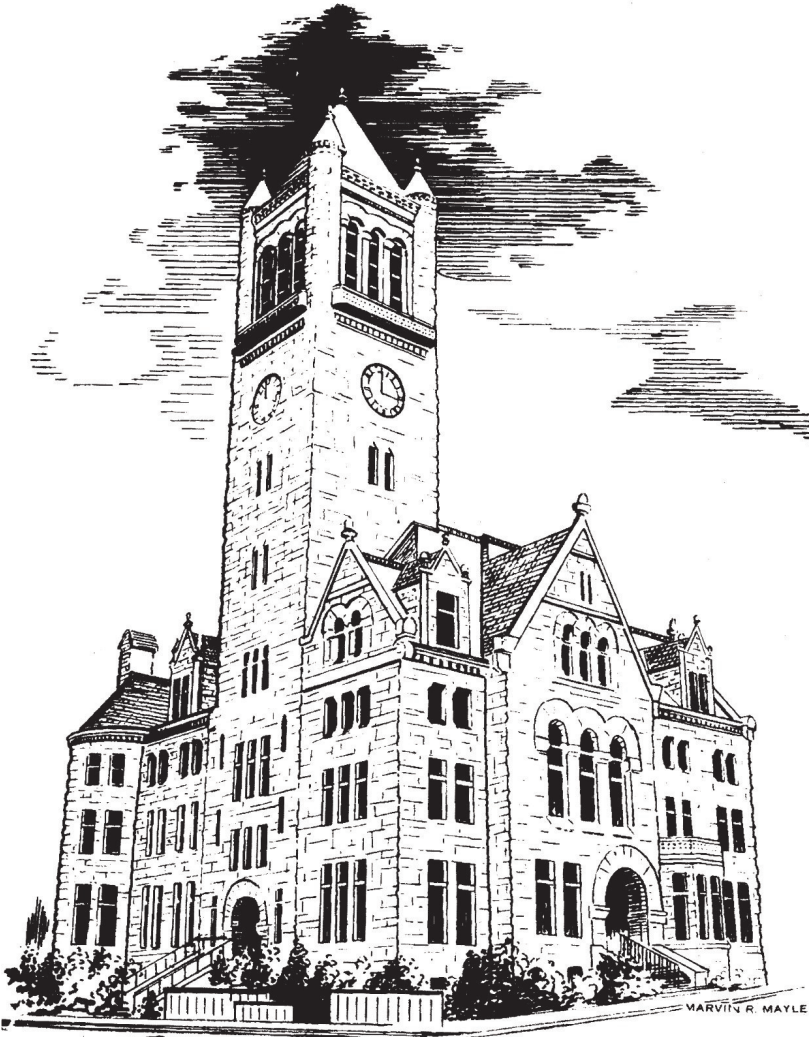


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FAYETTE LEGAL JOURNAL

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ESTATE NOTICES

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

Third Publication

MILDRED BACKOS, late of Washington Township, Fayette County, PA (3)

Executrix: Antoinette Semich
209 Grove Avenue
Belle Vernon, PA 15012
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

ANNA J. BASINGER, A/K/A ANNA BASINGER, late of Bullskin Township, Fayette County, PA (3)

Executrix: Marlene Basinger
c/o P.O. Box 760
Connellsville PA 15425
Attorney: Carolyn W. Maricondi

ERIC DAVID COHEN, late of Wharton Township, Fayette County, PA (3)

Administrator: Wayne H. Port, Esq.
c/o George, Port & George
92 East Main Street,
Uniontown, PA 15401
Attorney: Wayne H. Port

EMERY STEVE FRIEND, A/K/A STEVE FRIEND, late of Georges Township, Fayette County, PA (3)

Personal Representative: Joseph Hixon
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

Second Publication

MARGARET ANGELO, A/K/A MARGARET PEGGY ANGELO, late of South Union Township, Fayette County, PA (2)

Executrix: Linda Livingston
c/o 45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

MARY B. CRAYTON, late of North Union Township, Fayette County, PA (2)

Administrator: Michael W. Crayton
c/o 45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

THEODORE CRAYTON, late of North Union Township, Fayette County, PA (2)

Administrator: Michael W. Crayton
c/o 45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

GILDA MARASCO, late of Belle Vernon, Fayette County, PA (2)

Executrix: Marilyn V. Santini
403 Tern Terrace
Emerald Isle, NC 28594
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

KENNETH E. MCCOMBIE, late of North Union Township, Fayette County, PA (2)

Personal Representative:
Geraldine R. Comforti
c/o Watson Mundorff Brooks & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Charles W. Watson

OLIVE A. O'CONNOR, A/K/A OLIVE ANN O'CONNOR, late of South Union Township, Fayette County, PA (2)

Personal Representative: Brenda Chipps
c/o Davis & Davis
107 East Main Street

Uniontown, PA 15401
Attorney: Gary J. Frankhouser

ROBERT B. TAXACHER, late of Everson
 Borough, Fayette County, PA (2)
Executor: Robert Mark Taxacher
 1123 Mt. Pleasant Road
 Scottdale, PA 15683
 c/o 231 South Main Street, Suite 402
 Greensburg, PA 15601
Attorney: Marilyn M. Gaut

VINCENT WIRBICKI, late of South Union
 Township, Fayette County, PA (2)
Executrix: Jackie L. Wirbicki
 518 Thomas Drive
 Uniontown, PA 15401
 c/o 164 West Crawford Avenue
 Connellsville, PA 15425
Attorney: David B. Reiss

First Publication

CHE DUVALL, late of Jefferson Township,
 Fayette County, PA (1)
Personal Representative: Karen DuVall
 c/o Meyers Evans & Associates, LLC
 Gulf Tower
 707 Grant Street, Suite 3200
 Pittsburgh, PA 15219
Attorney: Brendan B. Lupetin

JOSEPH JAMES EZZI, late of Uniontown,
 Fayette County, PA (1)
Administratrix: Mia Ezzi
 c/o 80 East Main Street
 Uniontown, PA 15401
Attorney: J.W. Eddy

**LAVENIA HOSTETLER, A/K/A LAVENIA
 E. HOSTETLER**, late of Georges Township,
 Fayette County, PA (1)
Executor: Roy Thomas Hostetler
 c/o ADAMS & ADAMS
 55 East Church Street, Suite 101
 Uniontown, PA 15401
Attorney: Jason F. Adams

MARY LOUISE SECHRIST, late of Dunbar
 Township, Fayette County, PA (1)
Administratrix: Sandra Foreman
 c/o Riverfront Professional Center
 208 South Arch Street, Suite 2
 Connellsville, PA 15425
Attorney: Richard A. Husband

**ROBERT SMITH, A/K/A ROBERT L.
 SMITH**, late of Uniontown, Fayette County, PA
Executrix: Carol Krzton (1)
 c/o ADAMS & ADAMS
 55 East Church Street, Suite 101
 Uniontown, PA 15401
Attorney: Jason F. Adams

JOSEPH STILLWAGON, late of Masontown,
 Fayette County, PA (1)
Executor: Amanda J. Gouff
 111 Geiser Avenue
 Waynesboro, PA 17268
 c/o Rotz Law Offices, LLC
 PO Box 4628
 Hagerstown, MD 21742
Attorney: Ann Marie Rotz,

ELEANOR STOREY, late of Brownsville
 Borough, Fayette County, PA (1)
Executrix: Bonnie G. Barry
 c/o Monaghan & Monaghan, L.L.P.
 57 East Main Street
 Uniontown, PA 15401
Attorney: Gary D. Monaghan

LEGAL NOTICES

NOTICE

Notice is hereby given that Certificate of Organization has been approved and filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on February 2, 2016, for a limited liability company known as Solid Services International, LLC.

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

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

DAVIS & DAVIS

By: Gary J. Frankhouser, Esquire
107 East Main Street
Uniontown, PA 15401

NOTICE

Notice is hereby given that Articles of Incorporation have been approved and filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on January 5, 2015, for a corporation known as High Strung Racing, Inc.

Said corporation has been organized under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

The purpose or purposes of the corporation is/are: sales of truck and automotive accessories and any other lawful purpose related thereto for which the corporation may be organized under the Business Corporation Law.

DAVIS & DAVIS

By: Gary J. Frankhouser, Esquire
107 East Main Street
Uniontown, PA 15401

NOTICE

Notice is hereby given that Certificate of Organization has been approved and filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on February 19, 2016, for a limited liability company known as Sugarloaf Mountain Properties, LLC.

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

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

DAVIS & DAVIS

By: Gary J. Frankhouser, Esquire
107 East Main Street
Uniontown, PA 15401

NOTICE

Notice is hereby given that Certificate of Organization has been approved and filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on February 24, 2016, for a limited liability company known as Wolfpack Jacks, Limited Liability Company.

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

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

DAVIS & DAVIS

By: Gary J. Frankhouser, Esquire
107 East Main Street
Uniontown, PA 15401

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL DIVISION
No. 127 of 2016, G.D.

**DONNIE L. KUYKENDALL and
SHANNON L. KUYKENDALL, his wife,**
Plaintiffs,
vs.

**METROFUND MORTGAGE CORP., a
Pennsylvania Corporation, its successors and
assigns, and METROFED FINANCIAL,
INC., its successors and assigns,**
Defendants.

TO: METROFUND MORTGAGE, a
Pennsylvania Corporation, its successors and
assigns, and METROFED FINANCIAL, INC.,
its successors and assigns:

You are hereby notified that Donnie L. Kuykendall and Shannon L. Kuykendall, his wife, have filed a complaint at the above number and term in the above mentioned court in an action to quiet title where it is alleged that the Plaintiffs are the owners in fee and in possession of all rights, title and interest in and to that certain tract of land situate in the Borough of Fairchance, Fayette County, Pennsylvania, having a tax parcel number of 11-07-0186 and more particularly bounded and described in Deed dated May 28, 1993 to Donnie L. Kuykendall and Shannon L. Kuykendall and recorded in the Office of the Recorder of Deeds, Fayette County, Pennsylvania at Record Book 1174 Page 209. It is further alleged in said Complaint at the above number and term in the above mentioned Court that the Plaintiffs paid the Defendant, Metrofed Financial, Inc., the full amount secured by that certain Mortgage dated December 10, 1997 and recorded in the Office of the Recorder of Deeds, Fayette County, Pennsylvania at Record Book 2007 Page 72 from the Plaintiffs to Metrofed Financial, Inc.

Said complaint sets forth that plaintiffs, Donnie L. Kuykendall and Shannon L. Kuykendall, are the owners in fee simple of the above-described premises. The complaint was filed for the purpose of barring all of your right, title and interest, or claim in and to said premises and to direct the Recorder of Deeds of Fayette County, Pennsylvania to record, cancel, surrender or satisfy the Mortgage recorded at Record Book 2007 Page 72.

NOTICE TO DEFEND

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 plaintiffs. 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.**

**PENNSYLVANIA LAWYER REFERRAL SERVICE
PENNSYLVANIA BAR ASSOCIATION
100 South Street
P. O. Box 186
Harrisburg, PA 17108
(800) 692-7375**

By G.T. George, Esquire
George Port & George
92 East Main Street
Uniontown, PA 15401
724-438-2544

NOTICE OF FICTITIOUS NAME REGISTRATION

NOTICE IS HEREBY GIVEN of the registration under the Fictitious Name Act of the fictitious name, Sheila's Home, by Gabler Enterprises, Inc., with its principal office at 8 Oliver Road, Suite 101, Uniontown, PA.

Ernest P. DeHaas, III, Esquire
RADCLIFFE & DeHAAS, L.L.P.
2 West Main Street, Suite 700
Uniontown, Pennsylvania 15401
(724) 439-3900

NOTICE OF SHERIFF'S SALE
 IN THE COURT OF COMMON PLEAS
 OF FAYETTE COUNTY, PENNSYLVANIA
 NO. 1093 OF 2015 GD

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR IN INTEREST TO BANK OF AMERICA, NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET INVESTMENT LOAN TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2003-BC5,
Plaintiff,
 vs.
BONNIE S. KNOPSNIDER,
Defendant.

NOTICE TO: BONNIE S. KNOPSNIDER
 NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

Being Premises: 352 NORTH ARCH STREET, A/K/A 352 ARCH STREET, CONNELLSVILLE, PA 15425-2601

Being in CONNELLSVILLE CITY, County of FAYETTE, Commonwealth of Pennsylvania, 05-06-0350

Improvements consist of residential property.

Sold as the property of BONNIE S. KNOPSNIDER

Your house (real estate) at 352 NORTH ARCH STREET, A/K/A 352 ARCH STREET, CONNELLSVILLE, PA 15425-2601 is scheduled to be sold at the Sheriff's Sale on 05/12/2016 at 10:30 AM, at the FAYETTE County Courthouse, 61 E. Main Street, Uniontown, PA 15401, to enforce the Court Judgment of \$46,435.84 obtained by, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR IN INTEREST TO BANK OF AMERICA, NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET INVESTMENT LOAN TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2003-BC5 (the mortgagee), against the above premises.

PHELAN HALLINAN DIAMOND & JONES, LLP
 Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
 FAYETTE COUNTY, PENNSYLVANIA
 CIVIL ACTION -- LAW
 ACTION TO QUIET TITLE
 No. 2251 of 2015, G.D.

WENDELL H. STONE COMPANY, INC., a Pennsylvania corporation,
Plaintiff,
 vs.
ELIZA HARVEY a/k/a ELIZABETH HARVEY and I. J. HARVEY a/k/a ISSAC J. HARVEY, her husband; ALBERT HARVEY; ELIZA E. HARVEY; ALBERT W. HARVEY; BERTHA SLONECKER and FRANK SLONECKER, her husband; ELIZABETH PHILLIPS and GEORGE PHILLIPS, her husband; ALBERT E. HARVEY; CHERYL L. GOSSETT; PATRICIA A. GIVENS; their heirs, successors, representatives and assigns, generally,
Defendants.

TO: ELIZA HARVEY a/k/a ELIZABETH HARVEY and I. J. HARVEY a/k/a ISSAC J. HARVEY, her husband; ALBERT HARVEY; ELIZA E. HARVEY; ALBERT W. HARVEY; BERTHA SLONECKER and FRANK SLONECKER, her husband; ELIZABETH PHILLIPS and GEORGE PHILLIPS, her husband; ALBERT E. HARVEY; CHERYL L. GOSSETT; PATRICIA A. GIVENS; their heirs, successors, representatives and assigns, generally, Defendants.

PLEASE TAKE NOTICE that on the 6th day of November, 2015, Wendell H. Stone Company, Inc. filed its Complaint in Action to Quiet Title at No. 2251 of 2015, G.D. in the Court of Common Pleas of Fayette County, Pennsylvania, claiming ownership in fee and in possession of the premises sold to Wendell H. Stone Company, Inc. by the Fayette County Tax Claim Bureau identified as Assessment Map No. 30-06-0152, containing approximately 9.188 acres physically situate in Redstone Township, Fayette County, Pennsylvania, being the premises formerly owned or reputed to be owned by Albert Harvey Estate, by Deed dated January 21, 1982, in Deed Book 1299, Page 929.

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

Service of this Complaint by Publication is made pursuant to an Order of Court dated February 17, 2016 and filed at the above term and number.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the Complaint filed against you, a copy of which may be obtained at the Office of the Prothonotary, Fayette County Courthouse, Uniontown, Pennsylvania, you must take action within twenty (20) days after the Complaint and this Notice is 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 claims 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.

PENNSYLVANIA LAWYER REFERRAL SERVICE
PENNSYLVANIA BAR ASSOCIATION
100 SOUTH STREET
POST OFFICE BOX 186 HARRISBURG,
PENNSYLVANIA 17108
TELEPHONE: 1-800-692-7375

DONALD McCUE LAW FIRM P.C.
Donald J. McCue, Esquire
Attorney for Plaintiff
813 Blackstone Road
Connellsville, PA 15425
(724) 628-5150

FICTITIOUS NAME REGISTRATION

Notice is hereby given that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on December 9, 2015 for JK Electrical Contracting located at 253 Kelley Road, Connellsville, PA 15425. The name and address of each individual interested in the business is Jason E Kelly, 253 Kelley Road, Connellsville, PA 15425. This was filed in accordance with 54 Pa.C.S. 311.

FICTITIOUS NAME REGISTRATION

Notice is hereby given that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on December 7, 2015 for Professional tree & stump service located at 41 Summit Ave., Uniontown, PA 15401. The name and address of each individual interested in the business is Annette Runkles, 41 Summit Ave., Uniontown, PA 15401. This was filed in accordance with 54 Pa.C.S. 311.

SHERIFF'S SALE

Date of Sale: May 12, 2016

By virtue of the below stated writs out of the Court of Common Pleas of Fayette County, Pennsylvania, the following described properties will be exposed to sale by James Custer, Sheriff of Fayette County, Pennsylvania on Thursday, May 12, 2016, at 10:30 a.m. in the Hallway outside the Sheriff's Office at the Fayette County Courthouse, Uniontown, Pennsylvania.

The terms of sale are as follows:

Ten percent of the purchase price, or a sufficient amount to pay all costs if the ten percent is not enough for that purpose. Same must be paid to the Sheriff at the time the property is struck off and the balance of the purchase money is due before twelve o'clock noon on the fourth day thereafter. Otherwise, the property may be resold without further notice at the risk and expense of the person to whom it is struck off at this sale who in case of deficiency in the price bid at any resale will be required to make good the same. Should the bidder fail to comply with conditions of sale money deposited by him at the time the property is struck off shall be forfeited and applied to the cost and judgments. All payments must be made in cash or by certified check. The schedule of distribution will be filed the third Tuesday after date of sale. If no petition has been filed to set aside the sale within 10 days, the Sheriff will execute and acknowledge before the Prothonotary a deed to the property sold. (1 of 3)

James Custer
 Sheriff Of Fayette County

No. 2335 of 2014 GD
 No. 461 of 2015 ED

HSBC Bank USA, National Association as Trustee in trust for Citigroup Mortgage Loan Trust Inc., Asset Backed Pass Through Certificates Series 2003-HE3

Plaintiff,
vs.

Tyler D. Anderson; Melissa E. Anderson,
Defendants.

ALL that certain parcel of land lying and being situate in the Borough of Everson, County of Fayette, and Commonwealth of Pennsylvania, known as 108 Maple Street, Everson, PA 15631 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 10-03-0019

BEING the same premises which Tyler D. Anderson and Melissa Anderson, formerly husband and wife, by Deed dated March 24, 1998 and recorded in and for Fayette County, Pennsylvania in Deed Book 2065, Page 19, granted and conveyed unto Tyler Anderson, unmarried.

No. 2334 of 2015 GD
 No. 40 of 2016 ED

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

Plaintiff,
vs.

ROBERT A. BERISH,
Defendant.

Parcel One:

ALL that certain lot of ground in Jefferson Township, Fayette County, Pennsylvania, being No. 268 of Colonial No. 4 Mining Village; and Parcel Two:

ALL that certain lot of ground in Jefferson Township, Fayette County, Pennsylvania, being No. 266 of Colonial No. 4 Mining Village, and having thereon erected a dwelling known as 108 & 110 East Second Street, Grindstone, PA 15442.

Fayette County Deed Book 3088, page 2002.

Tax Parcel Nos. 17-16-0022 and 17-16-0023.

TO BE SOLD AS THE PROPERTY OF
ROBERT A. BERISH ON JUDGMENT NO.
2334 OF 2015.

No. 311 of 2014 GD
No. 443 of 2015 ED

**U.S. Bank National Association, as Trustee
for Citigroup Mortgage Loan Trust 2007-
WFHE3, Asset-Backed Pass-Through
Certificates, Series 2007-WFHE3,
Plaintiff,
vs.
Robert E. Brinson; Rachel A. Brinson
Defendants.**

ALL that certain parcel of land lying and
being situate in the Borough of Dunbar, County
of Fayette, and Commonwealth of Pennsylvania,
known as 14 First Street, Dunbar, PA 15431
having erected thereon a dwelling house.

Being known and designated as Tax ID
No.: 08-08-0135

BEING the same premises which Erick
Hughes and Malinda Hughes, husband and wife,
by Deed dated March 2, 2007 and recorded in
and for Fayette County, Pennsylvania in Deed
Book 3018, Page 1382, granted and conveyed
unto Robert E. Brinson.

No. 1199 of 2014 GD
No. 58 of 2016 ED

**21ST MORTGAGE CORPORATION,
assignee of Tammac Corporation,
Plaintiff,
vs.
MICHAEL P. BRYNER, as Mortgagor and
ERIN A. BRYNER, as Mortgagor and Real
Owner,
Defendants.**

ALL THAT CERTAIN tract of land situate
in German Township, Fayette County,
Pennsylvania, having an address of 324 Lambert
Footdale Road, McClellandtown, Fayette
County, Pennsylvania including a 26 x 44, 1989
Skyline mobile home serial number
53290583XAB.

PARCEL ID NUMBER: 15-14-0112

BEING the same property that Michael P.
Bryner and Erin A. Bryner, Husband and Wife,

by deed dated March 27, 2007 and recorded on
August 7, 2007, in the Office of the Recorder of
Deeds of Fayette County, Pennsylvania in Deed
Book Volume 3035, page 879, granted and
conveyed unto Erin A. Bryner, her heirs and
assigns.

No. 52 of 2015 GD
No. 10 of 2016 ED

**Bank of America, N.A.,
Plaintiff,
vs.
John M. Dukman, IV,
Defendant.**

ALL that certain lot of land situate in South
Union Township, Fayette County, Pennsylvania,
being numbered and designated as Lot No. 2 in
the Oak Hollow Plan of Lots, Plat No. 1, dated
May 4, 2010, a plot of which is of record in the
Office of the Recorder of Deeds of Fayette
County, Pennsylvania, in Plan Book Volume
88, page 20; said Lot being more particularly
bounded and described as follows:

BEGINNING at point along Hutchinson
Street, a 33 foot right-of-way, corner common
with Lot 1 and Lot No. 2 in said plan; thence
along the line of Hutchinson Street, South 48
degrees 13 minutes 03 seconds West, a distance
of 100.06 feet to a point; thence along the curve
of Hutchinson Street, having a radius of 88.35
feet, an arc length of 51.41 feet, a chord bearing
of South 64 degrees 53 minutes 15 seconds East,
a chord length of 50.69 feet, a delta angle of 33
degrees 20 minutes 25 seconds, and a tangent of
26.46 feet to a point, corner with Lot No. 2 and
Lot No. 3; thence along the dividing line
between Lot No. 2 and Lot No. 3 in said plan,
North 08 degrees 26 minutes 32 seconds West, a
distance of 140.00 feet to a point, corner
common with Lot No. 3 and lands now or
formerly of CHL Development Corporation;
thence North 48 degrees 49 minutes 26 seconds
East, a distance of 71.79 feet to a point, corner
of Lot No. 2 and Lot No. 1 in said plan; thence
along the dividing line between Lot No. 2 and
Lot No. 1, South 41 degrees 45 minutes 57
seconds East, a distance of 130.74 feet to a point
along Hutchinson Street, the place of beginning.
Containing an area of 0.34 acre.

UNDER AND SUBJECT to all building
setback lines and utility easements as more

particularly shown on the lot plan hereinbefore referred to.

THIS CONVEYANCE is also made and accepted by the Grantees, their heirs and assigns, under and subject to those certain building and use restrictions, easements, etc. as were established by Grantor in "Restrictive Covenants for Phase 1 of the Oak Hollow Plan of Lots", dated August 11, 2010, recorded in Record Book Volume 3130, page 1703, in the Recorder's Office of Fayette County, Pennsylvania, which said restrictions are by reference thereto incorporated herein as fully as if the same were contained herein.

EXCEPTING AND RESERVING thereout and therefrom, such coal, minerals, oil and gas and mining or other rights as have been previously conveyed or excepted or reserved by instruments of record.

FURTHER EXCEPTING AND RESERVING unto the Grantor all coal, mineral, oil and gas rights not previously excepted and reserved.

COMMONLY KNOWN AS: 141
Hutchinson Street, Uniontown, PA 15401
TAX PARCEL NO. 3427015802

No. 753 of 2015 GD
No. 38 of 2016 ED

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

Plaintiff,
vs.

TERRI L. ERJAVEC,
Defendant.

ALL THOSE CERTAIN pieces or parcels of land situate in Menallen Township, Fayette County, Pennsylvania, being Lots Nos. 73, 74 and 75 in the Newborn Plan of Lots of Newboro, Menallen Township, Fayette County, Pennsylvania, as recorded in Plan Book Volume 2, Page 53, and having thereon erected a residential dwelling house known as: 74 MOORE AVENUE, NEW SALEM, PA 15468.

Tax Parcel # 22-10-0018

Reference Fayette County Deed Book 2108, Page 234

No. 2323 of 2013 GD
No. 444 of 2015 ED

U.S. Bank National Association, as Trustee for Credit Suisse First Boston Mortgage Securities Corp., Home Equity Asset Trust 2005-4, Home Equity Pass-Through Certificates, Series 2005- 4,

Plaintiff,
vs.

Janetta Fartini
Defendant.

ALL that certain parcel of land lying and being situate in the Borough of Newell, County of Fayette, and Commonwealth of Pennsylvania, known as 406 Cassin Avenue, Newell, PA 15466 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 23-04-0162

BEING the same premises which Michael John Fartini and Robin Marie Fartini, husband and wife, by Deed dated May 25, 2005 and recorded in and for Fayette County, Pennsylvania in Deed Book 2949, Page 359, granted and conveyed unto Janetta Fartini, a single woman.

STERN & EISENBERG PC
Andrew J. Marley, Esquire

No. 2493 of 2015 GD
No. 14 of 2016 ED

HSBC Bank USA, National Association, as Trustee for Fremont Home Loan Trust 2006-D, Mortgage- Backed Certificates, Series 2006 -D, c/o Ocwen Loan Servicing LLC

Plaintiff,
vs.

Fabian Figueroa and Alison Figueroa,
Defendants.

SITUATE IN THE THIRD WARD OF THE TOWNSHIP OF WASHINGTON, FAYETTE COUNTY, PENNSYLVANIA, BEING KNOWN AS 327 GREEN STREET, BELLE VERNON, PA 15012.

PARCEL NO. 01-01-0022

IMPROVEMENTS - RESIDENTIAL REAL ESTATE

SOLD AS THE PROPERTY OF -
FABIAN FIGUEROA AND ALISON FIGUEROA

Phelan Hallinan Diamond & Jones, LLP

No. 1906 of 2015 GD
No. 2 of 2016 ED

**Wells Fargo Bank, N.A.,
Plaintiff,
vs.
Patricia M. Firestone, in Her Capacity as
Executrix and Devisee of The Estate of David
E. Tremba,
Defendants.**

By virtue of a Writ of Execution No. 1906-OF-15-GD

Wells Fargo Bank, N.A. v. Patricia M. Firestone, in Her Capacity as Executrix and Devisee of The Estate of David E. Tremba, owner(s) of property situate in the Fayette County, Pennsylvania, being 526 Wills Road, Connellsville, PA 15425-4236

Parcel No.: 05-11-0187-02

Improvements thereon: RESIDENTIAL DWELLING

RADCLIFFE &, DeHAAS, L.L.P.

No. 2384 of 2015 GD
No. 5 of 2015 ED

**The United Federal Credit Union,
Plaintiff,
vs.
FP Properties, LLC,
Defendant.**

FIRST: All that property situate in the City of Uniontown, Fayette County, Pennsylvania, being described as Tax Parcel No. 38-13-0174, and Lot No. 14 in the Plan of Lots laid out by the Uniontown Land Company, and being more particularly described in a deed dated July 3, 2008 and recorded in Record Book 3066, page 476.

SECOND: All those two certain lots situate in the City of Uniontown, Fayette County, Pennsylvania, described as Tax Parcel No. 38-13-0175 and Lots Nos. 15 and 16 in the Plan of Lots laid out by the Uniontown Land Company and being more particularly described in a deed dated August 22, 2008 and recorded

in Record Book 3088, page 2167.

Together with such rights-of-way and under and subject to the exceptions and reservations as appear in prior deeds of record.

Seized and taken in execution as the properties of FP Properties, LLC, owner or reputed owner of the properties, at the suit of The United Bank, Inc. in the Court of Common Pleas of Fayette County, Pennsylvania at No. 2384 of 2015, G. D.

STERN & EISENBERG PC
M. Troy Freedman, Esquire

No. 2287 of 2015 GD
No. 463 of 2015 ED

**Ocwen Loan Servicing, LLC,
Plaintiff,
vs.
Lynn Hall Administrator of the Estate of
Jeffrey A. Morris c/o Watson Mundorff
Brooks & Sepic LLP,
Defendant.**

SITUATE IN THE THIRD WARD OF THE CITY OF CONNELLSVILLE, FAYETTE COUNTY, PENNSYLVANIA, BEING KNOWN AS 509 EDNA STREET, CONNELLSVILLE, PA 15425.

PARCEL NO. 05-09-0156

IMPROVEMENTS - RESIDENTIAL REAL ESTATE

SOLD AS THE PROPERTY OF - LYNN HALL ADMINISTRATOR OF THE ESTATE OF JEFFREY A. MORRIS C/O WATSON MUNDORFF BROOKS & SEPIC LLP.

No. 969 of 2015 GD
No. 42 of 2016 ED

**U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR THE PENNSYLVANIA
HOUSING FINANCE AGENCY,
Plaintiff,
vs.
JASON E. HELA,
Defendant.**

ALL THAT CERTAIN lot or piece of ground situate in the Township of Washington, County of Fayette and Commonwealth of

Pennsylvania, together with the dwelling house erected thereon known as: 917 FAYETTE CITY ROAD, FAYETTE CITY, PA 15438.
 Tax Parcel # 41-20-0023
 Fayette County Record Book 22916, Page 1525.

Phelan Hallinan Diamond & Jones, LLP

No. 1093 of 2015 GD
 No. 21 of 2016 ED

U.S. Bank National Association, as Trustee, Successor in Interest to Bank of America, National Association, as Trustee, Successor by Merger to Lasalle Bank National Association, as Trustee for Structured Asset Investment Loan Trust Mortgage Pass-Through Certificates, Series 2003-Bc5 Plaintiff,
vs.
Bonnie S. Knopsnider, Defendant.

By virtue of a Writ of Execution No. 1093 OF 2015 GD
 U.S. Bank National Association, as Trustee, Successor in Interest to Bank of America, National Association, as Trustee, Successor by Merger to Lasalle Bank National Association, as Trustee for Structured Asset Investment Loan Trust Mortgage Pass-Through Certificates, Series 2003-Bc5 v. Bonnie S. Knopsnider, owner(s) of property situate in the CONNELLSVILLE CITY, Fayette County, Commonwealth of Pennsylvania, being 352 North Arch Street, a/k/a 352 Arch Street, Connellsville, PA 15425-2601
 Parcel No.: 05-06-0350
 Improvements thereon: RESIDENTIAL DWELLING

STERN & EISENBERG PC
 Andrew J. Marley, Esquire

No. 2414 of 2015 GD
 No. 31 of 2016 ED

The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank, as

Trustee for Residential Asset Securities Corporation, Home Equity Mortgage Asset-Backed Pass Through Certificates Series 2003 -KS7 c/o Ocwen Loan Servicing, LLC, Plaintiff,
vs.
The Unknown Heirs, Executors, and Devisees of the Estate of Darlene K. Kurnot, Defendants.

SITUATE IN THE TOWNSHIP OF GERMAN, FAYETTE COUNTY, PENNSYLVANIA, BEING KNOWN AS 626 PALMER ROAD, ADAH, PA 15410.
 PARCEL NO. 15-09-0052
 IMPROVEMENTS - RESIDENTIAL REAL ESTATE
 SOLD AS THE PROPERTY OF - THE UNKNOWN HEIRS, EXECUTORS, AND DEVISEES OF THE ESTATE OF DARLENE K. KURNOT

UDREN LAW OFFICES, P.C.
 WOODCREST CORPORATE CENTER
 111 WOODCREST ROAD, SUITE 200
 CHERRY HILL, NJ 08003-3620
 Elizabeth L. Wassall, Esquire

No. 2464 of 2015 GD
 No. 37 of 2016 ED

The Bank of New York Mellon Trust Company, National Association fleas The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank, N.A., as Trustee for Residential Asset Mortgage Products, Inc., Mortgage Asset-Backed Pass-Through Certificates Series 2005-RZ4, Plaintiff,
vs.
SUSAN C. LOHR Defendant.

ALL THAT CERTAIN LOT OF LAND SITUATE IN CITY OF CONNELLSVILLE, FAYETTE COUNTY, PENNSYLVANIA:
 BEING KNOWN AS 1011 Sycamore Street, Connellsville, PA 15425
 PARCEL NUMBER: 05-12-0090
 IMPROVEMENTS: Residential Property

Richard M. Squire & Associates, LLC
One Jenkintown Station, Suite 104
115 West Avenue
Jenkintown, PA 19046

No. 692 of 2015 GD
No. 33 of 2016 ED

**LSF8 Master Participation Trust,
Plaintiff,
vs.**

**Annette Malinsky, solely as Administratrix of the Estate of Melvin L. David , deceased Estate of Melvin L. David, deceased , and all known and unknown individuals, heirs, successors, assigns, business entities, non-profit entities, and/or charitable entities having and/or claiming any right, title, and/or interest therein, therefrom and/or thereunder,
Defendants.**

TAX PARCEL NO. 24-5-53
PROPERTY ADDRESS: 316 Blue Rock Road, Smithfield, PA 15478
IMPROVEMENTS: Single Family Dwelling

SEIZED AND TAKEN in execution as the property of Annette Malinsky, solely as Administratrix of the Estate of Melvin L. David, deceased and Estate of Melvin L. David, deceased, and all known and unknown individuals, heirs, successors, assigns, business entities, non-profit entities, and/or charitable entities having and/or claiming any right, title, and/or interest therein, therefrom and/or thereunder.

ALL THAT CERTAIN Lot of land situate in Nicholson Township, Fayette County, Pennsylvania.

STERN & EISENBERG PC
M. Troy Freedman, Esquire

No. 2436 of 2015 GD
No. 12 of 2016 ED

U.S. Bank National Association, not in its individual capacity but solely as Trustee of OWS REMIC Trust 2015-1,

**Plaintiff,
vs.
Ernest Mayse
Defendant.**

SITUATE IN REDSTONE TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA, BEING KNOWN AS 6678 NATIONAL PIKE, NEW SALEM, PA 15468

PARCEL NO. 30-19-0131
IMPROVEMENTS - RESIDENTIAL REAL ESTATE

SOLD AS THE PROPERTY OF - ERNEST MAYSE.

KML Law Group, P.C.
Suite 5000 - BNY Independence Center701
Market Street
Philadelphia, PA 19106
215-627-1322

No. 1208 of 2015 GD
No. 452 of 2016 ED

THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK, AS SUCCESSOR TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE ON BEHALF OF THE CERTIFICATE HOLDERS OF THE CWHEQ INC., CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES 2005-I 7105 Corporate Drive PTX B-209 Plano, TX 75024,

**Plaintiff,
vs.
SANDRA S. MILLER,
Mortgagor(s) and Record Owner(s)
426 Patterson Lane
Belle Vernon, PA 15012,
Defendant.**

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

TAX PARCEL #56-09-00-0-051
PROPERTY ADDRESS: 426 Patterson Lane, Belle Vernon, PA 15012
IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF: SANDRA S. MILLER

Phelan Hallinan Diamond & Jones, LLP

No. 1577 of 2014 GD
No. 13 of 2016 ED

**Hsbc Bank USA, National Association as
Trustee for Mortgageit Securities Corp.
Mortgage Loan Trust, Series 2007-1,
Mortgage Pass-Through Certificates**

Plaintiff,

vs.

**Edward R. Mirna a/k/a Edward Richard
Mirna and Jodi L. Mirna a/k/a Jodi Lynn
Mirna,**

Defendants.

By virtue of a Writ of Execution No. 1577-2014-GD, Hsbc Bank USA, National Association as Trustee for Mortgageit Securities Corp. Mortgage Loan Trust, Series 2007-1, Mortgage Pass-Through Certificates v. Edward R. Mirna a/k/a Edward Richard Mirna Jodi L. Mirna a/k/a Jodi Lynn Mirna, owner(s) of property situate in the WASHINGTON TOWNSHIP, Fayette County, Pennsylvania, being 107 Hamer Road, Fayette City, PA 15438-1222

Parcel No.: 41-10-0012

Improvements thereon: RESIDENTIAL DWELLING

Phelan Hallinan Diamond & Jones, LLP

No. 862 of 2010 GD
No. 3 of 2016 ED

**U.S. Bank National Association, as Trustee
for The Structured Asset Investment Loan
Trust, 2005-11,**

Plaintiff,

vs.

**John Pennington a/k/a John S. Pennington
and Alice Pennington,**

Defendants

By virtue of a Writ of Execution No. 2010-00862, U.S. Bank National Association, as Trustee for The Structured Asset Investment Loan Trust, 2005-11 v. John Pennington a/k/a John S. Pennington Alice Pennington, owner(s) of property situate in the GEORGES TOWNSHIP, Fayette County, Pennsylvania, being 189 Black Hill Road, Smithfield, PA 15478-9702

Parcel No.: 14-24-0048

Improvements thereon: RESIDENTIAL DWELLING

McCABE, WEISBERG & CONWAY, P.C.

123 South Broad Street, Suite 1400
Philadelphia, Pennsylvania 19109

No. 1443 of 2015 GD

No. 48 of 2016 ED

**The Money Source, Inc.,
Plaintiff,**

vs.

**Thomas Pirl and Christina Pirl,
Defendants.**

ALL THAT CERTAIN parcel of land situate in the City of Connellsville; Fayette County, Pennsylvania, known as Lot No. 122 and the Northern one-half (1/2) of Lot No. 123 in the Greenwood Addition to Connellsville, Plan of which is recorded in the Office of the Recorder of Deeds of Fayette County, Pennsylvania, in Plan Book Volume 2, Page 30, being more particularly bounded and described as follows:

FRONTING sixty (60) feet on the East side of Eight Street and extending back of equal width a distance of 120.00 feet to an alley.

HAVING erected thereon a structure(s) presently known as 319 South Eighth Street Connellsville, PA 15425

PARCEL NO. 05-08-0146

SUBJECT to all exceptions, reservations, restrictions and covenants, conditions, easements, rights of way, oil and gas leases, and coal and/or mining rights, all or any as set forth in any prior Instruments of record and on the recorded plan.

BEING the same premises which Deutsche Bank National Trust Company, as Custodian or Trustee, f/k/a Bankers Trust Company of California, N.A., by their agent Chase Home Finance LLC, successor by merger to Chase Manhattan Mortgage Corporation, by Deed dated 12/11/2006 and recorded 12/29/2006 in the Office of the Recorder of Deeds in and for the County of Fayette in Record Book 3012 Page 561, granted and conveyed unto Jason R. Miller.

All that certain piece or parcel or Tract of land situate City of Connellsville, Fayette

County, Pennsylvania, and being known as 319 S 8th Street, Connellsville, Pennsylvania 15425.

Being known as: 319 S 8th Street, Connellsville, Pennsylvania 15425

Title vesting in Thomas Pirl and Christina Pirl, husband and wife, by deed from Jason R. Miller dated September 2, 2014 and recorded November 6, 2014 in Deed Book 3263, Page 810.

Tax Parcel Number : 05-08-0146

No. 2252 of 2011 GD
No. 1 of 2016 ED

**U.S. BANK NATIONAL ASSOCIATION
(TRUSTEE FOR THE PENNSYLVANIA
HOUSING FINANCE AGENCY,
PURSUANT TO A TRUST INDENTURE
DATED AS OF APRIL 1, 1982),
Plaintiff,
vs.
MARCUS S. PROTOS,
Defendant.**

Typ of Jefferson, Cty of Fayette & Cmwlth of PA. HET a dwg k/a 248 Cope Road, Perryopolis, PA 15473.
Parcel No. 17-5-18.

No. 2193 of 2014 GD
No. 41 of 2016 ED

**U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR THE PENNSYLVANIA
HOUSING FINANCE AGENCY,
Plaintiff,
vs.
BRIAN C. RAMER,
Defendant.**

FIRST ALL THAT CERTAIN piece of ground in the Borough of Brownsville (formerly South Brownsville), County of Fayette, Commonwealth of Pennsylvania, being approximately 271.70 x 39.46 x 265.14 x 40.00 ; and SECOND Being approximately 264.00 x 40.00; and having thereon erected a dwelling known as 1203 Second Street, Brownsville, PA 15417.

Tax Parcel # 02-07-0217.

Fayette County Deed Book 3177, Page 2392.

TO BE SOLD AS THE PROPERTY OF BRIAN C. RAMER ON JUDGMENT NO. 2014-02193.

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

No. 2195 of 2014 GD
No. 453 of 2015 ED

**LAKEVIEW LOAN SERVICING, LLC
4425 Ponce DeLeon Blvd Mail Stop Ms5/251
Coral Gables, FL 33146,
Plaintiff,
vs.
KRISTI L. RHODES and RONALD W.
RHODES,
Mortgagor(s) and Record Owner(s)
26 Ranch Road
Dunbar, PA 15431
Defendant.**

ALL THAT CERTAIN lots or parcels of land situate in the Borough of Dunbar, County of Fayette and Commonwealth of Pennsylvania.

TAX PARCEL #08-07-0005 & 08-07-0006
PROPERTY ADDRESS: 26 Ranch Road
Dunbar, PA 15431

IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF: KRISTI L. RHODES and RONALD W. RHODES

Phelan Hallinan Diamond & Jones, LLP

No. 1988 of 2010 GD
No. 22 of 2016 ED

**Lsf9 Master Participation Trust,
Plaintiff,
vs.
Clinton L. Rigger, III,
Defendant.**

By virtue of a Writ of Execution No. 1988-0F-2010-GD, Lsf9 Master Participation Trust v. Clinton L. Rigger, III, owner(s) of property situate in the NORTH UNION TOWNSHIP, Fayette County, Pennsylvania, being 95 Chaffee Street, Uniontown, PA 15401-4647

Parcel No.: 25-47-0179
 Improvements thereon: RESIDENTIAL
 DWELLING

No. 1207 of 2012 GD
 No. 4 of 2016 ED

Phelan Hallinan Diamond & Jones, LLP

No. 2143 of 2015 GD
 No. 35 of 2016 ED

**Wells Fargo Bank, N.A.,
 Plaintiff,
 vs.**

**Tammy L. Roberts,
 Defendant.**

By virtue of a Writ of Execution No. 2143 OF 2015 GD, Wells Fargo Bank, N.A. v. Tammy L. Roberts, owner of property situate in the SPRINGHILL TOWNSHIP, Fayette County, Pennsylvania, being 431 Nilan Hill Road, Point Marion, PA 15474-1389

Parcel No.: 36-14-0053
 Improvements thereon: RESIDENTIAL
 DWELLING.

No. 1651 of 2015 GD
 No. 457 of 2015 ED

**U.S. Bank National Association, as Trustee
 for MASTR Asset Backed Securities Trust
 2004-HEL, Mortgage Pass-Through
 Certificates, Series 2004-Hel,
 Plaintiff,
 vs.**

**Russell A. Sanner and Melanie J. Sanner,
 Defendants.**

ALL THAT RIGHT, TITLE, INTEREST AND CLAIMS OF RUSSELL A. SANNER AND MELANIE J. SANNER OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT CERTAIN LOT OR PARCEL OF LAND SITUATE IN FAYETTE CITY, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA, BEING MORE FULLY DESCRIBED AT DBV 2811, PAGE 2184.

BEING KNOWN AS 105 CONNELLSVILLE STREET, FAYETTE CITY, PA 15438
 TAX MAP NO. 12-3-73

**US Bank National Association, as Trustee for
 SASCO Mortgage Loan Trust 2006-WF3,
 Plaintiff,
 vs.
 Anna Marie Toth, AKA Anna M. Toth,
 Defendant.**

ALL that certain parcel of land lying and being situate in the Township of Washington, County of Fayette, and Commonwealth of Pennsylvania, known as 264 Gillespe Hollow Road, Fayette City, PA 15438 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 41-22-0059

BEING the same premises which David J. Serra and Sherry A. Serra, his wife, by Deed dated June 26, 2006 and recorded September 18, 2006 in and for Fayette County, Pennsylvania in Deed Book 3000, Page 1648, granted and conveyed unto Anna Marie Toth.

STERN & EISENBERG PC
 M. Troy Freedman, Esquire

No. 1609 of 2013 GD
 No. 451 of 2016 ED

**Deutsche Bank National Trust Company as
 Trustee for Long Beach Mortgage Loan
 Trust 2004-3, Asset-Backed Certificates,
 Series 2004-3, by its servicer, Oewen Loan
 Servicing, LLC,
 Plaintiff,
 vs.**

**Terry L. Veno,
 Defendant.**

SITUATE IN NORTH UNION TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA, BEING KNOWN AS 504 JUMONVILLE ROAD, HOPWOOD, PA 15445

PARCEL NO. 25-55-0013
 IMPROVEMENTS - RESIDENTIAL
 REAL ESTATE
 SOLD AS THE PROPERTY OF -
 TERRY L. VENO

No. 1275 of 2013 GD
No. 454 of 2015 ED

No. 2452 of 2013 GD
No. 456 of 2015 ED

PNC Bank, National Association,
Plaintiff,
vs.
Marcella A. Yasechko,
Defendant.

PNC BANK, NATIONAL ASSOCIATION,
successor by merger to NATIONAL CITY
BANK, OF PENNSYLVANIA,
Plaintiff,
vs.
JOHN C. YETSCONISH AND NANCY A.
YETSCONISH,
Defendants.

ALL that certain parcel of land lying and being situate in the City of Connellsville, County of Fayette, and Commonwealth of Pennsylvania, known as 344 East Crawford Avenue, Connellsville, PA 15425 having erected thereon a dwelling house.

ALL THE RIGHT TITLE, INTEREST AND CLAIMS OF JOHN C. YETSCONISH AND NANCY A. YETSCONISH, OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

Being known and designated as Tax ID No.: 05-09-0134

ALL THAT PARCEL OF LAND SITUATE IN THE TOWNSHIP OF WASHINGTON, FAYETTE COUNTY, PA, BEING PARCEL 41-12-0057, MORE FULLY DESCRIBED IN BOOK 1175, PAGE 0031.

BEING the same premises which Richard L. Turtzer and Theresa C. Turtzer, his wife, by Deed dated December 26, 2007 and recorded in and for Fayette County, Pennsylvania in Deed Book 3049, Page 1318, granted and conveyed unto Marcella A. Yasechko.

BEING KNOWN AS 212 HOFFMAN STREET, BELLE VERNON, PA 15012.
TAX PARCEL NO. 41-12-0057.

No. 1734 of 2015 GD
No. 17 of 2016 ED

DOLLAR BANK, FEDERAL SAVINGS
BANK,
Plaintiff,
vs.
CHAD A. YAUGER and SARA E. YAUGER,
a/k/a SARA YAUGER,
Defendants.

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF CHAD A. YAUGER AND SARA E. YAUGER, N K/ A SARA YAUGER, OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT CERTAIN REAL ESTATE SITUATED IN THE FAIRCHANCE BOROUGH, FAYETTE COUNTY, PENNSYLVANIA. HAVING ERECTED THEREON A DWELLING KNOWN AS 40 DEFOREST AVENUE, FAIRCHANCE, PA 15436. DEED BOOK VOLUME 3207, PAGE 373 AND PARCEL NUMBER 11-07-0135.

JUDICIAL OPINION

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

COMMONWEALTH OF :
 PENNSYLVANIA, :
 v. :
 LORETTA H. BASINGER, :
 Defendant. : NO. 556 of 2005

OPINION AND ORDER

SOLOMON, S.J.

February 26, 2016

Before the Court is the Motion to Dismiss filed by Defendant, Loretta H. Basinger, pursuant to Rule 600 of the Pennsylvania Rules of Criminal Procedure. After hearing, we make the following:

FINDINGS OF FACT

1. On the 14th day of September, 2006, a bench warrant was issued for the apprehension of Defendant by reason of her failure to appear for Criminal Court on September 11, 2006.
2. Defendant was on bail.
3. On December 18, 2014, after using a database to locate an address for Defendant, the County Detective in the Office of the District Attorney sent a letter to Defendant at that address advising her of the bench warrant.
4. The letter was returned to the Office of the District Attorney as unclaimed.
5. No further actions were taken by the Commonwealth to locate Defendant.
6. Defendant was apprehended in Ohio on December 17, 2015, on an unrelated matter, and then she was extradited on the bench warrant to Fayette County, Pennsylvania.
7. The within Motion to Dismiss was filed on January 7, 2016.
8. The Commonwealth failed to establish by a preponderance of the evidence that it acted with due diligence in attempting to secure the presence of the Defendant during the period of time from the issuance of the bench warrant until she was apprehended in Ohio.
9. The period of delay from September 14, 2006, until December 17, 2015, must be included in the computation of the time within which trial should have commenced.

DISCUSSION

Rule 600(A)(2)(a) requires that trial in a court case shall commence within 365 days from the date on which the complaint was filed. Rule 600 further provides that “periods of delay at any stage of the proceedings caused by the Commonwealth when the Commonwealth has failed to exercise due diligence shall be included in the computation of the time within which trial must commence.” Pa. R. Crim. P. 600(C) (1). Instantly, there is no question as to whether a period in excess of 365 days has elapsed since the filing of the complaint. Instead, the issue is whether the Commonwealth exercised due diligence during the period from September 14, 2006, to December 17, 2015.

The concept of due diligence is fact-specific and must be determined on a case-by-case basis. *Commonwealth v. Malgieri*, 889 A.2d 604, 607 (Pa.Super. 2005). “Due diligence does not require perfect vigilance and punctilious care, but rather a showing by the Commonwealth that a reasonable effort has been put forth.” *Id.* quoting *Commonwealth v. Brown*, 875 A.2d 1128, 1138 (Pa.Super. 2005). “Even where a violation of Rule [600] has occurred, the motion to dismiss the charges should be denied if the Commonwealth exercised due diligence and ... the circumstances occasioning the postponement were beyond the control of the Commonwealth.” *Commonwealth v. Hunt*, 858 A.2d 1234, 1241 (Pa.Super. 2004). If the delay occurred as the result of circumstances beyond the Commonwealth’s control and despite its due diligence, the time is excluded. See, *Commonwealth v. Browne*, 526 Pa. 83, 584 A.2d 902 (1990).

The Comment to Rule 600 enunciates that for purposes of paragraph (C)(1) and paragraph (C)(2), the “following periods of time, that were previously enumerated in the text of former Rule 600(C), are examples of periods of delay caused by the defendant. This time must be excluded from the computations in paragraphs (C)(1) and (C)(2)” and includes “the period of time between the filing of the written complaint and the defendant’s arrest, provided that the defendant could not be apprehended because his or her whereabouts were unknown and could not be determined by due diligence.” Again, the focus of our inquiry must be on the due diligence exercised by the Commonwealth in locating the defendant.

Any such period of delay that was outside the control of the Commonwealth and not the result of the Commonwealth’s lack of diligence will result in an extension of the adjusted run date. *Commonwealth v. Ramos*, 936 A.2d 1097 (Pa.Super. 2007). However, if the Commonwealth does not commence trial on or before the final run date, the charges must be dismissed. *Id.*

During the hearing held on this Motion to Dismiss, the arresting officer did not testify. In support of its due diligence, the Commonwealth presented the issuance of the bench warrant on September 14, 2006 and also submitted a letter it sent on December 18, 2014 to Defendant which was returned as unclaimed mail. Notably, the letter was sent over eight years after the issuance of the bench warrant. The Commonwealth presented no evidence of any other attempts to locate Defendant, execute the bench warrant, or secure her presence for trial in the intervening eight years.

As to the issuance of the bench warrant, our Superior Court has held that the mere

issuance of a bench warrant for the defendant's arrest does not establish due diligence when a defendant on bail fails to appear. See, *Commonwealth v. Snyder*, 421 A.2d 438 (1980).

We do not wish to be too critical of the police or take the tremendous demands on their time lightly, but we must conclude the efforts made here over the course of over eight years do not satisfy the standard of due diligence imposed upon them by Rule 600. One letter, eight years after the issuance of the bench warrant, does not constitute "reasonable effort," and evidences a lack of due diligence. We would note the case of *Commonwealth v. Collins*, 404 A.2d 1320 (Pa.Super. 1979), in which the Superior Court overturned the trial's court finding of due diligence by police in attempting to locate the defendant. As the Court explained, "[a] single unsuccessful visit to the homes of two relatives [of the accused], followed a month and one-half later by dropping one's card at the accused's mother's residence with a request to be contacted should the accused come calling, falls far short of due diligence." *Id.* at 1323.

"It is not the function of our courts to second-guess the methods used by police to locate accused persons. The analysis to be employed is whether, considering the information available to the police, they have acted with diligence in attempting to locate the accused. Deference must be afforded the police officer's judgment as to which avenues of approach will be fruitful." *Commonwealth v. Mitchell*, 372 A.2d 826 (Pa.Super. 1977). Here, the Commonwealth presented no evidence of any attempts to locate Defendant for a period of eight years. The Court cannot evaluate the reasonableness of efforts when none were undertaken.

There certainly is no disputing that the Commonwealth is entitled to an unavailability exclusion if it establishes by a preponderance of the evidence that the Commonwealth acted with due diligence in attempting to secure the defendant's appearance at a criminal proceeding. Dismissal can be avoided by due diligence. See, *Commonwealth v. Polski*, 426 A.2d 610 (Pa.Super. 1981); *Commonwealth v. Mitchell*, 372 A.2d 826 (Pa.Super. 1977). However, in this case, the lack of action by the Commonwealth constrains us to hold that it is not entitled to an exclusion of the time from September 14, 2006 until December 17, 2015.

Wherefore, we will enter the following order.

ORDER

AND NOW, this 26th day of February, 2016, upon consideration of Motion to Dismiss, filed by Defendant, Loretta H. Bassinger, pursuant to Rule 600, and after hearing, it is hereby ORDERED and DECREED that the Motion is GRANTED.

It is further ORDERED and DECREED that all charges in this case are DISMISSED.

BY THE COURT,
GERALD R. SOLOMON,
SENIOR JUDGE

ATTEST:
CLERK OF COURTS

CONTINUING LEGAL EDUCATION

Protection of Victims of Intimidation Act Lunch & Learn

Do you have a client you believe may be the victim of intimidation? This seminar in our Lunch & Learn series will discuss the recently enacted Protection of Victims of Sexual Violence or Intimidation Act.

Presenters:

Sheryl Heid, Esquire
Susan Ritz Harper, Esquire
Russell Korner, Esquire

April 1, 2016
12:00 noon to 1:00 p.m.
First Niagara Building
Corporate Training Center (lower level)
1 Substantive CLE Credit
Cost: \$30.00

Registration:

Cindy at the Fayette County Bar Association
(724) 437-7994 or cindy@fcbar.org

VIOLENCE:

Creating a Crisis in our Neighborhoods and Schools

April 18, 2016
Nemacolin Woodlands Resort
8:00 a.m. to 4:00 p.m.
4.5 CLE Credits (3.5 Substantive and 1 Ethics)
Presented by The Crisis Intervention Association of Pennsylvania

Cost includes registration, course materials, continental breakfast and lunch.

Member CIAP: \$75.00 (\$65.00 registration + \$10.00 with CLE credits)

Non member: \$85.00 (\$75.00 registration + \$10.00 with CLE credits)

Please make checks payable to CIAP

The seminar brochure was emailed to the membership and
is available from Fayette County Bar Association office

Registration:

Online registration is available at www.crisispa.org or Cindy at the Fayette County Bar Association at (724) 437-7994 or cindy@fcbar.org

CONTINUING LEGAL EDUCATION**Serving those who Served:
Veterans Benefits, Programs and Legal Services**

April 29, 2016

Penn State Fayette Campus

9:00 a.m. to 12:15 p.m.

3 CLE Credits (2 Substantive and 1 Ethics)

Cost: \$50.00

Panel:*Julie Hera DeStefano*, Producer/Director, Journey to Normal: Women of War Come Home*Michael Quatrini, Esquire*, Accredited Attorney for VA Compensation and Pension Matters*Michele Vollmer, Esquire*, Director Penn State Law Veterans Legal Clinic*Kate Vozar*, Fayette County Problem Solving Court Manager/Liaison*Keather Likins*, Veterans Justice Outreach Specialist**Moderator:**

David K. Trevaskis, Esquire

PBA Pro Bono Coordinator

Registration:

Cindy at the Fayette County Bar Association

(724) 437-7994 or cindy@fcbbar.org**SAVE THE DATE**

Fayette County Bar Association's Annual Bar Banquet

Nemacolin Woodlands Resort

Friday, May 20, 2016

Guest: Chief Justice Thomas G. Saylor

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