

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

Order Amending Rule 229 of the Rules of Civil Procedure; No. 619 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 9th day of March, 2015, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published for public comment at 44 *Pa.B.* 323 (January 18, 2014):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 229 of the Pennsylvania Rules of Civil Procedure is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective April 8, 2015.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 229. Discontinuance.

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(b)(1) Except as otherwise provided in subdivision (b)(2), a discontinuance may not be entered as to less than all defendants except upon the written consent of all parties or leave of court [**after notice to all parties**] upon motion of any plaintiff or any defendant for whom plaintiff has stipulated in writing to the discontinuance.

* * * * *

EXPLANATORY COMMENT

Current Rule 229 provides that a discontinuance is the sole method by which a plaintiff can terminate an action before trial. A discontinuance as to less than all defendants requires written consent of all parties to the action or leave of court. This current rule is incomplete because it does not describe which parties may seek leave of court to enter a discontinuance as to less than all defendants. The Supreme Court has adopted an amendment to Rule 229 to fill this gap. Under the revised rule, leave of court may be sought by any plaintiff or any defendant for whom the plaintiff has stipulated in writing to the discontinuance.

By the Civil Procedural Rules Committee

PETER J. HOFFMAN,
Chair

[Pa.B. Doc. No. 15-545. Filed for public inspection March 27, 2015, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 200]

Order Amending Rule 234.1 of the Rules of Civil Procedure; No. 618 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 9th day of March, 2015, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published for public comment at 44 *Pa.B.* 475 (January 25, 2014):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 234.1 of the Pennsylvania Rules of Civil Procedure is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective April 8, 2015.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 234.1. Subpoena to Attend and Testify.

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(c) A subpoena may not be used to compel a person to appear or to produce documents or things *ex parte* before an attorney, a party or a representative of the party.

(d) A subpoena shall be served reasonably in advance of the date upon which attendance is required.

EXPLANATORY COMMENT

The Supreme Court of Pennsylvania has amended Rule 234.1 governing subpoenas to attend and testify. The amendment remedies a discrepancy between service of a subpoena on a non-party witness and service of a notice to attend on a party. Current Rule 234.3 provides that a party shall be served a notice to attend reasonably in advance of the date the party is required to attend and testify. Current Rule 234.1, on the other hand, is silent as to when a non-party witness should be served a subpoena before attendance is required. The result is that a party who is aware of and involved in litigation is entitled to reasonable notice, but a non-party witness who has no prior knowledge of a trial and no forewarning that he or she may be called to testify can be subpoenaed with no notice. The amendment of Rule 234.1 requires that a non-party witness be served a subpoena reasonably in advance of the date the witness is required to attend and testify.

By the Civil Procedural Rules Committee

PETER J. HOFFMAN,
Chair

[Pa.B. Doc. No. 15-546. Filed for public inspection March 27, 2015, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CH. 4]

Proposed Adoption of Pa.R.J.C.P. 420

The Juvenile Court Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the adoption of new Pa.R.J.C.P. 420 governing preservation of weight of evidence claims for appeal, for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Christine Riscili, Counsel
 Juvenile Court Procedural Rules Committee
 Supreme Court of Pennsylvania
 Pennsylvania Judicial Center
 PO Box 62635
 Harrisburg, PA 17106-2635
 FAX: 717-231-9541
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All communications in reference to the proposal should be received by May 1, 2015. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Juvenile Court
 Procedural Rules Committee*

HONORABLE TODD A. HOOVER,
Chair

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 4. ADJUDICATORY HEARING

Rule 420. Challenge to the Weight of Evidence.

A) *Timing of challenge.* A claim that the ruling on the offense(s), the adjudication of delinquency, or the transfer to criminal proceedings is against the weight of the evidence shall be raised with the court in a motion for reconsideration in any of the following ways:

- 1) orally, on the record, at any time before disposition;
- 2) by filing a written motion at any time before disposition; or
- 3) by filing a post-dispositional motion.

B) *Timing of decision.*

1) If the claim is raised before disposition, the court shall decide the motion before imposing disposition.

2) The court shall not extend the date for disposition or otherwise delay the dispositional proceeding in order to dispose of the motion.

C) *Timing of appeal.* An appeal of the court's decision of the motion under this rule shall be governed by the timing requirements for appeals pursuant to Pa.R.A.P. 903 or a post-dispositional motion pursuant to Rule 620(B)(2) or (3), whichever applies.

Comment

The purpose of this rule is to make it clear that a challenge to the weight of the evidence is to be raised with the juvenile court or it will be waived. Appellate review of a weight of the evidence claim is limited to a review of the court's exercise of discretion. *See In re J.B.*, 106 A.3d 76 (Pa. 2014); *Commonwealth v. Lee*, 703 A.2d 470 (Pa. Super. Ct. 1997). *See also Commonwealth v. Widmer*, 689 A.2d 211 (Pa. 1997); *Commonwealth v. Brown*, 648 A.2d 1177, 1189—1192 (Pa. 1994).

When a claim is raised prior to disposition, the juvenile may, but need not, raise the issue again in a post-dispositional motion. *See* Rule 620(A)(2).

If there is a claim that the disposition, change in disposition, or a revocation of probation is against the weight of evidence, those claims must be preserved on the record or raised in a post-dispositional motion pursuant to Rule 620.

EXPLANATORY REPORT

On December 15, 2014, the Supreme Court decided *In re J.B.*, 106 A.3d 76 (Pa. 2014), directing the Juvenile Court Procedural Rules Committee to address the absence of procedural rules on preservation of weight of evidence claims in juvenile court.

When preserving a claim that the ruling on the offenses pursuant to Rule 408, an adjudication of delinquency pursuant to Rule 409, or the transfer to criminal proceedings pursuant to Rule 394 is against the weight of the evidence, the claim can be raised orally, in a written motion, or by the filing of a post-dispositional motion. If the claim is not raised, it is waived for appeal.

When preserving a claim that the disposition, change in disposition, or a revocation of probation is against the weight of evidence, the claim must be raised on the record or presented in a post-dispositional motion to be preserved. *See* Rule 620 for procedures.

When the weight of evidence has been preserved on the record orally or by the filing of a written motion pursuant to Rule 420(A)(1) or (2), the timing for the appeal is governed by Pa.R.A.P. 903 and Pa.R.J.C.P. 620(B)(3). The notice of appeal must be filed within thirty days of the entry of the order from which the appeal is taken or within thirty days of the imposition of the dispositional order, whichever applies.

When the weight of evidence has been raised in a post-dispositional motion, the timing for the appeal is governed by Pa.R.J.C.P. 620(B)(2). The notice of appeal shall be filed within thirty days of: 1) the entry of the order deciding the motion; 2) the entry of the order denying the motion by operation of law in cases in which the judge fails to decide the motion; or 3) the order memorializing the withdrawal of cases in which a party withdraws the motion.

[Pa.B. Doc. No. 15-547. Filed for public inspection March 27, 2015, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 800]

Order Amending Rules 801—816, 818 and 820 and Rescinding Rule 817 of the Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges; No. 382 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 13th day of March, 2015, upon the commendation of the Minor Court Rules Committee; the proposal having been published for public comment at 44 Pa.B. 4477 (July 19, 2014):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 801—816, 818 and 820 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges are amended in the following form, and Rule 817 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges is rescinded.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective April 12, 2015.

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 800. MINORS AND [INCOMPETENTS] INCAPACITATED PERSONS AS PARTIES

Rule 801. Definitions.

As used in this chapter:

[*Action*—] (1) “**Action**” includes a civil action as defined by Rule 301 and an action by a landlord against a tenant for the recovery of possession of real property pursuant to Rule 501.

Official Note: This chapter applies to all actions, civil in nature, within the jurisdiction of a magisterial district judge.

[*Minor—An*] (2) “**Minor**” means an individual under the age of eighteen years.

[*Incompetent—Anyone who, because of his incompetency, has a guardian appointed by a court of competent jurisdiction.*]

(3) “**Incapacitated person**” means an adult who has a guardian appointed by a court of competent jurisdiction pursuant to 20 Pa.C.S. § 5511.

[*Guardian—Except*] (4) “**Guardian**”, except as otherwise indicated in Rules 808B and 816B, means—

(a) in the case of a minor, a guardian of the minor appointed by any court of competent jurisdiction or by a probated will, a parent of the minor or, if selected by the minor to represent him as guardian, any adult person.

(b) in the case of [*incompetents*] **incapacitated persons**, a guardian or other fiduciary appointed by a

court of competent jurisdiction for the **incapacitated person** or the **incapacitated person’s estate** [*of an incompetent*].

Official Note: The definition of “minor” is the same as that set forth in Pa.R.C.P. No. 76 and is in conformity with pertinent statutory provisions. *See*, for example, [*Act of December 6, 1972, P. L. 1404, No. 300, § 1, 11 P. S. § 1901*;] § 102 of the Probate, Estates and Fiduciaries Code, 20 Pa.C.S. § 102. [*“Incompetent”*] “**Incapacitated person**” is defined as one who already has a guardian appointed [*because of incompetency*] pursuant to 20 Pa.C.S. § 5511, the reason for not adopting the rest of the definition in Pa.R.C.P. No. 2051 being principally that a magisterial district judge should not become involved in appointing guardians ad litem. The definition of “guardian” with respect to a minor is necessarily broad in view of the system adopted in Rule 805. The definition of “guardian” with respect to an [*incompetent*] **incapacitated person** follows generally that found in Pa.R.C.P. No. 2051.

Rule 802. Minor May Be Party to Action.

[*Whether or not he is represented by a guardian a minor may be a party to*] **A minor is not required to be represented by a guardian in an action before a magisterial district judge.**

Official Note: Under this rule, a minor need not be represented by a guardian in a civil action before a magisterial district judge. This is a departure from the procedure in other tribunals prescribed by Pa.R.C.P. Nos. 2027 and 2031. This difference in procedure is due in part to the determination that magisterial district judges should not be required or allowed to appoint guardians ad litem, considering the expedition with which civil actions before magisterial district judges are required to be handled under the general rules of civil procedure applicable to magisterial district judges. Since magisterial district judges will not be permitted to appoint guardians ad litem (*see* Rule 819), it would be manifestly unfair to allow a minor plaintiff to bring suit by a “next friend” guardian but to require the appointment of a guardian by a court of common pleas before a suit could be brought against a minor defendant. It is considered that ample protection will be afforded the minor party under Rule 805. *See also* the note to Rule 807.

The rules in this chapter are not, of course, intended to change the law governing the basic legal liability of minors.

Rule 803. Entitlement of Complaint.

The complaint in an action before a magisterial district judge to which a minor is a party shall be entitled in the name of the minor, without reference to [*his*] **the party’s** minority or any guardian.

Official Note: The complaint will be entitled in the name of the minor, whether plaintiff or defendant. If a guardian does represent [*him*] **the minor**, this will be reflected by a notice of intent to represent attached to the complaint [**will be reflected by a notice of intent to represent attached to the complaint**] form as required by Rule 805B.

Rule 804. Service of the Complaint.

Service of the complaint upon a minor defendant, or of a cross-complaint upon a minor plaintiff, shall be upon the minor in the manner prescribed for service of like process upon an adult party.

Official Note: See [Pa.R.C.P. No. 2029(a)] Rules 307, 308 and 315.

Rule 805. Representation of Minor by Guardian.

A. A guardian may represent a minor party by filing with the magisterial district judge before whom the action is pending a written notice stating [his] the guardian's name, address, entitlement to act as guardian under Rule [801(3)(a) and that he intends] 801(4)(a) and intention to represent the minor party as guardian. Such a notice shall be filed on a Guardian's Notice of Intent to Represent Minor Party form.

B. Upon receipt of a notice of intent to act as guardian, the magisterial district judge shall note thereon the time and date of its filing and attach it to the record copy of the complaint form.

C. Only one guardian may represent the minor party. If more than one person files a notice of intent to act as guardian, precedence shall be given in the order indicated in Rule [801(3)(a)] 801(4)(a), and to the one first filing as between those of the same class.

Official Note: Subdivision A sets up a system which is intended to preserve expedition in the processing of civil cases before magisterial district judges in which a minor is a party and at the same time afford sufficient protection to the minor. Under this rule, read in connection with the definition of "guardian" in Rule [801(3)(a)] 801(4)(a), guardians appointed by a court or by will and parents can represent the minor with or without [his] the minor's consent, but others are subject to [his] the minor's selection. Subdivision B requires the notice of intent to be attached to the complaint form, and subdivision C provides for an automatic selection as between competing "guardians". Of course, one who has filed a notice of intent to represent may withdraw, in which event the next guardian in precedence, if any, would represent the minor party.

Rule 806. Guardian to Supervise Action.

When a minor party is represented by a guardian—

(1) The guardian shall supervise and control the conduct of the action in behalf of the minor.

(2) Notices required to be given by the magisterial district judge [under Rules 318, 319B and 324] shall, if the party to whom the notice must be given is a minor represented by a guardian, be given to the guardian.

Official Note: Compare Pa.R.C.P. [Nos. 2027, 2029(b)] No. 2027.

Rule 807. Judgment; Costs.

A. Judgment may be entered for or against the minor party whether or not [he] the minor party is represented by a guardian.

B. A judgment entered in the action shall be the obligation of the minor only. A guardian shall not be individually liable for the payment of any judgment entered against the minor or for the costs of the action.

Official Note: Subdivision A of this rule follows the concept adopted in Rule 802. In view of the right of appeal de novo from judgments rendered by magisterial district judges and the protections that are available under these rules, it was felt that such a judgment against a minor party should not be set aside, even as a discretionary matter, on the ground that the minor was

not represented by a guardian. Compare *Hamilton v. Moore*, 335 Pa. 433, 6 A.2d 787 (1939).

As to subdivision B, compare Pa.R.C.P. No. 2038. Requiring a minor plaintiff's guardian to pay costs seemed undesirable and unnecessary with respect to civil actions before magisterial district judges.

Rule 808. Compromise, Settlement, Discontinuance and Payment.

A. If a minor party is represented by a guardian, the guardian may compromise or settle the action on behalf of the minor or may discontinue the action if it was brought by the minor. A minor party not represented by a guardian may compromise or settle the action or may discontinue the action if it was brought by [him] the minor.

B. The amount of a compromise, settlement or judgment in favor of a minor party shall be paid to the guardian of the estate of the minor qualified to receive the fund if [he] the minor party has one or one is to be appointed. If the minor has no such guardian, and none is to be appointed, the amount shall be paid to the guardian of the person or to the natural guardian or to the person or agency by whom the minor is maintained or to the minor.

Official Note: [This rule takes a somewhat different approach than the comparable Pa.R.C.P. No. 2039. In view of the relatively small sums involved in money judgments rendered by magisterial district judges, there seems to be little reason for requiring the magisterial district judge to participate and make decisions in these matters.] Compare Pa.R.C.P. No. 2039.

Rule 809. [Incompetent] Incapacitated Person May Be Party To Action.

An [incompetent] incapacitated person may be a party to an action before a magisterial district judge if [he] the incapacitated person is represented by [his] a court appointed guardian.

Official Note: [Since an "incompetent" as defined in Rule 801(a) is a person who already has a guardian appointed because of incompetency, this rule requires that he be represented by his guardian.] Since an "incapacitated person" as defined in Rule 801(3) is an adult who already has a guardian appointed pursuant to 20 Pa.C.S. § 5511, this rule requires that the incapacitated person be represented by a court appointed guardian. See Rule 812A. Under Rule 819, the magisterial district judge cannot appoint a guardian or guardian ad litem.

See also Rules 813 and 815 and the notes to those rules.

Rule 810. Entitlement of Complaint.

The complaint in [a civil] an action before a magisterial district judge to which an [incompetent] incapacitated person is a party shall be entitled in the name of the [incompetent] incapacitated person, followed by the phrase "an [incompetent] incapacitated person, represented by A, [his guardian] Guardian." The address of the [incompetent] incapacitated person and that of [his] the guardian shall be shown on the complaint form.

Official Note: Since the rules in this chapter relating to [**incompetents**] **incapacitated persons** deal with persons who already have [**a guardian because of incompetency**] **guardians**, the complaint is entitled to show that the [**incompetent**] **incapacitated person**, whether plaintiff or defendant, is represented by [**his**] a guardian. *Compare* Pa.R.C.P. No. 2054.

Rule 811. Service of the Complaint.

Service of the complaint upon a defendant who is an [**incompetent**] **incapacitated person**, or of a cross-complaint upon a plaintiff who is an [**incompetent**] **incapacitated person**, shall be upon [**his**] **the incapacitated person's** guardian. This service shall be made in accordance with [**Rule 307**] **Rules 307, 308 and 315.**

Official Note: Service is required to be upon the guardian. These rules generally assume the existence of a guardian whose identity is known. *Compare* Pa.R.C.P. No. 421.

Rule 812. Guardian to Represent [Incompetent] Incapacitated Person and Supervise Action.

A. The guardian of a party who is an [**incompetent**] **incapacitated person** shall represent [**him**] **the incapacitated person** and shall supervise and control the conduct of the action in behalf of the [**incompetent**] **incapacitated person.**

B. Notices required to be given by the magisterial district judge [**under Rules 318, 319B and 324**] shall, if the party to whom the notice must be given is an [**incompetent**] **incapacitated person**, be given to the guardian of the [**incompetent**] **incapacitated person.**

Official Note: *Compare* Pa.R.C.P. Nos. [**2053(a), 2055(b)**] **421, 2053.**

Rule 813. Procedure When [Incompetent Party] Incapacitated Person Not Designated as Such.

A. Except as provided in subdivisions B and C of this rule, if during the pendency of the action the magisterial district judge finds that a party not designated in the complaint as an [**incompetent**] **incapacitated person** represented by [**his**] a guardian is an [**incompetent**] **incapacitated person**, the magisterial district judge shall dismiss the proceeding without prejudice. Such a finding shall be based on the fact that the party has a guardian appointed [**because of the party's incompetency**] by a court of competent jurisdiction pursuant to **20 Pa.C.S. § 5511.**

B. If the party as to whom such a finding is made is one of several plaintiffs or defendants, the proceedings shall be dismissed only as to [**him**] **the incapacitated person.**

C. A complaint filed by a party who is an [**incompetent**] **incapacitated person** but not designated as such in the complaint may be amended by [**his**] **the incapacitated person's** guardian, at any time during the pendency of the action before judgment, to state that the party is an [**incompetent**] **incapacitated person** represented by [**his**] a guardian. A complaint filed against a party who is an [**incompetent**] **incapacitated person** but not designated as such may be amended to state

that the party is an [**incompetent**] **incapacitated person** represented by [**his**] a guardian only with the written consent of the guardian, which shall be attached to the record copy of the complaint form.

Official Note: With the exceptions stated, subdivision A of this rule requires that the proceedings be dismissed without prejudice when the magisterial district judge finds that a party not designated in the complaint as an [**incompetent**] **incapacitated person** represented by [**his**] a guardian is actually an [**incompetent**] **incapacitated person**, that is, one who already has a guardian [**because of incompetency (see Rule 801(2))**] **appointed pursuant to 20 Pa.C.S. § 5511 (see Rule 801(3)).** This rule is intended to take care of a situation in which [**incompetency**] **the appointment of a guardian** is not disclosed or not known at the time the complaint is filed.

[**The exception in subdivision B is obvious.**] The exception in the first sentence of subdivision C contemplates a case in which the [**incompetent**] **incapacitated person** files [**his own**] a complaint without disclosing [**his incompetency**] **the appointment of a guardian** and this fact comes to light during the pendency of the action. This exception will allow the guardian to make what is in effect a ratifying amendment to the complaint, so that the case can go on to judgment. The exception in the second sentence of subdivision C permits an amendment with the written consent of the guardian in actions brought against undesignated [**incompetents**] **incapacitated persons**, the guardian's consent being required because service will not normally have been made upon [**him**] **the guardian** under these circumstances and to allow reissuance and new service of the complaint, as amended, would be incompatible with the general civil procedure for magisterial district judges. Neither of the amendments provided for in subdivision C need be made in compliance with Rule 316 or Rule 509.

Rule 814. Judgment and Costs.

A judgment entered in the action shall be the obligation of the [**incompetent**] **incapacitated person** only. A guardian shall not be individually liable for the payment of any judgment entered against the [**incompetent**] **incapacitated person** or for the costs of the action.

Official Note: *See* Pa.R.C.P. No. 2063.

Rule 815. Judgment—Unrepresented [Incompetent] Incapacitated Person.

A. Except as provided in subdivision B of this rule, if after judgment the magisterial district judge finds that a party not designated in the complaint as an [**incompetent**] **incapacitated person** represented by [**his**] a guardian was an [**incompetent**] **incapacitated person**, the magisterial district judge shall, unless the party's guardian files [**his**] consent in writing to the judgment, vacate the judgment and dismiss the proceedings without prejudice. Such a finding shall be based on the fact that the party had a guardian appointed [**because of the party's incompetency**] pursuant to **20 Pa.C.S. § 5511** by a court of competent jurisdiction.

B. A judgment in favor of a defendant shall not be vacated or set aside on the ground that [**he was an incompetent**] **the defendant was an incapacitated person** not represented by [**his**] a guardian.

Official Note: Except as provided in subdivision B, if after judgment the magisterial district judge finds that a party not designated in the complaint as an [**incompetent**] **incapacitated party** represented by [**his**] a guardian was an [**incompetent**] **incapacitated person** as defined in Rule [**801(2)**] **801(3)**, the magisterial district judge must, unless the party's guardian files [**his**] consent in writing to the judgment, vacate the judgment and dismiss the proceedings without prejudice. If the guardian does file [**his**] consent to the judgment, it should be attached to the record copy of the complaint form. It was thought best not to give the magisterial district judge the kind of discretion in this matter inherent in Pa.R.C.P. No. 2056(d) and in *Hamilton v. Moore*, 335 Pa. 433, 6 A.2d 787 (1939). Of course, if the [**party as to whom the finding of incompetency is made**] **incapacitated person** was one of several plaintiffs or defendants affected by the judgment, the judgment will be vacated, and the proceedings dismissed, only as to [**him**] the **incapacitated person**.

The exception in subdivision B forbids vacating or setting aside a judgment in favor of a defendant on the ground that [**he was an incompetent**] a party was an **incapacitated person** not represented by [**his**] a guardian. The reason for this exception is that the rules as to [**incompetents**] **incapacitated persons** as parties are for their protection and not for the protection of adverse parties. The word "defendant" as used here includes a plaintiff with respect to a cross-complaint of the defendant but does not include the defendant [**with respect to his**] who files a cross-complaint.

Rule 816. Compromise, Settlement, Discontinuance and Payment.

A. The guardian of a party who is an [**incompetent**] **incapacitated person** may compromise or settle the action on behalf of the [**incompetent**] **incapacitated person** or may discontinue the action if it was brought by or on behalf of the [**incompetent**] **incapacitated person**.

B. The amount of a compromise, settlement or judgment in favor of a party who is an [**incompetent**] **incapacitated person** shall, if it is known that [**he is incompetent**] the party is an **incapacitated person**, be paid to the guardian of [**his**] the estate qualified to receive the fund if [**he**] the **incapacitated person** has one or one is to be appointed. If the [**incompetent**] **incapacitated person** has no such guardian and none is to be appointed, the amount shall be paid to the guardian of the person or to the person or agency by whom the [**incompetent**] **incapacitated person** is maintained.

Official Note: Compare Pa.R.C.P. No. 2064. See the note to Rule 808.

Rule 817. [**Party Both an Incompetent and a Minor**] (Rescinded).

[**If a party is both an incompetent and a minor, the rules in this chapter relating to incompetents shall apply.**]

Official Note: See Pa.R.C.P. No. 2052 and its note.]

Rule 817 was rescinded in 2015 because the rule was no longer necessary due to a change to the

statutory definition of an **incapacitated person**. By definition, an **incapacitated person** is an adult; thus, Rule 817 is no longer needed. See 20 Pa.C.S. § 5501.

Rule 818. Representation in Rule 420 and 519.1 Matters.

A guardian of a party in interest who is a minor or an [**incompetent**] **incapacitated person** may represent the minor or [**incompetent**] **incapacitated person** in hearings held under Rule 420 and Rule 519.1. On behalf of the minor or [**incompetent**, he] **incapacitated person**, the guardian may make any appeal or file any objection, claim, exception or request mentioned in those rules.

Official Note: This rule allows guardians of minors or [**incompetents**] **incapacitated persons**, as defined in Rule [**801(3)**] **801(4)**, to represent them in Rule 420 and Rule 519.1 matters and matters preliminary thereto.

Rule 820. Appellate Proceedings.

A guardian of a party who is a minor or an [**incompetent**] **incapacitated person** may initiate in an appropriate court of common pleas an appeal, certiorari proceedings or a statement of objection to Rule 420 and Rule 519.1 orders and determinations.

Official Note: It was thought advisable to include a provision giving guardians of minors and [**incompetents**] **incapacitated persons**, as defined in Rule [**801(3)**] **801(4)**, the right to initiate appeals, certiorari proceedings and statements of objection to Rule 420 and Rule 519.1 orders and determinations. In doing so, of course, they will have to comply with applicable provisions of the rules governing appellate proceedings. Once the case is in the court of common pleas, however, provisions of the Rules of Civil Procedure relating to guardians ad litem and other procedures will apply.

FINAL REPORT¹

Amendments to Rules 801—803, 805—816, 818 and 820, Amendment to the Official Note of Rule 804, and Rescission of Rule 817 of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges

Amendments to Chapter 800 Rules: Minors And Incapacitated Persons As Parties

I. *Introduction and Background*

The Minor Court Rules Committee (the "Committee") recommended amendments to the Chapter 800 rules of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges ("Rules"). The Chapter 800 Rules address minors and "incompetents" as parties, and have been largely unchanged since the inception of the Rules.

The Committee received a suggestion that it examine the Chapter 800 Rules, and, specifically, examine the use of the terms "incompetent" and "incompetency," in light of statutory changes that updated the terminology to "incapacitated persons" and "incapacity." In doing so, the Committee noted numerous changes needed to update the Rules, including (1) revising the terminology, statutory citations, and references to the Pennsylvania Rules of Civil Procedure, (2) making the Rules gender neutral, and

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 Report.

(3) rescinding Rule 817, which is now obsolete due to definition changes in the relevant statutes.

In examining the relevant sections of the Probate, Estates and Fiduciaries Code, *see* 20 Pa.C.S. § 5501,² the Committee determined that the term “incompetent” was abandoned in favor of the term “incapacitated person.” 20 Pa.C.S. § 5501. This terminology is also reflected in the Pennsylvania Rules of Civil Procedure. *See* Pa.R.C.P. No. 2051. According, the Committee proposes updating the Rules to change all references to “incompetent” and “incompetency” to “incapacitated person” and “incapacity,” respectively.

In reviewing the Chapter 800 Rules, the Committee also noted the outdated use of gender specific pronouns throughout the Rules (*e.g.*, he, his and him). Thus, in keeping with a preference to make the Rules gender neutral, the Committee proposed updating the Chapter 800 Rules to use gender neutral pronouns, and remove gender specific language.

Finally, in light of the statutory changes referenced above, as well as changes to the Pennsylvania Rules of Civil Procedure, the Committee determined that updates to statutory citations and cross-references to the Pennsylvania Rules of Civil Procedure were necessary.

II. Rule Changes

The Committee proposed amendments to Rules 801—803, 805—816, 818 and 820 to (1) change the terms “incompetent” and “incompetency” to “incapacitated person” and “incapacity,” (2) make the Rules gender neutral, (3) update statutory references and cross-references to the Pennsylvania Rules of Civil Procedure. The Committee also noted two editorial comments in the Official Notes to Rules 808 and 813 that did not add to a better understanding of the Rules, and, therefore, recommended their deletion.

Finally, the Committee recommended rescinding Rule 817 because the rule is no longer necessary due to a change to the statutory definition of an incapacitated person. By definition, an incapacitated person is an adult; thus, Rule 817, which addressed the situation where a party was “both an incompetent and a minor,” is no longer needed. *See* 20 Pa.C.S. § 5501.

[Pa.B. Doc. No. 15-548. Filed for public inspection March 27, 2015, 9:00 a.m.]

Title 25—LOCAL COURT RULES

LUZERNE COUNTY

Order Adopting Local Rule of Civil Procedure 1915.4-3; No. 2277 of 2015

Order

And Now, this 25th day of February, 2015, it is hereby *Ordered and Deceed* as follows:

1. The Court of Common Pleas of Luzerne County, constitutionally the Eleventh Judicial District of the Commonwealth of Pennsylvania, hereby repeals Luzerne County Local Rule of Civil Procedure 1915.4-2,

² Act of June 30, 1972, P.L. 508, No. 164, § 2, *as amended*, Act of April 16, 1992, P.L. 108, No. 24, § 6.

2. It is further Ordered and Deceed that the Court of Common Pleas of Luzerne County promulgates and adopts Luzerne County Local Rule of Civil Procedure (L.R.Civ.P.) 1915.4-3 which follows hereto and incorporated herein by reference.

3. It is further Ordered and Deceed that the Court Administrator shall file via U.S. Mail one (1) certified copy of this Rule with the Administrative Office of Pennsylvania Courts, two (2) certified copies and an electronic document via e-mail saved in Microsoft Word format to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee, one (1) certified copy to the Judicial Council of Pennsylvania Statewide Rules Committee, and one (1) copy to the *Luzerne Legal Register* for publication in the next issue.

4. It is further Ordered that the effective date of this order shall be thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

5. It is further Ordered that these local rules shall be kept continuously available for public inspection and copying in the Office of Judicial Services and Records of Luzerne County.

Compliance herewith is directed.

By the Court

RICHARD M. HUGHES, III,
President Judge

Actions for Custody, Partial Custody and Visitation of Minor Children

L.R.CIV.P. 1915.4-3. Certification of Procedure for Conciliation Conference before a Conference Officer in Custody, Partial Custody and Visitation Proceedings.

Pursuant to Pa.R.C.P. No. 1915.4-3, actions involving custody, partial custody and/or visitation, in which a Conference Officer conducts the initial conference, shall be conducted in accordance with Pa.R.C.P. 1915.4-3. The Court hereby vacates Luzerne County Local Rule 1915.4-2 and certifies that Pa.R.C.P. 1915.4-3, and any amendments thereto, shall govern practice and procedures related to actions for custody, partial custody or visitation. Luzerne County Local Rule of Civil Procedure 1915.4-3 shall be effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

[Pa.B. Doc. No. 15-549. Filed for public inspection March 27, 2015, 9:00 a.m.]

LUZERNE COUNTY

Order Amending Rule of Civil Procedure 1915.4; No. 2277 of 2015

Order

And Now, this 25th day of February, 2015, it is hereby *Ordered and Deceed* as follows:

1. The Court of Common Pleas of Luzerne County, constitutionally the Eleventh Judicial District of the Commonwealth of Pennsylvania, hereby amends Luzerne County Local Rule of Civil Procedure (L.R.Civ.P.) 1915.4 (restated in full) as provided in the following copy of same which is incorporated herein by reference.

2. It is further Ordered and Deceed that the Court Administrator shall file via U.S. Mail one (1) certified

copy of this Rule with the Administrative Office of Pennsylvania Courts, two (2) certified copies and an electronic document via e-mail saved in Microsoft Word format to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee, one (1) certified copy to the Judicial Council of Pennsylvania Statewide Rules Committee, and one (1) copy to the *Luzerne Legal Register* for publication in the next issue.

3. It is further Ordered that the effective date of this order shall be thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

4. It is further Ordered that these local rules shall be kept continuously available for public inspection and copying in the Office of Judicial Services and Records of Luzerne County.

Compliance herewith is directed.

By the Court

RICHARD M. HUGHES, III,
President Judge

Rule 1915.4. Prompt Disposition of Custody Cases.

(a) The Court shall appoint one or more person(s) as Court Conciliation Officer(s) to:

- (1) conciliate custody cases filed with the Court;
 - (2) recommend to the Court Interim Orders in appropriate custody cases which shall be in the best interest of the child;
 - (3) recommend appointment of a Guardian Ad Litem for the child;
 - (4) recommend the ordering of home studies and/or psychological or other evaluations by expert witnesses.
- (b) All custody matters not specifically reserved to the Court shall be promptly scheduled for a conference before the Custody Conciliation Officer. All parties shall attend such conference. Failure of a party to appear at the conference may provide grounds for the entry of an Interim Order.

(c) To facilitate the conciliation process and encourage frank, open, and meaningful exchanges between the parties and their respective counsel, statements made by the parties or their witnesses shall not be admissible as evidence in Court. The Custody Conciliation Officer may not be a witness for any party.

(d) More than one (1) conciliation conference may be scheduled by the Custody Conciliation Officer, as that Officer deems necessary to conciliate the matter.

(e) If the parties are able to reach an agreement during the conciliation conference, the Conciliation Officer will prepare a stipulation and submit it to the parties for their signature. Upon execution of the stipulation by all parties, the Conciliation Officer will countersign same, indicating his or her review, and shall transmit the stipulation together with a proposed Final Order to the Court for approval. If counsel for either party requests, counsel may draft the stipulation for the signature of the parties, provided, however, that the stipulation must be presented to the Court together with a proposed Final Order of Court within fifteen (15) days of the conference. Failure to submit a fully executed stipulation to the Court in a timely fashion will render the agreement upon which the stipulation is based null and void. Counsel must thereafter schedule another conference with the Custody Conciliation Officer.

(f) If at the conclusion of the conciliation process the case remains contested, the Custody Conciliation Officer shall transfer the case to the Court for assignment to a Judge. As part of that transfer, the Custody Conciliation Officer shall prepare and file with the Court a proposed Interim Order based upon the recommendation of the Custody Conciliation Officer. If accepted and entered by the Court, the proposed Interim Order shall be the governing Order of the case pending any further proceeding. The Custody Conciliation Officer may recommend the scheduling of a pre-trial conference or hearing before the Court. If no such proceeding is recommended, and there are no exceptions filed to the recommendation, nor are there any requests for a pre-trial conference or hearing before the Court, then the Interim Order shall automatically become a Final Order of Court within fifteen (15) days of the date of issuance by the Court.

(g) If after receiving the Conciliation Officer's report, the Court orders the parties to submit to evaluations and/or studies, the parties shall promptly comply with the Court's direction regarding the payment for and scheduling of the evaluations and studies. Following receipt of the report(s) from the expert(s), the Court will promptly schedule another conference for the parties with the Conciliation Officer. If the parties reach an agreement at this conference, they may proceed in accordance with subsection (e) hereof. If no agreement is achieved, the Conciliation Officer will proceed pursuant to subsection (f) hereof and provide the Court and parties with an Interim Order.

[Pa.B. Doc. No. 15-550. Filed for public inspection March 27, 2015, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice to Attorneys

Notice is hereby given that pursuant to Rule 221(b), Pa.R.D.E., the following List of Financial Institutions have been approved by the Supreme Court of Pennsylvania for the maintenance of fiduciary accounts of attorneys. Each financial institution has agreed to comply with the requirements of Rule 221, Pa.R.D.E., which provides for trust account overdraft notification.

SUZANNE E. PRICE,
Attorney Registrar
The Disciplinary Board of the
Supreme Court of Pennsylvania

Financial Institutions Approved as Depositories of Trust Accounts of Attorneys

Bank Code A.

595	Abacus Federal Savings Bank
2	ACNB Bank
613	Allegent Community Federal Credit Union
302	Allegheny Valley Bank of Pittsburgh
579	Alliance Bank
375	Altoona First Savings Bank
376	Ambler Savings Bank
635	American Bank (MD)
532	American Bank (PA)
615	Americhoice Federal Credit Union
116	Ameriserv Financial
377	Apollo Trust Company
568	ARC Federal Credit Union

Bank Code B.

558	Bancorp Bank (The)
485	Bank of America
415	Bank of Landisburg (The)
519	Beaver Valley Federal Credit Union
501	BELCO Community Credit Union
397	Beneficial Bank
5	BNY Mellon, NA
392	Brentwood Bank
495	Brown Brothers Harriman & Co.
161	Bryn Mawr Trust Company (The)
156	Bucks County Bank

Bank Code C.

540	C & G Savings Bank
618	Capital Bank, NA
622	Carrollton Bank
136	Centric Bank
394	Charleroi Federal Savings Bank
623	Chemung Canal Trust Company
599	Citibank, NA
238	Citizens & Northern Bank
561	Citizens Bank, NA
420	Citizens National Bank of Meyersdale (The)
206	Citizens Savings Bank
602	City National Bank of New Jersey
576	Clarion County Community Bank
16	Clearfield Bank & Trust Company (The)
591	Clearview Federal Credit Union
23	CNB Bank
354	Coatesville Savings Bank
603	Colonial American Bank
223	Commercial Bank & Trust of PA
21	Community Bank (PA)
371	Community Bank, NA (NY)
533	Community First Bank
430	Community National Bank of Northwestern PA
132	Community State Bank of Orbisonia
170	Conestoga Bank
590	Continental Bank
380	County Savings Bank
480	Cresson Community Bank
536	Customers Bank

Bank Code D.

339	Dime Bank (The)
239	DNB First, NA
27	Dollar Bank

Bank Code E.

357	Eagle National Bank
597	East River Bank
500	Elderton State Bank
567	Embassy Bank for the Lehigh Valley
541	Enterprise Bank
28	Ephrata National Bank
616	ErieBank, a division of CNB Bank
383	ESB Bank
601	Esquire Bank
340	ESSA Bank & Trust
552	Eureka Bank

Bank Code F.

629	1st Colonial Community Bank
549	1st National Community Bank (OH)
158	1st Summit Bank
31	Farmers & Merchants Trust Co.— Chambersburg
205	Farmers National Bank of Emlenton (The)

34	Fidelity Deposit & Discount Bank (The)
343	Fidelity Savings & Loan Associaton of Bucks County
583	Fifth Third Bank
174	First Citizens Community Bank
191	First Columbia Bank & Trust Company
539	First Commonwealth Bank
46	First Community Bank of Mercersburg
551	First Cornerstone Bank
369	First Federal S & L Association of Bucks County
504	First Federal S & L Association of Greene County
525	First Heritage Federal Credit Union
42	First Keystone Community Bank
51	First National Bank & Trust Company of Newtown (The)
421	First National Bank of Fredericksburg (The)
417	First National Bank of Lilly (The)
419	First National Bank of Mifflintown (The)
198	First National Bank of Minersville (The)
48	First National Bank of Pennsylvania
427	First National Bank of Port Allegany
175	First National Community Bank
626	First Niagara Bank, NA
426	First Northern Bank & Trust Company
604	First Priority Bank
592	First Resource Bank
40	First Savings Bank of Perkasio
408	First United National Bank
263	FirstMerit Bank, NA
151	Firstrust Savings Bank
416	Fleetwood Bank
493	FNB Bank, NA
291	Fox Chase Bank
241	Franklin Mint Federal Credit Union
58	Fulton Bank, NA

Bank Code G.

499	Gratz Bank (The)
498	Greenville Savings Bank

Bank Code H.

402	Halifax Bank, a division of Riverview Bank
244	Hamlin Bank & Trust Company
362	Harleysville Savings Bank
363	Hatboro Federal Savings
463	Haverford Trust Company (The)
559	Home Savings & Loan Company (OH)
606	Hometown Bank of Pennsylvania
68	Honesdale National Bank (The)
350	HSBC Bank USA, NA
364	Huntingdon Valley Bank
605	Huntington National Bank (The)
608	Hyperion Bank

Bank Code I.

365	Indiana First Savings Bank
575	Integrity Bank
557	Investment Savings Bank
526	Iron Workers Savings Bank

Bank Code J.

70	Jersey Shore State Bank
127	Jim Thorpe Neighborhood Bank
488	Jonestown Bank & Trust Company
72	Juniata Valley Bank (The)

Bank Code K.

414	Kish Bank
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Bank Code L.

74 Lafayette Ambassador Bank
 554 Landmark Community Bank
 418 Liverpool Community Bank
 78 Luzerne Bank

Bank Code M.

361 M & T Bank
 386 Malvern Federal Savings Bank
 412 Manor Bank
 510 Marion Center Bank
 387 Marquette Savings Bank
 81 Mars National Bank (The)
 43 Marysville Bank, a division of Riverview Bank
 367 Mauch Chunk Trust Company
 619 MB Financial Bank, NA
 511 MCS (Mifflin County Savings) Bank
 555 Mercer County State Bank
 192 Merchants Bank of Bangor
 610 Meridian Bank
 18 Metro Bank
 294 Mid Penn Bank
 276 Mifflinburg Bank & Trust Company
 617 Milestone Bank
 457 Milton Savings Bank
 345 Miners Bank, a division of Mid Penn Bank
 614 Monument Bank
 596 **Morebank, a Division of Bank of Princeton (The)**
 484 **Muncy Bank & Trust Company (The)**

Bank Code N.

433 National Bank of Malvern
 88 National Penn Bank
 168 NBT Bank, NA
 347 Neffs National Bank (The)
 434 **New Tripoli Bank**
 15 NexTier Bank, NA
 636 Noah Bank
 439 Northumberland National Bank (The)
 93 Northwest Savings Bank

Bank Code O.

489 OMEGA Federal Credit Union
 94 Orrstown Bank

Bank Code P.

598 **Parke Bank**
 584 Parkview Community Federal Credit Union
 580 Penn Liberty Bank
 447 Peoples Security Bank & Trust Company
 99 PeoplesBank, a Codorus Valley Company
 556 Philadelphia Federal Credit Union
 448 Phoenixville Federal Bank & Trust
 620 Pittsburgh Central Federal Credit Union
 79 PNC Bank, NA
 528 Polonia Bank
 449 Port Richmond Savings
 451 Progressive-Home Federal Savings & Loan Association
 637 Provident Bank (The)
 456 Prudential Savings Bank
 491 PS Bank

Bank Code Q.

107 QNB Bank
 560 Quaint Oak Savings Bank

Bank Code R.

452 Reliance Savings Bank
 220 Republic First Bank d/b/a Republic Bank
 628 Riverview Bank
 208 Royal Bank America

Bank Code S.

153 S & T Bank
 316 Santander Bank, NA
 464 Scottdale Bank & Trust Co. (The)
 460 Second Federal S & L Association of Philadelphia
 458 Sharon Savings Bank
 633 Slovak Savings Bank
 462 Slovenian Savings & Loan Association of Franklin-Conemaugh
 486 Somerset Trust Company
 518 **Standard Bank, PASB**
 542 Stonebridge Bank
 517 Sun National Bank
 440 SunTrust Bank
 30 Susquehanna Bank
 236 **Swineford National Bank**

Bank Code T.

143 TD Bank, NA
 182 Tompkins VIST Bank
 609 Tristate Capital Bank
 467 Turbotville National Bank (The)

Bank Code U.

483 **UNB Bank**
 481 Union Building and Loan Savings Bank
 133 Union Community Bank
 634 United Bank
 472 United Bank of Philadelphia
 475 United Savings Bank
 600 Unity Bank
 232 Uninvest Bank & Trust Co.

Bank Code V.

589 Valley Green Bank
 611 Victory Bank (The)

Bank Code W.

119 **Washington Financial Bank**
 121 Wayne Bank
 631 Wells Fargo Bank, NA
 553 WesBanco Bank, Inc.
 122 **West Milton State Bank**
 494 West View Savings Bank
 473 Westmoreland Federal S & L Association of Latrobe
 476 William Penn Bank
 272 Woodlands Bank
 573 **Woori America Bank**
 630 WSFS (Wilmington Savings Fund Society), FSB

Bank Code X.**Bank Code Y.**

577 York Traditions Bank

Bank Code Z.

Platinum Leader Banks

The Highlighted Eligible Institutions are Platinum Leader Banks—Institutions that go above and beyond eligibility requirements to foster the IOLTA Program. These Institutions pay a net yield at the higher of 1% or 75 percent of the Federal Funds Target Rate on all PA IOLTA accounts. They are committed to ensuring the success of the IOLTA Program and increased funding for legal aid.

[Pa.B. Doc. No. 15-551. Filed for public inspection March 27, 2015, 9:00 a.m.]

Notice of Collection Fee and Late Payment Penalty; 2015-2016 Registration Year

Notice is hereby given that in accordance with Pennsylvania Rules of Disciplinary Enforcement 219(d)(2) and 219(f), The Disciplinary Board of the Supreme Court of Pennsylvania has established the collection fee for checks returned as unpaid and the late payment penalty for the 2015-2016 Registration Year as follows:

Where a check in payment of the annual registration fee for attorneys has been returned to the Board unpaid, the collection fee will be \$100.00 per returned item.

Any attorney who fails to complete registration by July 31 shall be automatically assessed a non-waivable late payment penalty of \$150.00. A second non-waivable late payment penalty of \$150.00 shall be automatically added to the delinquent account of any attorney who has failed to complete registration by August 31.

SUZANNE E. PRICE,
Attorney Registrar
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 15-552. Filed for public inspection March 27, 2015, 9:00 a.m.]

SUPREME COURT

Reestablishment of the Magisterial Districts within the 30th Judicial District; No. 317 Magisterial Rules Doc.

Amended Order

Per Curiam

And Now, this day 9th day of March 2015, the Order dated February 25, 2013 that Reestablished the Magisterial Districts of the 30th Judicial District (Crawford County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: Magisterial District 30-3-06 shall include the City of Titusville. The Order of February 25, 2013 shall remain in effect in all other respects.

[Pa.B. Doc. No. 15-553. Filed for public inspection March 27, 2015, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 38th Judicial District; No. 355 Magisterial Rules Doc.

Amended Order

Per Curiam

And Now, this day of 9th day of March, 2015, the Order dated May 9, 2013 that Reestablished the Magisterial Districts of the 38th Judicial District (Montgomery County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: Magisterial District 38-1-28 shall include Hatfield Township Voting Districts 2-1, 2-2, 3-1, 3-2, 4-1 and 4-2. The Order of May 9, 2013 shall remain in effect in all other respects.

[Pa.B. Doc. No. 15-554. Filed for public inspection March 27, 2015, 9:00 a.m.]