

OFFICIAL
LEGAL JOURNAL
 OF SUSQUEHANNA COUNTY, PA

34th Judicial District

Vol. 4 ★ October 4, 2019 ★ Montrose, PA ★ No. 27



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CASES REPORTED

Stanley Conord, Mary Ann Lott and William Novis, Plaintiffs,
 vs.
 Appalachia Midstream Services, LLC, and William Abel & Assoc., Inc., Defendants.
 vs.
 Blue Ridge Land Services, Inc., and Chris Bentley, Additional Defendants.

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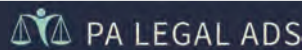


**Court of Common Pleas
 34th Judicial District:**

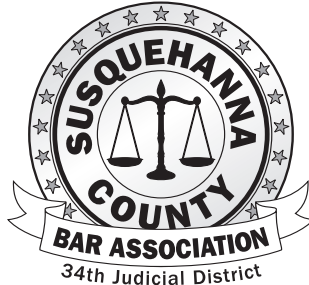
The Hon. Jason J. Legg
President Judge

The Hon. Kenneth W. Seamans
Senior Judge

The Legal Journal of Susquehanna County contains decisions of the Susquehanna County Court, legal notices, advertisements & other matters of legal interest. It is published every Friday by the Susquehanna County Bar Association.



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By requirement of Law and Order of Court the *Legal Journal of Susquehanna County* is made the medium for the publication of all Legal Advertisements required to be made in Susquehanna County, and contains all Notices of the Sheriff, Register, Clerk of the Courts, Prothonotary and all other Public Officers, Assignees, Administrators and Executors, Auditors, Examiners, Trustees, Insolvents, the formation and dissolution of Partnerships, affording indispensable protection against loss resulting from want of notice. It also contains the Trial and Argument Lists of all the Courts in Susquehanna County, and selected Opinions and Decisions of the Courts of Susquehanna County.

All legal notices must be submitted either via email or in typewritten form and are published exactly as submitted by the advertiser. *The Legal Journal* assumes no responsibility to edit, make spelling corrections, eliminate errors in grammar or make any changes in context. As pertains to all content in each issue, all efforts have been made to accurately publish the information provided by court sources, however Publisher and Susquehanna County Bar Association cannot be held liable for any typographical errors or errors in factual information contained therein.

Legal notices must be received before 10:00 AM on the Monday preceding publication or, in the event of a holiday, on the preceding Friday.

MESSAGE FROM THE
SUSQUEHANNA COUNTY BAR ASSOCIATION



The Legal Journal of Susquehanna County is a comprehensive weekly guide containing legal decisions of the 34th Judicial District encompassing civil actions filed; mortgages and deeds filed; legal notices; advertisements and other matters of legal interest. On behalf of the Susquehanna County Bar Association, we appreciate the opportunity to serve the legal community by providing a consolidated source of significant matters of legal importance.

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Orphans Court; Accounting on Estates (2-time insertion)	\$45

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A fee of \$10 will be added to all legal notices for the Notarized Proof of Publication.

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Per Year

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Susquehanna County Courthouse — 105 Maple Street, Montrose, PA 18801 ★ 570.278.4600
Hours: Monday–Friday, 8:30 a.m.–4:30 p.m.

COURT OPINION

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

STANLEY CONORD, MARY ANN :
LOTT and WILLIAM NOVIS, :
Plaintiffs, :
 :
 :
vs. :
 :
 :
APPALACHIA MIDSTREAM :
SERVICES, LLC, and WILLIAM ABEL :
& ASSOC., INC., :
Defendants. :
 :
 :
vs. : **No. 2014 - 1246 C.P.**
 :
 :
BLUE RIDGE LAND SERVICES, INC., :
and CHRIS BENTLEY, :
Additional Defendants. :

ORDER

NOW, this 17th day of June, 2019, after consideration of the defendants’ motion for bifurcation as well as plaintiffs’ response, and after oral argument, **IT IS HEREBY ORDERED THAT:**

1. Defendants’ motion for bifurcation is **GRANTED**.¹
2. As a result, the trial will be bifurcated to provide for an initial trial phase relating

¹ Pennsylvania Rule of Civil Procedure 213(b) empowers a trial court to order a separate trial for a specific issue where such bifurcation is necessary to avoid prejudice. See Coleman v. Philadelphia Newspapers, Inc., 570 A.2d 552, 555 (Pa. Super. Ct. 1990). “[B]ifurcation is strongly encouraged and represents a reasonable exercise of discretion where the separation of issues facilitates orderly presentation of evidence and judicial economy.” Id.

In this case, plaintiffs seek compensatory damages for injuries to their real property caused by the installation of a natural gas pipeline under an alleged forged easement agreement. Plaintiffs’ compensatory damages relate to the disturbance of a forest and the cutting down of trees on plaintiffs’ real property. The measure of plaintiffs’ compensatory damages specifically depends upon whether the injuries to the impacted real property are repairable or irreparable. See Christian v. Yanoviak, 945 A.2d 220, 226 (Pa. Super. 2008). If the damage to the real property is repairable, then the measure of damages is the lesser of: (1) the restoration costs; or (2) the market value of the real property prior to the disturbance. Id. If the damage to the real property is irreparable, then the measure of damages is diminution in the value of the real property resulting from the disturbance. Id. The restoration costs submitted by plaintiffs’ expert substantially exceed any other measure of damages. The court finds that it would be unduly prejudicial to expose the jury to the costs

to the question of liability and the measure of damages. If the jury determines that the defendants are liable and a proper determination has been made to the measure of damages, the trial shall then continue on the sole issue of plaintiffs' damages.

Jason J. Legg
President Judge



associated with restoration until the jury has made a determination as to whether the injuries to the real property are repairable or irreparable.

The bifurcation will also serve to avoid confusion during the jury charging process as well as simplify the issues for the jury during their deliberations. In bifurcating the trial into two phases, the jury will be able to make the initial determination as to whether the damage to the real property is repairable or irreparable. Thereafter, the parties can proceed by presenting the relevant evidence as it relates to compensatory damages – and the jury can be easily instructed as to the damage phase of the trial. See Coleman, 570 A.2d at 555-56 (noting that bifurcating was appropriate where it “minimized the possibility of jury confusion in discerning what evidence of damage was relevant”) see also Castellani v. Scranton Times, L.P., 161 A.3d 285, 301-02 (Pa. Super. 2017) (recognizing that bifurcation was significant prejudice would result to defendant if issues tried together).

LEGAL NOTICES

*IN THE COURT OF COMMON PLEAS OF SUSQUEHANNA COUNTY
COMMONWEALTH OF PENNSYLVANIA*

ESTATE NOTICES

Notice is hereby given that, in the estate 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 present the same without delay and all persons indebted to said estates are requested to make immediate payment to the executors or administrators or their attorneys named below.

NOTICE

IN THE ESTATE OF SANDRA K. LLEWELLYN, late of the Borough of Great Bend, County of Susquehanna, Pennsylvania, Letters Testamentary in the above Estate having been granted to the undersigned, all persons indebted to said Estate are requested to make prompt payment and all having claims against said Estate will present them without delay to:

William A. Llewellyn, JR,
Executor
88 Mountain Vista Lane
Great Bend, PA 18821
OR

Davis Law, P.C.
Raymond C. Davis, Esquire
Attorney for the Estate
181 Maple Street
Montrose, PA 18801

10/4/2019 • 10/11/2019 • 10/18/2019

EXECUTOR NOTICE

Estate of Leonard T. Conway
Late of Montrose Borough
EXECUTOR
Daniel J. McElwee, Jr.
6718 Forest Lake Rd.
Montrose, PA 18801
ATTORNEY
Gloria M. Gilman, Esq.
1211 S. Broad St., Suite 1720
Philadelphia, PA 19107

9/27/2019 • 10/4/2019 • 10/11/2019

EXECUTRIX NOTICE

Estate of Sandra E. Luce AKA
Sandy Luce
Late of Hallstead, PA
EXECUTRIX
Paulette M. Schieber
35 Lincoln Ave.
W. Collingwood Hts., NJ 08059

9/27/2019 • 10/4/2019 • 10/11/2019

EXECUTOR NOTICE

Estate of Stephen Joseph Brozana
AKA Stephen J. Brozana
Late of Bridgewater Township
EXECUTOR
Maynard Upright
19657 SR 706
Montrose, PA 18801
ATTORNEY
Michael Briechle, Esq.
4 Chestnut Street
Montrose, PA 18801

9/27/2019 • 10/4/2019 • 10/11/2019

NOTICE

In the Estate of Nancy Ruth See a/k/a Nancy R. See, deceased, late of Liberty Township, Susquehanna County, Pennsylvania.

Letters Testamentary in the above estate having been issued to Norma Jean Hunt, all persons indebted to the said estate are requested to make payment; those having claims to present the same without delay to:

Norma Jean Hunt
938 Lyon Road
Hallstead, PA 18822

OR

Michael J. Gathany
Attorney at Law
PO Box 953
Hallstead, PA 18822

9/20/2019 • 9/27/2019 • 10/4/2019

EXECUTRIX NOTICE

Estate of Frances O. Donovan
Late of Franklin Township
EXECUTRIX
Mary Elizabeth Donovan
28 Willow Street
Irvington, NY 10533
ATTORNEY
Laurence M. Kelly
Kelly Law Office
65 Public Avenue
Montrose, PA 18801

9/20/2019 • 9/27/2019 • 10/4/2019

EXECUTOR NOTICE

Estate of Stephen J. Molnar, Jr.
Late of Rush Township
EXECUTOR
Stephen James Molnar
3807 Voorhis Lane
Seaford, NY 11783
ATTORNEY
Michael Briechele, Esq.
4 Chestnut Street
Montrose, PA 18801

9/20/2019 • 9/27/2019 • 10/4/2019

ESTATE NOTICE

NOTICE is hereby given that the Estate of Cheryl Canfield, late of Meshoppen, Susquehanna County, Pennsylvania, has been granted Letters Testamentary to Angelo Rescigno, 201 West Davis Street, Taylor, PA 18512. Decedent having passed away on July 7th, 2019. All persons having claims or demands against the estate of the decedent shall make them known and present them and all persons indebted to said decedent shall make payment without delay to Angelo Rescigno, Executor, or John J. Minora, Esquire, 700 Vine Street, Scranton, PA 18510.

9/20/2019 • 9/27/2019 • 10/4/2019



EXECUTRIX NOTICE

Estate of James Michael Malonis
AKA Jim Malonis AKA Jimmy
Malonis
Late of Hallstead Borough,
Susquehanna County
EXECUTRIX
Heather Weston
2927 Redfield Drive
Charlotte, NC 28270
ATTORNEY
Michael Gathany
671 Main Street
Hallstead, PA 18822

9/20/2019 • 9/27/2019 • 10/4/2019

OTHER NOTICES

NOTICE

**ORPHANS' COURT DIVISION
ESTATE NOTICE**

Public notice is hereby given to all persons interested in the following named Estate. The accountant of said Estate has filed in the Register's Office of Susquehanna County the accounting which has been certified to the Clerk of the Orphans' Court Division, Court of Common Pleas:

First and Final Accountings:

Estate of CAROLYN E WELCH,
deceased
Michael P Welch, Executor

The above accountings will be presented to the Judge of the Court

of Common Pleas on Tuesday, October 15, 2019, and if no exceptions have been filed thereto the account will be Confirmed Final.

MICHELLE ESTABROOK
CLERK OF ORPHANS' COURT

10/4/2019 • 10/11/2019

**NOTICE OF FILING OF
SHERIFF'S SALES**

Individual Sheriff's Sales can be cancelled for a variety of reasons. The notices enclosed were accurate as of the publish date. Sheriff's Sale notices are posted on the public bulletin board of the Susquehanna County Sheriff's Office, located at 105 Maple Street, Montrose, PA.

**SHERIFF'S SALE
MORTGAGE FORECLOSURE
NOVEMBER 12, 2019**

IN THE COURT OF COMMON PLEAS OF SUSQUEHANNA COUNTY, upon Judgment entered therein, there will be exposed to public sale and outcry in the Sheriff's Office, Susquehanna County Courthouse, Montrose, Pennsylvania, the following described real estate, to wit:

SALE DATE AND TIME

November 12, 2019 at 9:00 AM

Writ of Execution No.:

2019-914 CP

PROPERTY ADDRESS: 3166

Kika Road

Friendsville, PA 18818

LOCATION: Friendsville Borough

Tax ID # 062.03-1,014.03,000

IMPROVEMENTS: ONE – ONE

STORY MANUFACTURED
WOOD FRAMED DWELLING
DEFENDANTS: Michael Hrin and
Dianne Hrin, Deceased
ATTORNEY FOR PLAINTIFF:
Peter Wapner, Esq
(570) 287-3000

NOTICE

The Sheriff shall not be liable for loss or damage to the premises sold resulting from any cause whatsoever and makes no representation or warranty regarding the condition of the premises. **Notice** is hereby given and directed to all parties in interest and claimants that a Schedule of Distribution will be filed by the Sheriff no later than 30 days after the sale and that distribution will be made in accordance with that Schedule unless exceptions are filed thereto within ten (10) days thereafter. Full amount of bid plus poundage must be paid on the date of the sale by 4:30 p.m. or deed will not be acknowledged. For details on individual Sheriff Sales please go to: www.susquehannasheriff.com/

sheriffsales.html

Lance M. Benedict,
Susquehanna County Sheriff

9/20/2019 • 9/27/2019 • 10/4/2019

**SHERIFF'S SALE
MORTGAGE FORECLOSURE
NOVEMBER 12, 2019**

IN THE COURT OF COMMON
PLEAS OF SUSQUEHANNA
COUNTY, upon Judgment entered
therein, there will be exposed to
public sale and outcry in the
Sheriff's Office, Susquehanna
County Courthouse, Montrose,
Pennsylvania, the following
described real estate, to wit:

**SALE DATE AND TIME
November 12, 2019 at 9:30 AM**

Writ of Execution No.:

2019-917 CP

PROPERTY ADDRESS: 1753
State Route 106 aka 1735 State
Route 106

Clifford, PA 18441

LOCATION: Clifford Township
Tax ID # 264.00-2,025.00,000



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PLASTER BOARD AND FRAME
ONE - TWO STORY 40 X 71
PLASTER BOARD AND FRAME
ONE - ONE STORY 24 X 55
PLASTER BOARD AND FRAME
ONE - ONE STORY 14 X 41
PLASTER BOARD AND FRAME
ONE - ONE STORY 14 X 18
BLOCK FRAME GARAGE

DEFENDANTS: George F.
Maxson
ATTORNEY FOR PLAINTIFF:
Kathryn Mason, Esq
(717) 533-3280

NOTICE

The Sheriff shall not be liable for loss or damage to the premises sold resulting from any cause whatsoever and makes no representation or warranty regarding the condition of the premises. **Notice** is hereby given and directed to all parties in interest and claimants that a Schedule of Distribution will be filed by the Sheriff no later than 30 days after the sale and that distribution will be made in accordance with that Schedule unless exceptions are filed thereto within ten (10) days thereafter. Full amount of bid plus poundage must be paid on the date of the sale by 4:30 p.m. or deed will not be acknowledged. For details on individual Sheriff Sales please go to: www.susquehannasheriff.com/sheriffsales.html

Lance M. Benedict,
Susquehanna County Sheriff

9/20/2019 • 9/27/2019 • 10/4/2019

**SHERIFF'S SALE
MORTGAGE FORECLOSURE
NOVEMBER 12, 2019**

IN THE COURT OF COMMON PLEAS OF SUSQUEHANNA COUNTY, upon Judgment entered therein, there will be exposed to public sale and outcry in the Sheriff's Office, Susquehanna County Courthouse, Montrose, Pennsylvania, the following described real estate, to wit:

SALE DATE AND TIME

November 12, 2019 at 10:00 AM

Writ of Execution No.:

2019-898 CP

PROPERTY ADDRESS: RR 1 Box
38, AKA 294 Halstead Road
Union Dale, PA 18470

LOCATION: Clifford Township

Tax ID # 228.00-2,032.00,000

IMPROVEMENTS: ONE – ONE
STORY WOOD FRAMED
DWELLING

DEFENDANTS: David Bean, in
His Capacity as Heir of Marian A.
Bean, Deceased, Patti Megivern, in
Her Capacity as Heir of Marian A.
Bean, Deceased and Unknown
Heirs, Successors, Assigns, and All
Persons, Firms, or Associations
Claiming Right, Title or Interest
From or Under Marian A. Bean,
Deceased

ATTORNEY FOR PLAINTIFF:

Peter Wapner, Esq
(215) 563-7000

NOTICE

The Sheriff shall not be liable for loss or damage to the premises sold resulting from any cause whatsoever and makes no representation or warranty

regarding the condition of the premises. **Notice** is hereby given and directed to all parties in interest and claimants that a Schedule of Distribution will be filed by the Sheriff no later than 30 days after the sale and that distribution will be made in accordance with that Schedule unless exceptions are filed thereto within ten (10) days thereafter. Full amount of bid plus poundage must

be paid on the date of the sale by 4:30 p.m. or deed will not be acknowledged. For details on individual Sheriff Sales please go to: www.susquehannasheriff.com/sheriffsales.html

Lance M. Benedict,
Susquehanna County Sheriff

9/20/2019 • 9/27/2019 • 10/4/2019





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