

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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Serving the Legal Community of Greene County
Since October 1982

The Greene Reports

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COURT OF COMMON PLEAS
Honorable Farley Toothman, President Judge
Honorable Louis Dayich, Judge

MOTIONS

Criminal & Civil & O.C.:
February 3 and February 5, 2020

CRIMINAL

Arraignments: February 3, 2020
ARDs: February 10, 2020
ARD Revocations: February 10, 2020
Parole Violations: February 3, 2020
Plea Court: February 11 and 12, 2020
License Suspension Appeals: February 18, 2020
Argument Court: February 24, 2020

ORPHANS

Accounts Nisi: February 3, 2020
Accounts Absolute: February 14, 2020

SUPREME COURT
SUPERIOR COURT
COMMONWEALTH COURT

Convenes in Pgh.: April 20-24, 2020
Convenes in Pgh.: February 17-21, 2020
Convenes in Pgh.: February 10-14, 2020

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the editorial staff to be reasonably interpreted as offensive, demeaning or insulting to any individual or group will not be published.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 Anonymous correspondence will not be published.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: February 11, 2020

CIVIL

Domestic Relations Contempts: February 24, 2020
Domestic Relations Appeals: February 24, 2020

JUVENILE

Plea Day: February 20, 2020

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DEED TRANSFERS

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

ALEPPO TOWNSHIP

Beatrice Joyce Whipkey Estate, et al., to James R. McClure, et ux., 2 Tracts, \$30,000.00 (1-27-20)

Fred E. Warrell by Att-In-Fact, et al., to Bluejay Acquisition Partners LP, 3.05 Acres, O&G, \$1,280.00 (1-30-20)

CUMBERLAND TOWNSHIP

PNC Mortgage, et al., to David L. Lydic, Jr., 2 Tracts, \$54,200.00 (1-24-20)

Charles R. Plasko, et ux., to Mark A. Henry, et ux., 2 Tracts, \$373,000.00 (1-30-20)

FRANKLIN TOWNSHIP

Gary L. Wilson, et ux., to Samuel P. McLaughlin, et ux., 2.037 Acres, \$74,000.00 (1-30-20)

JEFFERSON BOROUGH

Marvin D. Knight by Atty-in-Fact, et al., to Walter R. Arigoni, Lot, \$9,000.00 (1-24-20)

JEFFERSON TOWNSHIP

Marvin Knight by POA, et al., to Shannon L. Pratt, et ux., Tracts, \$24,000.00 (1-29-20)

MORGAN TOWNSHIP

Mary E. Fox, et ux., to Jose Urbina, Tract, \$137,500.00 (1-29-20)

Sandra M. Vineyard, et al., to Jason Boyd, 1.79 Acres, \$50,807.00 (1-30-20)

RICHHILL TOWNSHIP

CNX Land LLC to George R. Finnegan, 9.474 Acres, \$23,685.00 (1-24-20)

Autumn Galloway to CNX Midstream DEVCO I LP, .73 Acre, R/W, \$537.00 (1-24-20)

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

COLE, BARBARA L.

Late of Center Township, Greene County, Pennsylvania

Executor: J. William Hook, PO Box 792, 189 W. High Street, Waynesburg, PA

15370

Attorney: J. William Hook, Esquire, PO Box 792, 189 W. High Street, Waynesburg,

PA 15370

CRESS, SONJA ANN A/K/A SONJA CRESS

Late of Jackson Township, Greene County, Pennsylvania

Co-Executors: Tina Main, 320 Fordyce Road, Waynesburg, PA 15370 and Roy

Cress, 279 Fordyce Run Road, Waynesburg, PA 15370

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Attorney: Jeffry N. Grimes, Esquire, 77 South Washington Street, Waynesburg, PA 15370

GARDONE, TIFFANY R.

Late of Waynesburg Borough, Greene County, Pennsylvania
Co-Executors: Tracey & Cheryl Gardone, 455 Rolling Meadows Road, Waynesburg, PA 15370
Attorney: Timothy N. Logan, Esquire, 54 N. Richhill Street, Waynesburg, PA 15370

KLINE, NORMA JEAN A/K/A NORMA J. KLINE A/K/A NORMA KLINE

Late of Rices Landing, Greene County, Pennsylvania
Executor: Bradley K. Kline, c/o Cheryl Catherine Cowen, Esquire, 769 Lippencott Road, Waynesburg, PA 15370
Attorney: Cheryl Catherine Cowen, Esquire, 769 Lippencott Road, Waynesburg, PA 15370

ROGERS, FLORENCE M.

Late of Jefferson Borough, Greene County, Pennsylvania
Executrix: Linda S. Meliher, 613 Sixth Street, Mather, PA 15346
Attorney: Adam J. Belletti, Esquire, Pollock Morris Belletti & Simms LLC, 54 South Washington Street, Waynesburg, PA 15370-2036

SECOND PUBLICATION

HAINES, MEGAN ANNE

Late of Franklin Township, Greene County, Pennsylvania
Administrator: Robert P. Haines, 6 Rt. 21, Carmichaels, PA 15320
Attorney: None

MORRIS, ELTHEL ELAINE

Late of Washington Township, Greene County, Pennsylvania
Executrix: Rita K. Martin, 134 Long Mile Road, Prosperity, PA 15329
Attorney: Brandon K. Meyer, Esquire, 76 North Richhill Street, Waynesburg, PA 15370

SMITH, JUDY A.

Late of Holbrook, Greene County, Pennsylvania
Administratrix: Angela Price, 713 North Vista Court, Morgantown, WV 26508
Attorney: Kirk A. King, Esquire, 77 South Washington Street, Waynesburg, PA 15370

THIRD PUBLICATION

CLARCHICK, JOHN R.

Late of Cumberland Township, Greene County, Pennsylvania
Executor: Michael J. Clarchick, c/o Chambers & Pratt, PC, 223 East High Street, Waynesburg, PA 15370
Attorney: Kimberly J. Simon-Pratt, Esquire, Chambers & Pratt, PC, 223 East High Street, Waynesburg, PA 15370

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JOHNSON, CHARLOTTE, S. A/K/A CHARLOTTE JOHNSON

Late of Waynesburg, Greene County, Pennsylvania
Executrix: Sharon Kiger, c/o Cheryl Catherine Cowen, Esquire, 769 Lippencott Road, Waynesburg, PA 15370
Attorney: Cheryl Catherine Cowen, 769 Lippencott Road, Waynesburg, PA 15370

LEWIS, JAMES H. SR.

Late of Waynesburg, Greene County, Pennsylvania
Administrator: Timothy M. Ross, Esquire, P.O. Box 133, Waynesburg, PA 15370
Attorney: Timothy M. Ross, Esquire, P.O. Box 133, Waynesburg, PA 15370

PHILLIPS, BONNIE JO

Late of Cumberland Township, Greene County, Pennsylvania
Administrator: Robin L. Emerson, c/o Chambers & Pratt, PC, 223 East High Street, Waynesburg, PA 15370
Attorney: Kimberly J. Simon-Pratt, Esquire, Chambers & Pratt, PC, 223 East High Street, Waynesburg, PA 15370

name and address of the person who is a party to the registration is Brian Balazick, 102 Barr Road, PO Box 133, Jefferson, PA 15344.

ADMINISTRATIVE ORDER

COURT OF COMMON PLEAS, COMMONWEALTH OF PENNSYLVANIA
THIRTEENTH JUDICIAL DISTRICT – GREENE COUNTY

IN RE:)
Judicial Assignments & DCA Authority) CA 3 of 2019

ADMINISTRATIVE ORDER DISTRICT COURT ADMINISTRATION & JUDICIAL ASSIGNMENTS

AND NOW, this 28 day of January, 2020, upon the filing of this Order, the Judicial District management assignments and authority shall become effective. Any previous rule or administrative order, or part thereof, which is in conflict with this Order is repealed or vacated, until otherwise Ordered.

Judicial Assignments herein made are for Calendar Year 2020. While this Administrative Order attempts to set forth a pattern designed to expedite the business of the Court, the members of the Court, the Office of District Court Administration and all UJS employees are to remain flexible so that changes may be made as may be required to fulfill the Court's obligation to the practitioner and their clients in the administration of justice in Greene County.

These assignments, and the Court's various calendars, are to be managed by the Office of District Court Administration so as to adequately provide for appropriate management of Family, Orphans, Civil and Criminal Court cases.

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“Four things belong to a judge: to hear courteously, to answer wisely, to consider soberly, and to decide impartially.”
Socrates

JUDICIAL CODE OF CONDUCT

SEE: <http://judicialconductboardofpa.org/code-of-judicial-conduct/>

MDJ CODE OF CONDUCT

SEE: <http://www.pacourts.us/assets/opinions/Supreme/out/222mag.1attach.pdf>

ATTORNEY CODE OF ETHICS

SEE: <http://www.pacode.com/secure/data/204/chapter81/s81.4.html>

JUDGE & ATTORNEY RULES OF CIVILITY

SEE: <http://www.pacode.com/secure/data/204/chapter99/subchapdtoc.html>

COURT OF COMMON PLEAS – JUDICIAL ASSIGNMENTS:

President Judge Farley Toothman
Associate Judge Louis Dayich
Senior Judges, as assigned by AOPC

ACTUAL COURT CALENDAR 2020 – WEB BASED AVAILABLE

The actual Calendar for each of the Courtrooms (and Hearing Rooms) is available to be shared online, as appropriate, upon requests to the Office of District Court Administration.

COURT OF COMMON PLEAS JUDICIAL ASSIGNMENTS:

(Hours: 8:30a – 4:30p, Mon thru Fri, unless Holiday)

Common Pleas Court and Magisterial District Court Judges shall be available for scheduling and assignment as it is necessary to effectuate the efficient operation of Court.

JUDICIAL RECUSAL

A Judge shall recuse himself only after the appropriate consideration pursuant to the Rules and shall thereafter file an “Order of Recusal” with the case, which shall then be immediately forwarded to the Office of the District Court Administrator and President Judge for consideration and reassignment.

MOTIONS COURT:

The Court receives Motions pursuant to State Rules. The *presiding* Motions Court Judge shall decide only matters in cases that are assigned to him or her, in scheduling consult with DCA and/or the Judge assigned to the case. The Motions Court Judge may refer matters to the President Judge for assignment, and/or reassignment. Motions relating to assigned cases shall be decided by the assigned judge. If a response, or prolonged argument is to be considered, attorneys must notify the Office of District Court Administration, for an appointed time. Emergencies will be heard as necessary.

MOTIONS shall be docketed prior to presentation to the Court.

Monday (or Next Business Day): 8:45 AM – Judge Dayich
Wednesday: 8:45 AM – Judge Toothman

Attorneys will be responsible to determine the availability of the appropriate case judge before notifying opposing counsel to appear for presentation.

CASE OFFICE DAY/WEEK:

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As required for the efficiency of the Judicial System, the following weeks are declared to be Court “Case Office Weeks” for the Greene County Court of Common Pleas during which the President Judge and/or Associate Judge will be available for specific Motions as scheduled in advance, with the Judge, and for emergencies, but otherwise, are reserved for Judicial & District Court Administration, Clerk and Staff case management, research, reading, writing, filing, as well as administration matters within the UJS district, statistics for State Records, County Reports, County Budget Proposal, Personnel management, equipment & supplies management, case and jury management, and Committee meetings as are appropriate, and/or required including Judicial Administration Rule 703.

Weeks beginning: Monday, August 3, 2020
Monday, August 10, 2020
Monday, August 17, 2020

Days of: Wednesday, December 23, 2020
Monday, December 28, 2020
Tuesday, December 29, 2020

During “Case Office Weeks” attorneys will be responsible to determine the availability of the judge before notifying opposing counsel to appear for the presentation of a specific Motion, or other emergency business.

ASSIGNMENTS & COVERAGE

With respect to all assignments, when a Judge is unavailable due to vacation, illness, conferences, etc., he shall be responsible for notifying the Office of District Court Administration, which shall notify the parties, and assign/schedule as appropriate.

Unless unavailable, the District Court Administrator is directed to manage case assignments,
AS FOLLOWS:

OFFICE OF DISTRICT COURT ADMINISTRATION

Contact: Office of District Court Administration
Greene County Courthouse
10 East High Street
Waynesburg, PA 15370
Phone: 724-852-5237

Hours: 8:30a – 4:30p

Ms. Sheila Rode, District Court Administrator
eMail: srode@greenepacourts.us

Ms. Pam Mason, Deputy, District Court Administrator
eMail: pmason@greenepacourts.us

MAGISTERIAL DISTRICT COURT (MDJ):

13-03-01 WAYNESBURG OFFICE – Judge Balint

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13-03-02 AIRPORT OFFICE – Judge Bates
13-03-03 CARMICHAELS OFFICE – Judge Watson

MDJ SUPERVISION & RULES:

(Hours: 8a-4p – Mon thru Fri, unless Holiday) Magisterial District Courts shall be supervised pursuant to all applicable laws, rules, and administrative Orders, including Rules recently adopted by the Minor Court Rules Committee, and as recently Ordered, regarding: 1) Conduct, rescinding Rule 3.9 and Amending Rules 3.10 and 3.11 and the Comment to Rule 3.12, and 2) Amending Rule 323 of Rules of Civil Procedure before MDJs, No. 405 Magisterial Rules Docket.

SUMMARY CONVICTION APPEALS

Unless otherwise assigned, Criminal and/or Traffic Appeals are assigned to Judge Dayich. All others are assigned to Judge Toothman.

JURY MANAGEMENT:

The Office of District Court Management is responsible for Jury management pursuant to the Rules.

CRIMINAL COURT

Criminal Argument: as scheduled by DCA
Criminal Pre-Trial Hearings: as scheduled by DCA
Criminal Conferences: as scheduled by DCA
Criminal Jury Selection: as scheduled by DCA
Criminal Trials: as scheduled by DCA

The “Criminal Trial” List shall be managed by the Office of District Court Administration in consultation with the judge to whom the case has been assigned, and the President Judge. Unless otherwise assigned Judge Dayich is assigned Criminal Court.

CIVIL COURT:

ARBITRATION:

The office of District Court Administration shall appoint, and schedule, and administer an oath to all attorneys appointed to a Board of Arbitration (Limit \$50,000)

MEDIATION: as assigned by District Court Administration

ALL CIVIL CASES:

Civil Argument: as scheduled by DCA
Civil Pre-Trial Conferences: as scheduled by DCA
Civil Jury Selection: as scheduled by DCA
Civil Trials: as scheduled by DCA

The “Civil Trial List” shall be managed by the Office of District Court Administration in consultation with the judge to whom the case has been assigned, and the President Judge. Landlord Tenant and Debt Collection are assigned to Judge Dayich, otherwise Civil & Orphans’ Courts are assigned to Judge Toothman.

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FAMILY & ORPHANS’ COURT:

The District Court Administrator is directed to schedule cases, as many as practical, pursuant to the Pennsylvania Supreme Court’s directive of “One Family, One Judge.”

PROTECTION FROM FAMILY ABUSE (PFA):

FAST TRACK: “Probable Cause” Hearing – DCA – Same day w/Judge

The Court of Common Pleas will be available to hear Emergency PFA Petitions Monday thru Friday, from 9:00AM until 4PM. All other hours shall be heard as an Emergency with the Magisterial District Judge on-call, and thereafter followed by a filing of a PFA Petition with the Court of Common Pleas. Custody issues arising from the PFA Order MUST be followed up by, and pursuant to Custody Rules, with a separate Petition for Custody, prior to the 10 Day Hearing.

Unless otherwise assigned Protection From Family Abuse is assigned to Judge Toothman.

CHILD CUSTODY

FAST TRACK: Attorney or party initiate through Motions Court

Custody Master Conference: DCA Scheduled
Custody Pre-Hearing Conference w/ Judge: DCA Scheduled
Custody Master Record Hearing: DCA Scheduled
Custody/Relocation Appeal/de novo Hearing w/ Judge: DCA Scheduled

Unless otherwise assigned, Child Custody matters are assigned to Judge Toothman.

GUARDIAN APPOINTMENT

FAST TRACK: Attorney or party initiate directly through Motions Court

Guardian Record Conference w/Judge: DCA Scheduled
Guardian Record Hearing: DCA Scheduled

Unless otherwise assigned, Guardian matters are assigned to Judge Toothman.

GUARDIAN AND DECEASED ESTATES – AUDITS

Estate and Guardian Accounts shall be scheduled for audit in Courtroom One.

March: as posted June: as posted
September: as posted December: as posted

Unless otherwise assigned, Orphans’ Audit matters are assigned to Judge Toothman.

DOMESTIC RELATIONS COURT

All DR Support Hearings shall be initially be heard by the DR Support Conference Officer, or as otherwise directed by the presiding judge assigned to the case.

Unless otherwise assigned, Domestic Relations matters are assigned to Judge Toothman.

HEARING OFFICER ASSIGNMENTS:

a. CHILDREN AND YOUTH DEPENDENCY As assigned.
b. JUVENILE DELINQUENCY..... As assigned.
c. MENTAL HEALTH & MENTAL RETARDATION. As assigned
d. CUSTODY CONFERENCES..... As assigned.

GENERAL ADMINISTRATION

Hours of availability: 8:30a – 4:30p

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HOLIDAYS:

The UJS Court staff will observe the holidays established for County Employees, 2020: (1) New Year's Holiday, (1) Martin Luther King, Jr., (1) Presidents Day, (1) Good Friday (1) Memorial Day, (1) Independence Day, (1) Labor Day, (1) Columbus Day, (1) Veterans Day, (2) Thanksgiving Holiday, (2) Christmas Holiday.

VACATIONS:

As appropriate and pursuant to agreements, vacations are to be coordinated with other staff and approved in advance by the Office of District Court Administration, so as to adequately cover the Unified Judicial System, as scheduled, and as reasonably necessary.

STAFF EMERGENCIES:

Staff Emergencies shall be immediately reported to the Office of District Court Administration and managed pursuant to Court and County Policies.

FURTHER, THE DISTRICT COURT ADMINISTRATOR shall file the original of this Order with the Prothonotary and distribute to: 1. Office of the President Judge, 2. Office of Associate Judge, 3. Magisterial District Judge of 13-03-01, 4. Magisterial District Judge of 13-03-02, 5. Magisterial District Judge of 13-03-03, 6. Probation and Parole & Domestic Relations Departments, 7. Chief Clerk, County Board of Commissioners, 8. Clerk of Courts, 9. District Attorney, 10. Sheriff, 11. Prothonotary, 12. Recorder of Deeds, 13. Coroner, 14. Published in Greene Reports, 15. DCA.

SO ORDERED AND DECREED.

Susan White, Prothonotary

Farley Toothman, President Judge

LEGAL NOTICE

In the matter of *Allen Michael Frye v. Abigail Rebecca Walters, No. 532 AD 2019*, per an Order of Court dated November 13, 2019, a Petition for Name Change hearing is scheduled to take place on February 18, 2020, at 9:00 a.m. in the Court of Common Pleas of Greene County, located at 10 E. High Street, #103, Waynesburg, PA 15370 to change the parties' minor child's name from C.R.F. to C.R.W.

LEGAL NOTICE

To: Michael Martinho and the Unknown Father

In Re: E.S, minor child, born March 7, 2006

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, E.S. born March 7, 2006. The court has set a hearing to consider ending your rights to your child.

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The hearing will be held in the Greene County Courthouse, 10 E. High Street, Waynesburg, PA 15370 on March 17, 2020 at 9:00 a.m. in the assigned courtroom before Judge Farley Toothman.

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. AD-837-2018 ED-73-2019

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, FEBRUARY 14, 2019
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.

Bayview Loan Servicing, LLC
Vs.

K.D. A Minor Solely in Her Capacity as Heir of Frances A. Doman, Deceased, Robert Thomas Doman Jr., Solely in his Capacity as Heir of Frances A. Doman, Deceased, Kimberly Doman, AKA Kimberly Hiltbrunner, Solely in Her Capacity as Heir of Frances A. Doman, Deceased, Aimee Dow Solely in Her Capacity as Heir of Frances A. Doman, Deceased, Codey Dow, Solely in His Capacity as Heir of Frances A. Doman, Deceased.

ALL THAT CERTAIN lot of land situate in Cumberland Township, County of Greene and Commonwealth of Pennsylvania.

IMPROVEMENTS consist of a residential dwelling.

BEING PREMISES: 980 Crucible Road, Rices Landing, PA 15357

TAX PARCEL #05-27-620

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PROPERTY ADDRESS: 980 Crucible Rd, Rices Landing, PA 15357

UPI/ TAX PARCEL NUMBER: 05-27-620

Seized and taken into execution to be sold as the property of K.D. A Minor Solely in Her Capacity as Heir of Frances A. Doman, Deceased, Robert Thomas Doman Jr., Solely in his Capacity as Heir of Frances A. Doman, Deceased, Kimberly Doman, AKA Kimberly Hiltbrunner, Solely in Her Capacity as Heir of Frances A. Doman, Deceased, Aimee Dow Solely in Her Capacity as Heir of Frances A. Doman, Deceased, Codey Dow, Solely in His Capacity as Heir of Frances A. Doman, Deceased in suit of BAYVIEW LOAN SERVICING, LLC A DELEWARE LIMITED LIABILITY COMPANY.

Attorney for the Plaintiff:
KML Law Group, P.C.
Philadelphia, Pa 215-627-1322

MARCUS SIMMS, Sheriff
Greene County, Pennsylvania