

**IN THE SUPREME COURT OF PENNSYLVANIA  
WESTERN DISTRICT**

STEPHEN J. SZABO AND MARY B. SZABO,	:	No. 184 WAL 2017
	:	
Respondents	:	Petition for Allowance of Appeal from the Order of the Commonwealth Court
	:	
v.	:	
	:	
COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION,	:	
	:	
Petitioner	:	

**ORDER**

**PER CURIAM**

**AND NOW**, this 12<sup>th</sup> day of October, 2017, the Petition for Allowance of Appeal is **GRANTED, LIMITED TO** the issues set forth below. Allocatur is **DENIED** as to all remaining issues. The issues, as stated by petitioner, rephrased for clarity, are:

- (1) By failing to file preliminary objections pursuant to section 306 of the Eminent Domain Code, 26 Pa.C.S. § 306, did Respondents waive their right to assert ownership and seek additional just compensation for the condemnation of two parcels which were allegedly mistakenly depicted as belonging to two other legal entities in plans attached to the declaration of taking?
  
- (2) Did Petitioner's alleged mistake in the plans attached to a declaration of taking, constitute the failure to adequately establish the extent or effect of the taking, thereby excusing Respondents from filing preliminary objections under section 306 of the Eminent Domain Code. See *Pennsylvania Dep't Gen. Servs.*, 714 A.2d 1159 (Pa. Commw. 1998) and *Pennsylvania Dep't Trans. v. Greenfield Twp. Prop. Owners*, 582 A.2d 41 (Pa. Commw. 1990)?