

# FAYETTE LEGAL JOURNAL

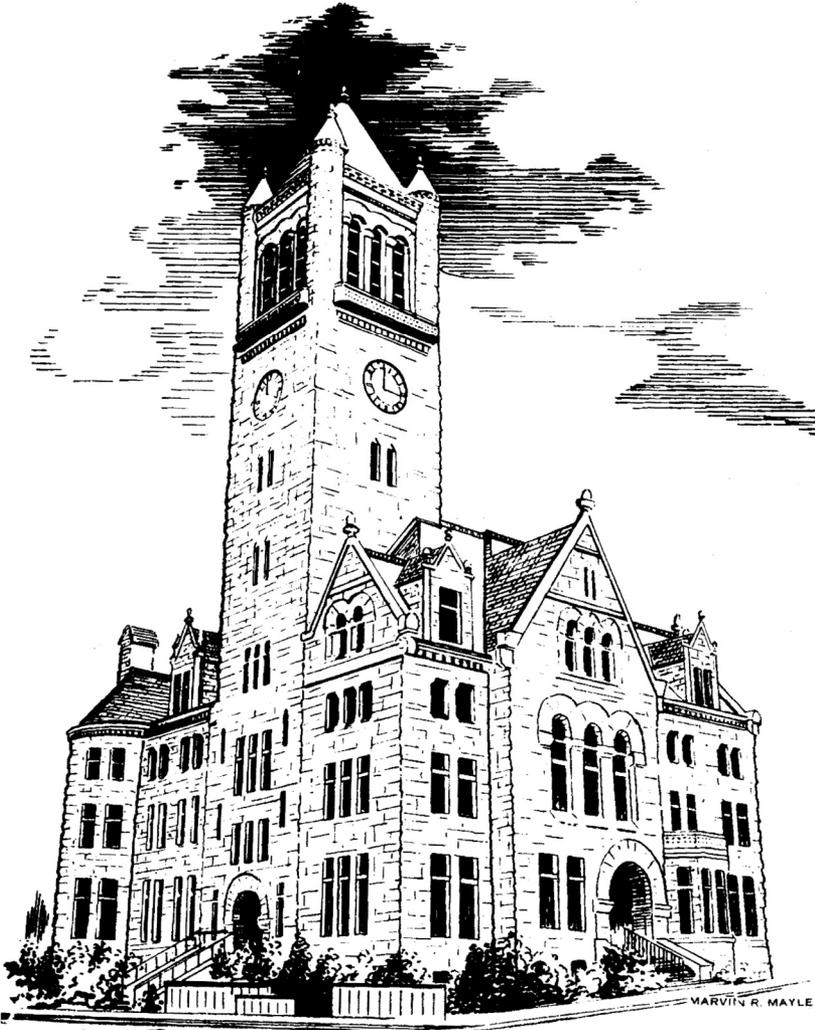
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## FAYETTE LEGAL JOURNAL

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### Third Publication

**ALBERT BONIELLA**, late of Uniontown,  
Fayette County, PA (3)

*Personal Representative:*

Marlene Olinzock

c/o Davis and Davis

107 East Main Street

Uniontown, PA 15401

*Attorney:* Gary J. Frankhouser

**EDWARD A. CHIPPS, a/k/a EDWARD  
ASHTON CHIPPS, SR.**, late of Springhill  
Township, Fayette County, PA (3)

*Executor:* Edward A. Chipps, Jr.

c/o Goodwin Como, P.O.

108 North Beeson Boulevard, Suite 400

Uniontown, PA 15401

*Attorney:* Benjamin Goodwin

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Township, Fayette County, PA (3)

*Administrator:* Sydney Carns

143 Williams Road

Stahlstown, PA 15687

c/o Snyder and Snyder

17 North Diamond Street

Mount Pleasant, PA 15666

*Attorney:* Marvin D. Snyder

**MARY ANN LISTER**, late of Redstone  
Township, Fayette County, PA (3)

*Executor:* Andrew Raymond Lister

c/o 51 East South Street

Uniontown, PA 15401

*Attorney:* Webster & Webster

**NAOMA MCCAULEY**, late of Bullskin  
Township, Fayette County, PA (3)

*Administratrix:* Mary Jones

6 Chestwood Drive

Connellsville, PA 15425

c/o 749 North Church Street

Mount Pleasant, Pa 15425

*Attorney:* Paul Toohey

**ANNA MARIE MIKITA**, late of Jefferson  
Township, Fayette County, PA (3)

*Executor:* Frank R. Grahek

225 Buck Run Drive

Nottingham, PA 19362

c/o P.O. Box 310

Hiller, PA 15444

*Attorney:* Herbert G. Mitchell, III

**ALLEN D. MORGAN**, late of Washington,  
Fayette County, PA (3)

*Executor:* Kerry Lee Morgan

c/o 51 East South Street

Uniontown, PA 15401

*Attorney:* Webster & Webster

**WILLIAM WARRICK, SR.**, late of Dunbar  
Township, Fayette County, PA (3)

*Executrix:* Loraine Warrick

c/o Rowan Law Office

890 Vanderbilt Road

Connellsville, Pa 15425

*Attorney:* Mark Rowan

**LOIS WILSON, a/k/a LOIS JUNE WILSON,  
a/k/a LOIS W. WILSON**, late of North Union  
Township, Fayette County, PA (3)

*Executrix:* Amy R. Leiberger

c/o Higinbotham Law Offices

45 East Main Street, Suite 500

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*Attorney:* James Higinbotham

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c/o Davis and Davis

107 East Main Street

Uniontown, PA 15401

*Attorney:* Gary J. Frankhouser

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

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*Executor:* Leroy E. Glisan  
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*Personal Representative:*  
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 340 Osona Lane  
 Mars, PA 16046  
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 979 Beachland Boulevard  
 Vero Beach, FL 32963  
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*Personal Representative:* Mary M. Maddas  
 c/o Watson Mundorff, LLP  
 720 Vanderbilt Road  
 Connellsville, PA 15425  
*Attorney:* Robert A. Gordon

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*Attorney:* David S. DeRose

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*Personal Representatives:*  
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 720 Vanderbilt Road  
 Connellsville, PA 15425  
*Attorney:* Robert A. Gordon

## First Publication

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*Personal Representative:* Toni Cicchetti  
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*Attorney:* Charity Grimm Krupa

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 18 Mill Street Square  
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*Attorney:* Mark M. Mehalov

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*Administrator:* Joyce Epley  
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 Smithfield, PA 15478  
*Attorney:* Charity Grimm Krupa

**JOHN W. STROHM a/k/a John WILLIAM STROHM**, late of Wharton Township, Fayette County, PA (1)

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

## 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 7, 2021, to conduct a business in Fayette County, Pennsylvania, under the assumed or fictitious name of Redz with the principal place of business at: 110 Prospect Street, Connellsville, Fayette County, PA, 15425. The name or names and addresses of persons owning and interested are: Ductz Heating and Air Conditioning, LLC 110 Prospect Street, Connellsville, PA 15425.

Jarod Illar, Esquire  
Watson Mundorff, LLP  
720 Vanderbilt Road  
Connellsville Pennsylvania 15425

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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 7, 2021, to conduct a business in Fayette County, Pennsylvania, under the assumed or fictitious name of Redz Heating, Air Conditioning, and Plumbing with the principal place of business at: 110 Prospect Street, Connellsville, PA 15425. The name or names and addresses of persons owning and interested are: Ductz Heating and Air Conditioning, LLC, 110 Prospect Street, Connellsville, PA 15425.

Jarod Illar, Esquire  
Watson Mundorff, LLP  
720 Vanderbilt Road  
Connellsville Pennsylvania 15425

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720 Vanderbilt Road  
Connellsville Pennsylvania 15425

### NOTICE

NOTICE is hereby given of the administration of The Paul Anthony Mongell Irrevocable Trust u/a/d February 26, 2004. Paul Anthony Mongell, of Fayette County, Pennsylvania died April 8, 2020. All persons having claims against The Paul Anthony Mongell Irrevocable Trust u/a/d February 26, 2004 are requested to make known the same to the Trustee or attorney named below. All persons indebted to The Paul Anthony Mongell Irrevocable Trust u/a/d February 26, 2004 are requested to make payment without delay to the

Trustee or attorney named - PNC Bank, National Association. Weston P. Pesillo, c/o Tucker Arensberg, P.C. 1500 One PPG Place, Pittsburgh, PA 15222

Tucker Arensberg, P.C.  
1500 One PPG Place  
Pittsburgh PA 15222

COURT OF COMMON PLEAS - FAYETTE COUNTY, PA - CIVIL ACTION-LAW - No. 910 of 2021 GD - Notice of Action in Mortgage Foreclosure - Nationstar Mortgage LLC d/b/a Champion Mortgage Company, Plaintiff vs. Unknown Heirs, Successors, and Assigns and All Persons, Firms or Associations Claiming Right, Title and Interest Under Violet D. Schnatterly, Defendant(s) - To the Defendant (s), Unknown Heirs, Successors, and Assigns and All Persons, Firms or Associations Claiming Right, Title and Interest Under Violet D. Schnatterly - TAKE NOTICE THAT THE Plaintiff, Nationstar Mortgage LLC d/b/a Champion Mortgage Company has filed an action Mortgage Foreclosure, as captioned above. NOTICE: IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE YOUR DEFENSES OR OBJECTIONS WITH THE COURT. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT FURTHER NOTICE FOR THE RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU. YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE. PA Lawyer Referral Service, PA Bar Assn., 100 South St., P.O. Box 186, Harrisburg, PA 17108, 800.692.7375. Nicole LaBletta, Atty. for Plaintiff, PINCUS LAW GROUP, PLLC, 2929 Arch St., Ste. 1700, Phila., PA 19104, 484.575.2201

IN THE COURT OF COMMON PLEAS  
Fayette COUNTY  
CIVIL ACTION - LAW  
ACTION OF MORTGAGE FORECLOSURE  
Term No. 34 of 2021 GD  
NOTICE OF ACTION IN MORTGAGE FORECLOSURE

QUEST IRA, INC., FBO: RAY TROUNDAY,  
IRA ACCOUNT # 2675011

Plaintiff  
vs.  
ANDREA J. COPTIS & MICHAEL C.  
STOYKO  
Mortgagor and Real Owner  
Defendant

MICHAEL C. STOYKO, MORTAGOR AND REAL OWNER, DEFENDANT whose last known address is 663 Walnut Hill Road Uniontown, PA 15401

THIS FIRM IS A DEBT COLLECTOR AND WE ARE ATTEMPTING TO COLLECT A DEBT OWED TO OUR CLIENT. ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THE PURPOSE OF COLLECTING THE DEBT.

You are hereby notified that Plaintiff QUEST IRA, INC., FBO: RAY TROUNDAY, IRA ACCOUNT # 2675011, has filed a Mortgage Foreclosure Complaint endorsed with a notice to defend against you in the Court of Common Pleas of Fayette County, Pennsylvania, docketed to No. 34 of 2021 GD wherein Plaintiff seeks to foreclose on the mortgage secured on your property located, 663 Walnut Hill Road Uniontown, PA 15401 whereupon your property will be sold by the Sheriff of Fayette.

**NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after the Complaint and notice are served, 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 claim in the Complaint of 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 PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT

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Michael T. McKeever  
Attorney for Plaintiff  
KML Law Group, P.C., PC  
Suite 5000, BNY Independence Center  
701 Market Street  
Philadelphia, PA 19106-1532  
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## **WARMAN ABSTRACT & RESEARCH LLC**

**JOHN F. WARMAN**

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**Smithfield, PA 15478**

**724-322-6529**

**johnfranciswarman@gmail.com**

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**A DECADE OF EXPERIENCE**

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**ACCEPTING NEW CLIENTS**

**JUDICIAL OPINION**

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

CODY BOWERS,	:	
Plaintiff,	:	
v.	:	
	:	
HILLCREST HOME ESTATES LLC and	:	
GODOFREDO PEREZ,	:	No. 2053 of 2019
Defendants.	:	Honorable Steve P. Leskinen

**OPINION AND ORDER**

LESKINEN, J.

April 16, 2021

Before the Court is the Defendants' MOTION FOR SUMMARY JUDGMENT. After careful review of the evidence and applicable law, the Court hereby GRANTS the Motion.

**Factual Background**

The Plaintiff commenced this action on September 20th, 2019. In his Complaint, the Plaintiff alleged that on October 10th, 2017, while assisting in the tear-down of a mobile home (hereafter, "the trailer"), he stepped on a weak spot on the trailer's roof, causing him to fall through the roof and sustain serious injury. The Plaintiff brought a negligence claim against the Defendants: the owners of the trailer park.

Depositions were taken on July 28th, 2020. Testimony given during the Depositions established that the Defendants wanted the trailer tom down because of a bad smell inside and were unaware that the trailer's roof had a weak spot. Furthermore, the Plaintiff testified that he had tom down trailers before, that he was aware of the dangers of trailer roof weak spots, and that he was actively looking out for himself when he was on the roof of the trailer.

**Legal Standard**

Pa.R.C.P. No. 1035 states:

After the relevant pleadings are closed, but within such time as not to unreasonably delay trial, any party may move for summary judgment in whole or in part as a matter of law:

- (1) whenever there is no genuine issue of any 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, 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.

The Pennsylvania Superior Court articulated the circumstances under which a motion for summary judgment may be granted:

A motion for summary judgment may properly be granted only "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law."

*Samarin v. GAF Corp.*, 571 A.2d 398, 401 (Pa.Super.1989) (quoting *Washington Federal Savings and Loan Association v. Stein*, 357 Pa. Super. 286, 288 (Pa.Super.Ct.1986)).

The fact that a fall occurred does not give rise to an inference of negligence. *Dimino v. Wal-Mart Corp.*, 83 Pa. D. & C.4th 169, 171 (Pa.Com.Pl.2007). The burden is on the plaintiff to establish negligence on the part of the defendant by proving four elements: (1) a duty or obligation recognized by law; (2) a breach of that duty; (3) a causal connection between the conduct and the resulting injury; and (4) actual damages. *Pittsburgh National Bank v. Perr*, 637 A.2d 334, 336 (1994). Thus, establishing a breach of a legal duty is a condition precedent to a finding of negligence. *Shaw v. Kirschbaum*, 653 A.2d 12, 15 (1994); *Estate of Swift v. Northeastern Hospital of Philadelphia*, 690 A.2d 719, 722 (1997).

Possessors of land owe a duty to protect invitees from foreseeable harm. Restatement, *supra*, §§ 341A, 343 & 343A. With respect to conditions on the land which are known to or discoverable by the possessor, the possessor is subject to liability only if he:

- (a) knows or by the exercise of reasonable care would discover the condition, and should realize that it involves an unreasonable risk of harm to such invitee, and
- (b) should expect that they will not discover or realize the danger, or will fail to protect themselves against it, and
- (c) fails to exercise reasonable care to protect them against the danger."

*Carrender v. Fitterer*, 469 A.2d 120, 123 (1983).

A possessor of land is not liable to invitees for obvious dangers. *Id* at 187.

When an invitee enters business premises, discovers dangerous conditions which are both obvious and avoidable, and nevertheless proceeds voluntarily to encounter them, the doctrine of assumption of risk operates merely as a counterpart to the possessor's lack of duty to protect the invitee from those risks. By voluntarily pro-

ceeding to encounter a known or obvious danger, the invitee is deemed to have agreed to accept the risk and to undertake to look out for himself. It is precisely because the invitee assumes the risk of injury from obvious and avoidable dangers that the possessor owes the invitee no duty to take measures to alleviate those dangers. Thus, to say that the invitee assumed the risk of injury from a known and avoidable danger is simply another way of expressing the lack of any duty on the part of the possessor to protect the invitee against such dangers.

Id. at 188.

Conclusions of Law

The Defendants testified that they did not know that the trailer's roof had a weak spot. The Plaintiff failed to establish that the weak spot on the trailer's roof was known to or discoverable by the Defendants. By failing to establish that the weak spot on the trailer's roof was known to or discoverable by the Defendants, the Plaintiff cannot show that the Defendants owed him a duty to protect him from foreseeable harm.

Furthermore, the Plaintiff testified that he had torn down trailers before, that he was aware of the dangers of trailer roof weak spots, and that he was actively looking out for himself when he was on the roof of the trailer. The Plaintiff's own testimony suggests, therefore, that when he commenced his ambulation on the trailer's roof, he voluntarily encountered a danger which was known and obvious to him, accepted the risk, and was, indeed, looking out for himself. "It is precisely because the invitee assumes the risk of injury from obvious and avoidable dangers that the possessor owes the invitee no duty to take measures to alleviate those dangers." Carrender. The Court therefore finds that the Plaintiff has failed to produce evidence of facts essential to his cause of action.

WHEREFORE, the Court issues the following Order:

ORDER

AND NOW this 16th day of April, 2021, upon consideration of the Defendants' MOTION FOR SUMMARY JUDGMENT, it is hereby ORDERED and DECREED that it is GRANTED pursuant to Pa.R.C.P. No. 1035(2).

BY THE COURT:  
LESKINEN, JUDGE

ATTEST:  
Prothonotary



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guests welcome





**FAYETTE COUNTY**  


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March 17th	Lawyers Concerned for Lawyers Your Time to Thrive	Laurie Besden, Esquire, Executive Director Lawyers Concerned for Lawyers, and the Honorable Judge Linda R. Cordaro
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