

# Westmoreland Law Journal

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**ABSTRACTS**

**REAL ESTATE & MORTGAGE CLOSINGS**

[www.westbar.org](http://www.westbar.org)[westbar.org@westbar.org](mailto:westbar.org@westbar.org)

## WBA Activities

*All committee meetings and activities will be held at WBA Headquarters unless otherwise noted. Visit [www.westbar.org](http://www.westbar.org) for more information about activities and CLE courses, or to **register online**.*

### JANUARY

**11** Real Estate Committee, Noon

*Speakers at this meeting will be the new Recorder of Deeds, Frank Schiefer, and the new Solicitor, Scott Avolio.*

**12** Membership Committee, Noon

**16** Courthouse closed in observance of Martin Luther King, Jr., Day

**17** Family Law Committee, Noon

**18** Board Meeting, 4 p.m.

**26** WBA Winter Quarterly Meeting with CLE, 4 to 5 p.m., immediately followed by a Reception for The Hon. James R. Kelley, Greensburg Garden & Civic Center

*All WBA members who attend seminar will receive 1 FREE ethics CLE credit. Please join us immediately following the seminar for a reception honoring Judge James R. Kelley on the occasion of his retirement. Complimentary refreshments will be served.*



The WBA Facebook page is updated regularly with meeting reminders and event notices, and includes photo albums, discussion boards, links, and much more. "Like" us at [facebook.com/westbar](http://facebook.com/westbar).

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**JANUARY–FEBRUARY 2012 COURT CALENDAR**

<b>MONDAY</b>	<b>TUESDAY</b>	<b>WEDNESDAY</b>	<b>THURSDAY</b>	<b>FRIDAY</b>
<b>9</b> JT–CIVIL JT–REG 3&4	<b>10</b> OC AUDITS JT–CIVIL JT–REG 3&4	<b>11</b> JT–CIVIL JT–REG 3&4	<b>12</b> JT–CIVIL JT–REG 3&4	<b>13</b> MOTIONS–9 AM JT–CIVIL JT–REG 3&4
<b>16</b> <b>MARTIN LUTHER KING BIRTHDAY HOLIDAY</b>	<b>17</b> NJ CMC–ALL S APPEAL–WJO	<b>18</b> ARBITRATION NJ 8:30 A–JEB FT–RDH/ABB JEB/DAP	<b>19</b> ARBITRATION NJ CMC–JEB/RDH ABB REV–DAP JUDGES MTG	<b>20</b> MOTIONS–9 AM NJ CMC–JEB/RDH ABB REV–DAP
<b>23</b> NJ FT DUI/ARD–DAP CMC–DAP (10:30 AM) FT–RDH CMC–JEB ABB S APPEAL–WJO	<b>24</b> NJ CMC–JEB/DAP ABB	<b>25</b> NJ 8:30 A–ABB FT–ABB JEB/DAP COMPLIANCE HRGS–JEB 1:30	<b>26</b> NJ CRIM CALL–DAP REV–JEB/ABB	<b>27</b> MOTIONS–9 AM NJ CRIM CALL–DAP REV–JEB/ABB
<b>30</b> NJ CRIM CALL–DAP REV–JEB/ABB RDH	<b>31</b> NJ CRIM CALL–DAP REV–JEB/ABB RDH	<b>Feb. 1</b> NJ 8:30 A–DAP FT–RDH/ABB JEB/DAP	<b>2</b> NJ CRIM CALL–DAP REV–JEB/ABB	<b>3</b> MOTIONS–9 AM NJ CMC–DAP/JEB ABB

<b>LEGEND FOR COURT CALENDAR</b>	
<i>Judge Abbreviations</i>	
ABB = Alfred B. Bell	CMC = Criminal Motions Court
DAP = Debra A. Pezze	CRM = No court scheduled; unless specially set by the Judge
JEB = John E. Blahovec, President Judge	FT = Expedited Pleas, ARDs, etc., negotiated at the preliminary hearing
MRJ = Richard E. McCormick, Jr.	FT DUI = Fast Track DUI/ARD
RDH = Rita Donovan Hathaway	JT = Criminal Jury Trials; "REG 1&2" refers to regions that are in trial during the term.
WJO = William J. Ober, Senior Judge	JT–CIVIL = Civil Jury Trials
<i>Court Event Abbreviations</i>	
A = Arraignment	NJ = Civil Non-Jury Trials
CIVIL CALL = Review trial status of civil cases scheduled for jury trial	NJT = Criminal Non-Jury Trials
CRIM CALL = Review trial status of criminal cases scheduled for jury trial	OC AUDITS = Orphans' Court Audits
	REV = Revocation Hearings
	S APPEAL = Summary Appeals

### CIVIL/ORPHANS' COURT MOTIONS

Judge McCormick, Jr., will not be hearing civil or orphans' court motions on the following Fridays: **January 27, 2012 and February 3, 2012**. Counsel should make arrangements to present motions on a prior or subsequent Friday.

6/13/20 Jan

### ORPHANS' COURT DIVISION 2012 Audit of Accounts

The Court will begin the audit of accounts of executors, administrators, trustees and guardians on a Tuesday of each month, continuing until all the cases have been heard, unless otherwise ordered, in accordance with the schedule below, in order to avoid conflict with trial cases.

Last Day for Filing Accounts	Audits Advertised During Week Beginning	Day for Auditing Accounts
<b>Richard E. McCormick, Jr., Judge Courtroom Number 2 at 9:00 A.M.</b>		
November 28, 2011	December 27, 2011*	January 10, 2012
December 27, 2011*	January 23, 2012	February 7, 2012
January 23, 2012	February 21, 2012*	March 6, 2012
February 21, 2012*	March 19, 2012	April 3, 2012
<b>Gary P. Caruso, Judge Courtroom Number 1 at 9:00 A.M.</b>		
March 19, 2012	April 16, 2012	May 1, 2012
<b>April 30, 2012</b>	<b>May 29, 2012*</b>	<b>June 12, 2012**</b>
May 29, 2012*	June 25, 2012	July 10, 2012
<b>Anthony G. Marsili, Judge Courtroom Number 4 at 9:00 A.M.</b>		
July 30, 2012	August 27, 2012	September 11, 2012
August 20, 2012	September 17, 2012	October 2, 2012
September 24, 2012	October 22, 2012	November 6, 2012
October 22, 2012	November 19, 2012	December 4, 2012

\* Tuesday

\*\* Please note that the Audit date for the month of June has changed. The new date is June 12, 2012.

**2012 Sheriff Sales  
of Real Estate**

**Chuck Moore, Chief Deputy Sheriff of  
Westmoreland County, Pennsylvania**

Westmoreland County Courthouse

MARCH TERM 2012 AT 9:00 A.M.

Sale ..... **MARCH 5, 2012**  
 Last Day to File Praecipe for  
 Writ with the Prothonotary ..... **NOVEMBER 14, 2011**  
 Last Day for Sheriff  
 to Receive Writs ..... **NOVEMBER 23, 2011**

MAY TERM 2012 AT 9:00 A.M.

Sale ..... **MAY 7, 2012**  
 Last Day to File Praecipe for  
 Writ with the Prothonotary ..... **JANUARY 20, 2012**  
 Last Day for Sheriff  
 to Receive Writs ..... **JANUARY 27, 2012**

JULY TERM 2012 AT 9:00 A.M.

Sale ..... **JULY 2, 2012**  
 Last Day to File Praecipe for  
 Writ with the Prothonotary ..... **MARCH 16, 2012**  
 Last Day for Sheriff  
 to Receive Writs ..... **MARCH 23, 2012**

SEPTEMBER TERM 2012 AT 9:00 A.M.

Sale ..... **SEPTEMBER 4, 2012 (TUESDAY)**  
 Last Day to File Praecipe for  
 Writ with the Prothonotary ..... **MAY 18, 2012**  
 Last Day for Sheriff  
 to Receive Writs ..... **MAY 25, 2012**

NOVEMBER TERM 2012 AT 9:00 A.M.

Sale ..... **NOVEMBER 13, 2012 (TUESDAY)**  
 Last Day to File Praecipe for  
 Writ with the Prothonotary ..... **JULY 20, 2012**  
 Last Day for Sheriff  
 to Receive Writs ..... **JULY 27, 2012**

SUBJECT TO CHANGE BY ORDER OF COURT

**DECEDENTS'  
ESTATE NOTICES**

*Notice is hereby given that, in the estates of the decedents set forth below, the Register of Wills, has granted letters testamentary or of administration to the persons named. All persons having claims or demands against said estates are requested to present the same without delay and all persons indebted to said estates are requested to make immediate payment to the executors or administrators or their attorneys named below.*

**FIRST PUBLICATION**

ROY C. BRICKER, late of North Huntingdon Township,  
 Westmoreland County, PA  
 Exr.: Roy W. Bricker  
 1336 Cathell Road  
 Pittsburgh, PA 15236

LUCY COCCIOLETTI, late of Hempfield Township,  
 Westmoreland County, PA  
 Exr.: Philip A. Cocciolletti  
 1133 Broadway Ave, Suite 1111  
 New York, NY 10010  
 Atty.: Mark L. Sorice

FRIEDA S. COSTANZO, late of Ligonier Township,  
 Westmoreland County, PA  
 Exrx.: Tina A. Muia  
 1118 Griffith Road  
 Ligonier, PA 15658  
 Atty.: Keith H. West  
 Thorp Reed & Armstrong, LLP  
 One Oxford Centre  
 301 Grant Street, 14th Floor  
 Pittsburgh, PA 15219

NICHOLAS J. GIALONARDO, a/d, NICK J.  
 GIALONARDO, late of the City of Greensburg,  
 Westmoreland County, PA  
 Exrx.: Terri A. DeMatty  
 1171 Swede Hill Road  
 Greensburg, PA 15601  
 Atty.: David S. DeRose  
 QuatriniRafferty, P.C.

GEORGETTA LORRAINE HOLLOWAY, a/d, GEORGETTA  
 L. HOLLOWAY, a/d, GEORGETTA HOLLOWAY, late of  
 the City of Arnold, Westmoreland County, PA  
 Exrs.: Emery Holloway  
 199 Breezewood Lane  
 New Kensington, PA 15068  
 Towanda Watkins  
 712 North Taylor Avenue  
 Pittsburgh, PA 15212  
 Atty.: James E. Kopelman

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YVONNE JACOBS, late of Mount Pleasant Borough,  
Westmoreland County, PA  
Exrx.: Phyllis Adele Pruitt  
426 West Smithfield Street  
Mount Pleasant, PA 15666  
Atty.: John M. Ranker

EDNA MAE JONES, a/d, EDNA M. JONES, late of North  
Huntingdon Township, Westmoreland County, PA  
Exrx.: Marie Pottinger  
221 Broadway Ext.  
N. Versailles, PA 15137  
Atty.: Louis J. Kober, II

ANDREW JUGAN, late of Rostraver Township,  
Westmoreland County, PA  
Exr.: Andrew M. Jugan  
307 Skyview Drive N  
Jeannette, PA 15644-1149  
Atty.: Brian J. Kahle  
Minto Law Group, LLC  
Two Gateway Center  
603 Stanwix Street, Suite 2025  
Pittsburgh, PA 15222

CATHERINE KOMARINSKI, late of Hempfield Township,  
Westmoreland County, PA  
Admr.: John Zorzi  
109 Manchester Drive  
Irwin, PA 15642  
Atty.: Michael J. Stewart

VICTOR LASITIS, a/d, VICTOR E. LASITIS, late of Salem  
Township, Westmoreland County, PA  
Exrs.: James E. Lasitis  
111 Lasitis Lane  
Harrison City, PA 15636  
Ruth Ann Morelli  
287 Auction Barn Road  
Blairsville, PA 15717

BERTHA F. MARSHALL, a/d, BERTHA F. ORSILLI, late of  
the City of Monessen, Westmoreland County, PA  
Exr.: Richard P. Marshall  
P.O. Box 63, 316 Grant Street  
Roscoe, PA 15477  
Atty.: Mark J. Shire  
Shire Law Firm

CAROLINE PESCATORE, late of Penn Township,  
Westmoreland County, PA  
Exr.: Frank J. Pescatore  
516 Chestnut Lane  
Jeannette, PA 15644  
Atty.: Linda Sekely  
159 Perry Highway, Suite 105  
Pittsburgh, PA 15229

GAYLE E. WALKER, a/d, GAYLE WALKER, late of Bell  
Township, Westmoreland County, PA  
Exrx.: Pamela S. Fowler  
255 Flickinger Road  
Avonmore, PA 15618  
Atty.: Timothy J. Kidd  
8095 Saltsburg Road  
Pittsburgh, PA 15239

E. ALBERTA WEAVER, a/d, ETHEL ALBERTA WEAVER,  
late of Scottdale Borough, Westmoreland County, PA  
Exr.: Arnold K. Weaver  
309 South Hickory Street  
Scottdale, PA 15683  
Atty.: Donald J. Snyder

JAMES E. WINKLER, a/d, JAMES WINKLER, late of Unity  
Township, Westmoreland County, PA  
Exrx.: Lorraine C. Sala  
108 Pleasant Valley Dr.  
Monongahela, PA 15063  
Atty.: Richard L. Jiim

LAWRENCE R. WOODS, late of the City of Latrobe,  
Westmoreland County, PA  
Admr.: Diane L. Woods  
222 Longview Drive  
Irwin, PA 15642  
Atty.: J. Douglas Farrell

RUTH A. ZIMMER, late of Sewickley Township,  
Westmoreland County, PA  
Exrx.: Barbara Peyman  
70 Lincoln Avenue  
North Irwin, PA 15642  
Atty.: Mary Ann Petrillo

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## SECOND PUBLICATION

---

WALTER BARANOWSKI, late of the City of Lower Burrell,  
Westmoreland County, PA  
Exrx.: Karen Mallets  
4824 Garvers Ferry Road  
New Kensington, PA 15068  
Atty.: Richard A. Bruni

DOLORES CIUKOWSKI, late of the City of New Kensington,  
Westmoreland County, PA  
Exrx.: Karen Flanagan  
111 Williams Road  
Butler, PA 16001  
Atty.: Charles F. Perego  
McMonigle, Vesely & Perego, P.C.  
694 Lincoln Avenue  
Pittsburgh, PA 15202

RALPH E. COLELLO, JR., a/d, RALPH E. COLELLO, late of  
North Huntingdon Township, Westmoreland County, PA  
Exr.: Mark C. Colello  
14060 Ridge Road  
N. Huntingdon, PA 15642

DORIS DILLON, a/d, DORIS M. DILLON, a/d, DORIS  
MARIE QUEER, late of Hempfield Township,  
Westmoreland County, PA  
Exrx.: Alexis Dillon-O'Toole  
3148 Princeton Rd  
Greensburg, PA 15601

ANITA J. DOYLE, late of Hempfield Township,  
Westmoreland County, PA  
Exr.: Wayne W. Doyle  
818 Rembrandt Circle

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Irwin, PA 15642-9534  
Atty.: William C. Andrews  
Andrews & Price  
1500 Ardmore Blvd., Suite 506  
Pittsburgh, PA 15221

---

CAROL ANNE GLAMP, late of the City of New Kensington, Westmoreland County, PA  
Admr.: Daniel C. Glamp  
826 Tennis Avenue  
Glenside, PA 19038  
Atty.: John N. Paz  
Paz & Paz  
543 East Tenth Avenue  
Tarentum, PA 15084

---

CHESTER J. HALLAS, late of North Huntingdon Township, Westmoreland County, PA  
Exrx.: Donald M. Hallas  
365 Locust Hill Road  
Cheswick, PA 15024  
Atty.: Mary Ann Petrillo

---

ZELLA R. HEASLEY, a/d, ZELLA HEASLEY, late of Hempfield Township, Westmoreland County, PA  
Exrx.: Carolyn McClain  
283 Twin Bridges Road  
Charleroi, PA 15022  
Atty.: L. Christian DeDiana  
DeBernardo, Antoniono, McCabe, Davis & DeDiana. P.C.

---

MARGARET M. HUBER, late of the Municipality of Murrysville, Westmoreland County, PA  
Exrx.: Theresa Findle  
117 Wiltshire Drive  
Pittsburgh, PA 15241  
Atty.: Michael J. Stewart

---

WALTER A. JOHNSON, late of the Municipality of Murrysville, Westmoreland County, PA  
Exrx.: Elizabeth L. Johnson  
1014 Summer Ridge Court  
Murrysville, PA 15668  
Atty.: Patrick J. Shannon

---

GEORGE L. KANIS, late of Allegheny Township, Westmoreland County, PA  
Exrx.: Cheryl L. Weibel  
104 Fawn Drive  
New Kensington, PA 15068  
Atty.: Kathleen M. Charlton  
Charlton & Charlton, Inc.  
617 S. Pike Rd.  
Sarver, PA 16055

---

JAMES P. KLIMCHOCK, late of Derry Township, Westmoreland County, PA  
Exrx.: Glorianne Klimchock  
253 Derbytown Road  
Latrobe, PA 15650  
Atty.: Randall G. Klimchock

---

RICHARD V. LANDERS, late of Hempfield Township, Westmoreland County, PA  
Exrx.: Ashley D. Copeman  
143 Hugh Black Road  
Greensburg, PA 15601  
Atty.: Diane E. Murphy

---

THELMA J. LORD, a/d, THELMA JANE LORD, a/d, THELMA LORD, late of Sewickley Township, Westmoreland County, PA  
Exrx.: Larry Dean Lord  
Box 42  
Madison, PA 15663  
Atty.: Linda Broker  
Law Office of Linda Broker

---

DONALD L. MCATEE, late of Unity Township, Westmoreland County, PA  
Exrx.: Erin M. Govi  
50 Greenview Drive  
Jeannette, PA 15644  
Atty.: Joseph R. Govi  
Mears, Smith, Houser & Boyle, P.C.

---

LILLIAN E. MENSCH, a/d, LILLIAN EDYTHE MENSCH, late of the City of Greensburg, Westmoreland County, PA  
Admrcs. c.t.a.: Judy A. Bitzer  
23 Dover Road  
Irwin, PA 15642

Karen R. Pershing  
867 Highland Avenue  
Greensburg, PA 15601  
Cindy S. Randolph  
601 Locust Street  
Greensburg, PA 15601  
Atty.: Terrance C. Ferguson

---

DOUGLAS E. MILLER, late of Mount Pleasant Borough,  
Westmoreland County, PA  
Admrx.: Patricia Fay Miller  
117 East Smithfield Street  
Mount Pleasant, PA 15666  
Atty.: Milton V. Munk, Jr.

---

JOSEPHINE A. PATULA, a/d, JOSEPHINE ANN PATULA,  
late of Mount Pleasant Borough, Westmoreland County,  
PA  
Exr.: Kenneth C. Patula  
92 Saint Barts Dr  
Hazard, KY 41701  
Atty.: Eric E. Bononi

---

IRENE O. RICHARDS, a/d, IRENE OPAL RICHARDS, late  
of Avonmore Borough, Westmoreland County, PA  
Exr.: Arthur H. Richards  
67 Rinkus Drive  
Indiana, PA 15701  
Atty.: John A. Hanna  
132 South 7th St  
Indiana, PA 15701

---

WILLIAM E. SHETLER, late of Bolivar Borough,  
Westmoreland County, PA  
Exr.: David L. Shetler  
203 Gamble Rd.  
New Florence, PA 15944

---

VERDA S. SILVIS, a/d, KATHLEEN S. SILVIS, a/d, VERDA  
K. SILVIS, late of the City of Greensburg, Westmoreland  
County, PA  
Exrs.: Frederick D. Silvis  
622 George St  
Greensburg, PA 15601  
Mark A. Silvis  
523 Jack St  
Greensburg, PA 15601  
Atty.: R.A. Kovach  
Kovach & Kovach

---

FRANK A. SKRJANC, late of Rostraver Township,  
Westmoreland County, PA  
Exrs.: Mary Frances Kostyak  
448 Owl Hollow Rd.  
Ligonier, PA 15658  
Robert S. Tatsch  
PO Box 281  
Pleasant Unity, PA 15676  
Atty.: David J. Puzak  
Puzak Law Offices

---

BETTY NEVILLE ZANCHA, a/d, BETTY N. ZANCHA, late of  
the City of Greensburg, Westmoreland County, PA  
Exr.: Diane Sapone  
119 Paul Good Rd.  
Greensburg, PA 15601

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### THIRD PUBLICATION

---

MARGARETTA ANTON, late of the City of Jeannette,  
Westmoreland County, PA  
Exr.: Frank Anton  
3129 P Street, NW  
Washington, DC 20007  
Atty.: Timothy A. Fedele

---

BETTY AUGUSTINE, a/d, BETTY P. AUGUSTINE, late of  
the City of Jeannette, Westmoreland County, PA  
Exrcs.: Carol A. Pierce  
4343 Reynard Drive  
Murrysville, PA 15668  
Sharon M. DiGangi  
604 Louise Street  
Jeannette, PA 15644  
Atty.: Jeffry A. Pavetti

---

ANNA MAE CONNELL, late of Saint Clair Township,  
Westmoreland County, PA  
Exrx.: JoAnne Ferris  
153 N View Hts  
New Florence, PA 15944  
Atty.: Michael W. Sahlaney  
Sahlaney & Dudeck Law Office  
430 Main St.  
Johnstown, PA 15901

---

NANCY B. DESCH, late of Penn Township, Westmoreland  
County, PA  
Exr.: James F. Desch  
4002 Parkview Court  
Harrison City, PA 15636  
Atty.: William C. Price, Jr.  
Price & Associates, PC  
2005 Noble Street  
Swissvale, PA 15218

---

PHILOMENA FIORILLO, a/d, MARY STELLA PHILOMENA  
FIORILLO, late of the City of Monessen, Westmoreland  
County, PA  
Exrx.: Antonietta Fiorillo  
1604 Coolidge Ave.  
Monessen, PA 15062  
Atty.: Herman J. Bigi  
Bigi & Walsh  
337 Fallowfield Avenue  
Charleroi, PA 15022

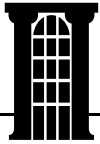
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NORMA GEIGER, a/d, NORMA M. GEIGER, late of Penn  
Township, Westmoreland County, PA  
Exrs.: James T. Geiger  
306 Black Hills  
Latrobe, PA 15650  
Linda M. Whigham  
1506 Ridge Road  
Jeannette, PA 15644  
Atty.: Richard E. Myers

---

RUTH S. GOSS, late of the Municipality of Murrysville,  
Westmoreland County, PA  
Exr.: Fredric L. Goss  
212 Harwick Dr  
Pittsburgh, PA 15235

## Asset Management and Trust Division



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ELIZABETH JACKSON, late of the City of New Kensington,  
Westmoreland County, PA  
Exrs.: Amy Sue Guzzo  
2360 Meadow Rd.  
New Kensington, PA 15068  
Richard W. Jackson, Jr.  
456 Keystone Dr.  
New Kensington, PA 15068  
Atty.: Samuel R. Coury

MARK VICTOR KARLUK, late of the City of Arnold,  
Westmoreland County, PA  
Admr.: Edward F. Karluk  
103 Cortina Drive  
Monroeville, PA 15146  
Atty.: John E. Pallone

ANITA M. MARIETTI, a/d, ANITA MARGARET MARIETTI,  
a/d, ANITA MARIETTI, late of the City of Lower Burrell,  
Westmoreland County, PA  
Exr.: Robert P. Marietti  
4251 Fostoria Dr.  
Lower Burrell, PA 15068  
Atty.: Samuel R. Coury

DEANA L. RETTINGER, late of West Newton Borough,  
Westmoreland County, PA  
Admr.: William R. Rettinger, Jr.  
203 S. Fifth St.  
West Newton, PA 15089

MARK R. SCHMELING, a/d, MARK ROBERT SCHMELING,  
a/d, MARK SCHMELING, late of the City of Latrobe,  
Westmoreland County, PA  
Admr.: Lydia J. Schmeling  
519 Edward Street  
Latrobe, PA 15650  
Atty.: Terrance C. Ferguson  
Ferguson Law Associates

CAROL A. WICHROWSKI, late of the City of New  
Kensington, Westmoreland County, PA  
Exr.: Brian Wichrowski  
1064 Pacific Avenue  
Brackenridge, PA 15014  
Atty.: John N. Paz  
Paz & Paz  
543 East Tenth Avenue  
Tarentum, PA 15084

## LEGAL NOTICES

### NOTICE OF VOLUNTARY DISSOLUTION

NOTICE IS HEREBY GIVEN that the shareholders of **GENE BRILHART SALES & SERVICE, INC.**, a Pennsylvania statutory close corporation, have resolved to voluntarily dissolve the corporation pursuant to the provisions of 15 Pa.C.S. § 1977 of the Business Corporation Law of 1988 and that the corporation shall cease to exist upon the filing of Articles of Dissolution in the office of the Pennsylvania Department of State, Corporation Bureau.

James S. Lederach, Solicitor  
201 North Chestnut Street  
P.O. Box 342  
Scottsdale, PA 15683  
(724) 887-3600

6 Jan

### CERTIFICATE OF ORGANIZATION Limited Liability Company

Notice is hereby given that a Certificate of Organization was filed with the Department of State of the Commonwealth of Pennsylvania, for a limited liability company formed under the Limited Liability Company Law of 1994. The name of the company is: **NEDROW OUTDOORS, LLC.**

Jeffrey C. Munnell, Esquire  
633 Long Run Road  
McKeesport, PA 15132  
(412) 751-2770

6 Jan

**FICTITIOUS NAME**

**NOTICE** is hereby given pursuant to the provisions of the Act 1982-295 of December 16, 1982, of the filing in the Office of the Secretary of the Commonwealth of Pennsylvania, Harrisburg, Pennsylvania, on the 16th day of December, 2011, a Certificate for the conduct of a business in Westmoreland County, Pennsylvania under the assumed or fictitious name, style or designation of: **CANT TOUCH THIS RACING** with its principal place of business at 411 Sunset Drive, Belle Vernon, PA 15012.

The names and addresses of all persons owning or interested in said business are: Thomas Svrcek, 411 Sunset Drive, Belle Vernon, PA 15012.

TIMOTHY M. MAATTA  
ATTORNEY AT LAW  
513 Schoonmaker Avenue  
Monesen, PA 15062  
(724) 684-3131

6 Jan

**NOTICE  
FICTITIOUS NAME**

**NOTICE** is hereby given pursuant to the provisions of the Fictitious Names Act of Pennsylvania that an application for registration of a fictitious name was filed in the office of the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on the 16th day of December, 2011, for the conduct of a business under the fictitious name of **ALPINE LIVING INTERIOR DESIGN**, with its principal office or place of business located at 3829 State Route 31, Donegal, PA 15628.

The name and address of the entity which is a party to said registration is: ALPINE LIVING FURNITURE, LLC, P.O. Box 4215, Hidden Valley, PA 15502.

Milton V. Munk, Jr.  
Attorney at Law  
450 Main Street  
Mount Pleasant, PA 15666  
(724) 547-3542

6 Jan

**NOTICE  
FICTITIOUS NAME**

**NOTICE** is hereby given pursuant to the provisions of the Fictitious Names Act of Pennsylvania that an application for registration of a fictitious name was filed in the office of the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on the 16th day of December, 2011, for the conduct of a business under the fictitious name of **RUSTIC LODGE FURNITURE**, with its principal office or place of business located at 3829 State Route 31, Donegal, PA 15628.

The name and address of the entity which is a party to said registration is: ALPINE LIVING FURNITURE, LLC, P.O. Box 4215, Hidden Valley, PA 15502.

Milton V. Munk, Jr.  
Attorney at Law  
450 Main Street  
Mount Pleasant, PA 15666  
(724) 547-3542

6 Jan

**FICTITIOUS NAME**

**NOTICE** is hereby given pursuant to the provisions of the Act 1982-295 of December 16, 1982, of the filing in the Office of the Secretary of the Commonwealth of Pennsylvania, Harrisburg, Pennsylvania, on the 16th day of December, 2011, a Certificate for the conduct of a business in Westmoreland County, Pennsylvania under the assumed or fictitious name, style or designation of: **AMULET FARMS** with its principal place of business at 411 Sunset Drive, Belle Vernon, PA 15012.

The names and addresses of all persons owning or interested in said business are: Thomas Svrcek, 411 Sunset Drive, Belle Vernon, PA 15012.

TIMOTHY M. MAATTA  
ATTORNEY AT LAW  
513 Schoonmaker Avenue  
Monesen, PA 15062  
(724) 684-3131

6 Jan

**CHANGE OF NAME NOTICE**

IN THE COURT OF COMMON PLEAS  
OF WESTMORELAND COUNTY,  
PENNSYLVANIA

No. 7768 of 2011

In re: Petition of Anastasia Corin Willis and Casey Curtis Blalock for change of name to Anastasia Corin Jenkins and Casey Curtis Jenkins

To all persons interested: Notice is hereby given that an order of said Court authorized the filing of said petition and fixed the 16th day of February, 2012, at 1:15 P.M., as the time and the Westmoreland County Courthouse, Courtroom No. 1, 2 North Main Street, Greensburg, PA, as the place for a hearing, when and where all persons may show cause, if any they have, why said name should not be changed as prayed for.

6 Jan

**NOTICE**

Notice is hereby given that **SCORE-CLOCKS, INC.** has elected to dissolve voluntarily and has commenced winding up proceedings under the Pennsylvania Business Corporation Law of 1988, as amended.

Louis A. Prospero  
Law Office of Louis A. Prospero  
1910 Cochran Road  
Manor Oak Two, Suite 730  
Pittsburgh, PA 15220

6 Jan

**NOTICE OF INCORPORATION**

NOTICE is hereby given that Articles of Incorporation were filed with the Department of State, Corporation Bureau, of the Commonwealth of Pennsylvania at Harrisburg, Pa., on December 29, 2011, for the purpose of obtaining a Certificate of Incorporation for a business corporation organized under the Business Corporation Law of 1988, as amended. The name of the corporation is **RUEBEL, INC.**, a statutory close corporation.

David F. Strazinsky  
Attorney at Law  
P.O. Box 1730  
Greensburg, Pa. 15601

6 Jan

**PRIME OFFICE SPACE  
FOR RENT**

Pa. Avenue Commons  
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Greensburg, PA 15601

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plus utilities

**(724) 832-2499**

**APPLICATION FOR  
CERTIFICATE OF AUTHORITY  
Foreign Business Corporation**

Notice is hereby given that **HAWKEYE RESEARCH INCORPORATED**, a foreign business corporation, has applied for a Certificate of Authority to do business in the Commonwealth of Pennsylvania under the Business Corporation Law of 1988. The corporation is incorporated in the State of West Virginia. The address of its principal office under the laws of said jurisdiction is 103 West Main Street, Harrisville, West Virginia 26362, and the address, including street and number, if any, of its registered office in Pennsylvania is c/o Kevin T. Uebel, 161 Honeysuckle Lane, Windber, Pennsylvania 15963.

**HAWKEYE RESEARCH  
INCORPORATED**

By Richard A. Hayhurst, its  
Director of Corporate  
Development,  
103 West Main Street,  
Harrisville, West Virginia 26362.  
Telephone: {304} 643-4800.

6 Jan

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- Landlord/Tenant Issues
- Real Estate
- Business and Corporate Law

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can help you find the  
right lawyer for your  
legal problem.**

**AUDIT OF ACCOUNTS  
TO BE HEARD**

NOTICE BY EARL S. KEIM, II, Register of Wills and Clerk of the Orphans' Court, Division of the Common Pleas Court.


The following Executors, Administrators, Trustees and Guardians have filed their Accounts in the Office of the Clerk of Orphans' Court, Division of the Common Pleas Court of Westmoreland County, Greensburg, Pennsylvania and will be presented to the Court for Confirmation at the Westmoreland County Courthouse, Greensburg, Pennsylvania.

**ACCOUNTS PRESENTED  
FOR CONFIRMATION**

AUDIT TO BE HEARD January 10, 2012  
9:00 A.M. Prevailing Time.

**ESTATE—REPRESENTATIVE—ATTORNEY**

1. RAE ADAIRE LYNN—Jack L Bergstein Trustee—Bergstein & Galper
2. WILLIAM K LAYMAN, a/d, WILLIAM LAYMAN—Wanda J Layman Exrx—Bergstein & Galper
3. CLYDE S SHULER—Elizabeth A Grinarmil Exrx—Bononi and Company
4. WILLIAM J ZIMMERMAN, a/d WILLIAM ZIMMERMAN—Deborah S Zimmerman Exrx—David K Lucas & Associates
5. RICHARD A MILLER, a/d, RICHARD ASHLEY MILLER—Megan C Miller Exrx—David K Lucas & Associates
6. MARY RUSCHAK—Ann Samios Mary A Ruschak Admracs—DeBernardo Antoniono McCabe Davis & DeDiana
7. PHILIP S MIKOLAY—Philip R Mikolay Exr—DeBernardo Antoniono McCabe Davis & DeDiana
8. JOHN VOLKAR—Alfred J Novak Exr—DeBernardo Antoniono McCabe Davis & DeDiana
9. CLAIR A MCADAMS, a/d, CLAIR A MCADAMS SR—Sandra L McAdams Exrx—Ferguson Law Associates
10. MARY ANN FENELL, a/d, MARYANN FENELL—Jeffrey A Fenell Exr—Fisher Long & Rigone
11. WALTER L WOOMER, a/d, WALTER WOOMER—Walter R Seniow Exr—Geary & Loperfito
12. NANCY L ALLMAN—John R Allman Exr—McDonald Snyder & Lightcap



**RICHARD N. LETTIERI, ESQ.**  
**E-DISCOVERY COUNSEL**

- Litigation 2<sup>nd</sup> Chair
- E-Discovery Mediator
- E-Discovery Special Master

Lettieri Law Firm, LLC  
 1620 King James Drive  
 Pittsburgh, Pa. 15237  
 412-364-7255 (Office)  
[rlettierilaw@live.com](mailto:rlettierilaw@live.com)  
[www.lettierilaw.com](http://www.lettierilaw.com)

RICHARD N. LETTIERI, ESQ.

13. DARLA ALINCIC—Raymond Alincic Admr—Milton V Munk
14. HERBERT A PETERSON, a/d, HERBERT ALBIN PETERSON—George H Peterson Exr—Milton V Munk
15. ALICE M CONNORS, a/d, ALICE M H CONNORS, a/d, ALICE CONNORS—John R Komarny Judith E Fosbrink Exrs—David G Petonic
16. THOMAS E JONES JR—Michael Jones Admr—Sahlaney & Dudeck
17. ERNEST D WILLIAMS, a/d, ERNEST D WILLIAMS SR—Grace A Williams Admr—William C Stillwagon
18. HELEN J MOLLICK, a/d, HELEN S MOLLICK—Commercial Bank & Trust of PA Exr—Welty & Welty

**AUDIT NOTICE**

Notice is hereby given to all CREDITORS, HEIRS, LEGATEES, DEVISEES, AND ALL OTHER PERSONS interested, that an Audit List will be made up on the foregoing Accounts and said list will be called by the Honorable Richard E McCormick Jr, Presiding Judge of the Orphans' Court, Division of the Common Pleas Court, Westmoreland County,

at the Westmoreland County Courthouse, Greensburg, Pennsylvania, on January 10, 2012 at 9:00 A.M. Prevailing Time in Courtroom 2.

THIS IS THE LAST DAY TO PRESENT CLAIMS AND OBJECTIONS TO THE COURT. If no claims or objections are presented, all Accounts will become final. If you do not have an Attorney, go to or telephone the office set forth below to find out where you can get legal help.

Lawyer Referral Service  
 PO Box 565  
 Greensburg, PA 15601  
 Telephone: (724) 834-8490  
<http://lrs.westbar.org>

Earl S. Keim II  
 Register of Wills  
 Clerk of the Orphans' Court

30 Dec; 6 Jan

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WELLS FARGO BANK, N.A., as Trustee for Option One Mortgage Loan Trust 2007-5 Asset-Backed Certificates, Series 2007-5, Plaintiff  
V.

JOANN HOLLOWAY, Trustee under Declaration of Revocable Living Trust dated 7/25/2003, as The Holloway Family Trust  
and

JOHN HOLLOWAY, Trustee under Declaration of Revocable Living Trust dated 7/25/2003, as The Holloway Family Trust, Defendants

**PRETRIAL PROCEDURE**

*Process Defects and Objections As To; Service of Legal Papers Other Than Original Process; Requests for Admission*

- 1. Plaintiff’s failure to serve the scheduling order for argument on its motion for summary judgment was not fatal because the Court subsequently served the scheduling order on Defendants and counsel appeared, responded to the motion, and advocated on Defendants’ behalf.
- 2. Service of papers other than original process is complete upon mailing.
- 3. Plaintiff’s service of its admissions was complete upon placing them in the mail to Defendant. Defendant’s failure to accept Plaintiff’s certified mail was of no import.
- 4. Defendant’s failure to answer Plaintiff’s requests for admission for more than a year after service required the Court to deem the admissions to be admitted.

**MORTGAGES**

*Plaintiffs; Conditions Precedent*

- 1. The recording of an assignment of the mortgage was not a prerequisite to mortgage assignee having standing to seek enforcement of the mortgage via a mortgage foreclosure action, where assignee averred in its complaint, it was the “legal owner” of the mortgage, thereby indicating it was the holder of the mortgage’s note, and prior to the entry of default judgment, as assignee indicated in its complaint it was going to do, an assignment of the mortgage was executed.
- 2. Mortgage assignee’s complaint in foreclosure action sufficiently put mortgagor on notice of assignee’s claim with regard to the mortgage; in its complaint, assignee sufficiently set forth the existence and date of the mortgage, the fact that assignee was now the legal owner of the mortgage, thereby indicating it had assumed all the rights and remedies related to the mortgage, and the fact that assignee was seeking to formalize the assignment.

IN THE COURT OF COMMON PLEAS OF  
WESTMORELAND COUNTY, PENNSYLVANIA  
CIVIL DIVISION  
No. 782 of 2010

**Appearances:**

Marc S. Weisberg and Brian T. Lamanna,  
Philadelphia, and  
Dennis Persin,  
Greensburg, for the Plaintiff  
Donald Blake Moreman,  
Greensburg, for the Defendants

BY: RICHARD E. McCORMICK, JR., JUDGE

OPINION and ORDER OF COURT

This matter is before the Court on the Plaintiff's Motion for Summary Judgment in a mortgage foreclosure action. Defendants filed a responsive brief, asserting that summary judgment should not be entered. After careful consideration of the record and the applicable law, we find as follows.

The first issue raised by the Defendants is that Plaintiff failed to properly serve the Defendants with a copy of the scheduling Order for oral argument on the Second Motion for Summary Judgment. Westmoreland County local Rule W1035.2(a)(1)(d) states:

Within three (3) days of receipt of the Scheduling Order from the judge assigned to the case, the moving party shall serve copies of the Motion for Summary Judgment, the Scheduling Order and Brief on every other party or attorney of record.

Although Plaintiff asserts that it served a copy of the Motion on the Defendants on the same day that the Motion was filed in the Prothonotary's Office, the Certificate of Service does not indicate on what date the document was served and refers only to a Motion and Brief. There is no mention of the May 6, 2011, Scheduling Order, and in fact, the Plaintiff failed to serve a copy of the signed Scheduling Order, which set the date and time for oral argument on the Motion on June 13, 2011. When counsel for the Plaintiff failed to appear at oral argument, the matter was rescheduled by an Order issued by this Court on June 16, 2011, rescheduling oral argument for August 23, 2011. Because this Court prepared the new Scheduling Order, this Court assumed the responsibility of serving all parties, by regular U.S. mail, with a copy of the Order. At the oral argument on August 23, 2011, all parties appeared with their respective counsel; and Defendants' counsel filed a brief in opposition to the second Motion for Summary Judgment.

Local Rule W1035.2(a)(3), "Sanctions," states that "Failure of the moving party to comply with the requirements of this rule [requiring the moving party to serve copies of the Order on the opposing party] shall result in the dismissal of the Motion." Based upon this rule, Defendants argue that the Motion should be dismissed because the Plaintiff, as moving party, failed to serve them with a copy of the Scheduling Order.

Plaintiff argues that the holding in *McCreesh v. City of Philadelphia*, 888 A.2d 664 (Pa. 2005), supports its position that the motion cannot be dismissed simply because it failed to send Defendants a copy of the Scheduling Order. In *McCreesh*, the court considered a writ of summons to be valid despite non-compliance with the rules of procedure based upon the fact that the Defendant received actual notice of the writ and, therefore, was not prejudiced. The court relied on Pa.R.C.P. No. 126, which provides:

"The rules shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which they are applicable. The court at every stage of such action or proceeding may disregard any error or defect of procedure which does not affect the substantial rights of the parties."

In this case the Defendants had actual notice of the August 23, 2011, argument court date, as evidenced by the fact that they hired an attorney who prepared a brief in

opposition to the Motion for Summary Judgment and appeared to represent them in Court at the appointed date and time. Although Plaintiff did not send Defendants a copy of the first scheduling Order, this Court sent them a copy of the second scheduling order. In other words, Defendants were notified that a motion had been filed and were notified of the date and time when argument was scheduled to be heard on that motion. Based upon these facts, we find that Defendants have not been prejudiced by the Plaintiff's inadvertence.

The second issue raised by the Defendants is that discovery is incomplete because Plaintiff failed to respond to their letter requesting documents pertaining to the foreclosure action. We find no merit in this contention.

Attached to the Plaintiff's Motion for Summary Judgment are several supporting documents including the Act 6 and Act 91 notices, a copy of the Note, and a detailed loan account history. Furthermore, in a cover letter dated July 13, 2011, sent to Defendants by certified mail, Plaintiff once again delivered copies of "all original documents pertaining to the mortgage" to the Defendant. Based upon our review of the record, we find that there are no outstanding formal or informal discovery requests that remain unanswered by the Plaintiff.

The third issue raised by the Defendants is with respect to the Plaintiff's Requests for Admissions. Plaintiff claims that there are no genuine issues of material fact because Defendants are deemed to have admitted the Request for Admissions when they failed to respond to them within thirty (30) days. Defendant argues that the admissions cannot be deemed admitted because Plaintiff has failed to establish that the Request for Admissions was served on them. In fact, the record reflects that Plaintiff served the Request by both regular U.S. mail and certified mail. The certified mail was returned "unclaimed;" and the record does not indicate that the regular mail was "refused" or "returned" or otherwise undeliverable.

Pa.R.C.P. No. 440(b) provides: "Service by mail of legal papers other than original process is complete upon mailing." Accordingly, under this rule, we deem Defendants to have been served with the Request for Admissions that were sent by regular mail, even though the certified mail was returned "unclaimed."

In addition, Defendants had actual notice of the Request for Admissions (accompanied by a cover letter dated June 1, 2010, directing Defendants to respond to the Request within thirty days) as they were attached to the first Motion For Summary Judgment filed on July 7, 2010. In other words, there is no question that the Defendants were aware of the requested admissions. More than one year later, the Defendants have never responded to the Request for Admissions. Therefore, they may be deemed admitted by the Defendants. Pa.R.C.P. No. 4014(b).

The fourth issue raised by the Defendants is that the Complaint in mortgage foreclosure was filed on February 2, 2010, but that the Plaintiff had no interest in the mortgage until March 2010. The record and the governing case law do not support this argument.

The "Assignment of Mortgage" was filed in the Recorder of Deeds Office as Instrument #201003290010047 on March 29, 2010. The filed document was executed

on March 23, 2010, and indicates that the assignment was effective December 28, 2009.

In *US Bank N.A. v. Mallory*, 982 A.2d 986 (Pa.Super. 2009), the court held that the recording of an assignment of a mortgage was not a prerequisite to the mortgage assignee having standing to seek enforcement of the mortgage by way of a mortgage foreclosure action, where the assignee averred in its complaint that it was the “legal owner” of the mortgage, thereby indicating that it was the holder of the mortgage’s note.

Similarly in the case before us, the Complaint avers in paragraph 5 that “[t]he aforesaid mortgage was thereafter assigned by The Loanleaders of America, Inc. to Wells Fargo Bank, N.A. as Trustee for Option One Mortgage Loan Trust 2007-5 Asset-Backed Certificates, Series 2007-5, by Assignment of Mortgage, which will be duly recorded in the Office of Recorder of Westmoreland County.” As in *Mallory*, the Complaint sufficiently puts the Defendants on notice of the assignee’s claim with regard to the mortgage, thereby indicating that it had assumed all rights and remedies related to the mortgage, and that it would formalize the assignment by recording it in the Recorder of Deeds Office. Based upon the foregoing, we find that the fact that the Complaint was filed before the recording of the assignment has no impact upon the Plaintiff’s right to pursue this action.

The fifth and final issue raised by the Defendants is that the company servicing the mortgage, American Home Mortgage Servicing, Inc. (“AHMSI”) is not authorized to conduct business in Pennsylvania, as evidenced by the five page state licenses printed from the AHMSI web site. Even if Defendants are correct based upon the information that they have derived from an internet search, we agree with the position of the Plaintiff that 15 Pa.C.S.A. §§4122(a)(7), (8) and (11) permit AHMSI to service the subject mortgage and attempt to collect the debt secured by such mortgage. Under the clear language of subsections (a)(7), (8) and (11) of 15 Pa.C.S.A. §4122, such activities by AHMSI are excluded activities and are not considered “doing business” in this Commonwealth for purposes of the requirement that a foreign corporation be registered in Pennsylvania to maintain an action in the Pennsylvania courts. On this basis, the Defendants argument must fail.

Finding no genuine issues of material fact remaining, we enter the following Order.

#### ORDER OF COURT

AND NOW, to wit, this 30th day of August, 2011, upon consideration of the Plaintiff’s Second *Motion for Summary Judgment*, and based upon the rationale contained in the foregoing Opinion, it is hereby **ORDERED** and **DECREED** that the Motion is **GRANTED**.

FURTHER, in accord with Pa.R.C.P. No. 236(a)(2)(b), the Prothonotary is **DIRECTED** to note in the docket that the individual(s) listed below have been given notice of this Order.

BY THE COURT:

/s/ Richard E. McCormick, Jr., Judge



WESTMORELAND BAR ASSOCIATION

QUARTERLY MEETING

WINTER 2012



**GUEST SPEAKER**

**Mark D. Yochum**

**Professor of Law,  
Duquesne University  
School of Law**

Mark D. Yochum is a Professor of Law at Duquesne University School of Law, specializing in tax issues, bankruptcy, and professional responsibility. He is a graduate of Carnegie-Mellon University and Georgetown University Law Center. Professor Yochum has written and lectured extensively on federal criminal tax issues and tax lawyer's ethics, as well as ethical problems in bankruptcy. He has served as the Law School's coordinator for participation in Continuing Legal Education since 1990, and also provides legal counsel to the Small Business Development Center. Professor Yochum formerly served as President of the Pittsburgh Tax Club, and has been a regular lecturer for the Allegheny County Bar Association Taxation and Bankruptcy sections, as well as other professional organizations in the region.

**Who:** Westmoreland Bar Association Members  
**What:** WBA Winter Quarterly Meeting  
**When:** Thursday, January 26, 2012, from 4 to 5 p.m.  
**Where:** Greensburg Garden & Civic Center  
**Topic:** **Sex with Clients: Honor in the Profession**

**All WBA members who attend will receive 1 FREE ethics CLE credit.** A complimentary reception immediately follows at 5 p.m.



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