

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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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.

- 11/12/2015 – LLA Executive Committee Meeting:** *Regular monthly meeting.*
Time: 12:00 PM to 1:00 PM. **Location:** LLA Office
- 11/12/2015 – 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
- 11/12/2015 – 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
- 2/9/2015 – LLA Executive Committee Meeting:** *Regular monthly meeting.*
Time: 12:00 PM to 1:00 PM. **Location:** LLA Office

UPCOMING LYCOMING COUNTY CLE OPPORTUNITIES

- 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
- 1/21/2015 – 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
- 1/27/2015 – Trial Evidence:** *PBI Video Replay.* **CLE credits:** 5 Substantive / 1 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:** 1 **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 / 1 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:** 1 **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 / 1 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 / 1 Ethics **Time:** 9:00 AM to 5:00 PM. **Location:** LLA Conference Center

3/11/2015 – The Intersection of Legal and Mental Health Issues in Custody Cases: *PBI Video Replay.* **CLE credits:** 5 Substantive / 1 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. Budd** (12/16/2014)—Judge Marc F. Lovecchio
Criminal: Motion to dismiss drug delivery resulting in death charge; statute unconstitutionally void for vagueness; mens rea; clear and understandable notice of what conduct is prohibited. (budd121614L)
- ▶ **Commonwealth vs. Williams** (12/16/2014)—Judge Marc F. Lovecchio
Criminal: Post-sentence motion; admissibility of evidence of possession of controlled substances by other occupants of vehicle; prejudice; circumstantial evidence of intent to deliver. (williams121614L)
- ▶ **Pennlyco, Ltd. vs. Southwestern Energy Production Company; Pennlyco, Ltd. vs. International Development Corporation** (12/15/2014)—Judge Dudley N. Anderson
Civil: Appeal; timeliness; jurisdiction of lower court to enter second judgment order. (pennlyco121514a)
- ▶ **Dymeck vs. Rajjoub et al.** (12/14/2014)—Judge Nancy L. Butts
Civil: Preliminary objections to cross claim; status of defendants as joint tortfeasors; logical basis for apportionment of harm to plaintiff; inconvenient venue; additional travel time for defendant doctors; deference to plaintiff's choice of forum; forum oppressive or vexatious to the defendant; no evidence of forum shopping; discoverability of joint tortfeasor release; in camera review for potential bias due to the terms of release. (Dymeck121014bt)
- ▶ **Commonwealth vs. Blackwell** (12/10/2014)—Judge Marc F. Lovecchio
Criminal: Post Conviction Relief Act petition; timeliness; retroactive application of *Alleyne* and *Munday* decisions. (Blackwell121014L)
- ▶ **Bailey vs. Anadarko E&P Company, LP et al. vs. Elder et al. vs. Hoyt Royalty, LLC; Hoyt Royalty, LLC et al. vs. Bailey et al. vs. International Development Corporation et al.** (12/10/2014)—Judge Dudley N. Anderson
Civil: Motion for summary judgment; quiet title action; extinguishment of subsurface rights by tax sale; failure to report severance of subsurface rights to taxing authorities; presumption that if severance had been reported, it would have been recorded and assessed; claimed presumption that record was destroyed by one of many floods; presumption that tax sale was properly held; violation of due process rights by tax sale notice requirements; condition to retention of property right; deemed abandonment. (bailey121014a)

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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**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
lla@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

Kershner, Grace C., dec'd.

Late of the Borough of Montoursville.

Executor: Muncy Bank & Trust Company, 2 North Main Street, Muncy, PA 17756.

Attorneys: Paul A. Roman, Esquire, Law Offices of Joseph L. Rider, 143 West Fourth Street, Williamsport, PA 17701.

Luppert, James M., dec'd.

Late of Williamsport.

Excutor: Charles W. Luppert, 1618 Heather Lane, Williamsport, PA 17701.

Pfeil, Marian M., dec'd.

Late of the Borough of Montoursville.

Executor: Woodlands Bank, 2450 E. Third Street, Williamsport, PA 17701.

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

Zuber, Richard G., dec'd.

Late of the Borough of Duboistown.

Executrix: Joann L. Zuber, 2642 Euclid Avenue, Duboistown, PA 17702.
Attorney: Joseph L. Rider, Esquire, 143 West Fourth Street, Williamsport, PA 17701.

SECOND 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. Zicoello, Esquire, 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.

THIRD 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: Adrienne J. Stahl, Esquire, Steinbacher & Stahl, 413 Washington Boulevard, Williamsport, PA 17701.

REGISTRATION OF FICTITIOUS NAME

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on October 27, 2014 for:

ONE SMALL STEP DESIGN

located at: 2792 Muncy Exchange Road, Muncy, PA 17756. The name and address of the individual interested in the business is: Spencer Kimble, 2792 Muncy Exchange Road, Muncy, PA 17756. This was filed in accordance with 54 Pa. C.S. 311.

**INTENTION TO
CHANGE NAME**

In the Court of Common Pleas
of Lycoming County

No. 14-03024

IN RE: NAME CHANGE OF
DANIEL L. REISH, a minor child

NOTICE IS HEREBY GIVEN that on November 20, 2014 the Petition of Joshua D. Sampson was filed in the above named Court, praying for a decree to change the minor child's name from DANIEL LEE REISH to DANIEL LEE SAMPSON.

The Court has fixed February 2, 2015 at 2:30 p.m. in Courtroom No. 3 of the Lycoming County Courthouse, 48 West Third Street, Williamsport, Pennsylvania, as the time and place for the hearing on said Petition, when and where all persons interested may ap-

pear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

CHRISTINA L. DINGES, ESQUIRE
1307 Sheridan Street
Williamsport, PA 17701
(570) 279-4763

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**FILING OF CERTIFICATE OF
ORGANIZATION OF LLC**

TAKE NOTICE THAT a Certificate of Organization was filed with the Department of State. The name of the Limited Liability Company is:

WATKINS AND SONS
ASSOCIATES, LLC

This Limited Liability Company has been organized under the provision pursuant to 15 Pa. C.S. 8913.

NICHOLAS A. BARN, ESQUIRE
831 Court Street
Honesdale, PA 18431

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PERIODICAL PUBLICATION

*** Dated Material. Do Not Delay. Please Deliver Before Monday, December 22, 2014**