## LYCOMING REPORTER

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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

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Eric Ladley

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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.
- 4/13/2015 LLA Executive Committee Meeting: Regular monthly meeting.

  Time: 12:00 PM to 1:00 PM. Location: LLA Office
- 5/1/2015 Law Day 2015: Annual Law Day Event. Time: 4:00 PM to 5:00 PM. Location: Courtroom I, Lycoming County Courthouse
- 5/4/2015 Bench Bar Committee Meeting: Quarterly meeting of the committee.

  Time: 12:00 PM to 1:00 PM. Location: LLA Office
- 5/11/2015 LLA Executive Committee Meeting: Regular monthly meeting.
  Time: 12:00 PM to 1:00 PM. Location: LLA Office

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

- 4/7/2015 Due Diligence in Business Transactions: PBI Video Replay. CLE credits: 3 Substantive / I 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
- 4/15/2015 Problems With Boundaries & Rights of Way: LLA Eat & Earn Series (lunch included). Presented by Marc Drier. CLE credits: I Substantive Time: 12:00 PM to 1:00 PM. Location: LLA 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 / I 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 / I 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 / I Ethics Time: 9:00 AM to 4:30 PM. Location: Lycoming Law Association Conference Center
- 4/28/2015 PBA Malpractice Avoidance Seminar: Live. CLE credits: 1.5
  Ethics Time: 2:00 PM to 3:30 PM. Location: LLA Conference Center
- 5/11/2015 Estate Planning for Younger Couples: PBI Groupcast. CLE credits: 3 Substantive Time: 9:00 AM to 12:15 PM. Location: LLA Conference Center
- 5/12/2015 Slicing Up the Pie: Property Distribution in PA: PBI Groupcast.

  CLE credits: 3 Substantive Time: 9:00 AM to 12:15 PM. Location:

  LLA Conference Center
- 5/14/2015 Understanding Social Security Retirement: PBI Groupcast.

  CLE credits: 3 Substantive Time: 12:00 PM to 3:15 PM. Location:
  Lycoming Law Association Conference Center

- 6/10/2015 16th Estate & Elder Law Symposium: PBI Video Replay. CLE credits: 5 Substantive / 1 Ethics Time: 9:00 AM to 5:00 PM. Location: LLA Conference Center
- 6/12/2015 Best of the Oil and Gas Law Colloquium: PBI Video Replay. CLE credits: 5 Substantive / I Ethics Time: 9:00 AM to 5:00 PM. Location: LLA Conference Center
- 6/16/2015 Effective Nonprofits & Ethical Issues for Attorney Board Members: PBI Video Replay. CLE credits: 3 Substantive / I Ethics Time: 9:00 AM to 1:30 PM. Location: LLA Conference Center
- 6/18/2015 Same Sex Marriage in PA An Update: PBI Groupcast CLE credits: 4 Substantive Time: 8:30 AM to 12:45 PM. Location: Lycoming Law Association Conference Center
- 6/19/2015 Powerful and Ethical Witness Preparation: PBI Video Replay.

  CLE credits: 5 Substantive / I Ethics Time: 9:00 AM to 5:00 PM.

  Location: LLA Conference Center
- 6/22/2015 Sentencing in PA State Courts: PBI Groupcast. CLE credits: 4 Substantive Time: 12:00 PM to 4:15 PM. Location: LLA Conference Center
- 6/24/2015 General Practitioners Update: PBI Groupcast. CLE credits: 5
  Substantive / I Ethics Time: 8:30 AM to 3:45 PM. Location: Lycoming
  Law Association Conference Center
- 6/26/2015 U.S. Supreme Court 2013/14 Term: Review of the Top Cases Argued and Preview Cases to Be Argued: PBI Video Replay. CLE credits: 3 Substantive Time: 9:00 AM to 11:15 AM. 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. Houseweart (03/30/2015)—Judge Dudley N. Anderson

Criminal: Appeal; ineffective counsel; failure of counsel to call a witness whose testimony would have been speculative; failure to request continuance for non-appearance of a subpoenaed witness; lack of witness certification. (houseweart033015a)

- ►Libby vs. Wetzel (03/30/2015)—Judge Dudley N. Anderson Civil: Appeal; failure to respond to a summary judgment motion as required by the rule; need for expert testimony of a connection between an incident and an injury; failure to produce evidence of duty and breach. (Libby033015a)
- ► Quality Carriers, Inc. & QC Energy Resources, LLC vs. ECM Energy Services, Inc. & Energy Construction Management, LLC (03/30/2015)—|udge Dudley N. Anderson

Civil: Motions for summary judgment; duty to defend and indemnify; contract interpretation; Workmen's Compensation immunity; employer liability in indemnification for injuries to its own employee; specific use of language which demonstrates intent to indemnify against claims by employees. (Quality033015a)

- ►ADB vs. AMK (03/30/2015)—Judge Dudley N. Anderson Family: Reconsideration motion; request for genetic testing; doctrine of paternity by estoppel; best interests of the child; applicability of common-law principle of "paternity by estoppel." (adb033015a)
- ▶ Commonwealth vs. Lambert (03/30/2015)—Judge Marc F. Lovecchio Criminal: Suppression motion more properly treated as a motion in limine; unfairly prejudicial interview; probative evidence; unfair prejudice; evidence causing the jury to render a decision on an improper basis or to divert the jury's attention away from its duty of weighing the evidence impartially; misleading or confusing the jury. (Lambert033015L)
- ►Commonwealth vs. Schenck (03/30/2015)—Judge Marc F. Lovecchio Criminal: Motion to dismiss; Rule 600; due diligence to bring case to trial; excludable time due to defense continuance requests. (Schenck033015L)

- ▶ Commonwealth vs. Gardner (03/24/2015)—Judge Nancy L. Butts Criminal: Appeal; sufficiency of evidence of robbery, conspiracy and second-degree murder; admissibility of evidence related to the witnessing of witness' prior use and possession of firearms; witness' propensity for violence and carrying weapons; admissibility of defendant's recorded prison conversations; Commonwealth's use of visual aid during closing argument, that was not in evidence; inconsistent verdicts where evidence is sufficient to support the convictions; weight of the evidence; shocking to the court's sense of justice. (Gardner032415bt)
- ► Commonwealth vs. Faulks (03/20/2015)—Judge Nancy L. Butts Criminal: Post-sentence motion; non-jury trial conviction for endangering welfare of children; parent leaving baby in unattended, running car; child in circumstances that could threaten the child's welfare. (Faulks032015bt.pdf)
- ▶ Commonwealth vs. Bean (03/25/2015)—Judge Marc F. Lovecchio Criminal: Suppression motion; second search warrant and affidavit that corrected any error in first search warrant and narrowed the request to make it particular to circumstances of case; applicability of independent source rule; exploiting fruits of willful misconduct. (Bean032515L)

#### **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**

#### Criswell, C. Dale a/k/a Charles Dale Criswell a/k/a Charles D. Criswell, dec'd.

Late of Loyalsock Township.

The C. Dale and Angela C. Criswell Real Estate Protector Trust, dated December 3, 2009.

The C. Dale and Angela C. Criswell Income Only Protector Trust, dated December 3, 2009.

The C. Dale and Angela C. Criswell Gas Lease Protector Trust, dated December 3, 2009.

Settlor: C. Dale Criswell.

Executrix/Trustee: Angela C. Criswell, 1745 Richards Avenue, Williamsport, PA 17701.

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

## Dugan, Betty June a/k/a Betty J. Dugan, dec'd.

Late of Muncy.

Executrices: Mary L. Ettinger, 1951 Walters Road, Montoursville, PA 17754 and Loretta J. Van Nuys, 14 Green Briar Avenue, Selinsgrove, PA 17870.

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

#### Klees, Donald Timothy, dec'd.

Late of Lycoming County. Executor: Brett E. Klees, 42002 Mill Quarter Place, Ashburn, VA 20148. Attorneys: Campana, Hoffa, Morrone & Lovecchio, P.C., 602 Pine Street, Williamsport, PA 17701, (570) 326-2401.

#### Robbins, William D., Jr., dec'd. Late of 1970 Yale Avenue, Williams-

Executor: William J. Robbins, 1970 Yale Avenue, Williamsport, PA 17701

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

#### Rougeux, James E., dec'd.

Late of the Township of Loyalsock. Co-Executors: Janine M. Noll, 714 W. Southern Avenue, S. Williamsport, PA 17702 and Gary A. Pearson, 821 Louisa Street, Williamsport, PA 17701.

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

#### Vartenisian, Alexander, dec'd.

Late of Loyalsock Township.
The Alexander Vartenisian Protector Trust, dated April 28, 2014.
The Vartenisian Family Protector Trust, dated April 28, 2014.
The Diane M. Lowmiller Supplemental Needs Trust, dated April 28, 2014.
The Alexander Vartenisian Children's Trust, dated April 28, 2014.
Settlor: Alexander Vartenisian.
Trustee: Cynthia V. Petry, 7395 Kelshire Trace, Mechanicsville, VA 23111.

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

#### **SECOND PUBLICATION**

#### Campbell, Margaret E., dec'd.

Late of Loyalsock Township. The Margaret E. Campbell Protector Trust, dated November 4, 2014.

Settlor: Margaret E. Campbell. Trustee: Pamela J. Weihermuller, 361 Warren Street, Montoursville,

PA 17754. Attorneys: Adrianne J. Stahl, Esquire, Steinbacher & Stahl, 413 Washington Boulevard, Williamsport, PA 17701.

#### Deming, Jean G., dec'd.

Late of Loyalsock Township. Executrix: Barbara D. Reeder, 1626 Elliot Street, Williamsport, PA 17701. Attorneys: Stephen C. Sholder, Esquire, Raup & Sholder, P.C., 270 West Third Street, Williamsport, PA 17701, (570) 321-0709.

#### **Guthrie, Robert Laverne,** dec'd. Late of the Borough of Montoursville.

Executors: Jason Michael Guthrie, 5482 Gracey Lane, Warriors Mark, PA 16877 and Marc Laverne Guthrie, 1315 Cedar Street, Montoursville, PA 17754.

Attorneys: James G. Malee, Esquire, Malee Law Firm, P.C., 310 East Third Street, Williamsport, PA 17701, (570) 321-6112.

#### Pentz, Mabel M., dec'd.

Late of 1498 Brouse Road, Montgomery.

Administrator: James R. Pentz, 210 Spring Lake Crest, Watsontown, PA 17777.

Attorney: J. Howard Langdon, Esquire, 3 South Main Street, Muncy, PA 17756.

#### Rainey, Betty L., dec'd.

Late of Piatt Township.

Co-Administrators: Howard N. Rainey and Gina Champion c/o Denise L. Dieter, Esquire, 227 Allegheny Street, Jersey Shore, PA 17740.

Attorney: Denise L. Dieter, Esquire, 227 Allegheny Street, Jersey Shore, PA 17740.

#### Schmohl, William L., dec'd.

Late of Hughesville.

Executrix: Shirley Hileman, 179 S. Fourth Street, Hughesville, PA 17737. Attorneys: Stephen C. Sholder, Esquire, Raup & Sholder, P.C., 270 West Third Street, Williamsport, PA 17701, (570) 321-0709.

#### Sechrist, Margaret M., dec'd.

Late of Jersey Shore.

Co-Executrices: Laura J. Roupp, 364 Santschi Road, Cogan Station, PA 17728 and Sylvia J. Todd, 440 Cement Drive, 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.

#### Vogt, Faith G., dec'd.

Late of the Borough of Montoursville. Executrix: Ann M. Case 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.

## Widell-Wallis, Mary M. a/k/a Mary M. Wallis, dec'd.

Late of Williamsport.

Executor: Edward L. Widell, 50 South Second Street, Hughesville, PA 17737.

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

#### Williams, Harry W. a/k/a Harry Williams a/k/a Harry Woodland Williams, dec'd.

Late of the Township of Old Lycoming.

Executrices: Lynn M. Shade, 165 Miller Road, Cogan Station, PA 17728 and Lori A. Williams, P.O. Box 100, Woolrich, PA 17779.

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

#### THIRD PUBLICATION

#### Bower, Virginia M., dec'd.

Late of Old Lycoming Township, (Williamsport).

Executrix: Karen M. Bower, 4129 State Route 864, Montoursville, PA 17754.

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

#### Dewalt, Edward J., dec'd.

Late of Montgomery.

Executor: William K. Pysher, 1441 Petersburg Road, Allenwood, PA 17801.

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

#### Doughton, Daniel W., dec'd.

Late of the Township of Muncy. Executrix: Margaret Louise Fulmer Doughton, 517 Carpenters Lane, Pennsdale, PA 17756.

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

#### Freezer, LeRoy O. a/k/a LeRoy Oscar Freezer a/k/a Le Roy Freezer a/k/a LeRoy Freezer, dec'd.

Late of the Borough of Montoursville.

Executor: Roland E. Freezer, 212 Brouse Road, Montgomery, PA 17752.

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

#### Jameson, Kathryn A., dec'd.

Late of Jersey Shore.

Executrix: Brenda L. Castaneda, P.O. Box 402, Boiling Springs, PA 17007. Attorney: Leroy H. Keiler, III, Esquire, 110 Oliver Street, Ste. 2, P.O. Box 263, Jersey Shore, PA 17740, (570) 398-2750.

#### McCarty, Lois E., dec'd.

Late of the Township of Wolf. Executor: The Muncy Bank & Trust Co., Two North Main Street, Muncy, PA 17756.

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

#### Poust, Kenneth D., Jr., dec'd.

Late of 4825 Route 220, Hughesville, Wolf Township.

Executor: Rudy Stackhouse, 148 Asher Lane, Spring Mills, PA 16875. Attorneys: Lester L. Greevy, Jr., Esquire, Greevy & Associates, 5741 State Route 87, Williamsport, PA 17701, (570) 435-2233.

#### Smith, Brenda L., dec'd.

Late of the City of Williamsport. Administrator: Dalton Smith, 1316 Mansel Avenue, Williamsport, PA 17701.

Attorney: Andrea B. Bower, Esquire, 426 Broad Street, Montoursville, PA 17754.

#### Stilwell, Judith J., dec'd.

Late of the City of Williamsport. Administratrix: Margaret Bressler, 642 Lorson Road, Williamsport, PA 17702.

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

#### Yarison, Charles, dec'd.

Late of South Williamsport.

Executrix: Linda Yarison, 222 Church Street, South Williamsport, PA 17702. Attorneys: Kari Mellinger, Esquire, R.J. Marzella & Associates, 3513 North Front Street, Harrisburg, PA 17110.

# REGISTER OF WILLS CONFIRMATION OF ACCOUNT

NOTICE IS HEREBY GIVEN to all parties interested that the following Account together with all Statement of Proposed Distribution accompanying the same have been filed in the Office of the Register of Wills and Clerk of Orphans' Court are presented to the Orphans' Court of Lycoming County for Confirmation Absolute April 7, 2015 unless exceptions are filed before 5:00 P.M. on that date.

I. William D. Davis Charitable Remainder Unitrust—Wells Fargo Bank N.A., Successor Trustee.
Annabel Miller
Register of Wills

M-27; A-3

## FILING OF CERTIFICATE OF ORGANIZATION OF LLC

NOTICE IS HEREBY GIVEN that a Certificate of Organization was filed on or about February 17, 2015, with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certification of Organization for a domestic limited liability company, organized under the Business Corporation Law of 1988; December 21, 1988 (P.L. 1444, No. 177), as amended. The name of the limited liability company is:

CORTERS AUTO SALES, LLC 1781 Daughertys Run Road, Linden, PA 17744.

The purpose for which the limited liability company was organized is: For the purchase and sale of used vehicles.

SCOTT T. WILLIAMS, ESQUIRE LAW OFFICES PERCIBALLI & WILLIAMS, LLC 429 Market Street Williamsport, PA 17701

A-3

#### **SERVICE BY PUBLICATION**

Lycoming County
Court of Common Pleas

Number 13-02-791

Lycoming County Water and Sewer Authority,

**Plaintiff** 

٧.

Charles Heinsinger and Karen Heinsinger, his wife,

Defendants

TO: Charles Heinsinger, Karen Heinsinger

NOTICE IS HEREBY GIVEN that pursuant to the court's order of February 2, 2015, the property located at lot 88 Lakeview Drive, Muncy Valley, Pennsylvania 17758, parcel number 44-316-1-0288 will be sold at public judicial sale by the Lycoming County Sheriff, free and clear of all claims, liens, mortgages, charges and estates to the highest bidder at sale and the proceeds realized therefrom shall be distributed in accordance with the priority of such claims.

The sale is ordered to occur during Sheriff's Sale scheduled for May 1, 2015 at 10:30 A.M. at Executive Plaza. AUSTIN WHITE, ESQUIRE McCORMICK LAW FIRM 835 West Fourth Street Williamsport, PA 17701 (570) 326-5131



PERIODICAL PUBLICATION

\* Dated Material. Do Not Delay. Please Deliver Before Monday, April 6, 2015