City of Harrisburg v. PUN Collections V, LLC

Commonwealth Court of Pennsylvania

May 12, 2026, Submitted; October 6, 2026, Decided; October 6, 2026, Filed

No. 189 C.D. 2025

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Reporter
2026 Pa. Commw. Unpub. LEXIS 522 *; 2026 LX 565231; 2026 WL 3000935

City of Harrisburg, for itself, and as Management Agent for the Harrisburg Authority v. PUN Collections V, LLC and Beau M. Brown, Current Owner of Tax Parcel Number 130002038-2; Appeal of: Beau M. Brown

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Counsel: [*1] For Beau M. Brown, Appellant: Beau M. Brown, Harrisburg, PA.

For PUN Collections V, LLC, Appellee: Mark Kenneth Emery, Law Office of Mark K. Emery PC, Harrisburg, PA.

For City of Harrisburg, Appellee: Neil Anthony Grover, City of Harrisburg, Mayor Eric Papenfuse and Police Chief Thomas Carter, Harrisburg, PA.

Judges: BEFORE: HONORABLE LORI A. DUMAS, Judge, HONORABLE STACY WALLACE, Judge, HONORABLE BONNIE BRIGANCE LEADBETTER, Senior Judge.

Opinion by: STACY WALLACE

Opinion

MEMORANDUM OPINION BY JUDGE WALLACE

Beau M. Brown (Brown), representing himself, appeals from the October 14, 2024 order of the Court of Common Pleas of Dauphin County (Common Pleas), denying his motion to strike a municipal lien filed pursuant to the *Municipal Claims and Tax Liens Act (MCTLA)*.[1] He also appeals from Common Pleas' January 17, 2025 and February 3, 2025 orders denying reconsideration and other *pro se* motions. Upon review, we quash this appeal as interlocutory.

BACKGROUND[2]

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[1] Act of May 16, 1923, P.L. 207, *as amended*, *53 P.S. §§ 7101-7455*.

[2] Unless otherwise stated, the facts are taken from Common Pleas' April 29, 2025 opinion filed pursuant to ***Pennsylvania Rule of Appellate Procedure (Rule) 1925(a)***. *See* Common Pleas' Op., 4/29/25, at 1-2 (unpaginated).

On February 8, 2000, the City of Harrisburg (City), acting for itself and as management agent for the Harrisburg Authority, recorded a municipal lien (Lien)[3] against real property located in Harrisburg, Pennsylvania (Property), for unpaid solid waste disposal charges in the amount of $1,475.75. Reproduced Record (R.R.) at 237a. Subsequently, the City entered into an agreement with PUN Collections, LLC (PUN), whereby PUN purchased a number of municipal liens, **[*2]** including the Lien levied against the Property. On June 8, 2006, the City filed a praecipe assigning the Lien as collateral to PUN. *Id.* at 242a.

On July 26, 2010, Brown purchased the Property. On July 13, 2023, Brown filed a "Motion to Strike Mechanic's Lien, And/Or Municipal Lien, And/Or Tax Lien." Following PUN's response, Common Pleas denied the motion on October 14, 2024. *Id.* at 3a. In so doing, Common Pleas reasoned Brown "has not identified any defects that appear on the face of the [L]ien itself. Rather, he relies on allegations outside of the [L]ien document to support his [m]otion." *Id.* at 3a-4a. Common Pleas therefore concluded that "[u]pon review of the [L]ien, we do not observe any defects on its face." *Id.* at 4a.

Brown sought reconsideration. On October 25, 2024, Common Pleas issued an order directing the City and PUN to show cause why Brown's motion for reconsideration should not be granted. *Id.* at 7a. Both PUN and the City responded to the show-cause order. Thereafter, on November 13, 2024, Brown filed two additional motions: a "Motion for Clarification Regarding Statutory Revival Requirements Under the [MCTLA]" and a "Motion to Amend Caption to Add Ezra Friendberg as **[*3]** Respondent." *Id.* at 100a, 105a. On January 17, 2025, Common Pleas denied Brown's motions for reconsideration, clarification, and amendment of the caption. *Id.* at 1a-2a.

On January 28, 2025, Brown sought reconsideration of Common Pleas' January 17, 2025 order insofar as it denied his motion to amend. On February 3, 2025, Common Pleas denied reconsideration. On February 13, 2025, Brown filed the present appeal, challenging Common Pleas' October 14, 2024, January 17, 2025 and the February 3, 2025 orders. Common Pleas directed Brown to file a *Rule 1925(b)* statement of errors complained of on appeal. Brown complied, raising a plethora of issues. In response, Common Pleas issued a *Rule 1925(a)* opinion.

On September 12, 2025, the City filed a Corrected Application to Quash the present appeal. The City argues, among other things, to the extent Brown appeals from the October 14, 2024 order, the present appeal is untimely because Brown filed his notice of appeal 122 days after the entry of the order, and additionally, Brown may not appeal from the January 17, 2025 order denying reconsideration.

DISCUSSION

On appeal, Brown raises twenty issues for our review, broken down into eight separate categories.[4] Brown's Br. at 14-17. **[*4]** However, given the disposition of this appeal, we need not recite them.

It is well settled that "[t]his Court's . . . review of a trial court's order disposing of a petition to strike a municipal [lien] is limited to a determination of whether the court abused its discretion or committed an error of law or whether constitutional rights were violated." *Penn Twp. v. Hanover Foods Corp., 847 A.2d 219, 222 n.10 (Pa. Cmwlth. 2004)* (citation omitted).

A municipal "lien may be stricken upon the filing of a petition to strike for defects appearing on its face." *Penn Township, 847 A.2d at 223*. However, "in such an action, all that is before the court is the sufficiency of the lien and the matters of form." *Id.* (internal quotation marks, brackets and citations omitted).

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[3] "A municipal lien is a charge, claim or encumbrance on the property placed to secure payment of a debt and does not affect the owner's right to possess or control the property." *N. Coventry Twp. v. Tripodi, 64 A.3d 1128, 1132 (Pa. Cmwlth. 2013)*.

[4] Setting aside the glaring briefing deficiencies and the 78-page length of his brief, Brown cites a case that simply does not exist. For example, as PUN points out, Brown cites In re Merrick, 247 A.3d 1079, 1088 (Pa. 2021), which we cannot locate. PUN's Br. at 18.

Considering the City's September 12, 2025 Corrected Application to Quash, we must determine initially whether we have jurisdiction over this appeal.

Here, Brown principally appeals from Common Pleas' October 14, 2024 order denying his motion to strike the Lien. The order, however, is interlocutory and thus unappealable. In *Penn Township*, we reaffirmed that "a trial court's order *refusing* to strike a lien is not a final, appealable order." *Penn Twp., 847 A.2d at 222 n.9* (emphasis added) (citations omitted). As in *Penn Township*, a judgment does not exist in this case. **[*5]** [5] Accordingly, the appeal from the October 14 order is interlocutory.[6]

Even if the order was appealable, this appeal is untimely. *Rule 903(a)* provides that a notice of appeal must be filed within 30 days after the entry of the order from which the appeal is taken. *Pa.R.A.P. 903(a)*. When an appeal is not timely filed pursuant to *Rule 903(a)*, the Court is without jurisdiction to entertain its merits. *Calvo v. Dep't of Transp., Bureau of Driver Licensing, 717 A.2d 1102, 1104 (Pa. Cmwlth. 1998)*. Here, Common Pleas denied Brown's motion to strike the Lien on October 14, 2024. Brown had 30 days, i.e., until November 13, 2024, from the entry of **[*6]** the October 14 order to file a timely notice of appeal. Brown, however, filed his notice of appeal on February 13, 2025, ***92 days after*** the expiration of the 30-day period set forth in *Rule 903(a)*. Accordingly, the appeal from the October 14, 2024 order is facially untimely.

Moreover, Brown's filing of the motion for reconsideration did not toll the 30-day appeal period. In *Oak Tree Condominium Association v. Greene, 133 A.3d 113 (Pa. Cmwlth. 2016)*, we explained "[w]here a party has filed a timely motion for reconsideration following entry of a final order and the trial court has expressly granted the request for reconsideration, the 30-day period within which an appeal must be taken will stop and begin to run anew only after the entry of the trial court's decision on reconsideration." *Id. at 116*. "A party's filing of a motion for reconsideration, however, does not stay the appeal period; the appeal period is only tolled where the trial court 'expressly grants' the request for reconsideration." *Id.* (citation omitted). An order that "expressly grants" a request for reconsideration must clearly state that the final order is rescinded and reconsideration is granted; "the establishment of a briefing schedule, hearing date, or *issuance of a rule to show cause* does not suffice," to toll **[*7]** the 30-day period within which a party must appeal. *Id.* (emphasis added) (citation omitted). If, however, the 30-day period has expired without the trial court expressly granting reconsideration, the trial court "relinquishes its ability to act." *Oak Tree Condo. Ass'n, 133 A.3d at 117*.

Here, although Common Pleas issued a show-cause order in response to Brown's motion for reconsideration, it did not expressly grant reconsideration within the 30-day period. On the contrary, Common Pleas denied reconsideration on January 17, 2025, more than 30 days after the entry of the October 14, 2024 order. Accordingly,

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[5] Because Common Pleas' docket is devoid of any indication that judgment has been entered in this matter, Common Pleas' October 14, 2024 order cannot be considered an order refusing to strike off or open a judgment appealable under ***Rule 311(a)(1)***. It provides "[a]n appeal may be taken as of right and without reference to ***Pa.R.A.P. 341(c)*** from the following types of orders . . . An order refusing to open, vacate, or strike off a *judgment*." ***Pa.R.A.P. 311(a)(1)*** (emphasis added).

[6] In *Borough of Ambler v. Regenbogen, 713 A.2d 145 (Pa. Cmwlth. 1998)*, we explained:

After a municipal claim is filed, three procedural alternatives are available to the parties: (1) the owner may contest the municipal claim or the amount of assessment by filing and serving a notice on the claimant municipality to issue a writ of *scire facias*, thereby forcing a hearing on the municipal claim; (2) the municipality may pursue a writ of *scire facias* without the owner's action; or (3) the owner and the municipality may choose not to do anything, thereby letting the municipal lien remain recorded indefinitely subject to revival of the lien in every twenty years upon the issuance of a suggestion of nonpayment and an averment of default.

Id. at 148. Pointedly, *Section 16 of the MCTLA* provides a property owner may request a lienholder to issue a writ of *scire fascias*. *53 P.S. § 7184*. Once the lienholder issues the writ, the owner may then file an affidavit under *Section 14 of the MCTLA*, *53 P.S. § 7182*, raising defenses to the lien. *Roethlein v. Portnoff Law Assocs., Ltd., 623 Pa. 1, 81 A.3d 816, 818 n.3 (Pa. 2013)*; *N. Coventry Twp., 64 A.3d 1132* (explaining a *scire facias* proceeding is an action in *rem* intended to warn property owners of a municipal lien's existence and to provide them with an opportunity to file an affidavit of defense).

Common Pleas lacked jurisdiction to act on Brown's motion for reconsideration outside the 30-day period. To the extent it did, the January 17, 2025 order is a legal nullity.[7]

Finally, to the extent Brown challenges the January 17, 2025 denial of his motion for clarification, and his separate motion for amendment of the caption, he also does not obtain relief. Because the October 14, 2024 order denying Brown's motion to strike the Lien is interlocutory, the denial of those subsequent motions is likewise interlocutory. Those orders did not dispose of all claims and all parties, and do not otherwise qualify as final, appealable **[*8]** orders.[8] *See Pa.R.A.P. 341*.

CONCLUSION

Based on the foregoing, we grant the City's Corrected Application to Quash and are constrained to quash this appeal as interlocutory.[9]

STACY WALLACE, Judge

ORDER

AND NOW, this 6th day of October 2026, the Corrected Application for Relief in the Form of a *Rule 1972(a)* Motion to Quash, filed by the City of Harrisburg, for itself, and as Management Agent for the Harrisburg Authority is hereby **GRANTED**. Beau M. Brown's appeal from the October 14, 2024, January 17, 2025, and February 3, 2025 orders of the Court of Common Pleas of Dauphin County, entered in the above-captioned matter, is **QUASHED**.

STACY WALLACE, Judge

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[7] Even if the January 17, 2025 order denying reconsideration was not a legal nullity, Brown still could not appeal from it. An appeal cannot be taken from an order denying reconsideration. *Thorn v. Newman, 113 Pa. Commw. 642, 538 A.2d 105, 108 (Pa. Cmwlth. 1988)* (noting an order denying reconsideration is not an appealable order). Rather, an appeal must be taken from the order that resolved all issues as to all parties.

[8] Brown's appeal from the February 3, 2025 order denying reconsideration of Common Pleas' January 17, 2025 denial of his motion for amendment of the caption is unappealable for reasons discussed earlier. *See Thorn, supra.*

[9] Given the disposition of this appeal, we need not address whether the Lien expired for want of revival.