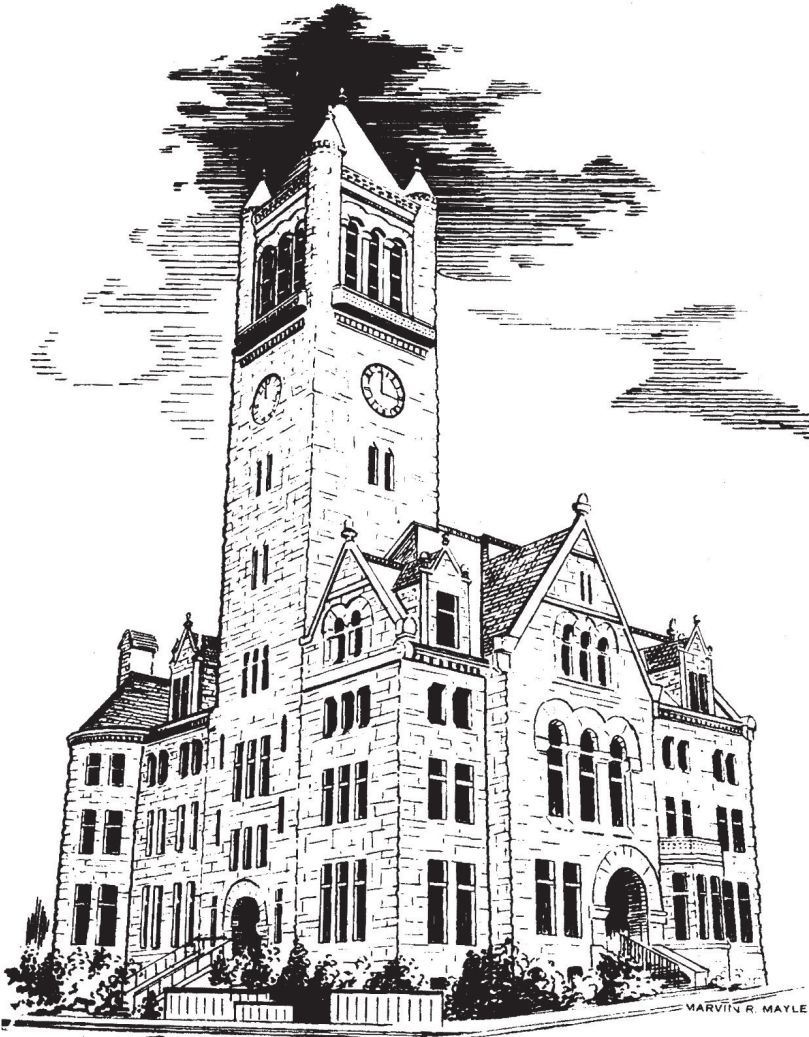


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FAYETTE LEGAL JOURNAL

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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

CHE DUVALL, late of Jefferson Township, Fayette County, PA (3)

Personal Representative: Karen DuVall
c/o Meyers Evans & Associates, LLC
Gulf Tower
707 Grant Street, Suite 3200
Pittsburgh, PA 15219
Attorney: Brendan B. Lupetin

JOSEPH JAMES EZZI, late of Uniontown, Fayette County, PA (3)

Administratrix: Mia Ezzi
c/o 80 East Main Street
Uniontown, PA 15401
Attorney: J.W. Eddy

LAVENIA HOSTETLER, A/K/A LAVENIA E. HOSTETLER, late of Georges Township, Fayette County, PA (3)

Executor: Roy Thomas Hostetler
c/o ADAMS & ADAMS
55 East Church Street, Suite 101
Uniontown, PA 15401
Attorney: Jason F. Adams

MARY LOUISE SECHRIST, late of Dunbar Township, Fayette County, PA (3)

Administratrix: Sandra Foreman
c/o Riverfront Professional Center
208 South Arch Street, Suite 2
Connellsville, PA 15425
Attorney: Richard A. Husband

ROBERT SMITH, A/K/A ROBERT L. SMITH, late of Uniontown, Fayette County, PA
Executrix: Carol Krzton (3)
c/o ADAMS & ADAMS
55 East Church Street, Suite 101
Uniontown, PA 15401
Attorney: Jason F. Adams

JOSEPH STILLWAGON, late of Masontown, Fayette County, PA (3)

Executor: Amanda J. Gouff
111 Geiser Avenue
Waynesboro, PA 17268
c/o Rotz Law Offices, LLC
PO Box 4628
Hagerstown, MD 21742
Attorney: Ann Marie Rotz,

ELEANOR STOREY, late of Brownsville Borough, Fayette County, PA (3)

Executrix: Bonnie G. Barry
c/o Monaghan & Monaghan, L.L.P.
57 East Main Street
Uniontown, PA 15401
Attorney: Gary D. Monaghan

Second Publication

SHELDON RAYMOND CRUTCHMAN, JR., late of Uniontown, Fayette County, PA (2)

Administrator: Beth H. Crutchman
c/o 9 Court Street, 2nd Floor
Uniontown, PA 15401
Attorney: Kimberly D. Kovach, Esquire

MICHAEL KENES, late of Lemont Furnace, Fayette County, PA (2)

Executor: Mark D. Kenes
c/o 80 East Main Street
Uniontown, PA 15401
Attorney: J.W. Eddy

ROBERT J. LOWDERMILK, late of Georges Township, Fayette County, PA (2)

Administrator: David Cartwright
c/o Begley Law Group
509 South Lenola Road, Building 7
Moorestown, NJ 08057

PHILMORE C. MARIETTA, late of
Ohiopyle, Fayette County, PA (2)
Executrix: Vicki L. Marietta
c/o 11 Pittsburgh Street
Uniontown, PA 15401
Attorney: Thomas W. Shaffer

ROCCO J. ROSS, late of Connellsville,
Fayette County, PA (2)
Executor: Richard A. Ross
c/o Riverfront Professional Center
208 South Arch Street, Suite 2
Connellsville, PA 15425
Attorney: Richard A. Husband

RUTH M. WISE, late of Smithfield, Fayette
County, PA (2)
Executor: Thomas R. Wise
541 Gans Road
Lake Lynn, PA 15451
c/o 22 Highhouse Street
Smithfield, PA 15478
Attorney: J. Ronald Bruzda

First Publication

ROCCO J. ROSS, late of Connellsville, Fayette
County, PA (1)
Executor: Richard A. Ross
c/o Riverfront Professional Center
208 South Arch Street, Suite 2
Connellsville, PA 15425
Attorney: Richard A. Husband

**RICHARD SHOEMAKER, A/K/A
RICHARD C. SHOEMAKER**, late of Dunbar
Township, Fayette County, PA (1)
Executrix: Beverly Guynn
c/o Rowan Law Office
890 Vanderbilt Road
Connellsville, PA 15425
Attorney: Davina D. Burd

**LYNNETTE S. WILSON, A/K/A
LYNNETTE SHARON WILSON**, late of
Uniontown, Fayette County, PA (1)
Administrator: Allen J. Wilson
c/o 80 East Main Street
Uniontown, PA 15401
Attorney: J.W. Eddy

LEGAL NOTICES

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY PENNSYLVANIA
CIVIL DIVISION
NO. 1734 of 2015 GD

**DOLLAR BANK, FEDERAL SAVINGS
BANK,**
Plaintiff,
vs.
CHAD A. YAUGER and SARA E. YAUGER,
a/k/a SARA YAUGER,
Defendants.

Notice of Sheriff's Sale of Real Estate on
May 12, 2016 at 10:30 A.M. in the Fayette
County Courthouse, 61 East Main Street,
Uniontown, PA 15401.

ALL THE RIGHT, TITLE, INTEREST
AND CLAIM OF CHAD A. YAUGER AND
SARA E. YAUGER, A/K/A SARA YAUGER,
OF, IN AND TO THE FOLLOWING
DESCRIBED PROPERTY:

ALL THAT CERTAIN REAL ESTATE
SITUATED IN THE FAIRCHANCE
BOROUGH, FAYETTE COUNTY,
PENNSYLVANIA. HAVING ERECTED
THEREON A DWELLING KNOWN AS 40
DEFOREST AVENUE, FAIRCHANCE, PA
15436. DEED BOOK VOLUME 3207, PAGE
373 AND PARCEL NUMBER 11-07-0135.

Dollar Bank, Federal Savings Bank vs.
Chad A. Yauger and Sara E. Yauger, a/k/a Sara
Yauger, at No. 1734 of 2015 GD and Execution
No. 17 of 2016 ED in the amount of
\$117,690.19.

Schedule of Distribution will be filed by
the Sheriff on the date specified by the Sheriff
no later than thirty (30) days from sale date.
Distributions will be made in accordance with
the schedule unless exceptions are filed within
ten (10) days of the filing of the Schedule.

Kristine M. Anthou, Esquire
Grenen & Birsic, P.C.
One Gateway Center, 9th Fl
Pittsburgh, PA 15222
(412) 281-7650

IN THE COURT OF COMMON PLEAS OF
 FAYETTE COUNTY, PENNSYLVANIA
 CIVIL DIVISION
 NO. 236 of 2016 GD

IN THE COURT OF COMMON PLEAS OF
 FAYETTE COUNTY, PENNSYLVANIA
 CIVIL ACTION
 No. 406 of 2016 GD

**FIRST NATIONAL BANK OF
 PENNSYLVANIA,**
 Plaintiff,
 vs.
**UNKNOWN EXECUTOR AND HEIRS OF
 THE ESTATE OF FANNIE VAIRUS,**
 Defendant.

Scott S. Martin and Janel G. Martin,
husband and wife, and David C. Balsega and
Michele M. Balsega, husband and wife,
 Plaintiffs,
 vs.

Luther Burchinal, a/k/a L.W. Burchinal, and
Emma Burchinal, husband and wife, and
Joseph G. Burchinal and Sarah Elizabeth
Burchinal, husband and wife, their heirs,
successors and assigns,
 Defendants.

NOTICE

A Complaint in Mortgage Foreclosure in the above-captioned matter has been filed against you to foreclose on property known as Unknown Executor and Heirs of the Estate of Fannie Vairus.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing 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.

Pennsylvania Lawyer Referral Service
 Pennsylvania Bar Association
 100 South Street, PO Box 186
 Harrisburg, PA 17108
 Toll Free (800) 692-7375

Grenen & Birsic, P.C.
 Attorneys for Plaintiff
 One Gateway Center, Ninth Floor
 Pittsburgh, PA 15222
 (412) 281-7650

TO THE ABOVE NAMED DEFENDANTS,
 THEIR HEIRS, SUCCESSORS AND
 ASSIGNS:

On March 2, 2106, Plaintiffs filed the above action to declare that they are the sole owner of certain real estate Smithfield Borough, Fayette County, Pennsylvania, being a strip of land 50 feet wide and 227.7 feet long on Liberty Street located between the houses of Plaintiffs. There is no Fayette County Parcel Identifier number for this land, it is listed as being a part of Plaintiff's land. Plaintiffs' interest was acquired by adverse possession over a period of at least 50 years.

It appears from the chain of title that you may have an interest in this property. Plaintiffs have asked that the Court declare that you, the Defendants, be forever barred from asserting any right, lien, title or interest in the property. Unless you defend this action, Plaintiffs will take a judgment by default.

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing 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 Plaintiffs. You may lose the 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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Pennsylvania Lawyer Referral Service
 Pennsylvania Bar Association
 P.O. Box 186
 100 South Street
 Harrisburg, PA 17108
 Telephone: 800-932-0311

Gary N. Altman
 Attorney for the Plaintiffs
 206 Derrick Avenue
 Uniontown, PA 15401
 724-438-0910

SHERIFF'S SALE

Date of Sale: May 12, 2016

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, May 12, 2016, at 10:30 a.m. in the Hallway outside the Sheriff's Office 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. (3 of 3)

James Custer
 Sheriff Of Fayette County

No. 2335 of 2014 GD
 No. 461 of 2015 ED

HSBC Bank USA, National Association as Trustee in trust for Citigroup Mortgage Loan Trust Inc., Asset Backed Pass Through Certificates Series 2003-HE3

Plaintiff,

vs.

Tyler D. Anderson; Melissa E. Anderson, Defendants.

ALL that certain parcel of land lying and being situate in the Borough of Everson, County of Fayette, and Commonwealth of Pennsylvania, known as 108 Maple Street, Everson, PA 15631 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 10-03-0019

BEING the same premises which Tyler D. Anderson and Melissa Anderson, formerly husband and wife, by Deed dated March 24, 1998 and recorded in and for Fayette County, Pennsylvania in Deed Book 2065, Page 19, granted and conveyed unto Tyler Anderson, unmarried.

No. 2334 of 2015 GD
 No. 40 of 2016 ED

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY,

Plaintiff,

vs.

ROBERT A. BERISH, Defendant.

Parcel One:

ALL that certain lot of ground in Jefferson Township, Fayette County, Pennsylvania, being No. 268 of Colonial No. 4 Mining Village; and Parcel Two:

ALL that certain lot of ground in Jefferson Township, Fayette County, Pennsylvania, being No. 266 of Colonial No. 4 Mining Village, and having thereon erected a dwelling known as 108 & 110 East Second Street, Grindstone, PA 15442.

Fayette County Deed Book 3088, page 2002.

Tax Parcel Nos. 17-16-0022 and 17-16-0023.

TO BE SOLD AS THE PROPERTY OF
ROBERT A. BERISH ON JUDGMENT NO.
2334 OF 2015.

No. 311 of 2014 GD
No. 443 of 2015 ED

**U.S. Bank National Association, as Trustee
for Citigroup Mortgage Loan Trust 2007-
WFHE3, Asset-Backed Pass-Through
Certificates, Series 2007-WFHE3,
Plaintiff,
vs.
Robert E. Brinson; Rachel A. Brinson
Defendants.**

ALL that certain parcel of land lying and being situate in the Borough of Dunbar, County of Fayette, and Commonwealth of Pennsylvania, known as 14 First Street, Dunbar, PA 15431 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 08-08-0135

BEING the same premises which Erick Hughes and Malinda Hughes, husband and wife, by Deed dated March 2, 2007 and recorded in and for Fayette County, Pennsylvania in Deed Book 3018, Page 1382, granted and conveyed unto Robert E. Brinson.

No. 1199 of 2014 GD
No. 58 of 2016 ED

**21ST MORTGAGE CORPORATION,
assignee of Tammac Corporation,
Plaintiff,
vs.
MICHAEL P. BRYNER, as Mortgagor and
ERIN A. BRYNER, as Mortgagor and Real
Owner,
Defendants.**

ALL THAT CERTAIN tract of land situate in German Township, Fayette County, Pennsylvania, having an address of 324 Lambert Footdale Road, McClellandtown, Fayette County, Pennsylvania including a 26 x 44, 1989 Skyline mobile home serial number 53290583XAB.

PARCEL ID NUMBER: 15-14-0112

BEING the same property that Michael P. Bryner and Erin A. Bryner, Husband and Wife, by deed dated March 27, 2007 and recorded on August 7, 2007, in the Office of the Recorder of Deeds of Fayette County, Pennsylvania in Deed Book Volume 3035, page 879, granted and conveyed unto Erin A. Bryner, her heirs and assigns.

No. 52 of 2015 GD
No. 10 of 2016 ED

**Bank of America, N.A.,
Plaintiff,
vs.
John M. Dukman, IV,
Defendant.**

ALL that certain lot of land situate in South Union Township, Fayette County, Pennsylvania, being numbered and designated as Lot No. 2 in the Oak Hollow Plan of Lots, Plat No. 1, dated May 4, 2010, a plot of which is of record in the Office of the Recorder of Deeds of Fayette County, Pennsylvania, in Plan Book Volume 88, page 20; said Lot being more particularly bounded and described as follows:

BEGINNING at point along Hutchinson Street, a 33 foot right-of-way, corner common with Lot 1 and Lot No. 2 in said plan; thence along the line of Hutchinson Street, South 48 degrees 13 minutes 03 seconds West, a distance of 100.06 feet to a point; thence along the curve of Hutchinson Street, having a radius of 88.35 feet, an arc length of 51.41 feet, a chord bearing of South 64 degrees 53 minutes 15 seconds East, a chord length of 50.69 feet, a delta angle of 33 degrees 20 minutes 25 seconds, and a tangent of 26.46 feet to a point, corner with Lot No. 2 and Lot No. 3; thence along the dividing line between Lot No. 2 and Lot No. 3 in said plan, North 08 degrees 26 minutes 32 seconds West, a distance of 140.00 feet to a point, corner common with Lot No. 3 and lands now or formerly of CHL Development Corporation; thence North 48 degrees 49 minutes 26 seconds East, a distance of 71.79 feet to a point, corner of Lot No. 2 and Lot No. 1 in said plan; thence along the dividing line between Lot No. 2 and Lot No. 1, South 41 degrees 45 minutes 57 seconds East, a distance of 130.74 feet to a point along Hutchinson Street, the place of beginning. Containing an area of 0.34 acre.

UNDER AND SUBJECT to all building setback lines and utility easements as more particularly shown on the lot plan hereinbefore referred to.

THIS CONVEYANCE is also made and accepted by the Grantees, their heirs and assigns, under and subject to those certain building and use restrictions, easements, etc. as were established by Grantor in "Restrictive Covenants for Phase 1 of the Oak Hollow Plan of Lots", dated August 11, 2010, recorded in Record Book Volume 3130, page 1703, in the Recorder's Office of Fayette County, Pennsylvania, which said restrictions are by reference thereto incorporated herein as fully as if the same were contained herein.

EXCEPTING AND RESERVING thereout and therefrom, such coal, minerals, oil and gas and mining or other rights as have been previously conveyed or excepted or reserved by instruments of record.

FURTHER EXCEPTING AND RESERVING unto the Grantor all coal, mineral, oil and gas rights not previously excepted and reserved.

COMMONLY KNOWN AS: 141 Hutchinson Street, Uniontown, PA 15401
TAX PARCEL NO. 3427015802

No. 753 of 2015 GD
No. 38 of 2016 ED

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY,

Plaintiff,

vs.

TERRI L. ERJAVEC,

Defendant.

ALL THOSE CERTAIN pieces or parcels of land situate in Menallen Township, Fayette County, Pennsylvania, being Lots Nos. 73, 74 and 75 in the Newborn Plan of Lots of Newboro, Menallen Township, Fayette County, Pennsylvania, as recorded in Plan Book Volume 2, Page 53, and having thereon erected a residential dwelling house known as: 74 MOORE AVENUE, NEW SALEM, PA 15468.

Tax Parcel # 22-10-0018

Reference Fayette County Deed Book 2108, Page 234

No. 2323 of 2013 GD
No. 444 of 2015 ED

U.S. Bank National Association, as Trustee for Credit Suisse First Boston Mortgage Securities Corp., Home Equity Asset Trust 2005-4, Home Equity Pass-Through Certificates, Series 2005- 4,

Plaintiff,

vs.

Janetta Fartini

Defendant.

ALL that certain parcel of land lying and being situate in the Borough of Newell, County of Fayette, and Commonwealth of Pennsylvania, known as 406 Cassin Avenue, Newell, PA 15466 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 23-04-0162

BEING the same premises which Michael John Fartini and Robin Marie Fartini, husband and wife, by Deed dated May 25, 2005 and recorded in and for Fayette County, Pennsylvania in Deed Book 2949, Page 359, granted and conveyed unto Janetta Fartini, a single woman.

STERN & EISENBERG PC
Andrew J. Marley, Esquire

No. 2493 of 2015 GD
No. 14 of 2016 ED

HSBC Bank USA, National Association, as Trustee for Fremont Home Loan Trust 2006-D, Mortgage- Backed Certificates, Series 2006 -D, c/o Ocwen Loan Servicing LLC

Plaintiff,

vs.

Fabian Figueroa and Alison Figueroa,

Defendants.

SITUATE IN THE THIRD WARD OF THE TOWNSHIP OF WASHINGTON, FAYETTE COUNTY, PENNSYLVANIA, BEING KNOWN AS 327 GREEN STREET, BELLE VERNON, PA 15012.

PARCEL NO. 01-01-0022

IMPROVEMENTS - RESIDENTIAL REAL ESTATE

SOLD AS THE PROPERTY OF - FABIAN FIGUEROA AND ALISON FIGUEROA

Phelan Hallinan Diamond & Jones, LLP

No. 1906 of 2015 GD
 No. 2 of 2016 ED

Wells Fargo Bank, N.A.,
Plaintiff,
vs.
Patricia M. Firestone, in Her Capacity as
Executrix and Devisee of The Estate of David
E. Tremba,
Defendants.

By virtue of a Writ of Execution No. 1906-OF-15-GD

Wells Fargo Bank, N.A. v. Patricia M. Firestone, in Her Capacity as Executrix and Devisee of The Estate of David E. Tremba, owner(s) of property situate in the Fayette County, Pennsylvania, being 526 Wills Road, Connellsville, PA 15425-4236
 Parcel No.: 05-11-0187-02
 Improvements thereon: RESIDENTIAL DWELLING

RADCLIFFE &, DeHAAS, L.L.P.

No. 2384 of 2015 GD
 No. 5 of 2015 ED

The United Federal Credit Union,
Plaintiff,
vs.
FP Properties, LLC,
Defendant.

FIRST: All that property situate in the City of Uniontown, Fayette County, Pennsylvania, being described as Tax Parcel No. 38-13-0174, and Lot No. 14 in the Plan of Lots laid out by the Uniontown Land Company, and being more particularly described in a deed dated July 3, 2008 and recorded in Record Book 3066, page 476.

SECOND: All those two certain lots situate in the City of Uniontown, Fayette County, Pennsylvania, described as Tax Parcel No. 38-13-0175 and Lots Nos. 15 and 16 in the Plan of Lots laid out by the Uniontown Land Company and being more particularly described in a deed dated August 22, 2008 and recorded

in Record Book 3088, page 2167.

Together with such rights-of-way and under and subject to the exceptions and reservations as appear in prior deeds of record.

Seized and taken in execution as the properties of FP Properties, LLC, owner or reputed owner of the properties, at the suit of The United Bank, Inc. in the Court of Common Pleas of Fayette County, Pennsylvania at No. 2384 of 2015, G. D.

STERN & EISENBERG PC
 M. Troy Freedman, Esquire

No. 2287 of 2015 GD
 No. 463 of 2015 ED

Ocwen Loan Servicing, LLC,
Plaintiff,
vs.
Lynn Hall Administrator of the Estate of
Jeffrey A. Morris c/o Watson Mundorff
Brooks & Sepic LLP,
Defendant.

SITUATE IN THE THIRD WARD OF THE CITY OF CONNELLSVILLE, FAYETTE COUNTY, PENNSYLVANIA, BEING KNOWN AS 509 EDNA STREET, CONNELLSVILLE, PA 15425.

PARCEL NO. 05-09-0156
 IMPROVEMENTS - RESIDENTIAL REAL ESTATE
 SOLD AS THE PROPERTY OF - LYNN HALL ADMINISTRATOR OF THE ESTATE OF JEFFREY A. MORRIS C/O WATSON MUNDORFF BROOKS & SEPIC LLP.

No. 969 of 2015 GD
 No. 42 of 2016 ED

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR THE PENNSYLVANIA
HOUSING FINANCE AGENCY,
Plaintiff,
vs.
JASON E. HELA,
Defendant.

ALL THAT CERTAIN lot or piece of ground situate in the Township of Washington, County of Fayette and Commonwealth of

Pennsylvania, together with the dwelling house erected thereon known as: 917 FAYETTE CITY ROAD, FAYETTE CITY, PA 15438.
 Tax Parcel # 41-20-0023
 Fayette County Record Book 22916, Page 1525.

Phelan Hallinan Diamond & Jones, LLP

No. 1093 of 2015 GD
 No. 21 of 2016 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 Structured Asset Investment Loan Trust Mortgage Pass-Through Certificates, Series 2003-Bc5 Plaintiff,
 vs.
Bonnie S. Knopsnider, Defendant.

By virtue of a Writ of Execution No. 1093 OF 2015 GD
 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 Structured Asset Investment Loan Trust Mortgage Pass-Through Certificates, Series 2003-Bc5 v. Bonnie S. Knopsnider, owner(s) of property situate in the CONNELLSVILLE CITY, Fayette County, Commonwealth of Pennsylvania, being 352 North Arch Street, a/k/a 352 Arch Street, Connellsville, PA 15425-2601
 Parcel No.: 05-06-0350
 Improvements thereon: RESIDENTIAL DWELLING

STERN & EISENBERG PC
 Andrew J. Marley, Esquire

No. 2414 of 2015 GD
 No. 31 of 2016 ED

The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank, as

Trustee for Residential Asset Securities Corporation, Home Equity Mortgage Asset-Backed Pass Through Certificates Series 2003 -KS7 c/o Ocwen Loan Servicing, LLC, Plaintiff,
 vs.
The Unknown Heirs, Executors, and devisees of the Estate of Darlene K. Kurnot, Defendants.

SITUATE IN THE TOWNSHIP OF GERMAN, FAYETTE COUNTY, PENNSYLVANIA, BEING KNOWN AS 626 PALMER ROAD, ADAH, PA 15410.
 PARCEL NO. 15-09-0052
 IMPROVEMENTS - RESIDENTIAL REAL ESTATE
 SOLD AS THE PROPERTY OF - THE UNKNOWN HEIRS, EXECUTORS, AND DEVISEES OF THE ESTATE OF DARLENE K. KURNOT

UDREN LAW OFFICES, P.C.
 WOODCREST CORPORATE CENTER
 111 WOODCREST ROAD, SUITE 200
 CHERRY HILL, NJ 08003-3620
 Elizabeth L. Wassall, Esquire

No. 2464 of 2015 GD
 No. 37 of 2016 ED

The Bank of New York Mellon Trust Company, National Association fle The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank, N.A., as Trustee for Residential Asset Mortgage Products, Inc., Mortgage Asset-Backed Pass-Through Certificates Series 2005-RZ4, Plaintiff,
 vs.
SUSAN C. LOHR Defendant.

ALL THAT CERTAIN LOT OF LAND SITUATE IN CITY OF CONNELLSVILLE, FAYETTE COUNTY, PENNSYLVANIA: BEING KNOWN AS 1011 Sycamore Street, Connellsville, PA 15425
 PARCEL NUMBER: 05-12-0090
 IMPROVEMENTS: Residential Property

Richard M. Squire & Associates, LLC
 One Jenkintown Station, Suite 104
 115 West Avenue
 Jenkintown, PA 19046

No. 692 of 2015 GD
 No. 33 of 2016 ED

**LSF8 Master Participation Trust,
 Plaintiff,**
 vs.

**Annette Malinsky, solely as Administratrix of
 the Estate of Melvin L. David , deceased
 Estate of Melvin L. David, deceased , and all
 known and unknown individuals, heirs,
 successors, assigns, business entities, non-
 profit entities, and/or charitable entities
 having and/or claiming any right, title, and/or
 interest therein, therefrom and/or
 thereunder,
 Defendants.**

TAX PARCEL NO. 24-5-53
 PROPERTY ADDRESS: 316 Blue Rock
 Road, Smithfield, PA 15478
 IMPROVEMENTS: Single Family
 Dwelling

SEIZED AND TAKEN in execution as the
 property of Annette Malinsky, solely as
 Administratrix of the Estate of Melvin L. David,
 deceased and Estate of Melvin L. David,
 deceased, and all known and unknown
 individuals, heirs, successors, assigns, business
 entities, non-profit entities, and/or charitable
 entities having and/or claiming any right, title,
 and/or interest therein, therefrom and/or
 thereunder.

ALL THAT CERTAIN Lot of land situate
 in Nicholson Township, Fayette County,
 Pennsylvania.

STERN & EISENBERG PC
 M. Troy Freedman, Esquire

No. 2436 of 2015 GD
 No. 12 of 2016 ED

**U.S. Bank National Association, not in its
 individual capacity but solely as Trustee of
 OWS REMIC Trust 2015-1,
 Plaintiff,**
 vs.

**Ernest Mayse,
 Defendant.**

SITUATE IN REDSTONE TOWNSHIP,
 FAYETTE COUNTY, PENNSYLVANIA,
 BEING KNOWN AS 6678 NATIONAL PIKE,
 NEW SALEM, PA 15468
 PARCEL NO. 30-19-0131
 IMPROVEMENTS - RESIDENTIAL
 REAL ESTATE
 SOLD AS THE PROPERTY OF -
 ERNEST MAYSE.

Phelan Hallinan Diamond & Jones, LLP

No. 1577 of 2014 GD
 No. 13 of 2016 ED

**Hsbc Bank USA, National Association as
 Trustee for Mortgageit Securities Corp.
 Mortgage Loan Trust, Series 2007-1,
 Mortgage Pass-Through Certificates
 Plaintiff,**
 vs.

**Edward R. Mirna a/k/a Edward Richard
 Mirna and Jodi L. Mirna a/k/a Jodi Lynn
 Mirna,
 Defendants.**

By virtue of a Writ of Execution No.
 1577-2014-GD, Hsbc Bank USA, National
 Association as Trustee for Mortgageit Securities
 Corp. Mortgage Loan Trust, Series 2007-1,
 Mortgage Pass-Through Certificates v. Edward
 R. Mirna a/k/a Edward Richard Mirna Jodi L.
 Mirna a/k/a Jodi Lynn Mirna, owner(s) of
 property situate in the WASHINGTON
 TOWNSHIP, Fayette County, Pennsylvania,
 being 107 Hamer Road, Fayette City, PA 15438-
 1222

Parcel No.: 41-10-0012
 Improvements thereon: RESIDENTIAL
 DWELLING

Phelan Hallinan Diamond & Jones, LLP

No. 862 of 2010 GD

No. 3 of 2016 ED

U.S. Bank National Association, as Trustee for The Structured Asset Investment Loan Trust, 2005-11,

Plaintiff,

vs.

John Pennington a/k/a John S. Pennington and Alice Pennington,

Defendants

By virtue of a Writ of Execution No. 2010-00862, U.S. Bank National Association, as Trustee for The Structured Asset Investment Loan Trust, 2005-11 v. John Pennington a/k/a John S. Pennington Alice Pennington, owner(s) of property situate in the GEORGES TOWNSHIP, Fayette County, Pennsylvania, being 189 Black Hill Road, Smithfield, PA 15478-9702

Parcel No.: 14-24-0048

Improvements thereon: RESIDENTIAL DWELLING

McCABE, WEISBERG & CONWAY, P.C.

123 South Broad Street, Suite 1400

Philadelphia, Pennsylvania 19109

No. 1443 of 2015 GD

No. 48 of 2016 ED

The Money Source, Inc.,

Plaintiff,

vs.

Thomas Pirl and Christina Pirl,

Defendants.

ALL THAT CERTAIN parcel of land situate in the City of Connellsville; Fayette County, Pennsylvania, known as Lot No. 122 and the Northern one-half (1/2) of Lot No. 123 in the Greenwood Addition to Connellsville, Plan of which is recorded in the Office of the Recorder of Deeds of Fayette County, Pennsylvania, in Plan Book Volume 2, Page 30, being more particularly bounded and described as follows:

FRONTING sixty (60) feet on the East side of Eight Street and extending back of equal width a distance of 120.00 feet to an alley.

HAVING erected thereon a structure(s) presently known as 319 South Eighth Street Connellsville, PA 15425

PARCEL NO. 05-08-0146

SUBJECT to all exceptions, reservations, restrictions and covenants, conditions, easements, rights of way, oil and gas leases, and coal and/or mining rights, all or any as set forth in any prior Instruments of record and on the recorded plan.

BEING the same premises which Deutsche Bank National Trust Company, as Custodian or Trustee, f/k/a Bankers Trust Company of California, N.A., by their agent Chase Home Finance LLC, successor by merger to Chase Manhattan Mortgage Corporation, by Deed dated 12/11/2006 and recorded 12/29/2006 in the Office of the Recorder of Deeds in and for the County of Fayette in Record Book 3012 Page 561, granted and conveyed unto Jason R. Miller.

All that certain piece or parcel or Tract of land situate City of Connellsville, Fayette County, Pennsylvania, and being known as 319 S 8th Street, Connellsville, Pennsylvania 15425.

Being known as: 319 S 8th Street, Connellsville, Pennsylvania 15425

Title vesting in Thomas Pirl and Christina Pirl, husband and wife, by deed from Jason R. Miller dated September 2, 2014 and recorded November 6, 2014 in Deed Book 3263, Page 810.

Tax Parcel Number : 05-08-0146

No. 2252 of 2011 GD

No. 1 of 2016 ED

U.S. BANK NATIONAL ASSOCIATION (TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY, PURSUANT TO A TRUST INDENTURE DATED AS OF APRIL 1, 1982),

Plaintiff,

vs.

MARCI S. PROTOS,

Defendant.

Twp of Jefferson, Cty of Fayette & Cmwrth of PA. HET a dwg k/a 248 Cope Road, Perryopolis, PA 15473.

Parcel No. 17-5-18.

No. 2193 of 2014 GD
 No. 41 of 2016 ED

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY,

Plaintiff,
vs.

BRIAN C. RAMER,
Defendant.

FIRST ALL THAT CERTAIN piece of ground in the Borough of Brownsville (formerly South Brownsville), County of Fayette, Commonwealth of Pennsylvania, being approximately 271.70 x 39.46 x 265.14 x 40.00 ; and SECOND Being approximately 264.00 x 40.00; and having thereon erected a dwelling known as 1203 Second Street, Brownsville, PA 15417.

Tax Parcel # 02-07-0217.

Fayette County Deed Book 3177, Page 2392.

TO BE SOLD AS THE PROPERTY OF BRIAN C. RAMER ON JUDGMENT NO. 2014-02193.

IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF: KRISTI L. RHODES and RONALD W. RHODES

Phelan Hallinan Diamond & Jones, LLP

No. 1988 of 2010 GD
 No. 22 of 2016 ED

Lsf9 Master Participation Trust,
Plaintiff,
vs.

Clinton L. Riggen, III,
Defendant.

By virtue of a Writ of Execution No. 1988-0F-2010-GD, Lsf9 Master Participation Trust v. Clinton L. Riggen, III. owner(s) of property situate in the NORTH UNION TOWNSHIP, Fayette County, Pennsylvania, being 95 Chaffee Street, Uniontown, PA 15401-4647

Parcel No.: 25-47-0179

Improvements thereon: RESIDENTIAL DWELLING

Phelan Hallinan Diamond & Jones, LLP

No. 2143 of 2015 GD
 No. 35 of 2016 ED

Wells Fargo Bank, N.A.,
Plaintiff,
vs.

Tammy L. Roberts,
Defendant.

By virtue of a Writ of Execution No. 2143 OF 2015 GD, Wells Fargo Bank, N.A. v. Tammy L. Roberts, owner of property situate in the SPRINGHILL TOWNSHIP, Fayette County, Pennsylvania, being 431 Nilan Hill Road, Point Marion, PA 15474-1389

Parcel No.: 36-14-0053

Improvements thereon: RESIDENTIAL DWELLING.

KML Law Group, P.C.
 Suite 5000 - BNY Independence Center
 701 Market Street
 Philadelphia, PA 19106

No. 2195 of 2014 GD
 No. 453 of 2015 ED

LAKEVIEW LOAN SERVICING, LLC
4425 Ponce DeLeon Blvd Mail Stop Ms5/251
Coral Gables, FL 33146,

Plaintiff,
vs.

KRISTI L. RHODES and RONALD W. RHODES,

Mortgagor(s) and Record Owner(s)
26 Ranch Road
Dunbar, PA 15431
Defendant.

ALL THAT CERTAIN lots or parcels of land situate in the Borough of Dunbar, County of Fayette and Commonwealth of Pennsylvania.

TAX PARCEL #08-07-0005 & 08-07-0006

PROPERTY ADDRESS: 26 Ranch Road Dunbar, PA 15431

No. 1651 of 2015 GD
No. 457 of 2015 ED

STERN & EISENBERG PC
M. Troy Freedman, Esquire

**U.S. Bank National Association, as Trustee
for MASTR Asset Backed Securities Trust
2004-HEL, Mortgage Pass-Through
Certificates, Series 2004-HEL,
Plaintiff,
vs.
Russell A. Sanner and Melanie J. Sanner,
Defendants.**

No. 1609 of 2013 GD
No. 451 of 2016 ED

**Deutsche Bank National Trust Company as
Trustee for Long Beach Mortgage Loan
Trust 2004-3, Asset-Backed Certificates,
Series 2004-3, by its servicer, Ocwen Loan
Servicing, LLC,
Plaintiff,
vs.
Terry L. Veno,
Defendant.**

ALL THAT RIGHT, TITLE, INTEREST
AND CLAIMS OF RUSSELL A. SANNER
AND MELANIE J. SANNER OF, IN AND TO
THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT CERTAIN LOT OR PARCEL
OF LAND SITUATE IN FAYETTE CITY,
COUNTY OF FAYETTE AND
COMMONWEALTH OF PENNSYLVANIA,
BEING MORE FULLY DESCRIBED AT DBV
2811, PAGE 2184.

BEING KNOWN AS 105
CONNELLSVILLE STREET, FAYETTE
CITY, PA 15438
TAX MAP NO. 12-3-73

SITUATE IN NORTH UNION
TOWNSHIP, FAYETTE COUNTY,
PENNSYLVANIA, BEING KNOWN AS 504
JUMONVILLE ROAD, HOPWOOD, PA
15445

PARCEL NO. 25-55-0013
IMPROVEMENTS - RESIDENTIAL
REAL ESTATE
SOLD AS THE PROPERTY OF -
TERRY L. VENO

No. 1207 of 2012 GD
No. 4 of 2016 ED

No. 1275 of 2013 GD
No. 454 of 2015 ED

**US Bank National Association, as Trustee for
SASCO Mortgage Loan Trust 2006-WF3,
Plaintiff,
vs.
Anna Marie Toth, AKA Anna M. Toth,
Defendant.**

**PNC Bank, National Association,
Plaintiff,
vs.
Marcella A. Yasechko,
Defendant.**

ALL that certain parcel of land lying and
being situate in the Township of Washington,
County of Fayette, and Commonwealth of
Pennsylvania, known as 264 Gillespe Hollow
Road, Fayette City, PA 15438 having erected
thereon a dwelling house.

Being known and designated as Tax ID
No.: 41-22-0059

BEING the same premises which David J.
Serra and Sherry A. Serra, his wife, by Deed
dated June 26, 2006 and recorded September 18,
2006 in and for Fayette County, Pennsylvania in
Deed Book 3000, Page 1648, granted and
conveyed unto Anna Marie Toth.

ALL that certain parcel of land lying and
being situate in the City of Connellsville,
County of Fayette, and Commonwealth of
Pennsylvania, known as 344 East Crawford
Avenue, Connellsville, PA 15425 having
erected thereon a dwelling house.

Being known and designated as Tax ID
No.: 05-09-0134

BEING the same premises which Richard
L. Turtzer and Theresa C. Turtzer, his wife, by
Deed dated December 26, 2007 and recorded in
and for Fayette County, Pennsylvania in Deed
Book 3049, Page 1318, granted and conveyed
unto Marcella A. Yasechko.

No. 1734 of 2015 GD
No. 17 of 2016 ED

**DOLLAR BANK, FEDERAL SAVINGS
BANK,**

Plaintiff,

vs.

**CHAD A. YAUGER and SARA E. YAUGER,
a/k/a SARA YAUGER,
Defendants.**

ALL THE RIGHT, TITLE, INTEREST
AND CLAIM OF CHAD A. YAUGER AND
SARA E. YAUGER, N K/ A SARA YAUGER,
OF, IN AND TO THE FOLLOWING
DESCRIBED PROPERTY:

ALL THAT CERTAIN REAL ESTATE
SITUATED IN THE FAIRCHANCE
BOROUGH, FAYETTE COUNTY,
PENNSYLVANIA. HAVING ERECTED
THEREON A DWELLING KNOWN AS 40
DEFOREST AVENUE, FAIRCHANCE, PA
15436. DEED BOOK VOLUME 3207, PAGE
373 AND PARCEL NUMBER 11-07-0135.

No. 2452 of 2013 GD
No. 456 of 2015 ED

**PNC BANK, NATIONAL ASSOCIATION,
successor by merger to NATIONAL CITY
BANK, OF PENNSYLVANIA,**

Plaintiff,

vs.

**JOHN C. YETSCONISH AND NANCY A.
YETSCONISH,
Defendants.**

ALL THE RIGHT TITLE, INTEREST
AND CLAIMS OF JOHN C. YETSCONISH
AND NANCY A. YETSCONISH, OF, IN
AND TO THE FOLLOWING DESCRIBED
PROPERTY:

ALL THAT PARCEL OF LAND
SITUATE IN THE TOWNSHIP OF
WASHINGTON, FAYETTE COUNTY, PA,
BEING PARCEL 41-12-0057, MORE FULLY
DESCRIBED IN BOOK 1175, PAGE 0031.

BEING KNOWN AS 212 HOFFMAN
STREET, BELLE VERNON, PA 15012.

TAX PARCEL NO. 41-12-0057.

Registers' Notice

Notice by JEFFREY L. REDMAN, Register of Wills and
Ex-Officio Clerk of the Orphans' Court Division of the Court of Common Pleas

Notice is hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans' Court Division of Fayette County on

Monday, April 4, 2016
at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2614-0936	DOROTHY ANN GRIMM	MARLENE A. HOUGH, Executrix
2611-0062	CLYDE TEWELL a/k/a CLYDE M. TEWELL	REGINA B. STENDER, Executrix

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on
Monday, April 18, 2016
at 9:30 A.M.

in Court Room No. 1 of the Honorable STEVE P. LESKINEN, or his chambers, 2nd Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

Notice is also hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans' Court Division of Fayette County on

Monday, April 4, 2016
at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2615-0505	JUDITH L. ALTOMONTE	DONNA L. MAHER, Administratrix

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on
Monday, April 18, 2016
at 9:30 A.M.

in Court Room No. 2 of the Honorable JOHN F. WAGNER or his chambers, 2nd Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

JUDICIAL OPINION

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY,
 PENNSYLVANIA
 ORPHANS’ COURT DIVISION

IN RE: ADOPTION OF :
 C. R. H. :
 : No. 16 ADOPT 2015

ATTORNEYS:
 Jennifer Casini, Esq., for the Petitioner
 Susan Ritz Harper, Esq., for the Respondent

OPINION AND ORDER

LESKINEN, J. March 2, 2016

Before the Court is the Petition for Involuntary Termination of Parental Rights, hereinafter “Petition,” filed by Petitioner, S. L. R., hereinafter “Mother,” on May 4, 2015. Petition was filed on behalf of C. R. H., a minor child, and it seeks to terminate, pursuant to 23 Pa.C.S.A. § 2511(a)(2), the parental rights of K.’s biological father, J. C. H., hereinafter “Father.” {1} A hearing was held on January 22, 2016, and the Court heard testimony from both parties.

After consideration of the record and appellate case law, Mother’s Petition for Involuntary Termination of Parental Rights must be denied.

BACKGROUND

The subject child is C. R. H., born on December 21, 2009. C. R. H. resides with Mother and R. R., her husband, as well as C. R. and J. R., his stepbrothers. C. R. H. has lived with Mother his entire life, and was born in Dayton, Ohio; Mother and C. R. H. have lived in Pennsylvania since 2012.

At the time C. R. H. was born, Father was incarcerated for assault, and was serving a sentence of approximately 2 years. Initially, Mother would bring C. R. H. to visit father in prison once per month. These visits continued for about 6 months, until

{1} The Petition also requests termination under § 2511(a)(1), for Father’s relinquishment of his parental claim to C. R. H. “continuing for a period of at least six months immediately preceding the filing of the Petition. See Petition for Inv. Termination of Parental Rights, ¶ 9(a), May 4, 2015. Mother testified that Father had contact with C. R. H. on his birthday, which occurred on December 21, 2014; the Petition was filed on May 4, 2015. Mother agreed that Father’s last contact with C. R. H. was within six months of the filing of the Petition, and thus, there is no legitimate claim under § 2511 (a)(1).

Mother was caught bringing marijuana to Father during one of their visits. {2} Due to her conviction for the offense, Mother was not permitted to visit Father at the prison; subsequently, Paternal Grandmother brought C. R. H. to the prison to effectuate visits between he and Father. According to Father, Mother decided to move from Dayton, Ohio to Fayette County, Pennsylvania, and did so the same week that Father was released from prison; as a result of his parole, Father is unable to visit C. R. H. in Pennsylvania.

Mother testified that after she and C. R. H. moved to Pennsylvania, Father did not attempt to contact C. R. H. on the phone; Father allegedly did not contact the child via phone until his birthday on December 21, 2012. However, Father denied that Mother made her number available, and testified that this was contrary to his repeated requests through Paternal Grandmother, who maintained contact with Mother through a personal friend. Father testified that while he was re-incarcerated, {3} he requested that Mother add her phone number to the approved phone list, which she did not; however, Father was apparently able to contact C. R. H. on the phone when the child visited Paternal Grandmother's home.

Mother further testified that Father does not send presents to C. R. H., nor has he attempted to send birthday cards, holiday cards, or letters. According to Mother, Father had her address and phone number during her residency in Pennsylvania, but never tried to contact C. R. H.. In response, Father denies knowing Mother's address, and testified that he has attempted to get this information from Mother, to no avail. Father also testified that he does not send cards or gifts to C. R. H., because they celebrate major life events when the child visits Father at Paternal Grandmother's home where Father resides. Mother admitted that C. R. H. regularly returned from Paternal Grandmother's home with various gifts, clothing and other items, but denies knowing that any of these items came from Father.

In addition to lack of regular phone contact, Mother denied that Father regularly visited with C. R. H. after he was released from prison. Mother testified that Father's only contact with the child consisted of the phone call in December 2014, through no fault of her own. However, Mother admitted that she would take C. R. H. to visit his Maternal Grandmother in Dayton, Ohio, and that Maternal Grandmother could have let Father see C. R. H. Furthermore, Mother took C. R. H. to visit Paternal Grandmother, knowing that Father lived in the home, but denies knowledge of Father seeing the child during any of these visits. Not surprisingly, Father testified that he visited his son during all of these visits. Father submitted photos with the child into evidence, which occurred during various stages of the child's life as evidenced by the child's apparent age and appearance. {4}

{2} According to Mother, she was convicted of the offense and sentenced to 6 months of house arrest. Father testified that he entered into a plea that added one year to his sentence, in order to help Mother avoid jail for her involvement.

{3} Father testified that he was sent back to prison in December 2013 for a parole violation; he was subsequently re-released on parole in April 2014.

{4} On cross-examination, Mother admitted that the photographs showing Father and C.R.H. appeared to be taken at different times, as C. R. H. appeared to be older in some photos than he did in others.

As of the date of the hearing, Father had approximately 6 months remaining on parole, and Mother continues to live in Pennsylvania. Father acknowledged that his Parole Officer has expressed his willingness to assist Father in visiting C. R. H.; however, Father is not permitted to leave the state of Ohio without permission. {5} Father is currently employed, and testified that he has maintained employment when he has not been incarcerated. Father currently pays support for two children from another relationship; while he does not pay support for C. R. H., Father testified that he is willing to pay support if Mother finds it necessary. Mother admits that she has never filed for child support, nor has a custody order been filed by either parent.

Mother testified that it is in the best interest of C. R. H. that Father's rights are terminated, and that R. R., the father of her two younger children, be permitted to adopt C. R. H. According to Mother, C. R. H. considers R. R. to be his father, and calls him "dad." In response, Father maintains that he has a good relationship and bond with C. R. H., and that the child recognizes him as his father. Father denies that he has abandoned his parental duties, and does not want his rights to be terminated.

DISCUSSION

Under Pennsylvania law, "In termination cases, the burden is upon [the party seeking termination] to prove by clear and convincing evidence that [his or her] asserted grounds for seeking the termination of parental rights are valid." *In re T.D.*, 949 A.2d 910, 914 (Pa. Super. 2008) (quoting *In re J.L.C.*, 837 A.2d 1247, 1251 (Pa. Super. 2003)).

The Superior Court has further stated:

The standard of clear and convincing evidence is defined as testimony that is so "clear, direct, weighty and convincing as to enable the trier of fact to come to a clear conviction, without hesitation, of the truth of the precise facts in issue." It is well established that a court must examine the individual circumstances of each and every case and consider all explanations offered by the parent to determine if the evidence in light of the totality of the circumstances clearly warrants termination.

Id.

Thus, Petitioner, S. L. R., has the burden to prove, by clear and convincing evidence, that the Court should terminate the parental rights of Respondent, J. C. H. Under the statute, grounds for termination are as follows:

§ 2511. Grounds for involuntary termination

- (a) General rule.--The rights of a parent in regard to a child may be terminated after a petition filed on any of the following grounds.

{5} Not surprisingly, Mother denies having knowledge that Father is not permitted to leave the state of Ohio while he is on parole.

(2) The repeated and continued incapacity, abuse, neglect or refusal of the parent has caused the child to be without essential parental care, control or subsistence necessary for his physical or mental well-being and the conditions and causes of the incapacity, abuse, neglect or refusal cannot or will not be remedied by the parent.

(b) Other considerations.--The court in terminating the rights of a parent shall give primary consideration to the developmental, physical and emotional needs and welfare of the child. The rights of a parent shall not be terminated solely on the basis of environmental factors such as inadequate housing, furnishings, income, clothing and medical care if found to be beyond the control of the parent. With respect to any petition filed pursuant to subsection (a)(1), (6) or (8), the court shall not consider any efforts by the parent to remedy the conditions described therein which are first initiated subsequent to the giving of notice of the filing of the petition.

23 Pa.C.S.A. § 2511 (citation omitted).

Thus, in order to prove, by clear and convincing evidence, that termination is proper under 23 Pa.C.S.A. § 2511(a)(2), this Court must find that the following elements have been met:

(1) repeated and continued incapacity, abuse, neglect or refusal; (2) such incapacity, abuse, neglect or refusal has caused the child to be without essential parental care, control or subsistence necessary for his physical or mental well-being; and (3) the causes of the incapacity, abuse, neglect or refusal cannot or will not be remedied.”

In re Adoption of C.D.R., 111 A.3d 1212, 1216 (Pa. Super. 2015) (citing In re Adoption of M.E.P., 825 A.2d 1266, 1272 (Pa. Super. 2003).

The statute sets forth a two-part analysis for termination, which the Superior Court has explained as such:

Initially, the focus is on the conduct of the parent. The party seeking termination must prove by clear and convincing evidence that the parent's conduct satisfies the statutory grounds for termination delineated in Section 2511(a). Only if the court determines that the parent's conduct warrants termination of his or her parental rights does the court engage in the second part of the analysis pursuant to Section 2511(b): determination of the needs and welfare of the child under the standard of best interests of the child. One major aspect of the needs and welfare analysis concerns the nature and status of the emotional bond between parent and child, with close attention paid to the effect on the child of permanently severing any such bond.

In re Adoption of C.J.P., 114 A.3d 1046, 1049-50 (Pa. Super. 2015).

First, Mother asserts that Father was absent from C. R. H.'s life during his significant periods of incarceration; in fact, it is true that Father has been incarcerated or on supervision for C. R. H.'s entire life. The Pennsylvania Supreme Court has held that "incarceration, while not a litmus test for termination, can be determinative of the question of whether a parent is incapable of providing "essential parental care, control or subsistence" . . . [and] highly relevant to whether "the conditions and causes of the incapacity, abuse, neglect or refusal cannot or will not be remedied by the parent," sufficient to provide grounds for termination pursuant to 23 Pa.C.S.A. § 2511(a)(2)." *In re Adoption of S.P.*, 47 A.3d 817, 830 (Pa. 2012). However, under no subsection is Incarceration in and of itself sufficient to support termination. *In re I.G.*, 939 A.2d 950, 953 (Pa. Super. 2007). Thus, it is relevant to ascertain "whether the parent utilized [the] resources available while he or she was in prison to continue a close relationship with the child." *Id.* at 953-54.

Father's substantial periods of incarceration are concerning, and are evidence of a repeated incapacity under 2511(a)(2). However, Father clearly maintained a relationship with C. R. H. throughout his incarceration, as evidenced by C. R. H.'s regular visitations. Mother brought the child to visit Father until she was prohibited from entering the facility; thereafter, Paternal Grandmother ensured that the visits continued. While Father did not contact C. R. H. while he was in Mother's care, he testified that he contacted the child via phone when he was with Paternal Grandmother. While Father could have better utilized his resources (for example, he could have sent letters from prison), the young age of C. R. H. could make that seem impractical. By maintaining his relationship with C. R. H. while incarcerated, it is apparent that Father did not deprive his child of the "essential parental care" necessary for his "emotional well-being." Furthermore, Father is not currently incarcerated, and is expected to be released from parole within 6 months from the date of the hearing. Thus, while Father's incarceration is evidence of a repeated incapacity under § 2511(a)(2), it is not clear that the causes of Father's incapacity will not, or cannot be remedied.

Mother also contends that Father has not regularly seen C. R. H. since he was released from prison, and has not made efforts to have visits with the child. However, this Court does not find Mother's testimony to be convincing. Mother admits that Father lives with Paternal Grandmother, but denies knowledge that Father would see C. R. H. when the child visits their home. Mother also acknowledges that C. R. H. brings toys home from Paternal Grandmother's home, but denies that any of these toys came from Father. Furthermore, Mother is aware of Father's criminal history, yet denies knowing that Father is not permitted to leave the state of Ohio because of his parole.

In response to Mother's testimony, Father produced photographs showing visitations between Father and C. R. H., well beyond Mother's recollection during her testimony at the hearing. Father testified that he has attempted to call and send items to C. R. H., but has not consistently been able to obtain Mother's addresses and phone numbers, which Mother admitted have changed several times. Due to his parole, Father is only able to see C. R. H. when Mother returns home to see her family, but claims to buy the child clothes and gifts when the visits occur. Father has expressed his desire to continue seeing his son, to provide support if requested, and to travel to see C. R. H.

once he is released from parole. Based on the above factors, Mother has failed to meet her burden of proving that termination is proper under § 2511(a)(2).

Because this Court determined that Mother has failed to meet her burden under § 2511(a)(2), we need not consider whether termination is proper under § 2511(b).

CONCLUSION

Accordingly, the Court finds that while Father's incarceration has led to his repeated incapacity, Mother cannot prove, by clear and convincing evidence, that Father's incapacity has caused C. R. H. to be without essential parental care, control or subsistence necessary for his physical or mental well-being. Furthermore, based on Father's expected release from parole within 6 months from the date of this hearing, Mother has failed to prove, by clear and convincing evidence, that Father's repeated incapacity cannot or will not be remedied.

Involuntary termination of a parent's rights "is one of the most serious and severe steps a court can take, carrying with it great emotional impact for the parent and children." *In re Bowman*, 666 A.2d 274, 280 (Pa. 1995) (citing *In re Adoption of Michael J.C.*, 473 A.2d 1021, 1026 (Pa. Super. 1984), reversed on other grounds, 486 A.2d 371 (Pa. 1984)). Father made efforts to maintain a relationship with C. R. H. throughout his periods of incarceration, and made it clear that he intends to remain a part of his child's life; thus, this Court does not find involuntary termination of Father's parental rights to be appropriate.

For all of the above reasons, the Court enters the following Order:

ORDER

AND NOW, this 2nd day of March, 2016, upon consideration of the foregoing Petition and hearing held on January 26, 2016, the Petition of S. L. R. for Involuntary Termination of Parental Rights of J. C. H., on behalf of C. R. H., a minor child, is hereby DENIED.

BY THE COURT:
STEVE P. LESKINEN, J.

ATTEST:
REGISTER OF WILLS

CONTINUING LEGAL EDUCATION**Protection of Victims of Intimidation Act
Lunch & Learn**

Do you have a client you believe may be the victim of intimidation? This seminar in our Lunch & Learn series will discuss the recently enacted Protection of Victims of Sexual Violence or Intimidation Act.

Presenters:

Sheryl Heid, Esquire
Susan Ritz Harper, Esquire
Russell Korner, Esquire

April 1, 2016
12:00 noon to 1:00 p.m.
First Niagara Building
Corporate Training Center (lower level)
1 Substantive CLE Credit
Cost: \$30.00

Registration:

Cindy at the Fayette County Bar Association
(724) 437-7994 or cindy@fcbbar.org

VIOLENCE:**Creating a Crisis in our Neighborhoods and Schools**

April 18, 2016
Nemacolin Woodlands Resort
8:00 a.m. to 4:00 p.m.
4.5 CLE Credits (3.5 Substantive and 1 Ethics)
Presented by The Crisis Intervention Association of Pennsylvania

Cost includes registration, course materials, continental breakfast and lunch.

Member CIAP: \$75.00 (\$65.00 registration + \$10.00 with CLE credits)

Non member: \$85.00 (\$75.00 registration + \$10.00 with CLE credits)

****Please make checks payable to CIAP****

The seminar brochure was emailed to the membership and
is available from Fayette County Bar Association office

Registration:

Online registration is available at www.crisispa.org or

Cindy at the Fayette County Bar Association at (724) 437-7994 or cindy@fcbbar.org

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