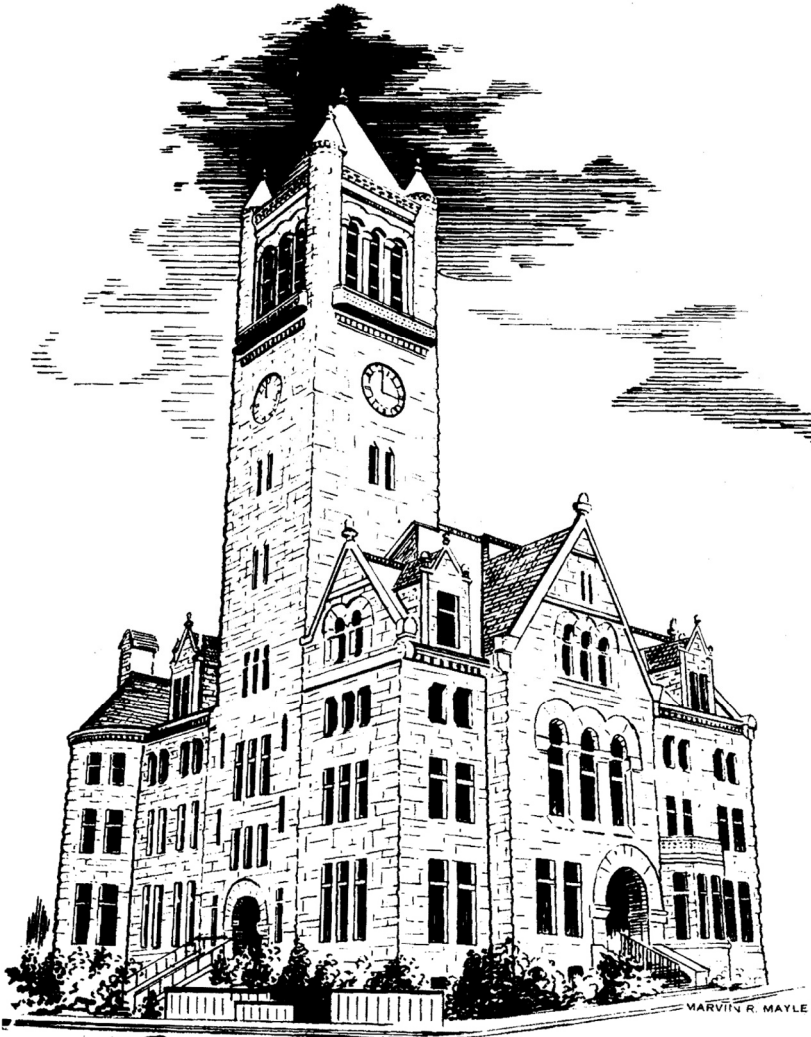


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FAYETTE LEGAL JOURNAL

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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

LOGAN GLOVER, a/k/a LOGAN TYLER GLOVER, late of German Township, Fayette County, PA (3)

Administrator: Jeremy Glover
c/o Anderson & Labovitz, LLC
429 Fourth Avenue, Suite 602
Pittsburgh, PA 15219
Attorney: Adam G. Anderson

EVA MAE GRIMM, a/k/a EVA M. GRIMM, late of Springhill Township, Fayette County, PA

Executrix: Glenna Mae Duncan (3)
c/o 9 Court Street
Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

GEORGE M. JOHNSON, late of Republic Township, Fayette County, PA (3)

Personal Representative: Jacqueline Savini
c/o Dellarose Law Office, PLLC
99 East Main Street, Suite 101
Attorney: Melinda Deal Dellarose

ALEX KOVACH, late of Masontown, Fayette County, PA (3)

Executrix: Joyalyn Deane Zaidan
4986 Chedworth Drive
Stone Mountain, Georgia 30087
c/o Smith and Smith
5101 Bayard Street
Pittsburgh, PA 15232
Attorney: Peter Andrew Smith

DAVID LANCOS, a/k/a DAVID LEONARD LANCOS, late of Belle Vernon, Fayette County, PA (3)

Administratrix: Deborah Lancos DeCostro
125 Cardiff Drive
Aliquippa, PA 15001
c/o McMillen, Urick, Tocci & Jones
2131 Brodhead Road
Aliquippa, PA 15001
Attorney: Chad McMillen

JULIE ANN MAUST, late of Georges Township, Fayette County, PA (3)

Personal Representative: Heather Jordan and Barbara Churby
c/o P.O. Box 622
Smithfield PA 15478
Attorney: Charity Grimm Krupa

CLAUDINE ROSS, a/k/a CLAUDENE ROSS, a/k/a CLAUDENE LINCOLN, late of Nicholson, Fayette County, PA (3)

Executrix: Christine Diane Cummings,
a/k/a Christine Dianne Cummings
c/o P.O. Box 622
Smithfield, PA 15478
Attorney: Charity Grimm Krupa

CHRIS STERBUTZEL, late of Redstone Township, Fayette County, PA (3)

Administratrix: Sherri L. Sterbutzel
c/o P.O. Box 622
Smithfield, PA 15478
Attorney: Charity Grimm Krupa

DONNA L. TURNER, a/k/a DONNA LYNN TURNER, late of Perry Township, Fayette County, PA (3)

Administratrix: Tori Turner
c/o Goodwin Como, P.C.
108 North Beeson Boulevard, Suite 400
Uniontown, PA 15401
Attorney: Benjamin Goodwin

DIANE S. WELKER, late of Bullskin Township, Fayette County, PA (3)

Executrix: Alicia Ann Welker Saxion
c/o Casini & Geibig, LLC
815B Memorial Boulevard
Connellsville, PA 15425
Attorney: Jennifer M. Casini

LEE R. WELKER, a/k/a LEE ROY WELKER, late of Bullskin Township, Fayette County, PA (3)

Executrix: Alicia Ann Welker Saxion
c/o Casini & Geibig, LLC
815B Memorial Boulevard
Connellsville, PA 15425
Attorney: Jennifer M. Casini

NICHOLAS L. YANCHECK, JR. a/k/a NICK YANCHECK, late of Dickerson Run, Fayette County, PA (3)

Personal Representative:
Brenton L. Yancheck
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, Pa 15425
Attorney: Timothy J. Witt

KENT M. YOZIE, late of Dunbar Township, Fayette County, PA (3)

Administratrix: Jody A. Yozie
c/o Fitzsimmons and Barclay
55 East Church Street, Suite 102
Uniontown, PA 15401
Attorney: James Fitzsimmons

SHELBY ZENTKOVICH, late of Georges Township, Fayette County, PA (3)

Personal Representative: Robert Gabor
142 Demniak Road
McClellandtown, PA 15458
c/o Mitchell Law Office
902 First Street
P.O. Box 310
Hiller, PA 15444
Attorney: Herbert G. Mitchell, Jr.

Second Publication

LEE CLARK HENRY, a/k/a LEE C. HENRY, late of Bullskin Township, Fayette County, PA (2)

Executor: Robert S. Craig
121 Horseshoe Bend Road
Acme, PA 15610
c/o 101 North Church Street
Mt. Pleasant, PA 15666
Attorney: Randall G. Klimchock

RANDY RUSSELL, a/k/a RANDY L. RUSSELL, late of Jefferson Township, Fayette County, PA (2)

Administratrix: Sandra Russell
c/o Higinbotham Law Offices
68 South Beeson boulevard
Uniontown, PA 15401
Attorney: James Higinbotham

JOHN ALLEN SECHRIST, a/k/a JOHN ALLEN SECHRIST, SR., late of Lower Tyrone Township, Fayette County, PA (2)

Executor: John Allen Sechrist, Jr.
244 Sky Top Road
Acme, PA 15610
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

GARY B. SHULTZ, late of Bullskin Township, Fayette County, PA (2)

Administrator: Christopher Shultz
323 South Broadway Street
Scottdale, PA 15683
c/o 101 North Church Street
Mt. Pleasant, PA 15666
Attorney: Randall G. Klimchock

ANTOINETTE S. SPOSATO, late of Washington Township, Fayette County, PA (2)

Executor: John J. Sposato
8232 Mentor Road
Elizabeth, PA 15037
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

First Publication

SALLY J. ABBOTT, late of Bullskin Township, Fayette County, PA (1)

Personal Representative:
Douglas A. Abbott
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

RICHARD BARRON, a/k/a RICHARD THOMAS BARRON, late of Saltlick Township, Fayette County, PA ⁽¹⁾

Executrix: Linda M. Dupre
c/o Mahady & Mahady
223 South Maple Avenue
Greensburg, PA 15601
Attorney: George Butler

JAMES COX, a/k/a JAMES MICHAEL COX, SR., late of Saltlick Township, Fayette County, PA ⁽¹⁾

Executor: Michael J. Cox
4750 West Lawnview Drive
Pittsburgh, PA 15227
c/o Lochner and Lochner, LLC
4232 Brownsville Road, Suite 45
Pittsburgh, Pa 15227
Attorney: Jeffrey Lochner

WILLIAM CHARLES DESHONG, JR., late of South Union Township, Fayette County, PA ⁽¹⁾

Administratrix: Shirley DeShong
c/o 9 Court Street
Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

MARTHA FISHER, a/k/a MARTHA V. FISHER, late of Perryopolis, Fayette County, PA ⁽¹⁾

Personal Representative: Janet Rogers
c/o 68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James Higinbotham

THOMAS D. GOMERY, late of Brownsville, Fayette County, PA ⁽¹⁾

Administratrix: Linda Gomery
P.O. Box 3952
Hot Springs, AR 71914
c/o 17 South College Street
Washington, PA 15301
Attorney: Clark A. Mitchell

JAMES THOMAS GORLEY, II, late of Markleysburg, Fayette County, PA ⁽¹⁾

Executrix: Carin Gorley Yablonski
c/o Adams Law Offices
55 East Church Street, Suite 101
Uniontown, PA 15401
Attorney: Jason Adams

JOHN E. I. HENRY, a/k/a JOHN E. HENRY, late of Bullskin Township, Fayette County, PA ⁽¹⁾

Personal Representative: Edward I. Henry
548 Quail Hill Road
Normalville, PA 15469

MICHAEL HUNCHUCK, a/k/a MICHAEL P. HUNCHUCK, late of Nicholson Township, Fayette County, PA ⁽¹⁾

Personal Representative:
Susanna Hunchuck
c/o P.O. Box 622
Smithfield, PA 15478
Attorney: Charity Grimm Krupa

JOHN LUCAS, late of Bullskin Township, Fayette County, PA ⁽¹⁾

Executor: Lynn L. Lucas
P.O. Box 39
Connellsville, PA 15425

DALLAS G. MCCUNE, late of Everson Borough, Fayette County, PA ⁽¹⁾

Administrator: Adam McCune
420 Turkey Path Road
Mount Pleasant, PA 15666
c/o 231 South Main Street
Greensburg, PA 15601
Attorney: Marilyn M. Gaut

ADELE N. MCKNIGHT, a/k/a ADELE MCKNIGHT, late of Connellsville, Fayette County, PA ⁽¹⁾

Co-Executors: Toby A. McKnight and Matthew D. McKnight
c/o Donald McCue Law Firm, P.E.
Colonial Law Building
813 Blackstone Road
Connellsville, PA 15425
Attorney: Donald J. McCue, J.D., P.E.

JAMIE LEE MILLER, late of Washington Township, Fayette County, PA ⁽¹⁾

Administratrix: Amanda L. Stevens
224 Lowber Road
Fayette City, PA 15438
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

MARTHA L. SHEETS, late of Connellsville,
Fayette County, PA (1)

Personal Representative: Robert D. Sheets
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

**ROBERT SOFCHECK, a/k/a ROBERT
JOHN SOFCHECK, a/k/a ROBERT J.
SOFCHECK**, late of George Township, Fayette
County, PA (1)

Administratrix: Patricia Hart
c/o Kopas Law Office
556 Morgantown Road
Uniontown, Pa 15401
Attorney: John Kopas

WALTER E. STOUT, late of Bullsken
Township, Fayette County, PA (1)

Personal Representative: Shelley Riser
c/o Seneca Law
P.O. Box 333
680 Yorktown Road
Lewisberry, PA 17339-0333
Attorney: Richard C. Seneca

**BERNICE WILTROUT WINEMILLER, a/k/
a BERNICE L. WINEMILLER**, late of South
Connellsville, Fayette County, PA (1)

Personal Representative:
Gary Wayne Winemiller
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

**KAREN A. YAGLA, a/k/a KAREN ANN
YAGLA**, late of Dunbar Township, Fayette
County, PA (1)

Executrix: Melissa M. Renze
c/o Webster & Webster
51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

LEGAL NOTICES

IN THE COURT OF COMMON PLEAS OF
FAYETTE, COUNTY, PENNSYLVANIA
ACTION IN REM

IN RE: CONDEMNATION BY THE
BOROUGH OF NEWELL OF PROPERTIES
LOCATED IN THE BOROUGH OF NEWELL,
FAYETTE COUNTY, PENNSYLVANIA,
Condemnor,
vs.
THE HEIRS OF LUCIUS A. MARCHAND,
Condemnees.

NOTICE OF CONDEMNATION

TO: FAYETTE LEGAL JOURNAL

In accordance with Section 305 of the
Eminent Domain Code, Title 26, the Newell
Borough notifies you that:

1. A Declaration of Taking was filed on
November 5, 2021, in the Court of Common
Pleas of Fayette County, at the above named
term and number.

2. Parcel ID Nos. 23-04-0060, 23-04-
0101, and 23-04-0102 have been condemned for
the purpose of constructing a walking trail.
Identification of the property appears as Exhibit
"B" attached to the Declaration of Taking.

3. The name and address of the
Condemnor is the Newell Borough, 412 Second
Street, Newell, Fayette County, Pennsylvania
15466. This Eminent Domain action/
condemnation is authorized pursuant to 8 P.S.
§1501(5).

4. This condemnation was authorized by
Resolution of the Board of Newell Borough
and approved on August 9, 2021, a copy of the
Resolution may be examined at the Borough
Offices located at 412 Second Street, Newell,
Fayette County, Pennsylvania 15466.

5. The purpose of the condemnation is to
secure the property for the construction of a
walking trail and any related recreational
activities for the benefit of the residents of
Newell Borough.

6. The property condemned is further
described as Tax Parcel ID Nos. 23-04-0060, 23-
04-0101 and 23-04-0102 and is more fully
described in the survey conducted by Polestar
Engineering, Survey, and Environmental in
December of 2019. A copy of the survey of the
subject property may be examined at the
Borough's offices identified above.

7. The purpose of the condemnation are for Newell Borough to assume fee simple title in the three (3) parcels.

8. Just compensation has been secured by the filing of a bond by the Borough.

9. If you wish to challenge the power or the right of the Newell Borough to appropriate the condemned property, the sufficiency of the security, the procedure followed by the Condemnor, or the Declaration of Taking, you are required to file preliminary objections within 30 days of the date of this notice.

Respectfully Submitted,
DAVIS & DAVIS
BY Jeremy J. Davis, Esquire
Attorneys for Condemnor
Newell Borough

Dated: November 9, 2021

NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg on the 28th of September, 2021, to be effective the 28th day of September, 2021, for the purpose of incorporating a Pennsylvania Domestic non-profit corporation which was organized pursuant to the Pennsylvania Non-Profit Corporation Law of 1988, as amended. The name of the corporation is Smithfield Volunteer Fire Department and Relief Association. The purpose or purposes for which it was organized: To engage in and do any lawful act concerning any or all lawful business for which entities may be incorporated under the Pennsylvania Non-Profit Corporation Law of 1988, as amended.

Mark L. Sorice, Esquire
Stewart, McArdle, Sorice, Whalen,
Farrell, Finoli & Cavanaugh, LLC
229 S Maple Avenue
Greensburg, PA 15601

NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg on the 28th of September, 2021, to be effective the 28th day of September, 2021, for the purpose of incorporating a Pennsylvania Domestic non-profit corporation which was organized pursuant to the Pennsylvania Non-Profit Corporation Law of 1988, as amended. The name of the corporation is Smithfield Volunteer Fire Department, Inc. The purpose or purposes for which it was organized: To engage in and do any lawful act concerning any or all lawful business for which entities may be incorporated under the Pennsylvania Non-Profit Corporation Law of 1988, as amended.

Mark L. Sorice, Esquire
Stewart, McArdle, Sorice, Whalen,
Farrell, Finoli & Cavanaugh, LLC
229 S Maple Avenue
Greensburg, PA 15601

**NOTICE OF COMPLAINT TO
QUIET TITLE**

IN THE COURT OF COMMON PLEAS
OF ALLEGHENY COUNTY,
PENNSYLVANIA
CIVIL DIVISION
CASE NO. GD-21-008656

LEILA DAVIS,
Plaintiff

vs.

ROBIN RITCHIE, UNKNOWN HEIRS OF
ROBIN RITCHIE, DEBORAH DRYBURGH,
UNKNOWN HEIRS OF DEBORAH
DRYBURGH, BRADFORD TAYBROOK
MILLS, UNKNOWN HEIRS OF BRADFORD
TAYBROOK MILLS, CHRISTIAN WALKER
TAYLOR, UNKNOWN HEIRS OF
CHRISTIAN WALKER TAYLOR, WALKER
TAYLOR, UNKNOWN HEIRS OF WALKER
TAYLOR, NATHAN TAYLOR, UNKNOWN
HEIRS OF NATHAN TAYLOR, JESSICA
YATES, UNKNOWN HEIRS OF JESSICA
YATES, UNKNOWN HEIRS OF HARVEY
TAYLOR, UNKNOWN HEIRS OF MARY
“LENA” TAYLOR, UNKNOWN HEIRS OF
DIXIE RAE MILLS, and UNKNOWN HEIRS
OF HARVEY C. TAYLOR,
Defendants

To: The Above Referenced Defendants

You are hereby notified that the Plaintiff,
LEILA DAVIS, has filed a Complaint to Quiet
Title endorsed with a Notice to Defend, against
you in the Court of Common Pleas of Allegheny
County, Pennsylvania, docketed to Case No. GD
-21-008656, wherein the Plaintiff seeks to quiet
title on property located in the Municipality of
Monroeville, County of Allegheny and
Commonwealth of Pennsylvania, being
designated as Block and Lot No. 544-C-289 in
the Department of Real Estate.

NOTICE TO DEFEND

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 document is 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 this document 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 OR KNOW 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
AS A REDUCED FEE OR NO FEE.

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100 South Street
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Harrisburg, PA 17108
Telephone: 1-800-692-7375

HILARY W. TAYLOR, ESQUIRE
Attorneys for Plaintiff
Papernick & Gefsky, LLC
301 Grant Street, One Oxford Centre
34th Floor
Pittsburgh, PA 15219
(412) 765-2212

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, December 6, 2021, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2620-0431	MELVIN R. BASINGER	Diane R. Moran, Executrix

Accounts filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas of Fayette County, Pennsylvania

<u>Estate Number</u>	<u>Estate Name</u>
2601-0557	KRISTAL D. LASH dated 11/02/2001

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

Monday, December 20, 2021, at 9:30 A.M.

in Courtroom No. 5 of the **Honorable Joseph M. George, Jr.** or his chambers, 3rd Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

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

SHERIFF'S SALE

No. 1176 of 2021 GD
No. 168 of 2021 ED

Date of Sale: January 20, 2022

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, January 20, 2022, at 2:00 p.m. in Courtroom Number Five at the Fayette County Courthouse, Uniontown, Pennsylvania.

The terms of sale are as follows:

Ten percent of the purchase price, or a sufficient amount to pay all costs if the ten percent is not enough for that purpose. Same must be paid to the Sheriff at the time the property is struck off and the balance of the purchase money is due before twelve o'clock noon on the fourth day thereafter. Otherwise, the property may be resold without further notice at the risk and expense of the person to whom it is struck off at this sale who in case of deficiency in the price bid at any resale will be required to make good the same. Should the bidder fail to comply with conditions of sale money deposited by him at the time the property is struck off shall be forfeited and applied to the cost and judgments. All payments must be made in cash or by certified check. The schedule of distribution will be filed the third Tuesday after date of sale. If no petition has been filed to set aside the sale within 10 days, the Sheriff will execute and acknowledge before the Prothonotary a deed to the property sold. (2 of 3)

James Custer
Sheriff Of Fayette County

First National Bank of Pennsylvania
v.
All Unknown Heirs, Successors or Assigns and All Persons, Firms or Associations claiming right, title or interest, from or under Roxanne McCarthy, Deceased

Judgment Amount: \$175,339.43

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF ALL UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST, FROM OR UNDER ROXANE MCCARTHY, DECEASED, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND BEING SITUATE AND LAYING IN THE TOWNSHIP OF SOUTH UNION, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA, AS MORE FULLY DESCRIBED IN DEED DATED JULY 21, 2014, AND RECORDED ON JULY 21, 2014 IN THE RECORDER OF DEEDS OF FAYETTE COUNTY AT DEED BOOK VOLUME 3254, PAGE 1657, INSTRUMENT #201400007399. BEING COMMONLY KNOWN AS 1186 NATIONAL PIKE, HOPWOOD, PA 15445.

IMPROVEMENT THEREON:
RESIDENTIAL DWELLING
TAX PARCEL IDENTIFICATION NUMBER: 34-38-0003

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

No. 901 of 2021 GD
No. 176 of 2021 ED

MTGLQ INVESTORS, L.P.
75 Beattie Place
Suite 300
Greenville, SC 29601
Plaintiff
vs.
MARJORIE AULTZ
BENNY J. AULTZ
Mortgagor(s) and Record Owner(s)
259 Dawson Road
Dickerson Run, PA 15430
Defendant(s)

ALL THAT CERTAIN LOT OF LAND SITUATE IN VILLAGE OF EAST LIBERTY DUNBAR TOWNSHIP, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 259 DAWSON ROAD, DICKERSON RUN, PA 15430
 TAX PARCEL #09-03-0102
 IMPROVEMENTS: A RESIDENTIAL DWELLING
 SOLD AS THE PROPERTY OF: MARJORIE AULTZ AND BENNY J. AULTZ

Robertson, Anschutz, Schneid, Crane & Partners, PLLC
 A Florida Limited Liability Company
 133 Gaither Drive, Suite F
 Mt. Laurel, NJ 08054
 Phone: (855) 225-6906
 Fax: (866) 381-9549

No. 966 of 2021 GD
 No. 148 of 2021 ED

NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING

Plaintiff

v.

GARY BOCHNIARZ A/K/A GARY F. BOCHNIARZ

Defendant(s)

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

BEING KNOWN AS: 460 BRAZNELL CONCRETE RD GRINDSTONE, PA 15442
 BEING PARCEL NUMBER: 30020005
 IMPROVEMENTS: RESIDENTIAL PROPERTY

No. 2189 of 2019 GD
 No. 159 of 2021 ED

Broker Solutions, Inc. dba New American Funding

PLAINTIFF

v.

Dale E. Davis, III

DEFENDANT(S)

ALL THAT CERTAIN piece or parcel of land situate in South Union Township, Fayette County, Pennsylvania, more particularly bounded and described as follows:

COMMONLY KNOWN AS: 139 Pine Knob Road, Hopwood PA 15445
 TAX PARCEL NO. 34-38-0099

Robertson, Anschutz, Schneid, Crane & Partners, PLLC
 A Florida Limited Liability Company
 133 Gaither Drive, Suite F
 Mt. Laurel, NJ 08054
 Phone: (855) 225-6906
 Fax: (866) 381-9549

No. 362 of 2011 GD
 No. 167 of 2021 ED

PHH MORTGAGE CORPORATION
Plaintiff

v.

CARL DIGGS

Defendant(s)

ALL THOSE CERTAIN LOTS OR PIECES OF GROUND SITUATE IN THE BOROUGH OF BELLE VERNON, FAYETTE COUNTY, PENNSYLVANIA:

BEING KNOWN AS: 3 EGGERS AVE BELLE VERNON, PA 15012
 BEING PARCEL NUMBER: 01-04-0070 AND 01-04-0069
 IMPROVEMENTS: RESIDENTIAL PROPERTY

No. 2010 of 2019 GD
 No. 180 of 2021 ED

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY,
PLAINTIFF

v.

CHRISTOPHER M. FITZGERALD,
DEFENDANT

ALL those two certain pieces, parcels or lots of land situate in the City of Connellsville, County of Fayette and Commonwealth of Pennsylvania, as follows:

FIRST: known as Lot No. 14 Block No. 37, Sherwood Place Plan of Lots, Fayette Plan Book 3, page 52, being approximately 40 x 110; and

SECOND: known as Lot No. 15 Block No. 37, Sherwood Place Plan of Lots, Fayette Plan Book 3, page 52, being approximately 45 x 100.

HAVING THEREON ERECTED DWELLING KNOWN AND NUMBERED AS: 409 DAVIDSON AVENUE

CONNELLSVILLE, PA 15425.
Tax Parcel# 05-12-0159
Fayette County Deed Book 3004, page
1577

TO BE SOLD AS THE PROPERTY OF
CHRISTOPHER M. FITZGERALD UNDER
FAYETTE COUNTY JUDGMENT NO. 2019-
02010.

Brock & Scott, PLLC

No. 1299 of 2019 GD
No. 157 of 2021 ED

**FREEDOM MORTGAGE CORPORATION
v.
ROBERT L HIXSON JR**

By virtue of a Writ of Execution
FREEDOM MORTGAGE CORPORATION v.
ROBERT L HIXSON JR, owner(s) of property
situate in the TOWNSHIP OF GEORGES,
FAYETTE County, Pennsylvania, being 105
DRY KNOB ROAD, SMITHFIELD, PA 15478
Tax ID No. 14-25-0139

Improvements thereon: RESIDENTIAL
DWELLING

Judgment Amount: \$164,824.67

Andrew J. Marley, Esquire
Stern & Eisenberg, PC
1581 Main Street, Suite 200
The Shops at Valley Square
Warrington, PA 18976
Phone: (215) 572-8111

No. 1532 of 2013 GD
No. 174 of 2021 ED

**Wilmington Savings Fund Society, FSB d/b/a
Christiana Trust, not in its individual
capacity but Solely as the Trustee for the
Brougham Fund I Trust**

**v.
Susan Carol Johnson and Robert W. Johnson**

By virtue of Writ of Execution No. 1532 of
2013 GD, Wilmington Savings Fund Society,
FSB d/b/a Christiana Trust, not in its individual
capacity but Solely as the Trustee for the
Brougham Fund I Trust v. Susan Carol Johnson
and Robert W. Johnson, 694 Woodside
Oldframe Road fka R.D. 2 Box 337 A,
Nicholson Township, Smithfield, PA 15478,
Tax Parcel No. 24-05-0009. Improvements
thereon consisting of a Residential Dwelling,

sold to satisfy judgment in the amount of
\$106,505.54.

No. 1873 of 2019 GD
No. 171 of 2021 ED

**Wells Fargo Bank, N.A.
Plaintiff,
vs.
Kimberly Mackey, AKA Kimberly D.
Mackey, AKA Kim Mackey
Defendant.**

ALL that certain parcel of land lying and
being situate in the Township of Redstone,
County of Fayette, and Commonwealth of
Pennsylvania, known as 10 Kennedy Street,
Republic, PA 15475 having erected thereon a
dwelling house.

Being known and designated as Tax ID
No.: 30-26-0003

BEING the same premises which Deborah
Harmen, also known as Deborah Harman, by
Deed dated February 20, 2004 and recorded in
and for Fayette County, Pennsylvania in Deed
Book 2896, Page 788, granted and conveyed
unto Kimberly Mackey.

Brock & Scott, PLLC

No. 1076 of 2018 GD
No. 145 of 2021 ED

**U.S. BANK NATIONAL ASSOCIATION
S/B/M TO U.S. BANK NATIONAL
ASSOCIATION ND**

**v.
JUDITH MCALLISTER;
DEAN F. MCALLISTER**

By virtue of a Writ of Execution No. 1076
of 2018, U.S. BANK NATIONAL
ASSOCIATION S/B/M TO U.S. BANK
NATIONAL ASSOCIATION ND v. JUDITH
MCALLISTER; DEAN F. MCALLISTER,
owner(s) of property situate in the TOWNSHIP
OF SALT LICK, FAYETTE County,
Pennsylvania, being 249 ALPINE HEIGHTS
RD, CHAMPION, PA 15622

Tax ID No. 31-18-0029
Improvements thereon: RESIDENTIAL
DWELLING

Judgment Amount: \$773,392.22

McCABE, WEISBERG & CONWAY, LLC
 123 South Broad Street, Suite 1400
 Philadelphia, PA 19109
 (215) 790-1010

No. 2527 of 2017 GD
 No. 184 of 2021 ED

**Truist Bank, Formerly Known as Branch
 Banking and Trust Company**
Plaintiff
 v.
William Nedley
Defendant

ALL those two certain lots of land situate in Uniontown (formerly North Union Township), Fayette County, Pennsylvania, and being Lots Nos. 56 and 57 in the plan of lots laid out by Isadore Frank and known as Oakmont Addition to Uniontown, Pennsylvania, said plan being recorded in the Recorder's Office of Fayette County, in Plan Book No. 1, page 170. Said Lots Nos. 56 and 57 are described as follows:

FRONTING 25 feet each on the east side of Daniel Street (formerly Delaware Avenue) and extending back of equal width 112 feet to an alley, bounded on the north by Lot No. 58 and on the south by Lot No. 55.

EXCEPTING AND RESERVING, thereout and therefrom, all the nine foot vein or seam of coal commonly known as the Connellsville Coking coal and underlying minerals, together with such mining rights and privileges as were conveyed to Presley H. Moore by deed dated March 8, 1889, and recorded in Deed Book Volume 82, page 321.

All that certain piece or parcel or Tract of land situate in the Uniontown, Fayette County, Pennsylvania, and being known as 12 Daniel Street, Uniontown, Pennsylvania 15401.

Being known as: 12 Daniel Street, Uniontown, Pennsylvania 15401

Title vesting in William Nedley by deed from FRED S. BOZEK and MICHELE BOZEK, husband and wife, dated September 28, 2012 and recorded October 2, 2012 in Deed Book 3200, Page 407 Instrument Number 201200013480.

Tax Parcel Number: 38-05-0171

No. 2091 of 2014 GD
 No. 152 of 2021 ED

**UMB Bank, National Association, not in its
 individual capacity, but solely as legal title
 trustee for LVS Title Trust XIII**
Plaintiff,
 vs.
**Donya Petrock, AKA Donya L. Petrock;
 Greg Petrock**
Defendants.

ALL that certain parcel of land lying and being situate in the Township of Luzerne, County of Fayette, and Commonwealth of Pennsylvania, known as 518 Third Street, Isabella Luzerne, PA 15447 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 19-26-0037

BEING the same premises which Joseph F. Kopacka, III and Rebecca A. Kopacka, his wife, by Deed dated April 23, 2007 and recorded in and for Fayette County, Pennsylvania in Deed Book 3023, Page 460, granted and conveyed unto Donya L. Petrock.

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

No. 2425 of 2019 GD
 No. 151 of 2021 ED

**J.G. WENTWORTH HOME LENDING,
 LLC**
425 Phillips Blvd
Ewing, NJ 08618
Plaintiff
 vs.
VERONICA A. RECTOR
Mortgagor(s) and Record Owner(s)
103 Academy Road
Brownsville, PA 15417
Defendant(s)

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

BEING KNOWN AS: 103 ACADEMY ROAD, BROWNSVILLE, PA 15417

TAX PARCEL#30-13-0119

IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF:
 VERONICA A. RECTOR

No. 2100 of 2019 GD
No. 183 of 2021 ED

Nationstar Mortgage LLC d/b/a Mr. Cooper
PLAINTIFF
VS.
Amy L. Rhodes
DEFENDANT

ALL that certain piece or parcel of land situate in the Seventh Ward of the City of Uniontown (formerly Third Ward of the Borough of Uniontown), County of Fayette and Commonwealth of Pennsylvania, bounded and described as follows:

FRONTING fifth (50) feet on the west side of Beeson Avenue in the said city, and extending back the same width one hundred fifty (150) feet to a fifteen (15) foot alley, being Lot No. 1 in the Beeson, deceased and being bounded on the east by said Beeson Avenue, on the west by said alley, on the south by Lot No. 2 formerly owned by Mrs. Maud Williams, now land of Ernest Moser and on the north by lot formerly owned by Mrs. Maria McHugh, now land of Lawrence Blair.

HAVING erected thereon a dwelling known and numbered as 122 South Beeson Boulevard.

EXCEPTING AND RESERVING unto Carolyn J. McMullen, and unmarried widow, a life estate in the above-described premises for and during the term of her natural life.

SUBJECT to all covenants, conditions, easements and rights of way on record. PARCEL# 38-12-0120

BEING KNOWN AS (for informational purposes only): 122 South Beeson Avenue
COMMONLY KNOWN AS: 122 South Beeson Avenue, Uniontown, PA 15401
TAX PARCEL NO. 38-12-0120

Jill M. Fein, Esquire
Hill Wallack LLP
777 Township Line Road, Suite 250
Yardley, PA 19067
(215) 579-7700

No. 2801 of 2018 GD
No. 150 of 2021 ED

Carrington Mortgage Services, LLC
Plaintiff
v.
Geraldine Saluga
Defendant

By virtue of a writ of execution case number: 2018-02801

Plaintiff: Carrington Mortgage Services, LLC
v.

Defendant: Geraldine Saluga
owners of property situate in the South Union Township, Fayette County, Pennsylvania, being pin number 34-27-0203

Property being known as: 235 Mountain View Road, Uniontown, PA 15401
Improvements thereon: Residential Property

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

No. 1116 of 2019 GD
No. 187 of 2021 ED

First Guaranty Mortgage Corporation
(Plaintiff)
vs.
Tammy M. Shipley,
(Defendant)

By virtue of Writ of Execution No. 2019-01116, First Guaranty Mortgage Corporation (Plaintiff) vs. Tammy M. Shipley, (Defendant)

Property Address 309 Locust Street, Masontown, PA 15461

Parcel I.D. No. 21-08-0110
Improvements thereon consist of a residential dwelling.

Judgment Amount: \$88,158.53

No. 1197 of 2021 GD
No. 165 of 2021 ED

**PENNSYLVANIA STATE EMPLOYEES
CREDIT UNION**

Plaintiff,
v.

WILLIAM M. SOLOMON,
Defendants.

ALL THE RIGHT, TITLE, INTEREST
AND CLAIM OF WILLIAM M. SOLOMON
OF, IN AND TO:

ALL THE FOLLOWING DESCRIBED
REAL ESTATE SITUATED IN THE
TOWNSHIP OF REDSTONE, COUNTY OF
FAYETTE, COMMONWEALTH OF
PENNSYLVANIA. HAVINO ERECTED
THEREON A DWELLING KNOWN AND
NUMBERED AS 5577 5TH STREET,
GRINDSTONE, PA 15442 DEED BOOK
VOLUME 3136, PAGE 972, PARCEL
NUMBER 30-10-0163.

Edward J. McKee, Esquire
Stern & Eisenberg, PC
1581 Main Street, Suite 200
The Shops at Valley Square
Warrington, PA 18976
Phone: (215) 572-8111

No. 681 of 2020 GD
No. 144 of 2021 ED

**Greenwich Revolving Trust by Wilmington
Savings Fund Society, FSB, not in its
individual capacity, but solely as Owner
Trustee**

v.

**The Known and Unknown Heir(s),
Executor(s), Administrator(s) and Devisee(s)
of the Estate of Barbara Ann Ritenour,
Deceased, Barbara L. Leonard as Known
Heir to Barbara Ann Ritenour, Deceased,
Christopher L. Leonard as Known Heir to
Barbara Ann Ritenour, Deceased, Mark A.
Leonard as Known Heir to Barbara Ann
Ritenour, Deceased, Martha P. Reagan as
Known Heir to Barbara Ann Ritenour,
Deceased, Amanda Murphy Leonard, as
Known Heir to the Estate of Matthew D.
Leonard, a minor, Matthew Tyler Leonard,
as Known Heir to the Estate of Matthew D.
Leonard, a minor, Chase Matthew Leonard
as Known Heir to the Estate of Matthew D.
Leonard, a minor, Christian Lindsay-Allen
Leonard, as Known Heir to the Estate of
Matthew D. Leonard, a minor, Matthew D.**

**Leonard, Jr., as Known Heir to the Estate of
Matthew D. Leonard, a minor, and The
Known and Unknown Heirs(s) Executors,
Administrators(s) and Devisees(s) of the
Estate of Matthew D. Leonard**

By virtue of Writ of Execution No. 681 of 2020 GD, Greenwich Revolving Trust by Wilmington Savings Fund Society, FSB, not in its individual capacity, but solely as Owner Trustee v. The Known and Unknown Heir(s), Executor(s), Administrator(s) and Devisee(s) of the Estate of Barbara Ann Ritenour, Deceased, Barbara L. Leonard as Known Heir to Barbara Ann Ritenour, Deceased, Christopher L. Leonard as Known Heir to Barbara Ann Ritenour, Deceased, Mark A. Leonard as Known Heir to Barbara Ann Ritenour, Deceased, Martha P. Reagan as Known Heir to Barbara Ann Ritenour, Deceased, Amanda Murphy Leonard, as Known Heir to the Estate of Matthew D. Leonard, a minor, Matthew Tyler Leonard, as Known Heir to the Estate of Matthew D. Leonard, a minor, Chase Matthew Leonard as Known Heir to the Estate of Matthew D. Leonard, a minor, Christian Lindsay-Allen Leonard, as Known Heir to the Estate of Matthew D. Leonard, a minor, Matthew D. Leonard, Jr., as Known Heir to the Estate of Matthew D. Leonard, a minor, and The Known and Unknown Heirs(s) Executors, Administrators(s) and Devisees(s) of the Estate of Matthew D. Leonard, 3 Trevor Street a/k/a 3 & 5 Trevor Street a/k/a 304 Trevor Street, City of Connellsville, PA 15425 Tax Parcel No. 05-11-0062. Improvements thereon consisting of a Residential Dwelling, sold to satisfy judgment in the amount of \$24,592.59.

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

No. 737 of 2021 GD
No. 158 of 2021 ED

QUICKEN LOANS, LLC

**635 Woodward Avenue
Detroit, MI 48226**

Plaintiff

vs.

**The Unknown Heirs of SHARON SEMENTA
-BUNYAN Deceased**

Mortgagor(s) and Record Owner(s)

58 Mullen Street

Uniontown, PA 15401

Defendant(s)

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

BEING KNOWN AS: 58 MULLEN
STREET, UNIONTOWN, PA 15401

TAX PARCEL #34-16-0060

IMPROVEMENTS: A RESIDENTIAL
DWELLING

SOLD AS THE PROPERTY OF: The
Unknown Heirs of SHARON SEMENTA-
BUNYAN Deceased

No. 1203 of 2021 GD
No. 160 of 2021 ED

CITIZENS BANK, N.A.

vs.

Ida L. Thomas

Dale B. Thomas

ALL THAT CERTAIN lot of ground
situate in Menallen Township, Fayette County,
Pennsylvania.

BEING THE SAME PREMISES which
Barbara Jane Rohlf and Roxanne Janine
Gmutza, Trustees of the Gertrude McArdle
Irrevocable Trust, by Deed dated October 1,
2018 and recorded October 10, 2018 in the
Office of the Recorder of Deeds in and for
Fayette County in Deed Book Volume 3385,
Page 1339, granted and conveyed unto Ida L.
Thomas and Dale B. Thomas.

BEING KNOWN AS: 39 North Mill
Street, New Salem, PA 15468 PARCEL #22-15-
0079

No. 1210 of 2021 GD
No. 147 of 2021 ED

**Ajax Mortgage Loan Trust 2020-A, Mortgage
-Backed Securities, Series 2020-A, by U.S.
Bank National Association, as Indenture
Trustee**

v.

Scott D. Ulery and Lisa Ulery

All that certain piece, parcel or tract of land
situated in Acme, Fayette County,
Commonwealth of Pennsylvania. Having erected
thereon a dwelling known as 133 Ulery Road,
Acme, PA 15610

Being more fully described in Deed Book
1426, Page 238

Judgment Amount of \$223,143.19 plus
interests and costs

Parcel Number 31-03-0071-02

PINCUS LAW GROUP, PLLC

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. 910 of 2021 GD

No. 179 of 2021 ED

**NATIONSTAR MORTGAGE LLC d/b/a
CHAMPION MORTGAGE COMPANY**

Plaintiff,

v.

**UNKNOWN HEIRS, SUCCESSORS AND
ASSIGNS AND ALL PERSONS, FIRMS,
OR ASSOCIATIONS CLAIMING RIGHT,
TITLE AND INTEREST UNDER VIOLET
D. SCHNATTERLY**

Defendants.

ALL THAT CERTAIN PIECES OR LOTS
OF GROUND SITUATUE IN SOUTH UNION
TOWNSHIP, FAYETTE COUNTY,
PENNSYLVANIA, KNOWN AND
NUMBERED LOTS NOS. 144 AND 145 IN
THE SOUTH UNION PLAN OF LOTS AS
RECORDED IN PLAN BOOK 3, PAGE 36.
BEING MORE FULLY DESCRIBED IN A
DEED DATED DECEMBER 22, 1977 AND
U.ECORDED ON DECEMBER 23, 1977 IN
BOOK 1228 PAGE 1132.

ADDRESS: 91 DAWSON AVENUE,
UNIONTOWN, PA 15401

TAX PARCEL 34-16-0147

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

No. 2511 of 2019 GD
No. 181 of 2021 ED

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

Plaintiff

vs.

JOHN R. WASHABAUGH
Mortgagor(s) and Record Owner(s)
630 Leisenring Vanderbilt Road
Vanderbilt, PA 15486

Defendant(s)

ALL THAT CERTAIN LOT OF LAND
SITUATE IN DUNBAR TOWNSHIP,
COUNTY OF FAYETTE AND
COMMONWEAL TH OF PENNSYLVANIA.

BEING KNOWN AS: 630 LEISENRING
VANDERBILT ROAD, VANDERBILT, PA
15486

TAX PARCEL #09-05-0271

IMPROVEMENTS: A RESIDENTIAL
DWELLING

SOLD AS THE PROPERTY OF: JOHN R.
WASHABAUGH

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

No. 427 of 2020 GD
No. 189 of 2021 ED

BANK OF AMERICA, N.A.
7105 Corporate Drive
Plano, TX 75024

Plaintiff

vs.

AMANDA WILSON
Mortgagor(s) and Record Owner(s) 359
Hopwood Coolspring Road
Hopwood, PA 15445

Defendant(s)

ALL THAT CERTAIN LOT OF LAND
SITUATE IN NORTH UNION TOWNSHIP,
COUNTY OF FAYETTE AND
COMMONWEAL TH OF PENNSYLVANIA.

BEING KNOWN AS: 359 HOPWOOD
COOLSPRING ROAD, HOPWOOD, PA 15445
TAX PARCEL #25-46-0011-01

IMPROVEMENTS: A RESIDENTIAL
DWELLING

SOLD AS THE PROPERTY OF:
AMANDA WILSON

*** END OF SHERIFF SALES ***

WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

518 Madison Drive

Smithfield, PA 15478

724-322-6529

johnfranciswarman@gmail.com

COMMERCIAL/RESIDENTIAL/CURRENT OWNER/MINERAL TITLE

A DECADE OF EXPERIENCE

E&O INSURED

WILL TRAVEL

ACCEPTING NEW CLIENTS

JUDICIAL OPINION

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

COMMONWEALTH OF	:	
PENNSYLVANIA,	:	
	:	
v.	:	
	:	
DEJUAN THOMAS GRAHAM,	:	No. 806 of 2020
Defendant.	:	Honorable Judge Steve P. Leskinen

OPINION AND ORDER

Leskinen, J.

October 22, 2021

Before the Court is the Defendant's OMNIBUS PRE-TRIAL MOTION NUNC PRO TUNC. After a careful review of the record and applicable case law, the Court hereby issues the following Opinion and Order:

Factual Background

The Defendant's charges arise out of a traffic incident which took place on February 23rd, 2020. The Commonwealth presented no witnesses. The Defendant stipulated to the facts as articulated in the Affidavit of Probable Cause.

On February 23rd, 2020, at approximately 1:12 AM, Pennsylvania State Troopers Nicholas Kunz and Robert Reitler were on routine patrol in a marked patrol unit when they observed a vehicle driving in the left westbound lane of U.S. Highway 40 in Uniontown where U.S. Highway 40 crosses Redstone Creek. Troopers Kunz and Reitler observed the vehicle continue in the left westbound lane of U.S. Highway 40 onto East Church Street without using a turn signal. Troopers Kunz and Reitler conducted a traffic stop on the vehicle.

Troopers Kunz and Reitler approached the vehicle and spoke to the driver. The driver was the Defendant: Dejuan Graham. The Defendant's driver's license was evidently suspended. Troopers Kunz and Reitler smelled the odor of marijuana emanating from the vehicle. Trooper Reitler asked the Defendant if he had a medical marijuana card and the Defendant said that he did not. The Troopers ordered the Defendant to exit the vehicle. The Affidavit of Probable Cause contains the following sentence:

Due to the odor of marijuana emanating from the vehicle[,] I conducted a probable cause search of the vehicle.

The Commonwealth presented no evidence that the Defendant consented to a search of the vehicle. A search of the vehicle yielded a plastic bag on the driver's seat

containing marijuana. The Defendant was charged with Possession (Small Amount of Marijuana); Drug Paraphernalia; Drivers Required to be Licensed; and Turning Movements and Required Signals.

The Defendant argues in his OMNIBUS PRE-TRIAL MOTION NUNC PRO TUNC:

- 1) That he did not violate the Motor Vehicle Code because he was following the natural curve of the roadway and a turn signal was therefore not required, and
- 2) That the vehicle search was illegal pursuant to *Com. v. Barr*.

Legal Standard

75 Pa.C.S.A. § 3334(a) states:

General rule.--Upon a roadway no person shall turn a vehicle or move from one traffic lane to another or enter the traffic stream from a parked position unless and until the movement can be made with reasonable safety nor without giving an appropriate signal in the manner provided in this section.

The Motor Vehicle Code does not define the word "turn." However, the Pennsylvania Supreme Court addressed the issue in *Vescio v. Rubolino*: a case involving a car accident at the intersection of PA State Route 51 and Coraopolis Road in Kennedy Township, Allegheny County:

It seems to us that Section 1012(a)* is entirely inapplicable...[The appellant] did not turn from a direct line. She merely followed a curving highway, a continuous and unbroken stretch of road before her. Surely Section 1012(a) does not require a driver to give a signal to indicate that the road which he is traveling is about to curve.

Id., 433 Pa. 253,258,249 A.2d 914,916 (1969).

The Pennsylvania Superior Court (in a non-precedential Opinion) addressed this issue again in *Com. v. Gaston*: a case involving a traffic stop of a vehicle at the intersection of North 7th Street and State Street in Harrisburg:

Appellant was not merely "following a curving highway" or veering left on an "unbroken stretch of road." The record supports the trial court's factual findings. Appellant was driving in a unique, congested and busy area, "broken into multiple lanes," and with large white arrows painted on the road indicating lanes of travel and suggested movements for that individual lane. Although he continued in the same lane, Appellant drove south on North 7th Street, and turned east onto State Street.

Com. v. Gaston, 241 A.3d 360 (Pa.Super.2020).

*Section 1012(a) is the antecedent of 75 Pa.C.S.A. § 3334(a).

75 Pa.C.S.A. § 6308(b) states:

(b) Authority of police officer.--Whenever a police officer is engaged in a systematic program of checking vehicles or drivers or has reasonable suspicion that a violation of this title is occurring or has occurred, he may stop a vehicle, upon request or signal, for the purpose of checking the vehicle's registration, proof of financial responsibility, vehicle identification number or engine number or the driver's license, or to secure such other information as the officer may reasonably believe to be necessary to enforce the provisions of this title.

The Pennsylvania Superior Court recently articulated:

The odor of marijuana alone, absent any other circumstances, cannot provide individualized suspicion of criminal activity when hundreds of thousands of Pennsylvanians can lawfully produce that odor. What it does provide to police is a general, probabilistic suspicion of criminal activity based on the fact that most citizens cannot legally consume marijuana. Thus, it is a factor that can contribute to a finding of probable cause, consistent with prior precedent discussed above, assuming some other circumstances supply more individualized suspicion that the activity is criminal.

Com. v. Barr, 240 A.3d 1263, 1287 (Pa.Super.2020).

Pennsylvania recognizes a limited automobile exception under Article I, Section 8 of the Pennsylvania State Constitution, pursuant to which warrantless vehicle searches require both probable cause and exigent circumstances. Com. v. Alexander, 243 A.3d 177 (2020) (overruling Com. v. Gary, 91 A.3d 102 (2014) and holding that warrantless vehicle searches in Pennsylvania require more than is required by the United States Constitution). The dual requirement of both probable cause and exigent circumstances is thus a newly reestablished part of Pennsylvania jurisprudence Id.

Discussion

The Court begins with a brief examination of the unique traffic circumstance presented by U.S. Highway 40 in Uniontown. The roadway where this incident took place is one of the oldest in the nation. U.S. Highway 40 in this area is also known as "East Main Street" and was originally called "Elbow Street." Elbow Street was one of the original two streets laid out by Henry Beeson in first plat of Uniontown in 1776. Originally, Elbow Street terminated at the west bank of Redstone Creek, (which was also the eastern boundary of the plat). Redstone Creek was not bridged at this location until 1818, when it became part of the National Road: the first federally-funded interstate highway in the United States. East Church Street was originally called "Market Street" and was not built until 1830:

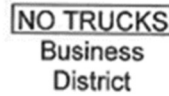
An ordinance was passed by the council of Union borough in 1830, authorizing the laying out of what was called Market street. This street was to be 50 feet wide and was to begin at a point on the National [R]oad near the eastern bridge and run to Morgantown [S]treet...

Hadden, James, A History of Uniontown (1913).

The National Road subsequently became U.S. Highway 40 and Market Street was renamed East Church Street. Today, this section of U.S. Highway 40 is one-way, with two westbound lanes. Approximately 1000 feet before the area where the left westbound lane becomes East Church Street, two large, green highway-style signs above the left and right lanes read:



respectively. Approximately 500 feet before the area where the left westbound lane becomes East Church Street, two large, green highway-style signs above the left and right lanes read:



respectively. The area where the left westbound lane becomes East Church Street is painted with white diverging traffic crosshatch markings.

For all of these reasons, the Court finds that the area where the left westbound lane of U.S. Highway 40 becomes East Church Street is more like the 'curving highway' presented in *Vescio v. Rubolino* and less like the 'turn' presented in *Com. v. Gaston*. The Court concludes that, like the appellant in *Vescio v. Rubolino*, the Defendant did not turn from a direct line, but merely followed a curving highway: a continuous and unbroken stretch of road before him. The Defendant was therefore not required to use a turn signal pursuant to 75 Pa.C.S.A. § 3334(a). The Court further finds that, even if the Defendant had violated the Motor Vehicle Code, the Commonwealth produced no evidence whatsoever to satisfy the exigent circumstances requirement of Pennsylvania's limited automobile exception.

Wherefore the Court issues the following Order:

ORDER

AND NOW, this 22nd day of October, 2021, upon consideration of the Defendant's OMNIBUS PRE-TRIAL MOTION NUNC PRO TUNC, it is hereby ORDERED and DIRECTED that it is GRANTED. All evidence derived from the traffic stop is SUPPRESSED and all charges are hereby DISMISSED.

BY THE COURT:
STEVE P. LESKINEN, JUDGE

ATTEST:
Clerk of Courts

ANNUAL MEMBERSHIP MEETING

The Annual General Membership meeting of the Fayette County Bar Association shall be held on Wednesday, December 1, 2021, at 1:30 pm, following the Lunch & Learn CLE, in Courtroom One of the Fayette County Courthouse, 61 East Main Street, Uniontown, PA 15401. Members are invited to present topics of concern or interest to the Association. A Special Meeting will be held at 1:30 to consider the proposed amended bylaws followed by the Annual Meeting.

NOTICE

A motion to amend the Fayette County Bar Association By-Laws will be made at a Special Meeting on Wednesday, December 1, 2021, at 1:30 pm in the Fayette County Courthouse, 61 East Main Street, Uniontown, PA 15401. The proposed revision will be sent to the membership via email and is available for review from the Bar Association Office.

LUNCH & LEARN SERIES

The Fayette County Bar Association's final 2021 presentation in its Lunch & Learn Series will be:

- Date: **Wednesday, December 1st** from 12:00 p.m. to 1:30 p.m.
- Location: Courtroom No. 1 of the Fayette County Courthouse
- Discussion topics: **Workers' Comp. & Social Security Disability Claims - The Essentials**
- Presenters: **Mark M. Mehalov, Esquire, and Gary D. Monaghan, Esquire**

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, 2016

- 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.

While same day registrants are welcome, lunch will be served first to those who register in advance of the program day due to the difficulty in estimating the number of walk-ins.

RSVP

If interested in attending, please call Cindy at the Bar office at 724-437-7994 or by email to cindy@fcbbar.org on or before Monday, November 29th.



JOIN THE FAYETTE COUNTY
BAR ASSOCIATION FOR A

Christmas
PARTY

AT MARILYN'S ON MAIN

WEDNESDAY, DECEMBER 8TH

4:30 PM - 7:00 PM

IN SUPPORT OF THE HOLIDAY SEASON,
PLEASE BRING NEW, UNWRAPPED TOYS
FOR DONATION TO FAYETTE COUNTY CYS.
MONETARY DONATIONS PAYABLE TO
"CYS ADVISORY BOARD."

RSVP BY FRIDAY, DECEMBER 3RD
724-437-7994 OR CINDY@FCBAR.ORG
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