

FAYETTE LEGAL JOURNAL

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FAYETTE LEGAL JOURNAL

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

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The Ethics Hotline provides free advisory opinions to PBA members based upon review of a member's prospective conduct by members of the PBA Committee on Legal Ethics and Professional Responsibility. The committee responds to requests regarding, the impact of the provisions of the Rules of Professional Conduct or the Code of Judicial Conduct upon the inquiring member's proposed activity. All inquiries are confidential.

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ESTATE NOTICES

Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors named.

Third Publication

BEATRICE M. EUTSEY, a/k/a BEATRICE MAE EUTSEY, late of Springfield Township, Fayette County, PA (3)

Personal Representative:

Nathan Wayne Eutsey
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

RANDY HAWK, late of Bullskin Township, Fayette County, PA (3)

Administratrix: Mary Katherine Hawk
124 Kathleen Circle
Acme, PA 15610
c/o 749 North Church Street
Mount Pleasant, PA 15666
Attorney: Paul Toohey

AURA LOZAR, late of Masontown Borough, Fayette County, PA (3)

Executor: Ralph Burchianti
1259 South Eighty-Eight Road
Greensboro, PA 15338
c/o Pollock Morris Belletti & Simms, LLC
54 South Washington Street
Waynesburg, PA 15370
Attorney: David Pollock

KRISTINE E. MCCAIN, late of Smithfield, Fayette County, PA (3)

Administrator: David Harrison
c/o Molinaro Law Offices
P.O. Box 799
Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

FRANCIS A. ORAVETS, late of Masontown, Fayette County, PA (3)

Executor: Joseph J. Oravets
224 West Cross Avenue
Masontown, PA 15461
c/o 76 East Main Street
Uniontown, PA 15401
Attorney: Douglas S. Sholtis

Second Publication

SHERRY CLARK, a/k/a SHERRY LYNN CLARK, late of Masontown, Fayette County, PA (2)

Executor: Matthew James Clark
496 Laureldale Road
Grindstone, PA 15442
c/o Myers Duffy Dansak & Clegg, LLC
1416 Lincoln Way
White Oak, PA 15131
Attorney: Ryan L. Dansak

LENNETTE KISTNER, a/k/a LENNETTE ANNETTE KISTNER, late of Saltlick Township, Fayette County, PA (2)

Personal Representative:
Clair Edward Kistner
1252 Route 711
Stahlstown, PA 15687
c/o Snyder & Snyder
17 North Diamond Street
Mount Pleasant, PA 15666
Attorney: Marvin Snyder

FRANKLIN C. MULICH, late of North Union Township, Fayette County, PA (2)

Administratrix: Frances Y. Mulich
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

PETER E. OSTRANDER, late of Uniontown, Fayette County, PA (2)

Personal Representative: Polly J. Ostrander
37 Kensington Cr.
Uniontown, PA 15401
c/o Finoli Law, LLC
229 Maple Avenue
Greensburg, PA 15601
Attorney: Vincent J. Finoli

CONNIE M. WILLIAMS, a/k/a CONNIE MAY WILLIAMS, late of Masontown, Fayette County, PA (2)

Executor: John J. Williams
649 Marion Avenue
Springdale, PA 15144
c/o 76 East Main Street
Uniontown, PA 15401
Attorney: Douglas S. Sholtis

First Publication

CHARLES G. ETLING, late of Bullskin Township, Fayette County, PA (1)

Personal Representative: Karen L. Etling
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

RANDY HERMAN, late of Connellsville, Fayette County, PA (1)

Administrator: Patrick Herman
c/o Rowan Law Office
890 Vanderbilt Road
Connellsville, PA 15425
Attorney: Mark Rowan

ALTHEA F. MOYER, late of North Union, Fayette County, PA (1)

Executrix: Mona L. Collins
c/o Radcliffe Martin Law, LLC
648 Morgantown Road, Suite B
Uniontown, PA 15401
Attorney: William M. Radcliffe

THOMAS ROGERSON, late of Uniontown, Fayette County, PA (1)

Executrix: Carol Rogerson
195 Lenox Street
Uniontown, PA 15401
c/o Tremba, Kinney & Greiner & Kerr
1310 Morrell Avenue, Suite C
Connellsville, PA 15401
Attorney: John Greiner

DIANNE SUSAN VORRASI, late of Uniontown, Fayette County, PA (1)

Administratrix: Cynthia Knox
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Sean M. Lementowski

LEGAL NOTICES

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

NOTICE is hereby given of the administration of the Paul J. Homer, Sr. and Evelyn I. Homer Revocable Living Trust dated April 11, 1994, and amended on February 17, 2023. Evelyn I. Homer, Settlor of the Trust of Dunbar Township, Fayette County, Pennsylvania, died on December 4, 2023. All persons having claims against Evelyn I. Homer or the Trust are requested to make known the same to the Trustee or Attorney named below. All persons indebted to Evelyn I. Homer or the Trust are requested to make payment without delay to the Trustee or Attorney named below. Mark S. Homer, 614 Flatwoods Road, Vanderbilt, PA 15486, or to Richard A. Husband, Esquire, 208 South Arch Street, Suite 2, Connellsville, PA 15425. (3/3)

NOTICE

NOTICE is hereby given that the shareholders and directors of Uniontown Newspapers Inc a Pennsylvania corporation, with an address of 8 E. Church Street, Uniontown, PA 15401 have approved a proposal that the corporation dissolve voluntarily and that the Board of Directors is now engaged in winding up and settling the affairs of the corporation under the provisions of Section 1975 of the Pennsylvania Business Corporation Law of 1988, as amended.

Unruh, Turner, Burke & Frees, Solicitors
P.O. Box 515
West Chester, PA 19381-0515

SHERIFF'S SALE

Date of Sale: March 21, 2024

By virtue of the below stated writs out of the Court of Common Pleas of Fayette County, Pennsylvania, the following described properties will be exposed to sale by James Custer, Sheriff of Fayette County, Pennsylvania on Thursday March 21, 2024, at 2:00 pm at <https://fayette.pa.realforeclose.com>.

The Conditions of sale are as follows:

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

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

(1 of 3)

James Custer
 Sheriff of Fayette County

No. 1182 of 2023 GD
 No. 267 of 2023 ED

FIRST NATIONAL BANK OF PENNSYLVANIA,
Plaintiff,
vs.

ALL UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST, FROM OR UNDER JEROME D. DEAN, A/K/A JEROME D. DEAN, SR., DECEASED,
Defendants.

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND BEING SITUATE AND LAYING IN THE TOWNSHIP OF JEFFERSON, COUNTY OF FAYETTE AND COMMONWEAL TH OF PENNSYLVANIA, AS MORE FULLY DESCRIBED IN CERTAIN DEED DATED AUGUST 21, 1996, FROM MARK DEAN AND MARY E. DEAN, HIS WIFE, TO JEROME D. DEAN AND MARGARET C. DEAN, HIS WIFE, AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF FAYETTE COUNTY, PA ON AUGUST 22, 1996 IN DEED BOOK VOLUME 1756, PAGE 112. MARGARET C. DEAN DIED ON OR ABOUT JULY 13, 2009. UPON HER DEATH TITLE TO THE PREMISES VESTED IN JEROME D. DEAN BY OPERATION OF LAW. JEROME D. DEAN DIED ON SEPTEMBER 2, 2019. AFTER INVESTIGATION AND DUE DILIGENCE NO ESTATE OF RECORD COULD BE LOCATED FOR JEROME D. DEAN.

BEING COMMONLY KNOWN AS 225 LOWBER ROAD, FAYETTE CITY, PA 15438 IMPROVEMENT THEREON: A RESIDENTIAL DWELLING.

TAX PARCEL NUMBER: 17-02-0052

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

No. 62 of 2020 GD
 No. 295 of 2023 ED

Longbridge Financial, LLC
Plaintiff
v.

Christopher Breegle, Known Surviving Heir of Eugene Breegle, Stuart Breegle, Known Surviving Heir of Eugene Breegle, Jeffery

Brengle, Known Surviving Heir of Eugene Brengle, and Unknown

All that certain piece or parcel or Tract of land situate in the TOWNSHIP OF UPPER TYRONE, Fayette County, Pennsylvania, and being known as 112 Wall Street, Everson, Pennsylvania 15631.

Being known as: 112 Wall Street, Everson, Pennsylvania 15631

Title vesting in Eugene Brengle A/K/A Eugene J. Brengle by deed from INEZ E. ECKMAN, A SINGLE WOMAN dated March 1, 1978 and recorded April 4, 1978 in Deed Book 1232, Page 992. The said Eugene Brengle A/K/A Eugene J. Brengle died on July 15, 2019 without a will or appointment of an Administrator, thereby vesting title in Christopher Brengle, Known Surviving Heir of Eugene Brengle, Stuart Brengle, Known Surviving Heir of Eugene Brengle, Jeffory Brengle, Known Surviving Heir of Eugene Brengle, and Unknown Surviving Heirs of Eugene Brengle by operation of law The said Carol S. Brengle died on March 22, 1999 without a will or appointment of an Administrator, thereby vesting title in Christopher Brengle, Known Surviving Heir of Eugene Brengle, Stuart Brengle, Known Surviving Heir of Eugene Brengle, Jeffory Brengle, Known Surviving Heir of Eugene Brengle, and Unknown Surviving Heirs of Eugene Brengle by operation of law.

Tax Parcel Number: 39-11-0052

Brock & Scott, PLLC

No. 1802 of 2019 GD

No. 293 of 2023 ED

FREEDOM MORTGAGE CORPORATION

v.

DON L. CRAFTON

By virtue of a Writ of Execution No. 2019-01802, FREEDOM MORTGAGE CORPORATION v. DON L. CRAFTON, owner(s) of property situate in the WASHINGTON TOWNSHIP, FAYETTE County, Pennsylvania, being 14 GROVE AVENUE A/K/A 14 GRV, BELLE VERNON. PA 15012

Tax ID No. 41-05-0066

Improvements thereon: RESIDENTIAL DWELLING Judgment Amount: \$158,954.52

FEIN, SUCH, KAHN & SHEPARD, P.C.

No. 1892 of 2023 GD

No. 285 of 2023 ED

TOWNE MORTGAGE COMPANY

Plaintiff

v.

TANNER W DEROSA

Defendant(s)

Judgment Amount: \$180,506.77

Being County Parcel No. 14330026

ALL THAT CERTAIN LOT OF LAND SITUATE IN GEORGES TOWNSHIP, FAYETTE COUNTY, COMMONWEALTH OF PWNNYSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTER LINE OF U.S. HIGHWAY ROUTE 119 CORNER WITH PROPERTY NOW OR FORMERLY OF D. BRUCE HAYDEN, ET UX.; THENCE ALONG SAID HAYDEN PROPERTY, SOUTH 53 DEGREES 30' EAST 208.72 FEET; THENCE ALONG LINE OF LAND NOW OR FORMERLY OF GILMER R. HEADRICK, ET UX. AND LINE OF LAND HEREIN CONVEYED SOUTH 36 DEGREES 30' WEST 103 FEET; THENCE THROUGH LAND OF GRANTORS HEREIN NORTH 53 DEGREES 30' WEST 208.72 FEET TO THE AFORESAID CENTER LINE OF U.S. HIGHWAY ROUTE 119; THENCE ALONG SAID CENTER LINE OF U.S. HIGHWAY ROUTE 119, NORTH 36 DEGREES 30' EAST 103 FEET TO THE PLACE OF BEGINNING.

TO BE SOLD AS THE PREMISES OF TANNER W DEROSA

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

No. 1112 of 2023 GD
 No. 291 of 2023 ED

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

Plaintiff

vs.

NATHON J. HOFECKER
Mortgagor(s) and Record Owner(s)
6 Spaulding Street
Uniontown, PA 15401
Defendant(s)

ALL THAT CERTAIN LOT OF LAND
 SITUATE IN NORTH UNION TOWNSHIP,
 COUNTY OF FAYETTE AND
 COMMONWEALTH OF PENNSYLVANIA.
 BEING KNOWN AS: 6 SPAULDING
 STREET, UNIONTOWN, PA 15401

TAX PARCEL #25-39-0152

IMPROVEMENTS: A RESIDENTIAL
 DWELLING

SOLD AS THE PROPERTY OF:
 NATHON J. HOFECKER

Richard M. Squire & Associates, LLC
 By: Michael J. Clark, Esquire
 One Jenkintown Station, Suite 104
 115 West Avenue
 Jenkintown, PA 19046
 Telephone: 215-886-8790
 Fax: 215-886-8791

No. 1668 of 2023 GD
 No. 301 of 2023 ED

Rocket Mortgage, LLC f/k/a Quicken Loans,
LLC f/k/a Quicken Loans, Inc.
PLAINTIFF

v.

Bobbie Jo Jenkins
Theresa Johnson
DEFENDANT.

TAX PARCEL NO.: 22-15-0066

PROPERTY ADDRESS: 16 E. Main
 Street, New Salem, PA 15468

IMPROVEMENTS: Single Family
 Dwelling

SEIZED AND TAKEN in execution as the

property of Bobbie Jo Jenkins and Theresa
 Johnson

ALL THAT CERTAIN lot of piece of
 ground situate in the Village of New Salem,
 Menallen Township, Fayette County,
 Pennsylvania known as Lot No. 1 bounded and
 described as follows:

Bounded on the South by a public highway
 known as Main Street, on the East by lot now or
 formerly of Angela Rubinosky, on the North by
 an alley and on the West by Lot No. 2 now or
 formerly owned by Andrew Gallik, said lot of
 ground containing ¼ acre, more or less.

BEING KNOWN AS premises 16 E. Main
 Street, New Salem, PA 15468

Parcel: 22-15-0066

BEING the same premises conveyed to
 Bobbie Jo Jenkins and Theresa Johnson, as joint
 tenants with the right of survivorship, by deed of
 Richard S. Sabol, Jr. unmarried, and recorded in
 the Recorder of Deeds Office, County and State
 aforesaid in Deed Book Volume 3362, page 667.
 Said Grantor conveying her undivided one-half
 (1/2) interest, remaining joint owner, the Grantor
 herein, she now holds title in fee simple,
 absolute.

with the appurtenances: to Have and to
 Hold the same to and for the use of the said
 Grantee his heirs and assigns forever. And the
 Grantor for her heirs and assigns hereby
 covenant and agree that they will WARRANT
 GENERALLY the property hereby conveyed.

NOTICE-THIS DOCUMENT MAY NOT/
 DOES NOT SELL CONVEY, TRANSFER,
 INCLUDE OR INSURE THE TITLE TO THE
 COAL AND RIGHT OF SUPPORT
 UNDERNEATH THE SURFACE LAND
 DESCRIBED OR REFERRED TO HEREIN,
 AND THE OWNER OR OWNERS OF SUCH
 COAL MAY HAVE HAVE THE COMPLETE
 LEGAL RIGHT TO REMOVE ALL OF SUCH
 COAL, AND IN THAT CONNECTION,
 DAMAGE MAY RESULT TO THE SURFACE
 OF THE LAND AND ANY HOUSE,
 BUILDING OR OTHER STRUCTURE ON OR
 IN SUCH LAND, THE INCLUSION OF THIS
 NOTICE DOES NOT ENLARGE, RESTRICT
 OR MODIFY, ANY LEGAL RIGHTS OR
 ESTATES OTHERWISE CREATED,
 TRANSFERRED EXECPTED OR RESERVED
 BY THIS INSTRUMENT: This notice is set
 forth in the manner provided in Section 1 of the
 Act of July 17, 1957, P.L. 984, as amended, and
 is not intended as notice of unrecorded
 instruments, if any.

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

No. 2172 of 2022 GD
No. 283 of 2023 ED

George A. Butler
Mahady & Mahady
223 South Maple Ave.
Greensburg PA 15601
724-834-2990

No. 2094 of 2023 GD
No. 303 of 2023 ED

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

LEON JONES Solely in His Capacity as Heir of Dorothy J. Jones, Deceased
LESLIE JONES Solely in Her Capacity as Heir of Dorothy J. Jones, Deceased
ROY JONES JR, Solely in His Capacity as Heir of Dorothy J. Jones, Deceased
WILLIAM JONES Solely in His Capacity as Heir of Dorothy J. Jones, Deceased
The Unknown Heirs of Dorothy J. Jones Deceased
LORETTA WYNN Solely in Her Capacity as Heir of Dorothy J. Jones, Deceased
246 Coolspring 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: 246 COOLSPRING STREET, UNIONTOWN, PA 15401
TAX PARCEL #38-13-0432
IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: LEON JONES Solely in His Capacity as Heir of Dorothy J. Jones, Deceased, LESLIE JONES Solely in Her Capacity as Heir of Dorothy J. Jones, Deceased, ROY JONES JR, Solely in His Capacity as Heir of Dorothy J. Jones, Deceased, WILLIAM JONES Solely in His Capacity as Heir of Dorothy J. Jones, Deceased, The Unknown Heirs of Dorothy J. Jones Deceased AND LORETTA WYNN Solely in Her Capacity as Heir of Dorothy J. Jones, Deceased

Commercial Bank & Trust of PA
Plaintiff
vs.
Joy Property Investments, LLC
Defendant

Joy Property Investments, LLC is the owner of property situate in the City of Connellsville, Fayette County, Pennsylvania being 413 N. Pittsburgh Street, Connellsville PA 15425

Tax ID No. 05-06-0174
Improvements thereon: Four Unit Apartment House
Judgment Amount: \$57,491.95

Robertson, Anschutz, Schneid, Crane & Partners, PLLC
133 Gaither Drive, Suite F
Mt. Laurel, NJ 08054
(855) 225-6906

No. 1828 of 2023 GD
No. 269 of 2023 ED

SPECIALIZED LOAN SERVICING LLC
Plaintiff
v.
STEPHEN M. KLOTZ
Defendant(s)

ALL THAT CERTAIN LOT OR PIECE OF GROUND SITUATE IN THE TOWNSHIP OF CONNELLSVILLE, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA,

BEING PARCEL NUMBER: 05-15-0302
IMPROVEMENTS: RESIDENTIAL PROPERTY

No. 1873 of 2019 GD
No. 284 of 2023 ED

DLJ Mortgage Capital, Inc.

Plaintiff,

vs.

Kimberly Mackey, AKA Kimberly D. Mackey, AKA Kim Mackey

Defendant.

ALL that certain parcel of land lying and being situate in the Township of Redstone, County of Fayette, and Commonwealth of Pennsylvania, known as 10 Kennedy Street, Republic, PA 15475 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 30-26-0003

BEING the same premises which Deborah Harmen, also known as Deborah Harman, by Deed dated February 20, 2004 and recorded in and for Fayette County, Pennsylvania in Deed Book 2896, Page 788, granted and conveyed unto Kimberly Mackey.

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

No. 1223 of 2023 GD
No. 297 of 2023 ED

FREEDOM MORTGAGE CORPORATION

P.O. Box 50428

Indianapolis, IN 46250-0401

Plaintiff

vs.

BRIAN S. MATIS

Mortgagor(s) and Record Owner(s)

230 Woostock Avenue

Hopwood, PA 15445

Defendant(s)

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

BEING KNOWN AS: 230 WOOSTOCK AVENUE, HOPWOOD, PA 15445

TAX PARCEL #34-40--0047

IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: BRIAN S. MATIS

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

No. 914 of 2023 GD

No. 288 of 2023 ED

Finance of America Reverse LLC

Plaintiff

v.

John Owen McGill, Known Surviving Heir of John McGill, Bobbie Lynn Sirianni, Known Surviving Heir of John McGill, Misty Ansell, Known Surviving Heir of John Mc ill, and Unknown Surviving Heir of John

Defendant

All that certain piece or parcel or Tract of land situate in the Township of Connellsville, Fayette County, Pennsylvania, and being known as 504 E. Washington Avenue, Connellsville, Pennsylvania 15425.

Being known as: 504 E. Washington Avenue, Connellsville, Pennsylvania 15425

Title vesting in John C. McGill by deed from SHIRLEY M. DAVIS, AN UNREMARKED WIDOW, BY HER ATTORNEY-IN-FACT, DALE L. DAVIS dated April 25, 2003 and recorded June 25, 2003 in Deed Book 2866, Page 2073 Instrument Number 200300013238. The said John C. McGill died on June 8, 2022 without a will or appointment of an Administrator, thereby vesting title in John Owen McGill, Known Surviving Heir of John McGill, Bobbie Lynn Sirianni, Known Surviving Heir of John McGill, Misty Ansell, Known Surviving Heir of John McGill, and Unknown Surviving Heir of John McGill by operation of law.

Tax Parcel Number: 06130030

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

No. 2311 of 2022 GD

No. 275 of 2023 ED

PENNYMAC LOAN SERVICES, LLC

Plaintiff

v.

Matthew V. Smith

Defendant

All that certain piece or parcel or Tract of

land situate in the Borough of Everson, Fayette County, Pennsylvania, and being known as 717 Brown Street, Everson, Pennsylvania 15631.

Being known as: 717 Brown Street, Everson, Pennsylvania 15631

Title vesting in Matthew V. Smith by deed from MATTHEW V. SMITH, UNMARRIED dated February 7, 2013 and recorded February 11, 2013 in Deed Book 3211, Page 1088 Instrument Number 201300001517.

Tax Parcel Number: 10040038

No. 1400 of 2023 GD
No. 276 of 2023 ED

FIRST NATIONAL BANK OF PENNSYLVANIA,

Plaintiff,
vs.

LONNIE D. SPROUL,
Defendant.

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND BEING SITUATE AND LAYING IN THE TOWNSHIP OF NORTH UNION, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA, AS MORE FULLY DESCRIBED IN CERTAIN DEED DATED AUGUST 25, 2000, FROM BRUCE E. DAYTON AND CONNIE DAYTON, HUSBAND AND WIFE, TO LONNIE D. SPROUL, SINGLE, AND RECORDED ON OCTOBER 5, 2000 IN THE OFFICE OF THE RECORDER OF DEEDS OF FAYETTE COUNTY, PA AT DEED BOOK VOLUME 2609, PAGE 241.

BEING COMMONLY KNOWN AS 551 Johnston Avenue, Uniontown, PA 15401 IMPROVEMENT THEREON: A RESIDENTIAL DWELLING.

TAX PARCEL NUMBER: 25-47-0101

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

No. 479 of 2023 GD
No. 294 of 2023 ED

PNC BANK, NATIONAL ASSOCIATION
3232 Newmark Drive
Miamisburg, OH 45342

Plaintiff
vs.

UNKNOWN HEIRS OF LODIS MALLARD
AKA LODIS CHILDS MALLARD,
DECEASED

1404 3Rd Street
Hiller, PA 15444

Defendant(s)

ALL THAT CERTAIN LOT OF LAND SITUATE IN LUZERNE TOWNSHIP, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA. BEING KNOWN AS: 1404 3RD STREET, HILLER, PA 15444

TAX PARCEL #19-08-0051

IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: UNKNOWN HEIRS OP LODIS MALLARD AKA LODIS CHILDS MALLARD, DECEASED

KML LAW GROUP, P.C.

701 Market Street
Suite 5000
Philadelphia, PA 19106-1532
(215) 627-1322

No. 472 of 2023 GD
No. 261 of 2023 ED

ROCKET MORTGAGE, LLC F/K/A
QUICKEN LOANS LLC F/K/A QUICKEN
LOANS INC.

1050 Woodward Ave
Detroit, Michigan 48226-1906

Plaintiff
vs.

UNKNOWN HEIRS OF MERLE SWANEY,
DECEASED

113 Hopwood Fairchance Road
Hopwood, PA 15445

Defendant(s)

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

BEING KNOWN AS: 113 HOPWOOD FAIRCHANCE ROAD, HOPWOOD, PA 15445

TAX PARCEL #34-38-0076-01

IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: UNKNOWN HEIRS OF MERLE SWANEY, DECEASED

No. 1114 of 2023 GD
No. 260 of 2023 ED

*** END SHERIFF'S SALE ***

**HSBC Bank USA, National Association, as
Trustee for Wells Fargo Alternative Loan
2007-PA3 Trust**

PLAINTIFF

vs.

Amy L. Urani

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 side 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

COMMONLY KNOWN AS: 26
Fairgarden Street, Republic, PA 15475

TAX PARCEL NO. 30-23-0069

WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

518 Madison Drive

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. :
JAMES SCHROYER, : Honorable Linda R. Cordaro
Defendant. : No. 48 of 2023

OPINION

Linda R. Cordaro, J.

July 11, 2023

Before this Court is Defendant's Omnibus Pretrial Motion for writ of habeas corpus on all twenty-two (22) charges. A hearing on the motion was held on June 14, 2023, at which the transcript of the preliminary hearing and recordings of 911 calls were admitted into evidence. For the following reasons, Defendant's motion is granted in part and denied in part.

FINDINGS OF FACT

On August 17, 2022, multiple 911 calls were made by an individual that identified himself as "James Anthony Schroyer" or "James Schroyer" and stated that he was at 713 Bear Rocks Road. The content of the recorded calls are described below.

On one call, {1} which was relayed from Westmoreland County, the individual identified himself and gave the 713 Bear Rocks Road address. He stated that he had explosives placed in several locations, and he would detonate the explosives in two hours if Dolly Parton did not show him her breasts.

On the second call, {2} the individual specified three locations: the Greensburg Courthouse, Sheetz in Mount Pleasant, and "the mall" in Pittsburgh, all of which would be "blown up" if he did not "get on the news" and if Dolly Parton did not show her breasts.

On the third call, {3} the individual asked to speak to the 911 dispatch for Connellsville, identified himself as "James Schroyer" and said that he would blow up 603 Crawford Avenue, and he wanted to tell someone where he was. The operator asked who lived at the address, and the individual said he did not know. When the operator asked why he wanted to blow it up, he stated "'Cause I don't like the building." The individual stated he was at 713 Bear Rocks Road, and there were four sticks of dynamite and two tanks of propane gas "underneath." The operator asked if he was calling from 713 Bear Rocks, and the individual confirmed he was.

On the fourth call, {4} the individual identified himself again by name and address, stating he had "high explosives" buried in three locations: the Sheetz in Mount Pleasant,

{1} The file name of the recording includes the designation "2022-08-17_17.43.46."
 {2} The file name of the recording includes the designation "2022-08-17_18.11.01"
 {3} The file name of the recording includes the designation "2022-08-17_19.14.00"
 {4} The file name of the recording includes the designation "2022_08_17_18_05_56"

the Greensburg Courthouse, and a parking lot in Pittsburgh. He stated there were two tons of explosives and one of the locations would be destroyed if Dolly Parton did not show her breasts and the information was not on the news by 6:30.

On the fifth call, {5} the individual identified himself, confirmed that he was speaking with the state police, and then stated that he would try to hit the first officer to respond to 713 Bear Rocks Road between the eyes with his thirty-aught-six (.30-06).

According to the preliminary hearing testimony of Corporal Joseph Popielarcheck, who responded to 713 Bear Rocks Road, approximately ten troopers were dispatched to the address, given the severity of the situation. Corporal Popielarcheck stated that he took up position where he could see the front door of the residence while still taking cover in case of gunfire. The Defendant came out of the residence, holding a "silver pistol" and what was later determined to be a remote control. According to testimony, the Defendant threatened to shoot police and to detonate explosives. The Defendant went back into the house, and then reappeared several times, continuing to state he would detonate explosives. He did not reappear holding the pistol, only the remote control.

Corporal Popielarcheck eventually picked up a cinder block from the front porch and threw it through the Defendant's door to break it open in order to better see and communicate with the Defendant. When the Defendant attempted to move the block, again stating that he would detonate bombs, Corporal Popielarcheck deployed his taser and took the Defendant to the ground. The Defendant struggled and cursed at officers until he was placed in handcuffs. The silver pistol was later found to be a pellet gun or BB gun. As of the time of the preliminary hearing, the gun had not been tested to determine if it was functional.

DISCUSSION

A petition for a writ of habeas is "the proper means for testing a pre-trial finding that the Commonwealth has sufficient evidence to establish a prima facie case" against a defendant. *Commonwealth v. Scott*, 578 A.2d 933, 936 (Pa. Super. Ct. 1990). A pre-trial petition for writ of habeas corpus is similar in its purpose to a preliminary hearing in that it seeks to prevent unlawful detention for a crime which was never committed, or for a crime for which there is no evidence of the accused's connection. *Id.* at 937. Accordingly, to establish its prima facie case, the Commonwealth must present evidence as to each material element of the crimes charged and establish sufficient probable cause that the accused is the person who committed the offenses. *Commonwealth v. McBride*, 595 A.2d 589, 591 (Pa. 1991).

The Defendant is charged with four counts each of Terroristic Threats with Intent to Terrorize Another; {6} Terroristic Threats to Cause Serious Public Inconvenience; {7} Bomb Threats - Reports without Knowledge; {8} and Bomb Threats - Threatens Placement of Bomb. {9} He also is charged with two counts of Disorderly Conduct, {10} one count of Recklessly Endangering Another Person; {11} two counts of Resisting Arrest; {12} and one count of Aggravated Assault. {13}

{5} The file name of the recording includes the designation "2022_08_17_18_36_27"

{6} 18 Pa.C.S.A. §2706(a)(1). Counts 1-3 refer to the locations named in the 911 calls. Count 4 refers to responding troopers.

{7} 18 Pa.C.S.A. § 2706(a)(3). Counts 5-7 refer to the locations named in the 911 calls. Count 8 refers to responding troopers.

Defendant's motion raises the issue of *corpus delicti*, the rule that a criminal conviction cannot be based upon an accused's out-of-court confession unless corroborated by independent evidence. *Commonwealth v. Zugay*, 745 A.2d 639, 652 (Pa. Super. Ct. 2000) (quoting *Commonwealth v. Ware*, 329 A.2d 258, 274 (Pa. 1974)). Defendant argues that the Commonwealth provided no independent verification of the Defendant's voice in the recorded phone calls, and so it is relying solely on his self-identification. However, according to testimony and the recorded calls, the caller not only identified himself more than once, he provided a specific address and stated he was there. When troopers went to that address, they encountered an individual holding an apparent firearm and other device. That individual made statements about detonating explosives, as in the phone calls. That individual's name matched the one given by the caller, and the same individual was identified at the preliminary hearing by Corporal Popielarcheck. Therefore, the Commonwealth has sufficient independent evidence and is not relying solely on the Defendant's own statements for any of the charges.

Aggravated Assault (Count 22)

The Defendant challenges the charge for Aggravated Assault, for which a required element is an attempt to cause, or intentionally or knowingly causing, bodily injury to a police officer. However, the facts here do not indicate any such action. Although Corporal Popielarcheck testified that the Defendant held a weapon while troopers were on the scene, there is no testimony that he attempted to use the weapon or to inflict bodily harm upon troopers. Corporal Popielarcheck also testified specifically that the Defendant did not point the gun at him or any other trooper. Prelim. Hr'g Tr. at 14. Defendant's Motion with respect to this count of the Information therefore is granted.

Terroristic Threats with Intent to Terrorize Another (Counts 1-4)

Defendant challenges Counts 1-3 on the grounds that the targeted locations are listed in the charges as "victims." He also challenges Count 4 in that it lists troopers as the victims even though the alleged communications were made to 911 operators or PCO staff, not the troopers themselves.

Under statute, the crime is committed if a person communicates, directly or indirectly, a threat to commit any crime of violence {14} with the intent to terrorize another. It does not require that the actor have the ability to carry out the threat nor that the recipient of the threat actually believe the actor will carry it out. *Commonwealth v. Fenton*, 750 A.2d 863, 865 (Pa. Super. Ct. 2000)). The harm the statute seeks to prevent is the psychological distress that follows from an invasion of another's sense of personal security. *Id.* "[I]t is the making of the threat with intent to terrorize that constitutes the crime." *Commonwealth v. Campbell*, 625 A.2d 1215, 1218-19 (Pa. Super. Ct. 1993).

{8} 18 Pa.C.S.A. § 2715(a)(3). Counts 9-11 refer to the locations named in the 911 calls. Count 12 names the responding troopers as the targets of the threat. The statute specifies that a separate offense shall occur for each report.

{9} 18 Pa.C.S.A. § 2715(a)(4). Counts 13-16 all refer to the act of threatening "to bomb several locations and to shoot responding Troopers." The statute specifies that a separate offense shall occur for each threat.

{10} 18 Pa.C.S.A. § 5503(a)(1) (Count 17) and (a)(4) (Count 18). The Information at both counts refers to the act of threatening "to bomb several locations and to shoot responding Troopers."

{11} 18 Pa.C.S.A. § 2705. This count refers to the act of threatening "to bomb several locations and to shoot responding Troopers."

{12} 18 Pa.C.S.A. § 5104

{13} 18 Pa.C.S.A. § 2702(a)(3). This count refers to the act of threatening "to bomb several locations and to shoot responding Troopers."

Here, there is evidence that threats to commit crimes of violence by detonating explosives in at least three locations were conveyed to "another" - i.e., 911 operators and/or PCO staff. Therefore, although Counts 1-3 of the Information list the locations threatened and not the recipients of the threat, there is sufficient evidence on record for a prima facie case that Defendant did communicate threats to others and that he did so with the intent to terrorize. Therefore, Defendant's motion for habeas as to Counts 1-3 is denied. {15}

As to Count 4, despite Defendant's argument that no alleged threats were made to responding troopers, Corporate Popielarcheck testified that the Defendant warned troopers to leave and threatened to detonate explosives while troopers were at the scene. Prelim. Hr'g Tr. at 8. In addition, indirect communication of a threat, which includes a relayed message, may constitute the crime. See *Commonwealth v. Kelley*, 664 A.2d 123 (Pa. Super. Ct. 1995) (finding sufficient evidence of the crime when the defendant communicated a threat to a secretary who then communicated it to the intended recipients). Defendant's motion is denied with respect to Count 4.

Terroristic Threats Causing Serious Public Inconvenience (Counts 5-8)

Defendant challenges Counts 5-8 on the grounds that none of the alleged threats were communicated to the public, nor were the threatened locations evacuated or alerted in any way. The statute indicates the crime is committed if a person either communicates a threat to cause serious public inconvenience or to cause terror or serious inconvenience with reckless disregard of the risk of causing such terror or inconvenience. 18 Pa.C.S.A. §2706(a)(3).

Here, the caller, who was identified as the Defendant: (1) named specific targeted locations to which the public either had access or to which the public were in proximity; (2) stated that he would detonate explosives at those locations; and (3) demanded at least twice that the information he was communicating was to appear on the news (e.g., broadcast to the public). The statute specifically states that "reckless disregard" of the risk of causing terror or inconvenience may constitute the crime. The Defendant made multiple phone calls specifically communicating that he would cause an explosion at specific locations, and he demanded publicity. This could be considered in "reckless disregard" of the risk of causing terror or inconvenience, and it is not negated merely because the threat itself was not actually circulated to the public.

As to Count 8, Defendant argues that because the state police are not part of the public, and they responded to the threat as part of their normal duties, their response should not be construed as an inconvenience. However, the criminality under this subsection is linked to communication of a threat, not to a recipient or response. There is evidence that Defendant communicated threats, both directly and indirectly, to police without regard for the risk of causing terror or inconvenience to the public. Defendant's motion is denied with respect to Counts 5-8.

Bomb Threats - Reports Without Knowledge of Bomb (Counts 9-12)

Defendant's sole argument with respect to these counts is that the Commonwealth cannot prove the threats were made by the Defendant. However, as discussed, the Defendant was found at the same address the caller had provided to 911, his name matched to the name given by the caller, and he communicated threats to troopers on-site that he would detonate explosives.

{14} Under 18 Pa.C.S.A § 2716(i), a bomb is an explosive device used for unlawful purposes, and it is a weapon of mass destruction. Under 18 Pa.C.S.A. § 9714(g) (related to sentencing), the use of weapons of mass destruction is a "crime of violence."

{15} Defendant has raised this issue only via writ of habeas and not a motion to quash on the grounds that the Information is defective.

According to the statute, the crime is committed when a person reports the existence (or potential existence) of a weapon of mass destruction without factual basis of knowledge. Here, there is sufficient evidence to support a prima facie case that the Defendant made multiple reports that there were explosives planted in multiple locations. Defendant's motion is denied with respect to Counts 9-12.

Bomb Threats - Threatens Placement of Bomb (Counts 13-16)

Defendant's motion is denied with respect to Counts 13-16 for the same reasons as for Counts 9-12 and because there is evidence that he stated he had placed explosives and would detonate them.

Disorderly Conduct - Engage in Fighting (Count 17);

Disorderly Conduct - Create Hazardous/Physically Offensive Condition (Count 18)

Defendant argues that he did not threaten responding troopers, he did not attempt to physically confront them, and any altercation was initiated by the troopers attempting to take him into custody.

As to Count 17, under 18 Pa.C.S.A. § 5503(a)(1), a person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he engages in fighting or threatening, or in violent or tumultuous behavior. As the statute defines it, "public" means affecting or likely to affect persons in a place to which the public or a substantial group has access, including places of business or amusement, any neighborhood, or any premises open to the public. 18 Pa.C.S.A. § 5503(c). According to the Information at this count, the Defendant "did threaten to bomb several locations and to shoot responding Troopers."

Based upon testimony, the Defendant appeared outside of his residence holding an apparent firearm and he made verbal threats to troopers on-site that he would detonate explosives. This can be considered as engaging in threatening behavior. The Defendant engaged in this behavior outside on his porch, and there is evidence this was done without regard for the risk of causing public inconvenience, annoyance or alarm. Defendant's motion is denied with respect to Count 17.

As to Count 18, under 18 Pa.C.S.A. § 5503(a)(4), a person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor. A "hazardous condition" is one involving danger or risk of the possibility of injury resulting from public disorder. *Commonwealth v. Coniker*, 290 A.3d 725,735 (Pa. Super. Ct. 2023) (citing *Commonwealth v. Roth*, 531 A.2d 1133, 1137 (Pa. Super. Ct. 1987)). In contrast, a "physically offensive condition" directly affects the physical senses of members of the public. *Id.*

Here, there is no evidence that any other members of the public were present at the scene. {16} There was no danger or risk from public disorder nor any offense caused to physical senses. Defendant's motion is granted with respect to Count 18.

Recklessly Endangering Another Person (Count 19)

Defendant argues that this charge lacks sufficient evidence since he did not possess any bomb making materials or any detonation devices, he did not threaten or point any weapons at responding troopers, and no bomb-like devices were found.

Under the statute, the crime is committed if a person recklessly engages in conduct which placed or may have placed another in danger of death or serious bodily injury. There is no evidence that the Defendant placed any others in danger of death or serious bodily injury. Defendant's motion with respect to this charge is granted.

Resist Arrest (Counts 20-21)

Defendant argues that despite a struggle with troopers, his actions did not create a substantial risk of bodily injury or an omnipresent danger to troopers.

Under the statute, the crime is committed when, with the intent of preventing a public servant from effecting a lawful arrest, a person creates a substantial risk of bodily injury to a public servant or employs means justifying or requiring substantial force to overcome the resistance. The Information at both counts alleges that "the defendant failed to obey verbal commands and physically resisted causing a brief struggle with Troopers."

However, there is no evidence that Defendant's actions caused substantial risk of bodily injury to arresting troopers nor that his resistance required substantial force to overcome it. Defendant's motion with respect to these charges is granted.

CONCLUSION

In summary, Defendant's motion for habeas is denied with respect to Information Counts 1-17 and granted with respect to Counts 18-22.

ORDER

AND NOW, this 11th day of July, 2023 in consideration of Defendant's Omnibus Pretrial Motion for writ of habeas and after a hearing on the matter and consideration of admitted exhibits, is it hereby ORDERED and DIRECTED that the motion is GRANTED IN PART and DENIED IN PART.

The Motion is GRANTED as to Counts 18-22 of the Information. The Motion is DENIED as to Counts 1-17 of the Information.

BY THE COURT:
Linda R. Cordaro, Judge

ATTEST:
Clerk of Courts

{16} Case law related to a "hazardous condition" has included consideration for the presence of other members of the public. See, e.g., *Commonwealth v. Love*, 896 A.2d 1276 (Pa. Super. Ct. 2006) (finding a hazardous condition existed when a defendant struggled with a deputy sheriff in a crowded courtroom); *Commonwealth v. Williams*, 574 A.2d 1161 (Pa. Super. Ct. 1990) (finding a hazardous condition did not exist when a defendant silently walked through a residential parking lot after midnight in only a T-shirt and underwear); *Commonwealth v. Roth*, 531 A.2d 1133 (Pa. Super. Ct. 1987) (finding a hazardous condition existed when protestors disrupted an Easter Sunday church service).

LUNCH & LEARN SERIES

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

- Date: **Wednesday, January 17th from 12:00 p.m. to 1:30 p.m.**
- Location: **Courtroom No. 4 of the Fayette County Courthouse**
- Discussion topics: **Firearms & Estates: Pitfalls & Dangers**
- Presenters: **Thomas L. Plaitano, Jr., Esquire**

This course will discuss how to handle firearms when they are part of an estate. It will also cover the new firearms issues under the ATF's zero-tolerance policy.

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**** All fees to be paid at the door ****
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If interested in attending, please call Cindy at the Bar office at 724-437-7994 or email to cindy@fcb.org on or before Monday, January 15th.

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