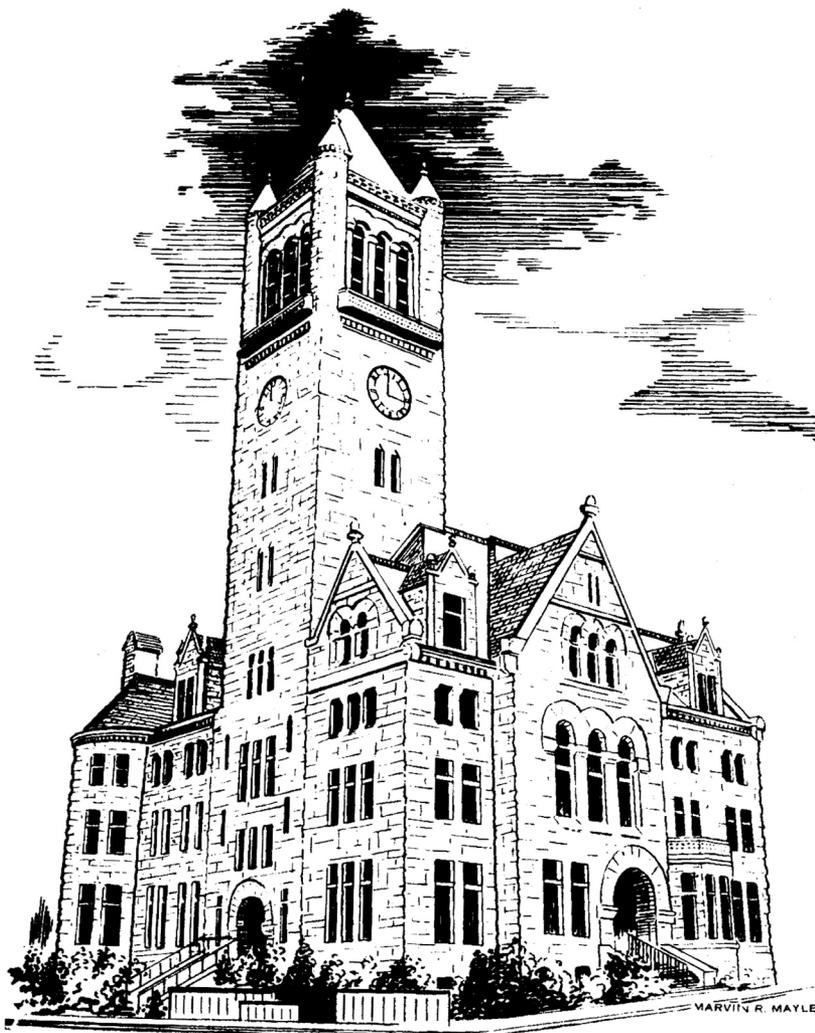


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ESTATE NOTICES

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

RONALD ALONZO, late of Jefferson Township, Fayette County, PA ⁽³⁾

Administratrix: Gloria A. Alonzo
344 Lenity School Road
Rostraver Two, PA 15012
c/o 1747 Rostraver Road
Belle Vernon, PA 15012
Attorney: Megan Kerns

PATRICIA BELL, a/k/a PATRICIA L. BELL, late of Washington Township, Fayette County, PA ⁽³⁾

Executrix: Jennifer Metikosh
254 Chickee Lane
Rostraver Township, PA 15012
c/o France, Lint & Associates, P.C.
308 Fallowfield Avenue
Charleroi, PA 15022
Attorney: David N. Lint

LOLA M. CHESS, late of Uniontown, Fayette County, PA ⁽³⁾

Personal Representative: Wayne E. Chess
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

MARY LOUISE EZZI, a/k/a MARY EZZI, late of Uniontown, Fayette County, PA ⁽³⁾

Administrator: Peter Ezzi
c/o 39 Francis Street
Uniontown, PA 15401
Attorney: Jack R. Heneks, Jr.

GEORGE M. FINCIK, a/k/a GEORGE MICHAEL FINCIK, SR., late of Jefferson Township, Fayette County, PA ⁽³⁾

Executrix: Linda D. Witouski
239 Fayette City Road
Perryopolis, PA 15473
c/o Bassi, Vreeland & Associates, P.C.
P.O. Box 144
111 Fallowfield Avenue
Charleroi, PA 15022
Attorney: Bradley M. Bassi

CYNTHIA D. LEECH, late of Springhill Township, Fayette County, PA ⁽³⁾

Executor: W. Bradley Leech
c/o DeHaas Law, LLC
51 East South Street
Uniontown, PA 15401
Attorney: Ernest P. DeHaas, III

FRANK PAVLOVICH, a/k/a FRANK E. PAVLOVICH, late of German Township, Fayette County, PA ⁽³⁾

Personal Representative:
Herbert G. Mitchell, Jr.
c/o 902 First Street
P.O. Box 310
Hiller, PA 15444
Attorney: Herbert Mitchell, Jr.

SCOTT MICHAEL SHALLENBERGER, late of Vanderbilt Borough, Fayette County, PA

Personal Representative: Sara K. Hillen ⁽³⁾
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

MILDRED L. WOOD, a/k/a MILDRED LORRAINE WOOD, late of North Union Township, Fayette County, PA ⁽³⁾

Personal Representative: Janet Paull and Ruth Bookshar
c/o George & George
92 East Main Street
Uniontown, PA 15401
Attorney: Joseph M. George

**KATHLEEN J. ZAPOTOSKY, a/k/a
KATHLEEN J. ZAPOTOSKY**, late of Lemont
Furnace, Fayette County, PA (3)
Executor: Lois R. Frazee
c/o P.O. Box 727
Uniontown, PA 15401
Attorney: Bernadette K. Tummons

Second Publication

SHARON BLAIR, late of Redstone Township,
Fayette County, PA (2)
Administrator: Jeffrey Scott Blair
c/o 429 Fourth Avenue, Suite 602
Pittsburgh, PA 15219
Attorney: Esther Evans

LINDA HAUGHT HIXON BROWN, late of
Uniontown, Fayette County, PA (2)
Administrator: George W. Brown
c/o Monaghan & Monaghan, LLP
57 East Main Street
Uniontown, PA 15401
Attorney: Gary Monaghan

**DOROTHY CLARK, a/k/a DOROTHY
IRENE CLARK**, late of Springfield Township,
Fayette County, PA (2)
Personal Representative: Harry F. Clark, Jr.
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, Pa 15425
Attorney: Timothy J. Witt

**MARY LESSMAN, a/k/a MARY L.
LESSMAN**, late of Bullskin Township, Fayette
County, PA (2)
Executrix: Marsha L. Verhagen
1592 Hidden Springs
Salado, Texas 76571
c/o 231 South Main, Suite 402
Greensburg, PA 15601
Attorney: Marilyn M. Gaut

**RICHARD V. MONGELL, a/k/a RICHARD
VINCENT MONGELL**, late of Connellsville,
Fayette County, PA (2)
Personal Representative: Francis Mongell
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

RUTH ANN SHAFFER, late of South Union
Township, Fayette County, PA (2)
Executrix: Christina Smithburger-Orbash
c/o Higinbotham Law Offices
45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James Higinbotham

**THOMAS J. SMITH, a/k/a THOMAS
SMITH**, late of Dunbar Township, Fayette
County, PA (2)
Personal Representative: Brett Smith
c/o Riverfront Professional Center
208 South Arch Street, Suite 2
Connellsville, PA 15425
Attorney: Richard A. Husband

First Publication

**CECELIA BARANEK, a/k/a CECELIA
AGNES BARANEK**, late of Georges
Township, Fayette County, PA (1)
Executor: Michael S. Losurdo, Jr.
c/o 556 Morgantown Road
Uniontown, PA 15401
Attorney: John Kopas

JOYCE L. DEEMS, late of Uniontown, Fayette
County, PA (1)
Executrix: Erika L. Butter
c/o 2944 National Pike Road
P.O. Box 245
Chalk Hill, PA 15421
Attorney: Charles C. Gentile

DONNA M. FOREMAN, late of Georges
Township, Fayette County, PA (1)
Administrator DBNCTA: Troy B. Foreman
c/o 9 Court Street
Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

**AUDREY GANOE, a/k/a AUDREY D.
GANOE, a/k/a AUDREY DARLENE
GANOE**, late of Luzerne Township, Fayette,
PA (1)
Executor: John W. Ritchey and
Bernadine C. Ritchey
c/o DeHaas Law, LLC
51 East South Street

Uniontown, PA 15401
 Attorney: Ernest P. DeHaas, III

THOMAS J. GEORGE, a/k/a THOMAS GEORGE, late of Uniontown, Fayette County, PA ⁽¹⁾

Personal Representatives:
 Thomas F. George and Michael P. George
 c/o Davis & Davis
 107 East Main Street
 Uniontown, PA 15401
 Attorney: Samuel J. Davis

PAUL JOSEPH HOMER, JR., a/k/a PAUL J. HOMER, JR., late of Dunbar Township, Fayette County, PA ⁽¹⁾

Personal Representative:
 Christopher A. Homer
 c/o Watson Mundorff, LLP
 720 Vanderbilt Road
 Connellsville, PA 15425
 Attorney: Timothy J. Witt

TAMMY J. MATTIE, a/k/a TAMMY JEAN MATTIE, late of Grindstone, Fayette County, PA ⁽¹⁾

Administrator: Nevin P. Mattie
 c/o DeHaas Law, LLC
 51 East South Street
 Uniontown, PA 15401
 Attorney: Ernest P. DeHaas, III

WILLIAM EARL PARNHAM, late of Uniontown, Fayette County, PA ⁽¹⁾

Administrators:
 Ruth Ann Munden
 P.O. Box 315
 Wyano, PA 15695
 Darcy Nave
 10369 Washington Avenue
 North Huntingdon, PA 15642
 c/o 1714 Lincoln Way
 White Oak, PA 15131
 Attorney: Rebecca Shaw McHolme

LOIS N. WHETSEL, late of Bullskin Township, Fayette County, PA ⁽¹⁾

Personal Representatives:
 Kathleen J. Brown and Dan E. Whetsel
 c/o Watson Mundorff, LLP
 720 Vanderbilt Road
 Connellsville, PA 15425
 Attorney: Timothy J. Witt

LEGAL NOTICES

NOTICE

Notice is hereby given that A Certificate of Organization has been approved and filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on August 2, 2021, for a Limited Liability Company known as Carney's Apartments, 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: purchasing and selling of real estate and any other lawful purpose related thereto for which the Company may be organized under the Business Corporation Law.

George & George
 By: Joseph M. George, Esquire
 92 East Main Street
 Uniontown, PA 15401

IN THE COURT OF COMMON PLEAS OF
 FAYETTE COUNTY, PENNSYLVANIA
 ORPHANS' COURT DIVISION
 NO. 47 ADOPT 2021

IN RE: ADOPTION OF
 FAYETTEA SAFEHAVEN
 (Baby Boy Doe)

NOTICE

TO: Jane Doe and John Doe

A petition has been filed asking the Court to put an end to all rights you have to your child, Fayettea Safehaven (Baby Boy Doe), born at home and surrendered to Uniontown Hospital on February 28, 2021 by Jane Doe. The court has set a hearing to consider ending your rights to your child. That hearing will be held in Courtroom No. 4 of the Fayette County Courthouse, Uniontown, Fayette County, Pennsylvania, on **October 28, 2021 at 1:30 p.m.** You are warned that even if you fail to appear at the scheduled hearing the hearing will go on without you and your rights to your child may be ended by the court without your being there.

YOU HAVE A RIGHT TO BE REPRESENTED AT THE HEARING BY A LAWYER. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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100 SOUTH STREET
PO BOX 186
HARRISBURG, PA 17108
(800) 692-7375

NOTICE

Notice is hereby given that a Certificate of Organization has been approved and filed with the Department of State for the Commonwealth of Pennsylvania in Harrisburg, Pennsylvania on August 9, 2021, for a Limited Liability Company, organized under the Limited Liability Company Law of 1994, as from time to time amended. The name of the Company is LITTLE LOVELIES, LLC., having an address of 2142 Pittsburgh Road, Smock, Pennsylvania 15480.

James N. Fitzsimmons, Jr.
Fitzsimmons and Barclay
55 East Church Street, Suite 102
Uniontown, PA 15401

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY PENNSYLVANIA
CIVIL ACTION-LAW
NO. 1415 OF 2021, G.D.

**IN RE: NAME CHANGE OF
KYAN ALEXANDER BROWN**

NOTICE

Notice is hereby given that on August 12, 2021, the Petition of Kyan Alexander Brown was filed with the above-named Court, requesting an order of Court to change the name of Kyan Alexander Brown to Kyan Michael Hrisisce.

The Court has fixed the day of October 22, 2021, at 10:00 a.m., in Courtroom Number 3 of the Fayette County Courthouse, Uniontown, Pennsylvania, as the time and place for the hearing on said Petition, when and where all interested parties may appear and show cause, if any, why the request of the petitioner should not be granted.

Charles C. Gentile, Esquire
2944 National Pike Road
P.O. Box 245
Chalk Hill, PA 15421

SHERIFF'S SALE

Date of Sale: November 18, 2021

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, November 18, 2021, at 2:00 p.m. in Courtroom Number One at the Fayette County Courthouse, Uniontown, Pennsylvania.

The terms of sale are as follows:

Ten percent of the purchase price, or a sufficient amount to pay all costs if the ten percent is not enough for that purpose. Same must be paid to the Sheriff at the time the property is struck off and the balance of the purchase money is due before twelve o'clock noon on the fourth day thereafter. Otherwise, the property may be resold without further notice at the risk and expense of the person to whom it is struck off at this sale who in case of deficiency in the price bid at any resale will be required to make good the same. Should the bidder fail to comply with conditions of sale money deposited by him at the time the property is struck off shall be forfeited and applied to the cost and judgments. All payments must be made in cash or by certified check. The schedule of distribution will be filed the third Tuesday after date of sale. If no petition has been filed to set aside the sale within 10 days, the Sheriff will execute and acknowledge before the Prothonotary a deed to the property sold. (1 of 3)

James Custer
Sheriff Of Fayette County

No. 224 of 2021 GD
No. 107 of 2021 ED

American Advisors Group

PLAINTIFF

vs.

**Susan D. Collier, Administratrix of the Estate
of John M. Collier a/k/a John Marshall Collier
DEFENDANT**

ALL the following described tract of land, being more particularly bounded and described as follows, to-wit:

ALL certain piece of land situate in Masontown Borough, Fayette County, Pennsylvania, known and designated as Lot No. 54 in the plan of lots laid out by Hillman-Neff Coke Company, and recorded in the Office of Recorder of Deeds in and for Fayette County, Pennsylvania, in Plan Book 4, page 46, having erected thereon a frame dwelling house and out-building, being the same premises granted and conveyed to Robert Saunders by deed of William Finnie, et ux, dated October 9, 1964, and of record in the Recorder's Office of Fayette County, Pennsylvania, in Deed Book Vol 998, page 410, and subject to all the exceptions, reservations and easements contained in said deed.

PARCEL # 21-08-0225

FOR INFORMATIONAL PURPOSES
ONLY: Being known as 14 Park Avenue,
Masontown, Pennsylvania 15461

COMMONLY KNOWN AS: 14 Park
Avenue, Masontown, PA 15461

TAX PARCEL NO. 21-08-0225

Robertson, Anschutz, Schneid, Crane & Partners, PLLC
 A Florida Limited Liability Company
 133 Gaither Drive, Suite F
 Mt. Laurel, NJ 08054
 Phone: (855) 225-6906
 Fax: (866) 381-9549

No. 492 of 2021 GD
 No. 130 of 2021 ED

WELLS FARGO BANK, NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO WELLS FARGO BANK MINNESOTA, NATIONAL ASSOCIATION, AS TRUSTEE F/K/A NORWEST BANK MINNESOTA, NATIONAL ASSOCIATION, AS TRUSTEE FOR AMRESCO RESIDENTIAL SECURITIES CORPORATION MORTGAGE LOAN TRUST 1998-3

Plaintiff
V.

CHUCK O. COULSON; SONDRA L. COULSON A/K/A SANDRA L. COULSON
Defendant(s)

ALL THOSE CERTAIN LOTS OR PIECES OF GROUND SITUATE IN GERMAN TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA:

BEING KNOWN AS: 131 PALMER RD F/K/A ROAD #1 BOX 322 ADAH, PA 15410
 BEING PARCEL NUMBER: 15190074
 IMPROVEMENTS: RESIDENTIAL PROPERTY

No. 1148 of 2021 GD
 No. 137 of 2021 ED

Freedom Mortgage Corporation
Plaintiff

vs.

Timothy L. Heater, as Administrator of the Estate of Harry L. Heater, Jr., Deceased
Defendant(s)

All those certain lots of land situate in the Borough of South Connellsville, Fayette County, Pennsylvania.

BEING THE SAME PREMISES which Gregory A. Vinoski, by Deed dated 11/30/2004 and recorded in the Office of the Recorder of Deeds of Fayette County on 11/30/2004 in Deed Book Volume 2928, Page 946, Instrument No. 200400020958 granted and conveyed unto Harry L. Heater, Jr. and Carolyn E. Heater, Husband and Wife.

Carolyn E. Heater departed this life on 4/14/2010.

Harry L. Heater departed this life on 7/26/2020.

BEING known as 1811 2nd Street, Connellsville, Pennsylvania 15425
 PARCEL # 33-08-0061

STERN AND EISENBERG, PC
 Andrew J. Marley, ESQ.

No. 482 of 2021 GD
 No. 128 of 2021 ED

Wells Fargo Bank, National Association as Trustee for Option One Mortgage Loan Trust 2005-5, Asset-Backed Certificates, Series 2005-5

Plaintiff

v.

Cheryl A. Lorkowski and Raymond P. Lorkowski, Sr.

Defendant(s)

SITUATE IN THE THIRD WARD OF THE Washington Township, FAYETTE COUNTY, PENNSYLVANIA, BEING KNOWN AS 1540 Fayette Avenue, Fayette City, PA 15438

PARCEL NO. 41-13-0110 and 41-13-0112
 IMPROVEMENTS - RESIDENTIAL REAL ESTATE

SOLD AS THE PROPERTY OF- Cheryl A. Lorkowski and Raymond P. Lorkowski, Sr.

Brock & Scott, PLLC

No. 851 of 2018 GD
 No. 51 of 2021 ED

WELLS FARGO BANK, N.A.

v.

ANTHONY L. MILAN; NUR H. MILAN

By virtue of a Writ of Execution No. 851 of 2018 GD; 51 of 2021 ED WELLS FARGO BANK, N.A. v. ANTHONY L. MILAN; NUR H. MILAN owner(s) of property situate in the TOWNSHIP OF LUZERNE, FAYETTE County, Pennsylvania, being

811 GREEN ST, A/KIA 811 GREEN ST-HILLER, BROWNSVILLE, PA 15417

Tax ID No. 19-13-0080

Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$115,631.25

No. 1793 of 2017 GD
No. 133 of 2021 ED

Wilmington Savings Fund Society, FSB, As Trustee of Stanwich Mortgage Loan Trust I 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 property conveyed to Matthew B. Nutt who acquired title by virtue of a deed from Amanda Bernot, dated July 14, 2016, recorded June 18, 2018, at Instrument Number 201800006243, and recorded in Book 3375, Page 881, Office of the Recorder of Deeds, Fayette County, Pennsylvania.

No. 2221 of 2019 GD
No. 134 of 2021 ED

U.S. Bank National Association, as Trustee, successor in interest to Bank of America National Association, as Trustee, successor by merger to LaSalle Bank National Association as Trustee for Merrill Lynch First Franklin Mortgage Loan Trust 2007-5, Mortgage Pass-Through Certificates, Series 2007-5 Plaintiff,
vs.
Ronald F. Ryan, AKA Ronald F. Ryan, Jr., AKA Ronald Ryan; Danielle J. Ryan, AKA Danielle J. Howe Defendants.

ALL that certain parcel of land lying and being situate in the City of Connellsville, County of Fayette, and Commonwealth of Pennsylvania, known as 401 North Jefferson, Connellsville, PA 15425 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 05-09-0039

BEING the same premises which Ronald F. Ryan and Danielle J. Howe, by Deed dated June 28, 2007 and recorded in and for Fayette County, Pennsylvania in Deed Book 3031, Page

1863, granted and conveyed unto Ronald Ryan and Danielle J. Ryan, husband and wife.

Brock & Scott, PLLC

No. 156 of 2020 GD
No. 138 of 2021 ED

WELLS FARGO BANK, N.A.
v.
JASON SOMMERFELDT

By virtue of a Writ of Execution No. 156 of 2020 GD, WELLS FARGO BANK, N.A. v. JASON SOMMERFELDT owner(s) of property situate in the TOWNSHIP OF WASHINGTON, FAYETTE County, Pennsylvania, being 1118 CONNELLSVILLE RD, FAYETTE CITY, PA 15438

Tax ID No, 41-16-0026

Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$51,732.55

KML LAW GROUP, P.C.

Suite 5000

701 Market Street

Philadelphia, PA 19106-1532

(215) 627-1322

No. 1520 of 2018 GD
No. 127 of 2021 ED

U.S. BANK NATIONAL ASSOCIATION, AS INDENTURE TRUSTEE, FOR THE CIM TRUST 2016-2, MORTGAGE- BACKED NOTES, SERIES 2016-2 3217 S. Decker Lake Drive Salt Lake City, UT 84119 Plaintiff
vs.
DENISE A. WARNICK SHIRLEY A. WARNICK Mortgagor(s) and Record Owner(s) 164 Casey Drive New Salem, PA 15468 Defendant(s)

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

BEING KNOWN AS: 164 CASEY DRNE, NEW SALEM, PA 15468

TAX PARCEL #15-05-0013

IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: DENISE
A.WARNICK AND SHIRLEY A.WARNICK

No. 2014 of 2019 GD
No. 135 of 2021 ED

No. 1336 of 2017 GD
No. 136 of 2021 ED

**PENNSYLVANIA HOUSING FINANCE
AGENCY,
PLAINTIFF
VS.
DAYID C. WHYEL,
DEFENDANT**

PARCEL ONE - TAX PARCEL #19-18-0008/191530:

ALL that certain lot ground in the Township of Luzerne, County of Fayette, Pennsylvania, being Lot No. 5, Joseph Merino Plan of Lots, Fayette Plan Book 1, page 36 1/2. BEING A VACANT LOT OF residential land located on Rose Street, Allison, PA 15412.

TAX PARCEL #: 19-18-0008
Fayette County Deed Book 2082, page 323.

PARCEL TWO - TAX PARCEL #19-18-0003/191531:

ALL that certain lot of ground in the Township of Luzerne, County of Fayette, Pennsylvania, being Lots Nos. 9 and 10, Joseph Merino Plan of Lots, Fayette Plan Book Volume 1, page 36 1/2. HAVINO THEREON ERECTED outbuildings located on Rose Street, Allison, PA 1541 3.

TAX PARCEL #: 19-18-0003
Fayette County Deed Book 2082, page 323.

PARCEL THREE - TAX PARCEL #19-18-0006/191532:

ALL those two lots of ground in the Township of Luzerne, County of Fayette, Pennsylvania, being Lots Nos. 3 and 4, Joseph Merino Plan of Lots, Fayette Plan Book 1, page 36 1/2. HAVING THEREON ERECTED DWELLING KNOWN AS: 1 ROSE STREET ALLISON, PA 15413.

TAX PARCEL #: 19-18-0006
Fayette Deed Book 2082, page 323.

ALL PARCELS TO BE SOLD AS THE PROPERTY OF DAVID C. WHYEL UND ER FAYETTE COUNTY JUDGMENT NO. 2017-01336.

**MidFirst Bank
Plaintiff,
vs.
Megan L. Williams; Ryan D. Williams
Defendants.**

ALL that certain parcel of land lying and being situate in the Township of Springfield, County of Fayette, and Commonwealth of Pennsylvania, known as 640 Mill Run Road, Mill Run, PA 15464 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 35-15-0074

BEING the same premises which Larry A. Schroyer and Mary J. Schroyer, f/k/a Mary J. Bowers, husband and wife, by Deed dated September 6, 2012 and recorded in and for Fayette County, Pennsylvania in Deed Book 3199, Page 837, granted and conveyed unto Megan L. Williams, married and Ryan D. Williams, unmarried.

*** END SHERRIFF SALES***

JUDICIAL OPINION

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

ANGELA M. GUZIAK and :
WALTER GUZIAK, :
PLAINTIFFS, :
v. :
JOSHUA N. BLYSTONE, : No. 1883 of 2020 G.D.
DEFENDANT. : Honorable President Judge John F. Wagner, Jr.

OPINION AND ORDER

Wagner, P.J.

July 20, 2021

Before the Court are the Preliminary Objections to the Plaintiffs' complaint filed by Defendant, Joshua N. Blystone, who objects to the complaint as being legally insufficient to support the allegation that the motor vehicle accident was a result of Defendant's "recklessness."

BACKGROUND

On December 18, 2018, the Plaintiff was traveling eastbound on New Geneva Road and was approaching the intersection of New Geneva Road and Greater Point Marion Road in Fayette County, Pennsylvania. The Defendant was stopped at the intersection in the westbound lane of New Geneva Road. The intersection does not have a turning lane or traffic signal device but there are two solid yellow lines separating the lanes of traffic. The Defendant made a U-turn into the eastbound lane into the pathway of the Plaintiffs vehicle resulting in a collision. The Plaintiff suffered serious injuries to her back and left leg as a result of the collision.

On October 23, 2020, the Plaintiffs commenced this action by filing a Writ of Summons and later filing a Complaint in Civil Action on December 9, 2020. On January 29, 2021, the Defendant filed Preliminary Objection to Plaintiffs' Complaint.

Pennsylvania Rules of Civil Procedure provide that preliminary objections may be filed by any party to any pleading and may be filed on the following grounds: (2) failure of a pleading to conform to law or rule of court or inclusion of scandalous or impertinent matter; (3) insufficient specificity; (4) legal insufficiency of a pleading. Pa.R.C. P. 1028(a)(2), (3), (4).

In his preliminary objections, the Defendant has filed a motion to strike off the word "reckless" contained in the complaint. The Court must accept as true all well-pleaded material and relevant facts. Mellon Bank N.A. v Fabinyi, 650 A.2d 895 (Pa. Super. 1994). Conclusions of law, unwarranted inferences from the facts, argumentative allegations or expressions of opinion need not be accepted as true. Myers v. Ridge, 712

A.2d 791 (Pa. Cmwlth 1998).

Punitive damages may be awarded for conduct that is outrageous, because of the defendant's reckless indifference to the rights of others. Restatement (Second) of Torts Section 908(a). A defendant acts recklessly when his conduct creates an unreasonable risk of physical harm to another and such risk is substantially greater than that which is necessary to make his conduct negligent. *Hutchinson ex rel Hutchinson v. Luddy*, 870 A.2d 766 (Pa. 2005). Punitive damages are based on conduct, which is malic io us, wanton, reckless, willful or oppressive.

An essential fact needed to support a claim for punitive damages is that the defendant's conduct be outrageous. Outrageous conduct is defined as an act done with reckless indifference to the interest of others. *Baker v. Rangos*, 324 A.2d 498 (1974). Reckless indifference to the interest of others is defined as wanton misconduct meaning an intentional act done in disregard of a risk known to him or so obvious that he must be taken to have been aware of this. *Focht v. Rabada*, 268 A.2d 157 (Pa. Super. 1970). In *Focht*, it was determined that the act itself and all the circumstances surrounding the act can establish by circumstantial evidence of the Defendant's conscious disregard of the risk of harm that under the circumstances of the case that the defendant's conduct was not only negligent but could also be considered outrageous and was done in conscious disregard of the risk imposed by his actions.

When the Defendant deliberately turned into on-coming traffic who had the right of way at an intersection with no traffic control device or turning lane, his actions could be considered to have been done in disregard of a known risk and therefore reckless. Therefore, the Court will overrule Defendant's Preliminary Objection at this time and enters the following Order

ORDER

AND NOW, this 20th day of July 2021, upon consideration of the Defendant's Preliminary Objection to Plaintiff's Complaint, it is hereby ORDERED and DECREED that the Preliminary Objection is her by OVERRULED.

BY THE COURT:
WAGNER, P.J.

ATTEST:
Prothonotary

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FCBA BENCH BAR CONFERENCE

Save the Date

FCBA Bench Bar Conference will be held on

Wednesday, October 13th from
8:30 a.m. to 1:00 p.m. at

The Historic Summit Inn

Agenda to follow

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