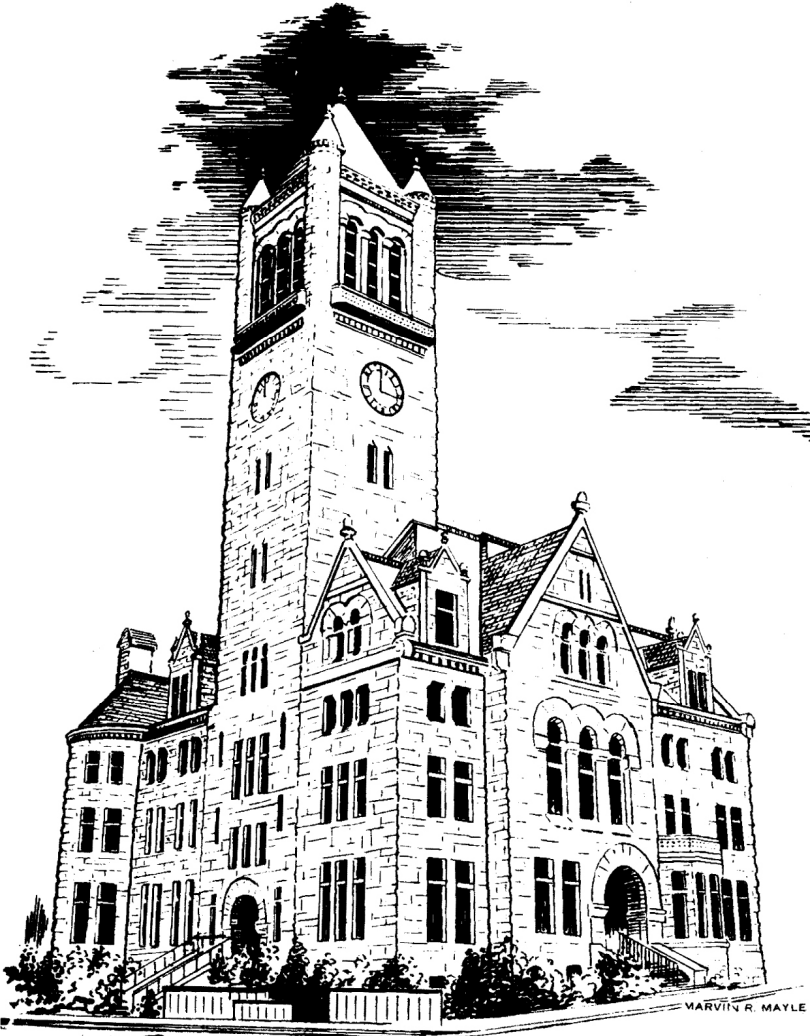


# FAYETTE LEGAL JOURNAL

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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

**DONALD G. KERFOOT**, late of Connellsville, Fayette County, PA (3)

*Personal Representative:* Gloria Eileen Rohal  
c/o 815A Memorial Boulevard  
Connellsville, PA 15425  
*Attorney:* Margaret Zylka House

**RICHARD H. MILLER**, late of North Union Township, Fayette County, PA (3)

*Co-Executors:* Jason R. Miller and Michael Miller  
c/o Fitzsimmons and Barclay  
55 East Church Street, Suite 102  
Uniontown, PA 15401  
*Attorney:* James N. Fitzsimmons, Jr.

**DORIS JEAN REID, a/k/a DORIS J. REID**, late of Fairchance, Fayette County, PA (3)

*Personal Representative:* Sharon D. Brewer  
c/o 50 East Main Street  
Blackstone Building  
Uniontown, PA 15401  
*Attorney:* Patrick C. McDaniel

**MAUREEN C. SMITHBERGER**, late of South Union Township, Fayette County, PA (3)

*Administrator:* David Smithberger  
c/o Adams and Adams  
55 East Church Street, Suite 101  
Uniontown, PA 15401  
*Attorney:* Jason F. Adams

**SHIRLEY ANNE THURBY**, late of North Union Township, Fayette County, PA (3)

*Executor:* Joseph E. Thurby, Sr.  
c/o Adams and Adams  
55 East Church Street, Suite 101  
Uniontown, PA 15401  
*Attorney:* Jason F. Adams

**ERNEST W. WATSON, Jr.**, late of Lower Tyrone Township, Fayette County, PA (3)

*Personal Representative:* Laurie A. Watson  
129 Watson Road  
East Millsboro, PA 15433  
c/o 120 South Third Street  
Connellsville, PA 15425  
*Attorney:* John K. Greiner

### Second Publication

**LOUIS ANSELL, a/k/a LOUIS ANSELL, JR.**, late of Dunbar Township, Fayette County, PA (2)

*Administratrix:* Renee E. Ansell  
c/o Webster & Webster  
51 East South Street  
Uniontown, PA 15401  
*Attorney:* Webster & Webster

**VIRGINIA MAE EBERHARTER, a/k/a VIRGINIA M. EBERHARTER**, late of Dunbar Township, Fayette County, PA (2)

*Co-Executors:*  
James O. Rowan, Jr. and Wanda Brooks  
c/o PO Box 760  
Connellsville, PA 15425  
*Attorney:* Carolyn W. Maricondi

**CONNIE L. HARSHMAN, a/k/a CONNIE HARSHMAN**, late of South Union Township, Fayette County, PA (2)

*Executrix:* Jill Rowland  
c/o Zebley Mehalov & White, P.C.  
18 Mill Street Square  
PO Box 2123  
Uniontown, PA 15401  
*Attorney:* Daniel R. White

**PARKER ANDREW HESS, a/k/a PARKER A. HESS**, late of Redstone Township, Fayette County, PA (2)

*Executrix:* Heather Hess Richards  
311 Twin Hills Road  
Grindstone, PA 15442  
c/o Meyers Evans Lupetin & Unatin, LLC  
707 Grant Street, Suite 3200  
Pittsburgh, PA 15219  
*Attorney:* Brendan B. Lupetin

**CHARLES W. LEWIS, SR., a/k/a CHARLES W. LEWIS**, late of Redstone Township, Fayette County, PA (2)

*Personal Representative:* Louise Miller  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* James T. Davis

**JOHN D. MCGARVEY, a/k/a DAN MCGARVEY**, late of South Union Township, Fayette County, PA (2)

*Executor:* James E. Higinbotham, Jr.  
c/o Higinbotham Law Offices  
45 East Main Street, Suite 500  
Uniontown, PA 15401  
*Attorney:* James E. Higinbotham, Jr.

**DONALD M. SMALL**, late of Connellsville Township, Fayette County, PA (2)

*Co-Executors:* Gilbert Lawrence Small and  
Chris Lawrence Small  
c/o Riverfront Professional Center  
208 South Arch Street, Suite 2  
Connellsville, PA 15425  
*Attorney:* Richard A. Husband

**DOROTHY LOUISE MOORE WILSON, a/k/a DOROTHY LOUISE WILSON**, late of Belle Vernon Borough, Fayette County, PA (2)

*Co-Executors:*  
Lance Wilson  
104 Grata Street  
Belle Vernon, PA 15012  
and Craig S. Wilson  
937 Leeds Avenue  
Monessen, PA 15062  
c/o Bassi, Vreeland & Associates, P.C.

PO Box 144  
111 Fallowfield Avenue  
Charleroi, PA 15022  
*Attorney:* Bradley M. Bassi

## First Publication

**MANSFIELD BRANSON**, late of Uniontown, Fayette County, PA (1)

*Administratrix:* Brandy Whitehead  
175 Seven Road  
Sewickley, PA 15143  
c/o 320 South Maple Avenue  
Greensburg, PA 15601  
*Attorney:* James M. Fox

**FRANCES T. COLDREN**, late of Uniontown, Fayette County, PA (1)

*Executor:* Fred C. Adams  
c/o Adams and Adams  
55 East Church Street, Suite 101  
Uniontown, PA 15401  
*Attorney:* Jason F. Adams

**MILDRED G. HACKETT**, late of Uniontown, Fayette County, PA (1)

*Personal Representative:* John R. Hackett  
c/o Davis and Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* Gary F. Frankhouser

**HARRY JAMES STAFFORD, III, a/k/a HARRY J. STAFFORD, III, a/k/a HARRY J. STAFFORD**, late of Dunbar Township, Fayette County, PA (1)

*Administratrix:* Kimberly Murphy  
114 Jimtown Road  
Dawson, PA 15428  
c/o 201 North Chestnut Street  
P.O. Box 342  
Scottdale, PA 15683  
*Attorney:* James S. Lederach

**LINDA TUTTLE, a/k/a LINDA K. TUTTLE,**  
late of Wharton Township, Fayette County, PA  
(1)

*Executor:* Allen W. Tuttle, Jr.  
c/o 556 Morgantown Road  
Uniontown, PA 15401  
*Attorney:* John A. Kopas, III

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**STEPHEN J. UTLAK,** late of Uniontown,  
Fayette County, PA (1)

*Executrix:* Jackie Wilhelm  
c/o Adams and Adams  
55 East Church Street, Suite 101  
Uniontown, PA 15401  
*Attorney:* Jason F. Adams

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## LEGAL NOTICES

### FICTITIOUS NAME REGISTRATION

Notice is hereby given pursuant to the provisions of the Fictitious Names Act of Pennsylvania that an application for registration of a fictitious name was filed with the Department of State of the Commonwealth of Pennsylvania, for the conduct of a business under the fictitious name of AFA with its principal office or place of business at 121 N. Pittsburgh St., Connellsville, PA 15425. The names and addresses, including street and number, if any, of all persons who are parties to the registration are: Aaron Zolbrod, 121 N. Pittsburgh St., Connellsville, PA 15425. Advocates for the Aging, LLC, 121 N. Pittsburgh St., Connellsville, PA 15425.

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### NOTICE

Notice is hereby given that a hearing is scheduled for Tuesday, May 1, 2018, at 9:30 a.m., before The Honorable Joseph M. George, Jr., in Courtroom No. 5, of the Fayette County Courthouse, for the sale of the South Side Elementary School by the Connellsville Area Board of School Directors.

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

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## SHERIFF'S SALE

Date of Sale: June 14, 2018

By virtue of the below stated writs out of the Court of Common Pleas of Fayette County, Pennsylvania, the following described properties will be exposed to sale by James Custer, Sheriff of Fayette County, Pennsylvania on Thursday, June 14, 2018, 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

No. 1989 of 2014 GD  
No. 78 of 2018 ED

**AMERIKOHL MINING INC.,**  
**Plaintiff,**  
**vs.**  
**WAYNE K. BAKER,**  
**Defendant.**

Property Address: 294 Hope Hollow Road,  
Springhill Township, PA 15451  
Parcel ID: 36-14-0132

Being the same premises which Doris M. Cobb, widow, granted and conveyed unto Wayne K. Baker, single, by Deed dated November 28, 1980, and recorded in the Fayette County Recorder of Deeds Office on December 4, 1980 in Deed Book 1281 page 778.

Judgment Amount: \$ 50,779.26 together with interest at the rate of six percent (6 %) from June 25, 2014, plus costs of suit.

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UDREN LAW OFFICES, P.C.  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD, SUITE 200  
CHERRY HILL, NJ 08003-3620  
856-669-5400

No. 67 of 2018 GD  
No. 76 of 2018 ED

**Deutsche Bank National Trust Company, as Trustee for Home Equity Mortgage Loan Asset-Backed Trust Series INABS 2006-D, Home Equity Mortgage Loan Asset-Backed Certificates Series INABS 2006-D,**

**Plaintiff,**  
**V.**

**HARRY BRAXTON A/K/A HARRY M. BRAXTON**  
**JOYCE L. DUGAN A/K/A JOYCE L. BRAXTON**

**Defendant(s).**

ALL THAT CERTAIN LOT OF LAND  
SITUATE IN TOWNSHIP OF SOUTH  
UNION, FAYETTE COUNTY,  
PENNSYLVANIA:

BEING KNOWN AS 17 Feathers Avenue,  
(South Union Township), Uniontown, PA 15401  
PARCEL NUMBER: 34-17-0010  
IMPROVEMENTS: Residential Property

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ANNE N. JOHN Esq.  
ATTORNEY AT LAW

No. 2628 of 2017 GD  
No. 94 of 2018 ED

**FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF GREENE COUNTY, a corporation,**  
**Plaintiff,**  
**vs.**  
**DONALD L. CUNNINGHAM and ELIZABETH A. CUNNINGHAM,**  
**Defendants.**

ALL that certain tract of land situate in the Village of Messmore, German Township, Fayette County, Pennsylvania, containing 1.6136 acres.

Upon which is erected a single-family dwelling known locally as 269 Messmore Road, McClellandtown, PA 15458 and a Mobile Home with land known locally as 259 Messmore Road, McClellandtown, PA 15458.

For prior title see Record Book 2802-2483. Fayette County Assessment Map Nos.: 15-28-0241 and 15-28-0242.

No. 1045 of 2016 GD  
No. 84 of 2018 ED

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

ALL that certain lot of ground in the Township of South Union, County of Fayette, Pennsylvania, being known as Lot No. 6 and the easterly portion of Lot No. 5 in the George Mikluscak Plan of Lots, Fayette County, Pennsylvania Deed Book Volume 824, page 579, HAVING THEREON ERECTED DWELLING KNOWN AS 1220 BROWNFIELD ROAD UNIONTOWN, PA 15401.

TAX PARCEL ID# 34-27-0390.  
Fayette County Book 3113, Page 1196.  
TO BE SOLD AS THE PROPERTY OF TERRI DARNELL ON JUDGMENT NO. 2016-1045.

No. 2657 of 2017 GD  
No. 67 of 2018 ED

**The Huntington National Bank,**  
**Plaintiff,**  
**vs.**  
**Samuel J. DelSignore; Arleen B. DelSignore, AKA Arlene B. DelSignore,**  
**Defendants.**

ALL that certain parcel of land lying and being situate in the Township of Redstone, County of Fayette, and Commonwealth of Pennsylvania, known as 803 Fairbank Hurber, AKA, 803 Fairbank Herbert Road, AKA Herbert -Fairbank Road, New Salem, PA 15468 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 30-36-003801

BEING the same premises which Samuel J. DelSignore, Sr. and Arlene B. DelSignore, his wife, by Deed dated August 30, 2011 and recorded in and for Fayette County, Pennsylvania in Deed Book 3163, Page 1638, granted and conveyed unto Arlene B. DelSignore.

UDREN LAW OFFICES, P.C.  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD, SUITE 200  
CHERRY HILL, NJ 08003-3620  
856-669-5400

No. 2667 of 2017 GD  
No. 64 of 2018 ED

**KeyBank, N.A. successor by merger to First Niagara Bank,**  
**Plaintiff**  
**V.**  
**SHIRLEY A HALFHILL**  
**Defendant(s).**

ALL THAT CERTAIN LOT OF LAND SITUATE IN NORTH UNION TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA:

BEING KNOWN AS 155 Piper hollow Rd, North Union, PA 15465

PARCEL NUMBER: 25160173  
IMPROVEMENTS: Residential Property

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

No. 2408 of 2017 GD  
No. 73 of 2018 ED

**BAYVIEW LOAN SERVICING, LLC, A  
DELAWARE LIMITED LIABILITY  
COMPANY**  
4425 Ponce de Leon Blvd Coral Gables, FL  
33146

**Plaintiff,  
V.**

**NIKKI D. HARDIN**  
**Mortgagor(s) and Record Owner(s)**  
465 Maple Summit Road a/k/a 469 Maple  
Summit Road Mill Run, PA 15464  
**Defendant(s).**

ALL THOSE TWO CERTAIN contiguous  
pieces or parcels of land situate in the  
TOWNSHIP OF STEWART, County of Fayette  
and Commonwealth of Pennsylvania.

TAX PARCEL #37-08-0031

PROPERTY ADDRESS: 465 Maple  
Summit Road a/k/a 469 Maple Summit Road  
Mill Run, PA 15464

IMPROVEMENTS: A residential  
dwelling.

SOLD AS THE PROPERTY OF: NIKKI  
D. HARDIN

No. 1574 of 2017 GD  
No. 72 of 2018 ED

**PENNSYLVANIA HOUSING FINANCE  
AGENCY,**

**PLAINTIFF,  
Vs.**

**SHEENA R. HUSAR A/K/A SHEENA R.  
HUSER,**  
**DEFENDANT.**

ALL those parcels of land in Masontown  
Borough, Fayette County, Pennsylvania, as  
shown in the John Karpineca, Jr. Plan of Lots,  
Plan Book 8, page 30; as follows:

- 1. Lot No. 15, containing 9,925 square feet;  
and
- 2. Eastern one-half of Lot 16; and

3. Western one-half of Lot No. 16.

HAYING THEREON ERECTED A  
DWELLING KNOWN AND NUMBERED AS:  
372 WEST CHURCH AVENUE  
MASONTOWN, PA 15461.

Tax Parcel Nos. 21-06-0260; 21-06-0261;  
and 21-06-0262

Fayette Deed Book 3039, page 772

TO BE SOLD AS THE PROPERTY OF  
SHEENA R. HUSAR AKA SHEENA R.  
HUSER UNDER JUDGMENT NO. 2017-  
01574.

Phelan Hallinan Diamond & Jones, LLP

No. 1518 of 2017 GD  
No. 62 of 2018 ED

**U.S. Bank National Association, as Trustee  
for Structured Asset Securities Corporation,  
mortgage Pass-Through Certificates, Series  
2006-EQ1,**

**Plaintiff,  
V.**

**Gerald F. Jacobson,**  
**Defendant(s).**

By virtue of a Writ of Execution No. 1518-  
OF-2017-GD, U.S. Bank National Association,  
as Trustee for Structured Asset Securities  
Corporation, mortgage Pass-Through  
Certificates, Series 2006-EQ1 v. Gerald F.  
Jacobson, owner(s) of property situate in the  
GERMAN TOWNSHIP, Fayette County,  
Pennsylvania, being 540 Sixth Street, Hibbs, PA  
15443

Parcel No.: 15-04-0055

Improvements thereon: RESIDENTIAL  
DWELLING



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Phelan Hallinan Diamond & Jones, LLP

No. 2198 of 2017 GD  
No. 81 of 2018 ED

**Pennymac Loan Services, LLC,**  
**Plaintiff**  
**V.**  
**Francis W. Lee, III,**  
**Defendant(s).**

By virtue of a Writ of Execution No. 2198-OF-2017-GD, Pennymac Loan Services, LLC v. Francis W. Lee, III, owner(s) of property situate in the GEORGES TOWNSHIP, Fayette County, Pennsylvania, being 108 Victory Drive, Smithfield, PA 15478-1268

Parcel No.: 1425005741

Improvements thereon: RESIDENTIAL DWELLING

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Phelan Hallinan Diamond & Jones, LLP

No. 2254 of 2017 GD  
No. 77 of 2018 ED

**Bank of America, N.A.,**  
**Plaintiff,**  
**V.**

**James V. Malone, in His Capacity as Heir of Edith L. Moore, Deceased**  
**Kenneth J Malone, in His Capacity as Heir of Edith L. Moore, Deceased**  
**Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Edith L. Moore, Deceased,**  
**Defendant(s).**

By virtue of a Writ of Execution No. 2254-OF-2017-GD Bank of America, N.A. v. James V. Malone, in His Capacity as Heir of Edith L. Moore, Deceased Kenneth J. Malone, in His Capacity as Heir of Edith L. Moore, Deceased, Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Edith L. Moore, Deceased, owner(s) of property situate in the DUNBAR BOROUGH, Fayette County, Pennsylvania, being 6 Ranch Road, Dunbar, PA 15431-1530

Parcel No.: 08-03-0283

Improvements thereon: RESIDENTIAL DWELLING

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Phelan Hallinan Diamond & Jones, LLP

No. 264 of 2017 GD  
No. 83 of 2018 ED

**Branch Banking & Trust Company,**  
**Plaintiff,**  
**V.**

**Mark A. Proctor a/k/a Mark Proctor**  
**Deborah R. Proctor,**  
**Defendant(s).**

By virtue of a Writ of Execution No. 2017-00264 Branch Banking & Trust Company v. Mark A. Proctor a/k/a Mark Proctor Deborah R. Proctor, owner(s) of property situate in the NEWELL BOROUGH, Fayette County, Pennsylvania, being 405 Water Street, Newell, PA 15466

Parcel No.: 23-04-0010

Improvements thereon: RESIDENTIAL DWELLING

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No. 1100 of 2014 DSB  
No. 82 of 2018 ED

**SOMERSET TRUST COMPANY,**  
**Plaintiff,**  
**Vs.**

**DANIEL D. SZYMANSKI AND**  
**KIMBERLY S. SZYMANSKI,**  
**Husband and wife,**  
**Defendant.**

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF: DANIEL D. SZYMANSKI AND KIMBERLY S. SYZMANSKI, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THOSE CERTAIN TWO (2) PARCELS OR TRACTS OF GROUND SITUATE IN SALTCLICK TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA, BEING MORE FULLY DESCRIBED AT DBV 1512 PAGE 97.

BEING KNOWN AS 251 MILLERTOWN ROAD, INDIAN HEAD, PA 15446

PARCEL ID. 31190157

MAP NO. 31-19-0157

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Nicholas A. Didomenico, Esquire  
McGrath McCall, P.C.  
Four Gateway Center, Suite 1040  
444 Liberty Avenue, Pittsburgh, PA 15222

No. 2351of 2016 GD  
No. 79 of 2018 ED

**NORTHWEST BANK, F/K/A  
NORTHWEST SAVINGS BANK,  
SUCCESSOR BY MERGER TO PRESTIGE  
BANK,**

**Plaintiff,  
VS.**

**JACK R. TAYLOR and KERRI LOU  
TAYLOR,  
Defendants.**

All that certain tract of land situate in Washington Township, Fayette County, Pennsylvania, Being commonly known as 420 First Street Extension, Belle Vernon, Pennsylvania 15012, Tax Parcel ID No. 41-002-0006. (2 of 3)

No. 1476 of 2017 GD  
No. 80 of 2018 ED

**PNC BANK, NATIONAL ASSOCIATION,  
SUCCESSOR BY MERGER TO  
NATIONAL CITY BANK,**

**Plaintiff,  
vs.**

**ERNEST A. WALTERS AND SHERRY L.  
WALTERS,  
Defendants.**

ALL THE RIGHT TITLE, INTEREST AND CLAIMS OF ERNEST A. WALTERS AND SHERRY L. WALTERS, OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT CERTAIN LOT NO. 1 IN THE WALT ERS SUBDIVISION SITUATE IN SOUTH UNION TOWNSHIP, FAYETTE COUNTY PENNSYLVANIA, A PLOT OF WHICH IS RECORDED IN PLAN BOOK 45, PAGE 100.

RR 13 DUKAT STREET, UNIONTOWN, PA 15401.

TAX PARCEL NO. 34-24-012101

(2 of 3)

ANNE N. JOHN Esq.  
ATTORNEY AT LAW

No. 2614 of 2017 GD  
No. 93of 2018 ED

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

**Plaintiff,  
vs.**

**SARAH L. WAMSLEY and WILLIAM M.  
WAMSLEY,  
Defendants.**

ALL that certain piece or parcel of land situate in German Township, Fayette County, Pennsylvania, being part of the Lambert Mining Village.

FOR prior title see Record Book 3264 at page 1504. Upon which is erected a double dwelling house known as Nos. 268-269 Lambert Mining Village, now known as Edenborn-Lambert, Inc., and having a street address of 416 Main Street, McClellandtown, Pennsylvania 15458.

Fayette County Assessment Map No.: 15-13-0016. (2 of 3)

## SHERIFF'S SALE

Date of Sale: May 3, 2018

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, May 3, 2018, 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

No. 1644 of 2017 GD  
No. 56 of 2018 ED

**BANK OF AMERICA, N.A.,**  
vs.  
**DONALD YAUGER**  
**LAURA YAUGER**

ALL THAT CERTAIN LOT OR PIECE OF GROUND SITUATE AS A PARCEL OR LOT OF GROUND LOCATED NEAR THE VILLAGE OF COOLSPRING, NORTH UNION TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA.

BEING THE SAME PREMISES which Earnest E. Yauger and Patricia S. Yauger, by Deed dated January 29, 2008 and recorded January 29, 2008 in the Office of the Recorder of Deeds in and for Fayette County in Deed Book Volume 3051, Page 2237, granted and conveyed unto DONALD YAUGER, their son.

BEING KNOWN AS: 129 PINE RIDGE ROAD, LEMONT FURNACE, PA 15456  
PARCEL #25-27-0253

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Phelan Hallinan Diamond & Jones, LLP

No. 2323 of 2017 GD  
No. 4 of 2018 ED

**JPMorgan Chase Bank, National Association,**  
**Plaintiff,**  
V.  
**John Yurkovich**  
**Teri Yurkovich,**  
**Defendant(s).**

By virtue of a Writ of Execution No. 2323 OF 2017 GD, JPMorgan Chase Bank, National Association v. John Yurkovich Teri Yurkovich, owner(s) of property situate in the SOUTH CONNELLSVILLE BOROUGH, Fayette County, Pennsylvania, being 1167 West Gibson Avenue, Connellsville, PA 15425-4859

Parcel No.: 33-04-0044, 33-04-004401  
Improvements thereon: RESIDENTIAL DWELLING

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**JUDICIAL OPINION**

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

JACQUELINE M. HUNT and MICHAEL L.	:	
MURDOCK, individually and as parents	:	
and natural guardians of ELI L.	:	
MURDOCK, a minor,	:	
Plaintiffs,	:	
	:	
vs.	:	
UNIONTOWN HOSPITAL and	:	
NURSE JANICE SIMPSON,	:	No. 1338 of 2017, G.D.
Defendants.	:	Judge Linda R. Cordaro

**OPINION**

Linda R. Cordaro, J.

April 12, 2018

**SUMMARY**

Before the Court is Defendant Uniontown Hospital's Preliminary Objections to Plaintiffs' Complaint. Defendant specifically objects to Count IV of Plaintiffs' Complaint, which asserts a cause of action for "loss of society, comfort, and companionship" for the alleged injuries to Plaintiffs' son.

**BACKGROUND**

When determining preliminary objections, "all material facts set forth in the challenged pleadings are admitted as true, as well as all inferences reasonably deducible therefrom." *Feingold v. Hendrzak*, 15 A.3d 937, 941 (Pa. Super. 2011), citing *Haun v. Community Health Systems, Inc.*, 14 A.3d 120, 123 (Pa. Super. 2011). Preliminary objections that seek the dismissal of a cause of action should be sustained "only in cases in which it is clear and free from doubt that the pleader will be unable to prove facts legally sufficient to establish the right to relief." *Id.* If doubt exists as to whether a demurrer should be sustained, it should be resolved in favor of the non-moving party. *Id.* As such, this Court cites to the relevant facts alleged in the Complaint.

On August 16, 2017, Plaintiffs Jacqueline Hunt and Michael Murdock filed a Complaint in the Fayette County Court of Common Pleas. Ms. Hunt and Mr. Murdock are the parents and natural guardians of the minor child, Eli Murdock, and filed this suit individually and as parents and natural guardians of the minor child. Complaint at 1-2. In their Complaint, Plaintiffs allege that on June 29, 2015, Jacqueline Hunt gave birth at Uniontown Hospital. *Id.* at 8. The day after the baby's birth, at 6:30 AM, a nurse was feeding the baby, when the nurse fell asleep and dropped the baby. *Id.* at 9-11. The baby fell several feet and hit his head on a ceramic tile floor. *Id.* at 11.

After the fall, the baby was transported to Children's Hospital of Pittsburgh and diagnosed with a parietal skull fracture and an epidural hematoma. *Id.* at 14-17. The baby was evaluated for hypothermia and tremors, and also had a poor grasp while feeding. *Id.* at 15, 20.

At the time the Complaint was filed, the child was 25 months old. *Id.* at 23. Plaintiffs allege that the child continues to have physical and cognitive abnormalities as well as significant developmental delays as a result of his injury. *Id.* at 22-25. The developmental delays include issues with communication, speech, motor skills, walking, cognitive ability, the ability to sit, social and emotional development, physical development, and adaptive development. *Id.* at 26. He also suffers from a misaligned left eye. *Id.* Plaintiffs also claim that their child will continue to suffer from these disabilities, and that the full extent of his disabilities are not yet known. *Id.* at 23, 28.

In Count IV of their Complaint, Plaintiffs seek damages for the loss of society, comfort, and companionship of their injured child, and claim that they have been deprived of enjoying the life of their child without his cognitive abnormalities. Defendant Uniontown Hospital now objects to this claim on the basis that it is not recognized in Pennsylvania. This Court heard argument on March 19, 2018.

#### DISCUSSION

Pennsylvania courts have long recognized a cause of action for parents' loss of services of an injured child. E.g. *Pennsylvania Railroad Co. v. Kelly*, 31 Pa. 372,372 (Pa. 1858) ("Where a father sues for damages resulting from an injury to his child, he can only recover compensatory damages; to be measured by the loss of the child's services ... "); *Czimmer v. Janssen Pharm., Inc.*, 122 A.3d 1043, 1060 (Pa. Super. 2015) ("Under Pennsylvania Law, personal injury to a minor gives rise to two separate and distinct causes of action, one the parents' claim for medical expenses and loss of the minor's services during minority, the other the minor's claim for pain and suffering and for losses after minority.").

In certain Pennsylvania cases, the Superior Court has held that the loss of services includes society and comfort. *Rettger v. UPMC Shadyside*, 991A.2d 915, 932 (Pa. Super. 2010). In *Rettger*, the parents of an adult child filed negligence and wrongful death claims against the hospital where their son was undergoing treatment for a brain tumor and later died. *Id.* at 920-922. After a jury verdict in favor of the plaintiffs, the hospital argued on appeal that the trial court erred in denying its motion for remittitur. *Id.* at 932. Specifically, the hospital argued that the value of "services" should have been relegated to household chores and similar work. *Id.* at 933. However, the court explained that the loss of services "extends to the profound emotional and psychological loss suffered upon the death of a parent or a child where the evidence establishes the negligence of another as its cause." *Id.*

In *Hatwood v. Hospital of the University of Pennsylvania*, the Superior Court affirmed that the loss of services includes loss of companionship, society, and comfort.

Hatwood v. Hosp. of the Univ. of Penn., 55 A.3d 1229, 1235-1236 (Pa. Super. 2012). There, the parents of a baby who suffered a brain injury during delivery and died 17 months later were entitled to damages for loss of companionship, society, and comfort. Id. at 1237.

Defendant Uniontown Hospital argues in its Preliminary Objections that these cases do not apply because they involve wrongful death cases. However, the Superior Court has held that "the definition of compensable services for the purpose of the death statute is similar to the definition of consortium as that term is applied in other negligence cases." *Machado v. Kunkel*, 804 A.2d 1238 , 1245 (Pa. Super. 2002), citing Summary of Pennsylvania Jurisprudence 2d Torts §25A2 (1999). Further, in at least one case, the Supreme Court of Pennsylvania has allowed parents to recover for mental distress damages for the birth of a "defective, diseased child," which resulted from the tortious actions of a physician. *Speck v. Finegold*, 439 A.2d 110, 113-114 (Pa. 1981).

In *Speck*, the Pennsylvania Supreme Court aptly noted that "[i]t is fundamental that one may seek redress for every substantial wrong, and that a wrongdoer is responsible for the natural and probable consequences of his misconduct." Id. at 113. If the facts averred in the present case are true, the parents should be permitted to seek redress for their loss of companionship, society, and comfort of their injured son.

#### CONCLUSION

For the foregoing reasons, the Court finds that Defendant Uniontown Hospital has failed to prove the legal insufficiency of Count IV of Plaintiffs' Complaint. The Court therefore enters an Order denying Defendant Uniontown Hospital's Preliminary Objections.

#### ORDER

AND NOW, this 12th day of April, 2018, in consideration of Defendant Uniontown Hospital's Preliminary Objections, and after hearing argument on said Objections, it is hereby ORDERED and DIRECTED that said Objections are OVERRULED.

BY THE COURT:  
LINDA R. CORDARO, JUDGE

ATTEST:  
Nina Capuzzi Frankhouser  
Prothonotary

## Registers' Notice

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

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

**Monday, May 7, 2018 at 9:30 A.M.**

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2617-0050	GEORGE LAZARCHECK	Georgia VanSickle, Executrix

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

**Monday, May 21, 2018 at 9:30 A.M.**

in Court Room No. 1 of the **Honorable STEVE P. LESKINEN**, or his chambers, 2nd Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

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

**Monday, May 7, 2018 at 9:30 A.M.**

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2616-0871	JACOB W. TOWNSEND	David J. Townsend, Executor
2616-0443	DELAINE A. RUMBAUGH	Lois M. Watts and Margaret Jane Updegraff, Executrices

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

**Monday, May 21, 2018 at 9:30 A.M.**

in Court Room No. 2 of the **Honorable JOHN F. WAGNER** or his chambers, 2nd Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

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