

NON-PRECEDENTIAL DECISION – SEE SUPERIOR COURT I.O.P 65.37

BARRY L. JOHNS,	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellee	:	
	:	
v.	:	
	:	
MARY ANN JOHNS,	:	
	:	
Appellant	:	No. 898 WDA 2012

Appeal from the Order December 29, 2011,
Court of Common Pleas, Cambria County,
Civil Division at No. 1995-3196

BEFORE: DONOHUE, MUNDY and PLATT*, JJ.

MEMORANDUM BY DONOHUE, J.:

Filed: March 12, 2013

Mary Ann Johns (“Wife”) appeals from the order entered by the trial court equitably dividing the parties’ martial property. We remand for further proceedings.

In 1995, Barry L. Johns (“Husband”) filed a complaint in divorce in Cambria County. Hearings were held before a master regarding the equitable distribution of the parties martial property and Wife’s claim for alimony in September 2009, December 2009, and March, 2010. The master issued his report and recommendation in July 2010. Wife filed numerous exceptions to the master’s report, all of which the trial court denied. On May 21, 2012, the divorce decree between Wife and Husband was entered. Wife filed a notice of appeal on June 7, 2012, and on June 12, 2012, the trial court issued an order requiring Wife to file a statement of matters

*Retired Senior Judge assigned to the Superior Court.

complained of on appeal pursuant to Pa.R.A.P. 1925(b) ("Rule 1925(b) statement"). On June 18, 2012, Wife filed her Rule 1925(b) statement.

Pennsylvania Rule of Appellate Procedure 1925(a) states, in relevant part, that,

upon receipt of the notice of appeal, the judge who entered the order giving rise to the notice of appeal, if the reasons for the order do not already appear of record, **shall** forthwith file of record at least a brief opinion of the reasons for the order, or for the rulings or other errors complained of, or shall specify in writing the place in the record where such reasons may be found.

Pa.R.A.P. 1925(a). "The purpose of this rule is to provide the appellate court with a statement of reasons for the order ... entered ... to permit effective and meaningful review of the lower court decisions." ***Commonwealth v. Hood***, 872 A.2d 175, 178 (Pa. Super. 2005).

Despite Wife's filing of her Rule 1925(b) statement, the trial court has not issued an opinion pursuant to Pa.R.A.P. 1925(a), nor has it issued a statement indicating where in the record the reason for its decision may be found. Furthermore, although the trial court has not directed our attention to the opinion it issued denying Wife's exceptions, we note that this opinion does not provide adequate discussion to satisfy the purpose of a 1925(a) opinion, as it does not identify the evidence of record that the trial court relied upon when making its decision. **See** Trial Court Opinion, 12/29/11, at 2-8. Without such information, we cannot properly review the trial court's

determinations, as we simply cannot guess as to what evidence the trial court relied upon in making its ruling.

Accordingly, we remand this case to the trial court with instructions to file an opinion pursuant to Pa.R.A.P. 1925(a) discussing the issues raised by Wife in her Rule 1925(b) statement and the evidence of record that supports its determinations. The trial court shall file this opinion within 30 days. Upon receipt of the trial court's Rule 1925(a) opinion, the Superior Court Prothonotary shall set a briefing schedule permitting the filing of supplemental briefs, if the parties deem supplemental briefs are necessary. This case shall be relisted upon the expiration of the period of time for filing of supplemental briefs or notice to the Superior Court Prothonotary by both parties that they will not be filing supplemental briefs.

Case remanded. Jurisdiction retained.