

# 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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Jennifer L. Heverly, Secretary

Tammy Avery Weber,  
Past President  
Angela Campana Lovecchio  
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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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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*

Publicity: *Angela Campana Lovecchio*

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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).

- 5/25/2016 – Real Estate Committee Meeting:** *Real Estate Committee meeting*  
**Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 5/25/2016 – Memorial Service – Max Hall:** *Memorial Service* **Time:** 3:30 PM to 5:00 PM. **Location:** Courtroom #1
- 6/27/2016 – 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**

- 5/26/2016** – **Trial Evidence:** *PBI Groupcast.* **CLE credits:** 5 Substantive / 1 Ethics **Time:** 9:00 AM to 5:00 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
- 6/3/2016** – **Real Estate Agent and Broker Liability:** *PBI Groupcast.* **CLE credits:** 2 Substantive / 1 Ethics **Time:** 9:00 AM to 12:15 PM. **Location:** Lycoming Law Association Office
- 6/8/2016** – **Talking With Pictures: Courtroom Persuasion in the Multimedia Age:** *PBI Video Replay.* **CLE credits:** 5 Substantive / 1 Ethics **Time:** 9:00 AM to 5:00 PM. **Location:** Lycoming Law Association Office
- 6/14/2016** – **Quiet Title: A Puzzle Worth Solving:** *PBI Video Replay.* **CLE credits:** 3 Substantive / 1 Ethics **Time:** 9:00 AM to 1:30 PM. **Location:** Lycoming Law Association Office
- 6/21/2016** – **Alzheimer's Disease and Other Dementias: Diagnosis, Research and Estate Planning Issues:** *PBI Groupcast.* **CLE credits:** 5 Substantive / 1 Ethics **Time:** 8:30 AM to 3:30 PM. **Location:** Lycoming Law Association Office
- 6/26/2016** – **General Practitioners' Update 2016:** *PBI Groupcast.* **CLE credits:** 5 Substantive / 1 Ethics **Time:** 8:30 AM to 3:45 PM. **Location:** Lycoming Law Association Office
- 6/29/2016** – **CLE for Today's Busy Lawyer:** *PBI Groupcast.* **CLE credits:** 5 Substantive / 1 Ethics **Time:** 8:30 AM to 3:45 PM. **Location:** Lycoming Law Association Office
- 7/15/2016** – **Vehicle Stops and Searches in Pennsylvania:** *PBI Groupcast.* **CLE credits:** 3 Substantive **Time:** 8:30 AM to 12:15 PM. **Location:** Lycoming Law Association Office
- 7/22/2016** – **Understanding Injuries to the Brain, Back & Knee:** *PBI Groupcast.* **CLE credits:** 6 Substantive **Time:** 8:30 AM to 3:30 PM. **Location:** Lycoming Law Association Office
- 7/25/2016** – **Easements and Rights of Way: From Acquisition to Zoning:** *PBI Groupcast.* **CLE credits:** 3 Substantive / 1 Ethics **Time:** 12:00 PM to 4:15 PM. **Location:** Lycoming Law Association Office
- 8/4/2016** – **The Jury Process in Criminal Cases:** *PBI Video Replay.* **CLE credits:** 3 Substantive **Time:** 9:00 AM to 12:30 PM. **Location:** Lycoming Law Association Office
- 8/8/2016** – **Federal Appellate Advocacy:** *PBI Groupcast.* **CLE credits:** 3 Substantive **Time:** 9:00 AM to 12:15 PM. **Location:** Lycoming Law Association Office
- 8/9/2016** – **CLE Ethics Fun and Fantasy With Sean Carter:** *PBI Groupcast.* **CLE credits:** 3 Substantive / 3 Ethics **Time:** 9:00 AM to 4:15 PM. **Location:** Lycoming Law Association Office

**8/11/2016 – Premises Liability Litigation: Focus on the Slip, Trip and Fall Case:** *PBI Groupcast*. **CLE credits:** 4 Substantive **Time:** 12:00 PM to 4:15 PM. **Location:** Lycoming Law Association Office

**8/16/2016 – Ethics Potpourri – Depression: An Occupational Hazard of the Legal Profession:** *PBI Video Replay*. **CLE credits:** 1 Ethics **Time:** 9:00 AM to 10:00 AM. **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).

What do Personal Injury, Social Security Disability, Workers' Compensation, Long-Term Disability, Divorce/Support, and ADA Employment Law cases all have in common? The need for **VOCATIONAL EXPERT TESTIMONY** because it assesses and explains damages, disability, earning capabilities, and availability of reasonable accommodations. You have spent resources establishing or defending against liability. Now retain an expert so what is at stake is evaluated professionally.

**Jerrold Rutkove, MA, CRC**

**Vocational Rehabilitation  
Specialist**

**Providing Vocational Expert Opinion in the following counties: Bradford, Columbia, Lycoming, Potter, Sullivan, Susquehanna, Tioga and Wyoming.**

**Tele: 570-867-1988**

**Web: [www.rutkoverehab.com](http://www.rutkoverehab.com)**

Referral rates for services for 2016 are \$110/hour in deposition/hearing/court, \$80/hour all else.

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).

- ▶ **Kiehl vs. Aqua Vantage Pools & Spas, Wilkes Pool of Mifflin, Pool Tech of Mifflin, Inc., John Barrera & Pool Tech, Inc.** (05/17/2016)—Judge Dudley N. Anderson  
Civil: Motion for reconsideration; petition to vacate or modify arbitration award; personal jurisdiction over non-signer of agreement to arbitrate; compelling non-signer to arbitrate; waiver of objection to the arbitrator’s personal jurisdiction by nonappearance. (kieh051716a)
- ▶ **Killinger vs. Hosler Corp., Benell, Inc. and Hartford Fire Insurance Company** (05/12/2016)—Judge Richard A. Gray  
Civil: Preliminary objections; subcontract dispute; demurrer to quantum meruit claim; unjust retention of a benefit without payment; claim by subcontractor against contractor with which subcontractor did not contract; interpretation of the Contractor and Subcontractor Payment Act; statute of limitations for action on a bond; statutory notice requirements for claim on a bond; compliance with requirement of written notice to primary contractor; applicability of stay provisions in subcontract agreement. (Killinger051216g)
- ▶ **Jersey Shore Area School District vs. Girardi and Jersey Shore Area Education Association** (05/05/2016)—Judge Richard A. Gray  
Administrative Appeal: Appeal; interpretation of collective bargaining agreement; responsibilities of arbitrator to determine in the first instance whether teacher waived his right to grieve and arbitrate his termination from employment; entitlement to preliminary injunctive relief; adequate remedy at law. (JerseyShore050516g)
- ▶ **Galeano vs. Susquehanna Health System and Williamsport Regional Medical Center** (05/11/2016) —Judge Dudley N. Anderson  
Civil: Summary judgment motion; fall on mat which operated automatic doors at hospital; need for medical expert testimony; allegation that physical therapy staff had duty to assess plaintiff’s condition to determine if he needed assistance to exit the facility; action occurring within course of professional relationship; sufficiency of engineering expert testimony; causation issue. (Galeano051116a)
- ▶ **ARK Adoption** (05/10/2016)—Judge Joy Reynolds McCoy  
Adoption: Petition for involuntary termination of parental rights; incarcerated parent; heroin addict with extensive, related criminal record; settled purpose to relinquish parental claim to a child or failure to perform parental duties for at least six months; failure to perform affirmative duty to be part of a child’s life; lack of attempts to communicate with or see the child; pattern of drug abuse and incarceration leaving child without essential parental care; bond between father and child; best interest of child. (AdoptionofARK051016m)

**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****Artley, James F.,** dec'd.

Late of Penn Township.  
 Executrix: Teresa A. Stackhouse,  
 12524 Route 220 Highway, Hughesville, PA 17737.

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

**Beiter, Robert W.,** dec'd.

Late of the Township of Loyalsock.  
 Executors: Angela M. Welty, Robert  
 T. Beiter and Paula J. Beiter.

Attorneys: Julieanne E. Steinbacher,  
 Esquire, Steinbacher, Goodall & Yurchak,  
 413 Washington Boulevard,  
 Williamsport, PA 17701.

**Berresford, John F.,** dec'd.

Late of Montoursville.  
 Executrix: Ann L. Berresford.  
 Attorneys: Tammy A. Weber, Esquire,  
 Marshall, Parker & Weber,  
 LLC, 49 E. Fourth Street, Williamsport,  
 PA 17701.

**Breon, Patricia A.,** dec'd.

Late of Lycoming County.

Executrix: Gwendolyn Nasr, 32  
 Thrush Field Way, Pittsford, NY  
 14534.

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

**Carberry, Virginia M.,** dec'd.

Late of South Renovo, Clinton  
 County.

Administrators: Robert C. Morton  
 and Richard C. Morton c/o Patricia  
 L. Bowman, Esquire, 1530 Sherman  
 Street, Williamsport, PA 17701.

Attorney: Patricia L. Bowman,  
 Esquire, 1530 Sherman Street, Wil-  
 liamsport, PA 17701.

**Fedorowicz, Ella Frances a/k/a Ella  
Frances Federowicz,** dec'd.

Late of Williamsport.

Executrix: Virginia Lee Federowicz  
 a/k/a Virginia L. Fedorowicz, 257  
 Wagner Road, Williamsport, PA  
 17701.

Attorneys: Joseph F. Orso, III, Es-  
 quire, Rudinski, Orso and Lynch,  
 339 Market Street, Williamsport,  
 PA 17701, (570) 321-8090.

**Kerwell, Bernard W. a/k/a William  
B. Kerwell,** dec'd.

Late of Montgomery.

Executrix: Bernette Lynn Ardrey,  
 425 Sheridan Street, Williamsport,  
 PA 17701.

Attorneys: John A. Smay, Esquire,  
 Williams and Smay, 39 S. Main St.,  
 P.O. Box 35, Muncy, PA 17756.

**Miller, Max J.,** dec'd.

Late of Hughesville.

Executrix: Tina Marie Barto, 590  
 Broadway, Hughesville, PA 17737.

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

**Sampsell, Edwin B., Jr.,** dec'd.

Late of the Township of Washington.

Executor: Harry L. Sampsell, 2943 Elimsport Road, Montgomery, PA 17752.

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

**Snyder, Alma Jean,** dec'd.

Late of 1557 Dutchtown Road, Muncy.

Executors: Timothy M. Snyder, 1557 Dutchtown Road, Muncy, PA 17756 and David T. Snyder, 405 Church Road, Unityville, PA 17774.

Attorney: J. Howard Langdon, Esquire, 3 South Main Street, Muncy, PA 17756.

**Snyder, Grace I., Jr.,** dec'd.

Late of Muncy.

Administratrix: Deborah A. Kleese, 693 Beacon Light Road, Pennsdale, PA 17756.

Attorneys: Stephen C. Sholder, Esquire, Raup & Sholder, P.C., 270 West Third Street, Williamsport, PA 17701.

**Woltz, Lawrence D.,** dec'd.

Late of Williamsport.

Executrix: Tina M. Watkins c/o Marc S. Drier, Esquire, 227 Allegheny Street, Jersey Shore, PA 17740.

Attorney: Marc S. Drier, Esquire, 227 Allegheny Street, Jersey Shore, PA 17740.

**SECOND PUBLICATION**

**Blakeslee, Glenn L.,** dec'd.

Late of the City of Williamsport.

Executrix: Anne Bliss.

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

**Budman, Leonard E.,** dec'd.

Late of Allenwood.

Executor: John A. Smay, 39 South Main Street, P.O. Box 35, Muncy, PA 17756.

Attorneys: John A. Smay, Esquire, Williams and Smay, 39 S. Main St., P.O. Box 35, Muncy, PA 17756.

**Thomas, Robert C.,** dec'd.

Late of Jersey Shore.

Administratrix: Patricia E. Hillyard, 182 Shingle Hollow Road, Jersey Shore, PA 17740.

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

**THIRD PUBLICATION**

**Burkholder, Gerald W., Sr.,** dec'd.

Late of Muncy.

Administratrix: Michelle L. Burkholder, 512 South Market Street, Muncy, PA 17756.

Attorney: Layne R. Oden, Esquire, Nine South Main Street, Muncy, PA 17756-1306.

**Kohler, Joan K.,** dec'd.

Late of 1350 Lose Avenue, Williamsport.

Executor: Steven Kohler, 710 Florin Avenue, Mount Joy, PA 17552.

Attorneys: Lester L. Greevy, Jr., Esquire, Greevy & Shoemaker, 5741 State Route 87, Williamsport, PA 17701, (570) 435-2233.

**Mix, Richard L.,** dec'd.

Late of Williamsport.

Executors: Andrew Mix, 106 Pheasant Way, Downingtown, PA 19335 and Scott Mix, 1686 Heebner Way, Lansdale, PA 19446.

Attorneys: Charles F. Greevy, III, Esquire, Greevy & Taylor Law Offices, Lycoming Executive Plaza, 330 Pine Street, Suite 403, Williamsport, PA 17701, (570) 320-7100.

**Mornay, Eva M. a/k/a Sabrina Mornay a/k/a Eva Sabrina Mornay,** dec'd.

Late of 68 Penn Street, Montgomery.

Executrix: Stephanie L. Harris, 1434 Mall Road, Muncy, PA 17756.  
 Attorney: J. Howard Langdon, Esquire, 3 South Main Street, Muncy, PA 17756.

**Stanford, Edward J.,** dec'd.

Late of the City of Williamsport.  
 Executrix: Felicia Fields c/o Daniel K. Mathers, Esquire, Mathers Law Firm, PC, 416 Pine St., Ste. 308, Williamsport, PA 17701.  
 Attorneys: Daniel K. Mathers, Esquire, Mathers Law Firm, PC, 416 Pine St., Ste. 308, Williamsport, PA 17701.

**Williams, Arthur Eugene,** dec'd.

Late of Jersey Shore.  
 Executrix: Nadine L. Leone c/o Denise L. Dieter, Esquire, 227 Allegheny Street, Jersey Shore, PA 17740.  
 Attorney: Denise L. Dieter, Esquire, 227 Allegheny Street, Jersey Shore, PA 17740.

**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 June 7, 2016 unless exceptions are filed before 5:00 P.M. on that date.

1. Rouguex, James E.—Gary A. Per-son and Janine M. Noll, Executors.

2. Peterson, Arnold D.—Wayne P. Urbine, Executor.  
 Kathy Rinehart  
 Register of Wills

M-20, 27

**FILING OF CERTIFICATE OF  
 ORGANIZATION OF LLC**

NOTICE IS HEREBY GIVEN that a Certificate of Organization was filed on or about May 27, 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:

OHB, LLC

181 Caraway Drive, Cogan Station, PA 17728.

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

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**REGISTRATION OF  
 FICTITIOUS NAME**

NOTICE IS HEREBY GIVEN that pursuant to the provisions of 54 Pa. C.S. Section 311(g), as amended, filed in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or before May 30, 2016, a Certificate for the conduct of business in Lycoming County, Pennsylvania, under the assumed name or fictitious name, style or designation of:

RL BOXES, LLC

with its principal place of business at:  
2383 Route 442 Highway, Muncy, PA  
17756.

MARY C. KILGUS, ESQUIRE  
185 N. Main St.  
Hughesville, PA 17737

### **FULL-TIME PARALEGAL**

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Local firm has an immediate opening for a full-time Paralegal to assist attorneys in estate planning and administration matters. Experience with Lackner estate management software a plus. Salary is commensurate with experience. Interested individuals should submit a cover letter, stating salary requirements, with resume to: Business Manager, P.O. Box 577, Williamsport, PA 17703; or [epearson@mcclaw.com](mailto:epearson@mcclaw.com).

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M-20, 27

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, May 23, 2016