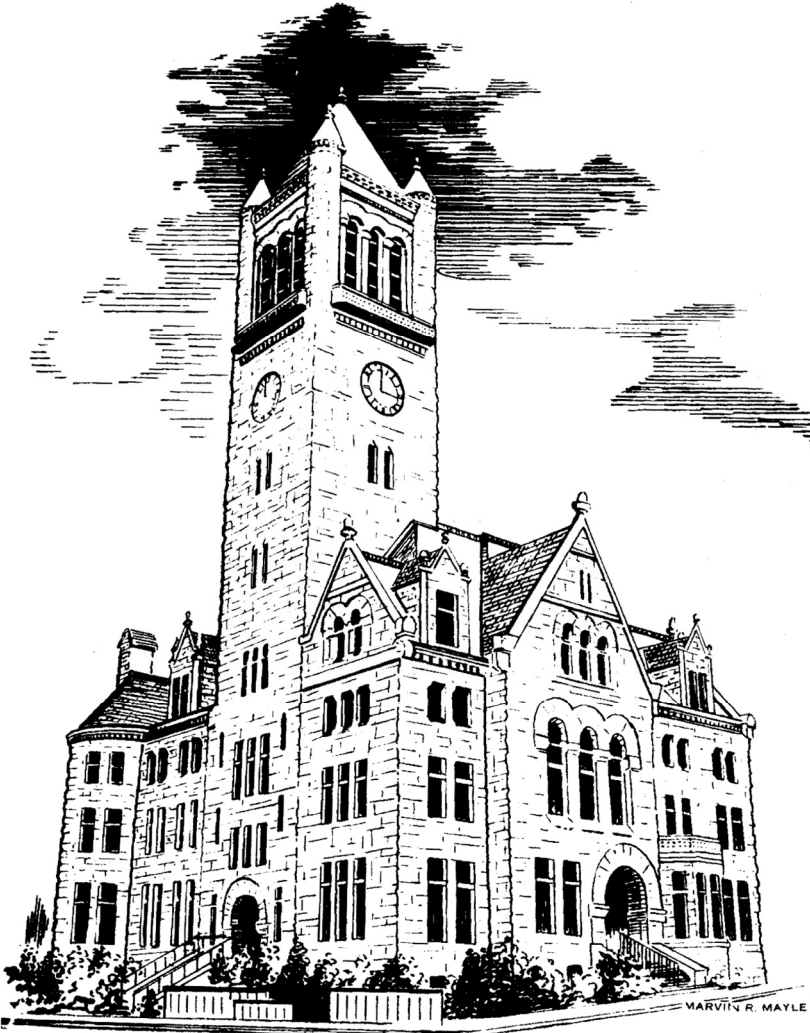


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FAYETTE LEGAL JOURNAL

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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

ROBERT BEATTY, a/k/a ROBERT E. BEATTY, JR., late of South Connellsville Borough, Fayette County, PA ⁽³⁾

Personal Representative:
Sharon L. Whitney, PNC Private Bank
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James Higinbotham

RAYMOND J. CHESS, a/k/a RAYMOND JOSEPH CHESS, late of South Union Township, Fayette County, PA ⁽³⁾

Executrix: Alice N. Chess
352 Chess Road
Smithfield, PA 15478
c/o Williams Coulson
420 Fort 5 Duquesne Boulevard, 16th. Floor
Pittsburgh, PA 15222
Attorney: Mary Jo Corsetti

SANDRA L. COZARD, late of Luzerne Township, Fayette County, PA ⁽³⁾

Executrix: Pamela A. Harman
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Anthony S. Dedola, Jr.

TONI LOUISE DEMASSE, a/k/a ANTOINETTE DEMASSE, late of Redstone Township, Fayette County, PA ⁽³⁾

Executrix: Nicole Marie Loppolo
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

GAYLORD R. GARDNER, a/k/a GAYLORD RAY GARDNER, late of Fayette County, PA

Executrix: Jennifer Lynn Dzyak ⁽³⁾
126 Hilltop Drive
Scottdale, PA 15683
c/o 314 C Porter Avenue
Scottdale, PA 15683
Attorney: David G. Petonic

DEBRA J. GOTTFREID, late of Redstone Township, Fayette County, PA ⁽³⁾

Administrator: Branden R. Gottfreid
c/o Monaghan & Monaghan, LLP
57 East Main Street
Uniontown, PA 15401
Attorney: Gary D. Monaghan

KEITH CHARLES HUEY, late of Waltersburg, Fayette County, PA ⁽³⁾

Administratrix: Leona Huey
677 Old Route 51 Road
Waltersburg, PA 15488
c/o 4 North Beeson Boulevard
Uniontown, PA 15401
Attorney: Shery Heid

ERIC M. JOHNSON, late of Hopwood, Fayette County, PA ⁽³⁾

Administrator: Kurt Johnson
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Samuel J. Davis

DOROTHY G. MAUST, a/k/a DOROTHY GRACE MAUST, late of Gibbon Glade, Fayette County, PA ⁽³⁾

Executor: Reid S. Maust
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

HELEN G. MILLS, late of Vanderbilt, Fayette County, PA ⁽³⁾

Co-Executors: William E. Mills and Timothy E. Mills
c/o 815A Memorial Boulevard
Connellsville, PA 15425
Attorney: Margaret Zylka House

Second Publication

KAHLANI BROWN, a/k/a KAHLANI MARIE BROWN, late of Brownsville, Fayette County, PA (2)

Administrators:

Mariah Rafail and Tryvon Brown
1024 2nd Street
Brownsville, PA 15417
c/o Kontow Mengine Killion and Hassen
603 Stanwix Street
Two Gateway Center 1228
Pittsburgh, PA 15222
Attorney: Katie Killion

ASHLEY CARRIS, late of Normalville, Fayette County, PA (2)

Administrator: John Carris
2441 Broadlawn Drive
Pittsburgh, PA 15241
c/o 1330 Arrowood Drive
Pittsburgh, PA 15241
Attorney: Chris Buda

RAYMOND J. CHESS, a/k/a RAYMOND JOSEPH CHESS, late of South Union Township, Fayette County, PA (2)

Executrix: Alice N. Chess
352 Chess Road
Smithfield, PA 15478
c/o Williams Coulson
420 Fort Duquesne Boulevard 16th. Floor
Pittsburgh, PA 15222
Attorney: Mary Jo Corsetti

PHYLLIS DAVID, a/k/a PHYLLIS M. DAVID, late of South Union Township, Fayette County, PA (2)

Executrix: Joseph M. David
c/o Fitsimmons and Barclay
55 East Church Street, Suite 102
Uniontown, PA 15401
Attorney: Ralph K. Barclay, Jr.

JAMES W. FLOWERS, late of Ohiopyle, Fayette County, PA (2)

Administrator: Steven Flowers
101 Ruth Drive
Hunker, PA 15639
c/o Allerton Bell, P.C.
1095 Ben Franklin Highway E
Douglassville, PA 19518
Attorney: Cheryl J. Allerton

CLAIR E. MCFADDEN, JR., late of Bullskin Township, Fayette County, PA (2)

Executrix: Corinna Grubbs
13 Pennsville Street
Connellsville, PA 15425
c/o Moore Becker Smarto & Acosta, P.C.
121 West Second Street
Greensburg, PA 15601
Attorney: Lawrence F. Becker, III

IMA JUNE MURPHY, late of Uniontown, Fayette County, PA (2)

Executor: Mark A. Murphy
c/o 45 East Main Street, Suite 400
Uniontown, Pa 15401
Attorney: Charles C. Gentile

MARION ROZZO, a/k/a MARION G. ROZZO, late of South Union Township, Fayette County, PA (2)

Personal Representatives: Susan A. Luick and Marc Ryon Rozzo
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James Higinbotham

SUSAN ROZZO, a/k/a SUSAN A. ROZZO, late of South Union Township, Fayette County, PA (2)

Personal Representatives:
Synthia A. Luick and Marc Ryon Rozzo
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James Higinbotham

JOHN M. SARGENT, a/k/a JOHN MICHAEL SARGENT, JR., late of German Township, Fayette County, PA (2)

Executrix: Sheri L. Bergman
c/o Adams Law Office, PC
55 East Church Street, Suite 10
Uniontown, PA 15401
Attorney: Jason Adams

FRANCIS A. TROSIEK, late of Footdale,
Fayette County, PA (2)

Executrix: Barbara J. Kett
c/o 45 East Main Street, Suite 400
Uniontown, PA 15401
Attorney: Charles C. Gentile

TRACY LYNN WALKER, a/k/a TRACY L. WALKER, late of Bullskin Township, Fayette County, PA (2)

Administratrix: Corinna Grubbs
13 Pennsville Street
Connellsville, PA 15425
c/o Moore Becker Smarto & Acosta, P.C.
121 West Second Street
Greensburg, PA 15601
Attorney: Lawrence F. Becker, III

First Publication

BETTY JEAN ACKLIN, a/k/a BETTY J. ACKLIN, late of Newell Borough, Fayette County, PA (1)

Executor: Gregory A. Acklin
c/o Goodwin Como, P.C.
108 North Beeson Boulevard, Suite 400
Uniontown, PA 15401
Attorney: Amanda M. Como

SUSAN L. ALESANTRINO, a/k/a SUSAN LEE ALESANTRINO, late of South Connellsville Borough, Fayette County, PA (1)

Personal Representative:
Julie F. Alesantrino
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15401
Attorney: Robert A. Gordon

MURIEL J. BOOHER, late of Bullskin Township, Fayette County, PA (1)

Co-Executors: Dennis Booher and
Gilbert E. Booher, Jr.
1806 West Loucks Avenue
Scottsdale, PA 15683
c/o 231 South Main Street, Suite 402
Greensburg, PA 15601
Attorney: Marilyn M. Gaut

RUTH ANN HANZES, late of North Union Township, Fayette County, PA (1)

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

CLARENCE ELLSWORTH OLIVER, late of Uniontown, Fayette County, PA (1)

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

CHARLES R. PAPKE, late of Uniontown, Fayette County, PA (1)

Executrix: Lida R. Harshbarger
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

JOEL RUGG, a/k/a JOEL JAMES RUGG, late of Markleysburg, Fayette County, PA (1)

Administrator: Janelle Rugg
165 Clover Top Road
Markleysburg, PA 15459
c/o Conti Law
986 Brodhead Road
Moon Township, PA 15108
Attorney: Michele Conti

LEGAL NOTICES

LEGAL NOTICE ARTICLES OF INCORPORATION BUSINESS CORPORATION

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation were filed with and approved effective for the 18th day of April, 2023 by the Department of State of the Commonwealth of Pennsylvania at Harrisburg, PA with respect to a business corporation which has been organized under the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania. The name of the corporation is FANTASY FANS, INC.

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION
No. 27 Adopt 2022 (Father)

IN RE: ADOPTION OF
GABRIEL WEIMER, A minor child.

**RESCHEDULING NOTICE
(Involuntary Termination)**

**TO: Steven Thurmond
3217 Fisher Lane
Lake Wales, FL 33898**

A petition has been filed asking the court to put an end to all rights you have to your child, **GABRIEL WEIMER**. The Court has set a hearing to consider ending your rights to your child. That hearing has been **CONTINUED to Thursday, May 11, 2023, at 9:00 a.m.** in Courtroom No. 3 before the Honorable Linda R. Cordaro, Fayette County Courthouse, 61 East Main Street, Uniontown, Pa 15401.

YOU ARE WARNED THAT EVEN IF YOU FAIL TO APPEAR AT THE SCHEDULED HEARING, THE HEARING WILL GO ON WITHOUT YOU.

YOU ARE ALSO NOTIFIED OF THE ACT 101 OF 2010 WHICH ALLOWS FOR AN ENFORCEABLE VOLUNTARY AGREEMENT FOR CONTINUING CONTACT OR COMMUNICATION FOLLOWING AN ADOPTION BETWEEN AN ADOPTIVE PARENT, A CHILD, A BIRTH PARENT, AND/OR A BIRTH RELATIVE OF THE CHILD, IF ALL PARTIES AGREE AND THE WRITTEN VOLUNTARY AGREEMENT IS APPROVED BY THE COURT.

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.

IF YOU HAVE PREVIOUSLY BEEN REPRESENTED BY A LAWYER IN DEPENDENCY COURT PROCEEDINGS, YOUR LAWYER WILL NOT BE AWARE

OF THIS HEARING UNLESS YOU CONTACT YOUR LAWYER. YOU MUST CALL YOUR LAWYER AND INFORM YOUR LAWYER OF THE DATE OF THIS PRE-TRIAL CONFERENCE.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAYBE ABLE TO PROVIDE YOU WITH 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.Box186
Harrisburg, PA 17108
Telephone: 1-800-692-7375

BY THE COURT:
LINDA R. CORDARO, JUDGE

Attest:
Jeffrey L. Redman
Register of Wills

**AMERICANS WITH DISABILITIES
ACT OF 1990**

The Court of Common Pleas of Fayette County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals, please contact the Court Administrator's Office at 724-430-1230 or TTY 724-430-3939 at least 72 hours prior to your required appearance.

NOTICE

NOTICE is hereby given that a Certificate of Organization-Domestic Limited Liability Company was filed with the Department of State of the Commonwealth of Pennsylvania, on March 13, 2023, for the purpose of obtaining a Certificate of Organization of a proposed limited liability company to be organized under the Limited Liability Company Law of 1994 of the Commonwealth of Pennsylvania. The name of the company is **CHIROCORRECTION, LLC**.

Timothy M. Maatta, Esq.
513 Schoonmaker Avenue
Monessen, PA 15062
724-684-3131

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL DIVISION
NO. 2416 of 2022 G.D.

COMPLAINT IN MORTGAGE
FORECLOSURE

First Federal Savings & Loan Association of
Greene County, a corporation,
Plaintiff,

v.

ESTATE OF NATHANIEL L. MORGAN a/k/a
NATHANIEL LOMAR MORGAN, III,
deceased, NATHANIEL LOMAR MORGAN
IV Administrator; BRENDA L. MORGAN;
NATHANIEL L. MORGAN, IV, in his capacity
as HEIR of the ESTATE of NATHANIEL
LOMAR MORGAN, III, deceased; and ALL
KNOWN AND UNKNOWN HEIRS,
SUCCESSORS, ASSIGNS, and ALL
PERSONS, FIRMS OR ASSOCIATIONS
CLAIMING ANY RIGHT, TITLE OR
INTEREST FROM OR UNDER NATHANIEL
L. MORGAN, DECEASED; ESTATE OF
TONYA R. COOPER, deceased, NATHANIEL
L. MORGAN, IV, Administrator, and in his
capacity as HEIR in the ESTATE OF TONYA
R. COOPER; and ALL KNOWN AND
UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS, and ALL PERSONS, FIRMS OR
ASSOCIATIONS CLAIMING ANY RIGHT,
TITLE OR INTEREST FROM OR UNDER
TONYA R. COOPER, DECEASED.
Defendants.

TO: ALL KNOWN AND UNKNOWN
HEIRS, SUCCESSORS, ASSIGNS, and ALL
PERSONS, FIRMS or ASSOCIATIONS
CLAIMING ANY RIGHT, TITLE OR
INTEREST FROM OR UNDER NATHANIEL
L. MORGAN a/k/a NATHANIEL LOMAR
MORGAN, III, DECEASED; ALL KNOWN
AND UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS, and ALL PERSONS, FIRMS or
ASSOCIATIONS CLAIMING ANY RIGHT,
TITLE OR INTEREST FROM OR UNDER
TONYA R. COOPER, DECEASED.

You have been named as Defendants in a
civil action instituted by First Federal Savings &
Loan Association of Greene County, a
corporation, against you in this Court. This
mortgage foreclosure action has been instituted
to foreclose upon property located at 52 Easy
Street, Uniontown, PA 15401, Tax Map No. 38-
10-0041, and proceed to Sheriff's Sale.

NOTICE

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. 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 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 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
1-800-692-7375

Anne N. John, Esquire
Attorney for Plaintiff
PA ID Number 38961
96 East Main Street
Uniontown, PA 15401
(724) 438-8560

NOTICE OF ACTION IN MORTGAGE
 FORECLOSURE
 IN THE COURT OF COMMON PLEAS OF
 FAYETTE COUNTY, PENNSYLVANIA
 CIVIL ACTION - LAW
 COURT OF COMMON PLEAS
 CIVIL DIVISION
 FAYETTE COUNTY
 No. 1678 of 2022 GD

PENNYMAC LOAN SERVICES, LLC
 Plaintiff

vs.

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 capacity as heir of
 Carl E. Johnson, Sr., Deceased

Christa Johnson, solely in her capacity as heir of
 Carl E. Johnson, Sr., Deceased
 Defendants

NOTICE

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

You are hereby notified that on August 30,
 2022, Plaintiff, PENNYMAC LOAN
 SERVICES, LLC filed a Mortgage Foreclosure
 Complaint endorsed with a Notice to Defend,
 against you in the Court of Common Pleas of
 Fayette County Pennsylvania, docket to TERM,
 No. 1678 of 2022 GD. Wherein Plaintiff seeks
 to foreclose on the mortgage secured on your
 property located at 139 Old Furnace Road,
 Hopwood, PA 15445 whereupon your property
 would be sold by the Sheriff of Fayette County.

You are hereby notified to plead to the
 above referenced Complaint on or before 20
 days from the date of this publication or a
 Judgment will be entered against you.

NOTICE

You have been sued in Court. If you wish
 to defend against the claims set forth in the
 following pages, you must take action within
 twenty (20) days after this 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
 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 NOTICE 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.

PENNSYLVANIA LAWYER
 REFERRAL SERVICE
 Pennsylvania Bar Association
 100 South Street, P.O. Box 186
 Harrisburg, PA 17101
 Telephone (800) 692-7375

Fayette County Bar Association
 45 East Main Street, Suite 100
 Uniontown, PA 15401
 Telephone 724-437-7994

IN THE COURT OF COMMON PLEAS
 Fayette COUNTY
 CIVIL ACTION - LAW
 ACTION OF MORTGAGE FORECLOSURE
 Term No. 2022-00699
 NOTICE OF ACTION IN MORTGAGE
 FORECLOSURE

UNITED BANK, INC.

Plaintiff

vs.

JOHN P. SHAFFER JR.

Mortgagor and Real Owner
 Defendant

TO JOHN P. SHAFFER JR., MORTGAGOR
 AND REAL OWNER, DEFENDANT whose
 last known address is 378 Messmore Road
 McClellandtown, PA 15458.

THIS FIRM IS A DEBT COLLECTOR AND
 WE ARE ATTEMPTING TO COLLECT A
 DEBT OWED TO OUR CLIENT. ANY
 INFORMATION OBTAINED FROM YOU
 WILL BE USED FOR THE PURPOSE OF
 COLLECTING THE DEBT.

You are hereby notified that Plaintiff UNITED
 BANK, INC., has filed a Mortgage Foreclosure
 Complaint endorsed with a notice to defend
 against you in the Court of Common Pleas of
 Fayette County, Pennsylvania, docketed to No.
 2022-00699 wherein Plaintiff seeks to foreclose
 on the mortgage secured on your property
 located, 378 Messmore Road McClellandtown,
 PA 15458 whereupon your property will be sold
 by the Sheriff of Fayette.

N O T I C E

You have been sued in court. If you wish
 to defend against the claims set forth in the
 following pages, you must take action within
 twenty (20) days after the Complaint and notice
 are served, by entering a written appearance
 personally or by attorney and filing in writing
 with the court your defenses or objections to the
 claims set forth against you. You are warned
 that if you fail to do so the case may proceed
 without you and a judgment may be entered
 against you by the Court without further notice
 for any money claim in the Complaint 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. 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 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, PO Box 186
 Harrisburg, PA 17108
 800-692-7375

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

SHERIFF'S SALE

Date of Sale: July 20, 2023

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 July 20, 2023, 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.

(2 of 3)

James Custer
Sheriff of Fayette County

KML LAW GROUP, P.C.
Suite 5000
701 Market Street
Philadelphia, PA 19106-1532
(215) 627-1322

No. 901 of 2021 GD
No. 99 of 2023 ED

MTGLQ INVESTORS, L.P.
75 Beattie Place
Suite 300
Greenville, SC 29601

Plaintiff,
vs.

MARJORIE AULTZ
BENNY J. AULTZ
Mortgagor(s) and Record Owner(s)
259 Dawson Road
Dickerson Run, PA 15430
Defendant.

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

BEING KNOWN AS: 259 DAWSON
ROAD, DICKERSON RUN, PA 15430
TAX PARCEL #09-03-0102
IMPROVEMENTS: A RESIDENTIAL
DWELLING

SOLD AS THE PROPERTY OF:
MARJORIE AULTZ AND BENNY J. AULTZ
ATTORNEY: KML LAW GROUP, P.C.

KML LAW GROUP, P.C.
Suite 5000
701 Market Street
Philadelphia, PA 19106-1532
(215) 627-1322

No. 1442 of 2019 GD
No. 68 of 2023 ED

PNC BANK, NATIONAL ASSOCIATION,
SUCCESSOR BY MERGER TO
NATIONAL CITY BANK
3232 Newmark Drive
Miamisburg, OH 45342
Plaintiff

vs.

ANNA L. BARREIRO aka ANNA
BARREIRO
Mortgagor(s) and Record Owner(s)
4022 Pittsburgh Road
Belle Vernon, PA 15012
Defendant(s)

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

BEING KNOWN AS: 4022 PITTSBURGH ROAD, BELLE VERNON, PA 15012 4022 PITTSBURGH ROAD

TAX PARCEL #27-01-0023

IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: ANNA L. BARREIRO aka ANNA BARREIRO

ATTORNEY: KML LAW GROUP, P.C.

No. 575 of 2022 GD

No. 88 of 2023 ED

NewRez LLC d/b/a Shellpoint Mortgage Servicing

Plaintiff,
vs.

Sara Marie Fike, as Administratrix of the Estate of John Albert Fike

Defendant.

ALL that certain parcel of land lying and being situate in the City of Uniontown, County of Fayette, and Commonwealth of Pennsylvania, known as 35 Lemon Street, Uniontown, PA 15401 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 38-01-0294

BEING the same premises which Kathleen A. Ofsanik, single, by Deed dated November 4, 2019 and recorded in and for Fayette County, Pennsylvania in Deed Book 3418, Page 1726, granted and conveyed unto John Albert Fike, single.

No. 156 of 2023 GD

No. 102 of 2023 ED

Nationstar Mortgage LLC
PLAINTIFF

vs.

Scott Allen Hayden a/k/a Scott A. Hayden
Crystal Lynn Hayden

DEFENDANT(S)

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MARKLEYSBURG, COUNTY OF FAYETTE, STATE OF PENNSYLVANIA, AND IS DESCRIBED AS FOLLOWS:

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE ON THE

NORTH SIDE OF U.S. ROUTE 40 APPROXIMATELY 2 MILES NORTHWEST OF MARKLEYSBURG, PENNSYLVANIA, IN HENRY CLAY TOWNSHIP, FAYETTE COUNTY ACCORDING TO A PLOT OR SURVEY OF RANDALL MYERS, R.S. DATED JUNE 1981, A PLOT OF WHICH IS ATTACHED HERETO, MADE PART HEREOF AND MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMONLY KNOWN AS: 5035 NATIONAL PIKE A/K/A 5033 NATIONAL PIKE, MARKLEYSBURG, PA 15459
TAX PARCEL NO. 16110058

KML LAW GROUP, P.C.

Suite 5000

701 Market Street

Philadelphia, PA 19106-1532

(215) 627-1322

No. 231 of 2023 GD

No. 78 of 2023 ED

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

Plaintiff

vs.

CATHY L. HILLEN

Mortgagor(s) and Record Owner(s)

89 Old 51 Road

Perryopolis, PA 15473

Defendant(s)

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

BEING KNOWN AS: 89 OLD 51 ROAD, PERRYOPOLIS, PA 15473

TAX PARCEL #27-01-0100

IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: CATHY L. HILLEN

ATTORNEY: KML LAW GROUP,P.C.

Brock & Scott, PLLC
No. 1721 of 2022 GD
No. 45 of 2023 ED

**PENNSYLVANIA EQUITY RESOURCES,
INC.**

V.

JOSEPH T HILLIARD; IRIS M. HILLIARD

By virtue of a Writ of Execution No. 2022-01721

PENNSYLVANIA EQUITY RESOURCES, INC. V. JOSEPH T HILLIARD; IRIS M. HILLIARD owner(s) of property situate in the CITY OF UNIONTOWN (FORMERLY NORTH UNION TOWNSHIP), FAYETTE County, Pennsylvania, being

41 DOWNER AVE, UNIONTOWN, PA 15401

Tax ID No, 38-01-0068

Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$158,890.40

Attorneys for Plaintiff Brock & Scott, PLLC

No. 911 of 2021 GD
No. 92 of 2023 ED

**The Huntington National Bank
Plaintiff,**

vs.

**Teresa R. Hughes (deceased); James D. Hughes; Pamela S. Hughes, as Administratrix of the Estate of Dennis P. Hughes, AKA Dennis Paul Hughes, AKA Dennis Hughes
Defendants.**

ALL that certain parcel of land lying and being situate in the Township of Connellsville, County of Fayette, and Commonwealth of Pennsylvania, known as 705 Petersburg Road, Connellsville, PA 15425-4349 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 06-15-001901, 06-15-001902

BEING the same premises which Dennis P. Hughes and Teresa R. Hughes, his wife, by Deed dated March 21, 2011 and recorded in and for Fayette County, Pennsylvania in Deed Book 3150, Page 572, granted and conveyed unto Dennis P. Hughes and James D. Hughes, his son.

Being the same property conveyed to Dennis P. Hughes and Teresa R. Hughes, his wife who acquired title by virtue of a deed from

Dennis P. Hughes, a/k/a Dennis Paul Hughes, and Teresa R. Hughes, his wife, dated October 19, 2009, recorded October 23, 2009, at Instrument Number 200900012646, and recorded in Book 3107, Page 1849, Office of the Recorder of Deeds, Fayette County, Pennsylvania.

McCABE, WEISBERG & CONWAY, LLC
1420 Walnut Street, Suite 1501
Philadelphia, PA 19102
215 790-1010

No. 2151 of 2022 GD
No. 60 of 2023 ED

**Village Capital & Investment, LLC
Plaintiff**

v.

**Joan L. Jones
Defendant**

ALL THAT CERTAIN PIECE OR PARCEL OR TRACT OF LAND SITUATE IN WASHINGTON TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA, AND BEING KNOWN AS 504 PERRY AVENUE, BELLE VERNON, PENNSYLVANIA 15012.

TITLE VESTING IN EDGAR F. JONES JR. AND JOAN L. JONES, HUSBAND AND WIFE BY DEED FROM JOAN L. JONES, FORMERLY KNOWN AS JOAN LEE MACKEY, A REMARRIED WOMAN, JOINED BY HER CURRENT HUSBAND EDGAR F. JONES, JR., AND TERRY LEE MACKEY, AN UNMARRIED MAN, JOAN LEE MACKEY AND TERRY LEE MACKEY, TOOK TITLE AS WIFE AND HUSBAND AS TENANTS BY THE ENTIRETIES DATED MARCH 19, 2014 AND RECORDED MARCH 19, 2014 IN DEED BOOK 3244, PAGE 1667 INSTRUMENT NUMBER 201400002475. THE SAID EDGAR F. JONES JR. DIED ON DECEMBER 29, 2018 THEREBY VESTING TITLE IN HIS SURVIVING SPOUSE JOAN L. JONES BY OPERATION OF LAW.

TAX PARCEL NUMBER: 41150014

No. 41 of 2023 GD
 No. 100 of 2023 ED

PNC BANK, NATIONAL ASSOCIATION,
Plaintiff
 vs.
KNOWN AND UNKNOWN HEIRS OF THE
ESTATE OF TONY C. SHULTZ,
Defendant.

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF KNOWN AND UNKNOWN HEIRS OF THE ESTATE OF TONY C. SHULTZ, OF, IN AND TO:

ALL THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE GERMAN TOWNSHIP, COUNTY OF FAYETTE, COMMONWEALTH OF PENNSYLVANIA. HAVING ERECTED THEREON A DWELLING KNOWN AND NUMBERED AS 330 LECKRONE HIGHHOU, MCCLELLANDTWN, PA 15458. DEED BOOK VOLUME 3078, PAGE 526, PARCEL NUMBER 15-35-0045.

Property Address: 330 Leckrone Highhou, Mcclellandtwn, PA 15458
 Judgment Amount: \$14,795.40

No. 165 of 2023 GD
 No. 95 of 2023 ED

Nationstar Mortgage LLC
PLAINTIFF
 vs.
Alexa Lavaie, Executrix of the Estate of
Nasser G. Lavaie, deceased
DEFENDANT

ALL those four certain lots of land situate in Wharton Township, Fayette County, Pennsylvania, being numbered and designated as Lot Nos. 217, 218, 219, and 220 in the Deer Lake Plan No. 1, a plat whereof is of record in the Office of the Recorder of Deeds of Fayette County, Pennsylvania, in Plan Book Volume 6, Page 149, each bounded and described as follows:

Parcel IDs- 42-12-0006, 42-12-0007, 42-12-000602

BEING THE SAME PREMISES which Nasser G. Lavaie and Barbara J. Lavaie, by Deed dated March 21, 2006 recorded April 4, 2006 in Book 2982, page 883 in the Office of the Recorder of Deeds in and for the County of Fayette, granted and conveyed unto Nasser G. Lavaie, in fee.

AND THE SAID Nasser G. Lavaie passed

away on or about May 10, 2020, thereby passing their interest unto Alexa Lavaie, Executrix of the Estate of Nasser G. Lavaie, deceased.

Property Address (for informational purposes only): 218 Chestnut Lane, Chalk Hill, PA 15421

B
 COMMONLY KNOWN AS: 218 Chestnut Lane, Chalk Hill, PA 15421
 TAX PARCEL NO. 42-12-0006, 42-12-0007, 42-12-000602

No. 2378 of 2022 GD
 No. 96 of 2023 ED

PNC BANK. NATIONAL ASSOCIATION.
Plaintiff,
 vs.
JOSEPH NOSCHESI JR A/K/A JOSEPH
A. NOSCHESI, JR.,
Defendant.

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF JOSEPH NOSCHESI JR A/ KIA JOSEPH A. NOSCHESI, JR. OF, IN AND TO:

ALL THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE HENRY CLAY TOWNSHIP, COUNTY OF FAYETTE, COMMONWEALTH OF PENNSYLVANIA. HAVING ERECTED THEREON A DWELLING KNOWN AND NUMBERED AS 5169 NATIONAL PIKE, MARKLEYSBURG, PA 15459. DEED BOOK VOLUME 3180, PAGE 649, PARCEL NUMBER 16-12-0042.

Property Address: 5169 National Pike, Markleysburg, PA 15459
 Assessment Number: 16-12-0042
 Judgment Amount: \$82,501.33

No. 2045 of 2022 GD
No. 65 of 2023 ED

Wells Fargo Bank, N.A.
Plaintiff,
vs.
Edward Peck, Jr., as Believed Heir and/or
Administrator of the Estate of Mary M. Peck;
Denise Kessler, as Believed Heir and/or
Administrator of the Estate of Mary M. Peck;
George Peck, as Believed Heir and/or
Administrator of the Estate of Mary M. Peck;
Unknown Heirs and/or Administrators of the
Estate of Mary M. Peck (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 235 Shady Grove Road, Lemont Furnace, PA 15456 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 25160043 25-16-0043

BEING the same premises which Frederick S. Mullins, a divorced and unremarried person, by Deed dated April 26, 1995 and recorded in and for Fayette County, Pennsylvania in Deed Book 1521, Page 44, granted and conveyed unto Edward M. Peck and Mary M. Peck, his wife.

No. 1866 of 2022 GD
No. 77 of 2023 ED

KeyBank, NA, s/b/m First Niagara Bank, NA
Plaintiff,
vs.
Antoinette Pilato Cichocki, as Believed Heir
and/or Administrator of the Estate of Edward
Cichocki; Unknown Heirs and/or
Administrators of the Estate of Edward
Cichocki (if any)
Defendants.

ALL that certain parcel of land lying and being situate in the Borough of Everson, County of Fayette, and Commonwealth of Pennsylvania, known as 230 Maple Street, Everson, AKA Scottdale, PA 15631 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 10-03-0095

BEING the same premises which Edward H. Cichocki and Antoinette Cichocki, his wife, by Deed dated May 12, 2005 and recorded in and for Fayette County, Pennsylvania in Deed Book 2947, Page 295, granted and conveyed unto Edward Cichocki, a single man.

KML LAW GROUP, P.C.
Suite 5000
701 Market Street
Philadelphia, PA 19106-1532
(215) 627-1322

No. 209 of 2023 GD
No. 63 of 2023 ED

Nationstar Mortgage LLC
8950 Cypress Waters Boulevard
Coppell, TX 75019
Plaintiff
vs.

VINCENT PRATT
Mortgagor(s) and Record Owner(s)
12 Collins Avenue
Uniontown, PA 15401
Defendant

ALL THAT CERTAIN LOT OF LAND SITUATE IN UNIONTOWN CITY, COUNTY OF FAYEITE AND COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 12 COLLINS AVENUE, UNIONTOWN, PA 15401

TAX PARCEL #38130354

IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: VINCENT PRATT

ATTORNEY: KML LAW GROUP, P.C.

No. 1055 of 2022 GD
No. 89 of 2023 ED

Bank of America, N.A
PLAINTIFF
vs.
Smith R. Rakestraw and Pamela S.
Rakestraw
DEFENDANTS

ALL that certain lot or tract of ground situate in North Union Township, Fayette County, Pennsylvania, and known as Lot No. 270 in a certain Plan of Lots, designated as "Beeson Heights" and recorded in the Recorder's Office of Fayette County, Pennsylvania, in Plan Book Volume 4, Page 183, bounded and described as follows:

BEGINNING at the Southwest corner of Cavanaugh Street and Fairview Avenue; thence North along said Cavanaugh Street, 140 feet to a 20 foot alley; thence West along said alley, 40

feet to the Northeast comer of Lot No. 271; thence South along the division line between Lots Nos. 270 and 271, 140 feet to Fairview Avenue; thence East along said Fairview Avenue, 40 feet to the place of beginning.

PARCEL# 25-47-0129

FOR INFORMATIONAL PURPOSES ONLY: Being known as 2 Cavanaugh Street, Uniontown, PA 15401

BEING THE SAME PREMISES which Richard T. Hawkins and Janice E. Hawkins, his wife, by Deed dated September 11, 2006 and recorded September 15, 2006 in the Office of the Recorder of Deeds in and for the County of Fayette, Pennsylvania in Book 3000, Page 1176, Instrument No. 200600013861 granted and conveyed unto Smith R. Rakestraw and Pamela S. Rakestraw in fee.

B

COMMONLY KNOWN AS: 2 Cavanaugh Street, Uniontown, PA 15401
TAX PARCEL NO. 25470129

KML LAW GROUP, P.C.
Suite 5000
701 Market Street Philadelphia, PA
19106-1532
(215) 627-1322

No. 1519 of 2018 GD
No. 98 of 2023 ED

WILMINGTON TRUST, NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE FOR MFRA TRUST 2015-1
c/o FAY SERVICING, LLC
440 S. LaSalle Street, Suite 2000
Chicago, IL 60605

Plaintiff
vs.

PAMELA ROSE
LEONARD J. ROSE
Mortgagor(s) and Record Owner(s)
763 West Mountain View Road AKA
238 Sycamore Road
Acme, PA 15610
Defendant(s)

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

BEING KNOWN AS: 763 WEST MOUNTAIN VIEW ROAD AKA 238 SYCAMORE ROAD, ACME, PA 15610

TAX PARCEL #04070259; 04070258

IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF:
PAMELA ROSE AND LEONARD J. ROSE
ATTORNEY: KML LAW GROUP, P.C.

No. 1792 of 2022 GD
No. 66 of 2023 ED

Finance of America Reverse LLC
PLAINTIFF

vs.

Beth Ross, known Heir of Carol A. Nicholas, deceased Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest from or under Carol A. Nicholas, deceased
DEFENDANTS

ALL THOSE TWO CERTAIN LOTS OF LAND SITUATE IN NORTH UNION TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA, BEING NUMBERED AND DESIGNATED AS LOTS NOS. 176 AND 177 IN THE "EVANS MANOR CITY ADDITION" PLAN OF LOTS, A PLOT WHEREOF IS OF RECORD IN THE RECORDER'S OFFICE OF SAID FAYETTE COUNTY, IN PLAN BOOK VOLUME 4 AT PAGE 226; SAID LOTS ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS, VIZ:

PARCEL# 25380065

FOR INFORMATIONAL PURPOSES ONLY: Being known as 36 Milton Street, Uniontown, PA 15401

B

COMMONLY KNOWN AS: 36 Milton Street, Uniontown, PA 15401
TAX PARCEL NO. 25380065

Robertson, Anschutz, Schneid, Crane & Partners, PLLC
133 Gaither Drive, Suite F
Mt. Laurel, NJ 08054
(855) 225-6906
Fax: (866) 381-9549

No. 101 of 2023 GD
No. 61 of 2023 ED

**LEGACY MORTGAGE ASSET TRUST
2020-SLI MORTGAGE-BACKED NOTES,
SERIES 2020-SLI, U.S. BANK TRUST
NATIONAL ASSOCIATION, AS TRUSTEE**

Plaintiff

v.

LARRY SHOW

Defendant(s)

ALL THOSE CERTAIN LOTS OR
PIECES OF GROUND SITUATE IN THE
FARMINGTON, FAYETTE COUNTY,
PENNSYLVANIA:

BEING KNOWN AS: 2041 DINNER
BELL 5 FORKS RD FARMINGTON, PA
15437

BEING PARCEL NUMBER: 42220067
IMPROVEMENTS: RESIDENTIAL
PROPERTY

Kaitlin D. Shire, Esquire
Hill Wallack LLP
777 Township Line Road, Suite 250
Yardley, PA 19067
(215) 579-7700

No. 2104 of 2022 GD
No. 101 of 2023 ED

Carrington Mortgage Services, LLC

Plaintiff

v.

**THE UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS, AND ALL PERSONS, FIRMS OR
ASSOCIATIONS CLAIMING RIGHT,
TITLE OR INTEREST FROM OR UNDER
DORIS J. WESTWOOD, DECEASED**

Defendant

By virtue of a writ of execution case
number: 2104 of 2022 GD

Plaintiff: Carrington Mortgage Services,
LLC v. Defendant: THE UNKNOWN HEIRS,
SUCCESSORS, ASSIGNS, AND ALL
PERSONS, FIRMS OR ASSOCIATIONS
CLAIMING RIGHT, TITLE OR INTEREST
FROM OR UNDER DORIS J. WESTWOOD,
DECEASED owners of property situate in the

City of Uniontown, Fayette County,
Pennsylvania, being pin number 38-13-0522
Property being known as: 223 Searight
Ave, Uniontown, PA 15401
Improvements thereon: Residential
Property

Attorney:
Kaitlin D. Shire, Esquire
Hill Wallack LLP
777 Township Line Road, Suite 250
Yardley, PA 19067
(215) 579-7700

ROMANO, GARUBO & ARGENTIERI

52 Newton Avenue, P.O. Box 456
Woodbury, NJ 08096
(856) 384-1515
Attorney for Plaintiff

No. 933 of 2022 GD
No. 79 of 2023 ED

**U.S. Bank National Association as legal title
trustee for Truman 2016 SC6 Title Trust**

v.

**Marvin Wedge Jr. and Marvin Andrew
Wedge; The United States of America**

As the attorney for the Plaintiff, in the
matter of U.S. Bank National Association as
legal title trustee for Truman 2016 SC6 Title
Trust vs. Marvin Wedge Jr. and Marvin Andrew
Wedge; The United States of America, I submit
the following information with the request that it
be used FOR ADVERTISEMENT PURPOSES.
No. 933 of 2022 GD

ALL THAT CERTAIN tract of land situate
in Bullskin Township, Fayette County,
Pennsylvania

BEING Tax ID No: 04-29-0165-69

BEING Known As: 642 Englishman Hill
Road, Connellsville, PA 15425

TITLE TO SAID PREMISES IS VESTED
IN Marvin Dale Wedge, Jr. and Marvin Andrew
Wedge, as Joint Tenants with Right of
Survivorship and not as Tenants in Common, by
deed from Sue Ann Wedge also known as Sue
A. Wedge, an unremarried widow, dated
November 5, 2010, recorded October 7, 2011 in
the Fayette County Clerk's/Register's Office in
Deed Book 3166, Page 1767.

Sold as the property of Marvin Wedge Jr.
and Marvin Andrew Wedge

*** END SHERIFF SALES ***



DiBella Weinheimer
Geer McAllister Best Coco Lloyd Whalen



Holly Whalen ◊ Amy Coco ◊ Bethann Lloyd

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- Subpoena Assistance
- Licensure
- Conflict Resolution

WWW.DIBELLA-WEINHEIMER.COM 412 261-2900

WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

518 Madison Drive

Smithfield, PA 15478

724-322-6529

johnfranciswarman@gmail.com

COMMERCIAL/RESIDENTIAL/CURRENT OWNER/MINERAL TITLE

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



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JUDICIAL OPINION

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

COMMONWEALTH OF	:	
PENNSYLVANIA,	:	
	:	
vs.	:	
	:	
CHRISTOPHER LEE SAVONA,	:	No. 1895 of 2022
Defendant.	:	Honorable Linda R. Cordaro

OPINION AND ORDER

Linda R. Cordaro, J.

April 10, 2023

Before this Court is Defendant's Omnibus Pretrial Motion (OPT), which includes a motion to dismiss for lack of probable cause to conduct a traffic stop; a motion to suppress due to an invalid search warrant; and writ of habeas corpus/motion to dismiss/motion to quash. A hearing was held on March 20, 2023, at which both Defendant's counsel and counsel for the Commonwealth consented to disposition based on the preliminary hearing transcript and admitted exhibits. {1} For the following reasons, Defendant's Motion is denied in part and granted in part.

FINDINGS OF FACT

The following facts were established in testimony in the preliminary hearing transcript. On January 1, 2022, Trooper Patrick Biddle observed the Defendant driving a vehicle with an inoperable registration light to the right of its license plate, and the trooper had to use his headlights to read the plate. The trooper activated his patrol vehicle lights and siren to initiate a traffic stop. The Defendant's vehicle continued to travel approximately .4 miles before stopping almost directly in front of his residence. Upon approaching the vehicle, the trooper detected the odor of marijuana. "When the Defendant retrieved his driver's license from his wallet, the trooper observed money folded in different directions in the wallet. The trooper testified that his training had taught him that when an individual has money folded in different directions it means the person is involved with sales, and that folding the money differently is to separate sales proceeds from the person's own money. The Defendant did not provide any proof of registration and insurance and told the trooper that the vehicle belonged to his fiancée. The trooper asked if he would look in the glove box for the documents, and the Defendant declined, stating he knew they weren't in the vehicle. While speaking with the Defendant, Trooper Biddle noticed the Defendant's eyes were red. He asked the Defendant to exit the vehicle, and as the Defendant did so, the trooper noticed two plastic grocery bags behind the driver's seat. The trooper then administered the horizontal gaze nystagmus and modified

{1} Exhibit 1 - preliminary hearing transcript; Exhibit 2 - copy of the search warrant; Exhibit 3 - copy of the results of the laboratory test on substances obtained from the vehicle.

Romberg balance tests. During the modified Romberg balance test, the trooper observed the Defendant had a half-inch sway, his eyes fluttered, and, when asked to estimate when 30 seconds of time had passed, he over-estimated by 21 seconds. The trooper asked whether the Defendant had smoked marijuana, and the Defendant responded that he had not. The trooper then asked for consent to search the vehicle, which the Defendant refused.

Defendant's fiancée appeared on the scene, and Trooper Biddle also asked her for consent to search the vehicle, which she refused. The trooper observed the Defendant pacing and appearing to be nervous. When the trooper went to his vehicle to call for backup, the Defendant ran from the traffic stop. The trooper advised him he was not free to leave but did not pursue. There is no mobile video recording (MVR) of the encounter.

The vehicle was towed to PSP Belle Vernon, and Trooper Biddle obtained a search warrant. Various paraphernalia, drugs, currency, and a loaded firearm were seized from the vehicle.

The Defendant was charged with two (2) counts of Possession with Intent to Deliver under 35 Pa.C.S.A. §780-113(a)(30); two (2) counts of Possession under 35 Pa.C.S.A. § 780-113(a)(16); three (3) counts of Use/Possession of Paraphernalia under 35 Pa.C.S.A. § 780-113(a)(32); one (1) count of Possession of a Small Amount of Marijuana under 35 Pa.C.S.A. § 780-113(a)(31)(i); one (1) count of DUI under 75 Pa.C.S.A. § 3802(d)(2). He was also charged with one (1) count of third-degree misdemeanor Disorderly Conduct under 18 Pa.C.S.A. § 5503(a)(4) and several summary offenses.

DISCUSSION

The first count of Defendant's OPT is a motion to dismiss based on insufficient cause to conduct a traffic stop. Under 75 Pa.C.S.A. § 6308(b), whenever a police officer has reasonable suspicion that a violation of the Vehicle Code is occurring, the officer may stop a vehicle to secure information he reasonably believes necessary to enforce the provisions of the Vehicle Code. According to 75 Pa.C.S.A. § 4303(b), vehicles shall be equipped with a rear lighting system including "rear lamps, rear reflectors, stop lamps, and license plate light."

Trooper Biddle testified at the preliminary hearing that he observed the light on the right side of Defendant's vehicle license plate was inoperable, and he had to use his headlights in order to read the plate. These observations constitute sufficient cause to suspect a violation of the Vehicle Code and to initiate a stop. The motion to dismiss for lack of cause therefore is denied.

The second count of Defendant's OPT is a motion to suppress based on a fatally flawed and invalid search warrant. When considering whether to issue a warrant, the issuing authority is bound by the facts within the "four corners" of the affidavit. *Commonwealth v. Dukeman*, 917 A.2d 338, 341 (Pa. Super. Ct. 2007). Under Pa.R.Crim.P. 206(2), an application for a search warrant must identify specifically the items to be searched for and seized. The issuing authority must determine if, given the totality of the circumstances presented, there is "a fair probability" that evidence of criminal activi-

ty or contraband will be found in a particular place. *Commonwealth v. Housman*, 986 A.2d 822,843 (Pa. 2009) (quoting *Illinois v. Gates*, 462 U.S. 213, 238-39 (1960)). The authority must make a common sense assessment as to this "fair probability" and, generally, that decision must be accorded deference. *Commonwealth v. Huntington*, 924 A.2d 1252, 1255 (Pa. Super. Ct. 2007).

Here, however, the affidavit was insufficient to establish probable cause for a search warrant. First, the affidavit states generally that contraband "such as guns, drugs, money and other illegal items" were to be seized. To be sure, these are examples of contraband, but the affidavit has no specifics as to what the trooper expected to find.

Second, the facts as set forth in the "four corners" do not support "a fair probability" that contraband would be found in the vehicle. The circumstances as described do include several observations such as the odor of marijuana; Defendant's refusal to open the glove box; the folded bills in his wallet; his red eyes; the Defendant's performance on field sobriety tests; his and his fiancée's refusal to consent to a vehicle search; and Defendant's flight from the scene. However, a common sense reading of these facts does not lead to the conclusion that contraband was probably in the vehicle. Defendant's motion for suppression due to an invalid search warrant is granted.

The final count of Defendant's OPT challenges that the Commonwealth failed to establish a prima facie case for the charges related to drug and paraphernalia possession.

It also challenges that there is insufficient evidence to support the DUI charge. {2} A petition for a writ of habeas is the proper means for testing a pre-trial finding that the Commonwealth has sufficiently established a prima facie case. *Commonwealth v. Scott*, 578 A.2d 933, 936 (Pa. Super. Ct. 1990). 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).

Here, since the evidence procured from the vehicle is to be suppressed, the Defendant's motion with respect to the drug and paraphernalia possession charges is granted. Further, there is no evidence the Defendant was operating the vehicle in an unsafe manner and insufficient evidence that he was impaired to the point of being unable to safely operate it. The motion with respect to the DUI charge is granted.

The Defendant does not specifically challenge any other charges. However, since evidence is subject to suppression, and the sole fact set forth in the Information to support the disorderly conduct {3} charge is that the Defendant possessed drugs and paraphernalia, there is insufficient evidence for a prima facie case for this charge.

{2} 75 Pa.C.S.A. § 3802(d)(2) prohibits driving, operating or being in actual physical control of the movement of a vehicle while under the influence of a drug or combination of drugs to a degree which impairs the individual's ability to safely drive, operate or be in actual physical control of the movement of the vehicle.

{3} "A person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he ... creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor." 18 Pa.C.S.A. § 5503(a)

(4). The offense is graded as an M3 "if the intent of the actor is to cause substantial harm or serious inconvenience, or if he persists in disorderly conduct after reasonable warning or request to desist." 18 Pa.C.S.A. § 5503(b).

Similarly, there is no evidence to support the summary charge for public drunkenness. {4}

The motion is granted with respect to these charges as well.

Therefore, the Court enters the following:

ORDER

AND NOW, this 5th day of April, 2023, in consideration of Defendant's Omnibus Pretrial Motion and after a review of the preliminary hearing transcript and admitted exhibits, it is hereby ORDERED and DIRECTED that Defendant's Motion is DENIED IN PART and GRANTED IN PART.

The first count of Defendant's Motion is denied; all other counts are granted.

All evidence obtained from the vehicle pursuant to the invalid search warrant shall be suppressed. This Court further finds there is insufficient evidence to support a prima face case for Counts 1-11 of the Information, which are hereby DISMISSED.

BY THE COURT:
Linda R. Cordaro, Judge

ATTEST:
Clerk of Courts

{4} 18 Pa.C.S.A. § 5505 prohibits a person from appearing "in any public place manifestly under the influence of alcohol or a controlled substance ... to the degree that he may endanger himself or other persons or property or annoy persons in his vicinity."

LUNCH & LEARN SERIES

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

- Date: **Wednesday, May 17th from 12:00 p.m. to 1:30 p.m.**
- Location: **Courtroom No. 3 of the Fayette County Courthouse**
- Discussion topics: **Estate Planning Basics: Implementing Best Practice and Avoiding Common Pitfalls**
- Presenters: **Margaret Zylka House, Esquire and Timothy Witt, Esquire**

CLE Credit

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

Members of the FCBA

- \$5 fee for attendance without CLE Credit
- \$15 fee for attendance with CLE Credit

Attorneys admitted to practice in Pennsylvania after January 1, 2018

- \$5 fee for attendance with CLE Credit

Non-members of the FCBA

- \$15 fee for attendance without CLE Credit
- \$40 fee for attendance with CLE Credit

**** All fees to be paid at the door ****
A light lunch will be provided.

RSVP

If interested in attending, please call Cindy at the Bar office at 724-437-7994 or email to cindy@fcbbar.org on or before Monday, May 15th.

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