

# FAYETTE LEGAL JOURNAL

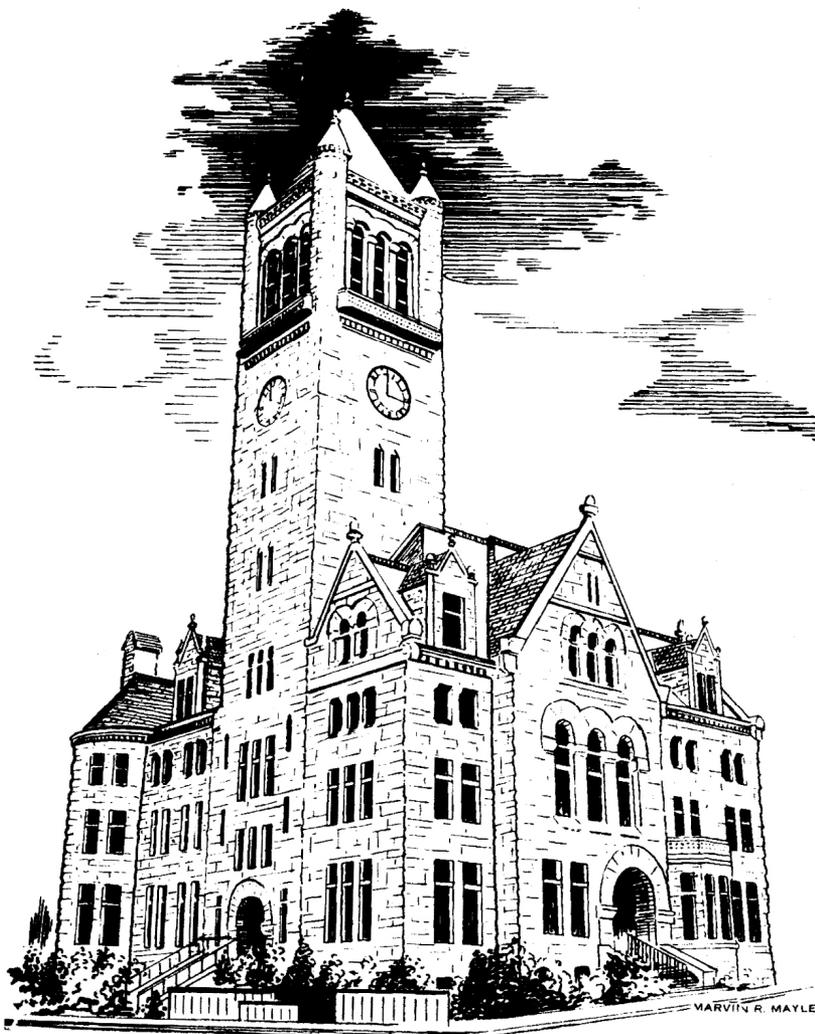
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## FAYETTE LEGAL JOURNAL

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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

**SHARON KLAY, a/k/a SHARON M. KLAY**, late of Wharton Township, Fayette County, PA  
*Personal Representative:* Christian W. Klay  
 c/o Mitchell Law Office  
 P.O. Box 122  
 Hiller, PA 15444  
*Attorney:* Herbert G. Mitchell, III (3)

**ELLA REESE**, late of Saltlick Township, Fayette County, PA (3)  
*Administrators:* James L. Reese and Richard Reese  
 c/o Law Office of Margaret Zylka House  
 815A Memorial Boulevard  
 Connellsville, PA 15425  
*Attorney:* Margaret Zylka House

### Second Publication

**JACK B. ARMSTRONG**, late of Upper Tyrone Township, Fayette County, PA (2)  
*Administratrix:* Connie J. Armstrong  
 1140 Valley View Drive  
 Scottdale, PA 15683  
*Attorney:* Marilyn M. Gaut

**VERONICA DANCHO a/k/a VERONICA E. DANCHO**, late of Smock, Fayette County, PA  
*Executrix:* JoAnn Dancho Rouse  
 138 E Hillis Street  
 Youngwood, PA 15697  
*Attorney:* Nicholas Scholle (2)

**DORIS FRIEND a/k/a DORIS J. FRIEND**, late of Henry Clay Township, Fayette County, PA (2)  
*Executrix:* Carolyn Thomas  
 c/o Adams Law Offices, PC  
 55 E Church Street, Ste 101  
 Uniontown, PA 15401  
*Attorney:* Jason Adams

**LEAH MILLER**, late of Fayette County, PA (2)  
*Administratrix:* Linda R. Brown  
 273 Airport Road  
 Mount Pleasant, PA 15666  
 c/o Willman & Silvaggio LLP  
 5500 Corporate Drive, Suite 150  
 Pittsburgh, PA 15237  
*Attorney:* Joseph Silvaggio

**EUGENE E. RUGG**, late of Henry Clay Township, Fayette County, PA (2)  
*Executor:* Donald E. Rugg  
 c/o Webster & Webster  
 51 East South Street  
 Uniontown, PA 15401  
*Attorney:* Robert L. Webster, Jr.

**NANCY LEA TRAVIS**, late of Point Marion Borough, Fayette County, PA (2)  
*Administratrix:* Susan E. Arnold  
 c/o Sheryl R. Heid, Esquire  
 4 N. Beeson Blvd.  
 Uniontown Pennsylvania 15401  
*Attorney:* Sheryl R. Heid

### First Publication

**SCOTT LESLIE BASINGER a/k/a SCOTT L. BASINGER**, late of Connellsville Township, Fayette County, PA (1)  
*Personal Representative:* Kelly Basinger  
 c/o Watson Mundorff, LLP  
 720 Vanderbilt Road  
 Connellsville, PA 15425  
*Attorney:* Robert A. Gordon

**CHRISTOPHER DOWNS**, late of South Connellsville, Fayette County, PA (1)  
*Administrator:* Adam Jay Downs  
 206 E Washington Ave  
 Connellsville, PA 15425

**BRIAN A. SHOWMAN, SR.**, late of Franklin Township, Fayette County, PA (1)

*Executor:* Brian A. Showman, Jr.  
c/o 9 Court Street  
Uniontown, PA 15401  
*Attorney:* Vincent J. Roskovensky, II

**LEGAL NOTICES**

Notice is hereby given of the existence of the Joseph P. & Eleanor A. Semans Revocable Trust dated August 28, 1991, and that this notice is being published as the result of the death of the surviving Grantor of that Trust, Joseph P. Semans, on behalf of the Trustee, Joseph A. Semans. Notice is hereby given to all persons indebted to the Trust to make immediate payment, and to those having claims against the same, to present them to the undersigned, duly authenticated for settlement.

Joseph A. Semans, Trustee  
c/o Ernest P. DeHaas, III, Esquire  
DEHAAS LAW, LLC  
51 East South Street  
Uniontown, PA 15401  
(724) 438-3510

(3 of 3)

**Notice of Condemnation**

**In the Court of Common Pleas of Fayette County, Pennsylvania  
Civil Division  
In REM Proceeding  
Civil Action No. GD -207 of 2026 GD**

Columbia Gas of Pennsylvania, Inc., 121 Champion Way, Suite 100, Canonsburg, Pennsylvania 15317, Condemnor,  
v.

Any Unknown Heirs of Joseph Donham, and Real Property situate in the Franklin Township, Fayette County, Pennsylvania, as vested by that Certain Deed Dated February 15, 2014 of record at Instrument No. 201400001636, Deed Book 3243 and Page 343 in the Recorder’s Office of Fayette County, Pennsylvania being, respectively, Fayette County Tax Parcel Number 13-05-0006, Condemnee.

**Notice of Condemnation  
For Pipeline Right- Of-Way**

Notice is given to Any Unknown Heirs of Joseph Donham and/or their heirs, successors or assigns, if any, and unknown owners of real property situate in Franklin Township, Fayette County, Pennsylvania, as vested by that Certain Deed dated February 15, 2014 of record at Instrument No. 201400001636, Deed Book 3243 and Page 343 in the Recorder’s Office of Fayette County, Pennsylvania being, respectively, Fayette County Tax Parcel Number 13-05-0006, that Columbia Gas of Pennsylvania, Inc. has filed a Verified Application for Taking of a Natural Gas Right- of-Way pursuant to 15 Pa. Cons. Stat. § 1511 and Rule 1007 of the Pennsylvania Rules of Civil Procedure to acquire title to, and right of possession of, the Right-of-Way for the construction and maintenance of a natural gas pipeline. The Right -of-Way is described in the Verified Application for Taking of a Natural Gas Right-of-Way and depicted on the map attached to it. The action was filed on February 2, 2026. Just compensation has been secured by the posting of a bond in the amount of \$19.00.

## WARMAN ABSTRACT & RESEARCH LLC

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Smithfield, PA 15478

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## JUDICIAL OPINION

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

JPMORGAN CHASE BANK, N.A.,	:	
Plaintiff,	:	
vs.	:	
ANTHONY N. MARGHELLA, JR.,	:	NO. 1962 of 2025, G.D.
Defendant.	:	Honorable Joseph M. George, Jr.

### OPINION AND ORDER

GEORGE, J.

December 23, 2025

Before the Court are Preliminary Objections filed by the Defendant, Anthony N. Marghella, Jr. to the Complaint of Plaintiff, JPMorgan Chase Bank, N.A. lodging two (2) objections to the Complaint including objections to JPMorgan Chase Bank, N.A.'s failure to attach documentation substantiating the alleged debt and failure to satisfy the pleading requirements of an account stated theory.

### DISCUSSION

It is well-settled that the standard in determining preliminary objections is whether it is clear and free from doubt based on facts pleaded that the Plaintiff will be unable to prove facts legally sufficient to establish a right to relief. *Bower v. Bower*, 611 A.2d 181 (Pa. 1992). The trial court must accept as true all facts that are well-pleaded, material, and relevant; together with any reasonable inferences as may be drawn from said facts. *Mellon Bank. N.A. v. Fabinyi*, 650 A.2d 895 (Pa. Super. 1994).

When a claim or defense is based upon a writing, "the pleader shall attach a copy of the writing, or the material part thereof, but if the writing or copy is not accessible to the pleader, it is sufficient to so state, together with the reason, and to set forth the substance in writing." Pa.R.Civ.P. 1019(i). Where a complaint is based on the failure of a debtor to pay the balance due on a credit card account, it is proper under Rule 1019(i) for the Defendant to assert in preliminary objections that the Plaintiff failed to produce a cardholder agreement and statement of account. *Atlantic Credit and Finance, Inc. v. Giuliana*, 829 A.2d 340, 345 (Pa.Super.2003).

A complaint "must apprise the Defendant of the nature and extent of the Plaintiffs claim so that the Defendant has notice of what the Plaintiff intends to prove at trial and may prepare to meet such proof with his own evidence." *Weiss v. Equibank*, 313 Pa.Super. 446, 460 A.2d 271, 274-75 (1983). Our Superior Court has interpreted this provision to mean that a creditor must "attach the writings which assertedly establish [the creditor's] right to a judgment." *Atlantic Credit and Finance Inc. v. Giuliana*, 829 A.2d 340, 345 (Pa.Super. 2003).

As to the preliminary objection regarding the lack of credit card account statements, to enable a Defendant in a credit card collection action to adequately defend himself, the

allegations in the complaint must contain "sufficient documentation and allegations to permit a Defendant to calculate the total amount of damages that are allegedly due by reading the documents attached to the complaint and the allegation within the complaint." *Chase Bank USA v. Rader*, 8 Pa.D. & C, 5th 297, 301 (Pa.Com.Pl. 2009); (citing *Worldwide Asset Purchasing LLC v. Stern*, 153 P.L.J. 111, 112 (Pa.Com.Pl. 2004)). At a minimum, this includes account statements detailing the date and amounts of the charges at issue, credits for payments, and the applicable interest rate. See *Marine Bank v. Orlando*, 25 D. & C. 3d 264, 268 (Pa.Com.Pl. 1982). Without this specificity, a Plaintiff fails to satisfy Rule 1019(f), which requires "[a]verments of time, place and items of special damage" to be specifically stated.

A review of the Complaint alleges the Defendant opened an account with Plaintiff, a successor by merger to Chase Bank on April 13th, 2018. However, only two (2) statements are attached to the Complaint: one dated June 7th, 2024 with a balance of Four Thousand Eight Hundred and Fifty Dollars and Eighty Six Cents (\$4,850.86) and the other dated January 7th, 2025 with a balance due of Five Thousand Nine Hundred and Seventy-Two Dollars and Eleven Cents (\$5,972.11). See, Complaint, Exhibit A. No documentation was pled or produced in the Complaint to establish how Plaintiff has arrived at the sum now alleged to be due and owing. As such, the Complaint and Exhibit thereto fails to comply with Pa.R.C.P. 1019 and we will SUSTAIN this objection and provide Plaintiff an opportunity to attach statements beginning with a zero balance.

Consistent with our prior rulings, we do not require a Plaintiff to attach a signed agreement by the Defendant indicating that he or she agrees to specific terms and conditions generally set forth in a cardholder agreement provided the exhibits attached to the complaint or amended complaint include sufficient statements showing payments and charges which strongly evidences the Defendant's active acquiescence to the contract terms consistent with the authority set forth in *Discover v. Booker*, 2021 Pa.Super 139 (2021). However, with regard to the complaint in this matter and the two (2) statements attached as exhibits, we are unable to find that the criteria set forth in *Discover v. Booker* has been met.

#### ORDER

AND NOW, this 23rd day of December, 2025, upon consideration of the preliminary objections filed by Defendant, Anthony N. Marghella, Jr., to the Complaint filed by Plaintiff, JPMorgan Chase Bank, N.A., and upon review of the record, it is hereby ORDERED and DECREED that the preliminary objections are SUSTAINED in accordance with the foregoing Opinion.

It is further ORDERED and DECREED that Plaintiff shall have thirty (30) days to file an Amended Complaint and in default thereof Defendant may submit a routine motion requesting a dismissal of the complaint, with prejudice.

BY THE COURT:  
JOSEPH M. GEORGE, JR., JUDGE

ATTEST:  
Prothonotary

## LUNCH & LEARN SERIES

The Fayette County Bar Association's next presentation in its Lunch & Learn Series will be:

- Date: **Wednesday, February 18th from 12:00 p.m. to 1:30 p.m.**
- Location: **Fayette County Courthouse - Courtroom TBD**
- Discussion topic: **For the Love of Pro Bono: What Would George and Abe Do?**
- Presenter: **Judy Hale, Esquire, MPA - PBA Director of Pro Bono Services; Meghann E. Mikluscak-Hewitt, Esquire - Summit Legal Aid PAI & Pro Bono Director, and Anne N. John, Esquire**

### CLE Credit

1.5 hours of Ethics CLE credit for the program. The fees are as follows:

#### Members of the FCBA

- \$5 fee for attendance without CLE Credit
- \$15 fee for attendance with CLE Credit

#### Attorneys admitted to practice in Pennsylvania after January 1, 2021

- \$5 fee for attendance with CLE Credit

#### Non-members of the FCBA

- \$15 fee for attendance without CLE Credit
- \$40 fee for attendance with CLE Credit

**\*\* All fees to be paid at the door \*\***  
Lunch will be provided.

### RSVP

If interested in attending, please call the Bar office at 724-437-7994 or email to [cindy@fcbar.org](mailto:cindy@fcbar.org) on or before Monday, February 16th.