

The Greene Reports

Official Legal Publication for Greene County, Pennsylvania
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Greene County Courthouse, Waynesburg, PA 15370

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Serving the Legal Community of Greene County
Since October 1982

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COURT OF COMMON PLEAS

Honorable Louis Dayich, President Judge

Honorable Jeffry N. Grimes, Judge

MOTIONS

Criminal & Civil & O.C.:
May 23 and May 25, 2022

CRIMINAL

Arraignments: May 16, 2022
ARDs: June 13, 2022
ARD Revocations: June 13, 2022
Parole Violations: May 16, 2022
Plea Court: June 10-12, 2022
License Suspension Appeals: June 21, 2022
Argument Court: May 23, 2022

ORPHANS

Accounts Nisi: June 6, 2022
Accounts Absolute: June 16, 2022

SUPREME COURT

SUPERIOR COURT

COMMONWEALTH COURT

Convenes in Pgh.: June 7, 2022

Convenes in Pgh.: June 21-22, 2022

Convenes in Pgh.: May 16-20, 2022

ARGUMENTS

Argument Court: June 15, 2022

CIVIL

Domestic Relations Contempts: May 23,
2022
Domestic Relations Appeals: May 23,
2022

JUVENILE

Plea Day: June 16, 2022

THE GREENE REPORTS

Owned and published by the GREENE COUNTY BAR ASSOCIATION

Editor: Kayla M. Sammons

E-mail address: editor.greeneports@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the editorial staff to be reasonably interpreted as offensive, demeaning or insulting to any individual or group will not be published.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 Anonymous correspondence will not be published.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

Christopher M. Simms, President

Timothy M. Ross, Vice-President

Allen J. Koslovsky, Secretary

Blake Birchmeier, Treasurer

Jessica L. Phillips, Ex-Officio

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DEED TRANSFERS

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

ALEPPO TOWNSHIP

James C. Herold, et ux., to Herold Base Camp LLC, 2 Tracts, \$136,210.80 (5-16-22)

James C. Herold, et ux., to Herold South Slope LLC, 85 Acres, \$27,315.60 (5-16-22)

CUMBERLAND TOWNSHIP

Rose A. Heitger, et al., to Savanna A. Hitt, Lots 99-100 in Cumberland Village Plan,
\$85,000.00 (5-16-22)

John C. Olnick to Meyer Family Properties LLC, 167.6641 Acres, O&G, Minerals, \$41,916.02
(5-16-22)

DUNKARD TOWNSHIP

Hannah L. Dingle to Richard Heinzelman, Lot 69 in Bobtown, \$95,000.00 (5-12-22)

Theresa Metcalf A/K/A Theresa Malinsky to Haley Diehl, Lot 21 in Bobtown, \$18,000.00 (5-
13-22)

FRANKLIN TOWNSHIP

MLJ Holdings LLC to Levine's Iron and Metal Inc., et ux., 2 Tracts, \$300,000.00 (5-12-22)
Morris Levine Enterprises Inc. to Levine's Iron & Metal Inc., et ux., Lots, \$50,000.00 (5-12-22)

FREEPORT AND SPRINGHILL TOWNSHIPS

Mary Kay Milliken A/K/A Mary Kathryn Milliken A/K/A Mary Kay Schupbach, et ux., to The
Mineral Company, et ux., 49.0393 Acres, \$5,108.27 (5-16-22)

MORGAN TOWNSHIP

Albert P. Campbell to Robert Hopes, Lot 14 in Mather, \$50,000.00 (5-11-22)

Susan R. Cobert A/K/A Susan R. Smith to Beth A. Weaver, Lot 32 in Teegarden Homes Plan,
\$51,102.00 (5-11-22)

MORRIS TOWNSHIP

Barry J. Blum to The Mineral Company, et ux., 104.722 Acres, O&G, Und. ¼ Int., \$6,981.46
(5-16-22)

SPRINGHILL TOWNSHIP

Nellie L. French to Sandhill Royalty LP, Tracts, O&G, \$1,000.00 (5-13-22)

Carol Hathaway to Sandhill Royalty LP, Tracts, O&G, \$700.00 (5-13-22)

Linda Shriver to Sandhill Royalty LP, Tracts, O&G, \$700.00 (5-13-22)

WAYNE TOWNSHIP

Marvin L. Cumberledge, et ux., to Three Rivers Royalty LLC, 2 Tracts, O&G, \$9,895.73 (5-12-
22)

WHITELEY AND PERRY TOWNSHIPS

James A. Foster, et ux., to VES Land LLC, 3.225667 Acres, O&G, \$19,354.00 (5-12-22)

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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

BENCHEK, BARBARA RUTH

Late of Cumberland Township, Greene County, Pennsylvania
Administratrix: Bethany Coyne, 2632 Killian Road, Uniontown, OH 44685
Attorney: Dorothy A. Milovac, Esquire, Peacock Keller, LLP, 95 West Beau Street, Suite 600, Washington, PA 15301

CROSS, JOSEPH D., A/K/A JOSEPH DAVID CROSS

Late of Cumberland Township, Greene County, Pennsylvania
Executor: Edward P. Cross, 710, 2nd Avenue, Waynesburg, PA 15370
Attorney: Kirk A. King, Esquire, 77 South Washington Street, Waynesburg, PA 15370

ELLSWORTH, CAROL M. A/K/A CAROL ELLSWORTH

Late of Monongahela Township, Greene County, Pennsylvania
Executor: LaVelle Clampitt, P.O. Box 396, Dufur, OH 97021
Attorney: Richard A. Amrhein, Esquire, Peacock Keller, LLP, 95 West Beau Street, Suite 600, Washington, PA 15301

GACEK, CARL EDWARD

Late of Jefferson Township, Greene County, Pennsylvania
Administrator: Ernest W. Gacek, 174 Creek Road, Box 188, Jefferson, PA 15344
Attorney: Bradley M. Bassi, Esquire, Bassi, Vreeland & Associates, P.C., 111 Fallowfield Avenue, Charleroi, PA 15022

GOTTFREID, RICHARD JULIEN

Late of Cumberland Township, Greene County, Pennsylvania
Executor: Richard J. Gottfreid, Jr., 1915 New York Ave., Port Vue, PA 15133
Attorney: Gary D. Monaghan, Esquire, Monaghan & Monaghan, L.L.P., East Main Street, Uniontown, PA 15401

LIGHTNER, JUDY A. A/K/A JUDY ANN LIGHTNER

Late of Jefferson Township, Greene County, Pennsylvania
Executor: Jack W. Lightner, 663 Ridge Road, Waynesburg, PA 15370
Attorney: David F. Pollock, Esquire, POLLOCK MORRIS BELLETTI & SIMMS, LLC, 54 South Washington Street, Waynesburg, PA 15370

VUCIC, ELIZABETH A. A.K.A ELIZABETH VUCIC A/K/A BETTY ANN VUCIC

Late of Jefferson Township, Greene County, Pennsylvania
Executrix: Amy Chess, 413 Route 88, Carmichaels, PA 15320
Attorney: Kirk A. King, Esquire, 77 South Washington Street, Waynesburg, PA 15370

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SECOND PUBLICATION

CLARK, MARGRETTA M.

Late of Franklin Township, Greene County, Pennsylvania
Executrix: Sherry Abbott, 216 Good Street, Waynesburg, PA 15370
Attorney: Adam J. Belletti, Esquire, POLLOCK MORRIS BELLETTI & SIMMS, LLC, 54 South Washington Street, Waynesburg, PA 15370

PUZELLA, FRANK JUNIOR

Late of Dunkard Township, Greene County, Pennsylvania
Administrator: Mollie Puzella, c/o Pratt Law Offices, LLC, 223 East High Street, Waynesburg, PA 15370
Attorney: Kimberly J. Simon-Pratt, Esquire, 223 East High Street, Waynesburg, PA 15370

THIRD PUBLICATION

BECK, MARIE ALICE A/K/A MARIE A. BECK

Late of Cumberland Township, Greene County, Pennsylvania
Administrator: Joseph Edwars Miscenko, 218 Thorton Road, Brownsville, PA 15417
Attorney: James W. Haines, Jr., Attorney At Law, 1202 West Main Street, Monongahela, PA 15063

BOWERS, HAROLD D.

Late of Gray Township, Greene County, Pennsylvania
Co-Executors: Bridget N. Haldeman and Martin B. Haldeman, III, 395 Riggle Road, Aleppo, PA 15370
Attorney: None

IAMS, CLARA LOUISE A/K/A CLARA L. IAMS A/K/A CLARA IAMS

Late of Center Township, Greene County, Pennsylvania
Executors: Linda S. Moore and John R. Iams, C/O Kelly A. Stepp, Esquire, Stepp Law Offices, 65 N. Richhill Street, Suite 101, Waynesburg, PA 15370
Attorney: Kelly A. Stepp, Esquire, Stepp Law Offices, 64 N. Richhill Street, Suite 101, Waynesburg, PA 15370

MORTON, DEBORAH H.

Late of Waynesburg Borough, Greene County, Pennsylvania
Administrator: Sylvia Morton, 171-A N. Porter Street, Waynesburg, PA 15370
Attorney: Christopher M. Simms, Esquire, POLLOCK MORRIS BELLETTI & SIMMS, LLC, 54 South Washington Street, Waynesburg, PA 15370

FICTITIOUS NAME NOTICE

Notice is hereby given of the filing of an application for Registration of Fictitious Name as follows:

This Fictitious Name is: A&H Behm LLC

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The address of the principal office or the principal place of business to be carried on is:
196 Cabin Road, Waynesburg, PA 15370

The names and address of the persons who are party to the registration are: Andrew & Haddie Behm, 196 Cabin Road, Waynesburg, PA 15370

An application for a fictitious name was filed on May 3, 2022 in the Department of State, under the Fictitious Name Act, 54 Pa.C.S.A. 302 et seq., Act of December 16, 1982, No. 295, P.L. 1309.

Lukas B. Gatten, Esquire

LOGAN & GATTEN LAW OFFICES

54 N. Richhill Street

Waynesburg, PA 15370

FIRST AND FINAL ACCOUNT

LIST OF FIRST AND FINAL ACCOUNTS TO BE PRESENTED TO THE COURT
BY SHERRY L. WISE, CLERK OF COMMON PLEAS COURT, ORPHANS' COURT
DIVISION ON June 6, 2022 FOR NISI CONFIRMATION AND ON June 16, 2022 FOR
FINAL CONFIRMATION.

The First and Final Account of Sallie Cochran and Hilda Aikens, Co-Executrices of Estate of
Anancy Ann Fox a/k/a Nancy S Fox, late of Waynesburg, Greene County, Pennsylvania

Attorney: Kirk A. King, Esquire

77 South Washington Street

Waynesburg, PA 15370

SHERIFF'S SALE

By Virtue of a Writ of Execution (Mortgage Foreclosure)

No. ED-8-2022 AD-720-2021

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, MAY 27, 2022

AT 10:00 O'CLOCK A.M.

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.

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ALL that certain lot or parcel of land situate in Monongahela Township, Green County,
Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at an iron pin on the southern side of L.R. 30068; thence along other lands of
Duquesne Light Company and along L. R. 30068, South 80° 15' West 92.07 feet to an iron pin,
corner to land now or formerly owned by the Solomon and Teslovich Construction Company;
thence along said lands, North 19° 52' West 186.83 feet to an iron pin; thence continuing along
said lands, North 82° 35' East 128.14 feet to an iron pin, corner to land nor or formerly owned by
Mrs. Joseph Burich; thence along said lands, South 7° 21' East 159.00 feet to the place of
BEGINNING.

CONTAINING 0.405 acre, more or less.

EXCEPTING AND RESERVING unto Duquesne Light Company, its successors and assigns all
that coal and several seams in and underlying said land, together with the right to mine and
remove all said coal and the free and uninterrupted right and right of way into and under said
land, but not upon the surface at such points and all operations in said coal and any other coal
now owned or hereafter acquired by the said Duquesne Light Company, its successors and
assigns, including the right to transport supplies and the right to dig, mine, drain, ventilate,
transport and carry away said coal and other coal now owned or which may hereafter be acquired
by the said Duquesne Light Company, its successors and assigns, without being required to lease
or provide support for the underlying strata or surface or anything therein or thereon and without
being liable for surface subsidence or damages of any sort arising from the removal of and all
operations in said coal and said other coal, it being understood and agreed that the rights hereby
accepted and reserved shall be in enlargement and not in restriction of the rights incidental to the
ownership of coal.

ALSO ECXCEPTING AND RESERVING further unto Duquesne Light Company, its successors
and assigns, all the oil and gas in or under said land, without, however the right to enter upon the
surface for the purpose of exploring for and producing said oil and gas.

ALSO EXCEPTING AND RESERVING all other minerals, coal, oil and gas not previously
excepted and reserved in the chain of title.

SUBJECT to all estates, rights-of-way, easements, covenants, licenses, privileges and releases of
record which have hitherto been granted by Duquesne Light Company, or its predecessors in title
and any other condition apparent on the ground.

SUBJECT to all exceptions, reservations, conditions and rights-of-way as may appear in the chain
of title or visible upon inspection.

This lot is identified as Greene County Tax Map No. 1604131 according to the records of the
Assessment Office of Greene County, Pennsylvania

BEING the same lot or parcel of land conveyed to Harold D. Wright and Tamara A. Wright,
husband and wife, by Deed of Edward J. Kendralla and Josephine S. Kendralla Revocable Living
Trust, Lawrence M. Strafton, Trustee, dated February 3, 2020, and recorded February 3, 2020, in
Record Book 534, Page 93. The said Harold D. Wright died November 28, 2020, thereby vesting
fee simple title unto his surviving spouse Tamara A. Wright.

16-04-131//

PROPERTY ADDRESS: 231 Greensboro Road, Greensboro, PA 15338

UPI / TAX PARCEL NUMBER: 16-04-131//

**Seized and taken into execution to be sold as the property of TAMARA A WRIGHT in suit
of FIRST FEDERAL SAVINGS & LOAN ASSOCIATION OF GREENE.**

Attorney for the Plaintiff:

MARCUS N. SIMMS, Sheriff

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Kirk A. King
Waynesburg, PA 724-627-6114

Greene County, Pennsylvania

SUPREME COURT NOTICE

SUPREME COURT OF PENNSYLVANIA ORPHANS' COURT PROCEDURAL RULES COMMITTEE

NOTICE OF PROPOSED RULEMAKING

Proposed Amendment of Pa.R.O.C.P. 5.50

The Orphans' Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.O.C.P. 5.50 governing petitions for small estates for the reasons set forth in the accompanying explanatory 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 indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be 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:

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

All communications in reference to the proposal should be received by **July 15, 2022**. 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.

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By the Orphans' Court Procedural Rules Committee,
Hon. Emil A. Giordano (ret.)
Chair

Rule 5.50. Settlement of Small Estates by Petition.

(a) **Applicability.** This Rule applies to all petitions filed pursuant to 20 Pa.C.S. § 3102, pertaining to settlement of small estates by petition.

(b) **Contents.** In addition to the requirements provided by the Rules in Chapter III, a petition shall set forth the following:

- (1) Estate.
 - (i) the name and address of each petitioner and the petitioner's relationship to the decedent;
 - (ii) the decedent's name, date of death, and domicile at the time of death;
 - (iii) a statement whether the decedent died testate or intestate and, if testate[.];

(A) that the original will **[is attached] has been lodged or probated with the register[.];** or

(B) that the original will cannot be produced, the reason it cannot be produced, **and that the register issued a decree accepting the photocopy as an original [and that a photocopy of the original will is attached];**

(iv) the name and address of each testate or intestate beneficiary, and if any such beneficiary is a minor or otherwise incapacitated, the name and address of such beneficiary's legal representative, as applicable; and

(v) whether a claim for family exemption is included, and if the claimant is not the surviving spouse, the relationship of the claimant to the decedent, and a statement that the claimant resided with the decedent at the date of death and if the claimant is the surviving spouse, that he or she has not forfeited the right to claim the family exemption.

(2) **Assets.** All assets of decedent's estate, other than real estate and property distributable under 20 Pa.C.S. § 3101, and the value of each asset.

(3) **Liabilities.**

(i) **[the] The** names and addresses of all known creditors, total amounts claimed by each, whether the debts have been satisfied, and an itemized list of all debts, including whether or not admitted, a description of the property claimed and the gross value thereof, and whether there is any objection to the debt, and if so, by whom;

(ii) an itemized list of unpaid administrative expenses, unpaid taxes, all other unpaid debts, and, if insolvent, as prioritized under 20 Pa.C.S. § 3392; and

(iii) if the decedent was 55 years of age or older at the time of death, whether a request for a statement of claim was sent to the Department

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of Human Services in accordance with 62 P.S. § 1412, the date the request was made, and the response received from the Department.

(4) **Distribution.**

- (i) **[the] The** name of any distributee paid prior to the filing of the petition, including the nature and amount of each payment;
- (ii) the name of each proposed distributee and respective proposed distribution;
- (iii) the name of each interested person who has consented to or joined in the petition; and
- (iv) the names of each testate or intestate beneficiary, as

applicable, who has not consented to or joined in the petition.

(5) **Taxes.** A statement that a Pennsylvania inheritance tax return has been filed, that all taxes due on the assets listed on the petition have been paid in full, and that proof of such payment is attached to the petition, or the reason why **the filing has not been made or** payment has not occurred.

(c) **Exhibits.** The following items shall be attached as exhibits to the petition in the following order:

- (1) an original death certificate;

(2) **[the decedent's will, if any] a photocopy of the decedent's will**
along with either:

- (i) **proof the original will was lodged or probated with the register; or**
- (ii) **a decree of the register accepting a photocopy as the original.**

(3) **[Pennsylvania Department of Revenue Notice of Appraisalment and Assessment of Tax] documentation supporting the statement required by subdivision (b)(5), if any;**

(4) original consents, joinders, and statements of no objection signed by interested parties; and

(5) a copy of any correspondence received from the Department of Human Services in response to the statement of claim referenced in **[subparagraph] subdivision (b)(3)(iii).**

(d) **Notice.** The petitioner shall serve written notice on interested parties in compliance with **[Chapter III] Rule 3.5(b).**

[Explanatory] Comment: The original will is to be lodged or probated with the register to ensure it can be located at a later time, if necessary. If the petitioner does not have the original will, he or she must petition the register for a decree accepting a photocopy of the will as the original. The decree by the register establishes the validity of the will. The register's decree is not intended to initiate probate, but rather ensure that the appropriate entity is determining the validity of the will.

20 Pa.C.S. § 3101, referenced in **[paragraph] subdivision (b)(2),** sets forth certain allowable payments to the decedent's family members, and to a licensed

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funeral director for the decedent's burial expenses. Property payable under 20 Pa.C.S. § 3101 shall not be included when determining whether the decedent's personal property exceeds a gross value **of** \$50,000.

In **[paragraph] subdivision (b)(3),** the term "creditors" includes creditors of the decedent on the date of death, providers of funeral services, and providers of goods and services to the petitioner arising from settlement of the estate.

The Medical Assistance Estate Recovery Program, established by federal law, requires the Commonwealth to recover the Medical Assistance costs from decedents' estates. *See* 42 U.S.C. § 1396p; 62 P.S. § 1412.

Examples of documentation required by subdivision (c)(3) include, but are not limited to, a copy of the Pennsylvania Department of Revenue Notice of Appraisalment and Assessment of Tax, the filed inheritance tax return, proof of payment of the inheritance tax, or a statement from the Department of Revenue or its agent that no tax is due.

The filings required by this rule are subject to the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania. *See* **[Rule] Pa.R.O.C.P. 1.99.**

SUPREME COURT OF PENNSYLVANIA ORPHANS' COURT PROCEDURAL RULES COMMITTEE

PUBLICATION REPORT

Proposed Amendment of Rule 5.50 of the Pennsylvania Orphans' Court Rules

In 2020, the Supreme Court of Pennsylvania adopted new Pa.R.O.C.P. 5.50, providing for the contents of small estate petitions. *See* Order of August 18, 2020, No. 847, Supreme Court Rules Docket. Subsequently, the Committee received correspondence expressing concern about certain provisions in the rule. One concern related to the requirement in subdivision (c)(3) that the Department of Revenue Notice of Appraisalment and Assessment of Tax ("Notice") be attached as an exhibit to the petition. Another concern related to service on interested persons in compliance with Chapter III.

Regarding the attachment of the Notice, commenters reported delays in the issuance of these notices – sometimes six months or more. In some cases, this delay could outweigh the benefit of filing a small estate petition. Thus, the Committee reconsidered the need to require attachment of the Notice and contemplated other means by which payment of tax (or the waiver of same) could be demonstrated. The Committee also noted the limited exposure of an underpayment, given the estate cap for small estate eligibility. Therefore, the Committee is considering proposing

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amendments to Rule 5.50(c)(3) permitting alternative documents to demonstrate the status of tax payments. Instead of limiting the required exhibit to the Notice, other documentation would be acceptable including, but not limited to, the Notice, the filed inheritance tax return, proof of payment of the inheritance tax, or a statement from the Department of Revenue or its agent that no tax is due.

Current Rule 5.50(d), pertaining to service of the petition, provides that “[t]he petitioner shall serve written notice on interested parties in compliance with Chapter III.” Commenters expressed concern that failure to designate the precise service procedure leaves practitioners electing the issuance of a preliminary decree and citation for all parties in interest not already subject to the court’s jurisdiction – an expensive proposition for a small estate. While the Committee had initially thought it better to leave the service determination to practitioners, it is sensitive to the cost issues raised and acknowledges the small estate statute does not direct the method of service of the petition, merely stating “with such notice as the court shall direct.” See 20 Pa.C.S. § 3102. Therefore, the Committee is considering proposing amendments to Rule 5.50(d) narrowing the service requirement of the small estate petition to Rule 3.5(b) (service by notice).

Finally, while considering these two issues, the Committee identified a need to refine provisions for attaching the original or a photocopy of the decedent’s will (if the original will cannot be produced) as an exhibit to the petition as required by current Rule 5.50(c)(2). First, the Committee observed that permitting the attachment of a photocopy of a will to the petition had the potential to lead to an incorrect distribution. In the absence of the original will, questions of validity and revocation must be determined, which falls within the jurisdiction of a register of wills. Thus, the Committee considered whether a petitioner who does not have the original will should petition the register and obtain a decree as to the photocopy’s validity. The register’s decree accepting the photocopy would establish proof of the validity of the will and enable the court to order distribution in accordance with the will. The petition to accept the photocopy would not necessarily initiate probate, although the decree could be used to do so or to file the small estate petition. The Committee observes that adding this practice to Rule 5.50 could disincentivize petitioners who do not have an original will from electing a small estate petition over probate when the photocopy is of questionable validity. However, it seems a necessary change to ensure the integrity and validity of the document in question.

Concurrently, the Committee reconsidered whether an original will should be filed with the petition. The register is the office for the lodging and probating of wills and maintains filing and cataloging systems for such responsibilities. In contrast, an original will filed as an exhibit to a petition may be difficult to locate in the future and not easily discoverable. Therefore, the Committee is considering proposing that an original be lodged or probated with the register before filing of the small estate petition. Rather than attaching the original will, the petitioner would attach a

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photocopy demonstrating proof of lodging with the register or the decree of the register accepting a photocopy of the original.

The Committee invites all comments, concerns, and suggestions.