LYCOMING REPORTER

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LYCOMING REPORTER

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PUBLISHED EVERY FRIDAY BY LYCOMING LAW ASSOCIATION

EDITOR: Gary L. Weber • Business Manager: Michele S. Frey

Penn Tower 25 West Third Street, Suite 803 Williamsport, PA 17701

Telephone: (570) 323-8287 Fax: (570) 323-9897 Website: www.lycolaw.org

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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.
- 3/2/2016 Court Administration MEET & GREET: Come and meet the new District Court Administrator, Adrianne Stahl, and the new Director of Court Services, Jenn McConnell, along with the entire Court Administration team.

 Time: 11:30 AM to 1:30 PM. Location: LLA Office
- 3/14/2016 LLA Committee Chair Lunch: Meeting to review accomplishments of the past year and discuss goals and objectives. Time: 12:00 PM to 1:00 PM. Location: LLA Office
- 3/28/2016 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.

Upcoming Lycoming County CLE Opportunities

- 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
- 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 / I 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
- 3/28/2016 Advanced Title Insurance Issues: PBI Groupcast. CLE credits: 3 Substantive Time: 12:30 PM to 3:45 PM. Location: Lycoming Law Association Office
- 3/31/2016 Elections and Disclaimers in Estates: PBI Video Replay. CLE credits: 3 Substantive Time: 9:00 AM to 12:30 PM. Location: Lycoming Law Association Office
- 4/4/2016 Long-Term Care Planning for Seniors: PBI Groupcast. CLE credits: 5 Substantive / I Ethics Time: 8:30 AM to 3:30 PM. Location: Lycoming Law Association Office
- 4/5/2016 Frequently Asked Questions About Ethics and Social Media: PBI Video Replay. CLE credits: 1 Ethics Time: 9:00 AM to 10:00 AM. Location: Lycoming Law Association Office
- 4/6/2016 Social Security Disability: The Basics: PBI Groupcast. CLE credits: 3 Substantive / 1 Ethics Time: 9:00 AM to 1:15 PM. Location: Lycoming Law Association Office
- 4/13/2016 Sophisticated Issues for Family Lawyers: PBI Video Replay.

 CLE credits: 4 Substantive Time: 9:00 AM to 1:30 PM. Location:
 Lycoming Law Association Office
- 4/14/2016 Civil Practice in Magisterial District Courts: PBI Video Replay.

 CLE credits: 3 Substantive / I Ethics Time: 9:00 AM to 1:30 PM.

 Location: Lycoming Law Association Office
- 4/18/2016 The Basics of Realty Tax: PBI Groupcast. CLE credits: 3 Substantive Time: 12:30 PM to 3:45 PM. Location: Lycoming Law Association Office

- 4/19/2016 Marketing and Ethics: Balancing Smart Business Development and Adhering to the Rules: PBI Video Replay. CLE credits: I Ethics Time: 9:00 AM to 10:00 AM. Location: Lycoming Law Association Office
- 4/22/2016 Success With Summary Judgment Motions: How to Win Before Trial: PBI Video Replay. CLE credits: 3 Substantive Time: 9:00
 AM to 12:30 PM. Location: Lycoming Law Association Office
- 4/26/2016 Litigating the Insurance Bad Faith Claim: PBI Video Replay.

 CLE credits: 3 Substantive Time: 9:00 AM to 12:30 PM. Location:
 Lycoming Law Association Office
- 4/28/2016 Current Issues in Nursing Home Litigation: PBI Video Replay.

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

 Location: Lycoming Law Association Office
- 5/3/2016 Family Caregiver Agreements & Use of Real Estate for Elder Law Attorneys: PBI Groupcast. CLE credits: 3 Substantive Time: 9:00 AM to 12:15 PM. Location: Lycoming Law Association Office
- 5/4/2016 Workers' Comp. Practices & Procedure 2016: PBI Groupcast.

 CLE credits: 4 Substantive Time: 8:30 AM to 12:45 PM. Location: Lycoming Law Association Office
- 5/11/2016 Municpal Law Update: 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. Keys (02/16/2016)—Judge Nancy L. Butts Criminal: Post Conviction Relief Act petition; timeliness; jurisdiction of the court; retroactive application of *Alleyne* case. (Keys021616bt)
- ► Commonwealth vs. Cook (02/16/2016)—Judge Nancy L. Butts Criminal: Post Conviction Relief Act petition; timeliness; jurisdiction of the court; retroactive application of Alleyne case. (Cooke021616bt)
- ► Commonwealth vs. Bigelow (02/16/2016)—Judge Nancy L. Butts Criminal: Post Conviction Relief Act; ineffective counsel; factual basis for plea to burglary and endangering the welfare of a child; knowing and voluntary plea; prejudice. (Bigelow021616bt)
- ►Commonwealth vs. Stone (02/16/2016)—Judge Nancy L. Butts Criminal: Habeas corpus petition; prima facie case of institutional sexual assault; date, day of the week, and time of the alleged offenses as material elements of offense. (Stone021616bt)
- ▶ Commonwealth vs. Probst (02/16/2016)—Judge Nancy L. Butts Criminal: Post Conviction Relief Act petition; claim that trial counsel was ineffective for failure to inform defendant of a twenty-five year mandatory minimum prison sentence; prejudice where there was no plea agreement offered. (Probst021616bt)
- ►Commonwealth vs. Weever (02/18/2016)—Judge Marc F. Lovecchio Criminal: Suppression motions; unconstitutional interrogation; Miranda warnings; custodial interrogation; detention that has become so coercive as to constitute functional equivalent of an arrest; police inquiry about when defendant last "smoked marijuana." (weever021816L)
- ▶ Commonwealth vs. Bodle (02/18/2016)—Judge Marc F. Lovecchio Criminal: Post Conviction Relief Act petition; ineffective assistance of counsel; use of character witnesses; personal opinion testimony; competency of witnesses; reasonable basis not to call character witnesses; credibility of witnesses; bald allegations without proof. (Bodle021816L)
- ▶ Commonwealth vs. Masser (02/17/2016)—Judge Marc F. Lovecchio Criminal: Post Conviction Relief Act petition; knowing, voluntary and intelligent guilty plea; lack of specific plea agreement regarding aggregate sentence to be imposed. (Masser021716L)

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

Bastian, Douglas P., dec'd.

PA 17702.

Late of South Williamsport. Executor: Mark D. Bastian, 341 East Second Avenue, South Williamsport,

Attorneys: Joseph F. Orso, III, Esquire, Rudinski, Orso and Lynch, 339 Market Street, Williamsport, PA 17701.

Churba, Ronald R., dec'd.

Late of South Williamsport.

Co-Executors: Ellen Sue Emerick, 146 Cohick Road, South Williamsport, PA 17702 and Jeffrey A. Churba, 17937 Flagler Drive, Austin, TX 78738.

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

Fry, Robert J., Sr., dec'd.

Late of Fairfield Township. Co-Executors: Richard J. Fry and Robert J. Fry, Jr. c/o Fred A. Holland, Esquire, 442 William Street, Williamsport, PA 17701. Attorneys: Fred A. Holland, Esquire, Murphy, Butterfield & Holland, P.C., 442 William Street, Williamsport, PA 17701.

Morse, Roberta J. a/k/a R. Jean Morse, dec'd.

Late of Williamsport, Eldred Township.

Executrix: Linda A. Zegarski, 1119 Charles Street, Williamsport, PA 17701.

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

Purvis, Thomas A., dec'd.

Late of Waterville.

Executrix: Karen L. Purvis, 10937 N. Rte. 44 Highway, Waterville, PA 17776.

Attorney: Leroy H. Keiler, III, Esquire, I 10 Oliver Street, Ste. 2, P.O. Box 263, Jersey Shore, PA 17740, (570) 398-2750.

Stahl, Shirley L., dec'd.

Late of Cogan Station.

Administrator: Mark J. Stahl, 2022 Federal Avenue, Williamsport, PA 17701

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

SECOND PUBLICATION

Alban, Bernice a/k/a Bernice Ann Alban, dec'd.

Late of the City of Williamsport. Executor: Robert M. Alban, 339 Eldred Street, Williamsport PA 17701. Attorney: Joseph L. Rider, Esquire, 143 West Fourth Street, Williamsport, PA 17701.

Barclay, David F. a/k/a David Francis Barclay a/k/a David Barclay,

dec'd.

Late of Route 118, P.O. Box 24, Lairdsville.

Executrix: Cheryl J. Barclay.

Attorneys: P. Jeffrey Hill, Esquire, Harding, Hill & Turowski, LLP, 38 West Third Street, Bloomsburg, PA 17815.

Clark, Wendell V. a/k/a Wendoll V. Clark, dec'd.

Late of Williamsport.

Co-Executrices: Diane R. Cox and Lisa M. Bennett.

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

Drum, Randy L., dec'd.

Late of Muncy.

Administratrix: Darena K. Follmer, 323 Colonial Drive, Montoursville, PA 17754.

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

Frantz, Anna B., dec'd.

Late of the Township of Penn.

Executor: Edward D. Frantz, 2235 Beaver Lake Road, Hughesville, PA 17737.

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

Grazulis, Vincent J., dec'd.

Late of 411 Willow Street, Montoursville Borough.

Executrix: Deborah S. Berrigan, Eldercare Solutions, P.O. Box 755, Williamsport, PA 17701.

Attorneys: Lester L. Greevy, Jr., Esquire, Greevy & Shoemaker, 5741 State Route 87, Williamsport, PA 17701, (570) 435-2233.

Haefner, Anne E., dec'd.

Late of Williamsport.

Executrix: Jacqueline M. Fagnano, 343 Tinsman Ave., Williamsport, PA 17701.

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

Hunter, Howard E., dec'd.

Late of the Township of Fairfield. Executors: Craig R. Hunter, 1124 Locust Street, Montoursville, PA 17754 and Jeffrey R. Hunter, 326 Back Street, Montoursville, PA 17754.

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

McKeag, Louella F., dec'd.

Late of 1983 Poco Farm Road, Loyalsock Township.

Co-Administrators: David L. Mc-Keag and Emily McElheny, 2001 Poco Farm Road, Williamsport, PA 17701. Attorneys: Lester L. Greevy, Jr., Esquire, Greevy & Shoemaker, 5741 State Route 87, Williamsport, PA 17701, (570) 435-2233.

Morrison, A. Allen, dec'd.

Late of Fairfield Township.

Co-Administrators: Jack L. Morrison, 1020 Dogwood Lane, Enola, PA 17025 and Richard A. Morrison, 315 Klump Road, Cogan Station, PA 17728.

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

Ressler, Patricia A., dec'd.

Late of Lycoming County.

Executor: Brett M. Ressler, II Orange Street, Northumberland, PA 17857.

Attorneys: Jeffrey Apfelbaum, Esquire and Benjamin Apfelbaum, Esquire, Attorneys at Law, 124 North Fourth Street, Sunbury, PA 17801.

Salvatori, Mona, dec'd.

Late of Williamsport.

Executrix: Maria D. Ananea c/o Michael J. Casale, Jr., Esquire, 1500 Sycamore Road, Suite 120, Montoursville, PA 17754.

Attorney: Michael J. Casale, Jr., Esquire, 1500 Sycamore Road, Suite 120, Montoursville, PA 17754, (570) 601-1298.

Yoxtheimer, James H. a/k/a James H. Yoxtheimer, Sr., dec'd.

Late of Porter Township.

Executor: James H. Yoxtheimer, Jr., 6 East Park Street, P.O. Box 149, Avis, PA 17721.

Attorneys: L. Craig Harris, Esquire, Carpenter, Harris & Flayhart, 128 S. Main St., P.O. Box 505, Jersey Shore, PA 17740.

THIRD PUBLICATION

Bower, Margaret E., dec'd.

Late of Williamsport.

Administratrix: Anna Bower, 829 4th Ave., Williamsport, PA 17701. Attorney: Mary C. Kilgus, Esquire, 185 N. Main Street, Hughesville, PA 17737, Ph. (570) 312-0386, fax (570) 312-0387.

Hafer, John C., dec'd.

Late of Jersey Shore.

Co-Executors: Kimberly Yenner and Jason Hafer c/o Anthony J. Grieco, Esquire, Elion, Wayne, Grieco, Carlucci & Shipman, P.C., 125 East Third St., Williamsport, PA 17701.

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

Herman, Lee R. a/k/a Lee Ruth Herman, dec'd.

Late of Old Lycoming Township. Executrix: Sarabelle Leuthner. Attorneys: Julieanne E. Steinbacher, Esquire, Steinbacher, Goodall & Yurchak, 413 Washington Boulevard, Williamsport, PA 17701.

Keiser, Beatrice M., dec'd.

Late of the Township of Wolfe. Co-Executrices: Janet L. Bigger, 855 Hockley Hill Road, Turbotville, PA 17772 and Carol K. Webb, 89 Blue Sky Drive, Hughesville, PA 17737. Attorney: Robert E. Benion, Esquire, P.O. Box 356, Milton, PA 17847.

Kinney, Margaret E. a/k/a/ Peggy Kinney, dec'd.

Late of Williamsport.

Executrix: Stefanie A. Hostrander, 102 Nicol Drive, Reading, PA 19606. Attorneys: Anthony J. Grieco, Esquire, Elion, Wayne, Grieco, Carlucci & Shipman, P.C., 125 East Third St., Williamsport, PA 17701.

Potter, Mary Louise, dec'd.

Late of the City of Williamsport. Executrix: Sandra Roy, 2580 Bottle Run Road, Williamsport, PA 17701. Attorneys: James G. Malee, Esquire, Malee Law Firm, P.C., 310 East Third Street, Williamsport, PA 17701, (570) 321-6112.

Ulshafer, Nelson S., Sr., dec'd. Late of Williamsport. Executrix: Lisa A. Fedak, P.O. Box 611, Glen Gardner, NJ 08826.

Wertman, William R., dec'd.

Late of 7301 Route 118 Highway, Lairdsville.

Executors: Gaylord E. Morgan and Linda L. Morgan, 6734 Route 118 Highway, Lairdsville, PA 17742. Attorney: J. Howard Langdon, Esquire, 3 South Main Street, Muncy, PA 17756.

REGISTER OF WILLS CONFIRMATION OF ACCOUNTS

NOTICE IS HEREBY GIVEN to all parties interested that the following Accounts 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 March 1, 2016 unless exceptions are filed before 5:00 P.M. on that date.

- 1. Fry, Virginia E. a/k/a Fry, Virginia Ruth Eck—Kenneth L. Eck and Patricia E. Rushoe, Executors.
- 2. Benway, Kevin L.—Wells Fargo Bank N.A., Guardian.
- Daskalakis, Anna William a/k/a Anna Daskalakis—Irene Dupont Haralambis and Tina Daskalakis, Executrices.
- 4. Choate, Jane L.—Amy L. McNamara, Executrix.
- 5. Mitchell, Jesse R.—Marc F. Demshock, Executor.
- Hill, Laura A.—Marvin M. Hill, Administrator.
 Kathy Rinehart
 Register of Wills

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REGISTRATION OF FICTITIOUS NAMES

NOTICE IS HEREBY GIVEN that pursuant to the provisions of the 54 Pa. C.S. Section 311(g), as amended, of the filing in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or before March 1, 2016, a Certificate for the conduct of a business in Lycoming County, Pennsylvania, under the assumed or fictitious name, style or designation of:

FISH OUTDOOR PROPERTIES with its principal place of business at: 1868 East Third Street, Williamsport,

PA 17701. The name and address of the entity owning and interested in said business is Fish Real Estate, Inc., 1868 East Third Street, Williamsport, PA 17701.

MICHAEL J. CASALE, JR., ESQUIRE 1500 Sycamore Road Suite 120 Montoursville, PA 17754

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NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on December 28, 2015 for:

OWL TREE BOUTIQUE

located at: 41 West Fourth Street, Williamsport, PA 17701. The names and address of the individuals interested in the business are Laura Elaine Forker and Sean Robert Forker, 1125 Race Street, Williamsport, PA 17701. This was filed in accordance with 54 Pa. C.S. 311.

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NOTICE IS HEREBY GIVEN, pursuant to the provisions of Section 311 of Act 1982-295 (54 Pa. C.S. §311), that an Application for Registration of Fictitious Name for the conduct of a business in Lycoming County, Pennsylvania, under the assumed or fictitious name, style or designation of:

STEINBACHER, GOODALL & YURCHAK

With principal place of business at: 413 Washington Boulevard, Williamsport, Lycoming County, Pennsylvania 17701, was filed in the Office of the Secretary of the Commonwealth of Pennsylvania on January 4, 2016. The name and address of the entity owning or interested in said business is Steinbacher Law, P.C., 413 Washington Boulevard, Williamsport, Pennsylvania 17701.

JULIEANNE E. STEINBACHER, ESQUIRE STEINBACHER LAW, P.C. 413 Washington Boulevard Williamsport, PA 17701

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SHERIFF'S SALE

In the Court of Common Pleas of Lycoming County, Pennsylvania

NO. 15-00664

CITIFINANCIAL SERVICING LLC

JAMES R. JOHNSTON, IN HIS
CAPACITY AS EXECUTOR AND
DEVISEE OF THE ESTATE OF
JAMES D. JOHNSTON and SHEREE
L. MOYER, IN HER CAPACITY AS
DEVISEE OF THE ESTATE OF
JAMES D. JOHNSTON

NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

NOTICE TO: SHEREE L. MOYER, IN HER CAPACITY AS DEVISEE OF THE ESTATE OF JAMES D. JOHNSTON Being Premises: 115 MAPLE STREET, JERSEY SHORE, PA 17740-1615.

Being in JERSEY SHORE BOR-OUGH, County of LYCOMING, Commonwealth of Pennsylvania, 22-001.0-0303.00-000.

Improvements consist of residential property.

Sold as the property of JAMES R. JOHNSTON, IN HIS CAPACITY AS EXECUTOR AND DEVISEE OF THE ESTATE OF JAMES D. JOHNSTON and SHEREE L. MOYER, IN HER CAPACITY AS DEVISEE OF THE ESTATE OF JAMES D. JOHNSTON.

Your house (real estate) at 115 MAPLE STREET, JERSEY SHORE, PA 17740-1615 is scheduled to be sold at the Sheriff's Sale on May 6, 2016 at 10:30 A.M., at the LYCOMING County Courthouse, 48 West 3rd Street, Williamsport, PA 17701, to enforce the Court Judgment of \$60,719.51 obtained by, CITIFINANCIAL SERVICING LLC (the mortgagee), against the above premises.

PHELAN HALLINAN DIAMOND &
JONES, LLP

Attorneys for Plaintiff

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* Dated Material. Do Not Delay. Please Deliver Before Monday, February 29, 2016