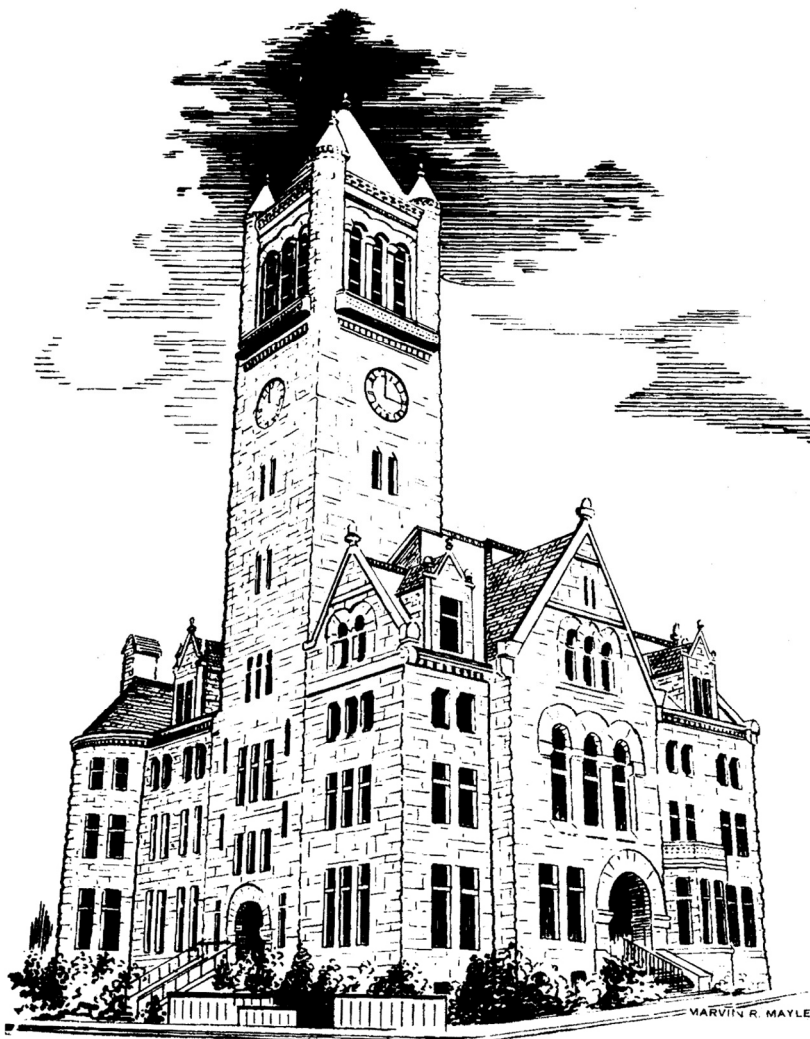


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ESTATE NOTICES

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

KERGIN NADINE COBB, late of German Township, Fayette County, PA ⁽³⁾

Personal Representative:

Jessica Lynn Mesler
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401

Attorney: James Higinbotham

MICHAEL ANTHONY MESLER, late of German Township, Fayette County, PA ⁽³⁾

Personal Representative:

Jessica Lynn Mesler
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401

Attorney: James Higinbotham

FRANCINE PAVONE, a/k/a FRANCINE M. PETKO PAVONE, late of Redstone Township, Fayette County, PA ⁽³⁾

Executrix: Nadine Cape

c/o Leech Tishman Fuscaldo & Lampi
525 William Penn Place, 28th Floor
Pittsburgh, PA 15219

Attorney: Matthew Rak

Second Publication

ANTHONY D. FAZIO, late of South Union Township, Fayette County, PA ⁽²⁾

Executrix: Constance F. Slampak, a/k/a
Constance E. Slampak

107 Mae Lane
Uniontown, PA 15401
c/o King Legal Group, LLC
114 North Maple Avenue
Greensburg, PA 15601

Attorney: Bradley King

HELEN J. HARVEY, a/k/a HELEN JEAN HARVEY, late of Brownsville Township, Fayette County, PA ⁽²⁾

Administratrix: Julie Carnathan
c/o Zebley Mehalov & White, P.C.
P.O. Box 2123

18 Mill Street Square
Uniontown, PA 15401

Attorney: Charles O. Zebley, Jr.

NORMA J. SMITLEY, late of South Union Township, Fayette County, PA ⁽²⁾

Executor: Jeffrey T. Smitley
c/o 4 North Beeson Boulevard
Uniontown, PA 15041

Attorney: Sheryl R. Heid

WILLIAM RONALD SNODDY, JR., late of Farmington, Fayette County, PA ⁽²⁾

Executrix: Krista Shaffer

c/o 11 Pittsburgh Street
Uniontown, PA 15401

Attorney: Thomas W. Shaffer

THOMAS LEE STINCHCOMB, JR., late of Henry Clay Township, Fayette County, PA ⁽²⁾

Executor: David N. Stinchcomb

c/o 2969 Fingerboard Road
Oakland, Maryland 21550
c/o 202 East Union Street
Somerset, PA 15501

Attorney: Matthew R. Zatko

MARK DOUGLAS WHOOLERY, late of
Uniontown, Fayette County, PA (2)

Administratrix: Rochelle L. Coddington
c/o George & George
92 East Main Street
Uniontown, PA 15401
Attorney: Joseph M. George

DAVID ZACCAGNINI, late of Brownsville,
Fayette County, PA (2)

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

First Publication

FLOYD C. HUGGINS, late of Dunbar
Township, Fayette County, PA (1)

Executrix: Patricia J. Pilato
c/o Molinaro Law Offices
141 West Peach Street
P.O. Box 799
Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

JANICE C. HURST, late of Bulls kin
Township, Fayette County, PA (1)

Personal Representative: Dennis D. Ulery
c/o Tremba, Kinney, Greiner & Kerr, LLC
1310 Morrell Avenue, Suite C
Connellsville, PA 15425
Attorney: Mark D. Brooks

**CONNIE R. MACIOCE, a/k/a CONNIE
REED MACIOCE**, late of Connellsville,
Fayette County, PA (1)

Executor: Anthony Reed
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Sean M. Lementowski

TYLER NICHOLSON, late of Connellsville,
Fayette County, PA (1)

Administratrix: Brandie M. Smartnick
1415 South Pittsburgh Street
Connellsville, PA 15425
c/o 310 Grant Street, Suite 2630
Grant Building

Pittsburgh, PA 15219
Attorney: Andrew Leger

JOHN STEHL, a/k/a JOHN J. STEHL, late of
Menallen Township, Fayette County, PA (1)

Executor: Bernard E. Charnovich
c/o Kopas Law Office
556 Morgantown Road
Uniontown, PA 15401
Attorney: John Kopas

LEGAL NOTICES

NOTICE

NOTICE is hereby given pursuant to the provisions of the Act 1982-295 of December 16, 1982, of the filing in the Office of the Secretary of State of the Commonwealth of Pennsylvania at Harrisburg, on the 19th day of July, 2023, a Certificate for the conduct of business in Fayette County, Pennsylvania, under the assumed or fictitious name, style or designation of: CHICKEN & WAFFLES SPOT with its principal place of business at 100 South Mt. Vernon, Unit 105, Uniontown, PA 15401. The names and address of all parties owning or interested in said business are: RAYNE 1106 HOLDINGS, LLC.

To Whom It May Concern:

Be advised that the Court of Common Pleas of Fayette County, Pennsylvania, will hear the Petition for the change of name of William Brocc Kaylor to Brocc William Kaylor. The date is August 29 2023 at 1:15 in Court Room #5. All interested individuals may attend on that date and time.

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CASE#: 511 OF 2023, G.D.
PRESIDENT JUDGE LESKINEN

DUANE SWANEY, aka DUANE BRUCE
SWANEY, an unmarried widower, by
BRUCE S. SWANEY, his Authorized Agent,
Plaintiff,
Vs.

JOHN W. BLAIR & ETHEL M. BLAIR, his
wife, & their heirs, successors & assigns,
generally, & GALLATIN NATIONAL BANK,
& FIRST BANK, National Association, and
their successors & GALLATIN NATIONAL
BANK & PNC BANK, and their
successors,
Defendants.

COMPLAINT IN ACTION TO QUIET TITLE

**TO: JOHN W. BLAIR & ETHEL M. BLAIR,
their heirs, successors and assigns, generally**

You are hereby notified that Plaintiff and subsequently Bruce S. Swaney, his Executor and substituted party, has filed a complaint in the above number and term in the above mentioned court in an action to quiet title wherein it is alleged that he is the owner of the following property located in the Borough of Fairchance, Fayette County, Pennsylvania, situated at 117 South Morgantown Street as follows:

ALL their respective undivided interest in and to those certain lots of land situate in the Borough of Fairchance, Fayette County, Pennsylvania, bounded and described as follows:

FIRST: BEGINNING at the Northwestern corner of the parcel of land which was conveyed by the grantor herein to J.M. Mickey by deed dated October 7, 1925, and recorded in the Recorder's Office of Fayette County, Pennsylvania; thence along the line of said land of J.M. Mickey, South 32 degrees 34 minutes West 237.73 feet to a corner of lot now or formerly of A.J. McCann; thence along the line of said lot now or formerly of A.J. McCann, North 58 degrees 07 minutes West 217.07 feet to a point in Morgantown Street; thence by a line in Morgantown Street, North 15 degrees 3 minutes East 294.04 feet to a point; thence leaving Morgantown Street and running by line of lot of Ernest Collins, formerly of Basil Rhodes, South 43 degrees 34 minutes East 143.89 feet to a point; thence along the line of land of the grantor herein, South 55 degrees 30 minutes East 165.95 feet to the place of beginning. CONTAINING

an area of one and four hundred seventy-eight thousands (1.478) acres.

SECOND: BEGINNING at a point which is located North 53 degrees 16 minutes East, 174.1 feet from a stone corner of lot, now or formerly of Mrs. Nedley; thence by land of Carnegie Land Company which is proposed for sale to the second party hereto, the following courses and distances: North 53 degrees 16 minutes East, 100 feet to a point; South 36 degrees 43 minutes East, 150.0 feet to a point; South 53 degrees 16 minutes West, 100.00 feet to a point and North 36 degrees 43 minutes West, 150.0 feet to the place of beginning. CONTAINING 0.344 of an acre.

SUBJECT to the same exceptions and reservations contained in deeds heretofore respectfully made.

BEING the same premises as was conveyed to Arlene Swaney and Duane Swaney, her husband by deed of Shirley M. Haines and Floyd Haines, her husband dated August 215 \ 1983 and which appears of record at the Recorder of Deeds Office of Fayette County, Pennsylvania at Record Book Volume 1328, page 599.

**FAYETTE COUNTY TAX MAP#:
11-08-0007**

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

NOTICE

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

**YOU SHOULD TAKE THIS NOTICE TO
YOUR LAWYER AT ONCE. IF YOU DO
NOT HAVE A LAWYER OR CANNOT
AFFORD ONE, GO TO OR TELEPHONE**

THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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

John A. Kopas III, Esquire
Attorney for Plaintiff
556 Morgantown Road
Uniontown, PA 15401
724-437-1111

SHERIFF'S SALE

Date of Sale: September 21, 2023

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 September 21, 2023, 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. (3 of 3)

James Custer
Sheriff of Fayette County

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

No. 2283 of 2023 GD
No. 143 of 2023 ED

**NewRez LLC d/b/a Shellpoint Mortgage Servicing (Plaintiff)
vs.
Nathaniel J. Devincentis and Robert P. Davis (Defendants)**

By virtue of Writ of Execution No. 2022-2283 NewRez LLC d/b/a Shellpoint Mortgage Servicing (Plaintiff) vs. Nathaniel J. Devincentis and Robert P. Davis (Defendants)

Property Address 500 Painter Street, Everson, PA 15631

Parcel I.D. No. 10-03-0186

Improvements thereon consist of a residential dwelling.

Judgment Amount: \$103,209.71

No. 2010 of 2019 GD
No. 126 of 2023 ED

**U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY,
PLAINTIFF
VS.
CHRISTOPHER M. FITZGERALD,
DEFENDANT**

ALL those two certain pieces, parcels or lots of land situate in the City of Connellsville, County of Fayette and Commonwealth of Pennsylvania, as follows:

FIRST: known as Lot No. 14 Block No. 37, Sherwood Place Plan of Lots, Fayette Plan Book 3, page 52, being approximately 40 x 110; and

SECOND: known as Lot No. 15 Block No. 37, Sherwood Place Plan of Lots, Fayette Plan Book 3, page 52, being approximately 45 x 100.

HAVING THEREON ERECTED DWELLING KNOWN AND NUMBERED AS: 409 DAVIDSON AVENUE CONNELLSVILLE, PA 15425 and the vacant lot on Chestnut Avenue, Connellsville, PA 15425

Tax Parcel# 05-12-0159

Fayette County Deed Book 3004, page 1577

TO BE SOLD AS THE PROPERTY OF CHRISTOPHER M. FITZGERALD UNDER

FAYETTE COUNTY JUDGMENT NO. 2019-02010.

Robertson, Anschutz, Schneid, Crane &
Partners, PLLC

A Florida professional limited liability company
133 Gaither Drive, Suite F
Mt. Laurel, NJ 08054
(855) 225-6906
Fax: (866) 381-9549

No. 2442 of 2022 GD
No. 153 of 2023 ED

**MORTGAGE ASSETS MANAGEMENT,
LLC**

Plaintiff

v.

**ROSELLA GEORGE F/K/A ROSELLA
ROSS A/K/A ROSELIA ROSS**
Defendant(s)

ALL THOSE CERTAIN LOTS OR
PIECES OF GROUND SITUATE IN
WASHINGTON TOWNSHIP, FAYETIE
COUNTY, PENNSYLVANIA:

BEING KNOWN AS: 376 NAOMI RD
FAYETTE CITY, PA 15438

BEING PARCEL NUMBER: 41-13-0015
IMPROVEMENTS: RESIDENTIAL
PROPERTY

KML LAW GROUP, P.C.

Suite 5000
701 Market Street
Philadelphia, PA 19106-1532
(215) 627-1322

No. 2350 of 2022 GD
No. 148 of 2023 ED

Lakeview Loan Servicing, LLC
4425 Ponce De Leon Blvd
MS5-251

Coral Gables, FL 33146

Plaintiff

vs.

BROC HOUGH
Mortgagor(s) and Record Owner(s)
1590 Banning Road
Dawson, PA 15428

ALL THAT CERTAIN LOT OF LAND
SITUATE IN PERRY TOWNSHIP, COUNTY
OF FAYETTE AND COMMONWEALTH OF
PENNSYLVANIA.

BEING KNOWN AS: 1590 BANNING
ROAD, DAWSON, PA 15428
TAX PARCEL #27-05-0035 AND 27-05-
0036

IMPROVEMENTS: A RESIDENTIAL
DWELLING

SOLD AS THE PROPERTY OF: BROC
HOUGH

ATTORNEY: KML LAW GROUP, P.C.

Robertson, Anschutz, Schneid, Crane &
Partners, PLLC

A Florida professional limited liability company
133 Gaither Drive, Suite F
Mt. Laurel, NJ 08054
(855) 225-6906
Fax: (866) 381-9549

No. 1834 of 2022 GD
No. 150 of 2023 ED

**BANK OF NEW YORK MELLON TRUST
COMPANY, N.A. AS TRUSTEE FOR
MORTGAGE ASSETS MANAGEMENT
SERIES I TRUST**

Plaintiff

v.

GILBERT A. HUMPHREYS, JR.
Defendant(s)

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

BEING KNOWN AS: 459 MAPLE
SUMMIT ROAD MILL RUN, PA 15464

BEING PARCEL NUMBER: 37080032
IMPROVEMENTS: RESIDENTIAL
PROPERTY

KML LAW GROUP, P.C.
Suite 5000
701 Market Street
Philadelphia, PA 19106-1532
(215) 627-1322

No. 1553 of 2022 GD
No. 128 of 2023 ED

FREEDOM MORTGAGE CORPORATION
10500 Kincaid Drive
Fishers, IN 46037-9764

Plaintiff
vs.

NEIL P. KOLENCIK
Mortgagor(s) and Record Owner(s)
4 Connor Street
Uniontown, PA 15401
Defendant(s)

ALL THAT CERTAIN LOT OF LAND
SITUATE IN SOUTH UNION TOWNSHIP,
COUNTY OF FAYETTE AND
COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 4 CONNOR
STREET, UNIONTOWN, PA 15401

TAX PARCEL #34130082
IMPROVEMENTS: A RESIDENTIAL
DWELLING

SOLD AS THE PROPERTY OF: NEIL P.
KOLENCIK

ATTORNEY: KML LAW GROUP, P.C.

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

No. 584 of 2023 GD
No. 131 of 2023 ED

**U.S. BANK TRUST NATIONAL
ASSOCIATION, NOT IN ITS
INDIVIDUAL CAPACITY BUT SOLELY
AS OWNER TRUSTEE FOR RCF 2
ACQUISITION TRUST C/O U.S. BANK
TRUST NATIONAL ASSOCIATION**

Plaintiff
v.

DAVIDS LYNN JR
Defendant(s)

ALL THOSE CERTAIN LOTS OR
PIECES OF GROUND SITUATE IN THE
BOROUGH OF SOUTH CONNELLSVILLE,
COUNTY OF FAYEITE, PENNSYLVANIA:

BEING KNOWN AS: 211 W WINE ST
CONNELLSVILLE, PA 15425

BEING PARCEL NUMBER: 33-06-0043
IMPROVEMENTS: RESIDENTIAL
PROPERTY

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

No. 1968 of 2022 GD
No. 142 of 2023 ED

Towne Mortgage Company
(Plaintiff)

vs.

Rodger F. Kusich,
(Defendant)

By virtue of Writ of Execution No. 2022-
1968 Towne Mortgage Company (Plaintiff) vs.
Rodger F. Kusich, (Defendant)

Property Address 431 First Street,
Uniontown, PA 15401

Parcel I.D. No. 34-11-0026
Improvements thereon consist of a
residential dwelling.

Judgment Amount: \$89,367.06

KML LAW GROUP, P.C.
 Suite 5000
 701 Market Street
 Philadelphia, PA 19106-1532
 (215) 627-1322

No. 291 of 2023 GD
 No. 103 of 2023 ED

Kaitlin D. Shire, Esquire
 Hill Wallack LLP
 777 Township Line Road, Suite 250
 Yardley, PA 19067
 (215) 579-7700

No. 606 of 2019 GD
 No. 108 of 2023 ED

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, ON BEHALF OF THE HOLDERS OF THE TERWIN MORTGAGE TRUST 2006-7 ASSET-BACKED SECURITIES, SERIES 2006-7
 3217 S. Decker Lake Drive
 Salt Lake City, UT 84119
Plaintiff

vs.

**DAVID L. MATTIS
 C MICHELLE MATTIS**
Mortgagor(s) and Record Owner(s)
 1504 East Gibson Avenue
 South Connellsville, PA 15425
Defendant(s)

ALL THAT CERTAIN LOT OF LAND SITUATE IN SOUTH CONNELLSVILLE BOROUGH, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA. BEING KNOWN AS: 1504 EAST GIBSON AVENUE, SOUTH CONNELLSVILLE, PA 15425

TAX PARCEL #33-03-0102
 IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: DAVID L. MATHIS AND C MICHELLE MATHIS
 ATTORNEY: KML LAW GROUP, P.C.

1900 Capital Trust II, by U.S. Bank Trust National Association, not in its individual capacity but solely as Certificate Trustee
Plaintiff

v.

Barbara K. Meadows and Charles Jason Brooks
Defendant

By virtue of a writ of execution case number: 2019-00606 Plaintiff: 1900 Capital Trust II, by U.S. Bank Trust National Association, not in its individual capacity but solely as Certificate Trustee v. Defendant: Barbara K. Meadows and Charles Jason Brooks owners of property situate in the Springhill Township, Fayette County, Pennsylvania, being pin number 36-07-0106

Property being known as: 4505 Morgantown Rd, Lake Lynn, PA 15451
 Improvements thereon: Residential Property

No. 750 of 2022 GD
 No. 151 of 2023 ED

PENNSYLVANIA HOUSING FINANCE AGENCY,
PLAINTIFF

vs.

RANDY W. MILNE,
DEFENDANT

ALL that lot of ground and buildings thereon Brownsville Borough, Fayette County, Pennsylvania, being approximately 180 x 30.50; HAVING THEREON ERECTED DWELLING KNOWN AND NUMBERED AS: 316 CHURCH STREET, BROWNSVILLE, PA 15417.

TAX PARCEL # 02-06-0401
 Fayette County Instrument No. 2011-00011791

TO BE SOLD AS THE PROPERTY OF RANDY W. MILNE.

ANNE N. JOHN, Esq.
ATTORNEY AT LAW

No. 587 of 2023 GD
No. 144 of 2023 ED

No. 2416 of 2022 GD
No. 156 of 2023 ED

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF GREENE COUNTY, a corporation,

vs.

ESTATE OF NATHANIEL L. MORGAN, a/k/a NATHANIEL LOMAR MORGAN, III, DECEASED; NATHANIEL LOMAR MORGAN, IV, ADMINISTRATOR; BRENDA L. MORGAN; NATHANIEL L. MORGAN, IV, IN HIS CAPACITY AS HEIR OF THE ESTATE OF NATHANIEL L. MORGAN, III, DECEASED, ALL KNOWN AND UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS OR ASSOCIATIONS CLAIMING ANY RIGHT, TITLE OR INTEREST FROM OR UNDER NATHANIEL L. MORGAN, DECEASED; ESTATE OF TONYA R. COOPER, DECEASED, NATHANIEL L. MORGAN, IV, ADMINISTRATOR AND IN HIS CAPACITY AS HEIR; TREY COOPER, IN HIS CAPACITY AS HEIR IN THE ESTATE OF TONYA R. COOPER; AND ALL KNOWN AND UNKNOWN HEIRS, SUCCESSORS, ASSIGNS AND ALL PERSONS FIRMS OR ASSOCIATIONS CLAIMING ANY RIGHT, TITLE OR INTEREST FROM OR UNDER TONYA R. COOPER, DECEASED,

Defendants.

ALL that certain lot of ground situate in the City of Uniontown, formerly South Union Township, Fayette County, Pennsylvania, being Lot No. 13 in the Plan of Lots laid out by Charles G. O'Bryon, Richard W. Dawson and George F. Titlow, recorded in Plan Book 2, page 6.

FOR prior title see Record Book 2805, page 938.

BEING TAX MAP No.: 38-10-0041.

UPON which is erected a single-family aluminum/vinyl dwelling known locally as 52 Easy Street, Uniontown, PA 15401.

THE UNITED FEDERAL CREDIT UNION, Plaintiff,

vs.

KENNETH E. RAHO, JR. and SAVANHA RAHO, his wife, Defendants

ALL that certain piece, parcel or lot of land known as Lot No. 181 in that certain plan of lots known as the R. B. Hays Addition to Masontown (formerly German Township), known as Tax Parcel No. 21-07- 0111 and which is more particularly described in a deed recorded in the Office of the Recorder of Deeds for Fayette County in Record Book 3295, page 918.

The address of the subject property is 311 Shady Lane, Masontown, Pennsylvania, 15461.

Seized and taken in execution as the property of Kenneth E. Raho, Jr. and Savanha Raho, owners, at the suit of The United Federal Credit Union in the Court of Common Pleas of Fayette County, Pennsylvania at No. 587 of 2023, G.D.

No. 1494 of 2022 GD
No. 123 of 2023 ED

UNITED BANK, Plaintiff,

vs.

DEBORAH ROLLISON, deceased, JENIFER ADAMS, JONI L. RHODES and DENVER JAMES ROLLISON, Defendants.

ALL that certain lot of land lying and situate in Georges Township, Fayette County, Pennsylvania as set forth in the Re-Subdivision of Lot Number 5 in the Chury Plan of Lots Number I, a subdivision which is of record in the Recorder of Deeds Office of Fayette County, Pennsylvania at Plan Book Volume 62, page 51, known as Tax Parcel No. 14-15-0122-07 and which is more fully described in a deed recorded as aforesaid in Record Book 2744, page 37.

The address of the subject property is 155 Zebley Road, Uniontown, Pennsylvania 15401.

Seized and taken in execution as the property of Deborah Rollison, deceased, Jenifer Adams, Joni L. Rhodes and Denver James Rollison, owners, at the suit of United Bank in the Court of Common Pleas of Fayette County, Pennsylvania at No. 1494 of 2022, G.D.

KML LAW GROUP, P.C.
 Suite 5000
 701 Market Street
 Philadelphia, PA 19106-1532
 (215) 627-1322

No. 184 of 2020 GD
 No. 116 of 2023 ED

**PNC BANK, NATIONAL ASSOCIATION,
 SUCCESSOR BY MERGER TO
 NATIONAL CITY BANK**

**3232 Newmark Drive
 Miamisburg, OH 45342**

Plaintiff

vs.

**EUGENE ROUSE
 MELISSA ROUSE**

Mortgagor(s) and Record Owner(s)

**213 Stone Church Road
 Merrittstown, PA 15463**

Defendant(s)

ALL THAT CERTAIN LOT OF LAND
 SITUATE IN REDSTONE TOWNSHIP,
 COUNTY OF FAYETTE AND
 COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 213 STONE
 CHURCH ROAD, MERRITTSTOWN, PA
 15463 213 STONE CHURCH ROAD,
 MERRITTSTOWN, PA 15463

TAX PARCEL #30-17-0035

IMPROVEMENTS: A RESIDENTIAL
 DWELLING

SOLD AS THE PROPERTY OF:
 EUGENE ROUSE AND MELISSA ROUSE
 ATTORNEY: KML LAW GROUP, P.C.

*** END SHERIFF'S SALE***

DiBella Weinheimer
 Geer McAllister Best Coco Lloyd Whalen



Holly Whalen ◊ Amy Coco ◊ Bethann Lloyd

INSIST UPON OUR EXPERIENCED TEAM

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JOHN F. WARMAN

518 Madison Drive

Smithfield, PA 15478

724-322-6529

johnfranciswarman@gmail.com

COMMERCIAL/RESIDENTIAL/CURRENT OWNER/MINERAL TITLE

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JUDICIAL OPINION

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

ALPINE PROPERTY RENTALS, LLC,:	:
Appellant,	:
v.	:
SOUTH UNION TOWNSHIP ZONING :	:
HEARING BOARD,	:
Appellee, and	:
SOUTH UNION TOWNSHIP and	:
FREDERICK M. JUNKO, JR.,	: No. 2424 of 2022, G.D.
Intervenors.	: Honorable President Judge Steve P. Leskinen

OPINION AND ORDER

LESKINEN, P.J.

June 16, 2023

Before the Court is Appellant, Alpine Property Rentals, LLC's appeal of the decision of the South Union Township Zoning Hearing Board dated December 2nd, 2022. After consideration of the entire record in this matter and the parties' briefs in support of their positions, the Court hereby issues the following Opinion and Order:

Alpine Property Rentals, LLC, ("Alpine") is a Pennsylvania Limited Liability Company owned and operated by Pamela Kruse and Jessica Kruse, having a registered address of 12 Logan Street, Ohiopyle, Fayette County, Pennsylvania. Alpine is the record owner of 50 Bailey Lane in South Union Township, Fayette County ("Property") the property at issue in this appeal. The Property is located in an R-1 Zoning District pursuant to the South Union Township Zoning Ordinance ("Ordinance") adopted October 1st, 1974. (Ordinance 7-74)

Alpine is primarily in the business of short- and long-term vacation rentals of properties in the Laurel Highlands. Alpine purchased the Property in January of 2021 as an investment property, with the intent to manage the property for use as a vacation rental. Alpine markets the Property, a three-bedroom, single family home, through AirBNB, a website that facilitates short term vacation rentals between property owners and parties seeking to rent properties. Alpine also uses its website, Vacation Ohiopyle, to offer short- and long-term rentals of its properties. Alpine's first rental of the Property was for three months and since then the Property generally rents an average of three times a month with a two-night minimum stay.

Alpine sets certain policies for renters, including a minimum age for the person responsible for the rental, a limit on the number of people staying on the Property, and a prohibition on large groups or parties. The Property is used entirely for rental purposes; neither of the owners of Alpine reside at the property, nor does any other person use the Property as a primary residence.

On August 4th, 2022, Robert Mankovich, the South Union Township Code Enforcement Officer, sent a notice to Alpine to cease and desist the use of the property "as a tourist home (short-term, web-based rental)." On August 30th, 2022, Mr. Mankovich sent Alpine a Zoning Enforcement Notice requesting that Alpine immediately cease the use of the Property "as a tourist home (short-term, web-based rental)," and outlining the right to appeal the decision to the South Union Township Zoning Hearing Board. ("Zoning Hearing Board.") On September 9th, 2022, Alpine filed an appeal. The Zoning Hearing Board held a public hearing on the matter on October 19th, 2022, which included an opportunity for public comment. The Zoning Hearing Board took comments from Frederick M. Junko, Jr., one of the Intervenor in this matter and the owner of a nearby property; Ann Nemanic, the Executive Director of Go Laurel Highlands (The Laurel Highlands Visitors Bureau); Mary Mueller, the owner of 40 Bailey Lane (adjoining the property); and Ernest DeHaas, III, Esq., a resident of South Union Township. On December 2nd, 2022, the Zoning Hearing Board issued a Decision, including Findings of Fact and Conclusions of Law, denying the appeal. Alpine timely filed a Notice of Land Use Appeal with this Court on December 22nd, 2022.

When a trial court does not take new evidence in a land use appeal, as is the case here, the court's scope of review is limited to a determination of whether the Zoning Hearing Board has committed an error of law or a manifest abuse of discretion. *Allegheny West Civic Council, Inc. v. Zoning Board of Adjustment of the City of Pittsburgh*, 689 A.2d 225, 227 (Pa. 1997). This Court may only find an abuse of discretion if the Zoning Hearing Board's decision is not supported by substantial evidence. *Id.* Governmental entities such as a zoning hearing board are entitled to great weight in their interpretation of legislation they are charged to enforce. *Slice of Life, LLC v. Hamilton Township Zoning Hearing Board*, 207 A.3d 886, 902 (Pa. 2019).

The courts have applied the principles of the Statutory Construction Act in interpreting zoning laws. *Id.* Undefined words and phrases that appear in a zoning ordinance are to be given their "plain and ordinary meaning." *Id.* "Where a word or phrase in a zoning ordinance is defined, a court is bound by the definition.

On page 18, the Ordinance sets forth the following permitted uses for an R-1 Medium Density Residential Zoning District:

- | | |
|-------------------------|-----------------------|
| Accessory Use | Mine Land Reclamation |
| Dwelling, Single-Family | Plant Cultivation |
| Essential Services | Public Uses |

In Section 201, the Ordinance also provides the following definitions relevant to this matter:

Building: Any structure used or constructed for the shelter or protection of persons, animals, or chattels.

Dwelling, Single Family: A building designed for or occupied by one (1) family, constructed on the site, permanently attached to a fully enclosed foundation.

Family: One or more persons occupying a dwelling and living as a single house-

keeping unit and doing their own cooking on the premises as distinguished from a group occupying a boarding house or hotel, as herein defined.

Tourist Home: A building other than a hotel where lodging is provided and offered to the public for compensation for not more than twenty (20) individuals and open to transient guests.

The Pennsylvania Supreme Court addressed the issue of whether a zoning ordinance that defines "family" as requiring a "single housekeeping unit" permits short term rentals of a residential property located in a residential zoning district. *Slice of Life*, at 888. As the Court noted in that case, this arises from the growing popularity of websites like AirBNB and VRBO that facilitate short term vacation rentals of homes. *Id.* *Slice of Life* involved a house located in the Poconos in Hamilton Township, Monroe County, Pennsylvania. The *Slice of Life* property was governed by the 1985 Hamilton Township Zoning Ordinance. The Hamilton Township ordinance divides the Township into zoning districts, then divides those districts into classes of districts. The *Slice of Life* property is located in Zoning District A and is in "Use Class I- Single Family Residential." The permitted uses in that class included single family detached dwellings and accessory uses and essential services. *Id.* at 892. Section 201.4 of the Hamilton Township Ordinance included the following relevant definitions: (but does not define "rooming house," "tourist home," or "single housekeeping unit.")

Dwelling: A building or structure designed, arranged, intended, or used as the living quarters for one or more families living independently of each other upon the premises. The term 'dwelling' shall not be construed to include hotel, motel, rooming houses, or other tourist homes.

One-Family Dwelling: A building on a lot, designed, arranged, or intended for and occupied exclusively as a residence for one (1) family.

Family: One or more persons, occupying a dwelling unit, related by blood, marriage, or adoption, living together as a single housekeeping unit and using cooking facilities and certain rooms in common. (*Id.*)

In *Slice of Life*, the Pennsylvania Supreme Court provides a thorough history of the underlying property law and the development of zoning ordinances for residential areas. The Court then considers the development of the interpretations of "family" and "single housekeeping unit." This Court adopts that summary of the historical precedent herein by reference. *Id.* at 889-891.

The facts in *Slice of Life* and the relevant definitions from the applicable ordinance in that case closely parallel the facts and ordinance in case at issue here. Both cases concern properties that were purchased as investment properties for vacation rentals and were used solely for rental purposes. Both properties were located in a zoning district permitting Single Family Dwellings (Alpine)/ One-Family Dwelling (*Slice of Life*). Both ordinances use similar language to define "family" as one or more persons living as a single housekeeping unit, though the *Slice of Life* further includes that the family be "related by blood, marriage, or adoption," while the Ordinance in this matter distinguishes family for the purposes of this definition from "a group occupying a boarding house or hotel." This Court notes that the "blood, marriage, or adoption" language was not dispositive to the *Slice of Life* decision.

The Slice of Life court then goes on to consider the meaning of the phrase "single housekeeping unit," holding that this is a term of art common to zoning ordinances. The court adopted the common definition of "single housekeeping unit" used by courts throughout the country as requiring the person or persons residing in the home to function as a family and to be "sufficiently stable and permanent" and not "purely transient." *Id.* at 899. The court specifically held that by defining a "family" as requiring a "single housekeeping unit," the ordinance clearly and unambiguously excluded, in pertinent part, purely transient uses of property in that zoning district. *Id.*

The Slice of Life court adopts this "functional analysis" approach from *Appeal of Miller*, 515 A.2d 904, 907 (Pa. 1986), focusing on whether the occupants functioned as a family unit, rather than on the respective relationships that existed between the members of the unit. *Id.* Notably, the Slice of Life court uses this functional analysis to distinguish a property used primarily for vacation rentals from a property where the owner or a tenant regularly uses a property as a residence and occasionally uses it for short term rentals. *Id.* at 900. The court later reiterates,

"Even if we could accept, for the sake of this argument, the contention that the signers of the lease of the [p]roperty constituted the "family" and the remaining eleven to sixteen people staying at the [p]roperty were his or her guests, this argument fails. Our holding in *Albert (Albert v. Zoning Hearing Board of North Abington Township*, 854 A.2d 401 (Pa. 2004)) could not be clearer: a purely transient use of a property is incompatible with the definition of a "family" defined as a "single housekeeping unit." As the signor of the rental agreement for the [p]roperty is likewise transient, staying at the [p]roperty for only a few days at a time, that individual cannot constitute a "family" as defined." *Id.* at 903.

Therefore, this Court finds that Alpine's use of the Property for short term vacation rentals is a purely transient use and would not be considered a "family" as required by the Ordinance for a single-family dwelling.

Under this analysis, the issue of whether Alpine's use of the property meets the definition of a "tourist home," as defined by the Ordinance, is not dispositive to this Court's decision. Though it appears that Alpine's use of the Property meets the definition of "tourist home" in the Ordinance, as written, and tourist homes are not a permitted use in an R-1 zoning district, The Zoning Hearing Board did not need to establish use as a tourist home to find Alpine in violation of the Ordinance.

In their appeal, Alpine claims the Zoning Hearing Board erred in not considering that the Ordinance does not provide for short-term, web-based rentals. Alpine further claims the Zoning Hearing Board failed to consider that at the time the Ordinance was adopted, no such short-term, web-based rentals were in existence and, therefore, could not have been contemplated by the drafters of said Ordinance. This position aligns with the majority opinion from the Commonwealth Court in *Slice of Life (The Commonwealth Court decision is Slice of Life, LLC v. Hamilton Twp. Zoning Hearing Bd.*, 164 A.3d (Pa. Cmwlth. 2017)), wherein the Commonwealth Court held that short term rentals were permitted in the residential zoning districts in question because they were not specifically prohibited (citing *Marchenko v. Zoning Hearing Bd. Of Pocono Twp.*, 147 A.3d 947 (Pa. Cmwlth. 2016)). The Commonwealth Court held, "Enterprises such as

AirBNB have expanded the possible uses of single-family dwellings and a township can address such uses in the zoning ordinance. Amendments, however, 'cannot be effected by shoe-horning a use that involves renting an entire single-family home to vacationers into the definition of a 'tourist home.'" *Slice of Life*, 164 A.3d at 641.

The Pennsylvania Supreme Court rejected this approach, holding that the Commonwealth Court's holding that any use not specifically prohibited is deemed permitted is contrary to precedent would be impossible for drafters of zoning ordinances to execute. *Slice of Life*, 207 A.2d at 902. "Moreover, requiring that zoning ordinances state every conceivable impermissible use would negate the deference to which a zoning hearing board is entitled in the interpretation of its municipality's zoning ordinances." *Id.* The *Slice of Life* court concluded, "This excluded-unless-expressly- included standard, combined with Miller's 'functional analysis' is the only workable standard." *Id.*

This Court notes that following that logic, it would be equally unworkable for a municipality to have to amend a zoning ordinance to identify and specifically exclude new uses as they arise. Alpine claims that the drafters of the Ordinance could not have contemplated the use of property from short-term, web-based rentals at the time the Ordinance was drafted in 1974. (The ordinance in *Slice of Life* was enacted in 1985 and would presumably have the same issue.) The concept of short-term renting of vacation homes is not new, particularly in areas like the Laurel Highlands where tourism is a significant part of the economy. Though it may be fair to say the drafters of the 1974 Ordinance did not anticipate a demand for vacation home rentals in South Union Township fifty years later, the concept of renting out rooms in a house existed in 1974 (as this is the generally accepted meaning of a "tourist home" for zoning purposes- see *Shvekh v. Zoning Hearing Board of Stroud Township*, 154 A.3d 408,412 (Pa. Cmwlth. 2017) (overruled by *Slice of Life*)). Notably, AirBNB allows listing of private rooms in a home for rental (<https://www.airbnb.com/d/homes> accessed 5/19/2023). Is the distinction in renting the whole house compared to a room in the house? The use of the internet to facilitate rentals? It quickly becomes clear that as the *Slice of Life* court held, the excluded-unless-expressly-included standard, combined with Miller's 'functional analysis' is the only workable standard.

WHEREFORE, the Court issues the following Order:

ORDER

AND NOW, this 16th day of June, 2023, upon the consideration of the entire record and the briefs submitted by the parties, the Court ORDERS and DECREES that the South Union Township Zoning Hearing Board did not abuse its discretion or commit an error of law in denying the Appeal of Alpine Property Rentals, LLC to its Zoning Enforcement Notice. The Court further ORDERS that the Land Use Appeal filed by Appellant, Alpine Property Rentals, LLC, is hereby DENIED.

BY THE COURT:
STEVE. P. LESKINEN, PRESIDENT JUDGE

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