

[J-110-2003]
IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

CAPPY, C.J., CASTILE, NIGRO, NEWMAN, SAYLOR, EAKIN, LAMB, JJ.

IN RE: ESTATE OF ROBERT H. QUICK : No. 10 WAP 2003
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: Appeal from the Order of the Superior
: Court entered September 17, 2002 at No.
: 2122 WDA 2001, affirming the Decree of
: the Court of Common Pleas of
APPEAL OF: ROBERT H. QUICK II, : Westmoreland County, entered November
EXECUTOR OF THE ESTATE OF : 9, 2001 at No. 65-81-1614.
ROBERT H. QUICK, AND ROBERT H. :
QUICK II, INDIVIDUALLY AND RICHARD :
M. QUICK : ARGUED: September 9, 2003

CONCURRING OPINION

MR. JUSTICE SAYLOR

DECIDED: AUGUST 23, 2006

I join the majority opinion. The tension between the formalism involved in strictly applying the four unities and the salutary aim of effectuating the wishes of joint tenants has been extensively discussed in the literature. See, e.g., R.H. Helmholz, *Realism and Formalism in the Severance of Joint Tenancies*, 77 NEB. L. REV. 1, 2-3 (1998) (summarizing a segment of the decisions and commentary). I support the decision to favor the latter in the oil-and-gas-lease context, as reflected in the opinions of the orphan's court (per the Honorable Alfred B. Bell), the Superior Court (which adopted Judge Bell's rationale), and the present majority. Accord KUNTZ ON THE LAW OF OIL AND GAS §5.9 (1989).