

# LYCOMING REPORTER

Vol. 36

August 16, 2019

No. 33

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

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Williamsport, Pennsylvania

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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)

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Yvonne H. Campbell  
Elizabeth A. White  
Jessica L. Harlow  
Warren Baldys

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Gary L. Weber

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## EXECUTIVE DIRECTOR

Michele S. Frey

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## COMMITTEE CHAIRS

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Customs and Rules: *Gary Weber*  
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Outreach: *Tammy Weber*  
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*Elizabeth A. White*  
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**LYCOMING**  
LAW ASSOCIATION

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- Court Calendar • Continuing Legal Education
- Conference Room Facilities • Legal Assistance
- Recent Court Decisions • Upcoming LLA & Public Events

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

- 8/27/2019 – Criminal Brown Bag Lunch.** *Regular meeting of the Criminal Bar.*  
**Time:** 12:00 PM to 1:00 PM.
- 8/27/2019 – LLA Annual Picnic.** *The 2019 LLA Annual Picnic will be held at Bastress Mountain Winery. Please mark your calendars! Details are in the flyer.*  
**Time:** 5:00 PM to 8:00 PM.
- 8/28/2019 – Lycoming Law Association Foundation Meeting.** *Regularly scheduled meeting of the LLA Foundation.* **Time:** 12:00 PM to 1:00 PM.
- 8/29/2019 – Community Outreach & Activities Committee Meeting.** *Regular meeting of the Community Outreach & Activities Committee.* **Time:** 12:00 PM to 1:00 PM.
- 9/3/2019 – Swearing in Ceremony for Ryan Tira.** *Oath of Office for incoming Judge Ryan Tira.* **Time:** 4:30 PM to 5:00 PM.
- 9/7/2019 – Knoebel’s Grove Outing.** *LLA members and their families are invited to a picnic, starting at noon in Pavilion D. Knoebel’s gift cards will be distributed to members who are then invited to enjoy the amusement park, shops, games and pool at Knoebel’s on their own. Cold drinks and snacks will be at the pavilion until early afternoon for anyone who wants to stop back.* **Time:** 12:00 PM to .
- 9/17/2019 – Happy Hour Event—Sponsored by FindLaw.** *Details TBA. Mark your calendars!* **Time:** 4:30 PM to 6:30 PM.
- 9/18/2019 – Family Law Brown Bag Lunch Meeting.** *Regular meeting of the family law attorneys* **Time:** 12:00 PM to 1:00 PM.
- 9/25/2019 – Lycoming Law Association Foundation Meeting.** *Regularly scheduled meeting of the LLA Foundation* **Time:** 12:00 PM to 1:00 PM.
- 10/2/2019 – Civil Bar Committee Meeting.** *Brown bag meeting of the Civil Bar Committee.* **Time:** 12:00 PM to 1:00 PM.
- 10/15/2019 – Estate, Probate and Elder Law Committee Meeting.** *Brown bag lunch meeting of the Estate, Probate and Elder Law Committee meeting.*  
**Time:** 12:00 PM to 1:00 PM.

## UPCOMING LYCOMING COUNTY CLE OPPORTUNITIES

**8/27/2019 – Powerful Witness Preparation.** *PBI Groupcast. Register at [www.pbi.org](http://www.pbi.org).* **CLE Credits:** 5 Substantive / 1 Ethics **Time:** 9:00 AM to 3:30 PM.

**9/17/2019 – Topic TBA.** *Eat and Earn Series. Speaker: Mark Melango.* **CLE Credits:** 1 Substantive **Time:** 12:00 PM to 1:00 PM.

**9/24/2019 – Topic TBA.** *Eat and Earn Series. Speaker: Prof. Randy Lee.* **Time:** 12:00 PM to 1:00 PM.

**10/9/2019 – Topic TBA.** *Eat and Earn Series. Speaker: Smart Start.* **CLE Credits:** 1 Substantive **Time:** 12:00 PM to 1:00 PM.

\*For more information on these events and CLEs go to [www.lycolaw.org](http://www.lycolaw.org) or contact Michele Frey at the LLA Office at (570) 323-8287.

### LYCOMING REPORTER

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(ISSN 05-988)  
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Williamsport, Pennsylvania

LYCOMING REPORTER (ISSN 0598-8270) is published weekly for \$55 per annum by the Lycoming Law Association, Penn Towne, 22 West Third Street, Suite 803, Williamsport, PA 17701.  
LIFE Notice of less than 300 words in length must be received by 100 P.M. on the Tuesday preceding the date of publication; all other notices must be received by 4:00 P.M. on the Tuesday preceding the date of publication.  
Periodicals postage paid at Williamsport, PA 17701-9998 and additional mailing offices.  
POSTMASTER: Send address changes to LYCOMING REPORTER, Penn Towne, 22 West Third Street, Suite 803, Williamsport, PA 17701.

Library of Congress Catalog Card Number 61-18864

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)

- ▶ **Commonwealth vs. Daniels** (08/09/2019)—Judge Marc F. Lovecchio  
Criminal: Motion for disclosure of the identity of confidential informant; qualified privilege; materiality of identity of confidential informant to defense; balancing factors; potential conflict within public defender’s office; inability to form a proper defense without knowing the transaction involving the informant; petition for writ of habeas corpus; prima facie case where finding was based on hearsay testimony of information from confidential informant; reliability of information. (daniels080919L) (Posted: August 9, 2019)
- ▶ **Kramer Estate** (08/08/2019)—Judge Eric R. Linhardt  
Civil: Preliminary objections; claim of oral agreement to bequeath property; specific performance of oral agreement; statute of frauds; applicability of partial performance exception; exclusive possession requirement; parol evidence rule applicability in effort to dispute the express terms of a will; Dead Man’s Act. (Kramer080819Li) (Posted: August 9, 2019)
- ▶ **KN vs. JS** (08/09/2019)—Judge Marc F. Lovecchio  
Family: Appeal; protection from abuse order; sufficiency of the evidence; evidence of bodily injury and threats of injury and death; course of conduct to place plaintiff in reasonable fear of bodily injury. (kn080919L) (Posted: August 9, 2019)
- ▶ **Smith vs. Barto** (08/08/2019)—Judge Eric R. Linhardt  
Civil: Non-jury trial; land dispute; criteria for easement by necessity or easement by prescription; necessary for the owner of dominant tenement to use land; continuous open or notorious use. (Barto 080819Li) (Posted: August 9, 2019)
- ▶ **Commonwealth vs. Choice** (08/08/2019)—Judge Nancy L. Butts  
Criminal: Motion for nominal bail; claimed Rule 600 violation; calculation of excludable time. (Choice080819BT) (Posted: August 9, 2019)

# LYCOMING

LAW ASSOCIATION

## DAY AT KNOEBELS GROVE



**Date: 09/7/2019**

**Start Time: 12:00PM**

**Picnic—Clean Up: 3:00PM**

Be sure to register by August 26, 2019 to secure your free tickets and so we can get a headcount for hamburgers and hot dogs. Everyone is invited to bring a dish to share at the picnic (not required).

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

Late of the City of Williamsport.  
Executors: Deborah E. Grove, 1821 Ravine Road, Williamsport, PA 17701 and Raymond B. Evans, III, 1047 Franklin Street, Williamsport, PA 17701.  
Attorney: Joseph L. Rider, Esquire, 1700 Four Mile Drive, Williamsport, PA 17701.

**Johnston, Betty L.,** dec'd.

Late of Hepburn Township.  
Executrix: Marybeth Carpenter, 39 Factory Road, Cogan Station, PA 17728.  
Attorneys: Fred A. Holland, Esquire, Murphy, Butterfield & Holland, P.C., 442 William Street, Williamsport, PA 17701.

**Moore, Raymond K.,** dec'd.

Late of Williamsport.  
Executor: Donald L. Bastian, 307 W. 8th Ave., South Williamsport, PA 17702.  
Attorneys: Stephen C. Sholder, Esquire, Raup & Sholder, P.C., 445 Elmira Street, Williamsport, PA 17702, (570) 321-0709.

**Sockman, Donald E., Jr.,** dec'd.

Late of the Borough of Montoursville.  
Executor: Mark R. Sockman 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.

**Richardson, Theodore L.,** dec'd.

Late of the City of Williamsport.  
Executor: Andrew M. Richardson, 4115 Canoe Run 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.

**SECOND PUBLICATION****Bigger, Margaret A.,** dec'd.

Late of Trout Run.  
The Margaret A. Bigger Protector Trust dated November 21, 2018.  
Settlor: Margaret A. Bigger.  
Trustee: Clark E. Bigger.  
Attorneys: Brittany O.L. Smith, Esquire, Steinbacher, Goodall & Yurchak, 413 Washington Boulevard, Williamsport, PA 17701.

**Ertel, Betty A.,** dec'd.

Late of Montoursville.  
Executrix: Sandra K. Gillam, 2017 Route 86 Hwy., Montoursville, PA 17754.  
Attorneys: Charles F. Greevy, III, Esquire, Greevy & Taylor Law Offices, Lycoming Executive Plaza, 330 Pine Street, Suite 403, Williamsport, PA 17701, (570) 320-7100.

**Smith, Doris Mae a/k/a Doris M. Smith,** dec'd.

Late of the Borough of Montoursville.

Executor: Steven L. Smith 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.

### THIRD PUBLICATION

#### **Bower, Don Michael, dec'd.**

Late of South Williamsport.

Administrator: Fatuma Michael Bower, 211 West Sixth Avenue, South Williamsport, PA 17702.

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

#### **Yost, Clarence W., dec'd.**

Late of Nippenose Township.

Executrix: Lynette M. Yost, P.O. Box L26, Antes Fort, PA 17720.

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

### FILING OF CERTIFICATE OF ORGANIZATION OF LLC

NOTICE IS HEREBY GIVEN that a Certificate of Organization was filed on or about August 5, 2019, 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 business corporation, 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:

TD LYNAGH, LLC  
2727 Hillside Avenue, Williamsport, PA 17701.

The purpose for which the limited liability company was organized is: To own, manage, develop, sell, rent or otherwise engage in any activity involving real property and to engage in and do any lawful act concerning any or all lawful business for which limited liability companies may be organized under the Pennsylvania Business Corporation Law, including but not limited to, manufacturing, owning, using, leasing and dealing in personal property of every class and description and acquiring, owning, using and disposing of real property of any nature whatsoever.

SCOTT T. WILLIAMS, ESQUIRE  
PERCIBALLI & WILLIAMS, LLC  
429 Market Street  
Williamsport, PA 17701

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### DISSOLUTION OF CORPORATION

NOTICE OF WINDING UP  
PROCEEDINGS OF MILLER'S  
TRUCKING SERVICE, INC., A  
PENNSYLVANIA CORPORATION

TO: THE CREDITORS OF MILLER'S  
TRUCKING SERVICE INC.

This is to notify you that Miller's Trucking Service, Inc., a Pennsylvania corporation with its registered office located at 1005 Old Montgomery Pike Road, South Williamsport, Pennsylvania 17702, is dissolving and winding up its business.

SCOTT T. WILLIAMS, ESQUIRE  
Counsel for Miller's Trucking  
Service Inc.

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### SERVICE BY PUBLICATION

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



NO. 19-0550

NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE

U.S. BANK NATIONAL  
ASSOCIATION, AS TRUSTEE FOR  
RESIDENTIAL ASSET SECURITIES  
CORPORATION, HOME EQUITY  
MORTGAGE ASSET-BACKED PASS-  
THROUGH CERTIFICATES,  
SERIES 2006-KS9

Plaintiff

v.

BARRY L. LONER, JR., IN HIS  
CAPACITY AS HEIR AND  
ADMINISTRATOR OF THE ESTATE  
OF BARRY LEE LONER, SR. a/k/a  
BARRY L. LONER, SR. a/k/a  
BARRY L. LONER et al.

Defendants

COMPLAINT IN MORTGAGE  
FORECLOSURE

To: UNKNOWN HEIRS, SUCCESSORS,  
ASSIGNS AND ALL PERSONS, FIRMS  
OR ASSOCIATIONS CLAIMING  
RIGHT, TITLE OR INTEREST FROM  
OR UNDER BARRY LEE LONER,  
SR. a/k/a BARRY L. LONER, SR. a/k/a  
BARRY L. LONER, Defendant(s),  
1163 CHESTER STREET, WILLIAM-  
SPORT, PA 17701

You are hereby notified that Plaintiff,  
U.S. BANK NATIONAL ASSOCIA-  
TION, AS TRUSTEE FOR RESIDEN-  
TIAL ASSET SECURITIES CORPORA-  
TION, HOME EQUITY MORTGAGE  
ASSET-BACKED PASS-THROUGH  
CERTIFICATES, SERIES 2006-KS9, has  
filed a Mortgage Foreclosure Complaint  
endorsed with a Notice to Defend,  
against you in the Court of Common  
Pleas of LYCOMING County, PA  
docketed to No. 19-0550, seeking to  
foreclose the mortgage secured on  
your property located, 1163 CHESTER  
STREET, WILLIAMSPORT, PA 17701.

NOTICE

YOU HAVE BEEN SUED IN  
COURT. If you wish to defend against  
the claims set forth in this notice you  
must take action within twenty (20)  
days after the Complaint and Notice  
are served, by entering a written ap-  
pearance personally or by attorney and  
filing in writing with the Court your  
defenses or objections to the claims set  
forth against you. You are warned that if  
you fail to do so, the case may proceed  
without you, and a judgment may be en-  
tered against you by the Court without  
further notice for any money claimed in  
the Complaint or for any other claim or  
relief requested by the plaintiff. You may  
lose money or property or other rights  
important to you.

YOU SHOULD TAKE THIS PAPER  
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 INFORMA-  
TION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO  
HIRE A LAWYER, THIS OFFICE MAY  
BE ABLE TO PROVIDE YOU WITH  
THE INFORMATION ABOUT AGEN-  
CIES THAT MAY OFFER LEGAL SER-  
VICES TO ELIGIBLE PERSONS AT A  
REDUCED FEE OR NO FEE.

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P.O. Box 186  
Harrisburg, PA 17108-0186  
(800) 692-7375

JENINE DAVEY, ESQUIRE  
ID No. 87077  
RAS CITRON, LLC  
Attorneys for Plaintiff  
133 Gaither Drive  
Suite F  
Mt. Laurel, NJ 08054  
(855) 225-6906

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**SERVICE BY PUBLICATION**

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

No. 19-0934

**NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE**

**BRANCH BANKING AND  
TRUST COMPANY AS SUCCESSOR  
IN INTEREST TO  
SUSQUEHANNA BANK f/k/a  
SUSQUEHANNA BANK PA**

Plaintiff

vs.

**NORMA SMITH, in her capacity as  
Heir of SHIRLEY MAE MOON a/k/a  
SHIRLEY MOON a/k/a SHIRLEY M.  
MOON, Deceased, BARRY MOON,  
in his capacity as Heir of SHIRLEY  
MAE MOON a/k/a SHIRLEY MOON  
a/k/a SHIRLEY M. MOON, Deceased  
SHELLY BILBAY, in her capacity as  
Heir of SHIRLEY MAE MOON a/k/a  
SHIRLEY MOON a/k/a SHIRLEY M.  
MOON, Deceased, UNKNOWN  
HEIRS, SUCCESSORS, ASSIGNS  
AND ALL PERSONS, FIRMS OR  
ASSOCIATIONS CLAIMING RIGHT,  
TITLE OR INTEREST FROM OR  
UNDER SHIRLEY MAE MOON a/k/a  
SHIRLEY MOON, DECEASED  
THE UNITED STATES OF  
AMERICA c/o THE UNITED STATES  
ATTORNEY FOR THE MIDDLE  
DISTRICT OF PA**

Defendants

**NOTICE**

To: UNKNOWN HEIRS, SUCCESSORS,  
ASSIGNS AND ALL PERSONS, FIRMS  
OR ASSOCIATIONS CLAIMING

RIGHT, TITLE OR INTEREST FROM  
OR UNDER SHIRLEY MAE MOON  
a/k/a SHIRLEY MOON, DECEASED

You are hereby notified that on June  
12, 2019, Plaintiff, BRANCH BANKING  
AND TRUST COMPANY AS SUC-  
CESSOR IN INTEREST TO SUSQUE-  
HANNA BANK f/k/a SUSQUEHANNA  
BANK PA, 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. 19-0934.  
Wherein Plaintiff seeks to foreclose on  
the mortgage secured on your prop-  
erty located at 827 SAINT MICHAELS  
ROAD, COGAN STATION, PA 17728-  
7705 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 NO-  
TICE TO YOUR LAWYER AT ONCE.  
IF YOU DO NOT HAVE A LAWYER,  
GO TO OR TELEPHONE THE OF-  
FICE 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  
Penn Tower Bldg.  
25 W. Third St.  
Ste. 400  
Williamsport, PA 17701  
Telephone (570) 323-8741

- or -

Lawyer Referral Service:  
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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## **Confidential Lawyers Helpline**

Alcohol, Drugs, Gambling  
Stress, Depression, Anxiety

# **1-888-999-1941**

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



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**PERIODICAL PUBLICATION**

**\* Dated Material. Do Not Delay. Please Deliver Before Monday, August 19, 2019**