

# FAYETTE LEGAL JOURNAL

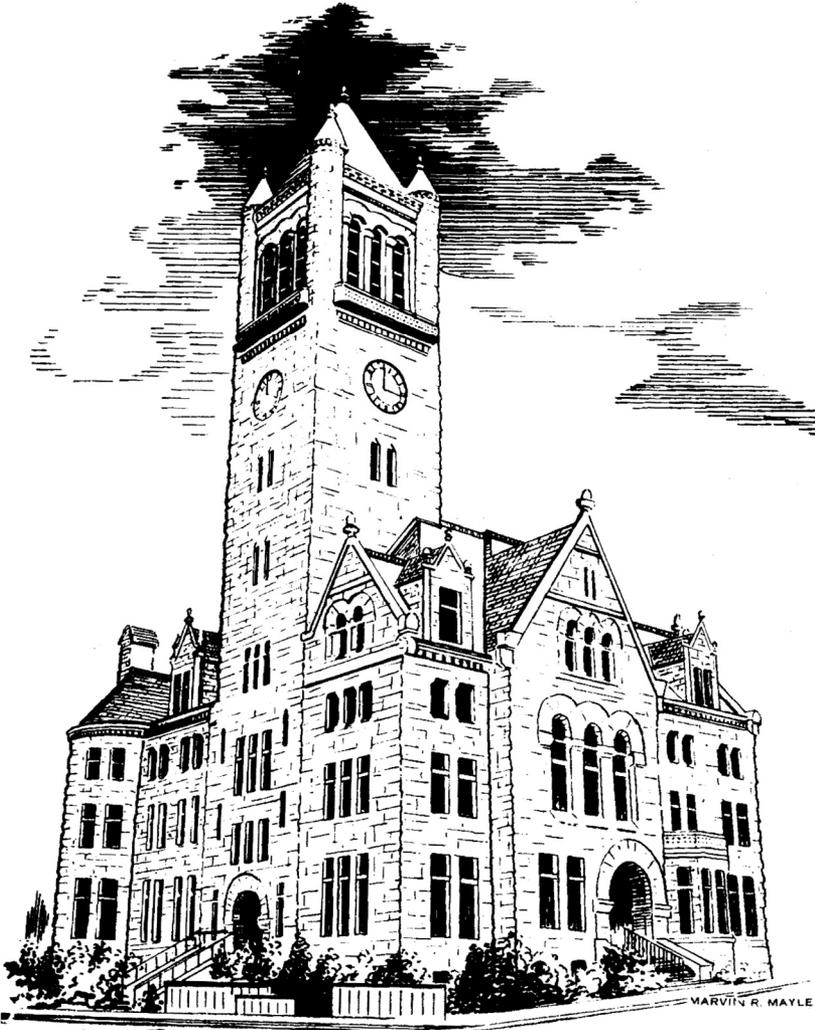
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## FAYETTE LEGAL JOURNAL

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**Co-Editors:** Garnet L. Gordon 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

**LILLIAN R. BARONI**, late of Uniontown,  
Fayette County, PA (3)

*Personal Representative:* Helene Dellarose  
c/o Dellarose Law Office, PLLC  
99 East Main Street, Suite 101  
Uniontown, PA 15401  
*Attorney:* Melinda Deal Dellarose

**FRANCES L. BURD**, late of Uniontown,  
Fayette County, PA (3)

*Personal Representative:* Kerry Burd, Sr.  
c/o P.O. Box 622  
Smithfield, PA 15478  
*Attorney:* Charity Grimm Krupa

**KATHERINE IRENE CIARAMELLA**, late  
of Nicholson Township, Fayette County, PA (3)

*Co-Executors:* Cynthia Lee Ciaramella and  
Joshua Cree-Ciaramella  
c/o Proden & O'Brien  
99 East Main Street  
Uniontown, PA 15401  
*Attorney:* Jeffrey S. Proden

**MARIAN G. CONNORS, a/k/a MARIAN  
GAIL CONONORS**, late of Menallen  
Township, Fayette County, PA (3)

*Administratrix:* Michelle Lynne Dulaney  
c/o Goodwin Como, P.C.  
108 North Beeson Boulevard, Suite 400  
Uniontown, PA 15401  
*Attorney:* Benjamin Goodwin

**BEATRICE ANNE DYER**, late of Uniontown,  
Fayette County, PA (3)

*Executor:* Patrick Alan Dyer  
c/o Adams Law Offices, P.C.  
55 East Church Street, Suite 101  
Uniontown, PA 15401  
*Attorney:* Jason Adams

**GRACE GIACHETTI**, late of Uniontown,  
Fayette County, PA (3)

*Executor:* Louis A. DelVerme  
c/o 51 East South Street  
Uniontown, PA 15401  
*Attorney:* Webster & Webster

**BETTY LOU JACKSON**, late of Redstone  
Township, Fayette County, PA (3)

*Executor:* William K. Jackson  
c/o Radcliffe Law, LLC  
648 Morgantown Road, Suite B  
Uniontown, PA 15401  
*Attorney:* Robert R. Harper, Jr.

**ELEANOR OWENS**, late of Belle Vernon,  
Fayette County, PA (3)

*Executrix:* Susan M. Lape  
c/o Donald J. McCue, J.D., P.C.  
Donald McCue Law Firm P.C.  
Colonial Law Building  
813 Blackstone Road  
Connellsville, PA 15425  
*Attorney:* Donald J. McCue

**NORMA M. SCOTT**, late of Uniontown,  
Fayette County, PA (3)

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

**GWENDOLYN SKILES, a/k/a  
GWENDOLYN JOSEPHINE SKILES**, late of  
Masontown, Fayette County, PA (3)

*Personal Representative:* Deetta Metz  
c/o Davis and Davis  
107 East Main Street  
Uniontown, Pa 15401  
*Attorney:* Jeremy J. Davis

**ETHEL MAE SPRINGER, a/k/a ETHEL SPRINGER**, late of German Township, Fayette County, PA (3)

*Administratrix:* Ruth Townsend  
109 Townsend Road  
McClellandtown, PA 15458  
c/o Bowles Rice  
1800 Main Street, Suite 200  
Canonsburg, PA 15317  
*Attorney:* Kathryn Gioia

**CATHERINE SWENGLISH**, late of German Township, Fayette County, PA (3)

*Executor:* Carl R. Swenglish  
c/o Higinbotham Law Offices  
68 South Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* James Higinbotham

**DAVID WHALEN**, late of Dunbar Township, Fayette County, PA (3)

*Administrator:* Eric Whalen  
c/o Rowan Law Office  
890 Vanderbilt Road  
Connellsville, PA 15425  
*Attorney:* Mark Rowan

## Second Publication

**ANTHONY S. BOLLIBON, JR.**, late of Dunbar Township, Fayette County, PA (2)

*Executrix:* Lisa Ann Hughes  
c/o Fitzsimmons and Barclay  
55 East Church Street, Suite 102  
Uniontown, PA 15401  
*Attorney:* James N. Fitzsimmons, Jr.

**WILLIAM A. CAPTAIN**, late of Jefferson Township, Fayette County, PA (2)

*Executor:* William B. Captain  
126 Troytown  
Fayette City, PA 15438  
c/o P.O. Box 1388  
Uniontown, PA 15401  
*Attorney:* James Natale

**PEGGY L. CARINGOLA, a/k/a PEGGY LILIAN CARINGOLA**, late of Grindstone, Fayette County, PA (2)

*Executor:* Ricci L. Caringola  
10 South Oak Street  
Fairchance, PA 15136  
c/o Tershel & Associates  
Helena Professional Building  
55 South Main Street  
Washington, PA 15301  
*Attorney:* Jarrod T. Takah

**WILLIAM FREDERCK CLEMMER**, late of Point Marion, Fayette County, PA (2)

*Administrator:* Sidney Ann Clemmer  
c/o P.O. Box 622  
Smithfield, PA 15478  
*Attorney:* Charity Grimm Krupa

**PATRICIA CROWLEY**, late of Uniontown, Fayette County, PA (2)

*Administratrix:* Cheryl Slampak  
c/o 51 East South Street  
Uniontown, PA 15401  
*Attorney:* Anthony S. Dedola, Jr.

**ELAINE C. MASIOLI**, late of Dunbar Township, Fayette County, PA (2)

*Co-Executors:* Terry L. Mascioli and Lynnlee A. Mascioli  
c/o Molinaro Law Offices  
141 West Peach Street  
P.O. Box 799  
Connellsville, PA 15425  
*Attorney:* Carmine V. Molinaro, Jr.

**SALLY S. NUDO**, late of Connellsville, Fayette County, PA (2)

*Executor:* James R. Nudo  
c/o Molinaro Law Offices  
141 West Peach Street  
P.O. Box 799  
Connellsville, PA 15425  
*Attorney:* Carmine V. Molinaro, Jr.

**GERALD EUGENE PETCHENY**, late of Masontown, Fayette County, PA (2)

*Administrator:* David Wingard  
c/o 9 Court Street  
Uniontown, PA 15401  
*Attorney:* Vincent J. Roskovensky, II

**MARCELLA S. SCHWENK, a/k/a  
MARCELLA SCHWENK, a/k/a MARCELA  
SCHENK**, late of Perryopolis, Fayette County,  
PA (2)

*Personal Representatives:* Sharon Kitta and  
Robert D. Schwenk  
P.O. Box 712  
Perryopolis, PA 15473  
c/o Davis and Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* Gary J. Frankhouser

## First Publication

**DOUGLAS A. CINDRIC**, late of North Union  
Township, Fayette County, PA (1)

*Executors:* Gregory J. Cindric and  
Donna K. Mathianas  
c/o DeHaas Law, LLC  
51 East South Street  
Uniontown, Pa 15401  
*Attorney:* Ernest P. DeHaas, III

**RUTH COMER**, late of Uniontown, Fayette  
County, PA (1)

*Administratrix:* Denise Boley  
c/o Anderson & Labovitz, LLC  
429 Fourth Avenue, Suite 602  
Pittsburgh, PA 15219  
*Attorney:* Adam Anderson

**ELVA E. CONROY, a/k/a ELVA EVELYNN  
CONROY, a/k/a ELVA CONROY**, late of  
Uniontown, Fayette County, PA (1)

*Personal Representative:*  
Tammie R. Pheasant  
c/o Dellarose Law Office, PLLC  
99 East Main Street, Suite 101  
Uniontown, PA 15401  
*Attorney:* Melinda Deal Dellarose

**WILLIAM F. FARRELL**, late of  
Connellsville, Fayette County, PA (1)

*Personal Representative:*  
Melissa Ann Farrell  
c/o Watson Mundorff, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425  
*Attorney:* Robert A. Gordon

**IVY GARLETTS**, late of Dunbar, Fayette  
County, PA (1)

*Administrator:* Ricky A. Garletts  
229 Furnace Hill Road  
Dunbar, PA 15431  
c/o Snyder & Snyder  
17 North Diamond Street  
Mt. Pleasant, PA 15666  
*Attorney:* Marvin Snyder

**SUSAN LAIRD, a/k/a SUSAN MARY  
LAIRD**, late of North Union Township, Fayette  
County, PA (1)

*Executrix:* Wendy Schiffbauer  
c/o 51 East South Street  
Uniontown, PA 15401  
*Attorney:* Webster & Webster

**ROBERT MARTIN**, late of Saltlick Township,  
Fayette County, PA (1)

*Administratrix:* Veronica Martin  
1164 Indian Creek Valley Road  
Indian Head, PA 15446  
c/o Schimizzi Law, LLC  
35 West Pittsburgh Street  
Greensburg, PA 15601  
*Attorney:* Richard Schimizzi

**ANTHONY LOUIS ROSSO**, late of New  
Salem, Fayette County, PA (1)

*Administrator:* Anthony Louis Rosso, Jr.  
c/o 11 Pittsburgh Street  
Uniontown, PA 15401  
*Attorney:* Thomas W. Shaffer

**LARRY SERRATTA, SR., a/k/a  
LAWRENCE SERRATTA**, late of Fayette  
County, PA (1)

*Administratrix:* Jayette Serratta  
c/o Anderson & Labovitz, LLC  
429 Fourth Avenue, Suite 602  
Pittsburgh, PA 15219  
*Attorney:* Caleb Dunn

**LAWRENCE WALATKA, a/k/a  
LAWRENCE MILLER WALATKA**, late of  
Newell, Fayette County, PA (1)

*Executor:* James Aglio, Jr.  
P.O. Box 287  
Newell, PA 15466  
c/o 1747 Rostraver Road  
Belle Vernon, PA 15012  
*Attorney:* Megan A. Kerns

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**JILL M. WILSON, a/k/a JILL MARIE WILSON**, late of Brownsville Township, Fayette County, PA (1)

*Personal Representatives:* Hayley Godfrey and Jordan Bohna  
505 Weddell Drive  
Rostraver Township, PA 15012  
c/o Davis and Davis  
107 East Main Street  
Uniontown, Pa 15401  
*Attorney:* James T. Davis

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**KENNETH M. WILSON**, late of Brownsville Township, Fayette County, PA (1)

*Personal Representatives:* Hayley Godfrey and Jordan Bohna  
505 Weddell Drive  
Rostraver Township, PA 15012  
c/o Davis and Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* James T. T. Davis

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**DANIEL ANDREW ZAVORA**, late of Uniontown, Fayette County, PA (1)

*Administratrix:* Roberta Z. Neubauer  
c/o 51 East South Street  
Uniontown, PA 15401  
*Attorney:* Webster & Webster

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**JOHN ZIAK, JR.**, late of Wickhaven, Fayette County, PA (1)

*Executrix:* Kathleen Lowe  
15 Oyster Point  
Warren, Rhode Island 02885  
c/o 231 South Main Street, Suite 406  
Greensburg, PA 15601  
*Attorney:* William Wiker

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## LEGAL NOTICES

### NOTICE OF CERTIFICATE OF ORGANIZATION - LIMITED LIABILITY COMPANY

Notice is hereby given that Certificate of Organization was filed and approved with the Department of State of the Commonwealth of Pennsylvania for a limited liability company formed under the Limited Liability Company Law of 1994 on the 8th day of November, 2021. The name of the company is **B&M LOGGING AND EXCAVATING, LLC**.

Margaret Zylka House, Esq.  
815A Memorial Boulevard  
Connellsville PA 15425  
724-628-4955

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### NOTICE

Notice is hereby given that the Certificate of Organization has been approved and filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on March 31, 2022, for a limited liability company known as Target Safety Solutions Division 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: safety solutions and any other lawful purpose related thereto for which the 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

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**NOTICE**

Notice is hereby given that the Certificate of Organization has been approved and filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on March 25, 2022, for a limited liability company known as Moving Up Properties 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: property holdings and any other lawful purpose related thereto for which the 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 OF VOLUNTARY DISSOLUTION OF ULMER ENTERPRISES, INC.**

NOTICE IS HEREBY GIVEN THAT the shareholders and directors of ULMER ENTERPRISES, INC., a Pennsylvania corporation, with an address at P. O. Box 849, Uniontown, PA 15401, have approved a proposal that the corporation voluntarily dissolve, and that the Board of Directors is now engaged in winding up and settling the affairs of the corporation under the provisions of Section 1975 of the Pennsylvania Business Corporation Law of 1988, as amended.

STEPTOE & JOHNSON PLLC  
500 Grant Street, Suite 4940  
Pittsburgh PA 15219  
United States

IN THE COURT OF COMMON PLEAS  
OF FAYETTE COUNTY, PENNSYLVANIA  
CIVIL ACTION -LAW

No. 239 of 2022, G.D.

The Honorable Judge Nancy D. Vernon

**IN RE: CHANGE OF NAME OF  
RANANI LEE PIRL**

**NOTICE**

Notice is hereby given that on February 15, 2022 the petition of Ranani Lee Pirl was filed in the above named Court, requesting an Order to change the name of Ranani Lee Pirl to Ramani Lee Pirl.

The Court has fixed June 16, 2022 at 9:45 A.M. in Courtroom Number 4, Fayette County Courthouse, 61 East Main Street, Uniontown, Pennsylvania as the time and place for a hearing on the merits of said Petition, when and where all interested parties may appear and show cause, if any they have, why the prayer of said Petition should not be granted.

Sheryl R. Heid, Esquire  
4 N. Beeson Blvd.  
Uniontown, PA 15401  
(724) 437-4700

# SHERIFF'S SALE

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, July 21, 2022, at 2:00 p.m. in Courtroom Number Four 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

Richard M. Squire & Associates, LLC  
M. Troy Freedman, Esquire  
ID. Nos. 85165

One Jenkintown Station, Suite 104  
115 West Avenue  
Jenkintown, PA 19046  
Telephone: 215-886-8790  
Fax: 215-886-8791

No. 2228 of 2020, G.D.  
No. 70 of 2022 E.D.

**PMIT REI 2021-A LLC  
PLAINTIFF**

v.

**Yolanda Cooper aka Yolanda DiMatteo aka  
Yolanda Burke  
DEFENDANT**

TAX PARCEL NO.: 25-16-0131-01  
PROPERTY ADDRESS: 116 Hill Street,  
Lemont Furnace, PA 15456

IMPROVEMENTS: Single Family  
Dwelling

SEIZED AND TAKEN in execution as the  
property of Yolanda Cooper aka Yolanda  
DiMatteo aka Yolanda Burke

PARCEL NO. 25-16-0131-01  
BEING Known As 116 Hill Street, Lemont  
Furnace, PA 15456

BEING the same James Dimatteo and  
Yolanda Diamatteo, his wife, n/k/a Yolanda  
Burke dated 07/10/2006 and recorded  
07/11/2006 in the Office of Recorder of Deeds  
in the County of Fayette, Commonwealth of  
Pennsylvania in Deed Book 2993, Page 113  
granted and conveyed Yolanda Burke.

ROMANO, GARUBO & ARGENTIERI  
Counselors at Law LLC  
52 Newton Avenue, P.O. Box 456  
Woodbury, NJ 08096  
(856) 384-1515

No. 890 of 2021, G.D.  
No. 67 of 2022 E.D.

TO THE SHERIFF OF FAYETTE  
COUNTY:

As the attorney for the Plaintiff, in the  
matter of **U.S. Bank National Association, not  
in its individual capacity but solely as trustee  
for the RMAC Trust, Series 2016-CTT vs.  
Estate of George E. Novotny, deceased, last  
record owner/ mortgagor; Unknown heirs,  
devises and personal representatives of  
George E. Novotny, deceased and his, her,**

**their or any of their successors in right, title and interest; Debra Novotny, known heir of George E. Novotny; Michael Novotny, known heir of George E. Novotny; The United States of America,** I submit the following information with the request that it be used FOR ADVERTISEMENT PURPOSES.

No. 890 of 2021 GD

ALL THAT CERTAIN tract of land situate in Redstone Township, Fayette County, Pennsylvania

BEING Tax ID No: 30-04-0205

BEING Known As: 118 Simpson Road, Brownsville, PA 15417

TITLE TO SAID PREMISES IS VESTED IN George E. Novotny and Jean K. Novotny, his wife, from Ora Mae Edwards, widow, by Deed dated October 23, 1957, and recorded on October 23, 1957 in Book 888, Page 483.

Sold as the property of Estate of George E. Novotny, deceased, last record owner/mortgagor

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KML LAW GROUP, P.C.

Suite 5000

701 Market Street

Philadelphia, PA 19106-1532

(215) 627-1322

No. 95 of 2020, G.D.

No. 68 of 2022 E.D.

**LAKEVIEW LOAN SERVICING, LLC**

**4425 Ponce DeLeon Blvd**

**Mail Stop Ms5/251**

**Coral Gables, FL 33146**

**Plaintiff**

**vs.**

**GEORGE E. GASTER**

**Mortgagor(s) and Record Owner(s)**

**138 Woodside Oldframe Road**

**Smithfield, PA 15478**

**Defendant(s)**

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

BEING KNOWN AS: 138 WOODSIDE OLDFRAME ROAD, SMITHFIELD, PA 15478

TAX PARCEL #24-12-008701

IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: GEORGE E. GASTER

ATTORNEY: KML LAW GROUP, P.C.

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Attorneys for Plaintiff

Brock & Scott, PLLC

No. 166 of 2020, G.D.

No. 35 of 2022 E.D.

**FREEDOM MORTGAGE CORPORATION**

**v.**

**JUSTIN A. HIMES A/K/A JUSTIN HIMES**

By virtue of a Writ of Execution No. 166 OF 2020 GD FREEDOM MORTGAGE CORPORATION v. JUSTIN A. HIMES AIKJA JUSTIN HIMES owner(s) of property situate in the TOWNSHIP OF BULLSKIN, FAYETTE County, Pennsylvania, being 622 ENGLISHMAN HILL, CONNELLSVILLE, PA 15425

Tax ID No. 04-29-0170

Improvements thereon: RESIDENTIAL DWELLING Judgment Amount: \$153,194.91

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ANNE N. JOHN Esq.

ATTORNEY AT LAW

No. 404 of 2022, G.D.

No. 91 of 2022 E.D.

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

**Plaintiff**

**vs.**

**TONYA M. HIXON,**

**Defendant**

ALL that certain lot or parcel of land situated and lying in the Borough of Smithfield, Fayette County, Pennsylvania, CONTAINING six thousand(6,000) square feet, more or less.

FOR prior title see Record Book 2759, page 199

Tax Parcel No.: 32-06-0033

Upon which is erected an aluminum/vinyl dwelling known as 5 Moser Way, Smithfield, PA 15478.

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Hladik, Onorato & Federman, LLP  
298 Wissahickon Avenue  
North Wales, PA 19454

No. 178 of 2016, G.D.  
No. 43 of 2022 E.D.

**NewRez LLC d/b/a Shellpoint Mortgage Servicing (Plaintiff)**  
vs.  
**Timothy R. Jennings, (Defendant)**

By virtue of Writ of Execution No. 2016-00178

NewRez LLC d/b/a Shellpoint Mortgage Servicing (Plaintiff) vs. Timothy R. Jennings, (Defendant)

Property Address 162 North 10th Street. Connellsville, PA 15425

Parcel I.D. No. 05-08-0082

Improvements thereon consist of a residential dwelling.

Judgment Amount: \$78,614.58

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STERN & EISENBERG PC  
JESSICA N. MANIS, ESQUIRE

No. 1980 of 2020, G.D.  
No. 42 of 2022 E.D.

**Deutsche Bank National Trust Company, as Trustee for Ameriquest Mortgage Securities Inc., Asset-Backed Pass-Through Certificates, Series 2005-R3**

**Plaintiff**

v.

**Clair Kistner and Lennette Kistner**  
**Defendant(s)**

SITUATE IN THE TOWNSHIP OF SALTICK, FAYETTE COUNTY, PENNSYLVANIA, BEING KNOWN AS 289 MELCROFT ROAD, MELCROFT, PA 15462-1017

PARCEL NO. 31-09-0005

IMPROVEMENTS - RESIDENTIAL REAL ESTATE

SOLD AS THE PROPERTY OF - CLAIR KISTNER AND LENNETTE KISTNER

KML LAW GROUP, P.C.  
Suite 5000

701 Market Street  
Philadelphia, PA 19106-1532  
(215) 627-1322

No. 2827 of 2019, G.D.  
No. 42 of 2022 E.D.

**PNC BANK, NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO NATIONAL CITY MORTGAGE, A DIVISION OF NATIONAL CITY BANK**  
**3232 Newmark Drive**  
**Miamisburg, OH 45342**  
**Plaintiff**

vs.

**SEAN LALLY AKA SEAN P. LALLY**  
**Mortgagor(s) and Record Owner(s)**  
**21 Cleveland Avenue**  
**Uniontown, PA 15401**  
**Defendant(s)**

ALL THAT CERTAIN LOT OF LAND SITUATE IN CITY OF UNIONTOWN, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 21 CLEVELAND AVENUE, UNIONTOWN, PA 15401

TAX PARCEL #38-12-0362

IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: SEAN LALLY AKA SEAN P. LALLY

ATTORNEY: KML LAW GROUP, P.C.

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

No. 142 of 2020, G.D.  
No. 58 of 2022 E.D.

**Lakeview Loan Servicing, LLC**  
**Plaintiff**

v.

**Eric T. Michels, Administrator of the Estate of Donald T. Michels**  
**Defendant**

All that certain piece or parcel or Tract of land situate in Fairchance Borough and Georges Township, Fayette County, Pennsylvania, and being known as 9 Hazel Street, Fairchance, Pennsylvania 15436.

Being known as: 9 Hazel Street, Fairchance, Pennsylvania 15436

Title vesting in Donald T. Michels by deed from WILLIAM J. WILSON and SANDRA L. WILSON, husband and wife, dated April 29, 2016 and recorded June 10, 2016 in Deed Book 3310, Page 2067 Instrument Number 201600006047. The said Donald T. Michels died on May 30, 2017. On September 7, 2017, Letters of Administration were granted to Eric T. Michels, nominating and appointing him as the Administrator of the Estate of Donald T. Michels. The said Elsie M. Michels died on January 27, 2017 thereby vesting title in her surviving spouse Donald T. Michels by operation of law.

Tax Parcel Number: 11-11-0030

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No. 229 of 2022, G.D.  
No. 77 of 2022 E.D.

**F.N.B. PROPERTIES COMPANY, INC.,**  
**Plaintiff,**  
**vs.**  
**DAVID J. MULL,**  
**Defendant.**

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND BEING SITUATE AND LAYING IN THE TOWNSHIP OF GERMAN, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA, AS MORE FULLY DESCRIBED IN DEED VOLUME 3137, PAGE 1538, AT INSTRUMENT NO.: 201000012356, AND PARCEL I.D. NOS. 15-23-0013 AND 15-23-0028-01.

BEING COMMONLY KNOWN AS 138 PENN STREET/37 SKILES LANE, McCLELLANDTOWN, PA 15458.

IMPROVEMENT THEREON:  
RESIDENTIAL DWELLING

TAX PARCEL NUMBERS: 15-23-0013 and 15-23-0028-01

BEING THE SAME PREMISES GRANTED AND CONVEYED FROM REGENCY FINANCE CO., D/B/A FNB CONSUMER DISCOUNT COMPANY TO DAVID J. MULL BY SPECIAL WARRANTY DEED - CORPORATION DATED OCTOBER 27, 2010, AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF FAYETTE COUNTY ON OCTOBER 27, 2010, IN DEED BOOK 3137, PAGE 1538, INSTRUMENT NO. 201000012356.

No. 219 of 2022, G.D.  
No. 76 of 2022 E.D.

**FIRST NATIONAL BANK OF PENNSYLVANIA,**  
**Plaintiff,**  
**vs.**  
**ANNELIESE M. RICHARD,**  
**Defendant.**

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF ANNELIESE M. RICHARD, OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT CERTAIN REAL ESTATE SITUATED IN SOUTH CONNELLSVILLE BOROUGH, FAYETTE COUNTY, PENNSYLVANIA. HAVING ERECTED THEREON A DWELLING KNOWN AS 1815 2ND STREET, CONNELLSVILLE, PA 15425. DEED BOOK VOLUME 3386, PAGE 2423 AND PARCEL NUMBER 33-08-0059.

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No. 136 of 2022, G.D.  
No. 69 of 2022 E.D.

**FIRST NATIONAL BANK OF PENNSYLVANIA,**  
**Plaintiff,**  
**vs.**  
**FRANK L. RUDZIENSKI AND TARA A. RUDZIENSKI,**  
**Defendants,**

at Execution Number 136 of 2022 GD

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND BEING SITUATE AND LAYING IN THE TOWNSHIP OF NORTH UNION, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA, AS MORE FULLY DESCRIBED IN DEED BOOK 2905 PAGE 1980 AND PARCEL # 25-21-0038.

BEING COMMONLY KNOWN AS 24 Fairview Street, Uniontown, PA 15401.

IMPROVEMENT THEREON:  
RESIDENTIAL DWELLING

TAX PARCEL NUMBER: 25-21-0038

BEING THE SAME PREMISES GRANTED AND CONVEYED TO FRANK L. RUDZIENSKI AND TARA A. RUDZIENSKI, HIS WIFE, BY A CERTAIN DEED DATED MAY 24, 2004 AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF FAYETTE COUNTY ON MAY 24, 2004, IN DEED BOOK VOLUME 2905, PAGE 1980.

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

No. 2186 of 2019, G.D.  
No. 64 of 2022 E.D.

Jill M. Fein, Esquire  
Hill Wallack LLP  
777 Township Line Road, Suite 250  
Yardley, PA 19067  
(215) 579-7700

No. 1412 of 2021, G.D.  
No. 61 of 2022 E.D.

**PNC BANK, NATIONAL ASSOCIATION**  
**3232 Newmark Drive**  
**Miamisburg, OH 45342**

**Plaintiff**

vs.

**JOSEPH A. SHAY**  
**Mortgagor(s) and Record Owner(s)**  
**170 Easy Street**  
**Uniontown, PA 15401**

**Defendant(s)**

ALL THAT CERTAIN LOT OF LAND  
SITUATE IN CITY OF UNIONTOW,  
COUNTY OF FAYETTE AND  
COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 170 EASY  
STREET, UNIONTOWN, PA 15401 TAX  
PARCEL #38-10-0066

IMPROVEMENTS: A RESIDENTIAL  
DWELLING SOLD AS THE PROPERTY  
OF: JOSEPH A. SHAY

ATTORNEY: KMLLAWGROUP,P.C.

**Wilmington Savings Fund Society, FSB, as  
trustee of Upland Mortgage Loan Trust B**  
**Plaintiff**

v.

**Delmar P. Smith and Loraine Smith**  
**Defendant**

By virtue of a writ of execution case  
number: 2021-1412

Plaintiff: Wilmington Savings Fund  
Society, FSB, as trustee of Upland Mortgage  
Loan Trust B v. Defendant: Delmar P. Smith  
and Loraine Smith owners of property situate in  
the Perry Township, Fayette County,  
Pennsylvania, being pin number 27-4-62

Property being known as: 98 Happy Valley  
Road, Perryopolis, PA 15473

Improvements thereon: Residential  
Property

\*\*\* END SHERIFF SALES \*\*\*

## UNCLAIMED PROPERTY

### SEARCH UNCLAIMED PROPERTY

Fayette County has unclaimed property waiting to be claimed.

For information about the nature and value of the property, or to check for additional names, visit [www.patreasury.gov](http://www.patreasury.gov)

Pennsylvania Treasury Department

Notice of Names of Persons Appearing to be Owners of Abandoned and Unclaimed Property

#### Fayette County

Listed in Alphabetical Order by Last Known Reported Zip Code

#### 15012

Anderson Gwendolyn Est  
Bellora Virginia L  
Berkovitz Kevan  
Bielawski Jo  
Bolt John J  
Brand William H  
Brazzon Jason M  
Bruce Christopher A  
C & P Mahalingappa Irrev  
C Harper Collision Center  
Cavalier Coach Belle Vernon  
Cedar Hills Development Inc  
Cherepkos Auto Body & Katherine We  
Cole Nancy S  
Cole Shannon  
Cook Davina  
Daugherty Kristin M  
Davis James Est  
Debsky Alexjr  
Delmastro Mary  
Echart Randal W  
Echols Victor Morton, Mary Barbara  
Elizabeth  
Evans Thomas R  
Fantastic Sams Belle Vernon  
Ferris Buddy  
Fhs Reunion Class of 1987  
Fitch Leanne  
Gilmore Brian, Tracy  
Grier Sharon L  
Gswpa  
Haag Elizabeth A  
Hafner Vicki  
Hakulin John M Est

Harris Darrell  
Heinzelman Dianna  
Holbrooks Exxon 70 Shop  
Holbrooks Exxon Fd  
Holliday Aubrey  
Hollins Bradley Cole  
J J Real Estate et al  
Jackson Gerald  
Joseph Morrison  
Jr Stephen Vrstyak  
Kirkland Melissa A  
Komperda Raymond R  
Kupirovich Miley  
Lehew Barbara A, John W  
Lewis Clara M  
Lexie Loni  
Linneman Garrett  
Long Madison  
Magiske Ethel Jean  
Mahoney Lisa M  
Mcgowan Sherry L  
Michaels Jude  
Mitchell Mary  
Monti Richard DMD  
Morgan John A  
Nagy Mary A  
Pavalonis John  
Peck Ida P  
Peter J Vesely Jr  
Peters Joan  
Ricker Brandon M  
Rivera Cameron J  
Roche Emily P, Dawn R  
Rodaback Rosalie  
Ross Amber  
Rostraver Apts  
Sabatini Dan  
Safe Shale  
Saulters James C  
Savarino E M Est  
Segin Sarah Elizabeth  
Shanley Edward A  
Sivak Estate John  
Sivek Mary C  
Smock Frank Est  
Sonafelt Mary K  
Sowko Lisa  
Stanford Ronald  
Statzula Betty  
Steffey Matthew Jr  
Stonegate Development  
Susick Terrence  
Taylor Jack  
Taylor Stephanie  
Thomas Leroy L  
Thompson S Harry  
Tominello Philip  
Uchelovich Joseph

Urban Robert R M D  
 Vasquez Samuel  
 Weir Jamie  
 Whitmer Mark  
 Wise Denise L  
 Yerkey Danita  
 Zenobi Betty

**15401**

Abby Health Inc  
 Angell Joseph  
 Atkins Genevieve  
 Atlantic Broadband Frml  
 Augustine Louis Jr  
 Bai Apisalome  
 Baker Antoine D  
 Baker Chiropractic & Wellness  
 Bakos Bettie A, Paul R  
 Balas Robert A  
 Balog Judy A  
 Baran Lenora J  
 Bell Kathleen  
 Belliconish Angela M  
 Bells Paint & Body Shop  
 Benoit Charles  
 Benson Natalie  
 Bowman Ew Inc  
 Bradigan Kristina M, Barbara P  
 Brangard James  
 Britt Rebecca L, Joshua  
 Brothers Sarah  
 Brown Delberta M  
 Brown Eric E  
 Brown Lina Y  
 Brown Reed A, Laura  
 Bryte Dolores A, Jack A  
 Budner Josephine  
 Bui Nhat N  
 Bullock Diane M  
 Burke Martha E  
 Campbell  
 Carr Dennis  
 Carter Sarah E  
 Cerullo Justin  
 Cherry Tree Medical Assoc  
 Chin Pat  
 Christmas Donald  
 Clerk of Courts of Fayette  
 Coneway Joshua  
 Congregation Tree Life  
 Cook Barbara J  
 Cookshanaberg Margaret  
 Cooper Mary  
 Corp Ggd  
 Cortezzo Csiara  
 Cunningham Rebecca  
 Cuteri Fred A  
 Dandrea Jeffrey L, Evelyn J

David Sherri L  
 Davidson Tucker Oral Surgery  
 Decarlo Francis  
 Dimatteo Carla  
 Dj Realty Holdings Llc  
 Doolley Phillip Est  
 Dugan Johnathan  
 Edwards Adolph  
 Ekas Marylee  
 Elias Tara J  
 Everly Jessica  
 Ewing James D Jr  
 Ewing Jennifer Lynn  
 Fayette County Community Action  
 Fayette County Tax Bureau  
 Fayette Professional Service  
 Fearer Clarence E  
 Ferrari Barry  
 Filoni Michael L  
 Fishburne Hattie Crawford  
 Fisher James A  
 Franks Regina  
 Full Throttle Trucking 1  
 Gabler Enterprises Inc  
 Gallaher Janet L  
 Gaster Jacalyn F  
 George E Matich Funeral Trust  
 George Elias  
 Gibbs Steven  
 Glad Davidine D, Lawrence J  
 Glover Elvie E  
 Gmgn Realty Llc  
 Gray Ruby Est, Ruby A  
 Gresh Richard M  
 Hall Millicent  
 Herring Deborah, Robert  
 Hoffman Thomas  
 Hostetler Herman  
 Infante Juan Jr  
 Insured Estate of Vaughn  
 James Richard  
 James Vending Inc  
 Jellick Timothy A  
 John Bernard C  
 Joyce Darlene  
 Kelly Brian  
 Kermish Mary E  
 Kezmarsk Frances Est  
 Kodric Michael, Rose  
 Kondrla Jennifer M  
 Krista Vlkojan & Trifiros  
 Krizner Jonathan P DDS  
 Kulenovic Jessica R  
 Kusniar Lorene G  
 Lantz Funeral Home  
 Licciardi Jenny L  
 Licciardi Michael L  
 Lofstead Rose D

Logiclane Llc  
 Lopes Janeanne  
 Magiske Ethel J  
 Martelli Wood Justin  
 Mary Cooper Trust  
 Mcaninch Cassandra Est  
 Medserv Management Inc  
 Mehalik David  
 Mental Health Assoc  
 Meucci Charles A  
 Mikluscak Kayla M  
 Miller Gladys Est  
 Miller Christine L  
 Miller Tyler R  
 Minick Genevieve M  
 Mischisen Robert A  
 Moats Kevin D  
 Mochnsky Marion A  
 Montgomery Mashawn  
 Murray Felicia Kay, Lori Lee, Philip  
 Myers Frances M  
 Naber Jean  
 Naymick Harry J  
 Naymick Mark  
 Neal Jasmine R  
 Nehls Robert W Sr  
 Nehls Robert Wayne  
 Nichol Michael  
 Nolf George M, Janet M  
 Norris Leigh  
 Novotny Joseph  
 One Stop Auto Group  
 Osborne Dolores A  
 P J K & Company  
 Parker David  
 Paster Joseph P  
 Patterson Tina M  
 Perno Anthony L  
 Philburn Michael  
 Pierno Patricia A  
 Poole Cynthia  
 Porter Carol E  
 Pospisil Robert  
 Quairiere Brittany L  
 Rankin Bonnie L  
 Rhodes Amy L  
 Rittenhouse J William  
 Rivera Brenda N  
 Robbins Ida  
 Romanik Barbara A  
 Ross Patty  
 Ross Patty Est  
 Rowe Leslie E  
 Rucker John W  
 Russell Barry D  
 Russell Eyecare Inc  
 Sabatini Dominic  
 Sabatini Opal M

Savage Wallace  
 Schroust Christopher E  
 Sensus Usa Inc  
 Shaffer Joy L  
 Sheetz  
 Shutok Theodore M, Mary T  
 Sickles Brian R  
 Sikora John J  
 Smith Sondra  
 Sonnys Grille U  
 Southwestern Endoscopy  
 Sowers Denise  
 Spiker Donna L, Tammy D  
 Sproch Joyce  
 Stein Robert H  
 Stewart Collision Service  
 Straight Franklin Ea  
 Swaney Jillian, Bret  
 Swann Joseph A  
 Swann Stuart C  
 Sweet Peas  
 Swenglish Emily  
 Swygert David  
 Taylor Jason  
 Thomas Renee L, C  
 Tiffany Susan K  
 Tobak Elizabeth  
 Tomick Barbara Est  
 Truax Mike  
 Truley Cierra N  
 Valentine Scott  
 Walls Richard A III  
 Wally Walter E  
 Weaver Gary A  
 Wells Fargo Bank Na 708  
 Wells Steven  
 Westover Rosemary M  
 Whiting Evelyn E  
 Wiecekowski Andrea  
 Wilson Betty R  
 Wood Holdings 3 Llc  
 Wood Lillian E  
 Woodmaska Joseph J  
 Workman Nathaniel  
 Yoder Gary  
 Young Tammy  
 Zapotosky Carol  
 Zheng Ming

**15410**

Chevron  
 Dillinger Tracy  
 Lytle Jessica Rose

**15413**

Hall Robert E Jr  
 Johnson Dana A  
 Simonhall Michelle

Taylor Donna

**15417**

Arnold Ronie  
Brown Kimberly J  
Brownsville High School  
Costantino Betty A  
Curry Phillip  
Eicher Mark Anthony  
Eperjesi Austen R  
Foodland  
Fordyce Carl A  
Frederick James R  
Gazalie Olga T  
Graham Amy  
Hillen Marilyn  
Lanzi Paul A Jr  
Martin Alexa C  
McLellan Georgiann  
Michaux Carla  
Nelson Joann  
Radcliff Steven H  
Richardson Georgia  
Roto Rooter  
Selene Finance  
Smith Jason C  
Titler George J  
Ua 02 16 01 Olga T Gazalie  
Vaughn Jamie J  
Vulcan Village  
Wyno Glenn J Est  
Yothers Bonnie L  
Yothers Warren  
Zivkovich Michael, Tracy

**15420**

Knox Jamie  
Swift Robert C

**15421**

Yates Joshua

**15422**

Radcliff Joyce A

**15425**

Allegheny Power  
Banasick Yuiko  
Baney William D  
Barati Christian  
Barko Margaret  
Beaver Gregory  
Bizon Katie  
Black James E Est  
Bowers Margaret, Junior P  
Brian Showman  
Brooks Eric  
Carr Daniel E

Cellurale Joseph Jr  
City View Event Center  
Clawson Don  
Commercial Builders  
Coughenour Ruth L  
Crossen Charles  
Elizabeth Pallading  
Fidazzo John J  
Firestone Ray E Jr  
First Covenant Church  
Floyd Angela N  
Garletts Irvin J  
Gasbarro Arnold V  
Geisler Larry, Ann  
Gigliotti Robert  
Golden Katlynn  
Halfhill Donna F Est  
Hall Grace  
Hatter Melvin E  
Heckman Bradly  
Hough Daniel S  
Immaculate Conception Cemetery  
Joey's Auto Repair & Body Shop  
Jones Samuel C  
Joseph Cellurale Jr Joey's Auto  
Karfelt Leonard  
Keedy Avonlea  
Keefer Cassandra L  
Keller Jesse W  
Kenneth R Brooks Pho  
Koontz Rose  
Krumanacker Dawna K  
Labuda Bernard J  
Leighliter Susan  
Lenox Bryan A, Helen, Ulysses  
Linguinis Italian Grill  
Lynn Jessica M  
Malloy David  
McCusker Safe & Lock Co  
McGinnis Frances L  
McLaughlin Daryle L  
Means Gerald W  
Miller Nancy  
Mitchell Mary M  
Mongelluzzo John A  
Morgan Evan H Jr  
Murphy Lonnie  
Nelson Thomas A LI  
New Life Aposto  
Newcomer Helen  
Nickmans Drug 119  
O'Brien Shirley A, Patrick M  
Oeradach Jeanne M  
Orlando Lawrence  
Pallini Amerigo P, Hazel  
Pastor Paul F  
Paul V Mahoney Trust  
Pilla Shawn

Pratt Walter F  
 Roley Connie  
 Roy Joan D  
 Rugg Daniel E, Opal L  
 Ruvo Brandi  
 Shepler Robert D  
 Shultz Ricky T  
 Sines Eddie  
 Smith Brett W  
 Snyder Brenda  
 Snyder Mark Jr  
 Soares Earl J  
 Soisson David Francis  
 Valari John L  
 Warner Regina  
 Weaver Sharon L  
 West Side Lube & Tire  
 West Side Lube Tire  
 Whitelatch Elizabeth  
 Zawislan Jamie L

**15428**

Hurst Tim  
 Sproat Donald A  
 Stricklin Ryan K

**15430**

Morris Dorothy L

**15431**

Bloom Samuel  
 Bolish Sandra  
 Bradley David W  
 Childs Robert L Jr  
 Connors Robert J Jr  
 Dobish Harriet E  
 Edge Fred C  
 Egley Karla A  
 Hriscisce Sara E  
 Kilo Cody Michael  
 Kremer Emma J  
 Lizza Bedy R  
 Moore Edith L  
 Palmer Mabel A  
 Patrick Richard  
 Phelan Donna  
 Sumey Alvie P

**15433**

Baily William  
 Carp Lisa R  
 Konek Helen Est  
 Savochka Samuel

**15436**

Cakobau Ratu J  
 Cassino Margaret L  
 Danko Lisa R

Dean C Witmarsh Funeral  
 Fairchance Construction  
 Fairchance Phcy  
 Filippone Donald C  
 Hough John  
 Jacobs Drilling Service  
 Jacobs Gary Lee  
 Kwik Pik Pa  
 Newcomer Pauline  
 Tascione & Heald  
 Taylor Violet I  
 Trump Edwin  
 Ward Joshua  
 Wood Heather Renee  
 Wyatt Craig W

**15437**

Aguilarramirez Miguel A  
 All About the Bottom Line  
 Banes Daniel H  
 Barbosamoreira Leonardo  
 Buwrell Hyacinth J  
 Capillaire Yannick J  
 Cardenas Grecia  
 Cardenassaavedra Minerva  
 Castro Leandro  
 Chakraborty Subhadeep  
 Formiga Pedro  
 Hansen Monte  
 Khamzina Diana  
 Khawlhing Lalsawmzuala  
 Mcchesney Doris  
 Mondal Nirmal  
 Moreira Leonardo Barbosa  
 Moreno Angie Lorena  
 Petracca Miguel Santiago  
 Raftis Brad P  
 Sanabria Jean Pierocamar  
 Sillo Michael Coorahua  
 Stewart Karlene  
 Tissue Jonathan  
 Valiknac Stephanie  
 Vanrensborg Dyllon J  
 Vargas Wandaliz  
 Vasquez Analucia Ramos  
 Westley Duncan  
 Williams Rashad

**15438**

Bank of America Specialty Fina  
 Burnett Rebecca  
 Coddington Madison  
 Country Care Manor Inc  
 Dale Dorothy L  
 Davis Ruby C  
 Fayette City Recreation League  
 Forsyth Rebecca Susan, Mary B  
 Girl Scouts Western Pennsylvania

Jolley Shirley M  
 Pallo Leonard  
 Pitt Stop Market  
 Rumbaugh Gionna B  
 Russell Rosemary  
 Slachta Adam  
 Smith Joyce A  
 Sterdis John E  
 Timms Joseph  
 Vargo John R, Mary  
 Weightman Doris N  
 Yetsconish Charles J

**15440**

Sakaguchi Alison J

**15442**

Black Douglas R  
 Herrod Thelma S Est  
 Hurlbut Betty J  
 Lilley Robert E  
 Uhrin Robert A Sr  
 Zgela Gladys

**15444**

Harrison Cedair  
 Ronald F & Nancy L Desalvo

**15445**

Bailey Carla J  
 Chorba Dolores  
 Cole Richard  
 Di Carlo Kathryn  
 Fike Alice  
 Hinchliffe Jacquelyn H  
 Klink Bruce W  
 Silbaugh Mildred Z Est  
 Simpson Wanda L  
 Susa Edward  
 Unetich Matthew

**15446**

Keefer Vernon, Violet  
 Macdonald Chad

**15447**

Furlong Dewayne L, Sara

**15449**

Karpeal Edward

**15451**

Foster Nicole L  
 Volau Filimone

**15455**

Varndell Douglas D

**15456**

American Broadband  
 Crum Danielle Marie  
 Glass Amy  
 Matthews Lori  
 Paschke Danielle G  
 Russell Sierra R  
 Scott Robert A  
 Solesky Paul A  
 Stiner Robert W  
 Uniontown Machine & Rental  
 Weaver Debbie L  
 Weaver Wendy R  
 Zooner Corina

**15458**

Black Joe  
 Brennesteiner Sue E  
 Cooper Olga  
 Evans Darias  
 Fields Leslie  
 Hixonmorris Patty  
 Kormanik Charles Jr

**15459**

Burnworth Robert L  
 Butterworth Kristin  
 Cruz Janiel H  
 Deal Rosi A  
 Fuge Dorothy  
 Kamp Jody J  
 Martin Colton W  
 Swank Dan  
 Wilburn Tracy

**15461**

Addis Michael E, Britni N  
 Danko Lisa R  
 Edge Industrial Services  
 Gregory Kayla M  
 Hanchek Paul  
 Joyce Kevin M  
 Lapp Kevin  
 Lytle Catherine J  
 Miner Edythe  
 Morgan Missi J  
 Myers John  
 Russo Carol Y  
 Serra Vincent  
 Shelton Katie R  
 Sidor John  
 Solomon George R  
 Speggen Joseph J  
 Stites Mary J  
 Volchko David E  
 Washington Group Int  
 Wood Richard L

**15462**

Kingman Shane

**15464**Daniels Betty L  
Pj Investments Llc**15465**

Nu Metrics

**15466**Bartolomucci Carol H  
Finfrock Hunter J  
Smith Thomas R Jr  
Stephens David R**15468**Beard Amber  
Bobs Auto Body & Refinish  
Davis Candace  
Dean Mildred A  
Dearth Funeral Home  
Elza Gloria L  
Friend Edgar J  
Jr Murphy Mitchell  
Peters Rebecca J  
Rearick Tracy  
Shimko Rachel  
Sinosky Shawn A**15469**Eilam Terry  
Hawk Alice J  
Marker Jeffrey A  
Masi Vincent David  
Pirl Audrey  
Rb Powerwashers  
Wilttrout James L  
Grimm Holly**15470**

Anderson Robert E

**15472**

Washington Nellie M

**15473**Advanced Builders Inc  
Aldom William J, Paula L  
Alternativ Clinical Trials  
Andrews Paula  
Balog Joseph David Jr  
Behana Margaret A Est  
Betza Joseph  
Cactus Lounge Inc  
Cain Mary Ellen  
Fuller Helen J  
Gadely Cheryl CGoney William Michael  
Griffith Joanna Mae, Leonel  
Grogory Marian T  
Hoffer Jenna K  
Johnson Arlene C  
Kalinawski Carolyn  
Lyons Joan  
Miano Sandra C  
Orsini Alfred M  
Pearson Irrev Living Trust  
Protos Michael  
Rathway Lawrence P  
Rathway Robert  
Rosul Richard  
Seman Brooke L  
Sullivan Joseph S  
Tollari Anthony L  
Zampatti Sharon L**15474**Beatty Michelle  
Brewster Danny  
Matott Natalie  
Strimel Arthur J, Linda  
Travis Helen J  
Wolfe Kerry R**15475**Akers Anna  
Hill Jeffrey  
Pricilla Bill  
Redstone Pharmacy  
Schaney Donna K.F.  
Sherbaugh Andy  
Standard Gas  
Stiner George J**15478**Bobbi Hillberry & Howells  
Buncic Brian  
Copenhaver Melissa C  
Dainty Lisa M  
Detrick Timothy, Nancy  
Dils Donald A  
Ferland Ronald P  
Fowler Delorse  
Grimm Laura L  
Holmes Aleshia D  
Hunchuck Norma J  
Miller Paul I  
Morgan Daniel  
Opinsky Paul  
Silbaugh John H  
Smith Irene  
Stevulak Courtney  
Weakland Mark James  
Wolbert Nathaniel

**15480**

Boone Brian Keith  
Damore Kenneth W  
Malush Paul B, Nancy  
Pearson Thomas  
Ritsko Janice  
Valentine Wilbert M  
Yockey Nathan

**15482**

Renzi Lisa  
Tretnik Michelle

**15484**

Danko Joan N  
Porter Ruby G O

**15486**

Costabile Niel  
Davis Connie  
Hunt Bernice  
Lg Consulting & Supply  
Wise Samuel, Helen

**15488**

Weeds No More Inc

**15490**

Benton Christina

**15492**

Drennan Marcela Est

**15631**

Church of God of Prophecy  
Cooke Robert L  
Keefer Mary E  
Lambie Jeanne  
Logan Ira E Pastor  
Powers Kirm and Asso  
Prinkey Earl  
Shaw Jacob Thomas

For information about the nature and value of  
the property, or to check for additional names,  
visit [www.patreasury.gov](http://www.patreasury.gov)

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## **WARMAN ABSTRACT & RESEARCH LLC**

**JOHN F. WARMAN**

**518 Madison Drive**

**Smithfield, PA 15478**

**724-322-6529**

**johnfranciswarman@gmail.com**

**COMMERCIAL/RESIDENTIAL/CURRENT OWNER/MINERAL TITLE**

**A DECADE OF EXPERIENCE**

**E&O INSURED**

**WILL TRAVEL**

**ACCEPTING NEW CLIENTS**



**JUDICIAL OPINION**

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

NEIL PRICE, individually and as Trustee	:
for FREEDOM RING LAND	:
MANAGEMENT TRUST (PTO),	:
Plaintiff,	:
v.	:
MENALLEN TOWNSHIP, JOHN P.	:
YANTKO, RTK OFFICER, MENALLEN	:
TOWNSHIP SUPERVISORS, individually,	:
and LEE'S PLUMBING &	:
EXCAVATING, INC.,	: No. 1200 of 2015 G.D.
Defendants.	: Honorable John F. Wagner, Jr.

**OPINION AND ORDER**

Wagner, P.J.

March 31, 2022

Before the Court are the Defendants' Motions for Summary Judgment. The issues raised by Defendants, Mellallen Towship and John Yantko, in their motion include: (1) Price's Amended Complaint should be dismissed in its entirety, as Price's claims are time barred by the applicable statutes of limitations as to all counts; (2) Lack of Capacity to Sue: FRML and Price did not own Property within the statute of limitations, as FRML was an unincorporated entity which did not have any capacity to commence this suit as to all counts; (3) The Township Defendants are immune from liability on Price's negligence claims as to Counts II and IV; (4) The Township Defendants also cannot be liable to Plaintiff for conversion as to Count VI; and The Township Defendants also cannot be liable to Price/FRML under Section 1983, the 14th Amendment and the 4th Amendment as to Counts I and III.

In Lee's Plumbing & Excavating motion, the issues include: (1) The Defendant, Lee's Plumbing, did not owe any duty to the Plaintiff, and the allegations contained in Count V and VI should dismissed; (2) The Plaintiffs negligence claim is barred by the Economic Loss Rule, and County V of Plaintiff's First Amended Complaint should be dismissed; and (3) The Plaintiffs conversion claim improperly alleges that the Defendant, Lee's Plumbing, acted unlawfully and Count VI of Plaintiff's First Amended Complaint should be dismissed with prejudice; (4) The Plaintiff's claims re barred by the applicable statutes of limitations; (5) The Plaintiff did not own the subject property within the applicable statutes of limitations, as the FRLMT was an unincorporated entity which lacked the capacity to commence this action and the Plaintiffs Complaint should be dismissed.

This action is based on the demolition of a residence without allegedly providing proper notice to the alleged owner. The residence at issue was owned by Richard Frame and was located at 1198 New Salem Road in Menallen Township, Fayette County,

Pennsylvania. In 2009, Frame signed a deed transferring the property to Freedom Ring Land Management Trust, PTO, (hereinafter "FRLM"). No person was named on the deed of transfer as trustee or owner of the property. The documents establishing FRLM never identified the Plaintiff as having any role with the organization. There is no written documentation that Price actually was the trustee for FRLM even up to the date suit was filed. In an undated letter which Price wrote accepting the office of manager of FRML, it does not name him as trustee or acknowledge an appointment of him as trustee.

The Township filed and litigated several citations regarding the property after the property was transferred to FRML. After litigating several citations related to the property with Richard Frame, the Menallen Township Supervisors determined that the property was a public nuisance and appropriate to be demolished. After that determination, in January, 2013, the structure was demolished by Lee's Plumbing and Excavating at the request and direction of the Menallen Township and John R. Yantko. The Plaintiff, Neil Price, individually, and as the alleged "Trustee" for Freedom Ring Land Management Trust, PTO, (hereinafter "FRLM") asserts that at the time of the demolition of the property, FRLM owned the property. Neither he nor FRLM received notice by the Township Defendants prior to the demolition of the structure.

More than two years after the property was demolished. Neil Price (hereinafter "Price") filed a Praecipe for a Writ of Summons on behalf of FRML. Thereafter, on February 17, 2016, a complaint was filed and later amended on April 6, 2016. Preliminary Objections were filed by the Defendants and granted by the Court on the basis that the Plaintiff's claims were barred by the Statute of Limitations. The Commonwealth Court reversed this Court based upon the tolling of the statute of limitation pursuant to the discovery rule. The Commonwealth Court determined that it was "premature" for the Court to conclude that the statute had run as Price had alleged in the Amended Complaint that he was a disabled person who resided in Johnstown, Pennsylvania, which is located in another county and was prevented from discovering the events surrounding the demolition until 2014. The Commonwealth Court concluded that Price should have been given the opportunity to establish whether his disability satisfied the discovery rule so as to toll the statute of limitations.

## DISCUSSION

Under Pennsylvania Rules of Civil Procedure, a party may move for summary judgment as a matter of law when (1) there is no genuine issue of material fact as to a necessary element of the cause of action or defense which could be established by additional discovery or expert report, or (2) if, after the completion of discovery relevant to the motion, including the production of expert reports, and 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 trial would require the issues to be submitted to a jury. Pa.R.C.P. No. 1035.

A grant of a summary judgment motion may only occur in those cases in which the record clearly shows that no genuine issue of material fact exists and that the moving party is entitled to relief as a matter of law. *Horne v. Haladay*, 728 A.2d 954 (Pa Super.1999). Summary judgment depends upon an evidentiary record that either shows the

material facts are undisputed or contain insufficient evidence of facts to make out a prima facie cause of action or defense. *Rauch v. Mike-Mayer*, 783 A.2d 815 (Pa. Super. 2001). A material fact is one that directly affects the outcome of the case. In determining whether to grant summary judgment, the court must vie the record in the light most favorable to the non-moving party and must resolve all doubts as to the existence of a genuine issue of material fact against the moving party. 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 (Pa. Super. 2000).

Both Defendants assert that Price's Amended Complaint should be dismissed in its entirety, as Price's claims are time barred by the applicable statutes of limitations as to all counts. The Court previously dismissed Price's claims based on its finding that the claims were barred by the statute of limitations. At issue is whether the discovery rule applies to the running of the two year statute of limitations in this case which involves the demolition of a residence creating a financial loss. Price initially asserted that he is a disabled person who resides in another county in Pennsylvania. The case was remanded for Price to present sufficient evidence to support his assertion that the discovery rule was applicable in this case. A party asserting a cause of action is under a duty to use all reasonable diligence to be properly informed of facts and circumstances upon which potential right of recovery is based and to institute suit with the prescribed statutory period. *Poco Intern. Raceway, Inc. v. Pocono Produce, Inc.*, 468 A.2d 468 (Pa. 1983). The statute of limitations begins to run as soon as the right to institute and maintain suit arises and lack of knowledge, mistake or misunderstanding do not toll its running even though the person may not discover his injury once the prescribed statutory period has expired, then the party is barred from bringing suit unless it is established that an exception to the general rule applies which acts to toll the running of the statute. *Id.* The discovery rule is an exception to the general rule. It arises from the inability of the injured, despite the exercise of due diligence, to know of injury or its cause, and does not arise upon retrospective review of whether facts were actually ascertained within the period. *Id.*

Price has alleged that he was disabled and that his disability prevented him from being able to travel to the property or observe that the property had been demolished. Although some documentation was provided as to health issues that Price has, no evidence was provided to demonstrate how his health condition constituted a disability. Nor did his health condition prevent him from traveling to Fayette County as he admitted to doing in 2013 but stated that he did not visit the property location. Price admitted that he had traveled to the residence only in 2009 and on a separate occasion in 2013, he did travel into Fayette County but did not visit the property. See Defendant's Motion, Exhibit Eat 133-34. His health condition did not prevent him from traveling to the county in the year that the residence was demolished. His health condition did not interfere with his ability to determine that the property had been demolished. During the period prior to and after the filing of suit, Price has also admitted that he took no actions as trustee of the property to maintain it. He never notified the Defendants, or any agency of his alleged role as trustee. During several citation hearings related to the condition of the property, he never participated in those legal proceedings or notified any court that he was the trustee of the property. Frame, the owner of the property, defended those actions and not the trustee. Price also indicated that he had been in contact with Frame during his involvement with FRML.

The discovery rule arises from the inability of the party who suffers the harm, despite the exercise of due diligence, to know of the harm or its cause. *Pocono*, *supra*. Price had the ability to ascertain the cause of action and to institute the suit within the applicable period of limitations and having failed to do so, this action is barred by the statute. The cause of action in this case was discoverable by the exercise of due diligence, and no equitable exception to the statutory limitation is warranted in this case.

The Defendants raise the issue that Price and FRML lack the capacity to bring this suit as FRML was an unincorporated entity which does not have the capacity to commence suit and Price did not own the property within the statute of limitations. Under Pennsylvania law, absent express statutory authority, an unincorporated association is not a legal entity. It has no legal existence separate and apart from that of its individual members. *Krumbine v. Lebanon County Tax Claim Bureau*, 663 A.2d 158 (Pa. 1995). Only an entity with recognized legal existence may own and possess property. *Id.* An unincorporated association cannot be owner of real estate. *Id.* FRML did not incorporate until 2019, significantly after the suit was filed and after the statute of limitations had run.

In the Amended Complaint, Price asserts that FRML was an ordinary trust under 20 Pa.C.S. § 7732 et seq. He further asserts that title to the subject property vested in the trustee. Price has failed to present any documentation that FRML was organized as a trust. Initially, Price refers to FRLM as only an unincorporated association. Nor has he provided documentation he was a trustee. He was not named in any capacity in the deed of transfer from Frame to FRML. No individual is named in the deed of August 17, 2009 signed by Richard Frame conveying ownership to FRML. Price is not listed as trustee nor is he listed individually on the deed. At the time of the conveyance from Frame to FRML, FRML, as an unincorporated association, could not be the owner of property in the Commonwealth of Pennsylvania. *Id.*

An owner of real estate who would receive notification about the status of property is defined as "the person in whose name the property is last registered, if registered according to law, or, if not registered according to law, the person whose name appears as an owner of record on any deed or instrument of conveyance recorded in the county office designated for recording.... 72 P.S. § 5860.102. In *Krumbine*, the Pennsylvania Supreme Court stated that "legal title vests in the trustees of an unincorporated association, such trustees may be considered the owners of property in accordance with 72 P.S. § 5860.102 when the trustees' names appear on the conveyance document." *Id.*

In the current case, FRML was listed as an unincorporated association and then as a trust. It was not until 2019 that FRML was incorporated. Price was not named as a trustee of FRML nor did he act as trustee of the property. Price was not named on the conveyance deed from Frame to FRML. Nor was Price named in the documents which established FRML as a trustee. Price acknowledges that he has never been the owner of the property. From 2009 through 2015, Price did not attend or defend any actions related to the property, only Frame participated in those proceedings. Price has failed to present any documentation establishing that he had ever been a trustee for FRML, until he filed the within cause of action. The only relationship evidence presented was an undated letter written by Price accepting the office of manager of FRML but no evidence was presented of any offer that he act in any capacity for FRML. Price acknowledged that he

has never been involved with the management of FRML, pay any bills related to the property or signed any check for the payment related to bills related to the property. He confirmed he had no personal knowledge of the condition of the property, having visited it only in 2009. He admitted that he traveled in Fayette County in 2013 but did not visit the property.

The evidence presented establishes that neither Price nor FRML were owners of the property located at 1198 New Salem road In Menallen Township, Fayette County, prior to or at the time it was demolished in 2013. Price has presented no documentation naming him a trustee for FRML. Nor has he presented any documentation that FRML was a legal entity prior to or at the time suit was filed that it had the capacity to own real estate or at the time the statute ran. As the Plaintiffs have no ownership interest in the property, they lack the capacity to sue. As the Plaintiffs lack the capacity to bring the present case, the Court does not need to address any of the remaining issues.

In Lee's Plumbing & Excavating asserts that it did not owe any duty to the Plaintiffs. Price asserts that Lee's Plumbing "had a duty to reasonably avoid risk of harm or injury to the Plaintiff and the Plaintiffs private property." Amended Complaint Para. 47). The primary element in any negligence cause of action is that the Defendant owes a duty of care to the Plaintiff. *Althaus ex rel. Althaus v. Cohen*, 756 A.2d 1166 (Pa. 2000). Any action in negligence is premised on the existence of a duty owed by one party to another. The determination of whether a duty exists involves a weighing of several discrete factors which include: (1) the relationship between the parties; (2) the social utility of the actor's conduct; (3) the nature of the risk imposed and the foreseeability of the harm incurred; (4) the consequences of imposed a duty upon the party; and (5) the overall public interest in the proposed solution. *Id.* In determining whether to impose ad duty, consideration must be given to the risk, foreseeability and likelihood of injury weighed against the social utility of the actor's conduct, the magnitude of the burden of guarding against the injury and the consequences of placing that burden on the party.

The Township is legally authorized and has a multiple step process before it can take the necessary steps to have a property demolished including notice to the owner. Lee's Plumbing became involved after the Township supervisors had already determined that the property should be demolished in the interests of the public as it was a dilapidated property. Knowing the authority of the Township to make these determinations, Lee's Plumbing proceeded in the reasonable belief that their actions were lawful. To place a duty on an agency who had no contractual relationship with the alleged owner to determine whether the Township was causing harm is clearly unreasonable. There was no relationship between Lee's Plumbing and the Plaintiffs. The determination of the Township supervisors that the property should be demolished is a determination that a contractor has no authority to contest and to impose such a responsibility would place an unreasonable and time consuming requirement on contractors. Such a duty would unreasonably delay the timely removal of dilapidated properties and create possible further harm in the community. There has been no negligence as an action in negligence is based on the existence of a duty owed by one party to another. *Gibbs v. Ernst*, 647 A.2d 882 (Pa. 1994).

For the above stated reasons and without the necessity to review the other issues raised, summary judgment is hereby GRANTED and the Amended Complaint is DISMISSED.

BY THE COURT:  
WAGNER, P.J.

ATTEST:  
Prothonotary

**MEMORIAL SERVICE**

The Fayette County Bar Association will hold a memorial service before the Court for Davina D. Burd, Esquire at the Fayette County Courthouse in Courtroom No. 1 on Monday, May 23, 2022, at noon.



## LUNCH & LEARN SERIES

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

- Date: **Wednesday, May 25th from 12:00 p.m. to 1:30 p.m.**
- Location: Courtroom No. 1 of the Fayette County Courthouse
- Discussion topics: **On Cross-Examination**
- Presenter: **Samuel J. Davis, Esquire, Melinda K. Dellarose, Esquire, and Brent Eric Peck, Esquire**

### CLE Credit

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

Members of the FCBA

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

Attorneys admitted to practice in Pennsylvania after January 1, 2017

- No charge for attendance with CLE Credit

Non-members of the FCBA

- \$10 fee for attendance without CLE Credit
- \$40 fee for attendance with CLE Credit

**\*\* All fees to be paid at the door \*\***  
A light lunch will be provided.

### RSVP

If interested in attending, please call Cindy at the Bar office at 724-437-7994 or email to [cindy@fcbar.org](mailto:cindy@fcbar.org) on or before Monday, May 23rd.

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