

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

[231 PA. CODE PART II]

Proposed Amendments to Rules Relating to Beneficiaries and Intestate Heirs; Recommendation 1995-1

The Orphans' Court Rules Committee proposes to amend Orphans' Court Rules 5.6 and 5.7 governing notice to beneficiaries and intestate heirs. The amendment is being submitted to the Bench and Bar for comments and suggestions prior to submission to the Supreme Court. All comments in reference to the proposed amendment should be sent not later than October 9, 1996 to:

Dean R. Phillips, Esquire,
Counsel, Orphans' Court Rules Committee,
Exton Office Court,
Suite 150,
300 North Pottstown Pike,
Exton, Pennsylvania 19341.

The Explanatory Comment which appears in connection with the proposed amendment has been inserted by the Committee for the convenience of the Bench and Bar. It will not constitute part of the Rule nor will it be officially adopted or promulgated by the Court.

HONORABLE ROBERT A. KELLY,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

RULE 5. NOTICE

Rule 5.6. Notice to Beneficiaries and Intestate Heirs.

(a) *Requirements of notice.* Within three (3) months after the grant of letters, the personal representative to whom original letters have been granted, or **[his] the personal representative's** counsel shall send a written notice of estate administration in substantially the form **[prescribed to] set forth below to:**

(1) every person, corporation, association and entity or other party named in decedent's will as an outright beneficiary whether individually or as a class member;

(2) **the decedent's spouse and children, whether or not they are named in, or have an interest under, the will;**

(3) **where there is an intestacy in whole or in part, to every person entitled to inherit as an intestate heir under Chapter 21 of the Probate, Estate and Fiduciaries Code;**

[(2)] (4) the appointed guardian of the estate, parent or legal custodian of any beneficiary who is a minor child under the age of **eighteen** (18) years;

[(3)] (5) the appointed guardian of the estate or, in the absence of such appointment, the institution or

person with custody of any beneficiary who is an adjudicated **[mental incompetent] incapacitated person;**

[(4)] (6) the Attorney General on behalf of any charitable beneficiary whose interest exceeds \$25,000 or which will not be paid in full;

[(5)] (7) the Attorney General on behalf of any governmental beneficiary **[or in default of the other heirs of the estate; and]**

[(6)] (8) the trustee of any trust which is a beneficiary; and

[(7) the spouse, children or other intestate heirs of the decedent as determined under Chapter 21 of the Probate Estates and Fiduciaries Code.]

(9) such other persons and in such manner as may be required of any local rule of court.

(b) **[Contents of notice. The notice shall contain the following information:**

(1) the date and place of decedent's death;

(2) whether decedent died testate or intestate;

(3) the county in which original letters were granted;

(4) the names, addresses and telephone numbers of all appointed personal representatives and their counsel; and

(5) a copy of the will or a description of the beneficiary's interest in the estate.]

Definition of beneficiary. "Beneficiary" shall be deemed to include any person who may have an interest by virtue of the Pennsylvania anti-lapse statute, 20 Pa.C.S. § 2514.

(c) *Manner of notice.* Notice shall be given by personal service or by first-class, prepaid mail to each **[party] person and entity entitled to notice under subparagraphs (a)(1)—[(7)] (9)** whose address is known or reasonably available to the personal representative.

(d) *Certification of notice.* Within ten (10) days after giving the notice required by subdivision (a) of this Rule, the personal representative or **[his] the personal representative's** counsel shall file with the Register or Clerk **[his, her or its]** a certification in **[substantially]** the **[attached]** form **set forth below** that notice has been given as required by this Rule. No fee shall be charged by the Register or Clerk for filing the certification required by **[paragraph (d)] this paragraph.**

(e) *Failure to file certification.* Upon the failure by the personal representative or **[his] the personal representative's** counsel to file the certification on a timely basis, the Register shall, after ten (10) days prior written notice to the delinquent fiduciary and his counsel, notify the Court of such delinquency **[along with a request that the Court conduct a hearing to determine whether sanctions shall be imposed upon the delinquent personal representative or his counsel.]**

(f) *Effect of notice.* This Rule shall not alter, diminish or confer additional substantive rights upon any beneficiary.

(g) *Copies of rule.* The Register shall deliver a copy of [this rule] Rules 5.6 and 5.7 to each personal representative and counsel at the time letters are granted.

Official Note: It is not the intention of the Rule to require notice beyond the degree of consanguinity

entitling a person to inherit under Chapter 21 of the Probate Estates and Fiduciaries Code.

(Explanatory Comment: The Committee recommends deletion of the form of Notice of Beneficial Interest in Estate found at 231 Pa. Code Part II, Rule 5.6 pages 422 (168432) and 423 (168433) and adoption of the following Notice of Estate Administration).

Rule 5.7. Form of Notice to Beneficiaries and Intestate Heirs.

IMPORTANT NOTICE

NOTICE OF ESTATE ADMINISTRATION

THIS NOTICE DOES NOT MEAN THAT YOU WILL RECEIVE ANY MONEY OR PROPERTY FROM THIS ESTATE OR OTHERWISE.

Whether you will receive any money or property will be determined wholly or partly by the decedent's will. If the decedent died without a will, whether you will receive any money or property will be determined by the intestacy laws of Pennsylvania.

BEFORE THE REGISTER OF WILLS, COUNTY OF _____, PENNSYLVANIA

In re Estate of _____, deceased,
No. _____ of _____

TO: _____

(Name and Address)

Please take notice of the death of decedent and the grant of letters to the personal representative(s) named below.

The Decedent _____, died on the _____ day of _____, 19_____, at _____ County, Pennsylvania.

_____ The Decedent died testate (with a Will); or
_____ The Decedent died intestate (without a Will).

The personal representative of the Decedent is _____(name, address and telephone number).

If the Decedent died testate, the will has been filed with the Office of the Register of Wills of _____ County (address and telephone number).

If the Decedent died intestate, a Petition for the Grant of Letters of Administration was filed with the Office of the Register of Wills of _____ County, (address and telephone number).

A copy of the Will or Petition may be obtained by contacting the Register of Wills and paying the charges for duplication.

Date: _____

Signature
Name _____
Address _____

Telephone () _____

Capacity: ___ Personal Representative
 ___ Counsel for personal representative

(Explanatory Comment: The Committee does not propose to amend the form of Certification Under Rule 5.6(a)).

CERTIFICATION UNDER RULE 5.6(a)

Name of Decedent: _____

Date of Death: _____

Will No. _____ Admin. No. _____

To the Register:

I certify that notice of [**beneficial interest**] **estate administration** required by Rule 5.6(a) of the Orphans' Court Rules was served on or mailed to the following beneficiaries of the above-captioned estate on .

<i>Name</i>	<i>Address</i>
_____	_____
_____	_____
_____	_____

Notice has now been given to all persons entitled thereto under Rule 5.6(a) except _____

Date: _____

Signature

Name

Address

Telephone () _____

Capacity: ___ Personal Representative
 ___ Counsel for personal representative

Explanatory Comment

The proposed amendments to Rules 5.6 and 5.7 were originally published for comment at 25 Pa.B. 2802 (July 15, 1995). Following comments from the bench and bar, the Committee has recommended limitations on the class of persons and entities to whom a Rule 5.7 notice must be sent pursuant to Rule 5.6.

Rule 5.6

Under the revised Recommendation, where decedent has died with a will, notice need not be sent to intestate heirs. However, notice must be sent to decedent's spouse and children *even where they are not named in the will*. See subdivision (a)(2) of Rule 5.6. Notice must also be sent to all applicable persons and entities described in subdivisions (a)(1) and (a)(2)—(9). Where decedent has died intestate, notice must be sent to every person entitled to inherit as an intestate heir. See subdivision (a)(3). Notice must also be sent to any persons designated by the Court under subdivision (a)(9). The proposed amendment to subdivision (b) defines beneficiary to include "any person who may have an interest by virtue of the Pennsylvania anti-lapse status." 20 Pa.C.S. § 2514.

Rule 5.7

Proposed Rule 5.7 revises the form of notice, which would be titled as a notice of estate administration under the proposed amendment.

[Pa.B. Doc. No. 96-1364. Filed for public inspection August 23, 1996, 9:00 a.m.]

**Title 255—LOCAL
COURT RULES**

FRANKLIN AND FULTON COUNTIES

**Revision of Local Civil Action Rules 39-1915.1,
39-1915.3(a), (b), (c) and (d); Miscellaneous
Docket; Volume BB, Page 48**

Order of Court

August 9, 1996, the following Civil Action Rules are amended for the Court of Common Pleas of the 39th Judicial District of Pennsylvania, both the Franklin and

Fulton County Branches: 39-1915.1 and 39-1915.3(a), (b), (c) and (d), effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JOHN R. WALKER,
President Judge

**RULES OF COURT FOR CHILD CUSTODY
ACTIONS IN THE 39TH JUDICIAL DISTRICT**

Rule 39-1915.1. Scope. The Rules set forth in this section shall govern the practice and procedure in all actions for custody, partial custody and visitation of minor children. These local rules shall be viewed as supplement-

ing the Pennsylvania Rules of Civil Procedure governing custody as set forth in Pa. R.C.P. 1915.1 et seq.

Rule 39-1915.3(a). Commencement of Action. All Complaints relating to custody of minor children shall be presented to the Court Administrator for assignment in accordance with these rules. Upon payment of the designated filing and administration fees, the Complaint shall thereafter be filed in the Office of the Prothonotary and served in accordance with the Pennsylvania Rules of Court. The Complaint shall specifically designate the relief sought by the party who filed the pleading and include specific terms of legal custody, physical custody, partial custody or visitation sought by the moving party as well as the factual basis therefore. The Complaint shall also contain an averment under oath as to the Plaintiff's knowledge of the Defendant being represented by legal counsel and if there is known representation, the name of Defendant's legal counsel shall be included in the Complaint. A copy of the Complaint shall also be furnished to said legal counsel **no later than forty-eight hours prior to its scheduled presentation of the Court.** If the Defendant is unrepresented, a copy of the Complaint shall also be furnished directly to said Defendant **no later than forty-eight hours prior to its scheduled presentation to the Court or by regular mail with proof of mailing by the end of business five actual days preceding the date of presentation.** Plaintiff shall allege in his complaint the form and manner of providing service to the Defendant and whether said service was **made directly [directed]** to the named Defendant or to named legal counsel.

To facilitate the proper giving of notice of the presentation of Custody Complaints, the Court Administrator shall establish a regular time on a weekly basis for the presentation of Custody Complaints and the entry of Orders of Court establishing temporary custody arrangements pending a full hearing. Counsel may obtain the specific time for presentation of Complaints from the Court Administrator's Office and shall notify the Court Administrator a minimum of twenty-four hours in advance of the scheduled time of any planned presentations of Custody Complaints and Proposed Orders of Court.

Rule 39-1915.3(b). Reference to Conciliator. (1) *Assignment*—The Court Administrator shall assign all child custody actions to a Conciliator designated by the Court, who shall conduct a Conciliation Conference with both legal counsel and the parties. Further, the Court Administrator shall enter an Order setting the dates, time and place for such conciliation in accordance with a previously arranged schedule. (See Sample Form "A")

The Conciliator shall be a member of the Bar of this Court who, along with any other members of his professional practice, shall not be engaged in the practice of law in the field of Domestic Relations. The Conciliator shall not be subject to the subpoena power of this Court to force testimony regarding information revealed during the Conciliation Conference.

(2) *Scheduled Dates*—The Court Administrator shall set the conciliation dates within twenty to thirty days from the date of the filing of the Complaint. In the event the conciliation is unable to be scheduled within the twenty to thirty-day period, the Court Administrator shall schedule the conference at the next available time.

(3) *Service*—Counsel for the moving party shall serve a copy of the Complaint and Order for Conciliation upon the Respondent in accordance with the Pennsylvania Rules of Court. The Court Administrator shall notify the

Conciliator of the list of cases scheduled for conciliation.

(4) *Continuance*—Should a party or legal counsel request a continuance of the established date, the party requesting such continuance shall be responsible for arranging such continuance not less than forty-eight hours prior to the scheduled conference in accordance with Rules of Court which shall include the preparation of a Motion and a proposed Order changing the hearing date. (See Sample Form "B") The Motion shall be presented to the Court Administrator for the assignment of a new date and time for the continued Conciliation Conference.

If a continuance is requested by the party having primary physical custody of the child and if the non-custodial party has not exercised rights of custody since the filing of the action, the burden is on the moving party to insure that a conciliation conference is held within thirty days from the date of the filing of the action.

(5) *Administrative Fee*—The Conciliator shall be compensated at the rate of \$100.00 for each conference actually conducted. Each conference is expected to last one hour. In the event the Conciliation lasts more than one hour, the Conciliator may petition the Court for additional compensation at the rate of \$100.00 per hour. This additional fee shall be added to the cost of the action and shall be collected by the Prothonotary as directed by the Court. The fee may be changed from time to time upon direction from the Court without the necessity for amending these Rules. The Prothonotary shall post the administrative fee for such filings in its office. The fee shall be paid to the Conciliator by the Prothonotary when the Conciliator's Report is filed.

In the event the matter is resolved prior to the date fixed for the filing of Conciliation Memorandums, a refund shall be due to the Plaintiff in the amount of \$65.00 if there have been no requests for rescheduling of the conference prior to that time. The refund shall be in the amount of \$50.00 if the conference has been rescheduled at the request of either party. The entire \$100.00 deposit shall be forfeited if the matter is resolved on the day the Conciliation Conference Memorandums are due or if it is resolved any day thereafter. In order for a refund to be distributed to the Plaintiff, a Petition shall be filed by the Plaintiff with the Court and an Order shall be entered thereto.

In the event the moving party is unable to pay the administrative fee, such party may apply for an Order to Proceed in Forma Pauperis. If the Court authorized in forma pauperis status, the administrative fee shall be paid by the County of Franklin.

In the event a party files a request for an additional Conciliation, the party shall pay an additional fee for such Conciliation Conference which must be paid prior to the scheduled conference.

(6) *Attendance*—All parties are mandated to be present and available at the Conciliation Conference. Failure of a party to appear at the conference may provide grounds for the entry of a temporary Order **by the Court upon the recommendation of the Conciliator.** Conciliation shall commence at the designated time with or without counsel for the parties being present.

(7) *Authority of Conciliator*—The Conciliator shall have the following authority and responsibility:

a. Conciliate custody cases which specifically includes meeting with the parties and children, if appropriate. **If a**

party desires the children to be present at the conciliation conference, he/she shall make said request of the Conciliator no later than seven days prior to the scheduled conference. The Conciliator shall determine the appropriateness of the request on a case-by-case factual basis after consultation with counsel for both parties or with a pro se party.

- b. Address the need for home studies, as appropriate.
- c. Address the issue of the utilization of expert witnesses, as appropriate.
- d. Recommend a resolution of the custody conflict which recommendation shall be included in the Summary Report and submitted to the Court for further action.

If the parties are not able to agree upon the need for home studies and/or the need for any other expert witness, either party may petition the Court pursuant to Pa. R.C.P. 1915.8 for the appointment of an expert and the payment of his or her fees.

(8) *Memorandum by Parties*—At least two days prior to the scheduled Conciliation Conference, [**each party shall present a Memorandum to**] the Conciliator **and counsel for the opposing party or the pro se party individually shall receive a Memorandum** addressing the following:

- a. Factual background including a brief history of the case.
- b. Names and ages of the children.
- c. A proposed Order for resolution of matters.
- d. Names and addresses of factual witnesses.
- e. Names and addresses of expert witnesses.
- f. Issues, both factual and legal, for resolution.
- g. Estimated length of trial.
- h. Whether a home study is requested.
- i. Whether the party will agree to a joint psychologist for evaluation or request psychological evaluations.

Failure to produce the information set forth in this Rule prior to trial may be grounds for excluding the evidence or witnesses at trial and for imposition of other sanctions. The parties are directed to supplement the Memorandum from time to time as new information becomes available.

(9) *Summary by Conciliator*—Following the conclusion of each conference and within three business days, the Conciliator shall prepare a Summary Report together with a proposed Order of Court for signature. **In the event the parties are unable to reach an agreement at the conciliation conference, the proposed Order of Court shall address only the need for home studies and the need for psychological evaluations. In the event the parties reach an agreement at the conciliation conference, the proposed Order of Court shall reflect the terms of the agreement and shall be submitted to the Court for entry of a final order in the matter.** Said Report and proposed Order shall be submitted in its original form along with two copies to the Prothonotary's Office for forwarding to the Court for its approval. Said Order of Court shall specifically designate the names of the parties and their addresses or in lieu thereof, the names and addresses of the parties' legal counsel, to which the conformed copies of the Order of Court shall be forwarded by the Prothonotary's Office.

If no final agreement has been achieved, a Summary Report and Proposed Order shall be submitted to the Court and filed of record. Copies of the Summary Report and Order of Court shall be provided to the parties and their legal counsel.

(10) *Record*—No record shall be made at the Conciliation Conference.

Rule 39-1915.3(c). Entry of Court Order. Upon review of the Conciliator's Summary, the Court may issue an Order addressing the appropriate issues. A copy of said Order of Court shall be furnished to legal counsel for the parties or in the event the party is unrepresented, to the party directly **according to the procedures outlined in 39-1915.3(b)(9).**

Rule 39-1915.3(d). Scheduling of Pre-Trial Conferences and Hearings. Upon the completion of home studies and psychological evaluations (if applicable) and at any time after the entry of the Order of Court approving the Conciliator's Summary, either party may present a Motion and proposed Order for scheduling a Pre-Trial Conference with the Court. (See Sample Form "C") Every effort shall be made by the Court Administrator to schedule a Pre-Trial Conference within thirty days of the submission of a Motion by either party requesting said conference taking into consideration the availability of the Court. Each party's presentation at the Pre-Trial Conference shall not exceed a time limit of fifteen minutes. At least two days prior to the scheduled Pre-Trial Conference, a Pre-Trial memorandum containing the following matters shall be filed of record:

- a. Statement of the case.
- b. Issues to be resolved.
- c. Stipulated issues and facts.
- d. Names and addresses of all factual witnesses.
- e. Names and addresses of all expert witnesses.
- f. Identification of exhibits for trial.
- g. Expected length of trial.

Failure to produce the information set forth in this Rule may be grounds for imposition of sanctions upon legal counsel or the party directly if appearing pro se.

At the scheduled Pre-Trial Conference, both counsel shall be present and the parties shall be personally **[available] present.** In the event that neither legal counsel nor a party appears, the Pre-Trial Conference shall be held in that **[parties'] party's** absence upon proof of service of the Order of Court for Pre-Trial Conference in accordance with the Pennsylvania Rules of Civil Procedure. Although the Court may not discuss the case with represented parties, they are directed to be present in the event issues arise where the parties' input may be beneficial.

In the event that an agreement is not reached at the Pre-Trial Conference, a hearing date shall be established by the Court Administrator at the conclusion of said conference.

[Pa.B. Doc. No. 96-1365. Filed for public inspection August 23, 1996, 9:00 a.m.]

FRANKLIN AND FULTON COUNTIES

Revision of Local Civil Action Rules 39-1920.51 and 39-1920.53; Miscellaneous Docket, Volume BB, Page 48

Order of Court

August 9, 1996, the following Civil Action Rules are amended for the Court of Common Pleas of the 39th Judicial District of Pennsylvania, both the Franklin and Fulton County Branches: 39-1920.51 and 39-1920.53, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JOHN R. WALKER,
President Judge

Rule 39-1920.51. Hearing by the Court. Appointment of Master. Notice of Hearing.

(a) When alimony pendente lite is an issue in divorce, it must be raised in the complaint or subsequent pleadings under Pa.R.C.P. 1920.12, 1920.13, 1920.14, 1920.15, et seq., and filed with the prothonotary.

(b) A hearing on the alimony pendente lite issue [**may be held at the election of the party requesting alimony pendente lite:**

(1) Before the standing master in divorce, following the procedures outlined at Local Rule 39-1920.53 et seq.; or,

(2) Before a hearing officer under Pa.R.C.P. 1910-11, appointed by the Court to hear alimony pendente lite matters, and employed by the Franklin County Domestic Relations Office.

(c) Where a party elects to request a hearing] shall be scheduled before a Domestic Relations hearing officer[, the party must file] upon the filing of a complaint for alimony pendente lite at the Domestic Relations Office which contains the following averment:

(1) The fact that a complaint in divorce has been filed with the prothonotary, the date of the filing and docket number assigned to the file.

(2) The fact that the issue of alimony pendente lite has been raised in the complaint or in a responsive or subsequent pleading and the date alimony pendente lite was raised.

(3) The fact that the fee of \$20.00, or any other such fee as may be in effect at that time, for the additional county of alimony pendente lite to the divorce file was paid to the prothonotary and the date such fee was docketed.

(4) Any substantive information required by the Domestic Relations Office.

[(d) Where a party elects (b)(2) herein, a] (c) A true and attested copy from the prothonotary's office of the complaint or other pleading in which alimony pendente lite was raised must be attached to the complaint for alimony pendente lite filed with the Domestic Relations Office.

Rule 39-12920.53. Hearing by Master. Report.

(a) When an action is at issue, either party may file a motion for the appointment of a master unless a jury trial has been ordered by the court pursuant to the Divorce Code as codified in 23 Pa.C.S.A. Section 3101 et seq.

(b) When a motion for the appointment of the standing master is filed, the moving party shall deposit a non-refundable sum of [**\$300.00**] **\$350.00** with the prothonotary. The prothonotary shall transmit said deposits as provided in 39-1920.3(b). The prothonotary shall notify the standing master of the filing of all motions for the appointment of the standing master only if the moving party has certified to the filing of his/her inventory and appraisal and/or income and expense statement, if appropriate, pursuant to Pa.R.C.P. 1920.31 and 1920.33.

(c) The standing master shall be appointed by the court to serve at will and shall serve in the Franklin and Fulton County Branches of the 39th Judicial District pursuant to the applicable Pennsylvania Rules of Civil Procedure and the applicable 39th Judicial District Civil Action Rules. The standing master shall be under the supervision of the court and shall not be permitted to practice law in areas relating to the domestic relations practice.

(d) The standing master shall hear claims for fault divorce, issues of a contested two-year separation divorce action, equitable distribution of property, alimony, alimony pendente lite, counsel fees and expenses. Claims addressing actions for support for children, custody, spousal support or paternity shall be referred to the court administrator for appropriate disposition.

(e) In the event of recusal by the standing master or unavailability of the standing master, the court may in its discretion appoint a temporary divorce master.

(f) Claims for interim relief, emergency relief, injunctive matters, and exclusive possession of the marital home[, **petitions for special discovery and sanctions**] shall be heard by the court. The court may in its discretion refer same to the standing master for appropriate disposition.

[(g) The standing master shall within ten (10) days of his/her appointment give written notice to each party or their counsel of his/her appointment. The standing master shall schedule a pre-trial conference within thirty (30) days of the date of his/her appointment and shall give each party fifteen (15) days written notice of the time and place of the conference.]

(g) Upon a party's failure to answer within the prescribed time period interrogatories filed as of course pursuant to Pa.R.C.P. 1920.22(b) and the related rules of civil procedure governing depositions and discovery, the aggrieved party may file with the standing master a petition and rule to show cause why the other party should not be found in contempt with the rule returnable on a date established by the standing master for hearing. Upon further non-compliance of a party with the order issued by the standing master following said hearing, the aggrieved party may file a petition with the standing master who shall list the matter for a contempt hearing with the court on the day and time regularly scheduled for support contempt hearings.

(h) Petitions for special discovery filed pursuant to Pa.R.C.P. 1920.22(a) shall be referred to the standing master who shall be vested with the authority to issue orders for compliance in connection with special discovery requests. Upon a party's failure to comply with the order of the standing master granting a request for special discovery, the

aggrieved party may file a petition with the standing master who shall list the matter for a contempt hearing with the court on the day and time regularly scheduled for support contempt hearings.

(i) Within ten (10) days of the standing master's receipt of his appointment with the accompanying certification by the moving party pursuant to Pa.R.C.P. 1920.74(a) that discovery is complete as to the claim(s) for which the appointment of the master is requested, the standing master shall give notice of his appointment to the parties. Said notice shall inform the non-moving party of his/her completion of discovery or, in alternative, his/her need for further discovery. The standing master shall have the power to issue as of course upon the request of the non-moving party an interim order providing up to sixty (60) days to complete discovery.

(j) Within thirty (30) days of certification by the non-moving party that discovery is complete or upon the expiration of the period of time granted by the standing master to complete discovery, the standing master shall schedule a pre-trial conference and shall give each party fifteen (15) days written notice of the time and place of the conference. The pre-trial statement required by Pa.R.C.P. 1920.33(b) shall be filed and delivered to the standing master seven (7) days before the pre-trial conference.

[h] (k) Counsel for the parties shall attend the standing master's conference, or if unrepresented, the party pro se. The standing master shall examine the pleadings to determine if appropriate jurisdiction lies with the standing master of the 39th Judicial District and shall determine whether the pleadings and inventories provide sufficient information to define the matters at issue. If the parties are unable to resolve the matter after conference with the standing master, the standing master shall forthwith schedule [a hearing] a settlement conference at the Master's discretion and a separate hearing. The parties and their legal counsel

shall attend the settlement conference, if scheduled.

[i] (l) Fifteen (15) days written notice of the time and place of the settlement conference and the taking of testimony at the hearing shall be given to counsel for the parties, or in the event a party is not represented by counsel, to the party directly, in the manner provided for in Pa.R.C.P. 1920.51. The standing master shall hear testimony on all issues properly before the standing master and shall file the record and a transcript of the testimony with a report and recommendation in the format set forth in Pa.R.C.P. 1920.53; and/or Pa.R.C.P. 1920.54. The standing master shall attach to the report a proposed order consistent with the recommendations. Notice of the filing of the report shall be made in conformity with Pa.R.C.P. 1920.55.

[j] (m) The standing master shall be compensated by an annual salary set by the court. The standing master shall annually report to the court on the income and expenses of the Standing Master Account.

[k] (n) The moving party shall arrange for and pay the stenographer's expenses, which expenses will be allocated between the parties by the master at the conclusion of the case. Court stenographers employed by the 39th Judicial District may be employed when available and shall be paid for the transcript of testimony only and not for a "sitting" fee.

[l] (o) In those extraordinary cases in which the taking of testimony exceeds one day of hearing, the master shall order each party to deposit with the prothonotary an additional \$300.00 per additional day of hearing in accordance with the master's directive and in advance.

[m] (p) Local Rule 39-1920.3 shall become effective October 1, 1993. Local Rule 39-1920.53 shall become effective October 1, 1993.

[Pa.B. Doc. No. 96-1366. Filed for public inspection August 23, 1996, 9:00 a.m.]