

# 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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## 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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Bench Bar: *C. Edward Mitchell*

Customs and Rules: *Gary Weber*

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Outreach: *Tammy Weber*

Criminal Law: *Aaron Biichle*

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Young Lawyers Division:  
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Eric Ladley*

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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](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).

- 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*
- 11/18/2016 – Happy Hour:** *Happy hour social—sponsored by the LLA’s Young Lawyer Division Committee. Time: 4:30 PM to 6:30 PM. Location: Old Corner*
- 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**

- 1/11/2016 – 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:** Lycoming 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
- 1/13/2017 – A Guide to Choosing the Best Business Entity:** *PBI Video Replay.* **CLE credits:** 3 Substantive **Time:** 9:00 AM to 12:15 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
- 1/20/2017 – Act 79: Omnibus Changes to the PEF Code:** *PBI Video Replay.* **CLE credits:** 3 Substantive **Time:** 9:00 AM to 12:15 PM. **Location:** Lycoming Law Association Office
- 1/25/2017 – Succession Planning for Family & Closely Held Businesses:** *PBI Video Replay.* **CLE credits:** 5 Substantive / 1 Ethics **Time:** 9:00 AM to 5:00 PM. **Location:** Lycoming Law Association Office
- 2/1/2017 – PA Civil Procedure:** *PBI Video Replay.* **CLE credits:** 3 Substantive **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](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. Brown** (11/04/2016)—Judge Marc F. Lovecchio  
Criminal: Habeas corpus petition; *prima facie* case of conspiracy with respect to drug offenses. (brown110416L)
- ▶ **Commonwealth vs. Saar** (11/02/2016)—Judge Marc F. Lovecchio  
Criminal: Motion to withdraw guilty plea; fair and just reason; claimed waiver of *Birchfield v. North Dakota* issue; changed dynamic of the case after guilty plea but before sentencing. (Saar110216L)
- ▶ **Commonwealth vs. Hays** (10/14/2016)—Judge Richard A. Gray  
Criminal: Motion for new trial; impact of *Birchfield v. North Dakota*; failure to preserve; diminished record argument; strength of case without BAC results; prejudice to defendant. (Hays101416g)
- ▶ **Commonwealth vs. Coleman** (10/26/2016)—Judge Richard A. Gray  
Criminal: Motion in limine to preclude or limit admissibility of photographs of the victim and the crime scene; discretion of the court; inflammatory nature of photographs; evidentiary value outweighs likelihood of prejudice or misleading jury; cumulative photographs. (Coleman102616g)

## 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

#### **Asplund, Virginia K.,** dec'd.

Late of the City of Williamsport.  
 Executor: Robert W. Asplund, 148 Huffman Avenue, Williamsport, PA 17701.

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

#### **Carson, Eulodia B.,** dec'd.

Late of the Township of Loyalsock.  
 The Carson Family Protector Trust, dated July 3, 2012 as amended March 25, 2013.

Settlor: Eulodia B. Carson.  
 Executor: Warren W. Carson, 1830 Green Hollow Road, Montoursville, PA 17754.

Trustees: Billy Carson and Warren W. Carson, 1830 Green Hollow Road, Montoursville, PA 17754.  
 Attorney: Joseph L. Rider, Esquire, 1700 Four Mile Drive, Williamsport, PA 17701.

#### **Dugan, Michael J.,** dec'd.

Late of the Borough of Duboistown.

Executrix: Marjorie A. Dugan, 1512 West Vine Avenue, Searcy, AK 72143.

Attorneys: Paul A. Roman, Esquire, Law Office of Joseph L. Rider, 1700 Four Mile Drive, Williamsport, PA 17701.

#### **Houseknecht, Jesse R.,** dec'd.

Late of 812 J. Houseknecht Road, Muncy.

Executor: Galen R. Houseknecht, 485 Dr. Poust Road, Hughesville, PA 17737.

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

#### **Johnson, Janice Lee,** dec'd.

Late of Lycoming County.

Executor: Ronnie Kiess, 183 Green Valley Road, Hughesville, PA 17737.

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

#### **Newswanger, Lee E.,** dec'd.

Late of Williamsport.

Administratrix: Candy Eck, 721 First Avenue, Williamsport, PA 17701.

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

#### **Price, Virgile L., Jr. a/k/a Virgile L. Price,** dec'd.

Late of South Williamsport Borough.  
 Administratrix: Bethany Price 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.

#### **Smith, David W.,** dec'd.

Late of Hughesville.

Administrator: Kim M. Smith, 69 Fairground Street, Muncy, PA 17756. Attorneys: Steven D. Hess, Esquire, Hess and Hess, P.C., 30 South Main Street, Hughesville, PA 17737.

**Stancati, Arlene M.,** dec'd.

Late of Wolfe Township. Executrix: Vickie L. Evans 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.

**SECOND 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, Vincie 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.

**THIRD 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, Williamsport, 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.

**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](http://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.  
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**SERVICE BY PUBLICATION**

**NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE**

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

NO. 15 00464

U.S. BANK NATIONAL  
ASSOCIATION AS TRUSTEE FOR  
THE PENNSYLVANIA HOUSING  
FINANCE AGENCY  
PLAINTIFF

vs.

ANDREW M. WOLFE AND  
JENNIFER L. WOLFE IN THEIR  
CAPACITY AS KNOWN HEIRS OF  
WENDY L. WOLFE, DECEASED,  
AND THE UNKNOWN HEIRS OF  
WENDY L. WOLFE, DECEASED

DEFENDANTS

TO: ANDREW M. WOLFE AND JENNIFER L. WOLFE IN THEIR CAPACITY AS KNOWN HEIRS OF WENDY L. WOLFE, DECEASED, AND THE UNKNOWN HEIRS OF WENDY L. WOLFE, DECEASED

You are hereby notified that on February 19, 2015, Plaintiff, U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY, 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. 00 00464 wherein Plaintiff seeks to foreclose its mortgage securing the property located at 614 ALLEGHENY STREET, JERSEY SHORE, PA 17740, 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  
—————

You have been sued in Court. 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, TELEPHONE THE OFFICE BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ON AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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

- or -

North Penn Legal Service  
329 Market Street  
Williamsport, PA 17701  
PH: (570) 323-8741

LEON P. HALLER, ESQUIRE  
Attorney ID #15700  
1719 North Front Street  
Harrisburg, PA 17102  
(717) 234-4178

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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.

# 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.



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**PERIODICAL PUBLICATION**

\* Dated Material. Do Not Delay. Please Deliver Before Tuesday, November 14, 2016