
Court Exhibit “A”

By way of Preliminary Objections, Rule 1028(a), Defendant-Arnsie Riley challenges the jurisdiction of the Trial Division of the Philadelphia Court of Common Pleas to consider the claims of conversion and fraud filed by her stepdaughter, Plaintiff-Atufwa Muhammad. This Court agrees, however, the analysis does not end there. In re Estate of Ciuccarelli, 81 A.3d 953 (Pa. Superior Ct. 2013), holds that when, as here, the Trial Division lacks subject matter jurisdiction the proper remedy is not dismissal, but a transfer of the matter to the correct division. 81 A.3d at 959-961.

The Letters Testamentary and Administration were issued to Defendant-Riley by Delaware County on November 25, 2014. See, Court Exhibit, “A-1”. Those Delaware County Courts continue to retain jurisdiction over the identification, administration and distribution of the property of Plaintiff’s deceased father. Plaintiff’s Complaint, Paragraphs 16-24, 28, 31-34; Estate of Miller, 18 A.3d 1163 (Pa. Superior Ct. 2011); Estate of Westin, 874 A.2d 139, 144 (Pa. Superior Ct. 2005).

In re Estate of Ciuccarelli, supra, and the cases cited therein involve Interdivisional Transfers at 42 Pa. C.S. §5103(c). The Judicial Code also provides that the statute of limitations is tolled **and** provides for county to county transfers at 42 Pa. C.S. §5103(a):

“5103. Transfer of erroneously filed matters

(a) General rule. If an appeal or other matter is taken to or brought in a court or magisterial district of this Commonwealth which does not have jurisdiction of the appeal or other matter, the court or magisterial district judge shall not quash such appeal or dismiss the matter, but shall transfer the record thereof to the proper tribunal of this Commonwealth, where the appeal or other matter shall be treated as if originally filed in the transferee tribunal on the date when the appeal or other matter was first filed in a court or magisterial district of this Commonwealth. A matter which is within the exclusive jurisdiction of a court or magisterial district judge of this Commonwealth but which is commenced in any other tribunal of this Commonwealth shall be transferred by the other tribunal to the proper court or magisterial district of this Commonwealth where it shall be treated as if originally filed in the transferee court or magisterial district of this Commonwealth on the date when first filed in the other tribunal.”

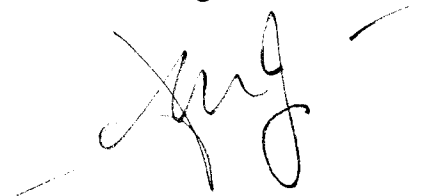
It is clear that the Opinion of Honorable David N. Wecht in Ciuccarelli is directly on point and applicable in this case at bar.

Plaintiff-Muhammad contends that the allegations of her Complaint do not fall within the jurisdiction of Orphans’ Court because no determination or ruling by Orphans’ Court is being challenged. This Court must look beyond the words of the pleading and consider the subject matters at issue. Orphans’ Court has mandatory and exclusive jurisdiction over “administration and distribution of the real and personal property of

decedents' estates." 20 Pa. C.S. §711. See, Estate of Gentry, 111 A.3d 194 (Pa. Superior Ct. 2015) and cases cited. To the extent that there may be "other matters" which are related, but non-mandatory, it will also be appropriate for the Orphans' Court to exercise jurisdiction. §712. This avoids multiple actions and separate hearings in different courts or divisions which would erode judicial economy and efficiency. See, In re Lang, 690 A.2d 256 (Pa. Superior Ct. 1997).

Finally, Defendant-Riley's concerns about improper service are not persuasive. In re Estate of Miller, supra, the Appellate Court noted that once Letters Testamentary were granted, Ms. Riley, as Administratrix of the Estate, became a fiduciary of the Estate. The Orphans' Court has continuing jurisdiction over the Defendant. 18 A.3d at 1170. For Orphans' Court, "service may be given by personal service . . ." 20 Pa. C.S.A. §766, 768. It is undisputed that Ms. Riley was served notice by personal service. See, Court Exhibit, "A-2".

The Orphans' Court of the Court of Common Pleas of Delaware County retains mandatory and exclusive jurisdiction and is the proper forum to handle this litigation.

A handwritten signature in black ink, appearing to be "J. J. Lang", is written in the lower right quadrant of the page. The signature is cursive and includes a horizontal line extending to the right.

Commonwealth of Pennsylvania
Delaware County

} ss:

I, JENNIFER HOLSTEN MADDALONI, ESQ.,
Register for the Probate of Wills and Granting
Letters Testamentary and of Administration in
and for the County of Delaware, in the
Commonwealth of Pennsylvania, do hereby
Certify that on the 25th day of November, 2014

ARNSIE L. RILEY

was duly and legally appointed as ADMINISTRATRIX of the estate of
THOMAS JAMES RILEY JR.
also known as:

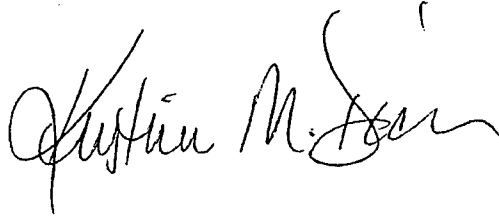
(no aliases)

who died 10/11/2014 late of Delaware County, Pennsylvania, and has
been duly qualified as such according to law as can be verified by reference to the
records in my office, and that the letters have not been revoked.

WITNESS my hand and seal of office, at Media in the County aforesaid, this

4th day of February, 2015

File No. 2314-2895



Chief Deputy Register of Wills

Affidavit of Process Server

Common Pleas Philadelphia County

Filed and Attested by the Office of Judicial Records

(NAME OF COURT)

20 FEB 2017 07:30 am

Atufwa Muhammad

VS Arnsie Riley

16106422

PLAINTIFF/PETITIONER

DEFENDANT/RESPONDENT

CASE NUMBER

Russell R. D'Alonzo

being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

Service: I served Arnsie Riley

NAME OF PERSON / ENTITY BEING SERVED

4F - Conversion Fraud

with (list documents)

by leaving with Arnsie Riley

At

Residence 104 N. 6th St.

RELATIONSHIP Darby, PA 19023

ADDRESS

CITY / STATE

Business ADDRESS

CITY / STATE

On February 16, 2017

AT 10:22AM

DATE

TIME

Inquired if subject was a member of the U.S. Military and was informed they are not.

Thereafter copies of the documents were mailed by prepaid, first class mail on

DATE

from

CITY

STATE

ZIP

Manner of Service:

Personal: By personally delivering copies to the person being served.

Substituted at Residence: By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household over the age of and explaining the general nature of the papers.

Substituted at Business: By leaving, during office hours, copies at the office of the person/entity being served with the person apparently in charge thereof.

Posting: By posting copies in a conspicuous manner to the front door of the person/entity being served.

Non-Service: After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):

Unknown at Address Moved, Left no Forwarding Service Cancelled by Litigant Unable to Serve in Timely Fashion Address Does Not Exist Other

Service Attempts: Service was attempted on: (1)

DATE

TIME

(2)

DATE

TIME

(3)

DATE

TIME

(4)

DATE

TIME

(5)

DATE

TIME

Description: Age 71 Sex F Race B Height 5'7" Weight 165 Hair Blk Beard No Glasses No

Russell R. D'Alonzo
SIGNATURE OF PROCESS SERVER

SUBSCRIBED AND SWORN to before me this day of , 20 , by Proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

SIGNATURE OF NOTARY PUBLIC

NOTARY PUBLIC for the state of



FORM 2

NATIONAL ASSOCIATION OF PROFESSIONAL PROCESS SERVERS