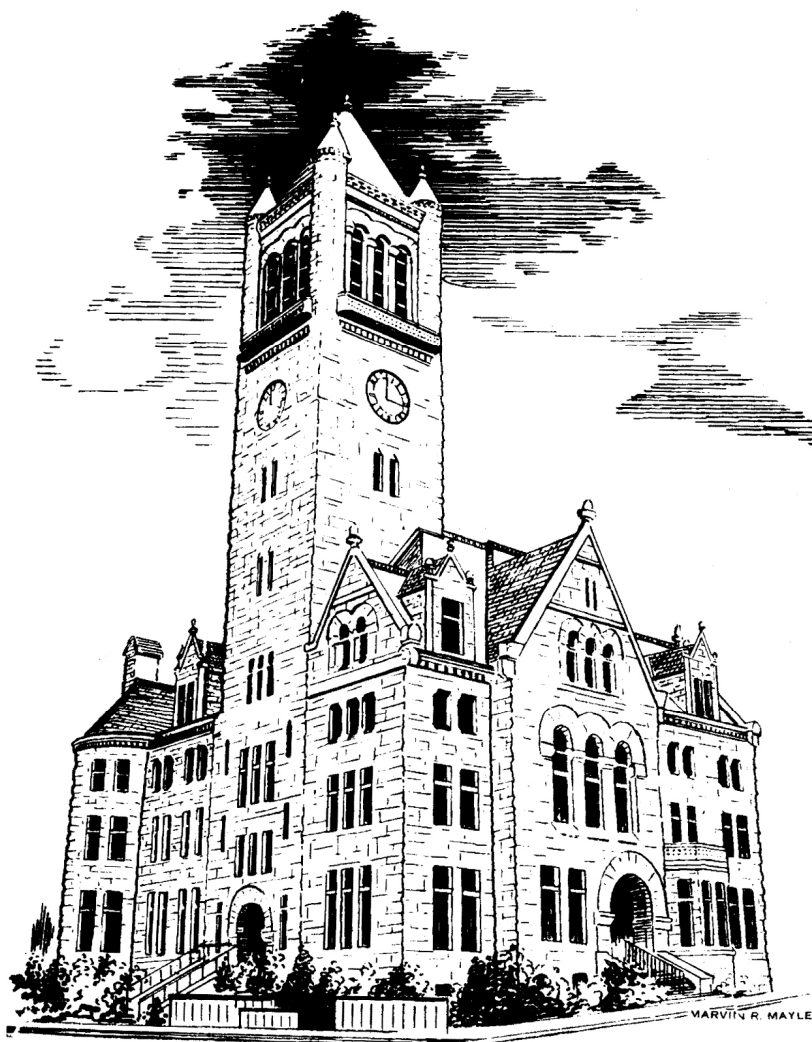


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FAYETTE LEGAL JOURNAL

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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

SARA BRADDEE, a/k/a SARA KATHRYN BRADDEE, late of Georges Township, Fayette County, PA (3)

Administratrix: Joyce E. Skoglund
c/o Kopas Law Office
556 Morgantown Road
Uniontown, PA 15402
Attorney: John Kopas

DELMIRA D. BURETZ, late of Perry Township, Fayette County, PA (3)

Executor: Gary E. Buretz
208 Tillbrook Lane
Harrison City, PA 15636
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

VIRGINIA MAE CATANEO, late of Luzerne Township, Fayette County, PA (2)

Executrix: Cheryl A. Rohland, a/k/a
Cheryl Cataneo Rohland
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

JUNE LEKOVITCH, late of Bullskin Township, Fayette County, PA (3)

Executor: Michael J. Lekovitch
114 Rydle Road
Mt. Pleasant, PA 15666
c/o 749 North Church Street
Mt. Pleasant, PA 15666
Attorney: Paul Toohey

JOHN LESKO, a/k/a JOHN D. LESKO, late of South Union Township, Fayette County, PA
Administratrix: Margaret A. Lesko (3)
c/o Kopas Law Office
556 Morgantown Road
Uniontown, PA 15401
Attorney: John Kopas

DANIEL JOSEPH LOYA, late of Lower Tyrone Township, Fayette County, PA (3)

Executor: Alex E. Loya
c/o Fitzsimmons and Barclay
55 East Church Street, Suite 102
Uniontown, PA 15401
Attorney: James N. Fitzsimmons, Jr.

DONALD W. MYERS, late of Saltlick Township, Fayette County, PA (3)

Executor: Stephen C. Predajna
c/o 17 North Diamond Street
Mt. Pleasant, PA 15666
Attorney: Marvin Snyder

CRAIG ERIC RISHEL, a/k/a CRAIG RISHEL, late of Stewart Township, Fayette County, PA (3)

Executrix: Courtney Rishel, a/k/a
Courtney Lynn Rishel
c/o Davis and Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Jeremy J. Davis

EUGENE D. SWAN, late of Springfield Township, Fayette County, PA (3)

Personal Representative:
Kathleen R. Wilttrout
c/o Watson Munderoff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Robert A. Gordon

Second Publication

ROBERT KENNEY, a/k/a ROBERT L. KENNEY, a/k/a ROBERT LEE KENNEY, late of Nicholson Township, Fayette County, PA

Executrix: Roberta A. Botti (2)
c/o Kopas Law Office
556 Morgantown Road
Uniontown, PA 15401
Attorney: John Kopas

MARIE D. HAGNER, a/k/a MARIE DOLORES HAGNER, late of Dunbar Township, Fayette County, PA (2)

Personal Representative: Mary Lou Grim
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

First Publication

IDA RUTH ANDERSON, late of Normalville, Fayette County, PA (1)

Executrix: Donna Bigham
c/o Casini & Geibig, LLC
815B Memorial Boulevard
Connellsville, PA 15425
Attorney: Jennifer M. Casini

RODNEY T. BANKS, late of Uniontown, Fayette County, PA (1)

Executrix: Carole Robbins
c/o Adams Law Offices, PC
55 East Church Street, Suite 101
Uniontown, PA 15401
Attorney: Jason Adams

TINA LEE COLDREN, late of Springfield Township, Fayette County, PA (1)

Administratrix: Helen Stillwagon
c/o 312 2nd. Avenue
Carnegie, PA 15106
Attorney: Philip H. Rubenstein

MARIE LOCKE, late of Redstone Township, Fayette County, PA (1)

Executor: Daniel Locke
c/o Adams Law Offices, P.C.
55 East Church Street, Suite 101
Uniontown, PA 15401
Attorney: Jason Adams

ANNA ROSE MUZIKA, late of South Union Township, Fayette County, PA (1)

Executors: Theodore Muzika and
Rose Marie Muzika
c/o John & John
96 East Main Street
Uniontown, PA 15041
Attorney: Anne N. John

DOMINICK D. RITZ, late of Uniontown, Fayette County, PA (1)

Executrix: Katherine M. Fetsko
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Wendy L. O'Brien

DOMINICA R. WONTROBA, a/k/a

DOMINICA ROSE WONTROBA, late of Uniontown, Fayette County, PA (1)

Executor: Mark A. Wontroba
c/o Radcliffe Law, LLC
648 Morgantown Road, Suite B
Uniontown, PA 15401
Attorney: Willaim M. Radcliffe

MARTHA LOUISE WOODS, a/k/a

MARTHA L. WOODS, late of Redstone Township, Fayette County, PA (1)

Personal Representative:
Bernadine S. Hixon
94 Splash Drive
Falling Waters, WV 23419
c/o 12 Fernwood Avenue
Pittsburgh, PA 15228
Attorney: Lorraine Smith

LEGAL NOTICES

LOGS LEGAL GROUP LLP
BY: CHRISTOPHER A. DeNARDO,
PA I.D. NO. 78447

ELIZABETH L. WASSALL,
PA I.D. NO. 77788

LESLIE J. RASE, PA I.D. NO. 58365
SAMANTHA GABLE, PA I.D. NO. 320695

LILY CALKINS, PA I.D. NO. 327356

HEATHER RILOFF, PA I.D. NO. 309906

3600 HORIZON DRIVE, SUITE 150
KING OF PRUSSIA, PA 19406

TELEPHONE: (610) 278-6800

E-MAIL: PAHELP@LOGS.COM

LLG FILE NO. 22-066726

Nationstar Mortgage LLC d/b/a Mr. Cooper
PLAINTIFF

VS.

Sydney Summers, known Heir of Michelle K. Micholas, deceased; C.B., minor, known Heir of Michelle K. Micholas, deceased; E.B., minor, known Heir of Michelle K. Micholas, deceased; and Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest from or under Michelle K. Micholas, deceased
DEFENDANTS

COURT OF COMMON PLEAS
CIVIL DIVISION
FAYETTE COUNTY

NO: 2022-00585

To the Defendants, Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest from or under Michelle K. Micholas, deceased: TAKE NOTICE THAT THE Plaintiff, Nationstar Mortgage LLC d/b/a Mr. Cooper has filed an action Mortgage Foreclosure, as captioned above.

NOTICE

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE YOUR DEFENSE OR OBJECTIONS WITH THE COURT. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A

JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT FURTHER NOTICE FOR THE RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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

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

Trust Estate Notice

The information below is a non-probate estate. All assets of the decedent pass to beneficiaries by means of a revocable trust. The trustee of the trust is advertising in the same manner as an estate is advertised.

Deceased: Mary Ann Kocan
Late of: 662 Morgantown Road,
Uniontown, PA 15401
Died: June 18, 2022

Trustee: Laurie B. Kocan
Address: 1103 Riverfront Drive,
Pittsburgh, PA 15238

Attorney: Rosalie P. Wisotzki
310 Grant Street, Suite 1109
Pittsburgh, PA 15219
412-697-4499

(1 of 3)

SHERIFF’S SALE

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 September 22, 2022 at 2:00 pm at <https://fayette.pa.realforeclose.com>.

The Conditions of sale are as follows:

All bidders must complete the Realauction on-line registration process at <https://fayette.pa.realforeclose.com> to participate in the auction.

All bidders must place a 10% deposit equal to the successful bid for each property purchased to Realauction via wire transfer or ACH. Upon the auction’s close, buyer shall have 10 business days to pay the remaining balance to the Fayette County Sheriff’s Office via cashier’s check. No cash will be accepted. Failure to comply with the Conditions of Sale, shall result in a default and the down payment shall be forfeited by the successful bidder and applied to the costs and judgments. The schedule of distribution will be filed no later than 30 days after the sale of real property. If no petition has been filed to set aside the sale or objections to the distribution are filed within 10 days of filing the distribution, the Sheriff will prepare and record a deed transferring the property to the successful bidder.

(1 of 3)

James Custer
Sheriff of Fayette County

Stephen M. Elek, Esquire

No. 2492 of 2017, G.D.

No. 122 of 2022, E.D.

STONE & COMPANY,

Plaintiff

vs

**RONALD G. CHAPMAN d/b/a
CHAPMAN CONSTRUCTION,**

Defendant

ALL that certain tract or parcel of land situate in Georges Township, Fayette County, Pennsylvania, comprised of the two adjoining parcels shown on the print survey recorded in Deed Book Volume 1130, page 329, more particularly bounded and described as follows:

BEGINNING at a point on the southern side of Sheldon Avenue at the northernmost corner of land now or formerly of Ernest R. Shanabarger, et ux., being the parcel of land conveyed to them by deed dated December 14, 1944, of record in the Recorder’s Office of Fayette County in Deed Book Volume 595, page 334; thence from said beginning point, along said Shanabarger land, South 23 degrees 11 minutes West, 148.96 feet to a point at corner of land now formerly of Harry Ream, et ux.; thence along said Ream land, North 60 degrees 20 minutes West, 142.87 feet to a point at corner of a strip of lands now or formerly of Norval C. Cunningham, et ux.; thence along said Cunningham land, North 29 degrees 40 minutes East, 150 feet to a point on the southern side of Sheldon Avenue; thence along the southern side of Sheldon Avenue, South 60 degrees 20 minutes East, 65 feet to a point; thence along the same, South 58 degrees 27 minutes 50 seconds East, 61.08 feet to the place of beginning, containing 0.461 of an acre, according to a survey made by Fayette Engineering Co., in July, 1972, a print of which is recorded as aforesaid.

THE See Deed Book Volume 3177 page 1052

PROPERTY TAX MAP NO.: 14-31-0042

Stephen M. Elek, Esquire

No. 2492 of 2017, G.D.
No. 123 of 2022, E.D.

STONE & COMPANY,

Plaintiff

vs

**RONALD G. CHAPMAN d/b/a
CHAPMAN CONSTRUCTION,
Defendant**

ALL that certain lot of land situate in South Union Township, Fayette County, Pennsylvania, being bounded and described as follows:

BEGINNING at a point in line of public road corner of land hereby conveyed and lands now or formerly of Glessner P. Miles, et ux.; thence along dividing line between land hereby conveyed and other land now or formerly of Miles, South 33 degrees 57 minutes 20 seconds West a distance of 95.29 feet to a point; corner of land hereby conveyed and other land now or formerly of Miles; thence from said point North 54 degrees 44 minutes 40 seconds West a distance of 21.10 feet to a point corner in same; thence by same South 42 degrees 00 minutes West a distance of 37 feet to a point in dividing line of land hereby conveyed and other land now or formerly of Miles; thence by line of land hereby conveyed and other land now or formerly of Miles, South 54 degrees 44 minutes 40 seconds East a distance of 21.10 feet to a point corner of land hereby conveyed and other land now or formerly of Miles; thence from said point along dividing line between land hereby conveyed and other land now or formerly of Miles, South 42 degrees 00 minutes West a distance of 246.5'3 feet more or less to a point in line of land now or formerly of Miles and land now or formerly of Mike Brozovich; thence from said point along line of land hereby conveyed and land now or formerly of Brozovich, North 64 degrees 32 minutes 30 seconds West a distance of 58.31 feet to a point corner of land hereby conveyed and land now or formerly of Brozovich and Trimmel; thence from said point along land hereby conveyed and land now or formerly of Trimmel, North 42 degrees 00 minutes East a distance of 385 feet to a point in line of public road; thence from said point along line of said public road South 55 degrees 45 minutes East a distance of 43.74 feet to the place of beginning.

THE See Deed Book Volume 3177 page 1047

PROPERTY TAX MAP NO.: 34-27-0275

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

No. 2120 of 2020, G.D.
No. 102 of 2022, E.D.

**Federal Home Loan Mortgage Corporation,
as Trustee for the benefit of the Freddie Mac
Seasoned Loans Structured Transaction
Trust, Series 2019-2
(Plaintiff)**

vs.

**James A. Clark,
(Defendant)**

Federal Home Loan Mortgage Corporation,
as Trustee for the benefit of the Freddie Mac
Seasoned Loans Structured Transaction Trust,
Series 2019-2 (Plaintiff) vs. James A. Clark,
(Defendant)

Property Address 899 Rich Hill Road,
Connellsville, PA 15425

Parcel I.D. No. 35-04-0006-01

Improvements thereon consist of a
residential dwelling.

Judgment Amount: \$109,262.77

KML LAW GROUP, P.C.
Suite 5000
701 Market Street
Philadelphia, PA 19106-1532
(215) 627-1322

No. 1911 of 2014, G.D.
No. 124 of 2022, E.D.

**NewRez LLC d/b/a
Shellpoint Mortgage Servicing
345 St. Peter Street
1100 Landmark Towers
St. Paul, MN 55102
Plaintiff**

vs.

**WENDY DENNISON
JOHN G. DENNISON
Mortgagor(s) and Record Owner(s)
506 S Pittsburgh Street
Connellsville, PA 15425
Defendant(s)**

ALL THAT CERTAIN LOT OF LAND
SITUATE IN, COUNTY OF FAYETTE AND
COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 506 S
PITTSBURGH STREET, CONNELLSVILLE,
PA 15425 506 SOUTH PITTSBURGH
STREET, CONNELLSVILLE, PA 15425

TAX PARCEL #05-07-0207
IMPROVEMENTS: A RESIDENTIAL
DWELLING
SOLD AS THE PROPERTY OF: WENDY
DENNISON AND JOHN G. DENNISON

ANNE N. JOHN
ATTORNEY AT LAW

No. 411 of 2022, G.D.
No. 132 of 2022, E.D.

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

Plaintiff
vs.

**ESTATE OF MARY R. FIKE, Deceased;
BRADLEY T. FIKE and KRISTIN L. FIKE,
Co-Executors, BRADLEY T. FIKE and
KRISTIN L. FIKE, in
their capacities as HEIRS of the ESTATE OF
MARY R. FIKE, Deceased,
Defendants.**

ALL those certain parcels or tracts of land
situate in the First Ward of the City of
Uniontown, County of Fayette, Commonwealth
of Pennsylvania.

FOR PRIOR TITLE see Record Book
3261, page 711.

HAVING erected thereon a dwelling house
known locally as 125 Ben Lomond Street,
Uniontown, PA 15401.

BEING Fayette County Tax Assessment
Map No.: 38-06-0158.

Brock & Scott, PLLC

No. 2452 of 2019, G.D.
No. 116 of 2022, E.D.

**FREEDOM MORTGAGE CORPORATION
V.
DAVID R. HOLLAND A/K/A DAVID
HOLLAND; STEPHANIE N. SEESE**

By virtue of a Writ of Execution No. 2452
of 2019 GD

FREEDOM MORTGAGE
CORPORATION V. DAVID R. HOLLAND A/
K/A DAVID HOLLAND; STEPHANIE N.
SEESE owner(s) of property situate in the
MENALLEN TOWNSHIP, FAYETTE County,
Pennsylvania, being 743 OLD ROUTE 51
ROAD, SMOCK, PA 15480

Tax ID No. 22-02-0037
Improvements thereon: RESIDENTIAL
DWELLING
Judgment Amount: \$73,148.77

KML LAW GROUP, P.C.
Suite 5000
701 Market Street
Philadelphia, PA 19106-1532
(215) 627-1322

No. 272 of 2022, G.D.
No. 104 of 2022, E.D.

**ATLANTICA, LLC
3611 South Harbor Boulevard, #100
Santa Ana, CA 92704
Plaintiff**

vs.

**TIMOTHY J. LIPSCOMB
DENISE N. LIPSCOMB
Mortgagor(s) and Record Owner(s)
18 Grant Street
New Salem, PA 15468
Defendant(s)**

ALL THAT CERTAIN LOT OF LAND
SITUATE IN CITY OF NEW SALEM,
COUNTY OF FAYETTE AND
COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 18 GRANT
STREET, NEW SALEM, PA 15468

TAX PARCEL #22-16-0060
IMPROVEMENTS: A RESIDENTIAL
DWELLING

SOLD AS THE PROPERTY OF:
TIMOTHY J. LIPSCOMB AND DENISE N.
LIPSCOMB

No. 750 of 2022, G.D.
No. 125 of 2022, E.D.

**PENNSYLVANIA HOUSING FINANCE
AGENCY,
PLAINTIFF
VS.
RANDY W. MILNE,
DEFENDANT**

ALL that lot of ground and buildings
thereon Brownsville Borough, Fayette County,
Pennsylvania, being approximately 180 x 30.50;
HAYING THEREON ERECTED DWELLING
KNOWN AND NUMBERED AS: 316
CHURCH STREET, BROWNSVILLE, PA
15417.

TAX PARCEL # 02-06-0401

Fayette County Instrument No. 2011-00011791
TO BE SOLD AS THE PROPERTY OF
RANDY W. MILNE.

BASSI BRADLEY M
111 FALLOWFIELD AVE
CHARLEROI, PA 15022
Phone: (724) 483-5502

No. 2250 of 2021, G.D.
No. 27 of 2022, E.D.

LEONARD FOUCH,
Plaintiff,
-vs-
JESSICA LYNN OLSZEWSKI,
Defendant.

ALL that certain lot of land in the Borough of Fayette City, Fayette County, Commonwealth of Pennsylvania, being one- half of Lot No. 28 of the Original Plan of the Borough of Fayette City, having tax parcel no. 12-03-0277 and known as 241 Second Street, Fayette City, PA 15438.

No. 265 of 2022, G.D.
No. 87 of 2022, E.D.

MidFirst Bank
Plaintiff,
vs.
Rosemarie Rankin
Defendant.

ALL that certain parcel of land lying and being situate in the City of Uniontown, County of Fayette, and Commonwealth of Pennsylvania, known as 25 Wilson Avenue, Uniontown, PA 15401 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 38-12-0420

BEING the same premises which Anne S. Ruby, widow, by Deed dated August 25, 1980 and recorded in and for Fayette County, Pennsylvania in Deed Book 1276, Page 633, granted and conveyed unto Robert E. Rankin and Rosemarie Rankin, his wife. Robert E. Rankin departed this world and his interest passed to Rosemarie Rankin by operation of law.

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

No. 1528 of 2022, G.D.
No. 114 of 2022, E.D.

PennyMac Loan Services, LLC.,
Plaintiff,
v.
Justin J. Salsgiver, and
Brittany N. Salsgiver,
Defendants.

TO: ALL PARTIES IN INTEREST AND
CLAIMANTS

NOTICE OF SHERIFF'S SALE OF
REAL PROPERTY

OWNERS: Justin J. Salsgiver and Brittany N. Salsgiver

PROPERTY: 382 Walnut Hill Road,
Uniontown, PA 15401

IMPROVEMENTS: Residential Dwelling
JUDGMENT AMOUNT: \$194,482.81

The above-captioned property is scheduled to be sold pursuant to the judgment of the court caption above at the Sheriff's Sale on September 22, 2022 at 2:00PM at a public on-line auction conducted by Real Foreclose, <https://fayette.pa.realforeclose.com>. Our records indicate that you may hold a mortgage or judgments and liens on, and/or other interests in the property which will be extinguished by the sale. You may wish to attend the sale to protect your interests.

A schedule of distribution will be filed by the Sheriff on a date specified by the Sheriff not later than thirty (30) days after sale. Distribution will be made in accordance with the schedule unless exceptions are filed thereto within ten (10) days after the filing of the schedule.

This letter may be an attempt to collect a debt and any information obtained will be used for that purpose.

If you have any questions regarding the type of lien or the effect of the Sheriff's Sale upon your lien, we urge you to CONTACT YOUR OWN ATTORNEY as WE ARE NOT PERMITTED TO GIVE YOU LEGAL ADVICE

PINCUS LAW GROUP, PLLC

By: Alicia Sandoval (311874)

2929 Arch Street, Suite 1700

Philadelphia, PA 19104

Telephone: 484-575-2201

Facsimile: 516-279-6990

E-mail: asandoval@pincuslaw.com

No. 1352 of 2021, G.D.

No. 101 of 2022, E.D.

**THE BANK OF NEW YORK MELLON
FKA THE BANK OF NEW YORK AS
TRUSTEE FOR THE CERTIFICATE
HOLDERS OF CWABS, INC., ASSET
BACKED CERTIFICATES, SERIES 2005-
SD1**

Plaintiff,

v.

**DEBORAH J. SIMPSON, EXECUTOR FOR
THE ESTATE OF VIRGINIA JO DOLFI
A/K/A VIRGINIA DOLFI, DECEASED**

Defendants.

ALL THAT CERTAIN lot or piece of
ground situate in Redstone Township, County of
Fayette and Commonwealth of Pennsylvania,
recorded in said county Recorder's Office in
Plan Book 2477, at page 366.

ADDRESS: 474 BRAZNELL CONCRETE
ROAD, GRINDSTONE, PA 15442

TAX PARCEL 30-02-0016

No. 2756 of 2019, G.D.

No. 117 of 2022, E.D.

PNC Bank, National Association

Plaintiff,

vs.

**Sandy F. Snyder, AKA Sandra F. Snyder
Defendant.**

ALL that certain parcel of land lying and
being situate in the Township of Bullskin,
County of Fayette, and Commonwealth of
Pennsylvania, known as 506 East End Road
Extension, AKA 506 East End Road,
Connellsville, PA 15425 having erected thereon
a dwelling house.

Being known and designated as Tax ID
No.: 04-36-0151

BEING the same premises which James E.
King and Mary Ann King, his wife, by Deed
dated September 13, 2001 and recorded in and
for Fayette County, Pennsylvania in Deed Book
2827, Page 1690, granted and conveyed unto
Sandy F. Snyder, as to a fee simple interest, and
James E. King and Mary Ann King, as to a life
estate interest.

McCABE, WEISBERG & CONWAY, LLC

123 South Broad Street, Suite 1400

Philadelphia, PA 19109

No. 220 of 2022, G.D.

No. 115 of 2022, E.D.

AmeriHome Mortgage Company, LLC

Plaintiff

v.

Shane E. Teets

Defendant

ALL THAT CERTAIN PIECE OR
PARCEL OR TRACT OF LAND SITUATE IN
THE CITY OF CONNELLSVILLE, FAYETTE
COUNTY, PENNSYLVANIA, AND BEING
KNOWN AS 1219 CHESTNUT STREET,
CONNELLSVILLE, PENNSYLVANIA 15425.

BEING KNOWN AS: 1219 CHESTNUT
STREET, CONNELLSVILLE,
PENNSYLVANIA 15425

TITLE VESTING IN SHANE E. TEETS
BY DEED FROM DANIEL S. HOUGH AND
MELISSA HOUGH, HUSBAND AND WIFE,
DATED MARCH 27, 2019 AND RECORDED
APRIL 3, 2019 INDEED BOOK3398, PAGE
1395.

TAX PARCEL NUMBER: 05130021

**** END SHERIFF'S SALE ****

Registers' Notice

Notice by JEFFREY L. REDMAN, Register of Wills and
Ex-Officio Clerk of the Orphans' Court Division of the Court of Common Pleas

Notice is hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans' Court Division of Fayette County on

Monday, August 1, 2022, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2616-0573	JAMES SANTELLO a/k/a JAMES SANTELLO, SR.	John D. Santello, Administrator
25-OC-2009	SYLVAN HEIGHTS/MT VIEW CEMETERY, TRUST UNDER DEED DATED SEPTEMBER 15, 2005	Colin Ramsey, Trust Officer Regions Bank
2619-0809	MELODIE SUE HODNIK	Matthew D. Maple, Executor

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

Monday, August 15, 2022, at 9:30 A.M.

in Courtroom No. 5 of the **Honorable Joseph M. George, Jr.** or his chambers, Third 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 hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans' Court Division of Fayette County on

Monday, August 1, 2022, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
24-OC-2009	LAFAYETTE MEMORIAL PARK, TRUST UNDER DEED DATED SEPTEMBER 15, 2005	Colin Ramsey, Trust Officer Regions Bank
2618-0518	EDWIN P. HAINES a/k/a EDWIN PAUL HAINES	James Haines, Administrator DBNCTA
2620-0372	HARVEY TOLSTOI a/k/a HARVEY A. TOLSTOI a/k/a HARVEY AUSLANDER TOLSTOI	Pamela S. Conn, Executrix

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

Monday, August 15, 2022, at 9:30 A.M.

in Courtroom No. 1 of the **Honorable Steve P. Leskinen** or his chambers, Second 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.

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JUDICIAL OPINION

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

COMMONWEALTH OF PENNSYLVANIA,	:	
vs.	:	
	:	
COLLIN THOMAS UMBLE,	:	No. 1656 of 2021
Defendant.	:	Honorable Linda R. Cordaro

OPINION

Linda R. Cordaro, J.	June 15, 2022
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SUMMARY

Currently before this Court is Defendant's Omnibus Pretrial Motion on a charge of DUI and other summary traffic offenses. After a hearing on June 1, 2022 and a review of the motor vehicle recording (MVR) admitted into evidence, Defendant's Motion is granted in part and denied in part for the following reasons.

BACKGROUND

On February 12, 2021, Pennsylvania State Trooper Kaylee Barnhart was on patrol in Smithfield, Fayette County. Around 8:35 PM, on the road ahead of the patrol vehicle, Trooper Barnhart observed a gold Chevrolet Malibu with a non-functioning brake light. The Malibu signaled a right-hand turn into a Sunoco gas station and pulled up to a fuel pump. Trooper Barnhart followed, stopping her vehicle behind the Malibu, and activating her emergency lights.

According to Trooper Barnhart's testimony, when she made contact with the driver of the vehicle, he was smoking a freshly lit cigarette, and she observed that he had glassy, bloodshot eyes, he appeared to be dazed, and he had difficulty answering her questions. {1} Trooper Barnhart asked the driver for his license, registration, and insurance and identified him as Collin Umbel. She then asked the Defendant to tilt his head back and close his eyes, and when he did, she observed eyelid tremors, which allegedly are a sign someone has recently used a controlled substance. She also asked the Defendant to stick out his tongue, and she saw that it had a brown-green coloring. The trooper inquired when the last time was that the Defendant had smoked marijuana, and he answered that he did not know. She then asked if he had a general idea when it was, and he responded that he last smoked three months before.

{1} The MVR is video-only for most of the entire encounter and did not capture any audio while the Defendant was still in the vehicle.

Trooper Barnhart then asked the Defendant to exit the vehicle, and she administered several tests for intoxication or impairment, including: the walk-and-turn Standard Field Sobriety Test (SFST) and the modified Romberg, lack-of-convergence, and finger-to-nose Advanced Roadside Impaired Driving Enforcement CARIDE) tests. {2} On the walk-and turn SFST, the trooper observed that the Defendant was unable to maintain his balance while she gave instructions for the test and when he performed the test, he executed the turn improperly and took ten (10) steps instead of nine (9) as instructed. While administering the Romberg test, she observed that the Defendant showed a lack of balance, eyelid and body tremors, and he estimated forty-one (41) seconds instead of the requested thirty (30). She also noted that the Defendant's left eye did not converge during the lack-of-convergence test and that he missed three commands and showed a lack of hand-eye coordination during the finger-to-nose test. After administering these tests, Trooper Barnhart returned to her vehicle, then came back to the Defendant and again asked him to tilt his head back and close his eyes. {3} She observed him, then inquired what he had to eat and drink that day, and the Defendant answered her. She then communicated to the Defendant that she was going to ask him to submit to a blood draw because she had concluded he was impaired, and she was placing him under arrest.

The Defendant was handcuffed, placed in the patrol vehicle, and Trooper Barnhart informed him of his Miranda rights. She subsequently read the DL-26B form to the Defendant regarding his consent to undergo blood testing. {4} The Defendant refused to consent.

DISCUSSION

The Defendant is charged in the above matter with DUI: Controlled Substance - Impaired Ability- 75 Pa.C.S.A. § 3802(d)(2) and one count each of Operating a Vehicle without Valid Inspection - 75 Pa.C.S.A. § 4703(a); No Rear Lights - 75 Pa.C.S.A. § 4303(b); and Obscured, Covered, or Inhibited Visibility to Plate - 75 Pa.C.S.A. § 1332 (b)(4).

Count 1 of the Motion is for suppression of all evidence on the ground that the troopers had insufficient cause to execute the traffic stop. In Pennsylvania, if an officer has at least reasonable suspicion that a traffic violation is occurring or has occurred, the officer may stop the vehicle to secure information necessary to enforce the provisions of the Traffic Code. 75 Pa.C.S.A. § 6308(b).

{2} Trooper Barnhart testified that she received ARIDE certification in 2018.

{3} Audio recording began as Trooper Barnhart exited her vehicle and returned to the Defendant.

{4} The MVR recording terminated after the reading of the Miranda rights, but Trooper Barnhart testified that she did read the DL-26B form to the Defendant.

Trooper Barnhart testified that she observed three traffic violations: an inoperable brake light, an obscured license plate, and an expired inspection sticker. Under 75 Pa.C.S.A. § 4303(b), a vehicle must be equipped with a rear lighting system that includes stop lamps. The MVR shows that when the Defendant activated his turn signal and braked before pulling into the Sunoco lot, the upper right brake light of his vehicle indeed was not functioning. Troopers could have observed this from their position behind the Defendant's vehicle on the road, but even if this were not the case, Trooper Barnhart pulled into the Sunoco lot behind the Defendant and did not activate her emergency lights until she was coming to a stop behind his vehicle. During the few seconds in which her vehicle followed the Defendant's vehicle in the Sunoco lot, the Defendant used his brakes as he maneuvered between the fuel pumps so that the faulty brake light could have been observed from close range. Therefore, the initial stop was valid even if the obscured plate and inspection sticker could not have been observed prior to the stop. Count 1 of the Motion is denied.

Count 2 of the Motion is a petition for writ of habeas corpus on the ground that the Commonwealth has not sufficiently proven that the Defendant was under the influence of marijuana at the time of the stop.

A petition for a writ of habeas corpus is the proper means for testing a pretrial finding that the Commonwealth has sufficient evidence to establish a *prima facie* case against a defendant. *Commonwealth v. Scott*, 578 A.2d 933, 936-37 (Pa. Super. Ct. 1990). To establish a *prima facie* case, the Commonwealth must present evidence as to each material element of the crimes charged and sufficient probable cause that the accused is the person who committed the offenses. *Commonwealth v. McBride*, 595 A.2d 589, 591 (Pa. 1991) (citations omitted).

Here, the Defendant was charged with DUI under 75 Pa.C.S.A. § 3802(d)(2):

An individual may not drive, operate or be in actual physical control of the movement of a vehicle under any of the following circumstances ... (2) The individual is under the influence of a drug or combination of drugs to a degree which impairs the individual's ability to safely drive, operate or be in actual physical control of the movement of the vehicle.

Therefore, to meet its *prima facie* burden, the Commonwealth must present evidence that the Defendant violated each material element of DUI: that he drove while under the influence of a drug such that he could not safely operate a vehicle.

However, the Commonwealth's evidence still must have been lawfully obtained. When an officer conducts a routine traffic stop, the officer may request the driver produce a license and registration, run a computer check, and issue a citation. *Commonwealth v. Lopez*, 609 A.2d 177, 181 (Pa. Super. Ct. 1992). "[A]n officer's inquiries into matters unrelated to the justification for the traffic stop ... do not convert the encounter into something other than a lawful seizure, so long as those inquiries do not measurably extend the duration of the stop." *Arizona v. Johnson*, 555 U.S. 323, 333 (2009). Nevertheless, once this is accomplished, any continued detention must be justified by at least "a reasonable and articulable suspicion that the person seized is engaged in criminal activity and may continue only so long as is necessary to confirm or dispel such suspi-

cion." *Commonwealth v. Strickler*, 757 A.2d 884, 889 (Pa. 2000).

Reasonable suspicion is determined by the totality of the circumstances. *Commonwealth v. Kemp*, 961A.2d 1247, 1255 (Pa. Super. Ct. 2008) (citing *Commonwealth v. Rogers*, 849 A.2d 1185, 1189 (Pa. 2004) (internal citation omitted)). The officer who initiated the stop must have had a "particularized and objective basis" for suspecting the individual stopped. *Commonwealth v. Reppert*, 814 A.2d 1196, 1203-04 (Pa. Super. Ct. 2002) (internal citations omitted). An officer must articulate specific observations that, in conjunction with reasonable inferences derived from those observations, led the officer to reasonably conclude, in light of the officer's experience, that criminal activity was afoot and that the person stopped was involved in that activity. *Reppert*, 814 A.2d at 1204 (citing *Commonwealth v. Cook*, 735 A.2d 673, 677 (Pa. 1999)).

"[T]he fundamental inquiry of a reviewing court must be an objective one, namely, whether the facts available to the officer at the moment of the intrusion warrant a [person] of reasonable caution in the belief that the action taken was appropriate." *Reppert*, 814 A.2d at 1204 (internal citations, quotes, and brackets omitted).

The exclusionary rule bars admission of evidence obtained by unconstitutional means (e.g., an unreasonable search or seizure). It is a "deterrent sanction that bars the prosecution from introducing evidence obtained by way of a Fourth Amendment violation." *Davis v. United States*, 564 U.S. 229, 231-32 (2011). A seizure or search conducted without a warrant is "presumptively unreasonable," subject only to specific exceptions. *Commonwealth v. Wilmer*, 194 A.3d 564, 568-69 (Pa. 2018).

Here, the initial traffic stop was based on the observation of a faulty brake light. The troopers had not observed any signs of impaired driving, and Trooper Barnhart testified that the Defendant produced the license and registration documents she requested early in the encounter. At that point, the stop could have been resolved by issuing a warning or citations. Therefore, in order to extend the stop beyond that point, there must have been, in the totality of circumstances, an objective basis to justify further questioning and detention.

Trooper Barnhart testified that when she first encountered the Defendant, his eyes were glassy and bloodshot, he appeared dazed, and he had difficulty answering her questions. She further observed eyelid tremors and a greenish-brown coloring on his tongue. Nevertheless, an individual may have glassy, bloodshot eyes for many reasons, including allergies or lack of sleep. A person's eyelids may tremble while closed for similarly innocuous reasons, including nervousness at having been stopped by the police. The observed green- brown coloring on the Defendant's tongue could also be due to something other than marijuana (the Defendant later told the trooper he had root beer, Coke, and Gatorade earlier that day). However, even if the color were attributable to marijuana consumption, this does not automatically mean the Defendant was impaired, as there are no facts to show when it may have been consumed. The Defendant did not admit to using marijuana at any time that day, and there was no odor of marijuana or actual marijuana in the vehicle or on the Defendant's person, either of which could indicate recent consumption and lead to a reasonable conclusion that the Defendant might still be under its effects.

Furthermore, although the MVR did not record any audio of the initial conversation in which the Defendant was "dazed," the trooper testified that the Defendant's manner of speaking remained the same throughout the entire encounter. Based on the audio that is available, the Defendant's speech was unhurried, but not delayed or slurred. In addition, his responses were very much what could be expected under the circumstances. For example, he was able to answer the trooper about what he had had to eat and drink that day, and when he learned he was being arrested, he asked pertinent questions about what would happen to his vehicle, he expressed concern about the passenger still in his vehicle, and he asked the passenger to call his mother. The MVR footage shows a person that simply cannot be described as "dazed" or struggling to respond.

Evidence of possible impairment might have been procured via the SFST and ARIDE tests, but there were insufficient facts supporting a reasonable suspicion to continue detaining the Defendant to administer them. The extension of the traffic stop was unreasonable, and therefore any evidence obtained during it is excluded. The remaining evidence is not enough to meet the *prima facie* threshold, and so Count 2 of the Motion is granted.

The Defendant also raised two additional points during argument at the hearing that were not discussed in the Motion. First, Defendant's counsel referred to other cases in which this court has addressed the issue of an obscured registration plate. This Court issued an order on July 7, 2021 at Case No. 279 of 2021, in which a defendant was charged under 75 Pa.C.S.A. § 1332(b)(3). In it, this Court determined that although the top of the license plate cover partially obscured the word "Pennsylvania," it was otherwise evident that the Defendant's vehicle had a standard-issue Pennsylvania plate, and so there was no reasonable suspicion to pull over the defendant's vehicle.

The circumstances here are distinguishable from the earlier decision. First, here a lawful traffic stop for a faulty brake light was already in progress. Second, the MVR here shows that the plate frame covered the entire word "Pennsylvania." Third, the Defendant here is charged under 75 Pa.C.S.A. § 1332(b)(4), which specifically states "[i]t is unlawful to display on any vehicle a registration plate which ... is obscured, covered or otherwise obstructed in a manner which inhibits the visibility of the issuing jurisdiction at a reasonable distance." The trooper easily could have observed this during the lawful stop. Trooper Barnhart's testimony does imply that she observed all three traffic violations prior to executing a stop, but she also admitted that she did not see the expired inspection sticker until after the stop which is, of course, the actual sequence of events. Her testimony was contradictory, but since there already existed another valid reason for the stop, it is not necessary to establish reasonable suspicion of an obscured license plate before the stop.

Second, Defendant's counsel brought attention to the order in which Trooper Barnhart apprised the Defendant of his rights, specifically that he first heard his Miranda right to have an attorney present but then heard from the reading of the DL-26B implied consent form that he had no right to counsel with respect to the blood test.

The Pennsylvania Supreme Court has agreed that this interplay of rights could result in confusion. *Com., Dep't of Transp., Bureau of Driver Licensing v. Scott*, 684 A.2d 539, 545 (Pa. 1996). However, the Court also held that "whenever a motorist has been

requested to submit to chemical sobriety testing the motorist must be provided [implied consent] warnings regardless of whether Miranda warnings have been given, and, regardless of whether the motorist exhibits confusion concerning his rights when asked to submit to chemical sobriety testing." Id. at 545-46.

Accordingly, once a motorist has been properly advised of his [implied consent] warnings, a refusal to submit to chemical testing under the terms of the Implied Consent Law will not be excused as unknowing on the basis of the motorist's subjective beliefs regarding the interplay between the Implied Consent Law and his Miranda rights.

Id. at 546.

Defendant's counsel conceded at the hearing that the DL-26B does state that there is no right to an attorney with respect to the blood test. Therefore, since the Pennsylvania Supreme Court has indicated that that implied consent warning must be administered "regardless of whether Miranda warnings have been given," the reading of the DL-26B fulfills this requirement whether it is done before or after Miranda warnings. In addition, the "interplay" of when the right to counsel exists (or not) is the same regardless of the order in which the readings are administered, as the language of the DL-26B and Miranda does not change based on which is said first. The Defendant does not claim that he was confused such that his refusal to undergo a blood test was unknowing or uninformed, but even so, such a claim would be unsuccessful.

CONCLUSION

For the reasons set forth above, Count 1 of the Motion arguing for suppression is denied. Count 2 of the Motion arguing lack of a prima facie case for DUI is granted.

ORDER

AND NOW, this 15th day of June 2022, inconsideration of Defendant's Omnibus Pretrial Motion, after a hearing on the matter and a review of the MVR entered into evidence, it is ORDERED and DIRECTED that Count 1 of the Motion arguing for suppression is DENIED. Count 2 of the Motion arguing lack of a prima facie case is GRANTED. The DUI charge (Count 1 of the Information sheet) is DISMISSED.

BY THE COURT:
LINDA R. CORDARO, JUDGE

ATTEST:
Clerk of Courts

LUNCH & LEARN SERIES

The Fayette County Bar Association's next presentation in its Lunch & Learn Series will be:

- Date: **Wednesday, July 20th from 12:00 p.m. to 1:00 p.m.**
- Location: Courtroom No. 3 of the Fayette County Courthouse
- Discussion topics: **Pro bono and low bono needs and opportunities**
- Presenter: **Brian V. Gorman, Esquire -**
Southwestern Pennsylvania Legal Aid

CLE Credit

1.0 hours of Substantive CLE credit for the program. The fees are as follows:

Members of the FCBA

- No charge for attendance without CLE Credit
- \$10 fee for attendance with CLE Credit

Attorneys admitted to practice in Pennsylvania after January 1, 2017

- No charge for attendance with CLE Credit

Non-members of the FCBA

- \$10 fee for attendance without CLE Credit
- \$40 fee for attendance with CLE Credit

**** All fees to be paid at the door ****
A light lunch will be provided.

RSVP

If interested in attending, please call Cindy at the Bar office at 724-437-7994 or email to cindy@fcbar.org on or before Monday, July 18th.

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