

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.

- 9/20/2017 – Family Law Committee Meeting:** **Time:** 12:00 PM to 1:00 PM. **Location:** Courtroom #5
- 10/2/2017 – Community Outreach Committee Meeting:** *Regularly scheduled meeting of the committee* **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 10/10/2017 – Elder Law Committee Meeting:** *Regular meeting of the Elder Law Committee* **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 10/24/2017 – Bar History Committee Meeting:** *Meeting of the Bar History Committee* **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 10/27/2017 – LLA Foundation Meeting:** *Quarterly meeting of the LLAF* **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 10/31/2017 – Criminal Law Committee Meeting:** **Time:** 12:00 PM to 1:00 PM. **Location:** Courtroom #1
- 11/6/2017 – Bench Bar Meeting:** *Regular meeting of the committee to discuss matters of concern in Bench and Bar relations* **Time:** 12:00 PM to 1:00 PM. **Location:** LLA Office

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.

UPCOMING LYCOMING COUNTY CLE OPPORTUNITIES

- 9/20/2017** – **Billy Joel and the Practice of Law:** *Speaker: Professor Randy Lee. CLE credits: 1 Ethics* **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 9/27/2017** – **Your Client Is About to Lose Their Driver's License: What Do You Do?:** *PBI Video Replay. CLE credits: 5 Substantive / 1 Ethics* **Time:** 9:00 AM to 3:30 PM. **Location:** Lycoming Law Association Office
- 10/4/2017** – **Fundamentals of Corporate Criminal Liability for Environmental Law Violations:** *Eat and Earn CLE Presented by: Christopher Carusone, Esquire. CLE credits: 1 Substantive* **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 10/11/2017** – **Driving Under the Influence: Strategies That Win Cases:** *PBI Video Replay. CLE credits: 3 Substantive / 1 Ethics* **Time:** 9:00 AM to 1:00 PM. **Location:** Lycoming Law Association Office
- 10/18/2017** – **Eat & Earn Speaker: Jennifer Heverly, Esquire:** *The Bankruptcy Cure. This CLE is designed for non-bankruptcy attorneys who advise clients in a number of areas where bankruptcy might be a remedy. CLE credits: 1 Substantive* **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 10/19/2017** – **21st Annual Family Law Update:** *PBI Groupcast. CLE credits: 3 Substantive* **Time:** 8:45 AM to 12:00 PM. **Location:** Lycoming Law Association Office
- 10/26/2017** – **24th Annual Auto Law Update:** *PBI Groupcast. CLE credits: 3 Substantive / 1 Ethics* **Time:** 12:15 PM to 4:30 PM. **Location:** Lycoming Law Association Office
- 11/10/2017** – **Driving Under the Influence: Strategies That Win Cases:** *PBI Video Replay. CLE credits: 4 Substantive* **Time:** 9:00 AM to 1:00 PM. **Location:** Lycoming Law Association Office
- 12/1/2017** – **The General Practitioners' Year in Review:** *PBI Groupcast. CLE credits: 5 Substantive / 1 Ethics* **Time:** 8:30 AM to 3:45 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

*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 <http://www.lycolaw.org/cases/postings.asp>

- ▶ **Commonwealth vs. Littlejohn** (09/07/2017) Judge Marc F. Lovecchio
Criminal: Suppression motion; warrantless blood test; constitutional right to refuse blood test; knowing and intelligent consent for blood test; right to consult with attorney before making a decision to allow blood draw; duty of police officer to inform arrestee of consent and refusal statute, and that those provisions are no longer enforceable because of recent court decisions; evidence of coerced consent. (littlejohn090817L)
- ▶ **In the interest of AM** (09/01/2017) Judge Richard A. Gray
Criminal: Motion to dismiss; double jeopardy; charge of possession of weapon on school property following plea to summary charge of harassment for striking student with BB; rule of compulsory joinder. (AM090117g)
- ▶ **Commonwealth vs. Hopkins** (08/23/2017) Judge Richard A. Gray
Criminal: Severance motion; prior criminal record admissible for certain claims and not for others; prejudice; defendant's burden of proof. (Hopkins082317g)
- ▶ **Guenot vs. Motis Energy, LLC.** (08/29/2017) Judge Richard A. Gray
Civil: Motion for partial summary judgment; employment dispute; fraudulent inducement; failure to produce facts essential to establish the cause of action; establishing terms not in written employment agreement. (guenot082917g)
- ▶ **Cohick vs. Mazza and Wright** (08/10/2017) Judge Richard A. Gray
Civil: Preliminary objections; landlord-tenant claim; jurisdiction of court where no notice to quit is served; requirement for notice to quit where possession is not sought and only money damages are sought; attaching writings to complaint that form basis for claim; excessive and punitive late fees; reasonableness of contract damages; landlord's duty to mitigate damages for unpaid rent after tenants are evicted; landlord's ability to claim damages for inability to re-rent premises. (cohick081017g)
- ▶ **Lycoming County vs. Heimbaugh and Disposal Management Services, Inc.** (09/06/2017) Judge Dudley N. Anderson
Administrative Appeal: Petition for review of grant of right-to-know request; specificity of request; burdensome request; contracts as "financial records"; applicability of confidential proprietary information and trade secrets exemption to financial records. (lycomingcoheimbaugh090617a)

- ▶ **Commonwealth vs. Peterson** (09/06/2017) Judge Nancy L. Butts
Criminal: Appeal. (Peterson090617bt)
- ▶ **Commonwealth vs. Allen** (09/01/2017) Judge Marc F. Lovecchio
Criminal: Suppression motion; timeliness; discretion of trial judge; length and cause of delay; standard for determining consent to search; totality of circumstances; per se rule requiring police to advise defendant of consequences of refusal to consent. (Allen090117L)

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.

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**Biblehimer, John F.,** dec'd.

Late of Eldred Township.
The John F. and Margaret A. Biblehimer Living Trust, dated October 15, 2012, and any Amendments thereto.
Settlor: John F. Biblehimer.
Executrix/Trustee: Margaret A. Biblehimer.
Attorneys: Kristine L. Waltz, Esquire, Dinges, Dinges & Waltz, LLC, 1307 Sheridan Street, Williamsport, PA 17701.

Ludwig, Idell, dec'd.

Late of Fairfield Township.
The Idell Ludwig Irrevocable Life Insurance Trust.
Trustee: Scott A. Williams, 57 East Fourth Street, P.O. Box 3, Williamsport, PA 17703.
Attorneys: Williams & Smay, 57 East Fourth Street, P.O. Box 3, Williamsport, PA 17703.

McErn, Clarence R., dec'd.

Late of Williamsport.
Executrix: Mary C. Watt, 45 Aztec Lane, Williamsport, PA 17701.

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

Miller, Dale E., dec'd.

Late of Jersey Shore.
Executors: Jack N. Miller, 1120 Walters Road, Pennsburg, PA 18073 and Shannon L. Cosentine, 11664 Rose Valley Road, Trout Run, PA 17771.
Attorney: Leroy H. Keiler, III, Esquire, 110 Oliver Street, Ste. 2, P.O. Box 263, Jersey Shore, PA 17740, (570) 398-2750.

Ulmer, Helen L., dec'd.

Late of Trout Run.
The Helen L. Ulmer Income Only Protector Trust, dated September 16, 2008 and the Helen L. Ulmer Gas Lease Protector Trust, dated June 1, 2010.
Settlor: Helen L. Ulmer.
Executors/Trustees: Randall I. Ulmer, Carol E. Ulmer and Jeanetta A. Ulmer.
Attorneys: Samantha K. Wolfe, Esquire, Steinbacher, Goodall & Yurchak, 413 Washington Boulevard, Williamsport, PA 17701.

SECOND PUBLICATION**Breitenbach, Mary F. a/k/a M. Forrest Breitenbach,** dec'd.

Late of Williamsport.
Executor: Robert W. Breitenbach.
Attorneys: Brittany O. L. Smith, Esquire, Steinbacher, Goodall & Yurchak, 413 Washington Boulevard, Williamsport, PA 17701.

Cillo, Carmine J., dec'd.

Late of Williamsport.
The Carmine J. Cillo Income Only Protector Trust, dated November 21, 2016.
The Carmine J. Cillo Primary Residence Protector Trust, dated November 21, 2016.

The Cillo Family Protector Trust, dated November 21, 2016.
 Settlor: Carmine J. Cillo.
 Executors/Trustees: Jason J. Cillo and Shela M. Cillo.
 Attorneys: Brittany O. L. Smith, Esquire, Steinbacher, Goodall & Yurchak, 413 Washington Boulevard, Williamsport, PA 17701.

Hemsley, Esther Louise a/k/a E.

Louise Hemsley, dec'd.
 Late of the Township of Loyalsock.
 Executor: Donald P. Hemsley, 216 Wilson Street, Jersey Shore, PA 17740.
 Attorneys: James G. Malee, Esquire, Malee Law Firm, P.C., 310 East Third Street, Williamsport, PA 17701, (570) 321-6112.

Hemsley, Esther Louise, dec'd.

Late of the Township of Loyalsock.
 The Hemsley Family Trust, dated March 28, 2011.
 Settlers: Harry E. Hemsley and Esther Louise Hemsley.
 Trustee: Lawrence E. Hemsley, 208 Memory Lane, Hamburg, PA 19526.
 Attorneys: James G. Malee, Esquire, Malee Law Firm, P.C., 310 East Third Street, Williamsport, PA 17701, (570) 321-6112.

Shepard, Reba E., dec'd.

Late of Roaring Branch Township.
 Co-Executors: Lamar A. Shepard, 352 Benders Hill Rd., Roaring Branch, PA 17765 and Kevin J. Shepard, 364 Smith Road, Roaring Branch, PA 17765.
 Attorneys: David J. Brann, Esquire, Brann, Williams, Caldwell & Sheetz, 1090 W. Main Street, Troy, PA 16947.

Vanhorn, Robert L., dec'd.

Late of Wolf Township.

Administratrix c.t.a.: Roberta Lee Fisher, 333 Elm Drive, Hughesville, PA 17737.

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

Wahl, Saralee H., dec'd.

Late of Pompano Beach, Broward County, FL.

Executor: Lawrence G. Wahl, 1859 N.W. 124th Way, Coral Springs, FL 33071.

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

THIRD PUBLICATION

Caringi, Patrick W. a/k/a Pat W. Caringi, dec'd.

Late of Williamsport.

Administratrix: Rose M. Choate, 233 Upland Road, Williamsport, PA 17701.

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

Fenstermaker, John R. a/k/a Jack R. Fenstermaker, dec'd.

Late of Jersey Shore (Limestone Township).

Co-Executors: Jane F. Breneman, 1334 Quarry Road, Jersey Shore, PA 17740 and David J. Fenstermaker, 1067 Quarry 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.

Gulliver, Jean B., dec'd.

Late of Montgomery.

Executor: Lavern Gulliver, 214 Wise Road Extension, Williamsport, PA 17701.

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

Lapp, Diane L., dec'd.

Late of Loyalsock Township.
Administrator: Christopher M. Lapp
c/o Christopher H. Kenyon, Esquire,
835 West Fourth Street, P.O. Box
577, Williamsport, PA 17701.
Attorney: Christopher H. Kenyon,
Esquire, 835 West Fourth Street,
P.O. Box 577, Williamsport, PA
17701.

Ludwig, Idell a/k/a E. Idell Ludwig,
dec'd.

Late of Fairfield Township.
Executor: Donald R. Kittle c/o
Daniel K. Mathers, Esquire, Mathers
Law Firm, PC, 416 Pine St., Ste. 308,
Williamsport, PA 17701.
Attorneys: Daniel K. Mathers, Es-
quire, Mathers Law Firm, PC, 416
Pine St., Ste. 308, Williamsport, PA
17701.

**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 October 3,
2017 unless exceptions are filed before
5:00 P.M. on that date.

Griggs, Robert W. Residual Trust—
Branch Banking & Trust Co., Trustee.
Kathy Rinehart
Register of Wills

S-8, 15, 22, 29

SERVICE BY PUBLICATION

Lycoming County Court
of Common Pleas

Number 16-00150

Lycoming County Water and
Sewer Authority,
Plaintiff

v.

Stephen and Sonya Kelley
Defendants

TO: Stephen Kelley, 242 Main Street,
South Williamsport, PA 17702 and
Sonya Kelley, 242 Main Street, South
Williamsport, PA 17702

NATURE OF ACTION: NOTICE
IS HEREBY GIVEN THAT A WRIT
OF SCIRE FACIAS HAS BEEN FILED
AGAINST YOU AND YOUR PROP-
ERTY AT 242 MAIN STREET, SOUTH
WILLIAMSPORT, PENNSYLVANIA
17702, TAX PARCEL NO. 51-01-615,
FOR UNPAID SEWER FEES. YOU
MUST FILE AN AFFIDAVIT OF DE-
FENSE WITHIN 15 DAYS OR JUDG-
MENT WILL BE ENTERED AGAINST
YOU.

AUSTIN WHITE, ESQUIRE
McCORMICK LAW FIRM
835 West Fourth Street
Williamsport, PA 17701
(570) 326-5131

S-8, 15

SERVICE BY PUBLICATION

Court of Common Pleas
Lycoming County
Civil Action

MORTGAGE FORECLOSURE

NO. 16-1390

U.S. Bank National Association,
as Trustee for Terwin Mortgage
Trust 2005-12ALT, Asset-Backed
Certificates, Series 2005- 12ALT, c/o
Specialized Loan Servicing, LLC,
Plaintiff

vs.

John M. Russell and Jane L. Russell,
Defendants

NOTICE OF SHERIFF'S SALE
OF REAL PROPERTY

To: John M. Russell and Jane L. Russell, Defendants, whose last known address is 171 S. Railroad Street, Hughesville, PA 17737

The real estate located at 171 S. Railroad Street, Hughesville, PA 17737, is scheduled to be sold at Sheriff's Sale on November 3, 2017 at 10:30 a.m., 1st Fl., Commissioners Board Rm., 330 Pine St., Williamsport, PA 17701, to enforce the court judgment of \$52,089.30, plus fees, costs and other charges obtained by U.S. Bank National Association, as Trustee for Terwin Mortgage Trust 2005-12ALT, Asset-Backed Certificates, Series 2005-12ALT, c/o Specialized Loan Servicing, LLC against you. **NOTICE OF OWNER'S RIGHTS YOU MAY BE ABLE TO PREVENT THIS SHERIFF'S SALE** 1. This sale will be canceled if you pay the judgment to Patrick J. Wesner, Esq., 9000 Midlantic Dr., Ste. 300, P.O. Box 5054, Mount Laurel, NJ 08054. To find out how much you must pay, you may call 856.810.5815. 2. You may be able to stop the sale by filing a petition asking the court to strike or open the judgment, if the judgment was improperly entered. You may also ask the court to postpone the sale for good cause. 3. You may also be able to stop the sale through other legal proceedings. 4. You may need an attorney to assert your rights. The sooner you contact one, the more chance you will

have of stopping the sale. **RIGHTS EVEN IF THE SHERIFF'S SALE DOES TAKE PLACE** 1. If the Sheriff's Sale is not stopped, your property will be sold to the highest bidder. You may find out the price bid by calling the Sheriff's Office at 570.327.2280 or Patrick J. Wesner, Esq. at 856.810.5815. 2. You may be able to petition the court to set aside the sale if the bid price was grossly inadequate compared to the value of your property. 3. The sale will go through only if the buyer pays the Sheriff the full amount due in the sale. To find out if this has happened, you may call the Sheriff's Office at 570.327.2280 or Patrick J. Wesner, Esq. at 856.810.5815. 4. If the amount due from the buyer is not paid to the Sheriff, you will remain the owner of the property as if the sale never happened. 5. You have a right to remain in the property until the full amount due is paid to the Sheriff and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings to evict you. 6. You may be entitled to a share of the money which was paid for your house. A schedule of distribution of the money bid for your house will be filed by the Sheriff on the 30th day after the sale. This schedule will state who will be receiving that money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed distribution is wrong) are filed with the Sheriff within ten (10) days of the preparation of the schedule of distribution. 7. You may also have other rights and defenses, or ways of getting your house back, if you act immediately after the sale. **YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF**

YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE. IF YOU DO NOT HAVE A LAWYER CONTACT:

Pennsylvania Bar Association
Lawyer Referral Service
100 South Street
P.O. Box 186
Harrisburg, PA 17108-0186
Telephone (800) 692-7375

IF YOU CANNOT AFFORD A LAWYER, YOU MAY BE ELIGIBLE FOR LEGAL AID THROUGH:

Legal Services Office
329 Market St.
Williamsport, PA 17701
570.323.8741

PATRICK J. WESNER, ESQUIRE
PARKER McCAY P.A.

Atty. for Plaintiff
9000 Midlantic Dr.
Ste. 300
P.O. Box 5054
Mount Laurel, NJ 08054
856.810.5815

S-15



PERIODICAL PUBLICATION

* Dated Material. Do Not Delay. Please Deliver Before Monday, September 18, 2017