

FAYETTE LEGAL JOURNAL

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FAYETTE LEGAL JOURNAL

The FAYETTE LEGAL JOURNAL is published weekly by the Fayette County Bar Association, 45 East Main Street, Suite 100, Uniontown, Pennsylvania 15401, 724-437-7994. Legal advertisements should be submitted online at www.fcbar.org no later than 12:00 noon on Friday for publication the following Saturday. No date of publication is promised, however. Legal notices are published exactly as submitted by the advertiser. Copyright 2001 Fayette County Bar Association. All rights reserved.

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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

PATRICIA PETERS-ADAMSON, a/k/a PATRICIA ANN PETERS ADAMSON, late of Brownsville Township, Fayette County, PA
Executor: Ronald R. Peters, Jr. (3)
 c/o 206 Derrick Avenue
 Uniontown, PA 15401
Attorney: Gary Altman

DENNIS RALPH BALLAS, a/k/a DENNIS R. BALLAS, late of German Township, Fayette County, PA (3)
Executor: John Maykuth
 c/o Higinbotham Law Offices
 68 South Beeson Boulevard
 Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

BARBARA J. BERDAR, late of South Union Township, Fayette County, PA (3)
Executrix: Debra J. Crago
 c/o Higinbotham Law Offices
 68 South Beeson Boulevard
 Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

KATHLEEN S. LACLAIR, late of South Union Township, Fayette County, PA (3)
Executor: Michael M. LaClair
 c/o Davis & Davis
 107 East Main Street
 Uniontown, PA 15401
Attorney: Gary J. Frankhouser

DONNA LEE MARTIN, late of North Union Township, Fayette County, PA (3)
Executor: David Dean Martin
 c/o Higinbotham Law Offices

68 South Beeson Boulevard
 Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

SANDRA L. MURRAY, a/k/a SANDRA LEE MURRAY, late of Lower Tyrone Township, Fayette County, PA (3)
Executrix: Soni Mancuso
 c/o 11 Pittsburgh Street
 Uniontown, PA 15401
Attorney: Thomas W. Shaffer

SUE ROGERS, late of Uniontown, Fayette County, PA (3)
Administrator: Curtis Rogers
 c/o 208 Sandle Wood Drive
 East Stroudsburg, PA 18301
Attorney: Curtis Rogers

Second Publication

INEZ E. BONTRAGER, late of Connellsville, Fayette County, PA (2)
Executor: Greta Moore
 484 Narrows Roads
 Connellsville, PA 15425
 c/o Stewart Law, LLC
 229 South Maple Avenue
 Greensburg, PA 15601
Attorney: Christina Dubosky

AUDREY BROOKS, a/k/a AUDREY A. BROOKS, late of Bullsken Township, Fayette County, PA (2)
Executor: Mark D. Brooks
 c/o Tremba Kinney Greiner & Kerr
 1310 Morrell Avenue, Suite C
 Connellsville, PA 15425
Attorney: John Greiner

CAROL D. FOSTER, late of Luzerne Township, Fayette County, PA (2)
Personal Representative:
 Tammy L. Cooper
 c/o Higinbotham Law Offices
 68 South Beeson Boulevard
 Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

LORI LEE FRAN CZYK, late of Fairchance
Borough, Fayette County, PA (2)

Executrix: Dina Nassiri
c/o Fitzsimmons and Barclay
55 East Church Street, Suite 102
Uniontown, PA 15401
Attorney: James N. Fitzsimmons, Jr.

GEORGE WILLIAM KENDALL, late of
Springhill Township, Fayette County, PA (2)

Administratrix: Susan D. Austin
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Anthony S. Dedola, Jr.

First Publication

ROBERT AXE, late of Dunbar Township,
Fayette County, PA (1)

Executrix: Jodi L. Axe
486 Ranch Road
Dunbar, PA 15431
c/o Conti Law
7880 Steubenville Pike
Oakdale, PA 15071
Attorney: Michele Conti

**ROBERT BANKHEAD, a/k/a ROBERT LEE
BANKHEAD**, late of Wharton Township,
Fayette County, PA (1)

Executor: Todd J. Hager
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

WILLIAM D. BERNHARDT, late of Dunbar
Township, Fayette County, PA (1)

Executrix: Carole Annette Nagy, a/k/a
Carole A. Nagy
c/o 9 Court Street
Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

**ANTHONY DECENZO, a/k/a ANTHONY P.
DICENZO, SR., a/k/a ANTHONY P.
DICENZO, a/k/a ANTHONY DICENZO**, late
of Brownsville, Fayette County, PA (1)

Executrix: Constance L. Dicenzo
515 High Street
Brownsville, PA 15417
c/o 76 East Main Street

Uniontown, PA 15401
Attorney: Douglas S. Sholtis

MARY ANN FRAN CZYK, late of Fairchance
Borough, Fayette County, PA (1)

Executrix: Leslie A. Franczyk
113 General Drive
Uniontown, PA 15401-5420
c/o Kopas Law Office
556 Morgantown Road
Uniontown, PA 15401
Attorney: John A. Kopas, III

**ELIZABETH KOOSER, a/k/a ELIZABETH
FRANCES KOOSER**, late of Brownfield,
Fayette County, PA (1)

Executrix: Lori Geisler
1400 Vine Street
South Connellsville, PA 15425
c/o Kopas Law Office
556 Morgantown Road
Uniontown, PA 15401
Attorney: John A. Kopas, III

JAMES GREGG PALKO, late of German
Township, Fayette County, PA (1)

Executrix: Jewel Marie Palko
c/o Monaghan & Monaghan, L.L.P.
57 East Main Street
Uniontown, PA 15401

LEGAL NOTICES

NOTICE

The Joseph J. Kerestesy Inter Vivos Revocable Trust was established by Joseph Jody Kerestesy who has since passed away. All persons having claims against Joseph Jody Kerestesy are requested to make such claim(s) known to the trustee of said Trust, Veronica Brestensky, or her attorney, Charles R. Pass III, Esquire, addressed to 429 Fourth Avenue, Suite 1204, Pittsburgh, PA 15219.

Charles R. Pass III, Esquire
429 Fourth Avenue, Suite 1204
Pittsburgh PA 15219

(3 of 3)

SHERIFF'S SALE

Date of Sale: November 21, 2024

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 November 21, 2024, at 2:00 pm at <https://fayette.pa.realforeclose.com>.

The Conditions of sale are as follows:

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

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

(1 of 3)

James Custer
 Sheriff of Fayette County

No. 1777 of 2024 GD
 No. 252 of 2024 ED

**U.S. Bank National Association as Legal Title Trustee for Truman 2016 SC6 Title Trust
 Vs.
 David Blades Sr. a/k/a David A. Blades Sr.**

ALL THAT CERTAIN piece or parcel or tract of land containing 197 Coates Way situate in the Township of Washington, County of Fayette, and State of Pennsylvania

Tax Parcel No. 41-18-0002

TITLE TO SAID PREMISES IS VESTED IN David A. Blades Sr. and Melissa Blades, husband and wife, by deed from Catherine S. Marshall and Jack W. Marshall, wife and husband and Beverly Lynne Coates, Administrator of the Estate of John A. Coates, Sr., dated August 8, 2006, recorded August 16, 2006 in the Fayette County Clerk's/Register's Office in Deed Book 2996, Page 2185.

Sold as the property of David A. Blades Sr. and Melissa Blades and Melissa Blades

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

No. 1975 of 2023 GD
 No. 227 of 2024 ED

**WILMINGTON SAVINGS FUND SOCIETY, FSB, AS TRUSTEE OF STANWICH MORTGAGE LOAN TRUST I
 Plaintiff**

v.

JOHN S. CIPRIANI AND SHARON L. CIPRIANI

Defendants

Plaintiff: WILMINGTON SAVINGS FUND SOCIETY, FSB, AS TRUSTEE OF STANWICH MORTGAGE LOAN TRUST I

v.

Defendants: JOHN S. CIPRIANI AND SHARON L. CIPRIANI

Owners of property situate in South Union Township, Fayette County, Pennsylvania, being pin number 34-36-0013

Property being known as: 1080 Walnut Avenue, Uniontown, PA 15401

Improvements thereon: Residential Property

No. 627 of 2024 GD
No. 229 of 2024 ED

No. 720 of 2024 GD
No. 258 of 2024 ED

**KeyBank, NA s/b/m First Niagara Bank, NA
Plaintiff,
vs.
Amanda Louise Cooper, AKA Amanda L.
Cooper, AKA Amanda L. Close
Defendant.**

**Flagstar Bank, N.A. f/k/a Flagstar Bank, FSB
Plaintiff
vs.
Samantha A. Farmer n/k/a Samantha A.
McDevitt Ann Ward
Mackenzie Wall
Defendant(s)**

ALL that certain parcel of land lying and being situate in the Township of North Union, County of Fayette, and Commonwealth of Pennsylvania, known as 18 Cooper Lane, Lemont Furnace, PA 15456 having erected thereon a dwelling house.

All that certain lot or piece of ground situate in the Township of South Union, County of Fayette and Commonwealth of Pennsylvania.

Being known and designated as Tax ID No.: 25-16-0240

BEING THE SAME PREMISES which Jon K. Baur and Whitney E. Baur, by Deed dated 10/17/2018 and recorded in the Office of the Recorder of Deeds of Fayette County on 10/30/2018 in Deed Book Volume 3387, Page 878, granted and conveyed unto Samantha A. Farmer n/k/a Samantha A. McDevitt, Ann Ward and Mackenzie Wall.

BEING the same premises which Todd Phillip Cooper and Amanda Louise Cooper, his wife, by Deed dated May 23, 2017 and recorded in and for Fayette County, Pennsylvania in Deed Book 3340, Page 2423, granted and conveyed unto Todd Phillip Cooper and Amanda Louise Cooper, his wife.

BEING known as 34 Greenbriar Drive, Uniontown, Pennsylvania 15401

PARCEL # 34-05-0228 & 34-05-0227

ANNE N. JOHN, Esq.
ATTORNEY AT LAW

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

No. 2148 of 2022 GD
No. 42 of 2023 ED

No. 1533 of 2023 GD
No. 236 of 2024 ED

**FIRST FEDERAL SAVINGS AND LOAN
ASSOCIATION OF GREENE COUNTY, a
corporation,
vs.
MARK W. DECARLO, SR., a/k/a MARK W.
DECARLO and MARY F. DECARLO, n/k/a
MARY F. WILSON,
Defendants and Real Owners.**

**U.S. Bank Trust National Association not in
its individual capacity but solely as owner
trustee for Legacy Mortgage Asset Trust 2020
-GSI (Plaintiff)
vs.
Kris D. Gaster, Individually and as
Administrator of the Estate of Cindy Sue
Gaster, (Defendant)**

ALL that certain tract of land situate in Menallen Township, Fayette County, Pennsylvania, more particularly bounded and described as follows.

By virtue of Writ of Execution No. 1533 of 2023 GD

UPON WHICH is erected a ranch dwelling known and designated as 7401 National Pike, Uniontown, Fayette County, Pennsylvania.

U.S. Bank Trust National Association not in its individual capacity but solely as owner trustee for Legacy Mortgage Asset Trust 2020-GSI (Plaintiff) vs. Kris D. Gaster, Individually and as Administrator of the Estate of Cindy Sue Gaster, (Defendant)

FOR PRIOR title see Record Book 957 page 255.

Assessment Map No.: 22-17-0017.

Property Address 56 East Elm Street, Fairchance, PA 15436

Parcel I.D. Nos. 14-29-22-02 and 14-29-23-01

Improvements thereon consist of a residential dwelling.

Judgment Amount: \$154,524.41

No. 1113 of 2024 GD
 No. 250 of 2024 ED

THE UNITED FEDERAL CREDIT UNION,
Plaintiff,
vs.
RANDALL LAKE, also known as
RANDALL H. LAKE, and SAMANTHA
LAKE, also known as SAMANTHA J.
LAKE, his wife,
Defendants.

ALL those certain pieces or lots of land situate in the Borough of South Connellsville, Fayette County, Pennsylvania known as Tax Parcel No. 33-07-0029-01, being the western half of Lots Nos. 2505, 2506, and 2507 fronting 60 feet on Mentzer Avenue and extending 120 feet along an unnamed and unopened alley, more particularly described in the Connellsville Extension Company Plan of Lots No. 2 recorded in the Office of the Recorder of Deeds for Fayette County in Plan Book Volume 2, page 60, and in a deed recorded in Record Book 3408, page 1371.

The address of the subject property is 202 Mentzer Avenue, Connellsville, Pennsylvania 15425.

Seized and taken in execution as the property of Randall Lake, also known as Randall H. Lake, and Samantha Lake, also known as Samantha J. Lake, owners, at the suit of The United Federal Credit Union in the Court of Common Pleas of Fayette County, Pennsylvania at No. 1113 of 2024, G.D.

No. 1186 of 2024 GD
 No. 243 of 2024 ED

AMERISERV FINANCIAL BANK
Plaintiff
vs.
Mathew S. Larew a/k/a Matthew Larew
Lauren L. Larew
Defendant(s)

All that certain piece, parcel or lot of ground situate in Springhill Township, Fayette County, Pennsylvania, known and numbered as Lot No. 3 in the Simple Subdivision of the Gary K. and Kathryn M. Larew Tract of land as recorded in Plan Book 90, page 47.

BEING THE SAME PREMISES which Gary K. Larew and Kathryn M. Larew, his wife, by Deed dated 12/2/2011 and recorded in the

Office of the Recorder of Deeds of Fayette County on 12/6/2011 in Deed Book Volume 3171, Page 1905, Instrument 201100014683 granted and conveyed unto Mathew S. Larew a/k/a Matthew Larew and Lauren L. Larew.

BEING known as 661 Bunker Hill Road, Lake Lynn, Pennsylvania 15451
 PARCEL # 36-18-0089-02 & 36-18-0079

No. 463 of 2024 GD
 No. 237 of 2024 ED

Pennsylvania Equity Resources, Inc.
Plaintiff,
vs.
Jennifer E. Leapline
Defendant.

ALL that certain parcel of land lying and being situate in the Township of Dunbar, County of Fayette, and Commonwealth of Pennsylvania, known as 240 Main Street, Dickerson Run, PA 15430 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 09-03-0021

BEING the same premises which Robert B. Fields and Julie A. Fields, his wife, by Deed dated December 29, 2020 and recorded in and for Fayette County, Pennsylvania in Deed Book 3460, Page 1502, granted and conveyed unto Jennifer E. Leapline, married woman.

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

No. 649 of 2024 GD
 No. 235 of 2024 ED

Towne Mortgage Company
(Plaintiff)
vs.
Ryan S. LeCorchick,
(Defendant)

By virtue of Writ of Execution No. 2024-00649

Towne Mortgage Company (Plaintiff) vs. Ryan S. LeCorchick, (Defendant)

Property Address 409 Derrick Avenue, Uniontown, PA 15401

Parcel I.D. No. 34-24-0143
 Improvements thereon consist of a residential dwelling.

Judgment Amount: \$212,643.93

Brock & Scott, PLLC

No. 790 of 2024 GD
No. 214 of 2024 ED

WELLS FARGO BANK, N.A.
v.
KRISTYNE S. MILLER A/K/A
KRISTYNE S. GEYER,

By virtue of a Writ of Execution No. 790 OF 2024-GD

WELLS FARGO BANK, N.A. v. KRISTYNE S. MILLER A/K/A KRISTYNE S. GEYER, owner(s) of property situate in the BOROUGH OF SOUTH CONNELLSVILLE, FAYETTE County, Pennsylvania, being 11117 W GIBSON AVENUE, SOUTH CONNELLSVILLE, PA 15425 A/K/A 1117W GIBSON AVENUE. CONNELLSVILLE, PA 15425

Tax ID No. 33-04-0058

Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$65,000.50

No. 40 of 2024 GD
No. 261 of 2024 ED

NewRez LLC D/B/A Shellpoint Mortgage Servicing
75 Beattie Place, Suite 300
Greenville, SC 29601
Plaintiff

v.
Geraldine F. Nativio
134 Hardy Hill Road
Dunbar, PA 15431
Defendant

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF GERALDINE F. NATIVIO OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE TOWNSHIP OF DUNBAR, COUNTY OF FAYETTE, AND COMMONWEALTH OF PENNSYLVANIA:

A RESIDENTIAL DWELLING BEING KNOWN AND NUMBERED AS 134 HARDY HILL ROAD, DUNBAR, PA 15431. PARCEL ID NOS.: 09-31-0176-03 and 09-31-0174. DEED BOOK VOLUME 1778, PAGE 150 AND DEED BOOK VOLUME 953, PAGE 280. MORTGAGE BOOK VOLUME 3051, PAGE 703.

JUDGMENT AMOUNT: \$36,801.78.

No. 824 of 2024 GD
No. 212 of 2024 ED

KeyBank, NA, s/b/m First Niagara Bank, NA
Plaintiff,
vs.
Robert W. Pritts
Defendant.

ALL that certain parcel of land lying and being situate in the Borough of Brownsville, County of Fayette, and Commonwealth of Pennsylvania, known as 324 Grays Lane, Brownsville, PA 15417 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 02-10-0015

BEING the same premises which John Walter Bartruff and Edith Louise Bartruff, his wife, by Deed dated June 3, 1969 and recorded in and for Fayette County, Pennsylvania in Deed Book 1077, Page 760, granted and conveyed unto Robert W. Pritts and Bonnie Lee Pritts, his wife.

Brock & Scott, PLLC

No. 643 of 2024 GD
No. 204 of 2024 ED

FREEDOM MORTGAGE CORPORATION
V.
JOSHUA R. RICHTER; AMBER RICHTER

By virtue of a Writ of Execution No. 2024-00643

FREEDOM MORTGAGE CORPORATION V. JOSHUA R. RICHTER; AMBER RICHTER owner(s) of property situate in the SOUTH CONNELLSVILLE BOROUGH, FAYETTE County, Pennsylvania, being 125 MARIE ST, CONNELLSVILLE, PA 15425

Tax ID No. 33-04-0159

Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$94,995.68

Brock & Scott, PLLC
 No. 1170 of 2024 GD
 No. 241 of 2024 ED

PENNYMAC LOAN SERVICES, LLC
3043 Townsgate Road
Suite 200
Westlake Village, CA 91361

Plaintiff
vs.
TINA SPANO
DOUGLAS W. SPANO AKA DOUGLAS SPANO
Mortgagor(s) and Record Owner(s)
89 Rankin Road
Farmington, PA 15437
Defendant(s)

ROCKET MORTGAGE, LLC F/K/A
QUICKEN LOANS, LLC
v.
TAYLOR RIDLEY

By virtue of a Writ of Execution No. 1170 of 2024 GD ROCKET MORTGAGE, LLC F/K/A QUICKEN LOANS, LLC v. TAYLOR RIDLEY, owner(s) of property situate in the DUNBAR BOROUGH, FAYETTE County, Pennsylvania, being 103 MEMORIAL ST, DUNBAR, PA 15431

Tax ID No. 08030122 a/k/a 08-03-0122
 Improvements thereon: RESIDENTIAL DWELLING
 Judgment Amount: \$75,844.50

Padgett Law Group
 Jacqueline F. McNally, Esq.
 700 Darby Road, Suite 100
 Havertown, PA 19083
 (850) 422-2520

No. 2356 of 2023 GD
 No. 259 of 2024 ED

Allied First Bank, SB DBA Servbank
v.
Corey L. Snyder

By virtue of Writ of Execution No. 2356 of 2023 GD

Allied First Bank, SB DBA Servbank v. Corey L. Snyder

Property Address: 321 Walnut Hill Road, Uniontown, PA 15401

Township of South Union, County of Fayette, Commonwealth of Pennsylvania

Tax Parcel Number: 34-05-0286
 Improvements thereon: Single family residential dwelling

Judgment Amount: \$178,915.91

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

No. 315 of 2024 GD
 No. 234 of 2024 ED

ALL THAT CERTAIN LOT OF LAND SITUATE IN TOWNSHIP OF WHARTON, COUNTY OF FAYETTE AND COMMONWEAL TH OF PENNSYLVANIA.

BEING KNOWN AS: 89 RANK.IN ROAD, FARMINGTON, PA 15437

TAX PARCEL #42-21-0034
 IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: TINA SPANO AND DOUGLAS W. SPANO AKA DOUGLAS SPANO

No. 986 of 2024 GD
 No. 246 of 2024 ED

PENNSYLVANIA HOUSING FINANCE AGENCY,
PLAINTIFF

vs.
JOHN B. STEFANIK AND THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT,
DEFENDANTS

ALL that lot of land in Georges Township, Fayette County, Pennsylvania, designated as Lot No. 13, Smithfield Estate Subdivision, Fayette Plan Book 103, page 59 being approximately 115 x 110.

HAVING THEREON ERECTED DWELLING KNOWN AND NUMBERED AS: 13 SMITHFIELD DRIVE, SMITHFIELD, PA 15478.

TAX PARCEL# 14-25-0057-48
 Instrument No. 2020-00009777

No. 1569 of 2023 GD
No. 213 of 2024 ED

**NewRez LLC d/b/a Shellpoint Mortgage
Servicing
Plaintiff,
vs.
Jessie Thibodeau, as Believed Heir and/or
Administrator of the Estate of Joseph R.
Thibodeau; Unknown Heirs and/or
Administrators of the Estate of Joseph R.
Thibodeau (if any)
Defendants.**

ALL that certain parcel of land lying and being situate in the Borough of Markleysburg, County of Fayette, and Commonwealth of Pennsylvania, known as 128 Spear Lane, Markleysburg, PA 15459 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 20-02-0001-01

BEING the same premises which South Fayette Nursing Center, LP, a Pennsylvania Limited Partnership, by Deed dated November 21, 2016 and recorded in and for Fayette County, Pennsylvania in Deed Book 3326, Page 1134, granted and conveyed unto Joseph R. Thibodeau.

No. 750 of 2024 GD
No. 208 of 2024 ED

**NEW AMERICAN FUNDING, LLC FKA
BROKER SOLUTIONS, INC., DBA NEW
AMERICAN FUNDING
Plaintiff
v.
KYLE ZACCAGNI AND MAYA
ZACCAGNI
Defendant(s)**

PROPERTY ADDRESS: 112 NEW BEAVER CREEK RD, MARKLEYSBURG, PA 15459

PARCEL ID NO: 16-11-0056
IMPROVEMENTS THEREON CONSIST OF A RESIDENTIAL DWELLING
JUDGMENT AMOUNT \$161,514.59
FAYETTE COUNTY DEED BOOK 3437
PAGE 32

TO BE SOLD AS THE PREMISES OF
KYLE ZACCAGNI AND MAYA ZACCAGNI

*** END SHERIFF SALE ***

Registers' Notice

Notice by JEFFREY L. REDMAN, Register of Wills and
Ex-Officio Clerk of the Orphans' Court Division of the Court of Common Pleas

Notice is hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans' Court Division of Fayette County on

Monday, November 4, 2024, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2623-0080	MELVA P. ROLAND	Carolyn W. Maricondi, Executrix
2622-0484	MELVIN THOMAS SHULTZ	Stacie L. Keefer and Anna K. Upton, Co-Executrices

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on

Monday, November 18, 2024, at 9:30 A.M.

in Courtroom No. 1 of the **Honorable President Judge Steve P. Leskinen** or his chambers, Second Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

Notice is hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans' Court Division of Fayette County on

Monday, November 4, 2024, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2622-0399	ANTHONY S. BOLLIBON, JR.	Lisa Ann Hughes, Executrix

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on

Monday, November 18, 2024, at 9:30 A.M.

in Courtroom No. 5 of the **Honorable Judge Joseph M. George, Jr.** or his chambers, Third Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

JEFFREY L. REDMAN
Register of Wills and Ex-Officio Clerk of the Orphans' Court Division (1 of 2)

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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JUDICIAL OPINION

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

COMMONWEALTH OF	:	
PENNSYLVANIA,	:	
	:	
VS.	:	
	:	
FREDERICK DAVID LEE,	:	No. 669 of 2023
Defendant.	:	Honorable Nancy D. Vernon

OPINION AND ORDER

VERNON, J.

October 8, 2024

Before the Court is the Omnibus Pretrial Motion of Defendant Frederick David Lee in the nature of a Petition for Writ of Habeas Corpus. Defendant was charged with DUI: Highest Rate of Alcohol [75 Pa.C.S.A. § 3802(c)] and a summary offense for Disregarding Traffic Lanes [75 Pa.C.S.A. § 3309(1)] arising from a one vehicle accident on Ramcat Road in Henry Clay Township, Fayette County. At the time set for hearing, the Commonwealth submitted a copy of the preliminary hearing transcript for the Court to render its decision without additional evidence or testimony.

At the preliminary hearing, the Commonwealth called Trooper Craig Student of the Pennsylvania State Police as its only witness. Trooper Student testified that he was working the night shift on September 17, 2022, when he was dispatched at 1:34 a.m. to a one motor vehicle crash near 611 Ramcat Road, Henry Clary Township, Fayette County. Preliminary Hearing N.T., 4/17/2023, at 3-4. Upon his arrival at the scene, Trooper Student observed a “vehicle that was parked down in an embankment that had been fully engulfed in flames.” Id. at 5. The Henry Clay Township Fire Department and Defendant Frederick Lee were present at the scene. Id. Defendant was standing “where the crash took place.” Id. When Trooper Student approached Defendant, he smelled the odor of an alcoholic beverage coming from his person and observed him to have blood-shot, watery eyes, and a thick, slurred speech. Id. at 6-7.

Trooper Student asked Defendant “about his consumption of alcohol” and Defendant responded that “when the crash took place and his vehicle caught on fire, he grabbed a carton of cigarettes and a six pack of beef off of the passenger seat of his vehicle and exited the vehicle.” Id. at 7. When asked whether he saw the beer, Trooper Student answered, “I did see empty cans of beer in the immediate area of the crash.” Id.

Ramcat Road is a rural road primarily composed of gravel that runs parallel to the Confluence pedestrian walking trail in the area of this accident. Id. at 8. Trooper Student testified that Defendant “related that he was driving on the Pedestrian Walking Trail and was attempting to cut across a grassy area and get on to the gravel portion of Ramcat Road. That’s where his vehicle became stuck.” Id.

As to how the vehicle caught fire, Defendant relayed to Trooper Student “that while he was stuck in the culvert trying to traverse from the Confluence Waling Trail to Ramcat Road, an unknown male came by with what’s known as a Molotov Cocktail, a glass bottle that is usually filled with kerosene or alcohol, lit it on fire and threw it, and it landed on the hood of his car engulfing in flames.” Id. at 8-9.

Defendant declined to participate in standardized field sobriety testing but did submit to breath and blood testing. The preliminary breath test revealed “a high level of alcohol concentration in his blood.” Id. at 7. A blood draw was performed, and the toxicology report indicated a blood alcohol concentration of 0.25. Id. at 7-9.

The only evidence elicited as to timing came on cross-examination when Trooper Student was asked how long it took him to arrive on scene from the dispatch call to which he responded, “Without look [...] for the dispatch time and on scene time, I don’t have that exact time.” Id. at 10. Defense counsel also asked, “So you can’t accurately say when this crash would have taken place?” Id. at 11. Trooper Student’s response did not address this question.

The Commonwealth charged Defendant with DUI: Highest Rate of Alcohol pursuant to Section 3802(c) of the Vehicle Code which provides:

An individual may not drive, operate or be in actual physical control of the movement of a vehicle after imbibing a sufficient amount of alcohol such that the alcohol concentration in the individual's blood or breath is 0.16% or higher within two hours after the individual has driven, operated or been in actual physical control of the movement of the vehicle.

75 Pa.C.S.A. § 3802(c).

Section 3802(c)’s requirement to take the defendant’s blood test within two hours after the individual has driven is subject to a “good cause” exception within section 3802(g), which provides:

Notwithstanding the provisions of subsection (a), (b), (c), (e) or (f), where alcohol or controlled substance concentration in an individual's blood or breath is an element of the offense, evidence of such alcohol or controlled substance concentration more than two hours after the individual has driven, operated or been in actual physical control of the movement of the vehicle is sufficient to establish that element of the offense under the following circumstances:

- (1) where the Commonwealth shows good cause explaining why the chemical test sample could not be obtained within two hours; and
- (2) where the Commonwealth establishes that the individual did not imbibe any alcohol or utilize a controlled substance between the time the individual was arrested and the time the sample was obtained.

75 Pa.C.S.A. § 3802(g).

In a Section 3802(c) prosecution, when the blood test does not take place within two hours after the defendant drives, operates or is in actual physical control of the vehicle, test results are subject to suppression unless Commonwealth proves good cause for the delay in obtaining a blood test and the defendant did not imbibe alcohol between his arrest and his blood test. 75 Pa.C.S.A. § 3802(g). *Commonwealth v. Eichler*, 133 A.3d 775, 786 (Pa. Super. 2016).

In any of the per se DUI offenses, it is essential that the Commonwealth be able to establish when the offender was driving, operating or in actual physical control of the movement of a motor vehicle and the time when the sample of blood or breath was obtained in order to make out a violation of Section 3802.

The Commonwealth presented no evidence regarding relevant times specifically as to when the Defendant last drove, operated, or was in physical control of the vehicle, when the Defendant was arrested, and when the Defendant submitted to a blood draw. The only attempt to elicit testimony regarding these relevant times came from defense counsel and the prosecuting officer's answer was nonresponsive. Without the operative timeline, the Court cannot even consider whether the Commonwealth met the two-hour requirement and if not, whether "good cause" existed for the delay. As such, we are constrained to grant Defendant's Petition for Writ of Habeas Corpus and dismiss Count I - DUI: Highest Rate of Alcohol.

The Commonwealth did not charge DUI: General Impairment [§ 3802(a)(1)] and the Court must note that the within disposition highlights the importance of failing to charge separate DUI counts. The Commonwealth may charge separate counts, as appropriate, where the conduct at issue exposes the defendant to criminal liability under multiple and distinct criminal provisions found in § 3802, such as DUI General Impairment under § 3802(a)(1) and DUI Highest Rate under § 3802(c). *Commonwealth v. Farrow*, 168 A.3d 207 (Pa. Super. 2017). Furthermore, as eminently practical considerations come into play, like the Commonwealth's failure to establish the relevant timeframe for a per se DUI offense, Section 3802(a)(1) is a general provision and provides no specific restraint upon the Commonwealth in the manner in which it may prove that an accused operated a vehicle under the influence of alcohol to a degree which rendered him incapable of safe driving.

Section 3802(1)(a) does not limit the type of evidence the Commonwealth may use to prove its case.

The types of evidence that the Commonwealth may proffer in a subsection 3802(a)(1) prosecution include but are not limited to, the following: the offender's actions and behavior, including manner of driving and ability to pass field sobriety tests; demeanor, including toward the investigating officer; physical appearance, particularly bloodshot eyes and other physical signs of intoxication; odor of alcohol, and slurred speech. Blood alcohol level may be added to this list, although it is not necessary and the two hour time limit for measuring blood alcohol level does not apply. Blood alcohol level is admissible in a subsection 3801(a)(1) case only insofar as it is relevant to and probative of the accused's ability to drive safely at the time he or she was driving. The weight to be assigned these various types of evidence presents a question for the fact-finder, who may rely on his or her experience, com-

mon sense, and/or expert testimony. Regardless of the type of evidence that the Commonwealth proffers to support its case, the focus of subsection 3802(a)(1) remains on the inability of the individual to drive safely due to consumption of alcohol-not on a particular blood alcohol level.

Commonwealth v. Segida, 985 A.2d 871, 879 (Pa. 2009).

Under a General Impairment charge, the occurrence of a one-car accident could have been used to infer that a defendant was driving under the influence. Commonwealth v. Mahaney, 540 A.2d 556, 559 (Pa. Super. 1988). As also occurred here, the Commonwealth would not have had the burden to prove that the defendant did not drink alcohol after the accident to sustain a conviction for General Impairment. Accord, Segida, 985 A.2d at 879 n. 6.

WHEREFORE, we will enter the following Order.

ORDER

AND NOW, this 8th day of October, 2024, upon consideration of the Omnibus Pretrial Motion of Defendant Frederick David Lee in the nature of a Petition for Writ of Habeas Corpus and in accordance with the foregoing Opinion, it is hereby ORDERED and DECREED that the Petition is GRANTED and Count 1 - DUI: Highest Rate of Alcohol [75 Pa.C.S.A. § 3802(c)] is DISMISSED.

BY THE COURT:
NANCY D. VERNON, JUDGE

ATTEST:
CLERK OF COURTS

LUNCH & LEARN SERIES

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

- Date: **Wednesday, October 23rd from 12:00 p.m. to 1:30 p.m.**
- Location: **Courtroom 1 of the Fayette County Courthouse**
- Discussion topics: **Clean Slate 3.0 and Pardons:
Removing Pennsylvania Criminal Records**
- Presenters: **Brian V. Gorman, Esquire**

CLE Credit

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

FREE for volunteers of Summit Legal Aid's
Clean Slate Clinic on Friday, October 25th

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, October 21st.

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