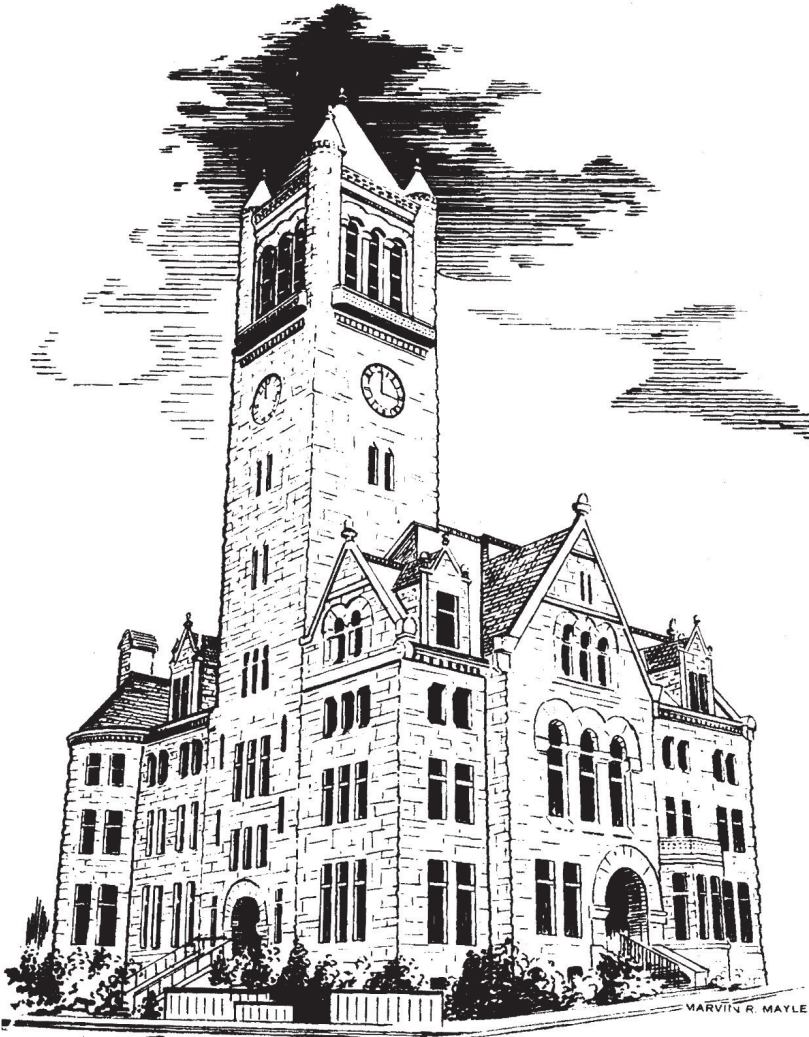


# FAYETTE LEGAL JOURNAL

VOL. 78

AUGUST 15, 2015

NO. 33



## FAYETTE LEGAL JOURNAL

The FAYETTE LEGAL JOURNAL is published weekly by the Fayette County Bar Association, 2 West Main Street, Suite 711, Uniontown, Pennsylvania 15401, 724-437-7994. Legal advertisements should be submitted online at [www.fcbar.org](http://www.fcbar.org) no later than 12:00 noon on Friday for publication the following Saturday. No date of publication is promised, however. Legal notices are published exactly as submitted by the advertiser. Copyright 2001 Fayette County Bar Association. All rights reserved.

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## ESTATE NOTICES

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

### Third Publication

**BETTY J. LANE**, late of Connellsville Township, Fayette County, PA (3)  
*Personal Representative:* Mary Jo Wilhelm  
 c/o Richard A. Husband  
 Riverfront Professional Center  
 208 South Arch Street, Suite 2  
 Connellsville, PA 15425  
*Attorney:* Richard A. Husband

**HELEN TRETINIK**, late of South Union Township, Fayette County, PA (3)  
*Executrix:* Suzanne E. Tretinik  
 c/o 45 East Main Street, Suite 500  
 Uniontown, PA 15401  
*Attorney:* James E. Higinbotham, Jr.

**DONNA J. MCCANN**, late of Franklin Township, Fayette County, PA (3)  
*Executrix:* Carol Wolfe  
 c/o Molinaro Law Offices  
 PO Box 799  
 Connellsville, PA 15425  
*Attorney:* Carmine V. Molinaro, Jr.  
 Molinaro Law Offices

**KEITH A. SAUNDERS**, late of Uniontown, Fayette County, PA (3)  
*Administrators:* Jennifer Helms and  
 Christopher Saunders  
 c/o J.W. Eddy, Esquire  
 80 East Main Street  
 Uniontown, PA 15401  
*Attorney:* J.W. Eddy

**MARGARET J. SHAFFER**,  
 A/K/A MARGARET JANE SHAFFER, late  
 of Dunbar Township, Fayette County, PA (3)  
*Personal Representative:* Patricia S. Hensel  
*Attorney:* Charles W. Watson  
 Watson Mundorff Brooks & Sepic, LLP  
 720 Vanderbilt Road  
 Connellsville, PA 15425

**ANNA M. STEFANO**, late of Dunbar Township, Fayette County, PA (3)  
*Personal Representative:*  
 James P. Stefano Jr.  
*Attorney:* Charles W. Watson  
 Watson Mundorff Brooks & Sepic, LLP  
 720 Vanderbilt Road  
 Connellsville, PA 15425

**DAVID EARL WHITLOCK**, late of New Salem, Fayette County, PA (3)  
*Executor:* David Whitlock, Jr.  
 c/o J.W. Eddy, Esquire  
 80 East Main Street  
 Uniontown, PA 15401  
*Attorney:* E.W. Eddy

### Second Publication

**MARIE C. BENKO**, late of Uniontown, Fayette County, PA (2)  
*Personal Representative:*  
 Mona Benko Brabel  
 c/o Thomas W. Shaffer  
 11 Pittsburgh Street  
 Uniontown, PA 15401  
*Attorney:* Thomas W. Shaffer

**MILDRED BOOTZ**, late of German Township, Fayette County, PA (2)  
*Administrator:* Marie Horne  
 c/o Benjamin F. Goodwin  
 92 East Main Street, Suite 20  
 Uniontown, PA 15401  
*Attorney:* Benjamin F. Goodwin

**SHARON MARIE GALLO, A/K/A SHARON M. GALLO**, late of Henry Clay Township, Fayette County, PA (2)

*Administratrix:* Tara L. Jackson  
c/o 96 East Main Street  
Uniontown, PA 15401  
*Attorney:* Simon B. John

---

**RUDOLPH L. KOLENCIK**, late of Perryopolis Borough, Fayette County, PA (2)

*Executrix:* Julia Ann Ziring  
c/o 51 East South Street  
Uniontown, PA 15401  
*Attorney:* Webster & Webster

---

**MARY C. MARTIN**, late of Dunbar Borough, Fayette County, PA (2)

*Personal Representative:* Janice M. Beal  
*Attorney:* Charles W. Waston  
Watson Mundorff Brooks & Sepic, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425.

---

**MARTHA J. MCGINTY**, late of Uniontown, Fayette County, PA (2)

*Executrix:* Flo Ann Hyde  
930 Maplewood Drive  
Pittsburgh, PA 15234  
*Attorney:* Betty A. Dillon  
1725 Washington Road, Suite 503  
Pittsburgh, PA 15241

---

**JOHN J. WOZNIAK, SR.**, late of Belle Vernon, Fayette County, PA (2)

*Executrix:* Debra Zadrozny  
412 Broad Avenue  
Belle Vernon, PA 15012  
c/o Melenyzer & Agrafiotis  
411 Washington Avenue  
Charleroi, PA 15022

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## First Publication

**LOIS RITTER BELZ, A/K/A LOIS BELZ**, late of Bullskin Township, Fayette County, PA (1)

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

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**CLARA E. CLEGG, A/K/A CLARA CLEGG**, late of Belle Vernon Borough, Fayette County, PA (1)

*Executrix:* Jennifer A. Clegg  
321 Water Street  
Belle Vernon, PA 15012  
*Attorney:* Maria Spina Altobelli  
Mears, Smith, Houser & Boyle, P.C.  
127 North Main Street  
Greensburg, PA 15601

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**RICHARD F. KOVACS**, late of Bullskin Township, Fayette County, PA (1)

*Executrix:* Sandara K. Saldanha  
3413 Somerset Tracese  
Marietta, GA 30067  
*Attorney:* Robert C. Lucas  
101 Simpson Howell Road  
Elizabeth, PA 15037

---

**FRED L. LEBDER, A/K/A FRED LEBDER**, late of Uniontown, Fayette County, PA (1)

*Personal Representative:*  
Jerry A. Meadows  
*Attorney:* Gary J. Frankhouser  
Davis & Davis  
107 East Main Street  
Uniontown, PA 15401

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**HARRY W. LYTTLE**, late of Henry Clay Township, Fayette County, PA (1)

*Executrix:* Loretta Jane Burnworth  
1066 Mae West Road  
Confluence, PA 15424  
*Attorney:* C. Gregory Frantz  
118 West Main Street, Suite 304  
Somerset, PA 15501

---

**KAREN RHODES, A/K/A KAREN D. RHODES**, late of Georges Township, Fayette County, PA (1)

*Administratrix:* Nancy Jean Jacobs  
c/o John A. Kopas III, Esquire  
556 Morgantown Road  
Uniontown, PA 15401;  
*Attorney:* John A. Kopas III

**PHILIP SWANEY, A/K/A PHILIP D. SWANEY**, late of Nicholson Township, Fayette County, PA (1)

*Administratrix:* Rikki Swaney  
706 First Street  
Smock, PA 15480  
*Attorney:* Mark E. Ramsier  
823 Broad Avenue  
Belle Vernon, PA 15012

**MADLINE SHUTOK**, late of North Union Township, Fayette County, PA (1)

*Personal Representative:* Linda C. Shutok  
660 Lakeside Drive  
Canonsburg, PA 15317;  
*Attorney:* James P. Liekar  
38 West Pike Street  
Canonsburg, PA 15317

**GERALD WHITE**, late of South Union Township, Fayette County, PA (1)

*Executrix:* Gerri L. Acton  
445 Bow Street  
PO Box 6  
Stockdale, PA 15483  
*Attorney:* Dennis R. Paluso  
230 Fallowfield Avenue  
Charleroi, PA 15022

**GREGORY A. DETAR**, late of Connellsville, Fayette County, PA (1)

*Administrator:* Jeffrey Detar  
c/o Ned J. Nakles, Jr.  
1714 Lincoln Avenue  
Latrobe, PA 15650  
*Attorney:* Ned J. Nakles, Jr.  
Nakles and Nakles

**DELORES M. MAZURIK**, late of Dunbar Township, Fayette County, PA (1)

*Executor:* Thomas R. Mazurik, Jr.  
138 Buck Hill Road  
Waynesburg, PA 15370  
*Attorney:* Timothy N. Logan  
54 N. Richhill Street  
Waynesburg, PA 15370

**HELENCY M. SISCO, A/K/A HELENCY MABEL SISCO**, late of Masontown Borough, Fayette County, PA (1)

*Executrix:* Beverly Short  
c/o 51 East South Street  
Uniontown, PA 15401  
*Attorney:* Webster & Webster

## LEGAL NOTICES

Fayette County Court of Common Pleas  
Number: 792 of 2015GD  
Notice of Action in Mortgage Foreclosure

**Green Tree Servicing LLC, Plaintiff**  
v.

**Alberta Marie Chronowski a/k/a Alberta M. Chronowski a/k/a Alberta Chronowski, Known Surviving Heir of Betty Watson, Deceased Mortgage and Real Owner, Audrey C. Maddas a/k/a Audrey Watson Maddas a/k/a Audrey Maddas, Known Surviving Heir of Betty Watson, Deceased Mortgage and Real Owner, Cullen B. Watson, Known Surviving Heir of Betty Watson, Deceased Mortgage and Real Owner, Denise Watson a/k/a Denise M. Watson, George Watson a/k/a George Watson III, Known Surviving Heir of Betty Watson, Deceased Mortgage and Real Owner, Georgia Brown, Known Surviving Heir of Betty Watson, Deceased Mortgage and Real Owner, Herbert Watson, Known Surviving Heir of Betty Watson, Deceased Mortgage and Real Owner, Marynee R. Robaugh a/k/a Marynee Robaugh, Known Surviving Heir of Betty Watson, Deceased Mortgage and Real Owner, Roger K. Watson, Known Surviving Heir of Betty Watson, Deceased Mortgage and Real Owner, Scott A. Watson, Known Surviving Heir of Betty Watson, Deceased**

**Mortgagor and Real Owner and Unknown Surviving Heirs of Betty Watson, Deceased Mortgagor and Real Owner, Defendants**

**SHERIFF'S SALE**

**TO: Unknown Surviving Heirs of Betty Watson, Deceased Mortgagor and Real Owner.**

Premises subject to foreclosure: 133 Green Street, Dunbar, Pennsylvania 15431. 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. **Pennsylvania Lawyer Referral Service, Pennsylvania Bar Association, 100 South Street, P.O. Box 186, Harrisburg, Pennsylvania 17108, (800) 692-7375.** McCabe, Weisberg & Conway, P.C., Attorneys for Plaintiff, 123 S. Broad St., Ste. 14 00, Phila., PA 19109, 215-790-1010

**Date of Sale: October 8, 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, October 8, 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. (1)

Gary D. Brownfield, Sr.  
Sheriff Of Fayette County

**NOTICE OF INCORPORATION**

NOTICE is hereby given that Articles of Incorporation were filed with and approved by the Department of State of the Commonwealth of Pennsylvania, on June 15, 2015, pursuant to the provisions of the Business Corporation Law of Pennsylvania of 1988, as amended. The name of the corporation is FAYETTE AVIATION, INC.

Richard E. Myers  
Attorney at Law  
607 East Pittsburgh Street  
Greensburg, Pennsylvania 15601

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

No. 2705 of 2012 GD  
 No. 186 of 2015 ED

**Ocwen Loan Servicing, LLC,**  
**Plaintiff,**  
**v.**

**Rebecca L. Adams, Personal Representative  
 of the Estate of Theodora L. Fischer,  
 Unknown Heirs, Successors, Assigns and All  
 Persons, Firms or Associations Claiming  
 Right, Title or Interest from or under  
 Theodora L. Fischer, Deceased, Coe B.  
 Fischer, Known Heir of Theodora L. Fischer,  
 Ian E. Fischer, Known Heir of Theodora L.  
 Fischer, Estate of Theodora L. Fischer, c/o  
 Rebecca L. Adams, Personal Representative,  
 Defendant(s).**

ALL THAT CERTAIN LOT OF LAND  
 SITUATE IN CITY OF UNIONTOWN,  
 FAYETTE COUNTY, PENNSYLVANIA:  
 BEING KNOWN AS 8 1/2 Apple Street,  
 Uniontown, PA 15401

PARCEL NUMBER: 38-13-0560  
 IMPROVEMENTS: Residential Property

No. 51 of 2015 GD  
 No. 246 of 2015 ED

**U.S. BANK NATIONAL ASSOCIATION,  
 AS TRUSTEE FOR THE PENNSYLVANIA  
 HOUSING FINANCE AGENCY,**

**Plaintiff,**  
**v.**  
**Clarissa L. Angelo,**  
**Defendant.**

ALL that certain lot of land situate in the  
 Second Ward of the City of Uniontown, County  
 of Fayette and Commonwealth of Pennsylvania,  
 known as Lot No . 144 in Coffey's Addition to  
 said City, as recorded in Fayette County Plan  
 Book No. 1, page 131, and having thereon  
 erected thereon a residential dwelling known as  
 45 East Kerr Street, Uniontown, PA 15401.

Tax Parcel No: 38-01 -0247  
 Fayette County Record Book 3106, Page

No. 1028 of 2011 GD  
 No. 172 of 2015 ED

**THE BANK OF NEW YORK MELLON, AS  
 TRUSTEE FOR CIT MORTGAGE LOAN  
 TRUST 2007-1, BY VERICREST  
 FINANCIAL, INC. AS ATTORNEY- IN-  
 FACT,**

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

**Rodney A. Basinger as Executor of the  
 Estate of Gerald H. Darrell, and  
 Heather D. Basinger as Executrix of the  
 Estate of Gerald H. Darrell,  
 Defendants.**

ALL THAT CERTAIN tract of land situate  
 in German Township, Fayette County,  
 Pennsylvania, known as Lot No. 2 in a  
 Subdivision of property of James C. and Yvonne  
 Solomon as recorded in the Recorder of Deeds  
 Office of Fayette County, Pennsylvania, in Plan  
 Book 20, page 2.

BEING THE SAME PREMISES which  
 James C. Solomon and Yvonne Solomon, his  
 wife, by Deed dated September 23, 1986 and  
 recorded September 23, 1986 in the Office of the  
 Recorder of Deeds in and for Fayette County in  
 Deed Book Volume 203, Page 209 granted and  
 conveyed unto Gerald H. Darrel and Joyce K.  
 Darrel, his wife.

BEING KNOWN AS: 178 Mary Hall  
 Road, McClellandtown, PA 15458  
 PARCEL # 15-11-0028-01

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

No. 735 of 2015 GD  
 No. 192 of 2015 ED

**LSF9 Master Participation Trust,  
 13801 Wireless Way  
 Oklahoma City, OK 73134,**

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

**MELISSA BLADES and  
 DAVID A. BLADES, SR.,**

**Mortgagor(s) and Record Owner(s)**  
**197 Coates Way**  
**Fayette City, PA 15438**  
**Defendant.**

ALL THAT CERTAIN piece or parcel of land lying and situate in the Township of Washington, County of Fayette and Commonwealth of Pennsylvania.

TAX. PARCEL #41- 18-0002  
 PROPERTY ADDRESS: 197 Coates Way Fayette City, PA 15438  
 IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF: MELISSA BLADES and DAVID A. BLADES SR.

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

No. 3493 of 2010 GD  
 No. 181 of 2015 ED

**NATIONSTAR MORTGAGE LLC**  
**350 Highland Drive**  
**Lewisville, TX 75067,**  
**Plaintiff,**  
**v.**  
**Arlene Drakes Booker, Solely in Her Capacity as Heir of Donald C. Drakes, Deceased,**  
**Roverta Drakes, Solely in Her Capacity as Heir of Donald C. Drakes, Deceased,**  
**Mortgagor(s) and Record Owner(s)**  
**56 Clark Street**  
**Uniontown, PA 15401**  
**Defendant(s).**

ALL THAT CERTAIN piece or parcel of land situate in North Union Township, County of Fayette and Commonwealth of Pennsylvania.

TAX PARCEL # 25-47-0023  
 PROPERTY ADDRESS: 56 Clark Street Uniontown, PA 15401  
 IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF: Arlene Drakes Booker, Solely in Her Capacity as Heir of Donald C. Drakes, Deceased and Roverta Drakes, Solely in Her Capacity as Heir of Donald C. Drakes, Deceased

Phelan Hallinan Diamond & Jones, LLP

No. 1592 of 2014 GD  
 No. 185 of 2015 ED

**Pennymac Loan Services, LLC,**  
**Plaintiff,**  
**v.**  
**James M. Carey a/k/a James Madison Carey**  
**Kathy Carey a/k/a Kathy Lynn Carey,**  
**Defendants.**

Owner(s) of property situate in the GEORGES TOWNSHIP, Fayette County, Pennsylvania, being 745 Walnut Hill Road, Uniontown, PA 15401-5063

Parcel No.: 14010019, 14030001  
 Improvements thereon: RESIDENTIAL DWELLING

Phelan Hallinan Diamond & Jones, LLP

No. 2260 of 2013 GD  
 No. 170 of 2015 ED

**Wells Fargo Bank, N.A. s/b/m Wells Fargo Home Mortgage Inc.,**  
**Plaintiff,**  
**v.**  
**Sandra L. Cherry**  
**Defendant.**

Owner(s) of property situate in the DUNBAR TOWNSHIP, Fayette County, Pennsylvania, being 31 Ranch Road, Dunbar, PA 15431 -1529

Parcel No.: 09-31 -0069  
 Improvements thereon: RESIDENTIAL DWELLING



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

No. 379 of 2015 GD  
 No. 213 of 2015 ED

**NATIONSTAR MORTGAGE LLC**  
**8950 Cypress Waters Boulevard**  
**Coppell, TX 75019,**  
**Plaintiff,**

v.

**LISA I. DAUGHERTY**  
**9Jeanette Street**  
**Point Marion, PA 15474,**  
**Mortgagor(s) and Record Owner(s).**

ALL THAT CERTAIN tract of land situate in the Borough of Point Marion, County of Fayette and Commonwealth of Pennsylvania.

TAX PARCEL #29-03-0009

PROPERTY ADDRESS: 9 Jeanette Street  
 Point Marion, PA 15474

IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF: LISA I. DAUGHERTY

Phelan Hallinan Diamond & Jones, LLP

No. 1867 of 2014 GD  
 No. 247 of 2015 ED

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

**Plaintiff,**

v.

**Carol A. Del Pinto a/k/a Carol Delpinto a/k/a Carol A. Delpinto**  
**Louis A. Del Pinto a/k/a Louis A. Delpinto,**  
**Defendant(s).**

Owner(s) of property situate in the NORTH UNION TOWNSHIP, Fayette County, Pennsylvania, being 1240 North Gallatin Avenue, aka 1240

North Gallatin Avenue Ext, Uniontown, PA 15401- 2106

Parcel No.: 25-12-0191

Improvements thereon: RESIDENTIAL DWELLING

No. 2617 of 2014 GD  
 No. 191 of 2015 ED

**CitiMortgage, Inc., successor by merger with CitiFinancial Mortgage Company, Inc.**

**Plaintiff,**

v.

**Michael J. Demniak,**  
**Defendants.**

ALL THAT RIGHT, TITLE, INTEREST AND CLAIMS OF MICHAEL J. DEMNIAK AND MICHAEL J. DEMNIAK, OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT CERTAIN LOT OR PARCEL OF LAND SITUATE IN GERMAN TOWNSHIP, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA, BEING MORE FULLY DESCRIBED AT DBV 2793, PAGE 2025.

BEING KNOWN AS 150 DEMNIAK ROAD, MCCLELLANDTOWN, PA 15458

TAX MAP NO. 15-35-40-1

Phelan Hallinan Diamond & Jones, LLP

No. 1802 of 2013 GD  
 No. 257 of 2015 ED

**Bank of America, N.A.,**  
**Plaintiff,**

v.

**Greg W. Ferrence and Gail R. Richardson,**  
**Defendant(s).**

Owner(s) of property situate in the WASHINGTON TOWNSHIP, Fayette County, Pennsylvania, being 1238 Linn Drive, Belle Vernon, PA 15012-2449

Parcel No.: 41-02-0028

Improvements thereon: RESIDENTIAL DWELLING

No. 2522 of 2014 GD  
No. 235 of 2015 ED

No. 1539 of 2014 GD  
No. 236 of 2015 ED

**PNC BANK, NATIONAL ASSOCIATION,**  
**successor by merger to NATIONAL CITY**  
**BANK,**  
**Plaintiff,**  
**vs.**  
**ARTHUR C. FORSYTHE,**  
**Defendant.**

**GREEN TREE SERVICING LLC,**  
**Plaintiff,**  
**v.**  
**Keith M. Fuller and Susan Fuller,**  
**Defendants.**

ALL THE RIGHT TITLE, INTEREST  
AND CLAIMS OF ARTHUR C. FORSYTHE,  
OF, IN AND TO THE FOLLOWING  
DESCRIBED PROPERTY:

ALL THAT PARCEL OF LAND  
SITUATE IN THE TOWNSHIP OF PERRY,  
FAYETTE COUNTY, PA, BEING PARCEL 27  
-03-0035, MORE FULLY DESCRIBED IN  
BOOK 2865, PAGE 2086.

BEING KNOWN AS 1789 BANNING  
ROAD, DAWSON, PA 15428.  
TAX PARCEL NO. 27-03-0035

ALL the following described tract or parcel  
of lands, situate in North Union Township,  
Fayette County, Pennsylvania.

BEING THE SAME PREMISES which  
Marla Rae Trincia n/k/a Marla R. Correal and  
Patsy Correal, her husband, by Deed dated  
March 27, 1991 and recorded April 16, 1991 in  
the Office of the Recorder of Deeds in and for  
Fayette County in Deed Book Volume 812, Page  
272, granted and conveyed unto Keith M. Fuller  
and Susan Fuller, his wife.

BEING KNOWN AS: 22 Coolidge Street,  
Uniontown, PA 15401  
PARCEL #25-23-0122

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Phelan Hallinan Diamond & Jones, LLP

No. 2115 of 2014 GD  
No. 201 of 2015 ED

**US Bank National Association, as Trustee for**  
**Citigroup Mortgage Loan Trust, Inc. 2007-**  
**Ah11, Asset-Backed Pass-Through**  
**Certificates Series 2007-Ah11,**  
**Plaintiff,**  
**v.**  
**Edgar J. Friend,**  
**Defendant(s)**

Owner(s) of property situate in the SOUTH  
UNION TOWNSHIP, Fayette County,  
Pennsylvania, being 9 Lawn Avenue Extension,  
Uniontown, PA 15401-5337

Parcel No.: 34-18-0154  
Improvements thereon: RESIDENTIAL  
DWELLING

---

No. 709 of 2013 GD  
No. 215 of 2015 ED

**UNITED BANK, INC.,**  
**Plaintiff,**  
**v.**  
**DONALD R. GEARHART, SR. and**  
**TAMMIE V. GEARHART**  
**Defendants.**

ALL THE FOLLOWING DESCRIBED  
REAL ESTATE SITUATED IN THE  
TOWNSHIP OF DUNBAR, COUNTY OF  
FAYETTE, AND COMMONWEALTH OF  
PENNSYLVANIA. HAVING ERECTED  
THEREON A SINGLE FAMILY DWELLING  
BEING KNOWN AS 2011 LEXINGTON  
DRIVE, CONNELLSVILLE, PA 15425 DEED  
BOOK VOLUME RB2841, PAGE 1063 AND  
PARCEL ID 09-05-0132

No. 2731 of 2012 GD  
 No. 203 of 2015 ED

**U. S. BANK NATIONAL ASSOCIATION,  
 AS TRUSTEE FOR THE PENNSYLVANIA  
 HOUSING FINANCE AGENCY,**

**Plaintiff,  
 vs.**

**EDWARD B. GLOVER AND  
 JACQUELINE M. GLOVER,  
 Defendants.**

ALL THAT CERTAIN lot or piece of ground situate in the Township of Franklin, County of Fayette and Commonwealth of Pennsylvania, on the East side of the public road known as the Old Pittsburgh Road, now a township road, containing one (1) acre according to a survey made by H. B. Gans, Eng., on August 28, 1953. HAVING THEREON ERECTED DWELLING KNOWN AS: 26 OLD PITTSBURGH LANE, SMOCK, PA 15480.

Tax Parcel # 13-08-0017  
 Fayette County Record Book 3195 Page 2423

ALL THAT CERTAIN piece or parcel of land situate in the borough of Brownsville, county of Fayette and commonwealth of Pennsylvania, and being part of lots nos. 90 and 91 in the general plan of the borough of Bridgeport, which plan is of record in the office of the recorder of deeds of Fayette county, Pennsylvania, in plan book Vol. 1, page 20

TAX parcel ID: 02-07-0243  
 ADDRESS: 302-304 Catherine Avenue  
 Brownsville, PA 15417

HAVING erected a dwelling known as 302 -304 Catherine Avenue, Brownsville, PA 15417  
 ALSO being designated as tax parcel I.D. #02-07-0243.

PARCEL IDENTIFICATION NO: 02-07-0243

PROPERTY: 302-304 Catherine Avenue,  
 Brownsville, PA 15417

IMPROVEMENTS: Residential Dwelling  
 TO BE SOLD AS THE PROPERTY OF:  
 Delbert W. Hess, III, Brian J. Hess and Daniel Alan Hess, in their capacity as heirs of Delbert W. Hess, Deceased and Darlene Hess, Deceased

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

No. 1600 of 2014 GD  
 No. 221 of 2015 ED

**Federal National Mortgage Association  
 ("Fannie Mae")**

**3900 Wisconsin Avenue, NW  
 Washington DC 20016-2892,  
 Plaintiff,**

**vs.**

**Delbert W. Hess, III, Brian J. Hess And  
 Daniel Alan Hess, In Their Capacity As Heirs  
 Of Darlene Hess, Deceased And Unknown  
 Heirs, Successors, Assigns And All Persons,  
 Firms Or Associations Claiming Right, Title  
 Or Interest From Or Under Darlene Hess,  
 Deceased,  
 302-304 Catherine Avenue  
 Brownsville, PA 15417,  
 Defendants.**

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

No. 2221 of 2014 GD  
 No. 259 of 2015 ED

**Federal National Mortgage Association  
 ("Fannie Mae")**

**3900 Wisconsin Avenue, NW  
 Washington DC 20016-2892,  
 Plaintiff,**

**vs.**

**Jeff Johnson a/k/a Jeffrey R. Johnson  
 227 Van Meter Road  
 Belle Vernon, PA 15012,  
 Defendants.**

ALL those two certain lots of land situate in the Borough of Belle Vernon, County of Fayette and Commonwealth of Pennsylvania, being Lots Nos . 109 and 110 in the general plan of said CONTAINING 12,000 square feet, more

or less.

HAVING erected thereon a dwelling known and numbered as 312 Wood Street and being designated by the Fayette County Assessment Bureau as Tax Map Parcel No. 01-03-0002.

THIS CONVEYANCE IS SUBJECT TO a sewer extending from the property now or formerly of James DeRose crossing Strawberry Alley and Lot No. 110 to Solomon Street.

SUBJECT ALSO to the exceptions and reservations as contained in prior deeds of record.

PARCEL IDENTIFICATION NO: 01-03-0002

TITLE TO SAID PREMISES IS VESTED IN Jeffrey R. Johnson, single, by Deed from William P. Gratta, single, dated 03/20/2004, recorded 03/23/2004 in Book 2898, Page 1483.

TAX PARCEL# 01-03-0002

PROPERTY: 312 Wood Street, Belle Vernon, PA 15012

IMPROVEMENTS: Residential Dwelling TO BE SOLD AS THE PROPERTY OF: Jeff Johnson a/k/a Jeffrey R. Johnson

Phelan Hallinan Diamond & Jones, LLP

No. 1978 of 2013 GD  
No. 183 of 2015 ED

**Bank of America, N.A., as Successor by Merger to BAC Home Loans Servicing, LP f/ k/a Countrywide Home Loans Servicing, LP,**  
**Plaintiff,**

v.

**Pamela Johnson, in Her Capacity as Heir of Violet F. Harvey a/k/a Violet Harvey, Deceased, Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Violet F. Harvey a/k/a Violet Harvey, Deceased,**  
**Defendant(s).**

Owner(s) of property situate in the REDSTONE TOWNSHIP, Fayette County, Pennsylvania, being 484 Grindstone Road, Grindstone, PA 15442-2001.

Parcel No.: 30060234

Improvements thereon: RESIDENTIAL DWELLING

STERN & EISENBERG PC  
Andrew J. Marley, Esquire

No. 1054 of 2015 GD  
No. 241 of 2015 ED

**Wilmington Trust, National Association, not in its individual capacity but as Trustee of ARLP Securitization Trust, Series 2014-1, c/o Ocwen Loan Servicing, LLC,**

**Plaintiff,**

v.

**Beth S. Kunak,**  
**Defendant(s).**

SITUATE IN CONNELLSVILLE TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA, BEING KNOWN AS 111 BREAKNECK AVENUE, CONNELLSVILLE, PA 15425

PARCEL NO. 6-2-143

IMPROVEMENTS - RESIDENTIAL REAL ESTATE

SOLD AS THE PROPERTY OF - BETH S. KUNAK

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

No. 2540 of 2014 GD  
No. 237 of 2015 ED

**Beneficial Consumer Discount Co. d/b/a/ Beneficial Mortgage Co. of Pennsylvania,**  
**Plaintiff,**

v.

**Robert J. Michael, Sr. and Vera J. Michael,**  
**Defendants.**

All that certain piece or parcel or Tract of land situate Wharton Township, Fayette County, Pennsylvania, and being known as 488 Wharton Furnace Road, Farmington, Pennsylvania 15437.

Being known as: 488 Wharton Furnace Road, Farmington, Pennsylvania 15437

Title vesting in Robert J. Michael, Sr. and Vera J. Michael, husband and wife, by deed from John W. Hull and Mary E. Hull, His Wife dated December 2, 1976 and recorded December 2, 1976 in Deed Book 1209, Page 185.

Tax Parcel Number: 42-15-0005

Phelan Hallinan Diamond & Jones, LLP

No. 254 of 2014 GD  
 No. 212 of 2015 ED

**JPMorgan Chase Bank, N.A.,  
 Plaintiff,**

v.

**James M. Miller and Kimberly J. Miller,  
 Defendant(s).**

Owner(s) of property situate in the UPPER TYRONE TOWNSHIP, Fayette County, Pennsylvania, being 451 Hickory Square Road, a/k/a 466 Hickory Square Road, Connellsville, PA 15425-6129

Parcel No.: 39-13-0030-01

Improvements thereon: RESIDENTIAL DWELLING

SHIRE LAW FIRM  
 Bernard S. Shire, Esquire  
 1295 Grand Boulevard, Suite 103  
 Monessen, PA 15062  
 (724) 684-8881

No. 671 of 2014 GD  
 No. 175 of 2015 ED

**MON VALLEY COMMUNITY FEDERAL  
 CREDIT UNION,**

**Plaintiff,**

v.

**JOANN NELSON, TERRE-TENANT,  
 Defendant.**

PROPERTY OF: Charles Conrad  
 EXECUTION NO. 200 of 2015 GD  
 JUDGMENT AMOUNT: \$25,449.04  
 which is the Principal balance of indebtedness, delinquent interest, late charges and attorney's fees computed to January 7, 2015, additional interest on \$24,073.45 at 4.5% per annum (\$2.97) per day from January 8, 2015, to the date of payment or Sheriff Sale will be claimed. In addition, additional reasonable attorney's fee and all record court costs in the above-captioned case.

ALL the right, title, interest and claim of: Charles Conrad, of, in and to: Township of Perry, Fayette County, Pennsylvania, which has an address of 13 Hill Top Road, Wickhaven, Pennsylvania 15492.

Parcel I.D. No. 27-01-0060

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

No. 227 of 2015 GD  
 No. 209 of 2015 ED

**Reverse Mortgage Solutions, Inc.,  
 Plaintiff,**

v.

**SANDRA G. NEWBERRY A/K/A SANDRA  
 P. NEWBERRY A/K/A DR. SANDRA P.  
 NEWBERRY,  
 Defendant(s)**

ALL THAT CERTAIN LOT OF LAND SITUATE IN NORTH UNION TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA: BEING KNOWN AS 557 Silver Maple Lane, Hopwood, PA 15445  
 PARCEL NUMBER: 25-46-0104-02  
 IMPROVEMENTS: Residential Property

SHIRE LAW FIRM  
 Bernard S. Shire, Esquire  
 1295 Grand Boulevard, Suite 103  
 Monessen, PA 15062  
 (724) 684-8881

No. 796 of 2015 GD  
 No. 197 of 2015 ED

**MON VALLEY COMMUNITY FEDERAL  
 CREDIT UNION,**

**Plaintiff,**

v.

**JASON T. PATERNOSTER,  
 Defendant.**

PROPERTY OF: Jason T. Paternoster  
 EXECUTION NO. 796 of 2015 GD  
 JUDGMENT AMOUNT: \$26,648.77  
 which is the Principal balance of indebtedness, delinquent interest, late charges and attorney's fees computed to February 13, 2015, additional interest on \$24,944.89 at 4.5% per annum (\$3.08) per day from February 14, 2015, to the date of payment or Sheriff Sale will be claimed. In addition, additional reasonable attorney's fee

and all record court costs in the above-captioned case.

ALL the right, title, interest and claim of: Jason T. Paternoster, of, in and to: Township of Perry, Fayette County, Pennsylvania, which has an address of 100 Third Street, Perryopolis, Pennsylvania 15473.

Parcel I.D. No. 27-07-0021

No. 738 of 2015 GD  
No. 174 of 2015 ED

**Nationstar Mortgage LLC,**  
**Plaintiff,**  
**vs.**  
**Gloria Robinson,**  
**Defendant.**

ALL that certain piece or parcel of land situate in German Township, Fayette County, Pennsylvania, being part of the Footedale Mining Village, bounded and described as follows, to wit:

BEGINNING at a point in the middle of a 32 foot street, known as Hill Street, at the Southwest comer of the land hereby conveyed, at the southeast comer of land heretofore conveyed by Mark and Ada Sugarman to Eugene Bellon which double dwelling House No. 135-136 of the Footedale Mining Village is located; thence by said Bell Land, North 34 degrees 11' 30" West 156.67 feet to the middle of a 19 foot alley; thence along in the middle of said alley, North 54 degrees 57' 30" East, 129.65 feet to the junction of said alley with a 20 foot alley; thence along in the middle of said 20 foot alley, South 20 degrees 10' 30" East 163.45 feet to the middle of Hill Street; and thence along in the middle of Hill Street, South 55 degrees 48' 30" West 90.05 feet to the place of beginning. Containing an area of 0.395 of an acre and having thereon erected a frame double dwelling house known as No. 137-138 of said Footedale Mining Village.

COMMONLY KNOWN AS: 245 Hill Street, New Salem, PA 15468  
TAX PARCEL NO. 15-16-0016

Richard M. Squire & Associates, LLC  
One Jenkintown Station, Suite 104  
115 West Avenue  
Jenkintown, PA 19046  
(215) 886-8790 Fax (215) 886-8791

No. 1482 of 2014 GD  
No. 190 of 2015 ED

**VOLT RLP Asset Holdings Trust,**  
**Plaintiff,**  
**v.**  
**Joseph L Sante and Shelli D Sante**  
**283 Pittsburgh Street**  
**Uniontown, PA 15401,**  
**Defendants.**

ALL that certain lot of land situate in North Union Township, Fayette County, Pennsylvania.  
TAX PARCEL NO. 25-22-0049  
PROPERTY ADDRESS: 283 Pittsburgh Street, Uniontown, PA 15401  
IMPROVEMENTS: Single Family Dwelling  
SEIZED AND TAKEN in execution as the property of Joseph L. Sante and Shelli D. Sante.

Phelan Hallinan Diamond & Jones, LLP

No. 63 of 2015 GD  
No. 255 of 2015 ED

**Wells Fargo Bank, NA,**  
**Plaintiff,**  
**v.**  
**Bonnie M. Sarver a/k/a Bonnie Marie Sarver,**  
**Defendant.**

Owner(s) of property situate in the BULLSKIN TOWNSHIP, Fayette County, Pennsylvania, being 2635 Moyer Road, Connellsville, PA 15425-9359  
Parcel No.: 04-28-0046-01  
Improvements thereon: RESIDENTIAL DWELLING

ANNE N. JOHN, ESQUIRE  
Attorney at Law

No. 848 of 2015 GD  
No. 261 of 2015 ED

**FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF GREENE COUNTY, a corporation,**  
**Plaintiff,**  
**vs.**  
**MICHAEL SCARRY and DANEEN SCARRY,**  
**Defendants.**

ALL that certain piece, parcel or lot of land situate and lying in Bullskin Township, Fayette County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point said, point being the southernmost corner of the property herein conveyed and being along the northerly side of a 20 foot existing right of way; thence along said right of way North 50 degrees 50 minutes West a distance of 242.65 feet to a point; thence North 47 degrees 22 minutes East, 188.00 feet to a point; thence South 50 degrees 50 minutes East, a distance of 255.64 feet to a point; thence South 42 degrees 11 minutes West, 186.33 feet to a point, the place of beginning.

CONTAINING an area of 1.00 acres, more or less.

UPON which is erected a single family frame dwelling known locally as 715 Breakneck Road a/k/a 519-B Breakneck Road, Connellsville, PA 15425.

Assessment Map Nos.: 04-36-0028 and 04-36-0028-01.

No. 898 of 2014 GD  
No. 202 of 2015 ED

**U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY,**  
**Plaintiff,**  
**vs.**  
**WILLIAM R. SMALLWOOD,**  
**Defendant.**

ALL THAT CERTAIN piece or parcel of land situate in Georges Township, Fayette County, Pennsylvania, together with the

dwelling house erected thereon, known and numbered as: 113 FROGTOWN ROAD, UNIONTOWN, PA 15401.  
Tax Parcel # 14-17-0141  
Fayette County Record Book 2916, Page 274

Phelan Hallinan Diamond & Jones, LLP

No. 788 of 2015 GD  
No. 200 of 2015 ED

**U.S. Bank National Association, as Trustee for Citigroup Mortgage Loan Trust 2007-Wfhe4, Asset-Backed Pass-Through Certificates, Series 2007-Wfhe4,**  
**Plaintiff,**  
**v.**  
**Brian K. Spackman and Heather L. Harshman,**  
**Defendants.**

Owner(s) of property situate in the BULLSKIN TOWNSHIP, Fayette County, Pennsylvania, being 119 East End Road, Connellsville, PA 15425-9360

Parcel No.: 04-32-0022  
Improvements thereon: RESIDENTIAL DWELLING

No. 1209 of 2014 GD  
No. 251 of 2015 ED

**U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY,**  
**Plaintiff,**  
**vs.**  
**MORRIS D. SPELLS, JR.,**  
**Defendant.**

ALL that certain lot or parcel of land situate in the Village of East Liberty, Dunbar Township, Fayette County, Pennsylvania, consisting of 3 adjoining parcels, separately bounded and described, according to survey of Charles C. McCall, Engineer, dated October 29, 1957, and HAVING THEREON ERECTED DWELLING KNOWN AS 202 WATER STREET, DICKERSON RUN, PA 15430.

TAX PARCEL NO. 09-03-0065  
Fayette County Record Book 3206 Page 1782

ANNE N. JOHN, ESQUIRE  
Attorney at Law

No. 594 of 2014 GD  
No. 262 of 2015 ED

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

**ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS, AND ALL  
PERSONS, FIRMS OR ASSOCIATIONS  
CLAIMING ANY RIGHT, TITLE OR  
INTEREST OF, FROM OR UNDER,  
MIRIAM WILSON, DECEASED;  
PATRICIA GEORGIANA, IN HER  
CAPACITY AS HEIR IN THE ESTATE OF  
MIRIAM WILSON DECEASED, AND  
ESTATE OF MIRIAM WILSON,  
DECEASED,  
Defendants.**

ALL that certain lot or parcel of ground situate in the City of Uniontown, Fayette County, Pennsylvania, being Lot No. 38 in the First Addition Craig Meadows Plan of Lots, a plot of which is of record in the Recorder 's Office of Fayette County, Pennsylvania, in Plan Book Volume 9, page 66.

FOR prior title see Record Book 2999 at page 1835.

UPON which there is erected a single family brick ranch dwelling known locally as 23 Emerson Street, Uniontown, PA 15401.

Assessment Map No.: 38-11-0156.

No. 1878 of 2014 GD  
No. 248 of 2015 ED

**PNC BANK, NATIONAL ASSOCIATION ,  
successor by merger to NATIONAL CITY  
BANK,  
Plaintiff,  
v.  
ALL KNOWN AND UNKNOWN HEIRS OF  
MIRIAM WILSON,  
Defendant.**

ALL THE RIGHT TITLE, INTEREST AND CLAIMS OF ALL KNOWN AND UNKNOWN HEIRS OF MIRIAM WILSON, OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT PARCEL OF LAND SITUATE IN THE 6th WARD, CITY OF UNIONTOWN, FAYETTE COUNTY, PA, BEING PARCEL 38-12-0194, MORE FULLY DESCRIBED IN BOOK 1025, PAGE 126.

BEING KNOWN AS 33 CHARLES STREET, UNIONTOWN, PA 15401.

TAX PARCEL NO. 38-12-0194

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

No. 95 of 2015 GD  
No. 258 of 2015 ED

**LSF9 Master Participation Trust,  
Plaintiff,  
v.  
John A. Vansickle and Amanda J. Vansickle,  
Defendants.**

All that certain piece or parcel or Tract of land situate Wharton Township, Fayette County, Pennsylvania, and being known as 140 Tall Oaks Road, Farmington, Pennsylvania 15437.

ALL that certain parcel of real property in Wharton Township, Fayette County, Pennsylvania, known as Lot #1 in the Livengood "Minor" Subdivision, as recorded in Plan Book Volume 68 Page 24, more particularly bounded and described as follows:

BEGINNING at a PK nail, comer of property herein described and comer of property now or formerly of Lawrence Rossi as Record Book Volume 1103 Page 28 and along Tall Oaks Road, also known as Township Road T-376; thence along said T-376 North 87 degrees 22 minutes 20 seconds East a distance of 404.11 feet to a PK nail, comer of property herein described; thence South 3 degrees 34 minutes 50 seconds West a distance of 95.06 feet to a 5/8 inch bar; thence North 76 degrees 43 minutes 5 seconds West a distance 64.26 feet to a 5/8 inch bar; thence South 61 degrees 27 minutes 5 seconds West a distance 83.74 feet to a 2 inch diameter maple tree; thence South 18 degrees 59



minutes 10 seconds West a distance of 57.98 feet to a 3/4 inch iron pipe; thence North 80 degrees 30 minutes 00 seconds West a distance of 242.00 feet to a roof bolt; thence by said Rossi property North 2 degrees 0 minutes 0 seconds West a distance of 117.00 feet to the place of beginning, CONTAINING 1.14 acres, as per the aforementioned plan of Randall R. Myers, R.P.L.S. date August 24, 2002.

Being known as: 140 Tall Oaks Road, Farmington, Pennsylvania 15437

Title vesting in John A. Vansickle and Amanda J. Vansickle by deed from Wendell I. Livengood and Twila K. Livengood, dated September 12, 2003 and recorded September 12, 2003 in Deed Book 2878, Page 180 Instrument Number 200300020091.

Tax Parcel Number : 42-21-0115-01

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**JUDICIAL OPINION**

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

IN THE MATTER OF: :  
CONDEMNATION BY THE REDEVELOPMENT :  
AUTHORITY OF FAYETTE COUNTY OF :  
CERTAIN LAND IN BROWNSVILLE BOROUGH, :  
FAYETTE COUNTY, PENNSYLVANIA, :  
BEING PROPERTY OF: :

ALPHA FINANCIAL MORTGAGE, INC., :  
its Successors assigns, or any other person :  
or Entity found to have an interest in :  
the property, :  
Plaintiff(s)/Condemnees, :  
v. :  
REDEVELOPMENT AUTHORITY OF :  
FAYETTE COUNTY, :  
Defendant/Condemnor. :

CONSOLIDATED CASES: :  
No. 1583 of 2009, G.D. :  
No. 1584 of 2009, G.D. :  
No. 1585 of 2009, G.D. :  
No. 1586 of 2009, G.D. :  
No. 776 of 2014, G.D. :  
No. 777 of 2014, G.D. :  
No. 778 of 2014, G.D. :  
No. 779 of 2014, G.D. :

**OPINION AND ORDER**

LESKINEN, J.

*Michael F. Faherty, Esq. for Plaintiffs*  
*Samuel P. Kamin, Esq. for Defendant, Redevelopment Authority*  
*Joseph M. George, Esq. for Defendant, General Counsel*

Before this Court are Preliminary Objections filed by the Defendant, the Redevelopment Authority of Fayette County (“RA”), on April 25, 2014. Oral argument took place on August 28, 2014. Upon consideration of the relevant issues, the Court rules that the Defendant’s Preliminary Objections are SUSTAINED.

**BACKGROUND**

Alpha Financial Mortgage Corporation, Ernest Liggett and Marilyn Liggett, Manor Investments, Ltd., and The Brownsville Group (hereinafter “Condemnees”), are former property owners of a redevelopment area in Brownsville, Fayette County, Pennsylvania. {1} On June 3, 2009, the RA filed a Declaration of Taking for Condemnees’ properties. The RA then submitted estimated just compensation payments to Condemnees, with the first payments commencing on October 18, 2010 and the final payments made as of February 6, 2012.

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{1}This matter involves twenty-two (22) interconnected properties, which were first filed in four Declaration of Taking documents at the 2009 case numbers. These cases were then consolidated in 2014 when the Condemnees filed its Petition for Appointment of Viewers at the 2014 case numbers.

On April 21, 2014, Condemnees filed a Petition for Appointment of Viewers to ascertain just compensation for the properties. Their relatively novel argument is that the taking of the 22 properties rendered 95 other properties owned by the four Condemnees essentially valueless. Thereafter, the RA filed its Preliminary Objections on April 25, 2014, alleging two issues: 1) Condemnees' Petition for Appointment of Viewers is untimely filed; and 2) Condemnees failed to name a necessary party pursuant to 26 Pa.C.S.A. § 502(4). Because we find the Petition for Appointment of Viewers is untimely filed, we decline to address the failure to name a necessary party issue.

## DISCUSSION

### **Statute of Limitations**

As its principal argument, the RA objects to Condemnees' Petition as filed after the allowable statutory period from the date on which the RA, as Condemnor, made payment of estimated just compensation for the properties. In eminent domain matters, actual payment of just compensation to the landowner or into court is required to trigger the running of the statute of limitations. In re Condemn. of Land at Rear of 700 Summit Ave. Jenkintown Pennsylvania, 95 A.3d 946, 949-50 (Pa. Commw. Ct. 2014). According to the record of receipts filed with the Fayette County Prothonotary's Office, the RA made payments into court on these cases on October 18, 2010, November 22, 2011, and February 6, 2012. Condemnees filed the Petition on April 21, 2014. Thus, the Petition was not filed until two years, two months, and fifteen days after the RA remitted its last payment.

The RA avers that the applicable statute of limitations is one year pursuant to the Urban Redevelopment Law ("URL"), which reads as follows:

Notwithstanding the provisions of 42 Pa.C.S. § 5526(4) (relating to five year limitation) or any other provision of law to the contrary, a proceeding to challenge just compensation or other damages if a redevelopment authority has exercised powers of condemnation pursuant to this act and made payment in accordance with section 407(a) or (b) of the act of June 22, 1964 (Sp.Sess., P.L. 84, No. 6),<sup>1</sup> known as the "Eminent Domain Code," is subject to a one-year statute of limitations. 35 P.S. § 1719.2 (effective Dec. 1, 2012).

Conversely, Condemnees maintain that the applicable statute of limitations is six years under 42 Pa.C.S.A. § 5527(a). In relevant parts, the statute provides:

(a) Eminent domain.--(1) (i) If a condemnor has filed a declaration of taking, a petition for the appointment of viewers for the assessment of damages under 26 Pa.C.S. (relating to eminent domain) must be filed within six years from the date on which the condemnor first made payment in accordance with 26 Pa.C.S. § 307(a) or (b) (relating to possession, right of entry and payment of compensation).

(ii) If payment is not required to be made under 26 Pa.C.S. § 307(a) to obtain possession, a petition for the appointment of viewers must be filed within six years of the filing of the declaration of taking.

(2) If the condemnor has not filed a declaration of taking, a petition for the appointment of viewers for the assessment of damages under 26 Pa.C.S. must be filed within six years from the date on which the asserted taking, injury or

destruction of the property occurred or could reasonably have been discovered by the condemnee.

42 Pa.C.S.A. § 5527 (effective Sept. 1, 2006, specifically repealing and replacing 42 Pa.C.S.A. 5526(4) and 5530(a)(3)).

Condemnees argue, Pl.'s Br. Prelim. Objections 2, that § 1719.2, a 2002 statute, "was eliminated" by the subsequent 2006 revisions {2} of the Eminent Domain Code, also known as the Property Rights Protection Act ("PRPA"). Particularly, Act 34, codified at 42 Pa.C.S.A. § 5527, provides for a standard six-year statute of limitations for three types of condemnation proceedings: where there is a declaration without payment, where there is a payment, and where there is damage without declaration or payment. Condemnees assert that § 5527 is the relevant statute in this matter, arguing that § 1719.2 is no longer in effect because of the 2006 law. This Court disagrees.

First, the Condemnees do not set forth a substantive argument for repeal of the one-year statute. Condemnees do not point the Court towards any statutory text or legislative history that evidences an intent to repeal § 1719.2, nor is the Court aware of the existence of the same. Thus, their argument is that passage of the PRPA constituted an implied repeal of § 1719.2. In Pennsylvania, implied repeal by a later statute is governed by the following:

(a) Whenever a statute purports to be a revision of all statutes upon a particular subject, or sets up a general or exclusive system covering the entire subject matter of a former statute and is intended as a substitute for such former statute, such statute shall be construed to supply and therefore to repeal all former statutes upon the same subject.

(b) Whenever a general statute purports to establish a uniform and mandatory system covering a class of subjects, such statute shall be construed to supply and therefore to repeal pre-existing local or special statutes on the same class of subjects.

(c) In all other cases, a later statute shall not be construed to supply or repeal an earlier statute unless the two statutes are irreconcilable.

1 Pa.C.S.A. § 1971.

Questions as to whether a prior law is repealed by implication is "exclusively one of legislative intent." *First Nat'l Bank of Millville v. Horwatt*, 162 A.2d 60, 63 (Pa. Super. 1960). "It is well-settled that the law does not favor repeal by implication." *Commonwealth v. Garner*, 538 A.2d 506, 508 (Pa. Super. 1988). "Repeal by implication arises only where language used in the later statute is irreconcilably repugnant to the provisions of the earlier statute so as absolutely to preclude a consonant construction of both." *Id.* (quoting *Duda v. State Bd. of Pharmacy*, 393 A.2d 57, 59 (Pa. Commw. Ct. 1978)).

Initially, we cannot find the legislature intended to make the 2006 revisions to the Judicial Code the exclusive statute of limitations for all condemnation actions because

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{2} 2006, May 4, P.L. 112, No. 34, § 1, effective in 120 days [Sept. 1, 2006]; 2006, May 4, P.L. 148, No. 35, § 1, effective in 120 days [Sept. 1, 2006].

26 Pa.C.S.A. § 102 informs that “[t]his title,” referring to the Eminent Domain Code, shall govern “all condemnations.” “This title” refers only to the Eminent Domain Code. The RA operates in accordance with the URL, and incorporates many procedures from the Eminent Domain Code, but not all. Redevelopment authorities with limited budget allocations by necessity must operate more quickly than other condemnors. Public financing and bond issues could never survive a six-year delay. The Court will not presume that the legislature intended to repeal the one-year statute contained in the URL, where Pennsylvania law outright disfavors repeal by implication. It is far more reasonable to reconcile the two statutes to be a general six-year statute of limitations for most condemnations under the Eminent Domain Code, with a specific one-year statute applicable only to redevelopment authorities under the URL.

“Whenever a general provision in a statute shall be in conflict with a special provision in the same or another statute, the two shall be construed, if possible, so that effect may be given to both.” 1 Pa.C.S.A. § 1933. If a finding is made that the statutes are irreconcilable, “the special provisions shall prevail and be construed as an exception to the general provision, unless the general provision shall be enacted later and it shall be the manifest intention of the General Assembly that such general provision shall prevail.” *Id.* Even though two statutes are “different and overlapping,” it does not necessarily mean that they are irreconcilable. *EMC Mortg. Corp. v. Lentz*, 972 A.2d 112, 119 (Pa. Commw. Ct. 2009).

This Court finds that the two statutes here are reconcilable. Prior to 2006, 42 Pa.C.S.A. § 5526(4) specified a general five-year statute of limitations for petitions to appoint a board of viewers where condemnor paid estimated just compensation. § 5526 stated:

The following actions and proceedings must be commenced within five years:

\* \* \*

(4) A proceeding in inverse condemnation, if property has been injured but no part thereof has been taken, or if the condemnor has made payment in accordance with section 407(a) or (b) (relating to possession and payment of compensation) of the act of June 22, 1964 (Sp.Sess., P.L. 84, No. 6), known as the “Eminent Domain Code.”

26 Pa.C.S.A. § 5526(4), repealed by Act 34, as part of the 2006 revisions.

Despite the existence of § 5526(4) before the 2006 revisions, § 1719.2 was still in effect as a specific one-year statute of limitations for redevelopment authorities acting as condemnors under the URL. If these two statutes both existed together prior to the 2006 revisions, we do not see why the Court should now assume the six-year statute governs exclusively, particularly without distinct legislative intent to repeal § 1719.2. Furthermore, the one-year statute is specific in that it applies only to a “redevelopment authority” taking property and making payment of estimated just compensation. By contrast, the six-year statute applies to “condemnor[s]” generally with or without a declaration of taking or payment. Under § 1933, we see no evidence that it was the “manifest intention” of the General Assembly for the general six-year statute to prevail in all circumstances, as the one-year statute specifically references powers of a “redevelopment authority.”

Moreover, reasonable statutory construction demands this Court consider the language of § 1719.2 and references to other statutes therein. 1 Pa.C.S.A. § 1937 dictates that:

A reference in a statute to a statute or to a regulation issued by a public body or public officer includes the statute or regulation with all amendments and supplements thereto and any new statute or regulation substituted for such statute or regulation, as in force at the time of application of the provision of the statute in which such reference is made, unless the specific language or the context of the reference in the provision clearly includes only the statute or regulation as in force on the effective date of the statute in which such reference is made.

1 Pa.C.S.A. § 1937 (emphasis added).

In other words, “a reference in a statute to a statute or to a regulation includes the statute or regulations and all amendments thereto or replacements thereof unless specific language clearly provides to the contrary.” *Commonwealth v. Neuffer*, 400 A.2d 596, 599 (Pa. Super. 1979). Here, § 1719.2 reads, “Notwithstanding the provisions of 42 Pa.C.S.A. § 5526(4) (relating to five year limitation) or any other provision of law to the contrary...” As such, § 1719.2 states that the one-year statute of limitations applies for redevelopment authorities despite the five-year statute contained at § 5526(4). With Act 34 in 2006, the legislature repealed § 5526(4) and replaced it with the now six-year statute at § 5527. Read simply, § 5527 is a substitution for § 5526(4) as referenced in § 1719.2. Even putting aside the specific substituted reference, § 1719.2 clearly states the one-year statute applies “[n]otwithstanding...any other provision of law to the contrary,” making it an even more expansive pronouncement of its applicability over other statutes to the contrary. As we have emphasized, we do not believe the General Assembly enacted the six-year statute to invalidate the one-year statute. Therefore, we decline to side with Condemnees and we do not find that Act 34 repealed § 1719.2.<sup>{3}</sup> The one-year statute of limitations applies and Condemnees’ Petition is untimely filed.

For the foregoing reasons, this Court enters the following order:

### **ORDER**

AND NOW, this 29th day of July, 2015, upon consideration of the Defendant’s Preliminary Objections to Petition for the Appointment of Viewers, it is hereby ORDERED and DECREED that the Objections are SUSTAINED. Plaintiffs are advised that they can appeal this ruling by filing a proper Notice of Appeal within thirty (30) days of the date of this Order.

BY THE COURT:  
STEVE P. LESKINEN, JUDGE

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<sup>{3}</sup>In rendering our decision, we note that the Court of Common Pleas of Philadelphia County reached an opposing conclusion on a similar statute of limitations argument in *Arawak Inv., LP v. Redevelopment Auth. of the City of Philadelphia*, 2012 WL 9516133, at \*1 (Pa. C.P. 2012). The Redevelopment Authority appealed the trial court’s order to the Commonwealth Court at 1190 CD 2012, but the case was discontinued prior to a decision. While we respect the court’s opinion, we are not obligated to follow that ruling as binding precedent.

**SAVE THE DATE**

**FAYETTE COUNTY BAR ASSOCIATION BENCH BAR CONFERENCE**

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NEMACOLIN WOODLANDS**

- 7:00 a.m. - 11:00 a.m. - Golf at the Links Course  
 Contact Ben Heinlein at 724-329-6471  
 Mention FCBA Bench Bar for 15% discount
- 11:00 a.m. - 12:00 p.m. - Attorney Registration and Meet & Greet Sponsors
- 12:00 p.m. - 1:00 p.m. - Lunch
- 1:00 p.m. - 4:15 p.m. - Continuing Legal Education - 3 Substantive Credits  
*Incorporating Digital Forensics in Legal Practice*
- 4:30 p.m. - 6:30 p.m. - Cocktail Party  
 Spirits & Hors d'oeuvres

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