

# FAYETTE LEGAL JOURNAL

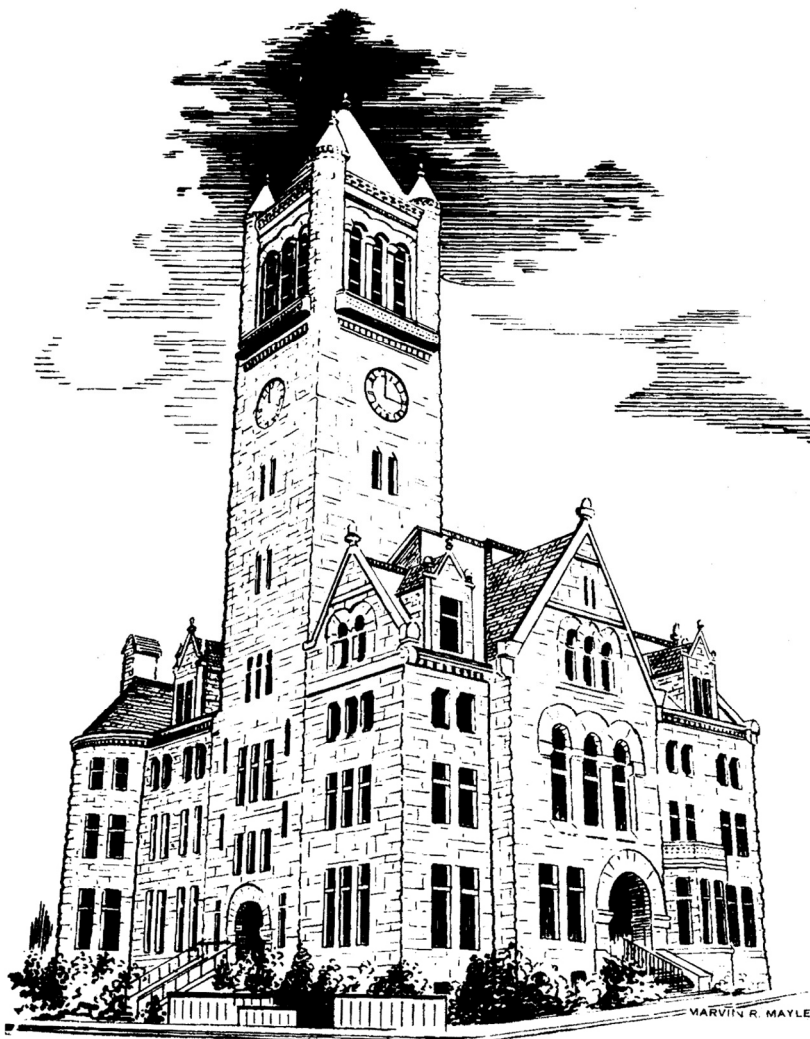
---

VOL. 87

NOVEMBER 23, 2024

NO. 47

---



## 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](http://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.

**Co-Editors:** Garnet L. Gordon and Melinda Deal Dellarose

*Cover Design by Marvin R. Mayle, 207 Lick Hollow Road, Hopwood, PA*

## FAYETTE COUNTY BAR ASSOCIATION Board of Directors

**President:** Gretchen A. Mundorff

**President Elect:** Sheryl R. Heid

**Vice-President:** Michelle L. Kelley

**Secretary:** Anne N. John

**Treasurer:** Louise D. Monaghan

**Past President:** John A. Kopas, III

**Executive Director:** Garnet L. Gordon

### *Directors*

Jennifer M. Casini

Rachel A. Clark

Sarah E. Connelly

Jeremy J. Davis

James E. Higinbotham, Jr.

Sean M. Lementowski

### ETHICS HOTLINE

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.

Call (800) 932-0311, ext. 2214.

### LAWYERS CONCERNED FOR LAWYERS

Our assistance is confidential,  
non-judgmental, safe, and effective

To talk to a lawyer today, call:

1-888-999-1941

717-541-4360

## 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

**EVELYN KRIVDA**, late of Washington Township, Fayette County, PA (3)

*Co-Executors:* Ronald A. Krivda  
109 Short Ridge Road  
Coal Center, PA 15423  
Carol Ann Kalkstein  
903 Menk Road  
New Kensington, PA 15068  
c/o 823 Broad Avenue  
Belle Vernon, PA 15012  
*Attorney:* Mark E. Ramsier

**JOHN A. KRISTYNYIAK, a/k/a JOHN KRISTYNYIAK, a/k/a JOHN ADAM KRISTYNYIAK, a/k/a JK KRISTYNYIAK**, late of Saltlick Township, Fayette County, PA (3)

*Administratrix:* Nicole Stephenson  
1154 Sullenberger Road  
Latrobe, PA 15650  
c/o Moore Becker Smarto & Acosta, P.C.  
121 West Second Street  
Greensburg, PA 15601  
*Attorney:* Elizabeth A. Becker

**FREEMAN R. MILLER, a/k/a FREEMAN MILLER**, late of Mill Run, Fayette County, PA

*Executor:* Mark A. Miller (3)  
c/o Donald McCue Law Firm, P.C.  
Colonial Law Building  
813 Blackstone Road  
Connellsville, PA 15425  
*Attorney:* Donald J. McCue

**ANTHONY J. OLESKO**, late of Luzerne Township, Fayette County, PA (3)

*Executor:* John Olesko, Sr.  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* James T. Davis

**VIOLET PAUL, a/k/a VIOLET B. PAUL**, late of Bullskin Township, Fayette County, PA

*Administrator:* Allan Paul (3)  
750 Kreinbrook Hill Road  
Mount Pleasant, PA 15666  
c/o Tremba Kinney Greiner & Kerr  
1310 Morrell Avenue, Suite C  
Connellsville, PA 15425  
*Attorney:* John Greiner

### Second Publication

**IRMA B. MILLER, a/k/a IRMA D. MILLER**, late of Wharton Township, Fayette County, PA (2)

*Executrix:* Virginia L. Lauffer  
c/o 51 East South Street  
Uniontown, PA 15401  
*Attorney:* Webster & Webster

**JOHN V. SHINSKY**, late of Franklin Township, Fayette County, PA (2)

*Administratrix:* Jill Michaloski  
506 Bald Eagle Drive  
Huron, Ohio 44839  
c/o 230 Fallowfield Avenue  
Charleroi, PA 15022-2603  
*Attorney:* Dennis Paluso

### First Publication

**GERTRUDE F. BROWN**, late of Scottdale, Fayette County, PA (1)

*Administrator:* Carl E. Brown  
903 Everson Street  
Scottdale, PA 15683  
c/o 314 C Porter Avenue  
Scottdale, PA 15683  
*Attorney:* David G. Petonic

**LEGAL NOTICES**

**DON COLBORN**, late of Connellsville, Fayette County, PA (1)

*Executrix:* Renee Colborn  
701 East Cummings Avenue  
Connellsville, PA 15425  
c/o Tremba Kinney Greiner & Kerr  
1310 Morrell Avenue, Suite C  
Connellsville, PA 15425  
*Attorney:* John Greiner

**LINDA C. HARDEN, a/k/a LINDA CHRISTINE HARDEN**, late of Masontown, Fayette County, PA (1)

*Executor:* Richard D. Harden  
c/o 51 East South Street  
Uniontown, PA 15401  
*Attorney:* Webster & Webster

**RALPH STRIMEL, a/k/a RALPH EDSON STRIMEL**, late of Springhill Township, Fayette County, PA (1)

*Personal Representative:* Ralph E. Strimel  
c/o Higinbotham Law Offices  
68 South Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* James E. Higinbotham, Jr.

**BONITA C. TUCKISH, a/k/a BONITA TUCKISH**, late of Redstone Township, Fayette County, PA (1)

*Executor:* Robert J. Tuckish, Jr.  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* Jeremy J. Davis

**STANLEY LAWRENCE WHITE, a/k/a STANLEY LAWRENCE WHITE, JR., a/k/a STANLEY WHITE**, late of Redstone Township, Fayette County, PA (1)

*Administratrix:* Robyn Lynn Webb  
c/o Steven M. Zelinger, Esquire  
1650 Market Street, #3600  
Philadelphia, PA 19103  
*Attorney:* Steven M. Zelinger

**DOLORES YURKOVICH**, late of Belle Vernon Borough, Fayette County, PA (1)

*Executrix:* Carol M. Grisnik  
c/o 35 West Pittsburgh Street  
Greensburg, PA 15601  
*Attorney:* Christopher Huffman

**Articles of Incorporation**

Notice is hereby given that Articles of Incorporation - Non Profit was filed with the Department of State of the Commonwealth of Pennsylvania on July 9, 2024 for a proposed nonprofit corporation which was incorporated under the provisions of the nonprofit Corporation Law of 1988. The name of the corporation is Hope Works of Uniontown, and the purpose or purposes which said corporation is organized is: Recovery ministry and for any and all other lawful business for which corporations may be organized under the Business Corporation Law.

Law Office of Jill A. Devine  
BY: Jill A. Devine, Esq.  
4660 State Route 51 S  
Belle Vernon, PA 15012

**Articles of Amendment**

Notice is hereby given that Articles of Amendment have been approved and filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on September 12, 2024 for a corporation known as The Hope House of Uniontown, LLC. Said corporation has been organized under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania. The purpose or purposes of the corporation is/ are: Recovery ministry and any other lawful purpose related thereto for which the corporation may be organized under the Business Corporation Law.

Law Office of Jill A. Devine  
BY: Jill A. Devine, Esq.  
4660 State Route 51 S  
Belle Vernon, PA 15012

**SHERIFF'S SALE**

Date of Sale: January 16, 2025

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 January 16, 2025, 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.

(2 of 3)

James Custer  
 Sheriff of Fayette County

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

No. 1460 of 2023 G.D.  
 No. 279 of 2024 E.D.

**Wilmington Savings Fund Society, FSB, not individually but solely as Trustee for RPMLT 2014-1 Trust, Series 2014-1 (Plaintiff)**

vs.

**Marissa Ann Barkley, Solely as Heir of Marjorie E. Barkley, Deceased, Thomas M. Barkley, Solely as Heir of Marjorie E. Barkley, Deceased and Unknown Heirs, Devises, and/or Personal Representatives of Marjorie E. Barkley, Deceased (Defendants)**

By virtue of Writ of Execution No. 2023-01460

Wilmington Savings Fund Society, FSB, not individually but solely as Trustee for RPMLT 2014-1 Trust, Series 2014-1 (Plaintiff) vs. Marissa Ann Barkley, Solely as Heir of Marjorie E. Barkley, Deceased, Thomas M. Barkley, Solely as Heir of Marjorie E. Barkley, Deceased and Unknown Heirs, Devises, and/or Personal Representatives of Marjorie E. Barkley, Deceased (Defendants)

Property Address 499 Coolspring Street, Uniontown, PA 15401

Parcel I.D. No. 25-47-0085

Improvements thereon consist of a residential dwelling.

Judgment Amount: \$55,725.65

Brock & Scott, PLLC

No. 1408 of 2024 G.D.  
 No. 306 of 2024 E.D.

**KEYBANK, N.A.**

v.

**STEPHANIE M CAREY, EXECUTRIX OF THE ESTATE OF NATALIE J HUNTER, DECEASED**

KEYBANK, N.A. v. STEPHANIE M CAREY, EXECUTRIX OF THE ESTATE OF NATALIE J HUNTER, DECEASED owner(s) of property situate in the TOWNSHIP OF NORTH UNION, FAYETTE County, Pennsylvania, being 500 MAIN ST, LEMONT FURNACE A/K/A NORTH UNION, PA 15456

Tax ID No. 25270276

Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$42,308.01

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

No. 1361 of 2024 G.D.  
No. 280 of 2024 E.D.

**Metropolitan Life Insurance Company  
(Plaintiff)**

vs.

**Carey A. Connors a/k/a Carey A. Miller and  
Christopher Connors  
(Defendants)**

By virtue of Writ of Execution No. 2024-01361

Metropolitan Life Insurance Company  
(Plaintiff) vs. Carey A. Connors a/k/a Carey A. Miller and Christopher Connors (Defendants)  
Property Address 512 Dexter Road, Scottsdale, PA 15683

Parcel I.D. No. 39-01-0016

Improvements thereon consist of a residential dwelling.

Judgment Amount: \$33,264.63

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

No. 118 of 2022 G.D.  
No. 302 of 2024 E.D.

**MORTGAGE ASSETS MANAGEMENT,  
LLC f/k/a REVERSE MORTGAGE  
SOLUTIONS, INC.**

**1 Mortgage Way  
Mt. Laurel, NJ 08054  
Plaintiff**

vs.

**MYRNA CRABLE AKA  
MYRNA L. CRABLE  
Mortgagor(s) and Record Owner(s)  
60 Feathers Avenue  
Uniontown, PA 15401  
Defendant(s)**

ALL THAT CERTAIN LOT OF LAND  
SITUATE IN SOUTH UNION TOWNSHIP,  
COUNTY OF FAYETTE AND  
COMMONWEALTH OF PENNSYLVANIA.  
BEING KNOWN AS: 60 FEATHERS  
AVENUE, UNIONTOWN, PA 15401  
TAX PARCEL #34-17-0005

IMPROVEMENTS: A RESIDENTIAL  
DWELLING  
SOLD AS THE PROPERTY OF: MYRNA  
CRABLE AKA MYRNA L. CRABLE

STERN & EISENBERG PC  
MATTHEW C. FALLINGS, ESQ.

No. 1791 of 2023 G.D.  
No. 272 of 2024 E.D.

**Select Portfolio Servicing, Inc.  
Plaintiff**

v.

**Lisa L. Dominick A/K/A Lisa Dominick  
Defendant(s)**

SITUATE IN CONNELLSVILLE,  
FAYETTE COUNTY, PENNSYLVANIA,  
BOROUGH OF NEW HAVEN BEING  
KNOWN AS 1320 W. CRAWFORD AVENUE,  
CONNELLSVILLE, PA 15425

PARCEL NO. 05080070

IMPROVEMENTS- RESIDENTIAL  
REAL ESTATE

SOLD AS THE PROPERTY OF- Lisa  
Dominick

No. 813 of 2024 G.D.  
No. 308 of 2024 E.D.

**Metropolitan Life Insurance Company,  
Plaintiff,**

vs.

**Carrie Lynn Forsythe,  
Defendant(s).**

ALL THAT CERTAIN piece or parcel(s)  
of land, situate in Jefferson Township, Fayette  
County, BEING Parcel No. 17100006 and  
known as 428 Grindstone Road, Grindstone, PA  
15442, as described in the deed from Raymond  
E. Avery, et al., to Carrie Lynn Forsythe,  
recorded June 7, 2005, in Book 2948 and Page  
428.

KNOWN AS 428 Grindstone Road,  
Grindstone, PA 15442

Parcel Id: 17100006 17-10-0006

No. 1436 of 2023 G.D.  
No. 290 of 2024 E.D.

**PENNSYLVANIA HOUSING FINANCE  
AGENCY,  
PLAINTIFF  
VS.  
LESSLIE E. HALL,  
DEFENDANT**

ALL that certain lot of ground German Township, Fayette County, Pennsylvania, being approximately 146 x 49 x 144 x 49. HAVING THEREON ERECTED A TWO-STORY, SINGLE-FAMILY DWELLING KNOWN AND NUMBERED AS: 224 IDLL STREET, NEW SALEM, PA 15468.  
TAX PARCEL# 15-17-0074  
Instrument No. 2010-00001313

Brock & Scott, PLLC

No. 1577 of 2024 G.D.  
No. 294 of 2024 E.D.

**NORWICH COMMERCIAL GROUP, INC,  
DBA NORCOM MORTGAGE  
v.  
JEREMY HAWKER**

By virtue of a Writ of Execution No. 2024-01577

NORWICH COMMERCIAL GROUP, INC, DBA NORCOM MORTGAGE v. JEREMY HAWKER owner(s) of property situate in the BOROUGH OF PERRYOPOLIS (FORMERLY PERRY TOWNSHIP), FAYETTE County, Pennsylvania, being 108 FEDERAL STREET, PERRYOPOLIS. PA 15473

Tax ID No. 28090094 a/k/a 28-09-0094  
Improvements thereon: RESIDENTIAL DWELLING  
Judgment Amount: \$136,211.90

No. 452 of 2022 G.D.  
No. 292 of 2024 E.D.

**J.P. Morgan Mortgage Acquisition Corp.  
vs.  
Bobbi Jo Isler and Delbert Isler**

ALL THAT CERTAIN PARCEL OF LAND IN TOWNSHIP GEORGES, FAYETTE COUNTY, COMMONWEALTH OF PA., AS MORE FULLY DESCRIBED IN DEED BOOK

2110, PAGE 27 ID#14-12-32, BEING KNOWN AND DESIGNATED AS LOT 42 IN THE SUBDIVISION OF PLAN OF LOTS RECORDED BY JOHN W GALBREATH AND COMPANY, FILED IN PLAN BOOK 8 AT PAGE 249

Property commonly known as 128 Shoaf Road, Smithfield, PA 15478

Tax Parcel No. 14-12-0032

TITLE TO SAID PREMISES IS VESTED IN Bobbie Jo Isler and Delbert Isler, husband and wife, by deed from William A. Valentine and Ann Valentine, wife and husband, dated June 1, 1998, recorded June 9, 1998 in the Fayette County Clerk's/Register's Office in Deed Book 2110, Page 27.

Sold as the property of Bobbi Jo Isler and Delbert Isler

KML LAW GROUP, P.C.  
Suite 5000

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

No. 1303 of 2024 G.D.  
No. 277 of 2024 E.D.

**MIDFIRST BANK  
999 N.W. Grand Boulevard Suite 100  
Oklahoma City, OK 73118-6116**

**Plaintiff**

**vs.**

**KATHY KINCHELOE  
Mortgagor(s) and Record Owner(s)  
155 Gilmore Road  
Uniontown, PA 15401  
Defendant(s)**

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

BEING KNOWN AS: 155 GILMORE ROAD, UNIONTOWN, PA 15401

TAX PARCEL #14-11-0056 & 14-11-0056  
-99

IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: KATHY KINCHELOE

No. 1593 of 2024 G.D.  
No. 300 of 2024 E.D.

**Frick Tri-County Federal Credit Union**  
**Plaintiff,**  
**vs.**  
**Jennifer R. Nicholson**  
**Defendant.**

ALL that certain parcel of land lying and being situate in the Township of Menallen, County of Fayette, and Commonwealth of Pennsylvania, known as 942 Buffington Road, New Salem, PA 15468 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 22140022

BEING the same premises which William Yohman, a/k/a William G. Yohman, a widower, by Darby A. Yohman his Attorney-in-Fact, by Deed dated August 17, 2016 and recorded in and for Fayette County, Pennsylvania in Deed Book 3316, Page 2172, granted and conveyed unto Jennifer R. Nicholson and Diana Miller.

No. 1324 of 2024 G.D.  
No. 276 of 2024 E.D.

**Frick Financial Federal Credit Union**  
**Plaintiff,**  
**vs.**  
**Zachary E. Pringle**  
**Defendant.**

ALL that certain parcel of land lying and being situate in the Township of Georges, County of Fayette, and Commonwealth of Pennsylvania, known as 113 Shoaf Road, Smithfield, PA 15478 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 14-12-0046

BEING the same premises which Antonio Marco Pantalo and Tiffany Pantalo, husband and wife, by Deed dated April 13, 2018 and recorded in and for Fayette County, Pennsylvania in Deed Book 3369, Page 53, granted and conveyed unto Zachary E. Pringle, single.

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

No. 1373 of 2024 G.D.  
No. 281 of 2024 E.D.

**U.S. Bank Trust National Association, not in its individual capacity but solely as owner trustee for REO Trust 2017-RPL1**  
**(Plaintiff)**  
**vs.**  
**Betsy J. Santella and Thomas E. Santella**  
**(Defendants)**

U.S. Bank Trust National Association, not in its individual capacity but solely as owner trustee for REO Trust 2017-RPL1 (Plaintiff) vs. Betsy J. Santella and Thomas E. Santella (Defendants)

Property Address 587 Upper Middletown Road, Smock, PA 15480  
Parcel I.D. No. 22-06-0069  
Improvements thereon consist of a residential dwelling.  
Judgment Amount: \$101,406.10

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

No. 819 of 2024 G.D.  
No. 266 of 2024 E.D.

**LAKEVIEW LOAN SERVICING, LLC**  
**4425 Ponce De Leon Blvd Mail Stop Ms5/251**  
**Coral Gables, FL 33146**  
**Plaintiff**

**vs.**  
**SHERRY E. STAGESIN as Administratrix of the Estate of DONNA L. KNOX, Deceased**  
**300 Stone Church Road**  
**Grindstone, PA 15442**  
**Defendant(s)**

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

BEING KNOWN AS: 300 STONE CHURCH ROAD, GRINDSTONE, PA 15442  
TAX PARCEL #30-22-0041  
IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: SHERRY E. STAGESIN as Administratrix of the Estate of DONNA L. KNOX, Deceased



No. 1332 of 2024 G.D.  
 No. 301 of 2024 E.D.

**S&T BANK, successor to IRWIN BANK and TRUST COMPANY,**  
**Plaintiff,**  
**vs.**  
**JEFFREY A. THOMAS and RACHEL D. THOMAS,**  
**Defendants.**

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF JEFFREY A. THOMAS AND RACHEL D. THOMAS, OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT CERTAIN REAL ESTATE SITUATED IN BULLSKIN TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA. HAVING ERECTED THEREON A DWELLING KNOWN AS QUAIL HILL ROAD, N/K/A 508 QUAIL HILL ROAD, NORMALVILLE, PA 15469. DEED BOOK VOLUME 2885, PAGE 2198 AND PARCEL #04-30-003701.

No. 1114 of 2023 G.D.  
 No. 282 of 2024 E.D.

**HSBC Bank USA, National Association, as Trustee for Wells Fargo Alternative Loan 2007-PA3 Trust**  
**PLAINTIFF**  
**VS.**  
**Amy L. Urani and Silvio Urani, III**  
**DEFENDANTS**

ALL that certain lot and an adjoining one-half of another lot or piece of land, situate in Redstone Township, Fayette County, Pennsylvania, and being all of Lot No. 313, and the adjoining half of Lot No. 312 in what is known as the VanKirk Addition to Republic, Pennsylvania, a plan of which is recorded in the Recorder's Office of Fayette County, Pennsylvania, in Plan Book Volume 4, pages 8 and 9. Said whole Lot No. 313 and the adjoining one-half of said Lot No. 312 have an aggregate frontage on the Northerly side of Fairgarden Street of 90 feet and extending in a northerly direction preserving the same width 140 feet to Highland Alley and is bounded on the westerly side of Lot No. 314, and on the easterly bids by one-half of said Lot No. 312.

EXCEPTING AND RESERVING, however, all of the coal of the nine foot vein or Pittsburgh seam underlying the above-described premises, and all, coal and other minerals

underlying said nine foot, vein or Pittsburgh seam of coal, together with the same mining rights and privileges that have been conveyed away heretofore.

EXCEPTING AND RESERVING, however, thereout and therefrom, all of the easterly one-half of the above-described premises previously conveyed to J. Bryan Huston and Hazel 13. Huston, his wife, by deed of Harry W. Swift and Myrtle Swill, his wife, dated June 7, 1950; and recorded as aforesaid in Deed Book 1 Volume 701, page 28.

TOGETHER with such rights and SUBJECT to any exceptions, restrictions, reservations and conditions as exist by virtue of prior recorded instruments, deeds or conveyances

Parcel ID: 30-23-0069

FOR INFORMATIONAL PURPOSES ONLY: Being known as 26 Fairgarden Street, Republic, PA 15475

BEING THE SAME PREMISES which Gary Palmer and Christine B. Palmer and Dean Palmer, by Deed dated February 27, 2007 and recorded April 5,2007 in the Office of the Recorder of Deeds in and for the County of Fayette, Pennsylvania in Book 3021, Page 998, Instrument No. 200700004719 granted and conveyed unto Amy L. Urani in fee. COMMONLY KNOWN AS: 26 Fairgarden Street, Republic, PA 15475

TAX PARCEL NO. 30-23-0069

STERN & EISENBERG PC  
 MATTHEW C. FALLINGS, ESQ.

No. 2384 of 2023 G.D.  
 No. 271 of 2024 E.D.

**Federal Home Loan Mortgage Corporation, as Trustee for the benefit of the Freddie Mac Seasoned Loans Structured Transaction Trust, Series 2019-1**

**Plaintiff**

**v.**

**Henry F. Varndell Jr.**

**Defendant(s)**

SITUATE IN PERRYOPOLIS, FAYETTE COUNTY, PENNSYLVANIA, TOWNSHIP OF PERRY BEING KNOWN AS 105 RANDOLF STREET, PERRYOPOLIS, PA 15473

PARCEL NO. 28080105

IMPROVEMENTS- RESIDENTIAL REAL ESTATE

SOLD AS THE PROPERTY OF- Henry F. Varndell Jr.

Brock & Scott, PLLC

No. 588 of 2024 G.D.  
No. 269 of 2024 E.D.

**FREEDOM MORTGAGE CORPORATION  
v.  
SUSAN G. WRIGHT, AKA SUSAN G.  
RAMAGE, IN HER CAPACITY AS HEIR  
OF RAYMOND K. RAMAGE; UNKNOWN  
HEIRS, SUCCESSORS, ASSIGNS, AND  
ALL PERSONS, FIRMS, OR  
ASSOCIATIONS CLAIMING RIGHT,  
TITLE OR INTEREST FROM OR UNDER  
RAYMOND K. RAMAGE**

By virtue of a Writ of Execution No. 2024-00588

FREEDOM MORTGAGE CORPORATION v. SUSAN G. WRIGHT, AKA SUSAN G. RAMAGE, IN HER CAPACITY AS HEIR OF RAYMOND K. RAMAGE; UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER RAYMOND K. RAMAGE owner(s) of property situate in the BOROUGH OF (NOW CITY) CONNELLSVILLE, FAYETTE County, Pennsylvania, being 205 PULASKI ST, CONNELLSVILLE, PA 15425

Tax ID No. 05060204 and 05-06-0204  
Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$106,147.73

No. 286 of 2024 G.D.  
No. 278 of 2024 E.D.

**FIRST NATIONAL BANK OF  
PENNSYLVANIA,  
Plaintiff,  
vs.  
LEIGH YATSKO,  
Defendant.**

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND BEING SITUATE AND LAYING IN THE TOWNSHIP OF MENALLEN, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA, AS MORE FULLY DESCRIBED IN A CERTAIN DEED DATED MAY 29, 2015 FROM ROBERT C. YATSKO AND JUNE E. YATSKO TO ROBERT C. YATSKO AND LEIGH YATSKO, HIS WIFE, RECORDED IN

THE OFFICE OF THE RECORDER OF DEEDS OF FAYETTE COUNTY ON JUNE 1, 2015, IN DEED BOOK VOLUME 3278, PAGE 1714. ROBERT C. YATSKO DIED ON JULY 8, 2022 AND UPON HIS DEATH TITLE VESTED IN LEIGH YATSKO AS SURVIVING OWNER BY OPERATION OF LAW.

IMPROVEMENT THEREON: A frame residential dwelling being known and numbered 130 Carr Street, New Salem, PA 15468.

TAX PARCEL NUMBER: 22-10-0046.

Property seized and taken in Execution as the property of LEIGH YATSKO.

No. 1226 of 2024 G.D.  
No. 304 of 2024 E.D.

**PNC Bank, National Association  
PLAINTIFF  
VS.**

**Kimberly Miriam Yauger a/k/a Kimberly M. Baldwin, Executrix of the Estate of Charlotte Miriam Bryner a/k/a Charlotte M. Bryner, deceased**

**DEFENDANT**

COMMONLY KNOWN AS: 290 Foxburg Road, Normalville, PA 15469  
TAX PARCEL NO. 35-09-0127

\*\*\* END SHERIFF'S 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, December 2, 2024, at 9:30 A.M.**

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2623-0638	NORMA J. SMITLEY	Jeffrey T. Smitley, Executor
624-0412	BEVERLY A. TIRPAK	Kenneth John Rosnack, Administrator

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

**Monday, December 16, 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, December 2, 2024, at 9:30 A.M.**

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2623-0679	CONNIE R. MACIOCE a/k/a CONNIE RAE MACIOCE	Anthony Reed, Executor
2623-0631	MARY URSULA VOZAR	Marianne Oppman and Christopher Oppman, Administratrix

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

**Monday, December 16, 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

518 Madison Drive

Smithfield, PA 15478

724-322-6529

[johnfranciswarman@gmail.com](mailto: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

INSIST UPON OUR EXPERIENCED TEAM

### LAWYERS DEFENDING LAWYERS

- Disciplinary Board
- Legal Malpractice
- Security Fund / IOLTA
- Ethics & Conflict Analysis
- Subpoena Assistance
- Licensure
- Conflict Resolution

[WWW.DIBELLA-WEINHEIMER.COM](http://WWW.DIBELLA-WEINHEIMER.COM) 412 261-2900

**JUDICIAL OPINION**

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

GREGORY SWARTZ, JR. and SARAH	:	
SWARTZ, husband and wife,	:	
Plaintiffs,	:	
v.	:	
JOHNSON MASONRY RESTORATION	:	
AND TOMMY JOHNSON,	:	No. 1011 of 2024
Defendants.	:	President Judge Steve P. Leskinen

**OPINION AND ORDER**

LESKINEN, P.J.

November 8, 2024

Before the Court are the Preliminary Objections of Defendants, Johnson Masonry Restoration and Tommy Johnson. (Collectively, “Johnson.”) Upon consideration of the Objections and the briefs and arguments offered by the parties, the Court issues this Opinion and Order overruling the Preliminary Objections.

In June of 2022, the Swartzes contracted with Johnson to perform certain masonry, restoration, and waterproofing work on their residence in Uniontown, Pennsylvania. Johnson began work on August 3rd, 2022, and completed work on August 10th, 2022, for which the Swartzes paid \$10,000.00 cash. Shortly after the work was completed, the Swartzes allege that they noticed issues with mold and water damage as well as some cosmetic repairs that had not been completed. They claim Johnson never returned to finish or correct the work and never provided them with a copy of the contract, despite repeated requests. In January of 2024, the Swartzes filed a civil action against Johnson in the Magisterial District Courts and on May 10th, 2024, Judgment was entered in their favor and against Johnson. Johnson filed a timely appeal and the Swartzes filed a complaint in this Court on June 4th, 2024 seeking in excess of \$10,000.00 in damages.

The Complaint includes counts for breach of contract, negligence, violations of the Home Improvement Consumer Protection Act (HICPA), and violations of the Unfair Trade Practices and Consumer Protection Law (UTPCPL). {1} Johnson filed Preliminary Objections. The first Objection seeks the dismissal of the HICPA count on the basis that Johnson is not a home improvement contractor under the Act and that the Act does not provide a private cause of action. The Second Objection seeks the dismissal of the UTPCPL count for a failure to aver the required specific allegations of fraud.

---

{1} Home Improvement Consumer Protection Act, 73 P.S. §517.1, et seq., Act of Oct. 17, 2008, P.L. 1645, No. 132, as amended; Unfair Trade Practices and Consumer Protection Law, 73 P.S. §201-1, et seq., Act of Dec. 17, 1968, P.L. 1224, No. 387, as amended.

§517.2 of the HICPA sets forth the definitions of “contractor” and “home improvement” relevant to this case. The definition of “contractor” includes in part, “Any person who owns and operates a home improvement business or who undertakes, offers to undertake, or agrees to perform any home improvement.” The definition goes on to specifically exclude “a person for whom the total cash value of all that person’s home improvements is less than \$5,000 during the previous taxable year.” “Home improvement” is defined as work done on a private residence for which the agreed upon cash price is more than \$500, including repair, replacement, remodeling, installation, alteration, improvement, or rehabilitation; and the construction, replacement, installation, or improvement of, porches, roofs, doors, windows, and waterproofing. (Irrelevant items omitted.)

The Swartzes aver that the work at issue included fixing the chimney, pouring cement, adding a custom doorway, waterproofing a room, beam restoration, removing a railing, repairing pillars, and fixing areas with cosmetic damage at their residence. This is clearly the type of work defined as “home improvement” in the HICPA. For the purposes of an initial pleading, it is sufficient to reference a specific statutory definition and aver that Johnson’s work falls under that definition without the need to separately aver each element of the statutory definition in the complaint.

To the extent that Johnson argues that they are excluded from the definition of a contractor as “stonemasons for primarily business customers,” there is nothing in any of the relevant definitions that excludes masonry work, and the distinction between commercial and residential work is addressed by the requirement in the definition of “contractor” that the service provider must have performed \$5,000 or more in “home improvements” in the previous taxable year. {2} Further, the Swartzes aver that they found Johnson on the website Angie’s List (n/k/a Angi) which serves as a directory specifically for residential services and repairs. {3}

Johnson also objects on the basis that the HICPA does not provide for a private right of action. §517.10 provides that a violation of any of the provisions of this act shall be deemed a violation of the UTPCPL. The UTPCPL includes a provision creating a private right of action in §201-9.2. “The HICPA functions much like an expansion upon the UTPCPL: Violations of the HICPA are treated as violations of the UTPCPL, and no provision of the HICPA precludes any right a consumer may have under the UTPCPL.” Office of Attorney General by Henry v. Gillece Services, LP, 320 A.3d 790, 797 (Pa. Cmwlth. 2024). Though the Swartzes have pled their HICPA claim with sufficient specificity, because the enforcement mechanism lies in the UTPCPL, it should be pled as a UTPCPL count grounded in a violation of the HICPA rather than as an HICPA count. The Swartzes did so here, including the HICPA claim under the UTPCPL claim along with a second UTPCPL claim grounded in fraud. Therefore, the Objection to Count III would be sustained to the extent that the HICPA is not an independent cause of action, but Plaintiff must be permitted to amend the pleading to aver the relevant facts in support of the UTPCPL claim.

---

{2} Of note, this project alone would meet the minimum requirement to consider Johnson a “contractor” for the following tax year under the statutory definition.

{3} The Court takes judicial notice that as of November, 2024, Johnson’s profile on the Angi site includes 31 reviews from residential projects, including 13 reviews in 2021 and 7 reviews in 2020.

Johnson's second Preliminary Objection seeks the dismissal of the UTPCPL count for a failure to aver fraud with specificity. §201-2 of the UTPCPL sets forth 21 categories of "unfair methods of competition" and "unfair or deceptive acts or practices" that are prohibited acts under §201-3. The Complaint does not identify which of the prohibited acts in which Johnson engaged, stating only in Paragraph 32 that "Defendants violated the [UTPCPL] by perpetrating a fraud upon Plaintiffs." §201-2(4)(xxi), known as the "catchall provision" includes "engaging in any other fraudulent or deceptive conduct which creates a likelihood of misunderstanding." To maintain an action under the catchall provision of the UTPCPL, a plaintiff must establish that:

1. They purchased or leased good or services primarily for a personal, family, or household purpose;
2. They suffered an ascertainable loss of money or property;
3. The loss occurred as a result of the use or employment by a vendor of a method, act, or practice declared unlawful by the UTPCPL; and
4. The consumer justifiably relied upon the unfair or deceptive business practice when making the purchasing decision.

Gregg v. Ameriprise Financial, Inc., 664 Pa. 567, 582 (Pa. 2021). The catchall provision was originally limited to fraudulent conduct but was amended in 1996 to include any fraudulent or deceptive conduct which creates a likelihood of confusion or misunderstanding. *Id.* at 583. Under Gregg, a UTPCPL claim based on fraudulent conduct requires intent, but a claim based on deceptive conduct is a strict liability claim that does not require a plaintiff to show carelessness or an intent to deceive. *Id.* at 587 and 591. Here, the Swartzes invoke fraud, which must be averred with particularity under Pa. R.C.P. 1019. If the Swartzes intend to proceed with a fraud claim under the catchall provision, it should be specifically identified as such with sufficient averments of fact to address both the elements for a cause of action under the catchall provision and the elements of fraud.

WHEREFORE, the Court issues the following Order:

#### ORDER

AND NOW, this 8th day of November, 2024, upon consideration of the Defendants' Preliminary Objections and the briefs and arguments offered by the parties, the Court hereby ORDERS and DIRECTS that the Objections are SUSTAINED, with leave to amend, in accordance with the preceding Opinion. Plaintiffs shall have twenty (20) days to file an Amended Complaint and Defendants shall then have twenty (20) days from the service of the Amended Complaint to file an Answer.

The Court further ORDERS and DIRECTS that this matter shall be referred to arbitration pursuant to F.C.R. 1303. The Fayette County Court Administrator is DIRECTED to schedule this case for the next available arbitration date at least sixty days from the date of this order.

BY THE COURT:  
STEVE. P. LESKINEN,  
PRESIDENT JUDGE

ATTEST:  
PROTHONOTARY



## LUNCH & LEARN SERIES

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

- Date: **Wednesday, December 18th from 12:00 p.m. to 1:30 p.m.**
- Location: **Courtroom No. 2 of the Fayette County Courthouse**
- Discussion topics: **Be it Resolved... Striving for a (Realistic) Work/Life Balance in 2025**
- Presenter: **Brian S. Quinn, Esq. – Lawyers Concerned for Lawyers**

### **CLE Credit**

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

#### 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](mailto:cindy@fcbar.org) on or before Monday, December 16th.

**ANNUAL MEMBERSHIP MEETING**

The Annual General Membership meeting of the Fayette County Bar Association will be held on Wednesday, December 18, 2024, at 1:30 pm in Courtroom No. 2 at the Fayette County Courthouse, 61 East Main Street, Uniontown, PA 15401. Members are invited to present topics of concern or interest to the Association.



The Fayette County Bar Association  
invites you to join us for a

# Christmas PARTY

December 12 at 5:00 pm

TITLOW TAVERN

RSVP by Friday, December 6th  
724-437-7994 or [cindy@fcbar.org](mailto:cindy@fcbar.org)

Guests Welcome

Please bring new, unwrapped toys for donation to  
Fayette County Children & Youth Services.  
Monetary donations payable to "CYS Advisory Board."



*Quality... Experience... Results...  
It's what your clients deserve.*

*Medical Malpractice • Auto Accidents • Personal Injury*



# GISMONDI

& ASSOCIATES

412-281-2200

[www.gislaw.com](http://www.gislaw.com)

700 Grant Bldg., 310 Grant St., Pgh., PA 15219