

# FAYETTE LEGAL JOURNAL

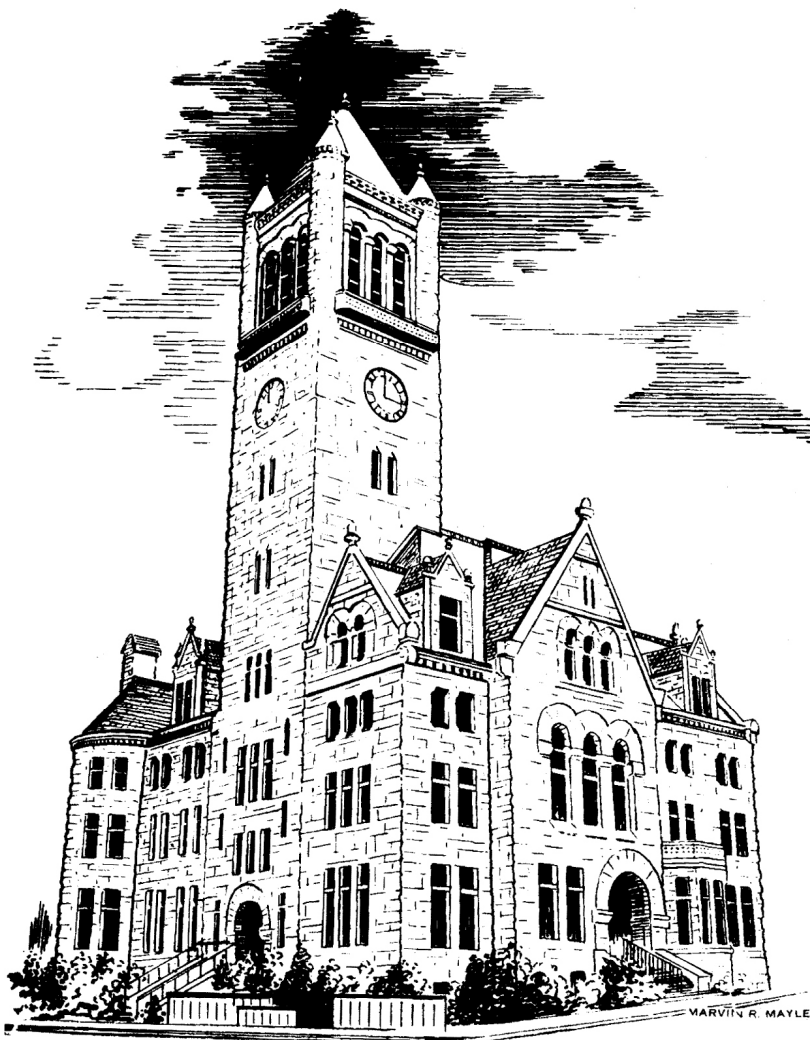
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## FAYETTE LEGAL JOURNAL

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## ESTATE NOTICES

Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors named.

### Third Publication

**FLOYD G. CRAGGETTE, a/k/a FLOYD GILBERT CRAGGETTE**, late of Connellsville, Fayette County, PA (3)

*Executrix:* Helen Bailey  
c/o Proden & O'Brien  
99 East Main Street  
Uniontown, PA 15401  
*Attorney:* Wendy L. O'Brien

**NANCY DOMINA, a/k/a NUNZIA DOMINA**, late of Connellsville, Fayette County, PA (3)

*Executrix:* Mary Grace Rulli  
c/o Molinaro Law Offices  
P.O. Box 799  
Connellsville, PA 15425  
*Attorney:* Carmine V. Molinaro, Jr.

**BERTON PAUL KRUMANACKER, a/k/a BERTON P. KRUMANACKER, a/k/a PAUL KRUMANACKER**, late of Connellsville, Fayette County, PA (3)

*Executor:* Donald Lee Krumanacker  
c/o Molinaro Law Offices  
P.O. Box 799  
Connellsville, PA 15425  
*Attorney:* Carmine V. Molinaro, Jr.

**ROY W. TAYLOR**, late of Connellsville, Fayette County, PA (3)

*Co-Executors:* Eric D. Taylor and Heather L. Taylor  
c/o Molinaro Law Offices  
P.O. Box 799  
Connellsville, PA 15425  
*Attorney:* Carmine V. Molinaro, Jr.

## Second Publication

**WILLIAM ALLEN, a/k/a WILLIAM L. ALLEN**, late of North Union Township, Fayette County, PA (2)

*Personal Representative:* Tania Bosley  
c/o Davis and Davis  
107 East Main Street  
Uniontown, Pa 15401  
*Attorney:* Gary J. Frankhouser

**DAVID YALE CURTIS**, late of Acme, Fayette County, PA (2)

*Executor:* Dean Scott Jones  
67 Spruce Peak Road  
Acme, PA 15610  
c/o 1227 South Braddock Avenue  
Pittsburgh, PA 15218  
*Attorney:* Kathleen Schneider

## First Publication

**KATHERINE T. BEAL, a/k/a KATHERINE THERESA BEAL**, late of Springfield Township, Fayette County, PA (1)

*Executor:* Jack B. Armstrong  
1140 Valley View Drive  
Scottsdale, PA 15683  
c/o 231 South Main Street, Suite 402  
Greensburg, PA 15601  
*Attorney:* Marilyn Gaut

**LEAH KATHRYN CAUSER**, late of Normalville, Fayette County, PA (1)

*Executor:* Stanley R. Geary  
c/o John & John  
96 East Main Street  
Uniontown, PA 15401  
*Attorney:* Simon B. John

**FRANCES MARIE DURITSKY, a/k/a FRANCES M. DURITSKY**, late of Uniontown, Fayette County, PA (1)

*Personal Representative:* Theresa Wright  
c/o Davis and Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* Gary J. Frankhouser

**JOHN M. MCGAW, III**, late of Merrittstown,  
Fayette County, PA (1)

*Administratrix:* Melissa K. Hixon  
121 Dinwiddie Drive  
New Kensington, PA 15068

**DIANE MONGALIER**, late of Springhill  
Township, Fayette County, PA (1)

*Executor:* Gary Mongalier  
c/o 2944 National Pike Road, Box 245  
Chalk Hill, PA 15421  
*Attorney:* Charles C. Gentile

**FLORENCE P. RICHARDSON**, late of  
Menallen Township, Fayette County, PA (1)

*Executrix:* Dolores F. Bell  
c/o 51 East South Street  
Uniontown, Pa 15401  
*Attorney:* Webster & Webster

**ELIZABETH M. SAVARINO**, late of  
Washington Township, Fayette County, PA (1)

*Co-Executors:* Nancy A. Weinman  
346 Sportsmen Road  
Hunker, PA 15639  
George R. Savarino  
1109 Williams Drive  
Belle Vernon, PA 15012  
c/o 823 Broad Avenue  
Belle Vernon, PA 15012  
*Attorney:* Mark E. Ramsier

**LEGAL NOTICES**

IN THE COURT OF COMMON PLEAS  
Fayette COUNTY  
CIVIL ACTION - LAW  
ACTION OF MORTGAGE FORECLOSURE  
Term No. 2019 of 2124 GD  
NOTICE OF ACTION IN MORTGAGE  
FORECLOSURE

KEY BANK, S/B/M FIRST NIAGARA BANK,  
N.A.

Plaintiff

vs.

THE UNKNOWN HEIRS OF MARY E.  
KEEFER, DECEASED

Mortgagor and Real Owner  
Defendant

TO THE UNKNOWN HEIRS OF MARY E.  
KEEFER, DECEASED, MORTAGOR AND  
REAL OWNER, DEFENDANT whose last  
known address is 109 Wall Street Everson, PA  
15631.

THIS FIRM IS A DEBT COLLECTOR AND  
WE ARE ATTEMPTING TO COLLECT A  
DEBT OWED TO OUR CLIENT. ANY  
INFORMATION OBTAINED FROM YOU  
WILL BE USED FOR THE PURPOSE OF  
COLLECTING THE DEBT.

You are hereby notified that Plaintiff KEY  
BANK, S/B/M FIRST NIAGARA BANK, N.A.,  
has filed a Mortgage Foreclosure Complaint  
endorsed with a notice to defend against you in  
the Court of Common Pleas of Fayette County,  
Pennsylvania, docketed to No. 2019 of 2124 GD  
wherein Plaintiff seeks to foreclose on the  
mortgage secured on your property located, 109  
Wall Street Everson, PA 15631 whereupon your  
property will be sold by the Sheriff of Fayette.

**NOTICE**

You have been sued in court. If you wish  
to defend against the claims set forth in the  
following pages, you must take action within  
twenty (20) days after the Complaint and notice  
are served, by entering a written appearance  
personally or by attorney and filing in writing  
with the court your defenses or objections to the  
claims set forth against you. You are warned  
that if you fail to do so the case may proceed  
without you and a judgment may be entered  
against you by the Court without further notice  
for any money claim in the Complaint of for any  
other claim or relief requested by the Plaintiff.  
You may lose money or property or other rights  
important to you.

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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. 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.

PENNSYLVANIA LAWYER  
REFERRAL SERVICE

Pennsylvania Bar Association  
100 South Street, PO Box 186  
Harrisburg, PA 17108  
800-692-7375

Michael T. McKeever  
Attorney for Plaintiff  
KML Law Group, P.C., PC  
Suite 5000, BNY Independence Center  
701 Market Street  
Philadelphia, PA 19106-1532  
215-627-1322

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# Registers' Notice

Notice by JEFFREY L. REDMAN, Register of Wills and  
Ex-Officio Clerk of the Orphans' Court Division of the Court of Common Pleas

Notice is hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans' Court Division of Fayette County on

**Monday, March 2, 2020, at 9:30 A.M.**

| <u>Estate Number</u> | <u>Estate Name</u>  | <u>Accountant</u>                     |
|----------------------|---------------------|---------------------------------------|
| 2616-0351            | EDWARD E. SUCHEVITS | Carol Ferencak, Administratrix DBNCTA |

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on  
**Monday, March 16, 2020, at 9:30 A.M.**

in Courtroom No. 5 of the **Honorable Joseph M. George Jr.** or his chambers, 3rd Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

JEFFREY L. REDMAN  
Register of Wills and Ex-Officio Clerk of the Orphans' Court Division (1 of 2)

**JUDICIAL OPINION**

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA  
CIVIL DIVISION

IN RE: UPSET SALE OF TAX DELINQUENT :  
PROPERTIES EXPOSED FOR SALE :  
SEPTEMBER 17, 2018 :

MARILYN KOSTIK, :  
Plaintiff, :  
v. :  
FAYETTE COUNTY TAX CLAIM BUREAU, :  
Defendant, :

JOSEPH F. JOHN, II, : No. 1418 of 2019  
Intervener. : Honorable Steve P. Leskinen

**OPINION**

LESKINEN, J. January 15, 2019

AND NOW, this 1 5th day of January 2020, this Court writes in response to Petitioner Marilyn Kostik's "Appeal and Request to Set Aside Tax Sale" filed on July 5th, 2019.

**BACKGROUND**

The present action involves the tax sale of a parcel of real property situated on Oak Ridge Drive, Melcroft, Pennsylvania, designated as Parcel ID 31-15-0116 and the containing 106.83 acres (The Property). The Property was placed on the Upset Sale list, by the Fayette County Tax Claim Bureau, as the result of the nonpayment of property taxes for the year 2016. As a result of the listing, The Property was sold at the September 2018 Tax Upset Sale to Joseph F. John, II.

The Property was originally purchased by Marilyn Kostik and Ernest Liggett (husband and wife) in 1964 and they owned the property since. During the course of time from obtaining the property to present, the taxes on the property have been paid, however, in more recent years, payments were made (1) after the property taxes became delinquent and (2) for the purpose of keeping the property out of the Tax Upset Sale. These payments had been made in or around March of every year, prior to 2016. Communications between the owners of the property and the Tax Claim Bureau, regarding the balance owed for this property and other properties owned by Kostik and Liggett, were done by means of email. The email address used was a Comcast account in the name of the Petitioner, Marilyn Kostik. For the years 2015 and prior, the Tax Claim Bureau would respond to the request of the balance to the email address and later would receive a check from Kostik and Liggett to cover the balance(s) owed.

Upon receipt of the petition, on July 23rd this Court scheduled a hearing to be held

on September 4th 2019 at 2:30 pm in Courtroom Number 1 of the Fayette County Courthouse, Uniontown Pennsylvania

### ISSUE

Should the sale of taxpayer's property, that occurred on September 17th, 2018 be set aside and did the Fayette County Tax Claim Bureau comply with the Constitutionally required notice pursuant to 72 P.S. § 5860.602?

### ANALYSIS

A property owner's right to notice prior to commencing with an upset tax sale is established pursuant to the Due Process Clause of the Fourteenth Amendment to the United States Constitution, U.S. Const. amend. XIV, and by the Real Estate Tax Sale Law, 72 Pa. Stat. Ann. §§ 5860.101-5860.803. The United States Supreme Court has held that due process is implicated in any taking of property for the collection of taxes, stating: people must pay their taxes, and the government may hold citizens accountable for tax delinquency by taking their property. But before forcing a citizen to satisfy his debt by forfeiting his property, due process requires the government to provide adequate notice of the impending taking. Due process is satisfied when the Bureau, before commencing with a tax sale, provides notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections. Appeal of Neff; 132 A.3d 637, (Pa. Super. 2016).

The requirements of the Real Estate Tax Sale Law (Law), 72 Pa. Stat. Ann. § 5860.60 I (a)(3), are cumulative and apply in addition to the Tax Claim Bureaus' (bureaus') obligations to provide notice through publications, posting, and mail. The Commonwealth Court of Pennsylvania has said that the Pennsylvania General Assembly made a distinction between the notice requirements of 72 Pa. Stat. Ann. § 5860.602 and 72 Pa. Stat. Ann. § 5860.601(a)(3) due to the General Assembly's heightened concern for owner-occupants being divested of the very property in which they are residing. By enacting 72 Pa. Stat. Ann. § 5860.601(a)(3), the General Assembly has expressed a desire to provide a qualitatively different type of notice to an owner-occupant and afford such owner with increased protection by way of additional notice. Id.

In the absence of actual notice, the bureau must prove strict compliance with the notice requirements of 72 Pa. Stat. Ann. § 5860.602 of the Law. Further, and notwithstanding whether a taxpayer received actual notice, the Bureau must demonstrate that it personally served notice on any owner-occupant of the property subject to the upset tax sale or obtained a waiver of personal service from the trial court. Id.

The Real Estate Tax Sale Law, 72 Pa. Stat. Ann. § 5860.602(e), requires a tax claim bureau to send notice of a pending upset tax sale by mail. First, § 5860.602(e)(1) mandates tax claim bureaus to send notice by certified mail, restricted delivery, return receipt requested, postage prepaid. If the certified mailing is returned unsigned or signed by someone other than the owner of record, then at least 10 days before the date of the sale, similar notice of the sale shall be given to each owner who failed to acknowledge the first notice by United States first class mail, proof of mailing, at his last known post



office address. *id.*

The Pennsylvania Supreme Court has interpreted the phrase "proof of mailing" in the Real Estate Tax Sale Law, 72 Pa. Stat. Ann. § 5860.602(e)(2), and held that previous precedent under which proof of mailing could be satisfied only via proffer of a Certificate of Mailing, United States Postal Service (USPS) Form 3817, did not reflect the intention of the Pennsylvania General Assembly. Further, and of particular relevance to the Supreme Court, the tax claim bureau proffered the actual envelopes mailed to the objectors and other documents from the USPS as evidence. The Supreme Court has held that those USPS documents satisfied the statutory mandate for proof of mailing in § 5860.602(e)(2), *Horton v. Wash. County Tax Claim Bureau*, 81 A.3d 883, (Pa. 2013).

In reviewing the validity of a tax sale, the court must focus "not on the alleged neglect of the owner, which is often present in some degree, but on whether the activities of the [tax claim bureau] comply with the requirements of the [statute]." Consolidated Reports, 132 A.3d at 644 (quoting *Smith*, 834 A.2d at 1251). It is the conduct of the tax claim bureau that is determinative of compliance with the statutory notice provisions. The question here is whether the Tax Claim Bureau made "reasonable efforts" to discover the whereabouts of Taxpayer after its certified mailing to him was returned as unclaimed. *Clemmer v. Fayette Ctv. Tax Claim Bureau*, 176 A.3d 417, (Pa. Cmwlth. 2017).

Section 601(a)(3) of the Law specifically provides that a tax claim bureau may seek waiver from the trial court of the personal service requirement upon good cause shown. While the Law does not define the term "good cause shown," "we focus our inquiry on whether the trial court abused its discretion by granting the Bureau's Waiver Petition and by considering the facts of this case in light of the fundamental purpose of the Law." *Northumberland County*, 132 A.3d at 650. The intent of the Law is "to protect the local government against wilful [sic], persistent, long standing delinquents for whom we hold no brief, and to whom the appellate court decisions have consistently given short shrift." *Id.* at 650-51 (quoting *In re Return of Sale of Tax Claim Bureau* (Ross Appeal), 366 Pa. 100, 76 A.2d 749, 753 (Pa. 1950)).

The Court declined to hold that a tax bureau was required to provide physical evidence of the posting in the matter of *Thomas v. Montgomery County Tax Claim Bureau*, 553 A.2d 1044, 1046 (Pa. Cmwlth. 1989). The taxpayer in *Thomas* did not present contradictory evidence to rebut the presumption that posting occurred. An affidavit from a deputy sheriff was presented which indicated the date and time of posting. Further, the director of the tax bureau testified that county practice was to have two sheriffs post the notice where it could easily be seen by the property owner and, in situations where the property was an unimproved lot, sheriffs were instructed to post the notice where it would be visible to anyone passing by the property.

With regard to posting, Section 602(e)(3) merely states that "[e]ach property scheduled for sale shall be posted at least ten (10) days prior to the sale." 72 P.S. § 5860.602(e)(3). The Law does not prescribe a particular method of posting; however, the method chosen must be reasonable and likely to inform the taxpayer of an intended real property sale. *Lapp v. Cty. of Chester*, 445 A.2d 1356, 1358 (Pa. Cmwlth. 1982).

The Bureau has the burden of proving compliance with the statutory notice provisions of the Law. *In re Tax Sale of Real Prop. Situated in Jefferson Twp.*, 828 A.2d 475,478 (Pa. Cmwlth. 2003). The notice provisions of the Law are to be strictly construed and compliance with said provisions is essential to prevent the deprivation of property without due process. *Id.* at 479. If any of the three types of notice- publication, posting, or mail -is defective, the tax sale is void. *In re Consol. Reports and Return by Tax Claims Bureau of Northumberland Cty. of Props.*, 132 A.3d 637, 645 (Pa. Cmwlth. 2016).

Proper notice was given under the Real Estate Tax Sale Law, Pa. Stat. Ann. tit. 72, § 5860.101 et seq., prior to a tax sale where a good faith attempt to locate the owners of the property was shown, the person entitled to notice received it, and a notice was posted on the tree closest to the road, as the tax claim bureau's duty did not require it to perform the equivalent of a title search or make decisions to quiet title. *In re Sale of Real Prop. for Delinquent Tax by Elk County Tax Claim Bureau*, 793 A.2d 1025, (Pa. Cmwlth. 2002).

Since the Tax Claim Bureau provided notice of the tax sale to the owner for delinquent taxes as required by applicable statutory law, such as by certified mail with a return receipt and by publication in two general certification newspapers, the owner was not entitled to relief from the sale after the purchasers bought the property at the subsequent tax sale. The owner pursuant to 72 P.S. § 5860.602(11) could not defeat the sale by claiming that owner had not received notice after the Tax Claim Bureau provided notice according to applicable statutory requirements. *Pitts v. Del. County Tax Claim Bureau*, 967 A.2d 1047, (Pa. Cmwlth. 2009).

Pa. Stat. Ann. tit. 72, § 5860.602 did not impose a general duty on a tax bureau to make continuous inquiries into the record ownership of a property, but additional notification efforts were required by Pa. Stat. Ann. tit. 72, § 5860.607a where the bureau was aware that a property was sold subsequent to the bureau's notice to the prior owners of a pending tax upset sale, and the bureau's initial attempt at notifying the new buyer was unsuccessful. *Parkton Enters. v. Krulac*, 2004 Pa. Commw. A.2d 295, (Pa. Cmwlth. 2005).

When a county tax claim bureau sent notice of a tax sale of real property to the taxpayer via first class mail to her proper address, which mail was not returned, the bureau satisfied its notice requirements under 72 P.S. § 5860.602, allowing it to sell the taxpayer's property for nonpayment of school and township real estate taxes. The bureau had made reasonable efforts to determine whether there was any other address at which the taxpayer could have been noticed and was not required under 72 P.S. § 5860.607a to do an Internet search or to check directories outside the county, particularly where the bureau checked the assessment records and determined that the taxpayer's correct address was on file. *Ruffners v. Beeghly (In re Tax Sale of Real Prop. Situated in Jefferson Twp.)*, 828 A.2d 475, (Pa. Cmwlth. 2003), *aff'd*, 580 Pa. 63, 859 A.2d 471, (Pa. 2004).

Although taxpayer did not receive notice of the tax sale via certified mail, where the tax claim bureau complied with all the notice provisions, under 72 P.S. § 5860.602, the fact that notice was not actually received did not defeat the sale. *In re Upset Tax Sale Held 11/10/97 Tax Parcel No. 48-020-In re Upset Tax Sale Held 11/10/97 Tax*

Parcel No. 48-020-119, 784 A.2d 834, (Pa. Cmwlth. 2001).

The main issues in the present case are (1) did the Fayette County Tax Claim Bureau comply with the requirement of 72 P.S. § 5860.602, and (2) does the lack of received notice via certified mail defeat the sale. This Court will now address each of these issues separately.

Regarding the Tax Claim Bureau complying with 72 P.S. § 5860.602, it is the finding of this Court that the Tax Claim Bureau did meet its statutory requirement because a "reasonable effort" to discover the whereabouts of Taxpayer was made after certified mailing was returned as unclaimed.

During the hearing held on September 4th, 2019, the Bureau produced both testimony and physical evidence showing such "reasonable efforts" were made as required by the statute. After conducting a public record search, a review of other holdings owned by the taxpayer, and email communications between the Bureau and the taxpayer showing taxpayer stating what her current address is (referencing the same address the Bureau sent the certified mail to). The certified copies were returned with the USPS Code: Undeliverable as Addressed/Refused. {1}

Furthermore, it was the testimony of the taxpayer that the address the Bureau sent the certified mail to is her current address. {2} It was taxpayer's testimony that the box is checked roughly once a week by one of her family members and once the box is checked all the contents are sent via USPS Next Day Air to where she is currently residing in Florida. The taxpayer also asserts there was never any certified mailing sent to the Pittsburgh address.

The certified mail was sent to the P.O. Box given by the taxpayer and was addressed correctly. Letters also sent to the taxpayer's P.O. Box that were not sent via USPS Certified Mail were not returned back to the Bureau as undeliverable. Moreover, the taxpayer asserted that the P.O. Box that mail was sent to before is still a good address for her and is checked weekly.

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{1} Mailing Standards of the United States Postal Service Domestic Mail Manual

1.4.1 General

Mail that is undeliverable as addressed is forwarded, returned to the sender, or treated as dead mail, as authorized for the particular class or mail. Undeliverable-as-addressed mail is endorsed by the USPS with the reason for nondelivery as shown in Exhibit 1.4.1. All nonmailable pieces are returned to the sender.

Refused- Addressee refused to accept mail or pay postage charges on it.

1.1.2 Refusal at Delivery

The addressee may refuse to accept a mailpiece when it is offered for delivery.

2 This Court scheduled the hearing and sent notice to taxpayer on July 23rd informing taxpayer of that the hearing would be September 4th, 2019. Taxpayer failed to appear for the Sept 4th hearing and appeared through counsel and after no objection from either party testified via telecommunications.

The taxpayer asserts the argument that because the Bureau conducted regular communications via email, the Bureau failed to meet the burden placed on it by statute to exercise "reasonable efforts" in conducting a search of the taxpayer's proper address. This Court dismisses such argument. By statute the burden is on the Bureau to conduct "reasonable efforts" to locate the proper address of the taxpayer, which, in this instance it did. The Bureau conducted Internet searches and property searches of other properties held by the tax payer or business entities controlled by taxpayer, all of which yielded the same address. There is no statute nor case law creating such requirement of the Bureau to contact the taxpayer via email communications to provide notice of the upcoming sale, and this Court will not create such a precedent nor add such an additional burden to the Bureau.

Therefore, based on (1) the testimony and evidence proffered from the Bureau, (2) the taxpayer's knowledge of the payment system, (3) the taxpayer's inability to show she had no notice of the sale, (4) the way the USPS coded the returned mail, (5) the taxpayer's statement that the address used by the Tax Bureau was still her current and best address, (6) the taxpayer took no measures to have a forwarding address listed at the post-office, and (7) the Tax Claim Bureau followed all the statutory requirements it is this Court's decision to uphold the September 2018 Tax Upset Sale, and DENY Petitioner's Motion.

ORDER

AND NOW, this 15th day of January 2020, it is ORDERED AND DECREED Plaintiff's Appeal and Request to Set Aside Tax Sale the September 2018 Tax Upset Sale is DENIED.

BY THE COURT,  
LESKINEN, J.

ATTEST:  
PROTHONOTARY



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Registration: <http://www.pbi.org/fayette-county>

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|----------|--|
| March 4  | <b>Civil Litigation Update</b><br>9:00 a.m. to 4:15 p.m.<br>5 substantive/1 ethics   |
| March 24 | <b>Handling the Workers' Comp Case</b><br>9:00 a.m. to 4:15 p.m.<br>5 substantive/1 ethics                                 |
| March 26 | <b>Elder Law Update 2019</b><br>9:00 a.m. to 12:00 p.m.<br>3 substantive   |
| March 31 | <b>The Binders on Pennsylvania Evidence 2020</b><br>1:00 p.m. to 4:15 p.m.<br>3 substantive                                |
| April 3  | <b>Litigation Blunders, Bloopers and Boons</b><br>9:00 a.m. to 4:30 p.m.<br>4 substantive/2 ethics                         |
| April 7  | <b>Securing Electronic Communications, Email Etiquette and Ethics</b><br>9:00 a.m. to 12:15 p.m.<br>2 substantive/1 ethics |
| April 14 | <b>Sheriff's Sales in Pennsylvania 2020</b><br>9:00 a.m. to 1:15 p.m.<br>3 substantive/1 ethics                            |
| April 23 | <b>Personal Injury Law Conference 2019</b><br>9:00 a.m. to 3:30 p.m.<br>5 substantive/1 ethics                             |
| April 27 | <b>A Day on Ethics 2020</b><br>9:00 a.m. to 4:20 p.m.<br>6 ethics  |
| April 29 | <b>Legal Issues in an Age of Aging 2020</b><br>9:00 a.m. to 4:00 p.m.<br>5 substantive/1 ethics                            |



## CRIMINAL JUSTICE TRAINING



A training for County Criminal Justice Leaders and Practitioners has been scheduled for **Friday, February 21, 2020, at 1:00 PM**, in the conference room of the Public Safety Building, 22 East Main Street, Uniontown, to address the important issues listed below. Attendance is free.

2.0 Substantive CLE credits

**RSVP is required to District Court Administrator Karen Kuhn at 724-430-1230.**

The training will include a 2 hour CJE/CLE presentation on recent changes to statutes and guidelines, and a less formal discussion of local practices and procedures, including the use of the Commission's JNET-based SGS Web application, as well as an opportunity to comment on proposals being considered by the Commission.

Earlier this year, in response to legislative mandates, the Pennsylvania Commission on Sentencing adopted and submitted to the General Assembly three proposals:

Sentencing Guidelines (7th Edition, Amendment 5)

Resentencing Guidelines (pursuant to Act 81 of 2008)

Sentence Risk Assessment Instrument (pursuant to Act 95 of 2010)

The sentencing and resentencing guidelines will take effect January 1, 2020 and apply to all offenses committed on or after that date. The Sentence Risk Assessment Instrument will take effect July 1, 2020 and apply to all offenses committed on or after that date. However, beginning on January 1, 2020, the Commission will conduct a six-month training and orientation for judges and practitioners related to the use of the Sentence Risk Assessment Instrument, the purpose of the recommendation, and the type of information recommended.

In addition, the General Assembly recently enacted and the Governor signed Act 114 of 2019 (SB 500) and Act 115 of 2019 (SB 501), commonly known as the Justice Reinvestment Initiative (JRI-II). This legislation amends substantial portions of Title 42 (Judiciary and Judicial Procedure) and Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, including changes to sentencing alternatives available to Courts, modification of sentencing guidelines to address probation duration and the use of restrictive conditions, a certification process linked to additional state funding for county adult probation and parole, and numerous changes that impact state sentences.

Other issues to be discussed include work underway on a Domestic Violence Pretrial Risk Assessment, a comprehensive revision of the Sentencing Guidelines (8th Edition), and Parole Guidelines and Recommitment Ranges for use by the (renamed) Pennsylvania Parole Board.

## LUNCH & LEARN SERIES

### FCBA LUNCH & LEARN SERIES

The Fayette County Bar Association's next presentation in its Lunch & Learn Series will be:

- Date: **Wednesday, February 19th** from 12:00 p.m. to 1:30 p.m.
- Location: Courtroom No. 1 of the Fayette County Courthouse
- Discussion topic: **Issues in Landlord/Tenant Litigation**
- Presenters: Magisterial District Judge Mike Defino, Jr. and Attorneys Rachel Ann Clark and Jeremy Davis

### CLE Credit

1.5 hours of Substantive CLE credit for the program. The fees are as follows:

#### Members of the FCBA

- No charge for attendance without CLE Credit
- \$10 fee for attendance with CLE Credit

#### Attorneys admitted to practice in Pennsylvania after January 1, 2012

- No charge for attendance with CLE Credit

#### Non-members of the FCBA

- \$10 fee for attendance without CLE Credit
- \$40 fee for attendance with CLE Credit

**\*\* All fees to be paid at the door \*\***

A light lunch will be provided.

### RSVP

If interested in attending, please call Cindy at the Bar office at 724-437-7994 or by email to [cindy@fcbar.org](mailto:cindy@fcbar.org) on or before Monday, February 17th.

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