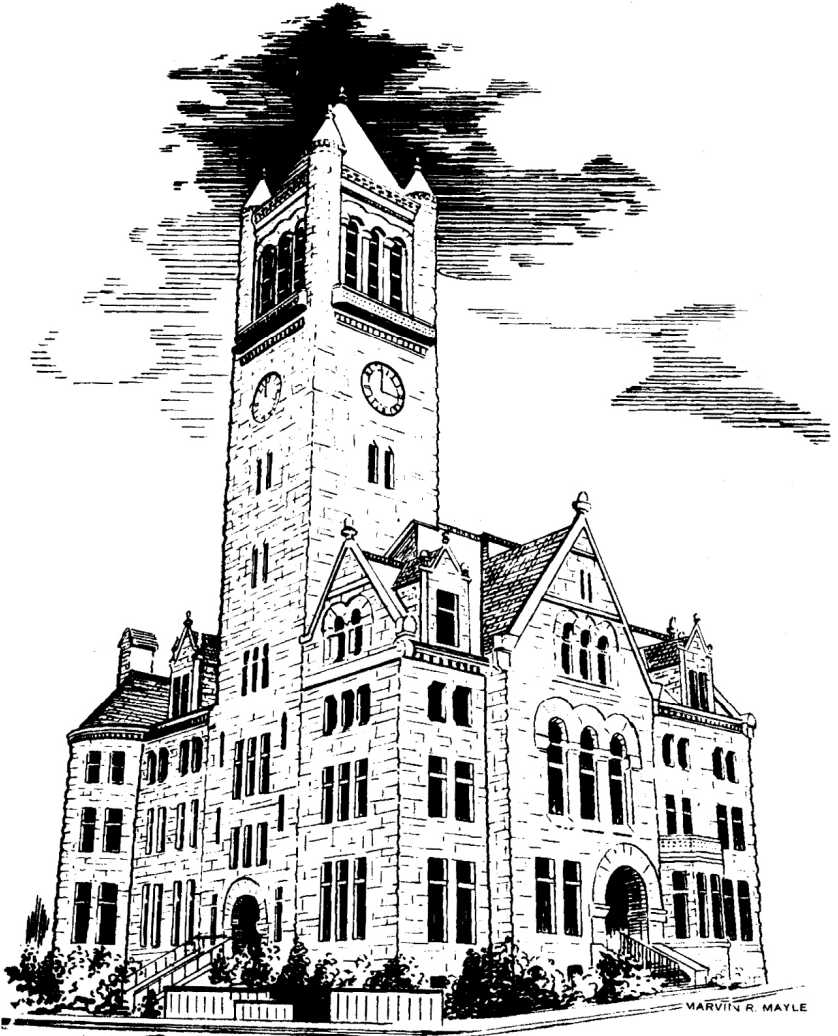


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Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay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

Third Publication

DEBORAH A. BARAN, late of Bullskin Township, Fayette County, PA ⁽³⁾

Administratrix: Wendy L. O'Brien
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Wendy L. O'Brien

DONNA KAY BRANT, a/k/a DONNA BRANT, late of Redstone Township, Fayette County, PA ⁽³⁾

Personal Representatives: Michele Renee Vasiloff and Frank Angelilli
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

LYNN PAUL COULTER, late of Uniontown, Fayette County, PA ⁽³⁾

Administratrix: Stephanie Coulter
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Wendy L. O'Brien

JUDY T. LANDMAN, a/k/a JUDY T. HAMMETT, late of Stewart Township, Fayette County, PA ⁽³⁾

Personal Representatives: Dorsey Ray Hammett and Constance M. Joseph
c/o 208 Arch Street, Suite 2
Connellsville, PA 15425
Attorney: Richard Husband

LILLIAN L. ROGERS, a/k/a LILLIAN LOUISE ROGERS, late of South Union Township, Fayette County, PA ⁽³⁾

Executor: Michael James Rogers
c/o DeHaas Law, LLC
51 East South Street
Uniontown, PA 15401
Attorney: Ernest P. DeHaas, III

RONALD WAGNER, a/k/a RONALD L. WAGNER, SR., a/k/a RONALD LEE WAGNER, late of Markleysburg, Fayette County, PA ⁽³⁾

Executor: Ronald L. Wagner, Jr.
c/o Spina Law Associates, P.C.
1002 Fifth Avenue
Pittsburgh, PA 15219
Attorney: F. Christopher Spina

Second Publication

JOHN S. CAVALIER, SR., late of Connellsville, Fayette County, PA ⁽²⁾

Executrix: Jacqueline M. Cavalier
140 Prospect Street
Mt. Washington
Pittsburgh, PA 15211

SHIRLEY A. CHRISTOPHER, late of German Township, Fayette County, PA ⁽²⁾

Executor: Jeffrey A. Christopher
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James Higinbotham

ROBERT L. MARIETTA, late of Ohiopyle, Fayette County, PA ⁽²⁾

Executor: Gary Leonard
c/o 2944 National Pike Road
P.O. Box 245
Chalk Hill, PA 15421
Attorney: Charles C. Gentile

MARION E. OPENBRIER, a/k/a MARION OPENBRIER, late of Dunbar, Fayette County, PA ⁽²⁾

Co-Executors: Marion E. Bradley and Danny Openbrier
c/o Donald McCue Law Firm, P.C.
Colonial Law Building
813 Blackstone Road

Connellsville, PA 15425
Attorney: Donald J. McCue

SYLVIA M. SPARROW, late of Dunbar Township, Fayette County, PA (2)
Personal Representative:
 John William Sparrow
 c/o 208 South Arch Street, Suite 2
 Connellsville, PA 15425
Attorney: Richard Husband

HAROLD W. WILSON, III, a/k/a HAROLD WILSON, late of South Union Township, Fayette County, PA (2)
Administrator: Richard Wilson
 c/o Adams Law Offices, PC
 55 East Church Street, Suite 101
 Uniontown, PA 15401
Attorney: Jason F. Adams

First Publication

CAROLYN J. DANIELS, a/k/a CAROLE J. DANIELS, a/k/a CAROLYN JOYCE DANIELS, late of Masontown Borough, Fayette County, PA (1)
Personal Representative:
 George Gregory Daniels
 c/o Watson Mundorff, LLP
 720 Vanderbilt Road
 Connellsville, PA 15425
Attorney: Robert A. Gordon

DAVID GALLO, late of Springhill Township, Fayette County, PA (1)
Personal Representative: Lisa Jean Lupold
 2215 Parkside Road
 Camp Hill, PA 17011

JANET M. HARKINS, a/k/a JANET MARIE HARKINS, late of Lower Tyrone, Fayette County, PA (1)
Personal Representative: Charlene McNatt
 c/o 208 South Arch Street, Suite 2
 Connellsville, PA 15425
Attorney: Richard Husband

BRIAN J. HUNTER, a/k/a BRIAN JAMES HUNTER, late of Menallen Township, Fayette County, PA (1)
Administrator: Thomas W. Hunter
 c/o Watson Mundorff, LLP
 720 Vanderbilt Road
 Connellsville, PA 15425
Attorney: Robert A. Gordon

H. JOANNE JOHN, a/k/a JOANNE JOHN, late of South Union Township, Fayette County, PA (1)
Personal Representative: Kathleen Miller
 c/o George & George
 92 East Main Street
 Uniontown, PA 15401
Attorney: Joseph M. George

ANNA M. LUTRARIO, a/k/a ANNA MARIE LUTRARIO, a/k/a ANNA LUTRARIO, late of Uniontown, Fayette County, PA (1)
Administrator: Michael A. Lutrario
 9 Court Street
 Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

LUDWIG MISCOVICH, a/k/a STEVE L. MISCOVICH, late of Georges Township, Fayette County, PA (1)
Executrix: Anna Miscovich
 c/o Kopas Law Office
 556 Morgantown Road
 Uniontown, PA 15401
Attorney: John Kopas

JOSEPH REYNOLDS, a/k/a JOSEPH L. REYNOLDS, a/k/a JOSEPH LEWIS REYNOLDS, late of Point Marion, Springhill Township, Fayette County, PA (1)
Personal Representative:
 R. Wayne Wolfram
 c/o George & George
 92 East Main Street
 Uniontown, PA 15401
Attorney: Joseph M. George

CYNTHIA SCHROYER, late of Connellsville, Fayette County, PA (1)
Personal Representative: Katie Rowe
 c/o 2 Chatham Center, Suite 985
 Pittsburgh, PA 15219
Attorney: Dorothy Dohanics

PATRICIA SWANEY, a/k/a PATRICIA J. SWANEY, a/k/a PATRICIA JUNE SWANEY, late of George Township, Fayette County, PA ⁽¹⁾

Co-Executrix: Candace A. Nicholson
and Connie S. Epley
c/o Kopas Law Office
556 Morgantown Road
Uniontown, PA 15401
Attorney: John Kopas

FAYETTE COUNTY

NO: 2023-01005

To the Defendants, Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest from or under Clinton D. Anderson, deceased: TAKE NOTICE THAT THE Plaintiff, Carrington Mortgage Services LLC has filed an action Mortgage Foreclosure, as captioned above.

JAMES K. WAGNER, late of Connellsville, Fayette County, PA ⁽¹⁾

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

NOTICE

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE YOUR DEFENSE OR OBJECTIONS WITH THE COURT. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT FURTHER NOTICE FOR THE RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. 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.

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LEGAL NOTICES

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HEATHER RILOFF, PA I.D. NO. 309906
KEVIN T. TONCZYCZYN, PA I.D. NO.
332616

3600 HORIZON DRIVE, SUITE 150
KING OF PRUSSIA, PA 19406
TELEPHONE: (610) 278-6800
E-MAIL: PAHELP@LOGS.COM
LLG FILE NO. 23-069039

Carrington Mortgage Services LLC
PLAINTIFF

VS.

Danielle Tobusto, known Heir of Clinton D. Anderson, deceased; Renetta Anderson, known Heir of Clinton D. Anderson, deceased; Janeen Anderson Houck, known Heir of Clinton D. Anderson, deceased; and Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest from or under Clinton D. Anderson, deceased
DEFENDANTS

COURT OF COMMON PLEAS
CIVIL DIVISION

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL DIVISION
NO. 1007 OF 2023 G.D.
JUDGE JOSEPH M. GEORGE, JR.

PETER MAYOLO AND NANCY MAYOLO,
Plaintiffs,
vs.
WILLIAM STULL AKA WILLIAM H.
STULL,
Defendant.

TO: WILLIAM STULL AKA WILLIAM H.
STULL,

Take notice that on May 24, 2023, the Plaintiffs, above mentioned, by and through their attorneys, Davis & Davis, filed their Complaint averring that they are the owners of the following described parcel of real estate. Said Complaint being filed in Quiet Title.

ALL the twenty-five (25) acre triangular piece of land, of which the house and four (4) acres are in the Stewart Township, Fayette County, Pennsylvania and twenty-one (21) acres in Dunbar Township, Fayette County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point at corner of State Route No. 26047 and Route No. 26040, thence in a Northerly direction along the land of Melvin Spruell, a distance West 1,650 feet to a point at the intersection of the lands of Melvin Spruell and Janning Harper land, thence in an Easterly direction along the land of Janning Harper, a distance of North of 825feet, North 30 degrees East, to a point at the intersection of the Janning Harper land and land of Charles Beals, thence South 60 degrees East, a distance of 931 feet, to the intersection of the Charles Beals lands, and State Highway Route No. 26047, thence in a Westerly direction along State Highway Route 26047, a distance South of 1,011 feet, to the intersection of State Highway Route 26047 an 26040, and point of land of Melvin Spruell, the point of beginning.

Tax Parcel Nos.: 09-42-0015 and 37-06-0010

The within named Defendant appears to have an interest in said premises which creates a cloud upon Plaintiffs' title, whereupon the Plaintiffs have filed their Complaint as aforesaid asking the Court to enter a Decree terminating all rights that the Defendant may have in said

premises and decree that the Plaintiffs have the full and free use and occupancy of said premises, released and forever discharged on any right, lien title or interest of said Defendant herein.

The service of this Complaint by publication is made pursuant to an Order of Court dated June 12, 2023, and filed at the above number and term.

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

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.

THE FAYETTE COUNTY BAR
ASSOCIATION OF LAWYER REFERRAL
84 East Main Street Uniontown, PA 15401

LOGS LEGAL GROUP LLP
 BY: CHRISTOPHER A. DeNARDO, PA I.D.
 NO. 78447
 ELIZABETH L. WASSALL, PA I.D. NO.
 77788
 LESLIE J. RASE, PA I.D. NO. 58365
 SAMANTHA GABLE, PA I.D. NO. 320695
 HEATHER RILOFF, PA I.D. NO. 309906
 KEVIN T. TONCZYCZYN, PA I.D. NO.
 332616
 3600 HORIZON DRIVE, SUITE 150
 KING OF PRUSSIA, PA 19406
 TELEPHONE: (610) 278-6800
 E-MAIL: PAHELP@LOGS.COM
 LLG FILE NO. 22-068352

Carrington Mortgage Services LLC
 PLAINTIFF

VS.

Michael Ozorowski, known Heir of Eileen
 Todd, deceased; Debbie Halbritter, known Heir
 of Eileen Todd, deceased; Diane Todd, known
 Heir of Eileen Todd, deceased; and Unknown
 Heirs, Successors, Assigns and All Persons,
 Firms or Associations Claiming Right, Title or
 Interest from or under Eileen Todd, deceased
 DEFENDANTS

COURT OF COMMON PLEAS
 CIVIL DIVISION
 FAYETTE COUNTY

NO: 2023-00845

To the Defendants, Unknown Heirs,
 Successors, Assigns and All Persons, Firms or
 Associations Claiming Right, Title or Interest
 from or under Eileen Todd, deceased: TAKE
 NOTICE THAT THE Plaintiff, Carrington
 Mortgage Services LLC has filed an action
 Mortgage Foreclosure, as captioned above.

NOTICE

IF YOU WISH TO DEFEND, YOU
 MUST ENTER A WRITTEN APPEARANCE
 PERSONALLY OR BY ATTORNEY AND
 FILE YOUR DEFENSE OR OBJECTIONS
 WITH THE COURT. YOU ARE WARNED
 THAT IF YOU FAIL TO DO SO THE CASE
 MAY PROCEED WITHOUT YOU AND A
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JUDICIAL OPINION

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

STEPHEN HVIZDA AND MORGAN :	:	
HVIZDA, husband and wife,	:	
Plaintiffs,	:	
v.	:	
JOSEPH LAWRENCE,	:	: No. 2043 of 2022, G.D.
Defendant.	:	: Honorable President Judge Steve P. Leskinen

OPINION AND ORDER

LESKINEN, P.J.

May 15, 2023

Before the Court are the Preliminary Objections of Defendant, Joseph Lawrence. Defendant raises two Preliminary Objections, both for the failure of pleading to conform to law or rule of court. After consideration of the pleadings in this matter, and the oral argument on the Preliminary Objections held on May 9th, 2023, the Court hereby issues the following Opinion and Order:

FACTUAL AND PROCEDURAL HISTORY

Plaintiffs commenced this matter by filing a Complaint in Ejectment on October 20th, 2022. The matter concerns a portion of the property at 325 Perry Road in Perryopolis, Fayette County legally titled to the Plaintiffs. The property includes - what Plaintiffs characterize as a "panhandle" on its northeast border where the property abuts Perry Road, measuring approximately sixty (60) by six hundred (600) feet. The Defendant owns two parcels of neighboring property, one of which abuts the eastern side of the panhandle. The Defendant uses the part of his property bordering the panhandle for agricultural purposes and it is enclosed by an agricultural fence. Plaintiffs contend that the fence improperly encroaches upon the panhandle, blocking their access to the property on its northeast border with Perry Road.

Upon attempting to serve the original defendants in the matter, Joseph and Rachel Lawrence, Plaintiffs discovered that Joseph and Rachel Lawrence are both deceased, and that their son, Joseph Lawrence, and his wife, Gina Lawrence, currently reside on the property. Plaintiffs filed the First Amended Complaint in Ejectment on December 9th, 2022, naming Joseph and Gina Lawrence as Defendants.

Defendants then filed Preliminary Objections, seeking the dismissal of Gina Lawrence as a party, as she is not a legal owner of the property and not liable for the fence. Plaintiffs then filed a Second Amended Complaint in Ejectment naming only Joseph Lawrence as a Defendant. Defendant then filed the Preliminary Objections currently before this Court.

**Preliminary Objections: Failure of Pleading to
Conform to Law or Rule of Court: Special Damages
Pa. R.C.P. 1028(a)(2)**

Defendant raises both preliminary objections under Pa. R.C.P. 1028(a)(2), the failure of a pleading to conform to law or rule of court. The first preliminary objection is based on Pa. R.C.P. 1019(f) which states that averments of time, place and items of special damages shall be pled with particularity. Defendant contends that by failing to specify when the fair market value of Plaintiffs' property was reduced and what portion of this alleged reduction Plaintiff claims as damages, and by failing to state the amount of damages sought in ¶ 26, the Second Amended Complaint fails to comply with Rule 1019(f).

"Damages are either general, those which are the usual and ordinary consequence of the wrong done, or special, those which are not the usual and ordinary consequences of the wrong done, but which depend upon special circumstances." *Parsons Trading Co. v. Dohan*, 167 A. 310,312 (Pa. 1933) (distinguished on other grounds). General damages may be proved without being specifically pleaded. *Id.* Defendant has not raised any persuasive facts or legal grounds to categorize the damages claimed by Plaintiffs as special damages rather than as general damages, and thus the Court finds that they need not be pleaded with specificity.

As to the timing of the alleged reduction of the fair market value, "the specificity with which time and place must be alleged to satisfy Rule 1019(f) depends on the nature of the complaint." *Baker v. Rangos*, 324 A.2d 498, 509 (Pa. Super. 1974). In the instant case, the alleged reduction in fair market value is specifically related to the continuous and ongoing trespass alleged. (¶ 26 of Second Amended Complaint.) This implicates the entire time from the erection of the fence through the present date. The pleading is sufficient to put Defendant on notice that the period at issue is the time during which the fence was in place (a factual matter that the parties disputed in their oral arguments). Therefore, the Court finds that for the purposes of this matter, the Second Amended Complaint is sufficiently specific for the purposes of Rule 1019(f) and this preliminary objection should be denied.

**Preliminary Objections: Failure of Pleading to
Conform to Law or Rule of Court: Pleading More than One Cause of Action
Pa. R.C.P. 1028(a)(2)**

The second preliminary objection is based on Pa. R.C.P. 1055, pleading more than one cause of action in an action in ejectment. Plaintiffs raise three counts in their Second Amended Complaint: Count I for declaratory judgment, Count II as an action in ejectment, and Count III for damages in trespass.

Rule 1055 states that "the plaintiff may state in the complaint any cause of action for rents, profits, or any other damages which arise from the defendant's possession of the land." Plaintiffs' trespass claim, Count III, is a claim for damages arising from Defendant's alleged encroachment on the property, and thus would be proper under Rule 1055. The Court notes that, if necessary, the matter could be bifurcated to address the underlying ejectment action first, and then move on to address the issue of damages if

necessary.

As to Plaintiffs' declaratory judgment count (Count I), the Court recognizes that Pa. R.C.P. 1602 allows for the addition of an ancillary claim for declaratory relief in any civil action and includes guidance in the explanatory comment to the rule as to the procedure if declaratory relief is demanded with other relief in any action at law or in equity. As with the trespass count, if the declaratory judgment count would require separate consideration from the ejectment action, the Court can structure the proceedings appropriately at that time.

WHEREFORE, the Court issues the following Order:

ORDER

AND NOW, this 15th day of May, 2023, upon the consideration of Defendants Preliminary Objections, a review of the pleadings and briefs, and the oral arguments made by the parties, the Court ORDERS that Defendant's Preliminary Objections are hereby DENIED. Defendant shall have thirty (30) days from the date of this Order to file an Answer to the Second Amended Complaint in Ejectment.

BY THE COURT:
LESKINEN, P.J.

ATTEST:
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