

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

NICHOLAS O. BROWN

Appellant

v.

CITY OF PHILADELPHIA AND SHERIFF OF  
PHILADELPHIA COUNTY

IN THE SUPERIOR COURT OF  
PENNSYLVANIA

No. 3515 EDA 2014

Appeal from the Order November 3, 2014  
In the Court of Common Pleas of Philadelphia County  
Civil Division at No(s): No. 120502028

BEFORE: LAZARUS, J., OTT, J., and STEVENS, P.J.E.\*

JUDGMENT ORDER BY OTT:

**FILED JANUARY 19, 2016**

The issue on appeal arises from the purchase of a parcel of property by Nicholas O. Brown at a sheriff's sale, pursuant to the Municipal Claims and Tax Liens Act (MCTLA), 53 P.S. § 7101, *et seq.* Brown claims that he is entitled to rescission and restitution because the Sheriff delayed in deeding the property to him.

The question presented directly involves the interpretation, application and enforcement of the MCTLA. Exclusive jurisdiction of this appeal is vested in the Commonwealth Court of Pennsylvania. **See** 42 Pa.C.S. 762(a)(4)(i)(A).

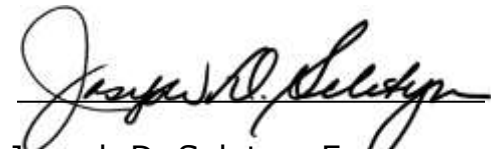
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\* Former Justice specially assigned to the Superior Court.

We recognize that it is within the discretion of this Court to either decide this case on the merits or transfer it to the Commonwealth Court. 42 Pa.C.S. §§ 704(a) and 705. Pa.R.A.P. 741(a) and 751(a). The trial court has opined that this appeal “should be in the Commonwealth Court,” and we are of the same view. Trial Court Pa.R.A.P. 1925(a) Opinion, 5/12/2015, at 1 n.1. Based on our review, we conclude it is appropriate to transfer this appeal to the Commonwealth Court because of the special expertise of the Commonwealth Court in addressing issues concerning the MCTLA. Transfer will also avoid a possible conflict of decisions between our Court and the Commonwealth Court. **See generally, Trumbull Corp. v. Boss Construction, Inc.**, 747 A.2d 395 (Pa. Super. 2000).

Appeal transferred to the Commonwealth Court of Pennsylvania.  
Jurisdiction relinquished.

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: 1/19/2016