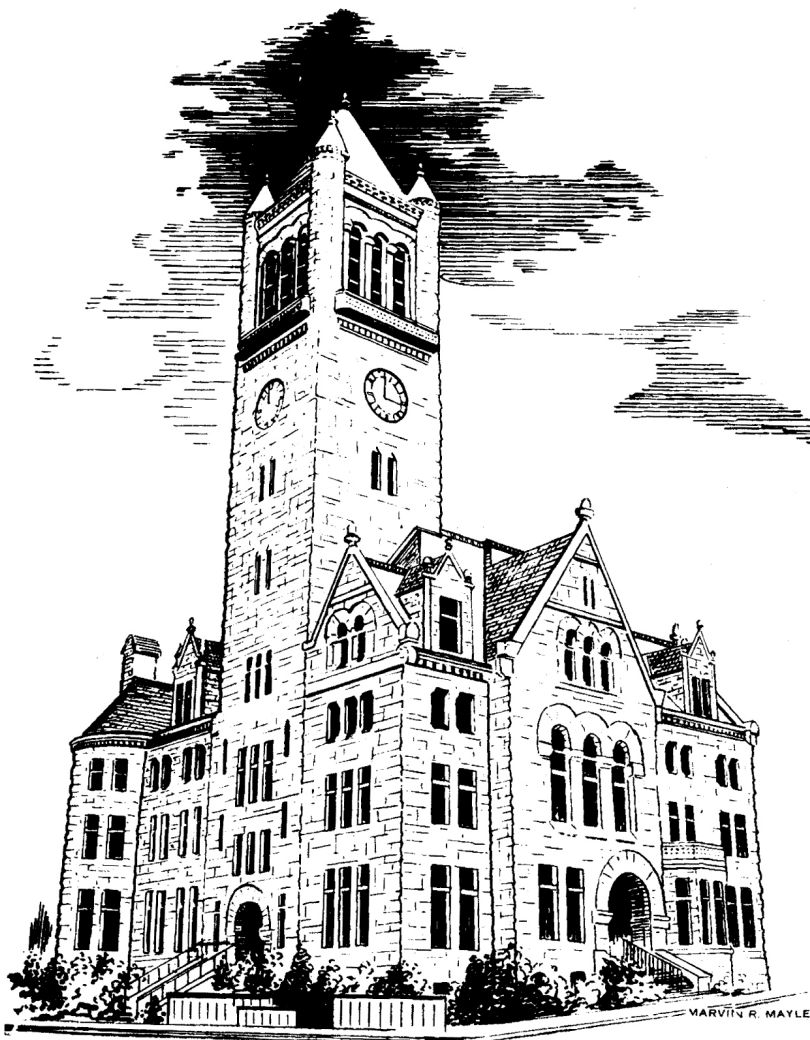


FAYETTE LEGAL JOURNAL

VOL. 80

SEPTEMBER 9, 2017

NO. 36



FAYETTE LEGAL JOURNAL

The FAYETTE LEGAL JOURNAL is published weekly by the Fayette County Bar Association, 2 West Main Street, Suite 711, Uniontown, Pennsylvania 15401, 724-437-7994. Legal advertisements should be submitted online at 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

Cover Design by Marvin R. Mayle, 207 Lick Hollow Road, Hopwood, PA

FAYETTE COUNTY BAR ASSOCIATION Board of Directors

President: John M. Purcell

President Elect: Gary N. Altman

Vice-President: James Higinbotham, Jr.

Secretary: Bernard C. John

Treasurer: Vincent J. Roskovensky, II

Past President: Anne N. John

Executive Director: Garnet L. Crossland

Directors

Davina D. Burd

Carolyn W. Maricondi

William M. Martin

Wendy L. O'Brien

Robert A. Gordon

Douglas S. Sholtis

Sheryl R. Heid

ETHICS HOTLINE

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.

LAWYERS CONCERNED FOR LAWYERS

Our assistance is confidential,
non-judgmental, safe, and effective

To talk to a lawyer today, call:

1-888-999-1941

717-541-4360

Call (800) 932-0311, ext. 2214.

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

THOMAS D. FOREMAN, late of Ohiopyle, Fayette County, PA (3)

Executor: Donna M. Foreman
c/o Fieschko & Associates, Inc.
436 7th. Avenue, Suite 2230
Pittsburgh, PA 15219
Attorney: Joseph E. Fieschko, Jr.

SHIRLEY A. GEARING, a/k/a SHIRLEY ANN GEARING, late of Uniontown, Fayette County, PA (3)

Personal Representative: Daniel Gearing
c/o Watson Mundorff Brooks & Sepic
720 Vanderbilt Road
Connellsville, Pa 15425
Attorney: Charles W. Watson

JAMES BARRY GEORGE, late of Bullskin Township, Fayette County, PA (3)

Personal Representative: Dennis A. George
c/o Watson Mundorff Brooks & Sepic
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Charles W. Watson

GEORGE LAZARCHECK, late of North Union Township, Fayette County, PA (3)

Executrix: Georgia VanSickle
c/o Zebley Mehalov & White, P.C.
18 Mill Street Square
PO Box 2123
Uniontown, PA 15401
Attorney: Daniel R. White

BRIDGET MAHER, a/k/a BRIDGET F. MAHER, late of South Union Township, Fayette County, PA (3)

Executor: Dennis P. Maher
c/o John & John
96 East Main Street
Uniontown, PA 15401
Attorney: Anne N. John

WILLIAM A. ZACK, SR., late of Uniontown, Fayette County, PA (3)

Executor: William A. Zack, Jr.
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Wendy L. O'Brien

Second Publication

BETTY J. BARCLAY, a/k/a BETTY JUNE BARCLAY, late of Springhill Township, Fayette County, PA (2)

Executor: Paul G. Barclay, Jr.
190 Wymps Gap Road
Smithfield, PA 15478
c/o 76 East Main Street
Uniontown, PA 15401
Attorney: Douglas S. Sholtis

JEAN CROUSHORE, a/k/a JEAN R. CROUSHORE, late of Washington Township, Fayette County, PA (2)

Executor: Robert Stanley
177 Francis Road
Perryopolis, PA 15473
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

PATRICIA A. HOLLOWAY, a/k/a PATRICIA A. MONACO, a/k/a PATRICIA HOLLOWAY, late of North Union Township, Fayette County, PA (2)

Executor: John Edward Descaro
c/o John and John
96 East Main Street
Uniontown, PA 15401
Attorney: Simon B. John

ROSEMARY T. MUCHA, late of Bullskin Township, Fayette County, PA (2)
Executor: Anthony W. Mucha
 3165 Richey Road
 Connellsville, PA 15425
 c/o Mears, Smith, Houser & Boyle, P.C.
 127 North Main Street
 Greensburg, PA 15601
Attorney: Kim Ross Houser

CLIFFORD R. WALTERS, late of Dunbar Township, Fayette County, PA (2)
Executor: Clifford R. Walters, Jr.
 c/o Casini & Geibig, LLC
 615 West Crawford Avenue
 Connellsville, PA 15425
Attorney: Jennifer M. Casini

First Publication

MILDRED BROWN, late of Washington Township, Fayette County, PA (1)
Executor: John L. Brown
 913 Fayette Avenue
 Belle Vernon, PA 15012
 c/o 823 Broad Avenue
 Belle Vernon, Pa 15012
Attorney: Mark E. Ramsier

JOHN PAUL HALFHILL a/k/a JOHN P. HALFHILL, late of Bullskin Township, Fayette County, PA (1)
Executor: Dennis Wade Halfhill
 c/o Carolyn W. Maricondi
 P.O. Box 760
 Connellsville PA 15425
Attorney: Carolyn W. Maricondi

JOSEPH HIXSON, a/k/a JOSEPH C. HIXSON, late of Upper Tyrone Township, Fayette County, PA (1)
Administratrix: Mikaela Hixson
 c/o 164 West Crawford Avenue
 Connellsville, PA 15425
Attorney: David B. Reiss

FRED KOLONSKY, a/k/a FRED W. KOLONSKY, late of German Township, Fayette County, PA (1)
Personal Representatives:
 David T. Kolonsky and Kristy L. Anderson
 c/o Higinbotham Law Offices
 45 East Main Street, Suite 500
 Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

DONALD R. LAUGHERTY, late of Connellsville, Fayette County, PA (1)
Executor: Carmine V. Molinaro, Jr.
 c/o Molinaro Law Offices
 P.O. Box 799
 Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

SUSAN R. NEIGHBORS, a/k/a SUSAN RENEE NEIGHBORS, a/k/a SUSAN R. FRIEL, late of Dunbar, Fayette County, PA (1)
Personal Representative: Carl L. Neighbors
 c/o Watson Mundorff Brooks & Sepic, LLP
 720 Vanderbilt Road
 Connellsville, PA 15425
Attorney: Timothy J. Witt

LEGAL NOTICES

IN THE COURT OF COMMON PLEAS
 OF FAYETTE COUNTY, PENNSYLVANIA
 CIVIL DIVISION
 NO. 1057 of 2017 GD
 NOTICE OF ACTION IN MORTGAGE
 FORECLOSURE

PNC Bank, National Association,
Plaintiff,
vs.

Deanna K. Lynn and Stephen Lynn a/k/a Stephen J. Lynn,
Defendants.

TO: Deanna K. Lynn and Stephen Lynn a/k/a Stephen J. Lynn, Defendants, whose last known address is 204 Grove Avenue, Belle Vernon, PA 15012.

COMPLAINT IN MORTGAGE
 FORECLOSURE

You are hereby notified that Plaintiff, PNC

Bank, National Association, has filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of Fayette County, Pennsylvania, docketed to NO. 1057 of 2017 GD, wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 204 Grove Avenue, Belle Vernon, PA 15012, whereupon your property would be sold by the Sheriff of Fayette County.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the notice above, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you. **YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH THE INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.** Fayette County Lawyer Referral Service, PA Bar Assn., 100 South St., P.O. Box 186, Harrisburg, PA 17108, 800.692.7375.

Mark J. Udren, Lorraine Gazzara Doyle, Sherri J. Braunstein, Elizabeth L. Wassall, John Eric Kishbaugh, Nicole B. Labletta, David Neeren & Morris Scott, Attys. For Plaintiff, Udren Law Offices, P.C., 111 Woodcrest Rd., Ste. 200, Cherry Hill, NJ 08003, 856.669.5400.

IN THE COURT OF COMMON PLEAS
FAYETTE COUNTY, PENNSYLVANIA
CIVIL DIVISION
No. 1504 of 2017, G.D.
JUDGE NANCY VERNON

**VICTOR G. LOZAR TRUST JACQUELINE
KILLIANY TRUSTEE,
Plaintiff,
vs.
THOMAS HARDENS, his heirs, successors
and assigns generally,
Defendants.**

You are hereby notified that Jacqueline Killiany, Trustee of The Victor G. Lozar Trust, has filed a Complaint at the above number and term in the above-mentioned court in an Action of Quiet Title wherein it is alleged that the Victor G. Lozar Trust is the owner of property situate in North Union Township, Fayette County, Pennsylvania, being more fully described at Tract Second in deed of record in the Office of the Recorder of Deeds of Fayette County, Pennsylvania, in Record Book Volume 1678, page 214. The property which is the subject of said Quiet Title Action is identified as Tax Map Parcel Number 25-06-0009.

Said Complaint sets forth that the Plaintiff owns the above-described premises in fee simple. A Complaint was filed for the purpose of barring all of your right, title and interest or claim in and to all or a portion of said premises.

NOTICE

You are hereby notified that you have been sued in court. If you wish to defend against the claim set forth in the complaint and in the within advertisement, you must take action within twenty (20) days after the last advertisement. of this notice by entering a written appearance personally or by attorney and filing if writing with the court your defenses or objections to the claim 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 or any money claimed in the complaint, or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE 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.**

PENNSYLVANIA BAR ASSOCIATION
PENNSYLVANIA LAWYER REFERRAL
100 SOUTH STREET, P.O. BOX 186
HARRISBURG, PA 17108
TELEPHONE: 1-800-692-7375 or 717-238-6807

James E. Higinbotham, Jr., Esquire
45 East Main Street, Suite 500
Uniontown, PA 15401

SHERIFF'S SALE

Date of Sale: November 16, 2017

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, November 16, 2017, 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. (1 of 3)

James Custer
Sheriff Of Fayette County

Phelan Hallinan Diamond & Jones, LLP

No. 1360 of 2017 GD
No. 234 of 2017 ED

Pennymac Holdings, LLC,
Plaintiff,
vs.

Michael J. Ansell
Jackie R. Ansell,
Defendant(s).

By virtue of a Writ of Execution No. 1360 OF 2017, Pennymac Holdings, LLC v. Michael J. Ansell Jackie R. Ansell, owner(s) of property situate in the UPPER TYRONE TOWNSHIP, Fayette County, Pennsylvania, being 145 McClure Rd a/k/a, 125 Pony Lane, Mount Pleasant, PA 15666

Parcel No.: 3905002302

Improvements thereon: RESIDENTIAL DWELLING

No. 2264 of 2016 GD
No. 230 of 2017 ED

WELLS FARGO BANK, N.A.,
Plaintiff,
vs.

Timothy Beachy
Heather Day-Beachy,
Defendants.

ALL THAT RIGHT, TITLE, INTEREST AND CLAIMS OF TIMOTHY BEACHY AND HEATHER DAY-BEACHY OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT CERTAIN LOT OR PARCEL OF LAND SITUATE IN PERRY TOWNSHIP, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA, BEING MORE FULLY DESCRIBED AT DBV 2723 PAGE 254

BEING KNOWN AS 28 CEMETERY ROAD, PERRYOPOLIS, PA 15473-1043 TAX MAP NO. 27-20-0010

KML Law Group, P.C.

Suite 5000 - BNY Independence Center 701
Market Street
Philadelphia, PA 19106
215-627-1322 - Attorney for Plaintiff

No. 1128 of 2017 GD
No. 223 of 2017 ED

NATIONSTARMORTGAGE LLC
8950 Cypress Waters Boulevard
Coppell, TX 75019,

Plaintiff,
vs.

THERESA BILLER
Mortgagor(s) and Record Owner(s)
127 Harnmonsville Street
Mount Pleasant, PA 15666,
Defendant.

ALL THAT CERTAIN seven (7) Lots of land, known as Lot Nos. 251, 252, 253, 254, 255, 256 end 257 in the Hammonville-Plan of Lots situate in the Township of Bullskin, County of Fayette and Commonwealth of Pennsylvania.

TAX PARCEL #04-16-0015

PROPERTY ADDRESS: 127
Hammonsville Street Mount Pleasant, PA 15666
IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF:
THERESA BILLER

No. 1117 of 2017 GD
No. 217 of 2017 ED

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

Plaintiff,
vs.

JOHN F. DUGAN,
Defendant.

ALL that certain parcel in Wharton Township, Fayette County, Pennsylvania, being approximately 200.71 x 206.5 x 128.20 x 401.25 x 124.5. Containing 1.162 acres, survey of Walter R. Hager, plot attached to deed 1217, page 1041. HAVING THEREON ERECTED DWELLING KNOWN AND NUMBERED AS: 238 WHARTON FURNACE ROAD FARMINGTON, PA 15437.

Tax Parcel# 42-05-0107
 Fayette Deed Book 1913, page 158.
 TO BE SOLD AS THE PROPERTY OF
 JOHN F. DUGAN UNDER FAYETTE
 COUNTY JUDGMENT NO. 1117 OF 2017
 GD.

Phelan Hallinan Diamond & Jones, LLP

No. 1689 of 2016 GD
 No. 233 of 2017 ED

JPMorgan Chase Bank, N.A.,
Plaintiff,
vs.
Aaron W. Eicher,
Defendant(s).

By virtue of a Writ of Execution No. 1689 OF 2016 GD JPMorgan Chase Bank, N.A. v. Aaron W. Eicher, owner(s) of property situate in the LUZERNE TOWNSHIP, Fayette County, Pennsylvania, being 1123 High Street, Brownsville, PA 15417-2233

Parcel No.: 19080214
 Improvements thereon: RESIDENTIAL DWELLING

KML Law Group, P.C.
 Suite 5000 - BNY Independence Center 701
 Market Street
 Philadelphia, PA 19106
 215-627-1322

No. 743 of 2017 GD
 No. 214 of 2017 ED

PNC BANK, NATIONAL ASSOCIATION,
SUCCESSOR BY MERGER TO
NATIONAL CITY BANK, SUCCESSOR BY
MERGER TO NATIONAL CITY BANK OF
PENNSYLVANIA
3232 Newmark Drive
Miamisburg, OH 45342
Plaintiff,
vs.
BRIAN L. MATTHEWS as Executor of the
Estate of Icie J. Matthews Deceased
Mortgagor(s) and Record Owner(s)
211 Keyser Street A/K/A 211 Keiser Avenue
Point Marion, PA 15474
Defendant(s).

ALL THAT CERTAIN lot of land situate in the Borough of Port Marion, County of Fayette and Commonwealth of Pennsylvania.

TAX PARCEL #29-02-0178
 PROPERTY ADDRESS: 211 Keyser Street A/K/A 211 Keiser Avenue Point Marion, PA 15474

IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF: BRIAN L. MATTHEWS as Executor of the Estate of Icie J. Matthews Deceased

No. 1116 of 2017 GD
 No. 224 of 2017 ED

PENNSYLVANIA HOUSING FINANCE
AGENCY,
PLAINTIFF,
vs.
DAVID L. MYERS,
DEFENDANT.

ALL that certain lot in Dunbar Township, Fayette County, Pennsylvania, being Lot No. 20, Plan of Lots by John W. Galbreath dba John W. Galbreath & Co. Fayette Plan Book 8, page 252. HAVING THEREON ERECTED DWELLING KNOWN AS 118 5TH STREET (fka 3537 5TH STREET) MONARCH-DUNBAR, PA 15431.

TAX PARCEL#: 09-22-0014
 Fayette Deed Book 2838, page 932.
 TO BE SOLD AS THE PROPERTY OF
 DAVID L. MYERS UNDER FAYETTE
 COUNTY JUDGMENT NO. 1116 OF 2017
 GD.

No. 2679 of 2014 GD
 No. 227 of 2017 ED

PNC BANK, NATIONAL ASSOCIATION,
successor by merger to NATIONAL CITY
BANK,

Plaintiff,
vs.

ROBERT WALTER PAZICNI,
ADMINISTRATOR OF THE ESTATE OF
ROBERT W. PAZICNI A/K/A BOB
PAZICNI,

Defendant.

ALL THE RIGHT TITLE, INTEREST
 AND CLAIMS OF ROBERT WALTER
 PAZICNI, ADMINISTRATOR OF THE
 ESTATE OF ROBERT W. PAZICNI A/KIA
 BOB PAZICNI, OF, IN AND TO THE
 FOLLOWING DESCRIBED PROPERTY:

ALL THAT PARCEL OF LAND
 SITUATE IN REDSTONE TOWNSHIP,
 FAYETTE COUNTY, PA, BEING PARCEL
 30370022, MORE FULLY DESCRIBED IN
 OR BOOK 3305, PAGE 1217.

BEING KNOWN AS 614 SECOND
 STREET, FAIRBANK, PA 15435.

TAX PARCEL NO. 30370022

STERN & EISENBERG PC
 M. TROY FREEDMAN, ESQUIRE

No. 137 of 2017 GD
 No. 216 of 2017 ED

Quicken Loans Inc.,
Plaintiff,
vs.

Shannon Kieta, Known Heir of the Estate of
William Vicola and The Unknown Heirs,
Executors and Devisees of the Estate of
William Vicola,

Defendants.

SITUATE IN THE SOUTH UNION
 TOWNSHIP, FAYETTE COUNTY,
 PENNSYLVANIA, BEING KNOWN AS 98
 MARIE ALLEY, UNIONTOWN, PA 15401.

PARCEL NO. 34-21-0042
 IMPROVEMENTS - RESIDENTIAL
 REAL ESTATE

SOLD AS THE PROPERTY OF-
 SHANNON KIETA, KNOWN HEIR OF THE

ESTATE OF WILLIAM VICOLA AND THE
 UNKNOWN HEIRS, EXECUTORS AND
 DEVISEES OF THE ESTATE OF WILLIAM
 VICOLA

KML Law Group, P.C.
 SUITE 5000 - BNY Independence Center 701
 MARKET STREET
 Philadelphia, PA 19106-1532
 215-627-1322

No. 1879 of 2016 GD
 No. 215 of 2017 ED

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION

c/o 3415 Vision Drive
Columbus, OH 43219,

Plaintiff,
vs.

ERIC R. WEAVER
Mortgagor(s) and Record Owner(s)

170 Horseshoe Bend Road

Acme, PA 15610

Defendant(s).

ALL THAT CERTAIN piece, parcel or lot
 of ground situate in the Township of Bullskin,
 County of Fayette and Commonwealth of
 Pennsylvania.

TAX PARCEL #04-14-0198

PROPERTY ADDRESS: 170 Horseshoe
 Bend Road Acme, PA 15610

IMPROVEMENTS: A residential
 dwelling.

SOLD AS THE PROPERTY OF: ERIC R.
 WEAVER

No. 1336 of 2017 GD
 No. 229 of 2017 ED

PENNSYLVANIA HOUSING FINANCE
AGENCY,

PLAINTIFF,
vs.

DAVID C. WHYEL,
DEFENDANT.

PARCEL ONE - TAX PARCEL #19-18-
0008/191530:

ALL that certain lot ground in the
 Township of Luzerne, County of Fayette,

Pennsylvania, being Lot No. 5, Joseph Merino Plan of Lots, Fayette Plan Book 1, page 36 1/2. BEING A VACANT LOT OF residential land located on Rose Street, Allison, PA 15412.

TAX PARCEL #: 19-18-0008

Fayette County Deed Book 2082, page 323.

PARCEL TWO - TAX PARCEL #19-18-0003/191531:

ALL that certain lot of ground in the Township of Luzerne, County of Fayette, Pennsylvania, being Lots Nos. 9 and 10, Joseph Merino Plan of Lots, Fayette Plan Book Volume 1, page 36 1/2. HAVING THEREON ERECTED outbuildings located on Rose Street, Allison, PA 15413.

TAX PARCEL #: 19-18-0003

Fayette County Deed Book 2082, page 323.

PARCEL THREE- TAX PARCEL #19-18-0006/191532:

ALL those two lots of ground in the Township of Luzerne, County of Fayette, Pennsylvania, being Lots Nos. 3 and 4, Joseph Merino Plan of Lots, Fayette Plan Book 1, page 36 1/2. HAVING THEREON ERECTED DWELLING KNOWN AS: 1 ROSE STREET ALLISON, PA 15413.

TAX PARCEL#: 19-18-0006

Fayette Deed Book 2082, page 323.

ALL PARCELS TO BE SOLD AS THE PROPERTY OF DAVID C. WHYEL UNDER FAYETTE COUNTY JUDGMENT NO. 2017-01336.

UDREN LAW OFFICES, P.C.
WOODCREST CORPORATE CENTER
111 WOODCREST ROAD, SUITE 200
CHERRY HILL, NJ 08003-3620
856-669-5400
pleadings@udren.com

No. 584 of 2017 GD
No. 225 of 2017 ED

PNC Bank, National Association
Plaintiff,
v.

DARLENE WILLIAMS, KNOWN HEIR
OF RICKY A. WILLIAMS
JOHNNY WILLIAMS, KNOWN HEIR OF
RICKY A. WILLIAMS
KELLY BRACKEN KNOWN HEIR OF

RICKY A. WILLIAMS
RICKY WILLIAMS, JR., KNOWN HEIR
OF RICKY A. WILLIAMS
RYAN WILLIAMS, KNOWN HEIR OF
RICKY A. WILLIAMS
UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS AND ALL PERSONS, FIRMS OR
ASSOCIATIONS CLAIMING RIGHT,
TITLE OR INTEREST FROM OR UNDER
RICKY A. WILLIAMS,

Defendant(s).

ALL THAT CERTAIN LOT OF LAND SITUATE IN STEWART TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA:

BEING KNOWN AS 186 Maple Summit Road, Mill Run, PA 15464

PARCEL NUMBER: 37-08-0058

IMPROVEMENTS: Residential Property

McCABE, WEISBERG & CONWAY, P.C.
Attorneys for Plaintiff
123 South Broad Street, Suite 1400
Philadelphia, PA 19109
(215) 790-1010

No. 111 of 2014 GD
No. 235 of 2017 ED

The Huntington National Bank,
Plaintiff,
vs.

Charles R. Wisilosky and Ranelle L.
Wisilosky,
Defendants.

All that certain piece or parcel or Tract of land situate in the Upper Tyrone, Fayette County, Pennsylvania, and being known as 130 Geary Drive, Connellsville, Pennsylvania 15425.

Being known as: 130 Geary Drive, Connellsville, Pennsylvania 15425

Title vesting in Charles R. Wisilosky and Ranelle L. Wisilosky, husband and wife, by deed from Jeremy R. Nunamaker, Unmarried dated January 30, 2006 and recorded February 1, 2006 in Deed Book 2976, Page 25.

Tax Parcel Number: 39-13-0019

JUDICIAL OPINION

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY,
PENNSYLVANIA

CRIMINAL DIVISION

| | | |
|-------------------|---|--------------------------------|
| COMMONWEALTH OF | : | |
| PENNSYLVANIA | : | |
| vs. | : | |
| ROBERT COOLBAUGH, | : | No. 1559 of 2008, G.D. |
| Defendant. | : | SENIOR JUDGE GERALD R. SOLOMON |

OPINION AND ORDER

SOLOMON, S.J.

August 30, 2017

Before the Court is the counseled Amended Post-Conviction Relief Act Petition filed by Defendant, Robert Coolbaugh. Initially, Defendant had filed a pro se PCRA petition and, since it was his first PCRA petition, counsel was appointed. In his counseled petition Defendant claims relief based upon after discovered evidence. A full evidentiary hearing was held on the petition.

DISCUSSION

The petition of Defendant claims that on "February 4, 2017, he learned that on January 25, 2017, Detective Reese was found guilty of various sex assault charges...." He further claims that these "recent charges, combined with extensive and multiple instances of criminal conduct over the course of time raises doubts and puts into question the veracity and fidelity of Detective Reese's testimony" at Defendant's trial. Defendant also claims that "the criminal charges against Ryan Reese constitutes after discovered evidence, because: "Detective Reese's damaging testimony served as the only evidence offered by the Commonwealth and is the sole reason your Defendant was found guilty of PWID (Possession With Intent to Deliver)."

According to his Petition, while Defendant knew of the charges against Reese, he made no claim until the charges against Reese had been adjudicated. Thus, his Petition is timely.

At his evidentiary hearing, Defendant testified that he learned that Ryan Reese had been "convicted of crimes." N.T. 7/13 /17, at 4. He also testified that Reese had testified as an expert witness in the field of cocaine during Defendant's trial. Id. With regard to the crimes that Reese had been convicted of, Defendant called Kimberly Martin from the office of the Clerk of Courts of Fayette County. Id. at 8. Martin testified that Reese had been found guilty on January 25, 2017, of Corruption of Minors at Case Number 1118 of 2015. Id. at 8, 9. The charges against Ryan Reese at Case

Number 1118 of 2015 were filed in 2015. Record. The Criminal Information filed at Case Number 1118 of 2015 states that the charge of Corruption of Minors stems from acts committed "on or about November 1, 2013 through on or about June 15, 2014." Id.

Instantly, Defendant went to trial on March 4, 2009. N.T. 3/4/09. At that trial, a Pennsylvania State Police Trooper and a Pennsylvania State Police Criminal Investigator testified as how they apprehended Defendant and as to the charges that were filed against Defendant. N.T. 3/4/09. Ryan Reese was called to testify and testified as to his qualifications to testify as an expert in the field of narcotics. N.T. 3/4/09, at 41-47. The Court then recognized Reese as an expert in the field of narcotics. Id. at 48. Reese offered no testimony concerning the circumstances surrounding the apprehension and arrest of Defendant.

To be granted a new trial on the basis of newly-discovered evidence, Petitioner must demonstrate that the evidence (1) could not have been obtained prior to the conclusion of trial by the exercise of reasonable diligence; (2) that it is not merely corroborative or cumulative; (3) will not be used solely to impeach the credibility of a witness; and (4) would likely result in a different verdict if a new trial were granted. *Commonwealth v. Pagan*, 950 A.2d 270, 292 (Pa. 2008), cert. denied, 129 S.Ct. 1378 (2009). A petitioner must show by a preponderance of the evidence that each of these factors has been met in order for a new trial to be warranted. Id.

From the testimony presented at the PCRA, it is clear that the alleged newly-discovered evidence is being offered solely to impeach the credibility of a witness, Ryan Reese, who testified as an expert and not as a fact witness, and to contradict his testimony. Thus, Defendant has failed to meet the burden imposed upon him by Pagan. Id. Further, the filing of criminal charges in an unrelated matter is not new evidence, and there is no nexus between Defendant's case and the misconduct of Reese. See, *Commonwealth v. Foreman*, 55 A.3d 532 (Pa.Super. 2012).

Wherefore, we will enter the following Order.

ORDER

AND NOW, this 30th day of August, 2017, after full hearing on the Amended Post-Conviction Relief Act Petition filed by Defendant, it is hereby ORDERED and Decreed that the Petition is DENIED.

BY THE COURT,
GERALD R. SOLOMON
SENIOR JUDGE

ATTEST:
Janice Snyder
CLERK OF COURTS

FREE CLE & RECEPTION**FEDERAL COURTS 101**

Wednesday, September 20, 2017

Join your fellow Fayette County Bar colleagues at “Federal Courts 101”, presented by a distinguished panel of Judges from the Western District of Pennsylvania, including: Chief Judge Joy Flowers Conti; Judge Mark R. Hornak, Judge Cathy Bissoon, Magistrate Judge Cynthia Reed Eddy, and Chief Bankruptcy Judge Jeffery A. Deller.

Moderated by Fayette’s own Anne N. John, Esquire and Samuel J. Davis, Esquire, this event will introduce you to federal court procedures, and a reception following the CLE will provide you with an opportunity to introduce yourselves and chat with the Judges.

Please mark your calendars to join us on Wednesday, September 20, 2017 at 3:30 at Nemaquin Woodlands Resort for this unique and informative session. Attendees will receive one complimentary Substantive CLE credit.

PLEASE REPLY

Nemaquin Woodlands Resort

1.0 Substantive CLE Credit

Credit and Reception Cost - FREE

RSVP to Cindy

724-437-7994 or cindy@fcbbar.org

SAVE THE DATE

Fayette County Bar Association
Bench Bar Conference

The Historic Summit Inn
Wednesday, October 11, 2017
9:00 a.m.

*Quality... Experience... Results...
It's what your clients deserve.*

Medical Malpractice • Auto Accidents • Personal Injury



GISMONDI

& ASSOCIATES

412-281-2200

www.gislaw.com

700 Grant Bldg., 310 Grant St., Pgh., PA 15219