

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

LAUREL HILL GAME AND FORESTRY CLUB,	:	NO. 90 – 01.896
Plaintiff	:	
vs.	:	CIVIL ACTION - LAW
	:	
W.F. BRION, et al.,	:	Petition to Strike, Open or
Defendants	:	Otherwise Set Aside Judgment

**OPINION AND ORDER**

Before the Court are two Petitions to Strike, Open or Otherwise Set Aside Judgment, the first of which was filed originally by International Development Corporation (“IDC”) on February 23, 2018, and the second of which was filed by SWN Production Company, LLC (“SWN”) by joinder in IDC’s petition on April 10, 2018. Argument on the petitions was heard May 29, 2018.

On February 18, 1992, Plaintiff obtained a final judgment to quiet title to the subsurface rights of certain property located in Lycoming County. Although some of the defendants entered an appearance and defended the action, others did not and a default judgment was taken as to them. Included in the defaulted defendants were those defendants who were served with notice only by publication. In the instant petitions, it is asserted that such service was defective and thus the judgment should be stricken or opened. It is also asserted that Plaintiff failed to name as a defendant one Clarence Moore, who was a record owner of Petitioner’s subsurface rights and thus an indispensable party, without whom the judgment entered was void. As the lack of an indispensable party clearly voids the instant judgment, the Court will strike the judgment on that basis alone.

According to the petitions, IDC was granted 87.5% of the sub-surface rights in 228 acres of Warrant 1615 in Jackson Township by deed dated August 3, 2000 from Clarence W. Moore,<sup>1</sup> and Clarence W. Moore had been deeded those rights by deeds dated December 7, 1983 from Mobil Oil Corporation and April 30, 1975 from KGA Industries.<sup>2</sup> Thus, Clarence W, Moore was a record owner of rights affected by the quiet title action filed by Plaintiff in 1990 and, consequently, an indispensable party to the action. See Hartzfeld v. Green Glen Corporation, 552 A.2d 306 (Pa. Super. 1989)(in a quiet title action, all parties who claimed title to the property at issue must be joined as indispensable parties).

Failure to join an indispensable party implicates the trial court's subject matter jurisdiction. Sabella v. Appalachian Development Corporation, 103 A.3d 83 (Pa. Super. 2014).

A judgment entered without subject matter jurisdiction must be stricken. See Northern Forests, II, Inc. v. Keta Realty Company, 130 A.3d 19 (Pa. Super. 2015).

Respondents argue nevertheless that Petitioners have failed to establish that the property in which they claim an interest was affected by the 1992 quiet title judgment inasmuch as IDC has "only provided a single document which references a number of deeds".<sup>3</sup> The Court finds this reference sufficient, however, under Pa.R.C.P. 1019(g): "A party may incorporate by reference any matter of record in any State or Federal court of record whose records are within the county in which the action is pending, or any matter which is recorded or transcribed verbatim in the office of the prothonotary, clerk of any court of

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<sup>1</sup> See Exhibit "A" attached to IDC's petition to strike.

<sup>2</sup> See Exhibit 7, attached to SWN's petition to strike.

<sup>3</sup> See Brief of Intervenor Range Resources-Appalachia, LLC, at page 10

record, recorder of deeds or register of wills of such county.” IDC’s “single document” lists the title record for the disputed property, referencing each deed by book and page number. The Court incorporates these deeds by reference. Moreover, SWN has supplemented this information by attaching to its petition copies of the deeds which place ownership in Clarence W. Moore. Together, these documents sufficiently establish Petitioner’s interest.

Accordingly, the Court enters the following:

**ORDER**

AND NOW, this            day of May 2018, for the foregoing reasons, both of the default judgments entered in 1991, as well as the judgment entered by this Court on February 18, 1992, are hereby stricken. The Prothonotary is directed to mark the docket accordingly.

BY THE COURT,

Eric R. Linhardt, Judge

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