

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

DEEK INVESTMENTS, LP

IN THE SUPERIOR COURT OF
PENNSYLVANIA

v.

FRANCIS W. MURRAY AND PATRICIA A.
MURRAY

APPEAL OF: FRANCIS X. MURRAY

No. 1956 EDA 2013

Appeal from the Order Entered June 5, 2013
In the Court of Common Pleas of Chester County
Civil Division at No(s): 91-09071

BEFORE: BOWES, J., DONOHUE, J., and MUNDY, J.

JUDGMENT ORDER BY MUNDY, J.:

FILED JULY 08, 2014

Appellant, Francis X. Murray, appeals *pro se* from the June 5, 2013 order denying his property claim filed pursuant to Pennsylvania Rule of Civil Procedure 3207(b). After careful review, we affirm.

The trial court held a non-jury trial in this matter on January 4 and April 18, 2013 pursuant to Rule 3216, which states that “[t]he trial of an interpleader by a judge sitting without a jury shall be in accordance with Rule 1038.” Pa.R.C.P. 3216. The note to Rule 1038 incorporates the requirement of Rule 227.1 that post-trial motions must be filed within 10 days of the trial court’s decision. ***See id.*** at 1038, Note; Pa.R.C.P. 227.1(c)(2) (stating that post-trial motions must be filed within 10 days of “the filing of the decision in the case of a trial without jury[]”). In this case,

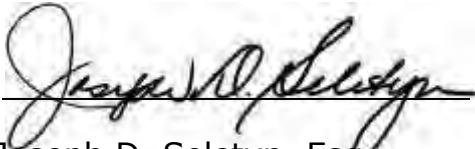
the trial court filed its decision on June 5, 2013, and all parties were served with a copy of said order. Appellant did not file any post-trial motions in the trial court. As a result, all of Appellant's issues on appeal are waived. **See D.L. Forrey & Assocs., Inc. v. Fuel City Truck Stop, Inc.**, 71 A.3d 915, 919 (Pa. Super. 2013) (stating, "[o]bjections not raised in a post-trial motion are waived on appeal[.]"); **accord Lane Enters., Inc. v. L.B. Foster Co.**, 710 A.2d 54, 54 (Pa. 1998).

We also note that on July 22, 2013, the trial court directed Appellant to file with the trial court and serve on the trial judge, a concise statement of errors complained of on appeal pursuant to Pennsylvania Rule of Appellate Procedure 1925(b). Although Appellant timely filed said statement, the trial court noted in its opinion, "no copy of the statement of errors complained of on appeal was served on [the trial judge]." Trial Court Opinion, 9/5/13, 1-2 n.2. Rule 1925(b)'s text explicitly requires an appellant to serve his or her statement on the trial judge, and the trial court's order stated this requirement. Pa.R.A.P. 1925(b)(1). Appellant's certificate of service in the record does not show that the Rule 1925(b) statement was served on the trial judge. Our Supreme Court has held that Rule 1925(b) is a bright-line rule and failure to comply will result in waiver of all issues on appeal. **Commonwealth v. Hill**, 16 A.3d 484, 494 (Pa. 2011). As Appellant has failed to fully comply with the trial court's order, all of Appellant's issues on appeal are waived on this basis as well. **See id.**

Based on the foregoing, we conclude that all of Appellant's issues are waived for either failure to file post-trial motions below or to fully comply with the requirements of Rule 1925(b)(1). Accordingly, the trial court's June 5, 2013 order is affirmed.

Order affirmed.

Judgment Entered.

A handwritten signature in black ink, appearing to read "Joseph D. Seletyn", written over a horizontal line.

Joseph D. Seletyn, Esq.
Prothonotary

Date: 7/8/2014