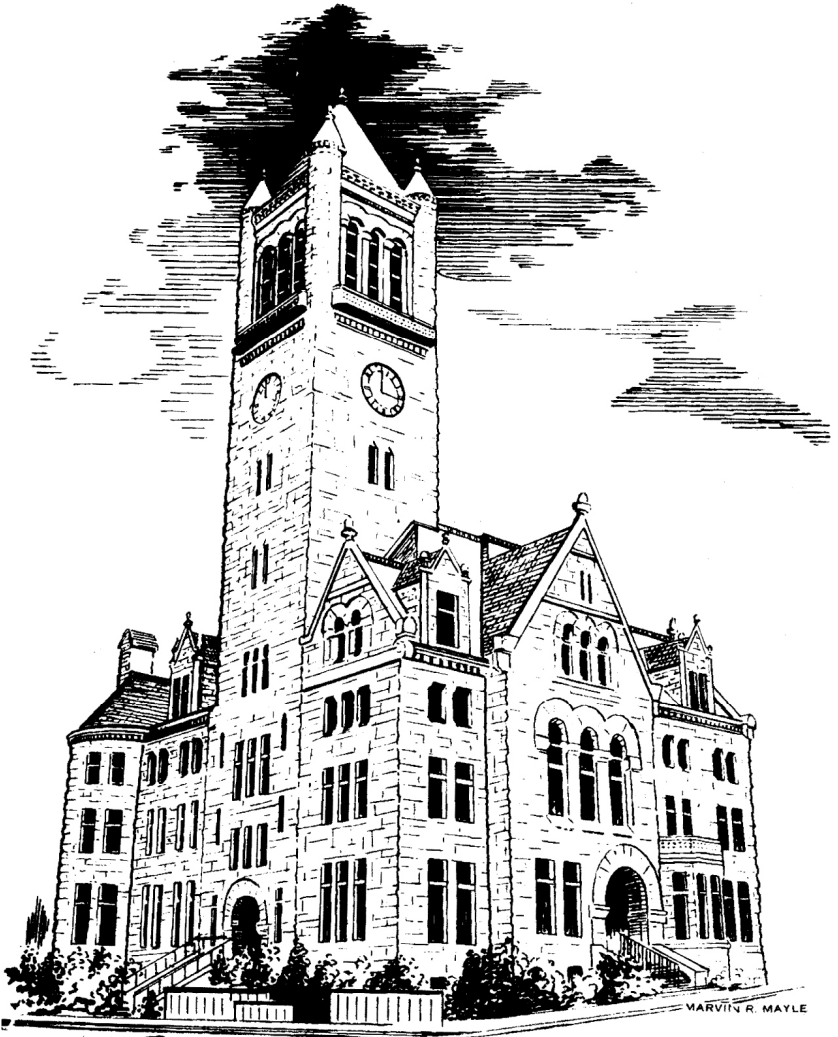


FAYETTE LEGAL JOURNAL

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FAYETTE LEGAL JOURNAL

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The Ethics Hotline provides free advisory opinions to PBA members based upon review of a member's prospective conduct by members of the PBA Committee on Legal Ethics and Professional Responsibility. The committee responds to requests regarding, the impact of the provisions of the Rules of Professional Conduct or the Code of Judicial Conduct upon the inquiring member's proposed activity. All inquiries are confidential.

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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

ISA M. ANGEL, a/k/a ISA MAE ANGEL,
late of Fairchance Borough, Fayette County, PA

Executrix: Linda Kay Dice (3)
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Jeremy J. Davis

JOHN H. ANSELL, late of Connellsville,
Fayette County, PA (3)

Co-Executors: Shirley M. Christner and
Scott Christner
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Anthony S. Dedola, Jr.

**LISA B. ANSELL, a/k/a LISA BETH
ANSELL,** late of Uniontown, Fayette County,
PA (3)

Administrator: John Christopher Ansell
c/o Rafferty Legal, PLLC
1600 Lincoln Avenue
Latrobe, PA 15650
Attorney: Jessica L. Rafferty

WILDA DAVID, late of Uniontown, Fayette
County, PA (3)

Co-Executors: Brenda L. Stephenson
162 Georges-Fairchance Road
Uniontown, PA 15401
Lana Jo Spiker
158 Georges-Fairchance Road
Uniontown, PA 15401
c/o 556 Morgantown Road
Uniontown, PA 15401
Attorney: John A. Kopas, III

DAVID L. HAYDEN, late of Wharton
Township, Fayette County, PA (3)

Administrator: Bradley S. Hayden
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

CAROLYN HOONE, late of Georges
Township, Fayette County, PA (3)

Executor: David Hoone
3566 Morgantown Road
Smithfield, PA 15478
c/o Kopas Law Office
556 Morgantown Road
Uniontown, PA 15401
Attorney: John A. Kopas, III

**DOROTHY E. JANESKO, a/k/a DOROTHY
JANESKO,** late of Georges Township, Fayette
County, PA (3)

Executrix: Judith M. Quarrick
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

JAMES W. SLEASMAN, late of Everson,
Fayette County, PA (3)

Administratrix: Sandra Sleasman
c/o Rafferty Legal, PLLC
1600 Lincoln Avenue
Latrobe, PA 15650
Attorney: Jessica L. Rafferty

Second Publication

**AUDREY BALAZIK, a/k/a AUDREY JEAN
BALAZIK,** late of Georges Township, Fayette
County, PA (2)

Executrix: Barbara A. Adams
P.O. Box 117
Uniontown, PA 15401
Attorney: Douglas S. Sholtis

SUSAN S. CROW, late of Washington
Township, Fayette County, PA (2)

Executor: Lamont R. Richie
138 Deer Lane
Eureka Springs Arkansas, 72632
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

**CHRISTINA A. DEFRANK, a/k/a
CHRISTINA ANITA DEFRANK**, late of
Uniontown, Fayette County, PA (2)
Co-Executors: Dean A. DeFrank, Mark A.
DeFrank and Armand J. DeFrank, Jr
c/o Goodwin Como P.C.
108 North Beeson Boulevard, Suite 400
Uniontown, PA 15401
Attorney: Benjamin Goodwin

RUGG GRADON, late of Springfield
Township, Fayette County, PA (2)
Administrators: Aaron Rugg
193 Crowe Road
Acme, PA 15610
Adam Rugg
199 Baptist Church Road
Mill Run, PA 15464
c/o P.O. Box 55
Mill Run, PA 15464
Attorney: Mackenzie Kline

**GERALD A. GRIMES, a/k/a GERALD A.
GRIMES, SR.**, late of Menallen Township,
Fayette County, PA (2)
Executrix: Barbara E. Grimes
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham

**NEIL HELTERBRAN, a/k/a NEIL E.
HELTEBRAN**, late of Bullskin Township,
Fayette County, PA (2)
Administrators: Desiree Kochasic
5909 Mercury Drive
Louisville, Kentucky 40291
Alyssa Helterbran
110 Tall Oaks Tri
Greensburg, PA 15601
c/o P.O. Box 55
Mill Run, PA 15464
Attorney: Mackenzie Kline

**PENELOPE LINDSAY, a/k/a PENELOPE S.
LINDSAY**, late of South Connellsville, Fayette
County, PA (2)
Executrix: Wendy Penwell
268 Dunbar Road
Dunbar, PA 15431
c/o Tremba, Kinney, Greiner & Kerr, LLC
1310 Morrell Avenue, Suite C

Connellsville, PA 15425
Attorney: John Greiner

PHILLIP GENE REED, late of Bullskin
Township, Fayette County, PA (2)
Administrator: Kevin Charles Gillis
P.O. Box 384
Vestaburg, PA 15368
c/o P.O. Box 488
California, PA 15419
Attorney: Lisa Buday

ROBERT L. SHOWMAN, late of
Connellsville, Fayette County, PA (2)
Personal Representative: Peggy A. Wilson
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

RICHARD JESSE WILSON, late of Henry
Clay Township, Fayette County, PA (2)
Administratrix: Carolyn A. Wilson
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Sean M. Lementowski

CATHERINE ZEBULA, late of Washington
Township, Fayette County, PA (2)
Executor: Charles E. Zebula
5210 River Forest Road
Dublin, Ohio 43017
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

First Publication

ROBERT BARRON, late of Dunbar Township,
Fayette County, PA (1)
Personal Representative: Leonard W. Barron
c/o 208 South Arch Street, Suite
Connellsville, PA 15425
Attorney: Richard Husband

**TAMARA LYNN HARSHMAN, a/k/a
TAMARA LYNN HARSHMAN-DEAK**, late
of Springhill Township, Fayette County, PA ⁽¹⁾
Administratrix: Tricia Andrews
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

MARILOYD MCCLINTOCK, late of South
Connellsville, Fayette County, PA ⁽¹⁾
Personal Representative: Holly Sue Hatfield
1809 3rd. Street
South Connellsville, PA 15425
c/o Henderson Law Offices, PC
319 Pittsburgh Street
Scottdale, PA 15683
Attorney: Kevin Henderson

FRANK A. PIDANICH, late of Newell,
Fayette County, PA ⁽¹⁾
Executor: Frank Pidanich, II
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

ROBERT W. SHEARER, late of Dunbar
Township, Fayette County, PA ⁽¹⁾
Personal Representative: Robin R. Shearer
and Lori L. Heinbaugh
c/o 208 South Arch Street, Suite 2
Connellsville, PA 15425
Attorney: Richard Husband

**MICHAEL W. TAMBELLINI, a/k/a
MICHAEL WILLIAM TAMBELLINI**, late
of Henry Clay Township, Fayette County, PA ⁽¹⁾
Executrix: Paula Toncheff
1605 Fallowfield Avenue, Unit 1
Pittsburgh, PA 1521
c/o 1650 Broadway Avenue, Floor 1
Pittsburgh, PA 15216
Attorney: Megan Loftis

LEGAL NOTICES

NOTICE

Notice is hereby given that a Certificate of Organization was filed with the Pennsylvania Department of State, on February 13, 2025, for a Limited Liability Company, organized under the Limited Liability Company Law of 1994, as from time to time amended. The name of the Company is Fay-Penn Rentals LLC, having an address of 76 Ben Lomond Street, Uniontown, Pennsylvania 15401

James E. Higinbotham, Jr., Esq.
HIGINBOTHAM LAW OFFICES
68 South Beeson Boulevard
Uniontown, PA 15401
Telephone: 724-437-2800

LEGAL NOTICE

In the Common Pleas Court of Fayette County,
PA, Case No. 2778 of 2024

BULLSKIN STONE & LIME, LLC, Plaintiff,
v.
HARRY J. STOUFFER; RANDY MILLER;
ROBERT MILLER; CHRIS OWEN MILLER;
MICHAEL MILLIERN; BRANDON MILLER;
ALEX MILLER a/k/a ALEX WATSON;
ALYSSA MILLER a/k/a ALYSSA WATSON;
STACEY MILLER; BETHANY MILLER; and
JENNIFER HALL, Defendants.

To: HARRY J. STOUFFER, child of
Thomas A. Stouffer and Sarah Catharine
Stouffer (both now deceased), whose last known
address was 200 Fleetwood Circle TLR 133,
Murray, KY 42071-3516.

You are hereby notified that on December
31, 2024, Plaintiff filed a COMPLAINT IN
PARTITION against you and other parties in the
Court of Common Pleas of Fayette County, PA
at Case No. 2778 of 2024, to force the sale or
division of certain jointly owned undeveloped
property of 53.5 acres located in Bullskin
Township, Fayette County, in which you hold an
interest.

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 PAPER 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 BAR ASSOCIATION
100 South Street
Harrisburg PA 17108
800-692-7375

FAYETTE COUNTY BAR ASSOCIATION
LAWYER REFERRAL SERVICE
724-437-7994

Maureen E. Sweeney, Attorney Steptoe & Johnson PLLC One PPG Place, Suite 3300
Pittsburgh, PA 15222
412-504-8045
Maureen.Sweeney@Steptoe-Johnson.com

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL DIVISION
NO. 1183 of 2024 G.D.
JUDGE Linda R. Cordaro

DERRICK MURPHY,
Plaintiff,

vs.

ALAN A. LOWRY AND PAULINE M.
LOWRY, his wife, their heirs, beneficiaries,
successors and/or assigns generally,
Defendant,

TO: ALAN A. LOWRY AND PAULINE M.
LOWRY, his wife, their heirs, successors and/or
assigns generally,

Take notice that on June 13, 2024, the Plaintiff, above mentioned, by and through his attorneys, Davis & Davis, filed their Complaint averring that he is the owner of the following described parcel of real estate. Said Complaint being filed in Quiet Title.

ALL that tract of land situate in the Dunbar Township Fayette County, Pennsylvania, being more particularly bounded and described as follows:

See attached Exhibit A

Tax Parcel No.: 09-31-0165; 09-31-0167; 09-31-0169

The within named Defendants appear to have an interest in said premises which creates a cloud upon Plaintiff's title, whereupon the Plaintiff has filed their Complaint as aforesaid asking the Court to enter a Decree terminating all rights that the Defendants may have in said premises and decree that the Plaintiff has the full and free use and occupancy of said premises, released and forever discharged on any right, lien title or interest of said Defendant herein.

The service of this Complaint by publication is made pursuant to an Order of Court dated September 11, 2024, and filed at the above number and term.

NOTICE

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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

SHERIFF'S SALE

ALL that certain parcel of property situate in Dunbar Township, Fayette County, Pennsylvania, designated as 4.3970 acres on the survey of Polestar Engineering dated January 2023, more particularly bounded and described as follows:

BEGINNING at a Nail Set along Furnace Hill Road, being corner common to Lot No. 28, as shown on the attached survey; thence from said place of beginning, North 71 degrees 44 minutes 21 seconds West, 220 feet to a point; thence continuing by said Furnace Hill Road, North 62 degrees 00 minutes 08 seconds West, 493.92 feet to a point; thence North 35 degrees 58 minutes 39 degrees East, 163.16 feet to an iron pin; thence North 61 degrees 52 minutes 21 seconds West, 30.34 feet to an iron pin; thence North 40 degrees 48 minutes 21 seconds West, 52.38 feet to a point being corner common to Lot No. 42 as sown on the survey attached to previous deed; thence North 44 degrees 28 minutes 39 seconds East, 173.72 feet to an iron pin along line of land now or formerly of Joyce Sanner; thence South 54 degrees 49 minutes 00 seconds East, 43.52 feet to a boat spike; thence South 26 degrees 14 minutes 37 seconds West, 29.87 feet to an iron pin; thence South 62 degrees 51 minutes 05 seconds East, 104.26 feet to an iron pin; thence South 53 degrees 28 minutes 00 seconds East, 157.57 feet to a mine bolt; thence South 26 degrees 10 minutes 00 seconds West, 129.54 feet to an iron pin; thence South 61 degrees 40 minutes 00 seconds East, 94.75 feet to a point; thence South 73 degrees 16 minutes 00 seconds East, 5.49 feet to a nail set being corner common to Lot No. 34 as shown on the survey attached to the previous deed; thence North 09 degrees 36 minutes 00 seconds East, 131.19 feet to an iron pin; thence South 58 degrees 42 minutes 04 seconds East, 300.13 feet to an iron pin; thence South 09 degrees 16 minutes 19 seconds West, 52.44 feet to an iron pin; thence South 17 degrees 13 minutes 39 seconds East, 184.6 feet to the place of beginning.

Title Reference as Record Book 3160, page 925, and Record Book 3189, page 1888.

Tax Map Nos. 09-31-0165; 09-31-0167 and 09-31-0169

Date of Sale: May 15, 2025

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 May 15, 2025, at 2:00 pm at <https://fayette.pa.realforeclose.com>.

The Conditions of sale are as follows:

All bidders must complete the Realauction on-line registration process at <https://fayette.pa.realforeclose.com> to participate in the auction.

All bidders must place a 10% deposit equal to the successful bid for each property purchased to Realauction via wire transfer or ACH per Realauction requirements. Upon the auction's close, buyer shall have 10 business days to pay the remaining balance to the Fayette County Sheriff's Office via cashier's check. No cash will be accepted. Failure to comply with the Conditions of Sale, shall result in a default and the down payment shall be forfeited by the successful bidder and applied to the costs and judgments. The schedule of distribution will be filed no later than 30 days after the sale of real property. If no petition has been filed to set aside the sale or objections to the distribution are filed within 10 days of filing the distribution, the Sheriff will prepare and record a deed transferring the property to the successful bidder. (2 of 3)

James Custer
Sheriff of Fayette County

KML LAW GROUP, P.C.
Suite 5000
701 Market Street
Philadelphia, PA 19106-1532
(215) 627-1322

No. 1643 of 2024 G.D.
No. 370 of 2024 E.D.

PENNY MAC LOAN SERVICES, LLC
3043 Townsgate Road
Suite 200
Westlake Village, CA 91361
Plaintiff

vs.

TERRANCE D. BAKER
LATOSHA L. BAKER
Mortgagor(s) and Record Owner(s)
63 Emerson Street
Uniontown, PA 15401
Defendant(s)

ALL THAT CERTAIN LOT OF LAND
SITUATE IN CITY OF UNIONTOWN,
COUNTY OF FAYETTE AND
COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 63 EMERSON
STREET, UNIONTOWN, PA 15401

TAX PARCEL #38-17-0024
IMPROVEMENTS: A RESIDENTIAL
DWELLING

SOLD AS THE PROPERTY OF:
TERRANCE D. BAKER AND LATOSHA L.
BAKER

KML LAW GROUP, P.C.
Suite 5000
701 Market Street
Philadelphia, PA 19106-1532
(215) 627-1322

No. 1442 of 2019 G.D.
No. 43 of 2025 E.D.

PNC BANK, NATIONAL ASSOCIATION,
SUCCESSOR BY MERGER TO
NATIONAL CITY BANK
3232 Newmark Drive
Miamisburg, OH 45342
Plaintiff

vs.

ANNA L. BARREIRO aka
ANNA BARREIRO
Mortgagor(s) and Record Owner(s)
4022 Pittsburgh Road
Belle Vernon, PA 15012
Defendant(s)

ALL THAT CERTAIN LOT OF LAND
SITUATE IN TOWNSHIP OF PERRY,
COUNTY OF FAYETTE AND
COMMONWEALTH OF PENNSYLVANIA.
BEING KNOWN AS: 4022
PITTSBURGH ROAD, BELLE VERNON, PA
15012

TAX PARCEL #27-01-0023
IMPROVEMENTS: A RESIDENTIAL
DWELLING

SOLD AS THE PROPERTY OF: ANNA
L. BARREIRO aka ANNA BARREIRO

ANNE N. JOHN
ATTORNEY AT LAW

No. 542 of 2023 G.D.
No. 72 of 2025 E.D.

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

vs.

ESTATE OF MARGIE C. BURNS, deceased
and all Known and Unknown Heirs, Devisees,
Representatives, Successors, and Assigns, and
All Persons, Firms or Associations claiming
any Right, Title or Interest from or under
MARGIE C. BURNS, deceased; Crystle
Marsh, in her Capacity as Heir of Margie C.
Burns, deceased, Kyona Gilliam, in her
Capacity as Heir of Margie C. Burns,
deceased, and Julian Marsh in his Capacity
as heir of Margie C. Burns, deceased,
Defendants.

ALL those two certain parcels located in
the First Ward of the Borough of Brownsville,
Fayette County, Pennsylvania.

FOR PRIOR TITLE see Record Book
3036, page 1812.

HAVING erected thereon a dwelling house
known locally as 247 Prospect Street,
Brownsville, PA 15417.

BEING Fayette County Tax Assessment
Map No.: 02-07-0272.

1325 Franklin Avenue, Suite 160
 Garden City, NY 11530
 (212) 471-5100

No. 1039 of 2024 G.D.
 No. 317 of 2024 E.D.

**U.S. Bank Trust, National Association, as
 Trustee of the Bungalow Series IV Trust**

v.

**Heather A. Christopher a/k/a
 Heather Christopher**

By virtue of Writ of Execution No. 317 of
 2024 ED

U.S. Bank Trust, National Association, as
 Trustee of the Bungalow Series IV Trust v
 Heather A. Christopher a/k/a Heather
 Christopher

Docket Number: 2024-01039

Property to be sold is situated in the
 Borough of South Connellsville, County of
 Fayette and Commonwealth of Pennsylvania.

Commonly known as: 137 West Painter
 Street, S. Connellsville, PA 15425 Parcel
 Number: 33-04-0083

Improvements thereon of the residential
 dwelling or lot (if applicable): Residential
 Dwelling

Judgment Amount: \$80,142.15

No. 1901 of 2024 G.D.
 No. 1 of 2025 E.D.

**FIRST NATIONAL BANK OF
 PENNSYLVANIA,**

Plaintiff,

vs.

**KAYLEN N. EUTSEY and SJON-LUC
 BOCHNAK,**

Defendants.

ALL THE RIGHT, TITLE, INTEREST
 AND CLAIM OF KAYLEN N. EUTSEY AND
 SJON-LUC BOCHNAK OF, IN AND TO THE
 FOLLOWING DESCRIBED PROPERTY:

ALL THE FOLLOWING DESCRIBED
 REAL ESTATE SITUATED IN THE
 TOWNSHIP OF CONNELLSVILLE,
 FAYETTE COUNTY, PENNSYLVANIA.
 HAVING ERECTED THEREON A
 DWELLING BEING KNOWN AND
 NUMBERED AS 608 EAST CRAWFORD
 AVENUE, CONNELLSVILLE, PA 15425.
 DEED BOOK VOLUME 3513, PAGE 102,
 AND PARCEL NUMBER 06-05-0136-02.

Brock & Scott, PLLC

No. 2725 of 2024 G.D.
 No. 28 of 2025 E.D.

FREEDOM MORTGAGE CORPORATION

v.

MAKAYLA K. FRIEND

By virtue of a Writ of Execution No. 2725
 of 2024 GD

FREEDOM MORTGAGE CORPORATION v.
 MAKAYLA K. FRIEND

owner(s) of property situate in the NORTH
 UNION TOWNSHIP, FAYETTE County,
 Pennsylvania, being 131 EDISON ST,
 UNIONTOWN, PA 15401

Tax ID No. 25-28-0026 AKA 25280026

Improvements thereon: RESIDENTIAL
 DWELLING

Judgment Amount: \$224,716.03

KML LAW GROUP, P.C.

Suite 5000

701 Market Street

Philadelphia, PA 19106-1532

(215) 627-1322

No. 95 of 2020 G.D.

No. 4 of 2025 E.D.

LAKEVIEW LOAN SERVICING, LLC

**4425 Ponce De Leon Blvd Mail Stop Ms5/251
 Coral Gables, FL 33146**

Plaintiff

vs.

GEORGE E. GASTER

Morgagor(s) and Record Owner(s)

138 Woodside Oldframe Road

Smithfield, PA 15478

Defendant(s)

ALL THAT CERTAIN LOT OF LAND
 SITUATE IN NICHOLSON TOWNSHIP,
 COUNTY OF FAYETTE AND
 COMMONWEAL TH OF PENNSYLVANIA.

BEING KNOWN AS: 138 WOODSIDE
 OLDFRAME ROAD, SMITHFIELD, PA 15478
 TAX PARCEL #24-12-008701

IMPROVEMENTS: A RESIDENTIAL
 DWELLING

SOLD AS THE PROPERTY OF:
 GEORGE E. GASTER

1325 Franklin Avenue, Suite 160
Garden City, NY 11530
(212) 471-5100

No. 2553 of 2023 G.D.
No. 53 of 2025 E.D.

**US Bank Trust National Association as
Trustee for LB-Ranch Series V Trust**

v

**Denise Hutchens Known Heir of Kenneth
Steich, Deceased; Unknown Heirs,
Successors, Assigns and All Persons, Firms or
Associations Claiming Right, Title or Interest
From or Under Kenneth Steich, Deceased**

By virtue of Writ of Execution No. 53 od
2025 ED

US Bank Trust National Association as
Trustee for LB-Ranch Series V Trust v Denise
Hutchens Known Heir of Kenneth Steich,
Deceased; Unknown Heirs, Successors, Assigns
and All Persons, Firms or Associations Claiming
Right, Title or Interest From or Under Kenneth
Steich, Deceased

Docket Number: 2553-2023

Property to be sold is situated in the
borough/township of Dunbar, County of Fayette
and State of Pennsylvania.

Commonly known as: 522 Upper Sandy
Hollow Road, Vanderbilt, PA 15486

Parcel Number: 09-10-0065

Improvements thereon of the residential
dwelling or lot (if applicable):

Judgment Amount: \$65,764.93

Padgett Law Group
Jacqueline F. McNally, Esq.
700 Darby Road, Suite 100
Havertown, PA 19083
(850) 422-2520

No. 2267 of 2024 G.D.
No. 8 of 2025 E.D.

MCLP Asset Company, Inc.

v.

Mark A. Johnson and Belinda R. Johnson

By virtue of Writ of Execution No. 2024-
02267

MCLP Asset Company, Inc. v. Mark A.
Johnson and Belinda R. Johnson

Property Address: 232 Cadwallader Street,
Brownsville, PA 15417

Located in the Borough of Brownsville,
County of Fayette, and Commonwealth of
Pennsylvania

Tax Parcel Number: 02060050
Improvements thereon: Single family
residential dwelling
Judgment Amount: \$33,459.68

ANNE N. JOHN, Esq.
ATTORNEY AT LAW

No. 255 of 2024 G.D.
No. 22 of 2025 E.D.

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

vs.

**BRIAN P. KEFFER and HEATHER A.
KEFFER,**

Defendants.

ALL that certain piece or parcel of land
situate in South Union Township, Fayette
County, Pennsylvania, known as Lot No. 2 of
the Schnatterly Subdivision as was recorded in
the Office of Recorder of Deeds in and for
Fayette County in Plan Book Volume 61, page
39 on October 23, 2000.

UPON WHICH is erected a residential
single-family dwelling known and designated as
677 Morgantown Road, Uniontown, Fayette
County, Pennsylvania.

FOR PRIOR title see Record Book 3231
page 840.

Assessment Map No.: 34-27-0021.

KML LAW GROUP, P.C.
Suite 5000
701 Market Street
Philadelphia, PA 19106-1532
(215) 627-1322

No. 2208 of 2024 G.D.
No. 16 of 2025 E.D.

PENNYMAC LOAN SERVICES, LLC

**3043 Townsgate Road
Suite 200**

Westlake Village, CA 91361

Plaintiff

vs.

MARVIN KNIERIEM

Mortgagor(s) and Record Owner(s)

25 Ben Lomond Street

Uniontown, PA 15401

Defendant(s)

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

COUNTY OF FAYETTE AND
COMMONWEALTH OF PENNSYLVANIA.
BEING KNOWN AS: 25 BEN LOMOND
STREET, UNIONTOWN, PA 15401 25 BEN
LOMOND STREET, UNIONTOWN, PA 15401
TAX PARCEL #38-06-0179
IMPROVEMENTS: A RESIDENTIAL
DWELLING
SOLD AS THE PROPERTY OF:
MARVIN KNIERIEM

McCABE, WEISBERG & CONWAY, LLC
1420 Walnut Street, Suite 1501
Philadelphia, PA 19102
(215) 790-1010

No. 146 of 2024 G.D.
No. 373 of 2024 E.D.

Finance of America Reverse LLC
Plaintiff
v.

**Tia Lewis, Known Surviving Heir of Mary
Ellen Fabrycki, Tina Derring, Known
Surviving Heir of Mary Ellen Fabrycki,
Loretta Huntington, Known Surviving Heir
of Mary Ellen Fabrycki, Richie**

All that certain piece or parcel or Tract of
land situate in Luzerne Township, Fayette
County, Pennsylvania, and being known as 414
Middle Avenue, Allison, Pennsylvania 15413.

Being known as: 414 Middle Avenue,
Allison, Pennsylvania 15413

Title vesting in Mary Ellen Fabrycki by
deed from Oliver Crawford, single dated June 4,
1976 and recorded June 4, 1976 in Deed Book
1199, Page 398. The said Mary Ellen Fabrycki
died on July 29, 2023 without a will or
appointment of an Administrator, thereby
vesting title in Tia Lewis, Known Surviving
Heir of Mary Ellen Fabrycki, Tina Derring,
Known Surviving Heir of Mary Ellen Fabrycki,
Loretta Huntington, Known Surviving Heir of
Mary Ellen Fabrycki, Richie Fabrycki, Jr. a/k/a
Richard Fabrycki, Known Surviving Heir of
Mary Ellen Fabrycki, and Unknown Surviving
Heirs of Mary Ellen Fabrycki by operation of
law.

Tax Parcel Number: 19220061

Orlans Law Group PLLC
No. 1981 of 2024 G.D.
No. 54 of 2025 E.D.

Freedom Mortgage Corporation
v.
Jerry Lowry and Katelin Fletcher

By virtue of a Writ of Execution No. 1981
of 2024 GD

Freedom Mortgage Corporation v. Jerry
Lowry and Katelin Fletcher
owner(s) of property situate in the City of
Connellsville, Fayette County, Pennsylvania,
being 519 Newmyer Avenue, Connellsville, PA
15425

Parcel No. 05120134
Improvements thereon: RESIDENTIAL
DWELLING
Judgment Amount: \$101,684.94

Robertson, Anschutz, Schneid, Crane &
Partners, PLLC
133 Gaither Drive, Suite F
Mt. Laurel, NJ 08054
855-255-6906

No. 2083 of 2022 G.D.
No. 23 of 2025 E.D.

**U.S. BANK TRUST NATIONAL
ASSOCIATION, NOT IN ITS INDIVIDUAL
CAPACITY BUT SOLELY AS OWNER
TRUSTEE FOR RCF 2 ACQUISITION
TRUST,**
Plaintiff
v.
PATSYHELEN PALM
Defendant(s)

ALL THOSE CERTAIN LOTS OR
PIECES OF GROUND SITUATE IN THE
CITY OF UNIONTOWN, FAYETTE
COUNTY, PENNSYLVANIA:

BEING KNOWN AS: 99 MURRAY AVE
UNIONTOWN, PA 15401
BEING PARCEL NUMBER: 38030131
IMPROVEMENTS: RESIDENTIAL
PROPERTY

No. 2410 of 2024 G.D.
No. 51 of 2025 E.D.

Hladik, Onorato & Federman, LLP
298 Wissahickon Avenue
North Wales, PA 19454

**PENNSYLVANIA HOUSING FINANCE
AGENCY,
PLAINTIFF
VS.**

No. 117 of 2024 G.D.
No. 41 of 2025 E.D.

**SHEILA ANN PORRECA,
ADMINISTRATRIX OF THE ESTATE OF
JOSHUA W. PORRECA, DECEASED,
DEFENDANT**

**U.S. Bank National Association, not in its
individual capacity but solely as trustee of
NRZ Pass- Through Trust XII
(Plaintiff)
vs.**

TRACT 1:

ALL that tract of land in Nicholson
Township, Fayette County, Pennsylvania, being
approximately 154 X 273.47 X 155.09 X
291.98.

**Amy S. Shroyer, Individually and as
Surviving Heir of Donald E. Shroyer, Jr.
a/k/a Donald Eugene Shroyer, Jr., Deceased,
Courtney Grimm, as Surviving Heir of
Donald E. Shroyer, Jr. a/k/a Donald Eugene
Shroyer, Jr., Deceased, Joseph Shroyer, as
Surviving Heir of Donald E. Shroyer, Jr.
a/k/a Donald Eugene Shroyer, Jr., Deceased
and Unknown Surviving Heirs of Donald E.
Shroyer a/k/a Donald Eugene Shroyer, Jr.,
Deceased**

TRACT 2:

ALL that tract of land in Nicholson
Township, Fayette County, Pennsylvania,
known as Lot 1 - Adams Plan, Fayette Plan
Book 83, Page 99, being approximately 165.40 x
253.60 x 166.50 x 273.47

(Defendants)

HAVING THEREON ERECTED
DWELLING KNOWN AND NUMBERED AS:
210 KONICKI ROAD, MASONTOWN, PA
15461.

By virtue of Writ of Execution No. 2024-
00117

TAX PARCEL# 24-12-0058
Fayette Deed Book 3545, page 1764

U.S. Bank National Association, not in its
individual capacity but solely as trustee of NRZ
Pass- Through Trust XII (Plaintiff) vs. Amy S.
Shroyer, Individually and as Surviving Heir of
Donald E. Shroyer, Jr. a/k/a Donald Eugene
Shroyer, Jr., Deceased, Courtney Grimm, as
Surviving Heir of Donald E. Shroyer, Jr. a/k/a
Donald Eugene Shroyer, Jr., Deceased, Joseph
Shroyer, as Surviving Heir of Donald E.
Shroyer, Jr. a/k/a Donald Eugene Shroyer, Jr.,
Deceased and Unknown Surviving Heirs of
Donald E. Shroyer a/k/a Donald Eugene
Shroyer, Jr., Deceased (Defendants)

Brock & Scott, PLLC

No. 360 of 2020 G.D.
No. 7 of 2025 E.D.

**WELLS FARGO BANK, N.A.
v.
JASON L. PORTER**

Property Address 273 ODonnal Road, Mill
Run, PA 15464

By virtue of a Writ of Execution No. 360
OF 2020, G.D.

**WELLS FARGO BANK, N.A. V. JASON L.
PORTER**

Parcel I.D. No. 35-22-0017

owner(s) of property situate in the
LUZERNE TOWNSHIP, FAYETTE County,
Pennsylvania, being 267 EAST RIVERSIDE
ROAD, EAST MILLSBORO, PA 15433

Improvements thereon consist of a
residential dwelling.

Tax ID No. 19-25-0130-01

Judgment Amount: \$27,011.10

Improvements thereon: RESIDENTIAL
DWELLING

Judgment Amount: \$117,038.15

KML LAW GROUP, P.C.
Suite 5000
701 Market Street
Philadelphia, PA 19106-1532
(215) 627-1322

No. 2572 of 2024 G.D.
No. 24 of 2025 E.D.

PENNYMAC LOAN SERVICES, LLC
3043 Townsgate Road
Suite 200
Westlake Village, CA 91361
Plaintiff

vs.

SAMUEL D. SNYDER
Mortgagor(s) and Record Owner(s)
102 South Liberty Street
Masontown, PA 15461
Defendant(s)

ALL THAT CERTAIN LOT OF LAND
SITUATE IN MASONTOWN BORO,
COUNTY OF FAYETTE AND
COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 102 SOUTH
LIBERTY STREET, MASONTOWN, PA
15461

TAX PARCEL #21-07-0067
IMPROVEMENTS: A RESIDENTIAL
DWELLING

SOLD AS THE PROPERTY OF:
SAMUEL D. SNYDER

STERN & EISENBERG, PC
MATTHEW C. FALLINGS, ESQ.

No. 2151 of 2024 G.D.
No. 18 of 2025 E.D.

**U.S. Bank National Association, not in its
individual capacity but solely in its capacity
as Indenture Trustee of CIM Trust 2021-NR4**
Plaintiff

vs.

**Darlene L. Stanley a/k/a Darlene Stanley and
Timothy M. Stanley a/k/a Timothy Stanley**
Defendant(s)

SITUATE IN SMITHFIELD, FAYETTE
COUNTY, PENNSYLVANIA, BEING
KNOWN AS 126 SHOAF ROAD,
SMITHFIELD, PA 15478

PARCEL NO. 14-12-0033
IMPROVEMENTS - RESIDENTIAL
REAL ESTATE

SOLD AS THE PROPERTY OF- Timothy
M. Stanley and Darlene L. Stanley

Padgett Law Group
Jacqueline F. McNally, Esq.
700 Darby Road, Suite 100
Havertown, PA 19083
(850) 422-2520

No. 2516 of 2024 G.D.
No. 26 of 2025 E.D.

**Federal Home Loan Mortgage Corporation
as Trustee for Freddie Mac Seasoned Credit
Risk Transfer Trust, Series 2022-1**

v.

Joseph P. Terreta

By virtue of Writ of Execution No. 2024-
02516

Federal Home Loan Mortgage Corporation
as Trustee for Freddie Mac Seasoned Credit
Risk Transfer Trust, Series 2022-1 v. Joseph P.
Terreta

Property Address: 812 York Street,
Brownsville, PA 15417

Township of Luzerne, County of Fayette,
Commonwealth of Pennsylvania

Tax Parcel Number: 19130113

Improvements thereon: Single family
residential dwelling

Judgment Amount: \$53,902.26

Brock & Scott, PLLC

No. 2038 of 2023 G.D.
No. 20 of 2025 E.D.

FREEDOM MORTGAGE CORPORATION
v.

**UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS, AND ALL PERSONS, FIRMS,
OR ASSOCIATIONS CLAIMING RIGHT,
TITLE OR INTEREST FROM OR UNDER
CHARLES E. CHERESNYE, DECEASED;
VICTORIA VALENCIK, IN HER
CAPACITY AS HEIR OF CHARLES E.
CHERESNYE, DECEASED; JOYCE
SONTHEIMER, IN HER CAPACITY AS
HEIR OF CHARLES E. CHERESNYE,
DECEASED**

By virtue of a Writ of Execution No. 2023-
02038

FREEDOM MORTGAGE CORPORATION v.
UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS, AND ALL PERSONS, FIRMS, OR
ASSOCIATIONS CLAIMING RIGHT, TITLE
OR INTEREST FROM OR UNDER CHARLES

E. CHERESNYE, DECEASED; VICTORIA VALENCIK, IN HER CAPACITY AS HEIR OF CHARLES E. CHERESNYE, DECEASED; JOYCE SONTHEIMER, IN HER CAPACITY AS HEIR OF CHARLES E. CHERESNYE, DECEASED

owner(s) of property situate in the BOROUGH OF MASONTOWN, FAYETTE County, Pennsylvania, being 2 ARLINGTON AVE, MASONTOWN, PA 15461

Tax ID No. 21-11-0001

Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$53,443.22

Brownsville, PA 15417

Seized and sold as the property of Clint W. Zupich, Diane R. Zupich

Judgment Number 2026-2023 (U.S. Bank Trust National Association, as Trustee of LB-Dwelling Series V Trust v Clint W. Zupich)

Dated: December 20, 2024

*** END SHERIFF'S SALE ***

Friedman Vartolo LLP

No. 2026 of 2023 G.D.

No. 369 of 2024 E.D.

U.S. BANK TRUST NATIONAL ASSOCIATION, AS TRUSTEE OF LB-DWELLING SERIES V TRUST,

Plaintiff

vs.

CLINT W. ZUPICH; DIANE R. ZUPICH; HARVIN RENTALS, LLC OF VERONA, PENNSYLVANIA,

Defendant(s)

ALL that certain lot of ground situate in the Second Ward of the Borough of Brownsville, County of Fayette and State of Pennsylvania, known in the Plan or Plot of Krepps' Addition to Bridgeport as Lot No. 23; said plan or plot being recorded in the Office of the Recorder of Deeds of Fayette County, Pennsylvania, in Plan Book 1, page 15; said Lot No. 23 fronting 50 feet on Second Street and extending back with even width 100 feet to Middle Alley; having erected thereon a two-story, frame dwelling and a frame garage.

BEING premises known and numbered as 1106 2nd Street, Brownsville, PA 15417

Tax Parcel Number: 02-07-0106

BEING the same premises which Fayette County Tax Claim Bureau, Fayette County, Pennsylvania, as Trustee by Deed dated December 9, 2022 and recorded in the Official Records of Fayette County on December 14, 2022 in Deed Book Volume 3535, Page 826, granted and conveyed unto Harvin Rentals, LLC of Verona, Pennsylvania.

Robert Fiacco, Esq., Friedman Vartolo LLP, attorney for Plaintiff

Judgment Amount: \$46,806.48

Premise Being: 1106 2nd Street,

Registers' Notice

Notice by JEFFREY L. REDMAN, Register of Wills and
Ex-Officio Clerk of the Orphans' Court Division of the Court of Common Pleas

Notice is hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans' Court Division of Fayette County on

Monday, April 7, 2025, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2620-0254	MARY ELLEN KUNKEL	Gregory T. Kunkel

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

Monday, April 21, 2025, at 9:30 A.M.

in Courtroom No. 1 of the **Honorable President Judge Steve P. Leskinen** or his chambers, Second Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

Notice is hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans' Court Division of Fayette County on

Monday, April 7, 2025, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2622-0949	STEPHEN A. BARAN	Wendy L. O'Brien, Administratrix

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

Monday, April 21, 2025, at 9:30 A.M.

in Courtroom No. 5 of the **Honorable Judge Joseph M. George, Jr.** or his chambers, Third Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

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

WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN
518 Madison Drive
Smithfield, PA 15478
724-322-6529
johnfranciswarman@gmail.com

COMMERCIAL/RESIDENTIAL/CURRENT OWNER/MINERAL TITLE

A DECADE OF EXPERIENCE E&O INSURED WILL TRAVEL ACCEPTING NEW CLIENTS



DiBella Weinheimer
Geer McAllister Best Coco Lloyd Whalen



Holly Whalen ◊ Amy Coco ◊ Bethann Lloyd

INSIST UPON OUR EXPERIENCED TEAM

LAWYERS DEFENDING LAWYERS

- Disciplinary Board
- Legal Malpractice
- Security Fund / IOLTA
- Ethics & Conflict Analysis
- Subpoena Assistance
- Licensure
- Conflict Resolution

WWW.DIBELLA-WEINHEIMER.COM 412 261-2900

JUDICIAL OPINION

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

K. H., a minor, by and through his parent	:	
and natural guardian, ROBERT HUEY,	:	
Plaintiffs,	:	
vs.	:	
MILL RUN CAMPGROUND and	:	
JOHN DOE 1-10,	:	No. 2197 of 2023, G.D.
Defendants.	:	Honorable Nancy D. Vernon

OPINION AND ORDER

VERNON, J.

March 10, 2025

Before the Court are Preliminary Objections filed by Defendant Mill Run Campground, Inc. to the Complaint of Plaintiff K. H., a minor, by and through his parent and natural guardian, Robert Huey.

On July 25, 2023, K. H., a three-year-old child, fell from a bleacher located at the Campground and suffered personal injuries. Plaintiffs allege the bleacher constituted a dangerous condition because it was not fully enclosed, did not have a railing or barriers on the sides to prevent business invitees from falling off the bleacher. At the time of the fall, K. H. was under the supervision of his grandmother, Brenda Lee Huey. Plaintiffs allege negligence against the Campground for its failure to correct and/or warn business invitees of the alleged “defectively designed and/or improperly secured and/or improperly maintained bleacher” and seeks punitive damages.

The Campground lodges a demurrer [Pa.R.C.P. No. 1028(a)(4)] against the claims for punitive damages arguing the same is not supported by either law or the facts of this case and objects to any allegation of recklessness as being inclusive of scandalous or impertinent matter [Pa.R.C.P. No. 1028(a)(2)].

STANDARD OF REVIEW

A preliminary objection in the nature of a demurrer is properly granted where the contested pleading is legally insufficient. *Cardenas v. Schober*, 783 A.2d 317, 321 (Pa. Super. 2001) citing Pa.R.C.P. 1028(a)(4). A demurrer admits every well-pleaded material fact set forth in the pleadings to which it is addressed as well as all inferences reasonably deducible therefrom, but not conclusions of law. *Gekas v. Shapp*, 364 A.2d 691 (Pa. 1976). “Preliminary objections in the nature of a demurrer require the court to resolve the issues solely on the basis of the pleadings; no testimony or other evidence outside of the complaint may be considered to dispose of the legal issues presented by the demurrer.” *Cardenas* at 321–22. “[C]onclusions of law, unwarranted inferences from the facts, argumentative allegations or expressions of opinion” need not be accepted as true. *Myers v. Ridge*, 712 A.2d 791, 794 (Pa. Commw. 1998). “Preliminary objections, the end result of which would be dismissal of a cause of action, should be sustained only in cases that are clear and free from doubt.” *League of Women Voters of Pennsylvania v. Commonwealth*, 692 A.2d 263, 267 (Pa. Commw. 1997). In order to sustain the demurrer, it is essential that the plaintiff’s complaint indicate on its face that his claim cannot be sustained, and the law will not permit recovery. *Id.*

Pennsylvania Rule of Civil Procedure 1028(a)(2) provides for preliminary objections to be filed when pleadings include a scandalous or impertinent matter. In order to be scandalous or impertinent, “the allegation must be immaterial and inappropriate to the proof of the cause of action.” *Common Cause/Pennsylvania v. Commonwealth*, 710 A.2d 108, 115 (Pa. Cmwh. 1998). The right to strike an impertinent matter, however, “should be sparingly exercised and only when a party can affirmatively show prejudice.” *Commonwealth Dep’t of Env’tl. Res. v. Hartford Accident and Indem. Co.*, 396 A.2d 885, 888 (Pa. Cmwlth. 1979).

DISCUSSION

Punitive damages are defined as “damages, other than compensatory or nominal damages, awarded against a person to punish him for his outrageous conduct and to deter him and others like him from similar conduct in the future.” Restatement (Second) of Torts §908(1). Punitive damages are not awarded for mere inadvertence, mistake, errors of judgment and the like, which constitute ordinary negligence. *Id.* at comment (b).

Punitive damages may only be awarded under limited conditions. Pennsylvania has adopted Section 908(2) of the Restatement (Second) of Torts regarding the imposition of punitive damages and permits punitive damages only for conduct that is “outrageous because of the defendant’s evil motives or his reckless indifference to the rights of others.” Restatement (Second) of Torts §908(2); *Feld v. Merriam*, 485 A.2d 742 (Pa. 1984); *Chambers v. Montgomery*, 192 A.2d 355 (Pa. 1963). Punitive damages must be based on malicious, wanton, reckless, willful, or oppressive conduct on the part of the defendant. *Hughes v. Babcock*, 37 A.2d 551, 554 (Pa. 1944).

The proper focus is on “the act itself together with all the circumstances including the motive of the wrongdoer and the relations between the parties [...]” *Chambers*, supra., 192 A.2d at 358. Reckless indifference to the rights of others means that “the actor has intentionally done an act of an unreasonable character, in disregard of a risk known to him or so obvious that he must be taken to have been aware of it, and so great as to make it highly probable that harm would follow.” *Temporaries, Inc. v. Krane*, 472 A.2d 668, 673 (Pa. Super. 1984).

Recklessness does not require the actor to intend to cause the harm which results from an intentional act; rather, “[i]t is enough that he realizes or, from the facts which he knows, should realize that there is a strong probability that harm may result, even though he hopes or even expects that his conduct will prove harmless.” *Archibald v. Kemble*, 971 A.2d 513, 517 (Pa. Super. 2009). A punitive damages claim must be supported by evidence sufficient to establish that (1) a defendant had a subjective appreciation of the risk of harm to which the plaintiff was exposed and (2) the defendant acted, or failed to act, in conscious disregard of that risk. *Hutchison ex rel. Hutchison v. Ludly*, 870 A.2d 766 (Pa. 2005).

“A request for punitive damages does not constitute a cause of action in and of itself,” and “is merely incidental to a cause of action.” *Grimm v. Grimm*, 149 A.3d 77, 90 (Pa. Super. 2016). Stated otherwise, “no independent action exists for a claim of punitive damages since punitive damages is only an element of damages.” *Kirkbride v. Lisbon Contractors, Inc.*, 555 A.2d 800, 802 (Pa. 1989); *Fiedler v. Spencer*, 231 A.3d 831, 839 (Pa. Super. 2020). Rather, “punitive damages are a remedy, i.e., an ‘element of damages arising out of the initial cause of action.’” *Briggs v. Southwestern Energy Pro-*

duction Company, 224 A.3d 334, 339 n.6. Therefore, since a claim for punitive damages is not considered to be “a cause of action,” demands for punitive damages are not subject to the “material facts” pleading requirement in Rule 1019(a). “[G]ross negligence and recklessness are states of mind; they are forms of negligence, not independent causes of action. Thus, our procedural rules allow the plaintiff to plead gross negligence and recklessness generally. See Rule 1019(b).” *Monroe v. CBH20, LP*, 286 A.3d 785, 799 (Pa. Super. 2022).

The Superior Court has recently instructed trial courts to uphold the important distinction between deciding preliminary objections to a claim for punitive damages at the pleadings stage of a case versus the disposition at a later pretrial motion for summary judgment.

At the pleadings stage, the rules allow a plaintiff to make a general averment of gross negligence or recklessness. When initially filing a complaint, a plaintiff may not be fully aware of the defendant’s state of mind. Only through discovery can the plaintiff ascertain what the defendant knew or should have known about the risk involved. It would place an undue burden on the plaintiff to plead specific facts about a defendant’s state of mind at the time a lawsuit is initiated.

Discovery gives the plaintiff an opportunity to learn this information. Through interrogatories, depositions, and requests for admission, a plaintiff can learn whether a defendant had notice of a dangerous condition before the plaintiff was injured. A plaintiff can discover information about the defendant’s training and experience to see if the defendant knew or should have known about the risk involved that lead to plaintiff’s injuries. The discovery phase of the case also gives the plaintiff time to hire an expert to investigate and opine on the standard of care and whether it was breached, not only in terms of ordinary negligence, but whether there were gross or reckless deviations from the standard of care.

Once discovery is complete, then a plaintiff can be required to produce evidence of recklessness. If a plaintiff fails to produce the evidence, Rule 1035.3 provides that summary judgment should be entered for the defendant on the plaintiff’s claims.

Monroe, at 799–800.

In recognizing “confusion” at the trial court level applying this standard to preliminary objections for punitive damages, the Superior Court explained,

“[T]he plain language of Rule 1019(a) only requires ‘material facts’ to ‘be stated in a concise and summary form’ in support of ‘a cause of action or defense.’ ... [Plaintiffs’] averments of recklessness may be averred generally under Rule 1019 (b) as a condition of mind.” [T]rial court decisions that have sustained preliminary objections or granted judgment on the pleadings based upon demands for heightened factual averments to support a claim of willful, wanton, or reckless conduct did not accurately apply the law. Our ruling today removes any doubt that, so long as a plaintiff’s complaint (1) specifically alleges facts to state a prima facie claim for the tort of negligence, and (2) also alleges that the defendant acted recklessly, the latter state-of-mind issue may only be resolved as a matter of law after discovery has closed.

Monroe, at 801, fn. 6.

Following the ruling in Monroe, preliminary objections challenging the legal sufficiency of punitive damages claims should be overruled so long as the plaintiff alleges facts stating a prima facie tort claim and generally avers that the defendant acted willfully, wantonly, or recklessly.

In their claim for punitive damages, Plaintiffs allege that the Campground was responsible for the proper design, construction, and maintenance of the bleachers and allowed the use of known unsafe and defective equipment in that the bleachers had no railing and or barriers to prevent people from falling off and that the bleacher has caused injuries previously in the same manner. Plaintiffs further allege this was not the first time the Campground allowed business invitees to use “the defectively designed and/or improperly secured and/or improperly maintained bleacher at issue.” As to the Campground’s motive, Plaintiffs aver:

Defendants acted intentionally, recklessly, maliciously, and/or with evil motive to cause the Minor Plaintiff the serious and permanent injuries sustained by knowingly and purposefully disregarding the known risk the defectively designed and/or improperly secured and/or improperly maintained bleacher at issue posed to Minor Plaintiff while using the bleacher for its intended use.

See, Complaint ¶20.

Plaintiffs have alleged material facts which state a cognizable claim for negligence against the Campground. In fact, the Campground has not challenged the factual specificity or legal sufficiency of the negligence claim asserted against it pursuant to Pa.R.Civ.P. 1028(a)(3) and (4). Plaintiffs have also generally averred the Campground acted intentionally, recklessly, maliciously, and/or with evil motive, and in accordance with the precedent of this Commonwealth, those state-of-mind issues “may only be resolved as a matter of law after discovery has closed.” Consequently, the Campground’s preliminary objections must be overruled at this stage to be revisited after discovery through pretrial motions.

WHEREFORE, we will enter the following ORDER.

ORDER

AND NOW, this 10th day of March, 2025, upon consideration of Defendant Mill Run Campground Inc.’s Preliminary Objections to the Complaint of Plaintiff K. H., a minor, by and through his parent and natural guardian, Robert Huey it is hereby ORDERED and DECREED that the Preliminary Objections are OVERRULED in accordance with the foregoing Opinion.

BY THE COURT:
NANCY D. VERNON, JUDGE

ATTEST:
Prothonotary



130th Annual

FAYETTE COUNTY BAR ASSOCIATION

BAR BANQUET

SUNDAY, MAY 18TH

FIRST FLIGHT ISLAND RESTAURANT
301 WHITEHEAD STREET

Key West, Florida

6:00 COCKTAILS & HORS D'OEUVRES
7:00 DINNER

Rsvp TO THE ASSOCIATION BY APRIL 14TH
724-437-7994 *or* GARNET@FCBAR.ORG

FCBA MEMBERS COMPLIMENTARY
GUESTS WELCOME! GUEST FEE \$100



FAYETTE COUNTY BAR ASSOCIATION

Bar Banquet Weekend Itinerary May 16-19

SUGGESTED ACCOMMODATIONS:

Casa Marina or Southernmost Beach Resort



FRIDAY

SUGGESTED FLIGHT:

Allegiant Flight 991

PIT -> EYW 1:59 PM - 4:41 PM

8:30 PM - GHOSTS & GRAVESTONES TOUR (\$40)

SATURDAY

8:00 AM - 10:00 AM - WELCOME BREAKFAST & CLE

Flagler's Restaurant @ Casa Marina
Breakfast Buffet (Complimentary)

1.0 Ethics Credits 8:30 - 9:30 AM (\$20)

6:00 PM - SUNSET SAIL CRUISE

Appetizers & Drinks (\$80)

SUNDAY

10:00 AM - BUTTERFLY CONSERVATORY (\$18)

12:00 PM - ERNEST HEMINGWAY HOME (\$19)

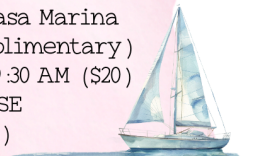
6:00 PM - 130TH ANNUAL BAR BANQUET
First Flight Island Restaurant

MONDAY

SUGGESTED FLIGHT:

ALLEGIANT FLIGHT 1012

EYW -> PIT 10:23 AM - 1:09 PM



LAW DAY MOCK TRIAL COMPETITION AND LUNCHEON**2025 Law Day Mock Trial Competition and Luncheon**

Join your colleagues of the Fayette County Bar Association
and local elected officials on

Thursday, April 3, 2025

Mock Trial Competition

Presiding Judge Linda R. Cordaro
Fayette County Courthouse, Courtroom #2
10:00 a.m.

Frazier School District and Connellsville Area School District
The first twelve volunteers to serve as jurors
will receive a free luncheon.

Law Day Luncheon

Caporella's Ristorante
12:00 p.m.
\$15.00 paid in advance

RSVP for Luncheon and/or to serve as a Mock Trial Juror
on or before Friday, March 21st
cindy@fcbar.org or 724-437-7994

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