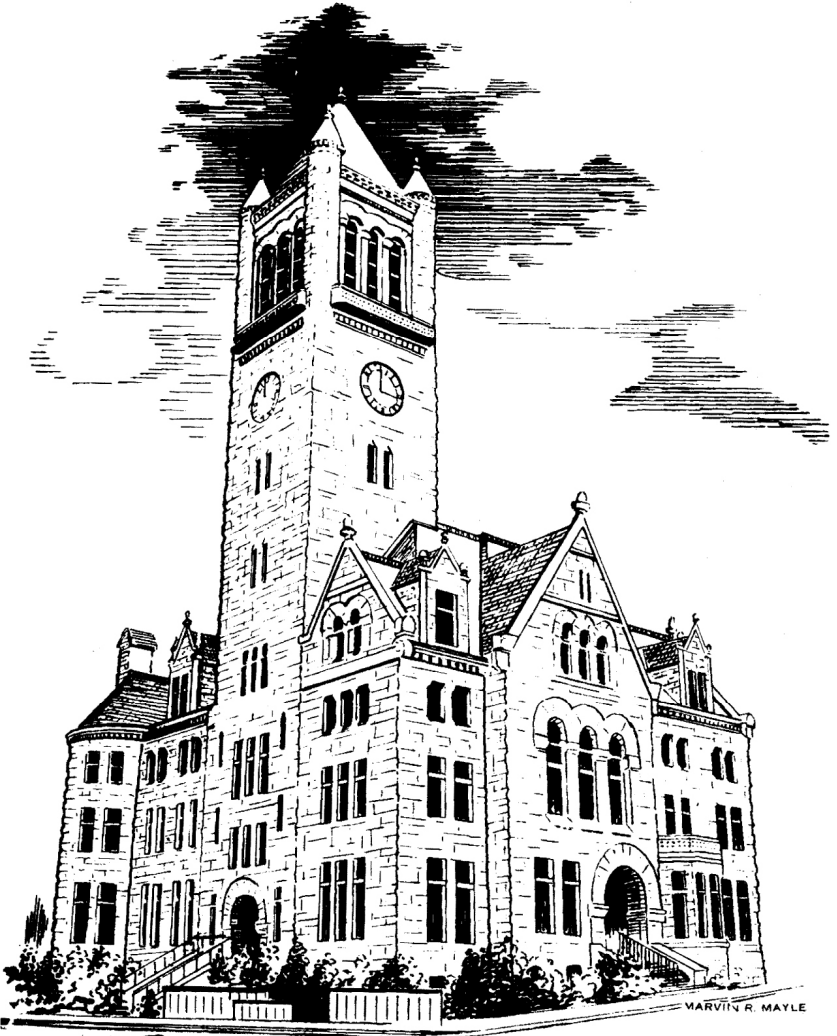


FAYETTE LEGAL JOURNAL

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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

MILDRED H. DOMONKAS, a/k/a MILLIE DOMONKOS, Fayette County, PA ⁽³⁾

Executors: Gerald R. Domonkos, Jr.,
Renee Smith and Wendy McGee
P.O. Box 688
Perryopolis, PA 15478
c/o P.O. Box 718
Belle Vernon, PA 15012
Attorney: Brian G. Pirilla

CHARLES MELLON GOWER, late of Smithfield, Fayette County, PA ⁽³⁾

Administratrix: Diana Gower
1164 Walnut Hill Road
Smithfield, PA 15478
c/o P.O. Box 727
Uniontown, PA 15401
Attorney: Bernadette K. Tummons

RACHEL E. LAWRENCE, late of Jefferson Township, Fayette County, PA ⁽³⁾

Co-Executors: Joseph S. Lawrence and Pamela Sauritch, n/k/a Pamela Seykoski
c/o Casini & Geibig, LLC
815B Memorial Boulevard
Connellsville, PA 15425
Attorney: Jennifer M. Casini

HELEN M. LEGAS, a/k/a HELEN MARGARET LEGAS, a/k/a HELEN MARGARET NIETFELD, late of Saltlick Township, Fayette County, PA ⁽³⁾

Administratrix: Joann H. Valetti
507 Firearms Lane
Greensburg, PA 15601

c/o 35 West Pittsburgh Street
Greensburg, PA 15601
Attorney: Kenneth B. Burkley

JANET A. PETLEVICH, late of South Union Township, Fayette County, PA ⁽³⁾

Administratrix: Rosemary Wesdock
c/o Radcliffe Law, LLC
648 Morgantown Road, Suite B
Uniontown, PA 15401
Attorney: William M. Radcliffe

DOUGLAS EUGENE SHOW, a/k/a DOUGLAS E. SHOW, late of Springfield Township, Fayette County, PA ⁽³⁾

Personal Representative: Lisa D. Show
c/o George & George, LLP
92 East Main Street
Uniontown, PA 15401
Attorney: Joseph M. George

Second Publication

JOSEPH EDWARD BOLIBON, SR., a/k/a JOSEPH E. BOLIBON, late of Franklin Township, Fayette County, PA ⁽²⁾

Personal Representative:
Joseph E. Bolibon, Jr.
c/o Watson Mundorff & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Charles W. Watson

ANN CHAW, a/k/a ANN E. CHAW, Fayette County, PA ⁽²⁾

Executor: Dennis Chaw
P.O. Box 379
Perryopolis, PA 15473
c/o P.O. Box 718
1310 Cross Street
Belle Vernon, PA 15012
Attorney: Brian G. Pirilla

BENITA J. JEFFRIES, late of North Union Township, Fayette County, PA ⁽²⁾

Administrator: Keith J. Jeffries
c/o Fitzsimmons and Barclay
55 East Church Street, Suite 102

Uniontown, PA 15401
Attorney: James N. Fitzsimmons, Jr.

ANNA E. KRESHO, a/k/a ANNA ELIZABETH KRESHO, late of Franklin Township, Fayette County, PA (2)
Executor: David M. Kresho
 c/o P.O. Box 760
 Connellsville, PA 15425
Attorney: Carolyn W. Maricondi

MARK ANDREW MAGAZINE, late of Luzerne Township, Fayette County, PA (2)
Personal Representative:
 Rosemarie Magazine
 c/o Davis and Davis
 107 East Main Street
 Uniontown, PA 15401
Attorney: James T. Davis

NORMAN SHAFFER, late of Las Vegas, Nevada (2)
Administratrix: Robyn Kennedy
 114 Cemetery Road Extension
 Perryopolis, PA 15473
 c/o 823 Broad Avenue
 Belle Vernon, PA 15012
Attorney: Mark Ramsier

MARY L. WORRY, late of Washington, Fayette County, PA (2)
Executor: Sharon W. McCalmont, a/k/a Sharon M. Worry
 117 Beaver Creek Court
 Sewickley, PA 15143
 c/o 823 Broad Avenue
 Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

First Publication

JANET R. ARISON, a/k/a JANET RUTH ARISON, a/k/a JANET RUTH DUFF ARISON, late of Franklin Township, Fayette County, PA (1)
Executor: Jeffrey A. Arison
 c/o John & John
 96 East Main Street
 Uniontown, PA 15401
Attorney: Simon B. John

WILLIAM C. PRINKEY, a/k/a WILLIAM CLARK PRINKEY, late of Saltlick Township, Fayette County, PA (1)
Administrator: Wilmer Prinkey
 c/o Fitzsimmons and Barclay
 55 East Church Street, Suite 102
 Uniontown, PA 15401
Attorney: Ralph K. Barclay, Jr.

DOUGLAS RICHARD PROUD, a/k/a DOUG PROUD, late of Georges Township, Fayette County, PA (1)
Personal Representative: Jodee A. Proud
 c/o Watson Mundorff & Sepic, LLP
 720 Vanderbilt Road
 Connellsville, PA 15425
Attorney: Charles W. Watson

WAYNE A. SHAFFER, SR., late of German Township, Fayette County, PA (1)
Personal Representative: Russell M. Shaffer
 c/o Davis & Davis
 107 East Main Street
 Uniontown, PA 15401
Attorney: Gary J. Frankhouser

EARL B. SHIPLEY, late Saltlick Township, Fayette County, PA (1)
Personal Representative: Cynthia Skorick
 c/o Watson Mundorff & Sepic, LLP
 720 Vanderbilt Road
 Connellsville, PA 15425
Attorney: Charles W. Watson

LEGAL NOTICES

Burke Family Trust U/A/D 4/27/2000
 late of South Connellsville Borough,
 Fayette County, Pennsylvania
 Donald A. Burke, Deceased

in the above Trust having been granted to the undersigned, notice is hereby given to all persons indebted to the said decedent to make payment to the undersigned without delay, and all persons having claims or demands against said estate are requested to make known the same.

Donald L Burke, Successor Trustee
 c/o WATSON MUNDORFF & SEPIC, LLP
 720 Vanderbilt Road
 Connellsville, PA 15425-6218
 Phone: 724/626-8882

(3 of 3)

NOTICE

NOTICE is hereby given that Articles of Incorporation were filed on April 22, 2019 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 "Connellsville Youth Football".

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

NOTICE

NOTICE is hereby given pursuant to the provisions of Act 295 of December 16, 1982, P.L. 1309, that a Certificate was filed in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or about April 18, 2019, to conduct a business in Fayette County, Pennsylvania, under the assumed or fictitious name of Your Souls Journey Tarot with the principal place of

business at 136 Court Rd., Vanderbilt, PA 15486. The name or names and addresses of persons owning and interested are: Shannon Kubina, 136 Court Rd., Vanderbilt, PA 15486

NOTICE

Notice is hereby given that the Certificate of Organization has been approved and filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on June 7, 2019, for a limited liability company known as Movement Physio Therapy & Performance LLC.

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

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

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

IN THE COURT OF COMMON PLEAS OF
 FAYETTE COUNTY, PENNSYLVANIA
 ORPHANS' COURT DIVISION
 NO.75 ADOPT 2018

IN RE: ADOPTION OF
 JAYLYNN CROWE

NOTICE

TO: Jon Crowe Jr.

A petition has been filed asking the Court to put an end to all rights you have to your child, Jaylynn Crowe. The court has set a hearing to consider ending your rights to your child. That hearing will be held in Courtroom No. 4 of the Fayette County Courthouse, Uniontown, Fayette County, Pennsylvania, on Thursday, July 18, 2019 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 there.

YOU HAVE A RIGHT TO BE REPRESENTED AT THE HEARING BY A LAWYER. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

PENNSYLVANIA BAR ASSOCIATION
100 SOUTH STREET
PO BOX 186
HARRISBURG, PA 17108
(800) 932-0313

SHERIFF'S SALE

Date of Sale: August 15, 2019

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, August 15, 2019, at 2:00 p.m. in Courtroom Number Five 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. (1 of 3)

James Custer
Sheriff Of Fayette County

PARKER McCAY P.A.
By: Patrick J Wesner, Esquire
Attorney ID# 203145
9000 Midlantic Drive, Suite 300
P.O. Box 5054
Mount Laurel, NJ 08054-1539
(856) 810-5815

No. 67 of 2019 GD
No. 117 of 2019 ED

Deutsche Bank National Trust Company, as Trustee for Morgan Stanley Capital I Inc. Trust 2006-NC2, Mortgage Pass- Through Certificates, Series 2006-NC2 c/o Specialized Loan Servicing LLC

Plaintiff,

v.

Doris Anne Boord a/k/a Doris Foley

Mark Foley

Defendants.

By virtue of a Writ of Execution, No. 67 of 2019 GD Deutsche Bank National Trust Company, et al vs. Doris Anne Boord a/k/a Doris Foley, owner of property situate in the TOWNSHIP OF NEW GENEVA, NICHOLSON TOWNSHIP, Fayette County, Pennsylvania

133 Ferry Street, New Geneva, PA 15467

Parcel No. 24-16-000-8

Improvements thereon: RESIDENTIAL SINGLE FAMILY DWELLING

Phelan Hallinan Diamond & Jones, LLP

215-627-1322

No. 2542 of 2018 GD
No. 151 of 2019 ED

No. 2328 of 2018 GD
No. 118 of 2019 ED

**PNC Bank, National Association, Successor
by Merger to National City Mortgage, A
Division of National City Bank**
Plaintiff

v.

Larry O. Boyd
Defendant(s)

By virtue of a Writ of Execution No. 2018-02542, PNC Bank, National Association, Successor by Merger to National City Mortgage, A Division of National City Bank v. Larry O. Boyd, owner(s) of property situate in the WASHINGTON TOWNSHIP, Fayette County, Pennsylvania, being 109 Perry Avenue, A/K/A 111 Perry Avenue, Belle Vernon, PA 15012

Parcel No.: 41070095

Improvements thereon: RESIDENTIAL DWELLING

Phelan Hallinan Diamond & Jones, LLP

No. 2296 of 2018 GD
No. 100 of 2019 ED

The Money Source, Inc.
Plaintiff

v.

**Timothy D. Cramer, Jr a/k/a Timothy D.
Cramer**
Defendant(s)

By virtue of a Writ of Execution No. 2296-OF-2018-GD, The Money Source, Inc. v.

Timothy D. Cramer, Jr a/k/a Timothy D. Cramer, owner(s) of property situate in the HENRY CLAY TOWNSHIP, Fayette County, Pennsylvania, being 344 Braddock Road, Markleysburg, PA 15459-1120

Parcel No.: 16-15-001705

Improvements thereon: RESIDENTIAL DWELLING

KML Law Group, P.C.
Suite 5000 - BNY Independence Center
701 Market Street
Philadelphia, PA 19106-1532

BANK OF AMERICA, N.A.
7105 Corporate Drive
Plano, TX 75024
Plaintiff

v.

CAMERON E. CONN
Mortgagor(s) and Record Owner(s)
222 East Fairview Avenue
Connellsville, PA 15425
Defendant(s)

ALL THAT CERTAIN tract of land situate on the south side of east Fairview Avenue, Formerly Grave Street, City of Connellsville, Fayette County, Pennsylvania.

TAX PARCEL# 05110010

PROPERTY ADDRESS: 222 East Fairview Avenue Connellsville, PA 15425

IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF:
CAMERON E. CONN

RAS Citron, LLC
Robert Crawley, Esq. ID No. 319712
133 Gaither Drive, Suite F
Mt. Laurel, NJ 08054
855-225-6906
rcrawley@rasnj.com

No. 2733 of 2012 GD
No. 97 of 2019 ED

JAMES B. NUTTER & COMPANY
Plaintiff

v.

**KENNETH DANIELS, IN HIS CAPACITY
AS HEIR OF BETTY DANIELS,
DECEASED; UNKNOWN HEIRS,
SUCCESSORS, ASSIGNS AND ALL
PERSONS, FIRMS OR ASSOCIATIONS
CLAIMING RIGHT, TITLE OR INTEREST
FROM OR UNDER BETTY DANIELS,
DECEASED; SCOTT OHLER**
Defendant(s)

ALL THOSE CERTAIN LOTS OR
PIECES OF GROUND SITUATE IN

STEWART TOWNSHIP, FAYETTE
 COUNTY, PENNSYLVANIA:
 BEING KNOWN AS: 441 MAPLE
 SUMMIT RD MILL RUN, PA 15464
 BEING PARCEL NUMBER: 37-08-0034
 IMPROVEMENTS: RESIDENTIAL
 PROPERTY

No. 2720 of 2018 GD
 No. 154 of 2019 ED

CNB BANK,
Plaintiff,
vs.
DETWILER HOLDINGS, LLC,
a Pennsylvania limited liability company,
Defendant.

All that certain piece or parcel of land, together with any buildings and improvements which may be erected thereon, situate in the Borough of South Connellsville, Fayette County, Pennsylvania, Being 1508 S. Pittsburgh Street, Connellsville, PA 15425, Tax Parcel ID No. 33-04-0092.

STERN AND EISENBERG, PC
 EDWARD J. MCKEE, ESQ.

No. 322 of 2019 GD
 No. 140 of 2019 ED

**DEUTSCHE BANK NATIONAL TRUST
 COMPANY, as Trustee for MORGAN
 STANLEY HOME EQUITY LOAN TRUST
 SERIES 2006-3**
Plaintiff
v.
**Richard R. DuMontier a/k/a Richard
 DuMontier**
Defendant(s)

SITUATE IN THE THIRD WARD OF THE BOROUGH OF SOUTH CONNELLSVILLE, FAYETTE COUNTY, PENNSYLVANIA, BEING KNOWN AS 1714 South Pittsburgh Street, Connellsville, PA 15425
 PARCEL NO. 33-06-0101
 IMPROVEMENTS - RESIDENTIAL
 REAL ESTATE
 SOLD AS THE PROPERTY OF- Richard R. DuMontier a/k/a Richard DuMontier

McCABE, WEISBERG & CONWAY, LLC
 123 South Broad Street, Suite 1400
 Philadelphia, PA 19109
 (215) 790-1010

No. 256 of 2019 GD
 No. 114 of 2019 ED

Lakeview Loan Servicing, LLC.
Plaintiff
v.
Joseph M. Edwards
Defendant

FIRST: ALL THAT CERTAIN TRACT OF LAND SITUATE IN THE BOROUGH OF EVERSON, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA, BEING KNOWN AS LOT NO. 465 IN LIVENGOOD'S ADDITION TO SAID BOROUGH, AND BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST SIDE OF MAPLE STREET 120 FEET FROM VANCE STREET; THENCE ALONG SAID STREET 30 FEET TO LOT NO. 466; THENCE ALONG SAID LOT EASTWARDLY 110 FEET TO AN ALLEY; THENCE ALONG SAID ALLEY NORTHERLY 30 FEET TO A POINT; THENCE ALONG LOT NO. 464 WESTWARDLY 110 FEET TO MAPLE STREET, THE PLACE OF BEGINNING.

SECOND: ALL THAT CERTAIN PIECE OF GROUND SITUATE IN THE BOROUGH OF EVERSON, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERN SIDE OF MAPLE STREET 120 FEET SOUTH FROM VANCE STREET; THENCE BY THE LINE BETWEEN LOT NO. 464 AND 465 EASTERLY 110 FEET TO AN ALLEY; THENCE ALONG SAID ALLEY NORTHERLY A DISTANCE OF 6 INCHES; THENCE BY A LINE PARALLEL TO AND 6 INCHES DISTANT FROM THE DIVIDING LINE OF LOTS 464 AND 465 IN A WESTERLY DIRECTION 110 FEET; THENCE IN A SOUTHERLY DIRECTION ALONG MAPLE STREET 6 INCHES TO THE PLACE OF BEGINNING. BEING THE

SOUTHERLY 6 INCHES OF LOT NO. 464.

THE ABOVE TWO TRACTS ARE UNDER AND SUBJECT TO SUCH EXCEPTIONS, RESERVATIONS, CONDITIONS, EASEMENTS, RIGHTS OF WAY AND COVENANTS AS MAY HAVE BEEN EXCEPTED, RESERVED, GRANTED OR CONVEYED BY PREDECESSORS IN TITLE BY INSTRUMENTS OF RECORD INsofar AS THEY MAY AFFECT THE PREMISE HEREBY CONVEYED.

Being known as: 110 Maple Street, Everson, Pennsylvania 15631

Title vesting in Joseph M. Edwards by Deed from David F. Banaszak and Linda S. Banaszak, his wife; dated September 12, 2014 and recorded September 22, 2014 in Deed Book 3259, Page 1195 Instrument Number 201400009648.

Tax Parcel Number: 10-03-0020

MATTELMAN, WEINROTH & MILLER, P.C.
401 Route 70 East, Suite 100
Cherry Hill, NJ 08034
(856) 429-5507

No. 465 of 2017 GD
No. 143 of 2019 ED

**BAYVIEW LOAN SERVICING, LLC
PLAINTIFF**

vs.

**RAYMOND I. FALLECKER, JR.,
INDIVIDUALLY AND AS CO-EXECUTOR
OF THE ESTATE OF JOSEPH E.
GEORGE, DECEASED; ANGELA
GEORGE, INDIVIDUALLY AND AS CO-
EXECUTRIX OF THE ESTATE OF
JOSEPH E. GEORGE, DECEASED;
JOSEPH A. GEORGE, KNOWN HEIR ;
DEANNA MILLIRON, KNOWN HEIR;
MELANIE GOOD, KNOWN HEIR ;
CHRISTOPHER ALAN GEORGE, KNOWN
HEIR; TIMOTHY GEORGE, KNOWN
HEIR**

DEFENDANT(S)

By virtue of a Writ of Execution No.: 465 of 2017, G.D., Bayview Loan Servicing, LLC v. Raymond I. Fallecker, Jr. et al, Owner(s) of property situate in the REDSTONE TOWNSHIP, Fayette County, Pennsylvania, being 480 2nd Street, Chestnut Ridge, PA 15422
Parcel No: 30-20-0080

KML Law Group, P.C.
Suite 5000 - BNY Independence Center
701 Market Street
Philadelphia, PA 19106-1532
215-627-1322

No. 118 of 2019 GD
No. 152 of 2019 ED

**KEYBANK NA S/B/M FIRST NIAGARA
BANK**

**4224 Ridge Lea Road
Amherst, NY 14226**

Plaintiff

vs.

**RICHARD M. GRESH SR. AKA RICHARD
GRESH**

**Mortgagor(s) and Record Owner(s)
214 Hogsett Street**

**North Union, 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: 214 HOGSETT STREET, NORTH UNION, PA 15401 TAX PARCEL# 25230119

IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: RICHARD M. GRESH SR. AKA RICHARD GRESH ATTORNEY: KML LAW GROUP, P.C.

KML Law Group, P.C.
Suite 5000 - BNY Independence Center
701 Market Street
Philadelphia, PA 19106-1532
215-627-1322

No. 1570 of 2018 GD
No. 137 of 2019 ED

**BAYVIEW LOAN SERVICING, LLC, A
DELAWARE LIMITED LIABILITY
COMPANY**

**4425 Ponce de Leon Blvd
Coral Gables, FL 33146**

Plaintiff

vs.

**The Unknown Heirs of Anita L. Harvey
Deceased**

**GEORGE HARVEY Solely in His Capacity
as Heir of Anita L. Harvey Deceased**

**JAMES HARVEY Solely in His Capacity as
Heir of Anita L. Harvey Deceased**

**MICKEY HARVEY Solely in His Capacity as
Heir of Anita L. Harvey Deceased**

**TERRI A. HARVEY Individually, and in her
capacity as Heir of Anita L. Harvey, Deceased
444 High Street**

Brownsville, PA 15417

Defendant(s)

ALL THAT CERTAIN lot or piece of land,
situate in the Borough of Brownsville (formerly
Borough of South Brownsville), Fayette County,
Pennsylvania

TAX PARCEL # 02-10-0059

PROPERTY ADDRESS: 444 High Street
Brownsville, PA 15417

IMPROVEMENTS: A residential
dwelling.

SOLD AS THE PROPERTY OF: The Unknown
Heirs of Anita L. Harvey Deceased, GEORGE
HARVEY Solely in His Capacity as Heir of
Anita L. Harvey Deceased, JAMES HARVEY
Solely in His Capacity as Heir of Anita L.
Harvey Deceased, MICKEY HARVEY Solely
in His Capacity as Heir of Anita L. Harvey
Deceased and TERRI A. HARVEY
Individually, and in her capacity as Heir of Anita
L. Harvey, Deceased

SHORT DESCRIPTION: In the Commonwealth
of Pennsylvania, County of Fayette, City of
Connellsville:

HAVING ERECTED THEREON A
DWELLING BEING KNOWN AND
NUMBERED AS 801 FRANKLIN AVENUE,
CONNELLSVILLE, PA 15425. TAX PARCEL
ID 05-11-0080.

No. 2646 of 2018 GD

No. 109 of 2019 ED

PNC Bank, National Association

Plaintiff,

vs.

**John L. Hixenbaugh, AKA John Hixenbaugh
Defendant.**

ALL that certain parcel of land lying and
being situate in the Township of German,
County of Fayette, and Commonwealth of
Pennsylvania, known as 312 Second Street,
Adah, PA 15410 having erected thereon a
dwelling house.

Being known and designated as Tax ID
No.: 15210078

BEING the same premises which John L.
Hixenbaugh and Frances M. Hixenbaugh, his
wife, by Deed dated August 31, 2007 and
recorded in and for Fayette County,
Pennsylvania in Deed Book 3039, Page 332,
granted and conveyed unto John L. Hixenbaugh.

Edward T. Harvey, Esquire

Ryan G. Lemke, Esquire

**HERGENROEDER REGA EWING &
KENNEDY, LLC**

Centre City Tower, Suite 1700

650 Smithfield Street

Pittsburgh, PA 15222

(412) 281-7724

No. 224 of 2019 GD

No. 145 of 2019 ED

DEFENDANT: LAWRENCE HERMAN, JR.

CASE NO.: 224 of 2019 GD

DEBT: \$20,438.61

No. 60351 of 2019 GD

No. 120 of 2019 ED

**UNITED BANK, a Virginia banking
corporation**

Petitioner,

v.

**APRIL J. HULL and MICHAEL BRANT,
Respondents.**

An undivided one-half (1/2) interest in all
of that certain lot or parcel of real estate, lying
and being situate in Wharton Township, Fayette
County, Pennsylvania, and being more
particularly bounded and described as follows,
to wit:

Beginning at an iron pin on the eastern

margin of Legislative Route 26073 leading from Gibbons Glade, Pennsylvania to Clifton Mills, West Virginia, said iron pin is located at the Northwest corner of a 1.5 acre tract conveyed by predecessors in title to Dale A. Savage by deed dated May 21, 1979, and recorded in the Office of the Recorder of Deeds of Fayette County, in Deed Book Volume 1254, at Page 385; thence along the eastern margin of said Legislative Route, N. 8° 15' East, a distance of 522.5 feet to an iron pin; thence due East for a distance of 297 feet to an iron pin corner; thence along line of land now or formerly of Raymond and Betty Hager, S. 8° 15' West a distance of 522.5 feet to an iron pin at the Northeast corner of said land of Dale A. Savage; thence along line of said land due West for a distance of 297 feet to the iron pin at the place of beginning, containing an area of 3.5 acres, as per survey of Walter R. Hager and Delbert R. Hager, Surveyors, made May 8, 1979, of record in the aforesaid Recorder's office in Deed Book 1259, at Page 763.

EXCEPTING AND RESERVING, however, from this conveyance all of the coal, mining rights and privileges that were reserved in the conveyance from William Thomas et ux., to John W. Seese by deed dated October 28, 1907, and recorded in the Recorder's Office of Fayette County, Pennsylvania, in Deed Book Volume 277, Page 177.

BEING the same interest in real estate as conveyed to Michael Brant from Arnold Brant by deed dated the 4th day of October, 2002, recorded in the aforesaid Recorder's office in Book 284 I, at Page 1986.

DEED DATE: October 4, 2002

RECORDED in Record Book 2841, at Page 1986

TAX IDENTIFICATION: 42-36-0020

BEING 756 Canaan Church Road, Gibbon Glade, PA 15440-1206

STERN & EISENBERG PC
Andrew J. Marley, Esquire

No. 1998 of 2018 GD
No. 141 of 2019 ED

Quicken Loans Inc.
Plaintiff
v.
Steven Jenkins
Defendants

SITUATE IN REDSTONE TOWNSHIP,
FAYETTE COUNTY, PENNSYLVANIA,
BEING KNOWN AS 610 DAVIDSON ROAD,
GRINDSTONE, PA 15442.

PARCEL NO. 30-06-0244
IMPROVEMENTS - RESIDENTIAL
REAL ESTATE
SOLD AS THE PROPERTY OF -
STEVEN JENKINS

No. 1973 of 2018 GD
No. 115 of 2019 ED

The Huntington National Bank
Plaintiff,
vs.
Robin A. Keffer, as believed Heir and/or
Administrator to the Estate of Kevin E.
Keffer; Unknown Heirs and/or
Administrators to the Estate of Kevin E.
Keffer
Defendants.

ALL that certain parcel of land lying and being situate in the Township of Washington, County of Fayette, and Commonwealth of Pennsylvania, known as 130 Branthoover Street, Belle Vernon, PA 15012 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 4104004101

BEING the same premises which Catherine Gamer, unmarried, by Deed dated March 7, 2014 and recorded in and for Fayette County, Pennsylvania in Deed Book 3244, Page 977, granted and conveyed unto Kevin E. Keffer, married.

No. 638 of 2018 GD
No. 93 of 2019 ED

SOLD AS THE PROPERTY OF: JANET
L. LUBISH AKA JANET L. WROBLE

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

No. 1938 of 2018 GD
No. 144 of 2019 ED

vs.

**Kathryn Laymon a/k/a Kathryn F. Laymon
and Pamela S. Laymon
DEFENDANTS**

**Nationstar Mortgage LLC d/b/a Mr. Cooper
Plaintiff,
vs.**

**Unknown Heirs and/or Administrators to the
Estate of Elizabeth Miracle; James Cottrell,
Jr., as believed Heir and/or Administrator to
the Estate of Elizabeth Miracle
Defendants.**

ALL THAT CERTAIN tract or parcel of
land situate in Saltlick Township, Fayette
County, Pennsylvania, more particularly bound
and described as follows:

COMMONLY KNOWN AS: 436 White
Road assessed as 434 White Road, Normalville,
PA 15469

TAX PARCEL NO. 31-07-0161

ALL that certain parcel of land lying and
being situate in the
PropertyCityBoroughOrTownship MC
of Point Marion, County of Fayette, and
Commonwealth of Pennsylvania, known as 403
Ontario Avenue, Point Marion, PA 15474
having erected thereon a dwelling house.

Being known and designated as Tax ID
No.: 29020262

BEING the same premises which Lois C.
Miracle, single, by Deed dated October 5, 2005
and recorded in and for Fayette County,
Pennsylvania in Deed Book 2963, Page 47,
granted and conveyed unto Elizabeth Miracle.

KML Law Group, P.C.
Suite 5000 - BNY Independence Center
701 Market Street
Philadelphia, PA 19106-1532
215-627-1322

No. 257 of 2019 GD
No. 99 of 2019 ED

**PNC BANK, NATIONAL ASSOCIATION,
SUCCESSOR BY MERGER TO
NATIONAL CITY BANK
3232 Newmark Drive
Miamisburg, OH 45342**

Plaintiff

vs.

**JANET L. LUBISH AKA JANET L.
WROBLE**

**Mortgagor(s) and Record Owner(s)
1579 McClellandtown Road aka Route 21
McClellandtown Road Masontown, PA 15461
Defendant(s)**

ALL THAT CERTAIN tract of land situate
on the South side of State Highway Route No.
21 in German Towns hip, County of Fayette and
Commonwealth of Pennsylvania.

TAX PARCEL # 15-22-0271-01

PROPERTY ADDRESS: 1579
McClellandtown Road aka Route 21
McClellandtown Road Masontown, PA 15461

IMPROVEMENTS: A residential
dwelling.

No. 1343 of 2018 GD
No. 112 of 2019 ED

**The Huntington National Bank
Plaintiff,
vs.**

**Unknown Heirs and/or Administrators of the
Estate of John R. Muller
Defendant.**

ALL that certain parcel of land lying and
being situate in the Township of Washington,
County of Fayette, and Commonwealth of
Pennsylvania, known as 315 Perry Avenue,
Belle Vernon, PA 15012 having erected thereon
a dwelling house.

Being known and designated as Tax ID
No.: 41070272

BEING the same premises which Warner J.
Wisianski and Patricia Wisianski, husband and
wife, by Deed dated April 21, 2014 and recorded
in and for Fayette County, Pennsylvania in Deed

Book 3247, Page 500, granted and conveyed unto John R. Muller, unmarried.

STERN & EISENBERG PC
EDWARD J. MCKEE, ESQUIRE

No. 1793 of 2017 GD
No. 106 of 2019 ED

No. 2732 of 2018 GD
No. 131 of 2019 ED

Wells Fargo Bank, NA
Plaintiff,
vs.
Matthew B. Nutt; Amanda Bernot, AKA
Amanda R. Bernot
Defendants.

Wells Fargo Bank, N.A. as Trustee for Option
One Mortgage Loan Trust 2007-FXDI
Plaintiff
v.
Anthony Reno
Defendant

ALL that certain parcel of land lying and being situate in the Borough of Brownsville, County of Fayette, and Commonwealth of Pennsylvania, known as 121 Blaine Avenue, Brownsville, PA 15417 having erected thereon a dwelling house.

SITUATE IN WHARTON TOWNSHIP, AND PARTLY IN HENRY CLAY TOWNSHIP, FAYETTE COUNTY, AND COMMONWEALTH OF PENNSYLVANIA, BEING KNOWN AS 335 DINNER BELL OHIOPYLE ROAD, FARMINGTON, PA 15437

Being known and designated as Tax ID No.: 02110072, 0211007201

PARCEL NO. 16-06-000107
IMPROVEMENTS - RESIDENTIAL
REAL ESTATE

BEING the same premises which John B. Harvey and Rebecca A. O'shea, now known as Rebecca A. Harvey, husband and wife, by Deed dated October 7, 2015 and recorded in and for Fayette County, Pennsylvania in Deed Book 3292, Page 615, granted and conveyed unto Matthew B. Nutt and Amanda Bernot.

SOLD AS THE PROPERTY OF -
ANTHONY RENO

No. 294 of 2019 GD
No. 132 of 2019 ED

No. 159 of 2019 GD
No. 124 of 2019 ED

FIRST NATIONAL BANK OF
PENNSYLVANIA,
Plaintiff,
vs.
MICHELE L. PANEPINTO,
Defendant.

COMMUNITY BANK,
Plaintiff,
vs.
EDWARD L. RUGG
Defendant.

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF MICHELE L. PANEPINTO, OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THE RIGHT, TITLE AND INTEREST OF EDWARD L. RUGG, OWNER OR REPUTED OWNER, IN AND TO:

ALL THAT CERTAIN REAL ESTATE SITUATED IN THE BOROUGH OF PERRYOPOLIS, FAYETTE COUNTY, PENNSYLVANIA. HAVING ERECTED THEREON A DWELLING KNOWN AS 501 KING STREET, PERRYOPOLIS, PA 15473. DEED BOOK VOLUME 3326, PAGE 722 AND PARCEL NUMBER 28-09-0051.

ALL those two certain lots of land situate in Henry Clay Township, Fayette County, Pennsylvania, more particularly bounded and described as follows:

FOR PRIOR TITLE the same property conveyed to Edward L. Rugg, by deed of Susan L. Guthrie, a widow and unmarried, Vickie Schroyer and Gary Guthrie, her Attorneys-in-Fact by Power of Attorney dated January 16, 2009, recorded in Record Book 3285, Page 1034, deed dated November 18, 2015 and recorded in the Fayette County Recorder of Deeds Office on December 14, 2015, at Instrument Number: 201500013913.

Which has an address of 906 Flat Rock

Road, Markleysburg, PA 15459.
Tax Parcel No: 16-11-0087

No. 1041 of 2018 GD
No. 104 of 2019 ED

**PNC Bank, National Association, Successor
By Merger To National City Bank**

Plaintiff,
vs.

**Leonard B. Sampson, Executor of the Estate
of Charmaine L. Sampson; Faycohome I,
LLC**

Defendants.

ALL that certain parcel of land lying and being situate in the City of Uniontown, County of Fayette and Commonwealth of Pennsylvania, known 317 Evans Street, Uniontown, PA 15401 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 38030332

BEING the same premises which Fayette County Tax Claim Bureau, Fayette County, Pennsylvania, as Trustee, by Deed dated December 5, 2017 and recorded in and for Fayette County, Pennsylvania in Deed Book 3358, Page 1579, granted and conveyed unto Faycohome I, LLC.

MARTHA E. VON ROSENSTIEL, P.C.
649 South Ave, Ste 7, Secane, PA 19018
(610) 328-2887

No. 618 of 2019 GD
No. 149 of 2019 ED

**WILMINGTON TRUST, NATIONAL
ASSOCIATION, NOT IN ITS INDIVIDUAL
CAPACITY, BUT SOLELY AS TRUSTEE
FOR MFRA TRUST 2014-1**

Plaintiff,
v.

**CHARLES SAMUEL SMITH AND
VALERIE SUZANNE SMITH**

Defendant(s).

DOCKET # 2019-618
FIRST

ALL that certain tract of land situate on the South side of Georges Creek in Springhill Township, Fayette County, Pennsylvania, and

more particularly bounded and described as follows, viz:

BEGINNING at a point on the South bank of aforesaid Georges Creek near the road leading formerly from Weaver 's Mill to Morton 's Mill; thence South 28 ½ degrees West, to a stone (being a continuation of a line extending from a willow tree on the opposite side of said creek, 84.15 feet to said stone); thence along the aforesaid road and land now or formerly of John Beighley, North 30 ¾ degrees West, 179.86 feet to a stone; thence South 33 ¾ degrees West, 321.75 feet to a stone; thence South 8 1/4 degrees West, 161.7 feet to a stone; thence North 31 1/4 degrees West, 892.65 feet to a stone; thence by land now or formerly of Samuel Morton, North 56 degrees East, 269.65 feet to a stone; thence North 89 1/2 degrees East, 191.4 feet to a stone; thence North 24 1/2 degrees East to the South bank of aforesaid Georges Creek; thence following the South bank of said creek in a Southeasterly direction to the place of beginning, and containing 8 acres, more or less.
SECOND

ALL that certain piece or parcel of land situate and lying in Springhill Township, Fayette County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center of the public road leading from Mortons Mill to Weavers Mill at the intersection of the northern line of the right of way of the Baltimore and Ohio Railway; thence along the center of said road, the following courses and distances: N. 6 degrees 16 minutes East, 130.70 feet; thence N. 31 degrees 46 minutes East, 128.30 feet to a point; thence S. 47 degrees 38 minutes East, a distance of 123.26 feet to a point in the Northern line of the right of way of the Baltimore and Ohio Railway; S. 47 degrees 57 minutes West, 232.82 feet along the same by a curve to the left, with a radius of 15-17-7. Containing .395 acres as per survey of Charles F. Grimm, a copy of which is recorded in the deed recorded in the Recorder's Office of Fayette County, Pennsylvania in Deed Book 1269, page 307.

TAX PARCEL# 36-05-0029

PROPERTY: 127 Georges Creek Road
F/K/A 126 Georges Creek Road, Smithfield, PA
15478

IMPROVEMENTS: Residential Dwelling
TO BE SOLD AS THE PROPERTY OF:
Charles Samuel Smith and Valerie Suzanne
Smith

ANNE N. JOHN Esq.
ATTORNEY AT LAW

No. 2745 of 2018 GD
No. 177 of 2019 ED

**FIRST FEDERAL SAVINGS AND LOAN
ASSOCIATION OF GREENE COUNTY, a
corporation,**
vs.
RUPERT SMITLEY,
Defendant.

ALL those two certain lots or parcels of land situate near Ruble in Georges Township, Fayette County, Pennsylvania consisting of Parcel one containing 6.138 acres and Parcel Two containing 4.795 acres.

FOR prior title see Record Book 174, page 94.

Tax Assessment Map No.: 14-33-0078.

UPON which there is erected a residential single- family brick dwelling known locally as RD #1 Box 132, a/k/a 297 Ruble Mill Road, Smithfield PA 15478.

KML Law Group, P.C.
Suite 5000 - BNY Independence Center
701 Market Street
Philadelphia, PA 19106-1532
215-627-1322

No. 193 of 2019 GD
No. 102 of 2019 ED

PACIFIC UNION FINANCIAL, LLC
1603 LBJ Freeway
Suite 500
Farmers Branch, TX 75234
Plaintiff,

vs.
JASON STARK
Mortgagor(s) and Record Owner(s)
596 Liberty Street
Perryopolis, PA 15473
Defendant(s)

ALL THAT CERTAIN lots or parcels of land situate in the borough of Perryopolis, formerly the Township of Perry County of Fayette and Commonwealth of Pennsylvania.

TAX PARCEL# 28-03-0016
PROPERTY ADDRESS: 596 Liberty
Street Perryopolis, PA 15473
IMPROVEMENTS: A residential
dwelling.
SOLD AS THE PROPERTY OF: JASON
STARK

No. 2696 of 2018 GD
No. 103 of 2019 ED

PNC Bank, National Association
Plaintiff,
vs.
Nicki M. Todaro
Defendant.

ALL that certain parcel of land lying and being situate in the Borough of Newell, County of Fayette, and Commonwealth of Pennsylvania, known as 736 2nd Street, Newell, AKA Fayette City, PA 15466 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 23-02-0007.

BEING the same premises which Nicki M. Todaro and Vincent D. Todaro, her husband, by Deed dated June 7, 1990 and recorded in and for Fayette County, Pennsylvania in Deed Book 0696, Page 0140, granted and conveyed unto Nicki M. Todaro and Vincent D. Todaro, husband and wife.

KML Law Group, P.C.
Suite 5000 - BNY Independence Center
701 Market Street
Philadelphia, PA 19106-1532
215-627-1322

No. 1658 of 2017 GD
No. 138 of 2019 ED

PNC BANK, NATIONAL ASSOCIATION
c/o PNC Bank, N.A.
3232 Newmark Drive
Miamisburg, OH 45342
Plaintiff

vs.
**UNKNOWN HEIRS, SUCCESSOR,
ASSIGNS AND ALL PERSONS, FIRMS, OR
ASSOCIATIONS CLAIMING RIGHT,
TITLE OR INTEREST FROM OR UNDER**

DAISY L. WEAVER
ERIKA WEAVER Known Heir of Daisy L. Weaver
SONYA WEAVER Known Heir of Daisy L. Weaver
LAWRENCE D. WEAVER Known Heir of Daisy L. Weaver
7 Plum Street
Masontown, PA 15461
Defendant(s)

ALL THAT CERTAIN LOTS OF LAND situate in the Borough of Masontown, County of Fayette and Commonwealth of Pennsylvania.

TAX PARCEL #21-08-0101
 PROPERTY ADDRESS: 7 Plum Street
 Masontown, PA 15461

IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF: UNKNOWN HEIRS, SUCCESSOR, ASSIGNS AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER DAISY L. WEAVER, ERIKA WEAVER KNOWN HEIR OF DAISY L. WEAVER, SONYA WEAVER KNOWN HEIR OF DAISY L. WEAVER AND LAWRENCE D. WEAVER KNOWN HEIR OF DAISY L. WEAVER

No. 97 of 2019 GD
 No. 101 of 2019 ED

U.S. Bank National Association, not in its individual capacity but solely as Trustee for the CIM Trust 2018-R5 Mortgage-Backed Notes, Series 2018-R5

Plaintiff,
vs.

Lon D. Welsh, AKA Lon Welsh; Dawna C. Welsh, AKA Dawna Welsh
Defendants.

ALL that certain parcel of land lying and being situate in the Borough of Dunbar, County of Fayette, and Commonwealth of Pennsylvania, known as 14 Hancock Street, Dunbar, PA 15431 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 08030069

BEING the same premises which Charles R. Neighbors and Cecilia A. Neighbors, his wife, by Deed dated June 13, 2001 and recorded

in and for Fayette County, Pennsylvania in Deed Book 2769, Page 173, granted and conveyed unto Lon D. Welsh and Dawna C. Welsh, his wife.

JOHN AND JOHN
 ATTORNEYS AT LAW

No. 2613 of 2017 GD
 No. 139 of 2019 ED

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF GREENE COUNTY, a corporation,

Plaintiff
vs.

JOHN M. ZEGLEN and DIANE L. ZEGLEN, his wife, Defendants and Real Owners and UNITED STATES OF AMERICA, Additional Defendant and Lienholder

ALL that certain lot of land situate in South Union Township, Fayette County, Pennsylvania, being numbered and designated as Lot No. 153 in the plan of lots laid out by Highland Realty Co. called "Plan No. 5 Heritage Hills", a plot of which is of record in the Office of the Recorder of Deeds of Fayette County, Pennsylvania in Plan Book Vol. 31, page 28; CONTAINING an area of 0.8274 acres.

See Record Book 829 page 182.

UPON which is erected a single -family dwelling known locally as 439 Independence Court, Uniontown, Pennsylvania 15401.

Tax Assessment Map No.: 34-27-0042-45.

*** 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, July 1, 2019, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2614-0112	EILEEN KRAWCZYK a/k/a EILEEN M. KRAWCZYK	Carolyn W. Maricondi, Executrix

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

Monday, July 15, 2019, at 9:30 A.M.

in Courtroom No. 1 of the **Honorable STEVE P. LESKINEN**, or his chambers, 2nd 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 also hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans' Court Division of Fayette County on

Monday, July 1, 2019, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2617-0883	JACK C. MOORE	Jack C. Moore, II, Executor

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

Monday, July 15, 2019, 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

U.S. BANK NATIONAL ASSOCIATION	:	
S/B/M to U.S. BANK NATIONAL	:	
ASSOCIATION ND,	:	
Plaintiff,	:	
vs.	:	
JUDITH L. MCALLISTER and	:	
DEAN F. MCALLISTER,	:	No. 1076 of 2018, G.D.
Defendants.	:	Honorable Nancy D. Vernon

OPINION AND ORDER

VERNON, J.

June 17, 2019

Before the Court is a Motion for Summary Judgment filed by Plaintiff, U.S. Bank National Association alleging that Defendants Judith L. McAllister and Dean F. McAllister are in default of their mortgage executed on August 2, 2012, and recorded in the Office of the Recorder of Deeds of Fayette County at Book 3197, Page 1786. U.S. Bank alleges the mortgage is in default because monthly payments of principal and interest are due and owing since May 1, 2017.

Judith L. McAllister has not filed a response or brief in opposition to the Motion for Summary Judgment, nor did she appear at the time set for oral argument. Dean F. McAllister has also not filed a written response to the Motion, but has filed a brief in opposition and did appear by counsel to argue in opposition to the Motion. Summary judgment may be entered against a party who does not respond. Pa.R.C.P. No. 1035.3 (d).

Summary judgment is properly granted where “there is no genuine issue as to any material fact and ... the moving party is entitled to a judgment as a matter of law.” Pa.R.C.P. 1035(b). Summary judgment may be granted only where the right is clear and free from doubt. *Musser v. Vilsmeier Auction Co. Inc.*, 562 A.2d 279, 280 (Pa. 1989). The moving party has the burden of proving that there is no genuine issue of material fact. *Thompson Coal Co. v. Pike Coal Co.*, 412 A.2d 466 (Pa. 1979). The record and any inferences therefrom must be viewed in the light most favorable to the nonmoving party, and any doubt must be resolved against the moving party. *Davis v. Pennzoil*, 264 A.2d 597 (Pa. 1970).

Summary judgment may be granted only in cases where the record demonstrates beyond any doubt the absence of a genuine issue of material fact and that on the facts adduced, the moving party is entitled to judgment as a matter of law. *Kafando v. Erie*

Ceramic Arts Co., 764 A.2d 59, 61 (Pa.Super. 2000). Accordingly, “[a] proper grant of summary judgment depends upon an evidentiary record that either (1) shows the material facts are undisputed or (2) contains insufficient evidence of facts to make out a prima facie cause of action or defense” *McCarthy v. Dan Lepore & Sons Co., Inc.*, 724 A.2d 938, 940 (Pa.Super. 1998). In actions for in rem foreclosure due to the defendant’s failure to pay a debt, summary judgment is proper where the defendant admits that he had failed to make the payments due and fails to sustain a cognizable defense to the plaintiff’s claim. *First Wis. Trust Co. v. Strausser*, 653 A.2d 688, 694 (Pa.Super. 1995); *Gateway Towers Condominium Ass’n v. Krohn*, 845 A.2d 855, 858 (Pa.Super. 2004).

Defendants Judith L. McAllister and Dean F. McAllister responded by way of separately filed Answers.

The Answer of Dean F. McAllister to Paragraph 5 of the Complaint wherein U.S. Bank alleged that the mortgage is in default, recites:

5. The averments in this paragraph constitute legal conclusions to which no response is required. To the extent that this court determines that a response is appropriate, the Defendant specifically denies the remaining averments in this paragraph.

At Paragraph 6 where U.S. Bank alleges the total amount due and owing under the mortgage, Dean McAllister answered:

6. The Defendant denies the allegations contained in this paragraph, and strict proof thereof is demanded. By way of further answer, the Plaintiff has failed to attach any account ledger, account transaction journal or other source document to enable the Defendant to determine the veracity of the amounts claimed to be due. Further, the Plaintiff has provided no means by which the Defendant can determine if all payments made on the account have been properly, timely and fully credited. Nor has the Plaintiff set forth any legal or factual basis by which the Defendants can determine: (i) the accuracy of the amount of principal that the Plaintiff claims to be outstanding and unpaid; (ii) the interest rate that the Plaintiff has applied to the alleged obligation; (iii) the propriety of the interest rate that the Plaintiff has applied on the amounts claimed to be due and owing; (iv) the extent to which the Plaintiff has incorporated its attorney’s fees into the amount it has alleged to be due; (v) the veracity of the amount of the late charges that the Plaintiff claims to be due and outstanding; (vi) the veracity of the amount of the escrow deficit that the Plaintiff claims to be due and outstanding; and (vii) the nature, accuracy or the reasonableness of the additional interest, costs, escrow advances and attorney’s fees that the Plaintiff claims to be or will be due and owing by the Defendant, which amounts are not specified in the Complaint. As such, the Plaintiff’s Complaint is not in compliance with the provisions of the Pennsylvania Rules of Civil Procedure as applied to actions in mortgage foreclosure, specifically Rule 1147(5), which requires that a plaintiff provide an itemized statement of the amount due, and Rule 1147(6), which requires a plaintiff to make a demand for judgment in the amount it claims to be due.

Judith McAllister responded by way of Answer in pertinent part:

3. Admitted that Defendant, Judith McAllister, signed the mortgage and note in 2012. Denied that Defendant still has any personal liability for this debt as this asset was given to Dean F. McAllister in the divorce settlement.

5. Defendant is without sufficient information to form a belief about the status of this mortgage. This right to use this property was transferred to Dean F. McAllister in the divorce settlement dated September 12, 2014. The Defendant Judith McAllister has not had access to the monthly statements or information regarding payments since 2014. This information is in the possession of the Plaintiff and Dean McAllister. After reasonable investigation, Judith McAllister is without information sufficient to Admit or specifically Deny this allegation. Strict proof of this allegation is demanded at the time of trial.

6. Paragraph 6 makes a legal conclusion about a default. The Defendant, Judith McAllister, is not required to respond to legal conclusions under the Pennsylvania Rules of Civil Procedure. To the extent a response is required, Defendant is without sufficient information to form a belief about the status of this mortgage as this property was given to Dean F. McAllister in the divorce settlement in 2014.

7. Defendant Judith L. McAllister may consents (sic) to an “in rem” judgment but denies any personal liability. Dean McAllister agreed to pay this obligation and Dean McAllister is solely responsible on these obligations. To the extent the Plaintiff will agree that she has no continuing liability on these obligations, she consents to an in rem judgment.

A review of the Answers reveal that the responsive pleadings were deficient under Pa.R.C.P. 1029. Rule 1029 provides in part:

(b) Averments in a pleading to which a responsive pleading is required are admitted when not denied specifically or by necessary implication. A general denial or a demand for proof, except as provided by subdivision (c) of this rule, shall have the effect of an admission.

(c) A statement by a party that after reasonable investigation the party is without knowledge or information sufficient to form a belief as to the truth of an averment shall have the effect of a denial.

Note

Reliance on subdivision (c) does not excuse a failure to admit or deny a factual allegation when it is clear that the pleader must know whether a particular allegation is true or false. See *Cercone v. Cercone*, 254 Pa.Super. 381, 386 A.2d 1 (1978).

The Answers of Judith L. McAllister and Dean F. McAllister to the allegations in U.S. Bank's Complaint amounted to nothing more than general denials and demands for proof under Pa.R.C.P. 1029(c). As such, the purported denials are deemed admissions pursuant to the provisions of 1029(b).

The Superior Court has held that, in mortgage foreclosure actions, general denials by mortgagors that they are without information sufficient to form a belief as to the truth of averments as to the principal and interest owing must be considered an admission of those facts. *New York Guardian Mortgage Corp. v. Dietzel*, 524 A.2d 951, 952 (Pa.Super. 1987). The rationale in *Dietzel* is applicable to the present case. In *Dietzel*, the Court stated, “[u]nquestionably, apart from appellee, appellants are the only parties who would have sufficient knowledge on which to base a specific denial.” *Id.* at 429, 524 A.2d at 952. Further support for this approach is found in the note to subsection (c) of Rule 1029 which provides that “reliance upon subsection (c) does not excuse a failure to deny or admit factual allegations when it is clear that the pleader must know if the allegations are true or not.” *City of Philadelphia v. Hertler*, 539 A.2d 468, 472 (Pa.Comm. 1988).

The particular denials by Judith L. McAllister and Dean F. McAllister, as well as their remaining general denials to U.S. Bank's Complaint, constituted admissions. Judith McAllister cannot absolve herself of liability in the mortgage foreclosure action by alleging that she relinquished her interest in the mortgaged property pursuant to a divorce settlement when the mortgage has not been amended or refinanced to remove her name as a borrower.

Because the McAllisters “are the only parties who would have sufficient knowledge on which to base a specific denial,” but have clearly not done so, their responses must be “considered an admission of those facts.” Consequently, this Court concludes that they are indeed in default of their obligations under their mortgage.

Defendant Dean McAllister next argues that the entry of summary judgment is improper as violative of the Nanty-Glo Rule pursuant to the Supreme Court of Pennsylvania's ruling in *Borough of Nanty-Glo v. American Surety Co. of New York*, 163 A. 523 (Pa. 1932). Pursuant to Nanty-Glo, the party moving for summary judgment may not rely solely upon its own testimonial affidavits or depositions, or those of its witnesses, to establish the non-existence of genuine issues of material fact.

A review of numerous cases addressing the Nanty-Glo Rule in the context of summary judgments

demonstrates that there is an inherent three-step process involved in determining whether the Nanty-Glo rule applies so as to preclude a grant of summary judgment. Initially, it must be determined whether the plaintiff has alleged facts sufficient to establish a prima facie case. If so, the second step is to determine whether there is any discrepancy as to any facts material to the case. Finally, it must be determined

whether, in granting summary judgment, the trial court has usurped improperly the role of the jury by resolving any material issues of fact.

It is only when the third stage is reached that Nanty–Glo comes into play. Thus, it is true that Nanty–Glo precludes summary judgment where the moving party relies solely upon testimonial affidavits and depositions of his witnesses to resolve material issues of fact. However, if there are no material issues of fact, or if the non-moving party has failed, in the first instance, to allege facts sufficient to make out a prima facie case, then summary judgment may be granted properly, even if the moving party has only set forth the pleadings and depositions of his witnesses in support thereof. Hence the language of Pa.R.C.P. 1035, which provides that “[a]fter the pleadings are closed, but within such time as not to delay trial, any party may move for summary judgment on the pleadings and any depositions, answers to interrogatories, admissions on file and supporting affidavits.” Pa.R.C.P. No. 1035(a). Error only occurs if the moving party, in relying upon the testimonial affidavits of his witnesses, is attempting to resolve a material issue of fact, or more importantly, is attempting to demonstrate the lack of any material issues of fact by asserting that the testimony of his witnesses is uncontradicted.

Dudley v. USX Corp., 606 A.2d 916, 920 (Pa. Super. 1992).

In applying the procedural analysis developed in Dudley to the present case, U.S. Bank has alleged facts sufficient to establish a prima facie case of mortgage foreclosure against Defendants. The Complaint clearly and specifically asserts that the “mortgage is in default because monthly payments of principal and interest upon said mortgage due 05/01/2017 and each month thereafter are due and unpaid.”

At the second step of this analysis, U.S. Bank has alleged that the McAllisters are in default of their mortgage and, in response, the Court has found that the McAllisters have not specifically denied those allegations, nor have they offered any substantive defenses or explanations for their default. Because the McAllisters have failed to offer a specific denial, their responses are therefore considered as admissions. Clearly, there is no material issue of fact to be resolved whether the mortgage is in default.

Finally, at the third step of the analysis, it is also clear that this Court has not usurped the role of the jury in granting the Motion for Summary Judgment. Because there are no issues of material fact to be resolved, it is not even necessary to consider the application of the Nanty-Glo Rule. Thus, as the Court in Dudley recognized, “if there are no material issues of fact ... then summary judgment may be granted properly, even if the moving party has only set forth the pleadings and depositions of his witnesses in support thereof.”

Accordingly, upon U.S. Bank’s allegation that the McAllisters were in default of their mortgage, upon the McAllisters failing to specifically deny those allegations or offer a defense, and in the absence of any material issues of fact concerning the

McAllisters' alleged default, summary judgment is properly granted.

WHEREFORE, we will enter the following Order.

ORDER

AND NOW, this 17th day of June, 2019, upon consideration of the Motion for Summary Judgment filed by Plaintiff, U.S. Bank National Association against Defendants Judith L. McAllister and Dean F. McAllister, it is hereby ORDERED and DECREED that the Motion is GRANTED and that Plaintiff is entitled to Summary Judgment as a matter of law.

It is further ORDERED and DECREED that an in rem judgment is entered in favor of Plaintiff and against Defendants Judith L. McAllister and Dean F. McAllister for \$773,392.22 plus interest from September 20, 2018 and other costs and charges collectible under the mortgage, for foreclosure and sale of the mortgage property.

BY THE COURT:
NANCY D. VERNON, JUDGE

ATTEST:
Prothonotary

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