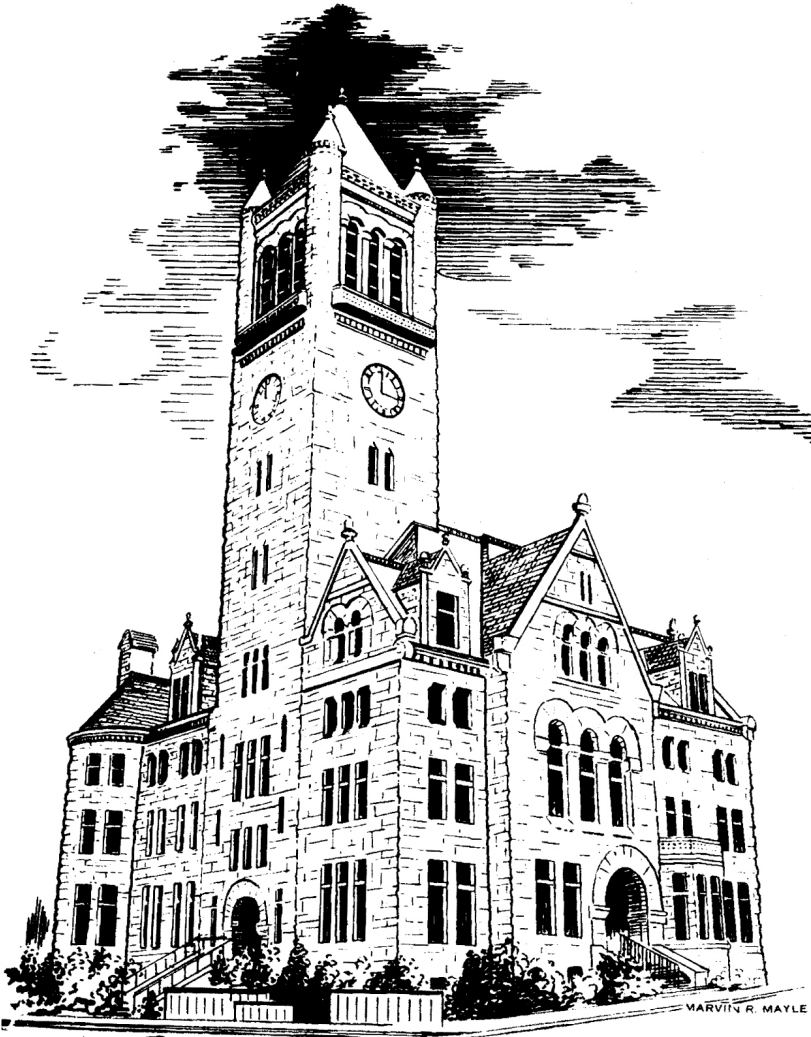


FAYETTE LEGAL JOURNAL

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FAYETTE LEGAL JOURNAL

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ESTATE NOTICES

Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors named.

Third Publication

MILDRED BROWN, late of Washington Township, Fayette County, PA (3)

Executor: John L. Brown

913 Fayette Avenue

Belle Vernon, PA 15012

c/o 823 Broad Avenue

Belle Vernon, Pa 15012

Attorney: Mark E. Ramsier

JOHN PAUL HALFHILL a/k/a JOHN P. HALFHILL, late of Bullskin Township, Fayette County, PA (3)

Executor: Dennis Wade Halfhill

c/o Carolyn W. Maricondi

P.O. Box 760

Connellsville PA 15425

Attorney: Carolyn W. Maricondi

JOSEPH HIXSON, a/k/a JOSEPH C. HIXSON, late of Upper Tyrone Township, Fayette County, PA (3)

Administratrix: Mikaela Hixson

c/o 164 West Crawford Avenue

Connellsville, PA 15425

Attorney: David B. Reiss

FRED KOLONSKY, a/k/a FRED W. KOLONSKY, late of German Township, Fayette County, PA (3)

Personal Representatives:

David T. Kolonsky and Kristy L. Anderson

c/o Higinbotham Law Offices

45 East Main Street, Suite 500

Uniontown, PA 15401

Attorney: James E. Higinbotham, Jr.

DONALD R. LAUGHERTY, late of Connellsville, Fayette County, PA (3)

Executor: Carmine V. Molinaro, Jr.

c/o Molinaro Law Offices

P.O. Box 799

Connellsville, PA 15425

Attorney: Carmine V. Molinaro, Jr.

SUSAN R. NEIGHBORS, a/k/a SUSAN RENEE NEIGHBORS, a/k/a SUSAN R. FRIEL, late of Dunbar, Fayette County, PA (3)

Personal Representative: Carl L. Neighbors

c/o Watson Mundorff Brooks & Sepic, LLP

720 Vanderbilt Road

Connellsville, PA 15425

Attorney: Timothy J. Witt

Second Publication

EUGENE R. GAUDIANO, a/k/a EUGENE GAUDIANO, late of Uniontown, Fayette County, PA (2)

Personal Representative: Lanny R. Gaudiano

c/o Watson Mundorff Brooks & Sepic

720 Vanderbilt Road

Connellsville, PA 15425

Attorney: Charles W. Watson

WANDA M. SHERRY, a/k/a WANDA MAE SHERRY, late of Wharton Township, Fayette County, PA (2)

Personal Representative: Charles W. Sherry

c/o Watson Mundorff Brooks & Sepic

720 Vanderbilt Road

Connellsville, PA 15425

Attorney: Charles W. Watson

MABEL STEVENS, late of Uniontown, Fayette County, PA (2)

Executrix: Christina Spear

c/o Higinbotham Law Offices

45 East Main Street, Suite 500

Uniontown, PA 15401

Attorney: James E. Higinbotham, Jr.

BETTY MARIE ZUR, a/k/a BETTY M. ZUR, late of Connellsville, Fayette County, PA
Executrix: Gregory Zur (2)
 c/o Donald McCue Law Firm P.C.
 Colonial Law Building
 813 Blackstone Road
 Connellsville, PA 15425
Attorney: Donald J. McCue

SHIRLEY A. MISENKO, late of Luzerne Township, Fayette County, PA (1)
Administratrix: Marie A. Beck
 415 Route 88
 Carmichaels, PA 15320
 c/o 1202 West Main Street
 Monongahela, Pa 15063
Attorney: James W. Haines, Jr.

First Publication

BETTY JEAN ANTONUCCI, late of Luzerne Township, Fayette County, PA (1)
Personal Representative:
 Linn Kay Buraczewski
 c/o Watson Mundorff Brooks & Sepic, LLP
 720 Vanderbilt Road
 Connellsville, PA 15425
Attorney: Timothy J. Witt

BETTY RAFAIL, a/k/a BETTY M. RAFAIL, a/k/a BETTY MARIE RAFAIL, late of Uniontown, Fayette County, PA (1)
Executrix: Mary Jane Artis
 c/o John & John
 96 East Main Street
 Uniontown, PA
Attorney: Anne N. John

PATRICIA J. ENDSLEY, late Luzerne Township, Fayette County, PA (1)
Co-Administratrix: Dana L. Zias
Co-Administrator: Richard J. Endsley, Jr.
 c/o Webster & Webster
 51 East South Street
 Uniontown, PA 15401
Attorney: Webster & Webster

TWILA J. THURBY, a/k/a TWILA J. THURBY, late of Uniontown, Fayette County, PA (1)
Personal Representative:
 Kathy Thurby-Hazelton
 c/o George Port & George
 92 East Main Street
 Uniontown, PA 15401
Attorney: Joseph M. George

CLARA LEE MANOWN, late of Washington Township, Fayette County, PA (1)
Executrix: Cheryl Ann Belowich
 168 Eckstein Road
 Renfrew, PA 16053
 c/o 823 Broad Avenue
 Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

CHARLES WILLIAMS, a/k/a CHARLES R. WILLIAMS, late of Menallen Township, Fayette County, PA (1)
Co-Executors:
 Neal B. Williams and Wes P. Williams
 c/o 45 East Main Street, Suite 500
 Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

JAMES E. MIDDLETON, late of Luzerne Township, Fayette County, PA (1)
Personal Representative: Gloria McGhee
 139 North Morgantown Street
 Fairchance, PA 15423
 c/o P.O. Box 488
 California, PA 15419
Attorney: Lisa J. Buday

LEGAL NOTICES

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW
NO. 456 of 2015 GD
NOTICE OF ACTION IN MORTGAGE
FORECLOSURE

Wilmington Savings Fund Society, FSB d/b/a
Christiana Trust, as Trustee for Normandy
Mortgage Loan Trust, Series 2015 1, c/o Selene
Finance LP,
Plaintiff,
vs.

Victoria R. Arnold, in Her Capacity as Heir of
Roni L. Fereza a/k/a Roni Arnold, Deceased,
Alexis Arnold, in Her Capacity as heir of Roni
L. Fereza a/k/a Roni Arnold, Deceased and
Unknown Heirs, Successors, Assigns and All
Persons, Firms or Associations Claiming Right,
Title or Interest From or Under Roni L. Fereza
a/k/a Roni Arnold, Deceased, Defendants
TO: The Unknown Heirs, Successors, Assigns
and All Persons, Firms or Associations Claiming
Right, Title or Interest From or Under Roni L.
Fereza a/k/a Roni Arnold, Deceased,
Defendant(s), whose last known address is
905 Green Street, Brownsville, PA 15417-2203.

COMPLAINT IN MORTGAGE FORECLOSURE

You are hereby notified that Plaintiff,
Wilmington Savings Fund Society, FSB d/b/a
Christiana Trust, as Trustee for Normandy
Mortgage Loan Trust, Series 2015 1, c/o Selene
Finance LP, has filed a Mortgage Foreclosure
Complaint endorsed with a Notice to Defend,
against you in the Court of Common Pleas of
Fayette County, Pennsylvania, docketed to NO.
456 of 2015 GD, wherein Plaintiff seeks to
foreclose on the mortgage secured on your
property located, 905 Green Street, Brownsville,
PA 15417-2203, whereupon your property
would be sold by the Sheriff of Fayette County.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you
wish to defend against the claims set forth in the
notice above, 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 THE 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. LAWYERS
REFERRAL SERVICE, PA Lawyer Referral
Service, PA Bar Assn., 100 South St., P.O. Box
186, Harrisburg, PA 17108, 800.692.7375. Jill
Manuel-Coughlin, Jolanta Pekalska, Harry B.
Reese, Daniel C. Fanaselle & Matthew J.
McDonnell, Attys. for Plaintiff, Powers Kirn &
Assoc., LLC, 8 Neshaminy Interplex, Ste. 215,
Trevoze, PA 19053, 215.942.2090.**

NOTICE OF ORDINANCE NO 17-02

The public is hereby notified that
Brownsville Township intends to enact at a
meeting to be held October 2, 2017, at 6:30 PM
an ordinance covering proceedings and
regulations regarding digging up of streets and
alleys within Brownsville Township, Fayette
County, Pennsylvania.

A true and correct copy of the ordinance
can be found in the following offices: Offices of
the Herald Standard, Fayette Count Law
Library, and Brownsville Township Municipal
Building during regular business hours.

Anthony S. Dedola, Jr.
Solicitor for Brownsville Township

COURT OF COMMON PLEAS
FAYETTE COUNTY
No.: 1065 of 2017

**COMPLAINT IN MORTGAGE
FORECLOSURE**

**Wilmington Savings Fund Society, FSB, d/b/a
Christiana Trust, as indenture trustee, for the
CSMC 2015-RPL2 Trust, Mortgage-Backed
Notes, Series 2015-RPL2**

**Plaintiff,
vs.**

**Richard A. Bass, Jr. , Known Heir of Barbara
A. Bass, Deceased Mortgager and Real
Owner**

Joseph Bass , Known Heir of Barbara A.

Bass, Deceased Mortgager and Real Owner

Angel Bass , Known Heir of Barbara A. Bass,

Deceased Mortgager and Real Owner

**Unknown heirs, successors, assigns and all
persons, firms, or associations claiming right,
title, or interest from or under Barbara A.**

**Bass, Deceased Mortgager and Real Owner,
Defendants.**

**TO: Unknown heirs, successors, assigns and
all persons, firms, or associations claiming
right, title, or interest from or under Barbara
A. Bass, Deceased Mortgager and Real
Owner**

**TYPE OF ACTION: CIVIL ACTION/
COMPLAINT IN MORTGAGE
FORECLOSURE**

**PREMISES SUBJECT TO
FORECLOSURE: 2016 Main St, Cardale,
PA 15420**

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing to the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE 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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Fayette County Bar Association
2 W Main St #711,
Uniontown, PA 15401
724-437-7994

MILSTEAD & ASSOCIATES, LLC
By: Robert W. Williams, Esquire
Attorney ID#203145
1 E. Stow Rd.
Marlton, NJ 08053
Attorney for Plaintiff
(856) 482-1400
File No. 217884

SHERIFF'S SALE

Date of Sale: November 16, 2017

By virtue of the below stated writs out of the Court of Common Pleas of Fayette County, Pennsylvania, the following described properties will be exposed to sale by James Custer, Sheriff of Fayette County, Pennsylvania on Thursday, November 16, 2017, at 2:00 p.m. in Courtroom Number Five at the Fayette County Courthouse, Uniontown, Pennsylvania.

The terms of sale are as follows:

Ten percent of the purchase price, or a sufficient amount to pay all costs if the ten percent is not enough for that purpose. Same must be paid to the Sheriff at the time the property is struck off and the balance of the purchase money is due before twelve o'clock noon on the fourth day thereafter. Otherwise, the property may be resold without further notice at the risk and expense of the person to whom it is struck off at this sale who in case of deficiency in the price bid at any resale will be required to make good the same. Should the bidder fail to comply with conditions of sale money deposited by him at the time the property is struck off shall be forfeited and applied to the cost and judgments. All payments must be made in cash or by certified check. The schedule of distribution will be filed the third Tuesday after date of sale. If no petition has been filed to set aside the sale within 10 days, the Sheriff will execute and acknowledge before the Prothonotary a deed to the property sold. (2 of 3)

James Custer
 Sheriff Of Fayette County

Phelan Hallinan Diamond & Jones, LLP

No. 1360 of 2017 GD
 No. 234 of 2017 ED

Pennymac Holdings, LLC,
Plaintiff,
vs.
Michael J. Ansell
Jackie R. Ansell,
Defendant(s).

By virtue of a Writ of Execution No. 1360 OF 2017, Pennymac Holdings, LLC v. Michael J. Ansell Jackie R. Ansell, owner(s) of property situate in the UPPER TYRONE TOWNSHIP, Fayette County, Pennsylvania, being 145 McClure Rd a/k/a, 125 Pony Lane, Mount Pleasant, PA 15666

Parcel No.: 3905002302

Improvements thereon: RESIDENTIAL DWELLING

No. 2264 of 2016 GD
 No. 230 of 2017 ED

WELLS FARGO BANK, N.A.,
Plaintiff,
vs.
Timothy Beachy
Heather Day-Beachy,
Defendants.

ALL THAT RIGHT, TITLE, INTEREST AND CLAIMS OF TIMOTHY BEACHY AND HEATHER DAY-BEACHY OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT CERTAIN LOT OR PARCEL OF LAND SITUATE IN PERRY TOWNSHIP, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA, BEING MORE FULLY DESCRIBED AT DBV 2723 PAGE 254

BEING KNOWN AS 28 CEMETERY ROAD, PERRYOPOLIS, PA 15473-1043 TAX MAP NO. 27-20-0010

KML Law Group, P.C.
Suite 5000 - BNY Independence Center 701
Market Street
Philadelphia, PA 19106
215-627-1322 - Attorney for Plaintiff

No. 1128 of 2017 GD
No. 223 of 2017 ED

NATIONSTARMORTGAGE LLC
8950 Cypress Waters Boulevard
Coppell, TX 75019,
Plaintiff,
vs.
THERESA BILLER
Mortgagor(s) and Record Owner(s)
127 Harnmonsville Street
Mount Pleasant, PA 15666,
Defendant.

ALL THAT CERTAIN seven (7) Lots of land, known as Lot Nos. 251, 252, 253, 254, 255, 256 end 257 in the Hammonville-Plan of Lots situate in the Township of Bullsken, County of Fayette and Commonwealth of Pennsylvania.

TAX PARCEL #04-16-0015
PROPERTY ADDRESS: 127
Hammonsville Street Mount Pleasant, PA 15666
IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF:
THERESA BILLER

Phelan Hallinan Diamond & Jones, LLP

No. 1689 of 2016 GD
No. 233 of 2017 ED

JPMorgan Chase Bank, N.A.,
Plaintiff,
vs.
Aaron W. Eicher,
Defendant(s).

By virtue of a Writ of Execution No. 1689 OF 2016 GD JPMorgan Chase Bank, N.A. v. Aaron W. Eicher, owner(s) of property situate in the LUZERNE TOWNSHIP, Fayette County, Pennsylvania, being 1123 High Street, Brownsville, PA 15417-2233

Parcel No.: 19080214
Improvements thereon: RESIDENTIAL DWELLING

KML Law Group, P.C.
Suite 5000 - BNY Independence Center 701
Market Street
Philadelphia, PA 19106
215-627-1322

No. 743 of 2017 GD
No. 214 of 2017 ED

PNC BANK, NATIONAL ASSOCIATION,
SUCCESSOR BY MERGER TO
NATIONAL CITY BANK, SUCCESSOR BY
MERGER TO NATIONAL CITY BANK OF
PENNSYLVANIA
3232 Newmark Drive
Miamisburg, OH 45342
Plaintiff,
vs.

BRIAN L. MATTHEWS as Executor of the
Estate of Icie J. Matthews Deceased
Mortgagor(s) and Record Owner(s)
211 Keyser Street A/K/A 211 Keiser Avenue
Point Marion, PA 15474
Defendant(s).

ALL THAT CERTAIN lot of land situate in the Borough of Port Marion, County of Fayette and Commonwealth of Pennsylvania.

TAX PARCEL #29-02-0178
PROPERTY ADDRESS: 211 Keyser
Street A/K/A 211 Keiser Avenue Point Marion,
PA 15474

IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF: BRIAN
L. MATTHEWS as Executor of the Estate of
Icie J. Matthews Deceased

No. 1116 of 2017 GD
No. 224 of 2017 ED

PENNSYLVANIA HOUSING FINANCE
AGENCY,
PLAINTIFF,
vs.
DAVID L. MYERS,
DEFENDANT.

ALL that certain lot in Dunbar Township, Fayette County, Pennsylvania, being Lot No. 20, Plan of Lots by John W. Galbreath dba John W. Galbreath & Co. Fayette Plan Book 8,

page 252. HAVING THEREON ERECTED DWELLING KNOWN AS 118 5TH STREET (fka 3537 5TH STREET) MONARCH-DUNBAR, PA 15431.

TAX PARCEL#: 09-22-0014

Fayette Deed Book 2838, page 932.

TO BE SOLD AS THE PROPERTY OF DAVID L. MYERS UNDER FAYETTE COUNTY JUDGMENT NO. 1116 OF 2017 GD.

No. 2679 of 2014 GD
No. 227 of 2017 ED

PNC BANK, NATIONAL ASSOCIATION,
successor by merger to **NATIONAL CITY BANK,**

Plaintiff,

vs.

ROBERT WALTER PAZICNI,
ADMINISTRATOR OF THE ESTATE OF ROBERT W. PAZICNI A/K/A BOB PAZICNI,

Defendant.

ALL THE RIGHT TITLE, INTEREST AND CLAIMS OF ROBERT WALTER PAZICNI, ADMINISTRATOR OF THE ESTATE OF ROBERT W. PAZICNI A/KIA BOB PAZICNI, OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT PARCEL OF LAND SITUATE IN REDSTONE TOWNSHIP, FAYETTE COUNTY, PA, BEING PARCEL 30370022, MORE FULLY DESCRIBED IN OR BOOK 3305, PAGE 1217.

BEING KNOWN AS 614 SECOND STREET, FAIRBANK, PA 15435.

TAX PARCEL NO. 30370022

STERN & EISENBERG PC
M. TROY FREEDMAN, ESQUIRE

No. 137 of 2017 GD

No. 216 of 2017 ED

Quicken Loans Inc.,

Plaintiff,

vs.

Shannon Kieta, Known Heir of the Estate of William Vicola and The Unknown Heirs, Executors and Devisees of the Estate of William Vicola,

Defendants.

SITUATE IN THE SOUTH UNION TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA, BEING KNOWN AS 98 MARIE ALLEY, UNIONTOWN, PA 15401.

PARCEL NO. 34-21-0042

IMPROVEMENTS - RESIDENTIAL REAL ESTATE

SOLD AS THE PROPERTY OF SHANNON KIETA, KNOWN HEIR OF THE ESTATE OF WILLIAM VICOLA AND THE UNKNOWN HEIRS, EXECUTORS AND DEVISEES OF THE ESTATE OF WILLIAM VICOLA

KML Law Group, P.C.
SUITE 5000 - BNY Independence Center 701 MARKET STREET
Philadelphia, PA 19106-1532
215-627-1322

No. 1879 of 2016 GD

No. 215 of 2017 ED

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION

c/o 3415 Vision Drive
Columbus, OH 43219,

Plaintiff,

vs.

ERIC R. WEAVER
Mortgagor(s) and Record Owner(s)
170 Horseshoe Bend Road
Acme, PA 15610

Defendant(s).

ALL THAT CERTAIN piece, parcel or lot of ground situate in the Township of Bullskin, County of Fayette and Commonwealth of

Pennsylvania.
 TAX PARCEL #04-14-0198
 PROPERTY ADDRESS: 170 Horseshoe
 Bend Road Acme, PA 15610
 IMPROVEMENTS: A residential
 dwelling.

SOLD AS THE PROPERTY OF: ERIC R.
 WEAVER

No. 1336 of 2017 GD
 No. 229 of 2017 ED

**PENNSYLVANIA HOUSING FINANCE
 AGENCY,
 PLAINTIFF,
 vs.
 DAVID C. WHYEL,
 DEFENDANT.**

**PARCEL ONE - TAX PARCEL #19-18-
 0008/191530:**

ALL that certain lot ground in the
 Township of Luzerne, County of Fayette,
 Pennsylvania, being Lot No. 5, Joseph Merino
 Plan of Lots, Fayette Plan Book 1, page 36 1/2.
 BEING A VACANT LOT OF residential land
 located on Rose Street, Allison, PA 15412.

TAX PARCEL #: 19-18-0008

Fayette County Deed Book 2082, page
 323.

**PARCEL TWO - TAX PARCEL #19-18-
 0003/191531:**

ALL that certain lot of ground in the
 Township of Luzerne, County of Fayette,
 Pennsylvania, being Lots Nos. 9 and 10, Joseph
 Merino Plan of Lots, Fayette Plan Book Volume
 1, page 36 1/2. HAVING THEREON
 ERECTED outbuildings located on Rose Street,
 Allison, PA 15413.

TAX PARCEL #: 19-18-0003

Fayette County Deed Book 2082, page
 323.

**PARCEL THREE- TAX PARCEL #19-18-
 0006/191532:**

ALL those two lots of ground in the
 Township of Luzerne, County of Fayette,
 Pennsylvania, being Lots Nos. 3 and 4, Joseph
 Merino Plan of Lots, Fayette Plan Book 1, page
 36 1/2. HAVING THEREON ERECTED
 DWELLING KNOWN AS: 1 ROSE STREET
 ALLISON, PA 15413.

TAX PARCEL#: 19-18-0006

Fayette Deed Book 2082, page 323.

ALL PARCELS TO BE SOLD AS THE
 PROPERTY OF DAVID C. WHYEL UNDER
 FAYETTE COUNTY JUDGMENT NO. 2017-
 01336.

UDREN LAW OFFICES, P.C.
 WOODCREST CORPORATE CENTER
 111 WOODCREST ROAD, SUITE 200
 CHERRY HILL, NJ 08003-3620
 856-669-5400
 pleadings@udren.com

No. 584 of 2017 GD
 No. 225 of 2017 ED

**PNC Bank, National Association
 Plaintiff,
 v.**

**DARLENE WILLIAMS, KNOWN HEIR
 OF RICKY A. WILLIAMS
 JOHNNY WILLIAMS, KNOWN HEIR OF
 RICKY A. WILLIAMS
 KELLY BRACKEN KNOWN HEIR OF
 RICKY A. WILLIAMS
 RICKY WILLIAMS, JR., KNOWN HEIR
 OF RICKY A. WILLIAMS
 RYAN WILLIAMS, KNOWN HEIR OF
 RICKY A. WILLIAMS
 UNKNOWN HEIRS, SUCCESSORS,
 ASSIGNS AND ALL PERSONS, FIRMS OR
 ASSOCIATIONS CLAIMING RIGHT,
 TITLE OR INTEREST FROM OR UNDER
 RICKY A. WILLIAMS,
 Defendant(s).**

ALL THAT CERTAIN LOT OF LAND
 SITUATE IN STEWART TOWNSHIP,
 FAYETTE COUNTY, PENNSYLVANIA:
 BEING KNOWN AS 186 Maple Summit
 Road, Mill Run, PA 15464
 PARCEL NUMBER: 37-08-0058
 IMPROVEMENTS: Residential Property

McCABE, WEISBERG & CONWAY, P.C.
Attorneys for Plaintiff
123 South Broad Street, Suite 1400
Philadelphia, PA 19109
(215) 790-1010

No. 111 of 2014 GD
No. 235 of 2017 ED

The Huntington National Bank,
Plaintiff,
vs.
Charles R. Wisilosky and Ranelle L.
Wisilosky,
Defendants.

All that certain piece or parcel or Tract of land situate in the Upper Tyrone, Fayette County, Pennsylvania, and being known as 130 Geary Drive, Connellsville, Pennsylvania 15425.

Being known as: 130 Geary Drive, Connellsville, Pennsylvania 15425

Title vesting in Charles R. Wisilosky and Ranelle L. Wisilosky, husband and wife, by deed from Jeremy R. Nunamaker, Unmarried dated January 30, 2006 and recorded February 1, 2006 in Deed Book 2976, Page 25.

Tax Parcel Number: 39-13-0019

Registers' Notice

Notice by JEFFREY L. REDMAN, Register of Wills and
Ex-Officio Clerk of the Orphans' Court Division of the Court of Common Pleas

Notice is hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans' Court Division of Fayette County on

Monday, October 2, 2017
at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2616-0548	LEROY NICHOLSON	Raymond D. Nicholson, Executor
2616-0450	PETER J. BENEDICT JR.	Peter J. Benedict III and Rebecca Lynn Kovalchick, Executors
2615-0642	THOMAS A. BELL	Christina Bell Vaslavsky, Executrix

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on
Monday, October 16, 2017 at 9:30 A.M.

in Court Room No. 1 of the Honorable STEVE P. LESKINEN, or his chambers, 2nd Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

Notice is also hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans' Court Division of Fayette County on

Monday, October 2, 2017
at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2614-0171	JEFFREY ALLEN MORRIS	Lynn Hall, Administratrix

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on
Monday, October 16, 2017 at 9:30 A.M.

in Court Room No. 2 of the Honorable JOHN F. WAGNER or his chambers, 2nd Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

JUDICIAL OPINION

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY,
PENNSYLVANIA

ORPHANS' COURT DIVISION

IN RE: ADOPTION OF M.R.R. :
 :
 :
 : No. 52 ADOPT 2017
 : JUDGE STEVE P. LESKINEN

OPINION AND ORDER

LESKINEN, J.

Petitioner G.E.R., biological mother of the child (“Mother”) filed before this Court a Petition for Involuntary Termination of Parental rights on July 3, 2017. The petition seeks to terminate the parental rights of Respondent P.W., biological father (“Father”), of M.R.R., the child (“Child”) and puts forth B.L.P., Mother’s cousin and Child’s godfather (“Cousin”), as the prospective adoptive parent. An evidentiary hearing (“Hearing”) was held on August 14, 2017. During the course of the Hearing, the Court heard testimony from Mother, Father, and Cousin. Upon full consideration of the record, this Court DENIES the Petition for Involuntary Termination of Parental Rights without prejudice.

I. Background

Prior to the filing of the petition at issue, Father filed a petition for custody of Child. At the Hearing, Father testified that he was willing to voluntarily terminate his parental rights and would no longer pursue custody of Child.

Mother testified that she believed it was in the best interest of Child to terminate the Father’s rights. Mother put forward Cousin as a prospective adoptive parent for Child. Mother testified that Cousin was a parental figure for Child, stating that he contributed financially to Child, that she has left Child in Cousin’s care “many times,” and that Cousin took Child on outings, such as to the park or for walks. Mother further testified that she did not intend for Cousin to live with Mother and Child; she did not intend to create a new family unit that included Cousin; and that if she were to marry, she would expect her potential future spouse to adopt Child.

Cousin testified that he intended to adopt Child. He further testified that he does not have any other children; that he lives with his father, mother, aunt, and brother; and that if Mother were to remarry, he would cooperate if Mother’s potential future spouse wished to adopt Child.

II. Analysis

Pursuant to 23 Pa.C.S. § 2711, a parent cannot consent to the adoption of her child without relinquishing her rights to the child. 23 Pa.C.S. § 2711 requires each parent

with rights to the child to make such a consent in order for an adoption to proceed. Generally, such a consent may not be required only where:

- (1) “the adoptee is over 18 years of age;”
- (2) “the adoptee is under 18 years of age and has no parent living whose consent is required;”
- (3) “a decree of termination with regard to such parent has been entered;” or
- (4) “the court finds that grounds exist for involuntary termination under section 2511.”

23 Pa.C.S. §§ 2713-14.

As an exception, pursuant to 23 Pa.C.S. § 2903, where the prospective adoptive parent is the spouse of the parent, the parent does not need to relinquish her rights for the adoption to proceed.

Additionally, pursuant to 23 Pa.C.S. § 2901, the courts may enter an adoption upon “cause shown” as to why the statutory requirements, including the requirement to relinquish parental rights, are not met.

Such cause has been found possible by the Supreme Court in only one consolidated case, where parent’s same-sex partner sought to adopt parent’s children and where the issue of termination of other parents’ rights was not at issue. In re Adoption of R.B.F., 569 Pa. 269, 272,275, 803 A.2d 1195, 1197-98 (2002). The R.B.F. court stated that 23 Pa.C.S. § 2901 “permits a petitioner to demonstrate why, in a particular case, he or she cannot meet the statutory requirements. Upon a showing of cause, the trial court is afforded discretion to determine whether the adoption petition should, nevertheless, be granted.” *Id.*, 569 Pa. at 280, 803 A.2d at 1201–02. The Supreme Court remanded the cases “to the respective trial courts for evidentiary hearings to determine whether Appellants can demonstrate, by clear and convincing evidence, cause as to whether the purpose of Section 2711(d)’s relinquishment of parental rights requirement will be otherwise fulfilled or is unnecessary under the particular circumstances of each case.” *Id.*, 569 Pa. at 283, 803 A.2d at 1203.

In M.R.D., mother sought involuntary termination of father’s parental rights of children pursuant to 23 Pa.C.S. § 2511. See M.R.D., 145 A.3d 1117, 1118 (Pa. 2016). To satisfy the 23 Pa.C.S. § 2512 requirement that the petitioner file an involuntary termination petition in contemplation of adoption, mother and grandfather “averred that the [g]randfather would adopt [c]hildren and co-parent with [m]other.” *Id.* at 1119.

The Orphan’s Court allowed the termination, and father appealed, (1) challenging the termination of his parental rights; and (2) arguing that mother and grandfather did not show cause because (a) “the proposed adoption by [g]randfather would not create a new family unit,” (b) “that it was not in [c]hildren’s best interests,” and (c) “that [g]randfather petitioned to adopt [c]hildren solely to retaliate against [f]ather’s custody action.” *Id.* at 1121. The Superior Court affirmed the Orphan Court’s decision, and the Supreme Court reversed and remanded.

The Supreme Court considered only the question of law as to whether “a legal parent may establish cause under Section 2901 to excuse the relinquishment requirement and proceed with a proposed adoption by a grandparent.” *Id.* at 1126. Reversing the Orphan Court’s ruling, the Supreme Court articulated the following standard for determining whether petitioners showed cause:

[m]other and [g]randfather may show cause to waive the relinquishment requirement only if they can establish that permitting [g]randfather to adopt [c]hildren while [m]other retains her parental rights will promote a new family unit or that it is otherwise unnecessary to require [m]other to relinquish her parental rights under the circumstances of this case.

Id. at 1128.

The Supreme Court rationalized that “[t]he purpose behind the termination or relinquishment of an existing parent’s rights prior to an adoption is to facilitate a new parent-child relationship between the child and the adoptive parent, and to protect the integrity and stability of the new family unit” and further stated:

. . . in second-parent adoption cases in which the relinquishment of a parent’s rights is not required—i.e., stepparent adoptions and adoptions by same-sex couples—relinquishment of the parent’s rights is unnecessary, and indeed damaging. In such cases, the parent and the prospective adoptive parent are committed partners—that is, they are involved in a horizontal relationship, are equals as between each other, and are equals with respect to the child. Adoption in such circumstances allows the prospective adoptive parent to create a new parent-child relationship with the legal parent’s child and a family unit together with the co-parent to whom he or she is committed. Thus, because the legal parent and prospective parent in second-parent adoption cases are part of the same family unit, the relinquishment requirement undermines, rather than promotes, family stability.

Id. at 1127-28 (emphasis in original) (internal citations and quotation marks omitted). The court further stated that “[a]doption does not foster a family unit under circumstances where . . . the adopting party is already part of—and will continue to be part of—a family unit that is separate from the unit which he seeks to promote and join through adoption.” *Id.* at 1128.

Applying the standard and rationale to the facts in *M.R.D.*, the Supreme Court reversed the orphan court’s ruling, finding that mother and grandfather were not in an “intact family unit” based on the following facts: (a) the mother and grandfather were not involved in “a committed, horizontal relationship such as stepparents or same-sex partners,” but instead “share[d] a vertical, parent-child relationship,” and (b) grandfather was to remain married to grandmother and was to continue to live in a separate residence with her after the adoption. *Id.* at 1128.

The Court also held that relinquishment was necessary to avoid (a) “confusing hybrid relationships within the family” and (b) complications arising from the fact that if [m]other ever seeks to marry, the Act does not require [g]randfather to terminate his

parental rights in favor of [m]other's spouse . . . ” where “[g]randfather has neither considered, nor explained, how his role with [c]hildren might change if [m]other married.” *Id.* at 1128-29.

Finally, while the issue on appeal was limited to the interpretation of 23 Pa.C.S. § 2901, the court also stated as to involuntary termination:

. . . although the orphans' court rejected the possibility in the instant case, permitting [g]randfather to adopt and co-parent [c]hildren with mother would nevertheless open the door for misuse of adoption proceedings by spiteful parents as a means to involuntarily terminate the rights of unwanted parents, potentially allowing grandparents, cousins, pastors, coaches, and a litany of other individuals who have a close relationship with a child to stand in as prospective adoptive parents so that termination may be achieved. Given that the complete and irrevocable termination of parental rights is one of the most serious and severe steps a court can take, we must ensure that we do not open the floodgates to such gamesmanship.

M.R.D., 145 A.3d at 1129 (emphasis added) (internal citations and quotation marks omitted).

Following the Supreme Court's decision in M.R.D., the Superior Court applied the M.R.D. standard in two cases.

First, in a non-precedential decision, the Superior Court reversed the Trial Court's order terminating father's parental rights where maternal grandfather intended to adopt child. *In re Adoption of K.M.R.*, No. 287 WDA 2016, 2016 WL 6123943, at *1 (Pa. Super. Ct. Oct. 20, 2016). The Superior Court summarized the M.R.D. standard as follows:

[t]he Supreme Court concluded that it was only proper for the trial court to waive the requirement of relinquishment in cases in which “the parent and the prospective adoptive parent are committed partners—that is, they are involved in a horizontal relationship, are equals as between each other, and are equals with respect to the child.” The Supreme Court, however, refused to interpret the “cause shown” provision to allow the trial court to waive the relinquishment requirement where the adoptive resource is a grandparent because “[a]doption does not foster a family unit under circumstances where, as here, the adopting party is already part of—and will continue to be part of—a family unit that is separate from the unit which he seeks to promote and join through adoption.”

Id. at *2 (emphasis added) (internal citations omitted) (quoting M.R.D. 145 A.3d at 1118).

Second, in another non-precedential decision, where mother sought to terminate father's parental rights, offering maternal grandmother as adoptive parent, the Superior Court affirmed the Trial Court's order denying mother's petition without prejudice. *In Interest of I.S.R.*, No. 1786 WDA 2016, 2017 WL 1382804, at *1 (Pa. Super. Ct. Apr. 18, 2017). The mother did not intend to relinquish her parental rights, and the mother

and grandmother did not intend to live together. In its initial order, dated one day after M.R.D. was decided, the Trial Court summarized M.R.D. to hold: “that the Adoption Act does not permit a maternal grandfather to adopt a minor child with the child’s mother without the mother relinquishing her parental rights simply as means to facilitate a termination of the biological father’s parental rights.” *Id.* at * 3. In the Trial court’s 1925(a) Opinion in support of its order, it stated:

the trial court based its decision in denying the natural mother’s Petition pursuant to the Supreme Court Opinion in *In re: M.R.D.*, supra, namely, that an adoption would be improper if the prospective adoptive parents were a grandparent and a natural parent whose parental rights are not relinquished who did not cohabit as an intact family, rather than any lack of involvement by the natural father with the child.

Id. at * 8 (internal citations and quotation marks omitted). The Superior Court found no error of law or abuse of discretion and stated that the “trial court was constrained to apply the Supreme Court’s holding to the instant matter, for the reasons set forth by the trial court in its Rule 1925(a) opinion.” *Id.* at *9.

Here, the facts are not exactly the same as those in M.R.D. because the prospective adoptive parent is not Child’s grandparent. Nonetheless, the facts of the case demonstrate that the adoption will not foster a new family unit and it has not been demonstrated that relinquishment is unnecessary in order to avoid confusion in the family.

First, the fact that Mother and Cousin are in a horizontal relationship, unlike the vertical relationship in M.R.D., is not enough to show cause. Mother fails to show cause because Mother and Cousin are not in a committed relationship with each other, do not intend to live together, and do not intend to create a new family unit consisting of Mother, Child, and Cousin.

Second, complications arising from the possibility that Mother’s potential future spouse will wish to adopt Child necessitate the relinquishment of Mother’s rights in order for Cousin to adopt Child. Cousin has testified that he would cooperate with such an adoption, but complications and resulting confusion for Child would not be alleviated by such cooperation. Mother has not shown any further cause as to why such relinquishment would not be necessary.

Finally, the fact that Father is willing to terminate his parental rights is not dispositive in this case, and converting the petition to one for voluntary termination will not pave the way for Cousin to adopt Child. While the issue of involuntary termination played an important role in M.R.D., the issue on appeal was limited to the interpretation of 23 Pa.C.S. § 2901. Regardless of whether Father voluntarily or involuntarily relinquishes his rights, because 23 Pa.C.S. § 2711 also requires Mother to consent to Cousin’s adoption of Child – and to relinquish her rights to Child in the process – Mother must show cause as to why that statutory requirement is not met in order for this Court to allow the adoption under 23 Pa.C.S. § 2901. Because the adoption would not create a new family unit and could potentially cause familial confusion, Father’s paren-

tal rights shall not be terminated and Cousin shall not adopt Child unless Mother also relinquishes her rights.

For these reasons, it is improper to allow Cousin to adopt Child and for Respondent's parental rights to be terminated.

OPINION AND ORDER

AND NOW, this 1st day of September, 2017, after a Hearing to consider the Petition for Involuntary Termination of Parental Rights, it is hereby ORDERED and DECREED that said Petition is DENIED without prejudice.

BY THE COURT:
STEVE P. LESKINEN, J.

ATTEST:
REGISTER OF WILLS

BENCH BAR CONFERENCE**Fayette County Bar Association
Bench Bar Conference**

Schedule:

8:30 - Meet the Sponsors/Continental Breakfast

9:00 to 12:15 Seminar CLE Presentations

12:30 Lunch

Wednesday, October 11, 2017

The Historic Summit Inn

Cost to attend - \$75 members \$125 non-members

RSVP to Cindy

724-437-7994 or cindy@fcbbar.org

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