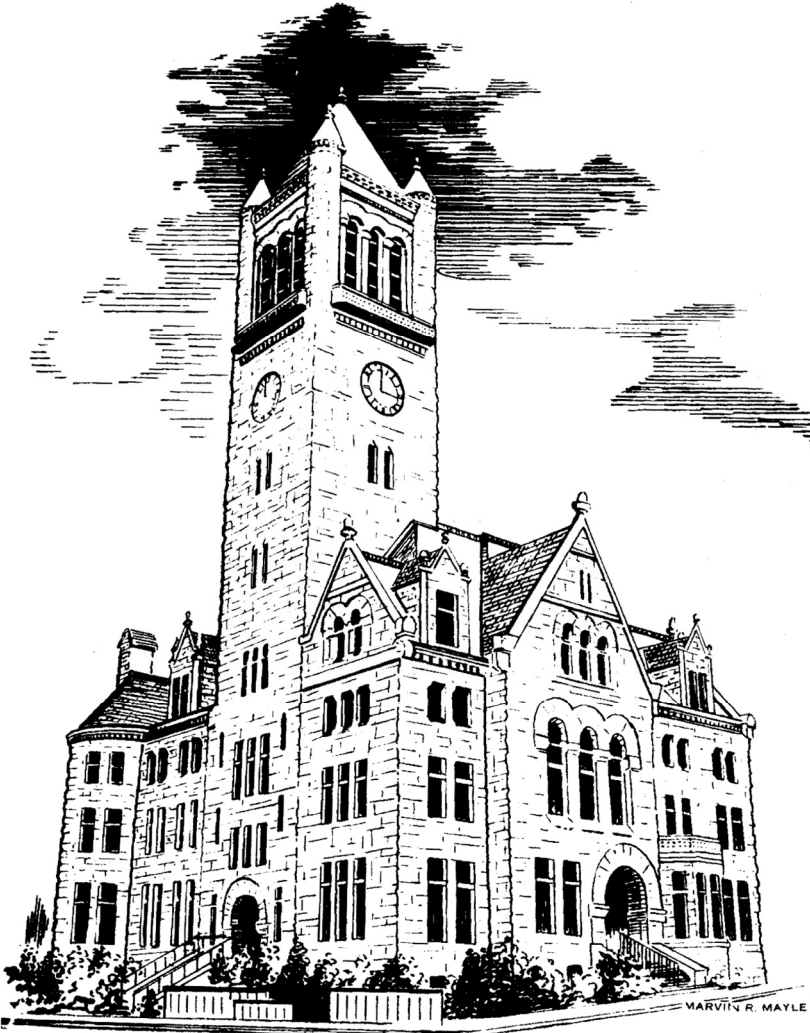


FAYETTE LEGAL JOURNAL

VOL. 86

OCTOBER 28, 2023

NO. 43



FAYETTE LEGAL JOURNAL

The FAYETTE LEGAL JOURNAL is published weekly by the Fayette County Bar Association, 45 East Main Street, Suite 100, Uniontown, Pennsylvania 15401, 724-437-7994. Legal advertisements should be submitted online at www.fcbar.org 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. Gordon 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 A. Kopas, III
President Elect: Gretchen A. Mundorff
Vice-President: Sheryl R. Heid
Secretary: Anne N. John
Treasurer: Louise D. Monaghan
Past President: Mark D. Brooks
Executive Director: Garnet L. Gordon

Directors
 Jennifer M. Casini
 Rachel A. Clark
 Sarah E. Connelly
 Jeremy J. Davis
 James E. Higinbotham, Jr.
 Margaret Zylka House

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.

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

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

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

ELMER J. DURITZA, JR., late of Menallen Township, Fayette County, PA (3)
Personal Representative: Susan Marlier
 c/o Watson Mundorff, LLP
 720 Vanderbilt Road
 Connellsville, PA 15425
Attorney: Robert A. Gordon

SANTANA MILAN HALL, late of Uniontown, Fayette County, PA (3)
Administrator: Edward Hall
 c/o 1500 Market Street, Suite 3500E
 Philadelphia, PA 19102
Attorney: Kristen L. Behrens

EDWARD L. KING, late of Fairchance Borough, Fayette County, PA (3)
Executrix: Cynthia King
 c/o Fitzsimmons & Barclay
 55 East Church Street, Suite 102
 Uniontown, PA 15401
Attorney: James N. Fitzsimmons, Jr.

CHAD M. MORRIS, late of Uniontown, Fayette County, PA (3)
Administratrix: Rhonda Morris
 c/o 11 Pittsburgh Street
 Uniontown, PA 15401
Attorney: Thomas W. Shaffer

Second Publication

MARY A. BUBARTH, late of Connellsville, Fayette County, PA (2)
Personal Representative: Robert J. Bubarth
 c/o 208 South Arch Street, Suite 2
 Connellsville, PA 15425
Attorney: Richard A. Husband

THOMAS R. COLEMAN, a/k/a THOMAS COLEMAN, late of North Union Township, Fayette County, PA (2)
Executor: Marshall Ray Coleman
 c/o John & John
 96 East Main Street
 Uniontown, PA 15401
Attorney: Anne N. John

MARVIN DILLON, late of Bullskin Township, Fayette County, PA (2)
Personal Representative: Mark A. Dillon
 c/o Watson Mundorff
 720 Vanderbilt Road
 Connellsville, PA 15425
Attorney: Timothy J. Witt

EUGENE L. GAGGIANI, late of Redstone Township, Fayette County, PA (2)
Personal Representative:
 Diane M. Gaggiani
 c/o Davis & Davis
 107 East Main Street
 Uniontown, PA 15401
Attorney: James T. Davis

BERNADETTE HAMBORSKY, late of North Union Township, Fayette County, PA (2)
Personal Representative: John T. Yohman
 811 Center Avenue
 Charleroi, PA 15022

WALTER KASIEWICZ, late of Bullskin Township, Fayette County, PA (2)
Executrix: Diana Lynn Kasiewicz
 165 Wiltrout Hollow Road
 White, PA 15490
 c/o 201 North Chestnut Street
 P.O. Box 342
 Scottdale, PA 15683
Attorney: James Lederach

MARTHA E. LAMBERT, a/k/a MARTHA CRAMER ELLEN LAMBERT, late of
Brownsville, Fayette County, PA (2)

Executor: James D. Cramer
c/o Halbruner, Hatch & Guise, LLP
3435 Market Street
Camp Hill, PA 17011
Attorney: Craig A. Hatch

TOBY RAY MAYKUTH, late of Masonstown,
Fayette County, PA (2)

Administratrix: Mary Maykuth
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Jeffrey Proden

MICHAEL MEYOKOVICH, a/k/a MIKE MARK MEYOKOVICH, SR., a/k/a MICHAEL M. MEYOKOVICH, SR., late of
South Union Township, Fayette County, PA (2)

Personal Representative:
Michael M. Meyokovich, Jr.
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

MILDRED J. STITH, late of German
Township, Fayette County, PA (2)

Executor: Kerry Stith
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

First Publication

JUDY BALSLEY, a/k/a KAY JULIANNA BALSLEY, late of Stewart Township, Fayette
County, PA (1)

Executrix: Kathryn Gordian
c/o 11 Pittsburgh Street
Uniontown, PA 15401
Attorney: Thomas W. Shaffer

RONALD S. CASSIDY, late of Uniontown,
Fayette County, PA (1)

Personal Representative: Patricia Cassidy-
Honsaker, a/k/a Patricia Honsaker-Cassidy
200 Dixon Boulevard
Uniontown, PA 15401

c/o P.O. Box 310 902 First Street
Hiller, PA 15473
Attorney: Herbert G. Mitchell, Jr.

PHYLLIS A. CIAMPANELLI, late of
Menallen Township, Fayette County, PA (1)

Executor: Larry Ciampanelli
c/o 68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham

BARBARA HISSOM, late of Perry Township,
Fayette County, PA (1)

Executor: Camellia Pato
c/o Long & Long, LLC
305 West Pittsburgh Street
Greensburg, PA 15601
Attorney: Nicole Pardus

MARK ANTHONY KELLEY, late of Georges
Township, Fayette County, PA (1)

Administratrix: Korina Frey
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Sean M. Lementowski

NELLIE S. PILLIPOVICH, late of
Uniontown, Fayette County, PA (1)

Personal Representative: Lauren E.
Cernuska, a/k/a Lauren E. Colbert-Rush
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Robert A. Gordon

CATHERINE PYLE, a/k/a CATHERINE ANN PYLE, late of South Union Township,
Fayette County, PA (1)

Executor: Michael E. Pyle
72 Emerson Street
Uniontown, PA 15401
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

**MARY ANN TOWNSEND, a/k/a
MARYANN TOWNSEND**, late of Georges
Township, Fayette County, PA (1)
Executrix: Tina Eberhart
c/o Kopas Law Office
556 Morgantown Road
Uniontown, PA 15401
Attorney: John A. Kopas, III

to Carrington Mortgage Services LLC the amount of the judgment plus costs or the back payments, late charges, costs, and reasonable attorneys fees due. To find out how much you must pay, you may call: LOGS Legal Group, LLP. (610) 278-6800.

PLEASE NOTE a Schedule of Distribution will be filed by the Sheriff on a date specified by the Sheriff not later than thirty (30) days after sale. Distribution will be made in accordance with the schedule unless exceptions are filed thereto within 20 days after the filing of the schedule.

LEGAL NOTICES

COURT OF COMMON PLEAS
CIVIL DIVISION
FAYETTE COUNTY
NO: 2023-01005

Carrington Mortgage Services LLC
PLAINTIFF
VS.

Danielle Tobusto, known Heir of Clinton D. Anderson, deceased and Renetta Anderson, known Heir of Clinton D. Anderson, deceased and Janeen Anderson Houck, known Heir of Clinton D. Anderson, deceased and Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest from or under Clinton D. Anderson, deceased

DEFENDANTS

NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

TO: Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest from or under Clinton D. Anderson, deceased
114 Ball Street
Uledi, PA 15484

Your house (real estate) at:
114 Ball Street, Uledi, PA 15484
Parcel ID:34-08-0035 is scheduled to be sold at Sheriff's Sale at <https://fayette.pa.realforeclose.com> on January 18, 2024 at 2:00PM to enforce the court judgment of \$68,395.55 obtained by Carrington Mortgage Services LLC against you.

NOTICE OF OWNER'S RIGHTS
YOU MAY BE ABLE TO PREVENT THIS
SHERIFF'S SALE

To prevent this Sheriff's Sale you must take immediate action:

The sale will be cancelled if you pay back

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, November 6, 2023, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2621-0702	STEPHANIE BALIK, deceased	Joseph C. Takacs, Executor
2623-0080	MELVA P. ROLAND, deceased	Carolyn W. Maricondi, Executrix
2622-1060	JAMES N. McKEVITT, deceased	Brian Sean McKeivitt, Executor

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

Monday, November 20, 2023, at 9:30 A.M.

in Courtroom No. 1 of the **Honorable President Judge Steve P. Leskinen** or his chambers, Second 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 (2 of 2)

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



DiBella Weinheimer

Geer McAllister Best Coco Lloyd Whalen



Holly Whalen ◊ Amy Coco ◊ Bethann Lloyd

INSIST UPON OUR EXPERIENCED TEAM

LAWYERS DEFENDING LAWYERS

- Disciplinary Board
- Legal Malpractice
- Security Fund / IOLTA
- Ethics & Conflict Analysis
- Subpoena Assistance
- Licensure
- Conflict Resolution

WWW.DIBELLA-WEINHEIMER.COM 412 261-2900

JUDICIAL OPINION

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

COMMONWEALTH OF :
PENNSYLVANIA :
v. :
: :
: :
TAYLOR ANNE LINT, : No. 1667 of 2022
Defendant. : Honorable President Judge Steve P. Leskinen

OPINION

LESKINEN, P.J. August 30, 2023

Before the Court is the Defendant's Omnibus Pretrial Motion in the form of a Motion to Suppress. The Defendant asserts that the Trooper had no probable cause for the traffic stop. The Defendant was charged with Driving Under the Influence, 75 Pa. C.S. § 3802(A)(1), Disregard Traffic Lane-Single, 75 Pa. C.S. § 3309 (1); and Temporary Registration Card Violation, 75 Pa. C.S. 1310(A). The Court viewed the Motor Vehicle Recording (hereinafter "MVR") in making its determination in this case.

BACKGROUND

On January 2, 2022 at 2:26 A.M., the Troopers began following a burgundy Chevrolet Cobalt traveling in the right lane. The Troopers' MVR displayed the following:

The burgundy Cobalt traveled in front of the Trooper's marked vehicle for a significant distance. No other vehicles were present on the roadway. It was a dark area of roadway with and just a couple of large, illuminated business areas. The roadway was wet and it was raining as the officers followed the vehicle. During the time the Troopers followed the vehicle, the Defendant's vehicle never traveled outside her lane. The Defendant's vehicle did at one point touch the fog line on the right side of her lane, but did not cross over it. The Defendant's vehicle drove entirely in her lane for the entire MVR recording. The MVR records one Trooper's statement that she was traveling twenty-five (25) miles per hour and then thirty-five (35) miles per hour. It was not clear from the recording what the speed of the Defendant's vehicle actually was, but the Troopers' vehicle seemed to have slowed. The Defendant used her turn signals, and turned to the right into a gas station. As she made her right turn, one Trooper is heard commenting that the temporary vehicle registration was not in the proper location in the rear window of the vehicle. At the time of the stop, the Trooper questioned the Defendant if she was having car trouble and commented that her temporary registration was in the wrong location and was coming loose from the window.

DISCUSSION

The Defendant asserts that the Trooper had no probable cause to stop the vehicle as a "momentary and minor" violation of the Vehicle Code is not sufficient.

The Defendant operated her vehicle only in her lane throughout the time the Troopers were following her vehicle. There were no other vehicles on the highway which was a very dark stretch of roadway, and wet from rain. There was some movement of the Defendant's vehicle in her lane of travel but not such that one could draw the conclusion that she was impaired. The vehicle touched the white center line and the white line on the right but never drove over either line.

Section 3364 of the Motor Vehicle Code, Minimum speed regulation states that "Except when reduced speed is necessary for safe operation or in compliance with law, no person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic." 75 Pa. C.S. § 3364.

In the charge of Driving on roadways laned for traffic, Section 3309(1) "Driving within single lane.-A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from the lane until the driver has first ascertained that the movement can be made safely." 75 Pa. C.S. § 3309.

There was no safety concern based on the circumstances in this case. Commonwealth v. Lana, 832 A.2d 527 (Pa. Super. 2003). There was no violation of the above two sections of the Vehicle Code. The Trooper also charged her at Section 1310(a) which permits the issuance of temporary registration cards. Obviously, there was no violation of that section, as she had the required temporary registration card. The comment on the MVR concerning the alleged misplacement of the Temporary Registration in her back window did not clearly set forth a violation of any other section. The Trooper did not charge her with a violation of Section 1310.1(c), and it is not apparent that there was a violation of that section. That section provides that: "Except as otherwise provided, a registration permit shall be affixed to the extreme lower left-hand (driver's side) inside corner of the rear window of a vehicle with the printed information visible from the outside." There was no evidence showing an illegal placement of the permit, which was read by the Troopers from the outside without difficulty.

Based on the circumstances presented, the Troopers lacked probable cause to stop the vehicle, the evidence obtained from the stop is suppressed and the Defendant's motion is granted.

BY THE COURT:
STEVE P. LESKINEN,
President Judge

ATTEST:
Clerk of Courts

*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