

Docket # 23-12164

Plaintiff Attorney(s): =E= Rich Raiders 4845092715 314857

Defendant Attorney(s): =E=Mark Koch 6103789002 80721

Defendant Attorney(s): =E=Timothy Bitting 6103789002 49121

IN THE SUPERIOR COURT OF PENNSYLVANIA

CLAUDE H. STUFFLET, JR., TINA M. : 903 MDA 2026
STUFFLET and ERON STUFFLET, :
Appellants/Plaintiffs : Berks Docket No. 23-12164
 :
v. :
 :
ALOE 9-5 LLC, EDGE SELF STORAGE, :
KELLY STEINKE and ERIC STEINKE, :
Appellees/Defendants. :

OPINION, J. BENJAMIN NEVIUS, J.

July 10, 2026

Appellants, Claude H. Stufflet, Jr., Tina M. Stufflet, and Eron Stufflet (“Appellants”), appeal from the Trial Court’s Order of May 20, 2026 (the “May 20 Order”), granting summary judgment in favor of Appellees, Aloe 9-5 LLC, Edge Self Storage, Kelly Steinke, and Eric Steinke (collectively, “Appellees”), and dismissing Appellants’ suit with prejudice.

At its core, this appeal presents a narrow question of Pennsylvania property law: whether decades of acknowledged, permissive use of adjoining property, without (a) dispute or uncertainty as to a true boundary location, or (b) mutual recognition of a common boundary line may mature into ownership under the doctrine of consentable lines. Particularly, the immediate dispute concerns Appellants’ claim that they acquired ownership of a strip of adjoining property through longstanding use notwithstanding the properties’ respective deed descriptions. Viewing the discovery record in the light most favorable to Appellants, the Trial Court concluded that no genuine issue of material fact exists because Appellants have failed to produce any evidence establishing a legally cognizable basis upon which title to the Disputed Tract could pass. At most, the discovery record demonstrates decades of permissive use of neighboring property—it does not establish the mutual recognition and acquiescence necessary to create a consentable line, nor does it establish the hostile possession required to acquire title by adverse possession.

Appellants have identified no legal theory under Pennsylvania law by which decades of permissive use of another's property may convert into a vested ownership interest under the facts presented. Accordingly, the Trial Court respectfully submits that its May 20 Order should be affirmed.

I. FACTS AND PROCEDURAL HISTORY

On August 3, 2023, Appellants commenced this litigation by Complaint in Ejectment and Quiet Title against Appellees, as well as nonparties Jaclyn Mitten and Benjamin Mitten (the "Mitten Defendants"). Shortly thereafter, Appellants amended the caption to remove the Mitten Defendants and to correct the designation of "Edge Self Storage."

The action concerns adjoining parcels of real property located at 721 and 725 Hex Highway, Tilden Township, Berks County. Appellants own the property commonly known as 721 Hex Highway—Defendant, Aloe 9-5 LLC ("Aloe"), owns the adjoining parcel at 725 Hex Highway, upon which Edge Self Storage operates a commercial self-storage facility. Appellants allege that Appellees (more appropriately Aloe as record owner) wrongfully assert ownership over an approximately one-half-acre strip of land situated between the parties' properties (the "Disputed Tract"). Appellants seek ejectment, quiet title, declaratory relief, and related remedies establishing Appellants' ownership of the Disputed Tract. In support of those claims, Appellants assert that the historical occupation and use of the Disputed Tract by Appellants and their predecessors in title vests ownership in Appellants notwithstanding language in the applicable deeds and assessment records.

Appellees filed an Answer with New Matter denying Appellants' claims of ownership and asserting that the Disputed Tract remains part of Appellees' property according to deeds, surveys, and chain of title. Appellees further aver that Appellants' use of portions of the disputed area

occurred only with the knowledge and permission of Appellees' predecessors in title and therefore could not divest the record owner of title. Appellees likewise seek declaratory relief confirming their ownership of the Disputed Tract.

After the close of the pleadings, the parties engaged in discovery, furnishing a record consisting of the parties' depositions, testimony from prior owners of the adjoining parcels, documentary evidence, surveys, photographs, and other materials addressing both the historical use of the Disputed Tract and the parties' respective claims of ownership. As discovery progressed, the issues in dispute narrowed considerably. Although the Complaint purports to set forth multiple theories of claimed ownership, the litigation ultimately focused upon whether Appellants could establish ownership under Pennsylvania's doctrine of consentable lines.

On March 23, 2026, Appellees filed a Motion for Summary Judgment (the "Motion"), asserting Appellants' inability to succeed on the merits of their claim(s) as a matter of the law. In opposing the Motion, Appellants principally argue that more than 21 years of acknowledged use of the Disputed Tract, coupled with the knowledge and acquiescence of Appellees' predecessors in title, vested ownership in Appellants. Appellants specifically maintain that Pennsylvania law requires only acquiescence in the use of the Disputed Tract and does not require evidence that the adjoining landowners mutually recognized the existing fence—or any other visible monument—as the legal boundary between their properties.

Appellees dispute that characterization, arguing that Appellants fundamentally conflate discrete concepts—acquiescence in the use of land with mutual recognition and acquiescence to a property boundary. According to Appellees, the undisputed Record established that the existing fence was erected for reasons unrelated to the legal boundary; that neither Appellants nor Appellees' predecessors believed the fence represented the true property line; that the legal

descriptions do not support such a line in any instance; and that Appellants have repeatedly acknowledged their use of the Disputed Tract occurred only with permission. Consequently, Appellees asserted that Appellants cannot establish the essential elements of a consentable-line claim and, to the extent Appellants intend to pursue a claim for adverse possession, they cannot establish the hostile possession required as a matter of law.

In its May 20 Order, the Trial Court granted Appellees' Motion and dismissed Appellants' Complaint with prejudice. The Trial Court concluded that, even viewing the discovery record in the light most favorable to Appellants, no genuine issue of material fact exists because Appellants' own evidence fails to establish an essential element of any legally cognizable theory by which title to the Disputed Tract could pass. In so holding, the Trial Court concluded that the discovery record demonstrates, at most, longstanding permissive use of neighboring property rather than mutual recognition and acquiescence in a common boundary sufficient to establish a consentable line. Further, to the extent Appellants intend to rely upon adverse possession, the discovery record likewise failed to establish the hostile, continuous, exclusive, and adverse possession required to divest Appellees of record title.

On June 8, 2026, Appellants filed a timely Notice of Appeal. Although represented by counsel throughout the proceedings before the Trial Court, Appellants filed their initial appellate submissions without their attorneys' endorsement, prompting the Trial Court to issue its June 12, 2026 Order (the "June 12 Order") directing Appellants to file a Concise Statement of Errors Complained of on Appeal pursuant to Pa. R.A.P. 1925(b), while noting certain procedural irregularities associated with Appellants' initial appellate filings.¹ On June 22, 2026, Appellants

¹ As noted in the Court's June 12 Order, Appellants failed to comply with the service requirements of Pa. R.A.P. 906, as they failed to serve the Trial Court with a copy of their Notice of Appeal. The Trial Court only learned of the appeal through a routine notification generated by the Berks County electronic filing system.

filed their Concise Statement.² This Opinion follows pursuant to Pa. R.A.P. 1925(a).

II. DISCUSSION

Summary judgment is appropriate where “there is no genuine issue of any material fact as to a necessary element of the cause of action or defense” and the moving party is entitled to judgment as a matter of law. Pa.R.Civ.P. 1035.2. In ruling upon a motion for summary judgment, a court must examine the entire record in the light most favorable to the non-moving party, accepting as true all well-pleaded facts supported by the discovery record and resolving all doubts as to the existence of a genuine issue of material fact against the moving party. *Fine v. Checcio*, 870 A.2d 850, 857 (Pa. 2005).

The moving party bears the initial burden of demonstrating the absence of a genuine issue of material fact. Once that burden is satisfied, however, the non-moving party may not rest upon the allegations or denials contained in the pleadings. Rather, the adverse party must identify evidence of record establishing facts essential to the cause of action upon which a jury could reasonably return a verdict in that party’s favor. Mere assertions, speculation, or legal conclusions are insufficient to defeat summary judgment. *Id.* at 857-59.

Although summary judgment should be granted cautiously, it is nevertheless appropriate where the discovery record demonstrates that the non-moving party has failed to produce evidence establishing an essential element of the claim. Therefore, although a trial court may not resolve disputed questions of credibility or weigh competing evidence, it need not submit a case to a jury where, even accepting the non-moving party’s evidence as true and drawing every reasonable inference in that party’s favor, the evidence remains legally insufficient to establish a right to relief.

² Despite the June 12 Order explicitly directing Appellants to serve their Concise Statement upon the Trial Court (and including the address for mail or personal service), Appellants failed to comply with the service requirements of Pa. R.A.P. 1925(b)(1).

That distinction is particularly important here. Although Appellants' Concise Statement repeatedly suggests that the Trial Court improperly resolved disputed factual issues, that is not what occurred. The Trial Court accepted, for purposes of summary judgment, Appellants' assertions (threadbare or otherwise). As discussed below, the dispositive issue is not whether the use occurred, but whether Appellants' own evidence, viewed in the light most favorable to them, establishes the legal elements necessary to divest Appellees of record title under Pennsylvania law.

A. Appellants Failed to Produce Evidence to Establish a Consentable Line.

Appellants' Concise Statement principally challenges the Trial Court's determination that the discovery record fails to establish a consentable line. Although Appellants articulate several alleged errors, each ultimately presents the same legal question: whether the evidence, viewed in the light most favorable to Appellants, was sufficient to permit a reasonable factfinder to conclude that ownership of the Disputed Tract passed to Appellants under a consentable-lines theory.

Pennsylvania's doctrine of consentable lines occupies a narrow but well-established place in the Commonwealth's property law. It constitutes a limited exception to the general rule that ownership of real property is determined by deed descriptions and recorded boundaries. The doctrine did not develop as an alternative means of acquiring another's property through prolonged use. Rather, it evolved as an equitable means of resolving uncertainty concerning boundary locations and promoting stability and repose in land titles where adjoining landowners themselves accepted a common dividing line over an extended period.

The doctrine traces its origins to the Supreme Court's decision in *Hagey v. Detweiler*, 35 Pa. 409 (Pa. 1860). There, the Supreme Court recognized that adjoining landowners may establish a binding boundary by parol agreement notwithstanding the statute of frauds because such an agreement does not convey title to land; instead, it merely identifies the location of an uncertain

boundary. Once established and acted upon, the agreed boundary becomes binding upon the parties and subsequent purchasers taking with notice. *Id.* at 412-13. Thus, from its inception, the doctrine has concerned the resolution of uncertainty regarding an existing property line—not the transfer of ownership through prolonged use of neighboring property.

Pennsylvania appellate courts have consistently reiterated that limited purpose. As the Superior Court observed in *Corbin v. Cowan*, the doctrine exists “for the purpose of quieting title and discouraging confusing and vexatious litigation.” 716 A.2d 614, 617 (Pa. Super. Ct. 1998). Because it ultimately operates to recognize a boundary different from that reflected by the parties’ deeds, the doctrine promotes harmony by honoring boundaries that adjoining owners themselves have accepted over time. At the same time, however, because the doctrine effectively divests a record owner of title to a portion of his property, the appellate courts have very carefully confined its application to circumstances satisfying well-defined legal requirements.

Pennsylvania recognizes only two methods by which a consentable line may arise. First, adjoining landowners may establish a boundary by dispute and compromise, whereby uncertainty concerning the true boundary is resolved through agreement. Second, a consentable line may be established by recognition and acquiescence, where adjoining landowners mutually recognize a visible line as the common boundary and thereafter occupy their respective properties in conformity with that line for the statutory period. *See Corbin*, 716 A.2d at 616-17; *see also Plott v. Cole*, 547 A.2d 1216, 1220 (Pa. Super. Ct. 1988).

The distinction between these two branches is significant. The doctrine of dispute and compromise presupposes an actual uncertainty or disagreement concerning the location of the boundary, followed by an agreement resolving that dispute. In *Beals v. Allison*, the Superior Court rejected a claimed consentable line where adjoining owners merely relied upon an erroneous

survey in constructing their homes. 54 A.2d 84 (Pa. Super. Ct. 1947). Although both parties accepted the surveyor's work, there had been no antecedent dispute concerning the location of the property line and no compromise of competing claims. The court therefore cautioned that "not every line assented to by the parties is a consentable line." *Id.* at 85. The doctrine requires considerably more than passive acceptance or convenience.

Appellants have never contended that the parties—or their predecessors in title—resolved uncertainty regarding the boundary through agreement. Instead, Appellants rely exclusively upon the second branch of the doctrine: recognition and acquiescence. Although numerous appellate decisions have addressed recognition and acquiescence over the past century, the Superior Court's decision in *Moore v. Moore* synthesizes the governing authority and provides the analytical framework applicable here.³ 921 A.2d 1 (Pa. Super. Ct. 2007).

Drawing directly from Supreme Court's precedent, *Moore* explained that a consentable line established through recognition and acquiescence requires proof "(1) that each party has claimed the land on his side of the line as his own and (2) that he or she has occupied the land on his side of the line for a continuous period of 21 years." *Moore*, 921 A.2d at 6 (quoting *Zeglin v. Gahagen*, 812 A.2d 558, 561 (Pa. 2002)). That formulation is critical because it identifies the focus of the doctrine. Recognition and acquiescence concerns ***mutual recognition of a boundary***, not simply acquiescence to another's use of adjoining property. Throughout the appellate cases addressing consentable lines, the inquiry centers upon whether adjoining landowners mutually treated a fence, hedge, roadway, tree line, or other visible monument as a common dividing line between properties. Occupation follows recognition of the boundary; it is not a substitute for it.

³ *Moore* is particularly instructive because it distilled decades of Pennsylvania consentable-line jurisprudence into a coherent analytical framework by synthesizing *Zeglin* and the earlier appellate decisions applying the doctrine. Accordingly, the Trial Court employs *Moore* as the principal framework for its analysis.

Moore also underscores that the doctrine requires evidence demonstrating that adjoining owners claimed ownership to the recognized boundary. The Superior Court rejected a claim of tacking where a predecessor in title never asserted ownership to the Disputed Tract, observing that one cannot tack possession that was never claimed. Thus, *Moore* confirms that the doctrine requires more than longstanding use; it requires evidence that adjoining landowners mutually regarded a particular line as the true boundary separating their respective parcels.

In opposition, Appellants rely on *Plauchak v. Boling* for the general proposition—synthesized—that adjoining property owners may recognize a common boundary through possession and the passage of time. 653 A.2d 671 (Pa. Super. Ct. 1995). Properly understood, *Plauchak* does not advance Appellants’ position on these facts. In that case, the Superior Court concluded that the evidence supported the trial court’s finding that adjoining landowners had recognized a visible hedge as the common boundary and occupied their respective properties for the statutory period. In other words, *Plauchak* involved acquiescence to an identifiable boundary—not merely acquiescence in another’s use of adjoining land. Nothing in *Plauchak* suggests that decades of permissive use alone vest ownership or eliminate the requirement that adjoining owners mutually recognize a common boundary.

Likewise, Appellants’ reliance upon the Superior Court’s recent decision in *Viall v. Garvin* is misplaced. 318 A.3d 905 (Pa. Super. Ct. 2024). *Viall* did not alter Pennsylvania’s consentable-line doctrine or expand the circumstances under which title may pass. Rather, the court faithfully applied the principles articulated in *Hagey*, *Zeglin*, *Moore*, and other cases to the particular factual record before it. *Viall* reinforces the longstanding principle that the doctrine turns upon proof that adjoining landowners mutually recognized a visible boundary and occupied their respective properties in conformity with that understanding for the statutory period. Appellants appear to read

Viall as relaxing those traditional requirements. Respectfully, that is not what the decision holds. Far from expanding the doctrine, *Viall* reiterates that the dispositive inquiry remains whether adjoining landowners mutually recognized a particular visible line as the common boundary. Nothing in *Viall* relieves a claimant of the burden of proving mutual recognition of a boundary or suggests that acquiescence in another's use of land is legally equivalent to acquiescence in the location of the property line.

The relevant decisions discussed above reveal a consistent and unbroken theme. Pennsylvania's appellate courts have never held that acquiescence in the use of another's land, standing alone, establishes a consentable line. If such a premise is articulated in Pennsylvania jurisprudence, the Trial Court is not aware of it, and Appellants do not identify it. Rather, each decision interpreting the matter requires proof that adjoining landowners mutually recognized a common boundary and occupied their respective properties in conformity with that boundary for the statutory period. That principle controls the disposition of the present appeal.

Against that legal backdrop, the deficiencies in Appellants' proof become apparent. Even viewing the discovery record in the light most favorable to Appellants, no reasonable jury could conclude that Appellants and Appellees' predecessors mutually recognized the existing fence—or any other visible monument—as the legal boundary between the parties' properties. To the contrary, the discovery record reflects that the fence was erected for reasons unrelated to the location of the legal property line, and the testimony developed during discovery demonstrates that neither Appellants nor Appellees' predecessors regarded it as establishing the boundary reflected in their respective deeds.

Equally significant, Appellants repeatedly acknowledged that their use of portions of the Disputed Tract occurred with the knowledge and permission of Appellees' predecessors in title.

Those admissions may establish decades of neighborly accommodation, but they do not establish mutual recognition of a common boundary. Indeed, Appellants' theory subtly but fundamentally alters Pennsylvania's consentable-line doctrine. Throughout their briefing, Appellants equate Appellees' predecessors' willingness to permit Appellants' use of the Disputed Tract with acquiescence to a common boundary. The appellate decisions discussed above recognize no such principle. Each focuses instead upon mutual recognition of a visible line as the boundary separating adjoining parcels. Were Appellants' interpretation accepted, any neighboring landowner permitted to mow, garden, hunt, park, or otherwise use adjoining property for 21 years could ultimately acquire title notwithstanding universal recognition that the true boundary lay elsewhere. Pennsylvania's appellate courts have never adopted such a rule, and the Trial Court declines to do so here.

B. The Discovery Record Does Not Support a Claim for Adverse Possession.

Although Appellants proceed principally under a consentable-line theory, their Concise Statement suggests continued error in the dismissal of their purported adverse-possession claim. The Trial Court addresses that contention for completeness. Even assuming Appellants adequately preserved a claim for adverse possession, Appellees remained entitled to summary judgment because the discovery record fails to establish multiple indispensable elements of that doctrine.

Although consentable lines and adverse possession each concern claims to real property outside the strict confines of deed descriptions, they are distinct doctrines grounded in different legal principles. Consentable lines promote certainty and repose by recognizing boundaries that adjoining landowners have mutually accepted over time. Adverse possession, by contrast, divests another of legal title only where the claimant has exercised actual, continuous, exclusive, visible, notorious, distinct, and hostile possession under a claim of right for the statutory period of 21

years. Because adverse possession results in the involuntary loss of legal title, Pennsylvania courts require strict proof of every element, and the absence of any one is fatal to the claim.

The discovery record falls well short of that standard. Appellants' own evidence affirmatively negates the doctrine's most fundamental requirement—hostility. Throughout this litigation, Appellants have maintained that their use of the Disputed Tract occurred with the knowledge, permission, and acquiescence of Appellees' predecessors in title—an assertion that formed the cornerstone of their consentable-line theory, not an incidental aside to it. That evidence is fundamentally incompatible with adverse possession.

Hostility does not connote animosity or ill will; it requires possession exercised under a claim of right and in derogation of the true owner's title—a requirement Pennsylvania courts have treated as indispensable, without exception, for over a century. *See Conneaut Lake Park, Inc. v. Klingensmith*, 66 A.2d 828, 829 (Pa. 1949) (“[O]ne who claims title by adverse possession must prove... actual, continuous, exclusive, visible, notorious, distinct, and hostile possession of the land for twenty-one years... Each of these elements must exist, otherwise the possession will not confer title”); *Baylor v. Soska*, 658 A.2d 743, 744 (Pa. 1995) (same standard). By definition, a claimant must occupy the property as owner, not by leave or license.

The Supreme Court has, in narrow circumstances, permitted hostility to be implied notwithstanding a claimant's equivocal state of mind. *See, e.g., Tioga Coal Co. v. Supermarkets Gen. Corp.*, 546 A.2d 1, 5 (Pa. 1988) (hostility implied where “the true owner has not ejected the interloper within the time allotted for an action in ejectment, and all other elements of adverse possession have been established”). *Tioga's* holding rested on a record entirely silent as to hostility; the Supreme Court simply inferred it from the claimant's undisputed satisfaction of every other element. *Tioga* did not eliminate the hostility requirement. *See Myers v. Beam*, 713 A.2d 61,

62-63 (Pa. 1998) (“*Tioga* manifestly cannot be interpreted as disposing of the requirement of hostility”).

Thus, the implied-hostility doctrine is confined to cases where the record is silent on the point; it does not extend to cases where the record affirmatively disproves hostility. *Id.* Far from being silent, the discovery record here affirmatively establishes that Appellants’ use of the Disputed Tract occurred with the knowledge and permission of Appellees’ predecessors—an admission Appellants themselves advanced as the foundation of their consentable-line theory. Just as the claimant in *Myers* could not invoke *Tioga* to circumvent the hostility requirement where his own request for a quitclaim deed affirmatively disproved it, Appellants cannot invoke *Tioga* to supply hostility where their own admissions of permissive use do the same. *Myers*, 713 A.2d at 62-63 (declining to apply *Tioga* where “there is evidence tending to disprove the existence of hostility,” since to do so “would essentially eliminate hostility as one of the required elements of adverse possession”). Where possession is undertaken with the knowledge and acquiescence of the record owner, it is permissive rather than hostile. The grant is one of neighborly grace; not one of disputation or defiance. As a matter of law, that use cannot mature into ownership through adverse possession.

The discovery record likewise fails to establish continuous, exclusive possession, or possession under a claim of right. Appellants’ evidence shows various uses of portions of the Disputed Tract over a period of years—longstanding accommodation, perhaps, but not uninterrupted dominion to the exclusion of the record owner. Nor did Appellants produce evidence that Appellees or their predecessors were excluded from possession or otherwise deprived of dominion over the Disputed Tract for the statutory period. Appellants’ own testimony—that they understood the Disputed Tract belonged to the adjoining owners and used it only because

permission had been granted—is fundamentally inconsistent with possession under a claim of right. A claimant cannot simultaneously acknowledge another’s superior title while asserting possession hostile enough to extinguish it.

Indeed, Appellants’ two theories of recovery defeat one another. Their consentable-line claim depends upon Appellees’ predecessors having knowingly permitted Appellants’ use of the Disputed Tract; their adverse-possession claim requires proof that Appellants occupied that same property hostile to those very predecessors’ rights. Pennsylvania law permits pleading inconsistent theories, but Appellants’ own evidence precludes proof of both because it repeatedly characterizes their possession as permissive. The evidence supporting the consentable-line theory is precisely what defeats the hostility required for adverse possession.

As with the consentable-line claim, the deficiency here is legal, not factual: even accepting Appellants’ evidence of historical use as true, it remains legally insufficient to establish the hostile, continuous, and exclusive possession necessary to divest Appellees of record title. The discovery record establishes, at most, decades of permissive neighborly accommodation; Pennsylvania law has never recognized permissive use as sufficient to extinguish a record owner’s title through adverse possession. Appellants point to no case holding otherwise. Accordingly, even assuming Appellants adequately preserved an adverse-possession claim, no genuine issue of material fact existed for trial, and Appellees were entitled to judgment as a matter of law.

C. Remaining Issues

Appellants’ Concise Statement identifies several additional allegations of error beyond those specifically addressed above. To the extent those issues are adequately preserved and not subsumed within the Trial Court’s analysis of consentable lines and adverse possession, the Trial Court concludes they are without merit and do not warrant extended discussion.

At their core, Appellants' remaining assertions reflect disagreement with the Trial Court's legal conclusions, not the identification of genuine disputes of material fact. For the reasons already explained, the May 20 Order rests upon the legal insufficiency of Appellants' proof—not upon the resolution of disputed factual issues. To the extent Appellants contend the Trial Court overlooked or failed to consider particular testimony, exhibits, or documentary evidence, the discovery record reflects otherwise. The Trial Court carefully reviewed the pleadings, deposition testimony, exhibits, surveys, photographs, and the parties' respective memoranda before hearing oral argument and rendering its decision.⁴ The Trial Court's conclusion did not result from the exclusion or disregard of evidence but from the absence of evidence sufficient to establish the legal elements necessary to overcome Appellees' Motion.

Likewise, to the extent Appellants advance arguments on appeal that differ from those presented during the summary judgment proceedings, a party opposing summary judgment must identify evidence of record establishing each essential element of the claim upon which relief is sought. Appellants failed to do so here. Their appellate filings cannot cure deficiencies in the evidentiary Record that existed when the Trial Court granted summary judgment.

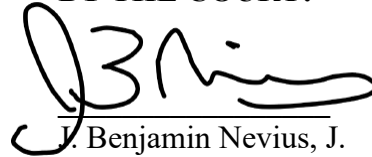
Finally, having carefully reviewed Appellants' Concise Statement in its entirety, the Trial Court concludes that each issue ultimately presents the same fundamental question: whether the discovery record was legally sufficient to permit a reasonable jury to conclude that Appellants acquired title to the Disputed Tract. For the reasons discussed above, it was not. Accordingly, none of Appellants' remaining allegations of error demonstrates that the Trial Court abused its discretion or committed an error of law in granting Appellees' Motion.

⁴ The Trial Court managed this matter for more than two years, meeting with counsel on numerous occasions and overseeing extensive pre-trial matters. The undersigned is thoroughly informed of the discovery record and the parties' respective claims, defenses, exhibits, and testimony. One principal issue ultimately emerged for disposition: Appellants' consentable-lines theory.

III. CONCLUSION

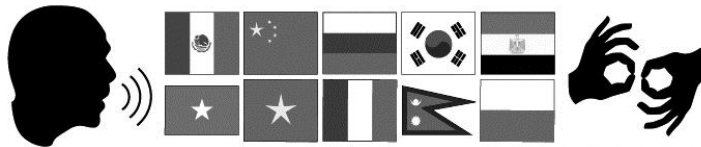
This case ultimately does not turn upon disputed historical facts; it turns upon the legal insufficiency of Appellants' proofs. Because Appellants failed to produce evidence from which a reasonable factfinder could conclude that they acquired title to the Disputed Tract under either doctrine, Appellees were entitled to judgment as a matter of law pursuant to Pa.R.Civ.P. 1035.2. Accordingly, the Trial Court respectfully requests that the Superior Court affirm the May 20 Order granting Appellees' Motion.

BY THE COURT:



J. Benjamin Nevius, J.

Notice of Language Rights



Language Access Coordinator
Berks County Services Center, 633 Court Street, 4th Floor, Reading, PA 19601
610-478-6208 x5712
Interpreter@berkspa.gov

English: You have the right to an interpreter at no cost to you. To request an interpreter, please inform court staff using the contact information provided at the top of this notice.

Spanish/Español: Usted tiene derecho a un intérprete libre de costo. Para solicitar un intérprete favor de informárselo al personal judicial utilizando la información provista en la parte superior de este aviso.

Mandarin/Cantonese Simplified Chinese/普通话/粤语简体中文: 您有权获得免费的口译员服务。若需要口译员, 请使用本通知上方提供的联系信息通知法院工作人员。

Mandarin/Cantonese Traditional Chinese/普通話/廣東話繁體中文: 您有權要求免費傳譯服務。如欲要求傳譯服務, 請參閱本通知頂部的聯絡資料。通知法庭職員。

Arabic/العربية: يحق لك الحصول على مترجم دون دفع أي تكلفة من جانبك. لطلب مترجم، يُرجى إعلام موظفي المحكمة باستخدام معلومات الاتصال المقدمة في الجزء العلوي من هذا الإشعار.

Russian/Русский: У вас есть право на бесплатные услуги переводчика. Заявка на переводчика подается в суд по адресу, телефону или эл. почте, указанным выше в заголовке этого уведомления.

Vietnamese/Tiếng Việt: Quý vị có quyền được một thông dịch viên giúp mà không tốn chi phí nào cả, xin hãy báo cho nhân viên tòa án dùng thông tin liên lạc có ở trên đầu thông báo này.

Nepali/नेपाली: तपाईंको निःशुल्क रूपमा भाषा अनुवादक राख्न पाउने अधिकार छ। अनुवादकको लागि अनुरोध गर्न, यस सूचनाको माथि दिइएको सम्पर्क जानकारी भरेर अदालतका कर्मचारीहरूलाई जानकारी दिनुहोस्।

Korean/한국어: 귀하는 비용에 대한 부담 없이 통역 서비스를 받을 권리가 있습니다. 통역 서비스를 요청하려면 본 통지서의 상단에 기재된 연락처를 통해 법원 직원에게 알리십시오.

Polish/Polski: Ma Pan/Pani prawo do nieodpłatnego skorzystania z usług tłumacza ustnego. Aby zwrócić się o wsparcie ze strony tłumacza ustnego, proszę skontaktować się z pracownikami sądu, korzystając z danych znajdujących się w górnej części niniejszego dokumentu.

Pakistan/پنجابی/Punjabi: تہاڈے کول بغیر ادائیگی کیتیاں اک مترجم حاصل کرن دا حق اے۔ مترجم دی درخواست کرن لئی، میربانی کر کے ایس نوٹس دے اوتے فراہم کیتیاں رابطے دیاں معلومات نوں ورتدیاں عدالت دے عملے نوں اطلاع دوو۔

Punjabi/ਪੰਜਾਬੀ/India: ਤੁਹਾਨੂੰ ਇੱਕ ਦੁਭਾਸ਼ੀਆ ਹਾਸਲ ਕਰਨ ਦਾ ਹੱਕ ਹੈ, ਜਿਸ ਦੀ ਤੁਹਾਨੂੰ ਕੋਈ ਲਾਗਤ ਨਹੀਂ ਲੱਗੇਗੀ। ਦੁਭਾਸ਼ੀਏ ਲਈ ਬੇਨਤੀ ਕਰਨ ਵਾਸਤੇ, ਕਿਰਪਾ ਕਰ ਕੇ ਅਦਾਲਤ ਦੇ ਅਮਲੇ ਨੂੰ ਜਾਣੂ ਕਰਵਾਓ ਤੇ ਇਸ ਲਈ ਇਸ ਨੋਟਿਸ ਦੇ ਸਿਖਰ ਉੱਤੇ ਦਿੱਤੀ ਸੰਪਰਕ ਜਾਣਕਾਰੀ ਦਾ ਇਸਤੇਮਾਲ ਕਰੋ।

Portuguese/Português: Você tem direito a um intérprete gratuitamente. Para solicitar um intérprete, informe à nossa equipe usando os dados de contato mostrados na parte superior deste aviso.

Somali/Somaali: Waxaad xaq u leedahay in lagu turjumo lacag la'aan ah. Si aad u codsato turjumaanka, fadlan u sheeg maxkamadda shaqaalaha adiga oo isticmaala macluumaadka ciwaanka kor lagu siiyay ee ogeysiiskaan.

Haitian Creole/Kreyòl Ayisyen: Ou gen dwa resevwa sèvis yon entèprèt gratis. Pou mande pou yon entèprèt, tanpri fè manm pèsonèl tribinal la konnen lè ou sèvi avèk enfòmasyon an yo te bay ou nan tèt avi sa a.

French/Français: Vous avez le droit de bénéficier gratuitement de l'assistance d'un interprète. Pour en faire la demande, veuillez en informer le personnel du tribunal à l'aide des coordonnées indiquées en haut de page.