

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

GARY CROUSE and CINDY CROUSE, Plaintiffs	:	NO. 14 – 00,245
	:	
vs.	:	
	:	CIVIL ACTION
	:	
DAVID COMPAGNI, DENISE COMPAGNI, SCOTT EDEN and GERALD EDEN, their successors, heirs, administrators and assigns, Defendants	:	Motion for Summary Judgment

OPINION AND ORDER

Before the court is Plaintiffs’ motion for summary judgment, filed August 17, 2015. Argument on the motion was heard September 28, 2015.

In their First Amended Complaint, Plaintiffs contend they are the owners of certain real property in Gamble Township and that a mistake in the execution of a deed in their chain of title places a cloud on their title. They seek to quiet title to the property by claims of (Count 1) ownership by deed/declaratory judgment and, in the alternative, (Count 2) adverse possession. Defendants are the heirs of the person who is alleged to have made a mistake in the execution of the deed at issue, and Defendants, by way of Answer and New Matter, now claim an interest in the property. In their Motion for Summary Judgment, Plaintiffs contend they are entitled to judgment as a matter of law on Count 1 as a consequence of application of the principle of estoppel by deed.

In 1977, one Henry F. Crouse acquired a 1/6 interest in certain property in Gamble Township, comprising three parcels and totaling approximately 71 acres. In 1979, Henry died, leaving through his will, his entire estate to his wife, Mildred Crouse. Mildred was also appointed executrix of Henry’s estate. By deeds executed in June 1980 and October 1981, Mildred purported to convey the

1/6 interest she inherited from Henry in some of the property¹ to one Lewis Crouse². Lewis Crouse then deeded the property to Plaintiffs in 1994. The instant dispute arose after a title search by a gas company which leased the property revealed that Mildred had signed the 1980 and 1981 deeds as executrix of Henry's estate but that no estate had ever been opened. Defendants claim that Mildred thus failed to pass title, that she retained title, and that title passed through her estate at her death to them. The court agrees with Plaintiffs, however, that Defendants are estopped from making such a claim.

A grantor is estopped to assert anything in derogation of his deed, as against the grantee, and this principle applies as well to the grantor's devisees, executors and other successors. Daley v. Hornbaker, 472 A.2d 703 (Pa. Super. 1984). Since Mildred would be estopped from denying intent to convey the property to Lewis Crouse when she signed the deeds in question, or from claiming that title never passed because she signed as executrix and not in her own individual name, her heirs are likewise estopped from doing so.

Defendants' final objection to entry of judgment at this time, because issues of fact remain with respect to the deed descriptions, is without merit. Defendants contend that it is not possible to tell from the deed descriptions into Lewis Crouse whether the parcels conveyed actually came from the larger property conveyed to Henry Crouse. The deeds state that they do, however, and Defendants have produced no evidence to the contrary. They may not avoid judgment by mere denials. See Pa.R.C.P. 1035.3(a).

¹ In June 1980, a parcel defined by a survey dated August 4, 1979, was conveyed, and in October 1981, a parcel defined by a survey dated August 26, 1981, was conveyed. Both deeds state that the property being conveyed is a part of the property conveyed to Henry in 1977.

² Four others, who each held a similar 1/6 interest in the property, also conveyed their interest to Lewis Crouse, who held the final 1/6 interest.

ORDER

AND NOW, this day of September 2015, for the foregoing reasons, Plaintiffs' Motion for Summary Judgment is hereby GRANTED. Plaintiffs' counsel may submit to the court an appropriate order to effectuate this ruling.³

BY THE COURT,

Dudley N. Anderson, Judge

cc: Robert Seiferth, Esq.
Kimberly M. Kostun, Esq., Hinman, Howard & Kattell
321 Spruce Street, Suite 705, Scranton, PA 18503
Gary Weber, Esq.
Hon. Dudley Anderson

³ A copy of the proposed order should be provided to Defendants' counsel five days prior to submission to the court.