

LYCOMING REPORTER

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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.

- 12/8/2017** – **Last day of Angel Tree Toy Drive:** *The Annual Angel Tree Toy Drive is ending.* **Time:** to 5:00 PM. **Location:**
- 12/19/2017** – **Family Law Committee Meeting:** *Meeting of the Family Law Committee.* **Time:** 12:00 PM to 1:00 PM. **Location:** Courtroom #5
- 12/19/2017** – **Criminal Law Committee Meeting:** **Time:** 12:00 PM to 1:00 PM. **Location:** Courtroom #1
- 1/8/2018** – **LLA Annual Meeting:** *Annual meeting of the LLA and LLA Foundation. Committee reports, financial reports and budget reports will be presented.* **Time:** 4:00 PM to 5:00 PM. **Location:** Lycoming Law Association Office
- 1/11/2018** – **Community Outreach Committee Meeting:** *Regularly scheduled meeting of the committee.* **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 1/16/2018** – **LLA Annual Banquet:** **Time:** 5:30 PM to 8:00 PM. **Location:** TBA
- 1/23/2018** – **Family Law Committee Meeting:** *Regularly scheduled meeting of the Family Law Committee.* **Time:** 12:00 PM to 1:00 PM. **Location:** Courtroom #5
- 1/26/2018** – **LLA Foundation Meeting:** *Meeting of the LLA Foundation Board.* **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office.
- 1/26/2018** – **LLA Foundation Meeting:** *Quarterly meeting of the LLAF.* **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association 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

- 12/6/2017 – What Every Lawyer Must Know About the New Public Access Policy, Prior to January 6, 2018:** Presented by: Administrative Office of PA Courts, Adrienne J. Stahl, Esq., Lycoming Court Administrator and William P. Carlucci, Esq., Solicitor for the Lycoming Prothonotary. **CLE credits:** 2 Substantive **Time:** 12:00 PM to 2:00 PM. **Location:** Lycoming Law Association Office
- 12/7/2017 – 2017 Criminal Law Update:** PBI Groupcast. **CLE credits:** 3 Substantive / 1 Ethics **Time:** 12:00 PM to 4:15 PM. **Location:** Lycoming Law Association Office
- 12/11/2017 – PBA Civil Litigation Trial Minicamp:** Programming includes 3.5 substantive credits. Following the program, there will be a reception with Justice Sallie Updyke Mundy. **CLE credits:** 3.5 Substantive **Time:** 2:00 PM to 5:45 PM. **Location:** Holiday Inn
- 12/14/2017 – Transitioning Your Practice: Death, Disbarment and Everything in Between:** Presented by: Tammy Avery Weber, Esq., Jessica L. Harlow, Esq., Brian J. Bluth, Esq., Jennifer E. Linn, Esq. **CLE credits:** 1 Ethics **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 12/19/2017 – Presidential Power From Nixon to Now:** PBI Video Replay. **CLE credits:** 2 Substantive / 1 Ethics **Time:** 9:00 AM to 12:00 PM. **Location:** Lycoming Law Association Office
- 12/20/2017 – Video Replay in the Afternoon:** Video Replay: (1) Impact of the U.S. Supreme Court's Decision in *Caperton v. Massey Coal* (2) *Corporate Criminal Liability for Environmental Violations* (3) *Business Valuation for Attorneys* (4) *Online Legal Directories*. **CLE credits:** 3 Substantive / 1 Ethics **Time:** 1:00 PM to 5:00 PM. **Location:** Lycoming Law Association Office
- 1/17/2018 – Navigating the Various Treatment Courts of Lycoming County:** *Eat and Earn* presented by: Matthew Welickovitch, Esq. **CLE credits:** 1 Substantive **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 2/1/2018 – Death & Taxes:** PBI Groupcast. **CLE credits:** 4 Substantive **Time:** 12:00 PM to 4:15 PM. **Location:** Lycoming Law Association Office

2/8/2018 – Realty Transfer Tax Update: *PBI Groupcast*. **CLE credits:** 3 Substantive **Time:** 12:00 PM to 3:15 PM. **Location:** Lycoming Law Association Office

2/13/2018 – Internet Legal Research: *Internet Legal Research*. **CLE credits:** 2 Substantive / 1 Ethics **Time:** 12:20 PM to 3:35 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 Lycoming Law Association office conference room is available for rental by both members and non-members. The office has a large conference table and additional area for chairs. Coffee and food services are available.

The space is ideal for depositions or small presentations. Equipment, including a projector and screen, DVD and VHS players and television, is available for use.

The cost for non-LLA members is \$100 per day. Members may use the conference room at no cost.

Scheduling arrangements may be made with Michele Frey, (570) 323-8287 or mfrey@lycolaw.org.

The full text of the following Lycoming County Court opinions is reported at www.lycolaw.org/cases/search.asp

- ▶ **Commonwealth vs. Geist** (11/29/2017)—Judge Marc F. Lovecchio
Criminal: Appeal; voluntary or understanding nature of guilty plea of person subsequently claiming to have been intoxicated during the hearing; waiver by failing to raise issue during hearing; manifest injustice; voluntariness demonstrated by testimony at hearing. (Geist112917L)
- ▶ **WS vs. CH** (11/28/2017)—Judge Nancy L. Butts
Criminal, Family: Appeal; indirect criminal contempt for a violation of PFA order; access to weapon in pole-barn on property of grandmother-in-law; sufficiency of evidence. (WS112817bt)
- ▶ **In the Interest of JSZ** (11/22/2017)—Judge Joy Reynolds McCoy
Criminal: Commonwealth appeal; waiver of issues by failure to file concise statement of matters complained of on appeal. (InReJSZ112217m)
- ▶ **Commonwealth vs. Aungst** (11/27/2017)—Judge Marc F. Lovecchio
Criminal: Appeal; Post Conviction Relief Act petition denial; claimed manifestly excessive sentence; responsibility of counsel of candor to the appellate tribunal; resentencing for repeated violations of probation including continued use of heroin over 16 months in spite of multiple treatment efforts and an overdose and then absconding completely from supervision. (aunkst112717L)
- ▶ **Commonwealth vs. Hunter** (11/22/2017)—Judge Marc F. Lovecchio
Criminal: Post-sentence motion for judgment of acquittal; ineffective trial counsel; discretion to address claim of ineffectiveness in post-trial stage; corpus delicti rule; waiver by failure to object; viability of conviction where there is no eyewitness to an assault; crimes proven by wholly circumstantial evidence; motion for new trial due to new evidence; sentencing discretion; sentence within standard range of guidelines; addressing the relevant sentencing factors (hunter112217L)
- ▶ **Winner & Schramm vs. Armstrong Township** (11/20/2017)—Judge Dudley N. Anderson
Civil: Preliminary objections; declaratory judgment regarding enforceability of subdivision approval condition; relief available for any proceeding within the exclusive jurisdiction of a tribunal other than a court; advisory opinion. (Winner112017a)

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**Curry, Evelyn G.,** dec'd.

Late of Hughesville.

Executor: Barry L. Harriman, 837 Queen Street, Steelton, PA 17113.

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

Jackson, Jaci B., dec'd.

Late of Williamsport.

Administrator: Jimmy Jackson, 1152 Market Street, Williamsport, PA 17701.

Attorneys: Patricia A. Shipman, Esquire, Susquehanna Law Group, Inc., 1 W. Third St., #200, Williamsport, PA 17701.

Paulhamus, Elnora G., dec'd.

Late of Montoursville.

Executrix: Cathy S. Paulhamus.

Attorneys: Elizabeth A. White, Esquire, Marshall, Parker & Weber, LLC, 49 E. Fourth Street, Williamsport, PA 17701.

Snyder, Ruth H., dec'd.

Late of Williamsport.

Executor: Donald E. Shemory, 97 Bierly Drive, P.O. Box 115, Waterville, PA 17776.

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

Swarthout, Beverly a/k/a Beverly J. Swarthout a/k/a Beverly Jane Swarthout, dec'd.

Late of Montgomery (Clinton Township).

Executrix: Darlene E. Haines, 1390 Broadway Road, Milton, PA 17847.

Attorneys: Dale A. Tice, Esquire, Carpenter, Harris & Flayhart, 128 S. Main St., P.O. Box 505, Jersey Shore, PA 17740.

Wertman, Charles H., dec'd.

Late of Muncy Township.

Executrix: Brenda L. Treese, 7094 Dunwoody Road, Muncy, PA 17756.

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

SECOND PUBLICATION**Galeano, Charles S.,** dec'd.

Late of Williamsport.

Executrix: Patricia A. Galeano, 12 Catherine Drive, Williamsport, PA 17701.

Attorney: Robert Seiferth, Esquire, 33 W. Third Street, Suite 203, Williamsport, PA 17701.

THIRD PUBLICATION**Earnest, Erna G. a/k/a Gertrude E. Earnest,** dec'd.

Late of the City of Williamsport.

Executrix: Cynthia E. Roman, 1811 Campbell St., Williamsport, PA 17701.

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

Kemmerer, Bernadette I., dec'd.
 Late of Jersey Shore.
 The Bernadette I. Kemmerer Protector Trust, dated August 7, 2009.
 The Bernadette I. Kemmerer Annuity Protector Trust, dated August 20, 2014. The Kemmerer Family Protector Trust, dated August 7, 2009.
 Settlor: Bernadette I. Kemmerer.
 Trustee: Kelly J. Watson.
 Attorneys: Brittany O. L. Smith, Esquire, Steinbacher, Goodall & Yurchak, 413 Washington Boulevard, Williamsport, PA 17701.

McCoy, Frances M., dec'd.
 Late of Hughesville.
 Executrix: Noreen G. Finkler, 992 Green Valley Rd., Hughesville, PA 17737.
 Attorneys: John A. Smay, Esquire, Williams and Smay, 39 S. Main St., P.O. Box 35, Muncy, PA 17756.

Shaffer, Robert G., 41-17-0541, dec'd.
 Late of Limestone Township.
 Administratrix: Susan D. Shaffer, 415 School House Road, Jersey Shore, PA 17740.
 Attorneys: Frank S. Miceli, Esquire, Roberts Miceli, LLP, 146 East Water Street, Lock Haven, PA 17745, (570) 748-4059.

Orphans' Court of Lycoming County for Confirmation Absolute December 5, 2017, unless exceptions are filed before 5:00 P.M. on that date.

1. Puderbach, Arley J.—Gail Eakin, Executrix.
2. Cranmer, Shirley M.—Scott Mitchel, Administrator.
3. Crawford, Peter G. a/k/a Peter Gregory Crawford—Dennis E. Gorg, Executor.
4. Nierle, Elsie S.—Ronald S. Skvir, Executor.
5. Chapman, Phillip T.—Thomas P. Chapman, Executor.
 Kathy Rinehart
 Register of Wills

N-10, 17, 24; D-1

REGISTRATION OF FICTITIOUS NAME

NOTICE IS HEREBY GIVEN that intent to file an Application for Registration of Fictitious Name with the Department of State of the Commonwealth of Pennsylvania, Harrisburg, Pennsylvania, under the Fictitious Name Act.

The fictitious name to be registered is:

UPTOWN MINI STORAGE

The fictitious name is registered to: Raymond S. Haines, located at: 220 Groupe Road, Jersey Shore, PA 17740.

D-1

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

FILING ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania on November 16, 2017 for the purpose of forming a non-profit corporation under the Non-Profit Corporation Law of 1988 of the Commonwealth of Pennsylvania, 15 Pa. C.S. §1101 et seq.

The name of the corporation is:
MOUNTIE QUEST: QUALITY
EXPERIENCES FOR STUDENTS

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

D-1

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.

The Lycoming Law Association Foundation is a tax-exempt not-for-profit, 501(c)(3) corporation. The mission of the Foundation is to cultivate the science of jurisprudence, improve the legal and judicial system and facilitate the administration of justice for residents of Lycoming County.

The Foundation provides funding for worthwhile law-related community projects and activities, in addition to supporting the Williamsport Office of North Penn Legal Services, which has provided civil legal services on a wide range of high priority legal problems to poor people in Lycoming County since 1974.

The Foundation is funded through the support of the members of the Lycoming Law Association. This support comes in various forms: from member dues, income from the *Lycoming Reporter*; donations by individual lawyer members of the Lycoming County Bar; donations by other individuals, lawyer family members, and estates.

The Lycoming Law Association's Community Activities and Outreach Committee is responsible to advise and assist the Foundation in administering funds for community projects of merit. The Committee is actively involved in reviewing grant applications and in making recommendations to the Foundation and the Association's Executive Committee concerning the funding of worthwhile projects and activities.

For additional information regarding the Foundation and its procedures, contact Michele Frey, Executive Director, at (570) 323-8287 or mfrey@lycolaw.org.

**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 \$67,000.00 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 nine 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



PERIODICAL PUBLICATION

*** Dated Material. Do Not Delay. Please Deliver Before Monday, December 4, 2017**