

# LYCOMING REPORTER

Vol. 33

March 18, 2016

No. 12

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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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Williamsport, Pennsylvania

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LYCOMING REPORTER (ISSN 0884-187X) is published weekly for \$50 per annum by the Lycoming Law Association, Penn Tower, 25 West Third Street, Suite 803, Williamsport, PA 17701.

Legal Notices of less than 300 words in length must be received by 1:00 P.M. on the Tuesday preceding the date of publication; all other notices must be received by 4:00 P.M. on the Monday preceding the date of publication.

Periodical postage paid at Williamsport, PA 17701-9998 and additional mailing offices.

POSTMASTER: Send address changes to LYCOMING REPORTER, Penn Tower, 25 West Third Street, Suite 803, Williamsport, PA 17701.

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Library of Congress Catalog Card Number 61 – 18866

# 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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Corey Mowrey  
Yvonne H. Campbell

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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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Outreach: *Tammy Weber*

Criminal Law: *Aaron Biichle*

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Young Lawyers Division:  
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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).

- 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.

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**UPCOMING LYCOMING COUNTY CLE OPPORTUNITIES**

- 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
- 4/20/2016** – **Eat & Earn: 21st Century Real Estate Practice:** *In the Know Series—21st Century Real Estate Practice Presented by: Fred A. Holland.* **CLE credits:** 1 Substantive **Time:** 12:00 PM to 1:00 PM. **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](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).

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).

- ▶ **Commonwealth vs. McDowell** (03/14/2016)—Judge Marc F. Lovecchio  
Criminal: Rule 600 motion to dismiss or for nominal bail; calculation of excludable time; delay caused by the Commonwealth’s lack of due diligence; authority of counsel to request continuances on behalf of defendant; waiver of claim that periods labeled as excludable in a continuance order are not excludable; availability of witnesses; denial of nominal bail based on perceived inability of defendant to comply with any conditions of release designed to protect elderly women and the community. (McDowell031416L)
- ▶ **Commonwealth vs. Bean** (03/15/2016)—Judge Dudley N. Anderson  
Criminal: Suppression motion; admissions made during guilty plea discussions; knowing, intelligent or voluntary waiver of right to remain silent; district attorney’s promises of benefits or special considerations to induce admissions. (Bean031516a)
- ▶ **Commonwealth vs. Helminiak** (03/07/2016) Judge Nancy L. Butts  
Criminal: Suppression motion; police request to bar patron to accompany officer outside to discuss parking lot accident; arrest; reasonable suspicion of criminal activity; police investigation of summary offense. (Helminiak030716bt)
- ▶ **Commonwealth vs. Kuhns** (03/03/2016)—Judge Marc F. Lovecchio  
Criminal: Appeal; petition for return of property; refusal to care for injured dog; derivative contraband. (Kuhns030316L)
- ▶ **Commonwealth vs. Ball** (03/02/2016)—Judge Marc F. Lovecchio  
Criminal: Commonwealth appeal of sentence; sentencing discretion of the court; consideration of the particular circumstances of the offense and the character of the defendant; deviation from the guidelines; consideration of psychological effect of solitary confinement to conduct of prisoner; statutory sentencing factors; impact of probationary sentence as depreciating the seriousness of crimes and encouraging others to commit crimes. (Ball030216L)



### 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

#### **Eck, Frank L.,** dec'd.

Late of the Township of Loyalsock.  
 Executor: Paul C. Saar, P.O. Box 1772, Williamsport, PA 17701.  
 Attorneys: James G. Malee, Esquire, Malee Law Firm, P.C., 310 East Third Street, Williamsport, PA 17701, (570) 321-6112.

#### **Gehr, Vera S.,** dec'd.

Late of Gamble Township.  
 Co-Executors: Cathy J. Carson, 1830 Green Hollow Road, Montoursville, PA 17754 and Charles S. Gehr, 4099 Bloomingrove Road, Williamsport, PA 17701.  
 Attorneys: Christopher H. Kenyon, Esquire, McCormick Law Firm, 835 West Fourth Street, Williamsport, PA 17701.

#### **Johnston, Betty Ann,** dec'd.

Late of the City of Williamsport.  
 Executrix: Doris H. Johnston 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.

#### **Marshalek, Bernard J.,** dec'd.

Late of Williamsport.  
 The Bernard J. Marshalek Irrevocable Trust, The Bernard J. Marshalek Protector Trust and The Bernard J. Marshalek Living Trust.  
 Settlor: Bernard J. Marshalek.  
 Executor/Trustee: John G. Marshalek, 253 Hillcrest Drive, Montoursville, PA 17754.  
 Attorneys: McNerney, Page, Vanderlin & Hall, 433 Market Street, Williamsport, PA 17701.

#### **Miller, Howard F.,** dec'd.

Late of Muncy.  
 Administratrix: Gail E. Miller, 120 N. Washington Street, Muncy, PA 17756.  
 Attorneys: McNerney, Page, Vanderlin & Hall, 433 Market Street, Williamsport, PA 17701.

#### **Smith, Karl C., Jr.,** dec'd.

Late of 240 Waymol Lane, Muncy, Muncy Creek Township.  
 Administratrix: Sandra McNeil, 10510 Rose Valley Road, Trout Run, PA 17771.  
 Attorneys: Lester L. Greevy, Jr., Esquire, Greevy & Shoemaker, 5741 State Route 87, Williamsport, PA 17701, (570) 435-2233.

#### **Trufant, Richard F.,** dec'd.

Late of Muncy.  
 The Richard F. and Regina H. Trufant Living Trust, dated June 28, 2012 and the Richard F. and Regina H. Trufant Family Protection Trust, dated June 28, 2012.  
 Settlor: Richard F. Trufant.  
 Co-Trustees: Joanne T. Cromley and First National Trust Company c/o RHP Law Group LLC, 1372 N.

Susquehanna Trail, Suite 130, Selinsgrove, PA 17870.

Attorneys: Karen L. Hackman, Esquire, RHP Law Group LLC, 1372 North Susquehanna Trail, Suite 130, Selinsgrove, PA 17870, (570) 743-2333.

**Walters, Jacob A.,** dec'd.

Late of Jersey Shore.

Administrators: Robert A. Walters, Jr. and Amanda L. Walters, 215 Calvert Street, Jersey Shore, PA 17740.

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

**SECOND 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.

**THIRD 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: Mc Nerney, Page, Vander-  
lin & Hall, 433 Market Street, Wil-  
liamsport, PA 17701.

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

1. Weaver, James R., Jr.—Mark L.  
Weaver, Administrator.

2. Emel, Phyllis A.—Terri A. Shick,  
Administratrix.

3. Drake, Patricia C.—Linda J. Egli  
and Charles M. Egli, Jr., Administrators  
C.T.A.

4. Stewart, Charles H., Jr.—Susque-  
hanna Trust and Investment Company,  
Executor.

Kathy Rinehart  
Register of Wills

M-18, 25

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.



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**PERIODICAL PUBLICATION**

**\* Dated Material. Do Not Delay. Please Deliver Before Monday, March 21, 2016**