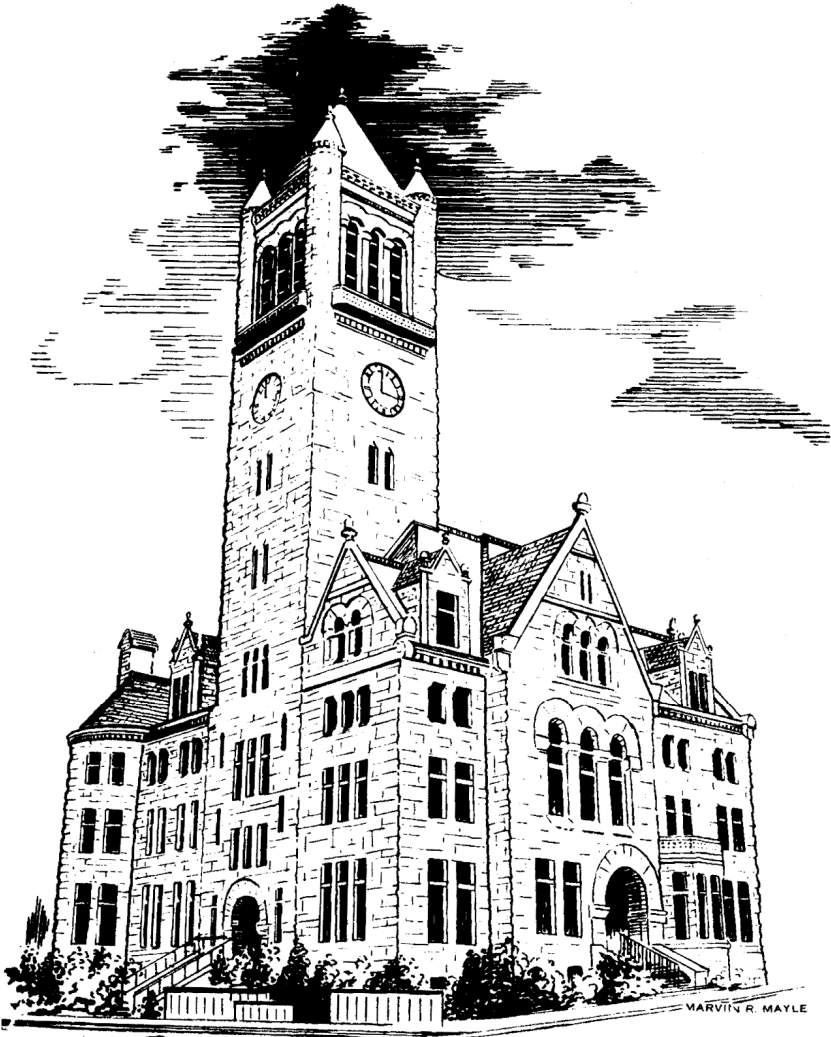


# FAYETTE LEGAL JOURNAL

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NO. 27



## FAYETTE LEGAL JOURNAL

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

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The Ethics Hotline provides free advisory opinions to PBA members based upon review of a member's prospective conduct by members of the PBA Committee on Legal Ethics and Professional Responsibility. The committee responds to requests regarding, the impact of the provisions of the Rules of Professional Conduct or the Code of Judicial Conduct upon the inquiring member's proposed activity. All inquiries are confidential.

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## ESTATE NOTICES

Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors named.

### Third Publication

**JANET R. ARISON, a/k/a JANET RUTH ARISON, a/k/a JANET RUTH DUFF ARISON**, late of Franklin Township, Fayette County, PA (3)

*Executor:* Jeffrey A. Arison  
c/o John & John  
96 East Main Street  
Uniontown, PA 15401  
*Attorney:* Simon B. John

**WILLIAM C. PRINKEY, a/k/a WILLIAM CLARK PRINKEY**, late of Saltlick Township, Fayette County, PA (3)

*Administrator:* Wilmer Prinkey  
c/o Fitzsimmons and Barclay  
55 East Church Street, Suite 102  
Uniontown, PA 15401  
*Attorney:* Ralph K. Barclay, Jr.

**DOUGLAS RICHARD PROUD, a/k/a DOUG PROUD**, late of Georges Township, Fayette County, PA (3)

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

**WAYNE A. SHAFFER, SR.**, late of German Township, Fayette County, PA (3)

*Personal Representative:* Russell M. Shaffer  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* Gary J. Frankhouser

**EARL B. SHIPLEY**, late Saltlick Township, Fayette County, PA (3)

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

### Second Publication

**JOYCE N. ACTON, a/k/a JOYCE NAOMI ACTON**, late of Brownsville, Fayette County, PA (2)

*Executor:* Mark A. Acton  
c/o Radcliffe Law, LLC  
648 Morgantown Road, Suite B  
Uniontown, PA 15401  
*Attorney:* William M. Radcliffe

**EARL E. CALHOUN, a/k/a EARL EDWIN CALHOUN**, late of Bullskin Township, Fayette County, PA (2)

*Co-Executors:* Barbara Casini and  
Donna Zimmerman  
c/o P.O. Box 760  
Connellsville, PA 15425  
*Attorney:* Carolyn W. Maricondi

**AUDREY J. CRISLIP, a/k/a AUDREY JANE CAVANAUGH CRISLIP**, late of Bullskin Township, Fayette County, PA (2)

*Administrator:* Jack Crislip  
c/o 815A Memorial Boulevard  
Connellsville, Pa 15425  
*Attorney:* Margaret Zylka House

**CLARE L. GEARY**, late Champion, Fayette County, PA (2)

*Personal Representatives:* Thomas Geary  
and Carolee Hart  
146 Stanton Road  
Champion, PA 15106  
c/o 312 California Avenue  
Carnegie, PA 15106  
*Attorney:* Kimberley Geary

**DOLORES JONES, a/k/a DOLORES HARRIS, a/k/a DOLORES J. HARRIS, a/k/a DOLORES J. CALLAHAN, a/k/a DOLORES CALLAHAN**, late of Dunbar Township, Fayette County, PA (2)

*Executor:* Kurt Callahan  
25C Greenwood Heights  
Connellsville, PA 15425  
c/o Tremba, Kinney, Greiner & Kerr, LLC  
120 South Third Street  
Connellsville, PA 15425  
*Attorney:* John Greiner

**GLORIA L. KAUCHUK**, late of South Union Township, Fayette County, PA (2)  
*Personal Representative:* Rosemarie Lawler  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* Gary J. Frankhouser

**EMILY JEANNETTE LONG, a/k/a E. JEANNETTE LONG**, late of Fairchance, Fayette County, PA (2)  
*Executrix:* Debra Long Priel  
c/o 815A Memorial Boulevard  
Connellsville, PA 15425  
*Attorney:* Margaret Zylka House

**CAROL L. REINHARD**, late of South Union Township, Fayette County, PA (2)  
*Personal Representatives:*  
Robert C. Reinhard and William A. Reinhard  
c/o George & George, LLP  
92 East Main Street  
Uniontown, PA 15401  
*Attorney:* Joseph M. George

**DALE M. SMITH**, late of Saltlick Township, Fayette County, PA (2)  
*Co-Executrix:* Kelly L. Kruper  
112 Country Club Drive  
P.O. Box 42  
Jones Mills, PA 15646  
*Co-Executrix:* Lori J. Schwerzler  
222 McNary Street  
McMurray, PA 15317  
c/o Suite 207, 1700 N. Highland Road  
Pittsburgh, PA 15241  
*Attorney:* William M. Thomson

## First Publication

**KATHERINE KARCHNAK**, late of Franklin Township, Fayette County, PA (1)  
*Personal Representative:* Amy Jo Sobek  
519 North Main Street  
Masontown, PA 15461  
c/o Hajduk and Associates  
22 Bierer Avenue  
P.O. Box 1206  
Uniontown, PA 15401  
*Attorney:* Mary Lenora Hajduk

**MARY ELLEN LESSICK, a/k/a MARY E. LESSICK**, late of Grindstone, Fayette County, PA (1)  
*Executor:* Thomas Eugene Lessick  
c/o Hajduk and Associates  
22 Bierer Avenue  
P.O. Box 1206  
Uniontown, PA 15401  
*Attorney:* Mary Lenora Hajduk

**MARY MARGARET PARODA, a/k/a MARY M. PARODA**, late of South Union Township, Fayette County, PA (1)  
*Personal Representative:* Susan Black  
c/o Davis and Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* James T. Davis

**MARIAN K. STOCKMAN, a/k/a MARIAN F. STOCKMAN**, late of Dunbar Township, Fayette County, PA (1)  
*Personal Representative:* Lisa Malago  
c/o Watson Mundorff & Sepic, LLP  
720 Vanderbilt Road  
Connellsville, Pa 15425  
*Attorney:* Charles W. Watson

## LEGAL NOTICES

### 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 June 20, 2019, to conduct a business in Fayette County, Pennsylvania, under the assumed or fictitious name of Serenity Ridge with the principal place of business at: 774 Elliotsville Road, Farmington, PA 15437. The name or names and addresses of persons owning and interested are: Something Esoteric Limited Company.

### 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 May 8, 2019, to conduct a business in Fayette County, Pennsylvania, under the assumed or fictitious name of GOODWIN HERITAGE FARM with the principal place of business at: 266 SUMEY ROAD, MCCLELANDTOWN, PA 15468. The name or names and addresses of persons owning and interested are: WILBUR S. GOODWIN JR. AND JACQUELINE J. GOODWIN, 17. SOUTH MORGANTOWN STREET FAIRCHANCE, PA 15436.

### NOTICE

Notice is hereby given by Mitchell Orthopedic Associates, a Pennsylvania professional corporation, that said corporation is winding up its affairs in the manner prescribed by the Business Corporation Law of 1988, approved on December 21, 1988, Act No. 177, so that its corporate existence shall cease upon the filing of Articles of Dissolution in the Department of State of the Commonwealth of Pennsylvania.

### NOTICE

NOTICE is hereby given that Articles of Incorporation were filed on June 17, 2019 with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation of a domestic nonprofit corporation which was organized under the Business Corporation law of 1988 of the Commonwealth of Pennsylvania (15 Pa. C. S. A. Section 5306, et sec.) The name of the corporation is "Highlands Hospital Foundation".

Watson Mundorff & Sepic, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425  
Phone: 724-626-8882

### ARTICLES OF INCORPORATION

Notice is hereby given that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania on the 28th of April 2019 for a proposed nonprofit corporation which will be incorporated under the provisions of the Nonprofit Corporation Law of 1988. The name of the corporation is Julia House, LLC and the purpose for which said organization is organized is: Providing support and housing for women and children experiencing domestic violence, addiction, homelessness, etc. and for any and all the lawful business for which corporations may be organized under the Business Corporation Law.

### NOTICE OF ACTION IN MORTGAGE FORECLOSURE

IN THE COURT OF COMMON PLEAS OF  
FAYETTE COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW  
NO.: 2018-02646

**PNC BANK, NATIONAL ASSOCIATION,**  
**Plaintiff,**

**vs.**

**John L. Hixenbaugh, AKA John Hixenbaugh,**  
**Defendant**

TO: John L. Hixenbaugh, AKA John  
Hixenbaugh, Defendant

You are hereby notified that Plaintiff, PNC Bank, National Association, filed an Action in Mortgage Foreclosure endorsed with a Notice to Defend, in the Court of Common Pleas of Fayette County, Pennsylvania, docketed to No. 2018-02646, seeking to foreclose the mortgage secured by the real estate located at 312 Second Street, Adah, PA 15410.

A copy of the Action in Mortgage Foreclosure will be sent to you upon request to the Attorney for the Plaintiff, Manley Deas Kochalski LLC, P. O. Box 165028, Columbus, OH 43216-5028. Phone 614-220-5611.

You have been sued in court. If you wish to defend against the claims in this notice, you must take action within twenty (20) days after this publication, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any 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 LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

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(800) 692-7375

Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
(800) 692-7375

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## SHERIFF'S SALE

Date of Sale: August 15, 2019

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, August 15, 2019, 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

PARKER McCAY P.A.  
By: Patrick J Wesner, Esquire  
Attorney ID# 203145  
9000 Midlantic Drive, Suite 300  
P.O. Box 5054  
Mount Laurel, NJ 08054-1539  
(856) 810-5815

No. 67 of 2019 GD

No. 117 of 2019 ED

**Deutsche Bank National Trust Company, as Trustee for Morgan Stanley Capital I Inc. Trust 2006-NC2, Mortgage Pass- Through Certificates, Series 2006-NC2 c/o Specialized Loan Servicing LLC**

**Plaintiff,**

v.

**Doris Anne Boord a/k/a Doris Foley**

**Mark Foley**

**Defendants.**

By virtue of a Writ of Execution, No. 67 of 2019 GD Deutsche Bank National Trust Company, et al vs. Doris Anne Boord a/k/a Doris Foley, owner of property situate in the TOWNSHIP OF NEW GENEVA, NICHOLSON TOWNSHIP, Fayette County, Pennsylvania

133 Ferry Street, New Geneva, PA 15467  
Parcel No. 24-16-000-8

Improvements thereon: RESIDENTIAL SINGLE FAMILY DWELLING

---

Phelan Hallinan Diamond & Jones, LLP

No. 2542 of 2018 GD

No. 151 of 2019 ED

**PNC Bank, National Association, Successor by Merger to National City Mortgage, A Division of National City Bank**

**Plaintiff**

v.

**Larry O. Boyd**

**Defendant(s)**

By virtue of a Writ of Execution No. 2018-02542, PNC Bank, National Association, Successor by Merger to National City Mortgage, A Division of National City Bank v. Larry O. Boyd, owner(s) of property situate in the WASHINGTON TOWNSHIP, Fayette County,

Pennsylvania, being 109 Perry Avenue, A/K/A  
111 Perry Avenue, Belle Vernon, PA 15012  
Parcel No.: 41070095  
Improvements thereon: RESIDENTIAL  
DWELLING

Phelan Hallinan Diamond & Jones, LLP

No. 2296 of 2018 GD  
No. 100 of 2019 ED

**The Money Source, Inc.**  
**Plaintiff**  
v.

**Timothy D. Cramer, Jr a/k/a Timothy D. Cramer**  
**Defendant(s)**

By virtue of a Writ of Execution No. 2296-OF-2018-GD, The Money Source, Inc. v. Timothy D. Cramer, Jr a/k/a Timothy D. Cramer, owner(s) of property situate in the HENRY CLAY TOWNSHIP, Fayette County, Pennsylvania, being 344 Braddock Road, Markleysburg, PA 15459-1120  
Parcel No.: 16-15-001705  
Improvements thereon: RESIDENTIAL DWELLING

KML Law Group, P.C.  
Suite 5000 - BNY Independence Center  
701 Market Street  
Philadelphia, PA 19106-1532  
215-627-1322

No. 2328 of 2018 GD  
No. 118 of 2019 ED

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

**vs.**  
**CAMERON E. CONN**  
**Mortgagor(s) and Record Owner(s)**  
**222 East Fairview Avenue**  
**Connellsville, PA 15425**  
**Defendant(s)**

ALL THAT CERTAIN tract of land situate on the south side of east Fairview Avenue, Formerly Grave Street, City of Connellsville,

Fayette County, Pennsylvania.  
TAX PARCEL# 05110010  
PROPERTY ADDRESS: 222 East  
Fairview Avenue Connellsville, PA 15425  
IMPROVEMENTS: A residential  
dwelling.

SOLD AS THE PROPERTY OF:  
CAMERON E. CONN

RAS Citron, LLC  
Robert Crawley, Esq. ID No. 319712  
133 Gaither Drive, Suite F  
Mt. Laurel, NJ 08054  
855-225-6906  
rcrawley@rasnj.com

No. 2733 of 2012 GD  
No. 97 of 2019 ED

**JAMES B. NUTTER & COMPANY**  
**Plaintiff**

**v.**  
**KENNETH DANIELS, IN HIS CAPACITY AS HEIR OF BETTY DANIELS, DECEASED; UNKNOWN HEIRS, SUCCESSORS, ASSIGNS AND ALL PERSONS, FIRMS OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER BETTY DANIELS, DECEASED; SCOTT OHLER**  
**Defendant(s)**

ALL THOSE CERTAIN LOTS OR PIECES OF GROUND SITUATE IN STEWART TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA:  
BEING KNOWN AS: 441 MAPLE SUMMIT RD MILL RUN, PA 15464  
BEING PARCEL NUMBER: 37-08-0034  
IMPROVEMENTS: RESIDENTIAL PROPERTY

No. 2720 of 2018 GD  
No. 154 of 2019 ED

**CNB BANK,**  
**Plaintiff,**  
**vs.**  
**DETWILER HOLDINGS, LLC,**  
**a Pennsylvania limited liability company,**  
**Defendant.**



All that certain piece or parcel of land, together with any buildings and improvements which may be erected thereon, situate in the Borough of South Connellsville, Fayette County, Pennsylvania, Being 1508 S. Pittsburgh Street, Connellsville, PA 15425, Tax Parcel ID No. 33-04-0092.

STERN AND EISENBERG, PC  
EDWARD J. MCKEE, ESQ.

No. 322 of 2019 GD  
No. 140 of 2019 ED

**DEUTSCHE BANK NATIONAL TRUST COMPANY, as Trustee for MORGAN STANLEY HOME EQUITY LOAN TRUST SERIES 2006-3**

**Plaintiff**

v.

**Richard R. DuMontier a/k/a Richard DuMontier**

**Defendant(s)**

SITUATE IN THE THIRD WARD OF THE BOROUGH OF SOUTH CONNELLSVILLE, FAYETTE COUNTY, PENNSYLVANIA, BEING KNOWN AS 1714 South Pittsburgh Street, Connellsville, PA 15425

PARCEL NO. 33-06-0101

IMPROVEMENTS - RESIDENTIAL REAL ESTATE

SOLD AS THE PROPERTY OF- Richard R. DuMontier a/k/a Richard DuMontier

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

No. 256 of 2019 GD  
No. 114 of 2019 ED

**Lakeview Loan Servicing, LLC.**

**Plaintiff**

v.

**Joseph M. Edwards**

**Defendant**

FIRST: ALL THAT CERTAIN TRACT OF LAND SITUATE IN THE BOROUGH OF EVERSON, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA,

BEING KNOWN AS LOT NO. 465 IN LIVENGOOD'S ADDITION TO SAID BOROUGH, AND BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST SIDE OF MAPLE STREET 120 FEET FROM VANCE STREET; THENCE ALONG SAID STREET 30 FEET TO LOT NO. 466; THENCE ALONG SAID LOT EASTWARDLY 110 FEET TO AN ALLEY; THENCE ALONG SAID ALLEY NORTHERLY 30 FEET TO A POINT; THENCE ALONG LOT NO. 464 WESTWARDLY 110 FEET TO MAPLE STREET, THE PLACE OF BEGINNING.

SECOND: ALL THAT CERTAIN PIECE OF GROUND SITUATE IN THE BOROUGH OF EVERSON, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERN SIDE OF MAPLE STREET 120 FEET SOUTH FROM VANCE STREET; THENCE BY THE LINE BETWEEN LOT NO. 464 AND 465 EASTERLY 110 FEET TO AN ALLEY; THENCE ALONG SAID ALLEY NORTHERLY A DISTANCE OF 6 INCHES; THENCE BY A LINE PARALLEL TO AND 6 INCHES DISTANT FROM THE DIVIDING LINE OF LOTS 464 AND 465 IN A WESTERLY DIRECTION 110 FEET; THENCE IN A SOUTHERLY DIRECTION ALONG MAPLE STREET 6 INCHES TO THE PLACE OF BEGINNING. BEING THE SOUTHERLY 6 INCHES OF LOT NO. 464.

THE ABOVE TWO TRACTS ARE UNDER AND SUBJECT TO SUCH EXCEPTIONS, RESERVATIONS, CONDITIONS, EASEMENTS, RIGHTS OF WAY AND COVENANTS AS MAY HAVE BEEN EXCEPTED, RESERVED, GRANTED OR CONVEYED BY PREDECESSORS IN TITLE BY INSTRUMENTS OF RECORD INsofar AS THEY MAY AFFECT THE PREMISE HEREBY CONVEYED.

Being known as: 110 Maple Street, Everson, Pennsylvania 15631

Title vesting in Joseph M. Edwards by Deed from David F. Banaszak and Linda S. Banaszak, his wife; dated September 12, 2014 and recorded September 22, 2014 in Deed Book 3259, Page 1195 Instrument Number 201400009648.

Tax Parcel Number: 10-03-0020

MATTLEMAN, WEINROTH & MILLER, P.C.  
401 Route 70 East, Suite 100  
Cherry Hill, NJ 08034  
(856) 429-5507

No. 465 of 2017 GD  
No. 143 of 2019 ED

**BAYVIEW LOAN SERVICING, LLC**  
**PLAINTIFF**

vs.

**RAYMOND I. FALLECKER, JR.,**  
**INDIVIDUALLY AND AS CO-EXECUTOR**  
**OF THE ESTATE OF JOSEPH E.**  
**GEORGE, DECEASED; ANGELA**  
**GEORGE, INDIVIDUALLY AND AS CO-**  
**EXECUTRIX OF THE ESTATE OF**  
**JOSEPH E. GEORGE, DECEASED;**  
**JOSEPH A. GEORGE, KNOWN HEIR ;**  
**DEANNA MILLIRON, KNOWN HEIR;**  
**MELANIE GOOD, KNOWN HEIR ;**  
**CHRISTOPHER ALAN GEORGE, KNOWN**  
**HEIR; TIMOTHY GEORGE, KNOWN**  
**HEIR**

**DEFENDANT(S)**

By virtue of a Writ of Execution No.: 465 of 2017, G.D., Bayview Loan Servicing, LLC v. Raymond I. Fallecker, Jr. et al, Owner(s) of property situate in the REDSTONE TOWNSHIP, Fayette County, Pennsylvania, being 480 2nd Street, Chestnut Ridge, PA 15422 Parcel No: 30-20-0080

KML Law Group, P.C.  
Suite 5000 - BNY Independence Center  
701 Market Street  
Philadelphia, PA 19106-1532  
215-627-1322

No. 118 of 2019 GD  
No. 152 of 2019 ED

**KEYBANK NA S/B/M FIRST NIAGARA**  
**BANK**  
**4224 Ridge Lea Road**  
**Amherst, NY 14226**  
**Plaintiff**

vs.

**RICHARD M. GRESH SR. AKA RICHARD**  
**GRESH**  
**Mortgagor(s) and Record Owner(s)**

**214 Hogsett Street**  
**North Union, PA 15401**  
**Defendant(s)**

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

BEING KNOWN AS: 214 HOGSETT STREET, NORTH UNION, PA 15401 TAX PARCEL# 25230119

IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: RICHARD M. GRESH SR. AKA RICHARD GRESH ATTORNEY: KML LAW GROUP, P.C.

KML Law Group, P.C.  
Suite 5000 - BNY Independence Center  
701 Market Street  
Philadelphia, PA 19106-1532  
215-627-1322

No. 1570 of 2018 GD  
No. 137 of 2019 ED

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

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

vs.

**The Unknown Heirs of Anita L. Harvey**  
**Deceased**

**GEORGE HARVEY Solely in His Capacity**  
**as Heir of Anita L. Harvey Deceased**  
**JAMES HARVEY Solely in His Capacity as**  
**Heir of Anita L. Harvey Deceased**  
**MICKEY HARVEY Solely in His Capacity as**  
**Heir of Anita L. Harvey Deceased**  
**TERRI A. HARVEY Individually, and in her**  
**capacity as Heir of Anita L. Harvey, Deceased**  
**444 High Street**  
**Brownsville, PA 15417**  
**Defendant(s)**

ALL THAT CERTAIN lot or piece of land, situate in the Borough of Brownsville (formerly Borough of South Brownsville), Fayette County, Pennsylvania

TAX PARCEL # 02-10-0059

PROPERTY ADDRESS: 444 High Street  
 Brownsville, PA 15417

IMPROVEMENTS: A residential  
 dwelling.

SOLD AS THE PROPERTY OF: The Unknown  
 Heirs of Anita L. Harvey Deceased, GEORGE  
 HARVEY Solely in His Capacity as Heir of  
 Anita L. Harvey Deceased, JAMES HARVEY  
 Solely in His Capacity as Heir of Anita L.  
 Harvey Deceased, MICKEY HARVEY Solely  
 in His Capacity as Heir of Anita L. Harvey  
 Deceased and TERRI A. HARVEY  
 Individually, and in her capacity as Heir of Anita  
 L. Harvey, Deceased

ALL that certain parcel of land lying and  
 being situate in the Township of German,  
 County of Fayette, and Commonwealth of  
 Pennsylvania, known as 312 Second Street,  
 Adah, PA 15410 having erected thereon a  
 dwelling house.

Being known and designated as Tax ID  
 No.: 15210078

BEING the same premises which John L.  
 Hixenbaugh and Frances M. Hixenbaugh, his  
 wife, by Deed dated August 31, 2007 and  
 recorded in and for Fayette County,  
 Pennsylvania in Deed Book 3039, Page 332,  
 granted and conveyed unto John L. Hixenbaugh.

Edward T. Harvey, Esquire  
 Ryan G. Lemke, Esquire  
 HERGENROEDER REGA EWING &  
 KENNEDY, LLC  
 Centre City Tower, Suite 1700  
 650 Smithfield Street  
 Pittsburgh, PA 15222  
 (412) 281-7724

No. 224 of 2019 GD  
 No. 145 of 2019 ED

**DEFENDANT: LAWRENCE HERMAN, JR.**

CASE NO.: 224 of 2019 GD

DEBT: \$20,438.61

SHORT DESCRIPTION: In the Commonwealth  
 of Pennsylvania, County of Fayette, City of  
 Connellsville:

HAVING ERECTED THEREON A  
 DWELLING BEING KNOWN AND  
 NUMBERED AS 801 FRANKLIN AVENUE,  
 CONNELLSVILLE, PA 15425. TAX PARCEL  
 ID 05-11-0080.

No. 2646 of 2018 GD  
 No. 109 of 2019 ED

**PNC Bank, National Association**  
**Plaintiff,**  
**vs.**

**John L. Hixenbaugh, AKA John Hixenbaugh**  
**Defendant.**

No. 60351 of 2019 GD  
 No. 120 of 2019 ED

**UNITED BANK, a Virginia banking**  
**corporation**

**Petitioner,**  
**v.**

**APRIL J. HULL and MICHAEL BRANT,**  
**Respondents.**

An undivided one-half ( 1/2) interest in all  
 of that certain lot or parcel of real estate, lying  
 and being situate in Wharton Township, Fayette  
 County, Pennsylvania, and being more  
 particularly bounded and described as follows,  
 to wit:

Beginning at an iron pin on the eastern  
 margin of Legislative Route 26073 leading  
 from Gibbons Glade, Pennsylvania to Clifton  
 Mills, West Virginia, said iron pin is located at  
 the Northwest comer of a 1.5 acre tract  
 conveyed by predecessors in title to Dale A.  
 Savage by deed dated May 21, 1979, and  
 recorded in the Office of the Recorder of Deeds  
 of Fayette County, in Deed Book Volume 1254,  
 at Page 385; thence along the eastern margin of  
 said Legislative Route, N. 8° 15' East, a  
 distance of 522.5 feet to an iron pin; thence due  
 East for a distance of 297 feet to an iron pin  
 comer; thence along line of land now or  
 formerly of Raymond and Betty Hager, S. 8° 15'  
 West a distance of 522.5 feet to an iron pin at  
 the Northeast comer of said land of Dale A.  
 Savage; thence along line of said land due West  
 for a distance of 297 feet to the iron pin at the  
 place of beginning, containing an area of 3.5  
 acres, as per survey of Walter R. Hager and

Delbert R. Hager, Surveyors, made May 8, 1979, of record in the aforesaid Recorder's office in Deed Book 1259, at Page 763.

EXCEPTING AND RESERVING, however, from this conveyance all of the coal, mining rights and privileges that were reserved in the conveyance from William Thomas et ux., to John W. Seese by deed dated October 28, 1907, and recorded in the Recorder's Office of Fayette County, Pennsylvania, in Deed Book Volume 277, Page 177.

BEING the same interest in real estate as conveyed to Michael Brant from Arnold Brant by deed dated the 4th day of October, 2002, recorded in the aforesaid Recorder's office in Book 284 1, at Page 1986.

DEED DATE: October 4, 2002

RECORDED in Record Book 2841, at Page 1986

TAX IDENTIFICATION: 42-36-0020

BEING 756 Canaan Church Road, Gibbon Glade, PA 15440-1206

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STERN & EISENBERG PC  
Andrew J. Marley, Esquire

No. 1998 of 2018 GD  
No. 141 of 2019 ED

**Quicken Loans Inc.**  
**Plaintiff**  
v.  
**Steven Jenkins**  
**Defendants**

SITUATE IN REDSTONE TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA, BEING KNOWN AS 610 DAVIDSON ROAD, GRINDSTONE, PA 15442.

PARCEL NO. 30-06-0244

IMPROVEMENTS - RESIDENTIAL REAL ESTATE

SOLD AS THE PROPERTY OF - STEVEN JENKINS

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No. 1973 of 2018 GD  
No. 115 of 2019 ED

**The Huntington National Bank**  
**Plaintiff,**

vs.

**Robin A. Keffer, as believed Heir and/or Administrator to the Estate of Kevin E. Keffer; Unknown Heirs and/or Administrators to the Estate of Kevin E. Keffer**

**Defendants.**

ALL that certain parcel of land lying and being situate in the Township of Washington, County of Fayette, and Commonwealth of Pennsylvania, known as 130 Branthoover Street, Belle Vernon, PA 15012 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 4104004101

BEING the same premises which Catherine Gamer, unmarried, by Deed dated March 7, 2014 and recorded in and for Fayette County, Pennsylvania in Deed Book 3244, Page 977, granted and conveyed unto Kevin E. Keffer, married.

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No. 638 of 2018 GD  
No. 93 of 2019 ED

**Bayview Loan Servicing, LLC, a Delaware Limited Liability Company**

**PLAINTIFF**

vs.

**Kathryn Laymon a/k/a Kathryn F. Laymon and Pamela S. Laymon**  
**DEFENDANTS**

ALL THAT CERTAIN tract or parcel of land situate in Saltlick Township, Fayette County, Pennsylvania, more particularly bound and described as follows:

COMMONLY KNOWN AS: 436 White Road assessed as 434 White Road, Normalville, PA 15469

TAX PARCEL NO. 31-07-0161

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KML Law Group, P.C.  
 Suite 5000 - BNY Independence Center  
 701 Market Street  
 Philadelphia, PA 19106-1532  
 215-627-1322

No. 257 of 2019 GD  
 No. 99 of 2019 ED

**PNC BANK, NATIONAL ASSOCIATION,  
 SUCCESSOR BY MERGER TO  
 NATIONAL CITY BANK  
 3232 Newmark Drive  
 Miamisburg, OH 45342**

**Plaintiff**

vs.

**JANET L. LUBISH AKA JANET L.  
 WROBLE**

**Mortgagor(s) and Record Owner(s)  
 1579 Mcclellandtown Road aka Route 21  
 Mcclellandtown Road Masontown, PA 15461  
 Defendant(s)**

ALL THAT CERTAIN tract of land situate on the South side of State Highway Route No. 21 in German Township, County of Fayette and Commonwealth of Pennsylvania.

TAX PARCEL # 15-22-0271-01  
 PROPERTY ADDRESS: 1579  
 Mcclellandtown Road aka Route 21  
 Mcclellandtown Road Masontown, PA 15461

IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF: JANET L. LUBISH AKA JANET L. WROBLE

No. 1938 of 2018 GD  
 No. 144 of 2019 ED

**Nationstar Mortgage LLC d/b/a Mr. Cooper  
 Plaintiff,**

vs.

**Unknown Heirs and/or Administrators to the Estate of Elizabeth Miracle; James Cottrell, Jr., as believed Heir and/or Administrator to the Estate of Elizabeth Miracle  
 Defendants.**

ALL that certain parcel of land lying and being situate in the \*\*\*PropertyCityBoroughOrTownship MC\*\*\* of Point Marion, County of Fayette, and Commonwealth of Pennsylvania, known as 403

Ontario Avenue, Point Marion, PA 15474 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 29020262

BEING the same premises which Lois C. Miracle, single, by Deed dated October 5, 2005 and recorded in and for Fayette County, Pennsylvania in Deed Book 2963, Page 47, granted and conveyed unto Elizabeth Miracle.

No. 1343 of 2018 GD  
 No. 112 of 2019 ED

**The Huntington National Bank  
 Plaintiff,**

vs.

**Unknown Heirs and/or Administrators of the Estate of John R. Muller  
 Defendant.**

ALL that certain parcel of land lying and being situate in the Township of Washington, County of Fayette, and Commonwealth of Pennsylvania, known as 315 Perry Avenue, Belle Vernon, PA 15012 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 41070272

BEING the same premises which Warner J. Wisyanski and Patricia Wisyanski, husband and wife, by Deed dated April 21, 2014 and recorded in and for Fayette County, Pennsylvania in Deed Book 3247, Page 500, granted and conveyed unto John R. Muller, unmarried.

No. 1793 of 2017 GD  
 No. 106 of 2019 ED

**Wells Fargo Bank, NA  
 Plaintiff,**

vs.

**Matthew B. Nutt; Amanda Bernot, AKA  
 Amanda R. Bernot  
 Defendants.**

ALL that certain parcel of land lying and being situate in the Borough of Brownsville, County of Fayette, and Commonwealth of Pennsylvania, known as 121 Blaine Avenue, Brownsville, PA 15417 having erected thereon a dwelling house.

Being known and designated as Tax ID

No.: 02110072, 0211007201

BEING the same premises which John B. Harvey and Rebecca A. O'shea, now known as Rebecca A. Harvey, husband and wife, by Deed dated October 7, 2015 and recorded in and for Fayette County, Pennsylvania in Deed Book 3292, Page 615, granted and conveyed unto Matthew B. Nutt and Amanda Bernot.

No. 294 of 2019 GD  
No. 132 of 2019 ED

**FIRST NATIONAL BANK OF PENNSYLVANIA,**  
**Plaintiff,**  
**vs.**  
**MICHELE L. PANEPINTO,**  
**Defendant.**

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF MICHELE L. PANEPINTO, OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT CERTAIN REAL ESTATE SITUATED IN THE BOROUGH OF PERRYOPOLIS, FAYETTE COUNTY, PENNSYLVANIA. HAVING ERECTED THEREON A DWELLING KNOWN AS 501 KING STREET, PERRYOPOLIS, PA 15473. DEED BOOK VOLUME 3326, PAGE 722 AND PARCEL NUMBER 28-09-0051.

STERN & EISENBERG PC  
EDWARD J. MCKEE, ESQUIRE

No. 2732 of 2018 GD  
No. 131 of 2019 ED

**Wells Fargo Bank, N.A. as Trustee for Option One Mortgage Loan Trust 2007-FXD1**  
**Plaintiff**  
**v.**  
**Anthony Reno**  
**Defendant**

SITUATE IN WHARTON TOWNSHIP, AND PARTLY IN HENRY CLAY TOWNSHIP, FAYETTE COUNTY, AND COMMONWEALTH OF PENNSYLVANIA, BEING KNOWN AS 335 DINNER BELL OHIOPYLE ROAD, FARMINGTON, PA 15437

PARCEL NO. 16-06-000107

IMPROVEMENTS - RESIDENTIAL REAL ESTATE  
SOLD AS THE PROPERTY OF - ANTHONY RENO

No. 159 of 2019 GD  
No. 124 of 2019 ED

**COMMUNITY BANK,**  
**Plaintiff,**  
**vs.**  
**EDWARD L. RUGG**  
**Defendant.**

ALL THE RIGHT, TITLE AND INTEREST OF EDWARD L. RUGG, OWNER OR REPUTED OWNER, IN AND TO:

ALL those two certain lots of land situate in Henry Clay Township, Fayette County, Pennsylvania, more particularly bounded and described as follows:

FOR PRIOR TITLE the same property conveyed to Edward L. Rugg, by deed of Susan L. Guthrie, a widow and unmarried, Vickie Schroyer and Gary Guthrie, her Attorneys-in-Fact by Power of Attorney dated January 16, 2009, recorded in Record Book 3285, Page 1034, deed dated November 18, 2015 and recorded in the Fayette County Recorder of Deeds Office on December 14, 2015, at Instrument Number: 201500013913.

Which has an address of 906 Flat Rock Road, Markleysburg, PA 15459.

Tax Parcel No: 16-11-0087

No. 1041 of 2018 GD  
No. 104 of 2019 ED

**PNC Bank, National Association, Successor By Merger To National City Bank**  
**Plaintiff,**  
**vs.**  
**Leonard B. Sampson, Executor of the Estate of Charmaine L. Sampson; Faycohome I, LLC**  
**Defendants.**

ALL that certain parcel of land lying and being situate in the City of Uniontown, County of Fayette and Commonwealth of Pennsylvania, known 317 Evans Street, Uniontown, PA 15401 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 38030332

BEING the same premises which Fayette County Tax Claim Bureau, Fayette County, Pennsylvania, as Trustee, by Deed dated December 5, 2017 and recorded in and for Fayette County, Pennsylvania in Deed Book 3358, Page 1579, granted and conveyed unto Faycohome I, LLC.

MARTHA E. VON ROSENSTIEL, P.C.  
649 South Ave, Ste 7, Secane, PA 19018  
(610) 328-2887

No. 618 of 2019 GD  
No. 149 of 2019 ED

**WILMINGTON TRUST, NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE FOR MFRA TRUST 2014-1**

**Plaintiff,**  
v.

**CHARLES SAMUEL SMITH AND VALERIE SUZANNE SMITH**  
**Defendant(s).**

DOCKET # 2019-618

FIRST

ALL that certain tract of land situate on the South side of Georges Creek in Springhill Township, Fayette County, Pennsylvania, and more particularly bounded and described as follows, viz:

BEGINNING at a point on the South bank of aforesaid Georges Creek near the road leading formerly from Weaver 's Mill to Morton 's Mill; thence South 28 ½ degrees West, to a stone (being a continuation of a line extending from a willow tree on the opposite side of said creek, 84.15 feet to said stone); thence along the aforesaid road and land now or formerly of John Beighley, North 30 ¾ degrees West, 179.86 feet to a stone; thence South 33 ¾ degrees West, 321.75 feet to a stone; thence South 8 1/4 degrees West, 161.7 feet to a stone; thence North 31 1/4 degrees West, 892.65 feet to a stone; thence by land now or formerly of Samuel Morton, North 56 degrees East, 269.65 feet to a stone; thence North 89 1/2 degrees East, 191.4 feet to a stone; thence North 24 1/2 degrees East to the South bank of aforesaid Georges Creek; thence following the South bank of said creek in

a Southeasterly direction to the place of beginning, and containing 8 acres, more or less.

SECOND

ALL that certain piece or parcel of land situate and lying in Springhill Township, Fayette County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center of the public road leading from Mortons Mill to Weavers Mill at the intersection of the northern line of the right of way of the Baltimore and Ohio Railway; thence along the center of said road, the following courses and distances: N. 6 degrees 16 minutes East, 130.70 feet; thence N. 31 degrees 46 minutes East, 128.30 feet to a point; thence S. 47 degrees 38 minutes East, a distance of 123.26 feet to a point in the Northern line of the right of way of the Baltimore and Ohio Railway; S. 47 degrees 57 minutes West, 232.82 feet along the same by a curve to the left, with a radius of 15-17-7. Containing .395 acres as per survey of Charles F. Grimm, a copy of which is recorded in the deed recorded in the Recorder's Office of Fayette County, Pennsylvania in Deed Book 1269, page 307.

TAX PARCEL# 36-05-0029

PROPERTY: 127 Georges Creek Road F/K/A 126 Georges Creek Road, Smithfield, PA 15478

IMPROVEMENTS: Residential Dwelling  
TO BE SOLD AS THE PROPERTY OF:  
Charles Samuel Smith and Valerie Suzanne Smith

ANNE N. JOHN Esq.  
ATTORNEY AT LAW

No. 2745 of 2018 GD  
No. 177 of 2019 ED

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

vs.

**RUPERT SMITLEY,**  
**Defendant.**

ALL those two certain lots or parcels of land situate near Ruble in Georges Township, Fayette County, Pennsylvania consisting of Parcel one containing 6.138 acres and Parcel Two containing 4.795 acres.

FOR prior title see Record Book 174, page

94.  
 Tax Assessment Map No.: 14-33-0078.  
 UPON which there is erected a residential single- family brick dwelling known locally as RD #1 Box 132, a/k/a 297 Ruble Mill Road, Smithfield PA 15478.

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KML Law Group, P.C.  
 Suite 5000 - BNY Independence Center  
 701 Market Street  
 Philadelphia, PA 19106-1532  
 215-627-1322

No. 193 of 2019 GD  
 No. 102 of 2019 ED

**PACIFIC UNION FINANCIAL, LLC**  
**1603 LBJ Freeway**  
**Suite 500**  
**Farmers Branch, TX 75234**  
**Plaintiff,**  
**vs.**  
**JASON STARK**  
**Mortgagor(s) and Record Owner(s)**  
**596 Liberty Street**  
**Perryopolis, PA 15473**  
**Defendant(s)**

ALL THAT CERTAIN lots or parcels of land situate in the borough of Perryopolis, formerly the Township of Perry County of Fayette and Commonwealth of Pennsylvania.  
 TAX PARCEL# 28-03-0016  
 PROPERTY ADDRESS: 596 Liberty Street Perryopolis, PA 15473  
 IMPROVEMENTS: A residential dwelling.  
 SOLD AS THE PROPERTY OF: JASON STARK

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No. 2696 of 2018 GD  
 No. 103 of 2019 ED

**PNC Bank, National Association**  
**Plaintiff,**  
**vs.**  
**Nicki M. Todaro**  
**Defendant.**

ALL that certain parcel of land lying and being situate in the Borough of Newell, County of Fayette, and Commonwealth of Pennsylvania,

known as 736 2nd Street, Newell, AKA Fayette City, PA 15466 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 23-02-0007.

BEING the same premises which Nicki M. Todaro and Vincent D. Todaro, her husband, by Deed dated June 7, 1990 and recorded in and for Fayette County, Pennsylvania in Deed Book 0696, Page 0140, granted and conveyed unto Nicki M. Todaro and Vincent D. Todaro, husband and wife.

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KML Law Group, P.C.  
 Suite 5000 - BNY Independence Center  
 701 Market Street  
 Philadelphia, PA 19106-1532  
 215-627-1322

No. 1658 of 2017 GD  
 No. 138 of 2019 ED

**PNC BANK, NATIONAL ASSOCIATION**  
**c/o PNC Bank, N.A.**  
**3232 Newmark Drive**  
**Miamisburg, OH 45342**  
**Plaintiff**  
**vs.**

**UNKNOWN HEIRS, SUCCESSOR,**  
**ASSIGNS AND ALL PERSONS, FIRMS, OR**  
**ASSOCIATIONS CLAIMING RIGHT,**  
**TITLE OR INTEREST FROM OR UNDER**  
**DAISY L. WEAVER**  
**ERIKA WEAVER Known Heir of Daisy L. Weaver**  
**SONYA WEAVER Known Heir of Daisy L. Weaver**  
**LAWRENCE D. WEAVER Known Heir of Daisy L. Weaver**  
**7 Plum Street**  
**Masontown, PA 15461**  
**Defendant(s)**

ALL THAT CERTAIN LOTS OF LAND situate in the Borough of Masontown, County of Fayette and Commonwealth of Pennsylvania.

TAX PARCEL #21-08-0101  
 PROPERTY ADDRESS: 7 Plum Street Masontown, PA 15461

IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF:  
 UNKNOWN HEIRS, SUCCESSOR, ASSIGNS



AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER DAISY L. WEAVER, ERIKA WEAVER KNOWN HEIR OF DAISY L. WEAVER, SONYA WEAVER KNOWN HEIR OF DAISY L. WEAVER AND LAWRENCE D. WEAVER KNOWN HEIR OF DAISY L. WEAVER

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No. 97 of 2019 GD  
No. 101 of 2019 ED

**U.S. Bank National Association, not in its individual capacity but solely as Trustee for the CIM Trust 2018-R5 Mortgage-Backed Notes, Series 2018-R5**

**Plaintiff,**  
**vs.**

**Lon D. Welsh, AKA Lon Welsh; Dawna C. Welsh, AKA Dawna Welsh**  
**Defendants.**

ALL that certain parcel of land lying and being situate in the Borough of Dunbar, County of Fayette, and Commonwealth of Pennsylvania, known as 14 Hancock Street, Dunbar, PA 15431 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 08030069

BEING the same premises which Charles R. Neighbors and Cecilia A. Neighbors, his wife, by Deed dated June 13, 2001 and recorded in and for Fayette County, Pennsylvania in Deed Book 2769, Page 173, granted and conveyed unto Lon D. Welsh and Dawna C. Welsh, his wife.

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JOHN AND JOHN  
ATTORNEYS AT LAW

No. 2613 of 2017 GD  
No. 139 of 2019 ED

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

**vs.**

**JOHN M. ZEGLEN and DIANE L. ZEGLEN, his wife, Defendants and Real Owners and UNITED STATES OF AMERICA, Additional Defendant and**

### **Lienholder**

ALL that certain lot of land situate in South Union Township, Fayette County, Pennsylvania, being numbered and designated as Lot No. 153 in the plan of lots laid out by Highland Realty Co. called "Plan No. 5 Heritage Hills", a plot of which is of record in the Office of the Recorder of Deeds of Fayette County, Pennsylvania in Plan Book Vol. 31, page 28; CONTAINING an area of 0.8274 acres.

See Record Book 829 page 182.

UPON which is erected a single -family dwelling known locally as 439 Independence Court, Uniontown, Pennsylvania 15401.

Tax Assessment Map No.: 34-27-0042-45.

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\*\*\* END SHERIFF'S SALE \*\*\*

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**JUDICIAL OPINION**

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

|                                  |   |                           |
|----------------------------------|---|---------------------------|
| THE WILLIAM F. AIKEN, JR. LIVING | : |                           |
| TRUST formerly WILLIAM F. AIKEN  | : |                           |
| and JUDITH B. AIKEN,             | : |                           |
| Plaintiff,                       | : |                           |
|                                  | : |                           |
| vs.                              | : |                           |
|                                  | : |                           |
| DANIEL B. FISHER and             | : |                           |
| LINDA K FISHER, their heirs,     | : |                           |
| successors, and assigns,         | : | No. 3429 of 2010, G.D.    |
| Defendants.                      | : | Honorable Nancy D. Vernon |

**OPINION AND ORDER**

VERNON, J.

June 26, 2019

Before the Court is a Motion for Summary Judgment filed by Plaintiff, The William F. Aiken, Jr. Living Trust formerly William F. Aiken and Judith B. Aiken, alleging that there are no genuine issues of material fact in dispute, and that the Defendants have not adduced sufficient evidence to state a claim of adverse possession upon which relief may be granted. The Aiken Living Trust therefore requests summary judgment be granted in its favor.

Defendants, Daniel B. Fisher and Linda K. Fisher, responded to the Motion for Summary Judgment alleging that they have been in actual, continuous, exclusive, visible, notorious, distinct and hostile possession of the property in question since December 18, 1986, a period in excess of twenty-one years.

**STANDARD OF REVIEW**

A Motion for Summary Judgment should be granted when there is no genuine issue of any material fact as to a necessary element of the cause of action or defense, or when an adverse party who will bear the burden of proof at trial has failed to produce evidence of facts essential to the cause of action or defense which in a jury trial would require the issues to be submitted to a jury. Pa.R.C.P. No. 1035.2. We must, “view the record in a light that is most favorable to the non-moving party, and all doubts as to the existence of a genuine issue of material fact must be resolved against the moving party.” Jones v. Se. Pennsylvania Transp. Auth., 772 A.2d 435, 438 (Pa. 2001). A material fact is one that “directly affects the outcome of the case,” and the moving

party has the burden of proving that no genuine issues of material fact exist. *Kuney v. Benjamin Franklin Clinic*, 751 A.2d 662, 664 (Pa. Super 2000). Additionally, the right to summary judgment must be clear and free of doubt. *Marks v. Tasman*, 589 A.2d 205, 206 (Pa. 1991).

### STATEMENT OF THE CASE

On December 18, 1986, Defendants, Daniel B. Fisher and Linda K. Fisher (hereafter “the Fishers”), acquired by deed 3.35 acres located at 211 Farmington – Ohiopyle Road in Fayette County, Pennsylvania. The Fishers claim that upon taking fee ownership of this property that they began maintaining three parcels abutting the property, which were then owned by Plaintiffs William F. Aiken and Judith B. Aiken. The Fishers aver that from the beginning of their ownership in 1986 until 1993, Daniel B. Fisher and his father engaged in an unincorporated business named “Landscaping by Fisher” and used Fishers’ property and the three surrounding parcels. In 1993, Daniel B. Fisher incorporated the business and continued operation of Landscaping by Fisher from his residence. Daniel Fisher claims that since 1986 the disputed area has been landscaped and maintained by him and his wife.

On July 1, 2010, the Fishers, in their individual capacity, and not as the corporate entity “Landscaping by Fisher”, filed a “Statement of Adverse Possession” in the Recorder of Deeds of Fayette County at Record Book 3127, Page 160, claiming title by adverse possession to the disputed parcels which total approximately 1.6 acres.

On December 20, 2010, William F. Aiken and Judith B. Aiken instituted the within action by filing a Complaint in Ejectment and Quiet Title, and thereafter, the William F. Aiken, Jr. Living Trust (hereafter “the Trust”) was substituted as Plaintiff. The Aiken Living Trust now moves for summary judgment claiming that the Fishers cannot sustain their claim for adverse possession as a matter of law because they were not individually in exclusive, continuous, and distinct and hostile possession of the disputed property for a period of twenty-one years.

The Aiken Living Trust avers that the actions of the Fishers, individually, and the actions of Landscaping by Fisher, the business, must be considered mutually exclusive resulting in the inability to prove the required twenty-one years necessary for a claim of adverse possession. In support of its motion, the Aiken Living Trust argues that because Landscaping by Fisher maintained dominion over the property after June 1993 and used it for its business purposes, that the Fishers, individually and as Defendants herein, may only claim a period of seven years being 1986 through 1993. Second, the Trust argues that Landscaping by Fisher also has not been in exclusive, continuous, distinct, visible and hostile possession for a period of twenty-one years, because Landscaping by Fisher was incorporated in 1993 with the ejectment action filed in 2010. The Aiken Living Trust also argues that the Fishers cannot “tack” the use or possession of Landscaping by Fisher to reach the necessary twenty-one years because there had been no conveyance by deed of the disputed property from the Fishers to the business.

Finally, the Trust alleges that “tacking” of the use or possession of Landscaping by Fisher should not be allowed because it would lead to the transformation of zoning violations into a claim of adverse possession, or it would lead to obtaining a “variance by adverse possession,” and both outcomes violate the community’s rights.

The Fishers responded to the Motion for Summary Judgment alleging that they have been in actual, continuous, exclusive, visible, notorious, distinct and hostile possession of the property in question since December 18, 1986, which is more than twenty-one years. In support of their argument, the Fishers recite that they have landscaped and maintained the property since that date and continue to do so. The Fishers argue that the incorporation of the business Landscaping by Fisher is not material to a determination of adverse possession.

### DISCUSSION

Adverse possession is an extraordinary doctrine that permits one to achieve ownership of another’s property by operation of law; accordingly, the grant of this extraordinary privilege should be based upon clear evidence. *Flannery v. Stump*, 786 A.2d 255 (Pa. Super. 2001). One who claims title by adverse possession must prove that he or she had (1) actual, (2) visible, (3) notorious, (4) exclusive and distinct, (5) hostile, and (6) continuous use (7) for twenty-one years. *Dunlap v. Larkin*, 493 A.2d 750, 756 (Pa. Super. 1985).

Each of the elements of adverse possession must exist in a claim of an ownership interest under the doctrine of adverse possession; otherwise, the possession will not confer title. *Johnson v. Tele-Media Co. of McKean County*, 90 A.3d 736 (Pa. Super. 2014). One who occupies land adversely for the prescriptive period gains an absolute, marketable title with the attendant right of possession, which title may be divested only in the manner in which title acquired by formal grant or conveyance may be divested, and it is not lost by neglecting to keep up possession. *Plauchak v. Boling*, 653 A.2d 671 (Pa. Super. 1995).

Generally, to support a claim or defense based on adverse possession, nothing short of an actual possession, continued permanently, will be sufficient to take away from the owner the possession that the law attaches to legal titles. *Flickinger v. Huston*, 435 A.2d 190 (Pa. Super. 1981). The determination of what constitutes actual possession of the property for the purposes of adverse possession depends on the facts of each case, and to large extent on the character of the premises. *Watkins v. Watkins*, 775 A.2d 841 (Pa. Super. 2001). “Actual possession” of land for the purposes of adverse possession is dominion over the land; it is not equivalent to occupancy. There is no fixed rule by which the “actual possession” of real property by an adverse possession claimant may be determined in all cases. *Id.* The requirements for actual possession of a property for purposes of adverse possession will necessarily vary based on the nature of the property. *Recreation Land Corp. v. Hartzfeld*, 947 A.2d 771 (Pa. Super. 2008).

To establish “continuous” possession, which is at issue in this Motion, a claimant is not required to continuously remain on the land, nor perform “acts of ownership from day to day.” *Brennan v. Manchester Crossings, Inc.*, 708 A.2d 815, 818 (Pa. Super. 1998). There are two ways to conceptualize “continuous” possession. First, “continuous” can be thought of as in contrast to “sporadic” possession. *Klos v. Molenda*, 513 A.2d 490, 493 (Pa. Super. 1986). Second, “continuous” can be thought of as “uninterrupted” possession for the full statutory period. *Fred E. Young, Inc. v. Brush Mountain Sportsmen’s Ass’n*, 697 A.2d 984, 990 (Pa. Super. 1997). For example, in *Brennan*, the court held that simple lawn maintenance when necessary, such as mowing, raking leaves, planting seed, and using the land for storage, for the statutory period of twenty-one years, was “continuous” and “uninterrupted,” and not “sporadic” sufficient to maintain a claim for adverse possession.

A review of the pleadings reveals that the Fishers pled they “as well as their predecessors in title, have been in” possession of the land for twenty-one years. See, Answer and New Matter, ¶3. The Aiken Living Trust maintains that the incorporation of Landscaping by Fisher in 1993 marked the end of the Fishers’ continuous possession of the property, and therefore, the Fishers no longer individually maintained the disputed tracts from 1993 through 2010. The Aiken Living Trust argues that the Fishers may not “tack” the use of Landscaping by Fisher because there has been no written conveyance of the disputed property by deed from the Fishers to Landscaping by Fisher.

In order for possession of successive occupants to be tacked, there must be privity between them. *Baylor v. Soska*, 658 A.2d 743 (Pa. 1995). The term “privity” refers to a succession of a relationship to the same thing, whether created by deed or other acts or by operation of law. *Stark v. Lardin*, 1 A.2d 784 (Pa. Super. 1938).

The Fishers argue that the incorporation of the business Landscaping by Fisher in 1993 did nothing to interrupt their continuous possession of the disputed property, as the business never owned or purported to own any of the premises. Whether the periods from 1986 until incorporation of Landscaping by Fisher in 1993, and then, 1993 until the within action was filed in 2010, should be treated as separate periods for adverse possession is a determination for the fact-finder after the presentation of evidence and testimony. Assuming, arguendo, that the Aiken Living Trust is correct that the possession of the Fishers, individually, and Landscaping by Fisher, as a business entity, are separate periods of possession, a factual determination must be made whether the Fishers and Landscaping by Fisher stand in privity to tack the periods of possession. Privity between parties may be obtained through a deed conveyance, or through “other acts or by operation of law.”

Further still, a material fact remains in dispute whether the period from 1993 through 2010 was maintained by the Fishers or by Landscaping by Fishers. Daniel Fisher averred that he and his wife have maintained the disputed parcels continuously. The determination of continuous possession is a material fact that can only be deduced by the fact-finder.

Considering the record in the light most favorable to the Fishers, the Motion for Summary Judgment must be denied because genuine issues of material facts remain concerning the Fishers' continuous possession of the property.

WHEREFORE, we will enter the following Order.

ORDER

AND NOW, this 25th day of June, 2019, upon consideration of the Motion for Summary Judgment filed by Plaintiff, The William F. Aiken, Jr. Living Trust formerly William F. Aiken and Judith B. Aiken, it is hereby ORDERED and DECREED the Motion is DENIED.

BY THE COURT:  
NANCY D. VERNON, JUDGE

ATTEST:  
PROTHONOTARY

**FCBA SUMMER PICNIC INVITATION***FCBA Summer Picnic*

The Fayette County Bar Association invites you and your family to a Summer Picnic hosted by Judge Steve and Shanon Leskinen

**Saturday July 20, 2019, at 6:00 p.m.**

Entertainment by the Cellar Dwellers  
Catering by Stone House BBQ



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