

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1920]

Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 86

The Domestic Relations Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend the Rules of Civil Procedure relating to domestic relations matters as set forth herein. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

Notes and explanatory comments which appear with proposed amendments have been inserted by the committee for the convenience of those using the rules. Reports, notes and comments will not constitute part of the rules and will not be officially adopted or promulgated by the Supreme Court.

The committee solicits and welcomes comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Please submit written comments no later than Friday, January 12, 2007 directed to:

Patricia A. Miles, Esquire
Counsel, Domestic Relations Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, Pennsylvania 17055
FAX (717) 795-2175
E-mail: patricia.miles@pacourts.us

Deleted material is bold and bracketed. New material is boldface.

*By the Domestic Relations
Procedural Rules Committee*

NANCY P. WALLITSCH, Esq.,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1920. ACTIONS OF DIVORCE OR FOR ANNULMENT OF MARRIAGE

Rule 1920.14. Answer. Denial. Affidavit under Section 3301(d) of the Divorce Code.

(a) The averments in the complaint as to the divorce or annulment [**and**], all other claims which may be joined under the [**Divorce Code**] **Domestic Relations Code and any petition for special relief under these rules shall be deemed denied unless admitted by an answer.**

* * * * *

Explanatory Comment—2007

Subdivision (a) has been amended to clarify that the averments in a petition for special relief in a

divorce or annulment action are deemed to be denied unless admitted by an answer.

[Pa.B. Doc. No. 06-2194. Filed for public inspection November 9, 2006, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 3000]

Amendment of Rule 3129.3 Governing the Execution Sale of Real Property; No. 465 Civil Procedural Rules; Doc. No. 5

Order

Per Curiam:

And Now, this 24th day of October, 2006 Pennsylvania Rule of Civil Procedure 3129.3 is amended to read as follows.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective January 1, 2007.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 3000. JUDGMENTS

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

Rule 3129.3. Postponement of sale; new notice. **Failure of Plaintiff to Attend Sale.**

(a) Except as provided by subdivision (b) or special order of court, new notice shall be given as provided by Rule 3129.2 if a sale of real property is stayed, continued, postponed or adjourned.

(b) If the sale is stayed, continued, postponed or adjourned to a date certain within **one hundred one hundred thirty** days of the scheduled sale, **notice of which sale was given as provided by Rule 3129.2**, and public announcement thereof, including the new date, is made to the bidders assembled at the time and place [**originally**] fixed for the sale, no new notice **as provided by Rule 3129.2** shall be required, but there may be only [**one such stay, continuance, postponement or adjournment**] **two such stays, continuances, postponements or adjournments within the one hundred thirty day period** without new notice.

(c) **If the plaintiff or a representative of the plaintiff is not present at the sale, the real property shall not be sold. The sheriff shall return the writ of execution to the prothonotary and file a return pursuant to Rule 3139 indicating that the real property was not sold because the plaintiff or a representative of the plaintiff was not present at the sale. Thereafter, the writ may be reissued pursuant to Rule 3106.**

Explanatory Comment

Rule 3129.3(b)—Postponement of execution sale of real property

Rule 3129.3(b) formerly provided for one postponement of a sale of real property upon execution to a date within one hundred days of the scheduled sale without giving new notice of sale required by Rule 3129.2. The rule has been amended to permit two postponements within a period of one hundred thirty days of the scheduled sale without giving new notice. The amendment provides flexibility where more than one postponement is needed, saving time and expense. New notice under Rule 3129.2 is required when additional postponements of the sale are required.

Rule 3129.3(c)—Failure of plaintiff to appear at execution sale of real property

Prior to the present amendment, the execution rules did not provide for the instance when the plaintiff, whether in person or by representative, does not attend the sale of real property. New subdivision (c) of Rule 3129.3 addresses this issue. Subdivision (c) provides that, if the plaintiff is not present at the sale, "the real property shall not be sold." In such a case, the sheriff is directed to "return the writ of execution to the prothonotary and file a return pursuant to Rule 3139." The plaintiff may again seek to have the property sold but must recommence the proceedings by having the writ of execution reissued pursuant to Rule 3106 and giving new notice under Rule 3129.2.

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,
Chair

[Pa.B. Doc. No. 06-2195. Filed for public inspection November 9, 2006, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MONTGOMERY COUNTY

Bail Money Applied to Fines, Costs and Restitution; AD 302-2006

Order

And Now, this 20th day of October, 2006, except where a written bail assignment in satisfaction of attorneys' fees has been docketed prior to the imposition of sentence, in all cases where the defendant has deposited cash bail, the Clerk of Courts is authorized to apply cash bail deposited by the defendant himself or herself to satisfy any court costs, fines or restitution imposed under the sentence of the court.

By the Court

S. GERALD CORSO,
President Judge.

[Pa.B. Doc. No. 06-2196. Filed for public inspection November 9, 2006, 9:00 a.m.]

UNION AND SNYDER COUNTIES

Adoption of Local Rules; No. MC-21-2006; CP-55-AD-4-2006

Order

And Now, this 12th day of October, 2006, it is hereby *Ordered* as follows:

1. Local Rule of Civil Procedure 17CV1301.1 (A) is hereby amended to change the amount in controversy subject to compulsory arbitration from Thirty-Five Thousand Dollars (\$35,000) or less to Fifty Thousand Dollars (\$50,000) or less. The Court accordingly hereby adopts the Rule as set forth in Appendix "A."

2. The rule shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

3. The Court Administrator of the 17th Judicial District is ordered and directed to do the following:

3.1. File seven (7) certified copies of this Order and of the pertinent Rules with the Administrative Office of Pennsylvania Courts.

3.2. File two (2) certified copies and a computer diskette containing this Order and the pertinent Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3.3. File one (1) certified copy of this Order and the pertinent Rule with the Civil Procedural Rules Committee.

3.4. Provide one (1) copy of this Order and the Local Rule to each member of the Union-Snyder County Bar Association who maintain an active practice in Union or Snyder Counties.

3.5. Keep continuously available for public inspection, copies of this Order and the Local Rules.

By the Court

HAROLD F. WOELFEL, Jr.,
President Judge

APPENDIX "A"**17CV1301.1 Cases for Submission.**

A. Compulsory arbitration of matters as authorized by Section 7361 of the Judicial Code, 42 Pa.C.S. Section 101, et seq. shall apply to all cases at issue where the amount in controversy shall be Fifty Thousand Dollars (\$50,000) or less. The amount in controversy shall be determined from the pleadings or by an agreement of reference filed by the attorneys. The amount in controversy, when determined from the pleadings, shall be the largest amount claimed by any one party. In the event that a case within arbitration limits is consolidated with a case involving more than arbitration limits after the former has been referred to a board of arbitrators, the order of consolidation will remove the same from the jurisdiction of the board of arbitrators.

[Pa.B. Doc. No. 06-2197. Filed for public inspection November 9, 2006, 9:00 a.m.]

UNION AND SNYDER COUNTIES

Judicial Administration; No. MC-22-2006; CP-55-AD-5-2006

Order

And Now, this 12th day of October, 2006, pursuant to the requirements of Pa.R.Crim.P. 117, it is hereby *Ordered* that 17th Judicial District Rule of Criminal Procedure, 17CR117 Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail, be and the same is hereby adopted in the following form:

17CR117 Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail

1. Magisterial District Judge offices shall be open to meet the needs of the public and the court for regular business on Mondays through Fridays, excluding holidays, during hours established by Order of the President Judge.
2. Continuous coverage for the issuance of search warrants and arrest warrants, the holding of preliminary arraignments and summary trials, the setting and accepting of bail and collateral, and the accepting of complaints shall be by the traditional on-call system as presently established. The President Judge shall establish the schedule of assignment of Magisterial District Judges to on-call duty.
3. An on-call Magisterial District Judge and the Clerk of Courts shall accept bail in accordance with the provisions of the Pennsylvania Rules of Criminal Procedure. Only the Clerk of Courts shall accept the posting of realty.

It Is Further Ordered that seven (7) certified copies of this Order shall be filed with the Administrative Office of Pennsylvania Courts, that two (2) certified copies and one (1) diskette shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee of the Supreme Court of Pennsylvania, and that one (1) copy shall be filed with

the Clerk of Courts of the 17th Judicial District, Snyder County Branch, and with the Clerk of Courts of the 17th Judicial District, Union County Branch.

By the Court

HAROLD F. WOELFEL, Jr.,
President Judge

[Pa.B. Doc. No. 06-2198. Filed for public inspection November 9, 2006, 9:00 a.m.]

YORK COUNTY

Fee Bill for the Office of the Register of Wills and Clerk of Orphans' Court; No. 67-01-0007

Administrative Order

And Now, this 23rd day of October, 2006, pursuant to the provisions of 42 P.S. § 21032.1, the fee bill of the Register of Wills and Clerk of Orphans' Court, of York County, Pennsylvania, is amended as indicated on the proposed fee bill that follows. The fee bill shall be effective the 1st day of January, 2007, upon due advertisement as required by the Administrative Rules of Court.

It Is Further Ordered that in accordance with Pa.R.C.P. 239, the District Court Administrator shall:

- (a) File 7 certified copies thereof with the Administrative Office of Pennsylvania Courts;
- (b) Distribute 2 certified copies hereof to the Legislative Reference Bureau for Publication in the *Pennsylvania Bulletin*;
- (c) Cause a copy hereof to be published in the *York Legal Record* once a week for 2 successive weeks at the expense of the County of York; and
- (d) Supervise the distribution thereof to all Judges and all members of the Bar of this Court.

By the Court

RICHARD K. RENN,
President Judge

FEE BILL

CLERK OF ORPHANS' COURT DIVISION OF THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

And now, by Order of Court this 23rd day of October, 2006, the following bill of costs is established pursuant to 42 P.S. Section 21032.1. This Order is effective the 1st day of January, 2007.

ACCOUNTS	
For the filing, advertising and adjudication of accounts of guardians and trustees	
Total debits not over \$2,000	\$ 75.00
Over \$2,000 but not over \$5,000	80.00
Over \$5,000 but not over \$10,000	85.00
Over \$10,000 but not over \$25,000	110.00
Over \$25,000 but not over \$50,000	135.00
Over \$50,000 but not over \$100,000	165.00
Each additional \$100,000 or fraction thereof, and additional	100.00
ADOPTION	
Petition, Certificate and Report of Intermediary Voluntary or Involuntary Termination, Confirm Consent	35.00 **
Costs of Investigation to be determined by the Court under the circumstance in each case.	
Report of intent	10.00
Act 34 Fund	75.00
Certificate of Adoption	5.00
AFFIDAVIT or OATH	10.00
ANSWER	10.00
APPEAL to Appellate Court filing fee	35.00
Superior Court/Supreme Court	60.00
AUTOMATION FEE	
Clerk of Orphans' Court	5.00
BIRTH/DEATH RECORD	
Certificate from original Birth	10.00
Death	9.00
Delayed registration Birth	10.00
Death	9.00
CERTIFICATION*	5.00
CERTIFICATION* under Act of Congress	25.00
*Plus \$1.00 per page if copy is not furnished	
Certificate of Authority	2.00
CITATION	
Petition and issuing, one respondent	35.00
Each additional respondent	5.00
File a claim	10.00
CLAIM	10.00
Satisfaction or withdrawal	5.00
COPY of any instrument, per page of copy (certification extra)	1.00
DISCLAIMER	10.00
ELECTION under or against Will	10.00
EXCEPTIONS/OBJECTIONS	10.00
FAMILY EXEMPTION	
Personalty	15.00
Realty (one purpart)	20.00
Each additional purpart	3.00
Advertising	50.00

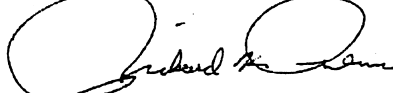
**Pennsylvania Judicial Computer Project Fee
***Clerk of Orphans' Court Automation Fee

Attest:
Gregory M. Snyder
Orphans' Court Judge

Attest:
Bradley C. Jacobs
Clerk of Orphans' Court

INCAPACITATED ESTATES	
Petition, citation and appointment of guardian	\$35.00 **
Entry of security	10.00
Inventory	10.00
Order of Allowance	10.00
Petition for Sale	35.00
MINOR'S ESTATE	
Petition for appointment of guardian per child	35.00 **
Entry of Security	10.00
Inventory	10.00
Petition for Order of Allowance	10.00
Report of guardian ad litem	5.00
MARRIAGE	
Waiver (Military-Free)	20.00
License, application, Affidavits, taxes, automation fee and one(1) certified copy	50.00
Consent of parents	5.00
Certified copy of license and return of marriage	5.00
Certified copy of application	5.00
PA JUDICIAL COMPUTER PROJECT FEE	10.00
PETITION (MISCELLANEOUS)	35.00 **
POWER OF ATTORNEY	20.00
PRAECIPE/JOINDER	5.00
PRESUMED DECEDENT	
Petition and final decree	35.00 **
REAL ESTATE OF DECEDENTS	
Sale or Mortgage	35.00 **
Execution of deed by Clerk	10.00
Approval of security and the entry thereof	10.00
Excuse from security	10.00
Leave to bid at public sale	10.00
Decree of confirmation of title	10.00
RELEASE , first page	5.00
Each additional page	1.00
RETURNED CHECK	20.00
SHORT CERTIFICATE	5.00
SMALL ESTATE (DECEDENTS or MINORS)	35.00 **
STIPULATION	10.00
SUBPOENA	10.00
TRUSTEE	
Petition for appointment	35.00 **
Entry of security	10.00
Report of Trustee and litem	10.00
Resignation	10.00
MISCELLANEOUS FILING	10.00

NOTE: In cases not herein specifically provided for, the Clerk of Orphans' Court shall make the same charge as that imposed for services of a substantially similar nature. All orders heretofore establishing feebill for the Clerk of Orphans' Court of York County shall be revoked and superseded as of the effective date hereof.

By the Court:

Honorable Richard K. Renn
President Judge in the Court of Common Pleas
of York County, Pennsylvania

Rev. 10-06

YORK COUNTY

**Fee Bill for the Office of the Register of Wills and
Clerk of Orphans' Court; No. 67-01-0007****Administrative Order**

And Now, this 23rd day of October, 2006, pursuant to the provisions of 42 P. S. § 21022.1, the fee bill of the Register of Wills and Clerk of Orphans' Court, of York County, Pennsylvania, is amended as indicated on the proposed fee bill that follows. The fee bill shall be effective the 1st day of January, 2007, upon due advertisement as required by the Administrative Rules of Court.

It Is Further Ordered that in accordance with Pa.R.C.P. 239, the District Court Administrator shall:

(a) File 7 certified copies thereof with the Administrative Office of Pennsylvania Courts;

(b) Distribute 2 certified copies hereof to the Legislative Reference Bureau for Publication in the *Pennsylvania Bulletin*;

(c) Cause a copy hereof to be published in the *York Legal Record* once a week for 2 successive weeks at the expense of the County of York; and

(d) Supervise the distribution thereof to all Judges and all members of the Bar of this Court.

By the Court

RICHARD K. RENN,
President Judge

FEE BILL

REGISTER OF WILLS OF YORK COUNTY, PENNSYLVANIA

And now, by Order of Court this 23rd day of October, 2006 the following bill of costs is established pursuant to 42 P.S. Section 21022.1. This Order is effective the 1st day of January, 2007.

ACCOUNTS

For the filing, advertising and adjudication of the accounts of personal representatives.

Total debits not over \$2,000 **\$ 75.00**
 Over \$2,000 but not over \$5,000 **80.00**
 Over \$5,000 but not over \$10,000 **85.00**
 Over \$10,000 but not over \$25,000 **110.00**
 Over \$25,000 but not over \$50,000 **135.00**
 Over \$50,000 but not over \$100,000 **165.00**
 Each additional \$100,000 or fraction thereof, an additional **100.00**

LETTERS OF ADMINISTRATION and LETTERS TESTAMENTARY

Total Assets not over \$2,000 **\$ 10.00** ::
 Over \$2,000 but not over \$5,000 **30.00** ::
 Over \$5,000 but not over \$10,000 **40.00** ::
 Over \$10,000 but not over \$25,000 **60.00** ::
 Over \$25,000 but not over \$50,000 **75.00** ::
 Over \$50,000 but not over \$100,000 **100.00** ::
 Each additional \$100,000 or fraction thereof, an additional **100.00**
 Renunciation per page **5.00**
 Waiver Fiduciary Bond **5.00**

NOTE: Letters d.b.n. or d.b.n.c.t.a. minimum fee will be charged.

NOTE: Where inventory, tax return or account is of greater value than original estimated value for any letters the right is reserved to make an additional charge based upon such greater value.

PROBATE OF WILLS AND CODICILS

Probate and granting letters testamentary or administration c.t.a. - see schedule for letters above.
 Probate without letters same as under each classification above less \$2.00
 Probate of each codicil **10.00**

AUTOMATION FEE

Register of Wills **5.00**

BOND filing and entering **5.00**

CAVEAT filing including bond **20.00**

NO PROBATES ACCEPTED WITHOUT DEATH CERTIFICATE

**Pennsylvania Judicial Computer Project Fee
***Register of Wills Automation Fee

Attest:
Gregory M. Snyder
 Orphans' Court Judge

Attest:
Bradley C. Jacobs
 Register of Wills

Rev. 10-06

CERTIFICATION* **5.00**
 CERTIFICATION* under Act of Congress **25.00**
 *Plus \$1.00 per page if copy is not furnished

CERTIFYING RECORD to Orphans' Court upon appeal **10.00**

CITATION
 Petition and issuing, one respondent **35.00** ::
 Each Additional respondent **5.00**

COMMISSION to taken testimony **10.00**

COPY or FAX of any filed instrument per page of copy (certification extra) **1.00**

EXECUTION OF COMMISSION from other Register of Pennsylvania or foreign jurisdiction **10.00**

FOREIGN JURISDICTION'S CERTIFIED OR EXEMPLIFIED COPIES OF LETTERS AND PROCEEDINGS filing and entering **25.00**
 Non resident affidavit re debts **5.00**

GENEOLOGICAL RESEARCH per hour or fraction thereof (on a time available basis) **10.00**

INHERITANCE TAX RETURN **10.00**
 Supp Inheritance Tax Return **10.00**
 (No charge for filing with account)
 (No charge for insolvent Returns)
 Letter protesting tax appraisalment **5.00**
 Certificate of payment **10.00**

INVENTORY **10.00**

PA JUDICIAL COMPUTER PROJECT FEE **10.00**

PETITION (MISCELLANEOUS) **35.00** ::

PRAECIPE/JOINDER **5.00**

SHORT CERTIFICATE **5.00**

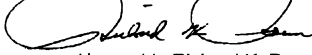
SUBPOENA **10.00**

REGISTERS HEARING **50.00**

RETURNED CHECK **20.00**

MISCELLANEOUS FILING **10.00**

NOTE: In cases not herein specifically provided for, the Register shall make the same charge as that imposed for services of a substantially similar nature. All orders heretofore establishing fee bill for the Register of Wills of York County shall be revoked and superseded as of the effective date hereof.

By the Court:

 Honorable Richard K. Renn
 President Judge in the Court of Common Pleas
 of York County, Pennsylvania