

# THE COURTS

## Title 201—RULES OF JUDICIAL ADMINISTRATION

[ 201 PA. CODE CH. 7 ]

Order Amending Rule 701(A)(1) of the Rules of Judicial Administration; Judicial Administration; No. 338

### Order

*Per Curiam:*

And Now, this 17th day of December, 2009, *It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 701(A)(1) of the Pennsylvania Rules of Judicial Administration is amended as follows.

To the extent that notice of proposed rulemaking would be required by Pa.R.J.A. No. 103 or otherwise, the amendment of Pa.R.J.A. No. 701(A)(1) is hereby found to be required in the interests of justice and efficient administration.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective January 4, 2010.

### Annex A

#### TITLE 201. RULES OF JUDICIAL ADMINISTRATION

#### CHAPTER 7. ASSIGNMENT OF JUDGES

#### ASSIGNMENT AND TRANSFER OF JUDGES

#### Rule 701. Assignment of judges to courts.

(A) *Conditions Applicable for the Certification of Senior Magisterial District Judges, Judges or Justices.*

(1) To be eligible for senior certification, a [ **district justice** ] **magisterial district judge**, judge or justice:

(a) shall have served as a [ **district justice** ] **magisterial district judge**, judge or justice, whether or not continuously or on the same court, by election or appointment for an aggregate period equaling a full term of office; [ **and** ]

(b) shall not have been defeated for reelection or retention; **and**

(c) **shall be at least sixty-five years of age on the date on which he or she begins senior service, or have a combination of years of judicial service plus age that totals at least eighty. However, this subsection (c) shall not apply to those serving in senior status as of the effective date of this rule.**

\* \* \* \* \*

PATRICIA NICOLA,  
*Chief Clerk*

[Pa.B. Doc. No. 10-6. Filed for public inspection December 31, 2009, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[ 231 PA. CODE CHS. 200 AND 3000 ]

Order Amending Rules 237.1, 3281, 3283 and 3284 of the Rules of Civil Procedure; Civil Procedural Rules; No. 516

### Amended Order

*Per Curiam:*

And Now, this 2nd day of December, 2009, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published at 38 Pa.B. 3650 (July 5, 2008), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 948 No. 2):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 237.1, 3281, 3283 and 3284 of the Pennsylvania Rules of Civil Procedure are amended as follows.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective January 4, 2010.

### Annex A

#### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 200. BUSINESS OF COURTS

#### Rule 237.1. Notice of Praecipe for Entry of Judgment of Non Pros for Failure to File Complaint or by Default for Failure to Plead.

(a)(1) As used in this rule,

“judgment of non pros” means a judgment entered by praecipe pursuant to Rule 1037(a) and 1659;

**Official Note:** When a defendant appeals from a judgment entered in a magisterial district [ **judge** ] court, Pa.R.C.P.M.D.J. 1004(b) authorizes the appellant to file a praecipe for a rule as of course upon the appellee to file a complaint or suffer entry of a judgment of non pros. The entry of the judgment of non pros is governed by Pa.R.C.P. No. 1037(a) and is subject to this rule.

“judgment by default” means a judgment entered by praecipe pursuant to Rules 1037(b), 1511(a), 3031(a) and 3146(a).

(2) No judgment of non pros for failure to file a complaint or by default for failure to plead shall be entered by the prothonotary unless the praecipe for entry includes a certification that a written notice of intention to file the praecipe was mailed or delivered

(i) in the case of a judgment of non pros, after the failure to file a complaint and at least ten days prior to the date of the filing of the praecipe to the party’s attorney of record or to the party if unrepresented, or

(ii) in the case of a judgment by default, after the failure to plead to a complaint and at least ten days prior to the date of the filing of the praecipe to the party against whom judgment is to be entered and to the party’s attorney of record, if any.

The ten-day notice period in subdivision (a)(2)(i) and (ii) shall be calculated forward from the date of the mailing or delivery, in accordance with Rule 106.

**Official Note:** The final sentence of Rule 237.1(a)(2) alters the practice described in the decision of *Williams v. Wade*, 704 A.2d 132 (Pa. Super. 1997).

(3) A copy of the notice shall be attached to the praecipe.

(4) The notice and certification required by this rule may not be waived.

**Official Note:** A certification of notice is a prerequisite in all cases to the entry by praecipe of a judgment of non pros for failure to file a complaint or by default for failure to plead to a complaint. Once the ten-day notice has been given, no further notice is required by the rule even if the time to file the complaint or to plead to the complaint has been extended by agreement.

See Rule 237.4 for the form of the notice of intention to enter a judgment of non pros and Rule 237.5 for the form of the notice of intention to enter a judgment by default.

(b) This rule does not apply to a judgment entered

(1) by an order of court,

(2) upon praecipe pursuant to an order of court, or

(3) pursuant to a rule to show cause.

**Official Note:** See Rule 3284 which requires that in proceedings to fix fair market value of real property sold, notice must be given pursuant to the requirements of Rule 237.1 et seq.

(c) [Rescinded].

## CHAPTER 3000. JUDGMENTS

### Subchapter E. ENFORCEMENT OF JUDGEMENTS IN SPECIAL ACTIONS

#### PROCEEDINGS UNDER SECTION 8103(A) TO FIX FAIR MARKET VALUE OF REAL PROPERTY SOLD

##### Rule 3281. Parties.

(a) The petition shall name the judgment creditor as petitioner.

(b) The petition [ shall ] may name as respondent any debtor, obligor, guarantor, mortgagor, and any other person directly or indirectly liable to the judgment creditor for the payment of the debt, and any owner of the property affected thereby.

**Official Note:** Section 8103(b) of the Judicial Code, 42 Pa.C.S. § 8103(b), governing deficiency judgments provides that “[a]ny debtor and any owner of the property affected thereby, who is neither named in the petition nor served with a copy thereof or notice of the filing thereof as prescribed by general rule, shall be deemed to be discharged from all personal liability to the judgment creditor on the debt, interest, and costs. . . .”

##### Rule 3283. Service.

[ (a) The petition shall be served

(1) upon a respondent who is a defendant in the judgment who has entered an appearance, by the petitioner in the manner provided by Rule 440, and

(2) upon any other respondent ]

(a)(1) If there is an attorney of record, service shall be made upon the respondent’s attorney of record pursuant to Rule 440(a)(1)(i) or (ii).

##### (2) If there is no attorney of record, service shall be made

(i) by the sheriff or a competent adult in the manner prescribed by Rule 402(a) for service of original process, or

**Official Note:** See Rule 76 for the definition of “competent adult.”

(ii) by the petitioner mailing a copy in the manner prescribed by Rule 403, or

(iii) if service cannot be made as provided in subparagraphs (i) or (ii), pursuant to special order of court as prescribed by Rule 430.

(b) The person serving the petition shall file a return of service as provided by Rule 405.

##### Rule 3284. Order Upon Default or Admission.

The [ court ] prothonotary, on praecipe of the petitioner, shall, without further notice or hearing, enter an order determining the fair market value of the real property to be the value alleged in the petition, determining the prior lien amounts to be in the amounts alleged in the petition and making any special allocation requested by the petition if

(1) no answer is filed within the required time to a petition which was served pursuant to the requirements of Rule 3283 and contains a notice to defend required by Rule 3282(b), and notice has been given as provided by Rule 237.1 et seq., or

(2) an answer is filed which does not deny the allegations in the petition as to the fair market value, the prior lien amounts or any special allocation.

##### Explanatory Comment

Rule 3281 et seq. governing proceedings to fix fair market value of real property sold has been amended in two respects. First, current Rule 3283(a)(1) provides for a petition to fix fair market value to be served upon a respondent, who is a defendant in the judgment and who entered an appearance, pursuant to Rule 440 governing service of legal papers other than original process. Under Rule 440, service may be made by regular mail at the last known address of the defendant.

A problem arises in that the petition to fix fair market value is only filed after a sheriff’s sale, and frequently the property that has been sold is the address at which the defendant resided prior to the sheriff’s sale and is no longer a current address. Under these circumstances, service by regular mail at the last known address is not likely to furnish notice to the defendant. The amendment to Rule 3283 permits service pursuant to Rule 440 only if there is an attorney of record.

Second, current Rule 3284 provides that the court shall without further notice or hearing enter an order determining the fair market value of the property to be the value alleged in the petition if: (1) no answer has been filed within the required time to a petition which includes a notice to defend and notice has been given pursuant to Rule 237.1; or (2) an answer is filed which does not deny the allegations in the petition as to the fair market value, the prior lien amounts, or any special allocation.

The amendment to Rule 3284 shifts to the prothonotary the responsibility for entering judgment upon a praecipe of the petitioner. The prothonotary will ensure that the record shows that: (1) service was made pursuant to the requirements of Rule 3283; (2) an important notice was given pursuant to the requirements of Rule 237.1; (3) no

answer contesting the allegations in the petition was filed; and (4) the allegations in the petition justify the amount of the judgment that the petitioner seeks.

*By the Civil Procedural Rules Committee*

STEWART L. KURTZ,  
*Chair*

[Pa.B. Doc. No. 10-7. Filed for public inspection December 31, 2009, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CH. 5 ]

### Proposed Amendments to Pa.Rs.Crim.P. 550 (Pleas of Guilty Before Magisterial District Judge in Court Cases) and 590 (Pleas and Plea Agreements); Correction

The Criminal Procedural Rules Committee has submitted a correction to the introduction to proposed amendments which appeared at 39 Pa.B. 7097—7103 (December 19, 2009). The remainder of the proposal remains as published. The correct version of the introduction is as follows:

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rules 550 and 590 to provide for more detailed standards regarding the areas of inquiry that are required to be part of all guilty plea colloquies in court cases before the courts of common pleas and magisterial district judges. This Supplemental Report resulted from the Committee's review of the correspondence received after publication of our original explanatory Report that explained the Committee's proposal for guilty plea colloquy procedures in the courts of common pleas only. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Supplemental Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed amendments to the rules precedes the Supplemental Report. Additions are shown in bold and are underlined; deletions are in bold and brackets.

We request that interested persons submit suggestions, comments or objections concerning this proposal in writing to the Committee through counsel,

Anne T. Panfil, Chief Staff Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
Pennsylvania Judicial Center  
601 Commonwealth Avenue, Suite 6200  
P. O. Box 62635  
Harrisburg, PA 17106-2635

fax: (717) 795-2106

e-mail: criminal.rules@pacourts.us

no later than Friday, January 22, 2010.

*By the Criminal Procedural Rules Committee*

D. PETER JOHNSON,  
*Chair*

[Pa.B. Doc. No. 10-8. Filed for public inspection December 31, 2009, 9:00 a.m.]

## Title 237—JUVENILE RULES

### PART I. RULES

[ 237 PA. CODE CH. 16 ]

In Re: Order Adopting New Rule 1604 and Amending Rule 1608 of the Rules of Juvenile Court Procedure; Supreme Court Rules; No. 487

### Order

*Per Curiam:*

*And Now*, this 18th day of December, 2009, upon the recommendation of the Juvenile Court Procedural Rules Committee; the proposal having been published for public comment before adoption at 39 Pa.B. 1854 (April 11, 2009), in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 966, No. 2, April 10, 2009), and on the Supreme Court's web page, and an Explanatory Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the adoption of new Rule 1604 and the modifications to Rule 1608 of the Pennsylvania Rules of Juvenile Court Procedure are approved as follows.

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

PATRICIA NICOLA,  
*Chief Clerk*

### Annex A

#### TITLE 237. JUVENILE RULES

#### PART I. RULES

#### Subpart B. DEPENDENCY MATTERS

#### CHAPTER 16. POST-DISPOSITIONAL PROCEDURES

#### PART A. SUMMONS, [ AND ] NOTICE, AND REPORTS

*(Editor's Note: The following Rule 1604 is new and has been printed in regular print to enhance readability.)*

#### Rule 1604. Submission of Reports.

##### A. Generally.

1) A foster parent, preadoptive parent, or relative providing care for a child may submit a report regarding the child's adjustment, progress, and condition for review by the court.

2) The report shall be submitted to the court designee at least seven days prior to the permanency hearing.

B. *Designation by President Judge.* The President Judge of each judicial district shall appoint a designee, other than the county agency, to receive these reports.

C. *Duties of the County Agency.* Upon placement of the child with a foster parent, preadoptive parent, or relative providing care for a child, the county agency shall inform such person of:

- 1) the right to submit a report;
- 2) the name and address of the court designee who shall receive the reports; and
- 3) the requirement to submit the report at least 7 days prior to the permanency hearing.

D. *Duties of Designee.* Within one business day of receiving the report, the court designee shall:

- 1) file a copy of the report with the clerk of courts; and
- 2) distribute copies to the judge, attorneys, parties, and if appointed, the court-appointed special advocate.

E. *Examination of Report.* Pursuant to Rule 1608(D), the court shall examine this report and consider its contents as it would consider any other evidence in the case.

#### Comment

The county agency is to provide the form designed by the Department of Public Welfare to the foster parent, preadoptive parent, or relative providing care for the child. See 42 Pa.C.S. § 6336.1(b).

See also 42 Pa.C.S. § 6341(d).

**Official Note:** Rule 1604 adopted \_\_\_\_\_, 2009, effective \_\_\_\_\_.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1604 published with the Court's Order at 39 Pa.B. 21, 23 (January 2, 2010).

### PART B. PERMANENCY HEARING

#### Rule 1608. Permanency Hearing.

A. *Purpose of hearing.* For every case, the court shall conduct a permanency hearing for purposes of determining or reviewing:

- 1) the permanency plan of the child;
- 2) the date by which the goal of permanency for the child might be achieved; and
- 3) whether the placement continues to be best suited to the safety, protection, and physical, mental, and moral welfare of the child.

B. *Court's findings.* At the permanency hearing, the court shall making findings consistent with 42 Pa.C.S. § 6351(f).

C. *Recording.* The permanency hearing shall be recorded. The recording shall be transcribed:

- 1) pursuant to a court order; or
- 2) when there is an appeal.

D. *Evidence.*

1) Any evidence helpful in determining the appropriate course of action, including evidence that was not admissible at the adjudicatory hearing, shall be presented to the court.

2) **If a report was submitted pursuant to Rule 1604, the court shall review and consider the report as it would consider all other evidence.**

E. *Family Service Plan or Permanency Plan.* The county agency shall review the family service plan or permanency plan at least every six months. If the plan is

modified, the county agency shall provide all parties and when requested, the court, with the modified plan at least fifteen days prior to the permanency hearing.

#### Comment

See 42 Pa.C.S. §§ 6341, 6351.

Permanency planning is a concept whereby children are not relegated to the limbo of spending their childhood in foster homes, but instead, dedicated effort is made by the court and the county agency to rehabilitate and reunite the family in a reasonable time, and failing in this, to free the child for adoption. *In re M.B.*, 449 Pa. Super. 507, 674 A.2d 702 (1996), quoting *In re Quick*, 384 Pa. Super. 412, 559 A.2d 42 (1989).

To the extent practicable, the judge or master that presided over the adjudicatory and original dispositional hearing for a child should preside over the permanency hearing for the same child.

Under paragraph (B), the court is to make a finding consistent with 42 Pa.C.S. § 6351(f), in that the court is to determine all of the following: 1) the continuing necessity for and appropriateness of the placement; 2) the appropriateness, feasibility, and extent of compliance with the permanency plan developed for the child; 3) the extent of progress made toward alleviating the circumstances which necessitated the original placement; 4) the appropriateness and feasibility of the current placement goal for the child; 5) the likely date by which the placement goal for the child might be achieved; 6) whether reasonable efforts were made to finalize the permanency plan in effect; 7) whether the child is safe; 8) if the child has been placed outside the Commonwealth, whether the placement continues to be best suited to the safety, protection, and physical, mental, and moral welfare of the child; 9) the services needed to assist a child who is sixteen years of age or older to make the transition to independent living; and 10) if the child has been in placement for at least fifteen of the last twenty-two months or the court has determined that aggravated circumstances exist and that reasonable efforts to prevent or eliminate the need to remove the child from the child's guardian or to preserve and reunify the family need not be made or continue to be made, whether the county agency has filed or sought to join a motion to terminate parental rights and to identify, recruit, process, and approve a qualified family to adopt the child unless: a) the child is being cared for by a relative best suited to the physical, mental, and moral welfare of the child; b) the county agency has documented a compelling reason for determining that filing a motion to terminate parental rights would not serve the needs and welfare of the child; or c) the child's family has not been provided with necessary services to achieve the safe return to the child's guardian within the time frames set forth in the permanency plan.

For family service plan requirements, see 55 Pa. Code §§ 3130.61 and 3130.63.

**Official Note:** Rule 1608 adopted August 21, 2006, effective February 1, 2007. **Amended** \_\_\_\_\_, \_\_\_\_\_, 2009, effective \_\_\_\_\_, \_\_\_\_\_.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1608 published with the Court's Order at 36 Pa.B. 5571, 5599 (September 2, 2006).

**Final Report explaining the amendments to Rule 1608 published with the Court's Order at 39 Pa.B. 21, 23 (January 2, 2010).**

*Introduction*

The Supreme Court of Pennsylvania has adopted the proposed changes to Rules 1604 and 1608 with this Recommendation. The changes are effective immediately.

**EXPLANATORY REPORT****OCTOBER 2009****Rule 1604—Submission of Reports**

The new Rule 1604 provides for the procedures when submitting a report pursuant to 42 Pa.C.S. § 6336.1(b).

Act 109 of 2008 amended § 6336.1(b) of the Juvenile Act by creating a right for a foster parent, preadoptive parent, or relative providing care for a child to submit a report concerning the child's adjustment, progress, and condition to the court. Paragraph (A) provides for this right and sets time limits for submitting the report to the court.

It is imperative that the court, attorneys, parties, and court-appointed special advocates have time to review this report prior to the proceeding. Therefore, pursuant to paragraph (A)(1), this report must be submitted to the court designee at least seven days prior to the hearing. In addition, pursuant to paragraph (D), the court designee has one business day to file the report with the clerk of courts and distribute copies to the court, attorneys, parties, and court-appointed special advocates.

Paragraph (B) provides that the President Judge must designate a person to receive these reports on behalf of the court. The rule also provides that this designee may not be a party to the proceeding. The Committee anticipated that a court may designate the county agency to perform this function.

The Committee concluded that there is an inherent conflict of interest for the county agency to receive these reports. Furthermore, the Committee felt that a party should not be the recipient of any document on the court's behalf. The legislature went even further by suggesting retaliatory action by the county agency could be a concern. See 42 Pa.C.S. § 6336.1.

Pursuant to paragraph (C), the county agency must inform the foster parent, preadoptive parent, or relative providing care for the child of: 1) the right to submit the report; 2) the name and address of the court designee who must receive the report; and 3) the requirement to submit the report at least seven days prior to the permanency hearing.

The Department of Public Welfare has designed a form to be used by the foster parent, preadoptive parent, or relative providing care for the child in submitting the report. The county agency must provide the form to the foster parent, preadoptive parent, or relative providing care for the child.

Pursuant to paragraph (E), the court must examine this report and consider its contents as it considers any other evidence for the permanency hearing. The Committee recognized that the court uses hearsay evidence at dispositional, review, and permanency hearings but weighs the evidence according to its source and reliability. The Rules of Evidence frequently do not apply in many types of hearings. See *Comment* to Pa.R.E. Rule 101.

**Rule 1608—Permanency Hearing**

Pursuant to paragraph (D), the court must consider the evidence presented pursuant to the new proposed Rule 1604 as it would consider any other evidence. As previ-

ously stated, the court uses hearsay evidence but must weigh the evidence according to its source and reliability.

[Pa.B. Doc. No. 10-9. Filed for public inspection December 31, 2009, 9:00 a.m.]

**Title 25—LOCAL  
COURT RULES****BEAVER COUNTY****In Re: Intermediate Punishment Sentencing by  
Magisterial District Judges; Administrative Doc.  
No. 83 of 2009****Administrative Order**

*And Now*, this 11th day of December, 2009, pursuant to the authority provided by the County Intermediate Punishment Act (42 Pa.C.S. §§ 9801, *et seq.*), Beaver County Magisterial District Judges are hereby permitted to sentence appropriate and eligible offenders to intermediate punishment after conviction for violation of 75 Pa.C.S. § 1543(b)(1) and (b)(1.1)(i).

This Order shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin* and publication on the Pennsylvania Judiciary's web application portal, whichever shall occur later.

In accordance with Pa.R.C.P. No. 105, the Court Administrator of Beaver County shall file or distribute copies of this Administrative Order as follows:

1. Seven (7) certified copies shall be filed with the Administrative Office of Pennsylvania Courts for publication on the Unified Judicial System's web site;
2. Two (2) certified copies and a computer diskette that complies with the requirements of 1 Pa. Code § 13.11(b) shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
3. One (1) certified copy shall be filed with the Criminal Procedural Rules Committee of the Supreme Court of Pennsylvania;
4. One (1) certified copy shall be kept continuously available for public inspection and copying in the Office of the Clerk of Courts of Beaver County. Upon request and payment of reasonable costs of reproduction and mailing, the Clerk of Courts shall furnish to any person a copy of the Administrative Order;
5. One (1) copy shall be kept in the Law Library of Beaver County. In addition, the Court Administrator of Beaver County shall cause the foregoing Administrative Order to be published on the web site of the Administrative Office of Pennsylvania Courts and on the Beaver County web site.

*By the Court*

HONORABLE JOHN D. McBRIDE,  
*President Judge*

[Pa.B. Doc. No. 10-10. Filed for public inspection December 31, 2009, 9:00 a.m.]

**BUTLER COUNTY**

**Register of Wills and Clerk of Orphans' Court;  
Schedule of Fees and Costs; O.C. No. 1000/2009**

**Administrative Order**

*And Now*, this November 24, 2009, pursuant to the provisions of 42 P.S. § 21022.1 and 42 P.S. § 21032.1, the fee bill of the Register of Wills and the Clerk of Orphans' Court of Butler County, Pennsylvania is amended as indicated on the proposed fee bill as follows to the foregoing Petition.

The JCS/ATJ fee has a mandatory effective date of December 08, 2009. All other provisions of the fee schedule will become effective January 02, 2010, upon due advertisement as required by the PA Rules of Court.

*It Is Further Ordered* that the Court direct the Court Administrator to:

(a) File seven (7) certified copies of this Administrative Order with the AOPC;

(b) File two (2) certified copies of this Administrative Order and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(c) File one (1) certified copy of this Administrative Order with the PA Supreme Court Orphans' Court Rules Committee;

(d) Forward one (1) copy of this Administrative Order to be published in the *Butler County Legal Journal*;

(e) Forward one (1) copy of this Administrative Order to the Butler County Law Library; and

(f) Keep continuously available for public inspection copies of this Administrative Order in the Butler County Register of Wills and Clerk of Orphans' Court offices and the office of the Court Administrator.

*By the Court*

THOMAS J. DOERR,  
*President Judge*

**FEE SCHEDULE**

**REGISTER OF WILLS**

AFFIDAVIT (miscellaneous)	\$5
AFFIDAVIT OF DEATH	\$10
AMEND PROBATE RECORD	
Within 3 months of probate	\$30
(Petition to the Register of Wills)	
After 3 months from date of probate	
(Petition Orphans' Court)	
O.C. Petition	\$25
Certified Order to Register of Wills	\$5
Open and Amend Record/Reissue Letters	\$30
ANCILLARY LETTERS	
(Follow regular estate fee schedule based on <u>PA assets only</u> )	
APPEAL FROM REGISTER	\$75
(Filed in Orphans' Court)	
(Includes certification of record to Orphans' Court)	
AUTOMATION FEE	\$15.50

\*\* To be charged on all first filings requiring JCS fee and on all marriage license applications.

BOND	\$35
CAVEAT	\$35
CERTIFICATION OF RECORD (issue)	\$5+
+ per page for each page certified	\$2
CERTIFIED/EXEMPLIFIED RECORD FILING	
Filing from another County	\$40+
+ pages @	\$2
CERTIFICATION OF INH TAX PAYMENTS	
Issuing Certificate to another county	\$25
Filing and Recording from another county	\$15
CERTIFIED MAILING	\$10
(Subject to Change without further Court Order)	
CODICILS	\$25
COMMISSION TO ADMINISTER OATH	\$25
COMMISSION ON COURT-ORDERED ESCROW	
5% on first \$1,000	
1% on each additional \$1,000 or any part thereof*	
*To be deducted prior to investment	
DEATH CERTIFICATE	\$10
DISCLAIMER (of beneficial interest)	\$10
(Filed in Orphans' Court)	
DISTRIBUTION RECEIPT	
(Independent of Settlement Agreement)	\$5*
*(Per Legatee)	
ELECTION TO TAKE	\$25
(Filed in Orphans' Court)	
EXEMPLIFICATION OF RECORD	
Issuing/Record Filing	\$40+
+ pages @	\$2
INVENTORY *	
*NOTE: We accept Inventory forms from legal software packages and from other Counties.	
We will also accept a copy (with original signatures) of the PA Inheritance Tax Return marked "INVENTORY" in lieu of a separate Inventory form.	
SOLVENT ESTATES	\$30
INSOLVENT ESTATES	\$10
SUPPLEMENTAL	\$30/\$10
(Same as original filing according to solvent/insolvent)	
LETTERS (Testamentary/Administration/Administration C.T.A.)	
AUTOMATION FEE	\$15.50
To be charged on all first filings requiring a JCS fee and on all marriage license applications.	
JCS/ATJ fee (On Grant of Letters Only)	\$23.50*
*fixed by Legislature	
FOR ESTATE VALUES:	
Not Exceeding \$5,000	\$40
From \$ 5,001 to \$10,000	\$60
From \$10,001 to \$20,000	\$75
From \$20,001 to \$30,000	\$90
From \$30,001 to \$40,000	\$105
From \$40,001 to \$50,000	\$120

**THE COURTS**

From \$50,001 to \$75,000	\$150
From \$75,001 to \$100,000	\$200
From \$100,001 to \$200,000	\$250
**Each Additional \$100,000 or any fraction thereof	\$100
First \$1 Million	\$1,050
**Each Additional \$100,000 or any fraction thereof	\$100
Each Additional \$1 Million	\$1,000

**\*\*NOTE:**

- Where the gross value of an estate has been underestimated on the Petition for Letters, Probate fees will be adjusted and an invoice rendered for the balance.
- Additional probate fees will be due and payable within thirty (30) days from the date of the invoice. Any balances more than thirty (30) days in arrears will be charged interest at the rate of 1% per month.
- All fees must be paid in full before any finalization/estate settlement will be accepted for filing.

LETTERS (Administration D.B.N.)	\$50
LETTERS (Administration D.B.N.C.T.A.)	\$50
LITIGATION ONLY (Estate Opened for Litigation Purposes)	\$40

**NOTICE TO HEIRS**

(When Renunciation Can't be Obtained) *(Includes Certified Mail)	\$20*
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PA JUDICIAL COMPUTER SYSTEM/ACCESS TO JUSTICE (JCS/ATJ fee)	\$23.50*
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\* Imposed by the PA Supreme Court, on all Petitions for Letters and on all first filings for adoptions, small estates, trusts, guardianships, and minors' estates.

PROBATE OF WILL (without Letters) (Lodge Will Only)	\$50
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PROBATE OF CODICIL	\$25
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PROOFS OF PUBLICATION	\$10
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REQUESTS FOR INFORMATION (Per name Per record searched) + per page copied * Requires SASE	\$5+* \$1
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No Personal Checks  
(U.S. money orders/cashier's checks only)

**REGISTER'S HEARINGS**

Petition (for example, to Compel Admn) Order	\$25
Citation(s) (each)	\$5
Certified Mail (subject to change)	\$20
Hearing	\$10
	\$50

NOTE: If Court Reporter requested/required, it's at Atty's Expense

RECEIPT and RELEASE/DISTRIBUTION RECEIPT	\$5
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RENUNCIATION + Per signature * Renunciations must be notarized	\$5+
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RESEARCH FEE (Per name x number of records searched) + per page copied	\$5+ \$1
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\* Requires SASE

No personal checks  
(U.S. money orders/cashier's checks only)

Screen shots and docket entries	\$1 page
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**RETURNED CHECKS**

Reprocessing fee + original amount (cashier's checks only on replacements)	\$35+
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SETTLEMENT AGREEMENT	\$60
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SHORT CERTIFICATE	\$5
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SMALL ESTATES AFFIDAVIT (Includes Certification fee)	\$25
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**TAX CERTIFICATION**

Issuing Certificate to another County	\$25
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Filing and Recording Certificate from another County	\$5
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WAIVER	\$10
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NOTE: In cases not specifically provided for in this fee schedule, the Register of Wills shall make the same charge as that imposed for other services of a substantially similar nature.

**ORPHANS' COURT DIVISION**

NOTE: Orphans' Court captions must be correct. Incorrect captions will require a Motion to Correct Caption. A per correction fee will be charged in addition to the filing fees.

**ADOPTIONS: (Listed in filing order)**

JCS/ATJ (12/08/09)	\$23.50
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On first filings—Adoptions, Small Estates, Guardianships, Minors and Trusts

AUTOMATION FEE	\$15.50
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To be charged on all first filings requiring a JCS fee and all marriage license applications.

REPORT OF INTENT TO ADOPT* TOTAL	\$130
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(non-relative adoptions only)  
\* Must be filed within 30 days of custody of child

**(Breakdown of INTENT FEES)**

INTENT	\$25
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CRIMINAL BACKGROUND CHECK	\$5
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CHILD ABUSE CLEARANCE	\$5
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REPORT OF INTERMEDIARY	\$10
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* HOME STUDY	\$10
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\* Must be filed within 6 months of filing Report of Intent

ACT 34 surcharge (On all intents)	\$75*
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\* (Not Charged On Special Needs Child)

**VOLUNTARY RELINQUISHMENT ADULT/AGENCY**

PETITION	\$25
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Certified Court Final Order	\$5
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INVOLUNTARY TERMINATION		COPIES	
PETITION	\$25	Self-made copies	\$.25 page
Certified Court Final Order	\$5	Copies made by office staff	\$1 page
PETITIONS FOR TRANSPORT		CORRECTIONS	
3 CERTIFIED ORDERS (Required By Sheriff)	\$15	Motion to Correct Caption	\$25+
CERTIFIED MAIL COSTS	\$10	+ Per correction charge	\$1
Subject to change w/o further Court Order		COURT ACCOUNTING	
Based on postal rate changes		+ Per each additional page of accounting	\$2
CONFIRM CONSENT*		FIRST/FINAL ACCOUNT	
PETITION	\$25	+ Per additional page of accounting	\$2
Certified Court Order	\$5	AMENDED ACCOUNTS (Same as original)	
* No Less Than 30 Days After Consent Is Executed		+ Per additional page of accounting	\$2
ADOPTION PETITION		DECREE OF REAL ESTATE	
Certified Final Order	\$5	\$10	
ADOPTION CERTIFICATE		EXCEPTIONS/OBJECTIONS TO ACCOUNT	
(Replacement)	\$5	\$25	
NOTE: No cases will be forwarded to court for finalization unless all fees are paid in full		CERTIFIED COURT ORDER	
ADOPTION INQUIRIES		\$5 ea	
Petition for Non-Identifying Information	\$50	DEATH RECORD CERTIFICATION	
APPEALS *(Must be 2 separate checks)		(1893-1905 ONLY)	
Butler County Court	\$75*	Research & Retrieval fee	
* Includes filing, certifying, and transmitting record to court		\$5	
Appellate Court (Payable to appropriate Court)	\$73.50	SASE	
* Effective 12/08/09		No personal checks	
AUTOMATION FEE		(U.S. money orders/cashier's checks only)	
To be charged on all first filings requiring a JCS fee and all marriage license applications.	\$15.50	DEED EXECUTION	
BIRTH RECORD CERTIFICATION (1893-1905 ONLY)		By OC Clerk/Court ordered	
Per name research fee	\$5+	\$25	
SASE for mail requests		DELAYED BIRTH RECORD CERTIFICATION	
No personal checks		1893-1905 only	
(U.S. money orders/cashier's checks only)		+ Per name research fee	
CERTIFICATIONS (issue)		\$5	
Court Order	\$5	SASE for mail requests	
Documents	\$5+	No personal checks	
+ Per page	\$2	(U.S. money orders/cashier's checks only)	
CERTIFIED MAILING		DISCHARGE OF PERSONAL REPRESENTATIVE	
(Subject to change without further Court Order)	\$10	Petition	
CITATION		Certified court order	
CLAIM AGAINST ESTATE	\$25	\$25	
SATISFACTION/WITHDRAWAL OF CLAIM		DISCHARGE OF TRUSTEE/GUARDIAN	
\$10		Petition	
COMMISSION ON COURT-ORDERED ESCROWS (poundage)		Certified court order	
5% on first	\$1,000	\$5	
1% on each additional \$1,000 or any part thereof		DISCLAIMER OF INTEREST	
*NOTE: To be deducted from original court-ordered amount prior to investment		\$10	
		DISTRIBUTION RECEIPT/RELEASE	
		* Independent of Settlement Agreement	
		\$5*	
		ELECTION	
		\$25	
		EXCEPTIONS/OBJECTIONS	
		Certified Court Order	
		\$5	
		EXEMPLIFICATION OF RECORD	
		\$40+	
		+ Each additional page	
		\$2	
		FOREIGN ADOPTION REGISTRATION PETITION	
		\$75+	
		* Includes copies, certification, forms preparation and transmittal to Vital Records	
		+ JCS/ATJ FEE	
		\$23.50	
		+ AUTOMATION FEE	
		\$15.50	



THE COURTS

GUARDIANSHIP AUTOMATION FEE	\$15.50	SASE	
To be charged on all first filings requiring JCS fee and on all marriage license applications.		No personal checks (U.S. money orders/cashier's checks only)	
JCS/ATJ SURCHARGE	\$23.50	OUT OF STATE MARRIAGE APPLICATION COMPLETION	\$20
PETITION FOR APPOINTMENT (Emergency or Permanent)	\$25	CERTIFICATION OF non-PA ML APPLICATION (seal only)	\$5
COMBINED PETITION FOR Emg/Plenary	\$50	MINORS' CLAIM**	
CERTIFIED COURT ORDER (Each)	\$5	PETITION FOR SETTLEMENT	\$25+
GUARDIAN CITATION (Emergency or Permanent)	\$20	+ AUTOMATION FEE	\$15.50
GUARDIAN BOND (if Court required)	\$25	* To be charged on all first filings requiring a JCS fee and on all marriage license applications.	
GUARDIAN INVENTORY	\$15	JCS/ATJ SURCHARGE	\$23.50
GUARDIAN CERTIFICATE	\$5	CERTIFIED COURT ORDER	\$5
GUARDIAN ANNUAL REPORT	\$15	PROOF OF DEPOSIT	\$5
GUARDIAN COURT ACCOUNT	\$125+	** NOTE:	
+ Per additional page of accounting	\$2	INJURIES TO CHILD: parent(s) and atty must appear	
PETITION FOR DISCHARGE OF GUARDIAN	\$25	INHERITANCE TO CHILD: No Appearance Required	
Certified Court Order	\$5	MISCELLANEOUS PETITION	\$25
PETITION FOR SUCCESSOR GUARDIAN	\$25	CERTIFIED COURT ORDER	\$5
Certified Court Order	\$5	MOTIONS	\$25
INHERITANCE TAX CITATION	\$80	CERTIFIED COURT ORDER	\$5
(Includes) Petition	\$25	PARENTAL CONSENT (CUSTODIAL)	\$20
Inh Tax Citation	\$50	PETITION TO SELL REAL ESTATE	\$25
Certified Order	\$5	CERTIFIED COURT ORDER	\$5
MAIL REQUESTS		PETITION TO DISCHARGE PERSONAL REP	\$25
Per name Per kind of record searched	\$5+	CERTIFIED COURT ORDER	\$5
+ COST of photocopies @	\$1 page	PHOTOCOPIES	
No personal checks (U.S. money orders/cashier's checks only)		Self-made copies	\$.25 page
MARRIAGE LICENSE TOTAL	\$60.00*	Copies made by office staff	\$1 page
(Includes one \$5 certification)		POUNDAGE (commission on court-ordered escrows)	
(Breakdown of fees)		5% on first \$1,000	
APPLICATION	\$39.50+	1% on each additional \$1,000 or any part thereof	
* AUTOMATION FEE	\$15.50*	*NOTE: To be deducted from original court-ordered amount prior to investment.	
CERTIFICATION	\$5	PROOFS OF PUBLICATION	\$10 each
* To be charged on all first filings requiring a JCS fee and on all marriage license applications		(if filed independently of accounting)	
CUSTODIAL PARENTAL CONSENT	\$20	RESEARCH & RETRIEVAL FEE	\$5+
JUDICIAL WAIVER OF WAITING PERIOD	\$20	+ Each name per kind of record searched	
MILITARY WAIVER	N/C	+ COST OF COPIES	\$1 page
CERTIFICATION (marriage record or application)	\$5+	No personal checks (U.S. money orders/cashier's checks only)	
+ Research & Retrieval fee	\$5	RESEARCH FORMS TO COMPLETE	\$10
Self addressed, stamped envelope		COMPUTER SCREEN SHOTS and DOCKET ENTRIES—PER PAGE	\$1
No personal checks (U.S. money orders/cashier's checks only)		RULE TO SHOW CAUSE	\$20
PHOTOCOPY OF APPLICATION	\$1+	SATISFACTION OF CLAIM	\$10
Research and Retrieval fee	\$5	SETTLEMENT AGREEMENT	\$60

SMALL ESTATE PETITION	\$25+
(Must include original Death Certificate, Inh Tax Return, and Original Will, if applicable)	
AUTOMATION FEE	\$15.50
* To be charged on all first filings requiring a JCS fee and on all marriage license applications.	
JCS/ATJ surcharge	\$23.50
CERTIFIED COURT ORDER	\$5
STIPULATION	\$ 25
SUBPOENA	\$10
TRUST (AGREEMENT/RESTATEMENTS)	\$25
JCS/ATJ FEE	\$23.50
AUTOMATION FEE	\$15.50
* To be charged on all first filings requiring a JCS fee and on all marriage license applications.	
TRUSTEE BOND	\$25
TRUSTEE ACCOUNT	\$125+
+ Per additional page of accounting	\$2
WRONGFUL DEATH ACTIONS*	
PETITION	\$25
CERTIFIED ORDER	\$5

\* (filed in Orphans' Court Division if no  
litigation involved)

NOTE: In cases not specifically provided for, the Clerk of  
Orphans' Court shall make the same charge as that  
imposed for services of a substantially similar nature.

[Pa.B. Doc. No. 10-11. Filed for public inspection December 31, 2009, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that Marc Michael Orlow having been suspended from the practice of law in the State of New Jersey for a period of 3 months by the Amended Order of the Supreme Court of New Jersey dated September 22, 2009, the Supreme Court of Pennsylvania issued an Order dated December 16, 2009, suspending Marc Michael Orlow from the practice of law in this Commonwealth for a period of 3 months, effective January 15, 2010. 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,

*Secretary*

*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 10-12. Filed for public inspection December 31, 2009, 9:00 a.m.]