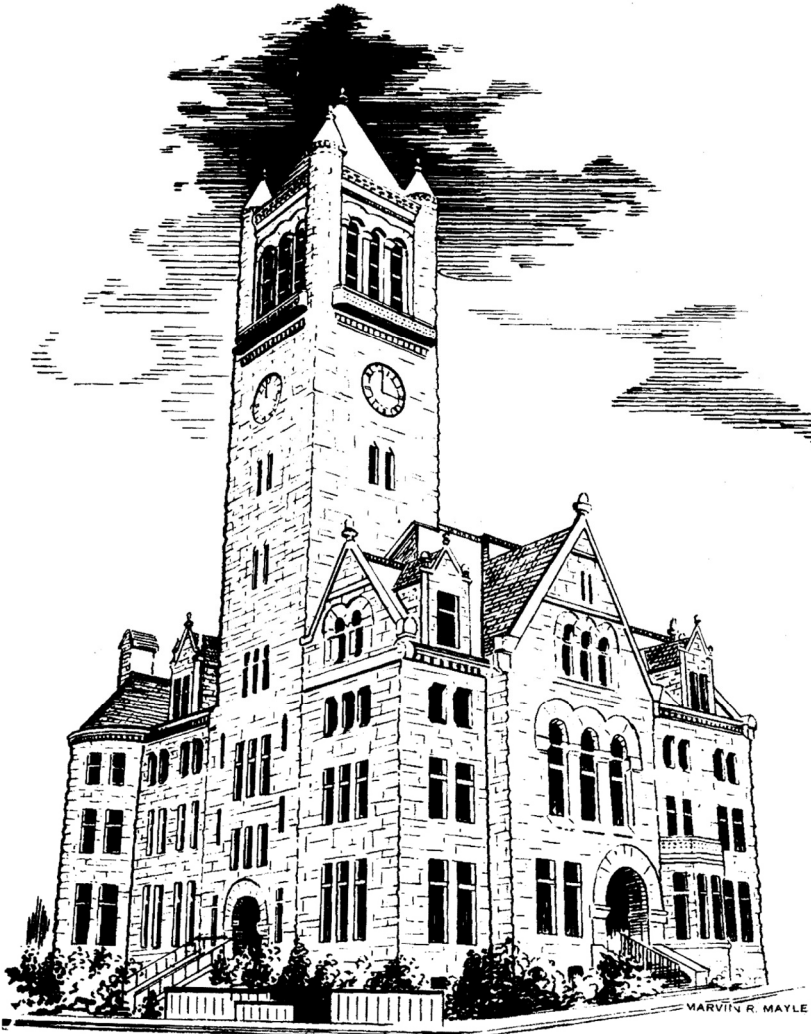


FAYETTE LEGAL JOURNAL

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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

CHARLES G. ETLING, late of Bullskin Township, Fayette County, PA ⁽³⁾
Personal Representative: Karen L. Etling
 c/o Watson Mundorff, LLP
 720 Vanderbilt Road
 Connellsville, PA 15425
Attorney: Timothy J. Witt

RANDY HERMAN, late of Connellsville, Fayette County, PA ⁽³⁾
Administrator: Patrick Herman
 c/o Rowan Law Office
 890 Vanderbilt Road
 Connellsville, PA 15425
Attorney: Mark Rowan

ALTHEA F. MOYER, late of North Union, Fayette County, PA ⁽³⁾
Executrix: Mona L. Collins
 c/o Radcliffe Martin Law, LLC
 648 Morgantown Road, Suite B
 Uniontown, PA 15401
Attorney: William M. Radcliffe

THOMAS ROGERSON, late of Uniontown, Fayette County, PA ⁽³⁾
Executrix: Carol Rogerson
 195 Lenox Street
 Uniontown, PA 15401
 c/o Tremba, Kinney & Greiner & Kerr
 1310 Morrell Avenue, Suite C
 Connellsville, PA 15401
Attorney: John Greiner

DIANNE SUSAN VORRASI, late of Uniontown, Fayette County, PA ⁽³⁾
Administratrix: Cynthia Knox
 c/o Proden & O'Brien
 99 East Main Street
 Uniontown, PA 15421
Attorney: Sean M. Lementowski

Second Publication

MARILYN L. BANKS, late of South Connellsville Borough, Fayette County, PA ⁽²⁾
Personal Representative: Ronald Scott Cole
 c/o Watson Mundorff, LLP
 720 Vanderbilt Road
 Connellsville, PA 15425
Attorney: Timothy J. Witt

CAROL A. COTTOM, late of Dunbar Township, Fayette County, PA ⁽²⁾
Personal Representatives: Susan Cottom and Stephanie Cottom
 c/o 208 South Arch Street, Suite 2
 Connellsville, PA 15425
Attorney: Richard A. Husband

WILLIAM DEITCH, a/k/a WILLIAM F. FEITCH, a/k/a WILLIAM FLOYD DEITCH, late of Washington Township, Fayette County, PA ⁽²⁾
Administratrix: Sallie Fordanish
 1113 McKean Avenue
 Charleroi, PA 15022
 c/o 823 Broad Avenue
 Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

DOLORES REID JONES, a/k/a DOLORES MAE REID-JONES, a/k/a DOLORES M. REID, late of South Union Township, Fayette County, PA ⁽²⁾
Executor: Roger Rodney Reid
 c/o DeHaas Law, LLC
 51 East South Street
 Uniontown, PA 15401
Attorney: Ernest P. DeHaas, III

EUGENE KANAR, a/k/a EUGENE ANTHONY KANAR, late of Menallen Township, Fayette County, PA (2)
Administratrix: Brenda A. Kanar
 1073 Colony Drive
 Pittsburgh, PA 15205

JAMES M. KRESE, a/k/a JAMES MARTIN KRESE, JR., a/k/a JAMES KRESE, late of Fairchance Borough, Fayette County, PA (2)
Executrix: Mary Jayne Jacaruso
 c/o DeHaas Law, LLC
 51 East South Street
 Uniontown, PA 15401
Attorney: Ernest P. DeHaas, III

LOUISE JOSEPH MANDERINO, a/k/a LOUIS JOSEPH MANDERINO, JR., a/k/a LOUIS J. MANDERINO, JR., late of Washington Township, Fayette County, PA (2)
Administrators: Janet Craig and John R. Craig
 c/o 9 Court Street
 Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

ROBERT ROSENBAUM, late of Wharton Township, Fayette County, PA (2)
Administrators: Janet Craig and John R. Craig
 c/o 9 Court Street
 Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

MARK ALLEN SHUDER, late of Dunbar Township, Fayette County, PA (2)
Personal Representative: Bradley J. Shuder
 c/o Watson Mundorff, LLP
 720 Vanderbilt Road
 Connellsville, PA 15425
Attorney: Timothy J. Witt

JOHN T. YOUSHOCK, late of Washington Township, Fayette County, PA (2)
Administrator: Michael S. Bitonti
 400 Fallen Leaf Drive
 Columbia, South Carolina 29229
 c/o 823 Broad Avenue
 Belle Vernon, PA 15012
Attorney: John T. Youshock

First Publication

PATRICIA AMERICO, late of Uniontown, Fayette County, PA (1)
Co-Executors: Peter Americo
 3760 National Pike
 Farmington, PA 15437
 Amy Americo
 123 Horseshoe Drive
 Williamsburg, VA 23185
 c/o Entrusted Legacy Law
 P.O. Box 130
 Bradford Woods, PA 15015
Attorney: Ashley Sharek

DEBORAH JEAN CALLAHAN, late of Fayette County, PA (1)
Administrator: Joshua K. Callahan
 48A Monroe Avenue
 Uniontown, PA 15401
 c/o Fieschko & Associates, Inc.
 300 Cedar Boulevard, Suite 202
 Pittsburgh, PA 15228
Attorney: Joseph Fieschko

HELEN M. FETSKO, a/k/a HELEN MARIE FETSKO, late of South Union Township, Fayette County, PA (1)
Executor: Robert J. Fetsko, Jr., a/k/a Robert Fetsko
 c/o Radcliffe Martin Law, LLC
 648 Morgantown Road, Suite B
 Uniontown, PA 15401
Attorney: William M. Martin

JANET S. MCMANUS, a/k/a JANET ELIZABETH MCMANUS, late of Connellsville, Fayette County, PA (1)
Personal Representative:
 Joseph R. McManus
 c/o Watson Mundorff, LLP
 720 Vanderbilt Road
 Connellsville, PA 15425
Attorney: Timothy J. Witt

JACQUELINE SCHWENK, late of Uniontown, Fayette County, PA (1)
Executrix: Colleen Brain
 c/o Adams Law Offices, PC
 55 East Church Street, Suite 101
 Uniontown, PA 15401
Attorney: Jason Adams

CATHERINE STEWART, late of Springfield Township, Fayette County, PA (1)

Administrator: Jason A. Medure
c/o Medure Bonner Bellissimo, LLC
713 Wilmington Avenue
New Castle, PA 16101
Attorney: Jason Medure

CHARLOTTE YVONNE STEWART, a/k/a YVONNE STEWART, late of Washington Township, Fayette County, PA (1)

Executor: Alan Baker
138 Grimplin Road
Vanderbilt, PA 15486
c/o 300 Fallowfield Avenue
Charleroi, PA 15022
Attorney: Richard C. Mudrick

LEGAL NOTICES

NOTICE

Notice is hereby given that a Certificate of Organization was filed with the Pennsylvania Department of State, on January 8, 2024, for a Limited Liability Company, organized under the Limited Liability Company Law of 1994, as from time to time amended. The name of the Company is Ciggy's LLC having an address of 701 3rd Street, Newell, PA 15466.

ADAMS LAW OFFICES, PC
Jason F. Adams, Esquire
55 East Church Street, Suite 101
Uniontown, PA 15401
724-437-2711

NOTICE

Notice is hereby given that a Certificate of Organization was filed with the Pennsylvania Department of State, on November 3, 2023, for a Limited Liability Company, organized under the Limited Liability Company Law of 1994, as from time to time amended. The name of the Company is CHESLER FAMILY LLC, having an address of 298 Florene Avenue, Uniontown, Pennsylvania 15401.

James E. Higinbotham, Jr., Esq.
HIGINBOTHAM LAW OFFICES
68 South Beeson Boulevard
Uniontown, PA 15401
Telephone: 724-437-2800

ACTION TO QUIET TITLE

IN THE COURT OF COMMON PLEAS
OF FAYETTE COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW
NO.: 1375 of 2023 GD

TO: Dedria L. Ruse, her unknown heirs and assigns and the unknown heirs of Joseph J. Ruse, and all persons having or claiming to have any right, lien, title, interest in or claim against 170 Masontown Woodside Road, Township of Nicholson, County of Fayette, Commonwealth of Pennsylvania.

TAKE NOTICE THAT BSRE Holdings, LLC has filed a Complaint in Action to Quiet Title in the aforesaid Court as of the above term and number, and praying the Court to adjudicate and decree their title and right of possession to said premises, more particularly described in the said Complaint, indefeasible as against all rights and claims whatsoever, and you are hereby notified to file an Answer within twenty (20) days following the date of this publication, in default of which an Order may be entered as prayed for against you, requiring you to take such action as may be ordered by the Court within thirty days after the entry of such Order in default of which final judgment shall be entered.

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 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 AND WISH TO RETAIN ONE, PLEASE CALL THE NUMBER LISTED BELOW:

LAWYER REFERRAL SERVICE
800-692-7375

CLYMER MUSSER & SARNO PC
Christopher A. Sarno, Esq.
408 W. Chestnut Street
Lancaster, PA 17603
(717) 299-7101

SHERIFF'S SALE

Date of Sale: March 21, 2024

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 March 21, 2024, at 2:00 pm at <https://fayette.pa.realforeclose.com>.

The Conditions of sale are as follows:

All bidders must complete the Realauction 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 Realauction via wire transfer or ACH per Realauction 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.

(3 of 3)

James Custer
Sheriff of Fayette County

No. 1182 of 2023 GD
No. 267 of 2023 ED

FIRST NATIONAL BANK OF PENNSYLVANIA,
Plaintiff,
vs.

ALL UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST, FROM OR UNDER JEROME D. DEAN, A/K/A JEROME D. DEAN, SR., DECEASED,
Defendants.

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND BEING SITUATE AND LAYING IN THE TOWNSHIP OF JEFFERSON, COUNTY OF FAYETTE AND COMMONWEAL TH OF PENNSYLVANIA, AS MORE FULLY DESCRIBED IN CERTAIN DEED DATED AUGUST 21, 1996, FROM MARK DEAN AND MARY E. DEAN, HIS WIFE, TO JEROME D. DEAN AND MARGARET C. DEAN, HIS WIFE, AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF FAYETTE COUNTY, PA ON AUGUST 22, 1996 IN DEED BOOK VOLUME 1756, PAGE 112. MARGARET C. DEAN DIED ON OR ABOUT JULY 13, 2009. UPON HER DEATH TITLE TO THE PREMISES VESTED IN JEROME D. DEAN BY OPERATION OF LAW. JEROME D. DEAN DIED ON SEPTEMBER 2, 2019. AFTER INVESTIGATION AND DUE DILIGENCE NO ESTATE OF RECORD COULD BE LOCATED FOR JEROME D. DEAN.

BEING COMMONLY KNOWN AS 225 LOWBER ROAD, FAYETTE CITY, PA 15438 IMPROVEMENT THEREON: A RESIDENTIAL DWELLING.

TAX PARCEL NUMBER: 17-02-0052

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

No. 62 of 2020 GD
No. 295 of 2023 ED

Longbridge Financial, LLC
Plaintiff
v.

Christopher Breegle, Known Surviving Heir of Eugene Breegle, Stuart Breegle, Known Surviving Heir of Eugene Breegle, Jeffery

Brengle, Known Surviving Heir of Eugene Brengle, and Unknown

All that certain piece or parcel or Tract of land situate in the TOWNSHIP OF UPPER TYRONE, Fayette County, Pennsylvania, and being known as 112 Wall Street, Everson, Pennsylvania 15631.

Being known as: 112 Wall Street, Everson, Pennsylvania 15631

Title vesting in Eugene Brengle A/K/A Eugene J. Brengle by deed from INEZ E. ECKMAN, A SINGLE WOMAN dated March 1, 1978 and recorded April 4, 1978 in Deed Book 1232, Page 992. The said Eugene Brengle A/K/A Eugene J. Brengle died on July 15, 2019 without a will or appointment of an Administrator, thereby vesting title in Christopher Brengle, Known Surviving Heir of Eugene Brengle, Stuart Brengle, Known Surviving Heir of Eugene Brengle, Jeffory Brengle, Known Surviving Heir of Eugene Brengle, and Unknown Surviving Heirs of Eugene Brengle by operation of law The said Carol S. Brengle died on March 22, 1999 without a will or appointment of an Administrator, thereby vesting title in Christopher Brengle, Known Surviving Heir of Eugene Brengle, Stuart Brengle, Known Surviving Heir of Eugene Brengle, Jeffory Brengle, Known Surviving Heir of Eugene Brengle, and Unknown Surviving Heirs of Eugene Brengle by operation of law.

Tax Parcel Number: 39-11-0052

Brock & Scott, PLLC

No. 1802 of 2019 GD
No. 293 of 2023 ED

**FREEDOM MORTGAGE CORPORATION
v.
DON L. CRAFTON**

By virtue of a Writ of Execution No. 2019-01802, FREEDOM MORTGAGE CORPORATION v. DON L. CRAFTON, owner(s) of property situate in the WASHINGTON TOWNSHIP, FAYETTE County, Pennsylvania, being 14 GROVE AVENUE A/K/A 14 GRV, BELLE VERNON. PA 15012

Tax ID No. 41-05-0066

Improvements thereon: RESIDENTIAL DWELLING Judgment Amount: \$158,954.52

FEIN, SUCH, KAHN & SHEPARD, P.C.

No. 1892 of 2023 GD
No. 285 of 2023 ED

**TOWNE MORTGAGE COMPANY
Plaintiff
v.
TANNER W DEROSA
Defendant(s)**

Judgment Amount: \$180,506.77

Being County Parcel No. 14330026

ALL THAT CERTAIN LOT OF LAND SITUATE IN GEORGES TOWNSHIP, FAYETTE COUNTY, COMMONWEALTH OF PWNNYSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTER LINE OF U.S. HIGHWAY ROUTE 119 CORNER WITH PROPERTY NOW OR FORMERLY OF D. BRUCE HAYDEN, ET UX.; THENCE ALONG SAID HAYDEN PROPERTY, SOUTH 53 DEGREES 30' EAST 208.72 FEET; THENCE ALONG LINE OF LAND NOW OR FORMERLY OF GILMER R. HEADRICK, ET UX. AND LINE OF LAND HEREIN CONVEYED SOUTH 36 DEGREES 30' WEST 103 FEET; THENCE THROUGH LAND OF GRANTORS HEREIN NORTH 53 DEGREES 30' WEST 208.72 FEET TO THE AFORESAID CENTER LINE OF U.S. HIGHWAY ROUTE 119; THENCE ALONG SAID CENTER LINE OF U.S. HIGHWAY ROUTE 119, NORTH 36 DEGREES 30' EAST 103 FEET TO THE PLACE OF BEGINNING.

TO BE SOLD AS THE PREMISES OF TANNER W DEROSA

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

No. 1112 of 2023 GD
No. 291 of 2023 ED

PENNYMAC LOAN SERVICES, LLC
3043 Townsgate Road
Suite 200
Westlake Village, CA 91361

Plaintiff
vs.

NATHON J. HOFECKER
Mortgagor(s) and Record Owner(s)
6 Spaulding Street
Uniontown, PA 15401
Defendant(s)

ALL THAT CERTAIN LOT OF LAND
SITUATE IN NORTH UNION TOWNSHIP,
COUNTY OF FAYETTE AND
COMMONWEALTH OF PENNSYLVANIA.
BEING KNOWN AS: 6 SPAULDING
STREET, UNIONTOWN, PA 15401

TAX PARCEL #25-39-0152

IMPROVEMENTS: A RESIDENTIAL
DWELLING

SOLD AS THE PROPERTY OF:
NATHON J. HOFECKER

Richard M. Squire & Associates, LLC
By: Michael J. Clark, Esquire
One Jenkintown Station, Suite 104
115 West Avenue
Jenkintown, PA 19046
Telephone: 215-886-8790
Fax: 215-886-8791

No. 1668 of 2023 GD
No. 301 of 2023 ED

Rocket Mortgage, LLC f/k/a Quicken Loans,
LLC f/k/a Quicken Loans, Inc.
PLAINTIFF

v.

Bobbie Jo Jenkins
Theresa Johnson
DEFENDANT.

TAX PARCEL NO.: 22-15-0066

PROPERTY ADDRESS: 16 E. Main
Street, New Salem, PA 15468

IMPROVEMENTS: Single Family
Dwelling

SEIZED AND TAKEN in execution as the

property of Bobbie Jo Jenkins and Theresa
Johnson

ALL THAT CERTAIN lot of piece of
ground situate in the Village of New Salem,
Menallen Township, Fayette County,
Pennsylvania known as Lot No. 1 bounded and
described as follows:

Bounded on the South by a public highway
known as Main Street, on the East by lot now or
formerly of Angela Rubinosky, on the North by
an alley and on the West by Lot No. 2 now or
formerly owned by Andrew Gallik, said lot of
ground containing ¼ acre, more or less.

BEING KNOWN AS premises 16 E. Main
Street, New Salem, PA 15468

Parcel: 22-15-0066

BEING the same premises conveyed to
Bobbie Jo Jenkins and Theresa Johnson, as joint
tenants with the right of survivorship, by deed of
Richard S. Sabol, Jr. unmarried, and recorded in
the Recorder of Deeds Office, County and State
aforesaid in Deed Book Volume 3362, page 667.
Said Grantor conveying her undivided one-half
(1/2) interest, remaining joint owner, the Grantor
herein, she now holds title in fee simple,
absolute.

with the appurtenances: to Have and to
Hold the same to and for the use of the said
Grantee his heirs and assigns forever. And the
Grantor for her heirs and assigns hereby
covenant and agree that they will WARRANT
GENERALLY the property hereby conveyed.

NOTICE-THIS DOCUMENT MAY NOT/
DOES NOT SELL CONVEY, TRANSFER,
INCLUDE OR INSURE THE TITLE TO THE
COAL AND RIGHT OF SUPPORT
UNDERNEATH THE SURFACE LAND
DESCRIBED OR REFERRED TO HEREIN,
AND THE OWNER OR OWNERS OF SUCH
COAL MAY HAVE.HAVE THE COMPLETE
LEGAL RIGHT TO REMOVE ALL OF SUCH
COAL, AND IN THAT CONNECTION,
DAMAGE MAY RESULT TO THE SURFACE
OF THE LAND AND ANY HOUSE,
BUILDING OR OTHER STRUCTURE ON OR
IN SUCH LAND. THE INCLUSION OF THIS
NOTICE DOES NOT ENLARGE, RESTRICT
OR MODIFY, ANY LEGAL RIGHTS OR
ESTATES OTHERWISE CREATED,
TRANSFERRED EXECPTED OR RESERVED
BY THIS INSTRUMENT: This notice is set
forth in the manner provided in Section 1 of the
Act of July 17, 1957, P.L. 984, as amended, and
is not intended as notice of unrecorded
instruments, if any.

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

No. 2172 of 2022 GD
No. 283 of 2023 ED

George A. Butler
Mahady & Mahady
223 South Maple Ave.
Greensburg PA 15601
724-834-2990

No. 2094 of 2023 GD
No. 303 of 2023 ED

LAKEVIEW LOAN SERVICING, LLC
4425 Ponce De Leon Blvd Mail Stop Ms5/251
Coral Gables, FL 33146
Plaintiff
vs.

LEON JONES Solely in His Capacity as Heir of Dorothy J. Jones, Deceased
LESLIE JONES Solely in Her Capacity as Heir of Dorothy J. Jones, Deceased
ROY JONES JR, Solely in His Capacity as Heir of Dorothy J. Jones, Deceased
WILLIAM JONES Solely in His Capacity as Heir of Dorothy J. Jones, Deceased
The Unknown Heirs of Dorothy J. Jones Deceased
LORETTA WYNN Solely in Her Capacity as Heir of Dorothy J. Jones, Deceased
246 Coolspring Street
Uniontown, PA 15401
Defendant(s)

ALL THAT CERTAIN LOT OF LAND
SITUATE IN CITY OF UNIONTOWN,
COUNTY OF FAYETTE AND
COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 246 COOLSPRING
STREET, UNIONTOWN, PA 15401
TAX PARCEL #38-13-0432
IMPROVEMENTS: A RESIDENTIAL
DWELLING

SOLD AS THE PROPERTY OF: LEON
JONES Solely in His Capacity as Heir of
Dorothy J. Jones, Deceased, LESLIE JONES
Solely in Her Capacity as Heir of Dorothy J.
Jones, Deceased, ROY JONES JR, Solely in His
Capacity as Heir of Dorothy J. Jones, Deceased,
WILLIAM JONES Solely in His Capacity as
Heir of Dorothy J. Jones, Deceased, The
Unknown Heirs of Dorothy J. Jones Deceased
AND LORETTA WYNN Solely in Her
Capacity as Heir of Dorothy J. Jones, Deceased

Commercial Bank & Trust of PA
Plaintiff
vs.
Joy Property Investments, LLC
Defendant

Joy Property Investments, LLC is the
owner of property situate in the City of
Connellsville, Fayette County, Pennsylvania
being 413 N. Pittsburgh Street, Connellsville PA
15425

Tax ID No. 05-06-0174
Improvements thereon: Four Unit
Apartment House
Judgment Amount: \$57,491.95

Robertson, Anschutz, Schneid, Crane &
Partners, PLLC
133 Gaither Drive, Suite F
Mt. Laurel, NJ 08054
(855) 225-6906

No. 1828 of 2023 GD
No. 269 of 2023 ED

SPECIALIZED LOAN SERVICING LLC
Plaintiff
v.
STEPHEN M. KLOTZ
Defendant(s)

ALL THAT CERTAIN LOT OR PIECE
OF GROUND SITUATE IN THE TOWNSHIP
OF CONNELLSVILLE, COUNTY OF
FAYETTE AND COMMONWEALTH OF
PENNSYLVANIA,

BEING PARCEL NUMBER: 05-15-0302
IMPROVEMENTS: RESIDENTIAL
PROPERTY

No. 1873 of 2019 GD
No. 284 of 2023 ED

DLJ Mortgage Capital, Inc.
Plaintiff,

vs.

Kimberly Mackey, AKA Kimberly D. Mackey, AKA Kim Mackey
Defendant.

ALL that certain parcel of land lying and being situate in the Township of Redstone, County of Fayette, and Commonwealth of Pennsylvania, known as 10 Kennedy Street, Republic, PA 15475 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 30-26-0003

BEING the same premises which Deborah Harmen, also known as Deborah Harman, by Deed dated February 20, 2004 and recorded in and for Fayette County, Pennsylvania in Deed Book 2896, Page 788, granted and conveyed unto Kimberly Mackey.

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

No. 1223 of 2023 GD
No. 297 of 2023 ED

FREEDOM MORTGAGE CORPORATION
P.O. Box 50428
Indianapolis, IN 46250-0401
Plaintiff

vs.

BRIAN S. MATIS
Mortgagor(s) and Record Owner(s)
230 Woostock Avenue
Hopwood, PA 15445
Defendant(s)

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

BEING KNOWN AS: 230 WOOSTOCK AVENUE, HOPWOOD, PA 15445

TAX PARCEL #34-40--0047
IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: BRIAN S. MATIS

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

No. 914 of 2023 GD
No. 288 of 2023 ED

Finance of America Reverse LLC
Plaintiff

v.

John Owen McGill, Known Surviving Heir of John McGill, Bobbie Lynn Sirianni, Known Surviving Heir of John McGill, Misty Ansell, Known Surviving Heir of John Mc ill, and Unknown Surviving Heir of John
Defendant

All that certain piece or parcel or Tract of land situate in the Tiwnship of Connellsville, Fayette County, Pennsylvania, and being known as 504 E. Washington Avenue, Connellsville, Pennsylvania 15425.

Being known as: 504 E. Washington Avenue, Connellsville, Pennsylvania 15425

Title vesting in John C. McGill by deed from SHIRLEY M. DAVIS, AN UNREMARRIED WIDOW, BY HER ATTORNEY-IN-FACT, DALE L. DAVIS dated April 25, 2003 and recorded June 25, 2003 in Deed Book 2866, Page 2073 Instrument Number 200300013238. The said John C. McGill died on June 8, 2022 without a will or appointment of an Administrator, thereby vesting title in John Owen McGill, Known Surviving Heir of John McGill, Bobbie Lynn Sirianni, Known Surviving Heir of John McGill, Misty Ansell, Known Surviving Heir of John McGill, and Unknown Surviving Heir of John McGill by operation of law.

Tax Parcel Number: 06130030

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

No. 2311 of 2022 GD
No. 275 of 2023 ED

PENNYMAC LOAN SERVICES, LLC
Plaintiff

v.

Matthew V. Smith
Defendant

All that certain piece or parcel or Tract of

land situate in the Borough of Everson, Fayette County, Pennsylvania, and being known as 717 Brown Street, Everson, Pennsylvania 15631.

Being known as: 717 Brown Street, Everson, Pennsylvania 15631

Title vesting in Matthew V. Smith by deed from MATTHEW V. SMITH, UNMARRIED dated February 7, 2013 and recorded February 11, 2013 in Deed Book 3211, Page 1088 Instrument Number 201300001517.

Tax Parcel Number: 10040038

No. 1400 of 2023 GD
No. 276 of 2023 ED

FIRST NATIONAL BANK OF PENNSYLVANIA,

Plaintiff,
vs.

LONNIE D. SPROUL,
Defendant.

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND BEING SITUATE AND LAYING IN THE TOWNSHIP OF NORTH UNION, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA, AS MORE FULLY DESCRIBED IN CERTAIN DEED DATED AUGUST 25, 2000, FROM BRUCE E. DAYTON AND CONNIE DAYTON, HUSBAND AND WIFE, TO LONNIE D. SPROUL, SINGLE, AND RECORDED ON OCTOBER 5, 2000 IN THE OFFICE OF THE RECORDER OF DEEDS OF FAYETTE COUNTY, PA AT DEED BOOK VOLUME 2609, PAGE 241.

BEING COMMONLY KNOWN AS 551 Johnston Avenue, Uniontown, PA 15401 IMPROVEMENT THEREON: A RESIDENTIAL DWELLING.

TAX PARCEL NUMBER: 25-47-0101

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

No. 479 of 2023 GD
No. 294 of 2023 ED

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

Plaintiff
vs.

UNKNOWN HEIRS OF LODIS MALLARD AKA LODIS CHILDS MALLARD, DECEASED

1404 3Rd Street
Hiller, PA 15444

Defendant(s)

ALL THAT CERTAIN LOT OF LAND SITUATE IN LUZERNE TOWNSHIP, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA. BEING KNOWN AS: 1404 3RD STREET, HILLER, PA 15444

TAX PARCEL #19-08-0051

IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: UNKNOWN HEIRS OP LODIS MALLARD AKA LODIS CHILDS MALLARD, DECEASED

KML LAW GROUP, P.C.

701 Market Street
Suite 5000
Philadelphia, PA 19106-1532
(215) 627-1322

No. 472 of 2023 GD
No. 261 of 2023 ED

ROCKET MORTGAGE, LLC F/K/A QUICKEN LOANS LLC F/K/A QUICKEN LOANS INC.

1050 Woodward Ave
Detroit, Michigan 48226-1906

Plaintiff
vs.

UNKNOWN HEIRS OF MERLE SWANEY, DECEASED

113 Hopwood Fairchance Road
Hopwood, PA 15445

Defendant(s)

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

BEING KNOWN AS: 113 HOPWOOD FAIRCHANCE ROAD, HOPWOOD, PA 15445

TAX PARCEL #34-38-0076-01

IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: UNKNOWN HEIRS OF MERLE SWANEY, DECEASED

No. 1114 of 2023 GD
No. 260 of 2023 ED

*** END SHERIFF'S SALE ***

**HSBC Bank USA, National Association, as
Trustee for Wells Fargo Alternative Loan
2007-PA3 Trust**

PLAINTIFF

vs.

**Amy L. Urani
Silvio Urani, III
DEFENDANTS**

ALL that certain lot and an adjoining one-half of another lot or piece of land, situate in Redstone Township, Fayette County, Pennsylvania, and being all of Lot No. 313, and the adjoining half of Lot No. 312 in what is known as the VanKirk Addition to Republic, Pennsylvania, a plan of which is recorded in the Recorder's Office of Fayette County, Pennsylvania, in Plan Book Volume 4, pages 8 and 9. Said whole Lot No. 313 and the adjoining one-half of said Lot No. 312 have an aggregate frontage on the Northerly side of Fairgarden Street of 90 feet and extending in a northerly direction preserving the same width 140 feet to Highland Alley and is bounded on the westerly side of Lot No. 314, and on the easterly side by one-half of said Lot No. 312.

EXCEPTING AND RESERVING, however, all of the coal of the nine foot vein or Pittsburgh seam underlying the above-described premises, and all, coal and other minerals underlying said nine foot, vein or Pittsburgh seam of coal, together with the same mining rights and privileges that have been conveyed away heretofore.

EXCEPTING AND RESERVING, however, thereout and therefrom, all of the easterly one-half of the above-described premises previously conveyed to J. Bryan Huston and Hazel 13. Huston, his wife, by deed of Harry W. Swift and Myrtle Swill, his wife, dated June 7, 1950; and recorded as aforesaid in Deed Book 1 Volume 701, page 28.

TOGETHER with such rights and SUBJECT to any exceptions, restrictions, reservations and conditions as exist by virtue of prior recorded instruments, deeds or conveyances

Parcel ID: 30-23-0069

FOR INFORMATIONAL PURPOSES ONLY: Being known as 26 Fairgarden Street, Republic, PA 15475

COMMONLY KNOWN AS: 26 Fairgarden Street, Republic, PA 15475

TAX PARCEL NO. 30-23-0069

WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

518 Madison Drive

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

THOMAS J. BOZEK III, :
Plaintiff, :
v. :
COLUMBIA GAS OF PENNSYLVANIA, INC., : No. 1746 of 2023, G.D.
Defendant. : Honorable Linda R. Cordaro

OPINION AND ORDER

Linda R. Cordaro, J.

December 19, 2023

Before this Court are Defendant's Preliminary Objections to Plaintiff Complaint. Defendant raises five (5) preliminary objections, three (3) of which are raised in the alternative.

First, Defendant objects that Plaintiff claim is legally insufficient under Pa.R.Civ.P. 1028(a)(4) and is barred by the "gist of the action" doctrine.

Second, Defendant objects that Plaintiff claim is legally insufficient under Pa.R.Civ.P. 1028(a)(4) as it is barred by contractual prohibition.

Third, Defendant objects in the alternative that, as under Pa.R.Civ.P. 1028(a)(2) and Pa.R.Civ.P. 1028(a)(4), allegations of dangerous, intentional, or reckless conduct should be stricken from the Complaint, as should Plaintiff request for punitive damages.

Next, Defendant objects in the alternative that, as under Pa.R.Civ.P. 1028(a)(2), some language of the Complaint serves only to "inflame the fact finder" and should be stricken as scandalous or impertinent.

Finally, Defendant objects in the alternative that Plaintiff's claim fails to conform to a law or rule of court as under Pa.R.Civ.P. 1028(a)(2) because there is no agreement or applicable statute by which Plaintiff can recover costs of suit.

After consideration of the pleadings, Defendant's brief, Plaintiff's response, and brief argument by counsel for the parties before this Court on November 29, 2023, this Court renders its decision based on the reasoning as described below.

Legal Principles

The standard in determining preliminary objections is whether the facts pleaded establish that it is clear and free from doubt that the plaintiff will be unable to prove the facts legally sufficient to establish a right to relief. *Bower v. Bower*, 611 A.2d 181, 182 (Pa. 1992). A trial court must accept as true all facts that are well-pleaded, material, and relevant, together with any reasonable inferences that may be drawn from those facts. *Mellon Bank, N.A. v. Fabinyi*, 650 A.2d 895, 899 (Pa. Super. Ct. 1994).

As set forth in the Pennsylvania Rules of Civil Procedure, preliminary objections raising an issue under Pa.R.Civ.P. 1028(a)(2) or (4) may be determined from the facts of

record so that further evidence is not required. Defendant has presented all objections under one or both of these subsections.

Plaintiff's Complaint

Plaintiff's Complaint was filed on September 7, 2023 as an appeal from an August 8, 2023 magisterial district court judgment in Defendant's favor. The Complaint alleges that on March 16, 2023, a Columbia Gas employee removed a gas meter from Plaintiff property and replaced it when neither Plaintiff nor his cousin, the resident of the house, knew about it. Compl. ¶ 3. The Complaint then alleges that the employee could not gain access to the house and so did not check the meter or gas lines to see if they were operating properly, despite this being Columbia Gas' standard policy. *Id.* Plaintiff then alleges that as a result of the employee's "intentional negligent and reckless act, the furnace did not work" and that the employee left debris in the gas line that blocked gas from reaching the furnace, which required repair. Compl. ¶ 4-5. The Complaint requests damages of \$508.56, plus punitive damages, costs of suit, and other appropriate relief.

First Objection

Legal Insufficiency under Pa.R.Civ.P. 1028(a)(4) (demurrer)

Defendant's first objection asserts that Plaintiff's Complaint is legally insufficient in that it presents a negligence claim when the appropriate cause of action is breach of contract. In support of this position, Defendant's brief asserts that its tariff filed with, and approved by, the Pennsylvania Utility Commission (PUC) is the only source of obligations it has toward Plaintiff, {1} and that the actions recited in Plaintiff's Complaint describe a breach of those terms, not some violation of common law policy. Therefore, Defendant concludes, the Complaint is legally insufficient.

"Preliminary objections in the nature of a demurrer require the court to resolve the issues solely on the basis of the pleadings; no testimony or other evidence outside of the complaint may be considered to dispose of the legal issues presented by the demurrer." *Weiley v. Albert Einstein Medical Center*, 51 A.3d 202, 208 (Pa. Super. Ct. 2012) (quoting *Cardenas v. Schober*, 783 A.2d 317, 321-22 (Pa. Super. Ct. 2001)). A demurrer cannot aver the existence of facts not apparent from the face of the challenged pleading. *Martin v. Com., Dep't of Transp.*, 556 A.2d 969,971 (Pa. Commw. Ct. 1989).

Plaintiff's Complaint did not refer to any agreement or breach of contractual terms, and this Court cannot consider the legal sufficiency of the Complaint as to a claim it does not attempt to make. Therefore, it can make no finding as to the legal insufficiency of a breach of contract claim. However, after review of the Complaint, it is apparent that it indeed is legally insufficient as to a claim of negligence.

{1} Defendant also asserts that the PUC has original jurisdiction over all claims related to issues of service or any issues relating to a utility's tariff. However, Defendant has not raised an objection under either Pa.R.Civ.P. 1028(a)(1) (related to lack of jurisdiction) or Pa.R.Civ.P. 1028(a)(7) (related to failure to exercise or exhaust a statutory remedy).

Pennsylvania is a fact-pleading state, and so a plaintiff must allege facts essential to support the stated cause of action. *Briggs v. Southwestern Energy Production Company*, 224 A.3d 334, 351 (Pa. 2020). "Four elements are necessary to establish a cause of action in negligence: a duty or obligation recognized by law; breach of that duty by the defendant; a causal connection between the defendant's breach of that duty and the resulting injury; and actual loss or damage suffered by the complainant." *Rogers v. Thomas*, 291 A.3d 865, 874 (Pa. Super. Ct. 2023).

Plaintiff's Complaint does not specify the legal grounds for his claim although it can be inferred from the pleading that the intended claim sounds in negligence. Nevertheless, the Complaint does not clearly state facts that correspond to all elements of a negligence claim. The elements of duty and breach of duty could be inferred from the averments that the employee failed to follow standard company policy when he did not check the gas line and meter. However, the Complaint then alleges that the employee left debris in the gas line and that this blocked the flow of gas, which caused the furnace to need repair. The Complaint implies that the employee's failure to check constituted a breach of duty, but is silent as to the leaving of debris in the line in the first place, even as it directly connects the debris with damage caused. The Complaint therefore does not clearly plead a factual connection between breach of duty and the damage caused, as is required for a legally sufficient claim.

After consideration of the Complaint for legal sufficiency, this Court makes no finding as to the legal insufficiency of the Complaint as a breach of contract claim but sustains Defendant's objection in that the Complaint is not legally sufficient as to a claim of negligence.

Second Objection Legal Insufficiency under Pa.R.Civ.P.1028(a)(4) (demurrer)

Defendant's second objection is that this action is barred by liability limitation provisions within its tariff with the PUC. However, again, a demurrer cannot aver the existence of facts not apparent from the face of the challenged pleading. *Martin*, 556 A.2d at 971. Plaintiff's Complaint makes no reference to a tariff, contract, or other agreement.

It appears that Defendant's second objection is more properly categorized as an affirmative defense, which "by definition, raises new facts and arguments that, if true, will defeat a plaintiff's claim, even if all allegations contained in the complaint are true." *Jacobs v. Merrymead Farm, Inc.*, 799 A.2d 980, 983, (Pa. Commw. Ct. 2002) (citing *Black's Law Dictionary* 430 (7th ed.1999)).

Under Pa.R.Civ.P. 1030, all affirmative defenses shall be raised in a new matter, although if one party raises a defense in a preliminary objection, the failure of the other party to file its own objection waives the procedural defect. *Preiser v. Rosenzweig*, 614 A.2d 303,305 (Pa. Super. Ct. 1992). However, as mentioned, Defendant seeks to introduce new facts and arguments not contemplated by the Complaint. See *Jacobs*, 799 A.2d at 983 (stating that even if a party is allowed to plead an affirmative defense of immunity as a preliminary objection, the defense must be clearly applicable on the face of the complaint.)

Although this Court is procedurally permitted to consider Defendant's affirmative defense at this stage, there has been no evidentiary hearing or testimony upon which to base any relevant findings, such as whether there indeed is a valid contract between Plaintiff and Defendant, and, if so, whether that contract does limit Defendant's liability such that Plaintiff cannot succeed on his claim. This Court cannot issue such findings without evidentiary support. Therefore, Defendant's second objection is dismissed.

Third Objection

Failure to Conform to Law or Rule of Court and/or
Inclusion of Scandalous or Impertinent Matter under Pa.R.Civ.P.1028(a)(2); Legal
Insufficiency under Pa.R.Civ.P.1028(a)(4)(demurrer)

Defendant's third objection, in the alternative, is that the facts of the Complaint fail to sufficiently allege a level of outrageous conduct that would justify an award of punitive damages. As this is an objection in the alternative, and Defendant's first objection already has been sustained, this third objection is moot. However, this Court notes that in order to recover punitive damages, a pleading must factually show evil motive or outrageous conduct. {2}

Fourth Objection

Inclusion of Scandalous or Impertinent Matter under Pa.R.Civ.P.1028(a)(2)

Defendant's fourth objection takes issue with Plaintiff's speculation in the Complaint that without the employee checking the lines, there was a "risk of a natural gas explosion, among other possibilities" and that it was fortunate in this instance that there was not a gas leak. Compl. ¶ 3-4. However, as this is an objection in the alternative, and Defendant's first objection already has been sustained, this fourth objection is moot.

Fifth Objection

Failure to Conform to Law or Rule of Court and/or Inclusion of Scandalous or Impertinent Matter under Pa.R.Civ.P. 1028(a)(2)

Defendant's fifth objection is that Plaintiff's request for costs of suit fails to comply with law or rule of court in that the Complaint fails to plead factual allegations based on statute, contract, or other exception that would hold Defendant liable for costs of suit.

However, as this is an objection in the alternative, and Defendant's first objection already has been sustained, this fifth objection is moot.

{2} "Punitive damages may be awarded for conduct that is outrageous, because of the defendant's evil motive or his reckless indifference to the rights of others." *Hutchison ex rel. Hutchison v. Luddy*, 870 A.2d 766, 770 (Pa. 2005) (quoting *Feld v. Merriam*, 485 A.2d 742, 747 (Pa. 1984)). "As the name suggests, punitive damages are penal in nature and are proper only in cases where the defendant's actions are so outrageous as to demonstrate willful, wanton or reckless conduct." *Id.* (internal citations omitted).

Therefore, this Court enters the following:

ORDER

AND NOW, this 19th day of December, 2023, after consideration of Defendant's Preliminary Objections and the pleadings and briefs of the respective parties, is hereby ORDERED and DIRECTED that Defendant's first objection under Pa.R.Civ.P. 1028(a)(4) is SUSTAINED. Defendant's second objection under Pa.R.Civ.P. 1028(a)(4) is DISMISSED as there is insufficient evidence upon which to base a disposition. The remaining objections, made in the alternative, are DISMISSED as moot.

In accordance with Pa.R.Civ.P. 1028(e), Plaintiff has the right to plead over within (30) days after notice of this Order.

BY THE COURT:
Linda R. Cordaro, Judge

ATTEST:
Prothonotary

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