

The Greene Reports

Official Legal Publication for Greene County, Pennsylvania
Owned and operated by Greene County Bar Association
Greene County Courthouse, Waynesburg, PA 15370

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March 23, 2023



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Serving the Legal Community of Greene County
Since October 1982

The Greene Reports

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COURT OF COMMON PLEAS
Honorable Louis Dayich, President Judge
Honorable Jeffry N. Grimes, Judge

MOTIONS

Criminal & Civil & O.C.:
March 27 and 29, 2023

CRIMINAL

Arraignments: March 27, 2023
ARDs: April 10, 2023
ARD Revocations: April 10, 2023
Parole Violations: March 27, 2023
Plea Court: April 11-13, 2023
License Suspension Appeals: April 18, 2023
Argument Court: April 19, 2023

ORPHANS

Accounts Nisi: April 3, 2023
Accounts Absolute: April 13, 2023

**SUPREME COURT
SUPERIOR COURT
COMMONWEALTH COURT**

Convenes in Pgh.: April 17-21, 2023
Convenes in Pgh.: March 27-31, 2023
Convenes in Pgh.: May 8-12, 2023

THE GREENE REPORTS

Owned and published by the GREENE COUNTY BAR ASSOCIATION
Editor: Kayla M. Sammons
E-mail address: editor.greenerreports@yahoo.com

EDITORIAL POLICY

All articles published in The Greene Reports are intended to inform, educate or amuse. Any article deemed by the editorial staff to be reasonably interpreted as offensive, demeaning or insulting to any individual or group will not be published.

The views expressed in the articles represent the views of the author and are not necessarily the views of The Greene Reports or the Greene County Bar Association.

The Greene Reports welcomes letters to the Editor both for publication and otherwise. All letters should be addressed to: Editor, The Greene Reports, Greene County Courthouse, 10 East High Street, Waynesburg, PA 15370. Letters must include signature, address and telephone number. Anonymous correspondence will not be published. All letters for publication are subject to editing and, upon submission, become the property of The Greene Reports.

THE GREENE COUNTY BAR ASSOCIATION

Christopher M. Simms, President
Timothy M. Ross, Vice-President
Allen J. Koslovsky, Secretary
Lukas B. Gatten, Treasurer
Jessica L. Phillips, Ex-Officio

ARGUMENTS

Argument Court: March 27, 2022

CIVIL

Domestic Relations Contempts: March 28, 2023
Domestic Relations Appeals: March 28, 2023

JUVENILE

Plea Day: April 20, 2022

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DEED TRANSFERS

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

ALEPPO & JACKSON TOWNSHIPS

Danny L. Route to The Mineral Company, et ux., 41.1073 Acres, O&G, \$19,269.05 (3-17-23)

ALEPPO & SPRINGHILL TOWNSHIPS

Barbara A. Buckbee to The Mineral Company, et ux., 7 Tracts, O&G, \$21,517.61 (3-21-23)

CENTER TOWNSHIP

Charles E. Waychoff to Diane M. Goff, 3 Tracts, \$85,563.30 (3-17-23)

CUMBERLAND TOWNSHIP

Mark D. Gaydos to Ridgetop Ten LLC, 220 Acres, O&G, \$461,208.00 (3-15-23)

DUNKARD TOWNSHIP

Samuel Herman Lewis to Family Tree Corporation, et al., 71.782 Acres, O&G, \$953.36 (3-20-23)

Dunkard Township, et ux., to Joseph Guerriero III, Lot 59, Bobtown, \$7,000.00 (3-21-23)

FRANKLIN TOWNSHIP

Carl E. Long, Jr. Estate A/K/A Carl E. Long Estate, et ux., to Brandon H. Barna, 1.034 Acres, \$155,000.00 (3-15-23)

Iron Pennsylvania Land LLC, et ux., to Brian J. King, et ux., 32.104 Acres, \$115,000.00 (3-21-23)

FREEPORT TOWNSHIP

Sharon Mason Balestra, et ux., to Foss Minerals LLC, 368 Acres, O&G, \$17,000.00 (3-17-23)
Randall L. Moorehead, et ux., to The Mineral Company, et ux., 23.10625 Acres, O&G, \$3,459.47 (3-17-23)

FREEPORT & GILMORE TOWNSHIPS

Linda Lou Stewart to Three Rivers Royalty II LLC, 135 Acres, O&G, \$12,988.28 (3-16-23)
Perry Todd West to Three Rivers Royalty II LLC, 135 Acres, O&G, \$12,988.28 (3-17-23)

FREEPORT & SPRINGHILL TOWNSHIPS

Margaret B. Woods to Foss Minerals LLC, 2 Tracts, O&G, \$2,812.50 (3-17-23)
Louis Samuel Hollier, IV, et ux., to Foss Minerals LLC, 2 Tracts, O&G, \$3,858.51 (3-17-23)
David Milton Threlkeld, et ux., to Foss Minerals LLC, 2 Tracts, O&G, \$1,125.00 (3-17-23)
Robert L. Woods to Foss Minerals LLC, 2 Tracts, O&G, \$1,406.25 (3-17-23)
Virgil Edward Gust, II to Foss Minerals LLC, 2 Tracts, O&G, \$15,434.03 (3-17-23)
Virginia H. Pueringer, et ux., to Foss Minerals LLC, 2 Tracts, O&G, \$3,858.51 (3-17-23)
David William Palmeter, et ux., to Foss Minerals LLC, 2 Tracts, O&G, \$2,250.00 (3-17-23)
Charles Wesley Palmeter, et ux., to Foss Minerals LLC, 2 Tracts, O&G, \$2,250.00 (3-17-23)
Mary Palmeter Randolph to Foss Minerals, LLC, 2 Tracts, O&G, \$2,250.00 (3-17-23)
Malcom Claiborne Talley, et ux., to Foss Minerals LLC, 2 Tracts, O&G, \$1,125.00 (3-17-23)
Susan Gust St Germain, et al., to Foss Minerals LLC, 2 Tracts, O&G, \$3,858.51 (3-17-23)

GILMORE TOWNSHIP

Karen Rice Shaffer, et ux., to The Mineral Company, et ux., 3 Tracts, O&G, \$5,113.20 (3-21-23)

Lucinda K. Tarr to The Mineral Company, et ux., 62.52 Acres, O&G, \$28,654.99 (3-21-23)

JACKSON TOWNSHIP

Albert J. Brown to The Mineral Company, et ux., 6.82 Acres, O&G, \$29,326.00 (3-17-23)
Melissa A. Walker to The Mineral Company, et ux., 96.5375 Acres, O&G, \$12,067.19 (3-21-23)

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JACKSON, FREEPORT, & SPRINGHILL TOWNSHIPS

Jeannie H. Yoder, et ux., to Three Rivers Royalty III LLC, 9 Tracts, O&G, \$154,115.16 (3-20-23)

MORGAN TOWNSHIP

Todd M. Ely to Conner Main, 2.43 Acres, \$244,000.00 (3-16-23)

MORRIS TOWNSHIP

Thomas Andrew Day to CNX Gas Company LLC, 39.16875 Acres, O&G, \$9,617.30 (3-16-23)

SPRINGHILL TOWNSHIP

Betty Fordyce Short, et ux., to The Mineral Company, et ux., 100 Acres, O&G, \$4,591.84 (3-16-23)

Brenda Joyce Scherrick to The Mineral Company, et ux., 85.3733 Acres, O&G, \$7,366.16 (3-17-23)

Carol Ahrens Jeschke by POA, et ux., to The Mineral Company, et ux., 100 Acres, O&G, \$8,163.26 (3-21-23)

Judy Kay Marshall, et ux., to EQT Production Company, 100 Acres, O&G, \$2,313.92 (3-21-23)

WAYNE TOWNSHIP

Cathy D. Jernell to Equitrans Water Services (PA) LLC, R/W, 47.24 Acres, \$82,929.60 (3-20-23)

Monongalia County Coal Resources Inc to EQM Gathering OPCO LLC, R/W, Tracts, \$27,454.40 (3-20-23)

WAYNESBURG BOROUGH

Larry McCollum, et ux., to The Mineral Company, et ux., 2.03 Acres, O&G, \$9,943.13 (3-17-23)

WHITELEY TOWNSHIP

Donald Lee Meissner Estate, et ux., to Charles F. Morris, et ux., Lots 2-3, Valley View Plan, \$260,000.00 (3-20-23)

WHITELEY & PERRY TOWNSHIPS

Ariel Brooks Henry, et ux., to Bo Eli Hampson, et ux., Tract, \$260,000.00 (3-16-23)

ESTATE NOTICES

NOTICE is hereby given of the grant of letters by the Register of Wills to the Estates of the following named decedents. All persons having claims are requested to make known the same and all persons indebted to the decedent are requested to make payment to the personal representative or his attorney without delay.

FIRST PUBLICATION

DEAN, GEORGE ALLEN

Late of Rices Landing Boro, Greene County, Pennsylvania

Administratrix: Dianne Johnson Dean, 125 Carmichaels Street, Rices Landing, PA 15357

Attorney: Lukas B. Gatten, Esquire, Logan & Gatten Law Offices, 54 N. Richhill Street, Waynesburg, PA 15370

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HEADLEE, DONALD H.

Late of Franklin Township, Greene County, Pennsylvania

Executer: Ronald P. Headlee, C/O Kelly A. Stepp, Esquire, Stepp Law Offices, 64 N. Richhill Street, Suite 101, Waynesburg, PA 15370

Attorney: Kelly A. Stepp, Esquire, Stepp Law Offices, 64 N. Richhill Street, Suite 101, Waynesburg, PA 15370

SECOND PUBLICATION

DAERR, TOBIAS EDWARD

Late of Carmichaels, Greene County, Pennsylvania

Administratrix: Mary Lou Nichols, 400 Hewitt Avenue, Carmichaels, PA 15320

Attorney: Amber N. Shipley, Esquire, Pollock Morris Belletti & Simms, LLC, 54 South Washington Street, Waynesburg, PA 15370

LATTA, ROBERT S.

Late of Jefferson Township, Greene County, Pennsylvania

Administratrix: Rose Ann Latta C/O Lukas B. Gatten, Esquire, Logan & Gatten Law Offices, 54 N. Richhill Street, Waynesburg, PA 15370

Attorney: Lukas B. Gatten, Esquire, Logan & Gatten Law Offices, 54 N. Richhill Street, Waynesburg, PA 15370

LIGHTNER, NOLA H.

Late of Center Township, Greene County, Pennsylvania

Co- Executor: Marti L. Kern, 334 Kennel Road, Waynesburg, PA 15370

Co-Executor: Jon Richard Lightner, PO Box 373, Rogersville, PA 15359

Attorney: David F. Pollock, Esquire, Pollock Morris Belletti & Simms LLC, 54 South Washington Street, Waynesburg, PA 15370

Attorney: Timothy N. Logan, Esquire, Logan & Gatten Law Offices, 54 North Richhill Street, Waynesburg, PA 15370

RANSLEM, BONNIE LEE

Late of Herman Township, Washington County, Nebraska

Executer: Jack Ranslem, 11322 So Avenue 12 E #144, Yuma, Az 85367

Attorney: Timothy N. Logan, Esquire, Logan & Gatten Law Offices, 54 N. Richhill Street, Waynesburg, PA 15370

THIRD PUBLICATION

BRYAN, KAREN ANN

Late of Perry Township, Greene County, Pennsylvania

Administrator, C.T.A.: Jeremy Bryan, 1327 Gallus Road, Morgantown, WV 26501

Attorney: Chirstopher Michael Simms, Esquire, Pollock Morris Belletti & Simms, LLC, 54 South Washington Street, Waynesburg, PA 15370

DAVISON, WILLIAM ALLEN A/K/A WILLIAM A. DAVISON

Late of Waynesburg, Greene County, Pennsylvania

Executrix: Patricia Walko, 1907 Kirby Road, Waynesburg, PA 15370

Attorney: Kirk A. King, Esquire, 77 South Washington Street, Waynesburg, PA 15370

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WHIPKEY, VIOLET M.

Late of Cumberland Township, Greene County, Pennsylvania
Executrix: Lottie Jane Whipkey n/k/a Lottie Jane Davis, 78 Krewe Circle, Santa Rosa Beach, FL 32459

Attorney: Adam J. Belletti, Esquire, Pollock Morris Belletti & Simms, LLC, 54 South Washington Street, Waynesburg, PA 15370

LEGAL NOTICE

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

IN RE:) MISC. NO. 15 of 2023

NAME CHANGE OF)

LILLIANNA ELIZABETH PARSON,)

NOTICE is hereby given that on March 15, 2023, the Petition of SARA L. BROWN was filed in the above-named Court, requesting an Order to change the name LILLIANNA ELIZABETH PARSON to LILLIANNA ELIZABETH BROWN.

The Court has fixed **Wednesday, June 28, 2023, at 1:00 o'clock P.M.** in Courtroom No. 1, Greene County Courthouse, 10 East High Street, Waynesburg, Pennsylvania, as the time and place for the hearing on said Petition, when and where all interested parties may appear and show cause, if any, why the request of the Petitioner should not be granted.

Adam J. Belletti, Esquire
POLLOCK MORRIS BELLETTI & SIMMS LLC
Attorney for Petitioner
54 S. Washington Street
Waynesburg, PA 15370
Phone: (724) 627-6156

LEGAL NOTICE

To: Daylynn Riley, Nathaniel Brown and Unknown Father

In Re: Q.A.G.R., minor child, born January 11, 2019

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A petition for involuntary termination of parental rights has been filed asking the court to put an end to all rights you have to your child, Q.A.G.R., born January 11, 2019. The court has set a hearing to consider ending your rights to your child.

The hearing will be held in the Greene County Courthouse, 10 E. High Street, Waynesburg, PA 15370 on April 4, 2023 at 1:00 p.m. in Courtroom 1 before Judge Jeffrey N. Grimes.

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

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

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

SHERIFF'S SALE

By Virtue of a Writ of Execution (Mortgage Foreclosure)

No. ED-2-2023 AD-622-2022

Issued out of the Court of Common Pleas of Greene County, Pennsylvania and to me directed, I will expose the following described property at public sale at the Greene County Courthouse in the City of Waynesburg, County of Greene, Commonwealth of Pennsylvania on:

FRIDAY, APRIL 14, 2023

AT 10:00 O'CLOCK A.M.

All parties in interest and claimants are further notified that a proposed schedule of distribution will be on file in the Sheriff's Office no later than twenty (20) days after the date of the sale of any property sold hereunder, and distribution of the proceeds will be made in accordance with the schedule ten (10) days after said filing, unless exceptions are filed with the Sheriff's Office prior thereto.

ALL THAT CERTAIN REAL ESTATE SITUATED IN THE TOWNSHIP OF CUMBERLAND, COUNTY OF GREENE, COMMONWEALTH OF PENNSYLVANIA HAVING ERECTED THEREON A DWELLING KNOWN AS 1185 Crucible Road, Rices Landing, PA 15357, PER A CERTAIN DEED DATED NOVEMBER 22, 2002 AND RECORDED NOVEMBER 25, 2002 IN GREENE COUNTY RECORDER OF DEEDS AT DEED BOOK VOLUME 268, PAGE 79. TAX PARCEL INDEX NO.:05-23-227 &05-23-228. JESS S, BRADMON DIED ON OCTOBER 16, 2016 VESTING TITLE IN PHYLLIS A. BRADMONBY OPERATION OF LAW. PHYLLIS A. BRADMON DIED ON JANUARY 9,

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2022. NO FORMAL ESTATE COULD BE LOCATED OF RECORD FOR PHYLLIS A. BRADMON.
TAX PARCEL INDEX NO.: 05-23-227 & 05-23-228.

PROPERTY ADDRESS: 1185 Crucible Road, Rices Landing, Pa 15357

UPI/TAX PARCEL NUMBER: 05-23-227 05-23-228

Seized and taken into execution to be sold as the property of ALL UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS FIRMS OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST, FROM OR UNDER PHYLLIS A BRADMON, DECEASED in suit of FIRST NATIONAL BANK.

Attorney for the Plaintiff:
First National Bank of Pennsylvania
Pittsburgh, PA 412-465-9718

MARCUS N. SIMMS, Sheriff
Greene County, Pennsylvania

SHERIFF'S SALE

By Virtue of a Writ of Execution (Mortgage Foreclosure)
No. ED-1-2023 AD-640-2022

Issued out of the Court of Common Pleas of Greene County, Pennsylvania and to me directed, I will expose the following described property at public sale at the Greene County Courthouse in the City of Waynesburg, County of Greene, Commonwealth of Pennsylvania on:

FRIDAY, APRIL 14, 2023
AT 10:00 O'CLOCK A.M.

All parties in interest and claimants are further notified that a proposed schedule of distribution will be on file in the Sheriff's Office no later than twenty (20) days after the date of the sale of any property sold hereunder, and distribution of the proceeds will be made in accordance with the schedule ten (10) days after said filing, unless exceptions are filed with the Sheriff's Office prior thereto.

ALL THAT CERTAIN PIECE, PARCEL OF LOT OF GROUND SITUATE IN THE BOROUGH OF WAYNESBURG, GREENE COUNTY, PENNSYLVANIA, IN THE ILLIG ADDITION, WHICH PLAN IS RECORDED IN DEED BOOK VOL. 379, PAGE 1077-1079, MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOW, TO WIT:
26/02/147/
Hillcrest Ave. Waynesburg, PA 15370

PROPERTY ADDRESS: 665 Hillcrest Ave., Waynesburg, PA 15370

UPI/TAX PARCEL NUMBER: 26/02/147

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Seized and taken into execution to be sold as the property of VICTOR SPOTLE, ANDREA K SPOTLE in suit of WILMINGTON SAVINGS FUND SOCIETY, FSB, AS TRUSTEE OF STANWICH MORTGAGE LOAN TRUST F.

Attorney for the Plaintiff:
Hill Wallack LLP
Yardley, PA 215-790-1010

MARCUS N. SIMMS, Sheriff
Greene County, Pennsylvania

SUPREME COURT NOTICE

SUPREME COURT OF PENNSYLVANIA
CRIMINAL PROCEDURAL RULES COMMITTEE

NOTICE OF PROPOSED RULEMAKING

Proposed Adoption of Pa.R.Crim.P. 124.

The Criminal Procedural Rules Committee is considering proposing to the Supreme Court the adoption of Pa.R.Crim.P. 124 for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

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

Joshua M. Yohe, Counsel
Criminal Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: (717) 231-9521
criminalrules@pacourts.us

All communications in reference to the proposal should be received by **Monday, May 1, 2023**. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Criminal Procedural Rules Committee,
Stefanie Salavantis
Chair

—The following text is entirely new—

Rule 124. Waiver of Fees and Costs.

A defendant may seek or obtain a waiver of any fees or costs pursuant to Pa.R.J.A. 1990 except for fees, costs, or other financial assessments imposed as a result of conviction.

Comment: Pennsylvania Rule of Judicial Administration 1990 (Application to Waive Fees and Costs) sets forth the procedure for seeking or obtaining a waiver of the payment of filing fees. The eligibility criteria at Pa.R.J.A. 1990(b) should inform the defendant whether to proceed by application or *praecipe*.

For an expungement, an application for a waiver or a *praecipe* of counsel should be filed at the same docket containing the records the defendant seeks to expunge.

**SUPREME COURT OF PENNSYLVANIA
CRIMINAL PROCEDURAL RULES COMMITTEE**

Publication Report

Proposed Pa.R.Crim.P. 124

The Committee previously published proposed amendments to Pa.R.Crim.P. 460, 490, 490.1, 790, and 790.1. Those proposed amendments would have extended the application of proposed Pa.R.J.A. 1990 to permit the waiver of fees and costs for a notice of appeal from a magisterial district court and for expungement and limited access proceedings. See 52 Pa.B. 2561 (April 30, 2022). Comments indicated there are myriad filing fees imposed in criminal proceedings throughout Pennsylvania, including fees to file a motion, a PCRA petition, a *habeas* petition, for *certiorari*, and to obtain copies of criminal records. Instead of the previously proposed amendments, the adoption of a general rule that would permit the application of Pa.R.J.A. 1990 to obtain a waiver of fees and costs — with exceptions for costs, fees, and other financial assessments imposed as a result of a conviction — was suggested.

In response to this suggestion, the Committee is considering an alternative proposal for the adoption of Pa.R.Crim.P. 124 (Waiver of Fees and Costs). The Committee believes the proffered language, “imposed as a result of conviction,” would exclude fines, fees, costs, and restitution imposed at sentencing or as a consequence of being convicted. However, the Committee questioned how the rule would apply to financial obligations as a condition of an accelerated rehabilitative disposition (ARD) program or imposed by a problem-solving court, e.g., veterans treatment court, or other program.

In *Commonwealth v. Melnyk*, 548 A.2d 266 (Pa. Super. 1988), the Superior Court opined that the conditions of admittance into ARD must take into consideration a defendant’s ability to meet any financial obligations resulting from those conditions. A defendant’s indigency cannot be used to deny entry into an ARD program, and alternative conditions must be considered where the defendant is unable to meet those financial conditions despite “sufficient *bona fide* efforts to do so.” *Id.* at 272; *see* also Pa.R.Crim.P. 316, cmt. at ¶ 2. Therefore, it appears Pa.R.Crim.P. 124, as herein proposed, would apply Pa.R.J.A. 1990 to the fees and costs of ARD programs. Please note that restitution is neither a fee nor a cost so it would not be subject to Pa.R.Crim.P. 124.

The Committee specifically invites comment on this aspect of the proposal. If admission into an ARD program and the conditions of the program were to be specifically

excluded from Pa.R.Crim.P. 124, then suggestions for a uniform alternative to Pa.R.J.A. 1990, consonant with *Melnyk*, are welcome.

Regarding specialty courts, see 42 Pa.C.S. § 916, such courts have been described as deferred proceedings after a plea of guilty. See *Commonwealth v. McCabe*, 265 A.3d 1279 1287-88 (Pa. 2021). “A plea of guilty (when accepted and entered by the Court) is the equivalent of a conviction and a verdict of guilty by a jury.” *Com. ex rel. Hough v. Maroney*, 229 A.2d 913, 914–15 (Pa. 1967). Insofar as admission into a specialty court is conditioned on a plea, the post-plea financial obligations imposed by the specialty court are “a result of conviction.” Accordingly, those financial obligations would not be subject to Pa.R.J.A. 1990 *vis-à-vis* Pa.R.Crim.P. 124.

The Act of November 3, 2022, P.L. 163 substantially amended 42 Pa.C.S. § 9730 (payment of court costs, restitution, and fines). The Committee contemplates separate rulemaking to implement that Act.

All comments, concerns, and suggestions concerning this proposal are welcome.