

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

IN RE: ESTATE OF JANIS G. SAENGER,
DECEASED

IN THE SUPERIOR COURT OF
PENNSYLVANIA

APPEAL OF: JAMES G. SAENGER

No. 288 MDA 2012

Appeal from the Decree January 6, 2012
In the Court of Common Pleas of Berks County
Orphans' Court at No(s): 06-03-1165

BEFORE: BOWES, OLSON and WECHT, JJ.

MEMORANDUM BY OLSON, J.:

Filed: February 8, 2013

Appellant, James G. Saenger, appeals *pro se* from the adjudication and decree entered on January 6, 2012, affirming the account submitted by Appellee, Peter Saenger ("Peter"). We dismiss the appeal.

The trial court's April 3, 2012 opinion details the protracted nature of the contentious administration of the estate left by the parties' mother who died in 2003. To summarize, after their mother's death, Appellant and Peter were appointed personal representatives of the estate. For the first five years thereafter, Peter left stewardship of the estate to Appellant. During that administration, however, Appellant engaged in conduct that the trial court described as obstinate, obdurate, dilatory, and vexatious, intended to delay administration of the estate, waste estate assets, and frustrate Peter's desire to close the estate. Trial Court Opinion, 4/3/2012, at 1. Eventually,

Peter obtained a court order, removing Appellant as co-executor and, despite stubborn resistance from Appellant, eventually moved the matter forward and filed a final account in an attempt to close the estate. *Id.* at 1-2. Appellant filed objections to the account, in response to which Peter filed a motion for summary judgment. *Id.* at 2.

Upon consideration of the parties' briefs and argument, the trial court entered an order overruling 11 of Appellant's objections, and scheduled a hearing on the remaining five objections. Appellant received notice of that hearing, however when the date and time of the hearing arrived, Appellant did not appear. *Id.* Accordingly, on January 6, 2012, the trial court entered an adjudication and decree, granting Peter's motion for summary judgment with regard to the remaining five objections to the account, and awarding distribution of the estate as set forth in the account. *Id.* at 2-3.

Appellant filed a motion in an attempt to have the (then concluded) hearing rescheduled, and for the trial court to consider evidence not already of record, or, in the alternative, to consider previous actions. *Id.* at 3. On January 18, 2012, the trial court denied Appellant's motion.

Thereafter, Appellant filed a timely notice of appeal to the trial court's January 6, 2012 adjudication and decree. On February 15, 2012, the trial court entered an order directing Appellant to file a concise statement of errors complained of on appeal pursuant to Pennsylvania Rule of Appellate Procedure 1925(b). Appellant filed a compliant statement on March 6, 2012,

and the trial court issued its Rule 1925(a) opinion on April 3, 2012. Thereafter, this panel heard oral argument on the appeal.

Despite a compliant Rule 1925 concise statement, however, Appellant's brief violates most of the Rules of Appellate Procedure governing the content of briefs. **See** Pa.R.A.P. 2111-2119. Most importantly, the brief sets forth no legal argument regarding the order appealed from, includes no traceable citations to the certified record, and cites no legal authority in support of Appellant's arguments. Appellant alleges a number of hardships stemming from the adjudication and decree entered by the trial court, but he does not explain why that order is legally erroneous.

As we recently stated:

Appellate briefs and reproduced records must materially conform to the requirements of the Pennsylvania Rules of Appellate Procedure. Pa.R.A.P. 2101. This Court may quash or dismiss an appeal if the appellant fails to conform to the requirements set forth in the Pennsylvania Rules of Appellate Procedure. ***Id.***; ***Commonwealth v. Lyons***, 2003 PA Super 360, 833 A.2d 245 (Pa. Super. 2003). Although this Court is willing to liberally construe materials filed by a *pro se* litigant, *pro se* status confers no special benefit upon the appellant. ***Id.*** at 252. To the contrary, any person choosing to represent himself in a legal proceeding must, to a reasonable extent, assume that his lack of expertise and legal training will be his undoing.

In re Ullman, 995 A.2d 1207, 1211-1212 (Pa. Super. 2010) (citation omitted).

Here, despite review of Appellant's brief and consideration of his oral argument in support thereof, it is impossible to discern a viable issue on appeal. Thus, we are constrained to dismiss the appeal.¹

January 6, 2012 adjudication and decree affirmed.

¹ Moreover, even if we were able to discern a viable argument or issue on appeal, we again note that all of Appellant's claims are unsupported by citations to pertinent legal authority. Consequently, the claims are waived for this additional reason. ***Commonwealth v. Hardy***, 918 A.2d 766, 771 (Pa. Super. 2007), *appeal denied*, 940 A.2d 362 (Pa. 2008).