

LYCOMING REPORTER

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LYCOMING REPORTER

(USPS 322-900)

THE OFFICIAL LEGAL PERIODICAL FOR LYCOMING COUNTY

PUBLISHED EVERY FRIDAY BY
LYCOMING LAW ASSOCIATION

EDITOR: Gary L. Weber • BUSINESS MANAGER: Michele S. Frey

Penn Tower
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LYCOMING LAW ASSOCIATION

Penn Tower, 25 West Third Street, Suite 803

Williamsport, PA 17701

www.lycolaw.org

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Your online connection for:

- Court Calendar • Continuing Legal Education
- Conference Room Facilities • Legal Assistance
- Recent Court Decisions • Upcoming LLA & Public Events

www.lycolaw.org

SCHEDULED EVENTS

Additional information about any of these events is available on the Lycoming Law Association website at www.lycolaw.org.

- 10/12/2015 – LLA Executive Committee Meeting:** *Regular monthly meeting.*
Time: 12:00 PM to 1:00 PM. **Location:** LLA Office
- 10/17/2015 – Wills for Heroes:** *The Wills for Heroes program, sponsored by the Young Lawyers' Division of the PBA, provides basic estate planning documents for first responders, at no cost. The session will be operated by LLA lawyer volunteers.* **Time:** 8:45 AM to 5:00 PM. **Location:** Old Lycoming Township Volunteer Fire Company
- 10/27/2015 – MDPA Federal Bar Association Annual Meeting and CLE:** *Annual meeting and CLE – “The Criminal Justice Act, Fifty Years and Counting: Exploring the Right to Counsel in Federal Court.”* **Time:** 3:30 PM to 7:00 PM. **Location:** 33 East Third Street, Williamsport, PA
- 11/2/2015 – Bench Bar Committee Meeting:** *Quarterly meeting of the committee.* **Time:** 12:00 PM to 1:00 PM. **Location:** LLA Office
- 11/9/2015 – LLA Executive Committee Meeting:** *Regular monthly meeting.*
Time: 12:00 PM to 1:00 PM. **Location:** LLA Office

The mission of the Lycoming Law Association is to promote the practice of law using the highest ethical standards and to advance the public image of our profession. We accomplish this by communicating within our profession and throughout our community, providing continuing legal education, encouraging collegiality among attorneys and the Court, providing *pro bono* legal assistance, and through community involvement.

UPCOMING LYCOMING COUNTY CLE OPPORTUNITIES

- 10/6/2015 – Probate & Trust Law – Guardianship of Incapacitated Persons:** *PBI Groupcast.* **CLE credits:** 1 Substantive / 1 Ethics **Time:** 12:30 PM to 2:30 PM. **Location:** Lycoming Law Association Office
- 10/7/2015 – 20 Hot Tips in Family Law:** *PBI Video Replay.* **CLE credits:** 2 Substantive / 1 Ethics **Time:** 9:00 AM to 1:30 PM. **Location:** Lycoming Law Association Office
- 10/8/2015 – Dead Man’s Rule:** *PBI Video Replay.* **CLE credits:** 3 Substantive **Time:** 9:00 AM to 12:30 PM. **Location:** Lycoming Law Association Office
- 10/14/2015 – The Changing Landscape: Issues Beyond Marriage for the LGBT Pennsylvanian:** *PBI Groupcast.* **CLE credits:** 2 Substantive / 1 Ethics **Time:** 8:30 AM to 11:45 AM. **Location:** Lycoming Law Association Office
- 10/15/2015 – Lights, Camera, Evidence!:** *PBI Video Replay.* **CLE credits:** 6 Substantive **Time:** 9:00 AM to 5:00 PM. **Location:** Lycoming Law Association Office
- 10/21/2015 – In the Know Series – Elder Law (Host: Tammy Avery Weber, Esq.):** *Eat and Earn.* **CLE credits:** 1 Substantive **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 10/22/2015 – Premarital Agreements:** *PBI Video Replay.* **CLE credits:** 4 Substantive **Time:** 9:00 AM to 1:30 PM. **Location:** Lycoming Law Association Office
- 10/27/2015 – Nuts & Bolts of Medicaid Planning:** *PBI Groupcast.* **CLE credits:** 3 Substantive **Time:** 12:00 PM to 3:15 PM. **Location:** Lycoming Law Association Office
- 10/27/2015 – MDPA Federal Bar Association Annual Meeting and CLE:** *Annual meeting and CLE – “The Criminal Justice Act, Fifty Years and Counting: Exploring the Right to Counsel in Federal Court.”* **CLE credits:** 1 Substantive **Time:** 3:30 PM to 7:00 PM. **Location:** 33 East Third Street, Williamsport, PA
- 10/28/2015 – Lincoln and His Leadership:** *PBI Video Replay.* **CLE credits:** 2 Substantive / 1 Ethics **Time:** 9:00 AM to 12:30 PM. **Location:** Lycoming Law Association Office
- 11/4/2015 – Estate Planning for Younger Couples:** *PBI Video Replay.* **CLE credits:** 3 Substantive **Time:** 9:00 AM to 12:30 PM. **Location:** Lycoming Law Association Office
- 11/5/2015 – Hot Topics in Oil and Gas Law:** *PBI Video Replay.* **CLE credits:** 4 Substantive **Time:** 9:00 AM to 1:30 PM. **Location:** Lycoming Law Association Office

- 11/10/2015 – Family Law 101: PBI Video Replay. CLE credits:** 5 Substantive / 1 Ethics **Time:** 9:00 AM to 5:00 PM. **Location:** Lycoming Law Association Office
- 11/16/2015 – Taking and Defending Depositions: PBI Groupcast. CLE credits:** 4 Substantive **Time:** 12:00 PM to 4:15 PM. **Location:** Lycoming Law Association Office
- 11/17/2015 – Representing a Client With Diminished Capacity in Estate & Elder Law: PBI Video Replay. CLE credits:** 3 Substantive / 1 Ethics **Time:** 9:00 AM to 1:30 PM. **Location:** Lycoming Law Association Office
- 11/18/2015 – Understanding Pennsylvania’s Protection From Sexual Violence and Intimidation Act (Host: Jenna Neidig, Esq.): Eat & Earn. CLE credits:** 1 Substantive **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 11/19/2015 – Fire at Will in Pennsylvania: PBI Video Replay. CLE credits:** 3 Substantive **Time:** 9:00 AM to 12:30 PM. **Location:** Lycoming Law Association Office
- 11/23/2015 – School Law: PBI Groupcast. CLE credits:** 4 Substantive **Time:** 9:00 AM to 1:15 PM. **Location:** Lycoming Law Association Office
- 12/1/2015 – Hot Topics in Capital Cases – Part II: PBI Video Replay. CLE credits:** 4 Substantive **Time:** 9:00 AM to 1:30 PM. **Location:** Lycoming Law Association Office
- 12/2/2015 – A Day on Ethics w/Sean Carter: PBI Groupcast. CLE credits:** 6 Ethics **Time:** 9:00 AM to 4:15 PM. **Location:** Lycoming Law Association Office
- 12/3/2015 – Seven Steps to Becoming an Extraordinary Trial Lawyer: PBI Video Replay. CLE credits:** 5 Substantive / 1 Ethics **Time:** 9:00 AM to 5:00 PM. **Location:** Lycoming Law Association Office
- 12/4/2015 – Special Needs Trusts: PBI Video Replay. CLE credits:** 4 Substantive **Time:** 9:00 AM to 1:30 PM. **Location:** Lycoming Law Association Office
- 12/7/2015 – Basics of UM/UIM and Limited Tort: PBI Video Replay. CLE credits:** 4 Substantive **Time:** 9:00 AM to 1:30 PM. **Location:** Lycoming Law Association Office

***PBI Seminar.** For tuition, registration, and all other information, please contact PBI Customer Service at (800) 247-4724, or online at www.pbi.org. Unless otherwise noted, this seminar is being held at the Lycoming Law Association Offices at 25 West Third Street, Suite 803, Williamsport, PA. Additional fees may be assessed for registration at the door.

****LLA Seminar.** For tuition, registration, location, and all other information, please contact Michele Frey at the LLA Office at (570) 323-8287, by email at mfrey@lycolaw.org, or online at www.lycolaw.org.

The full text of the following Lycoming County Court opinions is reported at www.lycolaw.org/Cases/search.asp.

- ▶ **Commonwealth vs. Sailor** (09/29/2015)—Judge Marc F. Lovecchio
Criminal: Commonwealth motion in limine; adequacy of expert report relating to marijuana use and impairment from its use; basis for conclusions; remedy for discovery violation; production of supplemental report. (sailor092915L)
- ▶ **Commonwealth vs. Coles** (09/25/2015)—Judge Marc F. Lovecchio
Criminal: Suppression motion; vehicle stop due to inaccurate PennDOT record of vehicle registration suspension for insurance cancellation; lack of good faith exception. (coles092515L)
- ▶ **Commonwealth vs. Shetler** (09/22/2015)—Judge Nancy L. Butts
Criminal: Suppression motion; questions to driver during accident investigation; custodial interrogation; *Miranda* rights; reasonable suspicion before asking motorist to perform field sobriety tests; probable cause to arrest for DUI. (Shetler092215bt)
- ▶ **Commonwealth vs. Baldwin** (09/23/2015)—Judge Nancy L. Butts
Criminal: Commonwealth motion for reconsideration of dismissal of charges; use of “Pennsylvania State Police Sexual Offender Registration Megan’s Law” form as evidence to establish registration requirement; notice that defendant was contesting the duty to register; evidence of Pennsylvania residency; reopening the record. (Baldwin092315bt)
- ▶ **Commonwealth vs. Beatty** (09/25/2015)—Judge Dudley N. Anderson
Criminal: Amended Post Conviction Relief Act petition; reapplying credit for time served to sentence on charges where credit will have an effect to reduce the sentence. (Beatty092515a)
- ▶ **Commonwealth vs. Allen** (09/24/2015)—Judge Marc F. Lovecchio
Criminal: Motion to dismiss; Rule 600; nominal bail; excludable time; due diligence to locate defendant; reasonable efforts; defendant’s misconduct in giving a false name to police; Commonwealth’s request to keep the record open. (Allen092415L)
- ▶ **Commonwealth vs. Lambert** (09/22/2015)—Judge Marc F. Lovecchio
Criminal: Motion to dismiss; Rule 600; excusable delay; circumstances beyond the Commonwealth’s control; unavailability of trial days or the court; prejudice to defendant. (Lambert092215L)
- ▶ **CH vs. EB** (09/22/2015)—Judge Dudley N. Anderson
Family: Complaint to establish paternity and for genetic testing; child conceived or born during marriage; extramarital affair; presumption of paternity. (ch092215a)

The Lycoming County Court of Common Pleas has issued a comprehensive revision of the local criminal rules. Several obsolete rules have been rescinded. Most of the rules have been renumbered. The criminal rules page on the Lycolaw.org website has been updated, and the orders amending the rules are posted at www.lycolaw.org/rules/changes.html.

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Lycoming Law Association Members are kindly asked to consider a donation to the Lycoming Law Association Foundation in memory of a deceased Member. The Foundation will notify the family of such Member that a gift was made by you.

Members of the Lycoming Law Association are reminded and urged to consider placing in your Wills a bequest to the Lycoming Law Association Foundation. As you probably know, your gift is tax deductible as the Foundation is a 501(c)(3) Organization.

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**Ferguson, Timothy J.,** dec'd.

Late of Muncy.

Executor: John T. Ferguson.

Attorneys: Tammy A. Weber, Esquire, Marshall, Parker & Weber, LLC, 49 E. Fourth Street, Williamsport, PA 17701.

Fratila, Romulus, dec'd.

Late of Williamsport.

Executor: Thomas A. Zimmerman, 927 First Ave., Williamsport, PA 17701.

Attorneys: Stephen C. Sholder, Esquire, Raup & Sholder, P.C., 270 West Third Street, Williamsport, PA 17701, (570) 321-0709.

McKenzie, Barbara J., dec'd.

Late of Montoursville.

Executor: Shawn Patrick McKenzie, 3233 Slacks Run Road, Trout Run, PA 17771.

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

Meckley, Alfred L., dec'd.

Late of the Township of Loyalsock. Executors: Judith Ann Keller, 1827 Nast Avenue, Montoursville, PA 17754 and Woodlands Bank, 2450 E. Third Street, Williamsport, PA 17701.

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

Ryder, Larry L., Sr., dec'd.

Late of Hughesville.

Executor: Larry L. Ryder, Jr., 55 Center Street, Picture Rocks, PA 17762.

Smith, Richard A., dec'd.

Late of 861 West Central Avenue, South Williamsport.

Executrix: Sandra S. Dudek, 710 West Southern Avenue, South Williamsport, PA 17702.

Attorneys: Lester L. Greevy, Jr., Esquire, Greevy & Associates, 5741 State Route 87, Williamsport, PA 17701.

Stuart, Nancy C., Sr., dec'd.

Late of 2140 Warrensville Road, Montoursville.

Executrix: Jeannette L. Brelsford, 126 Pond Lane, Montoursville, PA 17756.

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

SECOND PUBLICATION**Bartolomeo, Frank J.,** dec'd.

Late of South Williamsport.

The Frank J. and Joan R. Bartolomeo Income Only Protector Trust, dated August 11, 2008.

The Frank J. Bartolomeo Protector Trust, dated June 26, 2013.

Settlor: Frank J. Bartolomeo.

Trustee: Brenda L. Kremser.

Attorneys: Eric Ladley, Esquire, Steinbacher, Stahl, Goodall & Yurchak, 413 Washington Boulevard, Williamsport, PA 17701.

Folmar, Madelyn C., dec'd.

Late of Loyalsock.

Executrix: Sharon Hamilton, 1733 Wheeland Drive, Williamsport, PA 17701.

Attorneys: James G. Malee, Esquire, Malee Law Firm, P.C., 310 East Third Street, Williamsport, PA 17701, (570) 321-6112.

Foust, Cherie S., dec'd.

Late of the Township of Fairfield.

Administratrix: Kelly A. Pittenger, 4733 Warrensville Rd., Montoursville, PA 17754.

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

King, Joanne A., dec'd.

Late of Williamsport.

Co-Administrators: Laura Ciuccio, 1827 Walthers Road, Montoursville, PA 17754 and Brian Armes, 246 Elimsport Road, Montgomery, PA 17752.

Attorneys: Joseph F. Orso, III, Esquire, Rudinski, Orso and Lynch, 339 Market Street, Williamsport, PA 17701.

Michael, Kay D., dec'd.

Late of 739 Susquehanna Trail, Muncy.

Executor: Lloyd K. Michael, P.O. Box 162, Muncy, PA 17756.

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

Straub, Warren J., Jr., dec'd.

Late of Williamsport.

Executrix: Rebecca A. Mitstifer, 7628 Rte. 414, Liberty, PA 16930.

Attorneys: Anthony J. Grieco, Esquire, Elion, Wayne, Grieco, Carlucci & Shipman, P.C., 125 East Third St., Williamsport, PA 17701.

Warn, Doris F., dec'd.

Late of Montoursville.

Executrix: Coleen G. Renshaw.

Attorneys: Tammy A. Weber, Esquire, Marshall, Parker & Weber, LLC, 49 E. Fourth Street, Williamsport, PA 17701.

THIRD PUBLICATION

Allen, Harley E. a/k/a Harley Allen, dec'd.

Late of Wolf Township.

Administrator: Kenny Allen, 2004 Pine Run Road, Hughesville, PA 17737.

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

Hall, Thomas Michael, dec'd.

Late of South Williamsport.

Co-Executors: Rachel E. Hall, 444 Bayard Street, South Williamsport, PA 17702 and T. Max Hall, III, 525 Alexis Drive, Williamsport, PA 17701.

Attorneys: McNerney, Page, Vanderlin & Hall, 433 Market Street, Williamsport, PA 17701.

Shaffer, Charles Stewart, dec'd.

Late of Muncy.

Administratrix: Brenda K. Shaffer, 2794 Quaker Church Road, Muncy, PA 17756.

Attorneys: Stephen C. Sholder, Esquire, Raup & Sholder, P.C., 270 West Third Street, Williamsport, PA 17701, (570) 321-0709.

White, Harry L., Sr. a/k/a Harry Lee White, Sr. a/k/a Harry Le White, Sr. a/k/a Harry L. White, dec'd.

Late of Clinton Township.
 Co-Executors: John A. Haught, 111 North Second Street, Hughesville, PA 17737, Jeffrey C. George, 43 Michael Avenue, Hughesville, PA 17737 and Deborah P. White, 3323 Beaver Lake Road, Hughesville, PA 17737. Attorneys: Steven D. Hess, Esquire, Hess and Hess, P.C., 30 South Main Street, Hughesville, PA 17737.

Wolyniec, Frank P., Jr., dec'd.

Late of Loyalsock Township.
 Personal Representative: Hubert A. Valencik, 151 Kendall Avenue, Jersey Shore, PA 17740.
 Attorney: Douglas C. Loviscky, Esquire, 1500 West College Avenue, State College, PA 16801.

**REGISTER OF WILLS
 CONFIRMATION OF
 ACCOUNTS**

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 are presented to the Orphans' Court of Lycoming County for Confirmation Absolute October 6, 2015 unless exceptions are filed before 5:00 P.M. on that date.

1. Choate, Brock E.—Warren J. Choate, Administrator.
2. Hamilton, Richard W.—Kevin S. Hamilton, Executor.
3. White, Carl F., Jr.—Scott A. Williams, Executor.
4. Vogt, Faith G.—Wells Fargo Bank N.A., Trustee.
 Annabel Miller
 Register of Wills

S-25; O-2

**FILING ARTICLES OF
 INCORPORATION**

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania on November 4, 2014 for:

FIRETREE PLACE

a domestic nonprofit corporation which was organized under the Nonprofit Corporation Law of the Commonwealth of Pennsylvania, of 1988, 15 Pa. C.S. Section 5301 et seq. The name and address of the corporation is: Firetree Place, 600 Campbell Street, Williamsport, PA 17701.

GEORGE BISHOP, ESQUIRE
 Firetree, Ltd.
 800 West Fourth Street
 Williamsport, PA 17701

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**REGISTRATION OF
 FICTITIOUS NAME**

NOTICE IS HEREBY GIVEN pursuant to 54 Pa. C.S.A. §311(g), there was filed in the Office of the Secretary of the Commonwealth of Pennsylvania, on September 15, 2015, a Certificate for the conduct of a business in Lycoming County, Pennsylvania under the assumed or fictitious name, style or designation of:

**THE MARKET REAL
 ESTATE GROUP**

with its principal place of business at: 151 John Brady Drive, Suite 1, Muncy, PA 17756.

The name of the entity owning and interested in said business is: Geographical Therapist, LLC.
**McNERNEY, PAGE,
 VANDERLIN & HALL**
 433 Market Street
 Williamsport, PA 17701

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SERVICE BY PUBLICATION

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

NO: 15-00686

ACTION TO QUIET TITLE

FRANK H. WALTHER, Trustee
of the Walther Living Trust,
Plaintiff

vs.

REBECCA STOFFLER et al.,
Defendants

TO: Patrick and Janice Hanrahan, Randy Reid, Linda Easterling, Ellen Sue Kelley, Phyllis C. Halloran, Anna E. Reid, Esther A. Lord, Steven Melnick and Rosemary McCullough

You are hereby notified that judgment has been entered in favor of the Plaintiff and against the named Defendants in the above-captioned matter on September 23, 2015, in which the court gave you 30 days from the date of the order within which to commence an action in ejectment against the Plaintiffs in the Lycoming County Court of Common Pleas for the recovery of the land described in Exhibit "A" of the Plaintiff's Complaint and, failing that, that you are forever barred from asserting any right, lien, title or interest in Plaintiff's land inconsistent with the ownership of the Plaintiff.

WARNING: FINAL JUDGMENT MAY BE ENTERED AGAINST YOU UNLESS YOU TAKE SUCH ACTION AS THE ABOVE MENTIONED ORDER DIRECTS WITHIN 30 DAYS FROM THE DATE OF THE ORDER. IN THE EVENT NO ACTION IS TAKEN BY

THE DEFENDANTS WITHIN THE 30-DAY PERIOD, THE PROTHONOTARY IS DIRECTED, ON PRAECIPE OF THE PLAINTIFF, TO ENTER FINAL JUDGMENT.

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

JEFFREY A. ROWE, ESQUIRE
ID No. 201500
MURPHY, BUTTERFIELD
& HOLLAND, P.C.
Attorneys for Plaintiff
442 William Street
Williamsport, PA 17701
(570) 326-6505

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NOTICE TO THE PROFESSION

CARPENTER, HARRIS & FLAYHART is seeking an experienced attorney who is looking for partnership potential. Contact Martin Flayhart, (570) 398-1071.

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ATTORNEY

Elder law and estate planning firm is seeking a full-time attorney for its Williamsport office. Candidates need to be

personable, self-motivated, committed to marketing and the community. Must have Pennsylvania Bar admission. There are no health care benefits offered with this position. Salary is commensurate with experience.

Please submit resume, references and salary requirements to: [tweber@](mailto:tweber@paelderlaw.com)

paelderlaw.com or mail to: Marshall, Parker & Weber, LLC, ATTN.: Tammy A. Weber, Esquire, 49 E. Fourth Street, Williamsport, PA 17701.

No phone calls please.

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The Lycoming Law Association Foundation is a tax-exempt not-for-profit, 501(c)(3) corporation. The mission of the Foundation is to cultivate the science of jurisprudence, improve the legal and judicial system and facilitate the administration of justice for residents of Lycoming County.

The Foundation provides funding for worthwhile law-related community projects and activities, in addition to supporting the Williamsport Office of North Penn Legal Services, which has provided civil legal services on a wide range of high priority legal problems to poor people in Lycoming County since 1974.

The Foundation is funded through the support of the members of the Lycoming Law Association. This support comes in various forms: from member dues, income from the *Lycoming Reporter*; donations by individual lawyer members of the Lycoming County Bar; donations by other individuals, lawyer family members, and estates.

The Lycoming Law Association's Community Activities and Outreach Committee is responsible to advise and assist the Foundation in administering funds for community projects of merit. The Committee is actively involved in reviewing grant applications and in making recommendations to the Foundation and the Association's Executive Committee concerning the funding of worthwhile projects and activities.

For additional information regarding the Foundation and its procedures, contact Michele Frey, Executive Director, at (570) 323-8287 or mfrey@lycolaw.org.

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25 W Third St, Ste 803 Williamsport PA 17701-6543
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 Complete Mailing Address:

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