

The Greene Reports

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

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September 7, 2023



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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.:
September 11 and 13, 2023

CRIMINAL

Arraignments: September 11, 2023
ARDs: September 11, 2023
ARD Revocations: September 11, 2023
Parole Violations: September 11, 2023
Plea Court: September 12, 13 and 14, 2023
License Suspension October 17, 2023
Argument Court: September 20, 2023

ORPHANS

Accounts Nisi: September 5, 2023
Accounts Absolute: September 15, 2023

SUPREME COURT

SUPERIOR COURT

COMMONWEALTH COURT

Convenes in Pgh.: October 16-20, 2023

Convenes in Pgh.: October 2-6, 2023

Convenes in Pgh.: October 10-13, 2023

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the editorial staff to be reasonably interpreted as offensive, demeaning or insulting to any individual or group will not be published.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 Anonymous correspondence will not be published.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

Christopher M. Simms, President

Timothy M. Ross, Vice-President

Allen J. Koslovsky, Secretary

Lukas B. Gatten, Treasurer

Jessica L. Phillips, Ex-Officio

ARGUMENTS

Argument Court: September 25, 2023

CIVIL

Domestic Relations Contempts: September 25, 2023
Domestic Relations Appeals: September 25, 2023

JUVENILE

Plea Day: September 21, 2023

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DEED TRANSFERS

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

CENTER TOWNSHIP

Ryan A. Crouse, et ux., to Randy Carl Strawn, et ux., 2 Tracts, \$90,000.00 (9-5-23)

CUMBERLAND TOWNSHIP

Stanley J. Wahula to Allen Sherwood, et ux., 2 Tracts, \$140,000.00 (9-1-23)

DUNKARD TOWNSHIP

Ralph A. Keener, et ux., to Janale Henderson, et ux., Lot 33, Bobtown, \$55,000.00 (9-1-23)

FRANKLIN TOWNSHIP

Kinsey A. Kiger to EQT Production Company, 10 Acres, O&G, \$1,190.48 (8-30-23)
Shirley Shahan to EQT Production Company, 10 Acres, O&G, \$1,190.48 (8-30-23)
Alaina M. Zyra a/k/a Alaina M. Camps, et ux., to Sarah E. Bupp, Lot 128, Bonar Plan, \$125,000.00 (9-1-23)

Stacy Bernarduci to The Mineral Company, et ux., 167.571 Acres, O&G, \$22,188.14 (9-5-23)

GILMORE AND JACKSON TOWNSHIPS

Oscar Ray Main, et ux., to EQT Production Company, 218.40 Acres, O&G, \$6,055.15 (8-30-23)

Linda Lou Main to EQT Production Company, 218.40 Acres, O&G, \$6,055.15 (9-5-23)

JACKSON TOWNSHIP

Linda L. Rinker to The Mineral Company, et ux., 47.92 Acres, O&G, \$6,240.03 (9-5-23)

JEFFERSON BOROUGH

Eunice M. Lutz Revocable Living Trust, et al., to Ann M. Clark, 2 Lots, \$139,000.00 (9-1-23)

MORRIS TOWNSHIP

Sharon D. Anderson to Aileen Smith, 3 Lots, \$71,000.00 (8-30-23)
Cheryl J. Holguin to EQT Production Company, 94.925 Acres, O&G, \$1,318.40 (8-30-23)
James L. Miller, et ux., to CNX Gas Company LLC, 182.59 Acres, O&G, \$6,260.22 (9-1-23)
Thom K. Griehm, et ux., to MBH Resources LLC, 94 Acres, O&G, \$3,500.00 (9-1-23)

RICHHILL TOWNSHIP

RAS Investments LLC to EQT Production Company, 161.452 Acres, O&G, \$59,143.00 (9-5-23)

SPRINGHILL TOWNSHIP

Vicki L. Wood, et ux., to EQT Production Company, 83.51 Acres, O&G, \$13,570.42 (8-30-23)
Aaron Dean Litman, et ux., to EQT Production Company, 83.51 Acres, O&G, \$13,570.42 (9-5-23)

William L. Litman, et ux., to EQT Production Company, 83.51 Acres, O&G, \$13,570.42 (9-5-23)

Klova A. Morris to EQT Production Company, 83.51 Acres, O&G, \$13,570.42 (9-5-23)

WHITELEY TOWNSHIP

Fern P. Cline Estate, et al., to John D. Mesogitis, Tract, \$52,000.00 (9-5-23)

WASHINGTON TOWNSHIP

Barnhart Properties LLC, et al., to Vasko Properties LLC, 3 Tracts, \$900,000.00 (9-1-23)

WAYNE TOWNSHIP

Margaret V. Lutes to EQT Production Company, 2 Tracts, O&G, \$2,352.82 (8-30-23)
Manuel Kuhn to EQT Production Company, 2 Tracts, O&G, \$830.66 (8-30-23)
George L. Phillips to EQT Production Company, 14.35625 Acres, O&G, \$1,126.31 (8-30-23)

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Stanley Roscoe Burnfield, et ux., to The Mineral Company, et ux., 174.108 Acres, O&G,
\$18,133.08 (9-1-23)

Thomas M. Polen, et ux., to EQT Production Company, 45.59 Acres, O&G, \$2,352.82 (9-5-23)

WAYNESBURG BOROUGH

Scott B. Roberts, et ux., to S&T Roberts Properties LLC, Lot, \$214,620.00 (8-30-23)

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

CLIPPER, GENEVIEVE

Late of Cumberland Township, Greene County, Pennsylvania
Administrator: Kerry Alan Clipper, 150 Bayard Avenue, Rices Landing, PA 15357
Attorney: John R. Headley, Esquire, 76 North Richhill Street, Waynesburg, PA 15370

EISENHAUER, DAVID ROLAND

Late of Richhill Township, Greene County, Pennsylvania
Executor: Michael Augustus Eisenhower, 989 Vandalia Road, Morgantown, WV 26501
Attorney: None

LANKARD, ROBERT M.

Late of Waynesburg Borough, Greene County, Pennsylvania
Administrator C.T.A.: Necessa A. Lankard-Williams, 413 North Street, Saegertown, PA 16433
Attorney: John R. Headley, Esquire, 76 North Richhill Street, Waynesburg, PA 15370

MT. JOY, RALPH RICHARD

Late of Cumberland Township, Greene County, Pennsylvania
Administratrix: Mary Jo Corcoran, c/o Logan & Gatten Law Offices, 54 N. Richhill Street, Waynesburg, PA 15370
Attorney: Lukas B. Gatten, Esquire, Logan & Gatten Law Offices, 54 N. Richhill Street, Waynesburg, PA 15370

SECOND PUBLICATION

MILLER, EDDIS J.

Late of Waynesburg Borough, Greene County, Pennsylvania
Executrix: Brittany N. Miller, 291 Fifth Avenue, Waynesburg, PA 15370
Attorney: David F. Pollock, Esquire, Pollock Morris Belletti & Simms, LLC, 54 South Washington Street, Waynesburg, PA 15370

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RICE, JOHN C.

Late of Franklin Township, Greene County, Pennsylvania
Co-Executor: Stanley Scott Rice, 183 Loves Hill Road, PO Box 264, Waynesburg, PA 15370

Co-Executrix: Linda Louise Johnston, 179 Loves Hill Road, Waynesburg, PA 15370
Attorney: Phillips C. Hook, Attorney, 430 East Oakview Drive, Suite 101, Waynesburg, PA 15370

THIRD PUBLICATION

DELANEY, GEORGE L.

Late of Jackson Township, Greene County, Pennsylvania
Executrix: Ramona G. Jenkins, 295 Oak Forest Road, Brave, PA 15316
Attorney: Timothy N. Logan, Esquire, Logan & Gatten Law Offices, 54 N. Richhill Street, Waynesburg, PA 15370

SIMKOVIC, ANDREW STEPHEN A/K/A ANDREW A. SIMKOVIC A/K/A ANDREW SIMKOVIC

Late of Carmichaels, Greene County, Pennsylvania
Administrator: David A. Simkovic, c/o Cheryl Catherine Cowen, Esquire, 769 Lippencott Road, Waynesburg, PA 15370
Attorney: Cheryl Catherine Cowen, Esquire, 769 Lippencott Road, Waynesburg, PA 15370 (724) 627-7646

ZIEFEL, MARY M. A/K/A MARY T. MOORE

Late of Jefferson Township, Greene County, Pennsylvania
Executor: Kevin Daniel Moore, 1593 Wind Flower Road, Chambersburg, PA 17202
Attorney: Timothy N. Logan, Esquire, Logan & Gatten Law Offices, 54 N. Richhill Street, Waynesburg, PA 15370

SHERIFF'S SALE

**By Virtue of a Writ of Execution (Mortgage Foreclosure)
No. ED-3-2022 AD 184-2022**

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, SEPTEMBER 15, 2023
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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By virtue of a Writ of Execution No. AD 184-2020/ED-3-2022
PENNSYLVANIA EQUITY RESOURCE, INC. v. CODY A. RUSE
owner(s) of the property situate in the CUMBERLAND TOWNSHIP, GREENE County,
Pennsylvania,
being 28 SINGLE STREET, CARMICHAELS, PA 15320
Tax ID No. 05/07/309 & 05/07/311 & 05/07/124B
(Acreage of street address)
Improvements thereon: RESIDENTIAL DWELLING
Attorneys for Plaintiff
Brock & Scott, PLLC

PROPERTY ADDRESS: 28 Single Street, Carmichaels, PA 15320

UPI/TAX PARCEL NUMBER: 05/07/309, 05/07/311, 05/07/124/B

Seized and taken into execution to be sold as the property of CODY A. RUSE in suit of PENNSYLVANIA EQUITY RESOURCES, INC.

Attorney for the Plaintiff: **MARCUS N. SIMMS, Sheriff**
BROCK & SCOTT **Greene County, Pennsylvania**
WINSTON SALEM, NC 844-856-6646 x4535

SHERIFF'S SALE

By Virtue of a Writ of Execution (Mortgage Foreclosure)
No. ED-24-2022 AD 264-2022

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, SEPTEMBER 15, 2023
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.

ALL those two certain tracts of land situate in Morgan Township, Greene County, Pennsylvania, having erected three (3) outbuildings, with an address of 256 Homeville Road, Waynesburg, PA 15370. This parcel is assessed for tax purposes as Greene County Tax Map Numbers 1704124 and 1704134.

PROPERTY ADDRESS: 256 Homeville Rd, Waynesburg, PA 15370

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UPI/TAX PARCEL NUMBER: 17/04/124, 17/04/134

Seized and taken into execution to be sold as the property of CHARLES H ROGERS, CHARLES ROGERS in suit of FIRST FEDERAL SAVINGS & LOAN ASSOCIATION OF GREENE COUNTY.

Attorney for the Plaintiff: **MARCUS N. SIMMS, Sheriff**
Kirk A. King **Greene County, Pennsylvania**
Waynesburg, PA 724-627-6114

SHERIFF'S SALE

By Virtue of a Writ of Execution (Mortgage Foreclosure)
No. ED-26-2023 AD 255-2023

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, SEPTEMBER 15, 2023
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.

By virtue of Writ of Execution No. AD-255-2023
NewRez LLC d/b/a Shell point Mortgage Servicing (Plaintiff)
Vs. Willard C. Harmon, Jr., (Defendant)
Proprty Address 236 Bulldog Run Road, Spraggs, PA 15362
Parcel I.D. No. 25/03/137/B/
Improvements thereon consist of a residential dwelling.

PROPERTY ADDRESS: 236 Bulldog Run Rd, Spraggs, PA 15362

UPI/TAX PARCEL NUMBER: 25/03/137/B/

Seized and taken into execution to be sold as the property of WILLARD C HARMON, JR, WILLARD C HARMON in suit of NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING.

Attorney for the Plaintiff: **MARCUS N. SIMMS, Sheriff**
Hladik, Onorato & Federman, LLP **Greene County, Pennsylvania**
North Wales, PA 215-855-9521

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SHERIFF'S SALE

**By Virtue of a Writ of Execution (Mortgage Foreclosure)
No. ED-27-2023**

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, SEPTEMBER 15, 2023
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.

By virtue of Writ of Execution No. AD-257-2023
U.S. Bank Trust National Association, not in its individual capacity but solely as owner trustee for ICW MAT Trust (Plaintiff)
Vs. Linda Kay John and Jason Michael Francis John (Defendants)
Property Address 302-308 East High Street, Waynesburg, PA 15370
Parcel I.D. No. 27/01/114
Improvements thereon consist of a residential dwelling.
Attorney for Plaintiff: Hladik, Onorato & Federman, LLP
298 Wissahickon Avenue
North Wales, PA 19454

PROPERTY ADDRESS: 302-308 E. High Street, Waynesburg, PA 15370

UPI/TAX PARCEL NUMBER: 27/01/114

Seized and taken into execution to be sold as the property of LINDA KAY JOHN, JASON MICHAEL FRANCIS JOHN, JASON MICHAEL FRANCIS JOHN, JASON MICHAEL FRANCIS JOHN, in suit of US BANK TRUST NATIONAL ASSOCIATION, AS OWNER TRUSTEE.

Attorney for the Plaintiff:
Hladik, Onorato & Federman, LLP
North Wales, PA 215-855-9521

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

SHERIFF'S SALE

**By Virtue of a Writ of Execution (Mortgage Foreclosure)
No. ED-25-2023 AD 233-2023**

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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, SEPTEMBER 15, 2023
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.

By virtue of a Writ of Execution No. AD 233-2023
MORTGAGE RESEARCH CENTER, LLC D/B/A VETERANS UNITED HOME LOANS, A MISSOURI LIMITED LIABILITY CORPORATION
v.
JAMES JOHNSON
Owner(s) of property situate in the FRANKLIN TOWNSHIP, GREENE County, Pennsylvania, being 1485 MORRIS ST. WAYNESBURG, PA 15370
Tax ID No. 07-11-105
(Acreage or street address)
Improvements thereon: RESIDENTIAL DWELLING
Judgment Amount: \$106,804.45
Attorneys for Plaintiff
Brock & Scott, PLLC

PROPERTY ADDRESS: 1485 MORRIS ST, WAYNESBURG, PA 15370

UPI/TAX PARCEL NUMBER: 07/11/105

Seized and taken into execution to be sold as the property of JAMES JOHNSON in suit of MORTGAGE RESEARCH CENTER, LLC D/B/A VETERANS UNITED HOME LOANS, A MISSOURI LIMITED LIABILITY CORPORATION.

Attorney for the Plaintiff:
Brock & Scott PLLC
King of Prussia, PA 844-856-6646

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

SHERIFF'S SALE

**By Virtue of a Writ of Execution (Mortgage Foreclosure)
No. ED-28-2023**

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:

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**FRIDAY, SEPTEMBER 29, 2023
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.

ALL THOSE CERTAIN LOTS OR PIECES OF GROUND SITUATE IN THE TOWNSHIP OF WAYYNE, GREENE COUNTY, COMMONWEALTH OF PENNSYLVANIA:
BEING KNOWN AS: 112 FREEDOM ST., BRAVE, PA 15316
BEING PARCEL NUMBER: 25-09-147
IMPROVEMENTS: RESIDENTIAL PROPERTY

PROPERTY ADDRESS: 112 FREEDOM ST, BRAVE, PA 15316

UPI/TAX PARCEL NUMBER: 25-09-147

Seized and taken into execution to be sold as the property of MARY E DULANEY in suit of NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING.

Attorney for the Plaintiff: **MARCUS N. SIMMS, Sheriff**
RAS Citron LLC **Greene County, Pennsylvania**
Mt Laurel, NJ

SUPREME COURT NOTICE

SUPREME COURT OF PENNSYLVANIA JUVENILE
COURT PROCEDURAL RULES COMMITTEE

NOTICE OF PROPOSED RULEMAKING

Proposed Amendment of Pa.R.J.C.P. 1167

The Juvenile Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pennsylvania Rule of Juvenile Court Procedure 1167 governing the service of court orders and notices 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.

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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.

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

**Daniel A. Durst, Chief
Counsel Juvenile Court
Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center**

**P.O. Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9541
juvilerules@pacourts.us**

All communications in reference to the proposal should be received by **October 27, 2023**. 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 Juvenile Court Procedural Rules
Committee, Renee D. Merion, Chair

SUPREME COURT OF PENNSYLVANIA JUVENILE
COURT PROCEDURAL RULES COMMITTEE

PUBLICATION REPORT

Proposed Amendment of Pa.R.J.C.P. 1167

The Juvenile Court Procedural Rules Committee ("Committee") proposes to amend Pennsylvania Rule of Juvenile Court Procedure 1167 to recognize that social media may be a mode of service for court orders and notices.

As background, the Administrative Office of Pennsylvania Courts and the Pennsylvania Conference of State Trial Judges authored a report concerning the "continued use" of ACT in various court proceedings. See *Remote Proceedings Task Force: Continued Use of Advanced Communication Technology (ACT) Following the Termination of Judicial Emergencies* (June 2021) ("Report"). The Report also recommended study of the use of ACT for the service of orders and filings, other than original process. This Committee agreed to undertake a review of this concept.

The Committee took notice that, on July 22, 2021, the Court adopted, *inter alia*, new Pa.R.O.C.P. 15.4 (Notice of Hearing to Terminate Parental Rights; Method and Time). A method of service for the hearing notice includes:

electronic transmission provided such person has signed a writing consenting that notice be sent by electronic transmission, providing an electronic mail address or social media account to which such notice shall be sent, and verifying that he or she regularly accesses and reviews such electronic mail address or social media account;

Pa.R.O.C.P. 15.4(b)(1)(C); *see also* Pa.R.O.C.P. 15.4(b)(2)(C) (same). This form of service may be used for voluntary relinquishment of parental rights or confirming consent. For involuntary terminations of parental rights, service may include "electronic transmission [of the notice] as the court may require under the facts of the individual case" or publication. Once original service has been obtained in that type of case, the person may then consent to further service via electronic mail address or social media account. See Pa.R.O.C.P. 15.4(b)(3)(A)(iii), (b)(6).

At this juncture, the Committee questioned the merits of sanctioning social media as a mode of service given the availability of PACFile in the juvenile courts. That system contains a functionality whereby users are notified of orders and filings in lieu of traditional service methodologies. See Pa.R.J.C.P. 205(H); 1205(H). However, the Committee believed that service by social media could accommodate unrepresented participants who do not have a stable mailing address or access to PACFile.

While "Advanced Communication Technology" has traditionally included facsimile transmissions and email, see Pa.R.J.C.P. 120, 1120 (Definitions), the Committee thought the phrase could be broadly interpreted to include the use of "social media," subject to certain criteria. The Committee next considered what criteria should guide the use of social media as a mode of service for orders, notices, and filings.

The first criterion was "capacity." Obviously, the sender must have access to the social media technology capable of transmitting the document to be served. Not all forms of social media have the capacity to "attach" a document.

The second criterion was "consent." The recipient must consent to the use of social media for service and provide an "address" to the sender. Any consent should be in writing. With a consent requirement, service by social media would not be available for original process, *i.e.*, used to initiate a legal proceeding.

The third criterion was "security." The mode of service must be reasonably secure against unauthorized access to or interception of the document by anyone other than the recipient. This requirement was informed by Pennsylvania Rule of Professional Conduct 1.6(d) ("A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized

disclosure of, or unauthorized access to, information relating to the representation of a client."). Additionally, in juvenile court proceedings, court records are confidential.

The Committee contemplated whether service by social media should be permitted in both delinquency and dependency proceedings. The Committee elected to first focus on dependency proceedings. The Committee then considered the types of matters that may be served using social media. *See, e.g.*, Pa.R.J.C.P. 1123(8) (subpoenas); Pa.R.J.C.P. 1124(8) (summons and notice); Pa.R.J.C.P. 1167(8) (court orders and notices); Pa.R.J.C.P. 1331 (service of petition); Pa.R.J.C.P. 1345(8) (motions and answers); Pa.R.J.C.P. 1363(A) (summons and notice). The Committee elected to first focus on Pa.R.J.C.P. 1167 and the service of court orders and notices. An incremental approach would permit the Committee to evaluate the effectiveness of using social media as a mode of service before any expansion to other proceedings and matters.

Pa.R.J.C.P. 1167(b)(3)(v) already provides for "other electronic means" for service. Thus, the Committee discussed revisions to the Comment to recognize the permissibility of using social media as "other electronic means." The recipient-authorization approach was retained to satisfy the "consent" criterion.

The Committee considered Pa.R.Civ.P. 1930.8, which requires the entry of appearance by self-represented parties in family court proceedings, *e.g.*, support, custody. This rule serves three purposes. First, it ensures that the court and other party have contact information for the self-represented party. Second, it obligates the self-represented party to keep the contact information current. Three, it permits counsel to withdraw without motion. That rule suggested that a form authorization located in the Comment to Pa.R.J.C.P. 1167 would be beneficial.

The proposed form requires the disclosure of the facsimile number, email, or social media address to be used for transmission. The form also contains declarations that the person authorizing this method of service would advise the court of any changes to the contact information and that no one other than the person would be able to read the documents transmitted. The latter declaration is intended to address the "security" criterion. Finally, to address the "capacity" criterion, the form contains a declaration that the person has confirmed that the clerk of courts can accommodate the authorization.

No statewide requirement is proposed to be placed on the clerks of courts to adopt any form of social media to accommodate that mode of service. That would be a local decision.

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

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Rule 1167. Filings and Service of Court Orders

and Notices. [A.]{!fil Filings.

- (1) All orders and court notices shall be transmitted promptly to the clerk of courts for filing. Upon receipt by the clerk of courts, the order or court notice shall be time-stamped promptly with the date of receipt.
- (2) All orders and court notices shall be filed in the official court record.

[B.){!ll Service.

- (1) A copy of any order or court notice shall be served promptly on each party's attorney, and the party, if unrepresented.
- (2) The clerk of courts shall serve the order or court notice, unless the president judge has promulgated a local rule designating service to be by the court or its designee.
- (3) **Methods of Service.** Service shall be:

[a) **by:]**

- (i) **QY** personal delivery to the party's attorney, and if unrepresented, the party;
- (ii) **QY** mailing a copy to the party's attorney or leaving a copy for the attorney at the attorney's office;
- (iii) in those judicial districts that maintain in the courthouse assigned boxes for counsel to receive service, **QY** leaving a copy for the attorney in the attorney's box;
- (iv) **QY** sending a copy to an unrepresented party by first class mail addressed to the party's place of business, residence, or detention;
- (v) **QY** sending a copy by facsimile transmission or other electronic means if the party's attorney, and if unrepresented, the party has filed written [**request authorization**] for this method of service [**or has included**] with a facsimile number or an electronic

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- address [**on a prior legal paper filed in the case**];
- (vi) delivery to the party's attorney, and if unrepresented, the party by carrier service; [**or**]

[b)](vii) orally in open court on the record; or

[c)](viii) in a judicial district that permits electronic filing pursuant to Rule 1205, service of court orders or notices shall be made as provided in Rule 1205(0)(2) and (H)(1).

[C.]{!fil Unified Practice. Any local rule that is inconsistent with the provisions of this rule is prohibited, including any local rule requiring a person to file or serve orders or court notices.

Comment Court notices, as used in this rule, are communications that ordinarily are issued by a judge or the court administrator concerning, for example, calendaring or scheduling, including proceedings requiring the party's presence.

The methods of service set forth in subdivision (b)(3) are not mutually exclusive. The clerk of courts can utilize multiple methods to ensure service.

Subdivision (b)(3)(v) is intended to permit service by facsimile machine, email, or social media messaging provided that a copy of the document is included in the transmission. A facsimile number or electronic address set forth on the letterhead is not sufficient to authorize service by facsimile transmission or other electronic means under [paragraph (8)(3)(a)(v)] subdivision (b)(3)(v). The authorization for service by facsimile transmission or other electronic means under this rule is valid only for the duration of the case. A separate authorization [**is to**] **must** be filed in each case by the party, if unrepresented, or by the attorney who wants to receive documents by this method of service.

An authorization for service pursuant to subdivision (b)(3)(v) shall be substantially in the following form:

[CAPTION]

Authorization for Service Pursuant to Pa.R.J.C.P.

1167(b)(3)(v)

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I, _____ hereby authorize service of all court orders and notices by transmission to me at:

Fax Number: _____

or

Email: _____

Or

Social Media Address: _____

I understand that I am under a continuing obligation to provide current contact information to the court.

I have confirmed that the clerk of courts can accommodate this authorization.

No one, other than I, will be able to read the documents transmitted.

Print Name

Signature

Date

Nothing in this rule is intended to preclude the use of automated or other electronic means for the transmission of the orders or court notices between the judge, court administrator, and clerk of courts, or for time-stamping.

[Official Note: Rule 1167 adopted August 21, 2006, effective February 1, 2007.

Amended December 24, 2009, effective immediately. Amended December 12, 2019, effective April 1, 2019.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1167 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006). Final Report explaining the amendments to Rule 1167 published with the Court's Order at 40 Pa.B. 222 (January 9, 2010). Report explaining the amendments to Rule 1167 published with the Court's Order at 49 Pa.B. 7573 (December 28, 2019).]