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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

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LYCOMING LAW ASSOCIATION

Penn Tower, 25 West Third Street, Suite 803 Williamsport, PA 17701 www.lycolaw.org

EXECUTIVE COMMITTEE

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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.

- 1/12/2015 LLA Executive Committee Meeting: Regular monthly meeting. Time: 12:00 PM to 1:00 PM. Location: LLA Office
- I/12/2015 LLA & LLA Foundation Annual Meeting: Membership meeting to elect officers, consider reports and vote on by-laws changes. Time: 4:00 PM to 5:00 PM. Location: Jury Assembly Room, Lycoming County Courthouse
- III2/2015 LLA Annual Banquet: The annual banquet and awards ceremony. Time: 5:00 PM to 8:00 PM. Location: Le Jeune Chef, Williamsport, PA
- 1/28/2015 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
- 2/2/2015 Bench Bar Committee Meeting: Quarterly meeting of the committee. Time: 12:00 PM to 1:00 PM. Location: LLA Office

UPCOMING LYCOMING COUNTY CLE OPPORTUNITIES

- 12/16/2014 Financial Aspects of Divorce: Maximizing Settlements and Trial Outcomes: *PBI Video Replay.* CLE credits: 3 Substantive Time: 9:00 AM to 12:30 PM. Location: LLA Office
- 12/18/2014 A Primer on Collecting & Enforcing Judgments: PBI Groupcast. CLE credits: 4 Substantive Time: 9:00 AM to 1:15 PM. Location: LLA Office
- 1/20/2015 Advanced Medicaid Planning for Long-Term Care: PBI Groupcast. CLE credits: 4 Substantive Time: 8:30 AM to 12:45 PM. Location: LLA Office
- I/21/2015 The New POA Law Drafting, Forms and Best Practices: PBI Groupcast. CLE credits: 3 Substantive Time: 9:00 AM to 12:15 PM. Location: Lycoming Law Association Conference Center
- I/27/2015 Trial Evidence: PBI Video Replay. CLE credits: 5 Substantive / I Ethics Time: 9:00 AM to 5:00 PM. Location: LLA Conference Center
- 1/28/2015 Inns of Court Meeting: Regular meeting of the Charles F. Greevy, Jr. American Inn of Court. CLE credits: I Time: 5:45 PM to 8:30 PM. Location: TBA
- 1/29/2015 Hot Topics in Capital Cases Part I: PBI Groupcast. CLE credits: 4 Substantive Time: 12:00 PM to 4:15 PM. Location: LLA Office
- 2/3/2015 How to Prepare a Fiduciary Income and Decedent's Final Lifetime Income Tax Returns: PBI Video Replay. CLE credits: 4 Substantive Time: 9:00 AM to 1:30 PM. Location: LLA Conference Center
- 2/5/2015 Act 95 New Power of Attorney Law: PBI Video Replay. CLE credits: 3 Substantive Time: 9:00 AM to 12:30 PM. Location: LLA Conference Center
- 2/10/2015 Probate & Trust Law We Are Living (and Dying) in a Digital World: Estate Planning for Digital Assets and Accounts: PBI Video Replay. CLE credits: 2 Substantive Time: 9:00 AM to 11:00 AM. Location: LLA Conference Center
- 2/13/2015 The Emerging Retiree Strategies for Maximizing Social Security Benefits and Retirement Plans: *PBI Groupcast*. CLE credits: 3 Substantive Time: 12:00 PM to 3:15 PM. Location: LLA Office
- 2/19/2015 21st Annual Auto Law Update: PBI Video Replay. CLE credits: 3 Substantive / I Ethics Time: 9:00 AM to 1:30 PM. Location: LLA Conference Center

- 2/24/2015 Basics of Handling a Divorce in Pennsylvania: *PBI Groupcast.* CLE credits: 4 Substantive Time: 8:30 AM to 12:45 PM. Location: LLA Office
- 2/25/2015 Inns of Court Meeting: Regular meeting of the Charles F. Greevy, Jr. American Inn of Court. CLE credits: I Time: 5:45 PM to 8:30 PM. Location: TBA
- 3/3/2015 2014 Public Interest Law Day: PBI Video Replay. CLE credits: 5 Substantive / I Ethics Time: 9:00 AM to 5:00 PM. Location: LLA Conference Center
- 3/5/2015 The Medicaid Application Process: PBI Video Replay. CLE credits: 4 Substantive Time: 9:00 AM to 1:30 PM. Location: LLA Conference Center
- 3/10/2015 Preparing a Witness to Testify: PBI Groupcast. CLE credits: 3 Substantive / I Ethics Time: 9:00 AM to 5:00 PM. Location: LLA Conference Center
- *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 Michele Frey at the LLA Office at (570) 323-8287, by email at mfrey@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. Moore (12/08/2014)—Judge Marc F. Lovecchio Criminal: Post Conviction Relief Act petition; ineffective counsel; failure to elicit witness testimony that would exonerate defendant; lack of witness certification; no allegation that counsel was aware of possible exculpatory testimony at time of trial; witnesses already testifying. (Moore120814L)
- ►Commonwealth vs. Burden (12/05/2014)—Judge Marc F. Lovecchio Criminal: Post Conviction Relief Act petition; ineffective counsel; failure to file appeal to Supreme Court despite request by defendant; existence of non-frivolous appeal issues. (Burden120514L)
- Commonwealth vs. Marshall (12/05/2014)—Judge Richard A. Gray Criminal: Appeal; excessive sentence; bald allegations; sentence within the sentencing guidelines; consideration of relevant factors. (marshall120514g)
- ► Fessler vs. Armstrong Township Zoning Hearing Board (12/04/2014)—Judge Dudley N. Anderson

Administrative Appeal: Appeal of denial of application for zoning permit; application to move home to lot smaller than required minimum size; prior, non-conforming lot; division of original lot into several smaller parcels after minimum lot size was set by ordinance; requirement for engineering drawing; sufficiency of evidence of available public sewer; affirmance of decision with errors of law where decision rests on one solid ground. (fessler120414a)

NOTICE

Please be advised of the following two early deadlines for legal advertising this month:

The deadline for publication in the December 26th issue of the Lycoming Reporter is 1:00 P.M., Monday, December 22, 2014.

The deadline for publication in the January 2nd issue of the *Lycoming Reporter* is 1:00 P.M., Friday, December 26, 2014.

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PLEASE BE ADVISED

... that the Prothonotary's Office will be closed for a Christmas Luncheon on Thursday, December 18, 11:30 A.M.—2:00 P.M. Limited staff will be available to process emergency Custody and Protection From Abuse Petitions.

Merry Christmas. Suzanne M. Fedele Prothonotary

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Malcolm Muir: A Pioneer in the Efficient Administration of Justice

Narrated by John M. Humphrey

Available for purchase from the Lycoming Law Association

Malcolm Muir: A Pioneer in the Efficient Administration of Justice documents the inspiring and impressive life of Malcolm Muir, who served for over forty years as a United States District Judge in the Middle District of Pennsylvania. Through extensive recollections and comments by Judge Muir, as well as comments and observations by numerous lawyers, staff, friends and family members, Judge Muir's groundbreaking reforms in civil and criminal procedure are chronicled, as are his achievements as a lawyer in private practice and a leader in the Lycoming Law Association and the Pennsylvania Bar Association. The film looks at the qualities of this respected man, his roles as patriot and father, and his unusual talents and personal traits.

With funding from the Lycoming Law Association and the Lycoming Law Association Foundation, and with generous contributions from numerous former law clerks of Judge Muir, this approximately one-hour film was produced from interviews and research conducted over a five-year period both before and after Judge Muir's death in July 2011. The documentary was written and is narrated by John M. Humphrey, Esq., a former law clerk and friend of Judge Muir, and was filmed and edited by Bryon Carey & Associates Production.

> **Cost:** \$20.00, plus \$5.00 shipping. **Contact:** Lycoming Law Association Ila@lycolaw.org or (570) 323-8287 to make arrangements for purchase.

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

Bressler, Catherine, dec'd.

Late of Montoursville.

Administrator: Scott A. Williams, 668 Lake Road, Laporte, PA 18626. Attorneys: Williams & Smay, 57 East Fourth Street, P.O. Box 3, Williamsport, PA 17703.

Dugan, Rita Mae Hall a/k/a Rita H. Dugan, dec'd.

Late of Muncy.

Executor: Regan N. Campbell, 1061 Willowbrook Lane, Media, PA 19063. Attorney: Layne R. Oden, Esquire, Nine South Main Street, Muncy, PA 17756-1306.

Ely, William L. a/k/a William Lyle Ely a/k/a William L. Ely, Sr., dec'd. Late of the Borough of Jersey Shore. Co-Executors: Mary Alice Hollick, 2012 Dutch Hollow Road, Jersey Shore, PA 17740 and James A. Ely, 467 Torbert Lane, Jersey Shore, PA 17740.

Attorneys: L. Craig Harris, Esquire, Carpenter, Harris & Flayhart, 128 S. Main St., P.O. Box 505, Jersey Shore, PA 17740. Knorr, Stanley E., Jr. a/k/a Stanley Knorr, Jr., dec'd.

Late of 3750 Route 220 Highway, Hughesville.

Executor: Ronald E. Knorr.

Attorneys: Marianne E. Kreisher, Esquire, Kreisher & Gregorowicz, 401 S. Market Street, Bloomsburg, PA 17815.

Lupton, Mary Ellen, dec'd.

Late of Williamsport. Administratrix: Elizabeth Bernardi, 1102 Laryn Lane, Lexington, SC 29072. Attorney: Michael J. Zicolello, Es-

quire, 333 Market Street, Williamsport, PA 17701, (570) 321-7554, Fax (570) 321-7845, mike@sz-law.com.

Martz, Leona M., dec'd.

Late of the Township of Loyalsock. Executor: Leon J. Martz, 227 Morwood Road, Telford, PA 18969. Attorney: Andrea B. Bower, Esquire, 426 Broad Street, Montoursville, PA 17754.

Miller, Carl W., dec'd.

Late of Picture Rocks. Executors: Terry L. Miller, 27 Elm Street, Hughesville, PA 17737 and Daniel W. Miller, #61 Peterman Lane, Hughesville, PA 17737. Attorney: Layne R. Oden, Esquire, Nine South Main Street, Muncy, PA 17756-1306.

Whipple, Elwood E., dec'd.

Late of Williamsport (Loyalsock Township). Executrix: Robin Ann Banzhaf, 1634 Log Run Road, Williamsport, PA

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

Williams, Esther E., dec'd. Late of Jersey Shore. Executor: Timothy J. Longnecker, 1448 Sulphur Run Road, Jersey Shore, PA 17740.

Attorney: Leroy H. Keiler, III, Esquire, 110 Oliver Street, Ste. 2, P.O. Box 263, Jersey Shore, PA 17740, (570) 398-2750.

Wurster, Georgene H., dec'd.

Late of the Township of Upper Fairfield.

Executors: Gregory D. Wurster, 481 Kaiser Hollow Road, Montoursville, PA 17754 and Lloyd E. Wurster, II, 40 Green Street, Muncy, PA 17756.

Attorney: Joseph L. Rider, Esquire, 143 West Fourth Street, Williamsport, PA 17701.

SECOND PUBLICATION

Bittner, Lois H. a/k/a Lois A. Bittner, dec'd.

Late of Williamsport.

Executor: Charles Atwood Bittner, 21 Roseville Road, Williamsport, PA 17701.

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

Simmons, Charles L. a/k/a Charles Louis Simmons a/k/a Charles Simmons a/k/a Charles L. Simmons, Jr., dec'd.

Late of the Township of Loyalsock. Executrix: Thelma L. Walters, 1323 Island Road, Lock Haven, PA 17745. Attorneys: Adrianne J. Stahl, Esquire, Steinbacher & Stahl, 413 Washington Boulevard, Williamsport, PA 17701.

THIRD PUBLICATION

Adams, John A., dec'd.

Late of Elmcroft of Loyalsock, 2985 Four Mile Drive, Montoursville. Executor: Randy B. Sorrenty, 16 Windham Dr., Concord, NH 03301. Attorneys: John A. Smay, Esquire, Williams and Smay, 39 South Main Street, P.O. Box 35, Muncy, PA 17756.

Arthur, Jean Frances a/k/a Jean F. Arthur, dec'd.

Late of Muncy.

Administratrix: Pamela K. Arthur, 31 North Main Street, Suite 9, Muncy, PA 17756.

Attorney: Layne R. Oden, Esquire, Nine South Main Street, Muncy, PA 17756-1306.

Beach, Glenn M., dec'd.

Late of Williamsport. Executor: Don L. Getgen, 2846 Bottle Run Road, Williamsport, PA 17701.

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

Fitzsimmons, John F., dec'd.

Late of Williamsport. Administrator: Thomas S. Fitzsimmons, 1500 Aero Dr., Ste. 225, Linthicum, MD 21090. Attorney: Leroy H. Keiler, III, Esquire, 110 Oliver Street, Ste. 2, P.O. Box 263, Jersey Shore, PA 17740, (570) 398-2750.

Kline, William, dec'd.

Late of Williamsport. Executrix: Laura Kline Ryan, 1065 Route 45, Pilesgrove, NJ 08098. Attorneys: James D. Casale, Esquire, Casale & Bonner, P.C., 33 West Third Street, Suite 202, Williamsport, PA 17701, (570) 326-7044.

Leonard, Ethel H., dec'd.

Late of South Williamsport. Executor: Dennis J. Leonard, 80 Mountain View Drive, Jersey Shore, PA 17740.

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

Renner, Claire a/k/a Clara Renner, dec'd.

Late of Williamsport. Executrix: Rebecca Renner, 809 Logue St., Williamsport, PA 17701.

Simcox, Janet M. a/k/a Janet Simcox, dec'd.

Late of 3093 Woodward Avenue, Avis.

Executrix: Diane M. Cioffi.

Attorney: G. Scott Gardner, Esquire, Attorney At Law, 2117 West Fourth Street, Williamsport, PA 17701.

Stewart, Charles H., Jr., dec'd.

Late of 347 Smokey Corners Road, Cogan Station.

Executor: Susquehanna Trust & Investment Co., John J. Gallo, Jr., 48 Orchard Drive, Shamokin Dam, PA 17876.

Attorney: John P. Pietrovito, Esquire, 3 South Main Street, Muncy, PA 17756.

SERVICE BY PUBLICATION

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

NO. 14-01991

NOTICE OF ACTION IN MORTGAGE FORECLOSURE

Wells Fargo Bank, N.A. As Trustee for the Pooling and Servicing Agreement Dated As of September 1, 2004 Park Place Securities, Inc., Asset-Backed Pass-Through Certificates Series 2004-WHQ1 c/o Ocwen Loan Servicing, LLC Plaintiff

VS.

Susan A. Groff, Personal Representative of the Estate of David M. Hornberger, Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest From or Under David M. Hornberger, Deceased and Estate of David M. Hornberger c/o Susan A.

Groff, Personal Representative, Defendant(s)

COMPLAINT IN MORTGAGE FORECLOSURE

TO: Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest From or Under David M. Hornberger, Deceased, Defendant(s), whose last known address is 457 Wilson Street and 913 Ward Street, Williamsport, PA 17701-3520

You are hereby notified that Plaintiff, Wells Fargo Bank, N.A., As Trustee for the Pooling and Servicing Agreement Dated As of September 1, 2004 Park Place Securities, Inc., Asset-Backed Pass-Through Certificates Series 2004whal c/o Ocwen Loan Servicing, LLC, has 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. 14-01991, wherein Plaintiff seeks to foreclose on the mortgage secured on your property located 457 Wilson Street and 913 Ward Street, Williamsport, PA 17701-3520, whereupon your property would be sold by the Sheriff of Lycoming County.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the notice above, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance 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 entered 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 PA-PER 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 THE INFORMATION ABOUT HIR-ING 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. LAWYERS' REFERRAL SERVICE North Penn Legal Services, Inc. 329 Market St. Williamsport, PA 17701 (570) 323-8741 MARK J. UDREN, ESQUIRE STUART WINNEG, ESQUIRE LORRAINE GAZZARA DOYLE, ESQUIRE SHERRI J. BRAUNSTEIN, ESQUIRE ELIZABETH L. WASSALL, ESOUIRE **JOHN ERIC KISHBAUGH, ESQUIRE** NICOLE B. LaBLETTA, ESQUIRE DAVID NEEREN, ESQUIRE AMANDA RAUER, ESQUIRE UDREN LAW OFFICES, P.C. Attys. for Plaintiff III Woodcrest Rd. Ste. 200 Cherry Hill, NJ 08003 (856) 669-5400

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he Lycoming Law Association Foundation is a taxexempt not-for-profit, 501(c)(3) corporation. The mission of the Foundation is to cultivate the science of jurisprudence, improve the legal and judicial system and facilitate the administration of justice for residents of Lycoming County.

The Foundation provides funding for worthwhile lawrelated community projects and activities, in addition to supporting the Williamsport Office of North Penn Legal Services, which has provided civil legal services on a wide range of high priority legal problems to poor people in Lycoming County since 1974.

The Foundation is funded through the support of the members of the Lycoming Law Association. This support comes in various forms: from member dues, income from the Lycoming Reporter; donations by individual lawyer members of the Lycoming County Bar; donations by other individuals, lawyer family members, and estates.

The Lycoming Law Association's Community Activities and Outreach Committee is responsible to advise and assist the Foundation in administering funds for community projects of merit. The Committee is actively involved in reviewing grant applications and in making recommendations to the Foundation and the Association's Executive Committee concerning the funding of worthwhile projects and activities.

For additional information regarding the Foundation and its procedures, contact Michele Frey, Executive Director, at (570) 323-8287 or mfrey@lycolaw.org.

Do you know what your

LYCOMING LAW ASSOCIATION FOUNDATION

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?

Assigned over \$47,500.00 in Arbitration Fees to North Penn Legal Services to promote and facilitate the delivery of legal services to indigent persons in Lycoming County over the last six years

Granted \$500.00 to the Changing Lives Through Literature Program to assist in the purchase of books

Granted \$3,000.00 to West Branch School to assist in funding a trip for students to travel to Washington, DC and visit the Supreme Court and the Houses of Congress

Granted \$6,000.00 to North Penn Legal Services to assist in funding an AmeriCorp position

Granted \$2,000.00 to CASA to assist in developing the CCAP curriculum and train program staff and volunteers

Granted \$1,245.00 to North Penn Legal Services so that one of their Staff Attorneys could attend a Fair Debt Collection Act Boot Camp Seminar in San Francisco

Granted \$1,489.00 to North Penn Legal Services so that one of their Staff Attorneys could attend a Consumer Rights Litigation Conference in Philadelphia

Granted \$2,952.00 to the Law Library at the JV Brown Library for the initial digitization of its current collection of 140 local ordinances

Granted \$1,000.00 to the Curtin PTO toward their Ben Carson Reading Room Project

Granted \$2,945.00 to CASA of Lycoming County, so that the CASA Director and the CASA Coordinator of Early Education could attend at a three day national conference on Children and the Law held at Harvard Law School

Granted \$2,625.00 to North Penn Legal Services to fund the costs of a law student's employment at NPLS for ten weeks during a summer

Granted \$250.00 to Susquehanna Home Care & Hospice for the Nurse Family Partnership to purchase reference books for nurses to use with low income families Granted \$1,250.00 to CASA for the purchase of a computer system and necessary software

Granted \$2,200.00 to North Penn Legal Services for the development of a customized Lycoming County Child Custody Video

Granted \$1,500.00 to Wise Options (on behalf of the Domestic Violence Task Force) for the preparation, printing and distribution of a county protocol for domestic violence calls

Granted \$1,000.00 to North Penn Legal Services to assist in funding a Medicare Part D Provider Education Training

Established a Pro Bono Litigation Costs Reimbursement Fund

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/Committees/LLAfoundation.htm

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.



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