

# Lycoming Reporter

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Vol. 29

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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

*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.

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.

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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.**

**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 EVIDENCE IN THE CIVIL CASE

**TUESDAY, JULY 31, 2012—9:00 A.M. to 12:00 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 DIGITAL 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 CLIENT'S MINERAL RIGHTS

LYCOMING REPORTER

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**NOTICE TO PROFESSION**

**CARLTON W. SWETLAND**

Court Reporter ♦ Notary Public

3085 Route 49 ♦ Westfield, PA 16950 ♦ (814) 367-5482

Fast and Accurate Transcripts ♦ Low Appearance Fee for Lycoming County

M-18, 25; J-1

## **PUBLIC NOTICE**

The Judicial Conference of the United States has authorized the appointment of a full-time United States Magistrate Judge for the Middle District of Pennsylvania at Harrisburg, Pennsylvania.

The duties of a Magistrate Judge in this court include the following: (1) To exercise all the powers and duties conferred or imposed upon United States Magistrate Judges by law or the Federal Rules of Criminal Procedure or the Federal Rules of Civil Procedure; (2) To administer oaths and affirmations, impose conditions of release under 18 U.S.C. §3146, and take acknowledgments, affidavits, and depositions; (3) To try persons accused of misdemeanors committed within this district in accordance with 18 U.S.C. §3401, order presentence investigation reports and sentence such persons; (4) To conduct proceedings in accordance with Fed. R.Cr.P. 40; (5) To conduct extradition proceedings, in accordance with 18 U.S.C. §3184; (6) To appoint attorneys under the court's Criminal Justice Act Plan; (7) To review applications by prisoners for post-trial and other relief, make such orders as are necessary to obtain appropriate information which may be of assistance in determining the merits of any complaint, submit reports and recommendations to the District Judge having jurisdiction over the case; (8) To act as a special master when designated by the district court; (9) To receive indictments returned by grand juries; (10) To conduct arraignments to the extent of taking a not guilty plea or noting a defendant's intention to plead guilty or nolo contendere; and (11) Conduct trials and the disposition of civil cases on consent of the parties.

To be qualified for appointment an applicant must

- (1) Be, and have been for at least five years, a member in good standing of the bar of the highest court of a state, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States and have been engaged in the active practice of law for a period of at least five years (with some substitutes authorized);
- (2) Be competent to perform all the duties of the office; be of good moral character; be emotionally stable and mature; be committed to equal justice under the law; be

in good health; be patient and courteous; and be capable of deliberation and decisiveness when required to act on his or her own reason and judgment;

- (3) Be less than seventy years old; and
- (4) Not be related to a Judge of the appointing district court within the degree of relationship specified in 28 U.S.C. §458, i.e., “by affinity or consanguinity within the degree of first cousin.”

A merit selection panel composed of seven individuals (five lawyers and two non-lawyer members of the community) will review all applications and recommend to the court in confidence the persons it considers best qualified.<sup>1</sup> The court will make the appointment following an FBI full-field investigation and an IRS tax check of the applicant selected by the court. An affirmative effort will be made to give due consideration to all qualified applicants, including women and members of minority groups. The current salary for a full-time Magistrate Judge is \$160,080.00. The term of office is eight (8) years.

Application forms and more information on the Magistrate Judge position in this court may be obtained from the clerk of the district court or from the court’s internet website at [www.pamd.uscourts.gov](http://www.pamd.uscourts.gov). This public notice is also posted in the clerk’s office in Scranton, Harrisburg and Williamsport. Applications must be marked confidential and must be received by **July 16, 2012**. An original plus eight copies must be provided to the following address:

Merit Selection Panel  
c/o Clerk, U.S. District Court  
William J. Nealon Federal Building and U.S. Courthouse  
P.O. Box 1148  
Scranton, PA 18501-1148

All applications will be kept confidential, unless the applicant consents to disclosure, and all applications will be examined only by members of the merit selection panel and the judges of the district court. The panel’s deliberations will remain confidential.

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<sup>1</sup> No person may be considered by the court for a magistrate judge position while serving as a member of a merit selection panel, or for one year after such service is completed. But, the Judicial Conference Committee on the Administration of the Magistrate Judges System may grant, on an individual case basis, waivers of the provision prohibiting a member of a merit selection panel from being considered for selection by the court.

**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)]

- ▶ **Commonwealth vs. Daniels** (05/07/2012)—Judge Nancy L. Butts  
Criminal: Motion to suppress; reasonable suspicion of parole officer to search parolee’s residence for contraband; reliability of information from identified informant. (Daniels050712bt) (Posted: 05/08/2012)
- ▶ **Commonwealth vs. Cooper** (05/07/2012)—Judge Nancy L. Butts  
Criminal: Appeal; sufficiency of the evidence of attempted homicide. (Cooper050712bt) (Posted: 05/08/2012)
- ▶ **Commonwealth vs. Smith** (05/08/2012)—Judge Marc F. Lovecchio  
Criminal: Motion to dismiss; Rule 600 delay claim; excludable time; unavailability of Commonwealth witnesses. (Smith050812L) (Posted: 05/08/2012)
- ▶ **Commonwealth vs. Moore** (05/03/2012)—Judge Marc F. Lovecchio  
Criminal: Appeal; conviction for rape of unconscious or unaware person; allowing testimony at trial of previous false accusations of rape; hearsay evidence about a collateral matter; probative value of evidence; Rape Shield Law; thinly veiled attack on victim’s character. (Moore050312L) (Posted: 05/08/2012)
- ▶ **Commonwealth vs. Confair** (05/04/2012)—Judge Nancy L. Butts  
Criminal: Motion to suppress evidence; probable cause to arrest for DUI; hit and run accident; motion to suppress identification; unduly suggestive identification. (Confair050412bt) (Posted: 05/05/2012)
- ▶ **Commonwealth vs. Lucas** (05/04/2012)—Judge Nancy L. Butts  
Criminal: Motion to suppress; mere encounter during which signs of alcohol consumption were observed. (Lucas050412bt) (Posted: 05/05/2012)



- ▶ **Commonwealth vs. Markley** (05/04/2012)—Judge Nancy L. Butts  
Criminal: Post Conviction Relief Act petition; lawfulness of condition of probation relating to contact with wife; implied condition of probation not to commit another crime; valid reasons for revoking probation. (Markley050412bt) (Posted: 05/05/2012)
- ▶ **Commonwealth vs. Mosley** (05/04/2012)—Judge Nancy L. Butts  
Criminal: Appeal; timeliness of Post Conviction Relief Act petition; challenge to negotiated sentence; double jeopardy; separate sentences for two crimes. (Mosley050412bt) (Posted: 05/05/2012)
- ▶ **Commonwealth vs. Brown** (05/04/2012)—Judge Nancy L. Butts  
Criminal: Motion for post-conviction collateral relief; due process violation; long delay ordering defendant to report to prison; improper method of raising habeas corpus issue. (Brown050412bt) (Posted: 05/05/2012)
- ▶ **Commonwealth vs. Willits** (05/01/2012)—Judge Marc F. Lovecchio  
Criminal: Appeal; sexual assault case; Rule 600 delay claim; plea withdrawal considered as grant of new trial for calculation purposes; excessive sentence; severity of offense outweighing medical conditions; sexually violent predator; need to show violence; expert testimony; constitutionality of Megan’s Law; failure of expert to consider health and age of defendant. (Willits050112L) (Posted: 05/02/2012)
- ▶ **Commonwealth vs. Benson** (05/01/2012)—Judge Marc F. Lovecchio  
Criminal: Post sentence motion; terroristic threats; weight of the evidence; credibility of witnesses; mere spur-of-the-moment threat; evidence of intoxication; need for blood or breath testing; claimed excessive sentence; significant criminal history. (Benson050112L) (Posted: 05/01/2012)
- ▶ **Commonwealth vs. Drick** (05/01/2012)—Judge Marc F. Lovecchio  
Criminal: Appeal; credit for time served not raised in sentencing hearing; request for remand to address; double jeopardy issue; issue applying to other case not involved in direct appeal. (drick050112L) (Posted: 05/01/2012)

- ▶ **Commonwealth vs. Burks** (04/27/2012)—Judge Marc F. Lovecchio  
Criminal: Appeal. (Burks042712L) (Posted: 05/01/2012)
- ▶ **Commonwealth vs. Mathers** (04/27/2012)—Judge Marc F. Lovecchio  
Criminal: Non jury verdict; conspiracy to assault child; agreement to commit criminal acts; renouncement; evidence from Internet chats; overt acts. (mathers042712L) (Posted: 05/01/2012)
- ▶ **Commonwealth vs. Kibler** (04/26/2012)—Judge Marc F. Lovecchio  
Criminal: Post Conviction Relief Act petition; guilty plea; waiver of claims; inadequacy of legal representation; factual allegations giving rise to a defense; mandatory sentence. (Kibler042612L) (Posted: 05/01/2012)

**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**

**Duchman, Audrey P. a/k/a  
Audrey D. Duchman a/k/a  
Audrey Dawn P. Duchman,**  
dec'd.

Late of the Township of Clinton.

Executor: Charles W. Duchman, Jr., 156 West Hills Drive, Williamsport, PA 17701.

Attorneys: Adrianne J. Stahl, Esquire, Steinbacher & Stahl, 413 Washington Boulevard, Williamsport, PA 17701.

**Hoff, Samuel R.,** dec'd.

Late of the Township of Loy-alsock.

Executor: Matthew J. Hoff, 91 Faircrest Road, Montoursville, PA 17754.

Attorney: Joseph L. Rider, Esquire, 143 West Fourth Street, Williamsport, PA 17701.

**Joy, Avis J.,** dec'd.

Late of Duboistown.

Executor: Stephen E. C. Delinger, 16 Quail Run, Pequea, PA 17565.

Attorney: Christian D. Frey, Esquire, 140 East Third Street, Williamsport, PA 17701.

**LaForme, Alem L.,** dec'd.

Late of Montgomery.

Executor: Gregory L. LaForme.  
Attorneys: Gary T. Harris, Esquire, Rieders, Travis, Humphrey, Harris, Waters & Waffenschmidt, 161 West Third Street, Williamsport, PA 17701, (570) 323-8711.

**Sechrist, Dorothy J.,** dec'd.

Late of Cogan Station.

Executor: James D. Sechrist.  
Attorneys: Gary T. Harris, Esquire, Rieders, Travis, Humphrey, Harris, Waters & Waffenschmidt, 161 West Third Street, Williamsport, PA 17701, (570) 323-8711.

**SECOND PUBLICATION**

**Eddinger, Mary A.,** dec'd.

Late of South Williamsport.

Co-Executors: John R. Chevalier, 931 Howard Lane, Vandalia, OH 45377 and Nancy A. Long, 616 Park Avenue, Williamsport, PA 17701.

Attorneys: Wilfred K. Knecht, Esquire, McCormick Law Firm, 835 West Fourth Street, Williamsport, PA 17701.

**English, Lewis K.,** dec'd.

Late of Montoursville.

Executor: Lee K. English, 250 Gordon Street, S. Williamsport, PA 17702.

Attorneys: Wilfred K. Knecht, Esquire, McCormick Law Firm, 835 West Fourth St., Williamsport, PA 17701.

**Mansel, James M.,** dec'd.

Late of Williamsport.

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Executrix: Eleanor M. Alsted, 13579 State Route 87, Williamsport, PA 17701.

Attorneys: Henry P. Perciballi, Esquire, Law Offices of Perciballi & Williams, LLC, a division of Stevens & Lee, 429 Market Street, Williamsport, PA 17701.

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**McNett, Dorothy M.,** dec'd.

Late of Williamsport.  
Executor: Ronald K. McNett, 1904 Mill Hill Road, Roaring Branch, PA 17765.

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

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**THIRD PUBLICATION**

**Bubb, Max C.,** dec'd.

Late of Hughesville.  
Executor: Larry M. Bubb, 14307 Shady Beach Trail, Prior Lake, MN 55372.  
Attorney: Layne R. Oden, Esquire, Nine South Main Street, Muncy, PA 17756-1306.

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**Gottschall, Dorothy M.,** dec'd.

Late of Muncy Creek Township.  
Executrix: Roberta Gautsch, 7 Center Avenue, Muncy, PA 17756-1401.  
Attorneys: James G. Malee, Esquire, Malee Law Firm, P.C., 310 East Third Street, Williamsport, PA 17701, (570) 321-6112.

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**Kane, Margaret A. a/k/a Margaret Amy Kane,** dec'd.

Late of Williamsport.  
Executor: The Muncy Bank and Trust Company, Maggie Aderhold, Trust Officer, 2 North Main Street, Muncy, PA 17756.

Attorney: Layne R. Oden, Esquire, Nine South Main Street, Muncy, PA 17756-1306.

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**Kiess, Robert Gilmore a/k/a Robert G. Kiess,** dec'd.

Late of Muncy.  
Co-Executors: Robert Gilmore Kiess, II, 562 Abbington Lane, Douglasville, GA 30134, Clyde Gorr Kiess, 1950 Barrett Lakes Blvd. N.W., Kennesaw, GA 30144 and John Gorr Kiess, 2857 Four Mile Drive, Montoursville, PA 17754.  
Attorney: Layne R. Oden, Esquire, Nine South Main Street, Muncy, PA 17756-1306.

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**Knedler, Richard C.,** dec'd.

Late of Loyalsock Township.  
Executrix: Sandra M. Hill, 154 Dusty Lane, Cogan Station, PA 17728.  
Attorneys: James G. Malee, Esquire, Malee Law Firm, P.C., 310 East Third Street, Williamsport, PA 17701, (570) 321-6112.

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**Koontz, Thomas W.,** dec'd.

Late of Williamsport.  
Administratrix: Joan M. Koontz, 1172 Russell Avenue, Williamsport, PA 17701.  
Attorneys: James D. Casale, Esquire, Casale & Bonner, P.C., 33 West Third Street, Suite 202, Williamsport, PA 17701, (570) 326-7044.

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**Lose, Thomas T.,** dec'd.

Late of Bastress Township.  
Executrix: Holli Trimble c/o Daniel K. Mathers, Esquire, Mathers & Stapp PC, 416 Pine St., Ste. 308, Williamsport, PA 17701.

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Attorneys: Daniel K. Mathers, Esquire, Mathers & Stapp PC, 416 Pine St., Ste. 308, Williamsport, PA 17701.

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**Smith, Hazel G. a/k/a Hazel V. Smith, dec'd.**

Late of Montoursville.  
Co-Executors: Dale Smith, 128 Grammer Road, Williamsport, PA 17701 and Ronald Haldeman, 13 Post Road, Roaring Branch, PA 17765.  
Attorneys: Brann, Williams, Caldwell & Sheetz, Attorneys at Law, 120 Troy Street, P.O. Box 146, Canton, PA 17724.

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**Young, Dean F., dec'd.**

Late of the Borough of Jersey Shore.  
Executrices: Pamela J. Young, 107 Beagle Rd., Mill Hall, PA 17751 and Debra A. Sanders, 1518 Evergreen Rd., Williamsport, PA 17701.  
Attorney: Leroy H. Keiler, III, Esquire, P.O. Box 263, Jersey Shore, PA 17740.

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**NOTICE**

NOTICE IS HEREBY GIVEN to all parties interested that the following Accounts together with all Statement of Proposed Distribution accompanying the same have been filed in the Office of the Register of Wills and Clerk of Orphans' Court presented to the Orphans' Court of Lycoming County for Confirmation Absolute June 5, 2012 unless exceptions are filed before 5:00 P.M. on that date.

1. Bartlow, Dorothy M.—Muncy Bank and Trust Company, Executor.

2. Ecker, Herbert A., Sr.—Herbert A. Ecker, Jr., Robert A. Ecker and John E. Ecker, Trustees.

3. Hoffman, Calvin D.—David L. Hoffman, Executor.

4. Poust, Martha L.—Alice J. Andrews, Executrix.

5. Tubbs, Cora L.—June M. Ohnmeiss, Executrix.

6. Wagner, Arlene L.—Jean Vleek, Administratrix.

7. Zielewicz, Eugene C.—Deborah A. Owczarczak and Marietta A. Smith, Co-Executrices.

Annabel Miller  
Register of Wills

M-25; J-1

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**NOTICE**

NOTICE IS HEREBY GIVEN that pursuant to the provisions of the 54 Pa. C.S. Section 311(g), as amended, of the filing in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or before May 31, 2012, a Certificate for the conduct of a business in Lycoming County, Pennsylvania, under the assumed or fictitious name, style or designation of:

RE/MAX EDGE

with its principal place of business at: 17 South Main Street, Muncy, PA 17756. The name and address of the entity owning and interested in said business is: Cherry Apple Realty, LLC, Muncy, PA 17756.

MICHAEL J. CASALE, JR.,

ESQUIRE

1500 Sycamore Road

Suite 120

Montoursville, PA 17754

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## **PERIODICAL PUBLICATION**

**\* Dated Material. Do Not Delay. Please Deliver Before Monday, May 28, 2012**