

# FAYETTE LEGAL JOURNAL

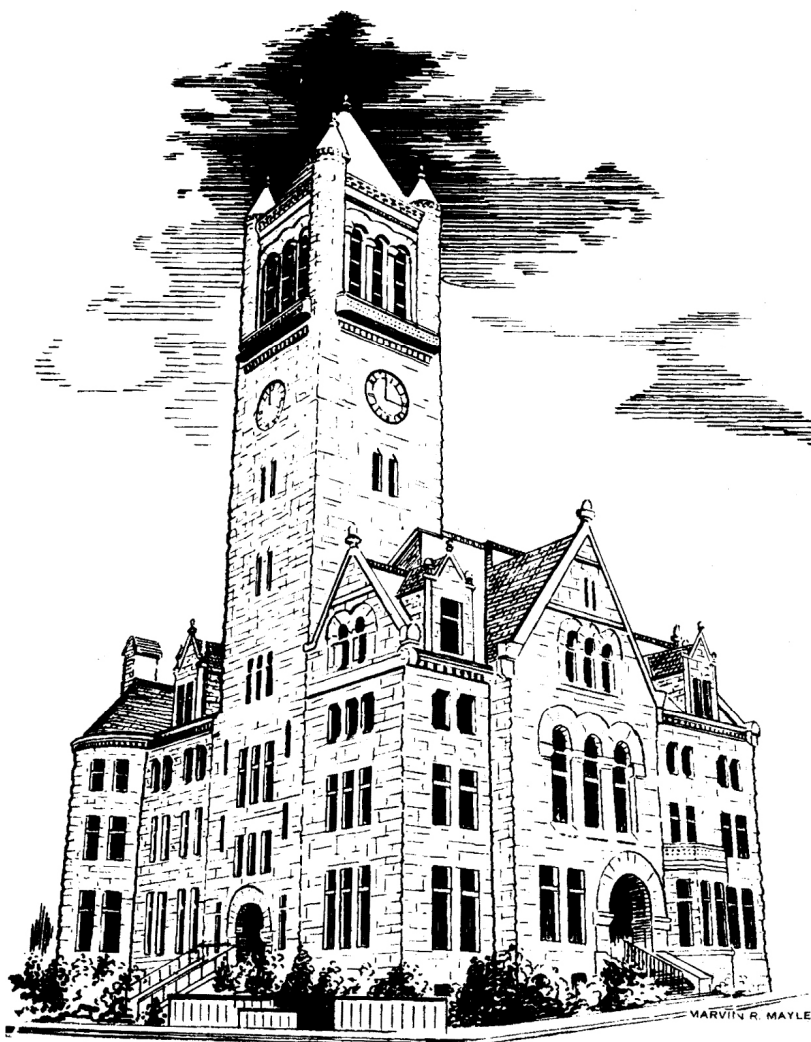
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VOL. 82

APRIL 6, 2019

NO. 14

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## FAYETTE LEGAL JOURNAL

The FAYETTE LEGAL JOURNAL is published weekly by the Fayette County Bar Association, 45 East Main Street, Suite 100, Uniontown, Pennsylvania 15401, 724-437-7994. Legal advertisements should be submitted online at [www.fcbar.org](http://www.fcbar.org) no later than 12:00 noon on Friday for publication the following Saturday. No date of publication is promised, however. Legal notices are published exactly as submitted by the advertiser. Copyright 2001 Fayette County Bar Association. All rights reserved.

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

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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

**CHARLES BASINGER**, late of Connellsville,  
Fayette County, PA (3)

*Executor:* Dora Hager  
357 West Catherine Street  
Somerset, PA 15501  
c/o Stewart McArdle Sorice Whalen Farrell  
Finoli & Cavanaugh, LLC  
229 South Maple Avenue  
Greensburg, PA 15601  
*Attorney:* J. Douglas Farrell

**IRENE A. FILIAGGI**, late of Uniontown,  
Fayette County, PA (3)

*Executor:* Michael Hanzes  
c/o 4 North Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* Carl E. Micarelli

**MICHAEL SIMON JOHN, a/k/a MICHAEL S. JOHN**, late of North Union Township,  
Fayette County, PA (3)

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

**HAROLD L. KING**, late of German Township,  
Fayette County, PA (3)

*Executrix:* Christina L. Keffer  
c/o 51 South Street  
Uniontown, Pa 15401  
*Attorney:* Anthony S. Dedola, Jr.

**MARGARET J. KING**, late of South Union  
Township, Fayette County, PA (3)

*Executor:* Stephen B. King  
c/o Radcliffe Law, LLC  
648 Morgantown Road, Suite B  
Uniontown, PA 15401  
*Attorney:* William M. Radcliffe

**SARAH E. KUHN**, late of Melcroft, Fayette  
County, PA (3)

*Executor:* Brian K. Swaney  
9 Guthrie Avenue  
Fairchance, PA 15436  
c/o 76 East Main Street  
Uniontown, PA 15401  
*Attorney:* Douglas S. Sholtis

**MARY JEAN LACONA**, late of Masontown,  
Fayette County, PA (3)

*Executrix:* June Lacona  
374 Thomas Road  
McMurray, PA 15317  
c/o Pion, Nerone, Girman, Winslow &  
Smith, P.C.  
1500 One Gateway Center  
Pittsburgh, PA 15222  
*Attorney:* Angela R. Winslow

**MILDRED IRENE ORAVETS, a/k/a MILDRED I. ORAVETS**, late of Nicholson  
Township, Fayette County, PA (3)

*Personal Representatives:*  
Fred J. Oravets, Jr. and James E. Oravets  
c/o George & George, LLP  
92 East Main Street  
Uniontown, PA 15401  
*Attorney:* Joseph M. George

**WALTER E. RIPKO, JR.**, late of Cardale,  
Fayette County, PA (3)

*Personal Representative:* Patricia A. Ripko  
c/o 111 East Main Street  
Uniontown, Pa 15401  
*Attorney:* Robert R. Harper, Jr.

**JACK RAY RUSKO, a/k/a JACK R.****RUSKO**, late of Hopwood, Fayette County, PA*Executors:* Jack M. Rusko (3)

c/o 4 North Beeson Boulevard

Uniontown, PA 15401

*Attorney:* Carl E. Micarelli**ELIZABETH WYATT, a/k/a MARY E.****WYATT**, late of Luzerne Township, Fayette County, PA (3)*Co-Executors:* David Lee Wyatt and

Dixie L. Bennett

c/o 51 East South Street

Uniontown, PA 15401

*Attorney:* Anthony S. Dedola, Jr.**Second Publication****JOSEPH BERCINI, a/k/a JOSEPH M.****BERCINI**, late of South Union Township, Fayette County, PA (2)*Executor:* Jo Ann Bercini

c/o Higinbotham Law Offices

45 East Main Street, Suite 500

Uniontown, PA 15401

*Attorney:* James Higinbotham**TERESE BURKETT**, late of Wharton

Township, Fayette County, PA (2)

*Administrator:* Robert Burkett

c/o 42944 National Pike Road

P.O. Box 2P.O. Box 245

Chalk Hill, PA 15421

*Attorney:* Charles C. Gentile**PATRICIA PEPERAK, a/k/a PATRICIA L.****PEPERAK**, late of Connellsville, Fayette County, PA (2)*Personal Representatives:*

Cynthia D. Peperak and Donald R. Peperak

c/o Riverfront Professional Center

2008 South Arch Street, Suite 2

Connellsville, PA 15425

*Attorney:* Richard A. Husband**PAUL E. REED**, late of Connellsville, Fayette County, PA (2)*Executor:* Christopher M. Roley

c/o Molinaro Law Offices

P.O. Box 799

Connellsville, PA 15425

*Attorney:* Carmine V. Molinaro, Jr.**LOUISE E. ZELINA**, late of Masontown, Fayette County, PA (2)*Executrix:* Marilyn L. Butcho

603 Main Street

Masontown, PA 15401

c/o 76 East Main Street

Uniontown, PA 15401

*Attorney:* Douglas S. Sholtis**First Publication****DORIS M. ANDERSON**, late of Washington Township, Fayette County, PA (1)*Co-Executors:*

Barry William Anderson

1549 Walter Street

Monongahela, PA 15063

Cheryl Jean Nagy

209 Otto Street

Belle Vernon, PA 15012

c/o Bassi, Vreeland &amp; Associates, P.C.

P.O. Box 144

111 Fallowfield Avenue

Charleroi, PA 15022

*Attorney:* Bradley M. Bassi**MICHAEL E. DIMARCO, SR., a/k/a****MICHAEL E. DIMARCO**, late of Uniontown, Fayette County, PA (1)*Co-Executrix:* Michele P. DiMarco*Co-Executor:* Michael E. DiMarco, Jr.*Co-Executrix:* Meribeth DiMarco Briggs

c/o 51 East South Street

Uniontown, PA 15401

*Attorney:* Webster & Webster

**JANICE LYNN ELLIOTT**, late of  
Masontown, Fayette County, PA (1)

*Personal Representative:* Emily Elliott  
103 Harbison Avenue  
Masontown, PA 15461  
c/o 84 East Main Street  
Uniontown, PA 15401  
Attorney: Vincent M. Tiberi

**LOUIS FINLEY MCCORMICK, a/k/a  
FINLEY MCCORMICK**, late of Uniontown,  
Fayette County, PA (1)

*Co-Executrices:* Nancy L. Poli and  
Lisa Poli Rose  
c/o Zebley Mehalov & White, P.C.  
18 Mill Street Square  
P.O. Box 2123  
Uniontown, PA 15401  
Attorney: Daniel R. White

**PATSY PATRICELLI**, late of Connellsville,  
Fayette County, PA (1)

*Personal Representative:* Sandra Lee Sison  
c/o Watson Mundorff & Sepic, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425  
Attorney: Charles W. Watson

## LEGAL NOTICES

### NOTICE

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation were filed in the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on February 19, 2019 for the purpose of incorporating a nonprofit corporation under the Pennsylvania Nonprofit Corporation Law of 1988, as amended.

The name of the corporation is: Fayette County Youth Charities, Inc.

Jarod Illar, Esquire  
Watson Mundorff & Sepic, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425

IN THE COURT OF COMMON PLEAS  
OF FAYETTE COUNTY, PENNSYLVANIA  
CIVIL DIVISION-DIVORCE  
No. 2367 of 2018 G.D.

ASHTON FIKE,  
PLAINTIFF

Vs.

RICHARD PAUL FIKE III,  
DEFENDANT

### NOTICE TO DEFEND AND CLAIM RIGHTS

You, Richard Paul Fike, III, Defendant herein, have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take prompt action. You are warned that if you fail to do so, the case may proceed without you and a decree of divorce or annulment may be entered against you by the court. A judgment may also be entered against you for any other claim or relief requested in these papers by the plaintiff. You may also lose money or property or other rights important to you, including custody or visitation of your children. When the grounds for the divorce are indignities or irretrievable breakdown of the marriage, you may request marriage counseling. A list of marriage counselors is available in the Office of the Prothonotary at the Fayette County Courthouse, 61 E. Main Street, Uniontown, PA 15401. IF YOU DO NOT FILE A CLAIM FOR ALIMONY, DIVISION OF PROPERTY, LAWYER'S FEES OR EXPENSES BEFORE A DIVORCE DECREE OR ANNULMENT IS GRANTED, YOU MAY LOSE THE RIGHT TO CLAIM ANY OF THEM. 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.

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P.O. Box 186

Harrisburg, PA 17108  
Telephone No. (800) 932-0311

Southwestern PA Legal Services  
45 E. Main Street  
Uniontown, PA 15401  
Telephone No. (724) 439-3591

NOTICE OF SHERIFF’S SALE  
IN THE COURT OF COMMON PLEAS  
OF FAYETTE COUNTY, PENNSYLVANIA  
NO. 2721-OF-2018-GD

UNITED BANK, INC.

v.

BRANDON BOWERS A/K/A BRANDON J.  
BOWERS

NOTICE TO: BRANDON BOWERS  
A/K/A BRANDON J. BOWERS

NOTICE OF SHERIFF’S SALE OF REAL  
PROPERTY

Being Premises: 1 LOCH LOMOND  
STREET, UNIONTOWN, PA 15401-4007

Being in SOUTH UNION TOWNSHIP,  
County of FAYETTE, Commonwealth of  
Pennsylvania, 34-13-0018

Improvements consist of residential  
property.

Sold as the property of BRANDON  
BOWERS

Your house (real estate) at 1 LOCH  
LOMOND STREET, UNIONTOWN, PA 15401  
-4007 is scheduled to be sold at the Sheriff’s  
Sale on 05/16/2019 at 2:00 PM at the FAYETTE  
County Courthouse, Fayette County Courthouse,  
61 East Main Street, Uniontown, PA 15401, to  
enforce the Court Judgment of \$113,233.66  
obtained by UNITED BANK, INC. (the  
mortgagee) against the above premises.

PHELAN HALLINAN DIAMOND & JONES, LLP  
Attorney for Plaintiff

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IN THE COURT OF COMMON PLEAS OF  
FAYETTE COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW  
No. 105 of 2019, G.D.

The Honorable Judge Joseph M. George, Jr.

IN RE: IN THE MATTER OF PETITION  
FOR CHANGE OF NAME OF JENNIFER  
LYNN KEPPLE CHANCEY

NOTICE

Notice is hereby given that on March 15,  
2019 the petition of Jennifer Lynn Kepple  
Chancey was filed in the above named Court,  
requesting an Order to change the name of  
Jennifer Lynn Kepple Chancey to Jennifer  
Kepple Chancey. The Court has fixed June 11,  
2019 at 11:00 A.M. in Courtroom Number 5,  
Fayette County Courthouse, Uniontown,  
Pennsylvania as the time and place for a hearing  
on the merits of said Petition, when and where  
all interested parties may appear and show  
cause, if any they have, why the prayer of said  
Petition should not be granted.

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JUDICIAL OPINION

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

COMMONWEALTH OF  
PENNSYLVANIA

:

:

:

vs.

:

KENNETH DWAYNE SHAFFER, JR.,

:

No. 2000 of 2018

Defendant.

:

Honorable Judge Nancy D. Vernon

OPINION AND ORDER

VERNON, J.

March 18, 2019

Before the Court is the Petition for Writ of Habeas Corpus filed by Defendant, Kenneth Dwayne Shaffer, Jr., alleging that the video evidence from the police dashboard camera establishes Defendant did not commit the crimes and requests this Court dismiss all charges. At the time set for hearing, the Commonwealth offered into evidence the transcript of the preliminary hearing dated, August 28, 2018, and two discs containing dashboard video identified as having been recorded from police cars B04-26 and B04-30. The Court has reviewed all evidence and makes the following findings of fact.

On June 17, 2018, Pennsylvania State Police Corporal Leslie Wilson was dispatched to 313 Hopwood-Fairchance Road on information that a black male dressed in black clothing was carrying a knife. Preliminary Hearing N.T., 8/28/2018, at 8.

Corporal Wilson arrived at the scene where PSP Trooper James was idling his car downhill behind Defendant. Id. at 11, see also Car B04-26 video. The audio recording on Trooper James’s dashboard was activated contemporaneously with Corporal Wilson’s arrival.

Defendant is viewed walking alongside the berm of the road with an object in his left hand that Corporal Wilson believed, at the time, to be a rusted steak knife, later identified as a Sawzall blade. Id. Corporal Wilson parked his SUV on the road in front of Defendant’s path to stop him. Id. Corporal Wilson, dressed in full uniform, quickly exited his police vehicle and immediately began commanding Defendant to “stop.” On the second “stop” command, Corporal Wilson unholstered his firearm, pointed it at Defendant and continued commanding him to stop. Ignoring the Corporal’s repeated directive to “stop,” Defendant continued walking with the knife in his hand but changed his path towards the police vehicle and directly at Corporal Wilson. Corporal Wilson stepped back several paces and Defendant continued toward him. Defendant verbally responded to Corporal Wilson three times saying, “Shoot me.” Id. at 11-13. Corporal



Wilson allowed Defendant to come within six feet of his person when he discharged his firearm shooting Defendant in the chest. *Id.* at 13-14. Defendant dropped to the ground and Corporal Wilson was viewed kicking the blade away from his person. Corporal Wilson later located a half of a piece of metal scissors on Defendant. *Id.* at 15.

Corporal Wilson testified that he was concerned for his safety. *Id.* at 15. Corporal Wilson was questioned by Defendant's counsel whether he believed Defendant attempted to cause injury to him, to which the Corporal answered that he did believe that Defendant was intending to cause injury as evidenced by Defendant continuing to advance towards him with the knife in his hand. *Id.* at 29.

Defendant was charged with aggravated assault, simple assault, recklessly endangering another person, and resisting arrest. A person may be convicted of aggravated assault graded as a first-degree felony if he "attempts to cause serious bodily injury to another, or causes such injury intentionally, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life." 18 Pa.C.S.A. § 2702(a)(1). For aggravated assault purposes, an "attempt" is found where an "accused who possesses the required, specific intent acts in a manner which constitutes a substantial step toward perpetrating a serious bodily injury upon another." *Commonwealth v. Gray*, 867 A.2d 560, 567 (Pa.Super. 2005).

"Serious bodily injury" has been defined as "[b]odily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ." 18 Pa.C.S.A. § 2301.

To support a *prima facie* case of aggravated assault on a police officer, the Commonwealth does not need to establish that the police officer actually suffered bodily injury; instead, the Commonwealth needs to establish an attempt to cause serious bodily injury, and the intent may be shown by circumstances reasonably suggesting the defendant's intent to cause such injury. *Commonwealth v. Marti*, 779 A.2d 1177 (Pa.Super. 2001).

Intent must ordinarily be proven through circumstantial evidence and inferred from acts, conduct or attendant circumstances. *Commonwealth v. Fortune*, 68 A.3d 980 (Pa.Super. 2013). A totality of the circumstances test is to be used to evaluate whether the defendant acted with the necessary intent to sustain an aggravated assault conviction. *Id.*

In cases where the victim does not actually suffer serious bodily injury, the Superior Court has explained that "the charge of aggravated assault can be supported only if the evidence supports a finding of an attempt to cause such injury." *Id.* at 985. "An attempt under Subsection 2702(a)(1) requires some act, albeit not one causing serious bodily injury, accompanied by an intent to inflict serious bodily injury." *Id.*

Here, Corporal Wilson was performing his duties as a Pennsylvania State Police Officer when the Defendant engaged in conduct which constituted a substantial step toward causing serious bodily injury to him. The evidence establishes that on June 17, 2018, after ignoring Corporal Wilson's commands to stop, Defendant continued towards Corporal Wilson while displaying a Sawzall blade in his hand and responding verbally "shoot me." In doing so, Defendant took a significant and substantial step toward inflicting serious bodily injury on the officer and placed Corporal Wilson in fear of being injured. The lesser elements of the charges of simple assault and recklessly endangering another person are encompassed within this same analysis, and as such, the Petition for Writ of Habeas Corpus is denied.

As to the charge of resisting arrest, the Commonwealth alleges that the Defendant failed to obey the commands to stop and drop the knife and thereby created a substantial risk of bodily injury to the officer which justified or required a substantial force to overcome the resistance. A defendant may be convicted of resisting arrest if he, "with the intent of preventing a public servant from effecting a lawful arrest or discharging any other duty, ... creates a substantial risk of bodily injury to the public servant or anyone else, or employs means justifying or requiring substantial force to overcome the resistance." 18 Pa.C.S. § 5104. This statutory language "does not require the aggressive use of force such as a striking or kicking of the officer." *Commonwealth v. McDonald*, 17 A.3d 1282, 1285 (Pa.Super. 2011). Again, the overt action by Defendant of continuing towards Corporal Wilson with a knife in hand, while ignoring the commands to stop, constitutes actions sufficient to sustain the charge of resisting arrest.

WHEREFORE, we will enter an Order denying the Petition for Writ of Habeas Corpus.

#### ORDER

AND NOW, this 15th day of March, 2019, upon consideration of the Petition for Writ of Habeas Corpus filed by Defendant, Kenneth Dwayne Shaffer, Jr., it is hereby ORDERED and DECREED the Petition is DENIED in accordance with the foregoing Opinion.

BY THE COURT,  
NANCY D. VERNON, JUDGE

ATTEST:  
Clerk of Courts

## **The Institute for Law & Public Policy**

### **April CLE Seminars – New Location**

#### **Frank Sarris Public Library**

35 North Jefferson Avenue Canonsburg, PA 15317  
Conveniently located off of the I-79 Canonsburg, PA Exit  
Free Parking in Murdock Street Lot  
**April 25 & 26, 2019**

April 25, 2019 - 9 AM-12:15 PM

#### **Conflict Skills for Lawyers: Get Empowered to Artfully Navigate Difficult Conversations with Staff, Clients, and Other Attorneys**

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**3 Substantive Credits - \$75**

April 25, 2019 - 1 PM-4:15 PM

#### **Unanticipated Fallout, the Practice of Law Since the Creation of the Consumer Financial Protection Bureau – the “CFPB”**

James P. Valecko, Esquire / Weltman, Weinberg & Reis Co., L.P.A.

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April 26, 2019 - 9 AM-12:15 PM

#### **Hiring, Firing, and Everything In-Between: Best Practices to Guide You Through the Employee Life Cycle**

Jaime Tuite, Esquire / William P. Lewis, Esquire / Buchanan Ingersoll & Rooney, P.C.

**3 Substantive Credits - \$75**

April 26, 2019 - 1 PM-4:15 PM

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Brian Bronson, Esquire / Michael Quatrini, Esquire / Jeff Monzo, Esquire /  
Quatrini Rafferty, P.C.

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## LUNCH & LEARN SERIES

### FCBA LUNCH & LEARN SERIES

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

- Date: **Wednesday, April 17th** from 12:00 p.m. to 1:30 p.m.
- Location: Courtroom No. 1 of the Fayette County Courthouse
- Discussion topic: **Family Law Duo: The 2019 Changes in Alimony Pendente Lite & How to Prepare for a Master's Conference in a Divorce Case**
- Presenter: Sheryl R. Heid, Esquire, and Chris Edenfield, D.R. Hearing Officer

Topics will include: major changes to Alimony Pendente Lite; a system's approach to preparing for a Master's hearing; how to collect and organize your client's financial materials before the Master's prehearing conference making settlement more likely and the best use of the Master's time; etc.

#### CLE Credit

1.5 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, 2012

- No charge for attendance with CLE Credit

Non-members of the FCBA

- \$10 fee for attendance without CLE Credit
- \$20 fee for attendance with CLE Credit

**\*\* All fees to be paid at the door \*\***

A light lunch will be provided.

If interested in attending, please call Cindy at the Bar office at 724-437-7994 or by email to [cindy@fcbar.org](mailto:cindy@fcbar.org) on or before Monday, April 15th.

-Professional Ethics/CLE Committee

**LAW LIBRARY NOTICE**

The Pennsylvania Association of Justice has donated the following books to the Fayette County Law Library that are now available as resources:

Personal Injury Subrogation Handbook 2017

Pennsylvania Motor Vehicle Insurance

Pennsylvania Medical Malpractice Law & Forms



## BAR BANQUET INVITATION

### THE 126TH ANNUAL FAYETTE COUNTY BAR BANQUET

The Fayette County Bar Association invites you to an  
Evening of Fellowship and Gaming

FRIDAY, APRIL 12, 2019

AARON'S BUILDING  
139 Pittsburgh Street  
Connellsville, PA 15425

Hors d'œuvres and Open Bar at 5:30 p.m.

Dinner at 6:30 p.m.

Honoree:

ANNE N. JOHN, ESQUIRE  
125th PBA President

*Here's the deal, take a chance  
Roll the dice, spin the wheel  
Or mix it up . . .  
Join us for Casino Night  
Following dinner  
With prizes for the  
Big winners!*



KINDLY REPLY BY FRIDAY, MARCH 29, 2019

Please Specify Entree Selection:

Peppered Bacon Wrapped Filet  
Candied Pecan Crusted Salmon  
Eggplant cakes

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