

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

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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.

7/15/2015 – LLA Summer Outing on the Hiawatha: *Summer gathering for food and drink aboard the Hiawatha, cruising the Susquehanna River.* **Time:** 6:00 PM to 8:00 PM. **Location:** Hiawatha paddle boat

8/3/2015 – Bench Bar Committee Meeting: *Quarterly meeting of the committee.* **Time:** 12:00 PM to 1:00 PM. **Location:** LLA Office

8/10/2015 – LLA Executive Committee Meeting: *Regular monthly meeting.* **Time:** 12:00 PM to 1:00 PM. **Location:** LLA Office

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.

UPCOMING LYCOMING COUNTY CLE OPPORTUNITIES

- 7/14/2015** – **Smart Phone and Mobile Apps for Lawyers:** *PBI Video Replay.*
CLE credits: 2 Substantive **Time:** 9:00 AM to 11:00 AM. **Location:**
LLA Conference Center
- 7/15/2015** – **New Developments in Pennsylvania’s Child Protection Law:**
LLA Eat & Earn. **CLE credits:** 1 Substantive **Time:** 12:00 PM to 1:00
PM. **Location:** Lycoming Law Association Office
- 7/17/2015** – **Estate Planning: Beyond Basics:** *PBI Video Replay.* **CLE credits:**
5 Substantive / 1 Ethics **Time:** 9:00 AM to 5:00 PM. **Location:** LLA
Conference Center
- 7/20/2015** – **Premarital Agreements:** *PBI Groupcast.* **CLE credits:** 4 Substantive
Time: 12:30 PM to 4:45 PM. **Location:** Lycoming Law Association
Office
- 7/22/2015** – **Law of Arrest Search and Seizure:** *PBI Video Replay.* **CLE**
credits: 4 Substantive **Time:** 9:00 AM to 1:30 PM. **Location:** LLA
Conference Center
- 7/29/2015** – **Pennsylvania’s Right to Know Law: Six Years and Still Evolv-**
ing: *PBI Groupcast.* **CLE credits:** 2 Substantive / 1 Ethics **Time:** 1:30
PM to 4:45 PM. **Location:** Lycoming Law Association Office
- 7/30/2015** – **Internet Legal Research:** *PBI Groupcast.* **CLE credits:** 2 Substan-
tive / 1 Ethics **Time:** 12:30 PM to 3:45 PM. **Location:** LLA Confer-
ence Center
- 7/31/2015** – **Winning at Trial:** *PBI Video Replay.* **CLE credits:** 5 Substantive / 1
Ethics **Time:** 9:00 AM to 5:00 PM. **Location:** LLA Conference Center
- 8/4/2015** – **Do Lawyers Still Need Wisdom in an Information Age?:** *PBI*
Video Replay. **CLE credits:** 1 Ethics **Time:** 9:00 AM to 10:00 AM.
Location: LLA Conference Center
- 8/6/2015** – **Estate and Family Planning for the 21st Century Family:** *PBI*
Video Replay. **CLE credits:** 3 Substantive **Time:** 9:00 AM to 12:30
PM. **Location:** LLA Conference Center
- 8/7/2015** – **Solving Drivers Licensing Problems:** *PBI Video Replay.* **CLE**
credits: 6 Substantive **Time:** 9:00 AM to 5:00 PM. **Location:** LLA
Conference Center
- 8/11/2015** – **Fear Factor – How Good Lawyers Get into Bad Ethical**
Trouble: *PBI Video Replay.* **CLE credits:** 3 Ethics **Time:** 9:00 AM to
12:30 PM. **Location:** Lycoming Law Association Office
- 8/12/2015** – **The Ethics of Pro Bono: Doing Good the Right Way:** *PBI Video*
Replay. **CLE credits:** 1 Ethics **Time:** 9:00 AM to 10:00 AM. **Loca-**
tion: LLA Conference Center

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- 8/13/2015 – SORNA Update:** *PBI Groupcast.* **CLE credits:** 3 Substantive **Time:** 1:00 PM to 4:15 PM. **Location:** Lycoming Law Association Office
- 8/14/2015 – Litigating in Orphans’ Court:** *PBI Video Replay.* **CLE credits:** 5 Substantive / 1 Ethics **Time:** 9:00 AM to 5:00 PM. **Location:** LLA Conference Center
- 8/18/2015 – Understanding the Basics of Elder Law:** *PBI Video Replay.* **CLE credits:** 5 Substantive / 1 Ethics **Time:** 9:00 AM to 5:00 PM. **Location:** LLA Conference Center
- 8/20/2015 – Hot Topics in Capital Cases – Part II:** *PBI Groupcast.* **CLE credits:** 4 Substantive **Time:** 12:00 PM to 4:15 PM. **Location:** LLA Conference Center
- 8/24/2015 – Microsoft Excel, Adobe & PDF Files for Lawyers:** *PBI Groupcast.* **CLE credits:** 6 Substantive **Time:** 9:00 AM to 4:15 PM. **Location:** Lycoming Law Association Office
- 8/24/2015 – Bridge the Gap:** *In May of 2002, the Supreme Court of Pennsylvania passed a rule requiring newly admitted attorneys to complete the Bridge the Gap program as a condition of compliance prior to the first CLE deadline on which CLE credits are due.* **CLE credits:** 4 Ethics **Time:** 1:00 PM to 5:00 PM. **Location:** LLA Office
- 8/26/2015 – Who’s on First? Lien Priority in PA:** *PBI Video Replay.* **CLE credits:** 3 Substantive **Time:** 9:00 AM to 12:30 PM. **Location:** LLA Conference Center
- 9/25/2015 – From File to Trial – 8 Keys to Success in Court and Beyond:** *PBI Video Replay.* **CLE credits:** 5 Substantive / 1 Ethics **Time:** 9:00 AM to 5:00 PM. **Location:** Lycoming Law Association Office
- 10/1/2015 – Fundamentals of Oil and Gas Law:** *PBI Video Replay.* **CLE credits:** 5 Substantive / 1 Ethics **Time:** 9:00 AM to 5:00 PM. **Location:** Lycoming Law Association Office
- *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. Zeigler** (07/07/2015)—Judge Marc F. Lovecchio
Criminal: Appeal; claim of unduly harsh and manifestly excessive sentence; waiver by failure to assert issue during sentencing hearing or by post-sentence motion; discretion of the trial court in imposing sentence following the revocation of probation; conviction of another crime and violation of probation; imposing harsh post-revocation sentence where the defendant originally received lenient sentence. (Zeigler070715L)
- ▶ **Commonwealth vs. Jennings** (07/02/2015)—Judge Marc F. Lovecchio
Criminal: Defendant motion in limine; sex offender registration; admissibility of evidence that Defendant was told prior to the date in which he is accused of driving an unregistered vehicle that he could not drive a vehicle without it being registered; other crimes or wrongs; evidence rule 404(b); probative value of evidence outweighing potential for unfair or undue prejudice; evidence that goes directly to the element of intent. (jennings070215L)
- ▶ **Commonwealth vs. Ball** (07/02/2015)—Judge Marc F. Lovecchio
Criminal: Appeal; issues raised for the first time on appeal; claim for credit for time served in other jurisdiction, where all sentences were imposed by Pennsylvania courts; sentences aggregating as a matter of law; equal protection claim; alleged deficiency in the evidence presented at the preliminary hearing where evidence presented at trial was sufficient to sustain conviction; mootness. (Ball070215L)
- ▶ **Commonwealth vs. Lewis** (07/01/2015)—Judge Marc F. Lovecchio
Criminal: Motion in limine regarding the defendant's prior felony convictions; required element of the crime of persons not to possess firearms, acceptance of stipulation of required element; admissibility of videotaped interview; corpus delicti; relevant and admissible evidence; probative value outweighed by risk of undue prejudice. (Lewis070115L)
- ▶ **Commonwealth vs. Bodle** (06/26/2015)—Judge Richard A. Gray
Criminal: Post Conviction Relief Act petition; ineffective counsel; failure to call character witnesses at trial; strategy and tactics of trial counsel; prejudice; overcoming presumption of counsel effectiveness; lack of helpfulness of proposed witness testimony; lack of prejudice. (bodle062615g)

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- **Killinger vs. Hosler Corp., Benell, Inc. and Hartford Fire Insurance Company** (07/01/2015)—Judge Richard A. Gray
Civil: Preliminary objections; construction contract; claim as third-party beneficiary to the performance bond; quantum meruit claim; availability of equitable contract claims where the relationship is governed by an express contract; alternative pleading. (Killinger070115g)
- **West vs. Wood vs. Williamsport Automitive, Inc. and Cardone Industries, Inc.** (06/25/2015)—Judge Dudley N. Anderson
Civil: Motion in limine; arbitration limits case; admission of invoices for repair issued by unidentified, out-of-state party, who is not within the subpoena power of the court; applicability of Pa. R.C.P. 1305. (west062515a)
- **Commonwealth of Pennsylvania Department of Transportation v. Lopez** (06/23/2015)—Judge Joy Reynolds McCoy
Administrative Appeal: License suspension appeal; refusal to submit to a chemical blood test; reasonable grounds to request blood testing; materiality of determination of legality of arrest in civil license suspension case; knowing or conscious refusal; lack of evidence of language barrier; authority for requiring reasonable accommodations for language issues. (Lopez062315m)
- **DH-W Adoption** (06/21/2015)—Judge Joy Reynolds McCoy
Adoption: Agency petition for involuntary termination of parental rights; incarcerated mother with 4 previous terminations due to inability to care for children; father's ability to care for child on his own; father with intellectual limitation and low I.Q.; no settled purpose to relinquish parental claim; refusal as well as incapacity to perform parental duties; intellectual deficiency; clear and convincing evidence that father's lack of parenting skills cannot or will not be remedied; permanency for the child; needs and welfare of the child; extended removal of child from custody with conditions which led to removal of the child still continuing to exist; bond with the child. (AdoptionofDHW062115m)
- **TEB vs. SLB** (06/23/2015)—Judge Joy Reynolds McCoy
Divorce: Petitions for contempt or to enforce property settlement agreement; interpretation of marital settlement agreement as it applies to qualified domestic relations orders; unambiguous language; benefit to which coverture fraction is applied; post-separation enhancements; utilization of husband's pay years post-separation to calculate marital property; claim that husband's post-separation monetary contributions were awarded; standards to find contempt; lack of wrongful intent. (teb062315m)

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

Berthold, Alfred W., dec'd.

Late of the Township of Loyalsock.
 Executor: Richard G. Berthold, 341 Russell Avenue, Williamsport, PA 17701.

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

Best, Margie E., dec'd.

Late of Williamsport.
 Executor: Allen D. Best c/o Christian D. Frey, Esquire, 140 East Third Street, Williamsport, PA 17701.

Attorneys: Christian D. Frey, Esquire, Lepley, Engelman & Yaw, LLC, 140 East Third Street, Williamsport, PA 17701.

Burkholder, Bruce C., dec'd.

Late of Loyalsock Township.
 Executor: Thomas B. Burkholder, 2816 Orchard Avenue, Montoursville, PA 17754.

SECOND PUBLICATION

Dyer, Henry H. a/k/a Henry Hopper Dyer, dec'd.

Late of the Borough of South Williamsport.

Executor: Wells Fargo Bank, NA, 123 South Broad Street, 6th Floor, Philadelphia, PA 19109.

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

Engel, Ruth L., dec'd.

Late of the City of Williamsport.
 Executors: Edward C. Ulrich, 3229 Elimsport Rd., Montgomery, PA 17752 and James D. Ulrich, 434 Waring Rd., Allenwood, PA 17810.
 Attorney: Joseph L. Rider, Esquire, 143 West Fourth Street, Williamsport, PA 17701.

Fowler, Harold L., dec'd.

Late of Muncy Creek Township.
 Executrix: Charlene M. Zellers, 653 Black Hollow Road, Pennsdale, PA 17756.

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

Fry, Annabell B., dec'd.

Late of Muncy.
 Administrator: Ralph R. Fry, 400 Village Road, Muncy, PA 17756.
 Attorneys: Thomas D. Hess, Esquire, Hess and Hess, P.C., 30 South Main Street, Hughesville, PA 17737.

Patterson, Dale L., dec'd.

Late of the Borough of South Williamsport.
 Executors: Steven L. Patterson, 220 North Second Street, Sunbury, PA 17801 and Shari L. Jones, 836 Susquehanna Avenue, Sunbury, PA 17801.
 Attorneys: Robert E. Diehl, Jr., Esquire, Diehl, Dluge, Jones & Michetti, 1070 Market Street, Sunbury, PA 17801.

Smith, Paul E., Sr., dec'd.

Late of Hepburn Township.

Executor: Mark E. Smith c/o Patricia L. Bowman, Esquire, Bowman Law Office, 1530 Sherman Street, Williamsport, PA 17701.

Attorneys: Patricia L. Bowman, Esquire, Bowman Law Office, 1530 Sherman Street, Williamsport, PA 17701.

THIRD PUBLICATION

Breen, Cheryl L., dec'd.

Late of Williamsport.

Executrix: Wahneeta A. Welter, 503 Hawthorne Avenue, Williamsport, PA 17701.

Attorney: Charles A. Szybist, Esquire, 423 Mulberry Street, Williamsport, PA 17701.

Fryer, Lloyd B., Jr., dec'd.

Late of 1115 Broad Street, Montoursville.

Administratrix: Michele R. Fryer.

Attorney: G. Scott Gardner, Esquire, Attorney At Law, 2117 West Fourth Street, Williamsport, PA 17701, (570) 322-7653.

Grimes, Virginia M., dec'd.

Late of Cogan House Township.

Executrix: Virginia T. Walters 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.

Lundy, Muriel A., dec'd.

Late of Williamsport.

Executor: Kirt C. Lundy, 1048 S. Main Street, Unit 27, Plantsville, CT 06479.

Attorney: Scott A. Williams, Esquire, 57 East Fourth Street, P.O. Box 3, Williamsport, PA 17703.

FILING ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania on June 19, 2015, the purpose of forming a non profit corporation under the Nonprofit Corporation Law of 1988 of the Commonwealth of Pennsylvania, 15 Pa. C.S. §1101 et seq., as the same may have been amended.

The name of the corporation is:

WIND-WHISTLE CLAN

whose registered office is: 57 East Fourth Street, Williamsport, Pennsylvania 17701.

SCOTT A. WILLIAMS, ESQUIRE

57 East Fourth Street

P.O. Box 3

Williamsport, PA 17703-0003

Ju-10

INTENTION TO CHANGE NAME

In the Court of Common Pleas of Lycoming County, Pennsylvania

NO. 15-01,193

In Re: CHANGE OF NAME OF DORCAS JOANNA EBERHART

NOTICE IS HEREBY GIVEN that on May 5, 2015, the Petition of Dorcas Joanna Eberhart was filed in the above named Court, praying for a decree to change her name from Dorcas Joanna Eberhart to Joanna Elaine Eberhart.

The Court has fixed September 22, 2015 at 3:00 p.m., in Courtroom No. 2 of the Lycoming County Courthouse, 48 West Third Street, Williamsport, Pennsylvania, as the time and place for the hearing of said Petition, when and

where all persons interested may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

W. JEFFREY YATES, ESQUIRE

W. JEFFREY YATES, ESQ., P.C.

Attorneys for the Petitioner

425 Market Street

2nd Floor

Williamsport, PA 17701

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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.



PERIODICAL PUBLICATION

*** Dated Material. Do Not Delay. Please Deliver Before Monday, July 13, 2015**