

# FAYETTE LEGAL JOURNAL

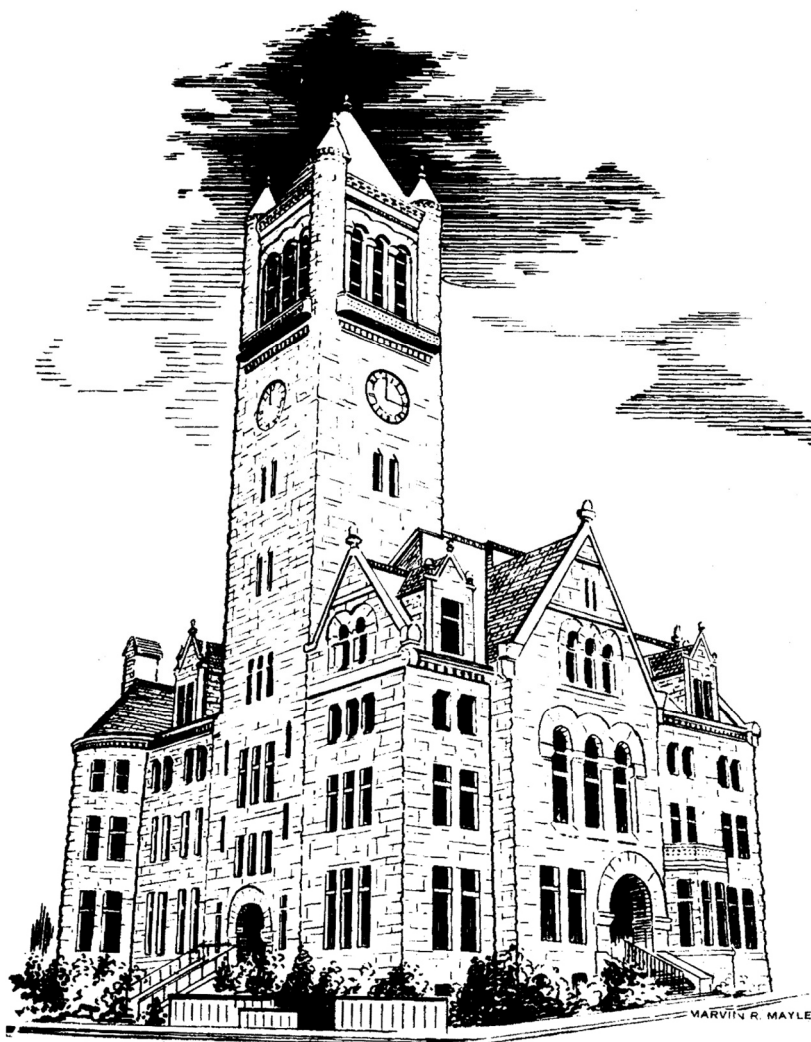
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## FAYETTE LEGAL JOURNAL

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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

**RALPH KEVIN BUCCI**, late of Belle Vernon, Fayette County, PA (3)

*Executrix:* Dianne Lee Bucci  
c/o Julian Gray Associates  
954 Greentree Road  
Pittsburgh, PA 15220  
*Attorney:* Karen S. Timko

**DAVID PANKRATZ, a/k/a DAVID JOHN PANKRATZ**, late of Brownsville, Fayette County, PA (3)

*Executrix:* Donna Pankratz  
c/o Entrusted Legacy Law  
P.O. Box 130  
Bradford Woods, PA 15015  
*Attorney:* Ashley Sharek

**CHARLES PITMAN, a/k/a CHARLES PITMAN, JR.**, late of Acme, Fayette County, PA (3)

*Administratrix:* Nancy A. Tebell  
11421 Donnington Ct  
Manassas, Virginia 20111  
c/o King Legal Group  
114 North Maple Avenue  
Greensburg, PA 15601  
*Attorney:* Bradley A. King

**MARYANN REAGGLE**, late of North Union, Fayette County, PA (3)

*Administrator:* Jeremiah Ditmore  
1 Lucille Avenue  
Uniontown, PA 15401

**ELSIE M. WEBB, a/k/a ELSIE MATILDA WEBB**, late of Dunbar Township, Fayette County, PA (3)

*Personal Representative:* Anna E. Webb  
c/o 208 South Arch Street, Suite 2  
Connellsville, PA 15425  
*Attorney:* Richard A. Husband

### Second Publication

**RONALD LEE BAIRD**, late of Lower Tyrone Township, Fayette County, PA (2)

*Executrix:* Rachel Louise Baird Alahmad  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* Jeremy J. Davis

**MARILYN BULLOCK, a/k/a MARILYN FRANCES BULLOCK**, late of Silver Spring, Montgomery County, Maryland (2)

*Executrix:* Cynthia J. Conte  
4623 Warrington Drive  
Orlando, Florida 32826  
c/o 4 West Manilla Avenue, Suite 10  
Pittsburgh, PA 15220  
*Attorney:* Joan Shinavski

**JAMES W. BUSH, a/k/a JAMES W. BUSH, JR.**, late of Perry Township, Fayette County, PA

*Executrix:* Natalie King Bush (2)  
8 Railroad Street  
Dawson, PA 15428  
c/o Jones Gregg Creehan & Gerace, LLP  
20 Stanwix Street, Suite 1100  
Pittsburgh, PA 15222  
*Attorney:* Branden A. Fulciniti

**LAWRENCE R. DENNIS**, late of Menallen Township, Fayette County, PA (2)

*Administratrix:* Elizabeth W. Dennis  
c/o 51 East South Street  
Uniontown, PA 15401  
*Attorney:* Webster & Webster

**SHIRLEY B. EVANS, a/k/a SHIRLEY ANN EVANS**, late of Springhill Township, Fayette County, PA (2)

*Executrix:* Patricia Heidt  
c/o 4 North Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* Sheryl R. Heid

---

**GERALDINE M. GEBADLO**, late of Dunbar Township, Fayette County, PA (2)

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

---

**HOWARD JOSEPH GILLOTT, a/k/a**

**HOWARD T. GILLOTT**, late of Bullskin Township, Fayette County, PA (2)

*Executor:* Howard Justin Gillott  
1505 Breakneck Road  
Connellsville, PA 15425  
c/o Henderson Law Offices, PC  
319 Pittsburgh Street  
Scottdale, PA 15683  
*Attorney:* Kevin Henderson

---

**VINCENT LOUIS GRLOVICH, a/k/a**

**VINCENT L. GRLOVICH**, late of Redstone Township, Fayette County, PA (2)

*Executrix:* Mary Ann Grlovich, a/k/a  
Mary Ann Plisko-Grlovich  
495 Twin Hills Road  
Grindstone, PA 15442  
c/o 96 East Main Street  
Uniontown, PA 15401  
*Attorney:* Anne N. John

---

**ROSEMARY S. KALASKY, a/k/a**

**ROSEMARY SUSAN KALASKY**, late of North Union Township, Fayette County, PA

*Executor:* Andrew M. Kalasky and  
Joseph A. Kalasky (2)  
31 Phillippi Avenue  
Uniontown, PA 15401  
c/o Newcomer Law Offices  
4 North Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* Ewing D. Newcomer

---

**JUDY M. LIVENGOD**, late of South Union Township, Fayette County, PA (2)

*Co-Executors:* Aleta Held and  
Richard A. Livengood II  
c/o 51 East South Street  
Uniontown, PA 15401  
*Attorney:* Anthony S. Dedola, Jr.

---

**PHILLIP JOHN MICHAEL**, late of South Union Township, Fayette County, PA (2)

*Administratrix:* Tricia Carbonara-Michael  
c/o Proden & O'Brien  
99 East Main Street  
Uniontown, PA 15401  
*Attorney:* Wendy L. O'Brien

---

**SHIRLEY K. MUNDEL**, late of South Union Township, Fayette County, PA (2)

*Personal Representatives:*  
Benjamin Mundel and Jeffrey W. McCabe  
c/o Watson Mundorff, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425  
*Attorney:* Timothy J. Witt

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**CHARLES HENRY PITMAN**, late of Acme Township, Fayette County, PA (2)

*Administratrix:* Nancy A. Tebell  
11421 Donnington Court  
Manassas, VA 20111  
c/o King Legal Group, LLC  
114 North Maple Avenue  
Greensburg, PA 15601  
*Attorney:* Bradley A. King

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**JOEL C. REBOVICH**, late of Perryopolis Borough, Fayette County, PA (2)

*Executrix:* Dana J. Rebovich  
536 Liberty Street  
Perryopolis, PA 15473  
c/o Bassi, Vreeland & Associates, P.C.  
P.O. Box 144  
111 Fallowfield Avenue  
Charleroi, PA 15022  
*Attorney:* Bradley M. Bassi

---

**YVONNE J. URBAN**, late of Perryopolis Borough, Fayette County, PA (2)

*Executor:* Kenneth R. Urban  
232 Todd Farm Road  
Belle Vernon, PA 15012  
c/o Moore Becker Smarto & Acosta, P.C.  
121 West Second Street  
Greensburg, PA 15601  
*Attorney:* Elizabeth A. Becker

---

**CHARLES W. WATSON**, late of Dunbar Township, Fayette County, PA (2)

*Personal Representative:* Aaron C. Watson  
c/o Watson Mundorff, LLP  
720 Vanderbilt Road

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Connellsville, PA 15425  
*Attorney:* Timothy J. Witt

---

**MORRIS WEBB, JR.**, late of Dunbar Township, Fayette County, PA (2)  
*Administratrix:* Anna E. Webb  
c/o 208 South Arch Street, Suite 2  
Connellsville, PA 15425  
*Attorney:* Richard A. Husband

---

**ANNA P. WHITE, a/k/a ANNA PEARL WHITE**, late of Dunbar Township, Fayette County, PA (2)  
*Executor:* Duane L King  
P.O. Box 732  
Vanderbilt, PA 15486  
c/o Lederach Law  
201 North Chestnut Street  
P.O. Box 342  
Scottsdale, PA 15683  
*Attorney:* James S. Lederach

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## First Publication

**SAMUEL EDWARD ANGELO**, late of Menallen Township, Fayette County, PA (1)  
*Administrator:* James Paul Angelo  
c/o Steven M. Zelinger, Esquire  
1650 Market Street, #3600  
Philadelphia, PA 19103  
*Attorney:* Steven M. Zelinger

---

**MARY LOUISE BRENZY, a/k/a MARY LOU BRENZY**, late of German Township, Fayette County, PA (1)  
*Executrix:* Theresa Hunyady  
c/o Proden & O'Brien  
99 East Main Street  
Uniontown, PA 15401  
*Attorney:* Sean M. Lementowski

---

**MICHAEL J. CHUBERKO**, late of Hopwood, Fayette County, PA (1)  
*Administratrix:* April Behneman  
c/o 45 East Main Street, Suite 400  
Uniontown, PA 15401  
*Attorney:* Charles C. Gentile

---

**EDWARD C. FESTOR, SR.**, late of North Union Township, Fayette County, PA (1)  
*Executor:* Edward C. Festor, Jr.  
c/o Fitzsimmons & Barclay  
55 East Church Street, Suite 102  
Uniontown, PA 15401  
*Attorney:* James N. Fitzsimmons, Jr.

---

**LINDA L. GLISAN**, late of Stewart Township, Fayette County, PA (1)  
*Executor:* Eric Jason Glisan  
c/o Adams Law Offices, PC  
55 East Church Street, Suite 101  
Uniontown, PA 15401  
*Attorney:* Jason Adams

---

**CAROLYN L. JOHNSON, a/k/a CAROLYN LEE JOHNSON**, late of Henry Clay Township, Fayette County, PA (1)  
*Co-Executors:* Kelley E. Shaw and Keith A. Johnson  
c/o Proden & O'Brien  
99 East Main Street  
Uniontown, PA 15401  
*Attorney:* Sean M. Lementowski

---

**MILDRED L. MARTIN**, late of North Union Township, Fayette County, PA (1)  
*Executrix:* Lana J. Miller  
c/o Webster & Webster  
51 East South Street  
Uniontown, PA 15401

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**ROSE MARIE MCCOY**, late of Henry Clay Township, Fayette County, PA (1)  
*Executrix:* Denise McCoy-Gaurrich  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* James T. Davis

---

**JAXON PAUL PIREAUX**, late of Mill Run, Fayette County, PA (1)  
*Administratrix:* Skylar K. Pireaux  
P.O. Box 252  
Mill Run, PA 15464  
c/o Phillips Froetschel, LLC  
310 Grant Street, Suite 700  
Pittsburgh, PA 15219  
*Attorney:* Laura D. Phillips

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LEGAL NOTICES

The Fayette County Board of Assessment Appeals will hold forty-day assessment appeal hearings for the 2024 tax year and annual assessment appeal hearings for the 2025 tax year on September 3, 4, 5, 10, 11, 12 and 17. The appeal hearings are scheduled to begin at 9:10 AM. The hearings will be held at Board of Appeals Hearing Room, 2nd Floor, 2 West Main St, Uniontown. All hearings are open to the public.

Rebecca L. Cieszynski, CPE  
Director of Tax Services  
AV-002803

In Re: Leeland James Breakiron, a minor individual, a Hearing on the Petition to Change Name will be held on October 18, 2024, at 10:30 A.M., in Courtroom #3 of the Fayette County Courthouse, Uniontown, PA

NOTICE

If you wish to object, 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 PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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Notice of Condemnation

In the County of Common Pleas of Fayette  
County, Pennsylvania  
Civil Division  
In REM Proceeding  
Civil Action No. 1569 of 2024 GD

Columbia Gas of Pennsylvania, Inc., 121  
Champion Way, Suite 100, Canonsburg,  
Pennsylvania 15317, Condemnor,  
v.

Real Property Situate in the Township of  
Dunbar, Fayette County, Pennsylvania, as vested  
by that Certain Deed Dated January 17, 1919 of  
record at Deed Book 369 and Page 67 in the  
Recorder’s Office of Fayette County,  
Pennsylvania being, respectively, Fayette  
County Tax Parcel Number 09-03-0106,  
Condemnees.

Notice of Condemnation  
For Pipeline Right- Of-Way

Notice is given to the heirs, successors or  
assigns, if any, and unknown owners of real  
property situate in Dunbar Township, Fayette  
County, Pennsylvania, as vested by that Certain  
Deed between William J. Reed and Annetta  
Reed Dated January 17, 1919 of record at Deed  
Book 369 and Page 67 in the Recorder’s Office  
of Fayette County, Pennsylvania being,  
respectively, Fayette County Tax Parcel Number  
09-03-0106, that Columbia Gas of Pennsylvania,  
Inc. has filed a Verified Application for Taking a  
Natural Gas Right- of-Way pursuant to 15 Pa.  
Cons. Stat. § 1511 and Rule 1007 of the  
Pennsylvania Rules of Civil Procedure to  
acquire title to, and right of possession of, the  
Right-of-Way for the construction and  
maintenance of a natural gas pipeline. The Right  
-of-Way is described in the Verified Application  
for Taking a Natural Gas Right-of-Way and  
depicted on the map attached to it. The action  
was filed on August 5, 2024. Just compensation  
has been secured by the posting of a bond in the  
amount of \$470.00.

IN THE COURT OF COMMON PLEAS  
FAYETTE COUNTY, PENNSYLVANIA

NewRez LLC d/b/a Shellpoint Mortgage  
Serving  
Plaintiff,  
vs.

Jessie Thibodeau, as Believed Heir and/or  
Administrator of the Estate of Joseph R.  
Thibodeau; Unknown Heirs and/or  
Administrators of the Estate of Joseph R.  
Thibodeau (if any)  
Defendants.

CIVIL DIVISION

Docket No.: 2023-01569

NOTICE OF SHERIFF'S SALE  
OF REAL PROPERTY PURSUANT TO  
PENNSYLVANIA RULE OF CIVIL  
PROCEDURE 3129

TO: Jessie Thibodeau, as Believed Heir and/or  
Administrator of the Estate of Joseph R.  
Thibodeau; Unknown Heirs and/or  
Administrators of the Estate of Joseph R.  
Thibodeau (if any)  
128 Spear Lane  
Markleysburg, PA 15459

TAKE NOTICE:

That the Sheriff's Sale of Real Property  
(Real Estate) will be offered for public auction  
online at <https://fayette.pa.realforeclose.com> on  
November 21, 2024 at 2:00PM prevailing local  
time.

THE PROPERTY TO BE SOLD is  
delineated in detail in a legal description  
consisting of a statement of the measured  
boundaries of the property, together with a brief  
mention of the buildings and any other major  
improvements erected on the land.

(SEE LEGAL DESCRIPTION  
ATTACHED AS EXHIBIT "A").

The LOCATION of your property to be  
sold is:

128 Spear Lane, Markleysburg, PA 15459

The JUDGMENT under or pursuant to  
which your property is being sold is docketed to:  
No. 2023-01569

THE NAME(S) OF THE OWNER(S) OR  
REPUTED OWNER(S) OF THIS PROPERTY

ARE:

Jessie Thibodeau, as Believed Heir and/or  
Administrator of the Estate of Joseph R.  
Thibodeau; Unknown Heirs and/or  
Administrators of the Estate of Joseph R.  
Thibodeau (if any)

A SCHEDULE OF DISTRIBUTION,  
being a list of the persons and/or governmental  
or corporate entities or agencies being entitled to  
receive part of the proceeds of the sale received  
and to be disbursed by the Sheriff (for example  
to banks that hold mortgages and municipalities  
that are owed taxes), will be filed by the Sheriff  
thirty (30) days after the sale, and distribution of  
the proceeds of sale in accordance with this  
schedule will, in fact, be made unless someone  
objects by filing exceptions to it, within ten (10)  
days of the date it is filed. Information about the  
Schedule of Distribution may be obtained from  
the Sheriff of the Court of Common Pleas of  
Fayette County, at the Fayette County Sheriff's  
Office, 61 East Main Street, Uniontown, PA  
15401.

THIS PAPER IS A NOTICE OF THE TIME  
AND PLACE OF THE SALE OF YOUR  
PROPERTY.

It has been issued because there is a  
Judgment against you. It may cause your  
property to be held, to be sold or taken to pay  
the Judgment. You may have legal rights to  
prevent your property from being taken. A  
lawyer can advise you more specifically of these  
rights. If you wish to exercise your rights, you  
must act promptly.

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TELEPHONE THE OFFICE SET FORTH  
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THE LEGAL RIGHTS YOU MAY HAVE  
ARE:

1. You may file a petition with the Court of  
Common Pleas of Fayette County to open the  
Judgment if you have a meritorious defense  
against the person or company that has entered

judgment against you. You may also file a petition with the same Court if you are aware of a legal defect in the obligation or the procedure used against you.

2. After the Sheriff's Sale, you may file a petition with the Court of Common Pleas of Fayette County to set aside the sale for a grossly inadequate price or for other proper cause. This petition must be filed before the Sheriff's Deed is delivered.

3. A petition or petitions raising the legal issues or rights mentioned in the preceding paragraphs must be presented to the Court of Common Pleas of Fayette County. The petition must be served on the attorney for the creditor or on the creditor before presentation to the Court and a proposed order or rule must be attached to the petition. If a specific return date is desired, such date must be obtained from the Court Administrator's Office, Fayette County Courthouse, 61 East Main Street, Uniontown, PA 15401, before presentation of the petition to the Court.

Dated: 06/19/2024

Kimberly J. Hong, Esquire (74950)  
Manley Deas Kochalski LLC  
P. O. Box 165028  
Columbus, OH 43216-5028  
Telephone: 614-220-5611  
Fax: 614-220-5613  
Email: [kjhong@manleydeas.com](mailto:kjhong@manleydeas.com)  
Attorney for Plaintiff

---



## WARMAN ABSTRACT & RESEARCH LLC

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518 Madison Drive

Smithfield, PA 15478

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IN THE COURT OF COMMON PLEAS OF FAYETTE COUN1Y, PENNSYLVANIA  
CRIMINAL ACTION

COMMONWEALTH OF  
PENNSYLVANIA,

V.

WILLIAM BENJAMIN DAVIS,  
Defendant.

• • • • •

No. 565 of 2024  
Judge Mark M. Mehalov

## OPINION AND ORDER

MEHALOV, J.

August 14th, 2024

This matter comes before the Court on Defendant's Omnibus Pre-trial Motion in the form of a Motion to Suppress Evidence, a Petition for Writ of Habeas Corpus, and a Motion to Compel Discovery. Defendant is charged with one (1) count of Possession with Intent to Deliver {1}; and three (3) additional Summary Offenses: Driving an Un-registered Vehicle {2}, Obscured Plate {3}, Duty of Operator {4}. A Preliminary Hearing was held at Central Court on March 19th, 2024, after which all charges were bound over to the Court of Common Pleas. On June 12th, 2024, an Omnibus Pretrial Hearing was held before this Court. After thoughtful consideration, the Court will GRANT the Motion in its entirety.

## DISCUSSION

First, Defendant raises a Motion to Suppress Evidence alleging that there was no probable cause for the stop, search, and seizure of the vehicle driven by Defendant. To conduct a proper "Terry stop" or "investigative detention", *Terry vs. Ohio*, 392 U.S. 1 (1968), a law enforcement officer must have reasonable suspicion to support the stop. For this stop to rise to the level of an arrest or "custodial detention", it must be supported by probable cause. *Commonwealth vs. Rodriguez*, 614 A. 2d 1378, 1382 (Pa. 1992). Probable cause is based on a finding of the probability that criminal activity is afoot. *Commonwealth vs. Ryerson*, 817 A.2d 510, 513-14 (Pa. Super 2003). It exists only if a reasonable person in the situation would believe that a crime has been or is being committed. *Commonwealth vs. Young*, 294 A.2d 785 (Pa. Super. 1972).

In the instant case, the initial reason presented by Trooper Tyler for stopping Defendant while driving was his observation of Defendant re-positioning himself. Specifically, Defendant "... sat up and went to ten (10) and two (2) on the steering wheel." (P.T. p. 5). Trooper Tyler described this as a "death grip". He also observed that Defendant "looked at" the marked patrol unit. (Id.)

{1}	35 §	780-113 §§	A30
{2}	75 §	1301 §§	A
{3}	75 §	1332 §§	B4
{4}	75 §	6308 §§	A

The Court does not believe that a driver of a motor vehicle shifting positions in the seat and assuming a proper ten and two hand position on the steering wheel rises to any level of suspicion. Additionally, it is not unreasonable to assume that most drivers tend to take note of marked law enforcement vehicles while driving. Although Trooper Tyler did eventually notice that the vehicle contained a license plate which partially was obstructed by a dealer surround and then subsequently became aware of a suspended registration. However, these observations were not found until the Trooper relied upon his suspicions from the movements of Defendant in the driver's seat which he observed. This would render these subsequent observations to essentially be the famed fruit of the poisonous tree. Thus, we grant Defendant's Motion to Suppress Evidence.

Next, Defendant files a Petition for Writ of Habeas Corpus alleging that the Commonwealth failed to establish a prima facie case against the Defendant. In an Omnibus Pre-Trial Motion for Petition for Habeas Corpus relief, the Court must determine whether the Commonwealth established a prima facie case for the charged offenses. *Commonwealth v. Packard*, 767 A.2d 1068, 1070 (Pa. Super. 2001). "When deciding whether a prima facie case was established, [the Court] must view the evidence in the light most favorable to the Commonwealth, and . . . consider all reasonable inferences based on that evidence which could support a guilty verdict." *Commonwealth v. James*, 863 A.2d 1179, 1182 (Pa. Super. 2004) (citation omitted). Unlike the beyond a reasonable doubt standard, a prima facie case is merely a degree of evidence "that if presented at the trial in court, and accepted as true, the judge would be warranted in allowing the case to go to the jury." *Commonwealth v. Wojdak*, 502 Pa. 359, 368, 466 A.2d 991, 996 (1983) (emphasis original); see *James*, 863 A.2d at 1182. In criminal matters, evidence is deemed to be sufficient if the Court after carefully viewing all evidence admitted against Defendant in the light most favorable to the Prosecution and drawing all reasonable inferences from the same, finds that the evidence would enable the trier of fact to find every element of the crimes charged beyond a reasonable doubt. *Commonwealth vs. Goldblum*, 498 Pa. 455, 447 A.2d 234 (1982).

In the instant case, with the Motion to Suppress granted as outlined above, the Commonwealth is unable to make a prima facie showing of the guilt of Defendant in this matter. As such, the Motion for Writ of Habeas Corpus is granted.

Wherefore, we will enter the following Order:

#### ORDER

AND NOW, this 20th day of August, 2024, upon consideration of the Defendant's Omnibus Pre-Trial Motion to Suppress Evidence and Petition of Writ of Habeas Corpus, it is hereby ORDERED and DECREED that the motion is GRANTED in its Entirety.

The pending charges are hereby DISMISSED with PREJUDICE.

BY THE COURT:  
MARK M. MEHALOV, JUDGE

ATTEST:  
Clerk of Courts

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