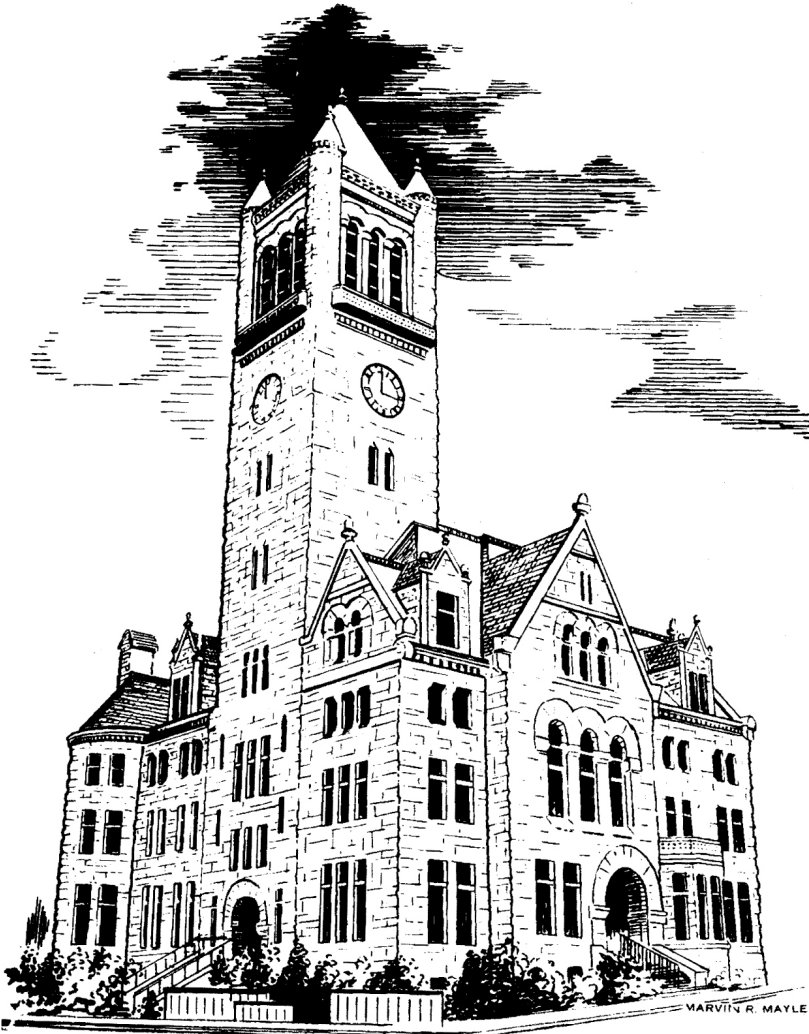


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ESTATE NOTICES

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 E. ARISON, late of Connellsville,
Fayette County, PA (3)

Personal Representative: Denise Arison
Riverfront Professional Center
208 South Arch Street, Suite 2
Connellsville, PA 15425
Attorney: Richard A. Husband

SAMUEL J. GUARIGLIA, late of Vanderbilt,
Fayette County, PA (3)

Executrix: Sherry Stewart
c/o P.O. Box 760
Connellsville, PA 15425
Attorney: Carolyn W. Maricondi

THELMA I. HAAS, late of Bullskin Township,
Fayette County, PA (3)

Executrix: Frances Grimm
c/o P.O. Box 760
Connellsville, PA 15425
Attorney: Carolyn W. Maricondi

GERALDINE L. KARAS, A/K/A

GERALDINE LENA KARAS, late of Luzerne
Township, Fayette County, PA (3)

Executrix: Pauline Tentler
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

MARGARET ANN NICOLSON, A/K/A
MARGARET A. NICHOLSON, late of
Connellsville, Fayette County, PA (3)

Personal Representatives:
Kevin D. Nicholson & Wendy A. Henry
c/o Watson Mundorff Brooks & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Charles W. Watson

JAMES S. TERRACE, A/K/A JAMES
STEVEN TERRACE, late of Redstone
Township, Fayette County, PA (3)

Executrix: Jamie Ann Kerrigan
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Jeremy J. Davis

Second Publication

ROY E. EVANS, late of Luzerne Township,
Fayette County, PA (2)

Executrix: Darlene J. Ferguson
908 Lewis Street
Brownsville, PA 15417
c/o P.O. Box 488
California, PA 15419
Attorney: Lisa J. Buday

DOLORES A. FRANCZYK, late of German
Township, Fayette County, PA (2)

Executrix: Carol M. Dupont
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

EMILY GROVE, late of North Union
Township, Fayette County, PA (2)

Executor: Robert J. Kollar
1374 Langport Drive
Pittsburgh, PA 15241
c/o 3 Gateway Center
401 Liberty Avenue, 22 FL
Pittsburgh, PA 15222
Attorney: Heidi Rai Stewart

DOROTHY ANN GRUBER, A/K/A DOROTHY GRUBER, late of German Township, Fayette County, PA (2)
Executor: Donald F. Gruber
 c/o 556 Morgantown Road
 Uniontown, PA 15401
Attorney: John A. Kopas, III

PAUL COWELL HONSAKER, A/K/A PAUL C. HONSAKER, A/K/A PAUL HONSAKER, late of Masontown, Fayette County, PA (2)
Administrator: Richard Paul Honsaker
 c/o Proden & O'Brien
 99 East Main Street
 Uniontown, PA 15401
Attorney: Wendy L. O'Brien

IRENE KEBLIS A/K/A IRENE S. KEBLIS, late of Menallen Township, Fayette County, PA
Executor: Paul Keblis (2)
 c/o Fieschko & Associates, Inc.
 436 7th Avenue, Suite 2230
 Pittsburgh, PA 15219
Attorney: Joseph E. Fieschko, Jr., Esquire

IRMA L. MOSER, late of South Union Township, Fayette County, PA (2)
Executor: Ronald C. Howarth
 c/o Higinbotham Law Offices
 45 East Main Street, Suite 500
 Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

STEPHEN PAPTICK, JR., A/K/A STEPHEN PAPTICK, late of South Union Township, Fayette County, PA (2)
Executrix: Donna Oplko
 c/o Proden & O'Brien
 99 East Main Street
 Uniontown, PA 15401
Attorney: Wendy L. O'Brien

BARBARA J. RUSH, A/K/A BARBARA JANE RUSH, late of South Union Township, Fayette County, PA (2)
Executor: Raymond P. Rush
 352 Walnut Hill Road
 Uniontown, PA 15401
 c/o Mears, Smith, Houser & Boyle, P.C.
 127 North Main Street
 Greensburg, PA 15601
Attorney: Jon M. Lewis

DONNIE R. SUTTON, late of Georges Township, Fayette County, PA (2)
Administrator: Benny Sutton
 c/o 556 Morgantown Road
 Uniontown, PA 15401
Attorney: John A. Kopas, III

THOMAS E. SWEENEY, A/K/A THOMAS E. SWEENEY, SR., late of Dunbar Township, Fayette County, PA (2)
Personal Representative:
 Thomas E. Sweeney, Jr.
 c/o Watson Mundorff Brooks & Sepic
 720 Vanderbilt Road
 Connellsville, PA 15425
Attorney: Charles W. Watson

AGNES M. UNETICH, late of South Union Township, Fayette County, PA (2)
Executor: Jeffrey Unetich
 c/o 51 East South Street
 Uniontown, PA 15401
Attorney: Webster & Webster

First Publication

BERNARD DESIMONE, late of Redstone Township, Fayette County, PA (1)
Administratrix: Melissa R. Rizzo
 c/o 111 East Main Street
 Uniontown, PA 15401
Attorney: Melinda Deal Dellarose

PATRICIA K. MCCANN, late of Brownsville Township, Fayette County, PA (1)
Executor: Alex W. McCann
 c/o 51 East South Street
 Uniontown, PA 15401
Attorney: Webster & Webster

LAURA MAE SARVER, late of Henry Clay Township, Fayette County, PA (1)
Executor: Clarence Michael Sarver
 c/o Hajduk & Associates
 77 South Gallatin Avenue
 PO Box 1206
 Uniontown, PA 15401
Attorney: Mary Lenora Hajduk

BERTHA C. SEMACHKO, late of North Union Township, Fayette County, PA (1)
Executrix: Deborah M. Esposito
 c/o Davis & Davis
 107 East Main Street
 Uniontown, PA 15401
Attorney: James T. Davis

CECIL WALTERS, A/K/A CECIL WALTERS, SR., late of Menallen Township, Fayette County, PA (1)
Executors: Monzella V. King and Cecil Walters, Jr.
 c/o George Port & George
 92 East Main Street
 Uniontown, PA 15401
Attorney: Wayne H. Port

LEGAL NOTICES

NOTICE

NOTICE IS HEREBY GIVEN that a Certificate of Organization, Domestic Limited Liability Company has been approved and filed with the Department of State of the Commonwealth of Pennsylvania on April 27, 2017, for a Limited Liability Company known as Firehouse Restaurant and Pub, LLC, having an address of 6 Oliver Road, Uniontown, PA 15401.

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 the retail sale of food and drinks including alcoholic beverages and any and all lawful business related thereto for which Limited Liability Companies may be organized under the Business Corporation Law.

Robert A. Gordon, Esquire
 99 East Main Street
 Uniontown, Pennsylvania 15401

NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Pennsylvania Department of State on or about April 3, 2017 for a corporation organized and existing under the Business Corporation Law of 1988, as amended. The name of the corporation is Bella Mia Development Incorporated, having an address at 593 Industrial Park Road, Smock, Pennsylvania 15480. The purpose of the corporation is to acquire property, constructing buildings perform design, fabrication, installation of residential units for any and all purposes and any and all activities permitted under the Business Corporation Law of the Commonwealth of Pennsylvania.

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

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
ORPHANS ' COURT DIVISION
NO.13 ADOPT 2017 and NO. 14 ADOPT 2017

In The Court of Common Pleas
Of Fayette County, Pennsylvania
Civil Action-Law
No. 136-2017

Notice of Action in Mortgage Foreclosure

IN RE: ADOPTION OF
JOCELYN SCOTT and
CADENCE SCOTT

**Bayview Loan Servicing, LLC, a Delaware
Limited Liability Company,
Plaintiff,**

vs.

NOTICE

**Unknown Heirs, Successors, Assigns, and All
Persons, Firms, or Associations Claiming
Right, Title or Interest from or under Yvonne
Nicoletto, deceased, Christine Marie Bowman,
Known Heir of the Estate of Yvonne
Nicoletto, deceased, Heather Lynn Lohman,
Known Heir of the Estate of Yvonne
Nicoletto, deceased and Leahae Rae French,
Known Heir of the Estate of Yvonne
Nicoletto, deceased,
Defendants.**

TO: Donald Scott III and Tricia Thomas

To the Defendant(s), Unknown Heirs,
Successors, Assigns, and All Persons, Firms, or
Associations Claiming Right, Title or Interest
from or under Yvonne Nicoletto,
deceased: TAKE NOTICE THAT THE
Plaintiff, Bayview Loan Servicing, LLC, a
Delaware Limited Liability Company, has filed
an action Mortgage Foreclosure, as captioned
above.

A petition has been filed asking the Court
to put an end to all rights you have to your
children, Jocelyn Scott and Cadence Scott. The
court has set a hearing to consider ending your
rights to your children. That hearing will be held
in Courtroom No. 4 of the Fayette County
Courthouse, Uniontown, Fayette County,
Pennsylvania, on Thursday, June 1, 2017 at
1:30 p.m. You are warned that even if you fail
to appear at the scheduled hearing the hearing
will go on without you and your rights to your
children may be ended by the court without
your being there.

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

NOTICE

IF YOU WISH TO DEFEND, YOU
MUST ENTER A WRITTEN APPEARANCE
PERSONALLY OR BY ATTORNEY AND
FILE YOUR DEFENSES OR OBJECTIONS
WITH THE COURT. 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 OR
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. IF YOU
CANNOT AFFORD TO HIRE A LAWYER,
THIS OFFICE MAY BE ABLE TO PROVIDE
YOU WITH INFORMATION ABOUT

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

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 100 South St., P.O. Box 186
 Harrisburg, PA 17108

Christopher A. DeNardo, Kristen D. Little,
 Kevin S. Frankel, Samantha Gable, Daniel T.
 Lutz, Leslie J. Rase, Alison H. Tulio &
 Katherine M. Wolf, Attys. for Plaintiff
 SHAPIRO & DeNARDO, LLC
 3600 Horizon Dr., Ste. 150
 King of Prussia, PA 19406
 610.278.6800

IN THE COURT OF COMMON PLEAS
 OF FAYETTE COUNTY
 CIVIL DIVISION
 No. 2016-01296

PNC Bank, National Association,
Plaintiff,
 vs.

**Patricia L. Johnson, Individually and as a
 Known Heir of Thomas H. Johnson and
 Unknown Heirs, Successors, Assigns and All
 Persons, Firms, or Associations Claiming
 Right, Title or Interest From or Under
 Thomas H. Johnson,**
Defendant(s).

**NOTICE OF SHERIFF'S SALE OF
 REAL ESTATE**

To: Unknown Heirs, Successors, Assigns
 and All Persons, Firms, or Associations
 Claiming Right, Title or Interest From or Under
 Thomas H. Johnson, Defendant(s), whose last
 known address is 202 Main St. (Perry
 Township), Perryopolis, PA 15473.

Your house (real estate) at 202 Main St.
 (Perry Township), Perryopolis, PA 15473 is
 Scheduled to be sold at Sheriff's Sale on 8/17/17
 at 2:00 P.M., at the Fayette County Courthouse,
 61 Main St., Uniontown, PA 15401, to enforce
 the judgment of \$61,008.39 obtained by Plaintiff
 above (the mortgagee) against you. Property
 Description: ALL THAT CERTAIN LOT OF
 LAND SITUATE IN PERRY TOWNSHIP,
 FAYETTE COUNTY, PENNSYLVANIA.

BEING KNOWN AS 202 Main Street (Perry
 Township), Perryopolis, PA 15473. PARCEL
 NUMBER: 27-08-0036. IMPROVEMENTS:
 Residential Property.

UDREN LAW OFFICES, P.C. IS A DEBT
 COLLECTOR AND THIS IS AN ATTEMPT
 TO COLLECT A DEBT. ANY
 INFORMATION OBTAINED WILL BE USED
 FOR THAT PURPOSE. IF YOU ARE NOT
 OBLIGATED UNDER THE NOTE OR YOU
 ARE IN BANKRUPTCY OR YOU RECEIVED
 A DISCHARGE OF YOUR PERSONAL
 LIABILITY UNDER THE NOTE IN
 BANKRUPTCY, THIS COMMUNICATION IS
 NOT SENT TO COLLECT THE DEBT;
 RATHER, IT IS SENT ONLY TO PROVIDE
 INFORMATION WITH REGARD TO THE
 LENDER'S RIGHT TO ENFORCE THE LIEN
 OF MORTGAGE.

Udren Law Offices, P.C., Attys. for Plaintiff,
 111 Woodcrest Rd., Ste. 200
 Cherry Hill, NJ 08003
 856.482.6900.

LUNCH AND LEARN

Fayette County Drug Court

Tuesday, May 9, 2017
 1.0 Substantive CLE Credit

12:00 noon to 1:00 p.m.
 First Niagara Building
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 \$20 young lawyer

REGISTRATION:
**Cindy at the Fayette County
 Bar Association**
(724) 437-7994 or cindy@fcbar.org

JUDICIAL OPINION

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

COMMONWEALTH OF	:	
PENNSYLVANIA,	:	
v.	:	
CLAYTON DAVID KRYSAK,	:	NO. 2203 OF 2016
Appellant.	:	JUDGE JOSEPH M. GEORGE, JR.

ATTORNEYS AND LAW FIRMS

Meghann E. Mikluscak, Esquire, Assistant District Attorney, For the Commonwealth
Jack R. Heneks, Jr., Esquire, For the Defendant

OPINION AND ORDER

GEORGE, J.

April 26, 2017

This matter comes before the Court on the Omnibus Pre-Trial Motion filed by Defendant in the form of Motion to Suppress Evidence and Motion for Writ of Habeas Corpus. Defendant is charged with four (4) counts of videotaping, depicting or filming a prohibited sexual act of a child under the age of 18 years {1} and one (1) count of criminal use of communication facility {2}. A hearing was held on March 22, 2017, where the transcript from the preliminary hearing was submitted, a recording from one of the minor victim's cellular phone was made part of the record and testimony was heard with respect to Defendant's statements given to law enforcement. After careful consideration, Defendant's Motion will be DENIED in its entirety.

FACTS

On December 18, 2015, CJ and HC, two minor children {3}, went to Defendant's home in Uniontown, Pennsylvania to babysit Defendant's two toddlers. Approximately an hour after arriving, CJ used the bathroom and noticed an iPod sitting in the clothes basket, a few feet from the toilet. The camera lens on the iPod was facing in the direction of the toilet. CJ noticed the device was recording for over an hour and immediately stopped the recording.

{1} 18 Pa. C.S. § 6312(b).

{2} 18 Pa. C.S. § 7512(a).

{3} CJ's DOB: 11/26/1998. HC's DOB: 7/06/1999.

CJ and HC viewed the recording in its entirety. According to CJ and HC, the recording showed: (1) a person wearing jeans, whose face was out of view of the recording, placing the iPod in the clothes basket and positioning it in a certain way; (2) HC using the restroom, which showed her genitalia; and (3) CJ taking her pants off and sitting on the toilet; however, the recording only captured CJ's bare legs and hips. The two minor children deleted the original video in its entirety only after CJ used her phone to record parts of the original video. The first part CJ recorded was of the person placing the iPod in the clothes basket and the second part was of CJ using the bathroom.

The next day, on December 19, 2016, the two girls, accompanied by HC's mother, took the iPod to the Uniontown Police Department (UPD). CJ also emailed the recording on her phone to the police. The police attempted to recover the original recording on the iPod but were unsuccessful.

On July 7, 2016, Defendant went to the police station after Captain David Rutter of the UPD contacted Defendant via telephone. When Defendant arrived, he was informed he was not under arrest and he was free to leave. Captain Rutter and Detective Donald Gmitter took Defendant to an interview room to discuss the investigation, where Defendant made several verbal statements. Subsequently, Defendant agreed to give a voluntarily written statement, only after he waived his Miranda rights. See Exhibit B. Defendant explained in his written statement that he placed the iPod in the laundry basket to record the girls using the bathroom. When asked by Detective Gmitter if he recorded the girls for purposes of sexual gratification, Defendant responded yes.

DISCUSSION

Defendant first argues that any secondary evidence regarding the content of the original video should be suppressed based on the common law "best evidence rule," now codified in the Pennsylvania Rules of Evidence. This rule states, "[a]n original writing, recording, or photograph is required in order to prove its content unless these rules, other rules prescribed by the Supreme Court, or a statute provides otherwise." Pa.R.E. 1002. Therefore, if the content of the recording is needed to prove the elements of the offense, then Rule 1002 requires the Commonwealth to introduce the original recording into evidence. *Commonwealth v. Fisher*, 764 A.2d 82, 88 (Pa. Super. 2000). Nevertheless, Rule 1004 lists several exceptions to the general rule, including permitting a party to introduce other evidence of the content of the original recording if the original is lost or destroyed and not by the proponent acting in bad faith. Pa.R.E. 1004.

In the instant case, the evidence shows that the destruction of the original recording was through no fault of the Commonwealth. The original recording is unavailable because the minor victims erased the video after viewing it in its entirety. In fact, the original recording was deleted prior to law enforcement even becoming involved in the case. The police attempted to extract the recording from the device but was ultimately unsuccessful. In this case, the evidence is equally inaccessible to both the Commonwealth and the defense. The Commonwealth did not act in bad faith and therefore, the Commonwealth is permitted to introduce secondary evidence regarding the recording as Rule 1004(a) is applicable. See *Commonwealth v. Loughnane*, 128 A.3d 806 (Pa. Super. 2015) (the original videotape was not destroyed as the result of bad faith on the

Commonwealth's part since the video was erased as part of the security company's routine practice and the tape was erased before the police requested a copy); see also *Commonwealth v. Dent*, 8374 A.2d 571, 589 (Pa. Super. 2003) (a witness's testimony was properly admitted at trial without the necessity of producing the original surveillance videotape since the surveillance system automatically recycled the video itself and the witness's testimony was based on personal knowledge).

Defendant also argues that his statements made to law enforcement should be suppressed because they were not voluntarily made and in violation of *Miranda*. The Court finds, based on Captain Rutter's testimony, that Defendant's statements were voluntarily and intelligently made. Defendant was informed he was not under arrest, he was free to leave at any time, he was not under the influence nor was he handcuffed and no coercive actions were taken by the police. After he voluntarily made these statements, he waived his *Miranda* rights and gave a written statement. See Exhibit B.

Defendant last argues the Commonwealth cannot sustain its burden for the crimes charged. After viewing the evidence in light most favorable to the Commonwealth, including the testimony from both minor victims and Defendant's voluntary statements to the police, this Court finds the Commonwealth has established a *prima facie* case for the charged offenses.

Wherefore we will enter the following Order:

ORDER

AND NOW, this 26th day of April, 2017, upon consideration of Defendant's Omnibus Pre-Trial Motion and after hearing thereon, it is hereby ORDERED and DECREED that the Motion is DENIED, in its entirety.

The District Attorney is DIRECTED to list this matter for trial.

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

ATTEST:
CLERK OF COURTS

BAR BANQUET*The 124th Annual Fayette County Bar Banquet*

The Fayette County Bar Association
invites you to an evening of
Fellowship

Friday May 19, 2017

Hors d'oeuvres and open bar at 5:30 PM
Dinner at 6:30 PM

Featured Speaker
Pennsylvania Supreme Court Justice Max Baer

Nemacolin Woodlands Resort
Horizon Point
(adjacent to Falling Rock)
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Farmington, Pa 15437

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Please include payment of \$80 per guest

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Herb Roasted Filet, Brandy and Bell Pepper Cream
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