

# The Greene Reports

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

Vol. XXXVIII, No. 53

July 27, 2023

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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.:  
July 31 and August 2, 2023

## CRIMINAL

Arraignments: July 31, 2023  
ARDs: August 9, 2023  
ARD Revocations: August 9, 2023  
Parole Violations: July 31, 2023  
Plea Court: August 8-10, 2023  
License Suspension Appeals: August 15, 2023  
Argument Court: August 28, 2023

## ORPHANS

Accounts Nisi: August 7, 2023  
Accounts Absolute: August 17, 2023

**SUPREME COURT**  
**SUPERIOR COURT**  
**COMMONWEALTH COURT**

Convenes in Pgh.: October 16-20, 2023  
Convenes in Pgh.: August 14-18, 2023  
Convenes in Pgh.: October 10-13, 2023

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## THE GREENE REPORTS

Owned and published by the GREENE COUNTY BAR ASSOCIATION  
Editor: Kayla M. Sammons  
E-mail address: [editor.greenerreports@yahoo.com](mailto: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the editorial staff to be reasonably interpreted as offensive, demeaning or insulting to any individual or group will not be published.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 Anonymous correspondence will not be published.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.

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## 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

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## ARGUMENTS

Argument Court: August 23, 2023

## CIVIL

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

## JUVENILE

Plea Day: August 17, 2023

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## DEED TRANSFERS

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

### ALEPPO TOWNSHIP

Marvin L. Lemmon Estate, et ux., to Lemmon Legacy LLC, Tracts, O&G, \$12,894.00 (7-24-23)

Helena R. Galentine Estate, et ux., to Marshall County Coal Resources Inc., 2 Tracts, \$800,000.00 (7-25-23)

Carl B. Riffle, et ux., to EQT Production Company, 8.6908 Acres, O&G, \$1,500.80 (7-25-23)

### ALEPPO AND JACKSON TOWNSHIPS

Kathy L. Burns to The Mineral Company, et ux., 41.1073 Acres, O&G, \$19,269.05 (7-25-23)

### ALEPPO AND SPRINGHILL TOWNSHIPS

Rita Redman a/k/a Rita Brewer to The Mineral Company, et ux., 165.894 Acres, O&G, \$20,414.74 (7-25-23)

### CENTER TOWNSHIP

Iron Pennsylvania Land LLC to Clay L. Gifford, II, et uc., 9.819 Acres, \$158,747.40 (7-25-23)

### FREEPORT TOWNSHIP

Marvin L. Lemmon Estate, et ux., to Lemmon Legacy LLC, 3.5 Acres, O&G, \$425.00 (7-24-23)

### GILMORE TOWNSHIP

Hershell Caldwell to The Mineral Company, et ux., 118.998 Acres, O&G, \$5,751.57 (7-25-23)

### JACKSON TOWNSHIP

Teresa Quinn to The Mineral Company, et ux., 47.92 Acres, O&G, \$9,095.02 (7-25-23)

Janice Relich to The Mineral Company, et ux., 47.92 Acres, O&G, \$9,095.02 (7-25-23)

Scott A. Savage to The Mineral Company, et ux., 47.92 Acres, O&G, \$3,911.84 (7-25-23)

Ronald N. Thomas to The Mineral Company, et ux., 47.92 Acres, O&G, \$11,735.51 (7-25-23)

Denise E. Stockdale to The Mineral Company, et ux., 90.94 Acres, O&G, \$16,103.96 (7-25-23)

Joan Lemley to The Mineral Company, et ux., 90.94 Acres, O&G, \$16,103.96 (7-25-23)

Roberta J. Skiles, et ux., to the Mineral Company, et ux., 47.92 Acres, O&G, \$7,041.31 (7-25-23)

### JEFFERSON TOWNSHIP

Jeffrey R. Roger, et ux., to Jeremy D. Conti, et ux., 2 Tracts, \$185,000.00 (7-20-23)

Triple H Realty Group LLC to Julchele Holdings LLC, 4 Tracts, \$11,000.00 (7-21-23)

John G. Fedora, et ux., to Anna C. Diamond, Lot 69, Braden Farm Plan, \$76,826.00 (7-21-23)

Walter D. Simatic, et ux., to Steven Lemley, et ux., 2 Acres, \$9,000.00 (7-21-23)

### MONONGAHELA TOWNSHIP

John D. Velicevich, et ux., to Jeffrey A. Meier, et ux., Tract, \$180,000.00 (7-24-23)

### MORGAN TOWNSHIP

Triple H Realty Group LLC to KJM Realty Holdings LLC, Lot 49, Emerald Land Company, No 1 Plan, \$16,000.00 (7-20-23)

### MORRIS TOWNSHIP

Geogfrey Glenn Dove to EQT Production Company, 154.822 Acres, O&G, \$425.30 (7-25-23)

Thomas L. Dove to EQT Production Company, 154.822 Acres, O&G, \$425.30 (7-25-23)

### MORRIS AND WASHINGTON TOWNSHIPS

Michele Ann Geyer to The Mineral Company, et ux., 282.96 Acres, O&G, \$153,063.47 (7-25-23)

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## PERRY TOWNSHIP

Sandra Mitchell, et ux., to The Mineral Company, et ux., 48.97 Acres, O&G< \$54,071.04 (7-25-23)

## SPRINGHILL AND FREEPORT TOWNSHIPS

Daniel E. Strang, III, to MMS Mineral Group, LLC, 5 Tracts, O&G, Interest, \$375.00 (7-19-23)

## WAYNE TOWNSHIP

Richard W. Phillips to EQT Production Company, 14.35625 Acres, O&G, \$563.15 (7-25-23)

Vicki L. Blecman to EQT Production Company, 14.35625 Acres, O&G, \$910.33 (7-25-23)

CNX Land LLX to Jeffrey S. Blake, et ux., 115 Acres, \$222,250.00 (7-25-23)

Staci L. Murphy, et ux., to The Mineral Company, et ux., 87.024 Acres, O&G, \$22,564.30 (7-25-23)

## WAYNEBURG BOROUGH

Gary L. Vanscyoc, et ux., to James A. Morris, Jr., Lot, \$118,000.00 (7-24-23)

## WHITELEY TOWNSHIP

Betty J. McNeely by POA, et ux., to The Mineral Company, et ux., 6.08 Acres, O&G, \$3,344.00 (7-25-23)

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## ESTATE NOTICES

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**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

GREGG, RUTH ELEANOR A/K/A RUTH E. GREGG

Late of Aleppo, Greene County, Pennsylvania

Co-Executrix: Sandra Jean Gregg, 106 Mt. Carmel Ridge Road, Aleppo, PA 15310

Co-Executrix: Karen Ann Gregg, 106 Mt. Carmel Ridge Road, Aleppo, PA 15310

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

HOWARD, RICHARD WILLIAM A/K/A RICHARD W. HOWARD

Late of Franklin Township, Greene County, Pennsylvania

Executrix: Donna M. Howard, 103 Eagle Alley, Waynesburg, PA 15370

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

KELLEY, GEORGE EDWARD

Late of Monongahela Township, Greene County, Pennsylvania

Administrator: Donald T. Kelley, 233 School Bus Road, Mt. Morris, PA 15349

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

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MOORE, DORIS E.

Late of Rogersville, Greene County, Pennsylvania

Co-Executor: Kenneth Hull, 333 Sentimental Drive, Moundsville, WV 26041

Co-Executor: Jacob H. Moore, 594 Township Road 267, Amsterdam, OH 43905

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

### SECOND PUBLICATION

GREGG, RUTH ELEANOR A/K/A RUTH E. GREGG

Late of Aleppo, Greene County, Pennsylvania

Co-Executrix: Sandra Jean Gregg, 106 Mt. Carmel Ridge Road, Aleppo, PA 15310

Co-Executrix: Karen Ann Gregg, 106 Mt. Carmel Ridge Road, Aleppo, PA 15310

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

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## SHERIFF'S SALE

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**By Virtue of a Writ of Execution (Mortgage Foreclosure)**

**No. ED-22-2023 AD-572-2022**

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, JULY 28, 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 or parcel or Tract of land situate in Cumberland Township, Greene County, Pennsylvania, and being known as 12 Biddle Acres, Carmichaels, Pennsylvania 15320.

PARCEL #: 05/19/406

THE IMPROVEMENTS THEREON ARE: Residential Dwelling

REAL DEBT: \$28,809.51

SEIZED AND TAKEN IN EXECUTION AS THE PROPERTY OF: Mary Rankin

McCabe, Welsberg & Conway, LLC

1420 Walnut Street, Suite 1502

Philadelphia, PA 19102

PROPERTY ADDRESS: 12 Biddle Acres, Carmichaels, PA 15320

UPI/TAX PARCEL NUMBER: 05/19/406

Seized and taken into execution to be sold as the property of MARY V. RANKIN, OCCUPANT in suit of BANK OF AMERICA, N.A..

Attorney for the Plaintiff:
McCabe, Weisberg & Conway, LLC
Philadelphia, PA 215-790-1010

MARCUS N. SIMMS, Sheriff
Greene County, Pennsylvania

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SUPREME COURT NOTICE

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SUPREME COURT OF PENNSYLVANIA
JUVENILE COURT PROCEDURAL RULES COMMITTEE

NOTE OF PROPOSED RULEMAKING

Proposed Amendment of Pa.R.J.C.P. 1167

The Juvenile Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pennsylvania Rule of Juvenile Court Procedure 1167 governing the service of court orders and notices 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.

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

Daniel A. Durst, Chief Counsel
Juvenile Court Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
P.O. Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9541
juvenilerules@pacourts.us

All communications in reference to the proposal should be received by September 15, 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 Juvenile Court Procedural Committee,
Renée D. Merion, Chair

Rule 1167. Filings and Service of Court Orders and Notices.

[A.](a) Filings.

(1) All orders and court notices shall be transmitted promptly to the clerk of courts for filing. Upon receipt by the clerk of courts, the order or court notice shall be time-stamped promptly with the date of receipt.

(2) All orders and court notices shall be filed in the official court record.

[B.](b) Service.

(1) A copy of any order or court notice shall be served promptly on each part's attorney, and the party, if unrepresented.

(2) The clerk of courts shall serve the order or court notice, unless the president judge has promulgated a local rule designating service to be by the court or its designee.

(3) Methods of Service. Service shall be:

[a] by:]

(i) by personal delivery to the party's attorney, and if unrepresented, the party;

(ii) by mailing a copy to the party's attorney or leaving a copy for the attorney at the attorney's office;

(iii) in those judicial districts that maintain in the courthouse assigned boxes for counsel to receive service, by leaving a copy for the attorney in the attorney's box;

(iv) by sending a copy to an unrepresented party by first class mail addressed to the party's place of business, residence, or detention;

(v) by sending a copy by facsimile transmission or other electronic means if the party's attorney, and if unrepresented, the party has filed written [request] authorization for this method of service [or has included] with a facsimile number or an electronic address [on a prior legal paper filed in the case.];

(vi) by delivery to the party's attorney, and if unrepresented, the party by carrier service; [or]

[b] (vii) orally in open court on the record; or

[c](viii) in a judicial district that permits electronic filing pursuant to Rule 1205, service of court orders or notices shall be made as provided in Rule 1205(d)(2) and (H)(1).

[C.](c) Unified Practice. Any local rule that is inconsistent with the provisions of this rule is prohibited, including any local rule requiring a person to file or serve orders or court notices.

Comment: Court notices, as used in this rule are communications that ordinarily are issued by a judge or the court administrator concerning, for example, calendaring or scheduling, including proceedings requiring the party's presence.

The methods of service set forth in subdivision (b)(3) are not mutually exclusive. The clerk of courts can utilize multiple methods to ensure service.

Subdivision (b)(3)(v) is intended to permit service by facsimile machine, email or social media messaging provided that a copy of the document is included in the transmission. A facsimile number or electronic address set forth on the letterhead is not sufficient to authorize service by facsimile transmission or other electronic means under [paragraph (B)(3)(a)(v)] subdivision (b)(3)(v). The authorization for service by facsimile transmission or other electronic means under this rule is valid only for the duration of the case. A separate authorization [is to] must be filed in each case by the party, if unrepresented, or by the attorney who wants to receive documents by this method of service.

An authorization for service pursuant to subdivision (b)(3)(v) shall be substantially in the following form:

**[CAPTION]**

**Authorization for Service**

**Pursuant to Pa.R.J.C.P. 1167(b)(3)(v)**

**I, \_\_\_\_\_, hereby authorize service of all court orders and notices by transmission to me at:**

**Fax Number: \_\_\_\_\_ or**

**Email: \_\_\_\_\_ or**

**Social Media Address: \_\_\_\_\_**

**I understand that I am under a continuing obligation to provide current contact information to the court.**

**I have confirmed that the clerk of courts can accommodate this authorization.**

**No one, other and I, will be able to read the documents transmitted.**

\_\_\_\_\_  
**Print Name**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

Nothing in this rule is intended to preclude the use of automated or other electronic means for the transmission of the orders or court notices between the judge, court, administrator, and clerk of courts, or for time-stamping.

**[Official Note: Rule 1167 adopted August 21, 2006, effective February 1, 2007. Amended December 24, 2009, effective immediately. Amended December 12, 2019, effective April 1, 2019.**

***Committee Explanatory Reports:***

**Final Report explaining the provisions of Rule 1167 published with the Court’s Order at 36 Pa.B. 5571 (September 2, 2006). Final Report explaining the amendments to Rule 1167 published with the Court’s Order at 40 Pa.B. 222 (January 9, 2010). Report explaining the amendments to Rule 1167 published with the Court’s Order at 49 Pa.B. 7573 (December 28, 2019).]**

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

**PUBLICATION REPORT**

**Proposed Amendment of Pa.R.J.C.P. 1167**

The Juvenile Court Procedural Rules Committee (“Committee”) proposes to amend Pennsylvania Rule of Juvenile Court Procedure 1167 to recognize that social media may be a mode of service for court orders and notices.

As background, the Administrative Office of Pennsylvania Courts and the Pennsylvania Conference of State Trial Judges authored a report concerning the “continued use” of ACT in various court proceedings. *See Remote Proceedings Task Force: Continued Use of Advanced Communication Technology (ACT) Following the Termination of Judicial Emergencies* (June 2021) (“Report”). The Report also recommended study of the use of ACT for the service of orders and filings, other than original process. This Committee agreed to undertake a review of this concept.

The Committee took notice that, on July 22, 2021, the Court adopted, *inter alia*, new Pa.R.O.C.P. 154. (Notice of Hearing to Terminate Parental Rights; Method and Time). A method of service for the hearing notice includes:

electronic transmission provided such person has signed a writing consenting that notice may be sent by electronic transmission, providing an electronic mail address or social media account to which such notice shall be sent, and verifying that he or she regularly accesses and reviews such electronic mail address or social media account;

Pa.R.O.C.P. 15.4(b)(1)(C); see also Pa.R.O.C.P. 15.4(b)(2)(C) (same). This form of service may be used for voluntary relinquishment of parental rights or confirming consent. For involuntary terminations of parental rights, service may include “electronic transmission [of the notice] as the court may require under the facts of the individual case” or publication. Once original service has been obtained in that type of case, the person may then consent to further service via electronic mail address or social media account. See Pa.R.O.C.P. 15.4(b)(3)(A)(iii), (b)(6).

At this juncture, the Committee questioned the merits of sanctioning social media as a mode of service given the availability of PACFile in the juvenile courts. That system contains a functionality whereby users are notified of orders and filings in lieu of traditional service methodologies. See Pa.R.J.C.P. 205(H); 1205(H). However, the Committee believed that service by social media could accommodate unrepresented participants who do not have a stable mailing address or access to PACFile.

While “Advanced Communication Technology” has traditionally included facsimile transmissions and email, see Pa.R.J.C.P. 120, 1120 (Definitions), the Committee though the phrase could be broadly interpreted to include the use of “social media,” subject to certain criteria. The Committee next considered what criteria should guide the use of social media as a mode of service for orders, notices, and filings.

The first criterion was “capacity”. Obviously, the sender must have access to the social media technology capable of transmitting the document to be served. Not all forms of social media have the capacity to “attach” a document.

The second criterion was “consent”. The recipient must consent to the use of social media for service and provide an “address” to the sender. Any consent should be in writing. With a consent requirement, service by social media would not be available for original process, i.e., used to initiate a legal proceeding.

The third criterion was “security”. The mode of service must be reasonable secure against unauthorized access to or interception of the document by anyone other than the recipient. This requirement was informed by Pennsylvania Rule of Professional Conduct 1.6(d) (“A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.”). Additionally, un juvenile court proceedings, court records are confidential.

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The Committee contemplated whether service by social media should be permitted in both delinquency and dependency proceedings. The Committee elected to first focus on dependency proceedings. The Committee then considered the types of matters that may be served using social media. See, e.g., Pa.R.J.C.P. 1123(B) (subpoenas); Pa.R.J.C.P. 1124(B) (summons and notice); Pa.R.J.C.P. 1167(B) (court orders and notices); Pa.R.J.C.P. 1331 (service of petition); Pa.R.J.C.P. 1345(B) (motions and answers); Pa.R.J.C.P. 1363(A) (summons and notice). The Committee elected to first focus on Pa.R.J.C.P. 1167 and the service of court orders and notices. An incremental approach would permit the Committee to evaluate the effectiveness of using social media as a mode of service before any expansion to other proceedings and matters.

Pa.R.J.C.P. 1167(b)(3)(v) already provides for “other electronic means” for service. This, the Committee discussed revisions to the Comment to recognize the permissibility of using social media as “other electronic means.” This receipt-authorization approach was retained to satisfy the “consent” criterion.

The Committee considered Pa.R.Civ.P. 1930.8, which requires the entry of appearance by self-represented parties in family court proceedings, e.g., support, custody. This rule serves three purposes. First, it ensures that the court and other party have contact information for the self-represented party. Second, it obligates the self-represented party to keep the contact information current. Third, it permits counsel to withdraw without motion. That rule suggested that a form authorization located in the Comment to Pa.R.J.C.P. 1167 would be beneficial.

The proposed form requires the disclosure of the facsimile number, email, or social media address to be used for transmission. The form also contains declarations that the person authorizing this method of service would advise the court of any changes to the contact information and that no one other than the person would be able to read the documents transmitted. The latter declaration is intended to address the “security” criterion. Finally, to address the “capacity” criterion, the form contains a declaration that the person has confirmed that the clerk of courts can accommodate the authorization.

No statewide requirement is proposed to be placed on the clerks of courts to adopt any form of social media to accommodate that mode of service. That would be a local decision.

The Committee invites all comments, concerns, and suggestions regarding this rulemaking proposal.