

# FAYETTE LEGAL JOURNAL

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## FAYETTE LEGAL JOURNAL

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**Co-Editors:** Garnet L. Gordon and Melinda Deal Dellarose

*Cover Design by Marvin R. Mayle, 207 Lick Hollow Road, Hopwood, PA*

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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

**LEE CLARK HENRY, a/k/a LEE C. HENRY**, late of Bullskin Township, Fayette County, PA (3)

*Executor:* Robert S. Craig  
121 Horseshoe Bend Road  
Acme, PA 15610  
c/o 101 North Church Street  
Mt. Pleasant, PA 15666  
*Attorney:* Randall G. Klimchock

**RANDY RUSSELL, a/k/a RANDY L. RUSSELL**, late of Jefferson Township, Fayette County, PA (3)

*Administratrix:* Sandra Russell  
c/o Higinbotham Law Offices  
68 South Beeson boulevard  
Uniontown, PA 15401  
*Attorney:* James Higinbotham

**JOHN ALLEN SECHRIST, a/k/a JOHN ALLEN SECHRIST, SR.**, late of Lower Tyrone Township, Fayette County, PA (3)

*Executor:* John Allen Sechrist, Jr.  
244 Sky Top Road  
Acme, PA 15610  
c/o 823 Broad Avenue  
Belle Vernon, PA 15012  
*Attorney:* Mark E. Ramsier

**GARY B. SHULTZ**, late of Bullskin Township, Fayette County, PA (3)

*Administrator:* Christopher Shultz  
323 South Broadway Street  
Scottdale, PA 15683  
c/o 101 North Church Street  
Mt. Pleasant, PA 15666  
*Attorney:* Randall G. Klimchock

**ANTOINETTE S. SPOSATO**, late of Washington Township, Fayette County, PA (3)

*Executor:* John J. Sposato  
8232 Mentor Road  
Elizabeth, PA 15037  
c/o 823 Broad Avenue  
Belle Vernon, PA 15012  
*Attorney:* Mark E. Ramsier

### Second Publication

**SALLY J. ABBOTT**, late of Bullskin Township, Fayette County, PA (2)

*Personal Representative:*  
Douglas A. Abbott  
c/o Watson Mundorff, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425  
*Attorney:* Timothy J. Witt

**RICHARD BARRON, a/k/a RICHARD THOMAS BARRON**, late of Saltlick Township, Fayette County, PA (2)

*Executrix:* Linda M. Dupre  
c/o Mahady & Mahady  
223 South Maple Avenue  
Greensburg, PA 15601  
*Attorney:* George Butler

**JAMES COX, a/k/a JAMES MICHAEL COX, SR.**, late of Saltlick Township, Fayette County, PA (2)

*Executor:* Michael J. Cox  
4750 West Lawnview Drive  
Pittsburgh, PA 15227  
c/o Lochner and Lochner, LLC  
4232 Brownsville Road, Suite 45  
Pittsburgh, Pa 15227  
*Attorney:* Jeffrey Lochner

**WILLIAM CHARLES DESHONG, JR.**, late of South Union Township, Fayette County, PA (2)

*Administratrix:* Shirley DeShong  
c/o 9 Court Street  
Uniontown, PA 15401  
*Attorney:* Vincent J. Roskovensky, II

**MARTHA FISHER, a/k/a MARTHA V. FISHER**, late of Perryopolis, Fayette County, PA (2)

*Personal Representative:* Janet Rogers  
c/o 68 South Beeson Boulevard

Uniontown, PA 15401  
*Attorney:* James Higinbotham

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**THOMAS D. GOMERY**, late of Brownsville,  
 Fayette County, PA (2)

*Administratrix:* Linda Gomery  
 P.O. Box 3952  
 Hot Springs, AR 71914  
 c/o 17 South College Street  
 Washington, PA 15301  
*Attorney:* Clark A. Mitchell

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**JAMES THOMAS GORLEY, II**, late of  
 Markleysburg, Fayette County, PA (2)

*Executrix:* Carin Gorley Yablonski  
 c/o Adams Law Offices  
 55 East Church Street, Suite 101  
 Uniontown, PA 15401  
*Attorney:* Jason Adams

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**JOHN E. I. HENRY, a/k/a JOHN E. HENRY**,  
 late of Bullskin Township, Fayette County, PA  
 (2)

*Personal Representative:* Edward I. Henry  
 548 Quail Hill Road  
 Normalville, PA 15469

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**MICHAEL HUNCHUCK, a/k/a MICHAEL  
 P. HUNCHUCK**, late of Nicholson Township,  
 Fayette County, PA (2)

*Personal Representative:*  
 Susanna Hunchuck  
 c/o P.O. Box 622  
 Smithfield, PA 15478  
*Attorney:* Charity Grimm Krupa

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**JOHN LUCAS**, late of Bullskin Township,  
 Fayette County, PA (2)

*Executor:* Lynn L. Lucas  
 P.O. Box 39  
 Connellsville, PA 15425

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**DALLAS G. MCCUNE**, late of Everson  
 Borough, Fayette County, PA (2)

*Administrator:* Adam McCune  
 420 Turkey Path Road  
 Mount Pleasant, PA 15666  
 c/o 231 South Main Street  
 Greensburg, PA 15601  
*Attorney:* Marilyn M. Gaut

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**ADELE N. MCKNIGHT, a/k/a ADELE  
 MCKNIGHT**, late of Connellsville, Fayette  
 County, PA (2)

*Co-Executors:* Toby A. McKnight and  
 Matthew D. McKnight  
 c/o Donald McCue Law Firm, P.E.  
 Colonial Law Building  
 813 Blackstone Road  
 Connellsville, PA 15425  
*Attorney:* Donald J. McCue, J.D., P.E.

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**JAMIE LEE MILLER**, late of Washington  
 Township, Fayette County, PA (2)

*Administratrix:* Amanda L. Stevens  
 224 Lowber Road  
 Fayette City, PA 15438  
 c/o 823 Broad Avenue  
 Belle Vernon, PA 15012  
*Attorney:* Mark E. Ramsier

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**MARTHA L. SHEETS**, late of Connellsville,  
 Fayette County, PA (2)

*Personal Representative:* Robert D. Sheets  
 c/o Watson Mundorff, LLP  
 720 Vanderbilt Road  
 Connellsville, PA 15425  
*Attorney:* Timothy J. Witt

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**ROBERT SOFCHECK, a/k/a ROBERT  
 JOHN SOFCHECK, a/k/a ROBERT J.  
 SOFCHECK**, late of George Township, Fayette  
 County, PA (2)

*Administratrix:* Patricia Hart  
 c/o Kopas Law Office  
 556 Morgantown Road  
 Uniontown, Pa 15401  
*Attorney:* John Kopas

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**WALTER E. STOUT**, late of Bullskin  
 Township, Fayette County, PA (2)

*Personal Representative:* Shelley Riser  
 c/o Seneca Law  
 P.O. Box 333  
 680 Yorktown Road  
 Lewisberry, PA 17339-0333  
*Attorney:* Richard C. Seneca

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**BERNICE WILTROUT WINEMILLER, a/k/  
 a BERNICE L. WINEMILLER**, late of South  
 Connellsville, Fayette County, PA (2)

*Personal Representative:*  
 Gary Wayne Winemiller  
 c/o Watson Mundorff, LLP

720 Vanderbilt Road  
Connellsville, PA 15425  
*Attorney:* Timothy J. Witt

**KAREN A. YAGLA, a/k/a KAREN ANN YAGLA**, late of Dunbar Township, Fayette County, PA (2)

*Executrix:* Melissa M. Renze  
c/o Webster & Webster  
51 East South Street  
Uniontown, PA 15401  
*Attorney:* Webster & Webster

## First Publication

**ADRIAN CAMPBELL, a/k/a ADRIAN I. CAMPBELL, a/k/a ADRIAN ISAAC CAMPBELL**, late of South Union Township, Fayette County, PA (1)

*Executor:* John Paul Campbell  
c/o Kopas Law Office  
556 Morgantown Road  
Uniontown, PA 15401  
*Attorney:* John Kopas

**DANIEL CHESSLO**, late of Springhill Township, Fayette County, PA (1)

*Administrator:* William K. Chesslo  
c/o Zebley Mehalov & White, P. C.  
18 Mill Street Square  
P.O. Box 2123  
Uniontown, PA 15401  
*Attorney:* Mark M. Mehalov

**LORI A. CRABB**, late of Washington Township, Fayette County, PA (1)

*Administratrix:* Denise Hutchinson  
112 Nagy Avenue  
Belle Vernon, PA 15012  
c/o 823 Broad Avenue  
Belle Vernon, PA 15012  
*Attorney:* Mark E. Ramsier

**THOMAS FIRESTONE, a/k/a THOMAS M. FIRESTONE, SR., a/k/a THOMAS M. FIRESTONE**, late of Springfield Township, Fayette County, PA (1)

*Executrix:* Joy Ann Brady  
c/o Kopas Law Office  
556 Morgantown Road  
Uniontown, PA 15401  
*Attorney:* John Kopas

**THELMA HIXSON**, late of Connellsville, Fayette County, PA (1)

*Executor:* Ronald E. Hixson  
103 Gaut School Road  
Connellsville, PA 45425  
c/o Snyder & Snyder  
17 North Diamond Street  
Mount Pleasant, PA 15666  
*Attorney:* Marvin Snyder

**VIOLET R. QUASHNOCK**, late of Bullsken Township, Fayette County, PA (1)

*Personal Representative:* Jodi E. Aller  
c/o 208 South Arch Street, Suite 2  
Connellsville, PA 15425  
*Attorney:* Richard Husband

**IDA VIRGINIA WATSON**, late of East Millsboro, Fayette County, PA (1)

*Administratrix:* Laurie A. Watson  
129 Watson Road  
East Millsboro, PA 15433  
c/o Tremba, Kinney, Greiner & Kerr, LLC  
302 West Otterman Street  
Greensburg, PA 15601  
*Attorney:* Meghan E. Young

## LEGAL NOTICES

### NOTICE OF REVOCABLE TRUST PURSUANT TO 20 PA C.S. SECTION 7755(c)

NOTICE is hereby given of the administration of the Emro J. Quashnock and Violet R. Quashnock Revocable Living Trust dated August 29, 2005. Violet R. Quashnock, Settlor of the Trust of Bullskin Township, Fayette County Pennsylvania, died on July 30, 2021. All Persons having claims against Violet R. Quashnock, or the Trust are requested to make known the same to the Trustee or Attorney named below. All persons indebted to Violet R. Quashnock, or the Trust are requested to make payment without delay to the Trustee or Attorney named below. Jodi E. Aller or to Richard A. Husband, Esquire, 208 South Arch Street, Suite 2, Connellsville, PA 15425.

Richard Husband  
Richard A Husband Esquire LLC  
208 S Arch St, Suite 2  
Connellsville PA 15425

IN THE COURT OF COMMON PLEAS OF  
FAYETTE COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW  
NO. 2074 OF 2021

IN THE MATTER FOR  
CHANGE OF NAME OF  
RANDALL KASUNIC

#### NOTICE

Notice is hereby given that on November 10, 2021, the Petition of Randall Kasunic was filed with the above named Court, requesting an order of Court to change the name of Randall Kasunic to Randall V. Kasunic.

The Court has fixed the day of 13th day of December, 2021, in Court Room Number 4 of the Fayette County Court House, Uniontown, Pennsylvania, as the time and place for the hearing on said Petition, when and where all interested parties may appear and show cause, if any, why the request of the petitioner should not be granted.

Watson Mundorff, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425-6218

### QUICKEN LOANS, LLC

635 Woodward Avenue  
Detroit, MI 48226, Plaintiff  
vs.

### The Unknown Heirs of SHARON SEMENTA -BUNYAN Deceased

Mortgagor(s) and Record Owner(s)  
58 Mullen Street  
Uniontown, PA 15401, Defendant(s)

### NOTICE TO: The Unknown Heirs of SHARON SEMENTA-BUNYAN Deceased

THIS LAW FIRM IS A DEBT COLLECTOR AND WE ARE ATTEMPTING TO COLLECT A DEBT. THIS NOTICE IS SENT TO YOU IN AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THAT PURPOSE.

### NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

Your house at 58 Mullen Street, Uniontown, PA 15401 is scheduled to be sold at Sheriff's Sale on Thursday, January 20, 2022, at 2:00 PM, in Sheriff's Office Courthouse Uniontown PA to enforce the court judgment of \$63,118.58 obtained by QUICKEN LOANS, LLC against you.

NOTICE: If you wish to defend, you must take action, by entering a written appearance personally or by attorney and filing 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 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.

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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, 701 Market Street  
Philadelphia, PA 19106-1532  
215-627-1322

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## Registers' Notice

Notice by JEFFREY L. REDMAN, Register of Wills and  
Ex-Officio Clerk of the Orphans' Court Division of the Court of Common Pleas

Notice is hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans' Court Division of Fayette County on

**Monday, December 6, 2021, at 9:30 A.M.**

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2620-0431	MELVIN R. BASINGER	Diane R. Moran, Executrix

Accounts filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas of Fayette County, Pennsylvania

<u>Estate Number</u>	<u>Estate Name</u>
2601-0557	KRISTAL D. LASH Dated 11/02/2001

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

**Monday, December 20, 2021, 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)

**SHERIFF'S SALE**

No. 1176 of 2021 GD  
No. 168 of 2021 ED

Date of Sale: January 20, 2022

By virtue of the below stated writs out of the Court of Common Pleas of Fayette County, Pennsylvania, the following described properties will be exposed to sale by James Custer, Sheriff of Fayette County, Pennsylvania on Thursday, January 20, 2022, 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

**First National Bank of Pennsylvania**  
v.  
**All Unknown Heirs, Successors or Assigns and All Persons, Firms or Associations claiming right, title or interest, from or under Roxanne McCarthy, Deceased**

Judgment Amount: \$175,339.43

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF ALL UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST, FROM OR UNDER ROXANE MCCARTHY, DECEASED, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND BEING SITUATE AND LAYING IN THE TOWNSHIP OF SOUTH UNION, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA, AS MORE FULLY DESCRIBED IN DEED DATED JULY 21, 2014, AND RECORDED ON JULY 21, 2014 IN THE RECORDER OF DEEDS OF FAYETTE COUNTY AT DEED BOOK VOLUME 3254, PAGE 1657, INSTRUMENT #201400007399. BEING COMMONLY KNOWN AS 1186 NATIONAL PIKE, HOPWOOD, PA 15445.

IMPROVEMENT THEREON:  
RESIDENTIAL DWELLING  
TAX PARCEL IDENTIFICATION NUMBER: 34-38-0003

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

No. 901 of 2021 GD  
No. 176 of 2021 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(s)**

ALL THAT CERTAIN LOT OF LAND SITUATE IN VILLAGE OF EAST LIBERTY 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

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

No. 966 of 2021 GD  
 No. 148 of 2021 ED

**NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING**

**Plaintiff**

v.

**GARY BOCHNIARZ A/K/A GARY F. BOCHNIARZ**

**Defendant(s)**

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

BEING KNOWN AS: 460 BRAZNELL CONCRETE RD GRINDSTONE, PA 15442  
 BEING PARCEL NUMBER: 30020005  
 IMPROVEMENTS: RESIDENTIAL PROPERTY

No. 2189 of 2019 GD  
 No. 159 of 2021 ED

**Broker Solutions, Inc. dba New American Funding**

**PLAINTIFF**

v.

**Dale E. Davis, III**

**DEFENDANT(S)**

ALL THAT CERTAIN piece or parcel of land situate in South Union Township, Fayette County, Pennsylvania, more particularly bounded and described as follows:

COMMONLY KNOWN AS: 139 Pine Knob Road, Hopwood PA 15445  
 TAX PARCEL NO. 34-38-0099

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

No. 362 of 2011 GD  
 No. 167 of 2021 ED

**PHH MORTGAGE CORPORATION**  
**Plaintiff**

v.

**CARL DIGGS**

**Defendant(s)**

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

BEING KNOWN AS: 3 EGGERS AVE BELLE VERNON, PA 15012  
 BEING PARCEL NUMBER: 01-04-0070 AND 01-04-0069  
 IMPROVEMENTS: RESIDENTIAL PROPERTY

No. 2010 of 2019 GD  
 No. 180 of 2021 ED

**U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY,**  
**PLAINTIFF**

v.

**CHRISTOPHER M. FITZGERALD,**  
**DEFENDANT**

ALL those two certain pieces, parcels or lots of land situate in the City of Connellsville, County of Fayette and Commonwealth of Pennsylvania, as follows:

FIRST: known as Lot No. 14 Block No. 37, Sherwood Place Plan of Lots, Fayette Plan Book 3, page 52, being approximately 40 x 110; and

SECOND: known as Lot No. 15 Block No. 37, Sherwood Place Plan of Lots, Fayette Plan Book 3, page 52, being approximately 45 x 100.

HAVING THEREON ERECTED DWELLING KNOWN AND NUMBERED AS: 409 DAVIDSON AVENUE

CONNELLSVILLE, PA 15425.  
Tax Parcel# 05-12-0159  
Fayette County Deed Book 3004, page  
1577

TO BE SOLD AS THE PROPERTY OF  
CHRISTOPHER M. FITZGERALD UNDER  
FAYETTE COUNTY JUDGMENT NO. 2019-  
02010.

Brock & Scott, PLLC

No. 1299 of 2019 GD  
No. 157 of 2021 ED

**FREEDOM MORTGAGE CORPORATION  
v.  
ROBERT L HIXSON JR**

By virtue of a Writ of Execution  
FREEDOM MORTGAGE CORPORATION v.  
ROBERT L HIXSON JR, owner(s) of property  
situate in the TOWNSHIP OF GEORGES,  
FAYETTE County, Pennsylvania, being 105  
DRY KNOB ROAD, SMITHFIELD, PA 15478  
Tax ID No. 14-25-0139

Improvements thereon: RESIDENTIAL  
DWELLING

Judgment Amount: \$164,824.67

Andrew J. Marley, Esquire  
Stern & Eisenberg, PC  
1581 Main Street, Suite 200  
The Shops at Valley Square  
Warrington, PA 18976  
Phone: (215) 572-8111

No. 1532 of 2013 GD  
No. 174 of 2021 ED

**Wilmington Savings Fund Society, FSB d/b/a  
Christiana Trust, not in its individual  
capacity but Solely as the Trustee for the  
Brougham Fund I Trust**

**v.  
Susan Carol Johnson and Robert W. Johnson**

By virtue of Writ of Execution No. 1532 of  
2013 GD, Wilmington Savings Fund Society,  
FSB d/b/a Christiana Trust, not in its individual  
capacity but Solely as the Trustee for the  
Brougham Fund I Trust v. Susan Carol Johnson  
and Robert W. Johnson, 694 Woodside  
Oldframe Road fka R.D. 2 Box 337 A,  
Nicholson Township, Smithfield, PA 15478,  
Tax Parcel No. 24-05-0009. Improvements  
thereon consisting of a Residential Dwelling,

sold to satisfy judgment in the amount of  
\$106,505.54.

No. 1873 of 2019 GD  
No. 171 of 2021 ED

**Wells Fargo Bank, N.A.  
Plaintiff,  
vs.  
Kimberly Mackey, AKA Kimberly D.  
Mackey, AKA Kim Mackey  
Defendant.**

ALL that certain parcel of land lying and  
being situate in the Township of Redstone,  
County of Fayette, and Commonwealth of  
Pennsylvania, known as 10 Kennedy Street,  
Republic, PA 15475 having erected thereon a  
dwelling house.

Being known and designated as Tax ID  
No.: 30-26-0003

BEING the same premises which Deborah  
Harmen, also known as Deborah Harman, by  
Deed dated February 20, 2004 and recorded in  
and for Fayette County, Pennsylvania in Deed  
Book 2896, Page 788, granted and conveyed  
unto Kimberly Mackey.

Brock & Scott, PLLC

No. 1076 of 2018 GD  
No. 145 of 2021 ED

**U.S. BANK NATIONAL ASSOCIATION  
S/B/M TO U.S. BANK NATIONAL  
ASSOCIATION ND**

**v.  
JUDITH MCALLISTER;  
DEAN F. MCALLISTER**

By virtue of a Writ of Execution No. 1076  
of 2018, U.S. BANK NATIONAL  
ASSOCIATION S/B/M TO U.S. BANK  
NATIONAL ASSOCIATION ND v. JUDITH  
MCALLISTER; DEAN F. MCALLISTER,  
owner(s) of property situate in the TOWNSHIP  
OF SALT LICK, FAYETTE County,  
Pennsylvania, being 249 ALPINE HEIGHTS  
RD, CHAMPION, PA 15622

Tax ID No. 31-18-0029  
Improvements thereon: RESIDENTIAL  
DWELLING

Judgment Amount: \$773,392.22

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

No. 2527 of 2017 GD  
No. 184 of 2021 ED

**Truist Bank, Formerly Known as Branch  
Banking and Trust Company**  
**Plaintiff**

v.

**William Nedley**  
**Defendant**

ALL those two certain lots of land situate in Uniontown (formerly North Union Township), Fayette County, Pennsylvania, and being Lots Nos. 56 and 57 in the plan of lots laid out by Isadore Frank and known as Oakmont Addition to Uniontown, Pennsylvania, said plan being recorded in the Recorder's Office of Fayette County, in Plan Book No. 1, page 170. Said Lots Nos. 56 and 57 are described as follows:

FRONTING 25 feet each on the east side of Daniel Street (formerly Delaware Avenue) and extending back of equal width 112 feet to an alley, bounded on the north by Lot No. 58 and on the south by Lot No. 55.

EXCEPTING AND RESERVING, thereout and therefrom, all the nine foot vein or seam of coal commonly known as the Connellsville Coking coal and underlying minerals, together with such mining rights and privileges as were conveyed to Presley H. Moore by deed dated March 8, 1889, and recorded in Deed Book Volume 82, page 321.

All that certain piece or parcel or Tract of land situate in the Uniontown, Fayette County, Pennsylvania, and being known as 12 Daniel Street, Uniontown, Pennsylvania 15401.

Being known as: 12 Daniel Street, Uniontown, Pennsylvania 15401

Title vesting in William Nedley by deed from FRED S. BOZEK and MICHELE BOZEK, husband and wife, dated September 28, 2012 and recorded October 2, 2012 in Deed Book 3200, Page 407 Instrument Number 201200013480.

Tax Parcel Number: 38-05-0171

No. 2091 of 2014 GD  
No. 152 of 2021 ED

**UMB Bank, National Association, not in its  
individual capacity, but solely as legal title  
trustee for LVS Title Trust XIII**

**Plaintiff,**

vs.

**Donya Petrock, AKA Donya L. Petrock;  
Greg Petrock**  
**Defendants.**

ALL that certain parcel of land lying and being situate in the Township of Luzerne, County of Fayette, and Commonwealth of Pennsylvania, known as 518 Third Street, Isabella Luzerne, PA 15447 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 19-26-0037

BEING the same premises which Joseph F. Kopacka, III and Rebecca A. Kopacka, his wife, by Deed dated April 23, 2007 and recorded in and for Fayette County, Pennsylvania in Deed Book 3023, Page 460, granted and conveyed unto Donya L. Petrock.

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

No. 2425 of 2019 GD  
No. 151 of 2021 ED

**J.G. WENTWORTH HOME LENDING,  
LLC**

**425 Phillips Blvd  
Ewing, NJ 08618**

**Plaintiff**

vs.

**VERONICA A. RECTOR**  
**Mortgagor(s) and Record Owner(s)**  
**103 Academy Road**  
**Brownsville, PA 15417**  
**Defendant(s)**

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

BEING KNOWN AS: 103 ACADEMY ROAD, BROWNSVILLE, PA 15417

TAX PARCEL#30-13-0119

IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF:  
VERONICA A. RECTOR

No. 2100 of 2019 GD  
No. 183 of 2021 ED

**Nationstar Mortgage LLC d/b/a Mr. Cooper**  
**PLAINTIFF**  
**VS.**  
**Amy L. Rhodes**  
**DEFENDANT**

ALL that certain piece or parcel of land situate in the Seventh Ward of the City of Uniontown (formerly Third Ward of the Borough of Uniontown), County of Fayette and Commonwealth of Pennsylvania, bounded and described as follows:

FRONTING fifth (50) feet on the west side of Beeson Avenue in the said city, and extending back the same width one hundred fifty (150) feet to a fifteen (15) foot alley, being Lot No. 1 in the plan of lots laid out by the heirs of Charles H. Beeson, deceased and being bounded on the east by said Beeson Avenue, on the west by said alley, on the south by Lot No. 2 formerly owned by Mrs. Maud Williams, now land of Ernest Moser and on the north by lot formerly owned by Mrs. Maria McHugh, now land of Lawrence Blair.

HAVING erected thereon a dwelling known and numbered as 122 South Beeson Boulevard.

EXCEPTING AND RESERVING unto Carolyn J. McMullen, and unmarried widow, a life estate in the above-described premises for and during the term of her natural life.

SUBJECT to all covenants, conditions, easements and rights of way on record. PARCEL# 38-12-0120

BEING KNOWN AS (for informational purposes only): 122 South Beeson Avenue  
COMMONLY KNOWN AS: 122 South Beeson Avenue, Uniontown, PA 15401  
TAX PARCEL NO. 38-12-0120

Jill M. Fein, Esquire  
Hill Wallack LLP  
777 Township Line Road, Suite 250  
Yardley, PA 19067  
(215) 579-7700

No. 2801 of 2018 GD  
No. 150 of 2021 ED

**Carrington Mortgage Services, LLC**  
**Plaintiff**  
**v.**  
**Geraldine Saluga**  
**Defendant**

By virtue of a writ of execution case number: 2018-02801

Plaintiff: Carrington Mortgage Services, LLC  
v.

Defendant: Geraldine Saluga  
owners of property situate in the South Union Township, Fayette County, Pennsylvania, being pin number 34-27-0203

Property being known as: 235 Mountain View Road, Uniontown, PA 15401  
Improvements thereon: Residential Property

Hladik, Onorato & Federman, LLP  
298 Wissahickon Avenue  
North Wales, PA 19454

No. 1116 of 2019 GD  
No. 187 of 2021 ED

**First Guaranty Mortgage Corporation**  
**(Plaintiff)**  
**vs.**  
**Tammy M. Shipley,**  
**(Defendant)**

By virtue of Writ of Execution No. 2019-01116, First Guaranty Mortgage Corporation (Plaintiff) vs. Tammy M. Shipley, (Defendant)

Property Address 309 Locust Street, Masontown, PA 15461

Parcel I.D. No. 21-08-0110  
Improvements thereon consist of a residential dwelling.

Judgment Amount: \$88,158.53

No. 1197 of 2021 GD  
No. 165 of 2021 ED

**PENNSYLVANIA STATE EMPLOYEES  
CREDIT UNION**

**Plaintiff,**  
**v.**

**WILLIAM M. SOLOMON,**  
**Defendants.**

ALL THE RIGHT, TITLE, INTEREST  
AND CLAIM OF WILLIAM M. SOLOMON  
OF, IN AND TO:

ALL THE FOLLOWING DESCRIBED  
REAL ESTATE SITUATED IN THE  
TOWNSHIP OF REDSTONE, COUNTY OF  
FAYETTE, COMMONWEALTH OF  
PENNSYLVANIA. HAVINO ERECTED  
THEREON A DWELLING KNOWN AND  
NUMBERED AS 5577 5TH STREET,  
GRINDSTONE, PA 15442 DEED BOOK  
VOLUME 3136, PAGE 972, PARCEL  
NUMBER 30-10-0163.

---

Edward J. McKee, Esquire  
Stern & Eisenberg, PC  
1581 Main Street, Suite 200  
The Shops at Valley Square  
Warrington, PA 18976  
Phone: (215) 572-8111

No. 681 of 2020 GD  
No. 144 of 2021 ED

**Greenwich Revolving Trust by Wilmington  
Savings Fund Society, FSB, not in its  
individual capacity, but solely as Owner  
Trustee**

**v.**

**The Known and Unknown Heir(s),  
Executor(s), Administrator(s) and Devisee(s)  
of the Estate of Barbara Ann Ritenour,  
Deceased, Barbara L. Leonard as Known  
Heir to Barbara Ann Ritenour, Deceased,  
Christopher L. Leonard as Known Heir to  
Barbara Ann Ritenour, Deceased, Mark A.  
Leonard as Known Heir to Barbara Ann  
Ritenour, Deceased, Martha P. Reagan as  
Known Heir to Barbara Ann Ritenour,  
Deceased, Amanda Murphy Leonard, as  
Known Heir to the Estate of Matthew D.  
Leonard, a minor, Matthew Tyler Leonard,  
as Known Heir to the Estate of Matthew D.  
Leonard, a minor, Chase Matthew Leonard  
as Known Heir to the Estate of Matthew D.  
Leonard, a minor, Christian Lindsay-Allen  
Leonard, as Known Heir to the Estate of  
Matthew D. Leonard, a minor, Matthew D.**

**Leonard, Jr., as Known Heir to the Estate of  
Matthew D. Leonard, a minor, and The  
Known and Unknown Heirs(s) Executors,  
Administrators(s) and Devisees(s) of the  
Estate of Matthew D. Leonard**

By virtue of Writ of Execution No. 681 of 2020 GD, Greenwich Revolving Trust by Wilmington Savings Fund Society, FSB, not in its individual capacity, but solely as Owner Trustee v. The Known and Unknown Heir(s), Executor(s), Administrator(s) and Devisee(s) of the Estate of Barbara Ann Ritenour, Deceased, Barbara L. Leonard as Known Heir to Barbara Ann Ritenour, Deceased, Christopher L. Leonard as Known Heir to Barbara Ann Ritenour, Deceased, Mark A. Leonard as Known Heir to Barbara Ann Ritenour, Deceased, Martha P. Reagan as Known Heir to Barbara Ann Ritenour, Deceased, Amanda Murphy Leonard, as Known Heir to the Estate of Matthew D. Leonard, a minor, Matthew Tyler Leonard, as Known Heir to the Estate of Matthew D. Leonard, a minor, Chase Matthew Leonard as Known Heir to the Estate of Matthew D. Leonard, a minor, Christian Lindsay-Allen Leonard, as Known Heir to the Estate of Matthew D. Leonard, a minor, Matthew D. Leonard, Jr., as Known Heir to the Estate of Matthew D. Leonard, a minor, and The Known and Unknown Heirs(s) Executors, Administrators(s) and Devisees(s) of the Estate of Matthew D. Leonard, 3 Trevor Street a/k/a 3 & 5 Trevor Street a/k/a 304 Trevor Street, City of Connellsville, PA 15425 Tax Parcel No. 05-11-0062. Improvements thereon consisting of a Residential Dwelling, sold to satisfy judgment in the amount of \$24,592.59.

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Suite 5000  
701 Market Street  
Philadelphia, PA 19106-1532  
(215) 627-1322

No. 737 of 2021 GD  
No. 158 of 2021 ED

**QUICKEN LOANS, LLC**

**635 Woodward Avenue  
Detroit, MI 48226**

**Plaintiff**

**vs.**

**The Unknown Heirs of SHARON SEMENTA  
-BUNYAN Deceased  
Mortgagor(s) and Record Owner(s)  
58 Mullen Street  
Uniontown, PA 15401  
Defendant(s)**

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

BEING KNOWN AS: 58 MULLEN  
STREET, UNIONTOWN, PA 15401

TAX PARCEL #34-16-0060

IMPROVEMENTS: A RESIDENTIAL  
DWELLING

SOLD AS THE PROPERTY OF: The  
Unknown Heirs of SHARON SEMENTA-  
BUNYAN Deceased

No. 1203 of 2021 GD  
No. 160 of 2021 ED

**CITIZENS BANK, N.A.**

**vs.**

**Ida L. Thomas  
Dale B. Thomas**

ALL THAT CERTAIN lot of ground  
situate in Menallen Township, Fayette County,  
Pennsylvania.

BEING THE SAME PREMISES which  
Barbara Jane Rohlf and Roxanne Janine  
Gmutza, Trustees of the Gertrude McArdle  
Irrevocable Trust, by Deed dated October 1,  
2018 and recorded October 10, 2018 in the  
Office of the Recorder of Deeds in and for  
Fayette County in Deed Book Volume 3385,  
Page 1339, granted and conveyed unto Ida L.  
Thomas and Dale B. Thomas.

BEING KNOWN AS: 39 North Mill  
Street, New Salem, PA 15468 PARCEL #22-15-  
0079

No. 1210 of 2021 GD  
No. 147 of 2021 ED

**Ajax Mortgage Loan Trust 2020-A, Mortgage  
-Backed Securities, Series 2020-A, by U.S.  
Bank National Association, as Indenture  
Trustee**

**v.**

**Scott D. Ulery and Lisa Ulery**

All that certain piece, parcel or tract of land  
situated in Acme, Fayette County,  
Commonwealth of Pennsylvania. Having erected  
thereon a dwelling known as 133 Ulery Road,  
Acme, PA 15610

Being more fully described in Deed Book  
1426, Page 238

Judgment Amount of \$223,143.19 plus  
interests and costs

Parcel Number 31-03-0071-02

PINCUS LAW GROUP, PLLC

Alicia Sandoval (311874)

2929 Arch Street, Suite 1700

Philadelphia, PA 19104

Telephone: 484-575-2201

Facsimile: 516-279-6990

E-mail: [asandoval@pincuslaw.com](mailto:asandoval@pincuslaw.com)

No. 910 of 2021 GD

No. 179 of 2021 ED

**NATIONSTAR MORTGAGE LLC d/b/a  
CHAMPION MORTGAGE COMPANY**

**Plaintiff,**

**v.**

**UNKNOWN HEIRS, SUCCESSORS AND  
ASSIGNS AND ALL PERSONS, FIRMS,  
OR ASSOCIATIONS CLAIMING RIGHT,  
TITLE AND INTEREST UNDER VIOLET  
D. SCHNATTERLY**

**Defendants.**

ALL THAT CERTAIN PIECES OR LOTS  
OF GROUND SITUATUE IN SOUTH UNION  
TOWNSHIP, FAYETTE COUNTY,  
PENNSYLVANIA, KNOWN AND  
NUMBERED LOTS NOS. 144 AND 145 IN  
THE SOUTH UNION PLAN OF LOTS AS  
RECORDED IN PLAN BOOK 3, PAGE 36.  
BEING MORE FULLY DESCRIBED IN A  
DEED DATED DECEMBER 22, 1977 AND  
U.ECORDED ON DECEMBER 23, 1977 IN  
BOOK 1228 PAGE 1132.

ADDRESS: 91 DAWSON AVENUE,  
UNIONTOWN, PA 15401

TAX PARCEL 34-16-0147



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

No. 2511 of 2019 GD  
No. 181 of 2021 ED

**DITECH FINANCIAL LLC**  
**3000 Bayport Drive, Suite 880**  
**Tampa, FL 33607**

**Plaintiff**

vs.

**JOHN R. WASHABAUGH**  
**Mortgagor(s) and Record Owner(s)**  
**630 Leisenring Vanderbilt Road**  
**Vanderbilt, PA 15486**

**Defendant(s)**

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

BEING KNOWN AS: 630 LEISENRING  
VANDERBILT ROAD, VANDERBILT, PA  
15486

TAX PARCEL #09-05-0271

IMPROVEMENTS: A RESIDENTIAL  
DWELLING

SOLD AS THE PROPERTY OF: JOHN R.  
WASHABAUGH

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

No. 427 of 2020 GD  
No. 189 of 2021 ED

**BANK OF AMERICA, N.A.**  
**7105 Corporate Drive**  
**Plano, TX 75024**

**Plaintiff**

vs.

**AMANDA WILSON**  
**Mortgagor(s) and Record Owner(s) 359**  
**Hopwood Coolspring Road**  
**Hopwood, PA 15445**

**Defendant(s)**

ALL THAT CERTAIN LOT OF LAND  
SITUATE IN NORTH UNION TOWNSHIP,  
COUNTY OF FAYETTE AND  
COMMONWEAL TH OF PENNSYLVANIA.

BEING KNOWN AS: 359 HOPWOOD  
COOLSPRING ROAD, HOPWOOD, PA 15445  
TAX PARCEL #25-46-0011-01

IMPROVEMENTS: A RESIDENTIAL  
DWELLING

SOLD AS THE PROPERTY OF:  
AMANDA WILSON

\*\*\* END OF SHERIFF SALES \*\*\*

## **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**

**JUDICIAL OPINION**

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

COMMONWEALTH OF	:	
PENNSYLVANIA,	:	
	:	
vs.	:	
	:	
BRIAN SCOTT BAIR,	:	No. 1728 of 2019
Defendant/Appellant.	:	Honorable Nancy D. Vernon

OPINION IN SUPPORT OF JURY VERDICT

VERNON, J.

October 27, 2021

Following a trial by jury, Appellant, Brian Scott Bair, was found guilty of Possession of Firearm Prohibited [Count 1 – 18 Pa.C.S.A. §6105(A)(1)], Receiving Stolen Property [Count 2 – 18 Pa.C.S.A. §3925(A)], and Offensive Weapons [Count 6 – 18 Pa.C.S.A. §908(A)]. Appellant was acquitted of Possession of Drug Paraphernalia at Count 4 and the Court dismissed the charges of Possession at Counts 3 and 5. Appellant was sentenced to a term of incarceration of four to eight years at Count 1 and no further penalty was imposed for the remaining convictions. Appellant has appealed to the Superior Court and this Opinion is in support of the jury verdict and sentence imposed.

On appeal, Appellant raises the following issues:

1. Whether the jury’s verdict is against the weight of the evidence, because the Commonwealth failed to provide any evidence that: Defendant in fact possessed the shotgun at issue; that Defendant actually resided in the pop-up trailer where the shotgun was found; that Defendant knew or should have known that the shot gun was stolen; that Defendant was the individual who sawed off the shot gun’s barrel; and that the Pennsylvania State Police failed to take fingerprint and/or DNA samples from the shotgun.
2. Whether the Pennsylvania State Police had the necessary authorization to search the pop up trailer where the shot gun was found?

STATEMENT OF THE CASE

On October 22, 2018, around 6:00 a.m., Troopers Wyatt Tidholm and Adam Kezmarsky of the Pennsylvania State Police were dispatched to 117 Rockworks Road, Nicholson Township, Fayette County. N.T., 6/6/2021-6/7/2021, at 19-21. Trooper Tidholm secured the residence noting a pop-up style camper in the backyard that had appeared to be there for a while. Id. at 21-22. Trooper Tidholm announced his presence as “State Police” and the defendant yelled back something like, “Hold on. Okay?” Id. at 22-23. Trooper Tidholm felt like it was taking too long, so he opened the door. Id. at 23. The defendant was detained and held in a central area with other persons to

maintain safety. *Id.* at 23. A constable inquired of the Trooper whether another person was found in the camping trailer which alerted him that there may be another occupant in hiding. *Id.* at 23.

Trooper Tidholm returned to the camper and located Brandy Horuwalt hiding under the sheets. *Id.* at 24. Trooper Tidholm learned that Defendant and Horuwalt were renting the camper and gave him permission to search. *Id.* at 25. Trooper Tidholm located a pill container with a white powdered substance and a shotgun shoved between the bed and sidewall of the camper underneath blankets. *Id.* at 27. The gun was a Remington style shotgun with a wood grip and the front of the barrel removed. *Id.* at 27. The gun was unloaded. *Id.* at 27. Trooper Tidholm testified that the gun was operable. *Id.* at 31.

Trooper Tidholm ran the serial number of the shotgun through a national database and the weapon was identified as stolen by the Oklahoma City Police Department from Nicholas Hegdim out of a truck on April 5, 2016. *Id.* at 32-33. The trooper also located a pill of lisdexamfetamine and a smoking device paraphernalia. *Id.* at 32, 38.

Trooper Jeffrey Tihey of the Pennsylvania State Police testified that he worked in the vice narcotics unit in October 2018 and currently works in interdiction for Homeland Security. *Id.* at 47. Trooper Tihey was recognized as an expert in the field of drug recognition and trafficking. *Id.* at 50. Tihey testified that the item recovered from the pop-up camper was a glass smoking device and identified burn marks and electrical tape consistent with smoking substances. *Id.* at 50-51. Tihey opined the item was drug paraphernalia. *Id.* at 52.

Trooper Tihey testified that he interviewed Defendant at the Uniontown Police Barracks where Defendant relayed to him that he purchased the gun for thirty-dollars because it was similar to a shotgun that his father used to own and he wanted to restore it. *Id.* at 53-55. Tihey examined the firearm testifying that the lack of stock does not render the gun inoperable. *Id.* at 57. Tihey explained that the barrel looks like it was cut off with something and that it is obviously a shorter version of a shotgun. *Id.* at 59. By his measurement, the barrel was approximately sixteen and a half inches. *Id.* at 59. The Commonwealth and Defendant stipulated that he was a member of a class of individual who was not permitted to possess, use, transfer, or sell in anyway a firearm. *Id.* at 63.

## DISCUSSION

Appellant first alleges that the verdict was against the weight of the evidence. Appellant first presented his weight argument as a Motion for New Trial which was denied by this Court. A motion for a new trial alleging that the verdict was against the weight of the evidence is addressed to the discretion of the trial court. *Commonwealth v. Cousar*, 928 A.2d 1025 (Pa. 2007). A motion for new trial on the grounds that verdict is contrary to weight of evidence should not be granted because of mere conflict in testimony or because the judge, on the same facts, would have arrived at a different conclusion. *Commonwealth v. Smith*, 853 A.2d 1020 (Pa.Super. 2004). The trial court, in the exercise of its discretion, may award a new trial on the basis that the verdict is against the weight of the evidence if the verdict is so contrary to the evidence as to shock one's sense of justice. *Commonwealth v. Washington*, 825 A.2d 1264, (Pa.Super. 2003).

With regard to a motion for a new trial on the ground that the verdict is contrary to the weight of the evidence, the trial judge does not sit as the 13th juror, but rather, the role of the trial judge is to determine that notwithstanding all the facts, certain facts are so clearly of greater weight that to ignore them or to give them equal weight with all the facts is to deny justice. *Commonwealth v. Hunter*, 768 A.2d 1136 (Pa.Super. 2001). The jury, while passing upon the credibility of witnesses and the weight to be afforded the evidence produced, is free to believe all, part or none of the evidence. *Id.* A new trial should not be granted because of a mere conflict in testimony or because the judge on the same facts would have arrived at a different conclusion. *Id.*

A Motion for New Trial on the grounds that the verdict is contrary to the weight of the evidence “concedes that there is sufficient evidence to sustain the verdict. Thus, the trial court is under no obligation to view the evidence in the light most favorable to the verdict winner. An allegation that the verdict is against the weight of the evidence is addressed to the discretion of the trial court.” *Commonwealth v. Widmer*, 744 A.2d 745, 751-52 (Pa. 2000). Stated differently, a court may award a new trial because the verdict is against the weight of the evidence only when the verdict rendered is so contrary to the evidence received as to shock one’s sense of justice such that right must be given another opportunity to prevail. *Commonwealth v. Goodwine*, 692 A.2d 233, 236 (Pa.Super. 1997).

We have set forth the testimony offered at trial, *supra*. The verdict rendered by the jury, a conviction on the charges of possession of firearm prohibited, receiving stolen property, and offensive weapons, but acquittals on the charge of possession of drug paraphernalia and dismissal of the possession charges, is consistent with the evidence presented at trial. The testimony adduced at trial had no conflicts. The jury believed the testimony of the Pennsylvania State Police troopers, finding their statements to be credible. The verdict rendered by the jury was not contrary to the evidence it received, and does not shock one’s sense of justice. As, the verdicts were not against the weight of the evidence, this Court did not err in denying the Motion for New Trial.

Appellant’s second issue questions “[w]hether the Pennsylvania State Police had the necessary authorization to search the pop up trailer where the shot gun was found?” The Court has reviewed the record, including Appellant’s pretrial motion and trial transcript, and this issue was not raised in the trial court. Under appellate rules, an appellant may not raise issues on appeal that were not raised before the trial court. See Pa.R.A.P. 302(a) (providing that issues not raised in the lower court are waived and cannot be raised for the first time on appeal).

Wherefore, it is respectfully submitted that the entire appeal is without merit and should be denied.

BY THE COURT:  
NANCY D. VERNON, JUDGE

ATTEST:  
Clerk of Courts





JOIN THE FAYETTE COUNTY  
BAR ASSOCIATION FOR A

*Christmas*  
PARTY

AT MARILYN'S ON MAIN

WEDNESDAY, DECEMBER 8TH

4:30 PM - 7:00 PM

IN SUPPORT OF THE HOLIDAY SEASON,  
PLEASE BRING NEW, UNWRAPPED TOYS  
FOR DONATION TO FAYETTE COUNTY CYS.  
MONETARY DONATIONS PAYABLE TO  
"CYS ADVISORY BOARD."

RSVP BY FRIDAY, DECEMBER 3RD  
724-437-7994 OR [CINDY@FCBAR.ORG](mailto:CINDY@FCBAR.ORG)

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