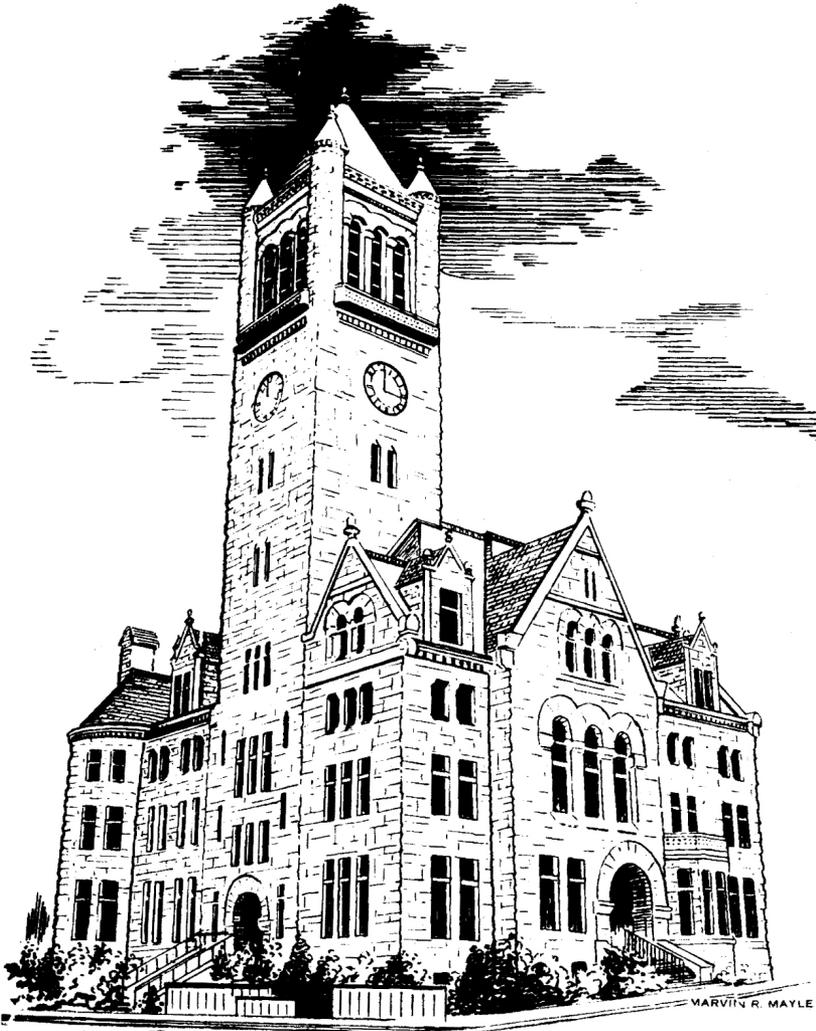


FAYETTE LEGAL JOURNAL

VOL. 81

MARCH 10, 2018

NO. 10



FAYETTE LEGAL JOURNAL

The FAYETTE LEGAL JOURNAL is published weekly by the Fayette County Bar Association, 2 West Main Street, Suite 711, Uniontown, Pennsylvania 15401, 724-437-7994. Legal advertisements should be submitted online at www.fcbar.org no later than 12:00 noon on Friday for publication the following Saturday. No date of publication is promised, however. Legal notices are published exactly as submitted by the advertiser. Copyright 2001 Fayette County Bar Association. All rights reserved.

Co-Editors: Garnet L. Crossland and Melinda Deal Dellarose

Cover Design by Marvin R. Mayle, 207 Lick Hollow Road, Hopwood, PA

FAYETTE COUNTY BAR ASSOCIATION Board of Directors

President: Gary N. Altman

President Elect: James Higinbotham, Jr.

Vice-President: Louise D. Monaghan

Secretary: Gerious T. George

Treasurer: Vincent J. Roskovensky, II

Past President: John M. Purcell

Executive Director: Garnet L. Crossland

Directors

Benjamin F. Goodwin

Robert A. Gordon

Robert R. Harper, Jr.

Sheryl R. Heid

Margaret Zylka House

William M. Martin

Gretchen A. Mundorff

Wendy L. O'Brien

Douglas S. Sholtis

ETHICS HOTLINE

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.

LAWYERS CONCERNED FOR LAWYERS

Our assistance is confidential,
non-judgmental, safe, and effective

To talk to a lawyer today, call:

1-888-999-1941

717-541-4360

Call (800) 932-0311, ext. 2214.

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

DAVID KEISTER, a/k/a DAVID ALLEN KEISTER, late of Georges Township, Fayette County, PA (3)

Administratrix: Kim Keister
c/o Fitzsimmons & Barclay
55 East Church Street, Suite 102
Uniontown, PA 15401

ERMINIA LASCALA, late of Newell Borough, Fayette County, PA (3)

Executor: Jason F. Adams
c/o Adams & Adams
55 East Church Street, Suite 101
Uniontown, PA 15401
Attorney: Jason F. Adams

CHARLES R. MADORE, late of Dunbar Township, Fayette County, PA (3)

Personal Representative: Barbara A. Madore
c/o Watson Mundorff Brooks & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Charles W. Watson

PATRICK J. RUCK, late of Bullskin Township, Fayette County, PA (3)

Personal Representative: Susan A. Ruck
c/o Watson Mundorff Brooks & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Charles W. Watson

Second Publication

BENJAMIN F. BREAKIRON, SR., a/k/a BENJAMIN F. BREAKIRON, late of Bullskin Township, Fayette County, PA (2)

Executor: Albert R. Breakiron
c/o Molinaro Law Offices
P.O. Box 799
Connellsville, Pa 15425
Attorney: Carmine V. Molinaro, Jr.

IDA MAE BUFFALO, late of Point Marion Borough, Fayette County, PA (2)

Executrix: Margaret Burns
216 Fayette Avenue
Point Marion, PA 15474
c/o 84 East Main Street
Uniontown, PA 15401
Attorney: Vincent M. Tiberi

KATHERINE FAY DEANS, a/k/a FAY KATHERINE DEANS, late of Springhill Township, Fayette County, PA (2)

Administrator: Jane Elizabeth Fitzpatrick
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Wendy O'Brien

DONNA L. DELUCA, late of Upper Tyrone Township, Fayette County, PA (2)

Executor: Guy C. Deluca
109 Trestle Lane Scottdale, PA 15683
c/o 231 South Main Street, Suite 402
Greensburg, PA 15601
Attorney: Marilyn M. Gaut

EUGENE EVERLY SR., late of Georges Township, Fayette County, PA (2)

Executor: Eugene Everly Jr.
138 Prison Camp Road
Smithfield, PA 15478

SANDRA FARIS, late of Uniontown, Fayette County, PA (2)

Executor: Barry E. Faris
125 Regency Drive
Uniontown, PA 15401

c/o 9 Court Street
 Uniontown, PA 15401
Attorney: Kimberly D. Kovach

208 Arch Street, Suite 2
 Connellsville, PA 15425
Attorney: Richard A. Husband

ROBERT B. GIGLIOTTI, late of
 Connellsville, Fayette County, PA (2)
Co-Executor: Lionel Giliotti
Co-Executor: Carmine V. Molinaro, Jr.
 c/o Molinaro Law Offices
 P.O. Box 799
 Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

EDWARD A. KROL, late of Uniontown,
 Fayette County, PA (1)
Personal Representative: David Dzurnak
 c/o Watson Mundorff Brooks & Sepic, LLP
 720 Vanderbilt Road
 Connellsville, PA 15425
Attorney: Charles W. Watson

ROBERT SCOTT, a/k/a ROBERT A. SCOTT, late of North Union Township, Fayette County, PA (2)
Administrator: Robert F. Scott
 c/o Kovach Law Office
 9 Court Street
 Uniontown, PA 15401
Attorney: Kimberly D. Kovach

LEGAL NOTICES

IN THE COURT OF COMMON PLEAS OF
 FAYETTE COUNTY, PENNSYLVANIA
 CIVIL ACTION – LAW
 NO. 21 of 2018, G. D.

**IN RE: NAME CHANGE OF
 YELENA RENEE GRIFFITH, a
 minor, By her parent and natural
 guardian, AMY L. FORD,
 Petitioner.**

NOTICE

Notice is hereby given that on January 8, 2018, the Petition of Yelena Renee Griffith, a minor, by her parent and natural guardian, Amy L. Ford, was filed with the above named Court, requesting an order of Court to change the name of Yelena Renee Griffith to Yelena Renee Ford.

The Court has fixed the day of 23rd day of March, 2018, at 1:30 P. M. in Court Room Number 2 of the Fayette County Court House, Uniontown, Pennsylvania, as the time and place for the hearing on said Petition, when and where all interested parties may appear and show cause, if any, why the request of the petitioner should not be granted.

Watson Mundorff Brooks & Sepic, LLP
 720 Vanderbilt Road
 Connellsville, PA 15425-6218

First Publication

JOANNE BRYNER, late of Dunbar Township,
 Fayette County, PA (1)
Executor: Alan R. Bryner
 c/o Riverfront Professional Center
 208 South Arch Street, Suite 2
 Connellsville, PA 15425
Attorney: Richard A. Husband

JOHN GARLOW, late of Dunbar Township,
 Fayette County, PA (1)
Co-Executors: Johnathan M. Garlow
 and Michael D. DeMarco
 P.O. Box 38667
 Pittsburgh, PA 15238
 c/o DeMarco, Negle & Lane, LLP
 P.O. Box 38667
 Pittsburgh, PA 15238
Attorney: Michael D. DeMarco

RICHARD M. GUYN, late of Dunbar
 Township, Fayette County, PA (1)
Executrix: Stephanie Marie Shultz, a/k/a
 Stephanie M. DeForrest
 c/o Riverfront Professional Center

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. (1 of 3)

James Custer
Sheriff Of Fayette County

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

No. 1968 of 2017 GD

No. 34 of 2018 ED

DITECH FINANCIAL LLC
3000 Bayport Drive, Suite 880
Tampa, FL 33607,

Plaintiff,
vs.

THERESA COKE n/k/a TERESA KOCH as
Executrix of the Estate of Carol J. Bailes,
Deceased

Mortgagor(s) and Record Owner(s)
124 & 128 Jones Street
Everson, PA 15631,

Defendant(s).

ALL that piece of land situate in the Borough of Everson, formerly Upper Tyrone Township, situate in the County of Fayette and Commonwealth of Pennsylvania.

ALL those pieces or parcels of land situate in the Borough of Everson, formerly Upper Tyrone Township, County of Fayette, Commonwealth of Pennsylvania, being Lot Nos. 561, 562, 563 and 564 in Livingood's Addition to Everson, Graff & Macrurn's Plan of Lots known as their Plan "A" bounded and described as follows:

TAX PARCEL # 10-03-0207 & 10-03-0208

PROPERTY ADDRESS: 124 & 128 Jones Street Everson, PA 15631

IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF:
THERESA COKE n/k/a TERESA KOCH as
Executrix of the Estate of Carol Bailes,
Deceased

Phelan Hallinan Diamond & Jones, LLP

No. 1406 of 2017 GD
No. 35 of 2018 ED

Bayview Loan Servicing, LLC,
Plaintiff,
V.

Cecil Barnhart Sr. in His Capacity as Heir of Lydia N. Barnhart a/k/a Lydia Barnhart a/k/a Lydia M. Barnhart. Deceased
Kimberly Barnhart in Her Capacity as Heir of Lydia N. Barnhart a/k/a Lydia Barnhart a/k/a Lydia M. Barnhart, Deceased
Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Lydia N. Barnhart a/k/a Lydia Barnhart a/k/a Lydia M. Barnhart, Deceased,
Defendant(s)

By virtue of a Writ of Execution No. 1406 OF 2017 Bayview Loan Servicing, LLC v. Cecil Barnhart, Sr, in His Capacity as Heir of Lydia N. Barnhart a/k/a Lydia Barnhart a/k/a Lydia M. Barnhart, Deceased; Kimberly Barnhart, in Her Capacity as Heir of Lydia N. Barnhart a/k/a Lydia Barnhart a/k/a Lydia M. Barnhart, Deceased; Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Lydia N. Barnhart a/k/a Lydia Barnhart a/k/a Lydia M. Barnhart, Deceased, owner(s) of property situate in the CONNELLSVILLE TOWNSHIP, Fayette County, Pennsylvania, being 111 West Blake Avenue, Connellsville, PA 15425-1607

Parcel No.: 06040022

Improvements thereon: RESIDENTIAL DWELLING

Phelan Hallinan Diamond & Jones, LLP

No. 2212 of 2017 GD
No. 7 of 2018 ED

Bayview Loan Servicing, LLC, A Delaware Limited Liability Company,
Plaintiff,
V.

Lorraine Bryner, in Her Capacity as Executrix of The Estate of Philip M. Brocco a/k/a Phillip Martin Brocco Vanderbilt

Philip Martin Brocco, Jr a/k/a Philip M. Brocco, Jr, in His Capacity as Devisee of The Estate of Philip M. Brocco a/k/a Phillip Martin Brocco Vanderbilt,
Defendant(s).

By virtue of a Writ of Execution No. 2212 OF 2017 GD, Bayview Loan Servicing, LLC, A Delaware Limited Liability Company v. Lorraine Bryner, in Her Capacity as Executrix of The Estate of Philip M. Brocco a/k/a Phillip Martin Brocco Vanderbilt; Philip Martin Brocco, Jr a/k/a Philip M. Brocco, Jr, in His Capacity as Devisee of The Estate of Philip M. Brocco a/k/a Phillip Martin Brocco Vanderbilt, owner(s) of property situate in the VANDERBILT BOROUGH, Fayette County, Pennsylvania, being 349 Center Street, A/K/A 518 Center Street, Vanderbilt, PA 15486

Parcel No.: 40-04-000101

Improvements thereon: RESIDENTIAL DWELLING

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. 2043 of 2017 GD
No. 42 of 2018 ED

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

CLIFFORD BOWSER, KNOWN HEIR OF EVELYN BROADWATER A/K/A EVELYN R. BROADWATER, ROY M. BROADWATER A/K/A ROY M. BROADWATER, JR., KNOWN HEIR OF EVELYN BROADWATER A/K/A EVELYN R. BROADWATER, UNKNOWN HEIRS, SUCCESSORS, ASSIGNS AND ALL PERSONS, FIRMS OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER EVELYN BROADWATER A/K/A EVELYN R. BROADWATER,
Defendant(s).

ALL THAT CERTAIN LOT OF LAND

SITUATE IN FRANKLIN TOWNSHIP,
 FAYETTE COUNTY, PENNSYLVANIA:
 BEING KNOWN AS 19 Old Pittsburgh
 Ln, Franklin n/k/a Smock, PA 15480-0000
 PARCEL NUMBER: 13080019
 IMPROVEMENTS: Residential Property

No. 1594 of 2014 GD
 No. 58 of 2018 ED

Wells Fargo Bank, N.A.,
Plaintiff,
vs.
Todd E. Brothers,
Defendant.

ALL that certain parcel of land lying and being situate in the Township of Connellsville, County of Fayette, and Commonwealth of Pennsylvania, known as 911 Springfield Pike, Connellsville, PA 15425 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 06-09-0023

BEING the same premises which Laurie E. Antoon, unmarried, by Deed dated May 31, 2005 and recorded in and for Fayette County, Pennsylvania in Deed Book 2950, Page 585, granted and conveyed unto Todd E. Brothers, married.

STERN AND EISENBERG, PC
 ANDREW J. MARLEY, ESQ.

No. 2438 of 2017 GD
 No. 372 of 2017 ED

Deutsche Bank National Trust Company, as Trustee for American Home Mortgage Assets Trust 2007-3 Mortgage- Backed Pass-Through Certificates Series 2007-3 c/o Ocwen Loan Servicing, LLC,
Plaintiff,
V.
Janice E. Bryner and Michael A. Nicholson,
Defendant(s).

SITUATE IN THE THIRD WARD OF THE BOROUGH OF MASONTOWN, FAYETTE COUNTY, PENNSYLVANIA, BEING KNOWN AS 20 Center Street,

Masontown, PA 15461 PARCEL NO. 21-6-93-1 IMPROVEMENTS - RESIDENTIAL REAL ESTATE
 SOLD AS THE PROPERTY OF- Janice E. Bryner and Michael A. Nicholson

Phelan Hallinan Diamond & Jones, LLP

No. 362 of 2011 GD
 No. 9 of 2018 ED

PHH Mortgage Corporation,
Plaintiff,
v.
Carl Diggs,
Defendant(s)

By virtue of a Writ of Execution No. 362-OF-2011-GD, PHH Mortgage Corporation v. Carl Diggs, owner(s) of property situate in the BELLE VERNON BOROUGH, Fayette County, Pennsylvania, being 3 Eggers Avenue, Belle Vernon, PA 15012-1311

Parcel No.: 01-04-0070, 01-04-0069
 Improvements thereon: RESIDENTIAL DWELLING

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

No. 2501 of 2010 GD
 No. 36 of 2018 ED

PNC Bank, National Association,
Plaintiff,
V.
LINDA P. DONKERS A/K/A LINDA PATRICIA DONKERS,
Defendant(s)

ALL THAT CERTAIN LOT OF LAND SITUATE IN TOWNSHIP OF LUZERNE, FAYETTE COUNTY, PENNSYLVANIA: BEING KNOWN AS 306 Telegraph Road, Brownsville, PA 15417

PARCEL NUMBER: 19-06-0037
 IMPROVEMENTS: Residential Property

No. 1020 of 2017 GD
No. 57 of 2018 ED

**PENNSYLVANIA HOUSING FINANCE
AGENCY,
PLAINTIFF,
vs.
LYN A. FEDRICK AND WAYNE M.
FEDRICK,
DEFENDANT(S).**

ALL THAT CERTAIN piece, parcel or tract of land being located in the Borough of Belle Vernon, Fayette County, Pennsylvania, being 100' x 60' and having thereon erected a residential dwelling house known and numbered as: 20 MULBERRY STREET, BELLE VERNON, PA 15012.

Tax Parcel# 01-04-0116
Reference Fayette County Deed Book 2242, Page 120.

TO BE SOLD AS THE PROPERTY OF WAYNE M. FEDRICK AND LYN A. FEDRICK, UNDER JUDGMENT NO. 1020 OF 2017 GD.

No. 2322 of 2017 GD
No. 6 of 2018 ED

**Metropolitan Life Insurance Company,
PLAINTIFF,
vs.
Carrie Lynn Forsythe,
DEFENDANT.**

ALL THAT CERTAIN piece or parcel of land, lying and situated in Jefferson Township, County of Fayette and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a stone in the public road, corner to lands of Edward Maxwell and others, and running thence by land of said Maxwell, South thirty-eight degrees, fifteen minutes West, two hundred sixty-six and five-tenths (266.5) feet to a stake; then by land now or formerly of Chas H. Nutt, North seventy-two degrees, forty-five minutes West, two hundred seventeen (217) feet to a stake; thence North forty-seven degrees, thirty minutes West, one hundred ninety-four (194) feet to a stake; thence by land now or formerly of Mary E. Dannels, North eighty-eight degrees, thirty minutes East five hundred sixteen

and two-tenths (516.2) feet to the place of beginning, containing one acre and sixty-seven perches of land strict measure.

EXCEPTING AND RESERVING, thereout and therefrom, all of the Pittsburgh or Monongahela River Vein of coal and Freeport Vein of coal or any other coal underlying the above described tract of land, with the rights to mine, remove and carry away said coal without being liable for damage to second parties.

COMMONLY KNOWN AS: 428 Grindstone Road, Grindstone, PA 15442

TAX PARCEL NO. 17100006 (17-10-0006)

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. 31 of 2016 GD
No. 371 of 2017 ED

**Green Tree Servicing LLC,
Plaintiff,
V.**

**DEBORAH HAWK, KNOWN HEIR OF
ELEANOR R. GREENAWALT
ESTATE OF ELEANOR R. GREENAWALT
KELLY LEE KINGMAN, KNOWN HEIR
OF CAROLYN S. KINGMAN, KNOWN
HEIR OF ELEANOR R. GREENAWALT
KEVIN BUTLER, KNOWN HEIR OF
ELEANOR R. GREENAWALT
NEIL BUTLER, KNOWN HEIR OF
ELEANOR R. GREENAWALT
ROBERT KINGMAN, KNOWN HEIR OF
CAROLYN S. KINGMAN, KNOWN HEIR
OF ELEANOR R. GREENAWALT
UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS AND ALL PERSONS, FIRMS OR
ASSOCIATIONS CLAIMING RIGHT,
TITLE OR INTEREST FROM OR UNDER
CAROLYN S. KINGMAN, KNOWN HEIR
OF ELEANOR R. GREENAWALT
UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS AND ALL PERSONS, FIRMS OR
ASSOCIATIONS CLAIMING RIGHT,
TITLE OR INTEREST FROM OR UNDER
DANIEL STILLWAGON, KNOWN HEIR
OF ELEANOR R. GREENAWALT**

**UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS AND ALL PERSONS, FIRMS OR
ASSOCIATIONS CLAIMING RIGHT,
TITLE OR INTEREST FROM OR UNDER
ELEANOR R. GREENAWALT,
DECEASED,**

Defendant(s).

ALL THAT CERTAIN LOT OF LAND
SITUATE IN BOROUGH OF SOUTH
CONNELLSVILLE, FAYETTE
COUNTY, PENNSYLVANIA:

BEING KNOWN AS 1710 South
Pittsburgh Street, Connelssville, PA 15425

PARCEL NUMBER: 33-06-0099

IMPROVEMENTS: Residential Property

No. 2333 of 2017 GD

No. 33 of 2018 ED

**PENNSYLVANIA HOUSING FINANCE
AGENCY,**

PLAINTIFF,

VS.

ABRAH M. HAINES,

DEFENDANT.

ALL that certain parcel of land in South
Union Township, Fayette County, Pennsylvania,
being approximately 65 x 61 x 59 x 83.85.
HAVING THEREON ERECTED DWELLING
KNOWN AND NUMBERED AS: 404 SOUTH
MOUNT VERNON AVENUE EXT
UNIONTOWN, PA 15401.

Tax Parcel# 34-16-0253-01

Fayette Deed Book 2939, page 783.

TO BE SOLD AS THE PROPERTY OF
ABRAH M. HAINES UNDER JUDGMENT
NO. 2017- 02333.

McCABE, WEISBERG & CONWAY, LLC

BY: JACOB M. OTTLEY, ESQUIRE

ID # 319404

123 South Broad Street, Suite 1400

Philadelphia, PA 19109

215-790-1010

No. 2072 of 2017 GD

No. 11 of 2018 ED

**The Huntington National Bank,
Plaintiff,**

V.

**Delmar Hlatky a/k/a Delmar Hlatky, Sr.,
Denise Hlatky and Delmar F. Hlatky, Jr.,
Defendants.**

ALL THAT CERTAIN LOT OR PARCEL
OF LAND SITUATE IN NICHOLSON
TOWNSHIP, FAYETTE COUNTY,
PENNSYLVANIA, BOUNDED AND
DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE
CENTER LINE OF TOWNSHIP ROAD 360,
CORNER OF THE LAND CONVEYED AND
OTHER LAND OF THE GRANTOR; THENCE
ALONG THE BOUNDARY LINE BETWEEN
THESE LANDS NORTH 13 DEGREES 22' 30"
EAST, 212 FEET TO AN IRON PIN; THENCE
ALONG SAME NORTH 87 DEGREES 49' 30"
EAST, 398.75 FEET TO AN IRON PIN;
THENCE ALONG SAME COURSE 74.84
FEET TO AN IRON PIN; THENCE SOUTH 4
DEGREES 30' WEST, 138.55 FEET TO AN
EXISTING CONCRETE MONUMENT;
THENCE ALONG LAND NOW OR
FORMERLY OF ROBERT J. SWIFT NORTH
77 DEGREES 07' 30" WEST, 197.89 FEET TO
AP. K. NAIL; AND THENCE ALONG
CENTER LINE OF SAID ROAD NORTH 77
DEGREES 07' 30" WEST 408.50 FEET TO
THE P. K. NAIL, PLACE OF BEGINNING.

EXCEPTING AND RESERVING FROM
THE ABOVE DESCRIBED PARCEL THE
FOLLOWING LOT OF LAND CONVEYED
TO DELMAR HLATKY, SR., AND DELMAR
F. HLATKY, JR., BY DEED OF DELMAR
HLATKY, SR., ALSO KNOWN AS DELMAR
HLATKY AND DENISE HLATKY, HIS
WIFE, DATED JULY 22, 2002, AND
RECORDED ON JULY 24, 2002 IN THE
OFFICE OF THE RECORDER OF DEEDS OF
FAYETTE COUNTY, PENNSYLVANIA, AS
INSTRUMENT NUMBER 200200013683 OR
BOOK 2828, PAGE 721 AND BEING MORE
FULLY DESCRIBED AS FOLLOWS:

ALL THAT CERTAIN LOT OF LAND
SITUATE IN NICHOLSON TOWNSHIP,
FAYETTE COUNTY, PENNSYLVANIA,
KNOWN AND DESIGNATED AS LOT NO. I
IN THE HLATKY PLAN OF LOTS WHICH
PLAN IS RECORDED IN THE RECORDER'S
OFFICE OF FAYETTE COUNTY IN PLAN
BOOK VOLUME 66, PAGE 54.

All that certain piece or parcel or Tract of
land situate in the Township of Nicholson,

Fayette County, Pennsylvania, and being known as 231 Morris Buncic Road a/k/a 277 Morris Buncic Road, Smithfield, Pennsylvania 15478.

Being known as: 23 I Morris Buncic Road a/k/a 277 Morris Buncic Road, Smithfield, Pennsylvania 15478.

Title vesting in Delmar Hlatky a/k/a Delmar Hlatky, Sr., Denise Hlatky, and Delmar F. Hlatky, Jr. by deed from Delmar Hlatky, Sr. a/k/a Delmar Hlatky and Denise Hlatky, husband and wife, dated July 22, 2002 and recorded July 24, 2002 in Deed Book 2828, Page 721 Instrument Number 200200013683.

Tax Parcel Number: 24-18-005701

No. 2295 of 2016 GD
No. 358 of 2017 ED

U.S. Bank, National Association, successor Trustee to Bank Of America, N.A. as Successor To LaSalle Bank, N.A. as Trustee, for Merrill Lynch First Franklin Mortgage Loan Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-3,

PLAINTIFF,

vs.

Evonne B. Kelly,
DEFENDANT.

ALL THAT CERTAIN piece or parcel of land situate in Jefferson Township, Fayette County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at a point marked by a stake, which said point of beginning is a comer common to property of the grantor herein and property now or formerly of Stephen M. Hela et ux., thence from said point of beginning north 52 degrees 27 minutes east, a distance of 225 feet to a point in the middle of the Old Grindstone-Fayette City Road leading to Route 201; thence in the middle of the Old Grindstone-Fayette City Road, north 48 degrees 45 minutes west, a distance of 200 feet to a point located in the Old Grindstone-Fayette City Road, thence along other lands of the grantors herein, south 52 degrees 27 minutes west, a distance of 225 feet to a point marked by a stake, thence by other lands of the grantors herein, south 48 degrees 45 minutes east a distance of 200 feet to a point marked by a stake, to the place of beginning. Containing an area of 1.013 acres more or less, as per survey of William J. Walter, dated

October 9, 1971, as attached hereto and made a part hereof.

SUBJECT to the exceptions, reservations, easements, rights of ways, rights and privileges as set forth in prior instruments of record.

COMMONLY KNOWN AS: 270 Perry Road RR 2 Box 125, Perryopolis, PA 15473
TAX PARCEL NO. 17-08-0098

No. 2436 of 2017 GD
No. 1 of 2018 ED

UNITED BANK, INC.,
Plaintiff,
vs.
KICK BACK & RELAX, LLC,
Defendant.

ALL those certain three tracts situate in Wharton Township, Fayette County, Pennsylvania, described as Tax Parcel No. 42-16 -0069 and more particularly described in a deed recorded in the Office of the Recorder of Deeds for Fayette County in Record Book 3166, page 1424.

The street address of the property is 674 Nelson Road, Farmington, Pennsylvania 15437.

Seized and taken in execution as the property of Kick Back & Relax, LLC, owner or reputed owner of the property, at the suit of United Bank, Inc. in the Court of Common Pleas of Fayette County, Pennsylvania at No. 2436 of 2017, G.D.

Phelan Hallinan Diamond & Jones, LLP

No. 2517 of 2017 GD
No. 31 of 2018 ED

Metropolitan Life Insurance Company,
Plaintiff,
V.
Veronica D. Lasko
Gerard Lasko a/k/a Gerard A. Lasko,
Defendant(s).

By virtue of a Writ of Execution No. 2517 OF 2017 GD, Metropolitan Life Insurance Company V. Veronica D. Lasko, Gerard Lasko a/k/a Gerard A. Lasko, owner(s) of property situate in the NORTH UNION TOWNSHIP, Fayette County, Pennsylvania, being 36 West

Wine Street, A/K/A Wine St., Uniontown, PA 15401-2346

Parcel No.: 25-26-0018 and 25-26-0019-01
Improvements thereon: RESIDENTIAL DWELLING

Phelan Hallinan Diamond & Jones, LLP

No. 1931 of 2013 GD
No. 51 of 2018 ED

PNC Bank, National Association Successor by Merger to National City Bank, Successor by Merger to National City Bank of Pennsylvania,
Plaintiff,
V.
Lesa L. Major,
Defendant(s).

By virtue of a Writ of Execution No. 1931-OF-2013-GD, PNC Bank, National Association Successor by Merger to National City Bank, Successor by Merger to National City Bank of Pennsylvania Vs. Lesa L. Major, owner(s) of property situate in the FAYETTE CITY BOROUGH, Fayette County, Pennsylvania, being 211 Market Street, Fayette City, PA 15438 -1092

Parcel No.: 12030267
Improvements there on: RESIDENTIAL DWELLING

KML Law Group, P.C.

Suite 5000 - BNY Independence Center
70I Market Street Philadelphia, PA 19106

No. 112 of 2014 GD
No. 365 of 2017 ED

NATIONSTAR MORTGAGE, LLC
350 Highland Drive
Lewisville, TX 75067,
Plaintiff,
Vs.
JAMIE D. MARSIGLIA
MATTHEW P. MARSIGLIA JR.
207 Bull Run Road Brownsville, PA 15417,
Defendant.

ALL THAT CERTAIN lot of land situate in the Township of Luzerne, County of Fayette

and Commonwealth of Pennsylvania.

TAX PARCEL # 19-09-0069
PROPERTY ADDRESS: 207 Bull Run Road Brownsville, PA 15417

IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF: JAMIE D. MARSIGLIA and MATTHEW P. MARSIGLIA JR.

No. 1811 of 2017 GD
No. 3 of 2018 ED

PNC BANK, NATIONAL ASSOCIATION,
Plaintiff,
VS.
STANLEY MATEOSKY AND ALVERA MATEOSKY,
Defendants.

ALL THE RIGHT TITLE, INTEREST AND CLAIMS OF STANLEY MATEOSKY AND ALVERA MATEOSKY, OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT CERTAIN LOT OF LAND SITUATE IN THE SOUTH UNION TOWNSHIP, FAYETTE COUNTY, PA, BEING PARCEL 34-01-002902, MORE FULLY DESCRIBED IN DEED BOOK 52, PAGE 11.

BEING KNOWN AS 443 DUCK HOLLOW ROAD, UNIONTOWN, PA 15401.
TAX PARCEL NO. 34-01-002902

No. 1619 of 2017 GD
No. 367 of 2017 ED

LSF9 MASTER PARTICIPATION TRUST,
Plaintiff,
V.
JOHN MARTIN JR, KNOWN HEIR OF FREEDA MARTIN AND ANY UNKNOWN HEIRS OF FREEDA MARTIN,
Defendants.

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF JOHN MARTIN JR., KNOWN HEIR OF FREEDA MARTIN AND ANY UNKNOWN HEIRS OF FREEDA MARTIN OF, IN AND TO:

ALL THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE

BOROUGH OF BELLE VERNON, COUNTY OF FAYETTE, COMMONWEALTH OF PENNSYLVANIA. HAVING ERECTED THEREON A DWELLING KNOWN AND NUMBERED AS 245 MAIN STREET, BELLE VERNON, PA 15012. DEED BOOK VOLUME 1263, PAGE 122, PARCEL NUMBER 01030014.

McCABE, WEISBERG & CONWAY, LLC
123 South Broad Street, Suite 1400
Philadelphia, PA 19109

No. 2520 of 2014 GD
No. 356 of 2017 ED

**LSF10 Master Participation Trust,
Plaintiff,
V.**

**Robert J. Michael, Sr. and Vera J. Michael,
Defendants.**

ALL THAT PARCEL OR TRACT OF LAND SITUATE ON THE NORTHEASTERN SIDE OF THE WHARTON FURNACE ROAD IN WHARTON TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN ON THE NORTHEASTERN SIDE OF THE WHARTON FURNACE ROAD, WHICH IRON PIN IS NORTH 57 DEGREES 30 MINUTES WEST IO FEET FROM THE PLACE OF BEGINNING IN THE DEED OF THE GRANTORS TO JOHN H. HULL, JR., ET UX., DATED APRIL 26, 1969, WHICH DEED IS OF RECORD IN DEED BOOK 1077, PAGE 1087; THENCE IN SAID ROAD NORTH 57 DEGREES 30 MINUTES WEST 140 FEET TO AN IRON PIN IN SAID ROAD; THENCE BY LANDS OF CHARLES ROCKWELL NORTH 25 DEGREES 30 MINUTES EAST 193 FEET TO AN IRON PIPE CORNER OF OTHER LANDS OF THE GRANTORS; THENCE BY SAID LANDS SOUTH 57 DEGREES 30 MINUTES EAST 140 FEET TO AN IRON PIPE CORNER OF LANDS OF JOHN HULL, JR., ET UX.: THENCE BY SAID LANDS SOUTH 25 DEGREES 30 MINUTES WEST 193 FEET TO THE PLACE OF BEGINNING,.

CONTAINING 0.620 OF AN ACRE AS PER SURVEY OF WALTER R. HAGER, A PLOT OF SAME BEING HERETO ATTACHED AND MADE A PART HEREOF.

EXCEPTING AND RESERVING, THEREFROM, HOWEVER, ALL MINERAL RIGHTS AND APPURTENANT MINING RIGHTS AS HERETOFORE CONVEYED OR EXCEPTED BY DEED OR DEEDS OF CONVEYANCE, AND ALL OIL AND GAS TOGETHER WITH ALL APPURTENANT DRILLING RIGHTS.

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

No. 2435 of 2016 GD
No. 369 of 2017 ED

**PNC BANK, NATIONAL ASSOCIATION,
SUCCESSOR BY MERGER TO
NATIONAL CITY MORTGAGE, A
DIVISION OF NATIONAL CITY BANK
3232 Newmark Drive
Miamisburg, OH 45342,**

**Plaintiff,
vs.**

**CATHERINE MATWAY RUBIS A/K/A
CATHERINE M. RUBIS A/K/A
CATHERINE RUBIS
GREGORY P. RUBIS A/K/A GREGORY
RUBIS
134 Strawn Road A/K/A 140 Strawn Road
Perryopolis, PA 15473,
Defendant(s).**

ALL THAT CERTAIN parcel of land situate in the Borough of Perryopolis (formerly Perry Township), County of Fayette and Commonwealth of Pennsylvania.

TAX PARCEL# 28-07-0035

PROPERTY ADDRESS: 134 Strawn Road A/K/A 140 Strawn Road Perryopolis, PA 15473
134 Strawn Road Perryopolis, PA 15473

IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF:
CATHERINE MATWAY RUBIS A/K/A
CATHERINE M. RUBIS A/K/A
CATHERINE RUBIS and GREGORY P.
RUBIS A/K/A GREGORY RUBIS

Being known as: 488 Wharton Furnace Road, Farmington, Pennsylvania 15437

Title vesting in Robert J. Michael, Sr. and Vera J. Michael, husband and wife, by deed from John W. Hull and Mary E. Hull, husband and wife, dated December 2, 1976 and recorded December 2, 1976 in Deed Book 1209, Page 185
Tax Parcel Number: 42-15-0005

Phelan Hallinan Diamond & Jones, LLP

No. 2527 of 2017 GD
No. 12 of 2018 ED

Branch Banking and Trust Company,
Plaintiff,
v.

William Nedley,
Defendant(s).

By virtue of a Writ of Execution No. 2527-OF-2017-GD, Branch Banking and Trust Company v. William Nedley, owner(s) of property situate in the UNIONTOWN CITY, Fayette County, Pennsylvania, being 12 Daniel Street, Uniontown, PA 15401-2704

Parcel No.: 38-05-0171

Improvements thereon: RESIDENTIAL DWELLING

McCABE, WEISBERG & CONWAY, LLC
123 South Broad Street, Suite 1400
Philadelphia, PA 19109

No. 2283 of 2017 GD
No. 10 of 2018 ED

Citizens Bank, N.A. f/k/a RBS Citizens, N.A.,
Plaintiff,
v.

Danielle Palermo,
Defendant.

All that certain piece or parcel or Tract of land situate in the City of Uniontown, Fayette County, Pennsylvania, and being known as 74 Downer Avenue, Uniontown, Pennsylvania 15401.

Being known as: 74 Downer Avenue, Uniontown, Pennsylvania 15401

Title vesting in Danielle Palermo by deed from Ralph Regis Rikken dated March 4, 2013

and recorded March 6, 2013 in Deed Book 3213, Page 702 Instrument Number 201300002434.

Tax Parcel Number: 38-05-0106

No. 1388 of 2017 GD
No. 359 of 2017 ED

Nationstar Mortgage LLC,

PLAINTIFF,
vs.

Jonelle Price a/k/a Jonelle Zeiler,
DEFENDANT.

COMMONLY KNOWN AS: 325
Wickhaven Road, Wickhaven, PA 15492
TAX PARCEL NO. 27-01-0089

Stephen M. Hladik, Esquire
Hladik, Onorato & Federman, LLP 298
Wissahickon Avenue
North Wales, PA 19454

No. 1989 of 2017 GD
No. 44 of 2018 ED

Home Point Financial Corporation,
Plaintiff,
vs.

Blane E. Prinkey, Jr. and Kierstin B. Prinkey,
Defendants.

Property Address: 108 Hess Lane,
Connellsville, PA 15425

Parcel I.D. No. 06-02-00478

Improvements thereon consist of a residential dwelling.

Judgment Amount: \$114,895.24

EWING D. NEWCOMER
ATTORNEY AT LAW

No. 1245 of 2017 DSB
No. 54 of 2018 ED

VILLAS AT KEYSTONE ESTATES
HOMEOWNERS' ASSOCIATION,

Plaintiff,
vs.

GEORGE RATTAY,
Defendant.

ALL THAT CERTAIN unit in the property known, named, and identified in the Declaration of Condominium of The Villas at Keystone Estates, located in South Union Township, Fayette County, Pennsylvania, which has heretofore been submitted pursuant to the provisions of the Pennsylvania Uniform Condominium Act, by the recording of such Declaration in the Official Records of Fayette County on August 12, 2004 in O.R. Book 2915, Pages 901-939, as the same may be supplemented or amended from time to time, and submitted pursuant to the provisions of the Pennsylvania Uniform Condominium Act by the recording of the Keystone Estates Master Declaration of Covenants, Conditions and Restrictions in the Official Records of Fayette County on August 12, 2004 in O.R. Book 2915, Pages 857-900, as the same may be supplemented or amended from time to time, being designated on the Declaration of Condominium Plan as UNIT NO. 1017, as more fully described in such Declaration, together with a proportionate undivided interest in the Common Elements (as defined in such Declaration).

SEE Record Book Volume 2969, Page 732.

UPON which is erected a residential dwelling condominium and known locally as 1017 Lafayette Street, Uniontown, PA 15401.

Assessment Map No.: 34-22-0003-01-02-D.

McCABE, WEISBERG & CONWAY, LLC
 123 South Broad Street, Suite 1400
 Philadelphia, PA 19109

No. 2513 of 2017 GD
 No. 53 of 2018 ED

Lakeview Loan Servicing, LLC,
Plaintiff,
V.
Terry Lee Richter and Lori M. Dillinger,
Defendants.

All that certain piece or parcel or Tract of land situate in the City of Connellsville, Fayette County, Pennsylvania, and being known as 1122 Oak Street, Connellsville, Pennsylvania 15425.

Being known as: 1122 Oak Street, Connellsville, Pennsylvania 15425

Title vesting in Terry Lee Richter and Lori M. Dillinger by deed from Candice S. Bell, now

by marriage, Candice S. Hiles-Wallace and Shaun E. Wallace, husband and wife, dated March 6, 2015 and recorded April 14, 2015 in Deed Book 3274, Page 2005 Instrument Number 201500003661.

Tax Parcel Number: 05120139

Phelan Hallinan Diamond & Jones, LLP

No. 1538 of 2017 GD
 No. 5 of 2018 ED

Deutsche Bank Trust Company Americas as Indenture Trustee for The Registered Holders of Saxon Asset Securities Trust 2004-1 Mortgage Loan Asset Backed Notes and Certificates, Series 2004-1,
Plaintiff,
v.
Rebecca E. Rugg
Timothy R. Rugg,
Defendant(s).

By virtue of a Writ of Execution No. 1538-OF-2017-GD, Deutsche Bank Trust Company Americas as Indenture Trustee for The Registered Holders of Saxon Asset Securities Trust 2004-1 Mortgage Loan Asset Backed Notes and Certificates, Series 2004-1 v. Rebecca E. Rugg and Timothy R. Rugg, owner(s) of property situate in the HENRY CLAY TOWNSHIP, Fayette County, Pennsylvania, being 190 Caney Vallev Road, Marklevsburg, PA 15459-1020

Parcel No.: 16-16-0063
 Improvements thereon: RESIDENTIAL DWELLING

Phelan Hallinan Diamond & Jones, LLP

No. 1832 of 2017 GD
 No. 368 of 2017 ED

The Bank of New York Mellon Trust Company, N.A., as Trustee for Gmaem Home Equity Loan Trust 2006 -He5,
Plaintiff,
V.
Karen Jane Rutherford,
Defendant(s)

The Bank of New York Mellon Trust

Company, N.A., as Trustee for Gmacm Home Equity Loan Trust 2006-He5 v. Karen Jane Rutherford, owner(s) of property situate in the LUZERNE TOWNSHIP, Fayette County, Pennsylvania, being 1009 2nd Street, Hiller, PA 15444

Parcel No.: 19-08-0123
 Improvements thereon: RESIDENTIAL DWELLING

No. 2262 of 2016 GD
 No. 40 of 2018 ED

The Bank of New York Mellon, as Trustee for Mortgage Loan Trust 2007-1,
Plaintiff,
vs.
Patrick E. Seese, AKA Patrick Seese; Kanya K. Knox, AKA Kanya Knox
Defendants.

ALL that certain parcel of land lying and being situate in the Township of Wharton, County of Fayette, and Commonwealth of Pennsylvania, known as 154 Dinnerbell Ohiopyle Road, Farmington, PA 15437 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 42-22-0045

BEING the same premises which Patrick E. Seese, no marital status shown, by Deed dated December 8, 2006 and recorded in and for Fayette County, Pennsylvania in Deed Book 3022, Page 1102, granted and conveyed unto Patrick E. Seese, unmarried and Kanya K. Knox, unmarried.

Phelan Hallinan Diamond & Jones, LLP

No. 2177 of 2017 GD
 No. 39 of 2018 ED

Wells Fargo Bank, N.A.,
Plaintiff,
V.
Mark E. Snyder, Sr.
Jennifer D. Snyder,
Defendant(s)

By virtue of a Writ of Execution No. 2177-OF-2017-GD, Wells Fargo Bank, N.A. V. Mark E. Snyder, Sr Jennifer D. Snyder, owner(s) of

property situate in the BULLSKIN TOWNSHIP, Fayette County, Pennsylvania, being 215 Barbara Lane, Connellsville, PA 15425-1802
 Parcel No.: 04-33-0094
 Improvements thereon: RESIDENTIAL DWELLING

No. 2516 of 2017 GD
 No. 32 of 2018 ED

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY,
PLAINTIFF,
Vs.
SHERRIE L. SNYDER AND DAVID W. SNYDER,
DEFENDANTS.

ALL those lots of ground in the Township of Bullskin, County of Fayette, Pennsylvania, being Lot Nos. 1297 and 1298, Bear Rocks Plan No. 8, Fayette Plan Book 10, pages 150 and 151. HAVING THEREON ERECTED DWELLING KNOWN AND NUMBERED AS: 786 WEST MOUNTAINVIEW ROAD ACME, PA 15610.

Tax Parcel# 04-07-0101
 Fayette Deed Book 3083, page 1127.

TO BE SOLD AS THE PROPERTY OF DAVID W. SNYDER AND SHERRIE L. SNYDER UNDER JUDGMENT NO. CD-2516-2017.

No. 1940 of 2017 GD
 No. 27 of 2018 ED

PNC BANK, NATIONAL ASSOCIATION,
PLAINTIFF,
Vs.
JACK J. SWEITZER, ADMINISTRATOR OF THE ESTATE OF ROSS A. GIRARD,
DEFENDANTS.

ALL THE RIGHT TITLE, INTEREST AND CLAIMS OF JACK J. SWEITZER, ADMINISTRATOR OF THE ESTATE OF ROSS A. GIRARD, OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT CERTAIN LOT OF LAND SITUATE IN NORTH UNION TOWNSHIP, FAYETTE COUNTY, PA, BEING PARCEL 25 -53-0056, MORE FULLY DESCRIBED IN

DEED BOOK 147, PAGE 162.
BEING KNOWN AS 220 MADISON
AVENUE, HOPWOOD, PA 15445.
TAX PARCEL NO. 25-53-0056

No. 2201 of 2017 GD
No. 45 of 2018 ED

**FIRST NATIONAL BANK OF
PENNSYLVANIA,**

Plaintiff,
vs.

**UNKNOWN EXECUTOR AND HEIRS OF
THE ESTATE OF THOMAS TULLY,**
Defendants.

ALL THE RIGHT, TITLE, INTEREST
AND CLAIM OF UNKNOWN EXECUTOR
AND HEIRS OF THE ESTATE OF THOMAS
TULLY, OF, IN AND TO THE FOLLOWING
DESCRIBED PROPERTY:

ALL THAT CERTAIN REAL ESTATE
SITUATED IN THE TOWNSHIP OF
SALTCLICK, FAYETTE COUNTY,
PENNSYLVANIA. HAVING ERECTED
THEREON A DWELLING KNOWN AS 162
DRIVE HOWDER ROAD, CHAMPION, PA
15622. DEED BOOK VOLUME 223, PAGE
119 AND PARCEL NUMBER 31-12-0056.

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

No. 2457 of 2017 GD
No. 55 of 2018 ED

**BAYVIEW LOAN SERVICING, LLC A
DELAWARE LIMITED LIABILITY
COMPANY**

**4425 Ponce de Leon Blvd
Coral Gables, FL 33146,**
Plaintiff,

vs.

**PATRICIA ANN TEETS
402 North Gallatin Avenue
Uniontown, PA 15401,**
Defendant.

ALL THAT CERTAIN tract or parcel of
land situate in the North Union Township,

County of Fayette and Commonwealth of
Pennsylvania.

TAX PARCEL #25-23-0025
PROPERTY ADDRESS: 402 North
Gallatin Avenue Uniontown, PA 15401

IMPROVEMENTS: A residential
dwelling.

SOLD AS THE PROPERTY OF:
PATRICIA ANN TEETS

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

No. 2595 of 2017 GD
No. 30 of 2018 ED

**HSBC Bank USA, N.A., as Indenture Trustee
for the Registered Noteholders of Renaissance
Home Equity Loan Trust 2005-3, Renaissance
Home Equity Loan Asset-Backed Notes,
Series 2005-3,**

Plaintiff,
v.

**DIANE VALENTINE
ROSCOE VALENTINE,**
Defendant(s).

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

BEING KNOWN AS 367 Lambert
Footdale Road, McClellandtown, PA 15458

PARCEL NUMBER: 15-14-8
IMPROVEMENTS : Residential Property

No. 1002 of 2017 GD
No. 43 of 2018 ED

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

Plaintiff,
Vs.

**ALL KNOWN AND UNKNOWN HEIRS OF
ERIKA I. WARD A/K/A ERIKA WARD,
AND JAMES EARL WA RD, JOYCE
GRIMM, MICHAEL R. WARD, AND
CHRISTINE IRENE FIONO, SOLELY IN
THEIR CAPACITY AS POSSIBLE HEIRS**

**OF ERIKA I. WARD A/K/A ERIKA
WARD,**
Defendants.

ALL THE RIGHT TITLE, INTEREST
AND CLAIMS OF JACK J. S WEITZER,
ADMINISTRATOR OF THE ESTATE OF
ROSS A. GIRARD, OF, IN AND TO THE
FOLLOWING DESCRIBED PROPERTY:

ALL THAT CERTAIN TRACT OF LAND
SITUATE IN SOUTH CONNELLSVILLE,
FORMERLY CONNELLSVILLE TOWNSHIP,
FAYETTE COUNTY, COMMONWEALTH
OF PENNSYLVANIA, BEING PARCEL 33-07
-0101, MORE FULLY DESCRIBED IN DEED
BOOK VOLUME 112 0, PAGE 841.

BEING KNOWN AS 2208 2ND STREET,
CONNELLSVILLE, PA 15425.
TAX PARCEL NO. 33-07-0101

No. 1835 of 2017 GD
No. 29 of 2018 ED

**THE BANK OF NEW YORK MELLON, AS
TRUSTEE FOR CIT MORTGAGE LOAN
TRUST 2007-1,**
Plaintiff,
V.
WHITNEY L. WATKINS,
Defendant.

ALL THE RIGHT, TITLE, INTEREST
AND CLAIM OF WHITNEY L. WATKINS
OF, IN AND TO:

ALL THE FOLLOWING DESCRIBED
REAL ESTATE SITUATED IN THE CITY OF
UNIONTOWN, COUNTY OF FAYETTE,
COMMONWEALTH OF PENNSYLVANIA.
HAVING ERECTED THEREON A
DWELLING KNOWN AND NUMBERED AS
17 LEMON STREET, UNIONTOWN, PA
15401. DEED BOOK VOLUME 3040, PAGE
527, PARCEL NUMBER 38010290.

McCABE, WEISBERG & CONWAY, LLC
BY: ANDREW L. MARKOWITZ, ESQUIRE
123 South Broad Street, Suite 1400
Philadelphia, PA 19109

No. 792 of 2015 GD
No. 374 of 2017 ED

Ditech Financial LLC,
Plaintiff,
V.

**Alberta Marie Chronowski a/k/a Alberta M.
Chronowski a/k/a Alberta Chronowski,
Known Surviving Heir of Betty Watson,
Deceased Mortgagor and Real Owner,
Audrey C. Maddas a/k/a Audrey Watson
Maddas a/k/a Audrey Maddas, Known
Surviving Heir of Betty Watson, Deceased
Mortgagor and Real Owner,
Cullen B. Watson, Known Surviving Heir of
Betty Watson, Deceased Mortgagor and Real
Owner,
Denise Watson a/k/a Denise M. Watson,
George Watson a/k/a George Watson III,
Known Surviving Heir of Betty Watson,
Deceased Mortgagor and Real Owner,
Georgia Brown, Known Surviving Heir of
Betty Watson, Deceased Mortgagor and Real
Owner, Herbert Watson, Known Surviving
Heir of Betty Watson, Deceased Mortgagor
and Real Owner, Marynee R. Robaugh a/k/a
Marynee Robaugh, Known Surviving Heir of
Betty Watson, Deceased Mortgagor and Real
Owner,
Roger K. Watson, Known Surviving Heir of
Betty Watson, Deceased Mortgagor and Real
Owner, Scott A. Watson, Known Surviving
Heir of Betty Watson, Deceased Mortgagor
and Real Owner and Unknown Surviving
Heirs of Betty Watson, Deceased Mortgagor
and Real Owner,**
Defendants.

All that certain piece or parcel or Tract of
land situate in the Township of Dunbar,
Fayette County, Pennsylvania, and being known
as 133 Green Street, Dunbar, Pennsylvania
15431.

Being known as: 133 Green Street, Dunbar,
Pennsylvania 15431

Title is vested in Denise M. Watson and
Betty Watson by deed from Denise M. Watson
dated September 16, 2004 and recorded October
4, 2004 in Deed Book 2921, Page 1449
Instrument Number 200400017355. The said
Betty Watson died on December 18, 2004
without a will or appointment of an
Administrator, thereby vesting her interest in her
surviving heirs by operation of law.

Tax Parcel Number: 09-24-0157

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
CIVIL DIVISION

THE SCOTSDALE BANK & TRUST	:	
COMPANY,	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
JOHN A. FIESTA AGENCY, INC., and	:	
WILLIAM J. FIESTA, SR., individually,	:	No. 59 of 2014
Defendants.	:	Honorable Nancy D. Vernon

OPINION AND ORDER

VERNON, J.

February 26, 2018

Before the Court is a renewed Motion for Summary Judgment filed by Defendants, John A. Fiesta Agency, Inc. and William J. Fiesta, Sr. (“Fiesta Defendants”), alleging that Plaintiff, the Scottsdale Bank & Trust Company (“the Bank”), failed to meet the applicable statute of limitations in instituting this action, that the Bank failed to establish that Fiesta Defendants owed a duty to the Bank, and that the Bank failed to establish a claim for fraudulent nondisclosure.

STATEMENT OF FACTS

In 1995, the Bank provided two mortgages to Divito Park, Inc., to operate a skating rink facility in Leisenring, Pennsylvania. The Fiesta Defendants procured a commercial property insurance policy for the property and maintained that policy, ultimately, being issued by Millers Capital Insurance Company (“Millers Insurance”) for the time period in dispute. Divito Park was the named insured on the policy and the Bank was identified as the mortgage holder. In July 2004, the Bank instituted mortgage foreclosure proceedings in the Court of Common Pleas of Fayette County against Divito Park. The Bank alleges, and all records reflect, that it made insurance premium payments on the property to Millers Insurance and/or the Fiesta Defendants on behalf of Divito Park during the lengthy foreclosure proceedings from 2004 through 2009.

The Bank purchased the property at Sheriff Sale and the deed was recorded to it on September 15, 2009. For the insurance policy effective December 21, 2009 through December 21, 2010, the Bank was for the first time changed from “mortgage holder” to “named insured.”

Upon obtaining ownership and possession of Divito Park, the Bank discovered that the property, building, and contents had been severely vandalized or taken from the property. See, Kinsey deposition, pages 22-24. In June of 2010, the Bank discussed with insurance agent, Defendant William Fiesta, making a claim for the vandalism. See, Powell deposition, pages 33-34.

On December 29, 2010, the year after the Bank secured ownership, the Bank through the Fiesta Defendants submitted a claim to Millers Insurance for vandalism damage to the building and thefts therefrom with a claim for damages in the amount of \$830,724.49. On April 13, 2011, the Bank submitted a spreadsheet to Millers Insurance identifying the amount of the claim as \$1,053,728.84. Millers Insurance began an investigation into when the Bank was alleging the loss to have occurred as different policies would apply depending on the date. Specifically, the Bank was the “mortgage holder” until December 2010 and only thereafter became a “named insured.”

On August 12, 2011, Millers Insurance through Attorney Todd B. Narvol, Esquire, sent a twenty-one (21) page letter to the Bank regarding the pending claim for loss. The August 2011 letter thoroughly details the factual history of the relationship between Millers Insurance, Divito Park, and the Bank and the status of the pending claim, according to Millers Insurance. The August 2011 also advises in bold print, “Millers’ intention from the beginning of this claim has been to ascertain the basic facts, to enable it to understand and analyze the relevant coverage issues.” In ending this correspondence, Attorney Narvol advised “that Millers continues to reserve all rights under the applicable policy(ies) of insurance, including but not limited to all terms, coverages, limits, limitations, conditions, exclusions and all other provisions [...]”

The Record reveals that by letter dated December 16, 2011, again through Attorney Todd B. Narvol, Esquire, acting as counsel for Millers Insurance, the date of the alleged loss was ascertained as having occurred before the Bank took possession of the property being on or about September 10 or 11, 2009, thus implicating the policy when the Bank was named in the policy as the mortgage holder and not the later policy when named as the insured. In this letter, dated December 16, 2011, Attorney Narvol advised, “Based upon the policy and the applicable law, parts or all of the Bank’s claim may be limited, barred or otherwise not covered.” Attorney Narvol continued, “In an effort to assist the Bank in understanding the complexities that Millers believes must be resolved in regard to this claim, Millers wants the Bank to understand that the following issues may affect whether and to what extent the Bank’s claim would be paid.” Attorney Narvol elaborated on certain factual issues that would determine coverage. The following portion of the letter necessitates recitation verbatim here as we find the contents dispositive to the within summary judgment motion:

Beyond this, certain other matters may affect whether and to what extent any payment would be made, even if some or all of the claimed items were deemed to be covered and payable. One such matter involves the co-insurance provisions of the policy.

The co-insurance provisions are set forth in Policy Form CP 00 01 04 01, on pages 11 and 12 of 14, under Section F. Additional Conditions. Paragraph 1. Coinsurance., which provides as follows (with the cited mathematical examples contained in the policy language omitted from the following recitation – please see the policy itself for those examples):

“If a Coinsurance percentage is shown in the Declarations, the following condition applies.

a. We will not pay the full amount of any loss if the value of Covered Property at the time of loss times the Coinsurance percentage shown for it in the Declarations is greater than the Limit of Insurance for the property. Instead, we will determine the most we will pay using the following steps:

(1) Multiply the value of Covered Property at the time of loss by the Coinsurance percentage;

(2) Divide the Limit of Insurance of the property by the figure determined in Step (1);

(3) Multiply the total amount of loss, before the application of any deductible, by the figure determined by Step (2); and

(4) Subtract the deductible from the figure determined in Step (3).

We will pay the amount determined in Step (4) or the Limit of Insurance, whichever is less. For the remainder, you will either have to rely on other insurance or absorb the loss yourself.”

* * *

b. If one Limit of Insurance applies to two or more separate items, this condition will apply to the total of all property to which the limit applies.”

As you noted during the October 21, 2011 meeting, and as Millers’ files reflect, the Bank paid the premium for the 2008-2009 insurance policy, on which policy Scottsdale Bank & Trust was listed as the “Mortgage Holder.” Millers’ files also reflect that there were discussions and correspondence in late 2008 between Bill Fiesta (as the Bank’s agent) and Millers regarding the coverages on the renewal policy for the 2008-2009 policy year. The Bank was informed that the building was substantially underinsured, based upon estimated replacement costs. Following these discussions and correspondence, the Bank made an informed decision to underinsure the building with a \$2,500,000 limit of insurance, and it did so with full knowledge of the fact that a claim for loss in that policy period likely would be subject to a substantial co-insurance-provisions-related reduction. Given that an 80% co-insurance percentage was shown in the Declarations for the policy that was in effect in the Summer of 2009, and given that it appears that the property was substantially underinsured, any payment that the Bank would be entitled to receive in connection with this claim likely would be subject to a reduction consistent with the co-insurance provisions cited above.

STANDARD OF REVIEW

Summary judgment may be granted only in cases where it is clear and free from doubt that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. *Kafando v. Erie Ceramic Arts Co.*, 764 A.2d 59,61 (Pa.Super. 2000). Pa.R.C.P. 1035.2 states:

After the relevant pleadings are closed, but within such time as not to unreasonably delay trial, any party may move for summary judgment in whole or in part as a matter of law

- (1) whenever there is no genuine issue of any material fact as to a necessary element of the cause of action or defense which could be established by additional discovery or expert report [...].

In deciding a motion for summary judgment, the court must examine the record in a light most favorable to the non-moving party and resolve any doubt in his favor. *Swartley v. Hoffner*, 734 A.2d 915, 919 (Pa.Super. 1999). The non-moving party may not rest on averments in its pleadings and must demonstrate by evidence that there exists a genuine issue for trial. *Younginger v. Heckler*, 410 A.2d 340, 342 (Pa.Super. 1979).

Summary judgment is proper if an action is barred by the applicable statute of limitations. *Devine v. Hutt*, 2004 PA Super 460, 863 A.2d 1160 (2004). Summary judgment may be granted based upon the procedural defense of the statute of limitations, where it can be determined as a matter of law, based upon the allegations in the pleadings and the factual material in the record, that the action is barred as being untimely brought. *Mangino v. Steel Contracting Co.*, 427 Pa. 533, 235 A.2d 151 (1967).

DISCUSSION

Defendants Fiesta had previously moved for summary judgment in 2015 alleging the statute of limitations would bar the within action. This Court determined, by Opinion and Order dated May 18, 2015, that summary judgment was inappropriate, at that time, as material facts remained disputed regarding the timing of the Bank's knowledge of underinsurance. Defendants Fiesta again move for summary judgment requesting the Court to invoke the statute of limitations with the definitive of the claim running from the date of the December 16, 2011, letter from Attorney Narvol to the Bank. Defendants Fiesta argue upon the factual background, *supra*, the December 2011 served as notice to the Bank that the applicable policy contained a co-insurance provision and that the property was underinsured.

In response, the Bank argues that it has a longstanding relationship with the Fiesta Defendants dating back to 1975 and that it obtained all policies of insurance through William Fiesta. The Bank highlights that in 2003 a prior insurance carrier advised

Fiesta that Divito Park was underinsured and in response, Divito Park directed Fiesta to find a new carrier, never advising the Bank of the notice as mortgage holder. Similarly the Bank argues that in October 2008, by letter, Millers Insurance advised the Fiesta Defendants that Divito Park was significantly underinsured. The Bank alleges that the Fiesta Defendants did not forward that October 2008 letter to the Bank or advise the Bank of the underinsurance in any way. In deposition testimony, William Fiesta could not recall if he advised the owner of Divito Park at that time. See, Fiesta deposition, page 21. The Bank argues that the Fiesta Defendants knew that the Bank was the mortgage holder but never advised it of either of the notices of underinsurance in 2003, from the prior insurance carrier, or 2008 from Millers Insurance. The Bank alleges that by not being advised of the notices of underinsurance from Defendants Fiesta that it was prevented from obtaining additional coverage or giving input on valuation of the property. With regards to the December 16, 2011, letter from Attorney Narvol, the Bank argues that date should not be dispositive as Attorney Narvol later opined to the Bank that Millers Insurance was still investigating the claim and no final decision as to whether a co-insurance penalty would be applied had been made. See, Narvol deposition.

In this action, the Bank alleges Defendant Fiesta's failure to advise of the 2008 notice of underinsurance was a breach of his duties as agent owed to the Bank and resulted in significant loss following the application of the co-insurance provision by Millers Insurance. The Bank further argues that its first knowledge of the 2008 notice of underinsurance actually occurred at a meeting on April 25, 2012, with Attorney Narvol. The Record belies this assertion. Specifically, in the letter of December 16, 2011, Attorney Narvol advised the Bank directly of the existence of the 2008 underinsurance letter when he wrote: "in October 2008, by letter, Millers Insurance advised the Fiesta Defendants that Divito Park was significantly underinsured."

In resolving the insurance claim, Millers Insurance determined the co-insurance penalty would apply and the Bank accepted settlement in the amount of \$150,000.00 while claimed damages exceeded \$1,000,000.00. The Bank then instituted this action by Writ of Summons on January 13, 2014 and filed a Complaint on March 21, 2014. The Fiesta Defendants previously moved for summary judgment on the statute of limitations. The Court denied the prior motion upon the evidence presented to the Court at the time, specifically upon the Bank denying knowledge of the co-insurance penalty until that April 2012 meeting with Attorney Narvol.

Now, upon the Record presented to the Court, it is indisputable that the Bank was advised in writing by Attorney Narvol on December 16, 2011, that Millers Insurance was reserving its right to apply the co-insurance policy provision. Attorney Narvol also identified the existence of the October 2008 letter sent to Defendants Fiesta identifying the notice of underinsurance. The Bank cannot claim a date later than December 16, 2011, save for several days mailing difference, that it was (1) unaware that co-insurance could apply and (2) that it did not know of the existence of an October 2008 notice of underinsurance. Attorney Narvol explained both to the Bank in detail citing the policy

provisions verbatim and at length directly to the Bank in the December 16, 2011, letter.

At the latest, with the benefit of all doubts resolved in favor of the Bank, the time for which the statute of limitations began would be the date the Bank knew of the existence of the co-insurance provision of its policy. The Court's decision does not charge responsibility on the Bank to know every provision of this insurance policy for which it was named as a mortgage holder, and the Court is making no opinion as to whether or not such a constructive knowledge may have been attributable to the Bank. Rather, the Court's decision herein is based on the actual knowledge of the Bank with regard to the co-insurance provision in a policy where it was mortgage holder, the same being detailed in writing by Attorney Narvol on December 16, 2011.

Even if, as the Bank argues, Defendant William J. Fiesta, Sr. "hid" the October 2008 letter of underinsurance from the Bank when he received it in 2008, the existence of the letter was revealed to the Bank in writing by Attorney Narvol on December 16, 2011. Accordingly, Plaintiff's initiation of this action on January 13, 2014, was untimely, and barred by the statute of limitations which tolled on December 16, 2013, and this Court will so enter judgment in favor of Defendants.

WHEREFORE, we will enter the following Order.

ORDER

AND NOW, this 26th day of February, 2018, upon consideration of the Motion for Summary Judgment filed by Defendants, John A. Fiesta Agency, Inc. and William J. Fiesta, Sr., it is hereby ORDERED and DECREED that the Motion with regard to the statute of limitations is GRANTED. It is further ORDERED and DECREED that judgment is entered in favor of Defendants and against Plaintiff, The Scottsdale Bank & Trust Company.

BY THE COURT:
NANCY D. VERNON, JUDGE

ATTEST:
Nina Capuzzi Frankhouser
Prothonotary

CLE**The Importance of the ALTA/NSPS Land Title Survey**

Tuesday, March 20, 2018

9:00 AM - 12:00 PM

Penn State Fayette, The Eberly Campus

Room: CTC Eberly 116

This workshop was designed to provide insight into why these surveys are needed and would be beneficial to the legal community, bankers, surveyors, engineers, and developers.

Presenter:

Gary Kent, PS

Cost:

Attendance only - Free

3.0 Substantive CLE credits - \$40.00

Registration:

Due by March 14th

Terry McMillen Jr.

btmcmillen@mcmilleng.com

SAVE - THE - DATE

Fayette County Bar Banquet

Friday, April 20, 2018

5:30 PM

Aaron's Building
Connellsville, PA

MARCH CRIMINAL PRETRIAL CONFERENCES

The Court has rescheduled the starting time for the Criminal Pretrial Conferences scheduled for the morning of Monday, March 26, 2018, in Courtroom No. 2. The conferences will now commence at 10:00 AM.

John F. Wagner, Jr.
President Judge

*Quality... Experience... Results...
It's what your clients deserve.*

Medical Malpractice • Auto Accidents • Personal Injury



GISMONDI

& ASSOCIATES

412-281-2200

www.gislaw.com

700 Grant Bldg., 310 Grant St., Pgh., PA 15219