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LYCOMING REPORTER

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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

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Eric Ladley

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Your online connection for:

- Court Calendar Continuing Legal Education
- 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.

6/9/2014 – LLA Executive Committee Meeting: Regular Meeting of the LLA Executive Committee Time: 12:00 PM to 1:00 PM. Location: LLA Office

UPCOMING LYCOMING COUNTY CLE OPPORTUNITIES

- 5/21/2014 I'm Just a Bill on Capitol Hill: The Real Deal on the Legislative Process and the PBA Legislative Agenda: LLA Eat & Earn.

 CLE credits: | Substantive Time: | 12:00 PM to | 1:00 PM. Location: LLA Office
- 5/27/2014 The Strategic Negotiator: PBI Video Replay. CLE credits: 6 Substantive Time: 9:00 AM to 5:00 PM. Location: LLA Office
- 5/30/2014 Working Through the Layers of Shale: Issues for the General Practitioner: PBI Groupcast. CLE credits: 4 Substantive Time: 9:00 AM to 1:15 PM. Location: LLA Office
- 6/3/2014 Basic Real Estate for Estate Planning Attorneys: PBI Video Replay.

 CLE credits: 4 Substantive Time: 9:00 AM to 1:30 PM. Location:

 LLA Office
- 6/4/2014 Valuing the Small Business in Divorce Cases: PBI Groupcast.

 CLE credits: 4 Substantive Time: 8:30 AM to 12:30 PM. Location:

 LLA Office
- 6/9/2014 Sheriff's Sales in Pennsylvania: PBI Groupcast. CLE credits: 3
 Substantive / I Integrated Ethics Time: 9:00 AM to 1:15 PM. Location: LLA Office
- 6/10/2014 Insurance Coverage & Conflicts: Duties of Insurer, Insured & Counsel in the Tripartite Relationship: PBI Groupcast. CLE credits: 2 Substantive / | Ethics Time: 12:30 PM to 3:45 PM. Location: LLA Office
- 6/12/2014 Winning Numbers: PBI Video Replay. CLE credits: 5 Substantive / I Ethics Time: 9:00 AM to 5:00 PM. Location: LLA Office
- 6/13/2014 Evidence for Trial Lawyers: PBI Groupcast. CLE credits: 6 Substantive Time: 8:30 AM to 3:30 PM. Location: LLA Office
- 6/18/2014 Common Abuses of Powers of Attorney & How to Deal With Them: PBI Groupcast. CLE credits: 3 Substantive Time: 9:00 AM to 12:15 PM Location: LLA Office
- 6/25/2014 General Practitioners' Update 2014: PBI Groupcast. CLE credits: 5 Substantive / I Integrated Ethics Time: 8:30 AM to 3:45 PM. Location: LLA Office
- 7/1/2014 Civil Practice in Magisterial District Court: PBI Video Replay.

 CLE credits: 3 Substantive / I Ethics Time: 9:00 AM to 1:30 PM.

 Location: LLA Office
- 7/8/2014 Internet Defamation: PBI Video Replay. CLE credits: 2 Substantive / I Ethics Time: 9:00 AM to 12:30 PM. Location: LLA Office

- 7/10/2014 Looking Under the Hood: Drafting Better Trusts to Accomplish Your Clients' Estate Planning Goals: PBI Groupcast.
 CLE credits: 4 Substantive Time: 9:00 AM to 1:15 PM. Location:
 LLA Office
- 7/16/2014 Basics of Wage & Hour Law: PBI Groupcast. CLE credits: 4 Substantive Time: 8:30 AM to 12:45 PM. Location: LLA Office
- 7/21/2014 Real Estate Agent & Broker Liability: PBI Groupcast. CLE credits: 2 Substantive / 1 Ethics Time: 9:00 AM to 12:15 PM. Location: LLA Office
- 7/22/2014 Recent Developments in Assessment Law in Pennsylvania:

 PBI Video Replay. CLE credits: 4 Substantive Time: 9:00 AM to 1:30

 PM. Location: LLA Office
- 7/24/2014 The Pain Puzzle: Putting the Pieces Together (Sam Hodge):

 PBI Groupcast. CLE credits: 5 Substantive / 1 Ethics Time: 8:25 AM
 to 3:30 PM. Location: LLA Office
- 7/28/2014 The Nuts & Bolts of Adoption Practice in PA: PBI Groupcast.

 CLE credits: 4 Substantive Time: 12:00 PM to 4:15 PM. Location:

 LLA Office
- 8/7/2014 Androids for Lawyers: PBI Video Replay. CLE credits: 3 Substantive Time: 9:00 AM to 12:30 PM. Location: LLA Office
- 8/11/2014 The Impact of the Affordable Care Act on Medicare: PBI Groupcast. CLE credits: 4 Substantive Time: 12:30 PM to 4:45 PM. Location: LLA Office
- *PBI Seminar. For tuition, registration, and all other information, please contact PBI Customer Service at (800) 247-4724, or online at www.pbi.org. Unless otherwise noted, this seminar is being held at the Lycoming Law Association Offices at 25 West Third Street, Suite 803, Williamsport, PA. Additional fees may be assessed for registration at the door.
- **LLA Seminar. For tuition, registration, location, and all other information, please contact Jessica Engel at the LLA Office at (570) 323-8287, by e-mail at jengel@lycolaw.org, or online at www.lycolaw.org.

- The full text of the following Lycoming County Court opinions is reported at www.lycolaw.org/Cases/search.asp.
- ►Van Horn vs. Nearhoof vs. Moser (05/13/2014)—Judge Dudley N. Anderson

Civil: Motion for summary judgment; real estate transfers made as an estate planning or asset protection plan; claims for breach of contract, promissory estoppel, fraud, support, undue influence, and an accounting; defenses of merger, the statute of frauds, the statute of limitations; sufficiency of evidence; matters not controlled by deed; factual issues for trial; motion in limine; parol evidence rule. (VanHorn051314a)

- ► Commonwealth vs. MN (05/12/2014)—Judge Nancy L. Butts Criminal: Petition for expungement; cause shown exception; claimed inability to find employment; criminal conviction admissible in court. (MN051214bt)
- ► Commonwealth vs. Mathers (05/08/2014)—Judge Marc F. Lovecchio Criminal: Post Conviction Relief Act petition; ineffective counsel for failure to meet with her to prepare for trial; lack of factual support in the petition; lack of prejudice. (Mathers050814L)
- ► Commonwealth vs. Trafford (05/07/2014)—Judge Marc F. Lovecchio Criminal: Appeal. (Trafford050714L)
- ► Wickersham Construction & Engineering, Inc. vs. Williamsport Sanitary Authority (05/07/2014)—Judge Richard A. Gray Civil: Motion for summary judgment; contract interpretation; deadlines for completion of work; need to file a claim before withholding liquidated and special damages; specific controlling the general. (wickersham050714g)

JOSEPH F. ORSO, JR.

In the Court of Common Pleas of Lycoming County, Pennsylvania, No. _____

IN THE MATTER OF THE DEATH OF JOSEPH F. ORSO, JR., ESQUIRE RESOLUTIONS OF THE COMMITTEE

TO THE HONORABLE JUDGES OF THE COURT:

- I. Joseph F. Orso, Jr. was born on September 26, 1927 in Williamsport, Pennsylvania, the son of Joseph, Sr. and Flora. He died on Tuesday, January 21, 2014, at the age of 86.
- 2. Joe grew up in Williamsport in the area of Textron Lycoming where his father owned a restaurant.
- 3. Joe was educated at St. Boniface Elementary School and graduated from the St. Mary's High School in 1945.
- 4. He attended the University of Scranton and graduated from Lycoming College in 1951.
- 5. After graduation, he attended Notre Dame Law School and graduated from Vanderbilt Law in 1955.
- 6. After graduating from Vanderbilt, he was admitted to DC Bar.
- 7. In 1962 he married Patricia Yellets and had five children, Joseph, III, Kathryn, Steven, Angela and Julie.
 - 8. In 1972 he passed the PA Bar and was admitted to practice.
- 9. Joe initially shared office space with James Cendoma at 326 Court Street.
- 10. Joe's law practice specialized in real estate law and estate administration.
- 11. In 1981, he was elected as District Magistrate for Lycoming County District No. 2.
- 12. In 1987 he retired as District Magistrate and resumed private practice until 2004 when he retired.
- 13. Joe served as a Member of the Executive Committee of the Lycoming Law Association from 1998 through 2003. He served as Secretary in 1998 and 1999, Treasurer in 2001 and 2002 and President Elect in 2003.
- 14. Joe's love was his faith, his family, his friends and Notre Dame Football.

- 15. With regard to his religious service, Joe was a member of St. Boniface Church.
 - 16. Joe enjoyed life.
 - 17. He enjoyed a good meal, a good drink and a good bad joke.
- 18. Surviving are his wife, his children, 8 grandchildren and 2 great-grandchildren.
- 19. As a result of Joe's death, the Bar of Lycoming County has lost a respected member and his clients have lost an able advocate.

NOW, THEREFORE, BE IT RESOLVED that we, the undersigned, joined in by the Lycoming County Bar, do hereby recognize and continue to mourn the passing of Joseph F. Orso, Jr. and remember him as a unique gentleman who was honored and respected by all who had the privilege to be a part of his life.

BE IT RESOLVED FURTHER, that this Court and this Bar do hereby extend to Joe Orso, Jr.'s surviving family our deep and heartfelt expression of sympathy.

AND BE IT RESOLVED FINALLY that these Resolutions be spread at length upon the records of the Court of Common Pleas of Lycoming County, that they be published in the *Lycoming Reporter* and distributed to members of Joe's family.

Respectfully Submitted,

Joseph F. Orso, III, Esquire, Chairperson
John P. Pietrovito, Esquire
John A. Felix, Esquire
Angela Orso Martin, Esquire

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AND NOW, thisday of,
2014, in consideration of the Resolutions presented by the Com-
mittee appointed to prepare resolutions memorializing the life of
Joseph F. Orso, Jr., it is hereby ORDERED and DECREED that
the Resolutions herewith submitted and attached be adopted as
an official expression of the Lycoming County Bar and this Court;
that the same be spread upon the records of the Court; and that
copies of this Resolution be distributed to members of the family
of Joseph F. Orso, Jr. and it is further ORDERED and DECREED
that the Resolutions be printed in the Lycoming Reporter.
BY THE COURT:

Nancy L. Butts, President Judge
Dudley N. Anderson, Judge
Richard A. Gray, Judge
oy Reynolds McCoy, Judge
Marc F. Lovecchio, Judge

M-16

JOHN C. YOUNGMAN, JR.

In the Court of Common Pleas of Lycoming County, Pennsylvania, No. 13-2930

IN THE MATTER OF THE DEATH OF JOHN C. YOUNGMAN, JR., ESQUIRE RESOLUTIONS OF THE COMMITTEE

TO THE HONORABLE JUDGES OF THE COURT:

The Committee appointed to prepare Resolutions memorializing the life of JOHN C. YOUNGMAN, JR. reports as follows:

- I. John Crawford Youngman, Jr., was born on March 24, 1934, in Williamsport, Pennsylvania, the son of John C. Youngman, Sr. and Ruth (Allen) Youngman. He died on Thursday, August 29, 2013, of Pick's Disease at Valley View Nursing Center, Montoursville, Pennsylvania.
- 2. John was educated in the Williamsport Area School District, and graduated from the Williamsport Area High School in 1952. He was a member of the District IV winning basketball team and, upon his return to the Williamsport area to engage in the practice of law, he became a loyal fan and ardent supporter of the Williamsport Area High School basketball team, as well as other high school athletic teams.
- 3. John received his Bachelor of Arts degree from Yale University in 1956, and his L.L.B. from the Harvard University Law School in 1959.
- 4. In 1959, John commenced his law practice with his father's law firm, Candor, Youngman, Gibson and Gault.
- 5. While the Candor, Youngman Firm was known primarily as an insurance defense firm, John became well known for his pursuit of product liability claims on behalf of injured individuals. John and partner in the Candor Youngman Firm, Allen Ertel, were pioneers in the pursuit of product liability cases.
- 6. In addition to admission to the Lycoming County and Pennsylvania Bars in 1959, John was admitted to the United States District Courts for the Middle District, Eastern District, and Western District of Pennsylvania, the United States Circuit Court for the Third Circuit, and the United States Supreme Court.

- 7. In October of 1985, John argued before the United States Supreme Court in the case of Bender vs. Williamsport Area School District. A group of high school students formed a religious club called "Petros" and requested permission to meet on school premises during school hours. The School Board denied the request and the students filed suit in the U.S. District Court. The District Court ruled in favor of the students. John filed an appeal with the Third Circuit Court of Appeals and the Court of Appeals ruled in John's favor. In a 5-4 decision, the United States Supreme Court held that John lacked standing to appeal as an individual, as a member of the School Board and as a parent.
- 8. John was an active and dedicated member of the Bar of Lycoming County, serving on the Executive Committee of the Lycoming Law Association from 1983 through 1990 and as President of the Lycoming Law Association in 1989.
- 9. He was a member of many professional organizations including the Pennsylvania Bar Association, the American Bar Association, the Pennsylvania Trial Lawyers Association and American Trial Lawyers Association.
- 10. John was a lifelong member of the First Presbyterian Church, where he was a Ruling Elder, a longtime member of the church choir, and a teacher of Sunday school students.
- II. In addition to his interest in singing, he was a dedicated fly fisherman on his beloved Antes Creek where he had a cottage.
- 12. Surviving are his wife, Judith; four children, John C. Youngman, III (Betsie) of Pennsdale, Ashley France of Northampton, Mass., Adam C. Youngman (Cindy) of Fort Wayne, Ind., and Benjamin Antes Youngman of Boston, Mass.; ten grandchildren and three great-grandchildren.
- 13. As a result of John's death, the Bar of Lycoming County has lost a respected member and most able advocate.

NOW, THEREFORE, BE IT RESOLVED that we, the undersigned, joined in by the Lycoming County Bar, do hereby recognize and continue to mourn the passing of John C. Youngman, Jr., and remember him as a unique gentleman who contributed greatly to the advancement of civil justice.

BE IT RESOLVED FURTHER that this Court and this Bar do hereby extend to John C. Youngman, Jr.'s surviving family, our deep and heartfelt expression of sympathy.

AND BE IT RESOLVED FINALLY, that these Resolutions be spread at length upon the records of the Court of Common Pleas of Lycoming County, that they be published in the *Lycoming Reporter* and distributed to members of John's family.

Respectfully submitted, John Pietrovito, Esquire Ronald C. Travis, Esquire John M. Humphrey, Esquire

M-16

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

Adams, Linda G., dec'd.

Late of the Township of Plunketts Creek.

Administratrix: Terri L. Funk, 187 S. Third Street, Hughesville, PA 17737. Attorney: Andrea B. Bower, Esquire, 426 Broad Street, Montoursville, PA 17754.

Ault, Kathryn F., dec'd.

Late of the Township of Loyalsock. The Kathryn F. Ault Income Only Trust, dated November I, 2005. Settlor: Kathryn F. Ault.

Executrix/Trustee: Susan K. Steward. Attorneys: Elizabeth A. White, Esquire, Steinbacher & Stahl, 413 Washington Boulevard, Williamsport, PA 17701.

Bacchieri, Rebecca E., dec'd.

Late of Williamsport.

Executrix: Linda Y. Ungard, 91 Fink Lane, Linden, PA 17744.

Attorneys: Wilfred K. Knecht, Esquire, McCormick Law Firm, 835 West Fourth Street, Williamsport, PA 17701.

Beardsley, Gerard J. a/k/a Gerard Joseph Beardsley a/k/a Jerry Beardsley, dec'd.

Late of Montoursville.

Executrix: Susan M. Berber, 310 N. Arch Street, Montoursville, PA 17754.

Attorney: John A. Felix, Esquire, 322 Court Street, Williamsport, PA 17701.

Black, Wilfrid T., dec'd.

Late of Loyalsock Township.

Executrix: Marjorie A. Black, 1736 Clarion Drive, Williamsport, PA 17701.

Attorneys: Ann S. Pepperman, Esquire, McCormick Law Firm, 835 West Fourth Street, Williamsport, PA 17701.

Clark, Theodore S., dec'd.

Late of the Township of Limestone. The Clark Family Trust, dated November 24, 2003.

Settlor: Theodore S. Clark.

Trustee: Rose C. Kopelcheck, 2732 Mexico Road, Milton, PA 17847. Attorneys: Elizabeth A. White, Esquire, Steinbacher & Stahl, 413 Washington Boulevard, Williamsport, PA 17701.

Elder, Mary D., dec'd.

Late of Williamsport.

Co-Executors: Stephen D. Elder, II81 Cork Road, Victor, NY 14564 and Marilyn E. Hodil, 840 Hollow Tree Ridge Road, Darien, CT 06820. Attorneys: McNerney, Page, Vanderlin & Hall, 433 Market Street, Williamsport, PA 17703.

Maurey, Barbara L. a/k/a Barbara Louise Maurey, dec'd.

Late of Jersey Shore.

Executrices: Pamela J. Welshans, 1268 N. Rte. 44 Highway, Jersey Shore, PA 17740 and Cynthia J. Waltz, 50 Phelps Chapel Road, Jersey Shore, PA 17740.

Attorney: Leroy H. Keiler, III, Esquire, I10 Oliver Street, Ste. 2, P.O. Box 263, Jersey Shore, PA 17740, (570) 398-2750.

Milton, Linda R. a/k/a Linda Rose Milton, dec'd.

Late of Loyalsock Township. Administratrix: Sharon M. Heckman c/o Grim, Biehn & Thatcher, 104 S. 6th Street, P.O. Box 215, Perkasie, PA 18944-0215.

Attorneys: Joel Steinman, Esquire, Grim Biehn & Thatcher, 104 S. 6th Street, P.O. Box 215, Perkasie, PA 18944-0215.

Rich, John P., dec'd.

Late of the Township of Loyalsock. Executor: David R. Craig, 1930 Eldon Road, Montoursville, PA 17754. Attorney: Joseph L. Rider, Esquire, 143 West Fourth Street, Williamsport, PA 17701.

Royer, John E. a/k/a John Edward Royer, dec'd.

Late of Porter Township.

Administrators c.t.a.: David P. Royer and Marsha F. Bierly c/o 100 Tenth Street, Jersey Shore, PA 17740.

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

SECOND PUBLICATION

Noviello, Ernest A., dec'd.

Late of the City of Williamsport. Executrix: Anne N. Day c/o Elion Wayne Grieco Carlucci & Shipman, P.C., 125 East Third Street, Williamsport, PA 17701.

Attorneys: Anthony J. Grieco, Esquire, Elion, Wayne, Grieco, Carlucci & Shipman, P.C., 125 East Third Street, Williamsport, PA 17701.

Shroyer, Marian B., dec'd.

Late of Salladasburg.

The Shroyer Family Trust dated February 5, 2001.

Settlor: Marian B. Shroyer.

Trustees: William J. Shroyer and Kenneth L. Shroyer.

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

Smith, Carl J., dec'd.

Late of 215 Reservoir Road, Hughesville.

Executrix: Denise L. Lyons, 215 Reservoir Road, Hughesville, PA 17737. Attorney: J. Howard Langdon, Esquire, 3 South Main Street, Muncy, PA 17756.

Wentzel, Melvin E., Sr., dec'd.

Late of Montgomery.

Executor: Mark Lockcuff, 384 Shaffer Path Extension, Montgomery, PA 17752.

Attorneys: John R. Bonner, Esquire, Casale & Bonner, P.C., 33 West Third Street, Suite 202, Williamsport, PA 17701, (570) 326-7044.

THIRD PUBLICATION

Braunbeck, Bertha M., dec'd.

Late of the Township of Loyalsock. Executors: Judith M. Stryker, 112 N. Sixth Avenue, Royersford, PA 19468 and Paul E. Stryker, 740 Covered Bridge Road, Milton, PA 17847. Attorneys: Andrea B. Bower, Esquire, 426 Broad Street, Montoursville, PA 17554.

Cooper, Albert G., dec'd.

Late of Williamsport.

Executrix: Marjory Diane Belzer, 6171 Pleasant Valley Road, Cogan Station, PA 17728.

Attorneys: McNerney, Page, Vanderlin & Hall, 433 Market Street, Williamsport, PA 17703.

Dapp, Harold H., dec'd.

Late of the Township of Loyalsock. The Harold H. Dapp Real Estate Protector Trust, dated March 21, 2011. The Harold H. Dapp Protector Trust, dated March 21, 2011.

Settlor: Harold H. Dapp.

Trustees: Andrew W. Dapp, 562 Ruben Kehrer Road, Muncy, PA 17756 and Michael C. Dapp, 1130 Ivone Avenue, Endwell, NY 13760. Attorneys: Elizabeth A. White, Esquire, Steinbacher & Stahl, 413 Washington Boulevard, Williamsport, PA 17701.

DeVito, Guido, dec'd.

Late of Williamsport.

Co-Executrices: Alannah Gabriel and Vita L. Manno.

Attorney: Richard G. Scheib, Esquire, 11 Reitz Blvd., Suite 102, Lewisburg, PA 17837-9293.

Dudek, John M. a/k/a John Michael Dudek, dec'd.

Late of the Township of Loyalsock. Executor: Timothy A. Dudek, 1760 Loyalsock Drive, Apt. 9, Williamsport, PA 17701.

Attorneys: Elizabeth A. White, Esquire, Steinbacher & Stahl, 413 Washington Boulevard, Williamsport, PA 17701.

Knapp, Marsha J., dec'd.

Late of Williamsport.

Administratrix: Renay J. Wright, 254 Charles Street, Montoursville, PA 17754.

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

Motter, Gordon C., dec'd.

Late of Montoursville.

Executors: Gordon L. Motter and George W. Pepperman, 701 Duncan Avenue, Apt. 108, Pittsburgh, PA 15237.

Attorney: Patricia L. Bowman, Esquire, The Arts Building, 353 Pine Street, Williamsport, PA 17701, (570) 322-5651.

Smaltz, Donna J., dec'd.

Late of Williamsport.

Executor: Clarence Ralph McErn, 2990 Northway Road Extension, Williamsport, PA 17701.

Attorneys: John R. Bonner, Esquire, Casale & Bonner, P.C., 33 West Third Street, Suite 202, Williamsport, PA 17701, (570) 326-7044.

Tolomei, Mary a/k/a Mary D. Tolomei, dec'd.

Late of the City of Williamsport. Executrix: Linda D. Adams, 449 Germania Street, Williamsport, PA 17701.

Attorneys: Elizabeth A. White, Esquire, Steinbacher & Stahl, 413 Washington Boulevard, Williamsport, PA 17701.

Waltz, Teresa, dec'd.

Late of Williamsport.

Executor: Tim Waltz, 1264 Colvin Road, Williamsport, PA 17701. Attorneys: James G. Malee, Esquire, Malee Law Firm, P.C., 310 East Third Street, Williamsport, PA 17701, (570) 321-6112.



PERIODICAL PUBLICATION

* Dated Material. Do Not Delay. Please Deliver Before Monday, May 19, 2014