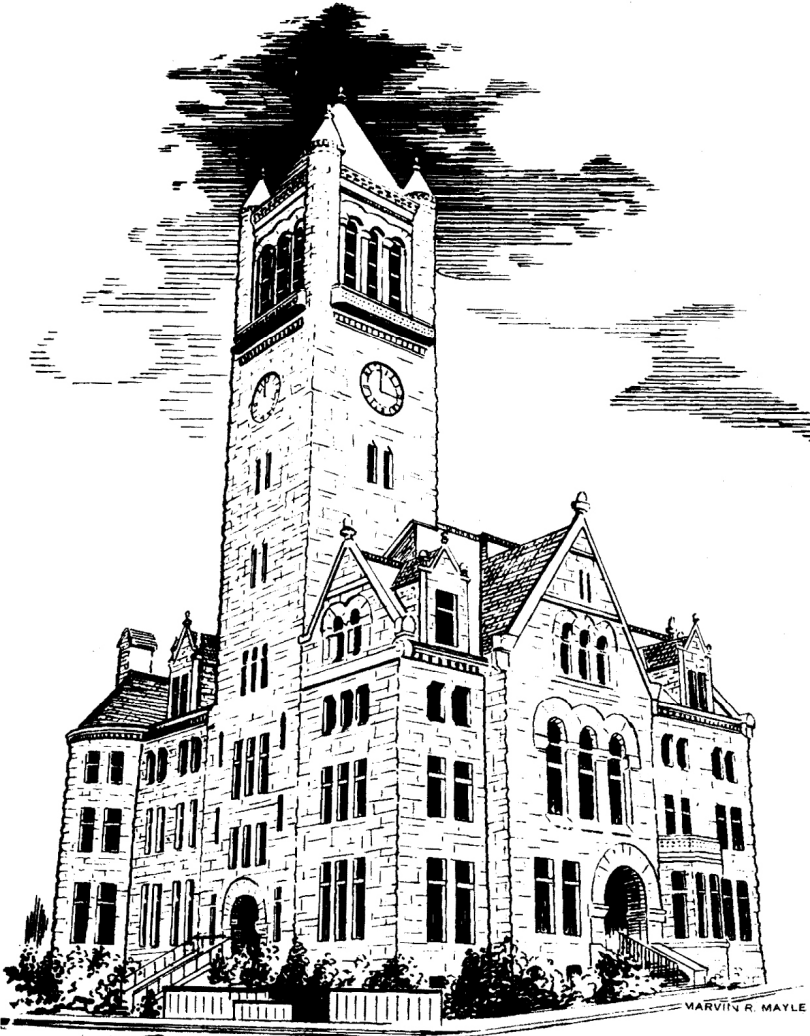


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ESTATE NOTICES

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

GARY BRAND, a/k/a GARY WAYNE BRAND, GARY W. BRAND, late of Luzerne Township, Fayette County, PA (3)

Personal Representative: Ryan Brand
18 Arlington Avenue
Charleroi, PA 15022
c/o P.O. Box 136
Bentleyville, PA 15314
Attorney: John P. Friedmann

RICHARD J. RUGGIERI, late of South Union Township, Fayette County, PA (3)

Co-Executors: Richard Palko and Darryl Gesso
c/o Zebley Mehalov & White, P.C.
18 Mill Street Square
P.O. Box 2123
Uniontown, PA 15401
Attorney: Mark M. Mehalov

Second Publication

SOPHIA MARIE DURATZ, a/k/a SOPHIA M. DURATZ, late of Uniontown, Fayette County, PA (2)

Personal Representative: Carla DellaPenna
c/o Davis & Davis
107 East Main Street
Uniontown, Pa 15401
Attorney: James T. Davis

BARBARA H. GEORGE, a/k/a BARBARA GEORGE, a/k/a BARBARA HITCHCOCK GEORGE, late of Bullskin Township, Fayette County, PA (2)

Personal Representative: Michael George
c/o Watson Mundorff & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Charles W. Watson

EDWARD W. HARRY, a/k/a EDWARD WILLIAM HARRY, JR., late of Bullskin Township, Fayette County, PA (2)

Personal Representative: Gladys LaPorte
c/o Watson Mundorff & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Charles W. Watson

PHILLIP M. JONES, late of South Union Township, Fayette County, PA (2)

Executor: Phillip Bruce Jones
Executrix: Jennifer J. Falcinelli
c/o Webster & Webster
51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

ELSIE KOWASIC, late of Washington Township, Fayette County, PA (2)

Executrix: Kyra L. Kowasic
5460 White Oak Avenue Apt. A305
Encino, CA 91316
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

SUSAN LYNN SNYDER, a/k/a S. LYNN SNYDER, a/k/a LYNN SNYDER, late of South Union Township, Fayette County, PA (2)

Executor: Larry D. Schupp
c/o Fitzsimmons and Barclay
55 East Main Church Street, Suite 102
Uniontown, PA 15401
Attorney: James N. Fitzsimmons

STANLEY E. TABAJ, late of Dunbar Township, Fayette County, PA (2)

Executrix: Irene C. Tabaj
c/o 815 A Memorial Boulevard
Connellsville, PA 15425
Attorney: Margaret Zylka House

First Publication

GERTRUDE D'AURIA, a/k/a GERTRUDE ANN D'AURIA, late of Dunbar Township, Fayette County, PA (1)

Personal Representative:
Marianne E. Germeyer
c/o Watson Mundorff & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Charles W. Watson

HAZEL M. GALLO, a/k/a HAZEL MAE GALLO, late of South Union Township, Fayette County, PA (1)

Executor: Randy Stuart Gallo
c/o Webster & Webster
51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

PATRICIA LUBITS GUMP, a/k/a PATRICIA GUMP, late of Masontown, Fayette County, PA (1)

Executor/Attorney: Joseph M. Standish
100 Center Street
Masontown, PA 15461

MICKEY F. JOSEPH, late of Dunbar Township, Fayette County, PA (1)

Personal Representative:
Michele Joseph Colbert
c/o Watson Mundorff & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Charles W. Watson

SARAH NURMINEN, late of BullsSkin Township, Fayette County, PA (1)

Executrix: Kristin L. Olexa
134 Maple Road
Acme, PA 15610
c/o 749 North Church Street
Mt. Pleasant, PA 15666
Attorney: Paul E. Toohy

LEGAL NOTICES

Notice of Revocable Trust Pursuant to 20 Pa. C.S. § 7755(c)

William J. Mitchell Revocable Trust
under agreement dated 9/30/1993,
amended and restated 3/1/2007

Notice is hereby given of the administration of THE WILLIAM J. MITCHELL REVOCABLE TRUST, DATED SEPTEMBER 30, 1993, AMENDED AND RESTATED MARCH 1, 2007. WILLIAM J. MITCHELL, settlor of the trust, of the City of Uniontown, County of Fayette, and Commonwealth of Pennsylvania, died on March 31, 2018. All persons indebted to the said decedent are requested to make payment to the undersigned without delay, and all persons having claims or demands against said trust are requested to make known the same.

Elizabeth Henry, Trustee

c/o WATSON MUNDORFF & SEPIC, LLP
720 Vanderbilt Road
Connellsville, PA 15425-6218
Phone: 724/626-8882

(3 of 3)

**NOTICE OF TRUST ADMINISTRATION
RE: Esther Sabol, Deceased /Sabol
Revocable Family Trust**

Notice is hereby given that Norma J. Martin is Trustee of the Sabol Revocable Family Trust. All persons indebted to Esther Sabol are requested to make payment and all those having claims against Esther Sabol are directed to present same without delay to: Esther Sabol Revocable Family Trust, c/o Michael S. Butler, Esquire, Heritage Elder Law & Estate Planning, LLC, 318 S. Main St., Butler, PA 16001

(1 of 4)

**IN THE UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT
OF PENNSYLVANIA**
CIVIL ACTION NO. 2:18-cv-00241-MRH

UNITED STATES OF AMERICA,
Plaintiff
vs.
PAULA J. MURPHY,
Defendant

MARSHAL'S SALE: By virtue of a Writ of Execution issued out of the United States District Court for the Western District of Pennsylvania and to me directed, I shall expose to public sale the real property located at and being more fully described at Fayette County Deed Book 2684 Page 302.

SAID SALE to be held at the Fayette County Courthouse in the hallway outside of the Sheriff's Office, 61 East Main Street, Uniontown, PA 15401 at **10:00 a.m.** prevailing standard time, on **September 13, 2018.**

ALL that certain tract of land, together with the buildings, and improvements erected thereon described as Tax Parcel No. 33-08-0132 recorded in Fayette County, Pennsylvania, commonly known as: **1727 Fourth Street, South Connellsville, Pennsylvania 15425.**

IDENTIFIED as Tax/Parcel #: 33-08-0132 in the Deed Registry Office of Fayette County, Pennsylvania. HAVING erected a dwelling thereon known as 1727 FOURTH STREET, SOUTH CONNELLSVILLE, PA 15425. BEING the same premises conveyed to Paula J. Murphy, dated February 21, 2001, and recorded on February 26, 2001 in the office of the Recorder of Deeds in and for Fayette County, Pennsylvania. Seized and taken in execution as the property of Paula J. Murphy at the suit of the United States of America, acting through the Under Secretary of Rural Development on behalf of Rural Housing Service, United States Department of Agriculture, to be sold on Writ of Execution as Civil Action No. 2:18-cv-00241.

TERMS OF SALE: Successful bidder will pay ten percent (10%) by certified check or money order upon the property being struck down to such bidder, and the remainder of the bid within thirty (30) days from the date of the sale and in the event the bidder cannot pay the remainder, the property will be resold and all monies paid in at the original sale will be applied to any deficiency in the price at which

the property is resold. The successful bidder must send payment of the balance of the bid directly to the U.S. Marshal's Office c/o Sheila Blessing, 700 Grant Street, Suite 2360, Pittsburgh, PA 15219. Bidder must have deposit funds immediately available and on his person in order to bid, bidder will not be permitted to leave the sale and return with deposit funds. Notice is hereby given that a Schedule of Distribution will be filed by me on the thirtieth (30th) day after the date of sale, and that distribution will be made in accordance with the Schedule unless exemptions are filed thereto within ten (10) days thereafter. Purchaser must furnish State Realty Transfer Tax Stamps, and stamps required by the local taxing authority. Marshal's costs, fees and commissions are to be borne by seller. Michael Baughman, Acting United States Marshal. For additional information, please contact Cathy Diederich at 314-457-5514 or the USDA foreclosure website at www.resales.usda.gov. (3 of 4)

NOTICE

NOTICE is hereby given that Articles of Amendment were filed on July 27, 2018 with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation of a domestic business corporation which was organized under the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania (15 Pa. C. S. A. Section 1101, et sec.). The name of the corporation is "JEG Mechanics, Inc."

Watson Mundorff & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Phone: 724-626-8882

NOTICE

NOTICE is hereby given that Articles of Amendment were filed in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or about July 27, 2018, under the provisions of the Pennsylvania Business Corporation Law of 1988, as amended. The Articles of Incorporation of Cherry Tree Pediatrics, P. C., have been amended to provide for Class A Voting Common Stock and Class B Non-Voting Common Stock.

WATSON MUNDORFF & SEPIC, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Phone: (724) 626-8882

NOTICE

Notice is hereby given that Articles of Incorporation were filed with the Corporation Bureau of the Department of State of the Commonwealth of Pennsylvania on August 10, 2018, for Beaukars Contracting, Inc., with its registered office at 413 West Church Avenue, Masontown, Pennsylvania 15461. The purpose for which the corporation is organized is for any and all lawful purposes in accordance with the Pennsylvania Business Corporation Law.

Gary Monaghan
Monaghan & Monaghan, L.L.P.
57 East Main Street
Uniontown, Pennsylvania 15401

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL ACTION
CIVIL ACTION-LAW
NO. 2297 of 2017

**THE SCOTTDAL BANK & TRUST
COMPANY**

Plaintiff

vs.

**KIMBERLY SUE YEZEK and DONALD M.
DAVIES,**

Defendants

**NOTICE OF PRAECIPE TO ENTER
JUDGMENT BY DEFAULT**

TO: KIMBERLY SUE YEZEK
196 W. HILLS RD.
GREENSBURG, PA 15601

DONALD M. DAVIES
710 GEORGE ST.
SCOTTDAL, PA 15658

Date of Notice: August 2, 2018

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

PENNSYLVANIA LAWYER
REFERRAL SERVICE
PENNSYLVANIA BAR ASSOCIATION
100 South Street
P.O. Box 186
Harrisburg, PA 17108
Telephone: 1-800-692-7375

JOHN S. TOOHEY
ATTORNEY FOR PLAINTIFF
749 North Church Street
Mt. Pleasant, PA 15666
(724) 547-7557

SHERIFF'S SALE

Date of Sale: October 11, 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, October 11, 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. (3 of 3)

James Custer
Sheriff Of Fayette County

No. 797 of 2018 DSB
No. 188 of 2018 ED

**WELLS FARGO BANK, N.A., AS
TRUSTEE FOR THE BENEFIT OF THE
HOLDERS OF COMM 2014-CCRE18
MORTGAGE TRUST COMMERCIAL
MORTGAGE PASS-THROUGH
CERTIFICATES,**

**Plaintiff,
vs.**

**AM UNIONTOWN HOTEL, L.P.,
Defendant.**

ALL THE RIGHT TITLE, INTEREST
AND CLAIMS OF AM UNIONTOWN
HOTEL, L.P. OF, IN AND TO THE
FOLLOWING DESCRIBED PROPERTY:

ALL THAT PARCEL OF LAND
SITUATE IN NORTH UNION TOWNSHIP,
FAYETTE COUNTY, PA, BEING PARCEL
25-17-0011, MORE FULLY DESCRIBED IN
BOOK 3244, PAGE 2077.

BEING KNOWN AS 700 WEST MAIN
STREET, UNIONTOWN, PA 15401
TAX PARCEL NO. 25-17-0011

No. 32 of 2018 GD
No. 250 of 2018 ED

**CIT Bank, N.A.,
PLAINTIFF,
vs.**

**Paul G. Barclay, Jr., Executor of the Estate of
Betty June Barclay a/k/a Betty J. Barclay,
Deceased and The Betty June Barclay
Revocable Living Trust and,
DEFENDANTS.**

COMMONLY KNOWN AS: 190 Wymps
Gap Road, Smithfield, PA 15478
TAX PARCEL NO. 36-21-0040

No. 128 of 2018 GD
No. 181 of 2018 ED

ANNE N. JOHN Esq.
ATTORNEY AT LAW

JPMorgan Chase Bank, National Association,
PLAINTIFF,
vs.
Rodger C. Coddington, II,
DEFENDANT.

No. 2325 of 2017 GD
No. 251 of 2018 ED

FIRST FEDERAL SAVINGS AND LOAN
ASSOCIATION OF GREENE COUNTY, a
corporation,
Plaintiff,
vs.
LEE W. ENGLAND and MARY LYNN
ENGLAND,
Defendants.

COMMONLY KNOWN AS: 116 North
High Street, Fayette City, PA 15438
TAX PARCEL NO. 12030035

ALL that certain lot of land situate in South
Union Township, Fayette County, PA known as
and being Lot No. 34 in the Edgewood Park
Plan of Lots, Second Addition, a plot of which is
recorded in the Recorder of Deeds Office of
Fayette County, PA, in Plan Book No. 9, Page
167.

No. 2733 of 2012 GD
No. 241 of 2018 ED

FOR prior title see Record Book 2833 at
page 1767.

JAMES B. NUTTER & COMPANY,
Plaintiff,
vs.
KENNETH DANIELS, IN HIS CAPACITY
AS HEIR OF BETTY DANIELS,
DECEASED

UPON which is erected a single-family
dwelling known locally as 109 Kendall Drive,
Hopwood, PA 15445.

UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS AND ALL PERSONS, FIRM OR
ASSOCIATIONS CLAIMING RIGHT,
TITLE OR INTEREST FROM OR UNDER
BETTY DANIELS, DECEASED

Fayette County Tax Assessment Map No.:
34-41-0013.

SCOTT OHLER,
Defendants.

All that certain parcel of land situate in
Stewart Township, Fayette County,
Pennsylvania, bounded and described as
follows:

BEING THE SAME PREMISES which
Ada Daniels, by Deed dated February 2, 1995
and recorded February 10, 1995 in the Office of
the Recorder of Deeds in and for Fayette County
in Deed Book Volume 1490, Page 328, granted
and conveyed unto JAMES DANIELS AND
BETTY DANIELS, husband and wife.

BEING KNOWN AS: 441 MAPLE
SUMMIT ROAD, MILL RUN, PA 15464
PARCEL #37-08-0034

No. 893 of 2018 GD
No. 187 of 2018 ED

No. 482 of 2018 GD
No. 163 of 2018 ED

UNITED BANK, INC.
Plaintiff,
vs.
FP PROPERTIES, LLC,
Defendant.

**US Bank National Association, Not in Its
Individual Capacity but Solely as Trustee for
the CIM Trust 2017-8 Mortgage-Backed
Notes, Series 2017-8,**
Plaintiff,
vs.
**Cindy George, AKA Cindy Lou George;
Charles A. George, AKA Charles Allen
George,**
Defendants.

FIRST: All that property situate in the City of Uniontown, Fayette County, Pennsylvania, being described as Tax Map Number 38-13-0174, and Lot No. 14 in the Plan of Lots laid out by the Uniontown Land Company, and being more particularly described in a deed dated July 3, 2008 and recorded in Record Book 3066, page 476.

SECOND: All those two certain lots situate in the City of Uniontown, Fayette County, Pennsylvania, being described as Tax Parcel No. 38-13-0175 and Lots Nos. 15 and 16 in the Plan of Lots laid out by the Uniontown Land Company and being more particularly described in a deed dated August 22, 2008 and recorded in Record Book 3088, page 2167.

Together with such rights-of-way and under and subject to the exceptions and reservations as appear in prior deeds of record.

Seized and taken in execution as the properties of FP Properties, LLC, owner or reputed owner of the properties, at the suit of United Bank, Inc. in the Court of Common Pleas of Fayette County, Pennsylvania at No. 893 of 2018, G. D.

ALL that certain parcel of land lying and being situate in the Borough of Masontown, County of Fayette, and Commonwealth of Pennsylvania, known as 526 South Main Street, Masontown, PA 15461 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 21-08-0172

BEING the same premises which Alex Kovach and Blanche Kovach, his wife, by Deed dated April 27, 1998 and recorded in and for Fayette County, Pennsylvania in Deed Book 2081, Page 51, granted and conveyed unto Charles Allen George and Cindy Lou George, his wife.

No. 418 of 2018 GD
No. 175 of 2018 ED

BEING KNOWN AS 628 PAINTER
STREET, EVERSON, PA 15631.
TAX PARCEL NO. 10040058

**FIRST NATIONAL BANK OF
PENNSYLVANIA,**

Plaintiff,
vs.

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

No. 2607 of 2017 GD
No. 234 of 2018 ED

MIDFIRST BANK,
PLAINTIFF,
VS.

**TERESA KOCH A/K/A THERESA COKE,
EXECUTRIX OF THE ESTATE OF
CAROL BAILES AKA CAROL JEAN
BAILES AKA CAROL J. BAILES,
DECEASED,**
DEFENDANT.

ALL THE RIGHT, TITLE, INTEREST
AND CLAIM OF THE UNKNOWN HEIRS,
EXECUTORS AND/OR ADMINISTRATORS
OF THE ESTATE OF MARK L. KEFFER OF,
IN AND TO THE FOLLOWING DESCRIBED
PROPERTY:

ALL THE FOLLOWING DESCRIBED
REAL ESTATE SITUATED IN NORTH
UNION TOWNSHIP, FAYETTE COUNTY,
PENNSYLVANIA. HAVING ERECTED
THEREON A DWELLING BEING KNOWN
AND NUMBERED AS 141 HOGSETT
STREET, UNIONTOWN, PA 15401. DEED
BOOK VOLUME 2830, PAGE 2089, AND
PARCEL NUMBER 25-23-0092.

ALL that certain parcel of land in Upper
Tyrone Township, Fayette County,
Commonwealth of Pennsylvania, being Lots
Nos. 1, 2, 3, 4, 5 and 6, Section 16, Livengood-
Sherrick Farm Addition to Everson, Fayette Plan
Book Vol. 1, part 2, page 157. HAVING
THEREON ERECTED DWELLING KNOWN
AND NUMBERED AS: 925 BROWN STREET
N/K/A 446 EVERSON VALLEY ROAD
EVERSON, PA 15631.

Tax Parcel # 39-09-0022
Fayette Deed Book 2941, page 13

TO BE SOLD AS THE PROPERTY OF
TERESA KOCH AKA THERESA COKE,
EXECUTRIX OF THE ESTATE OF CAROL
BAILES AKA CAROL JEAN BAILES AKA
CAROL J. BAILES UNDER JUDGMENT NO.
2017-02607.

No. 246 of 2018 GD
No. 235 of 2018 ED

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

Plaintiff,
vs.

**MICHAEL KITTA, EXECUTOR OF THE
ESTATE OF JAMES P. WOLAK A/K/A
JAMES PETER WOLAK,**
Defendant.

ALL THE RIGHT TITLE, INTEREST
AND CLAIMS OF MICHAEL KITTA,
EXECUTOR OF THE ESTATE OF JAMES P.
WOLAK A/K/A JAMES PETER WOLAK, OF,
IN AND TO THE FOLLOWING DESCRIBED
PROPERTY:

ALL THAT CERTAIN LOT OF LAND
SITUATE IN THE BOROUGH OF EVERSON,
FAYETTE COUNTY, COMMONWEALTH
OF PA, BEING PARCEL 10040058, MORE
FULLY DESCRIBED IN DEED BOOK
VOLUME 598, PAGE 1.

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

No. 564 of 2018 GD
 No. 249 of 2018 ED

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

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

**Plaintiff,
 vs.**

**MATTHEW TREY LEASURE as
 Administrator of the Estate of Floyd A.
 Leasure, Jr. Deceased**

**2012 Devon Lane Hopwood, PA 15445,
 Defendant(s).**

ALL THAT CERTAIN lot of land situate
 in the County of Fayette and Commonwealth of
 Pennsylvania.

TAX PARCEL# 25-50-0064

PROPERTY ADDRESS: 2012 Devon
 Lane Hopwood, PA 15445

IMPROVEMENTS: A residential
 dwelling.

SOLD AS THE PROPERTY OF:
 MATTHEW TREY LEASURE as
 Administrator of the Estate of Floyd A. Leasure,
 Jr. Deceased

No. 1 of 2018 GD
 No. 166 of 2018 ED

**DOLLAR BANK, FEDERAL SAVINGS
 BANK,**

**Plaintiff,
 VS.**

**GREGORY LYONS, HEIR OF THE
 ESTATE OF NANCY E. LYONS, AND
 KELLY HARVEY, HEIR OF THE ESTATE
 OF NANCY E. LYONS, AND JOSEPH
 OLSZEWSKI, HEIR OF THE ESTATE OF
 NANCY E. LYONS, AND DANIELLE
 OLSZEWSKI, HEIR OF THE ESTATE OF
 NANCY E. LYONS, AND THE UNKNOWN
 HEIRS OF THE ESTATE OF NANCY E.
 LYONS,**

Defendants.

ALL THE RIGHT, TITLE, INTEREST
 AND CLAIM OF GREGORY LYONS, HEIR
 OF THE ESTATE OF NANCY E. LYONS,
 KELLY HARVEY, HEIR OF THE ESTATE
 OF NANCY E. LYONS, JOSEPH
 OLSZEWSKI, HEIR OF THE ESTATE OF
 NANCY E. LYONS, DANIELLE
 OLSZEWSKI, HEIR OF THE ESTATE OF
 NANCY E. LYONS, AND THE UNKNOWN
 HEIRS OF THE ESTATE OF NANCY E.
 LYONS OF, IN AND TO THE FOLLOWING
 DESCRIBED PROPERTY:

ALL THE FOLLOWING DESCRIBED
 REAL ESTATE SITUATED IN THE
 BOROUGH OF BELLE VERNON, FAYETTE
 COUNTY, PENNSYLVANIA. HAVING
 ERECTED THEREON A DWELLING BEING
 KNOWN AND NUMBERED AS 17 GRAND
 AVENUE, BELLE VERNON, PA 15012.
 DEED BOOK VOLUME 2951, PAGE 674,
 AND PARCEL NUMBER 01-04 -0164.

No. 2719 of 2017 GD
No. 178 of 2018 ED

Phelan Hallinan Diamond & Jones, LLP

No. 903 of 2018 GD
No. 242 of 2018 ED

**JPMorgan Chase Bank, National Association,
PLAINTIFF,
VS.
Brandon V. McMillen,
DEFENDANT.**

**Citibank, N.A., Not in Its Individual
Capacity, But Solely as Trustee of Nrz Pass-
Through Trust VI,
Plaintiff,
V.
Brian Margavage a/k/a Brian J. Margavage,
Defendant(s).**

ALL THAT CERTAIN lot or piece of ground situate in the Township of South Union, County of Fayette and Commonwealth of Pennsylvania, being more particularly bounded and described as follows, to wit:

By virtue of a Writ of Execution No. 903-OF-2018-GD, Citibank, N.A., Not in Its Individual Capacity, But Solely as Trustee of Nrz Pass-Through Trust VI v. Brian Margavage a/k/a Brian J. Margavage, owner(s) of property situate in the DUNBAR TOWNSHIP, Fayette County, Pennsylvania, being 42B Fayette Street, A/K/A 42 Fayette & Hancock Street, Dunbar, PA 15431-1648

BEGINNING at a stake on the northeastern side of a 33 foot street, at corner of the property herein conveyed and property now or formerly of George E. Tajc, et ux.; thence along the division line between the property herein conveyed and property now or formerly of George E. Tajc, et ux., North 35° East, 135.00 feet to a stake; thence, South 55° 67' feet to a point in the public road leading from Hopwood to Fairchance; thence in said public road, South 19° 30' West, 140.16 feet to a point; thence, North 55° West, 104.00 feet to a point, the place of BEGINNING.

Parcel No.: 08-06-001001
Improvements thereon: RESIDENTIAL DWELLING

FOR INFORMATIONAL PURPOSES ONLY: Being known as 200 Shaffers Comer Road, Uniontown, PA 15401

No. 1088 of 2018 GD
No. 257 of 2018 ED

Tax Parcel#: 34-27-0333 in the Deed Registry Office of Fayette County, Pennsylvania.

**DOLLAR BANK, FEDERAL SAVINGS
BANK,
Plaintiff,
vs.
JASON J. OPENBRIER,
Defendant.**

B
COMMONLY KNOWN AS: 200 Shaffers Corner Road, Uniontown, PA 15401
TAX PARCEL NO. 34270333

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF JASON J. OPENBRIER, OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT CERTAIN REAL ESTATE SITUATED IN THE TOWNSHIP OF REDSTONE, FAYETTE COUNTY, PENNSYLVANIA. HAVING ERECTED THEREON A DWELLING KNOWN AS 117 PLATEAU BOULEVARD, BROWNSVILLE, PA 15417.

DEED BOOK VOLUME 3243, PAGE 1754 AND PARCEL NUMBER 30-17-0018.

No. 636 of 2018 GD
 No. 172 of 2018 ED

**U.S. Bank National Association, as Trustee
 for Lehman XS Trust Mortgage Pass-
 Through Certificates, Series 2006-14N,
 PLAINTIFF,
 vs.
 Richard J. Orsky a/k/a Richard Orsky and
 Jody Orsky,
 DEFENDANTS.**

ALL those three parcels or tracts of lots of land situate in Franklin Township, Fayette County, Pennsylvania, said tracts being more particularly described as follows:

TRACT ONE: ALL that certain lot or parcel of ground situate in Franklin Township, Fayette County, Pennsylvania, being known and designated as Lot No. 17 in Plan of Lots laid out by Guy S. Fleming, and recorded in Plan Book 1, page 37 ½, being more particularly bounded and described as follows:

FRONTING fifty (50) feet on a public road extending northwardly maintaining the same width between Lot No. 16 on the West and Lot No. 18 on the East, being 160 feet along Lot No. 16 and 132 feet along Lot No. 18 to an alley in the rear, fronting 60 feet on said alley.

TRACT TWO: ALL that certain lot or parcel of ground situate in Franklin Township, Fayette County, Pennsylvania, being known and designated as Lot No. 16 in Plan of Lots laid out by Guy E. Fleming and recorded in Plan Book 1, page 37 ½, being more particularly bounded and described as follows:

FRONTING fifty (50) feet on a public road and extending northwardly maintaining the same width between Lot No. 15 on the West and Lot No. 17 on the East, being 190 feet along Lot No. 15 and 160 feet along Lot No. 17 to an alley in the rear, fronting 60 feet on said alley;

TRACT THREE: ALL that certain piece or parcel of land situate in Franklin Township, Fayette County, Pennsylvania, bounded and described per Blueprint #10-E-1041.

BEGINNING at a point that marks the westernmost corner of that certain cemetery lot that was conveyed by deed of H. C. Frick Coke Company to the Rt. Rev. Canevin, in trust for the Slavish Roman Catholic Congregation, dated May 3, 1912, which point is also in line of Lot No. 13 in the plan of Smock Farm laid out by Bush and Marshall; thence by said cemetery lot

North 19 ° 37' East 187.59 feet to a point; thence through land known as the John McVey tract, of which this is a part North 70° 16' West 437.00 feet to a point in a small stream; thence through same South 19 ° 37' West 187.59 feet to a point; thence by said Lot No. 13 South 70° 16' East 437.00 feet to the place of beginning.

Containing an area of 1.8819 acres.

No. 894 of 2018 GD
 No. 245 of 2018 ED

**UNITED BANK, INC.,
 Plaintiff,
 vs.
 FRANCIS J. PALUMBO, II and
 JOAN W. PALUMBO, his wife,
 Defendants.**

ALL that certain lot of ground situate in the City of Uniontown, Fayette County, Pennsylvania, known as Lot 16 in the Derrick Farm Plan of Lots more particularly described in a deed dated May 3, 2002 and recorded in Record Book 2820, page 2493 and as Tax Parcel No. 38- 16-0021.

TOGETHER with such rights and under and subject to the exceptions and reservations as appear in prior deeds of record.

Seized and taken in execution as the property of Francis J. Palumbo, II and Joan W. Palumbo, his wife, 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. 894 of 2018, G. D.

STERN AND EISENBERG, PC
M. TROY FREEDMAN. ESQ.

No. 850 of 2018 GD
No. 243 of 2018 ED

The Bank of New York Mellon f/k/a The Bank of New York as successor in interest to JP Morgan Chase Bank, N.A., as Trustee for C-BASS Mortgage Loan Asset-Backed Certificates, Series 2005-RP2 c/o Ocwen Loan Servicing, LLC,

Plaintiff,
v.

Dawna M. Pitts a/k/a Donna M. Pitts,
Defendant(s).

SITUATE IN THE THIRD WARD OF THE TOWNSHIP OF FRANKLIN, FAYETTE COUNTY, PENNSYLVANIA, BEING KNOWN AS 223 Main Street a/k/a 33 Bitner Place, Dunbar, PA 15431

PARCEL NO. 13170018

IMPROVEMENTS - RESIDENTIAL REAL ESTATE

SOLD AS THE PROPERTY OF - Dawna M. Pitts a/k/a Donna M. Pitts

No. 2423 of 2017 GD
No. 256 of 2018 ED

U.S. Bank National Association,
Plaintiff,
vs.
James Ritenour,
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 2090 Isabella Road, Connellsville, PA 15425 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 0609012701

BEING the same premises which Wilbert N. Brooks and Dorothy J. Brooks, his wife, by Deed dated September 29, 1999 and recorded October 4, 2099 in and for Fayette County, Pennsylvania in Deed Book 2409, Page 22, granted and conveyed unto James Ritenour, single.

Phelan Hallinan Diamond & Jones, LLP

No. 1564 of 2016 GD
No. 170 of 2018 ED

U.S. Bank National Association, as Trustee for Credit Suisse First Boston Mortgage Securities Corp., Home Equity Asset Trust 2006-1, Home Equity Pass-Through Certificates, Series 2006-1,

Plaintiff,
v.

Janet J. Ross a/k/a Janet J. Ross Rolek Raymond Rolek, Jr,
Defendant(s).

By virtue of a Writ of Execution No. 2016-01564 U.S. Bank National Association, as Trustee for Credit Suisse First Boston Mortgage Securities Corp., Home Equity Asset Trust 2006 -1, Home Equity Pass-Through Certificates, Series 2006-1 v. Janet J. Ross a/k/a Janet J. Ross Rolek, Raymond Rolek, Jr, owner(s) of property situate in the WASHINGTON TOWNSHIP, Fayette County, Pennsylvania, being 121 Vernon Avenue, a/k/a 121 Vernon Street, Belle Vernon, PA 15012-2359

Parcel No.: 41-06-0068

Improvements thereon: RESIDENTIAL DWELLING

No. 1803 of 2016 GD
 No. 244 of 2018 ED

Wells Fargo Bank, N.A., as Trustee, for the certificate holders of Asset-Backed Pass-Through Certificates, Series 2005-WCW3, Plaintiff,
vs.
Debbie J. Shartzter, Defendant.

ALL THAT RIGHT, TITLE, INTEREST AND CLAIMS OF DEBBIE J. SHARTZER OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT CERTAIN LOT OR PARCEL OF LAND SITUATE IN UNIONTOWN CITY, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA, BEING MORE FULLY DESCRIBED AT DBV 2881 PAGE 1613

BEING KNOWN AS 79 MAURICE STREET, UNIONTOWN, PA 15401
 TAX MAP NO. 38-11-0220

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

No. 653 of 2018 GD
 No. 176 of 2018 ED

NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER
8950 Cypress Waters Boulevard Coppel, TX 75019,
Plaintiff,
vs.
CHARLES HARVEY SICKLES JR. HEIDI L. SICKLES
Mortgagor(s) and Record Owner(s)
102 Fourth Avenue Uledi, PA 15484
Defendant(s).

ALL THAT CERTAIN lots of land situate in the County of Fayette and Commonwealth of Pennsylvania.

TAX PARCEL # 37-07-0040
 PROPERTY ADDRESS: 102 Fourth Avenue Uledi, PA 15484

IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF: CHARLES HARVEY SICKLES JR. and HEIDI L. SICKLES

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

No. 548 of 2018 GD
 No. 240 of 2018 ED

REVERSE MORTGAGE SOLUTIONS, INC. 14405 Walters Road, Suite 200 Houston, TX 77014,
Plaintiff,
VS.

IRENE D. SPRINGER
JAMES H. SPRINGER
Mortgagor(s) and Record Owner(s)
63 Vernon Street Uniontown, PA 15401
Defendant(s).

ALL THOSE CERTAIN lots of land situate in the County of Fayette and Commonwealth of Pennsylvania.

TAX PARCEL #34 -16-0240
 PROPERTY ADDRESS: 63 Vernon Street Uniontown, PA 15401

IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF: IRENE D. SPRINGER and JAMES H. SPRINGER

No. 771 of 2017 GD
No. 199 of 2018 ED

SOMERSET TRUST COMPANY,

Plaintiff,

v.

GARY M. TINKEY, JR., and KRISTEN M. TINKEY,

Defendants.

All the real property described in the Writ of Execution, the following of which is a summary: SOMERSET TRUST COMPANY v. GARY M. TINKEY, JR., and KRISTEN M. TINKEY

Property of: Gary M. Tinkey, Jr., and Kristen M. Tinkey

Located in: Saltlick Township

Street Address: 251 Melcroft Road, Melcroft, PA. 15462

Brief Description of Property: Land and building, other buildings (frame utility sheds)
Improvements: Building and other buildings (frame utility sheds)

Record Book Volume 2957, Page 2389
Parcel No 31-11-0003

TAX PARCEL# 09-11-0124

PROPERTY ADDRESS: 2711 West Crawford Avenue Connellsville, PA 154 25
IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF: PATRICIA L. TOWNS AKA PATRICIA TOWNS

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

No. 1012 of 2018 GD
No. 253 of 2018 ED

New Penn Financial LLC,

Plaintiff,

v.

Stephanie Treat,
Defendant.

By virtue of Writ or Execution No. 1012 of 2018 GD New Penn Financial LLC v. Stephanie Treat, 548 North Gallatin Avenue, North Union Township, Uniontown, PA 15401. Tax Parcel No. 25-31-0007. Improvements thereon consisting of a Residential Dwelling, sold to satisfy judgment in the amount of \$98,886.50.

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

No. 628 of 2018 GD
No. 164 of 2018 ED

WILMINGTON SAVINGS FUND SOCIETY, FSB, AS TRUSTEE OF STANWICH MORTGAGE LOAN TRUST A C/O Carrington Mortgage Services, LLC 1600 S. Douglass Road, Suite 210-A Anaheim, CA 92806,

Plaintiff,

vs.

PATRICIA L. TOWNS AKA PATRICIA TOWNS

Mortgagor(s) and Record Owner(s)

**2711 West Crawford Avenue
Connellsville, PA 15425,**

Defendant(s)

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND situate in the County of Fayette and Commonwealth of Pennsylvania.

McCABE, WEISBERG & CONWAY, LLC
 123 South Broad Street, Suite 1400
 Philadelphia, PA 19109
 (215) 790-1010

No. 1459 of 2016 GD
 No. 239 of 2018 ED

Lakeview Loan Servicing, LLC,
Plaintiff,
v.

Thomas A. Willis a/k/a Thomas Arthur Willis
and Rozann M. Willis,
Defendants.

ALL THAT CERTAIN LOT OF GROUND SITUATE IN SOUTH UNION TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA, KNOWN AND DESIGNATED AS LOT NO. 51 IN THE HIGHLAND VILLAGE "F" PLAN OF LOTS, WHICH SAID PLAN WAS LAID BY FAYETTE ENGINEERING COMPANY IN MARCH, 1973, AND RECORDED IN THE RECORDER'S OFFICE OF FAYETTE COUNTY, PENNSYLVANIA, IN PLAN BOOK VOLUME 11, PAGE 130, SAID LOT BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN ON THE SOUTHERLY SIDE OF GENTILE DRIVE, AT THE NORTHEAST CORNER OF LOT NO. 50, SAID IRON PIN BEING NORTH 71 DEGREES 33 MINUTES 20 SECONDS EAST, 5 FEET FROM A CONCRETE MONUMENT ON THE SOUTHERLY SIDE OF SAID GENTILE DRIVE; THENCE FROM SAID BEGINNING POINT, NORTH 71 DEGREES 33 MINUTES 20 SECONDS EAST, 90 FEET TO AN IRON PIN AT THE NORTHWEST CORNER OF LOT NO. 52 IN SAID PLAN; THENCE ALONG THE DIVIDING LINE BETWEEN LOT NO. 51 AND LOT NO. 52 IN SAID PLAN, SOUTH 18 DEGREES 26 MINUTES 40 SECONDS EAST, 150 FEET TO AN IRON PIN AT THE SOUTHWEST CORNER OF LOT NO. 52 IN SAID PLAN; THENCE SOUTH 71 DEGREES 33 MINUTES 20 SECONDS WEST, 90 FEET TO AN IRON PIN AT THE SOUTHEAST CORNER OF LOT NO. 50 IN SAID PLAN; THENCE ALONG THE DIVIDING LINE BETWEEN LOT NO. 50 AND LOT NO. 51 IN SAID PLAN, NORTH 18 DEGREES 26 MINUTES 40

SECONDS WEST, 150 FEET TO AN IRON PIN IN THE SOUTHERLY SIDE OF SAID GENTILE DRIVE, THE PLACE OF BEGINNING.

All that certain piece or parcel or Tract of land situate in the Township of South Union, Fayette County, Pennsylvania, and being known as 39 Gentile Drive, Uniontown, Pennsylvania 15401.

Being known as: 39 Gentile Drive, Uniontown, Pennsylvania 15401

Title vesting in Thomas A. Willis a/k/a Thomas Arthur Willis, by deed from Rex A. Johnson and Connie S. Johnson, husband and wife, dated February 17, 2012 and recorded February 21, 2017 in Deed Book 3178, Page 2415

Instrument Number 201200002719.
 Tax Parcel Number: 34050103

- END SHERIFF SALES -

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

Tuesday, September 4, 2018, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2616-0766	CHRISTINA M. FREY	Robert A. Miller, Executor

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

Monday, September 17, 2018, at 9:30 A.M.

in Courtroom 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

Tuesday, September 4, 2018, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2616-0885	MARY M. ALLOWATT	Patty A. Martini and Betty J. Carpeal, Executrices
2615-0795	REGINA D. CARLETTO	Monica Ann Carletto, Executrix
2616-0135	ALVA C. JOHNSON a/k/a ALVA JOHNSON	Lester F. Johnson, Executor

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

Monday, September 17, 2018, at 9:30 A.M.

in Courtroom No. 5 of the **Honorable JOSEPH M. GEORGE, JR.** or his chambers, 3rd Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

JUDICIAL OPINION

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

JODY RIMEL and HEATHER RIMEL,	:	
Plaintiffs,	:	
v.	:	
MUTUAL BENEFIT INSURANCE	:	
COMPANY, et al.,	:	No. 2450 of 2016
Defendant.	:	Honorable Linda R. Cordaro

OPINION

CORDARO, J.

July 6, 2018

SUMMARY

Currently before the Court is Plaintiffs' "Motion to Compel More Specific Answers to Interrogatories and Responses to Request for Production of Documents." Plaintiffs, Jody and Heather Rimel, sued Defendant, Mutual Benefit, for breach of contract and bad faith over an insurance dispute following an automobile accident. The Rimels now seek to obtain from Mutual Benefit documents related to reserve information, the value of their claim, and other unredacted claim notes.

BACKGROUND

Jody Rimel was injured in an automobile accident in 2015 while driving a truck owned by his employer. It is undisputed that Mr. Rimel was not at fault. His employer had a commercial automobile insurance policy with Mutual Benefit, which provides \$500,000 underinsured motorist limits. The Rimels submitted a demand to Mutual Benefit, seeking the entire limits under the policy. No agreement was reached, and the Rimels subsequently filed a lawsuit against Mutual Benefit.

Discovery is ongoing in the lawsuit. On May 4, 2018, the Rimels filed a "Motion to Compel More Specific Answers to Interrogatories and Responses to Request for Production of Documents." Mutual Benefit submitted a Brief in Opposition. This Court held Oral Argument on the matter on June 15, 2018. The Rimels filed a supplemental brief on June 25, 2018, narrowing the scope of their request for production. Currently, the Rimels seek to obtain documents related to Mutual Benefit's reserve information, Mutual Benefit's mental impressions regarding the value of the Rimels' Underinsured Motorist coverage claim, and for Mutual Benefit to submit an unredacted copy of its claim notes for an in camera review to determine whether the redactions are appropriate.

DISCUSSION

Currently at issue before this Court is whether the materials the Rimels seek from Mutual Benefit are discoverable.

To start with is the Rimels' last request: for Mutual Benefit to submit an unredacted copy of its claim notes for an in camera review to determine whether the redactions are

appropriate. Mutual Benefit appears to agree with this request: “[a]n in camera review of the disputed portions of Mutual Benefit’s claims file is therefore appropriate.” Defendant’s Brief in Opposition to Motion at 14. This request is therefore granted without further discussion.

The Rimels also seek to obtain from Mutual Benefit its reserve information and mental impressions regarding the value of the Rimels’ Underinsured Motorist Claim. Mutual Benefit argues that this information is privileged or otherwise immune from discovery.

The trial court has the responsibility to oversee discovery between the parties and it is therefore within the trial court’s discretion to determine the appropriate measures necessary to insure adequate and prompt discovery of matters allowed by the Rules of Civil Procedure. *Hutchinson v. Luddy*, 606 A.2d 905, 908 (Pa. Super. Ct. 1992), citing *Stern v. Vic Snyder, Inc.*, 473 A.2d 139, 146 (Pa. Super. Ct. 1984).

According to the Pennsylvania Rules of Civil Procedure, “a party may obtain discovery regarding any matter, not privileged, [that] is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party ...” Pa.R.C.P. 4003.1. As a general rule, “discovery is liberally allowed with respect to any matter, not privileged, which is relevant to the cause being tried.” *George v. Schirra*, 814 A.2d 202, 204 (Pa. Super. Ct. 2002).

Rule 4003.3 states, “a party may obtain discovery of any matter discoverable under Rule 4003.1[,] even though prepared in anticipation of litigation or trial by or for another party or by or for that other party’s representative, including his or her attorney ...” Pa.R.C.P. 4003.3. However, there are limits as to what is discoverable; “discovery shall not include disclosure of the mental impressions of a party’s attorney ... ‘ *Id.* And with respect to a party’s representatives who are not attorneys, “discovery shall not include disclosure of [their] mental impressions, conclusions[,] or opinions respecting the value or merit of a claim or defense or respecting strategy or tactics.” *Id.*

On the other hand, the explanatory comment to Rule 4003.3 states that, “[a]s to representatives of a party, and sometimes [their attorneys], there may be situations where [their] conclusions or opinion[s] as to the value or merit of a claim, not discoverable in the original litigation, should be discoverable in subsequent litigation.” {1} The comment uses as an example an insurance carrier who has been sued for an unreasonable refusal to settle. *Id.*

{1} “A note to a rule or explanatory comment is not a part of the rule, but may be used in construing the rule.” *McIlmail v. Archdiocese of Philadelphia*, No. 1009 EDA 2017, 2018 WL 2731404, at *5 n.2 (Pa. Super. Ct. June 7, 2018) (citations omitted).

The Rimels first seek to compel Mutual Benefit to provide information related to insurance reserves. Insurance reserves are “statutorily mandated pools of funds that are required to be set aside in order to cover potential exposure to a claim.” Defendant’s Brief in Opposition at 11. The Pennsylvania Superior Court in *PECO Energy v. Insurance Company of North America* addressed the discoverability of insurance reserves. *PECO Energy v. Ins. Co. of N. Am.*, 852 A.2d 1230, 1232 (Pa. Super. Ct. 2004). There, plaintiffs sued an insurer in an action involving breach of contract and sought insurer’s reserve information in the course of discovery. *Id.* The trial court granted plaintiffs’ request for production of reserve information; the insurer appealed. *Id.* The Superior Court reversed the trial court’s decision, holding that insurer did not have to produce reserve information. *Id.* at 1235.

In determining that insurance information was not discoverable, the Superior Court found that no Pennsylvania appellate authority existed at the time, so it turned to federal caselaw for guidance. *Id.* at 1234. The Superior Court found that Pennsylvania’s Eastern District Court “has generally held against the production of insurance reserves information.” *Id.* The court reasoned that reserves information “has a tenuous relevance and constitutes work product material because a reserve assesses the value of a claim while taking into account the probability of an adverse judgment ...” *Id.*, citing *Rhone-Poulenc Rorer, Inc. v. Home Indem. Co.*, 139 F.R.D. 609, 613 (E.D.Pa. 1991). See also, *Cantor v. Equitable Life Assurance Soc’y of the U.S.*, 1998 WL 306208, at *2 (E.D.Pa. June 9, 1998) (“[T]his court does not find that collateral information relating to the amount of reserves ... will lead to the discovery of admissible evidence ...”). Further, insurance reserves are, by their very nature, “prepared in anticipation of litigation” and are consequently “protected from discovery as opinion work product.” *PECO Energy* at 1234, citing *Rhone-Poulenc* at 613.

However, the Superior Court in *PECO Energy* also noted that in a separate federal case, the Eastern District Court of Pennsylvania “permitted discovery of reserve information, where liability had already been established, for the limited purpose of determining whether defendant insurance company had acted in bad faith when negotiating a settlement.” *PECO Energy* at 1235 n.8, citing *North River Ins. Co. v. Greater N.Y. Mut. Ins. Co.*, 872 F.Supp. 1411, 1412 (E.D.Pa. 1995). The *PECO Energy* Court further noted that there was no claim of bad faith in the matter before it. *PECO Energy* at 1235 n.8.

In order to recover under the bad faith statute, 42 Pa.C.S.A. §8371, “an insured must show by clear and convincing evidence that: (1) the insurer did not have a reasonable basis for denying benefits under the policy; and (2) the insurer knew or recklessly disregarded its lack of a reasonable basis in denying the claim.” *McAndrew v. Donegal Mutual Insurance Co.*, 56 Pa. D. & C. 4th 1, 11 (Lacka. Cnty. 2002), citing *Keefe v. Prudential Property and Casualty Ins. Co.*, 203 F.3d 218, 225 (3d Cir. 2000). In compelling the insurer to produce reserve information, the court in *North River* expanded on why that information is relevant to a bad faith claim:

The existence of these reserves also allows state insurance departments to monitor the financial condition of the insurance companies they regulate for the protection of insureds and the public. The reserves, of course, must have some relationship to the insurer's estimation of the insured's potential liability. Otherwise, the setting aside of reserves would serve little, if any, purpose.

North River at 1412.

The Eastern District Court of Pennsylvania later affirmed the ruling in North River that permitted discovery of an insurer's reserve information, and expanded it to include the mental impressions of an insurer's non-attorney agents. *Maiden Creek T.V. Appliance, Inc. v. General Gas. Ins. Co.*, No. Civ. A. 05-667, 2005 WL 1712304, at *3-4 (E.D.Pa. July 21, 2005). In *Maiden Creek*, a plaintiff brought an action against an insurer for breach of contract, bad faith, and a violation of the Pennsylvania Unfair Trade Practices and Consumer Protection Law. *Id.* at *1. The plaintiff alleged that its insurer acted in bad faith for delays and failure to provide full payment under the insurance policy. *Id.* As a result of the insurer withholding information in discovery, the plaintiff moved to compel more complete responses and requests for production, seeking the insurer's "reserve information and mental impressions." *Id.* at *1-2.

After determining that liability was undisputed and because the plaintiff made a claim for bad faith, the court in *Maiden Creek* granted the plaintiff's request. The court held that reserve information was "germane to defendant's analysis of the value of the insured's claims" and thus "discoverable on the question of bad faith." *Id.* at *3-4 (internal quotation marks omitted). The court also held that "mental impressions of an insurer's non-attorney agents contained in claims files are also at issue and are discoverable," *Id.* at *4.

There does not appear to be any Pennsylvania appellate caselaw on whether insurance reserves and mental impressions regarding the value of a claim should be discoverable when there is a bad faith claim. In that respect, this Court finds that the federal decisions in *North River* and *Maiden Creek* to be persuasive.

Similarly, several Pennsylvania Courts of Common Pleas have also determined that insurance reserves may be discoverable in a bad faith action. See, e.g., *Executive Risk Indemnity, Inc. v. Cigna Corp.*, 81 Pa. D. & C. 4th 410, 419 (Phila. Cnty. 2006) ("Reserve information can be discoverable if relevant to an issue presented in a bad faith action ... "); *Sharp v. Travelers Personal Security Ins. Co.*, 36 Pa. D. & C. 5th 521,540 (Lacka. Cnty. 2014) (holding that insurance reserves may be discoverable in bad faith claims when liability for the underlying claim has been established).

Here, the Rimels assert a claim of bad faith. And, like in *North River* and *Maiden Creek*, liability is not in dispute. See, Defendant's Reply Brief in Further Opposition at 1 ("[T]he liability of the underinsured driver is uncontested" and "valuation of the damages Rimel claims to have suffered in the [a]ccident is the sole disputed issue ... "). This

Court agrees with the conclusions reached by the federal district courts in North River and Maiden Creek. As such, Mutual Benefit's reserve information and non-attorney mental impressions regarding the value of the Rimels' claims are both relevant and discoverable.

CONCLUSION

For the reasons set forth above, the Court grants Plaintiffs' Motion as limited in their Brief in Support of Motion to Compel. Defendant shall produce reserve information and non-attorney mental impressions regarding the value of Plaintiffs' claims. Defendant shall also submit an unredacted copy of its claims file to this Court for an in camera review to determine the appropriateness of the redactions.

ORDER

AND NOW, this 6th day of July, 2018, in consideration of Plaintiffs' Motion to Compel More Specific Answers to Interrogatories and Responses to Request for Production of Documents, and after hearing oral argument on the matter, it is hereby ORDERED and DIRECTED that the Motion is GRANTED in the following respects:

- 1) Defendant, Mutual Benefit, shall produce all documents, including claim notes, related to Mutual Benefit's reserve information regarding Plaintiffs underinsured motorist coverage claim;
- 2) Mutual Benefit shall produce all documents, including claim notes, related to the value of the Plaintiffs underinsured motorist coverage claim; and
- 3) Mutual Benefit shall provide to the Court, for an in camera review, full, unredacted claim notes for all other claim notes for which Mutual Benefit asserts any privilege as it relates to Plaintiffs' underinsured motorist coverage claim. However, Mutual Benefit shall not be required to provide claim notes related to the value or merit of Plaintiffs' bad faith claim.

BY THE COURT:
Linda R. Cordaro, Judge

ATTEST:
Prothonotary

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& ASSOCIATES

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