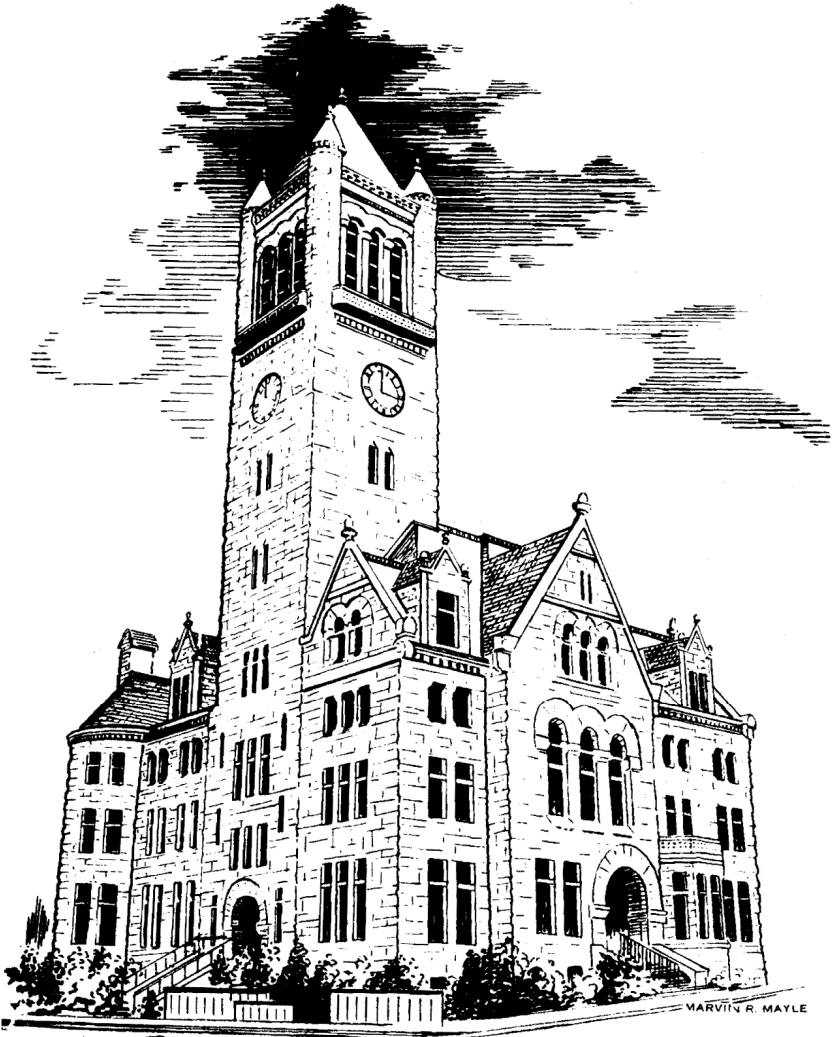


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ESTATE NOTICES

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

JAMES ELLIS, a/k/a JAMES EDWARD ELLIS, late of McClellandtown, Fayette County, PA (3)

Administratrix: Laura Ellis
c/o Entrusted Legacy Law
P.O. Box 130
Bradford Woods, PA 15015
Attorney: Ashley Sharek

DAVID E. GADD, late of Uniontown, Fayette County, PA (3)

Personal Representative: Pamela Gadd
c/o Dellarose Law Office, PLLC
111 East Main Street, Second Floor
Uniontown, PA 15401
Attorney: Melinda Deal Dellarose

DONALD J. HALL, a/k/a DONALD JAMES HALL, late of Luzerne Township, Fayette County, PA (3)

Executrix: Joyce L. Hall
c/o Webster & Webster
51 East South Street
Uniontown, PA 15401

SHELDA KOZARES, a/k/a SHELDA JEAN KOZARES, late of Uniontown, Fayette County, PA (3)

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

TERRY L. WILLIAMS SR., late of Menallen Township, Fayette County, PA (3)

Administrator: Terry L. Williams, Jr.
c/o Davis & Davis Attorneys at Law
107 East Main Street
Uniontown, PA 15401
Attorney: Jeremy J. Davis

Second Publication

CARL GEYER, late of Fayette County, PA (2)

Administrator: Christopher Geyer
553 Hickory Square Road
Connellsville, PA 15425

LEDA GISMONDI, a/k/a LEDA FLORENCE GISMONDI, late of Uniontown, Fayette County, PA (2)

Executrix: Julie A. Gismondi
c/o Law Offices of George B. Handelsman
2143 Ardmore Boulevard
Pittsburgh, PA 15221
Attorney: George B. Handelsman

ROSALIE MARRA, late of North Union Township, Uniontown, Fayette County, PA (2)

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

STANLEY P. MILLER, late of South Union Township, Fayette County, PA (2)

Personal Representatives: Cyndi L. Pryce and Douglas S. Miller
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

GRAYLING SANDERS, late of Uniontown, Fayette County, PA (2)

Administratrix: Carol Louise Calloway Sanders
c/o Willman & Silvaggio LLP
5500 Corporate Drive, Suite 150
Pittsburgh, PA 15237
Attorney: Joseph Silvaggio

CHRISTINA SANNER, a/k/a CHRISTINA LYNN SANNER, late of Connellsville, Fayette County, PA (2)

Executor: Eugene David Sanner
Radcliffe Martin Law, LLC
648 Morgantown Road, Suite B
Uniontown, PA 15401
Attorney: William Radcliffe

JAMES SKRABSKI, late of Bullskin Township, Fayette County, PA (2)

Executrix: Kimberly J. Skrabski
c/o 4535 Lincoln Avenue
Jeannette, PA 15644
Attorney: Robert Domenick

First Publication

JOSEPH HERBERT MEREDITH, a/k/a JOSEPH H. MEREDITH, late of Georges Township, Fayette County, PA (1)

Executor: Harry Jefferson Strauser, III
c/o Webster & Webster
51 East South Street
Uniontown, PA 15401

CHARLOTTE ANNE MILLER, late of Dunbar Township, Fayette County, PA (1)

Executor: Lawrence L. Miller
c/o PO Box 463
1600 Morrell Avenue
Connellsville, PA 15425
Attorney: Richard E. Bower

DENNIS ORDWAY, late of South Union Township, Fayette County, PA (1)

Executrix: Janice Rocks
73 Connor Street
Uniontown, PA 15401

ADA M. ROCKWELL, late of North Union Township, Fayette County, PA (1)

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

NIKKI JO RUGG, late of Henry Clay Township, Fayette County, PA (1)

Administratrix: Joy Rugg
c/o Law Offices of Philip H. Rubenstein
312 2nd Avenue
Carnegie, PA 15106
Attorney: Philip H. Rubenstein

THOMAS E. SANKOVICH, late of Vanderbilt, Fayette County, PA (1)

Co-Executors: Thomas A. Sankovich and Brian E. Sankovich
c/o Loftis Law Firm
1650 Broadway Avenue
Pittsburgh, PA 15216
Attorney: Megan Loftis

MARK SUTTON, a/k/a MARK A. SUTTON, North Union Township, Fayette County, PA (1)

Administrator: Richard A. Grimm
c/o DeHaas Law, LLC
51 East South Street
Uniontown, PA 15401
Attorney: Ernest P. DeHaas, III

WAYNE H. SWARTZ, late of Menallen Township, Fayette County, PA (1)

Executrix: Martha O. Swartz
c/o Goodwin Como, P.C.
92 East Main Street, Suite 1
Uniontown, PA 15401
Attorney: Benjamin F. Goodwin

BARBARA A. ZAYAK, late of Labelle, Fayette County, PA (1)

Personal Representative: Nicholas Zayak
c/o Dellarose Law Office PLLC
111 East Main Street, Second Floor
Uniontown, PA
Attorney: Melinda Deal Dellarose, Esquire

JOAN A. ZEPPPO, late of South Union Township, Fayette County, PA (1)

Executrix & Successor of Trustee:
Sandra Yezbak
c/o Webster & Webster
51 East South Street
Uniontown, PA 15401

LEGAL NOTICES

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

NOTICE is hereby given of the administration of the Larry L. Fosbrink and Sally R. Fosbrink Revocable Living Trust dated November 27, 1995, as amended and restated June 1997 and by First Amendment dated February 8, 2022. Sally R. Fosbrink, surviving settlor of the Trust of the City of Uniontown, , Fayette County, Pennsylvania, died on March 27, 2026. All persons having claims against Sally R. Fosbrink or the Trust are requested to make known the same to the Successor Trustees or Attorney named below. All persons indebted to Sally R. Fosbrink or the Trust are requested to make payment without delay to the Successor Trustees or Attorney named herein: Richard L. Fosbrink, 338 Woodside Road, Pittsburgh, PA 15221 and Donna J. Fosbrink, 1924 Baldrige Avenue, South Connellsville, PA 15425, or to Richard A. Husband, Esquire, 208 South Arch Street, Suite 2, Connellsville, PA 15425. (2 of 3)

IN THE COURT OF COMMON PLEAS
Fayette COUNTY
CIVIL ACTION - LAW
ACTION OF MORTGAGE FORECLOSURE
Term No. 2026-00980
NOTICE OF ACTION IN MORTGAGE
FORECLOSURE

LAKEVIEW LOAN SERVICING, LLC
Plaintiff
vs.
The Unknown Heirs of JOHN HARVEY
Deceased
Mortgagor and Real Owner
Defendant

TO The Unknown Heirs of JOHN HARVEY Deceased, MORTGAGOR AND REAL OWNER, DEFENDANT whose last known address is 210 Swink Hill Road Connellsville, PA 15425. THIS FIRM IS A DEBT COLLECTOR AND WE ARE ATTEMPTING TO COLLECT A DEBT OWED TO OUR CLIENT. ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THE PURPOSE OF COLLECTING THE DEBT.

You are hereby notified that Plaintiff LAKEVIEW LOAN SERVICING, LLC, has

filed a Mortgage Foreclosure Complaint endorsed with a notice to defend against you in the Court of Common Pleas of Fayette County, Pennsylvania, docketed to No. 2026-00980 wherein Plaintiff seeks to foreclose on the mortgage secured on your property located, 210 Swink Hill Road Connellsville, PA 15425 whereupon your property will be sold by the Sheriff of Fayette.

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after the Complaint and notice are served, 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 claim in the Complaint of 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 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. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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Pennsylvania Bar Association
100 South Street, PO Box 186
Harrisburg, PA 17108
800-692-7375

Michael T. McKeever
Attorney for Plaintiff
KML Law Group, P.C., PC
Suite 5000, BNY Independence Center
701 Market Street
Philadelphia, PA 19106-1532
215-627-1322

WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

518 Madison Drive

Smithfield, PA 15478

724-322-6529

johnfranciswarman@gmail.com

COMMERCIAL/RESIDENTIAL/CURRENT OWNER/MINERAL TITLE

A DECADE OF EXPERIENCE E&O INSURED WILL TRAVEL ACCEPTING NEW CLIENTS

JUDICIAL OPINION

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

KEVIN HENNESSEY, AMY HENNESSEY	:
and HENNESSEY & COMPANY, INC.,	:
Appellants,	:
vs.	:
FAYETTE COUNTY ZONING	:
HEARING BOARD,	:
Appellee,	:
and	:
UNITED STEEL WORKERS EDUCATION	:
CENTER and WAYNE A. SPARINGA and	:
BARBARA LYNN SPARINGA, husband and wife,	: No. 42 of 2025, G.D.
Intervenors.	: Honorable Nancy D. Vernon

OPINION AND ORDER

VERNON, J.

May 22, 2026

Before the Court is the Land Use Appeal of Kevin Hennessey, Amy Hennessey, and Hennessey & Company, Inc. from the December 11, 2024, decision of the Fayette County Zoning Hearing Board which granted a substantive validity challenge and invalidated a rezoning of Appellants’ property enacted by the Fayette County Board of Commissioners. Upon review of the certified record, the Court reverses and makes the following findings of fact:

Appellants own a property consisting of approximately 42 acres, including a 10-acre portion subject to the rezoning, located at 179 Linden Hall Road, Lower Tyrone Township, Fayette County. The property has been used since approximately 2004 as a contractor’s yard for storage of trucks and equipment. Prior to rezoning, the property was located in the A-1 Agricultural-Rural Zoning District. A contractor’s yard is permitted by right in the M-1 Light Industrial District but only by special exception in the A-1 District.

Appellants petitioned the Fayette County Board of Commissioners to rezone ten acres of the subject property from A-1 Agricultural-Rural to M-1 Light Industrial. The surrounding area includes an adjacent junkyard, nearby M-1 and M-2 industrial districts, oil wells, mining activity, other non-residential uses, and Linden Hall, a large commercial complex generating substantial heavy vehicle traffic. Fayette County’s Comprehensive Plan designates the area as a “Future Growth Area” intended for commercial development. Accordingly, the Commissioners approved a rezoning of the disputed 10-acre portion of Appellants’ property from A-1 to M-1 allowing Appellants to continue operating a contractor’s yard in compliance with the county’s zoning.

Thereafter, the intervenors, including the United Steelworkers Education Center and the Sparingas, filed a substantive validity challenge before the Zoning Hearing Board, which the Board granted concluding that the Commissioners' rezoning constituted impermissible spot zoning. Appellants appealed to this Court and this Court took no additional evidence.

Where the trial court hears no additional evidence, our review is limited to a determination of whether the board committed an error of law or an abuse of discretion. *Domeisen v. Zoning Hearing Board of O'Hara Township*, 814 A.2d 851, 855 n.3 (Pa. Cmwlth. 2003). A zoning hearing board abuses its discretion when its factual findings are unsupported by substantial evidence. *Id.*

A zoning ordinance enjoys a strong presumption of constitutionality and validity. *DeAngelo v. N. Strabane Twp. Zoning Hearing Bd.*, 208 A.3d 156, 161 (Pa. Cmwlth. 2019). The challenging party must overcome a heavy evidentiary burden by clearly proving the ordinance is arbitrary, unreasonable, and unrelated to legitimate public welfare purposes. *Protect PT v. Penn Township Zoning Hearing Board*, 220 A.3d 1174 (Pa. Cmwlth. 2019).

The Fayette County Commissioners when acting as the governing body for zoning legislation possess broad discretion in land use policy decisions, and courts apply a highly deferential standard of review to rezoning decisions. *Sharp v. Zoning Hearing Bd. of Tp. of Radnor*, 628 A.2d 1223 (Pa. Cmwlth. 1993). This Court's role is limited to determining whether the Commissioners' decision is clearly arbitrary and unreasonable, not whether it represents the best planning decision. *Id.*

Here, the Zoning Hearing Board failed to apply that strong presumption of validity afforded to legislative zoning enactments and failed to give deference to the zoning enactment of the Commissioners when finding the rezoning constituted spot zoning.

“‘[S]pot zoning ... is an arbitrary exercise of police powers that is prohibited by our Constitution.’” *In re Realen*, 838 A.2d at 729 (quoting *United Artists' Theater Circuit, Inc. v. City of Philadelphia*, 535 Pa. 370, 635 A.2d 612, 620 (1993)). “Spot zoning is a singling out of one lot or a small area for different treatment from that accorded to similar surrounding land indistinguishable from it in character, for the economic benefit or detriment of the owner of that lot.” *Takacs v. Indian Lake Borough Zoning Hearing Bd.*, 11 A.3d 587, 594 (Pa. Cmwlth. 2010) (citing *In re Realen*, 838 A.2d at 729). “In spot zoning, the legislative focus narrows to a single property and the costs and benefits to be balanced are those of particular property owners.” *In re Realen*, 838 A.2d at 729. “The question is whether the lands at issue are a single, integrated unit and whether any difference in their zoning from that of adjoining properties can be justified with reference to the characteristics of the tract and its environs.” *Id.* at 730; see *In re Mulac*, 418 Pa. 207, 210 A.2d 275, 277 (1965).

“The most determinative factor in an analysis of spot zoning is whether the parcel in question is being treated unjustifiably different from similar surrounding land, thus creating an ‘island’ having no relevant differences from its neighbors.” *Takacs*, 11 A.3d at 594; see also *Schubach v. Silver*, 461 Pa. 366, 336 A.2d 328, 336 (1975)

(Schubach II) (quoting Mulac, 210 A.2d at 277). In other words, we must first determine whether property is being treated differently from the land surrounding it; if so, our inquiry then turns to the issue of whether there exists a justification for such differential treatment. See *In re Fayette Cty. Ordinance No. 83-2*, 97 Pa.Cmwlt. 210, 509 A.2d 1342, 1346 (1986). “To establish improper spot zoning, the challenger must prove that the provisions at issue are arbitrary and unreasonable and have no relation to the public health, safety, morals and general welfare.” Takacs, 11 A.3d at 594; see *DiMattio v. Millcreek Twp. Zoning Hearing Bd.*, 147 A.3d 969, 974 (Pa. Cmwlt. 2016) (stating burden falls on challenger to prove ordinance constitutes spot zoning). “If the validity of a zoning ordinance is debatable, it must be permitted to stand.” Takacs, 11 A.3d at 594. “Spot zoning cases should be decided on the facts, guided by case law; there is no precise formula for determining whether a rezoning of property constitutes spot zoning.” *Id.*

Allen Distribution v. W. Pennsboro Twp. Zoning Bd., 231 A.3d 90, 95 (Pa. Cmwlt. 2020).

The certified record demonstrates that the subject property is not an isolated island of inconsistent use but rather is situated within a mixed-use area containing significant non-residential and industrial characteristics, including an adjacent junkyard and nearby industrial zoning districts. The rezoning involves approximately 10 acres, not a small area as described by the Zoning Hearing Board, which further weighs against the finding of impermissible spot zoning. These facts demonstrated that the Commissioners possessed a rational basis for approving the rezoning.

The Zoning Hearing Board’s conclusion appears to rest on the fact that surrounding parcels remain zoned A-1. However, that difference alone does not constitute spot zoning. The relevant inquiry is whether the classification is unjustifiable in light of surrounding conditions. Here, the record demonstrates substantial compatibility with existing commercial uses.

The Zoning Hearing Board’s findings that the Commissioners lacked any justification for rezoning and that the Commissioners’ decision was not supported by substantial evidence are misplaced. Rather, the rezoning is consistent with the County’s Comprehensive Plan which expressly designates the area as a “Future Growth Area” intended for commercial development. The surrounding areas include an existing mix of non-residential and industrial uses.

The record reflects that the Commissioners had before them substantial evidence supporting the rezoning, including the longstanding use of the property as a contractor’s yard, the mixed commercial and industrial character of the surrounding area, the presence of adjacent and nearby non-residential uses, and the designation of the property as part of a “Future Growth Area” in the County’s Comprehensive Plan.

Further, there has been longstanding commercial use of this property as a contractor’s yard since 2004, a time which predates the 2006 enactment of the County’s zoning. The rezoning confirms an established land use pattern rather than the creation of a new incompatible use. Appellants only acted upon the issuance of an Enforcement Notice to make their property come into compliance with zoning. These issues, while debatable as

a planning question, must be resolved in favor of the legislative body. In light of this evidence, the rezoning reflects a rational legislative judgment rather than arbitrary action. The Zoning Hearing Board’s determination of impermissible spot zoning was unsupported by substantial evidence and constitutes an error of law.

WHEREFORE, we will enter the following Order reversing the December 11, 2024 decision of the Fayette County Zoning Hearing Board and reinstating the rezoning approved by the Fayette County Board of Commissioners.

ORDER

AND NOW, this 22nd day of May, 2026, upon consideration of the Land Use Appeal of Kevin Hennessey, Amy Hennessey, and Hennessey & Company, Inc., and the record, it is hereby ORDERED and DECREED that the decision of the Fayette County Zoning Hearing Board dated December 11, 2024 is hereby REVERSED, and the rezoning enacted by the Fayette County Board of Commissioners is REINSTATED.

BY THE COURT:
NANCY D. VERNON, JUDGE

ATTEST:
Prothonotary



131st Annual

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