

# 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

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Williamsport, PA 17701

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# LYCOMING LAW ASSOCIATION

Penn Tower, 25 West Third Street, Suite 803

Williamsport, PA 17701

[www.lycolaw.org](http://www.lycolaw.org)

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## EXECUTIVE COMMITTEE

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Tammy Avery Weber, President  
Robert Cronin, President-Elect  
Ryan M. Tira, Treasurer  
Jennifer L. Heverly, Secretary

Thomas Waffenschmidt,  
Past President  
Christian D. Frey  
Angela Campana Lovecchio  
Donald F. Martino  
Corey Mowrey

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## EDITOR OF LYCOMING REPORTER

Gary L. Weber

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## EXECUTIVE DIRECTOR

Michele S. Frey

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## COMMITTEE CHAIRS

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Bench Bar: *C. Edward Mitchell*

Customs and Rules: *Gary Weber*

Community Activities and  
Outreach: *Tammy Weber*

Criminal Law: *Aaron Biichle*

Education: *John Pietrovito*

Social: *Schawanne K. Kilgus*

Young Lawyers Division:  
*Corey Mowrey*

Fee Dispute: *Michael Collins*

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Bar History: *Charles Greevy, III*

Technology and LLA Web Site:  
*Gary Weber*

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Family Law: *Christina Dinges*

Elder Law: *Jennifer Linn and  
Eric Ladley*

Real Estate: *Fred Holland*



### Your online connection for:

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

[www.lycolaw.org](http://www.lycolaw.org)

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## SCHEDULED EVENTS

Additional information about any of these events is available on the Lycoming Law Association website at [www.lycolaw.org](http://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:** LLA Office
- 11/11/2016** – **LLA Annual Banquet:** *Annual gathering of the Bar and award ceremony.* **Time:** 5:30 PM to 8:30 PM. **Location:** Morrone’s Banquet Hall, 740 West Fourth Street, Williamsport
- 11/18/2016** – **LLA Executive Committee Retreat:** *Annual planning session of the LLA Executive Committee.* **Time:** 12:00 PM to 4:00 PM. **Location:** Penn College
- 2/11/2016** – **Memorial Service for Allan Ertel:** *Memorial service to remember the life of departed member Allan Ertel.* **Time:** 4:00 PM to 5:00 PM. **Location:** Lycoming County Courthouse, Courtroom I

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.

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**UPCOMING LYCOMING COUNTY CLE OPPORTUNITIES**

- 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
- 1/20/2016 – Eat & Earn – Defending the DUI:** *In the Know Series – Defending the DUI – Presented by: Robert Cronin.* **CLE credits:** 1 Substantive  
**Time:** 12:00 PM to 1:00 PM. **Location:** LLA 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
- 2/25/2016 – Fundamentals of PA Business Corporation Practice:** *PBI Video Replay.* **CLE credits:** 5 Substantive / 1 Ethics  
**Time:** 9:00 AM to 5:00 PM. **Location:** Lycoming Law Association Office
- 3/3/2016 – Boundary Law in PA:** *PBI Groupcast.* **CLE credits:** 4 Substantive  
**Time:** 12:00 PM to 4:15 PM. **Location:** Lycoming Law Association Office

- 3/9/2016 – Essentials of Copyright Law:** *PBI Video Replay*. **CLE credits:** 4 Substantive **Time:** 9:00 AM to 1:30 PM. **Location:** Lycoming Law Association Office
- 3/10/2016 – Guardianship 101:** *PBI Groupcast*. **CLE credits:** 3 Substantive / 1 Ethics **Time:** 12:00 PM to 4:15 PM. **Location:** Lycoming Law Association Office
- 3/15/2016 – Handling the Workers' Comp. Case:** *PBI Groupcast*. **CLE credits:** 5 Substantive / 1 Ethics **Time:** 8:25 AM to 3:45 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](http://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](mailto:mfrey@lycolaw.org), or online at [www.lycolaw.org](http://www.lycolaw.org).

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 full text of the following Lycoming County Court opinions is reported at [www.lycolaw.org/Cases/search.asp](http://www.lycolaw.org/Cases/search.asp).

- ▶ **In re: Shearer Guardianship Petition** (12/18/2015)—Judge Marc F. Lovecchio  
Wills and Estates: Petition to adjudicate incapacity and to appoint a guardian of the person and estate; authority of agent under general durable power of attorney to revoke healthcare power of attorney and living will; strict construction of powers of attorney; intent of principal; need for guardianship services in light of valid powers of attorney. (shearer121815L)
- ▶ **Johnston vs. Johnston** (12/15/2015)—Judge Richard A. Gray  
Civil: Motions for summary judgment; quiet title action; presumptive validity of conveyance by deed of real property; invalidating deed without the appropriate subdivision approval or in violation of a specific subdivision approval stipulation. (Johnston121515g)
- ▶ **Ball vs. Beckley** (12/14/2015)—Judge Richard A. Gray  
Civil: Appeal; revoked IFP status; Prison Litigation Reform Act; request for injunctive relief due to danger of serious bodily injury; credibility of allegations; claimed lack of remedy; ability to move forward with case by paying costs. (Ball121415g)
- ▶ **Keta Gas & Oil Company vs. Proctor, Rice, Mandell, Thacher, Joslin, Massachusetts General Hospital, and Brinker Hunting Club** (12/18/2015)—Judge Dudley N. Anderson  
Civil: Petition to open March 14, 1951 default judgment; notice issue; viability of affidavit attesting to the efforts to discover heirs; consideration of circumstances surrounding the swearing of the affidavit; assessment of diligence of the search; credibility of affidavit that is contradicted by contemporaneous attorney letters; authenticity of 65-year-old attorney letters; hearsay statements contained within ancient documents; fraud. (Keta121815a)
- ▶ **Commonwealth vs. Jennings** (12/16/2015)—Judge Marc F. Lovecchio  
Criminal: Habitual offender charge issue; driving without license or under suspension invoking criminal penalties for habitual offender under the statute. (Jennings121615L)



## 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****Borgess, Lawrence E. a/k/a Larry E. Borgess, dec'd.**

Late of Williamsport.

Executor: Kevin C. Borgess, 705 Campbell Street, Williamsport, PA 17701.

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

**Eck, Richard D., dec'd.**

Late of Montoursville.

Executrix: Ginny L. Eck, 1305 Weldon Street, Montoursville, PA 17754.

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

**Nelson, Sandra L., dec'd.**

Late of South Williamsport.

Executrix: Nanette D. Troutman, 601 East Second Avenue, South Williamsport, PA 17702.

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

**O'Dell, Charlene L., dec'd.**

Late of Williamsport.

Administratrix: Patricia O'Dell.

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

**SECOND PUBLICATION****Burris, Betty J., dec'd.**

Late of Picture Rocks.

Executrix: Irma McConnell, 37 S. Fourth Street, Hughesville, PA 17737.

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

**Dudek, Lois E., dec'd.**

Late of Williamsport.

Administratrices: Linda E. Welch, 1509 Elwood Road, Williamsport, PA 17701 and Robin Hall, 1540 Mosquito Valley Road, South Williamsport, PA 17702.

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

**Gross, George B., Jr., dec'd.**

Late of Williamsport, Old Lycoming Township.

Executrix: Ruth A. Taylor, 2176 Pikes Peak Road, Allenwood, PA 17810.

Attorneys: Christopher H. Kenyon, Esquire, McCormick Law Firm, 835 West Fourth Street, Williamsport, PA 17701.

**Gunter, Mae A., dec'd.**

Late of Montoursville.

Executor: Donald E. Leidhecker, 2313 West Fourth Street, Williamsport, PA 17701.

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

**LeVan, Michael L.,** dec'd.

Late of Williamsport.

Administrator: Mark L. James, III, 9093 Southwest 206th St., Cutler Bay, FL 33189.

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

**McCollum, John W., Jr.,** dec'd.

Late of Loyalsock Township.

Executors: John W. McCollum, III, 521 Hullings Road, Linden, PA 17744 and Richard McCollum, 2108 Halls Lane, Williamsport, PA 17701.

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

**Pasukinis, Dorothy C.,** dec'd.

Late of Hepburn Township.

Executrix: Deborah Ann Smith, 1530 Pinecrest Drive, So. Williamsport, PA 17702.

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

**Rucinski, Barbara A.,** dec'd.

Late of the City of Williamsport.

Executrix: Mary M. Rucinski, 411 Arch Street, Williamsport, PA 17701.

Attorney: Todd J. Leta, Esquire, 602 Pine Street, Williamsport, PA 17701.

**Tagliaferri, Jennie,** dec'd.

Late of the City of Williamsport.

Executor: Thomas Tagliaferri, 10 Casey Drive, Williamsport, PA 17701.

Attorney: Todd J. Leta, Esquire, 602 Pine Street, Williamsport, PA 17701.

**Thompson, Stephen,** dec'd.

Late of the City of Williamsport.

Executrix: Christine Zul.

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

**Wheal, Helen S. a/k/a Helen Pauline Wheal,** dec'd.

Late of Muncy.

Executor: Daniel R. Wheal, 353 Derr Road, Muncy, PA 17756.

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

**THIRD 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: McNERNEY, Page, Vanderlin & Hall, 433 Market Street, Williamsport, PA 17701.

**Lupold, Hilda R.,** dec'd.

Late of the Township of Hepburn.

Executrix: Connie J. Bodle, 2240 Fox Street, 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 Win-  
ter Lane, Cogan Station, PA 17728.  
Attorneys: Mc Nerney, Page, Vander-  
lin & Hall, 433 Market Street, Wil-  
liamsport, PA 17701.

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**REGISTER OF WILLS  
CONFIRMATION OF  
ACCOUNTS**

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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 January 5, 2016 unless exceptions are filed before 5:00 P.M. on that date.

1. Bullock, Eleanor Gayle a/k/a Gayle Bullock—Dennis L. Diehl and Karen H. Diehl, Executors.

2. Cendoma, Gloria O.—Patricia A. Whelan, Executrix.

3. Chesney, Fay L.—Laura Winkleman, Executrix.  
Annabel Miller  
Register of Wills

D-18, 25

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**REGISTRATION OF  
FICTITIOUS NAME**

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NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on October 13, 2015 for:

SPARTAN BUILDING SPECIALISTS located at: 75 S. 3rd St., Hughesville, PA 17737. The name and address of the individual interested in the business is Seth Richard Whitmoyer, 75 S. 3rd St., Hughesville, PA 17737. This was filed in accordance with 54 Pa. C.S. 311.

D-25

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**NOTICE OF SUSPENSION**

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NOTICE IS HEREBY GIVEN that by Order of the Supreme Court of Pennsylvania issued November 19, 2015, Michael E. Groulx (#40401), whose office address was Campana & Groulx, 339 Market Street, Williamsport, PA, is suspended from the practice of law for a period of one year and one day, to take effect December 19, 2015.

Elaine M. Bixler  
Secretary of the Board  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

D-25

**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, 18, 25



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**PERIODICAL PUBLICATION**

**\* Dated Material. Do Not Delay. Please Deliver Before Monday, December 28, 2015**