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FAYETTE LEGAL JOURNAL

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The Ethics Hotline provides free advisory opinions to PBA members based upon review of a member's prospective conduct by members of the PBA Committee on Legal Ethics and Professional Responsibility. The committee responds to requests regarding, the impact of the provisions of the Rules of Professional Conduct or the Code of Judicial Conduct upon the inquiring member's proposed activity. All inquiries are confidential.

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ESTATE NOTICES

Notice 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

THOMAS JOSEPH BOYD, late of Wharton

Township, Fayette County, PA (3)

Administrators: Michael Boyd and

Melinda Boyd

c/o 815 A Memorial Boulevard Connellsville, PA 15425 Attorney: Margaret Z. House

LINDA RAE CLINE, late of Markleysburg,

Fayette County, PA (3)

Personal Representative: James E. Higinbotham, Jr.

c/o Higinbotham Law Offices

68 South Beeson Boulevard Uniontown, PA 15401

Attorney: James E. Higinbotham, Jr.

JAMES FINLAYSON, a/k/a JAMES W. FINLAYSON, late of Fairchance Borough,

Fayette County, PA (3)

Executor: J. Ben Finlayson c/o Kopas Law Office 556 Morgantown Road Uniontown, PA 15401

Attorney: John Kopas

DAVID A. HAYDEN, SR., late of Uniontown,

Fayette County, PA (3)

Executrix: Joanne M. Reno 108 Navy Street

c/o Shire Law Firm

Perryopolis, PA 15473 1711 Grand Boulevard

Park Centre

Monessen, PA 15062

Attorney: Mark J. Shire

JUNE MARIE KENNISON, a/k/a JUNE M. KENNISON, late of Connellsville, Fayette

County, PA (3)

Personal Representatives: Larry Kennison, II and Patrick V. Kennison c/o Watson Mundorff, LLP 720 Vanderbilt Road Connellsville, PA 15425 Attorney: Timothy J. Witt

Second Publication

GERALDINE A. HEFT, late of Point Marion,

Fayette County, PA (2)

Executrix: Gretchen Heft

c/o 11 Pittsburgh Street Uniontown, PA 15401

Attorney: Thomas W. Shaffer

REGINA A. PEDRO, late of Menallen

Township, Fayette County, PA (2)

Personal Representative:

Jennifer Pedro Wingrove

c/o P.O. Box 953

Uniontown, PA 15401

Attorney: Ricardo J. Cicconi

VAUGHN A. WESTON, late of Uniontown,

Fayette County, PA (2)

Administratrix: Kelley Cook

c/o Proden & O'Brien

99 East Main Street

Uniontown, PA 15401

Attorney: Sean M. Lementowski

First Publication

NEIL R. BUTLER, SR., late of Dunbar

Township, Fayette County, PA (1)

Administratrix: Brittany Reigh Butler

c/o 208 South Arch Street, Suite 2 Connellsville, PA 15425

Attornev: Richard A. Husband

JOHN CLARKE FOX, SR., late of

Connellsville, Fayette County, PA (1)

Administrator: John C. Fox, II c/o 208 South Arch Street, Suite 2

Connellsville, PA 15425 Attorney: Richard A. Husband

LISA BETH CURRY, late of Bullskin, Fayette County, PA (1)

Executor: George O. Curry c/o 815A Memorial Boulevard Connellsville, PA 15425 *Attorney*: Margaret Z. House

LAWREN R. DUNN, a/k/a LAWREN H.

DUNN, late of Hopwood, North Union Township, Fayette County, PA (1) Executrix: Mary E. Coon c/o Radcliffe Martin Law, L.L.C. 648 Morgantown Road, Suite B Uniontown, PA 15401 Attorney: William M. Radcliffe

WILLARD R. JONES, late of Washington

Township, Fayette County, PA (1)

Executrix: Dianne Carol Jones
1145 Connellsville Road
Fayette City, PA 15438
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

JOSEPH R. RYGIEL, JR., late of Perryopolis

Borough, Fayette County, PA (1) Executor: Stanley A. Rygiel P.O. Box 278 Fayette City, PA 15438

GEORGE J. STINER, JR., late of Redstone,

Fayette County, PA (1)

Administratrix: Helen R. Stiner
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

ELVA K. WEIR, late of Bullskin Township, Fayette County, PA (1)

Personal Representative: Brenda E. Quinn c/o 208 South Arch Street Connellsville, PA 15425 Attorney: Richard A. Husband

LEGAL NOTICES

CIVIL ACTION
COURT OF COMMON PLEAS
FAYETTE COUNTY, PA
CIVIL ACTION-LAW
NO. 2023-01310
NOTICE OF ACTION IN MORTGAGE
FORECLOSURE

PNC BANK, NATIONAL ASSOCIATION, Plaintiff

DANNY R. DANIELS, IN HIS CAPACITY AS EXECUTOR AND HEIR OF THE ESTATE OF MERLE A. DANIELS; ET AL. Defendants To: DANNY R. DANIELS, IN HIS CAPACITY AS EXECUTOR AND HEIR OF THE ESTATE OF MERLE A. DANIELS and UNKNOWN HEIRS, SUCCESSORS, ASSIGNS AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER MERLE A. DANIELS.

Defendant(s), 449 MAPLE SUMMIT RD MILL RUN, PA 15464

COMPLAINT IN MORTGAGE FORECLOSURE

You are hereby notified that Plaintiff, PNC BANK, NATIONAL ASSOCIATION, has filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of FAYETTE County, PA docketed to No. 2023-01310, seeking to foreclose the mortgage secured on your property located, 449 MAPLE SUMMIT RD MILL RUN, PA 15464.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in this notice 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 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 SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO

NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER

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

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

Robertson, Anschutz, Schneid, Crane & Partners, PLLC
A Florida professional limited liability company ATTORNEYS FOR PLAINTIFF
Jonathan M. Etkowicz, Esq. ID No. 208786
133 Gaither Drive, Suite F
Mt. Laurel, NJ 08054
855-225-6906

THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA CIVIL DIVISION NO. 619 of 2023, G.D. HONORABLE NANCY D. VERNON

ALYCIA JONES, Plaintiff, vs. JUSTIN C. KING, Defendant.

NOTICE

If you wish to deny any of the statements set forth in this affidavit, you must file a counter -affidavit within twenty days after this affidavit has been served on you or the statements will be admitted.

AFFIDAVIT UNDER §3301(d) OF THE DIVORCE CODE

- 1. The parties to this action separated on or about June 2021, and have continued to live separate and apart for a period of at least two (2) years.
 - 2. The marriage is irretrievably broken.

3. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.

I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Alycia Jones, Plaintiff Date: November 7, 2023

> THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA CIVIL DIVISION NO. 619 of 2023, G.D. HONORABLE NANCY D. VERNON

ALYCIA JONES, Plaintiff, vs. JUSTIN C. KING, Defendant.

<u>COUNTER-AFFIDAVIT UNDER</u> <u>SECTION 3301(d) OF THE DIVORCE CODE</u>

- 1. Check either (a) or (b):
- () (a) I do not oppose the entry of a divorce decree.
- () (b) I oppose the entry of a divorce decree because

(Check (i), (ii), (iii) or all):

- () (i) The parties to this action have not lived separate and apart for a period of at least one year.
- () (ii) The marriage is not irretrievably broken.
- (_) (iii) There are economic claims pending.
 - 2. Check either (a), (b), or (c):
- () (a) I do not wish to make any claims for economic relief. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.
- () (b) I wish to claim economic relief which may include alimony, division of property, lawyer's fees or expenses or other important rights.

I understand that in addition to checking (b)

above, I must also file all of my economic claims with the Prothonotary in writing and serve them on the other party. If I fail to do so before the date set forth on the Notice of Intention to Request Divorce Decree, the divorce decree may be entered without further delay.

() (c) Economic claims have been raised and are not resolved.

I verify that the statements made in this counter-affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Justin C. King, Defendant

Date:

NOTICE: IF YOU DO NOT WISH TO OPPOSE THE ENTRY OF A DIVORCE DECREE AND YOU DO NOT WISH TO MAKE ANY CLAIM FOR ECONOMIC RELIEF, YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.

NOTICE

Notice is hereby given that the Certificate of Organization has been approved and filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on November 6, 2023, for a limited liability company known as Towing & Recovery Properties LLC.

Said limited liability company has been organized under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

The purpose or purposes of the limited liability company is/are: real estate holdings and any other lawful purpose related thereto for which the corporation may be organized under the Business Corporation Law.

DAVIS & DAVIS BY: Gary J. Frankhouser, Esquire 107 East Main Street Uniontown, PA 15401 Carrington Mortgage Services LLC PLAINTIFF

Todd, deceased and Debbie Halbritter, known Heir of Eileen Todd, deceased and Diane Todd, known Heir of Eileen Todd, deceased and Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest from or under Eileen Todd, deceased DEFENDANTS COURT OF COMMON PLEAS CIVIL DIVISION FAYETTE COUNTY

Michael Ozorowski, known Heir of Eileen

NO: 2023-00845

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 Eileen Todd, deceased

204 East Fairview Avenue Connellsville, PA 15425

Your house (real estate) at:

204 East Fairview Avenue, Connellsville, PA 15425

Parcel ID: 05-07-0277

is scheduled to be sold at Sheriff's Sale at https://fayette.pa.realforeclose.com on January 18, 2024 at 2:00PM to enforce the court judgment of \$49,958.07 obtained by Carrington Mortgage Services 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 Carrington Mortgage Services 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: LOGS Legal Group, LLP. (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: January 18, 2024

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 January 18, 2024, 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.

> James Custer Sheriff of Fayette County

No. 314 of 2021 GD No. 252 of 2023 ED

INFIRST BANK, formerly, INDIANA FIRST SAVINGS BANK,

Plaintiff,

GINA MARIE CELLURALE, Defendant.

ALL that certain piece or parcel of land situate in the City of Uniontown, formerly the Borough of Uniontown, Fayette County, Pennsylvania:

Known as 246 W. Main Street, Uniontown, PA 1540,

Parcel No. 38-06-0111, and being more fully described in Deed recorded in RBV 33343, Page 857.

Richard M. Squire & Associates, LLC One Jenkintown Station, Suite 104 115 West Avenue Jenkintown, PA 19046

> No. 493 of 2023 GD No. 232 of 2023 ED

Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust as Trustee for PNPMS Trust III

PLAINTIFF

v. Mildred D. Danko DEFENDANT

TAX PARCEL NO.: 19-29-14 PROPERTY ADDRESS: 617 Hill Street, Tower Hill, PA 15475

IMPROVEMENTS: Single Family Dwelling

SEIZED AND TAKEN in execution as the property of Mildred D. Danko

ALL that undivided one-half interest in and to all that certain piece or parcel of land situate in Luzern Township, Fayette County, Pennsylvania, being Lot. No. 607 in a certain Plan of Lots known as the Tower Hill No. 2 Plan of Lots, recorded in the Recorder's Office of Payette County, Pennsylvania, in Plan Book Vol. 6, page 56, having a frontage of 48.63 feet on Spruce Street and extending back at right angles thereto and maintaining the same width, a distance of approximately 59.00 feet to a 10.00 foot alley, and having erected thereon a frame dwelling house.

Parcel No. 19-29-14

Being the same premises that George A. Danko and Eloise Danko, his wife, by deed dated 10/10/1979 and recorded 10/10/1979 in the office of the Recorder of Deeds in the County of Fayette, Commonwealth of Pennsylvania in Book 1262, Page 236 granted and conveyed to Mildred D. Danko

No. 1484 of 2023 GD No. 256 of 2023 ED

New American Funding, LLC PLAINTIFF vs. Dale E. Davis, III DEFENDANT

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN SOUTH UNION TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA, MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

ASSESSOR'S PARCEL NO: 34-38-0099 Being known as 139 Pine Knob Road, Hopwood, PA 15445

BEING THE SAME PREMISES which Dale Davis, II Administrator of the Estate of Elizabeth A. Johnson, by Deed dated August 15, 2016 and recorded August 16, 2016 in the Office of the Recorder of Deeds in and for the County of Fayette, Pennsylvania in Book 3316, 1860, Instrument No. 201600008684 granted and conveyed unto Dale Davis, III in fee.

No. 1126 of 2023 GD No. 244 of 2023 ED

PNC Bank, National Association Plaintiff,

Charles T. Green, as Executor of the Estate of Ronald J. Malone Defendant.

ALL that certain parcel of land lying and being situate in the Township of Connellsville, County of Fayette, and Commonwealth of Pennsylvania, known as 520 East Francis Avenue, Connellsville, PA 15425 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 05-02-0006, 06-05-0110

BEING the same premises which James N. Sample, a single man, by Deed dated May 6, 1981 and recorded in and for Fayette County,

Pennsylvania in Deed Book 1287, Page 589, granted and conveyed unto Ronald J. Malone and Carol A. Malone, husband and wife.

KML LAW GROUP, P.C. Suite 5000 701 Market Street Philadelphia, PA 19106-1532

> No. 591 of 2023 GD No. 245 of 2023 ED

VAK CAPITAL TRUST I 8180 East Kaiser Blvd Anaheim Hills, CA 92808 Plaintiff,

vs.
DEBRA GRIEST
REX GRIEST
Mortgagor(s) and Record Owner(s)
552 Fifth Avenue
Brownsville, PA 15417
Defendant(s)

ALL THAT CERTAIN LOT OF LAND SITUATE IN BROWNSVILLE TOWNSHIP, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 552 FIFTH AVENUE, BROWNSVILLE, PA 15417

TAX PARCEL #03-02-0029 IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: DEBRA GRIEST AND REX GRIEST

ATTORNEY: KML LAW GROUP, P.C.

No. 1436 of 2023 GD No. 231 of 2023 ED

PENNSYLVANIA HOUSING FINANCE AGENCY.

PLAÍNTIFF VS. LESSLIE E. HALL, DEFENDANT

ALL that certain lot of ground German Township, Fayette County, Pennsylvania, being approximately 146 x 49 x 144 x 49. HAVING THEREON ERECTED A TWO-STORY, SINGLE-FAMILY DWELLING KNOWN AND NUMBERED AS: 224 HILL STREET, NEW SALEM, PA 15468.

TAX PARCEL# 15-17-0074 Instrument No. 2010-00001313 No. 2392 of 2022 GD No. 225 of 2023 ED

KeyBank, NA, s/b/m First Niagara Bank, NA Plaintiff.

VS.

Tabitha A. Johnson Settle, as Believed Heir and/or Administrator of the Estate of Cathy A. Johnson; Unknown Heirs and/or Administrators of the Estate of Cathy A. Johnson (if any)

Defendants.

ALL that certain parcel of land lying and being situate in the Township of North Union, County of Fayette, and Commonwealth of Pennsylvania, known as 172 Bute Road, Uniontown, PA 15401 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 25-17-0127

BEING the same premises which Edward Daniel Snyder and Charlene Snyder, his wife, by Deed dated March 30, 1984 and recorded in and for Fayette County, Pennsylvania in Deed Book 1335, Page 1055, granted and conveyed unto Patrick A. Johnson and Cathy A. Johnson, his wife.

No. 2112 of 2010 GD No. 1083 of 2019 GD No. 254 of 2023 ED

FAIRPORT ASSET MANAGEMENT, LLC Plaintiff.

VS.

CHRISTY KING a/k/a CHRISTY A. KING, Defendant.

ALL that tract of land situate Perry Township, Fayette County, Pennsylvania, known as 133 Cemetery Road, Vanderbilt, Pennsylvania 15486 having erected thereon a dwelling house.

PARCEL BEING KNOWN AND DESIGNATED AS TAX MAP 27-16-0085-010

BEING the same premises which CMF Industries, Inc., by their Deed Dated December 31, 1987 and recorded in the Recorder's Office of Fayette County on January 25, 1988 in Deed Book Volume 381, Page 114, granted and conveyed unto Christy A. King, the grantor herein.

KML LAW GROUP, P.C. Suite 5000 701 Market Street Philadelphia, PA 19106-1532

> No. 1651 of 2021 GD No. 255 of 2023 ED

ROCKET MORTGAGE, LLC F/K/A QUICKEN LOANS, LLC F/K/A QUICKEN LOANS INC.

1050 Woodward Avenue Detroit, MI 48226-1906 Plaintiff

vs.
MICHAEL KING
Mortgagor(s) and Record Owner(s)
1736 Georges Fairchance Road
Smithfield, PA 15478
Defendant(s)

ALL THAT CERTAIN LOT OF LAND SITUATE IN GEORGES TOWNSHIP, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 1736 GEORGES FAIRCHANCE ROAD, SMITHFIELD, PA 15478

TAX PARCEL #14-40-0100 IMPROVEMENTS: A RESIDENTIAL

DWELLING

SOLD AS THE PROPERTY OF: MICHAEL KING

ATTORNEY: KML LAW GROUP, P.C.

No. 845 of 2023 GD No. 238 of 2023 ED

Carrington Mortgage Services LLC PLAINTIFF

VS.

Michael Ozorowski, known Heir of Eileen Todd, deceased Debbie Halbritter, known Heir of Eileen Todd, deceased Diane Todd, known Heir of Eileen Todd

Diane Todd, known Heir of Eileen Todd, deceased and Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest from or under Eileen Todd, deceased DEFENDANTS

ALL OF HER ONE-HALF (1/2) INTEREST IN THAT CERTAIN PIECE, PARCEL OR LOT OF LAND SITUATE IN THE CITY OF CONNELLSVILLE, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA, BOUNDED AND

DESCRIBED AS FOLLOWS:

BEGINNING AT A STAKE, NORTH 81 DEGREES 06 MINUTES EAST, A DISTANCE OF 59.95 FEET FROM THE INTERSECTION OF THE EAST LINE OF SOUTH PROSPECT STREET AND THE SOUTH LINE OF EAST FAIRVIEW AVENUE; THENCE BY THE SOUTH LINE OF **EAST FAIRVIEW** AVENUE. NORTH 81 DEGREES MINUTES EAST, A DISTANCE OF 34.75 FEET TO THE INTERSECTION OF EAST FAIRVIEW AVENUE AND A NINE FOOT ALLEY: THENCE BY THE WEST LINE OF SAID ALLEY, SOUTH 9 DEGREES 19 MINUTES EAST, A DISTANCE OF 81.39 FEET TO A FENCE POST; THENCE ALONG LOT NOW OR FORMERLY OF I.V. RUSH AND Α HEDGE FENCE. SOUTH DEGREES 56 **MINUTES** WEST. DISTANCE OF 30.16 FEET TO A STAKE: THENCE ALONG LAND OF WHICH THIS FORMERLY PART. WAS Α FOLLOWING THREE **COURSES** AND DISTANCES: NORTH 9 DEGREES 02 MINUTES WEST, 32.25 FEET TO A STAKE; SOUTH 81 DEGREES 06 MINUTES WEST. 5.0 FEET TO A STAKE; AND NORTH 9 DEGREES 02 MINUTES WEST, 49.75 FEET TO THE PLACE OF BEGINNING; BEING PART OF LOTS NOS. 24 AND 32 IN THE ZACHARIAH CONNELL PLAN OF LOTS.

EXCEPTING AND RESERVING ALL GRANTS, RESERVATIONS, CONVEYANCES OR LEASES OF COAL, GAS, OIL OR MINERAL RIGHTS WITH THE PRIVILEGES TO MINE THE SAME AS CONTAINED IN PRIOR INSTRUMENTS OF RECORD.

UNDER AND SUBJECT TO ALL EXCEPTIONS, RESERVATIONS, EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY CONTAINED IN PRIOR INSTRUMENTS OF RECORD.

No. 1503 of 2023 GD No. 247 of 2023 ED

SOMERSET TRUST COMPANY

v. George Spencer, Executor of the Estate of Clifford G. Bowers a/k/a Clifford Bowers, deceased

All the real property described in the Writ of Execution the following of which is a summary.

SOMERSET TRUST COMPANY v. George Spencer, Executor of the Estate of Clifford G. Bowers a/k/a Clifford Bowers, deceased

Docket Number: 1503 of 2023 GD

Property of: Clifford G. Bowers a/k/a Clifford Bowers

Located in: TOWNSHIP OF WHARTON, FAYETTE COUNTY

Street Address: 2216 DINNER BELL FIVE FORKS ROAD, FARMINGTON, FAYETTE COUNTY, PENNSYLVANIA 15437.

Brief Description of Property: Residential, Single-Family home

Improvements thereon: RESIDENTIAL DWELLING

Record book Volume: 2096, Page 88 Tax Assessment Number(s): MAP NO.: 42 -28-0009

STERN & EISENBERG, PC 1581 MAIN STREET, SUITE 200 WARRINGTON, PENNSYLVANIA 18976

> No. 546 of 2023 GD No. 250 of 2023 ED

Mortgage Assets Management, LLC, Plaintiff,

v.

The Unknown Heirs of William K. McGill A/K/A William Mcgill, deceased Defendant(s)

RE: PREMISES: 105 Raineytown Road, Dawson, PA 15428

DEAR SHERIFF: SHOULD PLAINTIFF BE SUCCESSFUL BIDDER, TITLE WILL BE VESTED IN: Mortgage Assets Management, LLC No. 1005 of 2023 GD No. 253 of 2023 ED

Carrington Mortgage Services LLC PLAINTIFF

VS.

Danielle Tobusto, known Heir of Clinton D.
Anderson, deceased
Renetta Anderson, known Heir of Clinton D.
Anderson, deceased
Janeen Anderson Houck, known Heir of
Clinton D. Anderson, deceased
Unknown Heirs, Successors, Assigns and All
Persons, Finns or Associations Claiming
Right, Title or Interest from or under Clinton
D. Anderson, deceased
DEFENDANTS

ALL that certain lot or parcel of land situated in the Village of Revers, South Union Township, Fayette County, Pennsylvania, more particularly bounded and described as follows:

COMMONLY KNOWN AS: 114 Ball Street, Uledi, PA 15484

TAX PARCEL NO. 34-08-0035

No. 1005 of 2023 GD No. 253 of 2023 ED

PENNYMAC LOAN SERVICES, LLC Plaintiff

Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Interest from or under Carl E. Johnson, Sr., Deceased

Margretta Austin, solely in her capacity as heir of Carl E. Johnson, Sr., Deceased

Carl Johnson, Jr., solely in his capacity as heir of Carl E. Johnson, Sr., Deceased

Makka Johnson, solely in his capacity as heir of Carl E. Johnson, Sr., Deceased

Clayton Johnson, solely in his capacity as heir of Carl E. Johnson, Sr. Deceased

Corey Johnson, solely in his capcity as heir of Carl E. Johnson, Sr. Deceased

Christa Johnson, solely in his capacity as heir of Carl E. Johnson, Sr. Deceased Defendant(s)

ALL THAT CERTAIN
BEING THE SAME PREMISES which
CHRISTOPHER PIWOWAR AKA

CHRISTOPHER PIWOWAR, SR. AND PATRICIA A. GALIE, HUSBAND AND WIFE, by Deed dated JUNE 30, 2015 and recorded in the Office of the Recorder of Deeds of Fayette County on JULY 2, 2015 in Deed Book Volume 3281, Page 1579, Instrument No. 20150000694 7 granted and conveyed unto Carl E. Johnson. Sr.

Upon information and belief Carl E. Johnson, Sr. Departed this life on January 24, 2021.

BEING known as 139 Old Furnace Road, Hopwood, Pennsylvania 15445 PARCEL #34-27-0125

*** 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, December 4, 2023, at 9:30 A.M.

Estate Number	Estate Name	Accountant
2622-0170	DAVID WHORIC, deceased	David Christian Whoric, Executor

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

Monday, December 18, 2023, at 9:30 A.M.

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

Notice is 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, December 4, 2023, at 9:30 A.M.

Estate Number	Estate Name	Accountant
2622-1103	CLARENCE F. ROBINSON, deceased	Peter Robinnson, Executor
2621-1273	CHARLES S. BROWNFIELD, deceased	Ann LeReche, Executrix
2619-0307	DARIUS EVANS, deceased	Gabriella E. Locke, Administratrix

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

Monday, December 18, 2023, at 9:30 A.M.

in Courtroom No. 5 of the **Honorable Judge Joseph M. George, Jr.** or his chambers, Third 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)

WARMAN ABSTRACT & RESEARCH LLC

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johnfranciswarman@gmail.com

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JUDICIAL OPINION

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

COMMONWEALTH OF PENNSYLVANIA

V. :

MARQUEAL DEQUISE HAYES, : No. 761 of 2023

Defendant. : Honorable Linda R. Cordaro

OPINION AND ORDER

Linda R. Cordaro, J.

November 6, 2023

Before this Court is Defendant's Omnibus Pretrial Motion for suppression and writ of habeas corpus. A hearing on the Motion was held on November 1, 2023, at which the April 25, 2023 preliminary hearing transcript was admitted into evidence, and the parties gave brief argument.

After consideration, and for the following reasons, Defendant's Motion is granted.

FINDINGS OF FACT

The following facts were established according to the transcript of the April 25, 2023 preliminary hearing. According to the testimony of Officer Arnel Farmer, on March 27, 2023, he was dispatched to the area of 68 Byer Lane in Uniontown after a call from a female stating she heard two gunshots outside of her residence and saw a male wearing dark colored clothing walking fast "in the alleyway on South Mount Vernon Avenue towards North Mount Vernon Avenue where the shots were fired." Prelim. Hr'g Tr. at 4. The officer did not make contact with the caller and had no knowledge of who she was.

Officer Farmer responded to the scene within a couple of minutes of receiving the dispatch. He testified that he saw the Defendant, a black male matching that description, walking on Harvard Street with both hands in his dark-colored hoodie pocket. Officer Farmer pulled his marked patrol vehicle alongside the Defendant and asked if he had heard gunshots in the area. The Defendant said he had not. According to Officer Farmer "[d]ue to him matching the description of the caller, I told him I was going to pat him down for weapons at that time." Id. at 5. The Defendant refused and began to walk away. Officer Farmer exited the patrol vehicle, grabbed the Defendant, and took him to the front of the patrol vehicle, making him place his hands on the hood. During the pat down, the officer felt the outline of a weapon in the Defendant's front hoodie pocket. Officer Farmer removed the firearm, and the Defendant ran. Officer Farmer then gave chase, with another law enforcement officer, Corporal Shult. Both deployed their tasers unsuccessfully. According to Officer Farmer, the Defendant ran behind North Mount Vernon Towers, up the hill toward Main Street, and turned back towards South Mount

Vernon before he finally was apprehended. The Defendant was brought to the police station and, according to background checks, he had two arrest warrants in Ohio as well as offenses in Ohio which made him a person not to possess a firearm.

DISCUSSION

The Defendant is charged with possession of firearm prohibited, {1} firearms not to be carried without license, {2} person not to possess/use firearms, {3} resisting arrest, {4} and disorderly conduct. {5} Defendant's Motion argues that evidence related to the firearms charges should be suppressed because there was insufficient cause to seize the Defendant and perform a pat down. It also argues that the Commonwealth has not presented sufficient evidence to support the charges of resisting arrest and disorderly conduct

Suppression

A warrantless arrest may be lawful if "facts and circumstances within the officer's knowledge are sufficient to warrant a person of reasonable caution in the belief that an offense has been or is being committed." Commonwealth v. Clark, 735 A.2d 1248, 1252 (Pa. 1999). If circumstances do not rise to this level, an investigatory stop of an individual may be conducted if an 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..." Commonwealth v. E.M., 735 A.2d 654,659 (Pa. 1999). If the officer observes suspicious conduct during an investigatory stop leading him to reasonably believe that the individual may be armed and dangerous, then he may conduct a Terry frisk and pat down the individual for weapons. Id.

The exclusionary rule functions as a "judicially created remedy designed to safeguard Fourth Amendment rights generally through its deterrent effect." United States v. Leon, 468 U.S. 897, 906 (1984). The exclusion (suppression) of evidence may be warranted if there has been a violation of fundamental constitutional protections. Commonwealth v. Balliet, 542 A.2d 1000, 1003 (Pa. Super. Ct. 1988) (citing Commonwealth v. Morgan, 534 A.2d 1054, 1056 n. 2 (Pa. 1987)). As Defendant argues, here there was such a violation when the Defendant was seized and searched without sufficient cause for the officer to do so.

In Commonwealth v. Hawkins, police received an anonymous call that there was a man with a gun at a specific location. 692 A.2d 1068, 1069 (Pa. 1997). The suspect was described as a black man wearing a blue cap, black jeans, and a gold or brownish coat. Id. The officer observed the defendant, "who fitted the radio description," and stopped and frisked him, finding a revolver in his waistband. Id. However,

^{{1} 18} Pa.C.S.A. § 6105(a)(1)

^{{2} 18} Pa.C.S.A. § 6106(a)(1)

^{{3} 18} Pa.C.S.A. § 6105(c)(1)

^{{4} 18} Pa.C.S.A. § 5104

^{{5} 18} Pa.C.S.A. § 5503(a)(4)

[i]f the police respond to an anonymous call that a particular person at a specified location is engaged in criminal activity, and upon arriving at the location see a person matching the description but nothing more, they have no certain knowledge except that the caller accurately described someone at a particular location[T]he fact that a suspect resembles the anonymous caller's description does not corroborate allegations of criminal conduct, for anyone can describe a person who is standing in a particular location at the time of the anonymous call. Something more is needed to corroborate the caller's allegations of criminal conduct. The fact that the subject of the call was alleged to be carrying a gun, of course, is merely another allegation, and it supplies no reliability where there was none before. And since there is no gun exception to the Terry requirement for reasonable suspicion of criminal activity, in the typical anonymous caller situation, the police will need an independent basis to establish the requisite reasonable suspicion.

Id. at 1070-71 (internal citation omitted). The Pennsylvania Supreme Court held in Hawkins that police had no basis for believing the anonymous tip was reliable, nor any independent reason to believe the suspect was involved in criminal activity. Id. at 1071. "[A] stop and frisk may be supported by a police radio bulletin only if evidence is offered at the suppression hearing establishing the articulable facts which support the reasonable suspicion." Id. (quoting Commonwealth v. Queen, 639 A.2d 443,445 (Pa. 1994)).

Here, the description of the alleged suspect included far less detail than that in Hawkins. The extent of Officer Farmer's knowledge consisted of an extremely general description of a suspect's appearance and location, which was provided by an unknown caller that was describing someone she had seen in the area. The officer testified that he nevertheless decided to conduct a pat down of the Defendant simply because he matched the "description." However, Officer Farmer did not testify as to any facts that would support an independent suspicion for him to believe the Defendant was involved in criminal activity or that he was armed, and so the seizure and search of the Defendant was without sufficient cause. Any evidence obtained therefrom therefore shall be suppressed.

Habeas

A petition for a writ of habeas is "the proper means for testing a pre-trial finding that the Commonwealth has sufficient evidence to establish a prima facie case" against a defendant. Commonwealth v. Scott, 578 A.2d 933, 936 (Pa. Super. Ct. 1990). A pre-trial petition for writ of habeas corpus is similar in its purpose to a preliminary hearing in that it seeks to prevent unlawful detention for a crime which was never committed, or for a crime for which there is no evidence of the accused's connection. Id. at 937. Accordingly, to establish its prima facie case, the Commonwealth must present evidence as to each material element of the crimes charged and establish sufficient probable cause that the accused is the person who committed the offenses. Commonwealth v. McBride, 595 A.2d 589, 591 (Pa. 1991).

The offense of resisting arrest occurs when, "with the intent of preventing a public servant from effecting a lawful arrest or discharging any other duty, the person creates a substantial risk of bodily injury to the public servant or anyone else, or employs means

justifying or requiring substantial force to overcome the resistance." 18 Pa. C.S.A. § 5104. Here, there is no evidence to support that charge. In fact, Officer Farmer testified that the Defendant "stopped running, said that [he was] tired, put his hands up. He was placed into custody, put in cuffs, placed under arrest and patted down and searched again." Prelim. Hr'g Tr. at 12. There is no evidence that the Defendant created substantial risk to officers, nor that substantial force was required to overcome resistance.

The offense of disorderly conduct, as charged here, occurs when one "creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor" with the "intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof." 18 Pa. C.S.A. § 5503(a)(4). A "hazardous condition" is one involving danger or possibility of injury resulting from public disorder. Commonwealth v. Coniker, 290 A.3d 725,735 (Pa. Super. Ct. 2023) (citing Commonwealth v. Roth, 531A.2d 1133, 1137 (Pa. Super. Ct. 1987)). A "physically offensive condition" directly affects the physical senses of members of the public. Id. Here, there is no evidence that the Defendant created either a hazardous or physically offensive condition.

Therefore, the Court enters the following:

ORDER

AND NOW, this 6th day of November, 2023, in consideration of Defendant's Omnibus Pretrial Motion and after a review of the preliminary hearing transcript, it is hereby ORDERED and DIRECTED that Defendant's Motion is GRANTED.

All evidence obtained from the seizure and search of the Defendant shall be SUP-PRESSED, and, therefore, the Commonwealth has insufficient evidence to support the firearms charges at Counts 1, 2, and 5 of the Information, which are DISMISSED.

Furthermore, there is insufficient evidence to support the charges at Counts 3 and 4, which also are DISMISSED.

BY THE COURT: Linda R. Cordaro, Judge

ATTEST: Clerk of Courts

PROTHONOTARY'S OFFICE FEE SCHEDULE

Nina Capuzzi Frankhouser, Prothonotary Prothonotary's Office Fee Schedule Effective January 1, 2024

- Personal Checks Not Accepted
- All professional checks returned for insufficient funds will be assessed a \$30.00 fee.
- There will be no refunds after filing
- Please make all checks payable to Fayette County Prothonotary
- STAFF IS NOT PERMÎTTED TO PROVIDE LEGAL ADVICE

PROTHONOTARY ENVELOPES AND ORDERS

Pursuant to Pennsylvania Rule of Civil Procedure 208.3(a), all motions and petitions must include a proposed order with duplicate copies and stamped, addressed envelopes to be sent to all parties or attorneys involved in the action

PA.R.C.P. 208.3 (a): MOTIONS

(6) Where notice of entry of an order is required under Pa.R.C.P.236, the petitioner or moving party shall include in the proposed order the names of the persons and/or attorneys who are required to be notified and to provide duplicate copies of the proposed order with stamped envelopes addressed to the said persons and/or attorneys. (Effective January 20, 1995).

*** Large copy requests will require a non-refundable \$20.00 Deposit. If the copies are not picked up within ten (10) days of request, you will forfeit your deposit.

Fees Effective January 1, 2024

**** CHANGES AS OF 2024 ****

Per Page Copies		\$0.25
Certified Copies		\$14.00
FAMILY COURT ACTIVITY		
Complaint in Divorce		\$134.50
Each Additional Count **	***	\$70.50
Divorce w/Custody *****		\$80.50
Custody Complaint *****		\$119.50
Custody (Mediation Fee)		\$100.00
Out of State Custody		\$70.00
Out of State/County Divorce D	ecree *****	\$61.00
Election to Resume Maiden Na	me	\$6.25
Change Name-Widow 54 Pa. C	C.S.A.A. §70.1****	\$52.75
Resume Maiden Name (Out of	County Divorce)****	\$67.25
Praecipe to Transmit	0	\$20.25

APPEALS	
MDJ Appeals	\$98.50
License/Registration Suspension****	\$111.00
Appoint Board of View****	\$111.00
Statement of Objection****	\$111.00
Exceptions/Objections to Tax Sale****	\$111.00
Tax Assessment Objection****	\$111.00
Appellate Court	
Fayette County Fee	\$42.25
Appellate Court Fee	Refer to State Website
Zoning Appeals****	\$111.00
0 11	
CIVIL ACTIONS	
Assumpsit****	\$118.50
Tort****	\$118.50
Ejectment****	\$118.50
Equity****	\$118.50
Mandamas****	\$118.50
Mortgage Foreclosure****	\$118.50
Partition****	\$118.50
Replevin****	\$118.50
Complaints in Confession of Judg in Ejectment****	\$118.50
Declaratory Judgment *****	\$118.50
Writ of Summons *****	\$118.50
Re-Issue Writ of Summons	\$8.25
Lis Pendens (1st Filing) *****	\$118.50
Reinstate Complaint	\$8.25
Declaration of Taking/Condemnation****	\$111.00
Foreign Subpoena *****	\$48.75
Assurance of Voluntary Compliance *****	\$111.00
Quiet Title/ Petition to Appoint Arbitrator *****	\$111.00
Minor's Compromised Settlement	
Compromised Settlement-Partial Only	
Bill of Costs/Certificate	\$3.25
Change of Venue Motion/Petition *****	\$111.00
Petition as First Filings & for Abandoned Vehicles***	\$111.00
Change of Name unrelated to Divorce****	\$111.00
Praecipe to Dismiss/Settle/Withdraw	\$7.25
1	
** FEE IS DUE ONLY WHEN NOT PAID PRIOR WITH	INITIAL FILING
JUDGMENT ACTIVITY	
Judgment: General, Note, or Arrearage from DR	\$22.25
MDJ Transcript	\$22.25
Landlord Tenant Wage Attachment	\$21.25
Exemplification-Triple Seal (out of state)	\$14.25
From Out of State Court/Abstract of Judgment	\$22.25
To Another Court in State of Pa	\$13.25
Writ of Execution/Possession	\$21.25
Writ of Seizure	\$21.25
	-

Writ of Revival Agreement to Revive Assignment of Judgment Release of Judgment Satisfaction of Judgment Lien Avoidance Partial Discontinuance Satisfaction of Judgment w/ Certificate Consent Judgment Out of County Writ Default Judgment Default Judgment on a Writ of Revival	\$30.25 \$22.25 \$7.25 \$7.25 \$7.25 \$7.25 \$7.25 \$10.50 \$22.25 \$21.25 \$24.25 \$24.25
MECHANICS/MUNICIPAL LIEN ACTIVITY No Lien Agreement Municipal Lien Claim (satisfaction included) Mechanics Lien Claim (satisfaction included) Mechanics Lien Complaint ***** Writ of Scire Facias ***** Satisfaction of Lien (lien filed prior to 02/01/2016)	\$21.25 \$28.50 \$28.50 \$118.50 \$118.50 \$7.25
COMMONWEALTH AND FEDERAL TAX LIENS Federal Tax Lien Commonwealth Lien/Judgment Roll Suggestion of Non Payment Satisfaction of Lien	\$21.25 \$21.25 \$21.25 \$7.25
MISCELLANEOUS Subpoenas Petition to Strike Notary Signature Registration Surety Bonds (New)/Certificate of Authority***** Audit Report Motion to Continue Hearing/Arbitration Appeal Award of Arbitration ***** Notarial Seal Certificate Statement of Intention to Proceed	\$2.00 \$68.25 \$2.50 \$58.75 \$67.25 \$25.00 \$300.00 \$2.50 \$25.25

MAXIMUM CHARGE TO POLITICAL SUBDIVISIONS

The maximum fee to be charged a Political Subdivision for any one of the of the services provided herein shall be: (42 P.S. §21075)

NOTE: The Prothonotary shall not be required to enter on docket any suit or action or order of court or enter any judgment thereon or perform any services whatsoever for any person, political subdivision or the Commonwealth until the requisite fee is paid. (42 P.S. §21073(b))

The fees hereinafter enumerated shall be exclusive of any State tax now levied or that may be hereafter levied (42 P.S. §21073(c))

ANNUAL MEMBERSHIP MEETING

The Annual General Membership meeting of the Fayette County Bar Association shall be held on **Thursday, December 14, 2023, at 12:00 pm** in Courtroom Two at the Fayette County Courthouse, 61 East Main Street, Uniontown, PA 15401. Members are invited to present topics of concern or interest to the Association.

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