

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 400]

Proposed Amendments Governing Service Upon Associations; Proposed Recommendation No. 149

The Civil Procedural Rules Committee proposes that Rules of Civil Procedure 423 and 424 governing service of original process on associations (partnerships, unincorporated associations, corporations and similar entities) be amended as set forth in this recommendation. The recommendation is being published to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

All communications in reference to the proposed recommendation should be sent not later than February 1, 1999 to: Harold K. Don, Jr., Esquire, Counsel, Civil Procedural Rules Committee, 5035 Ritter Road, Suite 700, Mechanicsburg, Pennsylvania 17055, Or E-Mail to civil.rules@supreme.court.state.pa.us

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

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 400. SERVICE OF ORIGINAL PROCESS

SERVICE UPON PARTICULAR PARTIES

Rule 423. Partnerships and Unincorporated Associations.

Service of original process upon a partnership and all partners named in the action or upon an unincorporated association shall be made upon any of the following persons provided the person served is not a plaintiff in the action:

(1) any partner, officer or registered agent of the partnership or association, or

(2) an agent authorized by the partnership or association in writing to receive service of process for it, or

(3) the manager, clerk or other person for the time being in charge of any regular place of business or activity of the partnership or association, or

(4) a person responsible for receiving visitors, or business mail or deliveries addressed to the partnership or association, at any office or regular place of business or activity of the partnership or association.

Rule 424. Corporations and Similar Entities.

Service of original process upon a corporation or similar entity shall be made by handing a copy to any of the following persons provided the person served is not a plaintiff in the action:

(1) an executive officer, partner or trustee of the corporation or similar entity, or

(2) the manager, clerk or other person for the time being in charge of any regular place of business or activity of the corporation or similar entity, or

(3) an agent authorized by the corporation or similar entity in writing to receive service of process for it, or

(4) a person responsible for receiving visitors, or business mail or deliveries addressed to the corporation, at any office or regular place of business or activity of the corporation.

Explanatory Comment

Rule 423 governing service of original process upon partnerships and unincorporated associations and Rule 424 governing service of original process upon corporations and similar entities provide, inter alia, a method of service whereby a copy of process may be handed to "the manager, clerk or other person for the time being in charge of any regular place of business or activity". It has been suggested, however, that a barrier of a receptionist or security guard often makes such service difficult to effect. To prevent a party to an action from avoiding service by interposing such a barrier, it is proposed that Rules 423 and 424 be amended by adding paragraph (4) to each rule, providing that service may be made upon "a person responsible for receiving visitors, or business mail or deliveries addressed to" the particular association, at any office or regular place of business of the association.

By the Civil Procedural Rules Committee

EDWIN L. KLETT,
Chairperson

[Pa.B. Doc. No. 98-1828. Filed for public inspection November 6, 1998, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CHS. 2120, 2150 AND 2170]

Proposed Amendments Governing Associations as Parties; Proposed Recommendation No. 150

The Civil Procedural Rules Committee proposes that Rules of Civil Procedure 2126, 2151, 2176 and 2179 governing associations as parties be amended as set forth in the recommendation. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

All communications in reference to the proposed recommendation should be sent not later than February 1, 1999 to: Harold K. Don, Jr., Esquire, Counsel, Civil Procedural Rules Committee, 5035 Ritter Road, Suite 700, Mechanicsburg, Pennsylvania 17055 or E-Mail to civil.rules@supreme.court.state.pa.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure nor will it be officially adopted or promulgated by the Court.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 2120. PARTNERSHIPS AS PARTIES

Rule 2126. Definitions.

As used in this chapter:

“action” means any civil action or proceeding at law or in equity brought in or appealed to any court which is subject to these rules;

“firm name” means any name, fictitious or otherwise, by which a partnership conducts business or is commonly known whether or not such name has been filed or registered;

“liquidator” means any person legally engaged in winding up the affairs of a dissolved partnership;

“partner” means only a general partner or a limited partner who has become subject to the liability of a general partner;

“partnership” means [**only**] a general or limited partnership, **whether it is also a registered limited liability partnership or electing partnership**, and does not mean a [**partnership association, registered partnership,] limited liability company**, unincorporated association, joint stock company or similar association.

CHAPTER 2150. UNINCORPORATED ASSOCIATIONS AS PARTIES

Rule 2151. Definitions.

As used in this chapter

“action” means any civil action or proceeding at law or in equity brought in or appealed to any court which is subject to these rules;

“association” means an unincorporated association conducting any business or engaging in any activity of any nature whether for profit or otherwise under a common name, but does not mean [**an incorporated association, general partnership, limited partnership, registered partnership, partnership association, joint stock company or similar association**] **a partnership as defined in Rule 2126 or a corporation or similar entity as defined in Rule 2176.**

CHAPTER 2170. CORPORATIONS AND SIMILAR ENTITIES AS PARTIES

Rule 2176. Definitions.

As used in this chapter

“action” means any civil action or proceeding at law or in equity brought in or appealed to any court which is subject to these rules;

“corporation or similar entity” includes any public, quasi-public or private corporation, insurance association or exchange, [**registered partnership, partnership association limited,] joint stock company or association, [“Massachusetts trust”,] limited liability company, professional association, business trust**, or any other association which is regarded as an entity distinct from the members composing the association, but does not include the Commonwealth of Pennsylvania, a county, city, borough, town, township, school district or institution district, or a partnership as defined in Rule 2126, or an unincorporated association as defined in Rule 2151;

“corporate name” means any name, real or fictitious, under which a corporation or similar entity was organized, or conducts business, whether or not such name has been filed or registered;

“**executive officer**” means a **chairman, president, vice-president, treasurer, secretary, general manager, or any like officer of a corporation or similar entity.**

“member” includes any shareholder in a corporation or similar entity[;

“**executive officer**” means a **chairman, president, vice-president, treasurer, secretary, general manager, or any like officer of a corporation or similar entity]**.

Official Note: The term “corporation or similar entity” as defined above includes all associations and business entities which are regarded as separate and distinct from their members. No attempt has been made to enumerate all the various classes of private corporations falling within the definition.

Rule 2179. Venue.

(a) Except as otherwise provided by an Act of Assembly or by subdivision (b) of this rule, a personal action against a corporation or similar entity may be brought in and only in

(1) the county where its registered office or principal place of business is located;

(2) a county where it regularly conducts business;

[**Official Note: See Rule 2198.]**

(3) the county where the cause of action arose; or

(4) a county where a transaction or occurrence took place out of which the cause of action arose.

(b) An action upon a policy of insurance against an insurance company, association or exchange, either incorporated or organized in Pennsylvania or doing business in this Commonwealth, may be brought

(1) in a county designated in Subdivision (a) of this rule; or

(2) in the county where the insured property is located; or

(3) in the county where the plaintiff resides, in actions upon policies of life, accident, health, disability, and live stock insurance or fraternal benefit certificates.

Explanatory Comment

Recommendation No. 150 proposes amendment of Rules 2126, 2151 and 2176 providing definitions governing associations as parties. The recommendation also proposes a technical amendment by deleting an obsolete note to Rule 2179, the venue rule governing corporations and similar entities.

Partnerships as Parties

The proposed revision to Rule 2176 defining the term “partnership” continues to provide that “partnership means a general or limited partnership” and adds new language: “whether it is also a registered limited liability partnership or electing partnership”. The reference to a registered limited liability partnership and an electing partnership is derived from Section 8311(b) of the Associations Code, “Partnership defined”.

The proposed revision excludes from the definition “limited liability company, unincorporated association,

joint stock company or similar association". The reference to a limited liability company is new and takes into account Act No. 126 of 1994 which added Chapter 89 relating to limited liability companies to Title 15 of the Consolidated Statutes, the Associations Code. However, the limited liability company is included in the proposed revision to the definition of "corporation or similar entity" found in Rule 2176.

As revised, the exclusionary language no longer contains the terms "partnership association and registered partnership". The latter term is presently found in all three of the definition rules. As stated in Goodrich-Amram 2d § 2176:3, a registered partnership "meant a limited liability partnership formed in compliance with the special Acts of Assembly, now repealed, relating to the formation of such partnerships."

Unincorporated Associations as Parties

The term "association" as used in Rule 2151 et seq. is not the broad term found in the title of the "Associations Code". Rather, it has the limited meaning as defined in Rule 2151. The basic definition continues unchanged: "an unincorporated association conducting any business or engaging in any activity of any nature whether for profit or otherwise under a common name. . . ." However, the definition excludes certain types of "associations" as used in the broader sense of that term. Whereas the present rule excludes from the definition "an incorporated association, general partnership, limited partnership, registered partnership, partnership association, joint stock company or similar association," the proposed revision simply states that "unincorporated association" does not include "a partnership as defined in Rule 2126 or a corporation or similar entity as defined in Rule 2176."

Corporation or Similar Entity

Rule 2176 is revised in two respects. First, the term "executive officer" is merely put in its rightful place alphabetically in the list of definitions but it is not otherwise changed. Second, the term "corporation or similar entity" is revised to include the terms "limited liability company, professional association and business trust".

The addition of "business trust" includes within the definition of corporation or similar entity a "trust subject to Chapter 95 (relating to business trusts)." The addition of "professional association" includes a professional association as defined in Section 9302 of the Associations Code, i.e., "a professional association organized under the Act of August 7, 1961 (P. L. 941, No. 416), known as the Professional Association Act. . . ."

The addition of a "limited liability company to the definition is in accord with the Source Note to Section 8906 of the Associations Code which states:

Notwithstanding the policy of Chapter 89 that a limited liability company is a form of partnership entity, for purposes of the Pennsylvania Rules of Civil Procedure a limited liability company will probably be deemed a "corporation or similar entity" under Pa.R.C.P. 2176, rather than a "partnership" under Pa.R.C.P. 2126 or an "association" under Pa.R.C.P. 2151.

Three types of associations have been deleted from the definition. The deletion of the term "registered partnership" was previously mentioned under the comment to Rule 2156. The reference to "Massachusetts Trust" has been deleted as obsolete. The term "partnership association limited" has been deleted as well. Goodrich-Amram

§ 2176:3 states that the term, "as used in these rules at the time of their adoption, meant a limited liability partnership association formed in compliance with the special Acts of Assembly, now repealed, relating to the formation of such associations."

By the Civil Procedural Rules Committee

EDWIN L. KLETT,
Chairperson

[Pa.B. Doc. No. 98-1829. Filed for public inspection November 6, 1998, 9:00 a.m.]

Title 25—LOCAL COURT RULES

BERKS COUNTY

Berks County Rule of Judicial Administration No. 5000.7; No. 98-8009

Order

And Now, this 7th day of August, 1998, Berks County Rule of Judicial Administration No. 5000.7 is hereby amended to read as set forth in the following form and made a part hereof, and said Rule as so amended is hereby approved, adopted and promulgated for use in the Court of Common Pleas of Berks County, Pennsylvania. Berks County Rule of Judicial Administration as herein amended shall apply to all transcripts requested on or after October 1, 1998. Berks County Rule of Judicial Administration No. 5000.7 as heretofore adopted shall remain in effect as to all transcripts requested on or before September 30, 1998.

The Prothonotary of Berks county of *Ordered and Directed* to do each of the following:

(1) Keep continually available for inspection and copying, copies of this Order and of Berks County Rule of Judicial Administration No. 5000.7 as herein approved, adopted and promulgated;

(2) Forward ten (10) certified copies of the Order and Rule as herein amended to the Administrative Office of Pennsylvania Courts for distribution in accordance with Pennsylvania Rule of Judicial Administration No. 103(c)(2).

Anything to the contrary hereinbefore set forth notwithstanding, this Order and Rule 5000.7 as amended and adopted herein shall not become effective unless, and until, the rates set forth therein are approved by the Supreme Court of Pennsylvania pursuant to Pennsylvania Rule of Judicial Administration 5000.7(f).

By the Court

SCOTT D. KELLER,
President Judge

Berks County Rule of Judicial Administration No. 5000.7. Fees for Transcripts.

(a) Where a person or entity other than the Commonwealth, or one of its political subdivisions, has requested a transcript:

(1) Any person or entity which obtains an order for a transcript shall pay to the clerk one-half the estimated cost for the transcript calculated at the rate of \$2.25 for each page of original transcript and shall pay the balance

upon completion of the transcript. The court reporter shall not be required to start the transcription until such advance payment has been made.

(2) Upon completion of the transcript, the court reporter shall lodge and file the original transcript of record and shall deliver one (1) complete and legible copy thereof:

(A) to the district attorney, if he is a party to the action or represents the Commonwealth in such action;

(B) to the county solicitor of Berks County, if he or she is party to the action or represents the County of Berks in such action;

(C) to the person or entity who ordered the transcript, if, but only if, such person or entity has paid the balance due for the transcript to the clerk in full, calculated at the rate of \$2.25 for each page of original transcript.

(3) Where the Commonwealth, or any political subdivision, requests a copy of the transcript, the court reporter shall provide the Commonwealth, or political subdivision thereof, with a complete and legible copy thereof without charge.

(4) Where any person or entity, other than the Commonwealth, or a political subdivision thereof, requests a copy of the transcript, such person or entity may purchase the same by paying the clerk \$1.00 for each page of complete and legible copy.

(5) The clerk shall pay the monies received for original transcript and for copies to the county promptly, and the county shall thereupon pay therefrom:

(A) to the court reporter, the sum of \$2.25 for each page of original transcript.

(B) to the court reporter, the sum of \$1.00 for each page of complete and legible copy.

(b) Where the Commonwealth or a subdivision thereof, including the County of Berks, is liable for the cost:

(1) The court reporter, upon receipt of the transcript order, shall immediately begin the transcription of his or her notes as directed by the transcript order.

(2) Upon completion of the transcript, the court reporter shall lodge and file the original transcript of record and shall deliver one (1) complete and legible copy to each of the following:

(A) to any party proceeding in forma pauperis;

(B) to the district attorney of Berks County, if said district attorney is a party to the action or is representing the Commonwealth in said action;

(C) to the county solicitor of Berks County, if the county solicitor is a party to the action or is representing the county in said action.

(D) If any person or entity, including but not limited to the Commonwealth, or any of its political subdivisions, desires a copy of the transcript, the court reporter shall provide such person or entity with a complete and legible copy of the same without charge.

(3) Upon completion of the transcript, the County of Berks shall pay to the court reporter, the sum of \$2.00 for each page of original transcript.

(c) Any judge of the court, the district attorney and county solicitor shall each be entitled to a copy of the transcript in any proceeding upon request without charge. In such case, the county shall be liable for the cost of

preparing the original transcript whenever no other person or entity is otherwise liable for the cost therefor.

(d) Nothing in this rule shall authorize delivery of a transcript, or copy thereof, in a proceeding where the record is impounded, to any person or entity not otherwise entitled to the same.

Comments: Rule 5000.2(h) of the Pa.R.J.A. provides that in any case where the court orders a transcript for its own use or where a copy thereof is for the use of a party entitled to proceed in forma pauperis, the county shall pay for the original and one copy of the transcript.

Berks County provides a computer-aided transcription system. For those court reporters who cannot use the system or who must transcribe notes not capable of being translated by the system, the county provides dictation equipment, typewriters, paper and supplies, and pays the typist directly.

[Pa.B. Doc. No. 98-1830. Filed for public inspection November 6, 1998, 9:00 a.m.]

BUCKS COUNTY

Order Amending Rule 266(b) and (e) Regarding Disposition of Motions, Rules, Etc.

And Now, this 13th day of October, 1998, Bucks County Rule of Civil Procedure No. 266(b) is hereby amended as follows:

Rule 266(b) Subject to the requirements of Pa.R.C.P. [209] No. 206.7 and Bucks County Rule of Civil Procedure [209*(c)] No. 206.7*(e), when the matter is at issue and ready for decision, the moving party on the application shall, by praecipe, order the same to be submitted for disposition pursuant to this rule. [Balance of section (b) remains unchanged.]

In addition, Bucks County Rule of Civil Procedure No. 266(e) is hereby amended as follows:

Rule 266(e) Subject to the requirements of Pa.R.C.P. [209] No. 206.7 and Bucks County Rule of Civil Procedure [209*(c)] No. 206.7*(e), any other party may by praecipe forward a matter to the Court for dismissal of the application at issue when the party who submitted it does not comply with the provisions of subsection (b) of this rule. Written notice of the intent to file under this subsection shall be given to the party whose application is at issue at least ten days prior to such submission, during which period of time the non-complying party shall have the opportunity to come into compliance with the requirements of subsection (b). An affidavit of service of such notice shall accompany the praecipe filed under this subsection. For the purpose of Pa.R.C.P. [209] No. 206.7 and Bucks County Rule of Civil Procedure [209*(c)] No. 206.7*(e), a party initiating action under this subsection shall be considered the [**moving party**] petitioner.

In addition, Bucks County Rule of Civil Procedure No. 209*(c) is hereby rescinded.

In addition, Bucks County Rule of Civil Procedure No. 206*(a) is hereby renumbered as Bucks County Rule of Civil Procedure No. 206.3*(a).

In addition, Bucks County Rules of Civil Procedure No. 208*(a), *(b) and *(c) are hereby renumbered as Bucks County Rules of Civil Procedure No. 206.7*(e), *(f) and *(g).

These amendments shall be effective thirty (30) days after the publication in the *Pennsylvania Bulletin*.

By the Court

ISAAC S. GARB,
President Judge

[Pa.B. Doc. No. 98-1831. Filed for public inspection November 6, 1998, 9:00 a.m.]

CARBON COUNTY

Amendment to Local Rule L1915.17 Pre-Hearing Conference and Consent Order and Local Rule L1920.51—Appointment of Master—Notice of Hearing; Civil Action No. 98-2114

Administrative Order No. 13-1998

And Now, this 21st day of October, 1998, it is hereby

Ordered and Decreed that, effective November 10, 1998, the Carbon County Court of Common Pleas hereby Amends Local Rule L1915.17 governing procedures for the Pre-Hearing Conferences in custody matters and Local Rule L1920.51 governing procedures for Master's of Hearings in divorce cases.

It is furthered Ordered and Decreed that seven (7) certified copies of this Administrative Order shall be filed with the Administrative Office of Pennsylvania Courts; two (2) certified copies shall be distributed to Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; and one (1) certified copy shall be filed with the Pennsylvania Civil Procedural Rules Committee.

By the Court

JOHN P. LAVELLE,
President Judge

Rule L1915.17. Pre-Hearing Conference and Consent Order.

(1) Upon the filing of any claim for custody, partial custody or modification of custody, the moving party shall deposit with the Prothonotary the sum of \$300.00 unless excused by the Court.

(2) A pre-hearing conference shall be scheduled before a hearing officer no sooner than ten (10) days after the

pleading under these rules commencing the action has been filed. All actions commenced under these rules shall be scheduled for conference.

(3) The pre-hearing conference shall be held to focus on issues of fact and law and to explore the possibility of a negotiated settlement and consent order.

(4) A continuance may be granted by the Court upon good cause shown to afford a party reasonable opportunity to obtain counsel and to prepare defense.

(5) If the parties are unable to agree, the Hearing Officer shall immediately contact the Court Calendar Officer for a hearing date, insert this date on a Hearing Notice, as set forth in "Form E", and deliver same forthwith to the parties, counsel, the Court Calendar Officer and file the original with the Prothonotary. The Hearing Officer shall prepare and forward to the Court, within 10 days, a recommended Interim Order which said officer believes is in the best interest of the child(ren) including the hearing date cleared through the Court Calendar Officer. The Interim Order shall also require the parties to file before the hearing with the Prothonotary's Office a Pre-Trial Memorandum which shall contain the following:

- (A) A clear concise statement of the principal custody issues to be resolved by the Court;
- (B) Principles of law to be applied;
- (C) List of witnesses to be called and exhibits;
- (D) Listing of any evidentiary disputes; and Legal Argument.
- (E) Proposed Findings of Fact
- (F) Proposed Custody Order

(6) Upon demand for a full hearing, the moving party shall be responsible to secure the services of an outside court reporter for said hearing and shall be responsible for the attendance of the reporter at the hearing and payment to said outside court reporter unless the Court places the payment responsibility on the other party.

(7) If the parties agree on a custodial arrangement, Two Hundred Dollars shall be refunded to the depositing party and a consent order shall be entered in substantially the following form as set forth in Form D:

"FORM E"

COURT OF COMMON PLEAS OF CARBON COUNTY
COMMONWEALTH OF PENNSYLVANIA
CIVIL ACTION—LAW

Plaintiff

VS.

Defendant

NO. _____

- Attorney for Plaintiff

- Attorney for Defendant

NOTICE OF HEARING

Since you have been unable to agree on a custody order, you are ordered to appear in person at the 1st floor Conference Room, Carbon County Courthouse, Jim Thorpe, Pennsylvania, on _____, 19____ at A.M./P.M., prevailing time, for a hearing. You are ordered to bring with you the child(ren) if they are presently in your custody. If you fail to appear as provided by this order or to bring the child an order for custody, partial custody or visitation may be entered against you or the court may issue an attachment for your attendance.

PLAINTIFF SHALL DEPOSIT THE SUM OF _____ WITH THE PROTHONOTARY OF CARBON COUNTY FOR PAYMENT OF COURT COSTS AND HEARING OFFICER FEES NO LATER THAN TEN (10) DAYS PRIOR TO DATE OF HEARING.

PLAINTIFF SHALL ALSO RETAIN THE SERVICES OF A QUALIFIED COURT STENOGRAPHER TO TRANSCRIBE THE TESTIMONY AT SAID HEARING.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LEGAL SERVICES OF NORTHEASTERN PENNSYLVANIA, INC.
122 IRON STREET
LEHIGHTON, PA 18235
(610-377-5400)

COUNSEL IS ATTACHED FOR THESE PROCEEDINGS.

Dated: _____, 19 _____

Esquire - Hearing Officer

I/We hereby acknowledge receipt of the Notice of Hearing.

Plaintiff

Defendant

Attorney for Plaintiff

Attorney for Defendant

Rule L1920.51. Appointment of Master—Notice of Hearing.

(1) In all cases where matters claimed by the parties under the Divorce Code of 1980 are in dispute and unresolved, either party may move for the appointment of a Regular Master by filing a motion with the Prothonotary, which motion shall be in the form prescribed by Pa.R.C.P. 1920.74.

(2) The motion requesting the appointment of a Master shall be filed in duplicate together with a deposit in the sum of Five Hundred (\$500.00) Dollars on account of estimated Master's fees and costs.

(3) Scheduling of the Pre-Hearing Conference shall be by the Court Calendar Officer and notice of the time and place of the Pre-Hearing Conference before the Master shall be given by a scheduling Court Order.

(4) Written notice of the final hearing in the form required by Pa.R.C.P. 1915.15(b) shall be given no less than twenty days prior to hearing to each attorney of record and/or the parties by the Master.

(5) The Rules of evidence shall govern the taking of testimony and the admission of exhibits, except that all material and relevant evidence which has substantial probative value may be received and evaluated notwithstanding technical objections to its admissibility.

(6) If the Master determines during the course of the proceedings that additional sums should be deposited for the payment of Master's fees, the Master shall request the parties to deposit such additional sums with the Prothonotary and shall allocate who shall be responsible for the depositing of said additional costs. In the event the parties object to the request of the Master, upon petition of the Master, the Judge shall hold a hearing thereon and issue an appropriate Order.

(7) Final hearings shall be stenographically recorded. The moving party shall be responsible to secure the

services of an outside Court reporter from a Court approved list of reporters for said hearing and shall be responsible for payment thereof to said outside court reporter unless the Court places the payment responsibility on the other party.

(8) The Prothonotary may pay the Master upon receipt of a bill unless the bill exceeds the amount on deposit.

[Pa.B. Doc. No. 98-1832. Filed for public inspection November 6, 1998, 9:00 a.m.]

FAYETTE COUNTY

Amended Local Rule 1915.15(d) Child Custody Conciliation Fee; Civil Division No. 1175 1998, G.D.

Order

And Now, this 29th day of July, 1998, pursuant to Rule 239 of the Rules of Civil Procedure, it is hereby ordered that the above-stated Local Rule be amended as follows.

The Prothonotary of Fayette County is *Ordered* and *Directed* as follows:

(1) File seven (7) certified copies of this Order and Amended Local Rule with the Administrative Office of Pennsylvania Courts.

(2) Forward two (2) certified copies of this Order and Amended Local Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) Forward one (1) certified copy of this Order and Amended Local Rule with the Domestic Relations Procedural Rules Committee.

(4) Forward one (1) copy for publication in the *Fayette Legal Journal*.

(5) Forward one (1) copy to the Fayette County Law Library.

This Amended Local Rule shall be continuously available for public inspection and copying in the Office of the Prothonotary. Upon payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person any local rule.

This Amended Local Rule shall be effective 30 days after the date of publication in the *Pennsylvania Bulletin*.

By the Court

WILLIAM J. FRANKS,
President Judge

Amended Rule 1915.15(d). Child Custody Conciliation Fee.

Upon the filing of a Complaint, Petition or Motion relating to child custody, the moving party shall pay to the Prothonotary (in addition to any other required fees) a non-refundable conciliation fee in the amount of Seventy-five Dollars (\$75.00) or file a petition to proceed in forma pauperis in accordance with Pa.R.C.P. No. 240. However, if the Complaint, Petition or Motion seeks only the entry of an agreed-upon Order of Child Custody, and/or does not request conciliation, no conciliation fee shall be required.

[Pa.B. Doc. No. 98-1833. Filed for public inspection November 6, 1998, 9:00 a.m.]

FAYETTE COUNTY

Local Rule 214: Pre-Trial Docket and Jury Trial Docket; Civil Division No. 1883 of 1998, G.D.

Order

And Now, this 29th day of September, 1998, pursuant to Rule 239 of the Rules of Civil Procedure, it is hereby

Ordered and Decreed the Fayette County Rule of Civil Procedure 214, subsection (k), is repealed and the new subsection (k) is hereby adopted as follows. This amendment shall be effective 30 days after the publication in the *Pennsylvania Bulletin*.

The Prothonotary of Fayette County is *Ordered and Directed* to do the following:

(1) File seven (7) certified copies of this Order and Amended Rule with the Administrative Office of Pennsylvania Courts.

(2) File two (2) certified copies of this Order and Amended Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) File one (1) certified copy of this Order and Amended Rule with the Pennsylvania Civil Rules Committee.

(4) Forward one (1) copy for publication in the *Fayette Legal Journal*.

(5) Forward one (1) copy to the Fayette County Law Library.

(6) Keep continuously available for public inspection copies of this Order and Rule.

By the Court

WILLIAM J. FRANKS,
President Judge

Rule 214. Pre-Trial Docket and Jury Trial Docket.

(k) Any case on the trial list that is called for trial during the session but not reached for trial shall, at the next session, receive priority.

[Pa.B. Doc. No. 98-1834. Filed for public inspection November 6, 1998, 9:00 a.m.]
