

2015 PA Super 14

DONNA VARNER-MORT AND	:	IN THE SUPERIOR COURT OF
DANIEL MORT, H/W,	:	PENNSYLVANIA
	:	
Appellants	:	
	:	
v.	:	
	:	
BRIDGET KAPFHAMMER	:	No. 261 WDA 2014

Appeal from the Order, January 24, 2014,
in the Court of Common Pleas of Blair County
Civil Division at No. 2011 GN 2170

BEFORE: FORD ELLIOTT, P.J.E., ALLEN AND STRASSBURGER,* JJ.

CONCURRING STATEMENT BY FORD ELLIOTT, P.J.E.:

FILED JANUARY 21, 2015

I concur in the result reached by the Majority because I disagree with the suggestion that the holding in ***Walls v. Scheckler***, 700 A.2d 532 (Pa.Super. 1997), was “just plain wrong.” To the contrary, I believe a unanimous panel of this court correctly decided ***Walls***, and allowance of appeal was denied by our Supreme Court in 1998. My research has disclosed no other appellate decision which calls into question its holding.¹

* Retired Senior Judge assigned to the Superior Court.

¹ ***Walls*** was distinguished in ***Haines v. Jones***, 830 A.2d 579 (Pa.Super. 2003), based on the facts unique to the ***Haines*** case.