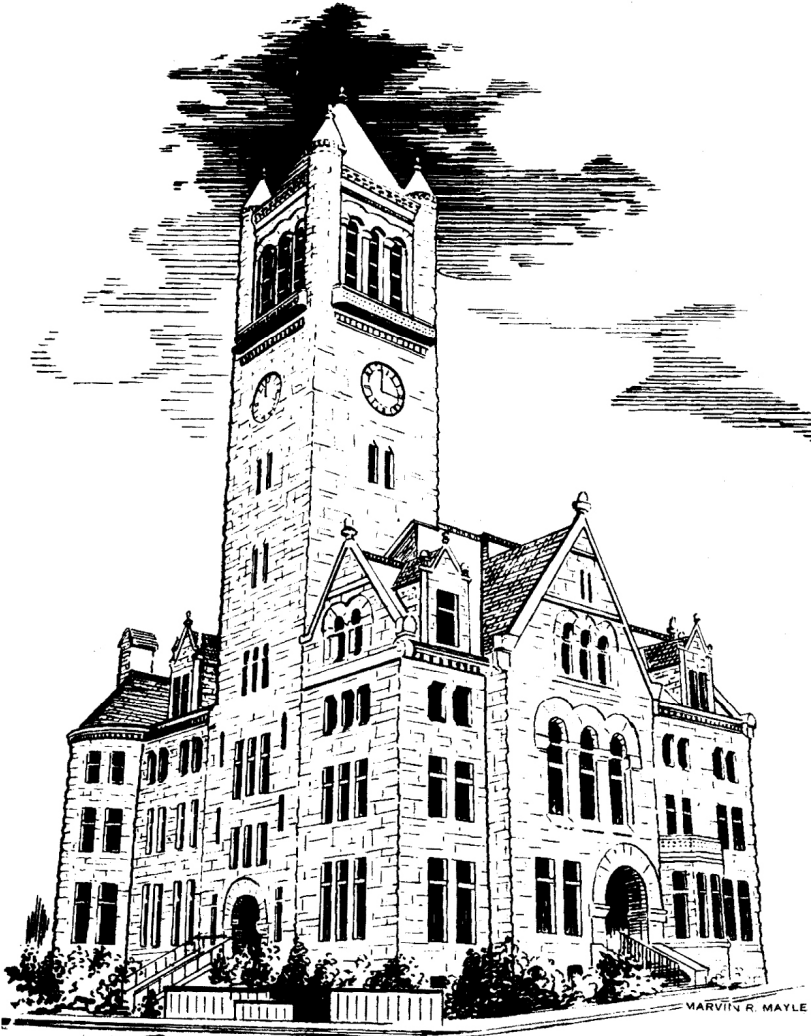


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FAYETTE LEGAL JOURNAL

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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

JEFFREY L. COZART, late of German Township, Fayette County, PA (3)

Administrator: Jason Cozart
c/o Stepp Law Offices
64 North Richhill Street, Suite 101
Waynesburg, PA 15370
Attorney: Kelly A. Stepp

VIOLET KOBAL, late of Washington Township, Fayette County, PA (3)

Administrator: Patricia Anderson
c/o 35 West Pittsburgh Street
Greensburg, PA 15601
Attorney: Christopher W. Huffman

LOIS ANN ROSNECK, late of Redstone Township, Fayette County, PA (3)

Executrix: Susan L. Danley
c/o Radcliffe Law, LLC
648 Morgantown Road, Suite B
Uniontown, PA 15401
Attorney: William M. Radcliffe

SANDRA LEE STEWART, late of Point Marion, Fayette County, PA (3)

Executor: Delbert Lee Stewart
c/o Fieschko & Associates, Inc.
436 7th Avenue, Suite 2230
Pittsburgh, PA 15219
Attorney: Joseph E. Fieschko, Jr.

SYLVIA R. SAVO, a/k/a SALLY SAVO, late of Uniontown, Fayette County, PA (3)

Personal Representative: Sylvia A. Prosser
c/o Higinbotham Law Offices
45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

Second Publication

DONALD G. KERFOOT, late of Connellsville, Fayette County, PA (2)

Personal Representative: Gloria Eileen Rohal
c/o 815A Memorial Boulevard
Connellsville, PA 15425
Attorney: Margaret Zylka House

RICHARD H. MILLER, late of North Union Township, Fayette County, PA (2)

Co-Executors: Jason R. Miller and Michael Miller
c/o Fitzsimmons and Barclay
55 East Church Street, Suite 102
Uniontown, PA 15401
Attorney: James N. Fitzsimmons, Jr.

DORIS JEAN REID, a/k/a DORIS J. REID, late of Fairchance, Fayette County, PA (2)

Personal Representative: Sharon D. Brewer
c/o 50 East Main Street
Blackstone Building
Uniontown, PA 15401
Attorney: Patrick C. McDaniel

MAUREEN C. SMITHBERGER, late of South Union Township, Fayette County, PA (2)

Administrator: David Smithberger
c/o Adams and Adams
55 East Church Street, Suite 101
Uniontown, PA 15401
Attorney: Jason F. Adams

SHIRLEY ANNE THURBY, late of North Union Township, Fayette County, PA (2)

Executor: Joseph E. Thurby, Sr.
c/o Adams and Adams
55 East Church Street, Suite 101
Uniontown, PA 15401
Attorney: Jason F. Adams

ERNEST W. WATSON, Jr., late of Lower Tyrone Township, Fayette County, PA (2)

Personal Representative: Laurie A. Watson
129 Watson Road
East Millsboro, PA 15433
c/o 120 South Third Street
Connellsville, PA 15425
Attorney: John K. Greiner

First Publication

LOUIS ANSELL, a/k/a LOUIS ANSELL, JR., late of Dunbar Township, Fayette County, PA (1)

Administratrix: Renee E. Ansell
c/o Webster & Webster
51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

VIRGINIA MAE EBERHARTER, a/k/a VIRGINIA M. EBERHARTER, late of Dunbar Township, Fayette County, PA (1)

Co-Executors:
James O. Rowan, Jr. and Wanda Brooks
c/o PO Box 760
Connellsville, PA 15425
Attorney: Carolyn W. Maricondi

CONNIE L. HARSHMAN, a/k/a CONNIE HARSHMAN, late of South Union Township, Fayette County, PA (1)

Executrix: Jill Rowland
c/o Zebley Mehalov & White, P.C.
18 Mill Street Square
PO Box 2123
Uniontown, PA 15401
Attorney: Daniel R. White

PARKER ANDREW HESS, a/k/a PARKER A. HESS, late of Redstone Township, Fayette County, PA (1)

Executrix: Heather Hess Richards
311 Twin Hills Road
Grindstone, PA 15442
c/o Meyers Evans Lupetin & Unatin, LLC
707 Grant Street, Suite 3200

Pittsburgh, PA 15219
Attorney: Brendan B. Lupetin

CHARLES W. LEWIS, SR., a/k/a CHARLES W. LEWIS, late of Redstone Township, Fayette County, PA (1)

Personal Representative: Louise Miller
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

JOHN D. MCGARVEY, a/k/a DAN MCGARVEY, late of South Union Township, Fayette County, PA (1)

Executor: James E. Higinbotham, Jr.
c/o Higinbotham Law Offices
45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

DONALD M. SMALL, late of Connellsville Township, Fayette County, PA

Co-Executors: Gilbert Lawrence Small and
Chris Lawrence Small
c/o Riverfront Professional Center
208 South Arch Street, Suite 2
Connellsville, PA 15425
Attorney: Richard A. Husband

DOROTHY LOUISE MOORE WILSON, a/k/a DOROTHY LOUISE WILSON, late of Belle Vernon Borough, Fayette County, PA (1)

Co-Executors:
Lance Wilson
104 Grata Street
Belle Vernon, PA 15012
and Craig S. Wilson
937 Leeds Avenue
Monessen, PA 15062
c/o Bassi, Vreeland & Associates, P.C.
PO Box 144
111 Fallowfield Avenue
Charleroi, PA 15022
Attorney: Bradley M. Bassi

LEGAL NOTICES

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY PENNSYLVANIA
CIVIL DIVISION
NO.: 418 of 2018 GD

**FIRST NATIONAL BANK OF
PENNSYLVANIA,**

Plaintiff,
vs.

**THE UNKNOWN HEIRS, EXECUTORS
AND/OR ADMINISTRATORS OF THE
ESTATE OF MARK L. KEFFER,**
Defendants.

Notice

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with 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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Pennsylvania Bar Association
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NOTICE

FAMILY TIES HOME & COMMUNITY SUPPORTS, INC. has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

The Proden Law Firm, LLC
99 East Main Street
Uniontown, PA 15401

IN THE UNITED STATES BANKRUPTCY
COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA
Case No.: 13-20596 GLT
Chapter 7
Document No.:

Hearing Date and Time:
May 3, 2018 at 10:30 a.m.

In re:

David L. Peters and Barbara J. Peters,
Debtors.

Charles O. Zebley, Jr., Trustee
Movant,

vs.

David L. Peters and Barbara J. Peters;
Deer Lake Improvement Association;
Home Equity of America, Inc.; Fifth Third
Bank; United States of America, Internal
Revenue Service; Patrick McChesney and
James McChesney doing business as Lauri's
Greenhouse; Carolyn
W. Maricondi, Executor of the Estate of
Eileen Krawczyk; Fayette County Tax
Claim Bureau,
Respondents.

NOTICE OF NON-EVIDENTIARY HEARING
WITH RESPONSE DEADLINE ON MOTION
TO SELL THE ESTATE'S INTEREST IN
REAL PROPERTY

TO THE RESPONDENTS AND ALL
CREDITORS AND PARTIES IN INTEREST:

You are hereby notified that the above Movant seeks an order to sell the estate's interest in real

property in which respondents may have an interest.

Property to be sold:

Two residential units and four lots serviced by a common driveway located at 88 and 90 LaFayette Trail, Chalk Hill, Fayette County, Pennsylvania, 15421. Tax Parcel Identification Nos. 42-12-0074 and 42-12-0075.

Initial Offeror:

Brandon Cobb and Devon Cobb.

Initial Offer:

\$220,000 with \$1,000 down payment

Terms of Sale:

No-Contingency, "AS IS, WHERE IS;" \$1,000 in cash or certified funds at time of sale, the balance within thirty days. Buyer will pay any transfer taxes. Seller and Buyer will prorate on a fiscal year basis all unpaid real estate taxes, municipal liens, and assessments encumbering the property. Buyer will pay to record the deed and all other costs of closing.

The premises is subject to the Deer Lake Home Improvement Association ("DLIA") declaration. The annual assessment is \$325 per house and \$110 per lot. For the within premises that comes to \$1,090 per year due by December 31 of the prior year. The Lake Project assessment is \$1,400 per year per home and \$115 per year per lot for ten years. For the within premises that is \$3,260 per year on two houses and four lots due quarterly on February 1, May 1, August 1, and November 1. The quarterly payment is \$815. The total presently due to DLIA is \$20,924. The Trustee will pay DLIA this amount from the closing proceeds. Trustee will pay nothing more to or on behalf of DLIA. Any additional charges no matter when those charges accrue are Buyer's responsibility including assessments due on May 1. The Buyer will face the annual dues and seven more years of project assessment.

Contact:

Charles O. Zebley, Jr., Trustee, P.O. Box 2124, Uniontown, Pennsylvania, 15401, (724) 439-9200, for information, terms and conditions, or to examine property.

Responses and objections shall be filed and served by April 23, 2018. Higher or better bids

are not an objection to the motion. If respondents fail to timely respond, the motion may be granted without a hearing.

A hearing will be held on May 3, 2018, at 10:30 a.m. before Judge Taddonio in Courtroom A, 54th Floor, U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.

The court will entertain higher and better offers at the hearing. Terms announced at sale will supercede the terms of any prior notice.

Requests for information regarding subject real estate should be directed to the undersigned.

ZEBLEY MEHALOV & WHITE, P.C.

BY /s/ Charles O. Zebley, Jr.

Charles O. Zebley, Jr., Trustee

PA I.D. No. 28980

Zebley Mehalov & White, P.C.

P.O. Box 2124

Uniontown, PA 15401 (724) 439-9200

Email: COZ@Zeblaw.com

Dated: April 6, 2018

SHERIFF'S SALE

Date of Sale: June 14, 2018

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, June 14, 2018, 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

No. 1989 of 2014 GD
No. 78 of 2018 ED

AMERIKOHL MINING INC.,
Plaintiff,
vs.
WAYNE K. BAKER,
Defendant.

Property Address: 294 Hope Hollow Road,
Springhill Township, PA 15451
Parcel ID: 36-14-0132

Being the same premises which Doris M. Cobb, widow, granted and conveyed unto Wayne K. Baker, single, by Deed dated November 28, 1980, and recorded in the Fayette County Recorder of Deeds Office on December 4, 1980 in Deed Book 1281 page 778.

Judgment Amount: \$ 50,779.26 together with interest at the rate of six percent (6 %) from June 25, 2014, plus costs of suit.

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

No. 67 of 2018 GD
No. 76 of 2018 ED

**Deutsche Bank National Trust Company, as
Trustee for Home Equity Mortgage Loan
Asset-Backed Trust Series INABS 2006-D,
Home Equity Mortgage Loan Asset-Backed
Certificates Series INABS 2006-D,**
Plaintiff,
V.

**HARRY BRAXTON A/K/A HARRY M.
BRAXTON**
**JOYCE L. DUGAN A/K/A JOYCE L.
BRAXTON**
Defendant(s).

ALL THAT CERTAIN LOT OF LAND
SITUATE IN TOWNSHIP OF SOUTH
UNION, FAYETTE COUNTY,
PENNSYLVANIA:

BEING KNOWN AS 17 Feathers Avenue,
(South Union Township), Uniontown, PA 15401
PARCEL NUMBER: 34-17-0010
IMPROVEMENTS: Residential Property

ANNE N. JOHN Esq.
ATTORNEY AT LAW

No. 2628 of 2017 GD
No. 94 of 2018 ED

**FIRST FEDERAL SAVINGS AND LOAN
ASSOCIATION OF GREENE COUNTY, a
corporation,**

Plaintiff,
vs.

**DONALD L. CUNNINGHAM and
ELIZABETH A. CUNNINGHAM,
Defendants.**

ALL that certain tract of land situate in the Village of Messmore, German Township, Fayette County, Pennsylvania, containing 1.6136 acres.

Upon which is erected a single-family dwelling known locally as 269 Messmore Road, McClellandtown, PA 15458 and a Mobile Home with land known locally as 259 Messmore Road, McClellandtown, PA 15458.

For prior title see Record Book 2802-2483.

Fayette County Assessment Map Nos.: 15-28-0241 and 15-28-0242.

No. 1045 of 2016 GD
No. 84 of 2018 ED

**U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR THE PENNSYLVANIA
HOUSING FINANCE AGENCY,
PLAINTIFF,**

VS.

**TERRI DARNELL,
DEFENDANT.**

ALL that certain lot of ground in the Township of South Union, County of Fayette, Pennsylvania, being known as Lot No. 6 and the easterly portion of Lot No. 5 in the George Mikluscak Plan of Lots, Fayette County, Pennsylvania Deed Book Volume 824, page 579, HAVING THEREON ERECTED DWELLING KNOWN AS 1220 BROWNFIELD ROAD UNIONTOWN, PA 15401.

TAX PARCEL ID# 34-27-0390.

Fayette County Book 3113, Page 1196.

TO BE SOLD AS THE PROPERTY OF
TERRI DARNELL ON JUDGMENT NO. 2016
-1045.

No. 2657 of 2017 GD
No. 67 of 2018 ED

**The Huntington National Bank,
Plaintiff,**
vs.

**Samuel J. DelSignore; Arleen B. DelSignore,
AKA Arlene B. DelSignore,
Defendants.**

ALL that certain parcel of land lying and being situate in the Township of Redstone, County of Fayette, and Commonwealth of Pennsylvania, known as 803 Fairbank Hurber, AKA, 803 Fairbank Herbert Road, AKA Herbert -Fairbank Road, New Salem, PA 15468 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 30-36-003801

BEING the same premises which Samuel J. DelSignore, Sr. and Arlene B. DelSignore, his wife, by Deed dated August 30, 2011 and recorded in and for Fayette County, Pennsylvania in Deed Book 3163, Page 1638, granted and conveyed unto Arlene B. DelSignore.

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

No. 2667 of 2017 GD
No. 64 of 2018 ED

**KeyBank, N.A. successor by merger to First
Niagara Bank,
Plaintiff**
V.

**SHIRLEY A HALFHILL
Defendant(s).**

ALL THAT CERTAIN LOT OF LAND
SITUATE IN NORTH UNION TOWNSHIP,
FAYETTE COUNTY, PENNSYLVANIA:

BEING KNOWN AS 155 Piper hollow Rd,
North Union, PA 15465

PARCEL NUMBER: 25160173

IMPROVEMENTS: Residential Property

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

No. 2408 of 2017 GD
 No. 73 of 2018 ED

**BAYVIEW LOAN SERVICING, LLC, A
 DELAWARE LIMITED LIABILITY
 COMPANY**
**4425 Ponce de Leon Blvd Coral Gables, FL
 33146**

**Plaintiff,
 V.**

NIKKI D. HARDIN
Mortgagor(s) and Record Owner(s)
**465 Maple Summit Road a/k/a 469 Maple
 Summit Road Mill Run, PA 15464**
Defendant(s).

ALL THOSE TWO CERTAIN contiguous
 pieces or parcels of land situate in the
 TOWNSHIP OF STEWART, County of Fayette
 and Commonwealth of Pennsylvania.

TAX PARCEL #37-08-0031

PROPERTY ADDRESS: 465 Maple
 Summit Road a/k/a 469 Maple Summit Road
 Mill Run, PA 15464

IMPROVEMENTS: A residential
 dwelling.

SOLD AS THE PROPERTY OF: NIKKI
 D. HARDIN

No. 1574 of 2017 GD
 No. 72 of 2018 ED

**PENNSYLVANIA HOUSING FINANCE
 AGENCY,**

**PLAINTIFF,
 Vs.**

**SHEENA R. HUSAR A/K/A SHEENA R.
 HUSER,**
DEFENDANT.

ALL those parcels of land in Masontown
 Borough, Fayette County, Pennsylvania, as
 shown in the John Karpineca, Jr. Plan of Lots,
 Plan Book 8, page 30; as follows:

1. Lot No. 15, containing 9,925 square feet;
 and
2. Eastern one-half of Lot 16; and

3. Western one-half of Lot No. 16.

HAYING THEREON ERECTED A
 DWELLING KNOWN AND NUMBERED AS:
 372 WEST CHURCH AVENUE
 MASONTOWN, PA 15461.

Tax Parcel Nos. 21-06-0260; 21-06-0261;
 and 21-06-0262

Fayette Deed Book 3039, page 772

TO BE SOLD AS THE PROPERTY OF
 SHEENA R. HUSAR AKA SHEENA R.
 HUSER UNDER JUDGMENT NO. 2017-
 01574.

Phelan Hallinan Diamond & Jones, LLP

No. 1518 of 2017 GD
 No. 62 of 2018 ED

**U.S. Bank National Association, as Trustee
 for Structured Asset Securities Corporation,
 mortgage Pass-Through Certificates, Series
 2006-EQ1,**

**Plaintiff,
 V.**

Gerald F. Jacobson,
Defendant(s).

By virtue of a Writ of Execution No. 1518-
 OF-2017-GD, U.S. Bank National Association,
 as Trustee for Structured Asset Securities
 Corporation, mortgage Pass-Through
 Certificates, Series 2006-EQ1 v. Gerald F.
 Jacobson, owner(s) of property situate in the
 GERMAN TOWNSHIP, Fayette County,
 Pennsylvania, being 540 Sixth Street, Hibbs, PA
 15443

Parcel No.: 15-04-0055

Improvements thereon: RESIDENTIAL
 DWELLING

Phelan Hallinan Diamond & Jones, LLP

No. 2198 of 2017 GD
No. 81 of 2018 ED

Pennymac Loan Services, LLC,
Plaintiff
V.
Francis W. Lee, III,
Defendant(s).

By virtue of a Writ of Execution No. 2198-OF-2017-GD, Pennymac Loan Services, LLC v. Francis W. Lee, III, owner(s) of property situate in the GEORGES TOWNSHIP, Fayette County, Pennsylvania, being 108 Victory Drive, Smithfield, PA 15478-1268
Parcel No.: 1425005741
Improvements thereon: RESIDENTIAL DWELLING

Phelan Hallinan Diamond & Jones, LLP

No. 2254 of 2017 GD
No. 77 of 2018 ED

Bank of America, N.A.,
Plaintiff,
V.
James V. Malone, in His Capacity as Heir of Edith L. Moore, Deceased
Kenneth J Malone, in His Capacity as Heir of Edith L. Moore, Deceased
Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Edith L. Moore, Deceased,
Defendant(s).

By virtue of a Writ of Execution No. 2254-OF-2017-GD Bank of America, N.A. v. James V. Malone, in His Capacity as Heir of Edith L. Moore, Deceased Kenneth J. Malone, in His Capacity as Heir of Edith L. Moore, Deceased, Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Edith L. Moore, Deceased, owner(s) of property situate in the DUNBAR BOROUGH, Fayette County, Pennsylvania, being 6 Ranch Road, Dunbar, PA 15431-1530
Parcel No.: 08-03-0283
Improvements thereon: RESIDENTIAL DWELLING

Phelan Hallinan Diamond & Jones, LLP

No. 264 of 2017 GD
No. 83 of 2018 ED

Branch Banking & Trust Company,
Plaintiff,
V.
Mark A. Proctor a/k/a Mark Proctor
Deborah R. Proctor,
Defendant(s).

By virtue of a Writ of Execution No. 2017-00264 Branch Banking & Trust Company v. Mark A. Proctor a/k/a Mark Proctor Deborah R. Proctor, owner(s) of property situate in the NEWELL BOROUGH, Fayette County, Pennsylvania, being 405 Water Street, Newell, PA 15466
Parcel No.: 23-04-0010
Improvements thereon: RESIDENTIAL DWELLING

No. 1100 of 2014 DSB
No. 82 of 2018 ED

SOMERSET TRUST COMPANY,
Plaintiff,
Vs.
DANIEL D. SZYMANSKI AND
KIMBERLY S. SZYMANSKI,
Husband and wife,
Defendant.

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF: DANIEL D. SZYMANSKI AND KIMBERLY S. SYZMANSKI, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THOSE CERTAIN TWO (2) PARCELS OR TRACTS OF GROUND SITUATE IN SALTCLICK TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA, BEING MORE FULLY DESCRIBED AT DBV 1512 PAGE 97.

BEING KNOWN AS 251 MILLERTOWN ROAD, INDIAN HEAD, PA 15446
PARCEL ID. 31190157
MAP NO. 31-19-0157

Nicholas A. Didomenico, Esquire
 McGrath McCall, P.C.
 Four Gateway Center, Suite 1040
 444 Liberty Avenue, Pittsburgh, PA 15222

ANNE N. JOHN Esq.
 ATTORNEY AT LAW

No. 2351of 2016 GD
 No. 79 of 2018 ED

No. 2614 of 2017 GD
 No. 93of 2018 ED

**NORTHWEST BANK, F/K/A
 NORTHWEST SAVINGS BANK,
 SUCCESSOR BY MERGER TO PRESTIGE
 BANK,**

**FIRST FEDERAL SAVINGS AND LOAN
 ASSOCIATION OF GREENE COUNTY, a
 corporation,**

**Plaintiff,
 vs.**

**SARAH L. WAMSLEY and WILLIAM M.
 WAMSLEY,
 Defendants.**

**Plaintiff,
 VS.
 JACK R. TAYLOR and KERRI LOU
 TAYLOR,
 Defendants.**

ALL that certain piece or parcel of land
 situate in German Township, Fayette County,
 Pennsylvania, being part of the Lambert Mining
 Village.

FOR prior title see Record Book 3264 at
 page 1504. Upon which is erected a double
 dwelling house known as Nos. 268-269 Lambert
 Mining Village, now known as Edenborn-
 Lambert, Inc., and having a street address of 416
 Main Street, McClellandtown, Pennsylvania
 15458.

Fayette County Assessment Map No.: 15-
 13-0016. (1 of 3)

No. 1476 of 2017 GD
 No. 80 of 2018 ED

**PNC BANK, NATIONAL ASSOCIATION,
 SUCCESSOR BY MERGER TO
 NATIONAL CITY BANK,**

**Plaintiff,
 vs.**

**ERNEST A. WALTERS AND SHERRY L.
 WALTERS,
 Defendants.**

ALL THE RIGHT TITLE, INTEREST
 AND CLAIMS OF ERNEST A. WALTERS
 AND SHERRY L. WALTERS, OF, IN AND
 TO THE FOLLOWING DESCRIBED
 PROPERTY:

ALL THAT CERTAIN LOT NO. 1 IN
 THE WALT ERS SUBDIVISION SITUATE
 IN SOUTH UNION TOWNSHIP, FAYETTE
 COUNTY PENNSYLVANIA, A PLOT OF
 WHICH IS RECORDED IN PLAN BOOK 45,
 PAGE 100.

RR 13 DUKAT STREET, UNIONTOWN,
 PA 15401.

TAX PARCEL NO. 34-24-012101
 (1 of 3)

SHERIFF'S SALE

Date of Sale: May 3, 2018

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, May 3, 2018, 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

No. 1644 of 2017 GD
No. 56 of 2018 ED

BANK OF AMERICA, N.A.,
vs.
DONALD YAUGER
LAURA YAUGER

ALL THAT CERTAIN LOT OR PIECE OF GROUND SITUATE AS A PARCEL OR LOT OF GROUND LOCATED NEAR THE VILLAGE OF COOLSPRING, NORTH UNION TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA.

BEING THE SAME PREMISES which Earnest E. Yauger and Patricia S. Yauger, by Deed dated January 29, 2008 and recorded January 29, 2008 in the Office of the Recorder of Deeds in and for Fayette County in Deed Book Volume 3051, Page 2237, granted and conveyed unto DONALD YAUGER, their son.

BEING KNOWN AS: 129 PINE RIDGE ROAD, LEMONT FURNACE, PA 15456
PARCEL #25-27-0253

Phelan Hallinan Diamond & Jones, LLP

No. 2323 of 2017 GD
No. 4 of 2018 ED

JPMorgan Chase Bank, National Association,
Plaintiff,
V.
John Yurkovich
Teri Yurkovich,
Defendant(s).

By virtue of a Writ of Execution No. 2323 OF 2017 GD, JPMorgan Chase Bank, National Association v. John Yurkovich Teri Yurkovich, owner(s) of property situate in the SOUTH CONNELLSVILLE BOROUGH, Fayette County, Pennsylvania, being 1167 West Gibson Avenue, Connellsville, PA 15425-4859

Parcel No.: 33-04-0044, 33-04-004401
Improvements thereon: RESIDENTIAL DWELLING

JUDICIAL OPINION

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

| | | |
|-----------------|---|-----------------------------|
| COMMONWEALTH OF | : | |
| PENNSYLVANIA, | : | |
| vs. | : | |
| DANIEL MORRIS, | : | No. 139 SA 2017 |
| Defendant. | : | Judge Joseph M. George, Jr. |

William M. Martin, Esquire, Assistant District Attorney, For the Commonwealth
Daniel Morris, Pro Se

OPINION

GEORGE, J.

March 22, 2018

Following a de novo summary trial, the Court found Appellant, Daniel Morris guilty of safety violations pursuant to the locally adopted property maintenance code. The Court ordered the Appellant to pay a fine of three-hundred (\$300.00) dollars plus costs and fees within thirty (30) days for each of his citations. On February 26, 2018, the Appellant filed his direct appeal to the Superior Court of Pennsylvania. This Opinion is in support the Court 's guilty verdict.

CONCISE ISSUES

In his 1925(b) Statement, the Appellant raised the following:

1. Whether the verdict was against the weight of the Commonwealth's evidence;
2. Whether the Commonwealth's evidence was insufficient in form and/or content to sustain a conviction;
3. Whether the Appellant was not afforded a fair trial; and
4. Whether the Appellant was not afforded a full and fair opportunity to present a defense?

FACTUAL BACKGROUND

On May 30, 2017, the Appellant was cited by Upper Tyrone Township Code Enforcement for safety violations occurring at property he owned, located at 436 Hickory Square Road, Dawson, Fayette County, Pennsylvania 15428. {1} Two months later, Appellant was cited again by Mr. Adams for the same violation. {2} On October 18, 2017, the Appellant appeared before Magisterial District Judge Richard Kasunic II, where he was found guilty and was also fined one-hundred-fifty (\$150.00) dollars on each of his citations. On November 16, 2017, the Appellant appealed to the Fayette County Court of Common Pleas.

On January 30, 2018, the Court held the Appellant's de novo summary trial. The Appellant testified that he was cited after he had conveyed ownership of the property. (T.T. 2:15-16). The Court questioned the Appellant if the property had been sold. (T.T. 2: 17). The Appellant answered "[i]t's been sold. Yeah." (T.T. 2:18). The Court further questioned the Appellant on the issue of property 's ownership.

The Appellant replied "[n]o, well, it's in my name but it's" (T.T. 2:20). He also testified, "[w]hy, I got a sales agreement on it." (T.T. 2:22). The Court stated "[t]hat's not a sale. Is there a deed from you to somebody else?" (T.T. 2:23-24). The Appellant responded "[n]o. I got a deed. It's still in my name." (T.T. 2:25). The Court further noted "[w]ell a sales agreement isn't a sale. You need a deed from you to the other person. That's when it gets transferred." (T.T. 3:4-5). The Appellant then stated "[w]ell I got a deed. No. There's no deed." (T.T. 3:6). The Court summarized the Appellant's defense and stated "[s]o you don't dispute the issues with the property you're just here to tell me you have it sold but it hasn't been officially transferred? That's your defense?" (T.T. 3:7-9). The Appellant responded "[y]eah." (T.T. 3: 10). The Court found the Appellant guilty and also fined him three-hundred (\$300.00) dollars plus court costs. (T.T. 5:19-25). On February 26, 2018, Appellant filed his direct appeal to this Court.

{1} According to Appellant 's Non-Traffic Citation No. R0976415-6, Code Enforcement Officer, Roger Adams, cited him pursuant to Section 108.1.1 of the Upper Tyrone Township Property Maintenance Code. Upper Tyrone Township adopted the provisions of the International Property Maintenance Code "IPMC." Section 108.1.1 of the 2015 IPMC reads, in pertinent part,

[A]108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

See, 2015 IPMC Section 108.1.1.

{2} Appellant's second citation was issued on July 12, 2017, and cited him with a violation of Section 108.1.1 ("Unsafe Structures."). See Non-Traffic Citation No. R0976428-5.

DISCUSSION

Appellant's first concise issue argues that the Court's verdict is against the weight of the evidence. With regard to a challenge against the weight of the evidence, this Court previously held "[a] challenge to the weight of the evidence is waived unless it is presented in the first instance to the trial court." *Commonwealth v. Dougherty*, 679 A.2d 779, 784 (Pa. Super. 1996). Additionally, "challenges to the weight of the evidence must be raised with the trial judge in a motion for a new trial—either orally or by written motion before sentencing or in a post-sentence motion." *Commonwealth v. Griffin*, 65 A.3d 932, 938 (Pa. Super. 2013); see also Pa.R.Crim.P. 607(A).

The record reflects that Appellant failed to raise this claim with the trial court pursuant to the holdings of *Dougherty* and *Griffin*, *supra*, and Pa.R.Crim.P 607 et seq. Separately, this Court held that a challenge for weight of the evidence can also be waived when "the Appellant's concise statement fails include specific reasons as to why the verdict was against the weight of the evidence." *Commonwealth v. Freeman*, 128 A.3d 1231, 1248-1249 (Pa. Super. 2015). Appellant's concise statement failed to specify reasons why the verdict was against the weight of the evidence as required by the holding in *Freeman*, *supra*. Therefore, we find the Appellant's first concise issue is hereby waived and without merit.

Appellant's second concise issue challenges whether the Commonwealth's evidence was sufficient in form and content to sustain his verdict. This Court's standard of review for sufficiency of the evidence reads, in pertinent part,

As a general matter, our standard of review of sufficiency claims requires that we evaluate the record in the light most favorable to the verdict winner giving the prosecution the benefit of all reasonable inferences to be drawn from the evidence. Evidence will be deemed sufficient to support the verdict when it establishes each material element of the crime charged and the commission thereof by the accused, beyond a reasonable doubt. Nevertheless, the Commonwealth need not establish guilt to a mathematical certainty. [T]he facts and circumstances established by the Commonwealth need not be absolutely incompatible with the defendant's innocence. Any doubt about the defendant's guilt is to be resolved by the fact finder unless the evidence is so weak and inconclusive that, as a matter of law, no probability of fact can be drawn from the combined circumstances.

Commonwealth v. Mauz, 122 A.3d 1039, 1040-1041 (Pa. Super. 2015). This Court also held that "in order to address a challenge to the sufficiency of the evidence, it must be preserved for appeal." *Commonwealth v. Tyack*, 128 A.3d 254, 260 (Pa. Super. 2015). Also regarding the issue of waiver, this Court, further held,

If Appellant wants to preserve a claim that the evidence was insufficient, then the 1925(b) statement needs to specify the element or elements upon which the

evidence was insufficient. This Court can then analyze the element or elements on appeal. The instant 1925(b) statement simply does not specify the allegedly unproven elements. Therefore, the sufficiency issue is waived.

Commonwealth v. Williams, 959 A.2d 1252, 1257 (Pa. Super. 2008).

Appellant failed to specify in his second concise issue why he challenges the form and content of the Commonwealth's evidence. Furthermore, this Court held "a weight of the evidence claim "concedes that there is sufficient evidence to sustain the verdict." *Commonwealth v. Smith*, 853 A.2d 1020, 1028 (Pa. Super. 2004) (citation omitted). Because the Appellant challenged weight of the evidence in his first concise statement, he effectively rendered his second concise issue moot under *Smith*, supra. We find Appellant's second concise issue is without merit.

Appellant's third concise challenges whether he received a fair trial. In Pennsylvania, summary appeal proceedings are heard by the judge of the court of common pleas sitting without a jury. Pa.R.Crim.P. 462(A). The standard of review is de novo, which has been defined by this Court to mean "a new trial without reference to the [lower court] record." *Commonwealth v. Torres*, 176 A.3d 292, 296 (Pa. Super. 2017). On January 30, 2018, the Court held the Appellant's trial de novo.

Assistant District Attorney, William M. Martin appeared on behalf of the Commonwealth along with Upper Tyrone Township Code Enforcement Officer, Roger Adams to prosecute the case pursuant to Pa.R.Crim.P. 462(B). Appellant, in defense of his conviction, offered evidence that he was not the owner of the subject property, located at 436 Hickory Square Road, Dawson, Pennsylvania 15428. In support of his defense, he presented to the Court a sales agreement.

The Court asked the Appellant if he had a deed transferring ownership of the subject property. He responded no. The Court found that the Appellant was the owner. The Court also found the Appellant guilty of the safety violations and fined him three-hundred (\$300.00) dollars to be paid within thirty (30) days on each citation. We find that Appellant's third concise issue is without merit.

Appellant's fourth concise issue challenges whether he was afforded a full and fair opportunity to present his defense. The Appellant argued that his conviction was improper because he was cited for safety violations occurring at a property that he did not own. In support of his position, the Appellant argued that his proffered sales agreement was sufficient evidence that he no longer owned said property. The Court disagreed and asked him if he had a deed transferring the property to other party. The Appellant replied no.

A deed is defined as a written instrument by which land is conveyed. *Black's Law Dictionary* (10th Ed. 2014). The Supreme Court of Pennsylvania in *In re Estate of Plance*, 175 A.3d 249, 260 (2017), held "[d]elivery of a deed is 'necessary to render it

legally operative' 'the crowning fact' in the execution of a deed is delivery .. and may be inferred or presumed from circumstances." Id. (internal citations omitted). The Court further held "[t]he general principle of law is that the formal act of signing, sealing, and delivering is the consummation of the deed." Id. The Appellant testified that he did not have a deed transferring ownership to the alleged buyer. The Court found that he was the owner responsible for the maintenance of the property. The Appellant offered no additional evidence to suggest otherwise. The Court then found him guilty and imposed the fines on each of his citations accordingly. We find the Appellant's fourth concise issue is without merit.

BY THE COURT:
JOSEPH M. GEORGE, JR. JUDGE

ATTEST:
Janice Snyder
CLERK OF COURTS

125th ANNUAL BAR BANQUET

The Board of Directors of the Fayette County Bar Association cordially invites you to the **125th Annual Fayette County Bar Banquet**

A celebration of camaraderie, good food and entertainment in appreciation for your contribution to the Association.

Spouses/guests are welcome & encouraged.
Cocktail attire suggested.

Festivities include...

Hors d'oeuvres & Open Bar @ 5:30 p.m.

Dinner @ 6:30 p.m.

Music by TK the DJ from 5:30 to 10:30 p.m.

Date: April 20, 2018

Location

Aaron's Building

139 Pittsburgh Street

Connellsville, Pennsylvania 15425

Please RSVP by April 11, 2018

by returning your invitation enclosure
or to Cindy at 724-437-7994 or cindy@fcb.org

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