

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

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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.

- 9/12/2017 – Bar History Committee Meeting:** *Regular Meeting of the Bar History Committee* **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 9/18/2017 – Education Committee Meeting:** *Meeting of the Education Committee* **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 9/20/2017 – Family Law Committee Meeting:** **Time:** 12:00 PM to 1:00 PM. **Location:** Courtroom #5
- 10/2/2017 – Community Outreach Committee Meeting:** *Regularly scheduled meeting of the committee* **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 10/10/2017 – Elder Law Committee Meeting:** *Regular meeting of the Elder Law Committee* **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 10/27/2017 – LLA Foundation Meeting:** *Quarterly meeting of the LLAF* **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 10/31/2017 – Criminal Law Committee Meeting:** **Time:** 12:00 PM to 1:00 PM. **Location:** Courtroom #1

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

- 9/20/2017 – Billy Joel and the Practice of Law:** *Speaker: Professor Randy Lee.*
CLE credits: 1 Ethics **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 9/27/2017 – Your Client Is About to Lose Their Driver’s License: What Do You Do?:** *PBI Video Replay.* **CLE credits:** 5 Substantive / 1 Ethics
Time: 9:00 AM to 3:30 PM. **Location:** Lycoming Law Association Office
- 10/11/2017 – Driving Under the Influence: Strategies That Win Cases:**
PBI Video Replay. **CLE credits:** 3 Substantive / 1 Ethics **Time:** 9:00 AM to 1:00 PM. **Location:** Lycoming Law Association Office
- 10/18/2017 – Eat & Earn Speaker: Jennifer Heverly, Esquire:** *Topic TBA.*
CLE credits: 1 Substantive **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 10/19/2017 – 21st Annual Family Law Update:** *PBI Groupcast.* **CLE credits:** 3 Substantive **Time:** 8:45 AM to 12:00 PM. **Location:** Lycoming Law Association Office
- 10/26/2017 – 24th Annual Auto Law Update:** *PBI Groupcast.* **CLE credits:** 3 Substantive / 1 Ethics **Time:** 12:15 PM to 4:30 PM. **Location:** Lycoming Law Association Office
- 11/10/2017 – Driving Under the Influence: Strategies That Win Cases:**
PBI Video Replay. **CLE credits:** 4 Substantive **Time:** 9:00 AM to 1:00 PM. **Location:** Lycoming Law Association Office
- 12/1/2017 – The General Practitioners’ Year in Review:** *PBI Groupcast.* **CLE credits:** 5 Substantive / 1 Ethics **Time:** 8:30 AM to 3:45 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>

- ▶ **Commonwealth vs. Kelly** (09/01/2017)—Judge Marc F. Lovecchio
Criminal: Suppression motion; timeliness; discretion of trial judge; length and cause of delay; standard for determining consent to search; totality of circumstances; per se rule requiring police to advise defendant of consequences of refusal to consent. (kelly090117L)
- ▶ **Commonwealth vs. DeSciscio** (09/01/2017)—Judge Marc F. Lovecchio
Criminal: Suppression motion; timeliness; discretion of trial judge; length and cause of delay; standard for determining consent to search; totality of circumstances; per se rule requiring police to advise defendant of consequences of refusal to consent. (DeSciscio090117L)
- ▶ **Commonwealth vs. Allen** (09/01/2017)—Judge Marc F. Lovecchio
Criminal: Suppression motion; timeliness; discretion of trial judge; length and cause of delay; standard for determining consent to search; totality of circumstances; per se rule requiring police to advise defendant of consequences of refusal to consent. (Allen090117L)
- ▶ **Commonwealth vs. Gooden-Reid** (08/31/2017)—Judge Nancy L. Butts
Criminal: Post Conviction Relief Act petition; claim of ineffective assistance of counsel; plea of guilty as waiver of all defects and defenses; manifest injustice to withdraw guilty plea; knowing, intelligent, voluntary and understanding plea; consideration of mental illness as a mitigating factor in accepting plea; defendant's negligence in attempting to appeal. (Reid083117bt)
- ▶ **Commonwealth vs. Robinson** (08/31/2017)—Judge Nancy L. Butts
Criminal: Post Conviction Relief Act petition; timeliness; jurisdiction of the court; retroactive application of *Alleyne v. United States*. (Robinson083117bt)
- ▶ **Commonwealth vs. Hersh** (08/29/2017)—Judge Nancy L. Butts
Criminal: Post Conviction Relief Act petition; ineffective counsel for failure to file Rule 600 motion; Commonwealth's due diligence; waiver of all defects and defenses by pleading guilty; knowing, voluntary and intelligent guilty plea; legality of sentence. (Hersh082917bt)
- ▶ **Commonwealth vs. Cooley** (08/29/2017)—Judge Nancy L. Butts
Criminal: Response and objection to dismissal of PCRA petition; timeliness; ability to confront and cross-examine analysts who performed tests; issue in question at trial; failure to file suppression motion; merit of potential motion; propriety of PCRA counsel investigating reasons why trial counsel chose not to file motion to suppress. (Cooley082917bt)

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**Breitenbach, Mary F. a/k/a M. Forrest Breitenbach, dec'd.**

Late of Williamsport.

Executor: Robert W. Breitenbach.
Attorneys: Brittany O. L. Smith, Esquire, Steinbacher, Goodall & Yurchak, 413 Washington Boulevard, Williamsport, PA 17701.

Cillo, Carmine J., dec'd.

Late of Williamsport.

The Carmine J. Cillo Income Only Protector Trust, dated November 21, 2016.

The Carmine J. Cillo Primary Residence Protector Trust, dated November 21, 2016.

The Cillo Family Protector Trust, dated November 21, 2016.

Settlor: Carmine J. Cillo.

Executors/Trustees: Jason J. Cillo and Shela M. Cillo.

Attorneys: Brittany O. L. Smith, Esquire, Steinbacher, Goodall & Yurchak, 413 Washington Boulevard, Williamsport, PA 17701.

Hemsley, Esther Louise a/k/a E. Louise Hemsley, dec'd.

Late of the Township of Loyalsock.
Executor: Donald P. Hemsley, 216 Wilson Street, Jersey Shore, PA 17740.

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

Hemsley, Esther Louise, dec'd.

Late of the Township of Loyalsock.
The Hemsley Family Trust, dated March 28, 2011.

Settlors: Harry E. Hemsley and Esther Louise Hemsley.

Trustee: Lawrence E. Hemsley, 208 Memory Lane, Hamburg, PA 19526.

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

Shepard, Reba E., dec'd.

Late of Roaring Branch Township.

Co-Executors: Lamar A. Shepard, 352 Benders Hill Rd., Roaring Branch, PA 17765 and Kevin J. Shepard, 364 Smith Road, Roaring Branch, PA 17765.

Attorneys: David J. Brann, Esquire, Brann, Williams, Caldwell & Sheetz, 1090 W. Main Street, Troy, PA 16947.

Vanhorn, Robert L., dec'd.

Late of Wolf Township.

Administratrix c.t.a.: Roberta Lee Fisher, 333 Elm Drive, Hughesville, PA 17737.

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

Wahl, Saralee H., dec'd.

Late of Pompano Beach, Broward County, FL.

Executor: Lawrence G. Wahl, 1859 N.W. 124th Way, Coral Springs, FL 33071.

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

SECOND PUBLICATION

Caringi, Patrick W. a/k/a Pat W. Caringi, dec'd.

Late of Williamsport.

Administratrix: Rose M. Choate, 233 Upland Road, Williamsport, PA 17701.

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

Fenstermaker, John R. a/k/a Jack R. Fenstermaker, dec'd.

Late of Jersey Shore (Limestone Township).

Co-Executors: Jane F. Breneman, 1334 Quarry Road, Jersey Shore, PA 17740 and David J. Fenstermaker, 1067 Quarry Road, Jersey Shore, PA 17740.

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

Gulliver, Jean B., dec'd.

Late of Montgomery.

Executor: Lavern Gulliver, 214 Wise Road Extension, Williamsport, PA 17701.

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

Lapp, Diane L., dec'd.

Late of Loyalsock Township.

Administrator: Christopher M. Lapp c/o Christopher H. Kenyon, Esquire, 835 West Fourth Street, P.O. Box 577, Williamsport, PA 17701.

Attorney: Christopher H. Kenyon, Esquire, 835 West Fourth Street, P.O. Box 577, Williamsport, PA 17701.

Ludwig, Idell a/k/a E. Idell Ludwig, dec'd.

Late of Fairfield Township.

Executor: Donald R. Kittle c/o Daniel K. Mathers, Esquire, Mathers Law Firm, PC, 416 Pine St., Ste. 308, Williamsport, PA 17701.

Attorneys: Daniel K. Mathers, Esquire, Mathers Law Firm, PC, 416 Pine St., Ste. 308, Williamsport, PA 17701.

THIRD PUBLICATION

Koser, Mattie L., dec'd.

Late of Loyalsock Township.

Executrix: Donna M. Woodland, 1600 Alvin Avenue, Williamsport, PA 17701.

Attorney: Andrea B. Bower, Esquire, 426 Broad Street, Montoursville, PA 17754.

Sides, Aleda M. a/k/a Aleda Marie Sides, dec'd.

Late of the Township of Loyalsock.

Executrix: Virla M. Ocker.

Attorneys: Julieanne E. Steinbacher, Esquire, Steinbacher, Goodall & Yurchak, 413 Washington Boulevard, Williamsport, PA 17701.

Waldeisen, William R., Jr., dec'd.

Late of Williamsport.

Co-Executors: W. Robert Waldeisen, 1358 Sandpiper Drive, State College, PA 16801 and Wendy L. Hooper, 16259 Rt. 87 Highway, Hills Grove, PA 18619.

Attorneys: McNerney, Page, Vanderlin & Hall, 433 Market Street, Williamsport, 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 October 3, 2017 unless exceptions are filed before 5:00 P.M. on that date.

Griggs, Robert W. Residual Trust—Branch Banking & Trust Co., Trustee. Kathy Rinehart Register of Wills

S-8, 15, 22, 29

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 August 11, 2017 for the purpose of forming a non-profit corporation under the Non-Profit Corporation Law of 1988 of the Commonwealth of Pennsylvania, 15 Pa. C.S. §1101 et seq.

The name of the corporation is: GEORGE C. LYTER ELEMENTARY SCHOOL PARENT TEACHER ORGANIZATION Fred A. Holland, Esquire Murphy, Butterfield & Holland, P.C. 442 William Street Williamsport, PA 17701

S-8

SERVICE BY PUBLICATION

Lycoming County Court of Common Pleas

Number 16-00150

Lycoming County Water and Sewer Authority, Plaintiff

v.

Stephen and Sonya Kelley Defendants

TO: Stephen Kelley, 242 Main Street, South Williamsport, PA 17702 and Sonya Kelley, 242 Main Street, South Williamsport, PA 17702

NATURE OF ACTION: NOTICE IS HEREBY GIVEN THAT A WRIT OF SCIRE FACIAS HAS BEEN FILED AGAINST YOU AND YOUR PROPERTY AT 242 MAIN STREET, SOUTH WILLIAMSPORT, PENNSYLVANIA 17702, TAX PARCEL NO. 51-01-615, FOR UNPAID SEWER FEES. YOU MUST FILE AN AFFIDAVIT OF DEFENSE WITHIN 15 DAYS OR JUDGMENT WILL BE ENTERED AGAINST YOU.

AUSTIN WHITE, ESQUIRE McCORMICK LAW FIRM 835 West Fourth Street Williamsport, PA 17701 (570) 326-5131

S-8, 15

SERVICE BY PUBLICATION

In the Court of Common Pleas of Lycoming County, Pennsylvania Civil Action—Law

MORTGAGE FORECLOSURE

NO. 16-1370

JERSEY SHORE STATE BANK, Plaintiff

vs.

OASIS FELLOWSHIP CHURCH f/k/a UNITY CHRISTIAN FELLOWSHIP, Defendants

NOTICE

This paper is a Writ of Execution. It has been issued because there is a judgment against you. It may cause your property to be held or taken to pay the judgment. You may have legal rights to prevent your property from

being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

The law provides that certain property cannot be taken. Such property is said to be exempt. There is a debtor's exemption of \$300.00. There are other exemptions which may be applicable to you. Attached is a summary of some of the major exemptions. You may have other exemptions or other rights.

If you have an exemption, you should do the following promptly: (1) Fill out the attached claim form and demand for a prompt hearing. (2) Deliver the form or mail it to the Sheriff's Office at the address noted.

You should come to court ready to explain your exemption. If you do not come to court and prove your

exemption, you may lose some of your property.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER CONTACT:

Pennsylvania Bar Association
Lawyer Referral Service
100 South Street
P.O. Box 186
Harrisburg, PA 17108-0186
Telephone (800) 692-7375

IF YOU CANNOT AFFORD A LAWYER, YOU MAY BE ELIGIBLE FOR LEGAL AID THROUGH:

Legal Services Office
25 West Third Street
Suite 400
Williamsport, PA 17701
Telephone (570) 323-8741

S-8

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.

**Do you know what your
*LYCOMING LAW ASSOCIATION
FOUNDATION***

has done to improve the delivery of legal services in our community, facilitate learning about the legal system, and enhance the image of the organized Bar?

Assigned over \$67,000.00 in Arbitration Fees to North Penn Legal Services to promote and facilitate the delivery of legal services to indigent persons in Lycoming County over the last nine years

Granted \$500.00 to the Changing Lives Through Literature Program to assist in the purchase of books

Granted \$3,000.00 to West Branch School to assist in funding a trip for students to travel to Washington, DC and visit the Supreme Court and the Houses of Congress

Granted \$6,000.00 to North Penn Legal Services to assist in funding an AmeriCorp position

Granted \$2,000.00 to CASA to assist in developing the CCAP curriculum and train program staff and volunteers

Granted \$1,245.00 to North Penn Legal Services so that one of their Staff Attorneys could attend a Fair Debt Collection Act Boot Camp Seminar in San Francisco

Granted \$1,489.00 to North Penn Legal Services so that one of their Staff Attorneys could attend a Consumer Rights Litigation Conference in Philadelphia

Granted \$2,952.00 to the Law Library at the JV Brown Library for the initial digitization of its current collection of 140 local ordinances

Granted \$1,000.00 to the Curtin PTO toward their Ben Carson Reading Room Project

Granted \$2,945.00 to CASA of Lycoming County, so that the CASA Director and the CASA Coordinator of Early Education could attend at a three day national conference on Children and the Law held at Harvard Law School

Granted \$2,625.00 to North Penn Legal Services to fund the costs of a law student's employment at NPLS for ten weeks during a summer

Granted \$250.00 to Susquehanna Home Care & Hospice for the Nurse Family Partnership to purchase reference books for nurses to use with low income families

Granted \$1,250.00 to CASA for the purchase of a computer system and necessary software

Granted \$2,200.00 to North Penn Legal Services for the development of a customized Lycoming County Child Custody Video

Granted \$1,500.00 to Wise Options (on behalf of the Domestic Violence Task Force) for the preparation, printing and distribution of a county protocol for domestic violence calls

Granted \$1,000.00 to North Penn Legal Services to assist in funding a Medicare Part D Provider Education Training

Granted \$9,000.00 to the Lycoming County Historical Society for the interpretation, archiving and digitalization of historical legal documents owned by the Taber Museum

Granted \$2,750.00 to Lycoming County for training necessary to establish a Domestic Fatality Review Team

Granted \$2,500.00 to the Montoursville Area Mock Trial Team for their attendance at Harvard University's high school mock trial workshop

Established a Pro Bono Litigation Costs Reimbursement Fund

Request for Grant Funding should be directed to the LLA Community Activities and Outreach and Committee. Information is available on the LLA website at <http://www.lycolaw.org/Committees/LLAfoundation.htm>

Please consider the Lycoming Law Association Foundation when making planned gifts.

Donations to the Lycoming Law Association Foundation are tax deductible.

The Lycoming Law Association Foundation is a tax-exempt, not-for-profit, 501(c)(3) corporation. Its mission is to cultivate the science of jurisprudence, improve the legal and judicial system, and facilitate the administration of justice for residents of Lycoming County.



PERIODICAL PUBLICATION

* Dated Material. Do Not Delay. Please Deliver Before Monday, September 11, 2017