

RECENT OPINION SUMMARIES

NEBEL & HESIDENZ v. GOLEC, ET.AL. A.D. 13-10296 (2014)

Laches bars relief in equity whenever, in the court's discretion, a party has, by his delay, disintitiled himself to the unusual remedies equity affords to those who desire him. Laches may be raised in the pleadings by preliminary objections, answer or reply; but, even where laches is no pleaded at all as a defense, the Court may, in its discretion, and on its own motion, grant relief where the fact of laches appears in the evidence or on the face of the bill. Where laches is raised by preliminary objection, if the fact of laches appears on the face of the pleadings, relief may be denied on this ground. The party asserting the defense of laches bears the burden of proving that the other party failed to exercise due diligence and caused a delay which resulted in prejudice.

O'MARA v. O'MARA F.C. 10-90044-D (2014)

It is well established that the master's report and recommendation, although only advisory, is to be given the fullest consideration by the Court, particularly on the question of credibility of witnesses, because the master has the opportunity to observe and assess the behavior and demeanor of the parties. While the trial court is obligated to conduct a complete and independent review of the evidence when ruling on exceptions, its scope of review is limited to the evidence received by the master. The master's report is not controlling on the reviewing court and it does not come to the court with any preponderate weight or authority which must be overcome.

BRUNKEN v. N. LEE LIGO & ASSOCIATES, ET.AL. A.D. 13-11092 (2014)

A Court's standard of review of claims regarding opening a default judgment is well-settled. A petition to open a default judgment is an appeal to the equitable powers of the court. The decision to grant or deny a petition to open a default judgment is within the sound discretion of the trial court, and the Court will not overturn that decision "absent a manifest abuse of discretion or error of law. An abuse of discretion is not a mere error of judgment, but if in reaching a conclusion, the law is overridden or misapplied, or the judgment exercised is manifestly unreasonable, or the result of partiality, prejudice, bias or ill will, as shown by the evidence or the record, discretion is abused. Generally, a default judgment may be opened when three factor coalesce. The moving party must have 1) promptly filed a petition to open; 2) shown a meritorious defense; and 3) provided a reasonable excuse for the failure to file a responsive pleading.

Please Note: The Butler County Legal Journal is published every Friday. All legal notices must be submitted in typewritten form and are published exactly as submitted by the advertiser. The Butler County Bar Association will not assume any responsibility to edit, make spelling corrections, eliminate errors in grammar or make any changes in content.

Please address all communications to:

Butler County Legal Journal

240 South Main Street | Butler PA 16001 | p: 724.841.0130 | f:724.841.0132 |

BCLegalJournal@zoominternet.net

Visit us on the web @ butlercountypabar.org

ESTATE NOTICES

Notice is hereby given that in the estates of the decedents set forth below the Register of Wills has granted letters testamentary or of administration to the persons named. All persons having claims or demands against said estates are requested to make known the same, and all persons indebted to said estates are requested to make payment without delay, to the executors or administrators or their attorneys named below.

FIRST PUBLICATION**Estate of: George H Amsler**

Late of: Winfield Township PA
Executor: Thomas W Amsler
604 Beatty Avenue
POB 180
Knox PA 16232
Attorney: Terry R Heeter
Kooman Heeter & Gulnac PC
Marianne Prof Center POB 700
Clarion PA 16214

Estate of: Helen Marie Cedzo

Late of: Cabot PA
Executor: Robert L Cedzo
456 Creekside Drive
Downingtown PA 19335
Attorney: L Robert Frame Jr
390 Waterloo Blvd Suite 101
Exton PA 19341

Estate of: Barbara L Gordon

Late of: Connoquenessing PA
Administrator: Melissa Muto
264 Home Avenue
Butler PA 16001
Attorney: James P Coulter
Dillon McCandless King
Coulter & Graham LLP
128 West Cunningham Street
Butler PA 16001

Estate of: Matthew E Haid**a/k/a: Matthew Edward Haid**

Late of: Donegal Township PA
Executor: Michael E Haid
158 Rabbitt Road
Chicora PA 16025
Attorney: Mary Jo Dillon
Dillon McCandless King
Coulter & Graham LLP
128 West Cunningham Street
Butler PA 16001

Estate of: Michael C Kiefer

Late of: Cranberry Township PA
Executor: Karin Kiefer
2615 Chelsey Court
Cranberry Twp PA 16066
Attorney: Joseph M Kecskemethy
Jaffe & Kecskemethy PC
101 East Diamond St Suite 204
Butler PA 16001

Estate of: Colleen E McCabe

Late of: Saxonburg PA
Administrator: Maria McCabe
112 Greenhill Road
Karns City PA 16041
Attorney: Michael J Pater
101 East Diamond St Suite 202
Butler PA 16001

Estate of: Rita M Schweiger**a/k/a: Rita Mae Miller**

Late of: Cranberry Township PA
Executor: Tammy R Schweiger
321 Butler Avenue
Ellwood City PA 16117
Attorney: Mary Jo Dillon
Dillon McCandless King
Coulter & Graham LLP
128 West Cunningham Street
Butler PA 16001

Estate of: Roger Allan Young

Late of: Penn Township PA
Administrator: Thomas L Nardina
8708 Breezewood Drive
Pittsburgh PA 15237
Attorney: Jerry W Wienand
108 Lyndon Lane
Baden PA 15005

BCLJ: Jan. 23, 30 & Feb. 6, 2015

SECOND PUBLICATION**Estate of: Ann Lee Alexander****a/k/a: Ann Alexander**

Late of: Cranberry Township PA
Executor: Thomas W Luscher
1739 Tarrytown Avenue
Crofton MD 21114
Attorney: Michael K Parrish
Goehring Rutter & Boehm
2100 Georgetowne Drive Suite 300
Sewickley PA 15143

Estate of: William P Brown**a/k/a: William Brown**

Late of: Penn Township PA
Administrator: George P Elias

3502 Bigler Avenue
Northern Cambria PA 15714
Attorney: George P Elias
3502 Bigler Avenue
Northern Cambria PA 15714

Estate of: Olive Ferne Dembeck

Late of: Donegal Township PA
Executor: Linda L Dembeck
27216 Cook Road, #51
Olmsted Twp OH 44138
Attorney: Michael J Pater
101 East Diamond Street Suite 202
Butler PA 16001

Estate of: Elizabeth J Jones

Late of: Zelenople PA
Executor: Gregory D Jones
714 Wood Duck Lane
McKinney TX 75070
Attorney: Katrine M Erie
Erie Law Offices PC
316 West Jefferson Street
Butler PA 16001

Estate of: Ronald Kaltenbaugh

Late of: Connoquenessing Township PA
Administrator: Gwilym A Price III
129 South McKean Street
Butler PA 16001
Attorney: Gwilym A Price III
129 South McKean St
Butler PA 16001-6029

Estate of: Rue Ann Moore**a/k/a: Rue A Moore****a/k/a: Zeruiah A Moore**

Late of: Evans City PA
Executor: Joyce L Moore
23 Riverview Drive
Iowa City IA 52240
Attorney: Steven T Casker
Lope Casker & Casker
207 East Grandview Ave
Zelenople PA 16063

Estate of: Rose M Virgili**a/k/a: Rose Marie Virgili**

Late of: Butler PA
Executor: Mary Jo Sylvia
300 Old Plank Road
Butler PA 16002
Attorney: James P Coulter
Dillon McCandless King
Coulter & Graham LLP
128 West Cunningham Street
Butler PA 16001

BCLJ: Jan. 16, 23 & 30, 2015

THIRD PUBLICATION**Estate of: Jennie E Keeler**

Late of: Cranberry Township PA
Executor: Judith E Sturges
211 Hillside Road
Derry PA 15627
Attorney: Suzanne J Mahady
Mahady & Mahady
1308 Ligonier Street
Latrobe PA 15650

Estate of: Herbert Lincoln Langdon**a/k/a: Herbert L Langdon**

Late of: Adams Township PA
Executor: Judith Anderson Langdon
215 Brickyard Road
Mars PA 16046
Attorney: Matthew F Schwartz
Lange Legal Group LLC
2200 Murray Ave
Pittsburgh PA 15217

Estate of: Zetta May Lynn**a/k/a: Zetta Lynn****a/k/a: Zetta M Lynn**

Late of: Buffalo Township PA
Executor: Richard J Korber
819 Freeport Road
New Kensington PA 15068
Attorney: John Eric Bumbaugh
Bumbaugh & Nicola
Old Trail Professional Bldg
10526 Old Trail Rd Ste 1
North Huntingdon PA 15642

Estate of: Esther Jean Wallace

Late of: Cabot PA
Executor: Russell C Miller
4767 Wm Flynn Hwy
Allison Park PA 15101
Attorney: James H Limbaugh
Miller Limbaugh & Conley
4767 William Flynn Highway
Allison Park PA 15101

BCLJ: Jan. 9, 16 & 23, 2015

DIVORCES

Week ending January 16, 2015

1st Name-Plaintiff

2nd Name-Defendant

Brittany A. Basham vs. **Justin J. Basham**:
Elizabeth A. Smith, Esq.: 15-90036
Kevin E. Hogan vs. **Terri Hogan**: Kathryn Linn
Stevenson, Esq.: 15-90030
Karen Kraft vs. **Christopher Kraft**: Jamie
Spero, Esq.: 15-90032
Robert W. Maxwell vs. **Sylvia R. Maxwell**:
Carol A. Behers, Esq.: 15-90035
Jessica L. Niemeier vs. **Robert P. Niemeier**:
Kenneth R. Harris, Jr., Esq.: 15-90022
Christopher Gareth Petsch vs. **Shannon Leah
Petsch**: Dennis D. Hayes, Esq.: 15-90027
Terri Raisley vs. **Michael Raisley**: Phillip L.
Clark, Jr., Esq.: 15-90023
Adam Williams vs. **Kristina Williams**: Atty -
None: 15-90033

**IN THE COURT OF COMMON PLEAS OF
BUTLER COUNTY, PENNSYLVANIA
CIVIL DIVISION
MSD No. 14-40358**

**IN RE: Name Change of
Jalaine Diane Wallace**

NOTICE

NOTICE is hereby given that on the 19th day of December, 2014, the Petition of Jalaine Diane Wallace was filed in the Court of Common Pleas of Butler County requesting an Order to change her name from **Jalaine Diane Wallace, to Jalaine Diane Kaczmarczyk-Wallace**

The Court has fixed the 25th day of February, 2015, at 10:00 o'clock a.m. in Courtroom No. 4 in the Butler County Government Center as the time and place for hearing on said Petition, when and where all interested parties may appear and shall cause, if any, why the request of the Petitioner should not be granted.

Kelley I. Harley, Esquire
Jaffe & Kecskemethy, P.C.
101 East Diamond Street
Suite 204
Butler, PA 16001
(724) 285-4791

BCLJ: January 23, 2015

ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Corporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA for a business corporation, which was organized under the Business Corporation Law of the Commonwealth of Pennsylvania, approved December 21, 1988, Act 177. The name of the corporation is **Donaldson Crossroads Card & Gift Shoppe, Inc.**

Frank Betres
290 Vogel Road
Butler, PA 16002

BCLJ: January 23, 2015

NOTICE OF FILING FICTITIOUS NAME

NOTICE IS HEREBY GIVEN that Marilyn Massimino has filed on September 9, 2013, in the Department of State of the Commonwealth of Pennsylvania, Harrisburg, an application under the Fictitious Names Act, approved the 24th day of May, 1945, P.L. 967, as amended, Section 311 of Act 1982-294 (54 Pa. C.S. Section 311), to conduct business under the name of **The Creative Needle**. The business to be carried on at 103 Camelot Court, Cranberry Township, PA 16066.

Marilyn Massimino

BCLJ: January 23, 2015

NOTICE OF FILING FICTITIOUS NAME

NOTICE IS HEREBY GIVEN that James Massimino has filed on April 30, 2014, in the Department of State of the Commonwealth of Pennsylvania, Harrisburg, an application under the Fictitious Names Act, approved the 24th day of May, 1945, P.L. 967, as amended, Section 311 of Act 1982-294 (54 Pa. C.S. Section 311), to conduct business under the name of **Met-Tech Consulting**. The business to be carried on at 103 Camelot Court, Cranberry Township, PA 16066.

James Massimino

BCLJ: January 23, 2015

**IN THE COURT OF COMMON PLEAS OF
BUTLER COUNTY, PENNSYLVANIA
CIVIL DIVISION
No: ED-14-30295**

THE HUNTINGTON NATIONAL BANK,
s/b/m/t Sky Bank, Plaintiff
VS.

**RICHARD C. HVIZDAK, Trustee and his
successors in Trust under Qualified
Personal Residence Trust dated December
28, 2001, Defendant**

**NOTICE OF SHERIFF'S SALE
OF REAL ESTATE**

Notice of Sheriff's Sale of Real Estate on
March 20, 2015, at 11:00 a.m. in the Butler
Co. Public Meeting Rm, 1st Fl, Butler Co
Government Ctr, 124 W Diamond St, Butler,
PA 16001.

ALL THE RIGHT, TITLE, INTEREST AND
CLAIM OF THE RICHARD C. HVIZDAK,
TRUSTEE AND HIS SUCCESSORS IN
TRUST UNDER QUALIFIED PERSONAL
RESIDENCE TRUST DATED DECEMBER
28, 2001, OF IN, AND TO THE FOLLOWING
DESCRIBED PROPERTY:

ALL THE FOLLOWING DESCRIBED REAL
ESTATE SITUATE IN THE TOWNSHIP OF
CRANBERRY, COMMONWEALTH OF
PENNSYLVANIA, COUNTY OF BUTLER.
HAVING ERRECTED THEREON ADWELLING
BEING KNOWN AND NUMBERED AS
202 LAGRANDE DRIVE, CRANBERRY
TOWNSHIP, PA 16066. PARCEL NUMBER
130-S13-L-19-0000

The Huntington National Bank s/b/m/t Sky
Bank v. Richard C. Hvizdak, Trustee and his
successors in Trust under Qualified Personal
Residence Trust dated December 28, 2001,
at Execution AD-12-10246 in the amount
\$1,367,262.05. Schedule of Distribution will be
filed by the Sheriff on the date specified by the
Sheriff no later than thirty (30) days from sale
date. Distributions will be made in accordance
with the schedule unless exceptions are filed
within ten (10) days of the filing of the schedule.

Keri P. Ebeck, Esq
Weltman, Weinberg & Reis Co. L.P.A
436 7th Ave, Ste 2500
Pgh, PA 15219
412.434.7955

BCLJ: January 23, 2015

**IN THE COURT OF COMMON PLEAS OF
BUTLER COUNTY, PENNSYLVANIA
MsD. No.: 14-40217**

**IN RE: SALE OF UNREDEEMED
PROPERTY OF THE BUTLER
COUNTY TAX CLAIM BUREAU**

**TAX PARCEL NO. 056-20-E35
ROBERT VINROE**

TO: RHONDA WINSLOW and TINA HEIST

**NOTICE OF PETITION FOR SALE OF
UNREDEEMED PROPERTY OF THE
BUTLER COUNTY TAX CLAIM BUREAU**

You are hereby notified that the Butler County
Tax Claim Bureau filed an action against you
at the above number and term on September
2, 2014. The parcel which is the subject of
this action is located in the Township of Butler,
Butler County, Pennsylvania, and is bounded
and described as follows:

ALL that certain lot or parcel of land situate
in the Township of Butler, County of Butler,
Commonwealth of Pennsylvania, bounded
and described as follows:

ON the North one hundred twenty-five (125)
feet by Lot No. 34 in the Homeacre Plan of
Lots as recorded in Plan Book B, Page 20;
on the East sixty (60) feet; on the South one
hundred twenty-five (125) feet; and on the
West sixty (60) feet.

AND

ON the North one hundred (100) feet by
Lot No. 34 in the Homeacre Plan of Lots as
recorded in Plan Book B, Page 20; on the East
sixty (60) feet by an alley; on the South one
hundred (100) feet by lands of now or formerly
Lewis E. and Gertrude Davis; on the West sixty
(60) feet by lands of now or formerly Lewis E.
and Gertrude Davis.

Being the northeastern corner of a larger plot
of land, the same being the eastern portion
of Lots No. 35, 36, and 37 in the Homeacre
Plan of Lots.

With a house and a garage.

BEING known as Tax Map Parcel 056-20-E35.

You are further notified that a Rule to Show
Cause has been issued against you to show
cause why the Tax Claim Bureau of Butler

County, Pennsylvania, should not sell to Mark J. Krenitsky the property described in the Petition for the sum of \$200.00.

This Rule is returnable and to be heard on the 5th day of March, 2015, at 12:00 o'clock p.m., in Courtroom No. 3 of the Butler County Courthouse before Judge S. Michael Yeager.

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 ASSISTANCE TO ELIGIBLE PERSONS AT A REDUCED FEE FOR NO FEE.

Office of Prothonotary, Butler County
1st Floor Courthouse
124 West Diamond Street
P.O. Box 1208
Butler, PA 16003
(724) 284-5214

Butler County Bar Association
240 South Main Street
Butler, PA 16001
(724) 841-0130

Thomas J. May, Esquire
DILLON McCANDLESS KING
COULTER & GRAHAM L.L.P.
128 West Cunningham Street
Butler, PA 16001

BCLJ: January 23, 2015

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

MsD. No.: 14-40235

**IN RE: SALE OF UNREDEEMED
PROPERTY OF THE BUTLER
COUNTY TAX CLAIM BUREAU**

**TAX PARCEL NO. 564-9-61
KHADIR SALAMA and TINA M. SALAMA**

**TO: KHADIR SALAMA and TINA M.
SALAMA**

NOTICE OF PETITION FOR SALE OF UNREDEEMED PROPERTY OF THE BUTLER COUNTY TAX CLAIM BUREAU

You are hereby notified that the Butler County Tax Claim Bureau filed an action against you at the above number and term on September 19, 2014. The parcel which is the subject of this action is located in the City of Butler, Butler County, Pennsylvania, and is bounded and described as follows:

ALL that lot of land situate in the Fourth Ward of the City of Butler, County of Butler, State of Pennsylvania, having thereon erected a two story, frame dwelling house, and being bounded and described as follows:

ON the North by Park Street; on the East by Cliff Street; on the South by lot of formerly Richard Campbell, now or formerly Susan Little; on the West by lot of now or formerly Mrs. Jessie H. McLroy.

FRONTING twenty-four (24) feet more or less on said Cliff Street and extending back West on parallel lines sixty (60) feet more or less, to lot of now or formerly Jessie H. McLroy.

BEING known as Tax Map Parcel 564-9-61-0000.

ALSO known as 310 North Cliff Street, Butler, PA 16001.

You are further notified that a Rule to Show Cause has been issued against you to show cause why the Tax Claim Bureau of Butler County, Pennsylvania, should not sell to Mark J. Krenitsky the property described in the Petition for the sum of \$200.00.

This Rule is returnable and to be heard on the 7th day of April, 2015, at 9:00 o'clock a.m., in Courtroom No. 3 of the Butler County

Courthouse before Judge S. Michael Yeager.

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.

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Butler, PA 16001

BCLJ: January 23, 2015
