

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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LYCOMING LAW ASSOCIATION

Penn Tower, 25 West Third Street, Suite 803

Williamsport, PA 17701

www.lycolaw.org

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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.

- 12/7/2016** – **Real Estate Committee Meeting:** *Committee Meeting.* **Time:** 12:00 PM to 1:00 PM. **Location:** LLA Office
- 12/8/2016** – **Last Day of Angel Tree Toy Drive:** *The Annual Angel Tree Toy Drive is ending.* **Time:** 12:00 PM
- 12/12/2016** – **Executive Committee Meeting:** *Regular monthly meeting.* **Time:** 12:00 PM to 1:00 PM. **Location:** LLA Office
- 1/9/2017** – **Executive Committee Meeting:** *Regular monthly meeting.* **Time:** 12:00 PM to 1:00 PM. **Location:** LLA Office
- 1/9/2017** – **LLA Annual Meeting:** *Annual meeting and elections of the LLA and LLA Foundation.* **Time:** 4:00 PM to 5:00 PM. **Location:** LLA Office
- 1/9/2017** – **LLA Annual Banquet:** *Annual gathering of the Bar and award ceremony. Details to be announced.* **Time:** 5:30 PM to 8:30 PM. **Location:** TBA
- 1/11/2017** – **Bar History Committee Meeting:** *Bar History Committee Meeting.* **Time:** 12:00 PM to 1:00 PM. **Location:** LLA Office

NOTICE OF HOLIDAY PUBLICATION DEADLINES

Please be advised of the following early deadlines for legal advertising:

The deadline for publication in the December 30th issue of the *Lycoming Reporter* is 10:00 A.M., Friday, December 23, 2016.

The deadline for publication in the January 6th issue of the *Lycoming Reporter* is 10:00 A.M., Friday, December 30, 2016.

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UPCOMING LYCOMING COUNTY CLE OPPORTUNITIES

- 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
- 12/20/2016 – Replay in the Afternoon:** “Family Group Decision Making”—Presented by *Angela Campana Lovecchio, Esq.*; “Don’t Give Up Minutes Before the Miracle”—Presented by *Laurie J. Besden, Esq.*; “An Hour With Chief Counsel of the Judicial Conduct Board”—*Hon. Robert Graci*; “Understanding the New Expungement Law”—*Hon. Nancy L. Butts*. **CLE credits:** 2 Substantive / 2 Ethics **Time:** 1:00 PM to 5:00 PM. **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 – Speaker: Hon. Matthew W. Brann—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
- 1/20/2017 – Hot Topics in Capital Cases:** *PBI Groupcast*. **CLE credits:** 4 Substantive **Time:** 12:00 PM to 4:15 PM. **Location:** Lycoming Law Association Office
- 1/25/2017 – Succession Planning for Family and 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
- 2/2/2017 – Ethics Potpourri: Ethics Considerations in Depositions:** *PBI Video Replay*. **CLE credits:** 1 Ethics **Time:** 9:00 AM to 10:00 AM. **Location:** Lycoming Law Association Office

- 2/3/2017** – **Buying and Selling a Business:** *PBI Groupcast.* **CLE credits:** 4 Substantive **Time:** 12:00 PM to 4:15 PM. **Location:** Lycoming Law Association Office
- 2/7/2017** – **20th Annual Family Law Update:** *PBI Video Replay.* **CLE credits:** 3 Substantive **Time:** 9:00 AM to 12:15 PM. **Location:** Lycoming Law Association Office
- 2/14/2017** – **Ultimate Motions Practice:** *PBI Video Replay.* **CLE credits:** 3 Substantive **Time:** 9:00 AM to 12:15 PM. **Location:** Lycoming Law Association Office
- 2/15/2017** – **Special Needs Planning/Trusts/ABLE Accounts:** *Eat & Earn—Host: Elizabeth White, Esquire.* **CLE credits:** 1 Substantive **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 2/22/2017** – **Speaker: Corey Mowrey, Esquire—Topic TBA:** *Eat & Earn CLE—Speaker: Corey Mowrey.* **CLE credits:** 1 Substantive **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 2/28/2017** – **Unwinding or Defending Couples’ Estate Planning Structure in Divorce:** *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. 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.

- ▶ **Commonwealth vs. Perez** (11/29/2016)—Judge Nancy L. Butts
Criminal: Murder case pretrial motions; motion to suppress evidence of defendant being in possession of another gun; prejudice; motion in limine to preclude portions of defendant’s expert report; required degree of certainty; speculative opinion; motion for *Brady* colloquy; motion to suppress recordings of prison visitations; possible Wiretap Act violations; oral communications not protected by the Act; consensual interception of communications; expectation of privacy in prison; motion to preclude letters and visitation recordings from evidence; evidence of prior bad acts; waiver of attorney-client privilege by sharing contents of conversations with third party; relevant objections. (Perez I 12916bt)
- ▶ **Commonwealth vs. White** (11/29/2016)—Judge Marc F. Lovecchio
Criminal: Motion to amend restitution order; theft of Unemployment Compensation benefits; failure to make bankruptcy claim for full amount of overpayment; affordable monthly payments of restitution. (White I 12916L)
- ▶ **Commonwealth vs. Watkins** (11/23/2016)—Judge Marc F. Lovecchio
Criminal: Habeas corpus motion; prima facie case; concealment of firearm on person outside home or place of abode; residence of defendant; warrantless entry; standing; reasonable suspicion to conduct pat-down search. (Watkins I 12316L)
- ▶ **Flook vs. Jarrett vs. D.A. Stryker Trucking & Excavating, LLC** (11/10/2015)—Judge Marc F. Lovecchio
Civil: Summary judgment motion; slip-and-fall case; open and obvious danger; duty under the circumstances; objective or subjective standard; appreciation of the risk. (Flook I 12316L)
- ▶ **Commonwealth vs. Marchese** (11/18/2016)—Judge Nancy L. Butts
Criminal: Habeas corpus petition; prima facie evidence of possession of drugs and paraphernalia, and DUI; constructive possession; proximity to contraband supported by other circumstantial evidence; odor of burnt marijuana emanating from vehicle; suppression motion; probable cause to stop vehicle for Vehicle Code violation; probable cause to arrest for failure to properly perform field sobriety tests; motion in limine to preclude police officer testimony as expert that defendant was driving under the influence of marijuana; stipulated suppression of evidence of refusal to submit to blood test. (Marchese I 11816bt)

- **Englert vs. Peabody Investments, Inc.** (11/10/2016)—Judge Richard A. Gray
Civil: Summary judgment motion; punitive damages; evidence of defendant’s state of mind. (englert111016g)
- **JAN Adoption** (11/14/2016)—Judge Joy Reynolds McCoy
Adoption: Petition for involuntary termination of parental rights; settled purpose of relinquishing parental claim for 6 months; failure to perform parental duties; complete lack of contact with child; failure to appear at termination hearing; lack of parental bond. (AdoptionofJN111416m)
- **Marchese vs. PennDOT, Bureau of Licensing** (11/10/2016)—Judge Joy Reynolds McCoy
Administrative Appeal: License suspension appeal; arrest for DUI; refusal to submit to chemical testing; constitutionality of implied consent law in light of *Birchfield vs. North Dakota*; authority to impose civil penalties. (Marchese111016m)
- **Commonwealth vs. Short** (11/15/2016)—Judge Nancy L. Butts
Criminal: Habeas corpus petition; prima facie case of retaliation against a witness or victim; lack of evidence that person was a witness or victim or that she was harmed. (Short111516bt)
- **Little League Baseball, Inc. vs. Beck** (11/10/2016)—Judge Richard A. Gray
Civil: Non-jury verdict; security measures imposed on holders of right-of-way during Little League World Series; ownership by adverse possession; adverse, open, continuous, notorious and uninterrupted use; clear and convincing evidence; unreasonable interference with use of an easement by landowner. (littleleague111016g)
- **Commonwealth vs. Coleman** (11/10/2016)—Judge Richard A. Gray
Criminal: Motion in limine to preclude Trooper as expert witness; weight and credibility of the testimony. (Coleman111016g)
- **Commonwealth vs. Bodle** (11/10/2016)—Judge Richard A. Gray
Criminal: Post Conviction Relief Act petition; timeliness; waiver of issues previously litigated or waived; requirements for eligibility for post-conviction relief; ineffective assistance of counsel; lack of prejudice. (bodle1110316g)
- **Commonwealth vs. Hoskins** (11/07/2016)—Judge Nancy L. Butts
Criminal: Appeal. (Hoskins110716bt)
- **Commonwealth vs. Keys** (06/10/2016)—Judge Nancy L. Butts
Criminal: Appeal. (Keys061016bt)

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**Compton, Elinor B.,** dec'd.

Late of Williamsport.

Executrix: Susan L. Bacher, 1017 Dawne Drive, Williamsport, PA 17701.

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

Cox, Robert E., Sr. a/k/a Robert E. Cox, dec'd.

Late of Loyalsock Township.

Executor: Robert E. Cox, Jr., 120 Regal Court, Limerick, PA 19468.

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

Gardner, Bonnie J. a/k/a Bonnie Jean Gardner, dec'd.

Late of Muncy.

Co-Executors: Kenneth L. Gardner, 503 Ave. D, Danville, PA 17821 and Larry L. Gardner, 2405 Bradley Dr., Harrisburg, PA 17110.

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

Hanshumaker, John F., dec'd.

Late of Loyalsock Township.

The Hanshumaker Family Trust, dated October 16, 1998, the John F. Hanshumaker Income Only Protector Trust, dated December 19, 2007, the John F. Hanshumaker Protector Trust, dated May 26, 2016.

Settlor: John F. Hanshumaker.

Trustee: Jean H. Reininger.

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

Munro, Byron Dean a/k/a Byron D. Munro, dec'd.

Late of Jersey Shore.

Executrix: Monica B. Hoover, 234 River Road, Jersey Shore, PA 17740.

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

SECOND PUBLICATION**Bastian, Thomas I., Sr.,** dec'd.

Late of Linden.

Executor: Thomas I. Bastian, Jr., 804 Edwards Road, Trout Run, PA 17771.

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

Dailey, Marion E., dec'd.

Late of Williamsport.

Executor: Dennis A. Dailey, 6107 Lycoming Creek Road, Cogan Station, PA 17728.

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

Liddick, Floyd S., dec'd.

Late of Williamsport.

Executrix: Susan L. Metzger, 146 Kiess Hill Road, Linden, PA 17744.

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

THIRD PUBLICATION**Baker, Ernest E.,** dec'd.

Late of Lycoming Township.
Executrix: Kathy A. Furman, 1409
Gap Road, Allenwood, PA 17810.
Attorneys: James G. Malee, Esquire,
Malee Law Firm, P.C., 310 East Third
Street, Williamsport, PA 17701,
(570) 321-6112.

Bausinger, Eva M. a/k/a Eva Mae

Bausinger, dec'd.
Late of Susquehanna Township.
Executrix: Joanne M. Stull, 177 Main
Street, Butler, OH 44822.
Attorneys: Fred A. Holland, Esquire,
Murphy, Butterfield & Holland, P.C.,
442 William Street, Williamsport,
PA 17701.

Bloom, Eleanor Marie, dec'd.

Late of Williamsport.
Executor: Keith A. Bloom, 607 Wil-
low Street, Montoursville, PA 17754.
Attorneys: Stephen C. Sholder,
Esquire, Raup & Sholder, P.C., 270
West Third Street, Williamsport, PA
17701, (570) 321-0709.

Campbell, Olive Lucille a/k/a O.

Lucille Campbell, dec'd.
Late of Muncy.
Executors: Roger N. Campbell, 257
Turkey Bottom Road, Muncy, PA
17756 and Peggy C. Schively, 1637
Bloomingrove Road, Williamsport,
PA 17701.
Attorney: Layne R. Oden, Esquire,
Nine South Main Street, Muncy, PA
17756-1306.

Confair, Richard H., dec'd.

Late of Williamsport.
Co-Executors: David S. Confair and
R. Craig Confair.
Attorneys: Vicky Ann Trimmer,
Esquire, Daley Zucker Meilton &
Miner, LLC, 635 N. 12th Street, Suite
101, Lemoyne, PA 17043.

Kinley, Norma L., dec'd.

Late of Williamsport.
Administrator: Douglas C. Kinley,
1255 Kinley Road, Cogan Station,
PA 17728.
Attorneys: Stephen C. Sholder,
Esquire, Raup & Sholder, P.C., 270
West Third Street, Williamsport, PA
17701, (570) 321-0709.

Kirk, Sophia C., dec'd.

Late of Williamsport.
Administrators: Matthew Kirk and
Kristy Kirk c/o Kim D. Fetrow, Es-
quire, 100 Four Falls, Ste. 300, West
Conshohocken, PA 19428-2983.
Attorneys: Kim D. Fetrow, Esquire,
Heckscher, Teillon, Terrill & Sager,
P.C., 100 Four Falls, Ste. 300, West
Conshohocken, PA 19428-2983.

Loudenslager, Maxine R., dec'd.

Late of Williamsport.
Executor: Robert G. Loudenslager
c/o Wendy A. Nicolosi, Esquire,
Broughal & DeVito, L.L.P., 38 West
Market Street, Bethlehem, PA
18018.
Attorneys: Wendy A. Nicolosi,
Esquire, Broughal & DeVito, L.L.P.,
38 West Market Street, Bethlehem,
PA 18018.

Mondell, Margaret M., 41-16-0573,
dec'd.

Late of Lycoming County.
Executors: James A. Russo, 1075
Renovo Road, Mill Hall, PA 17751
and Lucy L. Barto, 72 Westside
Road, Jersey Shore, PA 17740.
Attorneys: Lee H. Roberts, Esquire,
Roberts Miceli, LLP, 146 East Water
Street, Lock Haven, PA 17745.

Nierle, Elsie S., dec'd.

Late of Loyalsock Township.
Executor: Ronald S. Skvir, 729 S. Lo-
gan Blvd., Hollidaysburg, PA 16648.
Attorneys: Robert P. Rea, Esquire,
Rea, Rea & Lashinsky, 415 Wayne
Street, P.O. Box 487, Hollidaysburg,
PA 16648.

Stackhouse, Polly A. a/k/a Polly Ann Stackhouse, dec'd.

Late of Muncy.

Executor: Scott E. Stackhouse, 775 Stoney Batter Road, Muncy, PA 17756.

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

Suddath, Anna Fay, dec'd.

Late of 371 Hastings Street, South Williamsport.

Executrix: Melanee S. Herrera, 371 Hastings Street, South Williamsport, PA 17702.

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

**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 December 6, 2016 unless exceptions are filed before 5:00 P.M. on that date.

1. Phelps, Harlan B.—Charles Phelps, Executor.

2. Meckley, Alfred L.—Woodlands Bank and Judith Ann Keller, Executors.

3. Griggs, Stephen M.—Kathie L. Hunter and Robert P. Hager, Executors.

3. Stroble, Meda E.—Muncy Bank and Trust Company, Executor.

Kathy Rinehart
Register of Wills

D-2

**FILING ARTICLES
OF INCORPORATION**

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed on October 20, 2016 with the Department of State of the Commonwealth of Pennsylvania, Harrisburg, Pennsylvania, for the purpose of forming a domestic non-profit corporation to be organized under the Pennsylvania Non-Profit Corporation Law of 1988, as amended. The name of the corporation is:

EAST AFRICA RELIEF INC.

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NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania on October 31, 2016 for the purpose of forming a business corporation under the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania, 15 Pa. C.S. §1101 et seq.

The name of the corporation is:

OAM SWAMI SHRIRI, INC.

Fred A. Holland, Esquire
Murphy, Butterfield
& Holland, P.C.
442 William Street
Williamsport, PA 17701

D-2

SERVICE BY PUBLICATION

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

No. 15-20704

IN DIVORCE, A. V. M.

SCOTT A. FORREST,

Plaintiff

vs.
JEAN C. FORREST,
 Defendant

NOTICE

TO: Jean C. Forrest, 1100 Newportville
 Road, Croydon, PA 19021

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take prompt action. **YOU ARE WARNED** that if you fail to do so, the case may proceed without you and a decree of divorce or annulment may be entered against you by the Court. A judgment may also be entered against you for any other claim or relief requested in these papers by Plaintiff. You may lose money or property or other rights important to you, including custody or visitation of your children.

When the ground for the divorce is indignities or irretrievable breakdown of the marriage, you may request marriage counseling. A list of marriage counselors is available in the Office of the Prothonotary at the Lycoming County Courthouse, Williamsport, Pennsylvania.

IF YOU DO NOT FILE A CLAIM FOR ALIMONY, DIVISION OF PROPERTY, LAWYER'S FEES OR EXPENSES BEFORE A DIVORCE OR ANNULMENT IS GRANTED, YOU MAY LOSE THE RIGHT TO CLAIM ANY OF THEM.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE ONE OF THE OFFICES

SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

PENNSYLVANIA BAR ASSOCIATION

Lawyer Referral Service
 100 South Street
 P.O. Box 186

Harrisburg, PA 17108-0186
 Telephone: (800) 692-7375

- or -

LEGAL SERVICES OFFICE
 329 Market Street

Williamsport, PA 17701
 Telephone: (570) 323-8741

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Lycoming County is required by law to comply with the Americans With Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the office of the Lycoming County Court Administrator, Lycoming County Courthouse, 48 West Third Street, Williamsport, PA 17701, Telephone No. (570) 327-2330. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

BRADLEY S. HILLMAN, ESQUIRE
 I.D. #63909

CASALE & BONNER, P.C.

Attorneys for Plaintiff
 33 West Third Street
 Suite 202

Williamsport, PA 17701
 (570) 326-7044



PERIODICAL PUBLICATION

*** Dated Material. Do Not Delay. Please Deliver Before Monday, December 5, 2016**