

The Greene Reports

Official Legal Publication for Greene County, Pennsylvania
Owned and operated by Greene County Bar Association
Greene County Courthouse, Waynesburg, PA 15370

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June 22, 2023



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Serving the Legal Community of Greene County
Since October 1982

The Greene Reports

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COURT OF COMMON PLEAS
Honorable Louis Dayich, President Judge
Honorable Jeffry N. Grimes, Judge

MOTIONS

Criminal & Civil & O.C.:
June 26 and 28, 2023

CRIMINAL

Arraignments: June 26, 2023
ARDs: July 10, 2023
ARD Revocations: July 10, 2023
Parole Violations: June 26, 2023
Plea Court: July 11-13, 2023
License Suspension Appeals: August 15, 2023
Argument Court: July 19, 2023

ORPHANS

Accounts Nisi: July 3, 2023
Accounts Absolute: July 13, 2023

SUPREME COURT
SUPERIOR COURT
COMMONWEALTH COURT

Convenes in Pgh.: October 16-20, 2023
Convenes in Pgh.: June 26-30, 2023
Convenes in Pgh.: October 10-13, 2023

THE GREENE REPORTS

Owned and published by the GREENE COUNTY BAR ASSOCIATION
Editor: Kayla M. Sammons
E-mail address: editor.greenerreports@yahoo.com

EDITORIAL POLICY

All articles published in The Greene Reports are intended to inform, educate or amuse. Any article deemed by the editorial staff to be reasonably interpreted as offensive, demeaning or insulting to any individual or group will not be published.

The views expressed in the articles represent the views of the author and are not necessarily the views of The Greene Reports or the Greene County Bar Association.

The Greene Reports welcomes letters to the Editor both for publication and otherwise. All letters should be addressed to: Editor, The Greene Reports, Greene County Courthouse, 10 East High Street, Waynesburg, PA 15370. Letters must include signature, address and telephone number. Anonymous correspondence will not be published. All letters for publication are subject to editing and, upon submission, become the property of The Greene Reports.

THE GREENE COUNTY BAR ASSOCIATION

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

ARGUMENTS

Argument Court: June 26, 2022

CIVIL

Domestic Relations Contempts: June 26, 2023
Domestic Relations Appeals: June 26, 2023

JUVENILE

Plea Day: July 20, 2023

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DEED TRANSFERS

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

ALEPPO TOWNSHIP

Beth E. Moore, et ux., to EQT Production Company, 92.90 Acres, O&G, \$414.73 (6-14-23)

ALEPPO AND SPRINGHILL TOWNSHIPS

Kimberly A. Szczepanski to The Mineral Company, et ux., 373.2133 Acres, O&G, \$5,630.95 (6-14-23)

CARMICHAELS BOROUGH

Sally A. Liptak to Todd M. Lowry, Jr., et ux., Lot, \$165,000.00 (6-20-23)

DUNKARD TOWNSHIP

Jessica Clites to James H. Goforth, III, et ux., Lot 313, Bobtown, \$8,000.00 (6-15-23)

FRANKLN TOWNSHIP

Shirley S. Blue to EQT Production Company, 118.979 Acres, O&G, \$1,586.30 (6-14-23)

Brian L. Yeager to Tiffany Alice Conaway, Lots, \$135,000.00 (6-15-23)

Luella E. Dupree by POA, et ux., to EQM Gathering OPCO LLC, R/W, 14.8 Acres, \$42,300.00 (6-20-23)

Richard E. Patterson, et al., to EQM Gathering OPCO LLC, R/W, 60.53 Acres, \$138,692.60 (6-20-23)

RWC Holding LLC to EQM Gathering OPCO LLC, R/W, Tracts, \$137,605.60 (6-20-23)

FREEPORT TOWNSHIP

Randy A. Gaines, et ux., to The Mineral Company, et ux., .42 Acre, O&G, \$3,001.60 (6-14-23)

FREEPORT AND SPRINGHILL TOWNSHIPS

Mark Edward Jones to Foss Minerals, 2 Tracts, O&G, \$1,929.25 (6-14-23)

Virginia Jones La Forte, et al., to Foss Minerals LLC, 2 Tracts, O&G, \$964.63 (6-14-23)

GILMORE TOWNSHIP

Anne D. Coon, et ux., to Foss Minerals LLC, 130.671 Acres, O&G, \$3,500.00 (6-14-23)

GILMORE AND JACKSON TOWNSHIPS

Robert W. Carter Trust, et ux., to The Mineral Company, et ux., 72.312 Acres, O&G, \$16,636.68 (6-14-23)

GILMORE AND WAYNE TOWNSHIPS

Joyce Ann Frye, et ux., to Three Rivers Royalty III LLC, 3 Tracts, O&G, \$4,253.66 (6-15-23)

Kathryn L. Szymanski, et ux., to Three Rivers Royalty III LLC, 3 Tracts, O&G, \$4,253.66 (6-15-23)

GILMORE, JACKSON, AND WAYNE TOWNSHIPS

Jeffrey Clovis to Three Rivers Royalty III LLC, 10 Tracts, O&G, \$30,175.28 (6-20-23)

JACKSON TOWNSHIP

John William Rickard to The Mineral Company, et ux., 96.5375 Acres, O&G, \$5,279.40 (6-14-23)

Patricia Rickard to The Mineral Company, et ux., 96.5375 Acres, O&G, \$5,729.40 (6-14-23)

JACKSON AND SPRINGHILL TOWNSHIP

Michael J. Williams, et ux., to The Mineral Company, et ux., 145.5264 Acres, O&G, \$18,483.50 (6-14-23)

JEFFERSON TOWNSHIP

Roseann Latta, et ux., to Justin W. Tift, Tract, \$120,000.00 (6-20-23)

MONONGAHELA TOWNSHIP

Lisa Main, et al., to Kennley Properties LLC, 2 Tracts, \$55,000.00 (6-15-23)

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MORGAN TOWNSHIP

Ronald W. Golden, et ux., to Weston Sabo, et ux., Tract, \$168,000.00 (6-14-23)

MORRIS TOWNSHIP

Deborah Lee Merritt by Agent, et al., to US Energy Development Corporation, et al., Tract, O&G, \$137,552.00 (6-15-23)

John B. Bartolovich to Divot Acquisitions LLC, et ux., Tract, O&G, \$8,590.00 (6-15-23)
Cynthia Gaw, et ux., to CNX Gas Company LLC, 26.41875 Acres, O&G, \$4,953.54 (6-20-23)

PERRY TOWNSHIP

H&H Stone Company, LLC, et ux., to Mason Dixon Stone LLC, 2 Tracts, \$284,378.30 (6-16-23)

Robert Hinerman, et al., to Mason Dixon Stone LLC, 10.78 Acres, \$16,170.00 (6-16-23)
Theodore John Jeremenko to Three Rivers Royalty III LLC, et ux., 52 acres, O&G, \$6,183.85 (6-20-23)

RICHHILL TOWNSHIP

Judith A. Giberson-Smith, et ux., to The Mineral Company, et ux., 21 Acres, O&G, Und. 1/2 Interest, \$4,405.89 (6-14-23)

SPRINGHILL TOWNSHIP

David M. Reid, et ux., to The Mineral Company, et ux., 5 Acres, O&G, \$4,395.84 (6-14-23)
William D. Maxwell to The Mineral Company, et ux., 56 Acres, O&G, \$2,050.78 (6-16-23)

WASHINGTON TOWNSHIP

Dean Kenneally, et ux., to Michael Camilli, et ux., 10 Acres, \$350,000.00 (6-15-23)
Gary R. Conklin, et ux., to Consol Pennsylvania Coal Company LLC, et ux., R/W, 7.68 Acres, \$12,500.00 (6-19-23)

WAYNE TOWNSHIP

Lindy Lou Metzler to EQT Production Company, 250.3959961 Acres, O&G, \$790.17 (6-14-23)
Monongalia County Coal Resources Inc to Nicolas A. Bellicini, et ux., 4 Tracts, \$107,498.60 (6-14-23)

Daniel L. Whipkey to Beatrice L. Dodson, .75 Acre, \$700.00 (6-19-23)

Sarah Delcie Conner a/k/a Sarah Robeson to Joseph Boskovich, et ux., 17.768 Acres, \$20,000.00 (6-19-23)

WAYNESBURG BOROUGH

Timothy John Hardin Estate a/k/a Timothy J. Hardin Estate, et ux., to Wet Nose Properties LLC, Lot, \$100,000.00 (6-15-23)

WHITELEY TOWNSHIP

Kim Marie Robinson to The Mineral Company, et ux., 108.2258 Acres, O&G, \$49,675.66 (6-14-23)

Iron Cumberland LLC, et ux., to Iron Mine Ranch LLC, 2 Tracts, \$25,000.00 (6-16-23)

Wayne C. Baysinger, et ux., to VES Land LLC, 2.4764 Acres, O&G, \$17,334.80 (6-16-23)

ESTATE NOTICES

NOTICE is hereby given of the grant of letters by the Register of Wills to the Estates of the following named decedents. All persons having claims are requested to make known the same and all persons indebted to the decedent are requested to make payment to the personal representative or his attorney without delay.

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FIRST PUBLICATION

BERRYHILL, CHARLES ALBERT A/K/A CHARLES A. BERRYHILL

Late of Waynesburg, Greene County, Pennsylvania
Executor: William R. Berryhill, 150 Oak Street, Carmichaels, PA 15320
Attorney: Kirk A. King, Esquire, 77 South Washington Street, Waynesburg, PA 15370

BOWSER, JOHN T.

Late of Cumberland Township, Greene County, Pennsylvania
Administratrix: Melinda K. Michniak, 205 Birchwood Lane, Imperial, PA 15126
Attorney: Lukas B. Gatten, Esquire, Logan & Gatten Law Offices, 54 N. Richhill Street, Waynesburg, PA 15370

FERENCE, MARY L. A/K/A MARY LOUISE FERENCE

Late of Dunkard Township, Greene County, Pennsylvania
Executrix: Stella Sue Hall, 114 Cemetery Hill, Dilliner, PA 15327
Attorney: Phillip C. Hook, Attorney, 430 East Oakview Drive, Suite 101, Waynesburg, PA 15370

KISNER, JOSEPH R. A/K/A JOSEPH RAY KISNER

Late of Aleppo Township, Greene County, Pennsylvania
Executor: Christopher D. Kisner, 768 McCracken Road, Wind Ridge, PA 15380
Attorney: Phillip C. Hook, Attorney, 430 East Oakview Drive, Suite 101, Waynesburg, PA 15370

MARSH, MARCIA L.

Late of Waynesburg, Greene County, Pennsylvania
Administrator: Albert B. Marsh, 169 South Morgan Street, Waynesburg, PA 15370
Attorney: James A. Walker, Esquire, 219 Fort Pitt Blvd., Pittsburgh, PA 15222

SOKOL, MARIA L.

Late of Carmichaels, Greene County, Pennsylvania
Administrator: Joseph P. Sokol, III, 205 Amelia Avenue, Raleigh, NC 27615
Attorney: Kirk A. King, Esquire, 77 South Washington Street, Waynesburg, PA 15370

SPANGENBERG, CHARLES WALTER A/K/A CHARLES W. SPANGENBERG

Late of Greensboro, Greene County, Pennsylvania
Executrix: Julie R. Gjormand, 487 Virginia Avenue, Herndon, VA 20170
Attorney: Kirk A. King, Esquire, 77 South Washington Street, Waynesburg, PA 15370

SECOND PUBLICATION

COUNTS, MONA MARIE

Late of Rices Landing Borough, Greene County, Pennsylvania
Executrix: Joy Dale Nugent, 915 Southpoint Circle, Morgantown, WV 26501
Attorney: Brandon K. Meyer, Esquire, 76 North Richhill Street, Waynesburg, PA 15370

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GALENTINE, HELENA PEARL

Late of Aleppo Township, Greene County, Pennsylvania
Executor: David Keith Galentine, c/o Lukas B. Gatten, Esquire, Logan & Gatten Law
Offices, 54 N. Richhill Street, Waynesburg, PA 15370
Attorney: Lukas B. Gatten, Esquire, Logan & Gatten Law Offices, 54 N. Richhill
Street, Waynesburg, PA 15370

HANHAM, ROBERT Q.

Late of Cumberland Township, Greene County, Pennsylvania
Executor: Richard J. Hoch, c/o Eric E. Bononi, Esquire, 20 N. Pennsylvania Avenue,
Greensburg, PA 15601
Attorney: Eric E. Bononi, Esquire, 20 N. Pennsylvania Avenue, Greensburg, PA 15601

HARING, CHARLES J.

Late of Morgan Township, Greene County, Pennsylvania
Executor: Charles J. Haring, PO Box 350, Mather, PA 15346
Attorney: Lukas B. Gatten, Esquire, Logan & Gatten Law Offices, 54 N. Richhill
Street, Waynesburg, PA 15370

SANNER, SANDRA LEE

Late of Morgan Township, Greene County, Pennsylvania
Administratrix: Linda Schiffbauer, PO Box 342, 270 Perry Avenue, Nemaocolin, PA
15351
Attorney: Joseph I. Brodak, Esquire, Brodak Law, LLC, 6 S. Main Street, Ste. 214,
Washington, PA 15301

THIRD PUBLICATION

MARTIN, RITA K.

Late of Washington Township, Greene County, Pennsylvania
Executor: David Michael Martin, 134 Long Mile Road, Prosperity, PA 15329
Attorney: Brandon K. Meyer, Esquire, 76 North Richhill Street, Waynesburg, PA
15370

PIFER, RANDEL B.

Late of Morgan Township, Greene County, Pennsylvania
Administratrix: Pamela Clark, 1659 Bristoria Road, Holbrook, PA 15341
Attorney: Timothy N. Logan, Esquire, Logan & Gatten Law Offices, 54 N. Richhill
Street, Waynesburg, PA 15370

STOCKDALE, TEDDY NEIL

Late of Jefferson Township, Greene County, Pennsylvania
Administrator: Deborah J. Stockdale, 114 Hemlock Street, Clarksville, PA 15322
Attorney: Christopher Michael Simms, Esquire, Pollock Morris Belletti & Simms,
LLC, 54 South Washington Street, Waynesburg, PA 15370

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FICTITIOUS NAME NOTICE

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

The Fictitious Name is: BBHC Enterprises LLC
The address of the principal office or the principal place of business to be carried on is: 458
Whipkey Ridge Road, Wind Ridge, PA 15380
The names and addresses of the persons who are party to the registration are: Brad A.
Braddock, 458 Whipkey Ridge Road, Wind Ridge, PA 15380

An application for a fictitious name was filed on June 14, 2023 in the Department of State,
under the Fictitious Names Act, 54 Pa.C.S.A. 302 et seq., Act of December 16, 1982, No. 295,
P.L. 1309.

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

LEGAL NOTICE

PUBLIC NOTICE OF HEARING ON PRIVATE SALE OF UNUSED AND UNNECESSARY LANDS AND BUILDINGS OF CENTRAL GREENE SCHOOL DISTRICT

NOTICE IS HEREBY GIVEN pursuant to the Pennsylvania Public School Code of 1949 (24 P.S. § 707-7) that a hearing on the private sale of Greene County Tax Parcel Number 28-02-267, held of record by Central Greene School District, shall be held on July 3rd, 2023 at 2:30 p.m. in Courtroom 1 of the Court of Common Pleas of Greene County, Pennsylvania, 10 E. High Street, Waynesburg, PA 15370.

Christopher Michael Simms, Esquire
Pollock Morris Belletti & Simms, LLC
54 S. Washington Street
Waynesburg, PA 15370
724-627-6156

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SHERIFF'S SALE

**By Virtue of a Writ of Execution (Mortgage Foreclosure)
No. ED-13-2023 AD-833-2022**

Issued out of the Court of Common Pleas of Greene County, Pennsylvania and to me directed, I will expose the following described property at public sale at the Greene County Courthouse in the City of Waynesburg, County of Greene, Commonwealth of Pennsylvania on:

**FRIDAY, JULY 14, 2023
AT 10:00 O'CLOCK A.M.**

All parties in interest and claimants are further notified that a proposed schedule of distribution will be on file in the Sheriff's Office no later than twenty (20) days after the date of the sale of any property sold hereunder, and distribution of the proceeds will be made in accordance with the schedule ten (10) days after said filing, unless exceptions are filed with the Sheriff's Office prior thereto.

AD-833-2022
ALL THAT CERTAIN lot or piece of ground situate in Borough of Carmichaels, County of Greene and Commonwealth of Pennsylvania.
TAX PARCEL NO: 02/14/151 and 02/04/152
PROPERTY ADDRESS: 222 South Pine Street, Carmichaels, PA 15320
IMPROVEMENTS: a Residential Dwelling
SOLD AS THE PROPERTY OF: Ronald Lee Morris
ATTORNEY'S NAME: Powers Kirn, LLC

PROPERTY ADDRESS: 222 South Pine Street, Carmichaels, PA 15320
UPI/TAX PARCEL NUMBER: 02/04/151 02/04/152

Seized and taken into execution to be sold as the property of RONALD LEE MORRIS in suit of PENNYMAC LOAN SERVICES, LLC.

Attorney for the Plaintiff: MARCUS N. SIMMS, Sheriff
Powers Kirn, LLC Greene County, Pennsylvania
Morrestown, NJ 856-802-1000

SHERIFF'S SALE

**By Virtue of a Writ of Execution (Mortgage Foreclosure)
No. ED-10-2023 AD-387-2021**

Issued out of the Court of Common Pleas of Greene County, Pennsylvania and to me directed, I will expose the following described property at public sale at the Greene County Courthouse in the City of Waynesburg, County of Greene, Commonwealth of Pennsylvania on:

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**FRIDAY, JULY 14, 2023
AT 10:00 O'CLOCK A.M.**

All parties in interest and claimants are further notified that a proposed schedule of distribution will be on file in the Sheriff's Office no later than twenty (20) days after the date of the sale of any property sold hereunder, and distribution of the proceeds will be made in accordance with the schedule ten (10) days after said filing, unless exceptions are filed with the Sheriff's Office prior thereto.

DOCKET# AD-387-2021
ALL THAT CERTAIN lot of land situate in FRANKLIN TOWNSHIP, County of Greene and Commonwealth of Pennsylvania.
IMPROVEMENT consist of a residential dwelling.
BEING PREMISES: 704 Sherman Avenue, Waynesburg, PA 15370
SOLD as the property of JENNIFER PORTER and MICHAEL PORTER
TAX PARCEL# 07-13-111
ATTORNEY: KML Law Group, P.C.

PROPERTY ADDRESS: 704 Sherman Avenue, Waynesburg, PA 15370
UPI/TAX PARCEL NUMBER: 07-13-111

Seized and taken into execution to be sold as the property of MICHAEL PORTER, JENNIFER K. PORTER in suit of QUICKEN LOANS INC.

Attorney for the Plaintiff: MARCUS N. SIMMS, Sheriff
KML Law Group, P.C. Greene County, Pennsylvania
Philadelphia, PA 215-627-1322

SHERIFF'S SALE

**By Virtue of a Writ of Execution (Mortgage Foreclosure)
No. ED-16-2023 AD-874-2022**

Issued out of the Court of Common Pleas of Greene County, Pennsylvania and to me directed, I will expose the following described property at public sale at the Greene County Courthouse in the City of Waynesburg, County of Greene, Commonwealth of Pennsylvania on:

**FRIDAY, JULY 14, 2023
AT 10:00 O'CLOCK A.M.**

All parties in interest and claimants are further notified that a proposed schedule of distribution will be on file in the Sheriff's Office no later than twenty (20) days after the date of the sale of any property sold hereunder, and distribution of the proceeds will be made in accordance with the schedule ten (10) days after said filing, unless exceptions are filed with the Sheriff's Office prior thereto.

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ALL THAT CERTAIN PARCEL OF LAND SITUATE IN THE TOWNSHIP OF PERRY, GREENE COUNTY, PENNSYLVANIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL NO. 20/09/219//

ALSO KNOWN AS 110 MECHANIC STREET, MOUNT MORRIS, PA 15349 BEING THE SAME PREMISES WHICH PHILLIP G. RENNER, JR. AND DONNA JO RENNER, HUSBAND AND WIFE, BY DEED DATED SEPTEMBER 20, 2021 AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF GREENE COUNTY ON SEPTEMBER 20, 2021 IN DEED BOOK 550, PAGE 388, GRANTED AND CONVEYED UNTO JACKSON C. TOOTHMAN, SINGLE.

PROPERTY ADDRESS: 110 Mechanic St, Mount Morris, PA 15349
UPI/TAX PARCEL NUMBER: 20/09/219//

Seized and taken into execution to be sold as the property of MATTHEW CHARLES TOOTHMAN, AS BELIEVED HEIR AND/OR ADMINISTRATOR OF THE ESTATE OF JACKSON C TOOTHMAN; UNKNOWN HEIRS AND/OR ADMINISTRATORS OF THE ESTATE OF JACKSON C TOOTHMAN (IF ANY) in suit of PNC BANK, NATIONAL ASSOCIATION.

Attorney for the Plaintiff:
Manley Deas Kochalski, LLC
Columbus, OH 614-220-5611

MARCUS N. SIMMS, Sheriff
Greene County, Pennsylvania

SUPREME COURT NOTICE

SUPREME COURT OF PENNSYLVANIA
DOMESTIC RELATIONS PROCEDURAL RULES COMMITTEE

NOTICE OF PROPOSED RULEMAKING

Proposed Amendment of Pa.R.Civ.P. 1910.29

The Domestic Relations Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.Civ.P. 1910.29 for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

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Lynnore K. Seaton, Counsel
Domestic Relations Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9531
domesticrules@pacourts.us

All communications in reference to the proposal should be received by **August 30, 2023**. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By Domestic Relations Procedural Rules Committee
David S. Pollock, Esquire
Chair

Rule 1910.29. Evidence in Support Matters.

[(a) Record Hearing. Except as provided in this rule, the Pennsylvania Rules of Evidence shall be followed in all record hearings conducted in an action for support. A verified petition, affidavit or document, and any document incorporated by reference therein which would not be excluded under the hearsay rule if given in person shall be admitted into evidence if (1) at least 20 days' written notice of the intention to offer them into evidence was given to the adverse party accompanied by a copy of each document to be offered; (2) the other party does not object to their admission into evidence; and (3) the evidence is offered under oath by the party or witness. An objection must be in writing and served on the proponent of the document within 10 days of the date of service of the notice of intention to offer the evidence. When an objection is properly made, the Pennsylvania Rules of Evidence shall apply to determine the admissibility of the document into evidence.

(b) Medical Evidence.

(1) *Non-Record Proceeding.* In a non-record hearing, if a physician has determined that a medical condition affects a party's ability to earn income and that party obtains a Physician Verification Form from the domestic relations section, has it completed by the party's physician and submits it at the conference, it may be considered by the conference officer. If a party is receiving Social Security disability or workers' compensation benefits, the party shall submit copies of the disability or workers' compensation determination in lieu of the Physician Verification Form.

(2) *Record Proceeding.* If the matter proceeds to a record hearing and the party wishes to introduce the completed Physician Verification Form into evidence, he or she must serve the form on the other party not later than 20 days after the conference. The other party may file and serve an objection to the introduction of the form within 10 days of the date of service. If an objection is made and the physician testifies, the trier of fact shall have the discretion to allocate the costs of the physician's testimony between the parties. If there is no objection, the form may be admitted into evidence without the testimony of the physician. In the event that the record hearing is held sooner than 30 days after the conference, the trier of fact may provide appropriate relief, such as granting a continuance to the objecting party.

(3) The Physician Verification Form shall be substantially in the following form:

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IN THE COURT OF COMMON PLEAS OF _____ COUNTY

Member Name: _____

Docket Number: _____

PACSES Case Number: _____

Other State ID Number: _____

TO BE COMPLETED BY THE TREATING PHYSICIAN

Physician's name: _____

Physician's license number: _____

Nature of patient's sickness or injury: _____

Date of first treatment: _____

Date of most recent treatment: _____

Frequency of treatments: _____

Medication: _____

The patient has had a medical condition that affects his or her ability to earn income from: _____ through _____

If the patient is unable to work, when should the patient be able to return to work? Will there be limitations? _____

Remarks: _____

Date: _____ Signature of Treating Physician: _____

Physician's address: _____

Physician's telephone number: _____

I authorize my physician to release the above information to the _____ County Domestic Relations Section.

Patient's signature: _____ Date: _____]

(This is entirely new text)

(a) **Record Hearing.** Except as provided in this rule, the court shall follow the Pennsylvania Rules of Evidence in a record hearing conducted in an action.

(b) **Documentary Evidence.**

(1) The court shall admit into evidence statements contained in a verified petition, affidavit, document, or a document incorporated by reference that would not be excluded under the hearsay rule if the declarant testified in person, when:

(i) at least 20 days written notice of the intention to offer the document into evidence was given to the adverse party accompanied by the document to be offered;

(ii) the other party does not object to the document's admission into evidence; and

(iii) the party offers the evidence under oath.

(2) A party objecting under subdivision (b)(1)(ii) shall state the objection in writing and serve on the document's proponent within 10 days of the date of service of the notice of intention to offer the evidence.

(3) When a party properly objects, the Pennsylvania Rules of Evidence shall apply to determine the document's admissibility.

(c) **Medical Evidence.**

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(1) **Definition.** For the purpose of this rule, an "advance practice provider" shall mean a licensed physician, physician's assistant, or nurse practitioner.

(2) **Non-Record Proceeding.**

(i) A conference officer may consider a party's medical condition when:

(A) an advanced practice provider has determined the medical condition affects a party's ability to earn income

(B) the party's advanced practice provider has completed an Advanced Practice Provider's Verification Form, which shall substantially be the same as subdivision (d); and

(C) the party submits the completed form at the conference.

(ii) If a party is receiving Social Security disability or Workers' Compensation benefits, the party shall submit the disability or Workers' Compensation determination in lieu of the Advanced Practice Provider's Verification Form.

(3) **Record Proceeding.**

(i) Prior to the record hearing, if a party plans to introduce a completed Advanced Practice Provider's Verification Form into evidence, the party shall serve the completed form on the other party not later than 20 days after the conference.

(ii) The other party may file and serve a written objection to the completed form's introduction within 10 days of the date of service.

(A) If an objection is made and the advanced practice provider testifies, the trier-of-fact shall have the discretion to allocate the cost of the advanced practice provider's testimony between the parties.

(B) If there is no objection, the trier-of-fact may admit the completed form into evidence without the advanced practice provider's testimony.

(iii) If the record hearing is held sooner than 30 days after the conference, the trier-of-fact may provide appropriate relief, including granting a continuance to the objecting party.

(d) **Advanced Practice Provider's Verification Form.** The Advanced Practice Provider's Verification Form shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS OF _____ COUNTY

Member Name: _____

Docket Number: _____

PACSES Case Number: _____

Other State ID Number: _____

TO BE COMPLETED BY AN ADVANCED PRACTICE PROVIDER

Provider's name: _____

Provider's license number: _____

Nature of patient's sickness or injury: _____

Date of first treatment: _____

Date of most recent treatment: _____

Frequency of treatments: _____

Medication: _____

The patient has had a medical condition that affects the patient's ability to earn income from: _____ through _____.

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Fully Disabled Partially Disabled
 Able to Work Light Duty Full-Time Able to Work Part-Time (__hours/day)
If the patient is unable to work, when should the patient be able to return to work?
Will there be limitations? _____

Describe limitations on employability: _____

Date: _____ Signature of Treating Provider: _____

Provider's address: _____

Provider's telephone number: _____

I authorize my provider to release the above information to the _____ County Domestic Relations Section.

Patient's signature: _____ Date: _____

[EXPLANATORY COMMENT—2000]

Comment: This rule is based on 23 Pa.C.S. § 4342(f) [creates a hearsay exception in support actions to permit a verified petition, affidavit or document and a document incorporated by reference in any of them to be admitted into evidence if it would not otherwise be excluded as hearsay if given in person and it is admitted under oath by a party or witness to the support action. Rule 1910.29 requires that notice of the documents to be admitted be given to the other party prior to the hearing. It also sets forth the procedures for raising an objection to the admission of those documents].

[If the requisite 20-day notice is given and there is no objection, the document must be admitted into evidence under this rule and 23 Pa.C.S. § 4342(f). In the event an objection is timely made, the rules of evidence apply to determine the document's ultimate admissibility.]

[Rule 1910.29] This rule is not intended to affect 23 Pa.C.S. § 4342(g) and (h) relating to the admissibility of payment records, billing statements, and bills for genetic testing and prenatal and postnatal health care of the mother and child. Those documents are admissible into evidence without advance notice for the limited purposes [which are expressly] set forth in those statutory provisions.

SUPREME COURT OF PENNSYLVANIA DOMESTIC RELATIONS PROCEDURAL RULES COMMITTEE

PUBLICATION REPORT

The Domestic Relations Procedural Rules Committee (Committee) is proposing the amendment of the Pennsylvania Rule of Civil Procedure 1910.29. This rule pertains to evidence in support matters and provides a Physician Verification Form for use in providing information to the court on a party's medical condition.

23 Pa.C.S. § 4342 provides for expedited procedures for the determination and enforcement of support. 23 Pa.C.S. § 4342(f) creates a hearsay exception in support actions to permit statements contained in a verified petition, affidavit, document, or a document incorporated by reference in any of them, to be admitted into evidence, provided it would not otherwise be excluded as hearsay if the declarant testified in person, i.e., hearsay within

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hearsay. Rule 1910.29 expands this exception to permit a Physician's Verification Form to be used for reporting a party's medical condition in lieu of the physician appearing as a witness and testifying. The rule requires that notice of the documents to be admitted be given to the other party prior to the hearing and it sets forth the procedures for raising an objection to the admission of those documents and any statements contained therein.

Initially, the Committee received correspondence requesting revisions to the Physician Verification Form. Concerns related to the current form include its failure to request a description of the limitations on employability and whether the condition affects a party's ability to work light duty, full-time, or part-time. Parties use the form in cases where an appropriate order is being established, as well as to defend against a contempt charge. Without the ability to assess the extent of the disability, the form may act as a shield to one party to be held to a reasonable earning capacity or found to have the ability to pay support.

To address these concerns, the Committee proposes that the form be revised to include the option to select "Fully Disabled," "Partially Disabled," "Able to Work Light Duty Full-Time," or "Able to Work Part-time," as well as the ability to indicate the number of hours per day the individual can work.

Concerns were also expressed about the requirement that the form be completed only by a physician. This concern is related to cost and limited access to physicians in some areas, particularly in rural areas. Accordingly, the Committee proposes that, in lieu of only allowing physicians to complete the form, "advanced practice providers," including nurse practitioners and physician assistants, should be permitted to complete the form. As a result, it is proposed that the term "physician" be replaced by the name "provider" and the name of the form be revised to "Advanced Practice Provider Verification Form." It is also proposed that "advanced practice provider" be defined in subdivision (c)(1).

Additional revisions were requested to make the form more "user-friendly" for practitioners and self-represented parties. The Committee proposes that the structure of the rule be revised stylistically to a bullet point format, for ease of reading. It is also proposed that the Explanatory Comment be renamed as a Comment and commentary reiterative of the rule text and statute be removed.

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