

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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July 18, 2019



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Serving the Legal Community of Greene County
Since October 1982

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

MOTIONS

Criminal & Civil & O.C.:
July 22, July 24 & July 26, 2019

CRIMINAL

Arraignments: July 22, 2019
ARDs: August 12, 2019
ARD Revocations: August 12, 2019
Parole Violations: August 5, 2019
Plea Court: August 13 and 14, 2019
License Suspension Appeals: August 19, 2019
Argument Court: July 22, 2019

ORPHANS

Accounts Nisi: August 5, 2019
Accounts Absolute: August 16, 2019

SUPREME COURT
SUPERIOR COURT
COMMONWEALTH COURT

Convenes in Pgh.: October 15-18, 2019
Convenes in Pgh.: July 29 – August 2, 2019
Convenes in Pgh.: October 2-4, 2019

ARGUMENTS

Argument Court: August 11, 2019

CIVIL

Domestic Relations Contempts:
July 22, 2019
Domestic Relations Appeals
July 22, 2019

JUVENILE

Plea Day: August 15, 2019

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the editorial staff to be reasonably interpreted as offensive, demeaning or insulting to any individual or group will not be published.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 Anonymous correspondence will not be published.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

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DEED TRANSFERS

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

DUNKARD TOWNSHIP

Hollis M. Nicholson to Patricia Stewart, 2 Tracts, \$147,000.00 (7-12-19)

FRANKLIN TOWNSHIP

Waynesburg RE LLC to Brown Family Trust, et al., .552 Acre, \$914,285.00 (7-17-19)
Justin M. Whitlatch, et ux., to Drizos Trust, et al., 1.070 Acres, \$60,000.00 (7-17-19)
Constance J. McNeely to Samuel A. Patton, et ux., 15.582 Acres, \$330,000.00 (7-18-19)

GILMORE TOWNSHIP

Western Pennsylvania Annual Conference of, et al., to William Leroy Crawford, et al., Lot 7 Jollytown, \$10,000.00 (7-16-19)

GREENE TOWNSHIP

James A. Wherry, Jr., et ux., to Edward James White, III, 2 Tracts, \$189,900.00 (7-15-19)
Barbara A. Zalar to Greylock Pipeline LLC, R/W, \$30,000.00 (7-15-19)
Barbara A. Zalar to Greylock Pipeline LLC, R/W, \$115,500.00 (7-15-19)

MORGAN TOWNSHIP

Second Street Trust, et al., to Wayne M. Hagenbuch, Lot 229 Mather, \$60,000.00 (7-16-19)

MORRIS TOWNSHIP

William A. Chambers, et ux., to Conrhein Coal Co., Lot, Coal, \$1,000.00 (7-16-19)

RICES LANDING BOROUGH

Diana Marple, et ux., to Allen K. Grimm, Jr., et ux., Lots 64-69 in Winfred M. Behling Plan, \$5,000.00 (7-18-19)

RICHHILL TOWNSHIP

Dru Ann Thomas, et ux., to Three Rivers Royalty LLC, 52.36 Acres O&G, \$12,187.66 (7-17-19)

Joseph Ravoir, Jr., et al., to Steven S. Alley, et al., 19.42 Acres, \$20,000.00 (7-18-19)

SPRINGHILL TOWNSHIP

Gloria Mason to Phil Moyers, 84 Acres, \$343,750.00 (7-16-19)

WHITELEY TOWNSHIP

Keystone Buckeye Energy Holdings LLC, et al., to Three Rivers Royalty LLC, 34.555 Acres O&G, \$64,718.07 (7-17-19)

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

CAMPBELL, DONALD

Late of Perry Township, Greene County, Pennsylvania
Executrix: Donna L. Campbell Straight, 195 Free Soil Road, Mt. Morris, PA 15349
Attorney: Timothy N. Logan, Esquire, 54 N. Richhill Street, Waynesburg, PA 15370

STONEKING, DAVID P.

Late of Franklin Township, Greene County, Pennsylvania
Executor: David Stoneking, Jr., 104 Victoria Drive, Waynesburg, PA 15370
Attorney: Timothy N. Logan, Esquire, 54 N. Richhill Street, Waynesburg, PA 15370

SECOND PUBLICATION

BUDAY, ROSE

Late of Rices Landing, Greene County, Pennsylvania
Executrix: Nicholas Buday, 364 Carmichaels Street, Rices Landing, PA 15357
Attorney: Lisa J. Buday, PO Box 488, California, PA 15419

THIRD PUBLICATION

BLACK, RALPH D., a/k/a, RALPH BLACK

Late of Morgan Township, Greene County, Pennsylvania
Executor: Edward L. Black, 1756 Horshoe Farm Road, Lousia, VA 23093
Attorney: Daniel P. Gustine, Esquire, Peacock Keller, LLP, 70 East Beau Street, Washington, PA 15301

CYBAK, JOSEPH, JR.

Late of Cumberland Township, Greene County, Pennsylvania
Co-Executor/Executrix: James & Barbara Riggi, 409 West Greene Street, Carmichaels, PA 15320
Attorney: Timothy N. Logan, Esquire, 54 N. Richhill Street, Waynesburg, PA 15370

HOUSEHOLDER, HELEN L.

Late of Center Township, Greene County, Pennsylvania
Co-Executors: P. Elaine Householder, 1119 Mohawk Road., McDonald, PA 15057 and Dennis J. Householder, 435 Jacob Run Road, Holbrook, PA 15341
Attorney: Jeffrey N. Grimes, Esquire, 77 South Washington Street, Waynesburg, PA 15370

FIRST AND FINAL ACCOUNTS

LIST OF FIRST AND FINAL ACCOUNTS TO BE PRESENTED TO THE COURT BY SHERRY L. WISE, CLERK OF COMMON PLEAS COURT, ORPHANS' COURT DIVISION ON August 5, 2019 FOR NISI CONFIRMATION AND ON August 16, 2019 FOR FINAL CONFIRMATION.

The First & Final Account of Vicki Harter, Administratrix of the Estate of Ashley Marie Harter, Deceased, late of Waynesburg, Greene County, PA

Attorney: Scott B. Horowitz, Esquire
Welch, Gold, Siegel & Fiffik PC
428 Forbes Avenue, Suite 1240
Pittsburgh, PA 15219

LEGAL NOTICE

NOTICE OF ACTION TO QUIET TITLE

In accordance with Pennsylvania Rule of Civil Procedure 1066, Dominick J. Barbetta of Greene County, Pennsylvania states:
A Complaint to Quiet Title was filed on or about May 7, 2019 at AD-343-2019 in connection with properties known as Tax ID Nos. 17/05/159, 17/05/159/F, 17/05/142 against Cleveland-Cliffs Coal Company and Stelco Coal Company and any unknown persons, their heirs and assigns and any other person claiming interest in the property.
As per Order of Court dated June 5, 2019 all further services of legal process in connection with this matter shall be effectuated upon Defendants by publication.

Any questions concerning the above-captioned action are to be addressed to:

MAKEL & ASSOCIATES, LLC
Dennis M. Makel, Esquire
98 East Maiden Street
Washington, PA 15301
(724) 222-7639

LEGAL NOTICE

To: Adrienne Jennings

A Petition has been filed asking the court to put an end to all rights you have to your child I.A.J., born 6/3/2005. The court has set a hearing to consider ending your rights to your child

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for August 27, 2019 at 10:30 a.m. at the Greene County Courthouse, 10 E. High St., Waynesburg, PA 15370. 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 CONTACT THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator	Southwestern Pennsylvania Legal Aid Society
Greene County Courthouse	63 South Washington Street
Waynesburg, PA 15370	Waynesburg, PA 15370
PHONE: (724) 852-5237	PHONE: (724) 627-3127

This notice is being given by Christine N. Nash, Esq., 223 E. High St., Waynesburg, PA 15370

LEGAL NOTICE

August CLE Seminars / Ethics Galore

Frank Sarris Public Library
35 North Jefferson Avenue, Canonsburg, PA 15317
Conveniently located off of the I-79 Canonsburg, PA Exit
Free Parking in Murdock Street Lot
August 29 – August 30, 2019

August 29, 2019 – 9 AM-12:15 PM

Potpourri of Hot Legal Topics Plus Ethics

Mike Fitzpatrick, Esq. / Joe Dimperio, Esq. / Richard McMillan, Esq. /
Anthony Fitzpatrick, Esq. / Fitzpatrick & LaCava, PC
1 Substantive Credit / 2 Ethics - \$85

August 29, 2019 – 1 PM-4:15 PM

Family Law and Ethical Concerns

William R. Friedman, Esq. / David J. Slesnick, Esq.
2 Substantive Credits / 1 Ethics - \$79

August 30, 2019 – 9 AM-12:15 PM

Basics for the Attorney Debt Collector

James P. Valecko, Esq. / Weltman, Weinburg & Reis Co., L.P.A.
2 Substantive Credits / 1 Ethics - \$79

August 30, 2019 – 1 PM-4:15 PM

Retirement Plans: A Primer on Plan Options, Hot Topics and Potential Pitfalls

Elisa J. Cavalier, Esq. / Rachel Hawili, AIFA / Hefren-Tillotson

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Nicholas J. Zapf / Dunbar, Bender & Zapf
Gary J. Gunnett, Esq. / Houston Harbaugh
2 Substantive Credits / 1 Ethics - \$79
PA CLE approved

**To register: www.caluedu/ilpp
speer@calu.edu / 724-938-4054**

California University of PA

250 University Avenue, Box 6 | California, Pennsylvania 15419
The institute for Law & Public Policy is a PA CLE Accredited Provider (Provider #5872)
Join our mailing list to keep up with our latest offerings – email Speer@calu.edu

SHERIFF'S SALE

By Virtue of a Writ of Execution (Mortgage Foreclosure)

No. ED-38-2019 AD-191-2019

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, AUGUST 09, 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.

ALL that certain piece, parcel or lot of land being situate and lying in Cumberland Township, County of Greene and Commonwealth of Pennsylvania, being more particularly bounded and described as follows, to-wit:

BEGINNING at a point on the South side of the Carmichaels-Brown Ferry Road, said point being South 75° 56' East 200 feet from the Northeast corner of lot now or formerly of Alfred E. Copeland and Maxine F. Copeland; thence by said Carmichaels-Brown Ferry Road, South 75° 56' East 100 feet to an unopened street; thence by said unopened street, South 14° 04' West 150 feet to an unopened alley; thence by said unopened alley, North 75° 56' West 100 feet to a point, thence by land now or formerly of the Union Supply Company, North 14° 04' East 150 feet to the place of beginning.

BEING known and designated as Tax Map No. 05-07-300-A CNL 05-00.

BEING KNOWN AS: 629 BROWN FERRY ROAD, CARMICHAELS, PA 15320

BEING THE SAME PREMISES which Ronald E. Gaydos, unmarried, by Deed dated July 15, 2014 and recorded July 16, 2014 in the Office of the Recorder of Deeds in and for Greene County in Deed Book Volume 470, Page 3521, granted and conveyed unto VINCE EDWARD HAGY, III and LESIA MOORE-HAGY, husband and wife.

PROPERTY ADDRESS: 629 Browns Ferry Road, Carmichaels, PA 15320

UPI / TAX PARCEL NUMBER: 05-07-300

Seized and taken into execution to be sold as the property of VINCE EDWARD HAGY, LESIA RENEE MOORE-HAGY in suit of PENNYMAC LOAN SERVICES, LLC.

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Attorney for the Plaintiff:
Powers, Kern Associates, LLC
Trevose, PA

MARCUS SIMMS, Acting Sheriff
Greene County, Pennsylvania

SUPREME COURT OF PENNSYLVANIA

CIVIL PROCEDURAL RULES COMMITTEE

NOTICE OF PROPOSED RULEMAKING

Proposed Amendment of Pa.R.C.P. No. 223.2

The Civil Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P. No. 223.2 governing juror note taking for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 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 will 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 27, 2019**. 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

Rule 223.2. Conduct of the Jury Trial. Juror Note Taking.

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(a)(1) When[ever] a jury trial is expected to last for more than two days, jurors[, **except as otherwise provided by subdivision (a)(2) may] shall be permitted to** take notes during the [**proceedings] presentation of evidence and closing arguments** and use their notes during deliberations.

Note: The court in its discretion may permit jurors to take notes when the jury trial is not expected to last for more than two days.

(2) Jurors [**are] shall not be** permitted to take notes **during opening statements or** when the judge is instructing the jury as to the law that will govern the case.

(b) The court shall give an appropriate cautionary instruction to the jury prior to the commencement of the testimony before the jurors. The instruction shall include:

(1) Jurors are not required to take notes and those who take notes are not required to take extensive notes[.];

(2) Note taking should not divert jurors from paying full attention to the evidence and evaluating witness credibility, **or the closing arguments;**

(3) Notes are merely memory aids and are not evidence or the official record[.];

(4) Jurors who take few or no notes should not permit their independent recollection of the evidence to be influenced by the fact that other jurors have taken notes[.];

(5) Notes are confidential and will not be reviewed by the court or anyone else[.];

(6) A juror may not show his or her notes or disclose their contents to other jurors until deliberations begin, but may show the notes or disclose the contents during deliberations[.];

(7) Jurors shall not take their notes out of the courtroom except to use their notes during deliberations[.]; and

(8) All juror notes will be collected after the trial is over and immediately destroyed.

Note: It is recommended that the trial judge instruct the jurors along the following lines:

We will distribute notepads and pens to each of you in the event you wish to take notes during the trial. You are under no obligation to take notes and those who take notes are not required to take extensive notes.

Remember that one of your responsibilities as a juror is to observe the demeanor of witnesses to help you assess their

credibility. If you do take notes, do not become so involved with note taking that it interferes with your ability to observe a witness or distracts you from hearing other answers being given by the witness.

You may also take notes while the closing arguments are presented at the end of the trial. Again, if you do take notes, do not become so involved with note taking that it distracts you from paying attention to the remainder of the closing argument.

Your notes may help you refresh your recollection of the **[testimony] evidence as well as the closing arguments.** **[and] Your notes** should be treated as a supplement to, rather than a substitute for, your memory. Your notes are only to be used by you as memory aids and are not evidence or the official record.

Those of you who do not take notes should not permit your independent recollection of the evidence to be influenced by the fact that other jurors have taken notes. It is just as easy to write something down incorrectly as it is to remember it incorrectly and your fellow jurors' notes are entitled to no greater weight than each juror's independent memory. Although you may refer to your notes during deliberations, give no more or no less weight to the view of a fellow juror just because that juror did or did not take notes.

Each time that we adjourn, your notes will be collected and secured by court staff. Jurors shall not take their notes out of the courtroom except to use their notes during deliberations.

A juror may not show his or her notes or disclose their contents to other jurors until deliberations begin, but may show the notes or disclose their contents during deliberations. The only notes you may use during the deliberations are the notes you write in the courtroom during the proceedings on the materials distributed by the court staff.

Your notes are completely confidential and will not be reviewed by the court or anyone else. After the trial is over, your notes will be collected by court personnel and immediately destroyed.

(c) The court shall

(1) provide materials suitable for note taking,

Note: The materials provided by the court are the only materials that jurors may use for note taking.

(2) safeguard all juror notes at each recess and at the end of each trial day, and

(3) collect all juror notes as soon as the jury is dismissed and, without inspection, immediately destroy them.

(d)(1) Neither the court nor counsel may (i) request or suggest that jurors take notes, (ii) comment on their note taking, or (iii) attempt to read any notes.

(2) Juror notes may not be used by any party to the litigation as a basis for a request for a new trial.

Note: A court shall immediately deny a litigant's request that juror notes be placed under seal until they are reviewed in connection with a request for a new trial on any ground, including juror misconduct. The notes shall be destroyed without inspection as soon as the jury is dismissed.

Explanatory Comment

The Civil Procedural Rules Committee is considering proposing the amendment of Pa.R.C.P. No. 223.2 governing note taking by jurors to clarify and expand when note taking is permitted during a trial that is expected to last more than two days.

Current subdivision (a)(1) provides that jurors "may take notes during the proceedings," but does not specify or define the term "proceedings." Pa.R.C.P. No. 223.2 has generally been interpreted to permit juror note taking only when witnesses are testifying during trial and not during opening statements and closing arguments. While subdivision (a)(2) of the rule expressly prohibits note taking during the reading of the jury charge, there is no similar express prohibition on note taking during opening statements and closing arguments.

To provide clarification, the Committee proposes amending Pa.R.C.P. No. 223.2 to permit note taking during the presentation of evidence and closing arguments only. The rule would continue to prohibit note taking during the reading of the jury charge, but be amended to extend that prohibition to opening statements. The Committee believes that note taking during opening statements, during which information that may ultimately not be supported by the evidence or even entered into evidence, could lead to confusion for jurors. Note taking during closing arguments would help jurors with their deliberations.

The Committee is also proposing an amendment to preserve the ability for jurors to take notes for all trials expected to last more than two days. Current subdivision (a)(1) uses the permissive "may" to allow juror note taking, which offers the opportunity for variation in procedure. The Committee believes that, in order to ensure a uniform practice throughout the Commonwealth, all jurors should be permitted to take notes subject to the parameters of the

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rule. The rule would continue to place no obligation on the part of jurors to take notes, but the authority for jurors to use this tool for deliberations would be expressly permitted.

As proposed, the amendment of Rule 223.2 is intended to clarify the specific “proceedings” during which jurors may take notes. Subdivision (a)(1) would be amended to clarify that jurors shall be permitted to take notes during the presentation of evidence and expand that subdivision to include closing arguments. Subdivision (a)(2) would be amended to expressly prohibit note taking during opening statements and the reading of the jury charge. In addition, subdivision (b) would be amended to include a cautionary juror instruction that note taking should not divert jurors’ attention from, inter alia, the closing arguments. Those requirements would also be incorporated into the suggested jury instruction set forth in the note following the rule text.

Accordingly, the Committee invites all comments, objections, concerns, and suggestions regarding this rulemaking proposal.

By the Civil Procedural Rules Committee,

John J. Hare
Chair