

# FAYETTE LEGAL JOURNAL

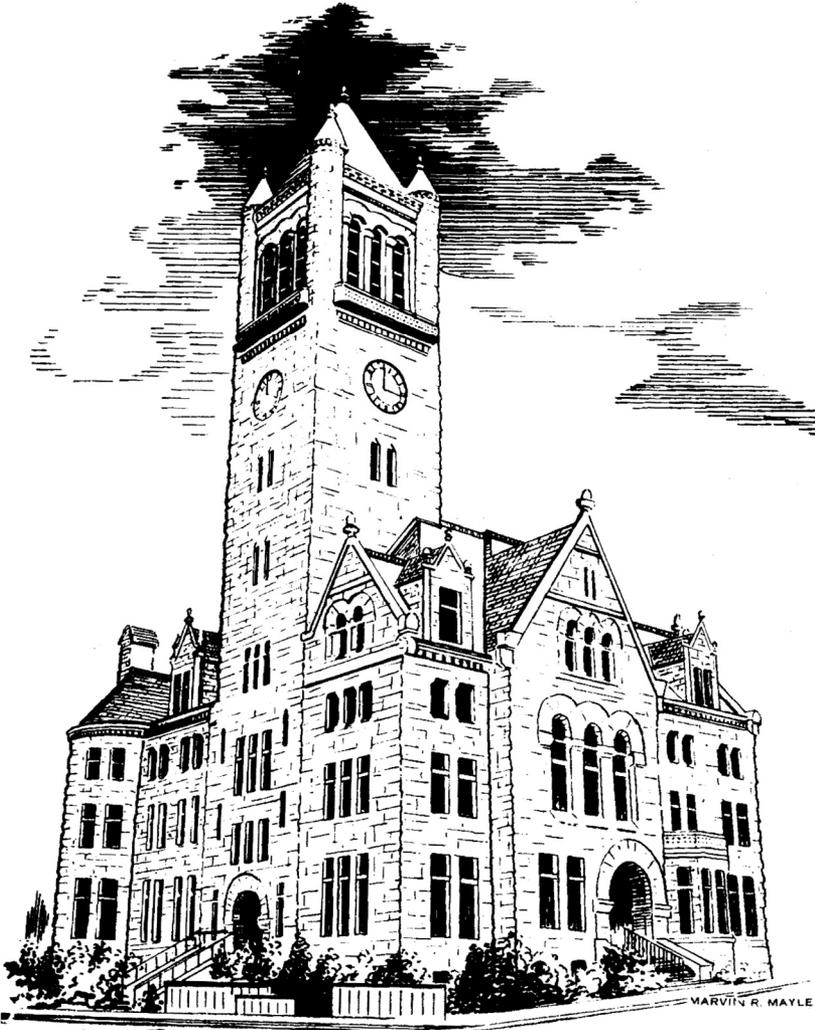
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## FAYETTE LEGAL JOURNAL

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Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors named.

### Third Publication

**BERNADETTE L. BARRON, a/k/a BERNIE BARRON, a/k/a BERNADETTE LANE BARRON**, late of Saltlick Township, Fayette County, PA (3)

*Executrix:* Tina Mutich  
c/o Adams Law Offices, PC  
55 East Church Street, Suite 101  
Uniontown, PA 15401  
*Attorney:* Jason Adams

**JACOB ADAM HIXSON, a/k/a JOHN M. KEFFER**, late of North Union Township, Fayette County, PA (3)

*Administrator:* Jacob Hixson, Jr.  
c/o Adams Law Offices, PC  
55 East Church Street, Suite 101  
Uniontown, PA 15401  
*Attorney:* Jason Adams

**JOHN MICHAEL KEFFER, a/k/a JOHN M. KEFFER**, late of Lower Tyrone Township, Fayette County, PA (3)

*Co-Executor:* Charles Keffer, Jr. and Patricia Keffer  
c/o Adams Law Offices, PC  
55 East Church Street, Suite 101  
Uniontown, PA 15401  
*Attorney:* Jason Adams

**STANLEY J. LEVANDOSKY**, late of Washington Township, Fayette County, PA (3)

*Executrix:* Marla J. Sivic  
621 Indian Hill Road  
Rostraver Township, PA 15012  
c/o 823 Broad Avenue  
Belle Vernon, PA 15012  
*Attorney:* Mark E. Ramsier

**ELIZABETH JEAN POTKUL, a/k/a ELIZABETH POTKUL**, late of Uniontown, Fayette County, PA (3)

*Executor:* Bernard Potkul  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* Gary J. Frankhouser

**LOIS JEAN SADLER**, late of Springhill Township, Fayette County, PA (3)

*Administrator:* Austin Sadler  
c/o Zihmer Law Firm, LLC  
3244 Washington Road, Suite 210  
McMurray, PA 15317  
*Attorney:* Tracy L. Zihmer

**TERRY S. VANSICKLE**, late of Vanderbilt, Fayette County, PA (3)

*Executrix:* Calista Hogben  
c/o Goodwin Como, P.C.  
108 North Beeson Boulevard, Suite 400  
Uniontown, PA 15401  
*Attorney:* Benjamin F. Goodwin

### Second Publication

**FRED G. BRYSON, SR.**, late of New Salem, Fayette County, PA (2)

*Executrix:* Racole N. Sproul  
c/o Radcliffe Martin Law, L.L.C.  
648 Morgantown Road, Suite B  
Uniontown, PA 15401  
*Attorney:* Robert R. Harper, Jr.

**PAULINE K. DAHLGREN, a/k/a PAULINE HUMBERT DAHLGREN**, late of Fairchance Borough, Fayette County, PA (2)

*Executrix:* Becky L. Pegg  
c/o Webster & Webster  
51 East South Street  
Uniontown, PA 15401

**WILMA J. HAUG**, late of Connellsville, Fayette County, PA (2)

*Executor:* Keith A. Smitley  
c/o Proden & O'Brien  
99 East Main Street  
Uniontown, PA 15401  
*Attorney:* Wendy L. O'Brien

**BARBARA J. HEILMAN, a/k/a BARBARA J. BARNES**, late of Uniontown, Fayette County, PA (2)

*Administratrix:* Brooke Burgess  
c/o Proden & O'Brien  
99 East Main Street  
Uniontown, PA 15401  
*Attorney:* Sean M. Lementowski

**JUDITH SEESE, a/k/a JUDITH ELAINE SEESE**, late of Markleysburg, Fayette County, PA (2)

*Executrix:* Carla Sue Seese, a/k/a Carla Sue Wilhelm  
198 Brown Hill Road  
Markleysburg, PA 15459  
c/o 92 East Main Street, 24-A  
Uniontown, PA 15401  
*Attorney:* David Kaiser

**THOMAS B. SESSLER, a/k/a THOMAS BRISON SESLER**, late of Franklin Township, Fayette County, PA (1)

*Personal Representative:* Ellen Hall  
c/o Watson Mundorff, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425  
*Attorney:* Timothy J. Witt

**OCA O. SHIRLEY, JR., a/k/a OCA SHIRLEY, JR.**, late of Grindstone, Fayette County, PA (2)

*Executrix:* Florence Shirley  
c/o Donald J. McCue, J.D., P.E.  
Colonial Law Building  
813 Blackstone Road  
Connellsville, PA 15425  
*Attorney:* Donald J. McCue

**JOHN A. KRYSYNYIAK, a/k/a JOHN KRYSYNYIAK, a/k/a JOHN ADAM KRYSYNYIAK, a/k/a JK Krystyniak**, late of Saltlick Township, Fayette County, PA

*Administratrix:* Nicole Stephenson  
1154 Sullenberger Road  
Latrobe, PA 15650  
c/o Moore Becker Smarto & Acosta, P.C.  
121 West Second Street  
Greensburg, PA 15601  
*Attorney:* Elizabeth A. Becker

**FREEMAN R. MILLER, a/k/a FREEMAN MILLER**, late of Mill Run, Fayette County, PA

*Executor:* Mark A. Miller  
c/o Donald McCue Law Firm, P.C.  
Colonial Law Building  
813 Blackstone Road  
Connellsville, PA 15425  
*Attorney:* Donald J. McCue

**ANTHONY J. OLESKO**, late of Luzerne Township, Fayette County, PA

*Executor:* John Olesko, Sr.  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* James T. Davis

**VIOLET PAUL, a/k/a VIOLET B. PAUL**, late of Bullskin Township, Fayette County, PA

*Administrator:* Allan Paul  
750 Kreinbrook Hill Road  
Mount Pleasant, PA 15666  
c/o Tremba Kinney Greiner & Kerr  
1310 Morrell Avenue, Suite C  
Connellsville, PA 15425  
*Attorney:* John Greiner

## First Publication

**EVELYN KRIVDA**, late of Washington Township, Fayette County, PA

*Co-Executors:* Ronald A. Krivda  
109 Short Ridge Road  
Coal Center, PA 15423  
Carol Ann Kalkstein  
903 Menk Road  
New Kensington, PA 15068  
c/o 823 Broad Avenue  
Belle Vernon, PA 15012  
*Attorney:* Mark E. Ramsier

## LEGAL NOTICES

\*\*\* NO LEGAL NOTICES \*\*\*

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**JUDICIAL OPINION**

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

LAURI MEANS,	:	
Appellant, v.	:	
FAYETTE COUNTY BOARD OF	:	
ASSESSMENT APPEALS,	:	
Appellee, and	:	
COUNTY OF FAYETTE, CITY OF	:	
CONNELLSVILLE,; CONNELLSVILLE	:	
SCHOOL DISTRICT,	:	No. 1251 of 2024, G.D.
Interested Parties.	:	Judge Joesph M. George, Jr.

**OPINION AND ORDER**

GEORGE, J.

November 4, 2024

Before the Court is the Assessment Appeal filed by, Appellant, Lauri Means, from the decision of the Fayette County Board of Assessment Appeals dated May 21st, 2024, denying her Application for LERTA Exemption Nunc Pro Tunc.

The Pennsylvania Local Economic Revitalization Tax Assistance Act, ("LERTA") {1} authorizes local taxing authorities to provide for tax exemptions for improvements made to deteriorated commercial properties and for new construction in economically depressed areas. Section 4725 of LERTA delineates the process by which a local authority can adopt an ordinance or resolution authorizing and setting the terms of the program. Property owners who make improvements to a qualifying property receive a five-year exemption from property taxes for the difference in assessment value after improvements are made to a property. Section 4727(a) addresses the procedure for obtaining an exemption and provides in part, "Any person desiring tax exemption pursuant to ordinances or resolutions adopted pursuant to this act, shall notify each local taxing authority granting such exemption in writing on a form provided by it submitted at the time he secures the building permit." (Emphasis added.)

The relevant City of Connellsville Ordinance was enacted on August 17th 2021, ("Ordinance"). Section 5 of the Ordinance states, "There shall be placed on the form application for building, zoning, and alteration permits the following:"

Notice to Taxpayers

Under the provisions of the City of Connellsville Ordinance No. 1522, you may be entitled to a property tax exemption on your contemplated alteration or new construction. An application for exemption may be secured from the City Clerk and must be filed with the City at the time a building or alteration permit is secured.

"The right to apply for an exemption is a property right and as such is afforded the safeguards surrounding procedural due process as applied to administrative bodies." Academy Plaza Associates, Ltd. V. Board of Revision of Taxes, City of Philadelphia, 503 A.2d 1101, 1103 (Pa. Cmwlth. 1986). A court may not permit a filing nunc pro tunc absent a showing of fraud or its equivalent, or exceptional circumstances. Id, at 1102.

"Proper notice is such notice as is reasonably calculated to inform the taxpayer of his right to apply for an exemption." Id.at 1103.

Means is the owner of the real property in the City of Connellsville, Fayette County, known as Tax Map Number 05-08-0116 at 875 Vanderbilt Road. Means purchased the property as unimproved land and eventually constructed a self-storage facility on the property. In August of 2022, Means requested a building permit application and the City emailed her a "UCC Building Permit Application." Means submitted that application on October 28th 2022, without a LERTA application, and the City issued a building permit on November 11th 2022. Means learned about the LERTA program for the first time in August of 2023 and submitted a LERTA application to the City on August 30th,, 2023, which was denied as untimely by letter dated September 5th, 2023. On March 27th, 2024, Means submitted an Application for a LERTA Exemption Nunc Pro Tune to the City, which the Assessment Office denied by letter dated May 21st, 2024. Means timely filed the instant Assessment Appeal on June 20th, 2024.

There is no dispute that the "UCC Building Permit Application-Commercial" that Means was given by the City in August of 2022 did not include the language required by the Ordinance and that the permit application package that was sent to Means did not include a LERTA application for the property. {2} In addition, the "City of Connellsville Permit Application" that Health, Code, and Zoning Officer, Tom Curry, completed on Mean's behalf, dated July 1st, 2022, did not include the specific language required by the Ordinance, but instead only included checkboxes referring to "LERTA." Means offered uncontroverted testimony that she did not see this application before it was submitted and that she did not sign it. Even if Means had seen this form prior to the application, the inclusion of the acronym "LERTA" without the full title of the Act, without the language required by the Ordinance, and without the inclusion of a blank LERTA application would not have been sufficient to put an applicant on notice that an exemption may be available.

Therefore, the Court enters the following Order:

#### ORDER

AND NOW, this 4th day of November, 2024, after a hearing on the Assessment Appeal filed by Lauri Means from the decision of the Fayette County Board of Assessment Appeals dated May 21st, 2024, denying her Application for LERTA Exemption Nunc Pro Tune, the Court hereby ORDERS and DIRECTS that for the reasons set forth in the accompanying Opinion, the appeal is GRANTED. The Fayette County Board of Assessment Appeals is further ORDERED and DIRECTED to accept the filing of the Application for LERTA Exception Nunc Pro Tune, and the matter is REMANDED to the Board for the further consideration of the Application on its merits.

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

ATTEST:  
PROTHONOTARY

{1} Act of Dec.1, 1977, P.L. 237, No. 76; 72 P.S. §4722 et seq.

{2} The Connellsville Planning Commission Health, Code, and Zoning Officer, Tom Curry, acknowledged in a letter dated August 28th, 2023, that the LERTA application was inadvertently not included in the permit application package.

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