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FAYETTE LEGAL JOURNAL

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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

NORMA JEAN BROWN, late of Hopwood,

Fayette County, PA (3)

Executor: Douglas Lee Brown c/o 11 Pittsburgh Street Uniontown, PA 15401 Attorney: Thomas W. Shaffer

RICKY C. DEVAULT, a/k/a RICKY CLINTON DEVAULT, a/k/a RICKY

DEVAULT, late of Markleysburg, Fayette

County, PA (3)

Administrator: Leonard DeVault c/o John & John 96 East Main Street Uniontown, PA 15401 Attorney: Simon B. John

RALPH E. GALLEY, late of Vanderbilt,

Fayette County, PA (3)

Personal Representative: Lynette G. Korelko c/o 208 South Arch Street, Suite 2 Connellsville, PA 15425 Attorney: Richard Husband

RICHARD J. KUREK, late of Luzerne

Township, Fayette County, PA (3)

Executrix: Cynthia L. Despot c/o 51 East South Street
Uniontown, PA 15401

Attorney: Anthony S. Dedola, Jr.

BEVERLY SANDRA SCHROYER, a/k/a BEVERLY S. SCHROYER, late of Dunbar

Township, Fayette County, PA (3)

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

ROBERT M. SHEARER, late of

Connellsville, Fayette County, PA (3)

Personal Representative:
Louise M. Shearer
1000 Blackstone Avenue
Connellsville, PA 15425
c/o 208 South Arch Street, Suite 2
Connellsville, PA 15425

Attorney: Richard A. Husband

Second Publication

LOGAN GLOVER, a/k/a LOGAN TYLER GLOVER, late of German Township, Fayette County, PA (2)

Administrator: Jeremy Glover c/o Anderson & Labovitz, LLC 429 Fourth Avenue, Suite 602 Pittsburgh, PA 15219

Attorney: Adam G. Anderson

EVA MAE GRIMM, a/k/a EVA M. GRIMM,

late of Springhill Township, Fayette County, PA

Executrix: Glenna Mae Duncan (2)
c/o 9 Court Street
Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

GEORGE M. JOHNSON, late of Republic

Township, Fayette County, PA (2)

Personal Representative: Jacqueline Savini c/o Dellarose Law Office, PLLC 99 East Main Street, Suite 101 Attorney: Melinda Deal Dellarose

ALEX KOVACH, late of Masontown, Fayette County, PA (2)

Executrix: Joyalyn Deane Zaidan 4986 Chedworth Drive Stone Mountain, Georgia 30087 c/o Smith and Smith 5101 Bayard Street Pittsburgh, PA 15232 Attorney: Peter Andrew Smith

DAVID LANCOS, a/k/a DAVID LEONARD LANCOS, late of Belle Vernon, Favette

County, PA (2)

Administratrix: Deborah Lancos DeCostro 125 Cardiff Drive Aliquippa, PA 15001

c/o McMillen, Urick, Tocci & Jones 2131 Brodhead Road

Aliquippa, PA 15001 Attorney: Chad McMillen

JULIE ANN MAUST, late of Georges

Township, Fayette County, PA (2)

Personal Representative: Heather Jordan and Barbara Churby c/o P.O. Box 622 Smithfield PA 15478

Attorney: Charity Grimm Krupa

CLAUDINE ROSS, a/k/a CLAUDENE ROSS, a/k/a CLAUDENE LINCOLN, late of

Nicholson, Fayette County, PA (2)

Executrix: Christine Diane Cummings, a/k/a Christine Dianne Cummings c/o P.O. Box 622 Smithfield, PA 15478

Attorney: Charity Grimm Krupa

CHRIS STERBUTZEL, late of Redstone

Township, Fayette County, PA (2) Administratrix: Sherri L. Sterbutzel c/o P.O. Box 622 Smithfield, PA 15478

Attorney: Charity Grimm Krupa

DONNA L. TURNER, a/k/a DONNA LYNN TURNER, late of Perry Township, Fayette County, PA (2)

Administratrix: Tori Turner c/o Goodwin Como, P.C. 108 North Beeson Boulevard, Suite 400 Uniontown, PA 15401 Attorney: Benjamin Goodwin

DIANE S. WELKER, late of Bullskin

Township, Fayette County, PA (2) Executrix: Alicia Ann Welker Saxion c/o Casini & Geibig, LLC 815B Memorial Boulevard Connellsville, PA 15425 Attorney: Jennifer M. Casini

LEE R. WELKER, a/k/a LEE ROY WELKER, late of Bullskin Township, Fayette

County, PA (2)

Executrix: Alicia Ann Welker Saxion c/o Casini & Geibig, LLC 815B Memorial Boulevard Connellsville, PA 15425 Attorney: Jennifer M. Casini

NICHOLAS L. YANCHECK, JR. a/k/a NICK YANCHECK, late of Dickerson Run,

Fayette County, PA (2)

Personal Representative: Brenton L. Yancheck c/o Watson Mundorff, LLP 720 Vanderbilt Road Connellsville, Pa 15425 Attorney: Timothy J. Witt

KENT M. YOZIE, late of Dunbar Township,

Fayette County, PA (2) Administratrix: Jody A. Yozie c/o Fitzsimmons and Barclay 55 East Church Street, Suite 102 Uniontown, PA 15401

Attorney: James Fitzsimmons

SHELBY ZENTKOVICH, late of Georges

Township, Fayette County, PA (2)

Personal Representative: Robert Gabor 142 Demniak Road

McClellandtown, PA 15458

c/o Mitchell Law Office

902 First Street

P.O. Box 310 Hiller, PA 15444

Attorney: Herbert G. Mitchell, Jr.

First Publication

LEE CLARK HENRY, a/k/a LEE C. HENRY, late of Bullskin Township, Fayette County, PA (1)

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 (1)

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 (1)

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 (1)

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 (1)

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

LEGAL NOTICES

ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with and approved by the Department of State on the 10th day of September 2021, for the purpose of obtaining a Certificate of Incorporation for a business corporation organized under the Business Corporation Law of 1988 as amended.

The name of the corporation is SANDZIMIER, SHOEMAKER & COMPANY PC. The Purpose for which it is organized is to engage in and to do any lawful business for which corporations may be incorporated under the Pennsylvania Corporation Law.

Paul Toohey 749 North Church Street Mt. Pleasant, PA 15666

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA CIVIL DIVISION No. 1859 of 2021 JUDGE STEVE LESKINEN

IN RE: 2015 NISSAN ROGUE VIN KNMAT2MT7FP509787

TO: SHANE WILLIAM DUNBAR His heirs, successors and assigns, generally,

You are hereby notified that Mary Beth's Towing, LLC, the Petitioner has filed a Petition at the above number and term in the abovementioned court in an action to involuntary transfer a vehicle title wherein it is alleged that she is in possession of a 2015 Nissan Rogue having a VIN No: KNMAT2MT7FP509787.

Said Petition sets forth that the Petitioner is in possession of the above-described vehicle. The Petition was filed for the purpose of barring all of your right, title, and interest, or claim in and to all or a portion of said vehicle and to transfer the title to Petitioner.

NOTICE

You are hereby notified that you have been sued in court. If you wish to defend against the claim set forth in the complaint and in the within advertisement, you must take action within twenty (20) days after the last advertisement of this notice by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claim set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may entered against you by the court without further notice or 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, GOT TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PENNSYLVANIA BAR ASSOCIATION PENNSYLVANIA LAWYER REFERRAL 100 SOUTH STREET P.O. BOX 186 HARRISBURG, PA 17108 1-800-932-0311

By Jason F. Adams, Esq. Adams Law Offices, PC 55 E. Church Street Uniontown, PA 15401

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PA CIVIL DIVISION DOCKET NO. 398 OF 2021

TRINITY FINANCIAL SERVICES, LLC, Plaintiff, v. UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE

INTEREST UNDER CHARLOTTE A. DRYLIE, Defendants.

NOTICE TO ALL UNKNOWN HEIRS OF CHARLOTTE A. DRYLIE, DECEASED. Please be advised that a Complaint in Mortgage Foreclosure has been filed against the property located at 329 Cadwallader Street, Brownsville, PA 15417. Parcel No. 02-10-0152. MORTGAGE BOOK 2877, PAGE 1882.

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 you and a judgment may be entered against you by the court without further notice 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, 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 100 South Street P.O. Box 186 Harrisburg, PA 17108 Telephone: 1 (800) 692-7375

BY: Robert Wendt, Esquire Pa. I.D. #89150 Leopold & Associates, PLLC Telephone: 914-219-5787 x 490

SHERIFF'S SALE

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 and acknowledge before Prothonotary a deed to the property sold. (1 of 3)

> James Custer Sheriff Of Fayette County

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

First National Bank of Pennsylvania

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 INSTRUMENT #201400007399. 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 LAULTZ

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 vs. 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

LAINTIFF

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.

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

> No. 240 of 2020 GD No. 185 of 2021 ED

MIDFIRST BANK 999 N.W. Grand Boulevard Suite 100 Oklahoma City, OK 73118-6116 Plaintiff vs.

KATHY KINCHELOE Mortgagor(s) and Record Owner(s) 155 Gilmore Road Uniontown, PA 15401 Defendant(s)

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

BEING KNOWN AS: 155 GILMORE ROAD, UNIONTOWN, PA 15401

TAX PARCEL #14110056

IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: KATHY KINCHELOE

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

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,

T/C

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.

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

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 unremarried 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)

ve

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,

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

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 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 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.

KML LAW GROUP, P.C. 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

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

v.

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

No. 910 of 2021 GD No. 179 of 2021 ED

NATIONSTAR MORTGAGE LLC d/b/a CHAMPION MORTGAGE COMPANY Plaintiff,

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.

DEED DATED DECEMBER 22, 1977 AND U.ECORDED ON DECEMBER 23, 1977 IN BOOK 1228 PAGE 1132.

ADDRESS: 91 DAWSON AVENUE,

BEING MORE FULLY DESRCIBED IN A

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

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 <u>E&O INSURED</u> <u>WILL TRAVEL</u> <u>ACCEPTING NEW CLIENTS</u>

JUDICIAL OPINION

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA

CIVIL DIVISION

DORIS HENSEL,

Plaintiff.

V.

SAMUEL R. HUTCHINSON, JR., :

and VERNON TODD STOUFFER,: NO. 1516 OF 2020

: Honorable President Judge John F. Wagner, Jr. Defendants.

OPINION AND ORDER

Wagner, P..J. October 25, 2021

Before the Court for disposition are the Preliminary Objections filed by Defendant Samuel R. Hutchinson, Jr., to Plaintiff's Amended Complaint

BACKGROUND

The Plaintiff filed this action as the result of a dispute related to an existing right-of -way on land owned by Defendant Samuel R. Hutchinson, Jr. The right-of-way accesses the rear of Plaintiffs property and accesses the parcel of land owned by the Stouffers. The Plaintiff and her now deceased husband acquired two parcels of land on April 20, 1976. Plaintiffs parcel abuts Hopewell Road in Melcroft, Pennsylvania. In 1995, the Plaintiff transferred ten acres of land to Jeffrey A. Hensel (hereinafter "Hutchinson Parcel"). In 2017, the parcel of land was transferred by Jeffrey A. Hensel to the Defendant Hutchinson. The Hutchinson Parcel abuts Hopewell Road.

In 2003, the Plaintiff transferred twenty (20) acres of her property to Vernon Earl Stouffer and his wife (hereinafter "Stouffer Parcel"). In 2015, the Stouffers transferred the twenty acre parcel to Vernon Todd Stouffer. This parcel was landlocked. In 2003, Jeffrey Hensel and his wife granted the Stouffers a right-of-way and casement over their property through a Deed of Right-Of-Way and Easement. This right-of-way goes from Hopewell Road across the Hutchinson Parcel, then owned by Jeffrey Hensel, and continues across Plaintiffs Parcel to the Stouffer Parcel. In 2009, the right-of-way was amended by the Corrected Deed of Right-Of-Way and Easement. The Defendant asserts that this document was not attached to the Amended Complaint filed by the Plaintiff.

In the Amended Complaint, the Plaintiff asserts a claim under the Private Road Act, 36 P.S. § 2731, to start proceedings to open a private road. Plaintiffs second claim raises a claim of an irrevocable license. The third claim raises a claim for an easement by implication.

DISCUSSION

The Defendant has raised three preliminary objections: (1) Count I fails to conform to law pursuant to Rule 1028((a)(2) and should be dismissed; (2) Count I fails to state a claim pursuant to Rule 1028(a)(4); and (3) Count II is insufficiently specific pursuant to Rule 1028(a)(3) and should be stricken. Plaintiffs response to the preliminary objections focuses solely on the failure to request a hearing on the preliminary objections.

Preliminary objections can be filed to any pleading by any party. As the Rules of Civil Procedure are to be liberally construed to secure just, speedy and inexpensive determination of every action, the courts may disregard any error or defect of procedure that does not affect the substantial rights of the parties. Pa.R.C.P. 126. In order for a court to sustain preliminary objections it must appear with certainty that the law will not permit recovery. Preliminary objections that will result in the dismissal or denial of a claim should be sustained only in cases that are clear and free from doubt that the pleader will be unable to prove facts legally sufficient to establish the right to relief. 933 A.2d 117 (Pa. Super. 2007). Thus preliminary objection may be sustained where the pleadings show on its face that the claim is devoid of merit or where no amendment of the complaint can cure the defects.

A demurrer is an assertion that a complaint does not set forth a cause of action upon which relief can be granted. It tests the legal sufficiency of the complaint. The questions presented by a demurrer is whether on the facts averred, the law state with certainty that recovery is not possible. A preliminary objection in the form of a demurrer admits as true all well- pleaded, material relevant facts and every inference fairly deductible from those facts. 53 A.3d 793 (Pa. Super. 2012). In deciding whether to sustain a demurrer, the Court need not accept as true expressions of opinion. If the pleading requires the aid of facts not appearing within the pleading but ,vhich may be available, then the preliminary objection should be sustained but if there is the possibility that the pleader can provide legally sufficient facts to establish the right to relief, then the preliminary objects may be sustained with the right to amend presented rather than dismissal of the claim.

The Plaintiff asserts a claim under the Private Road Act. The Private Road Act requires a board of viewers be appointed. To open a private road, the Petitioner must demonstrate both that the road is necessary and the opening it will serve a public purpose. In re Adams, 212 A.3d I 004 (Pa. 2019). Under the Private Road Act, a property does not have to be completely landlocked to support a finding that opening a private road is necessary, but mere inconvenience is insufficient. Id. The determination of necessity must be based on the present use of the property, a proposed use cannot form the basis of the necessity. Id. Therefore, the first preliminary objection is sustained and the plaintiff is granted leave to amend his complaint.

In the second preliminary objection, it is asserted that the Plaintiff fails to state a claim of necessity under the Private Road Act. Plaintiff's complaint fails to contain averments establishing necessity nor does it contain any statements as to how the public would benefit from the opening of the road. For those reasons, the second Preliminary Object is sustained and the Plaintiff is granted leave to amend his complaint.

The third preliminary objection asserts a cause of action for Irrevocable License. In

Pennsylvania, an irrevocable license is also referred to as an easement by estoppel. Morning Call, inc. v. Bell Atlantic-Pennsylvania, 761 A.2d 129, 144 (Pa. Super. 2000). It occurs when a landowner permits a use of property under circumstances suggesting that the permission will not be revoked, and the user changes his or her position in reasonable reliance on the permission. A license to use another's land will become irrevocable where the licensee, in reliance upon it, treats his land in a way he would not have treated it except for the license. Bieber v. Zellner, 220 A.2d 17 (Pa. 1966). Successors in title take subject to an irrevocable license if they had notice of the license before the purchase. Morning Call, Inc., 761 A.2d at 144. Plaintiff in his claim fails to set forth any facts regarding the circumstance of the license or any notice to Hutchinson regarding any license. Therefore, the preliminary objection is sustained and the Plaintiff is given leave to file an amended complaint.

The Court therefore enters the following Order:

ORDER

AND NOW, this 25th day of October 2021, the Preliminary Objections filed by Defendant, Samuel R. Hutchinson, Jr., are hereby sustained and the Plaintiff is GRANTED leave to file amendments to his Amended Complaint within a period of forty-five (45) days from the date of this Order.

BY THE COURT: WAGNER, P.J.

ATTEST: Nina Capuzzi Frankhouser Prothonotary

LUNCH & LEARN SERIES

The Fayette County Bar Association's final 2021 presentation in its Lunch & Learn Series will be:

- Date: Wednesday, December 1st from 12:00 p.m. to 1:30 p.m.
- Location: Courtroom No. 1 of the Fayette County Courthouse
- Discussion topics: Workers' Comp. & Social Security
 Disability Claims The Essentials
- Presenters: Mark M. Mehalov, Esquire, and Gary D. Monaghan, Esquire

CLE Credit

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

Members of the FCBA

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

Attorneys admitted to practice in Pennsylvania after January 1, 2016

• No charge for attendance with CLE Credit

Non-members of the FCBA

- \$10 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.

While same day registrants are welcome, lunch will be served first to those who register in advance of the program day due to the difficulty in estimating the number of walk-ins.

RSVP

If interested in attending, please call Cindy at the Bar office at 724-437-7994 or by email to cindy@fcbar.org on or before Monday, November 29th.

ANNUAL MEMBERSHIP MEETING

The Annual General Membership meeting of the Fayette County Bar Association shall be held on Wednesday, December 1, 2021, at 1:30 pm, following the Lunch & Learn CLE, in Courtroom One of the Fayette County Courthouse, 61 East Main Street, Uniontown, PA 15401. Members are invited to present topics of concern or interest to the Association. A Special Meeting will be held at 1:30 to consider the proposed amended bylaws followed by the Annual Meeting.

NOTICE

A motion to amend the Fayette County Bar Association By-Laws will be made at a Special Meeting on Wednesday, December 1, 2021, at 1:30 pm in the Fayette County Courthouse, 61 East Main Street, Uniontown, PA 15401. The proposed revision will be sent to the membership via email and is available for review from the Bar Association Office.



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