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FAYETTE LEGAL JOURNAL

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ESTATE NOTICES

Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors named.

Third Publication

ALBERT J. APICELLA, a/k/a ALBERT JOSEPH APICELLA, SR., late of Redstone Township, Fayette County, PA ⁽³⁾

Executor: Albert J. Apicella, Jr.
c/o 9 Court Street
Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

CECELIA S. ARTHUR, late of North Union Township, Fayette County, PA ⁽³⁾

Personal Representatives: Rita A. Byers and Nancy L. Myers
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

HARRY CHARLES FEE, a/k/a HARRY C. FEE, late of Uniontown, Fayette County, PA ⁽³⁾

Executor: Susan Miller
68 Nell Street
Hopwood, PA 15445
c/o The Lynch Group
501 Smith Drive, Suite 3
Cranberry Township, PA 16066
Attorney: Charles B. Hadad

DANIEL S. KORDICH, late of Perryopolis, Fayette County, PA ⁽³⁾

Executrix: Deborah A. Morgan
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

ELLEN M. MACKEY, late of Upper Tyrone Township, Fayette County, PA ⁽³⁾

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

MERCEDES TYLER MECOZZI, a/k/a MERCEDES MECOZZI, late of Uniontown, Fayette County, PA ⁽³⁾

Administratrix: Nicole Brown
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Jeremy J. Davis

DOLORES L. RANDOLPH, a/k/a DOLORES LORRIANE RANDOLPH, late of Luzerne Township, Fayette County, PA ⁽³⁾

Co-Executrix: Deborah Bowser and Martha Biddle
c/o Adams Law Offices, PC
55 East Church Street, Suite 10
Uniontown, PA 15401
Attorney: Jason Adams

Second Publication

FRANCES FRITZ, a/k/a FRANCES JANE FRITZ, late of Nicholson Township, Fayette County, PA ⁽²⁾

Administratrix: Lori Byrd
c/o Kopas Law Office
556 Morgantown Road
Uniontown, PA 15401
Attorney: John Kopas

MAX GALES, a/k/a MAXIE GALES, late of Saltlick Township, Fayette County, PA ⁽²⁾

Executrix: Sherry L. Witt
P.O. Box 266
603 Indian Creek Valley Road
Indian Head, PA 15446
c/o John M. Ranker & Associates, P.C.
140 South Main Street, Suite 301
Greensburg, PA 15601
Attorney: John M. Ranker

BARRY HERBERT, a/k/a BARRY LEE HERBERT, late of Fayette County, PA (2)
Administrator: Shaun E. O'Toole
 c/o 220 Pine Street
 Harrisburg, PA 17101
Attorney: Shaun O'Toole

LAWRENCE E. LOYAL, late of Connellsville, Fayette County, PA (2)
Personal Representative: Todd E. Loyal
 c/o 208 South Arch Street, Suite 2
 Connellsville, PA 15425
Attorney: Richard Husband

EVA JOY NICOLETTE, late of Bullskin Township, Fayette County, PA (2)
Executor: Brett Nicolette
 723 Kreinbrook Hill Road
 Mt. Pleasant, PA 15666
 c/o 749 North Church Street
 Mt. Pleasant, PA 15666
Attorney: Paul Toohey

DAVID STAIRS, late of Bullskin Township, Fayette County, PA (2)
Executrix: Laura Stairs
 126 White Bridge Road
 Mt. Pleasant, PA 15666
 c/o 749 North Church Street
 Mt. Pleasant, PA 15666
Attorney: Paul Toohey

First Publication

ROBERT BARNA, late of Indian Head, Fayette County, PA (1)
Executor: Mark Fix
 c/o 124 Vannear Avenue
 Greensburg, PA 15601
Attorney: Matthew Curiale

LORETTA M. BOZEK, late of Uniontown, Fayette County, PA (1)
Executrix: Lauren Coldren
 c/o Molinaro Law Offices
 141 West Peach Street
 P.O. Box 799
 Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

THERESA PETRUSKA, a/k/a THERESA A. PETRUSKA, a/k/a THERESA ADAMIK PETRUSKA, late of Uniontown, Fayette County, PA (1)
Executor: Stephen Petruska, Jr.
 c/o John & John
 96 East Main Street
 Uniontown, PA 15401
Attorney: Anne N. John

LEGAL NOTICES

IN THE COURT OF COMMON PLEAS OF
 FAYETTE COUNTY, PENNSYLVANIA
 ORPHANS' COURT DIVISION
 No. 50-ADOPT-2023
 PRESIDENT JUDGE LESKINEN

**IN RE: ADOPTION OF DEVON
 FOREST ORNDORFF**

NOTICE

Notice is hereby given that on August 15, 2023 the petition of adoption of Devon Forest Orndorff was filed in the above-named Court, requesting an Order to change the name of Devon Forest Orndorff to Devon Forest Moreau.

The Court has fixed October 24, 2023 at 1:30P.M. in Courtroom Number 1, 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.

Michelle L. Kelley, Esquire
 92 East Main Street, Ste. 24
 Uniontown, Pa. 15401
 (724) 439-2553

NOTICE is hereby given pursuant to the provisions of Act 295 of December 16, 1982, P.L. 1309, that a Certificate was filed in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or about August 24, 2023, to conduct a business in Fayette County, Pennsylvania, under the assumed or fictitious name of Beeson Court Apartments with the principal place of business at: 125 East Main Street, Uniontown, PA 15401. The name or names and addresses of persons owning and interested are: Unlimited Housing for the Elderly, Inc., 1215 Hulton Road, Oakmont, PA 15139.

NOTICE is hereby given pursuant to the provisions of Act 295 of December 16, 1982, P.L. 1309, that a Certificate was filed in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or about August 29, 2023, to conduct a business in Fayette County, Pennsylvania, under the assumed or fictitious name of Poplar Lane Court Apartments with the principal place of business at: 110 New Salem Road, Uniontown, PA 15401. The name or names and addresses of persons owning and interested are: Unlimited Senior Housing, Inc., 1215 Hulton Road, Oakmont, PA 15139.

SHERIFF'S SALE

Date of Sale: November 16, 2023

By virtue of the below stated writs out of the Court of Common Pleas of Fayette County, Pennsylvania, the following described properties will be exposed to sale by James Custer, Sheriff of Fayette County, Pennsylvania on Thursday November 16, 2023, at 2:00 pm at <https://fayette.pa.realforeclose.com>.

The Conditions of sale are as follows:

All bidders must complete the Realauktion on-line registration process at <https://fayette.pa.realforeclose.com> to participate in the auction.

All bidders must place a 10% deposit equal to the successful bid for each property purchased to Realauktion via wire transfer or ACH per Realauktion requirements. Upon the auction's close, buyer shall have 10 business days to pay the remaining balance to the Fayette County Sheriff's Office via cashier's check. No cash will be accepted. Failure to comply with the Conditions of Sale, shall result in a default and the down payment shall be forfeited by the successful bidder and applied to the costs and judgments. The schedule of distribution will be filed no later than 30 days after the sale of real property. If no petition has been filed to set aside the sale or objections to the distribution are filed within 10 days of filing the distribution, the Sheriff will prepare and record a deed transferring the property to the successful bidder.

(1 of 3)

James Custer
Sheriff of Fayette County

Vitti Law Group, Inc.
BY: Lois M. Vitti, Esquire
PA ID #209865
663 Fifth Street
Oakmont PA 15139
(412) 281-1725

No. 884 of 2023 GD
No. 185 of 2023 ED

Pennsylvania Housing Finance Agency,
Plaintiff,
vs.
Danielle M. Barnett,
Defendants.

Boro of Brownsville, Cty of Fayette,
Cmwlth of PA, HET a dwg k/a 103 Ann Street,
Brownsville, PA 15417. Parcel No. 0206029401.

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

No. 124 of 2023 GD
No. 218 of 2023 ED

U.S. Bank National Association, as Trustee,
for Manufactured Housing Contract Senior/
Subordinate Pass-Through Certificate Trust
2001-3
(Plaintiff)
vs.
Samuel J. Bloom,
(Defendant)

By virtue of Writ of Execution No. 2023-00124, U.S. Bank National Association, as Trustee, for Manufactured Housing Contract Senior/Subordinate Pass-Through Certificate Trust 2001-3 (Plaintiff) vs. Samuel J. Bloom, (Defendant)

Property Address 416 3rd Street, Lemont
Furnace, PA 15456

Parcel I.D. No. 25-35-0041

Improvements thereon consist of a
residential dwelling.

Judgment Amount: \$68,765.57

Robert P. Wendt, Esq. Pa. ID.#89150
275 Curry Hollow Rd., Bldg. 1, Ste. 280
Pittsburgh, PA 15236
Telephone: 914-219-5787 x 490
Email: rwendt@leopoldassociates.com

No. 850 of 2022 GD
No. 165 of 2023 ED

Trinity Financial Services, LLC
4521 PGA Blvd., Suite 295
Palm Beach Gardens, FL 33418

Plaintiff

v.

John Brown
105 Windwoods Drive
Hopwood, PA 15445
Defendant

ALL THE RIGHT, TITLE, INTEREST
AND CLAIM OF JOHN BROWN OF, IN AND
TO THE FOLLOWING DESCRIBED
PROPERTY:

ALL THE FOLLOWING DESCRIBED
REAL ESTATE SITUATED IN THE
TOWNSHIP OF NORTH UNION, COUNTY
OFF AYETTE, AND COMMONWEALTH OF
PENNSYLVANIA:

A RESIDENTIAL DWELLING BEING
KNOWN AND NUMBERED AS 105
WINDWOODS DRIVE, HOPWOOD, PA
15445. PARCEL ID NO.: 25-46-0139. DEED
BOOK VOLUME 2505, PAGE 295.
MORTGAGE BOOK VOLUME 3003, PAGE
735.

JUDGMENT AMOUNT: \$19,868.01.

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

No. 1656 of 2020 GD
No. 217 of 2023 ED

Wilmington Savings Fund Society, FSB as
Trustee of Stanwich Mortgage Loan Trust A
(Plaintiff)

v.

David T. Budinsky a/k/a David Theodore
Budinsky and Mary Budinsky a/k/a Mary
Irene Budinsky
(Defendants)

By virtue of Writ of Execution No. 2020-
01656, Wilmington Savings Fund Society, FSB
as Trustee of Stanwich Mortgage Loan Trust A
(Plaintiff) vs. David T. Budinsky a/k/a David
Theodore Budinsky and Mary Budinsky a/k/a

Mary Irene Budinsky (Defendants)
Property Address 224 Mountain View
Road, Uniontown, PA 15401
Parcel I.D. No. 34-27-0187-01
Improvements thereon consist of a
residential dwelling.
Judgment Amount: \$111,662.69

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

No. 2349 of 2022 GD
No. 158 of 2023 ED

PNC BANK, NATIONAL ASSOCIATION
3232 Newmark Drive
Miamisburg, OH 45342
Plaintiff

vs.

ROBERT L. DANIELS AKA ROBERT L.
DANIELS SR.
Mortgagor(s) and Record Owner(s)
173 Van Drive
Connellsville, PA 15425
Defendant(s)

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

BEING KNOWN AS: 173 VAN DRIVE,
CONNELLSVILLE, PA 15425

TAX PARCEL #04-35-0042

IMPROVEMENTS: A RESIDENTIAL
DWELLING

SOLD AS THE PROPERTY OF:
ROBERT L. DANIELS AKA ROBERT L.
DANIELS SR.

Catherine Aponte, Esq. (331180)
1325 Franklin Avenue, Suite 160
Garden City, NY 11530
(212) 471-5100

No. 2364 of 2022 GD
No. 174 of 2023 ED

**U.S. Bank Trust National Association, as
Trustee for CVF III Mortgage Loan Trust II**
v
Mildred D. Danko

By virtue of Writ of Execution No. 174 of
2023 ED

U.S. Bank Trust National Association, as
Trustee for CVF III Mortgage Loan Trust II v
Mildred D. Danko

Docket Number: 2364-2022

Property to be sold is situated in the
borough/township of Brownsville, County of
Fayette and State of Pennsylvania.

Commonly known as: 617 Hill St,
Brownsville, PA 15417

Parcel Number: 19290014

Improvements thereon of the residential
dwelling or lot (if applicable):

Judgment Amount: \$89,519.22

STERN & EISENBERG PC
MATTHEW C. FALLINGS, ESQUIRE

No. 1101 of 2021 GD
No. 155 of 2023 ED

Interstate Intrinsic Value Fund A LLC
Plaintiff
v.

Marjorie V. Holup
Defendant(s)

SITUATE IN NORTH UNION
TOWNSHIP, FAYETTE COUNTY,
PENNSYLVANIA, BEING KNOWN AS 137
BERNARD STREET, UNIONTOWN, PA
15401

PARCEL NO. 25-31-0043

IMPROVEMENTS- RESIDENTIAL
REAL ESTATE

SOLD AS THE PROPERTY OF-
MARJORIE V. HOLUP

STERN & EISENBERG PC
MATTHEW C. FALLINGS, ESQ.

No. 1980 of 2020 GD
No. 152 of 2023 ED

**Deutsche Bank National Trust Company, as
Trustee for Ameriquest Mortgage Securities
Inc., Asset- Backed Pass-Through
Certificates, Series 2005-R3**
Plaintiff

v.

Clair Kistner and Lennette Kistner
Defendant(s)

SITUATE IN MELCROFT, FAYETTE
COUNTY, PENNSYLVANIA, BEING
KNOWN AS 289 MELCROFT ROAD,
MELCROFT, PA 15462-1017

PARCEL NO. 31-09-0005

IMPROVEMENTS- RESIDENTIAL
REAL ESTATE

SOLD AS THE PROPERTY OF-
LENNETTE KISTNER

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

No. 871 of 2023 GD
No. 219 of 2023 ED

Towne Mortgage Company
(Plaintiff)

vs.

**Erin Litman, as Administratrix of the Estate
of Paul A. McGrady, Deceased,**
(Defendant)

By virtue of Writ of Execution No. 2023-
00871

Towne Mortgage Company (Plaintiff)
vs. Erin Litman, as Administratrix of the Estate
of Paul A. McGrady, Deceased, (Defendant)

Property Address 357 Dixon Boulevard,
Uniontown, PA 15401

Parcel I.D. No. 34-05-0097

Improvements thereon consist of a
residential dwelling.

Judgment Amount: \$186,163.57

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

No. 1165 of 2023 GD
 No. 198 of 2023 ED

DLJ MORTGAGE CAPITAL, INC.
3217 S. Decker Lake Drive
Salt Lake City, UT 84119
Plaintiff

vs.

MARK RICHARD MARCHESINI
PATRICIA J. PETROSKY AKA PATRICIA
MARCHESINI SIMS
Mortgagor(s) and Record Owner(s)
210 Delmont Avenue
Belle Vernon, PA 15012
Defendant(s)

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

BEING KNOWN AS: 210 DELMONT
 AVENUE, BELLE VERNON, PA 15012

TAX PARCEL #41-05-0025
 IMPROVEMENTS: A RESIDENTIAL
 DWELLING

SOLD AS THE PROPERTY OF: MARK
 RICHARD MARCHESINI AND PATRICIA J.
 PETROSKY AKA PATRICIA MARCHESINI
 SIMS

Robertson, Anschutz, Schneid, Crane &
 Partners, PLLC
 A Florida professional limited liability company
 133 Gaither Drive, Suite F
 Mt. Laurel, NJ 08054 (855) 225-6906
 Fax: (866) 381-9549

No. 1723 of 2022 GD
 No. 175 of 2023 ED

SPECIALIZED LOAN SERVICING LLC
Plaintiff

v.

AMANDA L. MCCREARY, IN HER
CAPACITY AS EXECUTRIX AND HEIR
OF THE ESTATE OF EARL L.
MCCREARY; UNKNOWN HEIRS,
SUCCESSORS, ASSIGNS, AND ALL
PERSONS, FIRMS, OR ASSOCIATIONS,
CLAIMING RIGHT, TITLE, OR
INTEREST, FROM OR UNDER EARL L.
MCCREARY

Defendant(s)

ALL THOSE CERTAIN LOTS OR
 PIECES OF GROUND SITUATE IN THE
 BOROUGH OFF AYETIE CITY, COUNTY
 OF FAYETTE AND COMMONWEALTH OF
 PENNSYLVANIA:

BEING KNOWN AS: 18 CENTER
 STREET FAYETTE CITY, PA 15438

BEING PARCEL NUMBER: 12-03-0161
 IMPROVEMENTS: RESIDENTIAL
 PROPERTY

No. 327 of 2023 GD
 No. 182 of 2023 ED

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR
CARRINGTON HOME EQUITY LOAN
TRUST, SERIES 2005-NC4 ASSET-
BACKED PASS-THROUGH
CERTIFICATES SERVICER C/O
CARRINGTON MORTGAGE SERVICES,

vs.

Patrick P. McShane

ALL THAT CERTAIN lot or parcel of
 land situate in South Union Township, Fayette
 County, Pennsylvania.

BEING THE SAME PREMISES which
 Patrick P. McShane and Richard S. McShane, by
 Deed dated July 30, 2021 and recorded August
 4, 2021 in the Office of the Recorder of Deeds in
 and for Fayette County in Deed Book Volume
 3482, Page 1773, granted and conveyed unto
 Patrick P. McShane.

BEING KNOWN AS: 79 Elma Avenue,
 Uniontown, PA 15401

PARCEL #34-15-0140

No. 21 of 2023 GD
No. 160 of 2023 ED

SOMERSET TRUST COMPANY

v.
RAY G. METHENEY and APRIL D. METHENEY

All the real property described in the Writ of Execution the following of which is a summary.

SOMERSET TRUST COMPANY
v.
RAY G. METHENEY and APRIL D. METHENEY
Docket Number: 21 of 2023 GD
Property of: RAY G. METHENEY and APRIL D. METHENEY
Located in: TOWNSHIP OF HENRY CLAY, FAYETTE COUNTY
Street Address: 273 PARNELL ROAD, CONFLUENCE, FAYETTE COUNTY, PENNSYLVANIA 15424
Brief Description of Property: Residential, Single-Family home
Improvements thereon: RESIDENTIAL DWELLING
Record book Volume: 3356, Page 218
Instrument Number: 201700012023
Tax Assessment Number(s):
MAP NOS.: 16-09-0232-01 & 16-09-0238

Jill M. Fein, Esquire
Hill Wallack LLP
1000 Floral Vale Blvd, Ste 300
Yardley, PA 19067
(215) 579-7700

No. 1990 of 2022 GD
No. 183 of 2023 ED

Planet Home Lending, LLC

Plaintiff
v.
Mark Morrison and Kathy Morrison
Defendant

By virtue of a writ of execution case number: 1990 of 2022 GD

Plaintiff: Planet Home Lending, LLC v. Defendant: Mark Morrison and Kathy Morrison owners of property situate in the Washington Township, Fayette County, Pennsylvania, being pin number 41-20-0021

Property being known as: 933 Fayette City Road, Fayette City, PA 15438
Improvements thereon: Residential Property

Brock & Scott, PLLC

No. 655 of 2022 GD
No. 188 of 2023 ED

FREEDOM MORTGAGE CORPORATION

v.
**LAURENE PETTEY;
ROBERT B RITENOUR**

By virtue of a Writ of Execution No. 655 OF 2022-GD, FREEDOM MORTGAGE CORPORATION v. LAURENE PETTEY; ROBERT B RITENOUR owner(s) of property situate in the BOROUGH OF PERRYOPOLIS, FAYETTE County, Pennsylvania, being 109 NAVY ST, PERRYOPOLIS, PA 15473

Tax ID No. 28-09-0205
Improvements thereon: RESIDENTIAL DWELLING
Judgment Amount: \$145,113.98

McCABE, WEISBERG & CONWAY, LLC
1420 Walnut Street, Suite 1501
Philadelphia, PA 19102
215 790-1010

No. 2365 of 2022 GD
No. 214 of 2023 ED

PennyMac Loan Services, LLC
Plaintiff

v.
Timothy Rison, Known Surviving Heir of Russell D. Rison and Unknown Surviving Heir of Russell D. Rison
Defendants

ALL THAT CERTAIN LOT OR PARCEL OF LAND SITUATE IN THE CITY OF UNIONTOWN, FAYETTE COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTHERLY SIDE OF COOLSPRING STREET, CORNER WITH THE EASTERLY SIDE OF MIFFLIN AVENUE; THENCE ALONG THE EASTERLY SIDE OF MIFFLIN AVENUE; NORTH 11 DEGREES 33 FEET WEST 60.50 FEET TO AN IRON PIN, CORNER WITH OTHER LAND OF THE GRANTOR HEREIN; THENCE ALONG OTHER LAND OF THE GRANTOR HEREIN, NORTH 78 DEGREES 31 MINUTES 30 SECONDS EAST, 55.60 FEET TO AN IRON PIN; THENCE ALONG

THE SAME NORTH 46 DEGREES 06 MINUTES 30 SECONDS EAST, 21.47 FEET TO AN IRON PIN; THENCE NORTH 78 DEGREES 13 FEET EAST 27.0 FEET TO AN IRON PIN, CORNER WITH LAND NOW OR FORMERLY OF ANJELA STEPHENS; THENCE ALONG SAID STEPHENS LAND, SOUTH 7 DEGREES 30 DEGREES EAST, 83.58 FEET TO A POINT IN THE NORTHERLY SIDE OF COOLSPRING STREET; THENCE ALONG THE NORTHERLY SIDE OF COOLSPRING STREET, SOUTH 85 DEGREES 15 MINUTES WEST, 96.00 FEET TO THE PLACE OF BEGINNING. WITH A BLUE PRINT PLOT OF THE ABOVE DESCRIBED PREMISES PREPARED BY THE FAYETTE ENGINEERING COMPANY DATED FEBRUARY 6, 1948, AND RECORDED IN THE RECORDERS OFFICE OF FAYETTE COUNTY, PENNSYLVANIA, IN DEED BOOK VOLUME 653, PAGE 421. UPON WHICH IS ERECTED A TWO STORY BRICK DWELLING AND TWO CAR BRICK GARAGE. SUBJECT TO THE SAME EXCEPTIONS AND RESERVATIONS AS CONTAINED IN DEEDS HERETOFORE MADE AND RECORDED. THE IMPROVEMENTS THEREON BEING KNOWN AS 43 MIFFLIN AVENUE, UNIONTOWN, PENNSYLVANIA - 15401.

All that certain piece or parcel or Tract of land situate in the Uniontown, Fayette County, Pennsylvania, and being known as 43 Mifflin Avenue, Uniontown, Pennsylvania 154010000.

Being known as: 43 Mifflin Avenue, Uniontown, Pennsylvania 154010000

Title vesting in Estate of Russell D. Rison by deed from Jacqueline Burkett dated May 9, 2014 and recorded May 13, 2014 in Deed Book 3248, Page 1649 Instrument Number 201400004459. The said Estate of Russell D. Rison died on July 31, 2017 without a will or appointment of an Administrator, thereby vesting title in Timothy Rison, Known Surviving Heir of Russell D. Rison and Unknown Surviving Heir of Russell D. Rison by operation of law The said Estate of Rosemary Rison died on April 12, 2017 without a will or appointment of an Administrator, thereby vesting title in Timothy Rison, Known Surviving Heir of Russell D. Rison and Unknown Surviving Heir of Russell D. Rison by operation of law.

Tax Parcel Number: 38130383

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

No. 699 of 2022 GD
No. 196 of 2023 ED

UNITED BANK, INC.
3232 Newmark Drive
Miamisburg, OH 45342

Plaintiff
vs.

JOHN P. SHAFFER JR.
M0ltgagor(s) and Record Owner(s)
378 Messmore Road
McClellandtown, PA 15458
Defendant(s)

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

BEING KNOWN AS: 378 MESSMORE ROAD, MCCLELLANDTOWN, PA 15458
TAX PARCEL #15280257

IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: JOHN P. SHAFFER JR.

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

No. 2286 of 2022 GD
No. 184 of 2023 ED

CARRINGTON MORTGAGE SERVICES, LLC

1600 S. Douglass Road, Suite 200-A
Anaheim, CA 92806

Plaintiff
vs.

NATASHA SIGWALT, ADMINISTRATRIX OF THE ESTATE OF ROBERT D.

DARNEY, DECEASED

7494 National Pike
Uniontown, PA 15401

Defendant(s)

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

BEING KNOWN AS: 7494 NATIONAL
 PIKE, UNIONTOWN, PA 15401
 TAX PARCEL #22-17-0155
 IMPROVEMENTS: A RESIDENTIAL
 DWELLING
 SOLD AS THE PROPERTY OF:
 NATASHA SIGWALT, ADMINISTRATRIX
 OF THE ESTATE OF ROBERT D. DARNEY,
 DECEASED

No. 1336 of 2017 GD
 No. 187 of 2023 ED

**PENNSYLVANIA HOUSING FINANCE
 AGENCY,
 PLAINTIFF
 vs.
 DAVID C. WHYEL,
 DEFENDANT**

No. 743 of 2023 GD
 No. 186 of 2023 ED

**PENNSYLVANIA HOUSING FINANCE
 AGENCY,
 PLAINTIFF
 vs.
 MICAH E. SPAUGY,
 DEFENDANT**

ALL that piece of ground in Newell
 Borough, Fayette County, Pennsylvania, being
 Lot No. 100 in the Plot of said, Fayette County
 Plan Book Volume 1, pages 63½. HAVING
 THEREON ERECTED DWELLING KNOWN
 AND NUMBERED AS: 110 LONG STREET,
 NEWELL, PA 15466.

TAX PARCEL # 23-04-0097
 Fayette County Deed Book 3201, Page 993
 TO BE SOLD AS THE PROPERTY OF
 Micah E. Spaugy under Fayette County
 Judgment No. 743 of 2023 GD.

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: I 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.

*** END SHERIFF'S SALE***

WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

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Smithfield, PA 15478

724-322-6529

johnfranciswarman@gmail.com

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JUDICIAL OPINION

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

IN RE: SALE OF DELINQUENT	:
PROPERTIES EXPOSED FOR	:
SALE SEPTEMBER 26, 2022	:
PARCEL ID# 115-14-0060	:
	:
LYNN KNIGHT, DOREEN IRISH,	:
MARK IRISH, DALE IRISH, BRUCE IRISH,	:
and THE ESTATE OF DOLORES IRISH,	:
Petitioners,	:
v.	:
FAYETTE COUNTY TAX CLAIM BUREAU,	:
Respondent,	:
And	:
LISA JOHNSON,	: No. 2174 of 2022 G.D.
Intervenor.	: President Judge Steve P. Leskinen

OPINION AND DECREE

LESKINEN, P. J.

August 29, 2023

Before the Court is a Petition for Exceptions to Disapprove, Set Aside, or Void Tax Sale. The Petitioners, Lynn Knight, Doreen E. Irish, Mark Irish, Dale Irish, and Bruce Irish are heirs of the Estate of Dolores Irish Noble. The Petitioners have also identified Gloria Irish-Hughson! as an additional heir, but further aver that Ms. Irish-Hughson lacks the mental capacity to meaningfully participate in these proceedings as the result of a stroke in 2019. For the reasons set forth below, the Petition must be granted and the sale voided and set aside.

FACTUAL AND PROCEDURAL HISTORY

The property at issue is designated as Fayette County Tax Parcel No. 15-14-0060, consisting of approximately 3.85 acres on Jeffries Crossing Road in German Township, Fayette County, Pennsylvania ("Property"). The record owners of the Property at the time of the sale were Marcus Irish and Dolores Irish, his wife, who took title by deed from Mary Risko dated January 14th, 1969. The Court takes judicial notice of the deed filed in the Fayette County Recorder of Deeds at Deed Book 1072, Page 923. Marcus Irish died on March 25th, 1969. (Petition for Exceptions at ¶ 6.) Dolores Irish Noble died intestate on January 26th, 2009, in Pittsburgh, Allegheny County, Pennsylvania. (Id. at ¶ 7.) An estate was opened for Dolores Irish Noble with the Orphan's Court Division of the Court of Common Pleas of Allegheny County at Case No. 1041 of 2009, but no administrator is currently appointed and there is no evidence that any progress has been made in the administration of the estate. (Id. at ¶ 9.)

The Property is currently vacant. A single-family home that once stood on the property burned down in the 1980s, though some concrete steps coming up from the road remain. (Transcript of 1/9/23 Hearing, p. 15.) The Irish family placed a trailer on the Property in the 1990s and maintained utilities during that time, but the trailer was removed at some point prior to the death of Dolores Irish in 2009 and the Property has not been occupied since then. (Id. at 16.) The family shared responsibilities for cutting the grass and generally maintaining the now vacant property. (Id.)

The mailing address on file for the Property's tax bills was 7852 Mount Carmel Road, Verona, PA, 15147. (Exhibit 1 from Hearings.) Lynn Knight, one of the Petitioners, testified that the Verona address is the home address of Gloria Irish-Hughson, the sibling and heir who had a stroke in 2019. (Transcript of 1/9/23 Hearing, p. 23.) Ms. Knight further testified that tax notices had been sent to Dolores Irish's home in North Versailles for forty years and that she was unaware it had been changed to Gloria Irish-Hughson's address in Verona. (Id.) The Tax Claim Bureau's ("TCB") records show that the last seven payments received by the TCB (all paid by money order or check), were paid by Gloria Irish-Hughson. (Exhibit 1 from Hearings.) The last payment was made on February 5th, 2020, and was credited to the 2019 property taxes. (Id.) Ms. Knight testified that she would call the courthouse to find out how much was due, but never inquired as to where the Lis were being sent. Ms. Knight further testified that when taxes were due, the siblings would confer and share the costs. (Transcript of 1/9/23 Hearing, p. 24-25.)

The TCB sent a Notice of Return and Claim to Marcus and Delores Irish (collectively) on March 23rd, 2022. (Exhibit 3 from Hearings.) This notice was sent via certified mail Lth electronically signed return receipts. The return receipt provided by the USPS shows a delivery date of March 25th, 2022, with a signature that appears to read "D. Irish." (Id. at 3A.)

The TCB sent separate Notices of Sale to Marcus Irish and Dolores dated May 5th, 2022. (Id. at -2 and 2B-1.) These notices were sent via certified mail, restricted delivery, with electronically signed return receipts. The return receipt provided by the USPS shows a delivery date of May 9th, 2022, with what appear to be identical signatures for both items that read "D. Irish." (Id. at 2A-1 and 28-2.)

The TCB also presented evidence of the Notice of Sale that was published in the Herald Standard and the Connellsville Daily Courier, both newspapers of general publication, and in the Fayette Legal Journal. (Id. at A, A-1, A-2, and A-3.) Sarah Minnick, the Director of the TCB, also testified as to the process by which a contractor for the TCB, Palmetto Posting, posts the notices on properties for tax sale and reports back to the TCB on the detail of the posting. (Transcript of 1/9/23 Hearing, p. 33.) The report from Palmetto Posting for the Property shows that it was posted on July 5th, 2022, at 11:52 A.M., with the geographic coordinates of the posting location, the location of the post with respect to the property, and a photo of the notice posted on a stake. (Exhibit 4 from Hearings.)

The Tax Sale was conducted, as advertised, as September 26th, 2022. The upset price was listed as \$542.76. (Exhibit A from Hearings.) Lisa Johnson was the successful bidder at a price of \$10,000 after a competitive bidding process. (Transcript of 1/9/23

Hearing, p. 7.) On November 7th, 2022, Petitioners filed the instant Petition to Disapprove, Set Aside, 01 Void Tax Sale. This Court initially denied the Petition by Order dated November 28th, 2022, but granted Petitioners' Motion for Reconsideration filed on Emergency Petition to Intervene on December 7th, 2022, which this Court granted by Order dated December 8th, 2022. A hearing was conducted on January 9th, 2023. Upon consideration of the matter after the hearing, the Court became aware that certain exhibits and testimony were incomplete and/or had not been admitted at the initial hearing, so this Court, sua sponte, reopened the record for a second hearing which was held on July 17th, 2023.

DISCUSSION

One of the most fundamental tenets of both our state and federal constitutions is that no person shall be deprived of property without due process of law. *Hess v. Westervick*, 366 Pa. 90, 96 (Pa. 1950). Without this due process, the right of property cannot be said to exist. *Id.* "[This] principle, known to the common law before the Magna Carta, was embodied in that Charter and has been recognized since the Revolution as among the safest foundations of our institutions." *Id.* (Internal citations omitted.) "Before a State may take property and sell it for unpaid taxes, the Due Process Clause of the Fourteenth Amendment requires the government to provide the owner notice and opportunity for a hearing appropriate to the nature of the case." *Jones v. Flowers*, 547 U.S. 220, 223 (2006) (internal quotations omitted). As the U.S. Supreme Court held in *Jones* (at 234):

[Petitioner] should have been more diligent with respect to his property, no question. People must pay their taxes, and the government may hold citizens accountable for tax delinquency by taking their property. But before forcing a citizen to satisfy his debt by forfeiting his property, due process requires the government to provide adequate notice of the impending taking.

Our courts and legislatures have also recognized the need to ensure that a buyer at a tax sale is purchasing more than just a lawsuit. *Hess* at 99. Prior to the Act of the 13th of March] 1815, (which set forth the procedure for tax sales of unseated land), a purchaser at a tax sale was required to show proof of exact and literal compliance with every requirement of the law and had to be prepared to show such proof for twenty-one years after taking possession. As a result, there were no recorded instances prior to 1815 of a purchaser at a tax sale successfully making out good title in court (except when aided by the Statute of Limitations). *Morton v. Harris*, 9 Watts 319, 322 (Pa. 1840). "If a purchaser at a tax sale improved on the land, and by his labor made it valuable, some friendly neighbor or prowling speculator sought out the owner, and the purchaser was dispossessed." *Id.* at 323. Despite multiple attempts to enact laws to address this challenge, the Act of 1815 was the first to have any significant effect. *Id.* The Act limited the time during which strict proof of compliance with notice and procedures was required to two years, after which there was a presumption of compliance. *Id.* at 324. Though the Act was intended to remove the obstacles of purchasing at a tax sale, a sale could still be challenged after two years if the sale was clearly made in violation of law. *Id.* at 327.

A tax sale that provides no value to a prospective bidder serves no purpose. The

legislature has sought to prevent invalidation of sales for minor irregularities, but this creates a substantial responsibility in the taxing authorities to ensure that an owner is not deprived of valuable property because of carelessness or oversight. Hess at 98. The Act of 18115 (and the later Act of 1844, dealing with tax sales of seated land) have been superseded and amended many times over the intervening centuries, in an attempt to strike a balance between the due process rights of property owners and the need to ensure the collection of taxes supported by a functional tax sale process capable of conveying good title.

The focus, when reviewing a challenge to a tax sale, is not on the alleged neglect of the owner, which is often present in some degree, but on whether the taxing authority has complied with every statutory requirement. *Jenkins v. Fayette County Tax Claim Bureau*, 176 A.3d 1038, 1043 (Pa. Cmwlth. 2018). "A failure by a tax claim bureau to comply with each and every statutory requirement will nullify a sale." *Id.*

In the instant matter, the TCB and Purchaser first raise the threshold issue of Petitioners' standing to challenge the sale. As Purchaser points out, whether a party has standing to challenge a tax sale is based on whether that party has "the requisite substantial, direct and immediate interest in the sale of property to qualify as an aggrieved party." *Moore v. Keller*, 98 A.3d 1, 4 (Pa. Cmwlth. 2014). In *Moore*, the Commonwealth Court held that as a devisee of a deceased owner of record who had lived at the property for 18 years, had invested substantial sums in capital improvements, and had been paying the tax bill had an equitable interest in the property and the requisite substantial, direct, and immediate interest required to challenge the tax sale. *Id.*

Here, Petitioners are the majority of the intestate heirs of the record owners, Marcus and Dolores Irish. The heirs collectively cared for the property and had paid the taxes due through the 2019 tax year. Though no estate has been administered, as intestate heirs they clearly have an interest in the property. In addition, under §3385 of the PEF Code (20 Pa. C.S.A. §3385), they would be legally permitted to sell the property one year after Dolores Irish's death even if no letters of administration had been issued. Therefore, this Court finds that the heirs, individually or collectively, have the requisite substantial, direct, and immediate interest required to challenge the tax sale.

In her Response to Proposed Findings of Fact, Purchaser cites to *In Re Appeal of Dupas*, 2015 WL 6468540 (Pa. Cmwlth. 2015) for the proposition that when a record owner of a property dies and no estate is administered, there is no owner of record for property subject to tax sale. However, *Dupas*, (which this Court notes is a non-precedential opinion) addressed whether heirs in such a situation were entitled to notice, a distinct issue which is also relevant to this matter. {1} "Whether a party has standing to object to a tax sale and the right to notice of a tax sale are two different questions." *Moore* at 4. Though this Court finds that the Petitioners have established standing sufficient to challenge the sale, that standing does not automatically entitle the heirs to notice.

Section 602(e)(1) of the Tax Sale Law, 72 P.S. §5860.602(e)(1), requires the TCB to send Notice of Sale "at least thirty (30) days before the date of the sale, by United States certified mail, restricted delivery, return receipt requested, postage prepaid, to each owner as defined by this act." (emphasis added.) 72 P.S. §5860.102 defines an

"owner" as:

"Owner," the person in whose name the property is last registered, if registered according to law, or, if not registered according to law, the person whose name last appears as an owner of record on any deed or instrument of conveyance recorded in the county office designated for recording and in all other cases means any person in open, peaceable and notorious possession of the property, as apparent owner or owners thereof, or the reputed owner or owners thereof, in the neighborhood of such property; as to property having been turned over to the bureau' under Article VII by any county, "owner" shall mean the county.

This Court finds that the last owners of record for the Property were Marcus Irish and Dolores Irish Noble. There was no evidence presented of any deed or instrument of conveyance recorded in Fayette County, nor was an estate opened for either Marcus Irish or Dolores Irish Noble in Fayette County. No party attempted to update the registered ownership of the Property, nor was the TCB notified of any alternate address for service. The Property is a vacant lot, and thus there was no person obviously in open, peaceable, and notorious possession of it as apparent or reputed owners. There is no reason that the TCB would have been aware of the deaths of either or both record owners, and thus the TCB was under no requirement to conduct any additional investigation as to the ownership of the Property. Thus, the Court finds that the TCB was only required to notify Marcus Irish and Dolores Irish (Noble) and that no other parties were entitled to notice.

When real property is owned by more than one person, including a husband and wife, §5860.602(e)(1) requires notice to be sent to each named owner of property. In re Upset Tax Sale Held 11/10197, 784 A.2d 834, 836 (Pa. Cmwlth., 2001). The evidence presented shows that the TCB did, in fact, send separate notices to Marcus Irish and Dolores Irish, Restricted Delivery, Return Receipt Requested. (Exhibits 2, 2A-1, 2B-1, and 2B-2 from Hearings.) The TCB received back what appear to be identical electronic signatures for both letters reading "D. Irish." {2} Had the signatures not been identical, the TCB might have been reasonable in relying on them as proof of delivery. However, in a situation where a spouse signs their own name for both their own notice and their spouse's notice, the TCB is obligated under §5860.602(e)(2) to send an additional notice by first class mail with proof of mailing to the spouse (or other owner)

{1} As the Commonwealth Court noted in footnote 6 to the opinion, Dupas may have lacked standing but the issue was not raised before the trial court and was therefore waived. The Dupas Court therefore specifically excluded any application of its analysis to the issue of standing.

{2} Clearly the United States Postal Services did not enforce the terms of Restricted Delivery in accepting identical signatures for two pieces of mail addressed to two different people. Further, since both Marcus and Dolores Irish were dead at the time, we know that the USPS could not have verified the identity of the person signing for delivery. However, this issue cannot be attributable to the TCB, who would have had no way of knowing that the person who signed "D. Irish" was not in fact, Dolores Irish, and would have been permitted to rely on the signatures provided had they both not been identical for both pieces of mail. This would be an issue for our state legislature to consider in terms of the effectiveness of the current notice requirements if the USPS is not enforcing their obligations for restricted delivery.

who did not sign for their notice. In re Upset Tax Sale at 836. "The burden of examining the return receipt cards to ensure that the notices are acknowledged by the persons to whom they were sent is one imposed on the TCB by statute and cannot be relieved by the Courts." Id. at 837 (quoting Mangine Appeal, 487 A.2d 45 (Pa. Cmwlth. 1985)). The failure to send an additional notice via first class mail is a fatal flaw in the notice process, and thus, this Court is obligated to set aside the sale.

WHEREFORE, the Court issues the following Order:

DECREE

AND NOW, this 29th day of August, 2023, after hearings and upon the consideration the entire record and the Petition for Exceptions to Disapprove, Set Aside or Void Tax Sale, the Petition is hereby GRANTED and the tax sale of property parcel number 15-14-0060 located in German Township, Fayette County, PA is hereby VOIDED and SET ASIDE.

This Order is contingent upon Petitioners paying by cash or certified funds all delinquent taxes, in the amount of \$645.46 within thirty (30) days of the date of this Order. If the Petitioners comply with these requirements, the Tax Claim Bureau shall refund the purchase price of \$10,000.00 to the purchaser, Lisa Johnson.

If Petitioners fail to comply with these requirements, the Petition shall be DISMISSED, the exceptions and objections to the Upset Sale shall be DENIED and the Tax Claim Bureau shall issue a deed to the highest bidder, Lisa Johnson.

If the delinquent taxes are timely paid in full, the Court ORDERS that the Tax Claim Bureau shall update the record ownership of the parcel identified above to reflect the following intestate heirs of Dolores Irish with the addresses identified in their Petition for Exceptions:

- Lynn Knight: 2617 Girand Ave., North Versailles, PA 15137
- Doreen Irish: 1004 North Lane Ave., Pittsburgh, PA 15208
- Mark Irish: 6006 Glen Station Ct., Glendale, MD 20769
- Dale Irish: 1004 North Lane Ave., Pittsburgh, PA 15208
- Bruce Irish: 12-F Midway Drive, West Mifflin, PA 15122
- Gloria Irish-Hughson: 7852 Mount Carmel Rd., Verona, PA 15147

The said presumptive owners are obligated to comply with all applicable laws and notify the Tax Claim Bureau of any changes to the ownership of the property or the mailing addresses of the property owners. Unless or until the Tax Claim Bureau has received such notice of a change in ownership or contact information, the information above shall be presumed valid.

BY THE COURT:
STEVE. P. LESKINEN, PRESIDENT JUDGE

ATTEST:
PROTHONOTARY



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Save the Date

FCBA Bench Bar Conference will be held on

Wednesday, October 18th from
8:30 a.m. to 1:00 p.m. at

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Agenda to follow

LUNCH & LEARN SERIES

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

- Date: **Wednesday, September 20th from 12:00 p.m. to 1:30 p.m.**
- Location: **Courtroom No. 1 of the Fayette County Courthouse**
- Discussion topics: **Avoiding Legal Malpractice**
- Presenters: **Amy J. Coco, Esquire**

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**** All fees to be paid at the door ****
A light lunch will be provided.

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If interested in attending, please call Cindy at the Bar office at 724-437-7994 or email to cindy@fcbbar.org on or before Monday, September 18th.

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