

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.

- 3/25/2015 – 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
- 4/13/2015 – LLA Executive Committee Meeting:** *Regular monthly meeting.* **Time:** 12:00 PM to 1:00 PM. **Location:** LLA Office
- 5/11/2015 – Law Day 2015:** *Annual Law Day Event* **Time:** 4:00 PM to 5:00 PM. **Location:** Courtroom 1, Lycoming County Courthouse

The mission of the Lycoming Law Association is to promote the practice of law using the highest ethical standards and to advance the public image of our profession. We accomplish this by communicating within our profession and throughout our community, providing continuing legal education, encouraging collegiality among attorneys and the Court, providing *pro bono* legal assistance, and through community involvement.

UPCOMING LYCOMING COUNTY CLE OPPORTUNITIES

- 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
- 3/18/2015 – Defending Oil and Gas Enforcement Actions:** *Host: Attorney Glenn Parno.* **CLE credits:** 1 Substantive **Time:** 12:00 PM to 1:00 PM. **Location:** LLA Conference Center
- 3/19/2015 – 28th Annual Civil Litigation Update:** *PBI Groupcast.* **CLE credits:** 5 Substantive / 1 Ethics **Time:** 9:00 AM to 4:15 PM. **Location:** LLA Conference Center
- 3/20/2015 – Trial Practice & Advocacy in the Federal Middle District:** *PBI Groupcast.* **CLE credits:** 2 Substantive **Time:** 2:30 PM to 4:30 PM. **Location:** LLA Conference Center
- 3/24/2015 – ABCs of Foreclosure Processing:** *PBI Video Replay.* **CLE credits:** 5 Substantive / 1 Ethics **Time:** 9:00 AM to 5:00 PM. **Location:** LLA Conference Center
- 3/25/2015 – 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
- 3/26/2015 – Understanding the Basics of Elder Law:** *PBI Groupcast.* **CLE credits:** 5 Substantive / 1 Ethics **Time:** 9:00 AM to 4:00 PM. **Location:** LLA Conference Center
- 4/1/2015 – What You Need to Know About the Changes to the Rules of Professional Conduct:** *PBI Video Replay.* **CLE credits:** 1 Ethics **Time:** 9:00 AM to 10:00 AM. **Location:** LLA Conference Center
- 4/2/2015 – An Attorney’s Guide to Going Paperless:** *PBI Video Replay.* **CLE credits:** 5 Substantive / 1 Ethics **Time:** 9:00 AM to 5:00 PM. **Location:** LLA Conference Center
- 4/7/2015 – Due Diligence in Business Transactions:** *PBI Video Replay.* **CLE credits:** 3 Substantive / 1 Ethics **Time:** 9:00 AM to 1:30 PM. **Location:** LLA Conference Center
- 4/9/2015 – Thorny Issues in Landlord Tenant Law:** *PBI Video Replay.* **CLE credits:** 4 Substantive **Time:** 9:00 AM to 1:30 PM. **Location:** LLA Conference Center

4/14/2015 – Law of Arrest Search and Seizure: *PBI Groupcast.* **CLE credits:** 4 Substantive **Time:** 9:00 AM to 4:45 PM. **Location:** Lycoming Law Association Conference Center

4/16/2015 – Tips and Techniques for the Trial of a Bad Faith Claim: *PBI Video Replay.* **CLE credits:** 3 Substantive / 1 Ethics **Time:** 9:00 AM to 1:30 PM. **Location:** LLA Conference Center

4/21/2015 – Ethics Potpourri – Fee Practices, Pointers & Traps of Fee Agreements: *PBI Video Replay.* **CLE credits:** 1 Ethics **Time:** 9:00 AM to 10:00 AM. **Location:** LLA Conference Center

4/23/2015 – Family Law Institute 2015 Day 1: *PBI Groupcast.* **CLE credits:** 8 Substantive / 1 Ethics **Time:** 9:00 AM to 4:00 PM. **Location:** Lycoming Law Association Conference Center

4/24/2015 – Family Law Institute 2015 Day 2: *PBI Groupcast.* **CLE credits:** 8 Substantive / 1 Ethics **Time:** 8:30 AM to 11:45 AM. **Location:** Lycoming Law Association Conference Center

4/27/2015 – Trial Tactics, Tips and Techniques: *PBI Groupcast.* **CLE credits:** 5 Substantive / 1 Ethics **Time:** 9:00 AM to 4:30 PM. **Location:** Lycoming Law Association 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.

- ▶ **Hellenthal Private Criminal Complaint Denial Appeal** (03/03/2015)—Judge Dudley N. Anderson
Criminal: Appeal from the District Attorney’s denial of request for the filing private criminal complaint; ability to convince a jury beyond a reasonable doubt; abuse of discretion standard of review; refusal to prosecute individuals who were defending themselves from complainant’s burglary and assault with a gun; exercise of prosecutorial discretion involving an evaluation of the evidence. (Hellenthal030315a)
- ▶ **Commonwealth vs. Jones** (02/27/2015)—Judge Nancy L. Butts
Criminal: Appeal. (Jones022715bt)
- ▶ **Commonwealth vs. Alford** (02/27/2015)—Judge Nancy L. Butts
Criminal: Post-sentence motion; sufficiency of evidence for first-degree murder conviction; evidence of intent to kill; sufficiency of evidence to conspiracy to kill; *Alleyne* issue resulting in harmless error where defendant concedes fact required for mandatory minimum sentence; constitutionality of sentencing where juveniles who are not convicted of murder are not subject to mandatory sentences; equal protection; rational basis test; sentence reasonably related to a legitimate public interest; legality of sentence under *ex post facto* clauses; claimed violation the original purpose clause and single subject clause of the Pennsylvania Constitution; excessive sentence claim. (Alford022715bt)
- ▶ **Commonwealth vs. Lewis** (03/02/2015)—Judge Marc F. Lovecchio
Criminal: Motion to dismiss, corpus delicti; introduction of extrajudicial confession; evidence of injury or loss consistent with crime having been committed; closely related crime exception; suppression motion; knowing, intelligent or voluntary waiver of rights; conditions of detention free of coercion. (Lewis030215L)
- ▶ **Commonwealth vs. Rodriguez** (03/02/2015)—Judge Marc F. Lovecchio
Criminal: Motion to dismiss; double jeopardy and Rule 110; prosecutions in 2 counties for episode involving theft of vehicle; ARD determination; double jeopardy protections in context of diversionary program; charges considered to be the “same offense.” (Rodriguez030215L)

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**Allen, Robert L.,** dec'd.

Late of Williamsport.

Executors: Judy A. Batchelor and Steven R. Allen, 1015 Geigertown Road, Birdsboro, PA 19508.

Crocianta, Anna M. a/k/a Nancy Crocianta, dec'd.

Late of Muncy.

Executor: John J. Crocianta, 202 Route 118 Highway, Hughesville, PA 17737.

Attorneys: Thomas D. Hess, Esquire, Hess and Hess, P.C., 30 South Main Street, Hughesville, PA 17737.

Harbach, Robert L., dec'd.

Late of the City of Williamsport.

Administrator: Michael P. Zarzyczny, 540 Plank Road, Jersey Shore, PA 17740.

Moore, Francis W., dec'd.

Late of Williamsport.

Executor: Robert E. Moore.

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

Nuss, Jeanette A., dec'd.

Late of Williamsport.

Executor: Gary L. Nuss, 16B Loganberry Court, Murrells Inlet, SC 29576.

Attorneys: Michael P. Robb, Esquire, Savinis, D'Amico & Kane, L.L.C., Gulf Tower, 707 Grant Street, Suite 3626, Pittsburgh, PA 15219.

Popovich, Rose Lu L., dec'd.

Late of Williamsport.

Executor: Keith D. Popovich, 113 Blackfriars Circle, Doylestown, PA 18901.

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

SECOND PUBLICATION**Fry, Virginia E. a/k/a Virginia Ruth Eck Fry,** dec'd.

Late of Muncy.

Executors: Kenneth L. Eck, 7745 Armstrong Road, Muncy, PA 17756 and Patricia E. Rushoe, 150 2nd Avenue, Muncy, PA 17756.

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

Miller, Mary C., dec'd.

Late of Williamsport.

Executrix: Jeanne Vittorio, 2224 Mahaffey Lane, Williamsport, PA 17701.

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

Park, Douglas S., dec'd.

Late of Old Lycoming Township.

Administratrix: Christine J. Park 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.

Stroup, William B., dec'd.

Late of Muncy.
 Executor: Douglas W. Stroup, 1505
 North Market Street, Berwick, PA
 18603.
 Attorney: Layne R. Oden, Esquire,
 Nine South Main Street, Muncy, PA
 17756-1306.

Young, Allan N., Jr., dec'd.

Late of Williamsport.
 Executrix: Margaret A. T. Young,
 952 Hollywood Circle, Williams-
 port, PA 17701.
 Attorneys: Christopher H. Kenyon,
 Esquire, McCormick Law Firm, 835
 West Fourth Street, Williamsport,
 PA 17701.

THIRD PUBLICATION**Bubb, James G.,** dec'd.

Late of Williamsport.
 Executrix: Ruth E. Sedlock, 86 Allen
 Farm Lane, Concord, MA 01742.
 Attorneys: Stephen C. Sholder,
 Esquire, Raup & Sholder, P.C., 270
 West Third Street, Williamsport,
 PA 17701.

Chesney, Fay L., dec'd.

Late of Jersey Shore.
 Executrix: Laura Winkelman, 10 Hill-
 side Drive, Jersey Shore, PA 17740.
 Attorney: Leroy H. Keiler, III, Es-
 quire, 110 Oliver Street, Ste. 2, P.O.
 Box 263, Jersey Shore, PA 17740,
 (570) 398-2750.

Koser, Orvis A., dec'd.

Late of Williamsport.
 Administratrix: Mattie L. Koser,
 1600 Alvin Avenue, Williamsport,
 PA 17701.
 Attorney: Michael J. Zicoello, Es-
 quire, 333 Market Street, Williams-
 port, PA 17701, (570) 321-7554, Fax:
 (570) 321-7845, mike@sz-law.com.

Speck, Raymond E., dec'd.

Late of the Borough of Jersey Shore.
 Administratrix: Jill M. Speck, 12 Bru-
 beck Circle, Marysville, PA 17053.

**FILING OF CERTIFICATE OF
ORGANIZATION OF LLC**

NOTICE IS HEREBY GIVEN that
 a Certificate of Organization was filed
 on or about February 9, 2015 with the
 Department of State of the Common-
 wealth of Pennsylvania, at Harrisburg,
 Pennsylvania, for the purpose of ob-
 taining a Certification of Organization
 for a domestic business corporation,
 organized under the Business Corpora-
 tion Law of 1988; December 21, 1988
 (P.L. 1444, No. 177), as amended. The
 name of the limited liability company is:

JASON'S FOLLY, LLC
 22-30 South Main Street, Suite 209,
 Muncy, PA 17756.

The purpose for which the limited
 liability company was organized is: To
 have unlimited power to engage in and
 do any lawful act concerning any and
 all lawful business for which a limited li-
 ability company may be organized under
 the Pennsylvania Business Corporation
 Law of 1988, as amended.

HENRY P. PERCIBALLI, ESQUIRE
 PERCIBALLI & WILLIAMS, LLC
 429 Market Street
 Williamsport, PA 17701

M-6

SHERIFF'S SALE

By Virtue of Writs of Execution
 issued out of the Court of Common
 Pleas of Lycoming County, and directed
 to me, there will be exposed to public
 sale at the Executive Plaza, 1st Floor,
 Commissioners Board Room, 330
 Pine Street, Williamsport, PA 17701
 on Friday, MARCH 27, 2015, at 10:30
 A.M., the following described real estate
 to wit:

NO. 2-12

All those certain two (2) pieces or parcels of land situate in South Williamsport Borough, County of Lycoming, Commonwealth of Pennsylvania, bounded and described as follows:

PARCEL NO. 1: BEGINNING at a point on the South side of Mountain Avenue, one hundred eighty (180) feet of the Southwest corner of said Avenue and Clinton Street; Southerly at right angles to said Avenue, one hundred fifty (150) feet to an alley; thence Westerly along said alley forty-five (45) feet; thence Northerly one hundred fifty (150) feet to said Mountain Avenue; thence Easterly along same, forty-five (45) feet to the place of Beginning.

PARCEL NO. 2: BEGINNING at a post, the Southeast corner of Hill Street and Mountain Avenue; thence Easterly along the said Avenue Sixty-five (65) feet to Lot now or formerly of the Grantor; thence Southerly along said lot One hundred Fifty (150) feet to an alley, thence Westerly along said alley Sixty-five feet to the said Hill Street; thence Northerly along said Street one

hundred Fifty (150) feet to the place of Beginning.

BEING KNOWN AS 1025 West Mountain Avenue, South Williamsport, PA 17702.

UPI and PARCEL NO. 52-004-179.

BEING the same premises which Marian Fish, single dated October 25, 2002, by Deed dated and recorded November 1, 2002, in the Office of the Recorder of Deeds in and for Lycoming County in Deed Book 4356 Page 046, granted and conveyed unto Jesse J. Hurst, single.

Take notice that a schedule of proposed distribution of the proceeds of the above sale will be on file by the Sheriff of Lycoming County, Pennsylvania, in his office on APRIL 6, 2015 and that distribution will be made in accordance with said schedule unless exceptions are filed thereto within ten days thereafter.
R. MARK LUSK,
Sheriff
Lycoming County, PA

M-6, 13, 20

The Lycoming Law Association Foundation is a tax-exempt 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 law-related 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.

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.



PERIODICAL PUBLICATION

* Dated Material. Do Not Delay. Please Deliver Before Monday, March 9, 2015