

THE COURTS

Title 255—LOCAL COURT RULES

BEAVER COUNTY

Local Rules of Civil Procedure 8000 et seq.; Administrative Doc. No. 10050-2020

Administrative Order

January 24, 2020

It is hereby Ordered that existing Beaver County Local Rules of Civil Procedure 8000 and 8001 are rescinded. It is further Ordered that the following Rules 8000 through 8000.12 and accompanying Forms are adopted.

The Beaver County District Court Administrator is Directed to:

1. file one (1) copy of the Local Rules with the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.
2. file two (2) paper copies and one (1) electronic copy of the Local Rules in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. publish the Local Rules on the Court of Common Pleas of Beaver County website at <http://www.beavercountypa.gov/Depts/Courts>.
4. incorporate the Local Rules into the Local Rules of this Court within thirty (30) days after publication of the Local Rules in the *Pennsylvania Bulletin*.
5. file one (1) copy of the Local Rules with the Beaver County Prothonotary and the Beaver County Law Library for public inspection and copying.

Said Local Rules of Civil Procedure shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin* and upon publication on the Beaver County website.

By the Court

RICHARD MANCINI,
President Judge

REAL ESTATE ASSESSMENT APPEALS

Rule 8000. Definitions.

The following rules shall apply to all appeals from a real estate tax assessment determined by the Beaver County Board of Assessment Revision or its Auxiliary Board. These rules shall apply to all appeals taken following their effective date, and may be applied as appropriate to any pending appeals ninety (90) days after the effective date.

Definitions:

Appeal—An appeal from the Beaver County Board of Assessment Revision or Auxiliary Board as defined in the Consolidated County Assessment Law, 53 Pa. Con. Stat. § 8854.

Board—The Beaver County Board of Assessment Appeals.

Commercial Property—Any property, whether vacant or occupied, whose purpose is to generate income for its owner, or is otherwise designated in the tax assessment records as commercial, industrial, and/or agricultural in use.

Date of Notification—The date of the Board's decision.

Party—Appellant, the Board, and any other person or entity entitled to notice of the appeal.

Property Owner—The record owner of the property as set forth in the Recorder of Deeds Office, reflecting the most recent deed of record.

Taxing Authority—Any county, city, borough, town, township, school district, or other public corporation having power and authority to levy taxes on the assessment of the real estate in question.

Verified—When used in reference to a written statement of fact by the signer, means supported by oath or affirmation or made subject to the penalties of 18 Pa. Con. Stat. § 4904 relating to unsworn falsification to authorities.

Rule 8000.1. Real Estate Tax Assessment Appeal.

(a) Real Estate Tax Assessment Appeal from a decision of the Board as to the amount of the assessment for real estate tax purposes, or as to exemption of real estate from payment of real estate taxes, shall be captioned "Petition for Real Estate Tax Assessment Appeal" or "Petition for Real Estate Tax Exemption Appeal" and filed with the Prothonotary within the time prescribed by statute. A copy of the appeal shall be provided to the Court Administrator.

(b) The Petition shall contain the following:

(1) Caption designating the named party taking the appeal as Appellant, the Board as Appellee, and if Appellant is a taxing authority it shall join the owner of the real estate involved as a matter of course as a party in the assessment appeal by designating such named owner in the caption as an Appellee. All taxing authorities shall be named as parties in the appeal. The tax parcel identification number for the real estate in question shall appear in the caption.

(2) Identification of the subject real estate, including the street address and tax parcel identification number, and a designation of the municipality and school district wherein the real estate is located. A copy of the property card from the tax records shall be attached as an exhibit to the petition.

(3) Name and address of the taxpayer(s), and any other party to the appeal.

(4) Nature of and reasons for the appeal.

(5) Reference to the decision of Beaver County Board of Assessment Revision or its Auxiliary Board (Board) from which the appeal is taken. The date of notification shall be provided. A copy of the Board's notice of decision shall be attached as an exhibit to the petition.

(6) Reason(s) for the appeal. The petition shall identify whether the challenge is based on fair market value, base year value, and/or a constitutional challenge based on uniformity.

(7) A verification in accordance with Pa.R.Civ.P. 206.3, if the petition contains an allegation of fact which does not appear of record.

(c) Within ten (10) days after filing the appeal, appellant shall serve a copy of the appeal on the Board, on all affected taxing authorities at their business addresses, and any other party, in the manner prescribed by

Pa.R.Civ.P. 440. The property owner shall be served notice at the registered address designated on the tax records of Beaver County.

(d) Within twenty (20) days of service of the appeal, the appellant shall file a verified proof of service of the petition.

(e) There shall be no requirement that the appellee, or any other party, file an answer or responsive pleading to the petition.

(f) All appeals shall be subject to Pa.R.Civ.P. 1012, 1023.1, and 1025 as amended.

(g) Cross-appeals shall not be permitted, and, if a cross-appeal is filed, the Court shall dismiss the cross-appeal, and proceed at the earlier filed appeal.

(h) No appeal may be withdrawn without consent of all other parties, or leave of court.

(1) In the event the matter is settled between the parties, the parties shall within seven (7) days of reaching a settlement execute a Stipulation to Settle in accordance with FORM 8000.1(h)(1) and within seven (7) days of execution of the Stipulation to Settle the appellant shall file a praecipe to settle and discontinue with the Prothonotary and deliver copies of both the Stipulation and the praecipe to the Court. Thereupon the Court will enter an Order in accordance with FORM 8000.1(h)(1). No leave of Court is required if the parties agree to settle.

Note: The Pennsylvania Rules of Civil Procedure do not apply to real estate tax assessment appeals, unless specifically adopted by local rule or order of court. In re Mackey, 687 A.2d 1186 (Pa. Commw. Ct. 1997).

Rule 8000.2. Intervention.

(a) Any taxing authority not named as a party may intervene as a matter of course during pendency of the appeal by filing a Notice of Intervention with the Prothonotary.

(b) Notice of Intervention shall contain the name of the intervening party as an additional party designated as "Intervenor" in the caption, and shall set forth that such identified party is intervening. The notice shall provide an address for the intervenor, unless simultaneously filed with an entry of appearance for counsel.

(c) Intervenor shall serve copies of Notice of Intervention on all parties in accordance with Pa.R.Civ.P. § 440.

(d) within ten (10) days of filing of Notice of Intervention, the intervenor shall file a verified proof of service.

(e) No response is required to be made by any party served with a copy of a Notice of Intervention.

Rule 8000.3. Discovery.

(a) Except as otherwise provided by this Rule, discovery shall be by leave of court only for cause shown. Nothing in these rules shall prohibit an agreement among the parties regarding discovery not otherwise authorized by these rules.

(b) In all cases involving commercial property, the taxing authorities may serve a copy of Tax Assessment Appeal Discovery Requests in accordance with FORM 8000.3 on the taxpayer. The taxpayer shall furnish the information sought in the Discovery Requests as set forth in Local Rule 8000.5.

(c) Any discovery disputes, including, without limitation, any motions for protective order or motions to compel, shall be presented upon proper notice to the judge assigned to the case.

(d) A party may inspect the property at a reasonable time(s) upon the condition that such party provides written notice of the inspection no less than fifteen (15) days prior to the property owner, if unrepresented, or the counsel of record for the property owner. If the property owner objects to the inspection or the time for inspection set forth in the notice, the property owner shall file written objections to such inspection and present such objections to the assigned judge.

Note: In the absence of a statewide rule, local rule, or order of court, it is within the sound discretion of the trial court whether to permit or refuse discovery in tax assessment appeals. *Tanglwood Lakes Community Association v. Pike County Board of Assessment*, 642 A.2d 581 (Pa. Commw. Ct. 1994).

Rule 8000.4. Consolidation.

(a) The Court on its own motion, or on the motion of a party, may consolidate real estate tax assessment appeals involving properties that are similarly situated. The properties must be located within the same municipality and school district.

(1) A motion to consolidate shall be determined in accordance with Pa.R.Civ.P. 213.

(2) If the Court grants a motion to consolidate real estate tax assessment appeals, it shall enter a case management order setting forth all pretrial deadlines.

Rule 8000.5. Pretrial Procedure.

(a) In real estate tax assessment appeals involving residential property, the following case management schedule shall govern the appeal, absent a case management order from the Court:

(1) The Court Administrator shall schedule a first pretrial conference within ninety (90) days of the filing of the appeal. At the time of the conference, all counsel and the parties, or a designated representative, shall be present.

(2) If after the first pretrial conference, the parties have not negotiated in good faith or for other reasons, this Court may, in its discretion, order the parties to exchange appraisal reports (if appropriate) within ninety (90) days. If a party fails to provide an appraisal within the time period provided by this rule, by leave of court, or within such time as agreed to by the parties and approved by the Court, then, upon motion, the Court may preclude that party from presenting any evidence of valuation at trial.

(3) Each party of record shall file a Pretrial Memorandum within one hundred and twenty (120) days of the filing of the appeal. The Pretrial Memorandum shall set forth (1) the contended assessed value of the subject real estate; (2) the names of all witnesses to be called at the hearing; (3) a list of all exhibits intended to be introduced at the hearing; (4) any pre-trial motions, with supporting legal authority; (5) a summary of any legal issues; and (6) a copy of any appraisal to be presented at the hearing.

(4) The Court Administrator shall schedule a conciliation conference within one hundred and eighty (180) days of the filing of the appeal. At the time of conciliation, all counsel and the parties, or a designated representative, shall be present. The property owner, or their designated representative, shall have full authority to settle. The conciliation conference may be the same day as the hearing before the master.

(b) In real estate tax assessment appeals involving property other than residential, the following case man-

agement schedule shall govern the appeal, absent a case management order from the Court:

(1) Discovery requests shall be propounded within forty-five (45) days of the filing of the appeal.

(2) Responses to discovery shall be furnished within forty-five (45) days of the date of the requests.

(3) The Court Administrator shall schedule a first pretrial conference within ninety (90) days of the filing of the appeal. At the time of the conference, all counsel and the parties, or a designated representative, shall be present.

(4) If after the first pretrial conference, the parties have not negotiated in good faith or for other reasons, this Court may, in its discretion, order the parties to exchange appraisal reports (if appropriate) within ninety (90) days. If a party fails to provide an appraisal within the time period provided by this rule, by leave of court, or within such time as agreed to by the parties and approved by the Court, then, upon motion, the Court may preclude that party from presenting any evidence of valuation at trial.

(5) Each party of record shall file a Pretrial Memorandum within one hundred and eighty (180) days of the filing of the appeal. The Pretrial Memorandum shall set forth (1) the contended assessed value of the subject real estate; (2) the names of all witnesses to be called at the hearing; (3) a list of all exhibits intended to be introduced at the hearing; (4) any pre-trial motions, with supporting legal authority; (5) a summary of any legal issues; and (6) a copy of any appraisal to be presented at the hearing.

(6) The Court Administrator shall schedule a conciliation conference within one hundred eighty days (180) days of the filing of the appeal. At the time of conciliation, all counsel and the parties, or a designated representative, shall be present. The property owner, or their designated representative, shall have full authority to settle. The conciliation conference may be the same day as the hearing before the master.

Rule 8000.6. Appointment of Master.

The court may hear the testimony, or, upon its own motion, may appoint a master with respect to all or any of the matters involved in the real estate tax assessment or tax exemption appeal to issue a report and recommendation. The order of appointment shall specify the matters which are referred to the master. The Master shall be compensated on an hourly basis in a manner to be determined by the Court.

Note: The Court possesses the inherent authority to appoint a master to assist it in performing its various functions, including the production of advisory opinions regarding tax assessment appeals. Appeal of 322 Blvd. Associates, 600 A.2d 630 (Pa. Commw. Ct. 1991).

Rule 8000.7. Hearing by Master. Report.

(a) The Court Administrator shall schedule any proceedings before the master and shall cause notice to be provided to all the parties in accordance with FORM 8000.7.

(b) A record shall be made of all proceedings before the master. Any requests for transcription shall be in accordance with the Pennsylvania Rules of Judicial Administration governing court reporting and transcripts.

(c) In an action which has been referred to a master, the master's report shall include findings of fact, conclusions of law, and a recommended disposition of the case.

(d) The master's report and recommendation shall be filed, and the Prothonotary shall serve a Notice and copy to all counsel of record and any unrepresented party by regular mail in accordance with FORM 8000.7(d).

(e) Any exhibits admitted into evidence before the master are part of the court record, and shall be maintained with the official court record in the appropriate filing office.

Rule 8000.8. Hearing by Master. Report. Objections. Transcript.

(a) Any party may file objections to the report and recommendation of the master within thirty (30) days of the filing of the report and recommendation. Objections must be accompanied by a certification of counsel, or a party if unrepresented, that a transcript of all proceedings before the master, or necessary portions of the transcript, have been requested from the Court Administrator.

(1) Any request for a transcript shall be governed by the applicable Pennsylvania Rules of Judicial Administration pertaining to court reporting and transcripts.

(2) If no trial transcript is filed within sixty (60) days of the date the Objections were filed, the Court Administrator shall send the objecting party a letter, with copies to all counsel and parties not represented by counsel, stating that the transcript must be paid for and filed within thirty (30) days of the date of the letter, and that if no transcript is filed within the time period, then a court order shall be issued overruling the objections with prejudice in accordance with FORM 8000.8(a)(2).

(b) Within twenty (20) days of the date on which the transcript is filed of record, the objecting party shall file a Brief in Support of Objections. The Brief in Support of Objections shall refer to transcript page numbers where possible.

(c) If no brief is filed within twenty (20) days of the date the transcript is filed, the Court Administrator shall send the objecting party a letter, with copies to all counsel or a party if not represented by counsel, stating that if a brief is not filed within twenty (20) days of the date of the letter, then a court order will be entered overruling the objections with prejudice in accordance with FORM 8000.8(c).

Note: If a Brief in Support of Objections has been filed by a taxing authority, other taxing authorities may file a statement joining in that brief, and forego filing their own brief.

(d) Within twenty (20) days after the moving party has filed its Brief in Support of Objections, all responding parties shall file their Briefs in Opposition to Objections.

(e) If no Brief in Opposition is filed and served within twenty (20) days, the Court Administrator shall send the opposing party a letter, with copies to all counsel and parties not represented by counsel, stating that if an opposing brief is not filed within twenty (20) days of the date of the letter, the decision will be made without reference to any brief that you may file thereafter in accordance with FORM 8000.8(e).

(f) A copy of any brief filed shall be served on all counsel of record, a party if unrepresented, the Court Administrator, and the Court.

Note: If a Brief in Opposition has been filed by a taxing authority, other taxing authorities may file a statement joining in that brief, and forego filing their own brief.

Rule 8000.9. Decision. Final Order. No Post-Trial Motions.

(a) Within five (5) days after the filing date set for the Briefs in Opposition to Objections has passed, the objecting party shall notify the Court that the matter is ripe for decision by filing a notice that the matter is ripe for decision in accordance with FORM 8000.9(a). A copy of the notice shall be served on all counsel of record, a party if unrepresented, and the Court Administrator.

(b) Upon the filing of the notice defined in subsection (a), the Court may schedule oral argument on the objections, or enter a final order based on the briefs and record alone.

(c) In the event that none of the parties file objections as described above, the report and recommendation of the master shall become the final order of court.

(d) There shall be no motions for post-trial relief to a final order of court.

Rule 8000.10. Real Estate Tax Exemption Appeals.

(a) Real estate tax exemption appeals shall be governed by the same rules as real estate tax assessment appeals; provided, however, that Local Rules 8000.3 and 8000.5 shall not be applicable.

(b) Real estate tax exemption appeals from decisions of the Board shall be subject to the provisions pertaining to discovery in the Pennsylvania Rules of Civil Procedure.

Rule 8000.11. Notice of Change of Ownership of Property. Change of Address. Withdrawal or Substitution of Counsel.

(a) If at any time during the course of an appeal filed pursuant to Local Rule 8000, et seq., ownership of the property at issue is transferred, changed, or altered in any way, the new property owner listed of record in the appeal is required to file notice of the transfer/change/alteration with the Prothonotary. The notice shall provide the following information:

(1) The name(s) and addresses(es) of the new record owner(s) of the property;

(2) The type of transfer/change/alteration (e.g., property sold); and

(3) The date of the transfer/change/alteration.

(b) Failure to file notice within thirty (30) days of the transfer or change shall be grounds for termination of the appeal and a discontinuance of the matter.

Note: See Pa.R.Civ.P. 1012 for notice requirements when there is a withdrawal or substitution of counsel. See Pa.R.Civ.P. 440 for the requirements of service of legal papers.

Rule 8000.12. Repealer.

These Rules shall repeal and replace current LR8000 and LR8001 in their entirety.

FORM 8000.1(h)(1)

IN THE COURT OF COMMON PLEAS, BEAVER COUNTY PENNSYLVANIA

IN RE Appeal of:

(NAME OF APPELLANT)

Case No.: _____

From the Beaver County Board of
Assessment Appeal

Tax ID No. _____

School District: _____

Municipality: _____

Property of: _____

Property Address: _____

Intervenor _____

STIPULATION TO SETTLE

WHEREAS, the Appellant(s) filed an appeal to this Honorable Court of the assessment set for the above referenced property by the Board of Assessment Appeals of Beaver County.

WHEREAS, based upon the risk and hazards of litigation, the parties have decided that it is in their best interest to settle the above-captioned matter based upon the terms and conditions outlined in this Stipulation to Settle.

NOW, THEREFORE, the undersigned, intending to be legally bound and to bind their respective clients, agree to the following settlement. After further review by all parties, it was agreed the assessment shall be as follows:

1. Commencing on _____, for the County and Township taxes, and _____, for the School taxes, the assessment shall be set based on a fair market value of \$ _____ and an assessed value of \$ _____ for tax year _____.

2. In determining the assessed value of the property, the County Assessment Office shall use a Common Level Ratio of _____%.

3. The parties agree that the Court should enter an Order in the form attached setting the assessed value as herein above set forth and ordering that the case be marked settled, discontinued, and ended.

4. The Appellant shall pay the appropriate fee, payable to the Prothonotary of Beaver, for the discontinuance of this action. Payment shall accompany the filing of this stipulation.

5. If the docket is not settled within ten (10) days of the settlement date set forth in this Stipulation, Appellant shall appear as scheduled by the Court. Settlement of the docket shall cancel this hearing.

6. This Stipulation can be executed in counterparts.

on behalf of the Municipality

on behalf of the County

on behalf of the Taxpayer

on behalf of the School District

FORM 8000.1(h)(1)

IN THE COURT OF COMMON PLEAS, BEAVER COUNTY PENNSYLVANIA

IN RE Appeal of:

(NAME OF APPELLANT)

Case No.: _____

From the Beaver County Board of

Assessment Appeal

Tax ID No. _____

School District: _____

Municipality: _____

Property of: _____

Property Address: _____

Intervenor _____

ORDER

AND NOW, this ____ day of _____, 20 ____, upon review of the Stipulation of Settlement among the parties, attached hereto, it is hereby ORDERED, ADJUDGED and DECREED that the stipulation to settle the appeal is approved; and

It is further ORDERED that the Beaver County Board of Assessment Appeals shall establish the fair market value for assessment purposes on the Beaver County Tax Parcel Number _____ to be \$ _____ and the assessed value from \$ _____ to \$ _____ as of _____, for County and Municipal taxes, and _____, for School District taxes; and

It is further ORDERED that, upon receipt of the appropriate filing fee from the Appellant, the Prothonotary of Beaver County is to mark the above case, settled, discontinued, and ended. If the docket is not settled within ten (10) days of the settlement date set forth the parties' Stipulation, Appellant shall appear before the court on the _____ day of _____ at 9:00 o'clock a.m. in courtroom _____. Settlement of the docket shall cancel any hearing on the Petition for Appeal.

BY THE COURT:

_____ J.

FORM 8000.3 Tax Assessment Appeal Discovery Requests

(CASE CAPTION, INCLUDING DOCKET NUMBER)

AND NOW, comes (name) and serves the within Tax Assessment Appeal Discovery Requests upon (name). Pursuant to Local Rule 8000.3 and 8000.5, all applicable responses to these Requests must be furnished within forty-five (45) days after the receipt of these Requests.

REQUESTS FOR DOCUMENTS

Please produce a copy of the following:

1. Any and all surveys (land, structural, environmental, etc.), building plans and site plans showing design construction and location of the subject property.
2. Any and all mortgages, promissory notes, deeds, and agreements of sale made or assumed on the subject property within the last three years and the corresponding closing statements.
3. Any and all appraisals or evaluations on the subject property which have been made during the last three years.
4. Any and all loan applications of any kind involving or relating to the subject property which have been signed or submitted within the past three years.
5. Any and all taxes, land leases, agreements, licenses, occupancy schedules, rent schedules (or rolls) relating to the subject property for the last three years.
6. Any and all written listing agreements, offers to purchase or offers to sell the subject property made within the last three years.
7. Any and all soil tests or mineral evaluations, permits or permit requests, requests relative to a zoning variance, or similar applications or requests to any governmental body within the past three years concerning the subject property and the result of any such applications or requests.
8. Any and all federal and state income tax returns and audited financial statements with respect to the subject property within the last three years.
9. Any and all corporate or partnership prospectus or private placement memorandum that contains any reference to the value of the subject property within the last three years.
10. Any and all insurance policies and/or binders covering the subject property, its building contents, any building or any business located thereon from the last three years.
11. Any and all documents which describe in whole or in part any physical improvements to the subject property (whether by the owner or by a tenant) within the last three years.
12. Any and all documents listing or describing capital improvement(s) made to the subject property over the past three years including the costs of the capital improvement(s) and the completion date(s).
13. Any and all documents relating to leasing commissions paid with respect to the subject property over the last three years including the corresponding tenant space, the commission paid, and the date.

FORM 8000.3 Tax Assessment Appeal Discovery Requests

INTERROGATORIES

Please provide the following information:

1. The name, address and telephone number of the person to contact regarding conducting an inspection of the subject property.

Date: _____

 Signature

Form 8000.7

IN THE COURT OF COMMON PLEAS, BEAVER COUNTY PENNSYLVANIA

IN RE Appeal of:

 (NAME OF APPELLANT) Case No.: _____
 From the Beaver County Board of
 Assessment Appeal
 Tax ID No. _____

School District: _____
 Municipality: _____
 Property of: _____
 Property Address: _____
 Intervenor _____

NOTICE

AND NOW, this ____ day of _____, 20 ____, upon consideration of the within Real Estate Tax Assessment Appeal Petition, the Court appoints a Master to hear the Assessment Appeal.

IT IS ORDERED THAT the within Real Estate Tax Assessment Appeal Petition will be heard on the _____ day of _____, 20____, at _____ on the _____th Floor Hearing Room of the Beaver County Courthouse.

A Real Estate Tax Assessment Appeal status report, in the form set forth as attached hereto, shall be filed with Court Administration no later than 10 days prior to the hearing.

Any continuance of the Real Estate Tax Assessment Appeal hearing must be obtained upon motion presented to the assigned Judge.

A copy of this Order shall be served on all parties and intervenors of record. Should this matter settle before the Real Estate Tax Assessment Appeal date, please notify Court Administration via facsimile at 724 _____. You will be required to file a Praecipe to Settle and Discontinue within 10 days.

COURT ADMINISTRATOR

Form 8000.7

IN THE COURT OF COMMON PLEAS, BEAVER COUNTY PENNSYLVANIA

IN RE Appeal of:

(NAME OF APPELLANT)

Case No.: _____

From the Beaver County Board of
Assessment Appeal

Tax ID No. _____

School District: _____

Municipality: _____

Property of: _____

Property Address: _____

Intervenor _____

REAL ESTATE TAX ASSESSMENT APPEAL STATUS REPORT

Appellant's Counsel Name & Phone No. _____

FAX No. _____

Board of Assessment Appeal/County of Beaver

Counsel Name & Phone No. _____

FAX No. _____

Intervenor(s)' Counsel Name & Phone No.: _____

FAX No. _____

Status of Settlement negotiations: _____

Anticipated total length of Hearing—(counsel should consult with all sides to provide a reliable estimate of time because other hearings may be scheduled to follow the time allotted for your case). _____

Other considerations that the court needs to be aware of concerning the scheduling of a hearing time: _____

NOTICE: Any continuance requested after the scheduling of a hearing time for your Real Estate Tax Assessment Appeal hearing as per Beaver County L.R.C.P. LR8002 will require a motion before the Court.

Date: _____

Signature _____
(legal counsel or party, if unrepresented)

FORM 8000.7(d) Notice

(CAPTION INCLUDING DOCKET NUMBER)

NOTICE

Pursuant to the provisions of 72 P.S. § 502-518.l(c) and Local Rule 8000.7, attached is the Report of the Master.

Any party objecting to the Report shall file Objections with the Beaver County Prothonotary within thirty (30) days of the receipt of this Notice. A copy of the Objections must be accompanied by a certification of counsel or of the objecting party, if unrepresented, that the trial transcript, or necessary portions of the transcript, have been ordered from the Court Administrator's Office. Copies of the Objections and certification shall be served on the Court Administrator and on all counsel of record, or the parties, if unrepresented.

In the event that none of the parties files Objections, the Report and Recommendation of the Master will be adopted as the final Order of Court.

 PROTHONOTARY

Dated: _____

FORM 8000.8(a)(2) Letter

Re: [case name and docket number] Dear [Objecting Party]:

It has been sixty (60) days since you filed your Objections to the Masters Report in the subject case and no trial transcript has been filed with the Court Administrator, Civil Division. You must contact this office and order the transcript of the proceedings and the transcript must be paid for and filed within thirty (30) days of the date of this letter. See Local Rule 8000.8.

If the transcript has not been paid for and filed within thirty (30) days of the date of this letter. A COURT ORDER PURSUANT TO LOCAL RULE 8000.8 WILL BE ISSUED OVERRULING THE OBJECTIONS WITH PREJUDICE.

Very truly yours,

Court Administrator

FORM 8000.8(a)(2) Court Order

[CAPTION INCLUDING DOCKET NUMBER]

ORDER OF COURT

On this _____ day of _____, 20 ____, it appearing that ninety (90) days after the Objections in this case were filed, a letter dated _____ was mailed by the Court Administrator's office to the objecting party; this letter stated that within thirty (30) days from the date of the letter, the trial transcript must be paid for and filed; thirty (30) days have passed since the date of the letter, and the transcript has not been filed.

IT IS ORDERED THAT, pursuant to Local Rule 8000.8, the objections in this case are overruled with prejudice.

BY THE COURT:

_____, J.

FORM 8000.8(c) Letter

Re: [case name and docket number]

Dear [Objecting Party]:

It has been twenty (20) days since the transcript in the referenced case was filed with the Court Administrator, Civil Division. Pursuant to Local Rule 8000.8, your brief is now overdue. If it is not filed and served within twenty (20) days of the date of this letter, A COURT ORDER PURSUANT TO LOCAL RULE 8000.8 WILL BE ISSUED OVERRULING YOUR OBJECTIONS WITH PREJUDICE.

Very truly yours,

Court Administrator

FORM 8000.8(c) Court Order

[CAPTION INCLUDING DOCKET NUMBER]

ORDER OF COURT

On this _____ day of _____, 20 ____, it appearing that twenty (20) days after the transcript in this case was filed, a letter dated _____ was mailed by the Court Administrator to the objecting party, this letter stated that if a brief is not filed by the objecting party and served within twenty (20) days of the date of the letter, a court order will be issued overruling the objections with prejudice; twenty (20) days have passed since the date of the letter; and the objecting party has not filed a brief.

IT IS ORDERED THAT, pursuant to Local Rule 8000.8 the objections in this case are overruled with prejudice.

BY THE COURT:

_____, J.

FORM 8000.8(e) Letter

Re: [case name and docket number]

Dear [Opposing Party]:

It has been twenty (20) days since the Objecting Party filed a Brief in Support of Objections and no brief in opposition has been filed by you. If no Brief in Opposition is filed and served within (20) days of the date of this letter, the decision will be made without reference to any brief that you may file thereafter.

Very truly yours,

Court Administrator

FORM 8000.9(a) Notice That Matter is Ripe for Decision

[CASE CAPTION, INCLUDING DOCKET NUMBER]

NOTICE THAT MATTER IS RIPE FOR DECISION

AND NOW, comes (name) and notifies this Honorable Court, pursuant to Local Rule 8000.9, that this matter is ripe for decision and requests that this Honorable Court schedule oral argument or decide the objections on the briefs at its convenience.

A Brief in Opposition to the Objections _____ has _____ has not been filed (please check appropriate line) been filed.

Date: _____ (Signature) _____

[Pa.B. Doc. No. 20-202. Filed for public inspection February 14, 2020, 9:00 a.m.]

Title 255—LOCAL COURT RULES**LUZERNE COUNTY****DUI Enforcement Assessment Fee (DEAF) Pursuant to 75 Pa.C.S.A. § 3802; No. CP-40-MD-00113-2020****Administrative Order**

And Now, this 21st day of January, 2020, it is hereby Ordered that, effective thirty (30) days after publication in the *Pennsylvania Bulletin*, for all crimes charged under 75 Pa.C.S.A. § 3802 (DUI), resolved by plea, trial, or diversion program, the defendant shall pay, in addition to costs of prosecution, fines and restitution, and other costs, a DUI Enforcement Assessment Fee (DEAF) of \$150.00. DEAF is to be made payable to the Department of Probation Services, and shall be collected by Court Collections.

Monies will be remitted to the County of Luzerne through monthly processing in accordance with the standard financial procedures. Such fees will be forwarded to the Office of District Attorney for operational integrity and continuity by Luzerne County.

The Court Administrator is hereby Directed to 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 Criminal 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.

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

MICHAEL T. VOUGH,
President Judge

[Pa.B. Doc. No. 20-203. Filed for public inspection February 14, 2020, 9:00 a.m.]

Title 255—LOCAL COURT RULES**LUZERNE COUNTY****Order Amending Local Rule of Civil Procedure 1920.51; No. CP-40-CV-00951-2020; Administration Fee for Appointment of Master in Divorce****Order**

And Now, this 21st day of January, 2020, it is hereby Ordered and Decreed as follows:

1. The Court of Common Pleas of Luzerne County, constitutionally the Eleventh Judicial District of the Commonwealth of Pennsylvania amends Luzerne County Local Rule of Civil Procedure (L.R.Civ.P.) 1920.51 which follows hereto and incorporated herein by reference.

2. It is further Ordered and Decreed 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

MICHAEL T. VOUGH,
President Judge

L.R.CIV.P. 1920.51. Administrative Fee for Appointment of Master in Divorce.

1. Simultaneously with the filing of a Motion for Appointment of a Master in Divorce, an administrative fee of Four Hundred (\$400.00) Dollars shall be paid to the Office of Judicial Services and Records (Prothonotary) by the moving party. Within twenty (20) days of service of the Motion for Appointment of a Master in Divorce, the responding party shall pay an administrative fee of Four Hundred (\$400.00) Dollars to the Office of Judicial Services and Records (Prothonotary).

2. The Master in Divorce may allocate the administrative fees charged herein as part of the recommendations of the Master's Report between the parties as may be fair and equitable by giving credit/deduction to the fees as part of the equitable distribution of marital property.

3. In the event a party fails to pay the required fee, that party shall be subject to the contempt powers of the Court and the payment of any additional expenses and costs, including attorney fees of the opposing party necessary for the enforcement of this requirement within the discretion of the Court.

4. In the event one party pays both administrative fees, he or she shall be awarded a Four Hundred (\$400.00) Dollar credit as part of the final equitable distribution of marital property.

5. In the event that a party is indigent, and unable to pay the administrative fee, he or she may petition the Court for in forma pauperis (IFP) status to waive the fee pursuant to Pa.R.C.P. 240. If the party is represented by an attorney, that attorney shall file a certification that he or she is providing free legal services to that party as part of the IFP petition. If one party is indigent, the Court may allocate both fees to the non-indigent party. If both parties are indigent, neither party shall be responsible for the fee.

6. No other administrative fees shall be charged due to the appointment of a Master in Divorce.

7. Luzerne County Local Rule of Civil Procedure 1920.51 shall be effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

[Pa.B. Doc. No. 20-204. Filed for public inspection February 14, 2020, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LUZERNE COUNTY

Order Amending Local Rule of Criminal Procedure 4010; No. CP-40-MD-00112-2020; Appointment of Luzerne County Bail Agency

Order

And Now, this 21st day of January, 2020, it is hereby Ordered and Decreed as follows:

1. The Court of Common Pleas of Luzerne County, constitutionally the Eleventh Judicial District of the Commonwealth of Pennsylvania rescinds former Rule 4010 (dated March 7, 1996) and replaces it in its entirety with Luzerne County Local Rule of Criminal Procedure (Luz.Co.L.R.Crim.P.) 4010, as follows hereto and incorporated herein by reference.

2. It is further Ordered and Decreed 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 Criminal Procedural Rules Committee, one (1) certified copy to the Judicial Council of Pennsylvania State-wide 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

MICHAEL T. VOUGH,
President Judge

Luz.Co.L.R.Crim.P. 4010. Bail Agency.

In accordance with and pursuant to the Pennsylvania Rules of Criminal Procedure, the Luzerne County Court designates the Luzerne County Office of Probation Services as the County Bail Agency with all the duties and powers now or hereafter provided for by said Rules including the following:

a. To interview every person detained in lieu of or in default of bail as soon as possible after the commitment to determine whether such person qualifies for release on some supervised or unsupervised form of bail.

b. To secure such information as may be necessary and relevant to any bail decisions.

c. To make recommendations as to the bail risks of any defendant as well as concerning the types of release and the conditions of release on bail for individual defendants.

d. To investigate and evaluate the reliability and solvency of any surety and report the same to the Court and/or issuing authority.

e. Supervising defendants when so designated by the bail authority.

f. To be surety on any bail permitted by law.

g. Administering percentage cash bail when authorized by a bail authority pursuant to the Rules of Criminal Procedure.

h. To keep account of the whereabouts of defendants released on bail for whom it is surety or defendants who are released under their supervisory powers and authority or any bail authorized by the agency and to inform the Court or issuing authority of any violation by such defendant of terms or conditions of their release.

i. To make reasonable rules and regulations necessary to implement the Bail Agency's functions and to make the same known to each person placed under the supervision of the Agency.

j. With the approval of the Court to set, collect and retain as a fee an amount reasonably related to the cost of administering the particular bail program.

k. Nothing in this rule shall prohibit the designation of other private surety in appropriate bail cases without the designation of the County Bail Agency of supervisory surety.

l. Nothing in this rule shall prohibit the posting of any appropriate type of bail allowed under the Rules of Criminal Procedure by other private or licensed sureties.

m. Any representative of the Bail Agency who seeks and obtains information from a defendant shall both orally and in writing advise a defendant that anything said to a Bail Agency representative may be used against said defendant.

n. Information obtained from or concerning any defendant shall be disclosed only to persons authorized by law

to receive such information and use of the same shall be as now or hereafter restricted or limited by the Rules of Criminal Procedure.

[Pa.B. Doc. No. 20-205. Filed for public inspection February 14, 2020, 9:00 a.m.]

Title 255—LOCAL COURT RULES

WARREN AND FOREST COUNTIES

Local Rule of Criminal Procedure 576.1 Electronic Filing and Service of Legal Papers; No. 8 of 2020

Order

And Now, this 27th day of January, 2020, it is hereby Ordered effective 30 days after publication in the *PA Bulletin*, the 37th Judicial District of the Court of Common Pleas adopts the following Local Rule 576.1 governing Electronic Filing and Service of Legal Papers.

The 37th Judicial District Court Administrator is hereby Ordered to do the following:

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.

2. File two (2) copies and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish these rules on the Warren-Forest County Court website, www.warrenforestcourt.org.

4. File one (1) copy of the Local Rule in the appropriate filing office for public inspection and copying.

By the Court

MAUREEN A. SKERDA,
President Judge

Rule Crim.P. L576.1. Electronic Filing and Service of Legal Papers.

A. Pursuant to Pennsylvania Rule of Criminal Procedure 576.1 Electronic Filing and Service of Legal Papers, electronic filing of legal papers through the PACFile electronic filing system shall be permitted for Forest and Warren County with the retroactive effective date of July 20, 2016 and Warren County effective January 13, 2020. The 37th Judicial District and AOPC have agreed to an implementation plan for use of the PACfile electronic filing system.

B. The electronic filing of motions and other legal papers is authorized as specifically provided in this rule. Parties shall electronically file documents using the PACFile electronic filing system developed by the Administrative Office of the Pennsylvania Courts and located on the Pennsylvania Unified Judicial System Web Portal at <https://ujportal.pacourts.us/>. The application of general rules of court and court policies that implement the rules shall continue to apply regardless of the method of filing.

C. *Legal Papers Defined*. The “legal papers” which shall be filed electronically shall encompass all written motions, written answers and any notices or documents for

which filing is required or permitted, including orders, exhibits and attachments, except for the following:

1. Applications for a search warrant,
2. Application for an arrest warrant,
3. Grand jury materials, except the indicting grand jury indictment or the investigating grand jury presentment,
4. Submissions filed ex parte as authorized by law and,
5. Submissions filed or authorized to be filed under seal.

D. Attorneys or self-represented parties who file legal papers electronically must establish a PACFile account using the Unified Judicial System of the Pennsylvania Web Portal. Pursuant to Pennsylvania Rules of Criminal Procedure 576.1(D)(2), the establishment of a PACFile account constitutes consent to participate in electronic filing, including acceptance of service electronically of any document filed using PACFile.

E. Applicable filing fees shall be paid through procedures established by the Clerk of Courts and at the same time and in the same amount required by statute, court rule or order, or established by a published fee schedule unless a party is granted In Forma Pauperis status.

F. All filings shall comply with the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.

G. *Service of Legal Papers*.

a. Attorneys or self-represented parties who are unable or unwilling to participate in electronic filing of documents are permitted to file and serve the legal papers in a physical paper format.

b. Service of legal papers on any attorney or party who has not established a UJS portal account or who is unable to file or receive legal papers electronically or otherwise to access the system shall be made by the procedures provided under Rule 114(B) and 576(B).

[Pa.B. Doc. No. 20-206. Filed for public inspection February 14, 2020, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Kenneth Haley (# 308478), having been disbarred in Maryland, the Supreme Court of Pennsylvania issued an Order on January 30, 2020, disbaring Kenneth Haley from the Bar of this Commonwealth, effective February 29, 2020. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 20-207. Filed for public inspection February 14, 2020, 9:00 a.m.]