

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 200]

Proposed New Rule 229.2 Governing Petitions to Transfer Structured Settlement Payment Rights; Proposed Recommendation No. 214

The Civil Procedural Rules Committee is proposing that new Rule 229.2 governing petitions to transfer structured settlement payment rights be promulgated as set forth in this recommendation.

The recommendation is published in full in the *Pennsylvania Bulletin*, the advance reports of *West's Atlantic and Pennsylvania Reporters*, the *Pennsylvania Law Weekly*, the *Philadelphia Legal Intelligencer* and the *Pittsburgh Legal Journal*. The recommendation is also published electronically as part of the Home Page of the Administrative Office of Pennsylvania Courts at <http://www.aopc.org>.

The proposed recommendation has not been submitted to the Supreme Court of Pennsylvania for review but rather is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court. All communications should be sent not later than August 31, 2006 to:

Harold K. Don, Jr.,
Counsel
Civil Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, Pennsylvania 17055

or E-Mail to
civil.rules@pacourts.us

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 229.2. Petition to Transfer Structured Settlement Payment Rights.

(a) Words used in this rule, which are defined by the Structured Settlement Protection Act, shall have the meaning set forth in the Act.

Official Note: See Section 2 of the Act, 40 P. S. § 4002, which defines numerous terms including "best interests," "dependents," "payee," "structured settlement obligor," and "structured settlement payment rights."

(b) A petition to transfer structured settlement payment rights shall be filed in the county in which the payee is domiciled.

Official Note: See Section 4 of the Act, 40 P. S. § 4004, providing that the court of common pleas of the judicial district in which the payee is domiciled shall have jurisdiction over the petition.

(c) The parties to the petition shall be the payee and the transferee.

(d) The petition shall be verified by the transferee and shall contain:

(1) the payment provisions of the structured settlement agreement and the payment rights that the payee seeks to transfer,

(2) separate paragraphs which in bold type sets forth

(i) the net amount payable to the payee after deduction of all commissions, fees, costs, expenses and charges, and

(ii) the following statement setting forth the interest rate: "Based on the net amount that the payee will receive from this transaction (\$ _____) and the amounts and timing of the structured settlement payments that would be assigned, the payee is, in effect, paying interest at a rate of _____ % per year."

(3) three attachments:

(i) a Payee's Affidavit in Support of Petition, in the form prescribed by subdivision (f) as Attachment 1,

(ii) an initial order of court scheduling the hearing, in the form prescribed by subdivision (g), and

(iii) a final order of court granting the petition, in the form prescribed by subdivision (h).

Official Note: These three attachments are in addition to any other documents which are required to support the findings set forth in Section 3 of the Act, 40 P. S. § 4003.

Subdivision (d) requires that two documents be verified. As the two documents contain different information, each must be verified by a different person. The petition to transfer structured settlement payment rights must be verified by the transferee. The Payee's Affidavit in Support of Petition must be verified by the payee. The transferee is not required to verify the information set forth in the Payee's Affidavit.

(e) If the petition and Payee's Affidavit in Support of Petition meet the requirements of this rule and contain factual allegations which, if established, will support the findings set forth in Section 3 of the Act, 40 P. S. § 4003, the court shall enter an order scheduling a hearing date.

(f) The Payee's Affidavit in Support of Petition shall be substantially in the following form:

(Caption)

Payee's Affidavit in Support of
Petition to Transfer Structured Settlement Rights

I state that the information below is true and correct:

1. Payee's name, address and age: _____

2. Marital Status:

_____ Never Married; _____ Married;
_____ Separated; _____ Divorced

If married or separated, name of spouse: _____ .

3. Minor children and other dependents:

Names, ages, and places of residence: _____

4. Income:

(a) Payee's monthly income and sources: _____

(b) If presently married, spouse's monthly income and sources: _____

5. Child support, alimony or alimony pendente lite

Obligation to pay: ____ Yes ____ No

If yes, describe the obligations and state whether there are arrearages: _____

6. Previous petitions to transfer

Have you previously filed a petition to transfer structured settlement payment rights?

____ Yes ____ No

If yes, for each petition that you filed,

(a) state the name of the court, the term and number, and the court ruling: _____

(b) if you received money, itemize the manner in which the money was used and attach receipts and cancelled checks: _____

7. Prior approval of this structured settlement

Has any court or responsible administrative authority previously approved the structured settlement that is the subject of this petition? ____ Yes ____ No

8. Reasons for transfer

Describe in detail your reasons for the proposed transfer, including an explanation as to why a sale of a lesser amount of the structured settlement amount will not better serve your interests: _____

9. Payment of debts

If you seek the transfer in order to pay debts, lists each debt, including the name of the creditor and the amount presently owed:

| Debt | Creditor | Amount Owed |
|-------|----------|-------------|
| _____ | _____ | \$ _____ |
| _____ | _____ | \$ _____ |
| _____ | _____ | \$ _____ |

Verification

I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

DATE: _____ Signature _____

(g) The proposed initial order of court shall be substantially in the following form:

(CAPTION)

Initial Order of Court

On this ____ day of _____, _____, it is ordered that a hearing on this Petition to Transfer Structured Settlement Payment Rights will be held on _____, in Courtroom _____ at _____ o'clock. Within seven (7) days, the transferee shall notify the structured settlement obligor and the annuity issuer of the hearing date. The payee shall bring income tax returns for the prior two (2) years to the hearing. The payee, the payee's spouse, and any person receiving child support payments, alimony, or alimony pendente lite should attend the hearing.

BY THE COURT:

J.

(h) The proposed final order of court shall be substantially in the following form:

(CAPTION)

Final Order of Court

On this ____ day of _____, _____, it is ordered that the Petition for Court Approval for Transfer of Structured Settlement Payment Rights is granted.

The court specifically finds that the payee has established that the transfer is in the best interests of the payee or the payee's dependents. The court also finds the remaining requirements of the Structured Settlement Protection Act, 40 P. S. § 4001 et seq., have been met.

The payee shall receive from the transferee, as of _____, the amount of \$ _____, from which no funds are owed for counsel fees, administrative fees, or other costs, fees or expenses.

BY THE COURT:

J.

Explanatory Comment

In 2000, the General Assembly passed the Structured Settlement Protection Act, Act of February 11, 2000, P. L. 1, 40 P. S. § 4001 et seq., providing for, inter alia, the court of common pleas to permit the transfer of structured settlement payment rights only upon an express finding that the transfer is in the best interests of the payee. While the Act requires the disclosure of information to the payee concerning the transfer, it does not specify what factual allegations or other information must be included in the petition to enable the trial court to make its determination. New Rule 229.2 is intended to provide the additional information necessary for a trial court to determine whether a petition to transfer structured settlement payment rights satisfies the best interest standard.

Subdivision (c) of the proposed rule identifies the parties to the petition as the payee and the transferee. The transferee is required to verify the petition and, in doing so, must set forth the circumstances surrounding the proposed transfer of structured settlement payment rights. The petition must show that the requirements of the Act have been satisfied, i.e., the proper disclosures have been made to the payee. In contrast, the payee is required through the Payee's Affidavit in Support of Petition to provide the necessary information to enable the trial to determine whether the transfer is in the best interests of the payee. The court will enter an order

scheduling a hearing date only if the petition and the payee's affidavit meet the requirements of the rule and contain factual allegations, which, if established, satisfy the requirements of Section 3 of the Act, 40 P. S. § 4003.

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,
Chair

[Pa.B. Doc. No. 06-1260. Filed for public inspection July 7, 2006, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 3000]

Rules Governing Exemption from Levy and Attachment Upon Enforcement of a Money Judgment; Proposed Recommendation No. 215

The Civil Procedural Rules Committee is proposing the promulgation of new Rule 3111.1 and the amendment of other rules of civil procedure governing exemption from levy and attachment upon enforcement of a money judgment. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent not later than August 31, 2006 to:

Harold K. Don, Jr.,
Counsel
Civil Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, Pennsylvania 17055

or E-Mail to
civil.rules@pacourts.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure or be officially adopted or promulgated by the Court.

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 3111. Service of the writ on garnishee; effect.

* * * * *

(b) Service of the writ upon the garnishee shall attach all property of the defendant which may be attached under these rules which is in the possession of the garnishee. It shall also attach all property of the defendant which may be attached under these rules and which comes into the garnishee's possession thereafter until judgment against the garnishee even though no such property of the defendant was in the garnishee's possession at the time of service.

Official Note: For limitations on the power to attach tangible personal property see Rule 3108(a).

See Rule 3111.1 providing that certain funds on deposit in a bank or other financial institution may not be attached.

* * * * *

Rule 3111.1. Exemptions from levy and attachment.

In the absence of a court order, service of the writ upon a bank or other financial institution as garnishee shall not attach the defendant's funds on deposit with the bank or other financial institution in an account in which

(1) funds are deposited electronically on a recurring basis and are identified as being funds that are exempt from execution, levy or attachment under Pennsylvania or federal law, or

Official Note: Examples of state and federal laws are set forth in the note to Rule 3123.1.

See Rule 3146(b)(2) governing judgment against a bank or other financial institution as garnishee upon admission in answer to interrogatory.

(2) the funds on deposit, not including any otherwise exempt funds, do not exceed the amount of the general monetary exemption under 42 Pa.C.S. § 8123. The plaintiff shall have the right to file an objection if the plaintiff believes that the defendant has exhausted the statutory exemption.

Rule 3123.1. Claim for exemption or immunity of property; prompt hearing.

* * * * *

Official Note: Pennsylvania and Federal law provide numerous exemptions of property from execution, including the following:

Exemptions under Pennsylvania Law

* * * * *

3. Certain retirement funds and accounts, 42 Pa.C.S. § 8124(b):

* * * * *

Retirement or annuity funds provided for under the Internal Revenue Code, 42 Pa.C.S. § 8124(b)(1)(ix).

Cities of the Second Class A Employees Retirement System Annuity, 53 P. S. § 30577.

Third Class City Code Pension Funds for certain employees, 53 P. S. § 39351.

* * * * *

Rule 3146. Judgment against garnishee upon default or admission in answer to interrogatories.

* * * * *

(b)(1) [The] **Subject to paragraph (2) of this subdivision, the** prothonotary, on praecipe of the plaintiff, shall enter judgment against the garnishee for the property of the defendant admitted in the answer to interrogatories to be in the garnishee's possession, subject to any right therein claimed by the garnishee, but no money judgment entered against the garnishee shall exceed the amount of the judgment of the plaintiff against the defendant together with interest and costs. The entry of judgment shall not bar the right of the plaintiff to proceed against the garnishee as to any further property or to contest any right in the property claimed by the garnishee.

(2) If the garnishee is a bank or other financial institution, the prothonotary, in the absence of an order of court, shall not enter judgment pursuant to paragraph (1) of this subdivision as to funds of any account of the defendant that is identified in the garnishee's answer to interrogatories nos. 7 or 8.

* * * * *

Subchapter E. ENFORCEMENT OF JUDGMENTS IN SPECIAL ACTIONS

FORMS

Rule 3252. Writ of execution; money judgments.

(a) The writ of execution shall include a notice to the defendant, a summary of major exemptions, and a claim for exemption, and shall be substantially in the following form [:]:

(Caption)

WRIT OF EXECUTION

NOTICE

* * * * *

WRIT OF EXECUTION

Commonwealth of Pennsylvania)
County of _____)

To the Sheriff of _____ County:

To satisfy the judgment, interest and costs against
(Name of Defendant)

defendant,

(1) you are directed to levy upon the property of the defendant and to sell his interest therein;

(2) you are also directed to attach the property of the defendant not levied upon in the possession of _____, as

(Name of Garnishee)

garnishee, _____ and
(Specifically describe property)
to notify the garnishee that

(a) an attachment has been issued;

(b) except as provided in paragraph (c), the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof;

(c) the attachment shall not include any funds in an account of the defendant with a bank or other financial institution

(i) in which funds are deposited electronically on a recurring basis and are identified as being funds that are exempt from execution, levy or attachment under Pennsylvania or federal law. A list of exempt funds is set forth in the Note to Rule 3123.1, or

(ii) that total \$300 or less. If multiple accounts are attached, a total of \$300 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42 Pa.C.S. § 8123.

Rule 3253. Interrogatories in attachment.

Interrogatories of the plaintiff to the garnishee shall be substantially in the following form:

[Caption]

"To _____:
(Garnishee)

"You are required to file answers to the following interrogatories within twenty (20) days after service upon you. Failure to do so may result in judgment against you:

* * * * *

"7. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant have funds on deposit in an account in which funds are deposited electronically on a recurring basis and which are identified as being funds that are exempt from execution, levy or attachment under Pennsylvania or federal law? If so, identify each account."

"8. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant have funds on deposit in an account in which the funds on deposit, not including any otherwise exempt funds, did not exceed the amount of the general monetary exemption under 42 Pa.C.S. § 8123? If so, identify each account."

Explanatory Comment

Numerous federal and state statutes provide that funds paid to individuals pursuant to the statutes are exempt from execution, levy and attachment. Perhaps the premier statute in this regard is the Social Security Act which provides, 42 U.S.C. § 407:

§ 407. Assignment; amendment of section

(a) The right of any person to any future payment under this title shall not be transferable or assignable, at law or in equity, and none of the moneys paid or payable or rights existing under this title shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

* * * * *

Section 407 provides that not only are future payments exempt from execution but so too are the funds once they have been deposited in the recipient's account in a bank or other financial institution.

The Pennsylvania Rules of Civil Procedure do not presently accommodate these provisions. The writ of execution under Rule 3252, paragraph 2(b), provides that "the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof." The writ contains no exception for funds of the defendant which are exempt from execution. In addition, the defendant is required to claim the exemption by filing a claim under Rule 3123.1.

The proposed amendments to the execution rules address this problem. Under the amended rules, the judgment creditor rather than the defendant has the burden of raising an issue with respect to exempt payments within the scope of new Rule 3111.1. The defendant need not file a claim for exemption as exempt funds are not attached.

The amendments are as follows:

1. New Rule 3111.1 is to be promulgated, explicitly stating that certain funds of the defendant on deposit in a bank or other financial institution are exempt from execution. Social security payments are not named. Rather, the rule speaks in terms of "funds on deposit" which "are deposited electronically on a recurring basis and are identified as being funds that are exempt from execution, levy or attachment under Pennsylvania or federal law." A note cross-refers to a note to Rule 3123.1 which contains a list of statutes providing for the exemption of certain funds from execution.

2. The form of the writ of execution set forth in Rule 3252 is amended by incorporating the language of new Rule 3111.1(1). New paragraph 2(c) of the writ advises the garnishee that the attachment does not include the defendant's funds in an account which exempt funds are deposited electronically on a recurring basis.

3. Rule 3253 governing interrogatories to the garnishee is amended by adding new interrogatory no. 7. This interrogatory inquires of a bank or other financial institution as garnishee whether the defendant had "funds on deposit in an account in which funds are deposited electronically on a recurring basis and which are identified as being funds that are exempt from execution, levy or attachment under Pennsylvania or federal law." The garnishee is then required to "identify each account."

4. The usual practice under Rule 3146(b) is that "the prothonotary, on praecipe of the plaintiff, shall enter judgment against the garnishee for the property of the defendant admitted in the answer to interrogatories to be in the garnishee's possession." It is proposed that Rule 3146(b) be amended by adding new paragraph (2) providing that if the answer of a bank or other financial institution to interrogatory no. 7 identifies one or more accounts as containing exempt funds, "the prothonotary, in the absence of an order of court, shall not enter judgment pursuant to paragraph (1) of this subdivision as to funds of any account of the defendant that is identified in the garnishee's answer" to the interrogatory.

5. Section 8123 of the Judicial Code, 42 Pa.C.S. § 8123, provides for a \$300 monetary exemption. This exemption is treated separately in new Rule 3111.1(2), in new paragraph (2)(c)(ii) of the writ of execution prescribed by Rule 3252 and in a new interrogatory to the garnishee under Rule 3253, interrogatory no. 8. The proposed amendments provide a similar procedure for the \$300 monetary exemption as for recurring electronic deposits described above. The \$300 monetary exemption is exempt from attachment, the writ of execution notifies the garnishee that the \$300 or less in an account of the defendant is not attached and interrogatory no. 8 inquires of the garnishee concerning the funds of the defendant on deposit in accounts with the garnishee. As the \$300 amount is exempt from attachment, the defendant need not claim it under Rule 3123.1 governing claim of exemption.

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,
Chair

[Pa.B. Doc. No. 06-1261. Filed for public inspection July 7, 2006, 9:00 a.m.]

Title 25—LOCAL COURT RULES

CARBON COUNTY

Adoption of Local Rule of Criminal Procedure 117—Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail and Local Rule of Criminal Procedure 150—Bench Warrants; No. CP-13-AD- 000004-2006 (Old No. 103 MI 00)

Administrative Order No. 13-2006

And Now, this 21st day of June, 2006, pursuant to Pa.R.Crim.P. 117 and 150, it is hereby

Ordered and Decreed, that effective August 1, 2006, the Carbon County Court of Common Pleas *Adopts* new Local Rule of Criminal Procedure CARB.R.Crim.P. 117 governing coverage for issuing warrants, conducting preliminary arraignments and summary trials and setting and accepting bail and Local Rule of Criminal Procedure CARB.R.Crim.P. 150 governing bench warrants.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order and Rule with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Criminal Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of this Administrative Order and Rule in the Clerk of Court's Office.

By the Court

ROGER N. NANOVIC,
President Judge

Rule 117 Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail.

1. All Magisterial District Judge Offices shall be open for regular business on Mondays through Fridays, excluding holidays, from 8:30 A.M. to 4:30 P.M., prevailing time.

2. Continuous coverage for the issuance of search warrants and arrest warrants, for warrants issued pursuant to Pa.R.Crim.P. 430 in a summary case, for the issuance of emergency orders under the Protection From Abuse Act, and for those services set forth in Pa.R.Crim.P. 117 (A)(2)(a), (b), (c) and (d) (e.g., for the holding of preliminary arraignments and summary trials, and for the setting and accepting of bail and collateral) shall be in accordance with 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. Magisterial District Judges, the Clerk of Courts and the Warden, or in his absence, the Deputy Warden or

Sergeant in charge of the Carbon County Correctional Facility, shall be authorized to accept bail in accordance with the provisions, and subject to the limitations, of the Pennsylvania Rules of Criminal Procedure.

Rule 150 Bench Warrants.

1. When an individual is committed to the Carbon County Correctional Facility pursuant to a bench warrant, he/she shall be detained pending a bench warrant hearing. The Warden, or his designee, shall notify the Carbon County District Court Administrator, District Attorney, Public Defender or Private Counsel (if known), Sheriff, and Carbon County Pretrial Services within 12 hours of the fact of such commitment.

2. Upon receipt of notice, the District Court Administrator shall promptly schedule a bench warrant hearing for bench warrants issued by a Common Pleas Judge.

3. The Carbon County Correctional Facility shall arrange to have the committed prisoner available for video conference at the appointed hour.

4. A court reporter shall be assigned to each hearing.

5. If the bench warrant hearing does not occur within 72 hours of commitment or by the close of the next business day if the 72 hours expires on a non-business day, the Carbon County Correctional Facility shall release said individual by operation of law.

[Pa.B. Doc. No. 06-1262. Filed for public inspection July 7, 2006, 9:00 a.m.]

FAYETTE COUNTY

Local Rule 117; No. 1 AD 2006

Order

And Now, this 22nd day of June, 2006, pursuant to Rule 105 of the Pennsylvania Rules of Criminal Procedure, it is hereby ordered that Local Rule 117 is hereby adopted to read as follows.

The Clerk of Courts is directed as follows:

1. Seven certified copies of the Local Rules shall be filed with the Administrative Office of Pennsylvania Courts.

2. Two certified copies and diskette of the Local Rules shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. One certified copy of the Local Rules shall be sent to the State Criminal Procedural Rules Committee.

4. One certified copy shall be sent to the Fayette County Law Library and to the Editor of the *Fayette Legal Journal*.

F.C.R.Crim.P. No. 117 shall be effective August 1, 2006.

By the Court

CONRAD B. CAPUZZI,
President Judge

Rule 117 Coverage: Issuing Warrants: Preliminary Arraignments and Summary Trials: and Setting and Accepting Bail

(A) All Magisterial District Judge Offices shall be open for regular business on Mondays through Fridays from 8:00 AM to 4:30 PM.

(B) On-call Magisterial District Judge(s) shall be available for continuous coverage in Protection from Abuse Act cases, the issuance of warrants, accepting bail, and for providing the services set forth in Pa.R.Crim.P No. 117(A)(2)(a), (b), (c), and (d). The President Judge shall establish the schedule of on-call duty in accordance with the traditional system presently utilized.

(C) Magisterial District Judges, the Clerk of Courts and Warden of the Fayette County Prison or his designee, shall be authorized to accept bail in accordance with the provisions, and subject to the limitations, of the Pennsylvania Rules of Criminal Procedure.

(D) Magisterial District Judges shall be available during normal business hours for all other business.

[Pa.B. Doc. No. 06-1263. Filed for public inspection July 7, 2006, 9:00 a.m.]

LEHIGH COUNTY

Adoption of Appendix to Local Rules of Civil Procedure Entitled "Requirements for Special Service Checklist"; No. 2006-J-41

Order

Now, this 20th day of June, 2006, *It Is Ordered* that the following Appendix 1 to the Lehigh County Rules of Civil Procedure entitled "Requirements for Special Service Checklist" be, and the same is, promulgated herewith, to become effective thirty (30) days after publication in the *Pennsylvania Bulletin*; and that the present Appendix 1 to the Lehigh County Rules of Civil Procedure is revoked, effective at the same time.

The Court Administrator of Lehigh County is directed to:

1. File seven (7) certified copies of this Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one disk copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.

4. File one (1) copy with the Clerk of Courts of the Lehigh County Court of Common Pleas.

5. Forward one (1) copy for publication in the *Lehigh County Law Journal*.

By the Court

WILLIAM H. PLATT,
President Judge

REQUIREMENTS FOR SPECIAL SERVICE CHECKLIST

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File Number:

Counsel for the moving party has attempted the following efforts marked with an "X":

Prerequisites:

_____ Attempted Sheriff service to all known addresses

- _____ Examination of motor vehicle records
- _____ PennDOT's Form DL-503 (form may be obtained from PennDOT's website)
- _____ Inquiry of postal authority
- _____ Examination of local phone directories

Discretionary Efforts:

- _____ Examination of local tax records
- _____ Examination of voter registration records
- _____ Inquiry of relatives, neighbors, friends and employers of defendant(s)
- _____ Other: _____

The court will not consider a motion for special service pursuant to Pa.R.C.P. 430 (a) until an affidavit is submitted to Chambers indicating that all prerequisites have been attempted, and at least one discretionary effort.

Appendix 1

[Pa.B. Doc. No. 06-1264. Filed for public inspection July 7, 2006, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania issued June 20, 2006, Michael Levine is suspended from the Bar of this Commonwealth

for a period of one year and one day. 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*.

ELAINE M. BIXLER,
Secretary

The Disciplinary Board of the Supreme Court of Pennsylvania

[Pa.B. Doc. No. 06-1265. Filed for public inspection July 7, 2006, 9:00 a.m.]

Notice of Transfer to Inactive Status

Notice is hereby given that Martin Luther Carter having been transferred to disability inactive status in the State of Connecticut by Order of the Superior Court of Connecticut, Judicial District of New London, dated March 9, 2006, the Supreme Court of Pennsylvania issued an Order on June 20, 2006, transferring Martin Luther Carter, to inactive status, effective immediately, pursuant to Rule 301(c) Pa.R.D.E (relating to disabled attorneys) for an indefinite period and until further Order of the Supreme Court. 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*.

ELAINE M. BIXLER,
Secretary

The Disciplinary Board of the Supreme Court of Pennsylvania

[Pa.B. Doc. No. 06-1266. Filed for public inspection July 7, 2006, 9:00 a.m.]