

RECENT OPINION SUMMARIES

BAPTISTE v. GUMBERG ASSOCIATES - CRANBERRY MALL, ET.AL. A.D. 09-11807 (2013)

The Pennsylvania Supreme Court has noted that traditional landlord-tenant law held that where the owner of real estate leased various parts of that real estate to several tenant, but retained possession and control of the common passageways and aisles, which were to be used by business invitees of the tenants, the duty to keep the common aisles safe for the business invitees was imposed upon the landlord and not the tenants, unless a contract provision in the lease provided otherwise. And these principles equally apply to liability for accidents occurring in shopping malls.

BANKS v. SECURITY & FIRE SYSTEMS OF PA, INC. v. GUARDIAN PROTECTION SERVICES A.D. 99-11112 (2013)

Spoliation of evidence is the non-preservation or significant alteration of evidence for pending or future litigation. The key considerations in determining whether a sanction for spoliation of evidence is appropriate should be: (1) the degree of fault of the party who altered or destroyed the evidence; (2) the degree of prejudice suffered by the opposing party; and (3) whether there is a lesser sanction that will avoid substantial unfairness to the opposing party and, where the offending party is seriously at fault, will serve to deter such conduct by others in the future. A spoliation instruction is often granted because it is considered the least onerous penalty commensurate with one party's degree of fault and the other party's prejudice.

Please Note: The Butler County Legal Journal is published every Friday. All legal notices must be submitted in typewritten form and are published exactly as submitted by the advertiser. The Butler County Bar Association will not assume any responsibility to edit, make spelling corrections, eliminate errors in grammar or make any changes in content.

Please address all communications to:

Butler County Legal Journal

201 South Main St., Ste 101 | Butler PA 16001 | p: 724.841.0130 | f:724.841.0132 |

BCLegalJournal@zoominternet.net



Visit us on the web @ butlercountypabar.org

ESTATE NOTICES

Notice is hereby given that in the estates of the decedents set forth below the Register of Wills has granted letters testamentary or of administration to the persons named. All persons having claims or demands against said estates are requested to make known the same, and all persons indebted to said estates are requested to make payment without delay, to the executors or administrators or their attorneys named below.

FIRST PUBLICATION**Estate of: Carolyn Cehily**

Late of: Jefferson Township PA
Executor: Michael J Cehily
227 Knoch Road
Saxonburg PA 16056
Executor: Diane E Carbin
110 Third Ave
Butler PA 16001
Attorney: Pamela H Walters
POB 654
277 Main Street
Saxonburg PA 16056

Estate of: Lawrence James Dodds**a/k/a: L James Dodds**

Late of: Middlesex Township PA
Executor: David W Dodds
140 Hauger Road
Rockwood PA 15557
Attorney: Mark A Criss
Cranberry Professional Park
501 Smith Drive Suite 5
Cranberry Twp PA 16066

Estate of: Susan R Fennick**a/k/a: Susan Ruth Fennick**

Late of: Valencia PA
Executor: James A Snyder
7 Winchester Drive
Endicott NY 13760
Attorney: Dorothy J Petrancosta
POB 423
Glenshaw PA 15116

Estate of: Teresa M Goldner

Late of: Cranberry Township PA
Executor: Maryanne Long
1811 North Villa Dr
Gibsonia PA 15044
Attorney: Franklin Blackstone Jr
Goehring Rutter & Boehm
2100 Georgetowne Drive Suite 300
Sewickley PA 15143

Estate of: Marna A Greiner

Late of: Mercer Township PA
Executor: Ronald D Greiner
8746 Watkins Road
Marysville OH 43040
Attorney: Joseph John Nash
Nash Law Office
POB 673
164 S Main St
Slippery Rock PA 16057

Estate of: Alberta M Hilderbrand

Late of: Butler PA
Admr dbncta: Julia M Cozad
5437 Soundside Drive
Gulf Breeze FL 32563
Attorney: Todd T Jordan
Tener Van Kirk Wolf & Moore PC
One Oxford Centre Suite 2100
301 Grant Street
Pittsburgh PA 15219

Estate of: Geraldine M Kelley**a/k/a: Geraldine Mae Kelley**

Late of: Franklin Township PA
Administrator: David R Kelley
780 West Park Road
Slippery Rock PA 16057
Attorney: Ronald W Coyer
SR Law LLC
631 Kelly Boulevard
POB 67
Slippery Rock PA 16057

Estate of: Geraldine Lisjak**a/k/a: Geraldine P Lisjak**

Late of: Valencia PA
Administrator cta: Paul D Coury
Us Steel Tower Suite 3040
Pittsburgh PA 15219
Attorney: Michael A Carr
Jones Gregg Creehan & Gerace LLP
411 Seventh Avenue Suite 1200
Pittsburgh PA 15219

Estate of: Dean H Measel**a/k/a: Dean Henry Measel**

Late of: Zelienople PA
Executor: Carol J Moser
204 Weaver Dr
Glenshaw PA 15116
Executor: George C Measel
534 Perry Highway
Harmony PA 16037
Attorney: Darla J Hancher
Hancher Law Office
101 N Green Lane
Zelienople PA 16063

Estate of: Jack F Rice

Late of: Butler PA
Executor: James A Taylor
110 E Diamond Street
Butler PA 16001
Attorney: Michael D Gallagher
Murrin Taylor Flack Gallagher & May
110 East Diamond Street
Butler PA 16001

Estate of: Dorothy A Spence

Late of: Harrisville PA
Executor: R James Spence
323 Gilbert Road
West Sunbury PA 16061
Attorney: Brenda K McBride
211 South Center St
Grove City PA 16127

Estate of: Joseph Paul Yannuzzi

Late of: Butler PA
Executor: Paige Jennifer Frey
56 South Street
Trumansburg NY 14886
Attorney: Cathy S Boyer
Boyer Paulisick & Eberle
108 East Diamond Street
Suite 301
Butler PA 16001-5980

BCLJ: Feb. 21, 28, & March 7, 2014

SECOND PUBLICATION

Estate of: Barbara M Beahm

Late of: Evans City PA
Executor: Matthew Beahm
115 Watters Station Road
Evans City PA 16033
Executor: Sandra Beahm
420 Lindsay Road
Zelienople PA 16063
Attorney: Nathan C Platt
127 Watters Station Rd
Evans City PA 16033

Estate of: Martha Wood Cavanaugh

a/k/a: Martha E Cavanaugh
a/k/a: Martha Betty Cavanaugh

Late of: Butler PA
Executor: Patrick G Cavanaugh
597 North Cherry St
Worthington PA 16262
Executor: Kevin J Cavanaugh
807 Hillcrest Circle
Wexford PA 15090
Attorney: Charles R Reis
Reis Law Firm
3439 Babcock Blvd Suite 300
Pittsburgh PA 15237

Estate of: Sabrina Christine Devereaux

a/k/a: Sabrina C Devereaux

Late of: Penn Township PA
Executor: John Thomas Devereaux
159 Brownsdale Road
Butler PA 16002
Attorney: Norman D Jaffe
Jaffe & Kecskemethy PC
101 East Diamond Street Suite 204
Butler PA 16001

Estate of: Marjorie Isobel Emigh

Late of: Butler Township PA
Executor: Joyce E Moore
123 Oak Crest Lane
Butler PA 16002
Attorney: None

Estate of: Nancy Graves

a/k/a: Nancy J Graves

Late of: Penn Township PA
Executor: Joseph Pietruniak
601 Sunset Valley Drive
Soddy Daisy TN 37379
Attorney: None

Estate of: Katharine B Macleod

Late of: Center Township PA
Administrator: Pamela J May
228 East Pearl Street
Butler PA 16001
Attorney: Mary Jo Dillon
Dillon McCandless King
Coulter & Graham LLP
128 West Cunningham Street
Butler PA 16001

Estate of: Clair E Mitchell

Late of: Jefferson Township PA
Executor: George Robert Mitchell
840 North Pike Road
Cabot PA 16023
Attorney: Laurel Hartshorn
254 W Main St
POB 553
Saxonburg PA 16056

Estate of: David A Ritchey

a/k/a: David Arthur Ritchey

Late of: Franklin Township PA
Executor: Donna J Ritchey
361 North Road
Butler PA 16001
Attorney: Leo M Stepanian Sr
Stepanian & Menchyk LLP
222 South Main St
Butler PA 16001

BCLJ: Feb. 14, 21 & 28, 2014

THIRD PUBLICATION**Estate of: Charles Leroy Buzard
a/k/a: Charles L Buzard**

Late of: Jackson Township PA
 Administrator: Tina L Hartung
 POB 545
 Mars PA 16046
 Attorney: Margaret C Abersold
 200 Hickory Lane
 Valencia PA 16059

Estate of: Donald J Flajole

Late of: Adams Township PA
 Executor: John J Verbanac Sr
 124 Crystal Spring Drive
 Cranberry Twp PA 16066
 Attorney: William G Brucker
 Brucker Schneider & Porter
 300 Weyman Road Suite 320
 Pittsburgh PA 15236

Estate of: Thelma H Forsythe

Late of: Zelienople PA
 Executor: Walter Treser
 404 Torrey Pine Drive
 Mars PA 16046
 Attorney: Lea E Anderson Esq
 Goehring Rutter & Boehm
 2100georgetowne Drive Suite 300
 Sewickley PA 15143

Estate of: Gary Lee Johnson

Late of: Evans City PA
 Executor: Anna Beth Kiss
 621 S Henry St
 Alexandria VA 22314
 Attorney: Philip P Lope
 Lope Casker & Casker
 207 East Grandview Avenue
 Zelienople PA 16063

Estate of: Nathan Alan McCandless**a/k/a: Nathan A McCandless**

Late of: Oakland Township PA
 Administrator: Michael A McCandless
 312 Chicora Road
 Butler PA 16001
 Administrator: Dolores J McCandless
 312 Chicora Road
 Butler PA 16001
 Attorney: William J Schenck
 Schenck & Long
 610 North Main Street
 Butler PA 16001

Estate of: Ora Belle Shea**a/k/a: Ora W Shea**

Late of: Center Township PA
 Executor: David L Travaglio
 Box 235
 West Sunbury, PA 16061
 Attorney: Michael D Gallagher
 Murrin Taylor Flack Gallagher & May
 110 East Diamond Street
 Butler PA 16001

Estate of: Alice L Ziegler

Late of: Harmony PA
 Executor: Bruce H Ziegler
 844 Edmond St
 Harmony PA 16037
 Executor: Barbara A Metcalfe
 221 Crescent Ave
 Ellwood City PA 16117
 Attorney: Darla J Hancher
 Hancher Law Office
 101 N Green Lane
 Zelienople PA 16063

BC LJ: Feb. 7, 14 & 21, 2014

MORTGAGES

February 3 - 7, 2014

Aimino, Cecelia A., Trs., et al-Citizens Bk of
 Pa-Penn Twp.-\$100,000.00

Allen, Gary D., et ux-Nationstar Mtg LLC,
 dba, et al-Adams Twp.-\$373,000.00

Anderson, Michael, et al-USAA Fed Sav
 Bk, et al-Harmony Borough-\$233,600.00

Barto, Richard F., et al-PNC Bk Natl Assn-
 Slippery Rock Twp.-\$52,000.00

Behanna, Alan J., et ux-Huntington Natl Bk,
 et al-Buttalo Twp.-\$142,550.00

Bell, Kimberly S.-Butler Armco Emp Cred
 Un-Butler City, Wd. 4-\$58,913.66

Bernhard, Michael, et ux-Nextier Bk NA-
 Center Twp.-\$55,000.00

Bianco, Richard-First Guaranty Mtg Corp, et
 al-Adams Twp.-\$354,513.00

Borcz, Ryan T., et al-Pennsylvania State Emp
 Cred Un-Washington Twp.-\$122,972.20

Bradshaw, Douglas G., Jr., et al-Dollar Bk
 Fed Sav Bk-Cranberry Twp.-\$7,184.95

Burke, Josh M.-Wells Fargo Bk NA-Clearfield
 Twp.-\$48,448.00

Camilli, Frank M., II, et al-PNC Bk Natl Assn-
 Cranberry Twp.-\$143,605.78

Carballido, Jose Luis Martinez-NVR Mtg
 Fin Inc, et al-Cranberry Twp.-\$274,516.00

Carter, John, et al-PNC Mtg, aka-Adams
 Twp.-\$340,500.00

Christner, Robert, et ux-First Natl Bk of Pa-
 Lancaster Twp.-\$263,117.30

NOTICE OF PRIVATE TAX SALE

TAKE NOTICE that Mars Borough, Butler County, Pennsylvania, proposes to purchase the below described piece, parcel or tract of land ("property") located in Mars Borough, free and clear of all claims, liens, judgment, tax claims and tax judgments for the sum of ONE HUNDRED (\$100.00) DOLLARS at a private judicial sale to be held on April 21, 2014 in Courtroom No. 3 of the Butler County Courthouse at 12:00 noon, subject to the following terms and conditions:

First, Mars Borough should sell the property to a third party non-governmental entity within 10 years of the date of the judicial sale as contemplated herein, from the net proceeds of sale, the Borough shall first recoup its costs of demolition. Second, any amount remaining shall be divided between the taxing bodies pro rata based on the amount of taxes due each body. Third, any amount remaining after payment of back taxes shall be retained by the Borough.

The property is described as follows:

ALL that certain piece, parcel and tract of land situate in Mars Borough, Butler County, Pennsylvania, bounded and described as follows:

BEGINNING at the intersection of the North line of Church Street and the East line of Clay Avenue, said point being the Southwest corner of the within described parcel; thence along the East line of Clay Avenue, North 14 1/2° West, 101.5 feet to a point on land devised to Miriam Swearingen; thence along said land North 75 1/2° East, a distance of 150 feet to a point on Ridge Avenue, an unopened alley; thence along said Ridge Avenue, South 14 1/2° East, a distance of 144 feet to a point on the North line of Church Street; thence along said North line of Church Street, South 75 1/2° West, a distance of 150 feet to a point, the place of beginning. HAVING thereon erected a building.

BEING Tax Parcel No. 450-S2-K11.

The corporate authorities of any taxing district having any tax claims or tax judgments against the property which is to be sold, the owner, an interested party, or a person interested in purchasing the property may, if not satisfied that the sale price approved by the bureau is sufficient, within forty-five (45) days after notice of the proposed sale, petition the court

of common pleas of the county to disapprove the sale.

Michael D. Gallagher, Solicitor
MURRIN, TAYLOR, FLACH,
GALLAGHER & MAY
110 East Diamond Street
Butler, PA 16001

BCLJ: February 21 & March 7, 2014

**NOTICE OF ANNUAL
MEETING OF MEMBERS**

The Annual Meeting of the Members of the Hannahstown Mutual Insurance Company will be held at the Hannahstown Mutual Insurance Company Office Building, Dinnerbell Road and Knoch Road, Jefferson Township, Butler County, Pennsylvania, on March 8, 2014 at 1:30 P.M.

The purpose of the meeting is to elect four (4) Directors. Other business may be submitted for the consideration of the members.

Roy Koegler
Secretary/Treasurer
Hannahstown Mutual Insurance Company
567 West Main Street
P.O. Box 307
Saxonburg, PA 16056
724.352.1835

BCLJ: Feb. 7, 14, 21 & 28, 2014

NOTICE OF COMPLAINT IN CIVIL ACTION

**IN THE COURT OF COMMON PLEAS OF
BUTLER COUNTY, PENNSYLVANIA**

Case No. AD-13-10103

NATIONWIDE MUTUAL INSURANCE
COMPANY

V.

**PHILIP L. CROUSE and PHIL CROUSE &
ASSOCIATES, INC.**

You are hereby notified that Plaintiff, Nationwide Mutual Insurance has filed a Complaint in Civil Action against Philip L. Crouse and Phil Crouse & Associates, Inc. (collectively, "You") in the Court of Common Pleas of Butler County, Pennsylvania at Case No. AD-13-10103.

You are hereby notified that Plaintiff seeks in

the Complaint in Civil Action to hold You liable for breach of and failure to repay three (3) separate Credit Agreement and Promissory Notes that were extended to You by Plaintiff. You are hereby notified to plead to the above-referenced Complaint in Civil Action on or before twenty (20) days from the date of this publication or a judgment will be entered against You.

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.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. 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.

Office of the Prothonotary, Butler County
1st Floor Courthouse
124 West Diamond Street
P.O. Box 1208
Butler, Pennsylvania 16003
(724) 284-5214

or
Butler County Bar Association
201 South Main Street
Butler, Pennsylvania 16001
(724) 841-0130

Attorney for Plaintiff.
Joshua D. Baker, Esq. (Pa. I.D. No. 308243),
Metz Lewis Brodman Must O'Keefe, LLC
535 Smithfield Street, Suite 800
Pittsburgh, PA 15222
412-918-1100

BCLJ: February 14, 2014

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

MISC. DOCKET NO. 14-40029

IN RE: Susan Mickley Coneybeer

NOTICE IS HEREBY GIVEN that on February 6, 2014, the Petition for Change of Name of Susan Mickley Coneybeer was filed in the above-named Court, praying for a Decree to change her name to **SUSAN DROLET CONEYBEER**.

The Court has fixed April 30, 2014 at 9:30 a.m. in Courtroom No.4 of the Butler County Courthouse, Butler, Pennsylvania, as the time and place for the hearing on said petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of the said Petition should not be granted.

MARK R. MORROW, ESQUIRE
Attorney for the Petitioner
204 East Brady Street
Butler, PA 16001

BCLJ: February 21, 2014

NOTICE OF FILING ARTICLES IN CORPORATION

Notice is hereby given that Todah, LLC of Butler, Butler County, Pennsylvania, did on December 24, 2013, file with the Secretary of the Commonwealth at Harrisburg, Pennsylvania an Application under December 21, 1988, P.L. 144, No. 177, Section 103, The Business Corporation Law of 1988, to conduct business under the name of "**Todah, LLC**" the business to be carried on at 130 West Brewster Road, Butler, Pennsylvania.

RISHOR SIMONE
Kurt S. Rishor, Esquire
Suite 208, 101 East Diamond Street
Butler, Pennsylvania 16001
724.283.7215

BCLJ: February 21, 2014

**IN THE COURT OF COMMON PLEAS OF
BUTLER COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

**COURT OF COMMON PLEAS
CIVIL DIVISION
BUTLER COUNTY
No. AD-13-10956**

**NOTICE OF ACTION IN MORTGAGE
FORECLOSURE**

PHH MORTGAGE CORPORATION, D/B/A
COLDWELL BANKER MORTGAGE, Plaintiff
VS.

**UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS, AND ALL PERSONS, FIRMS, OR
ASSOCIATIONS CLAIMING RIGHT, TITLE
OR INTEREST FROM OR UNDER EDWARD
H. BUTLER, IV, DECEASED, Defendant**

NOTICE

**To UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS, AND ALL PERSONS, FIRMS, OR
ASSOCIATIONS CLAIMING RIGHT, TITLE
OR INTEREST FROM OR UNDER EDWARD
H. BUTLER, IV, DECEASED**

You are hereby notified that on October 10, 2013, Plaintiff, PHH MORTGAGE CORPORATION, D/B/A COLDWELL BANKER MORTGAGE, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of BUTLER County Pennsylvania, docketed to No. AD-13-10956. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 219 EAST BRADY STREET, BUTLER, PA 16001-4848 whereupon your property would be sold by the Sheriff of BUTLER County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

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.

YOU SHOULD TAKE THIS NOTICE TO YOUR
LAWYER AT ONCE. IF YOU DO NOT HAVE

A LAWYER, GO TO OR TELEPHONE THE
OFFICE SET FORTH BELOW. THIS OFFICE
CAN PROVIDE YOU WITH INFORMATION
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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.

Notice to Defend:

Glenna M. Walters
Prothonotary
Butler County Courthouse
Butler, PA 16001
(724) 284-5214

Lawyer Referral Service:

Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
100 South Street
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

FS #796684

BCLJ: February 21, 2014

NOTICE

Notice is hereby given by **Zanotti Motor Company, Inc.**, a Pennsylvania business corporation, that said corporation is winding up its affairs in the manner prescribed by section 1975 of the Business Corporation Law of 1988, so that its corporate existence shall cease upon filing of Articles of Dissolution in the Department of State of the Commonwealth of Pennsylvania.

Business & Succession

Planning Advisors, LLC
Attorneys at Law
One PPG Place, Suite 1710
Pittsburgh, PA 15222-5416
412.281.2870

BCLJ: February 21, 2014