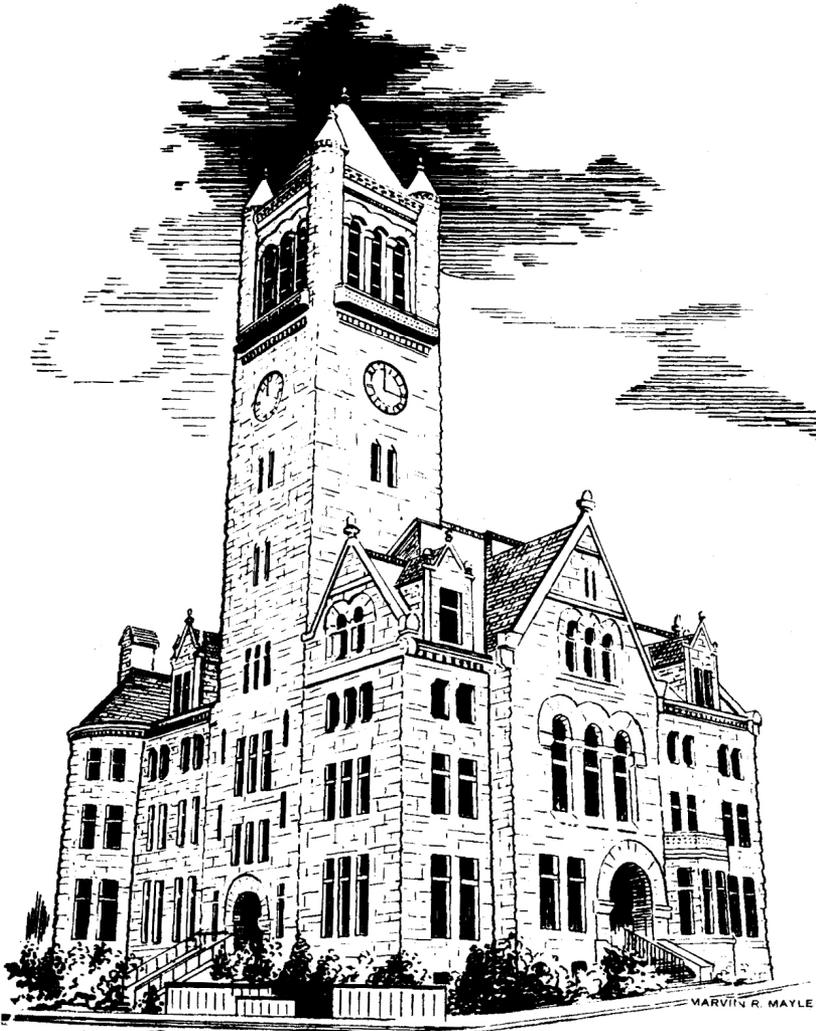


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The Ethics Hotline provides free advisory opinions to PBA members based upon review of a member's prospective conduct by members of the PBA Committee on Legal Ethics and Professional Responsibility. The committee responds to requests regarding, the 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

DORIS M. ANDERSON, late of Washington Township, Fayette County, PA (3)

Co-Executors:

Barry William Anderson
1549 Walter Street
Monongahela, PA 15063
Cheryl Jean Nagy
209 Otto Street
Belle Vernon, PA 15012

c/o Bassi, Vreeland & Associates, P.C.
P.O. Box 144
111 Fallowfield Avenue
Charleroi, PA 15022
Attorney: Bradley M. Bassi

**MICHAEL E. DIMARCO, SR., a/k/a
MICHAEL E. DIMARCO**, late of Uniontown, Fayette County, PA (3)

Co-Executrix: Michele P. DiMarco
Co-Executor: Michael E. DiMarco, Jr.
Co-Executrix: Meribeth DiMarco Briggs
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

JANICE LYNN ELLIOTT, late of Masontown, Fayette County, PA (3)

Personal Representative: Emily Elliott
103 Harbison Avenue
Masontown, PA 15461
c/o 84 East Main Street
Uniontown, PA 15401
Attorney: Vincent M. Tiberi

**LOUIS FINLEY MCCORMICK, a/k/a
FINLEY MCCORMICK**, late of Uniontown, Fayette County, PA (3)

Co-Executrices: Nancy L. Poli and
Lisa Poli Rose
c/o Zebley Mehalov & White, P.C.
18 Mill Street Square
P.O. Box 2123
Uniontown, PA 15401
Attorney: Daniel R. White

PATSY PATRICELLI, late of Connellsville, Fayette County, PA (3)

Personal Representative: Sandra Lee Sison
c/o Watson Mundorff & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Charles W. Watson

Second Publication

GEORGE CLAY, a/k/a GEORGE R. CLAY, late of Washington Township, Fayette County, PA (2)

Executor: Dana R. Clay
410 Jacobs Street
Belle Vernon, PA 15012
Executrix: Sheran Ann Clay Summers
243 Clark Road
Perryopolis, PA 15473
c/o 300 Fallowfield Avenue
Charleroi, PA 15022
Attorney: Richard C. Mudrick

**BRADLEY R. FISHER, a/k/a BRADLEY
RAY FISHER**, late of Morgantown, Monongalia County, West Virginia (2)

Administrator: Robert Lee Rogers
1946 Fairchance Road
Morgantown, WV 26508
c/o 76 East Main Street
Uniontown, PA 15401
Attorney: Douglas S. Sholtis

VERNA R. HILLEN, a/k/a VERNA RUTH HILLEN, late of Bullsken Township, Fayette County, PA (2)

Personal Representative:

Brenda Lee Mattia
c/o Watson Mundorff & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Charles W. Watson

JEFFREY LAUFFER, a/k/a JEFFREY DAVID LAUFFER, late of Everson Borough, Fayette County, PA (2)

Executor: Jane Lauffer
742 State Route 31
Ruffs Dale, PA 15679
c/o 231 South Main Street, Suite 402
Greensburg, PA 15601
Attorney: Marilyn Gaut

MARY ANN MLINARCIK, a/k/a MARY A. MLINARCIK, a/k/a MARY MLINARCIK, late of Uniontown, Fayette County, PA (2)

Administrator: William J. Mlinarcik
c/o John & John
96 East Main Street
Uniontown, PA 15401
Attorney: Simon B. John

KENNETH LINDSAY MURPHY, JR., a/k/a KENNETH L. MURPHY, JR., late of Dunbar Township, Fayette County, PA (2)

Administrators DBN: Ora L. Murphy and Samantha Stouffer
432 East Crawford Avenue
Connellsville, PA 15425
c/o King Legal Group, LLC
114 North Maple Avenue
Greensburg, Pa 15601
Attorney: Robert W. King

RICHARD A. PARENTE, JR., late of Belle Vernon, Fayette County, PA (2)

Executrix: Kimberly Ann Livingston
130 Shady Avenue
Belle Vernon, PA 15012
c/o 566 Donner Avenue
Monesson, PA 15062
Attorney: Aaron J. Bialon

First Publication

ANN M. BEREITER, a/k/a ANNA M. BEREITER, late of Connellsville, Fayette County, PA (1)

Personal Representatives: Susan R. Bailey, Kathryn A. Blackstone and Jane A. Carbonara
c/o Riverfront Professional Center
208 South Arch Street, Suite 2
Connellsville, PA 15425
Attorney: Richard A. Husband

FRANK FRED CHROBAK, a/k/a FRANK F. CHROBAK, late of Luzerne Township, Fayette County, PA (1)

Personal Representative: Edward J. Fudala and John P. Juran
c/o Watson Mundorff & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Charles W. Watson

DARREL BERGER, late of Connellsville, Fayette County, PA (1)

Executrix: Dana A. Keck
c/o Donald McCue Law Firm, P.C.
Colonial Law Building
813 Blackstone Road
Connellsville, PA 1525
Attorney: Donald McCue

THEODORE S. KRZANOWSKI, a/k/a TED S. KRZANOWSKI, late of North Union Township, Fayette County, PA (1)

Executor: Joseph A. Krzanowski
c/o Radcliffe Law, LLC
648 Morgantown Road, Suite B
Uniontown, PA 15401
Attorney: William M. Radcliffe

DAVID B. LOGAN, late of Connellsville, Fayette County, PA (1)

Personal Representative: Lance Bastian
c/o 208 South Arch Street, Suite 2
Connellsville, PA 15425
Attorney: Richard A. Husband

ANTOINETTE M. MATTHEWS, late of
 North Union Township, Fayette County, PA (1)
Administratrix: Lynette Andaloro
 c/o Davis & Davis
 107 East Main Street
 Uniontown, PA 15401
Attorney: Gary J. Frankhouser

LEGAL NOTICES

**NOTICE
 LEGAL ADVERTISEMENT**

Notice is hereby given that a hearing is scheduled for Thursday, May 2, 2019, at 1:30 p.m., before The Honorable Nancy D. Vernon, in Courtroom No. 4, of the Fayette County Courthouse, for the sale of the Clifford N. Pritts Elementary School by the Connellsville Area Board of School Directors.

Interested persons may appear at the aforementioned hearing to offer testimony in favor of or in opposition to the proposed sale.

Connellsville Area Board of School Directors
 (1 of 3)

NOTICE

Notice is hereby given that Certificate of Organization have been approved and filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on March 27, 2019, for a non-profit organization known as Keeping the Faith Animal Shelter & Rescue Center, Inc.

The purpose or purposes of the non-profit organization is/are: A Christian-based no-kill shelter and rescue, dedicated to providing the community with a caring and safe environment for animals in need.

DAVIS & DAVIS
 BY: Jeremy J. Davis, Esquire
 107 E. Main Street
 Uniontown, PA 15401

**ARTICLES OF INCORPORATION
 Non-Profit Corporation**

Notice is hereby given that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, on the 22nd day of March, 2019 with respect to a proposed nonprofit corporation, Armed Forces Equestrian Center, Inc. which has been incorporated under the Nonprofit Corporation Law of 1988.

ARTICLES OF AMENDMENT

NOTICE is hereby given by the Borough of Perryopolis, Fayette County, Pennsylvania, Borough Council (the "Borough"), of the intent to file Articles of Amendment with the Secretary of the Commonwealth of Pennsylvania. Pursuant to this notice, the Borough hereby declares as follows:

1. Name of the Authority: Perryopolis Parks and Recreation Authority
2. Location of the registered office of the Authority: P.O. Box 747, Perryopolis, Pennsylvania, 15473.
3. Governing Statute: 53 Pa.C.S. § 5605, known as the Municipality Authorities Act of 1945, as amended and supplemented.
4. Time when the Articles of Amendment will be filed with the Secretary of the Commonwealth: on or before April 23, 2019.

DAVIS & DAVIS
 BY: Michael A. Aubele, Esquire
 107 E. Main Street
 Uniontown, PA 15401

Court of Common Pleas
 Fayette County, Pennsylvania
 Civil Action-Law
 No. 2018-02197/390 of 2018ED
 Notice of Action in Mortgage Foreclosure
 JPMorgan Chase Bank, National Association,
 Plaintiff vs. Allen G. Patton, Defendant
**NOTICE OF SHERIFF'S SALE OF REAL
 PROPERTY**

TO: Allen G. Patton, Defendant, whose last known address is 360 Meadow Run Road, Ohiopyle, PA 15470.
 Your house (real estate) at: 360 Meadow Run Road, Ohiopyle, PA 15470, 42-10-0085, is

scheduled to be sold at Sheriff's Sale on 5/16/19, at 2:00 PM, at Fayette County Sheriff's Office, 61 E. Main St., Ste. 1B, Uniontown, PA 15401, to enforce the court judgment of \$239,131.77, obtained by JPMorgan Chase Bank, National Association against you. - NOTICE OF OWNER'S RIGHTS - YOU MAY BE ABLE TO PREVENT THIS SHERIFF'S SALE - To prevent this Sheriff's Sale you must take immediate action: 1. The sale will be cancelled if you pay back to JPMorgan Chase Bank, National Association the amount of the judgment plus costs or the back payments, late charges, costs, and reasonable attorneys fees due. To find out how much you must pay, you may call 610.278.6800. 2. You may be able to stop the sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause. 3. You may be able to stop the sale through other legal proceedings. 4. You may need an attorney to assert your rights. The sooner you contact one, the more chance you will have of stopping the sale. (See notice below on how to obtain an attorney.) - YOU MAY STILL BE ABLE TO SAVE YOUR PROPERTY AND YOU HAVE OTHER RIGHTS EVEN IF THE SHERIFF'S SALE DOES TAKE PLACE - 5. If the Sheriff's Sale is not stopped, your property will be sold to the highest bidder. You may find out the price bid by calling 610.278.6800. 6. You may be able to petition the Court to set aside the sale if the bid price was grossly inadequate compared to the value of your property. 7. The sale will go through only if the buyer pays the Sheriff the full amount due in the sale. To find out if this has happened you may call 724.430.4030. 8. If the amount due from the buyer is not paid to the Sheriff, you will remain the owner of the property as if the sale never happened. 9. You have a right to remain in the property until the full amount due is paid to the Sheriff and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings to evict you. 10. You may be entitled to a share of the money, which was paid for your house. A schedule of distribution of the money bid for your house will be filed by the Sheriff no later than thirty days after the Sheriff Sale. This schedule will state who will be receiving the money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed distribution is wrong)

are filed with the Sheriff within ten (10) days after the date of filing of said schedule. 11. You may also have other rights and defenses or ways of getting your house back, if you act immediately after the sale. NOTICE: IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE YOUR DEFENSES OR OBJECTIONS IN WRITING WITH THE COURT. YOU ARE WARNED THAT IF YOU FAIL TO DO SO, THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT FURTHER NOTICE FOR THE RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU. YOU SHOULD TAKE THIS 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. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE. Fayette County Local Counsel, PA Lawyer Referral Service/PA Bar Assn., 100 South St., P.O. Box 186, Harrisburg, PA 17108, 800.692.7375. PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT YOU ARE ADVISED THAT THIS LAW FIRM IS DEEMED TO BE A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. Christopher A. DeNardo, Kristen D. Little, Kevin S. Frankel, Samantha Gable, Nicole B. LaBletta, Leslie J. Rase, Alison H. Tulio & Katherine M. Wolf, Attys. for Plaintiff, Shapiro & DeNardo, LLC, 3600 Horizon Dr., Ste. 150, King of Prussia, PA 19406. 610.278.6800.

MILSTEAD & ASSOCIATES, LLC

By: Bernadette Irace, Esquire
Attorney ID#313008
1 E. Stow Rd.
Marlton, NJ 08053
Attorney for Plaintiff
(856) 482-1400
File No. 226994-1

COURT OF COMMON PLEAS**FAYETTE****No.: 2018-02050**

**Nationstar Mortgage LLC d/b/a Mr. Cooper,
Plaintiff,
Vs.**

**Theodore E. Bolish , known heir of Sandra L.
Bolish a/k/a Sandra Leigh Bolish, Deceased
Unknown heirs, successors, assigns and all
persons, firms, or associations claiming right,
title or interest from or under Sandra L.
Bolish a/k/a Sandra Leigh Bolish, Deceased,
Defendants**

**TO: Unknown heirs, successors, assigns and
all persons, firms, or associations claiming
right, title or interest from or under Sandra
L. Bolish a/k/a Sandra Leigh Bolish,
Deceased,**

**TYPE OF ACTION: CIVIL ACTION/
COMPLAINT IN MORTGAGE
FORECLOSURE**

**PREMISES SUBJECT TO
FORECLOSURE: 578 Nelson Road
Farmington, PA 15437**

NOTICE

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

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A

LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
100 south St, P.O. Box 186,
Harrisburg, PA 17108
(800) 692-7375

SHERIFF'S SALE

Date of Sale: June 20, 2019

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, June 20, 2019, at 2:00 p.m. in Courtroom Number Five at the Fayette County Courthouse, Uniontown, Pennsylvania.

The terms of sale are as follows:

Ten percent of the purchase price, or a sufficient amount to pay all costs if the ten percent is not enough for that purpose. Same must be paid to the Sheriff at the time the property is struck off and the balance of the purchase money is due before twelve o'clock noon on the fourth day thereafter. Otherwise, the property may be resold without further notice at the risk and expense of the person to whom it is struck off at this sale who in case of deficiency in the price bid at any resale will be required to make good the same. Should the bidder fail to comply with conditions of sale money deposited by him at the time the property is struck off shall be forfeited and applied to the cost and judgments. All payments must be made in cash or by certified check. The schedule of distribution will be filed the third Tuesday after date of sale. If no petition has been filed to set aside the sale within 10 days, the Sheriff will execute and acknowledge before the Prothonotary a deed to the property sold. (2 of 3)

James Custer
Sheriff Of Fayette County

Phelan Hallinan Diamond & Jones, LLP

No. 3 of 2019 GD
No. 63 of 2019 ED

Lsf9 Master Participation Trust
Plaintiff

v.

Jenny Rebecca Dean
Jeffrey K. Dean
Defendant(s)

By virtue of a Writ of Execution No. 3-OF-2019-GD, Lsf9 Master Participation Trust v. Jenny Rebecca, Dean Jeffrey K. Dean, owner(s) of property situate in the STEWART TOWNSHIP, Fayette County, Pennsylvania, being 380 Burnworth Road, and 376 Burnworth Road, Mill Run, PA 15464-1524

Parcel No.: 37-08-0089 and 37-13-0014-06
Improvements thereon: RESIDENTIAL DWELLING

Phelan Hallinan Diamond & Jones, LLP

No. 2153 of 2018 GD
No. 84 of 2019 ED

Wells Fargo Bank, NA
Plaintiff

v.

Donna L. Dominic
William J. Dominic
Defendant(s)

By virtue of a Writ of Execution No. 2153-OF-2018-GD, Wells Fargo Bank, NA v. Donna L. Dominic, William J. Dominic, owner(s) of property situate in the LUZERNE TOWNSHIP, Fayette County, Pennsylvania, being 415 3rd Street, Allison, PA 15413.

Parcel No.: 19200036
Improvements thereon: RESIDENTIAL DWELLING

Phelan Hallinan Diamond & Jones, LLP

No. 2199 of 2012 GD
No. 79 of 2019 ED

JPMorgan Chase Bank, National Association
Plaintiff
v.
Eric J. Glagola
Hanna E. Glagola
Defendant(s)

By virtue of a Writ of Execution No. 2012-02199, JPMorgan Chase Bank, National Association v. Eric J. Glagola, Hanna E. Glagola, owner(s) of property situate in the REDSTONE TOWNSHIP, Fayette Count y, Pennsylvania, being 419 First Street, Chestnut Ridge, PA 15422.

Parcel No.: 30-20-0130

Improvements thereon: RESIDENTIAL DWELLING

No. 1251 of 2018 GD
No. 62 of 2019 ED

BAYVIEW LOAN SERVICING, LLC
vs.
DIANE L. HOGSETT

ALL THAT CERTAIN PARCEL OF LAND SITUATE IN LUZERNE TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA.

BEING THE SAME PREMISES which John T. Hogsett, Jr and Diane L. Hogsett, his wife, by Deed dated August 20, 2014 and recorded September 29, 2014 in the Office of the Recorder of Deeds in and for Fayette County in Deed Book Volume 3260, Page 39, granted and conveyed unto DIANE L. HOGSETT.

BEING KNOWN AS: 423 HOPEWELL ROAD, BROWNSVILLE, PA 15417

PARCEL # 19-25-0068-01

Phelan Hallinan Diamond & Jones, LLP

No. 1532 of 2013 GD
No. 91 of 2019 ED

Wilmington Savings Fund Society, FSB d/b/a Christiana Trust, Not in It'S Individual Capacity But Solely as The Trustee for The Brougham Fund I Trust
Plaintiff
v.
Susan Carol Johnson
Robert W. Johnson
Defendant(s)

By virtue of a Writ of Execution No. 1532-OF-2013-GD, Wilmington Savings Fund Society, FSB d/b /a Christiana Trust, Not in It'S Individual Capacity But Solely as The Trustee for The Brougham Fund I Trust v. Susan Carol Johnson, Robert W. Johnson, owner(s) of property situate in the NICHOLSON TOWNSHIP, Fayette County, Pennsylvania, being RR 2 Box 337 A. a/k/a 694 Woodside Oldframe Road, Smithfield, PA 15478-1130.

Parcel No.: 24-05-0009

Improvements thereon: RESIDENTIAL DWELLING

Phelan Hallinan Diamond & Jones, LLP

No. 2264 of 2018 GD
No. 67 of 2019 ED

Ditech Financial LLC
Plaintiff
v.
Frantz Morency, Jr, in His Capacity as Heir of Jeanette Morency a/k/a Jeanette Brown Morency,, Deceased Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Jeanette Morency a/ k/a Jeanette Brown Morency, Deceased
Defendant(s)

By virtue of a Writ of Execution No. 2264-OF-2018-GD Ditech Financial LLC v. Frantz Morency, Jr, in His Capacity as Heir of Jeanette Morency a/k/a Jeanette Brown Morency,, Deceased Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right,

Title or Interest From or Under Jeanette Morency a/k/a Jeanette Brown Morency, Deceased owner(s) of property situate in the MASONTOWN BOROUGH, Fayette County, Pennsylvania, being 312 Provins Avenue, Masontown, PA 15461-1928
 Parcel No.: 21-07-0099
 Improvements thereon: RESIDENTIAL DWELLING

Phelan Hallinan Diamond & Jones, LLP

No. 126 of 2019 GD
 No. 76 of 2019 ED

Wells Fargo Bank, N.A.
Plaintiff
 v.
Timothy E. Morrell
Anthony Interval, Jr
Defendant(s)

By virtue of a Writ of Execution No. 126 OF 2019 GD, Wells Fargo Bank, N.A. v. Timothy E. Morrell Anthony Interval, Jr owner (s) of property situate in the BELLE VERNON BOROUGH, Fayette County, Pennsylvania being 233 Water Street, Belle Vernon, PA 15012 -1118
 Parcel No.: 01030043
 Improvements thereon: RESIDENTIAL DWELLING

McCABE, WEISBERG & CONWAY, LLC
 123 South Broad Street, Suite 1400
 Philadelphia, PA 19109
 (215) 790-1010

No. 2485 of 2018 GD
 No. 80 of 2019 ED

Lakeview Loan Servicing, LLC
Plaintiff
 v.
Steven Price and Sandra Price
Defendants

ALL THAT CERTAIN LOT OF LAND SITUATE IN SOUTH UNION TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA, BEING LOT NO. 5 IN REVISED PLAN OF LOTS LAID OUT BY GREENBURY CROSSLANDS AND RECORDED JN RECORDER'S OFFICE OF FAYETTE COUNTY, PENNSYLVANIA, IN PLAN BOOK 5, PAGE 16 SAID PLAN TO TAKE THE PLACE OF PLAN FOR THE SAME PREMISES AS RECORDED IN PLAN BOOK 4, PAGE 221.

EXCEPTING AND RESERVING THEREOUT AND THEREFROM ALL THE STONE COAL AND MINERAL S UNDER THE COAL EXCEPT SO MUCH AS MAY BE NEEDED AS PILLARS OR SUPPORTS, TOGETHER WITH ALL MINING RIGHTS, PRIVILEGES, ETC. AS CONTAINED IN A DEED OF GREENBURY CROSSLAND, ET UX TO THE CHICAGO AND CONNELLSVILLE COKE COMPANY, DATED APRIL 11, 1889, AND RECORDED IN THE RECORDER'S OFFICE OF FAYETTE COUNTY, PENNSYLVANIA, IN DEED BOOK 85, PAGE 52.

All that certain piece or parcel or Tract of land situate in the Township of South Union, Fayette County, Pennsylvania, and being known as 21 Bradbury Street, Uniontown, Pennsylvania 15401.

Being known as: 21 Bradbury Street, Union town, Pennsylvania 15401

Title vesting in Steven Price and Sandra Price, husband and wife, by deed from Mark A. Wehrer dated November 16, 2007 and recorded December 19, 2007 in Instrument Number 200700018104.

Tax Parcel Number: 34-17-0051

No. 2761 of 2018 GD
 No. 66 of 2019 ED

STERN AND EISENBERG, PC
 ANDREW J. MARLEY, ESQ.

Specialized Loan Servicing LLC
PLAINTIFF

No. 2440 of 2018 GD
 No. 72 of 2019 ED

vs.

Brian S. Reedy
DEFENDANT

**Wells Fargo Bank, national Association, as
 Trustee for Option One Woodbridge Loan
 Trust 2003-1, Asset Backed Certificates,
 Series 2003-1 c/o Ocwen Loan Servicing, LLC**
Plaintiff

v.

Irvin L. Shipley III a/k/a Irvin L. Shipley
Defendant(s)

ALL those certain lots of land situate in North Union Township, Fayette County, Pennsylvania, known as Lots Nos. 46 and 47 in the Laurel Terrace Plan of Lots as laid out by Areford Brothers and recorded in the Recorder's Office of Fayette County in Plan Book 5, page 3, said lots being more particularly bounded and described as follows:

SITUATE IN THE THIRD WARD OF THE CONNELLSVILLE TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA, BEING KNOWN AS 907 Norton Boulevard, Connellsville, PA 15425

COMMONLY KNOWN AS: 84 Brown Street, Uniontown, PA 15401
 TAX PARCEL NO. 25430029

PARCEL NO. 06-05-0037
 IMPROVEMENTS- RESIDENTIAL REAL ESTATE

SOLD AS THE PROPERTY OF - Irvin L. Shipley III a/k/a Irvin L. Shipley

ANNE N. JOHN Esq.
 ATTORNEY AT LAW

No. 2812 of 2018 GD
 No. 88 of 2019 ED

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF GREENE COUNTY, a corporation,
Plaintiff

KML Law Group, P.C.
 Suite 5000 - BNY Independence Center
 701 Market Street
 Philadelphia, PA 19106
 215-627-1322

vs.

ALLEN F. RICHTER,
Defendant

No. 652 of 2017 GD
 No. 68 of 2019 ED

ALL that certain lot or parcel of land located in Bullskin Township, Fayette County, Pennsylvania, being Lot No. 32 in the Merit Manor Plan of Lots No. 2, laid out by Caldarelli Homes, Inc., which plan is of record in the Recorder's Office of Fayette County, Pennsylvania in Plan Book Volume 10, page 172.

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

vs.

LINDA D. SIMS
Mortgagor(s) and Record Owner(s)
35 Pershing Avenue
Uniontown, PA 15401
Defendant(s)

FOR prior title see Record Book 1836 at page 101.

Assessment Map No.: 04-33-0085.

Upon which is erected a single family dwelling known locally as 211 Van Drive, Connellsville, PA 15425.

ALL THAT CERTAIN LOT OF GROUND SITUATE IN THE THIRD WARD OF THE CITY OF UNIONTOWN, FAYETTE COUNTY, PENNSYLVANIA

TAX PARCEL# 38040578
 PROPERTY ADDRESS: 35 Pershing Avenue Uniontown, PA 15401

IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF: LINDA D. SIMS

Phelan Hallinan Diamond & Jones, LLP

No. 26 of 2019 GD
No. 81 of 2019 ED

Wells Fargo Bank, N.A.

Plaintiff

v.

Matthew A. Szuch

Defendant(s)

By virtue of a Writ of Execution No. 26-OF-2019-GD, Wells Fargo Bank, N.A. v. Matthew A. Szuch, owner(s) of property situate in the LUZERNE TOWNSHIP, Fayette County, Pennsylvania, being 816 Green Street, A/K/A 816 Greene Street-Hiller, Brownsville, PA 15417-2202

Parcel No.: 19130063

Improvements thereon: RESIDENTIAL DWELLING

No. 140 of 2019 GD
No. 89 of 2019 ED

FIRST NATIONAL BANK OF PENNSYLVANIA, successor to PARKVALE SAVINGS BANK,

Plaintiff,

vs.

ALLEN M. THOMAS

and MARK MARINO,

Defendants.

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF ALLEN M. THOMAS AND MARK MARINO, OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT CERTAIN REAL ESTATE SITUATED IN LUZERNE TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA. HAVING ERECTED THEREON A DWELLING KNOWN AS 1005 HIGH STREET, BROWNSVILLE, PA 15417. INSTRUMENT NUMBER 201900000123 AND PARCEL NUMBER 19-13-0184.

Phelan Hallinan Diamond & Jones, LL P

No. 2804 of 2018 GD
No. 90 of 2019 ED

Bank of America, N.A.

Plaintiff

v.

Brenda L. Wideman

Defendant(s)

By virtue of a Writ of Execution No. 2804 OF 2018 GD, Bank of America, N.A. v. Brenda L. Wideman, owner(s) of property situate in the SPRINGFIELD TOWNSHIP, Fayette County, Pennsylvania, being 2847 Springfield Pike Road, a/k/a 2847 Springfield Pike, Connellsville, PA 15425-6459

Parcel No.: 35-04-0066

Improvements thereon: RESIDENTIAL DWELLING

*** END SHERIFF'S SALE ***

Registers' Notice

Notice by JEFFREY L. REDMAN, Register of Wills and
Ex-Officio Clerk of the Orphans' Court Division of the Court of Common Pleas

Notice is hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans' Court Division of Fayette County on

Monday, May 6, 2019, at 9:30 A.M.

| <u>Estate Number</u> | <u>Estate Name</u> | <u>Accountant</u> |
|----------------------|-------------------------|-----------------------------------|
| 2618-0560 | JANET L. McCUNE | Cheri Lynn Curci, Executrix |
| 2617-1000 | PAUL M. GABELT | Carolyn W. Maricondi, Executrix |
| 2617-0286 | DONALD RAY WILHELM, SR. | Donald Wilhelm Jr., Administrator |

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

Monday, May 20, 2019, at 9:30 A.M.

in Courtroom No. 1 of the **Honorable STEVE P. LESKINEN**, or his chambers, 2nd Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

Notice is also hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans' Court Division of Fayette County on

Monday, May 6, 2019, at 9:30 A.M.

| <u>Estate Number</u> | <u>Estate Name</u> | <u>Accountant</u> |
|----------------------|---|---|
| 2617-0895 | FRANKIE G. COLUCCI | Joseph Pitts, Administrator |
| 2616-0711 | CANDACE LEHMAN a/k/a CANDACE S. LEHMAN a/k/a CANDACE SHA LEHMAN | Donald E. Lehman Jr., Administrator DBNCTA |

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

Monday, May 20, 2019, at 9:30 A.M.

in Courtroom No. 5 of the **Honorable JOSEPH M. GEORGE, JR.** or his chambers, 3rd Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

JEFFREY L. REDMAN

Register of Wills and Ex-Officio Clerk of the Orphans' Court Division (1 of 2)

JUDICIAL OPINION

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

| | | |
|-----------------------------|---|---|
| STRATEGIC REALTY FUND, LLC, | : | |
| Plaintiff, | : | |
| V. | : | |
| JOHN DOE, KEVIN MALONEY, | : | |
| LORI MALONEY, DONNA L. | : | |
| MARTINAK, AND TENANT/ | : | |
| OCCUPANT, | : | Honorable President Judge John F. Wagner, Jr. |
| Defendants. | : | : No. 850 of 2011, G.D. |

OPINION and ORDER

WAGNER, P.J.

October 12, 2018

AND NOW, this 12th day of October 2018, upon consideration of the evidence admitted into the record, arguments made during the non-jury trial held on April 12, 2018 and May 23, 2018; the Court found in favor of the Plaintiff and against the Defendants. The Defendants filed a Post Trial Motion, raising issues not presented pre-trial or at trial and the Court denied the Post Trial Motion.

The case began when a Complaint in Ejectment was filed by ClearVue Opportunity XVII, LLC to obtain possession of property identified as Fayette County parcel number 41-20-43. The Fayette County Sheriff sold the property, by virtue of a writ of execution issued to satisfy a judgment in mortgage foreclosure entered against the Defendants, Kevin P. Maloney and Lori Ann Martinak. A sheriff's deed to U.S. Bank National Association was thereafter recorded. Subsequently, Pledge Property II, LLC, purchased the parcel from US Bank National Association and a deed detailing this sale was filed on 17 July 2008. On 18 February 2011, a deed was filed detailing the purchase of the parcel to ClearVue Opportunity XVII, LLC. During the pendency of this action, the parcel was sold to the successor Plaintiff, Strategic Realty Fund, LLC.

The Plaintiff presented testimony from Terald E. McMillen, Jr., a licensed land surveyor, that he had, in the course of preparing to survey the land, reviewed the metes and bounds in deeds beginning with the Gosnell 1962 survey and compared the metes and bounds description to subsequent deeds and he testified that the descriptions were consistent. The Sheriff's deed description of the parcel had the same metes and bounds description as did the deeds issued to U.S. National Bank Association, Pledged Property II, LLC, ClearVue Opportunity XVII, LLC, and Strategic Realty Fund.

The persons in possession of the parcel are Kevin Maloney, Lori Maloney, and Donna L. Martinak. The Defendants reside in a residence that is located on the property

at issue herein, parcel 41-20-43, and that also encroaches on two other parcels of property, 41-20-41 and 41-20-45 owned by Donna L. Martinak.

In their first allegation of error, the Defendants assert that the Trial Court abused its discretion by not finding in favor of Defendants' averments in their Answer, New Matter and Affirmative Defenses. Defendants' first issue in his 1925(b) statement is too vague for the Court to address. A 1925(b) statement must state with specificity the basis for their allegations that the Trial Court abused its discretion. The wording of the Defendants' first concise issue would require the Court to draw an inference as to what was to be addressed. Therefore, the Appellants have waived this issue due to its vagueness.

The Defendants argue that the ejectment action constructively ejects Donna Martinak from the portion of the house that is on the two parcels of property that she owns. The Plaintiff is the title owner of the property listed in the metes and bounds of parcel 41-20-43 and has the right of immediate possession to that portion of the property contained in parcel 41-20-43. The Defendant, Donna Martinak did not testify as to any impact that this action would have on her. To assume facts not in evidence would be inappropriate and this issue is waived.

The Defendants' other issues relate to the information provided in the post-trial motion. The post-trial motion is argued without the benefit of transcript as counsel failed to obtain the transcript from that proceeding. Post-trial relief may not be granted unless the grounds were raised in pre-trial proceedings or by motion, objection, points for charge, or other appropriate method at trial. Pa. R. Civ. P. 227.1 The motion must state how the grounds were asserted in pre-trial proceedings or at trial. It is improper to raise the issues of the fractional ownership interest that may have been granted to an individual for the first time in the post-trial motion. The post-trial motion admits that the information related to the fractional interest is based on title and estate issues that were of public record and available to them. As the Defendants, through Donna Martinak, were personally involved with the inheritance but never raised it as an affirmative defense at any prior point in the proceedings. The failure to plead an affirmative defense in an ejectment constitutes a waiver of such defense. *Birdman v. Medley*, 395 A.2d 285 (1978). The issue was not raised pre-trial or at trial. As the Defendants failed to raise the issue of this possible fractional ownership interest pre-trial, then any concise issue based on those assertions is waived for failure to present the information pre-trial or during trial.

An action of ejectment is a recognized form of action for the determination of a question of title to real property. Ejectment is an action filed by a plaintiff who does not possess the land but has the right to possess it, against a defendant who has actual possession. *Siskos v. Britz*, 567 Pa. 689, 790 A.2d 1000 (2002). Such an action can succeed only if the plaintiff is out of possession and has a present right to immediate possession. *Siskos*, supra., 455 Pa. Super. 124, 687 A.2d 822 (1996). Ejectment can be maintained if the plaintiff has the right to immediate possession of the land in controversy, together with a concomitant right to demand that the Defendant vacate the property. Title to the property in question is an essential element in determining entitlement to possession. In

an ejectment proceeding by the purchaser of property at a sheriff's sale, the sale cannot be set aside unless the sheriff lacks the authority to make the sale. When the Sheriff's sale concluded and the sheriff's deed was recorded, any and all arguments as to defects in the sale were waived.

The Plaintiff presented sufficient testimony that established that it had acquired title to the property detailed by the metes and bounds description contained in parcel 41-20-43. The Plaintiff presented testimony that it is out of possession of the property described in parcel 41- 20-43. Testimony from the Defendant, Kevin Maloney, admits that the defendants are in possession of the property and are not the title holder for parcel 41 -20-43. Defendants assert that because the residence encroached on property not owned by the Plaintiff, that the Plaintiff was unable to proceed with an ejectment action. Whether an existing structure on one parcel encroaches on an adjoining parcel of property is not a valid defense to an action in ejectment. Plaintiff is the title owner of the metes and bounds property contained in parcel 41-20-43. As title owner, the Plaintiff is entitled to immediate possession of the property described by the metes and bounds of parcel 41-20-43. The Plaintiff has the immediate right to the property described by the metes and bounds of parcel 41-20-43.

Accordingly, the Court enters the following:

ORDER

The Court finds that the Plaintiff is the owner by recorded deed of the disputed parcel of land listed in the Assessment Records of Fayette County as Fayette County Parcel 41-20-43; and, more fully described in deed of ClearVue Opportunity XVII, LLC, Grantor to Strategic Realty Fund, LLC, Grantee, dated April 4, 2016 and recorded in the Office of the Recorder of Deeds of Fayette County, Pennsylvania, in Record Book Number 3307 at Page 212, and have the right to exclusive possession of the property described by the metes and bounds listed in the description in said deed. The Defendants are excluded from the property listed in the metes and bounds description as described as Fayette County Parcel 41-20-43 and in said deed.

BY THE COURT:
WAGNER, P.J.

ATTEST:
Nina Capuzzi Frankhouser
Prothonotary

The Institute for Law & Public Policy

April CLE Seminars – New Location

Frank Sarris Public Library

35 North Jefferson Avenue Canonsburg, PA 15317
Conveniently located off of the I-79 Canonsburg, PA Exit
Free Parking in Murdock Street Lot

April 25 & 26, 2019

April 25, 2019 - 9 AM-12:15 PM

Conflict Skills for Lawyers: Get Empowered to Artfully Navigate Difficult Conversations with Staff, Clients, and Other Attorneys

Selina J. Shultz, Esquire, LL.M / The Conflict Lab

3 Substantive Credits - \$75

April 25, 2019 - 1 PM-4:15 PM

Unanticipated Fallout, the Practice of Law Since the Creation of the Consumer Financial Protection Bureau – the “CFPB”

James P. Valecko, Esquire / Weltman, Weinberg & Reis Co., L.P.A.

2 Substantive Credits/1 Ethics - \$79

April 26, 2019 - 9 AM-12:15 PM

Hiring, Firing, and Everything In-Between: Best Practices to Guide You Through the Employee Life Cycle

Jaime Tuite, Esquire / William P. Lewis, Esquire / Buchanan Ingersoll & Rooney, P.C.

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April 26, 2019 - 1 PM-4:15 PM

The Matrix for Maximizing Recovery For the Injured: Workers Compensation – Long Term Disability – Personal Injury – Social Security Disability – Veterans Disability

Brian Bronson, Esquire / Michael Quatrini, Esquire / Jeff Monzo, Esquire /
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LUNCH & LEARN SERIES

FCBA LUNCH & LEARN SERIES

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

- Date: **Wednesday, May 15th** from 12:00 p.m. to 1:30 p.m.
- Location: Courtroom No. 1 of the Fayette County Courthouse
- Discussion topic: **Pennsylvania's Medical Cannabis Law**
- Presenter: Patrick K. Nightingale, Esquire

CLE Credit

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

Members of the FCBA

- No charge for attendance without CLE Credit
- \$10 fee for attendance with CLE Credit

Attorneys admitted to practice in Pennsylvania after January 1, 2012

- No charge for attendance with CLE Credit

Non-members of the FCBA

- \$10 fee for attendance without CLE Credit
- \$20 fee for attendance with CLE Credit

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

A light lunch will be provided.

If interested in attending, please call Cindy at the Bar office at 724-437-7994 or by email to cindy@fcbar.org on or before Monday, May 13th.

-Professional Ethics/CLE Committee

LAW DAY CELEBRATION

2019 Law Day Luncheon and Celebration



Join your Colleagues and Friends of the Fayette County Bar Association

on

Wednesday, May 1, 2019

Law Day Luncheon

all attorneys welcome

Uniontown Country Club

12:00 p.m.

\$10.00 per person

Presenters: President Judge John F. Wagner, Jr.

PBA President-Elect Anne N. John

Mock Trial Competition

Presiding President Judge John F. Wagner, Jr.

Fayette County Courthouse, Courtroom #2

10:00 a.m.

Frazier and Connellsville Area School Districts

The first 12 volunteers to serve as mock trial jurors
will receive a coupon for 3.0 CLE credits
valid towards future Fayette County Bar Association courses.

***RSVP for Luncheon and/or to serve as Mock Trial Juror
on or before Friday, April 26th***

cindy@fcbbar.org or 724-437-7994

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