

THE COURTS

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CHS. 200, 300—500 AND 800]

Order Amending Rules 202, 307, 403—405, 506, 508, 516 and 811 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices; No. 127; Magisterial Doc. No. 1; Book No. 2

Order

Per Curiam:

Now, this 16th day of July, 2001, upon the recommendation of the Minor Court Rules Committee; the proposal having been published before adoption at 29 Pa.B. 6331 (December 18, 1999), and a Final Report to be published with this *Order*:

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 202, 307, 403, 404, 405, 506, 508, 516, and 811 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective August 1, 2001.

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 200. RULES OF CONSTRUCTION; GENERAL PROVISIONS

Rule 202. Definitions.

As used in these rules:

* * * * *

(3) Constable—[**Includes a**] Means a certified constable or a certified deputy constable.

* * * * *

Official Note

Justices of the peace are now statutorily known as "district justices." [**See the Judicial Code, § 102,] See 42 Pa.C.S. § 102[, and § 3(d) of the Judiciary Act Repealer Act, Act of April 28, 1978, P. L. 202, No. 53,] and 42 P. S. § 20003(d). As to [their] district justices' civil jurisdiction, [see the Judicial Code, § 1515(a),] see 42 Pa.C.S. § 1515(a) [, as amended by § 10(18) of the Judiciary Act Repealer Act, Act of April 28, 1978, P. L. 202, No. 53]. [A definition] The definitions of "sheriff" and "constable" [has been included which will] include their deputies. As to deputy sheriffs, [see Act of August 9, 1955, P. L. 323, § 1202, 16 P. S. § 1202; Act of July 28, 1953, P. L. 723, Art. XII, § 1202, 16 P. S. 4202] see 16 P. S. §§ 1202 and 4202. As to deputy constables, [see Act of June 19,**

1913, P. L. 534, § 1, 13 P. S. § 21; Act of April 15, 1834, P. L. 537, § 113 and Act of June 8, 1907, P. L. 465, § 1, 13 P. S. § 22; Act of April 15, 1834, P. L. 537, § 114, 13 P. S. § 23] see 13 P. S. §§ 21—23. As to certification of constables and deputy constables, see 42 Pa.C.S. § 2942.

Amended April 25, 1979, effective in 30 days, June 30, 1982, effective 30 days after July 17, 1982; amended effective Dec. 1, 1983; amended July 16, 2001, effective August 1, 2001.

CHAPTER 300. CIVIL ACTION.

Rule 307. Service of the Complaint.

Service shall be made at least ten [(10)] days before the hearing, in the following manner.

(1) A copy of the complaint for each defendant shall be delivered by the district justice for service to the sheriff of, or any **certified** constable in, the county in which the magisterial district of the district justice is situated. **If this service is not available to the district justice, service may be made by any certified constable of the Commonwealth.** If the complaint is delivered for service to the sheriff and service is to be made in a county other than the one in which the magisterial district of the district justice is situated, the sheriff shall deputize the sheriff of the county in which service is to be made. A **certified** constable may serve the complaint anywhere in the Commonwealth.

(2) If service is to be made in a county other than the one in which [**his**] the **district justice's** magisterial district is situated, the district justice, instead of acting in accordance with **subdivision** (1), [**above,**] may:

(a) send the copy of the complaint for service to a district justice in the county in which service is to be made who shall deliver it for service to the sheriff of, or any **certified** constable in, that county [, or] . **If this service is not available to the district justice, service may be made by any certified constable of the Commonwealth, or**

* * * * *

Official Note

This rule provides a number of alternative methods of serving the complaint. Subdivision (1) permits a **certified** constable to serve the complaint anywhere in the Commonwealth and authorizes deputized service by sheriffs. [**Subdivision**] **Subparagraph** (2)(a) permits service out of the county through district justices in the county in which service is to be made, a method of service which might be preferable to service under subdivision (1) by a **certified** constable of the county where the complaint was filed when that county is a considerable distance from the county of service. [**Subdivision**] **Subparagraph** (2)(b) provides for service in Philadelphia by writ servers of the Philadelphia Municipal Court or by the sheriff of Philadelphia, although service may still be made in accordance with subdivision (1) if the district justice so desires. Subdivision (3) makes service by mail, when permitted, at the option of the plaintiff. This was done because service by mail will ordinarily reduce costs.

Amended effective Feb. 1, 1973; amended Jan. 29, 1976, effective in 30 days; April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; **amended July 16, 2001, effective August 1, 2001.**

CHAPTER 400. EXECUTION OF JUDGEMENTS FOR THE PAYMENT OF MONEY

Rule 403. Issuance and Reissuance of Order of Execution.

A. Upon the filing of the request form, the district justice shall note on the form the time and date of its filing and shall issue the order of execution thereon. The district justice shall deliver the order of execution for service and execution to the sheriff of, or any **certified constable** in, the county in which the office of the district justice issuing the order is situated. **If this service is not available to the district justice, service may be made by any certified constable of the Commonwealth.**

B. Upon written request by the plaintiff, an order of execution may be reissued at any time and any number of times except that any request for reissuance must be filed within five **[(5)]** years from the date of the judgment.

Official Note

Under subdivision A, the order may be executed by the sheriff of the county in which the office of the issuing district justice is situated, as well as by any **certified constable** in that county.

* * * * *

Amended Jan. 29, 1976, effective in 30 days; amended effective March 24, 1977; April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; March 27, 1992, effective June 25, 1992 **[The March 27, 1992, Order provided in part: "In promulgating this Order, the Court recognizes that the District Justice Automation Project will be affected by said Rule changes and that, therefore, those Rules which affect the Project will become effective as the District Justice offices are brought on-line"]; amended July 16, 2001, effective August 1, 2001.**

Rule 404. Notation of Time of Receipt.

The sheriff or **certified constable** receiving the order shall note upon the form the date and time that **[(he received)]** it was received.

Official Note

* * * * *

Amended July 16, 2001, effective August 1, 2001.

Rule 405. Service of Order of Execution.

A. **[Service of the order of execution shall be made by the sheriff or constable by levy within sixty (60) days of the issuance or reissuance of the order.] Service of the order of execution shall be made by the sheriff of, or any certified constable in, the county in which the office of the district justice is situated by levy within 60 days of the issuance or reissuance of the order. If this service is not available to the district justice, service may be made by any certified constable of the Commonwealth.**

B. At the time of the levy, the officer executing the order of execution shall give the defendant a copy of the order or leave it at the place of levy, but if the place of

levy is not the defendant's residence or usual place of business and **[(he)] the defendant** has not been given a copy of the order the copy shall be mailed to **[(his)] the last known address of the defendant.** If the levy is made upon property of the defendant in the possession of another person, a copy of the order shall similarly be made available to that person as well as to the defendant.

Official Note

The **[(sixty)] 60** day limitation in subdivision A was considered to allow the executing officer sufficient time in which to make **[(his)] the** levy. The executing officer may make as many levies as necessary within the **[(sixty)] 60** day limitation under an order of execution.

Amended effective March 24, 1977; amended April 25, 1979, effective in 30 days; **amended July 16, 2001, effective August 1, 2001.**

CHAPTER 500. ACTIONS FOR THE RECOVERY OF POSSESSION OF REAL PROPERTY

Rule 506. Service of Complaint

A. The district justice shall serve the complaint by mailing a copy of it to the defendant by first class mail and by delivering a copy of it for service to the sheriff of, or any **certified constable** in, the county in which the office of the district justice is situated. **If this service is not available to the district justice, service may be made by any certified constable of the Commonwealth.** The officer receiving the copy shall serve it by handing it to the defendant or to an adult person in charge for the time being of the premises possession of which is sought to be recovered or, if none of the above is found, by posting it conspicuously on those premises.

B. The copy shall be served at least five **[(5)]** days before the hearing.

Official Note

* * * * *

Amended effective July 8, 1975; amended Oct. 17, 1975, effective in 90 days; Jan. 29, 1976, effective in 30 days; April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; **amended July 16, 2001, effective August 1, 2001.**

Rule 508. Claim by Defendant.

A. At any time before the hearing, the defendant **[(, by filing his own complaint)] may file a cross-complaint** on the form prescribed for **[(trespass and assumpsit)] civil complaints, [(may assert in the case)] asserting** any claim against the plaintiff which arises out of the occupancy of the premises and which is within the jurisdiction of the district justice.

B. If the defendant files such a cross-complaint, the district justice shall set a time and date for the hearing of both complaints together, which shall not be less than **[(seven (7))] 7** or more than **[(fifteen (15))] 15** days from the filing of the defendant's complaint.

C. The defendant's cross-complaint shall be served on the plaintiff at least five **[(5)]** days before the hearing. At the option of the defendant, the district justice shall serve the cross-complaint by mailing a copy of it to the plaintiff. If the defendant does not request service by mail, the district justice shall deliver a copy of the cross-complaint for service to the sheriff of, or any

certified constable in, the county in which the office of the district justice is located. **If this service is not available to the district justice, service may be made by any certified constable of the Commonwealth.** The officer receiving the copy shall serve it by handing it to the plaintiff or to an adult person in charge for the time being of the plaintiff's residence or usual place of business.

Official Note

As to subdivision A of this rule, [see the second paragraph of the note to] see the Note to Rule 504. [See also the Judicial Code, § 1515(a)(3), 42 Pa.C.S. § 1515(a)(3), as amended by § 10(18) of the Judiciary Act Repealer Act, Act of April 28, 1978, P. L. 202, No. 53,] See also 42 Pa.C.S. § 1515(a)(3), as to waiver of jurisdictional limits, the defendant filing a cross-complaint being considered a "plaintiff" as to the cross-complaint within the meaning of this statute.

* * * * *

Amended Oct. 17, 1975, effective in 90 days; Jan. 29, 1976, effective in 30 days; April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; **amended July 16, 2001, effective August 1, 2001.**

Rule 516. Issuance of Order for Possession.

Upon the filing of the request form, the district justice shall issue the order for possession and shall deliver it for service and execution to the sheriff of, or any **certified constable in, the county in which the office of the district justice is situated. If this service is not available to the district justice, service may be made by any certified constable of the Commonwealth.** The order shall direct the officer executing it to deliver actual possession of the real property to the plaintiff.

Official Note

* * * * *

Amended June 30, 1982, effective 30 days after July 17, 1982; **amended July 16, 2001, effective August 1, 2001.**

CHAPTER 800. MINORS AND INCOMPETENTS AS PARTIES

Rule 811. Service of the Complaint.

Service of the complaint upon a defendant who is an incompetent, or of a cross-complaint upon a plaintiff who is an incompetent, shall be upon his guardian. **This service shall be made in accordance with Rule 307.**

Official Note

Service is required to be upon the guardian. These rules generally assume the existence of a guardian whose identity is known. Compare Pa.R.C.P. No. [2055(a)] 421.

Adopted June 1, 1971; **amended July 16, 2001, effective August 1, 2001.**

[Pa.B. Doc. No. 01-1374. Filed for public inspection July 27, 2001, 9:00 a.m.]

Title 249— PHILADELPHIA RULES

PHILADELPHIA COUNTY

Procedure for Sale of Motor Vehicles Impounded for Nonpayment of Fines under 75 Pa.C.S. § 6309.1; Joint General Court Regulation; Court of Common Pleas and Traffic Court No. 97-3

Order

And Now, this 12th day of July, 2001, *It Is Hereby Ordered, Adjudged and Decreed* that Joint General Court Regulation No. 97-3 issued on October 23, 1997 is *Vacated* effective immediately.

By the Court

FREDERICA A. MASSIAH-JACKSON
President Judge,
Court of Common Pleas
FORTUNATO N. PERRI,
Administrative Judge,
Traffic Court

The Motor Vehicle Code authorizes the impoundment and sale of motor vehicles under certain specified situations pursuant to 75 Pa.C.S. §§ 6309 and 6309.1. This Joint General Court Regulation sets forth the procedure to be followed in implementing Sections 6309 and 6309.1, so as to clarify the rights and responsibilities of the various parties involved in the impoundment process which may lead to the sale of the impounded motor vehicle and the transfer of title to same.

1. *Motor Vehicles Eligible for Impoundment.* A motor vehicle may be impounded if the defendant has outstanding or unpaid Traffic Court fines in excess of \$250.00 upon conviction or entry of a plea of guilty or nolo contendere for:

(a) if the vehicle has a gross vehicle weight rating of 17,001 pounds or more any of the offenses set forth in 75 Pa.C.S. § 6309(a); or

(b) (a) if the vehicle has a gross vehicle weight rating of 17,000 pounds or less any of the offenses set forth in 75 Pa.C.S. § 6309.1(b).

2. *Prerequisites to Impoundment.* A motor vehicle may not be impounded for a 24 hour period after the conviction or entry of a plea of guilty or nolo contendere to enable the defendant to pay, or to make arrangements to pay, the fines and costs of prosecution. During that 24 hour period the motor vehicle may be rendered temporarily inoperable and transferred to a secure location for safe keeping.

3. *Designation of Enforcement Officer.* The Traffic Court, as the issuing authority, may, from time to time, designate "appropriate law enforcement officers" or "impoundment officials" to undertake the impoundment of qualified motor vehicles and notification as authorized by 75 Pa.C.S. §§ 6309 and/or 6309.1, and as specifically provided in this Joint General Court Regulation.

4. *Impoundment.* Upon expiration of the 24 hour period as set forth above, if the fines and costs are not paid or satisfactory arrangements have not been made to pay same the Traffic Court shall notify the appropriate law enforcement officers or impoundment officials to impound the vehicle and store same at an appropriate location.

5. *Notice of Impoundment.* The appropriate law enforcement officers or impoundment officials shall notify the defendant, the owner of the vehicle or combination, any lienholder and, if applicable, the owner of the load, that the motor vehicle has been impounded pursuant to 75 Pa.C.S. §§ 6309 and/or 6309.1 and of their right to reclaim the said motor vehicle and its contents by paying the outstanding fines and other applicable costs. The notice shall be in the form set forth as Exhibit "A". Notice shall be sent by regular mail with a Certificate of Mailing and also by certified mail, return receipt requested. Notice shall be deemed to have been provided upon the mailing of the letters. The Traffic Court shall give a similar notice, which shall be substantially as set forth hereunder as Exhibit "B"; provided, however, that the said notice may be sent together with the notice sent by the appropriate law enforcement officers or impoundment officials designated by the Traffic Court.

6. *Filing of Petition.* A Civil Cover Sheet, Petition and Motion Court Cover Sheet shall be filed with the Prothonotary of the Court of Common Pleas setting forth, inter alia, that prior to impounding the motor vehicle, the defendant was given 24 hours to make arrangements for payment of the underlying fines, setting forth the efforts made to notify the owners, and lienholders, of record, and that the outstanding fines and costs have not been paid. Attached to the Petition shall be copies of the notices sent to the appropriate parties, the Certificates of Mailing and, if returned, the Certified Return Receipts. Upon review of the Petition, the President Judge of the Court of Common Pleas, or her designee, may enter an Order authorizing the appropriate law enforcement officers or impoundment officials to sell at public auction the motor vehicles described in the said Petition. The Order shall be substantially in the form set forth hereunder as Exhibit "C".

7. *Notice of Auction Date and Rights of Owners and Lienholders of Record Pending Auction.* Notice of the auction dates shall be set forth in the notice to the owners as provided in Section 5 above. Notice of the public auction shall also be provided by publication at least five (5) days before the auction in either *The Philadelphia Inquirer* or *The Philadelphia Daily News*, or as otherwise directed by the Court. At any time prior to the auction date, any owner, or lienholder, may obtain the release of the motor vehicle upon the payment of the fines, fees and costs as set forth in the notice and as may be incurred thereafter. In the event a vehicle scheduled to be auctioned on a specific date is not auctioned on that date, the said vehicle may be auctioned on a subsequent date provided, however, that the appropriate law enforcement officers or impoundment officials shall, in reschedul-

ing the auction date, provide notices substantially as set forth in Sections 5 and 7, and shall otherwise comply with the within Joint General Court Regulation.

8. *List of Successful Bidders.* At the auction, the appropriate law enforcement officers or impoundment officials and/or their authorized agent, shall maintain a list of the successful bidders. The said list shall be submitted to the Court within thirty (30) days after the auction for the entry of an order directing the Department of Transportation to extinguish title of the prior owners or lienholders of record and to issue certificates of ownership to the successful bidders. The order shall substantially be in the form set forth hereunder as Exhibit "D".

9. *Disposition of Proceeds of the Auction.* The proceeds from the auction shall be used to satisfy the various fines and costs in the following order:

- costs of sale (auctioneer, advertising, postage);
- towing and storage costs;
- Traffic Court's costs as authorized in Sections 6309(d) and/or 6309.1(e);
- outstanding fines due as a result of violations of the Motor Vehicle Code;
- City of Philadelphia parking fines; and
- any other fines, costs, obligations and/or judgments as may be provided by the Court from time to time.

Any remaining proceeds shall be subject to the demands of the original owner of record and/or lienholder of record, as their interest may appear. If not claimed within one year, any such remaining proceeds shall be forfeited to the Traffic Court.

10. *Effective Date.* This Joint General Court Regulation shall become effective immediately.

This Joint General Court Regulation is promulgated in accordance with 75 Pa.C.S. § 6309 and § 6309.1 and the May 8, 1996 Order of the Supreme Court of Pennsylvania, Eastern District, No. 168 Judicial Administration, Docket No. 1, and Pa.R.C.P. 239. As required by Pa.R.C.P. 239, the original Joint General Court Regulation shall be filed with the Prothonotary in a docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau, the Civil Procedural Rules Committee, and the Minor Court Rules Committee. Copies of the Regulation shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District of Pennsylvania.

**Name
Address**

NOTICE OF IMPOUNDED VEHICLE SUBJECT TO SALE

(Last Known Registered Owner's Name) (Date)
(Address)
(City, State, Zip)

Dear (Last Known Registered Owner/Lienholder):

On (Date of Tow), the following vehicle, registered in your name, was impounded by [NAME OF IMPOUNDMENT OFFICIAL] for violation(s) of the Motor Vehicle Code, 75 Pa.C.S. § 6309 and/or § 6309.1.

Vehicle Year:	State and Tag Displayed:
Vehicle Make:	Vehicle Identification Number:
Vehicle Color:	[Vendor] Control Number:

To recover this vehicle, you will be required to pay outstanding fines due to the Philadelphia Traffic Court which currently exceed \$250.00 as well as an administrative fee due to the Traffic Court of \$75.00. In addition, you are liable for a towing fee of \$ _____, a storage charge of \$ _____ per day, and an administrative fee of the impoundment facility and towing and storage agent of \$ _____.

Before you may reclaim the vehicle, you must make arrangements to pay the outstanding fines and costs due to the Philadelphia Traffic Court. You may appear in person at the Traffic Court, 800 Spring Garden Street, Philadelphia, PA or contact the Court at (215) 686-1680 to determine the exact amount which is due. Upon payment of all outstanding fines and costs, the Traffic Court will issue a Certificate of Release. Traffic Court hours are as follows: [HOURS].

You may reclaim the vehicle identified above by paying the fines and administrative fee due to the Traffic Court at 800 Spring Garden Street, Philadelphia, Pennsylvania 19123 and receiving from Traffic Court a Certificate of Release. You should then bring the Certificate of Release issued by the Traffic Court, proof of ownership, proof of insurance, and payment of the applicable towing, storage, and administrative fees owed to the impoundment facility and towing and storage agent to: [ADDRESS/TIME].

Pursuant to 75 Pa.C.S §§ 6309 and 6309.1 and Joint General Court Regulation No. 2001-02, if this vehicle is not claimed within fifteen (15) days of the issuance of this Notice a Petition will be filed with the Philadelphia Court of Common Pleas to sell this vehicle at public auction. The Petition to sell this vehicle will request that this vehicle be sold at public auction on [DATE] at [TIME] at the following location: [LOCATION].

Upon auction of the motor vehicle and the payment of the fines and costs referred to above, any remaining proceeds shall be subject to the demands of the original owner of record and/or lienholder of record, as their interest may appear. If not claimed within one year, any such remaining proceeds shall be forfeited to the Traffic Court.

If you do not retrieve your vehicle, you are responsible to remove any personal property from your vehicle 72 hours prior to the sale from (name location), or the items will be discarded.

THIS IS YOUR FINAL NOTICE, IF YOU DO NOT RECLAIM THIS VEHICLE IT WILL BE AUCTIONED AS SET FORTH ABOVE AND YOUR OWNERSHIP INTEREST WILL BE EXTINGUISHED AND OWNERSHIP WILL VEST TO THE SUCCESSFUL BIDDER.

Sincerely,
IMPOUNDMENT OFFICIAL

Exhibit "A"

**PHILADELPHIA TRAFFIC COURT
800 SPRING GARDEN STREET
PHILADELPHIA, PA 19123**

NOTICE OF IMPOUNDED VEHICLE SUBJECT TO SALE

(Last Known Registered Owner's Name) (Date)
(Address)
(City, State, Zip)
Dear (Last Known Registered Owner/Lienholder):

On (Date of Tow), the following vehicle, registered in your name, was impounded by [NAME OF IMPOUNDMENT OFFICIAL] for violation(s) of the Motor Vehicle Code, 75 Pa.C.S. §§ 6309 or 6309.1.

Vehicle Year:	State and Tag Displayed:
Vehicle Make:	Vehicle Identification Number:
Vehicle Color:	[Vendor] Control Number:

To recover this vehicle, you will be required to pay outstanding fines due to the Philadelphia Traffic Court which currently exceed \$250.00 as well as an administrative fee due to the Traffic Court of \$75.00. In addition, you are liable for a towing fee of \$ _____, a storage charge of \$ _____ per day, and an administrative fee of the impoundment facility and towing and storage agent of \$ _____.

Before you may reclaim the vehicle, you must make arrangements to pay the outstanding fines and costs due to the Philadelphia Traffic Court. You may appear in person at the Traffic Court, 800 Spring Garden Street, Philadelphia, PA or contact the Court at (215) 686-1680 to determine the exact amount which is due. Upon payment of all outstanding fines and costs, the Traffic Court will issue a Certificate of Release. Traffic Court hours are as follows: [HOURS].

You may reclaim the vehicle identified above by paying the fines and administrative fee due to the Traffic Court at 800 Spring Garden Street, Philadelphia, Pennsylvania 19123 and receiving from Traffic Court a Certificate of Release. You should then bring the Certificate of Release issued by the Traffic Court, proof of ownership, proof of insurance, and payment of the applicable towing, storage, and administrative fees owed to the impoundment facility and towing and storage agent to: [ADDRESS/TIME].

Pursuant to 75 Pa.C.S §§ 6309 and 6309.1 and Joint General Court Regulation No. 2001-02, if this vehicle is not claimed within fifteen (15) days of the issuance of this Notice a Petition will be filed with the Philadelphia Court of Common Pleas to sell this vehicle at public auction. The Petition to sell this vehicle will request that this vehicle be sold at public auction on [DATE] at [TIME] at the following location: [LOCATION].

If you do not retrieve your vehicle, you are responsible to remove any personal property from your vehicle 72 hours prior to the sale from (name location), or the items will be discarded.

THIS IS YOUR FINAL NOTICE, IF YOU DO NOT RECLAIM THIS VEHICLE IT WILL BE AUCTIONED AS SET FORTH ABOVE AND YOUR OWNERSHIP INTEREST WILL BE EXTINGUISHED AND OWNERSHIP WILL VEST TO THE SUCCESSFUL BIDDER.

Sincerely,
ADMINISTRATIVE JUDGE
TRAFFIC COURT

Exhibit "B"

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

In RE: : TERM,
by _____, :
: NO:

ORDER

AND NOW, this _____ day of _____, 200____, upon Petition of [Petitioner] filed on [date], the Court being satisfied that appropriate notices were sent to the owners and lienholders of vehicles listed in Exhibit "A", as required by Joint General Court Regulation No. 2001-02, copies of the notices and certificates of mailing, and proof of certified mail being attached to the Petition, and the said owners or lienholders not having paid, or made satisfactory arrangements to pay, the outstanding fines and costs, IT IS HEREBY ORDERED and DECREED that [Petitioner] [through its authorized agent], is authorized to sell at public auction the motor vehicles described in said Petition on _____, _____, at _____ a.m./p.m., _____, Philadelphia, PA.

Notice of said public auction shall be published once at least five (5) days before the auction in either the *Philadelphia Inquirer* or the *Philadelphia Daily News*.

Petitioner shall, after the sale, submit to the Court a list setting forth the names of each successful bidder for the entry of an appropriate Order directing the Department of Transportation to issue Certificates of Title to the successful bidders.

IT IS FURTHER ORDERED and DECREED that the net proceeds of said sale shall be distributed as provided in Section 9 of Joint General Court Regulation No. 2001-02, and any remaining proceeds shall be held for one year subject to the demands of the current owners or lienholders of record of said vehicles, as their interest may appear. If not claimed within one year, any such remaining proceeds shall be forfeited to the Traffic Court.

BY THE COURT:

MASSIAH-JACKSON, P.J.

EXHIBIT "C"

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

In RE: : TERM,
by _____, :
: NO:
:

ORDER

AND NOW, this _____ day of _____, 2001, the [Petitioner] having identified in Exhibit "A" the purchasers of the impounded motor vehicles offered for sale at public auction pursuant to this Court's Order of [date], IT IS HEREBY ORDERED and DECREED that the currently registered owners' and lienholders' legal and equitable interest in those vehicles is hereby extinguished, and the appropriate Department of Transportation shall cancel any certificates of title which were issued prior to this Order to other persons, and shall issue title to said vehicles in the names of those persons identified as purchasers in Exhibit "A", upon completion of the proper forms and payment of the required fees.

BY THE COURT:

MASSIAH-JACKSON, P.J.

EXHIBIT "D"

[Pa.B. Doc. No. 01-1375. Filed for public inspection July 27, 2001, 9:00 a.m.]

**Title 255—LOCAL
COURT RULES**

NORTHAMPTON COUNTY

**Rule of Civil Procedure N1915.4—Prompt
Disposition of Custody Cases; Misc. No.
C0048CV2001-005537**

Order of Court

And Now, this 10th day of July, 2001, Rule N1915.4, Prompt Disposition of Custody Cases is adopted effective September 1, 2001.

Seven (7) certified copies of the within rules shall be filed with the Administrative Office of Pennsylvania

Courts; two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; one (1) certified copy shall be filed with the Civil Procedural Rules Committee; and one (1) certified copy shall be filed with the Domestic Relations Procedural Rules Committee. One (1) copy of these rules shall be kept available in the Office of the Clerk of Courts—Civil Division. A copy shall be published in the *Northampton County Reporter*.

By the Court

ROBERT A. FREEDBERG,
President Judge

Rule N1915.4. Prompt Disposition of Custody Cases.

(a.) (1) A party who files a claim for custody, partial custody or visitation, whether joined with an action of divorce or by separate complaint, shall attach thereto a

proposed order in the form set forth at PA.R.CIV.P. 1915.15(c) which the party shall present to the motions judge. The motions judge shall schedule a conference to be held by the custody conference officer within 45 days as required by PA.R.CIV.P. 1915.4(a).

(2) The party who files such a claim shall immediately provide a copy of the custody action and order to the Court Administrator who shall maintain a docket of custody actions for the purpose of insuring compliance with PA.R.CIV.P. 1915.4.

(3) The party who files such a claim shall file simultaneously a praecipe placing the matter on the custody conference list for the date set by the motions judge.

(b.) (1) The custody conference officer shall notify the Court Administrator of those custody actions which are resolved by agreement at the custody conference and those which are not resolved by agreement at the custody conference.

(2) The party who filed the claim which is not resolved at the custody conference shall notify the Court Administrator if the matter has been resolved subsequent to the custody conference.

(c.) Within 180 days of the filing of a custody action, if the matter has not been resolved, a party shall file with the Court Administrator a praecipe for trial. Upon failure to do so, unless an extension for good cause has been granted by the court, the Court Administrator shall notify the motions judge who shall enter an order dismissing the custody action.

(d.) The praecipe for trial referred to in subsection (c) shall be for a non-jury trial list not more than 90 days from the date on which the praecipe is filed.

(e.) This rule is effective September 1, 2001.

[Pa.B. Doc. No. 01-1376. Filed for public inspection July 27, 2001, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that Marc Joseph Malfara having been suspended from the practice of law in the State of New Jersey for three concurrent periods of six months, the Supreme Court of Pennsylvania issued an Order dated July 10, 2001 suspending Marc Joseph Malfara from the practice of law in this Commonwealth, for three concurrent periods of six months. 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. 01-1377. Filed for public inspection July 27, 2001, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that on July 10, 2001, pursuant to Rule 214(d)(1) of the Pa.R.D.E., Nicholas Panarella, Jr., who resides outside the Commonwealth of Pennsylvania, was placed on temporary suspension by the Supreme Court until further Order of the Court. In accordance with Rule 217(f), Pa.R.D.E., 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. 01-1378. Filed for public inspection July 27, 2001, 9:00 a.m.]