

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.

- 3/28/2016 – Executive Committee Meeting:** *Regular monthly meeting.*
Time: 12:00 PM to 1:00 PM. **Location:** LLA Office
- 4/25/2016 – 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

- 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
- 3/16/2016** – **Eat & Earn—Annual Civil Update:** *Civil litigation—annual update; Presented by—Clifford A. Rieders.* **CLE credits:** 1 Substantive **Time:** 12:00 PM to 1:00 PM. **Location:** LLA Office
- 3/23/2016** – **29th Annual Civil Litigation Update:** *PBI Groupcast.* **CLE credits:** 5 Substantive / 1 Ethics **Time:** 9:00 AM to 4:15 PM. **Location:** Lycoming Law Association Office
- 3/28/2016** – **Advanced Title Insurance Issues:** *PBI Groupcast.* **CLE credits:** 3 Substantive **Time:** 12:30 PM to 3:45 PM. **Location:** Lycoming Law Association Office
- 3/31/2016** – **Elections and Disclaimers in Estates:** *PBI Video Replay.* **CLE credits:** 3 Substantive **Time:** 9:00 AM to 12:30 PM. **Location:** Lycoming Law Association Office
- 4/4/2016** – **Long-Term Care Planning for Seniors:** *PBI Groupcast.* **CLE credits:** 5 Substantive / 1 Ethics **Time:** 8:30 AM to 3:30 PM. **Location:** Lycoming Law Association Office
- 4/5/2016** – **Frequently Asked Questions About Ethics and Social Media:** *PBI Video Replay.* **CLE credits:** 1 Ethics **Time:** 9:00 AM to 10:00 AM. **Location:** Lycoming Law Association Office
- 4/6/2016** – **Social Security Disability: The Basics:** *PBI Groupcast.* **CLE credits:** 3 Substantive / 1 Ethics **Time:** 9:00 AM to 1:15 PM. **Location:** Lycoming Law Association Office
- 4/13/2016** – **Sophisticated Issues for Family Lawyers:** *PBI Video Replay.* **CLE credits:** 4 Substantive **Time:** 9:00 AM to 1:30 PM. **Location:** Lycoming Law Association Office
- 4/14/2016** – **Civil Practice in Magisterial District Courts:** *PBI Video Replay.* **CLE credits:** 3 Substantive / 1 Ethics **Time:** 9:00 AM to 1:30 PM. **Location:** Lycoming Law Association Office
- 4/18/2016** – **The Basics of Realty Tax:** *PBI Groupcast.* **CLE credits:** 3 Substantive **Time:** 12:30 PM to 3:45 PM. **Location:** Lycoming Law Association Office
- 4/19/2016** – **Marketing and Ethics: Balancing Smart Business Development and Adhering to the Rules:** *PBI Video Replay.* **CLE credits:** 1 Ethics **Time:** 9:00 AM to 10:00 AM. **Location:** Lycoming Law Association Office
- 4/22/2016** – **Success With Summary Judgment Motions: How to Win Before Trial:** *PBI Video Replay.* **CLE credits:** 3 Substantive **Time:** 9:00 AM to 12:30 PM. **Location:** Lycoming Law Association Office

- 4/26/2016** – **Litigating the Insurance Bad Faith Claim:** *PBI Video Replay.* **CLE credits:** 3 Substantive **Time:** 9:00 AM to 12:30 PM. **Location:** Lycoming Law Association Office
- 4/28/2016** – **Current Issues in Nursing Home Litigation:** *PBI Video Replay.* **CLE credits:** 5 Substantive / 1 Ethics **Time:** 9:00 AM to 5:00 PM. **Location:** Lycoming Law Association Office
- 5/3/2016** – **Family Caregiver Agreements & Use of Real Estate for Elder Law Attorneys:** *PBI Groupcast.* **CLE credits:** 3 Substantive **Time:** 9:00 AM to 12:15 PM. **Location:** Lycoming Law Association Office
- 5/4/2016** – **Workers' Comp. Practices & Procedure 2016:** *PBI Groupcast.* **CLE credits:** 4 Substantive **Time:** 8:30 AM to 12:45 PM. **Location:** Lycoming Law Association Office
- 5/11/2016** – **Municipal Law Update:** *PBI Video Replay.* **CLE credits:** 5 Substantive / 1 Ethics **Time:** 9:00 AM to 5:00 PM. **Location:** Lycoming Law Association Office
- 5/24/2016** – **Commercial Real Estate Documents: Negotiating and Drafting for Optimal Results:** *PBI Video Replay.* **CLE credits:** 3 Substantive **Time:** 9:00 AM to 12:30 PM. **Location:** Lycoming Law Association Office
- 6/1/2016** – **Pipeline and Right-of-Way Agreements in the Marcellus Shale Region:** *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. KP** (03/08/2016)—Judge Marc F. Lovecchio
Criminal: Motion to admit statements under the Tender Years Hearsay Act; child not available as a witness; serious emotional distress that would substantially impair child's ability to reasonably communicate; statements made with sufficient indicia of reliability. (Payne030816L)
- ▶ **Commonwealth vs. Stouffer** (03/04/2016)—Judge Marc F. Lovecchio
Criminal: Commonwealth's motion to preclude testimony; defense use of expert testimony on affirmative defense of diminished capacity in aggravated assault case; limitation of defense to first-degree murder case. (Stouffer030416L)
- ▶ **Branton et al. vs. Nicholas Meat, LLC et al.** (03/04/2016)—Judge Richard A. Gray
Civil: Summary judgment motions; Right to Farm Act; nuisance suit filed as a result of allegedly strong obnoxious odors emanating from farm fields; public policy in support of farming operations; statutory protection from nuisance suits. (Branton030416g)
- ▶ **Commonwealth vs. Reedy** (02/29/2016)—Judge Nancy L. Butts
Criminal: suppression motion; vehicle stop for high beam violation; reasonable suspicion of violation of Motor Vehicle Code. (Reedy022916bt)
- ▶ **Commonwealth vs. Forsythe** (02/29/2016)—Judge Nancy L. Butts
Criminal: Suppression motion; interdiction roving patrol; vehicle stop; jurisdiction of officer; extraterritorial foray to acquire evidence where probable cause did not yet exist. (Forsythe022916bt)
- ▶ **Commonwealth vs. Wylie** (02/29/2016)—Judge Nancy L. Butts
Criminal: Suppression motion; probable cause to arrest; investigatory detention upon reasonable suspicion of unlawful activity; warrantless search of an automobile upon probable cause. (Wylie022916bt)
- ▶ **Commonwealth vs. Rinehimer** (02/29/2016)—Judge Nancy L. Butts
Criminal: Motion to dismiss; reasonable suspicion to stop vehicle; information of third parties; officer's observation of further criminal activity. (Rinehimer022916bt)
- ▶ **Commonwealth vs. Sailor** (03/03/2016)—Judge Marc F. Lovecchio
Criminal: Motion in limine to preclude mentioning the injuries victim suffered because Defendant will stipulate to the injuries; proof of element of offense; relevant evidence. (Sailor030316L)



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 to order is April 8, 2016

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**Free, Margaret K.,** dec'd.

Late of the Borough of Montoursville.

Executor: Mark K. Free, 8955 Apaloosa Circle, Cologne, MN 55322.
Attorney: Andrea B. Bower, Esquire, 426 Broad Street, Montoursville, PA 17754.

Kulka, Ethel Maxine a/k/a Ethel M. Kulka, dec'd.

Late of Pennsdale.

Executrix: Sandra K. Artley, 401 Ellis Artley Rd., Pennsdale, PA 17756.
Attorneys: John A. Smay, Esquire, Williams and Smay, 39 S. Main St., P.O. Box 35, Muncy, PA 17756.

Whiteman, Paul R., dec'd.

Late of South Williamsport.

Co-Executors: Gary A. Whiteman and Jeffrey L. Whiteman c/o Casale & Bonner, P.C., 33 West Third Street, Suite 202, Williamsport, PA 17701.
Attorneys: James D. Casale, Esquire, Casale & Bonner, P.C., 33 West Third Street, Suite 202, Williamsport, PA 17701, (570) 326-7044.

SECOND PUBLICATION**Fry, Sherry L.,** dec'd.

Late of the Township of Wolf.
Administrator: Charles B. Fry, 206 Center Street, Milton, PA 17847.
Attorney: Robert E. Benion, Esquire, P.O. Box 356, Milton, PA 17847-0356.

Gore, Eleanor P., dec'd.

Late of the Borough of South Williamsport.

Executrix: Nanette R. Long, 534 Childs Drive, South Williamsport, PA 17702.

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

Griggs, Jacqueline B., 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, Williamsport, PA 17701.

Harlan, Nellie M., dec'd.

Late of the Borough of Montoursville.

Executrix: Marjorie A. Pepper, 2023 Carlton Terrace, Williamsport, PA 17701.

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

Heller, Jean T., dec'd.

Late of the Township of Loyalsock.
Executrix: Doris T. Teufel, 426 Wyndham Court, Williamsport, PA 17701.

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

Kepler, Anna A., dec'd.
Late of Lycoming County.
Executrix: Andrea Mong.
Attorneys: Eric Ladley, Esquire,
Steinbacher, Goodall & Yurchak,
413 Washington Boulevard, Wil-
liamsport, PA 17701.

Martin, Roberts R., dec'd.
Late of the City of Williamsport.
Executrix: Valeria J. Martin c/o Mark
E. Halbruner, Esquire, Halbruner,
Hatch & Guise, LLP, 2109 Market
Street, Camp Hill, PA 17011.
Attorneys: Mark E. Halbruner, Es-
quire, Halbruner, Hatch & Guise,
LLP, 2109 Market Street, Camp Hill,
PA 17011.

**McClure, Kathryn A. a/k/a Kathryn
Ann Myers**, dec'd.
Late of Muncy.
Executor: Thomas O. McClure, 4018
Old Orchard Road, York, PA 17402.
Attorney: None.

Orwig, Mark L., dec'd.
Late of Bastress Township.
Executor: Patrick A. Dixon, 34 Lawn
Mower Lane, Cogan Station, PA
17728.
Attorneys: Fred A. Holland, Esquire,
Murphy, Butterfield & Holland, P.C.,
442 William Street, Williamsport,
PA 17701.

Rupert, Harold C., dec'd.
Late of Moreland Township.
The Harold C. and Doris H. Rupert
Protector Trust and The Rupert
Family Protector Trust.
Settlor: Harold C. Rupert.
Executor/Trustee: David A. Rupert,
282 River Road, Muncy, PA 17756.
Attorneys: McNerney, Page, Vander-
lin & Hall, 433 Market Street, Wil-
liamsport, PA 17701.

THIRD PUBLICATION

Bastian, Douglas P., dec'd.
Late of South Williamsport.

Executor: Mark D. Bastian, 341 East
Second Avenue, South Williamsport,
PA 17702.

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

Churba, Ronald R., dec'd.
Late of South Williamsport.
Co-Executors: Ellen Sue Emerick,
146 Cohick Road, South Williams-
port, PA 17702 and Jeffrey A.
Churba, 17937 Flagler Drive, Austin,
TX 78738.
Attorneys: James D. Casale, Esquire,
Casale & Bonner, P.C., 33 West
Third Street, Suite 202, Williams-
port, PA 17701, (570) 326-7044.

Fry, Robert J., Sr., dec'd.
Late of Fairfield Township.
Co-Executors: Richard J. Fry and
Robert J. Fry, Jr. c/o Fred A. Hol-
land, Esquire, 442 William Street,
Williamsport, PA 17701.
Attorneys: Fred A. Holland, Esquire,
Murphy, Butterfield & Holland, P.C.,
442 William Street, Williamsport,
PA 17701.

**Morse, Roberta J. a/k/a R. Jean
Morse**, dec'd.
Late of Williamsport, Eldred Town-
ship.
Executrix: Linda A. Zegarski, 1119
Charles Street, Williamsport, PA
17701.
Attorneys: Christopher H. Kenyon,
Esquire, McCormick Law Firm, 835
West Fourth Street, Williamsport,
PA 17701.

Purvis, Thomas A., dec'd.
Late of Waterville.
Executrix: Karen L. Purvis, 10937
N. Rte. 44 Highway, Waterville, PA
17776.

Attorney: Leroy H. Keiler, III, Esquire, 110 Oliver Street, Ste. 2, P.O. Box 263, Jersey Shore, PA 17740, (570) 398-2750.

Stahl, Shirley L., dec'd.

Late of Cogan Station.
 Administrator: Mark J. Stahl, 2022 Federal Avenue, Williamsport, PA 17701.
 Attorneys: Stephen C. Sholder, Esquire, Raup & Sholder, P.C., 270 West Third Street, Williamsport, PA 17701, (570) 321-0709.

**REGISTRATION OF
 FICTITIOUS NAMES**

**BACKHOUSE CAFÉ
 COFFEE AND TEA**

of: 2708 Newberry Street, Williamsport, PA 17701 is a café restaurant specializing in the onsite preparation and sale of coffee and tea beverages.

Interested party: Tree-ba dachi Climbing Academy Inc., 2708 Newberry Street, Williamsport, PA 17701.

Application for registration of the fictitious name, Backhouse Café Coffee and Tea, was filed with the Pennsylvania Department of State on March 7, 2016 by Ronald J. Wright, President of Tree-ba dachi Climbing Academy Inc.

M-11

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 January 12, 2016 for:

RJP DELIVERY SERVICE

located at: 110 Heatherbrooke Estates, Muncy, PA 17756. The names and address of the individuals interested in the business are: Robert J. Pearson and Susan A. Pearson, 110 Heatherbrooke

Estates, Muncy PA, 17756. This was filed in accordance with 54 Pa. C.S. 311.

M-11

**FILING OF CERTIFICATE OF
 ORGANIZATION OF LLC**

NOTICE IS HEREBY GIVEN that a Certificate of Organization was filed on or about February 18, 2016, 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: ALLISON JR. MANAGEMENT, LLC 2817 Lycoming Creek Road, 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.

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

M-11

**FILING OF CERTIFICATE OF
 ORGANIZATION OF LP**

NOTICE IS HEREBY GIVEN that a Certificate of Limited Partnership was filed on or about February 18, 2016, with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Limited Partnership, organized under the Business Corporation Law of 1988;

December 21, 1988 (P.L. 1444, No. 177), as amended. The name of the limited partnership is:

ALLISON HEAVY HAULING, LP
2817 Lycoming Creek Road, Williamsport, PA 17701.

The purpose for which the limited partnership was organized is: Heavy hauling.

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

M-11

SERVICE BY PUBLICATION

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

NO. 14-01679

Wells Fargo Bank, N.A.,
Plaintiff

vs.

Walter E. Wanamaker, Jr. and
Cynthia S. Wanamaker,
Defendants

NOTICE

TO: Walter E. Wanamaker, Jr. and
Cynthia S. Wanamaker, Defendants,
whose last known address is 71 Rick
Lane, Cogan Station, PA 17728

NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

TAKE NOTICE that the real estate
located at 71 Rick Lane, Cogan Station,
PA 17728, is scheduled to be sold at

Sheriff's Sale on May 6, 2016 at 10:30
A.M., Executive Plaza, 1st Fl., Com-
missioners Board Rm., 330 Pine St.,
Williamsport, PA 17701, to enforce
the court judgment of \$172,385.71,
obtained by WELLS FARGO BANK,
N.A., against you. Property Description:
Prop. sit. in the TOWNSHIP OF
HEPBURN, COUNTY OF LYCOM-
ING. BEING prem.: 71 Rick Lane,
Cogan Station, PA 17728. Tax Parcel:
#15-309.2-0188.49-000. Improvements
consist of residential property. Sold as
the property of Walter E. Wanamaker,
Jr. and Cynthia S. Wanamaker. TERMS
OF SALE: The purchaser at sale must
pay the full amount of his/her bid by
two o'clock P.M. on the day of the
sale, and if complied with, a deed will
be tendered by the Sheriff at the next
Court of Common Pleas for Lycoming
County conveying to the purchaser all
the right, title, interest and claim which
the said defendant has in and to the said
property at the time of levying the same.
If the above conditions are not complied
with on the part of the purchaser, the
property will again be offered for sale
by the Sheriff at three o'clock P.M., on
the same day. The said purchaser will be
held liable for the deficiencies and addi-
tional costs of said sale. TAKE NOTICE
that a Schedule of Distribution will be
filed by the Sheriff on a date specified
by the Sheriff not later than thirty (30)
days after sale. Distribution will be made
in accordance with the schedule unless
exceptions are filed thereto within 10
days after the filing of the schedule.
POWERS, KIRN & ASSOC., LLC
Attys. for Plaintiff
Eight Neshaminy Interplex
Ste. 215
Trevose, PA 19053
(215) 942-2090

M-11



PERIODICAL PUBLICATION

*** Dated Material. Do Not Delay. Please Deliver Before Monday, March 14, 2016**