

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [ 204 PA. CODE CH. 83 ]

#### In Re: Amendment of Rule 219 of the Rules of Disciplinary Enforcement; No. 88; Disciplinary Rules

##### Order

*Per Curiam:*

*And Now*, this 25th day of March, 2010, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 219 of the Pennsylvania Rules of Disciplinary Enforcement is amended as follows.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective July 1, 2010.

PATRICIA NICOLA,  
*Chief Clerk*  
*Supreme Court of Pennsylvania*

##### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart B. DISCIPLINARY ENFORCEMENT

#### CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

##### Subchapter B. MISCONDUCT

#### Rule 219. Periodic assessment of attorneys; voluntary inactive status.

\* \* \* \* \*

(d) On or before July 1 of each year all persons required by this rule to pay an annual fee shall file with the Attorney Registration Office a signed form prescribed by the Attorney Registration Office in accordance with the following procedures:

(1) The form shall set forth:

\* \* \* \* \*

(vi) Whether the attorney is covered by professional liability insurance on the date of registration in the minimum amounts required by Rule of Professional Conduct 1.4(c). Rule 1.4(c) does not apply to attorneys who do not have any private clients, such as attorneys in full-time government practice or employed as in-house corporate counsel.

**Official Note:** The Disciplinary Board will make the information regarding insurance available to the public upon written or oral request and on its web site. The requirement of Rule 219(d)(3) that every attorney who has filed an annual registration

form must notify the Attorney Registration Office in writing of any change in the information previously submitted within 30 days after such change will apply to the information regarding insurance.

[(vi)] (vii) Such other information as the Attorney Registration Office may from time to time direct.

\* \* \* \* \*

[Pa.B. Doc. No. 10-629. Filed for public inspection April 9, 2010, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [ 231 PA. CODE CH. 3000 ]

#### Proposed Amendment of Rule 3129.2 Governing Advertising of Sheriff's Sales; Proposed Recommendation No. 245

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 3129.2 governing advertising of sheriff's sales be amended as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania. All communications in reference to the proposed recommendation should be sent no later than May 28, 2010, to:

Karla M. Shultz  
Counsel  
Civil Procedural Rules Committee  
601 Commonwealth Avenue  
Suite 6200  
P. O. Box 62635  
Harrisburg PA 17106-2635  
fax (717) 231-9526  
civil.rules@pacourts.us

##### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 3000. JUDGMENTS

#### Subchapter D. ENFORCEMENT OF MONEY JUDGMENTS FOR THE PAYMENT OF MONEY

#### Rule 3129.2. Notice of sale; handbills; written notice; publication.

\* \* \* \* \*

(d) Notice containing the information required by subdivision (b) shall also be given by publication by the plaintiff on the writ of execution or by the sheriff at the request of the plaintiff on the writ of execution once a week for three successive weeks in [ a ] one newspaper of general circulation in the county and in the legal publication, if any, designated by rule of court for publication of notices, the first publication to be made not less than twenty-one days before the date of sale. No additional publication may be required.

\* \* \* \* \*

**Explanatory Comment**

Current Rule 3129.2(d) requires that notice of a sheriff's sale be advertised in: (1) a newspaper of general circulation; and (2) a legal publication if one has been designated by local rule of court for publication of notices. It has been reported that certain counties are requiring publication of the notice of sheriff's sale in multiple newspapers. This additional publication, which is not required by Rule 3129.2, can significantly increase costs imposed for sheriff's sales. The amendment to Rule 3129.2 clarifies the intent of the rule by adding a sentence to subdivision (d) stating that advertising of a sheriff's sale is required in only one newspaper of general circulation.

Subdivision (d) is also being amended to allow the notice of sheriff's sale to be given by publication by the plaintiff on the writ of execution or by the sheriff at the request of the plaintiff on the writ of execution.

*By the Civil Procedural Rules Committee*

STEWART L. KURTZ,  
*Chair*

[Pa.B. Doc. No. 10-630. Filed for public inspection April 9, 2010, 9:00 a.m.]

**Title 255—LOCAL  
COURT RULES**

**FOREST COUNTY**

**In Re: Rule 1604B of the Rules of Juvenile Court  
Procedure; Miscellaneous Doc. 16 of 2010**

**Administrative Order**

*And Now*, this 15th day of March, 2010, pursuant to newly enacted Rule 1604B of the Rules of Juvenile Court Procedure, the President Judge hereby appoints the Court Administrator as designee to receive reports of a foster parent, pre-adoptive parent or relative providing care for a child, submitted regarding the child's adjustment progress and condition for view by the Court in dependency hearings.

The report to the herein appointed designee shall be submitted at least seven (7) days prior to the hearing. The Court Administrator, upon receipt, shall promptly distribute the report to the Judge before whom the hearing will be held, but no later than within one (1) business day of receiving the report. The Court Administrator shall further file a copy of the report with the Clerk of Courts and distribute copies to the attorneys, parties, and if one is appointed, to the Court Appointed Special Advocate. This order shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin* and on the Unified Judicial System (UJS) Portal.

*By the Court*

MAUREEN A. SKERDA,  
*President Judge*

[Pa.B. Doc. No. 10-631. Filed for public inspection April 9, 2010, 9:00 a.m.]

**LAWRENCE COUNTY**

**Re: Register of Wills; O.C. of 90115-09 ADM**

**PETITION  
TO INCREASE FEES for REGISTER OF  
WILLS OFFICE  
(Pursuant to 42 P. S. § 21022.1)**

To the Honorable Dominick Motto, President Judge of the Said Court:

The petition of Janet L. Kalajainen, Register of Wills of Lawrence County respectfully represents that:

1. Petitioner is a duly elected Register of Wills of Lawrence County, a fifth class county.
2. The Register of Wills office is a user fee-based office in that it is funded by and through the collection of fees for documents filed.
3. Fees collected for filing documents in the office of Register of Wills have not been raised since a signed Court Order in 1990.
4. Costs of operating the office have continued to increase steadily since the previous bill was adopted by this Court.
5. The Pennsylvania Legislature, by enacting Act 69 of 1993 to amend 1981 P.L. 1 93, No. 58 (See attached legislation), empowered the Registers of Wills to establish, increase, decrease, modify or eliminate fees and charges with the approval of the President Judge of their respective counties.

6. David Cleaver, solicitor for the Registers of Wills and Clerks of Orphans' Court Association of Pennsylvania, has opined that, under current legislation which authorizes Registers of Wills to establish, increase, decrease, modify or eliminate fees and charges with the approval of the President Judge, all Registers of Wills may institute a fee for automation.

7. All fees collected under this automation fee are to be deposited into a special fund established by the county for the exclusive use of the Register of Wills. Monies in the special fund shall be used by the Register of Wills solely for the purposes of computerization, modernization, document reproduction or other records management costs within the office of Register of Wills. All expenditures from the account must be made at the request of the Register of Wills with the approval of the President Judge and must follow normal procurement procedures as established by the county.

*Wherefore*, your Petitioner, Janet L. Kalajainen, Register of Wills of Lawrence County, Pennsylvania, respectfully requests the Court to authorize the following schedules of fees and costs as proposed for the office of Register of Wills of Lawrence County for adoption by this Court.

JANET L. KALAJAINEN,  
*Register of Wills*

**COMMONWEALTH OF PENNSYLVANIA }  
COUNTY OF LAWRENCE } SS:**

**JANET L. KALAJAINEN**, Register of Wills of Lawrence County, Pennsylvania, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Petition are true and correct to the best of her knowledge, information, and belief.

Sworn to and subscribed before me this  
4th day of December, 2009.

**IN THE COURT OF COMMON PLEAS OF  
LAWRENCE COUNTY, PENNSYLVANIA ORPHANS'  
COURT DIVISION**

**RE: REGISTER OF WILLS : O.C. No.  
ADMINISTRATIVE ORDER**

*And Now*, this 4th day of December 2009, pursuant to the provisions of 42 P.S. § 21022.1, the fee bill of the Register of Wills of Lawrence County, Pennsylvania is amended as indicated on the proposed fee bill attached to the foregoing Petition.

The JCS/ATJ fee has a mandatory effective date of December 8, 2009. All other provisions of the fee schedule will become effective January 2, 2010 upon due advertisement as required by the PA Rules of Court.

*It Is Further Ordered* that the Court shall:

(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 *Lawrence County Law Journal*;

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

(f) Keep continuously available for public inspection copies of this Administrative Order in the Lawrence County Register of Wills Office and the office of the Court Administrator.

*By the Court*

HONORABLE DOMINICK MOTTO,  
*President Judge*

**Lawrence County Register of Wills  
FEE SCHEDULE  
Effective January 1, 2010**

Note: All Probate and first filings must be accompanied by a Death Certificate

PROBATE OF WILL (Without Letters)

PA Judicial Computer System/Access to Justice fee	\$ 23.50
Automation Fee	\$ 10.00
Last Will and Testament	\$ 40.00

GRANTING LETTERS TESTAMENTARY and LETTERS OF ADMINISTRATION

Pa Judicial Computer System/Access to Justice fee	\$ 23.50
Automation Fee	\$ 10.00
Will/Codicil	\$ 20.00

FOR ESTATE VALUES:

NOT EXCEEDING \$5000.00.....	\$ 40.00
From \$5,001.00 to \$10,000.00.....	\$ 60.00
From \$10,001.00 to \$20,000.00.....	\$ 70.00
From \$20,001.00 to \$30,000.00.....	\$ 80.00
From \$30,001.00 to \$40,000.00.....	\$ 90.00
From \$40,001.00 to \$50,000.00.....	\$ 100.00
From \$50,001.00 to \$75,000.00.....	\$ 120.00
From \$75,001.00 to \$100,000.00.....	\$ 150.00
Each additional \$100,000.00 or fraction thereof.....	\$ 100.00
First \$1 million	\$1,000.00
Each additional \$100,000.00 or fraction thereof.....	\$ 100.00

- Where the gross value of an estate has been underestimated on the Petition for Letters, a bill for Addition Probate Fees will be rendered for the balance due.

- Additional Probate Fees will be due and payable within thirty (30) days from the date of the billing statement. 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.

RENUNCIATIONS—per signature	\$ 5.00
SHORT CERTIFICATES—each	\$ 5.00
CODICIL	\$ 20.00
LETTERS (Administration DBN & DBN CTA)	\$ 40.00

PETITIONS (i.e. Petition to Compel Administration)	\$ 25.00
Citations—each	\$ 20.00
Certified Mail—each	\$ 10.00
ANCILLARY LETTERS (Follow regular estate fee schedule based on PA assets only.)	
AFFIDAVIT OF DEATH	\$ 10.00
AMENDMENT TO PROBATE	
Within 3 months from date of probate (Petition to the Register of Wills)	\$ 30.00
After 3 months from date of probate (Petition to Orphans' Court)	
APPEAL FROM REGISTER (Filed in Orphans' Court)	
AUTOMATION FEE	\$ 10.00
To be charged on all first filings requiring JCS/ATJ fee	
BOND	\$ 20.00
CAVEAT (filing and entering) + Bond	\$ 25.00
CERTIFICATION OF RECORD (w/cover sheet & gold seal)	\$ 10.00
+ per page certified	\$ 3.00
CERTIFICATION OF INHERITANCE TAX PAID	
Issuing Certificate to another county	\$ 20.00
Filing from another county	\$ 10.00
CITATIONS—each	\$ 20.00
Certified Mail—each	\$ 10.00
CLAIMS AGAINST ESTATE (filed in Orphans' Court)	
Copy filed with Register of Wills	\$ 10.00
COMMISSION TO ADMINISTER OATH	\$ 25.00
DISCLAIMER OF BENEFICIAL INTEREST (filed in Orphans' Court)	
ELECTION TO TAKE AGAINST WILL (filed in Orphans' Court)	
EXEMPLIFICATION—ISSUING & FILING	\$ 30.00
+ per page	\$ 3.00
FAMILY SETTLEMENT AGREEMENT	\$ 50.00
FINAL ACCOUNT (filed in Orphans' Court)	
INVENTORY	\$ 20.00
INHERITANCE TAX RETURN	\$ 20.00
MISCELLANEOUS FILINGS	\$ 10.00
PRAECIPE OF APPEARANCE	\$ 10.00
PRAECIPE OF WITHDRAWAL	\$ 10.00
RECEIPT AND RELEASE per legatee	\$ 10.00
REGISTER'S HEARINGS	\$ 50.00
<i>(If Court Reporter is requested, it's at Attorney's expense.)</i>	
Citations—each	\$ 20.00
Certified Mail—each	\$ 10.00
RESEARCH FEE	
Per name—per record searched	\$ 5.00
+ per page copied	\$ .50
Screen shots and docket entries—per page	\$ 1.00
By mail—postage and handling	\$ 2.00
RETURNED CHECKS	
Re-processing fee	\$ 30.00
+ original amount (Cashier's checks only)	
SMALL ESTATES AFFIDAVIT	\$ 25.00
STIPULATION	\$ 25.00
SUPOENA	\$ 10.00
WAIVER	\$ 10.00

NOTE: If a fee is not specifically listed, the Register of Wills shall make the same charge as that imposed for other services of a similar nature.

[Pa.B. Doc. No. 10-632. Filed for public inspection April 9, 2010, 9:00 a.m.]

## MONROE COUNTY

**Re: Administrative Order 2010.22; No. AD 22; 05-CV-2010**

## Order

*And Now*, this 19th day of February, 2010, pursuant to the authority contained in Pa.R.J.A. No. 1901—*Prompt Disposition of Matters; Termination of Inactive Cases, It Is Ordered* that the following procedures shall be utilized to ensure a policy is in place to govern the disposal of such cases of the Magisterial District Courts within the Forty-Third Judicial District.

*It Is Further Ordered* that seven (7) certified copies of this Order shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies and one (1) diskette shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania; publish a copy of the local rule on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>; one copy to the *Monroe County Legal Reporter* for publication, and that one copy shall be filed with the Prothonotary—Civil—of the Court of Common Pleas of Monroe County.

## 1. General Policy

(A) In accordance with Pa.R.J.A. No. 1901(c)(2) notification will be made for each case where a matter has been inactive for an unreasonable period of time.

(B) Before any order terminating a matter on the ground of unreasonable inactivity is entered, the parties shall be given at least 30 days' written notice of opportunity for hearing on such proposed termination.

(i) Written notification to be made by publication in *The Monroe Legal Reporter*, designated by rule of court for the publication of legal notices where the docket of the matter shows no evidence of activity during the previous five years.

(ii) To dispose of inactive cases a district court will physically pull each case from their files and box the cases in numerical docket order for archiving. The office will then prepare a cover letter attaching a list of all cases. The magisterial district judge will sign the cover letter and initial each page of the list. This paperwork is sent to the magisterial district judge court administrator's office for review and to attach an order to dismiss.

(C) After a Common Pleas judge reviews the matter and issues a court order, it is recorded in the Clerk of Courts office and the order is forwarded to the district court.

(D) Once the Order to Dismiss is recorded the files are kept for 3 years from the date of filing of the court order.

(E) A copy of the Order to Dismiss must be attached to each case file along with the corresponding page listing the docket number.

The effective date of this Order shall be May 1, 2010.

*By the Court*

RONALD E. VICAN,  
*President Judge*

[Pa.B. Doc. No. 10-633. Filed for public inspection April 9, 2010, 9:00 a.m.]

## SULLIVAN COUNTY

**In Re: Administrative Order Designating the District Court Administrator under Pa.R.J.C.P. 1604(B) to Receive Reports Regarding Adjustment, Progress and Condition of a Child; No. 2010CV-82**

## Order of Court

*And Now*, the 1st day of March, 2010, *It Is Ordered* that the District Court Administrator of the 44th Judicial District is named as the designee to receive reports regarding a child's adjustment, progress and condition pursuant to Pa.R.J.C.P. 1604(B) and 42 Pa.C.S. § 6336.1(b).

*By the Court*

RUSSELL D. SHURTLEFF,  
*President Judge*

[Pa.B. Doc. No. 10-634. Filed for public inspection April 9, 2010, 9:00 a.m.]

## WARREN COUNTY

**In Re: Rule 1604B of the Rules of Juvenile Court Procedure; Miscellaneous Doc. 13 of 2010**

## Administrative Order

*And Now*, this 15th day of March, 2010, pursuant to newly enacted Rule 1604B of the Rules of Juvenile Court Procedure, the President Judge hereby appoints the Court Administrator as designee to receive reports of a foster parent, pre-adoptive parent or relative providing care for a child, submitted regarding the child's adjustment progress and condition for view by the Court in dependency hearings.

The report to the herein appointed designee shall be submitted at least seven (7) days prior to the hearing. The Court Administrator, upon receipt, shall promptly distribute the report to the Judge before whom the hearing will be held, but no later than within one (1) business day of receiving the report. The Court Administrator shall further file a copy of the report with the Clerk of Courts and distribute copies to the attorneys, parties, and if one is appointed, to the Court Appointed Special Advocate. This order shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin* and on the Unified Judicial System (UJS) Portal.

*By the Court*

MAUREEN A. SKERDA,  
*President Judge*

[Pa.B. Doc. No. 10-635. Filed for public inspection April 9, 2010, 9:00 a.m.]

## WYOMING COUNTY

**In Re: Administrative Order Designating the District Court Administrator under Pa.R.J.C.P. 1604(B) to Receive Reports Regarding Adjustment, Progress and Condition of a Child; No. 2010-357**

**Order of Court**

*And Now*, the 1st day of March, 2010, *It Is Ordered* that the District Court Administrator of the 44th Judicial District is named as the designee to receive reports regarding a child's adjustment, progress and condition pursuant to Pa.R.J.C.P. 1604(B) and 42 Pa.C.S. § 6336.1(b).

*By the Court*

RUSSELL D. SHURTLEFF,  
*President Judge*

[Pa.B. Doc. No. 10-636. Filed for public inspection April 9, 2010, 9:00 a.m.]

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## DISCIPLINARY BOARD OF THE SUPREME COURT

**Notice of Suspension**

Notice is hereby given that Cara E. Gruszecki, a/k/a Cara Gruszecki-Smalley, having been suspended from the practice of law in the State of Tennessee by Order of the Supreme Court of Tennessee filed July 30, 2009, the Supreme Court of Pennsylvania issued an Order dated March 25, 2010, suspending Cara E. Gruszecki, a/k/a Cara Gruszecki-Smalley from the practice of law in this Commonwealth for a period of 6 months, effective April 24, 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. 10-637. Filed for public inspection April 9, 2010, 9:00 a.m.]

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