

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PA

KEYSTONE FINANCIAL BANK	:	
SUCCESSOR IN INTEREST TO	:	
NORTHERN CENTRAL BANK,	:	
Plaintiff	:	
	:	
v.	:	NO. 99-01,030
	:	
LESTER C. PUTERBAUGH, SR. and	:	
GRACE L. PUTERBAUGH,	:	
Defendants	:	

OPINION
Issued Pursuant to Pa. R.A.P. 1925(a)

The defendants have appealed this court's order issued on 6 December 1999, which denies their preliminary objection based on improper venue and sustains venue in Lycoming County. The Statement of Matters Complained of on Appeal indicates that the sole issue for appeal is this venue decision.

We need not address the merits of our decision at this time because Pa.R.A.P. No. 311(b) states very clearly that an appeal from an order sustaining venue may be taken only if one of two conditions is met: the plaintiff files a document stating that he or she elects to treat the order as final, or the court states in the order that a substantial issue of venue or jurisdiction is presented. Neither condition in Rule 311(b) has been met in this case. Therefore, the defendants may not appeal our order, and the Superior Court has no jurisdiction to hear the appeal. See also United Electors v. Pratt & Lambert Corp., 338 Pa. Super. 577, 488 A.2d 43 (1985).

The rationale for this rule is obvious: to prevent defendants from routinely filing meritless preliminary objections based on improper venue and then appealing

the denial of the preliminary objections merely to delay the case. The court believes that is precisely what has occurred in this instance.

BY THE COURT,

Date: February 2, 2000

Clinton W. Smith, P.J.

cc: Dana Stuchell Jacques, Esq., Law Clerk
William J. Knecht, Esq.
David A. Morgan, Esq.
114 W. Main St., P.O. Box 677
Dalton, PA 18414
Gary Weber, Esq., Lycoming Reporter