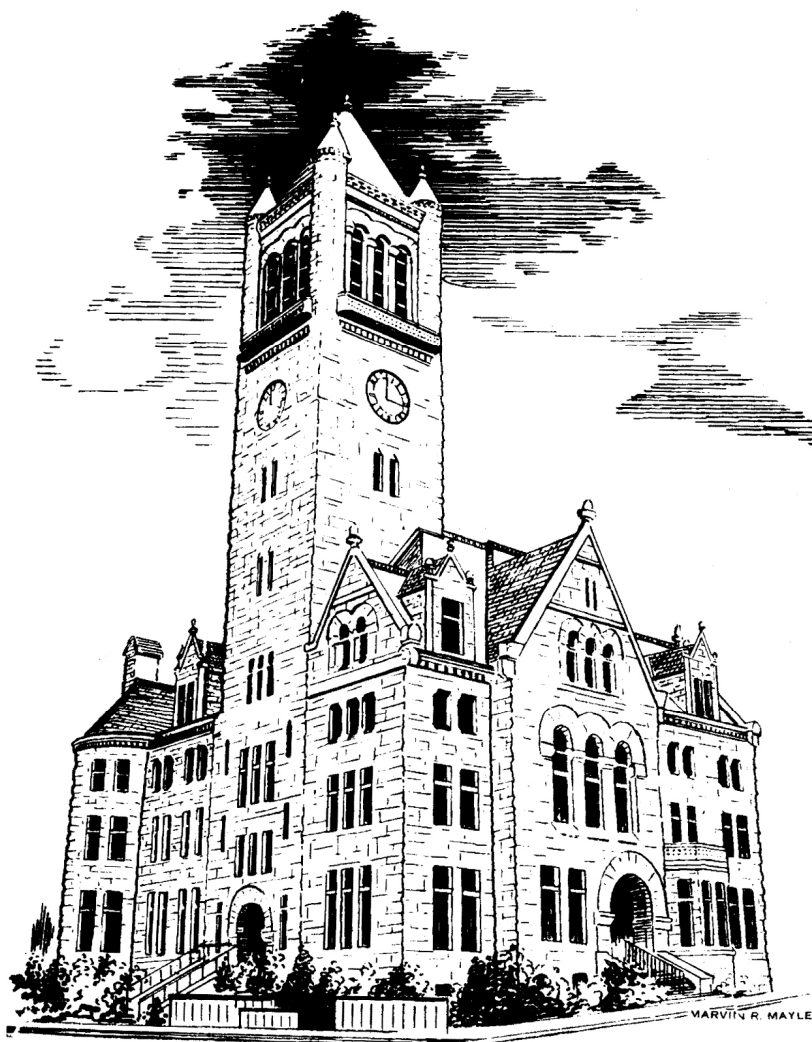


FAYETTE LEGAL JOURNAL

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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

MICHAEL C. KEEFER, a/k/a MIKE KEEFER, late of Connellsville, Fayette County, PA (3)

Administratrix: Elma Porterfield
215 South Prospect
Connellsville, PA 15425

RAVINDRAN NADARAJAH, a/k/a DR. RAVINDRAN NADARAJAH, late of South Union Township, Fayette County, PA (3)

Administrator: Anusha Paramesvaran
c/o Goodwin Como, P.C.
108 North Beeson Boulevard, Suite 400
Uniontown, PA 15401
Attorney: Benjamin F. Goodwin

DUANE READY, a/k/a DUANE W. READY, late of Uniontown, Fayette County, PA (3)

Executrix: Lynn Ready-Aspiotes
663 Elm Street
Bridgeville, PA 15017
c/o Hanchak & Pratt, LLC
76 Old Clairton Road
Pittsburgh, PA 15236
Attorney: Grey Pratt

TIFFANY RIDER, late of Menallen Township, Fayette County, PA (3)

Administrator: Andrew Rider
c/o Berger and Green
800 Waterfront Drive
Pittsburgh, PA 15222
Attorney: Mark Milsop

DONNA R. SWANEY, late of South Union Township, Fayette County, PA (3)

Executor: Timothy E. Swaney
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

DAVID A. VENSKO, late of North Union Township, Fayette County, PA (3)

Executrix: Kathleen D. Vensko
c/o Radcliffe Martin Law, LLC
648 Morgantown Road, Suite B
Uniontown, PA 15401
Attorney: William M. Martin

Second Publication

JUNE ELIZABETH CRONIN, late of Uniontown, Fayette County, PA (2)

Personal Representative: Janine Adao
c/o P.O. Box 953
Uniontown, PA 15401
Attorney: Ricardo J. Cicconi

ELEANOR J. POORBAUGH, late of Mount Pleasant, Fayette County, PA (2)

Executor: Darryl Lee Poorbaugh
c/o Radcliffe Martin Law, L.L.C.
648 Morgantown Road, Suite B
Uniontown, PA 15401
Attorney: William M. Radcliffe

GARY A. RAFFLE, a/k/a GARY RAFFLE, a/k/a GARY ADAM RAFFLE, late of South Union Township, Fayette County, PA (2)

Administratrix: Ruby C. Raffle
c/o 9 Court Street
Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

LARRY E. STILLWAGON, a/k/a LARRY

EDWARD STILLWAGON, late of Connellsville Township, Fayette County, PA (2)

Executor: Jamie M. DeVitis-Rybka
6231 Springhouse Place
Bridgeville, PA 15017
c/o Brenlove and Fuller LLC
401 Washington Avenue
Bridgeville, PA 15017
Attorney: Robin L. Rarie

First Publication

ESTELLA COBERT, a/k/a ESTELLA A. COBERT, a/k/a ESTELLA ARABELLA COBERT, late of Point Marion Borough, Fayette County, PA ⁽¹⁾

Executrix: Tina Cobert
15907 Pine Croft Lane
Bowie, Maryland 20716
c/o 556 Morgantown Road
Uniontown, PA 15401
Attorney: John A. Kopas, III

AUGUST W. CORFONT, JR., a/k/a AUGUST W. CORFONT, late of Brownsville Borough, Fayette County, PA ⁽¹⁾

Executor: Carl A. Dellapenna
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

KEVIN DURITSKY, a/k/a KEVIN P. DURITSKY, late of Fairchance Borough, Fayette County, PA ⁽¹⁾

Administratrix: Wanda M. Duritsky
16 North Main Street
Fairchance, PA 15436
c/o Tremba, Greiner & Brooks
1310 Morrell Avenue, Suite C
Connellsville, PA 15425
Attorney: John Greiner

JOSEPH A. FANTINI, late of La Belle, Luzerne Township, Fayette County, PA ⁽¹⁾

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

BLANCHE MATTIE, late of Redstone Township, Fayette County, PA ⁽¹⁾

Administratrix: Kimberly R. Medved
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

TULLIO MATTIE, a/k/a TULLIO MATTIE, JR., late of Redstone Township, Fayette County, PA ⁽¹⁾

Executrix: Kimberly R. Medved
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

MARY SALIPEK, late of Masontown Borough, Fayette County, PA ⁽¹⁾

Personal Representatives:
Barbara A. Talotta and Cheryl A. Hornick
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

ALBERT YASH, a/k/a ALBERT DANIEL YASH, late of German Township, Fayette County, PA ⁽¹⁾

Executor: Alex M. Demniak
c/o Tiberi Law Office
84 East Main Street
Uniontown, PA 15401
Attorney: Vincent Tiberi

LEGAL NOTICES

NOTICE OF REVOCABLE TRUST
PURSUANT TO
20 PA C.S. SECTION 7755(c)

NOTICE is hereby given of the administration of the Elizabeth Salvi Trust, a Private Revocable Trust dated July 1, 2016. Elizabeth Salvi, Settlor of the Trust of the Borough of Masontown, Fayette County, Pennsylvania, died on June 30, 2025. All persons having claims against Elizabeth Salvi or the Trust are requested to make known the same to the Trustees or Attorney named below. All persons indebted to Elizabeth Salvi or the Trust are requested to make payment without delay to the Trustees or Attorney named below. Brian K. Salvi, 79 Farmview Drive, Uniontown, PA 15401 and Robert A. Salvi, 21 Lexington Avenue, Uniontown, PA 15401, or to Richard A. Husband, Esquire, Riverfront Professional Center, 208 South Arch Street, Suite 2, Connellsville, PA 15425.

SHERIFF'S SALE

Date of Sale: November 20, 2025

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 20, 2025, 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.

(1 of 3)

James Custer
Sheriff of Fayette County

No. 188 of 2025 G.D.
No. 219 of 2025 E.D.

Bridgeway Capital, Inc.
Plaintiff,
vs

**A.J. Giles Enterprises, LLC, Riverside
Family Market LLC and Cal-Aid, LLC**
Defendant(s)

ALL THAT CERTAIN LOT OF LAND
SITUATE IN THE BOROUGH OF POINT
MARION, COUNTY OF FAYETTE AND
COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS 10 CHEAT
STREET, POINT MARION, PA 15474.

TAX PARCEL #29-01-0013 AND TAX
PARCEL #29-01-0015

Nicole M. Francese, Esq.
1325 Franklin Avenue, Suite 160
Garden City, NY 11530
(212) 471-5100

No. 1161 of 2023 G.D.
No. 210 of 2025 E.D.

**U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSRMF MORTGAGE HOLDINGS II
MASTER PARTICIPATION TRUST**

v

**Any and All Unknown Heirs, Successors,
Assigns and Any and All Persons, Firms or
Associations Claiming Right, Title or Interest
from or under Ronald A. Zagato A/K/A
Ronald A. Zagata, Deceased, Roni S. Zagata
Ritz, as Known Heir of Ronald A. Zagato A/
K/A Ronald A. Zagata, Deceased, Julia A.
Zagata, as Known Heir of Ronald A. Zagato
A/K/A Ronald A. Zagata, Deceased, Any and
All Unknown Heirs, Successors, Assigns and
Any and All Persons, Firms or Associations
Claiming Right, Title or Interest from or
under Andrew Joseph Zagata, Deceased,
Ronald Zagata, Andrew J. Zagata**

By virtue of Writ of Execution No. 210 of
2025, E.D.

Docket Number: 2023-01161

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

Commonly known as: 96 Connellsville
Street, Uniontown, PA 15401

Parcel Number: 38-13-0256

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

Judgment Amount:\$75,288.07

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

No. 666 of 2025 G.D.
No. 208 of 2025 E.D.

Towne Mortgage Company
Plaintiff
v.
Timothy Boskovich
Defendant

ALL THAT CERTAIN PIECE OF LAND SITUATE IN NORTH UNION TOWNSHIP, FAYETTE COUNTY, COMMONWEALTH OF PENNSYLVANIA, KNOWN AS LOT NO. 107 TN PLAN OF LOTS CALLED "GALLATIN ADDITION PLAN OF CITY SMALL FARMS", AS RECORDED IN THE RECORDER'S OFFICE OF FAYETTE COUNTY, PENNSYLVANIA, IN PLAN BOOK VOLUME 8, PAGE 41, SAID LOT NO. 107 BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF WATER STREET AND THE EASTERN LINE OF LOT NO. 107 IN SAID PLAN OF LOTS; THENCE ALONG SAID WATER STREET, NORTH 58 DEGREES 55 MINUTES WEST FOR A DISTANCE OF 159.25 FEET TO A STAKE ON THE DIVIDING LINE BETWEEN LOT NO. 106 AND LOT NO. 107 IN SAID PLAN OF LOTS; THENCE ALONG SAID DIVIDING LINE NORTH 36 DEGREES 12 MINUTES EAST FOR A DISTANCE OF 193.77 FEET TO A STAKE ON THE SOUTHERLY LINE OF STATE STREET; THENCE ALONG SAID STATE STREET SOUTH 53 DEGREES 48 MINUTES EAST FOR A DISTANCE OF 120.06 FEET TO A STAKE; THENCE SOUTH 24 DEGREES 5 MINUTES WEST FOR A DISTANCE OF 183.61 FEET TO A POINT, THE PLACE OF BEGINNING. THE ABOVE DESCRIPTION IS MADE ACCORDING TO A SURVEY BY THE FAYETTE ENGINEERING COMPANY OF UNIONTOWN, FAYETTE COUNTY, PENNSYLVANIA, ON DECEMBER 28, 1949, AND IS THE CORRECT DESCRIPTION OF LOT NO. 107 OF SAID PLAN

All that certain piece or parcel or Tract of land situate in the Township of North Union, Fayette County, Pennsylvania, and being known as 147 Water Street, Uniontown, Pennsylvania

15401.

Being known as: 147 Water Street, Uniontown, Pennsylvania 15401

Title vesting in Timothy Boskovich by deed from DAVID A BOND AND JAMIE M BOND, HUSBAND AND WIFE dated July 14, 2020 and recorded August 12, 2020 in Deed Book 3444, Page 985 Instrument Number 202000007355.

Tax Parcel Number: 25-36-0005

No. 1406 of 2025 G.D.
No. 216 of 2025 E.D.

SOMERSET TRUST COMPANY
v.
MICHAEL A. BOWMAN, JR.

Docket Number: 1406 of 2025 GD
No. 216 of 2025 ED
Property of: Michael A. Bowman, Jr.
Located in: CITY OF CONNELLSVILLE, FAYETTE COUNTY

Street Address: 507 E. MURPHY AVENUE, CONNELLSVILLE, FAYETTE COUNTY, PENNSYLVANIA 15437.

Brief Description of Property: Residential, Single-Family home

Improvements thereon: RESIDENTIAL DWELLING

Record book Volume: 3370, Page 2180
Tax Assessment Number(s): MAP NO.: 05-09-0024

No. 118 of 2025 G.D.
No. 159 of 2025 E.D.

CrossCountry Mortgage, LLC
Plaintiff,
vs.
Rachel F. Davis, AKA Rachel Frances Davis;
Lex Robert Charnack
Defendants.

ALL that certain parcel of land lying and being situate in the Township of Washington, County of Fayette, and Commonwealth of Pennsylvania, known as 1302 Axton Street, Belle Vernon, PA 15012 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 41-07-0106

BEING the same premises which Kayla Steele, nka Kayla Pollacci and Seth Pollacci, wife and husband, by Deed dated April 7, 2023 and recorded in and for Fayette County,

Pennsylvania in Deed Book 3546, Page 1212, granted and conveyed unto Rachel Frances Davis, unmarried and Lex Robert Charnack, unmarried.

No. 2018 of 2024 G.D.
No. 160 of 2025 E.D.

Movement Mortgage, LLC
Plaintiff,
Vs.
Robert F. DiMaria
Defendants

ALL THAT CERTAIN PARCEL OF LAND IN LUZERNE TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA DESCRIBED AS FOLLOWS:

THAT PART OF LOT NO. 96 LYING NORTHEAST OF THE CENTER LINE OF MAXWELL AVENUE, THAT PART OF LOT NO. 97 LYING NORTHEAST OF THE CENTER LINE OF MAXWELL AVENUE, THAT PART OF LOT NO. 95 LYING NORTHEAST OF THE CENTERLINE OF MAXWELL AVENUE, THAT PART OF LOT NOS. 96 AND 97 LYING SOUTHWEST OF THE CENTER LINE OF MAXWELL AVENUE. ALL AS SHOWN IN A PLAN OF LOTS RECORDED BY JOHN W. GALBREATH D/B/A JOHN W. GALBREATH AND CO., IN THE RECORDER'S OFFICE OF FAYETTE COUNTY, PENNSYLVANIA, IN PLAN BOOK VOLUME 9, PAGE 43.

Tax/Parcel Number: 19-04-0066

Being the same premises which Lorino Maraldo Rialti and Brandon Rialti, husband and wife, by deed dated October 14, 2021, and recorded October 20, 2021, in Deed Book 3491, Page 1170 in the Fayette County Recorder of Deeds conveyed unto Robert F. DiMaria, a single man, in fee

BEING KNOWN AS 751 Maxwell Avenue, La Belle, PA 15450

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

No. 1477 of 2025 G.D.
No. 207 of 2025 E.D.

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

JESSICA DOYLE
RALPH DOYLE JR.
Mortgagor(s) and Record Owner(s)
56 Reservoir Road
Uniontown, PA 15401
Defendant(s)

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

BEING KNOWN AS: 56 RESERVOIR ROAD, UNIONTOWN, PA 15401

TAX PARCEL#: 34270364

IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF:
JESSICA DOYLE AND RALPH DOYLE JR.
ATTORNEY: KML LAW GROUP, P.C.

Nicole M. Francese, Esq.
1325 Franklin Avenue, Suite 160
Garden City, NY 11530
(212) 471-5100

No. 1679 of 2025 G.D.
No. 211 of 2025 E.D.

U.S. Bank Trust National Association, as Trustee of the LB-Cabana Series IV Trust
v

Faith I. Fairfax, Debra A. Davis as Administrator of the Estate of Tyrone T. Fairfax, Deceased, Ebony B. Fairfax Individually and as Heir of Tyrone T. Fairfax, Deceased, Meshia L. Fairfax Individually and as Heir of Tyrone T. Fairfax, Deceased

By virtue of Writ of Execution No. 211 of 2025 ED

Docket Number: 1679 of 2022

Property to be sold is situated in the City of Uniontown, County of Fayette and State of

Pennsylvania.
Commonly known as: 58 Race Street,
Uniontown, PA 15401
Parcel Number: 38-01-0002
Improvements thereon of the residential
dwelling or lot (if applicable):
Judgment Amount: \$68,916.73

Andrew T Kravitz
1325 Franklin Avenue, Suite 160
Garden City, NY 11530
(212) 471-5100

No. 2292 of 2024 G.D.
No. 218 of 2025 E.D.

**U.S. Bank Trust Company, National
Association, as Trustee, as successor-in-
interest to U.S. Bank National Association,
not in its individual capacity but solely as
indenture trustee, for the holders of the CIM
Trust 2021-R1, Mortgage-Backed Notes,
Series 2021-R1**

**v
Tammy Felio Known Heir of Pamela Berisko,
Deceased, Unknown Heirs, Successors,
Assigns and All Persons, Firms. or
Associations Claiming Right Title or Interest
From or Under Pamela Berisko, Deceased**

By virtue of Writ of Execution No. 218 of
2025, E.D.
Docket Number: 2024-02292
Property to be sold is situated in the
Township of Luzerne, County of Fayette and
Commonwealth of Pennsylvania.
Commonly known as: 362 Hopewell Road,
Brownsville, PA 15417
Parcel Number: 19-25-0053
Improvements thereon of the residential
dwelling or lot (if applicable):
Judgment Amount:142,403.44

Orlans Law Group PLLC

No. 2703 of 2024 G.D.
No. 170 of 2025 E.D.

**Freedom Mortgage Corporation
v.
Raymond Michael Foster**

By virtue of a Writ of Execution No. 2703
of 2024 GD
Freedom Mortgage Corporation

v.
Raymond Michael Foster
owner(s) of property situate in the Township of
Connellsville, Fayette County, Pennsylvania,
being 1002 E Crawford Avenue, Connellsville,
PA 15425
Parcel No. 0604012702
(Acreage or street address)
Improvements thereon: RESIDENTIAL
DWELLING
Judgment Amount: \$258,998.52

Michael J. Clark, Esquire (202929)
Kiera McFadden-Roan. Esquire (205514)
PINCUS LAW GROUP, PLLC
Five Greentree Centre
525 Route 73 North, Suite 309
Marlton, NJ 08053
Telephone: 484-575-220 I

No. 2492 of 2025 G.D.
No. 148 of 2025 E.D.

**Plaintiff: U.S. Bank Trust Company, National
Association, as Indenture Trustee on behalf of
and with respect to Barclays Mortgage Trust
2022-RPL I, Mortgage-Backed Securities.
Series 2022- RPL1**

**Vs.
Defendant: JEANETTE L. FRAZEE**

By virtue of a writ of execution case
number: 2023-02492

Plaintiff: U.S. Bank Trust Company,
National Association, as Indenture Trustee on
behalf of and with respect to Barclays Mortgage
Trust 2022-RPL I, Mortgage-Backed Securities.
Series 2022- RPL1

Vs.
Defendant: JEANETTE L. FRAZEE
Owner(s) of the property situate in the
Borough of Markleysburg, Fayette County, and
Commonwealth of Pennsylvania:
Being parcel number and pin number: 20-
01-0056

Property being known as: 201 Main Street,
Markleysburg PA 15459
Improvements thereon: Residential
dwelling

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

No. 2528 of 2024 G.D.
No. 190 of 2025 E.D.

Pennsylvania Housing Finance Agency,
Plaintiff,
vs.
Joshua Hale and All Unknown Heirs of
Cynthia L. Keefer, deceased,
Defendants.

Luzerne Twp, Cty of Fayette, Cmwltth of
PA, HET a dwg k/a 113 Telegraph Road,
Brownsville, PA 15417. Parcel ID 19-09-0006
& 19-09-0011-01

No. 1362 of 2025 G.D.
No. 202 of 2025 E.D.

PennyMac Loan Services. LLC
Plaintiff
vs.
Brittany Harned
Defendant(s)

ALL THOSE CERTAIN lots or parcels of
land situate in Nicholson Township, Fayette
County, and Commonwealth of Pennsylvania.

BEING THE SAME PREMISES which
Arthur G. Leasure, Jr. and Marcie Leasure, by
Deed dated 9/29/2017 and recorded in the Office
of the Recorder of Deeds of Fayette County on
10/10/2017 in Deed Book Volume 3353, Page
890, granted and conveyed unto Brittany
Harned.

BEING known as 30 Province Hill Road,
Masontown, Pennsylvania 15461
PARCEL: 24-01-0020 PIN: 24010020

No. 518 of 2025 G.D.
No. 196 of 2025 E.D.

SOMERSET TRUST COMPANY
v.
KEVIN TRISTRAM HEALD a/k/a
KEVIN T. HEALD

Docket Number: 518 of 2025 GD
Property of: Kevin Tristram Heald
Located in: TOWNSHIP OF
SPRINGFIELD, FAYETTE COUNTY
Street Address: LAWS ROAD,
NORMALVILLE, PENNSYLVANIA 15469.
Brief Description of Property: Vacant
Lot Improvements thereon: VACANT
LOT
Record book Volume: 3476, Page 306
Tax Assessment Number(s): MAP NO.: 35
-01-0021

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

No. 1250 of 2023 G.D.
No. 204 of 2025 E.D.

MIDFIRST BANK
999 N.W. Grand Boulevard
Suite 100
Oklahoma City, OK 73118-6116
Plaintiff
vs.

BRIAN JOSEPH Solely in His Capacity as
heir of Deborah A. Joseph, Deceased
HEATHER JOSEPH Solely in Her Capacity
as Heir of Deborah A. Joseph, Deceased
The Unknown Heirs of Deborah A. Joseph
Deceased
166 Hopwood Coolspring Road
Hopwood, PA 15445
Defendant(s)

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

BEING KNOWN AS: 166 HOPWOOD
COOLSPRING ROAD, HOPWOOD, PA 15445
TAX PARCEL #25-53-0021

IMPROVEMENTS: A RESIDENTIAL
DWELLING

SOLD AS THE PROPERTY OF: BRIAN
JOSEPH SOLELY IN HIS CAPACITY AS
HEIR OF DEBORAH A. JOSEPH,

DECEASED, HEATHER JOSEPH SOLELY IN HER CAPACITY AS HEIR OF DEBORAH A. JOSEPH, DECEASED AND THE UNKNOWN HEIRS OF DEBORAH A. JOSEPH DECEASED

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

No. 2764 of 2025 G.D.
No. 197 of 2025 E.D.

**Computershare Delaware Trust Company,
not in its individual capacity, but solely as
owner trustee of BRAVO Residential
Funding Trust 2023-RPLI
(Plaintiff)**

vs.

**Anthony R. Kobylarczyk, as Surviving Heir
of Georgiana M. Kobylarczyk, Deceased,
Diana M. Trego, as Surviving Heir of
Georgiana M. Kobylarczyk, Deceased,
William C. Kobylarczyk, as Surviving Heir of
Georgiana M. Kobylarczyk, Deceased and
Unknown Surviving Heirs of Georgiana M.
Kobylarczyk, Deceased (Defendants)**

By virtue of Writ of Execution No. 2024-02764

Property Address 84 Main Street,
Smithfield, PA 15478

Parcel I.D. No. 32-06-0010

Improvements thereon consist of a
residential dwelling.

Judgment Amount: \$52,489.78

No. 1126 of 2025 G.D.
No. 189 of 2025 E.D.

**THE UNITED FEDERAL CREDIT UNION,
Plaintiff,**

vs.

**RANDALL LAKE, also known as
RANDALL H. LAKE, and SAMANTHA
LAKE, also known as SAMANTHA J.
LAKE, his wife,
Defendants.**

ALL those certain pieces or lots of land situate in the Borough of South Connellsville, Fayette County, Pennsylvania known as Tax Parcel No. 33-07-0029-01, being the western half of Lots Nos. 2505, 2506, and 2507 fronting 60 feet on Mentzer Avenue and extending 120 feet along an unnamed and unopened alley, more particularly described in the Connellsville

Extension Company Plan of Lots No. 2 recorded in the Office of the Recorder of Deeds for Fayette County in Plan Book Volume 2, page 60, and in a deed recorded in Record Book 3408, page 1371.

The address of the subject property is 202 Mentzer Avenue, Connellsville, Pennsylvania 15425.

Seized and taken in execution as the property of Randall Lake, also known as Randall H. Lake, and Samantha Lake, also known as Samantha J. Lake, owners, at the suit of The United Federal Credit Union in the Court of Common Pleas of Fayette County, Pennsylvania at No. 1126 of 2025, G.D.

Robertson, Anschutz, Schneid,
Crane & Partners, PLLC
ATTORNEYS FOR PLAINTIFF

Danielle A. Coleman, Esquire,
PA ID No. 323583
133 Gaither Drive, Suite F
Mount Laurel, NJ 08054 (855) 225-6906

No. 1080 of 2024 G.D.
No. 206 of 2025 E.D.

**U.S. BANK TRUST COMPANY,
NATIONAL ASSOCIATION, AS TRUSTEE,
AS SUCCESSOR-IN-INTEREST TO U.S.
BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR RESIDENTIAL ASSET
SECURITIES CORPORATION, HOME
EQUITY MORTGAGE ASSET-BACKED
PASS-THROUGH CERTIFICATES,
SERIES 2005-KS8,
Plaintiff**

v.

**GERROD NICOLA, IN HIS CAPACITY AS
HEIR OF JACOB G. NICOLA A/K/A
JACOB NICOLA; TIMOTHY NICOLA, IN
HIS CAPACITY AS HEIR OF JACOB G.
NICOLA A/K/A JACOB NICOLA; JACOB
ADAM NICOLA A/K/A ADAM NICOLA, IN
HIS CAPACITY AS HEIR OF JACOB G.
NICOLA A/K/A JACOB NICOLA;
UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS, AND ALL PERSONS, FIRMS,
OR ASSOCIATIONS CLAIMING RIGHT,
TITLE OR INTEREST FROM OR UNDER
JACOB G. NICOLA A/K/A JACOB
NICOLA
Defendant(s)**

ALL THOSE CERTAIN LOTS OR
PIECES OF GROUND SITUATE IN THE
REDSTONE TOWNSHIP, FAYETTE
COUNTY, PENNSYLVANIA:

BEING KNOWN AS: 750 COAL ST,
ADAH, PA 15410
BEING PARCEL NUMBER: 30340036
IMPROVEMENTS: RESIDENTIAL
PROPERTY

*** END SHERIFF'S SALE ***

No. 366 of 2025 G.D.
No. 193 of 2025 E.D.

MidFirst Bank
Plaintiff,
vs.
Melissa D. Polidora, AKA Melissa Polidora
Defendant.

ALL that certain parcel of land lying and being situate in the City of Connellsville, County of Fayette, and Commonwealth of Pennsylvania, known as 128 - 130 North Tenth Street, Connellsville, PA 15425 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 05-08-0075

BEING the same premises which Richard A. Blaney and Kristin Blaney, husband and wife, by Deed dated September 26, 2008 and recorded in and for Fayette County, Pennsylvania in Deed Book 3075, Page 93, granted and conveyed unto Melissa D. Polidora, unmarried.

No. 1168 of 2025 G.D.
No. 212 of 2025 E.D.

Equity Prime Mortgage LLC
Plaintiff
vs.

Michael James Rule
Austin Michael Nicolette
Defendant(s)

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND LYING AND BEING SITUATE IN THE TOWNSHIP OF SALTICK, COUNTY OF FAYETTE, COMMONWEALTH OF PENNSYLVANIA.

BEING THE SAME PREMISES which Matthew Shaffer, by Deed dated 2/29/2024 and recorded in the Office of the Recorder of Deeds of Fayette County on 3/6/2024 in Deed Book Volume 3570, Page 1563, granted and conveyed unto Austin Michael Nicolette and Michael James Rule.

BEING known as 215 Ilillview Lane,
Melcroft, Pennsylvania 15462
PARCEL # 31-16-0009

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.	:
TREY ZACHARY HOLMES,	: No. 351 of 2019
Appellant.	: Honorable Senior Judge John F. Wagner, Jr.

OPINION

Wagner, S.J.	August 6, 2025
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Before the Court is the Statement of Matters Complained of on Appeal in which the Appellant asserts that he is entitled to a new trial pursuant to the Wilson/Tortura test.

BACKGROUND

On February 4, 2019, Pennsylvania State Trooper Kezmarsky was operating his patrol vehicle in the City of Uniontown, after midnight, when he observed a rental vehicle being driven towards him. The driver and passenger kept staring at the Trooper as their vehicle passed the patrol car. (N.T. of 5/4/2021 at pg. 17). The vehicle turned off and the Trooper began driving on the next street over, with the Trooper traveling parallel to the rental vehicle. Id. The rental vehicle stopped in an alley off Carlisle Street and the passenger exited the vehicle. The Trooper stopped behind the rental vehicle and spoke to the passenger. (N.T. at pg.21). The passenger acknowledged the Trooper but went into a nearby apartment building. Id. As the Trooper approached the driver's door of the rental car, the driver opened the door, the Trooper detected a strong odor of burnt marijuana, observed dryer sheets in the vehicle and small rubber bands. (N.T. at pgs. 22 -23). At that point, the Trooper testified that he believed that the combination of these factors gave him cause to believe that drugs such as cocaine or fentanyl were present and he began a drug investigation. (N.T. at 25). The Trooper explained that the presence of dryer sheets in the car are generally used to mask the odor of controlled substances, the small rubber bands are used to tie up baggies of drugs, the unusual way the occupants stared at the patrol vehicle and Trooper as they drove past, and that the occupants were driving a rental car so they do not have to give their own name, all these factors caused him to start a drug investigation.

After exiting the vehicle, the driver initially identified himself as Devantay Lauderbach but was unable to provide a date of birth or Social Security Number. Trooper Kezmarsky testified that the operator was wearing a hoodie with a zipper front. (N.T. at pg. 26). When the operator was unable to provide any information other than his name, the operator pushed Trooper Kezmarsky who grabbed onto the hoodie, which came off as the operator ran up the street. (N.T. at pg. 27). As the Trooper gave case, the Trooper yelled at him to stop, "you are under arrest" several times. (N.T. at pg. 29). When the operator failed to comply, the Trooper finally tazed him two times.

After cuffing him, the Trooper called for backup as a crowd began to congregate around the vehicle. A female grabbed a cell phone out of the vehicle and when told to drop it, she spiked the cell phone onto the ground and then fled into the residence where the passenger had entered previously.

Trooper Kezmarsky did a custodial search of the operator after backup arrived on scene. When he attempted to pat the operator's pants, the operator began screaming that the Trooper was trying to rape him so he stopped searching him. (N.T. at pg. 32). Two forms of identification were located on him--one for Devantay Lauderbaugh and one for Trey Zachary Holmes. (N.T. at pg. 32). The photo of the operator on the driver's license was Trey Zachary-Holmes, the Appellant herein. (N.T. at pg. 39). At the scene, the Trooper was able to recover the hoodie which came off the Appellant as he fled. In the pocket of the hoodie, Trooper Kezmarsky located a loaded Ruger 9 millimeter handgun. (N.T. at pg. 41).

Trooper Kezmarsky testified that he received documentation that the Appellant did not possess a concealed carry permit (N.T. at pg. 47). It was further stipulated that the Appellant is disqualified from carrying or possessing a firearm. (N.T. at pg. 48). The Trooper also testified that the gun was functional and had been tested by firearm experts at the State Police Barracks.

The Appellant was transported to the Uniontown Police Station where he was secured to a bench. When the Trooper went to collect him to be fingerprinted, he observed a white power, which was later identified as cocaine, scattered around him on the floor with residue on the back of his slacks. (N.T. at pg. 51). The bag which contained cocaine residue was still in the Appellant's pants when he was again searched. (N.T. at pg. 76).

The Appellant was charged with Possession of a Firearm Prohibited, Flight to Avoid Apprehension, Firearms Not to be Carried Without a License, Possession of a Controlled Substance, Possession of Paraphernalia, Tamper with Physical Evidence, Resisting Arrest, False Identification to Law Enforcement Officer, Disorderly Conduct and Driving Under Suspension-DUI Related.

On March 20, 2019, Jack Connor, Esquire, filed a Waiver of Arraignment. On May 5, 2020, Attorney Connor filed a motion to withdraw, which was granted on May 11, 2020 and the Public Defenders' Office was appointed to represent him that day. The Appellant was scheduled for trial on May 4, 2021 and was represented by counsel from the Fayette County Office of the Public Defender. At the time of trial, the Appellant failed to appear. His counsel stated that his office had no information as to why the Appellant failed to appear. The Court was informed at that time, that the Appellant had an outstanding warrant in another matter. Notice was sent by the Public Defender to the Appellant's last known address on record, provided by the Appellant, the address of his mother. The notice mailed to the Appellant was not returned to the Office of the Public Defender.

The trial court decided to proceed with the trial in the Appellant's absence. On May 5, 2021, the Appellant was found guilty of all but the DUI charge and sentencing was set for May 25, 2021. When the Appellant failed to appear at his sentencing, the Court

issued a bench warrant. On July 8, 2021, the bench warrant was returned. The Defendant was sentenced on July 12, 2021 to seven (7) to fourteen (14) years incarceration.

The Appellant hired Joseph Hudak, Esquire, to represent him in this matter. On July 22, 2021, Attorney Hudak electronically filed a post-sentence motion but failed to properly file it according to Fayette County Motion Rules so the post-sentence motion was never presented to the Trial Court for consideration. Attorney Hudak filed a Notice of Appeal was dismissed as the post sentence motion that he had improperly filed remained outstanding. Attorney Hudak filed a waiver of his own ineffectiveness signed by the Appellant permitting him to proceed with a Post Conviction action on the Appellant's behalf. A hearing was held on March 27, 2024 on the petition. {1} After the Defendant's post sentence motion was denied, counsel filed a Notice of Appeal.

ARGUMENT

The only issue in this appeal is whether the trial court erred when it proceeded with a trial in absentia due to Appellant's failure to appear for trial. The Wilson-Tortura test for a trial in absentia involves the weighing of specific factors to determine whether a trial can proceed without the presence of the defendant. This test originated from the federal court decision from the Second Circuit's *United States v. Tortora* which outlined considers for proceeding in trials in absentia under federal law, specifically Federal Rule of Criminal Procedure 43(b). The Commonwealth of Pennsylvania has adopted similar principles, as reflected in case law and procedural rules to address situations where the defendant is absent without cause.

Pursuant to the Pennsylvania Rules of Criminal Procedure 602, a defendant shall be present at every stage of the trial, except when the defendant's absence is without cause at the time scheduled for the start of trial. The absence of the defendant shall not preclude proceeding with the trial. The Defendant may waive his right to be present at trial by their actions either expressly or implicitly. *Commonwealth v. Ford*, 650 A.3D 433 (Pa 1994).

The Pennsylvania Supreme Court has held that a defendant may be tried in absentia if they knowingly, voluntarily, and without justification fail to appear at the designated time and place of the trial. The Court must weigh the specific circumstances of the case, including the probability of the defendant's return and the difficulty of rescheduling the trial. The Tortora test provides a framework for evaluation whether to proceed with a trial or not. However, it is in the discretion of the Trial Judge to make that determination.

After the Appellant's initial incarceration, his Mother purchased a security bond from a bondsman in the amount of \$100,000.00 to obtain his release. An accused who is released on bail before trial gives his assurance that he will stand trial and submit to sentencing if found guilty. *Commonwealth v. Wilson*, 712 A.2d 735 (Pa. 1998) citing *US. v. Tortora*, 464 F.2d 1202 (2nd Cir). Unless the accused is prevented from attending the proceeding for reasons beyond his control, then he is expected to be present. *Id.* The decision to conduct the trial in the absence of the accused is within the discretion of the trial judge. *Id.* The trial judge is not required to postpone the trial in order to weigh the likelihood that the accused will return or to consider the inconvenience to the parties. *Id.*

{1} Counsel failed to request a transcript of the March 27, 2024 hearing.

On the date of trial, the Trial Court inquired of the parties and was informed that notice had been sent to the Appellant and his mail was not returned. His counsel stated that he had no information as to his client's whereabouts, and the Trooper indicated that the Appellant had an outstanding bench warrant in another case for failure to appear.

At the time of the post sentence hearing, the Appellant admitted that he was aware of the charges. He provided the Clerk of Courts with his Mother's address as the only address where he could be contacted. He admitted, at the hearing, that he had not changed that address although he had resided at other addresses prior to trial. The Appellant admitted that he had resided in Westmoreland County for a period of time and had moved to Philadelphia where he resided for several months. The Appellant admitted that he returned to Fayette County but had no set address. The Appellant made no efforts to notify the Clerk of Courts or his bail bondsman as to any of his new addresses. The Appellant did appear at his Formal Arraignment and signed the waiver form which contained a notice printed in large letters that failure to appear for any scheduled court hearing or trial would result in the hearing or trial continuing in his absence.

The Appellant's assertion that the Court was in error in proceeding in his absence lacks merit. The Appellant made himself unavailable and prevented notice being given to him. The Appellant's testimony established that he was absent without cause and it was appropriate for the Court to proceed to trial in his absence.

The Appellant's argument that, minimal effort would have led to locating him and providing him notice. On the date of trial, there was no evidence that the Appellant would be easily located. It is the Appellant's responsibility to keep the court system informed of his location so that he can be served with all necessary notices. The Appellant's relocating to locations outside the county is in violation of his bond conditions. He was released with the requirement that he keep the court and his bondsman aware of his location. The evidence before the Court was that the Appellant had failed to appear in another case, had not been located related to that warrant. The Court was informed that notice had been sent to the Appellant's last known address, the Court could reasonably believe that he had notice of the trial date. The Appellant's failure to provide notice of his whereabouts, moved across the Commonwealth, resided in other counties, while knowing that he had these charges and others pending against him, indicates an intentional effort to avoid the court and any trial that would have been scheduled for him. The Appellant knowingly forfeited his right to be present and had no just cause for failing to keep in contact with the Court, his counsel, or his bondsman.

The Trial Court did not abuse its discretion in proceeding to trial without the presence of the Appellant and respectfully requests this this Honorable Court to dismiss his appeal.

BY THE COURT:
WAGNER, S.J.

ATTEST:
Clerk of Courts

LUNCH & LEARN SERIES

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

- Date: **Wednesday, September 17th** from **12:00 p.m. to 1:30 p.m.**
- Location: **Fayette County Courthouse - Courtroom Four**
- Discussion topic: **The Criminal Arena: New Cases; Old Issues**
- Presenter: **Bruce A. Antkowiak, J.D., LL.D.**

CLE Credit

1.5 hours of Substantive CLE credit for the program. The fees are as follows:

Members of the FCBA

- \$5 fee for attendance without CLE Credit
- \$15 fee for attendance with CLE Credit

Attorneys admitted to practice in Pennsylvania after January 1, 2020

- \$5 fee for attendance with CLE Credit

Non-members of the FCBA

- \$15 fee for attendance without CLE Credit
- \$40 fee for attendance with CLE Credit

**** All fees to be paid at the door ****
Lunch will be provided.

RSVP

If interested in attending, please call Cindy at the Bar office at 724-437-7994 or email to cindy@fcbar.org on or before Monday, September 15th.

BENCH BAR CONFERENCE

SAVE THE DATE

FCBA Bench Bar Conference will be held on

Wednesday, October 22nd from
8:30 a.m. to 1:00 p.m. at

The Historic Summit Inn

Agenda to follow