

# LYCOMING REPORTER

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No. 1

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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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# LYCOMING LAW ASSOCIATION

Penn Tower, 25 West Third Street, Suite 803

Williamsport, PA 17701

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

## LYCOMING LAW ASSOCIATION

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**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).

- 1/25/2022 – Family Law Committee Meeting.** Regularly scheduled Family Law Committee “brown bag lunch” meeting. **Time:** 12:00 PM to 1:00 PM.
- 1/26/2022 – Lycoming Law Association Foundation.** Regularly scheduled quarterly meeting of the LLA Foundation. **Time:** 12:00 PM to 1:00 PM.
- 2/7/2022 – Bench/Bar Meeting.** Quarterly meeting of Bench/Bar Committee. **Time:** 12:00 PM to 1:00 PM.
- 2/9/2022 – Civil Brown Bag Meeting.** Regular meeting of the Civil Bar. **Time:** 12:00 PM to 1:00 PM.
- 2/21/2022 – LLA Executive Committee Retreat.** Annual Executive Committee Retreat. **Time:** 12:00 PM to 4:00 PM.
- 2/22/2022 – Criminal Law Committee Meeting.** Regularly scheduled Criminal Law Committee “brown bag lunch” meeting. **Time:** 12:00 PM to 1:00 PM.

## Confidential Lawyers Helpline

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Stress, Depression, Anxiety

**1-888-999-1941**

7 days a week—24 hours a day—Holidays

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

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. Guyer** (12/23/2021)—Judge Nancy L. Butts  
Criminal: Habeas corpus petition; sufficiency of evidence of sexual assaults based on testimony of victim. (Guyer122321bt) (Posted: January 4, 2022)
- ▶ **Commonwealth vs. Acosta** (12/15/2021)—Judge Ryan M. Tira  
Criminal: Omnibus motion based on the prohibition against double jeopardy; applicability of Crimes Code Sections 109 and 110; criteria determining when former prosecution bars a subsequent prosecution; occurrences constituting one criminal episode; fundamental unfairness of prosecution after guilty plea on related charges. (Acosta121521t) (Posted: January 3, 2022)
- ▶ **Washington vs. WCH Properties, LLC** (12/30/2021)—Judge Eric R. Linhardt  
Civil: Preliminary objections; demurrer to claim that lease requires landlord to provide alternate housing after fire destroys apartment; sufficiency of pleading of alleged contractual duty; remedies for breach of implied warranty of habitability; applicability of Unfair Trade Practices and Consumer Protection Law to claimed breach of duties owed by landlord; specificity of negligence claims in landlord/tenant case; gist of the action; viability of punitive damages claim. (washington123021li) (Posted: January 3, 2022)
- ▶ **In re: Wurster Estate; Wurster and Woodruff vs. Wurster** (12/30/2021)—Judge Eric R. Linhardt  
Civil, Wills and Estates: Non-jury trial; executor’s fiduciary duty; need for an accounting of estate expenses. (Wurster123021Li) (Posted: January 2, 2022)

► **Stetts vs. ManorCare** (12/30/2021)—Judge Eric R. Linhardt

Civil: Motion for partial summary judgment; sufficiency of expert reports to support claims; negligence per se for neglect of care-dependent person under 18 Pa. C.S. §2713 or for alleged violations of the Older Adults Protective Services Act; evidence that alleged failure to report potential abuse caused injury; proof of a fiduciary relationship; viability of claim against corporate entity for aiding and abetting breach of fiduciary duty; evidence necessary to establish a prima facie claim of corporate liability for failing to ensure that its policies relating to patient transfers and the use of the lift were followed; establishing injuries caused by claimed understaffing; viability of punitive damage claims; time for attacking punitive damage claim; jury determination of recklessness; motion to remand for arbitration for failure to meet jurisdictional amount. (stetts123021Li) (Posted: January 2, 2022)

► **Commonwealth vs. Terry** (12/22/2021)—Judge Ryan M. Tira

Criminal: Motion to dismiss legally insufficient information; sufficiency of factual allegations; precision of alleged dates of crimes where crimes are of a continuing nature over the course of several years; degree to which defendant's own actions contributed to pre-arrest delay; defendant's confession to crimes where victim has not reported crimes; prejudice; delay for further investigation; application of Juvenile Act to crimes of an adult committed as a child; applicability of Juvenile Act to sexual assaults committed by child; constitutionality of mandatory minimum prison sentences; suppression motion; voluntariness of confession; totality of circumstances. (Terry122221t) (Posted: December 29, 2021)

WILLIAMSPORT SUN-GAZETTE

WEDNESDAY, JANUARY 5, 2021

# Talk of the Town

## Christmas gifts



Each year the Lycoming Law Association collects hundreds of toys, books and clothing items donated by its members and their staff. These donations are given to Lycoming County children in the Susquehanna Valley CASA program and to the local Salvation Army, who provides gifts for over 750 local children each Christmas. It was important to the LLA that this holiday drive continue, despite the pandemic. Attorney Taylor Beucier (far right) coordinated this year's event with help from Attorneys Bryan Fitzcharles and Corey Mowrey.

**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****Davis, Lois J., dec'd.**

Late of South Williamsport.  
 Executor: Ellen Davis, 237 Arlington St., So. Williamsport, PA 17702.  
 Attorneys: Stephen C. Sholder, Esquire, Raup & Sholder, P.C., 445 Elmira Street, Williamsport, PA 17701, (570) 321-0709.

**Finzel, Harold E., Jr., dec'd.**

Late of Williamsport.  
 Administratrix: Felicia Miller.  
 Attorney: Jayne A. Garver, Esquire, 6723 Allentown Blvd., Harrisburg, PA 17112.

**Printzenhoff, Wayne K., dec'd.**

Late of South Williamsport.  
 Settlor: Wayne K. Printzenhoff.  
 Trustee: Beth E. Hill.  
 Attorneys: Julieanne E. Steinbacher, Esquire, Steinbacher, Goodall & Yurchak, 413 Washington Boulevard, Williamsport, PA 17701.

**Schriner, Howard W., dec'd.**

Late of Williamsport.  
 Executrix: Barbara Schriner, 2398 Lick Run Road, Williamsport, PA 17701.

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

**Seidel, Sheila A., dec'd.**

Late of Franklin Township.  
 Administrator: James R. Seidel, Jr., 1906 Fairview Road, Unityville, PA 17774.  
 Attorneys: Thomas D. Hess, Esquire, Hess and Hess, P.C., 30 South Main Street, Hughesville, PA 17737.

**SECOND PUBLICATION****Lee, Freddie James, Jr., dec'd.**

Late of the City of Williamsport.  
 Executor: Tristan L. Lee, 1928 Lacomie Street, Williamsport, PA 17701.  
 Attorney: Paul A. Roman, Esquire, 1700 Four Mile Drive, Williamsport, PA 17701.

**Opp, Orvene L., dec'd.**

Late of Loyalsock Township.  
 The Opp Family Irrevocable Trust, dated February 13, 2006.  
 Settlor: Orvene L. Opp.  
 Trustee: Charles H. Opp.  
 Attorneys: Julieanne E. Steinbacher, Esquire, Steinbacher, Goodall & Yurchak, 413 Washington Boulevard, Williamsport, PA 17701.

**Orgitano, Ruth S., dec'd.**

Late of the City of South Williamsport.  
 Executors: John D. Orgitano and Lisa R. Orgitano.  
 Attorneys: Julieanne E. Steinbacher, Esquire, Steinbacher, Goodall & Yurchak, 413 Washington Boulevard, Williamsport, PA 17701.

**Pepperman, Karen L., dec'd.**

Late of Old Lycoming Township.  
 Administrator: Dale A. Tice, Esquire, Carpenter, Harris & Flayhart, 128 South Main Street, Jersey Shore, PA 17740.

Attorneys: Dale A. Tice, Esquire, Carpenter, Harris & Flayhart, 128 South Main Street, Jersey Shore, PA 17740.

**Snyder, D. Richard**, dec'd.

Late of Montoursville.  
 Executor: Scott W. Snyder, 890 Route 87 Highway, Montoursville, PA 17754.  
 Attorneys: McNerney, Page, Vanderlin & Hall, 433 Market Street, Williamsport, PA 17701.

**THIRD PUBLICATION**

**Aungst, Ann L.**, dec'd.

Late of Cummings Township.  
 Executrix: Tammy L. Greenbank, 1808 Frenchmans Crossing, Fort Wayne, IN 46825.  
 Attorneys: Dale A. Tice, Esquire, Carpenter, Harris & Flayhart, 128 S. Main St., P.O. Box 505, Jersey Shore, PA 17740.

**Carbaugh, James H.**, dec'd.

Late of Lycoming County.  
 Executor: Duane L. White, 977 Park Road, Winfield, PA 17889.  
 Attorneys: Jason T. Brudecki, Esquire, Peter L. Matson, P.C., 222 Market Street, Lewisburg, PA 17837, (570) 523-3285.

**Desaulniers, Eleanor C.**, dec'd.

Late of the Township of Gamble.  
 Executor: Eugene W. Desaulniers, III, 4868 Oak Crest Drive, Fairfax, VA 22030.  
 Attorney: Paul A. Roman, Esquire, 1700 Four Mile Drive, Williamsport, PA 17701.

**Eck, Thomas L.**, dec'd.

Late of South Williamsport.  
 Executor: Craig T. Eck, 735 Arch Street, Williamsport, PA 17701.

Attorneys: Bradley S. Hillman, Esquire, Casale & Bonner, P.C., 331 Elmira Street, Williamsport, PA 17701, (570) 326-7044.

**English, Gerald C.**, dec'd.

Late of the City of Williamsport.  
 Executors: Donald M. English, 961 Hepburn Street, Williamsport, PA 17701 and Ann M. Miller, 1602 Maybee Hill Road, Williamsport, PA 17701.  
 Attorney: Paul A. Roman, Esquire, 1700 Four Mile Drive, Williamsport, PA 17701.

**Hammond, Newell Samuel a/k/a Newell S. Hammond**, dec'd.

Late of Williamsport.  
 Executor: Bruce C. Hammond, 296 Keller Loop, Williamsport, PA 17701.  
 Attorneys: Anthony J. Grieco, Esquire, Elion, Grieco, Carlucci & Shipman, P.C., 125 East Third Street, Williamsport, PA 17701.

**Nevel, Geoffrey R.**, dec'd.

Late of South Williamsport.  
 Executor: Richard E. Nevel c/o David F. Wilk, Esquire, Lepley, Engelman, Yaw & Wilk, LLC, 140 East Third Street, Williamsport, PA 17701.  
 Attorneys: David F. Wilk, Esquire, Lepley, Engelman, Yaw & Wilk, LLC, 140 East Third Street, Williamsport, PA 17701.

**Rider, Donald F., Jr. a/k/a Donald Francis Rider, Jr.**, dec'd.

Late of Lycoming County.  
 Executor: Richard C. Rider c/o Matthew J. Parker, Esquire, Marshall, Parker & Weber, LLC, 49 E. Fourth Street, Suite 105, Williamsport, PA 17701.  
 Attorneys: Matthew J. Parker, Esquire, Marshall, Parker & Weber, LLC, 49 E. Fourth Street, Suite 105, Williamsport, PA 17701.



**Yeagle, Anna Jean, dec'd.**

Late of Clinton Township.

Executors: Dori L. Ludwig and William W. Yeagle 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.

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**REGISTER OF WILLS  
CONFIRMATION OF  
ACCOUNT**

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NOTICE IS HEREBY GIVEN to all parties interested that the following Account 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 February 1, 2022 unless exceptions are filed before 5:00 P.M. on that date.

Yartz, Frank C., Estate—Robert Bartoletti, Executor.  
David A. Huffman  
Register of Wills

J-7, 14, 21, 28

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**TERMINATION OF  
PARENTAL RIGHTS**

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In the Court of Common Pleas of  
Lycoming County,  
Pennsylvania  
Orphans' Court Division

NO. 2021-6758

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IN RE: TYSIR JAMAL JOHNSON,  
minor child

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DECREE

AND NOW, this 21st day of December, 2021, after a hearing on the Petition for Involuntary Termination of the Parental Rights of an unknown father, held on October 25, 2021, and December 14, 2021, it is hereby ORDERED and DECREED:

(1) That the parental rights of an unknown father be, and hereby are, terminated as to the child above-named;

(2) That the welfare of the child will be promoted by adoption; that all requirements of the Adoption Act have been met; that the child may be the subject of adoption proceedings without any further notice to the natural father.

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**NOTICE TO NATURAL PARENTS  
PENNSYLVANIA ADOPTION  
MEDICAL HISTORY REGISTRY**

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This is to inform you about an adoption law provision relating to medical history information. As the birth parent of a Pennsylvania born child who is being, or was ever adopted in the past, you have the opportunity to voluntarily place on file medical history information. The information which you choose to provide could be important to this child's present and future medical care needs.

The law makes it possible for you to file current medical information, but it also allows you to update the information as new medically related information becomes available. Requests to release the information will be honored if the request is submitted by a birth child 18 years of age or older. The law also permits that the court honor requests for information submitted by the adoptive parents or legal guardians of adoptees who are not yet 18 years of age. All information will be maintained and distributed in a manner that fully protects your right to privacy.

You may obtain the appropriate form for you to file medical history information by contacting the Adoption Medical History Registry. Registry staff are available to answer your questions. Please contact them at:

Department of Human Services  
Pennsylvania Adoption  
Information Registry  
P.O. Box 4379  
Harrisburg, PA 17105-17111  
Telephone: 1-800-227-0225

Medical history information forms may also be obtained locally by contacting one of the following agencies:

1. County Children & Youth Social Service Agency
2. Any private licensed adoption agency
3. Register & Recorder's Office
4. Online at [www.adoptpakids.org/Forms.aspx](http://www.adoptpakids.org/Forms.aspx)

By the Court,  
Joy Reynolds McCoy, Judge  
To view the Opinion and Order in its entirety, please contact:

David A. Huffman  
Lycoming County Clerk of  
Orphans' Court  
48 West Third Street  
Williamsport, PA 17701  
(570) 327-2260

J-7

**SERVICE BY PUBLICATION**

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

NO. CV21-01026

**ACTION TO QUIET TITLE**

JOHN R. EMERSON and  
CHRISTINE M. EMERSON  
PLAINTIFFS

vs.

CLINTON L. MENGES and  
RICHARD A. COLESTOCK, their  
heirs, executors, administrators,  
successors, assigns and unknown  
persons, claiming any right, lien, title  
or interest by, through or under  
them, or any of them  
DEFENDANTS

**NOTICE**

TO: CLINTON L. MENGES and RICHARD A. COLESTOCK, and their heirs, executors, administrators, successors, assigns and unknown persons claiming any right, lien, title or interest by, through or under them, or any of them

You are hereby notified that judgment has been entered in favor of the plaintiffs and against the defendants in the above-captioned Action to Quiet Title on December 15, 2021.

**WARNING**

FINAL JUDGMENT MAY BE ENTERED AGAINST YOU UNLESS YOU TAKE SUCH ACTION AS THE ABOVE-MENTIONED ORDER DIRECTS WITHIN THIRTY (30) DAYS FROM THE DATE OF PUBLICATION OF THIS NOTICE. IF SUCH ACTION IS NOT TAKEN WITHIN THE THIRTY (30) DAY PERIOD, THE PROTHONOTARY, ON PRAECIPE OF THE PLAINTIFF, SHALL ENTER FINAL JUDGMENT AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO TAKE ANY ACTION WITHIN THIRTY (30) DAY PERIOD, FINAL JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT ANY FURTHER NOTICE FOR THE RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER IMPORTANT RIGHTS.

YOU SHOULD TAKE THIS PAPER  
TO YOUR LAWYER AT ONCE. 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:

North Penn Legal Services  
Penn Tower Building  
25 W. Third Street  
Suite 400  
Williamsport, PA 17701  
Telephone (570) 323-8741  
LAYNE R. ODEN, ESQUIRE  
I.D. #75913  
LAYNE R. ODEN, ATTORNEY &  
COUNSELOR AT LAW, P.C.  
Attorneys for Plaintiffs  
Nine South Main Street  
Muncy, PA 17756  
Telephone: (570) 546-5188



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**PERIODICAL PUBLICATION**

**\* Dated Material. Do Not Delay. Please Deliver Before Monday, January 10, 2022**