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FAYETTE LEGAL JOURNAL

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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

BEVERLY ASPINALL, a/k/a BEV ASPINALL, late of North Union Township, Fayette County, PA ⁽³⁾

Administratrix: Michele D. Swink
250 Crowe Road
Acme, PA 15610
c/o 140 South Main Street #301
Greensburg, PA 15601
Attorney: John Cochran

JEFFREY W. BASINGER, late of Connellsville, Fayette County, PA ⁽³⁾

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

EVELYN BUNTING a/k/a EVELYN B. BUNTING, late of Dunbar Borough, Fayette County, PA ⁽³⁾

Personal Representative:
Salene Ann Callahan
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville Pennsylvania 15425
Attorney: Robert A. Gordon

JOHN WINTHROP BURKLAND, a/k/a JOHN W. BURKLAND, late of Lemont Furnace, Fayette County, PA ⁽²⁾

Administratrix: Patricia Burkland
c/o 11 Pittsburgh Street
Uniontown, PA 15401
Attorney: Thomas W. Shaffer

LOUIS A. COLETTI, late of Redstone Township, Fayette County, PA ⁽³⁾

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

LEROY WILSON J. FRANTZ, JR., late of Uniontown, Fayette County, PA ⁽³⁾

Administrator: Andrea Frantz
233 Tryron Drive
Blairsville, PA 15717
c/o France, Lint & Associates, P.C.
308 Fallowfield Avenue
Charleroi, PA 15022
Attorney: David N. Lint

RICKY E. HULL, a/k/a RICK E. HULL, a/k/a RICKY HULL, late of Springfield Township, Fayette County, PA ⁽³⁾

Executrix: Martha Richter
392 Clinton Road
Normalville, PA 15469
c/o 201 North Chestnut Street
P.O. Box 342
Scottdale, PA 15683
Attorney: James Lederach

CHARLES KOZY, JR., late of Masontown, Fayette County, PA ⁽³⁾

Personal Representative:
Charlene Ann DeCarlo
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Michael A. Aubele

RICHARD JAMES LONG, a/k/a RICHARD J. LONG, a/k/a RICHARD LONG, late of South Union Township, Fayette County, PA ⁽³⁾

Co-Executors: Daniel A. Long and
Linda Gail Collins
c/o John & John
96 East Main Street
Uniontown, PA 15401
Attorney: Simon B. John

THOMAS H. LUCAS, JR., late of North Union Township, Fayette County, PA (3)

Personal Representative:

Thomas H. Lucas, III
c/o 902 First Street
P.O. Box 310
Hiller, PA 15444

Attorney: Herbert G. Mitchell, Jr.

DENNIS ALLAN ONDREJKO, a/k/a DENNIS ONDREJKO, late of Washington Township, Fayette County, PA (3)

Executrix: Darlene Helen Ondrejko
921 McClintock Avenue
Belle Vernon, PA 15012
c/o Shire Law Firm
1711 Grand Boulevard Park Centre
Monessen, PA 15062

Attorney: Mark Shire

WILLIAM J. TROUT, a/k/a WILLIAM JOSEPH TROUT, late of Georges Township, Fayette County, PA (3)

Personal Representative: Susan Arnold
c/o Davis & Davis

107 East Main Street
Uniontown, PA 15401

Attorney: Jeremy J. Davis

Second Publication

THOMAS S. ADDIS, JR., a/k/a THOMAS SEARIGHT ADDIS, JR., late of Masontown, Fayette County, PA (2)

Administrator: Tonya L. Halbert

124 Hillman Street
Greensboro, PA 15338
c/o 189 West High Street
Waynesburg, PA 15370

Attorney: Gregory C. Hook

PAUL MCKINLEY CARROLL, a/k/a PAUL M. CARROLL, late of New Salem, Fayette County, PA (2)

Executrix: Roxanne J. Gmutza

P.O. Box 614
New Salem, PA 15468
c/o 1725 Washington Road, Suite 503
Pittsburgh, PA 15241

Attorney: Betty Dillon

EDWARD D. DAVIS, late of Uniontown, Fayette County, PA (2)

Personal Representative: Ann Breech

c/o Davis & Davis
107 East Main Street
Uniontown, Pa 15401

Attorney: Gary J. Frankhouser

EUGENE STANLEY EDWARDS, a/k/a EUGENE S. EDWARDS, a/k/a EUGENE EDWARDS, late of Uniontown, Fayette County, PA (2)

Personal Representative: Lottie Edwards
c/o George & George

92 East Main Street
Uniontown, PA 15401

Attorney: Joseph M. George, Sr.

JAMES HAMMACK, late of Point Marion, Fayette County, PA (2)

Administrator: Rich Hammack

5 Allamong Lane
Morgantown, WV 26508

ROSALIE HAMMACK, late of Point Marion, Fayette County, PA (2)

Administrator:

Christopher Dwayne Hammack
42 Broadway, Apt.#1
Hagerstown, MD 21740

DOROTHY D. HUGHS, late of Fairchance, Fayette County, PA (2)

Executor: Larry B. Wilson

c/o 11 Pittsburgh Street
Uniontown, PA 15401

Attorney: Thomas W. Shaffer

LILA KRUKOWSKY, a/k/a LILA R. FERENCY KRUKOWSKY, late of Perryopolis, Fayette County, PA (2)

Personal Representative:

Robert Krukowsky
c/o Higinbotham Law Offices
45 East Main Street, Suite 500
Uniontown, PA 15401

Attorney: James Higinbotham

FRANCES LIVINGSTONE, a/k/a FRANCES E. LIVINGSTONE, late of Washington Township, Fayette County, PA (2)

Personal Representative:

James C. Livingstone

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

GRACE L. NICHOLS, a/k/a GRACE T. NICHOLS, late of Washington Township, Fayette County, PA (2)

Executor: Carl L. Trader
 115 Beach Drive
 Charleroi, PA 15022
 c/o 300 Fallowfield Avenue
 Charleroi, PA 15022
Attorney: Richard C. Mudrick

CAROL SHULTZ, late of South Union Township, Fayette County, PA (2)

Executrix: Georgina Herilla
 c/o Adams & Adams
 55 East Church Street, Suite 101
 Uniontown, PA 15401
Attorney: Jason Adams

KAREN L. WISE, late of Monessen, Fayette County, PA (2)

Administratrix: Stacey Madzey
 1435 Lincoln Street
 Monessen, PA 15062
 c/o 300 Fallowfield Avenue
 Charleroi, PA 15022

First Publication

NANCY DONLEY, late of Hopwood, Fayette County, PA (1)

Executor: Starlet Nestor
 5 Route 21 Estates
 Carmichaels, PA 15320
 c/o Fieschko & Associates, Inc.
 Suite 2230 436 7th. Avenue
 Pittsburgh, PA 15219
Attorney: Joseph Fieschko

EDGAR J. ROSENBERRY, late of Springfield Township, Fayette County, PA (1)

Personal Representative:
 Joseph E. Rosenberry
 c/o Watson Mundorff, LLP
 720 Vanderbilt Road
 Connellsville, PA 15425
Attorney: Robert A. Gordon

MARGARET SALANSKY, a/k/a MARGARET H. SALANSKY, late of North Union Township, Fayette County, PA (1)

Executrix: Carol Zackal
 c/o Proden & O'Brien
 99 East Main Street
 Uniontown, PA 15401
Attorney: Wendy L. O'Brien

TIMOTHY J. SEDLAK, SR., a/k/a TIMOTHY JAMES SEDLAK, SR., late of Belle Vernon, Fayette County, PA (1)

Executrix: Kimberly Ann Sedlak Hart
 189 Naugle Drive
 Falls Creek, PA 15840
 c/o Fiffik Law Group, PC
 661 Andersen Drive
 Foster Plaza 7, Suite 315
 Pittsburgh, PA 15220
Attorney: Matthew A. Bole

IRIS L. STEYER, late of Springfield Township, Fayette County, PA (1)

Co-Executors: Ray Steyer and Frances Collins
 c/o P.O. Box 760
 Connellsville, PA 15425
Attorney: Carolyn W. Maricondi

NANCY WAYNE, late of Markleysburg, Fayette County, PA (1)

Administratrix: Leah Stemple
 c/o 2944 National Pike Road
 P.O. Box 245
 Chalk Hill, PA 15421
Attorney: Charles C. Gentile

LEGAL NOTICES

NOTICE

The Albert Gallatin Area School District will receive sealed bids for the purchase of a vacant parcel of ground located in Point Marion Borough. The property is an estimated land area of 0.63 acres, located on Union Street, Point Marion Borough, Fayette County, Pennsylvania. This property is designated by the Fayette County Assessment office as Parcel ID No. 29-02-0279.

Bids must be received on or before 3:00 p.m., June 1, 2021. Bids shall be submitted to Vincent M. Belczyk, Business Manager, at the Albert Gallatin Area School District Administrative Offices, 2625 Morgantown Road, Uniontown, Pennsylvania, 15401-6703. Bids will be publicly opened at said time and place. Sealed bids must be submitted on bid forms provided by the School District. Copies of the sale conditions and bid forms may be obtained by contacting Mr. Belczyk at the Administrative Offices, or at (724) 564-7185 Ext. 8112 or vincent.belczyk@agasd.org. The Albert Gallatin Area School District reserves the right to reject any and all bids.

Vincent M. Belczyk, Business Manager

(2 of 3)

NOTICE

Notice is hereby given that a Certificate of Organization was filed with the Pennsylvania Department of State, on February 11, 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 Bliss Beauty Room, LLC, having an address of 305 Jefferson Avenue, Masontown, Pennsylvania, 15461.

James E. Higinbotham, Jr., Esq.
 HIGINBOTHAM LAW OFFICES
 45 East Main Street, Suite 500
 Uniontown, PA 15401
 Telephone: 724-437-2800

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 April 12, 2021, to conduct a business in Fayette County, Pennsylvania, under the assumed or fictitious name of Garletts Excavating with the principal place of business at: 823 Furnace Road, Dunbar, Fayette County, PA 15431.

The name or names and addresses of persons owning and interested are: Mark D. Garletts, 823 Furnace Road, Dunbar, Fayette County, PA, 15431 and Steven R. Garletts, 811 Furnace Road, Dunbar, Fayette County, PA, 15431.

Robert Gordon, Esquire
 Watson Mundorff, LLP
 720 Vanderbilt Road
 Connellsville, PA 15431

SHERIFF'S SALE

Date of Sale: July 22, 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, July 22, 2021, at 2:00 p.m. in Courtroom Number Five at the Fayette County Courthouse, Uniontown, Pennsylvania.

The terms of sale are as follows:

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

James Custer
Sheriff Of Fayette County

Brock & Scott, PLLC

No. 2400 of 2019 GD
No. 62 of 2021 ED

FREEDOM MORTGAGE CORPORATION
v.
RYAN LEE BUCHHEIT

By virtue of a Writ of Execution No. 2400 of 2019 GD

FREEDOM MORTGAGE CORPORATION

v.
RYAN LEE BUCHHEIT
owner(s) of property situate in the CITY OF UNIONTOWN, FAYETTE County, Pennsylvania, being 100 BAILEY AVENUE, UNIONTOWN, PA 15401

Tax ID No. 38-04-0588

Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$76,562.73

No. 2109 of 2020 GD
No. 66 of 2021 ED

21st MORTGAGE CORPORATION,
assignee of Tammac Holdings Corporation,
Plaintiff

v.
ORVILLE HIGINBOTHAM, JR., and LANA HIGINBOTHAM,
Defendants

and

UNITED STATES OF AMERICA,
INTERNAL REVENUE SERVICE,
Defendant

ALL THAT CERTAIN lot or piece of ground situate in the Township of Nicholson, County of Fayette and Commonwealth of Pennsylvania, being Lot No. 2 in the Orville Higinbotham Plan No. 1 which plan is recorded in the Recorder's Office of Fayette County, Pennsylvania, in Plan Book Volume 64, page 48, being more fully bounded and described therein.

BEING designated as part of Parcel No. 24-04-0068.

BEING part of the same property that Orville Higinbotham and Maxine R. Higinbotham, husband and wife conveyed to Orville Higinbotham, Jr. and Lana Higinbotham, husband and wife by deed dated January 4, 2007 and recorded on January 4, 2007 in the

Recorder's Office of Fayette County,
Pennsylvania in Instrument No. 200700000205.

No. 2112 of 2010 GD
No. 49 of 2021 ED

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

No. 831 of 2019 GD
No. 68 of 2021 ED

LSF8 Master Participation Trust
Plaintiff
v.

Cynthia L. Johnson, in her Capacity as
Executrix and Devisee of the Estate of Sylvia
Jane Sealy a/k/a Sylvia J. Sealy, Evelyn
Potchynok, in her capacity as Heir of Sylvia
Jane Sealy A/K/A Sylvia J. Sealy, and

ALL that certain lot or parcel of ground
situate in the Sixth Ward, Brownsville, Fayette
County, Pennsylvania, bounded and described as
follows:

FRONTING 30 feet on the Northerly side
of Front Street and extending back therefrom
between property now or formerly of Saul Cazen
on the Easterly side and property now or
formerly of Jacob H. Sherrard on the Westerly, a
distance of 90 feet, more or less, to property now
or formerly of the Acklin Estate, upon which is
erected a two story frame dwelling, having two
apartments.

All that certain piece or parcel or Tract of
land situate Brownsville Township, 6th Fayette
County, Pennsylvania, and being known as 419
Front Street, Brownsville, Pennsylvania 15417.

Being known as: 419 Front Street,
Brownsville, Pennsylvania 15417

Title vesting in Cynthia L. Johnson, in her
Capacity as Executrix and Devisee of the Estate
of Sylvia Jane Sealy a/k/a Sylvia J. Sealy,
Evelyn Potchynok, in her capacity as Heir of
Sylvia Jane Sealy A/KIA Sylvia J. Sealy, and
Unknown Surviving Heirs of Sylvia Jane Sealy
a/k/a Sylvia J. Sealy by deed from Richard Sealy
and Sylvia Jane Sealy, husband and wife, dated
October 31, 1983 and recorded November 9,
1983 in Deed Book 1329, Page 636.

Tax Parcel Number: 02-06-0258

FAIRPORT ASSET MANAGEMENT LLC
Plaintiff,
vs.
CHRISTY A. KING,
Defendant.

ALL that tract of land situate Perry
Township, Fayette County, Pennsylvania,
known as 133 Cemetery Road, Vanderbilt,
Pennsylvania 15486 having erected thereon a
dwelling house.

PARCEL BEING KNOWN AND
DESIGNATED AS TAX MAP 27-16-0085-010

BEING the same premises which CMF
Industries, Inc., by their Deed Dated December
31, 1987 and recorded in the Recorder's Office
of Fayette County on January 25, 1988 in Deed
Book Volume 381, Page 114, granted and
conveyed unto Christy A. King, the grantor
herein.

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

No. 1364 of 2020 GD
No. 64 of 2021 ED

WILMINGTON SAVINGS FUND SOCIETY
DBA CHRISTIANA TRUST, NOT
INDIVIDUALLY, BUT SOLELY AS
TRUSTEE FOR NYMT LOAN TRUST I
Plaintiff

v.
DAVID MIHALSKY, IN HIS CAPACITY
AS HEIR OF WALTER R. MIHALSKY;
CARMEL TASSONE, IN HIS CAPACITY
AS HEIR OF WALTER R. MIHALSKY;
EDWARD MIHALSKY, JR., IN HIS
CAPACITY AS HEIR OF WALTER R.
MIHALSKY; UNKNOWN HEIRS,
SUCCESSORS, ASSIGNS AND ALL
PERSONS, FIRMS OR ASSOCIATIONS
CLAIMING RIGHT, TITLE OR INTEREST
FROM OR UNDER WALTER R.
MIHALSKY

Defendant(s)

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

BEING KNOWN AS: 233 WATER STREET FOOTEDALE, PA 15468
BEING PARCEL NUMBER: 15170010
IMPROVEMENTS: RESIDENTIAL PROPERTY

STERN & EISENBERG PC
ANDREW J. MARLEY, ESQUIRE

No. 296 of 2020 GD
No. 60 of 2021 ED

Brock & Scott, PLLC

No. 1213 of 2019 GD
No. 56 of 2021 ED

WELLS FARGO BANK, N.A.
v.
ERNEST RUGGIERI, IN HIS CAPACITY AS HEIR OF MARY KAY RUGGIERI, DECEASED; UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER MARY KAY RUGGIERI, DECEASED

By virtue of a Writ of Execution No. 1213 of 2019 GD
WELLS FARGO BANK, N.A.

v.
ERNEST RUGGIERI, IN HIS CAPACITY AS HEIR OF MARY KAY RUGGIERI, DECEASED; UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER MARY KAY RUGGIERI, DECEASED

owner(s) of property situate in the CONNELLSVILLE, FAYETTE County, Pennsylvania, being 411 N PITTSBURGH STREET, CONNELLSVILLE, PA 15425

Tax ID No. 05-06-0176

Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$50,071.84

U.S. Bank National Association, as Trustee for BNC Mortgage Loan Trust 2007-2 Mortgage Pass-Through Certificates, Series 2007-2

Plaintiff

v.

Marsha Shaffer
Defendants

SITUATE IN THE TOWNSHIP OF CONNELLSVILLE, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA, BEING KNOWN AS 825 North Jefferson Street, Connellsville, PA 15425.

PARCEL NO. 06-07-0003

IMPROVEMENTS- RESIDENTIAL REAL ESTATE

SOLD AS THE PROPERTY OF- MARSHA SHAFFER

Brock & Scott, PLLC

No. 156 of 2020 GD
No. 57 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 WASHINGTON, FAYETTE County, Pennsylvania, being 118 CONNELLSVILLE RD, FAYETTE CITY, PA 15438

Tax ID No. 41-16-0026

Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$51,732.55

*** END SHERIFF'S SALES ***

JUDICIAL OPINION

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

IN RE: UPSET TAX SALE OF TAX :
DELINQUENT PROPERTIES : No. 2005 of 2020
OCTOBER 19, 2020 : Honorable Judge Steve P. Leskinen

OPINION AND ORDER

Leskinen, J.

April 8, 2021

Before the Court is the Objectors' PETITION FOR EXCEPTION TO DISAPPROVE, SET ASIDE, OR VOID THE UPSET TAX SALE OF OCTOBER 19TH, 2020. After careful review of the evidence and applicable law, the Court hereby GRANTS the Petition.

Factual Background

The testimony given at the Hearing on Exceptions on January 19th, 2021 established the following facts: The Objectors, James and Theresa Gibson, are the owners of real property located at 270 Keeney Row, New Salem, Luzerne Township, Fayette County, Pennsylvania. They have owned the property since August 5th, 1993. The Objectors have made various improvements on the property, including the construction of their residence: their primary and only home. Objector Theresa Gibson lost her employment in 2019 and Objector James Gibson, who previously owned a tree trimming and removal service, suffered a stroke and has not been able to provide any meaningful income for over one year. Furthermore, the Objectors have no vehicle and rely upon third parties to provide transportation. The Objectors owe approximately \$3,800.00 to the Fayette County Tax Claim Bureau for the tax years of 2018 and 2019. The Objectors' home was posted by a commercial posting company on July 3rd, 2020. Notices were mailed in June, 2020 by certified mail, all of which were returned to the Tax Claim Bureau as "undeliverable" by the United States Postal Service. A ten-day notice was mailed to the Objectors, by first-class mail. The notice was not returned. No further efforts were made by the Tax Claim Bureau to notify the Objectors.

The Objectors had made diligent efforts to pay their taxes. Objector Teresa Gibson testified that she had the cash to pay the 2018 taxes, which would have removed their property from the Upset Tax Sale, but that she encountered difficulty, confusion, and conflicting information regarding access to the courthouse during the pandemic. The Objectors also attempted to pay the taxes online, but were impeded by technical problems which were overwhelmingly confusing to them. In addition, the Objectors did not have a car and had to rely on third parties for transportation, which only exacerbated their problems, especially in the context of the pandemic.

The Upset Tax Sale was originally scheduled for September 21st, 2020 and was to

be held in Courtroom No. 1 of the Fayette County Courthouse. Due to health concerns as well as county and state regulations brought about by the pandemic, the Upset Tax Sale was postponed and relocated. The Upset Tax Sale took place on October 19th, 2020 at the Fayette County Fairgrounds, where the Objectors' home was struck down at auction.

Legal Standard

72 P.S. § 5860.601(a)(3) states:

No owner-occupied property may be sold unless the bureau has given the owner occupant written notice of such sale at least ten (10) days prior to the date of actual sale **by personal service** by the sheriff or his deputy or person deputized by the sheriff for this purpose unless the county commissioners, by resolution, appoint a person or persons to make all personal services required by this clause... If such personal service cannot be served within twenty-five (25) days of the request by the bureau to make such personal service, the bureau **may petition the court of common pleas to waive the requirement of personal notice for good cause shown**. Personal service of notice on one of the owners shall be deemed personal service on all owners.

emphasis added.

72 P.S. § 5680.102 defines "Owner Occupant" as:

The owner of a property which has improvements constructed thereon and for which the annual tax bill is mailed to an owner residing at the same address as that of the property.

The purpose of the Real Estate Tax Sale Law is not to punish, but to obtain payment. Because the General Assembly believed it to be of the utmost importance to give owner occupants greater protection than non-owner occupants, it included Section 601 (a)(3) of the Real Estate Tax Sale Law to protect them from losing the properties where-in they reside. In Re Petition to Set Aside Upset Tax Sale, 218 A.3d 995, 999 (Cmwlth. Ct. 2019).

Conclusions of Law

Neither Objector was personally served with written notice of the past due tax amount and the Upset Tax Sale by the Fayette County Sheriff or anyone else. A property owner who resides in a residence upon land exposed to an upset tax sale is entitled to personal service, in addition to mailings, postings, and publications under 72 P.S. § 5860.601(a)(3)

The Objectors were entitled to personal service and did not receive such. The Tax Claim Bureau failed to seek court approval to waive the requirement of personal service. There is no evidence that the Objectors attempted to evade service of the certified mailings.

WHEREFORE, the Court issues the following Order:

ORDER

AND NOW this 8th day of April, 2021, upon consideration of the Objectors' PETITION FOR EXCEPTION TO DISAPPROVE, SET ASIDE, OR VOID THE UPSET TAX SALE OF OCTOBER 19th, 2020, it is hereby ORDERED and DECREED that it is GRANTED, and the purported sale is hereby VOIDED, with all sums deposited to be returned to the high bidder forthwith.

BY THE COURT:
STEVE. P. LESKINEN, JUDGE

ATTEST:
PROTHONOTARY

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

LUNCH & LEARN SERIES

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

- Date: **Wednesday, May 19th** from 12:00 p.m. to 1:30 p.m.
- Location: Courtroom No. 1 of the Fayette County Courthouse
- Discussion topics: **Searches & Seizures**
- Presenters: Richard Bower, Fayette County District Attorney, Susan Harper, Fayette County Public Defender, and the Honorable Judge Steve P. Leskinen

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, 2016

- 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 by email to cindy@fcbbar.org on or before Monday, May 17th.

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& ASSOCIATES

412-281-2200

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700 Grant Bldg., 310 Grant St., Pgh., PA 15219