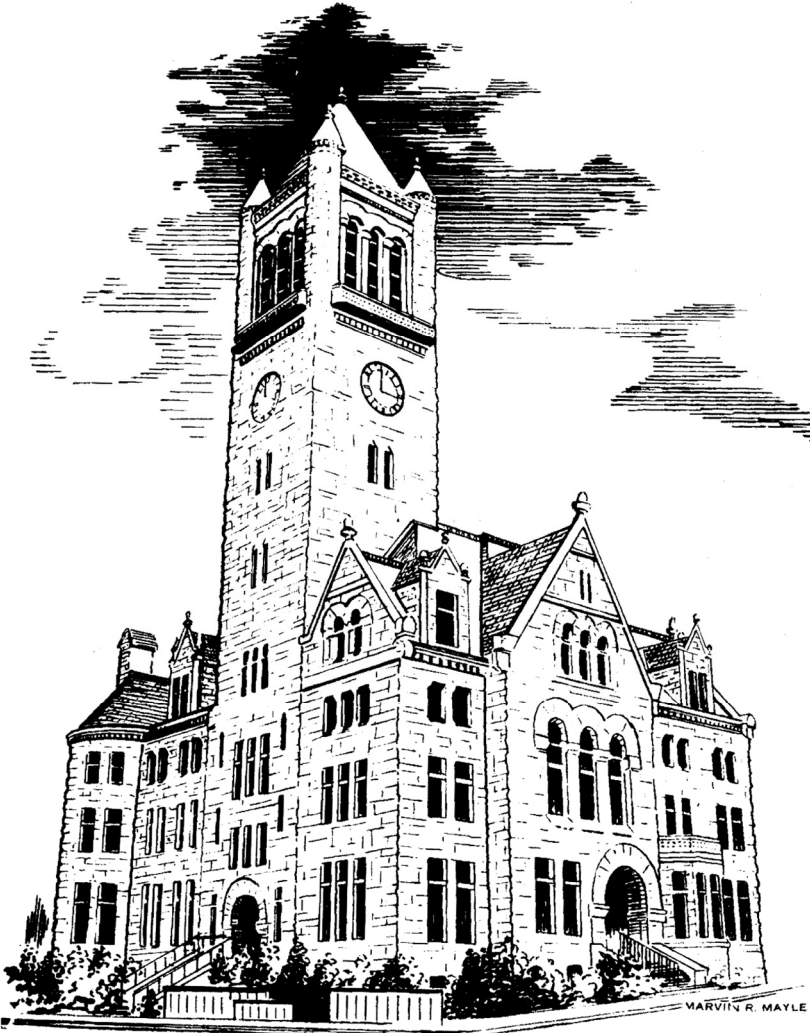


FAYETTE LEGAL JOURNAL

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FAYETTE LEGAL JOURNAL

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The Ethics Hotline provides free advisory opinions to PBA members based upon review of a member's prospective conduct by members of the PBA Committee on Legal Ethics and Professional Responsibility. The committee responds to requests regarding, the impact of the provisions of the Rules of Professional Conduct or the Code of Judicial Conduct upon the inquiring member's proposed activity. All inquiries are confidential.

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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

LORNA ADCOCK, a/k/a LORNA K. ADCOCK, late of Franklin Township, Fayette County, PA (3)

Co-Administrators: Joyce C. Kutzavitch and Sharon Neville
c/o 763 Merchant Street
Ambridge, PA 15003
Attorney: Steven Kocherzat

ADA C. AMANDOLA, late of South Union Township, Fayette County, PA (3)

Executor: Carl Paroda
c/o Davis & Davis
107 East Main Street
Uniontown, Pa 15401
Attorney: Gary J. Frankhouser

DANIEL DIVERS, late of Fayette County, PA

Administratrix: Bernice Divers (3)
102 1st. Street
Confluence, PA 15424
c/o 1870A Homeville Road
P.O. Box 335
West Mifflin, PA 15122
Attorney: Eric Randolph

RAYMOND HIKO, late of Fayette County, PA

Executrix: Bernice Divers (3)
102 1st. Street
Confluence, PA 15424
c/o 1870A Homeville Road
P.O. Box 335
West Mifflin, PA 15122
Attorney: Eric Randolph

JERROLD R. HOLLIDAY, late of Smithfield, Fayette County, PA (3)

Executrix: Nancy Rockwell
c/o P.O. Box 622
Smithfield, PA 15478
Attorney: Charity Grimm Krupa

NANCY G. JENKINS, late of Uniontown, Fayette County, PA (3)

Co-Executors: Carol Jenkins and Russell Jenkins
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Wendy L. O'Brien

CARMELLA M. LOCKE, a/k/a CARMELLA MARIE LOCKE, late of North Union Township, Fayette County, PA (3)

Executrix: Lisa Locke
c/o 39 Francis Street
Uniontown, PA 15401
Attorney: Jack R. Heneks, Jr.

BERTHA M. MONTGOMERY, late of Uniontown, Fayette County, PA (3)

Executrix: Anna M. Shannon
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Wendy L. O'Brien

HARVEY J. MOUNTAIN, late of Lower Tyrone Township, Fayette County, PA (3)

Executor: Harry J. Mountain, Jr.
c/o Adams Law Offices, PC
55 East Church Street, Suite 101
Uniontown, PA 15401
Attorney: Jason Adams

KENNETH OTT, a/k/a KENNETH GEORGE OTT, late of Acme, Fayette County, PA (3)

Executrix: Kimberly Myers
39801 Sunburst Drive
Dada City, Florida 33525

KHERESTINE RISHA, late of Uniontown,
Fayette County, PA (3)

Personal Representative: John J. Risha
c/o George & George
92 East Main Street
Uniontown, PA 15401
Attorney: Joseph M. George

DORIS J. REYNOLDS, late of Connellsville,
Fayette County, PA (3)

Administratrix: Penny Younkin
c/o 11 Pittsburgh Street
Uniontown, PA 15401
Attorney: Thomas W. Shaffer

Second Publication

**JOYCE ANN BREAKWELL, a/k/a JOYCE
A. BREAKWELL**, late of Georges Township,
Fayette County, PA (2)

Executrix: Wendy L. Witham
273 Syringa Ridge Drive
Sandpoint, Idaho 83864
c/o Newcomer Law Offices
4 North Beeson Boulevard
Uniontown, PA 15401
Attorney: Ewing D. Newcomer

GEORGE J. FRANGOS, late of South Union
Township, Fayette County, PA (2)

Executor: Jeffrey M. Tomi
P.O. Box 188
Bacliff, Texas 77518
c/o Newcomer Law Offices
4 North Beeson Boulevard
Uniontown, PA 15401
Attorney: Ewing D. Newcomer

**RONNIE JAMES FREED, a/k/a RONNIE J.
FREED**, late of Saltlick Township, Fayette
County, PA (2)

Executor: Ronnie Ray Freed
c/o 208 South Arch Street, Suite 2
Connellsville, PA 15425
Attorney: Richard A. Husband

ANDREW A. LANCASTER, late of
Uniontown, Fayette County, PA (2)

Administrator: Neil M. Lancaster
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Anthony S. Dedola, Jr.

BERTHA M. MONTGOMERY, late of
Uniontown, Fayette County, PA (2)

Executrix: Anna M. Shannon
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Wendy L. O'Brien

**SHERYN PORUPSKI, a/k/a SHERYN A.
PORUPSKI**, late of Nicholson Township,
Fayette County, PA (2)

Executor: Jana Duff
10350 Gorsuch Road, Galena, OH 43021
c/o 76 East Main Street
Uniontown, PA 15401
Attorney: Douglas S. Sholtis

ANDREW J. SABULA, late of Luzerne
Township, Fayette County, PA (2)

Administrator: Nick Sabula
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

**JANICE L. SMILEY, a/k/a JANICE LYNN
SMILEY**, late of North Union Township,
Fayette County, PA (2)

Administrator: (C.T.A.) Jeffrey D. Dulik
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

**MARY URSULA VOZAR, a/k/a MARY
URSULA OPPMAN**, late of Connellsville,
Fayette County, PA (2)

Co-Executors: Marianne Oppman and
Christopher Oppman
c/o Molinaro Law Offices
141 West Peach Street
P.O. Box 799
Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

First Publication

ROSE M. KOCHIS, late of South Union Township, Fayette County, PA (1)

Executrix: Janelle Kochis
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham

RAYMOND K. RAMAGE, a/k/a RAYMOND RAMAGE, late of Connellsville, Fayette County, PA (1)

Administrator: Michael L. Mays
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Michael L. Mays

RICHARD SACKETT, late of Uniontown, Fayette County, PA (1)

Administrator: Alberta M. Sackett
208 Hopwood Fairchance Road
Uniontown, PA 15401
c/o Seamon Law Offices
2101 About Town Place
Morgantown, WV 26508
Attorney: Christopher Deegan

CAROLYN A. SIKORA, late of South Union Township, Fayette County, PA (1)

Executrix: Jacqueline M. Verney
110 Independence Way
Mechanicsburg, PA 17050

LEGAL NOTICES

NOTICE

Notice is hereby given that a Certificate of Organization has been approved and filed with the Department of State for the Commonwealth of Pennsylvania in Harrisburg, Pennsylvania on April 30, 2024 for a Limited Liability Company known as IAPilla, L.L.C.

Said Limited Liability Company has been organized under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania, as amended.

The purpose and purposes of the Limited Liability Company is/ are real estate and any or

all lawful purposes related thereto, for which a limited liability company may be organized under the Business Corporation Law, as amended.

Donald McCue Law Firm, P.C.
813 Blackstone Road
Cqnnellsville, PA 15425

NOTICE

NOTICE is hereby given that Articles of Incorporation were filed with and approved by the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on the 1st day of May, 2024, for the purpose of obtaining Articles of Incorporation of a business corporation which was organized under the Business Corporation Law of 1988. The name of the corporation is MP Powersports, Inc. The purpose or purposes for which it was organized: To engage in and to do any lawful act concerning any or all lawful business for which corporations may be incorporated under the Business Corporation Law of 1988, under the provisions of which this corporation has been incorporated, and for these purposes to have, possess and enjoy all the rights, benefits and privileges of said Act of Assembly.

John Eric Bumbaugh, Esquire
Bumbaugh George, PLLC
10526 Old Trail Road
N. Huntingdon, PA 15642
(724) 864-6840

CIVIL ACTION
COURT OF COMMON PLEAS
FAYETTE COUNTY, PA
CIVIL ACTION-LAW
NO. 2023-01310
NOTICE OF ACTION IN MORTGAGE
FORECLOSURE

PNP BANK, NATIONAL ASSOCIATION,
Plaintiff

v.
DANNY R. DANIELS, IN HIS CAPACITY AS EXECUTOR AND HEIR OF THE ESTATE OF MERLE A. DANIELS ET AL, Defendants
To: DANNY R. DANIELS, IN HIS CAPACITY AS EXECUTOR AND HEIR OF THE ESTATE OF MERLE A. DANIELS.; UNKNOWN HEIRS, SUCCESSORS, ASSIGNS AND ALL PERSONS, FIRMS, OR ASSOCIATIONS

CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER MERLE A. DANIELS.

Defendant(s),
449 MAPLE SUMMIT RD MILL RUN, PA 15464

COMPLAINT IN MORTGAGE FORECLOSURE

You are hereby notified that Plaintiff, PNC BANK, NATIONAL ASSOCIATION, has filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of FAYETTE County, PA docketed to No. 2023-01310, seeking to foreclose the mortgage secured on your property located, 449 MAPLE SUMMIT RD MILL RUN, PA 15464.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in this notice 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 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, 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 THE INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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100 South Street
P.O. Box 186Harrisburg PA, 17108
800-692-7375

Robertson, Anschutz, Schneid, Crane & Partners, PLLC

A Florida professional limited liability company ATTORNEYS FOR PLAINTIFF
M. Troy Freedman, Esq. ID No. 85165
133 Gaither Drive, Suite F
Mt. Laurel, NJ 08054
855-225-6906

SHERIFF'S SALE

Date of Sale: July 18, 2024

By virtue of the below stated writs out of the Court of Common Pleas of Fayette County, Pennsylvania, the following described properties will be exposed to sale by James Custer, Sheriff of Fayette County, Pennsylvania on Thursday July 18, 2024, at 2:00 pm at <https://fayette.pa.realforeclose.com>.

The Conditions of sale are as follows:

All bidders must complete the Realauction on-line registration process at <https://fayette.pa.realforeclose.com> to participate in the auction.

All bidders must place a 10% deposit equal to the successful bid for each property purchased to Realauction via wire transfer or ACH per Realauction requirements. Upon the auction's close, buyer shall have 10 business days to pay the remaining balance to the Fayette County Sheriff's Office via cashier's check. No cash will be accepted. Failure to comply with the Conditions of Sale, shall result in a default and the down payment shall be forfeited by the successful bidder and applied to the costs and judgments. The schedule of distribution will be filed no later than 30 days after the sale of real property. If no petition has been filed to set aside the sale or objections to the distribution are filed within 10 days of filing the distribution, the Sheriff will prepare and record a deed transferring the property to the successful bidder. (2 of 3)

James Custer
Sheriff of Fayette County

McCABE, WEISBERG & CONWAY, LLC
 1420 Walnut Street, Suite 1501
 Philadelphia, PA 19102
 215 790-1010

Brock & Scott, PLLC
 No. 1733 of 2020 GD
 No. 82 of 2024 ED

No. 2150 of 2021 GD
 No. 80 of 2024 ED

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR BNC MORTGAGE LOAN TRUST 2007-2 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-2
 v.
JOHN ALBERT CLAY; JILLIAN N. CLAY

Longbridge Financial, LLC
Plaintiff
 v.

Suzanne Tate, Known Surviving Heir of Doralyn J. Oldland, Denise Briones, Known Surviving Heir of Doralyn J. Oldland, and Unknown Heirs of Doralyn J. Oldland

By virtue of a Writ of Execution No. 1733 of 2020 GN

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR BNC MORTGAGE LOAN TRUST 2007-2 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-2 v. JOHN ALBERT CLAY; JILLIAN N. CLAY owner(s) of property situate in the PERRY TOWNSHIP, FAYETTE County, Pennsylvania, being 46 MEMORIAL DRIVE, PERRYOPOLIS, PA 15473

ALL that certain piece or parcel of land situate in the Third Ward of the city of Uniontown, Fayette County, Pennsylvania, and known as lot no. 65 in the plan of lots laid out by Markle, Ely and Douglas as the Uniontown Land Company, which said plan of lots is recorded in plan book volume I, page 59, in the recorder's office of said county, said lot being bounded and described as follows.

Tax ID No. 21-10-0011
 Improvements thereon: RESIDENTIAL DWELLING
 Judgment Amount: \$106,673.71

BEGINNING at corner of Lot No. 65 and Douglas Street, formerly an alley; thence South 9 degrees 30 minutes east, 120 feet to a 20 foot alley; thence along said alley, north 80 degrees 30 minutes east, 40 feet to line of lot no. 64; thence along the line of lot no. 64, north 9 degrees 30 minutes West, 104.35 feet to said Douglas Street; thence North 71 degrees 57 minutes West 33.7 feet to a point; thence South 80 degrees 30 minutes west 10 feet to a point, the place of beginning.

STERN & EISENBERG PC
 MATTHEW C. FALLINGS, ESQ.

No. 627 of 2023 GD
 No. 97 of 2024 ED

All that certain piece or parcel or Tract of land situate in the Union Town, Fayette County, Pennsylvania, and being known as 16 Trader Street, Uniontown, Pennsylvania 15401.

R3P, LLC
Plaintiff
 v.
Christina L. Cocciaro and Brenda L Churilla and James E Churilla, Jr. and United States of America
Defendant(s)

Being known as: 16 Trader Street, Uniontown, Pennsylvania 15401

SITUATE IN HOPWOOD, FAYETTE COUNTY, PENNSYLVANIA, BEING KNOWN AS RR 1 BOX 47D1 WATSON DRIVE A/K/A 142 WATSON DRIVE, HOPWOOD, PA 15445

Title vesting in Doralyn J. Oldland by deed from Lillian P. Oldland dated February 22, 1999 and recorded February 23, 1999 in Deed Book 2269, Page 0262 Instrument Number 9900002858. The said Doralyn J. Oldland died on December 21, 2020 without a will or appointment of an Administrator, thereby vesting title in Suzanne Tate, Known Surviving Heir of Doralyn J. Oldland, Denise Briones, Known Surviving Heir of Doralyn J. Oldland, and Unknown Heirs of Doralyn J. Oldland by operation of law.

PARCEL NO. 34-12-0119
 IMPROVEMENTS- RESIDENTIAL REAL ESTATE

SOLD AS THE PROPERTY OF-BRENDA L CHURILLA AND CHRISTINA L. COCCIARDO AND JAMES E CHURILLA, JR AND UNITED STATES OF AMERICA

Tax Parcel Number: 38.03.0345

No. 97 of 2023 GD
No. 108 of 2024 ED

SOMERSET TRUST COMPANY

v.
Rachel Lynn Hope Frazee a/k/a Rachel L. Walls a/k/a Rachel Dean

All the real property described in the Writ of Execution the following of which is a summary.

SOMERSET TRUST COMPANY

v.
Rachel Lynn Hope Frazee a/k/a Rachel L. Walls a/k/a Rachel Dean

Property of: Rachel Lynn Hope Frazee
Located in: TOWNSHIP OF SPRINGHILL, FAYETTE COUNTY

Street Address: 680 HOPE HOLLOW ROAD, POINT MARION, FAYETTE COUNTY, PENNSYLVANIA 15474.

Brief Description of Property: Residential, Single-Family home

Improvements thereon: RESIDENTIAL DWELLING/AFFIXED MOBILE HOME

Record book Volume: 3236, Page 1680
Tax Assessment Number(s): MAP NO.: 36-07-0174

Attorneys for the Plaintiff
1325 Franklin Avenue, Suite 160
Garden City, NY 11530
(212) 471-5100

No. 2289 of 2023 GD
No. 74 of 2024 ED

NewRez LLC d/b/a Shellpoint Mortgage Servicing

v.
Jaden M. Hall, Jennifer Donnell

By virtue of Writ of Execution No. _____
NewRez LLC d/b/a Shellpoint Mortgage Servicing v Jaden M. Hall, Jennifer Donnell
Docket Number: 2289 of2023

Property to be sold is situated in the borough/township of Connellsville, County of Fayette and State of Pennsylvania.

Commonly known as: 121 Narrows Road, Connellsville, PA 15425 Parcel Number: 06-02-0084

Improvements thereon of the residential dwelling or lot (if applicable):

Judgment Amount: \$123,260.37

DWALDMANLAW, P.C.,
ATTORNEY FOR PLAINTIFF
BY: JENNIE C. SHNAYDER, ESQUIRE-
ID #315213

4900 CARLISLE PIKE, #182
MECHANICSBURG, PA 17050
TELEPHONE: (844) 899-4162
FACSIMILE: (844) 882-4703

No. 2000 of 2017 GD
No. 72 of 2024 ED

ANTHIUM, LLC
PLAINTIFF

v.
LENORA S. HARFORD
THOMAS E. WINGARD, IN HIS CAPACITY AS HEIR OF WILMA JEAN WINGARD, DECEASED
TAMMY M. LYNCH, IN HER CAPACITY AS HEIR OF WILMA JEAN WINGARD, DECEASED
RICHARD A. WINGARD, IN HIS CAPACITY AS HEIR OF WILMA JEAN WINGARD, DECEASED
UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER WILMA JEAN WINGARD, DECEASED
DEFENDANTS

All That Certain lot of land situate in Luzerne Township, Fayette County, Commonwealth of Pennsylvania.

TAX PARCEL# 19-32-0017
PROPERTY ADDRESS: 636 Palmer Adah Road, Adah, PA 15410

KML LAW GROUP, P.C.
Suite 5000
701 Market Street
Philadelphia, PA 19106-1532
(215) 627-1322

No. 459 of 2023 GD
No. 109 of 2024 ED

LAKEVIEW LOAN SERVICING, LLC
c/o Nationstar Mortgage LLC 8950 Cypress Waters Boulevard Coppell, TX 75019
Plaintiff

vs.
KRYSTAL L. JENNINGS
BRIAN A. WOLFE
Mortgagor(s) and Record Owner(s)
133 Emely Heights Road

Masontown, PA 15461
Defendant(s)

No. 1492 of 2023 GD
No. 70 of 2024 ED

ALL THAT CERTAIN LOT OF LAND SITUATE IN GERMAN TOWNSHIP, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 133 EMERY HEIGHTS ROAD, MASONTOWN, PA 15461
TAX PARCEL# 15-35-0192

IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: KRYSTAL L. JENNINGS AND BRIAN A. WOLFE

Jill M. Fein, Esquire
Hill Wallack LLP
1000 Floral Vale Blvd., Suite 300
Yardley, PA 19067
(215) 579-7700

No. 2009 of 2023 GD
No. 94 of 2024 ED

WILMINGTON SAVINGS FUND SOCIETY, FSB, AS TRUSTEE OF UPLAND MORTGAGE LOAN TRUST A

Plaintiff

v.

PHYLLIS E. KIMMEL
Defendant

By virtue of a writ of execution case number: 2023-02009

Plaintiff: WILMINGTON SAVINGS FUND SOCIETY, FSB, AS TRUSTEE OF UPLAND MORTGAGE LOAN TRUST A

v.

Defendant: PHYLLIS E. KIMMEL

Owners of property situate in the Borough of South Connellsville, Fayette County, Pennsylvania, being pin number 33-03-0090.

Property being known as: 1419 EAST GIBSON AVE, CONNELLSVILLE, PA 15425

Improvements thereon: RESIDENTIAL PROPERTY

CARRINGTON MORTGAGE SERVICES, LLC

PLAINTIFF

vs.

Teri Martin

DEFENDANT

All that certain tract of land, and the improvements thereon erected, situate in the Township of North Union, County of Fayette and Commonwealth of Pennsylvania, more specifically bounded and described as follows:

Beginning at a point in Bennington Road; thence South 21° 26' 30" East 234.34 feet to a point; thence South 68° 33' 30" West 265.45 feet to a point on property now or formerly of W. T. Guseman; thence along property now or formerly of W. T. Guseman, North 21° 26' 30" West 234.34 feet to a point; thence North 68° 33' 30" East 265.45 feet to the place of beginning, containing 1.428 acres.

UNDER AND SUBJECT to any exceptions or reservations as appear in prior deeds of record. Property Address: 279 Bennington Road, Hopwood, PA 15445

Tax ID: 25530068 / 25-53-0068

FOR INFORMATIONAL PURPOSES ONLY: Being known as 279 Bennington Road, Hopwood, PA 15445

B

COMMONLY KNOWN AS: 279 Bennington Road, Hopwood, PA 15445

TAX PARCEL NO. 25530068

No. 174 of 2023 GD
No. 106 of 2024 ED

PENNY MAC LOAN SERVICES, LLC

Plaintiff

vs.

Christopher Miller

Defendant(s)

ALL THAT CERTAIN LOT OF LAND SITUATE IN SOUTH UNION TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA, BEING LOT NO. 16 IN THE SOUTH UNIONTOWN PLAN OF LOTS, A PLOT WHEREOF IS OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS OF SAID FAYETTE COUNTY.

BEING THE SAME PREMISES which Joseph M. Trimbath, Jr. And Karen S. Trimbath, His Wife, by Deed dated 4/12/2016 and

recorded in the Office of the Recorder of Deeds of Fayette County on 4/18/2016 in Deed Book Volume 3306, Page 1075, Instrument No. 201600004154 granted and conveyed unto Christopher Miller.

BEING known as 61 Dixon Blvd., Uniontown, Pennsylvania 15401
PARCEL # 34-13-0020

Brock & Scott, PLLC

No. 263 of 2024 GD
No. 107 of 2024 ED

FREEDOM MORTGAGE CORPORATION

**v.
JEREMY A. MILLER**

By virtue of a Writ of Execution No. 2024-00263 FREEDOM MORTGAGE CORPORATION

**v.
JEREMY A. MILLER**

owner(s) of property situate in the GERMAN TOWNSHIP, FAYETTE County, Pennsylvania, being 3245 OLD MCCLELLANDTOWN RD, MCCLELLANDTOWN, PA 15458

Tax ID No. 15220063 aka 15-22-0063
Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$106,690.10

KML LAW GROUP, P.C.
Suite 5000
701 Market Street
Philadelphia, PA 19106-1532
(215) 627-1322

No. 200 of 2024 GD
No. 101 of 2024 ED

PNC BANK, NATIONAL ASSOCIATION

**3132 Newmark Drive
Miamisburg, OH 45342
Plaintiff**

**v.
DONNA OBRIEN AKA DONNA R. O'BRIEN**

**Mortgagor(s) and Record Owner(s)
115 6th Ave aka 115 Sixth Avenue
Brownsville, PA 15417
Defendant(s)**

ALL THAT CERTAIN LOT OF LAND
SITUATE IN BROWNSVILLE BOROUGH,

COUNTY OF FAYETTE AND
COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 115 6TH AVE AKA
115 SIXTH AVENUE, BROWNSVILLE, PA
15417

TAX PARCEL #02-06-0271
IMPROVEMENTS: A RESIDENTIAL
DWELLING

SOLD AS THE PROPERTY OF: DONNA
OBRIEN AK.A DONNA R. O'BRIEN

No. 2349 of 2023 GD
No. 115 of 2024 ED

Somerset Trust Company

**vs.
David B. Stoots, Lacey N. Stoots and Andra
Sledge a/k/a Andra R. Sledge, Sr.**

Premises: 506 E. Francis Avenue
Connellsville, PA 15425

All the right, title, interest and claim of:
David B. Stoots, Lacey N. Stoots and Andra
Sledge a/k/a Andra R. Sledge, Sr., of, in and to:
506 E. Francis Avenue Connellsville, PA
15425

Fayette County
Improvements: Lot 14, house, garage
Record Book 3372, Page 746 (Instrument
201800005071) AND
Record Book 3461, Page 1061 (Instrument
202100000658)
Parcel No. 05-02-0003

*** END SHERIFF'S SALE ***

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, June 3, 2024, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2623-0502	DALE STEWART a/k/a DALE B. STEWART a/k/a DALE BLANE STEWART	George Lovich, Executor

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

Monday, June 17, 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.

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

WARMAN ABSTRACT & RESEARCH LLC

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JUDICIAL OPINION

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA
ORPHAN'S COURT DIVISION

IN RE: ESTATE OF MARJORIE : 2621-0236
VIRGINIA RENNINGER : (236 OC 2021)

OPINION IN SUPPORT OF ORDER

Leskinen, P.J.

July 14, 2023

Before the Court is the Notice of Appeal and Statement of Errors Complained of on Appeal of John P. Holup and Marjorie V. Holup. Pursuant to Pa. R.A.P. 1925(a), the Court issues the following Opinion in Support of the Order dated April 24th, 2023.

FACTUAL AND PROCEDURAL HISTORY

This matter concerns both a challenge to a will presented for probate fifteen years after the death and the ownership of a parcel of land formerly owned by the Decedent, Marjorie Virginia Renninger, which was conveyed by one of the parties, as heir, eight years ago. {1} The disputed property (“Property”) consists of 1.9937 acres on which a two-car garage is erected and on which a mobile home is placed, known as 1522 Gun Club Road, Uniontown, Fayette County, Pennsylvania, Map No. 25-06-0120-07. (Joint Stipulation and Agreement of the Parties filed on November 15th, 2021.) The Decedent passed away on October 18th, 2006.

Decedent executed a Last Will and Testament dated July 16th, 1999 (“1999 Will”) which was drafted by Attorney Thomas Bowlen. (Ex. “D” to Rule to Show Cause dated March 19th, 2021.) The 1999 Will has never been presented for probate, but names Decedent’s daughter, Marjorie Holup, as the Executrix and sole heir. Also on July 16th, 1999, Decedent executed a deed to Marjorie Holup for Parcel 5 and 6 of the Rankin Property Plan. (“1999 Deed”)(Ex. “E” to Rule to Show Cause.) The parcels conveyed in the deed were adjacent to or near the disputed Property, but the disputed Property was not included in this deed. In March of 2007, a few months after Decedent’s death, Marjorie Holup had various communications with Attorney Bowlen, who had prepared the 1999 Will and 1999 Deed, inquiring as to why the Property was not included with the other parcels in the 1999 Deed. Bowlen apparently advised Marjorie Holup that the Property would pass to her as the sole beneficiary of the 1999 Will.

{1}This Court will generally use full names for the various parties in interest in this Opinion to avoid confusion. Marjorie Renninger is the decedent and Marjorie Holup is her daughter. John Holup is Marjorie Holup’s husband and John P. Holup is Marjorie and John Holup’s son and the grandson of the decedent. Jonna Hall is the granddaughter of decedent, the daughter of John and Marjorie Holup, and the sister of John P. Holup.

In the summer of 2014, Marjorie Holup consulted with Attorney Douglas Sepic about various estate planning matters (Transcript of Estate Proceedings on June 22nd, 2022, page 17.) As a result of these conversations, Attorney Sepic performed certain legal work for Marjorie Holup and her husband, John Holup, including wills, powers of attorney, and medical powers of attorney. *Id.* Though both Marjorie and John Holup had been having medical issues prior to consulting attorney Sepic, Sepic testified that he did not observe any behavior that raised concerns about the mental capacity of either Marjorie or John Holup at that time. *Id.* at 21-22.

Marjorie and John Holup also discussed the status of the disputed Property with Attorney Sepic. Sepic testified that, in his view, there was no way to pass clear title to the property without either opening an estate or following the procedure in the Probate Estates and Fiduciaries Code (“PEF Code”), 20 Pa. C.S.A. §3546, to determine title to a decedent’s interest in real estate. *Id.* at 57. Sepic testified that they were concerned about the cost of those options relative to the value of the property, as well as the risk of losing a share to the other intestate heirs. Marjorie Holup eventually settled on conveying her interest to her daughter, Jonna Hall, by deed June 6th, 2014, (“2014 Deed”) containing certain “legal fictions” {2} in the recital with the intent of establishing grounds for tacking time for a possible subsequent claim of adverse possession. *Id.* at 49-52.

Almost seven years later, on February 26th, 2021, Marjorie Holup appeared before the Fayette County Register of Wills and presented a purported will dated July 15th, 2005, (“2005 Will”) which named Marjorie Holup as Personal Representative and her son, John P. Holup as the sole beneficiary. If valid, that Will could have voided the June 6, 2014 deed, above. Jonna Hall, the Grantee in the said deed, and the granddaughter of Marjorie Renninger, therefore presented a Petition for a Rule to Show Cause to this Court seeking to invalidate the 2005 Will. This Court issued a Rule to Show Cause dated March 19th, 2021 to which Respondents filed a Response and New Matter. The parties then engaged in an extensive discovery process. During that process, it was learned that the purported 2005 will was almost certainly a forgery for the reasons that appear hereinafter.

On September 27th, 2022, Michelle Kelley, Esq., then counsel for John P. Holup and Marjorie Holup, filed a Motion for Leave to Withdraw Appearance based on her understanding that the office of Joel Sansone, Esq. would be assuming representation of John P. Holup and Marjorie Holup. This Court granted Attorney Kelley leave to withdraw by Order dated September 29th, 2022.

On October 7th, 2022, this Court entered a scheduling Order directing that a hearing would be held on November 16th, 2022. At the time scheduled for the hearing on November 16th, 2022, Attorney Deanna Istik appeared with her client, Jonna Hall, but John P. Holup and Marjorie Holup did not appear, nor did any counsel appear or enter an appearance on their behalf. At that time, Attorney Istik represented to the Court that she had contacted Attorney Sansone’s office the previous Friday and they indicated that they would not be representing John P. Holup or Marjorie Holup.

{2} The “legal fiction” was that the 1999 deed had erroneously conveyed Parcel 5 on the November 1983 survey of Defino and Sons instead of the Property. This may or may not be a fiction, as there is some evidence to suggest Marjorie Renninger intended to convey the Property but conveyed Parcel 5 by mistake, as it appears that Parcel 5 may have been conveyed twice through various documents while the disputed Property was not conveyed at all. According to Attorney Sepic, this recital was included to lay the groundwork for a subsequent adverse possession claim, not to impeach the title of any other property.

At the hearing, Attorney Istik moved for the admission of multiple exhibits, including an affidavit from Javier Marazita, then General Counsel for Electronic Forms, LLC (“eForms”) (Exhibit “7” filed on November 17th, 2022). In the affidavit, Marazita states that the 2005 Will used the image of a form that had been developed and copyrighted specifically for eForms. The earliest production of the form would have been in 2016, therefore it could not have been in circulation at the time the will was purportedly executed in 2005. Marazita did not provide actual testimony at the November 16th, 2022, hearing as the affidavit was offered and admitted without objection.

On December 2nd, 2022, Elizabeth Tuttle, Esq. of the Law Offices of Joel Sansone entered an appearance for John P. Holup. On December 8th, 2022, this court issued an Order on the Rule to Show Cause, wherein it was decreed, among other things, that the 2005 will was a forgery and that it be stricken from the record. That Order further scheduled a hearing on February 13th, 2023, to address an award of attorneys’ fees to Jonna Hall and a possible criminal referral for John P. Holup and Marjorie Holup related to the forgery of the will and statements made in support of the will to the Court.

On January 9th, 2023, John P. Holup, “pro se individually and as Attorney in fact for Marjorie V. Holup,” filed a Motion for Reconsideration and/or to Vacate Order Dated December 8th, 2022. This Court then issued an Order dated January 12th, 2023, scheduling a hearing on the Motion for February 14th, 2023, and directing that if reconsideration was determined to be appropriate, the Court would conduct a hearing on the merits at the same time. On February 6th, 2023, Elizabeth Tuttle, Esq., filed a Consent Motion to Withdraw, averring that John P. Holup had filed the Motion for Reconsideration without her knowledge or advice, and further averring that she and her client had developed irreconcilable differences. The Motion to Withdraw was granted by this Court by Order dated February 9th, 2023, with a specific notation that the previously scheduled hearing would not be continued.

This Court held the hearing, as scheduled, on February 14th, 2023. Attorney Istik appeared with her client, Jonna Hall. John P. Holup and Marjorie Holup appeared without counsel. The docket file showed no evidence that John P. Holup and Marjorie Holup were served with the October 7th, 2022, Order that scheduled the November 16th, 2022, hearing, they said they were not notified, and therefore this Court ruled that reconsideration was appropriate. This Court then denied John P. Holup’s motion to continue and proceeded with the hearing on the merits. As this Court noted at the time, the scheduling order issued on January 12th for the February 14th hearing explicitly stated that if reconsideration was granted that the Court would proceed with the hearing on the merits immediately. Even if the Holups did not have notice of the November 16, 2022 hearing, they knew about the evidence proving the will was a forgery since before Attorney Kelley withdrew on September 27, 2022, so as of February 14, they had had more than four months to prepare their response.

At the hearing, John P. Holup objected to the admission of the affidavit of Javier Marazita at the November 16th, 2022, hearing. This Court agreed and ruled that Holup’s opportunity to object and cross-examine would be honored in the hearing that day (2/14/23). Counsel for Jonna Hall proffered Marazita’s testimony by phone, and there was no objection, so the Court permitted him to do so. Although John P. Holup objected to the admission of Marazita’s affidavit, he made no objection to Marazita testifying.

Despite the Court order, and despite knowing of the evidence of forgery for at least four months, neither of the Holups subpoenaed any witnesses for the hearing. John P. Holup did attempt to present various exhibits, which were objected to as hearsay or as irrelevant. This Court did not consider the proffered exhibits substantively but received the exhibits so the record could reflect the contents. These exhibits included an unsigned affidavit from Kim Kaufman, Marjorie Renninger's caregiver (purportedly unable to sign due to COVID); an affidavit from Stephanie Matthews; a medical report from Dr. Stacy Sheba; and two pages from a real estate listing agreement. None of those exhibits addressed the critical forgery issue. Neither of the Holups testified on any of the issues involved despite the opportunity to do so.

After the hearing, this Court considered the entire record and entered an Order dated April 24th, 2023, declaring that the 2005 will was a forgery and striking it from the record, invalidating the deed to John P. Holup dated March 3rd, 2021, and awarding attorneys' fees and costs to Jonna Hall. It is from this Order that John P. Holup has appealed.

STANDING

Under Pennsylvania Law, any person 18 years or older may make a will unless he or she lacks testamentary capacity, the will was obtained by forgery, fraud or undue influence, or the will was the product of an insane delusion. *In re Estate of Nalaschi*, 90 A.3d 8, 11 (Pa. Super. 2014). If an individual challenges a will on any of these bases and after the formalities of probate have been established, the burden is on the person contesting the will to prove one of the above exceptions. *Id.* at 12.

Any party seeking to contest a will must first establish that they have standing to do so. "A party has the requisite standing to contest a will when that party is aggrieved by a judgement, decree or order of the register, in the sense that some pecuniary interest of that party has been injuriously affected." *In re Estate of Luongo*, 823 A.2d 942, 953 (Pa. Super. 2003), citing 20 Pa.C.S.A. §908. This case is unusual in that Jonna Hall, the granddaughter of the decedent, is not a direct beneficiary of either the 1999 or the 2005 will, nor would she take under intestate succession (Jonna Hall is the granddaughter of the decedent, and her mother, the daughter of the decedent, is still alive and is a party to this matter).

However, this Court finds that Jonna Hall clearly has a pecuniary interest in whether the 2005 Will is entered into probate or declared a forgery. Marjorie Holup conveyed her entire interest in the Property to Jonna Hall via the 2014 Deed. However, a grantor cannot convey title to property greater than what they own. *Starling v. Lake Meade Property Owners Association, Inc.* 162 A.3d 327, 338 (Pa. 2017). There are at least three possible scenarios under which the decedent's estate might be administered, each of which results in a different interest being conveyed to Jonna Hall through the 2014 Deed. If the 2005 Will is probated and valid, Jonna Hall would not have received any interest in the disputed Property through the 2014 Deed. {3} If the 2005 Will is invalidated,

{3} This implicates an additional consideration, not raised before this Court, as to whether a claim from John P. Holup based on the presentation of the 2005 Will for probate in 2021 would be enforceable against any interest conveyed to Jonna Hall in the 2014 Deed under 20 Pa.C.S.A. §3385 (relating to limitation upon claims against a bona fide grantee more than one year after the death of the decedent and when no letters were in effect) or under 20 Pa.C.S.A. §3133 (wills offered more than one year after testator's death are void against a bona fide grantee if the conveyance is entered of record before the will is offered for probate).

then at the time of the 2014 Deed, Marjorie Holup owned, and therefore conveyed, either a fee simple interest in the property (as the sole beneficiary of the 1999 Will) or a fractional interest (under intestate succession, as Marjorie Holup has other siblings). Thus, Jonna Hall not only has an interest in the 2005 Will contest, she also has a pecuniary interest as to whether the estate should be administered under the 1999 Will or by intestate succession if the 2005 Will is invalidated.

FORGERY OF THE 2005 WILL

Once standing has been established, the party alleging a forgery has the burden of proof by clear, direct, precise, and convincing evidence. In *re Estate of Cruciani*, 986 A.2d 853, 855 (Pa. Super. 2009). “[Further,] because forgery presents an issue of fact, the resolution of the issue necessarily turns on the court’s assessment of the witnesses’ credibility.” *Id.* Where testimony is corroborated by probative facts and circumstances such testimony may overcome the testimony of the subscribing witnesses. *Id.*, citing *In re Kirklander*, 474 A.2d 290, 293 (Pa. Super. 1984).

This Court heard testimony from Javier Marazita, General Counsel for eForms. Marazita testified that eForms provides estate planning documents to the public through its website. eForms contracts with attorneys in various jurisdictions to draft these documents specifically for the company, which eForms then copyrights. According to Marazita, the template used for the 2005 Will was drafted for eForms in the fall of 2016 and could not have been in circulation at the time the will was purportedly signed in 2005.

This Court notes that it is not just the language of the 2005 Will that appears to be duplicated in the purported will, rather, the 2005 Will is identical to the eForms template in all respects, including the fonts, spacing, kerning, and pagination, with the only observable difference being the eForms logo in the lower left-hand corner of each page on the eForms version while the 2005 Will does not have the eForms logo. Furthermore, Attorney Istik represented to the Court that she discovered the eForms template by a Google reverse image search, meaning that it matched based on the actual image of the document and not just the words contained therein. {4}

The Court finds that Marazita’s testimony was credible and corroborated by the 2016 will template provided by eForms, and that the 2016 will template was clearly and convincingly proven to be the source of the purported 2005 Will. John P. Holup offered no evidence to refute Marazita’s testimony, he provided no alternate explanation as to how the form for the will was obtained, and he offered no evidence that the template used was in available in 2005 at the time it was purportedly signed.

{4} This Court’s staff independently conducted searches of both the images of the 2005 Will and of selections of text from the 2005 Will. The exact template used for the 2005 Will (with the eForms logo) is still available on the eForms website, and reverse image and text searches matched to the eForms website and to the website of doyourownwill.com, which appears to be owned by eForms. The Court was unable to locate any use of the form or the language from the will prior to 2016.

The Court also considered the totality of the facts and circumstances surrounding the 2005 Will. Marjorie Renninger passed away in October of 2006, yet the purported 2005 Will was not presented for probate until February of 2021. Marjorie Holup and her husband, John Holup, signed as subscribing witnesses to the purported 2005 will, yet both participated in estate planning discussions with Attorney Sepic in 2014 with no more than a passing reference to the possibility of other wills, and thereafter conveyed the disputed property to their daughter, Jonna Hall. These actions are not consistent with the existence of a valid 2005 Will that they witnessed. Therefore, considering both the context and the specific evidence presented about the form used for the 2005 Will, this Court finds clear, direct, precise, and convincing evidence that the 2005 Will was a forgery and could not have been executed in that form in 2005.

JOHN P. HOLUP'S OBJECTIONS AND PRO SE REPRESENTATION

Pro se litigants are required to comply with the procedural rules set forth in the Pennsylvania Rules of Court. *Commonwealth v. Vurimindi*, 200 A.3d 1031, 1038 (Pa. Super. 2018). Though courts may be liberal in considering a pro se litigant's presentation of their case, pro se status confers no special benefit on the litigant. *Id.* at 1037. "To the contrary, any person choosing to represent himself in a legal proceeding must, to a reasonable extent, assume that his lack of expertise and legal training will be his undoing." *Id.*

Furthermore, though John P. Holup has the right to represent himself, he does not have the right to act as a lawyer for another, even if a power of attorney exists which purports to grant him the authority to make legal decisions on another's behalf. *Kohlman v. Western Pennsylvania Hosp.* 652 A.2d 849, 852 (Pa. Super. 1994) (distinguished on other grounds). On January 9th, 2023, John P. Holup, filed a Motion for Reconsideration and/or to Vacate Order Dated December 8th, 2022, "pro se individually and as Attorney in fact for Marjorie V. Holup." "[A] court cannot ignore the unauthorized practice of law and must intervene." *Bisher v. Lehigh Valley Health Network, Inc.*, 265 A.3d 383, 406 (Pa. 2021) (distinguished on other grounds). By whatever standard, the in-court representation of another person amounts to the "practice of law" in Pennsylvania. *Kohlman* at 852. "To construe the Probate Code so as to permit a non-attorney to appear and represent a principal in a court of record would be to permit the licensing and admission requirements [for attorneys] to be circumvented." *Id.* A court may not allow a person to engage in the unauthorized practice of law simply because the adverse party does not object, but the court does, however, have the discretion to determine the appropriate remedy. *Bisher* at 406.

This Court finds that John P. Holup cannot act as attorney in fact on Marjorie Holup's behalf or represent her in any court proceedings. However, John P. Holup filed the Motion for Reconsideration pro se and as Attorney in Fact for Marjorie Holup. Though it was impermissible for John P. Holup to file the Motion as a lawyer for Marjorie Holup, the pro se filing on his own behalf was proper, and thus this Court could proceed in considering the Motion.

This Court recognized that John P. Holup and Marjorie Holup may not have been notified of the November 16th, 2022 hearing. The Court remedied that issue by allowing John P. Holup the right to object to the admission of Marazita's affidavit and to pre-

sent any witnesses and evidence on his own behalf at the February 14th, 2023 hearing. This Court further finds that John P. Holup and Marjorie Holup had ample notice of the February 14th, 2023, hearing, and that the notice of hearing clearly stated that if reconsideration was found to be proper, that the Court would proceed with a hearing on the merits, which it did. John P. Holup failed to present any credible evidence at that hearing to refute the clear and convincing evidence presented by Jonna Hall that the 2005 Will was a forgery.

As to John P. Holup's claim that this Court erred by permitting Javier Marazita to testify by phone, the Court notes that though John P. Holup objected to the admission of Marazita's affidavit, Holup made no objection to Marazita testifying by phone. Issues not raised in the trial court are waived and cannot be raised for the first time on appeal. Pa.R.A.P. 302.

At the February 14th, 2023, hearing John P. Holup objected to Attorney Istik's representation of his sister, claiming that Istik would be a witness because she prepared a "willful deed" for his sister in 2015, transferred the property in 2016, and had probated his grandmother's will. Holup offered no details in support of his objection, and the record does not reflect what he is referring to. Though Holup did not specifically identify any authority for such a claim, it is presumably based on Rule 3.7 of the Pennsylvania Rules of Professional Conduct, which states:

Rule 3.7 Lawyer as Witness

(a) A lawyer shall not act as advocate at a trial in which the lawyer is likely to be a necessary witness unless:

- (1) the testimony relates to an uncontested issue;
- (2) the testimony relates to the nature and value of legal services rendered in the case; or
- (3) disqualification of the lawyer would work substantial hardship on the client.

(b) A lawyer may act as advocate in a trial in which another lawyer in the lawyer's firm is likely to be called as a witness unless precluded from doing so by Rule 1.7 or Rule 1.9.

To succeed in a motion to disqualify counsel under Rule 3.7, the moving party must demonstrate that opposing counsel is a necessary witness (Rule 3.7(a)) and that the testimony must relate to a contested issue (Rule 3.7(a)(1)). As the moving party, John P. Holup has failed to meet this burden. Notably, though John P. Holup claims that Istik would be a necessary witness, he did not call her as a witness during the hearing. As attorneys are permitted to testify as to the nature and value of the legal services rendered in the case under Rule 3.7(a)(2), there is no evidence that Istik's testimony would be necessary for any matters outside the scope of subsection (a)(2) of the rule.

Further, this Court adopts the reasoning of the Court of Common Pleas of Lancaster County (*Kehrer v. Nationwide Ins. Co.*, 21 Pa. D.&C. 4th 385, 389 (1994)), one of the very few cases applying Rule 3.7) noting that Rule 3.7 is susceptible to use as a tactical measure to disrupt an opposing party's preparation for trial and to divest parties of their counsel of choice. In this matter, this argument is supported by John P. Holup's representations to this Court that he filed disciplinary complaints against multiple attorneys

involved (including Deanna Istik, Joel Sansone, and Elizabeth Tuttle) and that Istik should not be permitted to proceed with representing Jonna Hall until this disciplinary complaint has been resolved. Despite these efforts to block Istik's representation, John P. Holup presented no evidence of any unethical behavior that would support disqualification or disciplinary action.

This Court also considers Rule 3.7(a)(3) relevant, in that Jonna Hall has already accrued more than \$20,000 in legal fees in this matter, including the costs of extensive discovery, and disqualifying her attorney at this stage in the proceedings would clearly be a hardship, particularly when the meager bases John P. Holup has raised as grounds for such disqualification must have been known to him from the onset of litigation. Therefore, this Court find no grounds for Attorney Istik's disqualification.

Finally, this Court addresses John P. Holup's claim that this Court should have recused itself from participating in further proceedings after conducting the November 16th, 2022, hearing without John P. Holup and Marjorie Holup present. "The standards for recusal are well established. It is the burden of the party requesting recusal to produce evidence establishing bias, prejudice or unfairness which raises a substantial doubt as to the jurist's ability to preside impartially." *Commonwealth v. Abu-Jamal*, 720 A.2d 79, 89 (Pa. 1998) (distinguished on other grounds). "In considering a recusal request, the jurist must first make a conscientious determination of his or her ability to assess the case in an impartial manner, free of personal bias or interest in the outcome. The jurist must then consider whether his or her continued involvement in the case creates an appearance of impropriety and/or would tend to undermine public confidence in the judiciary. This is a personal and unreviewable decision that only the jurist can make." *Id.* (Internal citations omitted.)

John P. Holup claimed that he was denied an opportunity to participate in the November 16th, 2022, hearing due to a lack of notice. The Orphan's Court Rules provide for recourse in such situations through a Motion for Reconsideration. 231 Pa. Code Rule 8.2. John P. Holup did, in fact, file for Reconsideration, which this Court granted. The notice issue for the November 16th, 2022 hearing was due to an administrative error and this Court provided an adequate remedy by granting the Motion for Reconsideration and holding a hearing on the merits. Therefore, this Court finds that John P. Holup has produced no evidence that would call into doubt this Court's ability to preside impartially. Moreover, this Court has reviewed the entire matter and has conflict of interest, and no reason to rule on the basis of partiality, bias, or ill-will. Thus, no recusal was necessary or appropriate.

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

ATTEST:
REGISTER OF WILLS

LOCAL RULE 5104: CUSTODY OF EVIDENCE IN COURT PROCEEDINGS

IN RE: CUSTODY OF EXHIBITS IN
COURT PROCEEDINGS
F.C.R.J.A. 5104

ORDER

AND NOW, this 8th day of May 2024, it is hereby Ordered that the local rule of judicial administration of Custody of Exhibits in Court Proceedings is adopted as attached. Further, it is hereby Ordered that the Fayette County Administrative Order of Custody of Evidence Admitted in Court adopted September 9, 2014, is hereby rescinded.

The Prothonotary is directed as follows:

- (1) A copy of the order and rule shall be filed with the Administrative Office of Pennsylvania Courts via e-mail to adminrules@pacourts.us.
- (2) Two copies of the order and rule shall be distributed to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin. The local rule shall be e-mailed in Microsoft Word format to bulletin@palrb.us.
- (3) One copy of the order and rule shall be sent to the Fayette County Law Library and the Editor of the Fayette Legal Journal.

The Administrative Office of Fayette County Courts is directed as follows:

- (1) Publish a copy of this rule on the website of Administrative Office of Fayette County Courts at www.fayettedcountypa.org.
- (2) Compile the rule within the complete set of local rules no later than 30 days following publication in the Pennsylvania Bulletin.

The local rule of Custody of Exhibits in Court Proceedings shall become effective 30 days after publication in the Pennsylvania Bulletin.

BY THE COURT:
STEVE P. LESKINEN
PRESIDENT JUDGE

ATTEST:
Prothonotary

RULES OF JUDICIAL ADMINISTRATION
RULE 5104
Custody of Exhibits in Court Proceedings

(a) Designation of Custodian.

1. In court proceedings before a Judge, the Court Reporter is designated as the custodian to safeguard and maintain exhibits introduced in a court proceeding.
2. In court proceedings before a Hearing Officer, the Hearing Officer is designated as the custodian to safeguard and maintain exhibits introduced in the court proceeding.

(b) During Court Proceedings.

1. Throughout court proceedings, all documentary and non-documentary exhibits shall remain in the custody of the proponent until the exhibit is offered for admission into the record.
2. Non-documentary exhibits, including, but not limited to, weapons, cash, other items of value, drugs, and other dangerous contraband or materials, and bulky, oversized, or otherwise physically impractical exhibits for the custodian to maintain shall remain in the custody of the proponent during court proceedings.
3. Non-documentary exhibits shall be photographed by the proponent and the photograph shall be appropriately marked and produced during the court proceedings for inclusion in the official case record.
4. After being offered into evidence, whether accepted or rejected by the presiding Judge or Hearing Officer, documentary and photograph exhibits shall then be placed in the custody of the custodian.
5. The proponent may reduce oversized documentary exhibits to 8.5 x 11 inches paper, so long as the quality is not compromised, or may submit the exhibits digitally via a CD or USB flash drive as a PDF with a file name identifying the exhibit.
6. The proponent may submit voluminous documentary exhibits digitally via a CD or USB flash drive as a PDF with a file name identifying the exhibit.

(c) After Court Proceedings.

1. Proponent Responsibilities.
 - i. The proponent of non-documentary exhibits shall safeguard and maintain such exhibits and may only dispose of or destroy non-documentary exhibits as required by any applicable records retention periods or by Order of Court.
 - ii. If not submitted during the court proceedings, the proponent shall provide to the custodian a photograph (no larger in size than 8.5 x 11 inches) of the non-documentary exhibits in lieu of the non-documentary exhibit, within five business days of the conclusion of the court proceeding.

2. Custodian Responsibilities.

i. The custodian shall retain or take custody of all documentary exhibits, photographs, and photographs of non-documentary exhibits accepted or rejected during the court proceeding.

ii. The custodian shall prepare and file a numbered list of exhibits, and for each exhibit identify the proponent, whether the exhibit was admitted or rejected from evidence, and a textual description or identification of the exhibit.

iii. The custodian shall file all documentary exhibits, photographs, and photographs of non-documentary exhibits with the records office within five business days of the conclusion of the court proceeding unless otherwise directed by the court.

(d) All other issues regarding custody of exhibits in court proceedings shall be governed by Pennsylvania Rule of Judicial Administration 5101—5104.

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