

# FAYETTE LEGAL JOURNAL

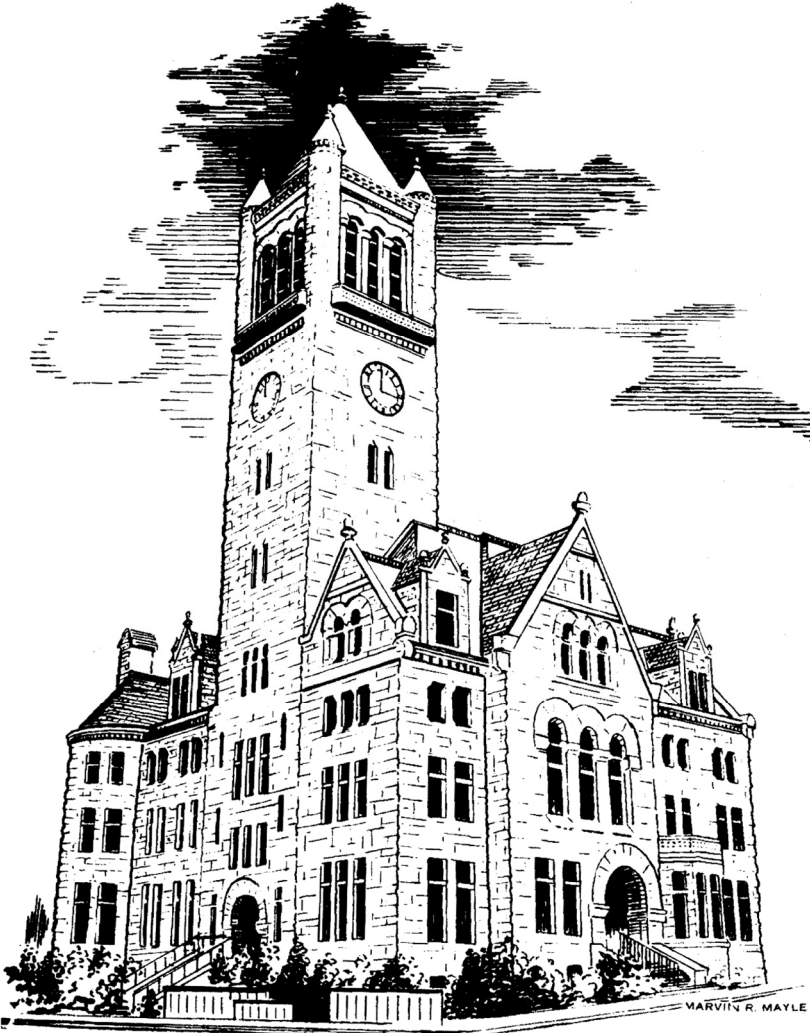
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## FAYETTE LEGAL JOURNAL

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**Co-Editors:** Garnet L. Gordon and Melinda Deal Dellarose

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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

**EARLENE BATIS, a/k/a EARLENE E. BATIS**, late of Georges Township, Fayette County, PA (2)

*Administrator:* Thomas B. Broadwater  
c/o 39 Francis Street  
Uniontown, PA 15401  
*Attorney:* Jack R. Heneks

**KATHRYN BURWINKLE**, late of North Union Township, Fayette County, PA (2)

*Executor:* Raymond E. Bobick  
c/o P.O. Box 953  
Uniontown, PA 15401  
*Attorney:* Ricardo J. Cicconi

**ROBERT CLIFTON COWLES**, late of Henry Clay Township, Fayette County, PA (2)

*Administratrix:* Deborah Lucille Harriman,  
a/k/a Deborah Cowles Harriman  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* James T. Davis

**THELMA JOAN GOLDEN**, late of Georges Township, Fayette County, PA (2)

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

**WILLIAM HABERER, a/k/a WILLIAM STEPHEN HABERER**, late of Masontown, Fayette County, PA (2)

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

**ROSEMARIE K. MCFALL, a/k/a ROSE MCFALL, a/k/a ROSEMARIE MCFALL**, late of Fayette County, PA (2)

*Executor:* Ronald McFall, Jr.  
P.O. Box 313  
Newell, PA 15466

**JOHN M. REDSHAW**, late of Menallen Township, Fayette County, PA (2)

*Administratrix:* Brittany N. Higinbotham  
c/o DeHaas Law, LLC  
51 East South Street  
Uniontown, PA 15401  
*Attorney:* Ernest P. DeHaas, III

**JULIE SHAW**, late of Connellsville, Fayette County, PA (2)

*Administrator:* Thomas A. Nelson  
265 Vanderbilt Road  
Connellsville, PA 15425  
c/o Snyder and Snyder Law, PLLC  
17 North Diamond Street  
Mt. Pleasant, PA 15666  
*Attorney:* Marvin Snyder

**PATRICIA WARD**, late of South Connellsville, Fayette County, PA (2)

*Executor:* Mark Ward  
c/o 815A Memorial Boulevard  
Connellsville, PA 15425  
*Attorney:* Margaret Z. House

**DANIEL YELLETS, a/k/a DANIEL ALEXANDER YELLETS**, late of Dunbar Township, Fayette County, PA (2)

*Administrator:* John David Yellets  
126 Water Street  
Rices Landing, PA 15357  
c/o Logan & Gatten Law Offices  
54 North Richhill Street  
Waynesburg, PA 15370  
*Attorney:* Lukas B. Gatten

## Second Publication

**LORAIN POREMBA**, late of North Union Township, Fayette County, PA <sup>(1)</sup>

*Personal Representatives:* Deborah A. Kelley, Andrew R. Poremba, Jr., and Renay Krause  
c/o Higinbotham Law Offices  
68 South Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* James Higinbotham

**DON PAUL TRAEGER, a/k/a DON P. TRAEGER**, late of Perry Township, Fayette County, PA <sup>(1)</sup>

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

**CHARLIE V. WILLIAMS**, late of South Connellsville Borough, Fayette County, PA <sup>(1)</sup>

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

## First Publication

**CHRISTA H. BIGHAM**, late of Connellsville, Fayette County, PA <sup>(1)</sup>

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

**ROBERT E. BRASHEAR, a/k/a R.E. BRASHEAR, JR.**, late of Washington Township, Fayette County, PA <sup>(1)</sup>

*Administratrix:* Beverly Brashear  
304 First Avenue  
Belle Vernon, PA 15012  
c/o 823 Broad Avenue  
Belle Vernon, PA 15012  
*Attorney:* Mark E. Ramsier

**RUTH D. FLEMING**, late of Dawson, Fayette County, PA <sup>(1)</sup>

*Executrix:* Janice R. Mong  
c/o Molinaro Law Offices  
141 West Peach Street  
P.O. Box 799  
Connellsville, PA 15425  
*Attorney:* Carmine V. Molinaro, Jr.

**LORRAINE JANESKO**, late of Springhill Township, Fayette County, PA <sup>(1)</sup>

*Administrator:* Cheryl Ranyak  
9203 Davis Way  
Twinsburg, Ohio 44087  
c/o Seamon Law Offices  
2101 About Town Place  
Morgantown, WV 26508  
*Attorney:* Christopher Deegan

**DAVID E. KING, a/k/a DAVID E. KING, SR.**, late of Redstone Township, Fayette County, PA <sup>(1)</sup>

*Executrix:* Susan M. Blanda  
c/o Higinbotham Law Offices  
68 South Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* James Higinbotham

**ZACHARY THOMAS KROMER**, late of Masontown Borough, Fayette County, PA <sup>(1)</sup>

*Administrators:* Thomas Paul Kromer and Sandra Kay Morris  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* James T. Davis

**JANET L. KUREK**, late of Luzerne Township, Fayette County, PA <sup>(1)</sup>

*Executrix:* Cynthia L. Despot  
c/o 51 East South Street  
Uniontown, PA 15401  
*Attorney:* Anthony S. Dedola, Jr.

**CHRISTINE ELAINE MARELLA, a/k/a CHRISTINE E. MARELLA**, late of Redstone Township, Fayette County, PA <sup>(1)</sup>

*Executrix:* Damaris Ester  
c/o Goodwin Como, P.C.  
108 North Beeson Boulevard, Suite 400  
Uniontown, PA 15401  
*Attorney:* Amanda M. Como

**RICHARD L. ROBBINS**, late of Washington Township, Fayette County, PA <sup>(1)</sup>

*Administrator:* Richard L. Robbins, II  
c/o Rafferty Legal, PLLC  
1600 Lincoln Avenue  
Latrobe, PA 15650  
*Attorney:* Jessica L. Rafferty

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**JAMES SICKLES, a/k/a JAMES WILLIAM SICKLES**, late of South Union Township, Fayette County, PA <sup>(1)</sup>

*Personal Representative:*  
James E. Higinbotham, Jr.  
c/o Higinbotham Law Offices  
68 South Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* James Higinbotham

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**ALBERTA SKOWRONEK**, late of Bullskin Township, Fayette County, PA <sup>(1)</sup>

*Co-Executors:* Joseph A. Skowronek and Patricia A. Stvek  
137 Kings Pointe Road  
Mt. Pleasant, PA 15666  
c/o 749 North Church Street  
Mt. Pleasant, PA 15666  
*Attorney:* Paul Toohey

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## LEGAL NOTICES

IN RE: Vergil T. Hendrickson  
Case No. 22-20814-CMB, Chapter 7  
Real Estate Located at 241 Wilson Avenue,  
Uniontown, Fayette County, PA  
Tax I.D. No. 38-12-0538  
Date of Sale 4/18/2023 at 2:30 p.m.  
A Zoom Video Conference Hearing will be held  
on 4/18/2023 at 2:30 p.m. via the Zoom  
Video Conference Application.  
To participate in and join a Zoom Hearing,  
please initiate and use the following link at least  
15 minutes prior to the scheduled Zoom Hearing  
time:  
<https://www.zoomgov.com/j/16143800191>,  
or alternatively, you may use the following:  
Meeting ID: 161 4380 0191.  
Objections due by: 4/3/2023  
Initial Offer \$ 64,900.00  
Higher and better offers will be  
considered at the hearing  
Hand money required: \$1,000.00  
(Cash or Certified Funds Only)  
Contact: Robert H. Slone, Trustee  
223 South Maple Avenue  
Greensburg, PA 15601  
Ph# (724) 834-2990  
For more information:  
[www.pawb.uscourts.gov/easi.htm](http://www.pawb.uscourts.gov/easi.htm)

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## 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, April 3, 2023, at 9:30 A.M.**

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2615-0843	RONALD G. DREUCCI, deceased	Ronald J. Dreucci, Executor
2622-0601	DANIEL JOSEPH LOYA, deceased	Alex E. Loya, Executrix

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

**Monday, April 17, 2023, 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, April 3, 2023, at 9:30 A.M.**

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2621-0526	RODNEY CRAIG KING, SR., a/k/a RODNEY C. KING, deceased	Vicki L. King, Administratrix

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

**Monday, April 17, 2023, 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.

JEFFREY L. REDMAN  
Register of Wills and Ex-Officio Clerk of the Orphans' Court Division (1 of 2)

**SHERIFF'S SALE**

Date of Sale: May 18, 2023

By virtue of the below stated writs out of the Court of Common Pleas of Fayette County, Pennsylvania, the following described properties will be exposed to sale by James Custer, Sheriff of Fayette County, Pennsylvania on Thursday May 18, 2023, 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 per Realauction requirements. 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.

(3 of 3)

James Custer  
 Sheriff of Fayette County

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

No. 2333 of 2022 GD  
 No. 23 of 2023 ED

**AMERIHOM MORTGAGE COMPANY, LLC**

**425 Phillips Blvd  
 Ewing, NJ 08618**

**Plaintiff**

**vs.**

**JEFFREY D. ALLAMON JR  
 Mortgageor(s) and Record Owner(s)**

**508 High Street  
 Brownsville, PA 15417**

**Defendant(s)**

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

BEING KNOWN AS: 508 HIGH STREET, BROWNSVILLE, PA 15417

TAX PARCEL #02-10-0055

IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: JEFFREY D. ALLAMON JR

ATTORNEY: KML LAW GROUP, P.C.

No. 2084 of 2022 GD  
 No. 22 of 2023 ED

**PENNSYLVANIA HOUSING FINANCE AGENCY,**

**PLAINTIFF**

**vs.**

**ANTHONY D. BROWN,  
 DEFENDANT**

ALL that lot of land in the City of Connellsville, Fayette County, Pennsylvania, being approximately 50 x 158.7, and also being half of Lot No. 44 and three-fourths of Lot No. 45, Ashman and Torrence Addition to the Borough of New Haven (now City of Connellsville). HAVING THEREON ERECTED DWELLING KNOWN AND NUMBERED AS: 125 N. 6TH STREET, CONNELLSVILLE, PA 15425.

TAX PARCEL #: 05-06-0556

Fayette Deed Book 1990, page 86

TO BE SOLD AS THE PROPERTY OF

ANTHONY D. BROWN UNDER FAYETTE COUNTY, PA JUDGMENT NO. 2084 OF 2022 GD.

ANNE N. JOHN, Esq.  
ATTORNEY AT LAW

No. 2148 of 2022 GD  
No. 42 of 2023 ED

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

vs.

**MARK W. DECARLO, SR., a/k/a MARK W. DECARLO and MARY F. DECARLO, n/k/a MARY F. WILSON,**

**Defendants and Real Owners.**

ALL that certain tract of land situate in Menallen Township, Fayette County, Pennsylvania, more particularly bounded and described as follows.

UPON WHICH is erected a ranch dwelling known and designated as 7401 National Pike, Uniontown, Fayette County, Pennsylvania. FOR PRIOR title see Record Book 957 page 255.

Assessment Map No.: 22-17-0017.

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

No. 1249 of 2022 GD  
No. 19 of 2023 ED

**FREEDOM MORTGAGE CORPORATION  
10500 Kincaid Drive  
Fishers, IN 46037-9764**

**Plaintiff**

vs.

**RICHARD C. DILL  
Mortgagor(s) and Record Owner(s)  
90 Chalk Hill  
Ohiopyle Road Ohiopyle, PA 15470  
Defendant(s)**

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

BEING KNOWN AS: 90 CHALK HILL OHIOPYLE ROAD, OHIOPYLE, PA 15470

TAX PARCEL #42-05-0050  
IMPROVEMENTS: A RESIDENTIAL DWELLING  
SOLD AS THE PROPERTY OF:  
RICHARD C. DILL  
ATTORNEY: KML LAW GROUP, P.C.

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

No. 2331 of 2022 GD  
No. 28 of 2023 ED

**LAKEVIEW LOAN SERVICING, LLC  
C/O Nationstar Mortgage LLC dba Mr. Cooper**

**8950 Cypress Waters Boulevard  
Coppell, TX 75019**

**Plaintiff**

vs.

**TRACY L. DILLINGER aka TRACY L. WILSON, as Administratrix of the Estate of KELLY A. MOORE and as Administratrix of the Estate of SARAH I. MOORE AKA SARAH IONA MOORE, Deceased  
GARY W. MOORE as Administrator of the Estate of KELLY A. MOORE, Deceased  
3315 Old McClellandtown Road  
McClellandtown, PA 15458  
Defendant(s)**

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

BEING KNOWN AS: 3315 OLD MCCLELLANDTOWN ROAD, MCCLELLANDTOWN, PA 15458

TAX PARCEL #15-22-0049  
IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: TRACY L. DILLINGER aka TRACY L. WILSON, as Administratrix of the Estate of KELLY A. MOORE and as Administratrix of the Estate of SARAH I. MOORE AKA SARAH IONA MOORE, Deceased AND GARY W. MOORE as Administrator of the Estate of KELLY A. MOORE, Deceased

ATTORNEY: KML LAW GROUP, P.C.



Richard M. Squire & Associates, LLC  
 By: M. Troy Freedman, Esquire  
 ID. No. 85165  
 One Jenkintown Station, Suite 104  
 115 West Avenue  
 Jenkintown, PA 19046  
 Telephone: 215-886-8790  
 Attorneys for Plaintiff  
 Telephone: 215-886-8790  
 Fax: 215-886-8791

No. 1765 of 2022 GD  
 No. 39 of 2023 ED

**Wilmington Savings Fund Society, FSB, d/b/a  
 Christiana Trust as Trustee for PNPMS  
 Trust III**

**PLAINTIFF**

v.

**Lois Jean Grimes  
 DEFENDANT**

TAX PARCEL NO.: 34-35-0029 & 34-35-0032

PROPERTY ADDRESS: 208 5th Street,  
 Brownfield, PA 15416

IMPROVEMENTS: Single Family  
 Dwelling

SEIZED AND TAKEN in execution as the  
 property of Lois Jean Grimes

ALL that certain lot of land situate in South Union Township, Fayette County, Pennsylvania, upon which is erected one-half of a double frame house, known as House 130-131, in the Plan of Lots laid out by Louis Kamensky and Geza Lux, a plot of which plan is recorded in the Office of the Recorder of Deeds of Fayette County, Pennsylvania, in Plan Book Volume 7 at page 153. The house herein conveyed being designated on said plot as House 131 and the lot upon which said house is erected is more particularly described as follows:

BEGINNING at a point in the center line of Fourth Street, corner with other land of Sophia Lux, the beginning point is located, South 31° 18' West, a distance of 187.11 feet from the intersection of the center line of said Fourth Street and the center line of the Brownfield Road; thence from said point of beginning, along a line of other land of Sophia Lux, North 59° 19' West, a distance of 130.26 feet to a point corner in the center line of Fifth Street with lot upon which is erected House No. 130-131; thence in the center line of Fifth Street, south 31° 18' West, a distance of 45.56 feet to a point; thence through said lot by a line passing through the center line of the partition wall on which House No. 130-131 is erected, South 59°

01 35" West, a distance of 130.25 feet to a point in-the center line of Fourth Street; thence in the center line of Fourth Street, North 31° 18' East, a distance of 45.88 feet to the point of beginning.

UPON which is erected House No. 131 of the Village of Brownfield.

THIS CONVEYANCE is expressly made under and subject to sewer line assessments and tap-in fees which are or might be imposed by the South Union Township Sewage Authority and grantees agree to accept responsibility for payment of the same.

UNDER AND SUBJECT to the first mortgage held by Sophia Lux to John Janosick and Elizabeth Janosick, his wife, and Edward Janosick, their son, of South Union Township, Fayette County, Pennsylvania, and recorded in the Office of the Recorder of Deeds of Fayette County, Pennsylvania, in Mortgage Book. Volume 532 at page 78 dated April 27, 1973.

UNDER AND SUBJECT to all exceptions, reservations, easements, restrictions, limitations, rights of way for streets, alleys, etc. as are set forth in prior instruments of record.

UNDER AND SUBJECT to right of support for party wall erected between House No. 130 and 131 and together with the right of support in and to said party wall from the owner of adjoining House NO. 130.

Parcel No. 34-35-0029 & 34-35-0032

Being the same premises that Hazel M. Cramer, an unmarried widow, by deed dated 3/31/1981 and recorded 4/1/1981 in the office of the Recorder of Deeds in the County of Fayette, Commonwealth of Pennsylvania in Book 1285, Page 817, granted and conveyed to Lois Jean Grimes and James Albert Grimes, her husband

James Albert Grimes departed this life on January 2, 2012

NOTICE: THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHTS OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND, THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT.

DWALDMANLAW, P.C.,  
 ATTORNEY FOR PLAINTIFF  
 BY: JENNIE C. SHNAYDER, ESQUIRE-  
 ID #315213  
 4900 CARLISLE PIKE, #182  
 MECHANICSBURG, PA 17050  
 TELEPHONE: (844) 899-4162  
 FACSIMILE: (844) 882-4703

No. 2000 of 2017 GD  
 No. 291 of 2022 ED

**ANTHIUM, LLC**  
**PLAINTIFF**

v.

**LENORA S. HARFORD**  
**THOMAS E. WINGARD, IN HIS**  
**CAPACITY AS HEIR OF WILMA JEAN**  
**WINGARD, DECEASED**  
**TAMMY M. LYNCH, IN HER CAPACITY**  
**AS HEIR OF WILMA JEAN WINGARD,**  
**DECEASED**  
**RICHARD A. WINGARD, IN HIS**  
**CAPACITY AS HEIR OF WILMA JEAN**  
**WINGARD, DECEASED**  
**UNKNOWN HEIRS, SUCCESSORS,**  
**ASSIGNS, AND ALL PERSONS, FIRMS,**  
**OR ASSOCIATIONS CLAIMING RIGHT,**  
**TITLE OR INTEREST FROM OR UNDER**  
**WILMA JEAN WINGARD, DECEASED**  
**DEFENDANTS**

All That Certain lot of land situate in  
 Luzerne Township, Fayette County,  
 Commonwealth of Pennsylvania.

TAX PARCEL# 19-32-0017

PROPERTY ADDRESS: 636 Palmer Adah  
 Road, Adah, PA 15410

ANNE N. JOHN Esq.  
 ATTORNEY AT LAW

No. 404 of 2022 GD  
 No. 91 of 2022 ED

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

**corporation,**  
**Plaintiff**

vs.

**TONYA M. HIXON,**  
**Defendant**

ALL that certain lot or parcel of land  
 situated and lying in the Borough of Smithfield,  
 Fayette County, Pennsylvania, CONTAINING  
 six thousand (6,000) square feet, more or less.

FOR prior title see Record Book 2759,  
 page 199.

Tax Parcel No.: 32-06-0033

Upon which is erected an aluminum/vinyl  
 dwelling known as 5 Moser Way, Smithfield,  
 PA 15478.

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

No. 143 of 2022 GD  
 No. 37 of 2023 ED

**ROCKET MORTGAGE, LLC F/K/A**  
**QUICKEN LOANS, LLC F/K/A QUICKEN**  
**LOANS INC.**

**635 Woodward Avenue**  
**Detroit, MI 48226**  
**Plaintiff**

vs.

**KALEENA KAY KENNEDY, as**  
**Administratrix of the Estate of Joseph F.**  
**Kennedy, Jr.**  
**1350 Paradise Avenue**  
**Belle Vernon, PA 15012**  
**Defendant(s)**

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

BEING KNOWN AS: 1350 PARADISE  
 AVENUE, BELLE VERNON, PA 15012  
 TAX PARCEL #41-11-0003 AND 41-12-  
 0027

IMPROVEMENTS: A RESIDENTIAL  
 DWELLING

SOLD AS THE PROPERTY OF:  
 KALEENA KAY KENNEDY, as  
 Administratrix of the Estate of Joseph F.  
 Kennedy, Jr.

ATTORNEY: KML LAW GROUP, P.C.

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

No. 1366 of 2022 GD  
 No. 15 of 2023 ED

**1900 CAPITAL TRUST II, BY US BANK  
 TRUST NATIONAL ASSOCIATION, NOT  
 IN ITS INDIVIDUAL CAPACITY BUT  
 SOLELY AS CERTIFICATE TRUSTEE**

**75 Beattie Place  
 Suite 300  
 Greenville, SC 29601**

**Plaintiff  
 vs.**

**RICHARD MILAN  
 Mortgagor(s) and Record Owner(s)  
 742 Herbert Fairbank Road  
 New Salem, PA 15468**

**Defendant(s)**

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

BEING KNOWN AS: 742 HERBERT  
 FAIRBANK ROAD, NEW SALEM, PA 15468  
 TAX PARCEL #30360012  
 IMPROVEMENTS: A RESIDENTIAL  
 DWELLING

SOLD AS THE PROPERTY OF:  
 RICHARD MILAN

ATTORNEY: KML LAW GROUP, P.C.

No. 2186 of 2022 GD  
 No. 20 of 2023 ED

**Nationstar Mortgage LLC**

**Plaintiff,  
 vs.**

**Jeffrey S. Primus  
 Defendant.**

ALL that certain parcel of land lying  
 and being situate in the City of Connellsville,  
 County of Fayette, and Commonwealth of  
 Pennsylvania, known as 607 South 12th Street,  
 Connellsville, PA 15425 having erected thereon  
 a dwelling house.

Being known and designated as Tax ID  
 No.: 05140044

BEING the same premises which Jeffrey S.  
 Primus, by Deed dated March 25, 2006 and  
 recorded in and for Fayette County,  
 Pennsylvania in Deed Book 2984, Page 2161,

granted and conveyed unto Jeffrey S. Primus  
 and Tammy L. Primus, his wife.

No. 2075 of 2022 GD  
 No. 292 of 2022 ED

**PNC Bank, National Association  
 Plaintiff,  
 vs.**

**Sandra Sohyda; Edward J. Sohyda  
 Defendants.**

ALL that certain parcel of land lying and  
 being situate in the City of Uniontown, County  
 of Fayette, and Commonwealth of Pennsylvania,  
 known as 55 East Berkeley Street, Uniontown,  
 PA 15401 having erected thereon a dwelling  
 house.

Being known and designated as Tax ID  
 No.: 38-12-0166

BEING the same premises which Gabriel  
 Brothers, Inc. a West Virginia Corporation, by  
 Deed dated October 30, 1975 and recorded in  
 and for Fayette County, Pennsylvania in Deed  
 Book 1189, Page 422, granted and conveyed  
 unto Edward J. Sohyda and Sandra Sohyda, his  
 wife.

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

No. 2066 of 2022 GD  
 No. 33 of 2023 ED

**PNC BANK, NATIONAL ASSOCIATION  
 S/B/M NATIONAL CITY BANK OF  
 PENNSYLVANIA**

**3232 Newmark Drive  
 Mansfield, OH 45342  
 Plaintiff**

**vs.**

**MICHELLE J. SPARKS as Administratrix of  
 the Estate of STEPHEN M. SPARKS,  
 Deceased**

**21 South Oak Street  
 Fairchance, PA 15436  
 Defendant(s)**

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

BEING KNOWN AS: 21 SOUTH OAK  
 STREET, FAIRCHANCE, PA 15436

TAX PARCEL#11-06-0051  
 IMPROVEMENTS: A RESIDENTIAL DWELLING  
 SOLD AS THE PROPERTY OF: MICHELLE J. SPARKS as Administratrix of the Estate of STEPHEN M. SPARKS, Deceased  
 ATTORNEY: KML LAW GROUP, P.C.

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

No. 1776 of 2022 GD  
 No. 29 of 2023 ED

**Kirkland Financial LLC**  
**(Plaintiff)**  
 vs.

**Veerasammy Perumal, AnnaLisa, LLC and The United States of America**  
**(Defendants)**

By virtue of Writ of Execution No. 2022-01776

Kirkland Financial LLC (Plaintiff) vs. Veerasammy Perumal, AnnaLisa, LLC and The United States of America (Defendants)  
 Property Address 414 Perry Road, Perryopolis, PA 15473

Parcel I.D. No. 17-08-0088

Improvements thereon consist of a commercial dwelling. Judgment Amount: \$215,762.98

Robertson, Anschutz, Schneid, Crane & Partners, PLLC

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No. 847 of 2022 GD  
 No. 269 of 2022 ED

**LAKEVIEW LOAN SERVICING, LLC**  
**Plaintiff**

v.

**JACQUELINE PERRYMAN, IN HER CAPACITY AS ADMINISTRATRIX AND HEIR OF THE ESTATE OF TRAVIS R. PERRYMAN A/K/A TRAVIS RAY PERRYMAN; HARRY R. PERRYMAN, IN HIS CAPACITY HEIR OF TRAVIS R. PERRYMAN A/K/A TRAVIS RAY PERRYMAN; UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS**

**CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER TRAVIS R. PERRYMAN A/K/A TRAVIS RAY PERRYMAN**

**Defendant(s)**

ALL THOSE CERTAIN LOTS OR PIECES OF GROUND SITUATE IN THE TOWNSHIP OF DUNBAR, FAYETTE COUNTY, PENNSYLVANIA:

BEING KNOWN AS: 815 HIGH RD DUNBAR, PA 15431

BEING PARCEL NUMBER: 09-31-0209 and 09-31-0299

IMPROVEMENTS: RESIDENTIAL PROPERTY and VACANT LAND (1 of 3)

\*\*\* END OF SHERIFF'S SALE \*\*\*\*

  
**DiBella Weinheimer**  
 Geer McAllister Best Coco Lloyd Whalen



Holly Whalen ◊ Amy Coco ◊ Bethann Lloyd

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# WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

518 Madison Drive

Smithfield, PA 15478

724-322-6529

johnfranciswarman@gmail.com

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**JUDICIAL OPINION**

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

COMMONWEALTH OF	:	
PENNSYLVANIA,	:	
	:	
vs.	:	
	:	
LOGAN MILLER,	:	No. 1617 of 2022
Defendant.	:	Honorable Nancy D. Vernon

**OPINION AND ORDER**

VERNON, J.

March 15, 2023

Before the Court is a Motion for Reconsideration filed by the Commonwealth of Pennsylvania requesting this Court to reconsider its Order of February 27, 2023, whereby the Defendant Logan Miller’s Motion to Suppress Identification of Defendant made by the alleged victim was granted reasoning that “the victim was unable to say who his attacker was and the sole photograph shown by police to identify is unduly suggested and tainted.”

At the time set for hearing on the Omnibus Pretrial Motion, the Commonwealth admitted into evidence the transcript of the Preliminary Hearing and two video recordings of the incident and presented the testimony of the victim, Zachariah Stephens and the arresting officer, Thomas Patton.

At the Preliminary Hearing, Stephens testified that on June 20, 2022, around 2:30 a.m. he was in the City of Connellsville when Defendant Logan Miller approached him. N.T., 9/1/2022, at 4-6. Stephens testified that Logan Miller walked toward him and started speaking; Stephens stated that he “sat down on the wall because I was, I had been drinking.” Id. at 7. Logan Miller asked Stephens to buy him alcohol and when Stephens declined, Logan Miller hit him. Id. at 8. Stephens said that he “staggered down the road to get away from him, barely conscious from him hitting me. He hit me pretty hard. Probably the reason I have a little bit of trouble remembering at first everything he said. [...] I don’t remember what he had said to me at this point.” Id. at 8-9. Stephens further testified that he thought Logan Miller would kill him and that he was trying to get away, stating “I couldn’t tell what he was saying. I really wasn’t paying attention.” Id. at 9. At that point, Stephens testified that Logan Miller’s brother, Riley Miller, joined the altercation bearing a knife, but likewise, Riley Miller was not a person known by Stephens. Id. at 10. Stephens was stabbed at least two times then managed to sprint back to his house and call for medical help. Id. at 10-14.

Stephens testified that he did not know Logan Miller or Riley Miller prior to this incident and that he “wasn’t familiar with their names or faces.” Id. at 16. Stephens admitted to being intoxicated having drank four shots of rum and a couple bottles of

mixed drink about an hour before the attack. Id. at 16-17. Stephens testified that his encounter with Logan Miller “couldn’t have been long [...] couldn’t have been very long, a few minutes [...] it probably wasn’t even five minutes.” Id. at 19-20. When asked how he was able to identify Riley Miller, Stephens testified, “I can recognize him. I recognize his face.” Id. at 23. Under cross-examination by Riley Miller’s counsel, Stephens was asked how he learned the identity or name Riley Miller, to which he responded, that it was not for a couple weeks later and that he could not remember exactly, other than he was identified as Logan’s brother. Id. at 24. Stephens testified further at the Preliminary Hearing that did not know whether he had ever seen Logan Miller before but that he “didn’t recognize him.” Id. at 32-33.

The following exchange between defense counsel and Stephens is relevant to the Court’s determination of Logan Miller’s identification by the victim.

Q: Who identified him? Who did that? Who identified him?

A: I don’t remember exactly.

Q: Was it a police officer?

A: I asked so many people about it, I mean yea I talked to the police about it. But they didn’t tell me who he was right away.

Q: That night you didn’t know they were brothers, right?

A: I didn’t know either of their names that night. I ID’d Logan on the photo.

Q: When you were shown the photo, who showed you that photo?

A: The police.

Q: Did they show you multiple photos or just one photograph?

A: It was just one photograph.

Q: Just one photograph?

A: Yea.

Q: This was a photograph of Riley Miller?

A: No, this was Logan Miller. And I was like yes this is the guy that I encountered.

Q: Were you ever shown a photograph of Riley Miller?

A: I am not sure. I can’t...

Q: Here is what I am trying to figure out.

A: I was just coming out of surgery.

Q: I am trying to figure out how you identified Riley. Because you didn’t know him that night, correct? And you are indicating that someone told you his identity.

A: I can remember what happened that night now. I can remember faces I saw that night. Right now I can remember it.

Q: But you couldn’t remember it two days after it occurred?

A: When I was coming out of surgery, I wasn’t exactly sure what even happened.

Q: What changed between that time and now?

A: I am not in shock. I am not, I have fluid in me. I was dehydrated from loss of blood.

Q: So two days after, you weren’t sure who stabbed you. Correct?

A: Correct. I wasn’t sure....

Q: Two day after you didn’t have ...

A: ... what had even happened.

Id. at 24-26.

Stephens testified again at the hearing on the Omnibus Pretrial Motion. N.T., 2/27/2023, at 5. Stephens was asked to describe Logan Miller, the man who first approached him, to which he responded, “It was [...] the man sitting up here. [H]e had blond hair. He was wearing sweatpants, a shirt [...] and] shoes.” Id. at 6-7. Stephens testified that he was able to view Logan’s face and agreed with the prosecutor that he knew what they looked like. Id. at 7. Stephens testified that he was able to view Logan Miller’s face during the attack and that it was the “complete same person.” Id. at 9. Stephens admitted again that he had been drinking and that he was drunk. Id. at 13.

Stephens was asked whether he would have been able to identify Logan Miller without the photo that was provided by the police, to which he responded, “That’s actually opposite of the truth.” Id. at 17. Stephens testified that he could identify both of the men because they “physically touched” him and were face-to-face with him. Id. at 18. Stephens then said, “that night, the night that I had talked to the police, he had showed me a, ah, a photo of the original one.” Id. at 18. Stephens admitted that he did not know Logan Miller’s name and that he learned it when the police showed him the picture. Id. at 19. As to in-court identifications, at both the preliminary hearing and at the motion, Stephens only identified Logan Miller as the one wearing an “orange jumpsuit” N.T., 9/1/2022, at 5; N.T., 2/27/2023, at 9.

An accused is entitled to due process protection against the introduction of evidence of identifications elicited through unnecessarily suggestive photographic displays. *Moore v. Illinois*, 434 U.S. 220 (1977). While “the use by police of a single photograph of a suspect in securing identification by a witness can constitute an improperly suggestive procedure,” *Manson v. Brathwaite*, 432 U.S. 98 (1977), “the reliability of a challenged identification is to be judged under a test employing the totality of the circumstances.” *Commonwealth v. Buehl*, 508 A.2d 1167, 1178 (Pa. 1986)

The suggestiveness of an out-of-court identification is a relevant factor to be considered in determining the admissibility of the identification evidence. *Commonwealth v. Meachum*, 711 A.2d 1029, 1034 (Pa.Super. 1998). “[S]uggestiveness alone does not warrant exclusion” of the identification. *Commonwealth v. Fulmore*, 25 A.3d 340, 346 (Pa.Super. 2011) quoting *Commonwealth v. Kubis*, 978 A.2d 391, 396 (Pa.Super. 2009). “[A]n in-court identification may still stand if, considering the totality of the circumstances, the identification ‘had an origin sufficiently distinguishable to be purged of the primary taint.’” *Commonwealth v. Kendricks*, 30 A.3d 499, 506 (Pa.Super. 2011) quoting in part *Commonwealth v. Abdul-Salaam*, 678 A.2d 342 (Pa. 1996).

The factors a court should consider in determining whether there was an independent basis for the identification include:

- (1) the opportunity of the witness to view the criminal at the time of the crime;
- (2) the witness’s degree of attention;
- (3) the accuracy of the witness’s prior description of the criminal;
- (4) the level of certainty demonstrated by the witness during the confrontation;
- and (5) the length of time between the crime and the confrontation.

*Commonwealth v. James*, 486 A.2d 376, 380 (Pa. 1985).



Applying those factors to the instant case, the victim testified that the encounter with Logan Miller and Riley Miller lasted less than five minutes and that he did not know either defendant prior to the attack. As to the second factor, Stephens admitted several times that he was drunk and staggering, that he also could not tell what Defendant Logan Miller was saying and that he “really wasn’t paying attention.” As to a prior description, the only physical description given by the victim was that Defendant was blond and wearing sweatpants, a shirt, and shoes – with no further description of the clothing. As to his level of certainty and length of time, Stephens provided no distinctive description and did not know his attackers until shown a single photograph by police. He testified, “I ID’d Logan on the photo.” Notably, Stephens only in-court description of Logan Miller was that of wearing an “orange jumpsuit.”

The Court is of the opinion that Stephens’ pre-trial identification was based upon an unnecessarily suggestive photographic display having been shown only a single photograph depicting Logan Miller by the police and that Stephens did not know or otherwise identify Defendant Logan Miller prior to the improper photo display. The Court finds Stephens’ identification of Logan Miller lacks an independent basis because the attack occurred at night, lasted a short amount of time, Stephens was admittedly intoxicated and not paying attention, and he gave no initial distinct description of his attackers to the police that would have identified Logan Miller before being shown the lone photograph. We therefore hold that this process was tainted from the beginning and renders any trial identification of Logan Miller highly unreliable.

For these reasons, the Court suppressed the identification of Logan Miller by the alleged victim, Zachariah Stephens, and will DENY the Commonwealth’s Motion for Reconsideration.

#### ORDER

AND NOW, this 15th day of March, 2023, the Motion for Reconsideration filed by the Commonwealth of Pennsylvania is DENIED in accordance with the foregoing Opinion.

BY THE COURT:  
NANCY D. VERNON, 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, April 19th from 12:00 p.m. to 1:30 p.m.**
- Location: **Courtroom No. 2 of the Fayette County Courthouse**
- Discussion topics: **Employment Law Tips for Small Businesses**
- Presenters: **Rachel McElroy, Esquire**

### **CLE Credit**

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

#### Members of the FCBA

- \$5 fee for attendance without CLE Credit
- \$15 fee for attendance with CLE Credit

#### Attorneys admitted to practice in Pennsylvania after January 1, 2018

- \$5 fee for attendance with CLE Credit

#### Non-members of the FCBA

- \$15 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](mailto:cindy@fcbar.org) on or before Monday, April 17th.

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128th ANNUAL  
FAYETTE COUNTY BAR ASSOCIATION

# *Bar Banquet*

FRIDAY, APRIL 28, 2023

5:30 COCKTAIL RECEPTION  
6:30 DINNER

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