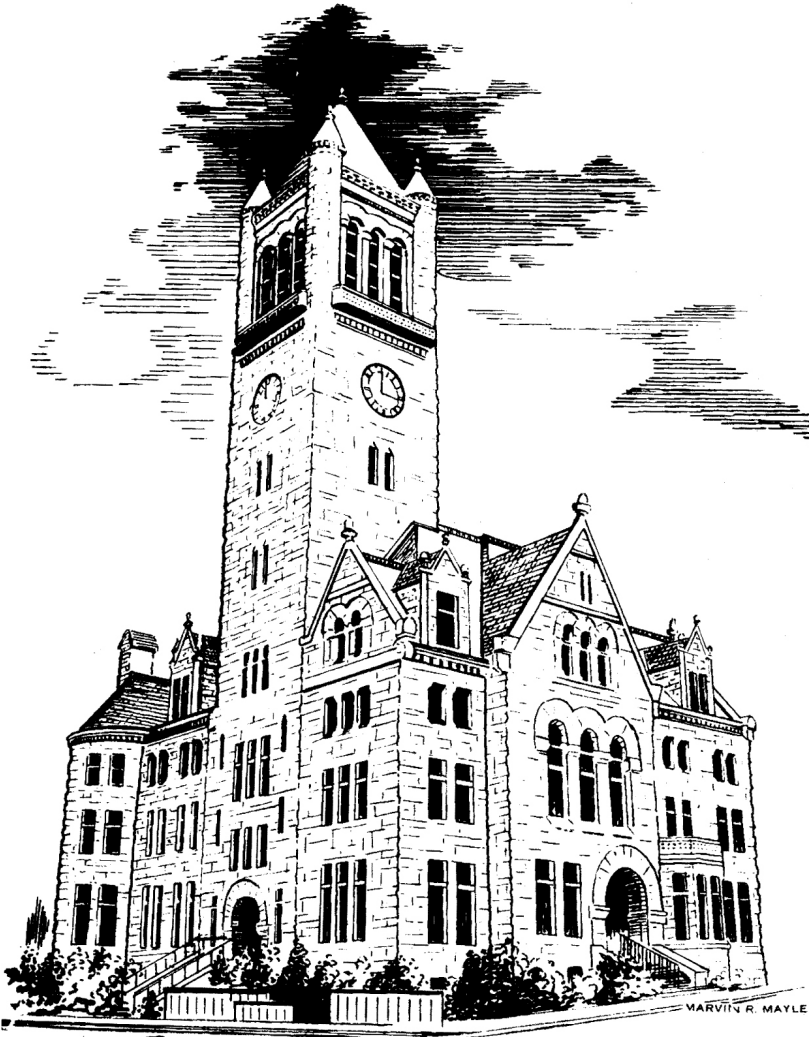


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The Ethics Hotline provides free advisory opinions to PBA members based upon review of a member's prospective conduct by members of the PBA Committee on Legal Ethics and Professional Responsibility. The committee responds to requests regarding, the impact of the provisions of the Rules of Professional Conduct or the Code of Judicial Conduct upon the inquiring member's proposed activity. All inquiries are confidential.

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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

DOROTHY L. CAPPELLINI, late of
Masonstown, Fayette County, PA (3)
Administrator: Alan Jerome Cappellini
c/o 11 Pittsburgh Street
Uniontown, PA 15401
Attorney: Thomas W. Shaffer

JOSEPH A. CINDRIC, late of North Union
Township, Fayette County, PA (3)
Executrix: Kathryn Cindric
c/o Radcliffe & DeHaas, LLP
2 West Main Street, Suite 700
Uniontown, PA 15401
Attorney: Ernest P. DeHaas, III

LELA CLARK, A/K/A LELA MAE CLARK,
late South Union Township, Fayette County, PA
Executrices: Shirley Lukac and
Carolyn Yingling (3)
c/o John & John
96 East Main Street
Uniontown, PA 15401
Attorney: Anne N. John

**KRISTA LEE DEFRANKS, A/K/A KRISTA
L. DEFRANKS**, late of Brownsville Township,
Fayette County, PA (3)
Administrator: James A. DeFranks
c/o Zebley Mehalov & White, P.C.
18 Mill Street Square
PO Box 2123
Uniontown, PA 15401
Attorney: Daniel R. White

**HELEN M. GRESH, A/K/A HELEN
GRESH**, late of Luzerne Township, Fayette
County, PA (3)
Administrator: Gary F. Gresh
c/o Zebley Mehalov & White, P.C.
18 Mill Street Square
PO Box 2123
Uniontown, PA 15401
Attorney: Daniel R. White

DANIEL P. MACKILLOP, late of Redstone
Township, Fayette County, PA (3)
Personal Representative: Patricia L. Crawford
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

**MINNIE G. REED, A/K/A MINNIE REED,
A/K/A MINNIE GRACE REED**, late of
Bullskin Township, Fayette County, PA (3)
Executor: David C. Reed, Sr.
c/o Quatrini Rafferty
550 East Pittsburgh Street
Greensburg, PA 15601
Attorney: David S. DeRose

HENRY SHIROCKY, late of South
Connellsville, Fayette County, PA (3)
Personal Representative: John Joseph
204 Dewey Street
Pittsburgh, PA 15218
c/o 815A Memorial Boulevard
Connellsville, PA 15425
Attorney: Margaret Zylka House

LUCILLE SHIROCKY, late of South
Connellsville, Fayette County, PA (3)
Personal Representative: John Joseph
204 Dewey Street
Pittsburgh, PA 15218
c/o 215A Memorial Boulevard
Connellsville, PA 15425
Attorney: Margaret Zylka House

DOROTHY D. SMITH, late of Smithfield Borough, Fayette County, PA (3)
Executor: Terry Blystone
 c/o Higinbotham Law Offices
 45 East Main Street, Suite 500
 Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

Second Publication

CHERYL I. CALHOUN, late of 410 Terrace Drive, Uniontown, PA (2)
Personal Representative:
 Brian F. Levine, Esquire
 22 E. Grant Street
 New Castle, PA 16101
Attorney: Brian F. Levine

CLARENCE EDWARD COLE, A/K/A CLARENCE E. COLE, A/K/A CLARENCE COLE, late of North Union Township, Fayette County, PA (2)
Administrator: Khristopher S. Cole
 c/o John & John
 96 East Main Street
 Uniontown, PA 15401
Attorney: Simon B. John

MARY M. FLYNN, late of Connellsville Township, Fayette County, PA (2)
Personal Representative: Kelly Patrick Flynn
 c/o Riverfront Professional Center
 208 South Arch Street, Suite 2
 Connellsville, PA 15425
Attorney: Richard A. Husband

WALTER B. GREENAWALT, A/K/A WALTER GREENAWALT, late of Bullskin Township, Fayette County, PA (1)
Executrix: Sharon G. Roskovich
 c/o Zebley Mehalov & White, P.C.
 18 Mill Street Square
 Post Office Box 2123
 Uniontown, PA 15401
Attorney: Daniel R. White

JACOB W. TOWNSEND, late of Masontown, Fayette County, PA (2)
Executor: David J. Townsend
 110 Bower Hill Road
 Venetia, PA 15367
 c/o 76 East Main Street
 Uniontown, PA 15401
Attorney: Douglas S. Sholtis

First Publication

JAMES E. ARISON, late of Connellsville, Fayette County, PA (1)
Personal Representative: Denise Arison
 Riverfront Professional Center
 208 South Arch Street, Suite 2
 Connellsville, PA 15425
Attorney: Richard A. Husband

SAMUEL J. GUARIGLIA, late of Vanderbilt, Fayette County, PA (1)
Executrix: Sherry Stewart
 c/o P.O. Box 760
 Connellsville, PA 15425
Attorney: Carolyn W. Maricondi

THELMA I. HAAS, late of Bullskin Township, Fayette County, PA (1)
Executrix: Frances Grimm
 c/o P.O. Box 760
 Connellsville, PA 15425
Attorney: Carolyn W. Maricondi

GERALDINE L. KARAS, A/K/A GERALDINE LENA KARAS, late of Luzerne Township, Fayette County, PA (1)
Executrix: Pauline Tentler
 c/o Davis & Davis
 107 East Main Street
 Uniontown, PA 15401
Attorney: James T. Davis

**MARGARET ANN NICOLSON, A/K/A
MARGARET A. NICHOLSON**, late of
Connellsville, Fayette County, PA (1)

Personal Representatives:

Kevin D. Nicholson & Wendy A. Henry
c/o Watson Mundorff Brooks & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425

Attorney: Charles W. Watson

**JAMES S. TERRACE, A/K/A JAMES
STEVEN TERRACE**, late of Redstone
Township, Fayette County, PA (1)

Executrix: Jamie Ann Kerrigan
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Jeremy J. Davis

LEGAL NOTICES

NOTICE OF DISBARMENT

Notice is hereby given that by Order of the Supreme Cotlli of Pennsylvania dated April 6, 2017, JOHN M. ZEGLEN (#34902) is Disbarred on Consent from the Bar of this Commonwealth be effective May 5, 2017.

Marcee D. Sloan Prothonotary
The Disciplinary Board of the
Supreme Court of Pennsylvania

NOTICE

Notice is hereby given that a Certificate of Organization was filed with the Pennsylvania Department of State, on March 29, 2017, for a Limited Liability Company, organized under the Limited Liability Company Law of 1994, as from time to time amended. The name of the Company is Resurrection Homes, LLC having an address of 600 Shepherds Lane, Ohioptyle, Pennsylvania 15470.

James E. Higinbotham, Jr., Esq.
HIGINBOTHAM LAW OFFICES
45 East Main Street, Suite 500
Uniontown, PA 15401
Telephone: 724-437-2800

NOTICE

NOTICE IS HEREBY GIVEN that a Certificate of Organization, Domestic Limited Liability Company has been approved and filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on March 31, 2017, for a Limited Liability Company known as Fagan Hopwood Tavern, LLC.

Said Limited Liability Company has been organized under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

The purpose or purposes of the Limited Liability Company is retail sale of alcoholic beverages and food and any and all lawful business related thereto for which Limited Liability Companies may be organized under the Business Corporation Law.

James T. Davis, Esquire
DAVIS & DAVIS
107 East Main Street
Uniontown, PA 15401

NOTICE OF SHERIFF'S SALE
IN THE COURT OF COMMON PLEAS
OF FAYETTE COUNTY, PENNSYLVANIA
NO. 872 OF 2016

**WELLS FARGO BANK, N.A.,
Plaintiff,
vs.
CAROLYN S. MAULDING,
Defendant.**

NOTICE TO: CAROLYN S. MAULDING
NOTICE OF SHERIFF'S SALE OF REAL
PROPERTY

Being Premises: 362 1ST STREET, A/K/
A 362 FIRST STREET, WEST LEISENRING,
PA 15489

Being in NORTH UNION TOWNSHIP,
County of FAYETTE, Commonwealth of
Pennsylvania, 25040028

Improvements consist of residential
property.

Sold as the property of CAROLYN S.
MAULDING

Your house (real estate) at 362 1ST STREET, A/K/A 362 FIRST STREET, WEST LEISENRING, PA 15489 is scheduled to be sold at the Sheriff's Sale on 06/15/2017 at 02:00 PM, at the FAYETTE County Courthouse, 61 E. Main Street, Uniontown, PA 15401, to enforce the Court Judgment of \$37,031.19 obtained by, WELLS FARGO BANK, N.A. (the mortgagee), against the above premises.

PHELAN HALLINAN DIAMOND & JONES, LLP
Attorney for Plaintiff

SHERIFF'S SALE

Date of Sale: June 15, 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, June 15, 2017, at 2:00 p.m. in Courtroom Number One 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. (3 of 3)

James Custer
Sheriff Of Fayette County

STERN & EISENBERG PC
M. TROY FREEDMAN, ESQUIRE

No. 2322 of 2016 GD
No. 46 of 2017 ED

No. 19 of 2017 GD
No. 47 of 2017 ED

**JPMorgan Chase Bank, National Association,
Plaintiff,**

vs.

**April D. DeBarr,
Defendant.**

**U.S. Bank National Association, as Trustee,
successor in interest to Bank of America,
National Association, as Trustee, successor by
merger to LaSalle Bank National Association,
as Trustee for Bear Stearns Asset Backed
Securities I Trust 2005-HE12, Asset Backed
Certificates, Series 2005-HE12,**

Plaintiff,

vs.

**Goldie Jeanette Brown,
Defendant(s).**

SITUATE IN THE 3RD WARD of
CONNELLSVILLE, FAYETTE COUNTY,
PENNSYLVANIA, BEING KNOWN AS 316
EAST CRAWFORD AVENUE,
CONNELLSVILLE, PA 15425.

PARCEL NO. 05-09-0103
IMPROVEMENTS - RESIDENTIAL
REAL ESTATE

SOLD AS THE PROPERTY OF -
GOLDIE JEANETTE BROWN

ALL that certain tract of land situate in
Redstone Township, Fayette County,
Pennsylvania, bounded and described as
follows:

BEGINNING at a comer in road leading
from Masontown to Brownsville, said comer
being common to Valentine Laick, School
District of Redstone Township, and Republic
Collieries Company; thence along line of
Valentine Laick, South 74° 01' East, 999.07 feet
to a point in property line of Laick; thence
through Republic Collieries Company, South
07° 55' East, 628.96 feet to a point in center of
private alley of Republic Collieries Company,
the place of beginning of the herein described
tract; thence in center of said private alley North
82° 05' East, 49.0 feet to a point in said alley;
thence South 07° 55' East and through the
partition wall of the two story frame double
dwelling, which divides House No. 166 from
House No. 165, a distance of 122.0 feet to a
point in center of private road of Republic
Collieries Company, now known as Edna
Street; thence in center of said street South 82°
05' West, 49.0 feet to a point in said Street;
thence North 07° 55' West, 122.0 feet to a point
in said private alley, the place of beginning,

CONTAINING 0.137 of an acre, being a
part of the J.D. VanKirk tract of 80.182 acres,
and having erected thereon House No. 166
which is one-half of the said two story frame
dwelling.

EXCEPTING AND RESERVING thereout
and therefrom all the coal within and underlying
the above-described tract of land. Said coal
being freed from any and all servitude to the
overlying strata and ground, so that the entire
amount of said coal may be mined without
liability for any injury to said overlying strata
and ground or anything therein and thereon.

ALSO EXCEPTING AND RESERVING
the oil and gas thereunder and the right to
explore, drill for and remove oil and gas found
therein.

SUBJECT to the existing alley and roads

Edward J. McKee, Esquire
Stern & Eisenberg, PC
1581 Main Street, Suite 200
The Shops at Valley Square
Warrington, PA 18976
Phone: (215) 572-8111

No. 2529 of 2016 GD
No. 50 of 2017 ED

**Statebridge Mortgage Company, LLC,
Plaintiff,**

vs.

**James M. Cronin and Mary B. Masek,
Defendants.**

By virtue of Writ of Execution No. 2529
of 2016, Statebridge Mortgage Company, LLC,
v. James M. Cronin and Mary B. Masek, 440
Bute Road, North Uniontown Township,
Uniontown, PA 15401, Parcel No. 25-06-0099.
Improvements thereon consisting of a
Residential Dwelling, sold to satisfy judgment
in the amount of \$49,250.66.

on said above described premises. Also subject to all existing pipelines, Republic Colliers Company reserving the right to itself, its successors and assigns, to use, maintain, repair and replace existing pipelines.

ALSO SUBJECT to all existing rights-of-way and public highways.

UNDER AND SUBJECT to all exceptions, reservations, rights of way and easements as appear in prior deeds of record or as conveyed by predecessors in title.

PARCEL I.D. #30-26-0014

COMMONLY KNOWN AS: 13 Edna Street, Republic, PA 15475

TAX PARCEL NO. 30-26-0014

No. 3 of 2017 GD
No. 42 of 2017 ED

U.S. Bank, National Association as Trustee for NRZ Pass-Through Trust VII NPL, Plaintiff,

vs.

Daniel L. Depta and Kimberly M. Depta, Defendants.

All that certain lot of ground situate in the Township of Upper Tyrone, County of Fayette and Commonwealth of Pennsylvania, being Lot No.5 in Plan B of Lots laid out by Martin H. King as of record in the Recorders Office of Fayette County, Pennsylvania, in Plan Book 1, page 76, and being bounded and described as follows:

Beginning at an alley at the Northwest corner; thence South 77 1/2° East, 40 feet along said Street to corner of Lot No.6; thence South 12 1/2° West, 120 feet to an alley; thence North 77 1/2° West, 40 feet to an alley; thence North 12 1/2° East, 120 feet to the place of beginning.

Excepting and reserving therefrom all the coal and all the minerals under the coal contained in or underlying the said lot of ground and expressly subject to all rights and privileges granted and conveyed or secured in two certain deeds bearing date of February 21, 1879, made by T. Brent Swearingen and wife, one to M.H. Blake and the other H.C. Frederick, E.M. Ferguson and Walter Ferguson.

Also known as parcel number 39-04-0062

COMMONLY KNOWN AS: 900 Kingview Road, Scottsdale, PA 15683 TAX PARCEL NO. 39-04-0062

No. 550 of 2014 GD
No. 48 of 2017 ED

BVA FEDERAL CREDIT UNION, Plaintiff,
vs.
IRA A. DUNN, Defendant.

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF IRA A. DUNN OF, IN AND TO:

ALL THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE BOROUGH OF FAYETTE CITY, COUNTY OF FAYETTE, COMMONWEALTH OF PENNSYLVANIA. HAVING ERECTED THEREON A DWELLING KNOWN AND NUMBERED AS 139-141 SOUTH HIGH STREET, FAYETTE CITY, PA 15438. DEED BOOK VOLUME 3134, PAGE 20, PARCEL NUMBER 12-03-0094, 12-03-0093-01, 12-03-0092,12-03-0099, 12-03-0093 & 12-03-00-95.

No. 2549 of 2016 GD
No. 35 of 2017 ED

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

vs.

BRANDON J. HARRIS, Defendant.

ALL that certain piece of ground in the City of Uniontown, Fayette County, Pennsylvania, being Lot No. 34, Patterson Heirs Plan of Lots. Fayette County Plan Book 2, page 62, being approximately 40 x 125. HAVING THEREON ERECTED A DWELLING KNOWN AND NUMBERED AS 252 Braddock Avenue, Uniontown, PA 15401.

PARCEL ID: 38-11-0017

Fayette County Deed Book 3027 page 1436.

TO BE SOLD AS THE PROPERTY OF BRANDON J. HARRIS.

No. 1747 of 2016 GD
 No. 44 of 2014 ED

No. 49 of 2017 GD
 No. 53 of 2017 ED

BANK OF AMERICA, N.A.,
Plaintiff,
 vs.
TILLMAN R. HARRIS A/K/A TILLMAN
HARRIS
ALICIA R. HARRIS A/K/A ALICIA
HARRIS,
Defendants.

Bank of America, N.A. successor by merger
to BAC Home Loans Servicing, LP FKA
Countrywide Home Loans Servicing, LP
Plaintiff,
 vs.
Rodney P. Kozy and Lori A. Kozy,
Defendants.

ALL THAT CERTAIN LOT OF LAND SITUATE IN THE THIRD WARD OF THE CITY OF UNIONTOWN, FAYETTE COUNTY, PENNSYLVANIA, DESIGNATED AS LOT NO. 11 IN THE GALLAGHER PLACE PLAN OF LOTS LAID OUT BY CHISHOLM AND KUNKLE, AND RECORDED IN THE RECORDER OF DESD8 OFFICE OF FAYETTE COUNTY PENNSYLVANIA IN PLAN BOOK VOLUME 4, PAGE 168. SAID LOT NO. 11 BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

All that certain piece, parcel or lot of land situate in Masontown, Fayette County, Pennsylvania, known as Lots No. 72 and 73 in a plan of lots laid out and offered for sale by Frank Maglotti and Maria Maglotti, his wife, more particularly bounded and described as follows:

FRONTING 40 FEET ON THE NORTH SIDE OF LINCOLN STREET AND EXTENDING BACK OF EVEN WIDTH 120 FEET TO JUSTIN STREET WITH LOT NO. 10 ADJOINING ON THE WEST AND LOT NO. 12 ADJOINING ON THE EAST.

Beginning at a point on the East side of Field Street at the Northwest corner of Lot No. 71 and running thereby North 77 degrees 45 minutes East, 120 feet to a 12 foot alley; thence by same North 12 degrees 15 minutes West, 80 feet to a corner of Lot No. 74; thence by same South 77 degrees 45 minutes West, 120 feet to the said Field Street; thence by same South 12 degrees 15 minutes East, 80 feet to the place of beginning.

BEING THE SAME PREMISES which REGINA WHITCOMB-MARASCO and JOSEPH MARARSCO, by Deed dated 11/28/2007 and recorded 12/03/2007 in the Office of the Recorder of Deeds in and for Fayette County in Deed Book Volume 3047, Page 909, granted and conveyed unto TILLMAN R. HARRIS and ALICIA R. HARRIS.

COMMONLY KNOWN AS: 30 North Field Street, Masontown, PA 15461
 TAX PARCEL NO. 21-07-0024

BEING KNOWN AS: 147 LINCOLN STREET, UNIONTOWN, PA 15401
 PARCEL #38-04-0633

No. 2548 of 2016 GD
 No. 62 of 2017 ED

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR THE PENNSYLVANIA
HOUSING FINANCE AGENCY,
Plaintiff,
 vs.
CHARLES B. MCCLELLAND JR.,
Defendant.

ALL THOSE TWO CERTAIN lots of land situate in the Third Ward of the City of Uniontown, Fayette County, Pennsylvania, being Lots Nos. 24 and 25 in the Gallagher Place Plan of Lots laid out by Chisholm and Kunkle, recorded in Fayette County Plan Book No. 4, Page 168. Being 80' x120' and having thereon erected a dwelling known as: 78 BAILEY AVENUE, UNIONTOWN, PA 15401.

Tax Parcel# 38-04-0593

Reference Fayette County Record Book 2979, Page 1778.

EXCEPTING and reserving, exceptions and conditions contained in this and prior instruments of record, and as contained in Fayette County Record Book 2979, Page 1778.

Phelan Hallinan Diamond & Jones, LLP

No. 872 of 2016 GD
No. 64 of 2017 ED

**Wells Fargo Bank, N.A.,
Plaintiff,
vs.
Carolyn S. Maulding,
Defendant.**

By virtue of a Writ of Execution No. 872 OF 2016, Wells Fargo Bank, N.A. v. Carolyn S. Maulding, owner(s) of property situate in the NORTH UNION TOWNSHIP, Fayette County, Pennsylvania, being 362 1st Street, a/k/a 362 First Street, West Leisenring, PA 15489

Parcel No.: 25040028

Improvements thereon: RESIDENTIAL DWELLING

ZEBLEY, MEHALOV & WHITE, P.C.

No. 2294 of 2014 GD
No. 63 of 2017 ED

**Ernest C. Jenkins a/k/a Ernest Jenkins,
Plaintiff,
vs.
PPGK, LLC, and the United States of
America, Department of Internal Revenue
Service,
Defendants.**

All that certain lot or parcel of land comprising 17.71 acres situate in Uniontown, Georges Township, Fayette County, Pennsylvania. The address of this property is 2373 Morgantown Road, Uniontown, Pennsylvania, 15401.

There is erected on the premises a brick and concrete commercial building.

Together with such rights of way and under and subject to the exceptions and reservations as

appear in prior deeds of record.

For a more complete description see Record Book Volume 3128, page 5, Fayette County Recorder of Deeds.

Having tax assessment no. 14-15-0031.

Seized and taken in execution as the property of PPGK, LLC, owner or reputed owner of the property, at the suit of Ernest C. Jenkins a/k/a Ernest Jenkins in the Court of Common Pleas of Fayette County, Pennsylvania at No. 2294 of 2014, G.D.

MARTHA E. VON ROSENSTIEL, P.C.
Martha E. Von Rosenstiel, Esq/ No 52634
Heather Riloff, Esq/ No 309906
Jeniece D. Davis, Esq/ No 208967
Tyler J. Wilk, Esq/ No 322247
649 South Ave, Ste 7
Secane, PA 19018
(610)328-2887

No. 1507 of 2015 GD
No. 222 of 2016 ED
No. 65 of 2017 ED

**Federal National Mortgage Association
("Fannie Mae")
3900 Wisconsin Avenue, NW
Washington DC 20016-2892
Plaintiff,
vs.
Todd Reppert
715 Fayette Avenue
Belle Vernon, PA 15012
Defendants.**

DOCKET# 2015-01507; 2016-ED-222

All that certain lot of land situate in Washington Township, Fayette County, Pennsylvania, being lots numbers Forty-five and Forty-six (45 and 46) in Section No. Three (3) in a plan of lots laid out by John Brown and called Lynnwood, the plan whereof is recorded in Fayette County Plan Book 5, Page 142

TAX PARCEL# 41-05-0088

PROPERTY: 130 Homewood Avenue, Belle Vernon, PA 15012

IMPROVEMENTS: Residential Dwelling
TO BE SOLD AS THE PROPERTY OF:

Todd Reppert

JAMES CUSTER, SHERIFF

McCABE, WEISBERG & CONWAY, P.C.
 By Joseph I Foley, Esquire ID #314675
 123 South Broad Street, Suite 1400
 Philadelphia, Pennsylvania 19109
 (215) 790-1010

No. 76 of 2016 GD
 No. 52 of 2017 ED

Ditech Financial LLC,
Plaintiff,
vs.

Joseph D. Stevenson and Carla M. Stevenson,
Defendants.

FIRST: ALL that certain piece or parcel of land situate in Gemlan Township, Fayette County, Pennsylvania, being part of the Edenborn Mining Village, bounded and described as follows, and as shown by Plan No. Exhibit "B", recorded with deed of H. C. Frick Coke Company to Mark Sugarman and Ada Sugarman, his wife, in Deed Book 618, Page 363, at item second in said deed:

BEGINNING at a point in the middle of a street known as Fourth Street in the Northeastern corner of the land hereby conveyed, which place of beginning is located South 70 degrees West, 1303.40 feet from the stake at the corner in the line now or formerly of Albert Dzierwenski at the junction of the lines of his land, South 66 degrees 46 minutes East, and South 21 degrees 28 minutes East, 506.47 feet, and which stake corner of said Dzierwenski land is located North 21 degrees 28 minutes West, said 506.47 feet, and which stake corner of said Dzierwenski land is located, North 21 degrees 28 minutes West, said 506.47 feet from the Northeast corner of the Antioch Baptist Church lot; thence from said place of beginning, running along in the middle of a 20 foot alley, South 16 degrees 26 minutes East, 132 feet to the middle of the intersection of said alley with a 15 foot alley; thence along in the middle of said 15 foot alley, South 73 degrees 34 minutes West, 45.83 feet to a point; thence by land conveyed by H. C. Frick Coke Company to Mark and Ada Sugarman, of which this is a part, running along the Eastern line of land on which the Western half of double dwelling house number 323-324 of Edenborn Mining Village comprising number 323 is located, North 16 degree 26 minutes West, 132 feet to the middle of Fourth Street, this last named line running through the middle of the

partition wall of said double dwelling house number 323-324; thence along in the middle of Fourth Street, North 73 degrees 34 minutes East, 45.83 feet to the place of beginning; CONTAINING an area of 0.139 of an acre, and having thereon erected the Eastern half of said double dwelling house number 323-324, comprising number 324 of said Edenborn Mining Village.

EXCEPTING and RESERVING, the coal and mining rights and waivers heretofore conveyed and reserved and under and subject to the right at any time hereinafter to lay, maintain, repair, replace, renew and remove water pipelines along in said street and alley, and under and subject to the right of the public to use said street and alley for passage thereover, and also excepting and reserving and under and subject to all existing easements and all conveyances and easements heretofore made or granted, excepted or reserved.

SECOND: ALL that certain piece or parcel of land situate in German Township, Fayette County, Pennsylvania., being part of the Edenborn Mining Village, bounded and described as follows, and as shown by Plan No. Exhibit "B", recorded with deed of H. C. Frick Coke Company to Mark Sugarman and Ada Sugarman, his wife, in Deed Book 618, Page 363, at item second in said deed:

BEGINNING at a point in the middle of a street known as Fourth Street in the Northeastern corner of the land hereby conveyed, which place of beginning is located South 70 degrees West, 1303.40 feet; and thence South 73 degrees 34 minutes West, 45.83 feet from a stake at the corner in the line of land now or formerly of Albert Dzierwenski at the junction of the lines of his land, South 66 degrees 46 minutes East, and South 21 degrees 28 minutes East, 506.47 feet, and which stake corner of said Dzierwenski land is located North 21 degrees 28 minutes West, said 506.47 feet from the Northeast corner of the Antioch Baptist Church lot; thence from said place of beginning by land conveyed by H. C. Frick Coke Co. to Mark Sugannan and Ada Sugarman, of which this is a part; and thence along the Western side of the lot of land on which the Eastern half of double dwelling house numbers 323-324, comprising number 324 of said Edenborn Mining Village, is located, South 16 degrees 26 minutes East, 132 feet to a point in the middle of a fifteen foot alley, said line running through the middle of the partition wall

of said double dwelling house number 323-324; thence along in the middle of said alley, South 73 degrees 34 minutes West, 36.82 feet to a point; thence by other land so conveyed by H. C. Frick Coke Company to Mark Sugarman and Ada Sugarman, North 16 degrees 26 minutes West, 132 feet to a point in the middle of Fourth Street; and thence along in the middle of Fourth Street, North 73 degrees 24 minutes East, 36.82 feet to the place of beginning CONTAINING an area of 0.111 of an acre, and having thereon erected the Western half of said double dwelling house numbers 323-324, comprising 323 of said Edenbom Mining Village.

EXCEPTING and RESERVING, the coal and mining rights and waivers heretofore conveyed and reserved and under and subject to the right at any time hereinafter to lay, maintain, repair, replace, renew and remove water pipelines along in said street and alley, and under and subject to the right of the public to use said street and alley for passage thereover, and also excepting and reserving and under and subject to all existing easements and all conveyances and easements heretofore made or granted, excepted or reserved.

All that certain piece or parcel or Tract of land situate in the Township of German, Fayette County, Pennsylvania, and being known as 3 Back Street, McClellandtown, Pennsylvania 15458.

Title vesting in Joseph D. Stevenson and Caria M. Stevenson, husband and wife, by deed from Ronald R. Gera and Carol A. Zipp, Co-Executors under the last will and testament of Raymond L. Gera, now deceased dated January 29 2004 and recorded February 3, 2004 in Deed Book 2893, Page 1144 Instrument Number 200400001551.

Tax Parcel Number: 15-25-0015

Phelan Hallinan Diamond & Jones, LLP

No. 1655 of 2012 GD

No. 58 of 2017 ED

Santander Bank, N.A. Formerly Known as Sovereign Bank, N.A.,

Plaintiff,

vs.

**Shelley L. Verbosky a/k/a Shelly Verbosky
Barry T. Verbosky,
Defendant(s).**

By virtue of a Writ of Execution No. 1655-2012,

Santander Bank, N.A. Formerly Known as Sovereign Bank, N.A.

v.

Shelley L. Verbosky a/k/a Shelly Verbosky Barry T. Verbosky, owner(s) of property situate in the SOUTH UNION TOWNSHIP, Fayette County, Pennsylvania, being 222 Kimberly Drive, a/k/a 1048 Kimberly Drive, Uniontown, PA 15401

Parcel No.: 34-12-013455

Improvements thereon: RESIDENTIAL DWELLING

McCABE, WEISBERG & CONWAY, P.C.

By Joseph I Foley, Esquire ID #314675

123 South Broad Street, Suite 1400

Philadelphia, Pennsylvania 19109

(215) 790-1010

No. 24 of 2017 GD

No. 56 of 2017 ED

The Huntington National Bank,

Plaintiff,

vs.

**Brandon Rinaldo Viola, Administrator of the Estate of Rinaldo J. Viola, Jr.,
Defendant.**

ALL that certain lot of land situate in the Borough of Masontown Fayette County, Pennsylvania known as Lot No. 6 in the plan of lots laid out by D.R. Anderson and T. Irvin Altman, bounded and described as follows:

SAID LOT FRONTS forty-four (44) feet on the eastern side of Water Street and extending back eastwardly of even width one hundred sixty-five (165) feet to an alley; bounded on the North by Lot No. 7 in said plan, and on the South by Spring Alley.

Being known as: 100 North Water Street, Masontown, Pennsylvania 15461

Title to the premises is vested in Rinaldo J. Viola, Jr. by Deed from William B. Bowman by Judith Ann Dickinson, his Attorney-in-Fact, dated August 20, 2014 and recorded October 1, 2014 in Deed Book 3260, Page 732. The said Rinaldo J. Viola, Jr. died on February 6, 2016 whereupon Letters of Administration were granted to Brandon Rinaldo Viola by on April 1, 2016 by the Register of Wills in and for Fayette County nominating and appointing him as Administrator of the Estate of Rinaldo J. Viola, Jr.

Tax Parcel Number: 21-07-0408

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

No. 2491 of 2016 GD
No. 49 of 2017 ED

**LSF8 Master Participation Trust,
Plaintiff,
vs.**

**Jill Wiltrout and David J. Wiltrout,
Defendants.**

ALL THAT CERTAIN TRACT OF LAND SITUATE IN THE TOWNSHIP OF BULLSKIN, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT STONES NEAR A HICKORY TREE WITH THE CORNER BEING IN IN THE MIDDLE OF THE PUBLIC ROAD, THENCE IN AND ALONG THE SAID PUBLIC ROAD AND ALONG LAND NOW OR FORMERLY OF JESSE WILTROUT, SOUTH 54 DEGREES 30; EAST 27.3 PERCHES; THENCE BY LAND NOW OR FORMERLY OF EDWARD KAXIEWICZ NORTH 22 DEGREES WEST 40 PERCHES TO STONES; THENCE BY LAND NOW OR FORMERLY OF JESSE WILTROUT, SOUTH 20 DEGREES WEST TO THE PLACE OF BEGINNING. CONTAINING 1 ACRE AND 140 PERCHES.

All that certain piece or parcel or Tract of land situate in the Township of Bullsken, Fayette County, Pennsylvania, and being known as I 98

Wiltrout Hollow Road, F/K/A 198 Wiltrout Hollow, White, Pennsylvania 15490.

Being known as: 198 Wiltrout Hollow Road, F/K/A 198 Wiltrout Hollow, White, Pennsylvania 15490

Title vesting in Jill Wiltrout and David J. Wiltrout by deed from Laura B. Wiltrout dated July 27, 1999 and recorded August 2, 1999 in Deed Book 2372, Page 14 Instrument Number 199900013366.

Tax Parcel Number: 4-26-66

McCABE, WEISBERG & CONWAY, P.C.
By Christine L. Graham, Esquire ID #309480
123 South Broad Street, Suite 1400
Philadelphia, Pennsylvania 19109
(215) 790-1010

No. 1125 of 2014 GD
No. 57 of 2017 ED

ALL that certain place or parcel of land known as lot No. 252 in Section B of a plan of lots in Marchland, Jefferson Township (now known as Newell Borough), Fayette County, Pennsylvania, laid out by the Minerva Land and Improvement Company together with the improvements thereon erected and more particularly described as follows

BEGINNING at the northwest comer of Fifth Street and Gertrude Avenue; thence Northwardly along Gertrude Avenue, a distance of 115 feet to an alley; thence Westwardly along said alley, a distance of 30 feet to comer of Lot No. 251; thence Southwardly along said Lot No. 251, a distance of 115 feet to Fifth Street; thence Eastwardly along said Fifth Street, a distance of 30 feet to the place of beginning.

HAVING erected thereon a 1 ½ story dwelling house known as 402 Gertrude Avenue, Newell, PA 15466.

All that certain piece or parcel or Tract of land situate in the Township of Jefferson, Fayette County, Pennsylvania. Being known as: 402 Gertrude Street, Newell, Pennsylvania 15466

Title vesting in Deborah Wolpink by deed from National City Homeloan Services, Inc., f/k/ a Altegra Credit Co. dated January 10, 2003 and recorded April 16, 2003 in Deed Book 2857, Page 1170 Instrument Number 20030007513.

Tax Parcel Number: 3-04-0198

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, May 1, 2017
at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2616-0272	AIMIE W. MANKINS	Zelma Maxine Gross, Administratrix
2614-0494	RALPH C. RICHTER	Patricia Ann Hall, surviving Executrix

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on Monday, May 15, 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, May 1, 2017
at 9:30 A.M.

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2615-0389	LILLIAN A. GREENAWALT a/k/a LILLIAN AGNES GREENAWALT	Sharon G. Roskovich, Administratrix CTA
2615-0661	MILDRED P. TOWNSEND	Frances L. Kress, Executrix

Monday, May 15, 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.

JEFFREY L. REDMAN
Register of Wills and Ex-Officio Clerk of the Orphans' Court Division (2 of 2)

JUDICIAL OPINION

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

COMMONWEALTH OF PENNSYLVANIA,	:	
v.	:	
LARRY DEAN SAYRE,	:	NO. 1706 OF 2016
Appellant.	:	JUDGE LINDA R. CORDARO

OPINION AND ORDER

Cordaro, J.

Filed April 4, 2017

This case comes before the Court by Omnibus Pretrial Motion raising the issues of habeas corpus, suppression of evidence, and suppression of Defendant's statements. After hearing on the 24th day of March, 2017, this Court finds that the Commonwealth has presented a prima facie case; evidence was lawfully seized; and the statements made by the Defendant are admissible. Therefore, the relief requested in Defendant's Omnibus Pretrial Motion is hereby DENIED.

BACKGROUND

On September 9, 2013, at approximately 12:00 p.m., officers from the Fayette County Drug Task Force, acting on credible information from a confidential informant ("C.I."), converged at and around Hopwood Tavern ("Tavern") in the Village of Hopwood, Fayette County, Pennsylvania, for a drug interdiction case. The officers were in unmarked vehicles and plain clothes, but they displayed their badges and were wearing vests.

The officers saw a grey Volvo, which matched the description given to them by the C.I., arrive at the Tavern and park in the parking lot behind the Tavern. The officers observed the two occupants of the Volvo make a hand-to-hand exchange of something. The driver, later identified as Larry Dean Sayer ("Defendant"), walked into the Tavern while the passenger, later identified as Greg Swaney, stayed outside, made a phone call, and then walked into the Tavern. Shortly thereafter, Swaney emerged from the Tavern, briefly entered the passenger side of an S.U.V., and then got back into the passenger side of the Volvo.

Detective Brant approached the Volvo on the passenger side, and Officer Metros approached on the driver side. From Officer Metros' vantage point, she saw two plastic bags of a white powdered substance on the center console of the vehicle. They removed Swaney from the Volvo, and Swaney told them he was there with "Larry" (the Defendant) to buy cocaine.

Detective Brant and a third officer went into the bar to locate Larry. When they identified Larry, they escorted him out of the bar. The Defendant made a spontaneous statement saying, "this is supposed to be the last time." Officer Brant then gave verbal Miranda warnings to the defendant. The Defendant was arrested and taken to the Brownsville Police Station where he was given his written Miranda warning before he was interviewed.

Defendant now seeks to suppress the evidence and his statements.

DISCUSSION

"The plain view doctrine permits the warrantless seizure of evidence in plain view when: 1) an officer views the object from a lawful vantage point; and 2) it is immediately apparent to him that the object is incriminating." *Com. v. Ballard*, 806 A.2d 889, 891-92 (Pa.Super. 2002).

In the case at bar, the Defendant's vehicle was parked in the parking lot behind the Tavern, a public place. Officer Metros and Detective Brant approached the Defendant's vehicle and Officer Metros immediately recognized the bags of white powder on the center console of the car. Based on these facts, this Court finds that the officers viewed the bags of white powder from a lawful vantage point, and it was immediately apparent to them that the object was of an incriminating nature. Therefore, the evidence was seized in a lawful manner.

With regard to the Defendant's statements, "The prosecution may not use statements stemming from a custodial interrogation of a defendant unless it demonstrates that he was apprised of his right against self-incrimination and his right to counsel. Thus, Miranda warnings are necessary any time a defendant is subject to a custodial interrogation." *Com. v. Gaul*, 590 Pa. 175, 180 (2006) (citations omitted). However, "not every statement made by an individual during a police encounter amounts to an interrogation. Volunteered or spontaneous utterances by an individual are admissible even without Miranda warnings." *Id.* Unsolicited remarks constitute spontaneous, voluntary statements, and are not subject to suppression. See *Com. v. Gibson*, 553 Pa. 648, 662 (Pa.1998).

In this case, there are two sets of statements. The first set of statements took place at the Tavern. As officers walked with the Defendant out of the Tavern, the Defendant voluntarily, and spontaneously, uttered: "this is supposed to be the last time." Immediately after this statement, Detective Brant informed the Defendant of his Miranda rights. Detective Brant then told the Defendant about the large amount of cocaine found in his vehicle, to which the Defendant replied: "I should have never done this. This is supposed to be the last time."

The Defendant recalls the interaction differently and testified that Detective Brant did not inform him of his Miranda rights. Instead, he avers that he was advised of his

Miranda rights by a "skinny, tall officer." He claims that he invoked his right to have counsel present during questioning, but his invocation was not honored.

This Court finds Detective Brant's testimony credible and concludes that Defendant's first statement was spontaneous and thereafter Officer Brant verbally advised the Defendant of his Miranda rights.

The second set of statements came while at the Brownsville Police Station. There, the Defendant was given written Miranda warnings, which he voluntarily and knowingly waived by signing the Miranda form expressing that he understood his rights and agreed to talk to the officers. The Defendant then told Detective Brant that he had been selling cocaine on a regular basis, but that it wasn't profitable. He also said that he paid \$1500.00 per ounce for cocaine, which was consistent with the three ounces of cocaine found in the car and the amount of money Swaney testified receiving from the Defendant. {1} Defendant also gave officers a written statement in which he admitted to selling cocaine. Lastly, he told Officer Metros that he was "done buying cocaine," and that if she let him go, she would "never have to deal with him again."

This Court finds the testimony of Detective Brant and Officer Metros to be credible. Based on these facts, this Court finds that the Defendant intelligently and voluntarily waived his Miranda rights when he agreed to talk to the officers and give them a written statement of his involvement in the sale of cocaine.

Finally, in consideration of the credible testimony offered by the Commonwealth, this Court finds that the Commonwealth has sustained its burden to prove a prima facie case as to all crimes charged.

BY THE COURT:
LINDA R. CORDARO, JUDGE

ATTEST:
Janice Snyder
Clerk of Courts

{1} Greg Swaney, co-defendant, testified that he received \$4,500.00 from Sayre once they arrived at the Tavern to purchase three ounces of cocaine.

LUNCH AND LEARN

New Advance Technology in the Areas of Accident Reconstruction

Tuesday, April 25, 2017
1.0 Substantive CLE Credit

This program will demonstrate by case examples and videos standard 2D standard scene diagramming, 2D standard vehicle documentation, 3D scene and vehicle laser scanning, 3D animations, Event data recorder (EDR) downloads for trucks, CDR downloads of vehicles, 3D scanning of buildings, video analysis and drone usage.

Frank Costanzo, owner of Accident Cause and Analysis, is a Traffic Accident Reconstructionist with over 2000 full-scale collision investigations and reconstructions. His is a certified court expert with over 30 years' experience in collision investigations and reconstructions.

Mental Health Procedures Act

Friday, April 28, 2017
1.0 Substantive CLE Credit
Presenter: Russell B. Korner, Jr., Esquire -
Fayette County Mental Health Review Officer

An overview of the Mental Health Procedures Act which establishes rights and procedures for all involuntary treatment of mentally ill persons, whether inpatient or outpatient, and for all voluntary inpatient treatment of mentally ill persons, and related court proceedings.

Fayette County Drug Court

Tuesday, May 9, 2017
1.0 Substantive CLE Credit

REGISTRATION:

Cindy at the Fayette County Bar Association
(724) 437-7994 or cindy@fcbar.org
12:00 noon to 1:00 p.m.
First Niagara Building
Lower level - Corporate Training Center
Cost to attend: \$30
\$20 young lawyer

BAR BANQUET

Fayette County Bar Association
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Nemacolin Woodlands Resort
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Friday, May 19, 2017

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