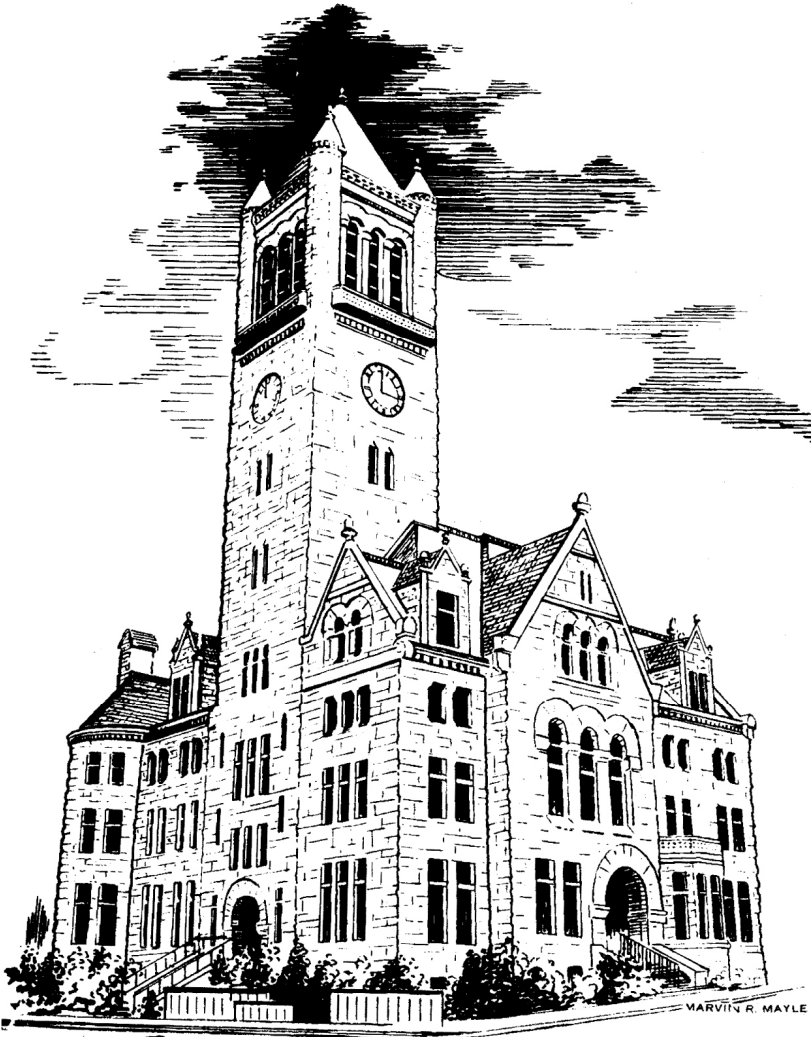


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FAYETTE LEGAL JOURNAL

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ETHICS HOTLINE

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

BRANDON BRINKER, late of Connellsville, Fayette County, PA ⁽³⁾

Administrator: Brandon Brinker, Jr.
c/o P.O. Box 760
Connellsville, Pa 15425
Attorney: Carolyn W. Maricondi

RICHARD BROWN, a/k/a RICHARD S. BROWN, late of Connellsville, Fayette County, PA ⁽³⁾

Administratrix: Cheryl Detwiler
c/o 120 South Third Street
Connellsville, PA 15425
Attorney: David B. Reiss

MARK L. CINDRIC, a/k/a MARK LOUIS CINDRIC, a/k/a MARK CINDRIC, late of South Union Township, Fayette County, PA ⁽³⁾

Executrix: Cristen Ann Cindric
c/o John & John
96 East Main Street
Uniontown, Pa 15401
Attorney: Simon B. John

BETTY JANE EANS, late of Dunbar, Fayette County, PA ⁽³⁾

Personal Representative: Robert Harold Eans & Janice Lynn Provance
c/o Watson Mundorff & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Charles W. Watson

JOSEPH J. HORVAT, late of German Township, Fayette County, PA ⁽³⁾

Executrix: Frances Minshew
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

DONNA FAYE HALFHILL, a/k/a DONNA F. HALFHILL, a/k/a DONNA HALFHILL, late of Connellsville, Fayette County, PA ⁽³⁾

Administrator: Todd Halfhill
205B North Chestnut Street
Scottdale, PA 15683
c/o 201 North Chestnut Street
P.O. Box 342
Scottdale, PA 15683
Attorney: James S. Lederach

JOHN A. LEONI, a/k/a JOHN ANTHONY LEONI, a/k/a JOHN LEONI, late of Uniontown, Fayette County, PA ⁽³⁾

Executor: Fred Ciarochi
c/o John & John
96 East Main Street
Uniontown, PA 15401
Attorney: Simon B. John

JANET L. MCCUNE, late of Dunbar Township, Fayette County, PA ⁽³⁾

Executrix: Cheri Lynn Curci
c/o P.O. Box 760
Connellsville, PA 15425
Attorney: Carolyn W. Maricondi

TERRY MILLER, a/k/a TERRY LEE MILLER, late of South Union Township, Fayette County, PA ⁽³⁾

Administratrix: Stacey Crabtree
c/o Goodwin Como, P.C.
92 East Main Street, Suite 20
Uniontown, PA 15401
Attorney: Amanda M. Como

KENNETH ROSE, a/k/a KENNETH E. ROSE, a/k/a KENNETH EARL ROSE, late of Springhill Township, Fayette County, PA ⁽³⁾

Executrix: Deborah Bella
c/o 556 Morgantown Road
Uniontown, PA 15401
Attorney: John A. Kopas, III

JAMES SANTELLO, a/k/a JAMES SANTELLO, SR., late of Menallen Township, Fayette County, PA (3)

Administrators: Deborah S. Santello and John D. Santello
c/o John & John
96 East Main Street
Uniontown, PA 15401
Attorney: Simon B. John

Second Publication

EDWAR EJNIKAR, SR., a/k/a EDWARD EJNIKAR, late of Perry Township, Fayette County, PA (2)

Executor: Edward J. Elnikar
c/o Hajduk & Associates
77 South Gallatin Avenue
P.O. Box 1206
Uniontown, PA 15401
Attorney: Mary Lenora Hajduk

MARY JONES, late of North Union Township, Fayette County, PA (2)

Executor: Robert G. Jones
c/o Adams & Adams
55 East Church Street
Uniontown, PA 15401
Attorney: Jason F. Adams

CARL KOBOSKY, late of Washington Township, Fayette County, PA (2)

Executor: Rudolph Andrew Kobosky
145 Stotler Drive
Delmont, PA 15626
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark Ramsier

ANITA E. KOLLAR, late of Redstone Township, Fayette County, PA (2)

Executrix: Donna Lee Lilley
620 Hill Street, Box 73
Fairbank, PA 15435
c/o P.O. Box 652
Monongahela, PA 15063
Attorney: Neil J. Marcus

JOHN F. MUNDORFF, late of South Connellsville, Fayette County, PA (2)

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

FREDA TEETS, a/k/a FREDA BELLE TEETS, a/k/a FREDA BELLE WYATT, a/k/a FREDA BELLE NUCE, a/k/a FREDA B. TEETS, late of Smithfield, Fayette County, PA

Executor: Jennings Davis II (2)
P.O. Box 613
Eleanor, WV 25070
Attorney: Jennings Davis II

BILLY V. WEDGE, late of Mill Run, Fayette County, PA (2)

Personal Representative:
Linda Hutchinson
c/o Casini & Geibig, LLC
615 West Crawford Avenue
Connellsville, PA 15425
Attorney: Jennifer M. Casini

GERALD RAY WILLIAMS, late Georges Township, Fayette County, PA (2)

Personal Representative:
Barbara Ann Kozak
c/o Davis & Davis
1007 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

First Publication

GARY BRAND, A/K/A GARY WAYNE BRAND, GARY W. BRAND, late of Luzerne Township, Fayette County, PA (1)

Personal Representative: Ryan Brand
18 Arlington Avenue
Charleroi, PA 15022
c/o P.O. Box 136
Bentleyville, PA 15314
Attorney: John P. Friedmann

RICHARD J. RUGGIERI, late of South Union Township, Fayette County, PA ⁽¹⁾

Co-Executors: Richard Palko and

Darryl Gesso

c/o Zebley Mehalov & White, P.C.

18 Mill Street Square

P.O. Box 2123

Uniontown, PA 15401

Attorney: Mark M. Mehalov

LEGAL NOTICES

Notice of Revocable Trust Pursuant to 20 Pa. C.S. § 7755(c)

William J. Mitchell Revocable Trust
under agreement dated 9/30/1993,
amended and restated 3/1/2007

Notice is hereby given of the administration of THE WILLIAM J. MITCHELL REVOCABLE TRUST, DATED SEPTEMBER 30, 1993, AMENDED AND RESTATED MARCH 1, 2007. WILLIAM J. MITCHELL, settlor of the trust, of the City of Uniontown, County of Fayette, and Commonwealth of Pennsylvania, died on March 31, 2018. All persons indebted to the said decedent are requested to make payment to the undersigned without delay, and all persons having claims or demands against said trust are requested to make known the same.

Elizabeth Henry, Trustee

c/o WATSON MUNDORFF & SEPIC, LLP
720 Vanderbilt Road
Connellsville, PA 15425-6218
Phone: 724/626-8882

(1 of 3)

NOTICE

NOTICE is hereby given that a Petition for the Disposition of Property Held in Trust by Washington Township Pursuant to 53 Pa. Stat. Ann. Section 3381 et seq., was filed in the Court of Common Pleas of Fayette County at Docket No. 28-OC-2018, by the Township of Washington, 1390 Fayette Avenue, Belle Vernon, Pennsylvania, 15012. Said Petition pertains to property known as Parcel ID No. 41-16-0096, and further known as Lot Nos. 37 and 38 in the Brownstown Plan, of record in Plan Book Volume 1, page 108, in the Office of the Recorder of Deeds of Fayette County. The Court has set a hearing on said Petition for Monday, August 27, 2018, at 11:00 a.m., prevailing time, in Courtroom No. 1 of the Fayette County Courthouse, 61 E. Main Street, Uniontown, Pennsylvania, 15401. Matthew J. Kalina, Esq., Witherel & Associates, 966 Perry Highway, Pittsburgh, PA, 15237, (412)366-6629.

(2 of 3)

NOTICE

Notice is hereby given that Certificate of Organization has been approved and filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on July 26, 2018, for a limited liability company known as Sugarloaf Mountain Farm LLC.

Said limited liability company has been organized under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

The purpose or purposes of the limited liability company is/are: real estate, operating family farm and any other lawful purpose related thereto for which limited liability company may be organized under the Business Corporation Law.

DAVIS & DAVIS

BY: Gary J. Frankhouser, Esquire

107 East Main Street

Uniontown, PA 15401

NOTICE

NOTICE is hereby given pursuant to the provisions of Act 295 of December 16, 1982, P.L. 1309, that a Certificate was filed in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or about July 30, 2018 to conduct a business in Fayette County, Pennsylvania, under the assumed or fictitious name of Ranker Lincoln, with the principal place of business at Route 119 South, Connellsville, Fayette County, Pennsylvania, 15425. The name or names and addresses of persons owning and interested are Rankin Lincoln Mercury, Inc., of Route 119 South, Connellsville, Fayette County, Pennsylvania, 15425.

Fayette County Court of Common Pleas
Number: 2018-01009

Notice of Action in Mortgage Foreclosure

loanDepot.com, LLC,
Plaintiff

v.

David Rugg,
Defendant

TO: David Rugg. Premises subject to foreclosure: 2645 Springfield Pike, Connellsville, Pennsylvania 15425. NOTICE: If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you. You should take this notice to your lawyer at once. If you do not have a lawyer, go to or telephone the office set forth below. This office can provide you with information about hiring a lawyer. If you cannot afford to hire a lawyer, this office may be able to provide you with information about agencies that may offer legal services to eligible persons at a reduced fee or no fee. **Pennsylvania Lawyer Referral Service, Pennsylvania Bar Association, 100 South Street, P.O. Box 186, Harrisburg, Pennsylvania 17108, (800) 692-7375.** McCabe, Weisberg & Conway, LLC, Attorneys for Plaintiff, 123 S. Broad St., Ste. 1400, Phila., PA 19109, 215-790-1010

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW
ACTION TO QUIET TITLE
No. 1342 of 2018 G.D.
JUDGE LESKINEN

SERGEY KHACHATURYAN,
Plaintiff,

v.

JOHN M. WILSON and BERTHA E. WILSON, their successors, heirs, personal representatives, and assigns, generally.
Defendants.

TO: JOHN M. WILSON and BERTHA E. WILSON, their heirs, successors and assigns, generally,

You are hereby notified that Sergey Khachaturyan, has filed a complaint at the above number and term in the above-mentioned court in an action to quiet title wherein it is alleged that he is the owner in possession of that certain lot of land situate in Dunbar Township, Fayette County, Pennsylvania having a mailing address of 3112 First Street, Dunbar, Pennsylvania, 15431.

Title to the above described property was conveyed to John M. Wilson and Bertha E. Wilson by a deed from John W. Galbreath, dated February 8, 1958 being recorded at the Recorder of Deeds Office at Deed Book 752, Page 403.

Said complaint sets forth that the plaintiff is the owner in fee simple of the above-described premises. The complaint 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 premises.

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 be 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 & Adams
55 E. Church Street
Uniontown, PA 15401
(724) 437-2711

NOTICE

IN THE COURT OF COMMON PLEAS
OF FAYETTE COUNTY, PENNSYLVANIA
No. 1477 of 2018, G. D.

**Emerson T. Long, III, and Tara Lynn Long,
Plaintiffs
vs.
John Doe and Jane Doe,
Defendants**

TO: John Doe and Jane Doe, and their respective heirs, successors and assigns, generally, Defendants.

TAKE NOTICE that Emerson T. Long, III and Tara Lynn Long, his wife, filed a Complaint in an Action to Quiet Title at No. 1477 or 2018, G.D., in the Court of Common Pleas of Fayette County, Pennsylvania, averring that they are the owner in fee and in possession of, all rights title and interest, in and to the following tract of land situate off of Railroad Street in the Borough of Dawson, County of Fayette, Commonwealth of Pennsylvania, which is identified as Tax Parcel ID No. 07-03-0033, and located southwest of the CSX right of way and northeast of the Youghiogheny River, which parcel is shown on the Fayette County Tax Assessment Map.

For a more complete recital of the chain of

title concerning the premises, refer to the Complaint filed in the within action.

That the defendants above named appear to have interest in said premises which creates a cloud upon plaintiffs' title, whereupon the plaintiffs have filed his Complaint as aforesaid asking the Court to enter a decree terminating all rights which defendants may have in said premises and decreeing that plaintiffs have the full and free use and occupation of said premises, released and forever discharged of any right, lien, title or interest of defendants herein.

The service of this Complaint by publication is made pursuant to an Order of Court dated July 24, 2018 and filed at the above number and term.

You are hereby notified to plead to the complaint in this case, of which the above is a brief summary, within twenty (20) days from this date. If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the Court. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiffs. 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 OR NO FEE.

**PENNSYLVANIA BAR ASSOCIATION
100 SOUTH STREET
P. O. BOX 186
HARRISBURG, PA 17108
PHONE: 1-800-692-7375**

**WATSON MUNDORFF & SEPIC, LLP
720 Vanderbilt Road
Connellsville, PA 15425-6218
Phone: (724) 626-8882**

NOTICE

IN THE COURT OF COMMON PLEAS
OF FAYETTE COUNTY, PENNSYLVANIA
No. 1488 of 2018, G. D.

**Raymond E. Wilhelm and Mary Jo Wilhelm,
Plaintiffs**
vs.
**Alva R. Kern and Pamalee J. Kern Loop,
Defendants**

TO: Alva R. Kern and Pamalee J. Kern Loop, and their respective heirs, successors and assigns, generally, Defendants.

TAKE NOTICE that Raymond E. Wilhelm and Mary Jo Wilhelm, husband and wife, filed a Complaint in an Action to Quiet Title at No. 1488 of 2018, G.D., in the Court of Common Pleas of Fayette County, Pennsylvania, averring that they are the owner in fee and in possession of, all rights title and interest, in and to the following:

ALL that tract of land situate in Bullskin Township, Fayette County, Pennsylvania, known and designated as Lot No. 45 in a Plan of Lots called East End Acre Gardens, laid out by Connellsville Real Estate Company, as surveyed by S. M. Foust, the plot of which is recorded in the Recorder's Office of Fayette County, Pennsylvania, in Plan Book 1, Page 197, more particularly bounded and described as follows:

BEGINNING at a point on the Eastern side of Park Street, at the intersection therewith of the dividing line between Lots Nos. 45 and 46 in said Plan; thence along the Eastern side of Park Street, North 5° 35' West, 1118.66 feet to a point on the South side of a 20 foot alley in said Plan; thence by said alley, North 84° 25' East, 220.34' feet to a point; thence along another 20 foot alley in said Plan, and along lands now or formerly of Green, South 22° 24' East, 1168.64 feet to a point on the dividing line between Lots Nos. 45 and 46, aforementioned; thence by said dividing line and lands now or formerly owned by Michael Brown, South 84° 25' West, 558.44 feet to a point, the place of beginning, containing 10 Acres.

For a more complete recital of the chain of title concerning the premises, refer to the Complaint filed in the within action.

That the defendants above named appear to have interest in said premises which creates a

cloud upon plaintiffs' title, whereupon the plaintiffs have filed his Complaint as aforesaid asking the Court to enter a decree terminating all rights which defendants may have in said premises and decreeing that plaintiffs have the full and free use and occupation of said premises, released and forever discharged of any right, lien, title or interest of defendants herein.

The service of this Complaint by publication is made pursuant to an Order of Court dated July 24, 2018 and filed at the above number and term.

You are hereby notified to plead to the complaint in this case, of which the above is a brief summary, within twenty (20) days from this date. If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the Court. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiffs. 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 OR NO FEE.

PENNSYLVANIA BAR ASSOCIATION
100 SOUTH STREET
P. O. BOX 186
HARRISBURG, PA 17108
PHONE: 1-800-692-7375

WATSON MUNDORFF & SEPIC, LLP
720 Vanderbilt Road
Connellsville, PA 15425-6218
Phone: (724) 626-8882

**IN THE UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT
OF PENNSYLVANIA**
CIVIL ACTION NO. 2:18-cv-00241-MRH

UNITED STATES OF AMERICA,
Plaintiff
vs.
PAULA J. MURPHY,
Defendant

MARSHAL'S SALE: By virtue of a Writ of Execution issued out of the United States District Court for the Western District of Pennsylvania and to me directed, I shall expose to public sale the real property located at and being more fully described at Fayette County Deed Book 2684 Page 302.

SAID SALE to be held at the Fayette County Courthouse in the hallway outside of the Sheriff's Office, 61 East Main Street, Uniontown, PA 15401 at **10:00 a.m.** prevailing standard time, on **September 13, 2018.**

ALL that certain tract of land, together with the buildings, and improvements erected thereon described as Tax Parcel No. 33-08-0132 recorded in Fayette County, Pennsylvania, commonly known as: **1727 Fourth Street, South Connellsville, Pennsylvania 15425.**

IDENTIFIED as Tax/Parcel #: 33-08-0132 in the Deed Registry Office of Fayette County, Pennsylvania. HAVING erected a dwelling thereon known as 1727 FOURTH STREET, SOUTH CONNELLSVILLE, PA 15425. BEING the same premises conveyed to Paula J. Murphy, dated February 21, 2001, and recorded on February 26, 2001 in the office of the Recorder of Deeds in and for Fayette County, Pennsylvania. Seized and taken in execution as the property of Paula J. Murphy at the suit of the United States of America, acting through the Under Secretary of Rural Development on behalf of Rural Housing Service, United States Department of Agriculture, to be sold on Writ of Execution as Civil Action No. 2:18-cv-00241.

TERMS OF SALE: Successful bidder will pay ten percent (10%) by certified check or money order upon the property being struck down to such bidder, and the remainder of the bid within thirty (30) days from the date of the sale and in the event the bidder cannot pay the remainder, the property will be resold and all monies paid in at the original sale will be applied to any deficiency in the price at which

the property is resold. The successful bidder must send payment of the balance of the bid directly to the U.S. Marshal's Office c/o Sheila Blessing, 700 Grant Street, Suite 2360, Pittsburgh, PA 15219. Bidder must have deposit funds immediately available and on his person in order to bid, bidder will not be permitted to leave the sale and return with deposit funds. Notice is hereby given that a Schedule of Distribution will be filed by me on the thirtieth (30th) day after the date of sale, and that distribution will be made in accordance with the Schedule unless exemptions are filed thereto within ten (10) days thereafter. Purchaser must furnish State Realty Transfer Tax Stamps, and stamps required by the local taxing authority. Marshal's costs, fees and commissions are to be borne by seller. Michael Baughman, Acting United States Marshal. For additional information, please contact Cathy Diederich at 314-457-5514 or the USDA foreclosure website at www.resales.usda.gov.

(1 of 4)

SHERIFF'S SALE

Date of Sale: October 11, 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, October 11, 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. (1 of 3)

James Custer
Sheriff Of Fayette County

No. 797 of 2018 DSB
No. 188 of 2018 ED

**WELLS FARGO BANK, N.A., AS
TRUSTEE FOR THE BENEFIT OF THE
HOLDERS OF COMM 2014-CCRE18
MORTGAGE TRUST COMMERCIAL
MORTGAGE PASS-THROUGH
CERTIFICATES,**

**Plaintiff,
vs.**

**AM UNIONTOWN HOTEL, L.P.,
Defendant.**

ALL THE RIGHT TITLE, INTEREST
AND CLAIMS OF AM UNIONTOWN
HOTEL, L.P. OF, IN AND TO THE
FOLLOWING DESCRIBED PROPERTY:

ALL THAT PARCEL OF LAND
SITUATE IN NORTH UNION TOWNSHIP,
FAYETTE COUNTY, PA, BEING PARCEL
25-17-0011, MORE FULLY DESCRIBED IN
BOOK 3244, PAGE 2077.

BEING KNOWN AS 700 WEST MAIN
STREET, UNIONTOWN, PA 15401
TAX PARCEL NO. 25-17-0011

No. 32 of 2018 GD
No. 250 of 2018 ED

**CIT Bank, N.A.,
PLAINTIFF,
vs.**

**Paul G. Barclay, Jr., Executor of the Estate of
Betty June Barclay a/k/a Betty J. Barclay,
Deceased and The Betty June Barclay
Revocable Living Trust and,
DEFENDANTS.**

COMMONLY KNOWN AS: 190 Wymps
Gap Road, Smithfield, PA 15478
TAX PARCEL NO. 36-21-0040

No. 128 of 2018 GD
 No. 181 of 2018 ED

ANNE N. JOHN Esq.
 ATTORNEY AT LAW

JPMorgan Chase Bank, National Association,
PLAINTIFF,
 vs.
Rodger C. Coddington, II,
DEFENDANT.

No. 2325 of 2017 GD
 No. 251 of 2018 ED

FIRST FEDERAL SAVINGS AND LOAN
ASSOCIATION OF GREENE COUNTY, a
corporation,
Plaintiff,
 vs.
LEE W. ENGLAND and MARY LYNN
ENGLAND,
Defendants.

COMMONLY KNOWN AS: 116 North
 High Street, Fayette City, PA 15438
 TAX PARCEL NO. 12030035

ALL that certain lot of land situate in South Union Township, Fayette County, PA known as and being Lot No. 34 in the Edgewood Park Plan of Lots, Second Addition, a plot of which is recorded in the Recorder of Deeds Office of Fayette County, PA, in Plan Book No. 9, Page 167.

No. 2733 of 2012 GD
 No. 241 of 2018 ED

JAMES B. NUTTER & COMPANY,
Plaintiff,
 vs.
KENNETH DANIELS, IN HIS CAPACITY
AS HEIR OF BETTY DANIELS,
DECEASED

FOR prior title see Record Book 2833 at page 1767.

UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS AND ALL PERSONS, FIRM OR
ASSOCIATIONS CLAIMING RIGHT,
TITLE OR INTEREST FROM OR UNDER
BETTY DANIELS, DECEASED

UPON which is erected a single-family dwelling known locally as 109 Kendall Drive, Hopwood, PA 15445.

Fayette County Tax Assessment Map No.: 34-41-0013.

SCOTT OHLER,
Defendants.

No. 893 of 2018 GD
 No. 187 of 2018 ED

All that certain parcel of land situate in Stewart Township, Fayette County, Pennsylvania, bounded and described as follows:

BEING THE SAME PREMISES which Ada Daniels, by Deed dated February 2, 1995 and recorded February 10, 1995 in the Office of the Recorder of Deeds in and for Fayette County in Deed Book Volume 1490, Page 328, granted and conveyed unto JAMES DANIELS AND BETTY DANIELS, husband and wife.

BEING KNOWN AS: 441 MAPLE SUMMIT ROAD, MILL RUN, PA 15464
 PARCEL #37-08-0034

UNITED BANK, INC.
Plaintiff,
 vs.
FP PROPERTIES, LLC,
Defendant.

FIRST: All that property situate in the City of Uniontown, Fayette County, Pennsylvania, being described as Tax Map Number 38-13-0174, and Lot No. 14 in the Plan of Lots laid out by the Uniontown Land Company, and being more particularly described in a deed dated July 3, 2008 and recorded in Record Book 3066, page 476.

SECOND: All those two certain lots situate in the City of Uniontown, Fayette County, Pennsylvania, being described as Tax Parcel No. 38-13-0175 and Lots Nos. 15 and 16 in the Plan of Lots laid out by the Uniontown Land Company and being more particularly

described in a deed dated August 22, 2008 and recorded in Record Book 3088, page 2167.

Together with such rights-of-way and under and subject to the exceptions and reservations as appear in prior deeds of record.

Seized and taken in execution as the properties of FP Properties, LLC, owner or reputed owner of the properties, at the suit of United Bank, Inc. in the Court of Common Pleas of Fayette County, Pennsylvania at No. 893 of 2018, G. D.

No. 482 of 2018 GD
No. 163 of 2018 ED

US Bank National Association, Not in Its Individual Capacity but Solely as Trustee as Trustee for the CIM Trust 2017-8 Mortgage-Backed Notes, Series 2017-8,
Plaintiff,
vs.
Cindy George, AKA Cindy Lou George; Charles A. George, AKA Charles Allen George,
Defendants.

ALL that certain parcel of land lying and being situate in the Borough of Masontown, County of Fayette, and Commonwealth of Pennsylvania, known as 526 South Main Street, Masontown, PA 15461 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 21-08-0172

BEING the same premises which Alex Kovach and Blanche Kovach, his wife, by Deed dated April 27, 1998 and recorded in and for Fayette County, Pennsylvania in Deed Book 2081, Page 51, granted and conveyed unto Charles Allen George and Cindy Lou George, his wife.

No. 418 of 2018 GD
No. 175 of 2018 ED

FIRST NATIONAL BANK OF PENNSYLVANIA,
Plaintiff,
vs.
THE UNKNOWN HEIRS, EXECUTORS AND/OR ADMINISTRATORS OF THE ESTATE OF MARK L. KEFFER,
Defendants.

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF THE UNKNOWN HEIRS, EXECUTORS AND/OR ADMINISTRATORS OF THE ESTATE OF MARK L. KEFFER OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN NORTH UNION TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA. HAVING ERECTED THEREON A DWELLING BEING KNOWN AND NUMBERED AS 141 HOGSETT STREET, UNIONTOWN, PA 15401. DEED BOOK VOLUME 2830, PAGE 2089, AND PARCEL NUMBER 25-23-0092.

No. 246 of 2018 GD
No. 235 of 2018 ED

PNC BANK, NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO NATIONAL CITY BANK,
Plaintiff,
vs.
MICHAEL KITTA, EXECUTOR OF THE ESTATE OF JAMES P. WOLAK A/K/A JAMES PETER WOLAK,
Defendant.

ALL THE RIGHT TITLE, INTEREST AND CLAIMS OF MICHAEL KITTA, EXECUTOR OF THE ESTATE OF JAMES P. WOLAK A/K/A JAMES PETER WOLAK, OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT CERTAIN LOT OF LAND SITUATE IN THE BOROUGH OF EVERSON, FAYETTE COUNTY, COMMONWEALTH OF PA, BEING PARCEL 10040058, MORE FULLY DESCRIBED IN DEED BOOK

VOLUME 598, PAGE 1.

BEING KNOWN AS 628 PAINTER STREET, EVERSON, PA 15631.
TAX PARCEL NO. 10040058

No. 2607 of 2017 GD
No. 234 of 2018 ED

**MIDFIRST BANK,
PLAINTIFF,
VS.**

**TERESA KOCH A/K/A THERESA COKE,
EXECUTRIX OF THE ESTATE OF
CAROL BAILES AKA CAROL JEAN
BAILES AKA CAROL J. BAILES,
DECEASED,
DEFENDANT.**

ALL that certain parcel of land in Upper Tyrone Township, Fayette County, Commonwealth of Pennsylvania, being Lots Nos. 1, 2, 3, 4, 5 and 6, Section 16, Livengood-Sherrick Farm Addition to Everson, Fayette Plan Book Vol. 1, part 2, page 157. HAVING THEREON ERECTED DWELLING KNOWN AND NUMBERED AS: 925 BROWN STREET N/K/A 446 EVERSON VALLEY ROAD EVERSON, PA 15631.

Tax Parcel # 39-09-0022

Fayette Deed Book 2941, page 13

TO BE SOLD AS THE PROPERTY OF TERESA KOCH AKA THERESA COKE, EXECUTRIX OF THE ESTATE OF CAROL BAILES AKA CAROL JEAN BAILES AKA CAROL J. BAILES UNDER JUDGMENT NO. 2017-02607.

KML Law Group, P.C.

Suite 5000 - BNY Independence Center
701 Market Street
Philadelphia, PA 19106
215-627-1322

No. 564 of 2018 GD

No. 249 of 2018 ED

**BAYVIEW LOAN SERVICING, LLC, A
DELAWARE LIMITED LIABILITY
COMPANY**

**4425 Ponce de Leon Blvd
Coral Gables, FL 33146,
Plaintiff,**

vs.

**MATTHEW TREY LEASURE as
Administrator of the Estate of Floyd A.
Leasure, Jr. Deceased
2012 Devon Lane Hopwood, PA 15445,
Defendant(s).**

ALL THAT CERTAIN lot of land situate in the County of Fayette and Commonwealth of Pennsylvania.

TAX PARCEL# 25-50-0064

PROPERTY ADDRESS: 2012 Devon Lane Hopwood, PA 15445

IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF: MATTHEW TREY LEASURE as Administrator of the Estate of Floyd A. Leasure, Jr. Deceased

No. 1 of 2018 GD
No. 166 of 2018 ED

**DOLLAR BANK, FEDERAL SAVINGS
BANK,
Plaintiff,
VS.**

**GREGORY LYONS, HEIR OF THE
ESTATE OF NANCY E. LYONS, AND
KELLY HARVEY, HEIR OF THE ESTATE
OF NANCY E. LYONS, AND JOSEPH
OLSZEWSKI, HEIR OF THE ESTATE OF
NANCY E. LYONS, AND DANIELLE
OLSZEWSKI, HEIR OF THE ESTATE OF
NANCY E. LYONS, AND THE UNKNOWN
HEIRS OF THE ESTATE OF NANCY E.
LYONS,
Defendants.**

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF GREGORY LYONS, HEIR OF THE ESTATE OF NANCY E. LYONS, KELLY HARVEY, HEIR OF THE ESTATE OF NANCY E. LYONS, JOSEPH OLSZEWSKI, HEIR OF THE ESTATE OF NANCY E. LYONS, DANIELLE OLSZEWSKI, HEIR OF THE ESTATE OF NANCY E. LYONS, AND THE UNKNOWN HEIRS OF THE ESTATE OF NANCY E. LYONS OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE

BOROUGH OF BELLE VERNON, FAYETTE COUNTY, PENNSYLVANIA. HAVING ERECTED THEREON A DWELLING BEING KNOWN AND NUMBERED AS 17 GRAND AVENUE, BELLE VERNON, PA 15012. DEED BOOK VOLUME 2951, PAGE 674, AND PARCEL NUMBER 01-04 -0164.

No. 2719 of 2017 GD
No. 178 of 2018 ED

**JPMorgan Chase Bank, National Association,
PLAINTIFF,
VS.
Brandon V. McMillen,
DEFENDANT.**

ALL THAT CERTAIN lot or piece of ground situate in the Township of South Union, County of Fayette and Commonwealth of Pennsylvania, being more particularly bounded and described as follows, to wit:

BEGINNING at a stake on the northeastern side of a 33 foot street, at corner of the property herein conveyed and property now or formerly of George E. Tajc, et ux.; thence along the division line between the property herein conveyed and property now or formerly of George E. Tajc, et ux., North 35° East, 135.00 feet to a stake; thence, South 55° 67' feet to a point in the public road leading from Hopwood to Fairchance; thence in said public road, South 19° 30' West, 140.16 feet to a point; thence, North 55° West, 104.00 feet to a point, the place of BEGINNING.

FOR INFORMATIONAL PURPOSES ONLY: Being known as 200 Shaffers Comer Road, Uniontown, PA 15401

Tax Parcel#: 34-27-0333 in the Deed Registry Office of Fayette County, Pennsylvania.

B
COMMONLY KNOWN AS: 200 Shaffers Corner Road, Uniontown, PA 15401
TAX PARCEL NO. 34270333

Phelan Hallinan Diamond & Jones, LLP

No. 903 of 2018 GD
No. 242 of 2018 ED

**Citibank, N.A., Not in Its Individual Capacity, But Solely as Trustee of Nrz Pass-Through Trust VI,
Plaintiff,
V.
Brian Margavage a/k/a Brian J. Margavage,
Defendant(s).**

By virtue of a Writ of Execution No. 903-OF-2018-GD, Citibank, N.A., Not in Its Individual Capacity, But Solely as Trustee of Nrz Pass-Through Trust VI v. Brian Margavage a/k/a Brian J. Margavage, owner(s) of property situate in the DUNBAR TOWNSHIP, Fayette County, Pennsylvania, being 42B Fayette Street, A/K/A 42 Fayette & Hancock Street, Dunbar, PA 15431-1648

Parcel No.: 08-06-001001
Improvements thereon: RESIDENTIAL DWELLING

No. 1088 of 2018 GD
No. 257 of 2018 ED

**DOLLAR BANK, FEDERAL SAVINGS BANK,
Plaintiff,
vs.
JASON J. OPENBRIER,
Defendant.**

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF JASON J. OPENBRIER, OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT CERTAIN REAL ESTATE SITUATED IN THE TOWNSHIP OF REDSTONE, FAYETTE COUNTY, PENNSYLVANIA. HAVING ERECTED THEREON A DWELLING KNOWN AS 117 PLATEAU BOULEVARD, BROWNSVILLE, PA 15417.

DEED BOOK VOLUME 3243, PAGE 1754 AND PARCEL NUMBER 30-17-0018.

No. 636 of 2018 GD
 No. 172 of 2018 ED

**U.S. Bank National Association, as Trustee
 for Lehman XS Trust Mortgage Pass-
 Through Certificates, Series 2006-14N,
 PLAINTIFF,
 vs.
 Richard J. Orsky a/k/a Richard Orsky and
 Jody Orsky,
 DEFENDANTS.**

ALL those three parcels or tracts of lots of land situate in Franklin Township, Fayette County, Pennsylvania, said tracts being more particularly described as follows:

TRACT ONE: ALL that certain lot or parcel of ground situate in Franklin Township, Fayette County, Pennsylvania, being known and designated as Lot No. 17 in Plan of Lots laid out by Guy S. Fleming, and recorded in Plan Book 1, page 37 ½, being more particularly bounded and described as follows:

FRONTING fifty (50) feet on a public road extending northwardly maintaining the same width between Lot No. 16 on the West and Lot No. 18 on the East, being 160 feet along Lot No. 16 and 132 feet along Lot No. 18 to an alley in the rear, fronting 60 feet on said alley.

TRACT TWO: ALL that certain lot or parcel of ground situate in Franklin Township, Fayette County, Pennsylvania, being known and designated as Lot No. 16 in Plan of Lots laid out by Guy E. Fleming and recorded in Plan Book 1, page 37 ½, being more particularly bounded and described as follows:

FRONTING fifty (50) feet on a public road and extending northwardly maintaining the same width between Lot No. 15 on the West and Lot No. 17 on the East, being 190 feet along Lot No. 15 and 160 feet along Lot No. 17 to an alley in the rear, fronting 60 feet on said alley;

TRACT THREE: ALL that certain piece or parcel of land situate in Franklin Township, Fayette County, Pennsylvania, bounded and described per Blueprint #10-E-1041.

BEGINNING at a point that marks the westernmost corner of that certain cemetery lot that was conveyed by deed of H. C. Frick Coke Company to the Rt. Rev. Canevin, in trust for the Slavish Roman Catholic Congregation, dated May 3, 1912, which point is also in line of Lot No. 13 in the plan of Smock Farm laid out by Bush and Marshall; thence by said cemetery lot

North 19 ° 37' East 187.59 feet to a point; thence through land known as the John McVey tract, of which this is a part North 70° 16' West 437.00 feet to a point in a small stream; thence through same South 19 ° 37' West 187.59 feet to a point; thence by said Lot No. 13 South 70° 16' East 437.00 feet to the place of beginning.

Containing an area of 1.8819 acres.

No. 894 of 2018 GD
 No. 245 of 2018 ED

**UNITED BANK, INC.,
 Plaintiff,
 vs.
 FRANCIS J. PALUMBO, II and
 JOAN W. PALUMBO, his wife,
 Defendants.**

ALL that certain lot of ground situate in the City of Uniontown, Fayette County, Pennsylvania, known as Lot 16 in the Derrick Farm Plan of Lots more particularly described in a deed dated May 3, 2002 and recorded in Record Book 2820, page 2493 and as Tax Parcel No. 38- 16-0021.

TOGETHER with such rights and under and subject to the exceptions and reservations as appear in prior deeds of record.

Seized and taken in execution as the property of Francis J. Palumbo, II and Joan W. Palumbo, his wife, owner or reputed owner of the property, at the suit of United Bank, Inc. in the Court of Common Pleas of Fayette County, Pennsylvania at No. 894 of 2018, G. D.

STERN AND EISENBERG, PC
M. TROY FREEDMAN. ESQ.

No. 850 of 2018 GD
No. 243 of 2018 ED

The Bank of New York Mellon f/k/a The Bank of New York as successor in interest to JP Morgan Chase Bank, N.A., as Trustee for C-BASS Mortgage Loan Asset-Backed Certificates, Series 2005-RP2 c/o Ocwen Loan Servicing, LLC,

Plaintiff,
v.

Dawna M. Pitts a/k/a Donna M. Pitts,
Defendant(s).

SITUATE IN THE THIRD WARD OF THE TOWNSHIP OF FRANKLIN, FAYETTE COUNTY, PENNSYLVANIA, BEING KNOWN AS 223 Main Street a/k/a 33 Bitner Place, Dunbar, PA 15431

PARCEL NO. 13170018

IMPROVEMENTS - RESIDENTIAL REAL ESTATE

SOLD AS THE PROPERTY OF - Dawna M. Pitts a/k/a Donna M. Pitts

No. 2423 of 2017 GD
No. 256 of 2018 ED

U.S. Bank National Association,
Plaintiff,
vs.

James Ritenour,
Defendant.

ALL that certain parcel of land lying and being situate in the Township of Connellsville, County of Fayette, and Commonwealth of Pennsylvania, known as 2090 Isabella Road, Connellsville, PA 15425 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 0609012701

BEING the same premises which Wilbert N. Brooks and Dorothy J. Brooks, his wife, by Deed dated September 29, 1999 and recorded October 4, 2099 in and for Fayette County, Pennsylvania in Deed Book 2409, Page 22, granted and conveyed unto James Ritenour, single.

Phelan Hallinan Diamond & Jones, LLP

No. 1564 of 2016 GD
No. 170 of 2018 ED

U.S. Bank National Association, as Trustee for Credit Suisse First Boston Mortgage Securities Corp., Home Equity Asset Trust 2006-1, Home Equity Pass-Through Certificates, Series 2006-1,

Plaintiff,
v.

Janet J. Ross a/k/a Janet J. Ross Rolek Raymond Rolek, Jr,
Defendant(s).

By virtue of a Writ of Execution No. 2016-01564 U.S. Bank National Association, as Trustee for Credit Suisse First Boston Mortgage Securities Corp., Home Equity Asset Trust 2006 -1, Home Equity Pass-Through Certificates, Series 2006-1 v. Janet J. Ross a/k/a Janet J. Ross Rolek, Raymond Rolek, Jr, owner(s) of property situate in the WASHINGTON TOWNSHIP, Fayette County, Pennsylvania, being 121 Vernon Avenue, a/k/a 121 Vernon Street, Belle Vernon, PA 15012-2359

Parcel No.: 41-06-0068

Improvements thereon: RESIDENTIAL DWELLING

No. 1803 of 2016 GD
No. 244 of 2018 ED

Wells Fargo Bank, N.A., as Trustee, for the certificate holders of Asset-Backed Pass-Through Certificates, Series 2005-WCW3,
Plaintiff,
vs.

Debbie J. Shartzter,
Defendant.

ALL THAT RIGHT, TITLE, INTEREST AND CLAIMS OF DEBBIE J. SHARTZER OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT CERTAIN LOT OR PARCEL OF LAND SITUATE IN UNIONTOWN CITY, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA, BEING MORE FULLY DESCRIBED AT DBV 2881 PAGE 1613

BEING KNOWN AS 79 MAURICE STREET, UNIONTOWN, PA 15401
TAX MAP NO. 38-11-0220

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

No. 653 of 2018 GD
 No. 176 of 2018 ED

**NATIONSTAR MORTGAGE LLC D/B/A
 MR. COOPER**
8950 Cypress Waters Boulevard
Coppell, TX 75019,
Plaintiff,
 vs.
CHARLES HARVEY SICKLES JR.
HEIDI L. SICKLES
Mortgagor(s) and Record Owner(s)
102 Fourth Avenue
Uledi, PA 15484
Defendant(s).

ALL THAT CERTAIN lots of land situate in the County of Fayette and Commonwealth of Pennsylvania.

TAX PARCEL # 37-07-0040
 PROPERTY ADDRESS: 102 Fourth Avenue Uledi, PA 15484
 IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF:
 CHARLES HARVEY SICKLES JR. and HEIDI L. SICKLES

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

No. 548 of 2018 GD
 No. 240 of 2018 ED

REVERSE MORTGAGE SOLUTIONS, INC.
14405 Walters Road, Suite 200
Houston, TX 77014,
Plaintiff,
 VS.
IRENE D. SPRINGER
JAMES H. SPRINGER
Mortgagor(s) and Record Owner(s)
63 Vernon Street
Uniontown, PA 15401
Defendant(s).

ALL THOSE CERTAIN lots of land situate in the County of Fayette and Commonwealth of Pennsylvania.

TAX PARCEL #34 -16-0240
 PROPERTY ADDRESS: 63 Vernon Street Uniontown, PA 15401

IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF: IRENE D. SPRINGER and JAMES H. SPRINGER

No. 771 of 2017 GD
 No. 199 of 2018 ED

SOMERSET TRUST COMPANY,
Plaintiff,
 v.
GARY M. TINKEY, JR., and KRISTEN M. TINKEY,
Defendants.

All the real property described in the Writ of Execution, the following of which is a summary: SOMERSET TRUST COMPANY v. GARY M. TINKEY, JR., and KRISTEN M. TINKEY

Property of: Gary M. Tinkey, Jr., and Kristen M. Tinkey

Located in: Saltlick Township
 Street Address: 251 Melcroft Road, Melcroft, PA. 15462

Brief Description of Property: Land and

building, other buildings (frame utility sheds)
Improvements: Building and other buildings
(frame utility sheds)
Record Book Volume 2957, Page 2389
Parcel No 31-11-0003

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

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

No. 1012 of 2018 GD
No. 253 of 2018 ED

No. 628 of 2018 GD
No. 164 of 2018 ED

New Penn Financial LLC,
Plaintiff,
v.
Stephanie Treat,
Defendant.

**WILMINGTON SAVINGS FUND
SOCIETY, FSB, AS TRUSTEE OF
STANWICH MORTGAGE LOAN TRUST A
C/O Carrington Mortgage Services, LLC
1600 S. Douglass Road, Suite 210-A
Anaheim, CA 92806,**
Plaintiff,
vs.

By virtue of Writ or Execution No. 1012 of 2018 GD New Penn Financial LLC v. Stephanie Treat, 548 North Gallatin Avenue, North Union Township, Uniontown, PA 15401. Tax Parcel No. 25-31-0007. Improvements thereon consisting of a Residential Dwelling, sold to satisfy judgment in the amount of \$98,886.50.

**PATRICIA L. TOWNS AKA PATRICIA
TOWNS**
Mortgagor(s) and Record Owner(s)
2711 West Crawford Avenue
Connellsville, PA 15425,
Defendant(s)

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

No. 1459 of 2016 GD
No. 239 of 2018 ED

ALL THAT CERTAIN PIECE, PARCEL
OR TRACT OF LAND situate in the County of
Fayette and Commonwealth of Pennsylvania.

Lakeview Loan Servicing, LLC,
Plaintiff,
v.
Thomas A. Willis a/k/a Thomas Arthur Willis
and Rozann M. Willis,
Defendants.

TAX PARCEL# 09-11-0124
PROPERTY ADDRESS: 2711 West
Crawford Avenue Connellsville, PA 154 25
IMPROVEMENTS: A residential
dwelling.

SOLD AS THE PROPERTY OF:
PATRICIA L. TOWNS AKA PATRICIA
TOWNS

ALL THAT CERTAIN LOT OF
GROUND SITUATE IN SOUTH UNION
TOWNSHIP, FAYETTE COUNTY,
PENNSYLVANIA, KNOWN AND
DESIGNATED AS LOT NO. 51 IN THE
HIGHLAND VILLAGE "F" PLAN OF LOTS,
WHICH SAID PLAN WAS LAID BY
FAYETTE ENGINEERING COMPANY IN
MARCH, 1973, AND RECORDED IN THE
RECORDER'S OFFICE OF FAYETTE
COUNTY, PENNSYLVANIA, IN PLAN
BOOK VOLUME 11, PAGE 130, SAID LOT
BEING MORE PARTICULARLY BOUNDED
AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN ON THE SOUTHERLY SIDE OF GENTILE DRIVE, AT THE NORTHEAST CORNER OF LOT NO. 50, SAID IRON PIN BEING NORTH 71 DEGREES 33 MINUTES 20 SECONDS EAST, 5 FEET FROM A CONCRETE MONUMENT ON THE SOUTHERLY SIDE OF SAID GENTILE DRIVE; THENCE FROM SAID BEGINNING POINT, NORTH 71 DEGREES 33 MINUTES 20 SECONDS EAST, 90 FEET TO AN IRON PIN AT THE NORTHWEST CORNER OF LOT NO. 52 IN SAID PLAN; THENCE ALONG THE DIVIDING LINE BETWEEN LOT NO. 51 AND LOT NO. 52 IN SAID PLAN, SOUTH 18 DEGREES 26 MINUTES 40 SECONDS EAST, 150 FEET TO AN IRON PIN AT THE SOUTHWEST CORNER OF LOT NO. 52 IN SAID PLAN; THENCE SOUTH 71 DEGREES 33 MINUTES 20 SECONDS WEST, 90 FEET TO AN IRON PIN AT THE SOUTHEAST CORNER OF LOT NO. 50 IN SAID PLAN; THENCE ALONG THE DIVIDING LINE BETWEEN LOT NO. 50 AND LOT NO. 51 IN SAID PLAN, NORTH 18 DEGREES 26 MINUTES 40 SECONDS WEST, 150 FEET TO AN IRON PIN IN THE SOUTHERLY SIDE OF SAID GENTILE DRIVE, THE PLACE OF BEGINNING.

All that certain piece or parcel or Tract of land situate in the Township of South Union, Fayette County, Pennsylvania, and being known as 39 Gentile Drive, Uniontown, Pennsylvania 15401.

Being known as: 39 Gentile Drive, Uniontown, Pennsylvania 15401

Title vesting in Thomas A. Willis a/k/a Thomas Arthur Willis, by deed from Rex A. Johnson and Connie S. Johnson, husband and wife, dated February 17, 2012 and recorded February 21, 2017 in Deed Book 3178, Page 2415

Instrument Number 201200002719.

Tax Parcel Number: 34050103

- END SHERIFF SALES -

JUDICIAL OPINION

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

COMMONWEALTH OF	:	
PENNSYLVANIA	:	
V.	:	
ANNETTE MARIE WINGROVE,	:	No. 2287 of 2017
Defendant.	:	Honorable Steve P. Leskinen

OPINION AND ORDER

LESKINEN, J.

July 19, 2018

AND NOW, this 19th day of July, 2018, upon review of Defendant’s Motion to Suppress Blood Test Results, the Court HEREBY DENIES the Motion in its entirety.

BACKGROUND

Defendant, Annette Marie Wingrove [hereinafter Defendant] was charged, in pertinent part, with driving under the influence of alcohol with a blood alcohol level at or greater than .16%.

On September 24, 2017, Defendant was traveling in the opposite direction of Trooper Tonya Wroble along N. Gallatin Ave. Ext. North Union Township, Fayette County, Pennsylvania, when she observed Defendant’s passenger side tires over the right fog line; the Trooper turned her vehicle around and began to follow Defendant. The Trooper then observed that the rear third brake light was not working and initiated a traffic stop.

When the Trooper made contact with Defendant, she observed Defendant’s eyes to be red, bloodshot and glassy; Defendant’s speech was extremely slurred and she was confused. The Trooper also detected an odor of an alcoholic beverage emanating from her breath. Based on these observations the Trooper requested Defendant to perform field sobriety testing. Defendant initially agreed to perform the testing but after the tests were explained to her, she relayed to the Trooper that she would not be able to perform the tests.

At this time, the Trooper placed Defendant under arrest for driving under the influence and she was transported to Uniontown Hospital where she agreed to submit to a chemical test of her blood. Defendant was not given any warnings before she consented to the blood test; she was not read the DL26-B, was not warned of the civil penalties nor threatened of increased criminal penalties if she would have refused to submit to testing. As a result of the testing, Defendant’s blood alcohol content was determined to be .24. This is Defendant’s second DUI; her first DUI occurred in 2015 and she was granted admission into the ARD program for its disposition.

DISCUSSION

The Defendant does not argue the legality of the traffic stop; her only contention is that the blood test results must be suppressed as her rights were violated pursuant to the Fourth, Fifth, and Fourteenth Amendments of the United States Constitution and Articles Eight and Nine of the Pennsylvania Constitution.

Specifically, Defendant contends that her rights against self-incrimination were violated when she was questioned in relation to submitting to a blood test without being advised of her Miranda rights or without being provided O'Connell warnings pursuant to Commonwealth of Pennsylvania Department of Transportation v. O'Connell, 55 A.2d 873 (Pa. 1989). Defendant also contends that she was not advised of her right to refuse the blood test pursuant to Commonwealth v. Myers, 164 A.3d 1162, 1169-71 (Pa. 2017).

Defendant further contends that 75 Pa.C.S.A. §1547(b)(2) creates an affirmative duty in the arresting officer to inform the DUI arrestee of the license suspension that would occur should an arrestee refuse the blood test and that the arrestee would be "subject to a restitution fee of up to \$2,000" after serving the suspension. Defendant also contends that this fee constitutes a fine and is a criminal penalty, in violation of Birchfield v. North Dakota. Defendant states that even if the fine warning was not verbalized every citizen is presumed to know the law and the threat of such "fine/criminal penalty" in conjunction with requesting to submit to a blood test renders any alleged consent coerced and/or involuntary.

The Supreme Court has ruled that increasing criminal penalties for a defendant's refusal of a blood test is unconstitutional as a violation of their rights under the Fourth Amendment to the United States Constitution. Birchfield v. North Dakota, ___ U.S. ___, 132 S. Ct. 2160, (2016).

Blood tests do constitute searches under the Fourth Amendment. Birchfield, 136S.Ct. at 2173. A search conducted without a warrant is unreasonable and constitutionally impermissible, unless an exception applies. Commonwealth v. Strickler, 563 Pa. 47, 56, 757 A.2d 884, 888 (2000). An exception to this principle is voluntary consent. *Id.* In Defendant's case, she does not deny that she consented to the blood test.

Pennsylvania's response to the ruling was to amend their DL-26 form and create the DL-26B form. The DL-26B form removes the warnings of increased criminal penalties if an individual were to refuse a blood test but the form still warns of a potential license suspension, and such penalty is allowed under Birchfield. The parties stipulated that the DL26-B was never read to Defendant.

In Birchfield the Supreme Court held that a State may not impose criminal penalties upon the refusal to submit to a blood test. 136 S.Ct. at 2185. The Supreme Court also held that a person "cannot be deemed to have consented to a blood test upon pain of committing a criminal offense." *Id.* at 2186. The Birchfield Court made it clear that its holding did not apply to the imposition of civil penalties and evidentiary consequences when a DUI suspect refuses a blood test upon their arrest:

It is well established that a search is reasonable when the subject consents, and that sometimes consent to a search need not be express but may be fairly inferred from context. Our prior opinions have referred approvingly to the general concept of implied-consent laws that impose civil penalties and evidentiary consequences on motorists who refuse to comply. Defendants do not question the constitutionality of those laws, and nothing we say here should be read to cast doubt on them.

Birchfield, 136 S.Ct. at 2185.

A trial court must consider the totality of the circumstances when determining if a defendant's consent to a blood draw was voluntarily given. *Commonwealth v. Evans*, 153 A.3d 323, 328 (Pa. Super 2016). As our Supreme Court explained:

While there is no hard and fast list of factors evincing voluntariness, some considerations include: 1) the defendant's custodial status; 2) the use of duress or coercive tactics by law enforcement personnel; 3) the defendant's knowledge of his right to refuse to consent; 4) the defendant's education and intelligence; 5) the defendant's belief that no incriminating evidence will be found; and 6) the extent and level of the defendant's cooperation with the law enforcement personnel.

Commonwealth v. Gillespie, 821 A.2d 1221, 1225 (Pa. 2003).

The Defendant in this case relies, in part, on *Commonwealth v. Scott*, 684 A.2d 539 (Pa. 1996). *Scott* involves a DUI arrestee who had been provided with a legally sufficient O'Connell warning, who attempted to establish that, upon request to submit to chemical testing under the Implied Consent Law, he was so confused about the applicability of his Miranda rights that he did not knowingly or consciously refuse to submit to the testing. *Id.*

Miranda rights are not applicable to an individual's decision of whether or not to submit to chemical sobriety testing. *Id.* at 544. *Scott* tracks various DUI related cases that occurred since the O'Connell decision and these cases involve arrestees who were confused with the applicability of their Miranda rights. *Id.* *Scott* held that whenever a motorist has been requested to submit to chemical sobriety testing the motorist must be provided O'Connell warnings regardless of whether Miranda warnings have been given, and, regardless of whether the motorist exhibits confusion concerning his rights when asked to submit to chemical sobriety testing. *Id.* at 545-46. Accordingly, once a motorist has been properly advised of his O'Connell warnings, a refusal to submit to chemical testing under the terms of the Implied Consent Law will not be excused as unknowing on the basis of the motorist's subjective belief's regarding the interplay between the Implied Consent Law and his Miranda rights. *Id.* at 546.

The Defendant further argues that the plurality opinion in *Commonwealth v. Myers* should be controlling in this case. The *Myers* case involved a traffic stop in which police determined defendant was intoxicated and, due to his inebriated state, needed medical attention. *Myers*, 164 A.3d 1162, 1165 (Pa. 2017). Upon his arrival to the hospital, the medical staff gave defendant four (4) milligrams of Haldol, which rendered him unconscious. *Id.* Officers attempted to make contact with defendant but were

unsuccessful due to his unconscious state. *Id.* Officers then read defendant his O’Connell warnings but defendant was unable to respond. *Id.* The officer instructed the nurse to draw defendant’s blood. *Id.* Officers never obtained a warrant for the blood draw and the defendant was unable to hear the warnings read to him. *Id.*

The Court in *Myers* concluded that

Accordingly, we do not today consider the effect of the *Birchfield* decision upon our statutes. Rather, we consider *Birchfield* only as it relates to our conclusion that, in the absence of actual, voluntary consent, statutorily implied consent does not dispense with the need for police to obtain a warrant before conducting a chemical test of a DUI arrestee’s blood.

Id. at 1180.

The Court further concluded that the language of 75 Pa.C.S.A. § 1547(a) providing that a DUI suspect shall be deemed to have given consent to a chemical test does not constitute an independent exception to the warrant requirement of the Fourth Amendment to the United States Constitution and Article I, § 8 of the Pennsylvania Constitution. *Id.* Like any other search premised upon the subject’s consent, a chemical test conducted under the implied consent statute is exempt from the warrant requirement only if consent is given voluntarily under the totality of the circumstances. *Id.* A DUI arrestee must be given the opportunity to make a “knowing and conscious choice” between providing voluntary consent to a chemical test or accepting the consequences that will follow from the refusal to do so. *Id.* at 1181. If neither voluntary consent nor some other valid exception to the warrant requirement is established, then a chemical test may be conducted only pursuant to a search warrant. *Id.*

Law enforcement officers do not have an affirmative duty to inform arrestees that they could refuse a blood test without risking harsher criminal penalties. *Commonwealth v. Robinson*, ___ A.3d ___, 2018 WL 2057000 (Pa. Super. 2018). Individuals are not only presumed to know statutory law but also developments in case law. *Id.* The Pennsylvania Supreme Court considered whether police officers were required to inform drivers that a positive chemical test result could be used against them during criminal proceedings; they held that no affirmative duty existed. *Commonwealth v. Smith*, 77 A.3d 562, 571 (Pa. 2013). Our Supreme Court explained that “the investigating character and fluid nature of searches and seizures render rules that require detailed warnings by law enforcement simply unfeasible.” *Id.* Using this reasoning, the Superior Court held that it would be unfeasible to require police to inform individuals of current legal developments prior to conducting a search or seizure and had no duty to inform arrestees they could refuse chemical testing. *Robinson*, WL 2057000 at 5.

A motorist may be subjected to civil penalties for refusal of a blood test after a DUI arrest. *Commonwealth v. Bell*, 167 A.3d 744, 749 (Pa. Super. Ct. 2017). The Court in *Birchfield* reviewed the constitutionality of implied consent laws that criminalize a driver’s refusal to undergo warrantless chemical testing upon a lawful arrest for drunk driving. *Id.* After review, the Supreme Court rejected the application of the search-incident-to-arrest exception to compel a motorist to submit to a blood test, however, it

expressed approval of implied consent laws that deem a motorist to have consented to be subject to civil penalties and evidentiary consequences if they refuse to submit to a warrantless blood test upon his or her arrest for DUI. *Id.* at 750.

In this case, when determining if consent was voluntarily given, the Court must look at the totality of the circumstances surrounding the consent and use the six factors as described in *Commonwealth v. Gillespie*: 1) the defendant's custodial status; 2) the use of duress or coercive tactics by law enforcement personnel; 3) the defendant's knowledge of his right to refuse to consent; 4) the defendant's education and intelligence; 5) the defendant's belief that no incriminating evidence will be found; and 6) the extent and level of the defendant's cooperation with the law enforcement personnel.

Defendant was in police custody when asked to consent to a blood draw and claims that the consent she gave to the blood draw was coerced or unconstitutionally given. Defendant claims that she was questioned, while in police custody, about submitting to a blood test without being advised of her *Miranda* rights. It is correct that Defendant was not read her *Miranda* rights before she consented to a blood draw, however, *Miranda* rights are not applicable to a Defendant's decision of whether or not to consent to a blood draw. Further, Defendant made no inquiries to the Trooper about her ability to speak to anyone, attorney or otherwise, before she gave her consent nor is there anything in the record to show that Defendant said anything other than a verbal consent when asked to submit to a blood draw.

The Trooper did not question Defendant when she was in custody and based her request for a blood draw on her observations during the valid traffic stop and Defendant's assertion that she would not be able to perform field sobriety testing. Defendant's *Miranda* rights were not violated as a result of the Trooper's actions.

Defendant also claims that she was not advised of her right to refuse a blood test as provided in the *Myers* case. In *Myers*, the defendant never gave the officer informed consent to draw his blood because he was unconscious and unable to give voluntary consent to the search. The *Myers* court only considered *Birchfield* as it relates to their conclusion that, in the absence of actual, voluntary consent, statutorily implied consent does not dispense with the need for a warrant before drawing a DUI arrestee's blood. The *Robertson* case, discussed *supra*, states that law enforcement officers do not have an affirmative duty to inform an arrestee that they will not face enhanced criminal penalties if they refuse a blood test.

In the current case, Defendant was conscious and afforded the opportunity to refuse consent but chose to verbalize her willingness to have her blood drawn instead. The Trooper had no affirmative duty to inform Defendant that she could refuse to submit to a blood test. Defendant did have a previous DUI, granted ARD in 2015, any possible incorrect knowledge she may have had about the applicability of increased criminal penalties for her refusal of the blood draw is of no consequence as she would be presumed to know not only statutory law but also the changes in case law and that such penalties are now unconstitutional. There is no information on the record as to Defendant's level of education, intelligence or her belief as to what the blood draw results may show. Defendant was compliant with the Trooper's requests and she did not cause any problems.

Defendant's presumed knowledge of the fee to reinstate her license following suspension in relation to a refused blood draw may have weighed on her decision to submit to a blood draw; however, the fee of up to \$2,000 to restore a license is not a fine and is not a criminal penalty. The Supreme Court in Birchfield did not preclude states from subjecting an arrestee to civil penalties if they should refuse a blood test and the restoration fee is nothing more than a civil penalty administered to regain the privilege of driving a motor vehicle.

Even though Defendant was in police custody when she was asked to submit to a blood test and not read the O'Connell warnings, her consent was not coerced and her rights were not violated. The Trooper did not threaten Defendant with increased criminal penalties if she refused a blood draw; she did not inquire about possible penalties for a refusal; she did not inquire about the applicability of her Miranda rights before she consented to the blood draw; she did not express to the Trooper, in any way, that she did not wish to consent or was hesitant about the process; there is no evidence on the record that Defendant was anything but cooperative with the Trooper throughout the process of her arrest.

Defendant's consent to the blood draw was, based on a totality of the circumstances, voluntarily given and the results of said test will not be suppressed.

ORDER

AND NOW, this 19th day of July, 2018, it is hereby ORDERED and DECREED that the Omnibus Pretrial Motion of Defendant, Annette Marie Wingrove, in the nature of a Defendant's Motion to Suppress Blood Test Results, is DENIED.

BY THE COURT:
STEVE P. LESKINEN, JUDGE

ATTEST:
Clerk of Courts

D'Andrea Collision Investigation and Reconstruction LLC**D'Andrea Collision Investigation and
Reconstruction LLC**

Pennsylvania State Police Lieutenant Joseph D'Andrea with over 30 years of experience and former collision Analysis and Reconstruction Specialist recently retired and is now conducting investigations. Investigations range from: obtain/review police crash report through collision reconstruction primarily for civil litigation. Criminal defense work done on case by case basis.

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ORPHANS' COURT NOTICE

Effective August 1, 2018, all odd numbered filings for Orphans' Court are assigned to the Honorable Joseph M. George, Jr., and all even numbered filings remain assigned to the Honorable Steve P. Leskinen.

Priority motions should be presented to Judge George on Tuesday and Judge Leskinen on Thursday for all Orphans Court matters.

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