

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.

- January 12, 2015 **LLA Executive Committee Meeting** Regular monthly meeting.
Time: 12:00 PM to 1:00 PM
Location: LLA Office
Learn More: www.lycolaw.org/members/officers.asp
Contact: Michele Frey mfrey@lycolaw.org
- January 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: Lycoming Law Association Office
Learn More: www.lycolaw.org/members/AnnualMeeting/2014/2014.html
Contact: Michele Frey mfrey@lycolaw.org
- January 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
Learn More: www.lycolaw.org/event/pages/20150112banquet.pdf
Contact: Michele Frey mfrey@lycolaw.org
- January 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
Learn More: www.lycolaw.org/Committees/inn/inns.htm
Contact: Corey Mowrey cmowrey@riederstravis.com
- February 2, 2015 **Bench Bar Committee Meeting** Quarterly meeting of the committee.
Time: 12:00 PM to 1:00 PM
Location: LLA Office
Learn More: www.lycolaw.org/Committees/bench_bar/bench_bar_committee.asp
Contact: C. Edward S. Mitchell emitchell@mitchellgallagher.com
- February 9, 2015 **LLA Executive Committee Meeting** Regular monthly meeting.
Time: 12:00 PM to 1:00 PM
Location: LLA Office
Learn More: www.lycolaw.org/members/officers.asp
Contact: Michele Frey mfrey@lycolaw.org

- February 25, 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
Learn More: www.lycolaw.org/Committees/inn/inns.htm
Contact: Corey Mowrey cmowrey@riederstravis.com
- March 9, 2015 **LLA Executive Committee Meeting** Regular monthly meeting.
Time: 12:00 PM to 1:00 PM
Location: LLA Office
Learn More: www.lycolaw.org/members/officers.asp
Contact: Michele Frey mfrey@lycolaw.org
- March 25, 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
Learn More: www.lycolaw.org/Committees/inn/inns.htm
Contact: Corey Mowrey cmowrey@riederstravis.com
- April 13, 2015 **LLA Executive Committee Meeting** Regular monthly meeting.
Time: 12:00 PM to 1:00 PM
Location: LLA Office
Learn More: www.lycolaw.org/members/officers.asp
Contact: Michele Frey mfrey@lycolaw.org

**UPCOMING LYCOMING COUNTY CLE OPPORTUNITIES
January 2015**

Advanced Medicaid Planning for Long-Term Care. Tuesday, January 20, 2015 – 8:30 AM to 12:45 PM

The New POA Law – Drafting, Forms and Best Practices. Wednesday, January 21, 2015 – 9:00 AM to 12:15 PM

Ten Most Frequently Asked Ethics Questions. Wednesday, January 21, 2015 – 1:00 PM to 2:00 PM

Trial Evidence. Tuesday, January 27, 2015 – 9:00 AM to 5:00 PM

Inns of Court Meeting. Wednesday, January 28, 2015 – 5:45 PM to 8:30 PM

Hot Topics in Capital Cases – Part I. Thursday, January 29, 2015 – 12:00 PM to 4:15 PM

February 2015

How to Prepare a Fiduciary Income and Decedent's Final Lifetime Income Tax Returns. Tuesday, February 3, 2015 – 9:00 AM to 1:30 PM

Act 95 – New Power of Attorney Law. Thursday, February 5, 2015 – 9:00 AM to 12:30 PM

Probate & Trust Law – We Are Living (and Dying) in a Digital World: Estate Planning for Digital Assets and Accounts. Tuesday, February 10, 2015 – 9:00 AM to 11:00 AM

The Emerging Retiree – Strategies for Maximizing Social Security Benefits and Retirement Plans. Friday, February 13, 2015 – 12:00 PM to 3:15 PM

21st Annual Auto Law Update. Thursday, February 19, 2015 – 9:00 AM to 1:30 PM

Basics of Handling a Divorce in Pennsylvania. Tuesday, February 24, 2015 – 8:30 AM to 12:45 PM

Inns of Court Meeting. Wednesday, February 25, 2015 – 5:45 PM to 8:30 PM

March 2015

2014 Public Interest Law Day. Tuesday, March 3, 2015 – 9:00 AM to 5:00 PM

The Medicaid Application Process. Thursday, March 5, 2015 – 9:00 AM to 1:30 PM

Preparing a Witness to Testify. Tuesday, March 10, 2015 – 9:00 AM to 5:00 PM

The Intersection of Legal and Mental Health Issues in Custody Cases. Wednesday, March 11, 2015 – 9:00 AM to 5:00 PM

28th Annual Civil Litigation Update. Thursday, March 19, 2015 – 9:00 AM to 4:15 PM

ABCs of Foreclosure Processing. Tuesday, March 24, 2015 – 9:00 AM to 5:00 PM

Inns of Court Meeting. Wednesday, March 25, 2015 – 5:45 PM to 8:30 PM

Understanding the Basics of Elder Law. Thursday, March 26, 2015 – 9:00 AM to 4:00 PM

***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.

- ▶ **Gamble vs. Beck and Tyndale Enterprises, Inc.** (01/06/2015)—
Judge Richard A. Gray
Civil: Summary judgement motions; duty of strip mall owner to business invitees of the various tenants for the common areas of which the landlord retains possession and control; negligent performance of an undertaking to perform a specific task under 324A of the Restatement (Second) of Torts; evidence of reliance on the undertaking; hills and ridges doctrine; generally slippery conditions as a result of recent precipitation. (Gamble010615) (Posted: 01/06/2015)
- ▶ **Commonwealth vs. Shirk** (01/05/2015)—Judge Marc F. Lovecchio
Criminal: Habeas corpus petition; theft charges; prima facie case. (Shirk010515L) (Posted: 01/06/2015)
- ▶ **SB vs. JB-S** (01/02/2015)—Judge Joy Reynolds McCoy
Custody: Appeal; award of attorney fees for obdurate, vexatious, repetitive or in bad faith conduct. (SB010215m) (Posted: 01/06/2015)
- ▶ **Commonwealth (TH) vs. MB** (01/05/2015)—Judge Joy Reynolds McCoy
Criminal: Appeal; petitions for protection from abuse contempt; dismissal for failure of victim to appear at the hearing; refusal of court to continue hearing; due diligence of Commonwealth to procure presence of victim; insufficiency of evidence to meet Commonwealth burden. (mb010515m) (Posted: 01/06/2015)
- ▶ **Commonwealth vs. Barto** (01/02/2015)—Judge Marc F. Lovecchio
Criminal: Post Conviction Relief Act petition; ineffective assistance of counsel claim; failure to file post-trial motion raising sufficiency of evidence; claim lacking merit; weight of the evidence; shocking conscious of court; sentencing discretion; multiple convictions of sex offenses against children; ludicrous claim that sentence of less than total confinement is preferable. (Barto010215L) (Posted: 01/06/2015)
- ▶ **Commonwealth vs. Lucas** (12/31/2014)—Judge Nancy L. Butts
Criminal: Motion to suppress; special county detectives; sobriety checkpoints and DUI roving patrols; Municipal Police Jurisdiction Act; identification of person for temporary assignment; reasonable suspicion for vehicle stop. (Lucas123114bt) (Posted: 01/02/2015)

- **Commonwealth vs. Minor** (12/30/2014)—Judge Nancy L. Butts
Criminal: Motion to suppress; vehicle stop; reasonable suspicion; request for occupants to exit vehicle; pat-down search of passengers; sufficient articulable basis for belief that Defendant may have been armed and dangerous; nervous appearing vehicle occupants; investigatory rather than custodial detention; *Miranda* warnings; search after arrest. (Minor123014bt) (Posted: 01/02/2015)
- **Commonwealth vs. McMillan** (12/30/2014)—Judge Marc F. Lovecchio
Criminal: Post Conviction Relief Act petition; ineffective assistance of counsel; waiver of claims due to guilty plea; attorney coercion claim belied by guilty plea colloquy; bipolar disorder addressed at guilty plea hearing; claimed conflict of interest by public defender who was also a borough council member in a community where one of the offenses occurred. (McMillan123004L) (Posted: 12/30/2014)
- **In re: Adoption of ALT & ANT** (12/29/2014)—Judge Joy Reynolds McCoy
Adoption: Agency petition for involuntary termination of parental rights; parent evidencing settled purpose of relinquishing parental claim to a child or refusing or failing to perform parental duties; incapacity, abuse, neglect or refusal of the parent; agency placement; clear and convincing evidence; sporadic visits with the child; needs and welfare of children; existing bond between children and parent. (AdoptionofALTandANT122914m) (Posted: 12/30/2014)
- **Commonwealth vs. Morrison** (12/30/2014)—Judge Richard A. Gray
Criminal: Appeal; sufficiency of evidence of kidnapping; removing the victim a substantial distance; intent to inflict bodily injury or terrorize the victim; mistrial motion on reference to prior bad acts; notice; inadvertent comment by the victim; cautionary instruction; discretion of the court to allow cross-examination of the defendant about previous text messages to victim; probative value outweighed by a danger of unfair prejudice; testimony opening the door; admissibility of evidence of victim's molestation and rape at early age; Rape Shield Law. (morrison123014g) (Posted: 12/30/2014)

**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

Healey, Fred M. a/k/a Frederick M.

Healey, Jr., dec'd.

Late of Montoursville.

Executrix: Nancy R. Houseknecht, 409 S. Main St., Hughesville, PA 17737.

Attorneys: Christopher H. Kenyon, Esquire, McCormick Law Firm, 835 West Fourth Street, Williamsport, PA 17701.

Hullihen, Robert P., Jr., dec'd.

Late of Fairfield Township.

Executor: Woodlands Bank c/o Thomas B. Burkholder, 2450 E. Third Street, Williamsport, PA 17701.

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

SECOND PUBLICATION

Cole, Duane A., dec'd.

Late of Cedar Run.

The Duane A. Cole Irrevocable Trust, dated August 5, 2014.

Settlor: Duane A. Cole.

Executrix: Susan M. Bencus, 400 Beach Road, Cedar Run, PA 17727.
Attorneys: Stephen C. Sholder, Esquire, Raup & Sholder, P.C., 270 West Third Street, Williamsport, PA 17701, (570) 321-0709.

Goliash, Bernard George a/k/a Bernard G. Goliash, Sr. a/k/a Bernard G. Goliash, dec'd.

Late of the City of Williamsport.

Executrix: Lisa A. Miller.

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

THIRD PUBLICATION

Apker, Ralph A., Jr., dec'd.

Late of Trout Run.

Administrator: Dwayne A. Apker, 5957 Lycoming Creek Road, Cogan Station, PA 17728.

Attorneys: Stephen C. Sholder, Esquire, Raup & Sholder, P.C., 270 West Third Street, Williamsport, PA 17701.

Baird, Cheryl D., dec'd.

Late of the Borough of South Williamsport.

Administratrix: Darlene E. Baird, 432 Wyndham Court, Williamsport, PA 17701.

Attorneys: Kristine L. Waltz, Esquire, Dinges, Dinges & Waltz, LLC, 1307 Sheridan Street, Williamsport, PA 17701.

Burgard, Thelma I. a/k/a Thelma Ilene Burgard, dec'd.

Late of Muncy Township.

Executor: Garry W. Burgard c/o Rudnitsky, Hackman & Potter, LLP, 1372 N. Susquehanna Trail, Suite 130, Selinsgrove, PA 17870.

Attorneys: Karen L. Hackman, Esquire, Rudnitsky, Hackman & Potter, L.L.P., 1372 North Susquehanna Trail, Suite 130, Selinsgrove, PA 17870, (570) 743-2333.

Fink, Rita M., dec'd.

Late of Williamsport.

Executor: Thomas M. Fink, 1104 Boinair Drive, Williamsport, PA 17701. Attorneys: James G. Malee, Esquire, Malee Law Firm, P.C., 310 East Third Street, Williamsport, PA 17701, (570) 321-6112.

Hocker, Raymond A., dec'd.

Late of the Township of Eldred.

Raymond A. Hocker and Ethel M. Hocker Trust, dated April 11, 1989 and amended on April 20, 2003.

Settlor: Raymond A. Hocker.

Executrix/Trustee: Ethel M. Hocker, 8288 East Route 973 Highway, Montoursville, PA 17754.

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

Jensen, George A., III, dec'd.

Late of Williamsport.

Administrator: Lance K. Jensen, 413 Germania Street, Williamsport, PA 17701.

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

Johnson, Gloria A., dec'd.

Late of Williamsport.

Co-Executors: Gloria A. Lehman, 6709 Quenshukeny Road, Cogan Station, PA 17728 and David Johnson, 402 Elm Street, 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.

December 16, 2014, with the Department of State of the Commonwealth of Pennsylvania to organize a corporation under the provisions of the Business Corporation Law of 1988, which corporation shall have the name:

**NORTH CENTRAL
PROPERTIES, INC.**

Said corporation shall have unlimited power to engage in and do any lawful act concerning any or all lawful business for which domestic nonprofit corporations may be incorporated under the Pennsylvania Business Corporation Law.

The corporation's principal place of business is: 829 Route 15 Highway, Williamsport, Pennsylvania 17701.

**TERRY W. LIGHT, J.D., ESQUIRE
BRANN & LIGHT, P.C.**

112 Market Street
Lewisburg, PA 17837
(570) 523-3241

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NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania on December 4, 2014 for the purpose of forming a professional business corporation under the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania, 15 Pa. C.S. §1101 et seq.

The name of the corporation is:

**WILLIAMSPORT WEST
VETERINARY HOSPITAL, P.C.**

Fred A. Holland, Esquire
Murphy, Butterfield & Holland, P.C.
442 William Street
Williamsport, PA 17701

J-9

**FILING ARTICLES OF
INCORPORATION**

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed on

**REGISTRATION OF
FICTITIOUS NAME**

NOTICE IS HEREBY GIVEN, pursuant to 54 Pa. C.S.A. §311(g), there was

filed in the Office of the Secretary of the Commonwealth of Pennsylvania, on November 13, 2014, a Certificate for the conduct of a business in Lycoming County, Pennsylvania, under the assumed or fictitious name, style or designation of:

BILLTOWN WEB DESIGN

with its principal place of business at: 1304 Almond Street, Williamsport, Pennsylvania 17701.

The name and address of the individual owning and interested in said business is: Dean J. Williams, 1304 Almond Street, Williamsport, PA 17701. McNERNEY, PAGE, VANDERLIN & HALL
433 Market Street
Williamsport, PA 17701

J-9

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.

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.



PERIODICAL PUBLICATION

*** Dated Material. Do Not Delay. Please Deliver Before Monday, January 12, 2015**