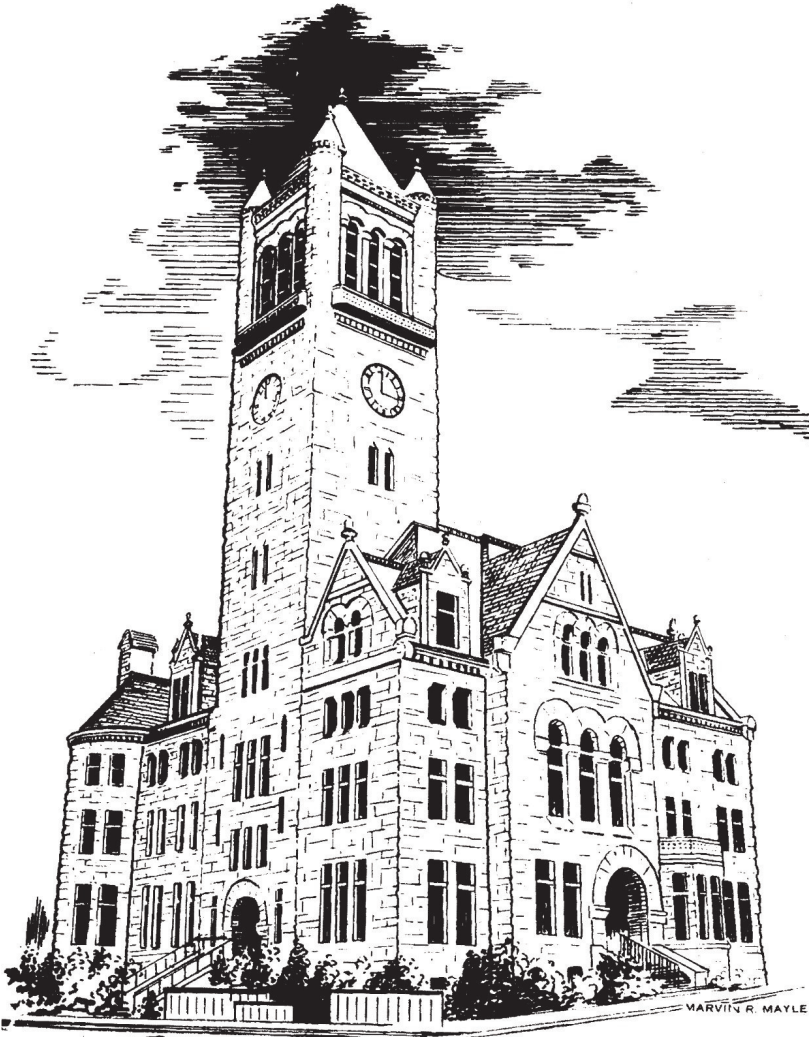


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ESTATE NOTICES

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

STANLEY W. BOSKOVICH, late of
Masonstown, Greene County, PA (3)

Executor: Frank J. Boskovich
230 Linden Creek Road
Canonsburg, PA 15317
Attorney: Kirk A. King
77 South Washington Street
Waynesburg, PA 15370

JOHN E. KRAYNAK, late of Connellsville,
Fayette County, PA (3)

Executor: Joseph P. Kraynak
c/o Molinaro Law Offices
PO Box 799
Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

DAVID B. MARTIN, late of Masonstown,
Fayette County, PA (3)

Personal Representatives: Frank E. Martin,
Jeffrey V. Martin & Nancy M. Kelley
Attorney: Charles W. Watson
Watson Mundorff Brooks & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425

DONALD RAY PANZONE, SR., late of
Brownsville, Fayette County, PA (3)

Executor: Donald Panzone, Jr.
2225B Route 88
Dunlevy, PA 15432
Attorney: Melenzyer & Agrafiotis
411 Washington Avenue
Charleroi, PA 15022

RONALD ALVIN SINES, late of Dunbar
Township, Fayette County, PA (3)

Personal Representative: Danielle Maharowski
Attorney: Charles W. Watson
Watson Mundorff Brooks & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425

DONALD M. SUMMY, late of Mount
Pleasant, Fayette County, PA (3)

Administrator: Douglas M. Summy
c/o Marvin D. Snyder, Esq.
17 North Diamond Street
Mt. Pleasant, PA 15666
Attorney: Marvin D. Snyder

Second Publication

PATRICK J. LORENZO, late of South
Union Township, Fayette County, PA (2)

Executor: David W. Lorenzo
c/o Radcliffe & DeHaas, L.L.P.
2 West Main Street, Suite 700
Uniontown, PA 15401
Attorney: William M. Radcliffe

DALE LEE MARTIN, late of Perry Township,
Fayette County, PA (2)

Executor: Craig N. Martin
c/o Zebley, Mehalov & White, P.C.
18 Mill Street Square
Post Office Box 2123
Uniontown, PA 15401
Attorney: Daniel R. White

DAVID B. MARTIN, late of Masonstown,
Fayette County, PA (2)

Personal Representatives: Frank E. Martin,
Jeffrey V. Martin and Nancy M. Kelley
c/o Watson Mundorff Brooks & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Charles W. Watson

CLARENCE RAY TOMASEK, late of North
Union Township, Fayette County, PA (2)

Executrix: Faith Burton
99 Cedar Drive
Uniontown, PA 15401
Attorney: William M. Radcliffe
2 West Main St., Suite 700
Uniontown, PA 15401

AUDREY ALEEN WILKINS, late of Bullsskin Township, Fayette County, PA (2)

Personal Representative: Cynthia A. Skoric
c/o Watson Mundorff Brooks & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Charles W. Watson

First Publication

BARBARA ANDRIA, A/K/A BARBARA ELAINE ANDRIA, late of Smithfield, Fayette County, PA (1)

Executor: RONALD LYNN SISLER
c/o 556 MORGANTOWN ROAD
UNIONTOWN, PA 15401
Attorney: JOHN A. KOPAS, III

THOMAS A. BELL, late of Dunbar Township, Fayette County, PA (1)

Personal Representative: Christina Bell
Vaslavsky
c/o Riverfront Professional Center
208 South Arch Street, Suite 2
Connellsville, PA 15425
Attorney: Richard A. Husband

JERRY W. KALP, late of Saltlick Township, Fayette County, PA (1)

Personal Representative: Bryan S. Kalp
c/o Watson Mundorff Brooks & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Charles W. Watson

HATTIE ROYSTER, A/K/A HATTIE MAE FALLEN ROYSTER, late of Luzerne Township, Fayette County, PA (1)

Executor: Cleo Royster
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Melinda K. Dellarose

JOHN W. SKOVIRA, late of Uniontown, Fayette County, PA (1)

Executrix: Sharon R. Skovira
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

EMILY WILSON, late of North Union Township, Fayette County, PA (1)

Executrix: Patricia Faust
c/o Adams & Adams
55 East Church Street, Suite 101
Uniontown, PA 15401
Attorney: Jason F. Adams

LEGAL NOTICES

NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on August 13, 2015, for:

RK Uniontown, Inc.
307 A Morgantown Street
Uniontown, PA 15401

The corporation has been incorporated under the provisions of the Business Corporation Law of 1988, as amended.

NOTICE

NOTICE is hereby given that Articles of Incorporation were filed with and approved by the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on the 12th day of August, 2015, for the purpose of obtaining a Certificate of Incorporation of a business corporation which was organized under the Business Corporation Law of 1988. The name of the corporation is KD Dance Studio, Inc. The purpose or purposes for which it was organized: To engage in and to do any lawful act concerning any or all lawful business for which corporations may be incorporated under the Business Corporation Law of 1988, under the provisions of which this corporation has been incorporated, and for these purposes to have, possess and enjoy all the rights, benefits and privileges of said Act of Assembly.

John Eric Bumbaugh, Esquire
Bumbaugh & Nicola
10526 Old Trail Road
N. Huntingdon, PA 15642
(724) 864-6840

SHERIFF'S SALE

Date of Sale: November 12, 2015

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 Gary D. Brownfield, Sr., Sheriff of Fayette County, Pennsylvania on Thursday, November 12, 2015, 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. (3)

Gary D. Brownfield, Sr.
 Sheriff Of Fayette County

Dwaldmanlaw, P.C.

No. 642 of 2015 GD
 No. 302 of 2015 ED

WILMINGTON SAVINGS FUND SOCIETY, FSB, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS TRUSTEE FOR THE PRIMESTAR-H FUND I TRUST,
Plaintiff,
vs.
ROY ADAMS and CHRISTINA ADAMS,
Defendants.

Owner(s) of the property situate in North Union, Fayette County, Pennsylvania
 Being pin number 25-20-0041
 Property being known as: 16 McKinley Ave., Uniontown, PA 15401
 Improvements thereon: Residential Dwelling

No. 2723 of 2010 GD
 No. 301 of 2015 ED

U.S. BANK NATIONAL ASSOCIATION TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY,
Plaintiff,
vs.
TAMMY L. BERNOT AND MICHAEL BERNOT, III,
Defendant.

ALL those certain lots or pieces of ground situate, lying and being in the Third Ward of the Borough of Brownsville, formerly South Brownsville, County of Fayette and Commonwealth of Pennsylvania, being part of Lot No. 2 and all of Lots Nos. 3 and 4 in the Plan of Lots laid out by Sarr, Sedgwick and Watkins, Fayette County Plan Book No. 1, Page 94 1/2, HAVING thereon erected a dwelling known as 416 Hummell Street, Brownsville, PA 15417.

TAX ID#: 02-10-0020.

See Fayette County Record Book 2815 Page 1326.

Phelan Hallinan Diamond & Jones, LLP

No. 3029 of 2005 GD
No. 267 of 2015 ED

**Wells Fargo Bank, N.A., s/b/m to Wells Fargo Home Mortgage, Inc.,
Plaintiff,
vs.
Matthew Blackstone a/k/a Matt Blackstone
Stacie L. Smith a/k/a Stacie L. Blackstone
a/k/a Stacie L. Ambrosini,
Defendant(s).**

Owner(s) of property situate in BULLSKIN TOWNSHIP, Fayette County, Pennsylvania, being 328 Tanyard Hollow Road, Connellsville, PA 15425-1844

Parcel No. : 04-36-0193-05

Improvements thereon: RESIDENTIAL DWELLING

No. 797 of 2015 GD
No. 275 of 2015 ED

**DOLLAR BANK, FEDERAL SAVINGS BANK,
Plaintiff,
vs.
MARK DIALESANDRO and RHONDA JO LINT-DIALESANDRO,
Defendants.**

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF MARK DIALESANDRO AND RHONDA JO LINT-DIALESANDRO, OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT CERTAIN REAL ESTATE SITUATED IN DUNBAR TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA. HAVING ERECTED THEREON A DWELLING KNOWN AS 226 DAWSON ROAD, VANDERBILT, PA 15486. DEED BOOK VOLUME 2376, PAGE 208 AND PARCEL NUMBER 09-04-0009.

No. 970 of 2015 GD
No. 293 of 2015 ED

**U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY,
Plaintiff,
vs.
SAMUEL W. FANI,
Defendant.**

ALL those certain lots of land situate in North Union Township, Fayette County, Pennsylvania, known as Lots Nos. 77, 78, 79, 80 and 81, in Homewood Terrace Plan of Lots, Fayette County Plan Book 4, page 208, and HAVING THEREON ERECTED DWELLING KNOWN AS 565 CRAIG LANE HOPWOOD, PA 15445.

Tax Parcel # 25-47-0161.

See Deed Book 3114, Page 1054.

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

No. 2289 of 2013 GD
No. 287 of 2015 ED

**Federal National Mortgage Association (FNMA),
Plaintiff,
vs.
Beatrice Fesh, Administratrix of the Estate of John Fesh, Deceased Mortgagor
Defendants.**

All that certain piece or parcel or Tract of land situate Township of Upper Tyrone, Fayette County, Pennsylvania, and being known as 601 Stauffer Street, Scottdale, Pennsylvania 15683.

Being known as: 601 Stauffer Street, Scottdale, Pennsylvania 15683

Title vesting in John A. Fesh by deed from Michael L. Jordan dated December 4, 1998 and recorded December 4, 1998 in Deed Book 2226, Page 0343 . The said John A. Fesh died on July 9, 2012 thereby vesting title in Beatrice Fesh, Administratrix of the Estate of John Fesh.

Tax Parcel Number: 39-04-0036

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

No. 891 of 2015 GD
No. 300 of 2015 ED

**HSBC Bank USA, N.A., as Indenture Trustee
for the registered Noteholders of Renaissance
Home Equity Loan Trust 2005-3, Renaissance
Home Equity Loan Asset-Backed Notes,
Series 2005-3, c/o Ocwen Loan Servicing,
LLC,**

**Plaintiff,
v.**

**The Unknown Heirs, Executors, and Devisees
of the Estate of Debra M. Johnson a/k/a
Debra Johnson,
Defendant(s).**

SITUATE IN THE THIRD WARD OF
THE BOROUGH OF FAIRCHANCE,
FAYETTE COUNTY, PENNSYLVANIA,
BEING KNOWN AS 98 MOUNTAIN ROAD,
UNIONTOWN, PA 15401-8617

PARCEL NO. 14-30-0002/11100091
IMPROVEMENTS - RESIDENTIAL
REAL ESTATE

SOLD AS THE PROPERTY OF- THE
UNKNOWN HEIRS, EXECUTORS, AND
DEVISEES OF THE ESTATE OF DEBRA M.
JOHNSON A/K/A DEBRA JOHNSON

KML Law Group, P.C.
SUITE 5000 BNY Independence Center
701 MARKET STREET
Philadelphia, PA 19106-1532

No. 633 of 2013 GD
No. 269 of 2015 ED

**BANK OF AMERICA, N.A., SUCCESSOR
BY MERGER TO BAC HOME LOANS
SERVICING, LP FKA COUNTRYWIDE
HOME LOANS SERVICING, LP,**

**Plaintiff,
vs.**

**MARTIN J. KLINK, JR.
578 Filbert Orient Road
Fairbank, PA 15435,
Defendant.**

ALL THAT CERTAIN TRACT OR
PARCEL OF LAND, situate in the Township of
Redstone, County of Fayette and
Commonwealth of Pennsylvania.

TAX PARCEL #30-39-0008

PROPERTY ADDRESS: 578 Filbert
Orient Road Fairbank, PA 15435 578 Filbert
Orient Road FAIRBANK, PA 15435-0000

IMPROVEMENTS: A residential
dwelling.

SOLD AS THE PROPERTY OF:
MARTIN J. KLINK JR.

UDREN LAW OFFICES, P.C.
WOODCREST CORPORATE CENTER
111 WOODCREST ROAD, SUITE 200
CHERRY HILL, NJ 08003-3620
856-669-5400

No. 1118 of 2015 GD
No. 288 of 2015 ED

**US Bank National Association, as Trustee,
under Pooling and Servicing Agreement
dated as of May 1, 2005 Asset-Backed Pass-
Through Certificates, Series 2005-Hel,**

**Plaintiff,
v.**

**STACIE L METZGER
HOWARD W METZGER, SR.
Defendant(s).**

ALL THAT CERTAIN LOT OF LAND
SITUATE IN FIRST WARD OF THE CITY OF
CONNELLSVILLE, FAYETTE COUNTY,
PENNSYLVANIA:

BEING KNOWN AS 203 West
Washington Avenue, Connellsville, PA 15425
PARCEL NUMBER: 05-15-0107
IMPROVEMENTS: Residential Property

ANNE N. JOHN, ESQ.
ATTORNEY AT LAW

No. 1039 of 2015 GD
No. 305 of 2015 ED

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

Plaintiff,

vs.

**RYAN R. MARTIN and JENIFER L.
BIGAM,**

Defendants.

ALL that certain lot of ground situate in North Union Township, Fayette County, Pennsylvania, and known as Lot No. 88 in the Homewood Terrace Plan of Lots as laid out by Areford Brothers and recorded in the Recorder of Deeds Office of Fayette County, Pennsylvania, in Plan Book Volume 4, page 208.

FOR prior title see Record Book 3040 at page 1091.

UPON which is erected a single family dwelling known locally as 42 Rose Boulevard, Uniontown, PA 15401.

Fayette County Assessment Map No.: 25-47-0217.

BUCHANAN INGERSOLL & ROONEY PC
Mark Pfeiffer, Esquire
Two Liberty Place
50 S. 161 St., Suite 3200
Philadelphia, PA 19102-2555
Tel: (215) 665-8800
Fax: (215) 665-8760

No. 608 of 2013 GD
No. 294 of 2015 ED

**COMM 2006-C8 RV PARK MASTER SPE,
LLC,**

Plaintiff

vs.

**MOUNTAIN PINES RV RESORT, LLC,
Defendants.**

PROPERTY OF: MOUNTAIN PINES
RV RESORT, LLC,
EXECUTION NO: 608 of 2013
JUDGMENT AMT: \$90,197,117.36

ATTY: Mark Pfeiffer, Esquire
ALL the right, title, interest and claim of:
Mountain Pines RV Resort, LLC
MUNICIPALITY: Saltlick Township
ADDRESS: 1662 Indian Creek Valley
Road, Champion, PA 15622
INSTRUMENT NO. 200600011671,
Mortgage Book 2995, Page 2304
TAX REFERENCE: 31-12-0078

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

No. 891 of 2013 GD
No. 274 of 2015 ED

**THE BANK OF NEW YORK MELLON
FKA THE BANK OF NEW YORK AS
TRUSTEE FOR THE
CERTIFICATEHOLDERS OF CWABS,
INC., ASSET BACKED NOTES, SERIES
2004-SD4,**

Plaintiff,

vs.

**Cyril J. Rechichar, Jr. and Mary Ruth
Rechichar,**

Defendants.

ALL that certain piece or parcel of property situate in Redstone Township, Fayette County, Pennsylvania, being designated as Lot No.2 in the Rechichar Plan, which Plan is recorded in the Recorder of Deeds Office of Fayette County, Pennsylvania, in Plan Book Volume 47, page 100; Said Lot No.2 being more particularly bounded and described as follows:

BEGINNING at a point along the dedicated right-of-way for Township Road 781, which said point is corner common to Lot No. 1 in the above referenced Plan; thence along said Lot No. 1, South 12 degrees 04' 04" West, 163.44 feet to a mine bolt; thence by a curve to the right, the radius of which is 1,367.39 feet. an arc distance of 278.66 feet, the chord of which is North 80 degrees 32' 59" West, 278.18 feet to a point, being corner common to property no or formerly of Gadd; thence by said Gadd property, North 08 degrees 13' 30" East, 121.45 feet to a point along said Township Road 781; thence by a curve to the left, the radius of which is 351.81 feet, an arc distance of 275.40 feet, the chord of

which is South 86" 56' 28" East, 268.42 feet to a point; thence North 70 degrees 20' 23" East, 24.60 feet to the place of beginning.

CONTAINING an area of 0.82 of an acre as per the survey of Defino and Sons, Land Surveyors, dated October, 1995, which is of record at the above referred to Plan Book Volume and page.

All that certain piece or parcel or Tract of land situate Redstone Township, Fayette County, Pennsylvania, and being known as 615 Filbert Heights Road, New Salem, Pennsylvania 15468.

Being known as: 615 Filbert Heights Road, New Salem, Pennsylvania 15468

Title vesting in Cyril J. Rechichar, Jr. and Mary Ruth Rechichar by deed from Cyril J. Rechichar, Jr. and Mary Ruth Rechichar dated March 10, 2006 and recorded July 18, 2006 in Deed Book 2993, Page 2025.

Tax Parcel Number : 30-33-0041-03

No.929 of 2015 GD
No. 266 of 2015 ED

Deutsche Bank .National Trust Company, as Trustee for Soundview Home Loan Trust 2006-WFI Asset-Backed Certificates, Series 2006-WFI

Plaintiff,

vs.

Cecelia L. Rihel and Kimberly S. Berish
Defendants.

ALL THAT RIGHT, TITLE, INTEREST AND CLAIMS OF CECELIA L. RIHEL AND KIMBERLY S. BERISH, OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT CERTAIN LOT OR PARCEL OF LAND SITUATE IN EVERSON BOROUGH, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA, BEING MORE FULLY DESCRIBED AT DBV 3204, PAGE 1189.

BEING KNOWN AS 218 GRAFF STREET, EVERSON, PA 15631

TAX MAP NO. 10-01-0019

Phelan Hallinan Diamond & Jones, LLP
No. 1094 of 2015 GD
No. 265 of 2015 ED

Lsf8 Master Participation Trust,
Plaintiff,

v.

Annie M. Ross
Defendant(s).

Owner(s) of property situate in the Fayette County, Pennsylvania, being 2 Laurel Street, Uniontown, PA 15401-4412

Parcel No.: 38-14-0038

Improvements thereon: RESIDENTIAL DWELLING

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

No. 786 of 2015 GD
No. 290 of 2015 ED

LSF8 Master Participation Trust
Plaintiff,

v.

Gary A. Rowland and Karen A. Rowland,
Defendants.

All that certain lot or piece of ground situate in the Township of Washington, County of Fayette and Commonwealth of Pennsylvania, being more fully bounded and described as follows, to-wit:

Beginning at a point common to Washington Road (Route 201), the Northwesterly corner of property described hereafter and the Southwesterly corner of property now or formerly of G. Lyons; thence from said point, North 74 degrees 15' East, 249.38 feet to a point at the center line of Amelia Street, formerly the Webster, Monessen, Belle Vernon, Fayette City Street Railway; thence along said center line, South 34 degrees, 15' East, 63.22 feet to a point; thence South 74 degrees 15' West, running along line of property now or formerly of Kovach, 287.24 feet to a point; thence from said point, North 0 degrees 47' East, and along the Easterly right-of-way line of Washington Road (Route 201) 62.54 feet

to the point at the place of beginning.
All that certain piece or parcel or Tract of land situate Township of Washington, Fayette County, Pennsylvania, and being known as 807 Washington Road, Belle Vernon, Pennsylvania 15012.

Being known as: 807 Washington Road, Belle Vernon, Pennsylvania 15012

Title vesting in Gary A. Rowland and Karen A. Rowland, husband and wife, by deed from William F. Trisoline, Unmarried dated June 3, 1989 and recorded June 5, 1989 in Deed Book 261, Page 260.

Tax Parcel Number : 41-6-2

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

No. 979 of 2015 GD
No. 291 of 2015 ED

**OneWest Bank N.A.,
Plaintiff,
v.**

**Sharon Chaney, Executrix of the Estate of
June N. Scott, Deceased Mortgagor and Real
Owner,
Defendant.**

All those certain lots or pieces of ground situate in the Township of Luzerne, County of Fayette and Commonwealth of Pennsylvania, being known as Lot Nos. 511, 512, and 513 in the Hiller Plan of Lots, recorded in the Recorder's Office of Fayette County, Pennsylvania in Plan Book Volume 2, Page 21.

EXCEPTING AND RESERVING all Exceptions, Reservations, Conditions, Coal and Mineral Rights, Liberties, and Privileges as may be shown in Deeds of Prior record.

BEING designated as Tax Parcel No. 19-07-0125 in the Deed Registry Office of Fayette County, Pennsylvania.

BEING the same premises which Ivory D. Scott and June N. Scott, husband and wife, by deed dated July 22, 1974 and recorded July 22, 1974 in the Recorder's Office of Fayette County, Pennsylvania in Deed Book Volume 1166, Page 1107, granted and conveyed unto Ivory D. Scott and June N. Scott, husband and wife.

All that certain piece or parcel or Tract of

land situate Luzerne Township, Fayette County, Pennsylvania, and being known as 1003 6th Street, Hiller, Pennsylvania 15444.

Being known as: 1003 6Th Street, Hiller, Pennsylvania 15444

Title vesting in Ivory D. Scott and June N. Scott, husband and wife by deed from Ivory D. Scott and June N. Scott, husband and wife, dated July 22, 1974 and recorded July 22, 1974 in Deed Book 1166, Page 1107. The said Ivory D. Scott died on January 14, 1995 thereby vesting title in June N. Scott by operation of law. June N. Scott died on December 24, 2014 thereby vesting title in Sharon Chaney, Executrix of the Estate of June N. Scott, Deceased Mortgagor and Real Owner by operation of law.

Tax Parcel Number: 19-07-0125

No. 1119 of 2015 GD
No. 264 of 2015 ED

**JPMorgan Chase Bank, National Association,
Plaintiff,
vs.
Michelle L. Swickey,
Defendant.**

ALL those two lots of land situate in the Borough of Vanderbilt, County of Fayette and State of Pennsylvania, bounded and described as follows:

BEGINNING at the corner of Bank Street and First Avenue; thence by First Avenue, North 70' 23' East, 120.00 feet to land now or formerly of W. J. Reed; thence by the same, North 19' 37' West, 120.00 feet to Second Street; thence by the same, South 70' 23' West 120.00 feet to Bank Street; thence by the same, South 19' 37' East, 120.00 feet to the place of beginning.

CONTAINING 14,400 square feet and numbered 60 and 61.

COMMONLY KNOWN AS: 318 1st Street, Vanderbilt, PA 15486

TAX PARCEL NO. 40-01-0028

Phelan Hallinan Diamond & Jones, LLP

No. 1655 of 2012 GD
No. 289 of 2015 ED

**Sovereign Bank N.A., Formerly Known as
Sovereign Bank,
Plaintiff,
vs.
Shelley L. Verbosky a/k/a Shelly Verbosky
Barry T. Verbosky,
Defendant(s)**

Owner(s) of property situate in the SOUTH
UNION TOWNSHIP, Fayette County,
Pennsylvania, being 222 Kimberly Drive, a/k/a
1048 Kimberly Drive, Uniontown, PA 15401.

Parcel No.: 3412013455

Improvements thereon: RESIDENTIAL
DWELLING

KML Law Group, P.C.
SUITE 5000 BNY Independence Center
701 MARKET STREET
Philadelphia, PA 19106-1532

No. 1022 of 2015 GD
No. 270 of 2015 ED

**JPMORGAN CHASE BANK, N.A.,
Plaintiff,
vs.
ERIC R. WEAVER
Mortgagor(s) and Record Owner(s)
Defendant(s).**

ALL THAT CERTAIN piece , parcel or lot
of ground situate in the Township of Bullskin,
County of Fayette and Commonwealth of
Pennsylvania.

TAX PARCEL #04-14-0198

PROPERTY ADDRESS: 170 Horseshoe
Bend Road Acme, PA 15610

IMPROVEMENTS: A residential
dwelling.

SOLD AS THE PROPERTY OF: ERIC R.
WEAVER

JUDICIAL OPINION

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	CRIMINAL DIVISION
v.	:	
JEREMY PAUL HAMBORSKY,	:	No. 1687 of 2013
Defendant.	:	JUDGE JOSEPH M. GEORGE, JR.

OPINION AND ORDER

GEORGE, J.

May 28, 2014

This matter comes before the Court on Defendant’s Omnibus Pretrial Motion for Petition for Writ of Habeas Corpus. The parties stipulated to admission of the transcript from the preliminary hearing. The Court finds that the Commonwealth has established a prima facie case for involuntary manslaughter.

Issues Presented

Defendant’s motion presents the following issue: whether the Commonwealth has established a prima facie case that Defendant possessed the requisite mens rea to commit the charged offense.

Facts

Defendant is charged with one count of Involuntary Manslaughter. On August 11, 2013, at approximately 3:00 a.m., PSP Trooper Patrick Egros, among others, was dispatched to 508 North Bell View Road, in Bullskin Township to investigate a shooting within a vehicle near that address. Upon arrival, Trooper Egros observed Ms. Kylie Marie Sage, who had been pronounced dead at the scene. Ms. Sage was completely reclined in the driver seat, with a pool of blood on the passenger floor behind her. There was a hole in the driver seat, through which a bullet had passed, entering Ms. Sage’s right armpit, and exiting her left armpit, thereafter striking the driver-side mirror of the vehicle. The cause of death was perforation of the right lung, heart, and left lung.

In the backseat, Trooper Egros observed a .45 caliber Ruger pistol and an empty gun holster on the floor near the rear passenger seat. Trooper Egros noted and ejected a live round from the chamber. He then placed the firearm in an evidence envelope, sealing and securing it in the trunk of his police cruiser. It was later retrieved by a PSP forensic unit.

While securing the scene, Trooper Egros noticed Mr. Hamborsky, the Defendant, unknown to Trooper Egros at the time. Trooper Egros approached Defendant and asked his name, at which point Defendant blurted out that he had accidentally shot Ms. Sage, that he considered himself experienced with guns, and that Ms. Sage had handed him the gun and informed him it was unloaded. Trooper Egros also noticed “a strong odor” of alcohol emanating from Defendant. Trooper Egros detained Defendant and transport-

ed him to be interviewed.

PSP Criminal Investigator Craig Soltis arrived on scene around 4:00 a.m. His observations were consistent with those of Trooper Egros. Both Trooper Soltis and PSP Trooper John Marshall interviewed Defendant about two hours later. Defendant was read his Miranda rights, whereupon he advised the officers he understood and agreed to answer questions. Defendant related that he and Ms. Sage are cousins. They met that evening at a charity sporting event, during which they discussed the .45 caliber Ruger pistol that Ms. Sage had purchased the day prior. Again, Defendant noted his familiarity with guns, including handguns, and the fact that he had taken a hunter safety course.

After the game, Defendant attended a late dinner with his family from about 10:00 to 11:00 p.m., during which he consumed one or two beers. Defendant then met Ms. Sage at a local bar. As the bar was about to close, Defendant consumed two more beers. Ms. Sage then asked Defendant, Defendant's girlfriend, and another friend to a nearby, late night tractor pull. All agreed and entered Ms. Sage's truck. Defendant was in the rear passenger seat, Ms. Sage was driving, and the two others occupied the front passenger and rear driver seats.

While in route, Ms. Sage handed Defendant the weapon. At that point, Defendant inquired if it was loaded. Ms. Sage replied that it was not. Defendant operated the weapon's slide, the action that in the normal course would chamber a bullet to be fired. When the spring action of the slide returned it to its resting position, a round discharged, striking Ms. Sage and causing her death.

Discussion

Petition for Writ of Habeas Corpus

In an Omnibus Pretrial Petition for Habeas Corpus relief, the Court must determine whether the Commonwealth established a prima facie case for the charged offenses. *Com. v. Packard*, 767 A.2d 1068, 1070 (Pa. Super. 2001). "When deciding whether a prima facie case was established, [the Court] must view the evidence in the light most favorable to the Commonwealth, and . . . consider all reasonable inferences based on that evidence which could support a guilty verdict." *Com. v. James*, 863 A.2d 1179, 1182 (Pa. Super. Ct. 2004) (citation omitted). Unlike the beyond a reasonable doubt standard, a prima facie case is merely a degree of evidence "that if presented at the trial in court, and accepted as true, the judge would be warranted in allowing the case to go to the jury." *Com. v. Wojdak*, 466 A.2d 991, 996 (Pa. 1983) (emphasis original); see *James*, 863 A.2d at 1182.

Defendant asserts that the Commonwealth fails to demonstrate a prima facie case of the requisite recklessness or gross negligence required for Involuntary Manslaughter. "A person is guilty of involuntary manslaughter when as a direct result of the doing of an unlawful act in a reckless or grossly negligent manner, or the doing of a lawful act in a reckless or grossly negligent manner, he causes the death of another person." 18 Pa.C.S. § 2504.

The Court first notes that "gross negligence is encompassed within the concept of recklessness"; that is, the definition of recklessness set forth in 18 Pa.C.S. § 302(b)(3) is the only description applicable where the choice is between that and gross negligence. See *Com. v. Grimes*, 842 A.2d 432, 434 (Pa. Super. Ct. 2004) (citing *Com. v. Huggins*,

836 A.2d 862 (Pa. 2003)). {1}

A person acts recklessly with respect to a material element of an offense when he consciously disregards a substantial and unjustifiable risk that the material element exists or will result from his conduct. The risk must be of such a nature and degree that, considering the nature and intent of the actor's conduct and the circumstances known to him, its disregard involves a gross deviation from the standard of conduct that a reasonable person would observe in the actor's situation.

18 Pa.C.S. § 302(b)(3).

Applying the standard applicable here, the Court finds that the evidence is sufficient to demonstrate a prima facie case for Involuntary Manslaughter. The facts presented demonstrate that: (1) Defendant had consumed multiple alcoholic beverages; (2) Defendant pointed a firearm in Ms. Sage's direction and pulled back the slide – an action that in the normal course of events would chamber a round; and (3) Defendant should have understood the risks associated with such conduct.

The Court acknowledges Defendant's stated impression that the weapon was unloaded. While this fact, if believed, would support the premise that the killing was unintentional, that alone does not exculpate Defendant from what any reasonable person would consider a conscious disregard for a substantial and unjustifiable risk. *Com. v. Musi*, 404 A.2d 378, 381 (Pa. 1979); see *Com. v. Draxinger*, 498 A.2d 963, 965 (Pa. Super. Ct. 1985) (“jury could reasonably have determined that appellant acted in a reckless or grossly negligent manner in causing the death of his wife, either by playing with the gun or by grabbing it from [the decedent].”).

Wherefore, we will enter the following Order:

ORDER

AND NOW, this 28th day of May, 2014, upon and after consideration of Defendant's Omnibus Pretrial Motion, the same is hereby DENIED. The Fayette County District Attorney is ORDERED and DIRECTED to set this matter for trial.

BY THE COURT:
JOSEPH M. GEORGE, JR., JUDGE

ATTEST:
CLERK OF COURTS

{1} The Huggins court reasoned that the legislature's failure to define gross negligence, opting instead to define only “criminal negligence,” see 18 Pa.C.S. § 302(b)(4) n. 1, created an ambiguity that would impact the Rule of Leniency. See *Huggins*, 836 A.2d at 868 n. 5. In lieu of future legislative redefinition, Huggins thus holds that the mens rea required for “gross negligence” is equal to that of recklessness. See *id.* at 867-68.

CONTINUING LEGAL EDUCATION**"Truancy Summit"
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Judge Nancy D. Vernon and Judge Linda R. Cordaro are hosting a TRUANCY SUMMIT on Tuesday, September 22, 2015 at Mallard's Landing at Duck Hollow 374 Duck Hollow Road, Uniontown, PA 9:00 a.m. to 12:30 p.m.

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