORKOWSKI, JACQUELYNN,  
a/k/a JACQUELYNN ALFIERI  
BORKOWSKI,  
deceased**

Late of the City of Erie, Erie County  
*Executor:* Daniel Manning  
*Attorney:* Steven E. George, Esq.,  
Marsh Schaaf, LLP, 300 State Street, Suite 300, Erie, PA 16507

**BRACE, EARL LESLIE, a/k/a  
E. LESLIE BRACE, a/k/a  
EARL L. BRACE,  
deceased**

Late of Waterford Township, County of Erie and Commonwealth of Pennsylvania  
*Co-executors:* Debra A. Brace and Douglas E. Brace, c/o Hopkins Law, 333 State Street, Suite 203, Erie, PA 16507  
*Attorney:* Damon C. Hopkins, Esquire, 333 State Street, Suite 203, Erie, PA 16507

**BRUNO, LEO W.,  
deceased**

Late of the City of Erie, Erie County, PA  
*Executrix:* Shirley J. Bruno  
*Attorney:* Steven L. Sablowsky, Esquire, Goldblum Sablowsky, LLC, 285 E. Waterfront Drive, Suite 160, Homestead, PA 15120

**CERVIK, MARILYN R.,  
deceased**

Late of the City of Erie, County of Erie  
*Administrator:* Mark D. Cervik, Sr., 966 E. 31st Street, Erie, PA 16504  
*Attorney:* Michael S. Butler, Esq., Heritage Elder Law, 318 South Main Street, Butler, PA 16001

**CRISCIONE, CHARLES M.,  
a/k/a CHARLES CRISCIONE,  
deceased**

Late of the Township of Girard, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Matthew C. Criscione, 1116 Mechanic Street, Girard, PA 16417  
*Attorney:* John M. Bartlett, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**DAVIS, FLORENCE R.,  
deceased**

Late of the City of Erie, Erie County, Erie, PA  
*Executor:* Ronald S. Davis, c/o 33 East Main Street, North East, Pennsylvania 16428  
*Attorney:* Robert J. Jeffery, Esq., Knox McLaughlin Gornall & Sennett, P.C., 33 East Main Street, North East, Pennsylvania 16428

**DIERS, EMIL JOHN, JR.,  
deceased**

Late of Greene Township, County of Erie, Commonwealth of Pennsylvania  
*Administratrix:* Tiffany Ziemba, c/o Steven Srnka, Esquire, Orton & Orton, LLC, 68 East Main Street, North East, PA 16428  
*Attorney:* Steven Srnka, Esquire, Orton & Orton, LLC, 68 East Main Street, North East, PA 16428



**FOLTZ, KATRINA M.,  
deceased**

Late of the City of Erie, County of Erie, Pennsylvania  
*Personal Representative:* Mark J. Miner, c/o 3939 West Ridge Road, Suite B-27, Erie, PA 16506  
*Attorney:* James L. Moran, Esquire, 3939 West Ridge Road, Suite B-27, Erie, PA 16506

**FRYCZYNSKI, JUDITH ANN,  
a/k/a JUDITH A. FRYCZYNSKI,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executor:* Nathaniel Balut  
*Attorney:* David J. Rhodes, Esquire, ELDERKIN LAW FIRM, 456 West 6th Street, Erie, PA 16507

**GEER, LARRY D.,  
deceased**

Late of the Township of Union, County of Erie, Pennsylvania  
*Co-executors:* Christy L. Esh and Nathan C. Geer, c/o Thomas J. Ruth, Esq., 224 Maple Avenue, Corry, PA 16407  
*Attorney:* Thomas J. Ruth, Esq., 224 Maple Avenue, Corry, PA 16407

**GEORGE, ROBERT A., a/k/a  
ROBERT ANTHONY GEORGE,  
deceased**

Late of the Borough of Lake City, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Lyne M. Daniels  
*Attorney:* David J. Rhodes, Esquire, ELDERKIN LAW FIRM, 456 West 6th Street, Erie, PA 16507

**GNACINSKI, MATTHEW JOHN,  
deceased**

Late of the City of Erie, County of Erie, Pennsylvania  
*Personal Representative:* Shannon Gnacinski, c/o 3939 West Ridge Road, Suite B-27, Erie, PA 16506  
*Attorney:* James L. Moran, Esquire, 3939 West Ridge Road, Suite B-27, Erie, PA 16506

**LAUGHLIN, JAMES L.,  
deceased**

Late of Millcreek Township, Erie County, Pennsylvania  
*Executor:* Patrick Laughlin, 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

**MEEDER, JAMES C.,  
deceased**

Late of the Township of Fairview, County of Erie, Commonwealth of Pennsylvania  
*Co-executors:* Jeffrey F. Meeder and Sherri G. Meeder, 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

**MILLER, BARBARA E., a/k/a  
BARBARA MILLER,  
deceased**

Late of the Borough of Girard, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Patrick C. Miller, 475 Hillcrest Drive, Girard, PA 16417  
*Attorney:* Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**MONTIE, JANICE K., a/k/a  
JANICE KAY MONTIE, a/k/a  
JANICE MONTIE,  
deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Kevin Montie, 3604 McKee Road, Erie, PA 16506  
*Attorney:* Valerie H. Kuntz, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**MOOSA, INGEBOG ASTRID,  
deceased**

Late of Franklin Township, Erie County, Pennsylvania  
*Executrix:* Petra M. Beck  
*Attorney:* Joseph F. Weis, Esquire, Cafardi Ferguson Wyrick Weis & Gabriel, LLC, 2605 Nicholson Rd., Suite 2201, Sewickley, PA 15143

**PETERSON, RONALD F.,  
deceased**

Late of the Township of Summit, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Brian R. Peterson, c/o Joseph B. Spero, Esquire, 3213 West 26th Street, Erie, Pennsylvania 16506  
*Attorney:* Joseph B. Spero, Esquire, 3213 West 26th Street, Erie, Pennsylvania 16506

**REGNIER, MARILYN, a/k/a  
MARILYN A. REGNIER,  
deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Robert L. Markham, 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

**SCHUMACHER, CAROLA.,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Administratrix:* Linda J. Schumacher, c/o 502 Parade Street, Erie, PA 16507  
*Attorney:* Gregory L. Heidt, Esquire, 502 Parade Street, Erie, PA 16507

**SKRUTSKY, ANTHONY  
WILLIAM,  
deceased**

Late of the City of Erie, County of Erie, Commonwealth of PA  
*Administrator:* William P. Skrutsky, c/o 102 East 4th Street, Erie, PA 16507  
*Attorney:* Richard E. Filippi, Esquire, 102 East 4th Street, Erie, PA 16507

**SUNDARAM, DR. RAJESWARI,  
a/k/a RAJESWARI SUNDARAM,  
deceased**

Late of Millcreek Township, Erie County, Pennsylvania  
*Executor:* Ramakrishnan Sundaram, 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

**WILLIAMS, GLENN H., JR., a/k/a  
GLENN HAROLD WILLIAMS,  
JR., a/k/a GLENN H. WILLIAMS,  
a/k/a GLENN WILLIAMS,  
deceased**

Late of the Township of Harborscreek, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Elisabeth B. Williams, 974 Parkside Drive, Harborscreek, PA 16511  
*Attorney:* John M. Bartlett, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**SECOND PUBLICATION****BIEBEL, MARLENE R.,  
deceased**

Late of Union City Borough, Erie County, Commonwealth of Pennsylvania  
*Executor:* Richard T. Biebel, Jr., c/o Kenzie P. Ryback, Esq., 120 West Tenth Street, Erie, PA 16501  
*Attorney:* Kenzie P. Ryback, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**CLEMENT, DAVID L., a/k/a  
DAVID LEE CLEMENT,  
deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania  
*Executor:* John A. Clement, 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

**DONNELLY, RICHARD H., SR.,  
RICHARD H. DONNELLY,  
deceased**

Late of North East Borough, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Brynn A. Barnhart, 5201 Harborsgreene Road, Erie, PA 16510-5262  
*Attorneys:* MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**DRURY, KERRIE LEE,  
deceased**

Late of Conneaut Township  
*Administratrix:* Terrie D. Drury, c/o Brenc Law, 9630 Moses Road, Springboro, Pennsylvania 16435  
*Attorney:* Andrew S. Brenc, Esquire, 9630 Moses Road, Springboro, Pennsylvania 16435

**FEDEROFF, RONALD NEIL,  
deceased**

Late of Girard Township, Erie County  
*Executrix:* Andrea Federoff  
*Attorney:* Norman A. Stark, Esq., Marsh Schaaf, LLP, 300 State Street, Suite 300, Erie, PA 16507

**GRAMLEY, HAROLD D.,  
deceased**

Late of Millcreek Township, Erie County, Pennsylvania  
*Co-executors:* Steven K. Gramley and Nathan T. Gramley, 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

**HAFEL, MARLENE JOAN,  
a/k/a MARLENE HAFEL, a/k/a  
MARLENE J. HAFEL,  
deceased**

Late of Millcreek Township, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Kelly L. Madden, 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

**HINTON, ROY A., a/k/a  
ROY A. HINTON, SR.,  
deceased**

Late of the City of Erie, County of Erie, and State of Pennsylvania  
*Co-executors:* Roy A. Hinton, Jr., and Cory M. Hinton, c/o Justin L. Magill, Esq., 2820 W. 23rd Street, Erie, PA 16506  
*Attorney:* Justin L. Magill, Esquire, 2820 W. 23rd Street, Erie, PA 16506

**MacKINLAY, JOHN A.,  
deceased**

Late of the Township of Wayne, County of Erie, Commonwealth of Pennsylvania  
*Administratrix:* Mary Jane McCartney, c/o 100 State Street, Suite 700, Erie, PA 16507-1459  
*Attorneys:* MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**OLSON, ALDENE C.,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Administrator:* Stuart A. Olson, c/o 2222 West Grandview Blvd., Erie, PA 16506  
*Attorney:* Thomas E. Kuhn, Esquire, QUINN, BUSECK, LEEMHUIS, TOOHEY & KROTO, INC., 2222 West Grandview Blvd., Erie, PA 16506



**RODRIGUEZ, VALERIE J., a/k/a VALERIE RODRIQUEZ, deceased**

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

**SEXAUER, GROVER W., a/k/a GROVER WILLIAM SEXAUER, a/k/a GROVER SEXAUER, deceased**

Late of the Township of Millcreek, County of Erie and State of Pennsylvania  
*Executor:* Scott Sexauer, 4960 Sir Hue Drive, Erie, PA 16506  
*Attorney:* Ronald J. Susmarski, Esq., 4030 West Lake Road, Erie, PA 16505

**SHREVE, LOIS M., a/k/a LOIS MAXINE TRAPHAGEN SHREVE, a/k/a LOIS MAXINE SHREVE, deceased**

Late of Millcreek Township, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Thomas R. Shreve, 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

**VENDETTI, LUCILLE A., a/k/a LUCILLE VENDETTI, deceased**

Late of the City of Erie, County of Erie and State of Pennsylvania  
*Executor:* Ronald J. Susmarski, 4036 West Lake Road, Erie, PA 16505  
*Attorney:* Aaron E. Susmarski, Esq., 4030 West Lake Road, Erie, PA 16505

**WHELPLEY, SHIRLEY A., a/k/a SHIRLEY ANN WHELPLEY, a/k/a SHIRLEY WHELPLEY, deceased**

Late of Millcreek Township, County of Erie and Commonwealth of Pennsylvania  
*Executor:* John E. Whelpley  
*Attorney:* James H. Richardson, Esquire, ELDERKIN LAW FIRM, 456 West 6th Street, Erie, PA 16507

**THIRD PUBLICATION**

**ANDERSON, BARBARA L., deceased**

Late of the Township of Wayne, County of Erie, Pennsylvania  
*Executor:* Douglas H. Anderson, c/o Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407  
*Attorney:* Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407

**BAKER, WANDA J., deceased**

Late of the City of Corry, County of Erie, Pennsylvania  
*Executor:* John M. Baker, c/o Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407  
*Attorney:* Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407

**DOMBKOWSKI, DOLORES M., deceased**

Late of the City of Erie, County of Erie  
*Executor:* Justin W. Dombkowski, 4220 French Street, Erie, PA 16504  
*Attorney:* Kari A. Froess, Esquire, Carney & Good, 254 West 6th Street, Erie, PA 16507

**FITZGERALD, SALLY J., a/k/a SALLY FITZGERALD, a/k/a SALLY WATT FITZGERALD, a/k/a SALLY J. WATT FITZGERALD, deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Susan J. Presti, 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

**GENIS, KATHLEEN L., deceased**

Late of the City of Erie, County of Erie  
*Executor:* Charles J. Spilko, 1156 West 6th Street, Erie, PA 16507  
*Attorney:* Michael S. Butler, Esq., Heritage Elder Law, 318 South Main Street, Butler, PA 16001

**GESLER, ALBERT U., JR., a/k/a ALBERT URBAN GESLER, JR., a/k/a REV. ALBERT URBAN GESLER, JR., a/k/a ALBERT J. GESLER, JR., a/k/a REV. ALBERT U. GESLER, a/k/a ALBERT U. GESLER, deceased**

Late of Lawrence Park Township, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Albert U. Gesler, III, 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

**HOUGH, DONALD E., a/k/a DONALD HOUGH, deceased**

Late of the Township of Conneaut, County of Erie, Commonwealth of Pennsylvania  
*Co-executors:* Debra L. Feldmiller, 75 Market Street, Albion, PA 16401 and Daniel E. Hough, 10898 State Road, Albion, PA 16401  
*Attorney:* Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**JOHNSON, ELLEN MAY, a/k/a ELLEN M. JOHNSON, a/k/a ELLEN JOHNSON, deceased**

Late of the Township of Springfield, County of Erie and Commonwealth of Pennsylvania  
*Executor:* James E. Johnson, c/o James A. Pitonyak, Esquire, 2618 Parade Street, Erie, PA 16504  
*Attorney:* James A. Pitonyak, Esquire, 2618 Parade Street, Erie, PA 16504

**JOHNSON, TIMOTHY E., deceased**

Late of the City of Erie, County of Erie, Pennsylvania  
*Administrator:* Michael A. Goodard, c/o 3939 West Ridge Road, Suite B-27, Erie, PA 16506  
*Attorney:* James L. Moran, Esquire, 3939 West Ridge Road, Suite B-27, Erie, PA 16506

**KOVACS, JANOS, a/k/a JOHN KOVACS, deceased**

Late of Millcreek Township, County of Erie, Pennsylvania  
*Executrix:* Kristen Costa, c/o Mary Alfieri Richmond, Esq., 502 Parade Street, Erie, PA 16507  
*Attorney:* Mary Alfieri Richmond, Esq., 502 Parade Street, Erie, PA 16507

**KRIEBEL, KENNETH R., deceased**

Late of Greene Township, Erie County  
*Executrix:* Sandra L. Kriebel  
*Attorney:* Steven E. George, Esq., Marsh Schaaf, LLP, 300 State Street, Suite 300, Erie, PA 16507

**LAUGHNER, ELIZABETH, deceased**

Late of Millcreek Township, County of Erie, Pennsylvania  
*Executrix:* Kathleen A. Hart, c/o Mary Alfieri Richmond, Esq., 502 Parade Street, Erie, PA 16507  
*Attorney:* Mary Alfieri Richmond, Esq., 502 Parade Street, Erie, PA 16507

**O'NEILL, BETTY J., deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Executrix:* Jane A. Campbell, 25591 Plank Rd., PO Box 184, Cambridge Springs, PA 16403  
*Attorney:* John C. Swick, Esq., Shafer Law Firm, P.C., 890 Market St., Meadville, PA 16335

**PITONYAK, FAY M., a/k/a FAY MARIE PITONYAK, a/k/a FAY PITONYAK, deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Rosemary L. Nicosia, c/o James A. Pitonyak, Esquire, 2618 Parade Street, Erie, PA 16504  
*Attorney:* James A. Pitonyak, Esquire, 2618 Parade Street, Erie, PA 16504

**POLAK, KATHRYN ANN, a/k/a KATHRYN A. POLAK, deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Robert L. Douglas, c/o 100 State Street, Suite 700, Erie, PA 16507-1459  
*Attorneys:* MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**RETTAN, LINDA M., deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Administrator:* Timothy Rettan, c/o Eugene C. Sundberg, Jr., Esq., Suite 300, 300 State Street, Erie, PA 16507  
*Attorney:* Eugene C. Sundberg, Jr., Esq., MARSH SCHAAF, LLP, Suite 300, 300 State Street, Erie, PA 16507

**SIMPSON, TRACY A., a/k/a TRACY SIMPSON, deceased**

Late of Waterford Township, County of Erie and Commonwealth of Pennsylvania  
*Administrator:* Alec J. Simpson, c/o 504 State Street, Suite 300, Erie, PA 16501  
*Attorney:* Alan Natalie, Esquire, 504 State Street, Suite 300, Erie, PA 16501

**TROHOSKE, ROBERT J., a/k/a ROBERT J. TROHOSKE, JR., deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania  
*Administratrix c.t.a.:* Emilie A. Swan, 100 State Street, Suite 700, Erie, PA 16507-1459  
*Attorneys:* MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459


**VAYDANICH, ANNETTE CARMELLA, a/k/a ANNETTE C. VAYDANICH, a/k/a ANNETTE VAYDANICH, deceased**

Late of the Township of Millcreek, Commonwealth of Pennsylvania  
*Executor:* David M. Vaydanich, c/o Vendetti & Vendetti, 3820 Liberty Street, Erie, Pennsylvania 16509  
*Attorney:* James J. Bruno, Esquire, Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

**WOODLEY, JOYCE M., a/k/a JOYCE WOODLEY, deceased**

Late of the Township of Fairview, County of Erie, Commonwealth of Pennsylvania  
*Administrator:* Chris A. Hunt, 91 East Townhall Road, Waterford, PA 16441  
*Attorney:* Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

CHRISTOPHER J. KOVSKI .....814-375-6548  
Penn Highlands Healthcare  
P.O. Box 447  
DuBois, PA 15581 .....[cjkovski@pahealthcare.org](mailto:cjkovski@pahealthcare.org)



19<sup>TH</sup> ANNUAL RUN/WALK  
**5.21.22**  
**ATTORNEYS & KIDS TOGETHER**

Event benefits the ECBA's Attorneys & Kids Together Program, supporting the educational needs of Erie County students in homeless situations.

Presented by the  
ERIE COUNTY BAR ASSOCIATION  
**ECBA**

The AKT 5K Run/Walk is being held two ways this year — in-person starting at the Erie County Court of Common Pleas 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! And, use the app, <https://www.strava.com/clubs/aktrun>, and join our club: AKT Virtual 5K!

**IN-PERSON:** Saturday, May 21, starting at the Erie County Court of Common Pleas.

**VIRTUAL:** Saturday, May 21 through Sunday, May 29, start time is whatever fits your schedule and any location you choose.

**FOR MORE INFORMATION AND TO REGISTER, VISIT:**  
<https://www.eriebar.com/events/public-registration/1647>

**May jurors see 3D defense reenactment of alleged crime? Judge appears reluctant to allow it** - A Florida judge on Friday appeared reluctant to allow jurors to wear virtual reality goggles that illustrate the findings of an expert witness for the defense in an attempted murder case. Judge Ernest A. Kollra, Jr. of the 17th Judicial Circuit in Broward County, Florida, expressed concern that jurors would see different things when they turned their heads different ways, the South Florida Sun Sentinel reports. Defense lawyer Ken Padowitz is asking the judge to allow the 3D evidence in the case of his client Benjamin Siegel, 47, of Coconut Creek, Florida. Siegel is accused of trying to run over his neighbor with his Dodge Viper; the expert witness said it wasn't intentional. Read more ... <https://www.abajournal.com/news/article/may-jurors-see-3-d-reenactment-of-alleged-attempted-murder-judge-appears-reluctant-to-allow-it>

**Resolving insurance coverage disputes — what every legal department should know** - In 2022, the insurance industry has been emboldened to issue improper denials of insurance coverage for claims and lawsuits, threaten rescission of insurance policies and sell insurance policies with hidden trapdoors buried in endorsements. This could create a potentially devastating impact on a company's bottom line. At Barnes & Thornburg, with many decades of insurance recovery and bad faith claim prosecution for corporate insureds under our belts, we never represent insurance companies. Our loyalties are to our policyholder clients alone. Through this singular focus, we have seen a thing or two — and not always good things. Read more ... <https://www.natlawreview.com/article/resolving-insurance-coverage-disputes-what-every-legal-department-should-know>

**Oil City man suing Little League Baseball for injuries suffered when he was struck by errant ball** - A Western Pennsylvania man who suffered severe injuries to his teeth after being struck by a baseball nearly nine years ago claims that Little League Baseball promised him and his family that its insurance would cover his full medical damages and later reneged on that promise. Read more ... <https://pennrecord.com/stories/621668102-oil-city-man-suing-little-league-baseball-for-injuries-suffered-when-he-was-struck-by-errant-ball>

**City of Chester says banquet hall owner alleging pulled zoning permit failed to exhaust his administrative remedies** - The City of Chester has countered a petition from a Delaware County banquet hall owner who alleged that the City violated his constitutional rights by revoking a zoning permit issued to him based on erroneous information, by saying the petitioner failed to exhaust his administrative remedies. The City filed preliminary objections in the matter on March 9, charging, among other things, that the petitioner failed to exhaust his administrative remedies — based on the petitioner supposedly providing no response to notices of violation he received in May 2021 and August 2021, and not appealing to the Zoning Hearing Board, as was his right to do. Read more ... <https://pennrecord.com/stories/621681605-city-of-chester-says-banquet-hall-owner-alleging-pulled-zoning-permit-failed-to-exhaust-his-administrative-remedies>

BUSINESS  
PARTNERS



LAWPAY:

<https://lawpay.com/member-programs/erie-county-bar>



Velocity Network:

<https://www.velocity.net/>



NFP Structured Settlements:

<https://nfpstructures.com/pdf/nfp-brochure.pdf>



Northwest Bank:

<https://www.northwest.bank/>



Maloney, Reed, Scarpitti & Co.:

<https://www.maloneyreedscarpittiandco.com/>



Thomson Reuters:

<https://www.thomsonreuters.com/en.html>

