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ENTERED
Office of Proceedings
August 2, 2012
Part of
Public Record

KEITH G. O'BRIEN

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August 2, 2012

VIA E-FILING

Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

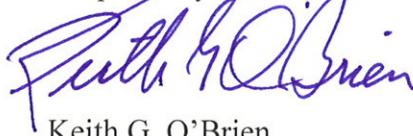
RE: *Stewartstown Railroad Company – Adverse Abandonment – In York County, PA,*
STB Docket No. AB-1071

Dear Ms. Brown:

We have been advised that Mr. John W. Willever, who has been serving as Executor under the Last Will and Testament of George M. Hart since April 29, 2008, is seeking leave to resign from that responsibility upon qualification of a successor. The Court of Common Pleas of Carbon County has scheduled a hearing in the matter which is to take place on September 20, 2012. A copy of Mr. Willever's petition and the scheduling order are enclosed.

We will further advise the Board as to the disposition of the matter in due course.

Respectfully submitted,



Keith G. O'Brien
Attorney for the Estate of George M. Hart

cc: Alex Snyder
Parties of Record

Paul D. Horger
Robert P. Browning
Dorrance R. Belin
Joseph A. O'Brien
Alfred J. Weinschenk
James W. Reid
John R. O'Brien
James J. Gillotti*
William F. Dunstone
Jane M. Carlonas
Karoline Mehalchick
Kimberly Kost Scanlon
Erin A. Brennan
Michael J. O'Brien

July 30, 2012

David Dembe, Sr. Dep. Attorney General
Attorney General's Office
Charitable Trusts & Organization Section
21 South 12th Street, 3rd Floor
Philadelphia PA 19107

Keith O'Brien, Esq.
Baker & Miller
2401 Penna Avenue, NW
Suite 300
Washington DC 20037

RE: Estate of George M. Hart, deceased

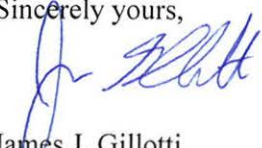
Dear Gentlemen:

As per our telephone conversations, Mr. Willever has decided to resign as executor because of his age and poor health.

Enclosed each of you will find a copy of a Petition that I prepared and which he has signed, seeking leave of Court to resign. I have served the Petition on Krista Harper, the attorney for the BCHS. She has suggested that Cory Amsler, a BCHS official who knew Mr. Hart personally, would be an appropriate successor. Mr. Willever and I have no objection to that suggestion.

Also enclosed is a Scheduling Order issued by the Court of Common Pleas of Carbon County, indicating that a Hearing will take place on September 20th on the Petition for Leave to Resign.

Sincerely yours,


James J. Gillotti
Certified Elder Law Attorney

JJG/dmf/Encs.
c: Krista Harper, Esq. (w/o enc.)
John W. Willever (w/o enc.)

FILED

COPY

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CLERK OF COURT

In RE:

ESTATE OF GEORGE M. HART,

DECEASED

IN THE COURT OF COMMON PLEAS
OF CARBON COUNTY
PENNSYLVANIA

ORPHANS' COURT DIVISION

No. 08-9143

PETITION FOR LEAVE TO RESIGN AS EXECUTOR

The Petition of John W. Wiliever ("Petitioner") respectfully states that:

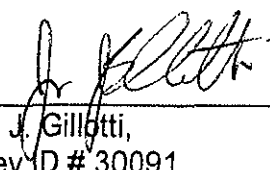
1. Letters Testamentary were granted to Petitioner (as Executor under the Last Will and Testament of the decedent, George M. Hart) by the Register of Wills of Carbon County, Pennsylvania, on April 24, 2008.
2. The Administration of the Estate has been substantially completed, but remains open because the Estate is holder of a mortgage on certain real estate owned by the Stewartstown Railroad Company ("SRC") in York County, Pennsylvania.
3. SRC is indebted to the Estate in the amount of \$352,415 which debt is secured by the mortgage. According to federal law, mortgage foreclosure proceedings cannot be commenced against a railroad without the approval of the Surface Transportation Board of the United States ("STB").

4. In 2011, the Estate filed a Petition with the STB to obtain approval to proceed with the mortgage foreclosure proceeding against SRC, but the STB has not yet ruled on the Petition.
5. The only assets remaining in the Estate are a bank account at MCT Trust Company and the Promissory Note and accompanying mortgage against the SRC.
6. Petitioner is 84 years of age, and his health has deteriorated since he qualified as Executor to a point where Petitioner feels that the duties of the office impose an undue burden on him.
7. Petitioner believes, and therefore states, that the Administration of the Estate would be adversely affected if he continues to serve as Executor.
8. Under the terms of the Will, the Bucks County Historical Society ("BCHS") is the sole residuary beneficiary of the Estate.
9. Petitioner prepared a First and Partial Account of his Administration of the Estate for the period beginning April 24, 2008 and ending November 30, 2011, and provided the same to the BCHS in January 2012. The BCHS has not yet approved the First and Partial Account.

WHEREFORE, Petitioner respectfully requests that his resignation as Executor of the Estate of George M. Hart, deceased, be accepted upon qualification of a Successor.

Respectfully submitted,

OLIVER PRICE & RHODES
Attorneys for Petitioner

By: 

James J. Gillotti,

Attorney ID # 30091

1212 S. Abington Road

P.O. Box 240

Clarks Summit Pa 18411

(570) 585-01212

jig@oprlaw.com

VERIFICATION

I, John W. Willever, Executor of the Estate of George M. Hart, verify that the statements made in this Petition are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to the unsworn falsification to authorities.

Date: July 2, 2012 John W. Willever
John W. Willever, Executor of the Estate of
George M. Hart

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

In Re: Estate of:

HART, GEORGE M DECD

NO. 08-9143

HART, GEORGE M DECD
JAMES J GILLOTTI ESQUIRE
STEINMAN, JOEL ESQ
DAVID M ROTH, ESQUIRE

Pro Se
Counsel for Executor
Pro Se
Interested Party

SCHEDULING ORDER

AND NOW, this 19th day of July, 2012, upon
consideration of the PETITION FOR LEAVE TO RESIGN AS EXECUTOR,
it is hereby

ORDERED and DECREED that a HEARING is scheduled
for 09/20/12 at 01:15 PM, COURT ROOM 2 Carbon County
Courthouse, Jim Thorpe, Pennsylvania.

Counsel are attached for HEARING on this date.

BY THE COURT,



Joseph J. Matika, Judge

JAMES J GILLOTTI ESQUIRE

1212 SOUTH ABINGTON ROAD
CLARKS SUMMIT PA

18411