

# Lycoming Reporter

---

Vol. 29

March 23, 2012

No. 12

---



# LYCOMING REPORTER

(USPS 322-900)

THE OFFICIAL LEGAL PERIODICAL FOR LYCOMING COUNTY

www.lycolaw.org

---

PUBLISHED EVERY FRIDAY BY  
LYCOMING LAW ASSOCIATION

*Editor:* Gary L. Weber

*Business Manager:* Jessica A. Engel

“LYCOMING REPORTER (ISSN 0884-187X) is published weekly for \$50 per annum by the Lycoming Law Association, Penn Tower, 25 West Third Street, Suite 601, Williamsport, PA 17701. Periodical postage paid at Williamsport, PA 17701-9998 and additional mailing offices. POSTMASTER: Send address changes to LYCOMING REPORTER, Penn Tower, 25 West Third Street, Suite 601, Williamsport, PA 17701.”

General Office: Penn Tower, 25 West Third Street, Suite 601, Williamsport, Pennsylvania  
Legal Notices of less than 300 words in length must be received by 1:00 P.M. on the Tuesday preceding the date of publication; all other notices must be received by 4:00 P.M. on the Monday preceding the date of publication.

Library of Congress Catalog Card Number 61—18866

Printed by Clare Printing, 206 S. Keystone Avenue, Sayre, PA 18840

---

## ADVERTISING RATES

Annual subscription, \$50 per year.

Estate advertisement consisting of three (3) insertions, which shall include one (1) Proof of Publication at no additional cost, \$80.

Incorporation Notices, Fictitious Name Notices, LLC Notices, and similar business notices consisting of one (1) insertion, which shall include one (1) Proof of Publication at no additional cost: \$70.00.

All other advertising unless done by special contract arrangement, \$1.75 per half-column line and \$3.50 per full column line. This shall entitle the advertiser to one (1) Proof of Publication at no additional cost.

Additional Proofs of Publication, \$4.00.

---

All legal notices must be submitted in typewritten form and are published exactly as submitted by the advertiser. Neither the Lycoming Reporter nor the printer will assume any responsibility to edit, make spelling corrections, eliminate errors in grammar or make any changes in content. The Lycoming Reporter makes no representation as to the quality of services offered by any advertiser in this publication.

**PBI SEMINARS FOR SPRING/SUMMER 2012**

LYCOMING LAW ASSOCIATION  
25 WEST THIRD STREET, SUITE 601  
WILLIAMSPORT, PA

**CONTACT PBI TO REGISTER: (800) 247-4724**

**SIGN-IN FOR ALL SEMINARS IS ONE-HALF  
HOUR PRIOR TO THE PROGRAM.**

**ANYONE REQUIRING SPECIAL ARRANGEMENTS  
FOR A DISABILITY PLEASE CONTACT  
ZINA BARLUP (800) 932-4637 EXT. 2284  
TEN (10) DAYS PRIOR TO THE COURSE.**

**PBI may cancel replays when the registration is  
insufficient ten days prior to the replay.**

**Check with PBI for Tuition.**

**An additional \$25.00 charge is  
assessed for registration at the door.**

*If you plan to register at the door, please call  
the PBI Customer Service Department at  
(800) 247-4724 before the program.*

*If you are pre-registered and PBI elects to  
cancel the replay, you will be notified by PBI.*

**Please feel free to check [www.pbi.org](http://www.pbi.org)  
to confirm a scheduled seminar or replay.**

**TUESDAY, MARCH 27, 2012—9:00 A.M. to 5:00 P.M.**

(5 Substantive, 1 Ethics) FACEBOOK, TWITTER & BLOG-  
GING .... OH MYSPACE! LEGAL ISSUES WITH SOCIAL  
NETWORKING SITES

**WEDNESDAY, MARCH 28, 2012—9:00 A.M. to 4:30 P.M.**

(5 Substantive, 1 Ethics) 25TH ANNUAL CIVIL LITIGATION  
UPDATE

**THURSDAY, APRIL 5, 2012—9:00 A.M. to 10:00 A.M.**

(1 Ethics) ETHICS POTPOURRI: SOCIAL MARKETING FOR  
LAWYERS: DARNED IF YOU DO, DARNED IF YOU DON'T?

**WEDNESDAY, APRIL 11, 2012—9:00 A.M. to 1:30 P.M.**  
(3 Substantive, 1 Ethics) THE FAMILY LAW DISCOVERY  
TOOL KIT

**MONDAY, APRIL 16, 2012—12:00 P.M. to 3:15 P.M.**  
(3 Substantive) UM/UIM

**FRIDAY, MAY 18, 2012—8:30 A.M. to 12:45 P.M.**  
(4 Substantive) WORKERS' COMPENSATION PRACTICE &  
PROCEDURE 2012

**TUESDAY, JULY 10, 2012—8:30 A.M. to 12:45 P.M.**  
(3 Substantive, 1 Integrated Ethics) DEFAMATION, LIBEL &  
SLANDER

**THURSDAY, AUGUST 9, 2012—9:00 A.M. to 12:15 P.M.**  
(3 Substantive) CELL PHONE FORENSICS: WHAT EVERY  
ATTORNEY SHOULD KNOW ABOUT RECOVERING DIGI-  
TAL EVIDENCE

---

**LIVE SEMINARS BEING HELD AT THE  
PROFESSIONAL DEVELOPMENT CENTER  
PENN COLLEGE  
ONE COLLEGE AVENUE  
WILLIAMSPORT, PA**

**THURSDAY, MARCH 29, 2012—9:00 A.M. to 4:00 P.M.**  
(5 Substantive, 1 Ethics) FUNDAMENTALS OF OIL & GAS  
LAW

**TUESDAY, MAY 22, 2012—9:00 A.M. to 1:15 P.M.**  
(4 Substantive) GAS LEASES AND ESTATE PLANNING:  
TECHNIQUES TO PROTECT THE FUTURE OF YOUR CLI-  
ENT'S MINERAL RIGHTS

**The full text of the following decisions of the Court of Common Pleas of Lycoming County have been posted to the Lycoming Law Association website. To read the decision, navigate to [www.lycolaw.org/Cases/search.asp](http://www.lycolaw.org/Cases/search.asp), and enter the name or Web citation or check “Recent Postings.”** [How to read the summaries: **Case Name**, (date of issuance)—issuing judge, category: Summary of legal concepts involved (Web citation—unique number assigned to opinion) (Date posted to the website)]

- ▶ **Commonwealth vs. Rhines** (02/27/2012)—Judge Nancy L. Butts  
Criminal: Post Conviction Relief Act petition; timeliness. (Rhines022712bt) (Posted: 02/27/ 2012)
- ▶ **Commonwealth vs. Monroe** (02/23/2012)—Judge Nancy L. Butts  
Criminal: Appeal; Post Conviction Relief Act petition denial. (Monroe022312bt) (Posted: 02/27/2012)
- ▶ **Commonwealth vs. Green** (02/27/2012)—Judge Nancy L. Butts  
Criminal: Appeal; claimed excessive sentence; revocation of probation; multiple violations of conditions of probation; sentence within guidelines. (Green022712bt) (Posted: 02/27/2012)
- ▶ **Commonwealth vs. DiMassimo** (02/27/2012)—Judge Nancy L. Butts  
Criminal: Appeal; suppression motion; DUI conviction; probable cause to stop; speeding detected by VASCAR; failure to introduce certification of VASCAR at suppression hearing. (Dimassimo022712bt) (Posted: 02/27/2012)
- ▶ **Commonwealth vs. McKissick** (02/21/2012)—Judge Dudley N. Anderson  
Criminal: Motion for severance of counts; theft offenses; separate victims of different theft schemes; crimes not admissible in trial of the other. (mckissick022112a) (Posted: 02/21/2012)
- ▶ **BA vs. JJ** (02/08/2012)—Judge Joy Reynolds McCoy  
Custody: Petition to transfer venue; spouses residing in different states; hardship for both parents to travel to other state; factors reviewed; existence of overriding factors to prevent litigation from going forward in Lycoming County. (Avalos020812m) (Posted: 02/17/ 2012)

- ▶ **SV vs. EE** (02/16/2012)—Judge Joy Reynolds McCoy  
Civil: Custody claim; issue of paternity; third party attempting to assert paternity during intact marriage; wife having sexual relations with 2 men at time of conception, prior to her marriage; application of the presumption not advancing the policy of preservation of marriage; genetic testing ordered. (Vickery021612m) (Posted: 02/17/2012)
- ▶ **Roche Financial, Inc. vs. Machak** (02/16/2012)—Judge Dudley N. Anderson  
Civil: Motion for preliminary injunction; enforceability of covenant not to compete in employment agreement; employment agreement discussed in the interview, but signed months after employment commenced; no additional consideration when agreement signed; auxiliary part of the taking of employment; scope of covenant to be reasonable in time and territory. (roche021612a) (Posted: 02/16/2012)
- ▶ **Commonwealth vs. Tibbs** (02/14/2012)—Judge Nancy L. Butts  
Criminal: Post Conviction Relief Act petition; eligibility for relief; currently serving sentence. (Tibbs021412bt) (Posted: 02/14/2012)
- ▶ **In re: Appeal of Firearms License of Lowe** (02/13/2012)—Judge Richard A. Gray  
Administrative Appeal: Appeal of sheriff's decision not to renew license to sell firearms; indictment for violations of firearms laws; providing false information application; federal law preemption; lack of conflict between state and federal firearms laws. (lowe021312g) (Posted: 02/14/2012)

LYCOMING REPORTER

---

**ESTATE AND TRUST NOTICES**

Notice is hereby given that, in the estates of the decedents set forth below, the Register of Wills has granted letters testamentary or of administration to the persons named. Notice is also hereby given of the existence of the trusts of the deceased settlors set forth below for whom no personal representatives have been appointed within 90 days of death. All persons having claims or demands against said estates or trusts are requested to make known the same, and all persons indebted to said estates or trusts are requested to make payment, without delay, to the executors or administrators or trustees or to their attorneys named below.

**FIRST PUBLICATION**

**Bitler, Roland H.**, dec'd.

Late of Picture Rocks.  
Executor: Russell M. Bitler,  
154 North Third Street, Hughesville, PA 17737.  
Attorneys: Thomas D. Hess, Esquire, Hess and Hess, P.C., 30 South Main Street, Hughesville, PA 17737.

**Choate, Jane L.**, dec'd.

Late of Eldred Township.  
Executrix: Amy L. McNamara  
c/o Daniel K. Mathers, Esquire, Mathers & Stapp PC, 416 Pine St., Ste. 308, Williamsport, PA 17701.  
Attorneys: Daniel K. Mathers, Esquire, Mathers & Stapp PC, 416 Pine St., Ste. 308, Williamsport, PA 17701.

**Fischer, Evelyn M.**, dec'd.

Late of Muncy.  
Executor: John E. Fischer, 220 Roaring Run Road, Hughesville, PA 17737.

Attorneys: Thomas D. Hess, Esquire, Hess and Hess, P.C., 30 South Main Street, Hughesville, PA 17737.

**Gunter, Althea G.**, dec'd.

Late of Hughesville.  
Executor: Larry J. Deppen, 361 North Saint Marys Street, Saint Marys, PA 15857.  
Attorneys: Thomas D. Hess, Esquire, Hess and Hess, P.C., 30 South Main Street, Hughesville, PA 17737.

**Price, Sally R.**, dec'd.

Late of the Township of Loyalsock.  
The Sally R. Price Protector Trust, dated August 17, 2011.  
Settlor: Sally R. Price.  
Trustees: Mary P. Mincemoyer and John D. Mincemoyer, 242 Boston Road, P.O. Box 328, Picture Rocks, PA 17762.  
Attorneys: Adrienne J. Stahl, Esquire, Steinbacher & Stahl, 413 Washington Boulevard, Williamsport, PA 17701.

**Williams, June L.**, dec'd.

Late of Williamsport.  
Administratrix: Debra A. Sullivan, 1410 Northway Road, Williamsport, PA 17701.  
Attorneys: Fred A. Holland, Esquire, Murphy, Butterfield & Holland, P.C., 442 William Street, Williamsport, PA 17701.

**SECOND PUBLICATION**

**Chapman, James A.**, dec'd.

Late of Williamsport.  
Executor: Wesley Brown, 305 Elmira Street, Williamsport, PA 17701.  
Attorney: Christian D. Frey, Esquire, 140 East Third Street, Williamsport, PA 17701.

LYCOMING REPORTER

---

**Heincelman, Norman F.**, dec'd.  
Late of Muncy.  
Executors: H. Edward Heincelman, 18712 Rocky Way, Derwood, MD 20855 and Terre A. Belt, 1270 Village Lake Drive, Davidsonville, MD 21035.  
Attorney: J. Howard Langdon, Esquire, 3 South Main Street, Muncy, PA 17756.

**Hubler, Virginia S.**, dec'd.  
Late of the Borough of Dubois-town.  
Executor: Glenn R. Day, P.O. Box 3451, Quartzsite, AZ 85359.  
Attorney: Joseph L. Rider, Esquire, 143 West Fourth Street, Williamsport, PA 17701.

**Leiphart, Merl E., Jr.**, dec'd.  
Late of Williamsport.  
Executrix: Ann Ocker, 17 Woodbryn Drive, Williamsport, PA 17701.  
Attorneys: Fred A. Holland, Esquire, Murphy, Butterfield & Holland, P.C., 442 William Street, Williamsport, PA 17701.

---

**THIRD PUBLICATION**

**Bower, Shirley L.**, dec'd.  
Late of Loyalsock Township.  
Administrator: Richard J. Bower, 150 Wells Road, S. Williamsport, PA 17702.  
Attorneys: Wilfred K. Knecht, Esquire, McCormick Law Firm, 835 West Fourth Street, Williamsport, PA 17701.

**Elsesser, James R.**, dec'd.  
Late of Williamsport.  
Executrix: Grace Elsesser, 2186 Lycoming Creek Road, Williamsport, PA 17701.

Attorney: Scott A. Williams, Esquire, 57 East Fourth Street, P.O. Box 3, Williamsport, PA 17703.

**Elsesser, James R.**, dec'd.  
Late of Williamsport.  
James R. Elsesser Revocable Living Trust.  
Trustees: Grace Elsesser, 2186 Lycoming Creek Road, Williamsport, PA 17701, James R. Elsesser, 6001 Pelican Bay Blvd., PH-H, Naples, FL 34108 and Dawn L. Elsesser, 2151 Reeder Road, Montoursville, PA 17754.  
Attorney: Scott A. Williams, Esquire, 57 East Fourth Street, P.O. Box 3, Williamsport, PA 17703.

**Frey, Dolores A.** dec'd.  
Late of Williamsport.  
Executor: David M. Frey, 1215 Hillsdale Drive, Williamsport, PA 17701.  
Attorneys: Anthony J. Grieco, Esquire, Elion, Wayne, Grieco, Carlucci, Shipman, Dinges & Dinges, P.C., 125 East Third Street, Williamsport, PA 17701.

**Higgins, Edward W.**, dec'd.  
Late of Loyalsock Township.  
Executrix: Beverly J. Ittner, 395 Marsh Creek Road, Venice, FL 34292.  
Attorneys: C. Edward S. Mitchell, Esquire, Mitchell Gallagher, 10 West Third Street, Williamsport, PA 17701.

**Leavy, Marilyn C.**, dec'd.  
Late of Montoursville.  
Executor: Daren L. Leavy, 1831 Walters Road, Montoursville, PA 17754.



LYCOMING REPORTER

---

Attorneys: Fred A. Holland,  
Esquire, Murphy, Butterfield  
& Holland, P.C., 442 Wil-  
liam Street, Williamsport, PA  
17701.

---

**Soules, Kenneth J., a/k/a Ken-  
neth J. Soules, Sr.,** dec'd.

Late of the Township of Hep-  
burn.

Executrix: Debra J. Finnegan,  
394 Rte. 973 West, Lot 76,  
Cogan Station, PA 17728.

Attorney: Joseph L. Rider, Es-  
quire, 143 West Fourth Street,  
Williamsport, PA 17701.

LYCOMING REPORTER

---

NOTES

LYCOMING REPORTER

---

NOTES



---

---

**PERIODICAL PUBLICATION**

**\* Dated Material. Do Not Delay. Please Deliver Before Monday, March 26, 2012**