

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA
CIVIL DIVISION

WILMINGTON SAVINGS FUND :
SOCIETY FSB D/B/A CHRISTIANA :
TRUST NOT INDIVIDUALLY BUT AS :
TRUSTEE FOR HILLDALE TRUST, :

Plaintiff :

v. :

No. 16-2424

DAVID ARMSTEAD, ADMINISTRATOR :
OF THE ESTATE OF ROBERT K. :
ARMSTEAD, CAMILLE ARMSTEAD :
A/K/A CAMILLE R. ARMSTEAD, :

Defendants :

Jill M. Fein, Esquire

Counsel for Plaintiff

Joseph G. Greco, Jr., Esquire

Counsel for David Armstead,
Administrator of the Estate of
Robert K. Armstead

Camille Armstead a/k/a
Camille R. Armstead

Unrepresented

Joseph P. Maher, Esquire

Counsel for Proposed Intervenors

BY:

CARBON COUNTY
PROTHONOTARY

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FILED

MEMORANDUM OPINION

Serfass, J. - December 4, 2017

Proposed Intervenors, Oliberto Vega and Jailine Reyes (hereinafter Appellants), have appealed from the Order of this Court dated November 8, 2017 which denied their "Petition for Intervention & Petition for Stay of Execution". We file the following Memorandum Opinion pursuant to Pennsylvania Rule of Appellate Procedure 1925(a)

and recommend that the instant appeal be dismissed for the reasons set forth hereinafter.

FACTUAL AND PROCEDURAL HISTORY

On October 11, 2016, Plaintiff, Wilmington Savings Fund Society FSB d/b/a Christiana Trust as Trustee for Hilldale Trust, (hereinafter "Plaintiff") filed a complaint in mortgage foreclosure against Defendants, David Armstead, Administrator of the Estate of Robert K. Armstead and Camille Armstead a/k/a Camille R. Armstead (hereinafter "Defendants"). Default judgment was entered in favor of Plaintiff and against Defendants on May 8, 2017 and an amended judgment was entered on July 13, 2017.

Appellants filed their "Petition for Intervention & Petition for Stay of Execution" on November 3, 2017 seeking, *inter alia*, a stay of the sheriff's sale of the mortgaged premises scheduled for November 9, 2017. In these petitions, Appellants claim that they maintain an ownership interest in the mortgaged premises by virtue of an unrecorded "lease with option to purchase" agreement. On November 8, 2017, following an evidentiary hearing, this Court denied the aforesaid petitions. On November 9, 2017, Appellants filed a notice of appeal to the Superior Court of Pennsylvania.

Pursuant to Pennsylvania Rule of Appellate Procedure 1925(b), on November 9, 2017, this Court entered an Order directing Appellants to file of record and serve upon the

undersigned, within twenty-one (21) days, a concise statement of the matters complained of on appeal.

DISCUSSION

We submit that no issues have been preserved for appellate review in this matter. Appellants have failed to comply with our November 9, 2017 Order directing them to file a concise statement of matters complained of on appeal within twenty-one (21) days. Specifically, our Pa.R.A.P. 1925(b) Order was entered on the docket on November 9, 2017. Therefore, Appellants had until November 30, 2017 to timely file a concise statement. To date, no such statement has been filed.


It is the well-settled law of this Commonwealth that "[i]n order to preserve their claims for appellate review, [a]ppellants must comply whenever the trial court orders them to file a Statement of Matters Complained of on Appeal pursuant to Pa.R.A.P. 1925. Any issues not raised in a Pa.R.A.P. 1925(b) statement will be deemed waived." Commonwealth v. Hill, 16 A.3d 484, 494 (Pa. 2011) (quoting Commonwealth v. Lord, 719 A.2d 306, 309 (Pa. 1998); see also Pa.R.A.P. 1925(b)(4). See also Hess v. Fox Rothschild, L.P., 925 A.2d 798 (Pa. Super. 2007) (failure to comply with trial court's order to file concise statement of matters complained of on appeal will result in waiver of all issues).

In the instant matter, Appellants have failed to file any statement of the matters complained of on appeal. Accordingly, they have waived any and all issues for appellate review.

CONCLUSION

Based upon the foregoing, we respectfully recommend that the instant appeal be dismissed as no issues have been properly preserved for review by the Honorable Superior Court.

BY THE COURT:



Steven R. Serfass, J.