

# The Greene Reports

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

**Vol. XXXVIII, No. 80**

**March 3, 2022**

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## Table of Contents

<b>Deed Notices .....</b>	<b>Page 3</b>
<b>Estate Notices .....</b>	<b>Page 4</b>
<b>Sheriff's Sales .....</b>	<b>Page 6</b>
<b>Supreme Court Notice .....</b>	<b>Page 10</b>

Serving the Legal Community of Greene County  
Since October 1982

# The Greene Reports

2-----3/3/22-----

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

## MOTIONS

Criminal & Civil & O.C.:  
March 7 and March 9, 2022

## CRIMINAL

Arraignments: March 7, 2022  
ARDs: April 11, 2022  
ARD Revocations: April 11, 2022  
Parole Violations: March 7, 2022  
Plea Court: March 8-10, 2022  
License Suspension Appeals: April 19, 2022  
Argument Court: March 28, 2022

## ORPHANS

Accounts Nisi: March 7, 2022  
Accounts Absolute: March 17, 2022

## SUPREME COURT

## SUPERIOR COURT

## COMMONWEALTH COURT

Convenes in Pgh.: April 11-14, 2022

Convenes in Pgh.: February 28 – March 4, 2022

Convenes in Pgh.: May 16-20, 2022

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## THE GREENE REPORTS

Owned and published by the GREENE COUNTY BAR ASSOCIATION

Editor: Kayla M. Sammons

E-mail address: [editor.greenerreports@yahoo.com](mailto: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the editorial staff to be reasonably interpreted as offensive, demeaning or insulting to any individual or group will not be published.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 Anonymous correspondence will not be published.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.

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## 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

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# The Greene Reports

-----3/3/22-----3

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## DEED TRANSFERS

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

### DUNKARD TOWNSHIP

Carol P. Roebuck, et al., to Kennley Properties LLC, Lots 170-171 in New Works Plan, \$75,000.00 (2-23-22)

George Z. Barber, III, et ux., to Kenneth P. Adams, Tract, \$92,500.00 (3-1-22)

### FRANKLIN TOWNSHIP

Khiem N. Truong to Amanda D. Wise, et ux., Lot, \$220,000.00 (2-24-22)

Susan L. Shriver to Kathryn E. Keller, 3.16 Acres, \$195,000.00 (2-24-22)

### JEFFERSON TOWNSHIP

Nicholas Munk, et ux., to Mary E. Stambaugh, et ux., Lots 415-417 Clyde Land Company No 2, Brian D. Cargill, et al., to Auston Howard, Tract, \$70,000.00 (3-1-22)

### MONONGAHELA TOWNSHIP

Katherine A. McDowell to Thomas Keener, Tract, \$36,128.40 (2-24-22)

### MORRIS TOWNSHIP

Stanley S. Myers, II, et ux., to Consol Pennsylvania Coal Co LLC, et ux., 11.754 Acres, \$55,000.00 (3-1-22)

### PERRY TOWNSHIP

Richard A. Smith, et ux., to Mt. Morris SDH Real Estate LLC, Tracts, \$1,935,000.00 (3-1-22)

### RICES LANDING BOROUGH

Mark W. King, et ux., to Ryan A. Edwards, et ux., Lot, \$30,000.00 (2-24-22)

Andrea S. Henneman A/K/A Andrea C. Nestor, to Barry A. Adamson, et ux., Lots 323-326 in Bayard Plan, \$177,500.00 (2-28-22)

### RICHHILL TOWNSHIP

Michael Brady, et ux., to The Mineral Company, et ux., 14.510 Acres, O&G, \$70,736.25 (2-28-22)

Consol Pennsylvania Coal Co LLC, et ux., to William P. Pulkownik, et ux., 14.7 Acres, \$75,602.40 (3-1-22)

### SPRINGHILL TOWNSHIP

Donald Eugene Flaherty, Jr., to Floss Minerals LLC, 2 Tracts, O&G, \$7,277.66 (2-25-22)

Stephanie L. Kappel, et ux., to Foss Minerals LLC, 2 Tracts, O&G, \$7,277.66 (2-25-22)

### WAYNESBURG BOROUGH

Sylvia J. Fordyce to Donna F. Ratulowski, Lots 32-33 in J W Iams Plan, \$89,900.00 (3-1-22)

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ESTATE NOTICES

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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

CLUTTER, SHELVA JEAN

Late of Franklin Township, Greene County, Pennsylvania
Executrix: Carol Jean Clutter Kerr, 708 Ridge Road, Waynesburg, PA 15370
Attorney: Lukas B. Gatten, Esquire 54 N. Richhill Street, Waynesburg, PA 15370

COMMONS, FLORENCE ALICE A/K/A FLORENCE B. COMMONS

Late of Carmichaels, Greene County, Pennsylvania
Executor: Edward C. Commons, 112 Yeash Lane, Carmichaels, PA 15320
Attorney: Christopher Michael Simms, Esquire, Pollock Morris Belletti & Simms, LLC, 54 South Washington Street, Waynesburg, PA 15370-2036

JACKSON, ALMA H.

Late of Dunkard Township, Greene County, Pennsylvania
Co-Administratrix: Debra M. Haines-McCartney, 36800 State Route 800, Sardis, OH 43946
Co-Administratrix: Becky L. Jackson, 106 1st Avenue, Carmichaels, PA 15320
Attorney: Blake J. Birchmeier, Esquire, Pollock Morris Belletti and Simms, LLC, 54 South Washington Street, Waynesburg, PA 15370

KORATICH, ROBERT E., SR., A/K/A ROBERT E. KORATICH

Late of Rices Landing Borough, Greene County, Pennsylvania
Administrator: Robert E. Koratich, Jr., 121 Main Street, PO Box 176, Rices Landing, PA 15357
Attorney: Adam J Belletti, Esquire, Pollock Morris Belletti & Simms, LLC, 54 South Washington Street, Waynesburg, PA 15370

PHILLIPS, RICHARD O.

Late of Borough of Jefferson, Greene County, Pennsylvania
Executor: Timothy P. Phillips, 166 Pine Street, Jefferson, PA 15344
Attorney: Blake J. Birchmeier, Esquire, Pollock Morris Belletti and Simms, LLC, 54 South Washington Street, Waynesburg, PA 15370

SCOTT, LUCY P.

Late of Jefferson, Greene County, Pennsylvania
Executor: Ronald L. Morris, 101 Fourth Street, Jefferson, PA 15344
Attorney: David F. Pollock, Esquire, Pollock Morris Belletti & Simms, LLC, 54 South Washington Street, Waynesburg, PA 15370-2036

SECOND PUBLICATION

LANKARD, CAROLYN HILL A/K/A CAROLYN H. LANKARD

Late of Waynesburg, Greene County, Pennsylvania
Co-Administrator, c.t.a.: Cassie N. Legg, 525 Turquoise Lane, Morgantown, WV 26508
Co-Administrator, c.t.a.: Matthew R. McNeely, 124 Fairview Avenue, Waynesburg, PA 15370
Attorney: David F. Pollock, Esquire, POLLOCK MORRIS BELLETTI & SIMMS, LLC, 54 South Washington Street, Waynesburg, PA 15370-2036

THIRD PUBLICATION

EVOSEVICH, ZELDA JUNE

Late of Cumberland Township, Greene County, Pennsylvania
Co-Executrix: Sandra A. Evosevich Matyk, 108 E. Street, Carmichaels, PA 15320
Co-Executrix: June A. Fox, 132 Cumberland Village, Carmichaels, PA 15320
Attorney: Joseph I. Brodak, Esquire, Brodak Law, LLC, 6 S. Main Street, Suite 214, Washington, PA 15301

HAWK, LORETTA I.

Late of Jefferson Township, Greene County, Pennsylvania
Co-Administrator: Benjamin A. Hawk, 115 North Ruland Street, Hammond, LA 70401
Co-Administratrix: Brandi Allison Fallon, 123 South 13th Avenue, Coatesville, PA 19320
Attorney: Phillip C. Hook, Esquire, 430 East Oak Drive, Suite 101, Waynesburg, PA 15370

LONG, CARL E., JR.

Late of Waynesburg, Greene County, Pennsylvania
Executrix: Tracy Shawley, 265 Hawthorne Lane, Waynesburg, PA 15370
Attorney: David F. Pollock, Esquire, POLLOCK MORRIS BELLETTI & SIMMS, LLC, 54 South Washington Street, Waynesburg, PA 15370-2036

SHOOK, LAURA M.

Late of Cumberland Township, Greene County, Pennsylvania
Executor: Robert Miller, 536 Carmichaels Street, Rices Landing, PA 15357
Attorney: Timothy N. Logan, Esquire, 54 N. Richhill Street, Waynesburg, PA 15370

WHATELEY, CHRISTIN MICHELLE A/K/A CHRISTIN M. WHATELEY A/K/A CHRISTIN WHATELEY

Late of Jefferson, Greene County, Pennsylvania
Co-Administrators: Robert Fowler and Scott Paul Akers, c/o Cheryl Catherine Cowen, Esquire, 769 Lippencott Road, Waynesburg, PA 15370
Attorney: Cheryl Catherine Cowen, Esquire, 769 Lippencott Road, Waynesburg, PA 15370

# The Greene Reports

6-----3/3/22-----

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## SHERIFF'S SALE

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**By Virtue of a Writ of Execution (Mortgage Foreclosure)  
No. ED-35-2021 AD-766-2019**

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, MARCH 25, 2022  
AT 1:00 O'CLOCK P.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.

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN a township of DUNKARD, GREENE COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

All that certain tract of land situate in Dunkard Township, Greene County, Pennsylvania, more particularly bounded and described as follows:  
Beginning at a point in driveway and along lands now or formerly of Lisa Savage and lands now or formerly of Jason McHugh, South 73° 48' East 145.86 feet to an iron pin set; thence along lands now or formerly of Lisa Savage, North 66° 20' East 78.19 feet to an iron pin set; thence along the same, South 32° 50' East 205.32 feet to an iron pin set; thence along the same, South 24° 34' East 153.08 feet to an iron pin set; thence along the same, South 71° 52' West 265.46 feet to an iron pin set; thence along lands now or formerly of Lisa Savage and lands now or formerly of Jason McHugh and Jessica McHugh, North 21° 26' West 36.98 feet to a point in driveway, the place of beginning.  
Containing 1.993 acres as per survey of Miles A. Davin, Jr., dated March 10, 2008. Together with a right-of-way to Mason Govedich and Thelma Govedich, husband and wife, and Christy Savage, their heirs, successors, and assigns. Said Right-Of-Way for ingress, egress and regress from Glade Run Road, T-628, over an existing driveway as more particularly depicted on the survey recorded herewith. Said right-of-way shall be perpetual in nature and run with the land.

PARCEL NO. 06-03-102-D

ALSO KNOWN AS 219 GLADE RUN ROAD, AKA 1.993 ACRES GLADE RUN ROAD, AKA TOWNSHIP ROAD 628, MOUNT MORRIS, PA 15349 BEING THE SAME PROPERTY CONVEYED TO MASON GOVEDICH AND THELMA GOVEDICH, HUSBAND AND WIFE AND CHRISTY SAVAGE WHO ACQUIRED TITLE, WITH RIGHTS OF SURVIVORSHIP, BY VIRTUE OF A DEED FROM LISA SAVAGE AND MONTY SAVAGE, DATED SEPTEMBER 20, 2010, RECORDED SEPTEMBER 27, 2010, AT INSTRUMENT NUMBER 201000005516, AND RECORDED IN BOOK 433, PAGE 3512,

# The Greene Reports

-----3/3/22-----7

OFFICE OF THE RECORDER OF DEEDS, GREENE COUNTY, PENNSYLVANIA  
INFORMATIONAL NOTE: MASON GOVEDICH DIED FEBRUARY 6, 2017, AND PURSUANT TO THE SURVIVORSHIP LANGUAGE IN THE ABOVE-MENTIONED DEED, ALL HIS INTEREST PASSED TO THELMA GOVEDICH AND CHRISTY SAVAGE. THELMA GOVEDICH DIED ON JUNE 22, 2020.

PROPERTY ADDRESS: 219 Glades Run Road, Mount Morris, PA 15349

UPI/TAX PARCEL NUMBER: 06/03/102/D

**Seized and taken into execution to be sold as the property of CHRISTY SAVAGE in suit of THE HUNTINGTON NATIONAL BANK.**

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

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

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## SHERIFF'S SALE

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**By Virtue of a Writ of Execution (Mortgage Foreclosure)  
No. ED-5-2020 AD-13-2019**

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, MARCH 25, 2022  
AT 1:00 O'CLOCK P.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.

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN A TOWNSHIP OF WASHINGTON, GREENE COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

All that tract of land situate in Washington Township, Greene County, Pennsylvania, more particularly bounded and described as follows:

First: Beginning at a point on the State Highway route 221, from Ruff Creek to Prosperity corner to other lands of the said Effie Fern Phillips; thence by the latter, North 42° 44' East 129.09 feet to a stake; thence Still by the same North 47° 11' West 450.3 feet to the center of a hedge stump

# The Greene Reports

8-----3/3/22-----

corner to lands of Joseph Mitchell, thence by the same South 40° West 137 feet to the center of said Highway; thence along center of said Highway, south 47° 28' East 320.3 feet to a point in the road; thence still in the same, South 49° 50' East 121.95 feet to a point in said rod, the place of Beginning.

Containing 1.38 acres According to a Survey made by High Crumlish, Registered Engineer, on May 5, 1955.

Subject to an existing lease for oil and gas purposes to the Equitable Gas Company. It is agreed that any future wells drilled on the above granted lands will entitle the payment of royalty or any other income therefrom unto the parties of the second part, their heirs and assigns.

Also, subject to the same exceptions, reservations, rights, restrictions, conditions, easements and rights of way as exists by virtue of prior recorded instruments, deeds or conveyances; also to rights of way and easements which are apparent upon a visible inspection of the premises.

PARCEL NO. 24-02-102A

ALSO KNOWN AS RR 2 BOX 134E, AKA 910 DUNN STATION ROAD, PROSPERITY, PA 15329

BEING THE SAME PROPERTY CONVEYED TO GERALD F. LOAR AND BARBARA JEAN LOAR, HIS WIFE WHO ACQUIRED TITLE, AS TENANTS BY THE ENTIRETY, BY VIRTUE OF A DEED FROM VIRGINIA P. SCOTT, NOW VIRGINIA P. BAKER, AND LOUIS J. BAKER, HER HUSBAND, DATED JANUARY 25, 1984, RECORDED JANUARY 25, 1985, AT DEED VOLUME 2, PAGE 174, OFFICE OF THE RECORDER OF DEEDS, GREENE COUNTY, PENNSYLVANIA.

INFORMATIONAL NOTE: GERALD F. LOAR DIED ON JANUARY 19, 2006, AND PURSUANT TO THE SURVIVORSHIP LANGUAGE IN THE ABOVE MENTIONED DEED, ALL HIS INTEREST PASSED TO BARBARA JEAN LOAR, BARBARA JEAN LOAR HAS DEPARTED THIS WORLD.

PROPERTY ADDRESS: RR 2 Box 134E, AKA 910 Dunn Station Rd., Prosperity, PA 15329

UPI/TAX PARCEL NUMBER: 24-02-102A

**Seized and taken into execution to be sold as the property of DANIEL G. WELSH, AS ADMINISTRATOR TO THE ESTATE OF BARBARA JEAN LOAR, AKA BARBARA J. LOAR in suit of PNC BANK, NATIONAL ASSOCIATION.**

**Attorney for the Plaintiff:**  
Manley Deas Kochaiski, LLC  
Columbus, PH 614-220-5611

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

# The Greene Reports

-----3/3/22-----9

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## SHERIFF'S SALE

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**By Virtue of a Writ of Execution (Mortgage Foreclosure)**  
**No. ED-11-2020 AD-946-2019**

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, MARCH 25, 2022**  
**AT 1:00 O'CLOCK P.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 PIECE OR PARCEL OF LAND SITUATE IN A TOWNSHIP OF MONONGAHELA, GREENE COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

All that certain piece or parcel of land situate in Monongahela Township, Greene County, Pennsylvania, bounded and described as follows:

Beginning at a point on S.R. 88, in said township; thence by land of Martin Gugliotti in an Easterly direction 580 feet to a point, thence by lands of Dr. R.F. Downey in a Southerly direction, 75 feet to a point; thence by same lands in a Westerly direction 580 feet to a point on said highway, thence along said highway in a Northerly direction 75 feet, to the place of beginning.

Containing 1 acre, more or less.

Excepting and reserving all the Mapletown and Pittsburgh or River vein of coal, the same having been conveyed by prior titles.

Excepting and reserving one-half of all the oil and gas rights on the above described piece of land.

PARCEL NO. 16/03/150//

ALSO KNOWN AS RURAL ROUTE 1 BOX 119, AKA 1978 SOUTH EIGHTY EIGHT ROAD, GREENSBORO, AKA DILLINER, PA 15338.

BEING THE SAME PAROPERTY CONVEYED TO WILLIAM T. MINNICK AND SHERRY A. BROWN WHO ACQUIRED TITLE, WITH RIGHTS OF SURVIVORSHIP, BY VIRTUE OF A DEED FROM MAURICE E. FOWLER AND DOROTHY FOWLER, HIS WIFE, DATED

OCTOBER 5, 1995, RECORDED OCTOBER 11, 1995, AT DOCUMENT ID 3536, AND RECORDED IN BOOK 147, PAGE 256, OFFICE OF THE RECORDER OF DEEDS, GREENE COUNTY, PENNSYLVANIA.

INFORMATIONAL NOTE: WILLIAM T. MINNICK DIED JULY 7, 2018 AND PURSUANT TO THE SURVIVORSHIP LANGUAGE IN THE ABOVE-MENTIONED DEED, ALL HIS INTEREST PASSED TO SHERRY A. BROWN

PROPERTY ADDRESS: 1978 South Eighty Eight Road, Rural Route 1 Box 119, Greensboro, PA 15338

UPI/TAX PARCEL NUMBER: 16/03/150

Seized and taken into execution to be sold as the property of SHERRY MINNICK, AKA SHERRY A. MINNICK, AKA SHERRY A. BROWN, SHERRY MINNICK, AKA SHERRY A. MINNICK, AKA SHERRY A. BROWN in suit of PNC BANK, NATIONAL ASSOCIATION.

Attorney for the Plaintiff:  
Manley Deas Kochaiski, LLC  
Columbus, PH 614-220-5611

MARCUS N. SIMMS, Sheriff  
Greene County, Pennsylvania

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**SUPREME COURT NOTICE**

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

**NOTICE OF PROPOSED RULEMAKING**

**Proposed Adoption of Pa.R.A.P. 1607 and 1608**

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the adoption of Pa.R.C.P. 1607 and 1608 governing improvident petitions for specialized review for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 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  
Appellate Court Procedural Rules Committee  
Supreme Court of Pennsylvania**

**PO Box 62635  
Harrisburg, PA 17106-2635  
FAX: 717-231-9551  
[appellaterules@pacourts.us](mailto:appellaterules@pacourts.us)**

All communications in reference to the proposal should be received by **April 29, 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.

By the Appellate Court Procedural Rules Committee,  
Honorable Patricia M. McCullough  
Chair

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

**REPORT**

**Proposed Adoption of Pa.R.A.P. 1607 and 1608**

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court the adoption of Pennsylvania Rules of Appellate Procedure 1607 and 1608 to govern improvident filings of petitions for specialized review.

In *Commonwealth v. Carter*, 247 A.2d 27 (Pa. Super. 2021), the Superior Court considered an application to quash a notice of appeal filed to challenge denial of bail; the application asserted that a petition for specialized review pursuant to Chapter 16 should have been filed instead of the notice of appeal. *See also* Pa.R.A.P. 1610. The Superior Court pointed out that Chapter 13 governing petitions for permission to appeal and Chapter 15 governing petitions for review both have procedures for treating the filing of the wrong appellate document as the correct document. However, no similar rule exists in Chapter 16 that would permit an appellate court to treat an improvidently filed notice of appeal as a petition for specialized review. Accordingly, the Superior Court quashed the notice of appeal.

In light of this opinion, the Committee agreed to consider adding a rule to prevent dismissal for failing to file a petition for specialized review. In doing so, it reviewed and examined other Rules of Appellate Procedure that permit treatment of the wrong document initiating appellate review as the correct document: Pa.R.A.P. 1316 (Incorrect Use of Petition for Permission to Appeal), Pa.R.A.P. 1503 (Improvement Appeals or Original Jurisdiction Actions), and Pa.R.A.P. 1504 (Improvident Petition for Review). These rules do not permit the dismissal of an appeal solely on the basis that the wrong document was filed. In addition, the Committee noted that Pa.R.A.P. 1103 (Improvement Petitions for Allowance of Appeal) both permit similar treatment of incorrectly labeled documents initiating appellate review for appeals as of right and petitions for allowance of appeal in the Supreme Court.

The Committee also noted that the appeals that must now be filed pursuant to a petition for specialized review were previously included within Chapter 15 petition for review practice. Consequently, but for their removal to Chapter 16, these appeals would previously have had the protection of Pa.R.A.P. 1503. As a result, the Committee proposed new Pa.R.A.P. 1607 to allow a document designated as a notice of appeal, complaint in an original jurisdiction action, or a petition for review to be treated as a petition for review to be treated as a petition for specialized review.

The Committee is also proposing Pa.R.A.P. 1608 to permit similar treatment when a petition for specialized review is filed, but a notice of appeal, petition for review, or a complaint

# The Greene Reports

12-----3/3/22-----

in an original jurisdiction action should have been filed, *i.e.*, the reverse of the circumstances in *Carter*. While the Committee acknowledges that this scenario may be more unlikely, other Rules of Appellate Procedure permit such treatment for other types of documents. See Pa.R.A.P. 1102, 1103 and 1504.

Accordingly, the Committee invites all comments, objections, concerns, and suggestions regarding this proposed rulemaking.

(This is an entirely new rule.)

## **Rule 1607. Improvident Appeals, Original Jurisdiction Actions, or Petitions for Review.**

If a notice of appeal, complaint, or petition for review is improvidently filed in an appellate court in a case in which the proper mode of review is a petition for specialized review, the court shall not dismiss the appeal, complaint, or petition for review solely on this ground. The notice of appeal, complaint, or petition for review shall be regarded and acted upon as a petition for specialized review and as if filed at the time the improvident notice of appeal, complaint, or petition for review was filed. The Court may require clarification of the document by amendment or supplement.

**Comment:** Based on 42 Pa.C.S. § 708 (improvident administrative appeals and other matters). See also *Commonwealth v. Carter*, 247 A.3d 27 (Pa. Super. 2021).

(This is an entirely new rule.)

## **Rule 1608. Improvident Petitions for Specialized Review.**

If a petition for specialized review is improvidently filed in an appellate court in a case in which the proper mode of review is a notice of appeal or a petition for review, or the proper mode of relief is an original jurisdiction action in equity, replevin, mandamus or *quo warranto*, a petition for a declaratory judgment, or writ or *certiorari* or prohibition, the court shall not dismiss the petition for specialized review solely on this ground. The petition for specialized review shall be regarded and acted upon as a notice of appeal, petition for review, or complaint or other proper process and as if filed at the time improvident petition for specialized review was filed. The court may require clarification of the document by amendment or supplement.

**Comment:** Based on 42 Pa.C.S. § 102 (definitions) (which includes petition for review proceedings within the statutory definition of “appeal”) and 42 Pa.C.S. § 708(b) (appeals). When the moving party files a clarifying amendment, the amendment will operate to specify that one form of action which the party elects to proceed on.