

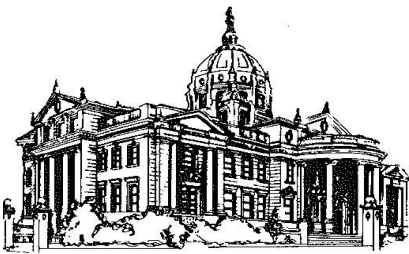
# WASHINGTON COUNTY REPORTS

Vol. 101

APRIL 1, 2021

No. 37

Official Legal Periodical for Washington County, Pennsylvania. Established March 31, 1920. Published by Washington County Bar Association since January 1, 1958. Containing for temporary use advance sheets of the decisions of the judges of the 27th Judicial District of Pennsylvania and the official legal notices and advertisements of the several courts of the County of Washington, Pennsylvania.



SERVING THE LEGAL COMMUNITY OF WASHINGTON COUNTY, PENNSYLVANIA

## Table of Contents

Court Calendar .....	2
Obiter Dictum.....	3
WCBA CLE .....	4
Local Rule of Criminal Procedure 202 (L-202), effective 3/22/2021 .....	5
Local Rule of Criminal Procedure 507 (L-507), effective 3/22/2021 .....	6
Local Rule of Criminal Procedure 576.1 (L-576.1), effective 3/22/2021.....	7
OPINION: “Jones vs. Shunk et al” .....	9
Estate Notices.....	12
Real Estate Notices.....	20
Fictitious Name Notices, TPR Notices .....	21
Sheriff Sales for May .....	23

**PERIODICAL PUBLICATION. DATED MATERIAL.  
DO NOT DELAY DELIVERY.**

**FOR RETURN SERVICE:  
119 SOUTH COLLEGE STREET  
WASHINGTON, PA, 15301**

JUDGES & COURT/MOTIONS SCHEDULE

Per Administrative Order 2020-1 24 W.M. 2020 the local judicial emergency has been extended through July 2, 2021. For a copy of this and other orders: [www.pacourts.us/ujs-coronavirus-information](http://www.pacourts.us/ujs-coronavirus-information).

Judge	Motions Court Schedule. Complete information during judicial emergency at <a href="http://www.washingtoncourts.us">www.washingtoncourts.us</a>
DiSalle, John (PJ) CR#2	Tu 9:15a for Criminal Cases; Th 9:15a for Orphans’ Court (copy of motion to be served prior to Audit Atty). <b>“Until further order</b> , all motions, incl. Criminal & Orphans’ Court, shall be handled remotely via email or fax to chambers. Filing party must notify all necessary parties that a motion is being filed and if motion is contested. Contested motions shall include a scheduling order. Motions for Modification of Bail or Release from Probation must be circulated first to Probation/Pretrial Services & DA’s Office for acknowledgment of objection or consent.”
Gilman, Gary CR#1	Tu, W, Th and Fr at 9:15a. Judge of the Term, Criminal (Jan, Mar, May, Jul, Sep, Nov) Call staff to schedule the presentation of the motion. Motions will be heard electronically.
Costanzo, Valarie CR#3	Judge of the Term, Criminal (Feb, Apr, Jun, Aug, Oct, Dec) Until further notice, all motions shall be handled remotely via email to chambers. Motions shall be emailed to <a href="mailto:lori.hoag@washingtoncourts.us">lori.hoag@washingtoncourts.us</a> and <a href="mailto:jennifer.houpt@washingtoncourts.us">jennifer.houpt@washingtoncourts.us</a> . Motions instructions and courtroom procedures at <a href="http://www.washingtoncourts.us/194/Valarie-Costanzo">http://www.washingtoncourts.us/194/Valarie-Costanzo</a> . The moving party must strictly comply with procedures before court staff will forward the motion to Judge Costanzo.
Lucas, Michael CR#5	M 1:15p and Tu, W, Th 8:45a; also Fr 8:45a when Civil Judge of the Term, 1st-21st of each month.
Neuman, Brandon CR#4	Motions on Tu (pro se & attys; motions due by noon on Fri) and Wed (attys; motions due by noon on Mon). Starting 7/6, all motions will be heard by phone. For all motions, sign-up outside office. No motions accepted via email or mail. <b>No Motions on 4/6 or 4/7, All Motions that week will be heard on 4/8 at 9:15am. No Motions on 4/14, all motions that week will heard on 4/13.</b>
McDonald, Traci CR#7	W, Th 9:30 am All hearings are being handled virtually. Motions will be heard by phone. Uncontested motions must indicate all parties consent and include a scheduling order. Contested motions must include email addresses for all parties on the notice of presentation. Motions can be emailed to: <a href="mailto:billie.jo.pustovrh@washingtoncourts.us">billie.jo.pustovrh@washingtoncourts.us</a> and <a href="mailto:court.crier@washingtoncourts.us">court.crier@washingtoncourts.us</a>
Emery, Katherine (SJ) CR#6	Judge of the Term, Civil: 22nd to end of each month Contested motions Tu, Th 9:30am; mail original motion to chambers, staff will contact atty to schedule date. No emails accepted. Mail consented to motions (original only) to chambers; once signed, motion will be filed in Prothonotary’s office by Judge’s staff; Pro. will mail copy of order to atty presenting the motion.

COURT CALENDARS

Orphans’ Court Audit ..... May 21, Jul 23, Sep 17, Nov 5  
Next Sheriff’s Sales: ..... Apr 9, May 7

Washington County Reports is owned & published by the Washington County Bar Association, 119 S. College St., Washington, PA 15301. Phone 724-225-6710. Fax 724-225-8345. Email [wcbabar.org](mailto:wcbabar.org). Washington County Reports does not edit any legal advertisement for substance or content, only for format.  
Editor: Frank Arcuri, Esq.; Assistant Editor, Kathleen L. Sabol, WCBA Executive Director  
**LEGAL NOTICES DUE Friday by Noon for publication the following Thursday (holidays may alter deadline).**  
Periodical Postage paid at Washington, PA 15301. Washington County Reports USPS 667-460.  
**Subscription Rate.** \$85.00 for 52 Weekly Issues.  
**Copyright 2021 WCBA.** All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form by electronic, mechanical, photocopying, or any other means without the prior written permission of the copyright holder.

## Obiter Dictum

From the *ABA Journal Daily Newsletter*: [1] A U.S. District Judge from Texas has struck down a moratorium on most residential evictions issued by the U.S. Centers for Disease Control and Prevention on the basis that the federal government's power to regulate interstate commerce doesn't extend to an eviction ban. [2] The U.S. Court of Appeals for the 1<sup>st</sup> Circuit blocked implementation of a Maine law requiring cable companies to offer "a la carte" options to customers. The law had required cable companies to purchase separate cable channels and individual programs rather than a bundled package. The Appeals Court said the law implicates the First Amendment and the state has not offered enough evidence for the law to survive constitutional scrutiny. [3] The U.S. Court of Appeals for the 2<sup>nd</sup> Circuit has refused to consider reinstating a hiring bias lawsuit claiming that a company's ban on hiring convicted felons had a discriminatory impact on black job applicants. The en banc Appeals Court refused to rehear the case. The suit had alleged that the no felons policy had an disparate impact on black applicants because they are arrested and jailed at higher rates than their proportion of the population. [4] A Missouri judge has ruled that the state is violating the 6<sup>th</sup> Amendment right to counsel by putting criminal defendants on waiting lists for public defenders. According to the judge, some defendants were waiting more than a year for a lawyer. The judge stayed the case, however, to give lawmakers time to fix the problem. [5] Years of convictions could be at risk following a Washington Supreme Court decision that struck down the state's felony drug possession law after a determination that the state's strict liability law was determined to be unconstitutional because it doesn't require proof that a defendant knew that they had possessed a controlled substance. According to the Court, the drug possession law, as drafted, violates the due process clause because it seriously punishes "innocent and passive conduct with no criminal intent." The decision came in the case of a defendant who alleged said she did not know there was methamphetamine in the coin pocket of her jeans, indicating that her friend had bought the jeans in a second hand store and gave them to her two days before her arrest. [6] The United States Court of Appeals for the 11<sup>th</sup> Circuit has ruled that an Alabama police officer isn't protected by qualified community for using a stun gun on a teenager who was having a seizure at a concert.

### WASHINGTON COUNTY BAR ASSOCIATION BOARD OF DIRECTORS 2021

**President:** Patrick R. Grimm  
**Pres.-Elect:** Eugene J. Julian  
**Vice-President:** deRicci Getty  
**Secretary:** Deana M. Stephens  
**Treasurer:** Todd M. Pappasergi  
**Immediate Past-President:**  
 Damon J. Faldowski

Jennifer Schiavoni (2021)  
 Thomas A. Steele (2021)  
 Joseph A. Macerelli (2022)  
 Elizabeth H. Wagers (2022)  
 Brett A. Clancy (2023)  
 Kelly J. Dollins (2023)  
 Lauren L. Mathews, YLD Pres.  
 Abigail Yochum, YLD Pres.-elect

# Upcoming CLE via Zoom

Register at [www.washcobar.org](http://www.washcobar.org) —> Upcoming Events

**Apr 8 or Apr 22** -- CLE: "Human Trafficking Overview" (1s) **4/8 10-11a** or **4/22 1-2p**, Zoom. Overview of Human Trafficking co-hosted by Wash. Co. Dept. of Human Services & A Child's Place. Presenters: Richard Mullen, Ret. ACPD Lt.; Ann Lewis, Ret. ACPD Sgt; and Rebecca Mackenzie, trafficking survivor, peer advocate, and human trafficking consultant. **Repeated on two dates.**

**Apr 14** -- **CLE:** "PA's Regional Greenhouse Gas Initiative" (1s), 12-1p, Zoom. Energy Law Section & W&J CEPD program. Presenter: Allen Landis, PA Energy Dev. Authority, PA DEP.

**Apr 15** -- **CLE:** "Rule of Law in Action: Civility is the Foundation" (1e), 5:30-6:30p, Zoom. Law Day kickoff! Rachel Lozosky & Mike Pecosh (free & open to the public)

**Apr 23** -- **CLE:** "Family Law Update" (1s), 12-1p, Zoom. Aimee Burton & Pat Smider

**Apr 28** -- **CLE:** "Digital Assets" (1s), 12-1p, Zoom. Real Property, Probate & Trust Section. . PA's Act 72 (Revised Uniform Fiduciary Access to Digital Assets/ RUFADAA) of 2020 re access and transfer of digital assets as part of estate planning. Blake Birchmeier.

**Apr 29** -- CLE: "Human Trafficking - 3 Hr Training" (3s), Zoom. Human Trafficking, Recognition, and Resources co-hosted by Washington County Dept of Human Services and A Child's Place, PA. Presenters: Leslie Ridge, Washington Co. District Atty's office; Joanna Dragan, STARRS; Karen Davidson/Denise Holtz, Ret. FBI; Blaine Henderson, PA state trooper; Rebecca Mackenzie, trafficking survivor; Richard Mullen, Ret. ACPD Lt.

**Apr 29** -- **CLE:** "Cryptocurrency 101" (1s), 12-1p, Zoom. Understanding the basics and how it impacts finances/taxes and estate planning. Joe Piszezor

**Apr 30** -- **CLE:** "Effective Presentation Skills for Lawyers" (2s), 12-2p, Zoom. Anne Linaberger, former KDKA-TV News Dir. and VP of strategic management firm C4CS will guide you through the art and science of successful presentations.

**May 21** -- **CLE:** "Ethics in Family Law" (1e), 12-1p, Zoom. Pat Smider & David Wolf.

## ONLINE CLE

Courses posted at  
**[courses.axomeducation.com/pages/washington](https://courses.axomeducation.com/pages/washington)**

### From 2021 Winter Bench Bar:

2021 Criminal Case Law Update (1s)

2021 Real Estate Case Law Update (1s)

*Additional courses from WBB21 to be posted soon!*

*Effective March 22, 2021*

Washington County – Local Rule of Criminal Procedure 202

Rule L-202      APPROVAL OF SEARCH WARRANT APPLICATIONS BY  
ATTORNEY FOR THE COMMONWEALTH

The District Attorney of Washington County having filed a certification pursuant to Pennsylvania Rule of Criminal Procedure 202, search warrants in the following circumstances:

- (1) Criminal Homicide in violation of 18 Pa.C.S.A. § 2501;
- (2) Murder in any degree in violation of 18 Pa.C.S.A. § 2502;
- (3) Voluntary Manslaughter in violation of 18 Pa.C.S.A. § 2503;
- (4) Involuntary Manslaughter in violation of 18 Pa.C.S.A. § 2504;
- (5) Causing or aiding suicide in violation of 18 Pa. C.S.A. § 2502;
- (6) Drug Delivery Resulting in Death in violation of 18 Pa.C.S.A. § 2506;
- (7) Criminal homicide of unborn child in violation of 18 Pa.C.S.A. § 2603;
- (8) Murder of an unborn child in violation of 18 Pa.C.S.A. § 2604;
- (9) Voluntary manslaughter of unborn child in violation of 18 Pa.C.S.A. § 2605;
- (10) Homicide by Vehicle in violation of 75 Pa.C.S.A. § 3732;
- (11) Homicide by Vehicle While Driving Under the Influence in violation of 75 Pa.C.S.A. § 3735;
- (12) Rape in violation of 18 Pa.C.S.A. § 3121;
- (13) Involuntary Deviate Sexual Assault in violation of 18 Pa.C.S.A. § 3122.2;
- (14) Sexual assault in violation of 18 Pa.C.S.A. § 3124.1;
- (15) Institutional sexual assault in violation of 18 Pa.C.S.A. § 3124.2;
- (16) Aggravated Indecent Assault in violation of 18 Pa.C.S.A. § 3125;
- (17) Indecent Assault in violation of 18 Pa.C.S.A. § 3126, when the victim is less than 16 years of age;
- (18) Incest in violation of 18 Pa.C.S.A. § 4302;
- (19) Sexual abuse of Children in violation of 18 Pa.C.S.A. § 6312;
- (20) Unlawful contact with a minor in violation of 18 Pa.C.S.A. § 6318;
- (21) Statutory Sexual Assault in violation of 18 Pa.C.S.A. § 3122.1;
- (22) Aggravated Assault with a Deadly Weapon in violation of 18 Pa.C.S.A. 2702(a)(4) and;
- (23) Attempt under 18 Pa.C.S.A. § 901 to commit any of the above-enunciated offenses;

shall not hereafter be issued by any judicial officer unless the search warrant application has the approval of an attorney for the Commonwealth prior to filing. As used in Rule, “approval by an attorney for the Commonwealth” may be through the use of telephone, advanced communication technology, or other electronic methods.

*Effective March 22, 2021*

Washington County – Local Rule of Criminal Procedure 507

Rule L-507      APPROVAL OF POLICE CRIMINAL COMPLAINTS AND ARREST WARRANT AFFIDAVITS BY ATTORNEY FOR THE COMMONWEALTH

The District Attorney of Washington County having filed a certification pursuant to Pennsylvania Rule of Criminal Procedure 507(B), criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, in the following circumstances:

- (1) Criminal Homicide in violation of 18 Pa.C.S.A . § 2501;
- (2) Murder in any degree in violation of 18 Pa.C.S.A . § 2502;
- (3) Voluntary Manslaughter in violation of 18 Pa.C.S.A . § 2503;
- (4) Involuntary Manslaughter in violation of 18 Pa.C.S.A . § 2504;
- (5) Causing or aiding suicide in violation of 18 Pa. C.S.A. § 2502;
- (6) Drug Delivery Resulting in Death in violation of 18 Pa.C.S.A . § 2506;
- (7) Criminal homicide of unborn child in violation of 18 Pa.C.S.A. § 2603;
- (8) Murder of an unborn child in violation of 18 Pa.C.S.A. § 2604;
- (9) Voluntary manslaughter of unborn child in violation of 18 Pa.C.S.A. § 2605;
- (10) Homicide by Vehicle in violation of 75 Pa.C.S.A . § 3732;
- (11) Homicide by Vehicle While Driving Under the Influence in violation of 75 Pa.C.S.A . § 3735;
- (12) Rape in violation of 18 Pa.C.S.A . § 3121;
- (13) Involuntary Deviate Sexual Assault in violation of 18 Pa.C.S.A . § 3122.2;
- (14) Sexual assault in violation of 18 Pa.C.S.A. § 3124.1;
- (15) Institutional sexual assault in violation of 18 Pa.C.S.A. § 3124.2;
- (16) Aggravated Indecent Assault in violation of 18 Pa.C.S.A . § 3125;
- (17) Indecent Assault in violation of 18 Pa.C.S.A . § 3126, when the victim is less than 16 years of age;
- (18) Incest in violation of 18 Pa.C.S.A. § 4302;
- (19) Sexual abuse of Children in violation of 18 Pa.C.S.A. § 6312;
- (20) Unlawful contact with a minor in violation of 18 Pa.C.S.A. § 6318;
- (21) Statutory Sexual Assault in violation of 18 Pa.C.S.A . § 3122.1;
- (22) Aggravated Assault with a Deadly Weapon in violation of 1 Pa.C.S.A. 2702(a)(4) and;
- (23) Attempt under 18 Pa.C.S.A . § 901 to commit any of the above-enunciated offenses;

shall not hereafter be accepted by any judicial officer unless the complaint and affidavit has the approval of an attorney for the Commonwealth prior to filing. As used in this Rule, “approval by an attorney for the Commonwealth” may be through the use of telephone, advanced communication technology, or other electronic methods.

*Effective March 22, 2021*

Washington County Local Rule of Criminal Procedure 576.1

RULE L-5761.1. ELECTRONIC FILING AND SERVICE OF LEGAL PAPERS

General Scope and Purpose of this Rule.

- (A) The electronic filing of legal papers in the Court of Common Pleas, 27<sup>th</sup> Judicial District, is hereby authorized in accordance with Pa. R. Crim. P. 576.1 and this rule. The applicable general rules of court and court policies that implement the rules shall continue to apply to all filings regardless of the method of filing.
- (B) Use of the electronic filing system is permissive and legal papers permitted and excluded from electronic filing are as defined in Pa. R. Crim.P. 576.1
- (C) The Administrative Office Pennsylvania Courts has agreed upon the implementation plan for the use of PACFile in the 27<sup>th</sup> Judicial District as of February 28, 2020.
- (D) The Clerk of Courts may maintain an electronic file only with approval from the Court, except for filings expressly excluded in Pa.R.Crim.P. 576.1(C) defining “legal paper.” For excluded filings, the Clerk of Courts shall maintain a paper file numbered in accordance with the electronic file for the same case.
- (E) PACFile.
  - (1) The exclusive system for electronic filing is the PACFile System, developed and administered by the Administrative Office of the Pennsylvania Courts and located on Pennsylvania’s Unified Judicial System Web Portal at: <https://ujportal.pacourts.us/MyServices.aspx>
  - (2) Pursuant to Pa.R.Crim.P. 576.1(D)(2), establishment of a PACFile account constitutes consent to participate in electronic filing, including acceptance of service electronically of any document filed on the PACFile system in any judicial district that permits electronic filing.
  - (3) Any party who declines to participate in the electronic filing system, or who is unable to electronically file or accept service of legal papers which were filed electronically, or who is otherwise unable to access the PACFile system, shall be permitted to file legal papers in a physical paper format and shall be served legal papers in a physical paper format by the Clerk of Courts and other parties, whether electronically filed or otherwise, as required by Pa.R.Crim.P. 576.
- (F) Legal Papers in a Paper Format.

Any legal paper submitted for filing to the Clerk of Courts in paper (or “hard-copy”) format shall be accepted by the Clerk of Courts in that format and shall be retained by the Clerk of Courts as may be required by applicable rules of Court and record retention policies. The Clerk of Courts shall convert such hard-copy legal paper to .pdf and add it to the system, except those legal papers excluded from electronic filing pursuant to Pa.R.Crim.P. 576.1 (C). Once converted to .pdf, the .pdf version of the legal paper shall be deemed and treated as the original legal paper and may be used by the parties and the Court for all purposes, including but not

limited to, court hearings and trials in the Court of Common Pleas, 27<sup>th</sup> Judicial District.

(G) Filing Fees.

Applicable filing fees shall be paid through procedures established by the Clerk of Courts and at the same time and in the same amount as required by statute, court rule or order, or published fee schedule.

(H) Record on Appeal.

Electronically filed legal papers, and copies of legal papers filed in a paper format as provided in subsection (F), shall become the record on appeal.

(I) Confidential information.

Counsel and unrepresented parties must adhere to the Public Access Policy of the Unified Judicial System of Pennsylvania and refrain from including confidential information in legal papers filed with the Clerk of Court whether filed electronically or in paper format.

*Note: The local rule governing the filing of confidential information is Washington County Local Rule of Judicial Administration 3000.*

(J) Miscellaneous provisions.

The Clerk of Courts shall provide sufficient means to allow parties and the public to file and access legal papers as provided by this rule and as authorized by any applicable statutes, rules, or policy.



IN THE COURT OF COMMON PLEAS OF  
WASHINGTON COUNTY, PENNSYLVANIA  
CIVIL DIVISION  
NO. 2020-6658

JESSE D. JONES, PLAINTIFF,

VS.

CASSANDRA SHUNK,  
TERRY J. TODD and  
JENNIFER R. TODD, DEFENDANTS.

**HEADNOTES**

**[1] Pleading 302**

When considering preliminary objections in the nature of a demurrer, a trial court is required to treat as true all well-pleaded material, factual averments and all inferences fairly deducible therefrom. Where the preliminary objections will result in the dismissal of the action, the objections may be sustained only in cases that are clear and free from doubt. To be clear and free from doubt that dismissal is appropriate, it must appear with certainty that the law would not permit recovery by the plaintiff upon the facts averred. Any doubt should be resolved by a refusal to sustain the objections.

**[2] Animals 28**

An out-of-possession landlord may be held liable for injuries caused by a tenant's pet if it is proven he or she *knows* of the presence of that pet and that pet's violent propensities.

**[3] Pleading 302**

A demurrer cannot aver the existence of facts not “apparent from the face of the challenged pleading.”

**[4] Pleading 302**

A court may not consider matters collateral to the complaint, but must limit itself to such matters as appear therein. An effort to supply facts missing from the objectionable pleading makes the preliminary objection in the nature of a demurrer an impermissible “speaking demurrer.”

J. LUCAS

**OPINION AND ORDER**

Defendant Landlords, Terry and Jennifer Todd, challenge the sufficiency of the Plaintiff's allegations of negligence. The Todds contend they owed no legal duty to protect the Plaintiff, Jessie Jones, from being bitten by an Akita dog kept by Defendant Shunk.

[1] The Todd's objection is a demurrer asserted pursuant to Pa.R.C.P. 1028. When considering preliminary objections in the nature of a demurrer, a trial court is required to treat as true all well-pleaded material, factual averments and all inferences fairly deducible therefrom. Where the preliminary objections will result in the dismissal of the action, the objections may be sustained only in cases that are clear and free from

doubt. To be clear and free from doubt that dismissal is appropriate, it must appear with certainty that the law would not permit recovery by the plaintiff upon the facts averred. Any doubt should be resolved by a refusal to sustain the objections. Burgoyne v. Pinecrest Community Ass'n, 924 A.2d 675, 679 (Pa.Super. 2007) as cited in Ira G. Steffy & Son, Inc. v. Citizens Bank of Pennsylvania, 7 A.3d 278, 282–83 (Pa. Super. 2010).

Applying these principles, Mr. Jones's Complaint alleges the following. The Todds "owned, operated, possessed, controlled and/or maintained" 308 Crest Avenue, Charleroi, Pennsylvania. (See Complaint ¶ 9) The Todds were aware that Defendant Shunk kept an Akita dog at that same location. (See Complaint ¶ 6-7) On September 27, 2019, the Akita was "unleashed (sic)" and unconfined on the Todds' premises. (See Complaint ¶ 12) At the same time, Mr. Jones was walking his dog, a black Labrador, on a leash in his backyard that is adjacent to the Todds' property. The Akita "rushed" and "viciously attacked" Mr. Jones and his Labrador. (See Complaint ¶ 11-13)

Mr. Jones contends the Todds were negligent. Mr. Jones alleges that the Todds "knew, or should have known" that their premises were not properly secured to keep the Akita from leaving. (See Complaint ¶ 16) Mr. Jones specifically claimed that the Todds "knew or should have known" that Defendant Shunk owned dogs with "known dangerous propensities." (See ¶ 20 f) Mr. Jones also specifically charged that the Todds allowed Defendant Shunk to possess, on their premises, dogs with dangerous propensities. (See Complaint ¶ 20 e).

The Todds argue that Mr. Jones' Complaint falls short of alleging enough facts to establish that they owed a duty of care to him. The Todds contend they are "landlords out of possession." The Todds assert that Mr. Jones must, in a verified pleading, allege that they had actual knowledge of the presence of a dangerous dog. The Todds add that Mr. Jones' Complaint must include facts showing that the Todds had the right to control and remove the Akita by retaking the premises.

The Todds correctly state the law regarding the liability of "out of possession" landlords, for harm caused by a tenant's dangerous dog. The Superior Court has explained:

We likewise agree with Kasprzyk that the court erred by inserting the phrase "**or should have known**" when instructing the jury on the standard of care to be applied to an out-of-possession landlord when considering her liability for injuries caused by a dog with violent propensities. Pursuant to Pennsylvania law as stated in *Palermo, supra*, a landlord may be held liable for injuries caused by a tenant's pet if it is proven he or she *knows* of the presence of that pet and that pet's violent propensities

Underwood ex rel. Underwood v. Wind, 954 A.2d 1199, 1208 (Pa. Super. 2008). Therefore, if the Todds are "out of possession" landlords, then the fact that they *should have known* that Ms. Shunk kept a dangerous Akita is insufficient to impose liability on the Todds.

However, the fact that the Todds are "out of possession landlords" is not found in the allegations of Jones' Complaint. Mr. Jones specifically pleaded that the Todds "operated, **possessed**, controlled and/or maintained" 308 Crest Avenue. (See Complaint ¶ 9) (Emphasis Added). This allegation does not permit this trial court to infer that the

Todds were “out of possession.” Further, Mr. Jones, in his Response to Preliminary Objections, did not plainly admit that the Todds were “out of possession.”<sup>1</sup>

[3] [4] At this juncture of the case, the Todds’ argument is a “speaking demurrer.” A demurrer cannot aver the existence of facts not “apparent from the face of the challenged pleading.” Martin v. Dep’t of Transp., 124 Pa.Cmwlth. 625, 556 A.2d 969, 971 (1989). As the Commonwealth Court recently explained:

[A] court cannot consider matters collateral to the complaint, but must limit itself to such matters as appear therein, and an effort to supply facts missing from the objectionable pleading makes the preliminary objection in the nature of a demurrer an impermissible “speaking demurrer.”

Mobley v. Coleman, 65 A.3d 1048 (Pa.Cmwlth.2013).

The Todds’ demurrer is overruled, without prejudice to their right challenge sufficiency at later stages of this litigation.

### ORDER

AND NOW, this 19<sup>th</sup> day of March, 2021, for the reasons set forth above, the Preliminary Objections of Defendants, Terry J. Todd and Jennifer R. Todd, are OVER- RULED. Defendants shall file an Answer on or before April 15, 2021.

BY THE COURT  
/S/ MICHAEL J. LUCAS, J.

FILED March 19, 2021

Copies: Dale K. Forsythe, Esq. Cassandra Shunk (SRL) Amy Mathieu, Esq.

---

<sup>1</sup> Though Mr. Jones in one paragraph of his Response denied the Todds’ reiteration of the allegations set forth in paragraph 9 of his Complaint, Jones’ Response, considered as a whole, supports the inference that the Todds were “in possession.” (See Response ¶ 5-7) In particular, Mr. Jones reaffirmed paragraph 9 of the Complaint when he responded that “Plaintiff’s allegations surrounding the incident on September 27, 2019 are fully set forth in Plaintiff’s Complaint...” (See Response ¶ 7) “Where a doubt exists as to whether a demurrer should be sustained, this doubt should be resolved in favor of overruling it.” Bilt-Rite Contractors, Inc. v. The Architectural Studio, 581 Pa. 454, 866 A.2d 270, 274 (2005) and Weiley v. Albert Einstein Med. Ctr., 51 A.3d 202, 208–09 (Pa. Super. 2012).

---

**ESTATE NOTICES**

---

**FIRST PUBLICATION****Bosko, George H.**

Late of Canonsburg  
Washington Co., PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Administratrix or attorney, and all persons indebted to the decedent to make payment to the Administratrix without delay.

Administratrix: Carol Bosko c/o

Attorney: Steven R. Wolf, Esq., Kusturiss, Wolf & Kusturiss, 12 N. Jefferson Ave., Canonsburg, PA 15317

WCR Vol 101 Issues 37,38,39

**Brach, Frank Louis**

a/k/a Frank L. Brach a/k/a Frank Brach  
Late of South Strabane Twp.  
Washington Co., PA  
File No. 63-21-0266

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executrix or attorney, and all persons indebted to the decedent to make payment to the Executrix without delay.

Executrix: Helen M. Brach, 1073 N. Main St., Washington, PA 15301

Attorney: Stephanie M. Sewak, Esq., 90 W. Chestnut St., Ste. 606, Washington, PA 15301

WCR Vol 101 Issues 37,38,39

**Gust, Rose Caroline**

a/k/a Rose C. Gust  
Late of Charleroi  
Washington Co., PA  
File No. 63-21-0475

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make

known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Judy Druciak, 514 Rear Bluff St., Belle Vernon, PA 15012

Attorney: Nathan J. Zarichanak, Esq., 601 1/2 Broad Ave., Belle Vernon, PA 15012

WCR Vol 101 Issues 37,38,39

**Moore, Malcolm W.**

a/k/a Malcolm Wallwork Moore  
Late of McMurray  
Washington Co., PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Sidney F. Moore, 229 Randy Lane, Moon Twp., PA 15108

Attorney: William M. Thompson, Esq., Ste. 207, 1700 N. Highland Rd., Pittsburgh, PA 15241

WCR Vol 101 Issues 37,38,39

**Patterson, Victor D.**

Late of Amwell Twp.  
Washington Co., PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Donald Patterson, 114 Amity Ridge Rd., Amity, PA 15311

Attorney: Lukas B. Gatten, Esq., 54 N. Richhill St., Waynesburg, PA 15370

WCR Vol 101 Issues 37,38,39

**Reihner, Virginia L.**

a/k/a Virginia Lee Reihner  
a/k/a Virginia Reihner  
Late of Avella  
Washington Co., PA  
File No. 63-21-0445

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Co-Executrices or attorney, and all persons indebted to the decedent to make payment to the Co-Executrices without delay.

Co-Executrices: Cheryl Zrimm and Linda Danley c/o

Attorney: Peter K. Darragh, Esq., PO Box 435, Hickory, PA 15340

WCR Vol 101 Issues 37,38,39

**Vickless, Audrey H.**

Late of Peters Twp.  
Washington Co., PA  
File No. 63-21-0241

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Ronald M. Vickless, 169 Neely School Rd., Avella, PA 15312

Attorney: James P. Liekar, Esq., 38 W. Pike St., Canonsburg, PA 15317

WCR Vol 101 Issues 37,38,39

**Weber, Harry F.**

a/k/a Harry Frederick Weber, Jr.  
Late of Jefferson Township  
(Burgettstown)  
Washington Co., PA  
File No. 63-21-0465

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executrix or attorney, and all persons indebted to the decedent to make payment to the Executrix

without delay.

Executrix: Brandy L. Porter, 1304 Apache Lane, Apex, NC 27502

Attorney: Eva H. Ahern, Esq., Peacock Keller, LLP, 95 West Beau St., Ste. 600, Washington, PA 15301

WCR Vol 101 Issues 37,38,39

**SECOND PUBLICATION****Augustine, Diane C.**

a/k/a Diane Augustine  
Late of Peters Twp.  
Washington Co., PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Co-Executors or attorney, and all persons indebted to the decedent to make payment to the Co-Executors without delay.

Co-Executors: Matthew J. McHugh and Amanda Rose McHugh c/o

Attorney: Frank Arcuri, Esq., 125 South College St., Washington, PA 15301

WCR Vol 101 Issues 36,37,38

**Bails Jr., Charles**

a/k/a C. Allen Bails, Jr.  
Late of City of Washington  
Washington Co., PA  
File No. 63-21-0486

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Ms. Marti Cowden, 326 Inverness Road, Akron, OH 44313

Attorney: Susan M. Key, Esq., Peacock Keller, LLP, 95 W. Beau St., Ste. 600, Washington, PA 15301

WCR Vol 101 Issues 36,37,38

**Beatty, Sr., James E.**

a/k/a James E. Beatty  
 a/k/a James Beatty  
 a/k/a Jim Beatty  
 a/k/a James Beatty, Sr.  
 a/k/a James Ewing Beatty  
 Late of Washington  
 Washington Co., PA  
 File No. 63-21-0207

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Administrator or attorney, and all persons indebted to the decedent to make payment to the Administrator without delay.

Administrator: Georgetta H. Beatty c/o  
Attorney: Peter K. Darragh, Esq., P.O.  
 Box 435, Hickory, PA 15340

WCR Vol 101 Issues 36,37,38

**Cade, Dennis James**

a/k/a Dennis J. Cade  
 a/k/a Dennis Cade  
 Late of Cecil Twp.  
 Washington Co., PA  
 File No. 63-21-0204

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Administrator or attorney, and all persons indebted to the decedent to make payment to the Administrator without delay.

Administrator: Robert C. Clemens, 148  
 Wiltshire Circle, Monroeville, PA 15146  
Attorney: James Toras, Esq., Toras and  
 Toras, P.C., 2652 Hidden Valley Dr., Ste.  
 203, Pittsburgh, PA 15241

WCR Vol 101 Issues 36,37,38

**Davanzo, Catherine L.**

a/k/a Catherine Louise Davanzo  
 Late of South Strabane Twp.  
 Washington Co., PA  
 File No. 63-21-0476

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is

hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Melanie Hardy, 7 Beagle Club  
 Rd., Washington, PA 15301

WCR Vol 101 Issues 36,37,39

**Delsignore, Nicholas**

Late of Washington  
 Washington Co., PA  
 File No. 63-21-0449

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executrix or attorney, and all persons indebted to the decedent to make payment to the Executrix without delay.

Executrix: Mary L. Kelley Delsignore,  
 685 Murdoch St., Washington, PA 15301  
Attorney: Susan M. Key, Esq., Peacock  
 Keller, LLP, 95 W. Beau St., Ste. 600,  
 Washington, PA 15301

WCR Vol 101 Issues 36,37,38

**Duffy, James A.**

Late of Cecil Twp.  
 Washington Co., PA  
 File No. 63-20-1457

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Administrator or attorney, and all persons indebted to the decedent to make payment to the Administrator without delay.

Administrator: Marybeth Duffy,  
 16 Springcrest Dr., Cecil, PA 15321  
Attorney: Daniel A. Seibel, Esq.,  
 1 Oxford Centre, 301 Grant St., Ste. 1225,  
 Pittsburgh, PA 15219

WCR Vol 101 Issues 36,37,38

**Hayman, Wayne**

a/k/a Wayne F. Hayman  
a/k/a Wayne Francis Hayman  
Late of Cecil Twp.  
Washington Co., PA  
File No. 63-21-0485

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Administratrix or attorney, and all persons indebted to the decedent to make payment to the Administratrix without delay.

Administratrix: Nancy McGhee, 1105 McClelland Dr., Port Vue, PA 15133  
Attorney: Eva H. Ahern, Esq., Peacock Keller, LLP, 95 W. Beau St., Ste. 600, Washington, PA 15301

\_\_\_\_\_  
WCR Vol 101 Issues 36,37,38

**Levkulich, Donna Lee**

a/k/a Donnalee Sarah Levkulich  
Late of Washington  
Washington Co., PA  
63-21-0464

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Scott M. Levkulich, 42918 Hart Court, Leonardtown, MD 20650  
Attorney: James P. Lieker, Esq., 38 W. Pike St., Canonsburg, PA 15317

\_\_\_\_\_  
WCR Vol 101 Issues 36,37,38

**Martorana, Robert Frank**

a/k/a Robert F. Martorana  
Late of McMurray  
Washington Co., PA  
File No. 63-21-0154

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Administrator or attorney, and all persons indebted to the

decedent to make payment to the Administrator without delay.

Administrator: Dale Martorana a/k/a Dale C. Martorana c/o

Attorney: Tracy L. Zihmer, Esq., Zihmer Law Firm, LLC, 3244 Washington Rd., Ste. 210, McMurray, PA 15317

\_\_\_\_\_  
WCR Vol 101 Issues 36,37,38

**Matthews, Elaine F.**

a/k/a Elaine Francine Matthews  
Late of Lawrence, Cecil Twp.  
Washington Co., PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Darlene M. Sabo, 119 Alpine Rd., Bridgeville, PA 15017

\_\_\_\_\_  
WCR Vol 101 Issues 36,37,38

**McCullough, Erma Koehler**

a/k/a Erma Virginia Koehler McCullough  
Late of Washington  
Washington Co., PA  
File No. 201-20-9426

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Bruce W. McCullough, 4815 Springfield Ave., Philadelphia, PA 19143  
Attorney: Bruce W. McCullough, 1225 N. King St., Ste. 1000, Wilmington, DE 19801

\_\_\_\_\_  
WCR Vol 101 Issues 36,37,38

**Ptaszek, Dorothy L.**

a/k/a Dorothy Louise Ptasek  
Late of City of Washington  
Washington Co., PA

The Register of Wills has granted Letters

on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Co-Executrices or attorney, and all persons indebted to the decedent to make payment to the Co-Executrices without delay.

Co-Executrices: Connie M. Selvaggi & Linda L. Shipe c/o

Attorney: Dorothy A. Milovac, Esq., 775 E. Maiden St., Washington, PA 15301

WCR Vol 101 Issues 36,37,38

### **Schultz, James Leslie**

a/k/a James L. Schultz  
Late of Canonsburg  
Washington Co., PA  
File No. 63-21-0460

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Joann Paisley, 1956 Gill Hall Rd., Finleyville, PA 15332

Attorney: Justin Ellis, Esq., Zacharia Brown Law Offices, 111 W. McMurray Rd., McMurray, PA 15317

WCR Vol 101 Issues 36,37,38

### **Soma, John**

Late of Washington  
Washington Co., PA  
File No. 63-21-0455

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executrix or attorney, and all persons indebted to the decedent to make payment to the Executrix without delay.

Executrix: Carol Ann Schlieper, 3440 Fawn Valley Ln., Finleyville, PA 15332

Attorney: James P. Lieker, Esq., 38 W. Pike St., Canonsburg, PA 15317

WCR Vol 101 Issues 36,37,38

### **Waychoff, James R.**

a/k/a James R. Waychoff, Sr.  
Late of Washington  
Washington Co., PA  
File No. 63-21-0410

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Gregory L. Pettit, 129 Walker Hill Rd., Avella, PA 15312

Attorney: Clark A. Mitchell, Esq., 17 S. College St., Washington, PA 15301

WCR Vol 101 Issues 36,37,38

## **THIRD PUBLICATION**

### **Aquilino, Louis Benedict**

a/k/a Louis B. Aquilino, Jr. a/k/a Louis Benedict Aquili  
Late of Canton Twp.  
Washington Co., PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Co-Executors or attorney, and all persons indebted to the decedent to make payment to the Co-Executors without delay.

Co-Executors: Louis A. Aquilino, 300 Challenger St., Washington, PA 15301, Samuel J. Aquilino, 1089-3 Lynn Portal Rd. Ext., Washington, PA 15301, Janet K. Henderson, 1089-4 Lynn Portal Rd., Ext., Washington, PA 15301; Susan K. Budavich, 820 Ewing St., Washington, PA 15301

Attorney: J. Lynn DeHaven, Esq., Goldfarb, Posner, Beck, DeHaven & Drewitz, 62 E. Wheeling St., Ste. 101, Washington, PA 15301

WCR Vol 101 Issues 35,36,37



**Black, Grace L.**

a/k/a Grace Louise Black  
Late of Chartiers Twp.  
Washington Co., PA  
File No. 63-20-1469

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Administrator or attorney, and all persons indebted to the decedent to make payment to the Administrator without delay.

Administrator: William L. Black, 441  
Ridge Rd., Avella, PA 15312

\_\_\_\_\_  
WCR Vol 101 Issues 35,36,37

**Bobbs, Janet G.**

a/k/a Janet Gail Bobbs  
Late of East Bethlehem Twp.  
Washington Co., PA  
File No. 63-21-0413

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executrix or attorney, and all persons indebted to the decedent to make payment to the Executrix without delay.

Executrix: Jessica Lawrence, P.O. Box 5,  
Vestaburg, PA 15368

Attorney: Lisa J. Buday, Esq., P.O. Box  
48, California, PA 15419

\_\_\_\_\_  
WCR Vol 101 Issues 35,36,37

**Boyan, Carl M.**

a/k/a Carl Mark Boyan  
Late of Somerset Twp.  
Washington Co., PA  
File No. 63-21-0134

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Catherine Obenour, 241 Horn-  
head Rd., Hickory, PA 15340

Attorney: Dennis M. Makel, Esq., Makel

& Associates, LLC, 98 E. Maiden St.,  
Washington, PA 15301

\_\_\_\_\_  
WCR Vol 101 Issues 35,36,37

**Boyan, Ruth Marie**

a/k/a Ruth M. Boyan  
Late of Somerset Twp.  
Washington Co., PA  
File No. 63-21-0135

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Administrator or attorney, and all persons indebted to the decedent to make payment to the Administrator without delay.

Administrator: Catherine Obenour, 241  
Hornhead Rd., Hickory, PA 15340

Attorney: Dennis M. Makel, Esq., Makel  
& Associates, LLC, 98 E. Maiden St.,  
Washington, PA 15301

\_\_\_\_\_  
WCR Vol 101 Issues 35,36,37

**Buchanan, Eva B.**

a/k/a Eva Buchanan  
Late of West Finley Twp.  
Washington Co., PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Robert S. Buchanan c/o

Attorney: Frank Arcuri, 125 S. College  
St., Washington, PA 15301

\_\_\_\_\_  
WCR Vol 101 Issues 35,36,37

**Copechal, Sr., Robert Leroy**

a/k/a Robert Leroy Copechal a/k/a Robert  
L. Copechal a/k/a Robert Copechal  
Late of Somerset Twp.  
Washington Co., PA  
File No. 63-21-0399

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Co-Executors or attorney, and all persons indebted to the

decedent to make payment to the Co-Executors without delay.

Co-Executors: Robert L. Copechal, Jr., Lawrence C. Campbell II, 1691 Shadyside Ave., Washington, PA 15301

Attorney: Michael C. Cruny, Esq., Sweat Law Offices, 375 Valleybrook Rd., Ste. 112, McMurray, PA 15317

WCR Vol 101 Issues 35,36,37

### **Cummings, Alice Marie**

Late of Finleyville  
Washington Co., PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Susan Schuchert, 3445 Fawn Valley Lane, Finleyville, PA 15332

Attorney: Alexander T. McElroy, Esq., 125 Technology Dr., Ste. 207, Canonsburg, PA 15317

WCR Vol 101 Issues 35,36,37

### **Dziak, Douglas M.**

Late of Bentleyville Borough  
Washington Co., PA  
File No. 63-21-0178

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: James P. Dziak, P.O. Box 303, 15 N. Pine St., Ellsworth, PA 15331

Attorney: Art Wilson, Esq., 189 Hackney Station Rd., Amity, PA 15311

WCR Vol 101 Issues 35,36,37

### **Eakin, Sandra N.**

a/k/a Sandra Grayce N. Eakin a/k/a Sandra A. Eakin  
Late of Somerset Twp.  
Washington Co., PA  
File No. 63-21-0338

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executrix or attorney, and all persons indebted to the decedent to make payment to the Executrix without delay.

Executrix: Natalie Biagini, P.O. Box 275, Monongahela, PA 15063

Attorney: James W. Haines, Jr., Esq., 1202 W. Main St., Monongahela, PA 15063

WCR Vol 101 Issues 35,36,37

### **Ferricks, Charles H.**

Late of Canonsburg  
Washington Co., PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Co-Executors or attorney, and all persons indebted to the decedent to make payment to the Co-Executors without delay.

Co-Executors: Tammy L. Kolence, Kenneth A. Ferricks, 433 Narigon Run Rd., Claysville, PA 15323

Attorney: Frank C. Roney, Jr., Esq., 382 W. Chestnut St., Ste. 102, Washington, PA 15301

WCR Vol 101 Issues 35,36,37

### **Fetsko, Lerayne R.**

Late of Marianna Borough  
Washington Co., PA  
File No. 63-21-0384

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executrix or attorney, and all persons indebted to the decedent to make payment to the Executrix without delay.

Executrix: Stephen A. Fetsko, Jr., 374 Low Hill Rd., Brownsville, PA 15417

Attorney: Edward J. Morascyzk, Esq., Morascyzk, Yarosz & Morascyzk, 382 W. Chestnut St., Ste. 102, Washington, PA 15301

WCR Vol 101 Issues 35,36,37

**Hughes, George M.**

Late of Charleroi  
Washington Co., PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executrix or attorney, and all persons indebted to the decedent to make payment to the Executrix without delay.

Executrix: Paulette A. Widing, 720 Center Ave., N. Charleroi, PA 15022

Attorney: Bradley M. Bassi, Esq., Bassi, Vreeland & Assoc., P.C., P.O. Box 144, 111 Fallowfield Ave., Charleroi, PA 15022

WCR Vol 101 Issues 35,36,37

**Mull I, Arthur Wray**

Late of Washington  
Washington Co., PA  
File No. 63-21-0242

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Administrator or attorney, and all persons indebted to the decedent to make payment to the Administrator without delay.

Administrator: Glenn L. Mull, 80 Maple Ave., Washington, PA 15301

WCR Vol 101 Issues 35,36,37

**Puskarich, Catherine**

Late of Somerset Twp.  
Washington Co., PA  
File No. 63-21-0230

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: John Puskarich, P.O. Box 231, Ellsworth, PA 15331

Attorney: Arthur M. Wilson, Esq., 189 Hackney Station Rd., Amity, PA 15311

WCR Vol 101 Issues 35,36,37

**Ritchie, Mariam R.**

Late of Monongahela  
Washington Co., PA  
File No. 63-21-285

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executrix or attorney, and all persons indebted to the decedent to make payment to the Executrix without delay.

Executrix: Johnna Lee Gregg, 200 Vine St., Monongahela, PA 15063

Attorney: James W. Haines, Jr., Esq., 1202 West Main St., Monongahela, PA 15063

WCR Vol 101 Issues 35,36,37

**Samuels, Marion L.**

a/k/a Marion Louise Samuels  
Late of North Franklin Twp.  
Washington Co., PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor and Attorney: Thomas O. Vreeland, Esq., Bassi, Vreeland & Assoc., P.C., 62 E. Wheeling St., Washington, PA 15301

WCR Vol 101 Issues 35,36,37

**Watkins, John P.**

a/k/a John Pierce Watkins  
Late of Carroll Twp.  
Washington Co., PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: John G. Watkins, 13 Carol Ave., Monongahela, PA 15063

Attorney: Bradley M. Bassi, Esq., Bassi,

Vreeland & Assoc., P.C., P.O. Box 144,  
111 Fallowfield Ave., Charleroi, PA  
15022

WCR Vol 101 Issues 35,36,37

**REAL ESTATE NOTICES**

**PUBLIC NOTICE  
OF THE WASHINGTON  
SCHOOL DISTRICT  
NOTICE OF COURT HEARING  
FOR THE SALE OF  
103 LEMOYNE AVENUE,  
WASHINGTON  
UNDER SECTION 707 OF THE  
PUBLIC SCHOOL CODE**

NOTICE is hereby provided that, pursuant to the provisions of Section 707 of the Public School Code of 1949, as amended, 24 P.S. 7-707, the Court of Common Pleas of Washington County will hold a special public hearing on April 22, 2021 beginning at 9:30 a.m. in Courtroom 5 in the Washington County Courthouse located at 1 South Main Street, Washington, PA 15301. The purpose of the hearing is to hear Washington School District's Petition for Private Sale of property located at 103 Lemoyne Avenue, Washington, PA 15301 (known as Lemoyne House).

This notice is also posted at the property being sold and at the Washington School District's Administrative Offices.

Richard Mancini  
Director of District Operations

WCR Vol 101 Issues 36,37,38

**PUBLIC NOTICE  
OF THE WASHINGTON  
SCHOOL DISTRICT  
NOTICE OF COURT HEARING  
FOR THE SALE OF  
1099 ALLISON AVENUE.,  
WASHINGTON,  
UNDER SECTION 707 OF THE  
PUBLIC SCHOOL CODE**

NOTICE is hereby provided that, pursuant to the provisions of Section 707 of the Public School Code of 1949, as amended, 24 P.S. 7-707, the Court of Common Pleas of Washington County will hold a

special public hearing on April 22, 2021 beginning at 9:30 a.m. in Courtroom 5 in the Washington County Courthouse located at 1 South Main Street, Washington, PA 15301. The purpose of the hearing is to hear Washington School District's Petition for Private Sale of property located at 1099 Allison Avenue, Washington, PA 15301 (known as the Clark Building).

This notice is also posted at the property being sold and at the Washington School District's Administrative Offices.

Richard Mancini  
Director of District Operations

WCR Vol 101 Issues 36,37,38

**LEGAL NOTICE OF ACTION  
TO QUIET TITLE IN THE COURT  
OF COMMON PLEAS OF WASH-  
INGTON COUNTY, PENNSYLVANIA.  
CIVIL ACTION – LAW.  
NO. 2021-1857**

Twin Keys, LLC, Plaintiff,  
vs

Shelly L. Cowart and William D Cowart Jr., their respective heirs, successors and/or assigns, Defendants.

TO SHELLY L. COWART AND WILLIAM D COWART JR., their respective heirs, successors and/or assigns, generally, and any other persons having or claiming to have any right, title or interest in the real estate herein described.

You are hereby notified that the above-named Plaintiff filed a Complaint at the above number and term in the Court of Common Pleas of Washington County, Pennsylvania, in An Action of Quiet Title wherein they allege that they are the owners in fee simple of:

All that certain lot or parcel of land situated in the Borough of New Eagle (formerly Carrol Township), Washington County, Commonwealth of Pennsylvania, known and designated as Lot No. 5 in Part 3, in West Monongahela Plan of Lots, recorded in the Recorder's Office of Washington County, Pennsylvania, in Plan Book Volume 1, Page 26, said deed being recorded in the Recorder of

Deeds Office of Washington County, Pennsylvania, at Instrument Number 201426463, Washington Parcel No. 480-009-00-02-0005-00.

#### NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

WCR Vol 101 Issue 37

### FICTITIOUS NAME NOTICES

#### Fictitious Name Registration

Notice is hereby given that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on January 28, 2021 for **Clover Hill Services** at 355 South California Drive Coal Center, PA 15423. The name and address of each individual interested in the business is Amanda Shank at 355 South California Drive Coal Center, PA 15423. This was filed in accordance with 54 PaC.S. 311.

WCR Vol 101 Issue 37

#### Fictitious Name Registration

Notice is hereby given that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on January 27, 2021 for **Dague's Landscaping** at 337 Beacon Ave. Washington, PA 15301. The name and address of each individual interested in the business is Austin Dague at 337 Beacon Ave. Washington, PA 15301. This was filed in accordance with 54 PaC.S. 311.

WCR Vol 101 Issue 37

#### Fictitious Name

An application for registration of the fictitious name **Canonsburg's Old Fashioned Christmas** 625 McNary Avenue, Canonsburg, PA 15317 has been filed in the Department of State at Harrisburg, PA. File date March 3, 2021 pursuant to the Fictitious Names Act, Act 1982-295. The name and address of the person who is a party to the registration is Sharon Evans 625 McNary Avenue, Canonsburg, PA 15317.

WCR Vol 101 Issue 37

### ORDER FOR ADVERTISEMENT OF REGISTRATION OF FICTITIOUS NAME

NOTICE IS HEREBY GIVEN THAT an application for Registration of Fictitious Name (the "Application") was filed with the Pennsylvania Department of State on February 12, 2021. The fictitious name is **Lil Bit Restaurant Always Shines Through**. The name of the person who is party to the registration is TR&AL LLC. The address of the principal office of the business to be carried on under the fictitious name, as well as the address of the person who is party to the registration, is 517 Swihart Road, McDonald, PA 15057. The Application was filed under the Fictitious Names Act.

WCR Vol 101 Issue 37

### TPR NOTICES

#### PUBLIC NOTICE

**IN THE COURT OF COMMON  
PLEAS OF WASHINGTON  
COUNTY, PENNSYLVANIA  
ORPHANS' COURT DIVISION**

**IN RE: HAILIE SIMMONS  
D.O.B. 05/08/2018  
CHILD OF: CARISSA MARIE  
VUONO AND  
NELSON DAVID SIMMONS  
NO: 63-20-1370**

Take notice that a Petition for Termination of Parental Rights of Mother, Carissa Marie Vuono, and Nelson David Simmons of Hailie Simmons, shall be presented to the Orphans’ Court of Washington County, Pennsylvania. Any person wishing to assert his or her parental rights should appear in Courtroom No. 7 of the Washington County Courthouse, Washington, Pennsylvania, for a hearing as to the same on May 20, 2021, at 10:00 a.m.

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 your being present.

You have the right to be represented at the hearing by an attorney. You should take this notice to your attorney at once. If you do not have an attorney or cannot afford representation, contact the Southwestern Pennsylvania Legal Aid Society, 10 West Cherry Avenue, Washington, Pennsylvania, 15301, (724) 225-6170, to find out where you can obtain legal help.

Jennifer Mengle, Caseworker  
Washington County Children & Youth  
Social Service Agency  
100 West Beau Street  
502 Courthouse Square  
Washington, PA 15301  
Telephone: (724) 228-6884

WCR Vol 101 Issue 37

**IN THE COURT OF COMON PLEAS  
OF WASHINGTON COUNTY,  
PENNSYLVANIA  
ORPHANS’ COURT DIVISION**  
No: 63-21-0359

IN RE: ADOPTION OF CRAVEN KADAJ BARDOXX BARBER

**NOTICE**

(Involuntary Termination)

TO: SANFORD SURVESTER BARBER

A petition has been filed asking the Court to put an end to all rights you have to your child Craven Kadaj Bardoxx Barber. The

Court has set a hearing to consider ending your rights to your child. That hearing will be held in the Washington County Courthouse, 1 S. Main Street, Courtroom #2, Washington, PA 15301 on the 19<sup>th</sup> day of April, 2021, at 1:00 P.M. 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 YOUR 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. 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 eligible persons at a reduced fee or no fee

Lawyer Referral Service  
119 South College Street  
Washington, PA 15301  
(724) 225-6710

Southwestern Pennsylvania  
Legal Aid Society  
10 West Cherry Avenue  
Washington, PA 15301  
(724) 225-6170

Thomas O. Vreeland, Esquire  
Bassi, Vreeland & Associates, P.C.  
62 East Wheeling Street  
Washington, PA 15301  
(724) 228-7000

WCR Vol 101 Issue 37

## SHERIFF'S SALE—Samuel L. Romano, Sheriff

Abstracts of properties taken in execution upon the writs shown, at the number and term shown, as the properties of the severally named defendants, owners or reputed owners, and to be sold by SAMUEL F. ROMANO, Sheriff of Washington County, Pennsylvania on **FRIDAY, MAY 7, 2021 at 10:00 o'clock A.M.** in Public Meeting Room 104, Courthouse Square Building, 100 West Beau Street, Washington, Pennsylvania.

**CONDITIONS OF SALE:** Ten (10%) percent of purchase bid (but not less than Sheriff's costs) shall be paid in CASH, CERTIFIED FUNDS OR MONEY ORDER at the **completion of the sale** and the balance on or before the following **WEDNESDAY at 4:00 o'clock P.M.** If ten (10%) percent down payment is not made on the day of the sale, or if the balance of payment is not made on Wednesday following the date of sale, the property will again be put up for sale on the following **FRIDAY at 10:00 o'clock A.M.**, at the expense and risk of the bidder from the original sale. A schedule of distribution will be filed by the Sheriff not later than thirty (30) days from the date of the sale and distribution will be made in accordance with the schedule unless exceptions are filed within ten (10) days thereafter. (Complete description of the properties are on file in the Sheriff's Office at Courthouse Square, 100 West Beau Street, Suite 303, Washington, PA)

### CANONSBURG

**PENNYMAC LOAN SERVICES LLC  
vs  
MICHAEL WHOOLERY  
AND JENNIFER WHOOLERY**

**DOCKET #: 2019-7643  
JUDGEMENT: \$161,719.17**

In the Commonwealth of Pennsylvania,  
Washington County, Canonsburg Bor-  
ough;

Address: 531 GIFFIN AVENUE, CAN-  
ONSBURG, PA 15317  
Tax #: 090-009-00-03-0012-00

Improvements: Residential Dwelling

Attorney: POWERS KIRN, LLC, (215)  
942-2090

### WASHINGTON

**PENNYMAC LOAN SERVICES LLC  
vs  
BROOKS VOORHIES**

**DOCKET #: 2019-6386  
JUDGEMENT: \$132,252.96**

In the Commonwealth of Pennsylvania,  
Washington County, City of Washington  
(5);

Address: 220 DEWEY AVENUE,  
WASHINGTON, PA 15301  
Tax #: 750-005-00-00-0014-00

Improvements: Residential Dwelling

Attorney: POWERS KIRN, LLC, (215)  
942-2090

WCR Vol 101 Issue 37,38,39

WCR Vol 101 Issue 37,38,39

**WARMAN ABSTRACT & RESEARCH LLC**  
**JOHN F. WARMAN**

**518 Madison Drive, Smithfield, PA 15478, 724-322-6529**  
**johnfranciswarman@gmail.com**

**COMMERCIAL / RESIDENTIAL / CURRENT OWNER / MINERAL TITLE**

A DECADE OF EXPERIENCE   E&O INSURED   WILL TRAVEL  
LOCAL TO FAYETTE COUNTY   ACCEPTING NEW CLIENTS


**A Trusted Fiduciary Partner for Over 100 Years**

- Investment Management
- Trust Administration
- Employee Benefit Services
- Guardianships
- Estate Settlement




**Harold Migias, JD**  
*Senior Vice President  
Trust and Investment Services*  
Office: (724) 909-7055  
Cell: (304) 312-4619

WesBanco Bank, Inc. is a Member FDIC. Trust and Investment Services may invest in insured deposits or nondeposit investment products. Nondeposit investment products are not insured by the FDIC or any other government agency, are not deposits or other obligations of, or guaranteed by any bank, and are subject to investment risks, including the potential loss of principal. [www.wesbanco.com](http://www.wesbanco.com)



*Serving clients in  
Western Pennsylvania,  
Ohio and West Virginia*



**WesBanco**  
Trust and Investment Services



---

# LAWYERS CONCERNED FOR LAWYERS PENNSYLVANIA

---

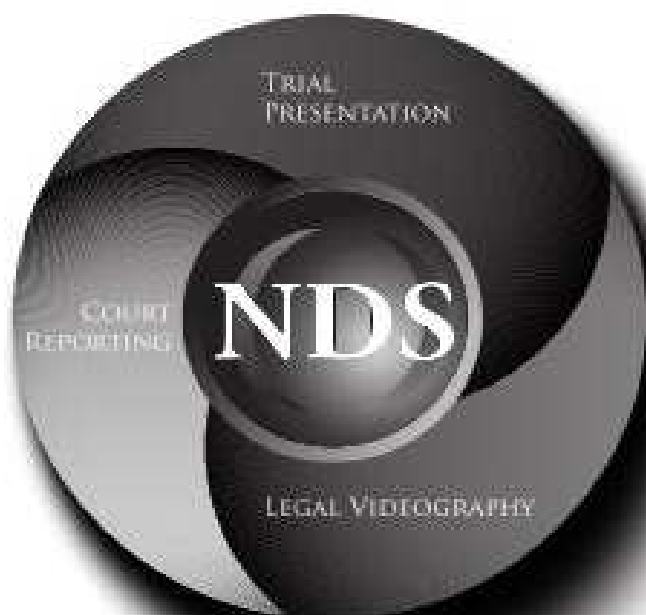
Are you overwhelmed by the stress of law practice or struggling with anxiety, grief, or symptoms of depression? Perhaps you are concerned about your increased use of medication (or other drugs) or alcohol to ‘take the edge off’? You are not alone.

**LCL can help. Your call and all LCL  
Helpline services are 100% confidential.**

Approximately one in four Pennsylvania lawyers will struggle with a significant mental health or substance use (i.e. problematic alcohol or other drug use) condition during his or her career. Many of these conditions are chronic and progressive – they do not resolve on their own. They often lead to worsening health, strained relationships, and/or diminished professional competence. It is imperative for an attorney to receive the help he or she needs in order to mitigate these consequences and restore him or her to health and personal and professional well-being.

**Get Help Now — 1-888-999-1941  
[www.lclpa.org](http://www.lclpa.org)**

TEAM UP WITH YOUR LOCAL RESOURCE  
FOR ALL OF YOUR LITIGATION NEEDS.



OUR ADDITIONAL SERVICES INCLUDE:

Interactive Depositions, Web Depositions  
& Online Scheduling and Repository



NETWORK  
DEPOSITION SERVICES

*Discovery to Verdict. One Reliable Source.*

412-281-7908 • [ndsreporting.com](http://ndsreporting.com)

Gulf Tower, Suite 1101, 707 Grant Street, Pittsburgh, PA 15219

# PUT YOUR TRUST *in* Us.



**Aligned Partners Trust Company's** team of professionals has over 75 years of combined experience in trust and estate administrative services. Since 2000, we have been serving in the following fiduciary capacities in an efficient, professional, flexible and cost-effective manner:

**Trustee | Agent for Trustee**

**Trustee with Independent Investment Advisor**

**Executor | Guardian of the Estate**

**Financial Agent Under POA**

HOW CAN WE **ALIGN** WITH YOU?



**Aligned Partners**  
TRUST COMPANY

707 GRANT STREET 2800 GULF TOWER PITTSBURGH, PA 15219  
(412) 258 3590 [ALIGNEDPARTNERS.COM](http://ALIGNEDPARTNERS.COM)

*Quality... Experience... Results...  
It's what your clients deserve.*

**Medical Malpractice • Auto Accidents • Personal Injury**



**GISMONDI**  
& ASSOCIATES

**412-281-2200**

**[www.gislaw.com](http://www.gislaw.com)**

**700 Grant Bldg., 310 Grant St., Pgh., PA 15219**