

LYCOMING REPORTER

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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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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.

- 9/24/2014 – Inns of Court Meeting:** *Judge Butts' team will give a presentation*
Time: 5:45 PM to 8:30 PM. **Location:** Tag's Vista, 610 Antlers Lane, Williamsport, PA 17701
- 10/13/2014 – LLA Executive Committee Meeting:** *Regular Meeting of the LLA Executive Committee* **Time:** 12:00 PM to 1:00 PM. **Location:** LLA Office
- 10/29/2014 – Inns of Court Meeting:** *Regular meeting of the Charles F. Greevy, Jr. American Inn of Court* **Time:** 5:45 PM to 8:30 PM. **Location:** TBA
- 11/3/2014 – Bench Bar Committee Meeting:** *Regular Meeting of the Bench Bar Committee* **Time:** 12:00 PM to 1:00 PM. **Location:** LLA Office

UPCOMING LYCOMING COUNTY CLE OPPORTUNITIES

- 9/17/2014 – Consumer Law & Ethics:** *LLA Eat & Earn: Cary Flitter of Montgomery County presents 2 hours on Consumer Law & Ethics.* **CLE credits:** 1.5 Substantive / 0.5 Ethics **Time:** 11:30 AM to 1:30 PM. **Location:** LLA Office
- 9/23/2014 – The Nine Principles of Litigation:** *PBI Video Replay.* **CLE credits:** 5 Substantive / 1 Ethics **Time:** 9:00 AM to 5:00 PM. **Location:** LLA Office
- 9/24/2014 – Inns of Court Meeting:** *Judge Butts' team will give a presentation.* **CLE credits:** 1 **Time:** 5:45 PM to 8:30 PM. **Location:** Tag's Vista, 610 Antlers Lane, Williamsport, PA 17701
- 10/2/2014 – Claims Made & Professional Liability Insurance Coverage:** *PBI Video Replay.* **CLE credits:** 2 Substantive / 1 Ethics **Time:** 9:00 AM to 12:30 PM. **Location:** LLA Office
- 10/7/2014 – Fundamentals of Personal Injury:** *PBI Video Replay.* **CLE credits:** 6 Substantive **Time:** 9:00 AM to 5:00 PM. **Location:** LLA Office
- 10/9/2014 – Trying a Case in State Court:** *PBI Video Replay.* **CLE credits:** 6 Substantive **Time:** 9:00 AM to 5:00 PM. **Location:** LLA Office
- 10/15/2014 – Changes in POA Laws:** *LLA Eat & Earn.* **CLE credits:** 1 Substantive **Time:** 12:00 PM to 1:00 PM. **Location:** LLA Office
- 10/16/2014 – Practice Before the DVA:** *PBI Groupcast.* **CLE credits:** 3 Substantive / 1 Ethics **Time:** 8:30 AM to 12:45 PM. **Location:** LLA Office
- 10/21/2014 – Circular 230 (TITLE Subject to Change):** *PBI Groupcast.* **CLE credits:** 2 Ethics **Time:** 12:30 PM to 2:30 PM. **Location:** LLA Office
- 10/22/2014 – The Medicaid Application Process:** *PBI Groupcast.* **CLE credits:** 4 Substantive **Time:** 8:30 AM to 12:45 PM. **Location:** LLA Office
- 10/23/2014 – Fair Credit Reporting Act: A Primer:** *PBI Video Replay.* **CLE credits:** 3 Substantive **Time:** 9:00 AM to 12:30 PM. **Location:** LLA Office
- 10/27/2014 – The Intersection of Legal and Mental Health Issues in Custody Cases:** *PBI Groupcast.* **CLE credits:** 5 Substantive / 1 Ethics **Time:** 9:00 AM to 4:30 PM. **Location:** LLA Office
- 10/29/2014 – Inns of Court Meeting:** *Regular meeting of the Charles F. Greevy, Jr. American Inn of Court.* **CLE credits:** 1 **Time:** 5:45 PM to 8:30 PM. **Location:** TBA
- 11/4/2014 – Common Abuses of Powers of Attorney & How to Deal With Them:** *PBI Video Replay.* **CLE credits:** 3 Substantive **Time:** 9:00 AM to 12:30 PM. **Location:** LLA Office

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- 1/11/2014** – **Attacking Your Adversary’s Expert:** *PBI Groupcast.* **CLE credits:** 6 Substantive **Time:** 8:30 AM to 4:15 PM. **Location:** LLA Office
- 1/13/2014** – **Snapshots of Special Education Law:** *PBI Video Replay.* **CLE credits:** 6 Substantive **Time:** 9:00 AM to 5:00 PM. **Location:** LLA Office
- 1/17/2014** – **Retaining Your Clients/Building Your Practice:** *PBI Groupcast.* **CLE credits:** 6 Ethics **Time:** 9:00 AM to 4:30 PM. **Location:** LLA Office
- 1/19/2014** – **Inns of Court Meeting:** *Regular meeting of the Charles F. Greevy, Jr. American Inn of Court.* **CLE credits:** 1 **Time:** 5:45 PM to 8:30 PM. **Location:** TBA
- 1/19/2014** – **Inns of Court Meeting:** *Regular Inns of Court Meeting.* **CLE credits:** TBD **Time:** 5:45 PM to 8:00 PM. **Location:** TBA
- 1/19/2014** – **Learning Casemaker:** *LLA Eat & Earn.* **CLE credits:** 1 Substantive **Time:** 12:00 PM to 1:00 PM. **Location:** LLA Office
- 12/2/2014** – **Distracted Driving:** *PBI Video Replay.* **CLE credits:** 3.5 Substantive / .5 Ethics **Time:** 9:00 AM to 1:30 PM. **Location:** LLA Office
- 12/3/2014** – **Trial Evidence:** *PBI Groupcast.* **CLE credits:** 5 Substantive / 1 Ethics **Time:** 8:30 AM to 3:30 PM. **Location:** LLA Office
- 12/4/2014** – **Social Media: Do Employers “Like” What Their Employees Are Doing Online?:** *PBI Video Replay.* **CLE credits:** 5 Substantive / 1 Ethics **Time:** 9:00 AM to 1:30 PM. **Location:** LLA Office
- 12/9/2014** – **Retirement Planning for Attorneys:** *PBI Video Replay.* **CLE credits:** 5 Substantive / 1 Ethics **Time:** 9:00 AM to 1:30 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 email 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.

- ▶ **Commonwealth vs. Kemp** (09/05/2014)—Judge Marc F. Lovecchio
Criminal: Appeal. (Kemp090514L)
- ▶ **Commonwealth vs. Bodle** (09/05/2014)—Judge Marc F. Lovecchio
Criminal: Appeal. (Bodle090514L)
- ▶ **Flynn Estate** (09/05/2014)—Judge Marc F. Lovecchio
Wills and Estates: Petition to purchase property; interpretation of family agreement; conveyance of real estate to joint tenants with right of survivorship; intentions of the parties; clear and unambiguous contract; integration clause; use of parol evidence. (Flynn090514L)
- ▶ **Commonwealth vs. Trapp** (09/05/2014)—Judge Marc F. Lovecchio
Criminal: Commonwealth’s motion to preclude expert testimony regarding eyewitness identification; delayed notice of intention to use expert witness; discretion of court; case neither solely nor primarily based on eyewitness testimony. (Trapp090514L)
- ▶ **Commonwealth vs. Kirkland** (09/02/2014)—Judge Marc F. Lovecchio
Criminal: Petition for return of property; credibility of testimony of alleged theft; available remedies where police disposed of property to other than rightful owner. (kirkland090314L)
- ▶ **Commonwealth vs. Osborne** (08/29/2014)—Judge Nancy L. Butts
Criminal: Habeas corpus petition; assault case; viability of memory of victim who had a 0.357% blood alcohol level and who had used marijuana; prima facie case; issues for the finder of fact. (Osborne-082914bt)
- ▶ **Commonwealth vs. Johnson** (08/29/2014)—Judge Nancy L. Butts
Criminal: Appeal; excessive and unreasonable sentence for rape; consideration of relevant factors. (Johnson082914bt)

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- **Commonwealth vs. Scott** (08/29/2014)—Judge Nancy L. Butts
Criminal: Post Conviction Relief Act petition; ineffective counsel; relating contents of presentence investigation report; claim of court bias for requiring a home plan before parole; failure of counsel to request concurrent sentence; likelihood of different outcome; legality of sentence of probation violator. (Scott082914bt)
- **Commonwealth vs. Dye** (09/03/2014)—Judge Richard A. Gray
Criminal: Appeal; suppression issue; good cause for not obtaining blood sample within 2 hours; establishing specific timeline of events on the record; evidence of variables that led to blood draw occurring outside 2-hour window. (dye090314g)

NOTICE OF ADMINISTRATIVE SUSPENSION

NOTICE IS HEREBY GIVEN that **Cynthia Ranck Person** of **Lycoming County** has been **Administratively Suspended** by Order of the Supreme Court of Pennsylvania dated August 6, 2014, pursuant to Rule 111(b), Pa. R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective September 5, 2014 for Compliance Group 3.

Suzanne E. Price
Attorney Registrar
The Disciplinary Board of the
Supreme Court of Pennsylvania

S-12

What do Personal Injury, Social Security Disability, Workers Compensation, Long Term Disability, and Divorce/Support cases all have in common? The need for **VOCATIONAL EXPERT TESTIMONY** because it assesses and explains damages, disability, and earning capabilities. You have spent resources establishing or defending against liability. Now retain an expert so the damages aspect is professionally determined or rebutted.

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Referral rates for services the rest of this year are at \$90/hour in court, \$60/hour all else; next year \$100/hour in court, \$70/hour all else.

S-12

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**Grieco, James J.,** dec'd.

Late of Cogan Station.

Executor: Anthony J. Grieco c/o Robert B. Wayne, Esquire, 125 East Third Street, Williamsport, PA 17701.

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

Hummer, James K., dec'd.

Late of Williamsport.

Executor: Paul Hummer.

Attorneys: Matthew J. Parker, Esquire, Marshall, Parker & Weber, LLC, 49 E. Fourth Street, Williamsport, PA 17701.

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

Late of Pine Township.

Executrix: Shelly K. Johnston, 1898 Oregon Hill Road, Morris, PA 16938.

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

Lauchle, Clyde E., dec'd.

Late of the Borough of Montoursville.

Executor: John C. Lauchle c/o Daniel K. Mathers, Esquire, Mathers & Stapp PC, 416 Pine St., Ste. 308, Williamsport, PA 17701.

Attorneys: Daniel K. Mathers, Esquire, Mathers & Stapp PC, 416 Pine St., Ste. 308, Williamsport, PA 17701.

Matter, Lucille J. Jolin, dec'd.

Late of Williamsport.

Executor: Joseph L. Jolin, 231 I Grimesville Road, Williamsport, PA 17701.

Attorneys: McNerney, Page, Vanderlin & Hall, 433 Market Street, Williamsport, PA 17701.

Skeebey, Lillian A., dec'd.

Late of 1715 East Third Street, Williamsport.

Executrix: Michelle Skeebey Reeder, 1321 Locust Street, Williamsport, PA 17701.

Attorney: Malcolm S. Mussina, Esquire, 426 Broad Street, Montoursville, PA 17754.

Whiting, Eleanor L., dec'd.

Late of Williamsport.

Executor: W. Herbert Poff, III, 1410 Walnut Street, Williamsport, PA 17701.

Attorneys: McNerney, Page, Vanderlin & Hall, 433 Market Street, Williamsport, PA 17701.

SECOND PUBLICATION**Edwards, Beverly T.,** dec'd.

Late of Montgomery.

Executor: Kenneth W. McClintock, 180 W. Houston Avenue, Montgomery, PA 17752-9096.

Attorney: Charles F. Greevy, III, Esquire, Lycoming Executive Plaza, 330 Pine Street, Suite 403, Williamsport, PA 17701, (570) 320-7100.

Shatley, Shirlee Y., dec'd.
Late of Montoursville.
Co-Administratrices: Ashley N. Morris, 1634 Catherine Street, Williamsport, PA 17701 and Shara D. Shatley, 104 South Main Street, Muncy, PA 17756.
Attorneys: Thomas D. Hess, Esquire, Hess and Hess, P.C., 30 South Main Street, Hughesville, PA 17737.

THIRD PUBLICATION

Belles, Donald, dec'd.
Late of Duboistown.
Executor: Justin Belles, 216 Arlington Street, Duboistown, PA 17702.
Attorneys: Patricia A. Shipman, Esquire, Susquehanna Law Group, Inc., 454 Pine Street, Williamsport, PA 17701.

Masters, Howard C., dec'd.
Late of Williamsport.
Executor: William H. Masters, 800 Dunkle Road, Bellefonte, PA 16823.
Attorneys: J. Michael Wiley, Esquire, McCormick Law Firm, 835 West Fourth Street, Williamsport, PA 17701.

Masters, Philomena, dec'd.
Late of Williamsport.
Executor: William H. Masters, 800 Dunkle Road, Bellefonte, PA 16823.
Attorneys: J. Michael Wiley, Esquire, McCormick Law Firm, 835 West Fourth Street, Williamsport, PA 17701.

Wagner, Grace L., dec'd.
Late of Lycoming County.
Executor: Rodney Wagner, 6120 Forge Drive, Morrisville, PA 19067.

Waldeisen, Kathleen M., dec'd.
Late of Loyalsock Township.
The Kathleen M. Waldeisen Revocable Trust dated April 24, 1966 as amended.

Settlor: Kathleen M. Waldeisen.
Trustee: Woodlands Bank, 2450 E. Third Street, Williamsport, PA 17701.

REGISTRATION OF FICTITIOUS NAME

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name has been filed with the Department of State of the Commonwealth of Pennsylvania, Harrisburg, Pennsylvania on August 20, 2014, under the Fictitious Names Act. The fictitious name registered is:

PA BOOSTER

The fictitious name is registered to: Keystone Advertising Specialties, LLC, with a registered address of: 1625 John Brady Drive, Muncy, Lycoming County, Pennsylvania 17754.

ANTHONY J. GRIECO, ESQUIRE
ELION WAYNE GRIECO
CARLUCCI & SHIPMAN, P.C.
125 East Third Street
Williamsport, PA 17701

S-12

SHERIFF'S SALE

Court of Common Pleas,
Lycoming County
Civil Action Law

Number 14-00284

Nationstar Mortgage LLC

v.

Clayton N. Morse and
Evelyn N. Morse

NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

TO: Clayton N. Morse and Evelyn N. Morse

Your house (real estate) at 805 Poplar Street, Williamsport, Pennsyl-

vania 17701 is scheduled to be sold at Sheriff's Sale on February 6, 2015 at 10:30 a.m. in the Executive Plaza, 1st Floor Commissioners Board Room, 330 Pine Street, Williamsport, Pennsylvania 17701 to enforce the court judgment of \$95,604.40 obtained by Nationstar Mortgage LLC against you.

NOTICE OF OWNER'S RIGHTS
YOU MAY BE ABLE TO PREVENT
THIS SHERIFF'S SALE

To prevent this Sheriff's Sale you must take immediate action:

1. The sale will be canceled if you pay to Nationstar Mortgage LLC the back payments, late charges, costs and reasonable attorney's fees due. To find out how much you must pay, you may call McCabe, Weisberg and Conway, P.C., Esquire at (215) 790-1010.

2. You may be able to stop the sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause.

3. You may also be able to stop the sale through other legal proceedings.

You may need an attorney to assert your rights. The sooner you contact one, the more chance you will have of stopping the sale. (See the following notice on how to obtain an attorney.)

YOU MAY STILL BE ABLE TO SAVE
YOUR PROPERTY AND YOU HAVE
OTHER RIGHTS EVEN IF THE
SHERIFF'S SALE DOES TAKE PLACE

1. If the Sheriff's Sale is not stopped, your property will be sold to the highest bidder. You may find out the price bid by calling McCabe, Weisberg and Conway, P.C., Esquire at (215) 790-1010.

2. You may be able to petition the Court to set aside the sale if the bid

price was grossly inadequate compared to the value of your property.

3. The sale will go through only if the buyer pays the Sheriff the full amount due on the sale. To find out if this has happened, you may call McCabe, Weisberg and Conway, P.C. at (215) 790-1010.

4. If the amount due from the buyer is not paid to the Sheriff, you will remain the owner of the property as if the sale never happened.

5. You have a right to remain in the property until the full amount due is paid to the Sheriff and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings to evict you.

6. You may be entitled to a share of the money which was paid for your real estate. A schedule of distribution of the money bid for your real estate will be filed by the Sheriff within thirty (30) days of the sale. This schedule will state who will be receiving that money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed schedule of distribution is wrong) are filed with the Sheriff within ten (10) days after the posting of the schedule of distribution.

7. You may also have other rights and defenses, or ways of getting your real estate back, if you act immediately after the sale.

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 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.

LAWYER REFERRAL SERVICE
ASSOCIATION DE LICENCIADOS
Susquehanna Legal Services
329 Market Street
Williamsport, PA 17701
(570) 323-8741

McCABE, WEISBERG & CONWAY, P.C.
Attorneys for Plaintiff
123 S. Broad St.
Ste. 1400
Philadelphia, PA 19109
(215) 790-1010

S-12

Lycoming Law Association Members are kindly asked to consider a donation to the Lycoming Law Association Foundation in memory of a deceased Member. The Foundation will notify the family of such Member that a gift was made by you.

Members of the Lycoming Law Association are reminded and urged to consider placing in your Wills a bequest to the Lycoming Law Association Foundation. As you probably know, your gift is tax deductible as the Foundation is a 501(c)(3) Organization.

The Lycoming Law Association office conference room is available for rental by both members and non-members. The office has a large conference table, and additional area for chairs. Coffee and food services are available.

The space is ideal for depositions or small presentations. Equipment, including a projector and screen, DVD and VHS players and television, is available for use.

The cost for non-LLA members is \$100 for 4 hours or less; \$150 for more than 4 hours. Members may use the conference room at no cost.

Scheduling arrangements may be made with Jessica Engel, (570) 323-8287 or jengel@lycolaw.org.



PERIODICAL PUBLICATION

* Dated Material. Do Not Delay. Please Deliver Before Monday, September 15, 2014