

Lycoming Reporter

Vol. 29

September 21, 2012

No. 38



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

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PBI SEMINARS FOR FALL/WINTER 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.**

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**An additional fee is assessed
for registration at the door.**

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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
to confirm a scheduled seminar or replay.**

TUESDAY, SEPTEMBER 25, 2012—9:00 A.M. to 5:00 P.M.
(6 Substantive) THE TECHNOLOGY YOU NEED TO START A
LAW PRACTICE OR TO OVERHAUL THE ONE YOU HAVE

TUESDAY, OCTOBER 2, 2012—9:00 A.M. to 5:00 P.M.
(5 Substantive, 1.5 Ethics) FAMILY OF LAWS FOR THE FAM-
ILY LAWYER

WEDNESDAY, OCTOBER 3, 2012—8:30 A.M. to 12:45 P.M.
(4 Substantive) VETERANS' BENEFITS SYMPOSIUM

TUESDAY, OCTOBER 9, 2012—9:00 A.M. to 12:30 P.M.
(3 Substantive) FAIR HEARINGS AND APPEALS IN ELDER
LAW

MONDAY, OCTOBER 15, 2012—12:30 P.M. to 4:45 P.M.
(4 Substantive) EFFECTIVE USE OF SUPPRESSION MOTIONS

THURSDAY, OCTOBER 18, 2012—9:00 A.M. to 1:30 P.M.
(4 Substantive) SPECIAL ISSUES RELATED TO THE TERMINATION OF PARENTAL RIGHTS

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

THURSDAY, OCTOBER 25, 2012—9:00 A.M. to 5:00 P.M.
(5 Substantive, 1 Ethics) TRIAL EVIDENCE—ARTISTRY AND ADVOCACY IN THE COURTROOM

WEDNESDAY, OCTOBER 31, 2012—8:30 A.M. to 1:00 P.M.
(4.5 Substantive) 16th ANNUAL FAMILY LAW UPDATE

THURSDAY, NOVEMBER 1, 2012—9:00 A.M. to 1:30 P.M.
(4 Substantive) FUNDAMENTALS OF CIVIL PRACTICE AND PROCEDURE

WEDNESDAY, NOVEMBER 7, 2012—9:00 A.M. to 1:15 P.M.
(4 Substantive) ENVIRONMENTAL ISSUES AFFECTING OIL AND GAS DEVELOPMENT

THURSDAY, NOVEMBER 8, 2012—9:00 A.M. to 1:30 P.M.
(4 Substantive) YOUR FIRST DIVORCE CASE

TUESDAY, NOVEMBER 13, 2012—8:30 A.M. to 3:45 P.M.
(5 Substantive, 1 Ethics) ABCs OF FORECLOSURE PROCEEDINGS

FRIDAY, NOVEMBER 16, 2012—9:00 A.M. to 4:00 P.M.
(5 Substantive, 1 Ethics) HOT TOPICS IN CAPITAL CASES

TUESDAY, NOVEMBER 20, 2012—9:00 A.M. to 5:00 P.M.
(6 Substantive) HOW JURIES VIEW TRACTOR-TRAILER ACCIDENTS AFTER JOINT AND SEVERAL

TUESDAY, NOVEMBER 27, 2012—9:00 A.M. to 1:30 P.M.
(3 Substantive, 1 Ethics) DEFAMATION, LIBEL AND SLANDER

WEDNESDAY, NOVEMBER 28, 2012—9:00 A.M. to 12:15 P.M.
(3 Substantive) ELDER LAW UPDATE

TUESDAY, DECEMBER 4, 2012—9:00 A.M. to 10:00 A.M.
(1 Ethics) ETHICS POTPOURRI—DISCIPLINARY DIVER-
SION FOR LAWYERS AND JUDGES

TUESDAY, DECEMBER 4, 2012—1:15 P.M. to 4:30 P.M.
(3 Substantive) SLICING UP THE PIE: PROPERTY DISTRIBU-
TION IN PENNSYLVANIA

THURSDAY, DECEMBER 6, 2012—9:00 A.M. to 1:30 P.M.
(4 Substantive) HOW TO PROPERLY DOCUMENT A SETTLE-
MENT AGREEMENT (AFTER THE NEW JOINT AND SEV-
ERAL LIABILITY LAW)

FRIDAY, DECEMBER 7, 2012—9:00 A.M. to 12:30 P.M.
(3 Substantive) RESIDENTIAL REAL ESTATE CLOSING
DOCUMENTS

TUESDAY, DECEMBER 11, 2012—9:00 A.M. to 5:00 P.M.
(6 Substantive) TRYING A CASE IN STATE COURT (FROM
START TO FINISH)

THURSDAY, DECEMBER 13, 2012—9:00 A.M. to 12:30 P.M.
(3 Substantive) CELL PHONE FORENSICS: WHAT EVERY
ATTORNEY SHOULD KNOW ABOUT RECOVERING DIGI-
TAL EVIDENCE

**WEDNESDAY, DECEMBER 19, 2012—12:00 P.M. to 4:15
P.M.**
(4 Substantive) CRIMINAL LAW UPDATE 2012

**THURSDAY, DECEMBER 20, 2012—12:15 P.M. to 4:30
P.M.**
(3 Substantive, 1 Ethics) 19th ANNUAL AUTO LAW UPDATE

THURSDAY, DECEMBER 27, 2012—9:00 A.M. to 5:00 P.M.
(5 Substantive, 1 Ethics) EVALUATING THE DAI CASE

NOTICE TO THE PROFESSION

As of October 15, 2012, my office will no longer prepare writs of execution in Revival, Money Judgment, Possession of Real Property, etc. We will however, continue to add the additional court costs upon receipt of the documents and will forward to the sheriff or back to the attorney for service. You will need to provide our office with the original plus (1) copy of the writ for each party to be served and (2) copies for the writ for each additional garnishee to be served. The fees for my office will remain the same: \$38.50 per writ and \$.50 for each additional garnishee to be served.

Thank you for your cooperation,
Suzanne M. Fedele, Prothonotary
Lycoming County

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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, 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)]

- ▶ **Ungard vs. Ungard** (08/24/2012)—Judge Richard A. Gray
Civil: Non-jury trial; replevin action; property acquired after separation of married couple; non-marital property; special damages. (Ungard082412g) (Posted: 09/07/2012)
- ▶ **Myers vs. Snyder** (09/07/2012)—Judge Dudley N. Anderson
Civil: Motion for post-trial relief; waiver of issues not raised in pleadings or at trial; relevance of unclean hands argument which does not pertain to the matter in controversy. (myers090712a) (Posted: 09/07/2012)
- ▶ **In re estate of Rogers** (09/06/2012)—Judge Marc F. Lovecchio
Wills and Estates: Testamentary capacity; burden of proof as to incapacity; credibility of witnesses; undue influence; lack of confidential relationship. (rogers090612L) (Posted: 09/07/2012)
- ▶ **Commonwealth vs. Trapp** (09/06/2012)—Judge Marc F. Lovecchio
Criminal: Motion for arrested judgment or alternatively to dismiss remaining charges due to double jeopardy; severance of weapons charge to be tried non-jury; deadlocked jury; guilty verdict on charge tried non-jury; waiver colloquy; applicability of collateral estoppel; deferral of court to jury in consolidated jury/non-jury trial; ability of Commonwealth to retry defendant after mistrial due to hung jury. (Traptrapp090612L) (Posted: 09/07/2012)
- ▶ **In re name change of KLF** (09/05/2012)—Judge Richard A. Gray
Civil: Petition for name change of a child; the child’s best interest; child with name of mother’s boyfriend and not father; right of mother to choose surname. (klf090512g) (Posted: 09/07/2012)

- ▶ **Commonwealth vs. Lewis** (08/31/2012)—Judge Nancy L. Butts
Criminal: Post Conviction Relief Act petition; ineffective assistance of counsel; sufficiency of evidence; lack of merit of issues raised. (Lewis083112bt) (Posted: 09/01/2012)
- ▶ **Commonwealth vs. Williams** (08/31/2012)—Judge Nancy L. Butts
Criminal: Motion to suppress; warrant issued on information from confidential informant; affidavit including information on the reliability of the informant; sufficiency of the allegations of criminal conduct to obtain warrant; probable cause. (Williams083112bt) (Posted: 09/01/2012)
- ▶ **LGH vs. JAH** (08/29/2012)—Judge Dudley N. Anderson
Divorce: Alimony pendente lite; guideline deviation due to paying college expenses; obligation to pay college expenses as support; consideration of the relative liabilities of the parties. (exceptions082912a) (Posted: 09/01/2012)

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

Boyles, Carl E., dec'd.

Late of Williamsport.
Executor: Eugene E. Boyles,
344 North Arch Street, Montoursville, PA 17754.
Attorneys: McNerney, Page, Vanderlin & Hall, 433 Market Street, P.O. Box 7, Williamsport, PA 17703.

Godfrey, Emma J., dec'd.

Late of Williamsport.
Executor: Mark S. Godfrey,
430 Charlotte Avenue, South Williamsport, PA 17702.
Attorneys: Henry P. Perciballi, Esquire, Law Offices of Perciballi & Williams, LLC, 429 Market Street, Williamsport, PA 17701.

Homan, Charles J., dec'd.

Late of Loyalsock Township.
Executor: Woodlands Bank,
2450 E. Third Street, Williamsport, PA 17701.

Attorneys: Greevy & Associates, P.O. Box 328, Montoursville, PA 17754.

Russell, Dorothy V., dec'd.

Late of Williamsport.
Executrix: Randee Halstead,
335 Eldred Street, Williamsport, PA 17701.
Attorneys: John R. Bonner, Esquire, Casale & Bonner, P.C., 33 West Third Street, Suite 202, Williamsport, PA 17701, (570) 326-7044.

SECOND PUBLICATION

Cholin, Dorothea a/k/a Dorothea M. Cholin, dec'd.

Late of 1251 Rural Ave. #216, Williamsport.
Executor: John M. Cholin.
Attorneys: P. Jeffrey Hill, Esquire, Harding & Hill LLP, Third Street Office, 38 West Third Street, Bloomsburg, PA 17815.

Edler, Vivian M., dec'd.

Late of Pine Township.
Executor: Del S. Edler 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.

Flook, Donald E. a/k/a Donald Eugene Flook a/k/a Donald Flook, dec'd.

Late of the City of Williamsport.
Administratrix: June H. Flook,
2116 Federal Ave., Williamsport, PA 17701.

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

Hanford, Velda M., dec'd.

Late of Williamsport.
Executor: Charles R. Hanford, Sr., 913 Wayne Avenue, Williamsport, PA 17701.
Attorneys: L. Craig Harris, Esquire, Carpenter, Harris & Flayhart, 128 S. Main St., P.O. Box 505, Jersey Shore, PA 17740.

Hoffman, Laura E., dec'd.

Late of Williamsport.
Executor: Philip G. Hoffman, 208 Grimesville Road, Williamsport, PA 17701.
Attorney: Richard G. Scheib, Esquire, 11 Reitz Blvd., Suite 102, Lewisburg, PA 17837-9293.

Sampsell, Edith Belle, dec'd.

Late of the Township of Loyalsock.
The Edith B. Sampsell Family Trust dated September 17, 2010.
Executors/Trustees: Russell Clemons and Michelle Clemons, 24 Casey Drive, Williamsport, PA 17701.
Attorney: Scott A. Williams, Esquire, 57 East Fourth Street, P.O. Box 3, Williamsport, PA 17703.

Skvarka, Michael J., dec'd.

Late of the Township of Woodward.
Executors: Franklin Skvarka, 5460 So. Rt. 220 Hwy., Linden, PA 17744, Paul J. Skvarka, 250 Hemlock Hill Rd., Montgomery, PA 17752

and Pamela A. Skvarka, 1244 W. Emery Church Rd., Linden, PA 17744.

Attorney: Leroy H. Keiler, III, Esquire, P.O. Box 263, Jersey Shore, PA 17740.

THIRD PUBLICATION

Clees, Caroline E., dec'd.

Late of Montoursville.
Executrix: Barbara A. Clark, Montoursville, PA.
Attorneys: Gary T. Harris, Esquire, Rieders, Travis, Humphrey, Harris, Waters & Waffenschmidt, 161 West Third Street, Williamsport, PA 17701, (570) 328-8711.

Day, Elmer D., dec'd.

Late of the Township of Woodward.
Executrix: Cristal L. Day, 117 Harvest Street, Linden, PA 17744.
Attorney: Joseph L. Rider, Esquire, 143 West Fourth Street, Williamsport, PA 17701.

Reynolds, Donna C. a/k/a Donna Cathryn Reynolds, dec'd.

Late of Franklin Township.
Administratrix: Malisa K. Schaffer, 287 Buck Street, Muncy, PA 14456.
Attorneys: Stephen C. Sholder, Esquire, Raup, Wiley & Sholder, 634 West Fourth Street, Williamsport, PA 17701.

Whipple, Jean L. a/k/a Jean Louise Whipple, dec'd.

Late of South Williamsport.
Executor: Clifford L. Whipple, Jr., 130 West Southern Avenue, South Williamsport, PA 17702.

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Attorneys: L. Craig Harris,
Esquire, Carpenter, Harris
& Flayhart, 128 S. Main St.,
P.O. Box 505, Jersey Shore,
PA 17740.

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 will be presented to the Orphans' Court of Lycoming County for Confirmation Absolute October 2, 2012 unless exceptions are filed before 5:00 P.M. on that date.

1. Hartranft, Irene A.—Susan L. Rummings and Daniel L. Hartranft, Executors.

2. Marcusky, William R.—Lois J. Marcusky and Sondra L. Marcusky, Executrices.

3. Miller, Sharon Rose—William F. Miller, Jr. and Timothy S. Miller, Executors.
Annabel Miller
Register of Wills

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NOTICE

In the Court of Common Pleas
of Lycoming County

No. 12-01796

IN RE: NAME CHANGE
OF ELISA ANNE GARDNER

NOTICE IS HEREBY GIVEN that on AUGUST 21, 2012, the Petition of Elisa Anne Gardner was filed in the above named Court, praying for a decree to change her name from ELISA ANNE GARDNER to ELISA ANNE ALLEN.

The Court has fixed Monday, November 5, 2012 at 1:30 P.M. in Courtroom No. 3 of the Lycoming County Courthouse, 48 West Third Street, Williamsport, Pennsylvania, as the time and place for the hearing on said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.
RYAN C. GARDNER, ESQUIRE
1950 East Third Street
Williamsport, PA 17701
(570) 601-1445

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PERIODICAL PUBLICATION

* Dated Material. Do Not Delay. Please Deliver Before Monday, September 24, 2012