

LYCOMING REPORTER

Vol. 33

September 9, 2016

No. 37

TABLE OF CONTENTS

BAR NEWS	LEGAL ADVERTISEMENTS
LLA Upcoming Events..... 3	Estate & Trust Notices..... 7
Continuing Legal Education 4	Incorporation Notice..... 9
Recent Lycoming County Court Opinions..... 5	Fictitious Name 9
	Service by Publication 9

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

Penn Tower
25 West Third Street, Suite 803
Williamsport, PA 17701

Telephone: (570) 323-8287
Fax: (570) 323-9897
Website: www.lycolaw.org

Copyright © 2016, Lycoming Law Association
Williamsport, Pennsylvania

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.

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

EXECUTIVE COMMITTEE

Robert Cronin, President
Ryan M. Tira, President-Elect
Christian D. Frey, Treasurer
Jennifer L. Heverly, Secretary

Tammy Avery Weber,
Past President
Angela Campana Lovecchio
Donald F. Martino
Corey Mowrey
Yvonne H. Campbell

EDITOR OF LYCOMING REPORTER

Gary L. Weber

EXECUTIVE DIRECTOR

Michele S. Frey

COMMITTEE CHAIRS

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*
Publicity: *Angela Campana Lovecchio*

Legal Services for the Indigent:
John Pietrovito
Bar History: *Charles Greevy, III*
Technology and LLA Web Site:
Gary Weber
Law Day: *Christian D. Frey*
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

SCHEDULED EVENTS

Additional information about any of these events is available on the Lycoming Law Association website at www.lycolaw.org.

- 9/22/2016 – LLA History Committee Meeting:** *Meeting to discuss possible update of LLA history.* **Time:** 12:00 PM to 1:00 PM. **Location:** LLA Office
- 9/26/2016 – Executive Committee Meeting:** *Regular monthly meeting.* **Time:** 12:00 PM to 1:00 PM. **Location:** LLA Office
- 9/27/2016 – Real Estate Committee Meeting:** *Discussion topics include: Need for registration forms; and the R&R's money-changing policy.* **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 10/4/2016 – Community Activities and Outreach Committee Meeting:** *Meeting scheduled to consider pending grant requests.* **Time:** 12:00 PM to 1:00 PM. **Location:** LLA Office
- 10/24/2016 – 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

- 9/14/2016 – A Family of Laws for the Family Lawyer:** *PBI Video Replay.*
CLE credits: 5 Substantive / 1 Ethics **Time:** 9:00 AM to 12:15 PM.
Location: Lycoming Law Association Office
- 9/16/2016 – Medicare and Medicaid Issues in the Litigation and Settlement of PI and WC Claims:** *PBI Groupcast.* **CLE credits:** 3 Substantive **Time:** 9:00 AM to 12:15 PM. **Location:** Lycoming Law Association Office
- 9/20/2016 – Sheriff’s Sales in PA:** *PBI Video Replay.* **CLE credits:** 3 Substantive / 1 Ethics **Time:** 9:00 AM to 1:15 PM. **Location:** Lycoming Law Association Office
- 9/21/2016 – Don’t Give up Minutes Before the Miracle:** *Presented by: Laurie J. Besden, Esquire, Executive Director of Lawyers Concerned for Lawyers.* **CLE credits:** 1 Ethics **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 10/5/2016 – Vehicle Stops and Searches in Pennsylvania:** *PBI Video Replay.*
CLE credits: 3 Substantive **Time:** 9:00 AM to 12:15 PM. **Location:** Lycoming Law Association Office
- 10/13/2016 – A Day on Real Estate:** *PBI Video Replay.* **CLE credits:** 5 Substantive / 1 Ethics **Time:** 9:00 AM to 5:00 PM. **Location:** Lycoming Law Association Office
- 10/19/2016 – October Eat & Earn:** *Live Speaker—Hon. Robert A. Graci.* **CLE credits:** 1 Ethics **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 11/2/2016 – A Day on Employment Law:** *PBI Video Replay.* **CLE credits:** 5 Substantive / 1 Ethics **Time:** 9:00 AM to 5:00 PM. **Location:** Lycoming Law Association Office
- 11/9/2016 – Lawyer’s Guide to Appraisals & Appraisers:** *PBI Video Replay.*
CLE credits: 4 Substantive **Time:** 9:00 AM to 1:15 PM. **Location:** Lycoming Law Association Office
- 12/5/2016 – PA Attorney-Client Privilege and Work Product Doctrine:** *PBI Groupcast.* **CLE credits:** 3 Ethics **Time:** 9:00 AM to 12:15 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.

- ▶ **Linde Corporation vs. Black Bear Holdings, LLC, Black Bear Waters, LLC, Epp, Dinaso, Dibble & Phillips** (09/01/2016)—Judge Richard A. Gray
Civil: Motions for summary judgment; piercing the corporate veil; presumption; using control of corporation or corporate assets to further personal interests; relitigating amounts determined in judgment on mechanic's lien. (Linde090116g)
- ▶ **In re: Hughesville Borough Authority and Mira Point, LLC** (08/01/2016)—Judge Richard A. Gray
Civil: Appeal from arbitration; standard of review; presumption of common-law arbitration; requirements to modify a common-law arbitration award; claimed irregularity that renders an inequitable and unconscionable award where irregularity claimed to be the result itself and not relating to the process employed. (mirapoint080116g)
- ▶ **Commonwealth vs. Coleman** (09/02/2016)—Judge Marc F. Lovecchio
Criminal: Post-sentence motion; sentencing discretion; defendant deprived of an individualized sentence; harsh and unreasonable sentence; challenge to sentence as challenge to entire sentencing plan; drug activities creating substantial hazard to community. (Coleman090216L)
- ▶ **AC Adoption** (09/01/2016)—Judge Joy Reynolds McCoy
Adoption: Petition for involuntary termination of parental rights; settled purpose to relinquish parental claim to a child or failure to perform parental duties for at least six months; question of whether a bond exists between child and parent. (AdoptionofAC090116m)
- ▶ **Capital One NA vs. Diehl** (09/01/2016)—Judge Dudley N. Anderson
Civil: Petition to open judgment; mortgage foreclosure; negotiations as legitimate excuse for failure to file answer; meritorious defense; standing to bring action; succession to ownership; subject matter jurisdiction; evaluation for HAMP eligibility; lack of legislative mandate to decrease the jurisdiction of court. (capitalone090116a)
- ▶ **Commonwealth vs. Jennings** (08/31/2016)—Judge Marc F. Lovecchio
Criminal: Motion to dismiss under rule 600; computing delay caused by Commonwealth's lack of due diligence; delays related to discretionary discovery request. (Jennings083116L)

- **Commonwealth vs. Burrell** (08/31/2016)—Judge Marc F. Lovecchio
Criminal: Post-sentence motion; trial in absentia due to non-appearance of defendant; consideration of motions filed while defendant was a fugitive; burden of Commonwealth to prove that defendant’s absence was without cause; proof that defendant received notice of trial date in open court; forfeiture of right to file post-sentence motions. (Burrell083116L)
- **Commonwealth vs. Bodle** (08/31/2016) Judge Marc F. Lovecchio
Criminal: Appeal; denial of request for new trial after hearing on Post Conviction Relief Act petition; ineffective assistance of counsel; failure to call character witnesses; awareness of counsel of possible witnesses at time of trial; ability of witness to provide reputation evidence rather than personal opinion; potential credibility of character witnesses due to lack of knowledge of defendant’s unfavorable admissions; opening door to witnesses to testify about defendant’s bad reputation; lack of prejudice; admissibility of reputation for truthfulness in child pornography case; strategic reasons for refusing to subpoena records that may have corroborated a witnesses testimony. (Bodle083116L)

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**Brouse, Mary Jo, dec'd.**

Late of Williamsport.

Co-Executrices: Marjorie A. Gaul, 31 Kirkby Trail, Fairport, NY 14450, Joan B. Rifkin, 1249 Racebrook Road, Woodbridge, CT 06525 and Carol E. Goodwin, 12 Darlene Drive, South Windsor, CT 06074.

Attorneys: Ann S. Pepperman, Esquire, McCormick Law Firm, 835 West Fourth Street, Williamsport, PA 17701.

Pfefferkorn, Joyce E., dec'd.

Late of Muncy.

Co-Executors: Donna J. Pfefferkorn Bennett, 776 Fairfield Church Rd., Montoursville, PA 17754 and Paul J. Pfefferkorn, 8 Pine Crest Dr., Oakland, NJ 07436.

Attorneys: Andrea B. Bower, Esquire 426 Broad Street, Montoursville, PA 17754 and John A. Smay, Esquire, Williams and Smay, 39 S. Main St., P.O. Box 35, Muncy, PA 17756.

Reighard, Eugene E., Jr. a/k/a Eugene Reighard, Jr., dec'd.

Late of Williamsport.

The Reighard Family Irrevocable Trust, dated November 10, 2014.

Settlor: Eugene E. Reighard, Jr.

Executrix/Trustee: Kimberly R. Hanford, 809 Grantham Road, Mechanicsburg, PA 17055.

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

Schneider, John A. a/k/a John A. Schneider, Sr., dec'd.

Late of Muncy.

Executors: Sandra L. Arthur, 4440 Clarkstown Road, Muncy, PA 17756, Michael R. Schneider, 402 South Market Street, Muncy, PA 17756 and Mark A. Schneider, 774 Industrial Park Road, Muncy, PA 17756.

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

Swisher, Mary C., dec'd.

Late of 3413 Rt. 220 Highway, Hughesville.

Executrix: Barbara A. Martin, 3413 Rt. 220 Highway, Hughesville, PA 17737.

Attorneys: Mary C. Kilgus, Esquire, Kilgus Law Offices, LLC, 185 N. Main St., Hughesville, PA 17737.

White, Peter R., Jr., dec'd.

Late of Williamsport.

Co-Administrators: Peter R. White and Claire White, 7 Hemlock Road, Williamsport, PA 17701.

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

SECOND PUBLICATION**Connacher, Mary V., dec'd.**

Late of the City of Williamsport.

Executrix: Linda Pfleeger, 1327 Dewey Ave., Williamsport, PA 17701.

Attorney: Joseph L. Rider, Esquire,
1700 Four Mile Drive, Williamsport,
PA 17701.

Engel, Thomas J., dec'd.

Late of Lycoming Township.
Co-Administratrices: Jennifer L.
Engel, 34 Stone Lane, Williamsport,
PA 17701 and Emily E. Baggett, 393
Eldred Street, Williamsport, PA
17701.

**Hambridge, Edith L. a/k/a Edith
Lyons Hambridge,** dec'd.

Late of Moreland Township.
Executor: James Hambridge, 200
J. Houseknecht Road, Muncy, PA
17756.

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

Hensley, Barbara J., dec'd.

Late of the City of Williamsport.
Executor: Citizens and Northern
Bank Trust Department c/o Daniel
K. Mathers, Esquire, Mathers Law
Firm, PC, 416 Pine St., Ste. 308,
Williamsport, PA 17701.

Attorneys: Daniel K. Mathers, Es-
quire, Mathers Law Firm, PC, 416
Pine St., Ste. 308, Williamsport, PA
17701.

THIRD PUBLICATION

**Bower, Rosemary W. a/k/a Rose-
mary L. Bower,** dec'd.

Late of the City of Williamsport.
Executors: Michael J. and Kathryn
J. McKernan, 320 Grampian Boul-
evard, Williamsport, PA 17701.

Attorneys: W. Jeffrey Yates, Esq.
P.C., 425 Market Street, Williams-
port, PA 17701.

Chapman, Phillip T., dec'd.

Late of Trout Run.
Executor: Thomas P. Chapman, 45
Back Street, Lot 15, Montoursville,
PA 17754.

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

Donovan, Jean P., dec'd.

Late of Jersey Shore.
Executrix: Patricia A. Lose, 8206
S. Rt. 44 Hwy., Williamsport, PA
17702.

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

Millheim, Dawn Marie Baker, dec'd.

Late of Williamsport.
Administrator: David L. Wertz, Jr.,
939 Saeger Station Road, Montgom-
ery, PA 17752.

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

Ochej, Luba K., dec'd.

Late of 2985 Four Mile Drive, Mon-
toursville, Loyalsock Township.
Co-Executrices: Helen Ochej and
Mary Ochej, 20 Chantilly Court,
Rockville, MD 20850.

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

Perry, Elizabeth F., dec'd.

Late of Williamsport.
Administrator: 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.

Stetts, Gary E., dec'd.

Late of South Williamsport.
Administratrix: Selena R. Stetts, 315
E. 7th Ave., South Williamsport, PA
17702.

Attorneys: John B. Zonarich, Esquire, Skarlatos Zonarich LLC, 17 S. 2nd St., 6th Fl., Harrisburg, PA 17101.

FILING ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on July 29, 2016, for the purpose of obtaining a Certificate of Incorporation of a business corporation to be organized in the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania, approved December 21, 1988 (P.L. 1444, No. 177), as amended. The name of the Corporation is:

**WOLF RUN VETERINARY
CLINIC, INC.**

The registered office of said corporation is: 279 Route 220 Highway, Muncy, PA 17756.

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

PAUL A. ROMAN, ESQUIRE
Law Office of Joseph L. Rider
1700 Four Mile Drive
Williamsport, PA 17701

S-9

REGISTRATION OF FICTITIOUS NAME

NOTICE IS HEREBY GIVEN, pursuant to the Act of Assembly of December 16, 1982, P.L. 1309 No. 295 (54 Pa. C.S.A. Section 311), as amended, there was filed in the Office of the Secretary of

the Commonwealth of Pennsylvania, on June 10, 2016, a Certificate for the conduct of business in Lycoming County, Pennsylvania, under the assumed or fictitious name, style or designation of:
PENNSYLVANIA CHOP HOUSE

With its principal place of business at: 3146 Quaker Church Road, Muncy, Pennsylvania 17756.

The name and address of the entity owning and interested in said business are Peace Nov Business Ventures, LLC, 98 Wolf Ridge Road, Muncy, Pennsylvania 17756.

LAYNE R. ODEN, ESQUIRE
Nine South Main Street
Muncy, PA 17756
(570) 546-5188

S-9

SERVICE BY PUBLICATION

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

NO.: 16-0607

NOTICE OF ACTION IN MORTGAGE FORECLOSURE

WELLS FARGO BANK, N.A.
s/b/m TO WELLS FARGO HOME
MORTGAGE, INC. f/k/a
NORWEST MORTGAGE, INC.

Plaintiff

vs.

MATTHEW SIMS, in his capacity as Heir of **WELDON T. PRICE**, Deceased; **ROBERT SIMS**, in his capacity as Heir of **WELDON T. PRICE**, Deceased; **RUSSELL SIMS**, in his capacity as Heir of **WELDON T. PRICE**, Deceased; **CHRISTINA SIMS**, in her capacity as Heir of **WELDON T. PRICE**, Deceased; **JOHN SIMS**, in his capacity as Heir of **WELDON**

T. PRICE, Deceased; JAMES SIMS, in his capacity as Heir of WELDON T. PRICE, Deceased; UNKNOWN HEIRS, SUCCESSORS, ASSIGNS AND ALL PERSONS, FIRMS OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER WELDON T. PRICE, DECEASED; JOHN SIMS, in his capacity as Heir of EDWARD SIMS, Deceased; BRENDA SIMS, in her capacity as Heir of EDWARD SIMS, Deceased; UNKNOWN HEIRS, SUCCESSORS, ASSIGNS AND ALL PERSONS, FIRMS OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER EDWARD SIMS, DECEASED HEIR OF WELDON T. PRICE, DECEASED; UNKNOWN HEIRS, SUCCESSORS, ASSIGNS AND ALL PERSONS, FIRMS OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER SARAH MULLER, DECEASED HEIR OF WELDON T. PRICE, DECEASED; ARTHUR W. SIMS, in his capacity as Heir of ARTHUR SIMS, Deceased; JASON SUDA, in his capacity as Heir of ARTHUR SIMS, Deceased; UNKNOWN HEIRS, SUCCESSORS, ASSIGNS AND ALL PERSONS, FIRMS OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER ARTHUR SIMS, DECEASED HEIR OF WELDON T. PRICE, DECEASED

Defendants

NOTICE

TO: ROBERT SIMS, in his capacity as Heir of WELDON T. PRICE, Deceased, JASON SUDA, in his capacity as Heir of ARTHUR SIMS, Deceased, CHRISTINA SIMS, in her capacity as Heir of WELDON T. PRICE, Deceased and

JAMES SIMS, in his capacity as Heir of WELDON T. PRICE, Deceased

You are hereby notified that on April 25, 2016, Plaintiff, WELLS FARGO BANK, N.A. s/b/m TO WELLS FARGO HOME MORTGAGE, INC. f/k/a NORWEST MORTGAGE, INC., filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of LYCOMING County, Pennsylvania, docketed to No. 16-0607. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 612 REAR FIRST AVENUE, WILLIAMSPORT, PA 17701-4803 whereupon your property would be sold by the Sheriff of LYCOMING County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH

INFORMATION ABOUT AGENCIES
THAT MAY OFFER LEGAL SERVICES
TO ELIGIBLE PERSONS AT A RE-
DUCED FEE OR NO FEE.

Notice to Defend:
North Penn Legal Services, Inc.
329 Market Street
Williamsport, PA 17701
Telephone (570) 323-8741

- or -

Lawyer Referral Service:
Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
100 South Street
P.O. Box 186
Harrisburg, PA 17108
Telephone (800) 692-7375



PERIODICAL PUBLICATION

* Dated Material. Do Not Delay. Please Deliver Before Monday, September 12, 2016