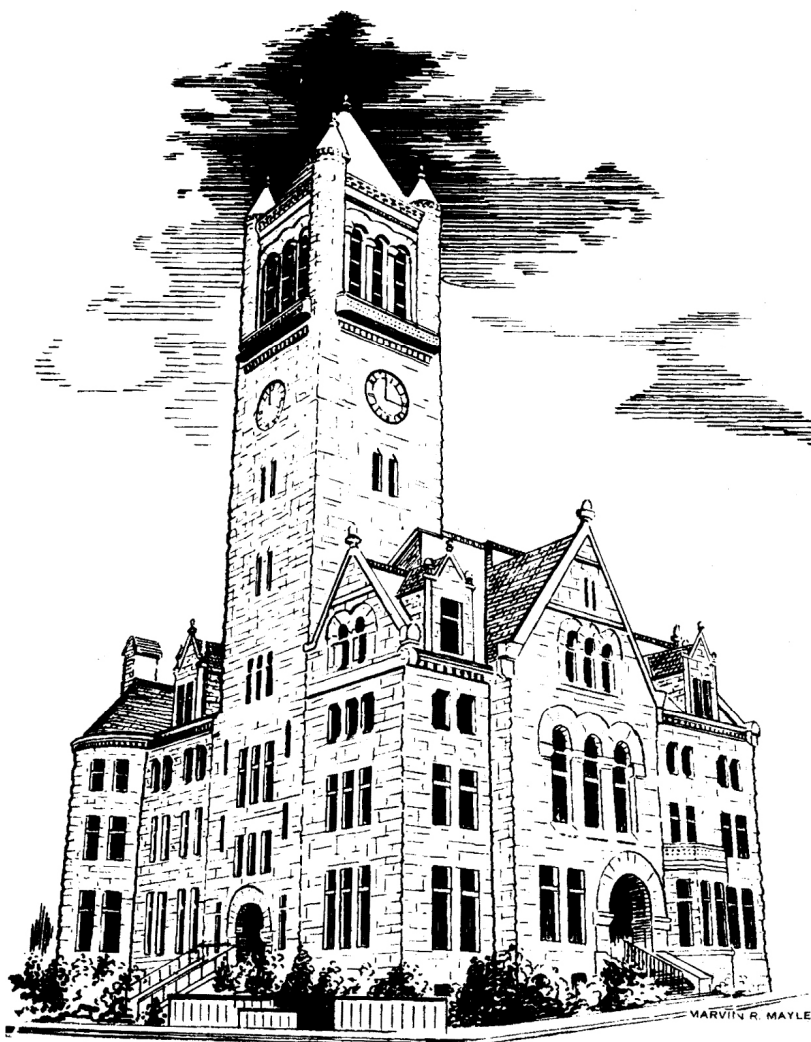


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ESTATE NOTICES

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

JOHN EDWARD BELL, a/k/a JOHN E. BELL, late of Dunbar, Fayette County, PA (3)
Executrix: Paula N. Bell
 c/o Proden & O'Brien
 99 E. Main Street
 Uniontown, PA 15401
Attorney: Wendy L. O'Brien

JESSIE ELAINE CUMBERLAND a/k/a J. ELAINE CUMBERLAND, late of Vanderbilt, Fayette County, PA (3)
Executrix: Wendy Sue Davis
 c/o Casini & Geibig, LLC
 815B Memorial Boulevard
 Connellsville, PA 15425
Attorney: Jennifer Casini

ALBERT FORCINA, late of New Salem, Fayette County, PA (3)
Executor: Albert Junior Forcina
 c/o 45 East Main Street, Suite 400
 Uniontown, PA 15401
Attorney: Charles C. Gentile

PATRICK EUGENE KENNEY, JR., late of Dunbar Township, Fayette County, PA (3)
Executrix: Pamela J. Heller
 321 Ironbite Drive
 Tarrs, PA 15688
Attorney: Ewing D. Newcomer

DAVID MILLER a/k/a DAVID WILLIAM MILLER, late of South Union Township, Fayette County, PA (3)
Executrix: Wendy L. Rozgonyi
 68 South Beeson Boulevard
 Uniontown, PA 15401
Attorney: James E. Higginbotham, Jr.

NORA KAY PECCON, late of Uniontown, Fayette County, PA (3)
Executor: Christopher A. Pecon
 c/o 603 Stanwix Street, Suite 1679
 Pittsburgh, PA 15222
Attorney: John W. Giltinan

DAVID MICHAEL RABATIN, late of Perry Township, Fayette County, PA (3)
Executor: David M. Rabatin, II
 c/o Davis & Davis
 107 East Main Street
 Uniontown, PA 15401
Attorney: James T. Davis

JAMES RUBY a/k/a JAMES CYRIL RUBY, late of South Connellsville, Fayette County, PA
Administratrixes: Deborah Hixson and Jamie Bulls
 c/o Casini & Geibig, LLC
 815B Memorial Boulevard
 Connellsville, PA 15425
Attorney: Jennifer Casini (3)

MANIE STRICKLIN, late of Wickhaven, Fayette County, PA (3)
Executor: Kevin Stricklin
 c/o Bononi & Company PC
 20 N. Pennsylvania Avenue
 Greensburg, PA 15601
Attorney: Eric Bononi

Second Publication

JENNIFER BONGIORNO, late of Washington Township, Fayette County, PA (2)
Administrator: Claudia J. Stewart
 c/o Post Office Box 1
 401 Sixth Street
 Charleroi, PA 15022
Attorney: Alan Benyak

WILLIAM LESTER, late of Jefferson Township, Fayette County, PA (2)
Executor: Michael Sveta, II
 c/o Peacock Keller, LLP
 95 W. Beau Street, Suite 600
 Washington, PA 15301
Attorney: Timothy Berggren

MARTHA MARVA, late of Georges Township, Fayette County, PA (2)
Administrator: Richard J. Marva, Jr.
c/o Monaghan & Monaghan, L.L.P.
57 East Main Street
Uniontown, PA 15401
Attorney: Gary D. Monaghan

MAGDALENE P. SWARTZ, late of South Union Township, Fayette County, PA (2)
Executrix: Denise Zagata
c/o Goodwin Como, P.C.
108 N. Beeson Blvd., Suite 400
Uniontown, PA 15401
Attorney: Gerious T. George

EDELTRAUD MARIE VISOCKY, late of Uniontown, Fayette County, PA (2)
Personal Representative:
Stephen Visocky, III
c/o Law Office of Tyler C. Shultz
92 East Main Street, Suite LL-2
Uniontown, PA 15401
Attorney: Tyler C. Shultz

First Publication

DEBRA A. BRADDEE, late of North Union Township, Fayette County, PA (1)
Executor: Calvin Dziedzicki
c/o Adams Law Offices, PC
55 East Church Street, Suite 101
Uniontown, PA 15401
Attorney: Jason Adams

FRED R. DICE, a/k/a FRED RUSSELL DICE, late of Fairchance Borough, Fayette County, PA (1)
Personal Representatives: Michele Jacobs and Cindy Rankin
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: Christian E. Seseek

JOSEPH JAMES SCHIAVONI, JR., late of Georges Township, Fayette County, PA (1)
Administratrix: Evelyn Schiavoni
76 E. Main Street
Uniontown, PA 15401
Attorney: Douglas S. Sholtis

LEGAL NOTICES

The Paulmena M. Pizzurro Amended and Restated Revocable Trust dated July 24, 2014
Paulmena M. Pizzurro, Deceased

TRUSTEE NOTICE

Paulmena M. Pizzurro, late of 179 Junior Street, Hopwood, Fayette County, Pennsylvania, having died on September 6, 2025 has been identified as the Grantor of the Paulmena M. Pizzurro Amended and Restated Revocable Trust dated July 24, 2014. Frank S. Pizzurro, Jr. and Trina M. Cortese, the appointed Successor Co-Trustees of said Trust requests all persons having claims against the estate or trust of the decedent make known the same in writing to their attorney, and all persons indebted to the decedent to make payment without delay. Said claims shall be duly authenticated for settlement prior to the termination and distribution of the trust pursuant to the trust requirements.

Rosalie P. Wisotzki, Esquire
310 Grant Street, Suite 1109
Pittsburgh, PA 15219
412-697-4499

(1 of 3)

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION
NOS. 30 and 31 ADOPT 2025

IN RE: ADOPTION OF
JOSEPH MURPHREE
AURORA MURPHREE

NOTICE

TO: Sarah Elizabeth Coffman

Petitions have been filed asking the Court to put an end to all rights you have to your children, Joseph and Aurora Murphree. The court has set a hearing to consider ending your rights to your children. That hearing will be held in Courtroom No. 4 of the Fayette County Courthouse, Uniontown, Fayette County, Pennsylvania, on Thursday, November 13, 2025, at 1:30 p.m. Your presence is required at the hearing. You should contact Fayette County Children and Youth Services or their counsel Ewing D. Newcomer, Esq., to obtain a copy of

the petitions prior to the hearing. You are warned that even if you fail to appear at the scheduled hearing the hearing will go on without you and your rights to your children may be ended by the court without your being there.

YOU HAVE A RIGHT TO BE REPRESENTED AT THE HEARING BY A LAWYER. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. 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 AT A REDUCED FEE OR NO FEE.

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NOTICE

Court of Common Pleas of Fayette County No. 2350 of 2025, G.D.

The Tax Claim Bureau of Fayette County, Pennsylvania, hereby gives notice that it presented a Consolidated Return of Sale to the Court of Common Pleas of Fayette County, Pennsylvania, on October 10, 2025, of the Upset Tax Sale of real estate for delinquent taxes held by the Bureau on September 22-24th 2025, pursuant to due notices required by the Real Estate Tax Sale Law of 1947, as amended. The Court confirmed this Return nisi on October 10, 2025. Any owner or lien creditor may file exceptions or objections to the Return within thirty (30) days after October 10, 2025. If no exceptions or objections are filed by that date, the Return will be confirmed absolutely.

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JOHN F. WARMAN

518 Madison Drive

Smithfield, PA 15478

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JUDICIAL OPINION

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

ERNEST J. MILLER, JR. and	:	
DONNA J. MILLER,	:	
Plaintiffs,	:	
vs.	:	
JUSTIN ETHERIDGE,	:	No. 141 of 2024, G.D.
Defendant.	:	Honorable Nancy D. Vernon

OPINION AND ORDER

VERNON, J.

March 10, 2025

Before the Court are Preliminary Objections filed by Defendant Justin Etheridge to the Complaint of Plaintiffs Ernest J. Miller, Jr. and Donna J. Miller wherein Plaintiffs allege claims of conversion, negligence, and trespass to land. Plaintiffs own three parcels off Connellsville Road, Lemont Furnace, Pennsylvania and Defendant is an adjoining property owner. Plaintiffs allege that Defendant began construction on his property and removed trees at the rear of his own property. According to the Complaint, Defendant asked Plaintiffs' son, Travis Miller, for permission to use the burn pile on Plaintiffs' property for tree disposal and that Travis Miller gave Defendant permission to use the burn pile, but that Defendant, without permission, removed "all of the trees" on the Plaintiffs' property which constituted a privacy barrier between the neighbors, and which supported a water drainage system on Plaintiffs' property.

Defendant filed four Preliminary Objections, (1) failure to join a necessary party pursuant to Pa.R.C.P. 1028(a)(5) for Plaintiffs' failure to join Travis Miller as a party; (2) legal insufficiency for conversion pursuant to Pa.R.C.P. 1028(a)(4) for Plaintiffs' alleged failure to provide a statement of any description of the property other than "trees" and that Defendant is not in possession or control of the alleged converted property; (3) legal insufficiency for trespass pursuant to Pa.R.C.P. 1028(a)(4) as Defendant had permission to access the property from Plaintiffs' son; and (4) factual insufficiency pursuant to Pa.R.C.P. 1028(a)(3) alleging Plaintiffs' Complaint is vague.

Defendant alleged in his first preliminary objections that Plaintiff failed to join Travis Miller a "necessary" party. Pa.R.C.P. 1028(a)(5) provides for the filing of preliminary objections based upon the nonjoinder of an indispensable or necessary party.

"A necessary party is one whose presence, while not indispensable, is essential if the court is to resolve completely a controversy and to render complete relief." *Podolak v. Tobyhanna Twp. Bd. of Supervisors*, 37 A.3d 1283, 1289 (Pa. Cmwlth. 2012). Unlike the absence of an indispensable party which deprives the court of jurisdiction to issue an enforceable decree or order, the failure to join a necessary party does not affect the jurisdiction of the court. *Allegheny County v. Department of Public Welfare*, 376 A.2d 290, 292 (Pa. Cmwlth. 1977). It is long established "that the record owner of a fee simple in land which is the subject of a legal proceeding is a party whose rights are so directly connected with and affected by litigation that he must be a party of record to protect such rights." *Lake v. Hankin Group*, 79 A.3d 748, 756 (Pa. Cmwlth. 2013). Our "appellate courts consistently hold that property owners are indispensable parties to lawsuits affecting their property rights." *Fulton v. Bedford County Tax Claim Bureau*, 942 A.2d 240, 244 (Pa. Cmwlth. 2008).

Here, Travis Miller is neither the owner nor has any property rights in the subject par-

cels. Plaintiffs admit in the Complaint that Travis Miller gave Defendant permission to use the burn pile on Plaintiffs' property. If Defendant believes the scope of permission given to him by Travis Miller was beyond simply the use of the burn pile, Defendant may join Travis Miller as an additional defendant. Under Rule 2252, any party may join as an additional defendant any person not a party to the action who may be solely liable on the underlying cause of action against the joining party, or liable to or with the joining party on any cause of action arising out of the transaction or occurrence upon which the underlying cause of action is based. Consequently, Defendant's preliminary objections based upon the nonjoinder of an alleged necessary party will be overruled as he may join Travis Miller as an additional defendant.

In his next preliminary objection, Defendant argues that Plaintiffs' claim for conversion is legally insufficient as Plaintiffs have not identified, with specificity, the items that Defendant is in possession or control over, rather only stating "trees." It has long been the law of the Commonwealth that the wrongful cutting of timber, even without removal, constitutes conversion. *Sanderson v. Haverstick*, 8 Pa. 294 (1848).

Conversion is an act of willful interference with the dominion or control over a chattel, done without lawful justification, by which any person entitled to the chattel is deprived of its use and possession; a person not in lawful possession of a chattel may commit conversion by intentionally dispossessing the lawful possessor of the chattel. *Baker v. Rangos*, 324 A.2d 498, 505 (Pa. Super. 1974). Where persons, having a right of entry on land for the purpose of cutting certain trees, enter and cut trees that they were not permitted to cut, such severance and removal of timber constitutes conversion of that timber. *Lubecki v. Omega Logging, Inc.*, 674 F. Supp. 501, 508 (W.D. Pa. 1987).

The Complaint alleges that Defendant "remove[d] all of the trees on the Millers' property, from specifically Parcel# 25-27-0038-25, which comprised the privacy barrier." Complaint, ¶16. The Court believes this allegation is detailed enough for Defendant to prepare his defense to the claim of conversion, and the specifics of the number, type, and value of the trees can be further developed in discovery. As such, this preliminary objection is overruled.

At his third preliminary objection, Defendant contends the Complaint is legally insufficient as to the claim for trespass in that trespass to land requires an "intentional entry upon the land of another without invitation or consent." Accepting as true the factual averments of the Complaint, as we must, the Complaint alleges Defendant removed trees from Plaintiffs' land without consent. Complaint, ¶36. This preliminary objection must be denied.

Finally, Defendant alleges the Complaint is factually insufficient in that the averments are vague and general accusations against Defendant. In accordance with the rulings herein, the Court overrules the final preliminary objection as the specifics of the trees can be clarified in discovery.

WHEREFORE, we will enter the following ORDER.

ORDER

AND NOW, this 10th day of March, 2025, upon consideration of Defendant Justin Ethridge's Preliminary Objections to the Complaint of Plaintiffs Ernest J. Miller, Jr. and Donna J. Miller, it is hereby ORDERED and DECREED that the Preliminary Objections are OVERRULED in accordance with the foregoing Opinion.

BY THE COURT:
NANCY D. VERNON, JUDGE

ATTEST:
Prothonotary