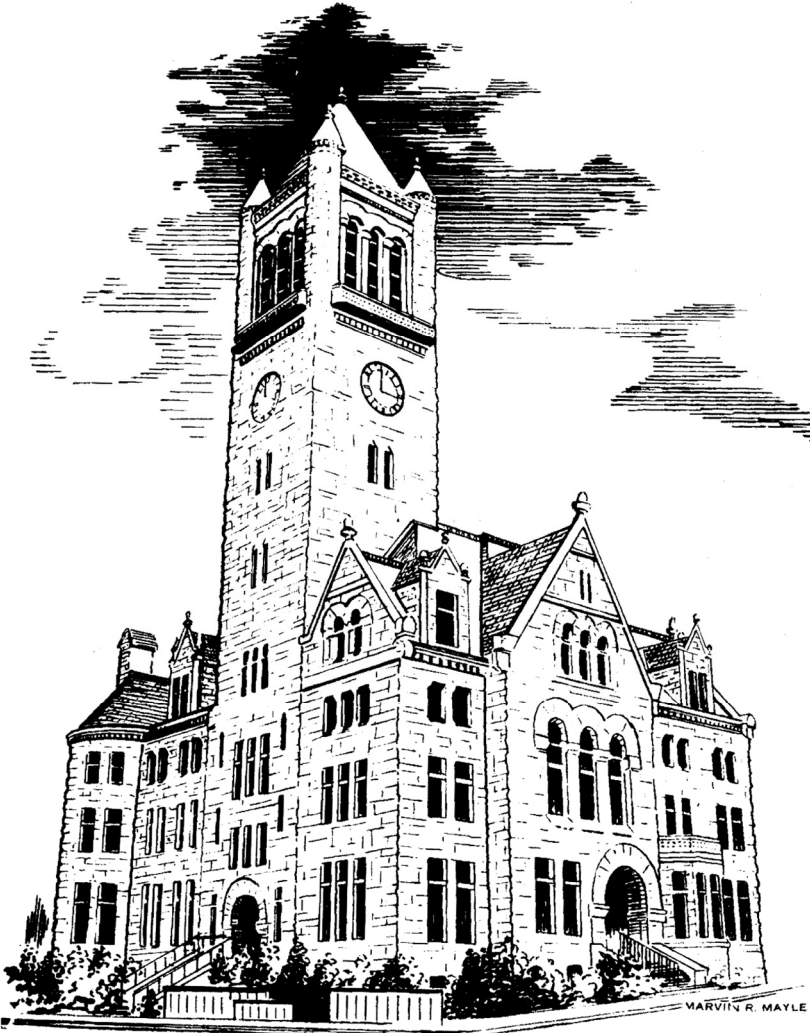


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FAYETTE LEGAL JOURNAL

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The Ethics Hotline provides free advisory opinions to PBA members based upon review of a member's prospective conduct by members of the PBA Committee on Legal Ethics and Professional Responsibility. The committee responds to requests regarding, the impact of the provisions of the Rules of Professional Conduct or the Code of Judicial Conduct upon the inquiring member's proposed activity. All inquiries are confidential.

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ESTATE NOTICES

Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors named.

Third Publication

IRMA B. MILLER, a/k/a IRMA D. MILLER,
late of Wharton Township, Fayette County, PA
(3)

Executrix: Virginia L. Lauffer
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

JOHN V. SHINSKY, late of Franklin
Township, Fayette County, PA (3)

Administratrix: Jill Michaloski
506 Bald Eagle Drive
Huron, Ohio 44839
c/o 230 Fallowfield Avenue
Charleroi, PA 15022-2603
Attorney: Dennis Paluso

Second Publication

GERTRUDE F. BROWN, late of Scottdale,
Fayette County, PA (2)

Administrator: Carl E. Brown
903 Everson Street
Scottdale, PA 15683
c/o 314 C Porter Avenue
Scottdale, PA 15683
Attorney: David G. Petonic

DON COLBORN, late of Connellsville, Fayette
County, PA (2)

Executrix: Renee Colborn
701 East Cummings Avenue
Connellsville, PA 15425
c/o Tremba Kinney Greiner & Kerr
1310 Morrell Avenue, Suite C
Connellsville, PA 15425
Attorney: John Greiner

**LINDA C. HARDEN, a/k/a LINDA
CHRISTINE HARDEN,** late of Masontown,
Fayette County, PA (2)

Executor: Richard D. Harden
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

**RALPH STRIMEL, a/k/a RALPH EDSON
STRIMEL,** late of Springhill Township, Fayette
County, PA (2)

Personal Representative: Ralph E. Strimel
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

**BONITA C. TUCKISH, a/k/a BONITA
TUCKISH,** late of Redstone Township, Fayette
County, PA (2)

Executor: Robert J. Tuckish, Jr.
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Jeremy J. Davis

**STANLEY LAWRENCE WHITE, a/k/a
STANLEY LAWRENCE WHITE, JR., a/k/a
STANLEY WHITE,** late of Redstone
Township, Fayette County, PA (2)

Administratrix: Robyn Lynn Webb
c/o Steven M. Zelinger, Esquire
1650 Market Street, #3600
Philadelphia, PA 19103
Attorney: Steven M. Zelinger

DOLORES YURKOVICH, late of Belle
Vernon Borough, Fayette County, PA (2)

Executrix: Carol M. Grisnik
c/o 35 West Pittsburgh Street
Greensburg, PA 15601
Attorney: Christopher Huffman

First Publication

**MABEL LORRAINE BURNWORTH, a/k/a
LORRAINE BURNWORTH,** late of North
Union Township, Fayette County, PA (1)

Executrix: Judith R. Thomas
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

RONALD W. HARDY, late of Connellsville,
Fayette County, PA (1)

Executrix: Margaret L. Hardy
c/o 208 South Arch Street, Suite 2
Connellsville, PA 15425
Attorney: Richard A. Husband

STEPHEN D. STRAUCH, late of Grindstone,
Fayette County, PA (1)

Executor: William Edward Johnson, Sr.
428 Quail Hill Road
Normalville, PA 15469
c/o P.O. Box 310
902 First Street
Hiller, PA 15444
Attorney: Herbert G. Mitchell, Jr.

PETER B. TALLERICO, a/k/a PETER B. TALLARICO, late of Belle Vernon Borough,
Fayette County, PA (1)

Executrix: Nancy Bartolotta
95 Sunset Avenue
Charleroi, PA 15022
c/o 300 Fallowfield Avenue
Charleroi, PA 15022
Attorney: Richard C. Mudrick

LEGAL NOTICES

NOTICE

In the Court of Common Pleas of Fayette County, Pennsylvania: 2180 of 2023 G.D., In Re: Petition for Name Change of Ceaira V. Nicolo for change of name to Cayde Julian. Nicolo. To all persons interested: Notice is hereby given that an order of said Court authorized the filing of said petition and fixed the 2nd day of January, 2025 at 11:00 A.M., as the time and the Courtroom #5, Fayette County Courthouse, PA as the place for a hearing, when and where all persons may show cause, if any they have, why said name should not be changed as prayed for.

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION
NO. 60 ADOPT 2024

IN RE: ADOPTION OF
TRAVIS GRIMM

NOTICE

TO: Unknown Unknown, Biological Father

A petition has been filed asking the Court to put an end to all rights you have to your child, Travis Grimm. The last name of the mother is Grimm. The child was born on June 16, 2014, of the male gender, at Uniontown Hospital, Uniontown, PA. The court has set a hearing to consider ending your rights to your child. That hearing will be held in Courtroom No. 2 of the Fayette County Courthouse, Uniontown, Fayette County, Pennsylvania, on Tuesday, **December 10, 2024 at 11:30 a.m.** Your presence is required at the hearing. You should contact Fayette County Children and Youth Services or their counsel Anthony S. Dedola, to obtain a copy of the petition prior to the hearing. You are warned that even if you fail to appear at the scheduled hearing the hearing will go on without you and your rights to your child may be ended by the court without your being there.

Your rights may also be subject to termination pursuant to subsection (d) if you fail to file wither an acknowledgement of paternity or claim of paternity pursuant to Section 5103 (relating to acknowledgment and claim of paternity), and fail to either appear at the hearing for the purpose of objecting to the termination of your rights or file a written objection to such termination with the court prior to the hearing.

YOU HAVE A RIGHT TO BE REPRESENTED AT THE HEARING BY A LAWYER. YOU SHOULD TAKE THIS PAPER 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. 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
(800) 692-7375

**NOTICE OF SHERIFF'S
SALE OF REAL ESTATE**

Your house (real estate) at **134 Hardy Hill Road, Dunbar, PA 15431**, is scheduled to be sold at the Sheriff's Sale on September 19, 2024, at 2:00 p.m. in the Public Sale at <https://fayette.pa.realforeclose.com>, to enforce the judgment of **\$36,801.78** obtained by NewRez LLC D/B/A Shellpoint Mortgage Servicing (the mortgagee) against you. As a result, a writ of execution has been issued in the amount of **\$36,801.78**.

**NOTICE OF OWNER'S RIGHT
YOU MAY BE ABLE TO PREVENT THIS
SHERIFF'S SALE**

To prevent this Sheriff's Sale, you must take immediate action.

The sale will be cancelled if you pay to the mortgagee the Back payments, late charges, costs and reasonable attorney's fees due. To find out how much you must pay, you must call (914) 219-5787 x 490.

1. You may be able to stop the sale by filing a petition asking the Court to strike or open the judgment if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause.
2. You may also be able to stop the sale through other legal proceedings.
3. You may need an attorney to assert your rights. The sooner you contact one, the more chance you will have of stopping the sale (See notice on page two on how to obtain an attorney.)

**YOU MAY STILL BE ABLE TO SAVE
YOUR PROPERTY AND YOU HAVE
OTHER RIGHTS EVEN IF THE
SHERIFF'S SALE DOES TAKE PLACE.**

1. If the Sheriff's Sale is not stopped, your

property will be sold to the highest bidder. You may find out the price bid by calling 724-430-1295.

2. You may be able petition the Court to set aside the sale if the bid price was grossly inadequate compared to the value of your property.
3. The sale will be recorded only if the purchaser pays the Sheriff the full amount of the bid. To find out if this has happened yet, you may call the Sheriff's office at 724-430-1295.
4. If the amount due from the purchaser is not paid to the Sheriff, the sale must be rescheduled.
5. You have the right to remain in the property until the full amount due is paid to the Sheriff and Sheriff gives the deed to the buyer. At that time, the buyer will bring legal proceedings, if necessary, to evict you.
6. You may be entitled to a share of the proceeds which were paid for your house. A proposed schedule of distribution of the money bid for your house will be prepared by the Sheriff within 30 days of the Sale. The schedule will state who will be receiving that money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed distribution is wrong) are filed with the Sheriff within ten (10) days after the posting of the Schedule of Distribution.
7. You may also have other rights and defenses, or ways of getting your home back, if you act immediately after the sale.

**YOU SHOULD TAKE THIS PAPER TO
YOUR LAWYER AT ONCE. IF YOU DO
NOT HAVE A LAWYER OR CANNOT
AFFORD ONE, CONTACT THE OFFICE(S)
LISTED BELOW TO FIND OUT WHERE
YOU CAN GET LEGAL HELP.**

**Pennsylvania Lawyer Referral Service
100 South Street
P.O. Box 186
Harrisburg, PA 17108
Telephone: 1(800) 692-7375**

BY: Robert P. Wendt, Esquire Pa. I.D. #89150
Counsel for Plaintiff
Leopold & Associates, PLLC
275 Curry Hollow, Bldg. 1, Suite 280
Pittsburgh, PA 15236
Telephone: 914-219-5787x490
Email: rwendt@leopoldassociates.com

SHERIFF'S SALE

Date of Sale: January 16, 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 January 16, 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.

(3 of 3)

James Custer
Sheriff of Fayette County

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

No. 1460 of 2023 G.D.
No. 279 of 2024 E.D.

Wilmington Savings Fund Society, FSB, not individually but solely as Trustee for RPMLT 2014-1 Trust, Series 2014-1 (Plaintiff)

vs.

Marissa Ann Barkley, Solely as Heir of Marjorie E. Barkley, Deceased, Thomas M. Barkley, Solely as Heir of Marjorie E. Barkley, Deceased and Unknown Heirs, Devises, and/or Personal Representatives of Marjorie E. Barkley, Deceased (Defendants)

By virtue of Writ of Execution No. 2023-01460

Wilmington Savings Fund Society, FSB, not individually but solely as Trustee for RPMLT 2014-1 Trust, Series 2014-1 (Plaintiff) vs. Marissa Ann Barkley, Solely as Heir of Marjorie E. Barkley, Deceased, Thomas M. Barkley, Solely as Heir of Marjorie E. Barkley, Deceased and Unknown Heirs, Devises, and/or Personal Representatives of Marjorie E. Barkley, Deceased (Defendants)

Property Address 499 Coolspring Street, Uniontown, PA 15401

Parcel I.D. No. 25-47-0085

Improvements thereon consist of a residential dwelling.

Judgment Amount: \$55,725.65

Brock & Scott, PLLC

No. 1408 of 2024 G.D.
No. 306 of 2024 E.D.

KEYBANK, N.A.

v.

STEPHANIE M CAREY, EXECUTRIX OF THE ESTATE OF NATALIE J HUNTER, DECEASED

KEYBANK, N.A. v. STEPHANIE M CAREY, EXECUTRIX OF THE ESTATE OF NATALIE J HUNTER, DECEASED owner(s) of property situate in the TOWNSHIP OF NORTH UNION, FAYETTE County, Pennsylvania, being 500 MAIN ST, LEMONT FURNACE A/K/A NORTH UNION, PA 15456

Tax ID No. 25270276

Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$42,308.01

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

No. 1361 of 2024 G.D.
No. 280 of 2024 E.D.

**Metropolitan Life Insurance Company
(Plaintiff)**

vs.

**Carey A. Connors a/k/a Carey A. Miller and
Christopher Connors
(Defendants)**

By virtue of Writ of Execution No. 2024-01361

Metropolitan Life Insurance Company
(Plaintiff) vs. Carey A. Connors a/k/a Carey A. Miller and Christopher Connors (Defendants)
Property Address 512 Dexter Road, Scottsdale, PA 15683

Parcel I.D. No. 39-01-0016

Improvements thereon consist of a residential dwelling.

Judgment Amount: \$33,264.63

KML LAW GROUP, P.C.

Suite 5000

701 Market Street

Philadelphia, PA 19106-1532

(215) 627-1322

No. 118 of 2022 G.D.

No. 302 of 2024 E.D.

**MORTGAGE ASSETS MANAGEMENT,
LLC f/k/a REVERSE MORTGAGE
SOLUTIONS, INC.**

**1 Mortgage Way
Mt. Laurel, NJ 08054**

Plaintiff

vs.

**MYRNA CRABLE AKA
MYRNA L. CRABLE**

Mortgagor(s) and Record Owner(s)

**60 Feathers Avenue
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: 60 FEATHERS
AVENUE, UNIONTOWN, PA 15401
TAX PARCEL #34-17-0005

IMPROVEMENTS: A RESIDENTIAL
DWELLING
SOLD AS THE PROPERTY OF: MYRNA
CRABLE AKA MYRNA L. CRABLE

STERN & EISENBERG PC
MATTHEW C. FALLINGS, ESQ.

No. 1791 of 2023 G.D.
No. 272 of 2024 E.D.

**Select Portfolio Servicing, Inc.
Plaintiff**

v.

**Lisa L. Dominick A/K/A Lisa Dominick
Defendant(s)**

SITUATE IN CONNELLSVILLE,
FAYETTE COUNTY, PENNSYLVANIA,
BOROUGH OF NEW HAVEN BEING
KNOWN AS 1320 W. CRAWFORD AVENUE,
CONNELLSVILLE, PA 15425

PARCEL NO. 05080070

IMPROVEMENTS- RESIDENTIAL
REAL ESTATE

SOLD AS THE PROPERTY OF- Lisa
Dominick

No. 813 of 2024 G.D.

No. 308 of 2024 E.D.

**Metropolitan Life Insurance Company,
Plaintiff,**

vs.

**Carrie Lynn Forsythe,
Defendant(s).**

ALL THAT CERTAIN piece or parcel(s)
of land, situate in Jefferson Township, Fayette
County, BEING Parcel No. 17100006 and
known as 428 Grindstone Road, Grindstone, PA
15442, as described in the deed from Raymond
E. Avery, et al., to Carrie Lynn Forsythe,
recorded June 7, 2005, in Book 2948 and Page
428.

KNOWN AS 428 Grindstone Road,
Grindstone, PA 15442

Parcel Id: 17100006 17-10-0006

No. 1436 of 2023 G.D.
No. 290 of 2024 E.D.

**PENNSYLVANIA HOUSING FINANCE
AGENCY,
PLAINTIFF
VS.
LESSLIE E. HALL,
DEFENDANT**

ALL that certain lot of ground German Township, Fayette County, Pennsylvania, being approximately 146 x 49 x 144 x 49. HAVING THEREON ERECTED A TWO-STORY, SINGLE-FAMILY DWELLING KNOWN AND NUMBERED AS: 224 IDLL STREET, NEW SALEM, PA 15468.
TAX PARCEL# 15-17-0074
Instrument No. 2010-00001313

Brock & Scott, PLLC

No. 1577 of 2024 G.D.
No. 294 of 2024 E.D.

**NORWICH COMMERCIAL GROUP, INC,
DBA NORCOM MORTGAGE
v.
JEREMY HAWKER**

By virtue of a Writ of Execution No. 2024-01577

NORWICH COMMERCIAL GROUP, INC, DBA NORCOM MORTGAGE v. JEREMY HAWKER owner(s) of property situate in the BOROUGH OF PERRYOPOLIS (FORMERLY PERRY TOWNSHIP), FAYETTE County, Pennsylvania, being 108 FEDERAL STREET, PERRYOPOLIS. PA 15473

Tax ID No. 28090094 a/k/a 28-09-0094
Improvements thereon: RESIDENTIAL DWELLING
Judgment Amount: \$136,211.90

No. 452 of 2022 G.D.
No. 292 of 2024 E.D.

**J.P. Morgan Mortgage Acquisition Corp.
vs.
Bobbi Jo Isler and Delbert Isler**

ALL THAT CERTAIN PARCEL OF LAND IN TOWNSHIP GEORGES, FAYETTE COUNTY, COMMONWEALTH OF PA., AS MORE FULLY DESCRIBED IN DEED BOOK

2110, PAGE 27 ID#14-12-32, BEING KNOWN AND DESIGNATED AS LOT 42 IN THE SUBDIVISION OF PLAN OF LOTS RECORDED BY JOHN W GALBREATH AND COMPANY, FILED IN PLAN BOOK 8 AT PAGE 249

Property commonly known as 128 Shoaf Road, Smithfield, PA 15478

Tax Parcel No. 14-12-0032

TITLE TO SAID PREMISES IS VESTED IN Bobbie Jo Isler and Delbert Isler, husband and wife, by deed from William A. Valentine and Ann Valentine, wife and husband, dated June 1, 1998, recorded June 9, 1998 in the Fayette County Clerk's/Register's Office in Deed Book 2110, Page 27.

Sold as the property of Bobbi Jo Isler and Delbert Isler

KML LAW GROUP, P.C.
Suite 5000

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

No. 1303 of 2024 G.D.
No. 277 of 2024 E.D.

**MIDFIRST BANK
999 N.W. Grand Boulevard Suite 100
Oklahoma City, OK 73118-6116**

Plaintiff

vs.

**KATHY KINCHELOE
Mortgagor(s) and Record Owner(s)
155 Gilmore Road
Uniontown, PA 15401
Defendant(s)**

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

BEING KNOWN AS: 155 GILMORE ROAD, UNIONTOWN, PA 15401

TAX PARCEL #14-11-0056 & 14-11-0056
-99

IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: KATHY KINCHELOE

No. 1593 of 2024 G.D.
No. 300 of 2024 E.D.

Frick Tri-County Federal Credit Union
Plaintiff,
vs.
Jennifer R. Nicholson
Defendant.

ALL that certain parcel of land lying and being situate in the Township of Menallen, County of Fayette, and Commonwealth of Pennsylvania, known as 942 Buffington Road, New Salem, PA 15468 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 22140022

BEING the same premises which William Yohman, a/k/a William G. Yohman, a widower, by Darby A. Yohman his Attorney-in-Fact, by Deed dated August 17, 2016 and recorded in and for Fayette County, Pennsylvania in Deed Book 3316, Page 2172, granted and conveyed unto Jennifer R. Nicholson and Diana Miller.

No. 1324 of 2024 G.D.
No. 276 of 2024 E.D.

Frick Financial Federal Credit Union
Plaintiff,
vs.
Zachary E. Pringle
Defendant.

ALL that certain parcel of land lying and being situate in the Township of Georges, County of Fayette, and Commonwealth of Pennsylvania, known as 113 Shoaf Road, Smithfield, PA 15478 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 14-12-0046

BEING the same premises which Antonio Marco Pantalo and Tiffany Pantalo, husband and wife, by Deed dated April 13, 2018 and recorded in and for Fayette County, Pennsylvania in Deed Book 3369, Page 53, granted and conveyed unto Zachary E. Pringle, single.

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

No. 1373 of 2024 G.D.
No. 281 of 2024 E.D.

U.S. Bank Trust National Association, not in its individual capacity but solely as owner trustee for REO Trust 2017-RPL1
(Plaintiff)
vs.
Betsy J. Santella and Thomas E. Santella
(Defendants)

U.S. Bank Trust National Association, not in its individual capacity but solely as owner trustee for REO Trust 2017-RPL1 (Plaintiff) vs. Betsy J. Santella and Thomas E. Santella (Defendants)

Property Address 587 Upper Middletown Road, Smock, PA 15480
Parcel I.D. No. 22-06-0069
Improvements thereon consist of a residential dwelling.
Judgment Amount: \$101,406.10

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

No. 819 of 2024 G.D.
No. 266 of 2024 E.D.

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

vs.
SHERRY E. STAGESIN as Administratrix of the Estate of DONNA L. KNOX, Deceased
300 Stone Church Road
Grindstone, PA 15442
Defendant(s)

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

BEING KNOWN AS: 300 STONE CHURCH ROAD, GRINDSTONE, PA 15442
TAX PARCEL #30-22-0041
IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: SHERRY E. STAGESIN as Administratrix of the Estate of DONNA L. KNOX, Deceased

No. 1332 of 2024 G.D.
No. 301 of 2024 E.D.

S&T BANK, successor to IRWIN BANK and TRUST COMPANY,
Plaintiff,
vs.
JEFFREY A. THOMAS and RACHEL D. THOMAS,
Defendants.

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF JEFFREY A. THOMAS AND RACHEL D. THOMAS, OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT CERTAIN REAL ESTATE SITUATED IN BULLSKIN TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA. HAVING ERECTED THEREON A DWELLING KNOWN AS QUAIL HILL ROAD, N/K/A 508 QUAIL HILL ROAD, NORMALVILLE, PA 15469. DEED BOOK VOLUME 2885, PAGE 2198 AND PARCEL #04-30-003701.

No. 1114 of 2023 G.D.
No. 282 of 2024 E.D.

HSBC Bank USA, National Association, as Trustee for Wells Fargo Alternative Loan 2007-PA3 Trust
PLAINTIFF
VS.
Amy L. Urani and Silvio Urani, III
DEFENDANTS

ALL that certain lot and an adjoining one-half of another lot or piece of land, situate in Redstone Township, Fayette County, Pennsylvania, and being all of Lot No. 313, and the adjoining half of Lot No. 312 in what is known as the VanKirk Addition to Republic, Pennsylvania, a plan of which is recorded in the Recorder's Office of Fayette County, Pennsylvania, in Plan Book Volume 4, pages 8 and 9. Said whole Lot No. 313 and the adjoining one-half of said Lot No. 312 have an aggregate frontage on the Northerly side of Fairgarden Street of 90 feet and extending in a northerly direction preserving the same width 140 feet to Highland Alley and is bounded on the westerly side of Lot No. 314, and on the easterly bids by one-half of said Lot No. 312.

EXCEPTING AND RESERVING, however, all of the coal of the nine foot vein or Pittsburgh seam underlying the above-described premises, and all, coal and other minerals

underlying said nine foot, vein or Pittsburgh seam of coal, together with the same mining rights and privileges that have been conveyed away heretofore.

EXCEPTING AND RESERVING, however, thereout and therefrom, all of the easterly one-half of the above-described premises previously conveyed to J. Bryan Huston and Hazel 13. Huston, his wife, by deed of Harry W. Swift and Myrtle Swill, his wife, dated June 7, 1950; and recorded as aforesaid in Deed Book 1 Volume 701, page 28.

TOGETHER with such rights and SUBJECT to any exceptions, restrictions, reservations and conditions as exist by virtue of prior recorded instruments, deeds or conveyances

Parcel ID: 30-23-0069

FOR INFORMATIONAL PURPOSES ONLY: Being known as 26 Fairgarden Street, Republic, PA 15475

BEING THE SAME PREMISES which Gary Palmer and Christine B. Palmer and Dean Palmer, by Deed dated February 27, 2007 and recorded April 5,2007 in the Office of the Recorder of Deeds in and for the County of Fayette, Pennsylvania in Book 3021, Page 998, Instrument No. 200700004719 granted and conveyed unto Amy L. Urani in fee. COMMONLY KNOWN AS: 26 Fairgarden Street, Republic, PA 15475

TAX PARCEL NO. 30-23-0069

STERN & EISENBERG PC
MATTHEW C. FALLINGS, ESQ.

No. 2384 of 2023 G.D.
No. 271 of 2024 E.D.

Federal Home Loan Mortgage Corporation, as Trustee for the benefit of the Freddie Mac Seasoned Loans Structured Transaction Trust, Series 2019-1

Plaintiff

v.

Henry F. Varndell Jr.
Defendant(s)

SITUATE IN PERRYOPOLIS, FAYETTE COUNTY, PENNSYLVANIA, TOWNSHIP OF PERRY BEING KNOWN AS 105 RANDOLF STREET, PERRYOPOLIS, PA 15473

PARCEL NO. 28080105

IMPROVEMENTS- RESIDENTIAL REAL ESTATE

SOLD AS THE PROPERTY OF- Henry F. Varndell Jr.

Brock & Scott, PLLC

No. 588 of 2024 G.D.
No. 269 of 2024 E.D.

**FREEDOM MORTGAGE CORPORATION
v.
SUSAN G. WRIGHT, AKA SUSAN G.
RAMAGE, IN HER CAPACITY AS HEIR
OF RAYMOND K. RAMAGE; UNKNOWN
HEIRS, SUCCESSORS, ASSIGNS, AND
ALL PERSONS, FIRMS, OR
ASSOCIATIONS CLAIMING RIGHT,
TITLE OR INTEREST FROM OR UNDER
RAYMOND K. RAMAGE**

By virtue of a Writ of Execution No. 2024-00588

FREEDOM MORTGAGE CORPORATION v. SUSAN G. WRIGHT, AKA SUSAN G. RAMAGE, IN HER CAPACITY AS HEIR OF RAYMOND K. RAMAGE; UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER RAYMOND K. RAMAGE owner(s) of property situate in the BOROUGH OF (NOW CITY) CONNELLSVILLE, FAYETTE County, Pennsylvania, being 205 PULASKI ST, CONNELLSVILLE, PA 15425

Tax ID No. 05060204 and 05-06-0204
Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$106,147.73

No. 286 of 2024 G.D.
No. 278 of 2024 E.D.

**FIRST NATIONAL BANK OF
PENNSYLVANIA,
Plaintiff,
vs.
LEIGH YATSKO,
Defendant.**

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND BEING SITUATE AND LAYING IN THE TOWNSHIP OF MENALLEN, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA, AS MORE FULLY DESCRIBED IN A CERTAIN DEED DATED MAY 29, 2015 FROM ROBERT C. YATSKO AND JUNE E. YATSKO TO ROBERT C. YATSKO AND LEIGH YATSKO, HIS WIFE, RECORDED IN

THE OFFICE OF THE RECORDER OF DEEDS OF FAYETTE COUNTY ON JUNE 1, 2015, IN DEED BOOK VOLUME 3278, PAGE 1714. ROBERT C. YATSKO DIED ON JULY 8, 2022 AND UPON HIS DEATH TITLE VESTED IN LEIGH YATSKO AS SURVIVING OWNER BY OPERATION OF LAW.

IMPROVEMENT THEREON: A frame residential dwelling being known and numbered 130 Carr Street, New Salem, PA 15468.

TAX PARCEL NUMBER: 22-10-0046.

Property seized and taken in Execution as the property of LEIGH YATSKO.

No. 1226 of 2024 G.D.
No. 304 of 2024 E.D.

**PNC Bank, National Association
PLAINTIFF
VS.**

Kimberly Miriam Yauger a/k/a Kimberly M. Baldwin, Executrix of the Estate of Charlotte Miriam Bryner a/k/a Charlotte M. Bryner, deceased

DEFENDANT

COMMONLY KNOWN AS: 290 Foxburg Road, Normalville, PA 15469
TAX PARCEL NO. 35-09-0127

*** 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

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- Security Fund / IOLTA
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- Subpoena Assistance
- Licensure
- Conflict Resolution

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JUDICIAL OPINION

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

| | | |
|--------------------------|---|-----------------------------------|
| WILLIAM WORK, | : | |
| Appellant, | : | |
| v. | : | |
| MENALLEN TOWNSHIP ZONING | : | |
| HEARING BOARD, | : | No. 1043 of 2024 |
| Appellee. | : | President Judge Steve P. Leskinen |

OPINION AND ORDER

LESKINEN, P.J.

October 15, 2024

Before the Court is the Land Use Appeal of Appellant, William Work ("Work"). Upon consideration of the record in this matter and the additional evidence presented at the hearing on August 14th, 2024, the Court issues this Opinion and Order vacating the decision of the Menallen Township Zoning Hearing Board ("ZHB") and remanding to that ZHB for further proceedings.

Factual and Procedural History

Work is the owner of Work Auction Solutions, LLC, a Pennsylvania company that conducts vehicle and equipment auctions, primarily through an online platform. In October of 2023, Work Auction purchased two adjacent lots ("Lots") fronting on the southern side of State Route 40 (also known as National Pike) in Menallen Township, intending to relocate the auction business to the Lots. {1} The Lots are in Menallen Township's Mixed Use Corridor District, which allows business and higher density residential land uses along major roadways.

On January 8th, 2024, Work submitted a Zoning Hearing Application ("Application") requesting a zoning hearing for a special exception for commercial use of the property at 7702 National Pike Road. {2} The ZHB set a hearing on the request for special exception for February 8th, 2024. At the hearing, the ZHB voted to table the matter and to hold a second hearing to ensure compliance with the notice requirements under Section 8.22(a) of the Ordinance. The second hearing was held on March 14th, 2024. At the beginning of the hearing the ZHB admitted into the record a letter from Attorney Robert Harper, Jr. dated March 14th, 2024, supplementing the application to request a special exception for both parcels. {3} The ZHB entered a written decision on April 29th, 2024, denying the request for a special exception. The ZHB found that Work's auctions would involve the sale of heavy equipment, which is specifically excluded under Section 2.3 of the Ordinance. {4} Work filed the above-captioned Land Use Appeal ("Appeal") on May 24th, 2024. On July 29th 2024, Work filed a Motion for Admission of Evidence seeking to present additional evidence at the hearing on the Appeal, which was granted by Order dated August 1st, 2024, and by the stipulation of the parties. This Court held a hearing on the Appeal on August 14th, 2024.

Standard of Review

A trial court's scope of review from a land use appeal depends on whether the court takes additional evidence on the appeal. When a trial court takes additional evidence, as this Court did here, it must decide the case de novo, setting forth sufficient findings of fact to support its decision. *De Cray v. Zoning Hearing Bd. of Upper Saucon Tp.*, 599 A.2d 286, 288 (Pa. Cmwlth. 1991).

"A special exception is neither special nor an exception, but a use expressly contemplated that evidences a legislative decision that the particular type of use is consistent with the zoning plan and presumptively consistent with the health, safety, and welfare of the community." *Allegheny Tower Associates, LLC, v. City of Scranton Zoning Hearing Board*, 152 A.3d 1118, 1123 (Pa. Cmwlth. 2017). An applicant for a special exception has the burden of proof to demonstrate that its proposed use meets the objective requirements in the ordinance for the grant of the special exception. *Id.*

"The question of whether a proposed use falls within a given category specified in an ordinance is a question of law." *Sabatine v. Zoning Hearing Bd. of Washington Tp.*, 651 A.2d 649, 653 (Pa. Cmwlth. 1994). The issue becomes one of statutory construction and a court is bound by the definitions of terms in an ordinance. However, when an ordinance does not define a term that is otherwise in common usage, the term should be given its common usage meaning. Here, the Ordinance does not define or provide for "auction use," and it references, but does not define, "heavy equipment." *Id.* Under Section 1.6 of the Ordinance, Uses for Which No Provision is Made:

Whenever, in any district established under this Ordinance, a use is not specifically permitted and an individual makes an application to the Zoning Offer [sic] for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board, which shall have the authority to permit or deny the proposed use. The use may be permitted if it is similar to, and compatible with, permitted uses in the district and in no way is in conflict with the general purpose and intent of this Ordinance or any provision permitting the same, provided that the same shall comply and follow all requirements of this Ordinance.

{1} The first lot, at 7702 National Pike, has parcel ID# 22-17-0074 and consists of an unimproved vacant lot of approximately 7.7 acres. The second lot, at 7696 National Pike, has parcel ID# 22-17-0075 and consists of a single- family residential structure situated on approximately 0.8 acres.

{2} The second page of the Application states "The owner Is requesting a nonconforming use for a commercial business in an MX zoning district as per Chapter 7, Section 7.2" (Referring to the Menallen Township Zoning Ordinance ("Ordinance").) The description of the project states, "[t] his development or project will be for the conversion of an existing residential home into office space and the rest of the property to be used as a small storage yard for equipment to [be] auctioned."

{3} Work was not represented by counsel at the first hearing but was represented by Attorney Harper at the second hearing. The letter referenced two clarifications: 1) The special exception request is for two parcels 22-17-0074 (7702 National Pike, Uniontown) and 22-17-0075 (7696 National Pike); 2) The applicant is seeking a Special Exception for both parcels: a) At 22-17-0074 {7702 National Pike}, applicant is requesting a special exception to establish an office space in a converted residential unit. Said office space will be utilized for his equipment auction company; and b) At 22-17-0074 {7696 National Pike}, applicant is requesting a special exception for a vehicle sales/rental/service and storage yard for his equipment auction company and automobile sales.

{4} At the hearing on the Appeal, the parties stipulated that the ZHB's decision was timely filed on the 46th day after the hearing where the 45th day fell on a Sunday.

Therefore, under this Section of the Ordinance, the question before the ZHB and now de novo before this Court is whether Work's proposed use is similar to and compatible with the permitted uses in Mixed Use Corridor.

Discussion

Work's original Application and the use of the Lots he proposed has been amended and refined as this case progressed through the two hearings and this appeal. The first page of Work's Application marked the request as one for a special exception, however, the narrative portion on page two identified the zoning request as one for a "nonconforming use" {5} and characterized the project as office space with a small storage yard for equipment to be auctioned. In his testimony at the first hearing, Work focused on the sale of equipment. When asked what kind of equipment, Work responded, "skid loaders, excavators, farm equipment, and things of that sort. Trucks, commercial vehicles. Things like that." (2/8/24 Tr. p. 6.) In the second hearing, when asked what types of things he auctions, Work replied, "heavy machinery, vehicles. It could be gates, it could be a trailer. All sorts of different things that, you know, --whatever is in the surrounding community that comes." (3/14/24 Tr. p. 11.) The definition of "Vehicle Sales, Rental, and Service" as defined in Section 2.3 (Definitions) of the Ordinance (which is a special exception use in the Mixed Use Corridor District) specifically excludes the sale of heavy equipment without defining the term. The ZHB's decision to deny the Application was based entirely on that exclusion.

In his additional testimony offered at the hearing on the Appeal, Work focused more on the sale and auction of cars, trucks, and equipment that would be similar in size to those types of vehicles. Work's counsel noted the lack of a definition for heavy equipment as a source of confusion and potential misunderstanding as to Work's intent. His description of the proposed use came closer to the Vehicle Sales use described in the Ordinance. Whether Works sells vehicles and equipment on-site or by online auction, the items will need to be delivered to the site and transported after purchase, thus the impact on the neighborhood is likely to be similar. Where Work's proposed use would vary from the Vehicle Sales use would be in the nature of the items being sold and whether Work conducts in-person auctions on-site. These issues could be addressed by setting reasonable conditions on the grant of a special exception to maintain the intended character of the Mixed Use Corridor District. The Ordinance expressly permits the attachment of such conditions in Section 8.9(b).

The ZHB's Findings of Fact in the March 14th, 2024, Decision are adopted and incorporated by reference here. The Court further finds that Work's proposed use could also include the sale of cars, trucks, equipment (including farm equipment), and commercial vehicles that would be no more disruptive to the surrounding area than passenger and light commercial vehicles. Based on Work's testimony throughout the record and given that the Ordinance does not define the term "heavy equipment," Work's proposed use is similar enough in nature to the Vehicle Sales, Rental, and Service use permitted by special exception, that with the attachment of reasonable conditions and safeguards, including a clear standard for the types of "heavy equipment" prohibited for sale on the Lots, the proposed use would be permitted by special exception under Section 8.9 of the Ordinance. {6} To the extent that the proposed use includes the conversion of a residential structure to office space and the operation of a car lot for vehicle sales, these aspects of the proposed use would clearly fall within a use addressed by the Ordinance

and should also be granted pursuant to the Ordinance.

As the local zoning officials have the best knowledge of the local circumstances and needs of the community, they are in a better position than this court to establish the conditions to be applied to the special exception, and therefore a remand to the ZHB to set reasonable conditions on the use is appropriate.

WHEREFORE, the Court issues the following Order:

ORDER

AND NOW, this 15th day of October, 2024, after hearing on the Land Use Appeal filed by William Work at which the Court took additional evidence, the Court hereby VACATES the decision of the Menallen Township Zoning Hearing Board ("ZHB") dated March 14th, 2024, and REMANDS the matter to the ZHB for further proceedings consistent with the foregoing Opinion, and specifically to impose appropriate conditions on the grant of a Special Exception.

BY THE COURT:
STEVE P. LESKINEN,
PRESIDENT JUDGE

ATTEST:
PROTHONOTARY

{5} A nonconforming use under the Ordinance is one where the use was lawfully in existence prior to the enactment of the Ordinance and is not applicable here.

{6} One parameter that might separate "heavy equipment" from ordinary equipment and vehicles could be defining "heavy equipment" to be equipment that is too large or too heavy to be transported on Pennsylvania highways without first obtaining a transport permit, and/or without first disassembling the equipment, as in removing the blade and/or treads from a large bulldozer. That standard would fit the common understanding of "heavy equipment." Equipment more than 8'6" wide, or more than approximately 40 tons would be heavy equipment, while a crane mounted on a road-legal truck and used to set roof trusses would not be. Other parameters could be added as appropriate. Tractors and skid steers that could be transported on an ordinary tilt bed or trailer without a transport permit would also not be "heavy equipment."

LUNCH & LEARN SERIES

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

- Date: **Wednesday, December 18th from 12:00 p.m. to 1:30 p.m.**
- Location: **Courtroom No. 2 of the Fayette County Courthouse**
- Discussion topics: **Be it Resolved... Striving for a (Realistic) Work/Life Balance in 2025**
- Presenter: **Brian S. Quinn, Esq. – Lawyers Concerned for Lawyers**

CLE Credit

1.5 hours of Substantive CLE credit for the program. The fees are as follows:

Members of the FCBA

- \$5 fee for attendance without CLE Credit
- \$15 fee for attendance with CLE Credit

Attorneys admitted to practice in Pennsylvania after January 1, 2019

- \$5 fee for attendance with CLE Credit

Non-members of the FCBA

- \$15 fee for attendance without CLE Credit
- \$40 fee for attendance with CLE Credit

**** All fees to be paid at the door ****
A light lunch will be provided.

RSVP

If interested in attending, please call Cindy at the Bar office at 724-437-7994 or email to cindy@fcbar.org on or before Monday, December 16th.

ANNUAL MEMBERSHIP MEETING

The Annual General Membership meeting of the Fayette County Bar Association will be held on Wednesday, December 18, 2024, at 1:30 pm in Courtroom No. 2 at the Fayette County Courthouse, 61 East Main Street, Uniontown, PA 15401. Members are invited to present topics of concern or interest to the Association.



The Fayette County Bar Association
invites you to join us for a

Christmas PARTY

December 12 at 5:00 pm

TITLOW TAVERN

RSVP by Friday, December 6th
724-437-7994 or cindy@fcbar.org

Guests Welcome

Please bring new, unwrapped toys for donation to
Fayette County Children & Youth Services.
Monetary donations payable to "CYS Advisory Board."



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