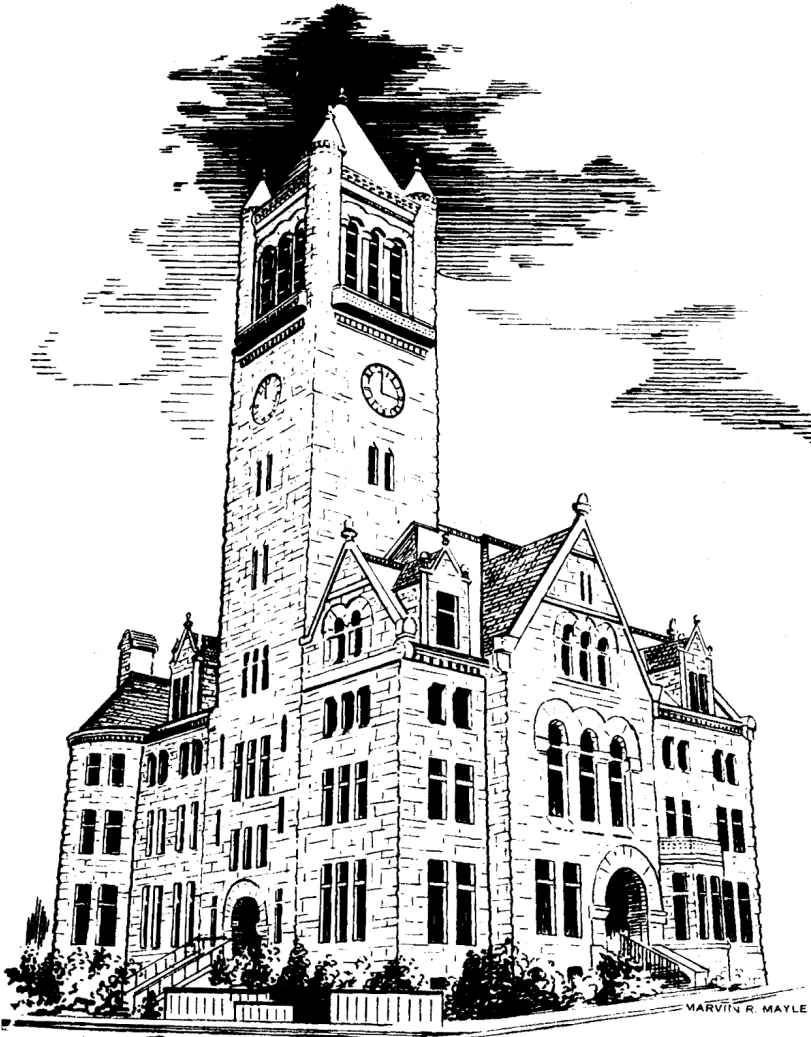


# FAYETTE LEGAL JOURNAL

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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

**DAVID L. AGLIO**, late of Washington Township, Fayette County, PA (3)

*Executor:* David R. Aglio

1021 Holly Lynne Drive

Pittsburgh, PA 15236

c/o 506 Circle Drive

Belle Vernon, PA 15012

*Attorney:* Richard R. Victoria

**BARBARA BUKOVITZ, A/K/A BARBARA F. BUKOVITZ**, late of German Township, Fayette County, PA (3)

*Personal Representative:* Gerald W. Bukovitz

c/o George Port & George

92 East Main Street

Uniontown, PA 15401

*Attorney:* Joseph M. George

**RITA CARNES, A/K/A RITA M. CARNES, A/K/A RITA MARIE CARNES**, late of Upper Tyrone Township, Fayette County, PA (3)

*Co-Executors:*

Richard W. Carnes

179 Montgomery Road

Scottdale, PA 15683 and

Willa Jean Brown

919 W. Main Street, Apt. 201

Independence Apartments

Mt. Pleasant, PA 15666

c/o 314C Porter Avenue

Scottdale, PA 15683

*Attorney:* David G. Petonic

**DILAWAR M. EDWARDS, A/K/A DILAWAR EDWARDS**, late of Uniontown, Fayette County, PA (3)

*Executor:* Delawar Mark Edwards

c/o Wester & Webster

51 East South Street

Uniontown, PA 15401

*Attorney:* Robert L. Webster, Jr.

**DANIEL BRIAN FERGUSON**, late of Uniontown, Fayette County, PA (3)

*Administratrix:* Cheryl Pritchard

c/o Eddy Law Offices

80 East Main Street

*Attorney:* J.W. Eddy

**HELEN MARLEN MYDEN, A/K/A H. MARLENE MYDEN, A/K/A MARLENE MYDEN**, late of Uniontown, Fayette County, PA (3)

*Administratrix:* Wendy Sue Myden

c/o Fitzsimmons and Barclay

55 East Church Street, Suite 102

Uniontown, PA 15401

*Attorney:* Ralph K. Barclay, Jr.

**MARY J. PEGGE**, late of Uniontown, Fayette County, PA (3)

*Personal Representative:* Nancy Lee Pegge

c/o Davis & Davis

107 East Main Street

Uniontown, PA 15401

*Attorney:* Gary J. Frankhouser

**MARY ELIZABETH SANTILLI**, late of Uniontown, Fayette County, PA (3)

*Personal Representative:* Susan Santilli

c/o 2 West Main Street, Suite 110

Uniontown, PA 15401

*Attorney:* Ricardo J. Cicconi

### Second Publication

**HUGH BAKER, A/K/A HUGH E. BAKER, A/K/A HUGH ELMER BAKER**, late of South Union Township, Fayette County, PA (2)

*Executrix:* Nikki Machelle Baker

c/o 45 East Main Street, Suite 500

Uniontown, PA 15401

*Attorney:* James E. Higinbotham, Jr.

**JOSEPH JURIGA, A/K/A JOSEPH J. JURIGA**, late of South Union Township, Fayette County, PA (2)

*Executrix:* Paula M. Brewer  
c/o 556 Morgantown Road  
Uniontown, PA 15401  
*Attorney:* John A. Kopas, III

*Executor:* Eric R. Miller  
308 Orchard Avenue  
Stockdale, PA 15683  
c/o Bassi, Vreeland & Associates, P.C.  
111 Fallowfield Avenue  
P.O. Box 144  
Charleroi, PA 15022-0144  
*Attorney:* Keith A. Bassi

**THEODORE RAY KOLLAR, JR., A/K/A THEODORE R. KOLLAR, JR.**, late of Luzerne Township, Fayette County, PA (2)

*Executrix:* Wendi J. Kollar  
c/o Webster & Webster  
51 East South Street  
Uniontown, PA 15401  
*Attorney:* Robert L. Wester, Jr.

**PAULINE MINERD**, late of Masontown, Fayette County, PA (1)

*Executrix:* Deborah Sue Ryan  
c/o Monaghan & Monaghan, L.L.P.  
57 East Main Street  
Uniontown, PA 15401  
*Attorney:* Gary D. Monaghan

**DANIEL E. SELLONG**, late of Lemont Furnace, Fayette County, PA (2)

*Executrix:* Shirley A. Sellong  
144 North Beeson Avenue, Apt 404  
Uniontown, PA 15401  
c/o Spells Law Office  
1533 Bidwell Street,  
Pittsburgh, PA 15233-1315  
*Attorney:* Thelma C. Spells

**WILLIAM M. NITCH**, late of Republic, Fayette County, PA (1)

*Executrix:* Patricia N. Bracaliello  
3424 Lynwood Drive  
West Homestead, PA 15241  
c/o 1725 Washington Road, Suite 503  
Pittsburgh, PA 15241  
*Attorney:* Betty A. Dillon

## First Publication

**KATHERINE KING BELFER**, late of Uniontown, Fayette County, PA (1)

*Personal Representative:* Carin Wyche  
c/o 2 West Main Street, Suite 110  
Uniontown, PA 15401  
*Attorney:* Ricardo J. Cicconi

**MARIA D. PRYCE, A/K/A MARIA DELORES PRYCE**, late of German Township, Fayette County, PA (1)

*Executor:* Myles K. Pryce  
c/o DAVIS & DAVIS  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* James T. Davis, Esq.

**MARK A. KESSLER, A/K/A MARK KESSLER**, late of Uniontown, Fayette County, PA

*Administrator:* Richard E. Kessler (1)  
c/o Zebley Mehalov & White, P.C.  
18 Mill Street Square  
P.O. Box 2123  
Uniontown, PA 15401  
*Attorney:* Daniel R. White

**FRANK ROMEO, A/K/A FRANK A. ROMEO**, late of Uniontown, Fayette County, PA (1)

*Executor:* Ronald J. Romeo  
74 Evergreen Terrace  
Uniontown, PA 15401  
c/o 310 Grant Street, Suite 1109  
Pittsburgh, PA 15219  
*Attorney:* Rosalie P. Wisotzki

**DANIEL E. MILLER, SR., A/K/A DANIEL E. MILLER**, late of Washington Township, Fayette County, PA (1)

**DANIEL E. SELLONG**, late of North Union Township, Fayette County, PA (1)

*Executrix:* Shirley A. Sellong  
144 N. Beeson Avenue, Apt. 404

Uniontown, PA 15401  
 c/o 1533 Bidwell Street  
 Pittsburgh, PA 15233  
 Attorney: Thelma C. Spells

## LEGAL NOTICES

### NOTICE

IN THE COURT OF COMMON PLEAS OF  
 FAYETTE COUNTY, PENNSYLVANIA  
 CIVIL DIVISION  
 NO. 1374 of 2016, G. D.

**IN RE: CHANGE OF NAME OF  
 MALAYNA MARIE ZIMCOSKY-MURRAY  
 TO MALAYNA MARIE ZIMCOSKY  
 MURRAY, A MINOR, BY TERRY LEE  
 MURRAY AND MICHELLE LYNN  
 MURRAY, AS PARENTS AND NATURAL  
 GUARDIANS**

NOTICE is hereby given that a hearing on the above Petition for Change of Name will be held on October 27, 2016, at 9:30 a.m., before the Honorable Judge Steve P. Leskinen, in Courtroom No. 1 of the Fayette County Courthouse, Uniontown, Pennsylvania.

ALL interested parties may appear and show cause if any they have, why the prayer of said Petition should not be granted.

William M. Martin, Esquire  
 RADCLIFFE & DeHAAS, L.L.P.  
 2 West Main Street, Suite 700  
 Uniontown, Pennsylvania 15401  
 (724) 439-3900

### NOTICE

Notice is hereby given that Certificate of Organization has been approved and filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on August 30, 2016, for a limited liability company known as LinDoCo, LLC.

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

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

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

### 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 July 11, 2016, for a Limited Liability Company known as Savage Real Estate Investments, 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 real estate holdings, rentals, and any other lawful purpose related thereto for which Limited Liability Companies may be organized under the Business Corporation Law.

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

NOTICE OF ACTION IN MORTGAGE  
 FORECLOSURE  
 IN THE COURT OF COMMON PLEAS OF  
 FAYETTE COUNTY, PENNSYLVANIA  
 CIVIL ACTION – LAW  
 CIVIL DIVISION  
 No. 278 OF 2016 GD

**PHH MORTGAGE CORPORATION,  
 Plaintiff,**

**vs.**

**FRANCES WERTZ A/K/A FRANCES  
 YVONNE WERTZ, in her capacity as  
 Administratrix and Heir of the Estate of  
 GERALD WERTZ SR A/K/A GERALD W.**

**WERTZ, SR.**

**GERALD WAYNE WERTZ, JR, in his capacity as Heir of the Estate of GERALD WERTZ SR A/K/A GERALD W. WERTZ, SR.**

**UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER GERALD WERTZ SR A/K/A GERALD W. WERTZ, SR., DECEASED,**

**Defendants.**

NOTICE

To UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER GERALD WERTZ SR A/K/A GERALD W. WERTZ, SR., DECEASED

You are hereby notified that on February 16, 2016, Plaintiff, PHH MORTGAGE CORPORATION, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of FAYETTE County Pennsylvania, docketed to No. 278 OF 2016 GD. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 1302 1ST STREET, HILLER, PA 15444 whereupon your property would be sold by the Sheriff of FAYETTE County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing 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.

Lawyer Referral Service:  
 Pennsylvania Lawyer Referral Service  
 Pennsylvania Bar Association  
 100 South Street.  
 P.O. Box 186  
 Harrisburg, PA 17108  
 Telephone (800) 692-7375

**SHERIFF'S SALE**

Date of Sale: November 10, 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, November 10, 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. (1 of 3)

James Custer  
 Sheriff Of Fayette County

KML Law Group, P.C.

No. 1095 of 2016 GD  
 No. 268 of 2016 ED

**WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE FOR RMAC TRUST, SERIES 2015-5T, c/o Rushmore Loan Management Services LLC 15480 Laguna Canyon Road, Suite 100 Irvine, NA CA,**

**Plaintiff,**  
**vs.**

**JOCELYN S. BARTON AKA JOCELYN BARTON**

**JOHN W. ROCK**  
**Mortgagor(s) and Record Owner(s)**  
**26 Pine Lane**  
**Perryopolis, PA 15473,**  
**Defendant(s).**

ALL THAT CERTAIN property situate in the Township of Pery, County of Fayette and Commonwealth of Pennsylvania.

TAX PARCEL #27-11-0100

PROPERTY ADDRESS: 26 Pine Lane Perryopolis, PA 15473

IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF: JOCELYN S. BARTON AKA JOCELYN BARTON and JOHN W. ROCK

Phelan Hallinan Diamond & Jones, LLP

No. 1279 of 2015 GD  
 No. 262 of 2016 ED

**Suntrust Mortgage, Inc.,**  
**Plaintiff,**  
**vs.**

**Tina R. Daerr**  
**Phillip J. Hughes,**  
**Defendants.**

By virtue of a Writ of Execution No. 1279 OF 2015 GD, Suntrust Mortgage, Inc. v. Tina R. Daerr, Phillip J. Hughes, owner(s) of property situate in the SALTICK TOWNSHIP, Fayette County, Pennsylvania, being 245 Back Creek Road, Indian Head, PA 15446

Parcel No.: 31-15-0162

Improvements thereon: RESIDENTIAL DWELLING

UDREN LAW OFFICES, P.C.

No. 1145 of 2016 GD  
No. 234 of 2016 ED

**HSBC Bank USA, N.A., as Trustee for the Registered Holders of Nomura Home Equity Loan, Inc., Asset-Backed Certificates, Series 2006-HE3,**

**Plaintiff,**  
**vs.**

**FLORETTA DUGAN  
KELLY R. DUGAN  
SUSAN DUGAN,**  
**Defendants.**

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

BEING KNOWN AS 2141 Indian Head Road, Indian Head, PA 15446 a/k/a 2141 Indian Head Road, Champion, PA 15622

PARCEL NUMBER: 31-19-0045 and 31-19-0045-01 n/k/a 31-19-0045-2

IMPROVEMENTS: Residential Property

Phelan Hallinan Diamond & Jones, LLP

No. 1004 of 2016 GD  
No. 245 of 2016 ED

**Ditech Financial LLC f/k/a Green Tree Servicing LLC,**

**Plaintiff,**  
**vs.**

**Norbert W. Granchi,**  
**Defendant(s).**

By virtue of a Writ of Execution No. 1004-0F-2016-GD, Ditech Financial LLC f/k/a Green Tree Servicing LLC v. Norbert W. Granchi, owner(s) of property situate in the UNIONTOWN CITY, Fayette County, Pennsylvania, being 76 Evergreen Terrace, Uniontown, PA 15401-5531

Parcel No.: 38060071

Improvements thereon: RESIDENTIAL DWELLING

Keith J. Pappas, Esquire

No. 614 of 2016 GD  
No. 255 of 2016 ED

**UNITED BANK, INC., a West Virginia banking corporation,**  
**Petitioner,**  
**vs.**

**KEJ PROPERTIES, LP, a Pennsylvania limited partnership, KEJ HOLDINGS, LLC, a Pennsylvania limited liability company, KISHOR JOSHI, and USHA JOSHI,**  
**Respondents.**

ALL THOSE CERTAIN tracts of land situate in South Union Township, Fayette County, Pennsylvania, more particularly described as follows:

**PARCEL ONE:**

ALL those certain parcels of land situate in the Township of South Union, County of Fayette, and Commonwealth of Pennsylvania, being all of the Lot Nos. 7 and 8 in Highland Park Plan of Lots of record in the Recorder's Office of Fayette County, Pennsylvania, in Plan Book Volume 22, page 2.

DEED DATE: April 28, 2005

RECORDED in Record Book 2944, at Page 358

TAX IDENTIFICATION: 34-1-68-14

BEING 20 Highland Park Drive, Uniontown, PA 15401





**PARCEL TWO:**

ALL that certain condominium known as Suite 5, together with the common elements appurtenant thereto, in the Uniontown Health Center Condominium, created pursuant to the Uniform Condominium Act, situate in South Union Township, Fayette County, Pennsylvania, by filing a Declaration of Condominium dated July 17, 1987, and recorded in Record Book 331, page 253, and amended in Record Book 1159, Page 275, together with the Plats and Plans recorded in Plan Book Volume 29, Page 45.

DEED DATE: April 28, 2005

RECORDED in Record Book 2944, at Page 358

TAX IDENTIFICATION: 34-05-0356-A0-0 BEING 25 Highland Park Drive, Suite 5, Uniontown, PA 15401.

BEING the same parcels of land conveyed to KEJ Properties, LP, a Pennsylvania Family Limited Partnership, from Kishor E. Joshi and Usha K. Joshi, husband and wife, by deed dated the 28th day of April, 2005, and recorded on the 4th day of May, 2005, in the Recorder’s Office of Fayette County, Pennsylvania, in Record Book 2944, at Page 358.

**PARCEL THREE:**

ALL that certain condominium known as Suite 1, together with the common elements appurtenant thereto, in the Uniontown Health Center Condominium, created pursuant to the Uniform Condominium Act, situate in South Union Township, Fayette County, Pennsylvania, by filing a Declaration of Condominium dated July 17, 1987, and recorded in Record Book 331, page 253, and amended in Record Book 1159, Page 275, together with the Plats and Plans recorded in Plan Book Volume 29, Page 45.

DEED DATE: April 27, 2005

RECORDED in Record Book 2944, at Page 363

TAX IDENTIFICATION: 34-05-0356-B0-0 BEING 25 Highland Park Drive, Suite 1, Uniontown, PA 15401.

BEING the same parcel of land conveyed to KEJ Properties, LP, a Pennsylvania Family Limited Partnership, from Shirish B. Desai and Bharati S. Desai, husband and wife, by deed dated the 27th day of April, 2005, and recorded

on the 4th day of May, 2005, in the Recorder’s Office of Fayette County, Pennsylvania, in Record Book 2944, at Page 363.



Phelan Hallinan Diamond & Jones, LLP

No. 736 of 2016 GD

No. 254 of 2016 ED

**Federal National Mortgage Association (“Fannie Mae”), A Corporation Organized and Existing Under The Laws of The United States of America,**

**Plaintiff,**

**vs.**

**Joy A. Lint,**

**Defendant(s).**

By virtue of a Writ of Execution No. 2016-00736, Federal National Mortgage Association (“Fannie Mae”), A Corporation Organized and Existing Under The Laws of The United States of America v. Joy A. Lint, owner(s) of property situate in the UPPER TYRONE TOWNSHIP, Fayette County, Pennsylvania, being Joy A. Lint, by Deed from Rex A. Thayer and Beverly S. Thayer, h/w, dated 04/23/2007, recorded 04/26/2007 in Book 3023, Page 879.

709 Broadford Road, Connellsville, PA 15425-6107 (Acreage or street address)

Parcel No.: 39-07-0037

Improvements thereon: RESIDENTIAL DWELLING

No. 38 of 2016 GD  
No. 2600 of 2016 ED

**ZION INVESTMENT PARTNERS, LTD.,**  
**Plaintiff,**  
**vs.**  
**JACQUELINE L. MITCHELL,**  
**Defendant.**

ALL that certain lot or parcel of ground situated in Washington Township, Fayette County, Pennsylvania, known as Lot No. 12 in the Naomi Plan of Lots, laid out by the Naomi Coal Company and recorded in the Recorder’s Office of said County in Plan Book No. 4, page 164, HAVING ERECTED THEREON A DWELLING KNOWN AS 124 LONG ROAD, BELLE VERNON PA 15012.

Tax Parcel ID #: 4107022801

Deeded to Jacqueline L. Mitchell by Deed recorded at Fayette County Book 1290 Page 184.

TO BE SOLD AS THE PROPERTY OF JACQUELINE L. MITCHELL PER JUDGMENT No. 38 of 2016, G.D. and 232 of 2016, E.D.

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

No. 693 of 2016 GD  
No. 251 of 2016 ED

**CIT Bank, N.A.,**  
**Plaintiff,**  
**vs.**  
**Marie Pilatic,**  
**Defendant.**

All that certain lot of land situate in the Township of Upper Tyrone, County of Fayette and State of Pennsylvania, being known and designated as Lot No. 3 in Block No. 1, in Plan of Lots known as “Zephyr Glen”, the plan whereof is recorded in the Recorder’s Office of Fayette County, Pennsylvania in Plan Book 4, Page 107, and which said Lot is more particularly bounded and described as follows:

Fronting 40 feet on the North side of Wall Street and extending back in a Northerly direction of uniform width a distance of 150 feet

to Miller Alley, said Lot No. 3 is bounded on the West by Lot No. 2 and on the East by Lot No. 4 in said Block.

All that certain piece, parcel or tract of land situate in Upper Tyrone Township, County of Fayette, State of Pennsylvania, bounded and described as follows:

Lot No. 4 in Block No. 1 in Plan of Lots known as “Zephyr Glen,” the plan whereof is to be recorded in the Recorder’s Office of Fayette County, Pennsylvania, and which said lot is more particularly bounded and described as follows:

Fronting 40 feet on the North side of Wall Street. and extending back of uniform width a distance 150 feet Miller Alley and being bounded on the West by Lot No. 3 and on the East by Lot No. 5 in said Block.

BEING the same tract of land conveyed to Marie Pilatic and John Pilatic from Catherine Zucco by Deed dated November 30, 1964 of record in the Fayette County Recorder of Deeds Office in Deed Book Volume 1003, Page 53.

All that certain piece or parcel or Tract of land situate Township of Upper Tyrone, Fayette County, Pennsylvania, and being known as 607 Kingview Road, Scottsdale, Pennsylvania 15683.

Being known as: 607 Kingview Road, Scottdale, Pennsylvania 15683

Title vesting in Marie Pilatic by deed from Marie Pilatic and John Pilatic, her husband, by his attorney in fact, Kenneth C. Alt, Power of Attorney by General Warranty Deed dated January 23, 2008 and recorded January 29, 2008 in Deed Book 3051, Page 2200.

Tax Parcel Number: 39-04-0054

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KML Law Group, P.C.

No. 1088 of 2016 GD  
No. 267 of 2016 ED

**QUICKEN LOANS INC.**  
**635 Woodward Avenue**  
**Detroit, MI 48226,**  
**Plaintiff,**  
**vs.**

**HAROLD K. SHAFFER**  
**Mortgagor(s) and Record Owner(s)**  
**713 Clay Road**  
**Connellsville, PA 15425,**  
**Defendant(s).**

ALL THAT CERTAIN piece, parcel or lot of land situate in the Borough of South Connellsville, County of Fayette and Commonwealth of Pennsylvania.

TAX PARCEL #3305002109

PROPERTY ADDRESS: 713 Clay Road Connellsville, PA 15425

IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF: HAROLD K. SHAFFER

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

No. 971 of 2016 GD  
No. 252 of 2016 ED

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

**Gerald H. Stewart, Executor of the Estate of  
Gerald R. Stewart,  
Defendant.**

ANNE N. JOHN  
ATTORNEY AT LAW

No. 877 of 2016 GD  
No. 283 of 2016 ED

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

**ESTATE OF ELIZABETH A. STEWART,  
Deceased; RACHEL E. STEWART, heir of  
the ESTATE OF ELIZABETH A.  
STEWART, Deceased, RACHEL E.  
STEWART, all known and unknown heirs,  
successors, and assigns and all those claiming  
any right, title or interest of, from or under  
ELIZABETH A. STEWART, Deceased,  
Defendants.**

ALL that certain lot or piece of ground situate in the Eighth Ward of the City of Uniontown (formerly South Union Township), Fayette County, Pennsylvania, being the northerly one-half of Lots Nos. 48 and 49 in Wolf Addition to Uniontown, a plot of which is of record in the Recorder's office of said Fayette County in Plan Book No. 1, page 91.

For Prior title see Record Book 2884, page 1710. See also Record Book 2961, page 1358.

HAVING erected thereon a single-family dwelling known locally as 451 Braddock Avenue, Uniontown, PA 15401.

Assessment Map No.: 38-11-0065.

All that certain piece, parcel or tract of land situate in Perryopolis Borough, Fayette County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at an iron pin common to land of Grantors and land now or formerly of Perryopolis Park and Recreation; thence South 16 degrees 05 minutes 50 seconds East, a distance of 157.08 feet to an iron pin common to land of Grantors and land now or formerly of Perryopolis Park and Recreation; thence South 34 degrees 20 minutes 00 seconds West, a distance of 110.00 feet to an iron pin common to land of Grantors and land now or formerly of Perryopolis Park and Recreation; thence South 57 degrees 46 minutes 20 seconds West, a distance of 54.38 feet to a railroad spike in a gravel drive on land common to Grantors and land now or formerly of Perryopolis Park and Recreation; thence South 78 degrees 33 minutes 30 seconds West a distance of 337.31 feet to a railroad spike on the southern side of State Route 4038 on land common to Grantors and land now or formerly of Perryopolis Park and Recreation; thence North 37 degrees 43 minutes 20 seconds West a distance of 17.75 feet to an iron pin located in State Route 4038 on land common to Grantors and land now or formerly of Perryopolis Park and Recreation; thence North 84 degrees 58 minutes 00 seconds West a distance of 152.71 feet to an iron pin in State Route 4038 on land common to Grantors land now or formerly of Perryopolis Park and Recreation and land now or formerly of Albert Chaw; thence North 03 degrees 58 minutes 00 seconds West, a distance of 304.26 feet to an iron pin in Galley Street on land common to Grantors, land now or formerly of Albert Chaw and land now or formerly of Perryopolis Park

and Recreation; thence South 79 degrees 53 minutes 44 seconds East, a distance of 158.57 feet to an iron pin on the southern side of Galley Street on land common to Grantors and land now or formerly of Perryopolis Park and Recreation; thence South 81 degrees 11 minutes 16 seconds East, a distance of 282.86 feet to an iron pin common to land of Grantors and land now or formerly of Perryopolis Park and Recreation; thence North 61 degrees 32 minutes 04 seconds East, a distance of 163.24 feet to an iron pin common to land of Grantors and land now or formerly of Perryopolis Park and Recreation, the point and lace of beginning. CONTAINING 3.4868 acres according to survey of Phillip F. Harris, Registered Surveyor.

SUBJECT to all exceptions, reservations, easements, rights, rights of way, as contained in prior instruments of record.

BEING a portion of the same premises described in the Decree of Distribution of the Estate of Elizabeth Smith a/k/a Elizabeth June Smith, at No. 251 of 1983, which Decree is recorded in the Office of the Recorder Deeds of Fayette County, Pennsylvania, in Deed Book Volume 1342, Page 497.

All that certain piece or parcel or Tract of land situate Perryopolis Borough, Fayette County, Pennsylvania, and being known as 411 Layton Road, Perryopolis, Pennsylvania 15473.

Being known as: 411 Layton Road, Perryopolis, Pennsylvania 15473

Title vesting in Gerald R. Stewart and Mary Ellen Stewart by deed from George Oliver Smith and Marlene Smith, his wife, Donald Thomas Smith and Priscilla Smith, his wife and Mary Ellen Stewart and Gerald R. Stewart, her husband dated February 2, 1992 and recorded February 4, 1997 in Deed Book 1838, Page 129. The said Gerald R. Stewart died on January 15, 2014 thereby vesting title in his surviving spouse Mary Ellen Stewart by operation of law.

STERN & EISENBERG PC  
M. TROY FREEDMAN, ESQUIRE

No. 2345 of 2015 GD  
No. 250 of 2016 ED

**Central Mortgage Company,  
Plaintiff,**

**vs.**

**William A. Terrant,  
Defendant(s).**

SITUATE IN WASHINGTON  
TOWNSHIP, FAYETTE COUNTY,  
PENNSYLVANIA, BEING KNOWN AS 809  
Belle Avenue, Belle Vernon, PA 15012

PARCEL NO. 41-05-0271

IMPROVEMENTS - RESIDENTIAL

REAL ESTATE

SOLD AS THE PROPERTY OF-

WILLIAM A. TERRANT

---

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

No. 1096 of 2016 GD  
No. 266 of 2016 ED

**Nationstar Mortgage LLC d/b/a Champion  
Mortgage Company,  
Plaintiff,**

**vs.**

**Charles W. Welsh, Executor of the Estate of  
Norman E. Welsh,  
Defendants.**

ALL that certain tract of land situate in North Union Township, Fayette County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center of the road leading from Connellsville to Uniontown, known as Traffic Route 119, said point of beginning being South 34 degrees 04 minutes West 288.37 feet from the corner of the lands now or formerly of Elmer Edward Welsh and the lands now or formerly of Leonard Mecco; thence from said point of beginning, South 55 degrees 16 minutes 30 seconds East 344.06 feet to an iron pin along the property now or formerly of Elmer Edward Welsh; thence South

34 degrees 43 minutes 30 seconds West 75 feet to an iron pin along the property now or formerly of Elmer Edward Welsh; thence North 55 degrees 16 minutes 30 seconds West 303.20 feet (inadvertently stated to be 343.20 feet in the Deed recited below) along a fifty-foot right of way to the center of Traffic Route 119; thence North 34 degrees 04 minutes East 75.01 feet to place of beginning. Containing .522 Acres, more or less, as per survey of Harold B. Harper, made June 17, 1975, a plot of same being attached to the hereinafter recited Deed. See also, Plan Book 8, page 179.

The description herein used to convey the land conveyed to the grantees in the deed last mentioned is a result of a survey.

EXCEPTING AND RESERVING, however, thereout and therefrom, all the coal and minerals and mining and other rights and privileges heretofore conveyed, first by deed of Robert Hogsett to the McClure Coke Company by deed dated November 4, 1892, and recorded in the Recorder's Office of Fayette County, in Deed Book No. 116, page 459, and second, by deed of Samuel E. Hogsett to the Hogsett Coal and Coke Company, dated December 4, 1903, and recorded in the Recorder's Office of Fayette county, in Deed Book No. 223, page 305.

ALSO EXCEPTING AND RESERVING, thereout and therefrom and any all other exceptions, reservations, restrictions, easements, rights, limitations and conditions set forth in prior instruments of record in the chain title.

BEING the same premises conveyed to Norman E. Welsh and Sandra Lee Welsh, his wife, by Deed of Elmer Edward Welsh dated June 27, 1975, and recorded in the Recorder's Office of Fayette county, Pennsylvania, in Deed Book 1182, page 272.

Being known as: 1408 Connellsville Road, Lemont Furnace, Pennsylvania 15456

And being the same premises conveyed to Norman E. Welsh by deed from Norman E. Welsh and Sandra Lee Welsh, his wife dated February 5, 2005 and recorded February 9, 2005 in Deed Book 2935, Page 962 Instrument Number 200500002006 . The said Norman E. Welsh died on February 29, 2016 thereby vesting title in Charles W. Welsh, Executor of the Estate of Norman E. Welsh by operation of law.

Tax Parcel Number: 25-27 -0050

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**LOCAL RULE 212.1**

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA

IN RE: FAYETTE COUNTY LOCAL RULE 212; :  
and LOCAL RULE 212.1: PRE-TRIAL :  
PROCEDURE; CERTIFICATE OF :  
READINESS FOR PRE-TRIAL :  
CONFERENCE : NO. 1702 OF 2016, G.D.

ORDER

AND NOW, this 30th day of August, 2016, pursuant to Pennsylvania Rule of Judicial Administration 103(d), it is hereby ordered that Local Rule 212 is rescinded and Local Rule 212.1 is amended to read as attached hereto.

The Prothonotary is directed as follows:

- (1) Two copies and CD-ROM of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
- (2) One copy of the Local Rule shall be filed with the Administrative Office of Pennsylvania Courts.
- (3) One copy of the Local Rule shall be sent to the Fayette County Law Library and the Editor of the Fayette Legal Journal.

The Administrative Office of Fayette County Courts is directed as follows:

- (1) Publish a copy of the Local Rule on the website of the Administrative Office of Fayette County Courts.
- (2) Thereafter, compile the Local Rule within the complete set of local rules no later than 30 days following the publication in the Pennsylvania Bulletin.

Rescinding and amending the above listed Local Rules shall become effective thirty (30) days after publication in the Pennsylvania Bulletin.

By the Court,  
JOHN F. WAGNER, JR.  
PRESIDENT JUDGE

ATTEST:  
Nina Capuzzi Frankhouser  
PROTHONOTARY

**RULE 212.1**  
**PRE-TRIAL PROCEDURE;**  
**CERTIFICATE OF READINESS FOR PRE-TRIAL**  
**CONFERENCE**

(a) Except in those cases involving compulsory arbitration, there shall be 240 days from the filing of the complaint in which the parties shall complete discovery. Discovery will not be permitted after the 240 day period except by order of Court upon good cause shown.

(b) In those cases where it is apparent that extensive discovery will be required, counsel may present a motion requesting a status conference, or file and present an appropriate motion, with the trial Judge to whom the case has been assigned to establish an alternate discovery time table.

(c) Unless otherwise agreed upon by the parties, or ordered by the Court, all depositions shall be held in Fayette County.

(d) At any time after the close of discovery, the Court may, in its discretion, direct the parties to attend a status conference, or the Court may compel the filing of pre-trial statements, schedule the pre-trial conference, or otherwise intervene to expedite the litigation.

(e) If there is an appeal of the award of arbitrators, this rule shall apply, except that there shall be 60 days from the filing of the appeal in which the parties shall complete discovery.

(f) At the close of discovery and upon the filing of a pre-trial statement by the moving party, the movant shall file a Certificate of Readiness for Pre-trial Conference.

(1) The Certificate of Readiness shall be substantially in the form which follows this rule and shall be served with written notice to all parties.

(2) If a party objects to the Certificate of Readiness as filed by any party, the objecting party is required to file the objection within 20 days; otherwise, all parties will be deemed to be in agreement with the statement contained in the Certificate of Readiness.

(3) Objections to the Certificate of Readiness shall be presented forthwith as a priority motion to the Judge to whom the case is assigned. If an objection to the Certificate of Readiness has been filed, the Prothonotary shall only transmit the docket to the Trial Judge for pre-trial conference after the Judge resolves the objection.

(4) If no objection to the Certificate of Readiness has been filed within 20 days, the Prothonotary shall transmit the docket to the Trial Judge to schedule a pre-trial conference.

(5) In accordance with Local Rule 212.3, the Trial Judge shall schedule the pre-trial conference upon transmission of the docket from the Prothonotary.

(6) A Certificate of Readiness is not required for cases assigned to arbitration.

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA

_____	:	Civil Action
Plaintiff	:	
	:	NO.
Vs.	:	
	:	
_____	:	JUDGE _____
Defendant	:	
	:	Jury Trial _____
	:	Non-jury Trial _____
	:	Arbitration _____

**CERTIFICATE OF READINESS**

I hereby certify, pursuant to Fayette County Rule of Civil Procedure 212.1, that the above-captioned case is ready for trial. All pleadings are closed; all witnesses are presently available to appear at trial; the moving party's pre-trial statement has been filed and served upon the other parties; and discovery is complete, except for those depositions to be taken solely for the purpose of being presented at trial. Any such deposition shall be completed prior to trial and a transcript of the deposition shall be submitted to the Court at least five (5) days prior to trial or all objections will be deemed waived.

I further certify that immediately after filing, I will serve a time-stamped copy of this certificate upon all counsel, and/or any unrepresented party.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature of Counsel

\_\_\_\_\_

\_\_\_\_\_  
Representing

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date

\_\_\_\_\_  
Telephone No.



**LOCAL RULE 212.2**

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA

IN RE: FAYETTE COUNTY LOCAL RULE 212.2 :  
PRE-TRIAL STATEMENTS :  
: NO. 1702 of 2016, G.D.

ORDER

AND NOW, this 30th day of August, 2016, pursuant to Pennsylvania Rule of Judicial Administration 103(d), it is hereby ordered that Local Rule 212.1, Pre-trial Statements, is renumbered Local Rule 212.2, as attached hereto.

The Prothonotary is directed as follows:

- (1) Two copies and CD-ROM of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
- (2) One copy of the Local Rule shall be filed with the Administrative Office of Pennsylvania Courts.
- (3) One copy of the Local Rule shall be sent to the Fayette County Law Library and the Editor of the Fayette Legal Journal.

The Administrative Office of Fayette County Courts is directed as follows:

- (1) Publish a copy of the Local Rule on the website of the Administrative Office of Fayette County Courts.
- (2) Thereafter, compile the Local Rule within the complete set of local rules no later than 30 days following the publication in the Pennsylvania Bulletin.

The renumbering of the above listed Local Rule shall become effective thirty (30) days after publication in the Pennsylvania Bulletin.

By the Court,  
JOHN F. WAGNER, JR.  
PRESIDENT JUDGE

ATTEST:  
Nina Capuzzi Frankhouser  
PROTHONOTARY

## **RULE 212.2**

### **PRE-TRIAL STATEMENTS**

(a) Time tables:

- (1) All plaintiffs, within twenty (20) days after the 240 day period, or the extension thereof, shall file their pre-trial statements with the Prothonotary.
- (2) All original defendants, within twenty (20) days of the filing of the plaintiff's pre-trial statements, shall file their pre-trial statements with the Prothonotary.
- (3) All other parties, within twenty (20) days of the filing of original defendants' pre-trial statements, shall file their pre-trial statements with the Prothonotary.

(b) The pre-trial statement shall contain:

- (1) A brief narrative statement of the essential facts upon which liability is asserted or denied.
- (2) The legal issues involved and legal authorities relied upon.
- (3) A list of the names and addresses of all witnesses the party expects to call, which witnesses shall be classified as liability or damage witnesses.
- (4) A specific description of damages.

(i) Any party seeking to recover damages for personal injuries shall attach to their pre-trial statement, if not previously provided to all parties, a written authorization to inspect and make copies of the records and reports of any physician, hospital or clinic by whom or where said party may have been examined, treated, or hospitalized for the injuries or disabilities complained of, and covering prior injuries or disabilities where the same may be relevant.

(ii) A list of the damages that the party intends to claim and prove at trial.

- (5) The settlement status of the case.
- (6) A realistic estimate of the trial time required for presentation of their case, as well as total trial time required.
- (7) There shall be attached to the pre-trial statement:
  - (i) A copy of all reports containing findings or conclusions of any physician who has treated or examined the party or has been consulted in connection with any injuries complained of and whom the party expects to call as a witness at the trial of the case. If timely production of any report is not made, the testimony of such physician shall be excluded at the trial except upon consent of all parties or upon express order of the Court.
  - (ii) A copy of all reports containing findings or conclusions of any expert who has been consulted in connection with the matters involved in the case and whom the party expects to call as a witness at the trial of the case. If timely production of any report is not made, the testimony of such expert shall be excluded at the trial except upon consent of all parties or upon express order of Court.

(8) Upon failure of any party to file a pre-trial statement within the time required, upon motion the Court may impose the sanctions provided in Pa.R.C.P. Sec. 4019(c). Also, the Court may order other appropriate relief including, but not limited to, the

barring of testimony, assessment and awarding of attorney fees, and expenses and costs to opposing counsel.

(9) Counsel, upon agreement of all parties, or upon Order of Court, may file a supplemental pre-trial statement up to the time of trial as long as such filing does not delay trial. Supplemental statements may include additional claims for damages, additional damage and/or liability witnesses, expert witnesses, and/or exhibits intended to be used at trial.

**LOCAL RULE 212.3**

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA

IN RE: FAYETTE COUNTY LOCAL RULE 212.3:  
PRE-TRIAL CONFERENCE :  
: NO. 1702 of 2016

ORDER

AND NOW, this 30th day of August, 2016, pursuant to Pennsylvania Rule of Judicial Administration 103(d), it is hereby ordered that Local Rule 212.3 is amended to read as attached hereto.

The Prothonotary is directed as follows:

- (1) Two copies and CD-ROM of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
- (2) One copy of the Local Rule shall be filed with the Administrative Office of Pennsylvania Courts.
- (3) One copy of the Local Rule shall be sent to the Fayette County Law Library and the Editor of the Fayette Legal Journal.

The Administrative Office of Fayette County Courts is directed as follows:

- (1) Publish a copy of the Local Rule on the website of the Administrative Office of Fayette County Courts.
- (2) Thereafter, compile the Local Rule within the complete set of local rules no later than 30 days following the publication in the Pennsylvania Bulletin.

The amendment of the above listed Local Rule shall become effective thirty (30) days after publication in the Pennsylvania Bulletin.

By the Court,  
JOHN F. WAGNER, JR.  
PRESIDENT JUDGE

ATTEST:  
Nina Capuzzi Frankhouser  
PROTHONOTARY

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## **RULE 212.3**

### **PRE-TRIAL CONFERENCE**

(a) When a case is scheduled for pre-trial conference, it shall not be continued except for just cause and upon order of the pre-trial judge.

(b) The pre-trial conference shall be attended by the attorney who will try the case, or by an attorney who is fully prepared and authorized as to all matters which may reasonably be expected to arise during the conference.

(c) Parties must also be present, except when the real party in interest is an insurance company, a common carrier, corporation or other artificial legal entity, in which instance a representative thereof, other than the attorney, must be present with full authority and power to discuss and settle the case.

(d) The Court shall encourage the amicable settlement of the controversy and the parties and their attorneys shall be prepared to discuss settlement.

(e) The judge presiding at the pre-trial conference shall refer to arbitration all cases where the amount in controversy is found not to exceed the jurisdictional limits of arbitration except where title to lands or tenements may come in question.

(f) If there is not an amicable settlement of the controversy at the pre-trial conference, then the pre-trial judge shall issue a pre-trial adjudication which shall, in the discretion of the judge, control the subsequent course of the action.

**LOCAL RULE 212.5**

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA

IN RE: FAYETTE COUNTY LOCAL RULE 212.5 :  
MEDIATION :  
: NO. 1702 of 2016

ORDER

AND NOW, this 30th day of August, 2016, pursuant to Pennsylvania Rule of Judicial Administration 103(d), it is hereby ordered that Local Rule 212.5 is amended to read as attached hereto.

The Prothonotary is directed as follows:

- (1) Two copies and CD-ROM of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
- (2) One copy of the Local Rule shall be filed with the Administrative Office of Pennsylvania Courts.
- (3) One copy of the Local Rule shall be sent to the Fayette County Law Library and the Editor of the Fayette Legal Journal.

The Administrative Office of Fayette County Courts is directed as follows:

- (1) Publish a copy of the Local Rule on the website of the Administrative Office of Fayette County Courts.
- (2) Thereafter, compile the Local Rule within the complete set of local rules no later than 30 days following the publication in the Pennsylvania Bulletin.

The amendment of the above listed rule shall become effective thirty (30) days after publication in the Pennsylvania Bulletin.

By the Court,  
JOHN F. WAGNER, JR.  
PRESIDENT JUDGE

ATTEST:  
Nina Capuzzi Frankhouser  
PROTHONOTARY

## **RULE 212.5**

### **MEDIATION**

#### **(a) Certification of Mediators.**

(1) The President Judge shall certify as many mediators as determined to be necessary.

(2) All mediators will be members of the Fayette County Bar Association.

(3) An attorney may be certified by the President Judge as a mediator if:

(i) he or she has been a member of the Pennsylvania bar for a minimum of ten (10) years;

(ii) he or she has been admitted to practice before the Fayette County Court of Common Pleas;

(iii) he or she has been referred to the President Judge by the Civil Rules Committee of the Fayette County Bar Association. Notwithstanding such referral, the President Judge may nonetheless certify an attorney as a mediator.

(iv) he or she has been determined by the President Judge to be competent to perform the duties of a mediator;

(v) he or she has professional liability insurance in the minimum amount of a \$300,000.00 single limit policy.

(4) Each individual certified as a mediator shall take the oath or affirmation prescribed by 42 Pa.C.S.A. §3151 before serving as a mediator.

(5) A list of all persons certified as mediators shall be maintained in the office of the Court Administrator.

(6) A member of the bar certified as a mediator may be removed from the list of certified mediators by the President Judge for any reason.

#### **(b) Payment of Mediators.**

(1) The parties shall pay the mediator directly. The court assumes no responsibility for the supervision or enforcement of the parties' agreement to pay for mediation services.

(2) Any charges relating to the mediator's services shall be shared equally by the parties.

(3) The mediator shall be paid a mediation fee of One Hundred and Seventy-Five (\$175.00) Dollars per hour, divided equally among all of the parties to the mediation. A deposit of One Hundred and Seventy-Five (\$175.00) Dollars shall be paid by each party within twenty (20) days of the order directing mediation. Failure to pay the deposit by all parties shall result in the cancellation of the mediation and shall subject the offending party to sanctions pursuant to Pa.R.Civ.P. 4019. Failure to pay the balance due twenty (20) days after receipt of the mediator's bill shall subject the offending party to sanctions pursuant to Pa.R.Civ.P. 4019.

(4) Except as provided herein, a mediator shall not accept anything of value from any source for services provided under the court-annexed mediation program.

#### **(c) Types of Cases Eligible for Mediation.**

Every personal injury, medical or professional malpractice, wrongful death or

damage to property action filed in the Fayette County Court of Common Pleas is eligible for mediation, except any case which the assigned judge determines, after application by any party or by the mediator, is not suitable for mediation.

**(d) Voluntary Mediation.**

The parties to any civil action, with the exception of arbitration and domestic relations/custody cases, may voluntarily submit the case to mediation by filing a joint motion of all parties with the assigned judge in accordance with the local Motions Court procedure.

**(e) Mandatory Mediation.**

The assigned judge may order a case to mandatory mediation at any time. All cases selected for mandatory mediation by the assigned judge, and which are not settled or referred to arbitration, shall be given preference pursuant to Pa.R.Civ.P. 214(2) on the trial list of the assigned judge.

**(f) Mediation Conference Scheduling.**

(1) When the court makes a determination that referral to mediation is appropriate, it shall issue an order referring the case to mediation, appointing the mediator, directing the mediator to establish the date, time and place for the mediation session and setting forth the name, address, and telephone number of the mediator.

Within ten (10) days of his or her assignment, the mediator shall notify all parties and the Court Administrator of the date, time and place of the mediation, which shall be within forty-five (45) days of the assignment.

(2) The mediation session shall be held before a mediator selected by the assigned judge from the list of mediators certified by the President Judge.

(3) The court administrator shall provide the mediator with a current docket sheet.

(4) The mediator shall advise the court administrator as to which documents in the case file the mediator desires copies of for the mediation session. The clerk shall provide the mediator with all requested copies at no charge to the mediator. However, the assigned Judge, in his or her discretion, may require that the parties share in the cost of providing the necessary copies.

(5) Any continuance of the mediation session beyond the period prescribed in the referral order must be approved by the assigned judge.

(6) A person selected as a mediator shall be disqualified for bias or prejudice as if he or she were a district justice or judge. A party may assert the bias or prejudice of an assigned mediator by filing an affidavit with the assigned judge stating that the mediator has a personal bias or prejudice. The judge may, in his or her discretion, end alternative dispute resolution efforts, refer the case to another mediator, refer the case back to the original mediator or initiate another alternative dispute resolution mechanism.

**(g) The Mediation Session and Confidentiality of Mediation Communications.**

(1) The mediation session shall take place as directed by the court and the assigned mediator. The mediation session shall take place in a neutral setting designated by the mediator.



(2) The parties shall not contact or forward documents to the mediator except as directed by the mediator or the court.

(3) At least ten (10) days prior to the Mediation, the parties and/or their attorneys shall be required to prepare and submit a Confidential Position Paper disclosed only to the mediator in the format attached or as modified by the mediator or the assigned judge. The Confidential position paper shall not become a part of the court record and shall be destroyed at the conclusion of the mediation.

(4) If the mediator determines that no settlement is likely to result from the mediation session, the mediator shall terminate the session and promptly thereafter file a report with the assigned Judge stating that there has been compliance with the requirements of mediation in accordance with the local rules, but that no settlement has been reached.

(5) In the event that a settlement is achieved at the mediation session, the mediator shall file a report with the assigned Judge stating that a settlement has been achieved. The order of referral may direct the mediator to file the report in a specific form.

(6) Unless stipulated in writing by all parties and the mediator or except as required by law or otherwise ordered by the court, all discussions which occur during mediation shall remain strictly confidential and no communication at any mediation session (including, without limitation, any verbal, nonverbal or written communication which refers to or relates to mediation of the pending litigation) shall be disclosed to any person not involved in the mediation process, and no aspect of the mediation session shall be used by anyone for any reason.

(7) No one shall have a recording or transcript made of the mediation session, including the mediator.

(8) The mediator shall not be called to testify as to what transpired in the mediation.

(9) Prior to the beginning of the mediation, all parties and their attorneys shall be required to sign a form developed by the Court wherein the parties agree:

(i) to the terms of the mediation; and

(ii) to waive any professional liability claims that they might assert against the mediator, the assigned Judge, the Court of Common Pleas of the 14th Judicial District, or Fayette County, as a result of their participation in the mediation process.

#### **(h) Duties of Participants at the Mediation Session.**

**(1) Parties.** All named parties and their counsel are required to attend the mediation session, participate in good faith and be prepared to discuss all liability issues, all defenses and all possible remedies, including monetary and equitable relief. Those in attendance shall possess complete settlement authority, independent of any approval process or supervision, except as set forth in subparagraphs (A) and (B) below.

Unless attendance is excused, willful failure to attend the mediation session will be reported by the mediator to the court and may result in the imposition of sanctions pursuant to Pa.R.Civ.P. 4019.

**(A) Corporation or Other Entity.** A party other than a natural person (e.g., a corporation or association) satisfies this attendance requirement if represented by a

person (other than outside counsel) who either has authority to settle or who is knowledgeable about the facts of the case, the entity's position, and the policies and procedures under which the entity decides whether to accept proposed settlements.

**(B) Government Entity.** A unit or agency of government satisfies this attendance requirement if represented by a person who either has authority to settle or who is knowledgeable about the facts of the case, the government unit's position, and the policies and procedures under which the governmental unit decides whether to accept proposed settlements. If the action is brought by or defended by the government on behalf of one or more individuals, at least one such individual also shall attend.

**(2) Counsel.** Each party shall be accompanied at the mediation session by the attorney who will be primarily responsible for handling the trial of the matter.

**(3) Insurers.** Insurer representatives are required to attend in person unless excused, if their agreement would be necessary to achieve a settlement. Insurer representatives shall possess complete settlement authority, independent of any approval process or supervision.

**(4) Request to be Excused.** A person who is required to attend a mediation session may be excused from attending in person only after a showing that personal attendance would impose an extraordinary or otherwise unjustifiable hardship. A person seeking to be excused must submit, no fewer than ten (10) days before the date set for the mediation, a written request to the mediator, simultaneously copying all counsel. The written request shall set forth all considerations that support the request and shall indicate whether the other party or parties join in or object to the request. A proposed order prepared for the signature of the Judge shall be submitted to the mediator with the request. The mediator shall promptly consider the request and shall submit the proposed order to the Judge with a recommendation that the request be granted or denied. In the absence of an order excusing attendance, the person must attend.

Where an individual requests to be excused from personal participation at the mediation, a preference shall be given to attending by telephone at the expense of the excused party rather than complete excusal from the mediation.

**(i) Mediator's Report.**

Within fifteen (15) days of the mediation, the mediator shall send to the assigned judge a mediation report which shall advise that court whether the case has settled. If not, the mediation report shall set forth the following:

- (1) plaintiff's final settlement demand;
- (2) defendant's final settlement offer;
- (3) Mediator's assessment of liability;
- (4) Mediator's assessment of damages;
- (5) Mediator's opinion regarding potential range of verdict and settlement value of case; and
- (6) Mediator's recommendation regarding settlement of case.

The mediator shall provide all parties and the Court Administrator with a copy of the mediation report.

**Appendix A: Form for Confidential Position Paper**

## Confidential Position Paper

Case Caption:

Docket #:

Assigned Judge:

Date of Report:

- A. Summary of Critical Facts
- B. Insurance Coverage
- C. Prior demands and offers of settlement
- D. Issues that may Assist the Mediator, with citations
- E. Medical and Expert reports
- F. Itemized list of damages
- G. succinct statement of position regarding liability and damages

**ADMINISTRATIVE ORDER**

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA

IN RE: APPROVAL FOR MAGISTERIAL :  
DISTRICT JUDGES TO SENTENCE :  
OFFENDERS TO INTERMEDIATE :  
PUNISHMENT : NO. AD-1-2016

ORDER

AND NOW, this 30th day of August, 2016, it is hereby Ordered that the Administrative Order for Magisterial District Judges to sentence to Intermediate Punishment is amended as attached.

The Clerk of Courts is directed as follows:

- (1) File one (1) copy of the Administrative Order with the Administrative Office of Pennsylvania Courts
- (2) Two (2) copies and CD-ROM of the Administrative Order shall be distributed to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
- (3) One certified copy shall be sent to the Fayette County Law Library and the Editor of the Fayette Legal Journal.

The Administrative Office of Fayette County Courts is directed as follows:

- (1) Publish a copy of the Administrative Order on the website of the Administrative Office of Fayette County Courts.
- (2) Thereafter, compile the Administrative Order within the complete set of local rules no later than 30 days following the publication in the Pennsylvania Bulletin.

The amendment of the Administrative Order for Magisterial District Judges to sentence to Intermediate Punishment shall become effective thirty (30) days after publication in the Pennsylvania Bulletin.

By the Court,  
JOHN F. WAGNER, JR.  
PRESIDENT JUDGE

ATTEST:  
Janice Snyder  
Clerk of Courts

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**AMENDED ADMINISTRATIVE ORDER****APPROVAL FOR MAGISTERIAL DISTRICT JUDGES  
TO SENTENCE OFFENDERS TO INTERMEDIATE  
PUNISHMENT**

It is hereby ORDERED that, pursuant to Act 41 of 2000, the Magisterial District Judges of Fayette County are approved to sentence, at their discretion, offenders who are convicted of a violation of 75 Pa. C.S.A. § 1543(a) (Driving While Operating Privilege is Suspended or Revoked) and 75 Pa. C.S.A. § 1543(b) (Driving While Operating Privilege is Suspended or Revoked – DUI Related) to Intermediate Punishment for the applicable mandatory period.

All court costs, fines and the Offender Supervision Fee shall be collected and disbursed by the Magisterial District Judges. The Electronic Monitoring fee shall be collected by the Fayette County Adult Probation and Parole Department.

The Magisterial District Judges of Fayette County are further authorized and approved to revoke an offender's participation in the Intermediate Punishment Program upon motion by the Fayette County Adult Probation Office and after hearing. Upon revocation of an offender's participation in the Intermediate Punishment Program the Magisterial District Judge shall have the authority to resentence and shall have the discretion to credit the offender for time served while on Intermediate Punishment with electronic monitoring.

## MALPRACTICE AVOIDANCE SEMINAR

The annual PBA Malpractice Avoidance Seminar will be held at the Penn State Fayette Campus Eberly Building on **October 25, 2016 at 2:00 p.m.**

With the Pennsylvania Bar Association Insurance Program, advised and administered by USI Affinity, you have the ability to gain valuable malpractice avoidance information and earn up to a 7.5% discount on your malpractice insurance. The Malpractice Avoidance Seminar, sponsored by the Pennsylvania Bar Association Insurance Program and the Pennsylvania Bar Institute, has been approved by the Pennsylvania Continuing Legal Education Board for 1.5 hours of ethics, professionalism, or substance abuse CLE credit. The 7.5% credit will be pro-rated based on the number of attorneys in the firm who attend the seminar. The discount does not apply to part-time policies.

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For more information call  
Gabriele Miller-Wagner at 1-800-932-0311, ext. 2240  
REGISTRATION FEE IS \$30 PER ATTORNEY

Online prepayment and preregistration are  
highly recommended.  
[www.pabar.org/public/localbar/countybarprograms.asp](http://www.pabar.org/public/localbar/countybarprograms.asp)

**NOTICE**

To Members of the Bar:

Please take note that, effective September 1, 2016, the Fayette County Register of Wills Office will no longer accept for filing any document that is not in conformity with the Orphans Court Rules adopted by the Pennsylvania Supreme Court.

The Fayette County Bar Association is planning a Learning Series session; details will follow.

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