

Legal by Nature



Hart Law's Quarterly Newsletter



INSIDE THIS ISSUE:

- A Trip to Florida to Recharge the Batteries
- Upcoming Activities with our Team This Spring
- A Leap of Faith with a Neighbor, Colleague and Friend
- And Much More!



**UPCOMING
EVENTS**
Pages 12-14

INDEX

04

FROM THE DESK OF AN ATTORNEY

A brief introduction from Attorney John M. Hart, III, about this issue.

05

DRINK, DRANK... DRUNK TANK

A look at the risks of impaired driving and why extra vigilance matters during St. Patrick's Day celebrations.

08

QUICK HIT LEGAL Q&A

Questions and answers across various areas of law

09

ROOTED IN FAITH, BUILT ON DISCIPLINE

A look at how Christian Saunders built his brokerage on discipline, faith, and a long-term commitment to leadership in Northeastern Pennsylvania.

12

SPRING EVENTS

Join us in various events throughout March, April and May as we take a part in what NEPA has to offer.

15

A WINTER RESET IN THE CONCH REPUBLIC

Attorney John M. Hart, III reflects on his annual winter escape to Key West, where sunshine, ocean views, and island culture provide a welcome recharge before returning home to the beauty and renewal of spring in Northeastern Pennsylvania.

20

WHEN CO-OWNERSHIP GOES WRONG: UNDERSTANDING AN ACTION IN PARTITION

A practical overview by Attorney Hart explaining the potential problems with joint real estate ownership.

23

BEFORE YOU START THAT SPRING PROJECT: LEGAL TIPS FOR HOMEOWNERS

Before starting your next deck, fence, or renovation project, learn the key legal considerations every homeowner should know—from contracts and permits to contractor registration and property protections.

27

CASE LAW IN A NUTSHELL

UNDERSTANDING PENNSYLVANIA'S "HILLS AND RIDGES" RULE

Table of Contents

HART LAW

MEET THE TEAM

MANAGING ATTORNEY

JOHN M. HART, III, ESQ.

ASSOCIATE ATTORNEY

ALEXANDER J. TULANEY, ESQ.

LEGAL SUPPORT STAFF

YERALDI PACHECCO-MIGUEL

LEGAL EDITOR

MAUREEN HART

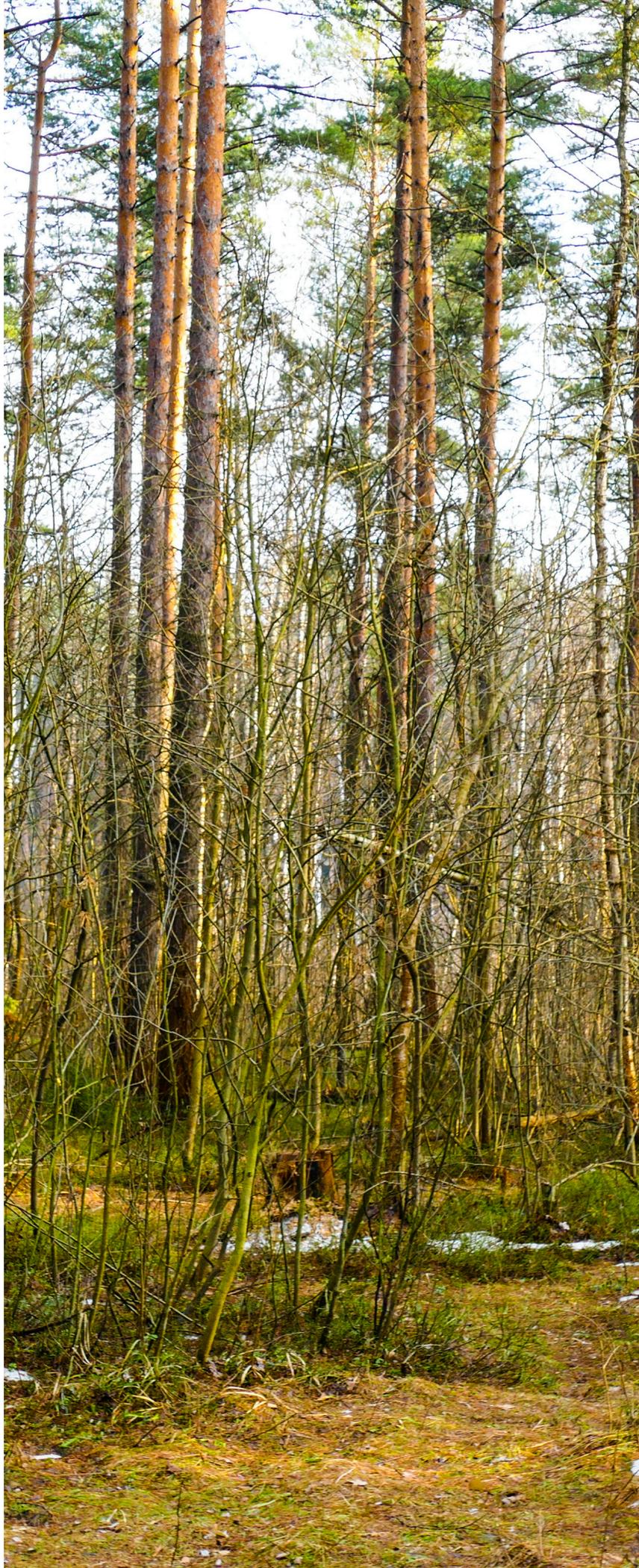
CONTRIBUTING WRITERS

REAL ESTATE ATTORNEY

JEFFREY W. NEPA, ESQ.

CRIMINAL LAW ATTORNEY

JOSEPH G. MCGRAW, ESQ.



FROM THE DESK OF AN ATTORNEY

AN INTRODUCTION FROM ATTORNEY JOHN M. HART, III

Dear Friends, Neighbors, and Members of Our Community,

If this winter felt harsher than the ones we've grown accustomed to, you're not alone. From Lackawanna to Luzerne County, and especially our neighbors to the north in Susquehanna, Wyoming, and Wayne County, this season tested us. Heavy snowfalls, bitter winds, long stretches of gray skies, and mornings that required a little extra resolve to step outside. It has been one of the toughest winters we've seen in years... but now it's March.

And with it comes something uniquely beautiful about living and working in Northeastern Pennsylvania: renewal. Each day the sun lingers a little longer. The light feels warmer. Snowbanks shrink. The earth softens. Soon the grass will push through again, flowers will rise from frozen ground, and the woods and fields will come alive with movement as wildlife returns or emerges from hibernation. There's a quiet transformation happening all around us. That rhythm—the contrast between hardship and hope—is one of the reasons this region is so special. We don't live in a place where the weather stays the same all year long. We endure the cold. We navigate the storms. And in doing so, we earn the feeling of spring. There is something profoundly rewarding about that cycle. It reminds us that difficult seasons are temporary, and that brighter days inevitably follow.

In many ways, spring in Northeastern Pennsylvania feels like a fresh start. A clean slate. A chance to reset, reorganize, and refocus. New projects begin. Homes are repaired and improved. Businesses plan for growth. Families celebrate milestones—graduations, weddings, new beginnings.

At Hart Law, we view this season the same way. We are energized by the opportunity to walk alongside you as you face new challenges and new milestones. Whether you are protecting your family, growing a business, resolving a dispute, planning your estate, or simply seeking clarity about your next step, we are here to provide steady guidance and practical solutions. Just as winter eventually gives way to spring, many legal challenges simply require the right strategy, patience, and trusted counsel to reach brighter outcomes.

Our firm is rooted in this region because it's ours too. We live here. We raise our families here. We experience the same seasons you do. And just as the landscape renews itself each year, we remain committed to continually strengthening the way we serve our community. So, we are also always looking for meaningful ways to support the outdoors and strengthen our community. If you're planning a unique event and would like our involvement or support, we'd love to hear from you.

Thank you for being part of our extended Hart Law family. We look forward to the months ahead—the longer evenings, the return of green hills, and the renewed energy that comes with spring.

And as always — if you need a lawyer, **Be Smart. Call Hart.**

Warmly,
John M. Hart, III
Attorney & Founder, Hart Law



Drink, Drank... Dunk Tank



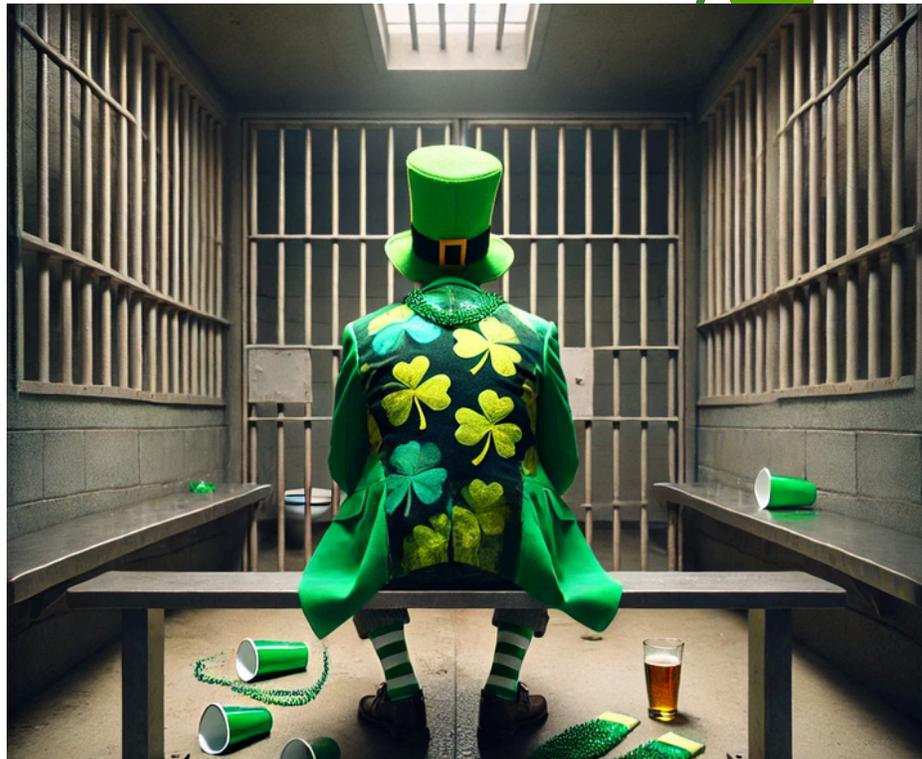
BY JOHN M. HART, III, ESQ.
PHOTOGRAPHY: DALLE

March is a big month of celebration, so let's start this issue off with a limerick.

*It's that time of year when the streets get painted,
New dashes of green to cover the previous year's
fainted.*

*The bars are all stocked,
Corned beef in the crock,
But a DUI would cause the fest to be tainted.*

With March comes green... green grass, green trees, green bushes, green flowers, (or at least historically anyways but who knows what the weather has in store for us anymore.) But one tradition in March that guarantees us the green is St. Patrick's Day. There's no denying that our community is rich with diversity. It's what makes us unique and exceptional. And the Irish heritage in our region is one of our various cultures that is embraced with pride and celebration. This is clearly exhibited by simply checking our calendars. We don't just celebrate St. Patrick's Day. We stretch it out and throw parades and dinners too. We don our best green attire, march in our parades, get back to the basics of meat and potatoes and typically consume plenty of alcohol. However, while these fests are meant to be a celebration, they can also lead to dangerous behavior on the roads, such as driving under the influence (DUI).



We all like a good time during the holidays, especially in March. Well, most of us do at least... I guess I can't truly speak for everyone. But I can definitely vouch for the majority of us. I see this in the crowds that come out in March to watch people march. I see droves of diners assemble for dinners. I see the masses attend masses. And I see the piles of people pour out of the pubs. But while our March traditions are no doubt a good time, we have to be aware of the critical responsibilities that come with consuming alcohol. We all know the line... drink responsibly. This is crucial. Because on St. Patrick's Day and the weeks before and after, the number of DUI arrests and incidents tends to increase due to the high consumption of alcohol.



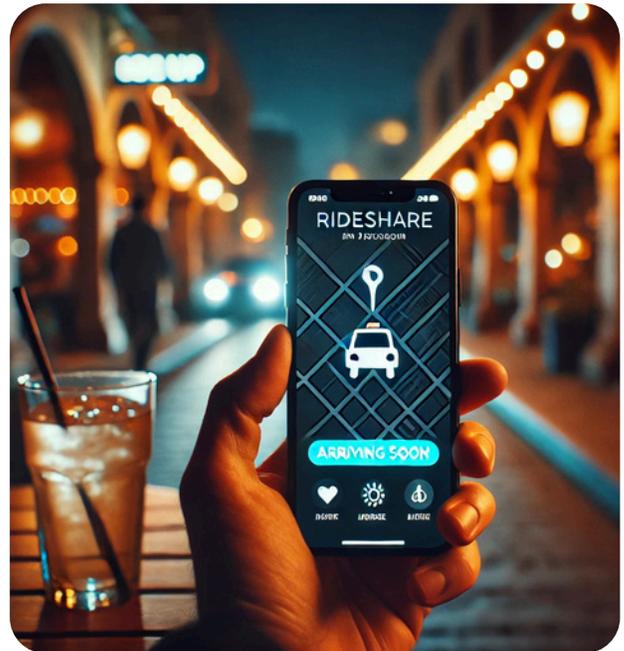
DUI is a serious problem that can result in severe consequences, including fines, jail time, and loss of driving privileges, or even worse, serious bodily injury or death. Additionally, if you're charged, you better plan on spending the night in the proverbial drunk tank. Here in PA, and presumably most jurisdictions across the US, the legal blood alcohol limit is 0.08 percent. But here's the rub, that is different for each and every one of us. That could mean one drink for someone within an hour. It could mean 3 drinks within 30 minutes for a bigger brute such as myself. There are too many variables that go into that equation. And blood alcohol isn't the only metric to gauge whether someone is driving under the influence. If you are suspected of driving while impaired, a police officer can rely on his training and experience to detect signs of impairment.

This includes observing your speech, your breath, your eyes, and your gait. Additionally, an officer can request that you perform a Standardized Field Sobriety Test. I'm sure many of you are familiar with this. There are tons of videos out there with examples of this test, many of which are rather comical. (check out "drunk dancing cowboy DUI" online if you need a laugh) And then there's the blood test. Do you volunteer to it? Do you refuse? Do you refuse every test just mentioned above? Each decision you make will have various outcomes. And if you are actually intoxicated, do you really want to be making these types of decisions on the fly when the consequences are so severe?

The ramifications of a DUI can be far-reaching and long-lasting. In addition to the legal repercussions, a DUI can have a negative impact on one's personal and professional life. A DUI conviction can result in a criminal record, which can make it difficult to find employment and housing in the future. It can also lead to higher insurance rates and increased financial strain.

The good news is that these decisions are extremely avoidable. Don't take the chance. Don't try to calculate your consumption. To avoid the dangers of DUI, it's important to make responsible choices when celebrating St. Patrick's Day and plan ahead. If you plan on drinking, designate a sober driver, or make arrangements for alternative transportation, such as a taxi, ride-sharing service, or public transportation. Heck, if on the off chance the weather is nice like it used to be in March, take a nice walk home. It may help clear your head. It's also important to pace yourself and drink plenty of water to avoid becoming too impaired in the first place.

So please plan your celebration ahead of time. When you think about it, nothing should come as a surprise. St. Patrick's Day is one of those easy holidays that is literally on the same calendar day each year, March 17th. But if you do end up in trouble or someone you know fails to read this article and makes a mistake by getting behind the wheel during these March festivities, remember that being charged with DUI is a serious matter that can have a significant impact on someone's life. Given the severity of the consequences, it is essential to take the matter seriously and seek the help of an experienced DUI attorney. Hiring an experienced DUI attorney can make a significant difference in the outcome of your case and can help you avoid the most drastic ramifications of a DUI conviction.



Prior to representing individuals charged with DUIs, I prosecuted them. While serving as an assistant district attorney in Lackawanna County I was a member of the DUI unit where I personally handled thousands of DUI cases. This background gives me a deep understanding of the strategies used by the prosecution and a comprehensive understanding of the laws and regulations related to DUI cases.

Should you find yourself in need of a DUI defense attorney, remember to be smart, call Hart.

Our team's knowledge of the legal system and the prosecution's strategies, along with their negotiation skills, can be invaluable in achieving the best possible outcome in a DUI defense.

**“THE GOOD NEWS IS THAT
THESE DECISIONS ARE
EXTREMELY AVOIDABLE”**



Q&A



Q

If a tree falls during a spring storm, who pays for the damage?

Usually your homeowner's insurance — unless the tree was clearly dead or dangerous and ignored. Then negligence could shift liability.

Q

Do I need a permit to build a deck or shed this spring?

Most likely, yes. Many municipalities require zoning and building permits. Skipping them can create fines or problems when selling your home.

Q

Can I appeal my property assessment?

Yes — but you must act quickly and be aware of important deadlines. At this time, you would be appealing for next year's taxes. Appeals are based on fair market value, not just higher taxes.

Q

If someone gets hurt at my backyard party, am I liable?

Possibly. Homeowners must keep their property reasonably safe. Review hazards — and your insurance coverage. Especially since you are inviting guests onto your property. They are afforded heightened protections.

Q

My contractor didn't pull permits for emergency repairs. What now?

Permits are often still required afterward. The property owner can be cited — even if the contractor caused the issue.

Q

Are verbal agreements enforceable in PA?

Sometimes — but they're harder to prove. Real estate and certain contracts must be in writing.

Q

Can I get sued for something I post on social media?

Yes. False statements that harm someone's reputation can lead to defamation claims.

**Questions?
Contact Hart Law for
a personalized
consultation in any
practice area.
570-344-2626**

Rooted in Faith, Built on Discipline

Featuring Christian Saunders, Broker/Owner
– Christian Saunders Real Estate

“Success built slowly is success built to last.”

BY JOHN M. HART, III, ESQ.
PHOTOGRAPHY STOCK

Some people grow up a few streets away and somehow you never really cross paths.

Christian Saunders was one of those people for me.

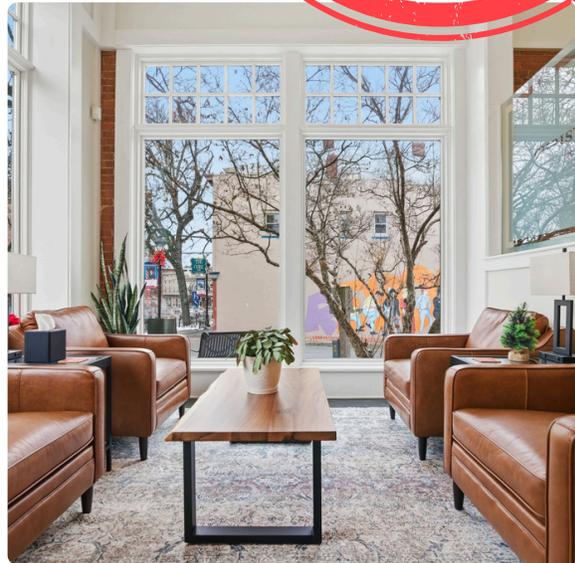
He’s about six years older than I am — the same age as my sister — so we never ran in the same circles. He was friends with my sister and brother-in-law. We likely stood in the same places at different times: grabbing hoagies at Hank’s or Brunetti’s, picking up a tray from Green Ridge Pizza on Boulevard Avenue, or leaning against the same bar at Mickey Gannon’s. Same neighborhood. Same counters. Same sidewalks. Same community... different chapters.

We just never knew each other.

That changed in 2017.

That year, I left the comfort and security of a salary as a prosecutor at the Lackawanna County District Attorney’s Office to open Hart Law. It was one of the most difficult professional decisions of my life. Security is comfortable. Independence is not. Independence demands belief — in your work, in your discipline, and in yourself.

Coincidentally, Christian was making that same kind of decision in his profession. He stepped away from Lewith & Freeman, earned his broker’s license, and opened Christian Saunders Real Estate.





Car-Lotta Credit and Car Sales put up an impressive spread at our annual Trunk or Treat.



“SOMEWHERE IN THE MIDDLE OF ALL OF THAT, WE BECAME FRIENDS.”



Different industries. Same leap of faith.

There is something powerful about watching someone else choose uncertainty at the same time you do. It creates a quiet bond — one built on ambition and shared risk.

That’s when we finally met — through transactions, through shared clients, through the interwoven world of real estate and law. I was sharpening my focus in real estate law, learning from mentors, digging into the details of contracts and closings. He was building systems, recruiting agents, and learning how to lead not just deals — but people.

We were both building something from the ground up and both eventually landed in Dunmore.

Today, both of our offices sit in the same borough. It’s not uncommon to see his car parked in front of mine — or mine in front of his — as we exchange documents, strategize on transactions, or grab coffee to talk through business, family, or life in general.

Somewhere in the middle of all of that, we became friends.

Mission-Focused

If there’s one word I’d use to describe Christian, it’s disciplined.

He is routine-oriented to a level that’s almost impressive — and occasionally the subject of light-hearted vacation jokes among friends. When he locks into a schedule, he locks in.

But that consistency shows up where it matters.

Christian is married, has four children, runs a rapidly growing brokerage, and still chose to take on something many people don’t realize is extraordinarily demanding: becoming a permanent deacon in the Catholic Church.

Most don’t realize what that entails.

Five years of formation. Five years of coursework. Five years of weekend classes. Five years of sacrificing what little discretionary time a busy father in his early forties might have.

No shortcuts. No fast track.

While others were reclaiming weekends, he was in formation. While most people guard their remaining free time, he gave his away.

Last November, he was ordained.

And while I don't often say this directly to him — because it's much more entertaining to bust his chops — it's an extraordinary accomplishment.

Becoming a deacon isn't an achievement you hang on the wall. It's a lifelong commitment. It's not about status. It's about service.

And service requires discipline of the highest order. What struck me most during those five years wasn't just the workload — it was the quiet consistency. No complaining. No theatrics. Just steady commitment. That kind of resolve tells you everything you need to know about a person.

Faith isn't something he fits in when it's convenient. It's foundational.

Built From the Ground Up

Back in 2017, Christian opened his brokerage with ambition and a belief that he could build something different.

Today, Christian Saunders Real Estate has nearly 80 realtors operating under its banner, with continued expansion into new towns across Northeastern Pennsylvania.



**CHRISTIAN SAUNDERS
REAL ESTATE**

“FAITH ISN'T SOMETHING HE FITS IN WHEN IT'S CONVENIENT. IT'S FOUNDATIONAL.”

Growth at that level doesn't happen by accident.

It happens when leadership is steady. It happens when standards are clear. It happens when someone is willing to carry responsibility that others avoid.

Running a brokerage is more than selling homes. It's mentoring agents. Managing risk. Solving problems before they become crises. (And choosing a good lawyer to help along the way!) Protecting reputation. Creating culture.

Christian has built an organization that reflects his own temperament — structured, disciplined, and mission-driven.

Success built slowly is success built to last.

Like many entrepreneurs in Northeastern Pennsylvania, he took a leap and trusted the process.

It paid off.

We both started the same year — two young professionals betting on ourselves to create something of our own, on our own. Since then, we've built businesses, grown families, weathered challenges, and learned that independence comes with responsibility.

I'm proud that Christian Saunders Real Estate is a client of Hart Law.

More importantly, I'm proud to call him a friend.

SEE WHAT OUR TEAM IS UP TO IN MARCH

2026

MARCH

SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

SCRANTON'S PARADE DAY

SATURDAY MARCH 14, 2026

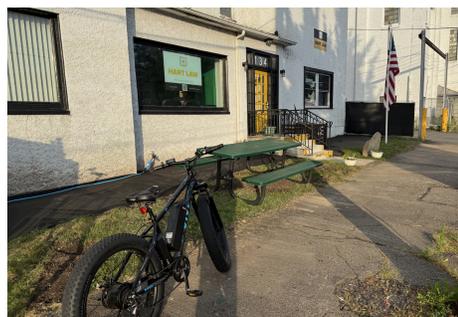
Each year, Hart Law proudly taps into the managing attorney's Irish roots and joins one of Scranton's most beloved traditions—the annual St. Patrick's Day Parade. Our float procession grows a little bigger each year as friends, family, and supporters join the celebration. Keep an eye out for Hart Law along the parade route—we look forward to seeing you there! 🍀



SPRING EQUINOX TRAIL RIDE

FRIDAY, MARCH 20, 2026

To celebrate the first day of spring, the staff at Hart Law will be dusting off their bikes and hitting the Lackawanna River Heritage Trail for a ride to welcome the new season. After a long winter, it's the perfect way for our team to get outside, enjoy the fresh air, and take in one of the area's great local trails. Anyone who would like to join us is welcome—meet us at the Parker Street trailhead in Scranton at 2:00 PM and ride along as we roll into spring together! 🚲 🌱



SEE WHAT OUR TEAM IS UP TO IN APRIL

SEED STARTING BASICS

WEDNESDAY, APRIL 8, 2026 @5PM

In keeping with our mission at Hart Law to celebrate and support the outdoors and the natural beauty of Northeastern Pennsylvania, members of our team will be attending the Seed Starting Basics workshop hosted by the Penn State Master Gardeners at the Nancy Kay Holmes Branch Library. This hands-on event is a great opportunity to learn how to start your own plants from seed and prepare for the growing season ahead. If you enjoy gardening or simply want to learn something new this spring, we encourage you to join us Wednesday, April 8 from 5:00–6:00 PM at the library. We hope to see some familiar faces there! 🌱



SCRANTON HALF MARATHON

SUNDAY, APRIL 12, 2026

Hart Law is proud to once again support the runners of the Scranton Half Marathon by hosting a hydration station along the course near the Boulevard Diner. Each year this exciting event brings athletes and spectators together from across the region, and we're happy to do our part to help keep participants energized and hydrated as they tackle the course through the streets of Scranton. If you're out cheering on the runners, be sure to stop by and say hello to the Hart Law team as we hand out water and encouragement to help push runners toward the finish line.



2026

APRIL

SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

LACKAWANNA COUNTY'S EARTH DAY EVENT

SATURDAY, APRIL 25, 2026 11AM-3PM

Hart Law is excited to participate in Lackawanna County's annual Earth Day celebration on Saturday, April 25 from 11 a.m. to 3 p.m. at Pavilion #2 in McDade Park. Hosted by the Lackawanna County Environmental Office, this family-friendly event features local artists, music, community organizations, and opportunities to learn more about protecting and enjoying our natural environment. In keeping with our firm's love for the outdoors, Hart Law will be there giving away a unique piece of gardening swag to the first 50 visitors who stop by our table. Be sure to stop by and pick up one of our seed dibblers—perfect for planting this spring—while enjoying a great day celebrating the environment with our community.



SATURDAY, APRIL 25TH | 11AM - 3PM
MCDADE PARK, 1 BALD MOUNTAIN ROAD,
SCRANTON

SEE WHAT OUR TEAM IS UP TO IN **MAY**

2026

MAY

SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

SPRING DOG WALK AT THE PARK

SUNDAY, MAY 3, 2026

Hart Law invites the community to join us for a Spring Dog Walk at the Park on Sunday, May 3 at 10:00 a.m. Bring your pup and enjoy a relaxed walk through the scenic trails at Nay Aug Park while meeting fellow members of the community who share a love for the outdoors and their pets. The first 25 dogs to arrive will receive a special Hart Law bandana for their furry friend. Whether you come for the walk, the fresh air, or simply to let your dog socialize, we look forward to spending a great spring morning with you and your canine companions.



SUNRISE GORGE TRAIL HIKE

SUNDAY, MAY 17, 2026

Hart Law invites the community to start the day outdoors with a Sunrise Gorge Trail Hike on Sunday, May 17. Join us for an early morning walk along the beautiful trails at Nay Aug Park as we take in the stunning views of the gorge and welcome the day together. The hike will begin shortly after sunrise and offers a great opportunity to enjoy fresh air, light exercise, and the natural beauty that makes Northeastern Pennsylvania such a special place to live. The first 10 participants will receive a custom Hart Law water bottle to take along on the hike. Whether you're an experienced hiker or just looking for a peaceful way to start your morning, we invite you to lace up your boots and join the Hart Law team on the trail.



A Winter Reset in the Conch Republic



BY JOHN M. HART, III, ESQ.
PHOTOGRAPHY: JOHN M. HART, III, ESQ.

Attorney John M. Hart, III reflects on his annual winter escape to Key West, where sunshine, ocean views, and island culture provide a welcome recharge before returning home to the beauty and renewal of spring in Northeastern Pennsylvania.



For many of us who live in Northeastern Pennsylvania, escaping south for a few days during the winter is almost a tradition. After the holidays pass and the decorations come down, the long stretch of winter settles in. I don't mind the cold months—we're fortunate to experience all four seasons here—but every so often winter seems to linger a little longer than usual.

This past year certainly felt that way. November arrived with a noticeable chill, and for once we even had snow before Christmas. In fact, I can count on one hand the number of true white Christmas mornings I've experienced in my lifetime, and when it happens, it makes the holiday feel that much more special. Still, with an early start to winter often comes the sense that the season stretches on forever.

That's usually when a short trip south becomes the perfect remedy.

Each year I try to sneak away for a few days in January or February, and more often than not the destination is Key West. There's something about the place that feels almost magical. Despite being firmly within the United States, it carries the relaxed energy and colorful character of the Caribbean. You get the island atmosphere, the ocean breezes, and the laid-back culture, while still enjoying the protections and freedoms afforded to us under the United States Constitution—something we sometimes take for granted when traveling abroad.

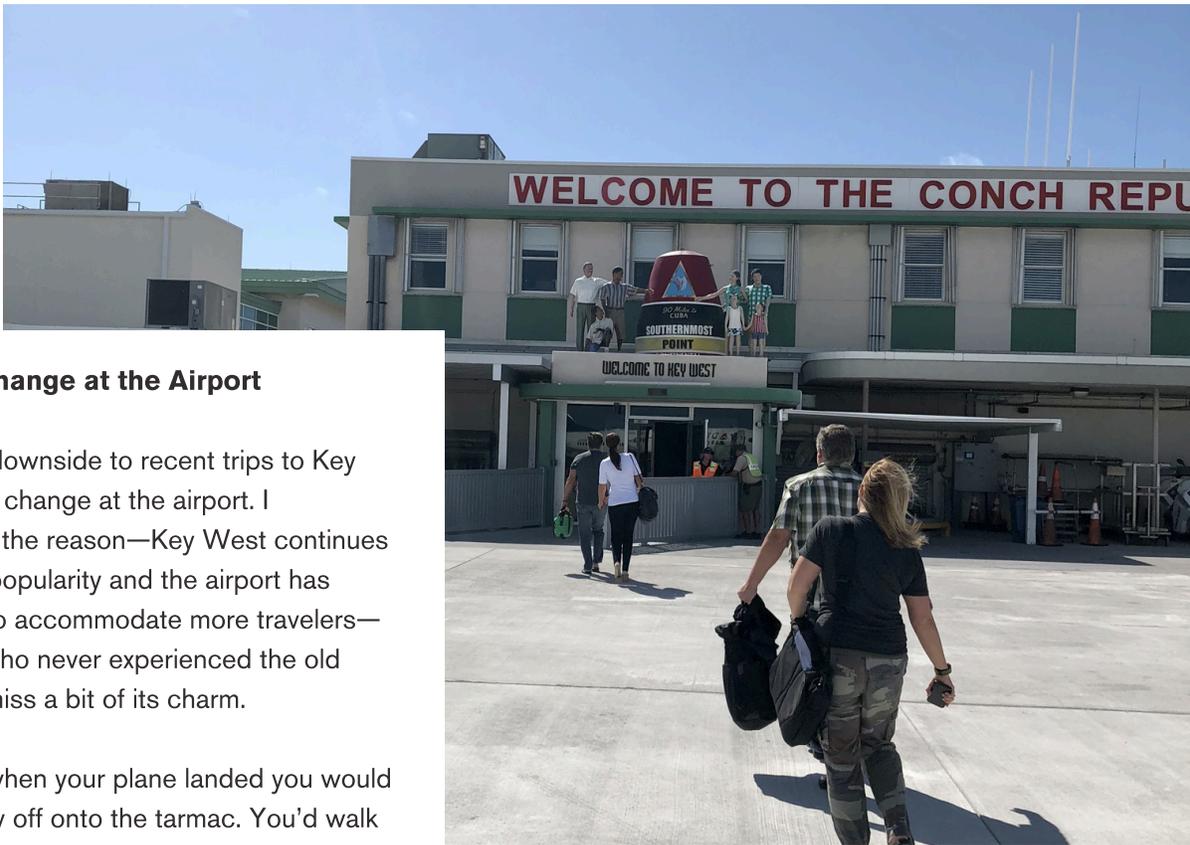
One of my favorite simple pleasures there is starting the day with a strong cup of Cuban coffee while looking out over the Atlantic Ocean. From there, it's an easy stroll down Duval Street—the lively heart of the island—where music, conversation, and the unmistakable rhythm of Key West life seem to flow around every corner. Walk far enough in the opposite direction and you can end the day watching one of the most iconic sunsets anywhere as the sun dips into the Gulf coast.



Key West also has a personality all its own. Roaming roosters and chickens wander the streets as if they own the place. The island proudly calls itself the “Conch Republic,” and you'd be doing the trip a disservice if you didn't try a basket of conch fritters at least once. And if you enjoy live music, there may be no better place. Nearly every bar along Duval Street seems to have a band playing. Walk past one open doorway and hear music spilling into the street, only for it to blend into the sounds of the next band playing just a few doors down.

Of course, like many lawyers will tell you, even a beautiful place like Key West doesn't completely disconnect you from the practice of law. No matter where I go, there always seems to be a phone call that needs to be returned or a client question that needs a quick answer. The reality is that the legal profession rarely allows you to fully “switch off.” Even while sitting oceanside, you might find yourself stepping aside for a few minutes to handle a call or provide guidance. It's simply part of the responsibility that comes with the profession.

But that balance—taking a moment to recharge while still being available to help when needed—is important. A few days of warm sunshine and ocean air can do wonders to clear the mind and renew motivation.



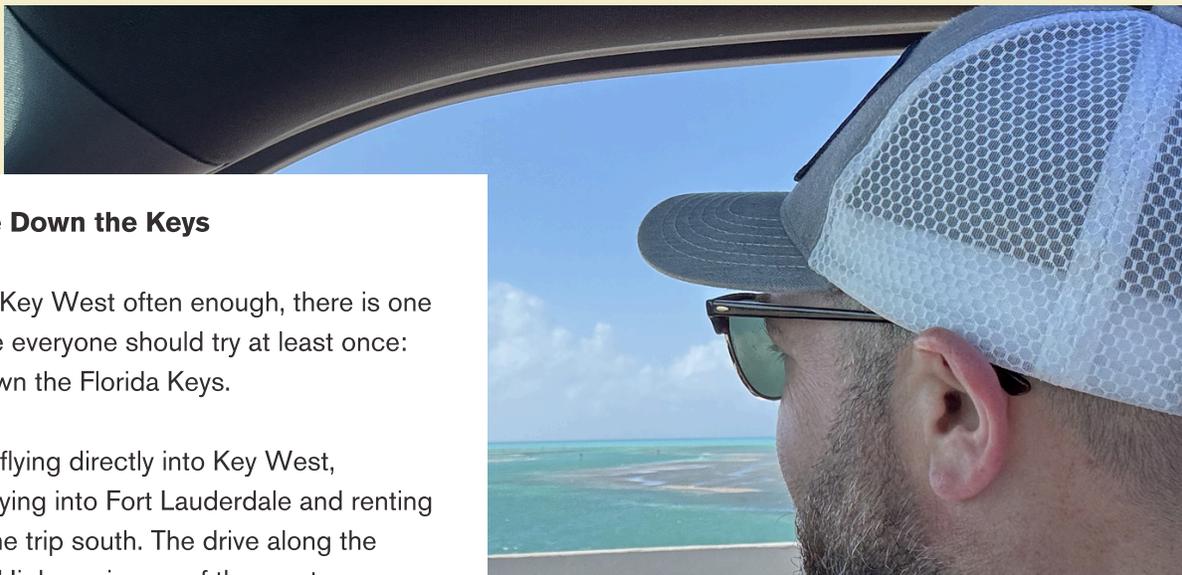
A Small Change at the Airport

One small downside to recent trips to Key West is the change at the airport. I understand the reason—Key West continues to grow in popularity and the airport has expanded to accommodate more travelers—but those who never experienced the old arrival will miss a bit of its charm.

For years, when your plane landed you would step directly off onto the tarmac. You'd walk down the small set of stairs, feel the warm island sun instantly hit your face, and make the short stroll across the pavement to the terminal. It was a uniquely Key West experience that made you feel like you had truly arrived somewhere special.

Inside, you'd grab your luggage from the carousel—often with a drink waiting for you at the small bar just steps away. The bar is still there today, but something about stepping directly into that warm ocean air was part of the magic. It was the moment when you suddenly realized you needed to dig through your bag to find the sunglasses that hadn't seen daylight since the previous summer back home in Pennsylvania.





The Drive Down the Keys

If you visit Key West often enough, there is one experience everyone should try at least once: driving down the Florida Keys.

Instead of flying directly into Key West, consider flying into Fort Lauderdale and renting a car for the trip south. The drive along the Overseas Highway is one of the most memorable stretches of road in the country, weaving across turquoise water and connecting island after island until you eventually reach the southernmost point of the continental United States.

For those of us here in Northeastern Pennsylvania, that trip may become even easier soon. Wilkes-Barre/Scranton International Airport recently announced that beginning in July 2026, Breeze Airways will offer direct flights to Fort Lauderdale. That makes the idea of flying south and taking the scenic drive through the Keys even more appealing.

And if you make the drive, there is one stop you absolutely shouldn't miss: Robert Is Here Fruit Stand. This iconic fruit stand has some of the most unusual and exotic fruits you'll ever see—many that you've probably never heard of, let alone tasted. It's part roadside attraction, part tropical tasting adventure, and a perfect reminder that sometimes the journey itself can be just as memorable as the destination.





Heading Home

What I enjoy just as much as the scenery is the people you meet in Key West. The island attracts visitors from every corner of the country—and the world. I often find myself asking a bartender or server where they're from and how they ended up on the island. More often than not, the answer is the same: "I came here on vacation once and never left." I can certainly see the appeal.

But like all good trips, the best part eventually comes at the end—coming home. Returning to Northeastern Pennsylvania always reminds me how fortunate we are to live in a place with such a diverse and beautiful landscape. The mountains, rivers, forests, and small towns that define our region are hard to beat.

A few days in the Florida sunshine may help recharge the batteries, but there's something special about coming back home refreshed, ready to get back to work, and looking forward to the arrival of spring in the weeks ahead.



SHARE YOUR FAVORITE FLORIDA SPOTS WITH US ON FACEBOOK 

When Co-Ownership Goes Wrong: Understanding an Action in Partition

BY JOHN M. HART, III, ESQ

*A practical overview by Attorney Hart
explaining the potential problems with
joint real estate ownership.*



In recent months, our office at Hart Law has seen an increase in calls from individuals asking about filing an action in partition. The reason is often the same: two people bought a home together—sometimes as a couple, sometimes as friends or business partners—but the relationship has since broken down. When both names remain on the deed and mortgage, separating the property can become complicated, and that is where an action in partition comes into play.

An action in partition is a legal proceeding that allows a co-owner of real estate to ask a court to divide or sell property when the owners can no longer agree on what to do with it. In Pennsylvania, if multiple people own a property together and one of them wants out of the arrangement, they cannot simply remove their name from the deed or mortgage. Instead, they may need to ask the court to intervene. In most cases involving a single residential property, the court will order the property to be sold and the proceeds divided among the owners according to their ownership interests.

Partition actions are commonly anticipated during divorce proceedings, where courts already have jurisdiction to distribute marital property between spouses. However, when the co-owners are not married, the situation can be more complicated. Without the framework of divorce law, the only legal mechanism available to force a resolution may be a partition action filed in civil court. This is increasingly common as more people purchase homes together outside of marriage.

“MORTGAGE LIABILITY DOESN'T DISAPPEAR”



One of the most important things people often misunderstand is that being on the deed and mortgage carries ongoing obligations, even if you move out of the home. If your name remains on the mortgage, you are still legally responsible for making payments. If the loan falls into default, it can affect your credit and expose you to potential legal consequences from the lender. Simply leaving the property or ending the relationship does not remove these obligations.

How property is titled also plays a major role in determining what happens when co-owners disagree. There are several common ways to hold title:

Tenants in Common is one of the most common forms of co-ownership. Each owner holds a distinct ownership share in the property, which may or may not be equal. These shares can be sold, transferred, or inherited independently. If one owner passes away, their share does not automatically transfer to the other owners but instead becomes part of their estate.

Joint Tenants with Right of Survivorship means that each owner holds an equal interest in the property, and when one owner dies, their interest automatically transfers to the surviving owner or owners. This type of ownership avoids probate for that interest but still allows a co-owner to seek partition if the relationship between owners breaks down.

Tenants by the Entirety is a special form of ownership available only to married couples. It treats the spouses as a single legal entity for ownership purposes. One spouse cannot sell or transfer the property without the consent of the other, and creditors of only one spouse generally cannot attach the property. This form of ownership typically ends if the couple divorces, converting into another form of ownership.

As more people enter into homeownership arrangements with partners or friends, it becomes increasingly important to understand the legal implications before signing the paperwork. Buying a home together is not just a personal commitment—it is a legal and financial partnership. When that partnership breaks down, an action in partition may be the legal mechanism that ultimately resolves the dispute.

Whether you're considering purchasing real estate with another individual and want to understand the risks ahead of time, or you're already in the middle of a situation where the relationship has broken down and you're looking for a way out, the team at Hart Law is here to help. Give us a call to discuss your options and protect your interests.

REAL ESTATE ISSUES?

CALL US!!

570-344-2626

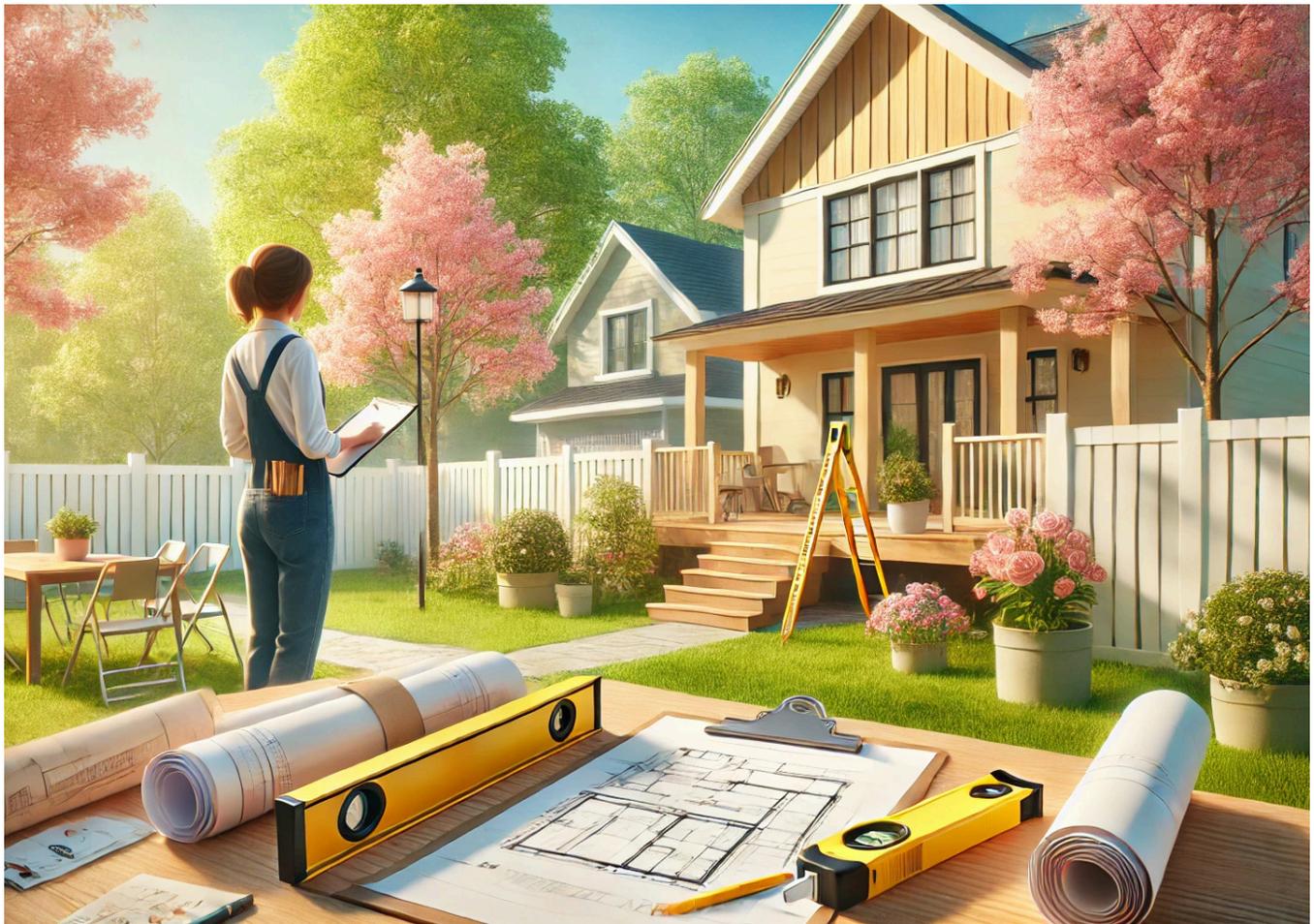


Before You Start That Spring Project: Legal Tips for Homeowners



BY JOHN M. HART, III, ESQ.
PHOTOGRAPHY: JOHN M. HART, III, ESQ.

Before starting your next deck, fence, or renovation project, learn the key legal considerations every homeowner should know—from contracts and permits to contractor registration and property protections.



As the snow melts and the days grow longer here in Northeastern Pennsylvania, many homeowners begin turning their attention to long-awaited spring projects. Decks are repaired, fences are installed, landscaping takes shape, and additions or renovations finally move from the planning stage to reality. Spring is an exciting time to improve your home, but before the first shovel hits the ground, it's important to understand a few legal considerations that can save homeowners significant headaches down the road.



Always Start with a Written Contract

One of the most common issues that leads to disputes between homeowners and contractors is the absence of a clear written agreement. While a handshake deal might feel easier at the moment, it often creates confusion later if expectations aren't clearly defined.

A written contract should outline the scope of work, timeline for completion, materials being used, payment schedule, and what happens if changes to the project become necessary. Having these details documented protects both the homeowner and the contractor and can prevent misunderstandings if problems arise during the project.

Verify Insurance and Licensing

Before hiring anyone to perform work on your home, take a moment to verify that the contractor carries proper insurance. At a minimum, contractors should have liability insurance and workers' compensation coverage. If a contractor or employee is injured on your property and they do not carry insurance, the homeowner could potentially face liability.

In Pennsylvania, many contractors are also required to be registered under the Home Improvement Consumer Protection Act. This registration can be verified through the Pennsylvania Attorney General's office and provides an additional layer of accountability.



“A HANDSHAKE AGREEMENT MAY FEEL EASY TODAY—BUT IT OFTEN LEADS TO DISPUTES TOMORROW.”

Understand Permits and Local Requirements

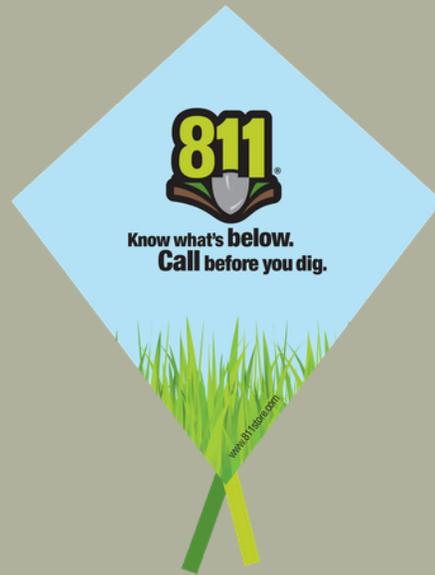
Many home improvement projects require permits issued by your local municipality. This is especially true for projects such as decks, additions, structural renovations, electrical work, plumbing modifications, and certain landscaping or excavation projects.

While contractors often handle the permit process, homeowners should confirm that the necessary permits have been obtained. If work is performed without the proper approvals, municipalities can issue stop-work orders, require expensive corrections, or impose fines.

Be Aware of Mechanics' Liens

Another legal issue that occasionally surprises homeowners involves mechanics' liens. Under Pennsylvania law, contractors and subcontractors who perform work on a property may have the ability to file a lien against the home if they are not paid for their services.

This situation sometimes arises when a homeowner pays the general contractor, but the contractor fails to pay subcontractors or suppliers. Those unpaid parties may still have the ability to pursue a lien against the property itself. Keeping careful records of payments and requesting lien waivers when appropriate can help protect homeowners from this situation.



Don't Forget to Call Before You Dig

Spring also brings excavation projects for patios, landscaping, fencing, or drainage improvements. Before digging anywhere on your property, it is important to contact Pennsylvania's utility notification system by calling 811. This allows utility companies to mark underground lines such as gas, electric, water, and communications cables before excavation begins.

Failing to do so can lead not only to dangerous situations but also to significant financial liability if underground utilities are damaged.



Planning Today Prevents Problems Tomorrow

Home improvement projects should be exciting and rewarding. Taking a little extra time at the beginning of a project to address contracts, permits, insurance, and utility markings can prevent costly legal issues later.

If you ever have questions about contracts, disputes with contractors, property issues, or other legal concerns related to your home, our team at Hart Law is always available to help guide you through the process.

Spring is a great time to build, improve, and invest in your home — just make sure you start the project on solid legal ground.

“Spring projects start with plans—legal plans included.”

Spring Home Improvement: Quick Legal Tips

- Get it in writing. Always use a written contract that clearly outlines the scope of work, materials, timeline, and payment schedule.
- Verify contractor registration. In Pennsylvania, most home improvement contractors must be registered under the Home Improvement Consumer Protection Act.
- Check insurance coverage. Make sure contractors carry liability insurance and workers' compensation to protect you from potential liability.
- Confirm permits are obtained. Many projects—such as decks, additions, plumbing, or electrical work—require municipal permits before work begins.
- Understand mechanics' liens. Unpaid subcontractors or suppliers may be able to file a lien against your property if they are not paid.
- Keep payment records. Maintain documentation of all payments and consider requesting lien waivers when appropriate.
- Call before you dig. Contact 811 before any excavation to have underground utilities marked and avoid costly or dangerous damage.

A little preparation at the beginning of a project can prevent major legal headaches later.

Questions about this topic? Call Hart Law at 570-344-2626.

CASE LAW IN A NUTSHELL

UNDERSTANDING PENNSYLVANIA'S “HILLS AND RIDGES” RULE



COMMONWEALTH COURT GUIDANCE ON SNOW & ICE LIABILITY

Rinaldi v. Levine (Pa. 1960)

The Pennsylvania Supreme Court recognized that property owners cannot reasonably be expected to keep sidewalks and walkways perfectly clear during ongoing winter storms. The Court held that liability typically arises only when snow and ice accumulate into dangerous ridges or elevations.

Key Point:

Natural winter conditions alone do not automatically create liability.

Williams v. Shultz (Pa. Super. Ct.)

Pennsylvania courts have emphasized that to succeed in a claim under the Hills and Ridges Doctrine, the injured party must show that the snow or ice had accumulated into a dangerous formation and that the property owner had notice of the condition.

Key Point:

There must be evidence that the property owner knew—or should have known—about the dangerous condition.

Biernacki v. Presque Isle Condominiums (Pa. Super. Ct.)

Courts have also recognized an important exception: when the slippery condition is caused by something other than natural snowfall—such as improper drainage or melting that refreezes—the Hills and Ridges rule may not apply.

Key Point:

Man-made conditions can create liability even during winter weather.

Winter in Northeastern Pennsylvania brings its fair share of snow and ice, and with that comes the occasional slip-and-fall accident. Many people assume that if someone falls on snow or ice, the property owner is automatically responsible. Pennsylvania law, however, recognizes that winter conditions are unavoidable.

Under what courts call the “Hills and Ridges Doctrine,” property owners are generally not liable for injuries caused by natural accumulations of snow or ice unless those conditions have formed dangerous ridges or elevations and were allowed to remain for an unreasonable amount of time.

Quick Takeaways

- **Winter Happens:** Property owners are not expected to keep every surface completely clear during active snowstorms.
- **Dangerous Accumulations Matter:** Liability typically requires snow or ice forming hazardous “ridges” or elevations.
- **Notice Is Important:** Owners must have known—or reasonably should have known—about the dangerous condition.
- **Natural vs. Man-Made:** The rule usually applies to natural snowfall, but not necessarily to hazards caused by drainage or other artificial conditions.
- **Every Case Is Fact-Specific:** Weather conditions, timing of snow removal, and the nature of the accumulation all matter.



**WANT TO GET OUR
QUARTERLY NEWSLETTERS
FOR MORE ARTICLES?**

Don't miss out on the latest updates and insights —sign up for our newsletter today! By subscribing on our website, you'll receive our quarterly issues directly in your inbox. Stay informed with our carefully curated content and never miss a beat. Join our community and enjoy exclusive news and stories delivered straight to you.

WWW.THEHARTOFSCRANTON.COM

**WE'D LOVE
TO HEAR
FROM YOU!**

Please send us your suggestions or comments on the content of our newsletter. Let us know what you'd like to see in future issues. Visit www.thehartofscranton.com or call +1-570-344-2626 to share your thoughts.