

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION [204 PA. CODE CH. 29]

Promulgation of Financial Regulation Pursuant to 42 Pa.C.S.A. § 3502(a); No. 221 Judicial Administration Doc. No. 1

Order

Per Curiam:

And now, this 26th day of June, 2000, it is *Ordered* pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S.A. § 3502(a), that the Court Administrator of Pennsylvania is authorized to promulgate the attached Financial Regulation. The fees outlined in the Financial Regulations are effective as of January 1, 2001.

To the extent that notice of proposed rulemaking may be required by Pa.R.J.A. 103, the immediate promulgation of the regulation is hereby found to be in the interests of efficient administration.

This Order is to be processed in accordance with Pa.R.J.A. 103(b) and is effective immediately.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

CHAPTER 29. MISCELLANEOUS PROVISIONS

Subchapter K. COSTS, FINES AND FEES

§ 29.401. Scope.

(a) The Pennsylvania Supreme Court, pursuant to Art. V, § 10 of the Pennsylvania Constitution, and 42 Pa.C.S.A. § 1721, has authorized the Court Administrator of Pennsylvania to promulgate regulations relating to the accounting methods to be utilized in connection with the collection of fees and costs charged and collected by prothonotaries, clerks of courts of all courts of common pleas and recorders of deeds, or by any officials designated to perform the functions thereof, as well as by the minor judiciary, including district justices, Philadelphia Municipal Court, Philadelphia Traffic Court and Pittsburgh Magistrates Court.

(b) Under authority of said Administrative Order and pursuant to the authority vested in the governing authority under Section 3502(a) of the Judicial Code, 42 Pa.C.S.A. § 3502(a), the following regulations are adopted to implement Act 167 of 1992, 15 Pa.C.S.A. § 153(a)(8)(vii), 42 Pa.C.S.A. §§ 1725.1(f) and 3571(c)(4) (as amended).

(a) *Civil cases.*—In calendar year 2001, the costs to be charged by district justices in every civil case, except as otherwise provided in this section, shall be as follows:

(1)	Actions involving \$500 or less	\$37.00
(2)	Actions involving more than \$500 but not more than \$2,000	\$49.00
(3)	Actions involving more than \$2,000 but not more than \$4,000	\$61.50
(4)	Actions involving more than \$4,000 but not more than \$8,000	\$92.00
(5)	Landlord-tenant actions involving less than \$2,000	\$55.00
(6)	Landlord-tenant actions involving more than \$2,000 but not more than \$4,000	\$67.50
(7)	Landlord-tenant actions involving more than \$4,000 but not more than \$8,000	\$92.00
(8)	Order of execution	\$27.50
(9)	Objection to levy	\$12.50
(10)	Reinstatement of complaint	\$6.50
(11)	Entering Transcript on Appeal or Certiorari	\$3.50

(b) *Criminal cases.*—In calendar year 2001, the costs to be charged by the minor judiciary or by the court of common pleas where appropriate in every criminal case, except as otherwise provided in this section, shall be as follows:

(1)	Summary conviction, except motor vehicle cases	\$35.00
(2)	Summary conviction, motor vehicle cases, other than paragraph (3)	\$27.50
(3)	Summary conviction, motor vehicle cases, hearing demanded	\$33.50
(4)	Misdemeanor	\$40.00
(5)	Felony	\$46.00

(c) *Unclassified costs or charges.*—In calendar year 2001, the costs to be charged by the minor judiciary in the following instances not readily classifiable shall be as follows:

(1)	Entering transcript of judgment from another member of the minor judiciary	\$6.50
(2)	Marrying each couple, making record thereof, and certificate to the parties	\$31.00
(3)	Granting emergency relief pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse)	\$12.50
(4)	Issuing a search warrant (except as provided in subsection (d))	\$12.50
(5)	Any other issuance not otherwise provided in this subsection	\$12.50

§ 29.403. Fines under 42 Pa.C.S.A. § 3571.

In calendar year 2001, Commonwealth portion of fines, etc.

* * * * *

(2) Amounts payable to the Commonwealth:

(i)	Summary conviction, except motor vehicle cases	\$12.24
(ii)	Summary conviction, motor vehicle cases other than subparagraph (iii)	\$12.24
(iii)	Summary conviction, motor vehicle cases, hearing demanded	\$12.24
(iv)	Misdemeanor	\$15.99
(v)	Felony	\$24.53
(vi)	Assumpsit or trespass involving:	
	(A) \$500 or less	\$15.41

* * * * *

(B) More than \$500 but not more than \$2,000	\$24.50
(C) More than \$2,000 but not more than \$4,000	\$36.90
(D) More than \$4,000 but not more than \$8,000	\$61.33
(vii) Landlord-tenant proceeding involving:	
(A) \$2,000 or less	\$24.44
(B) More than \$2,000 but not more than \$4,000	\$30.66
(C) More than \$4,000 but not more than \$8,000	\$42.93
(viii) Objection to levy	\$6.25
(ix) Order of execution	\$18.33
(x) Issuing a search warrant (except as provided in section 1725.1(d) (relating to costs)).....	\$8.75

(Editor's Note: Ellipses refer to the text of 42 Pa.C.S.A. § 3571.)

§ 29.404. Fee schedule under 15 Pa.C.S.A. § 153.

(a) *General rule.*—In calendar year 2001, the fees of the Corporation Bureau of the Department of State, including fees for the public acts and transactions of the Secretary of the Commonwealth administered through the bureau, and of county filing officers under Title 13 (relating to commercial code), shall be as follows:

* * * * *

(8) Uniform Commercial Code:	
(i) Financing statement—per debtor name:	
(A) Fee charged by Dept. of State	\$12.00
(B) Fee charged by County	\$59.00
Amount payable to Commonwealth .	\$44.25
Amount payable to county	\$14.75
(ii) Each ancillary transaction:	
(A) Fee charged by Dept. of State	\$12.00
(B) Fee charged by County	\$59.00
Amount payable to Commonwealth .	\$44.25
Amount payable to county	\$14.75
(iii) Search—per debtor name:	
(A) Fee charged by Dept. of State	\$12.00
(B) Fee charged by County	\$59.00
Amount payable to Commonwealth .	\$44.25
Amount payable to county	\$14.75
Additional fee for each financing statement found and for each statement of assignment reported therein:	
(A) Fee charged by Dept. of State	\$1.00
(B) Fee charged by County	\$5.00
Amount payable to Commonwealth .	\$3.75
Amount payable to county	\$1.25
For each financing statement or ancillary transaction not filed on standard forms approved by the Department of State, in addition to the fee provided above, there shall be charged a per filing fee of:	
(A) Fee charged by Dept. of State	\$28.00
(B) Fee charged by County	\$137.00
Amount payable to Commonwealth	\$102.75
Amount payable to county	\$34.25

(Editor's Note: Ellipses refer to the text of 15 Pa.C.S.A. § 153.)

[Pa.B. Doc. No. 00-1205. Filed for public inspection July 14, 2000, 9:00 a.m.]

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

[204 PA. CODE CH. 211]

Promulgation of Consumer Price Index Pursuant to 15 Pa.C.S.A. § 153(a)(8)(vii), 42 Pa.C.S.A. §§ 1725.1(f) and 3571(c)(4); No. 220 Judicial Administration Doc. No. 1

Order

Per Curiam:

And now, this 26th day of June, 2000, it is *Ordered* pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S.A. § 3502(a), that the Court Administrator of Pennsylvania is authorized to obtain and publish in the *Pennsylvania Bulletin* on or before November 30 the percentage increase in the Consumer Price Index for the immediately preceding calendar year as required by Act 167 of 1992, 15 Pa.C.S.A. § 153(a)(8)(vii), 42 Pa.C.S.A. §§ 1725.1(f) and 3571(c)(4) (as amended).

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

CHAPTER 211. CONSUMER PRICE INDEX

§ 211.1. Consumer Price Index.

(a) Pursuant to Article V, Section 10 of the Pennsylvania Constitution, and 42 Pa.C.S.A. § 1721, the Supreme Court has authorized the Court Administrator of Pennsylvania to obtain and publish in the *Pennsylvania Bulletin* on or before November 30 the percentage increase in the Consumer Price Index for the immediate preceding calendar year as required by Act 167 of 1992, 15 Pa.C.S.A. § 153(a)(8)(vii), 42 Pa.C.S.A. §§ 1725.1(f) and 3571(c)(4) (as amended). See, No. 220 Judicial Administrative Docket No. 1.

(b) The Court Administrator of Pennsylvania reports that the percentage increase in the Consumer Price Index, All Urban Consumers, U. S. City Average, for calendar year 1999, was 2.7% percent. (See, U. S. Department of Labor, Bureau of Labor Statistics, Series CUUROOOSAO, February 23, 2000.)

[Pa.B. Doc. No. 00-1206. Filed for public inspection July 14, 2000, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL [231 PA. CODE CH. 1000]

Proposed Amendment to Rule 1019(h) Governing Pleading; Proposed Recommendation No. 163

The Civil Procedural Rules Committee is proposing the amendment of Rule of Civil Procedure 1019(h) governing pleading of a claim or defense based upon a writing. 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 September 8, 2000 to:

Harold K. Don, Jr., 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 and it will not be officially adopted or promulgated by the Court.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1000. ACTIONS AT LAW

PLEADINGS

Rule 1019. Contents of Pleadings. General and Specific Averments.

* * * * *

(h) (1) [A pleading shall state specifically whether any claim or defense set forth therein is based upon a writing.] When any claim or defense arises from an agreement, the pleading shall state specifically whether the agreement is oral or written.

(2) [If so] When any claim or defense is based upon a writing, the pleader shall attach a copy of the writing, or the material part thereof, but if the writing or copy is not accessible to the pleader, it is sufficient so to state, together with the reason, and to set forth the substance of the writing.

Explanatory Comment

The Civil Procedural Rules Committee is proposing that Rule 1019 be amended by revising subdivision (h) governing the pleading of a writing. The two sentences of the present subdivision are designated as paragraphs (1) and (2). By the proposed amendment, paragraph (1) is made specifically applicable to a claim or defense based upon an

agreement. The pleading must "state whether the agreement is oral or written."

By the Civil Procedural Rules Committee

REA BOYLAN THOMAS,
Chair

[Pa.B. Doc. No. 00-1207. Filed for public inspection July 14, 2000, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Procedure for Requesting Judicial Discharges of Dependency Cases under DHS Commit

On occasion, situations arise prior to a next court date wherein Counsel for any party or Social Worker within the Department of Human Services (DHS) learns of a major change with regard to a juvenile which he/she feels requires the immediate discharge of a DHS commit. If it is a DHS Social Worker he/she documents the facts in the case and immediately takes this information directly to a City Solicitor or, if unavailable, a Representative of the DHS Court Unit. If it is presented to a Representative of the DHS Court Unit first, it is taken directly by that Representative to the City Solicitor for presentation of the problem.

After hearing the information presented by the attorney, private party, DHS Social Worker or Representative of the DHS Court Unit, either attorney may make the determination as to whether to prepare an Order and Stipulation for Discharge of the DHS Commitment (With or Without Supervision) for presentation to the Judge.

Once the Order for Discharge of the DHS Commitment (With or Without Supervision) is drawn up, the attorney who prepares the Order will notify and acquire the signatures on the Order for Discharge of the DHS Commitment (With or Without Supervision) of all parties stipulating to the agreement prior to presenting the Order to the Judge. Any party stipulating to the agreement may designate counsel to sign his/her signature on the agreement. In this case, the Counsel is to sign his/her clients name then apply his/her initials directly following the signature of the party designating his/her approval. If any party does not Stipulate to the Agreement, Counsel may submit a Motion for relisting as soon as possible to Dependent Court Operations.

Upon completion of obtaining all the signatures necessary for Stipulation to the above Order, the attorney who prepared the Order will walk the Order for Discharge of the DHS Commitment (With or Without Supervision) into the assigned Judge's Courtroom for presentation of the problem to the assigned Judge for consideration.

If the Judge agrees and signs the *Order to Discharge the DHS Commitment (Without Supervision)*, Counsel will take the Order immediately to Dependent Court Operations (DCO) and time/date stamp the Order. The Order will then be presented to the DCO Clerk assigned to that specific Courtroom or his/her Supervisor, who will pull the Juvenile's petition, enter the Order for *Discharge of*

the *DHS Commitment/Discharge DHS Petition* into the juvenile's petition, update the computer, and archive the petition.

If the Order is for *Discharge of the DHS Commitment With Supervision* Counsel will take the Order immediately to Dependent Court Operations (DCO) and time/date stamp the Order. The Order will then be presented to the DCO Clerk assigned to that specific Courtroom or his/her Supervisor who will pull the Juvenile's petition, enter the Order Discharging the DHS Commitment with DHS to Supervise, update the computer, and file the petition back in the date given for review by the Judge at the last hearing.

Prior to archival or filing in the next court date, the Dependent Court Operations (DCO) Clerk or his/her Supervisor will also copy and distribute the Order for Discharge of the DHS Commitment to all parties Stipulating to the Agreement.

This protocol for Discharge of Commitment to the Department of Human Services (With or Without Supervision) is effective as of July 3, 2000.

PAUL P. PANEPINTO,
Administrative Judge

[Pa.B. Doc. No. 00-1208. Filed for public inspection July 14, 2000, 9:00 a.m.]

Title 25—LOCAL COURT RULES CARBON COUNTY

**Magisterial District 56-3-01 and Magisterial District
56-3-03; No. 00-0351**

Amended Administrative Order No. 5-2000

And Now, this 28th day of June, 2000, in order to promote the efficiency of case dispositions in Magisterial District 56-3-01 and more equitably distribute the caseload in the Magisterial Districts 56-3-01 and 56-3-03 and pursuant to Rule 21(d) of the Pennsylvania Rules of Criminal Procedure, it is hereby

Ordered and Decreed, that effective July 1, 2000, the Court temporarily assigns the following classes of cases arising within the District Justice jurisdiction of Mahoning Township—Traffic, Non-Traffic Summaries, and Private Criminal—to Magisterial District 56-3-03 until further Order of this Court, but only on condition that the District Justice of Magisterial District 56-3-03 waive any right to additional compensation under 42 Pa.C.S.A., Section 4122, or otherwise.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.

4. File one (1) certified copy with the Pennsylvania Criminal Procedural Rules Committee.

5. Forward one (1) copy for publication in the Carbon County Law Journal.

6. Forward one (1) copy to the Carbon County Law Library.

7. Keep continuously available for public inspection copies of the Order in the Prothonotary's Office and Clerk of Courts' Office.

By The Court

JOHN P. LAVELLE,
President Judge

[Pa.B. Doc. No. 00-1209. Filed for public inspection July 14, 2000, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated June 28, 2000, Robert Paul Ellentuck has been disbarred on consent from the Bar of this Commonwealth, to be effective July 28, 2000. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 00-1210. Filed for public inspection July 14, 2000, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that Robert John Sheridan, having been suspended for an indefinite period of time but not less than one year from the practice of law in the State of Maryland by Order of the Court of Appeals of Maryland dated December 10, 1999, the Supreme Court of Pennsylvania issued an Order dated June 28, 2000 suspending Robert John Sheridan for an indefinite period of time with leave to apply for reinstatement no earlier than one year from the effective date of this order. In accordance with the Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 00-1211. Filed for public inspection July 14, 2000, 9:00 a.m.]