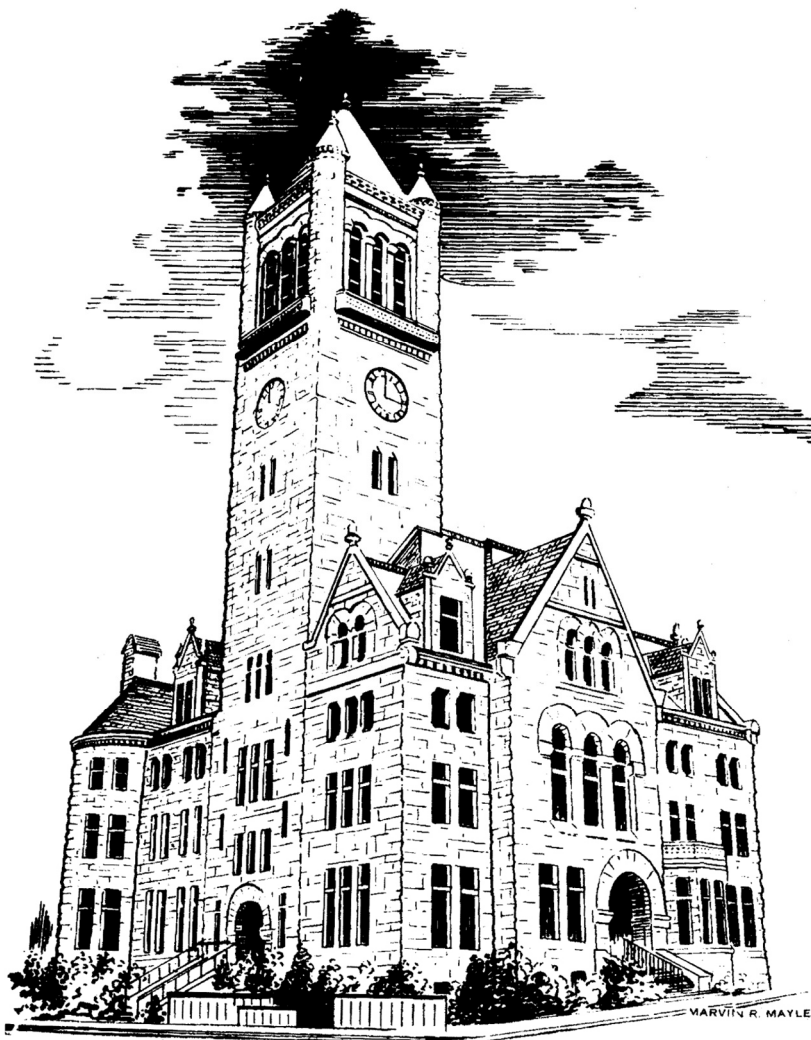


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FAYETTE LEGAL JOURNAL

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The Ethics Hotline provides free advisory opinions to PBA members based upon review of a member's prospective conduct by members of the PBA Committee on Legal Ethics and Professional Responsibility. The committee responds to requests regarding, the impact of the provisions of the Rules of Professional Conduct or the Code of Judicial Conduct upon the inquiring member's proposed activity. All inquiries are confidential.

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ESTATE NOTICES

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

Third Publication

GERALD BELL, late of South Union Township, Fayette County, PA (3)

Executrix: Valerie A. Brown
c/o Higinbotham Law Offices
45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James Higinbotham

ROBERT G. BOYLE, late of Brownsville, Fayette County, PA (3)

Administratrix: Jo Ann Sepsi
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Anthony S. Dedola, Jr.

ROBERT E. JONES, late of Uniontown, Fayette County, PA (3)

Administration, C.T.A.:
Jeffrey Scott Jones
c/o 11 Pittsburgh Street
Uniontown, PA 15401
Attorney: Thomas W. Shaffer

CAROL ANN RAHM, late of Georges, Fayette County, PA (3)

Administratrix: Cristina L. Rahm
c/o 9 Court Street
Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

GEORGE H. ROBERTUCCI, late of Upper Tyrone Township, Fayette County, PA (3)

Administrator: Christopher A. Robertucci
618 Kingview Road
Scottsdale, PA 15683
c/o 201 North Chestnut Street
P.O. Box 342

Scottsdale, PA 15683
Attorney: James Lederach

NANNIE M. SAWCHENKO, late of Masontown, Fayette County, PA (3)

Executrix: Mary Collins
c/o 2944 National Pike Road
P.O. Box 245
Chalk Hill, PA 15421
Attorney: Charles C. Gentile

JOHN WILLIAM SHARTZER, a/k/a JOHN W. SHARTZER, a/k/a JOHN SHARTZER, late of Connellsville, Fayette County, PA (3)

Administratrix: Paulette S. Musser
c/o John & John
96 East Main Street
Uniontown, PA 15401
Attorney: Simon B. John

ANNA ELEANOR VRABEC, late of North Union Township, Fayette County, PA (3)

Executrix: Judith A. Radic
5889 Wayne Gate Road
Huber Heights, OH 45424
c/o 617 McKean Avenue
Donora, PA 15033
Attorney: Thomas B. Kostolansky

Second Publication

ALEXANDER BEZJAK, a/k/a ALEX BEZJAK, late of South Union Township, Fayette County, PA (2)

Executor: Carl Bezjak
17 Theodori Drive
Uniontown, PA 15401
c/o 76 East Main Street
Uniontown, PA 15401
Attorney: Douglas S. Sholtis

MIKE CIAMPANELLI, a/k/a MIKE A. CIAMPANELLI, late of Menallen, Fayette County, PA (2)

Executrix: Phyllis A. Ciampanelli
c/o Higinbotham Law Offices
45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James Higinbotham

MARK T. DOORLEY, a/k/a MARK DOORLEY, late of Uniontown, Fayette County, PA (2)

Personal Representative: Joseph Doorley
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Samuel J. Davis

BETTY JANE DOWNS, a/k/a BETTY J. DOWNS, a/k/a BETTY DOWNS, late of South Union Township, Fayette County, PA (2)

Personal Representative: Karen Perri
c/o 92 East Main Street, Suite 3
Uniontown, PA 15401
Attorney: Susan Ritz Harper

DOROTHY B. GLEBES, late of South Union Township, Fayette County, PA (2)

Personal Representative: Stanley Glebes
c/o Dellarose Law Office, PLLC
99 East Main Street, Suite 101
Uniontown, PA 15401
Attorney: Melinda Deal Dellarose

HELEN KANAR, late of Uniontown, Fayette County, PA (2)

Executrix: Mary Rushin
c/o Higinbotham Law Offices
45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James Higinbotham

GERALDINE MCCANDLESS, late of Connellsville, Fayette County, PA (2)

Personal Representative:
Randall T. McCandless
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

ROSEMARIE PERRY, late of Fayette City, Fayette County, PA (2)

Administrator: Michael S. Perry, Jr.
c/o 12 Fernwood Avenue
Pittsburgh, PA 15228
Attorney: Lorraine Smith

DOROTHY A. TURNBULL, a/k/a DOROTHY ANN TURNBULL, late of Perry Township, Fayette County, PA (2)

Executrix: Kathy Kelly
310 Rehoboth Road
Belle Vernon, PA 15012
c/o 1202 West Main Street
Monongahela, PA 15063
Attorney: James W. Haines, Jr.

ROBERT L. WAGGETT, late of Washington Township, Fayette County, PA (2)

Executrix: Renee Kurdilla
205 Roosevelt Street
Rostraver Township, PA 15012
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

THOMAS ZEMO, a/k/a TOM ZEMO, late of Menallen Township, Fayette County, PA (2)

Executor: Peter J. Daley II, Esquire
c/o Peter J. Daley & Associates, P.C.
33 Market Street, Suite 1
Brownsville, PA 15417
Attorney: Peter Daley II

First Publication

IVAN E. MILLER, late of Belle Vernon Borough, Fayette County, PA (1)

Executrix: Terri Miller
121 Pennsylvania Boulevard
Monessen, PA 15062
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

JAY MITCHELL, late of South Union Township, Fayette County, PA (1)

Executor: Jay R. Mitchell
c/o Higinbotham Law Offices
45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James Higinbotham

RONALD PHILLIPS, late of Brownsville,
Fayette County, PA (1)

Executrix: Kathryn A. Phillips
147 Prospect Street
Brownsville, PA 15417
c/o 257 Driftwood Road
Brownsville, PA 15417
Attorney: William Worthington

LEGAL NOTICES

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
ACTION TO QUIET TITLE
CIVIL ACTION - LAW
No. 1434 of 2021, G.D.
Judge Nancy D. Vernon

Estate of David S. Tate by Jason Tate and Jared
S. Tate, Co-Administrators and Mindi Tate
Sullivan,
Plaintiffs,
vs.

Bermuda Avenue, LLC, and its successors and
assigns,
Defendant.

NOTICE

TO: Bermuda Avenue, LLC and its
successors and/or assigns, or any other person or
persons having any right, interest or claim
whatsoever in and to that certain tract of land
situate in the Fairchance Borough, Fayette
County, Pennsylvania, more particularly
bounded and described as follows:

ALL that certain piece of land situate on
South Main Street in Fairchance Borough,
Fayette County, Pennsylvania, bounded and
described as follows:

BEGINNING at a point in the center of
Main Street which point is located South 36
degrees 40 minutes West, 75 feet from the most
southerly corner of a lot conveyed by H.C. Frick
Coke Company to Mrs. Sarah McFadden and
which point is also a corner of a lot of Perry
Tate, Jr.; thence by the center line of said Main
Street South 36 degrees 40 minutes West, 179
feet to a point and corner in a lot of land
conveyed by Frank Guthrie to James Guthrie;
thence by said James Guthrie land North 52
degrees 20 minutes West, 317.23 feet, more or
less, to a point on the right of way line of the
Fairmont, Morgantown and Pittsburgh, (B&O)

Railroad; thence by the right of way line of said
Railroad, (said right of way being 30 feet at right
angles from the center line of said Railroad),
North 43 degrees 52 minutes East, 179 feet to a
point and corner in said lot of Perry Tate, Jr.;
thence by said Tate lot South 53 degrees 20
minutes East, 294.65 feet to the place of
beginning.

The street address of the subject property is
50 South Main Street, Fairchance, PA 15436.

Tax Parcel Number 11-07-0073.

That the Defendants above named appears
to have an interest in said premises which
creates a cloud upon Plaintiffs' title, whereupon
the Plaintiffs have filed their Complaint as
aforesaid asking the Court to enter a decree
terminating all rights which Defendants may
have in said premises and decreeing that
Plaintiffs have the full and free use and
occupation of said premises, released and
forever discharged of any right, lien, title or
interest of Defendants herein.

By Order entered September 13, 2021 at
the above number, the Court granted Plaintiffs
leave to serve the Complaint on you by
publication of this Notice once in the Herald
Standard, a newspaper of general circulation,
and in the Fayette County Legal Journal.

If you wish to defend, you must enter a
written appearance personally or by attorney and
file your defenses or objections in writing with
the court. You are warned that if you fail to do
so the case may proceed without you and a
judgment may be entered against you without
further notice for the 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.**

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100 South Street
P.O. Box 186
Harrisburg, PA 17108
800-692-7375

EWING D. NEWCOMER, ESQUIRE
Attorney for Plaintiffs

NOTICE

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 July 27, 2021, to conduct a business in Fayette County, Pennsylvania, under the assumed or fictitious name of 2 Degree Construction with the principal place of business at: 14 Woods Lane, Dawson, PA 15428. The name or names and addresses of persons owning and interested are: Alex Loya, 14 Woods Lane, Dawson, PA 15428.

Fictitious Name Registration

Notice is hereby given that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on April 29, 2021 for L. Magee New Home Construction Cleaning Service at 809 McCormick Ave. Connellsville, PA 15425. The name and address of each individual interested in the business is Linda Magee at 809 McCormick Ave. Connellsville, PA 15425. This was filed in accordance with 54 PaC.S. 311.417

Fictitious Name Registration

Notice is hereby given that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on May 07, 2021 for Mt. Jay Construction at 4985 National Pike, Markleysburg, PA 15459. The name and address of each individual interested in the business is Jay Allen Minton at 4985 National Pike, Markleysburg, PA 15459. This was filed in accordance with 54 PaC.S. 311.417

Fictitious Name Registration

Notice is hereby given that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on June 17, 2021 for Eventastic at 833 Florence Street LaBelle, PA 15450. The name and address of each individual interested in the business is Codey Bohna at 833 Florence Street LaBelle, PA 15450. This was filed in accordance with 54 PaC.S. 311.417

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW
No. 1134 of 2021

IN RE: CHANGE OF NAME OF
TYLER AARON KLIPPI

SCHEDULING ORDER and
ORDER OF PUBLICATION

AND NOW, this 6th day of August, 2021, a hearing on the Petition for Change of Name is scheduled for the 29th day of September, 2021, at 10:30 o'clock a.m. in Courtroom No. 4 of the Fayette County Courthouse, Fayette County, Pennsylvania.

Petitioner is directed to give notice of the hearing by publication in two (2) newspapers of general circulation in the county where Petitioner resides, or a county contiguous to that county. One of the publications may be in the official paper for the publication of legal notices in the county.

Petitioner shall conduct an official search of the proper offices of the counties where he has resided within the past 5 years, including the Fayette County Clerk of Courts, Prothonotary and Recorder of Deeds offices and will obtain certifications dated no more than two (2) days prior to the hearing showing that there are no judgments, decrees of record or other similar matters against the petition. Plus criminal record history PSP.

Petitioner shall bring all certifications to the hearing.

BY THE COURT,
VERNON, J.

Attest:
Nina Capuzzi Frankhouser

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW
No. 1582 of 2021, G.D.

IN RE: CHANGE OF NAME OF
JERSEY REESE FEICK,
A MINOR.

NOTICE

Notice is hereby given that on the 1st day of September, 2021, the Petition of Jersey Reese Feick, a minor, was filed in the Fayette County Court of Common Pleas at No. 1582 of 2021, G.D., seeking to change the name of Petitioner from Jersey Reese Feick to Jersey Reese Feick-White. The Court has fixed October 27, 2021, at 9:30 a.m. in Courtroom #2 in the Fayette County Courthouse, 61 East Main Street, Uniontown, Pennsylvania 15401 as the date for hearing of the Petition. All persons interested in the proposed change of name may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

JUDICIAL OPINION

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

CHELSEA HYATT,	:
PLAINTIFF,	:
v.	:
CONNELLSVILLE AERIE NO. 493,	:
FRATERNAL ORDER OF EAGLES,	:
t/d/b/a F.O.E.; and	:
	:
BUILDING BLOCKS PROPERTY	:
MANAGEMENT LIMITED LIABILITY	:
COMPANY t/d/b/a BUILDING BLOCKS	:
PROPERTY MANAGEMENT, LLC,	: No. 249 of 2020
DEFENDANTS.	: Honorable President Judge John F. Wagner, Jr.

OPINION AND ORDER

Wagner, P.J.

August 25, 2021

This matter comes before the Court on a Motion for Summary Judgment filed by Defendant, Building Blocks Property Management Limited Liability Company t/d/b/a Building Blocks Property Management, LLC, (hereinafter "Building Blocks"). Based on a thorough review of the record before the Court, as defined in Pa. R.C.P. 1035.1, said Motion is denied.

BACKGROUND

On July 14, 2019, the Plaintiff was walking on the sidewalk along South Arch Street in Connellsville, Fayette County, Pennsylvania. The Plaintiff was caused to trip and fall due to a change in height of the sidewalk slabs along the property line between this Defendant's property and the property of Connellsville Aerie No. 493, Fraternal Order of Eagles t/d/b/a F.O.E. (hereinafter "FOE"). The Plaintiff testified that when she stepped with her right foot onto the sidewalk slab on the F.O.E.'s property, her heel remained on the elevated portion of sidewalk on Building Blocks property. A portion of her foot was on each Defendant's property. The Plaintiffs injuries include a fracture to her right ankle which required multiple surgeries.

DISCUSSION

Under Pennsylvania Rule of Civil Procedure 1035.2, a party may move for summary judgment as a matter of law when (1) there is no genuine issue of material fact as to a necessary element of the cause of action or defense which could be established by additional discovery or expert report, or (2) if, after the completion of discovery relevant to the motion, including the production of expert reports, an adverse party who will

bear the burden of proof at trial has failed to produce evidence of facts essential to the cause of action or defense which in a jury trial would require the issues to be submitted to a jury.

A grant of a summary judgment motion may only occur in those cases in which the record clearly shows that no genuine issue of material fact exists and that the moving party is entitled to relief as a matter of law. *Horne v. Haladay*, 728 A.2d 954 (Pa. Super. 1999). Summary judgment depends upon an evidentiary record that either shows the material facts are undisputed or contain insufficient evidence of facts to make out a prima facie cause of action or defense. *Rauch v. Mike-Mayer*, 783 A.2d 815 (Pa. Super. 2001). A material fact is one that directly affects the outcome of the case. In determining whether to grant summary judgment, the court must view the record in the light most favorable to the non-moving party and must resolve all doubts as to the existence of a genuine issue of material fact against the moving party. The moving party has the burden of proving that no genuine issues of material fact exist.

The parties have produced surveys showing that the property line between the two Defendants' properties lies at the seam between the two sidewalk slabs where the fall is stated to have occurred. The Plaintiff testified in her deposition that her foot was on the seam with part of her foot on the properties of each of the Defendants at the same time.

The fact that the F.O.E. placed cones at or near the property line where the sidewalk was uneven does not necessarily indicate that the F.O.E. occupied and controlled the entire area. From their brief in support of this motion, Building Blocks acknowledges that they were aware of the cones. The evidence presented demonstrates that there was an unsafe condition that was of sufficient concern for the area to have cones placed there by the F.O.E. A jury could conclude that as Building Blocks was aware of the cones at or near their property line that the defect impacted their sidewalk area also. Therefore, a genuine issue of material fact exists that might affect the outcome of the suit. Therefore, this Court finds that there are disputed issues of fact that preclude summary judgment in favor of Building Blocks. At this time, Building Blocks' Motion for Summary Judgment will be denied.

ORDER

AND NOW, this 25th day of August 2021, after a hearing on the Motion for Summary Judgment filed by the Defendant, Building Blocks, it is hereby ORDERED and DECREED that the Motion for Summary Judgment is hereby DENIED

BY THE COURT:
WAGNER, P.J.

ATTEST:
Prothonotary

WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

518 Madison Drive

Smithfield, PA 15478

724-322-6529

johnfranciswarman@gmail.com

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A DECADE OF EXPERIENCE

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FCBA BENCH BAR CONFERENCE

Bench Bar Conference
Wednesday, October 13, 2021
The Historic Summit Inn

AGENDA

8:30 **Meet the Sponsors & Breakfast Buffet**

9:00 **Your Toughest Client – What Makes Them So Difficult! And Success – Working and Living in ‘The Zone’**

Presenter: Douglas Leonard, Esquire of Douglas Leonard Consulting
1.5 Ethics credits

10:30 **Break**

10:45 **Trial Tactics and Panel Discussion with the Judges of the Fayette County Court of Common Pleas**

Trial Tactics led by Judge Nancy D. Vernon

Panel Discussion/Questions & Answers led by Judge Linda R. Cordaro

Panelists: President Judge John F. Wagner, Jr., Judge Steve P. Leskinen, and Judge Joseph M. George, Jr.

1.5 Substantive credits

12:30 **Lunch Buffet**

Panel Discussion/Questions & Answers

The Judges of the Fayette County Court of Common Pleas are accepting questions for the panel Q&A discussion. Questions may cover trial tactics, local practice and procedure, or general legal questions, but should not inquire about cases pending or adjudicated before the Court. Questions are due by Wednesday, October 6th. To submit a question for consideration, please follow the link in your email invitation or email to cindy@fcbar.org.

Fees to Attend

FCBA members - \$75

Non-members of the FCBA - \$125

Attorneys admitted to practice in Pennsylvania after January 1, 2016 - \$50

****All fees to be paid at the door.****

RSVP due Thursday, October 7th to
Cindy 724-437-7994 or cindy@fcbar.org

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