

# FAYETTE LEGAL JOURNAL

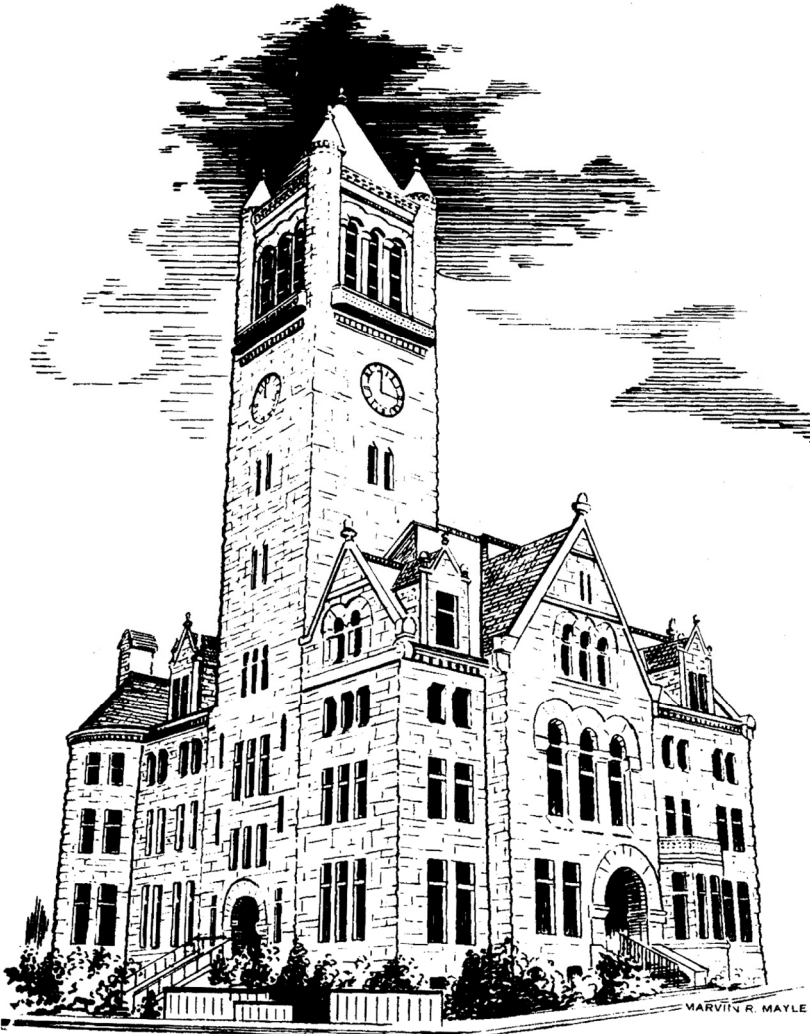
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NO. 21

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## FAYETTE LEGAL JOURNAL

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**Co-Editors:** Garnet L. Gordon and Melinda Deal Dellarose

*Cover Design by Marvin R. Mayle, 207 Lick Hollow Road, Hopwood, PA*

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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

**JOYCE ANN BREAKWELL, a/k/a JOYCE A. BREAKWELL**, late of Georges Township, Fayette County, PA <sup>(3)</sup>

*Executrix:* Wendy L. Witham  
273 Syringa Ridge Drive  
Sandpoint, Idaho 83864  
c/o Newcomer Law Offices  
4 North Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* Ewing D. Newcomer

**GEORGE J. FRANGOS**, late of South Union Township, Fayette County, PA <sup>(3)</sup>

*Executor:* Jeffrey M. Tomi  
P.O. Box 188  
Bacliff, Texas 77518  
c/o Newcomer Law Offices  
4 North Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* Ewing D. Newcomer

**RONNIE JAMES FREED, a/k/a RONNIE J. FREED**, late of Saltlick Township, Fayette County, PA <sup>(3)</sup>

*Executor:* Ronnie Ray Freed  
c/o 208 South Arch Street, Suite 2  
Connellsville, PA 15425  
*Attorney:* Richard A. Husband

**ANDREW A. LANCASTER**, late of Uniontown, Fayette County, PA <sup>(3)</sup>

*Administrator:* Neil M. Lancaster  
c/o 51 East South Street  
Uniontown, PA 15401  
*Attorney:* Anthony S. Dedola, Jr.

**BERTHA M. MONTGOMERY**, late of Uniontown, Fayette County, PA <sup>(3)</sup>

*Executrix:* Anna M. Shannon  
c/o Proden & O'Brien  
99 East Main Street  
Uniontown, PA 15401  
*Attorney:* Wendy L. O'Brien

**SHERYN PORUPSKI, a/k/a SHERYN A. PORUPSKI**, late of Nicholson Township, Fayette County, PA <sup>(3)</sup>

*Executor:* Jana Duff  
10350 Gorsuch Road, Galena, OH 43021  
c/o 76 East Main Street  
Uniontown, PA 15401  
*Attorney:* Douglas S. Sholtis

**ANDREW J. SABULA**, late of Luzerne Township, Fayette County, PA <sup>(3)</sup>

*Administrator:* Nick Sabula  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* James T. Davis

**JANICE L. SMILEY, a/k/a JANICE LYNN SMILEY**, late of North Union Township, Fayette County, PA <sup>(3)</sup>

*Administrator:* (C.T.A.) Jeffrey D. Dulik  
c/o 51 East South Street  
Uniontown, PA 15401  
*Attorney:* Webster & Webster

**MARY URSULA VOZAR, a/k/a MARY URSULA OPPMAN**, late of Connellsville, Fayette County, PA <sup>(3)</sup>

*Co-Executors:* Marianne Oppman and Christopher Oppman  
c/o Molinaro Law Offices  
141 West Peach Street  
P.O. Box 799  
Connellsville, PA 15425  
*Attorney:* Carmine V. Molinaro, Jr.

### Second Publication

**ROSE M. KOCHIS**, late of South Union Township, Fayette County, PA <sup>(2)</sup>

*Executrix:* Janelle Kochis  
c/o Higinbotham Law Offices  
68 South Beeson Boulevard

Uniontown, PA 15401  
*Attorney:* James E. Higinbotham

892 Vanderbilt Road  
 Connellsville, PA 15425  
*Attorney:* Douglas Sepic

**RAYMOND K. RAMAGE, a/k/a RAYMOND RAMAGE**, late of Connellsville, Fayette County, PA (2)

*Administrator:* Michael L. Mays  
 c/o Davis & Davis  
 107 East Main Street  
 Uniontown, PA 15401  
*Attorney:* Michael L. Mays

**DOROTHY L. DUNLAP**, late of Dunbar Township, Fayette County, PA (1)

*Executor:* Daniel Mark Dunlap and George Thomas Dunlap  
 519 Donatello Drive  
 Irwin, PA 15642  
 c/o Bononi & Company  
 20 North Pennsylvania Avenue, Suite 201  
 Greensburg, PA 15601  
*Attorney:* Keegan E. Miller

**RICHARD SACKETT**, late of Uniontown, Fayette County, PA (2)

*Administrator:* Alberta M. Sackett  
 208 Hopwood Fairchance Road  
 Uniontown, PA 15401  
 c/o Seamon Law Offices  
 2101 About Town Place  
 Morgantown, WV 26508  
*Attorney:* Christopher Deegan

**WILBUR E. FELTON**, late of Connellsville, Fayette County, PA (1)

*Executrix:* Mary Catherine Piper  
 c/o Casini & Geibig, LLC  
 815B Memorial Boulevard  
 Connellsville, PA 15425  
*Attorney:* Jennifer M. Casini

**CAROLYN A. SIKORA**, late of South Union Township, Fayette County, PA (2)

*Executrix:* Jacqueline M. Verney  
 110 Independence Way  
 Mechanicsburg, PA 17050

**ROBERT FESTOG**, late of Uniontown, Fayette County, PA (1)

*Executrix:* Cathryn Giffin  
 997 Treasure Lake  
 DuBois, PA 15801

## First Publication

**PATRICIA ANN BROWN**, late of Dunbar Borough, Fayette County, PA (1)

*Administrator:* Amy Lynn Gallagher  
 c/o 815A Memorial Boulevard  
 Connellsville, PA 15425  
*Attorney:* Margaret Zylka House

**EMIL GEORGE HAMBURG**, late of Saltlick Township, Fayette County, PA (1)

*Administrator:* Mary Lou Kuhns  
 c/o 815A Memorial Boulevard  
 Connellsville, PA 15425  
*Attorney:* Margaret Zylka House

**JAMES DONALD BUNGARD**, late of Wharton Township, Fayette County, PA (1)

*Executor:* Troy Allen Bungard  
 c/o 815A Memorial Boulevard  
 Connellsville, PA 15425  
*Attorney:* Margaret Zylka House

**IVAN HAYDEN**, late of Farmington, Fayette County, PA (1)

*Administrator:* Richard Hayden  
 2187 Dinnerbell  
 Five Forks Road  
 Farmington, PA 15437  
 c/o Tremba Kinney, LLC  
 1310 Morrell Avenue, Suite C  
 Connellsville, PA 15425  
*Attorney:* John Greiner

**LOUIS DALESSIO**, late of Connellsville, Fayette County, PA (1)

*Administrator:* Roseanna Knisley  
 1955 South Creek Front Lane  
 P.O. Box 359  
 Hatch, Utah 87435  
 c/o Sepic Law

**JOHN HUDOCK, a/k/a JOHN M. HUDOCK, a/k/a JOHN MICHAEL HUDOCK**, late of Uniontown, Fayette County, PA (1)

*Personal Representative:* Leslie A. Hudock  
 c/o George & George

92 East Main Street  
 Uniontown, PA 15401  
*Attorney:* Joseph M. George

**LEGAL NOTICES**

**OPAL JORDAN, a/k/a OPAL K. JORDAN,**  
 late of Masontown Borough, Fayette County,  
 PA (1)  
*Executrix:* Robin S. Jordan  
 c/o 9 Court Street  
 Uniontown, PA 15401  
*Attorney:* Vincent J. Roskovensky, II

**FAYETTE COUNTY  
 TAX CLAIM BUREAU  
 2 West Main Street  
 Uniontown, PA 15401  
 Telephone 724-430-1208**

**TO THE OWNERS OF PROPERTIES AND  
 TO ALL HAVING TAX AND MUNICIPAL  
 CLAIMS, MORTGAGES, LIENS, and  
 CHARGES OF WHATEVER KIND,  
 EXCEPT GROUND RENTS, SEPARATELY  
 TAXED, AGAINST SUCH PROPERTIES:**

**CYNTHIA MIHALKO,** late of Uniontown,  
 Fayette County, PA (1)  
*Administratrix:* Katherine A. Lacek  
 506 Stonebridge Court  
 Uniontown, PA 15401  
 c/o Tremba, Kinney, Greiner & Kerr  
 1310 Morrell Avenue, Suite C  
 Connellsville, PA 15425  
*Attorney:* John Greiner

Notice is hereby given that the properties will be sold freed and cleared of their respective tax and municipal claims, liens, mortgages, and/or ground rents by the Fayette County Tax Claim Bureau for non-payment of delinquent taxes under the Provisions of the Act of July 1947, P. L. 351 and its amendments on June 17th, 2024 at 10:00 AM in the Bank Building Conference Room located on the first floor at 2 West Main Street Uniontown, PA 15401.

**BEATRICE WAITE, a/k/a BEATRICE C.  
 WAITE,** late of Acme, Fayette County, PA (1)  
*Executor:* John R. Waite  
 80 Ballard Road  
 Bervard, North Carolina 28712  
 c/o Sebring & Associates  
 339 Old Haymaker Road, Suite 1101  
 Monroeville, PA 15146  
*Attorney:* Brenda Sebring

These properties were exposed to the upset sale in September 2022, advertised in the Daily Courier, Herald Standard and the Legal Journal in August, 2022. **THE TERMS OF THE SALE** are cash, and no sale shall be made, except to the County unless a bid equal to the costs as indicated by the approximate upset price (MINIMUM PRICE) set forth for each property.

**\*\*NO ONE OWING DELIQUENT  
 TAXES 10 days before the sale CAN BID ON  
 PROPERTIES IN THE TAX SALE.**

**\*\*\*\*\*  
 PRE-REGISTRATION IS REQUIRED  
 BY STATUTE  
 \*\*\*\*\***

**THE COST FOR THE TRANSFER  
 STAMPS WILL BE COLLECTED AND  
 THE DEED WILL BE ISSUED AFTER THE  
 EXCPETION PERIOD GRANTED BY THE  
 JUDGE IS OVER.**

**Fayette County Tax Claim Bureau  
 Sarah E. Minnick, Director**

**SHERIFF'S SALE**

Date of Sale: July 18, 2024

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 July 18, 2024, 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.

(3 of 3)

James Custer  
Sheriff of Fayette County

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

No. 2150 of 2021 GD  
No. 80 of 2024 ED

**Longbridge Financial, LLC**  
**Plaintiff**

v.

**Suzanne Tate, Known Surviving Heir of Doralyn J. Oldland, Denise Briones, Known Surviving Heir of Doralyn J. Oldland, and Unknown Heirs of Doralyn J. Oldland**

ALL that certain piece or parcel of land situate in the Third Ward of the city of Uniontown, Fayette County, Pennsylvania, and known as lot no. 65 in the plan of lots laid out by Markle, Ely and Douglas as the Uniontown Land Company, which said plan of lots is recorded in plan book volume I, page 59, in the recorder's office of said county, said lot being bounded and described as follows.

BEGINNING at corner of Lot No. 65 and Douglas Street, formerly an alley; thence South 9 degrees 30 minutes east, 120 feet to a 20 foot alley; thence along said alley, north 80 degrees 30 minutes east, 40 feet to line of lot no. 64; thence along the line of lot no. 64, north 9 degrees 30 minutes West, 104.35 feet to said Douglas Street; thence North 71 degrees 57 minutes West 33.7 feet to a point; thence South 80 degrees 30 minutes west 10 feet to a point, the place of beginning.

All that certain piece or parcel or Tract of land situate in the Union Town, Fayette County, Pennsylvania, and being known as 16 Trader Street, Uniontown, Pennsylvania 15401.

Being known as: 16 Trader Street, Uniontown, Pennsylvania 15401

Title vesting in Doralyn J. Oldland by deed from Lillian P. Oldland dated February 22, 1999 and recorded February 23, 1999 in Deed Book 2269, Page 0262 Instrument Number 9900002858. The said Doralyn J. Oldland died on December 21, 2020 without a will or appointment of an Administrator, thereby vesting title in Suzanne Tate, Known Surviving Heir of Doralyn J. Oldland, Denise Briones, Known Surviving Heir of Doralyn J. Oldland, and Unknown Heirs of Doralyn J. Oldland by operation of law.

Tax Parcel Number: 38.03.0345

Brock & Scott, PLLC

No. 1733 of 2020 GD  
No. 82 of 2024 ED

**U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR BNC MORTGAGE LOAN TRUST 2007-2 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-2**  
v.  
**JOHN ALBERT CLAY; JILLIAN N. CLAY**

By virtue of a Writ of Execution No. 1733 of 2020 GN

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR BNC MORTGAGE LOAN TRUST 2007-2 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-2 v. JOHN ALBERT CLAY; JILLIAN N. CLAY owner(s) of property situate in the PERRY TOWNSHIP, FAYETTE County, Pennsylvania, being 46 MEMORIAL DRIVE, PERRYOPOLIS, PA 15473

Tax ID No. 21-10-0011

Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$106,673.71

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STERN & EISENBERG PC  
MATTHEW C. FALLINGS, ESQ.

No. 627 of 2023 GD  
No. 97 of 2024 ED

**R3P, LLC**

**Plaintiff**

v.

**Christina L. Cocciardo and Brenda L Churilla and James E Churilla, Jr. and United States of America**

**Defendant(s)**

SITUATE IN HOPWOOD, FAYETTE COUNTY, PENNSYLVANIA, BEING KNOWN AS RR 1 BOX 47D1 WATSON DRIVE A/K/A 142 WATSON DRIVE, HOPWOOD, PA 15445

PARCEL NO. 34-12-0119

IMPROVEMENTS- RESIDENTIAL REAL ESTATE

SOLD AS THE PROPERTY OF-BRENDA L CHURILLA AND CHRISTINA L. COCCIARDO AND JAMES E CHURILLA, JR AND UNITED STATES OF AMERICA

No. 97 of 2023 GD  
No. 108 of 2024 ED

**SOMERSET TRUST COMPANY**

v.

**Rachel Lynn Hope Frazee a/k/a Rachel L. Walls a/k/a Rachel Dean**

All the real property described in the Writ of Execution the following of which is a summary.

SOMERSET TRUST COMPANY

v.

Rachel Lynn Hope Frazee a/k/a Rachel L. Walls a/k/a Rachel Dean

Property of: Rachel Lynn Hope Frazee

Located in: TOWNSHIP OF

SPRINGHILL, FAYETTE COUNTY

Street Address: 680 HOPE HOLLOW ROAD, POINT MARION, FAYETTE COUNTY, PENNSYLVANIA 15474.

Brief Description of Property: Residential, Single-Family home

Improvements thereon: RESIDENTIAL DWELLING/AFFIXED MOBILE HOME

Record book Volume: 3236, Page 1680

Tax Assessment Number(s): MAP NO.: 36 -07-0174

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

No. 2289 of 2023 GD  
No. 74 of 2024 ED

**NewRez LLC d/b/a Shellpoint Mortgage Servicing**

v.

**Jaden M. Hall, Jennifer Donnell**

By virtue of Writ of Execution No. \_\_\_\_\_  
NewRez LLC d/b/a Shellpoint Mortgage Servicing v Jaden M. Hall, Jennifer Donnell  
Docket Number: 2289 of 2023

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

Commonly known as: 121 Narrows Road, Connellsville, PA 15425 Parcel Number: 06-02-0084

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

Judgment Amount: \$123,260.37

DWALDMANLAW, P.C.,  
 ATTORNEY FOR PLAINTIFF  
 BY: JENNIE C. SHNAYDER, ESQUIRE-  
 ID #315213  
 4900 CARLISLE PIKE, #182  
 MECHANICSBURG, PA 17050  
 TELEPHONE: (844) 899-4162  
 FACSIMILE: (844) 882-4703

No. 2000 of 2017 GD  
 No. 72 of 2024 ED

**ANTHIUM, LLC**  
**PLAINTIFF**  
 v.

**LENORA S. HARFORD**  
**THOMAS E. WINGARD, IN HIS**  
**CAPACITY AS HEIR OF WILMA JEAN**  
**WINGARD, DECEASED**  
**TAMMY M. LYNCH, IN HER CAPACITY**  
**AS HEIR OF WILMA JEAN WINGARD,**  
**DECEASED**  
**RICHARD A. WINGARD, IN HIS**  
**CAPACITY AS HEIR OF WILMA JEAN**  
**WINGARD, DECEASED**  
**UNKNOWN HEIRS, SUCCESSORS,**  
**ASSIGNS, AND ALL PERSONS, FIRMS,**  
**OR ASSOCIATIONS CLAIMING RIGHT,**  
**TITLE OR INTEREST FROM OR UNDER**  
**WILMA JEAN WINGARD, DECEASED**  
**DEFENDANTS**

All That Certain lot of land situate in  
 Luzerne Township, Fayette County,  
 Commonwealth of  
 Pennsylvania.

TAX PARCEL# 19-32-0017  
 PROPERTY ADDRESS: 636 Palmer Adah  
 Road, Adah, PA 15410

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

No. 459 of 2023 GD  
 No. 109 of 2024 ED

**LAKEVIEW LOAN SERVICING, LLC**  
**c/o Nationstar Mortgage LLC 8950 Cypress**  
**Waters Boulevard Coppell, TX 75019**

**Plaintiff**  
 vs.  
**KRYSTAL L. JENNINGS**  
**BRIAN A. WOLFE**  
**Mortgagor(s) and Record Owner(s)**  
**133 Emery Heights Road**

**Masontown, PA 15461**  
**Defendant(s)**

ALL THAT CERTAIN LOT OF LAND  
 SITUATE IN GERMAN TOWNSHIP,  
 COUNTY OF FAYETTE AND  
 COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 133 EMERY  
 HEIGHTS ROAD, MASONTOWN, PA 15461  
 TAX PARCEL# 15-35-0192  
 IMPROVEMENTS: A RESIDENTIAL  
 DWELLING

SOLD AS THE PROPERTY OF:  
 KRYSTAL L. JENNINGS AND BRIAN A.  
 WOLFE

\_\_\_\_\_  
 Jill M. Fein, Esquire  
 Hill Wallack LLP  
 1000 Floral Vale Blvd., Suite 300  
 Yardley, PA 19067  
 (215) 579-7700

No. 2009 of 2023 GD  
 No. 94 of 2024 ED

**WILMINGTON SAVINGS FUND**  
**SOCIETY, FSB, AS TRUSTEE OF UPLAND**  
**MORTGAGE LOAN TRUST A**  
**Plaintiff**

v.  
**PHYLLIS E. KIMMEL**  
**Defendant**

By virtue of a writ of execution case  
 number: 2023-02009

Plaintiff: WILMINGTON SAVINGS  
 FUND SOCIETY, FSB, AS TRUSTEE OF  
 UPLAND MORTGAGE LOAN TRUST A  
 v.

Defendant: PHYLLIS E. KIMMEL  
 Owners of property situate in the Borough  
 of South Connellsville, Fayette County,  
 Pennsylvania, being pin number 33-03-0090.  
 Property being known as: 1419 EAST  
 GIBSON AVE, CONNELLSVILLE, PA 15425  
 Improvements thereon: RESIDENTIAL  
 PROPERTY



No. 1492 of 2023 GD  
 No. 70 of 2024 ED

**CARRINGTON MORTGAGE SERVICES, LLC**  
**PLAINTIFF**  
 vs.  
**Teri Martin**  
**DEFENDANT**

All that certain tract of land, and the improvements thereon erected, situate in the Township of North Union, County of Fayette and Commonwealth of Pennsylvania, more specifically bounded and described as follows:

Beginning at a point in Bennington Road; thence South 21° 26' 30" East 234.34 feet to a point; thence South 68° 33' 30" West 265.45 feet to a point on property now or formerly of W. T. Guseman; thence along property now or formerly of W. T. Guseman, North 21° 26' 30" West 234.34 feet to a point; thence North 68° 33' 30" East 265.45 feet to the place of beginning, containing 1.428 acres.

UNDER AND SUBJECT to any exceptions or reservations as appear in prior deeds of record. Property Address: 279 Bennington Road, Hopwood, PA 15445

Tax ID: 25530068 / 25-53-0068

FOR INFORMATIONAL PURPOSES ONLY: Being known as 279 Bennington Road, Hopwood, PA 15445

B  
 COMMONLY KNOWN AS: 279 Bennington Road, Hopwood, PA 15445  
 TAX PARCEL NO. 25530068

No. 174 of 2023 GD  
 No. 106 of 2024 ED

**PENNY MAC LOAN SERVICES, LLC**  
**Plaintiff**  
 vs.  
**Christopher Miller**  
**Defendant(s)**

ALL THAT CERTAIN LOT OF LAND SITUATE IN SOUTH UNION TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA, BEING LOT NO. 16 IN THE SOUTH UNIONTOWN PLAN OF LOTS, A PLOT WHEREOF IS OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS OF SAID FAYETTE COUNTY.

BEING THE SAME PREMISES which Joseph M. Trimbath, Jr. And Karen S. Trimbath, His Wife, by Deed dated 4/12/2016 and

recorded in the Office of the Recorder of Deeds of Fayette County on 4/18/2016 in Deed Book Volume 3306, Page 1075, Instrument No. 201600004154 granted and conveyed unto Christopher Miller.

BEING known as 61 Dixon Blvd., Uniontown, Pennsylvania 1540 I  
 PARCEL # 34-13-0020

Brock & Scott, PLLC

No. 263 of 2024 GD  
 No. 107 of 2024 ED

**FREEDOM MORTGAGE CORPORATION**  
 v.  
**JEREMY A. MILLER**

By virtue of a Writ of Execution No. 2024-00263 FREEDOM MORTGAGE CORPORATION

v.  
 JEREMY A. MILLER

owner(s) of property situate in the GERMAN TOWNSHIP, FAYETTE County, Pennsylvania, being 3245 OLD MCCLELLANDTOWN RD,

MCCLELLANDTOWN, PA 15458

Tax ID No. 15220063 aka 15-22-0063

Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$106,690.10

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

No. 200 of 2024 GD  
 No. 101 of 2024 ED

**PNC BANK, NATIONAL ASSOCIATION**  
**3132 Newmark Drive**  
**Miamisburg, OH 45342**  
**Plaintiff**

vs.  
**DONNA OBRIEN AKA DONNA R. O'BRIEN**  
**Mortgagor(s) and Record Owner(s)**  
**115 6th Ave aka 115 Sixth Avenue**  
**Brownsville, PA 15417**  
**Defendant(s)**

ALL THAT CERTAIN LOT OF LAND SITUATE IN BROWNSVILLE BOROUGH,

COUNTY OF FAYETTE AND  
COMMONWEALTH OF PENNSYLVANIA.  
BEING KNOWN AS: 115 6TH AVE AKA  
115 SIXTH AVENUE, BROWNSVILLE, PA  
15417

TAX PARCEL #02-06-0271  
IMPROVEMENTS: A RESIDENTIAL  
DWELLING

SOLD AS THE PROPERTY OF: DONNA  
OBRIEN AK.A DONNA R. O'BRIEN

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No. 2349 of 2023 GD  
No. 115 of 2024 ED

**Somerset Trust Company**  
**vs.**  
**David B. Stoots, Lacey N. Stoots and Andra**  
**Sledge a/k/a Andra R. Sledge, Sr.**

Premises: 506 E. Francis Avenue  
Connellsville, PA 15425

All the right, title, interest and claim of:  
David B. Stoots, Lacey N. Stoots and Andra  
Sledge a/k/a Andra R. Sledge, Sr., of, in and to:

506 E. Francis Avenue Connellsville, PA  
15425

Fayette County  
Improvements: Lot 14, house, garage  
Record Book 3372, Page 746 (Instrument  
201800005071) AND  
Record Book 3461, Page 1061 (Instrument  
202100000658)  
Parcel No. 05-02-0003

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\*\*\* END SHERIFF'S SALE \*\*\*

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## SEARCH UNCLAIMED PROPERTY

**Fayette County** has unclaimed property waiting  
to be claimed.

For information about the nature and value of  
the property, or to check for additional names,  
visit [www.patresury.gov](http://www.patresury.gov)

Pennsylvania Treasury Department

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### Notice of Names of Persons Appearing to be Owners of Abandoned and Unclaimed Property

Fayette County  
Listed in Alphabetical Order by Last Known  
Reported Zip Code

For information about the nature and value of  
the property,  
or to check for additional names, visit  
[www.patresury.gov](http://www.patresury.gov)

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Fayette County

- 15012
- Adams Donna L
- Adams Matthew
- All American Contain
- Baldini Linda L, Philip
- Belle Vernon Area High Sch
- Boyd Larry
- Brandt Paula
- Buck Bruce
- Camasta Michelle
- Ceccarelli Louis Sr, Mary
- Coates Lynne B
- Collins Janet
- Cooper Clyde D
- Crumrine Joann N
- Dawson Robert C
- Dove Saxon
- Dunkerly Norma
- Evide Station Llc
- Evon Barbara A
- Fedrick Lisa a Cust
- Finke Douglas E
- Friend Eric R
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 Hall Susan  
 Hanabeck Raymond  
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Tunstell Frank	Lee Glenn
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Wagner Christian R	Mullen Margaret F Est
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Paternoster Jason  
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 Waller Thomas

# 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, June 3, 2024, at 9:30 A.M.**

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2623-0502	DALE STEWART a/k/a DALE B. STEWART a/k/a DALE BLANE STEWART	George Lovich, Executor

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

**Monday, June 17, 2024, 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.

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

## WARMAN ABSTRACT & RESEARCH LLC

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Smithfield, PA 15478

724-322-6529

johnfranciswarman@gmail.com

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**JUDICIAL OPINION**

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

COMMONWEALTH OF PENNSYLVANIA :  
v. :  
JOHN CHARLES DEMARK, JR. :  
APPELLANT. : No. 1207 of 2020

Leskinen, P.J.

May 15, 2024

**ORDER**

AND NOW, this 15th day of May, 2024, before the Court is the Defendant's Omnibus Pretrial Motion in the form of a Motion to Dismiss Pursuant to Pa. R.Crim.P. 600; Article I, Section 9 of the Pennsylvania Constitution and the Sixth and Fourteenth Amendments of the U.S. Constitution.

**BACKGROUND**

In the case before the Court, Pennsylvania State Trooper Kristen Zelechowski filed charges of Aggravated Indecent Assault, 18 Pa. C.S. §3125(6); and Indecent Assault, 18 Pa. C.S. § 3126(A)(6). At a preliminary hearing before Magisterial District Judge Daniel C. Shimshock, held on July 20, 2020, the following testimony was presented:

The victim reported that from 1992 to 1996, when she was between the age of three (3) and seven (7) years old, the Defendant touched her inappropriately multiple times. (N.T. at pg. 8). He was a relative of the babysitter. His mother watched the victim at a residence in the Holiday Mobile Park. (N. T. at pg. 6). The victim testified that the Defendant would ask her if she wanted to watch television and then when she went into his room, he removed some or all of her clothing and the inappropriate acts occurred then. (N.T. at pg. 13). The victim testified that he touched her multiple times. Trooper Zelechowski testified that the victim's birthdate was January 6, 1989 and the Defendant's was December 28, 1974. (N.T. at pgs. 17-18).

**PROCEDURAL BACKGROUND**

The Criminal Complaint was filed on May 26, 2020 by Trooper Zelechowski. The Defendant appeared on that date and was released on bond. A preliminary hearing was held on July 29, 2020 and the charges were bound over to the Court of Common Pleas. When the charges were filed, the Pennsylvania courts were in the midst of a Statewide Judicial Emergency during which Pennsylvania Rule of Criminal Procedure 600 was suspended. In Fayette County, President Judge John F. Wagner, Jr. issued orders declaring that jury trials would not be held in the months of June, July, and August of 2020. Trials resumed in September and October 2020 with certain precautions. Due to these precautions to protect all persons participating in the trials, only three courtrooms were available for use and cases for incarcerated individuals were prioritized.

Defense counsel lists the Covid-19 judicial emergency from May 26, 2020 until January 31, 2021 for a period of two hundred and fifty (250) days. The Defendant filed his first Omnibus Pretrial Motion on February 1, 2021 and it was not ruled on until March 31, 2021 for a fifty-nine (59) day delay. The Defendant requested a continuance from December 1, 2021 until February 7, 2022 for a period of sixty-eight (68) days of excludable time. On March 8, 2022, the Defendant again requested a continuance until April 4, 2022 for a continuance of twenty-seven (27) days. On April 22, 2022, the Defendant filed his third Omnibus Pretrial Motion and it was not ruled on until September 14, 2022 for an excludable period of one hundred and fifty-five (155) days. On December 27, 2022, the Defendant requested another continuance of the case until February 7, 2022 for an excludable period of forty-two (42) days.

On February 7, 2022, the Commonwealth requested a continuance until April 3, 2022 for a period of fifty-six (56) days which were due to the reported unavailability of the arresting trooper being on maternity leave. On February 7, 2023, Assistant District Attorney Dellarose informed the Court that Trooper Zelechowski was on maternity leave and requested that she be declared unavailable. When the Court questioned the Assistant District Attorney about defense counsel, she indicated that another member of her office had contact with counsel. (N.T. of 217123 at 10:23, page 2). She returned later that day and informed the Court that Assistant District Attorney Lementowski had contact with defense counsel, Benjamin Goodwin's partner, Amanda Como regarding the continuance for the Trooper's unavailability due to her being on maternity leave. (N.T. of 2/7/23 at 11:25, page 2). ADA Dellarose informed the court that Ms. Como had stated to ADA Lementowski that she had no objection. The Court then granted a continuance for two terms of court, noting in the order that the delay would not count against the Commonwealth for purposes of Rule 600.

Defense counsel filed a Motion to Dismiss which the Court denied without a hearing. Counsel then on April 4, 2023 filed a Motion for Reconsideration. A hearing was held on his Motion for Reconsideration.

At the hearing on the Defendant's Motion, Trooper Zelechowski testified that she had informed the Court and the parties that she would be on maternity leave until March, 2023. She began her time off the last week of October, 2022. The Trooper testified that in February, 2023, she began receiving work related telephone calls. Then on February 7, 2023, she returned to work "on the fly". The Trooper testified that no one notified her the case was scheduled to proceed and she didn't notify the District Attorney's Office that she had returned to work because she "did not know she had to".

Assistant District Attorney Dellarose testified that the information that she received was that Trooper would be on maternity leave until the middle of March 2023. She had no firsthand knowledge and did not conduct any further investigation into when the Trooper would be returning.

## DISCUSSION

The issue before this Court is whether the Commonwealth failed to prosecute this action in violation of the Defendant's right to a speedy trial, a right recognized by both the United States and Pennsylvania Constitutions. The Defendant argues that the un-

vailability of the Trooper for trial in March 2023 was without justification and that delay should not be counted as excludable time. The Defendant asserts that as the unexcludable time exceeded that permitted under Pa. R.Crim.P. 600, the case should be dismissed. Additionally, the Defendant asserts that the testimony of the Trooper was not necessary as the case had been filed on information received and the Trooper was not an essential witness for the case.

The charges in this case were filed during the Covid-19 pandemic. The State Supreme Court issued an order declaring a judicial emergency and unambiguously suspending operation of the prompt trial rule initially for the period of March 16, 2020 until June 1, 2020. The Supreme Court then authorized the President Judge of each county to authorize orders for that county to deal with the judicial emergency and the prompt trial calculation did not begin until the rule was no longer unambiguously suspended and not in effect for that period. *Commonwealth v. Malone*, 294 A.3d 1247 (Pa. Super. 2023). Prompt trial calculation did not begin until the rule was reinstated.

A prompt trial analysis entails three steps: first, prompt trial rule provides mechanical run date; second, the court determines whether there is any excludable time to modify the mechanical run date to arrive at an adjusted run date; and if the trial takes place after the adjusted run date, the court applies a due diligence analysis as set forth in the prompt trial rule. *Commonwealth v. Faison*, 297 A.3d 810 (Pa. Super. 2023).

The court must consider the dual purpose of Rule 600 in making its determination. The Rule serves two equally important functions: first, the protection of the accused's speedy trial rights, and second, the protection of society. Consideration must be given to society's right to effective prosecution of criminal cases to restrain those guilty of crime and to deter those contemplating it. The administrative mandate of Rule 600 was not designed to insulate the accused from good faith prosecution delayed through no fault of the Commonwealth. *Commonwealth v. Lear*, 290 A.2d 709 (Pa. Super. 2023) and *Commonwealth v. Peterson*, 19 A3d 1131 (Pa. Super. 2011).

If there is no misconduct on the part of the Commonwealth in an effort to evade the fundamental speedy trial rights of the accused, it must be construed in a manner consistent with society's right to punish and deter crime, and if the delay occurred as the result of circumstances beyond the control of the Commonwealth and despite its due diligence, the time is excluded.

Rule 600 provides that the purposes of determining the time within which trial must be commenced, periods of delay at any stage of the proceedings caused by the Commonwealth when the Commonwealth has failed to exercise due diligence must be included in the computation of the time within which trial must commence. Any other periods of delay have to be excluded from the computation. The inquiry in determining whether there is a violation of the time periods is whether the delay is caused solely by the Commonwealth. If the delay occurred as the result of circumstances beyond the Commonwealth's control and despite its due diligence, the time is excluded.

The Commonwealth must establish two factors to show that it has not violated the speedy trial rule: first, that the circumstances causing postponement of trial were be-

yond the control of the Commonwealth; and second, that it exercised due diligence in bringing the defendant to trial.

So long as there has been no misconduct on the part of the Commonwealth in an effort to evade the fundamental speedy trial rights of an accused, the rule governing prompt trials must be construed in a manner consistent with society's right to punish and deter crime.

The Assistant District Attorney had been informed that the Trooper would be unavailable during the March trial term. There was no reason for the Commonwealth to question if the Trooper had returned to her regular duties earlier than planned. The Trooper had no reason to inform the Commonwealth that she had returned sooner than anticipated as she was not aware that this case was scheduled for trial. The Commonwealth did not act unreasonably when it did not question the State Police to determine if the Trooper had returned to work sooner than expected. The fact that the Trooper could not provide testimony in the case is not the only reason the arresting officer should be present at a trial. The Trooper was the investigator in the case, her presence and assistance to the Commonwealth during the trial is essential. There was no misconduct on the part of the Commonwealth to evade the fundamental speedy trial rights of the accused. The circumstances which caused the postponement were beyond the control of the Commonwealth and the Commonwealth's actions under the circumstances were reasonable.

The Court notes the other arguments raised by the defendant regarding the difficulty in defending against allegations that were not filed until more than twenty years after they allegedly occurred. The Statute of Limitations for offenses such as this has been extended multiple times, and it has not been found to be unconstitutional. It is possible that justice delayed is justice denied, but that argument needs to be addressed to a higher authority.

Therefore, the Defendant's Motion for Reconsideration is hereby DENIED. The case should be placed on the trial list.

BY THE COURT:  
STEVE P. LESKINEN  
PRESIDENT JUDGE

Attest:  
Clerk of Courts

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