

# LYCOMING REPORTER

Vol. 36

August 30, 2019

No. 35

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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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Williamsport, Pennsylvania

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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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- Court Calendar • Continuing Legal Education
- Conference Room Facilities • Legal Assistance
- Recent Court Decisions • Upcoming LLA & Public Events

[www.lycolaw.org](http://www.lycolaw.org)

## 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).

- 9/7/2019 – Knoebel's Grove Outing.** *LLA members and their families are invited to a picnic, starting at noon in Pavilion D. Knoebel's gift cards will be distributed to members who are then invited to enjoy the amusement park, shops, games and pool at Knoebel's on their own. Cold drinks and snacks will be at the pavilion until early afternoon for anyone who wants to stop back. Download the flyer. Time: 12:00 PM to .*
- 9/17/2019 – Happy Hour Event—Sponsored by FindLaw.** *Details TBA. Mark your calendars! Time: 4:30 PM to 6:30 PM.*
- 9/18/2019 – Family Law Brown Bag Lunch Meeting.** *Regular meeting of the family law attorneys. Time: 12:00 PM to 1:00 PM.*
- 9/25/2019 – Lycoming Law Association Foundation Meeting.** *Regularly scheduled meeting of the LLA Foundation. Time: 12:00 PM to 1:00 PM.*
- 10/2/2019 – Civil Bar Committee Meeting.** *Brown bag meeting of the Civil Bar Committee. Time: 12:00 PM to 1:00 PM.*
- 10/15/2019 – Estate, Probate and Elder Law Committee Meeting.** *Brown bag lunch meeting of the Estate, Probate and Elder Law Committee. Time: 12:00 PM to 1:00 PM.*
- 10/29/2019 – Criminal Brown Bag Lunch.** *Regular meeting of the Criminal Bar. Time: 12:00 PM to 1:00 PM.*



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**1-888-999-1941**

**UPCOMING LYCOMING COUNTY CLE OPPORTUNITIES**

- 9/12/2019 – Administering an Estate in PA: A Step-by-Step Guide.** *PBI Groupcast. Register at [www.pbi.org](http://www.pbi.org). CLE Credits: 5 Substantive / 1 Ethics Time: 9:00 AM to 4:15 PM.*
- 9/17/2019 – Topic TBA.** *Eat and Earn Series. Speaker: Mark Melango. CLE Credits: 1 Substantive Time: 12:00 PM to 1:00 PM.*
- 9/18/2019 – Personal Injury Institute 2019.** *PBI Groupcast. Register at [www.pbi.org](http://www.pbi.org). CLE Credits: 6 Substantive / 1 Ethics Time: 9:00 AM to 4:30 PM.*
- 9/24/2019 – Atticus Finch and the Uncommon Good: Navigating and Transcending Gray.** *Eat and Earn Series. Speaker: Prof. Randy Lee. CLE Credits: 1 Ethics Time: 12:00 PM to 1:00 PM.*
- 10/7/2019 – Family Law Update 2019.** *PBI Groupcast. Register at [www.pbi.org](http://www.pbi.org). CLE Credits: 3 Substantive Time: 9:00 AM to 12:15 PM.*
- 10/9/2019 – Topic TBA.** *Eat and Earn Series. Speaker: Smart Start. CLE Credits: 1 Substantive Time: 12:00 PM to 1:00 PM.*
- 10/15/2019 – Guardianship Practice and Procedure: The Rules Have Changed.** *PBI Groupcast. Register at [www.pbi.org](http://www.pbi.org). CLE Credits: 2 Substantive / 1 Ethics Time: 12:00 PM to 3:15 PM.*
- 10/24/2019 – Auto Law Update 2019.** *PBI Groupcast. Register at [www.pbi.org](http://www.pbi.org). CLE Credits: 4 Substantive Time: 12:30 PM to 4:45 PM.*
- 11/1/2019 – Elder Law Update 2019.** *PBI Groupcast. Register at [www.pbi.org](http://www.pbi.org). CLE Credits: 3 Substantive Time: 9:00 AM to 12:15 PM.*
- 12/12/2019 – Criminal Law Update 2019.** *PBI Groupcast. Register at [www.pbi.org](http://www.pbi.org). CLE Credits: 3 Substantive Time: 12:00 PM to 4:15 PM.*

\*For more information on these events and CLEs go to [www.lycolaw.org](http://www.lycolaw.org) or contact Michele Frey at the LLA Office at (570) 323-8287.

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. Williams** (08/26/2019)—Judge Marc F. Lovecchio  
Criminal: Appeal. (williams082619L) (Posted: August 28, 2019)
- ▶ **Commonwealth vs. Truitt** (08/21/2019)—Judge Nancy L. Butts  
Criminal: Suppression motion; suggestive photo array; photo array that varied from an individual's description; expansive list of similarities in photos. (Truitt082119BT) (Posted: August 26, 2019)
- ▶ **Professionals Real Estate Partnership vs. Linn** (08/26/2019)—Judge Eric R. Linhardt  
Civil: Petition for charging order, foreclosure, and judicial sale; involuntary foreclosure of dilatory and obstructionist partner's share of the partnership, to pay debt owed to the partnership; sufficiency of evidence of improper management of the partnership; credibility of testimony. (Posted: August 26, 2019)
- ▶ **Smith vs. Sampson** (08/26/2019)—Judge Eric R. Linhardt  
Civil: Non-jury trial; landlord tenant complaint; enforceable oral lease; implied contract; proof of written notice to quit; Best Evidence Rule; right to invite employees, business visitors, tradesmen, deliverymen, suppliers of goods and services to rented apartment; award of possession to tenant. (Sampson082619Li) (Posted: August 26, 2019)
- ▶ **Commonwealth vs. Bair** (08/23/2019)—Judge Marc F. Lovecchio  
Criminal: Suppression motion; moot issues regarding materials never found; questioning of a party after he indicates he wants to remain silent or wants an attorney; ambiguity in refusal to talk with police; unambiguous invocation of right to counsel; break in "Miranda custody;" mounting coercive pressures of prolonged police custody. (bair082319L) (Posted: August 24, 2019)
- ▶ **Lycoming Engines, an Unincorporated Division of Avco Corporation vs. Christiansen Aviation, Inc.** (08/20/2019)—Judge Eric R. Linhardt  
Civil: Preliminary objections; jurisdiction of court; attempt to create jurisdiction by averring facts upon information or belief; discovery on jurisdictional issue; use of Pennsylvania Declaratory Judgments Act to construe warranty agreement. (LycomingEngines082019Li) (Posted: August 20, 2019)

- **Commonwealth vs. Entz (08/20/2019)**—Judge Marc F. Lovecchio  
Criminal: Commonwealth appeal; denial of reconsideration and request to present additional evidence; Commonwealth’s lack of preparedness and due diligence at Rule 600 hearing. (Entz082019L)  
(Posted: August 20, 2019)
- **Fausnaught vs. UPMC Susquehanna & Klock (08/20/2019)**—Judge Eric R. Linhardt  
Civil: Uncontested motion to file complaint under seal and to seal judicial record; specificity of pleading intrusion upon seclusion claim; presumption of the public’s right of access to court documents; need to plead particulars of highly personal, sensitive or potentially embarrassing contents of medical records. (Fausnaught082019Li)  
(Posted: August 20, 2019)

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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****Carstetter, Harry L., Sr.,** dec'd.

Late of Antes Fort.  
 Executor: Cynthia L. Krape.  
 Attorneys: Tammy A. Weber, Esquire, Marshall, Parker & Weber, LLC, 49 E. Fourth Street, Suite 105, Williamsport, PA 17701.

**Casselberry, Leslie W.,** dec'd.

Late of Hepburn Township.  
 Administratrix: Donna R. Casselberry c/o Elizabeth A. White, Esquire, 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.

**Masters, Blaine G.,** dec'd.

Late of Loyalsock.  
 Executrix: Elaine A. Maurer, 1365 Elliott Street, Williamsport, PA 17701.  
 Attorneys: James G. Malee, Esquire, Malee Law Firm, P.C., 310 East Third Street, Williamsport, PA 17701, (570) 321-6112.

**Moser, Eva Clare a/k/a Eva Clare LaCerra,** dec'd.

Late of Williamsport.  
 Executor: Robert J. LaCerra, 1111 Packer Street, Williamsport, PA 17701.

Attorneys: Joseph F. Orso, III, Esquire, Rudinski, Orso & Lynch, P.C., 33 West Third Street, Suite 202, Williamsport, PA 17701, (570) 326-7044.

**Mowery, Gary G.,** dec'd.

Late of Pomona Park, FL.  
 Executors: Shawn Mowery and Nathaniel T. Mowery 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.

**SECOND PUBLICATION****Barrow, Robert E.,** dec'd.

Late of the Township of Eldred.  
 Executor: Citizens & Northern Bank, 90-92 Main Street, P.O. Box 58, Wellsboro, PA 16901.  
 Attorney: Joseph L. Rider, Esquire, 1700 West Fourth Street, Williamsport, PA 17701.

**Berfield, Mary E.,** dec'd.

Late of the Borough of Jersey Shore.  
 Executor: David E. Berfield, 946 I Mandus Olson Road, Bainbridge, WA 98110.  
 Attorneys: Charles R. Rosamilia, Jr., Esquire, Rosamilia & Brungard, 241 West Main Street, Lock Haven, PA 17745.

**Dewald, David A.,** dec'd.

Late of 2381 Highway 405, Lot 38, Muncy.  
 Administrator d.b.n.c.t.a.: Michael W. Dewald, 123 Pleasant Street, Hanover, PA 17331.  
 Attorney: J. Howard Langdon, Esquire, 3 South Main Street, Muncy, PA 17756.

**Forer, Margaret**, dec'd.

Late of Trout Run.  
 Executor: John Forer, 555 Vailtown  
 Road, Liberty, PA 16930.  
 Attorneys: McNerney, Page, Vander-  
 lin & Hall, 433 Market Street, Wil-  
 liamsport, PA 17701.

**Hartman, Donald W.**, dec'd.

Late of Montoursville.  
 Executrix: Lisa E. Hartman, 9012  
 Perryvale Road, Nottingham, MD  
 21236.  
 Attorneys: McNerney, Page, Vander-  
 lin & Hall, 433 Market Street, Wil-  
 liamsport, PA 17701.

**Tarnalicki, Eva A.**, dec'd.

Late of Trout Run.  
 Executrix: Helen Ann Calvert, 3237  
 Slacks Run Road, Trout Run, PA  
 17771.  
 Attorneys: James G. Malee, Esquire,  
 Malee Law Firm, P.C., 310 East Third  
 Street, Williamsport, PA 17701,  
 (570) 321-6112.

**THIRD PUBLICATION****Eck, June L.**, dec'd.

Late of the City of Williamsport.  
 Executors: Deborah E. Grove, 1821  
 Ravine Road, Williamsport, PA  
 17701 and Raymond B. Evans, III,  
 1047 Franklin Street, Williamsport,  
 PA 17701.  
 Attorney: Joseph L. Rider, Esquire,  
 1700 Four Mile Drive, Williamsport,  
 PA 17701.

**Johnston, Betty L.**, dec'd.

Late of Hepburn Township.  
 Executrix: Marybeth Carpenter, 39  
 Factory Road, Cogan Station, PA  
 17728.  
 Attorneys: Fred A. Holland, Esquire,  
 Murphy, Butterfield & Holland, P.C.,  
 442 William Street, Williamsport,  
 PA 17701.

**Moore, Raymond K.**, dec'd.

Late of Williamsport.  
 Executor: Donald L. Bastian, 307 W.  
 8th Ave., South Williamsport, PA  
 17702.  
 Attorneys: Stephen C. Sholder,  
 Esquire, Raup & Sholder, P.C., 445  
 Elmira Street, Williamsport, PA  
 17702, (570) 321-0709.

**Richardson, Theodore L.**, dec'd.

Late of the City of Williamsport.  
 Executor: Andrew M. Richardson,  
 4115 Canoe Run Road, Jersey Shore,  
 PA 17740.  
 Attorneys: Dale A. Tice, Esquire,  
 Carpenter, Harris & Flayhart, 128 S.  
 Main St., P.O. Box 505, Jersey Shore,  
 PA 17740.

**Sockman, Donald E., Jr.**, dec'd.

Late of the Borough of Montours-  
 ville.  
 Executor: Mark R. Sockman c/o  
 Tammy A. Weber, Esquire, Marshall,  
 Parker & Weber, LLC, 49 E. Fourth  
 Street, Suite 105, Williamsport, PA  
 17701.  
 Attorneys: Tammy A. Weber, Es-  
 quire, Marshall, Parker & Weber,  
 LLC, 49 E. Fourth Street, Suite 105,  
 Williamsport, PA 17701.

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**REGISTER OF WILLS  
 CONFIRMATION OF  
 ACCOUNTS**


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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 October 1,  
 2019 unless exceptions are filed before  
 5:00 P.M. on that date.




1. Gross, Charles R., Estate—David Rex Nelson, Executor.

2. Hutchinson, James M., Estate—Joseph J. Hutchinson, Jr., Administrator.

3. Waite, Joanna, Estate—Kimberly J. Hile and Carolyn A. Wagner, Executrices.

Kathy Rinehart  
Register of Wills

Au-30; S-6, 13, 20



**So far in 2019, the LLA Foundation  
has provided funding in the  
amount of \$17,920 for:**

- LLA's Wills for Heroes event
- Jersey Shore Schools Education Foundation
- LLA's 150<sup>th</sup> Anniversary celebrations
- Lycoming County Court of Common Pleas
- Montoursville High School Mock Trial Team
- North Penn Legal Services

Any worthy law-related programs  
or activities can apply for a grant at:  
<https://www.lycolaw.org/lla-foundation>.

*Your arbitration fee donations  
provided \$9,200 to the Foundation in 2018!*

**Thank you to all the LLA members who have  
supported the Foundation's efforts!**

**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 \$83,060.00** 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

**Granted \$2,625.00** to North Penn Legal Services to fund the costs of a law student's employment at NPLS for ten weeks during a summer

**Granted \$250.00** to Susquehanna Home Care & Hospice for the Nurse Family Partnership to purchase reference books for nurses to use with low income families

**Granted \$1,250.00** to CASA for the purchase of a computer system and necessary software

**Granted \$2,200.00** to North Penn Legal Services for the development of a customized Lycoming County Child Custody Video

**Granted \$1,500.00** to Wise Options (on behalf of the Domestic Violence Task Force) for the preparation, printing and distribution of a county protocol for domestic violence calls

**Granted \$1,000.00** to North Penn Legal Services to assist in funding a Medicare Part D Provider Education Training

**Granted \$9,000.00** to the Lycoming County Historical Society for the interpretation, archiving and digitalization of historical legal documents owned by the Taber Museum

**Granted \$2,750.00** to Lycoming County for training necessary to establish a Domestic Fatality Review Team

**Granted \$4,500.00** to the Montoursville Area Mock Trial Team for their attendance at Harvard University's high school mock trial workshop

**Granted \$1,470.00** to Lycoming County's Wills for Heroes events

**Established** a Pro Bono Litigation Costs Reimbursement Fund

**Granted \$1,600.00** to the Jersey Shore Schools Education Foundation to cover costs associated with bringing school students to the County Courthouse to watch trials/proceedings.

**Granted \$1,500.00** to the Lycoming County Court of Common Pleas for the production of jury duty information and jury duty orientation videos.

Request for Grant Funding should be directed to the LLA Community Activities and Outreach and 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.



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**PERIODICAL PUBLICATION**

\* Dated Material. Do Not Delay. Please Deliver Before Tuesday, September 3, 2019