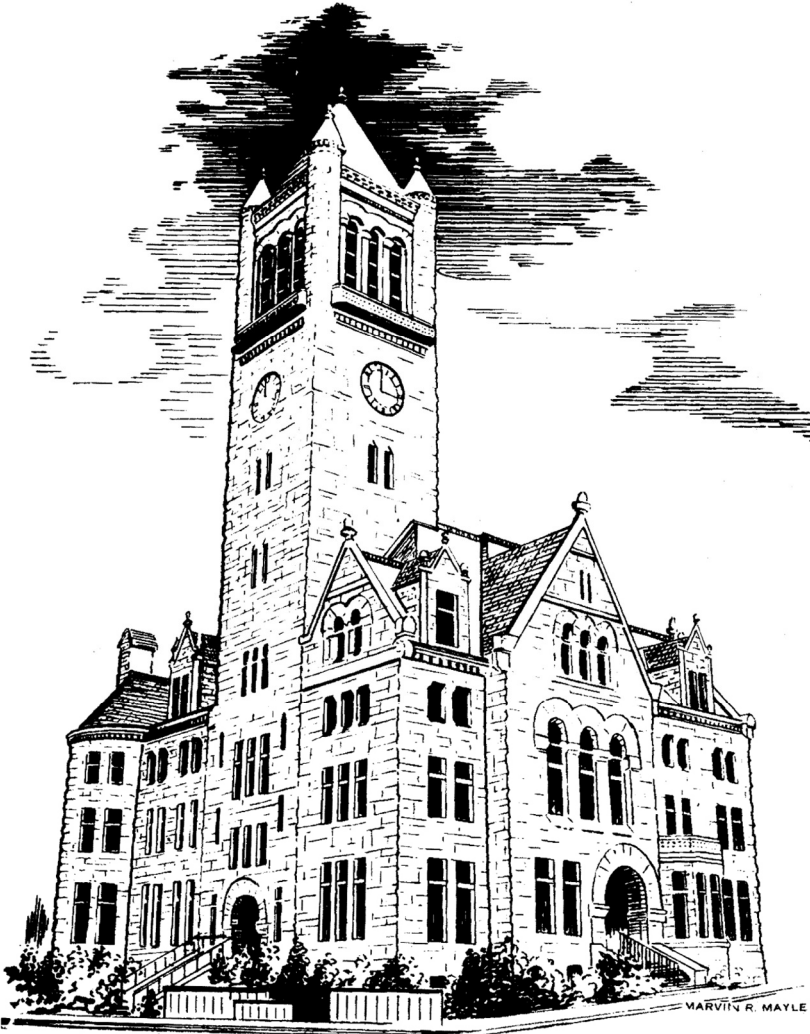


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ESTATE NOTICES

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 LEE COUGHENOUR, a/k/a DONALD L. COUGHENOUR, late of South Union Township, Fayette County, PA (3)
Executrix: Karen Dawn Colbert
 c/o 9 Court Street
 Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

NAOMI B. GREGO, late of North Union Township, Fayette County, PA (3)
Executrix: Cindy R. Hornbeck
 c/o Webster & Webster
 51 East South Street
 Uniontown, PA 15401
Attorney: Robert L. Webster, Jr.

GILDA M. HOLBERT, a/k/a GILDA MILDRED HOLBERT, late of Uniontown, Fayette County, PA (3)
Administrator: Keith A. Holbert, CTA and Kebin E. Holbert, CTA
 c/o Radcliffe Law, LLC
 648 Morgantown Road, Suite B
 Uniontown, PA 15401
Attorney: Robert R. Harper, Jr.

JOHN HOSPODAVIS, JR., late of Masontown Borough, Fayette County, PA (3)
Executor: John R. Hospodavis
 c/o Higinbotham Law Offices
 68 South Beeson Boulevard
 Uniontown, PA 15401
Attorney: James Higinbotham

TAMMY JENKINS, a/k/a TAMMY LYNN JENKINS, late of Georges Township, Fayette County, PA (3)
Executor: John Thomas Jenkins
 c/o Kopas Law Office
 556 Morgantown Road
 Uniontown, PA 15401
Attorney: John Kopas

JOANNE M. KOZEL, late of Uniontown, Fayette County, PA (3)
Executrix: Rosemarie Jarzynka
 c/o Radcliffe Law, LLC
 648 Morgantown Road, Suite B
 Uniontown, PA 15401
Attorney: Robert R. Harper, Jr.

LINDA L. LINDSAY, late of Connellsville, Fayette County, PA (3)
Personal Representative: Kelly R. Vorrasi and Heather L. O'Neill
 c/o Watson Mundorff, LLP
 720 Vanderbilt Road
 Connellsville, PA 15425
Attorney: Robert A. Gordon

GARY E. LOWE, JR., late of George Township, Fayette County, PA (3)
Administratrix: Barbara Lowe
 c/o Goodwin Como, P.C.
 108 North Beeson Boulevard, Suite 400
 Uniontown, PA 15401
Attorney: Benjamin Goodwin

DALE ALISTER LOWERY, a/k/a DALE A. LOWERY, late of Nicholson Township, Fayette County, PA (3)
Executor: Donald D. Lowery
 c/o Adams Law Offices, PC
 55 East Church Street, Suite 101
 Uniontown, PA 15401
Attorney: Jason Adams

RICHARD ROMESBURG, late of North Union Township, Fayette County, PA (3)
Administratrix: Megan Clark
 c/o Goodwin Como, P.C.
 108 North Beeson Boulevard, Suite 400
 Uniontown, PA 15401
Attorney: Benjamin Goodwin

Second Publication

ELEANOR LEE BAILEY, a/k/a ELEANOR L. BAILEY, late of Connellsville, Fayette County, PA (2)

Executor: Gregory E. Bailey
1435 Spyglass Hill
Greensburg, PA 15601
c/o Fike, Cascio & Boose
Scull Building
124 North Center Avenue
P.O. Box 431
Somerset, PA 15501-0431
Attorney: Lois W. Caton

FRANK JOHN BOBECK, JR., a/k/a FRANK J. BOBECK, JR., a/k/a FRANK J. BOBECK, late of Luzerne Township, Fayette County, PA

Executor: Scott E. Bobeck (2)
32 Meadows Creek Lane
Senoia, GA 30276
c/o 55 South Main Street, 2nd. Floor
Washington, PA 15301
Attorney: Karen Hassinger

MARY BOYZA, a/k/a MARY R. BOYZA, late of Luzerne Township, Fayette County, PA

Executrix: Beth A. Lindey (2)
175 Arensburg Road
East Millsboro, PA 15433
c/o Law Office of Lisa J. Buday
P.O. Box 488
California, PA 15419
Attorney: Lisa Buday

JOAN DILLOW, a/k/a JOAN E. DILLOW, late of Masontown, Fayette County, PA (2)

Executrix: Jennifer E. Westbrook
c/o 9 Court Street
Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

CLARE J. VALIGORE, a/k/a CLARE VALIGORE, a/k/a CLARA J. VALIGORE, a/k/a CLARA VALIGORE, late of North Union Township, Fayette County, PA (2)

Executrix: Kimberly A. Valigore
c/o John & John
96 East Main Street
Uniontown, PA 15401
Attorney: Anne N. John

First Publication

ALBERT J. APICELLA, a/k/a ALBERT JOSEPH APICELLA, SR., late of Redstone Township, Fayette County, PA (1)

Executor: Albert J. Apicella, Jr.
c/o 9 Court Street
Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

CECELIA S. ARTHUR, late of North Union Township, Fayette County, PA (1)

Personal Representatives: Rita A. Byers and Nancy L. Myers
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

HARRY CHARLES FEE, a/k/a HARRY C. FEE, late of Uniontown, Fayette County, PA (1)

Executor: Susan Miller
68 Nell Street
Hopwood, PA 15445
c/o The Lynch Group
501 Smith Drive, Suite 3
Cranberry Township, PA 16066
Attorney: Charles B. Hadad

DANIEL S. KORDICH, late of Perryopolis, Fayette County, PA (1)

Executrix: Deborah A. Morgan
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

ELLEN M. MACKEY, late of Upper Tyrone Township, Fayette County, PA (1)

Personal Representative: John R. Mackey
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

MERCEDES TYLER MECOZZI, a/k/a MERCEDES MECOZZI, late of Uniontown, Fayette County, PA (1)

Administratrix: Nicole Brown
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Jeremy J. Davis

**DOLORES L. RANDOLPH, a/k/a
DOLORES LORRIANE RANDOLPH**, late of
Luzerne Township, Fayette County, PA (1)

Co-Executrix: Deborah Bowser and
Martha Biddle
c/o Adams Law Offices, PC
55 East Church Street, Suite 10
Uniontown, PA 15401
Attorney: Jason Adams

LEGAL NOTICES

IN THE UNITED STATES BANKRUPTCY
COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Bankruptcy Case No. 19-23608 CMB
Chapter 13

IN RE: Michael A. Upton and Sara R. Upton,
Debtors.

Property to be sold: 311 Vine Street. Single
family residence - 3 bedrooms, on a .11 acre lot ,
Property ID No. 33-04- 0123.

Initial Offer: \$32,500.00/\$1,000 Deposit

Terms of Sale: No-Contingency, "AS IS,
WHERE IS," \$1,000.00 in cash or certified
funds at time of sale, the balance within thirty
days. The Court will entertain higher and better
offers at the hearing.

Contact: Daniel R. White, Esquire, P.O. Box
1223, Uniontown PA 15401, 724-439-9200,
dwhite@zeblaw.com

A hearing will be held on **September 14, 2023**
at 1:30 p.m. before Judge Carlota M. Böhm in
Courtroom B, 54th Floor, U.S. Steel Tower, 600
Grant Street, Pittsburgh, PA 15219. Unless
otherwise ordered, parties may also appear for
non-evidentiary matters remotely by utilizing the
Zoom video conference platform ("Zoom"). To
participate in the hearing via Zoom, use the
following link no later than ten (10) minutes
prior to your scheduled hearing time:

<https://www.zoomgov.com/j/16143800191>.

Alternatively, connect with Zoom by using the
following Meeting ID: 161 4380 0191. ALL
HEARING PARTICIPANTS ARE REQUIRED
TO REVIEW AND COMPLY WITH THE
ZOOM PROCEDURES, which can be found at:
[https://www.pawb.uscourts.gov/sites/default/
files/pdfs/cmb-proc-videohrg.pdf](https://www.pawb.uscourts.gov/sites/default/files/pdfs/cmb-proc-videohrg.pdf).

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY,
PENNSYLVANIA
NO. 1182 of 2023 G.D.

FIRST NATIONAL BANK OF
PENNSYLVANIA,

Plaintiff,

vs.

ALL UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS, AND ALL PERSONS, FIRMS OR
ASSOCIATIONS CLAIMING RIGHT, TITLE
OR INTEREST, FROM OR UNDER JEROME
D. DEAN a/k/a JEROME D. DEAN, SR.,
DECEASED,
Defendant.

NOTICE OF MORTGAGE FORECLOSURE FILING

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
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ABOUT AGENCIES THAT MAY OFFER
LEGAL SERVICES TO ELIGIBLE PERSONS
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DAVID W. RAPHAEL, ESQ.
Corp. Counsel
Legal Department
First National Bank of PA
100 Federal Street
Pittsburgh, PA 15212
Telephone: (412) 465-9718

IN THE COURT OF COMMON PLEAS
FAYETTE COUNTY, PENNSYLVANIA
CIVIL DIVISION
Docket No.: 2021-00911

The Huntington National Bank
Plaintiff,
vs.

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

AMENDED NOTICE OF SHERIFF'S SALE
OF REAL PROPERTY PURSUANT TO
PENNSYLVANIA RULE OF CIVIL
PROCEDURE 3129

TO: Unknown Heirs and/or Administrators of
the estate of Teresa R. Hughes
705 Petersburg Road
Connellsville, PA 15425

TAKE NOTICE:

That the Sheriff's Sale of Real Property
(Real Estate) will be offered for public auction
online at <https://fayette.pa.realforeclose.com> on
September 21, 2023 at 2:00PM prevailing local
time.

THE PROPERTY TO BE SOLD is
delineated in detail in a legal description
consisting of a statement of the measured
boundaries of the property, together with a brief
mention of the buildings and any other major
improvements erected on the land.

(SEE LEGAL DESCRIPTION ATTACHED AS
EXHIBIT "A").

The LOCATION of your property to be
sold is:

705 Petersburg Road, Connellsville, PA 15425-
4349

The JUDGMENT under or pursuant to
which your property is being sold is docketed to:

No. 2021-00911

THE NAME(S) OF THE OWNER(S) OR
REPUTED OWNER(S) OF THIS PROPERTY
ARE:

James D. Hughes; Pamela S. Hughes, as

Administratrix of the Estate of Dennis P. Hughes,
AKA Dennis Paul Hughes, AKA Dennis
Hughes; Adam Rumbaugh, as Believed Heir
and/or Administrator of the estate of Teresa R.
Hughes; Heather Deal, as Believed Heir and/or
Administrator of the estate of Teresa R. Hughes;
Nicole Nicholson, as Believed Heir and/or
Administrator of the estate of Teresa R. Hughes;
Unknown Heirs and/or Administrators of the
estate of Teresa R. Hughes

A SCHEDULE OF DISTRIBUTION,
being a list of the persons and/or governmental
or corporate entities or agencies being entitled to
receive part of the proceeds of the sale received
and to be disbursed by the Sheriff (for example
to banks that hold mortgages and municipalities
that are owed taxes), will be filed by the Sheriff
thirty (30) days after the sale, and distribution of
the proceeds of sale in accordance with this
schedule will, in fact, be made unless someone
objects by filing exceptions to it, within ten (10)
days of the date it is filed. Information about the
Schedule of Distribution may be obtained from
the Sheriff of the Court of Common Pleas of
Fayette County, at the Fayette County Sheriff's
Office, 61 East Main Street, Uniontown, PA
15401.

THIS PAPER IS A NOTICE OF THE
TIME AND PLACE OF THE SALE OF YOUR
PROPERTY.

It has been issued because there is a
Judgment against you. It may cause your
property to be held, to be sold or taken to pay
the Judgment. You may have legal rights to
prevent your property from being taken. A
lawyer can advise you more specifically of these
rights. If you wish to exercise your rights, you
must act promptly.

YOU SHOULD TAKE THIS PAPER TO
YOUR LAWYER AT ONCE. GO TO OR
TELEPHONE THE OFFICE SET FORTH
BELOW TO FIND OUT WHERE YOU CAN
GET FREE LEGAL ADVICE.

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THE LEGAL RIGHTS YOU MAY HAVE
ARE:

- 1. You may file a petition with the Court of

Common Pleas of Fayette County to open the Judgment if you have a meritorious defense against the person or company that has entered judgment against you. You may also file a petition with the same Court if you are aware of a legal defect in the obligation or the procedure used against you.

2. After the Sheriff's Sale, you may file a petition with the Court of Common Pleas of Fayette County to set aside the sale for a grossly inadequate price or for other proper cause. This petition must be filed before the Sheriff's Deed is delivered.

3. A petition or petitions raising the legal issues or rights mentioned in the preceding paragraphs must be presented to the Court of Common Pleas of Fayette County. The petition must be served on the attorney for the creditor or on the creditor before presentation to the Court and a proposed order or rule must be attached to the petition. If a specific return date is desired, such date must be obtained from the Court Administrator's Office, Fayette County Courthouse, 61 East Main Street, Uniontown, PA 15401, before presentation of the petition to the Court.

Dated:

Kimberly J. Hong, Esquire (74950)

Manley Deas Kochalski LLC
P. O. Box 165028
Columbus, OH 43216-5028
Telephone: 614-220-5611
Fax: 614-220-5613
Email: kjhong@manleydeas.com
Attorney for Plaintiff

ARTICLES OF AMENDMENT

Notice is hereby given that Articles of Amendment were filed with the Pennsylvania Department of State, on August 3, 2023, for a Corporation organized under the Business Corporation Law of 1988, as from time to time amended. The name of the company was changed from CMA Trucking, Inc. to CMA Ventures, Inc. having an address of 1252 Connellsville Road, Lemont Furnace, PA 15456.

NOTICE

Notice is hereby given that a Certificate of Organization was filed with the Pennsylvania Department of State, on July 6, 2023, for a Limited Liability Company, organized under the Limited Liability Company Law of 1994, as from time to time amended. The name of the Company is Pittsburgh Street Realty LLC, having an address of 420 Meadow Run Road Ohiopyle, Pennsylvania 15470-1241

James E. Higinbotham, Jr., Esq.
HIGINBOTHAM LAW OFFICES
68 South Beeson Boulevard
Uniontown, PA 15401
Telephone: 724-437-2800


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JUDICIAL OPINION

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

COMMONWEALTH OF :
PENNSYLVANIA :
V. :
JOEL EDDINGS, : No. 250 OF 2023
DEFENDANT. : Honorable President Judge Steve P. Leskinen

OPINION AND ORDER

Leskinen, P.J.

June 1, 2023

Before the Court is the Defendant's Petition for Writ of Habeas Corpus. The Defendant is charged with Driving Under Suspension-BAC .02 or Higher, 75 Pa. C.S. § 1543(b)(1.1)(iii); Driving Under the Influence of a Controlled Substance, 75 Pa. C.S. § 3802(d)(2); and the summary charges of Disregard Traffic Lane, 75 Pa. C.S. § 3309(1); Careless Driving, 75 Pa. C.S. § 3714(a); Abandoning Vehicle on Highway, 75 Pa. C.S. § 3712(a); Operating Vehicle Without Required Financial Responsibility, 75 Pa. C.S. § 1786(f); Pedestrian Walking Too Close to Roadway, 75 Pa. C.S. § 3544; Intoxicated Pedestrian Causing Hazard, 75 Pa. C.S. § 3550; and Accidents Causing Damage to Unattended Vehicle or Property, 75 Pa. C.S. § 3745(a). The Defendant argues that the Commonwealth presented insufficient evidence to support the charges.

BACKGROUND

On June 30, 2022, at approximately 6:30 A.M., a volunteer fireman, Wayne Shumar (hereinafter "Shumar") was dispatched to Redstone Way for a single vehicle accident. On arrival, Shumar, observed an unoccupied vehicle against the guardrail. Shumar also observed a man, later identified as the Defendant, dancing in the middle of the roadway. (Preliminary Hearing Transcript, 2/13/2023 at pg. 5). When Pennsylvania State Trooper Andrew Prizzi arrived a short time later, the Defendant had already left the roadway and run into a brushy area by the side of the road and was later apprehended there. The Trooper testified that the Defendant showed signs of drug impairment, including erratic movements, mood swings and peculiar statements. (N.T. at pg. 16). The Trooper did not conduct any field sobriety tests. The Defendant was placed under arrest for Driving Under the Influence and Driving Under Suspension, as well as numerous summary offenses.

The Defendant refused to submit to any testing. After being transported to the Pennsylvania State Police Barracks, the Defendant lost consciousness and required medical treatment. The Trooper checked the registration of the vehicle and contacted the owner, Christy Dougherty, by telephone. She informed the Trooper that she had loaned her vehicle to the Defendant earlier that day.

Ms. Dougherty was subpoenaed for the preliminary hearing but did not appear. The only witnesses presented by the Commonwealth were Mr. Shumar and Trooper Prizzi. Neither witness saw the Defendant in the vehicle, nor was any of the Defendant's property located in the vehicle. When apprehended, the Defendant did not have the keys to the vehicle, made no statements about operating the vehicle, and refused testing.

DISCUSSION

The Defendant has asserted in his Writ of Habeas Corpus that the Commonwealth has not presented sufficient evidence to prove that the Defendant had operated that motor vehicle. A petition for a writ of habeas corpus is the proper means for testing whether the Commonwealth has sufficient evidence to establish a prima facie case against the Defendant. *Commonwealth v. Scott*, 578 A.2d 933 (Pa. Super. 1990). To establish a prima facie case, the Commonwealth must present evidence as to each material element of the crimes charged and sufficient probable cause that the Defendant is the person who committed the offenses. *Commonwealth v. McBride*, 595 A.2d 933 (Pa. Super. 1990).

The Defendant was charged with Driving Under the Influence, 75 Pa. C.S. § 3802 (d)(2) which reads as follows:

An individual may not drive, operate or be in actual physical control of the movement of a vehicle under any of the following circumstances ... (2) The individual is under the influence of a drug or combination of drugs to a degree which impairs the individual's ability to safely drive, operate or be in actual physical control of the movement of the vehicle.

Therefore, the Commonwealth must establish that the Defendant was operating or in the actual physical control of the vehicle while he was under the influence of a drug.

The Commonwealth witnesses did not observe the Defendant in the vehicle, did not find any indicia in the vehicle linked to him, nor were the keys to the vehicle located in his possession. No witness testimony was presented that he was the operator of the vehicle. The only connection was Christy Dougherty who failed to appear. As noted above, the Commonwealth proceeded without her. The Trooper testified as to her statements to him on the telephone. While the testimony established the Defendant's connection to the vehicle, it was inadmissible hearsay. The information would not be admissible at a trial unless the witness appeared, and the Commonwealth didn't establish any likelihood that she would appear.

However, even if that hearsay was considered, it would show only that the Defendant operated the vehicle at an undetermined time earlier that day. The hearsay, together with the absence of any other individual at the location the vehicle was parked suggests a reasonable probability that the Defendant was operating the vehicle; but does not exclude a reasonable possibility that someone else drove him there, parked the vehicle and then left.

At this time, the Commonwealth has failed to present sufficient evidence to prove that the Defendant operated or was in actual physical control of the vehicle while under the influence. For that reason, Defendant's Writ of Habeas Corpus is GRANTED and the charges filed in this case are hereby DISMISSED, without prejudice.

BY THE COURT:
STEVE P. LESKINEN,
PRESIDENT JUDGE

ATTEST:
Clerk of Courts



FAYETTE COUNTY

BAR ASSOCIATION

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Save the Date

FCBA Bench Bar Conference will be held on

Wednesday, October 18th from
8:30 a.m. to 1:00 p.m. at

The Historic Summit Inn

Agenda to follow

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