

# LACKAWANNA JURIST

## JUDICIAL OPINION

### CASE NAME AND NUMBER:

IN RE: Condemnation by the Sewer Authority of the City of Scranton, Pennsylvania of Property for Von Storch CSO Facility Project

Von Storch Ave., LLC. Now by Assignment, 1350 Von Storch Ave., LLC -vs- The Sewer Authority of the City of Scranton, Pennsylvania. (2016-CIV.-6914).

### DATE OF DECISION:

July 26, 2017.

### JUDGE:

Senior Judge Robert A. Mazzoni.

### ATTORNEYS INVOLVED:

For the Plaintiff/Condemnee:  
Patrick J. Lavelle, Esquire.

For the Defendant/Condemnor:  
Jason A. Shrive, Esquire.

### SUMMARY OF OPINION:

The Condemnor, SSA, filed a Declaration of Taking upon lands owned by Condemnee, Von Storch Ave., LLC. Approximately three (3) weeks after the Declaration was filed, Von Storch Ave., LLC sold their premises to 1350 Von Storch Ave., LLC. On the date of the sale, Von Storch Ave., LLC and 1350 Von Storch Ave., LLC entered into an "Assignment of All Interest in Condemnation," wherein Von Storch Ave., LLC assigned all of its "rights arising under the Eminent Domain Code" and all of its' rights to seek "just compensation from SSA as a consequence of the filing of the Declaration of Taking." Shortly after the aforementioned Assignment was filed of record, 1350 Von Storch Ave., LLC filed a "Petition for the Appointment of a Board of View by Property Owner," to which the SSA filed Preliminary Objections alleging that 1350 Von Storch Ave., LLC has no standing to request a Board of View, because it was not the property owner at the time of the Taking.

Historically, our Courts have recognized the reservation of rights to condemnation damages through a reservation of such rights in deeds of conveyance and in option to purchase agreements. Standing alone, there is no issue as to the validity of the subject assignment only its' application to the subject condemnation proceeding. The Eminent Domain Code is silent as to the application of such otherwise legal instruments to condemnation proceedings. Finding little or no authority to support the SSA's position and relying on previous Case Law, the SSA's Preliminary Objections were Overruled.

**ESTATES**

**First Notice**

NOTICE IS HEREBY GIVEN that Letters Testamentary (Letters of Administration) have been granted to Karen Coleman. Executrix of the **ESTATE OF PETER JOSEPH COLEMAN A/K/A PETER J. COLEMAN, JR.**, late of Throop, Lackawanna County, Pennsylvania, who died on June 16, 2017. All persons indebted to said Estate are required to make payment and those having claims to present the same without delay to the Executrix or to Michael F. Cosgrove of Haggerty Hinton & Cosgrove LLP, 203 Franklin Avenue, Scranton, PA 18503.

NOTICE IS HEREBY GIVEN that Letters Testamentary (Letters of Administration) have been granted to Charles J. Donachie. Executrix of the **ESTATE OF MARGARET R. DONACHIE**, late of Scranton, Lackawanna County, Pennsylvania, who died on July 14, 2017. All persons indebted to said Estate are required to make payment and those having claims to present the same without delay to the Executrix or to Michael F. Cosgrove of Haggerty Hinton & Cosgrove LLP, 203 Franklin Avenue, Scranton, PA 18503.

**ESTATE OF ROBERT A. GALLETTI**, Late of the Old Forge Borough, PA (DIED February 7, 2017), Kathleen A. Galletti, Administratrix, or to Donald J. Frederickson, Jr., KOBAL & FREDERICKSON, Attorneys for the Estate, 435 Main Street, Moosic, PA. 18507-1017.

**ESTATE OF ALLAN ANDREW GLASS**, late of Scranton, Pennsylvania (died July 7, 2017). Notice is hereby given that Letters Testamentary have hereby been granted to Miriam R. Bundy, Executrix. All persons indebted to the Estate are requested to make payment, and those having claims or demands to present same without delay to the Executrix, or to Edward A. Monsky, Esquire, Fine, Wyatt & Carey, P.C., 425 Spruce St. 4<sup>th</sup> Fl, Scranton, PA 18503, attorneys for the Estate.

**ESTATE OF GERARD GOLDBLATT, DECEASED**, late of 7 CHATHAM HILL CIRCLE, S. ABINGTON TOWNSHIP, PA 18411, (Died JUNE 24, 2017). MARILYN DELLA VALLE, Executrix; Dante A. Cancelli, Esquire, Suite 401, 400 Spruce Street, Scranton, Pennsylvania 18503, Attorney.

Notice is hereby given that Letters Testamentary have been granted in the **ESTATE OF DIANE HORVATH**, late of Scranton, Lackawanna County, Pennsylvania. All persons indebted to the Estate are requested to make payment, and those having claims or demands are to present same, without delay, to the Executor, James R. Horvath, Jr., 1202 Middleline Road, Ballston Spa, NY 12020-2928 or Armand E. Olivetti, Jr., Attorney for the Estate, 201 Franklin Ave., 3<sup>rd</sup> Fl., Scranton, PA 18503.

**ESTATE OF ROMONA A. HUGHES**, late of the City of Scranton, County of Lackawanna, and Commonwealth of Pennsylvania, Deceased. Whereas, Letters Testamentary in the above-named estate have been granted to Colin W. Hughes, Executor of the Estate of Romona A. Hughes. All persons indebted to the said estate are requested to make immediate payment, and those having claims or demands to present the same without delay to: Colin W. Hughes, Executor, c/o Goudsouzian & Associates, 2925 William Penn Highway, Suite 301, Easton, PA 18045-5283.

**ESTATE OF MILDRED C. KLINE A.K.A MILDRED CATHERINE KLINE**, Late of Dalton, Pennsylvania (Died July 14, 2017). Letters Testamentary having been granted to Ben Kline, M.D., Executor. All persons having claims against the Estate or indebted to the Estate shall make payment or present claims to Douglas P. Thomas, Attorney for the Estate, 415 Wyoming Avenue, Scranton, PA 18503.

RE: **ESTATE OF RICHARD C. MARQUARDT**, late of Waverly, Pennsylvania. Letters of Testamentary in the above estate having been granted, creditors shall make demand and debtors shall make payment to Sarah W. Marquardt, Box 26, Waverly, PA 18471, Executrix, or to James W. Reid, Esquire, Oliver, Price & Rhodes, Attorney for the Estate, 1212 South Abington Road, P.O. Box 240, Clarks Summit, Pennsylvania 18411.

**ESTATE OF MARIEN L. McDONALD**, late of Dunmore, PA (died May 16, 2017). Notice is hereby given that Letters of Testamentary for the Estate of Marien L. McDonald have been issued to Thomas McDonald and Maureen J. Mahoney, Executors of the Estate. All those having claims or demands against the Estate shall present claims or remit payment without delay to Mark J. Conway, Attorney for the Estate, 502 South Blakely Street, Dunmore, Pennsylvania 18512.

**ESTATE OF CATHERINE R. MECCA**, late of Dunmore, Lackawanna County, Pennsylvania, (died November 26, 2016). Notice is hereby given that Letters Testamentary on the above estate have been issued to Carmel Dougherty, Executrix of the Estate. MARIANNE M. STIVALA, ESQUIRE, BRIAN J. CALI & ASSOCIATES, 103 EAST DRINKER STREET, DUNMORE, PENNSYLVANIA 18512.

**ESTATE OF EVELYN POWELL, A/K/A EVELYN D. POWELL**, late of 1156 Reynolds Avenue, Taylor, Pennsylvania (died on June 23, 2017) Diane Foley, Executrix; Robert P. Browning, Esquire, of Oliver, Price & Rhodes, 1212 South Abington Road, P.O. Box 240, Clarks Summit, Pennsylvania 18411.

RE: **ESTATE OF DELORES REBAR** late of Olyphant, Lackawanna County, Pennsylvania (died April 29, 2017). Notice is hereby given that Letters Testamentary for the Estate of Delores Rebar have been issued to Stephen M. Rebar, Executor of the Estate. All those having claims or demands against the Estate or indebtedness owed to the Estate shall present claims or remit payment without delay to the Executor at 101 Shady Lane Drive, Dickson City, PA 18519 or to Robert T. Kelly, Jr., Attorney for the Estate, Myers, Brier & Kelly, LLP, 425 Spruce Street, Suite 200, Scranton, PA 18503.

**ESTATE OF LEONARD A. RUANE, JR.**, late of Scranton, Lackawanna County, Pennsylvania, (died April 3, 2017). Notice is hereby given that Letters Testamentary on the above estate have been issued to Catherine DelSerra, Executrix of the Estate. MARIANNE M. STIVALA, ESQUIRE, BRIAN J. CALI & ASSOCIATES, 103 EAST DRINKER STREET, DUNMORE, PENNSYLVANIA 18512.

RE: **ESTATE OF MARGARET J. SCOTT** late of Scranton, Lackawanna County, Pennsylvania (died July 18, 2017). Notice is hereby given that Letters Testamentary for the Estate of Margaret J. Scott have been issued to Richard J. Scott, Jr., Executor of the Estate. All those having claims or demands against the Estate or indebtedness owed to the Estate shall present claims or remit payment without delay to the Executor at P.O. Box 107, Portland, PA 18351 or to Kris E. Fendrock, Attorney for the Estate, Myers, Brier & Kelly, LLP, 425 Spruce Street, Suite 200, Scranton, PA 18503.

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**ESTATE OF JOSPEH WOZNIAK A/K/A JOSEPH J. WOZNIAK**, late of the Borough of Olyphant, Lackawanna County, Pennsylvania, (died July 5, 2017). Letters Testamentary were granted to Robert Santagato. Creditors present claims and debtors make payments to John P. Pesota, Esquire, Suite 702 SNB Plaza, 108 North Washington Avenue, Scranton, Pa. 18503.

**ESTATE OF SIBYL ZANGARDI**, late of Moscow, PA (died May 24, 2017). Notice is hereby given that Letters of Testamentary for the Estate of Sibyl Zangardi have been issued to John J. Zangardi, Jr., Executor of the Estate. All those having claims or demands against the Estate shall present claims or remit payment without delay to Mark J. Conway, Attorney for the Estate, 502 South Blakely Street, Dunmore, Pennsylvania 18512.

### Second Notice

**ESTATE OF DONALD BECKER**, Late of Dunmore, Pennsylvania, Lackawanna County, PA died May 18, 2017. Notice is hereby given that Letters of Administration on the above estate have been granted to Linda Muracco. All persons indebted to this Estate are required to make payment and those having claims to present the same without delay to the Administratrix named herein or to **BARRETT LAW, LLC**, 345 Wyoming Avenue, Suite 215, Scranton, PA 18503.

**RE: ESTATE OF PETER F. CHIAPPINI**, late of Scranton, Lackawanna County, Pennsylvania (died May 17, 2017). Notice is hereby given that Letters Testamentary for the Estate of Peter F. Chiappini have been issued to Barbara Chandrino, Executrix of the Estate. All those having claims or demands against the Estate or indebtedness owed to the Estate shall present claims or remit payment without delay to the Executrix at 408 4<sup>th</sup> Street, Dunmore, PA 18512 or to Robert M. Buttner, Esquire, attorney for the Estate, 108 N. Washington Ave., Ste. 700, Scranton, PA 18503.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted in the **ESTATE OF ROBERT K. DEE**, late of Jefferson Township, Lackawanna County, Pennsylvania who died June 27, 2017. All persons indebted to the said estate are required to make payment, and those having claims or demands to present the same without delay to Robert K. Dee, Jr., Executor, 1616 Jefferson Avenue, Dunmore PA 18509 or Robert H. Sayers, 811-813 Mulberry Street, Scranton, Pennsylvania, Attorney for the Estate

**RE: ESTATE OF DONALD R. MAY**, Late of Clarks Summit, Pennsylvania (died May 27, 2017). Notice is hereby given that Letters Testamentary for the ESTATE OF DONALD R. MAY, have been issued to LORI J. MAY and SANDRA L. COYER, Co-Executrices of the Estate. All those having claims or demands against the Estate or indebtedness owed to the Estate shall present claims or remit payment without delay to the Co-Executrices, or to MICHAEL C. COWLEY, COWLEY LAW OFFICES, LLC, Attorney for the Estate, 114 North Abington Road, Clarks Green, PA 18411.

**RE: ESTATE OF JAMES M. MCANDREW**, late of Carbondale, Lackawanna County, Pennsylvania (died June 4, 2017). Notice is hereby given that Letters of Administration for the Estate have been issued to Lawrence J. McAndrew, Administrator of the Estate. All those having claims or demands against the Estate or indebtedness owed to the Estate shall present claims or remit payment without delay to the Administrator, or to John J. McGovern, Jr., Attorney for the Estate, 321 Spruce Street – Suite 201, Scranton, PA 18503.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been issued to Helen Tansley, Executrix of the **ESTATE OF HELEN O'DELL**, Deceased, who died June 24, 2017, late of Old Forge Borough, Pennsylvania. All persons indebted to the Estate are required to make payment and those having any claims or demands to present the same without delay to the Executrix in care of the undersigned. Bregman & Lantz LLC, 1205 Wyoming Avenue, Forty Fort, PA 18704

**RE: ESTATE OF MARY ELIZABETH OSBOURNE** late of Scranton, Lackawanna County, Pennsylvania (died June 20, 2017). Notice is hereby given that Letters Testamentary for the Estate of Mary Elizabeth Osborne have been issued to Teresa Osborne, Executor of the Estate. All those having claims or demands against the Estate or indebtedness owed to the Estate shall present claims or remit payment without delay to the Executor at 631 Herbert Street, Scranton, PA 18505 or to Robert T. Kelly, Jr., Attorney for the Estate, Myers, Brier & Kelly, LLP, 425 Spruce Street, Suite 200, Scranton, PA 18503.

Estate of **THOMAS J. QUINN**, late of Lackawanna County, Pennsylvania. Letters Testamentary on the above estate having been granted to Amy Quinn, all persons indebted to the said estate are requested to make payment, and those having claims to present the same without delay to her c/o Joseph Kosierowski, Esq. 400 Broad Street, Milford, Pennsylvania 18337.

**ESTATE OF ALBERT J. STAFFARONI, DECEASED** (died on 04/12/2017). Late of 207 Seymour Avenue, Scranton, Lackawanna County, PA. Letters Testamentary have been granted and all creditors shall make demand and all debtors shall make payment without delay to **ROBERT J. STAFFARONI, EXECUTOR**, or **BRIGID E. CAREY, ESQUIRE**, PO Box 4466, Scranton, PA 18505-6466.

### Third Notice

Estate of **EUGENE J. BOLAND aka GENE BOOKIE BOLAND**, Deceased late of Scranton, Lackawanna PA: died 04-25-2017. Notice is hereby given that Letters Testamentary have been granted on the above Estate. All persons indebted to said Estate are required to make payments, and those having claims or demands are to present the same without delay to Mary Byrne 1115 Snyder Ave Scranton Pa 18504 and William Boland 1117 Snyder Ave Scranton PA 18504. Executors.

**RE: ESTATE OF CARL J. BONAFEDE**, late of Scranton, Lackawanna County, Pennsylvania (died November 21, 2016). Notice is hereby given that Letters of Administration for the Estate have been issued to Sue Ellen Stelevich, Administratrix of the Estate. All those having claims or demands against the Estate or indebtedness owed to the Estate shall present claims or remit payment without delay to the Administratrix, or to John J. McGovern, Jr., Attorney for the Estate, 321 Spruce Street – Suite 201, Scranton, PA 18503.

**RE: ESTATE OF JEAN BYER a/k/a JEAN BURR BYER**, late of Clarks Summit, Lackawanna County, and State of Pennsylvania, deceased, who died on the 26<sup>th</sup> day of April, 2017. Letters of Testamentary having been granted, all persons having claims or demands against the estate of the decedent shall make them known and present them, and all persons indebted to the decedent shall make payment thereof without delay to the Executor, Edward D. Byer, Jr., 320 Hallstead Street, Clarks Summit, PA 18411, or to Mattes & Mattes, P.C., 324 N. Washington Ave., Scranton, PA 18503.

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Estate of **Edmund FALISKIE aka Edmund J. FALISKIE**, Deceased late of Archbald, Lackawanna PA: died 03-12-2017. Notice is hereby given that Letters Testamentary have been granted on the above Estate. All persons indebted to said Estate are required to make payments, and those having claims or demands are to present the same without delay to David Faliskie, 107 Balch Springs Circle S.E. Leesburg VA 20175. Executor.

**ESTATE OF ANNA M. GALLO**, late of Dunmore, Pennsylvania (died June 20, 2017). Notice is hereby given that Letters Testamentary on the above Estate have been granted to Anthony T. Mercuri, Jr., of Clarks Summit, PA and Paul T. Mercuri, of Chaparral, NM. All persons indebted to the said Estate are required to make payment and those having claims to present the same without delay to the Executor(s) named herein, or to Nicholas D. Tellie, Esquire, Tellie & Coleman, P.C., 310 East Drinker Street, Dunmore PA 18512.

**ESTATE OF IRENE RUTH GETTS aka RUTH GETTS aka RUTH ANN GETTS**, Deceased late of Taylor, Lackawanna PA: died 04-25-2017. Notice is hereby given that Letters Testamentary have been granted on the above Estate. All persons indebted to said Estate are required to make payments, and those having claims or demands are to present the same without delay to Donna Marie Getts, 163 Boyds Mills Rd Beach Lake PA 18405. Executor.

**ESTATE OF FLORENCE KLOAP aka FLORENCE SOBOLEWSKI**, Deceased late of Clarks Summit, Lackawanna PA: died 01-29-2017. Notice is hereby given that Letters Testamentary have been granted on the above Estate. All persons indebted to said Estate are required to make payments, and those having claims or demands are to present the same without delay to Rosemary Clay PO Box 206 Montchanin DE 19710. Executor.

**RE: ESTATE OF JOSEPH LEONARD**, Late of Scranton, Pennsylvania (died June 19, 2017). Notice is hereby given that Letters Testamentary for the ESTATE OF JOSEPH LEONARD, have been issued to TERRY WACHHOLZ, Executrix of the Estate. All those having claims or demands against the Estate or indebtedness owed to the Estate shall present claims or remit payment without delay to the Executrix, or to MICHAEL C. COWLEY, COWLEY LAW OFFICES, LLC, Attorney for the Estate, 114 North Abington Road, Clarks Green, PA 18411.

**ESTATE OF RODNEY MAZZEI**, Deceased late of Old Forge, Lackawanna PA: died 02-21-2017. Notice is hereby given that Letters Testamentary have been granted on the above Estate. All persons indebted to said Estate are required to make payments, and those having claims or demands are to present the same without delay to Mary E. Matthews, PO Box 482/11 Hannum St. Skaneateles Ny 13152. Executor.

**ESTATE OF KEITH J. THOMPSON**, late of Scott Township, PA (died February 8, 2017) Letters of Administration having been granted, all persons having claims shall present them and all persons indebted to decedent shall make payment to Twalla Wahl, Administratrix or Danielle Travagline, Esquire, Christopher B. Jones, P.C., 406 Jefferson Avenue, Scranton, PA 18510

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted in the **ESTATE OF ANN C. TUZZE**, Deceased, late of Mayfield, Lackawanna County, Pennsylvania, 18433, who died on June 24, 2017. All persons indebted to the Estate are requested to make payment and those having claims or demands are to present same, without delay, to the Executor, Edward Tranovich, or John P. Sanderson, III, Attorney for the Estate – Sanderson Building, One Terrace Drive, Olyphant, Pennsylvania 18447.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been issued to Edmund Brogenski, Executor of the **ESTATE OF THERESA M. ZARNOSKY**, Deceased, who died on July 2, 2017, late of Dunmore Borough, Pennsylvania. All persons indebted to the Estate are required to make payment and those having any claims or demands are to present the same without delay to the Executor in care of the undersigned. Bregman & Lantz LLC, 1205 Wyoming Avenue, Forty Fort, PA 18704

## ARTICLES OF INCORPORATION

Notice is hereby given that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania on July 20, 2017 with respect to a nonprofit corporation, **SWB Pinstripes Foundation**, which has been incorporated under the Nonprofit Corporation Law of 1988.

Reed Smith LLP

## ARTICLES OF INCORPORATION

Articles of Incorporation for **Ames Realty Services, Inc.** were filed with the PA Department of State on July 24, 2017, under the provisions of the Business Corporation Law of 1988, as amended and supplemented.

RICHARD A. FANUCCI, ESQ.

## CHANGE OF NAME

NOTICE IS HEREBY GIVEN that the Petition for Change of Name filed by Petitioner Alexandria Jacukowicz-Ratay was filed in the Court of Common Pleas of Lackawanna County to No. 2017 CIV 4272 and prays for a decree to change her name to Alexandria Christina Derby. The Court has fixed September 29, 2017 at 9:00 AM as the date and time of the hearing in Courtroom No. 3 Lackawanna County Courthouse, 200 N. Washington Ave., Scranton PA 18503.

**LACKAWANNA JURIST**

**NOTICE**

IN THE COURT OF COMMON PLEAS  
LACKAWANNA COUNTY  
CIVIL ACTION -LAW  
**JURY TRIAL DEMANDED**  
NO. 2017-02307

ALANA KOREA and JOSEPH KOREA,  
Wife and Husband  
Plaintiffs  
vs.  
BRIA BARCOLA and  
MADISON BARCOLA,  
Defendants

TO: Bria Barcola

A civil action claim has commenced against you and a Complaint has been issued in the above-captioned matter.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO AN ELIGIBLE PERSON AT A REDUCED FEE OR NO FEE.

**Northern PA Legal Services**

33 North Main Street  
Suite 200  
Pittston, PA 18640  
(570) 299-4100

or

**Pennsylvania Lawyer Referral Service**

Lackawanna Bar Association  
233 Penn Avenue  
Scranton, PA 18503  
(570) 969-9600

**HOURIGAN, KLUGER & QUINN**  
A PROFESSIONAL CORPORATION

BY: Michael A. Lombardo, III, Esquire  
ATTORNEY FOR Plaintiff  
IDENTIFICATION NO. 91270

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600 THIRD AVENUE  
KINGSTON, PA 18704-5815  
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