

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

#### Amendments to the Rules of Disciplinary Enforcement Relating to Discipline on Consent

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is considering recommending to the Pennsylvania Supreme Court that the Court amend subsection (c) of Pennsylvania Rule of Disciplinary Enforcement 215 as set forth in Annex A.

Prior to October 2005, the resignation statement required by Rule 215 was, with limited exception as enumerated in subsection (c) of the Rule, confidential and could not be publicly disclosed. The only public record of the respondent-attorney's resignation from the bar was the Court's order disbarring the respondent-attorney on consent.

By Order dated October 26, 2005, the Court made extensive changes to the Enforcement Rules to give the public greater access to disciplinary information. The Court amended Rule 402 to provide that all disciplinary proceedings be open to the public after the filing of an answer to a petition for discipline or the time to file an answer has expired without an answer being filed, and simultaneously amended subsection (c) of Rule 215 to provide that the resignation statement would be confidential only if the statement were submitted before the filing of an answer to a petition for discipline or the time to file an answer has expired.

The current proposal provides additional transparency by making a resignation statement a public record upon entry of the Court's order disbarring the respondent-attorney on consent, regardless of the timing of the submission of the statement.

New Rule 215(c) would have prospective effect, in that the new rule would apply only to resignation statements submitted to the Board and the Court on or after the effective date of the new rule.

Interested persons are invited to submit written comments by mail or facsimile regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106-2625, Facsimile number (717-231-3382) on or before December 10, 2010.

*By The Disciplinary Board of the  
Supreme Court of Pennsylvania*

ELAINE M. BIXLER,  
*Secretary*

#### 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 215. Discipline on consent.

\* \* \* \* \*

(c) [ *Confidentiality of resignation statement.* The order disbarring the attorney on consent shall be a matter of public record. If the statement required under the provisions of subdivision (a) of this rule is submitted before the filing and service of a petition for discipline and the filing of an answer or the time to file an answer has expired, the statement shall not be publicly disclosed or made available for use in any proceeding other than a subsequent reinstatement proceeding except:

- (1) upon order of the Supreme Court,
- (2) pursuant to an express written waiver by the attorney,
- (3) upon a request of another jurisdiction for purposes of a reciprocal disciplinary proceeding,
- (4) upon a request by the Pennsylvania Lawyers Fund for Client Security Board pursuant to Enforcement Rule 521(a) (relating to cooperation with Disciplinary Board), or

(5) when the resignation is based on an order of temporary suspension from the practice of law entered by the Court either pursuant to Enforcement Rule 208(f)(1) (relating to emergency temporary suspension orders and related relief) or pursuant to Enforcement Rule 214 (relating to attorneys convicted of crimes). ] *Resignation statement.* Upon entry of the order disbarring the attorney on consent, both the order and the resignation statement shall be a matter of public record.

\* \* \* \* \*

[Pa.B. Doc. No. 10-2094. Filed for public inspection November 5, 2010, 9:00 a.m.]

## Title 210—APPELLATE PROCEDURE

### PART II. INTERNAL OPERATING PROCEDURES

#### [ 210 PA. CODE CH. 63 ]

#### Amendments to the Internal Operating Procedures of the Supreme Court; No. 348 Judicial Administration Doc.

#### Order

*Per Curiam*

And Now, this 25th day of October, 2010, it is ordered that the Internal Operating Procedures of the Supreme Court are amended in Section 10 as set forth in Annex A.

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART II. INTERNAL OPERATING PROCEDURES

#### CHAPTER 63. INTERNAL OPERATING PROCEDURES OF THE SUPREME COURT

#### § 63.10. Certification of Questions of Law.

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*C. Assignment and Disposition.* The prothonotary shall refer Certification Petitions to the Chief Justice. The Chief Justice will prepare memoranda setting forth the positions of the parties and a recommended disposition. Vote proposals shall be circulated within thirty days from the date of assignment, and shall contain a proposed disposition date no greater than thirty days from the date of circulation. A vote of the majority of those participating is required to implement the proposed disposition.

Every Certification Petition shall be decided within sixty days. Orders disposing of Certification Petitions shall include the names of any justices who did not participate in the consideration or decision of the matter.

Upon acceptance of certification, the prothonotary shall:

1. Issue an order accepting certification, which shall specify the questions of law for which certification was accepted, and whether the case is to be submitted on briefs or designated by the Court to be heard at the argument session;

2. Establish a briefing schedule;

3. If oral argument is granted, list the matter for oral argument; and

4. Take such further action as this Court directs.

**After certification is accepted, an *amicus curiae* brief may be submitted without prior leave of Court. Such briefs shall be filed and served in the manner and within the time directed by the Prothonotary.**

*D. Reconsideration.* A vote of the majority is required to grant reconsideration.

#### **Rules Regarding Certification of Questions of Pennsylvania Law**

The Pennsylvania Supreme Court, by Order of Jan. 12, 2000, 30 Pa.B. 519, provided that:

1. Any of the following courts may file a Certification Petition with this Court:

a. The United States Supreme Court; or

b. Any United States Court of Appeals.

2. A court may file a Certification Petition either on the motion of a party or sua sponte.

3. A Certification Petition shall contain the following:

a. A brief statement of the nature and stage of the proceedings in the petitioning court;

b. A brief statement of the material facts of the case;

c. A statement of the question or questions of Pennsylvania law to be determined;

d. A statement of the particular reasons why this Court should accept certification; and

e. A recommendation about which party should be designated Appellant and which Appellee in subsequent pleadings filed with this Court.

f. The petitioning court shall attach to the Certification Petition copies of any papers filed by the parties regarding certification, e.g., a Motion for Certification, a Response thereto, a Stipulation of Facts, etc.

[Pa.B. Doc. No. 10-2095. Filed for public inspection November 5, 2010, 9:00 a.m.]

## **PART II. INTERNAL OPERATING PROCEDURES [ 210 PA. CODE CH. 67 ]**

### **Amendment to Commonwealth Court Internal Operating Procedures**

The Commonwealth Court has amended multiple sections of its Internal Operating Procedures. Effective January 1, 2011, there is a change in the status of unreported panel decisions; Internal Operating Procedure (IOP) section 67.55 is revised to permit a party to also cite an unreported panel decision issued after January 15, 2008 for its persuasive value but not as binding precedent. Revised section 67.13, authorizes the Chief Clerk to grant a 30-day extension of time for a petitioner to perfect an appellate petition for review, effective immediately. The changes to sections 67.6, 67.9, 67.11, 67.14, 67.16, 67.21, 67.22, 67.35, 67.42, 67.45, 67.47 and 67.53, also effectively immediately, revise the IOPs to recognize changes in staff assignments.

#### **Annex A**

#### **TITLE 210. APPELLATE PROCEDURE**

#### **PART II. INTERNAL OPERATING PROCEDURES**

#### **CHAPTER 67. COMMONWEALTH COURT**

#### **Subchapter A. INTERNAL OPERATING PROCEDURES OF THE COMMONWEALTH COURT GENERAL PROVISIONS**

#### **§ 67.6. Duty Rosters; Availability.**

Each duty judge shall be present or available in Harrisburg throughout the week and shall make the [ **executive administrator or the** ] prothonotary and chief clerk aware of where he or she can be reached when not at the [ **South Office Building** ] **Pennsylvania Judicial Center** during regular hours. The duty judge shall be in charge of making administrative decisions when the president judge is not available by telephone communication, but the president judge shall be consulted if major decision making is required.

#### **§ 67.9. Emergency Applications.**

[ (a) ] 1. An emergency application is defined as an application filed during non-business hours, including holidays and weekends. Filing of emergency applications outside of normal business hours will be allowed only when both of the following conditions are present:

[ (1) ] (a) The application will be moot unless a ruling is obtained prior to noon of the next business day; and

[ (2) ] (b) The application is being filed within two business days of the filing of the order sought to be reviewed.

[ (b) ] 2. *Contents of emergency applications.* An emergency application shall include the following:

[ (1) ] (a) An explanation of why an order of this Court is necessary, time sensitive and satisfies the threshold requirements set forth in (a)(1)—(2);

[ (2) ] (b) An explanation of how service has been perfected upon the opposing party or, if service has not been made, a summary of the efforts to perfect service or explanation of why service is impossible or impracticable;

[ (3) ] (c) Unless already docketed with this Court, a stamped "filed" copy of the relevant common pleas court

order being appealed, as well as a copy of the notice of appeal that will be filed with this Court;

[ (4) ] (d) Unless already docketed with this Court, a copy of the relevant petition for review, whether addressed to this Court's appellate or original jurisdiction;

[ (5) ] (e) The appropriate filing fee or a sufficient pauper's affidavit.

[ (c) ] 3. Each duty judge shall be available from 12:01 a.m. on the Monday commencing his or her duty week and remain available until 12:00 midnight on the Sunday concluding the duty week. The duty judge shall be available in Harrisburg Monday through Friday or shall advise the [ **executive administrator,** ] prothonotary [ **or** ] and chief clerk of a telephone number at which he or she may be reached when not present in the Court's Harrisburg offices. The assigned duty judge shall make decisions in all emergency applications.

[ (d) ] 4. The filing of an emergency application should be made by contacting this Court's prothonotary, the chief clerk, [ **the executive administrator** ] or a deputy prothonotary who will accept the papers by the most expeditious means available, including fax or e-mail attachment, and assign the matter a docket number, if needed.

[ (1) ] (a) The Court officer accepting the filing shall contact the emergency judge to make arrangements for consideration and disposition of the emergency application.

[ (2) ] (b) If the duty week judge is not available, the emergency application shall be referred to the president judge and then to the associate judges in descending order of seniority, if the president judge is not available.

[ (3) ] (c) The telephone number of the court officer accepting the filing of emergency applications shall be made available through the Court's after hours telephone message system (717-255-1600 or 717-649-5153).

#### APPELLATE JURISDICTION

##### § 67.11. Permission to Appeal; Interlocutory Orders.

The [ **executive administrator or the** ] prothonotary shall present each petition for permission to appeal, together with opposing briefs and any recommendation, to the duty judge for appropriate action. In the absence of a recommendation by the prothonotary, the disposition of such petitions shall follow the procedure for petitions for reargument, stated in § 67.35 [ **(relating to rearguments; petitions for rearguments)** ].

##### § 67.13. Petition for Review; Clarification.

[ (a) Upon receipt by ] When the chief clerk [ **from a pro se party of** ] receives a written communication [ **which** ] that evidences an intention to appeal an adjudication of a state administrative agency but does not conform to the rules for an appellate petition for review, the chief clerk shall [ **timestamp** ] time-stamp the [ **writing** ] written communication with the date of receipt. The chief clerk shall advise the party by letter[ : ] (1) [ **As to** ] of the procedures necessary to perfect the appeal[ . ] and (2) [ **That** ] that the date of receipt of the [ **pro se** ] communication will be preserved as the date of filing of the appeal[ , on condition ] if that [ **the** ] party files a [ **proper** ] fully

conforming petition for review within 30 days of the date of the chief clerk's letter [ **from the chief clerk** ]. If the party fails to file a [ **proper** ] fully conforming petition for review within that period, the chief clerk shall advise the party by letter that the court will take no further action in the matter.

[ (b) Upon receipt by the chief clerk of a notice of appeal in cases in which a petition for review is the proper appeal document, the chief clerk shall time-stamp the notice of appeal with the date of receipt and the court shall forthwith enter an order giving the party 30 days to file a petition for review and indicating that the failure to do so will result in the dismissal of the appeal. ]

##### § 67.14. Preargument Matters; Applications, Motions and Petitions.

The chief clerk shall promptly, after filing, submit preargument applications, motions and petitions requiring consideration by a judge to the [ **executive administrator or the** ] prothonotary. The [ **executive administrator or the** ] prothonotary shall daily confer with the president judge or the duty judge on such matters, who shall act by order granting or denying the relief or remedy sought, directing the matter to be decided on submitted briefs, or listing the matter for argument before, or in conjunction with, argument on the merits of the appeal. When required by law or rule, the judge shall defer acting upon the matter pending filing of an answer or until the time for answer has expired.

##### § 67.16. Preargument Matters; Extensions of Time.

[ (a) ] The chief clerk may grant a written request for an extension of time to file briefs, or to file the reproduced record, where the requested extension is[ : ] (1) [ **For 30** ] for thirty days or less[ . ], (2) [ **The** ] the first one sought[ . ], and (3) [ **Unopposed** ] unopposed by all other parties. [ (b) ] If any of the three enumerated requirements does not exist, the party shall submit the request by formal application upon which the [ **executive administrator,** ] prothonotary, chief clerk or deputy prothonotary [ **for law** ] may act for the court.

##### § 67.21. Arguments; Preparation of Lists.

To aid the president judge in the allocation of cases to be heard by the court en banc or by panels, the chief clerk shall submit an analysis of the procedural posture and issues raised in each case ready for argument. The [ **executive administrator or the** ] prothonotary shall review the list of cases, and present to the president judge recommendations as to cases on the list to be heard by the court en banc or by a panel. The president judge shall review the proposed argument list and make any changes deemed necessary. As approved or as modified by the president judge, the chief clerk shall proceed to publish the argument list and give notice to litigants. The argument list as published shall disclose a day certain for argument of each case listed.

##### § 67.22. Arguments; Number of Cases.

The president judge[ , the executive administrator ], the prothonotary and the chief clerk shall determine the number of cases to be listed at a regular argument session before the court en banc and before panels, on the basis of expediting the disposition of cases ready for argument, to the maximum extent feasible.

**§ 67.35. Rearguments; Petitions for Reargument.**

The president judge shall distribute petitions for reargument and answers to them, involving cases decided by a panel of the court or the court en banc, to all judges of the court. After consideration pursuant to such circulation, the vote of the majority of the commissioned judges of the court to grant or deny the petition for reargument shall govern, although comments from the court's senior judges shall be solicited. Where a party files a petition for reargument of an order issued by a single judge, [ **the executive administrator or** ] the prothonotary shall submit the petition, together with any answer, to that judge for disposition.

**ORIGINAL JURISDICTION**

**§ 67.42. Pretrial Matters; Applications, Motions, Petitions and Praecipes.**

The chief clerk shall promptly, after filing papers in original jurisdiction cases, submit pretrial applications, praecipes for trial after a case is at issue, petitions for summary judgment or for judgment on the pleadings, statutory enforcement proceedings requiring a hearing before a judge, praecipes for hearing in matters under Pa.R.A.P. 1571, and all other motions and matters requiring the consideration of a judge before trial or argument on the merits, to the [ **executive administrator or the** ] prothonotary, who shall, on a daily basis, confer with the president judge or duty judge on such matters. Depending upon the nature of the matter, the president judge or the duty judge shall by order set the matter down for evidentiary hearing or formal trial, for argument before a single judge in cases in which a single judge may dispose of the matter, for argument before the court en banc or a panel, or for other disposition consistent with the applicable [ **provisions of this title** ] **Rules of Appellate Procedure** or [ **231 Pa. Code (relating to)** ] **Rules of Civil Procedure**[ ] ].

**§ 67.45. Proceedings; Election Cases.**

Proceedings under the Pennsylvania Election Code within the court's original jurisdiction (petitions for review in the nature of mandamus and objections to nomination petitions and papers) shall be under the direct supervision of the president judge, the [ **executive administrator and the** ] prothonotary **and the chief clerk**. The president judge, to dispose of such cases, shall establish a special election court schedule, assign judges to hear cases or, when necessary, convene a special court en banc or panel to hear the same promptly.

**§ 67.47. Reconsideration; Petitions for Reconsideration.**

When a party files a petition for reconsideration of an order issued by a single judge, [ **the executive administrator or** ] the prothonotary shall submit the petition, together with any answer, to the judge for action, in accordance with Pa.R.A.P. 123(e).

**DECISIONS**

**§ 67.53. Reporting of Opinions; Determination as to Reporting.**

[ **A. Each judge who is the author of an opinion of a panel or the court en banc shall indicate, in circulating the opinion to the other members of the court, the authoring judge's recommendation as to whether the opinion should be reported. A decision generally should be reported when it:**

1. establishes a new rule of law;
2. applies an existing rule of law to facts significantly different than those stated in prior decisions;
3. modifies or criticizes an existing rule of law;
4. resolves an apparent conflict of authority;
5. involves a legal issue of continuing public interest; or
6. constitutes a significant, non-duplicative contribution to law because it contains:
  - (a) an historical review of the law,
  - (b) a review of legislative history,
  - (c) a review of conflicting decisions among the courts of other jurisdictions.

**B. The recommendation shall govern the determination as to reporting, unless a majority of the commissioned members of the court disagree with it. ]** Opinions of a single judge shall be filed but not reported unless, because of the unique character of the case, the [ **executive administrator, the** ] prothonotary or the authoring judge shall recommend that the opinion be reported and a two-thirds majority of the commissioned members of the court shall concur with the recommendation.

**§ 67.55. [ Reporting of ] Citing Judicial Opinions [ ; Certain Decisions not to be Cited ] .**

[ **Unreported opinions of this court shall not be cited in any opinion of this court or in any brief or argument addressed to it, except that such** ] **An unreported opinion of this court may be cited and relied upon [ or cited ] when it is relevant under the doctrine of law of the case, res judicata or collateral estoppel. [ When ] Parties may also cite an unreported [ memorandum opinion is relied upon pursuant to this rule, a copy of the memorandum must be attached to the brief ] panel decision of this court issued after January 15, 2008, for its persuasive value, but not as binding precedent.** A single-judge opinion of this court, even if reported, shall be cited only for its persuasive value, not as a binding precedent. [ **This rule shall be effective retroactively, so as to apply to opinions filed before the effective date of this section, as well as to opinions filed in the future.** ]

[Pa.B. Doc. No. 10-2096. Filed for public inspection November 5, 2010, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### The Abandoned and Blighted Property Conservatorship Act; General Court Regulation No. 2009-01

Consistent with the opinion issued by the Commonwealth Court in the case captioned *In re: a Conservatorship Proceeding IN REM by the Germantown Conser-*

vancy, Inc., 995 A.2d 451 (Pa. Commw. 2010), effective immediately, General Court Regulation No. 2009-01 is amended to read as follows:

On November 26, 2008, the Governor signed Act 135, known as The Abandoned and Blighted Property Conservatorship Act, which became effective on February 24, 2009. The Act provides a mechanism to transform abandoned and blighted properties into productive reuse by authorizing the filing of a petition with the Court of Common Pleas by certain named interested parties seeking the appointment of a Conservator who will be authorized to take possession of the property, undertake its rehabilitation and, as appropriate, ultimately sell the premises unless reclaimed by the owner(s).

In light of the important rights of the various interested parties involved in such an action, the Court adopts this General Court Regulation to provide detailed procedural guidance in the filing and processing of petitions filed pursuant to Act 135, which has been codified in 68 P. S. § 1101 et seq.

1) *Initiation of Action.* Actions filed pursuant to Act 135 involving abandoned and blighted properties located in Philadelphia County are “*in rem*” proceedings and as such shall be commenced by the electronic filing of a Petition for the Appointment of a Conservator (as a “Petition Action”) with the Prothonotary of Philadelphia County as provided in Philadelphia Civil Rule \*205.4 in the Court of Common Pleas, Trial Division—Civil, and the requisite filing fee shall be paid at the time of the filing of the petition. A separate action must be filed for each property that has a specific Board of Revision of Taxes (“BRT”) number. The Petition for the Appointment of a Conservator shall be substantially in the format attached hereto as Attachment “A.” Upon filing, if it appears that the owner of the property at issue is a person or entity over whom the Philadelphia Orphans’ Court Division has jurisdiction, the action shall be administratively assigned to a Judge of the Orphans’ Court Division, designated by the Administrative Judge of the Orphans’ Court Division; however all legal papers shall continue to be filed through the Civil Electronic Filing System in the Civil Trial Division.

2) *Petitioner.* The petition may be filed by an eligible “party in interest” as defined in Section 1103 of the Act.

3) *Conservator.* The petitioner must establish that the proposed Conservator is entitled to appointment pursuant to the Act. Moreover, a nonprofit corporation wishing to serve as Conservator should attach to the Petition a Certification to Serve as Conservator, certifying, inter alia, whether the Internal Revenue Service has granted the nonprofit corporation tax exempt non-profit status under § 501(c)(3) of the Internal Revenue Code; that the nonprofit corporation is located in Philadelphia; that the nonprofit corporation is eligible to receive a Certificate of Good Standing from the Pennsylvania Department of State; that the nonprofit has participated in a project within a one-mile radius of the property; and that the nonprofit corporation has passed a resolution authorizing the filing of the Petition for the Appointment of a Conservator and, if the nonprofit corporation is named as the proposed Conservator, that the nonprofit corporation has passed a resolution authorizing its acceptance of a court appointment as Conservator for the specific property or properties at issue and is authorized to perform all of the duties required of a Conservator.

4) *Respondent(s).* The petitioner must name as Respondent the “owner” of the property at issue, who is defined in Section 1103 of the Act as “The holder or holders of title to, or of a legal or equitable interest in, a residential, commercial or industrial building. The term shall include an heir, assignee, trustee, beneficiary and lessee provided the ownership interest is a matter of public record.” In light of the above definition, the petitioner should undertake a substantial examination of the public record to determine all parties who may be deemed to be an owner—and not merely rely on the last recorded deed. For instance, one of the named “owners” on the deed may be deceased, and if so, the petitioner should name as “owners” decedent’s heirs (or the decedent’s estate).

5) *Lienholders.* The petitioner must identify all lienholders and other secured creditors of the owners (including judgment creditors as may be disclosed in a judgment search or title report), as well as their address, both in the body of the petition and in relevant screens of the Civil Electronic Filing System to facilitate a determination of whether they were served with the required notices of the pendency and status of proceedings as may be applicable.

6) *Identification of the Abandoned and Blighted Property.* The petitioner shall provide the street address of the property at issue with the zip code and extended zip code, if available, and shall provide the Philadelphia Board of Revision of Taxes Account Number (“BRT #”).

7) *Content of the Petition.* The petition shall be in a form substantially as attached hereto as Attachment “A,” shall comply with Section 1104 (b) and must provide detail and documentation to support the allegations contained in the Petition. Where applicable and available, the petition should be accompanied by the following evidence, whether through affidavits, exhibits, or detailed averments within the petition itself:

a) A copy of the title report;

b) A copy of deed or other documentation, showing that neither the building or land is owned by or held in trust for the Federal Government and regulated under the United States Housing Act of 1937 (50 Stat. 888, 42 U.S.C. § 1437 et seq.) and regulations promulgated under that act;

c) Proof that the owner is not in the armed services (either from the Military website or with letters from all five branches of the military confirming that the owner is not on active duty);

d) A copy of citations showing violations of municipal code or declaration of the building to be a public nuisance, as provided in Section 1104(b)(1);

e) A copy of citations declaring building a public nuisance, as provided in Section 1104(b)(1);

f) Preliminary Plan with initial cost estimates, as provided in Section 1104(b)(3);

g) Evidence that the building has not been legally occupied for the previous 12 months, as provided in Section 1105(d)(1);

h) Evidence that the building has not been “actively marketed” in the last 60 days, as provided in Section 1105(d)(2). As provided in Section 1103, that might include, evidence of the following:

(1) That a “For Sale” sign is not placed on the property (a photograph of the premises showing that it does not have a “For Sale” sign must be attached);

(2) For a residential property, a printout from www.realtor.com, or other proof, that it is not listed on the Multiple Listing Service. For commercial property, an Affidavit setting forth the efforts made to determine whether the commercial property has been listed with realtors in the immediate neighborhood;

(3) That there have not been weekly or more frequent advertisements in print or electronic media. The petitioner must attach an Affidavit stating which papers have searched which reveals that there is no evidence that the property has been listed for sale during the last sixty (60) days; and

(4) An Affidavit from one or more neighbors regarding their knowledge that no printed advertisements have been distributed within the last sixty (60) days.

i) Evidence that the building is not subject to an existing foreclosure action as required by Section 1105(d)(3). The Petitioner must determine the name of the owner from Philadox and then search the Court of Common Pleas docket using the name of the owner to determine whether a foreclosure action has been filed.

j) Evidence from Philadox that the owner has not acquired the building within the last six months as required by Section 1105(d)(4).

k) A sworn statement that, to the best of the petitioner's knowledge, the property meets the conditions for conservatorship set forth in Section 1105(d).

8) *Notice of Filing of a Petition to Appoint a Conservator.* The petitioner shall attach to the Petition for the Appointment of a Conservator a Notice of the Filing of a Petition for the Appointment of a Conservator, substantially as attached hereto as Attachment "B."

9) *Order for Rule to Show Cause. Lis Pendens.* The petitioner shall attach an Order for Rule to Show Cause, substantially as attached hereto as Attachment "C," and shall file a Lis Pendens, substantially as attached hereto as Attachment "D," with the City of Philadelphia Department of Records and a copy thereof with the Prothonotary.

10) *Review of the Petition. Issuance of an Order for Rule to Show Cause scheduling a Hearing.* A petitioner has an absolute right to a hearing if it establishes that the conservatorship is not statutorily barred. The court may deny the Petition for the Appointment of a Conservator if it appears that a prima facie entitlement to a hearing on the appointment of a conservator is not established via documents or detailed averments attached to or included in the Petition. The Court will issue an Order for Rule to Show Cause if a prima facie entitlement to the appointment of a conservator has been established, but the issue of entitlement to the appointment of a conservator will not be finally determined until after the hearing required by Section 1105 is held.

11) *Posting of the Notice of the Filing of a Petition to Appoint a Conservator.* The Petitioner shall post the Notice of the Filing of a Petition for the Appointment of a Conservator on the premises as may be required by the Court in the Order for Rule to Show Cause.

12) *Service of the Petition to Appoint a Conservator. Notice of the filing of the Petition to Appoint a Conservator.* Upon issuance of an Order for Rule to Show Cause, the petitioner shall:

a) serve a copy of the Notice, Petition for the Appointment of a Conservator and all exhibits on the owner(s) as required by Pa.R.C.P. No. 400.1 and shall file a return of service as soon as possible upon service;

b) mail a copy of the Notice, Petition for the Appointment of a Conservator and all exhibits by registered or certified mail on the City of Philadelphia as provided in Section 1103 at the following address: c/o City Solicitor, 1515 Arch Street, Philadelphia, PA (or any other address designated from time to time by the City of Philadelphia) and shall file a return of service as soon as possible upon service. At petitioner's discretion, service may also be accomplished as provided by Pa.R.C.P. No. 400.1; and

c) mail a copy of the Notice, Petition for the Appointment of a Conservator and exhibits on all lienholders (including judgment creditors) and other secured creditor(s) of the owner(s), as identified in the Petition for the Appointment of a Conservator, by registered or certified mail, to their last known address, as provided in Section 1103 and shall file a return of service as soon as possible upon service. At petitioner's discretion, service may also be accomplished as provided by Pa.R.C.P. No. 400.1.

13) *Response Period. Petition to Intervene.* The record owners, lienholders and other secured creditors of the record owner(s), and other parties in interest may file an answer or other responsive pleading, or petition to intervene as may be provided by the Court in the Order to Show Cause.

14) *Hearing.* A hearing on the Petition for the Appointment of a Conservator will be held on a date certain within 120 days of the filing of the petition as required by Section 1105. On the hearing date:

a) The Petitioner must produce evidence that the property meets at least three of the following requirements for conservatorship:

(1) that the City of Philadelphia has declared the building to be a public nuisance, as provided in Section 1105(d)(5)(i);

(2) that no permits for rehabilitation work have been issued in the past 12 months, and that the building is in "need of substantial rehabilitation" as established by photos or affidavits of persons with knowledge based on exterior or interior inspections, as provided in Section 1105(d)(5)(ii);

(3) documentation, photos or affidavits of persons with knowledge establishing that the building is unfit for human habitation, occupancy, or use, as provided in Section 1105(d)(5)(iii);

(4) documentation showing that the building increases the risk of fire to adjacent properties. If there have previously been fires in the property, must attach proof from the Fire Department or an affidavit from neighbors, as provided in Section 1105(d)(5)(iv);

(5) documentation showing that unauthorized entry is possible. If petitioner is claiming that the City of Philadelphia has secured the building, attach proof from the City to this effect, as provided in Section 1105(d)(5)(v);

(6) photos showing that the conditions are an attractive nuisance to children. If possible, attach an affidavit from a neighbor showing that children have been illegally entering the property as required by Section 1105(d)(5)(vi);

(7) code citations that address the presence of vermin, debris, uncut vegetation and deterioration of the structure or grounds. If no code citations, then attach photos and affidavits from neighbors, community groups, and/or others knowledgeable about the property which address conditions as required by Section 1105(d)(5)(vii);

(8) photos of the property being proposed for conservatorship, as well as photos of the neighboring properties on both sides of the block. This will allow the Court to understand the effect the blighted property has had on the economic well-being of the community as required by Section 1105(d)(5)(viii); or

(9) police reports showing that police have been called about illicit activity at property. If no police reports, then affidavits from neighbors, community groups, and/or others knowledgeable about the property can be used as required by Section 1105(d)(5)(ix).

b) any party in interest who has filed the appropriate answer or other responsive pleading, or petition to intervene shall be permitted to present evidence to support or contest the petition.

c) For good cause shown, the Court may permit a party in interest who has not filed the required answer or other responsive pleading, or petition to intervene to do so, and the hearing may be postponed as appropriate.

15) *Order Granting Request for Period to Abate Nuisance.* Within 30 days after the hearing, the Court may enter an order, as appropriate, providing the owner a reasonable period of time to abate and remedy the violations or nuisance which gave rise to the filing of the petition, as provided in Section 1105(f)(1).

16) *Order Appointing a Conservator.* Within 30 days after the hearing, the Court may enter an order, as appropriate, appointing a Conservator. If a Conservator is appointed, the order shall set forth in detail the powers, duties and obligations of the Conservator including requirements which must be met before the Conservator may exercise any authorized powers and duties, such as securing any necessary bond and/or insurance. The Court may also require the Conservator, and any other parties who must enter the premises to assist with the preparation of the Final Plan, to execute Right of Entry Authorizations and provide such Certificates of Additional Insurance as may be required by the Court

17) *Filing of Final Plan.* The Conservator shall file a Final Plan for Abatement on or before the date established in the court order appointing the Conservator. The Final Plan must fully comply with Section 1106(b), shall specifically set forth the Scope of Work to be performed, and shall set forth in detail the financing for the costs of rehabilitation and other relevant terms, including whether the Court is requested to grant a lien or security interest with priority, as provided in Section 1108 (b), to facilitate the borrowing of funds to rehabilitate or demolish the property. The Conservator may not enter into any binding agreement concerning the financing until the financing is approved by the Court.

18) *Hearing and Approval of Final Plan.* Upon receipt of the Final Plan for Abatement, the court shall issue a scheduling order which will provide whether the Conservator must serve on the owner of the Property and/or lienholders and/or other secured creditors of the owner the scheduling order and Final Plan, or only a Notice of

the filing of the Final Plan and the scheduling of a hearing thereon, and that comments to the Final Plan must be filed before the hearing date, or presented on the day of the hearing. After the hearing, the Court must approve the Final Plan or require that it be amended, and if the Court orders the Plan to be amended, the Court shall schedule a subsequent hearing for approval of the Final Plan. Once the Final Plan is approved, no changes may be made unless authorized by the Court after the filing of a petition.

19) *Status Reports.* From time to time, the Court may request status reports from the Conservator.

20) *Filing of an Account.* Upon conclusion of the rehabilitation or demolition, the Conservator shall file a full Account of all funds expended by the Conservator. The Account shall include a summary of actions taken by the Conservator, and a detailed report verifying that each of the items in the Scope of Work approved by the Court was in fact completed, and if not completed, the Conservator must provide sufficient justification for not completing any of the items.

21) *Sale of Property at Issue. Distribution of Proceeds.* The Conservator may, upon petition, seek the sale of the property at public or private sale as provided in Section 1109. The reasons for seeking the sale of the Property must be set forth in detail, together with the proposed terms of the sale and estimated proceeds and distribution. The Court will issue a scheduling order and the Conservator must serve the scheduling order and petition on the owner, lienholders and other secured creditors of the owner. After the hearing, the Court may issue an order authorizing the sale of the premises and further authorizing the Conservator or the Prothonotary to execute the deed conveying title to the purchaser. The proceeds of the sale shall be applied and distributed as set forth in Section 1109.

22) *Termination of Conservatorship.* The Court may terminate the conservatorship as required by Section 1110.

23) *Appointment of Master-Judge Pro Tem.* At any time, the Court may appoint a master-judge pro tem to review the pleadings filed, conduct any hearing or status hearing authorized by Act 135 and this General Court Regulation, and issue orders or recommendations as directed by the Court and as may otherwise be necessary. Court costs necessary for the payment of the master-judge pro tem must be deposited with the Prothonotary by the Petitioner or Conservator as may be ordered from time to time by the Court.

This General Court Regulation is issued pursuant to The Abandoned and Blighted Property Conservatorship Act, 68 P.S. § 1101 et seq. and shall become effective immediately. The original 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 of Philadelphia County, shall be published in the *Pennsylvania Bulletin*, and copies shall be submitted to the Administrative Office of Pennsylvania Courts and to the Civil Procedural Rules Committee. Copies of the General Court Regulation will be submitted to *American Lawyer Media*, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania.

nia, and posted on the web site of the First Judicial District of Pennsylvania at <http://courts.phila.gov>.

By the Court

PAMELA PRYOR DEMBE,  
*President Judge*

**ATTACHMENT "A"**

*Court of Common Pleas*

(By: Attorney  
Bar No.  
Email Address  
Firm Name  
Street Address  
Telephone Number)

**THIS IS NOT AN ARBITRATION  
MATTER. AN ASSESSMENT OF  
DAMAGES HEARING IS NOT  
REQUIRED.**

(Petitioner) :  
: COURT OF COMMON  
: PLEAS  
Petitioner, :  
: PHILADELPHIA  
: COUNTY  
: CIVIL TRIAL DIVISION  
v. :  
: \_\_\_\_\_ TERM, 20\_\_\_\_  
(Owner(s) of Property at :  
Issue) :  
Respondent(s) : No.: \_\_\_\_\_

**PETITION FOR THE APPOINTMENT OF A  
CONSERVATOR**

Petitioner, \_\_\_\_\_, by and through counsel, respectfully petitions this Court to appoint a conservator to take possession and to undertake the rehabilitation of certain property, and in support thereof avers as follows:

**JURISDICTION AND VENUE**

- 1. This Court has jurisdiction pursuant to the Abandoned and Blighted Property Conservatorship Act, P. L. 1672, No. 135, 68 P. S. § 1101 et seq. (2008) (the "Act").
- 2. The Property is located in Philadelphia County, Pennsylvania and venue is pursuant to Section 1104(a) of the Act because the Property is located in Philadelphia County, Pennsylvania.

**PROPERTY**

- 3. The Property subject to this Petition is a (Residential/commercial/industrial) building located at: \_\_\_\_\_, BRT No. \_\_\_\_\_ (the "Property"). A Copy of Deed is attached as Exhibit "A;" the Title Report is attached as Exhibit "B;" and the Legal Description is attached as Exhibit "C."

**PETITIONER**

- 4. Petitioner is (the owner) (a lienholder or other secured creditor of the owner) (a resident or business owner within 500 feet of the building) (a nonprofit corporation within the City and County of Philadelphia that has as one of its purposes to create and stimulate economic development while improving the quality of life for residents within the \_\_\_\_\_ community, where the Property is located), a party in interest, as defined by Section 1103 of the Act.
- 5. (Petitioner) has participated in the following projects (if proposed Conservator is a nonprofit corporation, add: within a one-mile radius of the Property):

(List in detail the qualifying projects petitioner has participated in.)

**RESPONDENT**

- 6. The Petitioner avers that the property is owned by \_\_\_\_\_ (the "Owner(s)"). The name of the record owner on the last recorded deed is:

(If the owner is an individual, describe efforts made by the Petitioner to identify the owner of the property and to determine whether the owner is deceased and if so, efforts to locate the deceased owner's heirs.)

(If the owner is a corporation or other legal entity, describe efforts made by the Petitioner to determine whether the corporation, partnership, fictitious entity or other business entity, its successors and/or assigns is/are active.)

- 7. The Owner has not vacated the Property to perform military service in time of war or armed conflict or in order to assist with relief efforts during a declared federal or state emergency as a member of the United States Armed Forces or reserve.

- 8. The Property is not held in trust for the federal government and regulated under the United States Housing Act of 1937, 50 Stat. 888, 42 U.S.C. § 1437 et. seq.

**LIENHOLDERS AND OTHER SECURED  
CREDITORS**

- 9. Petitioner has identified the following lienholders and other secured creditors with a potential interest in the Property through an examination of the title report for the Property and any additional search or sources necessary to identify the lienholders and other secured creditors, their addresses, as well as the identities and addresses of any successors and/or assigns:

(List the name and address of all lienholders and other secured creditors or attach as exhibit).

See Title Report, Ex. "B," (include and attach other search or sources used to identify the lienholders and secured creditors):

**CONDITIONS FOR CONSERVATORSHIP**

- 10. The Property has not been legally occupied for at least twelve (12) months before the date of the filing of this Petition. (Add any relevant description.)
- 11. The Property has not been actively marketed during the sixty (60) days before the date of the filing of this Petition. (Describe efforts and attach relevant documents)

- 12. No "For Sale" sign has been placed on or in front of the Property during the sixty (60) days before the date of the filing of this Petition. (Describe efforts and attach relevant documents)

- 13. The Property has not been advertised as for sale through distributed print advertisements, print or electronic media, or through engagement of a real estate professional (for residential property add: to place the Property in a Multiple Listing Service or) to otherwise market the Property. (Add any relevant description.)

- 14. According to inspection of public records, the Property appears not to be subject to an existing foreclosure action.

- 15. According to inspection of public records, (Owner) has not acquired the Property within the preceding six (6) months prior to the date of the filing of this Petition.



16. To the best of the petitioner's knowledge, the property meets the conditions for conservatorship set forth in Section 1105(d).

(Although not required at the pleading stage, it is suggested that, to the extent available, the petitioner attach documents or include specific factual averments establishing at least three (3) of the items set forth in Section 1105 (d)(5)).

**PROPOSED CONSERVATOR**

17. Petitioner recommends that \_\_\_\_\_ (Name of proposed conservator) be appointed Conservator. The proposed Conservator has the financial resources and experience to properly rehabilitate the Property. (Explain and provide detail concerning the proposed Conservator's financial resources and experience.) (If a non-profit Corporation is the proposed Conservator, attach a Certification to Serve as Conservator and required documentation as set forth in General Court Regulation No. 2009-01.)

18. Petitioner's Preliminary Plan with initial cost estimates for rehabilitation of the Property to bring it into compliance with all municipal codes and duly adopted plans for the area in which the Property is located and anticipated funding sources are attached as Exhibit \_\_\_\_\_. (Briefly describe the preliminary plan.)

**LIS PENDENS**

19. Petitioner will serve or provide notice of the filing of this Petition as provided in General Court Regulation No. 2009-01 and as otherwise ordered by the Court.

20. As required by 68 P. S. § 1104 (c), Petitioner shall file a Lis Pendens, substantially in the form attached hereto as Exhibit \_\_\_\_, with the City of Philadelphia Department of Records and shall thereafter file a file-stamped copy with the Prothonotary.

WHEREFORE, Petitioner prays for the following relief:

1. Issue an Order to Show Cause, inter alia, as to why a Conservator should not be appointed to abate the public nuisance and rehabilitate (or demolish), as alleged and ultimately proven, at the Property located at \_\_\_\_\_;

2. Appoint a Conservator as authorized by the Abandoned and Blighted Property Conservatorship Act; and

3. Grant such other and additional relief as may be just and appropriate.

Date: \_\_\_\_\_ Respectfully submitted \_\_\_\_\_

**VERIFICATION OF PETITIONER**

I, \_\_\_\_\_, hereby state:

1. I am (Title) for (Petitioner), Petitioner in this action;

2. I verify that the statements contained in the foregoing Petition to Appoint a Conservator are true and correct to the best of my knowledge, information, and belief; and

3. I understand that the statements in the Petition to Appoint a Conservator are subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
(Title)  
(Petitioner)

Dated: \_\_\_\_\_, 20\_\_

**CERTIFICATION TO SERVE AS CONSERVATOR**

The undersigned, being the \_\_\_\_\_ of the Board of \_\_\_\_\_ ("the Corporation"), a Pennsylvania non-profit corporation:

1. Certifies that the matters herein certified will be relied upon by the Court of Common Pleas of Philadelphia County, in considering the Corporation's petition to be appointed Conservator under 68 P. S. § 1101-11.

2. Certifies that on \_\_\_\_\_ the Internal Revenue Service granted the Corporation tax-exempt nonprofit status under § 501(c)(3) of the Internal Revenue Code.

3. Certifies that the Corporation is eligible to receive a Certificate of Good Standing from the Pennsylvania Department of State.

4. Understands the Conservator's requirements to report to the Court and agrees to comply with these requirements.

5. Is familiar with all currently effective agreements to which the Corporation is party or by which it is bound ("Existing Agreements").

6. Knows of no provision in any Existing Agreements, or in the Corporation's Articles of Incorporation or By-laws, which would be contravened by any actions or undertakings of the Corporation required if the Court appoints the Corporation as Conservator.

7. Knows of no suit, action or proceedings of any kind including proposed changes in zoning either pending or threatened against or affecting the Corporation or which brings into question the validity of the transactions contemplated by the preliminary plan for the Conservatorship, required by 68 P. S. § 1104(b)(3).

8. Has reviewed the minutes and Bylaws of the Corporation.

9. Certifies that the Corporation has passed a resolution authorizing its acceptance of a Court appointment of Conservator and is authorized to perform all of the duties required of a Conservator. (See "Exhibit A" attached.)

ATTEST: \_\_\_\_\_ (Corporation)  
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Executed: \_\_\_\_\_

**EXHIBIT A  
RESOLUTION**

(Must attach a copy of the corporate resolution authorizing the Corporation's acceptance of a Court appointment as Conservator and authorizing the Corporation to perform all of the duties required of a Conservator)

**ATTACHMENT "B"**

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**

(Petitioner) :  
: COURT OF COMMON  
: PLEAS  
Petitioner, :  
: PHILADELPHIA  
: COUNTY  
: CIVIL TRIAL DIVISION  
v. :  
:

(Owner(s) of Property at Issue) : \_\_\_\_\_  
 : \_\_\_\_\_ TERM, 20\_\_  
 Respondent(s) : No.: \_\_\_\_\_

Philadelphia Bar Association  
 Lawyer Referral and Information Service  
 1101 Market Street, 11th Floor  
 Philadelphia, Pennsylvania 19107  
 (215) 238-6333 TTY (215) 451-6197

Asociacion de Licenciados de Filadelfia  
 Servicio de Referencia e Informacion Legal  
 1101 Market Street, 11th Floor  
 Filadelfia, Pennsylvania 19107  
 (215) 238-6333 TTY (215) 451-6197

**NOTICE OF FILING OF A PETITION FOR THE APPOINTMENT OF A CONSERVATOR**

A petition has been filed under the Abandoned and Blighted Property Conservatorship Act, 68 P. S. §§ 1101-1111 (2008), for appointment of a Conservator to take possession of and rehabilitate or demolish the property located at:

\_\_\_\_\_, BRT No. \_\_\_\_\_.

A hearing on the Petition for the Appointment of a Conservator will be scheduled by the Court. As required by General Court Regulation No. 2009-01, the Petitioner shall serve or mail a copy of this Notice, the Petition for the Appointment of a Conservator together with all exhibits, and a copy of the court order scheduling a hearing. A copy of this Notice (without the Petition for the Appointment of a Conservator, exhibits or court order) will also be posted at the property.

**YOU ARE RECEIVING THIS NOTICE BECAUSE PUBLIC RECORDS REVEAL THAT YOU MAY BE ONE OF THE FOLLOWING:**

Owner of Property at issue. If you are the record owner or an owner claiming a right to title to the premises and want to be heard in this matter, you must file an answer as required by the Court order referenced above. If you do not file an answer, the court may proceed without you and you may lose your rights to the property. A conservator may be appointed to take possession of the property, incur expenses that will be a lien against the property, and sell the property. You will still be responsible for your obligations as the owner, including expenses incurred by the conservator.

Lienholder/Secured Creditors. If you are a lienholder or other secured creditor and want to be heard in this matter, you must file a petition to intervene as required by the Court order referenced above and may seek to be appointed as Conservator. If you do not file an answer, the court may proceed without you and you may lose your rights to the property. A conservator may be appointed to take possession of the property, incur expenses that will be a lien against the property, and sell the property. The conservator lien may have priority over your lien or other rights.

The City of Philadelphia. As the political subdivision in which the property is located, the City of Philadelphia may file a petition to intervene as required by the Court order referenced above and may seek to be appointed as the conservator.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office below to find out where you can get legal help.

Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio, vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

**ATTACHMENT "C"**

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**

(Petitioner) :  
 : COURT OF COMMON PLEAS  
 Petitioner, :  
 : PHILADELPHIA COUNTY  
 :  
 v. : CIVIL TRIAL DIVISION  
 :  
 (Owner(s) of the Property at Issue) : \_\_\_\_\_ TERM, 20\_\_  
 Respondent(s) : No.: \_\_\_\_\_

**ORDER FOR RULE TO SHOW CAUSE**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, upon consideration of the Petition for the Appointment of a Conservator pursuant to the Abandoned and Blighted Property Conservatorship Act, 68 P. S. § 1101 et seq. (P. L. 1672, No. 135), it appearing that a prima facie showing of entitlement to the relief requested concerning the property located at:

\_\_\_\_\_, BRT No. \_\_\_\_\_.

has been made, it is hereby Ordered and Decreed that:

1. As required by General Court Regulation No. 2009-01, the Petitioner shall promptly:

a) Post a copy of the Notice of Filing of a Petition for the Appointment of a Conservator at the property;

b) Serve a copy of the Notice, Petition and all exhibits, and this Order on the owner(s) as required by Pa.R.C.P. No. 400.1 and file a return of service as soon as possible upon service;

c) Mail a copy of the Notice, Petition and all exhibits, and this Order by registered or certified mail on the City of Philadelphia at (include address) and shall file a return of service as soon as possible upon service. Service may also be accomplished as provided by Pa.R.C.P. No. 400.1;

d) Mail a copy of the Notice, Petition and exhibits, and this Order to all lienholders and other secured creditors as identified in the Petition, by registered or certified mail, to their last known address, and file a return of service as soon as possible upon service. Service may also be accomplished as provided by Pa.R.C.P. No. 400.1. The lienholders and other secured creditors as identified in the Petition are:

(List here the name of all lienholders and other secured creditors or as attachment)

2. As required by 68 P.S. § 1104(c), the Petitioner shall file a Lis Pendens with the City of Philadelphia Department of Records and a copy with the Prothonotary;

3. Unless otherwise provided upon petition, the owner may file an Answer to the Petition on or before \_\_\_\_\_ (approximately 60 days);

4. Unless otherwise provided upon petition, the City of Philadelphia, lienholders, other secured creditors, and any other "party in interest" as defined in 68 P.S. § 1103 may file a Petition to Intervene pursuant to Pa.R.C.P. 2236 et seq. on or before \_\_\_\_\_ (approximately 60 days);

5. Answers and responses to any Petitions to Intervene must be filed on or before \_\_\_\_\_ (approximately 90 days);

6. As required by the Act, a hearing will be held on \_\_\_\_\_ (within 120 days of the filing of Petition) at \_\_\_\_\_ o'clock \_\_\_\_\_ M \_\_\_\_\_, in Courtroom \_\_\_\_\_, City Hall, to determine whether the conditions for conservatorship have been met, whether a conservator should be appointed, who should be appointed as conservator, and/or whether other appropriate relief should be granted; and

7. At any time, the Court may appoint a master-judge pro tem to review the pleadings filed, conduct any hearing or status hearing authorized by Act 135 and this General Court Regulation, and issue orders or recommendations as directed by the Court and as may otherwise be necessary. Court costs necessary for the payment of the master-judge pro tem must be deposited with the Prothonotary by the Petitioner or Conservator as may be ordered from time to time by the Court.

BY THE COURT

J.

ATTACHMENT "D"

(By: Attorney Bar No. Email Address Firm Name Street Address Telephone Number)

(Petitioner) : COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
Petitioner, :
v. : CIVIL TRIAL DIVISION
: TERM: \_\_\_\_\_ 20\_\_\_\_
(Owner(s) of Property at Issue) : No.: \_\_\_\_\_
Respondent(s)

LIS PENDENS

To The Recorder of Deeds:

Kindly enter the above action as a Lis Pendens against the property located at:

\_\_\_\_\_, BRT No. \_\_\_\_\_ and meeting the following legal description (the "Property"):

(Include property description in indented paragraph or as attachment.)

I do hereby certify that this action involves title to real estate. It seeks appointment of a conservator to take possession and to undertake the rehabilitation (or demolition) of the Property pursuant to the Abandoned and Blighted Property Conservatorship Act, P.L. 1672, No. 135, 68 P.S. § 1101 et seq. (2008).

Attorney for Petitioner

[Pa.B. Doc. No. 10-2097. Filed for public inspection November 5, 2010, 9:00 a.m.]

Title 255—LOCAL COURT RULES

INDIANA COUNTY

Public Access Policy for Magisterial District Judges, 40th Judicial District of Pennsylvania; No. AD 4 2010

Order of Court

And Now, this 18th day of October, 2010, in accordance with the Judicial Code 42 Pa.C.S. § 4301(b), it is Ordered that the following procedures shall be utilized to ensure a policy is in place to govern public access to the paper records of the Magisterial District Courts within the 40th Judicial District of Pennsylvania.

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 Minor Procedural Rules Committee of the Supreme Court of Pennsylvania; one copy to the Indiana County Law Journal for publication, and that one copy shall be filed with the Prothonotary & Clerk of Court of Indiana County.

1. Public Request Access.

(a) Verbal requests for records are to be filled within 48 hours.

(b) All denials for record requests must be issued in writing and the requester, within 15 days of notification of the decision, can appeal such a denial to the Court of Common Pleas of Indiana County.

2. Fee Schedule.

(a) Copying—\$.25 per page

(b) Facsimile—\$.25 per page

(c) Preparing, copying and re-filing requested Court documents—\$8.00 per 1/4 hour

(d) Postage—actual costs

(e) Fees paid for services rendered are non-refundable

(f) Fees under this paragraph may be waived by the Magisterial District Judge if it is determined that the requestor is indigent.

(g) All fees received pursuant to this Rule shall be identified as revenue to the Magisterial District Court and shall be remitted monthly to the general fund of the County of Indiana.

(h) The effective date of this Order is 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

WILLIAM J. MARTIN,  
*President Judge*

[Pa.B. Doc. No. 10-2098. Filed for public inspection November 5, 2010, 9:00 a.m.]