

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION [204 PA. CODE CH. 29]

Promulgation of Financial Regulations Pursuant to Acts 113 and 126 of 2014 (42 Pa.C.S. § 3733(a.1) and 3733.1, and 72 P.S. § 1795.1-E); No. 426 Judicial Administration Doc.

Order

Per Curiam:

And Now, this 18th day of July, 2014, it is *Ordered* pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to promulgate the following Financial Regulations.

To the extent that notice of proposed rule-making may be required by Pa.R.J.A. No. 103, the immediate promulgation of the regulations is hereby found to be in the interests of efficient administration.

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

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

CHAPTER 29. MISCELLANEOUS PROVISIONS

Subchapter I. BUDGET AND FINANCE

§ 29.351. Definitions.

(a) *Pennsylvania Supreme, Superior and Commonwealth Courts. Initial Filing.*

1. Except for the provisions of subsection (g) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1, a statutory fee of fourteen dollars and twenty-five cents (\$14.25) shall be imposed on all items enumerated in the fee schedules of the Appellate Courts for which a filing and service fee is collected, excluding the following:

- i. Second and Subsequent Filings for Extension of Time;
- ii. Reargument/Reconsideration;
- iii. Services in Connection with Appeals to or Writs of Certiorari from the United States Supreme Court;
- iv. Miscellaneous Fees; and
- v. Subpoenas.

(b) *Court of Common Pleas. Prothonotary. Civil Actions and Legal Proceedings.*

1. Except for the provisions of subsection (g) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1, a statutory fee of fourteen dollars and twenty-five cents (\$14.25) shall be imposed on a civil action or legal proceeding in a Court of Common Pleas whenever it is initiated upon the

filing of the first legal paper therein of record with the prothonotary, which legal paper may be:

- i. Praecipe for a Writ of Summons;
 - ii. Complaint;
 - iii. Agreement for an Amicable Action;
 - iv. Petition;
 - v. Notice of Appeal from a court of limited jurisdiction;
- or,
- vi. Petition or grant of any other legal paper commencing an action or proceeding authorized by Act of Assembly or rule of court.

2. For purposes of these regulations, the initiation of a civil action or legal proceeding shall include, but is not limited to:

i. Actions governed by or authorized under the Pennsylvania Rules of Civil Procedure, such as Civil Action Ejectment, Equity, Ground Rent, Mandamus, Mortgage Foreclosure, Partition of Real Property, Quiet Title, Quo Warranto, Replevin, and the Prevention of Waste;

ii. Actions pertaining to Dependency, Annulments, Divorce, Custody, Partial Custody, Visitation of Minor Children, Support, and Paternity. With respect to Divorce actions, a separate statutory fee shall be imposed for each count in the complaint in addition to the count requesting divorce;

iii. Statutory actions such as Confirmation of Arbitration Awards, Conformation of Confessed Judgment, Declaratory Judgment, Opening or Striking Off a Judgment, Eminent Domain, Habeas Corpus, Proceedings on Liens (other than revival), Name Changes, Partition of Property Held by Husband and Wife as Tenants By the Entireties, Tax Sales of Real Property; or,

iv. Other actions not included in subsections (i), (ii) or (iii) such as: Appeals from Board of Elections, Appeals from Board of Viewers, Appeals from Zoning Boards, and Certiorari to Magisterial District Judges.

(c) *Court of Common Pleas. Orphans' Court Clerk, Register of Wills.*

1. Except for the provisions of subsection (g) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1, a statutory fee of fourteen dollars and twenty-five cents (\$14.25) shall be imposed on all petitions for grant of letters, and first filings in petitions concerning adoptions, incompetents' estates, minors' estates, and inter vivos trusts.

(d) *Court of Common Pleas. Clerk of Court.*

1. Except for the provisions of subsection (g) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1, a statutory fee of fourteen dollars and twenty-five cents (\$14.25) shall be imposed upon conviction, guilty plea, or when a defendant is granted entry into an Accelerated Rehabilitative Disposition (ARD) or other pretrial diversionary program based upon the initiation of any criminal proceeding. The initiation of a criminal proceeding shall include:

i. Cases commenced at the magisterial district judge level resulting in the issuance of a numbered docket transcript form (OTN), and subsequently waived or held to court;

ii. the appeal of a summary conviction to the Court of Common Pleas;

iii. cases involving juvenile defendants where a petition alleging delinquency has been filed in the Court of Common Pleas;

iv. cases involving juvenile defendants certified to the Court of Common Pleas, resulting in the issuance of a numbered docket transcript form (OTN); and

v. cases involving the severance of charges into separate cases resulting in the issuance of one or more additional numbered docket transcripts (OTNs).

2. Except for the provisions of subsection (g) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1, a statutory fee of fourteen dollars and twenty-five cents (\$14.25) shall be imposed for each filing of a deed, mortgage or property transfer for which a fee, charge or cost is now authorized. The documents identified as meeting the above conditions are listed below. The list is not exclusive and any other filing for which a fee is imposed, which can be considered a property transfer is included and should have the fee imposed. Subject to later amendment, the following documents have been identified as meeting the statutory provisions:

- i. Deeds in any form;
- ii. Mortgages;
- iii. Mortgage assignments;
- iv. Mortgage releases;
- v. Mortgage satisfaction pieces;
- vi. Installment sales agreements;
- vii. Leases for a term of thirty (30) years or longer;
- viii. Easements; and
- ix. Rights of Way.

(e) *Minor Judiciary. Civil and Criminal Proceedings.*

1. For purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 a statutory fee of fourteen dollars and twenty-five cents (\$14.25) shall be imposed on the initiation of a legal proceeding. The initiation of a legal proceeding, in the following courts of the Minor Judiciary, shall include, but is not limited to, the following:

i. *Magisterial District Judge. Civil Actions.* Except for the provisions of subsection (g) below, a statutory fee of fourteen dollars and twenty-five cents (\$14.25) shall be imposed in connection with the filing of a complaint in Trespass and Assumpsit or for the Recovery of Possession of Real Property (Landlord and Tenant Proceeding) or for any other Civil Action as provided in the Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges.

ii. *Magisterial District Judge. Criminal Actions.* Except for the provisions of subsection (g) below, a statutory fee of fourteen dollars and twenty-five cents (\$14.25) shall be imposed upon a conviction, guilty plea or when a defendant is granted entry into an Accelerated Rehabilitative Disposition (ARD) or any other pretrial diversionary program based upon the filing of a criminal complaint or non-traffic citation charging an offense classified as misdemeanor or summary under a state statute or local ordinance as provided in the Pennsylvania Rules of Criminal Procedure.

iii. *Magisterial District Judge, Pittsburgh Municipal Court, and Philadelphia Municipal Court. Title 75 Summary Offenses Initiated by Traffic Citation.* A statutory fee of ten dollars (\$10.00) shall be imposed upon a conviction or guilty plea based upon the filing of a traffic citation charging a violation of Title 75 (relating to

vehicles) offense classified as summary under a state statute or local ordinance as provided in the Pennsylvania Rules of Criminal Procedure.

iv. *Pittsburgh Municipal Court. Civil Actions.* Except for the provisions of subsection (g) below, a statutory fee of fourteen dollars and twenty-five cents (\$14.25) shall be imposed in connection with the filing of a civil complaint seeking recovery of fines and penalties imposed by an ordinance of the City of Pittsburgh or by any ordinance or regulation relating to housing and health administered and enforced by the county health department where the violation occurs within the City of Pittsburgh.

v. *Pittsburgh Municipal Court. Criminal Actions.* Except for the provisions of subsection (g) below, a statutory fee of fourteen dollars and twenty-five cents (\$14.25) shall be imposed upon a conviction, guilty plea or when a defendant is granted entry into an Accelerated Rehabilitative Disposition (ARD) or any other pretrial diversionary program based upon the filing of a criminal complaint or non-traffic citation charging an offense classified as misdemeanor or summary under state statute or local ordinance as provided for in the Pennsylvania Rules of Criminal Procedure.

vi. *Philadelphia Municipal Court. Civil Actions.* Except for the provisions of subsection (g) below, a statutory fee of fourteen dollars and twenty-five cents (\$14.25) shall be imposed in connection with the filing of a complaint for a Civil Action, as defined in the Philadelphia Municipal Court Rules of Civil Procedure.

vii. *Philadelphia Municipal Court. Criminal Actions.* Except for the provisions of subsection (g) below, a statutory fee of fourteen dollars and twenty-five cents (\$14.25) shall be imposed upon conviction, guilty plea or when a defendant is granted entry into an Accelerated Rehabilitative Disposition (ARD) or any other pretrial diversionary program based upon the filing of a criminal complaint or non-traffic citation charging an offense classified as misdemeanor or summary under state statute or local ordinance as provided for in the Pennsylvania Rules of Criminal Procedure.

(f) *Recorders of Deeds.* Except for the provisions of subsection (g) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 a statutory fee of fourteen dollars and twenty-five cents (\$14.25) shall be imposed for each filing of a deed, mortgage or property transfer for which a fee, charge or cost is now authorized. The documents identified as meeting the above conditions are listed below. The list is not exclusive and any other filing for which a fee is imposed, which can be considered a property transfer is included. Subject to later amendment, the following documents have been identified as meeting the statutory provisions:

- i. Deeds in any form;
- ii. Mortgages;
- iii. Mortgage assignments;
- iv. Mortgage releases;
- v. Mortgage satisfaction pieces;
- vi. Installment sales agreements;
- vii. Leases for a term of thirty (30) years or longer;
- viii. Easements; and
- ix. Rights of Way.

(g) *Temporary Surcharge.*

i. Beginning July 10, 2014 until December 31, 2017, for purposes of 42 Pa.C.S. § 3733.1 and 72 P. S. § 1795.1-E,

a temporary surcharge of twenty-one dollars and twenty-five cents (\$21.25) shall be collected by all collectors of the JCS/ATJ/CJEA fee to supplement the fourteen dollars and twenty-five cents (\$14.25) statutory fee described above.

ii. The temporary surcharge may not be imposed upon a conviction or guilty plea based upon the filing of a traffic citation charging a Title 75 (relating to vehicles) offense classified as summary under a state statute or local ordinance as provided in the Pennsylvania Rules of Criminal Procedure.

iii. The statutory fee described in paragraphs A, B, C, D, E, and F above is twelve dollars and twenty-five cents (\$12.25) until August 8, 2014 when the fee shall increase to fourteen dollars and twenty-five cents (\$14.25).

(h) Pursuant to the authority under 42 Pa.C.S. § 3502(a) to promulgate regulations specifying the time and manner of remittance and disbursement of this fee by county staff, all collectors of the fee must be in compliance with these regulations on or before August 8, 2014. This implementation period is necessary to allow all collectors of the fee sufficient time to make the necessary adjustments to existing automated systems and protocols.

[Pa.B. Doc. No. 14-1619. Filed for public inspection August 1, 2014, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1000]

Proposed Amendment of Rule 1026 Governing Time for Filing and Notice to Plead; Proposed Recommendation No. 261

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 1026 governing time for filing and notice to plead 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 October 3, 2014 to:

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Counsel
Civil Procedural Rules Committee
601 Commonwealth Avenue, Suite 6200
P. O. Box 62635
Harrisburg PA 17106-2635
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Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1000. ACTIONS

Subchapter A. CIVIL ACTION

PLEADINGS

Rule 1026. Time for Filing. Notice to Plead.

(a)(1) Except as provided by Rule 1042.4 or by subdivision [(b)] (a)(2) of this rule, every pleading subsequent

to the complaint shall be filed within twenty days after service of the preceding pleading, but no pleading need be filed unless the preceding pleading contains a notice to defend or is endorsed with a notice to plead.

Official Note: For the form of notice to defend see Rule 1018.1 and for the form of notice to plead see Rule 1361.

Additional time within which to plead may be sought under Rule 248.

Rule 1042.4 governs actions in which a professional liability claim is asserted.

[(b)] (2) A defendant served outside the United States shall have sixty days from service of the complaint within which to plead.

(b) No pleading may be stricken for non-compliance with the time limits set forth in subdivision (a) unless the party seeking to strike the pleading demonstrates that it has been substantially prejudiced by the late pleading.

Explanatory Comment

Existing Rule 1026 is incomplete because it does not address the issue of the standard to be applied where a party, through preliminary objections raising a failure of a pleading to conform to rule of court, seeks to have a pleading stricken on the ground that it was filed outside the time limits of Rule 1026.

Most trial courts look to *Fisher v. Hill*, 81 A.2d 860, 866 (Pa. 1951), and its progeny. In *Fisher*, the Supreme Court ruled that the trial court did not abuse its discretion in refusing to strike the defendant's answer and new matter on the ground that the pleading was untimely filed.

In its opinion, the Court said that the word "shall," as used in Rule 1026 is not mandatory in the sense that it admits no exception. The Court based its ruling on Rule 126 which provides that the rules are to be liberally construed to secure the just, speedy, and inexpensive determination of any action or proceeding and that a court may disregard errors or defects of procedure which do not affect the substantial rights of the parties. As a result, the Court established the standard that "dilatatory pleadings may be filed if the opposing party is not prejudiced and justice requires." *Fisher*, 81 A.2d at 866.

Notwithstanding this precedent, it has been reported to the Civil Procedural Rules Committee that there have been instances in which a trial court judge, in the exercise of his or her discretion, has stricken a pleading solely on a showing of non-compliance with Rule 1026 where no party has been prejudiced by the late filing.

The purpose of this amendment is to incorporate into Rule 1026 a standard that does not penalize a party for a late filing unless substantial prejudice is established. This approach is intended to ensure that errors and defects that do not affect the substantial rights of the parties may be disregarded without impacting the just and prompt disposition of cases.

By the Civil Procedural Rules Committee

PETER J. HOFFMAN,
Chair

[Pa.B. Doc. No. 14-1620. Filed for public inspection August 1, 2014, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 300]

Order Amending Rules 307, 308, 309, 310, 312, 313 and 314 of the Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges; No. 373 Magisterial Doc.

Order

Per Curiam

And Now, this 21st day of July, 2014, upon the recommendation of the Minor Court Rules Committee; the proposal having been published for public comment at 44 Pa.B. 10 (January 4, 2014):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 307, 308, 309, 310, 312, 313, and 314 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective August 20, 2014.

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 300. CIVIL ACTION

Rule 307. Service of the Complaint.

Service shall be made at least ten days before the hearing, in the following manner:

* * * * *

(3) When service by mail is permitted by the rules in this chapter, it shall be at the option of the plaintiff and shall be made by the magisterial district judge by certified [or registered] mail or comparable delivery method resulting in a return receipt in paper or electronic form. Such service may be made to any place in or outside the Commonwealth.

* * * * *

Rule 308. Service Upon Individuals.

Service of the complaint upon an individual defendant shall be made:

* * * * *

(3) by mailing a copy to the defendant by certified mail or comparable delivery method resulting in a return receipt in paper or electronic form. The return receipt [card for certified or registered mail shall be marked "Restricted Delivery," and the return receipt] shall show the signature of the defendant or [an agent of the defendant authorized in writing to receive his restricted delivery mail] those persons designated in subdivision (2) of this rule. If the signature on the return receipt is that of [a person other than the defendant] any persons designated in subdivision (2) of this rule, it shall be presumed, unless the contrary is shown, that the signer was an

agent of the defendant [authorized in writing to receive his restricted delivery mail].

Official Note: Compare Pa.R.C.P. [No. 1009(b)] Nos. 402—403. Subdivisions (1), (2) and (3) are not intended to be preferential in the order of their numbering. [Subdivision (3) reflects changes in postal regulations effective March 1, 1975. The presumption in that subdivision stems from the presumption of regularity in the conduct of governmental affairs.]

Rule 309. Service Upon Partnerships.

Service of the complaint upon a partnership shall be made:

(1) by handing a copy to a partner, manager, clerk or other person for the time being in charge, at any regular place of business of the partnership, or

(2) on a partner in the same manner as an individual if there is no regular place of business, or

(3) by mailing, via certified mail or comparable delivery method resulting in a return receipt in paper or electronic form, a copy to the regular place of business of the partnership. The return receipt shall show that the complaint was received by the partnership.

Official Note: Compare Pa.R.C.P. No. [2131(a)] 423.

Rule 310. Service Upon Corporations.

Service of the complaint upon a corporation or similar entity shall be made:

(1) on an executive officer, partner or trustee of the corporation, or

(2) on an agent or person for the time being in charge of, and only at, any office or usual place of business of the corporation, or

(3) on an agent authorized by appointment to receive service of process, or

(4) by mailing, via certified mail or comparable delivery method resulting in a return receipt in paper or electronic form, a copy to the regular place of business of the corporation. The return receipt shall show that the complaint was received by the corporation or similar [activity] entity.

Official Note: Compare Pa.R.C.P. No. [2180(a)] 424.

Rule 312. Service on a Political Subdivision.

As used in this rule, "political subdivision" means any county, city, borough, incorporated town, township, school district, vocational school district, county institution district or municipal or other local authority.

Service of the complaint upon a political subdivision shall be made:

(1) by handing a copy to an agent duly authorized by the political subdivision to receive service of process, or to the mayor, or to the president, chairman, secretary or clerk of the tax levying body thereof, or

(2) in counties where there is no tax levying body by handing a copy to the chairman or clerk of the board of county commissioners, or

(3) by mailing, via certified mail or comparable delivery method resulting in a return receipt in paper or electronic form, a copy to the office of the

political subdivision. The return receipt shall show that the complaint was received by the political subdivision.

Official Note: Compare Pa.R.C.P. No. [2104(c)] 422. The definition of “political subdivision” is derived from Pa.R.C.P. No. 76.

Rule 313. Service Outside the Commonwealth.

When service of the complaint is to be made upon a defendant outside the Commonwealth, it shall be made:

(1) by delivery in the manner prescribed by Rule 308, 309, 310 or 311, whichever is applicable, by a Pennsylvania sheriff or constable or by any adult, other than the plaintiff, designated by the magisterial district judge or

(2) by certified [or registered] mail or comparable delivery method resulting in a return receipt in paper or electronic form as provided by Rule 308, 309 or 310, whichever is applicable;

(a) if the [registered or certified] mail is returned with a notation by the postal authorities or commercial carrier that receipt was refused, then the magisterial district judge may serve the complaint by sending a copy of the complaint by ordinary mail to the same address with [a] the return address on the envelope. Service by ordinary mail is complete if the mail is not returned to the sender within fifteen days after the mailing; or

(b) if the mail is returned with a notation by the postal authorities or commercial carrier that it was unclaimed, the plaintiff shall make service by another means pursuant to these rules, or

(3) in the manner provided or prescribed by the law of the place in which service is to be made for service in that place in an action in any of its courts of general jurisdiction.

Official Note: See the Judicial Code, § 5322, 42 Pa.C.S. § 5322 (as amended by § 10(61) of the Judiciary Act Repealer Act, Act of April 28, 1978, P. L. 202, No. 53) and § 5329(1), 42 Pa.C.S. § 5329(1), as to the basis of personal jurisdiction over persons outside the Commonwealth. The magisterial district judge may designate any Pennsylvania sheriff or constable to make service under subdivision (1), but such service should not be attempted if it would be offensive to the jurisdiction in which service is to be made. See Uniform Interstate and International Procedures Act, § 2.02, Commissioners’ Comment, 13 Uniform Laws Annotated 297. Alternatively, the magisterial district judge may designate any adult other than the plaintiff to make service under subdivision (1). Although the magisterial district judge may not designate the plaintiff as the person to make such service, the plaintiff may suggest to the magisterial district judge the name of a person to make service. If service is made by ordinary mail under subdivision (2), the magisterial district judge shall note that fact on the docket with the remark that a sufficient time having elapsed the ordinary mail was not returned. The magisterial district judge shall attach to the original complaint form the returned certified or [registered letter] comparable delivery method resulting in a return receipt in paper or electronic form with the notation by the postal authorities or commercial carrier that the defendant refused to accept it. If service is to be made under subdivision (3), the magisterial district judge may send the service copy of the complaint to an appropriate official of the jurisdiction in which service is to be made. If service is made under subdivisions (1) or (3), proof of service may be made on the form provided under Rule 314A with such alterations

as may be necessary or in any manner provided by the law of the jurisdiction in which the service is made for proof of service in an action in any of its courts of general jurisdiction. Compare Pa.R.C.P. No. 404.

Rule 314. Return, Waiver and Failure of Service; Reinstatement.

* * * * *

B. When service is made by [registered or] certified mail or comparable delivery method resulting in a return receipt in paper or electronic form, the return receipt shall be filed with the original complaint.

* * * * *

FINAL REPORT¹

Recommendation 2-2014, Minor Court Rules Committee

Amendment of Rules 307, 308, 309, 310, 312, 313, and 314 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges

Permitting Use of Electronic Receipts and Commercial Carriers

On July 21, 2014, effective August 20, 2014, upon recommendation of the Minor Court Rules Committee (“Committee”)², the Supreme Court of Pennsylvania adopted amendments to Rules 307, 308, 309, 310, 312, 313, and 314 of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges.

I. Background and Discussion

The goal of the amendments is to provide for the use of electronic receipts in lieu of “greens cards” where elected and available, as well as the use of commercial carriers in lieu of the United States Postal Service. Currently, proof of service by certified or registered mail is provided by “a return receipt card,” colloquially referred to as a “green card.” Committee members are aware of postal delays in returning the return receipt cards. For some time now, the United States Postal Service has offered electronic return receipts in lieu of the traditional green cards to demonstrate proof of delivery. The Committee recognizes that court administrators in some judicial districts may want to utilize these services, and proposed amending the above referenced rules to specifically permit such activity. The Committee noted that this practice is already allowed under the Pennsylvania Rules of Criminal Procedure, with the comment to Pa.R.Crim.P. 114 providing that “[n]othing in this rule is intended to preclude a judicial district from utilizing the United States Postal Service’s return receipt electronic option, or any similar service that electronically provides a return receipt, when using certified mail, return receipt requested.” See Pa.R.Crim.P. 114, comment.

The Committee also recognized that there may be circumstances where a judicial district may elect to use a commercial carrier service as an alternative to the United States Post Office. The Committee proposed permitting the use of such services where a return receipt in paper or electronic form is available. The Committee noted a similar practice is already allowed by the Pennsylvania Rules of Criminal Procedure for service of most orders and court notices. See Pa.R.Crim.P. 114(B)(3)(vii) (permitting delivery by “carrier service”).

¹ The Committee’s Final Report should not be confused with the Official Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee’s Official Notes or the contents of the explanatory Final Reports.

² Minor Court Rules Committee Recommendation 2-2014.

II. Rule Changes

Changes to Rules 307(3), 308(3), 309(3), 310(4), 312(3), 313(2), and 314(B) include adding the phrase “comparable delivery method resulting in a return receipt in paper or electronic form” to permit the use of electronic receipts. Additional changes include adding references to alternative commercial carrier services, updating cross references to the Rules of Civil Procedure, adding a definition of “political subdivision” to Rule 312, and amending Rule 308(3) to simplify determination of when a person other than the defendant is authorized to sign for the defendant’s restricted delivery mail.

[Pa.B. Doc. No. 14-1621. Filed for public inspection August 1, 2014, 9:00 a.m.]

**Title 25—LOCAL
COURT RULES**

MERCER COUNTY

Clerk of Courts’ Schedule of Fees and Costs; No. 2 AD 2014

Order

And Now, this 25th day of June, 2014, It Is Hereby Ordered, Adjudged and Decreed That:

1. The revised Fee Schedule submitted by the Clerk of Courts of Mercer County, Pennsylvania, a copy of which follows hereto and incorporated herein, Is Approved.

2. The revised Fee Schedule approved by this Order of Court shall be effective on August 1, 2014.

3. The Clerk of Courts is hereby directed to immediately cause the publication of the revised Fee Schedule in the *Mercer County Legal Journal* once a week for two (2) successive weeks, and to file a copy of the Proof of Publication of the advertisement at the above term and docket number.

4. The Clerk of Courts shall file one (1) certified copy hereof with the Administrative Office of Pennsylvania Courts, Attention: Court Administrator of PA; and distribute two (2) certified hard copies, along with a diskette to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

5. The Clerk of Courts is to distribute a copy of the Fee Schedule to each of the Judges of the Court of Common Pleas of Mercer County and to the Mercer County Bar Association.

6. Nothing contained herein shall prevent this Court to further revise the Fee Schedule approved by this Order of Court upon proper application made in accordance with law.

By the Court

THOMAS R. DOBSON,
President Judge

EXHIBIT “A”

2014 Fee Bill (Effective 8-8-2014)

\$209.00 Misdemeanor and Felony cases disposed of at any time during or after trial (Rev. 8/1/2014)

\$157.00	Misdemeanor and Felony cases disposed of before trial (Rev. 8/1/2014)
\$ 32.00	All Proceedings in Summary Matters Originated/Filed at Clerk of Courts (Rev. 8/1/2014)
\$ 29.15	Additional Felony charge on Court Costs, Rev. 1/1/14
\$ 32.70	Additional Misdemeanor charge on Court Costs, Rev. 1/1/14
\$ 20.80	Additional Summary Vehicle charge on Court Costs, Rev. 1/1/14
\$ 30.80	Additional Summary Criminal charge on Court Costs, Rev. 1/1/14
\$ 28.80	Summary Conviction, motor vehicle cases, hearing demanded, Rev. 1/1/14
\$ 13.35	Act 204—Felony Charge, Rev. 1/1/14
\$ 11.75	Act 204—Misdemeanor Charge, Rev. 1/1/14
\$ 8.35	Act 204—Summary Vehicle or Criminal Charge, Rev. 1/1/14
\$ 20.00	Act 167—Felony Charge, Rev. 1/1/14
\$ 10.05	Act 167—Misdemeanor Charge, Rev. 1/1/14
\$ 8.35	Act 167—Summary Vehicle or Criminal Charge, Rev. 1/1/14
\$ 35.00/\$25.00	Act 96—(CVC) Rev. 8/27/02 (Adult \$35/Juvenile \$25)
\$ 10.00	Act 157—(DVC) Effective 10/14/91 (Does not apply to Juv. Cases, Non-DUI ARD, Rule 586)
\$ 25.00	Act 96—(CC) Revised 12/29/2000
\$ 10.00	Act 45—(EMS) Effective 7/3/85 All DUI related moving vehicle violations; amended 10/21/88 to all traffic violations, except parking
\$ 25.00	Act 121—(EMS-ARD-DUI) Effective 12/29/2000. Fee on all DUI cases
\$ 35.50	Act 113 & 126 of 2014—(JCS/ATJ/CJEA) (Temporary Adjustment Effective 8/8/2014 until 12/31/17 & thereafter fee will be \$14.25.) [Note: From 7/10/14—8/8/14 assessment will be \$33.50]
\$150.00	L- 178—Administrative Fee for DUI cases. Revision effective on all cases adjudicated > 1/1/94
\$150.00	L- 1/09—Administrative Fee for Non-DUI ARD Cases effective 4/22/09
\$ 5.00	Act 158—(P. O. Education Training Fund) Effective 2/26/95. Applicable to Felony & Misdemeanor only.
\$500.00	Act 154—(Fleeing/Eluding—M2—VC3733) Effective 6/26/95
\$ 50.00	Act 170—(Add'l Parking Violations) Effective 2/27/95
	Act—(CAT Fund Surcharge—Motor Transportation Fund) Effective 1/1/14, upon conviction
	DUI—1st Offense

\$100.00	DUI—2nd Offense	\$???	Blood Kit Fee (Mercer) [Payable to Mercer County Liquor Forfeiture Fund] Effective 3/2011
\$200.00	DUI—3rd Offense		
\$300.00	DUI—4th and subsequent offenses [Except 3802 (C) only]	\$???	Buy Money—PSP (PA State Police)—Effective 4/27/2011
\$ 30.00	“Most” traffic violations	\$???	Buy Money—OAG (Office of Attorney General)—Effective 4/27/2011
\$ 5.00	Act 44—Constable Service Surcharge—Effective 8/8/92; Revised	\$100.00	Booking Center Fee—Effective 5/2/11 sentence date.
\$250.00	Act 185—(DNA Detention Fund—All Felony & Misd. Under Sect. 2910 & 3126, Rev. 1/29/05		PA Transportation Trust Fund—Title 75, Sections 1543(b)(1.1), 3802 or 3808(a)(2)—Effective 1/4/2014
\$ 25.00/Mo.	L- -(County ARD) Effective on cases adjudicated on or after 6/1/96. Applicable to Misdemeanor and Felony only.	\$ 75.00 \$ 150.00	1st Offense (Act 89 and 126 of 2013) 2nd Offense
\$ 3.00	L- -(Autotrack) Effective on cases adjudicated on or after 6/1/97. Applicable to Misdemeanor and Felony only.	\$ 300.00 \$ 400.00 \$ 57.00\	3rd Offense 4th Offense Mercer County’s fee for appeals to Superior or Supreme Court, Rev. 8/1/2014
\$ 5.00	Act 84—(Credit Cards) Effective 10/16/98. Adjudicated Misdemeanor & Felony	\$ 73.50/	Fee payable to Superior or Supreme Court, Rev. 12/8/09
\$ 5.00	Act 36—Automation Fee—Effective 8/21/00, Implemented 9/1/00—For implementation of any action or legal proceeding	\$.06	Per dollar for first \$1,000 and \$.02 per dollar for fractions thereof for handling of money paid into Court (i.e. Commission Cash Bonds), Rev. 8/1/2014
\$ 60.00	L- -IPP-CRN Effective 1/1/99, DUI Offense	\$ 40.00	NSF Charge, Rev. 8/1/2014
\$ 50.00	L- -IPP Fee—Effective 1999, Community Service	\$.50	Xerox copy, Rev. 8/1/2014 (Public and Attorneys)
\$100.00	Act 198—Mandatory, unless “undue hardship” deemed by Court—Effective 2/7/03	\$.50 \$ 10.00	Fax Charge/Sheet, Rev. 8/1/2014 All Certifications, Rev. 8/1/2014
\$200.00	Act 198—(\$100 County/\$100 State) If BAC .16% within 2 hours after 2/7/03, or If BAC .15% within 2 hours after 2/1/04	\$ 11.50 \$ 10.00	All Exemptions, Rev. 8/1/2014 Expungements Rev. 8/1/2014 (Per Certification, Plus Postage)
\$ 25.00	Act 153 of 2004—Amber Alert—Certain crimes code offenses, Effective 11/24/04	\$ 26.00 \$ 20.00	Property Bond (Entering Judgments) All other matters filed (Except that no fee shall be charged for township audit reports or district justice transcripts received which have been disposed of by the district justice, with the exception of misdemeanor cases), [Plus \$5 Automation] Rev. 8/1/2014
\$100.00	Act 100 of 2006—Application Fee—Effective 9/5/2006 (Interstate Supervision Transfer)		DETECTIVE LICENSES:
\$ 1.00/mo	Payment Plan Fee, Effective 12/6/2006—Discontinued 3/31/2010 [See HB 267 below]		Detective License (Corporations, etc.)
\$ 50.00	Act 30 of 2007—CJEA (Criminal Justice Enhancement Account), Effective on or after 11/10/07, on ARD, Title 18 (Fel and Misd 1&2) and Title 35-113(a)(16)	\$300.00 \$200.00 \$ 50.00 \$ 17.50 ea.	Detective Licenes (Individual) Detective License Filing Fee Detective License Fingerprint (Payable to Commonwealth of Pennsylvania)
\$???	Additional charges will be made for Commonwealth Bills, Sheriff) Costs and monies collected for other government agencies or offices, such as IPP fees and charges.		
\$ 51.00 (\$57)	Summary Appeal Filing Fee [Plus \$1 for mailing if requested] [Plus \$5 Automation], Rev. 8/1/14		Clerk of Courts Fee and Cost Schedule for Those Fees and Costs under Act 36 of 2000 Effective Date August 8, 2014
\$ 16.00	HB 267—Payment Plan Fee—Effective 4/1/2011—Discontinued 6/17/2011		(1) M-F cases disposed of at any time during/ after trial \$209.00 (2) M-F cases disposed of before trial \$157.00 (3) All proceedings in summary matters..... \$ 32.00 (4) Certifications..... \$ 10.00

(5) All other matters filed in the state and for all reports prepared except no fee for township/ borough audit reports or transcripts disposition by the District Justice \$ 19.00

(6) Filing of appeal from summary conviction before District Justice..... \$ 51.00

(7) Filing of appeal from Court of Common Pleas to an Appellate Court \$ 57.00

(8) A fee of 6 cents per dollar for the first \$1000 and 2 cents per dollar for each additional \$1000 or fraction thereof for the handling of money paid into court (i.e. bail formula)

The automation fee of \$5.00 under Title 42, 1725.4(B) will also still apply for the initiation of any action or legal proceedings filed in the Office of Clerk of Courts. This fee does not change.

[Pa.B. Doc. No. 14-1622. Filed for public inspection August 1, 2014, 9:00 a.m.]

**MONTGOMERY COUNTY
Fees of Clerk of Orphans' Court**

And Now, this 17th day of July, 2014, the following bill of costs is established effective August 8, 2014 to be chargeable to parties and to estates, before said Court for settlement, for the services of the Clerk of said Court and in the transaction of the business of said Court.

ACCOUNTS—Filing, advertising, recording, setting up printed copies of advertising of accounts of trustees and guardians of minors and incapacitated, including adjudication and certificate of the Clerk in estates not exceeding in value \$1,000	\$35.00
Over \$ 1,000 and not exceeding \$ 5,000	\$77.00
Over \$ 5,000 and not exceeding \$ 10,000	\$99.00
Over \$ 10,000 and not exceeding \$ 25,000	\$110.00
Over \$ 25,000 and not exceeding \$ 50,000	\$138.00
Over \$ 50,000 and not exceeding \$ 100,000	\$165.00
Over \$100,000 and not exceeding \$ 250,000	\$220.00
Over \$250,000 and not exceeding \$ 500,000	\$300.00
Over \$500,000 and not exceeding \$1,000,000	\$360.00
Each succeeding \$500,000 or fraction thereof	\$175.00

In addition to the above fees for filing, there will be a fee for recording, per page \$1.00

Supplemental or Amended Accounts, per page \$1.00
TECHNOLOGY FEE for Accounts \$10.00

ADOPTION, Petition for, recording, including Certified copy of DECREE and CERTIFICATE of ADOPTION	\$83.00
Report of intent to Adopt (15.00 & Act 34 \$75.00)	\$90.00
Abandonment, petition for finding and transcript	\$33.00
Foreign Decree Registration filing	\$33.00
Petition for release of Identifying Information	\$193.00
Petition for release of NonIdentifying Information	\$55.00
AMENDED PETITIONS	\$28.00
ANSWER	\$18.00
APPEAL to Supreme or Superior Court, Certificate of record, Bond and Transmission costs	\$83.00
APPEAL, Inheritance Tax	\$83.00

AWARD OF REAL ESTATE, certification of excerpt from Schedule of Distribution, each additional description	\$18.00 \$6.00
AWARD OF REAL ESTATE, Filing Petition each additional description	\$23.00 \$6.00
BIRTH RECORD, certified copy of	\$25.00
BOND, filing, approval of, and recording	\$6.00
CERTIFICATE and seal	\$25.00
CITATION, Petition for, and Order (one name) (includes issuance and proof of service) each additional name	\$58.00 \$4.00
Riders (over 10 names) additional fee	\$2.00
CLAIM, filing of	\$18.00
COPIES OF DECREES per page	\$1.00
DEED, execution of by clerk	\$23.00
DEED OF TRUST, filing, per page	\$1.00
DISCLAIMER	\$18.00
ELECTION to take under or against will	\$18.00
EXCEPTIONS to adjudication, schedule of distribution, etc.	\$29.00
JUDICIAL COMPUTER FEE, first time filings	\$35.50
CHILD CARE FUND, all first time filings	\$5.00
TECHNOLOGY FEE, all first time filings	\$10.00
GENEALOGICAL RESEARCH FEES	\$30.00
SEARCH FEE (ANY TYPE SEARCH)	\$30.00
EXEMPLIFICATION of record, per page Certificate	\$1.00 \$35.00
FAMILY EXEMPTION personal estate	\$18.00
real estate, one description	\$18.00
each additional description	\$3.00
FAMILY SETTLEMENT AGREEMENT additional name	\$29.00 \$4.00
GUARDIAN'S REPORT, person and/or estate (each)	\$20.00
PETITION FOR APPOINTMENT OF GUARDIAN	\$35.00
PETITION FOR MINOR'S COMPROMISE each additional minor in same petition	\$58.00 \$4.00
PETITION FOR ADJUDICATION OF INCAPACITY	\$58.00
PETITION FOR EMERGENCY AND PERMANENT GUARDIAN	\$58.00
INTERROGATORIES	\$12.00
INVENTORY FILED BY GUARDIAN	\$5.00
NON-JUDICIAL SETTLEMENT AGREEMENT each additional name	\$29.00 \$4.00
NON-PETITION FILING	\$11.00
OBJECTIONS & PRELIMINARY OBJECTIONS	\$35.00
PETITIONS WITH ESTATE NUMBERS	\$58.00
PETITIONS WITHOUT ESTATE NUMBERS	\$96.50
POWER OF ATTORNEY	\$18.00
RECEIPT and RELEASE each additional name	\$29.00 \$4.00
RENUNCIATION	\$4.00
SALE, Receive Proceeds, Petition to, Amount of Additional Bond and Certificate Order of Public Sale and Return (one description) each additional description	\$58.00 \$46.00 \$4.00
SATISFACTION OF AWARD, each name	\$6.00
SCHEDULE OF DISTRIBUTION first ten pages	\$35.00
next ten pages or less (double spaced)	\$18.00
SHORT CERTIFICATE, guardian and trustee	\$10.00

STIPULATION	\$29.00	Over \$10,000 and not exceeding \$ 25,000	\$83.00
SUBPOENA	\$10.00	Over \$25,000 and not exceeding \$ 50,000	\$110.00
MARRIAGE LICENSE	\$29.50	Over \$50,000 and not exceeding \$100,000	\$138.00
State tax	\$.50	Over \$100,000 and not exceeding \$200,000	\$165.00
Childrens' Fund/Domestic Violence	\$20.00	Over \$200,000 and not exceeding \$300,000	\$193.00
Total	\$50.00	Over \$300,000 and not exceeding \$400,000	\$240.00
Appointment of Guardian, Marriage License		Over \$400,000 and not exceeding \$500,000	\$270.00
Petition and ORDER (under 16 Years of Age)	\$22.00	Over \$500,000 and not exceeding \$600,000	\$300.00
Consent Form (16 to 18 Years of Age)	\$12.00	Over \$600,000 and not exceeding \$700,000	\$330.00
Waiver of three day waiting period		Over \$700,000 and not exceeding \$800,000	\$360.00
(Military Waiver n/c)	\$17.00	Over \$800,000 and not exceeding \$900,000	\$390.00
Certified duplicate of application or certificate	\$12.00	Over \$900,000 and not exceeding One Million	\$420.00
Combination Certification of application/ Certificate for Immigration, Apostille, Adoptions, etc.	\$24.00	First Million	\$420.00
Uncertified duplicate of application or certificate	\$1.00	Each Million above first	\$300.00
Re-issue of Marriage License	\$50.00	Each succeeding \$100,000 or fraction thereof	\$28.00
license issue	\$27.00	Judicial Computer Fee	\$35.50
new application	\$27.00	Child Care Fund	\$5.00
Single Status Letter	55.00	Technology Fee	\$10.00
No Record Letter	\$12.00		
Marriage License Clearance (other state requirement)	\$12.00	LETTERS TESTAMENTARY, including probate, filing and entering bond and tax due the Commonwealth in estates not exceeding in value of \$250.00	\$10.00
Outside Marriage Application and Travel Fee (plus Marriage License Fee of \$50.00 = total	\$75.00 \$125.00)	Over \$ 250 and not exceeding \$ 1,000	\$28.00
Returned Check Fee	\$29.00	Over \$1,000 and not exceeding \$ 5,000	\$44.00

1. The word "page" means a page of cap, brief, or typewriting paper written double space.

2. If a fee is not specifically provided for in this schedule, it shall be the same fee as for a similar service.

3. All prior Orders made establishing bills of costs for the services of the Register of Wills of this County in the transaction of the business of said office are hereby revoked.

By the Court

WILLIAM J. FURBER, Jr.,
President Judge

[Pa.B. Doc. No. 14-1623. Filed for public inspection August 1, 2014, 9:00 a.m.]

**MONTGOMERY COUNTY
Fees of Register of Wills**

And Now, this day of 17th July, 2014 the following bill of costs is established effective August 8, 2014 to be chargeable to parties and to estates for the probate of Wills and Testaments, and granting of Letters Testamentary and of Administration, and for all services of the Register of Wills of this County, in the transaction of the business of said office.

**ACCOUNTS—ACCOUNTS ARE ACCEPTED BY THE
CLERK OF THE ORPHANS' COURT**

ADMINISTRATION, Letters of, including filing and entering bond and tax due the Commonwealth in estates not exceeding the value of \$250.00	\$10.00
Over \$ 250 and not exceeding \$ 1,000	\$28.00
Over \$1,000 and not exceeding \$ 5,000	\$44.00
Over \$5,000 and not exceeding \$ 10,000	\$66.00

Over \$10,000 and not exceeding \$ 25,000	\$83.00
Over \$25,000 and not exceeding \$ 50,000	\$110.00
Over \$50,000 and not exceeding \$100,000	\$138.00
Over \$100,000 and not exceeding \$200,000	\$165.00
Over \$200,000 and not exceeding \$300,000	\$193.00
Over \$300,000 and not exceeding \$400,000	\$240.00
Over \$400,000 and not exceeding \$500,000	\$270.00
Over \$500,000 and not exceeding \$600,000	\$300.00
Over \$600,000 and not exceeding \$700,000	\$330.00
Over \$700,000 and not exceeding \$800,000	\$360.00
Over \$800,000 and not exceeding \$900,000	\$390.00
Over \$900,000 and not exceeding One Million	\$420.00
First Million	\$420.00
Each Million above first	\$300.00
Each succeeding \$100,000 or fraction thereof	\$28.00
Judicial Computer Fee	\$35.50
Child Care Fund	\$5.00
Technology Fee	\$10.00
For each page of Will, per page	\$1.00
ADDING CODICIL TO PROBATE	\$18.00
AFFIDAVIT, filing of	\$6.00
APPEAL, filing and certifying to Orphans' Court	\$83.00
ANSWER	\$18.00
AUDIT FILING TECHNOLOGY FEE	\$10.00
BRIEFS, filing relating to hearing, etc.	\$29.00
CAVEAT, filing informal	\$29.00
CAVEAT, filing formal with bond	\$87.00
CANCELLATION and RESCHEDULING of HEARING	\$29.00
CERTIFICATE and seal	\$12.00
CERTIFICATE and seal for real estate tax clearance	\$12.00
CITATION or attachment, petition for (one name)	\$58.00
each additional name	\$4.00
COMMISSIONS	
to other jurisdiction to take testimony	\$41.00
from other jurisdiction, execution of	\$18.00
COPIES of account, will, inventory, etc. per page	\$1.00

EXEMPLIFICATION of will (including first page)	\$35.00
additional pages (per page)	\$1.00
miscellaneous records (including first page)	\$12.00
miscellaneous filings	\$12.00
INVENTORY & APPRAISEMENT, TAX PAPERS (double spaced)	\$18.00
OBJECTIONS	\$29.00
NON PROBATE INHERITANCE TAX FEE	\$62.50
Tax Forms	\$12.00
Judicial Computer Fee	\$35.50
Child Care Fund	\$5.00
Technology Fee	\$10.00
RECORDING—Exemplified copy of Administration or Will from another jurisdiction when letters are not required to be issued one page and affidavits each additional page	\$29.00 \$1.00
RENUNCIATION, filing for each	\$4.00
RETURNED CHECK FEE	\$29.00
SEARCH FEE	\$30.00
SECOND COPY, including seal and certificate filing and entering where additional security/ bond is required	\$6.00

SHORT CERTIFICATE	\$10.00
Up-dating (first time only)	\$5.00
SPECIAL SERVICES	
Probate of Will outside of Office	\$87.00
Affidavit of Witness	\$87.00
SUBPOENA	\$10.00
SUCCESSOR PERSONAL REPRESENTATIVE	
APPOINTMENT	\$18.00
SUGGESTION OF DEATH	\$12.00

1. The word “page” means a page of cap, brief, or typewriting paper written double space.

2. If a fee is not specifically provided for in this schedule, it shall be the same fee as for a similar service.

3. All prior Orders made establishing bills of costs for the services of the Register of Wills of this County in the transaction of the business of said office are hereby revoked.

By the Court

WILLIAM J. FURBER, Jr.,
President Judge

[Pa.B. Doc. No. 14-1624. Filed for public inspection August 1, 2014, 9:00 a.m.]