

# FAYETTE LEGAL JOURNAL

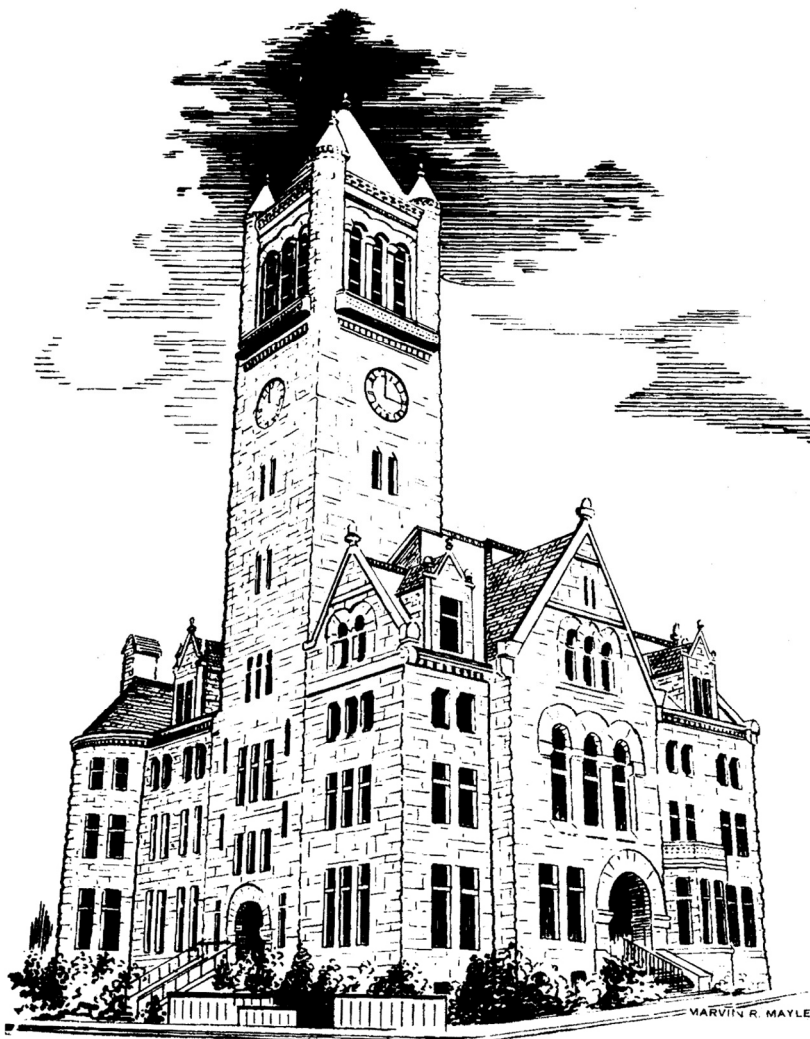
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## FAYETTE LEGAL JOURNAL

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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

**CAROL A. ASSAD, a/k/a CAROL ANN ASSAD**, late of East Brownsville Township, Fayette County, PA <sup>(3)</sup>

*Executor:* Andrew G. Assad  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* James T. Davis

**ROBERT M. CHUEY, a/k/a ROBERT M. KENNEDY-CHUEY**, late of South Union Township, Fayette County, PA <sup>(3)</sup>

*Administrator:* David F. Chuey  
c/o Goodwin Como, P.C.  
108 North Beeson Boulevard, Suite 400  
Uniontown, PA 15401  
*Attorney:* Benjamin F. Goodwin

**LORRAINE KOSCHOCK, a/k/a LORRAINE J. KOSCHOCK**, late of Wharton Township, Fayette County, PA <sup>(3)</sup>

*Administratrix:* Melissa R. Minko  
P.O. Box 123  
Gibbon Glade, PA 15440  
c/o Tremba, Kinney, Greiner & Kerr  
1310 Morrell Avenue, Suite C  
Connellsville, PA 15425  
*Attorney:* John Greiner

**ROBERT L. NAGY, a/k/a ROBERT NAGY**, late of Holiday, Pesco County, Florida <sup>(3)</sup>

*Administratrix:* Carole Morgan Nagy  
c/o Goodwin Como, P.C.  
108 North Beeson Boulevard, Suite 400  
Uniontown, PA 15401  
*Attorney:* Benjamin F. Goodwin

## Second Publication

**GARY R. BONAR**, late of Georges, Fayette County, PA <sup>(2)</sup>

*Executrix:* Beulah E. Bonar  
c/o 51 East South Street  
Uniontown, PA 15401  
*Attorney:* Webster & Webster

**BRIAN EUGENE FREY, a/k/a BRIAN E. FREY**, late of Henry Clay Township, Fayette County, PA <sup>(2)</sup>

*Executor:* Adam I. Hull  
251 Elliotsville Road  
Farmington, PA 15437  
c/o 142 North Court Avenue  
P.O. Box 1315  
Somerset, PA 15501-0315  
*Attorney:* James B. Courtney

**LORRAINE J. KOSCHOCK, a/k/a LORRAINE J. KOSCHOCK**, late of Wharton Township, Fayette County, PA <sup>(2)</sup>

*Administratrix:* Melissa R. Minko  
P.O. Box 123  
Gibbon Glade, PA 15440  
c/o Tremba, Kinney, Greiner & Kerr  
1310 Morrell Avenue, Suite C  
Connellsville, PA 15425  
*Attorney:* John Greiner

**ETTA MELVIN**, late of Washington Township, Fayette County, PA <sup>(2)</sup>

*Co-Executrix:* Kelly Jo Ellin  
1590 Rostraver Road  
Rostraver Township, PA 15012  
Merilee Melvin  
119 Price Avenue  
Rostraver Township, PA 15012  
c/o 823 Broad Avenue  
Belle Vernon, PA 15012  
*Attorney:* Mark E. Ramsier

**ELEANOR RISHEL**, late of Uniontown, Fayette County, PA <sup>(2)</sup>

*Administrator:* Darrell E. Rishel  
c/o 132 West Main Street  
New Holland, PA 17557  
*Attorney:* R. Douglas Good

**NORMA J. RYAN, a/k/a NORMA JEAN RYAN**, late of Brownsville, Fayette County, PA  
*Co-Executors:* Kent Thomas Ryan (2)  
 Maureen Ann Landers  
 Kevin Lee Ryan  
 c/o 51 East South Street  
 Uniontown, PA 15401  
*Attorney:* Webster & Webster

**PATRICIA A. KOPKO**, late of New Salem, Fayette County, PA (1)  
*Administrator:* Mary Ann Meliher, j/k/a  
 Mary Ann Seneri  
 398 Icebox Road  
 Jeffersson, PA 15344  
 c/o Tremba, Kinney, Greiner & Kerr, LLC  
 302 West Otterman Street  
 Greensburg, PA 15601  
*Attorney:* John K. Greiner

**First Publication**

**C. RALPH BLISS, a/k/a CONWAY RALPH BLISS**, late of Uniontown, Fayette County, PA  
*Executrix:* Lynn A. Bliss (1)  
 c/o Webster & Webster  
 51 East South Street  
 Uniontown, PA 1541  
*Attorney:* Webster & Webster

**ALVERA MATEOSKY**, late of North Union Township, Fayette County, PA (1)  
*Executrix:* Jennifer Fleszar  
 c/o Davis & Davis  
 107 East Main Street  
 Uniontown, PA 15041  
*Attorney:* Gary J. Frankhouser

**MORGAN D. CHALFANT, SR.**, late of Uniontown, Fayette County, PA (1)  
*Executor:* Morgan D. Chalfant, Jr.  
 2740 Louisiana Avenue  
 Pittsburgh, PA 15216  
 c/o Loftis Law, LLC  
 1650 Broadway Avenue, Floor 1  
 Pittsburgh, PA 15216  
*Attorney:* Megan Loftis

**WALTER MICHAEL SUBA, JR., a/k/a WALTER M. SUBA, JR.**, late of German Township, Fayette County, PA (1)  
*Administrator:* Nadia L. Novotny  
 95 North Mill Street  
 New Salem, PA 15468  
 c/o Tremba, Kinney, Greiner & Kerr, LLC  
 302 West Otterman Street  
 Greensburg, PA 15601  
*Attorney:* Timothy B. Kinney

**DEBORAH ELAINE DETAR, a/k/a DEBORAH E. DETAR**, late of Springfield, Fayette County, PA (1)  
*Co-Administrators:* Kristy E. Detar and  
 Corey L. Detar  
 c/o 208 South Arch Street, Suite 2  
 Connellsville, PA 15425  
*Attorney:* Richard A. Husband

**LEGAL NOTICES**

**NOTICE OF HEARING**

A Petition for Reinstatement to the active practice of law has been filed by BRIAN JOSEPH SALISBURY and will be the subject of a hearing on November 6 and 7, 2024 before a hearing committee designated by the Board. Anyone wishing to be heard in reference to this matter should contact the District IV Office of the Disciplinary Board of the Supreme Court of Pennsylvania, 437 Grant Street, Suite 1300, Pittsburgh, PA 15219, phone number (412) 565-3173, on or before October 23, 2024.

**MYRTLE HARVISON, a/k/a MYRTLE M. HARVISON**, late of Fayette City, Fayette County, PA (1)  
*Executor:* Margaret C. Smith  
 P.O. Box 792  
 Belle Vernon, PA 15012  
 c/o Morocco, Morocco & Specht, P.C.  
 315 Cavitt Avenue  
 Trafford, PA 15085  
*Attorney:* Robert Specht

Marcee D. Sloan  
 Board Prothonotary  
 The Disciplinary Board of the  
 Supreme Court of Pennsylvania

IN THE COURT OF COMMON PLEAS OF  
FAYETTE COUNTY, PENNSYLVANIA  
CIVIL DIVISION  
NO. 976 of 2024 G.D.  
JUDGE Mark M. Mehalov

MILLENIUS, LLC,  
Plaintiff,

vs.

RITA RAMSEY, her heirs, successors and/or  
assigns generally,  
Defendant,

TO: RITA RAMSEY, heirs, successors and/or  
assigns generally,

Take notice that on May 14, 2024, the Plaintiff, above mentioned, by and through its attorneys, Davis & Davis, filed their Complaint averring that they are the owners of the following described parcel of real estate. Said Complaint being filed in Quiet Title.

ALL that tract of land situate in the City of Connellsville, Fayette County, Pennsylvania, being more particularly bounded and described as follows:

See attached Exhibit A

**Tax Parcel No.: 05-11-0205**

The within named Defendant appears to have an interest in said premises which creates a cloud upon Plaintiff's title, whereupon the Plaintiff has filed their Complaint as aforesaid asking the Court to enter a Decree terminating all rights that the Defendant may have in said premises and decree that the Plaintiff has the full and free use and occupancy of said premises, released and forever discharged on any right, lien title or interest of said Defendant herein.

The service of this Complaint by publication is made pursuant to an Order of Court dated June 5, 2024, and filed at the above number and term.

ALL that tract of land situate in the City of Connellsville, County of Fayette and State of Pennsylvania, being Lot No. 6 of Block 9 of East Park Addition, the plot whereof is recorded in the Recorder's Office of Fayette County, Pennsylvania, in Plan Book 7, page 74, more particularly bounded and described as follows:

BEGINNING at the intersection of the West side of Jefferson Street and the South side

of St. John's Alley; thence along said Jefferson Street, South 31° 38' East, 144.04 feet to a 15 foot alley; thence along said alley, South 58° 22' West, 105 feet to an alley; thence along said lot North 31° 38' West, 143.56 feet, to St. John's Alley; thence North 58° 22' East, 105 feet to Jefferson Street, the place of beginning.

SUBJECT, however, to the express agreement and condition that Grantees, their heirs and assigns, shall not at any time erect or suffer or permit to be erected on said tract of land any building within 25 feet of said Jefferson Street, and shall not at any time erect or suffer or permit to be erected thereon any dwelling house or storeroom that shall cost less than \$3,000.00.

ALSO SUBJECT to the same rights, privileges, agreements, easements, conditions, restrictions and reservations as exist by virtue of prior recorded instruments.

UPON which is erected a frame dwelling known as #107 Jefferson Street.

Grantors also grant and convey to Grantee, her heirs and assigns, a strip of land 5 feet wide, adjoining the Southwestern boundary line of the lands above mentioned, extending from St. John's Alley on the North to the unnamed 15 foot alley on the South, and being one-half of an unnamed 10 foot alley between the lands hereinabove described and conveyed, and lands fronting on Penn Street, formerly owned by Peter R. Weimer and John L. Collins, and acquired in virtue of an ordinance of the City of Connellsville, numbered 523, enacted by unanimous vote of the City Council on May 13, 1935, which vacated said alley.

Grantors also grant and convey to Grantee, her heirs and assigns, all of their right, title, interest, claim and demand in and to the unnamed 15 foot alley adjoining the lands first hereinabove described on the Southeast, extending from Jefferson Avenue in a Southwesterly direction for 110 feet, which they have acquired by virtue of exclusive, open, adverse, notorious and continuous use, occupancy and possession, by them and their predecessors in title, since July 6, 1934.

Grantors, however, intend hereby to convey to Grantee, her heirs and assigns, all of their right, title, interest, claim and demand in and to any and all coal, oil, gas, minerals and other substances under the surface of the land

herein described and hereby conveyed.

IDENTIFIED as Tax Parcel No. 05-11-0205 and known as 105-107 Jefferson Street, Connellsville, PA.

BEING the same premises conveyed to Billie R. Ramsey and Barbara R. Ramsey, his wife, by deed of Florence C. Davidson, a/k/a Florence G. Davidson, widow and not presently married, et al., dated July 22, 1970, and recorded in the Office of the Recorder of Deeds of Fayette County, Pennsylvania, in Deed Book Volume 1097, page 190.

“A”

#### 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 this 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 claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

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.

THE FAYETTE COUNTY BAR  
ASSOCIATION OF LAWYER REFERRAL  
84 East Main Street  
Uniontown, PA 15401

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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, July 1, 2024, at 9:30 A.M.**

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2600-0034	TRUST UNDER WILL OF HELEN E. SHALLENBERGER DTD 2/6/1992 FBO CHARMA GUE LISTON	PNC Bank, National Association, Trustee of the Trust Under Will of Helen E. Shallenberger dated 2/5/1992 FBO Charma Gue Liston
2622-0998	ESTATE OF RAY HILL, DECEASED	Dorothy Satullo, Administratrix

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

**Monday, July 15, 2024, at 9:30 A.M.**

in Courtroom No. 1 of the **Honorable President Judge Steve P. Leskinen** or his chambers, Second 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.

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, July 1, 2024, at 9:30 A.M.**

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2622-0981	VALERIA L. CODDINGTON	Hope I. Coddington-Haywood, Executrix

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

**Monday, July 15, 2024, at 9:30 A.M.**

in Courtroom No. 5 of the **Honorable Judge Joseph M. George, Jr.** or his chambers, Third 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.

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**JUDICIAL OPINION**

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

ROBERT B. MULL, and	:	
BRENDA J. MULL, husband and wife,	:	
Plaintiffs,	:	
v.	:	
DEBRA L. GUINN and	:	
BRUCE A. GUINN, husband and wife,	:	No. 2078 of 2022, G.D.
Defendants.	:	President Judge Steve P. Leskinen

**OPINION, PROPOSED ORDER, and RULE TO SHOW CAUSE**

LESKINEN, P.J.

May 29, 2024

Before the Court is a Complaint for Partition of Real Estate. After a preliminary conference in the matter and the consideration of the post-conference proposals for an order directing the private sale of the Property at issue, the Court issues the following Opinion, Proposed Order, and Rule to Show Cause as to why the Proposed Order should not be entered.

Partition actions are a “rarely litigated, often confusing, area of the law” with a dearth of appellate precedent. {1} *Kapsos v. Benshoff*, 194 A.3d 139, 141 (Pa. Super. 2018). The Pennsylvania Rules of Civil Procedure split a partition action into two separate, chronological parts, each of which must produce its own distinct and appealable order. *Id.* Rules 1551 through 1557 govern Part 1 of a partition, and Rules 1558 through 1574 govern Part 2. *Id.* The first order, under Rule 1557, directs the partition of the parties’ legal interests into severalty, while the second order, under Rule 1570, will either divide the partitioned property among the parties, sell one or more parties’ interest to one or more of the other parties, or sell the property to the public and distribute the proceeds among the parties. *Id.*

The right to partition is an absolute right when property is held as tenants in common, as is the case here. *Jacobs v. Stephens*, 204 A.3d 402, 406 (Pa. Super. 2019). A partition allows individuals who no longer wish to be co-owners the opportunity to divest themselves of their ownership for fair compensation. *Id.* Any co-tenant (or co-tenants) may bring an action for partition and all other co-tenants must be joined as defendants. *Id.* In Part 1 of the partition, a court must determine whether the parties jointly own the real estate in question and what fractional legal interests they hold. *Id.* When these questions are answered by admissions in the pleadings, as they have been in this matter, no further litigation is required on those issues and the court enters an order setting forth the names of the co-tenants and defines the extent of their legal interests, partitioning these interests into severalty. {2} *Id.* No exceptions may be filed to a Part 1 order; but an interlocutory appeal is permitted as of right under Pa. R.A.P. 311(a)(7). The Part 1 Order was dated February 15th, 2024, and filed on February 27th, 2024.

{1} Volume 23 of Standard Pennsylvania Practice 2d, Chapter 122, and Goodrich Amram 2d Rule 1551 et seq., include extensive procedural practice information on partition actions.

Once the appeal period on the Part 1 order has expired, or upon the stipulation of all parties, the judge or hearing officer begins Part 2, a purely equitable proceeding to determine what form the partition will take. {3} *Id.* at 407. “If the property were a pie, the trial court must decide how to serve it to the parties.” *Id.* The court then conducts a preliminary conference pursuant to Rule 1588, to determine, inter alia, whether the issues can be simplified, whether the parties can agree on a plan of partition or sale, and whether any matters will be referred to a partition hearing officer. The courts generally have three options as to how the pie may be divided. *Kapcsos*, at 143. If the court finds that the pie can be divided into several pieces, it will be divided into purparts under Rule 1560, either with proportionate division under Rule 1561 or with provisions for owelty to effectuate an equitable division under Rule 1562. {4} If the pie cannot be divided without spoiling the whole, the property will be offered for private sale confined to the parties under Rule 1563. If neither of those options is feasible, the third option is a public sale with the proceeds distributed among the parties under Rule 1568.

When property is held as tenants in common and one or more co-tenants have been in possession of the property, the co-tenant not in possession may sue for their proportionate share of the rental value of the real estate for the time the co-tenants were in possession. 68 P.S. § 101. However, this statute is not automatically operative: a plaintiff making a claim (or a defendant raising a counterclaim) should aver facts establishing the right to recover any rents, profits, or revenue under this provision in their pleadings along with a demand for the party’s proportionate share. {5} *Hoog v. Diehl*, 3 A.2d 187, 189 (Pa. Super. 1938). A failure to plead these essential facts may be waived if the issue is raised before the court or a hearing officer by the consent of the parties or if offered without objection from the other party. *Collins v. Coonahan*, 14 A.2d 857, 858 (Pa. Super. 1940). Responsive pleadings in a partition action may include an answer, new matter, counterclaims, and/or any replies to new matters or counterclaims. Standard Pa. Practice § 122:80, Pa. R.C.P. 1556. These pleadings may include affirmative defenses to the partition or any demands for rents; issues such as mortgages, liens, or encumbrances; credits for taxes, rents, services, liabilities, improvements, or benefits; protection for life tenants or unknown parties in interest; or possession issues, including exclusive possession or possession by agreement. *Id.*

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{2} Recording a Part 1 Order is imperative to protect the various rights of the parties and their heirs. *Jacobs* at 408. This is particularly true (though not applicable here) when the property was held as joint tenants with rights of survivorship or as tenants by the entirety. See 23 Standard Pa. Practice 2d § 122:193 for the effect of partition on title under various fact patterns.

{3} Though a partition is equitable in nature, the Pa. Rules of Civil Procedure apply, (Pa. R.C.P. 1590) except in Orphan’s Court proceedings involving a partition of a decedent’s estate, which is governed by the Probate, Estates, and Fiduciaries Code. 20 Pa. C.S.A. § 3534.

{4} A purpart is a share of an estate formally held in common. Where a partition divides a property into separate parcels and awards them to the parties, these parcels are considered purparts because each purpart is then held by a party. The Part 2 order conveys ownership of the purparts and should be recorded, as no deed is required. If the purparts are not equal in value (or if the value is not proportionate to the parties’ respective shares) the court may make provisions for owelty, compensatory sums awarded in equity to balance the parties’ interest where purparts have different values or the partition was otherwise unequal. *Kapcsos* at 143, *Bernstein v. Sherman*, 902 A.2d 1276, n.2 and n.4 (Pa. Super. 2006).

{5} Defendants allegedly lived in the home with the former owner, the mother of Plaintiff husband and Defendant wife until December of 2020 and provided her with care until she required 24

A Part 2 Order must include the specific findings of fact delineated in Rule 1570. At the preliminary conference held on May 15th, 2024, both parties wished to purchase the opposing party's interest and had made offers to do so but had been unable to come to an agreement on a sale. It initially appeared that the parties would be able to stipulate as to any factual issues not resolved by the pleadings and that a private auction facilitated by the Court would be the most expedient solution without the need for further litigation. The Court required the parties to submit proposed orders setting the terms for a private sale by auction supervised by the Court. However, upon review of the proposed orders submitted by the parties after the conference, it now appears there may be disputed issues of fact that would require a resolution prior to any sale.

Rule 1570 requires this Court to make findings of fact as to the value of the Property; any mortgages, liens, encumbrances, or charges due on the Property; any credits or charges related to the use and occupancy of the property, payments for taxes, services rendered, liabilities or benefits incurred; any life estates, ownership issues, or title issues; or any other issues set forth in Rule 1570(a) or (b). These issues must be resolved prior to conducting a private sale. As the parties have not raised any of these issues in any pleadings, motions, or at the preliminary conference, the Court issues the following Proposed Order setting the date and terms of a private sale and a Rule to Show Cause on the parties as to why the Proposed Order should not be entered. The Rule to Show Cause grants the parties a specified period to conduct any necessary inspections or title searches, to secure financing if the party intends to finance any portion of the purchase price of the property, and to file any objections to the Proposed Order and any amendments to the pleadings, petitions, or motions related to any further claims or causes of action that would require resolution prior to sale. If no such objections are timely filed, the Court shall proceed with the Private sale as scheduled with the entry of the Proposed Order.

WHEREFORE, the Court issues the following Proposed Order and Rule to Show Cause as to why the Proposed Order should not be entered:

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{5 continued}... hour care in a medical facility. If true, it is possible that their provision of care could be offset or otherwise calculated against the rental value. It is also possible that rental would only be considered from the date that the partition action was filed, since cotenants each have the right to occupy the entirety of the jointly owned property until and unless excluded therefrom.

**[PROPOSED] ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2024, after a preliminary conference in the above-captioned partition matter and a Rule to Show Cause issued upon the parties to show why this Order should not be entered, the Court makes the following FINDINGS OF FACT pursuant to Pa. R.C.P. 1570(a), as to the Property known as 895 Pleasant Valley Road, Mount Pleasant, Fayette County, Pennsylvania, and having Tax Map No. 04-15-0072:

1. The Property cannot be divided into purparts without prejudice to or spoiling of the whole;
2. The parties (the Plaintiffs collectively and the Defendants collectively) each hold a 50% interest in the Property in severalty pursuant to this Court's Order dated February 15th, 2024, and thus no party or combination of parties owns a majority interest such that they could raise an objection pursuant to Pa. R.C.P. 1563(b);
3. The value of the Property was \$157,000, based on a 2016 appraisal by Michael Kelley, but has likely increased in value;
4. There are no mortgages, liens, or other encumbrances or charges which affect the whole or any part of the Property;
5. There are no credits due or charges which should be made, in favor of or against any party because of the use and occupancy of the Property; taxes, rents, or other amounts paid; services rendered; liabilities incurred; or benefits derived in connection therewith or therefrom;
6. There are no interests of any person or persons not a party to this action;
7. Both parties have made offers to purchase the interest of the other party but have been unable to reach an agreement as to the sale; and
8. The private sale by auction of one party's 50% interest to the other party is likely to yield the best price and the most equitable result.

Therefore, pursuant to Rule 1570(b), the Court ORDERS and DIRECTS that the Property known as 895 Pleasant Valley Road, Mount Pleasant, Fayette County, Pennsylvania, and having Tax Map No. 04-15-0072, shall be offered for Private Sale confined to the parties and pursuant to Pa. R.C.P. 1563(a), by auction conducted by the Court on Tuesday, July 16th, 2024, at 1:30 P.M. in the Annex to Courtroom #1 (or such other location in the Fayette County Courthouse to be determined), subject to the following terms:

1. The minimum bid to purchase the opposing party's ½ interest in the Property shall start at \$80,000.00.
2. Bidding shall be in increments of no less than \$250.
3. Each party shall appear at the private auction with a cashier's check in the amount of \$10,000.00 made payable to the other party. Any party intending to finance any portion of the purchase price shall provide the Court with a pre-approval letter from a reputable bank.
4. The successful bid shall be confirmed on the record or by written bid submitted to the Court at the close of the auction.
5. The successful bidder shall provide their \$10,000.00 to opposing counsel to be held in escrow in the opposing counsel's IOLTA account as hand money, to be

credited to the successful bidder at closing as payment towards the total purchase price.

6. Closing shall occur within ninety (90) days of the private auction. The closing shall be conducted by counsel for the successful bidder or another attorney or title company of the successful bidder's choice.

7. If the Plaintiffs are the successful bidders, Defendants shall vacate the premises and remove all of their personal belongings at least seven (7) days prior to the closing. If the Defendants fail to vacate the premises along with their personal belongings within that period, they shall pay a fine of \$200.00 per day to Plaintiffs until such time that the premises are fully vacated to be deducted from their proceeds at closing.

8. In the event that the successful bidders fail to close within 90 days (without an appropriate court order), they shall forfeit their \$10,000.00 hand money to the opposing party. The attorney holding the escrow sum of \$10,000 shall unconditionally deliver the funds to the non-successful parties ten days after the 90-day closing period unless otherwise ordered by the Court. The non-successful parties shall have the first right to purchase the Property for an amount equal to their last bid at the time of the private auction, otherwise the premises shall be listed for sale via a realtor to be selected by the Court.

9. At closing, Seller shall be responsible for the cost of Deed preparation and the parties shall split on a 50/50 basis any transfer tax that may be due. As the County and municipal taxes have been paid by parties for their respective ½ interests and the school district taxes are not yet due for 2024, there shall be no proration of real estate taxes by the parties at closing. The successful bidder shall be responsible for paying the school real estate taxes when due. The Defendants shall be responsible for any past-due balances on any lienable utility or service accounts at closing. All other usual and customary closing costs shall be paid by the Buyers.

10. Upon completion of the closing, the parties shall notify the Court at which time a final Order shall be entered confirming the sale.

Together with such other customary and usual steps undertaken in the ordinary course of a real estate transaction, such that good and marketable title is conveyed.

BY THE COURT:  
(DRAFT)  
STEVE. P. LESKINEN,  
PRESIDENT JUDGE

ATTEST:  
(DRAFT)  
PROTHONOTARY

**RULE TO SHOW CAUSE**

AND NOW, this 29th day of May, 2024, upon consideration of the proposed terms submitted by the parties for the Order setting the private sale of the Property, the Court issues a Rule to Show Cause on the Parties to show why the attached Proposed Order should not be entered in this matter. The Rule is returnable by written Response filed of record with a courtesy copy to the Court's Chambers by 4:00 P.M. on Tuesday, June 25th, 2024, which may reference any documents filed pursuant to paragraph 4, below and shall set forth any further relief requested by the party or objections to the Proposed Order.

The parties shall have until the same date and time set forth above to complete any of the following, should they elect to do so:

1. To conduct any inspections of the Property, including inspections by the parties, by home inspectors (pursuant to the Home Inspection Law, 68 Pa. C.S.A. §7501 et seq.), or by any other professionals as to the condition of the Property or any systems or structures erected upon it;
2. To have the Property appraised by a Pennsylvania Certified Real Estate Appraiser as to the value of the property and/or an opinion from an appropriate professional of the fair market rental value of the Property;
3. To conduct any title and/or lien searches of the Property and to obtain any lien letters, including tax liens;
4. To secure a commitment for financing, if the party intends to finance any part of the purchase price; and
5. To file an Amended Complaint, New Matter, Counterclaim, or any other appropriate petition or motion as to additional claims or causes of action, to which the opposing party shall have the normal time permitted by the Rules of Civil Procedure to file responsive pleadings.

The parties in possession shall provide access to the premises for the above purposes upon a minimum of 48 hours' notice of the date and time of such inspections or appointments. Any of the options set forth above not conducted in the time specified shall be deemed waived without an appropriate order of court to the contrary. If either or both parties file a Response, the Court shall enter an appropriate order, which may include continuing the proposed Private Sale, requesting briefs, scheduling a further status conference or evidentiary hearing, or the appointment of a partition hearing officer. If no Responses are filed by the date and time specified, the Court shall enter the Proposed Order.

BY THE COURT:  
STEVE. P. LESKINEN,  
PRESIDENT JUDGE

ATTEST:  
PROTHONOTARY

## LUNCH & LEARN SERIES

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

- Date: **Wednesday, June 26th from 12:00 p.m. to 1:30 p.m.**
- Location: **Courtroom No. 4 of the Fayette County Courthouse**
- Discussion topics: **Avoiding Problems in the Preparation of Prenuptial Agreements and Marital Settlement Agreements**
- Presenters: **Samuel J. Davis, Esquire**

### CLE Credit

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

#### Members of the FCBA

- \$5 fee for attendance without CLE Credit
- \$15 fee for attendance with CLE Credit

#### Attorneys admitted to practice in Pennsylvania after January 1, 2019

- \$5 fee for attendance with CLE Credit

#### Non-members of the FCBA

- \$15 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 email to [cindy@fcbbar.org](mailto:cindy@fcbbar.org) on or before Monday, June 24th.

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