

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

HAMILTON EQUITY GROUP LLC, AS : IN THE SUPERIOR COURT OF
AN ASSIGNEE OF HSBC BANK USA, : PENNSYLVANIA
NATIONAL ASSOCIATION :
:

v. :

PETER SAVAGE, INDIVIDUALLY AND : No. 724 MDA 2025
D/B/A SAVAGE FUNERAL SERVICES :
:

Appellant :

Appeal from the Order Entered May 5, 2025
In the Court of Common Pleas of Susquehanna County Civil Division at
No(s): 2025-0100 CP

BEFORE: BOWES, J., DUBOW, J., and NEUMAN, J.

MEMORANDUM BY BOWES, J.:

FILED: AUGUST 24, 2026

Peter Savage, individually and D/B/A/ Savage Funeral Services appeals *pro se* from the May 5, 2025 order denying his motion to strike a New York judgment filed in Pennsylvania by Appellee, Hamilton Equity Group LLC, as an assignee of HSBC Bank USA, National Association, pursuant to the Uniform Enforcement of Foreign Judgments Act ("UEFJA"), 42 Pa.C.S. § 4306. We affirm.

On February 17, 2010, the New York Supreme Court, Erie County, entered a default judgment in favor of HSBC Bank and against Peter Savage, individually and d/b/a Savage Funeral Service in the amount of \$97,611.52. HSBC subsequently assigned the judgment to Appellee, who in January of

2020, renewed it pursuant to New York law in the amount of \$174,037.21, including fees and post-judgment interest.¹

The trial court succinctly summarized the remaining procedural history as follows:

On February 6, 2025, [Appellee] entered a foreign judgment from Erie County, New York State, against [Appellant], individually and doing business as Savage Funeral Services. The judgment was in the amount of \$252,568.52[, including additional post-judgment interest]. On February 20, 2025, [Appellant] filed a *pro se* petition seeking to strike the foreign judgment. In the petition to strike, [Appellant] alleged [,*inter alia*,] that the judgment was against his father, who was also Peter Savage, but not against him. A hearing was conducted where [Appellant] again submitted the defense that he is not the Peter Savage against whom the judgment should be entered; rather, he asserted that the judgment should be against his father, . . . [.]

After the hearing, the court denied the motion to strike the foreign judgment noting that a motion to strike a foreign judgment amounted to a demurrer to the face of the record itself. After reviewing the [UEFJA], it was determined that the face of the record complied with the Act and that the foreign judgment was properly entered.

Trial Court Opinion, 7/16/25 at 1-2. In the ensuing order, the trial court outlined its rationale as follows:

In this case, [Appellant] conceded that he was personally served with the New York complaint and that he ignored it because he contends that he is not the “Peter Savage” who owes the debt. [Appellant] believes that the debt is associated with his father who is also named Peter Savage but with a different middle name. This defense, however, is outside the face of the record itself. The

¹ Pursuant to N.Y. C.P.L.R. § 5014, a judgment creditor may renew an uncollected money judgment entered on default, and “[t]he lien of a renewal judgment shall take effect upon the expiration of ten years from the first docketing of the original judgment.”

record contains the following documents: (1) an affidavit verifying a last known address for [Appellant] in Susquehanna County located at 25470 State Route 29, Hallstead, Pennsylvania; (2) an affidavit of non-military service; (3) an affidavit from plaintiff verifying that the judgment was obtained in Erie County, New York; and (4) an exemplified copy of the foreign judgment attested and sealed by the Clerk of Erie County, New York, as well as a Justice of the Supreme Court of Erie County, New York, attesting to the validity and authenticity of the foreign judgment. Thus, the record complies with the law as it relates to the filing of a foreign judgment. **See** 42 Pa. C.S. § 4306(b); 42 Pa.C.S. § 5328(a).

Moreover, if plaintiff seeks to execute and levy upon any of [Appellant's] property to satisfy the foreign judgment, [Appellant] would have standing to contest such a levy or execution based upon his claim that he is not the Peter Savage against whom the judgment was entered. Indeed, any attempt to collect a debt against [Appellant], if he is not the debtor involved in the foreign judgment, could potentially give rise to a claim under the Fair Debt Collection Practices Act. Thus, in the event that [Appellant] is not the Peter Savage to whom the foreign judgment is entered, and plaintiff seeks enforcement of the foreign judgment against [Appellant] even after notice from [Appellant] that the debt was not incurred by him, then [Appellant] will have different avenues to pursue legal redress in a subsequent proceeding.

Order, 5/5/25, 1 n.1 (select citations omitted).

Appellant filed a timely notice of appeal to this Court, and the trial court entered an order directing him to file a statement of errors pursuant to Pa.R.A.P. 1925. However, in contravention to Rule 1925(b)(3)(iii), the order did not include the location for service of the statement on the trial judge in person or by mail. Appellant failed to file the statement within the period provided and the trial court authored an opinion concluding that Appellant waived all claims on appeal by failing to comply with Rule 1925(b), and directed this Court to the underlying order for an explanation of the dual bases

for denying the motion to strike, *i.e.*, no fatal defect on the face of the record; and Appellant may still invoke his claim of mistaken identity to contest any attempt to execute the foreign judgment against him. Trial Court Opinion 7/16/25 at 3; Order, 5/5/25, at 1-2 fn.1.

Appellant presents the following questions for our review:

1. Did the trial court err by strictly applying the “fatal defect or irregularity appearing on the face of the record” standard for a motion to strike, thereby refusing to consider whether the foreign judgment named the correct individual?
2. Did the trial court err by concluding that a challenge based on mistaken identity does not constitute a challenge to the originating court’s personal jurisdiction over the Appellant, rendering the judgment void *ab initio*?
3. Did the authenticated documents accompanying the foreign judgment satisfy the requirements of 42 Pa.C.S. § 4306 and § 5328(a), where the record lacked adequate identifying information to distinguish similarly named individuals?
4. Did the trial court violate Appellant's due process rights and principles of judicial economy by deferring resolution of a fundamental mistaken identity claim until post-execution levy proceedings?

Appellant’s brief at 7-8.

As a preliminary matter, we reject the trial court's contention that Appellant’s failure to file the court-ordered Rule 1925(b) statement results in a waiver of his appellate rights. As noted, the trial court's order did not include the location for service of the statement on the trial judge in person or by mail. Rule 1925(b)(3) requires courts to include this information in the order directing appellants to file a concise statement of errors complained of on

appeal. This Court will not punish a litigant for failing to comply with an order that is incompliant with the appellate rules. **See, e.g., Commonwealth v. Stroud**, 298 A.3d 1152, 1156-57 (Pa.Super. 2023) (finding that “the trial court's order directing the filing of the statement was unenforceable because it did not strictly comply with Rule 1925(b)”); **See Rahn v. Consol. Rail Corp.**, 254 A.3d 738, 746-47 (Pa.Super. 2021) (overlooking failure to timely serve trial court because of defects in the trial court’s Rule 1925(b) order). Accordingly, we address the merits of Appellant’s appeal.

The following legal principles govern our consideration of Appellant’s issues. “Our standard of review from the denial of a petition to strike a judgment is limited to whether the trial court manifestly abused its discretion or committed an error of law.” **Reco Equipment, Inc. v. John T. Subrick Contracting, Inc.**, 780 A.2d 684, 686 (Pa.Super. 2001). In this context,

[a] petition to strike a judgment operates as a demurrer to the record, and must be granted whenever some fatal defect appears on the face of the record. When deciding if there are fatal defects on the face of the record for the purposes of a petition to strike a judgment, a court may only look at what was in the record when the judgment was entered. Importantly, a petition to strike is not a chance to review the merits of the allegations of a complaint. Rather, a petition to strike is aimed at defects that affect the validity of the judgment and that entitle the petitioner, as a matter of law, to relief. . . .

Oswald v. WB Public Square Associates, LLC, 80 A.3d 790, 793-94 (Pa.Super. 2013) (cleaned up).

“[W]hen the court of another state has purported to act on the merits of a case, its jurisdiction to do so and the regularity of its proceedings are

presumptively valid.” **Barnes v. Buck**, 346 A.2d 778, 782 (Pa. 1975). “The party challenging the validity of the judgment, therefore, bears the burden of showing any irregularity in the proceedings.” **Noetzel v. Glasgow, Inc.**, 487 A.2d 1372, 1376 (Pa.Super. 1985). However, the doctrine of full faith and credit embodied in Article IV, Section 1 of the United States Constitution “precludes retrial in the Pennsylvania courts of the validity of the judgment of a sister state affecting Pennsylvania residents except for the limited purpose of determining whether the transferor court had jurisdiction to enter the judgment and whether the judgment was obtained without derogating the judgment debtor’s due process rights.” **Gerenson v. Penna. Life and Health Ins. Guar. Ass’n**, 729 A.2d 1191, 1195 (Pa.Super. 1999) (cleaned up). “Where a foreign court has jurisdiction over the subject matter and the parties in a dispute, a judgment of that court is entitled to [full faith and credit] unless that judgment has been obtained in derogation of the debtor’s due process rights to appear and defend.” **Morgan Guaranty Trust Co. of N.Y. v. Staats**, 631 A.2d 631, 634 (Pa.Super. 1993).

UEFJA governs the domestication of a foreign judgment as follows:

(b) Filing and status of foreign judgments.—A copy of any foreign judgment including the docket entries incidental thereto authenticated in accordance with act of Congress or this title may be filed in the office of the clerk of any court of common pleas of this Commonwealth. The clerk shall treat the foreign judgment in the same manner as a judgment of any court of common pleas of this Commonwealth. A judgment so filed shall be a lien as of the date of filing and shall have the same effect and be subject to the same procedures, defenses and proceedings for reopening, vacating, or staying as a judgment of any court of common pleas

of this Commonwealth and may be enforced or satisfied in like manner.

42 Pa.C.S. § 4306(b).

Pennsylvania's authentication requirements are set forth in 42 Pa.C.S.

§ 5328, which provides:

An official record kept within the United States, or any state, district, commonwealth, territory, insular possession thereof, or the Panama Canal Zone, the Trust Territory of the Pacific Islands, or an entry therein, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by his deputy, and accompanied by a certificate that the officer has the custody. The certificate may be made by a judge of a court of record having jurisdiction in the governmental unit in which the record is kept, authenticated by the seal of the court, or by any public officer having a seal of office and having official duties in the governmental unit in which the record is kept, authenticated by the seal of his office.

42 Pa.C.S. § 5328(a).²

Although Appellant states four issues for our review, in contravention of Pa.R.A.P. 2119(a), he divides the argument section of his brief into three parts.³ While Appellant's noncompliance with Rule 2119 does not impede our

² The record associated with a foreign judgment that is sought to be domesticated is considered a "domestic record" for the purposes of authentication. **See e.g., *Domus, Inc. v. Signature Bldg. Sys. of PA, LLC***, 252 A.3d 628, 631 (Pa. 2021) (quoting § 5328(a) as the paragraph governing authentication in the context of domesticating a foreign judgment); ***Medina & Medina, Inc. v. Gurrentz Int'l Corp.***, 450 A.2d 108, 109 (Pa.Super. 1982) ("Although 'foreign' for the purposes of the UEFJA, the Puerto Rican judgment is a 'domestic record' for authentication purposes").

³ Rule 2119(a) provides, "[t]he argument shall be divided into as many parts as there are questions to be argued...." Pa.R.A.P. 2119(a).

review, we address his arguments collectively for ease of disposition, focusing on his three primary challenges. In this vein, Appellant contends that while “[t]he domestication documents were facially regular in form,” it was defective because it did not distinguish him from “other individuals with the same name.” Appellant’s brief at 10. He also asserts that the ambiguous identification information implicated the Pennsylvania court’s jurisdiction pursuant to § 4306. Finally, he contends that, by compelling Appellant to delay his identity-focused challenges until he contests a judgment creditor’s execution of the judgment, the trial court denied his right to due process. For the following reasons, these arguments fail.

Upon review of the trial court’s rationale for denying the motion to strike the foreign judgment, as outlined *supra*, we discern no abuse of discretion. First, we observe that Appellant does not challenge that Appellee provided the required information and documentation in accordance with § 4306(b) and § 5328(a).⁴ The relevant documents include affidavits verifying (1) Appellant’s name, both individually and d/b/a Savage Funeral Service; (2) his

⁴ Appellant does, however, contend that the exemplified docket “contain[s] conflicting index numbers [that] create[s] confusion as to which document represented the actual final judgment being domesticated.” Appellant’s brief at 15. This contention appears to relate to a typo in one of Appellee’s supporting documents that refers to case number “81533/2019,” as opposed to the civil action number assigned to the litigation and final judgment, “8153**4**3/2019.” Insofar as Appellee’s documentation required by §§ 4306(b) and § 5328(a) accurately sets forth the pertinent information in relation to the exemplified record, the typographical error is of no moment.

last known address; and (3) the foreign judgment in the amount of in the amount of \$174,037.21, plus 78,531.31 post-judgment interest. The record also includes an exemplified copy of the foreign docket entries embossed with the seal of the Clerk of Erie County, New York, whose certification was further authenticated by an attestation from a Justice of the Supreme Court of New York.

Instead, Appellant declares that the record is inadequate because it did not adequately confirm that he was the actual debtor. Without citing any authority for this proposition, he posits, "A judgment may be facially defective not merely from procedural omissions but also from substantive defects apparent from the record when viewed in context with the party challenging it." Appellant's brief at 13. He asserts that the record should include additional information about the debtor "such as a date of birth or a specific, verified address associated with the specific debt[.]" Appellant's brief at 12. This argument is misplaced insofar as neither § 4306(b) nor § 5328(a) requires the face of the foreign judgment record to include the additional identifying details that Appellant suggests. Indeed, the gist of Appellant's claim is not that the face of the record is defective, but that the trial court did not consider his evidence concerning the potential misidentification of him as his father. However, none of the proffered evidence implicates, much less negates, his concession that the face of the record satisfies the requirements of Pennsylvania law. Accordingly, this issue merits no relief.

Appellant's remaining arguments assert that the trial court violated his right to due process by denying him a remedy until Appellee seeks to enforce the judgment. His position has three facets: He should be permitted to challenge the judgment at the earliest opportunity; if the judgment is enforced against the wrong Peter Savage, Appellant could have his property levied, despite evidence that he is not the debtor; by failing to consider his challenges at this stage, the trial court undermined his constitutionally protected property rights.⁵

At their core, all of Appellant's arguments misapprehend the difference between domestication, *i.e.* the process by which a judgment rendered by a court outside Pennsylvania is given legal force within the Commonwealth, and enforcement, which refers to the actual collection mechanisms that a judgment creditor may employ against the judgment debtor's property. Appellant's various positions relates to enforcement.

The question before the trial court at this stage of the proceedings is simply whether Appellee satisfied the dictates of UEFJA and § 5328(a). However, the thrust of Appellant's argument is that by virtue of mistaken identification, he has been improperly named as the debtor. Although Appellant accepted service of the underlying action and neglected to raise any

⁵ Appellant attempts to raise an argument implicating equal protection, but he failed to identify how he fits into any classification of individual being treated differently.

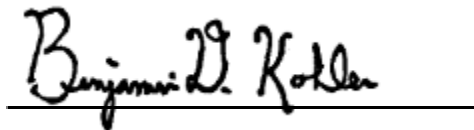
of the current arguments in the New York court or challenge the underlying judgment, as with any enforcement action of the judgment, due process attaches and he may assert his arguments at that juncture.

Finding no error or abuse of discretion in the court's conclusion that "the record complies with the law as it relates to the filing of a foreign judgment," Appellant is not entitled to relief. Order, 5/5/25, 1 n.1.

As Appellant has not raised any issue meriting relief we affirm the order denying his petition to strike the foreign judgment.

Order affirmed.

Judgment Entered.

A handwritten signature in black ink, reading "Benjamin D. Kohler", is written over a horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

Date: 08/24/2026