

SUPREME COURT OF PENNSYLVANIA

In re Estate of Catherine M. Stricker

602 Pa. 54 (Pa. 2009) · No. No. 54 MAP 2008 · Decided August 17, 2009

SUMMARY

The Supreme Court of Pennsylvania held that Orphans' Court orders directing the sale of estate real property were neither final appealable orders nor collateral orders. Because the decedent's will did not specifically devise the properties and no final accounting or distribution had occurred, immediate appeal was unavailable absent certification under Pennsylvania Rule of Appellate Procedure 342. The court affirmed the Superior Court's order quashing the appeal.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Greenspan; Chief Justice Castille; Justice Saylor; Justice Eakin; Justice Baer; Justice Todd; Justice McCaffery
JURISDICTION	Pennsylvania
DECIDED	August 17, 2009
DOCKET	No. 54 MAP 2008
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal by allowance from the Pennsylvania Superior Court's quashal of an appeal as interlocutory. The Supreme Court of Pennsylvania considered whether Orphans' Court orders directing or facilitating the sale of estate real estate were immediately appealable as final orders or collateral orders.
STANDARD OF REVIEW	De novo review of the appealability and finality of the Orphans' Court orders as questions of law.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Pennsylvania
PARTIES	Ronald E. Stricker v. Linda K. Stricker, Mary Frances Detweiler, Estate of Catherine M. Stricker, Deceased

TOPICS

- appellate procedure
- final judgment rule
- interlocutory appeal
- probate procedure
- estate administration

PRACTICE AREAS

Appellate procedure

Probate and estate administration

QUESTIONS PRESENTED

1. Whether Orphans' Court orders directing the sale of estate real estate were final and immediately appealable under Pennsylvania Rules of Appellate Procedure 341 and 342 before the executors' final accounting and distribution.
2. Whether the orders directing the sale of estate real estate were immediately appealable under the collateral-order doctrine in Pennsylvania Rule of Appellate Procedure 313.

HOLDINGS

1. Orders directing the administrator or executor of a decedent's estate to sell estate real estate are interlocutory and are not immediately appealable when they do not dispose of all claims and parties and the Orphans' Court has not designated them as final under Pennsylvania Rule of Appellate Procedure 342(1).
2. Orders directing the sale of estate real estate in furtherance of the estate's administration and residue distribution are not collateral orders because they are not separable from the main cause of action.

KEY QUOTATIONS

"It is fundamental law in this Commonwealth that an appeal will lie only from final orders, unless otherwise expressly permitted by statute." (977 A.2d at 1118)

"[A]n order is not final and appealable merely because it decides one issue of importance to the parties. Rather, for an order to be final and ripe for appeal, it must resolve all pending issues and constitute a complete disposition of all claims raised by all parties." (977 A.2d at 1119)

"The doctrine is to be construed narrowly to preserve the integrity of the general rule that only final orders may be appealed; thus, the requirements for a collateral order are applied relatively stringently." (977 A.2d at 1119)

FACTUAL BACKGROUND

The decedent's estate included two tracts of land constituting most of the estate's value. One tract was subject to an option to repurchase exercised by the adjacent landowner; the other was sold at public auction to the highest bidder. Ronald Stricker, a beneficiary and co-executor, opposed the sales after his below-market offers were rejected and declined to cooperate in completing the transactions. The will made no specific bequest of either tract and directed distribution of the residue equally among the decedent's children or their issue per stirpes.

PROCEDURAL HISTORY

Catherine M. Stricker's will was admitted to probate, and Ronald and Linda Stricker were appointed co-executors. After disputes concerning the sale of two estate tracts, the Orphans' Court approved the sales and directed the co-executors to proceed. The Superior Court quashed an earlier appeal as interlocutory and later

quashed the appeal from the subsequent orders because there had been no final accounting and the orders did not qualify as collateral orders. The Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- T.C.R. Realty, Inc. v. Cox, 472 Pa. 331, 372 A.2d 721 (1977)
- In re Maslowski's Estate, 261 Pa. 484, 104 A. 675 (1918)
- In re Estate of Habazin, 451 Pa. Super. 421, 679 A.2d 1293 (1996)
- Appeal of Snodgrass, 96 Pa. 420 (1880)
- In re Twenty-Fourth Statewide Investigating Grand Jury, 589 Pa. 89, 907 A.2d 505 (2006)
- Melvin v. Doe, 575 Pa. 264, 836 A.2d 42 (2003)
- Commonwealth v. Castillo, 585 Pa. 395, 888 A.2d 775 (2005)
- Commonwealth v. Ryan, 459 Pa. 148, 327 A.2d 351 (1974)