

LYCOMING REPORTER

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TABLE OF CONTENTS

BAR NEWS	LEGAL ADVERTISEMENTS
LLA Upcoming Events..... 3	Estate & Trust Notices..... 6
Continuing Legal Education 4	Fictitious Name 8
Recent Lycoming County Court Opinions..... 5	Service by Publication 8

LYCOMING REPORTER

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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.

- 11/8/2016 – Education Committee Meeting:** *Planning CLE offerings for 2017.*
Time: 12:00 PM to 1:00 PM. **Location:** LLA Office
- 11/15/2016 – Family Law Committee Meeting:** *Regularly scheduled meeting of the Family Law Committee.* **Time:** 12:00 PM to 1:00 PM. **Location:** Courtroom #5
- 11/22/2016 – Bar History Committee Meeting:** *Continuing discussions on the celebration of the Bar 150 celebration and publication.* **Time:** 12:00 PM to 1:00 PM. **Location:** LLA Office
- 11/28/2016 – Executive Committee Meeting:** *Regular monthly meeting.* **Time:** 12:00 PM to 1:00 PM. **Location:** LLA Office
- 12/2/2016 – New Attorney Admission Ceremony:** *New Attorney Admission to the Courts of Lycoming County.* **Time:** 4:00 PM to 5:00 PM. **Location:** Courtroom #1
- 12/12/2016 – 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

- 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
- 11/16/2016 – Understanding the New Expungement Law:** *Speaker: Hon.*
Nancy L. Butts. **CLE credits:** 1 Substantive **Time:** 12:00 PM to 1:00
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
- 12/7/2016 – Federal Appellate Advocacy:** *PBI Video Replay.* **CLE credits:** 3
Substantive **Time:** 9:00 AM to 12:15 PM. **Location:** Lycoming Law
Association Office
- 12/14/2016 – Appellate Advocacy in State Courts:** *PBI Video Replay.* **CLE**
credits: 3 Substantive **Time:** 9:00 AM to 12:15 PM. **Location:** Ly-
coming Law Association Office
- 12/15/2016 – Ethics Potpourri—The Race for Clients:** *PBI Video Replay.* **CLE**
credits: 1 Ethics **Time:** 9:00 AM to 10:00 AM. **Location:** Lycoming
Law Association Office
- 12/21/2016 – Juvenile Criminal Matters:** *Speakers: Attorneys Jeff Yates and Don*
Martino. **CLE credits:** 1 Substantive **Time:** 12:00 PM to 1:00 PM.
Location: Lycoming Law Association Office
- 1/18/2017 – Topic TBA:** *Speaker: Hon. Matthew W. Brann.* **CLE credits:** 1
Substantive **Time:** 12:00 PM to 1:00 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.

- ▶ **Williamsport Bureau of Codes vs. DeRaffele** (11/01/2016)—Judge Marc F. Lovecchio
Criminal: Summary appeal; citation for allowing occupancy of a condemned and placarded structure; validity of city ordinance; specific adoption of 2015 ICC International Property Maintenance Code; relevance of copyright law and ICC list of jurisdictions to question of whether the city properly complied with Pennsylvania law; validity of order quashing subpoenas of the mayor and chief codes officer where those individuals were not involved with passage of the original ordinance; compliance with procedural rules governing issuance of subpoenas; sufficient opportunity to defend case; sufficiency and weight of evidence. (DeRaffele110116L)
- ▶ **Commonwealth vs. Rhines** (10/31/2016)—Judge Nancy L. Butts
Criminal: Post Conviction Relief Act petition; timeliness; jurisdiction of the court; retroactive application of *Alleynes* decision. (Rhines103116bt)
- ▶ **The Farm on Beeber Drive, LLC vs. Wolf Township Board of Supervisors** (10/20/2016)—Judge Dudley N. Anderson
Administrative Appeal: Land use appeal; timeliness of appeal notice; weekend deadline; additional issues raised in amended appeal notice. (farmonbeeberdrive102016a)
- ▶ **Koch vs. Anonie** (10/11/2016)—Judge Richard A. Gray
Civil: Non-jury verdict; remedy for encroachment; encroachment de minimis in light of circumstances and equities; implied easement from prior use; irreparable harm by removal of encroachment. (koch101116g)
- ▶ **Commonwealth vs. Garcia** (10/24/2016)—Judge Nancy L. Butts
Criminal: Post-conviction collateral relief petition; timeliness; ineffective counsel; effectiveness of cross-examination of a witness; general accusations of insufficient communication with defendant; issues unsuccessfully litigated through appeal; lack of specific allegation of how supposed poor trial strategy affected the truth-determining process. (Garcia102516bt)
- ▶ **Commonwealth vs. Stone** (10/24/2016)—Judge Nancy L. Butts
Criminal: Appeal. (Stone102416bt)
- ▶ **Commonwealth vs. Swarthout** (10/25/2016)—Judge Nancy L. Butts
Criminal: Suppression motion; reasonable suspicion to stop vehicle; stop based on information received in police dispatch; probable cause to arrest for DUI; suppression of blood alcohol test under *Birchfield vs. North Dakota* rule. (Swarthout102516bt)

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

Barger, Russell K., dec'd.

Late of Trout Run.

Executrix: Virginia E. Barger, 74 Sportsman Club Road, Trout Run, PA 17771.

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

Davis, Ruth E., dec'd.

Late of Cogan Station.

Executrix: Charlene R. Artley, 290 Brandy Run Road, Cogan Station, PA 17728.

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

Freed, Donald W., dec'd.

Late of 648 7th Avenue, Williamsport.

Executor: David A. Freed, 375 Adams Street, Williamsport, PA 17701.

Attorney: Malcom S. Mussina, Esquire, 426 Broad Street, Montoursville, PA 17754.

Perry, Otis N., dec'd.

Late of Williamsport.

Executrix: Tammy Lee Sweigart, 510 North Fourth Street, Wyomissing, PA 19610.

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

Re, Vencie R., dec'd.

Late of 615 Arch Street, Williamsport.

Executor: Gerald Vincent Re c/o Patricia L. Bowman, Esquire, 1530 Sherman Street, Williamsport, PA 17701.

Attorney: Patricia L. Bowman, Esquire, 1530 Sherman Street, Williamsport, PA 17701.

Shaw, Gordon A., Jr., dec'd.

Late of Williamsport.

Executrix: Mary H. Shaw, 900 Val-lamont Drive, Williamsport, PA 17701.

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

Wright, Robert L., dec'd.

Late of Cogan Station.

Executor: Bradley S. Hillman, 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

Caputo, Emma L., dec'd.

Late of Williamsport.

Executors: David L. Caputo, 448 Gearhart Lane, Williamsport, PA 17701 and Steven M. Caputo, 515 Cedarwood Drive, Montoursville, PA 17754.

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

Decker, William J., dec'd.

Late of Williamsport.
Executrix: Virginia K. Hoffman, 208
Grimesville Road, Williamsport, PA
17701.

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

Follmer, Robert L., Sr., dec'd.

Late of 408 Valley Road, Williams-
port, Susquehanna Township.
Executrix: Julie A. Delker, 7065
Woodsman Drive, Harrisburg, PA
17111.

Attorneys: Clayton A. Lingg, Esquire,
Mooney & Associates, 230 York
Street, Hanover, PA 17331.

**Gage, William L. a/k/a William L.
Gage, Sr.,** dec'd.

Late of the City of Williamsport.
Executors: William L. Gage, 2317
High Desert Circle, NE, Rio Rancho,
NM 87144 and Helen L. Shaffer, 21
Konkle Alley, Montoursville, PA
17754.

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

THIRD PUBLICATION**Colburn, Timothy E.,** dec'd.

Late of Muncy Township.
Executor: Benjamin F. Colburn,
Esquire, 6929 Hilldale Drive, Pitts-
burgh, PA 15236.

Attorneys: Benjamin F. Colburn,
Esquire, Dickie, McCamey & Chil-
cote, P.C., Two PPG Place, Suite
400, Pittsburgh, PA 15222, (412)
392-5546.

Grissinger, Joan R., dec'd.

Late of Williamsport.
Administratrix: Rosie Allison.
Attorney: Richard G. Scheib, Es-
quire, 11 Reitz Blvd., Suite 102,
Lewisburg, PA 17837-9293.

Hoffman, Linda L., dec'd.

Late of Montoursville.
Executrix: Eileen Walker, 2926
Durban Drive, Houston, TX 77043.
Attorney: None.

McConnell, Lona J., dec'd.

Late of 1167 East Penn Street,
Muncy.

Executor: The Muncy Bank and
Trust Company, 2 North Main
Street, Muncy, PA 17756.

Attorney: J. Howard Langdon, Es-
quire, 3 South Main Street, Muncy,
PA 17756.

**Schmelzle, Myra B. a/k/a Myra J.
Schmelzle,** dec'd.

Late of 947 Moore Avenue, Wil-
liamsport.

Executor: Donald S. Foye, 945
Moore Avenue, Williamsport, PA
17701.

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

**Schmouder, June M. a/k/a June
Marie Schmouder,** dec'd.

Late of Williamsport.
Co-Executors: Nichole Harer, 1328
Beuterstown Rd., Liberty, PA 16930
and David C. Raker, 322 Court
Street, Williamsport, PA 17701.

Attorney: David C. Raker, Esquire,
322 Court Street, Williamsport,
PA 17701.

Stetts, Lorraine, dec'd.

Late of Loyalsock Township.
Executor: Kelly Allison, 2335 West
Southern Avenue, South Williams-
port, PA 17702.

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

REGISTRATION OF FICTITIOUS NAME

NOTICE IS HEREBY GIVEN that LG Car Wash, LLC, 1500 Sycamore Road, Suite 120, Montoursville, Pennsylvania, has filed with the Secretary of the Commonwealth of Pennsylvania, Harrisburg, Pennsylvania 17105, on October 18, 2016, a Registration of Fictitious Name under the Fictitious Name Act to conduct business under the name of:

THE CAR WASH AT FAXON
with their principal place of business at: 1500 Sycamore Road, Suite 120, Montoursville, Pennsylvania, they being the only individuals interested in it or owning said business; all in accordance with 54 Pa. C.S. §311(g), as amended.
MARC F. DEMSHOCK, ESQUIRE
1500 Sycamore Road
Suite 120
Montoursville, PA 17754
(570) 327-0111

N-4

SERVICE BY PUBLICATION

The Judicial Conference of the United States has authorized the appointment of a full-time United States magistrate judge for the Middle District of Pennsylvania at Williamsport, PA.

The current annual salary of the position is \$186,852.00. The term of office is eight (8) years.

A full public notice for the magistrate judge position is posted in the office of the clerk of the district court at Scranton, Harrisburg and Williamsport, Pennsylvania. The notice is also available on the court's Web site at www.pamd.uscourts.gov.

Interested persons may contact the clerk of the district court for additional information and application forms. The application form is also available on the court's Web site.

Applications must be submitted only by applicants personally and must be received by Monday, November 28, 2016.

N-4, 11

**Do you know what your
LYCOMING LAW ASSOCIATION
FOUNDATION**

has done to improve the delivery of legal services in our community, facilitate learning about the legal system, and enhance the image of the organized Bar?

Assigned over \$59,000.00 in Arbitration Fees to North Penn Legal Services to promote and facilitate the delivery of legal services to indigent persons in Lycoming County over the last eight years

Granted \$500.00 to the Changing Lives Through Literature Program to assist in the purchase of books

Granted \$3,000.00 to West Branch School to assist in funding a trip for students to travel to Washington, DC and visit the Supreme Court and the Houses of Congress

Granted \$6,000.00 to North Penn Legal Services to assist in funding an AmeriCorp position

Granted \$2,000.00 to CASA to assist in developing the CCAP curriculum and train program staff and volunteers

Granted \$1,245.00 to North Penn Legal Services so that one of their Staff Attorneys could attend a Fair Debt Collection Act Boot Camp Seminar in San Francisco

Granted \$1,489.00 to North Penn Legal Services so that one of their Staff Attorneys could attend a Consumer Rights Litigation Conference in Philadelphia

Granted \$2,952.00 to the Law Library at the JV Brown Library for the initial digitization of its current collection of 140 local ordinances

Granted \$1,000.00 to the Curtin PTO toward their Ben Carson Reading Room Project

Granted \$2,945.00 to CASA of Lycoming County, so that the CASA Director and the CASA Coordinator of Early Education could attend at a three day national conference on Children and the Law held at Harvard Law School

Granted \$2,625.00 to North Penn Legal Services to fund the costs of a law student's employment at NPLS for ten weeks during a summer

Granted \$250.00 to Susquehanna Home Care & Hospice for the Nurse Family Partnership to purchase reference books for nurses to use with low income families

Granted \$1,250.00 to CASA for the purchase of a computer system and necessary software

Granted \$2,200.00 to North Penn Legal Services for the development of a customized Lycoming County Child Custody Video

Granted \$1,500.00 to Wise Options (on behalf of the Domestic Violence Task Force) for the preparation, printing and distribution of a county protocol for domestic violence calls

Granted \$1,000.00 to North Penn Legal Services to assist in funding a Medicare Part D Provider Education Training

Granted \$9,000.00 to the Lycoming County Historical Society for the interpretation, archiving and digitalization of historical legal documents owned by the Taber Museum

Granted \$2,750.00 to Lycoming County for training necessary to establish a Domestic Fatality Review Team

Established a Pro Bono Litigation Costs Reimbursement Fund

Request for Grant Funding should be directed to the LLA Community Activities and Outreach and Committee. Information is available on the LLA website at <http://www.lycolaw.org/Committees/LLAfoundation.htm>

Please consider the Lycoming Law Association Foundation when making planned gifts.

Donations to the Lycoming Law Association Foundation are tax deductible.

The Lycoming Law Association Foundation is a tax-exempt, not-for-profit, 501(c)(3) corporation.

Its mission is to cultivate the science of jurisprudence, improve the legal and judicial system, and facilitate the administration of justice for residents of Lycoming County.

Order Form

LLA Directory

Name: _____

Telephone Number: _____

Number of Copies: _____
(\$8.00 each)

Amount Enclosed: _____

Please return this completed form and your payment to:
Lycoming Law Association
25 West Third Street, Suite #803
Williamsport, PA 17701

If you have any questions, please contact Michele Frey
at (570) 323-8287 or MFrey@lycolaw.org.



PERIODICAL PUBLICATION

*** Dated Material. Do Not Delay. Please Deliver Before Tuesday, November 7, 2016**