

LYCOMING REPORTER

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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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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.

- 9/9/2017 – Knoebel’s Grove Excursion:** *Picnic and rides—sponsored by the Social Committee* **Time:** 11:00 AM to . **Location:** Knoebel’s Amusement Park
- 9/12/2017 – Bar History Committee Meeting:** *Regular Meeting of the Bar History Committee* **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 9/18/2017 – Education Committee Meeting:** *Meeting of the Education Committee* **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 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
- 10/27/2017 – LLA Foundation Meeting:** *Quarterly meeting of the LLAF* **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association 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

- 9/11/2017 – Excel for Lawyers—Basic to Intermediate:** *PBI Groupcast. CLE credits:* 2 Substantive **Time:** 12:30 PM to 2:30 PM. **Location:** Lycoming Law Association Office
- 9/13/2017 – The Basics and Nuances of Disciplining Public Employees:** *Speaker: Ryan Tira, Esquire. CLE credits:* 1 Substantive **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 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
- 10/18/2017 – Eat & Earn Speaker: Jennifer Heverly, Esquire:** *Topic TBA. 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

*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. Cavanaugh (08/24/2017)**—Judge Nancy L. Butts
Criminal: Habeas corpus petition; prima facie case of drug delivery causing death; hearsay evidence; attempted withdrawal of stipulations as to death certificate and autopsy; suppression motion; knowing and voluntary waiver of *Miranda* rights; intoxication. (Cavanaugh0824172bt)
- ▶ **Commonwealth vs. Cavanaugh (08/24/2017)**—Judge Nancy L. Butts
Criminal: Nominal bail motion; Rule 600; defense counsel's unavailability. (Cavanaugh0824171bt)
- ▶ **MB Mental Health Review Petition (08/17/2017)**—Judge Marc F. Lovecchio
Administrative Appeal: Petition for review of decision of mental health hearing examiner; severe mental disability; involuntary commitment; clear and convincing evidence; unable to provide for self-protection and a danger to self and others. (mb081717L)
- ▶ **Commonwealth vs. Coleman and Rawls (08/16/2017)** Judge Nancy L. Butts
Criminal: Habeas corpus petition; prima facie case of homicide; accomplice theory; evidence of conspiracy and robbery. (Coleman081617bt)
- ▶ **Commonwealth vs. Henderson (08/16/2017)** Judge Nancy L. Butts
Criminal: Suppression motion; claimed unlawful arrest on bench warrant; issuance of bench warrant for failure to pay fines and costs; proper notice that failure to pay would result in bench warrant. (Henderson081617bt)
- ▶ **Commonwealth vs. Strickland and Harlan (08/23/2017)** Judge Nancy L. Butts
Criminal: Motion to dismiss; prima facie case of possession with intent to deliver and paraphernalia; suppression motion; probable cause for vehicle stop; vehicle code violation. (Strickland082317bt)

**LYCOMING COUNTY RECORDER
OF DEEDS FEE SCHEDULE
EFFECTIVE SEPTEMBER 1, 2017**

UPI CERTIFICATION—EFFECTIVE September 1, 2017

**•IF THESE INSTRUMENTS AFFECT AN INTEREST IN REAL ESTATE
THEY WILL NEED UPI CERTIFICATION AND WILL HAVE THE AD-
DITIONAL \$10.00 FEE**

DEED	(No more than 4 Names, 4 Pages, 1 Description. It includes ONE UPI#)	\$74.00
	Each <i>additional</i> Description	\$.50
	Each <i>additional</i> Name over 4	\$.50
	Each <i>additional</i> Page over 4	\$2.00
	Each <i>additional</i> UPI#	\$10.00
	Survey Map attached	\$3.00
MORTGAGE	(No more than 4 Names, 4 Pages, 1 Description It includes ONE UPI#)	\$74.00
	Each <i>additional</i> Description	\$.50
	Each <i>additional</i> Name over 4	\$.50
	Each <i>additional</i> Page over 4	\$2.00
	Each <i>additional</i> UPI#	\$10.00
ASSIGNMENT OF MORTGAGE		
	(includes all UPI#, <i>Additional</i> pages \$2.00)	\$66.00
ASSIGNMENT OF RENTS		
	(includes all UPI#, <i>Additional</i> pages \$2.00)	\$30.50
	• AFFIDAVIT (<i>Additional</i> pages \$2.00)	\$20.50
RELEASE OF MORTGAGE		
	(includes all UPI#, <i>Additional</i> pages \$2.00)	\$66.00
SUBORDINATION OF MORTGAGE		
	(includes all UPI#, <i>Additional</i> pages \$2.00)	\$30.50
MODIFICATION OF MORTGAGE		
	(includes all UPI#, <i>Additional</i> pages \$2.00)	\$30.50
INSTALLMENT SALES AGREEMENT		
	(<i>Additional</i> pages \$2.00 & names add'l UPI# apply)	\$64.00
	• OTHER AGREEMENTS (<i>Additional</i> pages \$2.00 & names)	\$18.50
CLEAN AND GREEN (<i>Additional</i> UPI apply)		\$28.50
EASEMENT & RIGHT OF WAY		
	(no more than 4 names, 4 pages, 1 description. It includes ONE UPI#)	\$64.00
	Each <i>additional</i> Name over 4	\$.50
	Each <i>additional</i> Page over 4	\$2.00
DECLARATION OF TAKING		
	(<i>Additional</i> pgs. \$2.00 & names; add'l UPI# apply)	\$28.50
LEASE (30 years, names, pages & UPI# apply)		\$64.00
LEASE (less than 30 years, names & pages apply, UPI# apply)		\$28.50
SATISFACTION PIECE (includes all UPI#, add'l Mtg. \$5.00)		\$69.00

• POWER OF ATTORNEY (<i>Additional pages \$2.00 & names</i>)	\$18.50
• REVOCAION POWER OF ATTORNEY (<i>Additional pages \$2.00 & names</i>)	\$18.50
RIGHT OF FIRST REFUSAL (<i>Additional UPI apply</i>)	\$38.50
STATE HIGHWAY MAP (<i>UPI# apply</i>)	\$24.00
EACH <i>additional map</i>	\$3.00
SUBDIVISION & LAND DEVELOPMENT (to be recorded WITHIN 90 DAYS & UPI# apply)	\$28.50
EACH <i>additional map</i>	\$3.00
NOTARY PUBLIC BOND	\$15.25
NOTARY PUBLIC COMMISSION	\$25.25
NOTARY PUBLIC NAME & ADDRESS CHANGE	\$18.50
DISTRICT JUSTICE BOND AND COMMISSION	\$24.50
• FINANCIAL STATEMENT, CONTINUATION & TERMINATION	\$100.00
RESTRICTED COVENANTS (<i>UPI# apply</i>)	\$28.50
POSTPONEMENT (<i>includes all UPI# & addt'l pages</i>)	\$30.50
PLANS—INCLUDES SURVEYS, STORMWATER, NON-APPROVED —(<i>includes UPI#</i>)	\$28.50

COPIES \$.50, CERTIFICATION OF RECORDED DOCUMENTS, \$1.50

FAX \$2.00 + COPIES \$.50

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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**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, Williamsport, 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, Esquire, Mathers Law Firm, PC, 416 Pine St., Ste. 308, Williamsport, PA 17701.

SECOND PUBLICATION**Koser, Mattie L., dec'd.**

Late of Loyalsock Township.

Executrix: Donna M. Woodland, 1600 Alvin Avenue, Williamsport, PA 17701.

Attorney: Andrea B. Bower, Esquire, 426 Broad Street, Montoursville, PA 17754.

Sides, Aleda M. a/k/a Aleda Marie Sides, dec'd.

Late of the Township of Loyalsock.

Executrix: Virla M. Ocker.

Attorneys: Julieanne E. Steinbacher, Esquire, Steinbacher, Goodall & Yurchak, 413 Washington Boulevard, Williamsport, PA 17701.

Waldeisen, William R., Jr., dec'd.

Late of Williamsport.

Co-Executors: W. Robert Waldeisen, 1358 Sandpiper Drive, State

College, PA 16801 and Wendy L. Hooper, 16259 Rt. 87 Highway, Hillsgrove, PA 18619.

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

THIRD PUBLICATION

Cimabue, Louise M., dec'd.

Late of Williamsport.

Co-Executors: Anthony G. Cimabue and John J. Cimabue, Jr.

Attorneys: Matthew J. Parker, Esquire, Marshall, Parker & Weber, LLC, 49 E. Fourth Street, Williamsport, PA 17701.

Dangle, Wayne A., dec'd.

Late of Williamsport.

Executor: Jason E. Dangle, 3444 Fairfax Drive, #629, Arlington, VA 22201.

Attorneys: Anthony J. Grieco, Esquire, Elion, Grieco, Carlucci & Shipman, P.C., 125 East Third Street, Williamsport, PA 17701.

Haas, Mary M., dec'd.

Late of South Williamsport.

Executors: Kenneth J. Haas and Karl A. Haas c/o Jessica Feese, Esquire, 140 East Third Street, Williamsport, PA 17701.

Attorneys: Jessica Feese, Esquire, Lepley, Engelman & Yaw, 140 East Third Street, Williamsport, PA 17701.

Hollick, Martha E. a/k/a Martha Elizabeth Toner Hollick, dec'd.

Late of the Borough of Jersey Shore.

Co-Executors: B. Michael Hollick, 199 Bossinger Road, Mifflintown, PA 17059 and W. E. Toner Hollick, P.O. Box 26, Waterville, PA 17776.

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

Kinslow, Dawn, dec'd.

Late of Picture Rocks.

Administratrix: Kathleen Lincoln, Esquire, The Lincoln Law Office, LLC, 6 N. Front Street, Sunbury, PA 17801.

Attorneys: Kathleen Lincoln, Esquire, The Lincoln Law Office, LLC, 6 N. Front Street, Sunbury, PA 17801.

Ross, Sherian Elizabeth, dec'd.

Late of 650 East First Avenue, South Williamsport.

Executor: Christopher A. Ross, 248 King Street, Turbotville, PA 17772.

Attorneys: Lester L. Greevy, Jr., Esquire, Greevy and Shoemaker, 5741 State Route 87, Williamsport, PA 17701, (570) 435-2233.

REGISTRATION OF FICTITIOUS NAME

The Lycoming County Society for the Prevention of Cruelty to Animals is filing an application for a fictitious name under chapter 54 Pa. C.S. §311(g). The fictitious name shall be:

THE LYCOMING COUNTY SPCA located at: 2805 Reach Road, Williamsport, PA 17701, Lycoming County, for the purpose of the humane care of domestic pets, investigation of cruelty complaints, and any other lawful business. An application for registration of this name will be filed under Title 54, Chapter 3 of the PA Fictitious Name Act.

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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 August 8, 2017, with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg,

Pennsylvania, for the purpose of obtaining a Certification of Organization for a domestic limited liability company, organized under the Business Corporation Law of 1988; December 21, 1988 (P.L. 1444, No. 177), as amended. The name of the limited liability company is:

PERSONAL TOUCH
REAL ESTATE, LLC

18047 US Route 15, Allenwood, PA 17810.

The purpose for which the limited liability company was organized is: To own, manage, lease and otherwise deal in real estate and any other lawful business for which limited liability companies can be formed in the Commonwealth of Pennsylvania.

HENRY P. PERCIBALLI, ESQUIRE
LAW OFFICES
PERCIBALLI & WILLIAMS, LLC
429 Market Street
Williamsport, PA 17701

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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 PROPERTY AT 242 MAIN STREET, SOUTH WILLIAMSPORT, PENNSYLVANIA 17702, TAX PARCEL NO. 51-01-615, FOR UNPAID SEWER FEES. YOU

MUST FILE AN AFFIDAVIT OF DEFENSE WITHIN 15 DAYS OR JUDGMENT WILL BE ENTERED AGAINST YOU.

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

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SERVICE BY PUBLICATION

In the Court of Common Pleas of
Lycoming County, Pennsylvania
Civil Action—Law

No. 17-0906

NOTICE OF ACTION IN
MORTGAGE FORECLOSURE

DITECH FINANCIAL LLC f/k/a
GREEN TREE SERVICING LLC,
Plaintiff

vs.

CHRISTOPHER ALLEN ROSS, in
his capacity as Heir of SHERIAN
ROSS a/k/a SHERIAN E. ROSS a/k/a
SHERIAN ELIZABETH
ROSS, Deceased
UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS AND ALL PERSONS, FIRMS
OR ASSOCIATIONS CLAIMING
RIGHT, TITLE OR INTEREST FROM
OR UNDER SHERIAN ROSS a/k/a
SHERIAN E. ROSS a/k/a SHERIAN
ELIZABETH ROSS, DECEASED,
Defendants

NOTICE

To: UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS AND ALL PERSONS, FIRMS
OR ASSOCIATIONS CLAIMING
RIGHT, TITLE OR INTEREST FROM
OR UNDER SHERIAN ROSS a/k/a
SHERIAN E. ROSS a/k/a SHERIAN
ELIZABETH ROSS, DECEASED

You are hereby notified that on June 19, 2017, Plaintiff, DITECH FINANCIAL LLC f/k/a GREEN TREE SERVICING LLC, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of LYCOMING County, Pennsylvania, docketed to No. 17-0906. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at R 650 EAST 1ST AVENUE a/k/a 650 EAST FIRST AVENUE, SOUTH WILLIAMSPORT, PA 17702 whereupon your property would be sold by the Sheriff of LYCOMING County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the re-

lief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE 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.

Notice to Defend:
North Penn Legal Services
329 Market Street
Williamsport, PA 17701
Telephone (570) 323-8741

- or -

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

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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.



PERIODICAL PUBLICATION

* Dated Material. Do Not Delay. Please Deliver Before Tuesday, September 5, 2017