

# Lycoming Reporter

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Vol. 29

May 4, 2012

No. 18

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# LYCOMING REPORTER

(USPS 322-900)

THE OFFICIAL LEGAL PERIODICAL FOR LYCOMING COUNTY

www.lycolaw.org

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PUBLISHED EVERY FRIDAY BY  
LYCOMING LAW ASSOCIATION

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*Editor:* Gary L. Weber

*Business Manager:* Jessica A. Engel

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## 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.

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Additional Proofs of Publication, \$4.00.

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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/FALL 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.**

**FRIDAY, MAY 18, 2012—8:30 A.M. to 12:45 P.M.**

(4 Substantive) WORKERS' COMPENSATION PRACTICE &  
PROCEDURE 2012

**THURSDAY, MAY 24, 2012—9:00 A.M. to 12:30 P.M.**

(0 Substantive, 3 Ethics) CHANGING LAW FIRMS: ETHICAL  
GUIDANCE FOR PENNSYLVANIA LAW FIRMS AND AT-  
TORNEYS

**WEDNESDAY, MAY 30, 2012—9:00 A.M. to 5:00 P.M.**

(6 Substantive) TRIALS—TIPS, TACTICS & PERSONAL TALES

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

(6 Substantive) BEST OF THE OIL AND GAS LAW COLLO-  
QUIUM—CENTRAL PA

**TUESDAY, JUNE 26, 2012—9:00 A.M. to 4:15 P.M.**  
(6 Substantive) REPRESENTING RESIDENTIAL LANDLORD  
& TENANTS

**WEDNESDAY, JUNE 27, 2012—8:30 A.M. to 3:40 P.M.**  
(5 Substantive, 1 Ethics) GENERAL PRACTITIONERS UP-  
DATE 2012

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

**TUESDAY, JULY 24, 2012—9:00 A.M. to 12:30 P.M.**  
(3 Substantive) SPOILATION AND PRESERVATION OF EVI-  
DENCE IN THE CIVIL CASE

**TUESDAY, JULY 31, 2012—9:00 A.M. to 5:00 P.M.**  
(6 Substantive) FUNDAMENTALS OF PERSONAL INJURY

**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

**THURSDAY, AUGUST 23, 2012—9:00 A.M. to 10:00 A.M.**  
(1 Ethics) ETHICS TOOLBOX: AN UPDATE BY THE PBA  
LEGAL ETHICS AND PROFESSIONAL RESPONSIBILITY  
COMMITTEE

**TUESDAY, AUGUST 28, 2012—9:00 A.M. to 1:15 P.M.**  
(4 Substantive) WHAT THE PERSONAL INJURY LAWYER  
NEEDS TO KNOW ABOUT MEDICARE SECONDARY  
PAYER STATUTE

**TUESDAY, OCTOBER 23, 2012—8:30 A.M. to 4:30 P.M.**  
(5 Substantive, 1 Ethics) THE SECOND SEASON: ISSUES FOR  
DIVORCE OVER FIFTY

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

**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 Web site. 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**, *docket number* (Web citation—unique number assigned to opinion)—issuing judge (date of issuance) [category] Summary of legal concepts involved (Date posted to the Web site)]

- ▶ **Waldo vs. Susquehanna Health System** (04/11/2012)—Judge Dudley N. Anderson  
Civil: Motion in limine; admissibility of evidence of prior falls in parking lot; lack of similarity of circumstances of falls; motion for summary judgment; duty to protect invitees from obvious conditions; jury question as to obviousness of raised nature of speed bump. (waldo041112a) (Posted: 04/11/2012)
- ▶ **Commonwealth vs. Mott** (04/05/2012)—Judge Nancy L. Butts  
Criminal: Motion to quash information; prosecution barred by guilty plea to offense arising from same incident; unrelated charges; temporal and logical relationship of charges. (Mott040512bt) (Posted: 04/05/2012)
- ▶ **Commonwealth vs. Clark** (04/04/2012)—Judge Nancy L. Butts  
Criminal: Post Conviction Relief Act petition; motion to withdraw as counsel; discovery concerning criminal history of witness not testifying at trial; refusal to allow hearsay testimony as violating the confrontation clause; validity of waiver of jury trial; waiver of objection to case stated presentation of facts. (Clark040412bt) (Posted: 04/05/2012)
- ▶ **Commonwealth vs. Keels** (04/04/2012)—Judge Nancy L. Butts  
Criminal: Post Conviction Relief Act petition; timeliness; claim that IP revocation must be heard by original judge. (Keels040412bt) (Posted: 04/05/2012)

- ▶ **Fagnano vs. Loyalsock Township School District** (04/04/2012)—Judge Richard A. Gray  
Civil: Motion for preliminary injunction; student drug testing policy; drug testing for participation in any extracurricular activity; likelihood of success on the merits; need for actual showing of the specific need for random drug testing policy; statistical evidence of drug and alcohol use in school district; immediate and irreparable harm; fundamental right to privacy; right to participate in extracurricular activities. (fagnano040412g) (Posted: 04/04/2012)
- ▶ **DT vs. AS** (04/03/2012)—Judge Dudley N. Anderson  
Custody, Support: Exceptions to family court order; contribution to child care expense where spouse is available to provide care at no cost; issue determined as part of the support obligation or a custody issue. (tawney040312a) (Posted: 04/04/2012)
- ▶ **CV vs. GV** (04/02/2012)—Judge Joy Reynolds McCoy  
Divorce: Petition for contempt or for enforcement of property agreement; reliance on inaccurate pension modeling statement; mutual mistake of fact; knowledge of both parties; reformation of the agreement used sparingly; heavy burden of proof; willful non-compliance with non disputed transfers. (Vierra040212m) (Posted: 04/04/2012)
- ▶ **Conestoga Ceramic Tile Distributors, Inc. vs. Travelers Casualty and Surety Company of America, IMC Construction, Inc., Profast Commercial Flooring, Inc. and Pennsylvania College of Technology** (03/30/2012)—Judge Dudley N. Anderson  
Civil: Preliminary objections; specificity of pleading; state of the record. (conestoga033012a) (Posted: 03/30/2012)

**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**

**Barrow, William C., Jr.,** dec'd.  
Late of Jersey Shore.  
Executor: W.C. Barrow, III.  
Attorneys: Matthew J. Parker, Esquire, Marshall, Parker & Associates, LLC, 49 E. Fourth Street, Williamsport, PA 17701.

**Gerber, Daniel J.,** dec'd.  
Late of the Borough of South Williamsport.  
Administratrices: Nayana D. Flipse, 2263 Fox Street, Williamsport, PA 17701 and Heather L. Kriner, 2609 East Hills Drive, Williamsport, PA 17701.  
Attorneys: L. Craig Harris, Esquire, Carpenter, Harris & Flayhart, 128 S. Main St., P.O. Box 505, Jersey Shore, PA 17740 and Charles A. Szybist, Esquire, Charles A. Szybist Law Office, 423 Mulberry Street, Williamsport, PA 17701.

**Sheets, Grace F.,** dec'd.  
Late of Shrewsbury Township.

Executrix: Susan Whipple, 2350 Highland Lake Road, Hughesville, PA 17737.  
Attorneys: Thomas D. Hess, Esquire, Hess and Hess, P.C., 30 South Main Street, Hughesville, PA 17737.

**Wileman, Anna B.,** dec'd.  
Late of the Township of Loy-alsock.  
Executor: Woodlands Bank, 2450 E. Third Street, Williamsport, PA 17701.  
Attorney: Joseph L. Rider, Esquire, 143 West Fourth Street, Williamsport, PA 17701.

**SECOND PUBLICATION**

**Burkhart, Joyce T.,** dec'd.  
Late of Montoursville.  
Co-Executors: Deborah A. Harman and Thomas L. Burkhardt.  
Attorneys: Matthew J. Parker, Esquire, Marshall, Parker & Associates, LLC, 49 E. Fourth Street, Williamsport, PA 17701.

**Busler, Dorothy M.,** dec'd.  
Late of the City of Williamsport.  
Executors: Barbara Lee Machmer, 384 North Center Street, Canton, PA 17724 and John E. Busler a/k/a John E. Busler, Jr., 2065 Snow Mountain Drive, West Harrison, IN 47060.  
Attorneys: Adrienne J. Stahl, Esquire, Steinbacher & Stahl, 413 Washington Boulevard, Williamsport, PA 17701.

**Carey, James C.,** dec'd.  
Late of the Township of Loy-alsock.

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Executors: James C. Carey, Jr., 614 Loveville Road, Apt. E3H, Hockessin, DE 19707 and Jennifer Hart, 187 West Street, Carlisle, MA 01741.  
Attorney: Joseph L. Rider, Esquire, 143 West Fourth Street, Williamsport, PA 17701.

**Dudek, Karen L.,** dec'd.  
Late of Old Lycoming Township.  
Administrator: Joseph M. Dudek, 435 Dudek Road, Williamsport, PA 17701.  
Attorneys: James G. Malee, Esquire, Malee Law Firm, P.C., 310 East Third Street, Williamsport, PA 17701, (570) 321-6112.

**Dunlap, Shirley M.,** dec'd.  
Late of Duboistown.  
Executor: Christopher J. Dunlap c/o Casale & Bonner, P.C., 33 West Third Street, Suite 202, Williamsport, PA 17701.  
Attorneys: James D. Casale, Esquire, Casale & Bonner, P.C., 33 West Third Street, Suite 202, Williamsport, PA 17701, (570) 326-7044.

**Ellis, Carmen L. a/k/a Carmen Ellis,** dec'd.  
Late of the Borough of Muncy.  
Executrices: Lynne M. Ellis, 136 East Water Street, Muncy, PA 17756 and Gale E. Sieg, 135 North Broad Street, Hughesville, PA 17737.  
Attorneys: Adrienne J. Stahl, Esquire, Steinbacher & Stahl, 413 Washington Boulevard, Williamsport, PA 17701.

**Hoffman, Jean G.,** dec'd.  
Late of Loyalsock.  
Executor: Keith G. Hoffman, 203 Hoffman Road, Montoursville, PA 17754.

Attorneys: James D. Casale, Esquire, Casale & Bonner, P.C., 33 West Third Street, Suite 202, Williamsport, PA 17701, (570) 326-7044.

**Michel, Ann Marie,** dec'd.  
Late of Williamsport.  
Co-Executors: Allan R. Robertson and Brian N. Robertson c/o Fred A. Holland, Esquire, 442 William Street, Williamsport, PA 17701.  
Attorneys: Fred A. Holland, Esquire, Murphy, Butterfield & Holland, P.C., 442 William Street, Williamsport, PA 17701.

**Trate, Marcella L.,** dec'd.  
Late of 300 Leader Drive, Williamsport.  
Executor: Thomas I. Trate, 9 Hoover Road, Williamsport, PA 17701.  
Attorney: Malcolm S. Mussina, Esquire, 426 Broad Street, Montoursville, PA 17754.

**Whaley, George H., Sr.,** dec'd.  
Late of the City of Williamsport.  
Executor: George H. Whaley, Jr., 677 Campbell Street, Williamsport, PA 17701.  
Attorneys: W. Jeffrey Yates, Esq., P.C., 425 Market Street, Williamsport, PA 17701.

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**THIRD PUBLICATION**

**Gass, Harold S. a/k/a H. S. Gass a/k/a Samuel Gass,** dec'd.  
Late of Hughesville.  
Executrix: Suzann G. Parsons, 3074 Green Valley Road, Hughesville, PA 17737.  
Attorney: J. Howard Langdon, Esquire, 3 South Main Street, Muncy, PA 17756.



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**Miller, Leon H.**, dec'd.  
Late of Pine Township.  
Executrix: Delores Strasser,  
22536 Highway 287, Morris,  
PA 16938.  
Attorneys: L. Craig Harris, Es-  
quire, Carpenter, Harris & Flay-  
hart, 128 S. Main St., P.O. Box  
505, Jersey Shore, PA 17740.

porated under the Pennsylvania  
Business Corporation Law of 1988  
as amended.  
BRADLEY S. HILLMAN, ESQUIRE  
CASALE & BONNER, P.C.  
33 West Third Street  
Suite 202  
Williamsport, PA 17701

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**Zimmerman, Arline T.**, dec'd.  
Late of 312 Tule Street, Mont-  
oursville.  
Executrix: Laurie Z. Pilling, 919  
Woodview Road, Brielle, NJ  
08730.  
Attorney: Malcolm S. Mussina,  
Esquire, 426 Broad Street,  
Montoursville, PA 17754.

**NOTICE**

In the Court of Common Pleas of  
Lycoming County, Pennsylvania  
Civil Action

No. 12-00317

THE JUNIATA BOONE ROD AND  
GUN CLUB

Plaintiff

vs.

SYBIL N. McCLOSKEY;  
BENJAMIN B. McCLOSKEY  
a/k/a B. B. McCLOSKEY;  
KNOX B. McCLOSKEY a/k/a  
BENJAMIN K. McCLOSKEY;  
BERTHA T. McCLOSKEY;  
JUNE McCLOSKEY and their  
successors, heirs, personal  
representatives and assigns and  
anyone claiming by, through or  
under them or any of them

Defendants

ACTION TO QUIET TITLE

**NOTICE**

TO: SYBIL N. McCLOSKEY; BEN-  
JAMIN B. McCLOSKEY a/k/a  
B. B. McCLOSKEY; KNOX B.  
McCLOSKEY a/k/a BENJAMIN  
K. McCLOSKEY; BERTHA T.  
McCLOSKEY; JUNE McCLOS-  
KEY and their successors,  
heirs, personal representatives  
and assigns and anyone claim-  
ing by, through or under them  
or any of them, Defendants

**NOTICE**

NOTICE IS HEREBY GIVEN  
that Articles of Incorporation  
were filed with the Department  
of State of the Commonwealth of  
Pennsylvania at Harrisburg, Penn-  
sylvania, on April 23, 2012, for the  
purpose of obtaining a Certificate  
of Incorporation of a business  
corporation to be organized under  
the Business Corporation Law of  
1988 of the Commonwealth of  
Pennsylvania, approved December  
21, 1988 (P.L. 1444, No. 177) and  
its amendments and supplements.  
The name of the corporation is:

CASTLE FURNITURE &  
BEDDING, INC.

The registered office of said corpo-  
ration is: 335 Rose Street, Suite 2,  
Williamsport, PA 17701. The pur-  
poses for which it is organized are:  
To have unlimited power to engage  
in and do any lawful act concern-  
ing any or all lawful business for  
which corporations may be incor-

LYCOMING REPORTER

On April 26, 2012, the Court of Common Pleas of Lycoming County entered a judgment in which it gave you and each of you thirty (30) days from said date on which to bring an action of ejectment against the Plaintiff for the recovery of the land described in Plaintiff's Complaint and failing that you are forever barred from asserting any right, lien, title or interest in Plaintiff's land inconsistent with the ownership of Plaintiff. JOHN A. SHOEMAKER, ESQUIRE GREEVY & ASSOCIATES Attorneys for Plaintiff P.O. Box 328 Montoursville, PA 17754

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**ACTION TO QUIET TITLE**

In the Court of Common Pleas of Lycoming County, Pennsylvania Civil Action—Law

NO. 11-01214

CORN HILL FISHING & HUNTING CLUB a/k/a CORN HILL HUNTING, FISHING & GAME CLUB

Plaintiffs

v.

JOSIAH HEWES and MIERS FISHER, and their Heirs, Executors, Administrators or Assigns and any and all unknown persons claiming by, through or under them and all unknown persons claiming any right, lien, title or interest in the within-described real estate

Defendants

**NOTICE TO DEFEND**

TO: Josiah Hewes, Miers Fisher, Any and all unknown persons claiming by, through or under

them, and all unknown persons claiming any right, lien, title or interest in the within-described real estate

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by an attorney and filing, in writing with the court, your defenses and objections to the claims set forth against you. YOU ARE WARNED that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE.

IF YOU DO NOT HAVE A LAWYER, CONTACT:

Pennsylvania Bar Association Lawyer Referral Service 100 South Street P.O. Box 186 Harrisburg, PA 17108-0186 (800) 692-7375

IF YOU CANNOT AFFORD A LAWYER, YOU MAY BE ELIGIBLE FOR LEGAL AID THROUGH:

North Penn Legal Services Office 329 Market Street Williamsport, PA 17701 (570) 323-8741

FRED A. HOLLAND, ESQUIRE ID #33663 MURPHY, BUTTERFIELD & HOLLAND, P.C.

Attorneys for Plaintiff 442 William Street Williamsport, PA 17701 (570) 326-6505

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**NOTICE**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Act of Assembly of December 16, 1982, P.L. 1309, No. 295 (54 Pa. C.S.A. Section 211), as amended, of the filing in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or before April 5, 2012, a Certificate for the conduct of a business in Lycoming County, Pennsylvania, under the assumed or fictitious name, style or designation of:

SUNTEX CLEANERS  
with its principal place of business at: 1313 Washington Boulevard, Williamsport, Pennsylvania. The name and address of the entity owning and interested in said business is: Faxon Cleaners, Inc., 1313 Washington Boulevard, Williamsport, PA 17701.  
JOHN R. ZURICH, ESQUIRE  
CASALE & BONNER, P.C.  
33 West Third Street  
Suite 202  
Williamsport, PA 17701

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## **PERIODICAL PUBLICATION**

**\* Dated Material. Do Not Delay. Please Deliver Before Monday, May 7, 2012**