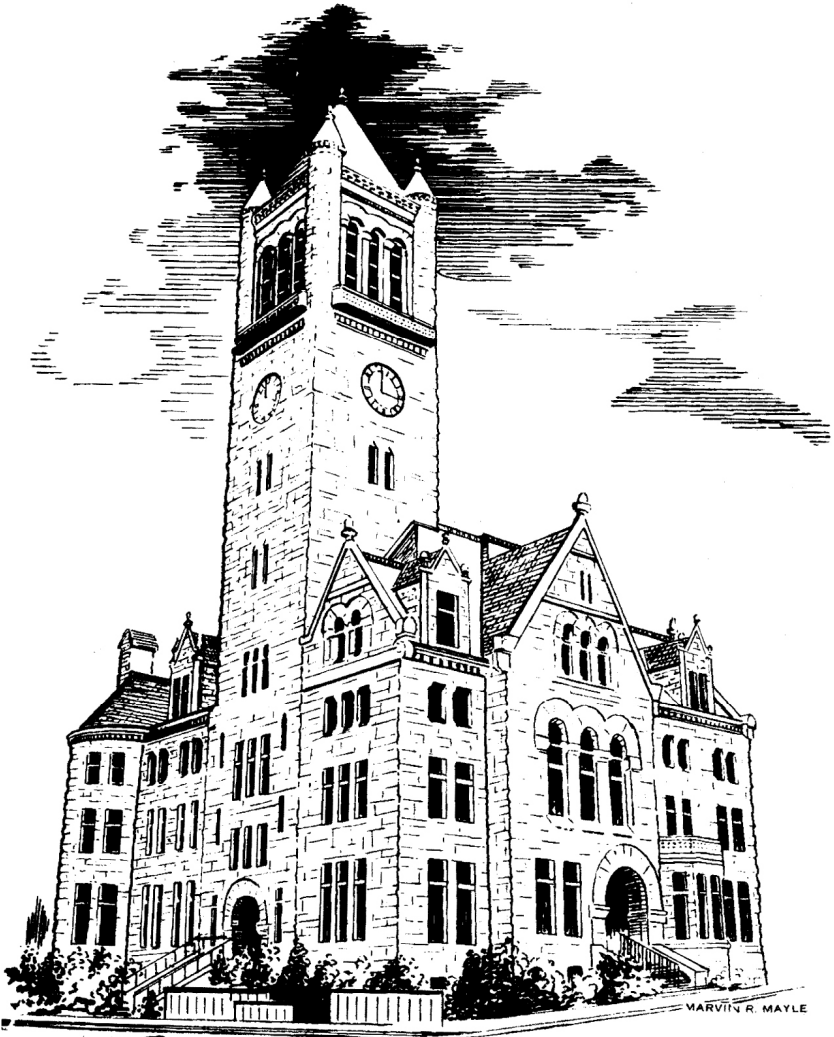


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ESTATE NOTICES

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

Third Publication

PHYLLIS J. BAKEWELL, late of Belle Vernon, Fayette County, PA (3)

Executrix: Debra B. Blair, f/k/a
Debra Bakewell
c/o Radcliffe Law, LLC
648 Morgantown Road, Suite B
Uniontown, PA 15401
Attorney: William M. Martin

HAROLD J. BETTERS, late of Connellsville, Fayette County, PA (3)

Personal Representative:
Cheryl Betters Kelly
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

DAVID WAYNE EASTER, a/k/a DAVID W. EASTER, late of North Union, Fayette County, PA (3)

Administratrix: Judi R. Easter
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

Second Publication

LINDA DIANE COOPER, late of Franklin Township, Fayette County, PA (2)

Personal Representative: Elaine G. Weyer
c/o 208 South Arch Street, Suite 2
Connellsville, PA 15425
Attorney: Richard A. Husband

SHIRLEY L. FABRY, a/k/a SHIRLEY LUCILLE FABRY, late of Fairchance, Fayette County, PA (2)

Executrix: Erin L. Schumacher
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

CYNTHIA R. NICHOLSON, late of Chalk Hill, Fayette County, PA (2)

Administrator: Gregory P. Nicholson
c/o 84 East Main Street
Uniontown, PA 15401
Attorney: Vincent M. Tiberi

RONALD R. ROZELL, late of Connellsville, Fayette County, PA (2)

Personal Representative:
Rhonda A. Brooks
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

MAGDALENE A. STEPANIK, late of North Union Township, Fayette County, PA (2)

Executrix: Marene Kolosky
P.O. Box 283
Oliver, PA 15472
c/o 4 North Beeson Boulevard
Uniontown, PA 15401
Attorney: Sheryl Heid

WILLIAM A. TEPER, a/k/a WILLIAM A. TEPER, SR., late of Luzerne Township, Fayette County, PA (2)

Executor: William A. Teper, Jr.
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

First Publication

CAROLYN JOAN ANDREWS, late of Uniontown, Fayette County, PA (1)
Executrix: Linda Susan Cocciardo
 c/o 11 Pittsburgh Street
 Uniontown, PA 15401
Attorney: Thomas W. Shaffer

RUTH ARLENE PLUME APPLEBY, late of Uniontown, Fayette County, PA (1)
Executrix: Tracy Ann Appleby Hixon
 c/o 11 Pittsburgh Street
 Uniontown, PA 15401
Attorney: Thomas W. Shaffer

JAMES PATRICK COBURN, III, late of Connellsville, Fayette County, PA (1)
Administratrix: Cynthia A. Dragosin
 764 VanKirk Street
 Clairton, PA 15025
 c/o 400 Market Street
 Elizabeth, PA 15037
Attorney: Daniel F. Bekavac, Sr.

EMMA DZIAK, a/k/a EMMA JEAN DZIAK, late of Georges Township, Fayette County, PA (1)
Executor: Jon Dziak, Sr.
 110 Top Row Road
 Uniontown, PA 15401
 c/o 76 East Main Street
 Uniontown, PA 15401
Attorney: Douglas S. Sholtis

ANN GEORGE, a/k/a ANN M. KOBALY, late of Washington Township, Fayette County, PA (1)
Executrix: Bonita A. Kline
 1415 Willowbrook Road
 Rostraver Township, PA 15012
 c/o 823 Broad Avenue
 Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

JUSTIN HOOVER, a/k/a JUSTIN JAMES HOOVER, late of Wharton Township, Fayette County, PA (1)
Personal Representative: Jason C. Hoover
 c/o Higinbotham Law Offices
 45 East Main Street, Suite 500
 Uniontown, PA 15401
Attorney: James Higinbotham

GERALD B. KNOX, late of Redstone Township, Fayette County, PA (1)
Personal Representative: Randy Shea
 c/o Davis and Davis
 107 East Main Street
 Uniontown, PA 15401
Attorney: Jeremy J. Davis

SHIRLEY ANN LITTLE, late of Uniontown, Fayette County, PA (1)
Executors: Michael Wayne Little and David Allen Little
 c/o 11 Pittsburgh Street
 Uniontown, PA 15401
Attorney: Thomas W. Shaffer

JOHN PHILLIP MOORMAN, JR., late of Uniontown, Fayette County, PA (1)
Executor: James Albert Thomas
 c/o 11 Pittsburgh Street
 Uniontown, PA 15401
Attorney: Thomas W. Shaffer

JOHN A. SKILES, a/k/a JOHN ALLEN SKILES, late of German Township, Fayette County, PA (1)
Personal Representative:
 Deborah Matthews
 c/o Davis and Davis
 107 East Main Street
 Uniontown, PA 15401
Attorney: Jeremy J. Davis

ALBERT TOKARCIK, a/k/a ALBERT A. TOKARCIK, late of Uniontown, Fayette County, PA (1)
Administrator: Heather Tokarcik
 c/o Chambers & Pratt, P.C.
 223 East High Street
 Waynesburg, PA 15370
Attorney: Kimberly J. Simon-Pratt

EDWIN EUGENE WOLFE, late of Henry Clay Township, Fayette County, PA (1)
Administratrix: Renee Ruth
 c/o Proden and O'Brien
 99 East Main Street
 Uniontown, PA 15401
Attorney: Sean M. Lementowski

LEGAL NOTICES

Decedent's Trust Administration Notice

The following decedent died with no probate estate. At the time of death, the decedent maintained a Revocable Living Trust, in which administration proceedings commenced. The named Trustee requests that all person(s) having claims against the decedent make known the same in writing to the Trustee or their attorney, and all persons indebted to the decedent make payments to said Trustee without delay:

Tiberi, Eda N. Revocable Trust, deceased October 9th, 2020, of Rancho Palos Verdes, Los Angeles County, California. John V. Tiberi, Jr., Co-Trustee, and PNC Bank N.A., Co-Trustee c/o Paul J. Palko, The Tower at PNC Plaza, 300 Fifth Avenue, 31st Floor, Mail Stop PT-PTWR-31-1, Pittsburgh, PA 15222.

(3 of 3)

To: Brittany Lewis

**In Re: P.L., minor child,
born August 17, 2015**

**In Re: Z.S., minor child,
born November 16, 2019**

A petition for involuntary termination of parental rights has been filed asking the court to put an end to all rights you have to your children, P.L., born August 17, 2015, and Z.S., born November 16, 2019. The court has set a hearing to consider ending your rights to your children.

The hearing will be held in the Greene County Courthouse, 10 E. High Street, Waynesburg, PA 15370 on February 17, 2021, at 9:30 a.m. in the assigned courtroom before the Judge.

You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the court without you being present.

You have a right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help. Southwestern Pennsylvania Legal Aid, 63 S. Washington Street, Waynesburg, PA 15370; (724) 627-3127 or Lawyer Referral Service, 10 E. High Street, Waynesburg, PA; (724) 852-5237.

This notice given by Greene County Children and Youth Services, 150 Fort Jackson County Building, 19 South Washington Street, Waynesburg, PA 15370.

(2 of 3)

SHERIFF'S SALE

No. 624 of 2017 GD
No. 183 of 2020 ED

Date of Sale: March 18, 2021

By virtue of the below stated writs out of the Court of Common Pleas of Fayette County, Pennsylvania, the following described properties will be exposed to sale by James Custer, Sheriff of Fayette County, Pennsylvania on Thursday, March 18, 2021, at 2:00 p.m. in Courtroom Number One at the Fayette County Courthouse, Uniontown, Pennsylvania.

The terms of sale are as follows:

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

James Custer
Sheriff Of Fayette County

Wilmington Savings Fund Society, FSB, D/B/A Christiana Trust, Not Individually but as Trustee for Pretium Mortgage Acquisition Trust,

Plaintiff,

Vs.

**Ann Miller,
Defendant**

ALL THAT RIGHT, TITLE, INTEREST AND CLAIMS OF ANN MILLER OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT CERTAIN LOT OR PARCEL OF LAND SITUATE IN SALTCLICK TOWNSHIP, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA, BEING MORE FULLY DESCRIBED AT DBV 2975 PAGE 1409

BEING KNOWN AS 2279 INDIAN HEAD ROAD, CHAMPION, PA 15622
TAX MAP NO. 31-19-0068

DWALDMANLAW, P.C.,
ATTORNEY FOR PLAINTIFF
BY: JENNIE C. SHNAYDER, ESQUIRE -
ID #315213
4900 CARLISLE PIKE, #182
MECHANICSBURG, PA 17050
TELEPHONE: (844) 899-4162
FACSIMILE: (844) 882-4703

No. 617 of 2020 GD
No. 202 of 2020 ED

AMERICAN CAPITAL GROUP, LLC

vs.

Charles L. Murphy, Sr.

All that certain two (2) pieces, parcels or lots of land situate in the City of Connellsville, County of Fayette and Commonwealth of Pennsylvania

TAX PARCEL# 05-11-0045 and 05-11-0046

PROPERTY ADDRESS: 250 E. Fairview Avenue, Connellsville, PA 15425

RAS Citron, LLC - Attorneys for Plaintiff
 Robert Flacco, Esquire ID No . 325024
 133 Gaither Drive, Suite F
 Mt. Laurel, NJ 08054
 855-225-6906
 rflacco@rasnj.com

No. 1468 of 2015 GD
 No. 199 of 2020 ED

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR RESIDENTIAL ASSET MORTGAGE PRODUCTS, INC., MORTGAGE ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2005-EFC7

Plaintiff
v.

NANCY ROSE
Defendant(s)

ALL THOSE CERTAIN LOTS OR PIECES OF GROUND SITUATE IN THE TOWNSHIP OF LOWER TYRONE, FAYETTE COUNTY, PENNSYLVANIA:
 BEING KNOWN AS: 1002 BANNING ROAD A/K/A 1048 BANNING ROAD CONNELLSVILLE, PA 15425
 BEING PARCEL NUMBER: 18-01-0010
 IMPROVEMENTS: RESIDENTIAL PROPERTY

KML LAW GROUP, P.C.
 Suite 5000
 701 Market Street
 Philadelphia, PA 19106-1532
 (215) 627-1322

No. 1520 of 2018 GD
 No. 197 of 2020 ED

U.S. BANK NATIONAL ASSOCIATION, AS INDENTURE TRUSTEE, FOR THE CIM TRUST 2016-2, MORTGAGE-BACKED NOTES, SERIES 2016-2

**3217 S. Decker Lake Drive
 Salt Lake City, UT 84119
 Plaintiff**

vs.

**DENISE A. WARNICK
 SHIRLEY A. WARNICK
 Mortgagor(s) and Record Owner(s)
 164 Casey Drive
 New Salem, PA 15468
 Defendant(s)**

ALL THAT CERTAIN LOT OF LAND SITUATE IN GERMAN TOWNSHIP, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA.
 BEING KNOWN AS: 164 CASEY DRIVE, NEW SALEM, PA 15468
 TAX PARCEL #15-05-0013
 IMPROVEMENTS: A RESIDENTIAL DWELLING
 SOLD AS THE PROPERTY OF: DENISE A. WARNICK AND SHIRLEY A. WARNICK
 ATTORNEY: KML LAW GROUP, P.C.

*** END SHERIFF SALES***

JUDICIAL OPINION

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

Michael Anderson,	:
Plaintiff,	:
v.	:
Crawford Trading Post, Inc.,	: Case No. 1506 of 2018, G.D.
Defendant.	: Honorable Linda R. Cordaro

OPINION

Linda R. Cordaro, J.

December 16, 2020

SUMMARY

Plaintiff filed a Complaint in Action for Declaratory Judgment, asking that this Court determine property ownership of a Property that was auctioned at an upset tax sale in 2014. Plaintiff and Defendant both argue that the other one is the rightful owner of the Property. This Court held a Hearing on the matter on December 3, 2020. For the following reasons, Plaintiffs request is granted: Plaintiff is not currently the owner, nor has he ever been the owner, of the Property at issue.

BACKGROUND

Neither party contests the relevant facts of this case, which were adduced at the December 3 Hearing. In 2010, Defendant, Crawford Trading Post, purchased the Property at issue at an upset tax sale. The Property is located at 232 East Crawford Avenue, Connellsville, PA 15425, Parcel I.D. No. 05-09-0086. For several years, Crawford Trading Post maintained the Property and paid property taxes. After a while, Crawford Trading Post decided the Property was not profitable and decided to stop paying property taxes on it.

In 2014, the Fayette County Tax Claim Bureau again put the Property up for auction at an upset tax sale. This time, the highest bidder on the Property was Plaintiff, Michael Anderson. Mr. Anderson bid \$1,000 for the Property. However, after later researching the Property, Mr. Anderson decided he did not want to complete the sale and did not want the Property.

The Director of the Fayette County Tax Claim Bureau, Sarah Minnick, testified at the December 3 Hearing that Mr. Anderson informed the Bureau after he was the successful bidder that he did not intend to follow through with the sale, nor did he intend to pay for the deed to be transferred to him. In response, Mr. Anderson was informed by the Tax Claim Bureau that it was the Bureau's policy that if someone does not follow through with a sale, that person will be restricted from bidding at all future upset tax sales. Ms. Minnick further testified that Mr. Anderson was never considered the owner of the Property by the Tax Claim Bureau.

After 2014, delinquent property taxes continued to accrue on the Property, as well as ordinance violations from the City of Connellsville. What followed was artfully and accurately described by Plaintiffs attorney at the December 3 Hearing as "quitclaim hot potato."

The president of Crawford Trading Post, Amilio Gallo, testified at the December 3 Hearing that the company continued receiving delinquent tax notices after 2014 and that he wanted to get the company's name off of the tax notices. On February 12, 2016, Crawford Trading Post executed a quitclaim deed to Mr. Anderson, relinquishing any of its interest in the Property to Mr. Anderson. Mr. Gallo did not consult with Mr. Anderson about quitclaiming the Property to him. Mr. Gallo also testified that he executed the quitclaim deed to Mr. Anderson without legal representation because he read about them on the internet.

Mr. Anderson testified that he did not know about Crawford Trading Post's decision to execute the quitclaim deed and he never agreed to accept any interest in the Property. In response, Mr. Anderson-also without legal representation-executed a quitclaim deed back to Crawford Trading Post on November 3, 2017. This was also executed without any agreement between the parties or acceptance on behalf of Crawford Trading Post. Mr. Anderson testified that he began receiving notices for code violations from the City of Connellsville, which prompted him to quitclaim his interest in the Property back to Crawford Trading Post.

On November 7, 2017, Crawford Trading Post executed another quitclaim deed, back to Mr. Anderson. Again, this was without any agreement and without Mr. Anderson's knowledge or consent.

On February 15, 2018, Crawford Trading Post then executed another quitclaim deed, this time to the Fayette County Tax Claim Bureau. Like the other quitclaim deeds, the Tax Claim Bureau did not agree, consent, or know about Crawford Trading Post's execution of the quitclaim deed. In response, the Tax Claim Bureau made a formal renunciation of the attempted transfer and recorded an objection, believing it to be an invalid transfer of property rights.

On July 17, 2018, Mr. Anderson filed the Complaint in Action for Declaratory Judgment that is currently before this Court, asking that this Court declare that he is not the owner of a Property that went up for tax sale in 2014. {1}

DISCUSSION

While ordinary property disputes involve participants claiming that a certain piece of property is theirs, this action is quite the opposite-both parties argue that the land located at 232 East Crawford Street belongs to the other. The consequence of ownership here-and thus the underlying reason for this action-is the responsibility for delinquent property taxes and code violations from the City of Connellsville.

{1} Mr. Anderson's Complaint actually goes a step further and asks this Court to declare that Defendant is the rightful owner of the Property, and that all attempted transfers to Plaintiff are voided.

Plaintiff argues that he is not the owner of the Property, first because he did not complete the sale with the Fayette County Tax Claim Bureau, and second because the quitclaim deeds from Crawford Trading Post to him were invalid as he did not accept or agree to them.

Defendant, meanwhile, argues that it is not the owner of the Property, first because Mr. Anderson was the successful bidder at the upset tax sale and thus became the equitable owner "at the fall of the hammer," second because it was divested of property ownership when the Tax Claim Bureau put the Property up for tax sale, and third because it executed valid quitclaim deeds to Mr. Anderson, or alternatively to the Tax Claim Bureau, and those deeds relinquished all of Defendant's interest in the Property.

This Court will first address the issue of the quitclaim deeds. A quitclaim deed is "[a] deed that conveys a grantor's complete interest or claim in certain real property but that neither warrants nor professes that the title is valid." Blacks Law Dictionary 503 (10th ed. 2014).

Quit-claim deeds, long known to the law, are used when a party wishes to sell or otherwise convey an interest he may think he has in land but does not wish to warrant his title. It does not purport to convey anything more than the interest of the grantor at the time of its execution. The distinguishing characteristic of a quitclaim deed is that it is a conveyance of the interest or title of the grantor in and to the property described, rather than of the property itself.

Greek Catholic Congregation of Borough of Olyphant v. Plummer, 12 A.2d 435,437 (Pa. 1940) (internal citation and quotation marks omitted).

Here, neither Crawford Trading Post nor Mr. Anderson were engaged in a sale of lands when they quitclaimed the Property back and forth to each other, nor did Crawford Trading Post attempt to sell the Property to the Tax Claim Bureau when it quitclaimed the Property to the Bureau in 2018. The quitclaim deeds could not have been gifts because "[t]he requirements for a gift are intent, delivery[,] and acceptance in all cases." *In re Sipe's Estate*, 422 A.2d 826, 828 (Pa. 1980). Here, there was no acceptance of any of the quitclaim deeds by any of the parties.

Because of the unique circumstances in this case, there does not appear to be any Pennsylvania caselaw with similar facts-where a party attempts to quitclaim his or her interest in real estate to an unwilling recipient. Further, the statutory section regarding quitclaim deeds is of no help in this matter. See, 21 P.S. § 7, "'Release and quitclaim' construed." This Court finds that the quitclaim deeds in this matter are most similar to attempted gifts, and that they all fail because all of them lacked the required element of acceptance by the intended recipient. For this reason, the quitclaim deeds in this matter are voided, and they have no bearing on the disputed ownership of the Property.

The remaining issue before this Court, then, is whether Mr. Anderson became the owner of the Property by virtue of being the highest bidder at the 2014 upset tax sale. The Pennsylvania Real Estate Tax Sale Law offers some answers.

First, the definition of "owner" under the Real Estate Tax Sale Law is:

[T]he person in whose name the property is last registered, if registered according to law, or, if not registered according to law, the person whose name last appears as an owner of record on any deed or instrument of conveyance recorded in the county office designated for recording and in all other cases means any person in open, peaceable and notorious possession of the property, as apparent owner or owners thereof, or the reputed owner or owners thereof, in the neighborhood of such property...

72 P.S. § 5860.102. Here, Mr. Anderson was never the owner of the Property under the Real Estate Tax Sale Law because the Property was never registered in his name, nor did he ever appear as an owner of record on any deed, nor did he ever hold himself out as the owner of the Property.

The representative for the Fayette County Tax Claim Bureau affirmed Mr. Anderson's position that because he chose not to take affirmative steps to complete the transaction after bidding on the Property, the sale was voided and Mr. Anderson was never the owner of the Property. In order to get a deed from the Fayette County Tax Claim Bureau, the highest bidder must pay for the recording fee. This is also a statutory requirement in the Real Estate Tax Sale Law:

After the court has confirmed the sale and the purchaser has paid the amount of his bid, it shall be the duty of the bureau to make to the said purchaser, his or their heirs or assigns a deed in fee simple for the property sold. Each such deed shall be in the name of the bureau as trustee grantor and shall be executed and duly acknowledged before the prothonotary by the director and a notation of such deed and acknowledgement shall be duly entered on the proper records. The deed shall, before delivery, be recorded in the office for the recording of deeds at the cost of the purchaser.

72 P.S. § 5860.608 (emphasis added). Mr. Anderson never paid the recording fee, and he stated his intention to cancel the sale directly to the Tax Claim Bureau before it was complete. Because Mr. Anderson never followed through with the procedures under the Real Estate Tax Sale Law, he never became the owner of the Property.

Two cases offer a potentially alternate conclusion. In *Commonwealth v. Investment Resource Holding, Inc.*, 168 A.3d 225 (Pa. Super. Ct. 2017), the corporate purchaser of a property at an upset tax sale attempted to rescind its purchase of the property. *Inv. Resource Holding* at 226. Specifically, the corporation, through its president, was the highest bidder on the property at the tax sale. *Id.* at 227. The president then executed a check and signed the Agreement of Sale and Receipt of Payment for the Property. *Id.* The trial court issued an order finding that the upset sale had been conducted in accordance with the law, and the sale was confirmed. *Id.* No objections were filed, and the Lebanon County Tax Claim Bureau prepared and recorded a deed to the corporation. *Id.* Before the corporation received the deed, a fire resulted in extensive damage to the property. *Id.* The corporation then tried to rescind its purchase of the property by indicating that it would not accept the deed. *Id.*

The corporation in Investment Resource Holding was later charged with, and found guilty of, violating local ordinances regarding the upkeep of the property. *Id.* at 228. On appeal, the Superior Court affirmed the convictions. *Id.* at 230-31. In its reasoning, the Superior Court stated that "[p]ursuant to Pennsylvania law, a purchaser of real property at a sheriff's sale acquires, at the fall of the hammer, a vested interest in the property." *Id.* at 229 (internal citation omitted). Further, because the corporation "was the bona fide purchaser of the [p]roperty and it complied in all respects with the conditions of the sale," it was bound by its bargain and could not rescind ownership just because the deed had not yet been delivered to the corporation. *Id.*

In the case *In re Balaji Investments, LLC*, 148 A.3d 507 (Pa. Commw. Ct. 2016), the corporate purchaser of a property at an upset tax sale tried to argue that it should not be responsible for property taxes that accrued in between the date it purchased the property at the sale and the date when it received the deed. *Balaji* at 508-9. Like the Superior Court in *Investment Resource Holding*, the Commonwealth Court reasoned that the purchaser obtained an equitable interest in the property "at the fall of the auctioneer's hammer," and that interest was subject to taxation. *Id.* at 513 (internal citation omitted).

Both *Investment Resource Holding* and *Balaji*, however, are distinguishable from the case before this Court. In those cases, the purchasers at the upset tax sales completed the purchases. Here, Mr. Anderson did not complete his purchase, and the Fayette County Tax Claim Bureau recognized as much at the December 3 Hearing. Mr. Anderson was penalized for his failure to complete the sale, in that he is no longer allowed to bid on properties at upset tax sales in Fayette County. However, Mr. Anderson never became an equitable owner or a record owner of the Property because the sale was never finalized. For those reasons, Mr. Anderson has never been the owner of the Property under the Pennsylvania Real Estate Tax Sale Law, nor has he ever been the record owner of the Property. {2}

In his Action for Declaratory Judgment, Plaintiff asks this Court not only to declare that he is not the owner of the property, but to declare that Defendant is the owner of the property. This Court declines Plaintiff's request because it is not clear whether Defendant is the rightful owner of the Property. {3} Regardless, Plaintiff's involvement in this matter is resolved.

{2} This Court has the authority to determine Plaintiff's legal interests in the Property pursuant to the Declaratory Judgments Act, 42 Pa.C.S.A. § 7532.

{3} In *Commonwealth v. Sprock*, 795 A.2d 1100 (Pa. Commw. Ct. 2002), the Borough of Central City in Somerset County enacted a Safe Property Maintenance Ordinance, which required property owners to safely maintain their properties. *Sprock* at 1101. Meanwhile, the appellants in that case had purchased a property in 1979 and failed to pay property taxes from 1981-1987. *Id.* In 1987, the Somerset County Tax Claim Bureau offered the property for sale, but there were no proper bids and the property was not sold. *Id.* The Tax Claim Bureau allowed the property to remain in its inventory of unsold properties, while the appellant remained the O'Nners of record. *Id.*

The appellants in *Sprock* then appealed a 1998 summary conviction under the local ordinance for failing to maintain their property. *Id.* In its analysis of the Pennsylvania Real Estate Tax Law, the Commonwealth Court stated that:

Sections 608 and 615 of the [Real Estate Tax Sale] Law instruct that the deed to a tax delinquent property sold at an upset sale shall be conveyed by the bureau as trustee, which is a person or entity holding legal title to property for the benefit of another. Thus, it is clear that a tax claim bureau must become trustee of a property at the moment it concludes the upset sale, that is, when the property is struck down, and legal title to the tax delinquent property passes to the tax claim bureau, as trustee, at that time, which is the most appropriate time for that to happen because the owner's right of redemption at that time is extinguished.

Sprock at 1103 (bold in original; footnote omitted). The Sprock Court held that because the property was offered at a tax sale, the appellants were not the owners of the property-at least not under the definition of ownership under the local ordinance. Id. at 1104. Rather, the Commonwealth Court held that the Tax Claim Bureau of Somerset County was the owner of the property as trustee at the time the citations were issued." Id.

Further, in 2018, the Real Estate Tax Sale Law was amended to state:

At the time a property that is tax delinquent is exposed to, but not sold at, an upset sale, legal title to the property shall remain with the delinquent property owner until the bureau transfers the deed as trustee grantor to a purchaser.

72 P.S. § 5860.642(a). However, that section only applies to sales conducted on or after August 20, 2018. It is unclear in the case before this Court whether Crawford Trading Post remained the owner of the Property after it was exposed to an upset tax sale in 2014, or whether the Fayette County Tax Claim Bureau became the owner of the property as trustee, as was the case in Sprock. Because the Fayette County Tax Claim Bureau is not a party to this action, this Court cannot and will not determine legal ownership of the Property between Crawford Trading Post and the Bureau at this time.

CONCLUSION

For the foregoing reasons, Plaintiff's request for declaratory judgment is granted in that Plaintiff is not currently the owner, nor has he ever been the owner, of the property located at 232 East Crawford Avenue, Connellsville, PA 15425, Parcel I.D. No. 05-09-0086, and all quitclaim deeds in this matter are nullified.

DECREE

AND NOW, this 16th day of December, 2020, in consideration of Plaintiffs Complaint in Action for Declaratory Judgment and after a Hearing on the matter, it is hereby ORDERED and DECREED that Plaintiffs request for declaratory judgment is GRANTED in that Plaintiff is not currently the owner, nor has he ever been the owner, of the property located at 232 East Crawford Avenue, Connellsville, PA 15425, Parcel I.D. No. 05-09-0086. It is further ORDERED and DECREED that the quitclaim deeds executed by Defendant to Plaintiff are nullified, as Plaintiff did not accept the deeds.

This Order does not otherwise determine or affect Defendant's ownership of the property.

BY THE COURT:
Linda R. Cordaro, Judge

ATTEST:
Prothonotary

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