

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

WELLS FARGO BANK, N.A.,	:	
	:	
Plaintiff	:	
	:	
v.	:	No. 13-0084
	:	
SCOTT S. STROUP, KAREN J.	:	
STROUP, and MIKE JOHANNES,	:	
	:	
Defendants	:	

Kimberly Bonner, Esquire	Counsel for Plaintiff
Scott S. Stroup	Pro Se
Karen J. Stroup	Pro Se
Mike Johannes	Pro se

SUPPLEMENTAL MEMORANDUM OPINION

Serfass, J. - January 23, 2017

On December 21, 2016, Defendants, Scott S. Stroup, Karen J. Stroup, and Mike Johannes (hereinafter "Defendants"), appealed from the Order of this Court dated December 2, 2016 which denied their "Motion to Set Aside Sheriff Sale and for Equitable Relief in Rem." On January 17, 2017, we filed a memorandum opinion pursuant to Pa. R.A.P. 1925(a), in which we recommended that Defendants' appeal be dismissed for failure to file a concise statement of matters complained of on appeal in accordance with Pa. R.A.P. 1925(b). Unbeknownst to this Court, several hours prior to the filing of our memorandum opinion on January 17, 2017, Defendants filed a 1925(b) statement in the office of the prothonotary.¹

¹ Although their 1925(b) statement was filed on January 17, 2017, we note that Defendants failed to serve a copy of that statement upon the undersigned as directed in our order of December 22, 2016.

The purpose of this supplemental opinion is to clarify the status of this matter, to acknowledge the filing of Defendants' 1925(b) statement, and to address any deficiencies in our January 17, 2017 memorandum opinion which may have been created as a result of both documents being filed on the same date.

On December 22, 2016, we issued an order directing Defendants to file of record and serve upon the undersigned, within twenty-one (21) days, a concise statement of the matters complained of on appeal. On that same date, our order was entered of record on the docket and Defendants were mailed a copy thereof. Pursuant to Pa. R.A.P. 1925(b), Defendants had until January 12, 2017 to timely file a concise statement. However, Defendants did not file their 1925(b) statement until January 17, 2017 and failed to set forth any reason as to why their statement was untimely. It is well settled that a failure to timely file a concise statement of errors complained of on appeal results in a waiver of all issues raised on appeal. See Estate of Cherry, 111 A.3d 1204 (Pa. Super. 2015); See also Commonwealth v. Fransen, 42 A.3d 1100, 1104 (Pa. Super. 2012) wherein the defendant filed his concise statement three (3) days late and the Superior Court concluded that he had waived all claims by failing to timely file a 1925(b) statement.

Therefore, we again respectfully recommend that the instant appeal be dismissed as no issues have been properly preserved for appellate review.

BY THE COURT:

Steven R. Serfass, J.