

# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [231 PA. CODE CH. 200]

Landlord and Tenant Act of 1951; Acts 33 and 36 of 1995; No. 156 Doc. No. 1

#### Amendatory Order

*Per Curiam:*

*And Now*, this 28th day of February, 1996, Order No. 156 of Judicial Administration is hereby amended to read as follows:

*And Now*, this 28th day of February, 1996, the following Acts of Assembly are hereby suspended for a period of 30 days insofar as they are inconsistent with the Rules of Civil Procedure Governing Actions and Proceedings Before District Justices:

(1) Act 33 of 1995, approved July 6, 1995, amending the Landlord and Tenant Act of 1951; and

(2) Act 36 of 1995, approved July 6, 1995, amending the Landlord and Tenant Act of 1951.

The following Acts of Assembly are hereby suspended for a period of 30 days insofar as they are inconsistent with the Philadelphia Municipal Court Rules of Civil Procedure:

(1) Act 33 of 1995, approved July 6, 1995, amending the Landlord and Tenant Act of 1951; and

(2) Act 36 of 1995, approved July 6, 1995, amending the Landlord and Tenant Act of 1951.

This AMENDATORY ORDER shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective immediately.

[Pa.B. Doc. No. 96-387. Filed for public inspection March 15, 1996, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

Amendment to Rules of Civil Procedure—Rule 113

#### Order

*And Now*, this 20th day of February, 1996, the following amendment to the Rules of Civil Procedure—Rule 113. Trial Assignment, was amended at the Board of Judges meeting, as General Court Regulation 96-2-MC.

*This Order*, becomes effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

ALAN K. SILBERSTEIN,  
*President Judge*

#### Rule 113. Trial Assignment.

Upon commencement of the action, the Municipal Court Administrator shall set the time and place for the trial

and shall note the same upon the complaint. Said trial shall be scheduled not more than ninety (90) days from the date the action is commenced, **except that trials in landlord-tenant cases shall be scheduled not more than thirty (30) days from the date the action is commenced.**

[Pa.B. Doc. No. 96-388. Filed for public inspection March 15, 1996, 9:00 a.m.]

### PHILADELPHIA COUNTY

Amendment to Rules of Civil Procedure—Rule 116

#### Order

*And Now*, this 20th day of February, 1996, the following amendment to the Rules of Civil Procedure—Rule 116. Notification of Trial and Continuances was amended at the Board of Judges meeting, as General Court Regulation 96-3-MC.

*This Order*, becomes effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

ALAN K. SILBERSTEIN,  
*President Judge*

#### Rule 116. Notification of Trial and Continuances.

a. A continuance may be granted, or appropriate administrative action taken in the event of filing of a claim in excess of the Court's jurisdiction, provided written notice of the request for continuance is submitted to the Municipal Court Administrator or his designee and all other parties at least ten (10) days prior to the scheduled trial. Such notice shall certify that:

1. The continuance notice is made jointly by all parties or a bona fide attempt was made to have the request made jointly; or,

2. Prejudice for specific reasons will result to the notifying party absent continuance; and,

3. Notice of the request has been served on all parties.

b. Any objection to such request must be received by the Court Administrator not later than five (5) days prior to the scheduled trial and must certify that the objection has been served on all parties.

c. The Municipal Court Administrator shall, after the time for response has expired, forward notice of the decision to all parties.

d. If a defendant appears without having given notice of intention to defend, where required, claimant shall be granted a continuance, if requested.

e. [ **Contested applications** ] **Applications** for continuance made at the time of trial may be granted only for good cause shown.

f. The Court may grant continuances when applied for by defendants, served with complaints less than twenty (20) days before trial if the interests of justice require additional time to prepare a defense.

[Pa.B. Doc. No. 96-389. Filed for public inspection March 15, 1996, 9:00 a.m.]

PHILADELPHIA COUNTY

Amendment to Rules of Civil Procedure—Rule 126

Order

And Now, this 20th day of February, 1996, the following amendment to the Rules of Civil Procedure—Rule 126. Executive and Revival of Judgments: Sheriff's Interpleader, was amended at the Board of Judges meeting, as General Court Regulation 96-4-MC.

This Order, becomes effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

ALAN K. SILBERSTEIN,  
President Judge

**Rule 126. Executive and Revival of Judgments: Sheriff's Interpleader.**

a. [Execution] Except as provided below, execution shall not issue until the time for appeal which could be filed with the Court of Common Pleas has expired[, except that execution upon landlord-tenant judgments for writs of possession may issue within five (5) days after judgments].

b. Execution upon landlord-tenant judgments for writs of possession may issue on or after five (5) days after judgments, and alias writs of possession may issue on or after sixteen (16) days after issuance of writs of possession.

[b.] c. Enforcement and revival of judgments shall be in the same manner as if commenced in the Court of Common Pleas, except that authorized Landlord-Tenant Officers may serve and enforce all writs of possession and alias writs of possession.

[c.] d. Sheriff's interpleader proceedings shall be in accordance with the Rules governing actions in the Court of Common Pleas.

[d.] e. An alias writ of possession may not be issued after six (6) months from the date of the judgment for possession without leave of court.

[Pa.B. Doc. No. 96-390. Filed for public inspection March 15, 1996, 9:00 a.m.]

PHILADELPHIA COUNTY

Amendment to Rules of Civil Procedure—Rule 128

Order

And Now, this 20th day of February, 1996, the following amendment to the Rules of Civil Procedure—Rule 128. Fees, was amended at the Board of Judges meeting, as General Court Regulation 96-5-MC.

This Order, becomes effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

ALAN K. SILBERSTEIN,  
President Judge

**Rule 128. Fees.**

FILING

- a. Commencement of civil actions 0 to \$500 \$ 6.00

b. Commencement of civil actions over \$500 to \$2,000	\$12.00
c. Commencement of civil actions over \$2,000 to [ \$5,000 ] \$10,000	\$32.00
d. Indexing additional names	\$ 5.00
e. Orders to Satisfy	\$ 5.00
f. Writ of Possession	\$ 4.00
g. Motions (Petitions-Relistments)	\$10.00
h. Additional defendant filing	same as initial filing
i. Co-defendant filing (Index charges \$5.00 only and service)	
j. Counterclaim	same as initial filing
k. Cross-claims	same as initial filing
l. Set-offs	same as initial filing
m. Writ of Revival	\$ 6.00

The foregoing fee schedule does not cover any costs for service of process. Service of initial process shall be \$15.00. All other fees shall be in accordance with the sheriff's fee bill applicable to Philadelphia County.

The commencement of any action or proceeding as well as claims and writs shall be exempt from any library fee or taxes.

[Pa.B. Doc. No. 96-391. Filed for public inspection March 15, 1996, 9:00 a.m.]

Title 25—LOCAL  
COURT RULES

BUCKS COUNTY

Fee Bills of the Register of Wills; Clerk of the Orphans' Court

Order

And Now, February 12, 1996, upon consideration of the following petition and upon authority of the Act of Assembly cited therein,

The Court approves the fee bills of the Register of Wills and Clerk of the Orphans' Court attached to the petition as Exhibit B and directs that said fee bills shall take effect thirty days after publication in the *Pennsylvania Bulletin*.

KENNETH G. BIEHN,  
President Judge

[Pa.B. Doc. No. 96-392. Filed for public inspection March 15, 1996, 9:00 a.m.]

DISCIPLINARY BOARD OF  
THE SUPREME COURT

Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated March 1, 1996, Daryl Brett Magid is Suspended from the Bar of this Commonwealth for a period of three (3) years, to be effective March 31, 1996.

ELAINE M. BIXLER,  
*Secretary*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 96-393. Filed for public inspection March 15, 1996, 9:00 a.m.]

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