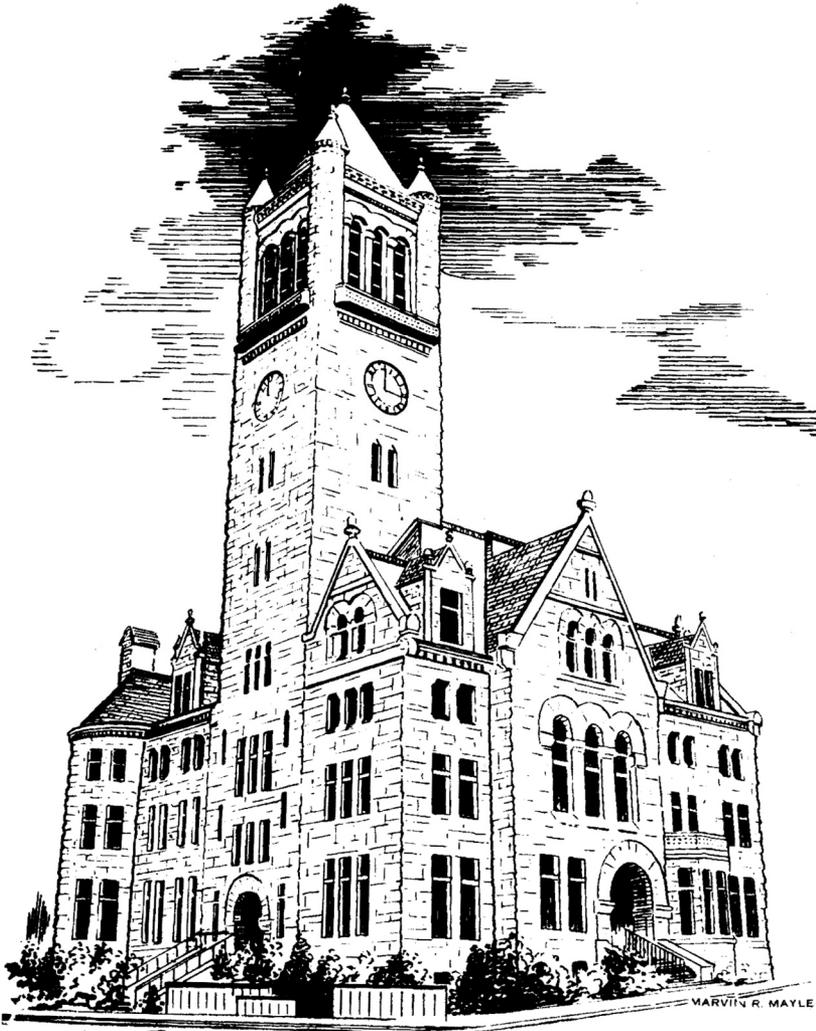


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ESTATE NOTICES

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

JUDY BALSLEY, a/k/a KAY JULIANNA BALSLEY, late of Stewart Township, Fayette County, PA (3)

Executrix: Kathryn Gordian
c/o 11 Pittsburgh Street
Uniontown, PA 15401
Attorney: Thomas W. Shaffer

RONALD S. CASSIDY, late of Uniontown, Fayette County, PA (3)

Personal Representative: Patricia Cassidy-Honsaker, a/k/a Patricia Honsaker-Cassidy
200 Dixon Boulevard
Uniontown, PA 15401
c/o P.O. Box 310 902 First Street
Hiller, PA 15473
Attorney: Herbert G. Mitchell, Jr.

PHYLLIS A. CIAMPANELLI, late of Menallen Township, Fayette County, PA (3)

Executor: Larry Ciampanelli
c/o 68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham

BARBARA HISSOM, late of Perry Township, Fayette County, PA (3)

Executor: Camellia Pato
c/o Long & Long, LLC
305 West Pittsburgh Street
Greensburg, PA 15601
Attorney: Nicole Pardus

MARK ANTHONY KELLEY, late of Georges Township, Fayette County, PA (3)

Administratrix: Korina Frey
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Sean M. Lementowski

NELLIE S. PILIPOVICH, late of Uniontown, Fayette County, PA (3)

Personal Representative: Lauren E. Cernuska, a/k/a Lauren E. Colbert-Rush
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Robert A. Gordon

CATHERINE PYLE, a/k/a CATHERINE ANN PYLE, late of South Union Township, Fayette County, PA (3)

Executor: Michael E. Pyle
72 Emerson Street
Uniontown, PA 15401
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

MARY ANN TOWNSEND, a/k/a MARYANN TOWNSEND, late of Georges Township, Fayette County, PA (3)

Executrix: Tina Eberhart
c/o Kopas Law Office
556 Morgantown Road
Uniontown, PA 15401
Attorney: John A. Kopas, III

Second Publication

THOMAS JOSEPH BOYD, late of Wharton Township, Fayette County, PA (2)

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 (2)

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 (2)

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 (2)

Executrix: Joanne M. Reno
108 Navy Street
Perryopolis, PA 15473
c/o Shire Law Firm
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 (2)

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

First Publication

GERALDINE A. HEFT, late of Point Marion, Fayette County, PA (1)

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 (1)

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 (1)

Administratrix: Kelley Cook
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Sean M. Lementowski

LEGAL NOTICES

NOTICE OF RETURN OF TAX SALE BY FAYETTE COUNTY TAX CLAIM BUREAU

Notice is hereby given that the Fayette County Tax Claim Bureau made a return to the Court of Common Pleas of Fayette County of the sale of properties held September 18, 2023, for delinquent taxes in accordance with the provisions of the Act of 1947, P. L. 1368, known as the Real Estate Tax Sale Law, as amended and supplemented, and the Court of Common Pleas of Fayette County by order dated October 17th, 2023 confirmed nisi said return of sale.

Objections or exceptions thereto may be filed by any owner or lien creditor within thirty (30) days after the date of the confirmation nisi, otherwise the return will be confirmed absolutely. In case no objections or exceptions are filed to any such sale within thirty (30) days after the date of the confirmation nisi, a decree absolute confirming the same will be entered as of course, by the Prothonotary.

FAYETTE COUNTY
TAX CLAIM BUREAU

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 1, 2023, for a limited liability company known as RADRE-MOUNDSVILLE 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: buying and leasing real estate 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

NOTICE

Notice is hereby given that a Certificate of Organization has been approved and filed with the Department of State for the Commonwealth of Pennsylvania in Harrisburg, Pennsylvania on October 24, 2023 for a Limited Liability Company known as Lambie Services, L.L.C.

Said Limited Liability Company has been organized under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

The purpose and purposes of the Limited Liability Company are real estate rentals and any or all lawful purposes related thereto, for which a limited liability company may be organized under the Business Corporation Law, as amended.

Donald McCue Law Firm, P.C.
813 Blackstone Road
Connellsville, PA 15425

TO: MARLENE VALLA, JAMES C. HAWK, his heirs and assigns, JAMES C. HAWK, his heirs and assigns, EUGENE HAWK AKA EUGENE DAVID HAWK, his heirs and assigns, JOHN ZYMEK AND TECKLA ZYMEK, his wife, their heirs and assigns, WILLIAM C. GEORGE, his heirs and assigns:

You are hereby notified that Jason E. Leonard and Russell B. Leonard, filed their Complaint at No. 1479 OF 2023, G.D. in the Court of Common Pleas of Fayette County, Pennsylvania, in an Action to Quiet Title wherein it is alleged that they are the owners in possession of a certain tract of land situate in North Union Township, Fayette County, Pennsylvania, deed of which is recorded in Fayette County Record Books 3420, page 1471, and 1481 and Record Book 3248, page 1111, more particularly bounded and described as follows:

ALL that certain tract of land situate in North Union Township, Fayette County, Pennsylvania, bounded and described as follows:

BEGINNING at a post a corner of this with lands of the heirs of Robert Hogsett; thence North 46 16' East 800 feet to a post; thence North 57 44' North 1300 feet to a post; thence South 46 16' West 800 feet to a chestnut tree; thence South 57 44' East 1300 feet to the place of beginning, CONTAINING 23.165 acres.

Also described as

**3.25 acres - off TR 684 - Yauger Hollow
Map - 24-40-0089**

and

**19.92 acres - off TR684-Yauger Hollow
Map - 25-40-0088**

The Complaint asks the Court to decree that title to said real estate is in the plaintiffs and to enjoin the defendants and their heirs and assigns, from setting up any title to said real estate and from impeaching, denying, or in any way attacking the plaintiffs' title to the same.

You are hereby notified that you have been sued in court. If you wish to defend against the claims set forth in the Complaint and in the within advertisement, you must take action within twenty (20) days after the last advertisement of this notice by entering a written appearance personally or by attorney and filing in writing with the court your

defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS 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 WHERE YOU CAN GET LEGAL HELP). THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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Vincent J. Roskovensky, II
Attorney for Plaintiffs

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

CIVIL ACTION – LAW
NO. 1863 of 2023 G.D.
JUDGE NANCY D. VERNON

THE CHURCH OF THE BRETHREN f/k/a FIRST BRETHREN CHURCH - CONNELLSVILLE and f/k/a THE CHURCH OF THE BRETHREN - CONNELLSVILLE,
Plaintiff

vs.

JEAN H. DAVIDSON, her personal Representatives, heirs, successors and Assigns,
Defendants

LEGAL NOTICE AND ORDER OF COURT

TO THE DEFENDANTS, take notice that the named Plaintiff filed an Action to Quiet Title at No. 1863 of 2023 G.D. in the Court of Common Pleas of Fayette County, Pennsylvania, averring that Plaintiff is the owner in fee and in possession of real estate located Lot No. 2 in Block 21 of the Davidson and Newmyer Addition to Connellsville (in addition to Lot No. 1 in Block 21) plan of lots recorded in Plan Book I. Pages 119 and 120, fronting Vine Street in Connellsville and contiguous to Lot 1 of said Plan. Lot 2 is 40' x 130', bounded on the right by Lot No. 1 and on the left by Lot. No. 3, and part of Tax Map No.15-17-0029. Plaintiff is asking the Court to enter a decree terminating any and all rights which Defendants may have in the said premises and to declare that Plaintiff has all ownership and possessory rights, and is asking the Court to release and forever discharge of any right, lien, title or interest of any Defendants herein.

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

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

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JUDICIAL OPINION

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

TERRIE DIGGA BROOKS,	:
Plaintiff,	:
v.	:
CYNTHIA DIGGA and CHAD A. DIGGA,	: No. 136 of 2023, G.D.
Defendants.	: Honorable Linda R. Cordaro

OPINION

Linda R. Cordaro, J.

October 27, 2023

Currently before this Court is Plaintiffs Motion for Summary Judgment. After consideration of the Motion, the pleadings and evidence of record, the briefs of the parties, and September 8, 2023 oral arguments, the Motion is granted for the reasons set forth below.

BACKGROUND

This matter involves real property at 158 Walter Street, Uniontown, Fayette County, Pennsylvania (Parcel No. 25-21-0023) (Property). On or about November 21, 2005, one-half (1/2) interest in the Property was conveyed to Plaintiff and the other one-half (1/2) conveyed to her brother, Anthony Digga III, as joint tenants with right of survivorship.

On January 31, 2020, Anthony Digga III executed a durable power of attorney naming his wife, Defendant Cynthia Digga (Defendant Digga), as his agent. On April 2, 2020, Defendant Digga signed Anthony Digga III's name and her own to a deed conveying his one-half (1/ 2) interest in the Property to herself and her son, Defendant Chad Digga. There is no mark of any kind by Anthony Digga III on the deed. He died on April 8, 2020.

The Complaint alleges that Defendant Digga was not authorized under power of attorney to sign Anthony Digga III's name to the deed, and that Anthony Digga III was not mentally competent to verbally grant the right to convey his interest in the Property.

Defendants' Answer admits that Defendant Digga signed her husband's name to the deed, but states that she did so under power of attorney. Furthermore, Defendants aver that Anthony Digga III directed Defendant Digga to sign his name and that he was competent to do so.

Plaintiff moved for summary judgment on the same grounds as set forth in the Complaint. Defendants responded and provided an affidavit from Defendant Digga asserting that she acted at the direction of her husband and signed his name to the deed in

his presence. {1} The affidavit further states that despite Anthony Digga III's serious physical illness, he was mentally competent until his death, and the inability to sign his own name was due to neuropathy.

Plaintiff's brief argues that Defendants' affidavit should be precluded from evidence pursuant to 42 Pa.C.S.A. § 5930 ("Dead Man's Statute"). Defendant's response counters that the affidavit should not be precluded because the Statute only bars the testimony of witnesses making a claim against a decedent's estate.

DISCUSSION

Any party may move for summary judgment after the relevant pleadings are closed when: 1) there is no genuine issue of any material fact as to a necessary element of the cause of action or defense which could be established by additional discovery, or 2) if, after relevant discovery is complete, an adverse party who will bear the burden of proof at trial has failed to produce evidence of facts essential to the cause of action or defense that in a jury trial would require the issues be submitted to a jury. Pa.R.Civ.P. 1035.2. "Summary judgment may be granted only where there is no genuine issue of material fact, and the moving party is entitled to judgment as a matter of law." *Belden & Blake Corp. v. Com., Dep't of Conservation & Nat. Res.*, 969 A.2d 528,531 (Pa. 2009). The court views the record in the light most favorable to the non-moving party, resolving all doubts as to the existence of a genuine issue of material fact against the movant. *Id.*

Action under Power of Attorney

As to Defendants' contention that the deed was signed under durable power of attorney, 20 Pa.C.S.A. § 5601.4 clearly states that an agent may undertake certain actions on the principal's behalf "only if the power of attorney expressly grants the agent the authority" to do so. Among the actions that require such express authority are making a gift and creating or changing rights of survivorship. 20 Pa.C.S.A. § 5601.4(a)(2)-(3).

According to the November 21, 2005 deed, Plaintiff and Anthony Digga III were joint tenants with right of survivorship. (Plaintiffs Exhibit A). The April 2, 2020 deed that purported to convey Anthony Digga III's interest to Defendants reads as follows:

Made and entered into this 2nd day of April, 2020, by and between ANTHONY DIGGA and III [sic] CYNTHIA DIGGA, his wife of North Union Township, Fayette County, Pennsylvania, Grantors,

AND

ANTHONY DIGGA III and CYNTHIA DIGGA, his wife, (As tenants by the entireties with respect to their $\frac{1}{4}$ interest) both of North Union Township, Fayette County, Pennsylvania and CHAD A. DIGGA, (son of Grantors, an undivided $\frac{1}{4}$ interest) of Uniontown, Fayette County, Pennsylvania, said interests to be held as joint tenants with right of survivorship and not as tenants in common.

{1} Defendants' Answer states only that Defendant Cynthia Digga acted at her late husband's express direction. The assertion that she signed the deed in his presence is stated only in her affidavit.

(Plaintiffs Exhibit B). The deed also states that "[t]he purpose of this Deed is to extinguish the tenancy with right of survivorship between Anthony Digga III and Terrie Digga Brooks ... " It is clear that the deed purports to change Anthony Digga III's right of survivorship.

However, the durable power of attorney document (Plaintiffs Exhibit C), does not grant this power. Paragraph 4 (related to real estate) grants the power to "lease, sell, release, convey, extinguish or mortgage any interest in any real estate." However, it does not expressly grant authority to gift property or to create or change rights of survivorship. Paragraph 13 of the document grants power "[t]o do all other things which my agent shall deem necessary and proper in order to carry out the foregoing powers which shall be construed as broadly as possible," but this is not the express language required by statute. Therefore, Defendant Digga did not have the authority to act under power of attorney to change Anthony Digga III's interest as set forth in the April 2, 2020 deed, and Plaintiff is entitled to judgment as a matter of law as to this aspect of the Motion.

Dead Man's Statute

Defendants also contend that when Defendant Digga signed her husband's name to the deed, it was as if he himself signed it. They present her affidavit as to the circumstances of the preparation and signing of the deed and cite to case law stating that the signature of a party, made by another at his direction and in his presence, has the same legal effect as his own. See, e.g., *Fitzpatrick v. Engard*, 34 A. 803 (Pa. 1896). Plaintiff argues that the Dead Man's Statute precludes the affidavit from being considered as evidence.

In its entirety, 42 Pa.C.S.A. § 5930 reads as follows:

Except as otherwise provided in this subchapter, in any civil action or proceeding, where any party to a thing or contract in action is dead, or has been adjudged a lunatic and his right thereto or therein has passed, either by his own act or by the act of the law, to a party on the record who represents his interest in the subject in controversy, neither any surviving or remaining party to such thing or contract, nor any other person whose interest shall be adverse to the said right of such deceased or lunatic party, shall be a competent witness to any matter occurring before the death of said party or the adjudication of his lunacy, unless the action or proceeding is by or against the surviving or remaining partners, joint promisors or joint promisees, of such deceased or lunatic party, and the matter occurred between such surviving or remaining partners, joint promisors or joint promisees and the other party on the record, or between such surviving or remaining partners, promisors or promisees and the person having an interest adverse to them, in which case any person may testify to such matters; or, unless the action is a possessory action against several defendants, and one or more of said defendants disclaims of record any title to the premises in controversy at the time the suit was brought and also pays into court the costs accrued at the time of his disclaimer, or gives security therefor as the court in its discretion may direct, in which case such disclaiming defendant shall be a fully competent witness; or, unless the issue or inquiry be devisavit vel non, or be any other issue or inquiry respecting the property of a deceased owner, and the controversy is between parties respectively claiming such property by devolution on the

death of such owner, in which case all persons shall be fully competent witnesses.

Defendant argues that the Statute only applies when a witness is making a claim against an estate. However, the language clearly states that the Statute applies "in any civil action." {2,3}

The purpose of the Statute "is to prevent the injustice that may result from permitting a surviving party to a transaction to give testimony favorable to himself and adverse to the decedent, which the decedent's representative would be in no position to refute by reason of the decedent's death." *Larkin v. Metz*, 580 A.2d 1150, 1152 (Pa. Super. Ct. 1990). Three conditions must be met before a witness is disqualified:

"(1) the deceased must have had an actual right or interest in the matter at issue, i.e., an interest in the immediate result of the suit; (2) the interest of the witness - not simply the testimony - must be adverse; and (3) a right of the deceased must have passed to a party of record who represents the deceased's interest."

Id. (quoting *In re Hendrickson's Estate*, 130 A.2d 143, 146-47 (Pa. 1957)).

Here, Anthony Digga III did have an actual interest in the matter at issue. In addition, Defendant Digga's interest currently may be adverse in that she "will either gain or lose as the direct legal operation and effect of the judgment." *Gibbs v. Herman*, 714 A.2d 432, 436 (Pa. Super. Ct. 1998) (quoting *Olson v. N. Am. Indus. Supply*, 658 A.2d 358, 364 (Pa. Super. Ct. 1995)). Finally, Anthony Digga III's interest did pass to some party of record (either Plaintiff or Defendants). However, the question of which party represents the decedent's interest (and therefore, whose interest is not adverse) is the very dispute upon which litigation was filed. At first glance, the issue of whether Defendant Digga's affidavit is precluded appears to be determinable only after resolving the exact matter about which she seeks to testify.

However, consideration of the circumstances and holding of *In re Estate of Cerullo* is helpful in navigating this analysis. 247 A.3d 52 (Pa. Super. Ct. 2021). In *Cerullo*, Wife and Husband married four weeks before his death, after which Executrix (his sister) filed an account of his estate including vehicles that Wife claimed Husband had gifted to her. *Id.* at 54. Both Executrix and Wife testified at an evidentiary hearing and, in addition to her own testimony, Wife presented two witnesses that testified as to their conversations with Husband about his desire for her to have the vehicles. *Id.* However, Wife was the only witness to testify as to delivery of the titles and keys to the vehicles. *Id.* Wife's testimony and that of her witnesses was permitted despite the Dead Man's Statute objections raised by Executrix. *Id.* The lower court then found that Husband made a valid gift of the vehicles prior to his death, and Executrix appealed. *Id.*

{2} Furthermore, the controversy here is a dispute as to a claim of interest in real property that Anthony Digga III owned during his lifetime - in effect, his estate.

{3} The *devisavit vel non* exception provided for in the Statute does not apply because this exception relates to a dispute involving the transfer of a decedent's estate by operation of law or by will. *In re Estate of Janosky*, 827 A.2d 512, 516 n.3 (Pa. Super. Ct. 2003). Here, although the dispute does involve the transfer of property interest by operation of law (either to Plaintiff as surviving joint tenant or to Defendant Digga as surviving tenant by the entireties), it also involves the conveyance of the Property to Defendant Chad Digga during Anthony Digga III's lifetime.

The Superior Court observed that application of the Dead Man's Statute becomes "difficult" where the controversy involves an alleged inter vivos gift by a decedent to a challenged donee. *Id.* at 56. In that case, "both the alleged donee and the estate have an interest in the property which may be adverse to the interest of the decedent, depending on whether the alleged transfer took place or not." *Id.* (quoting *Friedman v. Kinnen*, 305 A.2d 3, 4 (Pa. 1973)).

"In such circumstances, 'if a valid inter vivos transfer can be shown by independent evidence [b]efore the admission of any testimony by the alleged donee, the donee will be considered to represent the interest of the decedent and will be permitted to testify. Conversely, if the alleged donee fails to establish a prima facie gift by independent testimony before he takes the stand, he will not be competent to testify.'"

Id.

The Court found that Wife had presented independent evidence as to Husband's donative intent through the testimony of her witnesses, neither of whom stood to benefit from the outcome of the case. *Id.* at 57. However, it found no prima facie delivery of a gift when Wife's own testimony was the only evidence. *Id.* Accordingly, the Court held that the Dead Man's Statute precluded Wife's testimony concerning delivery and her claim of an inter vivos gift therefore failed. *Id.* at 53-54.

Here, Defendants do not claim the Property was a gift, but the dispute still is over the validity of a transfer of interest prior to death. Here, either of the parties may have an interest adverse to Anthony Digga III's, depending on whether the April 2, 2020 deed is determined to be valid. If it is valid, then Defendant Digga represents Anthony Digga III's interest (and her interest would not be adverse). However, because the validity of the transfer is still in question, just as in *Cerullo*, Defendant Digga's affidavit/testimony cannot be considered to resolve that dispute and some independent evidence is required. Defendants have not indicated there is any other available evidence.

Therefore, as with Wife's testimony in *Cerullo*, Defendant Digga's affidavit is precluded by 42 Pa.C.S.A. § 5930.

CONCLUSION

Plaintiff is entitled to judgment as a matter of law with respect to Defendant Digga's impermissible action purportedly under durable power of attorney. Defendant Digga's affidavit related to the preparation and signing of the April 2, 2020 deed is precluded under 42 Pa.C.S.A. § 5930 and cannot be considered, and Defendants have not indicated there is any other evidence to support their claim. Plaintiff's Motion is therefore granted.

ORDER

AND NOW, this 27th day of October, 2023, after consideration of Plaintiffs Motion for Summary Judgment, it is hereby ORDERED and DIRECTED that the Motion is GRANTED.

Defendant Cynthia Digga was not authorized by Anthony Digga III's durable power of attorney to execute the deed of April 2, 2020 as his agent. Further, under 42 Pa.C.S.A. § 5930, Defendant Cynthia Digga's affidavit is excluded from consideration. Defendants have not indicated there is any other evidence to support their claim.

Plaintiff therefore is entitled to judgment as a matter of law.

Plaintiffs requested relief is GRANTED. The Deed dated April 2, 2020, recorded in the Recorder of Deeds Office of Fayette County, Pennsylvania, in Record Book 3432, page 2107, is hereby declared VOID.

BY THE COURT:
LINDA R. CORDARO, JUDGE

ATTEST:
Prothonotary

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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