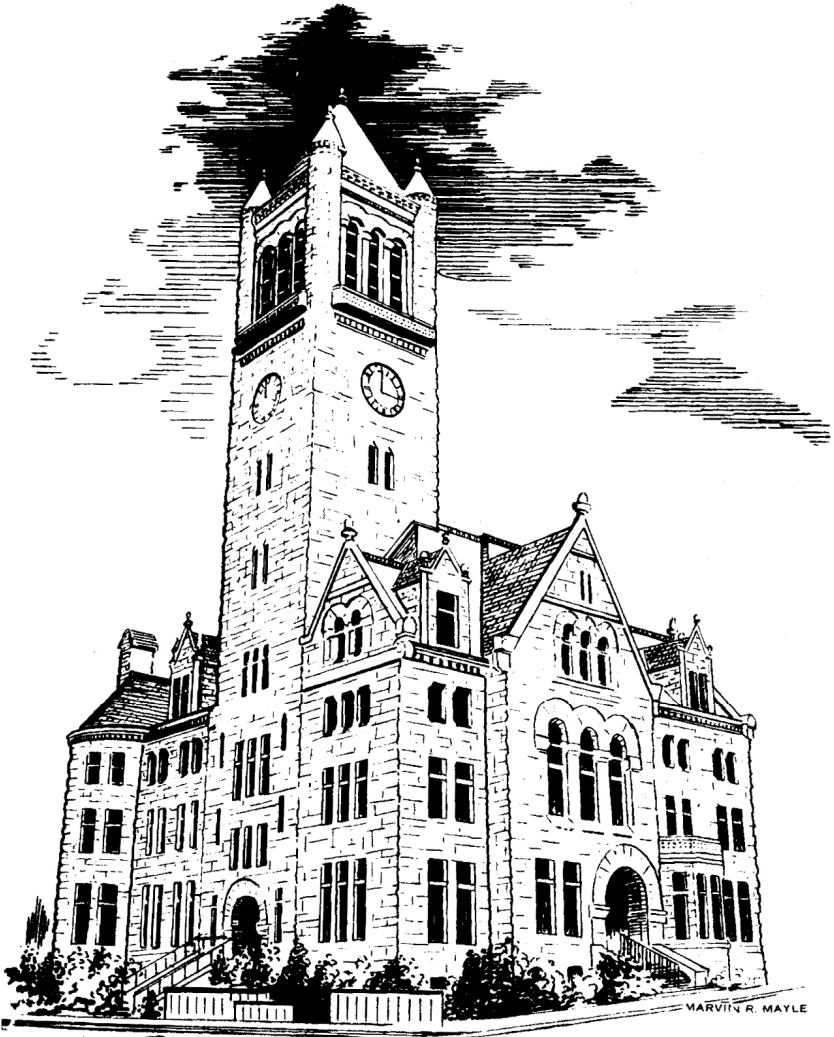


FAYETTE LEGAL JOURNAL

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FAYETTE LEGAL JOURNAL

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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

ANGELA BROOKS, late of South Connellsville, Fayette County, PA ⁽³⁾

Executor: William A. Brooks
177 Spaugy Hollow Road
Connellsville, Pa 15425
c/o Snyder & Snyder
17 North Diamond Street
Mt. Pleasant, PA 15666
Attorney: Marvin Snyder

THERESA M. BROOKS, late of Uniontown, Fayette County, PA ⁽³⁾

Personal Representative: Vincent T. Brooks
c/o P.O. Box 953
Uniontown, PA 15401
Attorney: Ricardo J. Cicconi

GERY GMITER, a/k/a GERY J. GMITER, late of South Union Township, Fayette County, PA ⁽³⁾

Administrator: Nicole Bounds
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Wendy L. O'Brien

JANET HILTABIDEL, late of Connellsville, Fayette County, PA ⁽³⁾

Co-Executor: Arnold Hiltabidel
6470 Lucky Lane
Liberty Township, OH 45044
Co-Executor: Victoria S. Cowles
16 Granite Peak Court
Oroville, CA 95966
c/o Mears, Smith, Houser & Boyle, P.C.
127 North Main Street
Greensburg, PA 15601
Attorney: Kim Ross Houser

MELODIE SUE HODNIK, a/k/a MELODIE S. HODNIK, late of Dunbar Township, Fayette County, PA ⁽³⁾

Personal Representative: Matthew D. Maple
c/o Watson Mundorff & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

BERTHA LOUISE NICHOLSON, late of Dunbar Township, Fayette County, PA ⁽³⁾

Executor: Janet Mickey
c/o Rowan Law Office
890 Vanderbilt Road
Connellsville, PA 15425
Attorney: Mark Rowan

ALAN WILSON, late of Franklin Township, Fayette County, PA ⁽³⁾

Administrator: Daniel L. Rockwell
255 Sleepy Hollow Road
Smithfield, PA 15478
c/o 111 East Main Street
Uniontown, PA 15401
Attorney: Robert Harper

Second Publication

MARY BENNER, late of Wharton Township, Fayette County, PA ⁽²⁾

Personal Representative: Marylou B. Rohlf
c/o Higinbotham Law Offices
45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

BRADLEY SPADE, late of Uniontown, Fayette County, PA ⁽²⁾

Executor: Anna Spade
209 Whyte Avenue
Uniontown, PA 15401

DEBORAH ANN CRAGO, a/k/a DEBORAH A. CRAGO, late of Uniontown, Fayette County, PA ⁽²⁾

Personal Representative: Charles Crago, Sr.
c/o George & George, LLP
92 East Main Street
Uniontown, PA 15401
Attorney: Joseph M. George

ANITA BELLE KENNEDY, late of Dickerson Run, Fayette County, PA (2)

Personal Representative: Misty Zebley
3002 Valley Drive
Connellsville, PA 15425
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Wendy L. O'Brien

LANCE KRISTAN, a/k/a LANCE J. KRISTAN, late of Saltlick Township, Fayette County, PA (2)

Executor: Thomas Kristan
c/o 124 Vannear Avenue
Greensburg, PA 15601
Attorney: Matthew A. Curiale

PATRICIA A. LONG, a/k/a PATRICIA ANNE LONG, late of Stewart Township, Fayette County, PA (2)

Personal Representative:
Anna Marie Collins
c/o Watson Mundorff & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

AUDREY J. METZGER, a/k/a AUDREY JUNE METZGER, late of Connellsville, Fayette County, PA (2)

Co-Executors: Kenneth Ray Metzger and Kenneth Charles Metzger
c/o P.O. Box 760
Connellsville, PA 15425
Attorney: Carolyn W. Maricondi

PATRICIA ANN SHUBA, a/k/a PATRICIA A. SHUBA, late of Menallen Township, Fayette County, PA (2)

Executor: Kimberly Ann Peck
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Wendy L. O'Brien

WILLIAM DANIEL SHUPE, late of Dunbar Township, Fayette County, PA (2)

Personal Representative: William David Shupe
c/o Davis and Davis
107 East Main Street
Uniontown, PA 15401

Attorney: Gary J. Frankhouser

MARTHA TOTH, a/k/a MARTHA M. TOTH, late of North Union Township, Fayette County, PA (2)

Personal Representative: Marianne Toth, a/k/a Marianne Slavensky
c/o Higinbotham Law Offices
45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

ANGELINA M. YODER, late of Luzerne Township, Fayette County, PA (2)

Co-Executrix: Wanda Y. Broadwater
Co-Executrix: Christina Y. Becker
c/o Webster & Webster
51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

First Publication

EMMETT BRUCE BAKER, JR., a/k/a BRUCE BAKER, late of Hopwood, Fayette County, PA (1)

Executor: James Scott Baker
c/o P.O. Box 727
Uniontown, PA 15401
Attorney: Bernadette K. Tummons

BETTY LINCOLN, a/k/a BETTY LOUISE LINCOLN, late of Springhill Township, Fayette County, PA (1)

Personal Representative: Susan Frazee
c/o P.O. Box 622
Smithfield, PA 15478
Attorney: Charity Grimm Krupa

CLARENCE E. NICHOLSON, late of Perryopolis, Fayette County, PA (1)

Executrix: Lois E. Nicholson
c/o P.O. Box 727
Uniontown, PA 15401
Attorney: Bernadette K. Tummons

AUDREY SNYDER, late of Belle Vernon, Fayette County, PA (1)

Executor: Rebecca Smith
403 Harmony Church Road
Belle Vernon, PA 15012

MARY JEAN YANNACCI, late of Fayette City, Fayette County, PA ⁽¹⁾

Administrator: Stanley J. Welsh
110 Watson Drive
Monongahela, PA 15063
c/o Bassi, Vreeland & Associates, P.C.
P.O. Box 144
111 Fallowfield Avenue
Charleroi, PA 15022
Attorney: Bradley M. Bassi

Social Service Agency
100 West Beau Street
502 Courthouse Square
Washington, PA 15301
Telephone: (724) 228-6884

LEGAL NOTICES

PUBLIC NOTICE

**IN THE COURT OF COMMON PLEAS OF
WASHINGTON COUNTY,
PENNSYLVANIA**

ORPHAN'S COURT DIVISION

**IN RE: BRAYLYNN DAVIS
D.O.B. 01/01/2009
CHILD OF: LAUREN LINT**

NO: 63-19-1458

Take notice that a Petition for Involuntary Termination of Parental Rights of Lauren Lint, mother of Braylynn Davis will be presented to the Orphans' Court of Washington County, Pennsylvania. Any person wishing to assert his parental rights should appear in Courtroom No. 7 of the Washington County Courthouse, Washington, Pennsylvania, for a hearing as to the same on February 20, 2020 at 1:30 p.m.

You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the Court without your being present.

You have the right to be represented at the hearing by an attorney. You should take this notice to your attorney at once. If you do not have an attorney or cannot afford representation, contact the Southwestern Pennsylvania Legal Aid Society, 10 West Cherry Avenue, Washington, Pennsylvania, 15301, (724) 225-6170, to find out where you can obtain legal help.

Kiera Goolsby, Caseworker
Washington County Children & Youth

PUBLIC NOTICE

**IN THE COURT OF COMMON PLEAS OF
WASHINGTON COUNTY,
PENNSYLVANIA**

ORPHAN'S COURT DIVISION

**IN RE: BRAYLYNN DAVIS
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Kiera Goolsby, Caseworker
Washington County Children & Youth
Social Service Agency
100 West Beau Street
502 Courthouse Square
Washington, PA 15301
Telephone: (724) 228-6884

NOTICE

NOTICE is hereby given that Articles of Incorporation were filed on January 8, 2020 with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation of a domestic nonprofit corporation which was organized under the Business Corporation law of 1988 of the Commonwealth of Pennsylvania (15 Pa. C. S. A. Section 5306, et sec.) The name of the corporation is "Friends of Verna Montessori School, Inc."

Watson Mundorff & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Phone: 724-626-8882

**IN THE UNITED STATES
DISTRICT COURT
FOR THE WESTERN DISTRICT OF
PENNSYLVANIA
CIVIL ACTION NO. 2:19-cv-00102-MJH**

UNITED STATES OF AMERICA,
Plaintiff
vs.
DEBORAH S. LEE,
Defendant

MARSHAL'S SALE: By virtue of a Writ of Execution issued out of the United States District Court for the Western District of Pennsylvania and to me directed, I shall expose to public sale the real property located at and being more fully described at Fayette County Instrument No. 2004400010638, Book 2909, Page 1640.

SAID SALE to be held at the Fayette County Courthouse, in the hallway outside of the Sheriff's Office, 61 E. Main Street, Uniontown, PA 15401 at **10:00 a.m.** prevailing standard time, on **February 12, 2020.**

ALL that certain tract of land, together with the buildings, and improvements erected thereon described as Tax Parcel No. 21-11-0185 recorded in Fayette County, Pennsylvania, commonly known as: **216 Smithfield Road, Masontown, PA 15461.**

IDENTIFIED as Tax/Parcel #: 21-11-0185 in the Deed Registry Office of Fayette County, Pennsylvania. HAVING erected a dwelling

thereon known as 216 SMITHFIELD ROAD, MASONTOWN, PA 15461. BEING the same premises conveyed to Deborah S. Lee, dated June 17, 2004, and recorded on June 25, 2004 in the office of the Recorder of Deeds in and for Fayette County, Pennsylvania. Seized and taken in execution as the property of Deborah S. Lee at the suit of the United States of America, acting through the Under Secretary of Rural Development on behalf of Rural Housing Service, United States Department of Agriculture, to be sold on Writ of Execution as Civil Action No. 2:19-cv-00102.

TERMS OF SALE: Successful bidder will pay ten percent (10%) by certified check or money order upon the property being struck down to such bidder, and the remainder of the bid within thirty (30) days from the date of the sale and in the event the bidder cannot pay the remainder, the property will be resold and all monies paid in at the original sale will be applied to any deficiency in the price at which the property is resold. The successful bidder must send payment of the balance of the bid directly to the U.S. Marshal's Office c/o Sheila Blessing, 700 Grant Street, Suite 2360, Pittsburgh, PA 15219. Bidder must have deposit funds immediately available and on his person in order to bid, bidder will not be permitted to leave the sale and return with deposit funds. Notice is hereby given that a Schedule of Distribution will be filed by me on the thirtieth (30th) day after the date of sale, and that distribution will be made in accordance with the Schedule unless exemptions are filed thereto within ten (10) days thereafter. Purchaser must furnish State Realty Transfer Tax Stamps, and stamps required by the local taxing authority. Marshal's costs, fees and commissions are to be borne by seller. Michael Baughman, Acting United States Marshal. For additional information, please contact Cathy Diederich at 314-457-5514 or the USDA foreclosure website at www.resales.usda.gov.

SHERIFF'S SALE

Date of Sale: March 19, 2020

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, March 19, 2020, at 2:00 p.m. in Courtroom Number One at the Fayette County Courthouse, Uniontown, Pennsylvania.

The terms of sale are as follows:

Ten percent of the purchase price, or a sufficient amount to pay all costs if the ten percent is not enough for that purpose. Same must be paid to the Sheriff at the time the property is struck off and the balance of the purchase money is due before twelve o'clock noon on the fourth day thereafter. Otherwise, the property may be resold without further notice at the risk and expense of the person to whom it is struck off at this sale who in case of deficiency in the price bid at any resale will be required to make good the same. Should the bidder fail to comply with conditions of sale money deposited by him at the time the property is struck off shall be forfeited and applied to the cost and judgments. All payments must be made in cash or by certified check. The schedule of distribution will be filed the third Tuesday after date of sale. If no petition has been filed to set aside the sale within 10 days, the Sheriff will execute and acknowledge before the Prothonotary a deed to the property sold. (2 of 3)

James Custer
Sheriff Of Fayette County

Andrew J. Marley, Esquire
Stern & Eisenberg, PC
1581 Main Street, Suite 200
The Shops at Valley Square
Warrington, PA 18976
Phone: (215) 572-8111

No. 2389 of 2013 GD
No. 355 of 2019 ED

Deutsche Bank Trust Company Americas, as Trustee for Residential Accredit Loans, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2005-QS14

v.

Randy Canose and Kelly Canose

By virtue of Writ of Execution No. 2389 of 2013 GD, Deutsche Bank Trust Company Americas, as Trustee for Residential Accredit Loans, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2005-QS14 v. Randy Canose and Kelly Canose, 772 Virgin Run Road, Franklin Township, Vanderbilt, PA 15486, Tax Parcel No. 13-06-0058. Improvements thereon consisting of a Residential Dwelling, sold to satisfy judgment in the amount of \$214,086.28.

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

No. 1664 of 2019 GD
No. 352 of 2019 ED

QUICKEN LOANS INC.
635 Woodward Avenue
Detroit, MI 48226

Plaintiff

vs.

JACOB CLIFTON
Mortgagor(s) and Record Owner(s)
341 Virginia Circle
Uniontown, PA 15401
Defendant

ALL THAT CERTAIN LOT OF LAND
SITUATE IN TOWNSHIP OF SOUTH
UNION, COUNTY OF FAYETTE AND
COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 341 VIRGINIA
CIRCLE, UNIONTOWN, PA 15401
TAX PARCEL #34-05-0077-25
IMPROVEMENTS: A RESIDENTIAL

DWELLING
SOLD AS THE PROPERTY OF: JACOB
CLIFTON

No. 2189 of 2019 GD
No. 378 of 2019 ED

**Broker Solutions, Inc. dba New American
Funding
PLAINTIFF
vs.
Dale E. Davis, III
DEFENDANT**

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

COMMONLY KNOWN AS: 139 Pine Knob Road, Hopwood, PA 15445
TAX PARCEL NO. 34-38-0099

No. 2172 of 2019 GD
No. 380 of 2019 ED

**PENNSYLVANIA HOUSING FINANCE
AGENCY,
PLAINTIFF
vs.
TABITHA DEBERRY AND
CARL JOSEPH DEBERRY JR.,
DEFENDANTS**

ALL those certain pieces or parcels of land situate in Washington Township, Fayette County, Pennsylvania, bounded and described as follows:

FIRST: being approximately 13.1 x 20.2 x 18 x 10.32 perches; and

SECOND: being approximately 13.1 x 1.1 x 13 x 1.2 perches.

HAVING THEREON ERECTED DWELLING KNOWN AND NUMBERED AS: 255 GILLESPIE HOLLOW ROAD FAYETTE CITY, PA 15438.

Tax Parcel # 41-22-0003

Fayette Deed Book 3171, page 855

TO BE SOLD AS THE PROPERTY OF CARL JOSEPH DEBERRY, JR. AND TABITHA DEBERRY, FAYETTE COUNTY JUDGMENT NO. 2172-2019.

Phelan Hallinan Diamond & Jones, LLP

No. 1782 of 2019 GD
No. 383 of 2019 ED

**The Bank of New York Mellon fka The Bank of New York as Indenture Trustee for The Noteholders of The Cwabs, Inc., Asset Backed Notes, Series 2005-SD1
Plaintiff
v.
Virginia Dolfi
Defendant(s)**

By virtue of a Writ of Execution No. 2019-01782, The Bank of New York Mellon fka The Bank of New York as Indenture Trustee for The Noteholders of The Cwabs, Inc., Asset Backed Notes, Series 2005-SD1 v. Virginia Dolfi, owner (s) of property situate in the REDSTONE TOWNSHIP, Fayette County, Pennsylvania, being 474 Braznell Concrete Road, Grindstone, PA 15442-1026

Parcel No.: 30-02-0016

Improvements thereon: RESIDENTIAL DWELLING

No. 446 of 2019 GD
No. 359 of 2019 ED

**Plaza Home Mortgage Inc.
PLAINTIFF
vs.
Matthew R. Geyer
DEFENDANT**

ALL those certain pieces or parcels of land situate in Upper Tyrone Township, Fayette County, Pennsylvania, bounded and described as follows:

COMMONLY KNOWN AS: 127 Robaugh Road, Connellsville, PA 15425

TAX PARCEL NO. 39130008

No. 2570 of 2018 GD
No. 372 of 2019 ED

**U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY,
PLAINTIFF,
VS.
BRANDON J. HARRIS,
DEFENDANT**

ALL that piece of ground in the City of Uniontown, Fayette County, Pennsylvania,

being Lot No. 34, Patterson Heirs Plan of Lots, Fayette Plan Book 2, page 62. HAVING THEREON ERECTED DWELLING KNOWN AND NUMBERED AS: 252 BRADDOCK AVENUE UNIONTOWN, PA 15401.

Tax Parcel # 38-11-0017

Fayette Deed Book 3027, page 1436

TO BE SOLD AS THE PROPERTY OF BRANDON J. HARRIS UNDER JUDGMENT NO. 2018- 02570.

No. 2012 of 2019 GD

No. 362 of 2019 ED

Bayview Loan Servicing, LLC, a Delaware Limited Liability Company
PLAINTIFF

vs.

Robert F. Hixon
DEFENDANT

ALL that certain piece, parcel or lot of land situate in Nicholson Township, Fayette County, Pennsylvania, being designated as Parcel No. 1 in the Kenneth Amrick Plan, the plot whereof being recorded in the Recorder's Office of Fayette County, Pennsylvania, in Plan Book 17, page 7, and being fully bounded and described as follows:

COMMONLY KNOWN AS: 128

Rockwell Road, Masontown, PA 15461

TAX PARCEL NO. 2404003902

KML LAW GROUP, P.C.
Suite 5000

701 Market Street
Philadelphia, PA 19106-1532
(215) 627-1322

No. 2013 of 2019 GD

No. 347 of 2019 ED

PNC BANK, NATIONAL ASSOCIATION,
SUCCESSOR

BY MERGER TO NATIONAL CITY BANK

3217 S. Decker Lake Drive
Salt Lake City, UT 84119

Plaintiff

VS.

ARNA JOHNSTON

SKY KOMALAHIRANYA

Mortgagor(s) and Record Owner(s)

410 Market Street

Belle Vernon, PA 15012

Defendant(s)

ALL THAT CERTAIN LOT OF LAND

SITUATE IN BOROUGH OF BELLE VERNON, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 410 MARKET STREET, BELLE VERNON, PA 15012

TAX PARCEL #01-04-0048

IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: AHNA JOHNSTON AND SKY KOMALAHIRANYA

Stephen M. Hladik, Esquire

Hladik, Onorato & Federman, LLP

298 Wissahickon Avenue

North Wales, PA 19454

No. 1790 of 2019 GD

No. 385 of 2019 ED

U.S. Bank National Association, not in its Individual Capacity but Solely as Trustee for the RMAC Trust, Series 2016-CTT
(Plaintiff)

vs.

Brian P. Keffer,
(Defendant)

By virtue of Writ of Execution No. 2019-01790

U.S. Bank National Association, not in its Individual Capacity but Solely as Trustee for the RMAC Trust, Series 2016-CTT (Plaintiff) vs. Brian P. Keffer, (Defendant)

Property Address 200 Union Street a/k/a 200 Main Street, Dickerson Run, PA 15430

Parcel I.D. No. 09-04-0024

Improvements thereon consist of a residential dwelling.

Judgment Amount: \$80,467.32

No. 2012 of 2010 GD

or

No. 1083 of 2019 GD

No. 384 of 2019 ED

FAIRPORT ASSET MANAGEMENT, LLC
Plaintiff,

vs.

CHRISTY KING a/k/a CHRISTY A. KING,
Defendant.

ALL that tract of land situate Perry Township, Fayette County, Pennsylvania, known as 133 Cemetery Road, Vanderbilt, Pennsylvania 15486 having erected thereon a dwelling house.

PARCEL BEING KNOWN AND DESIGNATED AS TAX MAP 27-16-0085-010 BEING the same premises which CMF Industries, Inc., by their Deed Dated December 31, 1987 and recorded in the Recorder's Office of Fayette County on January 25, 1988 in Deed Book Volume 381, Page 114, granted and conveyed unto Christy A. King, the grantor herein.

No. 769 of 2019 GD
No. 371 of 2019 ED

Plaza Home Mortgage, Inc.
PLAINTIFF

vs.

Jeffrey Myers, Jr. a/k/a Jeffrey Myers and Alyssa Freed
DEFENDANTS

ALL THAT CERTAIN lot or ground situate in Bullskin Township, County of Fayette and Commonwealth of Pennsylvania, bounded and described as follows:

COMMONLY KNOWN AS: 212 McConnell Road assessed as 212 Mcconnell Drive, Mount Pleasant, PA 15666
TAX PARCEL NO. 04010042

Mark J. Shire
Pa. I.D. No. 44843
SHIRE LAW FIRM
1711 Grand Boulevard
Park Centre
Monessen, PA 15062
(724) 684-8881

No. 671 of 2015 GD
No. 175 of 2015 ED

MON VALLEY COMMUNITY FEDERAL CREDIT UNION,

Plaintiff,

v.

JOANN NELSON, TERRE-TENANT,
Defendant.

PROPERTY OF: Joann Nelson
EXECUTION NO. 200 of 2015 GD
JUDGMENT AMOUNT: \$24,255.58
which is the Principal balance of indebtedness, delinquent interest, late charges and attorney's fees computed to October 15, 2019, additional interest on \$24,255.58 at 7.25% per annum per day from October 16, 2019, and additional interest and late charges and additional

reasonable attorney's fees and record costs to the date of payment or Sheriff Sale will be claimed, along with all record court costs in the above-captioned case.

ALL the right, title, interest and claim of: Joann Nelson, Terre-Tenant, of, in and to: Township of Washington, Fayette County, Pennsylvania, which has an address of 1175 Main Street, Fayette City, Pennsylvania 15438.
Parcel I.D. No. 41 16 0093

RAS Citron, LLC
David Neeren, Esq. ID No. 204252
133 Gaither Drive, Suite F
Mt. Laurel, NJ 08054
855-225-6906
rcrawley@rasnj.com

No. 1780 of 2019 GD
No. 353 of 2019 ED

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR ARGENT SECURITIES INC., ASSET-BACKED PASS -THROUGH CERTIFICATES SERIES 2004 -W6

Plaintiff

v.

DONNA NEWMAYER A/K/A DONNA J. FLIGGER NEWMAYER

Defendant(s)

ALL THOSE CERTAIN LOTS OR PIECES OF GROUND SITUATE IN PERRY TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA:

BEING KNOWN AS: 10 NEWMAYER AVENUE VANDERBILT A/K/A PERRY, PA 15486

BEING PARCEL NUMBER: 27160092
IMPROVEMENTS: RESIDENTIAL PROPERTY

Phelan Hallinan Diamond & Jones, LLP

No. 2188 of 2019 GD
No. 377 of 2019 ED

Wells Fargo Bank, N.A.

Plaintiff

v.

John E. Pegg

Defendant(s)

By virtue of a Writ of Execution No. 2019-02188

Wells Fargo Bank, N.A.
 v.
 John E. Pegg
 owner(s) of property situate in the
 UNIONTOWN CITY, Fayette County,
 Pennsylvania, being
 47 Emerson Street, Uniontown, PA 15401-
 4867
 Parcel No.: 38-17-0028
 Improvements thereon: RESIDENTIAL
 DWELLING

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

No. 2255 of 2018 GD
 No. 360 of 2019 ED

**THE BANK OF NEW YORK MELLON, F/
 K/A THE BANK OF NEW YORK AS
 TRUSTEE FOR REGISTERED HOLDERS
 OF CWABS, INC., ASSET-BACKED
 CERTIFICATES, SERIES 2006-19
 C/O Carrington Mortgage Services, LLC
 1600 S. Douglass Road, Suite 200-A
 Anaheim, CA 92806
 Plaintiff
 vs.
 JANET REID AKA JANET M. REID
 Mortgagor(s) and Record Owner(s)
 59 Charles Street
 Uniontown, PA 15401
 Defendant(s)**

ALL THAT CERTAIN LOT OF LAND
 SITUATE IN CITY OF UNIONTOWN,
 COUNTY OF FAYETTE AND
 COMMONWEALTH OF PENNSYLVANIA.
 BEING KNOWN AS: 59 CHARLES
 STREET, UNIONTOWN, PA 15401
 TAX PARCEL #38-12-0199
 IMPROVEMENTS: A RESIDENTIAL
 DWELLING
 SOLD AS THE PROPERTY OF: JANET
 REID AKA JANET M. REID

Phelan Hallinan Diamond & Jones, LLP
 No. 1213 of 2019 GD
 No. 348 of 2019 ED

**Wells Fargo Bank, N.A.
 Plaintiff
 V.
 Ernest Ruggieri, in His Capacity as Heir of
 Mary Kay Ruggieri, Deceased
 Unknown Heirs, Successors, Assigns, and All
 Persons, Firm s, or Associations Claiming
 Right, Title or Interest From or Under Mary
 Kay Ruggieri, Deceased
 Defendant(s)**

By virtue of a Writ of Execution No. 2019-
 01213

Wells Fargo Bank, N.A.
 v.
 Ernest Ruggieri, in His Capacity as Heir of
 Mary Kay Ruggieri, Deceased
 Unknown Heirs, Successors, Assigns, and All
 Persons, Firms, or Associations Claiming Right,
 Title or Interest From or Under Mary Kay
 Ruggieri, Deceased
 owner(s) of property situate in the
 CONNELLSVILLE CITY, Fayette County,
 Pennsylvania, being
 411 North Pittsburgh Street, Connellsville,
 PA 15425-3217
 Parcel No.: 05-06-0176
 Improvements thereon: RESIDENTIAL
 DWELLING

No. 2588 of 2018 GD
 No. 354 of 2019 ED

**PNC Bank, National Association
 Plaintiff,
 vs.
 Elmer E. Smith, individually and as believed
 Heir to the Estate of Sharon L. Smith;
 Unknown Heirs and/or Administrators of the
 Estate of Sharon L. Smith
 Defendants.**

ALL that certain parcel of land lying and
 being situate in the Township of Perry, County
 of Fayette, and Commonwealth of Pennsylvania,
 known as 322 Cemetery Road, Perryopolis, PA
 15473 having erected thereon a dwelling house.

Being known and designated as Tax ID
 No.: 27160031

BEING the same premises which Estate of
 Elsie M. Chalfant, deceased, by Deed dated
 December 20, 1993 and recorded in and for
 Fayette County, Pennsylvania in Deed Book

1302, Page 181, granted and conveyed unto Sharon L. Smith.

No. 2014 of 2019 GD
No. 382 of 2019 ED

Gary W. Darr, Esquire
McGrath McCall, P.C.
Four Gateway Center, Suite 1040
444 Liberty Avenue, Pittsburgh, PA 15222

MidFirst Bank
Plaintiff,
vs.
Megan L. Williams;
Ryan D. Williams
Defendants.

No. 2566 of 2018 GD
No. 373 of 2019 ED

WASHINGTON FINANCIAL BANK,
Plaintiff,
vs.
KARA J. TURTZER and JONATHAN ERIC
TURTZER,
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 640 Mill Run Road, Mill Run, PA 15464 having erected thereon a dwelling house.

All that certain piece, parcel or tract of land situate in the Township of Nicholson, Fayette County, Pennsylvania, Being 667 Old Frame Road, Smithfield, PA 15748, Tax Parcel ID No. 24-19-0039.

Being known and designated as Tax ID No.: 35-15-0074

BEING the same premises which Larry A. Schroyer and Mary J. Schroyer, f/k/a Mary J. Bowers, husband and wife, by Deed dated September 6, 2012 and recorded in and for Fayette County, Pennsylvania in Deed Book 3199, Page 837, granted and conveyed unto Megan L. Williams, married and Ryan D. Williams, unmarried.

BARLEY SNYDER
Shawn M. Long, Esquire
Court I.D. No. 83774
126 East King Street
Lancaster, PA 17602
717.299.5201

*** END SHERIFF'S SALE ***

No. 2771 of 2018 GD
No. 364 of 2019 ED

BRANCH BANKING AND TRUST
COMPANY,
Plaintiff
V.
WAGLE LLC,
Defendant.

Property Address: 7615 National Pike,
Uniontown, Menallen Township, Fayette
County, Pennsylvania

Parcel ID Number: 22-17-0053
Judgment Amount: \$474,172.64

BEING the same premises which Edward J. Shipek and Mark A. Shipek by deed dated April 13, 2006 and recorded April 17, 2006 in the Office of the Recorder of Deeds in and for Fayette County Pennsylvania in Record Book 2983, Page 1663, granted and conveyed unto Wagle, LLC.

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, February 3, 2020, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2687-0307	LOUISE M. SZWED (SMITH)	Marilyn L. Cassady, Administratrix

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on
Monday, February 18, 2020, at 9:30 A.M.

in Courtroom No. 5 of the **Honorable Joseph M. George Jr.** or his chambers, 3rd 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 (2 of 2)

JUDICIAL OPINION

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

NORTH UNION TOWNSHIP :
MUNICIPAL SERVICES :
AUTHORITY :
v. :
THE CITY OF UNIONTOWN : No. 926 of 2014
MUNICIPAL AUTHORITY : Honorable President Judge John F. Wagner, Jr.
OPINION AND ORDER

OPINION AND ORDER

Wagner, P.J.

Before the Court is a Declaratory Judgment action which was commenced in regard to an Agreement dated August 21, 1973 and clarified by an Agreement dated March 31, 1994, concerning ownership of the Cove Run Interceptor which transfers sewage from households in North Union Township to the City of Uniontown (hereinafter "City") sewage treatment plant.

The North Union Township Municipal Services Authority (hereinafter " NUT-MSA") now seeks a Declaratory Judgment as to the ownership of the Cove Run Interceptor (hereinafter "Interceptor"). NUTMSA also seeks a Declaratory Judgment as to whether it is required to pay the \$5,000.00 annual payment to the City. NUTMSA claims there was a mutual mistake when the Agreements were executed. NUTMSA asserts that the City relinquished ownership to NUTMSA because of a clause in Article V of the 1973 Agreement.

FACTS

The 1973 Agreement declares that the parties' purpose in executing this Agreement was to provide for the City's accepting the sewage from North Union Township for treatment at the City' s treatment plant. The City was in the process of completing improvements to its treatment plant and would be able to handle the sanitary flows from North Union Township. The City had constructed the Cove Run interceptor which had the capacity to convey to the City's sewage treatment plant the sanitary flows from North Union Township and the Cove Run area of the Township. North Union Township was authorized to construct collecting sewers, lateral trunks and pumping stations to connect to the City's Interceptors.

At the time the Agreements were executed, North Union Township did not have its own sewage treatment plant but was in the process of obtaining funding to construct one. The 1994 Agreement clarified the original 1973 Agreement. The Township was to "pay for the use of the City' s sewage treatment and Interceptors." Article IV, Paragraph (b) declares a fixed annual fee of \$5,000.00 annually to be paid by North Union Township to the City for the use of the Interceptor. The 1994 Agreement declared that the \$5,000.00 annual payment was for the repair of the Interceptor.

The 1973 Agreement states in Article V as follows:

that the City hereby renounces, releases and denies any and all claims of any kind or nature to said sewers (or the portions thereof) which are physically located within the municipal limits of the Township as of the date of the execution and delivery of this agreement."

Both parties rely on the same documents to support their claims.

ISSUES

- Is NUTMSA the legal owner and responsible for making decisions, paying costs, performing maintenance and providing operational control of the Cove Forge Interceptor?
- Does the City of Uniontown or Uniontown Sewage Authority have any ownership interest or responsibility to control the Cove Run Interceptor?
- Should the City of Uniontown refund the \$5,000.00 annual payment by NUTMSA to the City of Uniontown as the parties entered the Agreement and Amendment due to a mutual mistake?

ARGUMENT

The prime purpose of the Declaratory Judgment Act is to render practical help by means of a judicial declaration as to respective rights and liabilities. 12 P.S. 831 et seq. Declaratory relief may be obtained to determine validity and effect of acts of public officials to determine validity and enforceability of agreements consummated by public officials. 12 P.S. 831 et seq. "Declaratory judgments are nothing more than judicial searchlights switched on at the behest of a litigant to illuminate an existing legal right, status or other relation." *Doe v. Johns-Mannsville Corp*, 471 A.2d 1252, (Pa. Super 1984). In order to sustain an action under the Declaratory Judgment Act, the Plaintiff must demonstrate an actual controversy indicating imminent and inevitable litigation and a direct, substantial and present interest. *Aurich v. General Accident Insurance*, 532 A.2d 882 (Pa. Super. 1987).

On 21 August 1973, officials from both municipalities entered into an Agreement to treat the sanitary sewage from the Township of North Union in the City's sewage treatment plant. Pursuant to Article II of the 1973 Agreement declares that the City is the owner of the of the interceptor. Neither the 1973 Agreement nor the 1994 Agreement contain any specific language that conveys any ownership interest in the Interceptor.

At the time of the execution of the 1973 Agreement, NUTMSA had no sewage treatment plant. Since the City had a plant that was able to sufficiently serve the needs of its residents and those who resided in North Union Township, this Agreement to delineate the responsibilities of each party. In addition, the purpose of the Agreement was to provide under what circumstances the City would accept the sewage from the entire Township and the resulting obligations for each party.

Article V(e) states that the sewer customers located in North Union Township are being serviced and billed by the City and shall continue to be billed by the City. The City is responsible for the repair and maintenance of the Interceptor. The portion of paragraph (e) does not indicate that it conveys any ownership interest in the Cove Run Interceptor but rather refers only to the sewers and does not include language about the Interceptor. Throughout the Agreement, the Interceptor is referred to as the "City's" and not the property of NUTMSA.

In interpreting a contract the ultimate goal is to ascertain and give effect to the parties as reasonably manifested by the language of their written agreement. *Lane v. Commonwealth of Transportation*, 954 A.2d 615 (Pa. Super. 2008). The contract must be construed as written and it cannot be modified from its plain meaning under the guise of interpretation. *Id.* A preferred contract interpretation considers the most reasonable and natural conduct of the parties. *Id.* To invalidate a contract, fraud or mutual mistake in the contract must be established.

The Plaintiff alleges mutual mistake as to ownership of the Interceptor and payment for its maintenance. The mutual mistake occurs when the written instrument fails to set forth the true agreement of the parties. *Vorack v. Crown Castle USA Inc.*, 907 A mutual mistake applies only to known facts that existed at the time the contract was executed and not to future events. *Id.* The Plaintiff's interpretation of the Agreements fails to set forth the true agreement of the parties. The evidence necessary for the reformation of the contract on the basis of mutual mistake must be clear and convincing. Upon a careful examination of the language, the Article V statement refers to sewers and does not mention the Interceptor nor were the parties aware that the Interceptor was located in the Township. A reasonable, common sense reading of the language of the entire Agreement leads to the conclusion that the City is the owner of the Interceptor and has a possessory interest therein. NUTMSA did not obtain ownership of the Cove Run Interceptor and has no possessory interest therein. Thus, NUTMSA is still required to pay the annual fee.

ORDER

AND NOW, this 18th day of October 2019, in accordance with the discussions contained in the foregoing Opinion, the Court hereby ORDERS and DIRECTS as follows:

1. The Declaratory Judgment sought by North Union Township Municipal Services Authority is hereby DENIED. The ownership of the Cove Run Interceptor remains with the City of Uniontown and the Defendant is not required to make any refund any funds to the North Union Township Municipal Services Authority, but shall be responsible to continue to pay the \$5,000.00 annual payment to the City.

BY THE COURT:
WAGNER, P.J.

ATTEST:
Prothonotary



Pennsylvania Bar Institute

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Upcoming live simulcast and video replay continuing legal education courses at the Fayette County Bar Association Office, 45 East Main Street, Suite 100, Uniontown.

Registration: <http://www.pbi.org/fayette-county>

January 28

Title Insurance 101

9:00 a.m. to 3:30 p.m.

5 substantive/1 ethics

February 5

Estate and Elder Law Symposium

9:00 a.m. to 4:10 p.m.

5 substantive/1 ethics

February 11

A View From the Workers' Comp Bench

9:00 a.m. to 11:00 a.m.

2 substantive

March 4

Civil Litigation Update

9:00 a.m. to 4:15 p.m.

5 substantive/1 ethics

March 24

Handling the Workers' Comp Case

9:00 a.m. to 4:15 p.m.

5 substantive/1 ethics



LUNCH & LEARN SERIES

FCBA LUNCH & LEARN SERIES

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

- Date: **Wednesday, February 19th** from 12:00 p.m. to 1:30 p.m.
- Location: Courtroom No. 1 of the Fayette County Courthouse
- Discussion topic: **Issues in Landlord/Tenant Litigation**
- Presenters: Magisterial District Judge Mike Defino, Jr. and Attorneys Rachel Ann Clark and Jeremy Davis

CLE Credit

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

Members of the FCBA

- No charge for attendance without CLE Credit
- \$10 fee for attendance with CLE Credit

Attorneys admitted to practice in Pennsylvania after January 1, 2012

- No charge for attendance with CLE Credit

Non-members of the FCBA

- \$10 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 by email to cindy@fcbar.org on or before Monday, February 17th.

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