

# FAYETTE LEGAL JOURNAL

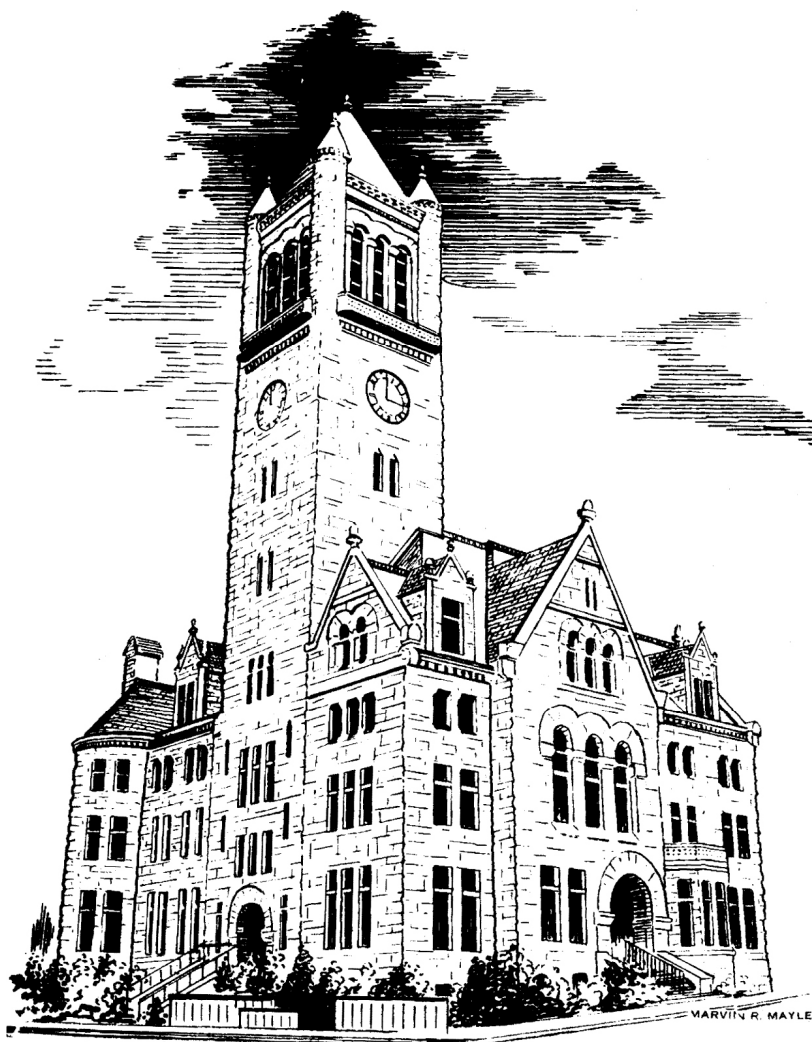
---

VOL. 88

MAY 31, 2025

NO. 22

---



## FAYETTE LEGAL JOURNAL

The FAYETTE LEGAL JOURNAL is published weekly by the Fayette County Bar Association, 45 East Main Street, Suite 100, Uniontown, Pennsylvania 15401, 724-437-7994. Legal advertisements should be submitted online at [www.fcbar.org](http://www.fcbar.org) no later than 12:00 noon on Friday for publication the following Saturday. No date of publication is promised, however. Legal notices are published exactly as submitted by the advertiser. Copyright 2001 Fayette County Bar Association. All rights reserved.

**Co-Editors:** Garnet L. Gordon and Melinda Deal Dellarose

*Cover Design by Marvin R. Mayle, 207 Lick Hollow Road, Hopwood, PA*

## FAYETTE COUNTY BAR ASSOCIATION Board of Directors

**President:** Sheryl R. Heid  
**President Elect:** Michelle L. Kelley  
**Vice-President:** Jeffrey S. Proden  
**Secretary:** Anne N. John  
**Treasurer:** Louise D. Monaghan  
**Past President:** Gretchen A. Mundorff  
**Executive Director:** Garnet L. Gordon

**Directors**  
Michael A. Aubele  
Rachel A. Clark  
Sarah E. Connelly  
James E. Higinbotham, Jr.  
Sean M. Lementowski  
Daniel D. Taylor

### ETHICS HOTLINE

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.

Call (800) 932-0311, ext. 2214.

### LAWYERS CONCERNED FOR LAWYERS

Our assistance is confidential,  
non-judgmental, safe, and effective

To talk to a lawyer today, call:  
1-888-999-1941  
717-541-4360

## 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

**ELAINE H. BECK, a/k/a ELAINE BECK,**  
late of Redstone Township, Fayette County, PA  
*Executrix:* Catherine Lynne Kitta (3)  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* James T. Davis

**LINDA L. COLLINS, a/k/a LINDA LEE COLLINS,** late of Belle Vernon Borough, Fayette County, PA (3)  
*Executor:* Mark A. Jurik  
932 Scenery Drive  
Elizabeth, PA 15037  
c/o 300 Fallowfield Avenue  
Charleroi, PA 15022  
*Attorney:* Richard C. Mudrick

**JOSEPH T. JOSEPH, a/k/a JOE T. JOSEPH,** late of South Union Township, Fayette County, PA (3)  
*Personal Representatives:* Harry V. Joseph and Rose Ann Joseph  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* Jame T. Davis

**NANCY MARTIN, a/k/a NANCY L. MARTIN, a/k/a NANCY LOU MARTIN,** late of Jefferson Township, Fayette County, PA (3)  
*Administrator:* Scott Martin  
625 Cemetery Road  
Perryopolis, PA 15473  
c/o 823 Broad Avenue  
Belle Vernon, PA 15012  
*Attorney:* Mark E. Ramsier

**ROBERT L. MILLER, a/k/a ROBERT LEE MILLER,** late of Springfield Township, Fayette County, PA (3)  
*Personal Representative:*  
Karen L. Nicholson  
c/o Watson Mundorff, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425  
*Attorney:* Timothy J. Witt

**RAYMOND MURPHY, a/k/a RAYMOND G. MURPHY, III,** late of Connellsville, Fayette County, PA (3)  
*Administrator:* Casey R. Murphy  
363 Mount Joy Road  
Mount Pleasant, PA 15666  
c/o Snyder & Snyder Attorneys at Law PLLC  
17 North Diamond Street  
Mount Pleasant, PA 15666  
*Attorney:* Marvin Snyder

**CYNTHIA LOU PRAH,** late of Uniontown, Fayette County, PA (3)  
*Administratrix:* Franchessa Prah  
47 Vernon Street  
Uniontown, PA 15401  
c/o Newcomer Law Offices  
4 North Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* Ewing D. Newcomer

**LINDA MARIE ROHLAND, a/k/a LINDA M. ROHLAND,** late of North Union Township, Fayette County, PA (3)  
*Executrix:* Sandra K. Kovacs  
c/o 51 East South Street  
Uniontown, PA 15401  
*Attorney:* Anthony S. Dedola, Jr.

**LILLIAN R. THOMAS, a/k/a LILLIAN RAE THOMAS,** late of South Union Township, Fayette County, PA (3)  
*Co-Executrix:* Cynthia Floris  
*Co-Executor:* Joseph D. Floris  
c/o 51 East South Street  
Uniontown, PA 15401  
*Attorney:* Webster & Webster

## Second Publication

**PAULINA JENIECE ADAMS**, late of Franklin Township, Fayette County, PA (2)  
*Executor:* James K. Mills  
 c/o Higinbotham Law Offices  
 68 South Beeson Boulevard  
 Uniontown, PA 15401  
*Attorney:* James E. Higinbotham, Jr.

**BETTY J. CASTERWILER, a/k/a BETTY JANE CASTERWILER**, late of North Union Township, Fayette County, PA (2)  
*Executor:* Ronald S. Harper  
 c/o Webster & Webster  
 51 East South Street  
 Uniontown, PA 15401

**CHARLES HANDLIN**, late of Springhill Township, Fayette County, PA (2)  
*Executrix:* Misty Hajek  
 3107 Glenn Lakes Lane  
 Missouri City, Texas 7749

**PAUL DAVID KOFFLER, SR, a/k/a PAUL D. KOFFLER, SR., a/k/a PAUL KOFFLER, SR.,** late of West Leisenring, Fayette County, PA (2)  
*Administrator:* Paul D. Koffler, Jr.  
 c/o Donald McCue Law Firm, P.C.  
 Colonial Law Building  
 813 Blackstone Road  
 Connellsville, PA 15425  
*Attorney:* Donald J. McCue, J.D., P.E.

**BETTY D. LINKO**, late of Connellsville, Fayette County, PA (2)  
*Administratrix:* Karen Sue Linko  
 205 Prospect Street  
 Connellsville, PA 15425  
 c/o 556 Morgantown Road  
 Uniontown, PA 15401  
*Attorney:* John A. Kopas, III

**SUSAN M. MCCRACKEN**, late of Masontown Borough, Fayette County, PA (2)  
*Personal Representative:* Lee Ann Campisi  
 c/o Watson Mundorff, LLP  
 720 Vanderbilt Road  
 Connellsville, PA 15425  
*Attorney:* Timothy J. Witt

**EVELYN SNYDER, a/k/a EVELYN J. SNYDER**, late of Springfield Township, Fayette County, PA (2)  
*Administrator:* Marvin D. Snyder  
 c/o Snyder & Snyder Attorneys at Law PLLC  
 17 North Diamond Street  
 Mount Pleasant, PA 15666  
*Attorney:* Marvin Snyder

## First Publication

**WAVERLY BAILEY, a/k/a BUBBA BAILEY**, late of Connellsville, Fayette County, PA (1)  
*Executrix:* Lou A. Stevenson  
 222 Dewitt Avenue  
 Connellsville, PA 15425  
 c/o Molinaro Law Offices  
 141 West Peach Street  
 Connellsville, PA 15425  
*Attorney:* Carmine Molinaro

**DELBERT RAY DUPONT, a/k/a DELBERT R. DUPONT**, late of North Union Township, Fayette County, PA (1)  
*Executor:* Dale Dupont  
 c/o 51 East South Street  
 Uniontown, PA 15401  
*Attorney:* Webster & Webster

**MONICA LYNN GOBLESKY, a/k/a MONICA GOBLESKY**, late of Brownsville Borough, Fayette County, PA (1)  
*Executrix:* Angela N. Goblesky  
 81 Sea Breeze Road  
 Toms River, NJ 08753

**GEORGE SEMANS, a/k/a GEORGE W. SEMANS, III**, late of North Union Township, Fayette County, PA (1)  
*Personal Representatives:*  
 Cynthia S. Smith and Joyce S. Brown  
 65 Nell Street  
 Hopwood, PA 15445  
 c/o Higinbotham Law Offices  
 68 South Beeson Boulevard  
 Uniontown, PA 15401  
*Attorney:* Christian Seseck

**ALBERTA M. SPAW, a/k/a ALBERTA SPAW**, late of Uniontown, Fayette County, PA  
*Administrator:* Jeffrey Spaw (1)  
 c/o Goodwin Como, P.C.  
 108 North Beeson Boulevard, Suite 400  
 Uniontown, PA 15401  
*Attorney:* Benjamin F. Goodwin

## LEGAL NOTICES

IN THE COURT OF COMMON PLEAS OF  
 FAYETTE COUNTY, PENNSYLVANIA  
 ORPHAN'S COURT DIVISION  
 President Judge: LESKINEN  
 No: 72 ADOPT 2024

IN RE: ADOPTION OF L.J.E.  
 D.O.B. February 21, 2024

### NOTICE

**To: AMBER ELLIFRITZ**

A petition has been filed asking the court to put an end to all rights you have to your child, L.J.E. The Court has set a hearing to consider ending your rights to your child. That hearing will be held in the Fayette County Courthouse, Courtroom No. 1, on Monday, June 16, 2025, at 1:30 p.m. You are warned that if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the court without your being present. You have a right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer, or cannot afford one, go to or telephone the office set forth below to find out here you can get legal help.

**Pennsylvania Lawyer Referral Services**  
**Pennsylvania Bar Association**  
**100 South Street, P.O. Box 186**  
**Harrisburg, Pennsylvania 17108**  
**1-800-692-7375**

LOGS LEGAL GROUP LLP  
 BY: CHRISTOPHER A. DeNARDO,  
 PA I.D. NO. 78447  
 SAMANTHA GABLE, PA I.D. NO. 320695  
 STEVEN PALMER, PA I.D. NO. 334553  
 LESLIE J. RASE, PA I.D. NO. 58365  
 HEATHER RILOFF, PA I.D. NO. 309906  
 KEVIN T. TONCZYCZYN,  
 PA I.D. NO. 332616  
 ELIZABETH L. WASSALL,  
 PA I.D. NO. 77788  
 JOSEPH L. LoCASTRO, IV,  
 PA I.D. NO. 314973  
 985 OLD EAGLE SCHOOL ROAD,  
 SUITE 514  
 WAYNE, PA 19087  
 TELEPHONE: (610) 278-6800  
 E-MAIL: PAHELP@LOGS.COM  
 LLG FILE NO. 23-068845

COURT OF COMMON PLEAS  
 CIVIL DIVISION  
 FAYETTE COUNTY  
 NO: 2023-01289

Lakeview Loan Servicing, LLC  
 PLAINTIFF  
 VS.

Unknown Heirs, Successors, Assigns and All  
 Persons, Firms or Associations Claiming Right,  
 Title or Interest from or under Charles M.  
 Livingston, deceased and Chelsea Livingston  
 Known Heir of Charles M. Livingston, deceased  
 and Cassidy Livingston, Known Heir of Charles  
 M. Livingston, deceased and Charles  
 Livingston, Jr., Known Heir of Charles M.  
 Livingston, deceased  
 DEFENDANTS

### NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

TO: Unknown Heirs, Successors, Assigns and  
 All Persons, Firms or Associations Claiming  
 Right, Title or Interest from or under Charles M.  
 Livingston, deceased  
 1330 S Pittsburgh St  
 Connellsville, PA 15425

Your house (real estate) at:  
**1330 South Pittsburgh Street,**  
**Connellsville, PA 15425**  
 05-16-0052

is scheduled to be sold at Sheriff's Sale at  
<https://fayette.pa.realforeclose.com> on July 17,  
 2025 at 2:00PM to enforce the court judgment of  
 \$129,432.97 obtained by Lakeview Loan

Servicing, LLC 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:

The sale will be cancelled if you pay back to Lakeview Loan Servicing, LLC 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.

PLEASE NOTE a Schedule of Distribution will be filed by the Sheriff on a date specified by the Sheriff not later than thirty (30) days after sale. Distribution will be made in accordance with the schedule unless exceptions are filed thereto within 20 days after the filing of the schedule.

---

**SHERIFF'S SALE**

Date of Sale: July 17, 2025

By virtue of the below stated writs out of the Court of Common Pleas of Fayette County, Pennsylvania, the following described properties will be exposed to sale by James Custer, Sheriff of Fayette County, Pennsylvania on Thursday July 17, 2025, at 2:00 pm at <https://fayette.pa.realforeclose.com>.

The Conditions of sale are as follows:

All bidders must complete the Realauction on-line registration process at <https://fayette.pa.realforeclose.com> to participate in the auction.

All bidders must place a 10% deposit equal to the successful bid for each property purchased to Realauction via wire transfer or ACH per Realauction requirements. Upon the auction's close, buyer shall have 10 business days to pay the remaining balance to the Fayette County Sheriff's Office via cashier's check. No cash will be accepted. Failure to comply with the Conditions of Sale, shall result in a default and the down payment shall be forfeited by the successful bidder and applied to the costs and judgments. The schedule of distribution will be filed no later than 30 days after the sale of real property. If no petition has been filed to set aside the sale or objections to the distribution are filed within 10 days of filing the distribution, the Sheriff will prepare and record a deed transferring the property to the successful bidder.

(3 of 3)

James Custer  
Sheriff of Fayette County

---

Brock & Scott, PLLC

No. 1733 of 2020 G.D.  
No. 82 of 2024 E.D.

**U.S. BANK NATIONAL ASSOCIATION,  
AS TRUSTEE FOR BNC MORTGAGE  
LOAN TRUST 2007-2 MORTGAGE  
PASS-THROUGH CERTIFICATES,  
SERIES 2007-2**

**v.**

**JOHN ALBERT CLAY; JILLIAN N. CLAY**

By virtue of a Writ of Execution No. 1733 of 2020 GN, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR BNC MORTGAGE LOAN TRUST 2007-2 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-2 v. JOHN ALBERT CLAY; JILLIAN N. CLAY, owner(s) of property situate in the PERRY TOWNSHIP, FAYETTE County, Pennsylvania, being 46 MEMORIAL DRIVE, PERRYOPOLIS, PA 15473

Tax ID No. 27-10-0071

Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$106,673.71

ANNE N. JOHN  
ATTORNEY AT LAW

No. 2015 of 2025 G.D.  
No. 113 of 2025 E.D.

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

**vs.**

**ESTATE OF LISA BETH LOGAN,  
Deceased; JOSHUA LOGAN, in his capacity  
as Heir of LISA BETH LOGAN, deceased;  
AND ALL KNOWN AND UNKNOWN  
HEIRS, DEVISEES, REPRESENTATIVES,  
SUCCESSORS, and ASSIGNS, and ALL  
PERSONS, FIRMS OR ASSOCIATIONS  
CLAIMING ANY RIGHT, TITLE OR  
INTEREST FROM OR UNDER LISA BETH  
LOGAN, DECEASED,**

**Defendants.**

ALL that certain piece, parcel or tract of land containing 0.8316 acres and situate in Menallen Township Fayette County, Pennsylvania.

FOR PRIOR TITLE see Record Book 3189, page 2409.

HAVING erected thereon a dwelling house known locally as 104 N. Mill Street, New Salem, PA 15468.

BEING Fayette County Tax Assessment Map No.: 22-09-0102.

ROBERTSON, ANSCHUTZ, SCHNEID,  
CRANE & PARTNERS, PLLC  
133 GAITHER DRIVE, SUITE F  
MT. LAUREL, NJ 08054  
855-255-6906

No. 949 of 2023 G.D.  
No. 100 of 2025 E.D.

**U.S. BANK TRUST NATIONAL  
ASSOCIATION, NOT IN ITS INDIVIDUAL  
CAPACITY BUT SOLELY AS OWNER  
TRUSTEE FOR RCAF ACQUISITION  
TRUST,**

**Plaintiff**

**v.**

**VICKIE FISHER A/K/A VICKIE L.  
FISHER**

**Defendant(s)**

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

BEING KNOWN AS: 748 SKYLARK DR  
CONNELLSVILLE, PA 15425

BEING PARCEL NUMBER: 09-11-0304  
IMPROVEMENTS: RESIDENTIAL  
PROPERTY

No. 1636 of 2024 G.D.  
No. 101 of 2025 E.D.

**F.N.B. PROPERTIES COMPANY, INC.,  
Plaintiff,**

**vs.**

**BRIAN L. FLETCHER AND CARA  
CARDINE-FLETCHER, A/K/A CARA RAE  
CARDINE,  
Defendants.**

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND BEING SITUATE AND LAYING IN THE TOWNSHIP OF REDSTONE, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA, AS MORE FULLY DESCRIBED IN A CERTAIN DEED DATED JANUARY 30, 2001 FROM ANTHONY CARDINE AND IDA MARIE CARDINE, HUSBAND AND WIFE, TO CARA RAE CARDINE, AND RECORDED

IN THE OFFICE OF THE RECORDER OF DEEDS OF FAYETTE COUNTY, PA ON JANUARY 31, 2001 IN DEED BOOK VOLUME 2671, PAGE 321.

IMPROVEMENT THEREON: A RESIDENTIAL DWELLING  
BEING COMMONLY KNOWN AS 2007 SECOND STREET, CARDALE, PA 15420.  
BEING KNOWN AND DESIGNATED AS TAX PARCEL NO.: 30-27-0022

No. 860 of 2024 G.D.  
No. 76 of 2025 E.D.

**Flagstar Bank, FSB**  
**Plaintiff,**  
**vs.**  
**Allison R. Gruhalla**  
**Defendants**

ALL THOSE TWO CERTAIN LOTS OF LAND SITUATE IN DUNBAR TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA, BEING LOTS NOS. 20 AND 21 IN PLAN OF LOTS LAID OUT FOR GEORGE B. SOVERNS BY THOMAS M. ZIMMERMAN AND RECORDED IN PLAN BOOK NO. 1, PAGE 2-1/2, SAID LOTS 20 AND 21 BEING BOUNDED AND DESCRIBED AS FOLLOWS:

LOT NO. 20: BEGINNING IN THE DIVISION LINE BETWEEN LOTS NOS. 19 AND 20, SOUTH OF FRONT STREET; THENCE SOUTH, 96.37 FEET, MORE OR LESS, TO CHESTNUT ALLEY; THENCE EAST ALONG CHESTNUT ALLEY, 50 FEET TO LINE OF LOT NO. 21; THENCE NORTH, 91.72 FEET, MORE OR LESS, TO A POINT NEAR FRONT STREET; THENCE WEST, 50.36 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.

LOT NO. 21: BEGINNING IN THE DIVISION LINE BETWEEN LOTS NOS. 20 AND 21, SOUTH OF FRONT STREET; THENCE SOUTH, 91.72 FEET, MORE OR LESS, TO CHESTNUT ALLEY; THENCE EAST ALONG CHESTNUT ALLEY, 50 FEET TO LINE OF LOT NO. 21; THENCE NORTH, 61.29 FEET TO LIBERTY ALLEY; THENCE NORTH 88 FEET, MORE OR LESS, TO A CORNER; THENCE WEST, 61.74 FEET, TO THE PLACE OF BEGINNING.

Title to said Premises vested in Allison R. Gruhalla, a single woman by Deed from Michael A. Sechrist, unmarried dated July 30, 2018, and recorded on August 14, 2018, in the Fayette County Recorder of Deeds in/at Book 3380 Page

1937.  
Parcel No. 09-03-0112  
BEING KNOWN AS 237 Front Street, Vanderbilt, PA 15486

ROBERTSON, ANSCHUTZ, SCHNEID, CRANE & PARTNERS, PLLC  
133 Gaither Drive, Suite F  
Mt. Laurel, NJ 08054  
(855)225-6906

No. 1877 of 2024 G.D.  
No. 104 of 2025 E.D.

**TOWD POINT MORTGAGE TRUST 2016-2, U.S. BANK NATIONAL ASSOCIATION**  
**AS INDENTURE TRUSTEE**  
**Plaintiff**  
**v.**

**DAVID HAWK, IN HIS CAPACITY AS**  
**HIER OF RUSSELL H. HAWK;**  
**UNKNOWN HEIRS, SUCCESSORS,**  
**ASSIGNS, AND ALL PERSONS, FIRMS,**  
**OR ASSOCIATIONS CLAIMING RIGHT,**  
**TITLE, OR INTEREST FROM OR UNDER**  
**RUSSELL H. HAWK**  
**Defendant(s)**

ALL THOSE CERTAIN LOTS OR PIECES OF GROUND SITUATE IN THE BOROUGH OF MASONTOWN, FAYETTE COUNTY, PENNSYLVANIA:  
BEING KNOWN AS: 205 NORTH WATER STREET MASONTOWN, PA 15461  
BEING PARCEL NUMBER: 21-07-0343  
IMPROVEMENTS: RESIDENTIAL PROPERTY

No. 1611 of 2024 G.D.  
No. 19 of 2025 E.D.

**Mortgage Solutions Of Colorado, LLC, D.B.A**  
**Mortgage Solutions Financial**  
**Plaintiff,**  
**vs.**  
**Jon R. Hixenbaugh, AKA John R.**  
**Hixenbaugh; Laura L. Hixenbaugh**  
**Defendants.**

ALL that certain parcel of land lying and being situate in the Borough of Smithfield, County of Fayette, and Commonwealth of Pennsylvania, known as 2 Dils Street (off Water Street), Smithfield, PA 15478 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 32-06-0188

BEING the same premises which Garett D. Zorosky, unmarried, by his attorney in fact, Joe Zorosky, by Deed dated July 31, 2015 and recorded in and for Fayette County, Pennsylvania in Deed Book 3284, Page 2334, granted and conveyed unto John R. Hixenbaugh and Laura L. Hixenbaugh, husband and wife.

---

STERN & EISENBERG, PC  
KENYA BATES, ESQ.

No. 1101 of 2021 G.D.  
No. 69 of 2025 E.D.

**Interstate Intrinsic Value Fund A LLC**  
**Plaintiff**  
**v.**

**Marjorie V. Holup**  
**Defendant(s)**

SITUATE IN THE TOWNSHIP OF  
NORTH UNION, FAYETTE COUNTY,  
PENNSYLVANIA BEING KNOWN AS 137  
BERNARD STREET, UNIONTOWN, PA  
15401

PARCEL NO. 25-31-0043  
IMPROVEMENTS- RESIDENTIAL  
REAL ESTATE

SOLD AS THE PROPERTY OF- Marjorie  
V. Holup

---

Brock & Scott, PLLC

No. 1970 of 2024 G.D.  
No. 90 of 2025 E.D.

**DEUTSCHE BANK NATIONAL TRUST**  
**COMPANY, AS TRUSTEE FOR POPULAR**  
**ABS, INC., SERIES 2007-A**

**v.**  
**RICKY E. KERNS**

By virtue of a Writ of Execution No. 1970  
of 2024, DEUTSCHE BANK NATIONAL  
TRUST COMPANY, AS TRUSTEE FOR  
POPULAR ABS, INC., SERIES 2007-A v.  
RICKY E. KERNS, owner(s) of property situate  
in the BULLSKIN TOWNSHIP, FAYETTE  
County, Pennsylvania, being 237 EVERSON  
VALLEY RD, CONNELLSVILLE, PA 15425

Tax ID No. 04240001 a/k/a 04-24-0001  
Improvements thereon: RESIDENTIAL  
DWELLING

Judgment Amount: \$243,307.53

Michelle L. Pierro, Esquire  
mpierro@tuckerlaw.com  
Tucker Arensberg, P.C.  
1500 One PPG Place  
Pittsburgh, PA 15222  
(412) 566-1212

No. 2301 of 2024 G.D.  
No. 96 of 2025 E.D.

**PNC BANK, NATIONAL ASSOCIATION,**  
**Plaintiff,**

**vs.**

**DEANNA KHAN, SOLELY IN HER**  
**CAPACITY AS ADMINISTRATOR OF THE**  
**ESTATE OF JACQUELINE J. SAGE,**  
**Defendant.**

ALL THE RIGHT, TITLE, INTEREST  
AND CLAIM OF DEANNA KHAN, SOLELY  
IN HER CAPACITY AS ADMINISTRATOR  
OF THE ESTATE OF JACQUELINE J. SAGE  
OF, IN AND TO:

ALL THE FOLLOWING DESCRIBED  
REAL ESTATE SITUATED IN THE CITY OF  
CONNELLSVILLE, COUNTY OF FAYETTE,  
COMMONWEALTH OF PENNSYLVANIA.  
HAVING ERECTED THEREON A  
DWELLING KNOWN AND NUMBERED AS  
104 W. PATTERSON AVE.,  
CONNELLSVILLE, PA 15425. DEED BOOK  
VOLUME 1129, PAGE 250, PARCEL  
NUMBER 05-15-0184.

Property Address: 104 W. Patterson Ave,  
Connellsville, PA 15425

Assessment Number: 05-15-0184  
Judgment Amount:\$31,614.62

---

No. 2357 of 2024 G.D.  
No. 88 of 2025 E.D.

**UMB Bank, National Association, not in its**  
**individual capacity, but solely as Legal Title**  
**Trustee of PRI Title Trust II**

**vs.**

**Kathryn Kostelnik Andolino and**  
**Joseph Andolino, Jr.**

BEGINNING at an iron pin at the corner of  
an unopened 20 Foot street at a line of land now  
or formerly of Petain Johns Agbay, et al., which  
post is South 15° 02'30" East a distance of 20.55  
feet from a stone, corner of land now or  
formerly of H. C. Frick Coke Company; thence  
along said Petain Johns Agbay land South 15°  
02' 30: East a distance of 439.90 feet to an iron  
pin at line of land now or formerly of Frank and

Sophie Masterbray;

THENCE ALONE said Masterbray land South 88° 50' West a distance of 317.28 feet to an iron pin by a fence post at a line of land now or formerly of Pittsburgh Coal and Coke Co., Inc.; Thence along said Pittsburgh Coal and Coke Co., Inc. land North 9°29' West a distance of 279.00 feet to corner of land described as item second herein; thence along said item second North 88° 17' 40" East a distance of 40.00 feet and North 9° 29'; West a distance of 150.00 feet to the southern line of said 20 foot unopened street; thence along said 20 foot unopened street North 88° 17' 40" East a distance of 233.85 feet to an iron pin, the place of beginning.

CONTAINING an area of 2.75 acres as shown on a survey of Robert Allen Lohr dated March 23, 1988, a copy of which is attached hereto, incorporated by Reference Herein, and intended to be a part hereof.

SECOND: A piece of land adjoining the above-described premises on the northwest corner described as follows:

BEGINNING at an iron pin at the intersection of the southern line of the 20 foot unopened street and line of land now or formerly of Pittsburgh Coal and Coke Co., Inc.; thence along southern line of said 20 foot unopened street North 88° 17; 40: East a distance of 40 feet; thence along line of land described as item first herein South 9° 29' East a distance of 150.00 feet and South 88° 17' 40" West a distance of 40.00 feet to line of LAND now or formerly of Pittsburgh Coal and Coke Co., Inc., thence along said Pittsburgh Coal and Coke Co., Inc. land North 9° 29' West a distance of 150.00 feet to an iron pin, the place of beginning.

CONTAINING an area of 0.14 acres as shown on the survey of Robert Allen Lohr dated March 23, 1988.

TOGETHER with the same rights which have been exercised by the grantors herein for the use of a 10 foot driveway which extends from the northeast corner of the property herein conveyed to a 50 foot street along the courses and distances shown on the attached survey of Robert Allen Lohr dated March 23, 1988, a copy of which is attached hereto, incorporated by reference herein and intended to be a part hereof, grantors and predecessors in title have used said driveway for a period in excess of Twenty One (21) Years as the sole means of access to the property herein conveyed.

Property commonly known as 1047 Cinder Rd., Dunbar, PA 15431

Tax Parcel No. 09-24-0294

TITLE TO SAID PREMISES IS VESTED

in Joseph V. Andolino, Jr., a single man, and Kathryn A. Kostelnik, a single woman, a single woman, by deed from Robert E. Decara and Audrey J. Decara, husband and wife, dated March 30, 1988, recorded March 31, 1988 in the Fayette County Clerk's/Register's Office in Deed Book 403, Page 260.

Sold as the Property of Joseph V. Andolino, Jr. and Kathryn A. Kostelnik

1325 Franklin Avenue, Suite 160  
Garden City, NY 11530

1628 John F. Kennedy Boulevard, Suite 1810  
Philadelphia, PA 19103  
(212) 471-5100

No. 135 of 2024 G.D.  
No. 105 of 2025 E.D.

**U.S. Bank Trust Company, National Association, as Trustee, as successor-in-interest to U.S. Bank National Association, not in its individual capacity but solely as indenture trustee, for the holders of the CIM Trust 2021-R2, Mortgage-Backed-Notes, Series 2021-R2**

v.

**Cecil W. Lee as Administrator of the Estate of Robert Edward Lee Sr. A/K/A Robert Edward Lee**

By virtue of Writ of Execution No. 105 of 2025 E.D., U.S. Bank Trust Company, National Association, as Trustee, as successor-in-interest to U.S. Bank National Association, not in its individual capacity but solely as indenture trustee, for the holders of the CIM Trust 2021-R2, Mortgage-Backed-Notes, Series 2021-R2 v Cecil W. Lee as Administrator of the Estate of Robert Edward Lee Sr. A/K/A Robert Edward Lee

Docket Number: 135 2024 GD

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

Commonly known as: 125 Hurst Road, Smock, PA 15480

Parcel Number: 13-08-0088

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

Judgment Amount: \$70,037.32

No. 1544 of 2024 G.D.  
No. 368 of 2024 E.D.

**KeyBank, NA**  
**Plaintiff,**  
**vs.**

**Sharon D. Mehalik, AKA Sharon Mehalik;**  
**Derrick E. Miller**  
**Defendants.**

ALL that certain parcel of land lying and being situate in the Township of Menallen, County of Fayette, and Commonwealth of Pennsylvania, known as 12 South Mill Street, New Salem, PA 15468 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 22-15-0047

BEING the same premises which Secretary of Housing and Urban Development, by Deed dated July 2, 2018 and recorded in and for Fayette County, Pennsylvania in Deed Book 3377, Page 930, granted and conveyed unto Derrick E. Miller and Sharon D. Mehalik.

No. 2733 of 2024 G.D.  
No. 102 of 2025 E.D.

**FIRST NATIONAL BANK OF**  
**PENNSYLVANIA,**  
**Plaintiff,**  
**vs.**

**WARREN OSBORNE,**  
**Defendant.**

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND BEING SITUATE AND LAYING IN THE TOWNSHIP OF MENALLEN, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA, AS MORE FULLY DESCRIBED IN A CERTAIN DEED DATED APRIL 22, 2005 FROM DOLORES A. OSBORNE, UNMARRIED, TO WARREN OSBORNE, UNMARRIED, AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF FAYETTE COUNTY, PA ON APRIL 28, 2005, IN DEED BOOK VOLUME 2943, PAGE 1005. IMPROVEMENT THEREON: A residential dwelling being known and numbered 1078 New Salem Road, New Salem, PA 15468.

TAX PARCEL NUMBER: 22-13-0055.

Property seized and taken in Execution as the property of WARREN OSBORNE.

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

No. 571 of 2024 G.D.  
No. 86 of 2025 E.D.

**Bank of America, N.A.**  
**Plaintiff**  
**v.**

**Margaret A. Parrill**  
**Defendant**

FIRST:

ALL that certain piece or parcel of land, situate in the Borough of South Connellsville (formerly Township of Connellsville), County of Fayette and State of Pennsylvania, known and designated as Lot No. 35, in plan of lots as laid out by Mark Gemas March 1, 1889, and revised by F.E. Markell, November 12, 1897, and recorded in the recorder's office for Fayette County, Pennsylvania, in plan book no. 1, page 123, described as follows:

COMMENCING at a comer of Lot 34 and Vine Street, in said plan, and extending along said Vine Street a distance of 40 feet to Lot No. 36, thence back and parallel with line of Lot No. 36 a distance of 120 feet to a 20 foot alley, thence along the alley, a distance of 40 feet to Lot No. 34, thence along line of Lot No. 34 and parallel with the same, a distance of 120 feet to Vine Street, the place of beginning.

SECOND:

ALL those two (2) certain lots of land situate in the Borough of South Connellsville (formerly township of Connellsville), County of Fayette and State of Pennsylvania, described as follows, to wit: being lots numbered 36 and 37 in plan of lots laid out by Mark Gemas and revised by Frank E. Markell, in the Township, County and State aforesaid, said plan being recorded in the recorder's office for the County and State aforesaid, in Plan Book Volume 1, Page 123, bounded as follows:

LOT NO. 36 beginning at comer of Vine Street and Lot No. 35 and extending along Vine Street a distance of 40 feet to Lot No. 37, in said Plan, thence back along line of Lot No. 37 a distance of 111.4 feet to a point on line of Lot No. 37, thence along lot no. 37 a distance of 10.3 feet to an alley, thence along said alley a distance of 34 feet to Lot No. 36 aforesaid thence along Lot No. 35 a distance of 120 feet to Vine Street, the place of beginning.

LOT NO. 37, beginning at a comer of Lot

No. 36 in said Plan and Vine Street and extending along said Vine Street a distance of 74.9 feet to an alley, thence along said alley a distance of 134.27 feet to line of Lot No. 36, thence back along Lot No. 36, 11 4.4 feet to Vine Street, the place of beginning.

All that certain piece or parcel or Tract of land situate in the Borough of South Connellsville, Fayette County, Pennsylvania, and being known as 224 Vine Street, South Connellsville, Pennsylvania 15425.

Tax Parcel Number: 33-04-003 I

Title vesting in in Margaret A. Parrill by deed from Jeni M. Trevitt, Administratrix et al of the Estate of Marie Trevitt, Deceased, late of South Connellsville, Fayette County, Pennsylvania and Jeni Trevitt, Executrix of the Estate of Ann Trevitt, a/k/a Anne Trevitt, Deceased, late of South Connellsville, Fayette County, Pennsylvania, dated August 14, 2006 and recorded August 23, 2006 in Instrument Number 200600012539.

No. 125 of 2025 G.D.  
No. 111 of 2025 E.D.

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

**Rob J. Powell and Mallary E. Powell  
DEFENDANTS**

ALL THAT CERTAIN PARCEL OF LAND SITUATED IN THE BOROUGH OF MASONTOWN, COUNTY OF FAYETTE, COMMONWEALTH OF PENNSYLVANIA, BEING KNOWN AND DESIGNATED AS FOLLOWS:

COMMONLY KNOWN AS: 119 Cumberland Avenue, Masontown, PA 15461  
TAX PARCEL NO. 21030133

STERN & EISENBERG, PC  
MATTHEW C. FALLINGS, ESQ.

No. 2566 of 2023 G.D.  
No. 68 of 2025 E.D.

**U.S. Bank N.A., in its capacity as Trustee for  
CSFB Home Equity Pass-Through  
Certificates, Series 2005-FIX1 Trust, CSFB  
Home Equity Pass- Through Certificates,  
Series 2005-FIX1  
Plaintiff**

**v.  
The Unknown Heirs of Dorothy Lee Turosik,  
deceased  
Defendant(s)**

SITUATE IN BROWNSVILLE,  
FAYETTE COUNTY, PENNSYLVANIA,  
BOROUGH OF BROWNSVILLE BEING  
KNOWN AS 1250 SECOND STREET,  
BROWNSVILLE, PA 15417-1553  
PARCEL NO. 02070094  
IMPROVEMENTS- RESIDENTIAL  
REAL ESTATE  
SOLD AS THE PROPERTY OF-The  
Unknown Heirs of Dorothy Lee Turosik,  
deceased

No. 1289 of 2023 G.D.  
No. 91 of 2025 E.D.

**Lakeview Loan Servicing, LLC  
PLAINTIFF  
VS.**

**Unknown Heirs, Successors, Assigns and All  
Persons, Firms or Associations Claiming  
Right, Title or Interest from or under Charles  
M. Livingston, deceased and Chelsea  
Livingston Known Heir of Charles M.  
Livingston, deceased and Cassidy Livingston,  
Known Heir of Charles M. Livingston,  
deceased and Charles Livingston, Jr., Known  
Heir of Charles M. Livingston, deceased  
DEFENDANTS**

ALL the following described real estate lying and being in the City of Connellsville, County of Fayette and Commonwealth of Pennsylvania, being known as Lot No. 15 in Block 3 in the Davidson and Newmyer Addition to the Borough of Connellsville, and being more particularly bounded and described as follows:

BEING known as Tax Map No. 05-16-0052  
Property Address: 1330 South Pittsburgh Street, Connellsville, PA 15425  
COMMONLY KNOWN AS: 1330 South Pittsburgh Street, Connellsville, PA 15425  
TAX PARCEL NO. 05-16-0052

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

No. 2627 of 2024 G.D.  
No. 106 of 2025 E.D.

**DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE, IN TRUST FOR  
THE REGISTERED HOLDERS OF  
MORGAN STANLEY ABS CAPITAL I INC.  
TRUST 2005-HE2, MORTGAGE PASS-  
THROUGH CERTIFICATES, SERIES 2005-  
HE2,**

**Plaintiff**

**v.**

**ROBIN G. VILLI, IN HER CAPACITY AS  
ADMINISTRATRIX OF THE ESTATE OF  
KATHLEEN G. SHROPSHIRE**

**Defendant(s)**

ALL THOSE CERTAIN LOTS OR  
PIECES OF GROUND SITUATE TN  
TOWNSHIP OF BULLSKIN, FAYETTE  
COUNTY, COMMONWEALTH OF  
PENNSYLVANIA:

BEING KNOWN AS: 238 HORSE SHOE  
BEND ROAD ACME, PA 15610

BEING PARCEL NUMBER: 04-14-0177  
IMPROVEMENTS: RESIDENTIAL  
PROPERTY

No. 1271 of 2023 G.D.  
No. 107 of 2025 E.D.

**Mortgage Research Center, LLC d/b/a  
Veterans United Home Loans, a Missouri  
Limited Liability Corporation**

**PLAINTIFF**

**VS.**

**Terrance Zachary Wilson and Alexis Danielle  
Englehardt**

**DEFENDANTS**

PARCEL ONE (Tax Parcel Number: 25-30  
-0020):

ALL THAT CERTAIN lot of land situated  
in the Township of North Union, County of  
Fayette and Commonwealth of Pennsylvania,  
being the Southerly comer of Lot No. 30 in the  
Evans Manor Plan of Lots, Section "F" as  
recorded September 4, 1923, in the Recorder of  
Deeds-Office of Fayette County, Pennsylvania,  
in Plan Book Volume 4, Page 186.

SAID lot fronting on the Northeastern side  
of Edison Street, and being Ninety (90) feet in  
width thereof and preserving the same width,  
running back between parallel straight lines for a  
distance of Two Hundred Fifty (250) feet to the  
remaining part of Lot No. 30.

It is distinctly understood that the part of  
Lot No. 30 which is conveyed is the front part of  
the Southeastern One-half of Lot No. 30 lying  
next to Lot No. 31 in said plan, and is bordered  
on the Northwest by One-half of said Lot No.  
30, which was conveyed to James Alfred Byers  
by deed dated July 12, 1954, bounded on the  
Northeast by the remaining part of Lot No. 30,  
on the Southeast by Lot No. 31, and on the  
Southwest by Edison Street, Upon which is  
erected a dwelling house.

EXCEPTING AND RESERVING,  
however, a right of way Fifteen (15) feet wide,  
along the entire Southeast line of said lot, as set  
forth in deed of T. Benjamin Byers and MaDora  
Byers, his wife, to David Jay Byers, on record in  
Deed Book Volume 813, page 217.

PARCEL TWO (Tax Parcel Number: 25-  
30-0020-01):

ALL THAT CERTAIN piece or parcel of  
ground situated in the Township of North Union,  
County of Fayette and Commonwealth of  
Pennsylvania, being the combined Three (3)  
parcels of found as contained in those deeds  
recorded in the Recorder of Deeds Office of  
Fayette County, Pennsylvania, in Deed Book  
Volume 950, page 500, Deed Book Volume 813,  
page 214, and Deed Book Volume 906, page  
724.

BEGINNING at a point being corner  
common to property now or formerly of Eugene  
H. Byers and Pamela T. Byers, said point being  
located on the Northeasterly side of Edison  
Street and being a comer of part of the  
Northwestern half of Lot No. 30 in the Evans  
Manor Plan of Lots, Section "F", as recorded  
September 4, 1923 in the Recorder of Deeds  
Office of Fayette County, Pennsylvania, in Plan  
Book Volume 4, Page 160;

THENCE from said place of beginning  
along said Edison Street, a distance of 90 feet to  
a point; thence along Lot No. 29 in the above  
referenced plan, a distance of 562.50 feet to a  
point; thence along the rear of the above  
described Lot No. 30 a distance of 180 feet to a  
point being comer common to Lot No. 31 in the  
above referenced Evans Manor Plan; thence  
along the dividing line between Lot Nos. 30 and  
31, a distance of 312.50 feet to a point, being  
comer common to the property now or formerly  
owned by Eugene H. Byers and Pamela T.  
Byers; thence a distance of 90 feet, to a point;

thence by a line parallel to the boundaries of the within described Lot No. 30 Two-hundred Fifty (250) feet to the place of beginning.

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

Parcel ID: 25-30-0020 and 25-30-002001

Property Address: 246 Edison Street & Edison Street, Uniontown, PA 15401

BEING the same premises which John E. Rose, Sr., Administrator of the Estate of Donna Elaine Rose, a/k/a Donna E. Rose, by deed dated May 18, 2020 and recorded June 16, 2020 at Book 3438, Page 10 in the Office of the Recorder of Deeds of Fayette County, PA, granted and conveyed unto Terrance Zachary Wilson and Alexis Danielle Engelhardt, husband and wife, in fee.

ALSO BEING the same premises which Terrance Zachary Wilson and Alexis Danielle Engelhardt by deed dated February 2, 2022 and recorded February 17, 2022 at Book 3503, Page 1254 in the Office of the Recorder of Deeds of Fayette County, PA, granted and conveyed unto Terrance Zachary Wilson, in fee.

COMMONLY KNOWN AS: 246 Edison Street, Uniontown, PA 15401

TAX PARCEL NO. 25-30-0020, 25-30-002001

---

\*\*\* END SHERIFF'S SALE \*\*\*

---



## WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

518 Madison Drive

Smithfield, PA 15478

724-322-6529

[johnfranciswarman@gmail.com](mailto:johnfranciswarman@gmail.com)

COMMERCIAL/RESIDENTIAL/CURRENT OWNER/MINERAL TITLE

A DECADE OF EXPERIENCE

E&O INSURED

WILL TRAVEL

ACCEPTING NEW CLIENTS

  
**DiBella Weinheimer**  
**Geer McAllister Best Coco Lloyd Whalen**



Holly Whalen ♦ Amy Coco ♦ Bethann Lloyd

INSIST UPON OUR EXPERIENCED TEAM

### LAWYERS DEFENDING LAWYERS

- Disciplinary Board
- Legal Malpractice
- Security Fund / IOLTA
- Ethics & Conflict Analysis
- Subpoena Assistance
- Licensure
- Conflict Resolution

[WWW.DIBELLA-WEINHEIMER.COM](http://WWW.DIBELLA-WEINHEIMER.COM) 412 261-2900

# JUDICIAL OPINION

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

SHEREE THOMAS,	:
Plaintiff,	:
v.	:
BRIAN K. CLEAVER, MEGAN CLEAVER,	:
and PROPERTIES BY ZEN,	: No. 1196 of 2021
Defendants.	: President Judge Steve P. Leskinen

### OPINION AND ORDER

LESKINEN, P.J. March 19, 2025

Before the Court is the Motion for Summary Judgment filed by Defendant, Properties by Zen ("PBZ"). This matter concerns a dog bite sustained by Plaintiff, Sheree Thomas, on September 23rd, 2020, after she knocked on the door of the property at 375 Pearl Street, in Brownsville, Fayette County, Pennsylvania, ("Pearl Street") believing her daughter was present there. The Defendants, Brian and Megan Cleaver, were residing at Pearl Street without a valid lease. Defendant PBZ was the record owner of Pearl Street at the time, having purchased it at a judicial tax sale in August, 2019. At the time the dog bite occurred, the United States was under an eviction moratorium due to the COVID-19 crisis. {1}

Summary judgment is governed by Rule 1035.2 of the Pennsylvania Rules of Civil Procedure. A record that supports summary judgment will either show the material facts are undisputed or contain insufficient evidence of facts to make out a prima facie cause of action or defense, leaving no issue to be submitted to the fact finder. *DeArmitt v. New York Life Ins. Co.*, 73 A.3d 578, 586 (Pa. Super. 2013). Summary judgment may only be granted in cases that are clear and free from doubt. *Weiss v. Keystone Mack Sales, Inc.*, 456 A.2d 1009, 1011 (Pa. Super. 1983). PBZ contends that Thomas has failed to produce sufficient evidence to establish that PBZ owed her a duty of care.

In general, an out-of-possession landlord is not liable for attacks by animals kept by a tenant. However, a landlord has a duty to use reasonable care to prevent injuries if the landlord has knowledge of a dangerous animal on the premises and the landlord has the right to control or remove the animal by retaking the premises. *Rosenberry v. Evans*, 48 A.3d 1255, 1258 (Pa. Super. 2012). The landlord must have actual knowledge of the dangerous tendencies of the dog, it is insufficient to establish that the landlord should have known of the dangerous condition. *Id.*, at 1259, 1263.

---

{1} The Court takes judicial notice of a series of moratoria on eviction actions that were in effect during some of the time the Cleavers resided at Pearl Street; by Order of the Pa. Supreme Court from 3/18/2020 through 5/11/2020; by Executive Order of the Governor from 5/11/2020 through 8/31/2020; and by Order of the Centers for Disease Control from 9/4/2020 through 8/26/2021. As this Court's decision to grant the Motion for Summary Judgment is based on the failure to establish actual knowledge of a dangerous animal on the rented premises, the Court need not determine whether PBZ would have been permitted to proceed with an eviction under these various Orders.

Thomas contends that granting PBZ's motion would violate *Borough of Nanty-Glo v. American Surety Co. of New York*, 309 Pa. 236 (1932), as the credibility of the Nelsons' denial that they had any knowledge of a dangerous dog is a question for a jury. Determining whether Nanty-Glo precludes a grant of summary judgment requires a three-part analysis. *Dudley v. USX Corp.*, 606 A.2d 916, 920 (Pa. Super. 1992). The first consideration is whether the plaintiff has produced evidence of facts sufficient to establish a prima facie case; second, whether there are discrepancies in any material facts in the case; and third, whether the court is improperly usurping the role of the jury in resolving any material issues of fact. Nanty-Glo only comes into play when the third stage is reached. *Id.* When the non-moving party has failed to produce evidence of sufficient facts to make out a prima facie case, summary judgment is proper even if the moving party offers only depositions in support of its motion. *Id.*

We assume, for the purposes of summary judgment, that the dog would bark when anyone approached the door; that Daniel Nelson knocked on the door of Pearl Street at least three times after acquiring the property but before the dog bite occurred; that Brian Cleaver had previously been cited for possession of a dangerous dog (a matter of public record); and that PBZ typically conducted background checks on potential tenants as part of the application process. Even when viewed in the light most favorable to her, Thomas can only establish, at best, that PBZ should have known that the Cleavers had a dog with dangerous tendencies on the property, which is insufficient under *Rosenberry* to establish a duty of care for an out-of-possession landlord.

Though Plaintiff Thomas is correct that facts and circumstances may be used to infer knowledge on the part of a defendant, citing *Palermo by Palermo v. Nails*, 483 A.2d 871, *Palermo* is clearly distinguishable. In *Palermo*, circumstantial evidence that the landlord knew about the dog's dangerous tendencies was buttressed by testimony from a police officer that he had specifically warned the landlord that the dog had bitten a child and should be kept tied up. There is no such direct evidence of knowledge here. Thomas has failed to produce sufficient evidence to establish a duty of reasonable care on the part of PBZ and therefore failed to establish a prima facie case for negligence.

WHEREFORE, the Court issues the following Order:

## ORDER

AND NOW, this 19th day of March, 2025, upon consideration of the Motion for Summary Judgment filed by Defendant, Properties by Zen, the Motion is hereby GRANTED, and the case is DISMISSED with respect to Properties by Zen ONLY, for the reasons set forth in the Opinion filed with this Order.

As this Order resolves all pending dispositive motions in the above-captioned matter, pursuant to this Court's prior case management Order dated May 29th, 2024, Plaintiffs shall comply with the local rules at F.C.R. 212.1, 212.2, and 212.3 and within thirty (30) days of the date of this Order shall either file a Pre-Trial Statement and Certificate of Readiness with the Prothonotary (at which time the Court shall schedule a Pre-Trial Conference) or shall file such other appropriate motion, praecipe, or other filing to move the case towards a final resolution as to the remaining defendants. If Plaintiff fails to comply with this provision within the time specified, this Court may dismiss the action for failure to prosecute, without further notice to the Plaintiff or further proceedings, at any time after sixty (60) days have passed from the date of this Order.

BY THE COURT:  
STEVE P. LESKINEN,  
PRESIDENT JUDGE

ATTEST:  
PROTHONOTARY

