

# 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

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# LYCOMING LAW ASSOCIATION

Penn Tower, 25 West Third Street, Suite 803

Williamsport, PA 17701

[www.lycolaw.org](http://www.lycolaw.org)

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## EXECUTIVE COMMITTEE

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Tammy Avery Weber, President  
Robert Cronin, President-Elect  
Ryan M. Tira, Treasurer  
Jennifer L. Heverly, Secretary

Thomas Waffenschmidt,  
Past President  
Christian D. Frey  
Angela Campana Lovecchio  
Donald F. Martino  
Corey Mowrey

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## EDITOR OF LYCOMING REPORTER

Gary L. Weber

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## EXECUTIVE DIRECTOR

Michele S. Frey

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## COMMITTEE CHAIRS

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Bench Bar: *C. Edward Mitchell*

Customs and Rules: *Gary Weber*

Community Activities and  
Outreach: *Tammy Weber*

Criminal Law: *Aaron Biichle*

Education: *John Pietrovito*

Social: *Schawanne K. Kilgus*

Young Lawyers Division:  
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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](http://www.lycolaw.org)**

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## SCHEDULED EVENTS

Additional information about any of these events is available on the Lycoming Law Association website at [www.lycolaw.org](http://www.lycolaw.org).

- 1/11/2016** – **Executive Committee Meeting:** *Regular monthly meeting.* **Time:** 12:00 PM to 1:00 PM. **Location:** LLA Office
- 1/11/2016** – **LLA Annual Meeting:** *Annual meeting and elections of the LLA.* **Time:** 4:00 PM to 5:00 PM. **Location:** LLA Office
- 1/11/2016** – **LLA Annual Banquet:** *Annual gathering of the Bar and award ceremony.* **Time:** 5:30 PM to 8:30 PM. **Location:** Morrone’s Banquet Hall, 740 West Fourth Street, Williamsport
- 1/18/2016** – **LLA Executive Committee Retreat:** *Annual planning session of the LLA Executive Committee.* **Time:** 12:00 PM to 4:00 PM. **Location:** Penn College
- 2/11/2016** – **Memorial Service for Allan Ertel:** *Memorial service to remember the life of departed member Allan Ertel.* **Time:** 4:00 PM to 5:00 PM. **Location:** Lycoming County Courthouse, Courtroom 1
- 2/22/2016** – **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.

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**UPCOMING LYCOMING COUNTY CLE OPPORTUNITIES**

- 1/13/2016 – Municipal Law:** *PBI Groupcast.* **CLE credits:** 5 Substantive / 1 Ethics  
**Time:** 9:00 AM to 4:15 PM. **Location:** Lycoming Law Association Office
- 1/20/2016 – Eat & Earn – Defending the DUI:** *In the Know Series – Defending the DUI – Presented by: Robert Cronin.* **CLE credits:** 1 Substantive  
**Time:** 12:00 PM to 1:00 PM. **Location:** LLA Office
- 1/21/2016 – Personal Injury Litigation Basics:** *PBI Groupcast.* **CLE credits:** 6 Substantive  
**Time:** 9:00 AM to 4:30 PM. **Location:** Lycoming Law Association Office
- 1/26/2016 – Selecting and Influencing Your Jury:** *PBI Video Replay.* **CLE credits:** 6 Substantive  
**Time:** 9:00 AM to 5:00 PM. **Location:** Lycoming Law Association Office
- 2/2/2016 – QDROs, IRAs, Retirement Benefits and More: What Every Family Lawyer Needs to Know:** *PBI Groupcast.* **CLE credits:** 2 Substantive / 1 Ethics  
**Time:** 12:00 PM to 3:15 PM. **Location:** Lycoming Law Association Office
- 2/3/2016 – Mastering Medical Records in the 21st Century:** *PBI Video Replay.* **CLE credits:** 5 Substantive / 1 Ethics  
**Time:** 9:00 AM to 5:00 PM. **Location:** Lycoming Law Association Office
- 2/5/2016 – Using Social Media in Your Law Practice:** *PBI Video Replay.* **CLE credits:** 2 Substantive / 1 Ethics  
**Time:** 9:00 AM to 12:30 PM. **Location:** Lycoming Law Association Office
- 2/10/2016 – In the Cloud: How to Preserve Confidentiality:** *PBI Groupcast.* **CLE credits:** 2 Substantive / 1 Ethics  
**Time:** 9:00 AM to 12:15 PM. **Location:** Lycoming Law Association Office
- 2/23/2016 – Unfair Labor Practices for the Non-Union Workplace:** *PBI Video Replay.* **CLE credits:** 2 Substantive / 1 Ethics  
**Time:** 9:00 AM to 12:30 PM. **Location:** Lycoming Law Association Office
- 2/24/2016 – The Legal Issues Surrounding Pipeline & Rights-of-Way Agreements in the Marcellus Shale Region:** *PBI Groupcast.* **CLE credits:** 4 Substantive  
**Time:** 9:00 AM to 1:15 PM. **Location:** Lycoming Law Association Office
- 2/25/2016 – Fundamentals of PA Business Corporation Practice:** *PBI Video Replay.* **CLE credits:** 5 Substantive / 1 Ethics  
**Time:** 9:00 AM to 5:00 PM. **Location:** Lycoming Law Association Office
- 3/3/2016 – Boundary Law in PA:** *PBI Groupcast.* **CLE credits:** 4 Substantive  
**Time:** 12:00 PM to 4:15 PM. **Location:** Lycoming Law Association Office

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- 3/9/2016 – Essentials of Copyright Law:** *PBI Video Replay*. **CLE credits:** 4 Substantive **Time:** 9:00 AM to 1:30 PM. **Location:** Lycoming Law Association Office
- 3/10/2016 – Guardianship 101:** *PBI Groupcast*. **CLE credits:** 3 Substantive / 1 Ethics **Time:** 12:00 PM to 4:15 PM. **Location:** Lycoming Law Association Office
- 3/15/2016 – Handling the Workers’ Comp. Case:** *PBI Groupcast*. **CLE credits:** 5 Substantive / 1 Ethics **Time:** 8:25 AM to 3:45 PM. **Location:** Lycoming Law Association Office
- 3/23/2016 – 29th Annual Civil Litigation Update:** *PBI Groupcast*. **CLE credits:** 5 Substantive / 1 Ethics **Time:** 9:00 AM to 4:15 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](http://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](mailto:mfrey@lycolaw.org), or online at [www.lycolaw.org](http://www.lycolaw.org).

The full text of the following Lycoming County Court opinions is reported at [www.lycolaw.org/Cases/search.asp](http://www.lycolaw.org/Cases/search.asp).

- ▶ **Commonwealth vs. Winters** (12/23/2015)—Judge Marc F. Lovecchio  
Criminal: Habeas corpus petition; failure to comply with registration of sexual offender’s requirements; sufficiency of evidence; fact finder’s evaluation of the weight and credibility of the testimony. (Winters122315L)
- ▶ **Commonwealth vs. Buie** (12/22/2015)—Judge Marc F. Lovecchio  
Criminal: Post Conviction Relief Act petition; ineffectiveness of counsel, illegal sentence, and judicial misconduct; timeliness; *Alleyne* argument; retroactive application of new constitutional right. (Buie122215m)
- ▶ **Commonwealth vs. Laury** (12/23/2015)—Judge Marc F. Lovecchio  
Criminal: Appeal; claimed excessive sentence; extensive criminal record; several prior opportunities for rehabilitation; court comments that defendant was in the “business of killing people” by selling drugs; failure to accept responsibility for conduct or expressing remorse; activity that presents a clear and present danger to the community. (Laury122315L)
- ▶ **Commonwealth vs. Williams** (12/23/2015)—Judge Marc F. Lovecchio  
Criminal: Motion to quash subpoena of medical records; HIPPA compliance; HIPPA definition of covered entity; hospital’s notice requirements; disclosure of medical records for law enforcement purposes; relevance of medical records for injuries sustained during flight from police; consciousness of guilt; suppression as remedy for violation of HIPPA: Uniform Act to Secure Out of State Witnesses as method to secure medical records. (Williams122315L)
- ▶ **Commonwealth vs. Coleman** (12/21/2015)—Judge Marc F. Lovecchio  
Criminal: Suppression motion; probable cause for warrant to search smartphone based on the amount of cash and marijuana in defendant’s possession and belief that defendant was selling marijuana; overbroad warrant that allows search of all content on smartphone. (Coleman122115bt)

**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****Burkholder, Betty J.,** dec'd.

Late of 1149 East Penn Street, Muncy.

Administrators: Bryson P. Burkholder, 141 Buck Street, Muncy, PA 17756 and Rebecca J. Houser, 227 Shawnee Drive, Muncy, PA 17756.

Attorney: John P. Pietrovito, Esquire, 3 South Main Street, Muncy, PA 17756.

**Horn, Virginia M.,** dec'd.

Late of the City of Williamsport.

Executrix: Iris E. Kunzer.

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

**Lawton, Babe M. a/k/a Babe Marion Lawton,** dec'd.

Late of Montgomery.

Executrix: Ruth A. Younger, 223 Baylor Road, Montgomery, PA 17752.

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

**Palotas, James J.,** dec'd.

Late of Williamsport.

Executrix: Frances M. Scarfo, 542 Dunkard Church Road, Cogan Station, PA 17728.

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

**Wadsworth, Chester M.,** dec'd.

Late of Lycoming County.

Executor: Edward P. Foley, 844 Fishburn Road, Hershey, PA 17033.

Attorneys: Donis H. Zagurskie, Esquire, Johnston & Zagurskie, PC, 117 Main Street, P.O. Box O, Mifflin, PA 17058.

**SECOND PUBLICATION****Borgess, Lawrence E. a/k/a Larry E. Borgess,** dec'd.

Late of Williamsport.

Executor: Kevin C. Borgess, 705 Campbell Street, Williamsport, PA 17701.

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

**Eck, Richard D.,** dec'd.

Late of Montoursville.

Executrix: Ginny L. Eck, 1305 Weldon Street, Montoursville, PA 17754.

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

**Nelson, Sandra L.,** dec'd.

Late of South Williamsport.

Executrix: Nanette D. Troutman, 601 East Second Avenue, South Williamsport, PA 17702.

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

**O'Dell, Charlene L.,** dec'd.  
Late of Williamsport.  
Administratrix: Patricia O'Dell.  
Attorneys: Elizabeth A. White,  
Esquire, Marshall, Parker & Weber,  
LLC, 49 E. Fourth Street, Suite 105,  
Williamsport, PA 17701.

### THIRD PUBLICATION

**Burris, Betty J.,** dec'd.  
Late of Picture Rocks.  
Executrix: Irma McConnell, 37  
S. Fourth Street, Hughesville, PA  
17737.  
Attorney: Andrea B. Bower, Esquire,  
426 Broad Street, Montoursville,  
PA 17754.

**Dudek, Lois E.,** dec'd.  
Late of Williamsport.  
Administratrices: Linda E. Welch,  
1509 Elwood Road, Williamsport,  
PA 17701 and Robin Hall, 1540  
Mosquito Valley Road, South Wil-  
liamsport, PA 17702.  
Attorneys: McNerney, Page, Vander-  
lin & Hall, 433 Market Street, Wil-  
liamsport, PA 17701.

**Gross, George B., Jr.,** dec'd.  
Late of Williamsport, Old Lycoming  
Township.  
Executrix: Ruth A. Taylor, 2176  
Pikes Peak Road, Allenwood, PA  
17810.  
Attorneys: Christopher H. Kenyon,  
Esquire, McCormick Law Firm, 835  
West Fourth Street, Williamsport,  
PA 17701.

**Gunter, Mae A.,** dec'd.  
Late of Montoursville.  
Executor: Donald E. Leidhecker,  
2313 West Fourth Street, Williams-  
port, PA 17701.  
Attorneys: McNerney, Page, Vander-  
lin & Hall, 433 Market Street, Wil-  
liamsport, PA 17701.

**LeVan, Michael L.,** dec'd.  
Late of Williamsport.  
Administrator: Mark L. James, III,  
9093 Southwest 206th St., Cutler  
Bay, FL 33189.  
Attorneys: Stephen C. Sholder,  
Esquire, Raup & Sholder, P.C., 270  
West Third Street, Williamsport, PA  
17701, (570) 321-0709.

**McCollum, John W., Jr.,** dec'd.  
Late of Loyalsock Township.  
Executors: John W. McCollum, III,  
521 Hullings Road, Linden, PA 17744  
and Richard McCollum, 2108 Halls  
Lane, Williamsport, PA 17701.  
Attorneys: McNerney, Page, Vander-  
lin & Hall, 433 Market Street, Wil-  
liamsport, PA 17701.

**Pasukinis, Dorothy C.,** dec'd.  
Late of Hepburn Township.  
Executrix: Deborah Ann Smith, 1530  
Pinecrest Drive, So. Williamsport,  
PA 17702.  
Attorneys: Anthony J. Grieco,  
Esquire, Elion, Wayne, Grieco,  
Carlucci & Shipman, P.C., 125 East  
Third St., Williamsport, PA 17701.

**Rucinski, Barbara A.,** dec'd.  
Late of the City of Williamsport.  
Executrix: Mary M. Rucinski, 411 Arch  
Street, Williamsport, PA 17701.  
Attorney: Todd J. Leta, Esquire, 602  
Pine Street, Williamsport, PA 17701.

**Tagliaferri, Jennie,** dec'd.  
Late of the City of Williamsport.  
Executor: Thomas Tagliaferri, 10  
Casey Drive, Williamsport, PA 17701.  
Attorney: Todd J. Leta, Esquire, 602  
Pine Street, Williamsport, PA 17701.

**Thompson, Stephen,** dec'd.  
Late of the City of Williamsport.  
Executrix: Christine Zul.  
Attorneys: Eric Ladley, Esquire,  
Steinbacher, Stahl, Goodall & Yur-  
chak, 413 Washington Boulevard,  
Williamsport, PA 17701.



**Wheal, Helen S. a/k/a Helen Pauline Wheal, dec'd.**

Late of Muncy.

Executor: Daniel R. Wheal, 353 Derr Road, Muncy, PA 17756.

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

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**FILING ARTICLES OF INCORPORATION**

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NOTICE IS HEREBY GIVEN that Articles of Incorporation—Nonprofit have been filed with the Commonwealth of Pennsylvania, Department of State, Harrisburg, Pennsylvania on or about

December 11, 2015, and a Certificate of Incorporation was issued effective January 1, 2016. The name of the corporation is:

**CHRIST UNITED METHODIST CHURCH OF HUGHESVILLE**

The purpose for which the corporation has been organized is to all things and exercise all powers, rights, and privileges which a nonprofit business corporation may now or hereafter be organized or authorized to do.

AMY H. MARSHALL, ESQUIRE

BABST CALLAND

330 Innovation Blvd.

Suite 302

State College, PA 16803

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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.

**T**he 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](mailto:mfrey@lycolaw.org).



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## **PERIODICAL PUBLICATION**

**\* Dated Material. Do Not Delay. Please Deliver Before Monday, January 4, 2016**