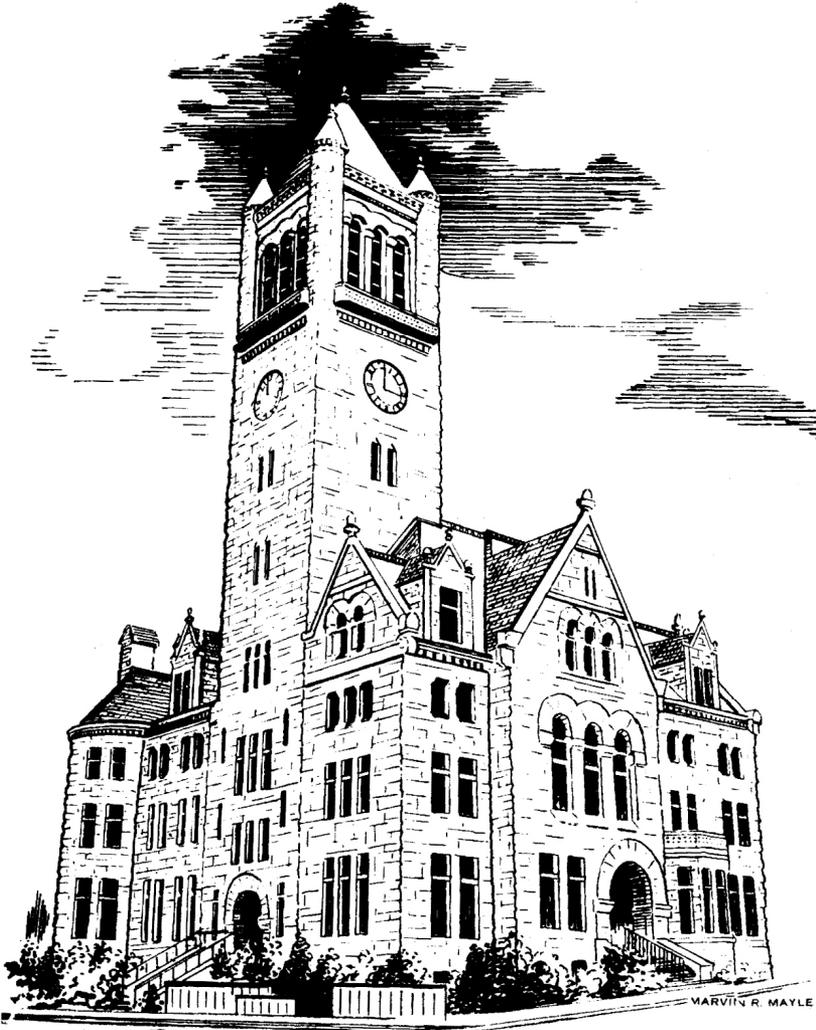


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FAYETTE LEGAL JOURNAL

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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 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

GEORGE CLAY, a/k/a GEORGE R. CLAY,
late of Washington Township, Fayette County,
PA ⁽³⁾

Executor: Dana R. Clay
410 Jacobs Street
Belle Vernon, PA 15012
Executrix: Sheran Ann Clay Summers
243 Clark Road
Perryopolis, PA 15473
c/o 300 Fallowfield Avenue
Charleroi, PA 15022
Attorney: Richard C. Mudrick

**BRADLEY R. FISHER, a/k/a BRADLEY
RAY FISHER,** late of Morgantown,
Monongalia County, West Virginia ⁽³⁾

Administrator: Robert Lee Rogers
1946 Fairchance Road
Morgantown, WV 26508
c/o 76 East Main Street
Uniontown, PA 15401
Attorney: Douglas S. Sholtis

**VERNA R. HILLEN, a/k/a VERNA RUTH
HILLEN,** late of Bullskin Township, Fayette
County, PA ⁽³⁾

Personal Representative:
Brenda Lee Mattia
c/o Watson Mundorff & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Charles W. Watson

**JEFFREY LAUFFER, a/k/a JEFFREY
DAVID LAUFFER,** late of Everson Borough,
Fayette County, PA ⁽³⁾

Executor: Jane Lauffer
742 State Route 31
Ruffs Dale, PA 15679
c/o 231 South Main Street, Suite 402
Greensburg, PA 15601
Attorney: Marilyn Gaut

**MARY ANN MLINARCIK, a/k/a MARY A.
MLINARCIK, a/k/a MARY MLINARCIK,**
late of Uniontown, Fayette County, PA ⁽³⁾

Administrator: William J. Mlinarcik
c/o John & John
96 East Main Street
Uniontown, PA 15401
Attorney: Simon B. John

**KENNETH LINDSAY MURPHY, JR., a/k/a
KENNETH L. MURPHY, JR.,** late of Dunbar
Township, Fayette County, PA ⁽³⁾

Administrators DBN: Ora L. Murphy and
Samantha Stouffer
432 East Crawford Avenue
Connellsville, PA 15425
c/o King Legal Group, LLC
114 North Maple Avenue
Greensburg, Pa 15601
Attorney: Robert W. King

RICHARD A. PARENTE, JR., late of Belle
Vernon, Fayette County, PA ⁽³⁾

Executrix: Kimberly Ann Livingston
130 Shady Avenue
Belle Vernon, PA 15012
c/o 566 Donner Avenue
Monesson, PA 15062
Attorney: Aaron J. Bialon

Second Publication

ANN M. BEREITER, a/k/a ANNA M. BEREITER, late of Connellsville, Fayette County, PA (2)

Personal Representatives: Susan R. Bailey, Kathryn A. Blackstone and Jane A. Carbonara
c/o Riverfront Professional Center
208 South Arch Street, Suite 2
Connellsville, PA 15425
Attorney: Richard A. Husband

FRANK FRED CHROBAK, a/k/a FRANK F. CHROBAK, late of Luzerne Township, Fayette County, PA (2)

Personal Representative: Edward J. Fudala and John P. Juran
c/o Watson Mundorff & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Charles W. Watson

DARREL BERGER, late of Connellsville, Fayette County, PA (2)

Executrix: Dana A. Keck
c/o Donald McCue Law Firm, P.C.
Colonial Law Building
813 Blackstone Road
Connellsville, PA 1525
Attorney: Donald McCue

THEODORE S. KRZANOWSKI, a/k/a TED S. KRZANOWSKI, late of North Union Township, Fayette County, PA (2)

Executor: Joseph A. Krzanowski
c/o Radcliffe Law, LLC
648 Morgantown Road, Suite B
Uniontown, PA 15401
Attorney: William M. Radcliffe

DAVID B. LOGAN, late of Connellsville, Fayette County, PA (2)

Personal Representative: Lance Bastian
c/o 208 South Arch Street, Suite 2
Connellsville, PA 15425
Attorney: Richard A. Husband

ANTOINETTE M. MATTHEWS, late of North Union Township, Fayette County, PA (2)
Administratrix: Lynette Andaloro
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

First Publication

HENRY A. BASHOUR, a/k/a HENRY ALBERT BASHOUR, late of Redstone Township, Fayette County, PA (1)

Personal Representative: Joanne Bashour
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James Davis

JANICE M. BOCK, a/k/a JANICE MARIE BOCK, late of Brownsville, Fayette County, PA

Executor: Debra M. Bock, a/k/a Deborah Bock Davis
P.O. Box 623
Brownsville, PA 15417
c/o 76 East Main Street
Uniontown, PA 15401
Attorney: Douglas S. Sholtis (1)

TERESE BURKETT, late of Wharton Township, Fayette County, PA (1)

Administrator: Robert Burkett
c/o 42944 National Pike Road
P.O. Box 245
Chalk Hill, PA 15421
Attorney: Charles C. Gentile

LOIS J. DAVIS, a/k/a LOIS JEAN DAVIS, late of Henry Clay Township, Fayette County, PA (1)

Administrator: Todd Bowser
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

WESTLEY T. DOMASKY, a/k/a WESTLEY DOMASKY, a/k/a WESTLEY TIMOTHY DOMASKY, late of Bullskin Township, Fayette County, PA (1)

Personal Representative:

Christina M. Augustine
212 Main Street
Addison, PA 15411
c/o Moore Becker Smarto & Cizek, P.C.
121 West Second Street
Greensburg, PA 15601
Attorney: Gregory C. Moore

BERNARD A. KAPINUS, a/k/a BERNARD ANDREW KAPINUS, late of Perryopolis Borough, Fayette County, PA (1)

Personal Representative:

Darren A. Kapinus
c/o Davis & Davis
107 East Main Street
Uniontown, Pa 15401
Attorney: Jeremy J. Davis

GERALDINE M. NICHOLS, a/k/a GERALDINE NICHOLS, late of South Union Township, Fayette County, PA (1)

Personal Representative:

Donna L. Kowalsky
c/o John & John
96 East Main Street
Uniontown, PA 15401
Attorney: Simon B. John

SHIRLEY OPEL, late of Uniontown, Fayette County, PA (1)

Executor: Lois Griffin
P.O. Box 175
Dilliner, PA 15327
c/o Sykes Elder Law
615 Washington Road, Suite 304
Pittsburgh, PA 15228
Attorney: Shelley Newlin

ARMANDO VENICASA, late of German Township, Fayette County, PA (1)

Personal Representatives: Rosella Snyder and Marcella Hyunyady
c/o Higinbotham Law Offices
45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James Higinbotham

BETTIE J. WHITE, late of Vanderbilt, Fayette County, PA (1)

Executrix: Elizabeth Giles
c/o Molinaro Law Offices
P.O. Box 799
Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

MARGARET M. WYATT, late of Redstone Township, Fayette County, PA (1)

Personal Representative: Paul K. Wyatt, Sr.
c/o Riverfront Professional Center
208 South Arch Street, Suite 2
Connellsville, PA 15425
Attorney: Richard A. Husband

LEGAL NOTICES

NOTICE LEGAL ADVERTISEMENT

Notice is hereby given that a hearing is scheduled for Thursday, May 2, 2019, at 1:30 p.m., before The Honorable Nancy D. Vernon, in Courtroom No. 4, of the Fayette County Courthouse, for the sale of the Clifford N. Pritts Elementary School by the Connellsville Area Board of School Directors.

Interested persons may appear at the aforementioned hearing to offer testimony in favor of or in opposition to the proposed sale.

Connellsville Area Board of School Directors
(2 of 3)

FICTITIOUS NAME REGISTRATION

Notice is hereby given that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on March 15, 2019 for Fayette Pressure Washing Solutions at 195 Buck Lane Hopwood, PA 15445. The name and address of each individual interested in the business is James Gallo at 195 Buck Lane Hopwood, PA 15445. This was filed in accordance with 54 PaC.S. 311.

NOTICE

3J MARKETING SOLUTIONS, INC. has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

Mariah Balling-Peck, Esquire
111 East Main Street
Uniontown, PA 15401

NOTICE

Notice is hereby given that Harper and Mikluscak, L.L.P., intends to dissolve and terminate. Pursuant to 15 Pa.C.S.A. §8875(b), you are hereby notified that should you want to make a claim against Harper and Mikluscak, L.L.P., you must do so in writing, giving your name, address, and the basis for your claim including the time and date the alleged claim occurred. Such claim must be mailed to Radcliffe Law, L.L.C., 648 Morgantown Road, Suite B, Uniontown, Pennsylvania 15401.

Any claim against Harper and Mikluscak, L.L.P., will be barred unless an action to enforce the claim is commenced within two (2) years after publication of this notice.

Submitted by:

RADCLIFFE LAW, L.L.C.
648 Morgantown Road, Suite B
Uniontown, PA 15401

NOTICE

NOTICE is hereby given pursuant to the provisions of Act 295 of December 16, 1982, P.L. 1309, that a Certificate was filed in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or about April 18, 2019, to conduct a business in Fayette County, Pennsylvania, under the assumed or fictitious name of JOE'S CONSTRUCTION with the principal place of business at: 155 SUPERIOR STREET BROWNSVILLE, PA 15417.

The name or names and addresses of persons owning and interested are: JOSEPH GRANATO, 155 SUPERIOR STREET, BROWNSVILLE, PA 15417.

William Worthington, Esquire
Worthington Law Offices
257 Driftwood Road
Brownsville, PA 15417

LEGAL NOTICE

Notice is hereby given that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on April 1, 2019, for a business known as **Uniontown Athletic Club, Inc.**

Said corporation has been organized under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

The purpose or purposes of the corporation is a Non-Profit Athletic Club providing physical education and self-defense training or any and all other lawful business in the Commonwealth of Pennsylvania for which corporations may be organized under the Business Corporation Law.

Thomas W. Shaffer, Esquire
11 Pittsburgh Street
Uniontown, PA 15401

MARSHAL'S SALE: By virtue of a Writ of Execution issued out of the United States District Court for the Western District of Pennsylvania and to me directed, I shall expose to public sale the real property located at 159 Half King Colony Road, Chalk Hill, PA 15421, with a mailing address of 159 Half King Colony Road, Farmington, PA 15437, more particularly described at Fayette County Deed Book Volume 2889, Page 511.

SAID SALE to be held in the Fayette County Courthouse, 61 East Main Street, Uniontown, PA 15401 at 10:00 a.m. prevailing, standard time, on May 28, 2019. All that certain tract of land, together with the buildings, and improvements erected thereon described as Tax Parcel No.42-05-0024 recorded in Fayette County, Pennsylvania. Seized and taken in execution as the property of Patrick R. McCracken, at the suit of the United States of America, acting through the Farmers Home Administration, on behalf of United States Department of Agriculture, to be sold on Writ of Execution as Civil Action No. 2:18-CV-01344.

TERMS OF SALE: Successful bidder will pay ten percent (10%) by certified check or money order upon the property being struck down to such bidder, and the remainder of the bid within thirty (30) days from the date of the sale and in the event the bidder cannot pay the remainder,

the property will be resold and all monies paid in at the original sale will be applied to any deficiency in the price at which the property is resold. The successful bidder must send payment of the balance of the bid directly to the U.S. Marshal's Office c/o Sheila Blessing, 700 Grant Street, Suite 2360, Pittsburgh, PA 15219. Bidder must have deposit funds immediately available and on his person in order to bid; bidder will not be permitted to leave the sale and return with deposit funds. Notice is hereby given that a Schedule of Distribution will be filed by me on the thirtieth day after the date of sale, and that distribution will be made in accordance with the Schedule unless exemptions are filed thereto within ten (10) days thereafter. Purchaser must furnish State Realty Transfer Tax Stamps, and stamps required by the local taxing authority. Marshal's costs, fees and commissions are to be borne by seller. Michael Baughman, Acting United States Marshal. For additional information, please contact Cathy Diederich at 314-457-5514 or the USDA foreclosure website at www.resales.usda.gov.

(1 of 4)

SHERIFF'S SALE

Date of Sale: June 20, 2019

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, June 20, 2019, at 2:00 p.m. in Courtroom Number Five at the Fayette County Courthouse, Uniontown, Pennsylvania.

The terms of sale are as follows:

Ten percent of the purchase price, or a sufficient amount to pay all costs if the ten percent is not enough for that purpose. Same must be paid to the Sheriff at the time the property is struck off and the balance of the purchase money is due before twelve o'clock noon on the fourth day thereafter. Otherwise, the property may be resold without further notice at the risk and expense of the person to whom it is struck off at this sale who in case of deficiency in the price bid at any resale will be required to make good the same. Should the bidder fail to comply with conditions of sale money deposited by him at the time the property is struck off shall be forfeited and applied to the cost and judgments. All payments must be made in cash or by certified check. The schedule of distribution will be filed the third Tuesday after date of sale. If no petition has been filed to set aside the sale within 10 days, the Sheriff will execute and acknowledge before the Prothonotary a deed to the property sold. (3 of 3)

James Custer
Sheriff Of Fayette County

Phelan Hallinan Diamond & Jones, LLP

No. 3 of 2019 GD
No. 63 of 2019 ED

Lsf9 Master Participation Trust
Plaintiff
v.
Jenny Rebecca Dean
Jeffrey K. Dean
Defendant(s)

By virtue of a Writ of Execution No. 3-OF-2019-GD, Lsf9 Master Participation Trust v. Jenny Rebecca, Dean Jeffrey K. Dean, owner(s) of property situate in the STEWART TOWNSHIP, Fayette County, Pennsylvania, being 380 Burnworth Road, and 376 Burnworth Road, Mill Run, PA 15464-1524

Parcel No.: 37-08-0089 and 37-13-0014-06
Improvements thereon: RESIDENTIAL DWELLING

Phelan Hallinan Diamond & Jones, LLP

No. 2153 of 2018 GD
No. 84 of 2019 ED

Wells Fargo Bank, NA
Plaintiff
v.
Donna L. Dominic
William J. Dominic
Defendant(s)

By virtue of a Writ of Execution No. 2153-OF-2018-GD, Wells Fargo Bank, NA v. Donna L. Dominic, William J. Dominic, owner(s) of property situate in the LUZERNE TOWNSHIP, Fayette County, Pennsylvania, being 415 3rd Street, Allison, PA 15413.

Parcel No.: 19200036
Improvements thereon: RESIDENTIAL DWELLING

Phelan Hallinan Diamond & Jones, LLP

No. 2199 of 2012 GD
No. 79 of 2019 ED

JPMorgan Chase Bank, National Association
Plaintiff
v.
Eric J. Glagola
Hanna E. Glagola
Defendant(s)

By virtue of a Writ of Execution No. 2012-02199, JPMorgan Chase Bank, National Association v. Eric J. Glagola, Hanna E. Glagola, owner(s) of property situate in the REDSTONE TOWNSHIP, Fayette Count y, Pennsylvania, being 419 First Street, Chestnut Ridge, PA 15422.

Parcel No.: 30-20-0130

Improvements thereon: RESIDENTIAL DWELLING

No. 1251 of 2018 GD
No. 62 of 2019 ED

BAYVIEW LOAN SERVICING, LLC
vs.
DIANE L. HOGSETT

ALL THAT CERTAIN PARCEL OF LAND SITUATE IN LUZERNE TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA.

BEING THE SAME PREMISES which John T. Hogsett, Jr and Diane L. Hogsett, his wife, by Deed dated August 20, 2014 and recorded September 29, 2014 in the Office of the Recorder of Deeds in and for Fayette County in Deed Book Volume 3260, Page 39, granted and conveyed unto DIANE L. HOGSETT.

BEING KNOWN AS: 423 HOPEWELL ROAD, BROWNSVILLE, PA 15417

PARCEL # 19-25-0068-01

Phelan Hallinan Diamond & Jones, LLP

No. 1532 of 2013 GD
No. 91 of 2019 ED

Wilmington Savings Fund Society, FSB d/b/a Christiana Trust, Not in It'S Individual Capacity But Solely as The Trustee for The Brougham Fund I Trust
Plaintiff
v.
Susan Carol Johnson
Robert W. Johnson
Defendant(s)

By virtue of a Writ of Execution No. 1532-OF-2013-GD, Wilmington Savings Fund Society, FSB d/b /a Christiana Trust, Not in It'S Individual Capacity But Solely as The Trustee for The Brougham Fund I Trust v. Susan Carol Johnson, Robert W. Johnson, owner(s) of property situate in the NICHOLSON TOWNSHIP, Fayette County, Pennsylvania, being RR 2 Box 337 A. a/k/a 694 Woodside Oldframe Road, Smithfield, PA 15478-1130.

Parcel No.: 24-05-0009

Improvements thereon: RESIDENTIAL DWELLING

Phelan Hallinan Diamond & Jones, LLP

No. 2264 of 2018 GD
No. 67 of 2019 ED

Ditech Financial LLC
Plaintiff
v.
Frantz Morency, Jr, in His Capacity as Heir of Jeanette Morency a/k/a Jeanette Brown Morency,, Deceased Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Jeanette Morency a/ k/a Jeanette Brown Morency, Deceased
Defendant(s)

By virtue of a Writ of Execution No. 2264-OF-2018-GD Ditech Financial LLC v. Frantz Morency, Jr, in His Capacity as Heir of Jeanette Morency a/k/a Jeanette Brown Morency,, Deceased Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right,

Title or Interest From or Under Jeanette Morency a/k/a Jeanette Brown Morency, Deceased owner(s) of property situate in the MASONTOWN BOROUGH, Fayette County, Pennsylvania, being 312 Provins Avenue, Masontown, PA 15461-1928
 Parcel No.: 21-07-0099
 Improvements thereon: RESIDENTIAL DWELLING

Phelan Hallinan Diamond & Jones, LLP

No. 126 of 2019 GD
 No. 76 of 2019 ED

Wells Fargo Bank, N.A.
Plaintiff
 v.
Timothy E. Morrell
Anthony Interval, Jr
Defendant(s)

By virtue of a Writ of Execution No. 126 OF 2019 GD, Wells Fargo Bank, N.A. v. Timothy E. Morrell Anthony Interval, Jr owner (s) of property situate in the BELLE VERNON BOROUGH, Fayette County, Pennsylvania being 233 Water Street, Belle Vernon, PA 15012 -1118
 Parcel No.: 01030043
 Improvements thereon: RESIDENTIAL DWELLING

McCABE, WEISBERG & CONWAY, LLC
 123 South Broad Street, Suite 1400
 Philadelphia, PA 19109
 (215) 790-1010

No. 2485 of 2018 GD
 No. 80 of 2019 ED

Lakeview Loan Servicing, LLC
Plaintiff
 v.
Steven Price and Sandra Price
Defendants

ALL THAT CERTAIN LOT OF LAND SITUATE IN SOUTH UNION TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA, BEING LOT NO. 5 IN REVISED PLAN OF LOTS LAID OUT BY GREENBURY CROSSLANDS AND RECORDED JN RECORDER'S OFFICE OF FAYETTE COUNTY, PENNSYLVANIA, IN PLAN BOOK 5, PAGE 16 SAID PLAN TO TAKE THE PLACE OF PLAN FOR THE SAME PREMISES AS RECORDED IN PLAN BOOK 4, PAGE 221.

EXCEPTING AND RESERVING THEREOUT AND THEREFROM ALL THE STONE COAL AND MINERAL S UNDER THE COAL EXCEPT SO MUCH AS MAY BE NEEDED AS PILLARS OR SUPPORTS, TOGETHER WITH ALL MINING RIGHTS, PRIVILEGES, ETC. AS CONTAINED IN A DEED OF GREENBURY CROSSLAND, ET UX TO THE CHICAGO AND CONNELLSVILLE COKE COMPANY, DATED APRIL 11, 1889, AND RECORDED IN THE RECORDER'S OFFICE OF FAYETTE COUNTY, PENNSYLVANIA, IN DEED BOOK 85, PAGE 52.

All that certain piece or parcel or Tract of land situate in the Township of South Union, Fayette County, Pennsylvania, and being known as 21 Bradbury Street, Uniontown, Pennsylvania 15401.

Being known as: 21 Bradbury Street, Union town, Pennsylvania 15401

Title vesting in Steven Price and Sandra Price, husband and wife, by deed from Mark A. Wehrer dated November 16, 2007 and recorded December 19, 2007 in Instrument Number 200700018104.

Tax Parcel Number: 34-17-0051

No. 2761 of 2018 GD
 No. 66 of 2019 ED

STERN AND EISENBERG, PC
 ANDREW J. MARLEY, ESQ.

Specialized Loan Servicing LLC
PLAINTIFF

No. 2440 of 2018 GD
 No. 72 of 2019 ED

vs.

Brian S. Reedy
DEFENDANT

**Wells Fargo Bank, national Association, as
 Trustee for Option One Woodbridge Loan
 Trust 2003-1, Asset Backed Certificates,
 Series 2003-1 c/o Ocwen Loan Servicing, LLC**
Plaintiff

v.

Irvin L. Shipley III a/k/a Irvin L. Shipley
Defendant(s)

ALL those certain lots of land situate in North Union Township, Fayette County, Pennsylvania, known as Lots Nos. 46 and 47 in the Laurel Terrace Plan of Lots as laid out by Areford Brothers and recorded in the Recorder's Office of Fayette County in Plan Book 5, page 3, said lots being more particularly bounded and described as follows:

COMMONLY KNOWN AS: 84 Brown Street, Uniontown, PA 15401
 TAX PARCEL NO. 25430029

SITUATE IN THE THIRD WARD OF THE CONNELLSVILLE TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA, BEING KNOWN AS 907 Norton Boulevard, Connellsville, PA 15425

PARCEL NO. 06-05-0037
 IMPROVEMENTS- RESIDENTIAL REAL ESTATE

SOLD AS THE PROPERTY OF - Irvin L. Shipley III a/k/a Irvin L. Shipley

ANNE N. JOHN Esq.
 ATTORNEY AT LAW

No. 2812 of 2018 GD
 No. 88 of 2019 ED

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

vs.

ALLEN F. RICHTER,
Defendant

KML Law Group, P.C.
 Suite 5000 - BNY Independence Center
 701 Market Street
 Philadelphia, PA 19106
 215-627-1322

No. 652 of 2017 GD
 No. 68 of 2019 ED

PNC BANK, NATIONAL ASSOCIATION
3232 Newmark Drive
Miamisburg, OH 45342
Plaintiff

vs.

LINDA D. SIMS
Mortgagor(s) and Record Owner(s)
35 Pershing Avenue
Uniontown, PA 15401
Defendant(s)

ALL that certain lot or parcel of land located in Bullskin Township, Fayette County, Pennsylvania, being Lot No. 32 in the Merit Manor Plan of Lots No. 2, laid out by Caldarelli Homes, Inc., which plan is of record in the Recorder's Office of Fayette County, Pennsylvania in Plan Book Volume 10, page 172.

FOR prior title see Record Book 1836 at page 101.

Assessment Map No.: 04-33-0085.

Upon which is erected a single family dwelling known locally as 211 Van Drive, Connellsville, PA 15425.

ALL THAT CERTAIN LOT OF GROUND SITUATE IN THE THIRD WARD OF THE CITY OF UNIONTOWN, FAYETTE COUNTY, PENNSYLVANIA

TAX PARCEL# 38040578
 PROPERTY ADDRESS: 35 Pershing Avenue Uniontown, PA 15401

IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF: LINDA D. SIMS

Phelan Hallinan Diamond & Jones, LLP

No. 26 of 2019 GD
No. 81 of 2019 ED

Wells Fargo Bank, N.A.

Plaintiff

v.

Matthew A. Szuch

Defendant(s)

By virtue of a Writ of Execution No. 26-OF-2019-GD, Wells Fargo Bank, N.A. v. Matthew A. Szuch, owner(s) of property situate in the LUZERNE TOWNSHIP, Fayette County, Pennsylvania, being 816 Green Street, A/K/A 816 Greene Street-Hiller, Brownsville, PA 15417-2202

Parcel No.: 19130063

Improvements thereon: RESIDENTIAL DWELLING

No. 140 of 2019 GD
No. 89 of 2019 ED

FIRST NATIONAL BANK OF PENNSYLVANIA, successor to PARKVALE SAVINGS BANK,

Plaintiff,

vs.

ALLEN M. THOMAS

and MARK MARINO,

Defendants.

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF ALLEN M. THOMAS AND MARK MARINO, OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT CERTAIN REAL ESTATE SITUATED IN LUZERNE TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA. HAVING ERECTED THEREON A DWELLING KNOWN AS 1005 HIGH STREET, BROWNSVILLE, PA 15417. INSTRUMENT NUMBER 201900000123 AND PARCEL NUMBER 19-13-0184.

Phelan Hallinan Diamond & Jones, LL P

No. 2804 of 2018 GD
No. 90 of 2019 ED

Bank of America, N.A.

Plaintiff

v.

Brenda L. Wideman

Defendant(s)

By virtue of a Writ of Execution No. 2804 OF 2018 GD, Bank of America, N.A. v. Brenda L. Wideman, owner(s) of property situate in the SPRINGFIELD TOWNSHIP, Fayette County, Pennsylvania, being 2847 Springfield Pike Road, a/k/a 2847 Springfield Pike, Connellsville, PA 15425-6459

Parcel No.: 35-04-0066

Improvements thereon: RESIDENTIAL DWELLING

*** 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, May 6, 2019, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2618-0560	JANET L. McCUNE	Cheri Lynn Curci, Executrix
2617-1000	PAUL M. GABELT	Carolyn W. Maricondi, Executrix
2617-0286	DONALD RAY WILHELM, SR.	Donald Wilhelm Jr., Administrator

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

Monday, May 20, 2019, at 9:30 A.M.

in Courtroom No. 1 of the **Honorable STEVE P. LESKINEN**, or his chambers, 2nd 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 also 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, May 6, 2019, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2617-0895	FRANKIE G. COLUCCI	Joseph Pitts, Administrator
2616-0711	CANDACE LEHMAN a/k/a CANDACE S. LEHMAN a/k/a CANDACE SHA LEHMAN	Donald E. Lehman Jr., Administrator DBNCTA

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

Monday, May 20, 2019, at 9:30 A.M.

in Courtroom No. 5 of the **Honorable JOSEPH M. GEORGE, JR.** or his chambers, 3rd 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 (2 of 2)

JUDICIAL OPINION

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

COMMONWEALTH OF	:
PENNSYLVANIA,	:
	:
V.	:
JOSHUA STINER,	: Honorable Judge Linda R. Cordaro
Defendant.	: No. 2161 of 2018

OPINION and ORDER

Cordaro, J.

March 15, 2019

SUMMARY

Before the Court is Defendant's Omnibus Pretrial Motion. For the following reasons, Defendant's Motion is denied.

BACKGROUND

As the result of an incident that happened on July 9, 2018, which is explained in more detail below, the Defendant was charged with DUI: General Impairment, DUI: High Rate of Alcohol, Failure to Drive within a Single Lane of Traffic, and Careless Driving.

Defendant, Joshua Stiner, filed an Omnibus Pretrial Motion on December 17, 2018, challenging the constitutionality of the stop. This Court held a hearing on the Motion on February 8, 2019, where the following testimony was presented.

Trooper Ronald Harris of the Pennsylvania State Police testified that he was on routine patrol in Smithfield Borough in the early morning of July 9, 2018. Trooper Harris was in a marked police vehicle with Trooper Matthew Rucinski. At around 3 AM, Trooper Harris was driving around a curve on a hill on State Route 119, when he saw a white Ram pickup truck in the opposite lane approaching the Troopers. As the vehicles were driving towards each other, the front-left and back-left tires of the Ram crossed the double yellow line separating the lanes of traffic, coming into the Troopers' lane. The Ram was about 20-30 yards away from the Troopers' vehicle at the time. Although Trooper Harris testified that he did not have to swerve or take any evasive action, he did testify that the truck was close to hitting his vehicle.

Trooper Harris turned his vehicle around to pursue the white Ram. The Troopers encountered the Ram stopped on Valley School Road. Trooper Harris initiated a traffic stop on the truck, which was driven by Defendant, Joshua Stiner. Trooper Harris detected an odor of alcohol coming from the vehicle as he approached. After coming into contact with Mr. Stiner, Trooper Harris immediately smelled alcohol coming from Mr. Stiner's person and from his breath. Mr. Stiner also had glassy, bloodshot eyes.

Trooper Harris suspected Mr. Stiner of driving under the influence. Trooper Harris then asked Mr. Stiner to perform a variety of field sobriety tests. Although Mr. Stiner was able to successfully perform most of the tests, a horizontal gaze nystagmus test did indicate that Mr. Stiner was under the influence of alcohol. Based on the totality of the circumstances, Trooper Harris believed Mr. Stiner was driving under the influence of alcohol and placed him under arrest.

At that time, Trooper Harris asked Mr. Stiner if he would consent to a breathalyzer. Mr. Stiner consented. An Intoxilyzer was used, the results of which showed that Mr. Stiner's Blood Alcohol Content was 0.105%. The Intoxilyzer results were admitted into evidence as Commonwealth's Exhibit 1.

As a result of the incident and the Intoxilyzer results, Mr. Stiner was charged with: DUI: General Impairment (75 Pa.C.S.A. §3802(a)(1)); DUI: High Rate of Alcohol (75 Pa.C.S.A. §3802(b)); Disregarding a Traffic Lane (75 Pa.C.S.A. §3309(1)); and Careless Driving (75 Pa.C.S.A. §3714(a)).

Defendant's Omnibus Pretrial Motion seeks to Suppress Evidence and is a Writ for Habeas Corpus. Defendant first argues that all evidence should be suppressed because there was no probable cause to stop his vehicle. Defendant also argues that the Commonwealth cannot establish a prima facie case against Mr. Stiner because his Blood Alcohol Content was 0.105%, which Defendant claims is within the margin of error for the test.

DISCUSSION

Defendant first argues that the stop of his vehicle was in violation of his constitutional rights because he was operating his vehicle in a safe and legal manner at all times. The testimony of Trooper Harris at the Omnibus Pretrial Hearing does not support this conclusion.

Trooper Harris testified that he was driving on State Route 119, negotiating his vehicle around a bend. At that time, he witnessed a white Ram pickup truck cross the double yellow line and come into his lane. The vehicles were 20-30 yards away, and Trooper Harris said that the truck almost hit his vehicle. Following the encounter, the Trooper turned around, discovered the white pickup truck stopped on a separate road, and initiated a stop on the vehicle. The truck was driven by Mr. Stiner.

In order to constitutionally stop a vehicle, the nature of a suspected violation determines whether an officer needs reasonable suspicion or probable cause. *Commonwealth v. Sutler*, 121 A.3d 987, 993 (Pa. Super. Ct. 2015). The Pennsylvania Superior Court explained the difference:

If it is not necessary to stop the vehicle to establish that a violation of the Vehicle Code has occurred, an officer must possess probable cause to stop the vehicle. Where a violation is suspected, but a stop is necessary to further investigate whether a violation has occurred, an officer need only possess reasonable suspicion to make the stop.

Id.

The Satler Court illustrated this difference by comparing a traffic stop for speeding to one for a DUI. *Id.* In order to stop a vehicle for a speeding violation, an officer must have probable cause that a violation occurred. *Id.* This is because once the officer pulls the vehicle over, there is nothing further that can be determined about the speed the vehicle was traveling that led the officer to believe there was a speeding violation. *Id.* On the other hand, in order to stop a vehicle for a suspected DUI, an officer only needs to have reasonable suspicion that a violation occurred. *Id.* In that case, the officer needs an opportunity to further investigate whether the driver was operating under the influence of alcohol or a controlled substance. *Id.*

This standard was reiterated in *Commonwealth v. Feczko*, where the Superior Court stated that "[m]ere reasonable suspicion will not justify a vehicle stop when the driver's detention cannot serve an investigatory purpose relevant to the suspected violation." *Commonwealth v. Feczko*, 10 A.3d 1285, 1291 (Pa. Super. Ct. 2010). Further, the officer must be able to articulate specific facts that would "provide probable cause to believe that the vehicle or the driver was in violation of some provision of the [Vehicle] Code." *Id.* (Internal citations omitted.)

In *Feczko*, the Superior Court was analyzing the legality of a traffic stop based on a violation of 75 Pa.C.S.A. §3309(1)-Failure to Drive within a Single Lane of Traffic. That provision of the Vehicle Code states that "[a] vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from the lane until the driver has first ascertained that the movement can be made with safety." *Id.* In *Feczko*, the trooper initiated a traffic stop when he observed the defendant's vehicle cross the double yellow center line on two separate occasions, drift over the white fog line, and weave within the defendant's lane. *Feczko* at 1291. While no other vehicles were required to take evasive action, there was oncoming traffic in the other direction. *Id.*

The *Feczko* Court found that the observations of the trooper gave rise to a suspected violation of the Motor Vehicle Code, which requires vehicles drive within a single lane unless they can depart from the lane safely. *Id.* The court emphasized that the driver's "deviations from his lane of travel created a significant safety hazard on the roadway" given the presence of oncoming traffic. *Id.*

Here, Defendant has not cited any cases to support his argument that the stop of his vehicle was unconstitutional based on one single deviation from his lane of traffic. If there was such a case, it might be *Commonwealth v. Malone*, 19 Pa. D. & C. 4th 41 (Cumberland County 1993), which this Court finds to be persuasive and well-reasoned, although not controlling. The court in *Malone* first observes that "[t]here are a dearth of reported decisions interpreting [Section 3309(1) of the Vehicle Code]," before providing an in-depth analysis of that rule. *Id.* at 44.

In *Malone*, the officer was following a vehicle when he observed the passenger-side wheels of the vehicle go into the berm approximately one foot, and later observed the driver-side wheels cross the center lines approximately one foot. *Malone* at 42. The officer followed the vehicle for eight minutes. *Id.* During that time, there was no other traffic on the road in either direction. *Id.* The driver was driving within the speed limit at all times and made several proper turns while using turn signals. *Id.*

The Malone Court found that, based on the observations of the officer, there was no probable cause to stop the driver's vehicle. *Id.* at 44. The court reasoned that Section 3309 of the Vehicle Code "does not require perfect adherence to driving entirely within a single maker lane on all occasions," but only requires a vehicle be driven "as nearly as practicable entirely within a single marked lane," although even that qualification is subject to the provision that drivers who leave their lane must first ascertain "that the movement can be made with safety." *Id.* The court further reasoned that "Section 3309 is a safety provision," and that the legislature did not "demand absolute compliance with the single lane requirement..." *Id.* at 45. The Malone Court concluded that if Section 3309 required perfect adherence to driving entirely within a single marked lane on all occasions, "there would hardly ever be a car, much less a truck," that an officer would not be able to stop. *Id.*

Even though the Malone Court found that one single instance of crossing the double yellow line did not constitute probable cause for a stop, it specifically made that decision in light of the fact that there were no other vehicles on the highway during the entire eight minutes that the officer followed the driver. *Id.* at 44- Further, the court noted that there was no evidence that the driver's crossing the center line constituted a safety hazard. *Id.* at 44-45. The court also stated that there are "situations where, for example, an operator straddles a center line or a berm line over some distance, or continually cuts off the angle of the center line through turns in a highway, or proceeds to cross the center line where there is oncoming traffic, or weaves over the center line or berm line," any of which would violate Section 3309(1) as a safety hazard. *Id.* at 45 (Emphasis added.) So while the Malone Court held that one instance of crossing the double yellow line did not constitute probable cause, it did acknowledge that crossing the double yellow line when there is oncoming traffic would be a violation of Section 3309(1).

The most congruous interpretation of *Feczko* and *Malone* is that the circumstances of each case determine whether a vehicle crossing the double yellow line has created a safety hazard in violation of the Vehicle Code. This would then determine whether there was probable cause to constitutionally stop the vehicle.

At issue in the present case is a circumstance that is distinct from both *Feczko* and *Malone*. Mr. Stiner's vehicle only crossed the double yellow line one time, which alone might not constitute a violation of Section 3309(1). However, Trooper Harris's testimony was that Mr. Stiner's vehicle was only 20-30 yards away from his when it crossed the double yellow line. Further, although Trooper Harris did not need to take evasive action to avoid Mr. Stiner's vehicle, he did testify that Mr. Stiner's vehicle was close to hitting him. Because of the presence of oncoming traffic and the relatively short distance between the vehicles, Mr. Stiner's crossing of the double yellow line was clearly a safety hazard in violation of Section 3309(1). As a result, Trooper Harris had probable cause to stop Mr. Stiner's vehicle.

Defendant's second contention, that the Commonwealth failed to present a *prima facie* case against him because his Blood Alcohol Content was within the margin of error of the Intoxilyzer, is also without merit. The results of the Intoxilyzer showed that Mr. Stiner had a Blood Alcohol Content of 0.105%. Trooper Harris testified that there is

a 0.01% margin of error for the test. The statute for DUI: High Rate of Alcohol states that:

An individual may not drive, operate[,] or be in actual physical control of the movement of a vehicle after imbibing a sufficient amount of alcohol such that the alcohol concentration in the individual's blood or breath is at least 0.10% but less than 0.16% within two hours after the individual has driven, operated[,] or been in actual physical control of the movement of the vehicle.

75 Pa.C.S.A. §3802(b). In other words, a driver who has a BAC of 0.10% to 0.16% is in violation of that provision.

Here, Mr. Stiner's BAC was 0.105%. Even if Mr. Stiner's BAC was 0.104%-which would be the lower end of the margin of error for the test-he still would have been above the alcohol consumption limit proscribed by Section 3802(b). As a result, the Commonwealth established a prima facie case for this charge.

CONCLUSION

As a result of the foregoing analysis, Defendant's Omnibus Pretrial Motion is denied. This case shall be listed for trial.

ORDER

AND NOW, this 15th day of March, 2019, in consideration of Defendant's Omnibus Pretrial Motion to Suppress Evidence/Motion to Dismiss, it is ORDERED and DIRECTED that the Motion is DENIED. This case shall be listed for trial.

BY THE COURT:
Linda R. Cordaro, Judge

ATTEST:
Clerk of Courts

The Institute for Law & Public Policy

April CLE Seminars – New Location

Frank Sarris Public Library

35 North Jefferson Avenue Canonsburg, PA 15317
 Conveniently located off of the I-79 Canonsburg, PA Exit
 Free Parking in Murdock Street Lot
April 25 & 26, 2019

April 25, 2019 - 9 AM-12:15 PM

Conflict Skills for Lawyers: Get Empowered to Artfully Navigate Difficult Conversations with Staff, Clients, and Other Attorneys

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Unanticipated Fallout, the Practice of Law Since the Creation of the Consumer Financial Protection Bureau – the “CFPB”

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LUNCH & LEARN SERIES

FCBA LUNCH & LEARN SERIES

The Fayette County Bar Association's next presentation in its Lunch & Learn Series will be:

- Date: **Wednesday, May 15th** from 12:00 p.m. to 1:30 p.m.
- Location: Courtroom No. 1 of the Fayette County Courthouse
- Discussion topic: **Pennsylvania's Medical Cannabis Law**
- Presenter: Patrick K. Nightingale, Esquire

CLE Credit

1.5 hours of Substantive CLE credit for the program. The fees are as follows:

Members of the FCBA

- No charge for attendance without CLE Credit
- \$10 fee for attendance with CLE Credit

Attorneys admitted to practice in Pennsylvania after January 1, 2012

- No charge for attendance with CLE Credit

Non-members of the FCBA

- \$10 fee for attendance without CLE Credit
- \$20 fee for attendance with CLE Credit

**** All fees to be paid at the door ****

A light lunch will be provided.

If interested in attending, please call Cindy at the Bar office at 724-437-7994 or by email to cindy@fcbar.org on or before Monday, May 13th.

-Professional Ethics/CLE Committee

LAW DAY CELEBRATION

2019 Law Day Luncheon and Celebration



Join your Colleagues and Friends of the Fayette County Bar Association

on

Wednesday, May 1, 2019

Law Day Luncheon

all attorneys welcome

Uniontown Country Club

12:00 p.m.

\$10.00 per person

Presenters: President Judge John F. Wagner, Jr.

PBA President-Elect Anne N. John

Mock Trial Competition

Presiding President Judge John F. Wagner, Jr.

Fayette County Courthouse, Courtroom #2

10:00 a.m.

Frazier and Connellsville Area School Districts

The first 12 volunteers to serve as mock trial jurors
will receive a coupon for 3.0 CLE credits
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on or before Friday, April 26th***

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