

FAYETTE LEGAL JOURNAL

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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

**JACQUELINE BRASHEAR, a/k/a
JACQUELINE M. BRASHEAR, a/k/a
JACQUELINE MARIE BRASHEAR**, late of Redstone Township, Fayette County, PA (3)
Executrix: Vikki Kovach
c/o 9 Court Street
Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

CINDY L. COOPER, late of Upper Tyrone Township, Fayette County, PA (3)
Personal Representative: Holly S. Najewicz
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

**CORRINNE A. LUCKEY, a/k/a CORINNE
ANN LUCKEY, a/k/a CORINNE A.
COMINSKY LUCKEY**, late of Connellsville, Fayette County, PA (3)
Executor: John Francis Cominsky
c/o 9 Court Street
Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

JAMES E. SAMPSON, late of Uniontown, Fayette County, PA (3)
Administratrix: Francine C. Sampson
c/o DeHaas Law, LLC
51 East South Street
Uniontown, PA 15401
Attorney: Ernest P. DeHaas, III

SHAWN SIMPSON, late of Washington Township, Fayette County, PA (3)
Administratrix: Alyson H. Trayah
8935 Telegraph Road
Lorton, Virginia 22079
c/o 1747 Rostraver Road
Belle Vernon, PA 15012
Attorney: Megan Kerns

Second Publication

**DOLORES A. DIXON, a/k/a DOLORES
ANN DIXON**, late of Henry Clay Township, Fayette County, PA (2)
Executor: Charles E. Miller
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

**JOHN PETRISIN, Jr., a/k/a JOHN T.
PETRISIN**, late of Dunbar Township, Fayette County, PA (2)
Executor: Charles B. Cook
c/o Adams Law Offices, PC
55 East Church Street, Suite 101
Uniontown, PA 15401
Attorney: Jason Adams

**MICHAEL F. ZAVATCHEN, a/k/a
FRANCIS ZAVATCHEN**, late of North Union Township, Fayette County, PA (2)
Administrator: Michael Francis Zavatchen, Jr.
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

First Publication

JOAN MARIE BEAUMARIAGE, late of Uniontown, Fayette County, PA (1)
Executor: William Larnce Beaumariage
28 Brier Creek Lane
Fairchance, PA 15436

AUDREYMARIE KASUN, a/k/a AUDREY SHULTZ, late of Naples, Florida (1)
Executor: Allen Mellinger
c/o Casini & Geibig, LLC
815B Memorial Boulevard
Connellsville, PA 15425
Attorney: Jennifer Casini

BETTY JOAN LOCKETTE, late of Vanderbilt, Fayette County, PA (1)
Administrator: Duane Lockette
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

TIMOTHY M. STANISH, late of Washington Township, Fayette County, PA (1)
Administratrix: Rose M. Young
106 Orchard Valley Lane
Harmony, PA 16037
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

LEGAL NOTICES

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL DIVISION
NO. 57 of 2025, G.D.

IN THE MATTER OF PETITION FOR THE
CHANGE OF NAME OF LOLA EVANMARIE
MIKLUSCAK

Notice is hereby given that, on the 10th day of January, 2025, the Petition of Joshua Mitchell was filed in the above named court, requesting an order to change the name of Lola Evanmarie Mikluscak to Lola Evanmarie Mitchell.

The Court has fixed February 5, 2025, at 8:30 AM in Courtroom No. 3 of the Fayette County Courthouse, Uniontown, Pennsylvania, as the time and place for the hearing on said Petition, when and where all interested parties may appear and show cause, if any, why the request of the Petitioner should not be granted.

Anthony S. Dedola, Jr.
Attorney for Petitioner
51 East South Street
Uniontown PA 15401

NOTICE OF COMPLAINT IN
MORTGAGE FORECLOSURE
IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA

SOMERSET TRUST COMPANY,
Plaintiff,
vs.

BRUCE J. BEARD, Deceased; known heir
ROBERT BEARD; and all unknown heirs,
successors, assigns and all persons, firms,
or associations claiming right, title, or interest
from, under or through BRUCE J. BEARD,
Defendants

CIVIL ACTION
No. 87 of 2025 GD
COMPLAINT IN MORTGAGE
FORECLOSURE

TO THE ABOVE-NAMED DEFENDANT(S):

You are hereby notified that a Complaint in
Mortgage Foreclosure has been commenced
against you to foreclose on the following
described premises:

ADDRESS: 116 Shaffer Street, Uniontown,
Fayette County, Pennsylvania 15401.

TAX MAP NUMBER: 34-14-0025

YOU are further notified that you are required to
answer the Complaint filed in said action within
twenty (20) days from the date of this
publication and in default of an Answer, a final
Order will be entered against you, whereby you
will be forever barred from asserting any lien,
right, title, interest or claim to the described
premises inconsistent with the interest or claim
of the Plaintiff.

YOU have been sued in court. If you wish to
defend against the claims set forth in the
following pages, you must take action within
twenty (20) days after this Complaint and Notice
are served, by entering a written appearance
personally or by attorney and filing in writing
with the court your defense or objections to the
claims set forth against you. You are warned that
if you fail to do so, the case may proceed
without you and a judgment may be entered
against you by the court without further notice
for any money claimed in the Complaint or for
any other claim for relief requested by the
Plaintiff. You may lose money or property or
other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO
YOUR LAWYER AT ONCE. IF YOU DO
NOT HAVE A LAWYER, 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.**

SUMMIT LEGAL AID
45 East Main Street, Suite 200
Uniontown, PA 15401
Telephone: 724-439-3591
Fax: 724-439-6491

SPENCE, CUSTER, SAYLOR, WOLFE &
ROSE, LLC
Kevin J. Petak, Esquire
Pa. I.D. No. 92154
1067 Menoher Boulevard
Johnstown, Pennsylvania 15905
Tel: 814-536-0735
Email: kpetak@spencecuster.com

NOTICE OF COMPLAINT IN
MORTGAGE FORECLOSURE
IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA

SOMERSET TRUST COMPANY,
Plaintiff,
vs.

BRUCE J. BEARD, Deceased; known heir
ROBERT BEARD; and all unknown heirs,
successors, assigns and all persons, firms,
or associations claiming right, title, or interest
from, under or through BRUCE J. BEARD,
Defendants

CIVIL ACTION
No. 86 of 2025 GD
COMPLAINT IN MORTGAGE
FORECLOSURE

TO THE ABOVE-NAMED DEFENDANT(S):

You are hereby notified that a Complaint in
Mortgage Foreclosure has been commenced
against you to foreclose on the following
described premises:

ADDRESS: 50 Murray Avenue, Uniontown,
Fayette County, Pennsylvania 15401.

Tel: 814-536-0735
Email: kpetak@spencecuster.com

TAX MAP NUMBER: 38-12-0350

YOU are further notified that you are required to answer the Complaint filed in said action within twenty (20) days from the date of this publication and in default of an Answer, a final Order will be entered against you, whereby you will be forever barred from asserting any lien, right, title, interest or claim to the described premises inconsistent with the interest or claim of the Plaintiff.

YOU have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defense or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any other claim for relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, 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.

SUMMIT LEGAL AID
45 East Main Street, Suite 200
Uniontown, PA 15401
Telephone: 724-439-3591
Fax: 724-439-6491

SPENCE, CUSTER, SAYLOR, WOLFE &
ROSE, LLC
Kevin J. Petak, Esquire
Pa. I.D. No. 92154
1067 Menoher Boulevard
Johnstown, Pennsylvania 15905

NOTICE OF COMPLAINT IN MORTGAGE
FORECLOSURE
IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA

SOMERSET TRUST COMPANY,
Plaintiff,
vs.

BRUCE J. BEARD, Deceased; known heir
ROBERT BEARD; and all unknown heirs,
successors, assigns and all persons, firms,
or associations claiming right, title, or interest
from, under or through BRUCE J. BEARD,
Defendants

CIVIL ACTION
No. 85 of 2025 GD
COMPLAINT IN MORTGAGE
FORECLOSURE

TO THE ABOVE-NAMED DEFENDANT(S):

You are hereby notified that a Complaint in Mortgage Foreclosure has been commenced against you to foreclose on the following described premises:

ADDRESS: 40 Carson Street, Uniontown,
Fayette County, Pennsylvania 15401.

TAX MAP NUMBER: 38-18-0025

YOU are further notified that you are required to answer the Complaint filed in said action within twenty (20) days from the date of this publication and in default of an Answer, a final Order will be entered against you, whereby you will be forever barred from asserting any lien, right, title, interest or claim to the described premises inconsistent with the interest or claim of the Plaintiff.

YOU have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defense or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for

any other claim for relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, 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.

SUMMIT LEGAL AID
45 East Main Street, Suite 200
Uniontown, PA 15401
Telephone: 724-439-3591
Fax: 724-439-6491

SPENCE, CUSTER, SAYLOR, WOLFE &
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Kevin J. Petak, Esquire
Pa. I.D. No. 92154
1067 Menoher Boulevard
Johnstown, Pennsylvania 15905
Tel: 814-536-0735
Email: kpetak@spencecuster.com

SHERIFF'S SALE

Date of Sale: March 20, 2025

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 March 20, 2025, at 2:00 pm at <https://fayette.pa.realforeclose.com>.

The Conditions of sale are as follows:

All bidders must complete the Realauction on-line registration process at <https://fayette.pa.realforeclose.com> to participate in the auction.

All bidders must place a 10% deposit equal to the successful bid for each property purchased to Realauction via wire transfer or ACH per Realauction requirements. Upon the auction's close, buyer shall have 10 business days to pay the remaining balance to the Fayette County Sheriff's Office via cashier's check. No cash will be accepted. Failure to comply with the Conditions of Sale, shall result in a default and the down payment shall be forfeited by the successful bidder and applied to the costs and judgments. The schedule of distribution will be filed no later than 30 days after the sale of real property. If no petition has been filed to set aside the sale or objections to the distribution are filed within 10 days of filing the distribution, the Sheriff will prepare and record a deed transferring the property to the successful bidder.

(1 of 3)

James Custer
Sheriff of Fayette County

No. 964 of 2024 G.D.
No. 344 of 2024 E.D.

PNC Bank, National Association
Plaintiff
vs.
Steven D. Boiaroff, Jr. a/k/a
Steve Boiaroff Jr.
Defendant

ALL the following pieces or parcels of land situate in Wharton Township, Fayette County, Pennsylvania,

FIRST: All that certain tract or piece of ground located in Wharton Township, Fayette County, Pennsylvania being part of Thomas G. Hager Tract No. 3 and Simon P. Hager Tract No. 2 as described in deed from Piedmont Coal Company to E. Zimmerli, dated September 9, 1936, and recorded in the Recorder's Office of Fayette County in Deed Book Volume 533 Page 242.

SECOND: ALL that certain tract of land located in Wharton Township, Fayette County, Pennsylvania, being part of the Thomas G. Hager Tract No. 3 and Simon R. Hager Tract No. 2 as described in Deed to E. Zimmerli, and recorded in the Recorder's Office of Fayette County in Deed Book Volume 533, page 242.

Tax ID: 42-20-0003

Property Address (for informational purposes only): 903 Wharton Furnace Rd. a/k/a 893 Wharton Furnace Rd., Farmington, PA 15437

BEING KNOWN AS: 108 VINE STREET
LAYTON, PA 15473
BEING PARCEL NUMBER: 27-12-0003
IMPROVEMENTS: RESIDENTIAL
PROPERTY

Brock & Scott, PLLC

No. 2186 of 2024 G.D.
No. 354 of 2024 E.D.

FREEDOM MORTGAGE CORPORATION
v.
ROBERT KEITH CLARK III

By virtue of a Writ of Execution No. 2186 of 2024 FREEDOM MORTGAGE CORPORATION v. ROBERT KEITH CLARK III owner(s) of property situate in the CITY OF UNIONTOWN, FAYETTE County, Pennsylvania, being 71 NUTT AVE, UNIONTOWN, PA 15401

Tax ID No. 38-10-0164

Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$99,466.87

STERN & EISENBERG, PC - MATTHEW C.
FALLINGS, ESQ.

No. 2116 of 2024 G.D.
No. 358 of 2024 E.D.

Towd Point Mortgage Trust 2016-3, U.S. Bank National Association as Indenture Trustee

Plaintiff

v.

Evelyn G. French and Kenneth M. French
Defendant(s)

SITUATE IN CONNELLSVILLE, FAYETTE COUNTY, PENNSYLVANIA, TOWNSHIP OF CONNELLSVILLE BEING KNOWN AS 124 NORTH 3RD ST, CONNELLSVILLE, PA 15425

PARCEL NO. 05-06-0538

IMPROVEMENTS- RESIDENTIAL REAL ESTATE

SOLD AS THE PROPERTY OF- Evelyn G. French, Kenneth M. French, Wife and Husband

ROBERTSON, ANSCHUTZ, SCHNEID, CRANE & PARTNERS, PLLC
A Florida professional limited liability company
133 Gaither Drive, Suite F
Mt. Laurel, NJ 08054
(855) 225-6906

No. 646 of 2024 G.D.
No. 316 of 2024 E.D.

SPECIALIZED LOAN SERVICING LLC
Plaintiff
v.

CHARLENE CAROCCI;
RONALD D. CAROCCI, SR.
Defendant(s)

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

**STERN & EISENBERG PC - MATTHEW C.
FALLINGS, ESQ.**

No. 539 of 2024 G.D.
No. 314 of 2024 E.D.

**Deutsche Bank National Trust Company, as
Trustee for Morgan Stanley ABS Capital I
Inc. Trust 2005- HE2 Mortgage Pass-
Through Certificate, Series 2005-HE2
Plaintiff**

v.

**Jerry Lee Glisan Sr A/K/A Jerry Lee Glisan
and Michelle Glisan
Defendant(s)**

SITUATE IN MARKLEYSBURG,
FAYETTE COUNTY, PENNSYLVANIA,
TOWNSHIP OF HENRY CLAY BEING
KNOWN AS 316 CLOVER TOP RD,
MARKLEYSBURG, PA 15459-1160

PARCEL NO. 1615000102

IMPROVEMENTS- RESIDENTIAL
REAL ESTATE

SOLD AS THE PROPERTY OF- Jerry
Lee Glisan Sr and Betty Jo Glisan

Hladik, Onorato & Federman, LLP
298 Wissahickon Avenue
North Wales, PA 19454

No. 906 of 2024 G.D.
No. 361 of 2024 E.D.

**2024 GD Towne Mortgage Company
(Plaintiff)**

v.

**Bandon M. Hull and Jessica M. Hull
(Defendants)**

By virtue of Writ of Execution No. 906 of
2024 GD Towne Mortgage Company (Plaintiff)
vs. Bandon M. Hull and Jessica M. Hull
(Defendants)

Property Address 412 East Cedar Avenue,
Connellsville, PA 15425

Parcel I.D. No. 05-12-0026

Improvements thereon consist of a
residential dwelling.

Judgment Amount: \$138,111.02

KML LAW GROUP, P.C.
Suite 5000

701 Market Street
Philadelphia, PA 19106-1532
(215) 627-1322

No. 317 of 2018 G.D.

No. 262 of 2022 E.D.

No. 328 of 2024 E.D.

M&T BANK

**1 Fountain Plaza
Buffalo, NY 14203
Plaintiff**

v.

**HAROLD N. PENNINGTON III
JULIE A PENNINGTON A/K/A JULIA A.
PENNINGTON**

Mortgagor(s) and Record Owner(s)

**132 North 6th Street
Connellsville, PA 15425
Defendant(s)**

ALL THAT CERTAIN LOT OF LAND
SITUATE IN CITY OF CONNELLSVILLE,
COUNTY OF FAYETTE AND
COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 132 NORTH 6TH
STREET, CONNELLSVILLE, PA 1.5425 TAX
PARCEL #05-06-0562 & 05-06-0563

IMPROVEMENTS: A RESIDENTIAL
DWELLING

SOLD AS THE PROPERTY OF:
HAROLD N. PENNINGTON III AND JULIE A
PENNINGTON A/K/A JULIA A.
PENNINGTON

Brock & Scott, PLLC

No. 730 of 2023 G.D.

No. 329 of 2024 E.D.

WELLS FARGO BANK, N.A.

v.

MIRANDA R. PETRILLO

By virtue of a Writ of Execution No. 2023-
00730 WELLS FARGO BANK, N.A. v.
MIRANDA R. PETRILLO owner(s) of property
situate in the JEFFERSON TOWNSHIP,
FAYETTE County, Pennsylvania, being 130 E
1ST STREET, GRINDSTONE, PA 15442

Tax ID No. 17-16-0039

Improvements thereon: RESIDENTIAL
DWELLING

Judgment Amount: \$91,930.28

DAVIS & DAVIS
Michael L. Mays, Esquire

No. 1030 of 2024 G.D.
No. 315 of 2024 E.D.

**GARRY E. SISSON, JR. and
JODIE C. SISSON, his wife,**
vs.
**PITTSBURGH ROAD PARTNERS,
LLC., a Pennsylvania Limited Liability
Company**

**GARRY E. SISSON, JR. and JODIE C.
SISSON, his wife, vs. PITTSBURGH ROAD
PARTNERS, LLC., a Pennsylvania Limited
Liability Company** Owner(s) of property
situate in the TOWNSHIP OF NORTH UNION,
FAYETTE COUNTY, Pennsylvania, being
1310 PITTSBURGH ROAD, UNIONTOWN,
FAYETTE COUNTY, PA 15401 Tax ID No.
2501000501

ALL that certain piece or parcel of land
situate in North Union township, Fayette
County, Pennsylvania and being designated as
Lot 1 on the Holchin Subdivision as recorded in
the Recorder's Office of Fayette County,
Pennsylvania, in Plan Book 25, Page 43, being
and described as follows:

BEGINNING at a point marked by an iron
pin, being the westernmost point of said Lot No.
1, thence by land now or formerly of Eleanor J.
Jackson, South 87 degrees 15 minutes East
209.93 feet to an iron pin; thence by same, South
84 degrees 15 minutes East 700.44 feet to an
iron pin; thence by same, South 69 degrees 45
minutes East 166.71 feet to a point; thence South
15 degrees 15 minutes East 533.81 feet to a
point; thence South 82 degrees 14 minutes 40
seconds West 84.81 feet to a point; thence by a
curve, having a radius of 15.00 feet, an arc
length of 16.64 feet and a chord of North 65
degrees 58 minutes 54 seconds West 15.80 feet
to a point; thence by a curve, having a radius of
1,408.14 feet, an arc length of 1,077.67 feet and
a chord of North 56 degrees 07 minutes 56
seconds West, 1,051 feet to an iron pin; thence
North 78 degrees 03 minutes 24
seconds West 230.17 feet to the iron pin
marking the place of beginning. Containing
4.4195 acres as per the above-referenced Plan

Improvements thereon: COMMERCIAL
BUILDING

Judgment Amount: \$407,058.92

Jill M. Fein, Esquire Hill Wallack LLP
1000 Floral Vale Blvd., Suite 300
Yardley, PA 19067
(215) 579-7700

No. 618 of 2019 G.D.
No. 357 of 2024 E.D.

**Wilmington Trust, National Association, not
in its individual capacity but solely as Trustee
for MFRA Trust 2014-1**

Plaintiff

v.

**Charles Samuel Smith and Valerie Suzanne
Smith**

Defendants

By virtue of a writ of execution case
number: 2019-618 Plaintiff: Wilmington Trust,
National Association, not in its individual
capacity but solely as Trustee for MFRA Trust
2014-1 v. Defendants: Charles Samuel Smith
and Valerie Suzanne Smith owners of property
situate in South Union Township, Fayette
County, Pennsylvania, being pin number 36-05-
0029

Property being known as: 126 Georges
Creek Road, Smithfield, PA 15478

Improvements thereon: Residential
Property

No. 585 of 2022 G.D.
No. 342 of 2024 E.D.

**Nationstar Mortgage LLC d/b/a Mr. Cooper
PLAINTIFF**

vs.

**Sydney Summers, known Heir of Michelle K.
Micholas, deceased**

**C.B., minor, known Heir of Michelle K.
Micholas, deceased**

**E.B., minor, known Heir of Michelle K.
Micholas, deceased**

**Unknown Heirs, Successors, Assigns and All
Persons, Firms or Associations Claiming
Right, Title or Interest from or under
Michelle K. Micholas, deceased**

DEFENDANTS

Being known as House Numbers 17 and
18, now a single-family dwelling, located at 421
First Street, Republic, Pennsylvania.

Tax Parcel Identification Number: 30-20-
0129

FOR INFORMATIONAL PURPOSES
ONLY: Being known as 421 1st Street, Chestnut
Ridge, PA 15422

BEING THE SAME PREMISES which

Marian Frances Leone, Executrix of the Estate of John Andrew Janco, A/KIA John Janco, deceased, by Deed dated July 14, 2017 and recorded July 24, 2017 in the Office of the Recorder of Deeds in and for the County of Fayette, Pennsylvania in Book 3346, Page 302, Instrument No. 201700007862 granted and conveyed unto Michelle K. Micholas in fee.

AND THE SAID Michelle K. Micholas departed this life on or about June 17, 2021 thereby vesting title unto Sydney Summers, known heir of Michelle K. Micholas and any Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest from or under Michelle K. Micholas, deceased.

No. 1181 of 2023 G.D.

No. 343 of 2024 E.D.

Wells Fargo Bank, N.A.

Plaintiff,

v.

Thomas Lewis Wardman, as Believed Heir and/or Administrator of the Estate of James Williams Wardman; Unknown Heirs and/or Administrators of the Estate of James Williams Wardman (if any)

Defendants.

ALL that certain parcel of land lying and being situate in the Borough of Brownsville, County of Fayette, and Commonwealth of Pennsylvania, known as 84 Union Street, Brownsville, PA 15417 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 02040055

BEING the same premises which John T. Wardman, a widower, by Deed dated June 2, 1987 and recorded in and for Fayette County, Pennsylvania in Deed Book 293, Page 260, granted and conveyed unto John T. Wardman and James William Wardman.

*** END SHERIFF'S SALE ***

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



DiBella Weinheimer
Geer McAllister Best Coco Lloyd Whalen



Holly Whalen ◊ Amy Coco ◊ Bethann Lloyd

INSIST UPON OUR EXPERIENCED TEAM

LAWYERS DEFENDING LAWYERS

- Disciplinary Board
- Legal Malpractice
- Security Fund / IOLTA
- Ethics & Conflict Analysis
- Subpoena Assistance
- Licensure
- Conflict Resolution

WWW.DIBELLA-WEINHEIMER.COM 412 261-2900

JUDICIAL OPINION

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA
CRIMINAL ACTION

COMMONWEALTH OF PENNSYLVANIA, :
v. :
CRISTEN WYMAN, : NO. 2304 of2023
Defendant. : Judge Mark M. Mehalov

OPINION

MEHALOV, J.

December 4, 2024

Before this Court is an Omnibus Pre-Trial Motion filed by the defendant. The only request for relief is for suppression of all evidence based upon a lack of probable cause by the Pennsylvania State Police to conduct a traffic stop.

Factual and Procedural History

On October 2, 2022 at approximately 9:08 P.M. a Pennsylvania state trooper operated his fully marked Pennsylvania State Police vehicle in the left northbound lane along Memorial Boulevard at its intersection with North Pittsburgh Street in Connellsville, Pennsylvania. At the same time and place, the defendant (hereinafter "Wyman") operated a black 2006 Saturn Ion sedan in the right northbound lane slightly ahead of the state trooper. The state trooper indicated that he observed the Wyman's vehicle crossing the right fog line with the passenger side front and rear tires. Very shortly after this observation, Wyman turns on her right turn signal to turn into the parking lot of Advance Auto Parts located along the route. Almost immediately thereafter, the state trooper activates his light and sirens to conduct a traffic stop.

The state trooper ran the vehicle's registration which indicated that its owner was Wyman. Further, it was discovered that Wyman had warrant out for her arrest and the vehicle's registration was expired as of February 2022. The state trooper contacted the operator and confirmed that the operator was in fact Wyman after being provide with her Pennsylvania driver's license. Based upon the state trooper's observations of Wyman at initial contact, he asked Wyman to step from the vehicle at which time he observed that Wyman kept reaching for her right pocket. Wyman was subsequently searched for officer safety and the state trooper found a clear glass smoking device from Wyman's right pant pocket and a glassine stamp bag containing suspected heroin stamped "VIAGRA" from her left pant pocket. Wyman gave consent to search the vehicle which yielded the discovery of a red marijuana bowl with residue, a cut straw with powdery residue and a pink and purple grinder located in Wyman's purse which was found inside the vehicle. The state trooper placed Wyman into custody.

The state trooper charged Wyman via Criminal Complaint with alleged violations of Possession (Heroin), 35 P.S. §780-113(a)(16); Possession of Drug Paraphernalia, 35 P.S. §78-113(a)(32); Disregard of Traffic Lane, 75 Pa.C.S.A. §3309(1); and Registration and Certificate of Title Required, 75 Pa.C.S.A. §1307(a). Wyman proceeded to a

preliminary hearing as a self-represented individual held on November 29, 2023. The presiding Magisterial District Judge held all charges for the Fayette County Court of Common Pleas.

The Fayette County Public Defender's office entered an appearance on Wyman's behalf and waived her formal court arraignment. Assistant Public Defender Nicholas M. Clark filed the within Omnibus Pre-Trial Motion on Wyman's behalf and this Court held a hearing on October 29, 2024. At the hearing, the Commonwealth offered the testimony of the prosecuting state trooper along with submitting the MVR of the alleged incident into evidence which this Court viewed after the hearing.

Discussion

In her Omnibus Pre-Trial Motion, Wyman seeks to suppress all evidence alleging that the traffic stop lacked probable cause as she only allegedly crossed the fog line once and this crossing created no safety hazard to any person or property. Wyman opines that such a momentary crossing and lack of safety hazard makes the stop unwarranted and improper and does not constitute a violation of 75 Pa.C.S.A. §3309(1). In support of her contention, Wyman relies upon the case of *Commonwealth v. Garcia*, 859 A.2d 820 (Pa.Super. 2004).

In *Garcia*, as the arresting officer's car approached the defendant's vehicle in the oncoming lane, the defendant drove over to his right and straddled the white line on the shoulder or berm of the road. *Id.* at 821. The arresting officer passed the defendant's vehicle and turned his vehicle around and followed the defendant. *Id.* As the officer followed the defendant's vehicle, another vehicle approached in the oncoming lane. *Id.* Again, the defendant drove over the white berm line until the oncoming car passed. *Id.* at 822. Based on his observations, the arresting officer initiated a traffic stop. *Id.* After an initial investigation, the officer placed the defendant under arrest for DUL. *Id.* The defendant filed an unsuccessful motion to suppress and the Court found the defendant guilty of DUI after a stipulated bench trial. *Id.*

After conviction, defendant appealed to the Superior Court challenging the denial of his suppression motion by the lower court. *Id.* The Superior Court held that the arresting officer lacked probable cause to conduct a traffic stop on defendant's vehicle and vacated the defendant's conviction. *Id.* at 823. Specifically, the Superior Court found that probable cause was lacking because the arresting officer observed the defendant drive over the right berm line of the road just two times, each time the maneuver was in response to another car coming toward defendant in the opposite direction and the conduct took place within a very short period of time, and the arresting officer observed the defendant for only two blocks before making the stop. *Id.* In doing so, the Superior Court relied upon *Commonwealth v. Gleason*, 785 A.2d 983 (Pa. 2001). In *Gleason*, the Supreme Court held that the police lacked probable cause to conduct a traffic stop when the driver crossed the berm line on two or three occasions over one-quarter of a mile and there was no safety hazard created either to the police, the public, including other drivers or pedestrians, or property. However, *Gleason* has since been superseded by statute. See 75 Pa.C.S.A. §6308.

75 Pa.C.S.A §6308(b) provides:

b) Authority of police officer.-Whenever a police officer is engaged in a systematic program of checking vehicles or drivers or has reasonable suspicion that a violation of this title is occurring or has occurred, he may stop a vehicle, upon request or signal, for the purpose of checking the vehicle's registration, proof of financial responsibility, vehicle identification number or engine number or the driver's license, or to secure such other information as the officer may reasonably believe to be necessary to enforce the provisions of this title.

"Traffic stops based on a reasonable suspicion: either of criminal activity or a violation of the Motor Vehicle Code under the authority of Section 6308(b) must serve a stated investigatory purpose." *Commonwealth v. Feczko*, 10 A.3d 1285, 1291 (Pa. Super. 2010) (en banc) (citation omitted). For a stop based on the observed violation of the Vehicle Code or otherwise non-investigable offense, an officer must have probable cause to make a constitutional vehicle stop. *Feczko*, 10 A.3d at 1291 ("Mere reasonable suspicion will not justify a vehicle stop when the driver's detention cannot serve an investigatory purpose relevant to the suspected violation."). Pennsylvania law makes clear that a police officer has probable cause to stop a motor vehicle if the officer observes a traffic code violation, even if it is a minor offense. *Commonwealth v. Chase*, 599 Pa. 80, 960 A.2d 108 (2008).

As stated above, Wyman argues that the state trooper did not have probable cause to stop her for violating §3309 based on her one time crossing of the fog line and no safety hazard being created by the momentary crossing. As there was no testimony that the traffic stop was for an investigative purpose, the Commonwealth must show that the state trooper had probable cause rather than reasonable suspicion that a violation of 75 Pa.C.S.A. §3309 occurred. After a review of the uncontradicted testimony of the state trooper and the MVR (Commonwealth's Exhibit No. 1), Wyman's front and rear tires crossed the fog line which is technically a violation of 75 Pa.C.S.A. §3309 and the state trooper observed the traffic violation. Although the stop was for a minor infraction of the Vehicle Code, we conclude that the state trooper was permitted to stop Wyman's vehicle on this basis. See *Chase*, supra.

Therefore, this Court enters the following order:

ORDER

AND NOW, this 4th day of December, 2024, after hearing and a review of the testimony and evidence presented, it is hereby ORDERED, ADJUDGED and DECREED that the Omnibus Pre-Trial Motion is DENIED.

The District Attorney is directed to list this case for trial.

BY THE COURT:
MARK M. MEHALOV, JUDGE

ATTEST:
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