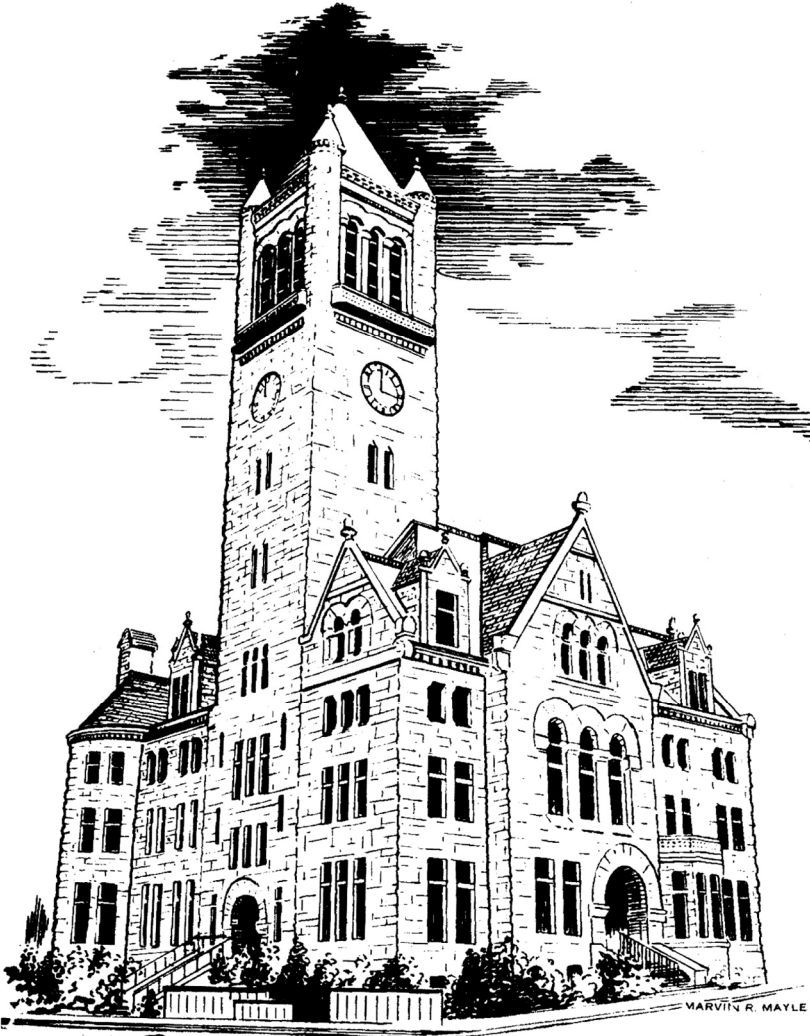


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FAYETTE LEGAL JOURNAL

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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

MARION BASINGER, late of 1250 Anderson Highway, Cumberland, Virginia 23040 (3)

Co-Executors: James Basinger and John Basinger
122 Sweitzer Road
Acme, PA 15610
c/o 17 North Diamond Street
Mount Pleasant, PA 15666
Attorney: Marvin Snyder

CHARLES JEFFREY BAXTER, late of South Union Township, Fayette County, PA (3)

Executor: Jeffrey Joshua Baxter
c/o DeHaas Law, LLC
51 East South Street
Uniontown, PA 15401
Attorney: Ernest P. DeHaas, III

WILLIAM FRANCIS BILLER, III, late of South Connellsville, Fayette County, PA (3)

Administrator: Babbette Miele
140 Lower Oliver 3
Uniontown, PA 15401
c/o Tremba, Kinney, Greiner & Kerr, LLC
302 West Otterman Street
Greensburg, PA 15601
Attorney: Timothy B. Kinney

JESSIE J. HUSAK, late of Bullskin Township, Fayette County, PA (3)

Executor: Richard S. Husak
243 Sweitzer Road
Mount Pleasant, PA 15666
c/o 17 North Diamond Street
Mount Pleasant, PA 15666
Attorney: Marvin D. Snyder

CONNIE A. MYERS, late of German Township, Fayette County, PA (3)

Executrix: Shauna R. Smith
c/o 52 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

PAUL ALLEN SANDUSKY, late of Connellsville, Fayette County, PA (3)

Personal Representative:
Susan Jane Sandusky
c/o 208 South Arch Street, Suite 2
Connellsville, PA 15425
Attorney: Richard A. Husband

RALPH SUTTON, a/k/a RALPH EVERETT SUTTON, a/k/a RALPH E. SUTTON, late of Georges Township, Fayette County, PA (3)

Executrix: Jacqueline J. Sutton
c/o Kopas Law Offices
556 Morgantown Road
Uniontown, PA 15401
Attorney: John Kopas

SUSAN M. WAITE, late of Bullskin Township, Fayette County, PA (3)

Co-Executors: Lydia A. Snyder and Courtney A. Snyder
730 Maxwell Avenue
Boulder, Colorado 80304
c/o 231 South Main Street, Suite 402
Greensburg, PA 15601
Attorney: Marilyn M. Gaut

Second Publication

CAROL A. ASSAD, a/k/a CAROL ANN ASSAD, late of East Brownsville Township, Fayette County, PA (2)

Executor: Andrew G. Assad
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

ROBERT M. CHUEY, a/k/a ROBERT M. KENNEDY-CHUEY, late of South Union Township, Fayette County, PA (2)

Administrator: David F. Chuey
c/o Goodwin Como, P.C.
108 North Beeson Boulevard, Suite 400
Uniontown, PA 15401
Attorney: Benjamin F. Goodwin

**LORRAINE KOSCHOCK, a/k/a
LORRAINE J. KOSCHOCK**, late of Wharton
Township, Fayette County, PA (2)
Administratrix: Melissa R. Minko
P.O. Box 123
Gibbon Glade, PA 15440
c/o Tremba, Kinney, Greiner & Kerr
1310 Morrell Avenue, Suite C
Connellsville, PA 15425
Attorney: John Greiner

ROBERT L. NAGY, a/k/a ROBERT NAGY,
late of Holiday, PESCO County, Florida (2)
Administratrix: Carole Morgan Nagy
c/o Goodwin Como, P.C.
108 North Beeson Boulevard, Suite 400
Uniontown, PA 15401
Attorney: Benjamin F. Goodwin

First Publication

GARY R. BONAR, late of Georges, Fayette
County, PA (1)
Executrix: Beulah E. Bonar
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

**BRIAN EUGENE FREY, a/k/a BRIAN E.
FREY**, late of Henry Clay Township, Fayette
County, PA (1)
Executor: Adam I. Hull
251 Elliottsville Road
Farmington, PA 15437
c/o 142 North Court Avenue
P.O. Box 1315
Somerset, PA 15501-0315
Attorney: James B. Courtney

**LORRAINE J. KOSCHOCK, a/k/a
LORRAINE J. KOSCHOCK**, late of Wharton
Township, Fayette County, PA (1)
Administratrix: Melissa R. Minko
P.O. Box 123
Gibbon Glade, PA 15440
c/o Tremba, Kinney, Greiner & Kerr
1310 Morrell Avenue, Suite C
Connellsville, PA 15425
Attorney: John Greiner

ETTA MELVIN, late of Washington
Township, Fayette County, PA (1)
Co-Executrix: Kelly Jo Ellin
1590 Rostraver Road
Rostraver Township, PA 15012
Merilee Melvin
119 Price Avenue
Rostraver Township, PA 15012
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

ELEANOR RISHEL, late of Uniontown,
Fayette County, PA (1)
Administrator: Darrell E. Rishel
c/o 132 West Main Street
New Holland, PA 17557
Attorney: R. Douglas Good

**NORMA J. RYAN, a/k/a NORMA JEAN
RYAN**, late of Brownsville, Fayette County, PA
Co-Executors: Kent Thomas Ryan (1)
Maureen Ann Landers
Kevin Lee Ryan
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

LEGAL NOTICES

In the Court of Common Pleas of Fayette
County, Pennsylvania
1942 of 2023, G.D.

Pennsylvania Housing Finance Agency,
Plaintiff,
vs.
Carlee Jo Tolnai,
Defendant.

Attorney for Plaintiff:
Lois M. Vitti, Esquire,
Vitti Law Group, Inc.,
663 Fifth Street, Oakmont, PA 15139
(412) 281-1725

NOTICE OF SHERIFF SALE

You are hereby notified that the real property located at 24 Grant Avenue, New Salem, PA 15468, will be exposed to sale by James Custer, Sheriff of Fayette County, Pennsylvania on July 18, 2024, at 2:00 pm at <https://fayette.pa.realforeclose.com>.

NOTICE

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 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 NOTICE 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.

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

NO: 1460 of 2023 GD

**WILMINGTON SAVINGS FUND SOCIETY
vs. MARISSA ANN BARKLEY, SOLELY
AS HEIR OF MARJORIE E. BARKLEY,
DECEASED, THOMAS M. BARKLEY,
SOLELY AS HEIR OF MARJORIE E.
BARKLEY, DECEASED, UNKNOWN
HEIRS, DEVISES, AND/OR PERSONAL
REPRESENTATIVES OF MARJORIE E.
BARKLEY, DECEASED,**

NOTICE

TO THE DEFENDANTS:

You are hereby notified WILMINGTON SAVINGS FUND SOCIETY, has filed a Complaint in Mortgage Foreclosure with regard to 499 Coolspring St, Uniontown, PA 15401, endorsed with a Notice to Defend, against you at No. 1460 of 2023 GD 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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PLAINTIFF’S ATTORNEY:
ROBERT W. WILLIAMS, ESQUIRE
HLADIK, ONORATO & FEDERMAN, LLP
298 WISSAHICKON AVENUE
NORTH WALES, PA 19454, (215) 855-9521

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.

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

NO: 2024-00117

**U.S. BANK NATIONAL ASSOCIATION,
NOT IN ITS INDIVIDUAL CAPACITY BUT
SOLELY AS TRUSTEE OF NRZ PASS-
THROUGH TRUST XII vs. AMY S.
SHROYER, INDIVIDUALLY AND AS
SURVIVING HEIR OF DONALD E.
SHROYER, JR. A/K/A DONALD EUGENE
SHROYER, JR., DECEASED, COURTNEY
GRIMM, AS SURVIVING HEIR OF
DONALD E. SHROYER, JR. A/K/A
DONALD EUGENE SHROYER JR.,
DECEASED, JOSEPH SHROYER, AS
SURVIVING HEIR OF DONALD E.
SHROYER, JR. A/K/A DONALD EUGENE
SHROYER, JR., DECEASED, UNKNOWN
SURVIVING HEIRS OF DONALD E.
SHROYER A/K/A DONALD EUGENE
SHROYER, JR., DECEASED,**

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:
ROBERT W. WILLIAMS, ESQUIRE
HLADIK, ONORATO & FEDERMAN, LLP
298 WISSAHICKON AVENUE
NORTH WALES, PA 19454, (215) 855-9521

NOTICE

TO THE DEFENDANTS:

You are hereby notified U.S. Bank National Association, not in its individual capacity but solely as trustee of NRZ Pass-Through Trust XII, has filed a Complaint in Mortgage Foreclosure with regard to 273 ODonnal Road, Mill Run, PA 15464, endorsed with a Notice to Defend, against you at No. 2024-00117 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

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, July 1, 2024, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2600-0034	TRUST UNDER WILL OF HELEN E. SHALLENBERGER DTD 2/6/1992 FBO CHARMA GUE LISTON	PNC Bank, National Association, Trustee of the Trust Under Will of Helen E. Shallenberger dated 2/5/1992 FBO Charma Gue Liston
2622-0998	ESTATE OF RAY HILL, DECEASED	Dorothy Satullo, Administratrix

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

Monday, July 15, 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, July 1, 2024, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2622-0981	VALERIA L. CODDINGTON	Hope I. Coddington-Haywood, Executrix

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

Monday, July 15, 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.

WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

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Smithfield, PA 15478

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JUDICIAL OPINION

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

COMMONWEALTH OF PENNSYLVANIA, :
 v. :
 KASON BENJAMIN BURD, : No.584 of 2023
 Defendant. : Honorable President Judge Steve P. Leskinen

OPINION AND ORDER

Leskinen, P.J.

May 9, 2024

Before the Court is the Omnibus Pre-Trial Motion filed on behalf of the Defendant, Kason Benjamin Burd, which raises a Motion to Suppress Items Seized During the Search, a Motion to Suppress Statements Made by the Defendant, and a Petition for Habeas Corpus for an incident which occurred on February 4, 2023. At the time set for the hearing on the Defendant's petition, the parties agreed that the transcript of the preliminary hearing held on March 29, 2023 and the motor vehicle recording (hereinafter "MVR") would be submitted as the record for the Court's determination.

BACKGROUND

The testimony presented by Pennsylvania State Trooper Parlak was as follows:

On February 4, 2023 at approximately 0158 hours, Trooper Parlak and another trooper observed the vehicle the Defendant was operating in the Sunoco Parking Lot in the City of Uniontown. At that time, he observed that the vehicle had an inoperable passenger headlight. (N.T. at pg. 5). He also observed the Defendant exit the vehicle, walk towards the Sunoco Station while holding the waistline of his sweatpants. He briefly spoke to a male, went into the station and then exited the store. When he exited the store, he continued to hold onto the waistband of his sweatpants. Id. After the Defendant drove out of the gas station, the Troopers stopped the vehicle for the inoperable headlight.

The defendant indicated he was lost coming from the McKeesport area and was trying to return there. The Troopers questioned him about the firearm that he was carrying and the Defendant adamantly denied he had a firearm. The Trooper testified that the Defendant's actions with holding his waistband suggested that he possessed a firearm. A heavy object that did not need to be concealed would normally have been carried openly. The Defendant refused consent for them to search the vehicle. Trooper Parlak testified that the Defendant then admitted to the other trooper that he did have a firearm and that the trooper could remove the weapon from the vehicle. The Troopers retrieved a nine millimeter Smith and Wesson firearm from the rear pocket of the front passenger seat. The NCIC check indicated that the firearm had been reported stolen. Trooper Parlak also stated that there was a bag with marijuana residue in it, but no charge was filed related to drugs.

Upon review of the MVR, the parking lot of the Sunoco Station is visible but the video doesn't clearly show the action in the lot. The Troopers follow the Defendant's vehicle, then activate their lights to stop the vehicle. Trooper Parlak questions the Defendant about where he's coming from and where he's going while collecting the Defendant's identification. The Trooper gives him directions about how to get back on Route 51 to return to the McKeesport area. He also mentions that the headlight of the vehicle is inoperable. When the Trooper asks about a gun, the Defendant is more animated in his response but denies that he has a weapon. The Defendant denies consent to search and initially doesn't want to exit the vehicle.

On exiting the vehicle, the Defendant continues denying the need for the search, he holds his hands up and turns around showing no firearm in his pants. The troopers had him stand in front of their patrol vehicle and the second trooper conversed with the Defendant while Trooper Parlak went into the car. The conversation with the Defendant when he admitted he had a gun and gave consent to search is not audible on the MVR. One of the Troopers read him his Miranda rights and also then gave him a consent to search to sign.

DISCUSSION

To conduct a search, a police officer must generally obtain a warrant that is supported by probable cause. If an individual consents to the search, then a warrant is not required. However, the consent to search must be unequivocal. Under the Pennsylvania Constitution and case law, the consent to search must be given during a legal police contact. If the contact between the police and an individual is lawful, then the voluntariness of the consent is the exclusive issue. *Commonwealth v. Strickler*, 757 A.2d. 884 (Pa. 2000). To establish that the consent given is the product of an essentially free and unconstrained choice and not the result of duress or coercion, express or implied, or by a will overborne, the Court must consider the totality of the circumstances. *Commonwealth v. Mack*, 796 A.2d 967 (Pa. 2002).

In this instance, the stop was for an inoperable light. After stopping the Defendant for the inoperable light, the Trooper requested his vehicle information and his license. The Trooper questioned him about where he was going, why he was in the area, and then questioned him about a firearm. During the questioning, Trooper Parlak was by the driver's side of the vehicle and Trooper Patrick was by the passenger door. A second marked police vehicle stopped to talk to the Trooper but then continued on. Trooper Parlak began to question him about possessing a firearm. The Defendant denied having a firearm. After repeated questioning, he was told that he could leave after he gave up the firearm. The Defendant was asked to exit the vehicle. The Defendant denied consent to search after several requests. Trooper Patrick stayed with the Defendant outside the vehicle in view of the MVR on the vehicle, but his conversation was not recorded. The Defendant's identification and documents were not returned to him during the Troopers' contact with him. He was never provided any citation for the inoperable light and there was no indication that the stop would be over except for the Trooper's statement that it would end after the gun was turned over.

The Troopers questioned the Defendant about possessing a firearm due to their belief that when he exited the vehicle in the Sunoco Gas Station and held onto the waistband of his sweatpants that this was indicative that he was carrying a firearm. There is no indication that there was concern for the safety of the troopers. Trooper Parlak did not immediately have the Defendant exit the vehicle and submit to a Terry pat when he first had contact with the Defendant. The Defendant's excited tone in response to the Trooper's question about a firearm was not to the level of extreme nervousness. The Defendant adamantly denied he possessed a firearm and denied consent to search when asked by the Trooper on the MVR. Although he did ultimately consent to the search, there was no lawful reason to prolong the stop of the Defendant for a minor traffic offense. Under the totality of the circumstances, the Court finds that the Defendant's "consent" was not freely and voluntarily given.

Therefore, the Defendant's Omnibus Pretrial Motion to Suppress Items Seized During the Search of the Vehicle is GRANTED. The stolen gun confiscated as a result of the stop cannot be used as evidence against the Defendant in this case. The Court will not address the remaining issues as the Court's ruling on Count 1 renders the remaining counts of the Motion moot.

BY THE COURT:
STEVE P. LESKINEN, PRESIDENT 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, June 26th from 12:00 p.m. to 1:30 p.m.**
- Location: **Courtroom No. 4 of the Fayette County Courthouse**
- Discussion topics: **Avoiding Problems in the Preparation of Prenuptial Agreements and Marital Settlement Agreements**
- Presenters: **Samuel J. Davis, Esquire**

CLE Credit

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

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- \$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@fcbbar.org on or before Monday, June 24th.

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