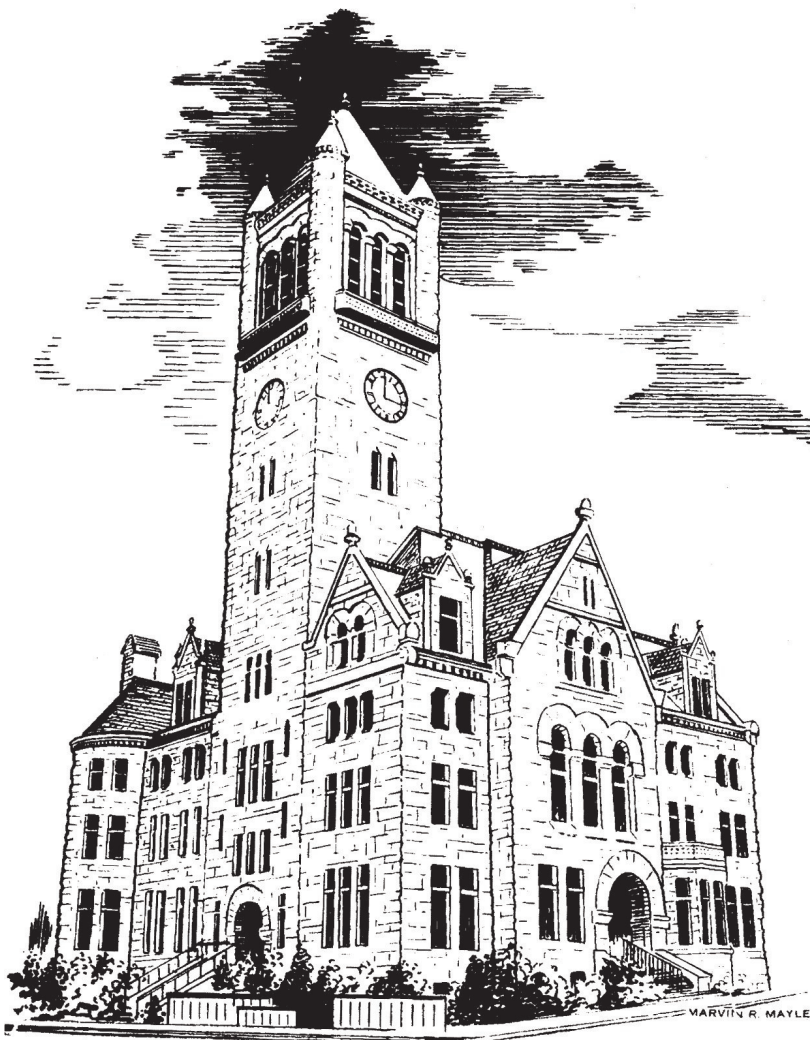


# FAYETTE LEGAL JOURNAL

VOL. 78

JULY 25, 2015

NO. 30



## FAYETTE LEGAL JOURNAL

The FAYETTE LEGAL JOURNAL is published weekly by the Fayette County Bar Association, 2 West Main Street, Suite 711, Uniontown, Pennsylvania 15401, 724-437-7994. Legal advertisements should be submitted online at [www.fcbar.org](http://www.fcbar.org) no later than 12:00 noon on Friday for publication the following Saturday. No date of publication is promised, however. Legal notices are published exactly as submitted by the advertiser. Copyright 2001 Fayette County Bar Association. All rights reserved.

**Co-Editors:** Garnet L. Crossland and Melinda K. Dellarose

**Associate Editor:** Emilie J. Cupp

*Cover Design by Marvin R. Mayle, 207 Lick Hollow Road, Hopwood, PA*

## FAYETTE COUNTY BAR ASSOCIATION Board of Directors

**President:** Ewing D. Newcomer

**Vice-President:** John M. Purcell

**President Elect:** Anne N. John

**Secretary:** Bernard C. John

**Treasurer:** Vincent J. Roskovensky, II

**Past President:** John M. Zeglen

**Executive Director:** Marianne Miele

### *Directors*

Davina D. Burd

William M. Martin

Garnet L. Crossland

James Higinbotham, Jr.

Gary N. Altman

Joseph I. Brodak

Melinda K. Dellarose

Robert R. Harper, Jr.

Ellen R. Terry

Carolyn W. Maricondi

## 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

**MICHAEL R HOLSING**, late of Dunbar Borough, Fayette County, PA (3)

*Personal Representative:* Nancy Jo Holsing

c/o Richard A. Husband  
Riverfront Professional Center  
208 South Arch Street, Suite 2  
Connellsville, PA 15425

*Attorney:* Richard A. Husband

**FRANK J. LASICA**, late of Dunbar Borough, Fayette County, PA (3)

*Executrix:* Cynthia A. Welling  
c/o Radcliffe & DeHaas, L.L.P.  
2 West Main Street, Suite 700  
Uniontown, PA 15401;

*Attorney:* William M. Radcliffe, Esquire

**EDNA LUKAS**, late of Uniontown, Fayette County, PA (3)

*Executor:* Robert Lukas  
c/o 2 West Main Street, Suite 110  
Uniontown, PA 15401

*Attorney:* Ricardo J. Cicconi

**DOLORES P. NELSON**, late of Perryopolis, Fayette County, PA (3)

*Executrix:* Catherine A. Shandor  
117 Francis Road  
Perryopolis, PA 15473

*Attorney:* Colleen D. Bratkovich, Esq.  
Zacharia & Brown P.C.  
4500 Walnut Street  
McKeesport, PA 15132

## Second Publication

**MARTIN C. BARRISH**, late of Georges Township, Fayette County, PA (2)

*Executrix:* Deborah A. Hlebinsky  
c/o John A. Kopas, III  
556 Morgantown Road  
Uniontown, PA 15401

*Attorney:* John A. Kopas, III

**WILLIAM H. FOYLES**, late of McClellandtown, Fayette County, PA (2)

*Executrix:* Cacilia A. Foyles  
c/o 2 West Main Street, Suite 110  
Uniontown, PA 15401

*Attorney:* Ricardo J. Cicconi

**LINDA J. HOWARD**, late of Connellsville, Fayette County, PA (2)

*Personal Representative:* Kelli A. Orndorff  
*Attorney:* Charles W. Watson  
Watson Mundorff Brooks & Sepic, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425

**HAZEL L. MCGUINNESS**, late of Connellsville, Fayette County, PA (2)

*Executrix:* Colleen Kenney  
720 Williams Avenue  
Scottdale, PA 15683

*Attorney:* Margaret Zylka House

**JILL D. REYNOLDS**, late of Dunbar Township, Fayette County, PA (2)

*Personal Representative:*  
Jeffrey M. Reynolds  
*Attorney:* Charles W. Watson  
Watson Mundorff Brooks & Sepic, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425

**JANET L. SPEGGEN**, late of Masontown Borough, Fayette County, PA (2)

*Executor:* Benjamin J. Speggen  
415 West 29th Street  
Erie, PA 16508  
*Attorney:* Nicholas J. Cook

**WALDEN DONATI**, late of Uniontown,  
Fayette County, PA (2)

*Executor:* First National Trust Company  
c/o 51 East South Street  
Uniontown, PA 15401  
*Attorney:* Anthony S. Dedola, Jr.

**MILDRED M. KOPF**, late of Connellsville,  
Fayette County, PA (2)

*Personal Representative:* Laureen Williams  
*Attorney:* Charles W. Watson  
Watson Mundorff Brooks & Sepic, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425

### First Publication

**WANDA I. CRUM, A/K/A WANDA CRUM**,  
late of North Union Township, Fayette County,  
PA (1)

*Executor:* Joseph Crum  
c/o 96 East Main Street  
Uniontown, PA 15401  
*Attorney:* Simon B. John

**BETTY JACKSON, A/K/A BETTY A.  
JACKSON**, late of North Union Township,  
Fayette County, PA(1)

*Co-Executors:* Cynthia L. Jackson and  
Emily Jean Jackson  
c/o 45 East Main Street, Suite 500  
Uniontown, PA 15401  
*Attorney:* James E. Higinbotham, Jr.

**CLARA S. JONES**, late of Belle Vernon,  
Fayette County, PA (1)

*Executor:* Vincent J. Roskovensky, II  
9 Court Street  
Uniontown, PA 15401  
*Attorney:* Vincent J. Roskovensky, II

**THERESA L. KOSTELNIK**, late of North  
Union Township, Fayette County, PA (1)

*Executor:* Gary Kostelnik  
c/o Proden & O'Brien  
99 East Main Street  
Uniontown, PA 15401  
*Attorney:* Wendy L. O'Brien

**EVA B. MARCINEK**, late of Franklin  
Township, Fayette County, PA (1)

*Executrix:* Anna Grace Volpe  
c/o Moinaro Law Offices  
PO Box 799  
Connellsville, PA 15425  
*Attorney:* Carmine V. Molinaro, Jr.

**JOHN A. MONGELUZZO, SR.**, late of  
Connellsville, Fayette County, PA (1)

*Administrator:* John A. Mongeluzzo, Jr.  
15 Walnut Avenue  
Dunbar, PA 15431  
*Attorney:* Margaret Zylka House

**ESTELLE D. DUYAVA, A/K/A ESTELLE  
YVETTE DUYAVA**, late of South Union  
Township, Fayette County, PA (1)

*Executrix:* Nancy Colleen Ramsay  
c/o 45 East Main Street, Suite 500  
Uniontown, PA 15401  
*Attorney:* James E. Higinbotham, Jr.

**JUDITH L. ALTOMONTE**, late of Bullskin  
Township, Fayette County, PA (1)

*Administratrix:* Donna L. Maher  
103 Henry Street  
Connellsville, PA 15425  
*Attorney:* Milton V. Munk  
450 West Main Street  
Mount Pleasant, PA 15666

## LEGAL NOTICES

### NOTICE

Pursuant to the Public School Code of 1949, as amended, Section 24 P.S. §7-707, the **Brownsville Area School District** hereby gives notice it is requesting approval of the sale of certain real estate and improvements located thereon on Redstone Township to Joseph Ciarrocchi and Debra Ciarrocchi by the Court of Common Pleas of Fayette County. The real estate to be sold, being 8.84 acres, is known as Cardale Elementary School. Terms of this sale can be viewed in the Administration Office of the Brownsville Area School District, 5 Falcon Drive, Brownsville, Pennsylvania. Any persons interested should appear at the hearing scheduled for August 17, 2015, at 2:30 o'clock p.m. in Courtroom No. 1 of the Fayette County Courthouse, Uniontown, Pennsylvania. (1 of 3)

### NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, in Harrisburg, on the 1st day of July 2015, for the purpose of obtaining a Certificate of Incorporation for a regular corporation, which was organized under the Business Corporation Law of the Commonwealth of Pennsylvania approved December 21, 1988, Act 177. The name of the corporation is Rennie Farm, Inc.

Eric Elia Bononi, Esquire  
20 North Pennsylvania Avenue  
Greensburg, PA 15601  
724-832-2499

### PUBLIC HEARING NOTICE

The **Albert Gallatin Area School District** Board of Directors will conduct a public hearing on the question of whether or not to permanently close **D. Ferd Swaney Elementary School** effective the start of the 2016-2017 school term. The hearing will be held on **Wednesday, August 12, 2015, at 6:00 p.m., in the cafeteria of the Albert Gallatin High School**, 1119 Township Drive, Uniontown, PA 15401. Any interested member of the public may address the Board for a period of time not in excess of five (5) minutes. Members of the public wishing to speak may formally reserve the opportunity to speak by making a formal request to Dianne Patterson at 724-564-7190 ext. 8110. Members of the public not reserving a speaking time shall be permitted to address the Board in order of their appearance on a sign-up sheet, which shall be available at the time of the hearing. Written comments regarding said closing may be submitted to the Board Secretary, who shall deliver the same to the Board. Written comments shall be made a part of the hearing record, provided they are received before or during the public hearing.

Edward Colebank  
Board Secretary  
Albert Gallatin Area School District

### NOTICE OF DISSOLUTION

Notice is hereby given by Kevin R. Gaydos, Esquire, P.C., a Pennsylvania professional corporation, that said corporation is winding up its affairs in the manner prescribed by section 1975 of the Business Corporation Law of 1988, so that its corporate existence shall cease upon the filing of Articles of Dissolution in the Department of State of the Commonwealth of Pennsylvania.

Kevin Gaydos  
2145 Lazor Street  
Apt. #239  
Indiana, Pennsylvania 15701

## Registers' Notice

Notice by DONALD D. 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, August 3, 2015  
at 9:30 A.M.

2614-0296	PAUL DORSEY	Paul T. Dorsey, Executor
2604-0052	LENORA DOWDELL	Barbara Donesec, Administratrix

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on

Monday, August 17, 2015  
at 9:30 A.M.

In Court Room No. 1 of the Honorable STEVE P. LESKINEN, or his chambers, 2nd 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.

(2) DONALD D. REDMAN  
Register of Wills and Ex-Officio Clerk of the Orphans' Court Division

## JUDICIAL OPINION

IN THE COURT OF COMMON PLEAS OF  
FAYETTE COUNTY, PENNSYLVANIA

A. S. M.,	:	CIVIL ACTION
Plaintiff,	:	
v.	:	Case No. 685 DR 2004
J. A. M.,	:	
Defendant.	:	JOSEPH M. GEORGE, JR., JUDGE

### OPINION AND ORDER

This matter comes before the Court on Plaintiff's [hereinafter, "Mother"] Demand for De Novo Hearing. Mother contends that she and Defendant [hereinafter, "Father"] have shared custody of their three minor children, E. M., born September 12, 2003; J. M., born September 9, 2005; and M. M., born September 27, 2007, pursuant to an Order of the Court of Common Pleas of Westmoreland County, Case No. 234 of 2013-D, dated March, 20, 2013. The Fayette County Domestic Relations Section found that the parties' actual, informal custody arrangement gives Father the majority of the time with the children, eliminating his support obligation under Pa.R.C.P. No. 1910.1 et seq. The Court finds the following: (1) the parties exercise de facto shared custody, (2) the Uniform Support Guidelines ("Guidelines") require Father to pay support, and (3) those findings are in accord with the best interests of the children.

### DISCUSSION

The Domestic Relations Section found Father owes no child support obligation to Mother. Upon review, the Court will modify that finding.

We begin by noting that "[t]he duty to support one's minor child is absolute, and the purpose of child support is to promote the child's best interests." *Ricco v. Novitski*, 874 A.2d 75, 80 (Pa. Super. Ct. 2005). Such policy remains absolute, even if burdensome to a supporting parent. *Yerkes v. Yerkes*, 824 A.2d 1169, 1171 (Pa. 2003); see Pa.R.C.P. No. 1910.16-1(a)(3). The Guidelines effectuate those policies by providing "minor children with the same proportion of parental income they would have received if the parents lived together." *Anzalone v. Anzalone*, 673 A.2d 377, 380 (Pa. Super. Ct. 1996).

That is not to say that the Guideline maintenance of the status quo requires equal amounts of support. Rather, "reality dictates that the parental obligation of support be guided by the parents' respective capacities and abilities, which depend on the parents' property, income, and earning capacity." *Yerkes*, 824 A.2d at 1171.

With those standards in mind, the Court begins by analyzing the amounts of visitation. *Anzalone*, 673 A.2d at 381; see Pa.R.C.P. No.'s 1910.16, 1910.16-4. We note two approaches. Where the degree of visitation exercised by each parent is substantially different, the Court will determine approximate percentages attributable to each parent, which may result in a reduced or discontinued obligation by the parent with the greater amount of visitation. See *Riley v. Foley*, 783 A.2d 807 (Pa. Super. Ct.

2001); Anzalone, *supra*; see also Connor v. Connor, 642 A.2d 1136 (Pa. Super. Ct. 1994). Alternatively, where the visitation actually exercised is not substantially different, the Court may find “de facto” shared custody. See Little v. Little, 657 A.2d 12 (Pa. Super. Ct. 1995). We find the second approach appropriate here.

We acknowledge Father’s evidence that his visitation amounts to an average of 56.5%, though the month-to-month percentages varied. However, we do not believe that fact creates a substantial difference in the parties’ actual visitation. Because we do not find a substantial difference in the parties’ visitation, the Court may order payment of child support to the parent having the minority of time (the “non-custodial parent”). Little, 657 A.2d at 16; see Colonna v. Colonna, 855 A.2d 648, 652 (Pa. 2004). Such payment shall comply with the “substantial or shared physical custody adjustment.” Pa.R.C.P. No. 1910.16-4.

The foregoing determinations are rooted in the well-being of the children. In matters affecting children, the Court’s decision must always reflect their best interests. See Colonna, 855 A.2d at 652; Moore v. Moore, 634 A.2d 163, 169 (Pa. 1993). Paramount to the best interests of the children is the maintenance of harmonious and flexible custody arrangements, and of the children’s accustomed standard of living in moving between parents. See Moore, *supra*; Colonna, 855 A.2d at 651. Mother’s mere allowance of additional time so that the children could have such life experiences as vacation time at Disney World, and the like, or extra time with Father in order to ease conflict with school schedules, is not a basis to abrogate child support to Mother.

Were the Court to do so, the resulting effect would be felt most strongly by the parties’ children. We are of the opinion that, if either parent wishes to provide the children with additional opportunities for a better upbringing, each parent should be capable of stress-free flexibility in the custody arrangements. Achieving that result means eliminating worry over continuous litigation and the possibility of arbitrary deviations in or complete cessation of the support obligation. Coupled with maintenance of the children’s lifestyle, we find that the current and suggested arrangements overwhelmingly support the children’s best interests.

Wherefore, we will enter the following Order:

### **ORDER**

AND NOW, this 9th day of May, 2014, upon and after de novo hearing in this matter, the Domestic Relations Section is hereby ORDERED and DIRECTED to modify the interim support Order by calculating Father’s support obligation, utilizing the substantial or shared physical custody adjustment in accordance with the findings of the Court, and prepare a final order for the Court’s signature.

Father’s support obligation as set forth in the final order shall commence and be computed from the date of this Order.

BY THE COURT:  
JOSEPH M. GEORGE, JR., JUDGE

ATTEST:  
PROTHONOTARY



---

**NOTICE****PRETRIAL CONFERENCES AND THE CALL OF THE CRIMINAL LIST**

The Court has cancelled the Pretrial Conferences and the Call of the Criminal List scheduled for Monday, December 28, 2015, and has rescheduled the Pretrial Conferences for Monday, January 4, 2016, before the Hon. Steve P. Leskinen in Courtroom No. 1 at 9:30AM and has rescheduled the Call of the Criminal List for Monday January 4, 2016, at 1:30PM, in Courtroom No. 2, before President Judge John F. Wagner, Jr.

The Court has scheduled the January 2016 criminal jury trials for the week commencing January 11, 2016.

John F Wagner, Jr.  
President Judge

---

**NOTICE****MOTIONS COURT**

A reminder that, in accordance with F. C. R. 208.3(3), all priority motions should be presented in Motions Court on the day the judge who is assigned the matter is sitting in Motions Court.

The President Judge wanted to remind you that the purpose of the rule is to allow you to argue to the judge deciding the issue. If presented on another day, the motions judge may or may not listen to your argument.

Karen M. Kuhn  
District Court Administrator

---

**SAVE THE DATE****FAYETTE COUNTY BAR ASSOCIATION BENCH BAR CONFERENCE**

**THURSDAY, AUGUST 20, 2015  
NEMACOLIN WOODLANDS**

Join your colleagues and the Judges of the Fayette County Court of Common Pleas for the annual Bench Bar Conference on Thursday, August 20, 2015, at Nemaocolin Woodlands. Registration invitation to follow.

**“Tentative” Schedule**

- 11:00 a.m. - Attorney Registration & Vendor Hour
- 12:00 p.m. - Lunch
- 1:00 p.m. - Continuing Legal Education  
“Incorporating Digital Forensics in Legal Practice”
- 4:15 p.m. - Cocktail Hour

**Incorporating Digital Forensics in Legal Practice  
Presented by PATCtech**

This introductory course is designed to introduce civil and criminal law practitioners to the use of digital forensic methodology in legal practice. Electronic devices generate vast amounts of forensic data that can be used in many aspects of legal practice. These devices, particularly mobile devices, are constantly generating data about you, your location, your activities and your preferences. Our course presenters will draw on years of digital forensic and law enforcement experience to illustrate the role these types of evidence can play in different types of cases, including criminal law, civil litigation, family law, and other practice areas. You will learn about the many different sources and types of electronic information and how this data is collected and preserved, with a focus on mobile devices and cellular records. You will also learn about the security implications your own use of electronic devices may have on your practice.

*Quality... Experience... Results...  
It's what your clients deserve.*

***Medical Malpractice • Auto Accidents • Personal Injury***



# GISMONDI

& ASSOCIATES

412-281-2200

[www.gislaw.com](http://www.gislaw.com)

700 Grant Bldg., 310 Grant St., Pgh., PA 15219