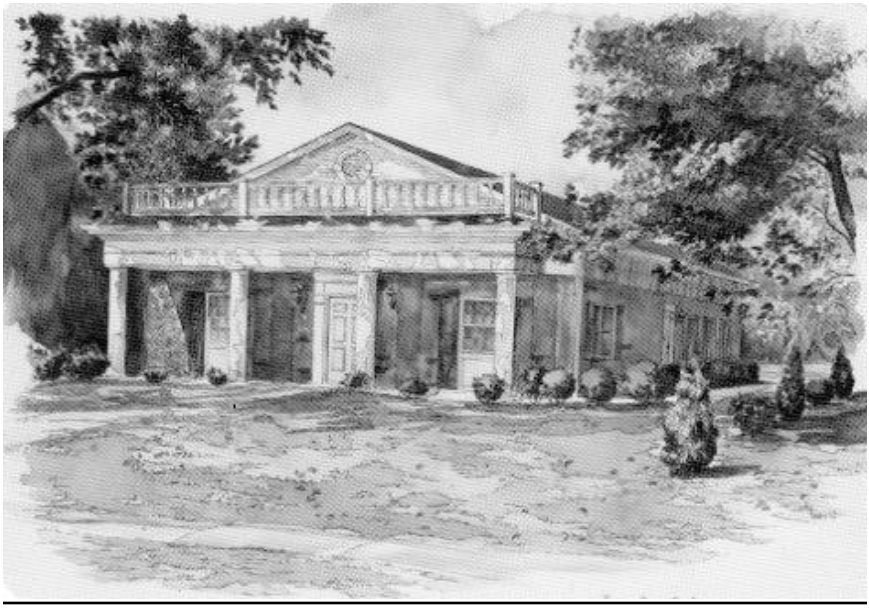
Beaver County Legal Journal

A Weekly Publication Containing Decisions of the 36th Judicial District of Pennsylvania.

Vol. 79 **May 24, 2025** **No. 21**



Established March 25, 1939

BEAVER COUNTY BAR ASSOCIATION

788 Turnpike Street, Beaver, Pennsylvania 15009

DARREN SCOTT, Plaintiff vs. DARRELL ROBBINS and BETTER HOLDING, LLC, Defendants . . . . . Page 33

BEAVER COUNTY LEGAL JOURNAL

BEAVER COUNTY BAR ASSOCIATION, PUBLISHER
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MerryBeth Sylvester, Editor

DEADLINE FOR COPY

The Beaver County Legal Journal is published every Saturday.
Legal Notices must be received at 788 Turnpike Street, Beaver, PA 15009
by 12:00 Noon the preceding Tuesday.

The Beaver County Legal Journal
publishes all notices exactly as submitted.

SUBSCRIPTION

Yearly electronic subscription . . . . $ 60.00
Yearly printed subscription . . . . . $ 75.00
Single Copy . . . . . $ 5.00
Back Issues. $10.00

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COURT CALENDAR

ARD Pleas, Sentence Court . . . . . May 28
Status Conferences . . . . . May 28
Judicial Juvenile Hearings . . . . . May 29
Domestic Relations Hearings . . . . . May 29
Arbitrations . . . . . May 30
PFA . . . . . May 30

NOTICES TO THE BAR

BEAVER COUNTY BAR ASSOCIATION
Continuing Legal Education Committee
Seminar Series:

The Beaver County Bar Association will present the following CLE seminars at the Beaver County Bar Association, 788 Turnpike Street, Beaver, PA. Each seminar has been or will be approved by the Pennsylvania Supreme Court Continuing Legal Education Board for one (1) hour of substantive or (1) hour of ethics credit. Please register online at bcba-pa.org/cle-events/

Registration . . . . . 11:30 a.m.
Seminar . . . . . 12:00 p.m. - 1:00 p.m.
Tuition/Seminar Only. . . . . Member - $10/Non-Member - $20
Tuition/Seminar and Lunch . . . . . Member - $20/Non-Member - $30

Thursday, May 29, 2025 — **"Navigating Pennsylvania Parole Violations and Recommitments"**
Presenter: Alan M. Robinson

***Thursday, May 29, 2025** — **"Navigating the System's Resources (for dependence & custody)**
Presenters: Judge Deborah DeCostro
Judge Mitchell Shahen
Tiffany York, Esquire

***THIS CLE WILL BE HELD AT THE BEAVER COUNTY COURTHOUSE JUROR'S LOUNGE from 12:00 p.m. to 1:30 p.m.**

Wednesday, June 11, 2025 — **"What Should I Do? Ethical Dilemmas And the Duty to Report an Impaired Colleague"**
Presenter: Brian S. Quinn, Esquire

Tuesday, August 5, 2025 — **"Cybersecurity for Estate Planning Attorneys"**
Presenter: Julie R. Shank, JD

"LIVE via SIMULCAST" PBI SEMINARS SCHEDULED AT BCBA

The following PBI Live via Simulcast seminars will be offered at the Beaver County Bar Association Building, 788 Turnpike Street, Beaver, PA. **Please register directly with PBI at 1-800-932-4637 or online at www.pbi.org**. For course descriptions & tuition, go to www.pbi.org. Visa and Mastercard are accepted. These seminars have been approved by the PA Supreme Court Continuing Legal Education Board for the stated hours of credit. Registrations received more than 3 days before the presentation qualify for an Early Registration discount.

None scheduled at this time

NEW LEGAL NOTICES

CHARTER NOTICE FOR
PENNSYLVANIA NONPROFIT
CORPORATION

Notice is hereby given that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on February 20, 2025, for a nonprofit corporation which was organized under the Nonprofit Corporation Law of 1988, as amended, for charitable purposes. The name of the corporation is:

WEST-AIRCOMM CARES, INC.

JACLYN E. FAULDS, ESQUIRE
HOUSTON HARBAUGH, P.C.
401 Liberty Avenue, 22nd Floor
Three Gateway Center
Pittsburgh, Pennsylvania 15222

may 24

COURT OF COMMON PLEAS BEAVER COUNTY, No.10416-2024. L. Jones & K. Jones, Pltfs. vs. Mike Xenos and Stella Xenos, All Unknown Heirs of the Estate of Mike Xenos and Stella Xenos, et al Defds. CIVIL ACTION/COMPLAINT IN QUIET TITLE TO: Mike Xenos and Stella Xenos, All Unknown Heirs of the Estate of Mike Xenos and Stella Xenos, et al. PREMISES SUBJECT TO QUIET TITLE: 0 Columbia Dr, Aliquippa, PA 15001. **YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.** Beaver County Bar Association Lawyer Referral Service, 788 Turnpike Street Beaver, PA 15009, 724-728-4888 http://bcba-pa.org/lawyer-referral-service/. Bea Diaz-Cothen, Esq., York & Diaz-Cothen, PLLC 355 Commerce St. Beaver, PA 15009. 724-923-4422

may 24

ESTATE NOTICES

Letters Testamentary or of Administration having been granted in the following Estates of decedents domiciled in Beaver County, Pennsylvania, unless otherwise indicated, all persons having claims or demands against the estates of the said decedents are requested to make known the same and all persons indebted to the said decedents are requested to make payment without delay to the respective executors, administrators or counsel.

1st Publication

LOTTIE THERESA BEDEKOVICH, late of Patterson Township. Theresa Skowron, Administratrix, 312 Chestnut Road, Edgeworth, PA 15143. Douglas Skowron, Atty.

JESSIE V. BERKEBILE, a/k/a JESSIE VIRGINIA BERKEBILE, late of Koppel Borough. Kevin Craig, 219 Evans Drive, Ellwood City, PA 16117 and Randolph R. Hollenbeck, 4501 - 4th Avenue, PO Box B, Koppel, PA 16136, Co-Executors. Gregory S. Fox, Atty.

BERNADETTE LASKY, late of the Borough of Monaca. Joie Dusold, Executrix, c/o Nalli, Elias & Associates, PC, 150 Pleasant Drive, Suite 101, Aliquippa, PA 15001. Chad R. Parks, Atty.

LAWRENCE A. PATTERSON, late of Hopewell Township. Vincent Patterson, Executor, 2938 Kane Road, Aliquippa, PA 15001. Jessica Madden Briggs, Atty.

MARY ANN SASINOVICH, a/k/a MARY SASINOVICH, late of Economy Borough. Mary Jo Sivy and Sandra Pszenny, Co-Executrices, c/o Nalli, Elias & Associates, PC, 150 Pleasant Drive, Suite 101, Aliquippa, PA 15001. Ashley M. Elias, Atty.

HAROLD ALONZAL SPROUL, JR., a/k/a HAROLD A. SPROUL, JR., late of Daugherty Township. Sharon D. Sproul, Administratrix, 1044 Frishkorn Road, New Brighton, PA 15066. Jessica Madden Briggs, Atty.

DRU TKATCH, a/k/a DRU A. TKATCH, late of the Borough of Baden. Shannon D. Tkatch, Executrix, 500 Bryan Avenue, Baden, PA 15005. Jessica Madden Briggs, Atty.

HARRY J. WOODS, late of Harmony Township. Victoria DeCanio, Executrix, c/o Steven Kocherzat, Esquire, 763 Merchant Street, Ambridge, PA 15003. Steven Kocherzat, Atty.

STEPHEN C. ZEDAK, late of Rochester Borough. Stephen E. Zedak, Executor, c/o Law Offices of Johanna C. Guehl, 1725 Washington Road, Suite 305, Pittsburgh, PA 15241-1207. Johanna C. Guehl, Atty.

2nd Publication

MARGARET J. ANDREWS, late of the City of Aliquippa. George M. Patterson, II, Executor, c/o Nalli, Elias & Associates, PC, 150 Pleasant Drive, Suite 101, Aliquippa, PA 15001. Jocelyn M. Sudar, Atty.

JOSHUA JAMES ANTOON, late of Aliquippa. Joseph Antoon and Sally Antoon, Co-Administrators, c/o Max A. Schmierer, Esquire, 650 Corporation Street, Suite 304, Beaver, PA 15009. Max A. Schmierer, Atty.

JANET R. BERARDUCCI, late of Rochester Borough. Wilbert R. Berarducci, Jr., Executor, c/o Max A. Schmierer, Esquire, 650 Corporation Street, Suite 304, Beaver, PA 15009. Max A. Schmierer, Atty.

DOROTHEA R. CODY, late of Ambridge Borough. Michael S. Cody, Executor, c/o Max A. Schmierer, Esquire, 650 Corporation Street, Suite 304, Beaver, PA 15009. Max A. Schmierer, Atty.

EDWARD C. HOWARTH, late of Chippewa Township. Edward C. Howarth, II, Administrator, c/o James R. Fenchel, II, Esquire, 472 Constitution Boulevard, New Brighton, PA 15066. James R. Fenchel, II, Atty.

ANGELA J. MAKOCZY, late of Chippewa Township. Frank J. Makoczy, Executor, c/o Richard A. Faltenovich, Esquire, P.O. Box 1711, Beaver Falls, PA 15010-6711. Richard A. Faltenovich, Atty.

RONALD S. MILLER, late of Economy Borough. Susan M. Hall, Executrix, 255 Ridge Avenue, Freedom, PA 15042. Brock A. Meanor, Atty.

SHAWN LAMONT PRICE, SR., late of Aliquippa. Shawn Lamont Price, Jr., Administrator, c/o Max A. Schmierer, Esquire, 650 Corporation Street, Suite 304, Beaver, PA 15009. Max A. Schmierer, Atty.

SHIRLEY RUSNAK, a/k/a SHIRLEY A. RUSNAK, late of the Borough of Ambridge. Ronald Rusnak, Executor, c/o Chad F. McMillen, Esquire, 2131

Brodhead Road, Aliquippa, PA 15001. Chad F. McMillen, Atty.

WENDY SHELLHAMMER, a/k/a WENDY S. SHELLHAMMER, late of Beaver Falls. Kaley Zundell, Executrix, c/o Colin Adairr Morgan, Esquire, 954 Greentree Road, Pittsburgh, PA 15220. Colin Adairr Morgan, Atty.

MARJORIE O. SOUTH, a/k/a MARJORIE SOUTH, late of Big Beaver Boro. Daniel R. South, Executor, c/o James J. Loll, Esquire, 1122 Third Street, Beaver, PA 15009. James J. Loll, Atty.

3rd Publication

ETHEL M. COPENHAVER, a/k/a ETHEL MAE COPENHAVER, late of Economy Borough. Glenn D. Copenhaver, Executor, c/o Nalli, Elias & Associates, PC, 150 Pleasant Drive, Suite 101, Aliquippa, PA 15001. Ashley M. Elias, Atty.

STELLA ANN DUNCAN, late of Pulaski Township. Donald Duncan, Administrator, 3918 - 40th Street, New Brighton, PA 15066. Joseph M. Spratt, Atty.

CHARLES A. FLOOK, late of New Sewickley Township. Todd Flook, Administrator, 3734 Baytree Street, Pittsburgh, PA 15214. Robert A. Banks, Atty.

BARBARA WEIS HOUSER, a/k/a BARBARA LOUISE HOUSER, a/k/a BARBARA L. HOUSER, a/k/a BARBARA L. WEIS, late of the Township of Hopewell. Bruce Alan Weis, Executor, c/o Chad F. McMillen, Esquire, 2131 Brodhead Road, Aliquippa, PA 15001. Chad F. McMillen, Atty.

MITCHELL MARKOVICH, late of Hopewell Township. Steven R. Markovich, Executor, c/o Craig E. Wynn, Esquire, 2002 McMinn Street, Aliquippa, PA 15001. Craig E. Wynn, Atty.

PAUL D. MAY, late of Enon Valley. Kimberly May, Executrix, 375 McRoberts Road, Enon Valley, PA 16120. Mark May, Atty.

DARLENE E. MORROW, late of Aliquippa. Penny DiNardo, Executrix, 710 Hickory Drive, Aliquippa, PA 15001. Joseph D. Silvaggio, Atty.

RONALD A. PARK, late of Beaver. Linda Blankenship, Executrix, 49870 Berkshire Road, East Liverpool, OH 43920. Joseph Max Lewis, Atty.

JOHN THOMAS ROMANO, a/k/a JOHN T. ROMANO, late of Beaver Falls. Crystal June Presto, Executor, c/o J. Philip Colavincenzo, Esquire, 255 College Avenue, Beaver, PA 15009. J. Philip Colavincenzo, Atty.

DOCKET ENTRIES

From The Office Of
The Prothonotary

It is understood that the accuracy of these entries is not guaranteed and no responsibility attaches for any errors or omissions in this report.

DIVORCES GRANTED

DEVANTE FULLER from Amelia Rambleram, 20314-24

DAVID ALEXANDER SAYLOR from Katherine Leigh Saylor, 20309-23

TRACEY BOWERS from Frank Bowers III, 20223-22

REGINA PEASE from Harry Pease, 20031-24

ALYSSA LYNN REDDINGER from Theodore Alfred Reddinger II, 20360-24

SAMANTHA PAPPAS from Frederick Pappas, 20284-22

RACHEL PARADIS SMITH from Michael Edward Smith, 20028-24

DARLENE L. MIHALKO from John W.F. Mihalko, 20040-25

DIVORCE DOCKET

MARY JANE LITTLE vs Brian Duane Little Sr., 20110-25-M.J. Hummel, Jr.

VICKI L. HAWTHORNE vs John D. Hawthorne, 20111-25-G.V. Benyo, Jr.

STACY MAINWARING vs Mark Mainwaring, 20113-25-R.N. Gailey

JOYCE KING vs Charles King, 20114-25-T.F. Dukovich

JENNIFER JONES vs Erik Jones, 20115-25-K.L. Arnold

JENNE DIANE SCHAFER vs Dennis James Schafer, 20116-25-T.F. Dukovich

APPEARANCE DOCKET

CITIZENS BANK vs James E. Shanor al, 10799-25-Mortgage Foreclosure-G. Javardian

CITIZENS BANK vs Lacey L. McMillan, 10800-25-Debt Collection-R.L. Baroska, III

WASHINGTON FIN. BANK vs Robert A. Hadfield al, 10801-25-Mortgage Foreclosure-G.W. Darr

TOWD POINT MTG. TRUST 2018 al vs Clayton L. Barile al, 10802-25-Ejectment-T.D. Dyer

VELOCITY INVEST. vs Charles Zdrojowy, 10803-25-Debt Collection-D.H. Tsarouhis
VELOCITY INVEST. vs John Vickodil, 10804-25-Debt Collection-D.H. Tsarouhis
VELOCITY INVEST. vs Kendra Sauter, 10805-25-Debt Collection-D.H. Tsarouhis
ROCKET MTG. al vs William Nail al, 10806-25-Mortgage Foreclosure-K.B. Schweiger
VELOCITY INVEST. vs Ashley Ashbaugh, 10807-25-Debt Collection-D.H. Tsarouhis
CITIBANK al vs Mary C. Fairley al, 10808-25-Mortgage Foreclosure-K.M. Wolf
MELANIE MATHEWS vs Carly Ross al, 10809-25-Custody/Visitation-S.L. Steele
ELIZABETH HOUGH vs KNF Serv., 10810-25-Other-G.R. Fedeles
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DISCOVER BANK vs Koree Walls, 10812-25-Debt Collection-J.E. Strand
DISCOVER BANK vs Elijah Sambol, 10814-25-Debt Collection-J.E. Strand
NEWREZ al vs Grant Cochran al, 10815-25-Mortgage Foreclosure-M.E. Carleton
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MARK WIKERT al vs Tyler Kissick al, 10817-25-Motor Vehicle-R.L. Massa
VALLEY TERRACE APTS. vs Majesta Johnson, 10818-25-Landlord/Tenant Dispute-Self
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JPMORGAN CHASE BANK vs Annie Wingrove, 10821-25-Debt Collection-L.C. Trauffer
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DISCOVER BANK vs David G. Rager Jr., 10826-25-Debt Collection-K.R. Armstrong
DISCOVER BANK vs Devin Stubbs, 10827-25-Debt Collection-K.R. Armstrong
DISCOVER BANK vs Janet Senior, 10828-25-Debt Collection-E.R. Grady
FIRST NA. BANK OF PA vs Bryan Bajgier, 10829-25-Debt Collection-B.D. Defontes
LYDIA ELAINE DREHER, 10830-25-Other-Pro Se
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BEEMAC LOG. vs Claiborne Express, 10839-25-Declaratory Judgment-D.B. McLane
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JAMES BROWN al vs Jenna Lynn Redmond, 10841-25-Motor Vehicle-K.G. Fawcett
KEYBANK vs Occupants, 10842-25-Ejectment-J. Calcagno
ARYANNA V. HUFF vs Dawn Willett, 10843-25-Motor Vehicle-M.T. McCune
ZOE STAYDUHAR vs Trey Trickel, 10844-25-Custody/Visitation-K. Barzen
LACEY BLAKE PIERCE al, 10845-25-Other-S. Dann/A. Williams
VELOCITY INVEST. vs James Farley, 10846-25-Debt Collection-D.H. Tsarouhis
DAWN LEE SIKORA vs Knowledgeborn Price, 10846-25-Custody/Visitation-Pro Se
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VELOCITY INVEST. vs Charles Lewis, 10849-25-Debt Collection-D.H. Tsarouhis
VELOCITY INVEST. vs Leila Greene, 10850-25-Debt Collection-D.H. Tsarouhis
VELOCITY INVEST. vs John Riley, 10851-25-Debt Collection-D.H. Tsarouhis
VELOCITY INVEST. vs Cliff Quinones, 10852-25-Debt Collection-D.H. Tsarouhis
VELOCITY INVEST. vs Danielle Smith, 10853-25-Debt Collection-D.H. Tsarouhis
VELOCITY INVEST. vs Thomas Samarco, 10854-25-Debt Collection-D.H. Tsarouhis

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DENISE ELAINE GENTRY vs Shane M. Gentry, 70148-25
FUSCHIA RAINE MAXIE vs Shay Ralene Maxie, 70149-25
SHANE MATTHEW MORAN vs Dana Margaret Moran, 70150-25

DEEDS

V. NASSER to S.A. Ramsey, Center Twp.
NVR INC. to J.V. Maxeiner Jr. al, Center Twp.
M.S. CALLAN al to D.E. Wilhoit al, Center Twp.
B.G. RADER al to C.W. Rader, Harmony Twp.
R.L. BOGGS JR. to S. Thomas, Darl. Twp.
L. SHRIVER to J.M. Michaluk Trust al, Industry
R. KRESIC al to M.G. Curl al, Hanover Twp.
BETJ PROP. to A. Thellman al, Hanover Twp.
ZOKAITES PROP. al to NVR Inc., Center Twp.
D.P. KRISTEK al to A. Willy, Amb.
C.R. KRUL al to D.A.R. Moretti al, Hanover Twp.
J.A. SABOLICK al to M.S. Keenan al, Conway
R. BUFFALINI to C. Gilarno al, Baden
B. COOK to Keystone Horizon Three, B.F.
M.W. WALKER to A. Early, Hope. Twp.
R.E. BURKS TRUST al to R.J. Strobel, Brigh. Twp.
T.M. WOZNIAK ESTATE al to T.L. Churchin al, Amb.
T.M. WOZNIAK ESTATE al to D.A. Wozniak, Baden
M.K. MARBURGER to M.K. Marburger al, Chip. Twp.
W. OLDHAM al to D.M. Monroe, B.F.
L.L. HUBBARD ESTATE al to B. Carpenter al, Hookstown
PENN PIONEER ENTER. al to Babi Real Estate, Aliq.
P.E. VOLPE al to P.E. Volpe Trust al, Brigh. Twp.
G. TOMICH al to Tomich Trust al, Brigh. Twp.
J.W. MAJZLIK al to Majzlik Trust al, Rac. Twp.
A.B. CHAVEZ al to Chavez Trust al, Pat. Twp.
M.R. FOLINO to M.R. Folino Trust al, Economy
J.N. HALL al to Hall Trust al, Brigh. Twp.
P.J. KING al to C.W. Rickabaugh, N.B.
P.R. SCHMITT JR. to T. Pantaleo, Conway
CCG BROS. INVEST. al to R. McAllister al, Industry
M.D. SCOTT al to L. Brown, N.B.
H. PERKOWITCH ESTATE al to M.P. White al, Frank. Twp.
L. HASSON to A.T. Fleming, Pat. Twp.
M. ONDRUSEK al to J.R. Steklachick al, Chip. Twp.
J.A. TAYLOR al to B. Graham, Big Beaver
W.K. SHILDT to N. Chirico, Center Twp.
M. ESOLDO al to N.J. Leasure al, Chip. Twp.
K.K. ZEDAK al to J. Johnson, Amb.
D. CIMINO al to T. Fornear al, Economy
D.L. CAMPBELL al to B. Campbell, Potter Twp.
JEM RLTY. al to K. Patrick al, Aliq.
D. REYNOLDS al to K. Murgic al, Economy
BLUE SKY BLDRS. PA al to A. Smallwood, Brigh. Twp.
R.F. SMITH al to Smith Trust al, No. Sew. Twp.
611 HILLCREST al to E. Adams, Pat. Twp.
Y. DIXON to A. Dixon, Aliq.
S. SALVATORE TRUST al to S. Salvatore Trust al, New Sew. Twp.
C. WRIGHT al to R.D. Cooper, Frank. Twp.
A.F. FERRAGONIO ESTATE al to D. Johnson, Economy
DR HORTON INC.-N.J. al to D.E. Bable al, No. Sew. Twp.
C. VAN VORHIS ESTATE al to J.D. Puskas, Economy
M.B. BAILEY al to M.B. Bailey al, Roch.
M.F. ZACHODNI to B.T. Tomochak al, Pul. Twp.
D.J. ROCK al to A. Dickton, N.B.
D. BUFFALINI ESTATE al to GT Vedro Prop. al, Center Twp.
C.K. CARTER to B.E.L. Marsh al, B.F.
T.C. MORLEY al to F.J. Riggio al, Brigh. Twp.
D.R. TAYLOR al to C.P. Knisley al, Indep. Twp.
K.D. WEST to K.D. West al, B.F.
SNH/LTA PROP. al to B.F. PA, Pat. Twp.
S. MASTRANGELO al to Mastrangelo Trust al, Brigh. Twp.
N. HILL to K.M. Hill, Chip. Twp.
S.J. MENCHER III to D. Luffy al, Indep. Twp.
DR. E.D. DAMAZO TRUST al to S. McCarthy, Chip. Twp.
J.J. HAUSER ESTATE al to R.E. Hicks, Economy
M.E. HRIBAR to D. Halligan, B.F.

G.A. SIMMS TRUST al to A. Kovalesky, Ohioville
FOXLANE HOMES AT THE LANDINGS to V.L. Shuman, Economy
GETBLOK.IO HOLDINGS al to Logstown Lofts Schoolhouse, Aliq.
K. PETERS to Shaffer Real Estate, Hope. Twp.
A.M. KINGERSKI al to J. Heaton, Big Beaver
J.S. SIRKO to C.L. Sirko, Center Twp.
S. DAVIES al to C. Bowman al, Darl. Twp.
D.R. SCHWARZ al to R.M. Bennett al, B.F.
R.E. WATT ESTATE al to A. Carter, Center Twp.

MORTGAGES

S.A. RAMSEY to S&T Bank, Center Twp. $189,000
S.J. RICHARDS to Wesbanco Bank Inc., Economy $125,000
J.V. MAZEINER JR. al to NVR Mtg. Fin. Inc., Center Twp. $244,119
D.M. RYAN al to Mutual of Omaha Mtg. Inc., Amb. $75,000
A. THELLMAN al to Wesbanco Bank Inc., Hanover Twp. $380,000
D. SASSIC al to Rocket Mtg., New Sew. Twp. $67,000
A. WILLY to American Fin. Mtg. Corp., Amb. $109,202
D.A.R. MORETTI al to Movement Mtg., Hanover Twp. $197,910
M.S. KEENAN al to Novus Home Mtg. al, Conway $190,950
C. GILARNO al to West Penn Fin. Serv. Cntr. Inc., Baden $178,200
R.A. PARISH al to Village Cap. & Invest., Chip. Twp. $284,900
KEYSTONE HORIZON THREE al to M&M RE Holdings, B.F. $110,000
J.T. FULLEN to Clearview FCU, Chip. Twp. $181,400
N.R. KOENIG al to Clearview FCU, Center Twp. $70,344
R.P. SHADLEY al to Clearview FCU, West Mayfield $50,000
M.R. WIESE al to Clearview FCU, Center Twp. $54,000
A. EARLY to Movement Mtg., Hope. Twp. $128,525
A.L. GOTTSCHALK al to Dollar Bank, Center Twp. $75,000
A. EARLY to PA Housing Fin. Agency, Hope. Twp. $6,625
R. STROBEL to Clearview FCU, Brigh. Twp. $176,000
W.E. LEEK to PNC Bank, Roch. Twp. $100,000
R. BAKER to Rocket Mtg., Hope. Twp. $130,000
T.L. CHURCHIN al to R.W. Sachon, Amb. $50,000
D.A. WOZNIAK to R.W. Sachon, Baden $50,000
W. GARDNER al to Secr. of HUD, B.F. $8,746.51
J.P. ZINDREN al to Clearview FCU, New Sew. Twp. $85,000
W.A. BITTNER al to Clearview FCU, Pat. Twp. $51,000
R.L. JONES al to Clearview FCU, Potter Twp. $100,000
B. CARPENTER al to Union Home Mtg. Corp., Hookstown $105,959
C.M. TRIMBUR al to BVFCU, N.B. $10,000
R. MCALLISTER al to Guaranteed Rate Affinity, Industry $245,000
L. BROWN to Howard Hanna Mtg. Serv., N.B. $76,000
T. BUTLER to Secr. of HUD, Amb. $5,075.78
A.T. FLEMING to PNC Bank, Pat. Twp. $94,060
N. CHIRICO to Rocket Mtg., Center Twp. $184,300
T.L. SMITH al to Secr. of HUD, Freedom $3,438.14
N.J. LEASURE al to Liberty FCU, Chip. Twp. $197,880
J. JOHNSON to USAA FSB, Amb. $95,000
J.E. STADTFELD al to Movement Mtg., Frank. Twp. $237,000
T. FORNEAR al to United Wholesale Mtg., Economy $156,000
L. HARVEY al to First Cmwlth. Bank, Hope. Twp. $10,000
G.R. SHEFFER to SRU FCU, Brigh. Twp. $280,000
K. PATRICK al to Southwest Funding, Aliq. $179,193
T.M. HUGHES al to Citizens Bank, Frank. Twp. $100,000
K. MURGIC al to 1st Rate Home Mtg. Inc., Economy $380,000
A. SMALLWOOD to Guaranteed Rate Affinity, Brigh. Twp. $324,000
R.D. COOPER to Horizon Farm Cr., Frank. Twp. $164,000
D.M. FARRIS al to West-Aircomm FCU, Pul. Twp. $31,500
J.C. ANTONETTI al to West-Aircomm FCU, Fallston $125,000
C.A. STARKEY al to West-Aircomm FCU, Brigh. Twp. $85,000
R.J. GRADISEK to Wesbanco Bank Inc., Center Twp. $50,000
RCG-MONACA PM al to Truist Bank, Center Twp. $735,000,000
D.E. BABLE al to DHI Mtg. Co. Ltd., No. Sew. Twp. $153,000
T.T. NOVAK al to Rocket Mtg., Chip. Twp. $198,000

J.A. FRYE to Rocket Mtg., So. Beaver Twp. $216,000
M. BROWN to PNC Bank, Chip. Twp. $5,000
M. BROWN to PNC Bank, Chip. Twp. $15,000
J.D. PUSKAS to United Wholesale Mtg., Economy $263,500
K.E. MCWILLIAMS to A&S FCU, Hope. Twp. $44,000
B.T. TOMOCHAK al to Huntington Na. Bank, Pul. Twp. $67,900
A. DICKTON to PNC Bank, N.B. $83,875
L.M. TURNER al to United Wholesale Mtg., No. Sew. Twp. $50,000
B.E.L. MARSH al to Union Sav. Bank, B.F. $149,826
F.J. RIGGIO al to Union Sav. Bank, Brigh. Twp. $312,000
B.F. PA SLC to Ally Bank, Pat. Twp. $140,000,000
C.M. SMITH al to First Na. Bank of PA, B.F. $25,000
N.L. COTTOM to First Na. Bank of PA, Baden $66,000
J.D. MERRIMAN al to Discover Bank, Economy $84,737
E.T. MAULDIN to First Na. Bank of PA, Economy $100,000
C.M. BRODMERKEL al to Citizens Bank, Greene Twp. $60,000
T.C. NEWMYER al to First Na. Bank of PA, Economy $135,000
S. MCCARTHY to Rocket Mtg., Chip. Twp. $590,453
R. SEBEK al to First Na. Bank of PA, Center Twp. $200,000
K.A. LASCEK to First Na. Bank of PA, Bridgewater $50,000
J.J. DOHANICH al to Hancock Co. Sav. Bank, Center Twp. $525,000
A. KOVALESKY to Rocket Mtg., Ohioville $84,000
S.M. PREDA to Secr. of HUD, Monaca $6,272.93
V.L. SHUMAN to Union Home Mtg. Corp., Economy $566,627
RUACH INVEST. al to Nexa Mtg., B.F. $112,500
R.W. BROWN to Liberty Bail Bonds Inc. al, Amb. $125,000
D. O'NEIL al to Citizens Bank, Chip. Twp. $100,000
D. FISCHER al to Citizens Bank, New Sew. Twp. $100,000
CUMMINGS TRUST al to PNC Bank, New Sew. Twp. $50,000
G. LITTELL al to New Alliance FCU, Economy $13,000
A. CARTER to Howard Hanna Mtg. Serv., Center Twp. $196,969
A. CARTER to PA Housing Fin. Agency, Center Twp. $9,750

DARREN SCOTT, Plaintiff
vs.
DARRELL ROBBINS and BETTER HOLDING, LLC, Defendants

DARREN SCOTT, Plaintiff v. DARRELL ROBBINS and BETTER HOLDING, LLC, Defendant. No. 10099 of 2024. In the Court of Common Pleas of Beaver County, Pennsylvania. Civil Division - Law. Filed April 14, 2025 by Judge James J. Ross.

Attorney for Plaintiff: Laura Signorelli, Esquire

Attorney for Defendant, Darrell Robbins: Pro Se
Attorney for Defendant, Better Holding: Andrew Sysak, Esquire

J. ROSS April 14, 2025

MEMORANDUM OPINION

INTRODUCTION

This is a personal injury claim that arises from a dog bite incident which occurred in Aliquippa, Beaver County, Pennsylvania on May 27, 2023. The plaintiff is Darren Scott. Defendant Darrell Robbins (hereinafter "Robbins") is the dog's owner. Defendant Better Holdings, LLC (hereinafter "Better") owns the property where the dog bite occurred and is a landlord. Plaintiff secured a default judgment against defendant Robbins, after he was properly served with process and failed to answer the original complaint, and thereafter filed an amended complaint, through leave of court, which named defendant Better as a party.

The Court set a case management schedule and discovery has been completed. Defendant Better has filed a summary judgment motion in which it claims that it is entitled to judgment as a matter of law on the basis that it is a landlord out of possession, which had no knowledge of the presence of the dog that bit the plaintiff at the residence in question and no actual knowledge of the dog's vicious propensities citing, and relying upon, the appellate decisions in *Palermo v. Nails*, 334 Pa. Super. 544, 483 A.2d 871 (1984) and *Rosenberry v. Evans*, 48 A.3d 1255 (Pa. Super. 2012). The Court will address and state its reasons for granting the motion below.

DARREN SCOTT, Plaintiff vs.
DARRELL ROBBINS and BETTER HOLDING, LLC, Defendants

FACTS AND LEGAL ANALYSIS

In defendant Better's summary judgment motion, it emphasizes and argues that it is a landlord out of possession.[1] Moreover, it points to Exhibit D filed in support of its summary judgment motion. This exhibit contains excerpts from the deposition testimony of Jason Betters, a principal of defendant Better. That testimony states that neither Mr. Betters, nor Better had any knowledge that the dog in question existed at the residence. Defendant Better further cites to Exhibit B filed in support of its summary judgment motion. Exhibit B contains excerpts from plaintiff's deposition testimony. At pages 7-8 of its brief in support of its motion, defendant Better sets forth that deposition testimony, which clearly reflects that plaintiff was asked on multiple occasions to offer testimony to support his claim that defendant Better had actual knowledge of the dog's vicious propensities. Plaintiff could not provide the requisite information through testimony.

Based upon this evidence, or lack thereof, defendant Better asserts that it is entitled to summary judgment on the basis that it owed no duty to plaintiff because neither it nor its principal had actual knowledge of the dog's vicious propensities, as a landlord out of possession, as required by Pennsylvania law. *Rosenberry v. Evans*, 48 A.3d 1255, 1263 (Pa. Super. 2012); *Underwood ex rel. Underwood v. Wind*, 954 A.2d 1199, 1208 (Pa. Super. 2008); and *Palermo v. Nails*, 334 Pa. Super. 544, 547, 483 A.2d 871, 873 (1984).

Plaintiff argues against the entry of summary judgment on multiple grounds. First, plaintiff points to the rule established in the Pennsylvania Supreme Court decision in *Borough of Nanty-Glo v. American Surety Co. of New York*, 309 Pa. 236, 163 A. 523 (1932) and argues that summary judgment cannot be granted on the basis of the self-serving testimony of the moving party. This argument lacks merit in this case because *Nanty Glo* does not preclude summary judgment when "the moving party supports its motion for summary judgment by using the admissions of the opposing party . . . ." *Bowe v. Allied Signal, Inc.*, 806 A.2d 435, 441 (Pa. Super. 2002). *See also, Infosage, Inc. v. Mellon Ventures, L.P.*, 896 A.2d 616, 631 (Pa. Super. 2006). Here, plaintiff offers no evidence of defendant Better's actual knowledge of the dog's vicious propensities, either by way of plaintiff's own testimony or otherwise. As stated above, when plaintiff was deposed, he was asked multiple times about actual knowledge and offered nothing to support such a claim. Thus, the opposing party's statements support defendant's position.

---

[1]The available evidence reflects that the premises was leased to defendant Robbins and Desolles Dukes. There is no evidence that Jason Betters or anyone from defendant Better resided there at any relevant time. Thus, defendant Better is a landlord out of possession. In such situations, a landlord may only be liable if he/she/it reserved control of a defective or dangerous condition and had knowledge of it. *Smith v. M.P.W. Realty Co., Inc.,* 423 Pa. 536, 539, 225 A.2d 227, 229 (1967); *Jones v. Levin*, 940 A.2d 451, 454 (Pa. Super. 2007). There is no such evidence in the record here; in fact, the evidence is to the contrary.

Plaintiff also presents a photograph taken of the residence in August, 2022 from a google website in a filed petition for judicial notice of a public website as part of its response to the summary judgment motion. This photograph has a "beware of dog" sign affixed to the porch. Based upon this photograph plaintiff argues in his brief that "it can be inferred that he [(Jason Betters)] would have seen a 'Beware of Dog sign' posted."[2] This is the very type of argument rejected by the Superior Court in the *Rosenberry* decision, wherein the Court stated "constructive knowledge is not sufficient." 48 A.3d at 1263.

Plaintiff also argues that defendant Betters is not a "landlord out of possession." Plaintiff bases this argument on the assertion that defendant Betters "maintains responsibility for the maintenance on the property and dispatches contractors whenever notified by the tenant of an issue." Based upon this, defendant Betters argues that the "actual knowledge" standard does not apply here. *See* p. 7 of plaintiff's brief. This argument is meritless in the Court's eyes in light of the content of footnote one cited above because this alleged control is not with regard to the dangerous condition (dog) and plaintiff cites no legal authority in support of it.

Finally, plaintiff makes a totality of the evidence argument[3] to support an argument that it can be inferred that defendant Betters had actual knowledge. This argument is nothing more than a second attempt to argue constructive, rather than actual, notice.[4]

In the final analysis, this case is on all fours with the *Rosenberry* decision cited above, which was also a summary judgment situation in which the Superior Court rejected the very types of arguments raised by the plaintiff here. For all of these reasons, the Court will grant the summary judgment motion in a separate order to be entered this same date.

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[2]This photo is dated nine months prior to the incident and in a photo attached to Plaintiff's Praecipe to Introduce Exhibits from Deposition of Darren Scott as part of the record show the dog outside the residence but no sign posted at or about the time of the incident.

[3]The totality of the evidence includes (1) public knowledge of a dog at the premises; the "beware of dog sign"; (3) a report by neighbors to plaintiff of a prior incident involving the dog; and (4) Jason Betters had gone to the property to pick up rent.

[4]The Court also notes that plaintiff cites the Court to the Erie County Common Pleas Court decision of *Koester v. Zeigler*, 2023 WL 11995126 (2023), which has absolutely no applicability here because it addresses and deals with a dog owner and not a landlord.

DARREN SCOTT, Plaintiff vs.
DARRELL ROBBINS and BETTER HOLDING, LLC, Defendants

ORDER

AND NOW, this 14th day of April, 2025, upon consideration of the summary judgment motion of defendant Better Holdings, LLC, and upon further consideration of the pleadings, the filed record, the briefs of the parties, and the arguments of counsel heard on April 2, 2025,

It is hereby ordered that the summary judgment motion is granted, judgment is entered in favor of Better Holdings, LLC, and defendant Better Holdings, LLC is dismissed from this action.

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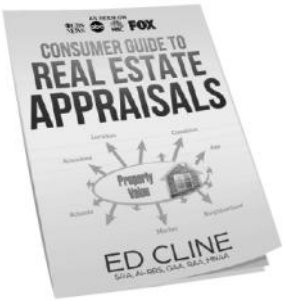

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