

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Kelly M. Coryea	:	CASES CONSOLIDATED
	:	
v.	:	
	:	
Mercer County Tax Claim Bureau	:	Nos. 1048 C.D. 2023
	:	1049 C.D. 2023
Appeal of: Terence Whalen	:	Submitted: July 31, 2026

BEFORE: HONORABLE ANNE E. COVEY, Judge
HONORABLE CHRISTINE FIZZANO CANNON, Judge
HONORABLE STACY WALLACE, Judge

OPINION

BY JUDGE FIZZANO CANNON

FILED: October 19, 2026

These consolidated matters have returned from this Court's November 19, 2025, order remanding to the Court of Common Pleas of Mercer County (trial court) for a hearing and order concerning the petition to intervene filed in this matter by Terence Whalen. The trial court's post-remand January 16, 2026, amended order denied Whalen's petition as untimely. Upon review, we affirm the trial court's January 16, 2026, order and quash Whalen's pending appeal of the trial court's prior August 9, 2023, order disapproving a prior upset property sale at which Whalen was the high bidder. We also quash Whalen's pending appeal of the trial court's prior September 8, 2023, order denying his motion for reconsideration of the August 9, 2023, order.

I. Factual and Procedural Background

This Court set forth the following factual and procedural background in our prior memorandum opinion in these matters:

On July 11, 2023, Kelly M. Coryea (Coryea) filed an objection to a scheduled private tax sale of the Property by the Mercer County Tax Claim Bureau (Bureau).

....

Whalen was the high bidder at the prior upset sale, but his bid of \$500 evidently did not meet or exceed the upset price because a private sale was scheduled for September 2023. Coryea's July 11, 2023, filing properly objected to the sufficiency of the Bureau's proposed price. Relevant to this appeal, the handwritten filing cover sheet for Coryea's objections indicated that a limited liability company, "KMC Property Management" (KMC), was the plaintiff, and the objections were printed on KMC letterhead. However, the objections were phrased personally and signed by Coryea without an indication that she was representing KMC[.]

....

The trial court . . . held a hearing on July 28, 2023, at which Coryea, Whalen, and Bureau counsel appeared. Based on Whalen's bid and Coryea's objection, the trial court stated the normal course of action would be to cancel the sale and have a private auction. Bureau Counsel agreed and stated that she brought a proposed order to that effect.

Whalen, who was not a party and had not yet sought to intervene, did not challenge the merits of Coryea's objection to the upset price, and the trial court took no evidence on that issue. . . . [He] asserted that Coryea, who is not an attorney, could not represent KMC because it is a corporation, so her objection and even the hearing were void. Whalen stated that a continuance was needed until Coryea obtained counsel to act on behalf of KMC, "[o]r she could re-file the matter as an objection to the tax sale under her personally, Kelly Coryea, instead of KMC[.] . . ."

The trial court acknowledged Whalen's argument regarding Coryea's status and stated that "the easiest way

to fix that is to go downstairs and just file an objection as a person as opposed to an LLC.” The trial court then continued the hearing. Later that day, Coryea filed a handwritten “amendment to objection” stating that she personally was the plaintiff, not KMC, and that filing was entered on the trial court docket.

The hearing resumed on August 9, 2023, with Coryea, Bureau counsel, and Whalen present. The trial court explained to Whalen that once Coryea amended her objection to clarify that it was *pro se*, that issue no longer barred her objection to the private sale and a private auction would be held after the hearing. . . .

The record includes the August 9th order, which states that the private sale of the Property was “disapproved and [the Property] shall be subject to an auction process immediately following this hearing and sold to the highest bidder. . . .” According to the trial court’s subsequent opinion, Coryea was the high bidder at the post-hearing private auction for the Property.

On September 7, 2023, Whalen filed counseled petitions to intervene in the litigation as the high bidder at the prior upset sale and for reconsideration and striking of the August 9th order. . . . On September 8, 2023, the trial court issued orders denying Whalen’s petitions to intervene and for reconsideration without a hearing.

On September 11, 2023, Whalen filed counseled notices of appeal to this Court for the August 9th order (1048 C.D. 2023) and the September 8, 2023, orders (1049 C.D. 2023). The notice of appeal for the August 9th order states that it seeks to appeal the trial court order “dated August 9, 2023, and entered on the [trial court] docket on August 10, 2023, as evidenced by the attached copy of the docket entry.”

. . . .

Regarding Whalen’s petition to intervene, the trial court observed [in its opinion] that at both hearings, Whalen

was present and participated fully even though he had not yet sought to intervene in this matter. The court stated that it fully considered the merits of Whalen's issues before it disapproved the scheduled private sale.

On January 18, 2024, this Court issued an Order consolidating Whalen's appeals and instructing the parties to address the timeliness of Whalen's September 11, 2023, appeal to this Court of the trial court's August 9th order in addition to arguments on the merits.

Coryea v. Mercer Cnty. Tax Claim Bureau (Pa. Cmwlth., Nos. 1048 & 1049 C.D. 2023, filed Nov. 19, 2025), slip op. at 1-7, 2025 WL 3222488, at *1-4 (*Coryea I*) (record cites and footnotes omitted; emphasis added).

In *Coryea I*, we concluded:

Whalen was indeed present and spoke at both hearings and the trial court did address the merits of his challenges to Coryea's objections. However, it is unclear from the record and the trial court's opinion why the trial court denied Whalen's petition to intervene after allowing him to speak at the hearings and considering his challenges. Moreover, the trial court's denial of Whalen's petition to intervene deprived Whalen of the right to appeal the August 9th order, which negated his interest in the Property and effectively put him out of court. As such, the trial court's failure to hold a hearing deprived Whalen of a forum to establish his eligibility for full party status, particularly his appeal rights, and amounted to an abuse of discretion.

Id., slip op. at 11-12, 2025 WL 3222488, at *6. Accordingly, we vacated the trial court's September 8, 2023, order denying Whalen's petition to intervene and remanded to the trial court to hold a hearing and issue a new order on the petition. *Id.*, slip op. at 12, 2025 WL 3222488, at *6. We also preserved Whalen's September 11, 2023, date of appeal to this Court regarding the trial court's August 9, 2023, order for potential consideration of the timeliness of that appeal as well as, if

reached, the merits of that order. *Id.*, slip op. at 12, 2025 WL 3222488, at *6. Whalen’s appeal of the trial court’s September 8, 2023, order denying his motion for reconsideration of the August 9, 2023, order, docketed at 1049 C.D. 2023, also remains pending.

On remand, the trial court held a January 9, 2026, hearing on Whalen’s petition to intervene; later that day, the trial court issued an order again denying the petition. Trial Ct. Order, Jan. 9, 2026. This time, the trial court concluded that the petition was untimely because it was filed on September 7, 2023, after the trial court had issued its August 9, 2023, final order on the merits of the underlying dispute. Trial Ct. Order, Jan. 9, 2026. On January 16, 2026, the trial court issued an identical amended order correcting a typographical error, and these matters returned to this Court.¹ Because the trial court’s January 2026 order presented different reasons for denying intervention, this Court received supplemental briefing from both sides on the trial court’s new rationale. These matters are now ripe for disposition.

II. Issue

The primary issue before this Court is whether the trial court’s post-remand order properly denied Whalen’s petition to intervene. Depending on the resolution of that inquiry, the timeliness of Whalen’s appeal to this Court from the trial court’s August 9, 2023, order on the merits of the underlying dispute and the merits themselves remain outstanding.

¹ The January 16, 2026, amended order will be referred to in the remainder of this opinion.

III. Discussion

In matters concerning the Real Estate Tax Sale Law (RETSL),² “mere participation does not confer ‘party’ status on the participant.” *In re Tax Sale Held Sept. 10, 2003 by Tax Claim Bureau of Cnty. of Lackawanna*, 859 A.2d 15, 19 (Pa. Cmwlth. 2004). The RETSL “does not make successful bidders, whose purchases have not been confirmed, parties to objection proceedings as a matter of course.” *Id.* at 18. Rather, “successful bidders must petition to intervene in order to be considered parties in an objection proceeding[.]” *In re Lehigh Cnty. Tax Claim Bureau Upset Sale of Sept. 19, 2018*, 263 A.3d 714, 719 (Pa. Cmwlth. 2021). Pennsylvania Rule of Civil Procedure 2327(2) states:

At any time during the pendency of an action, a person not a party thereto shall be permitted to intervene therein, subject to these rules if . . . such person is so situated as to be adversely affected by a distribution or other disposition of property in the custody of the court or of an officer thereof[.]

Pa.R.Civ.P. 2327(2).³ Rule 2329, which operates in concert with Rule 2327, states:

Upon the filing of the petition and after hearing, of which due notice shall be given to all parties, the court, if the allegations of the petition have been established and are found to be sufficient, shall enter an order allowing intervention; but an application for intervention may be refused, if

. . . .

² Act of July 7, 1947, P.L. 1368, *as amended*, 72 P.S. §§ 5860.101-803.

³ Our review of a trial court’s ruling on a petition to intervene is limited to determining whether the trial court abused its discretion or committed an error of law. *Larock v. Sugarloaf Twp. Zoning Hearing Bd.*, 740 A.2d 308, 311 n.5 (Pa. Cmwlth. 1999).

(2) the interest of the petitioner is already adequately represented; or

(3) the petitioner has unduly delayed in making application for intervention or the intervention will unduly delay, embarrass or prejudice the trial or the adjudication of the rights of the parties.

Pa.R.Civ.P. 2329. Considering these rules together, if the petitioner is within one of the classes described in Rule 2327, the allowance of intervention is mandatory unless one of the grounds for refusal under Rule 2329 is present. *Larock v. Sugarloaf Twp. Zoning Hearing Bd.*, 740 A.2d 308, 313 (Pa. Cmwlth. 1999).

Specific to the timeliness of a petition to intervene, Rule 2327 provides that intervention is permitted “[a]t any time *during the pendency* of an action[.]” Pa.R.Civ.P. 2327 (emphasis added); *see also* Pa.R.Civ.P. 2329(3) (allowing a trial court to deny intervention when the petitioner unduly delays in seeking it). Concerning the “pendency” of an action, this Court has stated:

[A]n action is pending until a final adjudication has been issued. . . . A final adjudication is traditionally embodied in a final order of a court or administrative agency. A final order is one that: (1) ends the litigation, or alternatively, disposes of the entire case; or (2) has the practical consequence of putting the litigant out of court.

....

[The petitioners] first argue that a case is pending until its final disposition on appeal or, if no appeal is taken, at the end of an appeal period. We cannot agree. [The petitioners’] logic would have the effect of keeping every case “open” throughout the appeal period, regardless of whether an appeal is actually taken.

Barasch v. Pa. Pub. Util. Comm’n, 540 A.2d 966, 970 (Pa. Cmwlth. 1988).

Consistent with *Barasch*, our courts have held that a petition to intervene filed after the trial court issues a final order or decree “should be denied except in extraordinary circumstances.” *Jackson v. Hendrick*, 446 A.2d 226, 230 (Pa. 1982). An extraordinary circumstance refers to “an oversight or action on the part of the court or the judicial process which operates to deny the [intervenor] knowledge of the entry of final judgment so that the commencement of the running of the appeal time is not known to the [intervenor].” *Pendle Hill v. Zoning Hearing Bd. of Nether Providence Twp.*, 134 A.3d 1187, 1202 (Pa. Cmwlth. 2016). Extraordinary circumstances “do not pertain to the merits or the substantive defense the intervenor seeks to litigate. Rather, it is the circumstances proffered to excuse the untimely filing that must be scrutinized.” *Chairge v. Exeter Borough Zoning Hearing Bd.*, 616 A.2d 1057, 1060 (Pa. Cmwlth. 1992).

If the petitioner “knew or should have known of the possible remedies at a time sufficiently prior to the entry of the decree to have provided [the] petitioner an opportunity to intervene, then [the] petitioner must provide a valid explanation for his having taken no action until . . . after entry of the decree.” *Jackson*, 446 A.2d at 229. If there is “no explanation for such delay, the application for intervention is properly denied.” *Id.* In the absence of extraordinary circumstances, the mere contention that other parties are not prejudiced by a late petition to intervene will not be sufficient: “Whenever a would-be litigant awaits the outcome of a court proceeding before asserting an interest in the litigation, there is harm to the prevailing party—and to the adjudicatory process itself.” *Id.* at 230.

Relatedly, Appellate Rule 501 states that “[e]xcept where the right of appeal is enlarged by statute, any *party* who is aggrieved by an appealable order, or a fiduciary whose estate or trust is so aggrieved, may appeal therefrom.” Pa.R.A.P.

501 (emphasis added). Accordingly, if a petition to intervene is properly denied, depriving the petitioner of party status, the petitioner has no appeal rights. *See In re Tax Sale Held Sept. 10, 2003*, 859 A.2d at 19-20; *see also Newberg by Newberg v. Bd. of Pub. Educ.*, 478 A.2d 1352, 1354 (Pa. Super. 1984) (stating that “an appeal by one who was not a party to a proceeding in the trial court must be quashed”).⁴

In *City of Philadelphia v. Lockwood* (Pa. Cmwlth., No. 1073 C.D. 2015, filed Mar. 14, 2016), 2016 WL 938469 (unreported) (*Lockwood*),⁵ a property was sold at a sheriff’s sale and the owners’ heir filed a motion to set aside the sale. *Id.*, slip op. at 3, 2016 WL 938469, at *1. The buyer filed a response to the motion to set aside the sale, took part in the hearing, and filed a brief with the trial court, but did not file a petition to intervene. *Id.*, slip op. at 3-5, 2016 WL 938469, at *1-2. After the trial court granted the heir’s motion and set the sale aside, the buyer filed a motion for reconsideration, followed by an appeal to this Court. *Id.*, slip op. at 4, 2016 WL 938469, at *2. This Court quashed the appeal, explaining:

[The buyer] did not commence an action, nor was an action commenced against him. Although [the buyer] filed a brief with the trial court and participated in the hearing, he had no standing to appeal the trial court’s order. Moreover, [the buyer] did not file a petition to intervene with the trial court. “[A] petition for leave to intervene must be filed during the pendency of the action. Pa. R.Civ.P. 2327. After final adjudication, a petition to intervene is too late.” [*Newberg*, 478 A.2d] at 1354-55.

Id., slip op. at 5, 2016 WL 938469, at *2.

⁴ Although decisions of the Superior Court are not binding on this Court, they may provide persuasive authority where they address analogous issues. *See Lerch v. Unemployment Comp. Bd. of Rev.*, 180 A.3d 545, 550 (Pa. Cmwlth. 2018).

⁵ Under Section 414(a) of this Court’s Internal Operating Procedures, an unreported memorandum opinion of this Court issued after January 15, 2008, although not binding precedent, may be cited for its persuasive value. 210 Pa. Code § 69.414(a).

This Court recently summarized this aspect of the law in *Hudock v. Saltlick Township* (Pa. Cmwlth., No. 391 C.D. 2021, filed Nov. 16, 2022), 2022 WL 16955070 (unreported). There, the would-be intervenor, Tinkey Cemetery, filed its petition to intervene after the trial court issued a final decree in a property dispute but before the appeal period for that order expired. *Id.*, slip op. at 6, 2022 WL 16955070, at *3. The cemetery asserted that its petition was not untimely, arguing that the case “remained pending because the appeal period had not yet expired, citing Section 5505 of the Judicial Code’s provision that a trial court has broad discretion to modify or vacate its own orders for thirty days thereafter. 42 Pa.C.S. § 5505.” *Id.*, slip op. at 9, 2022 WL 16955070, at *4. We upheld the trial court’s denial of the cemetery’s petition to intervene, explaining:

Tinkey Cemetery’s position is without merit. The fact that the trial court retained discretion to modify or vacate its order for thirty days is not determinative as to whether the matter remained pending. A matter is “pending” until a final adjudication has been issued. [*Barasch*]. “After final adjudication, a petition to intervene is too late.” [*Newberg*]. Accordingly, a petition to intervene filed after the entry of a decree should be denied absent extraordinary circumstances. [*Jackson*]; [*Pendle Hill*]. Because the trial court had already entered a final order, Tinkey Cemetery had to establish extraordinary circumstances warranting the grant of intervention.

Id., slip op. at 9-10, 2022 WL 16955070, at *4. The cemetery also argued that extraordinary circumstances existed because it was a neighbor to the disputed property and because it had not been aware of the litigation, which had been ongoing for six years, until after the final decree. *Id.*, slip op. at 10, 2022 WL 16955070, at *4. This Court did not directly address the cemetery’s argument that it did not know about the litigation but rejected the cemetery’s contention that it was an indispensable party and noted that the litigation had been both lengthy and

comprehensive such that allowing the intervention would have caused prejudice to the parties and the process. *Id.*, slip op. at 10-11, 2022 WL 16955070, at *4.

Here, after the July 28, 2023, and August 9, 2023, hearings at which Whalen participated but had not yet sought to intervene, the trial court's August 9, 2023, order disapproved the prior upset sale at which Whalen had been the high bidder and scheduled a private auction to take place after that day's hearing. Original Record (O.R.) at 8. At that auction, Coryea was the high bidder and Whalen effectively lost his status with regard to the property. *Id.* at 70. Whalen filed his petition to intervene almost a month later on September 7, 2023. *Id.* at 9-10.

On September 8, 2023, the trial court denied that motion without a hearing. O.R. at 24. In its initial opinion, the trial court explained:

The Court notes it did deny a Motion to Intervene [on September 8, 2023,], but the Court considered the merits when it issued its [August 9, 2023,] Order disapproving the tax sale and ordering the property sold to the highest bidder at an auction. Also, notwithstanding the [September 8, 2023,] denial of the Motion to Intervene, Mr. Whalen was present and spoke at the hearings on July 28, 2023 and August 9, 2023.

Id. at 68. On remand, the trial court again denied Whalen's petition to intervene, but for a different reason:

This Court finds [Whalen's] request untimely. This Court adjudicated the matter on August 9, 2023. [Whalen] filed his Motion to Intervene after adjudication, which was acknowledged by counsel, on September 7, 2023. In [Newberg,] the Superior Court of Pennsylvania states, "However a petition for leave to intervene must be filed during the pendency of the action. After final adjudication is too late." Counsel for [Whalen] has not argued any special circumstances were present that prevented an earlier Motion and stated it was a deliberate choice.

Trial Ct. Amended Order, Jan. 16, 2026.

Whalen argues that he did not need to seek intervention until the trial court issued its August 9, 2023, order disapproving the prior upset sale because until then, his interest in the Property was not negatively impacted. Whalen’s Supp. Br. at 8-9. Whalen reads the “knew or should have known” language in *Jackson* as supporting his position because until the trial court’s order, his interest in the property as the high upset sale bidder was “intact” and the possibility that the sale might be disapproved and his interest extinguished was “not a foregone product of the litigation”; it was not until after the trial court’s order that he knew his interests were negatively affected, at which point he sought intervention. *Id.* at 11-12.

Whalen adds that even if his petition was untimely, the lateness should be excused in light of his substantial interests and rights as the high bidder at the prior upset sale, which should overcome “a mechanical application of finality.” Whalen’s Supp. Br. at 13-14. He avers that extraordinary circumstances exist because until the trial court’s August 9th order “ended the pendency of this action,” his interest “was not adverse to the proceeding[s], and was not subject to extinguishment.” *Id.* at 15. Therefore, he argues, there was “no window sufficiently prior to the decree in which protective intervention was necessary; the event that affected his interest and the event that ended pendency coincided.” *Id.* (quoting *Jackson*).

Coryea responds that Whalen’s petition to intervene was untimely because it was filed after the trial court’s August 9, 2023, final order. Coryea’s Supp. Br. at 4. She points out that our courts have expressly rejected the proposition that a case is still “pending” through the standard 30-day appeal period following a final order. *Id.* (collecting cases, including *Newberg*). She adds that Whalen has

presented no valid extraordinary circumstances to excuse his lateness and that the trial court properly denied the petition, which resulted in Whalen lacking party status and, by extension, the right to appeal the merits of the trial court's order. *Id.* at 5-7.

We are constrained to agree. Whalen's argument that he did not have to intervene and establish his party status prior to the trial court's August 9, 2023, order contravenes the wording of Rule 2327 and our precedent on this issue. Rule 2327 states that intervention is feasible "at any time during the pendency of an action." Pa.R.Civ.P. 2327. An action is "pending" only until the trial court issues a final order or adjudication that ends the litigation, disposes of the entire case, or puts the litigant out of court; a case does not remain open or pending after a final order is issued and the appeal period begins. *Barasch*, 540 A.2d at 970; *see also Hudock*, slip op. at 9-10, 2022 WL 16955070, at *4; *Lockwood*, slip op. at 5, 2016 WL 938469, at *2.

Here, the trial court's August 9th order was clearly final. The prior upset sale was disapproved, which ended Whalen's non-party interest, then a private auction was held just after the hearing at which Whalen participated. Coryea was the high bidder and Whalen was out of court. Had Whalen successfully intervened prior to the August 9th hearing and order, he would have had the full component of rights to appeal the trial court's actions. Applying *Jackson's* reasoning, once Coryea filed her objections to the prior upset sale, Whalen knew or should have known that the litigation could result in the sale being disapproved and his interest being extinguished by a court order to that effect. *See* 446 A.2d at 229.

Whalen, however, "await[ed] the outcome of [the] court proceeding[s] before asserting an interest in the litigation." *See Jackson*, 446 A.2d at 230. He has asserted no extraordinary circumstances that prevented him from intervening prior

to the trial court's August 9th order other than averring that his interest in the Property was not at risk until the trial court's order disapproved the prior upset sale. This position is refuted by longstanding precedent that the requisite "extraordinary circumstances" cannot relate to the merits of the matter at hand but must pertain to some process or occurrence that deprived the would-be intervenor of knowledge of the entry of the final order and the commencement of the appeal period. *See Chairge*, 616 A.2d at 1060. Whalen has not argued that he was deceived or otherwise unaware of the import of the trial court's order, which was announced at the August 9th hearing where he participated and after which the private auction was held and Coryea was the successful bidder.

This case resembles *Hudock*. There, this Court distinguished between the time when a petition to intervene will be timely because a matter is still pending prior to a final order, and the 30-day appeal period after issuance of a final order, during which a trial court may modify or correct a final order but the matter is no longer pending and a petition to intervene will be untimely in the absence of extraordinary circumstances, which the cemetery did not establish. *Hudock*, slip op. at 8-11, 2022 WL 16955070, at *4 (citing *Barasch*, *Newberg*, *Jackson*, and *Pendle Hill*).

This case also resembles *Lockwood*. There, this Court quashed the buyer's appeal, concluding that as a non-party to the litigation, the buyer could not appeal because "a petition for leave to intervene must be filed during the pendency of the action. . . . After final adjudication, a petition to intervene is too late." *Lockwood*, slip op. at 5, 2016 WL 938469, at *2 (citing Pa.R.Civ.P. 2327, then *Newberg*, 478 A.2d at 1354-55).

Whalen’s alternative argument that this Court should excuse his late petition to intervene because of the substantial property rights he acquired as the high bidder at the upset sale, which he believes override his failure to comply with our civil procedure rules, also fails. He cannot ask for equitable relief to undo an outcome that he knew or should have known might occur and which he had the ability to prevent by simply filing his petition to intervene while the action was still pending prior to the trial court’s August 9th final order. Because Whalen did not timely avail himself of the ability to become a party to the litigation, he also acquired no appeal rights under Appellate Rule 501.⁶ See *In re Tax Sale Held Sept. 10, 2003*, 859 A.2d at 19-20 (stating that “an appeal by one who is not a party to a proceeding in the trial court must be quashed”); *Newberg*, 478 A.2d at 1354 (same).

IV. Conclusion

In light of the foregoing, we affirm the trial court’s amended post-remand January 16, 2026, order denying Whalen’s petition to intervene. We quash Whalen’s pending appeal of the trial court’s prior August 9, 2023, order disapproving the prior upset property sale at which Whalen was the high bidder. We also quash Whalen’s pending appeal of the trial court’s prior September 8, 2023, order denying Whalen’s motion to reconsider the August 9, 2023, order.

CHRISTINE FIZZANO CANNON, Judge

⁶ Given the requirement that Whalen’s appeals be quashed on the basis that he was never a party to the underlying litigation, we do not reach whether his appeal to this Court from the trial court’s August 9, 2023, order was timely or the issues he has raised on the merits.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Kelly M. Coryea	:	CASES CONSOLIDATED
	:	
v.	:	
	:	
Mercer County Tax Claim Bureau	:	Nos. 1048 C.D. 2023
	:	1049 C.D. 2023
Appeal of: Terence Whalen	:	

ORDER

AND NOW, this 19th day of October, 2026, the January 16, 2026, amended order of the Court of Common Pleas of Mercer County (trial court), which denied the petition to intervene filed by Terence Whalen (Whalen) is **AFFIRMED**. Whalen's pending appeal of the trial court's prior August 9, 2023, order disapproving the upset sale at which Whalen was the high bidder is **QUASHED**. Whalen's pending appeal of the trial court's prior September 8, 2023, order denying Whalen's motion for reconsideration of the trial court's August 9, 2023, order is also **QUASHED**.

CHRISTINE FIZZANO CANNON, Judge