

# 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

EDITOR: Gary L. Weber • BUSINESS MANAGER: Michele S. Frey

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Williamsport, PA 17701

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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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## 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).

- 6/27/2017 – Criminal Law Committee Meeting:** Time: 12:00 PM to 1:00 PM. Location: Courtroom #1
- 6/28/2017 – Bar History Committee Meeting:** *Meeting of the Bar History Committee* Time: 12:00 PM to 1:00 PM. Location: Lycoming Law Association Office
- 6/29/2017 – LLA Annual Picnic:** *The annual picnic. Members: \$30, YLD: \$20, Guests: \$30. Sign-up deadline: June 19* Time: 4:00 PM to 8:00 PM. Location: Herman & Luther's, Montoursville
- 7/10/2017 – Community Outreach Committee Meeting:** *Quarterly meeting of the committee* Time: 12:00 PM to 1:00 PM. Location: Lycoming Law Association Office
- 7/11/2017 – Elder Law Committee Meeting:** *Regular meeting of the Elder Law Committee* Time: 12:00 PM to 1:00 PM. Location: Lycoming Law Association Office
- 7/18/2017 – Family Law Committee Meeting:** Time: 12:00 PM to 1:00 PM. Location: Courtroom #5
- 7/28/2017 – LLA Foundation Meeting:** *Quarterly meeting of the LLA Foundation* Time: 12:00 PM to 1:00 PM. Location: Lycoming Law Association Office

**UPCOMING LYCOMING COUNTY CLE OPPORTUNITIES**

- 6/13/2017 – Nuts and Bolts of Adoption Practice in Pennsylvania:** *PBI Groupcast.* **CLE credits:** 4 Substantive / 2 Ethics **Time:** 8:30 AM to 3:40 PM. **Location:** Lycoming Law Association Office
- 6/14/2017 – UPI Requirements: Obtaining a UPI Number in Lycoming County: A Discussion About the Expansion of the UPI Requirements:** *Eat & Earn CLE—Presented by: Fran McJunkin, Deputy Director, Rich Murphy, Cartographer, Amy Fry, GIS Supervisor.* **CLE credits:** 1 Substantive **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 6/15/2017 – Handling the Dog Bite Case:** *PBI Groupcast.* **CLE credits:** 4 Substantive **Time:** 12:00 PM to 4:15 PM. **Location:** Lycoming Law Association Office
- 6/20/2017 – Ethics Potpourri—Friend or Foe: The Ethical Impact of Technology on a Lawyer’s Practice:** *PBI Video Replay.* **CLE credits:** 1 Ethics **Time:** 9:00 AM to 10:00 AM. **Location:** Lycoming Law Association Office
- 6/21/2017 – Online Marketing and the Benefits of Peer Reviews:** *Eat & Earn CLE—Speaker: Charles DeFeo (lawyers.com).* **CLE credits:** 1 Substantive **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 6/29/2017 – Piercing the Corporate Veil:** *PBI Video Replay.* **CLE credits:** 3 Substantive **Time:** 9:00 AM to 12:00 PM. **Location:** Lycoming Law Association Office
- 7/11/2017 – Medicare ABCs and D:** *PBI Video Replay.* **CLE credits:** 4 Substantive **Time:** 9:00 AM to 1:00 PM. **Location:** Lycoming Law Association Office
- 7/12/2017 – Ethics Credit, E&E Presentation, Topic TBA:** *Eat & Earn CLE—Speaker: David Trevaskis, Esq.* **CLE credits:** 1 Ethics **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 7/18/2017 – Bringing and Defending Birth Trauma Cases:** *PBI Video Replay.* **CLE credits:** 5 Substantive / 1 Ethics **Time:** 9:00 AM to 3:30 PM. **Location:** Lycoming Law Association Office
- 7/20/2017 – Consumer Protection:** *Eat & Earn CLE—Speaker: Andy Miltz.* **CLE credits:** 1 Substantive **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 7/26/2017 – Child & Spousal Support: Back to the Basics:** *PBI Video Replay.* **CLE credits:** 4 Substantive **Time:** 9:00 AM to 1:00 PM. **Location:** Lycoming Law Association Office

- 7/27/2017 – Big Changes Coming for LLCs, LLPs, LPs and GPs:** *PBI Groupcast.* **CLE credits:** 6 Substantive **Time:** 9:00 AM to 4:00 PM. **Location:** Lycoming Law Association Office
- 8/16/2017 – Speaker: Yvonne Campbell, Esquire:** *Eat & Earn CLE—Speaker: Yvonne Campbell, Esquire.* **CLE credits:** 1 Substantive **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 8/22/2017 – Fire at-Will in PA:** *PBI Groupcast.* **CLE credits:** 3 Substantive **Time:** 9:00 AM to 12:15 PM. **Location:** Lycoming Law Association Office
- 8/30/2017 – Help! The Rules are Changing ... and They Impact ALL PA Court Filings:** *PBI Groupcast.* **CLE credits:** 2 Substantive / 1 Ethics **Time:** 9:00 AM to 12:15 PM. **Location:** Lycoming Law Association Office
- 8/31/2017 – Pennsylvania’s Mechanics’ Liens:** *PBI Video Replay.* **CLE credits:** 3 Substantive / 1 Ethics **Time:** 9:00 AM 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](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 <http://www.lycolaw.org/cases/postings.asp>

- ▶ **Commonwealth vs. Horn** (06/06/2017)—Judge Marc F. Lovecchio  
Criminal: Post Conviction Relief Act petition; timeliness; waiver of recusal claim by failing to request recusal at the appropriate time; entitlement to credit for time served on probation; sentencing considerations. (Horn060617L)
- ▶ **Commonwealth vs. Barto** (06/02/2017)—Judge Marc F. Lovecchio  
Criminal: Appeal; due process rights under *Brady v. Maryland*; preserving issue for appeal; waiver of issues not in the Post Conviction Relief Act petition; disclosure of documentation held by other agency; admissible bad acts evidence against investigating officer. (Barto060217L)
- ▶ **Commonwealth vs. Gusev** (06/02/2017)—Judge Marc F. Lovecchio  
Criminal: Suppression motion; cell phone search; consent to use phone; unfortunate timing of incriminating text message. (gusev060217L)
- ▶ **SAM vs. KSM** (05/30/2017)—Judge Joy Reynolds McCoy  
Divorce: Appeal; contempt for failure to comply with periodic equitable distribution payment order; “double-dip” by using same income to calculate child support, APL, and a mortgage contribution; relitigation of previously decided issue; issue properly addressed by motion to modify child support obligation based on changed circumstances; lump sum payment; award of attorney fees on finding of contempt. (sam053017m)

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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- ▶ **Commonwealth vs. Matlosz** (05/31/2017)—Judge Marc F. Lovecchio  
Criminal: Commonwealth’s motion in limine; prior bad acts evidence; evidence of common scheme, plan or design, and intent and absence of mistake or accident; similarity of offenses; potential for unfair prejudice. (Matlosz053017L)
  - ▶ **Commonwealth vs. Bond** (05/29/2017)—Judge Marc F. Lovecchio  
Criminal: Suppression motion; probable cause to search; reasonable suspicion; plain feel doctrine; investigatory detention; non-custodial incriminating statements regarding use of marijuana; habeas corpus petition; prima facie case of possession with intent to deliver. (Bond052917L)
  - ▶ **Commonwealth vs. Smith** (05/15/2017)—Judge Richard A. Gray  
Criminal: Guilty plea withdrawal motion before sentencing; prejudice; bare assertion of innocence as a fair and just reason for withdrawal. (smith051517g)
  - ▶ **Commonwealth vs. Hopkins** (05/10/2017)—Judge Richard A. Gray  
Criminal: Motion to dismiss firearms charges for violating constitutional right to bear arms; waiver for untimely filing; waiver of severance issue; discretion of the court to sever where there is prejudice for the jury to hear evidence on all the counts. (hopkins051017g)

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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**

**Baker, Bessie D.,** dec'd.

Late of the Borough of Montoursville.

Executors: Richard H. Baker, 7101 Treasure Island Road, Leesburg, FL 34788 and Joyce Baker Brown, P.O. Box 1607, Mount Dora, FL 32756.  
Attorney: None.

**Emore, Marion E.,** dec'd.

Late of Williamsport.

The Marion E. Emore Real Estate Protector Trust, the Marion E. Emore Gas Protector Trust and the Marion E. Emore Real Estate Protector Trust, all dated January 8, 2015.  
Settlor: Marion E. Emore.

Administrator/Trustee: Robert W. Emore, Jr.

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

**Rogers, Nancy L.,** dec'd.

Late of Williamsport.

Executor: Myron L. Rogers, 339 Spruce Street, Jersey Shore, PA 17740.

Attorney: Leroy H. Keiler, III, Esquire, 110 Oliver Street, Ste. 2, P.O. Box 263, Jersey Shore, PA 17740, (570) 398-2750.

**Uskurait, Betty I.,** dec'd.

Late of South Williamsport.

Executrix: Jill K. Wollet, P.O. Box 5083, South Williamsport, PA 17702.

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

**SECOND PUBLICATION**

**Fryer, Lloyd B., Sr.,** dec'd.

Late of Williamsport.

Administrator: James L. Fryer, 3855 Nichols Run Road, Jersey Shore, PA 17740.



Attorney: Leroy H. Keiler, III, Esquire, 110 Oliver Street, Ste. 2, P.O. Box 263, Jersey Shore, PA 17740, (570) 398-2750.

**Long, Eric M. a/k/a Eric Martin**

**Long, dec'd.**

Late of Muncy.

Administrator: Charles J. Long, 159 East Water Street, Muncy, PA 17756.

Attorney: Layne R. Oden, Esquire, Nine South Main Street, Muncy, PA 17756.

**Wertz, Wayne L. a/k/a Wayne L.**

**Wertz, Sr., dec'd.**

Late of 32 Heatherbrooke Estate, Muncy.

Executor: David L. Wertz, Jr., 2797 State Route 239, Unityville, PA 17774.

Attorney: J. Howard Langdon, Esquire, 3 South Main Street, Muncy, PA 17756.

**THIRD PUBLICATION**

**Armstrong, Mary M., dec'd.**

Late of Williamsport.

The Mary M. Armstrong Income Only Protector Trust and the Armstrong Income Only Protector Trust, dated June 25, 2015.

Settlor: Mary M. Armstrong.

Trustees: Donald A. Armstrong, Mary Lou Hartsock and Cynthia K. Armstrong-Goodrich.

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

**Coleman, Robert William, Jr. a/k/a**

**Robert W. Coleman, Jr., dec'd.**

Late of Old Lycoming Township.

The Robert William Coleman, Jr. and Sylvia May Coleman Revocable Living Trust, dated February 3, 2005.

Settlor: Robert William Coleman, Jr. Executor/Trustee: Jack Coleman, Sr. Attorneys: David A. Peckman, Esquire, Peckman Chait LLP, 29 Mainland Road, Harleysville, PA 19438.

**Guillaume, Ruth A., dec'd.**

Late of Montoursville.

Co-Executors: James G. Butler, 166 Highland Drive, Hughesville, PA 17737 and Leland Guillaume, 154 Spring Road, Hughesville, PA 17737. Attorneys: James D. Casale, Esquire, Casale & Bonner, P.C., 33 West Third Street, Suite 202, Williamsport, PA 17701, (570) 326-7044.

**Schon, Betty E., dec'd.**

Late of Williamsport.

Co-Executors: Clyde W. Schon, 334 Schon Lane, Cogan Station, PA 17728 and Karon A. Fredrikson, 1300 Allegheny Street, Jersey Shore, PA 17740.

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

**Tobias, Mary M., dec'd.**

Late of Montgomery Borough.

Executrices: Debra T. Stine and Peggy T. Yohn 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.

**Yost, Sylvia L., dec'd.**

Late of Loyalsock Township.

Executrix: Deborah D. Bryson, 1116 Jordan Ave., Montoursville, PA 17754.

Attorney: Michael Balducci, Esquire, 35 North Fourth Street, Sunbury, PA 17801, (570) 286-4398.

**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 July 4, 2017 unless exceptions are filed before 5:00 P.M. on that date.

1. Young, John Henry—Carol A. Young, Executrix.
2. Haas, Richard C.—Mark A. Haas, Executor.
3. Charles, Sheldon Albert a/k/a Sheldon A. Charles—Sheldon E. Charles, Administrator.  
Kathy Rinehart  
Register of Wills

J-9, 16, 23, 30

**FILING OF CERTIFICATE OF  
ORGANIZATION OF LLC**

NOTICE IS HEREBY GIVEN that a Certificate of Organization was filed with the Department of State of the Commonwealth of Pennsylvania, Harrisburg, Pennsylvania on April 27, 2017, for the purpose of obtaining a Certificate of Organization for a domestic business corporation, organized under the Business Corporation Law of the Commonwealth of Pennsylvania, approved December 21, 1988 (P.L. 1444, No. 177) and its amendments and supplements. The name of the limited liability company is:

**HOT SHOT HANK, LLC**  
whose registered office is located at:  
2322 Lorson Road, Williamsport, PA 17702.

The purpose for which the corporation is organized is to engage in any lawful act or activity for which corporations may be organized, and the corporation

shall have unlimited power to engage in and to do any lawful act concerning any or all lawful business for which corporations may be incorporated under the Pennsylvania Business Corporation Law.  
JULIEANNE E. STEINBACHER,  
ESQUIRE  
STEINBACHER, GOODALL  
& YURCHAK  
413 Washington Boulevard  
Williamsport, PA 17701

J-9

**SERVICE BY PUBLICATION**

In the Court of Common Pleas of  
Luzerne County  
Civil Action—Law

NO. 2017-01373

MARY M. HARRISON and  
JEFFREY HARRISON, her husband  
v.

LONNIE R. McELWEE, last known  
address 1034 Hepburn Street,  
Williamsport, PA 17701

NOTICE TO: LONNIE R. McELWEE  
NOTICE IS HEREBY GIVEN that a Praecepte for Summons/Writ of Summons has been filed in regard to the above captioned matter regarding a claim for personal injury.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN**

**PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.**

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH THE INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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J-9

**SERVICE BY PUBLICATION**

In the Court of Common Pleas of  
Lycoming County, Pennsylvania  
Orphans' Court Division

No. 6536 ADOPTION

IN RE: JAICEE NYCHEL DIEHL  
MINOR CHILD

NOTICE

To: Eric Smith

A Petition has been filed asking the Court to put an end to all rights you have to your child, Jaicee Nychel Diehl born to Heather Cherry (nee Diehl) on May 3, 2005. The Court has set a hearing to consider ending your rights to your child. That hearing will be held in the Lycoming County Courthouse, in Courtroom No. 5, 48 W. 3rd Street, Williamsport, PA on June 27, 2017 at 9:00 a.m. If you do not appear at this hearing the Court may decide that you are not interested in retaining your rights to your child and your failure to appear may affect the Court's decision on whether to end your rights to your child.

You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the Court without your being present. You have an important option that may be available to you under PA Law. Act 101 of 2010 permits the adoptive parents, child, birth parents and/or relatives to enter into voluntary Post-Adoption Contact Agreement for continuing contact or communication following a child's adoption.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the Court. You are warned that if you fail to do so that case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH THE INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICE TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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Defender's Office

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3rd Floor

Williamsport, PA 17701

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- or -

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J-9



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**PERIODICAL PUBLICATION**

\* Dated Material. Do Not Delay. Please Deliver Before Monday, June 12, 2017