

LYCOMING REPORTER

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October 1, 2021

No. 41

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LYCOMING REPORTER

(USPS 322-900)

THE OFFICIAL LEGAL PERIODICAL FOR LYCOMING COUNTY

PUBLISHED EVERY FRIDAY BY
LYCOMING LAW ASSOCIATION

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Williamsport, PA 17701

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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.

- 10/13/2021 – Civil Brown Bag Lunch Meeting.** *Brown bag lunch meeting.* **Time:** 12:00 PM to 1:00 PM.
- 10/13/2021 – Community Activities and Outreach Committee.** *Quarterly meeting of Community Activities and Outreach Committee.* **Time:** 12:00 PM to 1:00 PM.
- 10/25/2021 – Executive Committee Meeting.** *Monthly meeting of the LLA’s Executive Committee.* **Time:** 12:00 PM to 1:00 PM.
- 10/26/2021 – Criminal Law Committee Meeting.** *Criminal Law “brown bag” lunch meeting.* **Time:** 12:00 PM to 1:00 PM.
- 10/27/2021 – Lycoming Law Association Foundation.** *Quarterly meeting of the LLA Foundation.* **Time:** 12:00 PM to 1:00 PM.
- 11/1/2021 – Bench/Bar Meeting.** *Quarterly meeting of the Bench/Bar Committee.* **Time:** 12:00 PM to 1:00 PM.



Distance Learning 24/7 PA CLE Credits Online

LLA CLE Presentations available at:

<https://www.axomeducation.com/lycoming>

LYCOMING
LAW ASSOCIATION

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

- ▶ **Commonwealth vs. Carpenter; Commonwealth vs. Patterson** (09/24/2021)—Judge Nancy L. Butts
Criminal: Suppression motion; vehicle stop for tinted windows; reasonable suspicion after defendant attempted to flee; existence of exigent circumstances; scope of search; exception to prohibition of person not to possess firearm prohibition; investigative detention requiring advising of *Miranda* rights; issues not appropriately raised in suppression motion. (Patterson-Carpenter092421bt) (Posted: September 28, 2021)
- ▶ **Commonwealth vs. Williams** (09/21/2021)—Judge Nancy L. Butts
Criminal: Rule 907 response to court’s notice of intent to dismiss; timeliness of filing; federal applicability of federal habeas corpus petition to Pennsylvania post-conviction timetable; jurisdiction. (Williams092121bt) (Posted: September 26, 2021)
- ▶ **Commonwealth vs. Ceasear** (09/21/2021)—Judge Nancy L. Butts
Criminal: Suppression motion; protective sweep of residence to check for hidden persons; search of jacket requested by home resident; search incident to a lawful arrest; plain view exception; probable cause for search warrant. (Ceasear092121bt) (Posted: September 26, 2021)
- ▶ **Lycoming County vs. Bohlin** (09/23/2021)—Judge Eric R. Linhardt
Administrative Appeal: Appeal from decision of Office of Open Records; scope of review; use of Right-to-Know law to obtain otherwise public documents in a particular format; disclosure of proprietary software and data schema that is protected by licensing agreement; duty of agency to create a record in format in which it does not exist to meet right-to-know request; duty to respond to request for database where all requested records are publicly available in agency’s office and online, at no cost. (bohlin092321L) (Posted: September 23, 2021)

► **James vs. Crawford and Benfers Construction, LLC** (09/20/2021)—

Judge Ryan M. Tira

Civil: Preliminary objections; punitive damage claim against employer of driver where employer is alleged to have known of its driver's past driving record, that he was intoxicated on day of the incident and allowed him to drive anyway; vicarious liability for reckless conduct of an employee without proof that employer's conduct satisfies standard for punitive damages. (James092021t) (Posted: September 23, 2021)

► **Commonwealth vs. Bradshaw** (09/21/2021)—Judge Marc F. Lovecchio

Criminal: Appeal; excessive sentence claim; relevant sentencing factors; appropriateness of consecutive sentences for defendant with extensive record, who showed no inclination to change and who failed all rehabilitation efforts; discretion of court. (Bradshaw092121L) (Posted: September 22, 2021)

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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

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**Bower, Kenneth E., Sr.,** dec'd.

Late of Cogan Station.

Executrix: Faith Worthington, 33 Shady Lane, Williamsport, PA 17701.

Attorney: Richard G. Scheib, Esquire, 11 Reitz Blvd., Suite 102, Lewisburg, PA 17837-9293.

Connacher, Frank Brian, dec'd.

Late of Cogan Station.

Administratrix: Evelyn Hudgens c/o W. Jeffrey Yates, Esquire, 425 Market Street, Williamsport, PA 17701.

Attorney: W. Jeffrey Yates, Esquire, 425 Market Street, Williamsport, PA 17701.

Crosby, Alan H., dec'd.

Late of Loyalsock Township.

Executor: Jerald A. Crosby c/o McCormick Law Firm, 835 West Fourth Street, Williamsport, PA 17701.

Attorneys: Elizabeth A. White, Esquire, McCormick Law Firm, 835 West Fourth Street, Williamsport, PA 17701.

Gallagher, Veronica A., dec'd.

Late of Jersey Shore.

Executor: James Gallagher, 196 SE Via Sanremo, Port St. Lucie, FL 34984.

Attorneys: Stephen C. Sholder, Esquire, Raup & Sholder, P.C., 445 Elmira Street, Williamsport, PA 17701, (570) 321-0709.

Neidig, Walter G., dec'd.

Late of 162 Musser Lane, Muncy.

Administratrix: Connie J. McCarty, 359 Elm Drive, Hughesville, PA 17737.

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

Nosel, Jan A., dec'd.

Late of Cogan Station.

Executrix: Noreen M. Nosel c/o W. Jeffrey Yates, Esquire, 425 Market Street, Williamsport, PA 17701.

Attorney: W. Jeffrey Yates, Esquire, 425 Market Street, Williamsport, PA 17701.

Stavisky, Rosalyn L., dec'd.

Late of Loyalsock Township.

Administrator: Janie Theis c/o McCormick Law Firm, 835 West Fourth Street, Williamsport, PA 17701.

Attorneys: Elizabeth A. White, Esquire, McCormick Law Firm, 835 West Fourth Street, Williamsport, PA 17701.

SECOND PUBLICATION**Bergerstock, Donald B.,** dec'd.

Late of Williamsport.

Executor: Timothy L. Bergerstock c/o Perciballi & Williams, LLC, 429 Market Street, Williamsport, PA 17701.

Attorneys: Scott T. Williams, Esquire, Law Offices of Perciballi & Williams, LLC, 429 Market Street, Williamsport, PA 17701.

Flook, Mark F., dec'd.

Late of Cogan Station.

Administrators: Richard M. Flook, Michael W. Flook and Mindy S. Flook c/o Perciballi & Williams, LLC, 429 Market Street, Williamsport, PA 17701.

Attorneys: Scott T. Williams, Esquire, Law Offices of Perciballi & Williams, LLC, 429 Market Street, Williamsport, PA 17701.

Gephart, Martha Jane, dec'd.

Late of Williamsport.

Executor: Christopher Gephart, 1013 Fifth Street, Cincinnati, OH 45215.

Attorney: Scott A. Williams, Esquire, 57 East Fourth Street, Williamsport, PA 17701.

Hess, Jane L., dec'd.

Late of Jersey Shore.

Executor: Christopher Hess, 3580 Route 287 Hwy., Jersey Shore, PA 17740.

Attorneys: Stephen C. Sholder, Esquire, Raup & Sholder, P.C., 445 Elmira Street, Williamsport, PA 17701, (570) 321-0709.

Nickles, Darlene S., dec'd.

Late of 72 Railroad Street, Picture Rocks.

Administrators: Jay U. Nickles and Pauline A. Nickles, 1589 Old Lairds-ville Road, Muncy, PA 17756.

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

THIRD PUBLICATION**Burchanoski, Thomas E.,** dec'd.

Late of S. Williamsport.

Administrator: Matthew Burchanoski, 14 Woodhaven Way, Easley, SC 29642.

Attorneys: Stephen C. Sholder, Esquire, Raup & Sholder, P.C., 445 Elmira Street, Williamsport, PA 17701, (570) 321-0709.

Desanto, Marcella A., dec'd.

Late of the City of Williamsport.

Administratrices: Ashley Moore, 7008 Conroe Mill, San Antonio, TX 78253 and Melissa A. Brent, 425 Jaculin Avenue, Williamsport, PA 17702.

Attorney: Paul A. Roman, Esquire, 1700 Four Mile Drive, Williamsport, PA 17701.

McCarty, Barbara E., 41-21-0557, dec'd.

Late of the Borough of South Williamsport.

Executor: Carl D. Hiller, Jr. 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.

Strayer, Frances L., dec'd.

Late of Montoursville.

Executor: Bryan R. Sholtis c/o Craig A. Hatch, Esquire, Halbruner, Hatch & Guise, LLP, 2109 Market Street, Camp Hill, PA 17011.

Attorneys: Craig A. Hatch, Esquire, Halbruner, Hatch & Guise, LLP, 2109 Market Street, Camp Hill, PA 17011.

Woodring, William David, dec'd.

Late of Jersey Shore.

Executrices: Dottie Ann Woodring and Malena Danyelle Evans, 2242 Coldwater Town Road, Jersey Shore, PA 17740.

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

**INTENTION TO
CHANGE NAME**

In the Court of Common Pleas of
Lycoming County, Pennsylvania

NO. CV21-00879

In re: Name Change of
Hannah Lorrelle Ward

NOTICE IS HEREBY GIVEN that on September 3, 2021, a Petition was filed in the above-named Court, praying for a decree changing the name of Hannah Lorrelle Ward to EL WARD.

The Court has fixed October 26 at 10:30 in Courtroom number 2 of the Lycoming County Courthouse, 48 West Third Street, Williamsport, Pennsylvania 17701 as the time and place for the hearing on said petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of the petitioner should not be granted.

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SERVICE BY PUBLICATION

In the Court of Common Pleas of
Lycoming County, Pennsylvania

NO. CV21-00920 TERM

EMINENT DOMAIN
PROCEEDING IN REM

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
TRANSPORTATION, OF THE
RIGHT-OF-WAY FOR STATE
ROUTE 405, SECTION 069
IN THE BOROUGH OF MUNCY

NOTICE OF CONDEMNATION
AND DEPOSIT OF ESTIMATED JUST
COMPENSATION

NOTICE IS HEREBY GIVEN that the Commonwealth of Pennsylvania, by the Secretary of Transportation, whose address is the Commonwealth of Pennsylvania, Department of Transportation, Office of Chief Counsel, Real Property

Division, Commonwealth Keystone Building, Harrisburg, Pennsylvania 17120, pursuant to the provisions of Section 2003(e) of the Administrative Code of 1929, P.L. 177, 71 P.S. 513(e), as amended, has filed on September 13, 2021 a Declaration of Taking to the above term and number, condemning the property shown on the plans of the parcels listed on the Schedule of Property Condemned which have been recorded in the Recorder's Office of the above county at the places indicated on the said schedule. The name(s) of the owner(s) of the property interest(s) condemned is (are) also shown on the aforesaid Schedule. The Secretary of Transportation, on behalf of himself/herself and the Governor has approved the within condemnation by signing on June 16, 2021 a plan entitled Right-of-Way for State Route 405 Section 069 in Lycoming County, a copy of which plan was recorded in the Recorder's Office of the aforesaid county on July 16, 2021, in Map Book 64 Page 523.

The purpose of the condemnation is to Acquire Easements for a Highway Improvement.

Plans showing the property condemned from the parcels listed on the Schedule of Property Condemned have been recorded in the aforesaid Recorder's Office at the places indicated on the Schedule, where they are available for inspection. The Property Interest thereby condemned is designated on the Declaration of Taking heretofore filed. The Commonwealth of Pennsylvania is not required to post security, inasmuch as it has the power of taxation.

Because the identity or the whereabouts of the condemnee(s) listed below is (are) unknown or for other reasons he (they) cannot be served, this notice is hereby published in accordance with Section 305(b) of the Eminent Domain Code (26 Pa. C.S. §305(b)).

Claim No.; Parcel No.; Name; Address.

4100791000; 2; Unknown Owner; SR 405 Station 291 + 59L to Station 291 + 79L.

The power or right of the Secretary of Transportation of the Commonwealth of Pennsylvania to appropriate the property condemned, the procedure followed by the Secretary of Transportation or the Declaration of Taking may be challenged by filing preliminary objections within thirty (30) days of the date of this notice.

FURTHERMORE, NOTICE IS GIVEN THAT the Commonwealth of Pennsylvania, Department of Transportation, pursuant to Section 522 of the Eminent Domain Code (26 Pa. C.S. §522), will, at the end of the above-referenced thirty (30) day time period within which to file preliminary objections to the Declaration of Taking, present a petition to the Court of Common Pleas of the above county to deposit into court the just compensation estimated by the Commonwealth to be due all parties in interest for damages sustained as the result of the condemnation of the property herein involved.

The petition to deposit estimated just compensation may not be presented to the court if the owner(s) of the property herein involved inform the District Right-of-Way Administrator of the District noted below of their existence and/or whereabouts prior to the expiration of the noted period. After estimated just compensation has been deposited into court, the said monies may be withdrawn by the persons entitled thereto only upon petition to the court. If no petition is presented within a period of six years of the date of payment into court, the court shall order the fund or any balance remaining to be paid to the Commonwealth without escheat.

Jeffrey M. Wenner, P.E.
District Right-of-Way Administrator
Engineering District 3-0
Pennsylvania Department of
Transportation

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LOOKING FOR ESTATE NOTICES

OR OTHER LEGAL NOTICES
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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?

**From 2003 to Present,
the LLAF gave more than \$197,630 to worthy causes:**

\$138,749 to provide free legal services to the residents of Lycoming County;

\$23,241 to preserve and provide access to legal materials for the public;

\$17,000 to train attorneys and other service providers in different areas of the law;

\$11,400 to fund legal education and Mock Trial Teams for high school students;

\$7,237.04 to provide funding for court-appointed child advocates.

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

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.



PERIODICAL PUBLICATION

* Dated Material. Do Not Delay. Please Deliver Before Monday, October 4, 2021