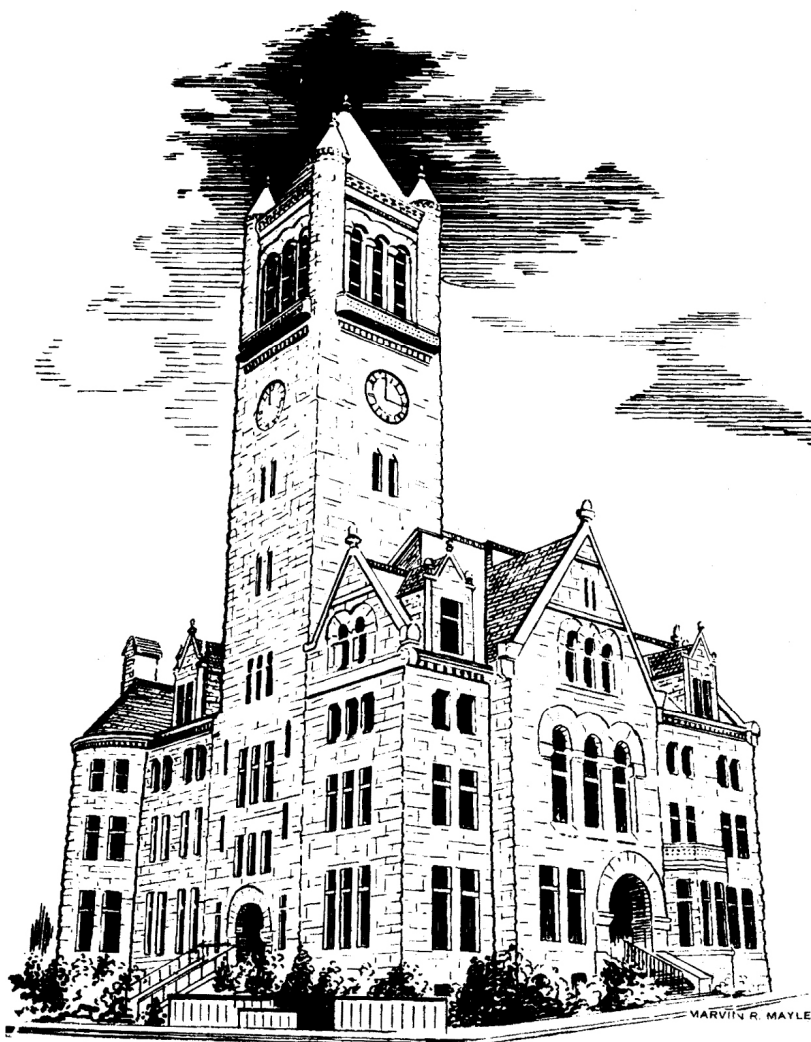


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ESTATE NOTICES

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

ROBERT BARRON, late of Dunbar Township, Fayette County, PA ⁽³⁾

Personal Representative: Leonard W. Barron
c/o 208 South Arch Street, Suite
Connellsville, PA 15425
Attorney: Richard Husband

**TAMARA LYNN HARSHMAN, a/k/a
TAMARA LYNN HARSHMAN-DEAK**, late
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107 East Main Street
Uniontown, PA 15401
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MARILOYD MCCLINTOCK, late of South
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1809 3rd. Street
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319 Pittsburgh Street
Scottdale, PA 15683
Attorney: Kevin Henderson

FRANK A. PIDANICH, late of Newell, Fayette
County, PA ⁽³⁾

Executor: Frank Pidanich, II
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
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ROBERT W. SHEARER, late of Dunbar
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Personal Representative: Robin R. Shearer
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Attorney: Richard Husband

**MICHAEL W. TAMBELLINI, a/k/a
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Executrix: Paula Toncheff
1605 Fallowfield Avenue, Unit 1
Pittsburgh, PA 1521
c/o 1650 Broadway Avenue, Floor 1
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Second Publication

JOSEPH W. BAKER, JR., late of Bullskin
Township, Fayette County, PA ⁽²⁾

Personal Representative: Susan L. Clark
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720 Vanderbilt Road
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PEARL MARIE CORDWELL, late of
Springhill Township, Fayette County, PA ⁽²⁾

Executrix: Joyce Nicklow
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107 East Main Street
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ROBERT DUMLER, late of Redstone
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Personal Representative: Roger Dumler
5387 Hilton Road
Royalton, MN 56373
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Hiller, PA 15444
Attorney: Herbert G. Mitchell

**KEITH DUANE FIRESTONE, a/k/a KEITH
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Co-Executors: Barbara McCoy and
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648 Morgantown Road, Suite B

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Attorney: Robert R. Harper, Jr.

GAYLE M. GUTHRIE, late of Dunbar Township, Fayette County, PA (2)
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CHRISTOPHER M. HACKNEY, late of Redstone Township, Fayette County, PA (2)
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 132 Lyndale Road
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 107 East Main Street
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Attorney: David Lucas

CAROLINE G. RIGG, a/k/a CAROLINE RIGG, late of Farmington, Fayette County, PA
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Executor: Ronald Armel
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 Adah, PA 15410
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 California, PA 15419
Attorney: Lisa Buday

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Personal Representative: Virginia Soliday
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Attorney: Timothy J. Witt

First Publication

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 720 Vanderbilt Road
 Connellsville, PA 15425
Attorney: Timothy J. Witt

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Executrix: Leah Rae Hann Gray
137 Fiedors Grove Road
Mt. Pleasant, PA 15666
Attorney: Paul Toohey

LUCILLE M. HRANEC, a/k/a LUCILLE MARIE HRANEC, late of German Township, Fayette County, PA ⁽¹⁾

Executor: Steven H. Hranec
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

VINCENT LEAPLINE, a/k/a VINCENT L. LEAPLINE, late of Uniontown, Fayette County, PA ⁽¹⁾

Executrix: Karen Claycomb
c/o Casini & Geibig, LLC
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Connellsville, PA 15425
Attorney: Jennifer Casini

ANTHONY JOHN PHILLIPS, late of Saltlick Township, Fayette County, PA ⁽¹⁾

Executor: Anthony John Phillips
c/o 11 Pittsburgh Street
Uniontown, PA 15401
Attorney: Thomas W. Shaffer

LEGAL NOTICES

**IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL DIVISION
NO: 2024-02385**

U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY IN ITS CAPACITY AS INDENTURE TRUSTEE OF CIM TRUST 2021-NR4 vs. DAVID LEE FINFROCK, AS SURVIVING HEIR OF LINDA K. METTS, DECEASED, DIANNA LYNN CAMPBELL-NEWCOMER, AS SURVIVING HEIR OF LINDA K. METTS, DECEASED, DONALD WILLIAM METTS, AS SURVIVING HEIR OF LINDA K. METTS, DECEASED, DWAYNE EMERSON METTS, AS SURVIVING HEIR OF LINDA K. METTS, DECEASED, UNKNOWN SURVIVING HEIRS OF LINDA K. METTS, DECEASED,

NOTICE

TO THE DEFENDANTS:

You are hereby notified U.S. Bank National Association, not in its individual capacity but solely in its capacity as Indenture Trustee of CIM Trust 2021-NR4, has filed a Complaint in Mortgage Foreclosure with regard to 176 Center Street, Uniontown, PA 15401, endorsed with a Notice to Defend, against you at No. 2024-02385 in the Civil Division of the Court of Common Pleas of Fayette County, Pennsylvania, wherein plaintiff seeks to foreclose on the mortgage encumbering said property, which foreclosure would lead to a public sale by the Fayette County Sheriff.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Fayette County Lawyer Referral Service
Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
100 South Street, P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

PLAINTIFF’S ATTORNEY:
STEPHEN M. HLADIK, ESQUIRE
HLADIK, ONORATO & FEDERMAN, LLP
298 WISSAHICKON AVENUE
NORTH WALES, PA 19454, (215) 855-9521

LEGAL NOTICE

Notice is hereby given that Articles of Incorporation have been filed with the Department of the Commonwealth of Pennsylvania on 8/12/2024, with respect to a nonprofit corporation, Community Perks Foundation, which has been incorporated under the Nonprofit Corporation law of 1988. The address of the registered office is 1040 Morrell Ave., Connellsville, PA 15425. A brief summary of the purpose or purposes for which said corporation is: raising funds to be committed to the general benefit of the public and for public community purposes in Pennsylvania within the purview of Section 501(c)(3) of the Internal Revenue Code.

Sepic Law
892 Vanderbilt Rd.
Connellsville, PA 15425

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL DIVISION
NO: 2024-02764

COMPUTERSHARE DELAWARE TRUST
COMPANY, NOT IN ITS INDIVIDUAL
CAPACITY, BUT SOLELY AS OWNER
TRUSTEE OF BRAVO RESIDENTIAL
FUNDING TRUST 2023-RPL1 vs.
ANTHONY R. KOBYLARCZYK, AS
SURVIVING HEIR OF GEORGIANA M.
KOBYLARCZYK, DECEASED, DIANA M.
TREGO, AS SURVIVING HEIR OF
GEORGIANA M. KOBYLARCZYK,
DECEASED, UNKNOWN SURVIVING
HEIRS OF GEORGIANA M.
KOBYLARCZYK, DECEASED, WILLIAM
C. KOBYLARCZYK, AS SURVIVING
HEIR OF GEORGIANA M.
KOBYLARCZYK, DECEASED,

NOTICE

TO THE DEFENDANTS:

You are hereby notified Computershare Delaware Trust Company, not in its individual capacity, but solely as owner trustee of BRAVO Residential Funding Trust 2023-RPL1, has filed a Complaint in Mortgage Foreclosure with regard to 84 Main Street, Smithfield, PA 15478, endorsed with a Notice to Defend, against you at No. 2024- 02764 in the Civil Division of the Court of Common Pleas of Fayette County, Pennsylvania, wherein plaintiff seeks to foreclose on the mortgage encumbering said property, which foreclosure would lead to a public sale by the Fayette County Sheriff.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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(800) 692-7375

PLAINTIFF'S ATTORNEY:
STEPHEN M. HLADIK, ESQUIRE
HLADIK, ONORATO & FEDERMAN, LLP
298 WISSAHICKON AVENUE
NORTH WALES, PA 19454, (215) 855-9521

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JUDICIAL OPINION

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

COMMONWEALTH OF	:
PENNSYLVANIA	:
v.	:
RICHARD LEE HARBAUGH, JR.,	: No. 2476 OF 2023
DEFENDANT.	: Honorable President Judge Steve P. Leskinen

OPINION AND ORDER

Leskinen, P.J.

February 24, 2025

AND NOW, this 24th day of February, 2025, before the Court is the Defendant's Post Sentence Motion. After a trial by jury that commenced on October 7, 2024 and ended on October 8, 2024, the jury entered a verdict of guilty on Possession of Child Pornography, 18 Pa.C.S. § 6312. On January 2, 2025, the Defendant was sentenced to life imprisonment pursuant to 42 Pa.C.S. § 9718.2.

BACKGROUND

On January 27, 2020, the Defendant in Case Number 1326 of 2009 entered a guilty plea to the charge of Indecent Assault-Person Less Than 13 Years of Age, 18 Pa.C.S. §3126(a)(7). Previously on September 29, 2015, at Case Number 820 of 2015, the Defendant entered a plea to Corruption of Minors-Defendant Age 18 Or Above, 18 Pa.C.S. §6301(a)(1)(ii). After these two convictions, the Court found the Defendant to be a sexually violent predator and as a result, the Defendant was required to attend monthly sex assault related counseling; and on an annual basis, he was required to submit to a polygraph test as part of his sentence.

During the annual polygraph testing that was arranged by his sex assault counselor, the Defendant disclosed that he had viewed child pornography and masturbated while viewing the photos. The Defendant related he used his mother's computer to view the images. When the counseling agency supervisor received the report from her subcontractor, she filed a report to Childline. This investigation proceeded from this report. There was no reference during the trial to a polygraph test nor were his prior convictions disclosed to the jury during this trial.

As a result of the Childline report, the Pennsylvania State Police obtained a search warrant to search the Defendant's residence, his vehicle or the body of any person present at the time the warrant was executed. On June 8, 2021, a search was conducted at the Defendant's residence. The Defendant was Mirandized by a Trooper and was questioned. At that time the Defendant admitted that he searched on an old phone for naked teen girls and masturbated to the images. However, he denied that the images were of minors but claimed that the images were of girls at least 18 years of age.

In searching the Defendant, the Trooper recovered a flash drive and an LG mobile phone. The Defendant related that the flash drive had been in his wallet for a long time. In the residence, the Troopers located three (3) photographs of young girls, who the Defendant stated were his cousins. The Defendant admitted to his probation officer that there was child pornography on the items that were seized from his residence.

On October 8, 2024, after the jury had returned a guilty verdict in the Defendant's case, the Commonwealth entered a Notice of their intention to proceed under the mandatory sentencing provisions of 42 Pa.C.S. § 9718.2 which mandates that a person who has two prior convictions for crimes listed under 42 Pa.C.S. § 9799.14, shall be sentenced to a term of life imprisonment. On January 2, 2025, the Court sentenced the Defendant to a sentence of life imprisonment.

WEIGHT OF THE EVIDENCE CLAIM

In the Defendant's motion he alleges that the decision of the jury and his conviction was against the weight of the evidence. A motion for a new trial based on a claim that the verdict is against the weight of the evidence is addressed to the discretion of the trial court. *Commonwealth v. Widmer*, 744 A. 2d 745 (Pa. 2000). A motion for a new trial concedes that there is sufficient evidence to sustain the verdict. *Commonwealth v. Whiteman*, 485 A.2d 459 (Pa. Super. 1984). A weight of the evidence challenge concedes that sufficient evidence exists to sustain the verdict but questions which evidence is to be believed. *Commonwealth v. Lewis*, 911 A.2d 558 (Pa. Super. 2006). A motion for a new trial based on the claim that the verdict is against the weight of the evidence is addressed to the discretion of the trial court. *Widmer*, 744 A.2d at 751-52.

A new trial should not be granted because of a mere conflict in the testimony or because the judge on the same facts would have arrived at a different conclusion. *Id.* The role of the trial judge is to determine that "notwithstanding all the facts, certain facts are so clearly of greater weight that to ignore them or to give them equal weight with all the facts is to deny justice. *Id.* A new trial should be awarded only when the jury's verdict is so contrary to the evidence as to shock one's sense of justice and the award of a new trial is imperative so that right may be given an opportunity to prevail. *Commonwealth v. Brown*, 648 A.2d 1177 (Pa. 1994).

In a criminal prosecution, the jury, as the trier of facts, is responsible for assessing the credibility of witnesses and determines the weight to be given to the evidence presented. *Commonwealth v. Favinger*, 358 Pa. Super. 245 (1986). The jury is free to believe all, part, or none of the evidence presented. The jury can base its determination on circumstantial evidence to establish criminal intent and actions. In this case, the jury found after a review of the evidence that the Defendant was guilty of the charges.

After executing a search warrant at the Defendant's residence, the Pennsylvania State Troopers located numerous images on a cell phone that were images of child pornography. These images were shown to the jury who determined that the images contained child pornography. There were also searches on a cell phone removed from the Defendant's person in which the Defendant was searching for and attempting to contact "live fifteen year old girls". The Defendant made admissions in a session with a polygrapher and to his adult probation officer that he was in possession of and viewing child pornography.

The Court concludes that the verdict of the jury was not against the weight of the evidence presented, was solidly based on the evidence, and does not shock the court's sense of justice.

COMMONWEALTH FAILED TO PROVIDE SUFFICIENT EVIDENCE

The Defendant in his Post Sentence Motion raises several issues related to the sufficiency of the evidence: the Commonwealth failed to demonstrate that the Defendant had

possession of the child pornography images, the images were not proven to be images of a minors, there was no testimony from the victims who were depicted in the images of their exact age. The standard of review in assessing whether sufficient evidence was presented to sustain a conviction is whether, viewing all the evidence admitted at trial in the light most favorable to the verdict winner, there is sufficient evidence to enable the fact-finder, the jury in this case, to find every element of the crimes charged beyond a reasonable doubt. *Commonwealth v. Dixon*, 276 A.3d 794 (Pa. Super. 2022). Any doubts regarding a defendant's guilt may be resolved by the jury unless the evidence is so weak and inconclusive that, as a matter of law, no probability of fact may be drawn from the combined circumstances. *Id.* The Commonwealth may sustain its burden of proving every element of the crimes charged beyond a reasonable doubt by means of wholly circumstantial evidence. *Id.* To assess whether sufficient evidence was presented to sustain a conviction on each charge, the entire record must be evaluated and all evidence received into the record must be considered. The jury determines the credibility of the witnesses and the weight of the evidence produced, is free to believe all, part, or none of the evidence presented. *Id.* It is not essential that the Defendant was the owner of the cell phones but rather whether he was in possession of cell phones that contained prohibited images of child pornography.

The Defendant asserts that there was no proof presented that the images contained photos of children or established the ages of the children. The Defendant also asserts that because the images were not of a known victim, no victim was able to testify about their age when the images were captured. The jury has the responsibility to determine whether the evidence presented established the elements the charge. After viewing the evidence, the jury could accept all, part or none of the evidence presented established an element of the charge. As the jury convicted him, they obviously determined that the images presented contained images of child pornography.

The Defendant asserts that the testimony of Christine Carroll, the administrator for the counseling program he attended, was hearsay. The administrator testified that she received a report from a subcontractor that the Defendant had viewed and masturbated to child pornography on his mother's computer. The Defendant asserts that this information should not have been admitted as it was hearsay. The Commonwealth presented argument that the document came in under an exception to the hearsay rule as a business record. Pa.R.E. 803. A business record of regularly conducted business is a record of an act event or condition if (a) the record was made at or near the time by someone with knowledge; (b) the record was kept in the regular course of a business; (c) making the record was a regular practice; (d) these conditions are demonstrated by the testimony of the custodian or another qualified witness; and (e) the opponent doesn't show that the source of the information indicate a lack of trustworthiness. 42 Pa.C.S. § Pa.R.E. 803(6). The Commonwealth presented sufficient foundation testimony by the custodian that the record was made in the regular course of business and it was the regular practice of the business to have such reports prepared.

The Defendant also admitted to his adult probation officer that the items confiscated from his home would contain child pornography. In the Defendant's residence, numerous images of child pornography were located. It is the role of the jury to decide whether the images depicted children. No specialized knowledge is necessary for the jury to observe an image and make a determination that the image contained a child and not an adult. There was no specific testimony during the trial contesting the age of the individuals in specific pictures, and the jury had the opportunity to view the images.

They determined that the images contained children. The Commonwealth presented sufficient evidence to support this charge.

DISCLOSURE OF ADDITIONAL DISCOVERY

On January 24, 2024, the Defendant filed a Motion for Discovery and Enlargement of Time to File an Omnibus Pretrial Motion. Thereafter, on January 30, 2024, the Court signed an order directing the Commonwealth to provide discovery by March 1, 2024 and the defense had until March 20, 2024 to file a Motion for Omnibus Pretrial Relief. On the day of trial, after the jury was impaneled, the Commonwealth gave the Defendant multiple police reports, Google records, a copy of the polygraph report, and other records previously not given to Defense counsel. Defense counsel objected. The defense claimed that the Commonwealth should not have been permitted to provide extensive evidence at the beginning of trial, as this left the defense with insufficient time to review the documents. As the Court had already impaneled a jury, no continuance was possible, and no motion for mistrial was made. The Commonwealth asserted that almost all of the information had previously been provided to the defense and that any additional information that was furnished related to the polygraph or other evidence that was not going to be used in the trial by either side. Pa.R.Crim.P. 573 outlines the Commonwealth's obligations regarding discovery. The rule mandates that certain evidence must be disclosed upon request, provided that it is material to the case. However, the rule does not specify a strict timeline for disclosures. Under the circumstances of this case, the tardy disclosure of discovery is not sufficient to warrant a new trial. *Commonwealth v. Gallo-way*, 771 A.2d 65 (2001). To obtain relief, the defense must demonstrate that actual prejudice resulted from the late disclosure, and no such prejudice has been shown. *Id.*

The defense has failed to assert specifically how their case was prejudiced by the late disclosure of information related to the polygraph examination. As there is a prohibition on the introduction of a polygraph examination, the failure to provide a video of the test or other information related to the examination, it is difficult to determine how the late disclosure of this information could have been prejudicial. *Commonwealth v. Watkins*, 750 A.2d 308 (2000). The parties were in agreement that the facts that the Defendant had prior sex assault convictions and was required by those convictions to participate in sex assault counseling and undergo an annual polygraph examination was information that should not be presented to the jury. The defense has not set forth any information contained in the discovery provided the morning of trial that was material, had not been provided previously, and was prejudicial to the Defendant's case. Therefore, this allegation is without merit.

After review of the issues raised in the post sentence motion, the Court must deny the motion as lacking in merit.

ORDER

AND NOW, this 24th day of February, 2025 upon consideration of the above referenced Opinion, the Defendant's Post Sentence Motion is hereby DENIED.

BY THE COURT:
STEVE P. LESKINEN
PRESIDENT JUDGE

ATTEST:
Clerk of Courts



130th Annual

FAYETTE COUNTY BAR ASSOCIATION

BAR BANQUET

SUNDAY, MAY 18TH

FIRST FLIGHT ISLAND RESTAURANT
301 WHITEHEAD STREET

Key West, Florida

6:00 COCKTAILS & HORS D'OEUVRES
7:00 DINNER

RSVP TO THE ASSOCIATION BY APRIL 14TH
724-437-7994 *or* GARNET@FCBAR.ORG

FCBA MEMBERS COMPLIMENTARY
GUESTS WELCOME! GUEST FEE \$100



FAYETTE COUNTY BAR ASSOCIATION

Bar Banquet Weekend Itinerary May 16-19

SUGGESTED ACCOMMODATIONS:

Casa Marina or Southernmost Beach Resort

FRIDAY

SUGGESTED FLIGHT:

Allegiant Flight 991

PIT -> EYW 1:59 PM - 4:41 PM

8:30 PM - GHOSTS & GRAVESTONES TOUR (\$40)



SATURDAY

8:00 AM - 10:00 AM - WELCOME BREAKFAST & CLE

Flagler's Restaurant @ Casa Marina

Breakfast Buffet (Complimentary)

1.0 Ethics Credits 8:30 - 9:30 AM (\$20)

6:00 PM - SUNSET SAIL CRUISE

Appetizers & Drinks (\$80)



SUNDAY

10:00 AM - BUTTERFLY CONSERVATORY (\$18)

12:00 PM - ERNEST HEMINGWAY HOME (\$19)

6:00 PM - 130TH ANNUAL BAR BANQUET
First Flight Island Restaurant



MONDAY

SUGGESTED FLIGHT:

ALLEGiant FLIGHT 1012

EYW -> PIT 10:23 AM - 1:09 PM



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