

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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August 18, 2022



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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.:
August 22 and August 24, 2022

CRIMINAL

Arraignments: August 22, 2022
ARDs: September 12, 2022
ARD Revocations: September 12, 2022
Parole Violations: August 22, 2022
Plea Court: September 13-15, 2022
License Suspension Appeals: August 23, 2022
Argument Court: TBD

ORPHANS

Accounts Nisi: September 6, 2022
Accounts Absolute: September 16, 2022

SUPREME COURT
SUPERIOR COURT
COMMONWEALTH COURT

Convenes in Pgh.: October 24-28, 2022
Convenes in Pgh.: September 19-23, 2022
Convenes in Pgh.: October 11-14, 2022

THE GREENE REPORTS

Owned and published by the GREENE COUNTY BAR ASSOCIATION
Editor: Kayla M. Sammons
E-mail address: editor.greeneports@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the editorial staff to be reasonably interpreted as offensive, demeaning or insulting to any individual or group will not be published.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 Anonymous correspondence will not be published.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
Blake Birchmeier, Treasurer
Jessica L. Phillips, Ex-Officio

ARGUMENTS

Argument Court: September 21, 2022

CIVIL

Domestic Relations Contempts: August 22, 2022
Domestic Relations Appeals: August 22, 2022

JUVENILE

Plea Day: September 15, 2022

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DEED TRANSFERS

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

ALEPPO TOWNSHIP

Dorothy J. Spencer to The Mineral Company, et ux., 55.643750 Acres, O&G, \$124,541.98 (8-12-22)

Janice W. Hastings to The Mineral Company, et ux., 67.175 Acres, O&G, \$4,690.00 (8-12-22)

Betty E. Banks to The Mineral Company, et ux., 67.175 Acres, O&G, \$4,690.00 (8-12-22)

Betty E. Banks to The Mineral Company, et ux., 3 Tracts, O&G, \$6,629.29 (8-12-22)

CUMBERLAND TOWNSHIP

Nicholas J. Buday, et ux., to Michael A. Lewis, et ux., 9.5216 Acres, \$73,000.00 (8-11-22)

Greene County Industrial Developments Inc to Ryan Industrial Supply LLC, 9.666 Acres, \$165,000.00 (8-11-22)

William L. Gallentine, et ux., to Danny D. Sampson, Lot 286, Crucible, \$96,000.00 (8-16-22)

FRANKLIN TOWNSHIP

Joshua Bintrim, et ux., to Leigh Sibert, .331 Acre, \$229,000.00 (8-10-22)

Curt Douglas Higgins to The Mineral Company, et ux., 76 Acres, O&G, \$912,000.00 (8-12-22)

FREEPORT TOWNSHIP

William E. Long, et ux., to The Mineral Company, et ux., 79.86 Acres, O&G, \$15,485.06 (8-12-22)

Robert W. Long, et ux., to The Mineral Company, et ux., 79.86 Acres, O&G, \$15,485.07 (8-12-22)

JEFFERSON BOROUGH

Accessible Dreams, et ux., to Adam M. Lewis, Lot, \$215,000.00 (8-15-22)

JEFFERSON TOWNSHIP

Mark E. Behm to Matthew Rychtarsky, et ux., Lots 7-8, Hatfield Plan, \$10,000.00 (8-11-22)

TW Plus LLC to Jessica Smith, .130 Acres, \$1,000.00 (8-16-22)

Joshua A. Nichelson to Hunter Shriner, Lot 2, Braden Farm Plan, \$86,980.00 (8-16-22)

MONONGAHELA TOWNSHIP

John Zacco to Janet Smith, et ux., Lot 48, Poland Plan, \$67,500.00 (8-15-22)

MORGAN TOWNSHIP

Danny D. Sampson to Wallace L. Stillwagon, et ux., Lot 61, Teegarden Homes Plan, \$84,900.00 (8-16-22)

MORRIS TOWNSHIP

Cynthia S. Gaw, et ux., to The Mineral Company, et ux., 6.743 Acres, O&G, \$3,856.43 (8-12-22)

PERRY TOWNSHIP

Robert E. Morris to The Mineral Company, et ux., 28.094 Acres, O&G, \$88,496.10 (8-12-22)

RICHHILL TOWNSHIP

RAS Investments LLC to The Mineral Company, et ux., 161.452 Acres, O&G, \$201,086.23 (8-12-22)

SPRINGHILL TOWNSHIP

Eric J. Rohanna, et ux., to The Mineral Company, et ux., 126.8375 Acres, O&G, \$91,604.85 (8-12-22)

Howard C. Hott, et ux., to The Mineral Company, et ux., 47.206 Acres, O&G, \$3,798.48 (8-12-22)

Robert Miller to EQT Production Company, 47.206 Acres, O&G, \$1,785.02 (8-12-22)

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WASHINGTON TOWNSHIP

Consol Pennsylvania Coal Co LLC, et ux., to Brent A. Harris, et ux., 4 Tracts, \$114,000.00 (8-12-22)

Consol Pennsylvania Coal Co LLC, et ux., to Brent A. Harris, et ux., .383 Acre, \$1,000.00 (8-16-22)

WAYNE TOWNSHIP

James R. Gilbert, et ux., to Heather Bintrim, et ux., 18 Acres, \$315,000.00 (8-10-22)

WAYNESBURG BOROUGH

Jacob L. Butcher, et ux., to Maryanne Koratich, et ux., 2 Tracts, \$195,000.00 (8-16-22)

WHITELEY TOWNSHIP

Kenneth Burdell Brock, et ux., to Jordan N. Curry, et ux., 24.599 Acres, \$65,000.00 (8-10-22)

U S Bank N A, et al., to Todd Michael Ely, 1 Acre, \$160,867.35 (8-11-22)

Carolyn J. Brumley to Three Rivers Royalty III LLC, \$9,416.63 (8-16-22)

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.

FIRST PUBLICATION

CONKLIN, CAROL ANN

Late of Cumberland Township, Greene County, Pennsylvania

Executrix: Rita McMillen, 233 Old Ferry Road, Rices Landing, PA 15357

Attorney: Kirk A. King, Esquire, 77 South Washington Street, Waynesburg, PA 15370

DIEHL, LINDA LEE A/K/A LINDA L. DIEHL

Late of Perry Township, Greene County, Pennsylvania

Co-Administrator: Shirley Hoy, 136 Loop Road, Waynesburg, PA 15370

Co-Administrator: Amy Diehl, 119 Sarvers Mill Drive, Sarver, PA 16055

Attorney: Kirk A. King, Esquire, 77 South Washington Street, Waynesburg, PA 15370

SECOND PUBLICATION

COMER, WILLIAM A.

Late of Jefferson Township, Greene County, Pennsylvania

Administrator: John Comer, 3280 Eastview Road, Bethel Park, PA 15102

Attorney: Lukas B. Gatten, Esquire, 54 N. Richhill Street, Waynesburg, PA 15370

KING, ANNA MAE

Late of Franklin Township, Greene County, Pennsylvania

Executor: Diane Tedrow, 444 Moore Road, New Freeport, PA 15352

Attorney: Timothy N. Logan, Esquire, 54 N. Richhill Street, Waynesburg, PA 15370

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MORRIS, BARBARA

Late of Whiteley Township, Greene County, Pennsylvania

Executer: Robert Morris, 586 White Barn Road, Waynesburg, PA 15370

Attorney: None

RYNIAK, ANGELA LORIN

Late of Jefferson Borough, Greene County, Pennsylvania

Administrator: Nicholas C. Felice, 55 Woodbine Road, Lewistown, PA 17044

Attorney: None

THIRD PUBLICATION

MACK, SHARON KAY

Late of Morgan Township, Greene County, Pennsylvania

Co-Administrator, c.t.a: Angela Mack, 271 McIlvaine Road, Waynesburg, PA 15370

Co-Administrator, c.t.a: Rachele Mack Schaum, 7 Fernwood Ave., Pittsburgh, PA

15228

Attorney: Christopher Michael Simms, Esquire, Pollock Morris Belletti & Simms, LLC, 54 South Washington Street, Waynesburg, PA 15370

FIRST AND FINAL ACCOUNT

LIST OF FIRST AND FINAL ACCOUNTS TO BE PRESENTED TO THE COURT BY SHERRY L. WISE, CLERK OF COMMON PLEAS COURT, ORPHANS' COURT DIVISION ON September 6, 2022 FOR NISI CONFIRMATION AND ON September 16, 2022 FOR FINAL CONFIRMATION.

The First & Final Account of Betty Anderson, Executrix of Estate of Irene C Renner, late of Waynesburg, Greene County, Pennsylvania

Attorney: Timthoy N. Logan, Esquire

54 North Richhill Street

Waynesburg, PA 15370

LEGAL NOTICE

**IN THE COURT OF COMMON PLEAS OF GREENE COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION**

IN RE: ADOPTION OF)

A.R.-M.M.)

A minor child.)

No. 14 O.A. 2022

)
)

**PETITION FOR INVOLUNTARY TERMINATION OF PARENTAL RIGHTS
IMPORTANT NOTICE – BIRTH PARENT**

TO: Unknown Father of A.R-M.M.

A petition has been filed asking the Court to put an end to all rights you have to your child, A.R-M.M. (DOB 9/13/2016). The Court has set a hearing to consider ending your rights to your child. That hearing will be held at the Greene County Courthouse, Waynesburg, Pennsylvania in Courtroom # 1 on, September 19, 2022, at 1:00 o'clock pm. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the Court without you being present.

You have a right to be represented at the hearing by a lawyer. 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.

Court Administrator
2nd Floor, Greene County Courthouse
Waynesburg, Pennsylvania, 15370
Phone: (724) 852-5237

SHERIFF'S SALE

**By Virtue of a Writ of Execution (Mortgage Foreclosure)
No. ED-18-2022 AD-451-2016**

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, SEPTEMBER 16, 2022
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.

Address of the Property: 555 Steel Hill Road, Mount Morris, PA 15349
PARCEL NO.: 06-02-143
ALL THAT CERTAIN property situated in the Dunkard Township in the County of Greene and Commonwealth of Pennsylvania, being described as Follows: being more fully described in a

Deed Dated January 13, 2010 and recorded January 13, 2010 among the land records of the county and state set forth above, in Deed Volume 425 and Page 1267.

PROPERTY ADDRESS: 555 Steel Hill Road, Mount Morris, PA 15349

UPI/TAX PARCEL NUMBER: 06-02-143

Seized and taken into execution to be sold as the property of KELLY D RAPONI, SOLELY IN HER CAPACITY AS KNOWN HEIR OF LESLIE T MEEDER, DECEASED, JAMIE ROHANNA, SOLELY IN HER CAPACITY AS KNOWN HEIR OF LESLIE T MEEDER, DECEASED, KRISTI ROHANNA, SOLELY IN HER CAPACITY AS KNOWN HEIR OF LESLIE T MEEDER, DECEASED, AND ANY AND ALL KNOWN AND UNKNOWN HEIRS, EXECUTORS, ADMINISTRATORS AND DEWISEES OF THE ESTATE OF LESLIE T MEEDER, DECEASED, JAMIE ROHANNA, KRISTI ROHANNA, SOLELY IN HER CAPACITY AS KNOWN HEIR OF LESLIE T MEEDER, ANY AND ALL KNOWN AND UNKNOWN HEIRS, EXECUTORS, ADMINISTRATORS AND DEWISEES OF THE ESTATE OF LESLIE T MEEDER, DECEASED, KELLY D RAPONI in suit of ROCKET MORTGAGE, LLC F/K/A QUICKEN LOANS, LLC.

Attorney for the Plaintiff:
Stern & Eisenberg PC
Warrington, PA 215-572-8111

**MARCUS N. SIMMS, Sheriff
Greene County, Pennsylvania**

SUPREME COURT NOTICE

**SUPREME COURT OF PENNSYLVANIA
CIVIL PROCEDURAL RULES COMMITTEE**

NOTICE OF PROPOSED RULEMAKING

Proposed Amendment of Pa.R.Civ.P. 1033

The Civil Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.Civ.P. 1033 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:

Karla M. Shultz, Counsel
Civil Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9526
civilrules@pacourts.us

All communications in reference to the proposal should be received by **September 26, 2022**. 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.

Committee, By the Civil Procedural Rules

Kathleen D. Bruder
Chair

Rule 1033. Amendment.

- (a) **General Rule.** A party, either by filed consent of the adverse party or by leave of court, may at any time change the form of action, add a person as a party, correct the name of a party, or otherwise amend the pleading. The amended pleading may aver transactions or occurrences which have happened before or after the filing of the original pleading, even though they give rise to a new cause of action or defense. An amendment may be made to conform the pleading to the evidence offered or admitted.
- (b) **Relation Back.** An amendment correcting the name of a party against whom a claim has been asserted in the original pleading relates back to the date of the commencement of the action if, within 90 days after the period provided by law for commencing the action, the party received notice of the institution of the action such that it will not be prejudiced in maintaining a defense on the merits and the party knew or should have known that the action would have been brought against the party but for a mistake concerning the identity of the proper party.
- (c) **John Doe Defendants.** An amendment substituting the actual name of a defendant for a Doe designation as provided in Rule 2005 relates back to the date of the commencement of the action if, within the time provided by Rule 401 for service, the defendant named by the amendment has received actual or constructive notice of the commencement of the action such that it will not be prejudiced in maintaining a defense on the merits and the defendant knew or should have known that the action would have

been brought against it but for lack of knowledge of the defendant's actual name.

- (d) **Highlighting of Amendments.** A party filing a motion to amend a pleading shall attach a copy of the proposed amended pleading, which shows by striking through or enclosing in brackets the material to be deleted and by underlining or setting forth in bold-face type the material to be added.

SUPREME COURT OF PENNSYLVANIA
CIVIL PROCEDURAL RULES COMMITTEE

PUBLICATION REPORT

Proposed Amendment of Pa.R.Civ.P. 1033

The Civil Procedural Rules Committee is considering proposing to the Supreme Court the amendment of Pennsylvania Rule of Civil Procedure 1033 governing the amendment of pleadings to require the attachment of the proposed amended pleading to the motion to amend and for the attachment to indicate the amendments through textual indicators.

The Committee received a request to consider amending Pa.R.Civ.P. 1033 to require the attachment of a proposed amended pleading to a motion to amend. The requester suggested such a requirement would curb a problem encountered with opposing counsel, who had asked for the requester's consent to an amendment of a complaint, but refused to provide any substantive information about the amendment. In turn, the attorney seeking amendment filed a motion to amend that likewise did not provide any information on the specific amendment nor was the proposed amended pleading attached to the motion on the basis that Pa.R.Civ.P. 1033 does not expressly so require.

The Committee initially observed that Pa.R.Civ.P. 1033 does not expressly provide for the content for a motion to amend a pleading. Pa.R.Civ.P. 208.2 generally governs the content of motions, but does not specifically require the attachment of documents that may support the motion.

Noting the silence of requirements in the Rules of Civil Procedure, the Committee then examined local rules addressing the amendment of pleadings. Research revealed a handful of local rules governing amendments. These rules focused on the filing of amended pleadings, rather than the content of the motion to amend. McKean County Local Rule 1033 and Potter County Local Rule 1033 both require "[t]he amendment pleading [to] clearly indicate that it is an amended pleading, the paragraphs [to] be renumbered, and the new portion [to] be underlined." Clarion County Local Rule 1033, Franklin/Fulton Counties Local Rule 39-1033.1, Jefferson County Local Rule 1033, Mercer County Local Rule 1033, and Schuylkill County Local Rule 1033 are similar to the McKean and Potter County Local Rules except they do not require the underlining of the new portion of the pleading.

The Committee also examined procedural rules from other jurisdictions. Research revealed a relative dearth of procedural rules governing the requirements for the content of a motion to amend. New Jersey, Utah, and Puerto Rico all require the proposed amended

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pleading to be attached to the motion to amend. *See* N.J.R. 4:9-1 (“A motion for leave to amend shall have annexed thereto a copy of the proposed amended pleading.”); U.R.C.P. Rule 15(a)(2) (“The party must attach its proposed amended pleading to the motion to permit an amended pleading.”); P.R.R.C.P. 13.1 (“The entire amended pleading shall be attached to the motion for leave to amend the pleadings.”). New York is the most comprehensive in that it requires the proposed amended pleading to accompany the motion to amend and to show the changes to be made to the pleading. *See* N.Y.C.P.L.R. 3025(b) (“Any motion to amend ... pleadings shall be accompanied by the proposed amended ... pleading clearly showing the changes or additions to be made to the pleading.”)

The Committee also examined rules from Delaware and Maryland. Del. Sup. Ct. R. 15(aa) is similar to the McKean and Potter County Local Rules described above in that it applies to the filing of amended pleadings and requires the amended pleading to indicate how it differs from the original pleading. Md.R.C.P. 2-341(e) also applies to the filing of amended pleadings and requires the filing of the amended pleading together with a comparison copy showing through specified textual indicators the text to be deleted and the text to be added.

In developing the proposed amendment to Rule 1033, the Committee favored the approach taken by New York to require the attachment of the proposed amended pleading the motion to amend and for the proposed amended pleading to explicitly show the changes to be made. This will ensure that both parties and the court will be certain of the exact text being amended in a pleading. In addition, the Committee modified this language slightly to include explicit provisions, as found in the Maryland Rule, to specify that the proposed amended pleading show through textual indicators, either by striking through or bracketing deletions, or by underlining or bolding additions, the text to be amended.

Relatedly, the Committee also considered whether pleadings amended by consent should be required to show the changes in the amended pleading, and concluded it was not necessary to expand the rule in this circumstance. It is highly unlikely an attorney would agree to an amendment without first reviewing the proposed amendment. In addition, the party seeking the amendment would then have to file a motion. The rule, as amended, would require the attachment of the proposed amended pleading and thus automatically disclose the nature of the amendment. The Committee concluded that it did not seem necessary to include a provision in the rule to police this conduct, and that the operation of the rule itself would resolve any gamesmanship.

The Committee invites all comments, concerns, and suggestions.