

FAYETTE LEGAL JOURNAL

VOL. 87

SEPTEMBER 21, 2024

NO. 38



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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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

SANDRA LEE ANSEL, a/k/a SANDRA L. ANSEL, late of German Township, Fayette County, PA ⁽³⁾

Executor: Lewis O. Ansel, Jr.
c/o Webster & Webster
51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

LOUISE ANNE HERCIK, a/k/a LOUISE A. HERCIK, late of Georges Township, Fayette County, PA ⁽³⁾

Personal Representatives:
Marlene Jane Hercik Evans and
Lorie A. Hercik
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

TERRELL G. HOSLER, late of Jefferson Township, Fayette County, PA ⁽³⁾

Executor: William R. Hawker
1640 7th. Avenue Extension
Brockway, PA 15824
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

LARRY WAYNE MIKESELL, a/k/a LARRY W. MIKESELL, late of Perryopolis Borough, Fayette County, PA ⁽³⁾

Executor: Lewis Sweitzer
4950 Summit Drive
Allison Park, PA 15101
c/o P.O. Box 718
1310 Cross Street
Rostraver, PA 15012
Attorney: Brian Pirilla

HILDEGARDE M. SEIAMAN, late of Nicholson Township, Fayette County, PA ⁽³⁾

Executrix: Lindasue Owcar
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

JOSEPH TERRY, a/k/a JOSEPH LAWRENCE TERRY, late of Brownsville Boro, Fayette County, PA ⁽³⁾

Executor: Joseph Daniel Terry
58 Greatwood Drive
White, Georgia 30184
c/o Buday Law Firm
P.O. Box 488
California, PA 15419
Attorney: Lisa Buday

JOHN TRIVONOVICH, late of Masontown Borough, Fayette County, PA ⁽³⁾

Executrix: Tamara Jones
c/o Goodwin Como. P.C.
108 North Beeson Boulevard, Suite 400
Uniontown, PA 15401
Attorney: Amanda Como

Second Publication

JOAN E. BERES, a/k/a JOAN BERES, late of Washington Township, Fayette County, PA ⁽²⁾

Executrix: Raenell Ferencz
4 Naomi Street
Fayette City, PA 15438
c/o 223 2nd Street
Monongahela, PA 15063
Attorney: Blane A. Black

CAROL A. BRADLEY, a/k/a CAROL BRADLEY, late of Everson, Fayette County, PA ⁽²⁾

Administratrix: Kristine L. Daw
2016 Blackberry Lane
Valencia, PA 16059
c/o P.O. Box 433
Ingomar, PA 15127
Attorney: Donald Strunk

CHRISTINA ANN CAPOSSERE,
CHRISTINA ANN UNIS, a/k/a CHRISTINA
CAPOSSERE-UNIS, late of Uniontown,
 Fayette County, PA (2)

Administratrix: Nicole A. Unis
 1306 Marratta Road
 Aliquippa, PA 15001
 c/o Thomas H. Ayooob III & Associates
 710 Fifth Avenue, Suite 2000
 Pittsburgh, PA 15219
Attorney: Susan Livingston

ROGER L. CUPP, late of Farmington, Fayette
 County, PA (2)

Administratrix: Marlene Cupp
 2261 Dinnerbell Five Forks Road
 Farmington, PA 15431
 c/o Radcliffe Martin Law, LLC
 648 Morgantown Road, Suite B
 Uniontown, PA 15401
Attorney: William Martin

JANICE DUBINSKY, late of Belle Vernon,
 Fayette County, PA (2)

Personal Representative: Alan Dubinsky
 10950 Northeast Oregon Street
 Portland, Oregon 97220

SUSAN JACKSON, a/k/a SUSAN A.
BARNES, late of New Salem Borough, Fayette
 County, PA (2)

Administrator: Maurice Jackson
 934 Fourth Street
 New Salem, PA 15468
 c/o 92 East Main Street, Suite LL-2
 Uniontown, PA 15401
Attorney: Tyler Shultz

PAUL L. LANCASTER, JR., a/k/a PAUL
LAWRENCE LANCASTER, JR., late of
 Luzerne Township, Fayette County, PA (2)

Executrix: Adrienne P. Lancaster
 c/o DeHaas Law, LLC
 51 East South Street
 Uniontown, PA 15401
Attorney: Ernest P. DeHaas, III

JANET MARIE MANSBERRY, a/k/a
JANET MANSBERRY, late of South Union
 Township, Fayette County, PA (2)

Personal Representative: Jill Mansberry
 and Jonica Mansberry
 c/o Davis & Davis
 107 East Main Street

Uniontown, PA 15401
Attorney: Gary J. Frankhouser

DOLORES A. SENYITKO, a/k/a DOLORES
ANNA SENYITKO, late of Redstone
 Township, Fayette County, PA (2)

Executrix: Roberta Marie Ryan
 c/o Radcliffe Martin Law, LLC
 648 Morgantown Road, Suite B
 Uniontown, PA 15401
Attorney: Robert R. Harper, Jr.

First Publication

RICHARD LEE DANDO, a/k/a RICHARD
L. DANDO, a/k/a RICHARD DANDO, late of
 Fayette City, Fayette County, PA (1)

Executrix: Lisa Jane Pollock
 321 Broad Avenue
 Belle Vernon, PA 15012
 c/o 300 Fallowfield Avenue
 Charleroi, PA 15022
Attorney: Richard C. Mudrick

CICELY M. FORCINA, late of Republic,
 Fayette County, PA (1)

Executrix: Lesli J. Cooper
 c/o 51 East South Street
 Uniontown, PA 15401
Attorney: Anthony S. Dedola, Jr.

JEFFREY S. GERHARDT, late of Franklin
 Township, Fayette County, PA (1)

Administratrix: Robin M. Gerhardt
 196 Main Street
 Smock, PA 15480

SHIRLEY VIRGINIA HIGINBOTHAM,
a/k/a VIRGINIA HIGINBOTHAM, late of
 South Union Township, Fayette County, PA (1)

Administrator: James E. Higinbotham, Jr.
 c/o Higinbotham Law Office
 68 South Beeson Boulevard
 Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

NELLIE MAE LEICHLITER, a/k/a NELLIE M. LEICHLITER, late of German Township, Fayette County, PA (1)

Executrix: Donna L. Savage
c/o Adams Law Offices, P.C.
55 East Church Street, Suite 101
Uniontown, PA 15401
Attorney: Jason Adams

HUMPHREY LUKACHIK, III, late of North Union Township, Fayette County, PA (1)

Executrix: Jacqueline Lukachik
110 Meadowview CT
Uniontown, PA 15401
c/o 92 East Main Street, Suite 24
Uniontown, PA 15401
Attorney: Michelle Kelley

ROBERT K. MCWILLIAMS, late of Uniontown, Fayette County, PA (1)

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

PAULINE S. OZANICH, late of German Township, Fayette County, PA (1)

Executrix: Diane Irby
3 Roseville Court
Stafford, Virginia 22556
c/o Kopas Law Office
556 Morgantown Road
Uniontown, PA 15401
Attorney: John Kopas

ALMA PATRICK, late of Uniontown, Fayette County, PA (1)

Executor: William Charles Patrick
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

DONALD WILLIAM PLAVA, a/k/a W. DONALD PLAVA, late of Uniontown, Fayette County, PA (1)

Executor: George J. Plava
c/o 312 2nd Avenue
Carnegie, PA 15106
Attorney: Philip H. Rubenstein

ELAINE JOAN RALSTON, late of Mill Run, Fayette County, PA (1)

Administrator: Dawn Miller
c/o Casini & Geibig
815B Memorial Boulevard
Connellsville, PA 1525
Attorney: Jennifer M. Casini

JOSEPH A. SAVILLE, late of Saltlick Township, Fayette County, PA (1)

Executor: Mark Joseph Saville
2544 Pheasant Walk
Elgin, SC 29045
c/o 101 North Church Street
Mount Pleasant, PA 15666
Attorney: Randall G. Klimchok

DONALD C. SMITH, late of Belle Vernon, Fayette County, PA (1)

Executrix: Marcia Smith
3480 Frye Avenue
Finleyville, PA 15332
c/o 400 Market Street
Elizabeth, PA 15037
Attorney: Daniel F. Bekavac

KRISTINE L. SPEIGHT, late of Fairchance Borough, Fayette County, PA (1)

Executor: Frank Marhefka
1050 Farm Road
Uniontown, PA 15401
c/o Kopas Law Offices
556 Morgantown Road
Uniontown, PA 15401
Attorney: John A. Kopas, III

JAMES D. TAIT, late of Georges Township, Fayette County, PA (1)

Administratrix: Rachel Duda
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

BERNICE A. TYLKA, late of Normalville, Fayette County, PA (1)

Executrix: Bernice P. Tylka
324 Washington Street
Mount Pleasant, PA 15666
c/o 101 North Church Street
Mount Pleasant, PA 15666
Attorney: Randall G. Klimchok

DRUANN FAITH VOJACEK, late of North Union Township, Fayette County, PA (1)

Executrix: Dana Glover
c/o Adams Law Offices, PC
55 East Church Street, Suite 101
Uniontown, PA 15401
Attorney: Jason Adams

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL DIVISION
No. 1694 of 2024, G.D.

IN RE: Emma Patricia Fertal, a minor
By and through Renee Lynn Fertal, her natural mother and guardian.

PETITION FOR NAME CHANGE

The Petitioner’s residence is 208 Lynn Road, Brownsville, Fayette County, Pennsylvania, 15417.

TO ALL PERSONS INTERESTED:

Notice is hereby given that an Order of Court authorized the filing of said Petition and fixed the 8th day of November, 2024, at 10:30 o'clock, a.m. as the time and Courtroom No. 3, Fayette County Courthouse, Uniontown, Pennsylvania, as the place for a hearing when and where all persons may show cause, if any they have, why said name should not be changed as proposed for.

DAVIS & DAVIS
By Samuel J. Davis, Esquire
Attorney for Petitioner

NOTICE

Notice is hereby given that a Certificate of Organization has been approved and filed with the Department of State for the Commonwealth of Pennsylvania in Harrisburg, Pennsylvania on September 3, 2024 for a Limited Liability Company known as Lambie Home Services, L.L.C.

Said Limited Liability Company has been organized under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania, as amended.

The purpose and purposes of the Limited Liability Company are heating and air conditioning repair, replacement and any or all lawful purposes for which a limited liability company may be organized under the Business Corporation Law, as amended.

Donald McCue Law Firm, P.C.
813 Blackstone Road
Connellsville, PA 15425

LEGAL NOTICES

IN THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Bankruptcy Case No. 22-22418 GLT Chapter 13

IN RE: Shirley A. Parshall, Debtor.

Property to be sold: 35 Hill Top Road, Wickhaven, Pennsylvania - ID No. 27-01-0069 - .45 acre vacant lot

Initial Offer: \$13,000.00 cash offer/
\$1,000.00 deposit

Terms of Sale: NO Contingency, \$1,000.00 in cash or certified funds at the time of sale.

Contact: Daniel R. White, Esquire, 1310 Morrell Avenue, Suite C, Connellsville, PA 15425, 724-628-7955, dwhite@westpalawyers.com

An in-person auction hearing will be held on October 9, 2024 at 1:30 p.m. before Judge Gregory L. Taddonio in Courtroom A, 54th Floor U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA, 15219. In accordance with Judge Taddonio’s procedures, parties may appear for non-evidentiary matters remotely by utilizing the Zoom video conference platform.

Parties seeking to appear remotely must register for the hearing by submitting a registration form via the link published on Judge Taddonio’s website by no later than 4 p.m. on the business day prior to the scheduled hearing. All parties participating remotely shall comply with Judge Taddonio’s General Procedures. Only a limited time of ten (10) minutes is being provided on the calendar. No witnesses will be heard. If there is an issue of fact, an evidentiary hearing will be scheduled by the Court for a later date.

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, October 7, 2024, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2623-0463	FLORENCE J. MYERS	Mary Koontz and Kathleen Schott, Co-Executors

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

Monday, October 21, 2024, at 9:30 A.M.

in Courtroom No. 5 of the **Honorable Judge Joseph M. George, Jr.** or his chambers, Third Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

JEFFREY L. REDMAN
Register of Wills and Ex-Officio Clerk of the Orphans' Court Division (1 of 2)

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JUDICIAL OPINION

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

COMMONWEALTH OF PENNSYLVANIA :
V. :
ALLISON KALP, : No. 1391 OF 2022
DEFENDANT. : President Judge Steve P. Leskinen

OPINION AND ORDER

Leskinen, P.J.

August 13, 2024

AND NOW, this 13th day of August, 2024, before the Court is the Defendant's Petition for Writ of Habeas Corpus. A hearing was held on the Motion on June 17, 2024. At the time of the hearing, the Defendant was charged with fifty (50) counts of theft related charges. The Commonwealth indicated that they intended to proceed on only four counts: Counts 32, 33, 34 and 35. These counts were all Access Device Counterfeit, Altered, Incomplete. 18 Pa. C.S. § 4106(A)(1) (i). These counts involved transactions using a Pandemic Unemployment Assistance card issued to another person, not the Defendant. The transactions involved the purchase of items for various amounts which were deducted from the card at a Sheetz gas station. The Defendant engaged in transactions in which she utilized the card to deduct funds for various items in the following amounts: Count 32, \$170.00; Count 33, \$170.00; Count 34, \$180.00; and at Count 35, \$15.48.

BACKGROUND

The United States government passed the Coronavirus Aid, Relief, and Economic Security Act (hereinafter "CARES Act"). The CARES Act created the Pandemic Unemployment Assistance program. This program provided unemployment cash benefits to individuals who were ineligible for regular unemployment benefits due to the pandemic or extended unemployment benefits for those already receiving benefits. The program was administered by the Commonwealth through its Department of Labor but was funded by the federal government.

To be eligible for benefits, an Individual filed a claim on the federal website, provided personal identification, answered a series of questions, and then submitted the application to the Pennsylvania Department of Labor. When approved for benefits, the individual was issued a Pandemic Unemployment Assistance debit card (hereinafter "PUA") to which weekly benefits were direct deposited. The recipient of these funds had to provide a weekly update on their employment status.

In this case, the recipient of the PUA debit card was an individual named Dale Naugle. At the hearing, Dale Naugle testified that he worked at Red Carpet Auto Sales. A salesman and friend, Joshua DeWitt, had him apply for a card in exchange for a loan so he could purchase a truck from the dealership. Naugle testified that with the help of Joshua DeWitt, he applied for the PUA card. When Naugle received the card, he turned it over to DeWitt and received a vehicle that was subsequently repossessed. Naugle testified that he knew the defendant and she was the girlfriend of DeWitt. Naugle testified that he did not give the Defendant permission to use the card. On four occasions, the Defendant used the card issued to Naugle to purchase items, as demonstrated by video surveillance footage from the Sheetz.

Naugle testified that he gave the card to DeWitt and did not expect to get the card back as he considered it as payment for the vehicle. Naugle knew the Defendant and he did not specifically

authorize her to utilize the card. However, he was not present when the card was transferred to her and was not aware of what she was told about the card when it was given to her.

DISCUSSION

In the Defendant's Petition for Writ of Habeas Corpus, she asserts that the Commonwealth lacks sufficient evidence to prove that she knew her use of the funds was without the consent of the owner of the card. A Writ of Habeas Corpus is a means for testing a pretrial finding that the Commonwealth has sufficient evidence to establish a prima facie case. *Commonwealth v. Hendricks*, 927 A.2d 289 (Pa. Super. 2008). A prima facie case consists of evidence read in the light most favorable to the Commonwealth that sufficiently establishes both the commission of the crimes and that the accused is probably the perpetrator of the crimes.

In this case, the Commonwealth proceeded only on the charge of Access Device Fraud, 18 Pa. C.S. §4106(a)(1)(i) which states:

- (a) A person commits an offense if he:
 - (1) Uses an access device to obtain or in an attempt to obtain property or services with knowledge that:
 - (i) the access device is counterfeit, altered or incomplete.

There was no recording of the preliminary hearing. At the OPT hearing before the Court, the Commonwealth did not argue that the PUA card was counterfeit, altered or incomplete. Rather, the Commonwealth proceeded on the basis that the owner of the card did not authorize the use of the card by the Defendant. However, the Defendant testified that he had voluntarily turned the card over to the Defendant's boyfriend. The Commonwealth presented no evidence that the card was counterfeit, altered, or incomplete.

As the Commonwealth has failed to meet its burden of presenting sufficient evidence of each element of the crime charged, the Defendant's Motion for Writ of Habeas Corpus must be GRANTED. The charges in this case are hereby DISMISSED.

BY THE COURT:
STEVE P. LESKINEN,
PRESIDENT JUDGE

ATTEST:
Clerk of Courts

BENCH BAR CONFERENCE**Bench Bar Conference**

Wednesday, October 16, 2024

The Historic Summit Inn

AGENDA

8:30 - Meet the Sponsors & Breakfast Buffet

9:00 - 12:15 - Conference Seminars (2.0 Substantive and 1.0 Ethics CLE Credits)

Estate Planning for Impactful Giving in Fayette County

Presenters: Jordan R. Pallitto and Daniel L. DeMarco, Esquire - The Hill Group

**Artificial Intelligence and the Criminal Justice System:
Balancing Technology, Ethics, and Law**

Presenter: Daniel Hickton, Esquire - Counsel 1337 PLLC

Fayette County Criminal Practice Discussion

Presenter: District Attorney Michael A. Aubele, Esquire

Acknowledgment of 50 Year Member Gary N. Altman, Esquire**Remarks by Pennsylvania Supreme Court Chief Justice Debra Todd**

Introduction by Gretchen A. Mundorff, Esquire

12:30 - Lunch Buffet

Fees to Attend

FCBA members - \$85

Non-members of the FCBA - \$135

Attorneys admitted to practice in Pennsylvania after January 1, 2019 - \$50

RSVP due Wednesday, October 2nd
724-437-7994 or cindy@fcbars.org

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