

LYCOMING REPORTER

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TABLE OF CONTENTS

BAR NEWS	LEGAL ADVERTISEMENTS
LLA Upcoming Events..... 3	Estate & Trust Notices..... 8
Continuing Legal Education 4	Confirmation of Accounts 10
Recent Lycoming County Court Opinions..... 6	Notice..... 10

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

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.

- 1/9/2017 – Executive Committee Meeting:** *Regular monthly meeting.* **Time:** 12:00 PM to 1:00 PM. **Location:** LLA Office
- 1/9/2017 – LLA Annual Meeting:** *Annual meeting and elections of the LLA and LLA Foundation.* **Time:** 4:00 PM to 5:00 PM. **Location:** LLA Office
- 1/9/2017 – LLA Annual Banquet:** *Annual gathering of the Bar and award ceremony. Details to be announced.* **Time:** 5:30 PM to 8:30 PM. **Location:** TBA
- 1/11/2017 – Bar History Committee Meeting:** *Bar History Committee Meeting.* **Time:** 12:00 PM to 1:00 PM. **Location:** LLA Office

NOTICE OF HOLIDAY PUBLICATION DEADLINES

Please be advised of the following early deadlines for legal advertising:

The deadline for publication in the December 30, 2016 issue of the *Lycoming Reporter* is 10:00 A.M., Friday, December 23, 2016.

The deadline for publication in the January 6, 2017 issue of the *Lycoming Reporter* is 10:00 A.M., Friday, December 30, 2016.

D-9, 16, 23, 30

UPCOMING LYCOMING COUNTY CLE OPPORTUNITIES

- 12/20/2016 – Replay in the Afternoon:** “Family Group Decision Making”—Presented by Angela Campana Lovecchio, Esq.; “Don’t Give Up Minutes Before the Miracle”—Presented by Laurie J. Besden, Esq.; “An Hour With Chief Counsel of the Judicial Conduct Board”—Hon. Robert Graci; “Understanding the New Expungement Law”—Hon. Nancy L. Butts. **CLE credits:** 2 Substantive / 2 Ethics **Time:** 1:00 PM to 5:00 PM. **Location:** Lycoming Law Association Office
- 12/21/2016 – Juvenile Criminal Matters:** *Speakers: Attorneys Jeff Yates and Don Martino.* **CLE credits:** 1 Substantive **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 1/13/2017 – A Guide to Choosing the Best Business Entity:** *PBI Video Replay.* **CLE credits:** 3 Substantive **Time:** 9:00 AM to 12:15 PM. **Location:** Lycoming Law Association Office
- 1/18/2017 – An Introduction to Federal Practice in the Williamsport Division of the United States District Court for the Middle District of Pennsylvania:** *Speaker: Hon. Matthew W. Brann.* **CLE credits:** 1 Substantive **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 1/20/2017 – Hot Topics in Capital Cases:** *PBI Groupcast.* **CLE credits:** 4 Substantive **Time:** 12:00 PM to 4:15 PM. **Location:** Lycoming Law Association Office
- 1/20/2017 – Act 79: Omnibus Changes to the PEF Code:** *PBI Video Replay.* **CLE credits:** 3 Substantive **Time:** 9:00 AM to 12:15 PM. **Location:** Lycoming Law Association Office
- 1/25/2017 – Succession Planning for Family and Closely Held Businesses:** *PBI Video Replay.* **CLE credits:** 5 Substantive / 1 Ethics **Time:** 9:00 AM to 5:00 PM. **Location:** Lycoming Law Association Office
- 2/11/2017 – PA Civil Procedure:** *PBI Video Replay.* **CLE credits:** 3 Substantive **Time:** 9:00 AM to 12:15 PM. **Location:** Lycoming Law Association Office
- 2/2/2017 – Ethics Potpourri: Ethics Considerations in Depositions:** *PBI Video Replay.* **CLE credits:** 1 Ethics **Time:** 9:00 AM to 10:00 AM. **Location:** Lycoming Law Association Office
- 2/3/2017 – Buying and Selling a Business:** *PBI Groupcast.* **CLE credits:** 4 Substantive **Time:** 12:00 PM to 4:15 PM. **Location:** Lycoming Law Association Office
- 2/7/2017 – 20th Annual Family Law Update:** *PBI Video Replay.* **CLE credits:** 3 Substantive **Time:** 9:00 AM to 12:15 PM. **Location:** Lycoming Law Association Office

- 2/15/2017 – Special Needs Planning/Trusts/ABLE Accounts: Eat & Earn—**
Host: Elizabeth White, Esquire. CLE credits: 1 Substantive Time:
12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 2/22/2017 – Speaker: Corey Mowrey, Esquire—Topic TBA: Eat & Earn**
CLE—Speaker: Corey Mowrey. CLE credits: 1 Substantive Time:
12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 2/28/2017 – Unwinding or Defending Couples’ Estate Planning Structure**
in Divorce: PBI Video Replay. CLE credits: 3 Substantive Time:
9:00 AM to 12:15 PM. **Location:** Lycoming Law Association Office
- 3/8/2017 – Is It or Is It Not Hearsay?: Eat & Earn CLE—Speaker: Hon. Marc**
Lovecchio. CLE credits: 1 Substantive Time: 12:00 PM to 1:00 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 <http://www.lycolaw.org/Cases/postings.asp>
- ▶ **The Farm on Beeber Drive, LLC vs. Wolf Township Board of Supervisors** (12/09/2016)—Judge Dudley N. Anderson
Administrative Appeal: Appeal of conditional use application approval noise conditions; manifest abuse of discretion or an error of law; permitted uses; issues raised on appeal; findings supported by substantial evidence; difficulties with enforcement. (farmonbeeberdrive120916a)
 - ▶ **Welshans Application** (12/09/2016)—Judge Dudley N. Anderson
Civil: Application for relief from disability not to possess firearms and for expungement of civil commitment record; applicant not a danger to himself or others; statutory standards for expungement; clear and convincing evidence standard of proof; sufficiency of evidence upon which the involuntary commitment was based. (welshans120916a)
 - ▶ **Parmer vs. Fairfield Ford, Toyota Motor North America, Inc., Mather and Pennsylvania State Employees Credit Union** (12/06/2016)—Judge Richard A. Gray
Civil: Preliminary objections; claimed fraudulent representations about history and condition of used car; gist of the action doctrine; tort claims arising solely from contractual relationship between the parties; misrepresentations falling outside obligations of contract itself; scandalous and impertinent matter; deposition transcript in unrelated case; factual basis for allegation of intentional, reckless or wanton conduct; emotional damages arising from breach of contract; specificity of allegations of fraud; recovery in negligence actions for injuries which are solely economic; exception to economic loss doctrine; sufficiency of facts to support count for breach of warranty; holder in due course of installment contract for purchase of vehicle; recovery limited to amount paid; specificity of allegations or violation of Professions and Occupations Act; holder of the consumer credit contract is subject to all claims and defenses which the debtor could assert against the seller. (Parmer120616g)
 - ▶ **Fibured vs. White and Leinbach** (12/02/2016)—Judge Richard A. Gray
Civil: Petition to set aside settlement; claimed mutual mistake of fact; settlement involving mistake as to the expected development of a present condition; bad public policy; previous order enforcing the settlement; delay in raising issue. (Fibured120216g)

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- **Woodling and Liebersohn vs. Meacham** (12/08/2016)—Judge Specially Presiding
Civil: Motion to determine the necessity to file a certificate of merit; psychological malpractice claim against court-appointed doctor; judicial notice; immunity for communications made in the regular course of judicial proceedings that are material to relief sought; privilege; judicial power to adjudicate plaintiffs' claim; standing; lack of doctor/patient relationship; privity of contract; duty; collateral attack attempting to circumvent lack of direct appeal of family law order; paralysis of court's ability to best perform its work. (woodring120816minora)
- **Commonwealth vs. O'Day** (12/09/2016)—Judge Nancy L. Butts
Criminal: Defendant's motion to amend information; reduction in grade of offense; course of conduct in endangering the welfare of a child. (O'Day120916bt)
- **Commonwealth vs. Green** (12/08/2016)—Judge Nancy L. Butts
Criminal: Suppression motion; child pornography; search of a wireless phone, pursuant to a warrant; scope of warrant; probable cause to search phone, which might not have been present at defendant's home, based on information locating an IP address at the home address; possibility of network being "tapped into." (Green120816bt)

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

Hart, Beatrice L., dec'd.

Late of Montoursville.

Executor: Richard W. Luse.

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

Hunter, Richard A., dec'd.

Late of Williamsport.

Executor: William O. Hargenrader, 43288 Burke Dale St., South Riding, VA 20152.

Attorneys: Charles F. Greevy, III, Esquire, Greevy & Taylor Law Offices, Lycoming Executive Plaza, 330 Pine Street, Suite 403, Williamsport, PA 17701, (570) 320-7100.

Konjevoda, Margaret P., dec'd.

Late of the Township of Loyalsock. Executor: Woodlands Bank c/o Thomas Burkholder.

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

Motyka, Samaria Kay, dec'd.

Late of the City of Williamsport.

Administrator: James G. Malee, 310 East Third Street, Williamsport, PA 17701.

Attorneys: Timothy A. B. Reitz, Esquire, Malee Law Firm, P.C., 310 East Third Street, Williamsport, PA 17701, (570) 321-6112.

Sauers, James A., Sr. a/k/a James A. Sauers, dec'd.

Late of Montoursville.

Executrix: Yvonne Bower, 116 Blessing Road, Watsonstown, PA 17777.

Attorney: Tiffani M. Kase, Esquire, 800 W. 4th Street, Suite 108, Williamsport, PA 17701.

Smith, Shirley A., dec'd.

Late of Loyalsock Township.

Administrator: William Henry Kieser, 821 Diamond Street, Williamsport, PA 17701.

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

SECOND PUBLICATION

Akhtar, Sayeed, dec'd.

Late of Williamsport.

Executor: Nasreen Ahmad, 1828 Princeton Avenue, Williamsport, PA 17701.

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

Berger, Sally A. a/k/a Sally Ann Berger, dec'd.

Late of Williamsport.

Executor: Eric J. Berger, 119 Walker Street, Williamsport, PA 17701.

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

Delker, John V., dec'd.

Late of the Township of Loyalsock.

Executrix: Christine C. Young, 475 Chestnut Grove Road, Jersey Shore, PA 17740.

Attorney: Joseph L. Rider, Esquire,
1700 Four Mile Drive, Williamsport,
PA 17701.

Perry, Elizabeth L., dec'd.

Late of Williamsport.
Executrix: Lisa C. Marcusky, 1966 S.
Mayfair, Springfield, MO 65804.
Attorneys: John A. Smay, Esquire,
Williams and Smay, 39 S. Main St.,
P.O. Box 35, Muncy, PA 17756.

Scaife, Watson E., dec'd.

Late of Williamsport.
Executor: Scott A. Williams, 57 East
Fourth Street, P.O. Box 3, Williams-
port, PA 17703.
Attorney: Scott A. Williams, Esquire,
57 East Fourth Street, P.O. Box 3,
Williamsport, PA 17703.

**Williamson, Jacklyn L. a/k/a Jacklyn
L. Eck,** dec'd.

Late of Williamsport.
Co-Administrators: Jeffrey L. Wil-
liamson, 363 White Deer Baptist
Church Road, Allenwood, PA 17810
and Brion K. Williamson, 651 Wild-
wood Blvd., Williamsport, PA 17701.
Attorneys: Christopher H. Kenyon,
Esquire, McCormick Law Firm, 835
West Fourth Street, Williamsport,
PA 17701.

Young, Anna B., dec'd.

Late of the Township of Mill Creek.
Executors: David A. Young, 1059
Burns Rd., Muncy, PA 17756-7973
and Charles C. Young, Jr., 218 Deer
Lake Rd., Hughesville, PA 17737.
Attorney: Joseph L. Rider, Esquire,
1700 Four Mile Drive, Williamsport,
PA 17701.

THIRD PUBLICATION

Compton, Elinor B., dec'd.

Late of Williamsport.
Executrix: Susan L. Bacher, 1017
Dawne Drive, Williamsport, PA
17701.

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

**Cox, Robert E., Sr. a/k/a Robert E.
Cox,** dec'd.

Late of Loyalsock Township.
Executor: Robert E. Cox, Jr., 120
Regal Court, Limerick, PA 19468.
Attorneys: James G. Malee, Esquire,
Malee Law Firm, P.C., 310 East Third
Street, Williamsport, PA 17701,
(570) 321-6112.

**Gardner, Bonnie J. a/k/a Bonnie
Jean Gardner,** dec'd.

Late of Muncy.
Co-Executors: Kenneth L. Gardner,
503 Ave. D, Danville, PA 17821 and
Larry L. Gardner, 2405 Bradley Dr.,
Harrisburg, PA 17110.
Attorneys: John A. Smay, Esquire,
Williams and Smay, 39 S. Main St.,
P.O. Box 35, Muncy, PA 17756.

Hanshumaker, John F., dec'd.

Late of Loyalsock Township.
The Hanshumaker Family Trust,
dated October 16, 1998, the John F.
Hanshumaker Income Only Protec-
tor Trust, dated December 19, 2007,
the John F. Hanshumaker Protector
Trust, dated May 26, 2016.
Settlor: John F. Hanshumaker.
Trustee: Jean H. Reiningger.
Attorneys: Julieanne E. Steinbacher,
Esquire, Steinbacher, Goodall & Yur-
chak, 413 Washington Boulevard,
Williamsport, PA 17701.

**Munro, Byron Dean a/k/a Byron D.
Munro,** dec'd.

Late of Jersey Shore.
Executrix: Monica B. Hoover, 234
River Road, Jersey Shore, PA 17740.
Attorneys: McNerney, Page, Vander-
lin & Hall, 433 Market Street, Wil-
liamsport, PA 17701.

**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 January 3, 2017 unless exceptions are filed before 5:00 P.M. on that date.

Neff, Harold P.—David M. Neff,
Petitioner.
Kathy Rinehart
Register of Wills

D-16, 23

NOTICE

FEDERAL PUBLIC DEFENDER
VACANCY MIDDLE DISTRICT
OF PENNSYLVANIA

Refer to: www.ca3.uscourts.gov for
detailed announcement.

Due date: Noon, January 11, 2017.
D-16, 23, 30; J-6

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.



PERIODICAL PUBLICATION

*** Dated Material. Do Not Delay. Please Deliver Before Monday, December 19, 2016**