

**IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

WEICHERT CO. OF PENNSYLVANIA,	:	No. 937 MAL 2006
INC., A PENNSYLVANIA	:	
CORPORATION,	:	
	:	Petition for Allowance of Appeal from the
Petitioner	:	Order of the Superior Court at 2625 EDA
	:	2005, dated September 8, 2006,
	:	quashing the Order of the Court of
v.	:	Common Pleas of Montgomery County
	:	at 01-13665, dated September 1, 2005
	:	
ARTHUR HERLING, JANET RUBINO,	:	
JANE HEALY, LONG & FOSTER REAL	:	
ESTATE, INC. AND MELISSA FORD,	:	
	:	
Respondents	:	

ORDER

PER CURIAM:

DECIDED: August 13, 2007

AND NOW, this 13th day of August, 2007, this Petition for Allowance of Appeal is hereby treated as a Petition for Review, see *Vaccone v. Syken*, 899 A.2d 1103, 1106 n.2 (Pa. 2006), as this matter involves a challenge to the order of the Superior Court quashing Petitioner's appeal. See *Weichert v. Herling*, No. 2625 EDA 2005 (Pa. Super. Sept. 8, 2006) (unpublished order). A review of the docket in the matter subject to review (C.P. Montgomery County, Civil Action No. 01-13665) indicates that the order denying Petitioner's "Petition to Hold Long & Foster and Herling in Contempt of the Stipulated Injunction Order" was not entered with the required notation that appropriate notice had been given. The time for filing an appeal, therefore, has not commenced. See *Frazier v. City of Philadelphia*, 735 A.2d 113, 115 (Pa. 1999) ("[P]ursuant to the

express terms of the rules, an order is not appealable until it is entered on the docket with the required notation that appropriate notice has been given.”). Although the Superior Court correctly determined that it could not consider Petitioner’s appeal at the time it was filed, that court should have directed the trial court to enter the denial order on the docket of Civil Action No. 01-13665.

Accordingly, the order of the Superior Court is **VACATED**, and the matter is **REMANDED** to that court with instructions to retain jurisdiction and to direct the trial court to enter a denial order on the docket of Civil Action No. 01-13665, thus perfecting Petitioner’s otherwise premature appeal. See, e.g., Sobien v. Mullin, 783 A.2d 795, 797 n.1 (Pa.Super. 2001) (observing that, “if a party prematurely files a notice of appeal from an interlocutory order, the appeal is perfected once a final appealable order is entered.”). See generally Pa.R.A.P. 905(a).