

# LYCOMING REPORTER

Vol. 38

September 24, 2021

No. 40

---

## TABLE OF CONTENTS

BAR NEWS	LEGAL ADVERTISEMENTS
LLA Upcoming Events..... 3	Estate & Trust Notices..... 6
Court Opinions..... 4	Confirmation of Account..... 7
	Fictitious Name..... 8
	Name Change Notice..... 8
	Sheriff's Sales..... 9

---

---

## 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

Penn Tower  
25 West Third Street, Suite 803  
Williamsport, PA 17701

Telephone: (570) 323-8287  
Fax: (570) 323-9897  
Website: [www.lycolaw.org](http://www.lycolaw.org)

Copyright © 2021, Lycoming Law Association  
Williamsport, Pennsylvania

---

LYCOMING REPORTER (ISSN 0884-187X) is published weekly for \$75 per annum by the Lycoming Law Association, Penn Tower, 25 West Third Street, Suite 803, Williamsport, PA 17701.

Legal Notices must be received by 1:00 p.m. on the Tuesday preceding the date of publication. The *Lycoming Reporter* reserves the right to require earlier deadlines for lengthy or multi-part advertisements due to publication requirements. Deadlines are subject to change because of holidays. Deadline modifications are posted in the Reporter.

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

Penn Tower, 25 West Third Street, Suite 803

Williamsport, PA 17701

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

## LYCOMING LAW ASSOCIATION

### EXECUTIVE COMMITTEE

---

Donald F. Martino, President  
Corey Mowrey, President-Elect  
Elizabeth A. White, Treasurer  
Jessica L. Harlow, Secretary  
Angela Lovecchio,  
Past President

Warren "Rick" Baldys  
Hon. Joy Reynolds McCoy  
Ryan C. Gardner  
Jeana A. Longo

### EDITOR OF LYCOMING REPORTER

Gary L. Weber

### EXECUTIVE DIRECTOR

Michele S. Frey

### COMMITTEE CHAIRS

---

Bench Bar: *C. Edward Mitchell*  
Customs and Rules: *Gary Weber*  
Community Activities and  
Outreach: *Tammy Weber*  
Criminal Law: *Rob Hoffa*  
Education: *John Pietrovito*  
Social: *Jessica L. Harlow*  
Young Lawyers Division:  
*Taylor Mullholand*  
Fee Dispute: *Michael Collins*

Legal Services for the Indigent:  
*John Pietrovito*  
Bar History: *Charles Greevy, III*  
Technology and LLA Web Site:  
*Gary Weber*  
Law Day: *Hon. Christian D. Frey*  
Family Law: *Christina Dinges*  
Estate, Probate and Elder Law:  
*Elizabeth A. White*  
Real Estate: *Marc Drier*



### 2021 FOUNDATION BOARD

---

Hon. William Arbuckle  
Paul A. Roman  
Fred A. Holland  
Robin A. Read

Sean P. Gingerich  
Nicole M. Ippolito  
Julianne E. Steinbacher  
Donald F. Martino  
Corey J. Mowrey

**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).

- 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.

**LYCOMING REPORTER**

Vol. 35 November 9, 2018 No. 45

TABLE OF CONTENTS	
<b>Bar News</b> .....3	<b>Legal Advertisements</b> .....8
LLA Upcoming Events.....3	Estes & Tom Notice.....8
Continuing Legal Education.....4	Position Name.....11
Case Opinions.....5	Corporate Dissolution.....11
Notice to Profession.....7	

**LYCOMING REPORTER**

(ISSN 155-885)  
THE OFFICIAL LEGAL PERIODICAL FOR LYCOMING COUNTY

PUBLISHED EVERY PLEDGE BY  
LYCOMING LAW ASSOCIATION

Editor: Gary L. Weber • Business Manager: Michelle S. Frey  
 Phone Tower: 25 West Third Street, Suite 803, Williamsport, PA 17701  
 Telephone: (717) 323-4287  
 Fax: (717) 333-9897  
 Website: [www.lycolaw.org](http://www.lycolaw.org)

Copyright © 2018, Lycoming Law Association  
Williamsport, Pennsylvania

LYCOMING REPORTER (ISSN 1558-887X) is published weekly for \$52 per annum to the Lycoming Law Association, P.O. Box 25, West Third Street, Suite 803, Williamsport, PA 17701. Legal Notices of less than 300 words in length must be received by 10:00 P.M. on the Tuesday preceding the date of publication. Payment of other notices must be received by 4:00 P.M. on the Monday preceding the date of publication. POSTMASTER: Send address changes to LYCOMING REPORTER, P.O. Box 25, West Third Street, Suite 803, Williamsport, PA 17701.

Library of Congress Catalog Card Number 41 - 19864

You can read the digital version of the Lycoming Reporter on any device at [Lycolaw.org](http://Lycolaw.org)

Digital issues are archived back to January, 2017

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)

- ▶ **Portfolio Recovery Associates, LLC vs. Funk** (09/17/2021)—Judge Ryan M. Tira  
Civil: Preliminary objections; specificity of complaint; assignment of rights to recover credit card account balance; link between attached document and defendant’s account. (Portfolio091721t) (Posted: September 21, 2021)
- ▶ **IDK Adoption** (09/17/2021)—Judge Ryan M. Tira  
Adoption: Petition for involuntary termination of parental rights; incarcerated parent; parent demonstrates settled purpose to relinquish parental claim to child or fails to perform parental duties for at least six months; no existing bond. (IDK091721t) (Posted: September 20, 2021)
- ▶ **Commonwealth vs. Alwan-Johnson** (09/09/2021)—Judge Nancy L. Butts  
Criminal: Suppression motion; probable cause for warrantless search of vehicle; inventory search; inevitable discovery of evidence; abandonment of vehicle when fleeing police; probable cause for search warrant of hotel room; review of four corners of affidavit. (Alwan-Johnson090921bt) (Posted: September 20, 2021)
- ▶ **D’Hue Estate** (09/15/2021)—Judge Eric R. Linhardt  
Wills and Estates: Non-jury trial; appeal from probate; testamentary capacity; presumption of sound mind; clear, strong, and compelling evidence necessary to prove challenge; validity of guided hand signature; credibility of witnesses; factors to establish prima facie case for undue influence; proof of confidential relationship. (dhue091521L) (Posted: September 20, 2021)
- ▶ **Heivly vs. Santander Bank, N.A.** (09/17/2021)—Judge Eric R. Linhardt  
Civil: Motion in limine; admissibility of evidence of the negligence of plaintiff’s employer; consideration of the conduct of non-parties against whom damages cannot be apportioned; duty owed by property owner to employees of independent contractor; peculiar risk; risk created solely by the contractor’s collateral negligence; evidence of employer’s negligence where evidence is relevant to third party’s defenses; interpretation of contractual indemnity clause. (Heivly091721Li) (Posted: September 20, 2021)

- **Commonwealth vs. Thompson** (09/20/2021)—Judge Marc F. Lovecchio  
Criminal: Motion to suppress identification evidence; unreliable and unduly suggestive court identification; clear and convincing evidence; need to establish improper police conduct to suppress identification; weight and credibility of evidence for determination by jury; motion in limine to preclude interview questions referencing previous criminal conduct; prejudicial impact of evidence; motion to admit expert identification testimony where case is dependent upon eyewitness testimony. (Thompson092021L) (Posted: September 20, 2021)
- **Commonwealth vs. Logan** (09/17/2021)—Judge Marc F. Lovecchio  
Criminal: Post Conviction Relief Act petition; factually incorrect petition of counsel to withdraw; obligations of counsel; thorough review of record for issues justifying pursuit of post-conviction collateral relief by counsel. (logan091721) (Posted: September 18, 2021)
- **Good vs. State Farm Fire and Casualty Company** (09/16/2021)—Judge Ryan M. Tira  
Civil: Preliminary objections; breach of insurance contract claim; specificity of damage allegations in complaint; propriety of attaching to complaint estimate of costs associated with damage claim. (Good091621t) (Posted: September 18, 2021)
- **Commonwealth vs. Hill** (09/15/2021)—Judge Ryan M. Tira  
Criminal: Motion to dismiss under Rule 600; suspension of rules due to COVID-19 judicial emergency; continuances requested by defendant. (Hill091521t) (Posted: September 18, 2021)
- **Commonwealth vs. Page** (09/14/2021)—Judge Nancy L. Butts  
Criminal: Motion to admit out-of-court or hearsay statements of child victim under Tender Years Hearsay Act; relevant evidence that provides sufficient indicia of reliability; consideration of spontaneity of statements, consistency in repetition, mental state of declarant, use of terms unexpected in child, lack of motive to fabricate. (Page091421bt) (Posted: September 16, 2021)
- **Commonwealth vs. Daubert** (09/10/2021)—Judge Nancy L. Butts  
Criminal: Post Conviction Relief Act petition; timeliness; jurisdiction of court. (Daubert091021bt) (Posted: September 16, 2021)
- **Commonwealth vs. Sanders** (09/16/2021)—Judge Marc F. Lovecchio  
Criminal: Post Conviction Relief Act petition; effectiveness of counsel; arguable merit of claim; challenge to validity of warrant based on false statements and omissions in affidavit; expectation of privacy; presumed prejudice for failure to file appeal. (Sanders091621L) (Posted: September 16, 2021)

## 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

#### **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 Lairdsville Road, Muncy, PA 17756.

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

### SECOND 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.

**THIRD PUBLICATION**

**Allen, Rex P.,** dec'd.

Late of Williamsport.  
Executor: Rex B. Allen, 2390 Deep Hollow Rd., Dover, PA 17315.  
Attorneys: Stephen C. Sholder, Esquire, Raup & Sholder, P.C., 445 Elmira Street, Williamsport, PA 17701, (570) 321-0709.

**Bartley, Bertha M.,** dec'd.

Late of Williamsport.  
Administrators: Barbara A. Reed and Tanya L. Dodge c/o Scott T. Williams, Esquire, Law Offices of 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.

**Hulsizer, Kathy C.,** dec'd.

Late of the Township of Loyalsock.  
Executor: Wayne Paul, 980 Lamont Drive, Cogan Station, PA 17728.  
Attorney: Paul A. Roman, Esquire, 1700 Four Mile Drive, Williamsport, PA 17701.

**Lowe, Mac D., Jr. a/k/a Mac Dean Lowe, Jr.,** dec'd.

Late of Muncy.  
Executors: Jill A. Laforme, 463 Willow Road, Watsonstown, PA 17777 and Olivia N. Lowe, 571 Bower Drive, Montgomery, PA 17752.  
Attorneys: Layne R. Oden, Esquire, Layne R. Oden, Attorney and Counselor at Law, P.C., Nine South Main Street, Muncy, PA 17756.

**Verbeck, William Charles a/k/a William C. Verbeck a/k/a William Verbeck,** dec'd.

Late of Muncy.  
Administrator: Ralph W. Verbeck, 8497 Sevilla Court, Naples, FL 34114.  
Attorneys: Layne R. Oden, Esquire, Layne R. Oden, Attorney and Counselor at Law, P.C., Nine South Main Street, Muncy, PA 17756.

**Washburn, Byron R.,** dec'd.

Late of Williamsport.  
Executrix: Martha J. Washburn.  
Attorneys: Brittany O.L. Smith, Esquire, Steinbacher, Goodall & Yurchak, 413 Washington Boulevard, Williamsport, PA 17701.

**REGISTER OF WILLS  
CONFIRMATION OF  
ACCOUNT**

NOTICE IS HEREBY GIVEN to all parties interested that the following Account together with Statement of Proposed Distribution accompanying the same has been filed in the Office of the Register of Wills and Clerk of Orphans' Court is presented to the Orphans' Court of Lycoming County

for Confirmation Absolute October 5, 2021, unless exceptions are filed before 5:00 P.M. on that date.

Frick, William F., Estate—Polly A. Reynolds, Executrix.  
David A. Huffman  
Register of Wills

S-3, 10, 17, 24

---

**REGISTRATION OF  
FICTITIOUS NAMES**

---

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on May 11, 2021 for:

MG DESIGNS

at: 415 Clayton Avenue, Unit #2, Williamsport, PA 17701. The name and address of the individual interested in the business are Thayne Carper at 415 Clayton Avenue, Unit #2, Williamsport, PA 17701. This was filed in accordance with 54 Pa. C.S. 311.417.

S-24

---

NOTICE IS HEREBY GIVEN that Sandra Barrett, 5720 Route 87 Highway, Lot #12, Williamsport, Pennsylvania, has filed with the Secretary of the Commonwealth of Pennsylvania, Harrisburg, Pennsylvania 17105, an Application for Registration of Fictitious Name under the Fictitious Name Act to conduct business under the name of:

NEET FEET OF  
LYCOMING COUNTY

with its principal place of business at: 1604 East Third Street, Williamsport, Pennsylvania, she being the only individual interested in it or owning said business; all in accordance with 54 Pa. C.S. §311.

FRED A. HOLLAND, ESQUIRE  
MURPHY, BUTTERFIELD &  
HOLLAND, P.C.  
442 William Street  
Williamsport, PA 17701

S-24

---

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on June 21, 2021 for:

OREGON HILL CONTRACTORS  
at: 6973 English Run Rd., Morris, PA 16938. The name and address of the individual interested in the business are Leil Ebst at 6973 English Run Rd., Morris, PA 16938. This was filed in accordance with 54 Pa. C.S. 311.417.

S-24

---

**INTENTION TO  
CHANGE NAME**

---

In the Court of Common Pleas of  
Lycoming County, Pennsylvania

NO. 21-0510

In re: Name Change of  
Magnolia Diakite

---

NOTICE IS HEREBY GIVEN that on June 9, 2021, a Petition was filed in the above-named Court, praying for a decree changing the name of Magnolia Diakite to Malia Diakite.

The Court has fixed September 28, 2021 at 4:00 P.M. 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.

S-24



**SHERIFF'S SALE NOTICE**

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

No. CV-2019-0001358 MF

U.S. Bank National Association as  
Legal Title Trustee for Truman 2016  
SC6 Title Trust

v.

Paul E. Chapman, known heir of  
Kenneth W. Chapman et al.

**NOTICE OF SHERIFF'S SALE  
OF REAL ESTATE  
UNDER PA. RCP 3129.2**

To: Unknown Heirs of Kenneth W.  
Chapman

Your real estate situate at 906 Sherman Street, Williamsport, PA 17701, Parcel number 61-001.0-0200.00-000, is scheduled to be sold at Sheriff's Sale on Friday, November 5, 2021, at 10:30 a.m., Prevailing Time, in the Executive Plaza, 1st Floor, Commissioners Board Room, 330 Pine Street, Williamsport, PA 17701, Lycoming County, Pennsylvania, to enforce the Court Judgment of \$65,834.88 obtained by U.S. Bank National Association as Legal Title Trustee for Truman 2016 SC6 Title Trust, and against you. The real estate being sold is all that certain message and tract or parcel of land situate at 906 Sherman Street, Williamsport, Lycom-

ing County, Pennsylvania 17701. The owner or reputed owner of the real estate being sold is Kenneth W. Chapman, Deceased. The improvements on the said real estate are: Household Unit.

A Schedule of Distribution will be filed by the Sheriff on a date specified by the Sheriff no later than thirty days after sale. Distribution will be made in accordance with the Schedule unless Exceptions are filed thereto within ten (10) days after the filing of the Schedule of Distribution.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, TELEPHONE THE OFFICE LISTED BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

Pennsylvania Lawyer Referral Service  
P.O. Box 186

Harrisburg, PA 17108  
Telephone (800) 692-7375

- or -

North Penn Legal Services  
Penn Tower Bldg.  
25 W. Third Street  
Ste. 400  
Williamsport, PA 17701  
(570) 323-8741

ROMANO, GARUBO &  
ARGENTIERI, LLC  
Attorneys for Plaintiff  
52 Newton Ave.  
Woodbury, NJ 08096  
(856) 384-1515

## Do you know what your



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.

# LYCOMING

LAW ASSOCIATION

**DISTANCE  
LEARNING  
24/7**

**PA CLE ONLINE**

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





---

---

**PERIODICAL PUBLICATION**

\* Dated Material. Do Not Delay. Please Deliver Before Monday, September 27, 2021