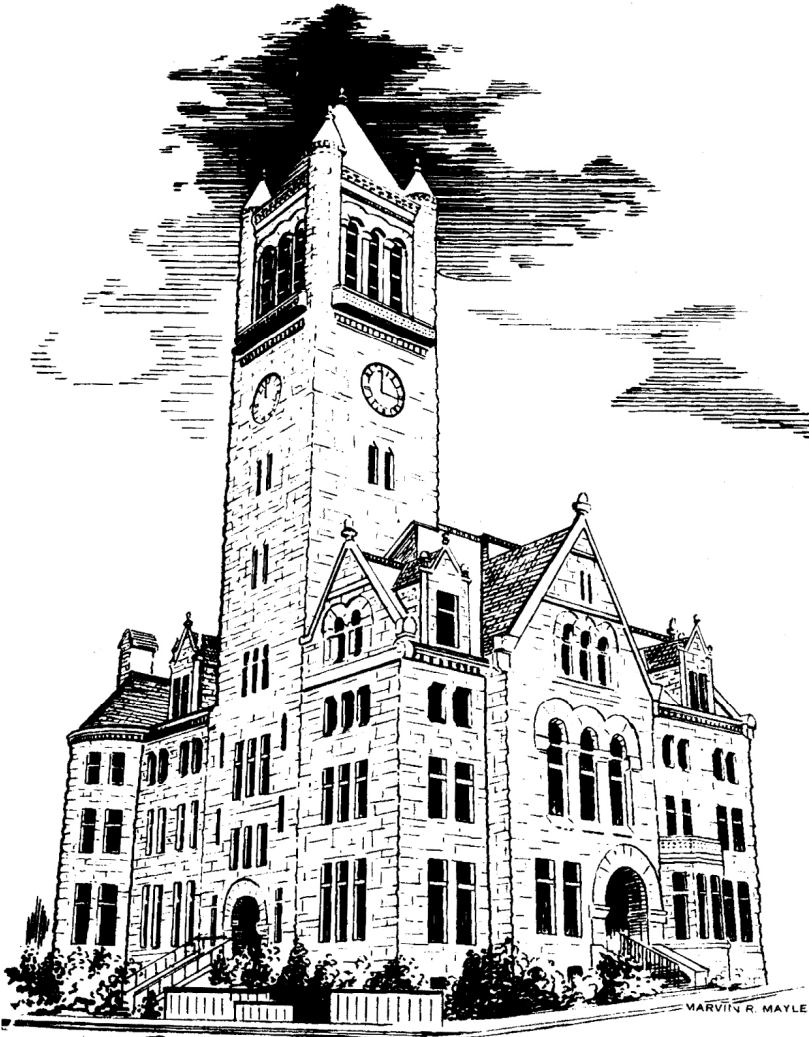


# FAYETTE LEGAL JOURNAL

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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

**JOSEPH J. CHERICHETTI**, late of Bullskin Township, Fayette County, PA <sup>(3)</sup>

*Executor:* Joseph J. Cherichetti, Jr.  
402 Park Place  
Pittsburgh, PA 15237-3615  
c/o 120 South Third Street  
Connellsville, PA 15425  
*Attorney:* Stephanie A. Balest

**JACKLYN L. GARBUTT, a/k/a JACKLYN GARBUTT**, late of Saltlick Township, Fayette County, PA <sup>(3)</sup>

*Administrator:* Oca Shirley  
Donald J. McCue Law Firm, P.C.  
Colonial Law Building  
813 Blackstone Road  
Connellsville, PA 15425  
*Attorney:* Donald J. McCue, J.D., P.E.

**MARGARET SMORE, a/k/a MARGARET K. SMORE, a/k/a MARGARET R. SMORE**, late of North Union Township, Fayette County, PA <sup>(3)</sup>

*Executor:* Thomas James Moore  
c/o John & John  
96 East Main Street  
Uniontown, PA 15401  
*Attorney:* Simon B. John

**DELLA LORRAINE VENO**, late of South Union Township, Fayette County, PA <sup>(3)</sup>

*Executor:* Timothy C. Veno  
c/o John & John  
96 East Main Street  
Uniontown, PA 15401  
*Attorney:* Anne N. John

**DONALD J. VOGELSANG, a/k/a DONALD J. VOGELSANG, II**, late of Uniontown, Fayette County, PA <sup>(3)</sup>

*Executor:* Stephen J. Vogelsang  
c/o DeHaas Law, LLC  
51 East South Street  
Uniontown, PA 15401  
*Attorney:* Ernest P. DeHaas, III

**ROSE ZABOROWSKI, a/k/a ROSE MARIE ZABOROWSKI**, late of Perry Township, Fayette County, PA <sup>(3)</sup>

*Co-Executors:* William J. Zaborowski and  
Beth Ann Binnall  
2003 Middle Road  
Glenshaw, PA 15116  
c/o Reis Law Firm  
3439 Babcock Boulevard, Suite 300  
Pittsburgh, PA 15237  
*Attorney:* Charles Reis

### Second Publication

**HELEN F. KNUPSKY**, late of Redstone Township, Fayette County, PA <sup>(2)</sup>

*Administrator:* Charles J. Knupsky, Jr.  
c/o Webster & Webster  
51 East South Street  
Uniontown, PA 15401  
*Attorney:* Webster & Webster

**MARK A. LAURITA**, late of New Salem, Fayette County, PA <sup>(2)</sup>

*Administrator:* Rosemarie Laurita  
c/o Charles C. Gentile, Esquire  
42944 National Pike Road  
P.O. Box 245  
Chalk Hill, PA 15421  
*Attorney:* Charles C. Gentile

**MATILDA A. STANEC**, late of North Union Township, Fayette County, PA (2)  
*Personal Representative:*  
 Rudolph G. Stanec, Jr.  
 c/o George & George, LLP  
 92 East Main Street  
 Uniontown, PA 15401  
*Attorney:* Joseph M. George

**GLORIA P. GASBARRO**, late of Connellsville, Fayette County, PA (1)  
*Personal Representative:*  
 Marian G. Cadwallader  
 c/o Watson Mundorff & Sepic, LLP  
 720 Vanderbilt Road  
 Connellsville, PA 15425  
*Attorney:* Charles W. Watson

## First Publication

**CHARLOTTE M. BAER**, late of Smock, Fayette County, PA (1)  
*Personal Representative:*  
 Michelle Rossi Barch  
 c/o 84 East Main Street  
 Uniontown, PA 15401  
*Attorney:* Vincent M. Tiberi

**ANN L. MAST, a/k/a ANN MAST**, late of Fayette City, Fayette County, PA (1)  
*Administratrix:* Janice Lynn Murphy  
 4726 Echo Glen Drive  
 Pittsburgh, PA 15236  
 c/o 1202 West Main Street  
 Monongahela, PA 15063  
*Attorney:* James W. Haines, Jr.

**JOHN G. BROWN, a/k/a JOHN GILBERT BROWN**, late of Jefferson Township, Fayette County, PA (1)  
*Executor:* Carole E. Brown  
 c/o P.O. Box 760  
 Connellsville, PA 15425  
*Attorney:* Carolyn W. Maricondi

**PEARL S. WARMAN, a/k/a PAT S. WARMAN**, late of Uniontown, Fayette County, PA (1)  
*Executor:* Robert L. Webster, Jr.  
 c/o 51 East South Street  
 Uniontown, PA 15401  
*Attorney:* Webster & Webster

**JENNIE T. CONGELIO, a/k/a JENNIE T. DiCONCILIO, a/k/a JENNIE T. DICONCILIS**, late of Luzerne Township, Fayette County, PA (1)  
*Executor:* Louis J. Congelio  
 c/o 51 East South Street  
 Uniontown, PA 15401  
*Attorney:* Anthony S. Dedola, Jr.

## LEGAL NOTICES

### NOTICE OF ACTION IN MORTGAGE FORECLOSURE

IN THE COURT OF COMMON PLEAS OF  
 FAYETTE COUNTY, PENNSYLVANIA  
 CIVIL ACTION – LAW  
 NO.: 2018-01938

**ANNA MAE GALLO**, late of Jefferson Township, Fayette County, PA (1)  
*Executrix:* Jean Ann Gallo  
 103 Reed Avenue  
 Belle Vernon, PA 15012  
 c/o 1202 West Main Street  
 Monongahela, PA 15063  
*Attorney:* James W. Haines, Jr.

**NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER, Plaintiff, vs. Unknown Heirs and/or Administrators to the Estate of Elizabeth Miracle; James Cottrell, Jr., as believed Heir and/or Administrator to the Estate of Elizabeth Miracle, Defendants**

TO: Unknown Heirs and/or Administrators to the Estate of Elizabeth Miracle

You are hereby notified that Plaintiff, Nationstar Mortgage LLC d/b/a Mr. Cooper, filed an Action in Mortgage Foreclosure endorsed with a Notice to Defend, in the Court of Common Pleas

of Fayette County, Pennsylvania, docketed to No. 2018-01938, seeking to foreclose the mortgage secured by the real estate located at 403 Ontario Avenue, Point Marion, PA 15474.

A copy of the Action in Mortgage Foreclosure will be sent to you upon request to the Attorney for the Plaintiff, Manley Deas Kochalski LLC, P. O. Box 165028, Columbus, OH 43216-5028. Phone 614-220-5611.

You have been sued in court. If you wish to defend against the claims in this notice, you must take action within twenty (20) days after this publication, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or 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 LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

LAWYER REFERRAL SERVICE  
Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
(800) 692-7375

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**NOTICE OF ACTION IN MORTGAGE FORECLOSURE**

IN THE COURT OF COMMON PLEAS OF  
FAYETTE COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW  
NO.: 2018-01973

**THE HUNTINGTON NATIONAL BANK,  
Plaintiff, vs.  
Robin A. Keffer, as believed Heir and/or  
Administrator to the Estate of Kevin E.  
Keffer; Unknown Heirs and/or**

**Administrators to the Estate of Kevin E.  
Keffer, Defendants**

TO: Unknown Heirs and/or Administrators to the Estate of Kevin E. Keffer

You are hereby notified that Plaintiff, The Huntington National Bank, filed an Action in Mortgage Foreclosure endorsed with a Notice to Defend, in the Court of Common Pleas of Fayette County, Pennsylvania, docketed to No. 2018-01973, seeking to foreclose the mortgage secured by the real estate located at 130 Branthoover Street, Belle Vernon, PA 15012.

A copy of the Action in Mortgage Foreclosure will be sent to you upon request to the Attorney for the Plaintiff, Manley Deas Kochalski LLC, P. O. Box 165028, Columbus, OH 43216-5028. Phone 614-220-5611.

You have been sued in court. If you wish to defend against the claims in this notice, you must take action within twenty (20) days after this publication, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or 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 LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

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Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
(800) 692-7375

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## SHERIFF'S SALE

Date of Sale: March 14, 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, March 14, 2019, at 2:00 p.m. in Courtroom Number One 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. (3 of 3)

James Custer  
Sheriff Of Fayette County

No. 1691 of 2018 GD  
No. 382 of 2018 ED

### **PENNSYLVANIA STATE EMPLOYEES CREDIT UNION,**

**Plaintiff,**

**v.**

**NORMAN J. CIACCIA and CATHY A.  
CIACCIA,**

**Defendants.**

ALL THE RIGHT, TITLE, INTEREST  
AND CLAIM OF NORMAN J. CIACCIA AND  
CATHY A. CIACCIA OF, IN AND TO:

ALL THE FOLLOWING DESCRIBED  
REAL ESTATE SITUATED IN THE  
TOWNSHIP OF WHARTON , COUNTY OF  
FAYETTE, COMMONWEALTH OF  
PENNSYLVANIA. HAVING ERECTED  
THEREON A DWELLING KNOWN AND  
NUMBERED AS 3665 NATIONAL PIKE,  
FARMINGTON, PA 15437. DEED BOOK  
VOLUME 87, PAGE 161, PARCEL NUMBER  
4216008201.

No. 2173 of 2018 GD  
No. 394 of 2018 ED

### **FIRST NATIONAL BANK OF PENNSYLVANIA,**

**Plaintiff,**

**vs.**

**SCOTT A. FERGUSON,**  
**Defendant.**

ALL THE RIGHT, TITLE, INTEREST  
AND CLAIM OF SCOTT A. FERGUSON OF,  
IN AND TO THE FOLLOWING DESCRIBED  
PROPERTY:

ALL THE FOLLOWING DESCRIBED  
REAL ESTATE SITUATED IN SOUTH  
UNION TOWNSHIP, FAYETTE COUNTY,  
PENNSYLVANIA. HAVING ERECTED  
THEREON A DWELLING BEING KNOWN  
AND NUMBERED AS 172 DIXON  
BOULEVARD, UNIONTOWN, PA 15401.  
DEED BOOK VOLUME 3075, PAGE 2159,  
AND PARCEL NUMBER 34-13-0056.

PARKER McCAY P.A.

By: Patrick J Wesner, Esquire  
 Attorney ID# 203145  
 9000 Midlantic Drive, Suite 300  
 P.O. Box 5054  
 Mount Laurel, NJ 08054-1539  
 (856) 810-5815

No. 2392 of 2016 GD  
 No. 393 of 2018 ED

116 Whvel Avenue, Uniontown, PA 15401  
 Parcel No. 25-22-161  
 Improvements thereon: RESIDENTIAL  
 SINGLE FAMILY

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

No. 1774 of 2018 GD  
 No. 383 of 2018 ED

**The Bank of New York Mellon FKA The  
 Bank of New York, as Trustee for the  
 certificateholders of the CWABS, Inc., Asset-  
 Backed Certificates, Series 2007-8,  
 Plaintiff,**

**v.**

**Teresa D. Jenkins aka Teresa D. Barnhart,  
 Individually and Teresa D. Jenkins aka  
 Teresa D. Barnhart, Known Heir to the  
 Estate or Arnold E. Jenkins and Verna M.  
 Jenkins Deceased Real Owners and  
 Mortgagors;**

**Arnold Jenkins, Known Heir to the Estate of  
 Arnold E. Jenkins and Verna M. Jenkins  
 Deceased Real Owners and Mortgagors;**

**Michelle Jenkins, Known Heir to the Estate  
 of Arnold E. Jenkins and Verna M. Jenkins  
 Deceased Real Owners and Mortgagors;**

**The Unknown Heirs of the Estate of Arnold  
 E. Jenkins and Verna M. Jenkins Deceased  
 Real Owners and Mortgagors,  
 Defendants.**

By virtue of a Writ of Execution, No. 2392 of 2016 The Bank of New York Mellon, et al vs. Teresa D. Jenkins aka Teresa D. Barnhart, Individually and Teresa D. Jenkins aka Teresa D. Barnhart, Known Heir to the Estate of Arnold E. Jenkins and Verna M. Jenkins Deceased Real Owners and Mortgagors; Arnold Jenkins, Known Heir to the Estate of Arnold E. Jenkins and Verna M. Jenkins Deceased Real Owners and Mortgagors; Michelle Jenkins, Known Heir to the Estate of Arnold E. Jenkins and Verna M. Jenkins Deceased Real Owners and Mortgagors and The Unknown Heirs of the Estate of Arnold E. Jenkins and Verna M. Jenkins Deceased Real Owners and Mortgagor, owner of property situate in the NORTH UNION TOWNSHIP, Fayette County, Pennsylvania

**New Penn Financial LLC d/b/a Shellpoint  
 Mortgage Servicing,  
 Plaintiff,  
 v.  
 Chelsea C. Johnson,  
 Defendant.**

ALL THAT CERTAIN LOT OR PARCEL OF LAND BEING KNOWN AND DESIGNATED AS LOT NO. 6 OF THE PLAN OF LOTS OF QUARZO AND MCDANIEL FOR SOUTH UNION TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA, KNOWN AS BLACKSTONE ACRES REVISED PLAN NO. 1 AND OF RECORD IN THE OFFICE FOR RECORDING DEEDS. FAYETTE COUNTY, PENNSYLVANIA, IN PLAN BOOK VOLUME 11, PAGE 168, AND MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT CORNER TO LOT NO. 5 IN THE AFORESAID PLAN AND ALONG THE RIGHT OF WAY OF A CERTAIN TOWNSHIP ROAD DESIGNATED AS LR. 26040, WHICH LEADS FROM DERRICK AVENUE TO THE VILLAGE OF HOPWOOD; THENCE FROM SAID POINT OF BEGINNING, NORTH 84 DEGREES 01 MINUTES 30 SECONDS EAST. 30.34 FEET TO AN IRON PIN; THENCE STILL ALONG SAID RIGHT OF WAY, NORTH 85 DEGREES 40 MINUTES 30 SECONDS EAST, 55.36 FEET TO AN IRON PIN CORNER TO A LANE; THENCE ALONG SAID LANE, SOUTH 8 DEGREES 23 MINUTES WEST, 158.35 FEET TO A CONCRETE MONUMENT AND CORNER TO LOT NO. 7 IN SAID PLAN; THENCE ALONG LOT NO. 7, SOUTH 86 DEGREES 25 MINUTES WEST, 62.50 FEET TO A POINT AND CORNER TO LOT

NO. 5 IN SAID PLAN; THENCE NORTH 3 DEGREES 25 MINUTES WEST, 45 FEET; THENCE NORTH 89 DEGREES 25 MINUTES EAST, 10.25 FEET; THENCE STILL ALONG LOT NO. 5. NORTH 3 DEGREES 25 MINUTES WEST, 110.67 FEET TO THE IRON PIN, PLACE OF BEGINNING.

Being known as: 483 Redstone Furnace Road, Uniontown, Pennsylvania 15401

Title vesting in Chelsea C. Johnson by deed from NICK CIACCIA AND LAUREN WHITLATCH, N/K/A LAUREN CIACCIA dated March 10, 2014 and recorded March 11, 2014 in Deed Book 3243, Page 2450

Tax Parcel Number: 34-21-0069

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

No. 1816 of 2018 GD  
No. 369 of 2018 ED

**BAYVIEW LOAN SERVICE, LLC. A DELAWARE LIMITED LIABILITY COMPANY**

**4425 Ponce de Leon Blvd  
Coral Gables, FL 33146,  
Plaintiff,**

vs.

**LOUIS A. KRUKOWSKY  
Mortgagor(s) and Record Owner(s)  
149 Navaho Hollow Road  
Fayette City, PA 15438  
Defendant(s).**

ALL THAT CERTAIN parcel of land lying and situate in Washington Township, Fayette County, Pennsylvania

TAX PARCEL # 41-17-0003

PROPERTY ADDRESS: 149 Navaho Hollow Road Fayette City, PA 15438

IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF: LOUIS A. KRUKOWSKY

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

No. 1873 of 2018 GD  
No. 371 of 2018 ED

**NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER**

**8950 Cypress Waters Boulevard  
Coppell, TX 75019,  
Plaintiff,**

vs.

**CHARLOTTE A. LEWIS  
Mortgagor(s) and Record Owner(s)  
7 Suncrest Lane  
Uniontown, PA 15401,  
Defendant(s).**

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN SOUTH UNION TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA

TAX PARCEL # 34-28-0023

PROPERTY ADDRESS: 7 Suncrest Lane Uniontown, PA 15401

IMPROVEMENTS: A residential dwelling  
SOLD AS THE PROPERTY OF:  
CHARLOTTE A. LEWIS



Phelan Hallinan Diamond & Jones, LLP

No. 1931 of 2013 GD  
No. 374 of 2018 ED

**PNC Bank, National Association Successor by  
Merger to National City Bank, Successor by  
Merger to National City Bank of Pennsylvania,  
Plaintiff,**

v.

**Lesa L. Major,  
Defendant(s).**

By virtue of a Writ of Execution No. 1931-OF-2013-GD, PNC Bank, National Association Successor by Merger to National City Bank, Successor by Merger to National City Bank of Pennsylvania v. Lesa L. Major, owner(s) of property situate in the FAYETTE CITY BOROUGH, Fayette County, Pennsylvania, being 211 Market Street, Fayette City, PA 15438 -1092

Parcel No.: 12030267

Improvements thereon: RESIDENTIAL DWELLING

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Phelan Hallinan Diamond & Jones, LLP

No. 1972 of 2018 GD  
No. 362 of 2018 ED

**Wells Fargo Bank, NA,  
Plaintiff,**

v.

**Robert T. Nelan,  
Defendant(s)**

By virtue of a Writ of Execution No. 1972 OF 2018, Wells Fargo Bank, NA v. Robert T. Nelan, owner(s) of property situate in the SOUTH UNION TOWNSHIP, Fayette County, Pennsylvania, being 270 Krizner Road, Brownfield, PA 15416

Parcel No.: 34-27-0290

Improvements thereon: RESIDENTIAL DWELLING

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No. 2197 of 2018 GD  
No. 390 of 2018 ED

**JPMorgan Chase Bank, National Association,  
PLAINTIFF,**

vs.

**Allen G. Patton,  
DEFENDANT.**

All those certain parcels of land situate in Wharton Township, Fayette County, Commonwealth of Pennsylvania, being known as Lot Nos. 360 and 361 in the Deer Lake Plan of Lots No. 2, as the said plan of lots is recorded in the Office of the Recorder of Deeds of Fayette County, Pennsylvania, in Plan Book Volume 9, Page 116.

COMMONLY KNOWN AS: 360 Meadow Run Road, Ohiopyle, PA 15470

TAX PARCEL NO. 42-10-0085

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No. 864 of 2018 GD  
No. 392 of 2018 ED

Phelan Hallinan Diamond & Jones, LLP

No. 241 of 2017 GD  
No. 400 of 2018 ED

**PENNSYLVANIA HOUSING FINANCE  
AGENCY,**

**PLAINTIFF  
Vs.**

**PAM PLESZ, HAROLD LARRY PRITTS,  
JR. AND MELANIE SMITH, IN THEIR  
CAPACITY AS KNOWN HEIRS OF  
HAROLD L. PRITTS, DECEASED; AND  
THE UNKNOWN HEIRS OF HAROLD L.  
PRITTS, DECEASED,  
DEFENDANTS**

**Deutsche Bank Trust Company Americas, as  
Trustee, f/k/a Bankers Trust Company, as  
Trustee of Ameresco Residential Securities  
Corporation Mortgage Loan Trust 1998-1,  
Under Pooling and Servicing Agreement  
Dated as February 1, 1998,**

**Plaintiff,**

**v.**

**Steven Sandoval  
Julie Sandoval n/k/a Julie Brown,  
Defendant(s).**

ALL that tract of land in Upper Tyrone Township, Fayette County, Pennsylvania, being approximately 69.20 x 106.46 x 133.00 x 176.81 x 49.94 x 72.11. CONTAINING 0.5182 acres, survey by Thomas W. Lyons, Jr., November 1995, and being Parcel No. 2 therein. HAVING THEREON ERECTED DWELLING KNOWN AND NUMBERED AS: 542 DRY HILL ROAD CONNELLSVILLE, PA 15425.

Tax Parcel# 39-14-007201

Fayette Deed Book 2791, page 2180

TO BE SOLD AS THE PROPERTY OF PAM PLESZ, HAROLD LARRY PRITTS, JR. AND MELANIE SMITH, IN THEIR CAPACITY AS KNOWN HEIRS OF HAROLD L. PRITTS, DECEASED; AND THE UNKNOWN HEIRS OF HAROLD L. PRITTS, DECEASED UNDER JUDGMENT NO. 2018-00864

By virtue of a Writ of Execution No. 241-0F-2017-GD

Deutsche Bank Trust Company Americas, as Trustee, f/k/a Bankers Trust Company, as Trustee of Ameresco Residential Securities Corporation Mortgage Loan Trust 1998- 1, Under Pooling and Servicing Agreement Dated as February 1, 1998 v. Steven Sandoval Julie Sandoval n/k/a Julie Brown, owner(s) of property situate in the EVERSON BOROUGH, Fayette County, Pennsylvania, being 200 Jones Street, Everson, PA 15631-1144

Parcel No.: 10-03-0211-01

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, February 4, 2019, at 9:30 A.M.**

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2617-0207	KRISTA LEE DeFRANKS also known as KRISTA L. DeFRANKS	James A. DeFranks, Administrator

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

**Tuesday, February 19, 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  
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA	:
v.	: No. 458 of 2018
ANDRE L. RANDOLPH,	: 1503 WDA 2018
Appellant.	: Honorable Joseph M. George, Jr.

Ms. Jennifer M. Casini, Esquire, Assistant District Attorney, For the Commonwealth  
Mr. Shane M. Gannon, Esquire, Assistant Public Defender, For the Appellant

### OPINION AND ORDER

George, J.

December 7, 2018

Following a trial by jury, Appellant, Andre Lamont Randolph, was convicted of five (5) counts of the Manufacture, Delivery, or Possession with Intent to Manufacture or Deliver Cocaine, Heroin, and Fentanyl {1}; four (4) counts of Possession of a Controlled Substance {2}; and one (1) count of Use/Possession of Drug Paraphernalia {3}. On October 9, 2018, Appellant was sentenced on his conviction for Manufacture, Delivery, or Possession with Intent to Manufacture or Deliver at Count 1, to a term of imprisonment of not less than twenty-four (24) months nor more than eight (8) years and no further penalty was imposed for the remaining convictions. Appellant filed a timely post-sentence motion for modification of sentence and the Court denied same. Subsequently, Appellant filed the instant appeal.

### CONCISE ISSUES

Appellant filed the following Statement of Errors Complained of on Appeal:

1. Whether the Trial Court erred in denying Appellant's Motion to Suppress all Evidence found on his person based upon the Officer's Lack of Justification to Institute a Terry Frisk of Appellant?

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{1} 35 § 780-113 §§ A30

{2} 35 § 780-113 §§ A16

{3} 35 § 780-113 §§ A32

## FACTS

Prior to trial, the Court heard testimony on the Appellant's Omnibus Pre-Trial Motion. On January 29, 2018, Detective Thomas Patton of the City of Connellsville Police Department was working on an ongoing drug trafficking investigation into 109 Gibson Terrace located in Connellsville, Fayette County, Pennsylvania. (T.T. pg. 25- 26). The Connellsville City Police in cooperation with the Fayette County Bureau of Investigation had conducted multiple controlled buys out of the residence using multiple confidential informants. During these controlled buys, crack cocaine and heroin were purchased. (T.T. pg. 26). Through the investigation, the police learned that an older black male, identified as the Appellant, was the individual selling drugs from the residence. (T.T. pg. 26). Based upon this knowledge and upon information received that the Appellant was going to be leaving from the Gibson Terrace in a white Chevy travelling to Pittsburgh on January 29, 2018, Detective Patton went to 109 Gibson Terrace on that date in an unmarked Connellsville Police unit and observed the white Chevy backed into a parking spot in front of Unit 109. (T.T. pg. 26-27). Detective Patton observed Appellant enter the front passenger side of the vehicle, followed by a driver. The vehicle then left Gibson Terrace. (T.T. pg. 27). Detective Patton followed the vehicle for some time through the City of Connellsville and observed that the vehicle had an out-of-state license plate as well as a broken tail light. (T.T. pg. 27).

Detective Patton was aware that the vehicle would take the Turnpike to travel to and from Pittsburgh. Patton and Corporal Hominsky, working with the Fayette County Bureau of Investigations, set up outside the New Stanton Interchange of the Turnpike where they were able to observe the white Chevy come through the toll booth on its return to Connellsville. (T.T. pg. 27-28). Marked vehicles were in place to effectuate the actual traffic stop. (T.T. pg. 28). Detective Patton observed the white Chevy come through the toll booth and continue towards Connellsville at approximately 11:00 p.m. The traffic stop was effectuated in Connellsville Township. Corporal Kendi was the officer who initiated the traffic stop. (T.T. pg. 29). Detective Patton as well as several other officers were also present for the stop. Detective Patton exited his police unit and approached the white Chevy. (T.T. pg. 29-30).

The driver of the vehicle was identified as James Rosenberry and the rear seat passenger, who was not present when the vehicle left for Pittsburgh, was identified as Jamal Cook. (T.T. pg. 30). The front passenger was identified as Appellant. (T.T. pg. 30). A strong odor of marijuana was detected emanating from the vehicle. The odor was especially strong on the passenger side of the vehicle where Appellant was seated. (T.T. pg. 30). Appellant was asked to exit the vehicle due to the odor of marijuana emanating from his person (T.T. pg. 30). Appellant was patted down for officer safety. Appellant was observed to have multiple layers of clothing on. During the pat down, Detective Patton felt something hanging down from Appellant's leg, which Detective Patton was unable to identify. Appellant told Detective Patton it was money. (T.T. pg. 30-31). Due to the odor of marijuana and the circumstances involving 109 Gibson Terrace, the Appellant and the other occupants of the vehicle were detained and taken to the Connells-

ville Police Station. Defendant was then searched at the Police Station as is standard protocol for someone being placed into a holding cell. (T.T. pg. 32).

During the search, Appellant informed Detective Patton that he had a small amount of marijuana on his person. (T.T. pg. 32). Thus, each layer of Appellant's clothing was searched. Appellant had on his person, a pill bottle containing marijuana, four cellular phones, six thousand four hundred and sixty-seven dollars in cash in multiple locations, including the small bag which Detective Patton felt and could not identify during the traffic stop, five dollars and sixty-four cents in coins, a flashlight, a lock, an in haler, three compact discs, an ID belonging to a Cody Nicholson, and a set of keys. (T.T. pg. 32-33).

### DISCUSSION

Defendant asserts that the facts as described cannot support a finding that the Detective Patton formed the reasonable suspicion needed to support a Terry frisk. We disagree.

It is well established that a police officer may conduct a brief investigatory stop of an individual if the officer observes unusual conduct which leads him to reasonably conclude, in light of his experience, that criminal activity may be afoot.... Such an investigatory stop is justified only if the detaining officer can point to specific and articulable facts which, in conjunction with rational inference derived from those facts, give rise to a reasonable suspicion of criminal activity and therefore warrant the intrusion.

If, during the course of a valid investigatory stop, an officer observes unusual and suspicious conduct on the part of the individual which leads him to reasonably believe that the suspect may be armed and dangerous, the officer may conduct a pat-down of the suspect's outer garments for weapons. In order to justify a frisk under Terry, the officer "must be able to point to particular facts from which he reasonably inferred that the individual was armed and dangerous."

Com. v. Ingram, 814 A.2d 264, 269 (Pa. Super. Ct. 2002) (quoting Com. u. E.M., 735 A.2d 654, 659 (Pa. 1999)). In other words, a valid Terry frisk, as opposed to a Terry stop, requires a reasonable suspicion that crime is afoot and that the suspect is armed and dangerous. See Com. v. Cooper, 994 A.2d 589, 592, 594 (Pa. Super. Ct. 2010); Com. u. Fell, 901 A.2d 542, 545 (Pa. Super. Ct. 2006).

In the instant case, Detective Patton had reasonable suspicion that criminal activity was afoot based upon the activities observed surrounding the 109 Gibson Terrace residence. Further, Detective Patton detected a strong odor of marijuana emanating from the Appellant. Detective Patton testified that he asked Appellant to step out of the vehicle and conducted a pat down of Appellant for officer safety. (TT. pg. 31). In light of the

circumstances and those surrounding the activities observed at 109 Gibson Terrace, the Court believes that this pat down search was lawful and prudent to the safety of persons at the scene. (See *Terry v. Ohio*, 392 U.S. 88 (S. Ct. at 1883), a frisk for dangerous weapons is justified if "a reasonably prudent man in the circumstances would be warranted in the belief that his safety or that of others was in danger."

Once Detective Patton concluded that all persons were safe at the scene no further search was conducted, no items were removed from the Appellant and Appellant was then transported to the Connellsville Police Department. We conclude that the patting of the Appellant's clothes at the scene of the traffic stop and the subsequent search at the police station constituted two valid searches, incident to a lawful arrest.

An arrest is "any act that indicates an intention to take the person into custody and subjects him to the actual control and will of the person making the arrest." *Commonwealth v. Lovette*, 498 Pa. 665, 671, 450 A.2d 975, 978 (1982), cert. denied, 459 U.S. 1178, 103 S.Ct. 830, 74 L.Ed.2d 1025 (1983). Similarly, under *Lovette's* broad definition of "arrest", we conclude that Detective Patton arrested Appellant by detaining and transporting Appellant to the Connellsville Police Station. Thus, both searches are valid searches incident to arrest to ensure the officer's safety. *Commonwealth v. Ventura*, 975 A.2d 1128, 1139 (Pa. Super. 2009) (citing *Commonwealth v. Trengue*, 305 Pa. Super. 386, 451 A.2d 701, 710 (1982) (Also see *Commonwealth v. Ellsworth*, 421 Pa. 169, 218 A.2d 249 (1966) (patting defendant's clothes at scene of arrest and subsequently emptying his pockets at police station constituted two valid searches without a warrant, since both searches were incident to lawful arrest)).

WHEREFORE, it is respectfully submitted that the instant appeal lacks merit and should be DENIED.

BY THE COURT:  
JOSEPH M. GEORGE, JR., JUDGE

ATTEST:  
Clerk of Courts

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