

SUPERIOR COURT OF PENNSYLVANIA

John M. Feather v. Kelly D. Feather

2025 Pa. Super. 256 · No. 1054 WDA 2024 · Decided November 13, 2025

SUMMARY

The Pennsylvania Superior Court held that the trial court lacked subject matter jurisdiction over a separate declaratory judgment action concerning the enforceability of the parties' prenuptial agreement while a divorce action was pending. The court vacated the trial court's order as a nullity and dismissed the petition for declaratory judgment, without prejudice to raising the issues in the pending divorce action.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Nichols, J.; Kunselman, J.; Lane, J.
JURISDICTION	Pennsylvania Superior Court
DECIDED	November 13, 2025
DOCKET	1054 WDA 2024
DISPOSITION	vacated
PROCEDURAL POSTURE	Wife appealed from an order granting Husband's petition for declaratory judgment and holding the parties' prenuptial agreement valid and enforceable.
STANDARD OF REVIEW	Subject matter jurisdiction presents a question of law reviewed de novo under a plenary scope of review.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Kelly D. Feather v. John M. Feather

TOPICS

- subject matter jurisdiction
- declaratory judgment
- prenuptial agreements
- divorce
- appellate procedure

PRACTICE AREAS

- family law
- contracts
- civil procedure
- appellate procedure
- remedies

QUESTIONS PRESENTED

1. Whether the trial court had subject matter jurisdiction under the Declaratory Judgments Act to determine the enforceability of the parties' prenuptial agreement in a separate declaratory judgment action while a divorce action was pending.
2. Whether the trial court erred in upholding the validity of the prenuptial agreement when Wife allegedly had no opportunity to consult counsel before executing it.

HOLDINGS

1. The trial court lacked subject matter jurisdiction because the Declaratory Judgments Act specifically precludes declaratory relief in an action in which a divorce or annulment is sought, except for a proceeding under 23 Pa.C.S. § 3306 concerning the validity of the marriage. A separate action addressing the enforceability of a prenuptial agreement is not a § 3306 marital-status proceeding.
2. The court did not reach the merits of the prenuptial agreement's validity or enforceability because the trial court lacked subject matter jurisdiction over the separate declaratory judgment action.

KEY QUOTATIONS

“Jurisdiction will never be assumed unless the tribunal . . . is satisfied that an actual controversy, or the ripening seeds of one, exists between parties all of whom are sui juris and before the court, and that the declaration sought will be a practical help in ending the controversy.” (J-A09028-25, at 7)

“Accordingly, because a divorce action was pending and Husband’s complaint for declaratory judgment did not relate to the parties’ marital status, the trial court lacked jurisdiction in this matter, and we are constrained to vacate the trial court’s order as a nullity and dismiss Husband’s petition for declaratory judgment.” (J-A09028-25, at 9-10)

FACTUAL BACKGROUND

The parties executed a prenuptial agreement on or about August 7, 1992, and married on August 22, 1992. They separated in February 2020, and Husband filed a divorce action on March 1, 2021. While the divorce action was pending, Husband filed a separate declaratory judgment action seeking a determination that the prenuptial agreement was enforceable; the trial court granted the requested relief.

PROCEDURAL HISTORY

Husband filed a divorce action in 2021. While that divorce action was pending, Husband filed a separate declaratory judgment petition concerning enforcement of the parties' prenuptial agreement. The Blair County Court of Common Pleas granted declaratory judgment in Husband's favor. The Superior Court held that the Declaratory Judgments Act precluded the separate action because a divorce was pending, vacated the order as a nullity, and dismissed the petition.

DISPOSITION

vacated

CASES CITED

- Turner v. Estate of Baird, 270 A.3d 556, 560 (Pa. Super. 2022)
- Page Publ'g, Inc. v. Hemmerich, 287 A.3d 948, 956 (Pa. Super. 2022)
- Gavin v. Loeffelbein, 205 A.3d 1209, 1216 n.10 (Pa. 2019)
- Chrin v. Chrin, 42 Pa. D. & C.3d 229, 232 (C.C.P. Northampton 1985)
- Fried v. Fried, 501 A.2d 211, 215 (Pa. 1985)
- Wilson v. Parker, 227 A.3d 343, 356 (Pa. Super. 2020)
- Kensey v. Kensey, 877 A.2d 1284 (Pa. Super. 2005)

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