

# 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. 3**

**August 11, 2022**

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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 Louis Dayich, President Judge  
Honorable Jeffry N. Grimes, Judge

## MOTIONS

Criminal & Civil & O.C.:  
August 15 and August 17, 2022

## CRIMINAL

Arraignments: August 15, 2022  
ARDs: September 12, 2022  
ARD Revocations: September 12, 2022  
Parole Violations: August 15, 2022  
Plea Court: September 13-15, 2022  
License Suspension Appeals: August 23, 2022  
Argument Court: TBD

## ORPHANS

Accounts Nisi: September 6, 2022  
Accounts Absolute: September 16, 2022

**SUPREME COURT**  
**SUPERIOR COURT**  
**COMMONWEALTH COURT**

Convenes in Pgh.: October 24-28, 2022  
Convenes in Pgh.: September 19-23, 2022  
Convenes in Pgh.: October 11-14, 2022

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## THE GREENE REPORTS

Owned and published by the GREENE COUNTY BAR ASSOCIATION  
Editor: Kayla M. Sammons  
E-mail address: [editor.greeneports@yahoo.com](mailto:editor.greeneports@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the editorial staff to be reasonably interpreted as offensive, demeaning or insulting to any individual or group will not be published.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 Anonymous correspondence will not be published.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.

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## THE GREENE COUNTY BAR ASSOCIATION

Christopher M. Simms, President  
Timothy M. Ross, Vice-President  
Allen J. Koslovsky, Secretary  
Blake Birchmeier, Treasurer  
Jessica L. Phillips, Ex-Officio

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## ARGUMENTS

Argument Court: September 21, 2022

## CIVIL

Domestic Relations Contempts: August 22, 2022  
Domestic Relations Appeals: August 22, 2022

## JUVENILE

Plea Day: August 18, 2022

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## DEED TRANSFERS

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

### ALEPPO TOWNSHIP

Mary L. Bumb to The Mineral Company, 14.61875 Acres, O&G, \$4,872.67 (8-5-22)  
Janice W. Hastings to The Mineral Company, et ux., 3 Tracts, O&G, \$6,629.29 (8-5-22)  
Tamara D. Ringer to EQT Production Company, 14.61875 Acres, O&G, \$541.33 (8-9-22)

### CUMBERLAND TOWNSHIP

Thomas B. Novak to Regina Novak, Lot 11, Crucible, \$50,100.00 (8-9-22)  
Robert Edward Lee Miller, to Brittany Schoenfeldt, Tract, \$135,000.00 (8-9-22)

### DUNKARD TOWNSHIP

Drusilla Simpkins to Christina Halbert, 2 Tracts, \$74,500.00 (8-8-22)

### FRANKLIN TOWNSHIP

Eric J. Rohanna, et ux., to David A. Harris, et ux., Lot, \$310,000.00 (8-4-22)

### FRANKLIN AND WAYNE TOWNSHIP

Staci L. Dawson to The Mineral Company, et ux., 3 Tracts, O&G, \$37,043.40 (8-5-22)

### FREEPORT TOWNSHIP

Diane E. Welch A/K/A Diane E. Wilson, et ux., to The Mineral Company, et ux., 2 Tracts, O&G, \$19,499.56 (8-5-22)

### GILMORE TOWNSHIP

George Henry Shriver, et ux., to Foss Minerals LLC, 130.671 Acres, O&G, \$2,500.00 (8-3-22)

### JEFFERSON TOWNSHIP

US Bank Trust NA et ux., to Charles R. Ferguson, Jr., et ux., Lots 9-10 & Lots 24-27, Fair Ground Addition, \$182,546.00 (8-3-22)  
James McManus to Robert Getty, et ux., Lot 210, Clyde Land Company No. 2, \$39,000.00 (8-4-22)

### MORGAN TOWNSHIP

Glenn E. Adamson, Jr., et ux., to Beam Energy LP, 17.2 Acres, O&G, \$38,000.00

### MORRIS TOWNSHIP

Charles John Stewart, et ux., to EQT Production Company, 6.743 Acres, O&G, (8-9-22)

### RICES LANDING BOROUGH

Shannon R. Lewis to Krystl L. Larkin, Lots, \$2,233.80 (8-8-22)  
Shannon R. Lweis to Krystl L. Larkin, Lots, \$249,900.00 (8-8-22)

### RICHHILL TOWNSHIP

Frances M. Craft, et ux., to EQT Production Company, 21 Acres, O&G, 1/2 Interest, \$459.75 (8-5-22)

Constance M. Gould, et ux., to EQT Production Company, 1.35 Acres O&G, \$1,000.00 (8-9-22)

Mary Alberta Miller to EQT Production Company, 24.46 Acres, O&G, \$459.75 (8-9-22)

### SPRINGHILL TOWNSHIP

Debora J. Duke to Sandhill Royalty LP, 3 Tracts, O&G, \$800.00 (8-3-22)  
Joyce A. Shriver to Sandhill Royalty LP, 3 Tracts, O&G, \$2,400.00 (8-3-22)  
James Jerome Larry to Foss Minerals, 2 Tracts, O&G, \$1,750.00 (8-4-22)  
John Edward Venable, et ux., to EQT Production Company, 47.206 Acres, O&G, \$506.73  
Guy William Venable to EQT Production Company, 47.206 Acres, O&G, \$506.73 (8-4-22)  
Kimberly Ann Lavery to The Mineral Company, et ux., 95.34 Acres, O&G, \$4,855.29 (8-5-22)  
Deborah F. Desmond to The Mineral Company, et ux., 95.34 Acres, O&G, \$4,855.29 (8-5-22)

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Joseph M. Venable, et ux., to EQT Production Company, 47.206 Acres, O&G, \$506.73 (8-5-22)

### WAYNE & GILMORE TOWNSHIPS

Donald Wiley Weaver to Foss Minerals LLC, 2 Tracts, O&G, \$11,000.00 (8-4-22)

### WAYNESBURG BOROUGH

Greene County Habitat for Humanity Inc to Kathy J. Hogan, Tract, \$41,434.41 (8-8-22)

### WHITELEY TOWNSHIP

Doris A. Meighen to Three Rivers Royalty III LLC, 2 Tracts, O&G, \$9,416.63 (8-3-22)

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## ESTATE NOTICES

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**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

COMER, WILLIAM A.

Late of Jefferson Township, Greene County, Pennsylvania  
Administrator: John Comer, 3280 Eastview Road, Bethel Park, PA 15102  
Attorney: Lukas B. Gatten, Esquire, 54 N. Richhill Street, Waynesburg, PA 15370

KING, ANNA MAE

Late of Franklin Township, Greene County, Pennsylvania  
Executor: Diane Tedrow, 444 Moore Road, New Freeport, PA 15352  
Attorney: Timothy N. Logan, Esquire, 54 N. Richhill Street, Waynesburg, PA 15370

MORRIS, BARBARA

Late of Whiteley Township, Greene County, Pennsylvania  
Executor: Robert Morris, 586 White Barn Road, Waynesburg, PA 15370  
Attorney: None

RYNIAK, ANGELA LORIN

Late of Jefferson Borough, Greene County, Pennsylvania  
Administrator: Nicholas C. Felice, 55 Woodbine Road, Lewistown, PA 17044  
Attorney: None

### SECOND PUBLICATION

MACK, SHARON KAY

Late of Morgan Township, Greene County, Pennsylvania  
Co-Administrator, c.t.a: Angela Mack, 271 McIlvaine Road, Waynesburg, PA 15370  
Co-Administrator, c.t.a: Rachelle Mack Schaum, 7 Fernwood Ave., Pittsburgh, PA

15228

Attorney: Christopher Michael Simms, Esquire, Pollock Morris Belletti & Simms, LLC, 54 South Washington Street, Waynesburg, PA 15370

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### THIRD PUBLICATION

DURBIN, NELLIE ANNA A/K/A NELLIE A. DURBIN

Late of Center Township, Greene County, Pennsylvania  
Executrix: Linda D. Engle, 128 Willow Road, Waynesburg, PA 15370  
Attorney: Kirk A. King, Esquire, 77 South Washington Street, Waynesburg, PA 15370

KIGER, OLETA M.

Late of Wayne Township, Greene County, Pennsylvania  
Executor: Frederick L. Kiger, 371 White Barn Road, Waynesburg, PA 15370  
Attorney: David F. Pollock, Esquire, Pollock Morris Belletti & Simms LLC, 54 South Washington Street, Waynesburg, PA 15370

MITCHELL, CHARLES KEITH A/K/A CHARLES K. MITCHELL

Late of Jefferson Township, Greene County, Pennsylvania  
Executor: Matthew R. Blasinsky, 366 Cranberry Lan, Carmichaels, PA 15320  
Attorney: Kirk A. King, Esquire, 77 South Washington Street, Waynesburg, PA 15370

PUHER, DOROTHY ANNE

Late of Greensboro, Greene County, Pennsylvania  
Executor: Alexis Puher, 112 Poplar Drive, Morgantown, WV 26505  
Attorney: Kathleen Smith-Delach, Esquire, Phillips, Phillips & Smith-Delach, PC, 29 East Beau Street, Washington, PA 15301

STEPHENSON, JAMES COOK A/K/A JAMES C. STEPHENSON

Late of Franklin Township, Greene County, Pennsylvania  
Executor: John W. Stephenson, 129 Main Street, PO Box 61, New Athens, OH 43981  
Attorney: David F. Pollock, Esquire, Pollock Morris Belletti & Simms, LLC, 54 South Washington Street, Waynesburg, PA 15370

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## FICTITIOUS NAME NOTICE

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Notice is hereby given of the filing of an application for Registration of Fictitious Names as follows:

The Fictitious Name is: Morning Rush LLC

The address of the principal office or the principal place of business to be carried on is: 2 Eastview Court, Waynesburg, PA 15370

The names and addresses of the persons who are party to the registration are: Duane Arbogast, 2 Eastview Court, Waynesburg, PA 15370

An application for a fictitious name was filed on August 3, 2022 in the Department of State, under the Fictitious Names Act, 54 Pa.C.S.A. 302 et seq., Act of December 16, 1982, No. 295, P.L. 1309.

Lukas B. Gatten, Esquire  
LOGAN & GATTEN LAW OFFICES  
54 N. Richhill Street  
Waynesburg, PA 15370

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## FIRST AND FINAL ACCOUNT

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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 September 6, 2022 FOR NISI CONFIRMATION AND ON September 16, 2022 FOR FINAL CONFIRMATION.

The First & Final Account of Betty Anderson, Executrix of Estate of Irene C Renner, late of Waynesburg, Greene County, Pennsylvania

Attorney: Timothy N. Logan, Esquire  
54 North Richhill Street  
Waynesburg, PA 15370

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## LEGAL NOTICE

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**To: Dominique Cage and/or Unknown Father**

**In Re: R.D.C. minor child, born 8/21/2021**

A petition has been filed asking the court to put an end to all rights you have to your child, R.D.C., born August 21, 2021. The court has set a hearing to consider ending your rights to your child. That hearing will be held in the Greene County Courthouse, 10 E. High Street, Waynesburg, PA 15370 on August 23, 2022, at 11:30 a.m. in the assigned Courtroom before the Judge.

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.

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## SUPREME COURT NOTICE

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**SUPREME COURT OF PENNSYLVANIA  
Orphans' Court Procedural Rules Committee**

### NOTICE OF PROPOSED RULEMAKING

#### **Proposed Amendment of Pa.R.O.C.P. 14.8**

The Orphans' Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.O.C.P. 14.8 governing guardianship reporting. 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 report accompanying this proposal was prepared by the Committee to include the rationale for the proposed rulemaking. It 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:

**Pamela S. Walker, Counsel  
Orphans' Court Procedural Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
FAX: 717-231-9546  
orphanscourtproceduralrules@pacourts.us**

All communications in reference to the proposal should be received by **October 11, 2022**. 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 Orphans' Court Procedural Rules Committee,  
Hon. Emil A. Giordano (ret.)  
Chair

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## Rule 14.8. Guardianship Reporting, Monitoring, Review, and Compliance.

(a) **Reporting.** A guardian shall file the following reports with the clerk:

(1) An inventory by the guardian of the estate within 90 days of such guardian's appointment;

(2) An annual report by the guardian of the estate of an incapacitated person one year after appointment and annually thereafter;

(3) An annual report by the guardian of the person one year after appointment and annually thereafter;

(4) A final report by the guardian of the person and the guardian of the estate within 60 days of the death of the incapacitated person, an adjudication of capacity, a change of guardian, or the expiration of an order of limited duration; and

(5) A final report from the guardian of the person and the guardian of the estate upon receipt of the provisional order from another state's court accepting transfer of a guardianship.

[Note: See Pa.R.J.A. No. 510 governing the filing of inventories and annual reports online using the Guardianship Tracking System.]

(b) **Notice of Filing.** If, pursuant to Rule 14.7(a)(1)(iv), the order appointing the guardian identifies the person or persons entitled to receive notice of the filing of any report set forth in **[paragraph (a)] subdivision (a)**, the guardian shall serve a notice of filing within ten days after filing a report using the form provided in the Appendix to these **[Rules] rules**. Service shall be in accordance with Rule 4.3.

(c) **Design of Forms.** The Court Administrator of Pennsylvania, in consultation with the Orphans' Court Procedural Rules Committee and the Advisory Council on Elder Justice in the Courts, shall design and publish forms necessary for the reporting requirements set forth in **[paragraph (a)] subdivision (a)**.

(d) **Monitoring.** The clerk or the court's designee shall monitor the guardianship docket to confirm the guardian's compliance with the reporting requirements set forth in **[paragraph (a)] subdivision (a)**.

(e) **Review.** The court or its designee shall review the filed reports.

(f) **Compliance.** To ensure compliance with these reporting requirements:

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(1) If any report is deemed incomplete or is more than 20 days delinquent, then the clerk or the court's designee shall serve notice on the guardian directing compliance within 20 days, with a copy of the notice sent to the court and the guardian's counsel, if represented.

(2) If the guardian fails to comply with the reporting requirements within 20 days of service of the notice, then the clerk or the court's designee shall file and transmit a notice of deficiency to the adjudicating judge and serve a notice of deficiency on those persons named in the court's order pursuant to Rule 14.7(a)(1)(iv) as being entitled to receive a notice of filing.

(3) The court may thereafter take such enforcement procedures as are necessary to ensure compliance.

**(4) After reasonable enforcement procedures have been completed by the court, the court shall enter an order that:**

**(i) includes clearly enumerated reasons that the guardian or former guardian cannot be compelled to comply with any filing requirements;**

**(ii) includes an explanation of the actions taken by the court to attempt enforcement of the filing requirements; and**

**(iii) directs that a successor guardian or designee of the court may file the delinquent filing with the clerk and it shall be recorded as such by the clerk; or**

**(iv) directs the order issued by the court will be filed by the clerk in lieu of the delinquent filing and recorded as such by the clerk.**

[Explanatory] Comment: **See Pa.R.J.A. 510 governing the filing of inventories and annual reports online using the Guardianship Tracking System.** The reporting forms are available at <http://www.pacourts.us/forms/for-the-public/orphans-court-forms>.

[This Rule is silent] **Subdivision (f)(3) provides the court with broad discretion** as to the manner of proceeding when reports are deficient or warrant further investigation, or when the guardian is recalcitrant after being given notice by the clerk or the court's designee. **[In its discretion, the] The** court may order further documentation, conduct a review hearing, or take further action as may be deemed necessary, including, but not limited to, removal of the guardian, or contempt proceedings. **If enforcement measures taken pursuant to subdivision (f)(3) are unsuccessful, the court shall enter the order prescribed by subdivision (f)(4).**

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**Reasons for finding the guardian or former guardian cannot be compelled to comply with any filing requirements include, but are not limited to, the guardian or former guardian cannot be located, is located outside the Commonwealth, is deceased, or remains unresponsive to enforcement measures.**

## SUPREME COURT OF PENNSYLVANIA Orphans' Court Procedural Rules Committee

### PUBLICATION REPORT

#### Proposed Amendment of Pa.R.O.C.P. 14.8

The Orphans' Court Procedural Rules Committee ("Committee") is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.O.C.P. 14.8 governing guardianship reporting. This proposal would create a mechanism for a court to enter an order relating to a delinquent annual or final report when the court has determined through enforcement procedures that the responsible guardian cannot be compelled to comply with any filing requirements.

#### Background

Pa.R.O.C.P. 14.8, relating to guardianship reporting, monitoring, review, and compliance, reflects the statutory requirements of 20 Pa.C.S. §§ 5142, 5521, and 5921. These requirements include: (1) the filing of an annual report by the guardian of the estate and the guardian of the person one year after appointment and annually thereafter; and (2) a final report by the guardian of the estate and the guardian of the person following certain events. See 20 Pa.C.S. § 5521(c); Pa.R.O.C.P. 14.8(a).

The clerk of the orphans' court, or the court's designee, is required to monitor the guardianship docket to ensure compliance with reporting requirements for annual and final reports. See 20 Pa.C.S. § 5521(c)(1)–(2); Pa.R.O.C.P. 14.8(d). If a report is deficient or not timely filed, the guardian receives notice to comply with the reporting requirements. See Pa.R.O.C.P. 14.8(f)(1). If the guardian continues to fail to comply, a notice of deficiency is transmitted to the judge. See 20 Pa.C.S. § 5521(c)(3); Pa.R.O.C.P. 14.8(f)(2). "The court *may* thereafter take such enforcement procedures as are necessary to ensure compliance." Pa.R.O.C.P. 14.8(f)(3) (emphasis added), *compare* 20 Pa.C.S. § 5521(c)(3) ("The court shall take appropriate enforcement action against such guardians.") (emphasis added). Such actions could include, in the court's discretion, ordering further documentation, conducting a review hearing, removing the guardian, or initiating contempt proceedings. Pa.R.O.C.P. 14.8, Comment.

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## Proposal

The Committee received a request from the Advisory Council on Elder Justice in the Courts ("Council") relating to delinquent annual or final reports and available compliance measures under Pa.R.O.C.P. 14.8(f). Specifically, the Council observed there are situations when enforcement actions are unable to compel a guardian responsible for filing a report to comply with that requirement or enforcement actions are unsuccessful. For example, the guardian may be deceased, incapacitated, beyond the court's jurisdiction, or otherwise unavailable. There also may be circumstances when the guardian is unwilling to comply despite the imposition of the court's contempt power. With this latter illustration, the guardian may be family member of the incapacitated person and escalating or extending sanctions against the guardian may not be in the best interest of the incapacitated person. Please note that, notwithstanding the absence of a report, a recalcitrant guardian may still be subject to criminal prosecution or surcharge through other proceedings.

When the court appoints a successor guardian, the successor may be unable to complete and verify the required report because of incomplete record keeping by the prior guardian. However, the successor guardian of an estate would be required to file an inventory within 90 days of appointment so there is assurance that the status of current estate will be known and subject to comparison with prior reports.

Current subdivision (f) is silent on what is to occur if a required report cannot be filed for the covered period. The Council offered revised rule text to add subdivision (f)(4) to authorize the court to enter an order citing the reasons a guardian or former guardian cannot be compelled to comply with any filing requirements and either directing a successor guardian or designee of the court to file the report or entering the order in lieu of the delinquent report.

The Committee observes the statutory reporting requirements, as reflected in Pa.R.O.C.P. 14.8(a), are mandatory. Yet, 20 Pa.C.S. § 5521, which requires the court "to take appropriate enforcement action" obviously contemplates non-compliance with those requirements. What neither the statute nor the rules contemplate is when enforcement action does not yield compliance due to inability or unwillingness of the recalcitrant guardian. The Council's proposed subdivision (f)(4) attempts to address this void.

The Committee anticipates that the subdivision (f)(4)'s "order in lieu of report" will be used sparingly given efforts to appoint qualified guardians and to educate guardians as to their responsibilities. The Committee is receptive to other procedural proposals to attempt to detect recalcitrant guardians and facilitate substitution earlier in the guardianship.

The Committee invites all comments, concerns, and suggestions regarding this proposal.