

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA
ORPHANS COURT**

IN RE:	:	
THE ESTATE OF	:	
KAY A. KUNTZ,	:	No. 41-14-0322
decedent	:	

**OPINION IN SUPPORT OF ORDER IN
COMPLIANCE WITH RULE 1925(a)
OF THE RULES OF APPELLATE PROCEDURE**

This Opinion is written in support of this Court’s decision dated September 18, 2017, denying the claim against the Estate filed by Petitioner, Roan’s, Inc. for damages which arose from a planned auction stopped by this Court on June 9, 2016.

Petitioner, in his 1925 (b) statement, alleges that the Court abused its discretion in denying the claim based upon a strict reading of the contract’s terms in that the Co-Executors cancelled the sale. On this issue, the Court relies upon its original Opinion and Order dismissing the claim. At no time did the Co-Executors make a request or join in the Beneficiary’s request of the Court to cancel the sale.

On the remaining error, Petitioner alleges that the Court failed to exercise its equitable powers of relief alleging that the Petitioner was an innocent participant. No specific remedy has been alleged that Petitioner would have been seeking.

The Court notes initially that no claim for equitable relief was made by Petitioner during the course of the hearing on the claim. Therefore, the Court believes that the issue was waived as it was not raised in a timely manner.

If the Court believed that Petitioner was both eligible and entitled to equitable relief, the Court would have awarded such relief. The Court believes neither applies after consideration of the testimony received by the Court on July 14, 2017.

Petitioner claimed that for the sum of \$ 3,000.00 he did extensive work on the preparation of the property including a title search. At one point he admitted that he knew that a prior contract for sale had been blocked by the Court and that the Beneficiary wanted the property. This Court believes that having entered into the agreement with the attorney for the Estate and not the co-Executors (although they signed the document) should have raised more than one question in Petitioner's mind as to the situation surrounding the property.

In the exercise of the limited jurisdiction conferred on it by statute, it is plain that the Orphans' Court must apply the rules and principles of equity. Estate of Hahn, 369 A.2d 1290 (1977); the familiar equity maxim "he who comes into a court of equity must come with clean hands" also applies to matters within the Orphans' Court's jurisdiction. Re Cross' Estate, 319 Pa. 1, 179 A. 38 (1935); Re Hays' Estate, 159 Pa. 381, 28 A. 158 (1893). See also Weber Estate, 15 Fid.Rep. 464, 57 Berks 163 (1965). This maxim is far more than a mere banality. It is a self-imposed ordinance that closes the doors of a court of equity to one tainted with inequitableness or bad faith relative to the matter in which he seeks relief.

The doctrine is rooted in the historical concept of court of equity as a vehicle for affirmatively enforcing the requirements of conscience and good faith. Thus while "equity does not demand that its suitors shall have led blameless lives"... as to other matters, it does require that they shall have acted fairly and without fraud or deceit as to the controversy in issue.

Shapiro v. Shapiro, 204 A.2d 266, 268 (1964) (quoting Precision Instrument Mfg. Co. v. Automotive Maintenance Machinery Co., 324 U.S. 806, 814-15 (U.S. 1945).

Thus, the clean hands doctrine does not bar relief to a party merely because his conduct in general has been shown not to be blameless; the doctrine only applies where the wrongdoing directly affects the relationship subsisting between the parties

and is directly connected with the matter in controversy. Stauffer v. Stauffer, 465 Pa. 558, 351 A.2d 236 (1976) (opinion by Eagen, J.); Spring City Foundry Co. v. Carey, 434 Pa. 193, 252 A.2d 666 (1969); Shapiro v. Shapiro, 415 Pa. 503, 204 A.2d 266 (1964); McLaughlin v. McLaughlin, 410 Pa. 1, 187 A.2d 905 (1963). In re Estate of Pedrick, 505 Pa. 530, 482 A.2d 215, 1984 Pa. LEXIS 309 (Pa. Sept. 10, 1984). Since the Court believed that the Petitioner knew or should have known after reasonable inquiry of the history of the property held by the estate, equity was not an available remedy even had it been requested of the Court.

By the Court,

DATE: _____

Nancy L. Butts, President Judge

cc: Christopher Kenyon, Esquire - Lori Ann Kuntz
Lee Roberts, Esquire - Lori Ann Kuntz
Kristine L. Waltz, Esquire - Co-Executors
Elliott Weiss, Esquire - Estate
Marc Drier, Esquire – Roan, Inc.
Hon. Nancy L. Butts
Gary L. Weber, Esquire