

LYCOMING REPORTER

Vol. 40

January 6, 2023

No. 1

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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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SCHEDULED EVENTS

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

- 1/17/2023 – Family Law Brown Bag Meeting.** Regularly scheduled brown bag lunch meeting. **Time:** 12:00 PM to 1:00 PM.
- 1/18/2023 – Community Outreach & Activities Committee Meeting.** Regular meeting. **Time:** 12:00 PM to 1:00 PM.
- 1/25/2023 – Lycoming Law Association Foundation Meeting.** Quarterly LLA Meeting. **Time:** 12:00 PM to 1:00 PM.
- 2/6/2023 – Bench Bar Meeting.** Quarterly meeting of the Bench/Bar Committee. **Time:** 12:00 PM to 1:00 PM.
- 2/8/2023 – Civil Bar Brown Bag Meeting.** Regular meeting of the Lycoming County Civil Bar Committee. **Time:** 12:30 PM to 1:00 PM.

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You can read the digital version of the Lycoming Reporter on any device at Lycolaw.org

Digital issues are archived back to January, 2017

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

- ▶ **AH & DH Adoptions** (12/13/2022)—Judge Ryan M. Tira
Adoption: Petition for involuntary termination of parental rights; parent demonstrates settled purpose to relinquish parental claim to child or fails to perform parental duties for at least six months; parent showing, at most, a passive interest in children; no existing bond. (AdoptionAHandDH121322t) (Posted: January 3, 2023)
- ▶ **Commonwealth vs. Mincey** (12/07/2022)—Judge Nancy L. Butts
Criminal: Motion for reconsideration of denial of Post Conviction Relief Act petition; jurisdiction of the court; timeliness of attempt to assert the newly-discovered evidence exception, where the evidence should have or was previously known; attempt to assert newly-recognized constitutional right exception where case cited does not establish such a right and the case is not to be applied retroactively; previously litigated issues. (Mincy12722b) (Posted: January 2, 2023)
- ▶ **Benson Estate** (12/30/2022)—Judge Eric R. Linhardt
Wills and Estates: Non-jury trial; petition to return assets to estate; application of the Dead Man’s Act; voidable transfers under the uniform act; sufficiency of evidence of decedent’s acts to effectuate his intent to transfer assets, prior to death. (Benson123022Li) (Posted: December 30, 2022)
- ▶ **Stonekey Realty, LLC vs. Cook** (12/12/2022)—Judge Eric R. Linhardt
Civil: Motion to vacate stay of eviction and dismiss appeal; lack of service of the appeal notice; attempted service after filing of motion to dismiss appeal; good cause shown for reinstatement of appeal from MDJ decision. (Stonekey121222Li) (Posted: December 29, 2022)
- ▶ **Morgenfruh vs. Deremer, Paulhamus, Wagner and Nolan** (12/28/2022)—Judge Eric R. Linhardt
Civil: Preliminary objections; mandamus action to compel issuance of sewage system permit; compliance with unappealed zoning hearing board decision; failure to exhaust statutory remedies; futility of appeal. (Morgenfruh122822Li) (Posted: December 29, 2022)

- ▶ **Branton vs. Zoning Hearing Board of Nippenose Township and Nippenose Township** (12/28/2022)—Judge Eric R. Linhardt
Administrative Appeal: Land use appeal; standard applicable to interpretation of zoning ordinance; Regulatory Flood Elevation requirements; defining “new construction” in context of addition to building; ambiguous language in ordinance; deference afforded to township interpretation of its ordinance; remedial measures. (Branton122822Li) (Posted: December 29, 2022)
- ▶ **Cosentine vs. Burch, The Smith-Burch Agency, LLC and The Farmers Fire Insurance Company** (12/28/2022)—Judge Eric R. Linhardt
Civil: Motion in limine to confirm cross-claim; objection to indemnification claim on the eve of trial; sufficiency of cross-claim to raise the defense of contractual rather than common-law indemnification; waiver of objection to defense where contractual indemnity defense is not specifically raised; waiver of failure to state a claim defense; applicability of common-law indemnification to party who has active negligence. (cosentine122822Li) (Posted: December 29, 2022)
- ▶ **Needville Little League, Inc. and Tulsa National LL, Inc. vs. Little League Baseball, Inc.** (12/28/2022)—Judge Eric R. Linhardt
Civil: Preliminary objections; demurrer to contract claim; alleged breach of COVID-19 testing procedures; arbitrary and uneven application of tournament rules, regulations and procedures. (needville122822Li) (Posted: December 29, 2022)

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**Berfield, Bessie M.,** dec'd.

Late of Jersey Shore.
 Executor: Robert R. Garis, 15120 Spanish Point Drive, Port Charlotte, FL 33981.
 Attorneys: Stephen C. Sholder, Esquire, Raup & Sholder, P.C., 445 Elmira Street, Williamsport, PA 17701, (570) 321-0709.

Hess, Ronald L., dec'd.

Late of Montoursville.
 Executrix: Sylvia J. Hess, 341 Cedarwood Drive, Montoursville, PA 17754.
 Attorneys: Anthony J. Grieco, Esquire, Elion, Grieco & Shipman, P.C., 125 East Third Street, Williamsport, PA 17701.

Hudson, Donald L., Sr., dec'd.

Late of Jersey Shore.
 Administrator: Donald L. Hudson, Jr., 422 Dunkard Church Road, Cogan Station, PA 17728.
 Attorneys: Mc Nerney, Page, Vanderlin & Hall, 433 Market Street, Williamsport, PA 17701.

McCarty, Ray E., dec'd.

Late of Muncy.
 Co-Executrices: Joyce L. Sivak, 9890 Susquehanna Trail, Muncy, PA 17756 and Janet M. McCarty, 1679 Murry Rd., Muncy, PA 17756.
 Attorney: Richard G. Scheib, Esquire, 11 Reitz Blvd., Suite 102, Lewisburg, PA 17837-9293.

Mosteller, Richard P., dec'd.

Late of 337 Winthrop Street, South Williamsport.
 Executor: Richard Brian Mosteller c/o G. Scott Gardner, Esquire, 1000 Commerce Park Drive, Suite 310-B, Williamsport, PA 17701.
 Attorney: G. Scott Gardner, Esquire, 1000 Commerce Park Drive, Suite 310-B, Williamsport, PA 17701, (570) 971-0090.

Smith, Richard Alan, dec'd.

Late of 308 Charles Road, Muncy.
 Executor: Ephrata National Bank, P.O. Box 238, Ephrata, PA 17522.
 Attorney: J. Howard Langdon, Esquire, 3 South Main Street, Muncy, PA 17756.

Wolfe, Charles E., dec'd.

Late of Cedar Run.
 Executor: Gregory F. Wolfe, 2135 Bernays Drive, York, PA 17404.
 Attorneys: Stephen C. Sholder, Esquire, Raup & Sholder, P.C., 445 Elmira Street, Williamsport, PA 17701, (570) 321-0709.

SECOND PUBLICATION**Lecce, Shirley M.,** dec'd.

Late of Montoursville.
 Executrix: Gail M. Lecce, 609 N. Wakefield Street, Arlington, VA 22203.
 Attorneys: Mc Nerney, Page, Vanderlin & Hall, 433 Market Street, Williamsport, PA 17701.

Shoemaker, Susan G., dec'd.

Late of Jersey Shore.

Administratrix: Tonya Shoemaker
c/o Marc S. Drier, Esquire, 227
Allegheny Street, Jersey Shore, PA
17740.

Attorney: Marc S. Drier, Esquire,
227 Allegheny Street, Jersey Shore,
PA 17740.

THIRD PUBLICATION

Goss, Mark R., dec'd.

Late of Hughesville.

Co-Administrators: Matthew L.
Goss, 2307 Susquehanna Trail, Wat-
sontown, PA 17777 and Whitney A.
Wayman, 1010 Fonda Road, Milton,
PA 17847.

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

Lamoreaux, Patricia Elaine, 41-22-
0510, dec'd.

Late of Muncy Township.

Executor: John C. Lamoreaux c/o
Malee Law Firm, P.C., 310 East Third
Street, Williamsport, PA 17701.

Attorneys: Malee Law Firm, P.C.,
310 East Third Street, Williamsport,
PA 17701.

Stevenson, Karen A., dec'd.

Late of Cogan Station.

Co-Executrices: Martha L. Spring,
103 Harvard Court, Williamsport,
PA 17701 and Cathy L. McAnelly,
148 W. Hills Drive, Williamsport,
PA 17701.

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

REGISTER OF WILLS CONFIRMATION OF ACCOUNTS

NOTICE IS HEREBY GIVEN to all
parties interested that the following
Accounts together with all Statements

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 February 7,
2023 unless exceptions are filed before
5:00 P.M. on that date.

1. Mundrick, Robert L., Estate—
Paulhamus, Donna J., Executrix.

2. Berger, Gary W., Trust, Estate—
Muncy Bank and Trust Co., Trustee.
David A. Huffman
Register of Wills

J-6, 13, 20, 27

FILING ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN that a
corporation is to be or has been incor-
porated under the Business Corpora-
tion Law of 1988, approved December
21, 1988, P.L. 1444, No. 177, effective
October 1, 1989, as amended.

The name of the proposed corpora-
tion is:

LIFETIME GREEN COATINGS OF
SUSQUEHANNA VALLEY, INC.
and has been delivered to the Secretary
of State for filing.

The initial registered office of the
corporation is located at: 1471 Cem-
etery Hill Rd., Lycoming County, Mont-
gomery, PA 17752.

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FILING OF CERTIFICATE OF ORGANIZATION OF LLC

NOTICE IS HEREBY GIVEN that
a Certificate of Organization was filed
on or about December 27, 2022, with
the Department of State of the Com-
monwealth of Pennsylvania, at Harris-
burg, Pennsylvania, for the purpose of
obtaining a Certification of Organization
for a domestic business corporation,
organized under the Business Corpora-
tion Law of 1988; December 21, 1988

(P.L. 1444, No. 177), as amended. The name of the limited liability company is:

MILES WELBY, LLC
151 W. 4th Street, Williamsport, PA 17701.

The purpose for which the company was organized is: Retail sale of candles and other sundries.

SCOTT T. WILLIAMS, ESQUIRE
PERCIBALLI & WILLIAMS, LLC
429 Market Street
Williamsport, PA 17701

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SERVICE BY PUBLICATION

ESTATE OF CONNIE J. McCARTY

Connie J. McCarty (widow of Stanley L. McCarty) died on November 20, 2022. An original Last Will and Testament has

not been found. A photocopy of her Last Will and Testament has been found, dated March 1, 1990. Ephrata National Bank, successor to the Trust Department of The Muncy Bank and Trust Company is in the process of filing a Petition to Admit to Probate a Photocopy of the Last Will and Testament with the Register of Wills of Lycoming County. The purpose of this notice is to 1) request attorneys to check their records if they are aware of a Last Will and Testament of Connie J. McCarty, and 2) request banks to check their records for a safe deposit box of the decedent.

J. HOWARD LANGDON, ESQUIRE
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Muncy, PA 17756
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E-mail: Langdonlaw75@windstream.net

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PERIODICAL PUBLICATION

* Dated Material. Do Not Delay. Please Deliver Before Monday, January 9, 2023