NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

WILMINGTON SAVINGS FUND SOCIETY FSB	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
FRANNY SMOCK, ET AL., PAULA SMITH	:	
	:	No. 440 WDA 2026
APPEAL OF: PAULA SMITH	:	

Appeal from the Order Entered March 9, 2026
In the Court of Common Pleas of Jefferson County
Civil Division at No(s): 157-2019

BEFORE: OLSON, J., NICHOLS, J., and FORD ELLIOTT, P.J.E.*

MEMORANDUM BY FORD ELLIOTT, P.J.E.: **FILED: November 13, 2026**

Paula Smith appeals *pro se* from the order[1] denying her untitled motion that both raised eight claims and additionally sought a stay of the then-scheduled sheriff's sale of 64 Pardus Road f/k/a RR 1 Box 153, Reynoldsville, Pennsylvania 15851. We affirm.

Appellee, Wilmington Savings Fund Society FSB, filed a mortgage

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* Retired Senior Judge assigned to the Superior Court.

[1] We observe that there is no notice in the trial docket pursuant to Pennsylvania Rule of Civil Procedure 236 for the March order, but we may consider done that which ought to have been done and reach the merits of the appeal because Smith's filing of an appeal evidences her receipt of the order. ***See Vertical Resources, Inc. v. Bramlett***, 837 A.2d 1193, 1199 (Pa. Super. 2003) (explaining that it is waste of judicial resources to remand for sole purpose of requiring Rule 236 notice to perfect appeal).

foreclosure complaint in 2019 regarding the aforementioned property against, *inter alia*, Franny Smock.[2] The complaint identified that Robert A. Logan and Mabel E. Logan, who died in 2006 and 2017, respectively, executed a note and mortgage on the property in 2000. ***See*** Complaint, 2/25/19, ¶ 4-5, 9. However, the complaint also referred to Smock as "the record and real owner" of the property. ***Id.*** ¶ 8. The complaint indicated that the note and mortgage were in default "because the monthly payments due April 2, 2010[,] and thereafter have not been paid." ***Id.*** ¶ 8. Ultimately, having received no response to the filing of the complaint, Appellee filed a praceipe to enter a default judgment, which was entered by the prothonotary on November 14, 2019. Three years later, in 2022, Appellee filed a praceipe for writ of execution, which was issued by the prothonotary on November 22, 2022. The property was then scheduled for a sheriff's sale on February 17, 2023.

On March 16, 2023,[3] Smith, identifying herself as "the current owner" of the property, filed a petition to intervene. Petition to Intervene, 3/16/23, ¶ 1. Her petition was ultimately granted on April 12, 2023. ***See*** Order, 4/12/23. Thereafter, nothing substantively occurred on the docket until another notice of sheriff's sale was filed on January 23, 2026, indicating that a sheriff's sale

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[2] Franny Smock is identified as "Franie L. Smock" in the complaint. ***See generally*** Complaint, 2/25/19.

[3] It is not entirely clear from the record why or how the sheriff's sale scheduled for February 17, 2023, was postponed other than the allegation that it was postponed "to address whether [Smith's] real estate is subject to the mortgage." Petition to Intervene, 3/16/23, ¶ 7.

would occur on March 20, 2026. ***See*** Notice of Sheriff's Sale of Real Property, 1/23/26. The record establishes that the sheriff's sale was, in fact, deferred until May 15, 2026. ***See*** Sheriff' Sale Notice, 2/4/26. On March 6, 2026, Smith filed a six-page untitled motion[4] alleging that the record contained, *inter alia*, "a defective mortgage description," "a defective writ of execution," and "a judgment entered against a person who had no involvement in the loan or property." Motion, 3/6/26. Smith requested that the court "stay the scheduled sheriff's sale and consider whether it should be set aside or declared void" due to asserted material defects. ***Id.*** On March 9, 2026, the court denied Smith's motion. Smith timely appealed.[5]

On appeal, Smith raises eight issues for review, averring various defects associated with the mortgage, writ of execution, party designations, and the sheriff's sale. ***See*** Appellant's Brief, Statement of Questions Involved (unpaginated).

Preliminarily, we note that we may only review this appeal insofar as it raises issues with the denial of a stay of a writ of execution but not the denial of a motion to stay a sheriff's sale. We have recently held that "[a]n order

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[4] The motion does not cite any authority other than the occasional passing reference to three rules of civil procedure.

[5] During the pendency of this appeal, the sheriff's sale was continued until September 18, 2026. Notice of the Date of Continued Sheriff's Sale, 6/30/26. The present status of this sale is unknown, but, as of the filing date of its brief, Appellee indicates that it "voluntarily postponed the . . . sale as additional efforts at service of notice of sale are being made, and the . . . sale has not occurred." Appellee's Brief at 4 (filed September 10, 2026).

denying a petition to . . . stay a writ of execution is an interlocutory order that is appealable as of right." ***FedEx Corp. Servs., Inc. v. Costume Gallery, Inc.***, 320 A.3d 129, 132 (Pa. Super. 2024) (citing Pa.R.A.P. 311(a)(2)). Nevertheless, an order denying a motion to stay a sheriff's sale is interlocutory but not appealable as of right. ***See Farmers First Bank v. Wagner***, 687 A.2d 390, 391-92 (Pa. Super. 1997) (establishing, further, that the method for challenging a completed sheriff's sale is for a party to petition to set aside the sale).

To the extent Smith is appealing from the denial of a stay a writ of execution, we note that we give great deference to the trial court's determinations and apply an abuse of discretion standard. ***See Keller v. Re/Max Ctr. Realty***, 719 A.2d 369, 371 (Pa. Super. 1998). "Appellate review of equitable matters is limited to a determination of whether the trial court committed an error of law or abused its discretion." ***Id.*** However, when the issue before us involves "the proper interpretation of the language of our rules of civil procedure," the question is a pure matter of law, and "our standard of review is *de novo*." ***Bruno v. Erie Ins. Co.***, 106 A.3d 48, 73 (Pa. 2014).

Across all eight issues, Smith's brief contains a total of four citations to authority, in the order she has listed them in: ***LSF8 Master Participation Trust v. Petrosky***, 271 A.3d 1288 (Pa. Super. 2022); ***Trachtenberg v. Glen Alden Coal Co.***, 47 A.2d 820 (Pa. 1946); ***Estate of Hogarty v. Jeffers Farms, Inc.***, 303 A.3d 482 (Pa. Super. 2023); and ***Wells Fargo Bank N.A. v. Zumar***, 205 A.3d 1241 (Pa. Super. 2019). Two of these cases involve

sheriff's sales *that have already occurred*, one involves the reformation of a deed, and the fourth delves into issues involving summary judgment, stock ownership, and voting rights. Smith's brief does not reference Pennsylvania Rule of Civil Procedure 3121(b), which, crucially, permits the court to stay a writ of execution if "any party in interest" files an application demonstrating "a defect in the writ, levy or service; or any other legal or equitable ground therefore." Pa.R.Civ.P. 3121(b)(1), (2).

Smith suggests that the "trial court permitted execution to proceed without first determining whether the subject property was legally encumbered by the underlying mortgage, despite an earlier order requiring further litigation and determination of that issue." Appellant's Brief, Summary of Argument (unpaginated). Despite that allegation, Smith filed nothing of record in the three years between the granting of her petition to intervene and the filing of her untitled motion seeking relief due to the ever-approaching sheriff's sale.

Parsing her discrete arguments, Smith's brief principally contests whether the foreclosed mortgage actually encumbers her property. ***See*** Appellant's Brief, Argument No. 1 (unpaginated). Smith maintains that "[t]he mortgage purports to describe one parcel or tract containing approximately 4.4 acres, although the underlying land was never legally formed or constituted as that single 4.4-acre tract." ***Id.*** The only citation provided in this six-page section of her first argument is ***LSF8 Master Participation Trust***, which, as was previously alluded to, is a case that, unlike here, featured a

completed sheriff's sale. ***See*** 271 A.3d at 1290 ("A sheriff's sale of the [m]ortgaged [p]roperty was held on December 1, 2017[.]) (quoting trial court opinion).

Smith's other contentions suggest, *inter alia*, that: (1) Appellee should have obtained a reformation of the mortgage; (2) the writ of execution fails to accurately identify the property; (3) the existing judgment is actually against Smock, not Smith, for execution purposes; (4) Appellee has relied on erroneous conveyances; and (5) the mortgage contains an incorrect property description. ***See*** Appellant's Brief, Argument Nos. 2-6 (unpaginated).

The court's opinion pursuant to Pennsylvania Rule of Appellate Procedure 1925(a), in its totality, indicates the following:

> The [c]ourt granted [Smith's] request to intervene in April of 2023. She sat on her alleged property rights for the next three years, waiting until the subject sale was scheduled to file a meandering pleading alleging a variety of irregularities with the mortgage foreclosure and scheduled sale and asking the [c]ourt to stay the latter and undo the judgment from which it arose. It appears from the record that [Smith's] property was in fact subject to the underlying mortgage but that she, having taken title without first conducting a title search, was unaware of it. Nevertheless, she had three years after being granted intervenor status to pursue her claim. She failed to do so, and the [c]ourt was disinclined to grant the requested relief based on her eleventh-hour plea. It is the [c]ourt's duty to effectuate justice when a litigant proves that she is entitled to relief. The initial burden lies with the litigant, however, and [Smith] did not carry hers.

Trial Court Opinion, 5/6/26.

After reviewing the eight issues presented in her brief, we conclude that, under this case's current posture, Smith failed to demonstrate any abuse of

discretion by the trial court or evidence any preserved questions of law capable of substantive review. ***See Keller***; ***Bruno***, ***supra***. We recognize that Smith has proceeded in this appeal *pro se*, but we also stress that her having such a designation does not compel this Court to generate cogent arguments, supported by adequate authority, on her behalf, much less show that we can grant the requested relief at this specific juncture. **See *Satiro v. Maninno***, 237 A.3d 1145, 1151 (Pa. Super. 2020) (observing that courts are willing to liberally construe materials filed by *pro se* litigants, who are not entitled to any particular advantage because they lack legal training, because any layperson choosing to self-represent must assume risk that lack of legal expertise and training will prove defeating.). Thus, without any clear basis to demonstrate that the court erred by not staying the writ of execution under Rule 3121(b), we affirm the order of the court denying Smith's untitled motion.

Order affirmed.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

DATE: 11/13/2026