

# Lycoming Reporter

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No. 39

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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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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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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 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.**

**Check with PBI for Tuition.**

**An additional fee 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, 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 MO-  
TIONS**

**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

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. Lynn** (09/17/2012)—Judge Nancy L. Butts  
Criminal: Appeal; guilty plea withdrawal; knowing, intelligent, and voluntary guilty plea; coercion to accept terms of plea agreement; thorough review of agreement during guilty plea colloquy. (Lynn091712bt.pdf) (Posted: 09/19/2012)
- **Whitenite vs. Ohio Casualty Insurance Company** (09/18/2012)—Judge Richard A. Gray  
Civil: Direct action against insurer of tortfeasor; third-party beneficiary contract; standing to sue. (Whitenite091812g) (Posted: 09/19/2012)
- **AS vs. RS** (09/18/2012)—Judge Joy Reynolds McCoy  
Divorce: Petition to enforce divorce settlement agreement; intent of the parties; credibility of the parties; full and fair disclosure. (as091812m.pdf) (Posted: 09/19/2012)
- **Commonwealth vs. Downs** (09/13/ 2012)—Judge Marc F. Lovecchio  
Criminal: Post-sentence motion; weight and sufficiency of the evidence; simple assault by physical menace; merged counts; manifestly excessive sentence; sentence within sentencing guidelines; impact of crimes and lack of remorse; sexually violent predator; qualifications of evaluator; factors used to assess sexually violent predator status. (Downs091312L) (Posted: 09/16/2012)
- **Commonwealth vs. Knight** (09/12/2012)—Judge Nancy L. Butts  
Criminal: Appeal; sixth Post Conviction Relief Act petition; timeliness; Rule 1925 statement raising over 1000 issues that are unrelated to timeliness; frivolous and duplicative issues. (Knight091212bt) (Posted: 9/16/2012)

- **Choice Fuelcorp, Inc. vs. Armstrong Twp. Zoning Hearing Board vs. Armstrong Twp. vs. Livorno** (09/11/ 2012)—  
 Judge Richard A. Gray  
 Administrative Appeal: Appeal; scope of review; substantial evidence supporting the findings; weight given to board's interpretation of its ordinance; expansion of non-conforming use; substantial similarity; detrimental impact on community. (choice091112g) (Posted: 09/16/2012)
- **Commonwealth vs. Myers** (09/12/2012)—Judge Nancy L. Butts  
 Criminal: Petition for habeas corpus; prima facie case of kidnapping and related offenses; mere spectator; participation with others in effort to restrain and threaten an individual. (Myers091212bt) (Posted: 09/13/2012)
- **In the interest of I.T., a Juvenile** (09/12/2012)—Judge Richard A. Gray  
 Criminal: Suppression motion; vehicle stop; validity of second pat down of passenger; reasonable suspicion that weapon was present. (IT091212g) (Posted: 09/13/2012)

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### 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

Brass, Charles B., dec'd.

Late of the City of Williamsport.

Executors: Margaret L. Baier, 32 Coldwatertown Road, Williamsport, PA 17702 and Gerald M. Brass, 6553 Jacks Hollow Road, Williamsport, PA 17702.

Attorneys: Paul A. Roman, Esquire, Law Office Joseph L. Rider, 143 West Fourth Street, Williamsport, PA 17701.

DeWalt, Elwood H., Jr. a/k/a E. H. DeWalt, Jr. a/k/a Elwood DeWalt a/k/a Elwood DeWalt, Jr., dec'd.

Late of Allenwood.

Executor: Bruce A. Musser, 32 Elm Street, New Columbia, PA 17856.

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

Haas, Catharine J., dec'd.

Late of 922 Grampian Boulevard, Williamsport.

Administrator: Thomas A. Reed, 4901 Muskogee St., College Park, MD 20740.

Attorney: Malcolm S. Mussina, Esquire, 426 Broad Street, Montoursville, PA 17754.

Hoff, J. Mattie, dec'd.

Late of the Township of Loyalsock.

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

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

Miller, Clyde S., Jr., dec'd.

Late of Clinton Township.

Executor: Eric L. Miller 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.

Stockwell, Mary W., dec'd.

Late of Williamsport.

Executor: Michael J. Casale, Jr., 1500 Sycamore Road, Suite 120, Montoursville, PA 17754, (570) 601-1298.

Swartz, Rodger L., dec'd.

Late of Muncy Township.

Executor: Owen B. Swartz 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.



**SECOND 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.

**THIRD 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.

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.

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Attorney: Richard G. Scheib,  
Esquire, 11 Reitz Blvd., Suite  
102, Lewisburg, PA 17837-  
9293.

Sampsell, Edith Belle, dec'd.  
Late of the Township of Loy-  
alsock.  
The Edith B. Sampsell Family  
Trust dated September 17,  
2010.

Executors/ Trustees: Russell  
Clemons and Michelle Clem-  
ons, 24 Casey Drive, Williams-  
port, PA 17701.

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

Skvarka, Michael J., dec'd.  
Late of the Township of Wood-  
ward.

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.

### NOTICE

NOTICE IS HEREBY GIVEN  
to all parties interested that the  
following Accounts together with  
all Statement of Proposed Distri-  
bution 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. Har-  
tranft, Executors.

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

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

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### FICTITIOUS NAME REGISTRATION

NOTICE IS HEREBY GIVEN,  
pursuant to the provisions of the  
Fictitious Names Act of Pennsylva-  
nia, that an Application for Regis-  
tration of a Fictitious Name was  
filed in the office of the Department  
of State of the Commonwealth of  
Pennsylvania, for the conduct of  
a business under the fictitious  
name of:

#### BRIDGING THE GAPS AND ENRICHING LIVES

with its principal office or place  
of business at: 430 Broad Street,  
Montoursville, PA 17754. The  
name and address, including  
street number, if any, of all per-  
sons who are parties to the reg-  
istration are: Kristine Fagnano,  
M.Ed., B.S., 430 Broad Street, P.O.  
Box 405, Montoursville, PA 17754

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### NOTICE OF FILING OF ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN that  
Articles of Incorporation were filed  
March 17, 2011, with the Pennsyl-  
vania Department of State for:

HANEYVILLE SNOWMOBILE  
CLUB, INC.  
a Pennsylvania non-profit Corpo-  
ration, in the accordance with the

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provisions of the Pennsylvania Corporation Law of 1988. The purpose of this corporation will be to: encourage conservation of natural resources, including lands and forests and to promote multiple uses of our lands and forests by the general public.

L. CRAIG HARRIS, ESQUIRE  
CARPENTER, HARRIS  
& FLAYHART  
128 South Main Street  
P.O. Box 505  
Jersey Shore, PA 17740

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## PERIODICAL PUBLICATION

\* Dated Material. Do Not Delay. Please Deliver Before Monday, October 1, 2012