

# FAYETTE LEGAL JOURNAL

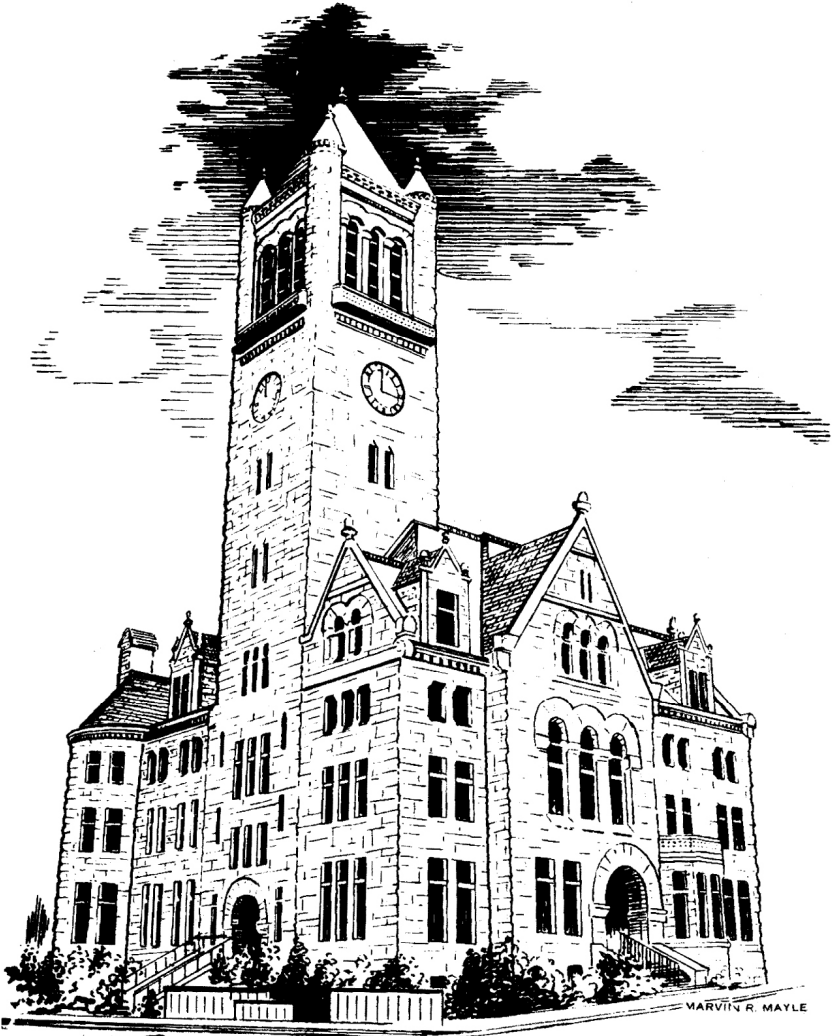
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## FAYETTE LEGAL JOURNAL

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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

**VIRGINIA JO DOLFI**, late of Grindstone,  
Fayette County, PA (3)

*Executrix:* Deborah J. Simpson  
c/o 9 Court Street  
Uniontown, PA 15401  
*Attorney:* Vincent J. Roskovensky, II

**DORRETTA W. HODGE**, late of Bullskin  
Township, Fayette County, PA (3)

*Personal Representative:* John E. Hodge  
c/o Watson Mundorff LLP  
720 Vanderbilt Road  
Connellsville, PA 15425  
*Attorney:* Timothy J. Witt

**GEORGE NEVLUD**, late of Masontown,  
Fayette County, PA (3)

*Personal Representative:* Michele Nevlund  
c/o Higinbotham Law Offices  
45 East Main Street, Suite 500  
Uniontown, PA 15401  
*Attorney:* James Higinbotham

**SONDRA PAZICNI, a/k/a SONDRAL. PAZICNI**, late of Uniontown, Fayette County,  
PA (3)

*Personal Representative:*  
Donald W. Pazicni  
c/o George & George, LLP  
92 East Main Street  
Uniontown, PA 15401  
*Attorney:* Joseph M. George

**GEORGE RISHA, a/k/a GEORGE J. RISHA, a/k/a GEORGE JOHN RISHA**, late of Uniontown, Fayette County, PA (3)

*Executrix:* Carol Risha  
c/o Kopas Law Office  
556 Morgantown Road  
Uniontown, PA 15401  
*Attorney:* John Kopas

**JAMES E. SWANEY**, late of South Union  
Township, Fayette County, PA (3)

*Executrix:* Cynthia M. Swaney  
c/o Webster & Webster  
51 East South Street  
Uniontown, PA 15401  
*Attorney:* Webster & Webster

**MARY DOROTHY WALLY**, late of  
Uniontown, Fayette County, PA (3)

*Executor:* Joshua Daniel Wally  
c/o 84 East Main Street  
Uniontown, PA 15401  
*Attorney:* Vincent M. Tiberi

**SANDRA LYNN WEAVER, a/k/a SANDRAL. WEAVER**, late of Ronco, German  
Township, Fayette County, PA (3)

*Executrix:* Jessica Everly  
c/o 39 Francis Street  
Uniontown, PA 15401  
*Attorney:* Jack R. Heneks, Jr.

**WALTER L. WILLIAMS, SR., a/k/a WALTER LEE WILLIAMS, SR.**, late of  
Lemont Furnace, Fayette County, PA (3)

*Personal Representative:* Mark Williams  
c/o Davis and Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* Gary J. Frankhouser

### Second Publication

**IMOGENE HAWK**, late of Franklin Township,  
Fayette County, PA (2)

*Personal Representative:* Patricia J. Huffine  
c/o George & George, LLP  
92 East Main Street  
Uniontown, PA 15401  
*Attorney:* Joseph M. George

**DAVID GARNER HELMICK**, late of Saltlick Township, Fayette County, PA (2)

*Co-Executors:*  
Jennifer Kristen McGlinchy  
8057 South Newport Court  
Centennial, CO 80112  
Garner David Helmick  
1424 Foote Street  
Conway, PA 15027  
c/o Fike, Cascio & Boose  
Scul Building  
124 North Center Avenue  
P.O. Box 431  
Somerset, PA 15501-0431  
*Attorney:* Lois W. Caton

**ROBERT E. HOLSING, SR.**, late of Dunbar Township, Fayette County, PA (2)

*Administrator:* Thomas A. Holsing  
66 Woodvale Street  
Dunbar, PA 15431  
c/o Riverfront Professional Center  
208 Arch Street, Suite 2  
Connellsville, PA 15425  
*Attorney:* Richard A. Husband

**LARRY P. SWETZ**, late of Hopwood, Fayette County, PA (2)

*Executrix:* Bonnie C. Swetz  
c/o 2944 National Pike Road  
P.O. Box 245  
Chalk Hill, PA 15421  
*Attorney:* Charles C. Gentile

**First Publication**

**WILLIAM DALE HOLSING, a/k/a WILLIAM D. HOLSING**, late of Dunbar, Fayette County, PA (1)

*Personal Representative:* David L. Brooks  
c/o Watson Mundorff, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425  
*Attorney:* Timothy J. Witt

**SHELLEY J. PETERS**, late of Washington Township, Fayette County, PA (1)

*Executrix:* Christine M. Ward  
100 Drummin Court  
Elizabeth, PA 15037  
c/o 337 Fallowfield Avenue  
Charleroi, PA 15022  
*Attorney:* Jason M. Walsh

**RALPH RADISHEK**, late of Perry Township, Fayette County, PA (1)

*Executor:* Kevin Stricklin  
c/o Eric Elia Bononi, Esquire  
20 N. Pennsylvania Avenue, Ste. 201  
*Executor:* Rudy Pokorny, Esquire  
c/o Edgar Striffler, Esquire  
1537 Lincoln Way  
White, Oak, PA 15131

**SHIRLEY LEE SMITH, a/k/a SHIRLEY R. SMITH, a/k/a SHIRLEY RHODES SMITH**, late of Smithfield, Fayette County, PA (1)

*Executor:* Jeffrey W. Smith  
c/o 9 Court Street  
Uniontown, PA 15401  
*Attorney:* Vincent J. Roskovensky, II

**LEGAL NOTICES**

**NOTICE OF TRUST ADMINISTRATION**

Notice is hereby given of the administration of The Marshall D. Livingston and Clara B. Livingston Living Trust dated February 19, 2003 pursuant to 20 Pa.C.S. § 7755c. Clara B. Livingston, Grantor/Settlor of the Trust died on April 9, 2020, late of Fayette County, and Commonwealth of Pennsylvania. All persons indebted to said Trust are requested to make payment, and those having claims or demands against the same will make them known without delay to:

Richard C. Livingston, Trustee, c/o John A. D'Onofrio, Esq. of D'Onofrio Law Office, P.C. located at 651 Holiday Drive, Ste. 400, Pittsburgh, PA 15220 having a phone number of 412-928-2068. (3 of 3)

The Frank S. Pizzurro Revocable Trust dated August 10, 2007  
Frank S. Pizzurro, Sr., Deceased

**TRUSTEE NOTICE**

Frank S. Pizzurro, Sr., late of 179 Junior Street, Hopwood, Fayette County, Pennsylvania, having died on March 8, 2020 has been identified as the Grantor of the Frank S. Pizzurro, Sr. Revocable Trust dated August 10, 2007. Paulmena M. Pizzurro, the appointed

Successor Trustee of said Trust requests all persons having claims against the estate or trust of the decedent make known the same in writing to her attorney, and all persons indebted to the decedent to make payment without delay.

Said claims shall be duly authenticated for settlement prior to the termination and distribution of the trust pursuant to the trust requirements.

Paulmena M. Pizzurro, Successor Trustee  
C/o Rosalie P. Wisotzki, Esquire  
310 Grant Street, Suite 1109  
Pittsburgh, PA 15219  
412-697-4499

(3 of 3)

### NOTICE

Pursuant to Purdon's PA Statutes, Title 53, Chapter 88, Section 8841(d) of the Consolidated County Assessment Law, notice is hereby given that the assessment roll from which real estate taxes will be levied for the 2021 tax year is open for inspection in the Fayette County Department of Assessment. Any person(s) who may be aggrieved by said valuation(s) may file a formal statement of appeal in writing on or before August 1, 2020 with the Department for consideration to have effect for the 2021 calendar year. No appeal can be considered if not properly filed by this legal deadline. Forms for such appeal can be obtained from the Department of Assessment or found on line at <http://property.co.fayette.pa.us/appeals.aspx>.

Harry J. Brownfield, Esq., CPE  
Director of Assessment

### NOTICE OF VOLUNTARY DISSOLUTION OF 51 AUTO PARTS, INC.

NOTICE IS HEREBY GIVEN THAT the shareholders and directors of 51 AUTO PARTS, INC., a Pennsylvania corporation, with an address at 251 Leisenring Vanderbilt Road, Vanderbilt, Fayette County, Pennsylvania, 15486, have approved a proposal that the corporation voluntarily dissolve, and that the Board of Directors is now engaged in winding up and settling the affairs of the corporation under the provisions of Section 1975 of the Pennsylvania Business Corporation Law of 1988, as amended.

Watson Mundorff, LLP

### IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA NO. 784 of 2020 G.D. NOTICE OF PUBLICATION JUDGE STEVE P. LESKINEN

ALBERT V. PETROSKY AND MARY ALICE  
PETROSKY, HIS WIFE,  
Plaintiffs,  
vs.  
FRED O. LONG, His Heirs, Successors and/or  
Assigns Generally,  
Defendant.

TO: FRED O. LONG, His Heirs, Successors  
and/or Assigns Generally,

Take notice that on April 27, 2020, the Plaintiffs, above mentioned, by and through their attorneys, Davis & Davis, filed their Complaint averring that they are the owners of the following described parcel of real estate. Said Complaint being filed in Quiet Title.

ALL the surface of a certain piece or parcel of ground situate in Brownsville Township, Fayette County, Pennsylvania, on the road or lane (now called Shaffer Avenue) leading from said Brownsville to the farm now occupied by John Bishop and bounded as follows:

BEGINNING at a post corner at an out lay of Goodloe H. Bowman and on the aforesaid lane leading to the farm of said Bishop; thence North Thirty-three and three fourths degrees East, One hundred and forty-six and four tenths feet to a stake (33 3/4° E, 146.4'); thence North Sixty-four (64°) degrees West, Two hundred and ninety-seven (297') feet to a stake; thence South Thirty-three and three fourths (33 3/4°) degrees West, One hundred and forty-six and seven tenths (146.7') feet to the line of Goodloe H. Bowman's out lot; thence with aid line Sixty-four (64°) degrees East, Two hundred and ninety-seven (297') feet to the place of beginning.

TOGETHER with such rights and SUBJECT to any exceptions, restrictions, reservations and conditions as exist by virtue of prior recorded instruments, deeds or conveyances.

### Tax Parcel No.: 03-02-0009

The within named Defendant appears to have an interest in said premises which creates a cloud upon Plaintiffs' title, whereupon the Plaintiffs have filed their Complaint as aforesaid

asking the Court to enter a Decree terminating all rights that the Defendant may have in said premises and decree that the Plaintiffs have the full and free use and occupancy of said premises, released and forever discharged on any right, lien title or interest of said Defendant herein.

The service of this Complaint by publication is made pursuant to an Order of Court dated July 2, 2020, and filed at the above number and term.

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

THE FAYETTE COUNTY BAR  
ASSOCIATION OF LAWYER REFERRAL  
84 East Main Street  
Uniontown, PA 15401

IN THE COURT OF COMMON PLEAS OF  
FAYETTE COUNTY, PENNSYLVANIA

CIVIL DIVISION –  
MEDICAL PROFESSIONAL  
LIABILITY ACTION  
Case No.: 1702 of 2014 GD

THE HONORABLE STEVE P.  
LESKINEN

In Re: DENNIS CLAYTON JOHNSTON

**NOTICE FOR TERMINATION OF  
PARENTAL RIGHTS**

TO: THE FATHER OF DENNIS CLAYTON JOHNSTON OR “PERSON” WITH THE PRESENT INTENTION TO ADOPT DENNIS CLAYTON JOHNSTON.

A petition has been filed asking the Court to put an end to all rights you have to your child, Dennis Clayton Johnston, born September 20, 2013. The Court has set a hearing to consider ending your rights to your child. That hearing will be held in Courtroom One Annex of the Fayette County Courthouse, Uniontown, Fayette County, Pennsylvania, on August 11, 2020 at 11:00 AM. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the Court without you being there.

YOU HAVE A RIGHT TO BE REPRESENTED AT THE HEARING BY A LAWYER. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. 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 BAR ASSOCIATION  
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(800) 932 – 0311

## 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 3, 2020, at 9:30 A.M.**

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2618-0110	SAUNDRA FARIS	Barry Faris, Executor
2618-0276	FRANCES T. COLDREN	Rodney T. Banks, Administrator DBNCTA

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

**Monday, August 17, 2020, 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

**Monday, August 3, 2020, at 9:30 A.M.**

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2618-0937	CHARLES ANSELL, JR.	Kimberly Ansell, Administratrix

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

**Monday, August 17, 2020, 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  
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA	:
	:
v.	:
	:
JAMES MICHAEL BURNS,	: No. 1349 of 2019
Defendant.	: Honorable Steve P. Leskinen

**OPINION AND ORDER**

LESKINEN, J.

June 24, 2020

Before this Court is a Motion for Dismissal per Rule 600 filed by the Defendant James Burns (hereinafter “Burns”).

Rule 600 normally provides that a trial must commence no later than 365 days from the date on which the criminal complaint is filed unless there is “excludable time.” However, a defendant is not entitled to a dismissal of charges even after 365 days if the Commonwealth exercises due diligence in attempting to proceed with trial. Commonwealth v. Cook, 676 A.2d 639 (Pa. 1996).

The Commonwealth must do everything reasonably within its power to guarantee that a trial begins on time and the Commonwealth bears the burden of proving that the efforts made in bringing the defendant to trial were reasonable and diligent. Commonwealth v. Browne, 584 A.2d 902 (Pa. 1990).

In this case, the criminal complaint was filed on December 20, 2018 for an incident that occurred on December 12, 2018. Defendant was not arrested immediately, and a summons went undelivered. Defendant was declared a fugitive on April 9, 2019, and was arrested on April 30, 2019. A preliminary hearing was scheduled for May 15, 2019, but was continued by Defendant. A preliminary hearing was again scheduled for May 30, 2019, at which time it was waived to Court.

Defendant was scheduled for the entry of a guilty plea on July 31, 2019, but the plea was not entered, and his bond was reduced to \$5,000 ROR by Order of the Honorable Judge Joseph George, Jr.

On February 18, 2020 the instant Motion to Dismiss Pursuant to Rule 600 was filed. The hearing on the Motion was scheduled for March 13, 2020, but delayed due to the COVID-19 shutdown, ultimately began on May 21, 2020, and concluded on June 22, 2020.

The defense asserts that the 365 days provided by Rule 600 has expired without sufficient excludable time to allow the Commonwealth to bring the defendant to trial at



this time. The Defendant testified that he has resided at 16 Mullen Street, Uniontown, PA since 2008, and that is the address listed on his Driver's License issued 3/22/2017. A photocopy of the Driver's License was admitted as Defense Exhibit A. Despite that the Commonwealth listed his address as 627 2nd St. Fairbank, PA on the Complaint.

The Commonwealth asserts that it has proceeded with due diligence throughout this case, and asserts that-at the time the Motion to Dismiss under Rule 600 was filed-the Commonwealth had significant additional time within which to bring the defendant to trial.

The arresting officer, Trooper Miller, testified that he did not know where the defendant was residing at any time after the initial incident on December 12, 2018 until he was apprehended on April 30, 2019. He testified that he relied on the complaining victim/witness, who indicated that the Defendant had last contacted her from the home of his previous girlfriend, Laura Tomatchko, at the Fairbank address above. That same former girlfriend was alleged to have accompanied him during the criminal incident, so it was reasonable and logical to believe he was residing with her.

The victim/witness listed her own address as the Defendant's in a PFA Petition she filed on the date of the incident, but it was obvious that he no longer resided there. Exhibit B. Trooper Miller checked the J-NET CLEAN database "every thirty to sixty days after the warrant was issued without observing any reliable indication as to Burn's whereabouts. The Mullen Street address came up as having been used in 2007-2010, but also showed that a DUI license suspension ensued. Based on the victim/witness statement, Trooper Miller believed that address was ten years out of date. A copy of that printout was admitted as Exhibit C. That appears to be inconsistent with Defense Exhibit A, which appears to be a valid Driver's License issued in 2017, but the Court finds no intentional misconduct in the Trooper's investigation, and finds his testimony about what he relied on to be fully credible, reasonable, and in the exercise of due diligence.

In addition, a document captioned "service attempts" (Exhibit D) was admitted showing action by the PSP on December 13, 2018, on 1/21/2019, and again on 3/04/2019.

The warrant ultimately served listed no less than eight separate addresses for the Defendant, three of which appear to be correctional institutions or half- way houses. (Exhibit E). There was credible testimony that the Defendant was actually homeless, and lived with a succession of friends, including Terry Karpel and Janine Bush, who let him stay on their couch or in their garage.

There was testimony that the Defendant did continue to use 16 Mullen Street as a mailing address, but that it was the home of his cousin, Marie George, and she did not permit him to reside there. The Court finds that testimony credible.

The Court finds that the Commonwealth proceeded with due diligence throughout the period from the filing of the Complaint through to the time of the Defendant's arrest on April 30, 2019. All delay up to that point was due to the Commonwealth not having reliable information as to his whereabouts. Moreover, Burns has been unavailable for trial from the time the instant Motion was filed on February 18, 2020 until this date.

Under these circumstances, the Commonwealth has carried its burden of proof.

Therefore, Bum's Motion to Dismiss must be DENIED. WHEREFORE, the Court enters the following ORDER:

ORDER

AND NOW, this 25th day of June, 2020, after full consideration of the arguments of counsel and pertinent case law, it is hereby ORDERED that the Defendant's Motion to Dismiss is DENIED in accordance with the preceding Opinion. The District Attorney is directed to list this matter for trial as appropriate.

BY THE COURT:  
STEVE P. LESKINEN, JUDGE

ATTEST:  
Clerk of Courts

## **WARMAN ABSTRACT & RESEARCH LLC**

**JOHN F. WARMAN**

**518 Madison Drive**

**Smithfield, PA 15478**

**724-322-6529**

**johnfranciswarman@gmail.com**

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