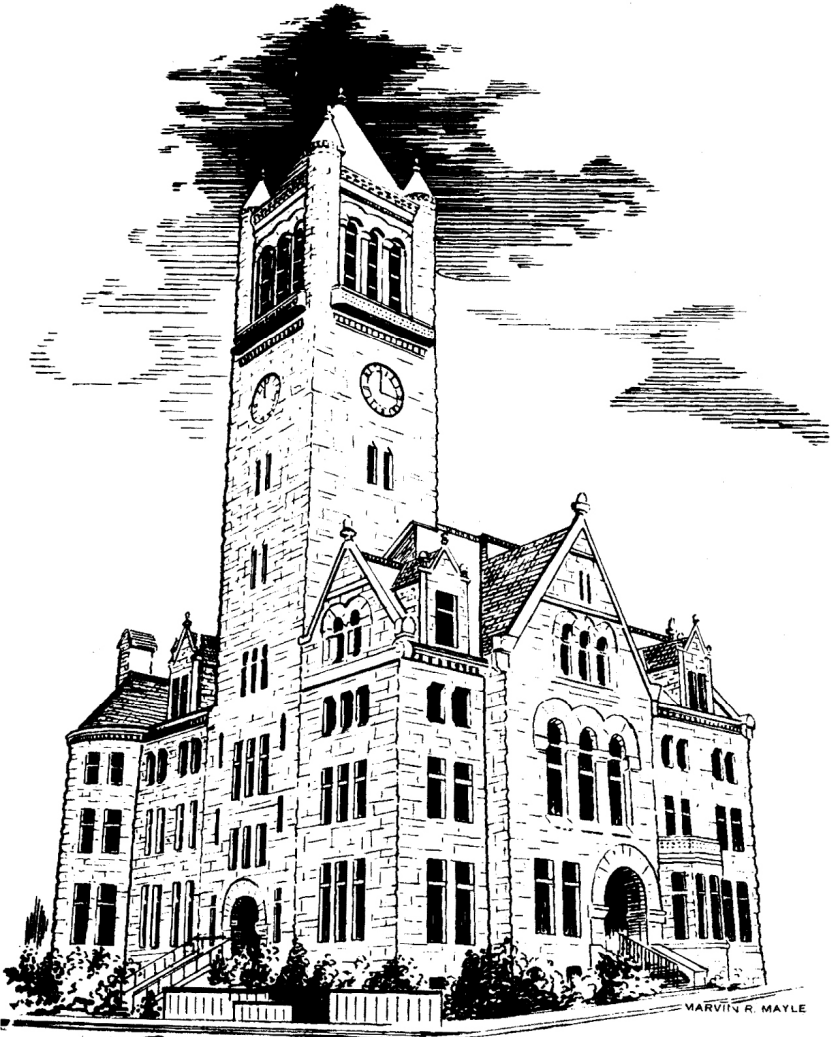


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FAYETTE LEGAL JOURNAL

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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

HENRY A. BASHOUR, a/k/a HENRY ALBERT BASHOUR, late of Redstone Township, Fayette County, PA ⁽³⁾

Personal Representative: Joanne Bashour
c/o Davis & Davis
107 East Main Street
Uniontown, Pa 15401
Attorney: James Davis

JANICE M. BOCK, a/k/a JANICE MARIE BOCK, late of Brownsville, Fayette County, PA

Executor: Debra M. Bock, a/k/a
Deborah Bock Davis
P.O. Box 623
Brownsville, PA 15417
c/o 76 East Main Street
Uniontown, PA 15401
Attorney: Douglas S. Sholtis ⁽³⁾

TERESE BURKETT, late of Wharton Township, Fayette County, PA ⁽³⁾

Administrator: Robert Burkett
c/o 42944 National Pike Road
P.O. Box 245
Chalk Hill, PA 15421
Attorney: Charles C. Gentile

LOIS J. DAVIS, a/k/a LOIS JEAN DAVIS, late of Henry Clay Township, Fayette County, PA

Administrator: Todd Bowser ⁽³⁾
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

WESTLEY T. DOMASKY, a/k/a WESTLEY DOMASKY, a/k/a WESTLEY TIMOTHY DOMASKY, late of Bullskin Township, Fayette County, PA ⁽³⁾

Personal Representative:
Christina M. Augustine
212 Main Street
Addison, PA 15411
c/o Moore Becker Smarto & Ciszek, P.C.
121 West Second Street
Greensburg, PA 15601
Attorney: Gregory C. Moore

BERNARD A. KAPINUS, a/k/a BERNARD ANDREW KAPINUS, late of Perryopolis Borough, Fayette County, PA ⁽³⁾

Personal Representative:
Darren A. Kapinus
c/o Davis & Davis
107 East Main Street
Uniontown, Pa 15401
Attorney: Jeremy J. Davis

GERALDINE M. NICHOLS, a/k/a GERALDINE NICHOLS, late of South Union Township, Fayette County, PA ⁽³⁾

Personal Representative:
Donna L. Kowalsky
c/o John & John
96 East Main Street
Uniontown, PA 15401
Attorney: Simon B. John

SHIRLEY OPEL, late of Uniontown, Fayette County, PA ⁽³⁾

Executor: Lois Griffin
P.O. Box 175,
Dilliner, PA 15327
c/o Sykes Elder Law
615 Washington Road, Suite 304
Pittsburgh, PA 15228
Attorney: Shelley Newlin

ARMANDO VENICASA, late of German Township, Fayette County, PA ⁽³⁾

Personal Representatives: Rosella Snyder
and Marcella Hyunyadi
c/o Higinbotham Law Offices
45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James Higinbotham

BETTIE J. WHITE, late of Vanderbilt, Fayette County, PA (3)

Executrix: Elizabeth Giles
c/o Molinaro Law Offices
P.O. Box 799
Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

MARGARET M. WYATT, late of Redstone Township, Fayette County, PA (3)

Personal Representative: Paul K. Wyatt, Sr.
c/o Riverfront Professional Center
208 South Arch Street, Suite 2
Connellsville, PA 15425
Attorney: Richard A. Husband

Second Publication

THELMA A. ANGELINE, late of Redstone Township, Fayette County, PA (2)

Personal Representative:
Thomas Ray Angeline
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

MARTHA D. BROWNFIELD, late of South Union Township, Fayette County, PA (2)

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

SAMMY LEW BURNWORTH, a/k/a SAMMY L. BURNWORTH, late of Luzerne Township, Fayette County, PA (2)

Co-Executor: Davey Lee Burnworth
116 Gwynn Road
Jefferson, PA 15344
Co-Executor: Candy Ann Rogers
358 Buckingham Road
Fredericktown, PA 15333
c/o 189 West High Street
P.O. Box 792

Waynesburg, PA 15370
Attorney: Gregory C. Hook

ROBERT M. BYBEL, late of Connellsville, Fayette County, PA (2)

Executor: Cheryl E. Anderson
c/o 17 North Diamond Street
Mt. Pleasant, PA 15666
Attorney: Marvin D. Snyder

MILDRED L. CLARK, a/k/a MILDRED LOUISE CLARK, late of Masontown, Fayette County, PA (2)

Executor: Emory E. Clark
c/o Webster & Webster
51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

JOSEPHINE E. GERBA, late of North Union Township, Fayette County, PA (2)

Executrix: Charlene G. Swenglish
c/o Webster & Webster
51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

ELIZABETH GUZY, late of South Union Township, Fayette County, PA (2)

Executor: Cortney Kezmarsky
c/o Adams & Adams
55 East Church Street
Uniontown, PA 15401
Attorney: Jason Adams

NORMAN W. HELLER, late of Bullskin Township, Fayette County, PA (2)

Executrix: Donna Heller
c/o Casini & Geibig, LLC
815B Memorial Boulevard
Connellsville, PA 15425
Attorney: Jennifer M. Casini

RUTH E. HOLLIS, late of Dunbar, Fayette County, PA (2)

Executor: Milton Hollis, Jr.
c/o Casini & Geibig, LLC
815B Memorial Boulevard

Connellsville, PA 15425
Attorney: Jennifer M. Casini

HOMER L. MCCABE, late of South Union Township, Fayette County, PA (2)

Personal Representative:
 Jeffrey W. McCabe
 c/o Watson Mundorff & Sepic, LLP
 720 Vanderbilt Road
 Connellsville, PA 15401
Attorney: Charles W. Watson

CECILIA A. NEIGHBORS, a/k/a CECILIA ANN NEIGHBORS, late of Dunbar, Fayette County, PA (2)

Personal Representative:
 Carl L. Neighbors
 c/o Watson Mundorff & Sepic, LLP
 720 Vanderbilt Road
 Connellsville, PA 15425
Attorney: Charles W. Watson

SANDRA L. PAPKE, late of North Union Township, Fayette County, PA (2)

Executrix: Tammy L. Papke-Wilson
 c/o Webster & Webster
 51 East South Street
 Uniontown, Pa 15401
Attorney: Webster & Webster

ERNEST A. RISHA, JR., a/k/a ERNIE RISHA, late of Uniontown, Fayette County, PA

Executrix: Elizabeth A. Brownfield (2)
 c/o Zebley Mehalov & White, P.C.
 18 Mill Street Square
 P.O. Box 2123
 Uniontown, PA 15401
Attorney: Daniel R. White

AUDREY ROBERTSON, late of Perry Township, Fayette County, PA (2)

Executor: Dana Baccino
 866 Layton Road
 Dawson, PA 15428
 c/o 4 North Beeson Boulevard
 Uniontown, PA 15401
Attorney: Sheryl Heid

EDWARD SUCHEVITS, a/k/a EDWARD E. SUCHEVITS, late of South Union Township, Fayette County, PA (2)

Administratrix: Carol Ferencak
 2285 Menoher Boulevard
 Johnstown, PA 15905
 c/o Goodwin Como, P.C.
 108 North Beeson Boulevard, Suite 400
 Uniontown, PA 15401
Attorney: Benjamin Goodwin

First Publication

MARTHA D. BROWNFIELD, late of South Union Township, Fayette County, PA (1)

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

ROY D. DAYTON, a/k/a ROY FRANKLIN DAYTON, late of South Union Township, Fayette County, PA (1)

Executor: Bryan H. Dayton
 c/o Webster & Webster
 51 East South Street
 Uniontown, PA 15401
Attorney: Webster & Webster

HELEN J. DUDGEON, late of 927 McClintock Avenue, Fayette County, PA (1)

Executor: Cary E. Dudgeon
 1107 Fayette Avenue
 Belle Vernon, PA 15012
 c/o France, Lint & Associates, P.C.
 308 Fallowfield Avenue
 Charleroi, PA 15022
Attorney: David N. Lint

PATRICIA LAYMON, late of Upper Tyrone Township, Fayette County, PA (1)

Administrator: Willard Laymon, Sr.
 121 Woods Road
 Scottdale, PA 15683
 c/o Ainsman Levine, LLC
 310 Grant Street, 15th. Floor
 Pittsburgh, PA 15219

Attorney: Charles P. Sapienza, III

MARY KATHRYN PETKO, a/k/a MARY K. PETKO, late of German Township, Fayette County, PA (1)

Executor: Mary Ann Luick
c/o P.O. Box 622
Smithfield, PA 15478
Attorney: Charity Grimm Krupa

GLORIA ANN SUTTON, late of Georges Township, Fayette County, PA (1)

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

ORVILLE UMBEL, a/k/a ORVILLE FRANKLIN UMBLE, late of North Union Township, Fayette County, PA (1)

Executor: Sharon Joann Lawson
c/o Higinbotham Law Offices
45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James Higinbotham, Jr.

LEGAL NOTICES

NOTICE LEGAL ADVERTISEMENT

Notice is hereby given that a hearing is scheduled for **Thursday, May 23, 2019, at 1:30 p.m., before The Honorable Nancy D. Vernon, in Courtroom No. 4, of the Fayette County Courthouse**, for the sale of the Clifford N. Pritts Elementary School by the Connellsville Area Board of School Directors.

Interested persons may appear at the aforementioned hearing to offer testimony in favor of or in opposition to the proposed sale.

Connellsville Area Board of School Directors
(1 of 2)

MARSHAL'S SALE: By virtue of a Writ of Execution issued out of the United States District Court for the Western District of Pennsylvania and to me directed, I shall expose to public sale the real property located at 159 Half King Colony Road, Chalk Hill, PA 15421, with a mailing address of 159 Half King Colony Road, Farmington, PA 15437, more particularly described at Fayette County Deed Book Volume 2889, Page 511.

SAID SALE to be held in the Fayette County Courthouse, 61 East Main Street, Uniontown, PA 15401 at 10:00 a.m. prevailing, standard time, on May 28, 2019. All that certain tract of land, together with the buildings, and improvements erected thereon described as Tax Parcel No.42-05-0024 recorded in Fayette County, Pennsylvania. Seized and taken in execution as the property of Patrick R. McCracken, at the suit of the United States of America, acting through the Farmers Home Administration, on behalf of United States Department of Agriculture, to be sold on Writ of Execution as Civil Action No. 2:18-CV-01344.

TERMS OF SALE: Successful bidder will pay ten percent (10%) by certified check or money order upon the property being struck down to such bidder, and the remainder of the bid within thirty (30) days from the date of the sale and in the event the bidder cannot pay the remainder, the property will be resold and all monies paid in at the original sale will be applied to any deficiency in the price at which the property is resold. The successful bidder must send payment of the balance of the bid directly to the U.S. Marshal's Office c/o Sheila Blessing, 700 Grant Street, Suite 2360, Pittsburgh, PA 15219. Bidder must have deposit funds immediately available and on his person in order to bid, bidder will not be permitted to leave the sale and return with deposit funds. Notice is hereby given that a Schedule of Distribution will be filed by me on the thirtieth day after the date of sale, and that distribution will be made in accordance with the Schedule unless exemptions are filed thereto within ten (10) days thereafter. Purchaser must furnish State Realty Transfer Tax Stamps, and stamps required by the local taxing authority. Marshal's costs, fees and commissions are to be borne by seller. Michael Baughman, Acting United States Marshal. For additional information, please contact Cathy Diederich at 314-457-5514 or the USDA foreclosure website at www.resales.usda.gov.

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW
ACTION TO QUIET TITLE
No. 96 of 2019 G.D.
JUDGE CORDARO

BRADLEY C. LONG,
Plaintiff,
v.

RICHARD MEYER and MELINDA MEYER,
husband and wife, their successors, heirs,
personal representatives, and assigns, generally.
Defendants.

**TO: RICHARD MEYER and MELINDA
MEYER, their heirs, successors and
assigns, generally,**

You are hereby notified that Bradley C. Long has filed a complaint at the above number and term in the above-mentioned court in an action to quiet title wherein it is alleged that they are the owner in possession of that certain lot of land situate in Saltlick Township, Fayette County, Pennsylvania having a mailing address of 3 Winter Way, Champion, Pennsylvania.

Title to the above described property was conveyed to Bradley C. Long, by a deed from Richard Meyer and Melinda Meyer, his wife being recorded at the Recorder of Deeds Office at Deed Book 1300, Page 516.

Said complaint sets forth that the plaintiff is the owner in fee simple of the above-described premises. The complaint was filed for the purpose of barring all of your right, title, and interest, or claim in and to all or a portion of said premises.

NOTICE

You are hereby notified that you have been sued in court. If you wish to defend against the claim set forth in the complaint and in the within advertisement, you must take action within twenty (20) days after the last advertisement of this notice by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claim set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may entered against

you by the court without further notice or any money claimed in the complaint, or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GOT TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PENNSYLVANIA BAR ASSOCIATION
PENNSYLVANIA LAWYER REFERRAL
100 SOUTH STREET
P.O. BOX 186
HARRISBURG, PA 17108
1-800-932-0311

Jason F. Adams, Esq.
Adams & Adams
55 E. Church Street
Uniontown, PA 15401
(724) 437-2711

NOTICE

NOTICE is hereby given pursuant to the provisions of Act 295 of December 16, 1982, P.L. 1309, that a Certificate was filed in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or about May 2, 2019, to conduct a business in Fayette County, Pennsylvania, under the assumed or fictitious name of O3 Auto Sales with the principal place of business at: 161 Connellsville Street, Uniontown, PA 15401. The name or names and addresses of persons owning and interested are: Jeremy John Denny

**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

Pennsylvania Treasury Department,
1-800-222-2046.

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

For information about the nature and value of the property, or to check for additional names, visit: www.patreasury.gov | 1.800.222.2046

Fayette County

15012

- Baker Jesse A
- Barbesr David
- Bellard Mattie L
- Bergen John V
- Bowden E June
- Bowers Jeffrey
- Bujdos Deborah
- C Harper Autoplex
- Carini Kenneth W, Sophia
- Carlson Norman R Est
- Decoster Anna M Est

- Derosa Phyllis
- Dewitt Amelia N
- Dezardo Rochelle M Est
- Dutko Catherine E
- Estate of Mary J Bordt
- Evans Mary L
- Evans Ruth Est
- Fayette Parts Service
- Fisher Patricia A
- Foster Timothy
- Gaver Kinik
- Gillingham Dorothy
- Haag Elizabeth A
- Halgas Brian J
- Holbrooks Exxon 70 Shop
- Hudson Nancy J Dr
- Hufford Michael
- Hughes William Est
- Hutchinson Helen
- Hysmith John M
- Igoe Thomas
- Jugan Andrew, Joan
- Klinlegarrd Mary S
- Knapp David J, Shauna
- Kubira John
- Laux James C
- Long Jerome
- Ludwig Helen
- Lynch Rosalie
- Margaret Luzanski
- Mcfceely George
- Mctighe Patricia D
- Meli Sandra J
- Misenko Edwrdr R
- Odyssey Communications
- Orthopedic Group
- Premier Rehab Enterprises
- Seals John F
- Sellers Samuel
- Sepitko Evelyn N, Myron N
- Simpson Jaquae
- Smereczniak Richard N
- Sobek Lawrence
- Solar Power Industries
- Soutter Kristen

Svrcek Sara	Domestic Violence Services
Taylor Richard S	Elek Thomas
Temak Tara N	Fayette Medical Associates Pa
Toth Angeline	Fayette Specialty Associates
Trozzo Rose	Fazenbaker Walter A
Vesio Rosann	Fields Leslie Jr Est, Leslie H Jr
Walsh Joceylyn	First Federal Savings & Loan
Warner Bellon Judith A	Flores Inc
Weldon Kevin M	Foodland
	Fred Carte R Est
15401	Freiburg D
Aesthetic Dental Group	Gaddis James Est
American Broadband	Galeana Maximo
Arshen Selina	Garcia Victor
At Holdings Inc	Gates Marvin F, Ethel M
Audra Trombetta	George Lena M
Austin Brittany Ann	George Raymond D
Avants Christina M	Giachetti Louis
Badah Clothing Llc	Glenn Seth
Barchetti Eugene P	Gouker Adrienne B
Berish Angelo	Grant Frances
Best Copier Company	Guseman James A
Bhatt Naresh, Pooja	Hanzes John Est
Blout Richard C	Haynes Dora
Bobcheck Edward M	Herbert J R
Bollack Cynthia	Herniman Marjorie J
Brown Felicia	Hileman Wilma
Burnsworth George	Hill Lena R
Burnsworth Jeremy S	Hixson Matthew G
Campbell Maralou W	Holly Hills Developments
Campus Ford of Morgantown	Homer Michael J, Michael P
Cassidy John J	Homer Jonathan
Centennial Chevrolet	Howell Kimberly L
Chen Taiwen	Jackson Crystal G
Chester Anthony Lee	Jones Iveda P
Chidester Harry J	Jose Harry J
Cmos Ferne	Joyces Jewelers
Coddington Douglas D	Kalman Thomas J
Connor Lee A	Kazmierczak Raymond
Dan Hoff	Kell Matthew X
David B Serock Jr	Kiss Christopher
Davys Centennial Chevrolet	Kissinger Helen M
Dennis Richard A	Koller Robert S Executor
Dicenzo Richard	Kozlina Veronica
Dileo Dominic W	Landman Randall

Larkin James F	Shields Joshua R
Laurel Physiatry	Showman Jessica L, Sierra M
Law Annabelle	Silbaugh Shannon
Layhue Shannon	Slampak Elizabeth M
Lewis Marsha J	Slampak Kimberly A
Lilley Pauline	Slominski Nikki L
Long Marlana	Southwestern Endoscopy Center
Lowe Brian	Spegar Eugene C
Mahoney Paul V Jr	Stearns Beverly G
Martin Margaret A	Steinbaugh Carolyn
Matheson Lance	Stutler Clayton
Mavis James A	Suba Victoria M
Mcclintock Jecelyn M, Ryan M	Susquehanna Agents Alliance
Mccoy Jeanne	Sweet Monica K, John L
Mccullough Donna	Thomas Helen M Est
Mckinney Jeremy L	Thomas Lolita L
Metros Towing Service	Thomas Tony
Miller Annabelle	Thompson Brian E
Miller Ashley	Umbel Sean M
Minor George L Jr	Uniontown Shopping Center
Monahan Lulu	Ward Parren
Morris Joshua	West Samuel
Murray Monica	Wheeler Margaret
Nara Matthew	Williams Patricia
Naymick Harry	Williams Raymond
Naymick Mollie	Williams Raymond
Nedd Chalres	Wilson Tammy
Nicklo Toni Lynn	Zaccheus Maria G
Pegg Elizabeth A	
Pitts Willaim	15410
Polito Martha J	Berger Charles
Pontefract Sandra Parshall	Drakula Betty M, David L
Reilly Mark	Pa Ecomm Bindtest
Rich Michael, Lydia	Stuck Paul F
Ronco Helen H	Y B E Llc
Ross Norma J	
Santo Frank Jr	15413
Saxton Linda K	Brumley Raymond Louis
Saylor Walter M	Settles Anthony V
Schad James	Tejeda De Rubalcaba Maria
Schwartzmiller Antonia Blend M	
Sebeck George E	15416
Shaw Christine	Fayette Co Cattlemen Assoc
Shawley Bonnie J	
Shiben Estates Inc	

15417	15422
Abbadini Gertrudfe E	Stamm George P
Bayles Daniel E	
Bunch Michael	15425
Comfort Michele Est	Abraham Shawn
Cramer Heather	Allen Enterprises An
Delgado David G	Autumn S Leaf Inc
Dixon Carlisa	Binh V Lieu
Garden Sylvester Jr	Boskovich Timothy
Holmes Amber	Brinker Barry
Hough Rachel L	Brooks William
Hunyady Charles	Burton James L
Irene Pryor	Clarke Caroline C
Jackson Charles	Cossell Robert E
Johnson Anne	Cramer Melissa A
Marinucci Victoria J	D & S Associat
Mcmaster Charles	Davies Ford Inc
Monroe Linda	Demiere William G
Parks Elizabeth Est	Dempsey Gary
Porter Helen	Enany Maryrene F
Porter Richard	Fenany Mary Rene Est
Richards Flora	Ferris Edward J
Ross Amy E	Franks Charles V
Saghy Leanna	Gonda Catherine A
Seeman Bertha M	Gonda James Jr
Sharp Douglas	Harshman Sue
Shazer Nancy L	Hatter Melvin E
Spadaro Anthony	Haug Ernest E
Stephenson Transfer Llc	Homonai John S
Sudrowshirley Melissa Ugma, Sabina Cust	Johnson Thelma
Sudrowshirley Sabina Cust, S Ugma	Joseph Lisa
Sykes Damon L	Kauffman Kerri
Townsend James	Keefer Derek
Wheeler Roy L	Kimmel William L
White Loise Reichard	Lincoln James B
Wible Bernadine, Charles R	Linney John C
Zuzak Lawrence	Luckey Grace L
	Mclintock Thomas E
	Mcmanus Eileen
15420	Medved Sophie R
Illar Sheila	Ohler Richard
Madison William L	Oppman Mercedes R
Mckulka Phyllis M	Pletcher James
	Pratt Kathleen R, Walter F
	Pringle William L, Fanchon

Rauschmayer Steve	15436	
Reed Janice		Dunn Daniel
Rinker Zeld Fay Est		Harwood Brittany
Rock Starz Fpc Llc		Riggan Malissa
Rose Judith		Ritter Victoria
Ruby Sean Michael		
Rutherford Alice	15437	
Scarry Michael C		Boston Heart Lab Corp
Schorr Kady Monet		Clinebell Jayme L
Shartzler John W		Cortez Astrid Torres
Shepler Anita L		Gallo Leyla Herrera
Shroyer Alfred A		Green Kimberly F, Todd
Sperry Evelyn		Lesko Darlene, Kirk
Stallion Automotive Equip		Maples Condominium Assoc
Stern Jay, Mary		Mccullough J Edward
Widener Timothy		Reddington Nelson J
Wiggins Elizabeth		Willey Dolores
Witt Ralph C		
Zolbrod Stephanie	15438	
Zoracki Jerome J, Jason J		Blatnik Anthony
	15428	Dunlap June L
Cochran Eleanor R		Fafalios Thomas W
Duff Howard Donald		Fulmer Gertrude
Livingston Daniel Jay		Kelly Patrick F
Mansberry Monica J		Kennedy William C
	15430	Lektrich Anne
Ronzio Terry R		Mankin Emmett, Jerry
	15431	Perry Rosemarie, Michael
Booth Harry, Sarah		Richardbiksey Charles
Case Pauline G		Stuyvesant George A
Fisch Lewis S, Martha J		Yannacci Mary J
Franks Shirley		
Ghrist Tanya Lynn		
Hughes Sherwood W Sr, Emma L		
Maher Charles R		
Martin Kyle R		
Martin William Est		
Stefanos Printing		
	15440	
		Cramer Jennifer
	15442	
		Johnson Dean
		King Lori L
		Rowan Richard L Jr
		Williams Lisa
	15443	
	15433	Saxton John E Jr
Campbell Steven A		Shea James Est
Doane Margaret E		

15444
Campagna Irene L
Miller David W

Smodic Walter E
Walls Elizabeth

15445
Adams James S
Boskovich Sara L
Kilkenny Bethany L
Menarcheck Janet
Pallini Amerigo P
Varndell Douglas D
Wolfe Michelle L

15459
Cole Charlotte
Estate of Elma Bailey
Henry Clay Villa Lp S
Humberston James F
Humberston Jeffrey S
Kamp Josh
Mangold Barbara
Savage Theresa M
Tesauro Jan R
Wright Josephine

15450
Dascenzo Jennie
Harvey Dana
Lutz James W
Rios Michael
Rochek Stephen
Thomas Marc

15461
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Dorsey Paul
Estate of Elaine Don
Friend Joseph
Geisel Christy
Halliday Craig A
Jerome Aaron D
Jordan Christopher N
Kikta Faye Ann
Proden Renee
Shine Chelsea F
Shipley Pearl M
Sierzega Thomas P
Solomon Gerald, Julia J
Viola Elelina L, Reno J

15451
Moser Tricia R
Sanders Grayling L
Sapic Patrick S
Wade William L

15456
American Broadband Inc Pa
Baker Lawrence
Burlock Laura Lea
Capan Sheryl
Costolo Alice F
Cramer Eliabeth
Crayton Michael
Davison Gerald E
Dolan Denise D
Hamlin Kenneth B
Nixon Paul B
Swink Tyler
Wilgfong Dylan Wayne

15462
Neiderhiser Amy

15464
Miller Dawn E
Miner Tammy Sue
Sankey James, Winona
Smith Ronald J
Steyer Lucinda G

15458
Kingora Margaret

15465
Galway Bay Corp

	Reynolds Marian	
15466		15475
Manos G W	Durant George L	
Mcfarland Deborah P	Kapral Andrew	
	Kovach Jennifer	
15468	Tinsley Loretta	
Meucci Brain G		15478
Turner John Est	Gibbs Linda	
Vonfradenburgh Jennifer R	Headrick Sara P	
	Lewis Donald	
15469	Mason Perry L	
Burton Sherri	Mechling Laurretta B, William T	
Campbell Donna R	Rafail Carol	
Coffman Esther	Rice Dennis G	
Miles Lynn A	Sadler Lois	
Niderstros C M	Stevulak Courtney	
Pritts Dolora	Weaver Larry	
	West James S Jr	
15470	Wilson Richard	
69 Main St	Wise Judy	
Frey Charles R		15480
Holt Margaret E	Kisner Doris	
Twardesky Tonya L	Polkabla Thomas Jr	
	Rebidas Michael A	
15472		15482
Commercial Miscellaneous Sales		
Guy Harry E		
		15486
15473	Pike Justine	
Black John E	Wilson Edythe V	
Hess Kay		
Lynn David L		
Lynn Violet		
Paternoster Jason T	Brinker Brandon J	
Rock David	Froble David	
Schwartz Carole A	Puchyr Rosann	
Stewart Gerald Est	Stephens Elizabeth	
Traynor Thelma M	Torok Marika	
		15489
15474	Brown Corey R	
Covey Charlotte	Smith Beatrice F	
Crigler William		15492
Fox Elizabeth Est		
Friend Clay	Thompson Todd J	
Mari Richard		

15631

Brink Katherine

Falla Ashley L, Cheryl V

Miller Dave L

Stickel Vawn W

Williams Theresa A

JUDICIAL OPINION

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

ANDREW SABATINI,	:	
	:	
Appellant,	:	
	:	
vs.	:	
	:	
THE ZONING HEARING BOARD OF	:	
FAYETTE COUNTY, PENNSYLVANIA,	:	
	:	No. 2434 of 2017, G.D.
Appellant.	:	Honorable Nancy D. Vernon

OPINION AND ORDER

VERNON, J.

April 29, 2019

Andrew Sabatini filed a Notice of Land Use Appeal, docketed at Case Number 2434 of 2017, G.D., from the notice of decision of the Fayette County Zoning Hearing Board, rendered on October 16, 2017, which denied Sabatini’s appeal from an Enforcement Notice issued for his keeping of chickens in a residential R-1 zoning district in violation of the Fayette County Zoning Ordinance. Thereafter, the Zoning Hearing Board issued Resolution 17-11 from which Sabatini filed a Revised Notice of Land Use Appeal, at Case Number 2711 of 2017, G.D. By Order dated May 23, 2018, the Honorable President Judge John F. Wagner, Jr. consolidated the appeals at the instant case number.

In his Revised Notice of Land Use Appeal, Sabatini argues that the action of the Zoning Hearing Board was arbitrary, capricious, an abuse of discretion, a violation of due process and Sabatini’s constitutional rights, and contrary to law in that:

a. The Resolution fails to set forth a valid basis for the Board to conclude that Article II §1000-203 and Article III §1000-301.1 Agriculture were violated by Sabatini.

b. The Resolution has no finding that the Fayette County Office of Planning, Zoning, and Community Development presented any evidence at all in support of its violation citations.

c. The Resolution uses the testimony of Sabatini and his family about their pets to make the board’s case and there is no evidence whatsoever about agricultural use and the Board has no basis to conclude that there was.

d. The legal authority cited by the Board in the Resolution relating to chickens do not relate to the two zoning matters before the Board but relate only to private covenants (contracts), mercantile tax cases relating to definitions of manufacturing which are exempt from said tax, and larceny involving chickens which is illegal regardless of the zoning district in which the larceny occurred.

e. The provisions of Article III §1000-301.1 Agriculture relate only to define use of “Agriculture” and that use and provisions relating to the keeping of animals for commercial purposes do not restrict the keeping of pets.

f. Setbacks and sideyards for single family dwellings are determined by Article III §1000-300 which expressly exempts setback provision found elsewhere in Article III for free standing accessory structures.

g. The Resolution admits that chickens are not livestock and not an issue before the Board but improperly utilizes the threat of keeping raging bulls in a residential zone as justification for banning birds, a common household pet from the same zone.

h. There is no commercial intent to raising chickens as pets and the keeping of chickens as pets is not agriculture under the Fayette County Zoning Ordinance.

i. There is no limitation in the Fayette County Zoning Ordinance as to the number of chickens that may be kept as pets.

j. Under the definitions in Pennsylvania Law, chickens are not livestock and chickens as pets are no different than other birds routinely kept as pets.

k. Pets are a normal, ordinary, permissible, accessory use in an R1 Zoning District, and no additional approvals are necessary.

l. The Fayette County Office of Planning, Zoning, and Community Development did not prove any violation as required by the MPC.

m. The MPC requires that in the case of ambiguity, the property owner should get the benefit of the doubt which the Board acknowledges in paragraph 15 of the Resolution.

STATEMENT OF THE CASE

Andrew Sabatini is the owner of 1.85 acres located at 120 Fawn Lane, Acme, Fayette County, Pennsylvania, zoned R-1 moderate density residential. N.T., 5/10/2017, at 10-11. On March 16, 2017, Andrew Sabatini was served an Enforcement Notice by the Fayette County Office of Planning, Zoning and Community Development wherein it alleged a violation for “[k]eeping agricultural animals on property that is zoned residential” under Article II §1000-203 (permitted uses and uses by special exceptions by zoning district) and Article III §1000-301.1 Agriculture. Andrew Sabatini lodged an appeal of the Enforcement Notice with the Fayette County Zoning Hearing Board.

The Sabatini family owns animals, including cats, one dog, 17 chickens, a rooster, a lizard, a gecko and a fish. *Id.* at 11. Andrew Sabatini testified regarding the chickens that his family, being his wife and children, treats the chickens as pets and eat the eggs. *Id.* at 13. The chickens have names. *Id.* at 15. The chickens are not used for any commercial purpose such as selling the eggs, feathers, or meat. *Id.* at 13. The Sabatinis also have one rooster that “make[s] noise any time of the day.” *Id.* at 15. Andrew Sabatini’s wife, Theresa, introduced photographs of her children with the chickens and testified about the layout of their property. *Id.* at 25.

The Sabatinis maintain a chicken coop, but the chickens are also permitted to roam free. *Id.* at 14. Andrew Sabatini testified that he attempts to keep the chickens on his own property, yet the chickens have gone on neighbors’ property. *Id.* at 14. An incident occurred where the dogs of their neighbors, Mr. and Mrs. Sosko, came onto the Sabatini property and killed six chickens resulting in the Soskos receiving a citation from the “dog warden.” *Id.* at 42-43. Since then, Andrew Sabatini testified that he does not let the chickens out of his sight and has installed a fence bordering the Sosko property. *Id.* at 44.

The Zoning Hearing Board also accepted statements by children Matthew Sabatini and Claire Sabatini who testified that the chickens are named animals and treated like pets. *Id.* at 50-5

Sabatini further presented the testimony of Steven Stanish, the President of the Uniontown Poultry Association and a certified poultry technician for the Commonwealth of Pennsylvania who opined, without being qualified as an expert, that the Sabatini family’s chickens are pets and not used for any other purpose. *Id.* at 55-56.

Next-door neighbor Judy Sosko, the initial complainant, made a statement to the Zoning Hearing Board that she opposes the Sabatini family’s chickens, that the chickens defecate on her land and that her property is served by well-water, that she is concerned the feces will contaminate her water, that her children and grandchildren play in the yard, and that she does not want to tolerate chickens on her property or on her porch. *Id.* at 63-64. Although the Sabatinis were not cited for noise violations, Sosko stated the chickens are noisy and the rooster crows all night long. *Id.* at 65.

Following the receipt of briefs on the issue, the Zoning Hearing Board issued Resolution 17-11 finding the Sabatini property is zoned Residential R-1 and there is no provision to permit any agricultural uses in a R-1 zoned property. Further, finding that although the Fayette County Zoning Ordinance does not specifically define agricultural uses, there is reference to poultry within Article III §1000-301.1 Agricultural. The Board determined that the reference to poultry in connection with livestock required the Board to treat the keeping of poultry on property in the same way it would treat the keeping of livestock.

DISCUSSION

In zoning cases such as the instant matter where the trial court does not receive any additional evidence, the scope of review is limited to determining whether the Board committed an error of law or a manifest abuse of discretion. In *re* *Petition of Dolington Land Group*, 839 A.2d 1021, 1026 (Pa. 2003). The Court does not substitute its own interpretation of the evidence for that of the Board. *Pietropaolo v. Zoning Hearing Bd. of Lower Merion Twp.*, 979 A.2d 969, 976 (Pa. Commw. Ct. 2009). “A conclusion that the governing body abused its discretion may be reached only if its findings of fact are not supported by substantial evidence.” *Sutliff Enterprises, Inc. v. Silver Spring Twp. Zoning Hearing Bd.*, 933 A.2d 1079, 1081 n.1 (Pa. Commw. Ct. 2007). Evidence is substantial when a reasonable mind could accept it as adequate to support a conclusion. *Cardamone v. Whitpain Twp. Zoning Hearing Bd.*, 771 A.2d 103, 104 (Pa. Commw. Ct. 2001).

Moreover, the Board’s interpretation of the zoning ordinance it is charged with enforcing is generally entitled to a great degree of deference. *Ruley v. W. Nantemean Twp. Zoning Hearing Bd.*, 948 A.2d 265, 268 (Pa. Commw. Ct. 2008). The basis for this deference is the specific knowledge and expertise the Board possesses to interpret said zoning ordinances. *Willits Woods Assoc. v. Zoning Bd. of Adjustment City of Philadelphia*, 587 A.2d 827, 829 (Pa. Commw. Ct. 1991).

In the present case, substantial evidence existed to support the Zoning Hearing Board’s determination that Andrew Sabatini was in violation of the Fayette County Zoning Ordinance by keeping chickens and a rooster on his property zoned Residential R-1 and thereby Resolution 17-11 upholding the Enforcement Notice issued by the Office of Planning, Zoning and Community Development. The Zoning Hearing Board held an extensive hearing on this matter and permitted Sabatini and the County of Fayette to submit briefs on the issue.

It is undisputed that agriculture is not a permitted use in areas zoned Residential R-1. Accord, Fayette County Zoning Ordinance Article II §1000-203. The issue for determination is whether the Zoning Hearing Board abused its discretion or committed an error of law in determining that the keeping of chickens and a rooster are agriculture uses of the land.

Sabatini argues that the Fayette County Zoning Ordinance requires a landowner to be engaged for a “commercial” purpose to deem the use to be agricultural. Agriculture is defined as,

“The commercial production and preparation for market of crops, livestock and livestock products, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities. The term includes production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and

procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. The term shall not include the raising and care of exotic animals, including, but not limited to lions, tigers and/or bear.”

Article I, §1000-108.

The Court cannot agree with Sabatini that only commercial uses of chickens are prohibited. Rather the plain reading of the definition illustrates that the word “commercial” applies only to the “production and preparation for market of crops.”

Sabatini next argues that his chickens and rooster are a permitted accessory use in a residential district. The Fayette County Zoning Ordinance defines accessory use as, “[a] use customarily incidental and subordinate to a lot’s principal use.” Article I, §1000-108.

The term “customarily incidental,” as used in zoning ordinance definitions of term “accessory use,” is best understood as invoking an objective reasonable person standard. *Aldridge v. Jackson Tp.*, 983 A.2d 247 (Pa. Commw. Ct. 2009). The accessory use doctrine is an acknowledgment that certain general types of real estate usage have a natural and reasonable tendency to lead to certain other, more specific uses. *McGeehan v. Zoning Hearing Bd. of Springfield Tp.*, 407 A.2d 56 (Pa. Commw. Ct. 1979). Once something is defined as accessory use, it is allowed by right. *AWACS, Inc. v. Zoning Hearing Bd. of Newton Tp., Delaware County*, 702 A.2d 604 (Pa. Commw. Ct. 1997), *aff’d*, 739 A.2d 159 (Pa. 1999). In order to establish a right to an accessory use, a petitioner must prove that the use sought is secondary to the principal use and is usually found with that principal use. *Mitchell v. Zoning Hearing Bd. of the Borough of Mount Penn*, 838 A.2d 819, (Pa. Commw. Ct. 2003).

The Sabatinis testified credibly that they treat and consider their chickens and rooster to be family pets and argue that the keeping of pets is a customary and incidental use of residential property.

Although not binding in our determination of this zoning decision, the Court finds instructive the term “pet” as defined in Pennsylvania’s Agriculture law as “[a]ny domesticated animal normally maintained in or near the household of the owner thereof.” 3 Pa.C.S.A. § 5102.

The record is devoid of evidence that the keeping of chickens and a rooster would meet the requirements of an “accessory use” being a use that is “clearly incidental to and customarily found in connection with” the primary residential use of this property. One’s intent for owning a chicken or rooster is irrelevant in the classification of an animal as pet or agriculture.

In determining a similar zoning issue, the now Honorable President Judge John F. Wagner opined that the keeping of horses and chickens on property zoned Residential R -2 was “the harboring of farm animals in a residential zone” in violation of the same Fayette County Zoning Ordinance. See, *Krupa v. Fayette County Zoning Hearing Bd.*, Case Number 810 of 2007, G.D., 2007 WL 5471591 (Pa.Com.Pl. June 22, 2007) affirmed in unpublished panel decision, No. 1111 C.D. 2007, 2008 WL 9397251 (Pa. Commw. Ct. Jan. 30, 2008).

Here, the Sabatinis self-declaring the animals as a pet does not overcome the stringent requirements of zoning ordinances. The keeping of chickens or a rooster is not an accessory use for property zoned residential.

The Court echoes the sentiment of the Zoning Hearing Board in finding that this “particular family genuinely love their chickens and have no reason not to believe that this particular family considers each and every one of these chickens as a family pet.”

As the Board neither abused its discretion nor made an error of law, and this Court is constrained by its narrow scope of review, the Zoning Hearing Board’s decision is affirmed.

WHEREFORE, we will enter the following Order.

ORDER

AND NOW, this 29th day of April, 2019, it is hereby ORDERED and DECREED that the Fayette County Zoning Hearing Board Resolution 17-11, is AFFIRMED and that the Revised Notice of Land Use Appeal of Andrew Sabatini is DENIED.

BY THE COURT:
NANCY D. VERNON, JUDGE

ATTEST:
Nina Capuzzi Frankhouser
Prothonotary

Southwestern PA Legal Aid Opening

Attorney – Southwestern PA Legal Aid seeks a full-time attorney in its Washington County office to primarily handle housing matters, including enforcement and education of the Fair Housing Act. Responsibilities will include client representation and community outreach and training about housing rights. An active license in Pennsylvania is required, as is a demonstrated commitment to advocate for low-income clients and a passion for civil rights and social justice. Minority applicants are encouraged. Send resume and at least two references to brian.gorman@splas.org.

LUNCH & LEARN SERIES

FCBA LUNCH & LEARN SERIES

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

- Date: **Wednesday, May 15th** from 12:00 p.m. to 1:30 p.m.
- Location: Courtroom No. 1 of the Fayette County Courthouse
- Discussion topic: **Pennsylvania's Medical Cannabis Law**
- Presenter: Patrick K. Nightingale, 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, 2012

- No charge for attendance with CLE Credit

Non-members of the FCBA

- \$10 fee for attendance without CLE Credit
- \$20 fee for attendance with CLE Credit

**** All fees to be paid at the door ****

A light lunch will be provided.

If interested in attending, please call Cindy at the Bar office at 724-437-7994 or by email to cindy@fcbar.org on or before Monday, May 13th.

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