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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

CAROLYN J. DANIELS, a/k/a CAROLE J. DANIELS, a/k/a CAROLYN JOYCE DANIELS, late of Masontown Borough, Fayette County, PA (3)

Personal Representative:
George Gregory Daniels
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Robert A. Gordon

DAVID GALLO, late of Springhill Township, Fayette County, PA (3)

Personal Representative: Lisa Jean Lupold
2215 Parkside Road
Camp Hill, PA 17011

JANET M. HARKINS, a/k/a JANET MARIE HARKINS, late of Lower Tyrone, Fayette County, PA (3)

Personal Representative: Charlene McNatt
c/o 208 South Arch Street, Suite 2
Connellsville, PA 15425
Attorney: Richard Husband

BRIAN J. HUNTER, a/k/a BRIAN JAMES HUNTER, late of Menallen Township, Fayette County, PA (3)

Administrator: Thomas W. Hunter
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Robert A. Gordon

H. JOANNE JOHN, a/k/a JOANNE JOHN, late of South Union Township, Fayette County, PA (3)

Personal Representative: Kathleen Miller
c/o George & George
92 East Main Street
Uniontown, PA 15401
Attorney: Joseph M. George

ANNA M. LUTRARIO, a/k/a ANNA MARIE LUTRARIO, a/k/a ANNA LUTRARIO, late of Uniontown, Fayette County, PA (3)

Administrator: Michael A. Lutrario
9 Court Street
Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

LUDWIG MISCOVICH, a/k/a STEVE L. MISCOVICH, late of Georges Township, Fayette County, PA (3)

Executrix: Anna Miscovich
c/o Kopas Law Office
556 Morgantown Road
Uniontown, PA 15401
Attorney: John Kopas

JOSEPH REYNOLDS, a/k/a JOSEPH L. REYNOLDS, a/k/a JOSEPH LEWIS REYNOLDS, late of Point Marion, Springhill Township, Fayette County, PA (3)

Personal Representative:
R. Wayne Wolfram
c/o George & George
92 East Main Street
Uniontown, PA 15401
Attorney: Joseph M. George

CYNTHIA SCHROYER, late of Connellsville, Fayette County, PA (3)

Personal Representative: Katie Rowe
c/o 2 Chatham Center, Suite 985
Pittsburgh, PA 15219
Attorney: Dorothy Dohanics

PATRICIA SWANEY, a/k/a PATRICIA J. SWANEY, a/k/a PATRICIA JUNE SWANEY, late of George Township, Fayette County, PA (3)

Co-Executrix: Candace A. Nicholson
and Connie S. Epley
c/o Kopas Law Office
556 Morgantown Road
Uniontown, PA 15401
Attorney: John Kopas

**JAMES K. WAGNER, late of Connellsville,
Fayette County, PA (3)**

Personal Representative: Jeffrey Wagner
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

Second Publication

**CLARA LEE ANDREWS, a/k/a CLARA L.
ANDREWS, late of Masontown, Fayette
County, PA (2)**

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

**JOYCE EMBACHER, a/k/a JOYCE S.
EMBACHER, a/k/a JOYCE EILEEN
EMBACHER, late of Georges Township,
Fayette County, PA (2)**

Executor: Joseph W. Embacher
c/o Kopas Law Office
556 Morgantown Road
Uniontown, PA 15401
Attorney: John Kopas

**ROBERT P. KOVACH, late of Uniontown,
Fayette County, PA (2)**

Personal Representative: Robin R.
Ruggieri and Jamie L. Metheny
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

**LINDA G. KOVALSKY, late of Bullskin
Township, Fayette County, PA (2)**

Administrator: Robert Franklin Lint
179 Hammondsville Street
Mount Pleasant, PA 15666
c/o Lederach Law
201 North Chestnut Street
P.O. Box 342
Scottdale, PA 15683
Attorney: James S. Lederach

**DOMENICK LEO LEDONNE, a/k/a
DOMENICK L. LEDONNE, late of
Masontown, Fayette County, PA (2)**

Executor: Domenick A. LeDonne
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

**BARRY I. PLETCHER, late of Saltlick
Township, Fayette County, PA (2)**

Executrix: Suzanne Kelley
235 Quail Drive
Greensburg, PA 15601
c/o Turin & DeMatt, P.C.
115 North Main Street
Greensburg, PA 15601
Attorney: Todd T. Turin

First Publication

**KERGIN NADINE COBB, late of German
Township, Fayette County, PA (1)**

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 (1)**

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 (1)**

Executrix: Nadine Cape
c/o Leech Tishman Fuscaldo & Lamp
525 William Penn Place, 28th Floor
Pittsburgh, PA 15219
Attorney: Matthew Rak

LEGAL NOTICES

IN THE COURT OF COMMON PLEAS
Fayette COUNTY
CIVIL ACTION - LAW
ACTION OF MORTGAGE FORECLOSURE
Term No. 2172 OF 2022 GD
NOTICE OF ACTION IN MORTGAGE
FORECLOSURE

LAKEVIEW LOAN SERVICING, LLC
Plaintiff
vs.

LEON JONES Solely in His Capacity as Heir of
Dorothy J. Jones, Deceased, LESLIE JONES
Solely in Her Capacity as Heir of Dorothy J.
Jones, Deceased, ROY JONES JR, Solely in His
Capacity as Heir of Dorothy J. Jones, Deceased,
WILLIAM JONES Solely in His Capacity as
Heir of Dorothy J. Jones, Deceased, The
Unknown Heirs of Dorothy J. Jones Deceased &
LORETTA WYNN Solely in Her Capacity as
Heir of Dorothy J. Jones, Deceased
Mortgagor and Real Owner
Defendant

TO LEON JONES Solely in His Capacity as
Heir of Dorothy J. Jones, Deceased, LESLIE
JONES Solely in Her Capacity as Heir of
Dorothy J. Jones, Deceased, ROY JONES JR,
Solely in His Capacity as Heir of Dorothy J.
Jones, Deceased, WILLIAM JONES Solely in
His Capacity as Heir of Dorothy J. Jones,
Deceased, The Unknown Heirs of Dorothy J.
Jones Deceased & LORETTA WYNN Solely in
Her Capacity as Heir of Dorothy J. Jones,
Deceased, MORTAGOR AND REAL OWNER,
DEFENDANT whose last known address is 710
Roeder Road Apt 904 Silver Spring, MD 20910.
THIS FIRM IS A DEBT COLLECTOR AND
WE ARE ATTEMPTING TO COLLECT A
DEBT OWED TO OUR CLIENT. ANY
INFORMATION OBTAINED FROM YOU
WILL BE USED FOR THE PURPOSE OF
COLLECTING THE DEBT.

You are hereby notified that Plaintiff
LAKEVIEW LOAN SERVICING, LLC, has
filed a Mortgage Foreclosure Complaint
endorsed with a notice to defend against you in
the Court of Common Pleas of Fayette County,
Pennsylvania, docketed to No. 2172 OF 2022
GD wherein Plaintiff seeks to foreclose on the
mortgage secured on your property located, 246
Coolspring Street Uniontown, PA 15401
whereupon your property will be sold by the
Sheriff of Fayette.

NOTICE

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 the Complaint and notice
are served, by entering a written appearance
personally or by attorney and filing in writing
with the court your defenses 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 claim in the Complaint of 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 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. 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

Michael T. McKeever
Attorney for Plaintiff
KML Law Group, P.C., PC
Suite 5000, BNY Independence Center
701 Market Street
Philadelphia, PA 19106-1532
215-627-1322

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.

(1 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***

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



**WE ARE PROUD TO ANNOUNCE OUR
RECOGNITION BY FORBES AS A
2023 BEST-IN-STATE WEALTH
MANAGEMENT TEAM**

The Highest Standard of Success in Financial Relationships

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JUDICIAL OPINION

**IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA
CRIMINAL DIVISION**

COMMONWEALTH OF PENNSYLVANIA	:
v.	:
	:
CHRISTOPHER JOHNSON,	: No. 358 of 2023
Defendant.	: Honorable Steve P. Leskinen

OPINION

LESKINEN, P.J.

June 16, 2023

Before the Court is the Petition for Writ of Habeas Corpus filed by the Defendant, Christopher Johnson, in which he asserts that the Commonwealth failed to establish each element of the crime of False Identification to a Law Enforcement Officer. The parties stipulated that the Court could base its opinion on the testimony from the preliminary hearing and the recording from the body camera on Officer Wilson.

BACKGROUND

A Preliminary Hearing was held before Magisterial District Judge Shimshock in this case on February 22, 2023. The Commonwealth called German Township Police Officer Nicholas Wilson, who testified to the following:

On April 12, 2022, while in uniform and in a marked police vehicle, Officer Wilson observed a Honda fail to stop at stop signs at the intersection of Balsinger Road and S & T Drive. (Preliminary Hearing Transcript of 2/22/2023 at pg. 5) While following the vehicle, the Officer observed the passenger flick cigarette ash on the roadside. Officer Wilson using his overhead lights made a traffic stop of the Honda. Officer Wilson interviewed the driver and then the passenger who remained in the vehicle. The interviews were taped by the Officer's body camera. After interviewing the driver of the vehicle, the Officer approached the passenger and asked him for his name and identifying information. The passenger responded with the name of Roy Johnson and gave a date of birth of 3/29/74 and then quickly changed his birth date to 3/29/75. (N.T. at pg. 6). The officer then requested the last four digits of his social security number and the passenger responded "9328". Id. The search of the name Roy Johnson revealed that he had a valid Pennsylvania driver's license but had a different social security number than the one provided by the passenger in the vehicle. The license photograph did not match the features of the passenger. Id.

The Officer was able to deduce his true identity from the nickname provided by the driver and he learned that his real name was Christopher Johnson. (N.T. at pg. 7). The Officer charged the Defendant with False Reports to Law Enforcement, 18 Pa. C.S. § 4914(a) and Depositing Waste on Highway, 75 Pa. C.S. § 3709(A).

A review of the body camera reveals the conversation between the Trooper and the driver of the vehicle and then his conversation with the passenger, Defendant herein. The Trooper did not inform the Defendant that he was under investigation.

DISCUSSION

A petition for a writ of habeas corpus is the proper means for testing a pretrial finding that the Commonwealth has sufficient evidence to establish a prima facie case against a defendant. *Commonwealth v. Scott*, 578 a.2d 933, 936-37 (Pa. Super. 1990). The Commonwealth "bears the burden of establishing at least a prima facie case that a crime has been committed and that the accused is probably he one who committed it." *Commonwealth v. McBride*, 595 A.2d 589, 591 (Pa. 1991). In order to establish a prima facie case, the Commonwealth must present evidence

with regard to each material element of the crimes charged and sufficient probable cause that the accused is the person who committed the offense. McBride at 591. (citing *Commonwealth v. Wojdak*, 466 A.2d 991, 996-97 (Pa. 1983)). At this stage, it is not necessary for the Commonwealth to establish the accused's guilt beyond a reasonable doubt. McBride at 591. The weight and credibility of the evidence are not factors at this stage. *Wojak* at 997. The Commonwealth may establish its burden by wholly circumstantial evidence. However, circumstantial evidence must rise above mere suspicion and conjecture. *Commonwealth v. Prado*, 393 A.2d 8, 10 (Pa. 1978).

The Defendant asserts that the Commonwealth failed to establish a prima facie case for the charge of False Reports to Law Enforcement as the Officer failed to advise the Defendant that he was the subject of an official investigation. Section 4914 states:

A person commits an offense if he furnishes law enforcement authorities with false information about his identity after being informed by a law enforcement officer who is in uniform or who has identified himself as a law enforcement officer that the person is the subject of an official investigation of a violation of law.

18 Pa. C.S. § 4914(a).

Section 4914 is unambiguous in its requirements that (1) the police officer either is in uniform or identifies himself as a law enforcement officer to the individual, (2) the officer must inform the individual that he is the subject of an official investigation of a violation of the law, and (3) that after being so informed, the individual provides the law enforcement officer with false information. *Commonwealth v. Kitchen*, 181 A.3d 337 (Pa. Super. 2018). In a factually similar case, *Khalid Barnes* was a passenger in a vehicle that had been stopped by police for a technical violation for having multiple air fresheners hanging in the rear window. When asked for identification, Barnes provided the name of "Troy Anderson" with a date of birth of June 11, 1986 and corrected the date of birth after the first computer search came back with no results. After the information provided by Barnes was determined to be false, the officer then informed the passenger that he was the subject of an official investigation. *Commonwealth v. Barnes*, 14 A.3d 128, 129 (Pa. Super. 2011). The appellate court determined that it was not illegal to provide false information to a law enforcement officer unless and until the individual is apprised that he is the subject of an official investigation. *Id.* This appears to be a technicality, since anyone being questioned by a law enforcement officer can infer that they are being investigated, but it is the binding interpretation of the statute.

A review of the transcript and the body camera footage demonstrate that at no point prior to the Officer asking the passenger for his name and the Defendant providing a false name, did the Officer ever inform him that he was the subject of an official investigation. Even after the Officer was provided with incorrect supporting dates of birth and social security numbers, the Officer did not inform him that he was under investigation for the violation of a crime. The evidence presented does not establish the second element of the charge, that the Officer informed him that he was the subject of an official investigation. Therefore, the Commonwealth has failed to meet its burden. The Motion for Writ of Habeas Corpus is hereby GRANTED and the case is DISMISSED {1}.

BY THE COURT:
STEVE P. LESKINEN, PRESIDENT JUDGE

ATTEST:
Clerk of Courts

{1} The summary offense of depositing waste, especially insofar as the waste deposited was allegedly a cigarette ash observed while the car was still in motion, constitutes a de minimis violation, and it is also dismissed.

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