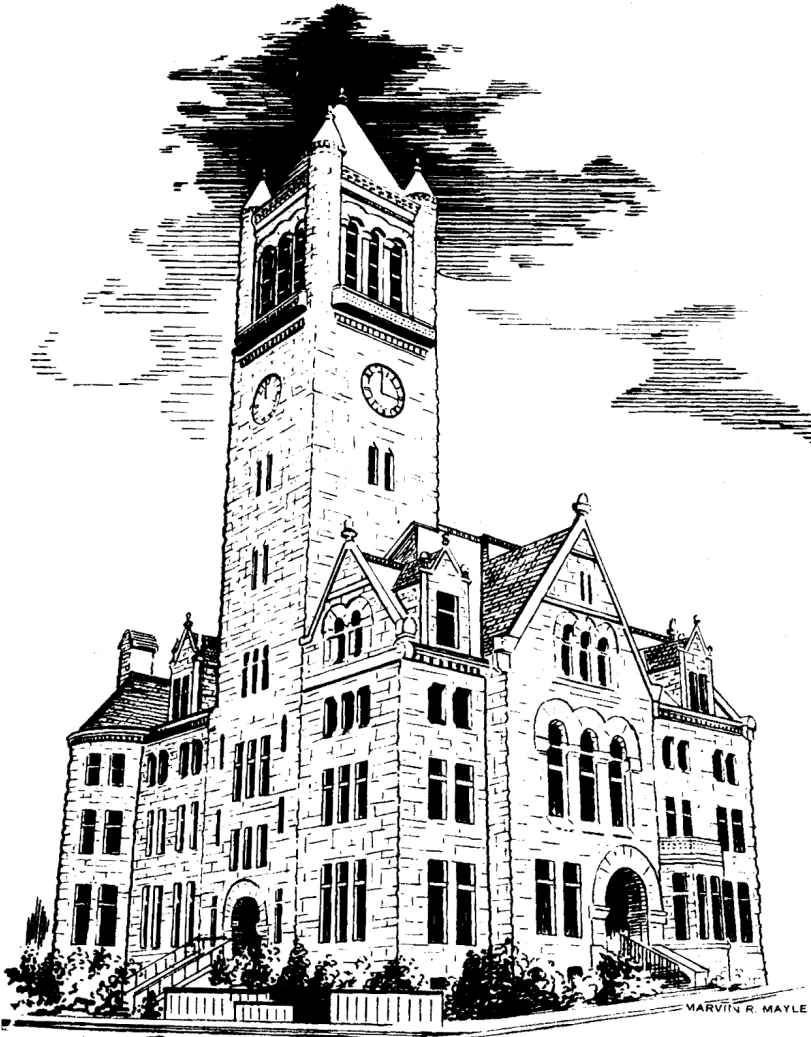


FAYETTE LEGAL JOURNAL

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FAYETTE LEGAL JOURNAL

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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

ADELINE A. KINOSH, late of South Union Township, Fayette County, PA (3)

Personal Representative: Arthur Lucketti
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

ALBERT ROBINSON, A/K/A ALBERT C. ROBINSON, late of Jefferson Township, Fayette County, PA (3)

Executrix: Valerie K. Barnhart
c/o ADAMS & ADAMS
55 East Church Street, Suite 101
Uniontown, PA 15401
Attorney: Jason F. Adams

Second Publication

ROBERT A. ADMAN, late of Connellsville, Fayette County, PA (2)

Administratrix: Carolyn W. Maricondi
c/o P.O. Box 760
Connellsville PA 15425
Attorney: Carolyn W. Maricondi

DONNA M. EPERJESI, late of Luzerne Township, Fayette County, PA (2)

Administratrix: Kimberly Kilburn
c/o DAVIS & DAVIS
107 East Main Street
Uniontown, PA 15401
Attorney: Jeremy J. Davis

ROSEMARY HENSEL, late of Saltlick Township, Fayette County, PA (2)

Executrix: Ruth A. Ryan, formerly Ruth A. Hyatt
P.O. Box 232
Indian Head, PA 15446
c/o King & Guidy, LLC
114 North Maple Avenue
Greensburg, PA 15601
Attorney: Robert W. King

JOHN GLENN MATZUS, late of South Union Township, Fayette County, PA (2)

Administratrix: Victoria Renee Matzus
c/o DAVIS & DAVIS
107 East Main Street
Uniontown, PA 15401
Attorney: Samuel J. Davis

LAWRENCE H. MCQUADE, JR., late of Connellsville, Fayette County, PA (2)

Executrix: Bridget M. McQuade
c/o Molinaro Law Offices
P.O. Box 799
Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

HARRY L. NICKLOW, SR., A/K/A HARRY LEWIS NICKLOW, SR., late of Dunbar Township, Fayette County, PA (2)

Executor: Harry Lewis Nicklow, Jr.
c/o Donald McCue Law Firm, P.C.
Colonial Law Building
813 Blackstone Road
Connellsville, PA 15425
Attorney: Donald J. McCue

FRANK J. RICCO, late of Brownsville Township, Fayette County, PA (2)

Administrator: Richard Ricco
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Anthony S. Dedola, Jr.

First Publication

EDNA L. BLOOM, A/K/A EDNA LOUISE BLOOM, A/K/A BETTY BLOOM, late of Connellsville, Fayette County, PA (1)
Executrix: Elaine Snyder
 c/o P.O. Box 760
 Connellsville PA 15425
Attorney: Carolyn W. Maricondi

NORMA L. BRAZZON, A/K/A NORMA BRAZZON, A/K/A NORA L. BRAZZON, late of Washington Township, Fayette County, PA (1)
Executor: Stanley N. Brazzon
 561 Harmony Church Road
 Belle Vernon, PA 15012
 c/o 506 Circle Drive
 Belle Vernon, PA 15012
Attorney: Richard R. Victoria

CHARLES FOSTER, A/K/A CHARLES F. FOSTER, late of Georges Township, Fayette County, PA (1)
Executor: Mark L. Foster
 c/o 45 East Main Street, Suite 500
 Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

KENNETH N. RIDDELL, late of South Union Township, Fayette County, PA (1)
Personal Representative:
 Kenneth N. Riddell, Jr.
 c/o Richard A. Husband, Esquire
 Riverfront Professional Center
 208 South Arch Street, Suite 2
 Connellsville, PA 15425
Attorney: Richard A. Husband

ALVERDA M. POORBAUGH, late of Bullskin Township, Fayette County, PA (1)
Executrix: Mary Kathryn Ulery
 c/o Marvin D. Snyder, Esq.
 17 North Diamond Street
 Mt. Pleasant, PA 15666
Attorney: Marvin D. Snyder

ALICIA VICINELLY, a/k/a ALICIA KAYE VICINELLY, late of German Township, Fayette County, PA (1)
Executor: Susie Corcoran
 c/o John A. Kopas, III
 556 Morgantown Road
 Uniontown, PA 15401
Attorney: John A. Kopas, III

NORMAN E. WELSH, late of North Union Township, Fayette County, PA (1)
Executor: Charles W. Welsh
 c/o Webster & Webster
 51 East South Street
 Uniontown, PA 15401

LEGAL NOTICES

NOTICE

NOTICE IS HEREBY GIVEN that a Certificate of Organization, Domestic Limited Liability Company has been approved and filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on March 18, 2016, for a Limited Liability Company known as Tiberi's Inn, 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 operation of a restaurant/bar and any other lawful purpose related thereto for which Limited Liability Companies may be organized under the Business Corporation Law.

Gary J. Frankhouser
 107 East Main Street
 Uniontown, Pennsylvania 15401

NOTICE

Notice is hereby given that Articles of Incorporation have been filed with the Pennsylvania Department of State, on March 9, 2016, for a Corporation, organized under the Business Corporation Law of 1988, as from time to time amended. The name of the Corporation

is CENCOFF, INC., having an address of 105 Camilla Circle, Mt. Pleasant, Pennsylvania, 15666. The purpose or purposes of the Corporation is/are: Operation of a pizza shop and any other lawful purpose related thereto for which the Corporation may be organized under the Business Corporation Law.

James E. Higinbotham, Jr., Esq.
HIGINBOTHAM LAW OFFICES
45 East Main Street, Suite 500
Uniontown, PA 15401
Telephone: 724-437-2800

NOTICE

Notice is hereby given that a Certificate of Organization was filed with the Pennsylvania Department of State, on March 9, 2016, for a Limited Liability Company, organized under the Limited Liability Company Law of 1994, as from time to time amended. The name of the Company is GMGN REALTY, LLC having an address of 490 Grindstone Road, Grindstone, Pennsylvania 15442.

James E. Higinbotham, Jr., Esq.
HIGINBOTHAM LAW OFFICES
45 East Main Street, Suite 500
Uniontown, PA 15401
Telephone: 724-437-2800

SHERIFF'S SALE

Date of Sale: June 9, 2016

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, June 9, 2016, at 10:30 a.m. in the Hallway outside the Sheriff's Office at the Fayette County Courthouse, Uniontown, Pennsylvania.

The terms of sale are as follows:

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

James Custer
Sheriff Of Fayette County

Martha E. Von Rosenstiel, Esquire No.52634
 Heather Riloff, Esquire No. 309906
 Jeniece D. Davis, Esquire No. 208967
 Attorneys for Plaintiff
 649 South Avenue, Suite 6
 Secane, PA 19018
 610-328-2887

No. 159 of 2016 GD
 No. 93 of 2016 ED

**Federal National Mortgage Association
 ("Fannie Mae"), 3900 Wisconsin Avenue,
 NW Washington DC 20016-2892,
 Plaintiff,**

vs.

**Nicholas R. Beatty and Dolores Beatty
 666 North Crabapple Lane
 Perryopolis, PA 15473,
 Defendants.**

ALL that certain lot of land situate in South Union Township, Fayette County, Pennsylvania, known and designated as Lot No. 13 in Plan of Lots laid out by Charles T. Cramer in the said Township, known as Mountain View Plan of Lots, the plan whereof is recorded in the Recorder's Office of Fayette County, Pennsylvania, in Plan Book 2, page 58.

TAX PARCEL# 34-18-0014

PROPERTY: 29 Barton Mill Road,
 Uniontown, PA 15401

IMPROVEMENTS: Residential Dwelling

TO BE SOLD AS THE PROPERTY OF:
 Nicholas R. Beatty.

McCABE, WEISBERG & CONWAY, P.C.
 123 South Broad Street, Suite 1400
 Philadelphia, Pennsylvania 19109

No. 49 of 2016 GD
 No. 82 of 2016 ED

**LSF9 Master Participation Trust,
 Plaintiff,**

vs.

**Robert Elwood Bricker,
 Defendant.**

All that certain piece or parcel or Tract of land situate Connellsville, Fayette County, Pennsylvania, and being known as 203 West Fayette Street, Connellsville, Pennsylvania 15425.

Being known as: 203 West Fayette Street,
 Connellsville, Pennsylvania 15425

Title vesting in Robert Elwood Bricker by deed from Robert Elwood Bricker and Bonnie May Bricker dated September 19, 2005 and recorded September 23, 2005 in Instrument Number 200500015509.

Tax Parcel Number: 05-06-0331

Phelan Hallinan Diamond & Jones, LLP

No. 28 of 2016 GD
 No. 97 of 2016 ED

**Lsf9 Master Participation Trust,
 Plaintiff,**

vs.

**Steven A. Campbell,
 Defendant.**

By virtue of a Writ of Execution No. 28-OF-2016-GD, Lsf9 Master Participation Trust vs. Steven A. Campbell, owner(s) of property situate in Luzerne Township, Fayette County, Pennsylvania, being 834 Narrows Road, East Millsboro, PA 15433-1257

Parcel No.: 19-15-0127

Improvements thereon: RESIDENTIAL DWELLING

UDREN LAW OFFICES, P.C.
 WOODCREST CORPORATE CENTER
 111 WOODCREST ROAD, SUITE 200
 CHERRY HILL, NJ 08003-3620
 pleadings@urden.com
 Sherri J. Braunstein, Esquire
 PA ID: 90675

No. 186 of 2016 GD
 No. 98 of 2016 ED

**PNC Bank, National Association,
 Plaintiff,**

vs.

**RYELEE R. EXNER
 LOUIS D. LOPEZ,
 Defendant(s).**

ALL THAT CERTAIN LOT OF LAND SITUATE IN GEORGES TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA:

BEING KNOWN AS 578 Madison Drive,

Smithfield, PA 15478

PARCEL NUMBER: 14-25-0304-21
IMPROVEMENTS: Residential Property

UDREN LAW OFFICES, P.C.
WOODCREST CORPORATE CENTER
111WOODCREST ROAD, SUITE 200
CHERRY HILL, NJ 08003-3620
pleadings@urden.com
David Neeren, Esquire
PA ID 204252

No. 73 of 2016 GD
No. 72 of 2016 ED

PNC Bank, National Association,
Plaintiff,
vs.

JESSICA N. FRIEND
THOMAS E. FRIEND,

Defendant(s).

ALL THAT CERTAIN LOT OF LAND
SITUATE IN GEORGES TOWNSHIP,
FAYETTE COUNTY, PENNSYLVANIA:

BEING KNOWN AS 215 2nd Street n/k/a
255 2nd Street, Uniontown, PA 15401
PARCEL NUMBER: 14-0-1-0013
IMPROVEMENTS: Residential Property

Stephen M. Hladik, Esquire
Hladik, Onorato & Pearlstine, LLP
298 Wissahickon Avenue
North Wales, PA 19454

No. 95 of 2016 ED

Wilmington Savings Fund Society, FSB,
doing business as Christiana Trust, not in its
individual capacity but solely as Trustee for
BCAT 2014-4TT,
Plaintiff,

vs.

Jeremy P. Ginnelly,
Defendant.

By virtue of Writ of Execution No.: 15-SU-
52, Wilmington Savings Fund Society, FSB,
doing business as Christiana Trust, not in its
individual capacity but solely as Trustee for
BCAT 2014-4TT vs. Jeremy P. Ginnelly.

Property Address: 1615 Hyndman Street,
South Connellsville, PA 15425-4816

Parcel I.D. No.: 33-06-0054
Improvements thereon of the residential
dwelling.
Judgment Amount : \$68,637.66

No. 2019 of 2015 GD
No. 79 of 2016 ED

LSF8 MASTER PARTICIPATION TRUST,
Plaintiff,

vs.

DIANNE GULLEY AND ROBERT
GULLEY,
Defendants.

ALL THE RIGHT, TITLE, INTEREST
AND CLAIM OF DIANNE GULLEY AND
ROBERT GULLEY OF, IN AND TO:

ALL THE FOLLOWING DESCRIBED
REAL ESTATE SITUATED IN THE
TOWNSHIP OF NORTH UNION, COUNTY
OF FAYETTE, COMMONWEALTH OF
PENNSYLVANIA. HAVING ERECTED
THEREON A DWELLING KNOWN AND
NUMBERED AS 101 FIDDLERS GREEN
ROAD, LEMONT FURNACE, PA 15456.
DEED BOOK VOLUME 2980, PAGE 1254,
PARCEL NUMBER 25270148.

STERN AND EISENBERG, PC
ANDREW J. MARLEY, ESQ.

No. 2646 of 2014 GD
No. 64 of 2016 ED

Wells Fargo Bank, N.A. as Trustee for
Structured Asset Securities Corporation,
SASCO Mortgage Loan Trust 1999-BC4,
Mortgage Pass-Through Certificates, Series
1999-BC4, by its servicer Ocwen Loan
Servicing, LLC,
Plaintiff,

vs.

Susan Heilman, individually and as
Administratrix of the Estate of Michael Lee
Heilman, Sr. a/k/a Michael Heilman,
Defendant(s).

SITUATE IN THE TOWNSHIP OF
SOUTH UNION, FAYETTE COUNTY,
PENNSYLVANIA BEING KNOWN AS 510
THOMAS DRIVE, UNIONTOWN, PA 15401.

PARCEL NO. 34-05-007833
 IMPROVEMENTS—RESIDENTIAL
 REAL ESTATE
 SOLD AS THE PROPERTY OF- SUSAN
 HEILMAN, INDIVIDUALLY AND AS
 ADMINISTRATRIX OF THE ESTATE OF
 MICHAEL LEE HEILMAN, SR. A/K/A
 MICHAEL HEILMAN

UDREN LAW OFFICES, P.C.
 WOODCREST CORPORATE CENTER
 111 WOODCREST ROAD, SUITE 200
 CHERRY HILL, NJ 08003-3620
 pleadings@urden.com
 J. Eric Kishbaugh, Esquire
 PA ID 33078

No. 2326 of 2015 GD
 No. 71 of 2016 ED

**Deutsche Bank National Trust Company,
 as Trustee for Ameriquest Mortgage
 Securities Inc., Asset-Backed Pass Through
 Certificates, Series 2004-R9,**

**Plaintiff,
 vs.**

**EVELYN L. LEE
 DOLORES A. NEELEY,
 Defendant(s).**

ALL THAT CERTAIN LOT OF LAND
 SITUATE IN FRANKLIN TOWNSHIP,
 FAYETTE COUNTY, PENNSYLVANIA:
 BEING KNOWN AS 115 Shaffer
 Avenue, Smock, PA 15480
 PARCEL NUMBER: 13-12-0041
 IMPROVEMENTS: Residential Property

Phelan Hallinan Diamond & Jones, LLP

No. 1585 of 2015 GD
 No. 76 of 2016 ED

**Wells Fargo Bank, N.A., Successor by Merger
 to Wells Fargo Bank Minnesota, N.A., as
 Trustee f/k/a Norwest Bank Minnesota, N.A.,
 as Trustee for Delta Funding Home Equity
 Loan Asset-Backed Certificates, Series 1999-3,**

**Plaintiff,
 vs.**

**Lisa M. Maison,
 Defendant.**

By virtue of a Write of Execution No.:
 1585-OF-2015-GD, Wells Fargo Bank, N.A.,
 Successor by Merger to Wells Fargo Bank
 Minnesota, N.A., as Trustee f/k/a Norwest Bank
 Minnesota, N.A., as Trustee for Delta Funding
 Home Equity Loan Asset-Backed Certificates,
 Series 1999-3 vs. Lisa M. Maison, owner of
 property situate in the Fayette County,
 Pennsylvania, being rd 1, Box 121 Penncraft
 Court, a/k/a 465 Penncraft Road, East Millsboro,
 PA 15433-1268

Parcel No.: 19-25-0099-01
 Improvements thereon: RESIDENTIAL
 DWELLING

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

No. 1292 of 2015 GD
 No. 63 of 2016 ED

**THE BANK OF NEW YORK MELLON
 F/K/A THE BANK OF NEW YORK AS
 SUCCESSOR TRUSTEE TO JPMORGAN
 CHASE BANK N.A., AS TRUSTEE FOR
 THE NOTEHOLDERS OF THE CWHEQ
 INC., CWHEQ REVOLVING HOME
 EQUITY LOAN TRUST, SERIES 2005-L
 7105 Corporate Drive
 PTX B-209**

**Plano, TX 75024,
 Plaintiff,
 vs.**

**PAUL D. MINERD
 SUSAN M. WAJBEL,
 Mortgagor(s) and Record Owner(s)
 104 Bailey Avenue Uniontown, PA 15401-3083
 Defendant(s).**

ALL THAT CERTAIN lot of ground
 situate in the City of Uniontown, County of
 Fayette and Commonwealth of Pennsylvania.

TAX PARCEL #38-04-0587
 PROPERTY ADDRESS: 104 Bailey
 Avenue Uniontown, PA 15401-3083
 IMPROVEMENTS: A residential
 dwelling.

SOLD AS THE PROPERTY OF: PAUL
 D. MINERD and SUSAN M. WAJBEL

McCABE, WEISBERG & CONWAY, P.C.
 123 South Broad Street, Suite 1400
 Philadelphia, Pennsylvania 19109
 (215) 790-1010

No. 2569 of 2015 GD
 No. 81 of 2016 ED

**Bank of America, N.A.,
 Plaintiff,
 vs.
 Jennifer M. Minor,
 Defendant.**

All that certain piece or parcel or Tract of land situate Uniontown, Fayette County, Pennsylvania, and being known as 37 Wayne Street, Uniontown, Pennsylvania 15401.

Being known as: 37 Wayne Street, Uniontown, Pennsylvania 15401

Title vesting in Jennifer M. Minor by deed from Charles E. Latsnic and Mary L. Latsnic dated October 3, 2006 and recorded October 5, 2006 in Instrument Number 20060001 4932.

Tax Parcel Number : 38-03-0057

UDREN LAW OFFICES, P.C.
 WOODCREST CORPORATE CENTER
 111 WOODCREST ROAD, SUITE 200
 CHERRY HILL, NJ 08003-3620
 pleadings@udren.com
 Nicole LaBletta, Esquire
 PA ID 202194

No. 2013 of 2015 GD
 No. 68 of 2016 ED

**Deutsche Bank National Trust Company,
 as Trustee for Popular ABS, Inc., Series
 2007-A,**

**Plaintiff,
 vs.
 UNKNOWN HEIRS, SUCCESSORS,
 ASSIGNS AND ALL PERSONS, FIRMS
 OR ASSOCIATIONS CLAIMING RIGHT,
 TITLE OR INTEREST FROM OR UNDER
 MARGARET E. MORGART, DECEASED
 JAMES R. MORGART,
 Defendant(s).**

ALL THAT CERTAIN LOT OF LAND
 SITUATE IN CITY OF CONNELLSVILLE,

FAYETTE COUNTY, PENNSYLVANIA:
 BEING KNOWN AS 1600 South
 Pittsburgh Street, Connellsville, PA 15425
 PARCEL NUMBER: 33-04-0129
 IMPROVEMENTS: Residential Property

No. 1408 of 2012 GD
 No. 86 of 2016 ED

**FEDERAL NATIONAL MORTGAGE
 ASSOCIATION,
 Plaintiff,
 vs.**

**JOHN M. PETROSKY
 STEPHANIE L. PETROSKY
 DONNA LEE PETROSKY,
 Defendant(s).**

ALL THAT CERTAIN TRACT OF LAND
 SITUATE IN WASHINGTON TOWNSHIP,
 FAYETTE COUNTY, PENNSYLVANIA.

BEING THE SAME PREMISES which Stanley Petrosky and Donna Lee Petrosky, husband and wife and John M. Petrosky and Stephanie L. Petrosky, husband and wife, by Deed dated 01/24/2008 and recorded 02/04/2008 in the Office of the Recorder of Deeds in and for Fayette County in Deed Book Volume 3052, Page 754, granted and conveyed unto JOHN M. PETROSKY and STEPHANIE L. PETROSKY, husband and wife.

BEING KNOWN AS: 409 PERRY AVENUE, BELLE VERNON, PA 15012
 PARCEL #41-07-0285

Phelan Hallinan Diamond & Jones, LLP

No. 1576 of 2014 GD
No. 83 of 2016 ED

The Bank of New York Mellon fka The Bank of New York as Trustee for The Certificateholders of The Cwabs, Inc Asset-Backed Certificates Series 2006-23,

Plaintiff,

vs.

**John Petrosky a/k/a John M. Petrosky
Stephanie L. Petrosky a/k/a Stephanie Petrosky,**

Defendant(s).

By virtue of a Writ of Execution No. 1576-OF-2014-GD, The Bank of New York Mellon fka The Bank of New York as Trustee for The Certificateholders of The Cwabs, Inc Asset-Backed Certificates Series 2006-23 vs. John Petrosky a/k/a John M. Petrosky Stephanie L. Petrosky a/k/a Stephanie Petrosky, owner(s) of property situate in the WASHINGTON TOWNSHIP, Fayette County, Commonwealth of Pennsylvania, being 407 Perry Avenue, Belle Vernon, PA 15012-2725

Parcel No.: 41-07-0284

Improvements thereon: RESIDENTIAL DWELLING

Phelan Hallinan Diamond & Jones, LLP

No. 1953 of 2015 GD
No. 62 of 2016 ED

Freedom Mortgage Corporation,

Plaintiff,

vs.

**Brandon G. Poole
Desiree R. Poole,
Defendant(s).**

By virtue of a Writ of Execution No. 1953 OF 2015 GD, Freedom Mortgage Corporation vs. Brandon G. Poole, Desiree R. Poole, owner(s) of property situate in the Fayette County, Pennsylvania, being 382 Pearl Street, Brownsville, PA 15417-2148

Parcel No.: 02-10-0130, 0210013001

Improvements thereon: RESIDENTIAL DWELLING

UDREN LAW OFFICES, P.C.
WOODCREST CORPORATE CENTER
111 WOODCREST ROAD, SUITE 200
CHERRY HILL, NJ 08003-3620
pleadings@udren.com
Nicole LaBletta, Esquire
PA ID 202194

No. 647 of 2014 GD
No. 77 of 2016 ED

U.S. Bank National Association, as Trustee under Securitization Servicing Agreement Dated as of March 1, 2006 Structured Asset Securities Corporation, Structured Asset Investment Loan Trust Mortgage Pass-Through Certificates, Series 2006-2,

Plaintiff,

vs.

**UNITED STATES OF AMERICA
DAVID M. RYAN A/K/A DAVID RYAN,
Defendant(s).**

ALL THAT CERTAIN LOT OF LAND SITUATE IN BOROUGH OF SOUTH CONNELLSVILLE, FAYETTE COUNTY, PENNSYLVANIA:

BEING KNOWN AS 1411 East Gibson Avenue, Connellsville, PA 15425

PARCEL NUMBER: 33030088

IMPROVEMENTS: Residential Property

Stephen M. Hladik, Esquire
Hladik, Onorato & Federman, LLP
298 Wissahickon Avenue
North Wales, PA 19454

No. 1025 of 2015 GD
No. 94 of 2016 ED

The Bank of New York Mellon f/k/a The Bank of New York, as Trustee for the Certificate Holders CWABS, Inc., Asset-Backed Certificates, Series 2006-22,

Plaintiff,

vs.

**Michael C.M. Taylor and Gloria Taylor,
Defendant(s).**

By virtue of a writ of execution, case number 1025 of 2015 GD, Plaintiff: The Bank of New York Mellon f/k/a The Bank of New York, as Trustee for the Certificate Holders CWABS,

Inc., Asset-Backed Certificates, Series 2006-22 vs. Defendant: Michael C.M. Taylor and Gloria Taylor, owner(s) of the property situate in the Township of Connellsville, Fayette County, Pennsylvania being Parcel Number and Pin Number 6-4-108.

Property being known as: 205 E. Blake Avenue, Connellsville, PA 15425.
Improvements thereon: Residential Dwelling

UDREN LAW OFFICES, P.C.
WOODCREST CORPORATE CENTER
111 WOODCREST ROAD, SUITE 200
CHERRY HILL, NJ 08003-3620
pleadings@udren.com
David Neeren, Esquire
PA ID 204252

No. 17 of 2016 GD
No. 69 of 2016 ED

BRENNAN , ROBINS & DALEY, P.C.
445 Fort Pitt Blvd. - Ste. 200
Pittsburgh, PA 15219
Jeffrey A. Golvash, Esquire
(412) 281-0776

No. 2589 of 2014 GD
No. 50 of 2016 ED

VALLEY 1st COMMUNITY FEDERAL CREDIT UNION,
Plaintiff,
vs.

JONATHAN L. TILLMAN and JOSETTE A. TILLMAN, Husband and Wife,
Defendants.

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF JONATHAN L. TILLMAN AND JOSETTE A. TILLMAN , HUSBAND AND WIFE, OF, IN, AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE COMMONWEALTH OF PENNSYLVANIA , COUNTY OF FAYETTE, TOWNSHIP OF WASHINGTON:

HAVING ERECTED THEREON A DWELLING KNOWN AND NUMBERED AS 205 MCDONOUGH AVENUE, BELLE VERNON, PA 15012. DEED BOOK 2944, PAGE 2155.

PARCEL NO.: 41-12-0236.

PNC Bank, National Association,
Plaintiff,
vs.
ERICA H. VANNATTA,
Defendant(s)

ALL THAT CERTAIN LOT OF LAND SITUATE IN BOROUGH OF POINT MARION, FAYETTE COUNTY, PENNSYLVANIA:

BEING KNOWN AS 202 Boulevard Street, Point Marion, PA 15474

PARCEL NUMBER: 29-02-0169

IMPROVEMENTS: Residential Property

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, May 2, 2016
at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2612-0458	DELLA JEAN KOON a/k/a DELLA J. KOON a/k/a DELLA KOON	Dianna Koon, Executrix

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

Monday, May 16, 2016
at 9:30 A.M.

in Court Room 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.

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

JUDICIAL OPINION

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

JUDE MULHERN, A MINOR BY AND THROUGH	:	
BRIAN MULHERN AND DIANE MULHERN,	:	
HIS PARENTS AND NATURAL GUARDIANS,	:	
AND BRIAN MULHERN AND DIANE MULHERN	:	
IN THEIR OWN RIGHT,	:	
Plaintiffs,	:	
vs.	:	
TNT SHOOTING GROUNDS, INC. AND/OR	:	
TOM STEWART,	:	
Defendants.	:	No: 1715 of 2015

OPINION AND ORDER

VERNON, J.

April 6, 2016

Before the Court are Preliminary Objections filed by Defendant, Tom Stewart, to the Complaint alleging that Plaintiffs’ Complaint lacks specificity pursuant to Pa.R.Civ.P. 1028 (a)(3) and that Plaintiffs’ Complaint should be dismissed for legal insufficiency pursuant to Pa.R.Civ.P. 1028(a)(4).

STANDARD OF REVIEW

A preliminary objection in the nature of a demurrer is properly granted where the contested pleading is legally insufficient. *Cardenas v. Schober*, 783 A.2d 317, 321 (Pa.Super.2001) citing Pa.R.C.P. 1028(a)(4). A demurrer admits every well-pleaded material fact set forth in the pleadings to which it is addressed as well as all inferences reasonably deducible therefrom, but not conclusions of law. *Gekas v. Shapp*, 364 A.2d 691 (Pa. 1976). “Preliminary objections in the nature of a demurrer require the court to resolve the issues solely on the basis of the pleadings; no testimony or other evidence outside of the complaint may be considered to dispose of the legal issues presented by the demurrer.” *Cardenas* at 321–22. “[C]onclusions of law, unwarranted inferences from the facts, argumentative allegations or expressions of opinion” need not be accepted as true. *Myers v. Ridge*, 712 A.2d 791, 794 (Pa.Comm. 1998). In order to sustain the demurrer, it is essential that the plaintiff’s complaint indicate on its face that his claim cannot be sustained, and the law will not permit recovery. *Id.* If there is any doubt, this should be resolved in favor of overruling the demurrer. *Id.*

DISCUSSION

In his first objection, Defendant Stewart alleges that Plaintiffs have not satisfied the pleading requirements of Rules 1019 and 1020 because they have not pled a separate count against the individual Defendant Stewart and by doing so, they have failed to adequately apprise him of the basis of the claim against him personally.

The pertinent question under Rule 1028(a)(3) is “whether the complaint is

sufficiently clear to enable the defendant to prepare his defense,” or “whether the plaintiff’s complaint informs the defendant with accuracy and completeness of the specific basis on which recovery is sought so that he may know without question upon what grounds to make his defense.” *Ammlung v. City of Chester*, 302 A.2d 491 (Pa.Super. 1973). The trial court has broad discretion in determining the amount of detail that must be pleaded since this is not something capable of precise measurement. *Pike County Hotels Corp. v. Kiefer*, 396 A.2d 677, 681(Pa.Super. 1978).

A complaint is sufficiently specific if it provides enough facts to enable the defendant to frame a proper answer and prepare a defense. *Boyd v. Rockwood Area School District*, 907 A.2d 1157, 1168 (Pa.Cmwlth. 2006). In determining whether a particular paragraph in a complaint is stated with the necessary specificity, such paragraph must be read in context with all the allegations in the complaint. *Unified Sportsmen of Pennsylvania v. Pennsylvania Game Commission*, 950 A.2d 1120 (Pa.Cmwlth. 2008).

Even accepting all allegations as true, the Complaint is not sufficiently specific to determine what allegations are directed at the corporate entity – TNT Shooting Grounds, Inc. and what allegations are directed at the individual defendant – Tom Stewart. Finding the lack of sufficient specificity in the Complaint to apprise Defendant Stewart which allegations are directed to him individually, the first preliminary objection is sustained.

In his second objection, Defendant Stewart alleges the Complaint is legally insufficient to establish liability on his part, and therefore should be dismissed. Defendant Stewart is the owner and President of Defendant TNT Shooting Grounds, Inc. Defendant Stewart cites Pennsylvania law that a strong presumption exists against piercing the corporate veil and that Plaintiffs have not pled facts sufficient to do so. Plaintiffs respond that they did not intend to premise recovery against Defendant Stewart on a piercing of the corporate veil. Based upon this statement, Plaintiffs will be precluded from any attempts to pierce the corporate veil.

However, Plaintiffs argue recovery is possible, and has been properly pled, against Defendant Stewart in “his capacity as a possessor of the property and/or based upon his independent negligence.” Defendant Stewart correctly asserts that under the “participation theory,” Plaintiffs must allege facts in the record which establish the individual’s participation in the tortious activity. *Brindley v. Woodland Village Restaurant, Inc.*, 652 A.2d 865, 868 (Pa.Super. 1995). Plaintiffs have failed to make such specific allegations against Defendant Stewart that would permit recovery as an individual. Accordingly, the second preliminary objection will be sustained and Plaintiffs shall be permitted to amend their Complaint in accordance with this Opinion.

ORDER

AND NOW, this 6th day of April, 2016, upon consideration of the preliminary objections filed by Defendant, Tom Stewart, to the Complaint filed by Plaintiffs, and upon the record, it is hereby ORDERED and DECREED that preliminary objections are SUSTAINED and that Plaintiffs shall have thirty (30) days to file an Amended Complaint in accordance with this Opinion.

BY THE COURT:
NANCY D. VERNON, JUDGE

ATTEST:
PROTHONOTARY

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Registration:

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Fayette County Bar Association's Annual Bar Banquet
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