

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

HAROLD T. SHELLHAMMER,	:	
Administrator of the Estate	:	
Of Harold Lloyd Shellhammer	:	
a/k/a Harold Loid Shellhammer	:	
and Harold Shellhammer,	:	
	:	
Plaintiff/Appellant	:	
	:	
and	:	Action in Partition
	:	No. 22-2457
HAROLD T. SHELLHAMMER, son,	:	
	:	
Plaintiff/Appellant	:	
	:	
and	:	Action to Quite Title
	:	No. 23-0145
TERESA T. TRUDICH, daughter,	:	
	:	
Plaintiff/Appellant	:	
	:	
v.	:	
	:	
JANE L. SHELLHAMMER a/k/a	:	
JANE SHELLHAMMER, widow	:	
	:	
Defendant/Appellee	:	
Anthony Roberti, Esquire		Counsel for Plaintiffs/Appellants
Keith R. Pavlack, Esquire		Counsel for Defendant/Appellee

MEMORANDUM OPINION

Serfass, J. - March 9, 2026

Here before the Court is the appeal of Harold T. Shellhammer and Teresa T. Trudich (hereinafter "Appellants") from our Order of December 30, 2025, which denied their "Motion for Post-Trial Relief Pursuant to Pa.R.C.P. 227.1." We file the instant Memorandum

Opinion pursuant to Pa.R.A.P. 1925(a), respectfully recommending that the aforesaid Order and underlying Decision in favor of Jane L. Shellhammer (hereinafter "Appellee") be affirmed for the reasons set forth hereinafter.

FACTUAL AND PROCEDURAL BACKGROUND

On May 1, 1978, Appellee, Jane L. Shellhammer, married Harold Lloyd Shellhammer (hereinafter "Mr. Shellhammer"). Mr. Shellhammer had two children from a prior marriage, Appellants, Teresa T. Trudich and Harold T. Shellhammer. Upon their marriage, Appellee moved into the residence situated at 776 Edgemont Avenue, Palmerton, Carbon County, Pennsylvania, which was owned by Mr. Shellhammer's mother, May Irene Shellhammer. Appellee resided in that home with Mr. Shellhammer, his mother and his sister. Approximately four months later, Appellee moved out of the residence because of personal disputes among the three women.

Appellee moved to an apartment in a neighboring town. She and Mr. Shellhammer then purchased a home together up the street from the 776 Edgemont Avenue property and Appellee moved into that home. Mr. Shellhammer continued to reside with his mother at 776 Edgemont Avenue but visited with Appellee often at both locations. They continued to have a good relationship.

On July 15, 1979, Mr. Shellhammer's mother died testate. Upon her death, Appellee resumed living with her husband at 776 Edgemont

Avenue. May Irene Shellhammer's will contained a provision giving her son the option to purchase the 776 Edgemont Avenue property along with the household furniture, contents and appliances for the sum of six thousand dollars (\$6,000.00).

During their marriage, Appellee was always employed. First, in several local garment factories and later as a home health aide. Mr. Shellhammer had a limited education and was illiterate. He worked as a craneman at the Bethlehem Steel Corporation.

Appellee and Mr. Shellhammer maintained a joint bank account at Citizens Bank and Trust Company in Palmerton, from which Mr. Shellhammer withdrew six thousand dollars (\$6,000.00) in cash to purchase the 776 Edgemont Avenue property. The property was transferred by deed dated September 7, 1979, from Russell Shellhammer and Harold Shellhammer, Executors of the Estate of May Irene Shellhammer, deceased to Harold Shellhammer. Appellee never saw a deed to the property after the transfer. Mr. Shellhammer, who was not able to read or write, would not have known how the deed was drafted. After the settlement, Mr. Shellhammer told Appellee that they owned the property located at 776 Edgemont Avenue.

Appellee has continuously resided at 776 Edgemont Avenue for in excess of forty-five (45) years. Mr. Shellhammer died intestate on March 11, 2002. Before his death, all utilities, maintenance,

repairs, improvements and real estate taxes were paid from the parties' joint account. Following Mr. Shellhammer's death, all of those bills have been paid by Appellee. Neither of the Appellants contributed to the utilities, maintenance, repairs, improvements or taxes relative to the 776 Edgemont Avenue property either during Mr. Shellhammer's lifetime or after his death.

Appellant, Harold T. Shellhammer testified that he did not know anything regarding the deed to the property until his son, who works in the Carbon County Mapping Office, advised him that the deed to 776 Edgemont Avenue was in the name of Harold Shellhammer. Appellant also testified that his father had a limited education and that he was illiterate.

Appellee's granddaughter, Kerri Ahner, resided with Appellee and Mr. Shellhammer at 776 Edgemont Avenue for extended periods of her life. Mr. Shellhammer always represented to Kerri Ahner that he and Appellee owned the property. Appellee did not see the deed to 776 Edgemont Avenue until she received correspondence from Appellants' counsel immediately prior to commencement of the instant litigation.

On December 8, 2022, Harold T. Shellhammer, individually and as administrator of the Estate of Harold Lloyd Shellhammer, and Teresa T. Trudich filed an "Action in Partition" against Jane L. Shellhammer relative to the real property situated at 776 Edgemont

Avenue, Palmerton, Pennsylvania. On January 20, 2023, Harold T. Shellhammer and Teresa T. Trudich commenced an "Action to Quiet Title" concerning the same real property. On May 8, 2023, pursuant to an Order of Court based upon a stipulation of counsel, both actions were consolidated for trial.

A non-jury trial was held on April 19, 2024. Thereafter counsel submitted proposed findings of fact, conclusions of law and post-trial briefs. This Court filed a Decision on December 31, 2024, finding in favor of Appellee and against Appellants on the Quiet Title action and dismissing as moot Appellants' Partition action. "Appellant's Motion for Post Trial Relief Pursuant to Pa.R.C.P. 227.1" was filed on January 7, 2025. Following the oral argument of counsel and review of the parties' briefs, we denied Appellants' post-trial motion via Order dated December 30, 2025.

Appellants filed a Notice of Appeal to the Superior Court on January 8, 2026. On that same date, we issued an Order directing Appellants to file a concise statement of matters complained of on appeal pursuant to Pa.R.A.P. 1925(b). In compliance with our Order, Appellants filed their concise statement on January 22, 2026.

ISSUES

In their "Concise Statement of Matters Complained Of", Appellants raise the following six issues for appellate review:

1. Whether the court has authority to enter an order of equitable distribution after the death of the husband;

2. The application of PEF Code Title 20 P.S. 2102(4) and other sections of the PEF Code to the facts of the Shellhammer Estate;

3. A review of the law of "marital property" found in Title 23 (The Divorce Code);

4. Whether the equitable doctrine of "marital property" created by the Divorce Code supersedes the PEF Code for intestate estates;

5. Whether the Divorce Code is applicable to the facts before the Court (1) when there was no divorce, (2) the marriage was ended by the death of one spouse, (3) the parties to the instant litigation were never married, and (4) the deceased spouse is a necessary party; and

6. The effect of the trial court's decision on (a) the laws of deeds and conveyances, and (b) the laws of mortgages and other liens.

DISCUSSION

At the outset, we note that the first five issues raised by Appellants concerns the applicability of the Divorce Code, 23 Pa.C.S.A. §3101, et seq., and Section 2102 of the Probate, Estates and Fiduciaries Code (hereinafter "the P.E.F. Code"), 20 Pa.C.S.A. §2102, to our decision in the instant matter. Simply stated,

neither the Divorce Code nor the P.E.F. Code had any bearing upon our decision. Appellant and Mr. Shellhammer were married on May 1, 1978. Their marriage of nearly twenty-four years was intact at the time of Mr. Shellhammer's death on March 11, 2002. They were never divorced nor were divorce proceedings ever initiated. Hence, the Divorce Code has no applicability here and, even under a tortured interpretation, our Order of December 31, 2024, cannot be construed as an order of equitable distribution of marital property. It is uncontroverted that Appellee and Mr. Shellhammer were married at the time the subject property was purchased. It is also uncontroverted that the funds used to purchase the property were withdrawn from a joint bank account owned by the Shellhammers as husband and wife. As of the real estate closing on September 7, 1979, Appellee and Mr. Shellhammer owned the 776 Edgemont Avenue property as tenants by the entirety.

With regard to the P.E.F. Code, Appellants argue that they are entitled to one half of the subject property in accordance with Section 2102. Because this Court's decision is based upon the existence of a tenancy by the entirety which, upon Mr. Shellhammer's death, vested sole ownership of the subject property in Appellee, the P.E.F. Code is not controlling. Rather, the controlling events which determined the outcome of this matter

occurred prior to the death of Mr. Shellhammer. As a consequence, Appellants' arguments concerning the P.E.F. Code are meritless.

The sixth and final "issue" raised by Appellants in their concise statement neither identifies nor asserts any claims of error. Rather, Appellants raise a concern regarding "the effect of the trial court's decision on the Laws of Deeds and Conveyances ... and the Laws of Mortgages and Liens...". Setting aside the issue of whether those claims have been properly raised or preserved on appeal, we submit that neither the laws of mortgages and liens nor the laws of deeds and conveyances would be impacted by the decision of this Court in this matter. The facts of this case establish ownership of the subject property by Mr. Shellhammer and Appellee as tenants by the entirety. The underpinnings of the entirety presumptions are based upon the common law theory that marriage creates a unified holding of property whereby both spouses share possession and all rights and enjoyment arising therefrom. Clingerman v. Sadowski, 485 A.2d 11, 14 (Pa.Super. 1984). Each is seised of the whole estate from its inception. Upon the death of one spouse, the surviving spouse takes no new title or estate; the only change is in the properties of the legal entity holding the estate. Biehl v. Martin, 84 A. 953, 954 (Pa. 1912). The whole estate continues in the survivor, the same as it would continue in a corporation after the death of one of the incorporators. This has

been the settled law for centuries. Id. Relying upon our Decision and Order of December 31, 2024, a copy of which is attached for the convenience of the Honorable Superior Court, we find the issues raised by Appellants to be without merit.

CONCLUSION

Based upon the foregoing, we respectfully recommend that our Order of December 30, 2025, denying Appellants' post-trial motion, be affirmed together with our underlying Decision and Order dated December 31, 2024.

BY THE COURT:

/s/ Judge Steven R. Serfass
Steven R. Serfass, J.