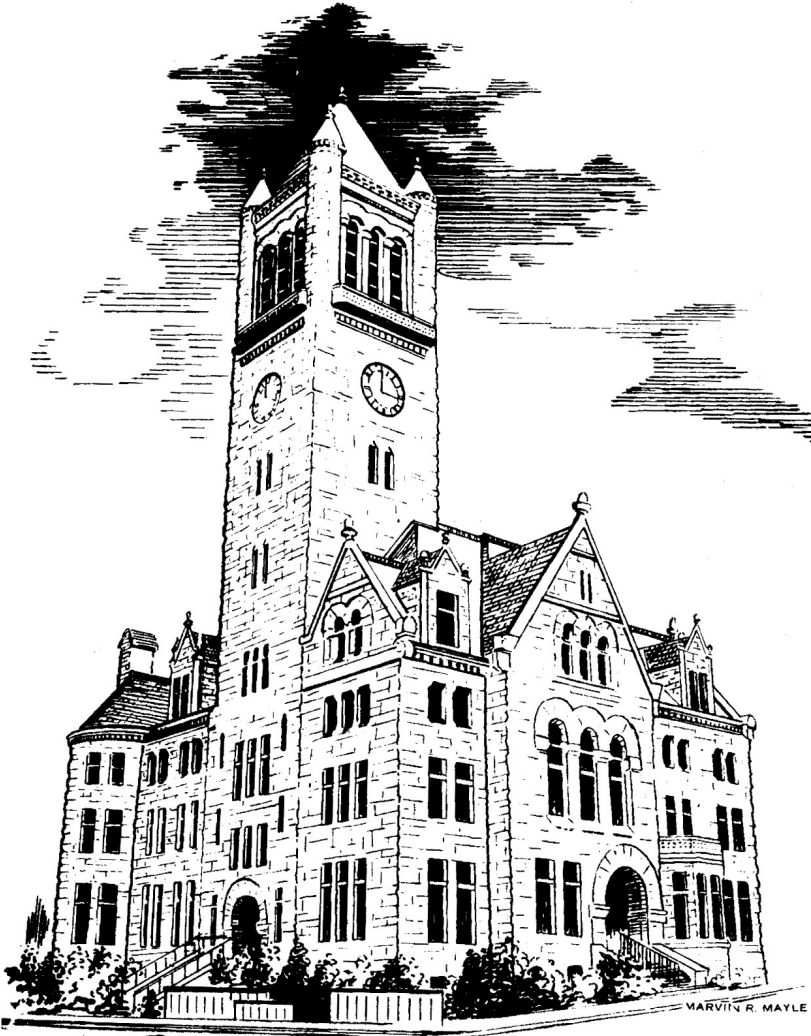


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FAYETTE LEGAL JOURNAL

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

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ESTATE NOTICES

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

Third Publication

MARY BOBECK, late of Brownsville,
Fayette County, PA (3)

Executor: Frank Bobeck
816 High Street
Brownsville, PA 15417
c/o 357 Regis Avenue
Pittsburgh, PA 15236
Attorney: Joseph P. Covelli

JOHN T. HOFERKA, late of Uniontown,
Fayette County, PA (3)

Administratrix: Stacey Hoferka Jensen
c/o 11 Pittsburgh Street
Uniontown, PA 15401
Attorney: Thomas W. Shaffer

MARY LOUISE JESSO, late of German
Township, Fayette County, PA (3)

Personal Representative: Nicholas Jesso
c/o 107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

STELLA M. POVLIISH, late of Washington
Township, Fayette County, PA (3)

Executrix: Erika Pesarsick
203 Meadow Ponds Lane
Maidsville, WV 26541
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

Second Publication

**MILDRED MAXINE BARRICKLOW, a/k/a
MILDRED M. BARRICKLOW, a/k/a
MILDRED BARRICKLOW**, late of South
Connellsville, Fayette County, PA (2)

Co-Executrices: Evelyn Denise Brown and
Carolyn W. Maricondi
c/o P.O. Box 760
Connellsville, PA 15425
Attorney: Carolyn W. Maricondi

CARLITA V. BALOSKY, late of Smock,
South Union Township, Fayette County, PA (2)

Executor: Anthonette Smith
66 East End Road
Smock, PA 15480
c/o 76 East Main Street
Uniontown, PA 15401
Attorney: Douglas S. Sholtis

First Publication

BRENT ALEX BLAKE, late of North Union
Township, Fayette County, PA (1)

Administrator: Nancy L. Blake
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Wendy L. O'Brien

**SELMA E. BLAZEK, a/k/a SELMA ELAINE
BLAZEK**, late of Masontown, Fayette
County, PA (1)

Executrix: Denise M. Martin
c/o DeHaas Law, LLC
51 East South Street
Uniontown, PA 15401
Attorney: Ernest P. DeHaas, III

RONALD I. CRAMER, late of Springfield
Township, Fayette County, PA (1)

Executor: Patrick A. Cramer
c/o Zebley Mehalov & White, P.C.
18 Mill Street Square
Post Office Box 2123
Uniontown, PA 15401
Attorney: Daniel R. White

BETTY COLLAND, late of Bullskin Township, Fayette County, PA (1)
Administrator: Ronald Colland
 1426 Spyglass Hill
 Greensburg, PA 15601
 c/o Harper & Mikluscak
 111 East Main Street
 Uniontown, PA 15401
Attorney: Robert R. Harper, Jr.

RW-406 (2/18)
 D.B. Book 3382 Pages 1826-1828

IN THE COURT OF COMMON PLEAS OF
 FAYETTE COUNTY, PENNSYLVANIA
 NO. 1926 of 2018 GD TERM, 2018
 EMINENT DOMAIN PROCEEDING
 IN REM

**IN RE: CONDEMNATION BY THE
 COMMONWEALTH OF
 PENNSYLVANIA, DEPARTMENT OF
 TRANSPORTATION, OF THE
 RIGHT-OF-WAY FOR STATE
 ROUTE 4001, SECTION A10
 IN THE TOWNSHIP OF LUZERNE**

NOTICE OF CONDEMNATION AND
 DEPOSIT OF ESTIMATED JUST
 COMPENSATION

PATRICIA A. REICHOLF, late of Nicholson Township, Fayette County, PA (1)
Personal Representative: William J. Reicholf
 c/o Davis & Davis
 107 East Main Street
 Uniontown, PA 15401
Attorney: Samuel J. Davis

Notice is hereby given that the Commonwealth of Pennsylvania, by the Secretary of Transportation, whose address is the Commonwealth of Pennsylvania, Department of Transportation, Office of Chief Counsel, Real Property Division, Commonwealth Keystone Building, Harrisburg, Pennsylvania 17120, pursuant to the provisions of Section 2003(e) of the Administrative Code of 1929, P.L. 177, 71 P.S. 513(e), as amended, has filed on September 6, 2018 a Declaration of Taking to the above term and number, condemning the property shown on the plans of the parcels listed on the Schedule of Property Condemned which have been recorded in the Recorder's Office of the above county at the places indicated on the said schedule. The name(s) of the owner(s) of the property interest(s) condemned is (are) also shown on the aforesaid Schedule. The Secretary of Transportation, on behalf of himself/herself and the Governor has approved the within condemnation by signing on May 22, 2018 a plan entitled Drawings Authorizing Acquisition of Right-of-Way for State Route 4001 Section A10 R/W, a copy of which plan was recorded in the Recorder's Office of the aforesaid county on June 5, 2018, in Instrument No. 201800005762.

JESSE JAMES RISHA, a/k/a JESSE J. RISHA, a/k/a JESSE RISHA, late of Uniontown, Fayette County, PA (1)
Personal Representative: Tofy D. Risha
 c/o George & George, LLP
 92 East Main Street
 Uniontown, PA 15401
Attorney: Joseph M. George

The purpose of the condemnation is to acquire property for transportation purposes.

Plans showing the property condemned from the parcels listed on the Schedule of Property Condemned have been recorded in the aforesaid Recorder's Office at the places indicated on the Schedule, where they are available for inspection. The Property Interest thereby condemned is designated on the

LEGAL NOTICES

NOTICE

Notice is hereby given pursuant to the Provisions of Act of Assembly No. 295, approved December 16, 1982, known as the Fictitious Names Act, of the filing in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on September 9, 2018, a Certificate to conduct business in Fayette County, Pennsylvania, under the assumed or fictitious name, style or designation of ELITE Ergonomics, with its principal place of business at 357 N. Saratoga Drive, Uniontown, PA 15401. The name and address of the entity interested in the said business is Susan A. Flannagan, PT, LLC., P. O. Box 546, Uniontown, PA 15401.

Gary J. Frankhouser, Esquire
 DAVIS & DAVIS
 107 East Main Street
 Uniontown, PA 15401

Declaration of Taking heretofore filed. The Commonwealth of Pennsylvania is not required to post security, inasmuch as it has the power of taxation.

Because the identity or the whereabouts of the condemnee(s) listed below is (are) unknown or for other reasons he (they) cannot be served, this notice is hereby published in accordance with Section 305(b) of the Eminent Domain Code (26 Pa.C.S. §305(b)).

Claim No. 2600551000
 Parcel No. 2
 Name John Novak and Barbary Novak
 Address Address Unknown

The power or right of the Secretary of Transportation of the Commonwealth of Pennsylvania to appropriate the property condemned, the procedure followed by the Secretary of Transportation or the Declaration of Taking may be challenged by filing preliminary objections within thirty (30) days of the date of this notice.

FURTHERMORE, NOTICE IS GIVEN THAT the Commonwealth of Pennsylvania, Department of Transportation, pursuant to Section 522 of the Eminent Domain Code (26 Pa.C.S. §522), will, at the end of the above-referenced thirty (30) day time period within which to file preliminary objections to the Declaration of Taking, present a petition to the Court of Common Pleas of the above county to deposit into court the just compensation estimated by the Commonwealth to be due all parties in interest for damages sustained as the result of the condemnation of the property herein involved.

The petition to deposit estimated just compensation may not be presented to the court if the owner(s) of the property herein involved inform the District Right-of-Way Administrator of the District noted below of their existence and/or whereabouts prior to the expiration of the noted period. After estimated just compensation has been deposited into court, the said monies may be withdrawn by the persons entitled thereto only upon petition to the court. If no petition is presented within a period of six years of the date of payment into court, the court shall order the fund or any balance remaining to be paid to the Commonwealth without escheat.

Vincent M. Komacko, Jr.
 District Right-of-Way Administrator
 Engineering District 12-0
 Pennsylvania Department of Transportation

NOTICE

AMERICAN CLEANING & SUPPLY SERVICES COMPANY has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

Mariah Balling-Peck, Esq.
 111 East Main Street
 Uniontown, PA 15401

Fictitious Name Registration

Notice is hereby given that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on August 22, 2018 for **Hope on Christ Ministries** at 469 Newell Rd. Fayette City, PA 15438. The name and address of each individual interested in the business is Mitchell Lee Wall at 469 Newell Rd. Fayette City, PA 15438. This was filed in accordance with 54 Pa.C.S. 311.

IN THE COURT OF COMMON PLEAS OF
 FAYETTE COUNTY, PENNSYLVANIA
 CIVIL DIVISION
 Judge Cordaro
 No: 1814 of 2018, G.D.

**IN RE: Change of Name of:
 Hilary E Connor**

NOTICE

Notice is hereby given to all interested parties, that a petition styled as above has been filed in the Court of Common Pleas, Fayette County, Pennsylvania, seeking Change of Name of Hilary E. Connor.

Hearing to consider such Petition shall be held in Court Room Number 3, of the Fayette County Courthouse, 61 East Main Street, Uniontown, Fayette County, Pennsylvania, on October 10, 2018, at 2:00 o'clock P.M., before the Honorable Judge Cordaro.

Patrick C. McDaniel
 Attorney for Petitioner
 P.A. I.D. #42125
 50 East Main Street
 Uniontown, PA 15401
 (724) 437-4211
 FAX: (724) 437-4245

NOTICE

The Albert Gallatin Area School District will sell, at a public auction to be held Tuesday, October 8th, 2018 at 5:00PM, the building and land comprising the former A.L. Wilson Elementary School. The property is located at 100 A.L. Wilson Drive, Fairchance, Fayette County, Pennsylvania; Fayette County Assessment Office Parcel I.D. Nos. 11-07-0060 and 11-07-0076.

The public auction will be conducted by Joe R. Pyle Complete Auction & Realty, LLC at 5:00PM on October 8th, 2018 on location at the former A.L. Wilson Elementary School located at 100 A.L. Wilson Drive Fairchance, PA 15436. Interested parties shall register on that day to bid from 4:00PM – 5:00PM. Copies of sale information, terms & conditions may be obtained by visiting joerpyleauctions.com, or by contacting Alan Heldreth, General Manager & Auctioneer, Joe R. Pyle Auctions at 888-878-1599 or at info@joerpyleauctions.com. The Albert Gallatin Area School District reserves the right to reject any and all bids. (1 of 3)

SHERIFF'S SALE

No. 2093 of 2017 GD
No. 264 of 2018 ED

Date of Sale: November 15, 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, November 15, 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

**CLEAR MOUNTAIN BANK,
Plaintiff,
v.**

**DAN BASHOUR and BASHOUR
VENTURES, LLC,
Defendant.**

534 Jumonville Road, Uniontown, PA 15401. All that Certain lot of ground being Lot Nos. 24 and 25 in the J.M. Swaney Plan of Lots in North Union Township, Fayette County, Pennsylvania, a plot of which is recorded in the Recorder of Deeds Office of Fayette County, Pennsylvania, in Plan Book Volume 6, page 65. Parcel No. 25-55-0009.

No. 282 of 2018 GD
No. 260 of 2018 ED

**BRANCH BANKING AND TRUST
COMPANY,
Plaintiff,
Vs.**

**SPENCER TODD CHRISTOPHER
And
UNITED STATES OF AMERICA,
Defendants.**

ALL that certain tract of land situate in Menallen Township, Fayette County, Pennsylvania, designated as Lot No. 2 in the VanSickle Subdivision which is of record in the Office of the Recorder of Deeds of Fayette County, Pennsylvania, in Plan Book Volume 72, page 31, and being more particularly bounded and described as follows:

BEGINNING at a point in SR 4006, more commonly known as New Salem Road, at the southeastern corner of land herein conveyed and land now or formerly of David Jobes; thence along land of said Jobes, South 84° 16' 30" West, a distance of 217.26 feet to a point; thence continuing along land of said Jobes, South 63° 45' 00" West, a distance of 183.15 feet to a point on line of land now or formerly of County of Fayette; thence along land of said County of Fayette, North 51° 00' 00" West, a distance of 628.38 feet to a point, corner of Lot No. 1 in said VanSickle Subdivision; thence along said Lot No. 1, North 05° 26' 00" East, a distance of 518.59 feet to a point in the said New Salem Road; thence along said New Salem Road, South 71° 30' 00" East, a distance of 291.06 feet to a point; thence continuing along said New Salem Road, on a curve to the right, with a

radius of 400.00 feet, a length of 216.42 feet, a delta of 31° 00' 00", a chord of South 56° 00' 00" East, a distance of 213.79 feet, and a tangent of 110.93 feet to a point; thence continuing along said New Salem Road, South 40° 30' 00" East, a distance of 132 .54 feet to a point; thence continuing along said New Salem Road on a curve to the right, with a radius of 500.00 feet, a length of 141.08 feet, a delta of 16° 10' 00", a chord of South 32° 25' 00" East, a distance of 140.61 feet, and a tangent of 71.01 feet to a point; thence continuing along said New Salem Road, South 24° 20' 00" East, a distance of 202.44 feet to a point; thence continuing along said New Salem Road on a curve to the left, with a radius of 800.00 feet, a length of 181.51 feet, a delta of 13° 00' 00", a chord of North 30° 50' 00" West, a distance of 181.13 feet, and a tangent of 91.15 feet to a point; thence continuing along said New Salem Road, South 37° 20' 00" East, a distance of 47.36 feet to a point, the place of beginning. CONTAINING an area of 10.0362 acres according to the survey of Fayette Engineering Company, Inc. dated April, 2004.

UNDER AND SUBJECT to all exceptions, reservations, easements, covenants, restrictions, conditions, rights-of-way, etc., contained in prior instruments of record and affecting the chain of title thereo.

BEING the same premises which were conveyed to Spencer Todd Christopher by Deed of Jeff Porterfield, Jr. and Marie Porterfield, his wife, dated August 5, 2007, and recorded on August 10, 2007, in the office of the Recorder of Deeds for Fayette County, in Record Book 3035, page 2173.

ADDRESS OF PROPERTY: 789 New Salem Road, Uniontown, PA 15401.

PARCEL NUMBER: 22-19-0068-01

PROPERTY OWNER: Spencer Todd Christopher

IMPROVEMENTS: A commercial building

IMPORTANT NOTICE: The above property will be sold expressly subject to the IRS' right to redeem the property within 120 days of the date of the foreclosure sale.

No. 1090 of 2018 GD
No. 277 of 2018 ED

**Land Home Financial Services, Inc.,
Plaintiff,
vs.
Joshua Coneway,
Defendant.**

ALL THAT RIGHT, TITLE, INTEREST AND CLAIMS OF JOSHUA CONEWAY 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 3340 PAGE 1637

BEING KNOWN AS 9 DERRICK AVENUE, UNIONTOWN, PA 15401
TAX MAP NO. 38-15-0250

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

No. 1279-8 of 2018 GD
No. 279 of 2018 ED

**DITECH FINANCIAL LLC
3000 Bayport Drive, Suite 880
Tampa, FL 33607,
Plaintiff,
vs.
TAMMY C. HAWK
JAMES D. HAWK
Mortgagor(s) and Record Owner(s)
104 Painter Street
Everson, PA 15631,
Defendant.**

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

TAX PARCEL# 10-03-0011

PROPERTY ADDRESS: 104 Painter Street Everson, PA 15631

IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF:
TAMMY C. HAWK and JAMES D. HAWK

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

No. 943 of 2018 GD
 No. 268 of 2018 ED

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

vs.

MICHAEL E. JACKSON AKA MICHAEL JACKSON
SARAH J. JACKSON
Mortgagor(s) and Record Owner(s)
616 Pine Street
Brownsville, PA 15417,
Defendants.

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

TAX PARCEL# 19-29-004, 019-29-0069 and 19-29-0041

PROPERTY ADDRESS: 616 Pine Street Brownsville, PA 15417

IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF: MICHAEL E. JACKSON AKA MICHAEL JACKSON and SARAH J. JACKSON

Phelan Hallinan Diamond & Jones, LLP

No. 2198 of 2017 GD
 No. 278 of 2018 ED

Pennymac Loan Services, LLC,
Plaintiff,
V.

Francis W. Lee, III,
Defendant(s).

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

Parcel No.: 1425005741

Improvements thereon: RESIDENTIAL DWELLING

ANNE N. JOHN Esq.
 ATTORNEY AT LAW

No. 191 of 2018 GD
 No. 161 of 2018 ED

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

Plaintiff,

vs.

RYAN PATRICK MAHONEY and NICHOLE MARIE HOST, a/k/a NICOLE MARIE HOST,
Defendants.

ALL that certain lot of land situated in North Union Township, Fayette County, Pennsylvania being the Northeasterly portion of Lot No. 27 in Section "F" of "Evans Manor" Land Company's Plan of Lots called "Evans Manor", according to a plot thereof recorded September 4, 1923, in the office of the Recorder of Deeds of Fayette County, Pennsylvania in Plan Book Vol. 4, page 186.

UPON which is erected a single family dwelling known locally as 224 Edison Blvd., a/k/a 224 Edison Street, Uniontown, PA 15401.

Fayette County Assessment Map No.: 25-30-0024.

No. 865 of 2018 GD
 No. 280 of 2018 ED

PENNSYLVANIA HOUSING FINANCE AGENCY,

PLAINTIFF,

vs.

FREDERICK MARTIN,
DEFENDANT.

ALL THOSE TWO lots of land in South Union Township, Fayette County, Pennsylvania: FIRST: being approximately 70 x 50 and containing 3500 square feet; and SECOND: being approximately 70 x 50 and containing 3500 square feet.

HAVING THEREON ERECTED a dwelling known and numbered as 143 Balsinger Road, Uniontown, PA 15401.

TAX PARCEL: 34-05-0010

Fayette Deed Book 3255, Page 465

TO BE SOLD AS THE PROPERTY OF FREDERICK MARTIN UNDER FAYETTE COUNTY JUDGMENT NO. 865 OF 2018.

Phelan Hallinan Diamond & Jones, LLP

No. 1075 of 2018 GD
No. 263 of 2018 ED

**Wells Fargo Bank, NA,
Plaintiff,
v.**

**Cheryl Ann Morgan a/k/a Cheryl A. Morgan,
Defendant(s).**

By virtue of a Writ of Execution No. 1075 OF 2018 GD Wells Fargo Bank, NA v. Cheryl Ann Morgan a/k/a Cheryl A. Morgan, owner(s) of property situate in the JEFFERSON TOWNSHIP, Fayette County, Pennsylvania, being 129 East 2nd Street, a/k/a 129 East Second Street, Grindstone, PA 15442-1241

Parcel No.: 17-16-0011
Improvements thereon: RESIDENTIAL DWELLING

Richard M. Squire & Associates, LLC

By: Richard M. Squire, Esquire
Bradley J. Osborne, Esquire
Sarah K. McCaffery, Esquire
Pierre E. Simonvil, Esquire

One Jenkintown Station, Suite 104
115 West Avenue
Jenkintown, PA 19046
Telephone: 215-886-8790
Fax: 215-886-8791

No. 1576 of 2014 GD
No. 259 of 2018 ED

The Bank of New York Mellon, f/k/a The Bank of New York, as Trustee for registered holders of CWABS, Inc., Asset-Backed Certificates, Series 2006-23,

**PLAINTIFF,
v.**

**John Petrosky, a/k/a John M. Petrosky
Stephanie L. Petrosky, a/k/a Stephanie Petrosky,
DEFENDANT(S).**

TAX PARCEL NO.: 41-07-0284
PROPERTY ADDRESS: 407 Perry Avenue, Belle Vernon, PA 15012
IMPROVEMENTS: Single Family Dwelling

SEIZED AND TAKEN in execution as the property of John Petrosky, a/k/a John M. Petrosky and Stephanie L. Petrosky, a/k/a Stephanie Petrosky

ALL THAT CERTAIN piece or parcel of land situated in the Village of Fairhope,

Washington Township, Fayette County, Pennsylvania, and described as follows:

BEGINNING at a point in the Eastern line of the public road leading from Belle Vernon, Pennsylvania in Perryopolis at the Northern line of property now or formerly of John Patrosky, Jr., et ux; thence by the latter, North 69 degrees, 21 minutes East, a distance of 130.55 feet to a point; thence still by the same, North 20 degrees, 22 minutes West, a distance of 36.96 feet to a point in the line of land now or formerly of Rudolph Anderson; thence by the latter, South 69 degrees, 38 minutes West, a distance of 130.55 feet to a point in the aforementioned public road leading from Belle Vernon to Perryopolis; thence by the latter, South 20 degrees, 22 minutes East, a distance of 36.96 feet to a point, the place of beginning.

No. 303 of 2016 GD
No. 281 of 2018 ED

**Nationstar Mortgage LLC d/b/a Champion Mortgage Company,
Plaintiff,**

vs.

**Keithette V. Shearer,
Defendant.**

ALL THAT CERTAIN piece or parcel or tract of land containing 722 Connellsville Avenue situate in the Township of Bullskin, County of Fayette, and State of Pennsylvania

Tax Parcel No. 04-33-0052

TITLE TO SAID PREMISES IS VESTED IN Keithette V. Shearer, from Howard D. Shearer, widower, by General Warranty Deed dated August 6, 1982, and recorded on August 13, 1982 in Book 1308, Page 751

Sold as the property of Keithette V. Shearer

No. 990 of 2018 GD
No. 261 of 2018 ED

**U.S. Bank National Association, as Trustee for SASCO Mortgage Loan Trust 2006-WF3,
Plaintiff,**

vs.

**Anna M. Toth, AKA Anna Marie Toth,
Defendant.**

ALL that certain parcel of land lying and being situate in the Township of Washington, County of Fayette, and Commonwealth of

Pennsylvania, known as 264 Gillespie Hollow Road, Fayette City, PA 15438 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 41220059

BEING the same premises which David J. Serra and Sherry A. Serra, his wife, by Deed dated June 26, 2006 and recorded in and for Fayette County, Pennsylvania in Deed Book 3000, Page 648, granted and conveyed unto Anna Marie Toth.

Richard M. Squire & Associates, LLC

By: Richard M. Squire, Esquire

Bradley J. Osborne, Esquire

Sarah K. McCaffery, Esquire

Pierre E. Simonvil, Esquire

ID. Nos. 04267 / 312169 / 311728 / 323490

One Jenkintown Station, Suite 104

115 West Avenue

Jenkintown, PA 19046

Telephone: 215-886-8790

Fax: 215-886-8791

No. 704 of 2018 GD

No. 267 of 2018 ED

Wilmington Savings Fund Society, FSB, as Trustee for Stanwich Mortgage Loan Trust A, PLAINTIFF, V.

Unknown Heirs of the Estate of James J. Kimmel a/k/a James Kimmel, deceased Phyllis E. Kimmel a/k/a Phyllis Kimmel, DEFENDANT(S).

TAX PARCEL NO.: 33-03-0090

PROPERTY ADDRESS: 1419 East Gibson Avenue Connellsville, PA 15425

IMPROVEMENTS: Single Family Dwelling

SEIZED AND TAKEN in execution as the property of Unknown Heirs of the Estate of James J. Kimmel a/k/a James Kimmel, deceased and Phyllis E. Kimmel a/k/a Phyllis Kimmel

LEGAL DESCRIPTION:

ALL THAT CERTAIN property situated in Connellsville in the County of Fayette, and State of Pennsylvania and being described in a Deed dated 2/27/89 and recorded 3/23/89, among the Land Records of the County and State set forth above, and referenced as follows:

Book 536 Page 124

Tax ID: 33-03-0090

No. 1178 of 2018 GD

No. 262 of 2018 ED

PENNSYLVANIA HOUSING FINANCE AGENCY,

PLAINTIFF,

vs.

EDWARD S. WAGNER,

DEFENDANT.

ALL those certain lots of ground in the Township of Connellsville, County of Fayette, being Lot Nos. 33, 34 and 35, Poplar Grove Plan of Lots, Fayette Plan Book 1, page(s) 178. HAYING THEREON ERECTED DWELLING KNOWN AND NUMBERED AS: 1501 SUN STREET CONNELLSVILLE, PA 15425.

Tax Parcel # 06-03-0071

Fayette Deed Book 3124, page 843

TO BE SOLD AS THE PROPERTY OF EDWARD S. WAGNER UNDER JUDGMENT NO. 2017- 01178.

No. 1218 of 2017 GD

No. 265 of 2018 ED

PHH Mortgage Corporation,

PLAINTIFF,

VS.

Robin S. Walters,

DEFENDANT.

FIRST: ALL that certain lot of land situate in the City of Uniontown, formerly North Union Township, Fayette County, Pennsylvania, known as Lot No. 49 in the Fred Felty Plan of Lots, said plan being recorded in the Recorder's Office of Fayette County in Plan Book No. 2 at page 32, said lot being bounded and described as follows:

SECOND: ALL that certain lot of land situate in the City of Uniontown, Fayette County, Pennsylvania, being Lot No. 48 in the Fred Felty Plan of Lots as recorded in the Recorder's Office of Fayette County, Pennsylvania, in Plan Book 2, page 32, said lot being bounded and described as follows:

COMMONLY KNOWN AS: 30 Elwood Street, Uniontown, PA 15401

TAX PARCEL NO. 38-03-0371 and 38-03-0370

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

NATIONSTAR MORTGAGE LLC D/B/A

MR. COOPER

8950 Cypress Waters Boulevard

Coppell, 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# 34-07-0040
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 (2 of 3)

- 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, October 1, 2018, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2617-0790	PATRICIA ANN PIERNO	Shawn Goralczcik, Executrix

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

Monday, October 15, 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, October 1, 2018, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2617-0091	CATHERINE Q. ANDYJOHN	Karen S. Mahokey, Executrix

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

Monday, October 15, 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.

JEFFREY L. REDMAN

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

JUDICIAL OPINION

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

COMMONWEALTH OF PENNSYLVANIA :
v. :
MARY JO SMITH, : NO. 428 of 2017
Appellant. : Honorable Joseph M. George, Jr.

Ms. Wendy O'Brien, Esquire, Assistant District Attorney, For the Commonwealth
Mr. Nicholas Clark, Esquire, Assistant Public Defender, For the Appellant

OPINION AND ORDER

GEORGE, J.

July 16, 2018

Following a trial by jury, Appellant, Mary Jo Smith, was convicted of three (3) felonies, including two (2) counts of aggravated assault {1}, and one count of criminal mischief {2}. Appellant was also convicted of five (5) misdemeanors including, DUI-high rate {3}, two (2) counts of simple assault {4}, and two (2) counts of recklessly endangering another person {5}. Additionally, Appellant was convicted of the summary offense of reckless driving {6}. On May 15, 2018, Appellant was sentenced on her conviction for aggravated assault to a term of imprisonment of not less than fifteen (15) months nor more than thirty (30) months and sentenced concurrently on the second aggravated assault conviction to imprisonment of not less than fifteen (15) months nor more than thirty (30) months. Appellant filed a timely post-sentence motion for modification of sentence and the Court denied same. Subsequently Appellant filed an appeal with the Pennsylvania Superior Court. This Opinion is in support of the verdict of the jury and the sentencing order.

CONCISE ISSUES

Appellant filed the following Statement of Errors Complained of on Appeal:

1. Whether the Evidence was legally and factually sufficient to prove that Appellant committed the crimes for which she was convicted?

{1} 18 Pa. C.S.A. § 2702 §§ A4
{2} 18 Pa. C.S.A. § 3304 §§ A5
{3} 75 Pa. C.S.A. § 3802 §§ B*
{4} 18 Pa. C.S.A. § 2701 §§ A1
{5} 18 Pa. C.S.A. § 2705
{6} 75 Pa. C.S.A. § 3736 §§ A

FACTS

On December 5, 2016, at approximately 5:00 to 5:30 p.m., Mr. Alan K. McCutcheon was at his Dunbar Township home located at 512 Amity Drive, Connellsville, Fayette County, Pennsylvania. Mr. McCutcheon was in his front yard decorating for Christmas. (T.T. pg. 14). During this time, a Jeep pulled up in front of the house. Mr. McCutcheon did not recognize the vehicle and, as it was winter, and nearly dark at this time, he could not see who was driving the vehicle. Music was blaring from the Jeep and an individual inside yelled "Merry Fucking Christmas" from the open window of the vehicle. Mr. McCutcheon then yelled back asking "who is that?" to which no answer was given. (T.T. pg. 15). Mr. McCutcheon, beginning to fear imminent harm, continued to try to establish the identity of the individual in the Jeep. Mr. McCutcheon informed the occupant that he was prepared to defend himself if the need should arise. A female voice responded from the vehicle. (T.T. pg. 16). The Jeep then began to move toward Mr. McCutcheon, crossing the landscaping along his driveway, entering the yard. The driver of the Jeep turned the wheel of the vehicle to steer it in the direction of Mr. McCutcheon. Mr. McCutcheon took cover behind a tree. (T.T. pg. 17-18). The Jeep proceeded to circle through the yard three times coming at Mr. McCutcheon. Mr. McCutcheon was able to see that the Jeep was white in color and he was able to see the license plate number. As the vehicle circled through the yard, Mr. McCutcheon was able to identify the driver, by her voice and by sight. (T.T. pg. 19). Mr. McCutcheon identified the driver as the Appellant. (T.T. pg. 19-20). Mr. McCutcheon knew the Appellant from a prior relationship which had existed 29 years prior to the events of December 5, 2016. (T.T. pg. 20).

All of Mr. McCutcheon's outdoor Christmas decorations were destroyed by the Jeep driving through his yard. After driving through the yard three times, the Jeep drove off down the road. (T.T. pg. 21-22). Mr. McCutcheon then got into his truck and drove off. (T.T. pg. 22). He initially intended to drive to the Connellsville Police station, but realizing his home was located in Dunbar Township, instead called the State Police from the truck. (T.T. pg. 23). He then called his wife, Mrs. Donna McCutcheon, who was on her way home from work and instructed her not to go to the house until he returned. Mr. and Mrs. McCutcheon arrived back at their home at the same time. (T.T. pg. 23).

Shortly after the McCutcheon's returned to the house, and approximately fifteen (15) to twenty (20) minutes after the white Jeep had left, the same vehicle returned to the property. (T.T. pg. 24-25). The vehicle entered the yard and began coming towards Mrs. McCutcheon who was able to get inside the front door of the home. Appellant missed hitting Mrs. McCutcheon by approximately three (3) feet. (T.T. pg. 25). Appellant impacted the flower planter and paver stones in front of the house just as Mrs. McCutcheon jumped inside the door. (T.T. pg. 25-26). Appellant then drove around the house taking out five (5) shrubs, hit the foundation of the house, entered the back yard, and drove the vehicle into the swimming pool, hitting the pool four (4) or five (5) times. (T.T. pg. 27-28). This is where Appellant got the vehicle stuck. However, Appellant got the Jeep out. (T.T. pg. 28). At this time, Mr. McCutcheon's step-daughter, Hillary, arrived in her car. (T.T. pg. 29). Appellant ran into the front of Hillary's car in the driveway with Hillary inside the car. Appellant then backed up and hit Hillary's car again, albeit at a low rate of speed. (T.T. pg. 30). Appellant exited the Jeep. Then, Hillary exit-

ed her vehicle. Appellant came at Hillary with her fists raised. (T.T. pg. 30-31). Hillary then pinned Appellant to the ground. Approximately ten (10) minutes later, the State Police arrived at the scene. (T.T. pg. 31). The damage to the McCutcheon property has been valued at \$13,000.00 by their insurance company. (T.T. pg. 31-32).

DISCUSSION

Appellant only raised one issue which addresses the sufficiency of the evidence presented at trial. Appellant's first and only issue in her 1925(b) statement is too vague for the Court to address. "In order to preserve a challenge to the sufficiency of the evidence on appeal, an appellant's Rule 1925(b) statement must state with specificity the element or elements upon which the appellant alleges that the evidence was insufficient." *Commonwealth v. Garland*, 63 A.3d 339, 344 (Pa. Super. 2013); see also *Commonwealth v. Gibbs*, 981 A.2d 274, 281 (Pa. Super. 2009). Appellant was convicted of three felony offenses, three misdemeanor offenses and four summary offenses. Appellant, in her 1925(b) statement, not only failed to state which specific element(s) she wished for the courts to address, she also neglected to state specifically which of the nine convictions she is challenging. Rather, Appellant's statement generally challenged her convictions without more. See *Garland*, 63 A.3d at 344. The wording of Appellant's first concise issue would require this Court to draw an inference as to which convictions and elements to address. Therefore, Appellant waived any rights to contest the sufficiency of the evidence in this matter. See Pa.R.A.P. 1925(b)(4); *Commonwealth v. Hansley*, 24 A.3d 410, 415 (Pa. Super. 2011).

Although Appellant's argument for sufficiency of the evidence has been waived, if the Court were to find that the issue warranted a discussion, it would be analyzed as follows:

The standard of review for a challenge to the sufficiency of the evidence is to determine whether, when viewed in a light most favorable to the verdict winner, the evidence at trial and all reasonable inferences therefrom is sufficient for the trier of fact to find that each element of the crimes charged is established beyond a reasonable doubt. The Commonwealth may sustain its burden of proving every element beyond a reasonable doubt by means of wholly circumstantial evidence.

The facts and circumstances established by the Commonwealth need not preclude every possibility of innocence. Any doubt raised as to the accused's guilt is to be resolved by the fact finder. [In this context, appellate courts] do not assess credibility nor ... assign weight to any of the testimony of record. Therefore, [the verdict will not be disturbed] unless the evidence is so weak and inconclusive that as a matter of law no probability of fact may be drawn from the combined circumstances.

Commonwealth v. Vogelsong, 90 A.3d 717, 719 (Pa. Super. 2014).

Evidence was established to show that Appellant drove a motor vehicle through a residential yard, aiming the vehicle at two separate individuals; namely Allan McCutcheon and Donna McCutcheon, his wife. In so doing, Appellant damaged Christmas decorations, several shrubs, hit the foundation of the house, destroyed a planter and paver

stones, and damaged a new swimming pool. Evidence was also presented to show that Appellant rammed into an additional vehicle with a person inside. Lastly, Appellant was intoxicated at the time of these events. In light of this evidence, it is entirely reasonable that a jury would find that Appellant committed the crimes of which she was convicted.

Aggravated Assault is defined as the "attempt to cause or actually cause serious bodily harm". Commonwealth v. Anderson, 610A. 2d 1042, (Pa. Super. 1992). 18 Pa. C.S.A. § 2702 §§ A4. One is guilty of Criminal Mischief when one "Intentionally damages real or personal property of another." 18 Pa. C.S.A. § 3304 §§ A5. Additionally, under the DUI: High Rate of Alcohol Statute, "An individual may not drive, operate or be in actual physical control of the movement of a vehicle after imbibing a sufficient amount of alcohol such that the alcohol concentration in the individual's blood or breath is at least 0.10% but less than 0.16% within two hours after the individual has driven, operated or been in actual physical control of the movement of the vehicle." 75 Pa. C.S.A. § 3802 §§ B. One is guilty of Simple Assault "when one attempts to cause or intentionally, knowingly or recklessly causes bodily injury to another." 18 Pa. C.S.A. § 2701 §§ A1. Likewise, A person commits Reckless Endangerment of Another Person if he recklessly engages in conduct which places or may place another person in danger of death or serious bodily injury. 18 Pa. C.S.A. § 2705. Lastly, one is guilty of Reckless Driving when one drives any vehicle in willful or wanton disregard for the safety of persons or property. 75 Pa. C.S.A. § 3736 §§ A.

In light of the facts presented, a finder of fact could reasonably find that intentionally or recklessly driving a motor vehicle directly at individuals in their front yard rises to the level of attempting to cause serious bodily harm. Additionally, driving a motor vehicle through a residential yard provides a factual basis upon which a reasonable jury could find that a defendant engaged in Criminal Mischief. From the facts, a reasonable jury could also conclude that a defendant acting in such a manner as to drive through a residential yard, damaging property, and aiming a motor vehicle at individuals is acting under the influence of alcohol. The elements of simple assault are also met because the commission of the acts mentioned above does constitute an attempt to cause bodily injury to another. The act of driving through a yard, and damaging property, while aiming a motor vehicle at individuals, could also meet the elements of reckless endangerment and reckless driving. Accordingly, Appellant's issue is without merit.

BY THE COURT,
GEORGE, J.

ATTEST:
Clerk of Courts

BENCH BAR CONFERENCE

Fayette County Bar Association
Bench Bar Conference

Schedule:

8:30 - Meet the Sponsors/Full Breakfast Buffet

9:00 - 12:15 - Seminar CLE Presentations

12:30 - Lunch

CLE Agenda to follow

Wednesday, October 10, 2018

The Historic Summit Inn

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

RSVP to Cindy 724-437-7994 or cindy@fcbar.org

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