

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

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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.

- 11/11/2016** – **Executive Committee Meeting:** *Regular monthly meeting.* **Time:** 12:00 PM to 1:00 PM. **Location:** LLA Office
- 11/11/2016** – **LLA Annual Meeting:** *Annual meeting and elections of the LLA.* **Time:** 4:00 PM to 5:00 PM. **Location:** Jury Lounge, Lycoming County Courthouse
- 11/11/2016** – **LLA Annual Banquet:** *Annual gathering of the Bar and award ceremony.* **Time:** 5:30 PM to 8:30 PM. **Location:** To be announced

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

- 12/16/2015 – Ethical Responsibilities of Agents and Guardians: Eat & Earn.** **CLE credits:** 1 Ethics **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 1/13/2016 – Municipal Law: PBI Groupcast.** **CLE credits:** 5 Substantive / 1 Ethics **Time:** 9:00 AM to 4:15 PM. **Location:** Lycoming Law Association Office
- 1/21/2016 – Personal Injury Litigation Basics: PBI Groupcast.** **CLE credits:** 6 Substantive **Time:** 9:00 AM to 4:30 PM. **Location:** Lycoming Law Association Office
- 1/26/2016 – Selecting and Influencing Your Jury: PBI Video Replay.** **CLE credits:** 6 Substantive **Time:** 9:00 AM to 5:00 PM. **Location:** Lycoming Law Association Office
- 2/2/2016 – QDROs, IRAs, Retirement Benefits and More: What Every Family Lawyer Needs to Know: PBI Groupcast.** **CLE credits:** 2 Substantive / 1 Ethics **Time:** 12:00 PM to 3:15 PM. **Location:** Lycoming Law Association Office
- 2/3/2016 – Mastering Medical Records in the 21st Century: PBI Video Replay.** **CLE credits:** 5 Substantive / 1 Ethics **Time:** 9:00 AM to 5:00 PM. **Location:** Lycoming Law Association Office
- 2/5/2016 – Using Social Media in Your Law Practice: PBI Video Replay.** **CLE credits:** 2 Substantive / 1 Ethics **Time:** 9:00 AM to 12:30 PM. **Location:** Lycoming Law Association Office
- 2/10/2016 – In the Cloud: How to Preserve Confidentiality: PBI Groupcast.** **CLE credits:** 2 Substantive / 1 Ethics **Time:** 9:00 AM to 12:15 PM. **Location:** Lycoming Law Association Office
- 2/23/2016 – Unfair Labor Practices for the Non-Union Workplace: PBI Video Replay.** **CLE credits:** 2 Substantive / 1 Ethics **Time:** 9:00 AM to 12:30 PM. **Location:** Lycoming Law Association Office
- 2/24/2016 – The Legal Issues Surrounding Pipeline & Rights-of-Way Agreements in the Marcellus Shale Region: PBI Groupcast.** **CLE credits:** 4 Substantive **Time:** 9:00 AM to 1:15 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. Atwood** (12/04/2015)—Judge Nancy L. Butts
Criminal: Habeas corpus petition; prima facie case of DUI. (Atwood120415bt)
- ▶ **Commonwealth vs. Bonnell** (12/04/2015)—Judge Nancy L. Butts
Criminal: Suppression motion; probable cause to stop motor vehicle for violation; warrantless arrest for DUI. (Bonnell120415bt)
- ▶ **Commonwealth vs. Andrews** (12/04/2015)—Judge Nancy L. Butts
Criminal: Suppression motion; probable cause to issue search warrant; substantial evidence in the record supporting decision to issue warrant; false statement knowingly and intentionally, or with reckless disregard for the truth, included in affidavit. (Andrews120415bt)
- ▶ **Commonwealth vs. Welshans** (12/07/2015)—Judge Marc F. Lovecchio
Criminal: Petition for return of property; timeliness. (Welshans120715L)
- ▶ **Commonwealth vs. Barasky** (12/07/2015)—Judge Marc F. Lovecchio
Criminal: Habeas corpus petition; constructive possession of drugs; cocaine found not in plain sight in car of which defendant was neither the driver nor the owner; demeanor evidence; conspiracy count. (Barasky120715L)
- ▶ **Commonwealth vs. Handy** (12/03/2015)—Judge Dudley N. Anderson
Criminal: Post-sentence motion; sufficiency and weight of evidence of drug charges; claimed excessive sentence; offender with multiple drug convictions and failed rehabilitation efforts. (Handy120315a)

- **Commonwealth vs. Hoffman** (12/02/2015)—Judge Marc F. Lovecchio
Criminal: Suppression motion; *Miranda* warnings; custodial interrogation; totality of the circumstances; voluntariness of statements; statements obtained without counsel; compelling bill of particulars; allowing defendant to prepare a defense and avoid surprise; compelling discovery expert's opinions; motion in limine relating to polygraph and lack of remorse; relevance; prejudice; request for equal access to investigation of juror investigations; work product; disclosure of potential juror criminal record; excluding inflammatory photographs; request that that spectators not wear at trial any inflammatory materials. (Hoffman I20215L)
- **Thursby vs. Lucky-9 Boat Club, Inc.** (12/02/2015)—Judge Dudley N. Anderson
Civil: Non-jury trial; declaratory relief request regarding property access; existence of injury that would allow for relief; enforcement of revocable license; reasonableness of placement of speed bumps on right-of-way by property owner; proof of damages. (thursby I20215a)

The Prothonotary's Office will be having our office Christmas Party on December 22, 12:00 to 2:00 P.M. The office will be closed for business during that time, however, there will be someone to handle emergency custodies and Protection From Abuse Matters.

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2015 Lycoming County Bench & Bar Composite Photos



The composite photos are now available for purchase.

A sample is available to view at the LLA Office.

Size: 20 x 30 (unframed)

Cost: \$75.00

The deadline for the first round of orders is January 4, 2016

Additional orders will be taken at a later date.

2015 COMPOSITE PHOTO ORDER FORM

Please return this form along with payment to the LLA

Name/Firm: _____

Quantity: _____ Amount Enclosed: _____

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**Bitler, Sandra M.,** dec'd.

Late of Hughesville.

Executor: Russell M. Bitler, 154 North Third Street, Hughesville, PA 17737.

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

Gardner, Betty S., dec'd.

Late of Montoursville.

Executors: Tawn M. Hollick, 28 Brooktree Drive, Penfield, NY 14526 and Shawn R. Gardner, 825 Weldon Street, Montoursville, PA 17754.

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

Lupold, Hilda R., dec'd.

Late of the Township of Hepburn.

Executrix: Connie J. Bodle, 35 Cliffside Dr., Williamsport, PA 17701.

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

Perritt, M. Maxine, dec'd.

Late of 110 North Broad Street, Hughesville.

Executor: Robert L. Titman, 124 Kepner Hill Road, Muncy, PA 17756. Attorney: J. Howard Langdon, Esquire, 3 South Main Street, Muncy, PA 17756.

Phelps, Harlan B., dec'd.

Late of Lycoming County.

Executor: Charles Phelps, 18411 Bittern Ave., Lutz, FL 33558.

Poust, Steven E., dec'd.

Late of Hughesville.

Executrix: Lisa Poust, 104 Temple Hill Road, Hughesville, PA 17737.

Attorney: Mary C. Kilgus, Esquire, 185 N. Main Street, Hughesville, PA 17737, Ph.: (570) 312-0386, Fax: (570) 312-0387.

Shafer, Margaret A., dec'd.

Late of Loyalsock Township.

Executor: William E. Goodell, III. Attorneys: Elizabeth A. White, Esquire, Marshall, Parker & Weber, LLC, 49 E. Fourth Street, Suite 105, Williamsport, PA 17701.

Wagner, Mary A., dec'd.

Late of South Williamsport.

Executrix: Jean Vlcek, 6966 Highway 44, South Williamsport, PA 17702.

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

Winter, Harry H., dec'd.

Late of Cogan Station.

Executor: Gary E. Winter, 142 Winter Lane, Cogan Station, PA 17728.

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

SECOND PUBLICATION**Hager, Evelyn L.,** dec'd.

Late of the Borough of South Williamsport.

Executor: Keith G. Hager.
 Attorneys: Eric Ladley, Esquire,
 Steinbacher, Stahl, Goodall & Yur-
 chak, 413 Washington Boulevard,
 Williamsport, PA 17701.

**Maltby, A. Jane a/k/a Anna Jane
 Maltby, dec'd.**

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

Attorney: Joseph L. Rider, Esquire,
 143 West Fourth Street, Williams-
 port, PA 17701.

**Moats, Donald R. a/k/a Donald Ray
 Moats, dec'd.**

Late of the Township of Muncy.
 Executor: Thomas C. Kubinsky.
 Attorneys: Eric Ladley, Esquire,
 Steinbacher, Stahl, Goodall & Yur-
 chak, 413 Washington Boulevard,
 Williamsport, PA 17701.

Moore, Shirley J., dec'd.

Late of Muncy.
 Administratrix: Eileen J. Spring, 136
 New Street, Muncy, PA 17756.
 Attorneys: James G. Malee, Esquire,
 Malee Law Firm, P.C., 310 East Third
 Street, Williamsport, PA 17701,
 (570) 321-6112.

Morgan, Patricia J., dec'd.

Late of the City of South Williams-
 port.
 Administrator: Mark E. Levan, 397
 Hillside Drive, Williamsport, PA
 17702.
 Attorney: Richard G. Scheib, Esquire,
 11 Reitz Blvd., Suite 102, Lewisburg,
 PA 17837-9293.

Stuempfle, E. Louise, dec'd.

Late of the Township of Old Lycom-
 ing.
 Executor: Robert R. Hubler.

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

THIRD PUBLICATION

Bennett, Walter H., dec'd.

Late of the Borough of Montours-
 ville.

Executor: Robert A. Bennett, 776
 Fairfield Church Road, Montours-
 ville, PA 17754.

Attorney: Andrea B. Bower, Esquire,
 426 Broad Street, Montoursville,
 PA 17754.

**Harris, Margaret S. a/k/a Margaret
 L. Harris, dec'd.**

Late of Hughesville.

Executor: Douglas S. Harris, 1116
 Brushy Ridge Road, Montoursville,
 PA 17754.

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

Kerschner, Gene A., dec'd.

Late of Williamsport.
 Executrix: Melissa J. Kerschner, 2206
 Newberry Street, Williamsport, PA
 17701.

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

Philbin, Linda L., dec'd.

Late of Loyalsock Township.
 Personal Representative: Michael
 C. Philbin, 2105 Stopper Drive,
 Montoursville, PA 17754.

Attorney: Douglas C. Lovinsky, Es-
 quire, 1500 West College Avenue,
 State College, PA 16801.

Twigg, Pearl, dec'd.

Late of Duboistown.
 Executrix: Carol A. Jacobs, 14501
 Three Oaks Terrace, Montpelier,
 VA 23192.

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

Walker, Thelma E., dec'd.

Late of the Borough of Montoursville.

Executor: Rickie T. Walker, 1612 Quaker State Road, Montoursville, PA 17754.

Attorney: Andrea B. Bower, Esquire, 426 Broad Street, Montoursville, PA 17754.

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 on or about November 9, 2015, for the purpose of obtaining a Certificate of Incorporation for a domestic business corporation to be organized under the Pennsylvania Business Corporation Law. The registered name and office of said Corporation is:

B & E PLUMBING CORPORATION

The purpose for which the corporation has been organized is to have unlimited power to engage in and do any lawful act concerning any or all lawful business for which corporations may be incorporated under the Pennsylvania Business Corporation Law.

PETER BURCHANOWSKI, ESQUIRE
Attorney at Law
4 West Fourth Street
Williamsport, PA 17701

D-11

FILING OF CERTIFICATE OF ORGANIZATION OF LLC

NOTICE IS HEREBY GIVEN that a Certificate of Organization was filed on or about September 25, 2015, with the Department of State of the Com-

monwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certification of Organization for a domestic limited liability company, organized under the Business Corporation Law of 1988; December 21, 1988 (P.L. 1444, No. 177), as amended. The name of the limited liability company is:

IHE BEV., LLC

343 Pine Street, Williamsport, PA 17701.

The purpose for which the limited liability company was organized is: To own, manage, develop, sell, rent or otherwise engage in any activity involving real property and to engage in and do any lawful act concerning any or all lawful business for which limited liability companies may be organized under the Pennsylvania Business Corporation Law, including but not limited to, manufacturing, owning, using, leasing and dealing in personal property of every class and description and acquiring, owning, using and disposing of real property of any nature whatsoever.

SCOTT T. WILLIAMS, ESQUIRE
LAW OFFICES
PERCIBALLI & WILLIAMS, LLC
429 Market Street
Williamsport, PA 17701

D-11

NOTICE IS HEREBY GIVEN that a Certificate of Organization was filed on or about November 20, 2015, with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certification of Organization for a domestic business corporation, organized under the Business Corporation Law of 1988; December 21, 1988 (P.L. 1444, No. 177), as amended. The name of the limited liability company is:

THE WINDROSE GROUP LLC
429 Market Street, Williamsport, PA 17701.

The purpose for which the limited liability company was organized is: To have unlimited power to engage in and do any lawful act concerning any and all lawful business for which a limited liability company may be organized under the Pennsylvania Business Corporation Law of 1988, as amended.

HENRY P. PERCIBALLI, ESQUIRE
PERCIBALLI & WILLIAMS, LLC
429 Market Street
Williamsport, PA 17701

D-11

SERVICE BY PUBLICATION

Lycoming County Court
of Common Pleas

Number 15-01111

Lycoming County Water
and Sewer Authority,

Plaintiff

v.

Michael Weaver and Diane Weaver
Defendants

TO: Michael Weaver, Diane Weaver,
405 Cherry Street, Montoursville,
PA 17754

NATURE OF ACTION: NOTICE IS HEREBY GIVEN that a Writ of Scire Facias has been filed against you and your property at 405 Cherry Street, Montoursville, Pennsylvania 17754, Tax Parcel No. 34-002-203, for unpaid sewer fees. You must file an affidavit of defense within 15 days or judgment will be entered against you.

AUSTIN WHITE, ESQUIRE
McCORMICK LAW FIRM
835 West Fourth Street
Williamsport, PA 17701
(570) 326-5131

D-11

SERVICE BY PUBLICATION

The Jersey Shore Area School District Board of School Directors has authorized the sale, by public auction, of approximately 31.98 acres of property owned by Jersey Shore Area School District, being a portion of the property commonly known as Nippenose Elementary School, located at 7190 South Route 44 Highway, Limestone Township, Lycoming County, Pennsylvania, generally identified as a portion of Lycoming County Tax Parcel No. 25-427-123.A. The resolution authorizing this sale by auction and the terms and conditions of the sale are available for inspection in the Jersey Shore Area School District Administrative Offices located at 175 A&P Drive, Jersey Shore, Pennsylvania or by contacting Michael T. Roan, Roan Inc., at (570) 494-0170 or roaninc@comcast.net. Additional details of the property can also be viewed at Roaninc.com.

This public auction is to be conducted by Roan Inc. on Saturday, December 12, 2015 at 2:00 P.M. at the Nippenose Elementary School, located at 7190 South Route 44 Highway, Limestone Township, Lycoming County, Pennsylvania.

The property will be made available for inspection prior to the auction and interested parties should contact Michael T. Roan, Roan Inc., at (570) 419-0380 or e-mail: Michaeltroan@yahoo.com to set up an appointment.

N-27; D-4, 11

PUBLIC NOTICE

The current term of office of United States Magistrate Judge William I. Arbuckle, III at Williamsport, Pennsylvania is due to expire on July 28, 2016. The United States District Court is required by law to establish a panel of citizens

to consider the reappointment of the part-time magistrate judge to a new four-year term.

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.

This public notice is posted for the public's commentary in the clerk's office in Scranton, Harrisburg, and Williamsport; and, it may be viewed on the court's Internet web site at: www.pamd.uscourts.gov.

Comments from members of the bar and the public are invited as to whether the incumbent magistrate judge should be recommended by the panel for reappointment by the court and should be directed to:

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

Comments must be received no later than January 8, 2016.

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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.

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.



PERIODICAL PUBLICATION

*** Dated Material. Do Not Delay. Please Deliver Before Monday, December 14, 2015**