

LYCOMING REPORTER

Vol. 37

April 3, 2020

No. 14

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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

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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.

- 4/27/2020 – Executive Committee Meeting.** *Monthly meeting of the LLA Executive Committee. Time: 12:00 PM to 1:00 PM.*
- 4/28/2020 – Criminal Law Committee Meeting.** *Brown bag lunch meeting. Time: 12:00 PM to 1:00 PM.*
- 4/29/2020 – Lycoming Law Association Foundation.** *Monthly meeting of the Lycoming Law Association Foundation. Time: 12:00 PM to 1:00 PM.*

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Penw Tower
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Digital issues are archived back to January, 2017

UPCOMING LYCOMING COUNTY CLE OPPORTUNITES

- 6/9/2020** – **PBA Avoiding Legal Malpractice.** *PBI Groupcast. CLE Credits:* 1.5 Ethics. **Time:** 9:00 AM to 10:30 AM.
- 7/16/2020** – **No Bull About It: The Truth About Jury Psychology in the Courtroom.** *PBI Groupcast. Register at www.pbi.org. CLE Credits:* 3 Substantive. **Time:** 9:00 AM to 12:15 PM.
- 7/23/2020** – **Estate Planning for Modern Families.** *PBI Groupcast. Register at www.pbi.org. CLE Credits:* 3 Substantive. **Time:** 9:00 AM to 12:15 PM.
- 8/11/2020** – **Drafting and Using POAs.** *PBI Groupcast. Register at www.pbi.org. CLE Credits:* 2 Substantive / 1 Ethics. **Time:** 9:00 AM to 12:15 PM.
- 8/25/2020** – **The Lawyer's Compass.** *PBI Groupcast. Register at www.pbi.org. CLE Credits:* 3 Substantive / 3 Ethics. **Time:** 9:00 AM to 4:00 PM.

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The full text of the following Lycoming County Court opinions is reported at www.lycolaw.org/cases/search.asp

- ▶ **Commonwealth vs. Hall** (03/25/2020)—Judge Eric R. Linhardt
Criminal: Post-sentence motion; DUI case; missing witness charge; failure of defendant to call alibi witness who was uniquely available to defendant; defendant's efforts to identify last name of an acquaintance who defendant alleges was driving vehicle involved in accident; alleged cumulative evidence, where only missing witness could corroborate defendant's testimony. (hallo32529Li) (Posted: March 31, 2020)
- ▶ **Bower and Matthew Bower Trucking, Inc. vs. Bower** (03/27/2020)—Judge Ryan M. Tira
Civil: Motion for special service of process; defendant evading service; failure to attach affidavit or verification to motion; circumstances of avoidance of service established by attached sheriff's return. (Bower032720t) (Posted: March 27, 2020)
- ▶ **Commonwealth vs. Bowery** (03/25/2020)—Judge Ryan M. Tira
Criminal: Motion for arrest of judgment or judgment of acquittal; failure of Commonwealth to introduce evidence at trial; the item found in defendant's possession was a controlled substance; waiver of issues not raised at trial; necessary elements of proof; sufficiency of circumstantial evidence. (Bowery032520t) (Posted: March 27, 2020)
- ▶ **In the Interest of DD** (03/27/2020)—Judge Ryan M. Tira
Criminal, Family: Appeal; Children's Fast Track appeal; appeal of findings in permanency review concerning abuse by omission; causing or aware of child's severe injuries and failing to act. (DD032720t3) (Posted: March 27, 2020)
- ▶ **In the Interest of DD** (03/27/2020)—Judge Ryan M. Tira
Criminal, Family: Appeal; Children's Fast Track appeal; appeal of findings in permanency review concerning abuse by omission; causing or aware of child's severe injuries and failing to act. (DD032720t2) (Posted: March 27, 2020)
- ▶ **In the Interest of DD** (03/27/2020)—Judge Ryan M. Tira
Criminal, Family: Appeal; Children's Fast Track appeal; appeal of findings in permanency review concerning abuse by omission; causing or aware of child's severe injuries and failing to act. (DD032720t1) (Posted: March 27, 2020)

- ▶ **Commonwealth vs. Vinson** (03/27/2020)—Judge Nancy L. Butts
Criminal: Second amended petition for post-conviction relief; timeliness; jurisdiction. (Vinson032720BT) (Posted: March 27, 2020)
- ▶ **Danko Holdings, LP and Klingerman vs. J.C. Forestree Inc., Corl and Wheeland Lumber Company** (03/26/2020)—Judge Marc F. Lovecchio
Civil: Plaintiff’s preliminary objections; demurrer to counterclaim for breach of contract based on a theory of anticipatory repudiation; issues concerning intent of the parties and surrounding circumstances; inconsistent position of a party as to its status in transaction; elements of a civil conspiracy claim; facts or legal authority to support claims for punitive damages or attorney’s fees. (Danko032620L) (Posted: March 26, 2020)
- ▶ **JMI & JM2 Adoption** (03/26/2020)—Judge Joy Reynolds McCoy
Adoption: Petition for involuntary termination of parental rights; non-participation of father due to hospitalization for mental illness; children without proper parental care or control necessary for their physical, mental or emotional health; lack of compliance with permanency plan; drug, alcohol and mental issues of parents; bonding assessment; settled purpose of relinquishing parental claim; failure to perform parental duties for at least the six months preceding the filing of the petition; removal from care of parents by agency; unhealthy and fragmented bond; attachment interruption; importance of children’s permanency; best interest of children. (Adoptionof-JMandJM032620m) (Posted: March 26, 2020)
- ▶ **Commonwealth vs. Irwin** (03/25/2020)—Judge Nancy L. Butts
Criminal: Suppression motion; duty to inform suspect of *Miranda* rights in noncustodial situation; seizure of cell phone in plain sight as a result of suspect volunteering that he had it in his possession; voluntariness of consent to search vehicle. (Irwin032520BT) (Posted: March 25, 2020)
- ▶ **Commonwealth vs. Ransom** (03/25/2020)—Judge Marc F. Lovecchio
Criminal: Suppression motion; scope of consent to search home; objective reasonableness standard; consent of one who possesses common authority over premises or effects. (Ransom032620L) (Posted: March 25, 2020)

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- **International Development Corporation vs. The Frontier Group, LLC and Barrios** (03/25/2020)—Judge Ryan M. Tira
Civil: Motion to strike responses to requests for admissions and to deem them admitted; duty to provide documents already in the possession of the party; requests calling for conclusions of law; allowability of requests focusing on facts surrounding a document; propriety of choosing to use admissions rather than a deposition; exercise of good faith in inquiring into the facts and responding to admissions requests; use of common-sense reading of request in phrasing response; admission of requests upon overruling of objections; propriety of request for opinion of fact as to belief that agreement conveyed oil and gas interests; verification of discovery response. (International032520t) (Posted: March 25, 2020)
- **A.H. Adoption** (03/05/2020)—Judge Ryan M. Tira
Adoption: Petition for involuntary termination of parental rights; settled purpose of relinquishing parental claim; failure to perform parental duties for at least the six months preceding the filing of the petition; nonappearance at hearing; incarceration; no existing bond. (AH030520t) (Posted: March 24, 2020)

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

Bair, William W., dec'd.

Bair, Shirley A., dec'd.

Late of Mountoursville.

William W. and Shirley A. Bair Living Trust.

Settlors: William W. Bair and Shirley A. Bair.

Co-Trustees: Craig W. Bair, 30 Shelly Street, Sicklerville, NJ 08081, Sue E. Kratochwill, 8845 Center Pointe Road, Baldwinsville, NY 13027 and Keith D. Bair, 207 Logan Lane, Hughesville, PA 17737.

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

Barto, W. Neil, dec'd.

Late of Penn Township.

Executrix: Brenda M. Dorman, 223 Election House Hill Road, Hughesville, PA 17737.

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

Braim, Harry L., Sr., dec'd.

Late of Jersey Shore.

Executrix: Brenda DeSanto c/o Denise L. Dieter, Esquire, 227 Allegheny Street, Jersey Shore, PA 17740. Attorney: Denise L. Dieter, Esquire, 227 Allegheny Street, Jersey Shore, PA 17740.

Galentine, Allen S., dec'd.

Late of Williamsport.

Executrix: Diana Pfleegor, 276 Pfleegor Lane, New Columbia, PA 17856.

Attorneys: Mark H. Lemon, P.C., 342 Chestnut Street, Mifflinburg, PA 17844.

Geist, William J., 41-20-0149, dec'd.

Late of the City of Jersey Shore, Township of Porter.

Executrix: Susan E. Krause c/o Brittany O. L. Smith, Esquire, Steinbacher, Goodall & Yurchak, 413 Washington Boulevard, Williamsport, PA 17701.

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

SECOND PUBLICATION

Bertolet, Jeannine H., dec'd.

Late of the Borough of Montoursville.

Executor: Maynard F. Bertolet, II, 920 West Trindle Road, Mechanicsburg, PA 17055.

Attorney: Joseph L. Rider, Esquire, 1700 Four Mile Drive, Williamsport, PA 17701.

Choate, Rose M., dec'd.

Late of Williamsport.

Executrix: Kathleen M. Price, 580 Mountain View Terrace, Middlesex, NJ 08846.

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

Ciraulo, Leonard J. a/k/a Leonard Joseph Ciraulo, dec'd.
Late of Muncy.
Executor: David L. Ciraulo, 10 Arrowhead Drive, Falmouth, ME 04105.
Attorneys: Layne R. Oden, Esquire, Layne R. Oden, Attorney and Counselor at Law, P.C., Nine South Main Street, Muncy, PA 17756.

Clouser, Suellen a/k/a Suellen Converse Clouser, dec'd.
Late of the Borough of Montoursville.
Co-Executors: Stephen Converse and Paul C. Converse.
Attorneys: Kevin R. Grebas, Esquire, Colbert & Grebas, PC, 210 Montage Mountain Road, Suite A, Moosic, PA 18507.

Dawes, Sue Ann, dec'd.
Late of Trout Run.
Executor: David W. Dawes, 27 Briar Rose Lane, Montoursville, PA 17754.
Attorney: Scott A. Williams, Esquire, 57 East Fourth Street, Williamsport, PA 17701.

Deming, John R. a/k/a John Roy Deming, dec'd.
Late of Muncy.
Executrix: Carrie M. Gibbs, 18207 Aquasco Road, Brandywine, MD 20613.
Attorneys: Layne R. Oden, Esquire, Layne R. Oden, Attorney and Counselor at Law, P.C., Nine South Main Street, Muncy, PA 17756.

Fenstermacher, Bonnie J., dec'd.
Late of South Williamsport.
Administrator: Scott R. Fenstermacher, 3624 Muncy Exchange Road, Muncy, PA 17756.
Attorneys: Layne R. Oden, Esquire, Layne R. Oden, Attorney and Counselor at Law, P.C., Nine South Main Street, Muncy, PA 17756.

Hauke, George J., Jr., dec'd.
Late of the City of Williamsport.
Executor: George M. Hauke, 1309 Warren Avenue, Williamsport, PA 17701.
Attorney: Christian D. Frey, Esquire, P.O. Box 262, Williamsport, PA 17703.

Lyon, Michael L., dec'd.
Late of the Borough of Montoursville.
Executrix: Elizabeth M. Lyon.
Attorneys: Julieanne E. Steinbacher, Esquire, Steinbacher, Goodall & Yurchak, 413 Washington Boulevard, Williamsport, PA 17701.

Miller, Richard S., Jr., dec'd.
Late of Muncy.
Administratrix: Aline S. Miller, 21 Price Dr., Hughesville, PA 17737.
Attorney: John A. Smay, Esquire, 39 South Main Street, P.O. Box 35, Muncy, PA 17756.

Morrison, Robert W., dec'd.
Late of Hepburn Township.
Executrix: Natasha Marie Fisher c/o Christopher H. Kenyon, Esquire, McCormick Law Firm, 835 West Fourth Street, Williamsport, PA 17701.
Attorneys: Christopher H. Kenyon, Esquire, McCormick Law Firm, 835 West Fourth Street, Williamsport, PA 17701.

Shaffer, Shirley A., dec'd.
Late of the Borough of South Williamsport.
Executors: Dona F. Bean, 21 Tenth Street, Dubois, PA 15801 and Scott C. Shaffer, 800 S. Market Street, S. Williamsport, PA 17702.
Attorney: Andrea B. Bower, Esquire, 426 Broad Street, Montoursville, PA 17754.

Temple, Beverly A., dec'd.

Late of Muncy.

Executor: Donna G. Lawver, 802 McConnell Parkway, Hughesville, PA 17737.

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

THIRD PUBLICATION**Fleisher, Jacqueline C.,** dec'd.

Late of Williamsport.

Executor: Stephanie A. Jackson, 6186 Pleasant Valley Rd., Cogan Station, PA 17728.

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

O'Dell, Jay H. a/k/a Jay Howard O'Dell, dec'd.

Late of Muncy.

Administrator: Bryan J. O'Dell, 934 Radio Club Road, 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.

Scott, Bernard C., dec'd.

Late of Trout Run.

Executor: Timothy H. Scott, 1825 Motters Lane, Williamsport, PA 17701.

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

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 April 7, 2020 unless exceptions are filed before 5:00 P.M. on that date.

Coffman, Mae R., Estate—Brian R. Coffman, Christine C. Gardner and Spencer M. Coffman, Executors.

David A. Huffman
Register of Wills

M-13, 20, 27; A-3

FILING ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania on March 9, 2020, for the purpose of obtaining a Certificate of Incorporation of a proposed business corporation to be organized under the Business Corporation Law 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:

GOOD HABITS, INC.

Elizabeth White, Esquire
McCormick Law Firm
835 W. Fourth Street
Williamsport, PA 17701

A-3

**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

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 LLA F gave more than \$179,770 to worthy causes:**

\$131,429 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;

\$8,100 to fund legal education and Mock Trial Teams for high school students.

Request for Grant Funding should be directed to the LLA Community Activities and Outreach and 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.



PERIODICAL PUBLICATION

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