

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. 49

July 29, 2021



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Serving the Legal Community of Greene County
Since October 1982

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COURT OF COMMON PLEAS
Honorable Louis Dayich, President Judge

MOTIONS

Criminal & Civil & O.C.:
August 2 and 4, 2021

CRIMINAL

Arraignments: August 2, 2021
ARDs: September 19, 2021
ARD Revocations: September 19, 2021
Parole Violations: August 2, 2021
Plea Court: August 10, 11, and 12, 2021
License Suspension Appeals: August 16, 2021
Argument Court: August 23, 2021

ORPHANS

Accounts Nisi: August 2, 2021
Accounts Absolute: August 12, 2021

SUPREME COURT

SUPERIOR COURT

COMMONWEALTH COURT

Convenes in Pgh.: October 25-29, 2021

Convenes in Pgh.: August 17-19, 2021

Convenes in Pgh.: October 18-22, 2021

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the editorial staff to be reasonably interpreted as offensive, demeaning or insulting to any individual or group will not be published.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 Anonymous correspondence will not be published.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

Jessica L. Phillips, President

Christopher M. Simms, Vice-President

Cheryl Cowen, Secretary

Timothy M. Ross, Treasurer

Christine N. Nash, Ex-Officio

ARGUMENTS

Argument Court: August 23, 2021

CIVIL

Domestic Relations Contempts: August 23, 2021
Domestic Relations Appeals: August 23, 2021

JUVENILE

Plea Day: August 19, 2021

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DEED TRANSFERS

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

ALEPPO TOWNSHIP

John Dale Briggs, et ux., to Equitrans Water Services (PA) LLC, R/W, \$68,560.00 (7-23-21)

CUMBERLAND TOWNSHIP

Justin Maurin, et ux., to Lukacs Enterprises Inc., 453 Acre, \$88,000.00 (7-22-21)

Dennis R. Zappone, et ux., to Anthony Jack Pecjack, .475 Acre, \$1,900.00 (7-22-21)

Joyce V. Kraynak Estate, et al., to Walter Sebulsky, Lots 181-182 in Colonial Heights Addition, \$183,000.00 (7-23-21)

Jeffrey Blackburn, et ux., to Rodney Shepherd, et ux., Lot 222 in Crucible Plan, \$13,900.00 (7-26-21)

FREEPORT TOWNSHIP

Albert L. King to DMQ LLC, et ux., 11 Acres, O&G, \$11,000.00 (7-26-21)

GREENSBORO BOROUGH

Ashley Hohn A/K/A Ashley A. Washko, et ux., to Darion Marie Ebersole, Lot, \$98,050.00 (7-27-21)

JEFFERSON TOWNSHIP

Barbara J. Burke Ankrom By Agent, et al., to Justin E. Maurin, et ux., 1.0690 Acres, \$100,000.00 (7-22-21)

MORRIS TOWNSHIP

Juliet Salerno, et ux., to Joshua S. Matiyasic, 2 Tracts, \$227,000.00 (7-27-21)

RICHHILL TOWNSHIP

Deborah J. Filbey to Three Rivers Royalty LLC, et ux., 245.37 Acres, O&G, \$77,617.05 (7-23-21)

Gary L. Jacobs to Three Rivers Royalty LLC, et ux., 245.37 Acres, O&G, \$77,617.05 (7-23-21)

WHITELEY TOWNSHIP

Marlene Alberta Hunnell to EQM Gathering OPCO LLC, R/W, Tracts, \$115,376.00 (7-23-21)

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

CREE, ANNA LOUISE A/K/A ANNA LOUISE CREE-PATTERSON

Late of Waynesburg Borough, Greene County, Pennsylvania

Executor: Mr. James E. Mason, 284 Elm Drive, Waynesburg, PA 15370

Attorney: Christopher Michael Simms, Esquire, POLLOCK MORRIS BELLETTI & SIMMS, LLC 54 South Washington Street, Waynesburg, PA 15370

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MITCHELL, WAYNE B.

Late of Washington Township, Greene County, Pennsylvania
Executor: Wayne Brian Mitchell, 692 Pettit Road, Sycamore, PA 15364
Attorney: Christopher Michael Simms, Esquire, POLLOCK MORRIS BELLETTI & SIMMS, LLC, 54 South Washington Street, Waynesburg, PA 15370

PERRY, LUCILLE REBECCA

Late of Franklin Township, Greene County, Pennsylvania
Executrix: Lucinda Elaine Bailey, 675 Dividing Ridge Road, Waynesburg, PA 15370
Attorney: None

SECOND PUBLICATION

PRATT, MARK A.

Late of Perry Township, Greene County, Pennsylvania
Administrator: Russell Pratt, 117 Duquesne Street, Greensboro, PA 15338
Attorney: None

THIRD PUBLICATION

DULANEY, JUDY I.

Late of Morgan Township, Greene County, Pennsylvania
Executor: Joshua H. Dulaney, 191 Breakneck Road, Waynesburg, PA 15370
Attorney: None

RICHARDSON, MAXINE ELIZABETH

Late of Richhill Township, Greene County, Pennsylvania
Administrator: Sandra R. Harris, C/O Chambers & Pratt, P.C., 223 East High Street, Waynesburg, PA 15370
Attorney: Kimberly J. Simon-Pratt, Esquire, Chambers & Pratt, P.C., 223 East High Street, Waynesburg, PA 15370

SMITH, EDWARD OAKEY

Late of Perry Township, Greene County, Pennsylvania
Executrix: Mary Susan Hollabaugh, 190 Dairy Farm Road, Mt. Morris, PA 15349
Attorney: None

NOTICE

NOTICE: DUE TO COVID-19 REQUIREMENTS PROBATE PROCEEDINGS WILL BE BY APPOINTMENT ONLY.

All Probate proceedings must be reviewed before an appointment is scheduled.

For review email your prepared documents to: jharrison@co.greene.pa.us or dtharp@co.greene.pa.us

Please allow a 24-hour approval period.

Documents may include but are not limited to the Petition for Grant of Letters, Will, Codicil(s), Renunciation(s), Death certificate, State Information Sheet, etc.

Once your documents are approved, we will contact you to setup an appointment.

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Please bring all the original documents with you to your appointment.
Donna J. Tharp, Register of Wills 724-852-5284

LEGAL NOTICE

To Signal Consumer Discount Company, an action for Quiet title to property located at 461 Rocky Run Road, Greensboro, PA 15338, with a Tax ID No. 06-01-138-C, has been filed against Signal Consumer Discount Company by Jesse L. Wrick, III and James F. Wrick in the Greene County Court of Common Pleas under Case No. AD-412-2021. This is a formal notice pursuant to Pa. R.C.P 430(b)(1). Failure to defend these claims will result in a judgment being entered against you.

SHERIFF'S SALE

**By Virtue of a Writ of Execution
No. ED-13-2021 AD-765-2020**

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, AUGUST 13, 2021
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 PARCEL OF LAND SITUATE IN THE TOWNSHIP OF CUMBERLAND, GREENE COUNTY, PENNSYLVANIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL NO. 05-32-123

ALSO KNOWN AS 230 GLADE RUN ROAD, CARMICHAELS, PA 15320 BEING THE SAME PREMISES WHICH MARTIN FRANCIS KIMES AND JULIA LOUISE KIMES, HUSBAND AND WIFE, BY DEED DATED DECEMBER 12, 2002 AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF GREENE COUNTY ON DECEMBER 31, 2002 IN DEED BOOK 0270, PAGE 0443, GRANTED AND CONVEYED UNTO PAUL J. KRON AND KIMBERLY A. KRON, HUSBAND AND WIFE. INFORMATIONAL NOTE: KIMBERLY A. KRON DIED ON APRIL 18, 2016, AND PURSUANT TO THE SURVIVORSHIP LANGUAGE IN THE ABOVE-MENTIONED DEED, ALL HER INTERESTS PASSED TO PAUL J. KRON.

PROPERTY ADDRESS: 230 Glade Run Road, Carmichaels, PA 15320

Seized and taken into execution to be sold as the property of MICHELLE L WISE AKA MICHELLE LYNN MILLS, AS ADMINSTRATOR OF THE ESTATE OF PAUL J KRON in suit of U.S. BANK NATIONAL ASSOCIATION.

Attorney for the Plaintiff:
Manley Deas Kochalski LLC
Columbus, OH 614-220-5611

MARCUS N. SIMMS, Sheriff
Greene County, Pennsylvania

SUPREME COURT NOTICE

SUPREME COURT OF PENNSYLVANIA
CIVIL PROCEDURAL RULES COMMITTEE

NOTICE OF PROPOSED RULEMAKING

Proposed Amendment of Pa.R.C.P. No. 1311.1

The Civil Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Rule 1311.1 for the reasons set forth in the accompanying explanatory 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 reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They will neither constitute a part of the rules nor be officially 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:

Karla M. Shultz, Counsel
Civil Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9526
civilrules@pacourts.us

All communications in reference to the proposal should be received by **September 24, 2021**. 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 Civil Procedural Rules Committee,
John J. Hare
Chair

PUBLICATION REPORT

Pursuant to a request, the Civil Procedural Rules Committee is considering proposing the amendment of Pa.R.C.P. No. 1311.1 governing the limit a party may elect as the maximum amount of damages recoverable upon the trial of an appeal from the award of arbitrators. Rule 1311.1 currently sets the maximum amount recoverable at \$25,000. The proposed amendment would establish the maximum amount of damages recoverable equal to the jurisdictional limit of compulsory arbitration in the judicial district in which the action was brought.

Section 7361 of the Judicial Code, 42 Pa.C.S. § 7361(b) sets the jurisdictional limit for compulsory arbitration: “No matter shall be referred [to compulsory arbitration]...where the amount in controversy, exclusive of interests and costs, exceeds \$50,000.” *Id.* Rule 1311.1 waives the necessity of testimony by a witness as a prerequisite to the admission of documentary evidence in an arbitration proceeding under Rule 1305(b). The rule applies to arbitration appeals in which the “plaintiff elects a limit of \$25,000.00 as the maximum amount of damages recoverable upon the trial of an appeal from the award of arbitrators.”

The Committee observed that not every judicial district sets its compulsory arbitration limit at \$50,000 - approximately 15 judicial districts use a lower amount. In practice, the disconnect between the jurisdictional limit for arbitration and the maximum amount of damages permitted under Rule 1311.1 creates an unfair advantage to a defendant who appeals an award of arbitrators to the trial court knowing that the award on appeal will be lower than the award of the arbitrators. The proposed amendment of Rule 1311.1 is intended to eliminate this advantage by establishing that the maximum amount of damages is equal to the compulsory arbitration limit in each judicial district.

Accordingly, subdivision (a) would be amended to replace the current \$25,000 limit with “an amount equal to the jurisdictional limit for compulsory arbitration of the judicial district in which the action was filed...” A note would also be added to cross-refer to Section 7361(b) of the Judicial Code providing for the jurisdictional limit for compulsory arbitration and to Rule 1301 to indicate that the limit for a judicial district is set by local rule. In addition, some minor stylistic revisions are also proposed.

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

Rule 1311.1. Procedure on Appeal. Admission of Documentary Evidence.

(a) The plaintiff may elect **[a limit of \$25,000.00] an amount equal to the jurisdictional limit for compulsory arbitration of the judicial district in which the action was filed** as the maximum amount of damages recoverable upon the trial of an appeal from the award of arbitrators. The election shall be filed and served upon every other party at least **[thirty] 30** days from the date the appeal is first listed for trial. The election may be withdrawn at any time by agreement of the parties. If the parties cannot agree, upon plaintiff’s motion to

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withdraw the election, the court may grant the withdrawal of the election upon good cause shown.

Note: The jurisdictional limit for compulsory arbitration is set forth in Section 7361 of the Judicial Code, 42 Pa.C.S. § 7361. Each judicial district is required pursuant to Rule 1301 to specify in a local rule the jurisdictional amount for actions that are submitted to compulsory arbitration.

(b) If the plaintiff has filed and served an election as provided in subdivision (a), any party may offer at trial the documents set forth in Rule 1305(b)(1). The documents offered shall be admitted if the party offering them has provided written notice to every other party of the intention to offer the documents at trial at least [twenty] 20 days from the date the appeal is first listed for trial. The written notice shall be accompanied by a copy of each document to be offered.

Note: The deadline for providing notice of the intention to use the procedures of this subdivision may be altered by the court upon cause shown, provided that no party is prejudiced.

The term “plaintiff” includes a defendant who is the plaintiff in a counterclaim.

(c) A document which is received into evidence under subdivision (b) may be used for only those purposes which would be permissible if the person whose testimony is waived by this rule were present and testifying at the hearing. The court shall disregard any portion of a document so received that would be inadmissible if the person whose testimony is waived by this rule were testifying in person.

(d) Any other party may subpoena the person whose testimony is waived by this rule to appear at or serve upon a party a notice to attend the trial and any adverse party may cross-examine the person as to the document as if the person were a witness for the party offering the document. The party issuing the subpoena shall pay the usual 4 and customary fees and costs of the person subpoenaed to testify, including a usual and customary expert witness fee if applicable.

(1) If another party subpoenas or otherwise arranges for the attendance at trial of the person whose testimony is waived by this rule, the document may be presented to the judge or jury as direct examination as if the person has not been subpoenaed by another person, or the plaintiff may conduct a direct examination of the witness.

(2) Any party, or the person subpoenaed, may require that the testimony be given by deposition pursuant to [Pa.R.C.P.] Rule 4020(a)(5). The party issuing the subpoena shall pay the witness’s usual and customary fee for such testimony.

(e) The election required by subdivision (a) shall be substantially in the following form:

(Caption)

**Election to Limit Monetary Recovery
Pursuant to Rule 1311.1**

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To: _____
(Name of Party/Parties)

_____, plaintiff, elects \$[25,000.00] _____ as the maximum amount of damages recoverable upon the trial of the appeal from the award of arbitrators in the above captioned action.

(Name of Plaintiff)

(Attorney for Plaintiff)

Date

Note: The term “plaintiff” includes a defendant who is the plaintiff in a counterclaim.

A plaintiff may include in a single document the election and the notice of intent to offer documents.

(f) The notice required by subdivision (b) shall be substantially in the following form:

(Caption)

**Notice of
Intent to Offer Documentary Evidence
Pursuant to Rule 1311.1**

To: _____
(Name of Party/Parties)

_____, (Plaintiff, Defendant, Additional Defendant), intends to offer the documents attached hereto at the trial of the appeal from the award of arbitrators, in the manner provided by Rule of Civil Procedure 1311.1. The following documents are attached (list all documents to be offered):

1. _____.
2. _____.

(Name of Party)

(Attorney for Party)

Date

SUPREME COURT NOTICE

SUPREME COURT OF PENNSYLVANIA CIVIL PROCEDURAL RULES COMMITTEE

NOTICE OF PROPOSED RULEMAKING

Proposed Amendment of Pa.R.C.P. Nos. 216, 227.1, 234.6, 1558, 1559, 1565, 1569, 1571, 1572, 1573, and 1574

The Civil Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Rules 216, 227.1, 234.6, 1558, 1559, 1565, 1569, 1571, 1572, 1573, and 1574 for the reasons set forth in the accompanying explanatory 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 reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They will neither constitute a part of the rules nor be officially 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:

Karla M. Shultz, Counsel
Civil Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9526
civilrules@pacourts.us

All communications in reference to the proposal should be received by September 24, 2021. 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 Civil Procedural Rules Committee,
John J. Hare
Chair

PUBLICATION REPORT

Pursuant to multiple requests, the Civil Procedural Rules Committee is considering proposing amendments of the Rules of Civil Procedure that replace the terms "master" and

"special master" with "hearing officer." They include Pa.R.C.P. Nos. 216, 227.1, 234.6, 1558, 1559, 1565, 1569, 1571, 1572, 1573, and 1574.

The purpose of the proposed amendments is to two-fold. First, while the term "master" has traditionally identified a quasi-judicial officer and is considered neutral in legal proceedings, a pejorative connotation has been ascribed to the term in modern parlance outside of court. Second, the term has been either already replaced or proposed to be replaced in other bodies of rules. See 47 Pa.B. 2313 (April, 22, 2017) (amendments to the Rules of Juvenile Court Procedure) and 51 Pa.B. 1006 (February 27, 2021) (proposed amendments to the Rules of Civil Procedure Governing Domestic Relations proceedings). In addition, the Committee has observed that a number of judicial districts have also changed this terminology in their local rules.

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

Rule 216. Grounds for Continuance.

([A]a) * * *

(1) * * *

(2) * * *

(3) * * *

([a]i) * * *

([b]ii) * * *

([c]iii) * * *

(4) * * *

(5) The scheduling of counsel to appear at any proceeding under the Pennsylvania Rules of Disciplinary Enforcement, whether:

([a]i) as counsel for a respondent-attorney before a hearing committee, [special master] hearing officer, the Disciplinary Board or the Supreme Court;

([b]ii) as a [special master] hearing officer or member of a hearing committee; or

([c]iii) as a member of the Disciplinary Board;

(6) * * *

([a]i) * * *

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(b)ii * * *

(B)b * * *

(C)c * * *

(D)d No continuance shall be granted due to the absence from court of a witness duly subpoenaed, unless:

(1) Such witness will be absent because of facts arising subsequent to the service of the subpoena and which would be a proper ground for continuance under the provisions of Rule 216(A)a; or

(2) * * *

(3) The witness, having attended at court has departed without leave, and an application for attachment is made promptly after the discovery of the absence of such witness; or the court is satisfied that the witness has left court for reasons which would be a proper ground for continuance under Rule 216(A)a.

(E)e * * *

(F)f Rule 216(B)-(E)(b)-(e) and Rule 217 shall not be applicable to a continuance granted for any of the reasons set forth in Rule 216(A)a(5) or (6).

Rule 227.1. Post-Trial Relief.

(a) * * *

Note: * * *

The following rules provide for the filing of exceptions, e.g., Equity Rule 1534 (exceptions to a fiduciary's account), Partition Rule 1569 (exceptions to a [master] hearing officer's report) and Divorce Rule 1920.55-2 (exceptions to a [master] hearing officer's report), Support Rule 1910.12(e) (exceptions to a hearing officer's report) and Execution Rule 3136(d) (exceptions to sheriff's schedule of proposed distribution).

* * *

EXPLANATORY COMMENT—1983

* * *

The term "exceptions" is used in the rules in contexts other than post-trial practice. No amendment is made to rules using the term in such other contexts. Thus under Rule 227, a party need not take "exception" to any ruling of the trial judge. A party must still file "exceptions" to an auditor's report under Rule 1530, a [master] hearing officer's report under Partition Rule 1569, a hearing officer's report under Support Rule 1910.12, a [master] hearing officer's report under Divorce Rule 1920.55 and a schedule of distribution under Execution Rule 3136.

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* * *

Rule 234.6. Form of Subpoena.

A subpoena issued pursuant to Rule 234.1 shall be substantially in the following form:

Commonwealth of Pennsylvania
County of _____

(Caption)

SUBPOENA TO ATTEND AND TESTIFY

* * *

Note: This form of subpoena shall be used whenever a subpoena is issuable under Rule 234.1, including hearings in connection with depositions and before arbitrators, [masters] hearing officers, commissioners, etc.

To require the production of documents or things in addition to testimony, complete paragraph 2.

* * *

Rule 1558. Preliminary Conference. Appointment of [Master] Hearing Officer.

(a) The court, after the entry of the order directing partition, shall direct the parties or their attorneys to appear for a preliminary conference to consider

(1) whether the parties can agree upon a plan of partition or sale;

(2) the simplification of the issues;

(3) whether any issues or matters relating to the carrying out of the order of partition shall be referred to a [master] hearing officer; and

(4) such other matters as may aid in the disposition of the action.

(b) The court, at any time after the preliminary conference, may appoint a [master] hearing officer to hear the entire matter or to conduct any sale, or to act upon only specified issues or matters relating to the carrying out of the order of partition.

Rule 1559. [Master] Hearing Officer. Hearing.

A [master] hearing officer who is appointed by the court shall make such examinations and hold such hearings as may be necessary, giving reasonable notice thereof. The [master] hearing officer may employ appraisers and, with the authorization of the court, such other experts as are necessary to enable the [master] hearing officer to perform [his or her] the duties of the appointment.

Rule 1565. Retention of Undivided Interests. Election. Parties not Appearing.

(a) The court shall permit the shares of any two or more co-tenants to remain undivided between them if they so elect by writing filed within such time as the court or [master] hearing officer shall direct.

(b) * * *

Rule 1569. [Master] Hearing Officer's Report. Exceptions.

(a) A [master] hearing officer who is appointed by the court shall file a report with respect to the matters submitted. The report shall follow the form of decision in Rule 1570, insofar as the scope of the reference to the [master] hearing officer permits.

(b) The [master] hearing officer shall give all persons in interest written notice of the date on which [he or she] the hearing officer intends to file the report and proposed order and shall specify an address within the county where they may be examined. The [master] hearing officer may change the report and proposed order as [he or she] the hearing officer deems proper before filing them, but if any changes are made written notice thereof shall be given to all parties.

(c) Within ten days after notice of the filing of the report exceptions may be filed by any party to rulings on evidence, to findings of fact, to conclusions of law and to the proposed order. The court may, with or without taking testimony, remand the report, or enter a decision in accordance with Rule 1570 which may incorporate by reference the findings and conclusions of the [master] hearing officer in whole or in part.

Rule 1571. Trustees to Satisfy Liens and Charges.

(a) The court, upon motion of any party or person in interest, or upon recommendation of the [master] hearing officer, may appoint a trustee to receive payment of

(1) * * *

(2) * * *

(3) * * *

(b) * * *

Rule 1572. Sale not Confined to Parties.

(a) * * *

(b) * * *

(c) * * *

(d) If the court directs a [master] hearing officer to conduct the sale, the [master] hearing officer before accepting payment for the property shall file a bond in double the amount of the payment or in such lesser amount as shall be fixed by the court.

Rule 1573. Return of Sale and Schedule of Distribution.

(a) Where the sale has been conducted by a [master] hearing officer, the [master] hearing officer shall promptly file with the prothonotary a return of sale together with a proposed order which shall

(1) confirm the sale;

(2) authorize the [master] hearing officer to execute and deliver to the purchaser all necessary deeds and other instruments of title;

(3) contain appropriate provisions for the protection of life tenants, unborn and unascertained remaindermen, persons whose whereabouts are unknown, or other persons in interest and for the release or discharge of such interests;

(4) direct distribution of the proceeds to the persons or parties entitled; and

(5) provide for the payment of costs.

(b) The [master] hearing officer shall give all persons in interest written notice of the date on which [he or she] the hearing officer intends to file the return of sale and proposed order and shall specify an address within the county where they may be examined. The [master] hearing officer may change the return of sale and proposed order as [he or she] the hearing officer deems proper before filing them, but if any changes are made written notice thereof shall be given to all parties.

(c) * * *

Rule 1574. Costs and Counsel Fees.

Costs shall be paid by the parties in proportion to their interests in the property. The compensation of appraisers, the [master] hearing officer's fee and compensation of experts authorized by the court shall be taxed as part of the costs. Reasonable counsel fees may be charged against the property or fund resulting therefrom, and apportioned among the parties and their counsel in such amount and manner as the court shall deem equitable.