

PHIC and JOE KELLY : IN THE COURT OF COMMON PLEAS
 vs. : CHESTER COUNTY, PENNSYLVANIA
 : CIVIL ACTION - LAW
 NATIONAL ASSOCIATION OF : NO. 03-07803
 CERTIFIED HOME INSPECTORS

Phillip D. Berger, Esquire, Attorney for Plaintiffs.
 Joseph A. Ferry, Esquire, Attorney for Defendant.

05 JUN 13 PM 2:29
 FILED
 OFFICE OF THE
 PROthonotary
 CHESTER CO. PA.

ORDER

AND NOW, this 13 day of June, 2005, upon consideration of Defendant's Motion to Strike/Open Judgment and Plaintiff's Answer thereto, it is hereby ORDERED and DECREED that the Petition is GRANTED and the Default Judgment entered on May 6, 2004 is hereby STRICKEN.¹

BY THE COURT:


 THOMAS G. GAVIN J.

¹ A petition to strike a default judgment may be granted where a fatal defect appears on the face of the record. Graziani v. Randolph, 856 A.2d 1212 (Pa. Super. 2004). Service of process upon an attorney is defective absent evidence that the defendant either waived his right to be served by original process or authorized a lawyer to accept service of process on his behalf. U.K. LaSalle, Inc. v. Lawless, 618 A.2d 447 (Pa. Super. 1992). Furthermore, Plaintiffs failed to file an Acceptance of Service form as required by Pa.R.C.P. 402(b). Finally, there is no indication that Plaintiffs are authorized to enforce the Home Inspection Law, 68 Pa.C.S.A. §7501 *et. seq.*