

LYCOMING REPORTER

Vol. 36

February 15, 2019

No. 7

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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, Pennsylvania

LYCOMING REPORTER (ISSN 0884-187X) is published weekly for \$50 per annum by the Lycoming Law Association, Penn Tower, 25 West Third Street, Suite 803, Williamsport, PA 17701.

Legal Notices of less than 300 words in length must be received by 1:00 P.M. on the Tuesday preceding the date of publication; all other notices must be received by 4:00 P.M. on the Monday preceding the date of publication.

Periodical postage paid at Williamsport, PA 17701-9998 and additional mailing offices.

POSTMASTER: Send address changes to LYCOMING REPORTER, Penn Tower, 25 West Third Street, Suite 803, Williamsport, PA 17701.

Library of Congress Catalog Card Number 61 – 18866

LYCOMING LAW ASSOCIATION

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Williamsport, PA 17701

www.lycolaw.org

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- 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.

- 2/26/2019 – Criminal Brown Bag Lunch.** *Regular meeting of the Criminal Bar.*
Time: 12:00 PM to 1:00 PM.
- 2/27/2019 – Lycoming Law Association Foundation Meeting.** *Regularly scheduled meeting of the LLA Foundation.* **Time:** 12:00 PM to 1:00 PM.
- 3/5/2019 – Community Activities and Outreach Committee Meeting.** *Quarterly meeting of the Community Activities and Outreach Committee.*
Time: 12:00 PM to 1:00 PM.
- 3/6/2019 – Civil Bar Committee Meeting.** *Brown bag lunch meeting of the Civil Bar Committee.* **Time:** 12:00 PM to 1:00 PM.
- 3/19/2019 – Family Law Brown Bag Lunch Meeting.** *Regular meeting of the family law attorneys.* **Time:** 12:00 PM to 1:00 PM.
- 3/22/2019 – 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.
- 3/23/2019 – Wills for Heroes.** *Volunteer to provide free estate plans to first responders and military at the Wills for Heroes event. Two free CLEs (1 ethics and 1 substantive) for all attorney volunteers.* **Time:** 9:00 AM to 4:00 PM.
- 3/27/2019 – Lycoming Law Association Foundation Meeting.** *Regularly scheduled meeting of the LLA Foundation.* **Time:** 12:00 PM to 1:00 PM.

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.

UPCOMING LYCOMING COUNTY CLE OPPORTUNITIES

- 2/28/2019 – Estate & Elder Law Symposium—2019.** *PBI Groupcast*—5 Substantive / 1 Ethics. Register at www.pbi.org. **Time:** 9:00 AM to 4:15 PM.
- 3/6/2019 – Elder Abuse: What Is Elder Abuse? How Is It Corrected?** *Eat and Earn Series.* *Speaker: Richard E. Albrecht, MS Institute on Protective Services, Temple University, Harrisburg. Download the flyer.*—1 Substantive. **Time:** 12:00 PM to 1:00 PM.
- 3/14/2019 – Key Mistakes to Avoid With Residential Agreements of Sale 2019.** *PBI Groupcast*—3 Substantive. Register at www.pbi.org. **Time:** 12:30 PM to 3:45 PM.
- 3/20/2019 – PFA Update—Understanding Changes Created by H.B. 2060 (Which Takes Effect April 10, 2019).** *Eat and Earn Series.* *Speaker: Hon. Joy Reynolds McCoy. Download the flyer.*—1 Substantive. **Time:** 12:00 PM to 1:00 PM.
- 3/21/2019 – Civil Law Update.** *PBI Groupcast*—5 Substantive / 1 Ethics. Register at www.pbi.org. **Time:** 9:00 AM to 4:15 PM.
- 4/10/2019 – Ethics Topic TBA.** *Eat and Earn Series.* *Speaker: Victoria White.*—1 Ethics. **Time:** 12:00 PM to 1:00 PM.
- 4/23/2019 – Family Law Institute 2019—Day One.** *PBI Groupcast*—4 Substantive / 1 Ethics. Register at www.pbi.org. **Time:** 8:30 AM to 4:00 PM.
- 4/24/2019 – Family Law Institute 2019—Day Two.** *PBI Groupcast*—3 Substantive. Register at www.pbi.org. **Time:** 8:30 AM to 11:45 AM.
- 4/30/2019 – Litigating in Orphans’ Court.** *PBI Groupcast*—6 Substantive. Register at www.pbi.org. **Time:** 8:30 AM to 3:30 PM.
- 5/14/2019 – Buying and Selling a Business 2019.** *PBI Groupcast*—4 Substantive. Register at www.pbi.org. **Time:** 12:00 PM to 4:15 PM.
- 5/22/2019 – Civil Update.** *Eat and Earn Series.* *Speaker: Cliff Rieders, Esq.*—1 Substantive. **Time:** 12:00 PM to 1:00 PM.
- 6/28/2019 – Ben Franklin on Ethics 2019.** *PBI Groupcast*—3 Ethics. Register at www.pbi.org. **Time:** 9:00 AM to 12:00 PM.

*For more information on these events and CLEs go to 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

- ▶ **Bright Banners, Inc. vs. Figured** (02/12/2019)—Judge Eric R. Linhardt
Civil: Preliminary objections; insufficiency of facts to prove breach of a fiduciary duty; comparative negligence pleaded as a cause of action; claim for attorney fees for dilatory, obdurate or vexatious conduct. (Figured021219Li) (Posted: February 12, 2019)
- ▶ **Cook vs. Smith** (02/12/2019)—Judge Eric R. Linhardt
Civil: Summary judgment motion; inmate procedures for sending money between inmates; exhaustion of administrative remedies; compliance with rules for transferring money. (Cook021219Li) (Posted: February 12, 2019)
- ▶ **Lycoming County Housing Authority vs. House** (02/12/2019)—
Judge Eric R. Linhardt
Civil: Non-jury trial; landlord-tenant dispute; late payment of rent; adequacy of notice; breach of the agreement; applicability of pay-and-stay; right to possession. (House021219Li) (Posted: February 12, 2019)
- ▶ **Eurooptics, Ltd. vs. Bohanon, Volume Drive, Inc. and Quadix, LLC** (02/08/2019)—Judge Eric R. Linhardt
Civil: Preliminary objections and motion to strike or open judgment; timeliness of motion; merits of excuse; filing of preliminary objections after the judgment was taken, before the motion to open was filed; claimed non-receipt of notices of default where evidence showed that they were mailed. (Eurooptics020819Li) (Posted: February 12, 2019)
- ▶ **MK & DK Adoption** (02/12/2019)—Judge Eric R. Linhardt
Adoption: Appeal; denial of voluntary relinquishment request after evidence presented at involuntary termination hearing; court discretion. (InreMKDK021219Li) (Posted: February 12, 2019)
- ▶ **Commonwealth vs. Johnson** (02/12/2019)—Judge Nancy L. Butts
Criminal: Suppression motion; reasonable suspicion for traffic stop; observed violations; probable cause for arrest with admission to having Suboxone in vehicle; search incident to arrest; joint constructive possession. (Johnson021219BT) (Posted: February 12, 2019)

- **Commonwealth vs. Whaley** (02/11/2019)—Judge Marc F. Lovecchio
Criminal: Habeas corpus petition; prima facie case of possession with intent to deliver; evidence of large amount of cash, presence of weapons and marijuana in multiple locations with large vacuum-sealed bag containing smaller individual bags; suppression motion; home search; protective sweep to secure scene after probable cause established; seizure of firearms and currency not specifically identified in search warrant; notice of items to be seized. (Whaley021119BT) (Posted: February 11, 2019)
- **Commonwealth vs. Ross** (02/11/2019)—Judge Marc F. Lovecchio
Criminal: Motion to permit testimony by contemporaneous alternative method; child rape case; evidence of severe emotional distress significantly impairing the victim’s ability to communicate. (Ross021119L) (Posted: February 11, 2019)
- **Commonwealth vs. Hunter** (02/07/2019)—Judge Marc F. Lovecchio
Criminal: Post-sentence motion; weight of the evidence; circumstantial evidence that a simple assault occurred and that defendant committed it. (Hunter010719L) (Posted: February 7, 2019)

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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**Huffman, Linda Diane a/k/a Linda D. Huffman, dec'd.**

Late of Montgomery.

Executrix: Debra L. Mills, 1235 8th Street Drive, Watsonstown, PA 17777.

Attorneys: Layne R. Oden, Esquire, Layne R. Oden, Attorney and Counselor at Law, P.C., Nine South Main Street, Muncy, PA 17756.

Hulien, Grace C., dec'd.

Late of the Township of Muncy Creek.

Executor: Stephanie H. McMahon.
Attorneys: Brittany O. L. Smith, Esquire, Steinbacher, Goodall & Yurchak, 413 Washington Boulevard, Williamsport, PA 17701.

Hurley, Kathleen a/k/a Katie Hurley, dec'd.

Late of Cogan Station, Lewis Township.

Executor: James R. Shipman, 595 Grizzly Lane, Cogan Station, PA 17728.

Attorney: None.

Reese, Donald L., dec'd.

Late of Muncy Creek Township.

Executrix: Robin Renee Conway, 16 Perkins Street, Plains Township, PA 18705.

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

Robbins, Terry R., dec'd.

Late of Muncy Valley.

Executor: Eric R. Robbins, 793 Austin Trail, Benton, PA 17814.

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

Walters, Steven F., dec'd.

Late of Muncy.

Executor: William T. Walters, 1487 Fairview Road, Unityville, PA 17774.

Attorneys: Layne R. Oden, Esquire, Layne R. Oden, Attorney and Counselor at Law, P.C., Nine South Main Street, Muncy, PA 17756.

SECOND PUBLICATION**Bay, LaRue S. a/k/a LaRue Swisher Bay, dec'd.**

Late of the Township of Muncy Creek.

Executor: David L. Bay, 63 Green Street, Danvers, MA 01923.

Attorneys: James G. Malee, Esquire, Malee Law Firm, P.C., 310 East Third Street, Williamsport, PA 17701, (570) 321-6112.

Carson, Joanne E., dec'd.

Late of Williamsport.

Executrix: Juliann E. Carson, 1401 Alvin Avenue, Williamsport, PA 17701.

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

Gallagher, Mary Ann, dec'd.

Late of Williamsport.

Administrator: M. Joseph Gallagher, 2005 Bandek Lane, Lawrence, PA 15055.

Attorneys: Fred A. Holland, Esquire, Murphy, Butterfield & Holland, P.C., 442 William Street, Williamsport, PA 17701.

Pellacore, Mary J., dec'd.

Late of Allenwood.

Executor: Robert E. Pellacore, 761 Railroad Street, Jersey Shore, PA 17740.

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

Thomas, Ronald A., dec'd.

Late of the City of Williamsport.

Administrator: Brian A. Thomas, 935 Penn Street, Williamsport, PA 17701.

Attorneys: James G. Malee, Esquire, Malee Law Firm, P.C., 310 East Third Street, Williamsport, PA 17701, (570) 321-6112.

Updegrave, David E., Sr., dec'd.

Late of 52 West Houston Avenue, Montgomery.

Executrix: E. Francine Croll, 16 Heilman Street, Montgomery, PA 17752.

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

Warburton, Robert B., dec'd.

Late of Hughesville.

Executrix: Brooke L. Anstadt, 71 Blue Sky Drive, Hughesville, PA 17737.

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

THIRD PUBLICATION

Bartlett, Jack L. a/k/a Jack Lavern Bartlett, dec'd.

Late of Muncy.

Executor: Lonnie Singer, 153 Fink Drive, Montoursville, PA 17754.

Attorneys: Layne R. Oden, Esquire, Layne R. Oden, Attorney and Counselor at Law, P.C., Nine South Main Street, Muncy, PA 17756.

Bell, Kay M., dec'd.

Late of Williamsport.

Executor: Arthur A. Bell, Jr., 1662 Edwards Road, Trout Run, PA 17771.

Attorneys: Joseph F. Orso, III, Esquire, Rudinski, Orso & Lynch, 339 Market Street, Williamsport, PA 17701, (570) 321-8090.

Burkholder, Ruth Margaret a/k/a Ruth A. Burkholder a/k/a Ruth M. Burkholder, dec'd.

Late of Williamsport.

Executrix: Carol A. LaBorie, 19 Lancashire Drive, Ithaca, NY 14850.

Attorneys: Charles F. Greevy, III, Esquire, Greevy & Taylor Law Offices, Lycoming Executive Plaza, 330 Pine Street, Suite 403, Williamsport, PA 17701, (570) 320-7100.

Cimini, Rosalie T., dec'd.

Late of the Township of Loyalsock.

Executor: Ronald L. Cimini c/o Tammy A. Weber, Esquire, Marshall, Parker & Weber, LLC, 49 E. Fourth Street, Suite 105, Williamsport, PA 17701.

Attorneys: Tammy A. Weber, Esquire, Marshall, Parker & Weber, LLC, 49 E. Fourth Street, Suite 105, Williamsport, PA 17701.

Harvey, Ellouise T., dec'd.

Late of Trout Run.

Executrix: Carlene L. Macgill.

Attorneys: Laura R. Burd, Esquire, Lepley, Engelman, Yaw & Wilk, LLC, 140 East Third Street, Williamsport, PA 17701.

Hepburn, Ralph R., dec'd.

Late of Montoursville.

Executor: Mark L. Taylor, 330 Pine Street, Suite 403, Williamsport, PA 17701.

Holliday, Cecil T., dec'd.

Late of the Township of Loyalsock.
Executrix: Lauri A. Pierce.

Attorneys: Brittany O. L. Smith, Esquire, Steinbacher, Goodall & Yurchak, 413 Washington Boulevard, Williamsport, PA 17701.

Hostrander, Mildred Jean, dec'd.

Late of Williamsport.

Executrix: Patricia L. Bowman, 1530 Sherman Street, Williamsport, PA 17701.

Attorney: Patricia L. Bowman, Esquire, 1530 Sherman Street, Williamsport, PA 17701.

Hughes, Jean L., dec'd.

Late of Williamsport.

Administratrix: Janice LaShanda Hayes, 8136 Verbeck Drive, Manlius, NY 13104.

Attorney: Michael J. Zicoello, Esquire, 333 Market Street, Williamsport, PA 17701, (570) 321-7554, Fax: (570) 321-7845, mike@sz-law.com.

Martz, Edna C., dec'd.

Late of Williamsport.

Executor: David J. Martz, 2701 Bellforest Court, Apt. 302, Vienna, VA 22180.

Attorneys: Fred A. Holland, Esquire, Murphy, Butterfield & Holland, P.C., 442 William Street, Williamsport, PA 17701.

Mertes, Edward J., Jr., dec'd.

Late of Williamsport.

Co-Executors: Charles Mertes, 2041 Quaker Hill Rd., Cogan Station, PA 17728 and Mary Margaret Mertes Montemorano, 281 Church Rd., Mountain Top, PA 18707.

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

Olmstead, Robert Emmett, dec'd.

Late of Montoursville.

Executor: Steven Hunter Fairchild, 324 Sydney St., Montoursville, PA 17754.

Attorney: John A. Smay, Esquire, 39 South Main Street, P.O. Box 35, Muncy, PA 17756.

O'Neill, Virginia L. a/k/a Virginia E. O'Neill, dec'd.

Late of Jersey Shore Borough.

Executrix: Gloria Shurer, 65 Scott Lane, Montoursville, PA 17754.

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

Wilk, Stanley T., dec'd.

Late of the City of Williamsport.

Executor: David F. Wilk.

Attorneys: Laura R. Burd, Esquire, Lepley, Engelman, Yaw & Wilk, LLC, 140 East Third Street, 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 March 5, 2019 unless exceptions are filed before 5:00 P.M. on that date.

1. Nagle, Rose, Trust—PNC Bank, N.A., Trustee.

2. Bastian, Thomas I., Sr., Estate—Thomas I. Bastian, Jr., Executor.
Kathy Rinehart
Register of Wills

F-8, 15, 22; M-1

FILING ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN, that Articles of Incorporation were filed on December 26, 2018, with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation for a domestic business corporation, organized under the Business Corporation Law of 1988, of the Commonwealth of Pennsylvania, December 21, 1988 (P.L. 1444, No. 177), as amended. The name of the corporation is:

**F&G CONSTRUCTION
AND CONCRETE, INC.**

whose corporation's initial registered office in this Commonwealth is: 2653 Wilmont Drive, Montoursville, Pennsylvania 17754.

The purpose for which the corporation is organized is: To have unlimited power to engage in and do any lawful business for which corporations may be incorporated under the Pennsylvania Business Corporation Law of 1988, as amended.

**PAUL A. ROMAN, ESQUIRE
LAW OFFICES OF
JOSEPH L. RIDER
1700 Four Mile Drive
Williamsport, PA 17701**

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NOTICE IS HEREBY GIVEN that Articles of Incorporation are intended to be filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on February 6, 2019, for the purpose of obtaining a

Certificate of Incorporation of a business corporation to be organized under the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania, approved December 21, 1988 (P.L. 1444, No. 177) and its amendments and supplements. The name of the corporation is:
RUDINSKI, ORSO & LYNCH, P.C.

The registered office of said corporation is: 339 Market Street, Williamsport, PA 17701. The purposes for which it is organized are: To have unlimited power to engage in and do any lawful act concerning any or all lawful business for which corporations may be incorporated under the Pennsylvania Business Corporation Law of 1988 as amended.
**JOSEPH F. ORSO, III, ESQUIRE
RUDINSKI, ORSO & LYNCH
339 Market Street
Williamsport, PA 17701**

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NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on January 22, 2019, for the purpose of obtaining a Certificate of Incorporation of a proposed business corporation to be organized under the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

The name of the proposed Corporation is:

**WEST BRANCH CREMATORY, INC.
McNerney, Page, Vanderlin & Hall
433 Market Street
Williamsport, PA 17701**

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DISSOLUTION OF CORPORATION

**NOTICE OF DISSOLUTION
PURSUANT TO THE
PENNSYLVANIA NON-PROFIT
CORPORATION LAW OF 1988,
AS AMENDED**

Notice is given that Williamsport Area Softball Boosters Association, Inc., a Pennsylvania non-profit corporation, with a registered office of 532 Sylvan Drive, South Williamsport, Pennsylvania 17702, is being dissolved and is now engaged in winding up proceedings so that its corporate existence shall be ended pursuant to §5975 of the Pennsylvania Non-Profit Corporation Law of 1988, as amended. Please direct any and all inquiries to:

CHARLES F. GREEVY, III, ESQUIRE
 GREEVY & TAYLOR LAW OFFICE
 330 Pine St.
 Ste. 403
 Williamsport, PA 17701
 (570) 320-7100

ANNUAL MEETING NOTICE

The Annual Meeting of the Members of West Branch Mutual Insurance Company will be held at the Company's Office, 32 South Main Street, Muncy, PA on Tuesday, April 23, 2019 from 10:00 A.M. to 12 o'clock P.M. E.S.T. Meeting is for the election of directors and to transact any other business which may come before the meeting.

Darlene H. Webb
 Secretary/Treasurer

F-15

F-15



Help and Support Needed

Attorney and notary volunteers are needed for our next Wills for Heroes event, which will be held on **March 23rd** at the Old Lycoming Township Fire Hall. Sponsors are also needed.

Free CLE credits available for attorney volunteers (including an ethics credit).



This is a great way for the legal profession to show its commitment to "protecting those who protect us." You do NOT need to be an estate planning attorney to volunteer.

If you would like to volunteer or help sponsor the event, please email MFrey@lycolaw.org.



PERIODICAL PUBLICATION

* Dated Material. Do Not Delay. Please Deliver Before Tuesday, February 19, 2019