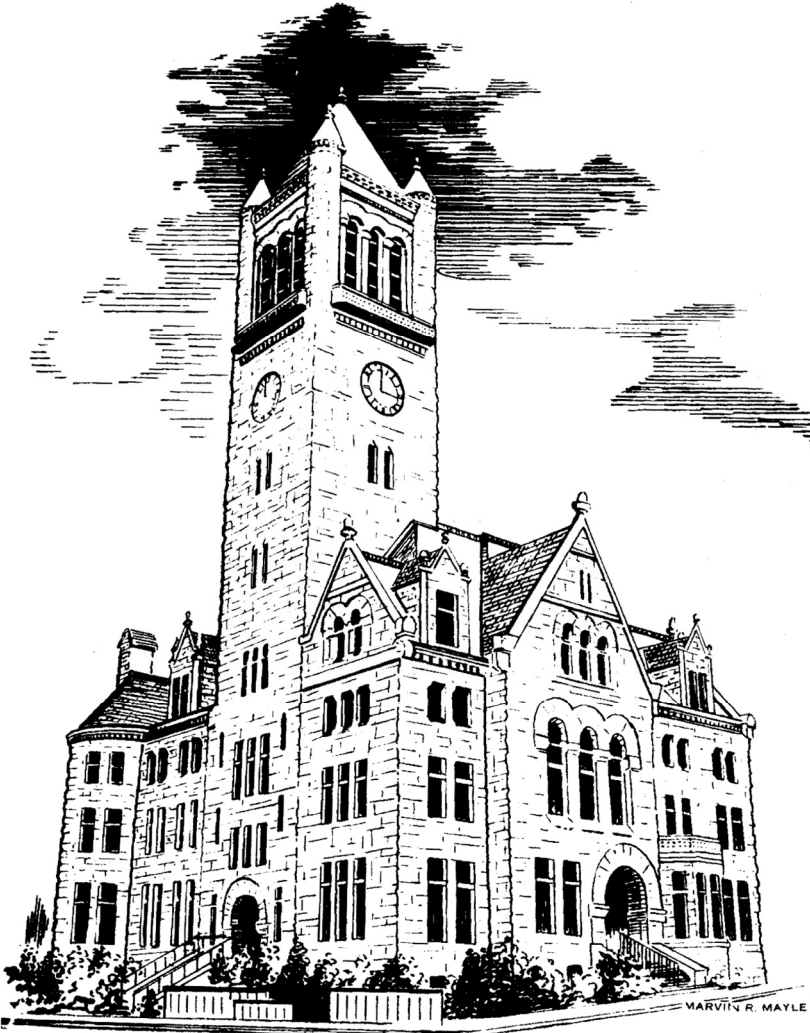


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ESTATE NOTICES

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

ROGER ADAMS, late of Connellsville, Fayette County, PA ⁽³⁾

Personal Representative: Clara S. Adams
1 River Avenue
Connellsville, PA 15425
c/o Ogg, Murphy & Perkosky, PC
245 Fort Pitt Boulevard
Pittsburgh, PA 15222
Attorney: John Perkosky

NANCY DLUSKY, a/k/a NANCY A. DLUSKY, late of North Union Township, Fayette County, PA ⁽³⁾

Executrix: Sister Melanie DePietro
c/o Tremba, Kinney, Greiner & Kerr, LLC
302 West Otterman Street
Greensburg, PA 15601
Attorney: John K. Greiner

GEORGE J. W. DOWNS, late of North Union Township, Fayette County, PA ⁽³⁾

Administratrix: Heather Mette
399 Redstone Furnace Road
Uniontown, PA 15401
c/o Mette
3401 North Front Street Fl. 2
Harrisburg, PA 17110
Attorney: John B. Zonarich

MARY ELLEN FABRYCKI, a/k/a MARY E. FABRYCKI, late of Allison, Fayette County, PA ⁽³⁾

Co-Administrators: Tina M. Derring and Richard T. Fabrycki, Jr.
c/o 39 Francis Street
Uniontown, PA 15401
Attorney: Jack R. Heneks, Jr.

FRANK CLYDE HLATKY, a/k/a FRANK HLATKY, a/k/a FRANK C. HLATKY, late of German Township, Fayette County, PA ⁽³⁾

Executor: Mark Hlatky
c/o 9 Court Street
Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

THERESA KENNEDY MAGARIO, a/k/a THERESA KENNEDY, a/k/a THERESA MAGARIO, late of Redstone Township, Fayette County, PA ⁽³⁾

Co-Executrix: Deborah Davic and Maureen Lucking
c/o Goodwin Como, P.C.
108 North Beeson Boulevard, Suite 400
Uniontown, PA 15401
Attorney: Amanda Como

SHIRLEY MARIE PROVANCE, a/k/a SHIRLEY PROVANCE, a/k/a SHIRLEY M. PROVANCE, late of Nicholson Township, Fayette County, PA ⁽³⁾

Executor: Wesley Bruce
c/o 9 Court Street
Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

JOSEPH A. SLEZAK, late of 159 Keefer Road, Connellsville, Fayette County, PA ⁽³⁾

Executor: Eric Slezak
157 Keefer Road
Connellsville, PA 15425
c/o Diefenderfer, Hoover & Wood, LLP
310 Grant Street, Suite 1420
Pittsburgh, PA 15219
Attorney: James K. Wood

Second Publication

JAMES AUGUSTINE, a/k/a JAMES EDWARD AUGUSTINE, late of South Union Township, Fayette County, PA ⁽²⁾

Executor: Ben Junior Augustine
c/o Goodwin Como, P.C.
108 North Beeson Boulevard, Suite 400
Uniontown, PA 15401
Attorney: Amanda Como

EDWARD PAVLOSKY, a/k/a EDMUND F. PAVLOSKY, late of Dunbar Township, Fayette County, PA (2)

Personal Representatives:

Carol Ann Shultz and Frances Iaquina and Paula Goretsky

127 North 11th Street
Connellsville, PA 15425

c/o Fieschko & Associates, Inc.
300 Cedar Boulevard, Suite 202
Pittsburgh, PA 15228

Attorney: Joseph Fieschko

W. LOIS PODVIA, a/k/a LOIS WILDA PODVIA, late of South Union Township, Fayette County, PA (2)

Executor: Mark Podvia

c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401

Attorney: James T. Davis

DOLORES R. SMITH, a/k/a DOLORES RUTH SMITH, late of Georges Township, Fayette County, PA (2)

Executrix: Vivian K. Smith

c/o 51 East South Street
Uniontown, PA 15401

Attorney: Webster & Webster

SANDRA L. SOHYDA, late of Uniontown, Fayette County, PA (2)

Executor: David E. Sohyda

c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401

Attorney: Wendy L. O'Brien

PATRICK STROMICK, a/k/a PATRICK J. STROMICK, late of South Union Township, Fayette County, PA (2)

Executor: Joseph Stromick

c/o DeHaas, Law, LLC
51 East South Street
Uniontown, PA 15401

Attorney: Ernest P. DeHaas, III

WILMA SUMMERS, a/k/a WILMA LUCILLE SUMMERS, a/k/a WILMA L. SUMMERS, late of South Union Township, Fayette County, PA

Executrix: Susan R. Golden (2)

c/o Higinbotham Law Offices

68 South Beeson Boulevard
Uniontown, PA 15401

Attorney: James E. Higinbotham, Jr.

First Publication

MICHAEL L. FELL, a/k/a MICHAEL LAWRENCE FELL, late of Masontown, Fayette County, PA (1)

Personal Representative: Michael S. Fell

c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425

Attorney: Robert A. Gordon

SCOTT JOHN, a/k/a SCOTT H. JOHN, late of South Union Township, Fayette County, PA

Administratrix: Penny John (1)

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

Attorney: James E. Higinbotham, Jr.

SHIRLEY A. KOKESH, a/k/a SHIRLEY A. KOKES, late of Masontown, Fayette County, PA (1)

Executrix: Deborah A. Park

c/o Webster & Webster
51 East South Street
Uniontown, PA 15401

Attorney: Webster & Webster

MARY LOUISE KONETSCO, late of Dunbar Township, Fayette County, PA (1)

Personal Representative: Mary Jo Griffiths

c/o 208 South Arch Street, Suite 2
Connellsville, PA 15425

Attorney: Richard Husband

DEVONNA MAUST, a/k/a DEVONNA L. MAUST, late of North Union Township, Fayette County, PA (1)

Administratrix: Kristian Lee Maust

c/o Kopas Law Office
556 Morgantown Road
Uniontown, PA 15401

Attorney: John Kopas

LEGAL NOTICES

IN THE COURT OF COMMON PLEAS OF
 FAYETTE COUNTY PENNSYLVANIA
 CIVIL DIVISION
 Number 1515 of 2023, G.D.

GERMAN TOWNSHIP PENNSYLVANIA,
 PLAINTIFF,
 V.
 LITTLE KNIGHTS BASEBALL LEAGUE,
 DEFENDANT.

RULE TO SHOW CAUSE

A RULE is hereby issued upon the above-named Defendant/Condemnee, LITTLE KNIGHTS BASEBALL LEAGUE, under and pursuant to Rule 307(a)(3) of the Pennsylvania Rules of Civil Procedure, (Pa.C.S.A. §307(a)(3)), to SHOW CAUSE why a writ of possession should not be issued to the Plaintiff/Condemnor, German Township, Pennsylvania, for that parcel of real property situated at Penn Street and Bessemer within German Township, Fayette County, Pennsylvania, containing .61 acres, designated by parcel identification number 15400006 and more particularly bounded and described in a deed recorded in the Office of the Recorder of Deeds for Fayette County, Pennsylvania in Deed Book Volume 1336, Page 645, of which the said Condemnee has refused possession to the said Condemnor. The said Rule is returnable within five (5) days from the date that service of the within Rule is perfected under and pursuant to the Pennsylvania Rules of Civil Procedure.

BY THE PROTHONOTARY:
 Nina Capuzzi Frankshouser

Fictitious Name Registration

Notice is hereby given that a Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on June 14, 2024 for RSH Construction with a principal place of business located at 369 Pike Run Dr, Daisytown, PA 15427. The individual interested in this business is Raymond Hershberger, also located at 369 Pike Run Dr, Daisytown, PA 15427. This is filed in compliance with 54 Pa.C.S. 311.417

**NOTICE OF REVOCABLE TRUST
 PURSUANT TO
 20 PA C.S. SECTION 7755(c)**

NOTICE is hereby given of the administration of The Joseph and Mary Louise Trust dated September 30, 1997. Mary Louise Konetsco, Settlor of the Trust of Dunbar Township, Fayette County, Pennsylvania, died on December 8, 2022. All persons having claims against Mary Louise Konetsco, or the Joseph and Mary Louise Trust are requested to make known the same to the Attorney named below. All persons indebted to Mary Louise Konetsco, or the Joseph and Mary Louise Trust are requested to make payment without delay to the Attorney named below.

Richard A. Husband, Esquire
 208 South Arch Street, Suite 2
 Connellsville, PA 15425

(1 of 3)

NOTICE

Notice is hereby given that the Certificate of Organization has been approved and filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on July 5, 2024, for a limited liability company known as C & C Brothers Management, LLC.

Said limited liability company has been organized under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

The purpose or purposes of the limited liability company is/are: real estate holdings and any other lawful purpose related thereto for which the corporation may be organized under the Business Corporation Law.

DAVIS & DAVIS
 BY: Gary J. Frankhouser, Esquire
 107 East Main Street
 Uniontown, PA 15401

NOTICE

NOTICE IS HEREBY GIVEN to James Johnson that on the 8th day of March, 2024, a Petition for Involuntary Termination of Parental Rights was filed in the Fayette County Court of Common Pleas, regarding the minor children, P.J., at Docket Number 19 ADOPT 2024; and C.J. at Docket Number 20 ADOPT 2024.

Hearing has hereby been scheduled for the **12th day of August, 2024, at 9:30 a.m.**, at the Fayette County Courthouse.

PECK LAW OFFICES

By: Brent Eric Peck, Esquire
111 East Main Street
Uniontown, PA 15401
Ph: 724-430-0514

CIVIL ACTION

**COURT OF COMMON PLEAS
FAYETTE COUNTY, PA
CIVIL ACTION-LAW
No. 1030 of 2024, G.D.**

**NOTICE OF ACTION IN COMMERCIAL
MORTGAGE FORECLOSURE**

GARRY E. SISSON JR. and JODIE C.
SISSON, his wife,
Plaintiffs,
vs.

PITTSBURGH ROAD PARTNERS,
LLC., a Pennsylvania Limited Liability
Company,
Defendant.

**COMPLAINT IN COMMERCIAL
MORTGAGE FORECLOSURE**

You are hereby notified that Plaintiffs, Garry E. Sisson Jr. and Jodie C. Sisson, his wife, has filed a Commercial Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of FAYETTE County, PA docketed to No. 2024-1030, seeking to foreclose the mortgage secured on your property located, 1310 PITTSBURGH ROAD, UNIONTOWN, PA 15401.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in this notice 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 claimed in the Complaint or for any other claim or relief requested by the plaintiffs. 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 THE INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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P.O. Box 186
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800-692-7375

DAVIS & DAVIS Attorneys at Law
ATTORNEYS FOR PLAINTIFFS
Michael L. Mays, Esq. ID No. 328301
107 East Main Street
Uniontown, Pa 15401
724-437-2799

SHERIFF'S SALE

Date of Sale: September 19, 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 September 19, 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.

(3 of 3)

James Custer
 Sheriff of Fayette County

No. 504 of 2024 GD
 No. 147 of 2024 ED

THE UNITED FEDERAL CREDIT UNION,
Plaintiff,
vs.
MARK E. BEATTY and JESSICA SARAH
DAWN BEATTY, his wife,
Defendants.

ALL that certain piece or parcel of land located in Springhill Township, Fayette County, Pennsylvania containing an area of .3685 of an acre, located on Township Road 364, known as Tax Parcel No. 36-20-0005-0 I and more particularly described in a deed recorded in the Office of the Recorder of Deeds for Fayette County in Record Book 3305, page 2297.

The address of the subject property is 224 First Street, Gans, Pennsylvania 15435.

Seized and taken in execution as the property of Mark E. Beatty and Jessica Sarah Dawn Beatty, owners, at the suit of The United Federal Credit Union in the Court of Common Pleas of Fayette County, Pennsylvania at No. 504 of 2024, G.D.

McCABE, WEISBERG & CONWAY, LLC
 1420 Walnut Street, Suite 1501
 Philadelphia, PA 19102
 215 790-1010

No. 362 of 2024 GD
 No. 194 of 2024 ED

PennyMac Loan Services, LLC
Plaintiff
v.
Sarabeth R. Burkholder
Defendant

All that certain piece or parcel or Tract of land situate in Saltlick Township, Fayette County, Pennsylvania, and being known as 123 Second Street, Indian Head, Pennsylvania 15446.

Being known as: 123 Second Street, Indian Head, Pennsylvania 15446

Title vesting in Sarabeth R. Burkholder by deed from Chris W. Resh and Valeria M. Resh, Husband and Wife dated July 15, 2022 and recorded July 26, 2022 in Deed Book 3521, Page 1919 Instrument Number 202200008257.

Tax Parcel Number: 31-19-0186 and 31-19-0187

No. 2316 of 2022 GD
No. 175 of 2024 ED

UNITED BANK,
Plaintiff,
vs.
JOSEPH CELLURALE, JR.
Defendant.

ALL that certain piece or parcel of land located in Dunbar Township, Fayette County, Pennsylvania containing an area of .54 of an acre located on University Drive and Cellurale Drive, known as Tax Parcel No. 09-31-0036-02, and more particularly described in a deed recorded in the Office of the Recorder of Deeds for Fayette County in Record Book 1519, page 281.

The address of the subject property is 2052 University Drive, also known as 1 20 Cellurale Drive, Lemont Furnace, Pennsylvania 15456.

Seized and taken in execution as the property of Joseph Cellurale, Jr., owner, at the suit of United Bank in the Court of Common Pleas of Fayette County, Pennsylvania at No. 2316 of 2022, G.D.

McCABE, WEISBERG & CONWAY, LLC
1420 Walnut Street, Suite 1501
Philadelphia, PA 19102
215 790-1010

No. 242 of 2024 GD
No. 181 of 2024 ED

Lakeview Loan Servicing, LLC
Plaintiff
v.
Christina L. Cociardo
Defendant

ALL THAT CERTAIN tract of land situate in South Union Township, Fayette County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an iron pin in the side of the road known as Watson Drive and the Northwestern corner of lot of Frank Pukl; thence by land of Frank Pukl, South 24 degrees 17 minutes East, 103.62 feet to the Southwestern corner of said Pukl lot; thence by other land of W. Clyde Bryson and of which this is a part, South 65 degrees 10 minutes West, 155 feet to an iron pin; thence still by other lands of W. Clyde Bryson, North 18 degrees 29 minutes 30 seconds West, 100.13 feet to a point in the Southern side of the road known as Watson

Drive; thence by the Southern side of the road known as Watson Drive, North 63 degrees 33 minutes East, 145 feet to the place of beginning, according to the plan recorded in Book 9, page 98.

EXCEPTING AND RESERVING, thereout and therefrom, a strip of ground containing 401 square feet situate between Lots No. 14 and 15 in the Bryson Plan of Lots which was conveyed by John T. Kukla and Madeline Kukla, his wife, to Peter C. Rendina and Dorothy J. Rendina, his wife, by deed dated July 30, 1960, and recorded in the Recorder's Office if Fayette County, Pennsylvania, in Deed Book Volume 934, page 622.

BEING the same premise conveyed to Christina L. Cociardo by deed of James E. Churilla, Jr. and Brenda L. Churilla, his wife, dated December 16, 1998, and recorded in the Recorder's Office of Fayette County, Pennsylvania, in Record Book Volume 2236, Page 257, et seq.

All that certain piece or parcel or Tract of land situate in South Union Township, Fayette County, Pennsylvania, and being known as 142 Watson Drive, Hopwood, Pennsylvania 15445.

Being known as: 142 Watson Drive, Hopwood, Pennsylvania 15445

Title vesting in Christina L. Cociardo by deed from James E. Churilla, Jr. and Brenda L. Churilla, His Wife dated December 16, 1998 and recorded December 21, 1998 in Deed Book 2236, Page 0257 Instrument Number 9800022671.

Tax Parcel Number: 34-12-011 9

Brock & Scott, PLLC

No. 1142 of 2023 GD
No. 190 of 2024 ED

KEYBANK NATIONAL ASSOCIATION
S/B/M FIRST NIAGARA BANK. N.A.
v.
LINDA JANE KINDERVATER A/K/A
LINDA J. KINDERVATER EXECUTRIX
OF THE ESTATE OF HAROLD FUEHRER
A/K/A HAROLD E. FUEHRER,
DECEASED

KEYBANK NATIONAL ASSOCIATION S/B/M FIRST NIAGARA BANK. N.A. v. LINDA JANE KINDERVATER A/K/A LINDA J. KINDERVATER EXECUTRIX OF THE ESTATE OF HAROLD FUEHRER A/K/A HAROLD E. FUEHRER, DECEASED, owner (s) of property situate in the NORTH UNION

TOWNSHIP, FAYETTE County, Pennsylvania,
 being 34 LEXINGTON AVE, NORTH UNION,
 PA 15401

Tax ID No. 25-19-0008

Improvements thereon: RESIDENTIAL
 DWELLING

Judgment Amount: \$37,284.40

No. 1455 of 2023 GD
 No. 205 of 2024 ED

FANNIE MAE,
Plaintiff,
v.
MARQUIS AID PROPCO LLC, a Delaware
limited liability company,
Defendant.

Property of: Marquis Aid Propco LLC
 Case No. 1455-2023
 Judgement Amount: \$448,533,980.86
 Attorney: Jared S. Roach (307541)

ALL, RIGHT, TITLE, INTEREST AND
 CLAIM OF: GREER AID PROPCO LLC IN
 AND TO:

PROPERTY LOCATED IN:
 TOWNSHIP OF SOUTH UNION,
 FAYETTE COUNTY
 KNOWN AS MARQUIS GARDEN
 PLACE, 660 CHERRY TREE LANE
 UNIONTOWN, PA 15401

BEING THE SAME PREMISES WHICH
 ALC PROPERTIES II, LLC, A NEVADA
 LIMITED LIABILITY COMPANY, BY DEED
 DATED JULY 1, 2013, RECORDED JULY 26,
 2013 IN FAYETTE COUNTY, AS
 DOCUMENT NO. 201300008832, GRANTED
 AND CONVEYED ONTO MARQUIS AID
 PROPCO LLC, A DELAWARE LIMITED
 LIABILITY COMPANY, IN FEE.

TAX PARCEL: 34-05-0206-11

No. 1125 of 2023 GD
 No. 132 of 2024 ED

PennyMac Loan Services, LLC
Plaintiff
vs.
Erica T. Mickens
Defendant(s)

All that certain lot or land situate in the
 Third Ward of the City of Uniontown, Fayette
 County, Pennsylvania.

BEING THE SAME PREMISES which

Roy Matthew Fischer, by Deed dated 1/30/2017
 and recorded in the Office of the Recorder of
 Deeds or Fayette County on 2/6/2017 in Deed
 Book Volume 3332, Pages 82-85, Instrument
 No.201700001392, granted and conveyed unto
 Robert L. Mickens and Erica T. Mickens.

Robert L. Mickens departed this life on
 8/26/2021.

PARCEL # 38040655

No. 295 of 2024 GD
 No. 133 of 2024 ED

FIRST NATIONAL BANK OF
PENNSYLVANIA,
Plaintiff,
vs.
SUZANNE RUSH,
Defendant.

ALL THAT CERTAIN PIECE, PARCEL
 OR TRACT OF LAND BEING SITUATE AND
 LAYING IN THE TOWNSHIP OF HENRY
 CLAY, COUNTY OF FAYETTE AND
 COMMONWEALTH OF PENNSYLVANIA,
 AS MORE FULLY DESCRIBED IN A
 CERTAIN DEED DATED SEPTEMBER 30,
 1988, FROM BEAVER CREEK MOUNTAIN
 ESTATES, INC., TO SUZANNE RUSH AND
 WILLIAM W. SILBAUGH, AS JOINT
 TENANTS WITH THE RIGHT OF
 SURVIVORSHIP AND NOT AS TENANTS
 IN COMMON, AND RECORDED IN THE
 OFFICE OF THE RECORDER OF DEEDS OF
 FAYETTE COUNTY, PA ON OCTOBER 3,
 1988, IN DEED BOOK VOLUME 480, PAGE
 58. SAID WILLIAM W. SILBAUGH DIED ON
 OR ABOUT SEPTEMBER 3, 2018, AND
 UPON HIS DEATH, TITLE VESTED IN
 SUZANNE RUSH AS SURVIVING JOINT
 OWNER, BY OPERATION OF LAW.

IMPROVEMENT THEREON: A
 manufactured residential dwelling being known
 and numbered 1276 Beaver Creek Road,
 Farmington, Pennsylvania 15437.

TAX PARCEL NUMBER: 16-07-0001-16.

Property seized and taken in Execution as
 the property of Suzanne Rush

No. 2455 of 2023 GD
No. 197 of 2024 ED

JPMorgan Chase Bank, National Association
Plaintiff,
vs.
Robin E. Schomer, AKA Robin Schomer;
Jacky Schomer, AKA Jacky J. Schomer; Iris
W. Brown; Rodney L. Brown
Defendants.

ALL that certain parcel of land lying and being situate in the Township of Springfield, County of Fayette, and Commonwealth of Pennsylvania, known as 373 Grimes Road, Normalville, PA 15469 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 35-10-0167

BEING the same premises which Iris W. Brown, Rodney L. Brown, Robin E. Schomer and Rebecca L. Brown, by Deed dated July 26, 2007 and recorded in and for Fayette County, Pennsylvania in Deed Book 3036, Page 2454, granted and conveyed unto Iris W. Brown, Rodney L. Brown, Robin E. Schomer, Jacky Schomer, and Rebecca L. Brown.

No. 1835 of 2023 GD
No. 206 of 2024 ED

FRICK TRI-COUNTY FEDERAL
CREDIT UNION now known as FRICK:
FINANCIAL FEDERAL CREDIT UNION,
Plaintiff,
v.
JAMES W. SHAFFER and AMY LYNN
COLEMAN,
Defendants.

ALL that certain piece, parcel or tract of land, lying and situate in the Town hip of North Union, County of Fayette, and Commonwealth of Pennsylvania, known as 375 Main Street, Lemont Furnace, PA 15456, having erected thereon a dwelling house.

Being known and designated as Tax ID No: 25-34-0026.

BEING the same property conveyed to the Amy Lynn Coleman, a single woman, and James W. Shaffer, a single man, Defendants herein by deed dated November 9, 1992, and recorded in the Recorder of Deeds Office of Fayette County, Pennsylvania, at Record Book 1089, Page 001.

Robert Flaccoco, Esq.
1325 Franklin Avenue, Suite 160
Garden City, NY 11530
(212) 471-5100

No. 476 of 2024 GD
No. 169 of 2024 ED

U.S. Bank Trust Company, National
Association, not in its individual capacity but
solely in its capacity as Indenture Trustee of
CIM Trust 2023-NR2

v.

Brian A. Slampak; Kimberly A. Slampak

By virtue of Writ of Execution No. 169 of 2024 ED, U.S. Bank Trust Company, National Association, not in its individual capacity but solely in its capacity as Indenture Trustee of CIM Trust 2023-NR2 v Brian A. Slampak; Kimberly A. Slampak

Docket Number: 2024-00476

Property to be sold is situated in the Borough of Uniontown, County of Fayette and Commonwealth of Pennsylvania.

Commonly known as: 171 Edison Street, Uniontown, PA 15401 Parcel Number: 25-31-0063

Improvements thereon of the residential dwelling or lot (if applicable):

Judgment Amount: \$89,610.35

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

No. 104 of 2024 GD
No. 179 of 2024 ED

Plaintiff: FEDERAL HOME LOAN
MORTGAGE CORPORATION, AS
TRUSTEE FOR THE BENEFIT OF THE
FREDDIE MAC SEASONED CREDIT RISK
TRANSFER TRUST, SERIES 2020-3

v.

Defendant: STEPHANIE TREAT

By virtue of a writ of execution case number: 2024-104

Plaintiff: FEDERAL HOME LOAN MORTGAGE CORPORATION, AS TRUSTEE FOR THE BENEFIT OF THE FREDDIE MAC SEASONED CREDIT RISK TRANSFER TRUST, SERIES 2020-3

v.

Defendant: STEPHANIE TREAT

Owners of property situate in North Union Township, Fayette County, Pennsylvania, being pin number 25-31-0007

Property being known as: 548 NORTH GALLATIN AVE, UNIONTOWN, PA 15401

Improvements thereon: Residential Property

No. 2523 of 2023 GD

No. 137 of 2024 ED

Carrington Mortgage Services, LLC
PLAINTIFF

vs.

Tiffany D. Vrabel
DEFENDANT

ALL that certain lot or piece of ground situate in the CITY of CONNELLSVILLE, County of FAYETTE and Commonwealth of Pennsylvania, being Lot No. 120 in the MCKEE Plan of Lots as REVISED AND ENLARGED BY LLOYD JOHNSTON and as recorded in the Office of the Recorder of Deeds of FAYETTE County, Pennsylvania in Plan Book Volume 1, Page(s) 58.

IDENTIFIED as Tax/Parcel #: 05-12-0018 in the Deed Registry Office of FAYETTE County, Pennsylvania.

HAVING erected a dwelling thereon known as 411 E WASHINGTON AVENUE, CONNELLSVILLE, PA 15425

UNDER AND SUBJECT TO any and all oil and gas leases, the sale of coal and mining rights and all rights relating thereto, building lines, rights-of-way, zoning regulations, building restrictions, reservations, restrictive covenants, easements, rights and obligations, encroachments, party walls, maintenance fees, association fees and/or dues, if any, etc., as the same may be contained in prior instruments of record, set forth in the recorded plan and/or as shown on a survey of the property.

COMMONLY KNOWN AS: 411 East Washington Avenue, Connellsville, PA 15425
TAX PARCEL NO. 05120018

*** END SHERIFF'S SALE ***

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JUDICIAL OPINION

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

MT. MACRINA MANOR, :
Plaintiff, :
v. :
GARY STAFFORD, JR., :
Defendant. : No. 1546 of 2018, G.D.

OPINION AND ORDER

Linda R. Cordaro, J.

July 12, 2024

Currently before this Court is Defendant's Motion to Dismiss for Failure to Join an Indispensable Party. After consideration of the pleadings, briefs, and oral arguments presented by counsel for the parties, the Motion is denied for the reasons set forth below.

BACKGROUND

Plaintiff Mt. Macrina Manor is a skilled nursing facility in Uniontown, Pennsylvania. Gary Stafford, Sr. ("Stafford Sr.") resided at Plaintiffs facility from February 15, 2016 to August 14, 2017. Plaintiff alleges that on February 15, 2016, the date on which Stafford Sr. was admitted, Defendant Gary Stafford, Jr., signed an Admission Agreement; {1} a Responsible Person Agreement; {2} and a document titled "Mt. Macrina Manor Releases and Acknowledgements." {3} In addition, Plaintiff alleges that on August 31, 2016, during the time in which Stafford Sr. was residing at Plaintiffs facility, Stafford Sr. transferred three parcels of real estate to Defendant for \$1.00 each. {4}

On July 23, 2018, Plaintiff filed an initial Complaint against Defendant. On March 19, 2020, Plaintiff was granted leave to amend the Complaint. Plaintiff then filed the First Amended Complaint on April 6, 2020. Defendant filed preliminary objections on June 18, 2020. Plaintiff filed the Second Amended Complaint on July 8, 2020, rendering the preliminary objections moot. Defendant then filed preliminary objections to the Second Amended Complaint on March 1, 2021, after which the parties consented to Plaintiffs filing of the Third Amended Complaint, which was done on November 29, 2021.

Defendant filed an Answer, New Matter, and Counterclaim on January 31, 2022, and Plaintiff filed a Reply on April 4, 2022.

Stafford Sr. died on June 2, 2023.

The parties stipulated to a pre-trial scheduling order on August 29, 2023, which specified that all dispositive motions were to be filed by February 28, 2024. On that date, Defendant filed the Motion currently before this Court.

DISCUSSION

Plaintiffs Third Amended Complaint is against Defendant Gary Stafford, Jr. and consists of two counts: breach of contract and violation of Uniform Voidable Transactions Act. According to Plaintiff, Defendant signed agreements and acknowledgements indicating that he was his father's "responsible party" and would use his father's resources to pay Plaintiff for the cost of his father's care. Plaintiff avers that Defendant

{1} Plaintiffs Exhibit 2. {2} Plaintiffs Exhibit 3.
{3} Plaintiffs Exhibit 4. {4} Plaintiffs Exhibits 5 - 7.

willfully failed to do this, thereby breaching their agreement, the consequence of which is that Defendant is personally liable for the costs.

Defendant's Motion contends that because the underlying claims are related to care that Stafford Sr. received, and he would have standing to dispute those costs or to raise any claims of negligence, he is an indispensable party to this action. Further, because Stafford Sr. now is deceased and can no longer be joined, Defendant argues that this Court must dismiss the case.

The failure to join an indispensable party implicates the court's subject matter jurisdiction. *Turner v. Estate of Baird*, 270 A.3d 556, 560 (Pa. Super. Ct. 2022). An "indispensable party" is one whose rights are so connected with the litigated claims that no decree can be made without impairing those rights. *Simone v. Alam*, 303 A.3d 140, 142-43 (Pa. Super. Ct. 2023) citing *Northern Forests II, Inc. v. Keta Realty Co.*, 130 A.3d 19, 29 (Pa. Super. Ct. 2015). Whenever it appears that there has been a failure to join an indispensable party, the court must order that the party be joined, but if that is not possible, then it must dismiss the action. Pa.R.Civ.P. 1032(b).

On the other hand, if no redress is sought against a party, and its rights would not be prejudiced by any decision in the case, then that party is not indispensable with respect to the litigation. *Turner*, 270 A.3d at 560-61. A trial court must weigh the following in determining whether a party is indispensable: (1) whether the absent party has a right or interest related to the claim; (2) the nature of that right or interest, if any; (3) whether the right or interest is essential to the merits of the issue; (4) whether justice can be afforded without violating the due process rights of absent parties. *Id.* at 561.

Here, Plaintiff is not seeking redress against Stafford Sr. in anyway, and his rights and interests will not be prejudiced regardless of the outcome of this case. Plaintiff has filed this action against only Defendant based on Defendant's self-representation as Stafford Sr.'s "responsible person," and his subsequent failure to fulfill his obligations in that capacity. The exhibits show only Defendant's signatures, and neither party alleges that Stafford Sr. was present when Defendant signed the documents, nor that he granted Defendant the authority to bind him to a payment agreement.

Even if this Court were to find in Plaintiffs favor, Defendant would not be required, at this point, to use Stafford Sr.'s assets (or those of his estate, if any) to satisfy judgment. In addition, with respect to the three parcels of real estate that Stafford Sr. transferred to Defendant, Plaintiff requests only that it be permitted to obtain an attachment against those assets which Defendant, not Stafford Sr., owns.

"In determining whether a party is indispensable, the basic inquiry remains whether justice can be done in the absence of a third party." *Turner*, 270 A3d at 561. Here, Plaintiffs requested relief is based on its alleged agreement with Defendant, not with Stafford Sr., whose rights and interests will not be impaired by any decree of this Court. Accordingly, Stafford Sr. is not an indispensable party.

Therefore, the Court enters the following:

ORDER

AND NOW, this 12th of July, 2024, Defendant's Motion to Dismiss for Failure to Join an Indispensable Party is hereby ORDERED and DIRECTED that the Motion is DENIED. The parties shall file a Certificate of Readiness, with a copy provided to the undersigned, and, thereafter, this Court will schedule a Pretrial Conference.

BY THE COURT:
Linda R. Cordaro, Judge

KENTUCK KNOB SUMMER EVENING INVITATION

Please join your colleagues of the Fayette County Bar Association for a
Summer Evening at Frank Lloyd Wright's Kentucky Knob

Thursday, August 22nd

Private House Tour

4:00 p.m.

No Charge for FCBA Members

\$25 Tour Fee for Guests

Check-In at the Visitor Center at 3:45 p.m.

Cocktails & Heavy Hors d'oeuvres on the Patio

Stone House Catering

5:00-7:00 p.m.

No Charge for FCBA Members & Guests

Entertainment by

Chuck Cantalamessa

RSVP required by Thursday August 8th

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