

This appeal stems from a dispute over the ownership regarding a 75% interest in real property located at 2949 N. 24th Street, Philadelphia, PA 19132 (the “Property”). We glean the following relevant factual and procedural background from the record.

“On or about March 29, 1991, Eva Glenn (‘Ms. Glenn’), the record owner of the Property at the time, transferred her interest in the Property to herself and her grandson, Andre Kendrick (‘Mr. Kendrick’), as tenants in common.” Complaint, 8/23/23, at ¶ 7; **see also id.** at Exhibit A (“1991 Deed”). Ms. Glenn died intestate on October 1, 1995, with her sole heirs being Mr. Kendrick and Diana Best (“Ms. Best”). **Id.** at ¶¶ 8, 11. Upon her death, Ms. Glenn’s 50% interest in the Property vested in Mr. Kendrick and Ms. Best by operation of law. **Id.** at ¶ 12; **see also id.** at ¶ 13 (clarifying Mr. Kendrick and Ms. Best each acquired a 25% interest in the Property).

According to Appellee, Mr. Kendrick sold his entire 75% interest² in the Property to Appellee’s brother, Roland Hayes (“Mr. Hayes”), in May of 1996. **Id.** at ¶¶ 14-15; **see also id.** at ¶ 16 (noting the remaining 25% interest in the Property remained vested in Ms. Best). No deed was ever produced evidencing the alleged transfer to Mr. Hayes. **See** N.T., 1/17/25, at 13 (Appellants’ arguing “there’s never been a deed purported to say that Mr. Hayes or Ms. Hayes had ownership interest in the [P]roperty”); **id.** at 75

² Mr. Kendrick’s 75% interest is comprised of the 50% interest he acquired via the 1991 Deed and the additional 25% interest he acquired upon Ms. Glenn’s death.

(Appellee's admitting she has never had a deed indicating she owns the Property). However, Appellee testified her brother told her he purchased the Property from his friend, Mr. Kendrick, and acted as though he owned the Property. **Id.** at 21-22; **see also id.** at 76 (Appellee's stating her brother never told her how much he paid to purchase the Property from Mr. Kendrick). She averred Mr. Hayes lived at the Property from at least May of 1996 until his death in January of 2002. Complaint at ¶ 18. Moreover, Appellee alleged Mr. Hayes held himself out as the owner of the Property; was listed as the owner of the Property with the Water Revenue Bureau; and made renovations to the Property. **Id.** at ¶¶ 19-21.

In October of 2001, Appellee moved into the Property, along with her two young children, to help care for her brother whose health was declining due to cancer. **Id.** at ¶ 22; N.T., 1/17/25, at 20. Mr. Hayes died intestate several months later, in January of 2002. Complaint at ¶ 23. Following his death, Appellee continued to live at the Property and raised her family there. **Id.** at ¶¶ 24-25. Appellee claimed she has been paying the property taxes since January of 2002, which totaled more than \$13,000. **Id.** at ¶ 28. She also said she spent \$16,000 on improvements to the Property, which included rebuilding the chimney; renovating the kitchen and bathroom; and installing various new features of the house, including a roof, siding, windows, flooring, and a front door. **Id.** at ¶ 29.

Yet on July 28, 2016, twenty years after allegedly conveying his interest in the Property to Mr. Hayes, Mr. Kendrick purportedly sold his interest in the

Property to Appellants for \$2,000. **Id.** at ¶ 31; **see also id.** at Exhibit B (“2016 Deed”). Appellee recalled Mr. Brown’s approaching her on her porch one day after work in 2016 and informing her he was the new owner of the Property. N.T., 1/17/25, at 66. She said Mr. Brown told her he had just purchased the Property from Mr. Kendrick, so she would have to move. **Id.** at 66-67; **see also id.** at 67 (Appellee’s stating she believed she was the owner of the Property and indicating she never listed the Property for sale); **id.** at 68 (Appellee’s testifying she never paid rent to Mr. Kendrick or received keys from him; Mr. Kendrick never told her he owned the Property; and she never saw him on the Property after she moved in); Complaint at ¶ 33 (stating Mr. Kendrick died in May of 2018).

On October 3, 2019, Mr. Brown filed an ejectment action against Appellee in the Philadelphia County Court of Common Pleas at No. 190904596, to which Appellee filed a counterclaim to quiet title. Complaint at ¶¶ 37-38; **see also id.** at ¶ 39 (averring Appellee joined Mr. Finney to her counterclaim). After a two-day trial on the merits, the trial court ruled in favor of Appellee and against Mr. Brown on the complaint in ejectment. **Id.** at ¶ 40. Appellee’s counterclaim was dismissed, without prejudice to refile, due to her failure to join Ms. Best, an indispensable party. **Id.** at ¶ 41. Hence, on January 23, 2022, Appellee filed an action to quiet title against Ms. Best, regarding her 25% interest in the Property. **Id.** at ¶ 42.³ Judgment was entered in favor of

³ **See** Philadelphia County Court of Common Pleas, January Term, 2022, at No. 01816.

Appellee on September 7, 2022, quieting title to a 25% interest in the Property in favor of Appellee. ***Id.*** at ¶ 43. Thereafter, on behalf of Ms. Best, the Commissioner of the Philadelphia Department of Records granted and conveyed Ms. Best's 25% interest in the Property to Appellee "by Deed dated December 22, 2022[,] and recorded at Philadelphia, Pennsylvania as Document No. 54133686...." ***Id.*** at ¶ 44.

Subsequently, Appellee commenced the instant action on August 23, 2023, with the filing of a complaint to quiet title against Appellants, in which she sought an order quieting title to the remaining 75% interest in the Property by virtue of adverse possession. ***See*** Complaint at ¶¶ 46-49. Therein she alleged her family's possession of the Property "has been open, notorious, and exclusive at all times since May of 1996..., more than 27 years." ***Id.*** at ¶ 48; ***see also id.*** at ¶ 30 (asserting Appellee and/or her brother have cared for and maintained the Property, made improvements to the Property, and paid taxes on the Property, since May of 1996); ***id.*** at ¶¶ 26-27 (Appellee's averring she personally has resided at the Property continuously since October of 2001 and raised her children there); N.T., 1/17/25, at 19-20 (Appellee's conveying she currently continues to live at the Property with her three children — Yahmeenia Hayes, 28; Yahmir Hayes, 24; and Johnathan Brown, Jr., 13 — and her three-year-old twin grandchildren). Appellee further averred that for decades prior to the alleged transfer of the Property to Appellants in 2016, Mr. Brown resided at 2956 N. Judson Street, the backyard of which abuts the backyard of the Property. Complaint at ¶ 34; ***cf.*** N.T.,

1/17/25, at 90 (Mr. Brown's confirming his backyard is "directly across the alleyway from the backyard of [the Property]"). Thus, Appellee claimed, "At the time of the alleged transfer, [Appellants] had constructive notice ... that [Appellee and her] family lawfully, openly, and continuously possess[ed] ... the Property since May of 1996...." Complaint at ¶ 35.

On October 2, 2023, Appellants filed an answer and new matter, wherein they denied Mr. Kendrick sold his interest in the Property to Mr. Hayes in 1996; denied Appellee and her family have lived on the Property continuously since 1996; and raised numerous affirmative defenses. **See generally** Answer and New Matter, 10/2/23, at 1-5 (unnumbered). Appellee filed a reply to the new matter on October 11, 2023.

A non-jury trial was ultimately held on January 27, 2025, during which Appellee; Appellee's son, Yahmir Hayes; and Mr. Brown testified. "[Appellee] introduced several photos of her and her family in and around [the Property] depicting various family events. She also introduced documents such as her W-2 forms and other forms of identification over the years stating her home as [the Property]." Trial Court Opinion ("TCO"), 12/5/25, at 3 (cleaned up). Yahmir Hayes testified that he has lived at the Property "[a]ll my life that I know of," N.T., 1/17/25, at 83, and attended school in the neighborhood, **id.**

Mr. Brown explained that he used to care for Mr. Kendrick's grandmother, Ms. Glenn, back in 1993. **Id.** at 88-89. He opined Mr. Kendrick sold him the Property for \$2,000 as "kind of ... a gift...." **Id.** at 88; **see also id.** at 93 (claiming the Property was actually worth "like \$38,000"). Mr. Brown

further testified that he lived at 2956 N. Judson Street for the past “30, 40 years” and could always see the back of the Property from his back door or backyard. **Id.** at 90. He admitted he would also often see the front of the Property when he walked or drove past it in the neighborhood. **Id.** at 91; **see also id.** (Mr. Brown’s recalling he saw Mr. Hayes “a few times ... in the mid-1990s” in his backyard with his two dogs). Mr. Brown conveyed he never paid any property taxes, nor did he pay for any repairs or renovations to the Property. **Id.** at 94-95. Moreover, Mr. Brown indicated he has not been in the Property since Ms. Glenn passed away in 1995 and he has never had a working key for the Property. **Id.** at 92.

At the close of the trial, the trial court indicated it would “hold [the] decision under advisement[,]” and instructed the parties to submit briefs outlining their positions. **Id.** at 111-12; **see also id.** at 113 (scheduling a hearing for April 1, 2025). The parties complied, and at a subsequent hearing on April 1, 2025, the trial court issued its ruling in favor of Appellee. The presiding judge stated from the bench:

It is clear that a just and fair verdict in this case is to award the property to [Appellee]. ... [Appellee] had already acquired a 25% ... interest in the Property. And ... there’s been no testimony from either side that her residence in the Property, that her time spent in the Property, was ever broken. There’s never been a time, at least this court didn’t hear any evidence, that she didn’t live at the Property, came back and resumed her residence there. She’s always lived there, well over 21 years.

N.T., 4/1/25, at 17-18 (cleaned up).

By order dated April 1, 2025, the trial court declared:

1. Judgment is entered in favor of [Appellee] and against [Appellants] on [Appellee's] Complaint in Quiet Title;
2. [Appellee] owns absolutely and is entitled to the quiet and peaceful possession of the 75% interest in the [Property] previously claimed by [Appellants];
3. [Appellants] and all persons claiming under them have no right, lien, title, or interest in the Property and are forever barred from asserting any right, lien, title, or interest in the Property;
4. Title to the Property is hereby quieted in favor of [Appellee] against all claims of [Appellants] and all persons claiming under them; and
5. The Commissioner of the Philadelphia Department of Records is hereby directed to execute a deed, a copy of which is attached hereto as Exhibit "A[,"] on behalf of [Appellants], and record the deed, along with a certified copy of this Order, to properly acknowledge [Appellee] as owner of the Property.

Order, 4/1/25, at 1-2.

On April 10, 2025, Appellants filed a motion seeking post-trial relief, which was denied by the trial court on April 29, 2025. Upon praecipe, final judgment was entered on April 29, 2025, in favor of Appellee and against Appellants in accordance with the trial court's April 1, 2025 decision. On May 14, 2025, Appellants filed a timely notice of appeal, followed by a timely, court-ordered Pa.R.A.P. 1925(b) concise statement of errors complained of on appeal. Herein, Appellants present a single issue for our review:

1. Did the trial court commit legal error and misapply the law in granting a motion to quiet title in favor of a non-record owner where their possession of the property by the non-record owner was not actual, continuous, distinct, exclusive, visible, notorious, and hostile to the actual record owner of the property for the required period of time?

Appellants' Brief at 4 (cleaned up).

“When reviewing an equitable decision, like a quiet-title action, our scope and standard of review are deferential.” **Calisto v. Rodgers**, 271 A.3d 877, 881 (Pa. Super. 2022) (*en banc*). As this Court has previously explained:

We will reverse only where the trial court was palpably erroneous, misapplied the law, or committed a manifest abuse of discretion. Where there are any apparently reasonable grounds for the trial court’s decision, we must affirm it. Moreover, the function of this Court on an appeal from an adjudication in equity is not to substitute our view for that of the lower tribunal; we are to determine whether a judicial mind, on due consideration of all the evidence, as a whole, could reasonably have reached the conclusion of that tribunal...[. W]hen reviewing the results of a non-jury trial, we are bound by the trial court’s findings of fact, unless those findings are not based on competent evidence.

Id. (quoting **Nebesho v. Brown**, 846 A.2d 721, 725-26 (Pa. Super. 2004)) (cleaned up).

Additionally, we recognize “[a]dverse possession is an extraordinary doctrine which permits one to achieve ownership of another’s property by operation of law.” **Gruca v. Clearbrook Community Servs. Assoc., Inc.**, 286 A.3d 1273, 1278 (Pa. Super. 2022). “[I]t is dependent upon possession for a set period of time and authorized by statute.” **Weible v. Wells**, 156 A.3d 1220, 1224 (Pa. Super. 2017) (citing 68 P.S. §§ 81-88). “One who claims title by adverse possession must prove actual, continuous, exclusive, visible, notorious, distinct and hostile possession of the land for twenty-one years.” **Johnson v. Tele-Media Co. of McKean Cty.**, 90 A.3d 736, 740 (Pa. Super. 2014) (citations omitted); **see also Moore v. Duran**, 687 A.2d 822, 828 (Pa. Super. 1996) (“Each of these elements must exist, otherwise possession will not confer title in the claimant.”). It is the claimant’s burden

to demonstrate each of the elements of adverse possession by “credible, clear, and definitive proof.” **Gruca**, 286 A.3d at 1278.

Instantly, Appellants claim the trial court erred in granting Appellee’s motion to quiet title, as Appellee’s possession of the Property did not meet the statutorily required 21 years. Appellants’ Brief at 9. In support, they argue Mr. Brown did not purchase the Property until 2016, and “[w]hat transpired previous to his ownership was not visible nor notorious to him[.]” **Id.**; **see also id.** at 7 (“[D]espite [Appellee’s] living there since her brother’s death for some fifteen years, the nature of any possession was unknown to Mr. Brown as to it[s] being either permissive or hostile to Mr. Kendrick.”). Thus, Appellants contend, “the time required to deem [Appellee] as adversely possessing the [P]roperty did not pass.” **Id.** at 10. No relief is warranted.

While not clearly articulated, Appellants seemingly argue the 21-year statutory period did not begin to run against them until Mr. Brown purchased the Property in 2016. In other words, they contend a transfer of record ownership in property resets the statutory clock. However, Appellants fail to provide any legal discussion or citations to authority to support their position. Without a reasoned discussion of the law, our ability to provide appellate review is hampered; thus, we deem this claim waived. **See Estate of Haiko v. McGinley**, 799 A.2d 155, 161 (Pa. Super. 2002) (“The Rules of Appellate Procedure state unequivocally that each question an appellant raises is to be supported by discussion and analysis of pertinent authority.”) (citing Pa.R.A.P. 2119); **see also Coulter v. Ramsden**, 94 A.3d 1080, 1088 (Pa. Super. 2014)

("Appellate arguments which fail to adhere to these rules may be considered waived, and arguments which are not appropriately developed are waived. Arguments not appropriately developed include those where the party has failed to cite any authority in support of a contention.") (citation omitted).

Notwithstanding waiver, Pennsylvania courts have long recognized "an adverse possessor may accumulate the requisite statutory 21 years as against multiple title owners of the disputed land." **Weible**, 156 A.3d at 1227 n.6; **see also Brennan v. Manchester Crossings**, 708 A.2d 815, 824 (Pa. Super. 1998) (concluding adverse possession was successfully established for the requisite 21 years against multiple successive title holders, entitling the appellants to the entry of judgment on their quiet title action). Thus, we would agree with Appellee that, "like the adverse possession claimants in **Brennan** ... and **Weible**..., [Appellee] ... adversely possessed the Property for more than 21 years, accumulated against multiple successive record owners[:] ... first against [Mr.] Kendrick and second against [Appellants], Mr. Kendrick's successors in title...." Appellee's Brief at 34; **see also id.** ("[Appellants] obtained record ownership of real estate that was subject to an inchoate adverse possession claim, and the 21-year statutory period continued to run after [they] took ownership.").

Moreover, we would conclude the trial court's finding that Appellee maintained actual, continuous, exclusive, visible, notorious, distinct, and hostile possession of the Property for the requisite 21-year period is supported by competent evidence of record. In the context of an adverse possession

claim, 'actual possession' is established by proof that the claimant exhibited "dominion over the land[.]" **Brennan**, 708 A.2d at 817. 'Visible and notorious possession' "must be evidenced by conduct sufficient to place a reasonable person on notice that his or her land is being held by the claimant as his own." **Id.** at 818. "[T]o constitute distinct and exclusive possession, [the claimant] must demonstrate [his or her] possession was the type that would characterize an owner's use." **Id.** at 821 (internal quotation marks and citation omitted). "The word 'hostile' as an element of adverse possession does not mean 'ill will' or actual 'hostility,' but simply implies an assertion of ownership rights which are adverse to those of the true owner and all others." **Id.** at 822. "[I]f all the elements of adverse possession are established, the element of hostility is implied." **Id.** Finally, "in order for adverse possession to ripen into title, it is necessary that such possession had been continuous and uninterrupted for the full statutory period." **Id.** at 818; **see also id.** ("In this Commonwealth, ... the statutory period is [21] years."). "A temporary break or interruption, not of unreasonable duration, does not destroy the continuity of the adverse claimant's possession." **Id.**

As the trial court explained, "[t]he evidence presented at trial specifically showed ... [Appellee] raised her family [o]n the [P]roperty, maintained the upkeep on the home[,], and paid the property taxes for the requisite period. In short, [she] acted as the property owner." TCO at 5 (paragraph break omitted). Additionally, Appellee points out that she also made many repairs and renovations to the Property which were "open and

'visible for any passerby to view.'" Appellee's Brief at 43 (quoting **Johnson**, 90 A.3d at 745); **see, e.g., id.** at 43-44 (noting Appellee testified she replaced the front door and painted it green, installed a new roof and siding, and repaired the chimney) (citations omitted). Based on the proximity of Mr. Brown's residence to the Property and the evidence presented by Appellee regarding her occupancy of the Property since 2001, the trial court opined it had "a difficult time believing [Mr. Brown] did not see, or was not aware of [Appellee's] obvious, open, adverse[,] and hostile possession of [the Property]." TCO at 5-6; **see also M.J.M. v. M.L.G.**, 63 A.3d 331, 337 (Pa. Super. 2013) ("[W]ith regard to issues of credibility..., we must defer to the presiding trial judge who viewed and assessed the witnesses first-hand.") (citation omitted).

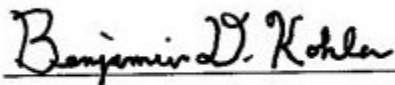
Moreover, the trial court found Appellee resided at the Property continuously for more than 21 years; there was no evidence presented that her time spent on the Property was ever interrupted. **See** N.T., 4/1/25, at 18. Under Pennsylvania law, adverse possession is uninterrupted unless "those against whom the use is adverse ... (a) bring and pursue to judgment legal proceedings in which the use is determined to be without legal justification, or (b) cause a cessation of the use without the aid of legal proceedings." **Reed v. Wolyniec**, 471 A.2d 80, 85 (Pa. Super. 1983) (citation omitted; formatting altered). Here, Mr. Brown brought an ejectment action against Appellee in 2019; however, the trial court found in favor of Appellee.

Thus, we would agree with Appellee that no interruption of her possession was achieved as a result. **See** Appellee's Brief at 42.

Based on the foregoing, we would discern no error of law or abuse of discretion in the trial court's finding Appellee established title to the Property via adverse possession and therefore quieting title to the remaining 75% interest in the Property. Accordingly, we affirm the judgment entered on April 29, 2025, in favor of Appellee and against Appellants.⁴

Judgment affirmed.

Judgment Entered.

A handwritten signature in cursive script that reads "Benjamin D. Kohler". The signature is written in black ink and is positioned above a horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

Date: 10/7/2026

⁴ Appellee requests this Court award her reasonable counsel fees pursuant to Pa.R.A.P. 2744 on the ground that this appeal is frivolous. **See** Appellee's Brief at 48-49; **see also** Pa.R.A.P. 2744 (providing an appellate court may award a reasonable counsel fee "if it determines an appeal is frivolous or ... that the conduct of the participant against whom costs are to be imposed is dilatory, obdurate[,], or vexatious"). "An appeal is frivolous for purposes of Pa.R.A.P. 2744 where it lacks any basis in law or fact; simply because an appeal lacks merit does not make it frivolous." **Geiger v. Rouse**, 715 A.2d 454, 458 (Pa. Super. 1998); **see also Menna v. St. Agnes Med. Ctr.**, 690 A.2d 299, 304 (Pa. Super. 1997) (explaining "[t]his high standard is imposed in order to avoid discouraging litigants from bringing appeals for fear of being wrongfully sanctioned"). Although we deemed Appellants' claim waived, we do not determine that this appeal completely lacked any basis in law or fact, or that Appellants' conduct was dilatory, obdurate, or vexatious. Thus, we decline to exercise our discretion to award counsel fees.