

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

ROBERT NOTHSTEIN,	:	NO. 20-887
Plaintiff	:	
	:	
vs.	:	
	:	CIVIL ACTION
BRIAN COCHRAN and COCHRAN’S AUTO,	:	
Defendants	:	

**OPINION**

The Court held a bench trial in this replevin action on June 25, 2021 and, for the reasons set forth below, enters judgment in favor of Defendants.

**I. Relevant Factual History**

This case relates to the possession and title of two vehicle – a 1971<sup>1</sup> Plymouth Satellite and a 2004 Ford Explorer. As of March 17, 2020, Plaintiff owned both vehicles. Plaintiff was storing the vehicles in a parking lot owned by a third party, adjacent to his home, pursuant to an agreement between his landlord and the owner of the parking lot. Apparently, that arrangement fell through, and an Abandoned Vehicle on Private Property Report by Property Owner was filed on March 17, 2020.<sup>2</sup>

Williamsport Bureau Police Officer Wasilauski responded to the report and identified Plaintiff as the owner of the vehicles. At some point, she made contact with Plaintiff and explained to him that the vehicles would be towed. Officer Wasilauski completed a Towing Report for both vehicles, which was mailed to Plaintiff at the address listed on the registrations.

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<sup>1</sup> During trial, the year of the Plymouth was consistently referred to as a 1972. However, the title to the vehicle lists it as a 1971.

<sup>2</sup> While there were some statements made regarding the parking lot property owner violating an agreement, the Court will not address any potential claims related to the parking lot property owner as those are outside the scope of the action between the parties in this case.

Plaintiff states he never received the Reports and believes they were sent to the wrong address because the address listed on the Reports was not his current address. The Reports were also submitted to Defendant and both vehicles were towed by Cochran's Auto on March 17, 2020.

After the vehicles were towed, Plaintiff called the Cochran's Auto and spoke with Megan Cochran, who at the time was working for Cochran's Auto and is Brian Cochran's daughter-in-law. Plaintiff believes that Megan Cochran stated he did not have to pay for storage of the vehicles due the lockdown caused by COVID-19. Megan Cochran recalls that she spoke with Plaintiff over the phone approximately 7-9 days after the vehicles were towed at which time they agreed that if Plaintiff picked up the vehicles by a date certain and was able to pay the towing bill in full, then Cochran's would not charge for storage fees. Plaintiff did not pick up the cars by that date, so all of the storage costs re-accumulated.

Megan Cochran, who is now a one-half owner of Cochran's Auto along with her husband, operates the administrative side of the business and explained the process and procedure taken after Plaintiff's vehicles were towed. First, Defendant received the Police Requests for Removal of Abandoned Vehicle, the Ford and Plymouth. After the vehicles are towed, Section D, Salvor Information, of that form was filled out and photographs were taken of the vehicles. *See Defendants' Exhibits 3 and 4 at page 2 and Defendants' Exhibits 6 and 7.* The photographs and the completed Police Requests were sent to the Pennsylvania Department of Transportation (hereinafter "PennDOT") at which point PennDOT sent back to Defendants a letter stating that the vehicles shall be disposed of if they remain unclaimed after thirty (30) days. *See Defendants' Exhibits 3 and 4 at page 1.* It is Megan Cochran's understanding that this

letter is also sent to the address listed on the registration for the vehicles. Defendants never sent Plaintiff a copy of this letter or any other correspondence. Plaintiff again states that he never received a letter from PennDOT. After receiving that letter, Megan Cochran gave Plaintiff thirty-seven (37) days to claim the vehicles and he failed to do so. At that point, Megan Cochran submitted a different form to PennDOT indicating the thirty (30) days had passed and no one had claimed the vehicles. PennDOT then authorized Defendants to publish notice to dispose of the vehicles. After notice had been published for two (2) weeks, Megan Cochran submitted proof of the publication to PennDOT who then sent the titles to the vehicles to Defendants. Pursuant to the titles, Cochran's Automotive is the current salvage vehicle owner of the 1971 Plymouth and the 2004 Explorer. *See Defendants' Exhibit 5.*

## **II. Statutory Provisions**

The Pennsylvania legislature sets forth the procedure by which salvors obtain the title of abandoned vehicles.

“The department [PennDOT] upon receipt of an abandoned vehicle information report shall notify by certified mail, return receipt requested, the last known registered owner of the vehicle and all lienholders of record that the vehicle is being held as abandoned.” 75 Pa.C.S.A. § 7305(a). The notice, along with other things, shall “[i]nform the owner and any lienholders of their right to reclaim the vehicle and its contents within 30 days after the date the notice was mailed at the place where the vehicle is being held by the salvor, upon payment of all towing, storage charges, the fee authorized in section 7306 . . . and penalties under section 3712(d)(1)”

and “[s]tate that the failure of the owner or lienholder to reclaim the vehicle and its contents is deemed consent by the owner to the destruction, sale or other disposition of the abandoned vehicle and its contents and of all lienholders to dissolution of their liens . . . .” 75 Pa.C.S.A. § 7305(b)(3) and (4).

In order to reclaim an abandoned vehicle, the owner of the vehicle must pay the “costs for towing and storage from the date the salvor submitted the abandoned vehicle report to the department, plus a fee of \$50 of which \$25 shall be transmitted to the department by the salvor.” 75 Pa.C.S.A. § 7306. If the vehicle is not claimed, then “[t]he department shall, after the expiration of 30 days from the date of notice sent by certified mail to the registered owner and all lienholders of record . . . and upon receipt of a written statement from the holder of the vehicle that the abandoned vehicle has not been reclaimed by the owner or lienholder within the 30-day period, authorize the disposal of the abandoned vehicle” by sale at a public auction. 75 Pa.C.S.A. §§ 7307 and 7308(a) (“If an abandoned vehicle having value has not been reclaimed as provided in this chapter, the vehicle shall be sold at a public auction.”).

### **III. Analysis**

Plaintiff’s primary complaint is that he did not receive notice of either the report completed by the police for the towing of the vehicles or the letter from PennDOT explaining his rights as it relates to claiming the vehicles and the consequences if he failed to do so. However, there is nothing in the statutes (Vehicle Code) that require Defendants or the police to directly correspond with Plaintiff regarding this process. Instead, the information is sent to

PennDOT who in turn sends notice to the registered owner of the vehicle. The Vehicle Code contains a standardized procedure that a salvor (towing company) must comply with when towing an abandoned vehicle. The salvor does not have discretion to deviate from this procedure. Additionally, it is unreasonable to expect the police and PennDOT to verify every address listed on a registration. It is each citizen's duty to ensure his or her correct address appears on the vehicle registration and driver's license. The above statutes are written in such a way to ensure notice is given to the proper person. There was no testimony that PennDOT deviated from the statutory procedure in regard to Plaintiff's vehicles.

Megan Cochran explained in detail the procedure she took to obtain the title of the vehicles, and that procedure directly follows that set forth in the statutes. While proof of all the documents and letters sent to and received from PennDOT was not provided to the Court or entered into evidence, the facts as testified to by Megan Cochran were not challenged by Plaintiff and Plaintiff has not provided the Court with a different rule or law showing that Defendants should have done something differently. Additionally, Plaintiff offered no evidence that he attempted to or actually did reclaim the vehicles by paying the cost of the towing and storage pursuant to Section 7306, *supra*.

#### **IV. Conclusion**

For the reasons set forth above, judgment is entered in favor of Defendants.

**ORDER**

AND NOW, this 19<sup>th</sup> day of July, 2021, following a bench trial in the above referenced matter, and for the reasons set forth above, judgment is hereby entered in favor of the Defendants.

BY THE COURT,

Ryan M. Tira, Judge

cc: Robert Nothstein – 353 W. Third Street, Apt. 1W, Williamsport, PA 17701  
William Carlucci, Esq. 8879  
Gary Weber, Esq.  
Alexandra Sholley – Judge Tira’s Office