

# THE COURTS

## Title 255—LOCAL COURT RULES

### DAUPHIN COUNTY

Rules of Civil Procedure; No. 1793 S 1989

#### Order

And Now, this 18th day of October, 1996, Dauphin County Rules of Civil Procedure are amended as follows:

#### Rule 211. Argument Court.

##### A. MATTERS CONSIDERED

\* \* \* \* \*

(3) Preliminary objections to the existence or exercise of jurisdiction or venue in any action brought under the Domestic Relations Code (23 Pa.C.S.) shall be assigned to a judge for disposition in accordance with Dauphin County Local Rule of Civil Procedure 215.2.

#### Rule 215.1. Jury Trials.

\* \* \* \* \*

#### (2) OBJECTIONS AND MOTIONS FOR CONTINUANCE

(a)(i) At least three (3) weeks prior to the first day of the trial session any and all objections by a party to the listing of a case [listed in accordance with Rule 215.1(1)] must be [submitted to the Court Administrator, with a copy to each counsel of record.] presented in the form of a motion to strike. The motion shall contain a procedural history of the case and a detailed statement as to why the objection is being made. The motion must be filed with the Prothonotary, with copies served upon all other counsel and the Court Administrator's Office.

(ii) In cases which are otherwise ready for trial, a party shall move for a continuance pursuant to Pa.R.Civ.P. 216. Such motions will be heard by the Calendar Judge unless the case has been previously assigned to another member of the court.

(b) Objections [to the listing of a case] and motions for continuance submitted in accordance with Rule 215.1(2)(a) will be heard by the Calendar Judge, as provided for in Rule 215.1(5), on the Friday of the third week prior to the trial session.

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#### Rule 215.2. Non-Jury Trials and Other Proceedings.

(1) Non-jury proceedings include, but are not limited to, Non-Jury Civil Actions, Equity, Discovery Motions, Change of Name Petitions, Special Relief in Divorce Petitions, and Minor Settlement Petitions, [Appeal] Appeals from License Suspension, Exceptions to Divorce Master's Report, Tax Sale Exceptions, Preliminary Objections to Jurisdiction or Venue in Actions under the Domestic Relations Code, and Class Actions.

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#### Rule 1910.7. Question of Jurisdiction or Venue.

Preliminary objections to the existence or exercise of jurisdiction or venue in any support action

shall be assigned to a judge for disposition in accordance with Dauphin County Local Rule of Civil Procedure 215.2.

#### Rule 1915.5. Question of Jurisdiction or Venue. No Responsive Pleading Required. Counterclaim.

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(c) Preliminary objections to the existence or exercise of jurisdiction or venue in any custody action shall be assigned to a judge for disposition in accordance with Dauphin County Local Rule of Civil Procedure 215.2.

#### Rule 1920.2. Question of Jurisdiction or Venue.

Preliminary objections to the existence or exercise of jurisdiction or venue in any divorce action shall be assigned to a judge for disposition in accordance with Dauphin County Local Rule of Civil Procedure 215.2.

These amendments shall be effective 30 days after publication in the Pennsylvania Bulletin.

By the Court

CLARENCE C. MORRISON,  
President Judge

[Pa.B. Doc. No. 96-1831. Filed for public inspection November 1, 1996, 9:00 a.m.]

### WASHINGTON COUNTY

#### Local Rule L-4007: Admission of Persons to Bail; No.: 147 Misc. 1996

#### Order

And Now, this 7th day of October, 1996, It Is Hereby Ordered that Local Rule L-4006 be rescinded and that Local Rule L-4007 be adopted as follows:

This amendment shall become effective thirty days after publication in the Pennsylvania Bulletin.

THOMAS D. GLADDEN,  
President Judge

#### L-4007—Bail.

This Rule is intended to implement percentage cash bail as provided by Pa.R.Crim.P. 4007.

a. Bail by approved surety companies, cash, real estate, or bearer bonds, in accordance with Pa.R.Crim.P. 4007 shall remain as heretofore.

If the issuing authority who fines the amount of bond, Judge or District Justice, as the case may be, desires to render paragraph 2 hereof inoperative, he may do so by any language that makes it clear that the full face amount of the bond is to be posted. This of course may be done in any permissible mode: cash, the bond of a good reputable surety company, justification of surety with two owners of, sufficient real estate, bearer bonds, or an acceptable commercial bail bondsman.

b. In substitution for bail of the type specified in Paragraph 1, the issuing authority where he has jurisdiction, or the Court, as the case may be, after setting bail

in accordance with the criteria of Rule No. 4002, may admit such person to bail upon compliance with the following conditions:

1. The defendant shall execute an appearance bond in the full amount so determined, and

2. The defendant or any other person, a resident of the Commonwealth of Pennsylvania, shall deposit with the issuing authority or Clerk of Courts an amount in lawful currency of the United States equivalent to ten (10%) percent of the total amount of the appearance bond demanded, provided, however, that the defendant executes a written consent to the disposition of the amount so deposited.

i. In the event the defendant is found not guilty or the charges are dismissed, the amount so deposited shall be refunded to the defendant or other person making the deposit, less a service fee in the amount of \$50.00 for the use of the County of Washington.

ii. In the event the defendant is found guilty, the amount so deposited by the defendant shall be refunded to the defendant, after deduction of the costs of prosecution, the fine, restitution, if any, and a service fee of \$50.00 for the use of the County of Washington. If any other person deposits the bail and the defendant is found guilty, the amount so posted shall be refunded to the other person less the \$50.00 fee.

c. Where the defendant is released under the provision of Paragraph 2 of this rule, he shall keep the issuing authority, and after the case is held for Court, the District Attorney advised of any change of address. All notices of hearing, indictment, arraignment, or trial shall be sent to the defendant and to the person depositing bail. The mailing of notice to defendants' last known address shall constitute sufficient notice.

d. Forfeiture of bail shall be governed by Pa.R.Crim.P. 4016.

e. All service fees collected by any issuing authority in cases that are held for Court shall be transmitted to the Clerk of Courts by check with the papers being filed.

f. Whenever real estate is used as a surety for bail, the defendant or the party placing bail for the defendant shall file a certificate, under oath, which lists the real estate owned anywhere outside of the Commonwealth but within the United States by the person placing the bail. Such certification shall include:

1. A certified copy or the original deed for each tract of real estate being used as bail surety.

2. Attached to the certification shall be an appraisal of the fair market value of the real estate as certified by a licensed real estate broker in the county in which the real estate is located: or a document from the Tax Assessment Office listing owner(s) name and market value and appraised value.

3. A certification by an attorney who practices in the jurisdiction where the real estate is owned, or a certificate of a duly qualified/certified title searcher listing the encumbrances, mortgages, and liens against the real estate, and the unpaid balance of each encumbrance as of the date of the statement, at a minimum, from the date of the deed to the person(s) desiring to become surety.

4. Upon receipt of the above listed items, the Clerk will deduct any mortgages, judgments, or encumbrances from

the fair market value of the property, to determine if there is sufficient equity to post bail.

5. Upon approval and execution of the bail undertaking and prior to release from confinement of the defendant, the Clerk will notify the surety that a judgment will be placed in the Office of the Prothonotary, for the full face amount of the bail. The Clerk will further notify the surety that the bail and judgment will remain in full force and effect until the full and final disposition of the case, up to and including the appellate process.

6. At the full and final disposition of the case, the Clerk will notify the surety by regular mail that the matter has been resolved and that the judgment may be lifted upon payment of the appropriate fee to the Prothonotary of the county in which the judgment was placed.

[Pa.B. Doc. No. 96-1832. Filed for public inspection November 1, 1996, 9:00 a.m.]

## WESTMORELAND COUNTY

### Adoption of Rules W1910.10 and 1910.12 Governing Hearing Procedures

#### Order of Court

*And Now, to wit this 7th day of October, 1996, It Is Hereby Ordered, Adjudged, and Decreed that Westmoreland County Civil Rules W1910.10 and 1910.12 are adopted. Rule W1910.11 is repealed. The effective date of these changes is thirty (30) days after publication in the Pennsylvania Bulletin.*

*By the Court*

BERNARD F. SCHERER,  
*President Judge*

#### Rule W1910.10. Alternative Hearing Procedures.

Actions in support shall proceed under Rule W1910.12.

#### Rule W1910.12. Office Conference. Hearing. Record. Exceptions. Order.

(a) No request for further hearings will be accepted if an agreement is reached pursuant to Pa.R.C.P. No. 1910.12(a).

(b) A party wishing to confirm and preserve a scheduled *de novo* hearing before a hearing officer shall pay costs in the amount of \$50.00 to the domestic relations section within 10 days of the mailing of the interim order.

(c) The requesting party shall send a copy of the notice confirming or requesting a hearing before the hearing officer to the opposing counsel or, if unrepresented, to the opposing party.

(d) Upon filing of exceptions to the hearing officer's report, the moving party shall deposit \$50.00 with the domestic relations division toward the cost of transcript preparation.

(e) No request, confirmation, or costs for a hearing before the hearing officer will be accepted if not received by the domestic relations section within 10 days of the mailing of the interim order.

[Pa.B. Doc. No. 96-1833. Filed for public inspection November 1, 1996, 9:00 a.m.]

## WESTMORELAND COUNTY

**Adoption of Rules W4001, W6001.1 and W6001.2  
Governing Assessment Appeals****Order of Court**

*And Now, to wit this 3rd day of October, 1996, It Is Hereby Ordered, Adjudged, and Decreed that Westmoreland County Civil Rules W4001, W6001.1, and W6001.2 are adopted. Rule W209 is hereby re-numbered to W206 to conform with the Pennsylvania Supreme Court Rules of Civil Procedures. The effective date of these changes is thirty (30) days after publication in the Pennsylvania Bulletin.*

*By the Court*

BERNARD F. SCHERER,  
*President Judge*

**Rule W4001. Assessment Appeals Discovery.**

Discovery pursuant to the Pennsylvania Rules of Civil Procedure shall be permitted during an appeal filed in the Court of Common Pleas from a real estate assessment fixed by the Board of Assessment Appeals.

**Rule W6001.1. Assessment Appeals; Applicability of Rules of Civil Procedure.**

The Pennsylvania Rules of Civil Procedure shall be applicable to all assessment appeals filed in the Court of Common Pleas of Westmoreland County.

**Rule W6001.2. Board of Assessment Appeals; Petition and Proposed Decree.**

In all cases where an appeal is taken from a real estate assessment fixed by the Board of Assessment Appeals, the petition for allowance of appeal shall have attached to it a photocopy of the appealed-from order of the said Board and shall have attached to it a proposed preliminary decree which shall provide that:

(a) The appeal to court is permitted and the case is to proceed in conformity with the Pennsylvania Rules of Civil Procedure.

(b) Within 5 days from the date of the preliminary decree, the appellant shall serve, pursuant to the Rules of Civil Procedure governing service of original process, a copy of the petition and preliminary decree upon the said Board; upon the County, the municipality, and the school district in which the real estate is situate; and upon the property owner, if the owner is not the appellant.

[Pa.B. Doc. No. 96-1834. Filed for public inspection November 1, 1996, 9:00 a.m.]