

# THE COURTS

## Title 255—LOCAL COURT RULES

### WESTMORELAND COUNTY

#### Rules W1270, W1272, and W1274; Issuance of Short Certificate After an Estate is Closed; No. 3 of 2000

##### Administrative Order

*And Now* this 31st day of August, 2000, it is hereby ordered that Westmoreland County Rules of Civil Procedure W1272 and W1274 are adopted. Westmoreland County Rule of Civil Procedure W270 is renumbered as W1270.

*By the Court*

CHARLES H. LOUGHRAN,  
*President Judge*

#### Rule W1272. Appeals of Proceedings under the Eminent Domain Code.

Upon the filing of an appeal to the Court under 26 P. S. Section 1-516, where there are objections other than to the amount of the award raised by the appeal, the Court upon motion of any party shall set a date for a hearing, a briefing schedule, and a date for oral argument for preliminary disposition of the appeal in accordance with 26 P. S. 1-517. This provision shall pertain to all proceedings under the Eminent Domain Code and to proceedings in which the procedure provided under the Eminent Domain Code applies.

#### Rule W1274. Land Use Appeals.

(a) Upon the filing of a land use appeal, the Prothonotary shall send to the governing body, zoning hearing

board or agency whose decision has been appealed, by registered or certified mail, the copy of the land use appeal notice, together with a writ of certiorari commanding said governing body, zoning hearing board, or agency, within twenty (20) days after receipt thereof, to certify to the court its entire record in the matter in which the land use appeal has been taken or a true and complete copy thereof, including but not limited to:

- (1) transcripts of all testimony received at the hearing;
- (2) all exhibits received at the hearing;
- (3) the finding of fact and conclusions of law;
- (4) notice of the decision.

(b) In addition to the foregoing, the solicitor of the governing body, zoning hearing board, or agency whose decision has been appealed shall provide the court with a certified copy of the zoning or land development ordinance pertaining to the appeal.

(c) Upon filing of the complete record, the solicitor of the governing body, zoning hearing board or agency whose decision has been appealed shall provide a written notice to the assigned judge, the parties or the counsel for the parties, and shall file a certificate with the prothonotary that the complete record had been filed.

(d) Since in most cases the court will decide the appeal on the existing record, any party after the record has been filed may present to the assigned judge, with notice to all other parties, a proposed order setting a briefing schedule and a date for oral argument.

[Pa.B. Doc. No. 00-1629. Filed for public inspection September 22, 2000, 9:00 a.m.]