NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

DENIYA N. SMITH Appellant v. CARRINGTON MORTGAGE SERVICES, LLC	:	IN THE SUPERIOR COURT OF PENNSYLVANIA No. 209 EDA 2026

Appeal from the Order Entered December 23, 2025
In the Court of Common Pleas of Philadelphia County Civil Division at No(s): 250800663

BEFORE: BOWES, J., OLSON, J., and STEVENS, P.J.E.*

MEMORANDUM BY STEVENS, P.J.E.: **FILED NOVEMBER 5, 2026**

Plaintiff/Appellant, Deniya N. Smith, appeals *pro se* from the trial court's order sustaining preliminary objections filed by Defendant/Appellee Carrington Mortgage Services, LLC, ("Carrington") in response to Ms. Smith's complaint that sought to quiet title in her favor to real property that Carrington purchased at sheriff's sale after it prevailed in its mortgage foreclosure action and secured judgment against her and her co-defendant, Ase Family Trust. Specifically, the trial court agreed with Carrington that Ms. Smith was prohibited from collaterally attacking the foreclosure action and default judgment. We agree and, accordingly, affirm.

The trial court provides a pertinent account of the relevant facts and procedural history of the case:

---

* Former Justice specially assigned to the Superior Court.

In April 2021, Deniya Nekeidra Smith purchased 5324 W. Columbia Ave (the "Property") and executed a promissory note secured by a mortgage. On March 27, 2023, Ms. Smith purportedly transferred title of the Property to the "Ase Family Trust" to which Ms. Smith claims she is a trustee.[fn1] On May 18, 2023, Carrington [] assumed responsibility for the mortgage through an assignment.

Fn.1: Ms. Smith filed this action individually and "in her representative capacity as Trustee of the Ase Family Trust." Ms. Smith is not an attorney, so she is not permitted to legally represent a trust in [the trial court], as is discussed *infra*.

In June 2023, Carrington commenced a foreclosure action (June Term 2023 No. 14420 (2306034989), naming both Ms. Smith individually and the Ase Family Trust as defendants. The trial court eventually entered a default judgment in the foreclosure action, and the Property was sold at Sheriff's Sale.[fn2] Carrington purchased the Property at the sale on May 13, 2025, and recorded the deed.

Fn.2: [At the time of the trial court opinion, Ms. Smith was] appealing an Order entered in the foreclosure action, 1047 EDA 2025.

On August 7, 2025, Carrington initiated an ejectment action (August Term No. 2025 No. 0830) against Ms. Smith. At the same time, Ms. Smith initiated this quiet title action on behalf of herself and in her representative capacity as Trustee of the Ase Family Trust, arguing that the foreclosure judgment was defective. [The trial court] consolidated the actions on October 23, 2025. Carrington filed Preliminary Objections in this quiet title action, arguing that Ms. Smith is barred by collateral estoppel from relitigating the foreclosure issue. [The trial court] sustained the

> Preliminary Objections and dismissed this quiet title action with prejudice.
>
> Following [the trial court's] Order, Ms. Smith filed this timely appeal with the Superior Court claiming *inter alia* that the [trial court] erred in dismissing the case without assessing it on the merits.

TCO, 3/9/2026, at 1-2.

Ms. Smith's *pro se* "Brief for Appellant" raises the following issues for this Court's consideration:

> 1. Whether the trial court erred in dismissing Appellant's quiet title action by treating it as an impermissible collateral attack on a foreclosure judgment.
>
> 2. Whether the trial court erred in sustaining preliminary objections and dismissing the complaint with prejudice.
>
> 3. Whether the trial court erred in concluding that Appellant lacked standing as a matter of law.

Brief of Appellant, at 4 (unpaginated).

Our well-settled standard of review of an order sustaining or denying preliminary objections is as follows:

> "Our standard of review of an order of the trial court overruling or granting preliminary objections is to determine whether the trial court committed an error of law. When considering the appropriateness of a ruling on preliminary objections, the appellate court must apply the same standard as the trial court." ***De Lage Landen Fin'l Servs., Inc., v. Urban P'ship, LLC***, 903 A.2d 586, 589 (Pa. Super. 2006).
>
> > "Preliminary objections in the nature of a demurrer test the legal sufficiency of the complaint." When considering preliminary objections, all material facts set forth in the challenged pleadings are admitted as true, as well as all inferences reasonably deducible therefrom. Preliminary objections which seek the

> dismissal of a cause of action should be sustained only in cases in which it is clear and free from doubt that the pleader will be unable to prove facts legally sufficient to establish the right to relief. If any doubt exists as to whether a demurrer should be sustained, it should be resolved in favor of overruling the preliminary objections.

Hykes v. Hughes, 835 A.2d 382, 383 (Pa. Super. 2003) (citations omitted). ***Haun v. Comm. Health Sys., Inc.***, 14 A.3d 120, 123 (Pa. Super. 2011) (citations modified).

When an ejectment action is brought by the purchaser of a title obtained from a sheriff's sale in a mortgage foreclosure, the grounds on which the underlying judgment of foreclosure can be collaterally attacked are strictly limited.

> Initially, we note that an attack on a sheriff's sale usually cannot be made in a collateral proceeding. An ejectment action is a proceeding collateral to that under which the land was sold. Thus, where it is claimed that the underlying default judgment is merely voidable, that claim will not be entertained because such a judgment cannot be reached collaterally. However, in an ejectment action[,] it may be alleged that the judgment is void. A void decree can be attacked at any time. Where a judgment is void, the sheriff's sale [that] follows is a nullity. A judgment is void when the court had no jurisdiction over the parties, or the subject matter, or the court had no power or authority to render the particular judgment. A judgment [that] is void cannot support an ejectment action and may be asserted as a defense in the ejectment proceeding.

Dime Savings Bank, FSB v. Greene, 813 A.2d 893, 895 (Pa. Super. 2002) (citations omitted); ***see also Fannie Mae v. Ferreri***, (non-precedential decision) 339 A.3d 437 (Pa. Super. 2025).

Here, Ms. Smith alleges not that the trial court's decree was void for want of jurisdiction over the parties or subject matter or for lack of power or authority to render the judgment but, instead, that Carrington's interest in the property was invalid. Specifically, she advanced a quiet title action in which she "challenges the validity of [Carrington's] asserted interest in the property." Brief of Appellant, "Argument I." p. 7 (unpaginated). It is well-settled, however, that such a "defect of title"-based collateral challenge to a sheriff's sale and delivery of sheriff's deed may not prevail.

> [A]n attack on a sheriff's sale usually cannot be made in a collateral proceeding. In ***Caplan v. Kent***, 76 A.2d 764 (Pa. 1950), **it was held that a sheriff's return, regular on its face, could not be attacked collaterally in a bill in equity to quiet title**. "Confirmation of a sheriff's deed cures irregularities and defects, which make the sale voidable * * *." ***McLanahan v. Goodman***, 108 A. 206, 208 (Pa.1919). In ***Mencke v. Rosenberg***, 51 A. 767, 769 (Pa.1902), the court said in reference to an ejectment action: "This is a proceeding collateral to that under which the land was sold. The acknowledgment of the sheriff's deed passed a valid title to the purchaser, unless there was fraud or want of authority in the sale." After reiterating this rule in ***Knox v. Noggle***, 196 A. 18 (Pa. 1938), the court added: "(T)he distinction is * * * between irregularities in the proceedings, misdescriptions of the property, the sale of several tracts as an entirety, **defect of title**, and similar objection, on the one hand, **all of which are foreclosed as defenses by delivery of the sheriff's deed, and, on the other**, attacks upon the sale on the ground that it was unauthorized, or vitiated by fraud, in which cases the right of redress survives such delivery." 196 A. at 19–20.

Roberts v. Gibson, 251 A.2d 799, 800-01 (Pa. Super. 1969) (citations modified; emphasis added).

As the trial court observes, Ms. Smith is attempting to use a quiet title action as an impermissible collateral attack to relitigate the default judgment entered in the foreclosure action, and it did not permit her to do so.[1] Under our jurisprudence, we agree the present quiet title action is an improper collateral attack on the sheriff's sale and thus conclude the trial court appropriately sustained Carrington's preliminary objections and dismissed the action. As our resolution of this issue is dispositive of the appeal, we affirm the order entered below.

Order affirmed.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/5/2026

[1] The trial court explains further that Ms. Smith has filed a separate appeal challenging the trial court's default judgment in the foreclosure action on the merits.