

The Greene Reports

Official Legal Publication for Greene County, Pennsylvania
Owned and operated by Greene County Bar Association
Greene County Courthouse, Waynesburg, PA 15370

Vol. XXXVIII, No. 81

February 8, 2024



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Serving the Legal Community of Greene County
Since October 1982

The Greene Reports

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COURT OF COMMON PLEAS
Honorable Louis Dayich, President Judge
Honorable Jeffry N. Grimes, Judge

MOTIONS

Criminal & Civil & O.C.:
February 12 and 14, 2024

CRIMINAL

Arraignments: February 12, 2024
ARDs: February 12, 2024
ARD Revocations: February 12, 2024
Parole Violations: February 12, 2024
Plea Court: February 13-15, 2024
License Suspension February 20, 2024
Argument Court: February 26, 2024

ORPHANS

Accounts Nisi: February 5, 2024
Accounts Absolute: February 15, 2024

SUPREME COURT
SUPERIOR COURT
COMMONWEALTH COURT

Convenes in Pgh.: April 8-12, 2024
Convenes in Pgh.: March 5-6, 2024
Convenes in Pgh.: February 5-9, 2024

THE GREENE REPORTS

Owned and published by the GREENE COUNTY BAR ASSOCIATION
Editor: Kayla M. Sammons
E-mail address: editor.greenerreports@yahoo.com

EDITORIAL POLICY

All articles published in The Greene Reports are intended to inform, educate or amuse. Any article deemed by the editorial staff to be reasonably interpreted as offensive, demeaning or insulting to any individual or group will not be published.

The views expressed in the articles represent the views of the author and are not necessarily the views of The Greene Reports or the Greene County Bar Association.

The Greene Reports welcomes letters to the Editor both for publication and otherwise. All letters should be addressed to: Editor, The Greene Reports, Greene County Courthouse, 10 East High Street, Waynesburg, PA 15370. Letters must include signature, address and telephone number. Anonymous correspondence will not be published. All letters for publication are subject to editing and, upon submission, become the property of The Greene Reports.

THE GREENE COUNTY BAR ASSOCIATION

Timothy M. Ross, President
Adam J. Belletti, Vice-President
John R. Headley, Secretary
Lukas B. Gatten, Treasurer
Christopher M. Simms, Ex-Officio

ARGUMENTS

Argument Court: February 28, 2024

CIVIL

Domestic Relations Contempts: February 27, 2024
Domestic Relations Appeals: February 27, 2024

JUVENILE

Plea Day: February 15, 2024

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DEED TRANSFERS

The following property transfers have been recorded in the Greene County Recorder of Deeds office.

CUMBERLAND TOWNSHIP

Patsy Gail Bell to Morgan Weaver, 4 Acres, \$10,000.00 (2-5-24)
Joseph F. John to Larry Duane Hunt, Lot, \$29,799.00 (2-5-24)

FRANKLIN TOWNSHIP

Adam J. Belletti, et ux., to Cody Fletcher, et ux., Lot, \$25,000.00 (2-1-24)
Tyler Tanner to Justin Gaines, et ux., Tract, \$112,000.00 (2-5-24)
David K. Walker to Elise Nelson Depetris, Tract, \$52,000.00 (2-6-24)

JEFFERSON TOWNSHIP AND JEFFERSON BOROUGH

Charles J. Barno, et ux., to David Winters, .3444 Acre, \$21,000.00 (2-6-24)

MORGAN TOWNSHIP

Shawn C. Bissett, et ux., to Samuel R. Basinger, Lots 2 & 7, Hefferin Subdivision Plan, \$3,000.00 (1-31-24)

ESTATE NOTICES

NOTICE is hereby given of the grant of letters by the Register of Wills to the Estates of the following named decedents. All persons having claims are requested to make known the same and all persons indebted to the decedent are requested to make payment to the personal representative or his attorney without delay.

FIRST PUBLICATION

FOX, CORNELIA MARION ELLEN A/K/A CONNIE FOX
Late of Jefferson Township, Clarksville, Greene County, Pennsylvania
Co-Administrator: Andrew Fox, 150 Acheson Avenue, Washington, PA 15301
Co-Administrator: Joshua Fox, 302 Western Avenue, Houston, PA 15342
Attorney: Adam J. Belletti, Esquire, Pollock Morris Belletti & Simms, LLC, 54 South Street, Waynesburg, PA 15370

GRAZNAK, AUDREY
Late of Platteville, Weld County, Colorado
Executrix: Lisa E. Graznak, 1357 Kiva Drive, Fruita, CO 81521
Attorney: Christopher Michael Simms, Esquire, Pollock Morris Belletti & Simms, LLC, 54 South Washington Street, Waynesburg, PA 15370

MAKEEN, THOMAS JAMES A/K/A THOMAS J. MAKEEN A/K/A THOMAS MAKEEN
Late of Carmichaels, Greene County, Pennsylvania
Executrix: Lisa Lynn Wamsley, 109 Stevenson Lane, Carmichaels, PA 15320
Attorney: Kirk A. King, Esquire, 77 South Washington Street, Waynesburg, PA 15370

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SECOND PUBLICATION

CAIN, LINDA MAE

Late of Clarksville Borough, Greene County, Pennsylvania
Administratrix: Melinda Pendland, 104 N. Factory Street, Post Office Box 634,
Clarksville, PA 15322
Attorney: Adam J. Belletti, Esquire, Pollock Morris Belletti & Simms, LLC, 54 South
Washington Street, Waynesburg, PA 15370

CAMPBELL, RUTH ADELINE A/K/A RUTH A. CAMPBELL

Late of Clarksville Borough, Greene County, Pennsylvania
Executrix: Diana L. Morton, PO Box 618, Clarksville, PA 15322
Attorney: Eva H. Ahern, Esquire, Peacock Keller, LLP, 95 West Beau Street, Suite
600, Washington, PA 15301

GARRISON, MARY

Late of Dunkard Township, Greene County, Pennsylvania
Administrator: Mark Thomas Bate, 278 Moffit Road, Dilliner, PA 15327
Attorney: Jessica L. Phillips, Esquire, Phillips & Ross, LLC, 82 West High Street,
Waynesburg, PA 15370

GEORGE, FRANCES MARIE A/K/A FRANCES M. GEORGE

Late of Whiteley Township, Greene County, Pennsylvania
Executrix: Charlotte Connors, 327 Garner Run Road, Waynesburg, PA 15370
Attorney: Brandon K. Meyer, Esquire, 76 North Richhill Street, Waynesburg, PA
15370

HERROD, SUSAN

Late of Franklin Township, Greene County, Pennsylvania
Administratrix: Candy Herrod, 490 3rd Street, Waynesburg, PA 15370
Attorney: Jacob Murphy Landav, Esquire, 707 Grant Street, Suite 215, Pittsburgh, PA
15219

McCLASKEY, DOUGLAS MICHAEL, SR., A/K/A DOUGLAS McCLASKEY

Late of Whiteley Township, Greene County, Pennsylvania
Administratrix: Amber Lee Hurd, 1033 Rhonda Drive, Christiana, TN 37037
Attorney: John R. Headley, Esquire, 76 North Richhill Street, Waynesburg, PA 15370

MINOR, RONALD ROSS A/K/A RONALD MINOR

Late of Perry Township, Greene County, Pennsylvania
Co-Executor: Ronald Jason Minor, 333 Church Hill Road, Mount Morris, PA 15349
Co-Executor: Justin Ashley Minor, 409 Hackelbender Road, Mount Morris, PA 15349
Attorney: Brandon K. Meyer, Esquire, 76 North Richhill Street, Waynesburg, PA
15370

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PRODAN, RICHARD

Late of Cumberland Township, Greene County, Pennsylvania
Executrix: Geraldine M. Homistek, Esquire, 696 South 88 Road, Carmichaels, PA
15320
Attorney: Phillip C. Hook, Attorney, 430 East Oakview Drive, Suite 101, Waynesburg,
PA 15370

LEGAL NOTICE

PUBLIC NOTICE CENTRAL GREENE SCHOOL DISTRICT

The Court of Common Pleas of Greene County, Pennsylvania will give consideration to the Petition to Reapportion Central Greene School District from Three Regions to At Large for Election of School Directors on February 27, 2024 at 2:30 p.m. in the Greene County Courthouse, 10 East High Street, Waynesburg, PA 15370. The docket in the above captioned matter is MISC. 12 of 2024.

Pursuant to the Petition, Central Greene School District seeks to allow registered voters of the school district to cast their vote on all qualified electors for the positions of School Board of Directors as opposed to the current apportionment whereby registered voters elect candidates based upon their region. Under the proposed transition plan, registered electors would vote for Central Greene School District Board of Directors at large beginning in the 2025 Municipal Election related to those offices expiring on the first Monday in January 2026. Under the proposed transition plan, registered electors would further vote for Central Greene School District Board of Directors at large in the 2027 Municipal Election related to those offices expiring on the first Monday in January 2028. All currently elected School Board of Directors would complete their current term under the proposed plan.

A copy of the Petition to Reapportion Central Greene School District from Three Regions At Large for Election of School Directors is available for review during regular business hours at the District's Administrative Office located at 250 S. Cumberland Street, Waynesburg, PA 15370 as well as on the District's website at www.cgsd.org.

SHERIFF'S SALE

By Virtue of a Writ of Execution (Mortgage Foreclosure) No. ED-50-2023 AD 317-2023

Issued out of the Court of Common Pleas of Greene County, Pennsylvania and to me directed, I will expose the following described property at public sale at the Greene County Courthouse in the City of Waynesburg, County of Greene, Commonwealth of Pennsylvania on:

**FRIDAY, FEBRUARY 16, 2024
AT 10:00 O'CLOCK A.M.**

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All parties in interest and claimants are further notified that a proposed schedule of distribution will be on file in the Sheriff's Office no later than twenty (20) days after the date of the sale of any property sold hereunder, and distribution of the proceeds will be made in accordance with the schedule ten (10) days after said filing, unless exceptions are filed with the Sheriff's Office prior thereto.

ALL THOSE CERTAIN LOTS OR GROUND SITUATE IN CUMBERLAND TOWNSHIP, GREENE COUNTY, PA
BEING KNOWN AS: 236 3RD AVENUE, CRUCIBLE, PA 15325
BEING PARCEL NUMBER: 05-29-504
IMPROVEMENTS: RESIDENTIAL PROPERTY

PROPERTY ADDRESS: 236 3RD AVENUE, CRUCIBLE, PA 15325

UPI/TAX PARCEL NUMBER: 05/29/504

Seized and taken into execution to be sold as the property of JOYCE M NOPWASKEY in suit of NEW RESIDENTIAL MORTGAGE LOAN TRUST 2016-4.

Attorney for the Plaintiff:
RAS Citron LLC
Mt Laurel, NJ 1-800-531-5490

**MARCUS N. SIMMS, Sheriff
Greene County, Pennsylvania**

SUPREME COURT NOTICE

**SUPREME COURT OF PENNSYLVANIA
Minor Court Rules Committee**

NOTICE OF PROPOSED RULEMAKING

Proposed Amendment of Pa.R.Civ.P.M.D.J. 321 and 512

The Minor Court Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.Civ.P.M.D.J. 321 and 512, pertaining to hearings and evidence for the reasons set forth in the accompanying Publication Report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to include the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

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Pamela S. Walker, Counsel
Minor Court Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9546
minorrules@pacourts.us

All communications in reference to the proposal should be received by **April 22, 2024**. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Minor Court Rules Committee,
Honorable Daniel E. Butler, Chair

Rule 321. Hearings and Evidence.

The **parties in a hearing before a** magisterial district judge shall be bound by the [rules of evidence] **Rules of Evidence**, except that a bill, estimate, receipt, or statement of account that appears to have been made in the regular course of business may be introduced in evidence by any party without affidavit or other evidence of its truth, accuracy, or authenticity.

Comment: The exception to the [rules of evidence] **Rules of Evidence** provided by this rule was inserted because the Pennsylvania statutes making certain business entries admissible in evidence *[apparently]* do not apply to bills, receipts, and the like that are made in the regular course of business but are not made as "records." See 42 Pa.C.S. § 6108. The fact that this exception permits the introduction of these items of evidence without affidavit or other evidence of their truth, accuracy, or authenticity does not, of course, preclude the introduction of evidence contradicting them. The exception was deemed necessary because the items of evidence made admissible thereby are probably the proofs most commonly used in minor judiciary proceedings. **However, all other testimony and documents sought to be admitted or excluded shall be subject to the Rules of Evidence upon proper objection. Objections to evidence must be made by the parties.**

See [Rules 350D(2) and 351(d)] **Pa.R.Civ.P. 350D(2) and 351(d)** for additional exceptions applicable to appeals from automated work zone speed enforcement violations and actions filed pursuant to 75 Pa.C.S. § 3345.1(i.1), relating to civil violations for passing a stopped school bus with flashing red signal lights and an activated side stop signal arm.

Rule 512. Hearings and Evidence.

[A.](a) The landlord shall appear at the hearing and present testimony in an action for the recovery of possession of real property.

[B.](b) The [magisterial district judge] **parties** shall be bound by the [rules of evidence] **Rules of Evidence**, except that a bill, estimate, receipt, or statement of

account that appears to have been made in the regular course of business may be introduced in evidence by any party without affidavit or other evidence of its truth, accuracy, or authenticity.

[Official Note: Subdivision A of this rule] **Comment: Subdivision (a)** is intended to make clear that the magisterial district judge shall not enter a default judgment in a possessory action, including a judgment for money only. The landlord shall appear and give testimony to prove the complaint even when the tenant fails to appear for the hearing. [See Rule 514A and Note. See also Section 503(a) of the Landlord and Tenant Act of 1951, 68 P.S. § 250.503(a).] See Pa.R.Civ.P.M.D.J. 514A, cmt.; see also 68 P.S. § 250.503(a). When the landlord fails to appear at the hearing, the magisterial district judge may continue the hearing for cause or dismiss the complaint without prejudice.

[Subdivision B of this rule is the same as Rule 321 of the civil action rules.] **The exception to the Rules of Evidence provided by subdivision (b) was inserted because the Pennsylvania statutes making certain business entries admissible in evidence do not apply to bills, receipts, and the like that are made in the regular course of business but are not made as “records.” See 42 Pa.C.S. § 6108. The fact that this exception permits the introduction of these items of evidence without affidavit or other evidence of their truth, accuracy, or authenticity does not, of course, preclude the introduction of evidence contradicting them. The exception was deemed necessary because the items of evidence made admissible thereby are probably the proofs most commonly used in minor judiciary proceedings. However, all other testimony and documents sought to be admitted or excluded shall be subject to the Rules of Evidence upon proper objection. Objections to evidence must be made by the parties.**

SUPREME COURT OF PENNSYLVANIA
Minor Court Rules Committee

PUBLICATION REPORT

Proposed Amendment of Pa.R.Civ.P.M.D.J. 321 and 512

The Minor Court Rules Committee (“Committee”) is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.Civ.P.M.D.J. 321 and 512 relating to hearings and evidence.

While reviewing a separate matter, the Committee discussed a plaintiff’s responsibility to meet the evidentiary burden of proof in all cases. However, the comment to Pa.R.Civ.P.M.D.J. 321 and 512 largely addresses the introduction of business records into evidence. The exception to the general business records rule is intended to permit a party to present documentation related to a claim without having to call a witness, e.g., a mechanic or insurance adjuster. In contrast, Pa.R.E. 803(6) requires testimony from a records custodian or a certification that the record meets the definition of a “business record.” See also 42 Pa.C.S. § 6108(b) (requiring the custodian or other qualified witness to testify as to the record’s identify, mode of preparation, and if it was made in the regular course of business). The Committee believed that Pa.R.Civ.P.M.D.J. 321 and 512 would

benefit from attention to other aspects of the rules of evidence.

First, the Committee is considering proposing rule amendments to make clear that the parties are bound by the Rules of Evidence. Other stylistic amendments appear throughout the rules.

Second, the Committee is considering proposing an amendment to the comments to Pa.R.Civ.P.M.D.J. 321 and 512 to emphasize that the business records exception does not waive the obligation of the parties to comply generally with the Pennsylvania Rules of Evidence. For example, while it is not necessary to produce the mechanic to certify the authenticity of a bill for services, it is necessary to call the mechanic as a witness to testify as to condition of a vehicle’s brakes before a car accident.

Finally, the Committee thought it would be beneficial to alert parties, particularly *pro se* parties, that objections must be made by the parties. When the Pennsylvania Rules of Conduct, Office Standards and Civil Procedure for Justices of the Peace were first promulgated in 1969, they included an Explanatory Comment from the Committee: In drafting these rules, the guiding policy was to provide a framework, insofar as the Pennsylvania constitutional system would permit, for a modern, workable small claims procedure, realizing that many justices of the peace would not be lawyers and that members of the public using the system would be largely unrepresented by legal counsel. Thus, an attempt was made throughout these rules to achieve simplicity of phraseology, uncomplicated administration and as much standardization in the handling of civil actions by justice of the peace as is possible.

See Order of October 15, 1969, No. 513, Misc. Docket No. 16. Notwithstanding the salutary goal of establishing procedural rules for small claims courts that are understandable and accessible to lay people, adherence to the rules of evidence is needed to ascertain the truth and secure a just determination. See Pa.R.E. 102, cmt. By proposing these amendments, the Committee intends to inform litigants of their evidentiary responsibilities should they decide on self-representation.

The Committee welcomes all comments, concerns, and suggestions regarding this proposal.