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LYCOMING REPORTER

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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.
- 10/17/2015 Wills for Heroes: The Wills for Heroes program, sponsored by the Young Lawyers' Division of the PBA, provides basic estate planning documents for first responders, at no cost. The session will be operated by LLA lawyer volunteers. Time: 8:45 AM to 5:00 PM. Location: Old Lycoming Township Volunteer Fire Company
- 10/27/2015 MDPA Federal Bar Association Annual Meeting and CLE: Annual meeting and CLE – "The Criminal Justice Act, Fifty Years and Counting: Exploring the Right to Counsel in Federal Court." Time: 3:30 PM to 7:00 PM. Location: 33 East Third Street, Williamsport, PA
- 11/2/2015 Bench Bar Committee Meeting: Quarterly meeting of the committee. Time: 12:00 PM to 1:00 PM. Location: LLA Office
- 11/9/2015 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

- 10/14/2015 The Changing Landscape: Issues Beyond Marriage for the LBGT Pennsylvanian: PBI Groupcast. CLE credits: 2 Substantive / I Ethics Time: 8:30 AM to 11:45 AM. Location: Lycoming Law Association Office
- 10/21/2015 In the Know Series Elder Law (Host: Tammy Avery Weber, Esq.): Eat and Earn. CLE credits: I Substantive Time: 12:00 PM to 1:00 PM. Location: Lycoming Law Association Office
- 10/22/2015 Premarital Agreements: PBI Video Replay. CLE credits: 4 Substantive Time: 9:00 AM to 1:30 PM. Location: Lycoming Law Association Office
- 10/27/2015 Nuts & Bolts of Medicaid Planning: PBI Groupcast. CLE credits: 3 Substantive Time: 12:00 PM to 3:15 PM. Location: Lycoming Law Association Office
- 10/27/2015 MDPA Federal Bar Association Annual Meeting and CLE:
 Annual meeting and CLE "The Criminal Justice Act, Fifty Years and Counting: Exploring the Right to Counsel in Federal Court." CLE credits:
 I Substantive Time: 3:30 PM to 7:00 PM. Location: 33 East Third Street, Williamsport, PA
- 10/28/2015 Lincoln and His Leadership: PBI Video Replay. CLE credits: 2 substantive / I Ethics Time: 9:00 AM to 12:30 PM. Location: Lycoming Law Association Office
- 11/4/2015 Estate Planning for Younger Couples: PBI Video Replay. CLE credits: 3 Substantive Time: 9:00 AM to 12:30 PM. Location: Lycoming Law Association Office
- 11/5/2015 Hot Topics in Oil and Gas Law: PBI Video Replay. CLE credits: 4 Substantive Time: 9:00 AM to 1:30 PM. Location: Lycoming Law Association Office
- 11/10/2015 Family Law 101: PBI Video Replay. CLE credits: 5 Substantive / I Ethics Time: 9:00 AM to 5:00 PM. Location: Lycoming Law Association Office
- 11/16/2015 Taking and Defending Depositions: PBI Groupcast. CLE credits: 4 Substantive Time: 12:00 PM to 4:15 PM. Location: Lycoming Law Association Office
- 11/17/2015 Representing a Client With Diminished Capacity in Estate & Elder Law: PBI Video Replay. CLE credits: 3 Substantive / 1 Ethics Time: 9:00 AM to 1:30 PM. Location: Lycoming Law Association Office

- IIII8/2015 Understanding Pennsylvania's Protection From Sexual Violence and Intimidation Act (Host: Jenna Neidig, Esq.):
 Eat & Earn. CLE credits: | Substantive Time: | 12:00 PM to | 1:00 PM.
 Location: Lycoming Law Association Office
- 11/19/2015 Fire at Will in Pennsylvania: PBI Video Replay. CLE credits: 3 Substantive Time: 9:00 AM to 12:30 PM. Location: Lycoming Law Association Office
- 11/23/2015 School Law: PBI Groupcast. CLE credits: 4 Substantive Time:
 9:00 AM to 1:15 PM. Location: Lycoming Law Association Office
- 12/1/2015 Hot Topics in Capital Cases Part II: PBI Video Replay. CLE credits: 4 Substantive Time: 9:00 AM to 1:30 PM. Location: Lycoming Law Association Office
- 12/2/2015 A Day on Ethics w/Sean Carter: PBI Groupcast. CLE credits:
 6 Ethics Time: 9:00 AM to 4:15 PM. Location: Lycoming Law Association Office
- 12/3/2015 Seven Steps to Becoming an Extraordinary Trial Lawyer: PBI Video Replay. CLE credits: 5 Substantive / 1 Ethics Time: 9:00 AM to 5:00 PM. Location: Lycoming Law Association Office
- 12/4/2015 Special Needs Trusts: PBI Video Replay. CLE credits: 4 Substantive Time: 9:00 AM to 1:30 PM. Location: Lycoming Law Association Office
- 12/7/2015 Basics of UM/UIM and Limited Tort: PBI Video Replay. CLE credits: 4 Substantive Time: 9:00 AM to 1:30 PM. Location: Lycoming Law Association Office
- 12/8/2015 The Emerging Retiree Maximizing Social Security & Retirement Plans: PBI Groupcast. CLE credits: 3 Substantive Time:
 12:00 PM to 3:15 PM. Location: Lycoming Law Association Office
- 12/9/2015 A Look at the New Federal Rules: PBI Video Replay. CLE credits:
 1.5 Substantive Time: 9:00 AM to 10:30 AM. Location: Lycoming Law Association Office
- 12/10/2015 A Day on Real Estate: PBI Video Replay. CLE credits: 5 Substantive / I 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. Balevicz (10/06/2015)—Judge Marc F. Lovecchio Criminal: Petition to enforce guilty plea/motion to dismiss; failure to comply with sexual offender registration requirements; enforcement of plea agreement; venue; date from which registration requirement runs. (Balevicz100615L)
- ► Commonwealth vs. Carter (10/02/2015)—Judge Richard A. Gray Criminal: Appeal; sentencing discretion; sentence within the sentencing guidelines; consideration of arguments in favor of a mitigated sentence; his lack of remorse. (carter100215g)
- ► Knisely Security, LLC. vs. Keystone Mobile Shredding, Inc. (09/25/2015)—Judge Richard A. Gray
 - Civil: Preliminary objections; unfair competition; puffing; claims so far afield of the traditional claims of unfair competition to be recognized; issues more appropriately directed to licensing board; defamation or tortious interference with existing or prospective contractual relations; more specific pleading; insufficient factual basis; scandalous or impertinent matter. (knisely092515g)
- ▶ Commonwealth vs. Sears (10/02/2015)—Judge Marc F. Lovecchio Criminal: Post-sentence motion; sufficiency of evidence of malice to convict defendant of third-degree murder; inferred malice; pointing a gun at another individual not knowing for certain whether gun is loaded; unduly harsh and excessive sentence; abuse of discretion; standard guideline sentence; defendant who was in possession of stolen firearm, playing with it while watching cartoons and then, with only the slightest of provocation, killed his best friend; protection of the public. (Sears 100215L)

- ▶ Commonwealth vs. Brown (09/29/2015)—Judge Nancy L. Butts Criminal: Commonwealth's reconsideration motion; admissibility of non-testimonial statements of child to health care provider; Pennsylvania constitutional protections; spontaneous statements; Tender Years Statute; motive to fabricate; reliability of statements; relevance. (Brown092915bt)
- ►Commonwealth vs. Bean (09/29/2015)—Judge Nancy L. Butts Criminal: Motion to release on nominal bail; Rule 600; pretrial incarceration in excess of 180 days; excludable time. (Bean092915bt)
- ►Crouse vs. Compagni and Eden (09/30/2015)—Judge Dudley N. Anderson

Civil: Summary judgment motion; quiet title action; estoppel to assert anything in derogation of his deed, as against the grantee; applicability to successors; avoiding summary judgment with mere denials. (Crouse093015a)

The Lycoming County Court of Common Pleas has issued a comprehensive revision of the local criminal rules. Several obsolete rules have been rescinded. Most of the rules have been renumbered. The criminal rules page on the Lycolaw.org website has been updated, and the orders amending the rules are posted at www. lycolaw.org/rules/changes.html.

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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

Baysore, Betty J., dec'd.

Late of Muncy Creek. Executrix: Sara L. Boudman, 27 Heatherbrooke Estates, Muncy, PA 17756. Attorneys: Thomas D. Hess, Esquire, Hess and Hess, P.C., 30 South Main Street, Hughesville, PA 17737.

Blaschak, Steven D., dec'd.

Late of Williamsport.

Executor: John A. Blaschak, 2816 Lincoln Dr., Montoursville, PA 17754.

Attorneys: Aaron C. Jackson, Esquire, Buchanan Ingersoll & Rooney, PC, 409 N. 2nd St., Ste. 500, Harrisburg, PA 17101.

Bunce, Clyde L., dec'd.

Late of 74 Weller Drive, Williamsport. Executor: Michael Rath c/o Peter Burchanowski, Esquire, 4 West Fourth St., Williamsport, PA 17701. Attorney: Peter Burchanowski, Esquire, 4 West Fourth St., Williamsport, PA 17701.

Flook, Laura A., dec'd. Late of South Williamsport.

Executrix: Rose Marie Leo, 905 Main Street, South Williamsport, PA 17702.

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

Fry, Ralph R., dec'd.

Late of Pennsdale.

Administrator c.t.a.: Alan E. Fry, 1537 Pond Road, Muncy, PA 17756. Attorneys: Thomas D. Hess, Esquire, Hess and Hess, P.C., 30 South Main Street, Hughesville, PA 17737.

Glace, Florence E., dec'd.

Late of Williamsport.

Co-Executors: Richard S. Glace and H. David Glace 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.

McHenry, Daniel David, Sr. a/k/a Daniel D. McHenry, dec'd.

Late of Lock Haven.

Executor: Doyle D. McHenry, 109 E. Highland Street, P.O. Box 197, Avis, PA 17721.

Attorney: Leroy H. Keiler, III, Esquire, I10 Oliver Street, Ste. 2, P.O. Box 263, Jersey Shore, PA 17740, (570) 398-2750.

McMullen, Warren J., dec'd.

Late of Hughesville.

Executor: Gary D. Kepple, 4841 Shamrogue Court, Allison Park, PA 15101.

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

Moss, Jason L. a/k/a Jason Moss, dec'd.

Late of the Township of Lewis.

Executrix: Dana L. Groff.

Attorneys: Eric Ladley, Esquire, Steinbacher, Stahl, Goodall & Yurchak, 413 Washington Boulevard, Williamsport, PA 17701.

Shelinski, Robert A., dec'd.

Late of Picture Rocks.

Executrix: Mary E. Shelinski, 49 Boston Road, P.O. Box 396, Picture Rocks, PA 17762.

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

Williams, Josephine A., dec'd.

Late of the City of Williamsport. Executor: Leo M. Williams, Jr., 1277 French Settlement Road, Williamsport, PA 17701.

Attorneys: Robert E. Diehl, Jr., Esquire, Diehl, Dluge, Jones & Michetti, 1070 Market Street, Sunbury, PA 17801.

SECOND PUBLICATION

Ferguson, Timothy J., Jr., dec'd.

Late of Muncy.

Executor: John T. Ferguson. Attorneys: Tammy A. Weber, Esquire, Marshall, Parker & Weber, LLC, 49 E. Fourth Street, Williams-

Fratila, Romulus, dec'd.

port, PA 17701.

Late of Williamsport.

Executor: Thomas A. Zimmerman, 927 First Ave., Williamsport, PA 17701

Attorneys: Stephen C. Sholder, Esquire, Raup & Sholder, P.C., 270 West Third Street, Williamsport, PA 17701, (570) 321-0709.

McKenzie, Barbara J., dec'd.

Late of Montoursville.

Executor: Shawn Patrick McKenzie, 3233 Slacks Run Road, Trout Run, PA 17771.

Attorneys: James D. Casale, Esquire, Casale & Bonner, P.C., 33 West Third Street, Suite 202, Williamsport, PA 17701, (570) 326-7044.

Meckley, Alfred L., dec'd.

Late of the Township of Loyalsock. Executors: Judith Ann Keller, 1827 Nast Avenue, Montoursville, PA 17754 and Woodlands Bank, 2450 E. Third Street, Williamsport, PA 17701.

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

Ryder, Larry L., Sr., dec'd.

Late of Hughesville.

Executor: Larry L. Ryder, Jr., 55 Center Street, Picture Rocks, PA 17762.

Smith, Richard A., dec'd.

Late of 861 West Central Avenue, South Williamsport.

Executrix: Sandra S. Dudek, 710 West Southern Avenue, South Williamsport, PA 17702.

Attorneys: Lester L. Greevy, Jr., Esquire, Greevy & Associates, 5741 State Route 87, Williamsport, PA 17701.

Stuart, Nancy C., Sr., dec'd.

Late of 2140 Warrensville Road, Montoursville.

Executrix: Jeannette L. Brelsford, 126 Pond Lane, Montoursville, PA 17756.

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

THIRD PUBLICATION

Bartolomeo, Frank J., dec'd.

Late of South Williamsport.

The Frank J. and Joan R. Bartolomeo Income Only Protector Trust, dated August 11, 2008.

The Frank J. Bartolomeo Protector Trust, dated June 26, 2013. Settlor: Frank J. Bartolomeo. Trustee: Brenda L. Kremser. Attorneys: Eric Ladley, Esquire, Steinbacher, Stahl, Goodall & Yurchak, 413 Washington Boulevard, Williamsport, PA 17701.

Folmar, Madelyn C., dec'd.

Late of Loyalsock.

Executrix: Sharon Hamilton, 1733 Wheeland Drive, Williamsport, PA 17701

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

Foust, Cherie S., dec'd.

Late of the Township of Fairfield. Administratrix: Kelly A. Pittenger, 4733 Warrensville Rd., Montoursville, PA 17754.

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

King, Joanne A., dec'd.

Late of Williamsport.

Co-Administrators: Laura Ciuccio, 1827 Walthers Road, Montoursville, PA 17754 and Brian Armes, 246 Elimsport Road, Montgomery, PA 17752. Attorneys: Joseph F. Orso, Ill, Esquire, Rudinski, Orso and Lynch, 339 Market Street, Williamsport, PA 17701.

Michael, Kay D., dec'd.

Late of 739 Susquehanna Trail, Muncy.

Executor: Lloyd K. Michael, P.O. Box 162, Muncy, PA 17756.

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

Straub, Warren J., Jr., dec'd. Late of Williamsport.

Executrix: Rebecca A. Mitstifer, 7628 Rte. 414, Liberty, PA 16930. Attorneys: Anthony J. Grieco, Esquire, Elion, Wayne, Grieco, Carlucci & Shipman, P.C., 125 East Third St., Williamsport, PA 17701.

Warn, Doris F., dec'd.

Late of Montoursville.

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

REGISTRATION OF FICTITIOUS NAME

NOTICE IS HEREBY GIVEN, pursuant to the Act of Assembly of December 16, 1982, P.L. 1309 No. 295 (54 Pa. C.S.A. Section 311), as amended, there was filed in the Office of the Secretary of the Commonwealth of Pennsylvania, on December 15, 2014, a Certificate for the conduct of business in Lycoming County, Pennsylvania, under the assumed or fictitious name, style or designation of:

KIDSCYCLE CONSIGNMENTS with its principal place of business at: 128 North Main Street, Hughesville, Pennsylvania 17737.

The name and address of the person owning and interested in said business is Sheila M. Palmeter of I28 North Main Street, Hughesville, Pennsylvania I7737. THOMAS D. HESS, ESQUIRE HESS AND HESS, P.C. 30 S. Main Street Hughesville, PA I7737 (570) 584-2141

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DISSOLUTION OF CORPORATION

NOTICE IS HEREBY GIVEN that the Shareholders and Directors of D & F Realty, Inc., a Pennsylvania corporation, with an address of Arch Street and Reach Road, Williamsport, Pennsylvania, have approved a proposal that the corporation voluntarily dissolve and that the Board of Directors is now engaged in winding up and settling the affairs of the corporation under the provisions of Section 1975 of the Pennsylvania Business Corporation Law of 1988, as amended.

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FILING OF CERTIFICATE OF ORGANIZATION OF LLC

NOTICE IS HEREBY GIVEN that a Certificate of Organization was filed on or about September 14, 2015 with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania for the purpose of obtaining a Certificate 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:

ERAM INVESTMENTS, LLC

43 Boak Avenue, Hughesville, PA 17737.

The purpose for which the business has been organized is: To be a real estate investment company and rent real estate and to engage in and to do any lawful act concerning any and all lawful business for which limited liability companies may be organized under Pennsylvania Business Corporation Law, including but not limited to, manufacturing, owning, using, leasing and dealing in personal property of every class and description and acquiring, owning, using and disposing of real property of any nature whatsoever.

JOHN A. SMAY, ESQUIRE WILLIAMS AND SMAY 39 South Main Street P.O. Box 35 Muncy, PA 17756 (570) 546-5043

NOTICE TO THE PROFESSION

CARPENTER, HARRIS & FLAY-HART is seeking an experienced attorney who is looking for partnership potential. Contact Martin Flayhart, (570) 398-1071.

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ATTORNEY

Elder law and estate planning firm is seeking a full-time attorney for its Williamsport office. Candidates need to be personable, self-motivated, committed to marketing and the community. Must have Pennsylvania Bar admission. There are no health care benefits offered with this position. Salary is commensurate with experience.

Please submit resume, references and salary requirements to: tweber@ paelderlaw.com or mail to: Marshall, Parker & Weber, LLC, ATTN.: Tammy A. Weber, Esquire, 49 E. Fourth Street, Williamsport, PA 17701.

No phone calls please.

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ASSOCIATE ATTORNEY NEEDED

Murphy, Butterfield & Holland, P.C., a general practice firm in Williamsport, PA seeks associate attorney. Salary commensurate with experience. Partnership potential. Please view the firm's website, www.mbhlaw.com, for areas in which the firm now practices. Please direct your letter of interest and resume to Fred A. Holland, Murphy, Butterfield & Holland, P.C., 442 William Street, Williamsport, PA.

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LEGAL SECRETARY NEEDED

Murphy, Butterfield & Holland, P.C. seeks to fill the position of legal

secretary with some administrative responsibilities. Pay commensurate with experience. Please direct your letter of interest and resume to Fred A. Holland, Murphy, Butterfield & Holland, P.C., 442 William Street, Williamsport, PA.

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he Lycoming Law Association Foundation is a taxexempt 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 lawrelated 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.



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