

# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[ 210 PA. CODE CH. 1 ]

Order Amending Rule 125 of the Rules of Appellate Procedure; No. 240 Appellate Procedural Rules Doc.

#### Order

*Per Curiam*

*And Now*, this 20th day of December, 2013, the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of efficient administration:

*It Is Ordered*, pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 125 of the Pennsylvania Rules of Appellate Procedure is amended in the following form.

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

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE I. PRELIMINARY PROVISIONS

#### CHAPTER 1. GENERAL PROVISIONS

#### DOCUMENTS GENERALLY

#### Rule 125. Electronic Filing.

Electronic filing of documents in the appellate courts shall be through the PACFile appellate court electronic filing system. Electronic filing of documents shall be governed by an Administrative Order of the Supreme Court of Pennsylvania, which may be found at [ <http://ujportal.pacourts.us> ] <http://ujportal.pacourts.us/refdocuments/judicialorder.pdf>.

**Official Note:** This is an interim rule permitting electronic filing of documents in the Pennsylvania appellate courts [ in accordance with instructions available at <http://ujportal.pacourts.us> ]. Initially, electronic filing will be available only in the Supreme Court. Subsequently, electronic filing will become available in the Superior and Commonwealth Courts. After experience is gained with electronic filing, the Pennsylvania [ rules ] Rules of Appellate Procedure will be amended where needed and as appropriate.

[Pa.B. Doc. No. 14-1. Filed for public inspection January 3, 2014, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[ 231 PA. CODE CHS. 1000 AND 2220 ]

Order Amending Rule 1033 and Rule 2232 of the Rules of Civil Procedure; No. 591 Civil Procedural Rules Doc.

#### Order

*Per Curiam*

*And Now*, this 20th day of December, 2013, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published at 42 Pa.B. 6244 (October 6, 2012):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1033 and Rule 2232 of the Pennsylvania Rules of Civil Procedure are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective January 23, 2014.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1000. ACTIONS

#### Subchapter A. CIVIL ACTION

#### PLEADINGS

#### Rule 1033. Amendment.

A party, either by filed consent of the adverse party or by leave of court, may at any time change the form of action, **add a person as a party**, correct the name of a party, or **otherwise amend [ his ] the pleading**. The amended pleading may aver transactions or occurrences which have happened before or after the filing of the original pleading, even though they give rise to a new cause of action or defense. An amendment may be made to conform the pleading to the evidence offered or admitted.

#### CHAPTER 2220. JOINDER OF PARTIES

#### Rule 2232. Defective joinder; change of parties.

\* \* \* \* \*

(b) [ **Joinder of unnecessary parties is not ground for dismissal of an action. After notice to all other parties, a party may be dropped by order of the court whenever the party has been misjoined or no claim for relief is asserted against the party in the action by any other party.** ] (Rescinded).

\* \* \* \* \*

#### Explanatory Comment

Rule 1033 has been amended to specifically state that an amendment may add a person as a party. It is the practice of litigants and trial courts to refer to Rule 1033 when a party seeks to amend a pleading to add another party. The purpose of this amendment is to eliminate any uncertainty as to whether a motion to amend a pleading

to add an additional party is governed by Rule 1033. There is no conflict between this proposed amendment and Rule 2232(c) because the latter addresses the question of when a court may order the joinder of any additional person.

Subdivision (b) of Rule 2232 addressing the joinder of an additional party is being rescinded. The provision is unnecessary because if a party has been misjoined or no claim for relief is asserted, a dismissal should be sought through the rules governing preliminary objections, judgment on the pleadings, and summary judgment. If a plaintiff wants to drop a defendant, he or she should use the rules governing the discontinuance of an action.

*By the Civil Procedural  
Rules Committee*

DIANE W. PERER,  
*Chair*

[Pa.B. Doc. No. 14-2. Filed for public inspection January 3, 2014, 9:00 a.m.]

## Title 237—JUVENILE RULES

### PART I. RULES

#### [ 237 PA. CODE CH. 11 ]

#### Proposed Amendments to Rule 1187

The Juvenile Court Procedural Rules Committee is soliciting public comment on proposed modifications to Rule 1187 before it considers any recommendations to the Supreme Court of Pennsylvania. These proposed modifications address the authority of a master in a dependency case.

The Committee requests that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel, Christine Riscili at [juvenilerules@pacourts.us](mailto:juvenilerules@pacourts.us). Email is the preferred method for receiving comments in an effort to conserve paper and expedite the distribution of comments to the Committee. Emailed comments need not be reproduced and sent via hard copy. The Committee will acknowledge receipt of your comment.

For those who do not have access to email, comments may be faxed to the Committee at 717-231-9541 or written comments may be mailed to:

Christine Riscili, Esq.  
Supreme Court of Pennsylvania  
Juvenile Court Procedural Rules Committee  
Pennsylvania Judicial Center  
601 Commonwealth Ave, Suite 6200  
P. O. Box 62635  
Harrisburg, PA 17106-2635.

All comments shall be received no later than Tuesday, February 4, 2014.

*By the Juvenile Court  
Procedural Rules Committee*

HONORABLE TODD A. HOOVER,  
*Chair*

### Annex A

#### TITLE 237. JUVENILE RULES

##### PART I. RULES

##### Subpart B. DEPENDENCY MATTERS

##### CHAPTER 11. GENERAL PROVISIONS

##### PART D. PROCEEDINGS IN CASES BEFORE MASTER

##### Rule 1187. Authority of Master.

A. *No authority.* A master shall not have the authority to:

1) preside over:

[ a) termination of parental rights hearings;

b) adoptions;

c) any hearing in which any party seeks to establish a permanency goal of adoption or change the permanency goal to adoption; ]

a) adjudicatory and dispositional hearings;

b) any hearing in which any party seeks to establish a permanency goal of adoption or change the permanency goal to adoption;

c) termination of parental rights hearings; and

d) adoptions;

2) enter orders for emergency or protective custody pursuant to Rules 1200 and 1210;

3) issue warrants; and

4) issue contempt orders.

\* \* \* \* \*

#### Explanatory Report

The Juvenile Court Procedural Rules Committee (Committee) is seeking public comment on amendments to Rule 1187 regarding the authority of a master in dependency cases.

The Committee believes that the consequences of a dependency case can be so severe because it may involve removing a child from the custody of his or her parents, that the initial case must be heard by a judge. The course of the case and the decision concerning whether a child is dependent should only be decided by a judge.

The purpose of creating the position of masters in judicial districts was to assist the judge in the multitude of hearings that occur in dependency cases. For example, aiding the court by presiding over shelter-care hearings or routine reviews, such as the permanency hearing. However, this assistance has gradually evolved to where many masters are presiding over all phases of the case.

In some judicial districts, a judge will not preside over a case until there is a goal change to termination of parental rights. Yet, once a case has progressed to that level, there usually is no more help to the parents because the county agency has exhausted all avenues of reunification.

A judge should hear the evidence and make a finding as to dependency in each case. Once a judge enters the initial disposition, reviews may be handled by the master if the judge decides that it will reassign the case to the master.

[Pa.B. Doc. No. 14-3. Filed for public inspection January 3, 2014, 9:00 a.m.]

## Title 246—MINOR COURT CIVIL RULES

### PART I. GENERAL

#### [ 246 PA. CODE CH. 300 ]

#### Proposed Amendments to Rules 307, 308, 309, 310, 312, 313 and 314 of the Rules of Civil Procedure before Magisterial District Judges

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rules 307, 308, 309, 310, 312, 313, and 314 of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges. The Committee has not yet submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. The Committee's Report should not be confused with the Committee's Official Notes to the rules. The Supreme Court does not adopt the Committee's Official Notes or the contents of the explanatory reports.

The text of the proposed amendments precedes the Report.

We request that interested persons submit written suggestions, comments, or objections concerning this proposal to the Committee through counsel,

Pamela S. Walker, Counsel  
Supreme Court of Pennsylvania  
Minor Court Rules Committee  
Pennsylvania Judicial Center  
P. O. Box 62635  
Harrisburg, PA 17106-2635  
Fax: 717-231-9546

or email to: [minorrules@pacourts.us](mailto:minorrules@pacourts.us)

no later than March 7, 2014.

*By the Minor Court Rules Committee*

MARY P. MURRAY,  
*Chair*

### Annex A

#### TITLE 246. MINOR COURT CIVIL RULES

#### PART I. GENERAL

#### CHAPTER 300. CIVIL ACTION

#### Rule 307. Service of the Complaint.

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

(1) A copy of the complaint for each defendant shall be delivered by the magisterial district judge for service to the sheriff of, or any certified constable in, the county in which the magisterial district of the magisterial district judge is situated. If this service is not available to the

magisterial district judge, service may be made by any certified constable of the Commonwealth. If the complaint is delivered for service to the sheriff and service is to be made in a county other than the one in which the magisterial district of the magisterial district judge is situated, the sheriff shall deputize the sheriff of the county in which service is to be made. A certified constable may serve the complaint anywhere in the Commonwealth.

(2) If service is to be made in a county other than the one in which the magisterial district judge's magisterial district is situated, the magisterial district judge, instead of acting in accordance with subdivision (1), may:

(a) send the copy of the complaint for service to a magisterial district judge in the county in which service is to be made who shall deliver it for service to the sheriff of, or any certified constable in, that county. If this service is not available to the magisterial district judge, service may be made by any certified constable of the Commonwealth, or

(b) if service is to be made in Philadelphia, send the copy of the complaint for service to the Court Administrator of the Philadelphia Municipal Court who shall deliver it for service to a writ server of that court or to the sheriff of Philadelphia.

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

**Official Note:** This rule provides a number of alternative methods of serving the complaint. Subdivision (1) permits a certified constable to serve the complaint anywhere in the Commonwealth and authorizes deputized service by sheriffs. Subparagraph (2)(a) permits service out of the county through magisterial district judges in the county in which service is to be made, a method of service which might be preferable to service under subdivision (1) by a certified constable of the county where the complaint was filed when that county is a considerable distance from the county of service. Subparagraph (2)(b) provides for service in Philadelphia by writ servers of the Philadelphia Municipal Court or by the sheriff of Philadelphia, although service may still be made in accordance with subdivision (1) if the magisterial district judge so desires. Subdivision (3) makes service by mail, when permitted, at the option of the plaintiff. This was done because service by mail will ordinarily reduce costs.

#### Rule 308. Service Upon Individuals.

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

(1) by handing a copy to the defendant, or

(2) by handing a copy:

(a) to an adult member of the defendant's family at his residence, but if no adult member of the family is found, then to an adult person in charge of such residence, or

(b) to the clerk or manager of a hotel, inn, apartment house, boarding house or other place of lodging at which the defendant resides, or

(c) at any office or usual place of business of the defendant to his agent or to the person for the time being in charge thereof, or

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

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

#### Rule 309. Service Upon Partnerships.

Service of the complaint upon a partnership shall be made:

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

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

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

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

#### Rule 310. Service Upon Corporations.

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

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

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

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

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

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

#### Rule 312. Service on a Political Subdivision.

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

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

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

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

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

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

#### Rule 313. Service Outside the Commonwealth.

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

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

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

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

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

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

**Official Note:** See the Judicial Code, § 5322, 42 Pa.C.S. § 5322 (as amended by § 10(61) of the Judiciary Act Repealer Act, Act of April 28, 1978, P. L. 202, No. 53) and § 5329(1), 42 Pa.C.S. § 5329(1), as to the basis of personal jurisdiction over persons outside the Commonwealth. The magisterial district judge may designate any Pennsylvania sheriff or constable to make service under

subdivision (1), but such service should not be attempted if it would be offensive to the jurisdiction in which service is to be made. See Uniform Interstate and International Procedures Act, § 2.02, Commissioners' Comment, 13 Uniform Laws Annotated 297. Alternatively, the magisterial district judge may designate any adult other than the plaintiff to make service under subdivision (1). Although the magisterial district judge may not designate the plaintiff as the person to make such service, the plaintiff may suggest to the magisterial district judge the name of a person to make service. If service is made by ordinary mail under subdivision (2), the magisterial district judge shall note that fact on the original complaint form with the remark that a sufficient time having elapsed the ordinary mail was not returned and shall attach to the original complaint form the returned certified or [ **registered letter** ] **comparable delivery method resulting in a return receipt in paper or electronic form** with the notation by the postal authorities or commercial carrier that the defendant refused to accept it. If service is to be made under subdivision (3), the magisterial district judge may send the service copy of the complaint to an appropriate official of the jurisdiction in which service is to be made. If service is made under subdivisions (1) or (3), proof of service may be made on the form provided under Rule 314A with such alterations as may be necessary or in any manner provided by the law of the jurisdiction in which the service is made for proof of service in an action in any of its courts of general jurisdiction. **Compare Pa.R.C.P. No. 404.**

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

A. The person serving the complaint shall, at or before the time of the hearing, make proof of service which shall show (1) the manner of service, (2) the date, time, and place of service and, (3) the name and relationship or title, if any, of the person on whom the complaint was served. The proof of service shall be filed with the original complaint.

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

C. The appearance of a defendant in person or by representative or the filing by a defendant of a claim in the case shall be deemed a waiver of any defect in service but not a waiver of a defect in venue.

D. If the complaint is not served on the defendant in time to permit holding a hearing within 60 days of the filing of the complaint, the magisterial district judge shall dismiss the complaint without prejudice.

E. Upon written request of the plaintiff, a complaint that has been dismissed without prejudice for failure to make service pursuant to subdivision D of this rule may be reinstated at any time and any number of times. The date of reinstatement shall be the date upon which the request for reinstatement is filed.

**Official Note:** The provision concerning appearance not being a waiver of venue was inserted in subdivision C of this rule to prevent the concentration of business in the office of a favorable magisterial district judge. Also, the

public cannot generally be expected to be aware of venue provisions. See Rule 302H regarding improper venue.

Subdivision D is intended to prevent the accumulation of stale claims in the office of the magisterial district judge.

Subdivision E provides for the reinstatement, upon written request of the plaintiff, of a complaint that has been dismissed without prejudice for failure to make service under subdivision D. Compare Pa.R.C.P. No. 401(b). The written request for reinstatement may be in any form and may consist of a notation on the permanent copy of the complaint form, "Reinstatement of complaint requested," subscribed by the plaintiff. The magisterial district judge shall mark all copies of the reinstated complaint, "Complaint reinstated. Request for reinstatement filed on \_\_\_\_\_ (date)." If it is necessary to use a new form for the reinstated complaint, the reinstated complaint, except for service portions thereof, shall be an exact copy of the original complaint, although signatures may be typed or printed with the mark "/s/" indicating an actual signature. The language in subdivision E that a complaint may be reinstated "at any time" will permit reinstatement after a faulty service without waiting for further proceedings in the case. Reinstatement must occur within the period of the statute of limitations from the date of the last filing or reinstatement. The cost for reinstating a complaint is specified in Section 1725.1 of the Judicial Code, 42 Pa.C.S. § 1725.1. In addition, there may be additional server costs for service of the reinstated complaint.

**REPORT**

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

***Permitting Use of Electronic Receipts and Commercial Carriers***

*I. Introduction*

The Minor Court Rules Committee ("Committee") is proposing amendments to Rules 307, 308, 309, 310, 312, 313, and 314 of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges. The goal of these proposed amendments is to provide for the use of electronic receipts in lieu of "greens cards" where elected and available, as well as the use of commercial carriers in lieu of the United States Postal Service.

*II. Discussion*

For some time now, the United States Post Office has offered electronic return receipts for certified mail in lieu of the traditional "green cards" to demonstrate proof of delivery. The Committee recognizes that court administrators in some judicial districts may want to utilize these services, and proposes amending the above referenced rules to specifically permit such activity. The Committee notes that this practice is already allowed under the Pennsylvania Rules of Criminal Procedure, with the comment to Pa.R.Crim.P. 114 providing that "[n]othing in this rule is intended to preclude a judicial district from utilizing the United States Postal Service's return receipt electronic option, or any similar service that electronically provides a return receipt, when using certified mail, return receipt requested." See Pa.R.Crim.P. 114, comment.

The Committee also recognizes that there may be circumstances where a judicial district may elect to use a commercial carrier service as an alternative to the United States Post Office. The Committee proposes permitting the use of such services where a return receipt in paper or electronic form is available. The Committee notes a similar practice is already allowed under the Pennsylvania Rules of Criminal Procedure. See Pa.R.Crim.P. 114(B)(3)(vii).

### III. Proposed Rule Changes

Proposed changes to Rules 307(3), 308(3), 309(3), 310(4), 312(3), 313(2), and 314B include adding the phrase “comparable delivery method resulting in a return receipt in paper or electronic form” to permit the use of electronic receipts and alternative commercial carriers. Additionally, the Committee proposes adding a definition of “political subdivision” to Rule 312, Service on a Political Subdivision. The proposed definition is derived from Pa.R.C.P. No. 76.

[Pa.B. Doc. No. 14-4. Filed for public inspection January 3, 2014, 9:00 a.m.]

## PART I. GENERAL

### [ 246 PA. CODE CHS. 300 AND 500 ]

#### Order Amending Rules 313, 506 and 507 of the Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges; No. 367 Magisterial Rules Doc.

#### Amended Order

#### *Per Curiam*

And Now, this 20th day of December, 2013, upon the recommendation of the Minor Court Rules Committee, the proposal having been published for public comment at 43 Pa.B. 3470 (June 29, 2013):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 313, 506 and 507 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges are amended in the following form.

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

#### Annex A

### TITLE 246. MINOR COURT CIVIL RULES

#### PART I. GENERAL

#### CHAPTER 300. CIVIL ACTION

#### Rule 313. Service Outside the Commonwealth.

\* \* \* \* \*

**Official Note:** See the Judicial Code, § 5322, 42 Pa.C.S. § 5322 (as amended by § 10(61) of the Judiciary Act Repealer Act, Act of April 28, 1978, P. L. 202, No. 53) and § 5329(1), 42 Pa.C.S. § 5329(1), as to the basis of personal jurisdiction over persons outside the Commonwealth. The magisterial district judge may designate any Pennsylvania sheriff or constable to make service under subdivision (1), but such service should not be attempted if it would be offensive to the jurisdiction in which service is to be made. See Uniform Interstate and International Procedures Act, § 2.02, Commissioners’ Comment, 13

Uniform Laws Annotated 297. Alternatively, the magisterial district judge may designate any adult other than the plaintiff to make service under subdivision (1). Although the magisterial district judge may not designate the plaintiff as the person to make such service, the plaintiff may suggest to the magisterial district judge the name of a person to make service. If service is made by ordinary mail under subdivision (2), the magisterial district judge shall note that fact on the [ **original complaint form** ] **docket** with the remark that a sufficient time having elapsed the ordinary mail was not returned [ **and** ]. **The magisterial district judge** shall attach to the original complaint form the returned certified or registered letter with the notation by the postal authorities that the defendant refused to accept it. If service is to be made under subdivision (3), the magisterial district judge may send the service copy of the complaint to an appropriate official of the jurisdiction in which service is to be made. If service is made under subdivisions (1) or (3), proof of service may be made on the form provided under Rule 314A with such alterations as may be necessary or in any manner provided by the law of the jurisdiction in which the service is made for proof of service in an action in any of its courts of general jurisdiction.

#### CHAPTER 500. ACTIONS FOR THE RECOVERY OF POSSESSION OF REAL PROPERTY

#### Rule 506. Service of Complaint.

A. The magisterial district judge shall serve the complaint by mailing a copy of it to the [ **defendant** ] **defendant’s last known address** by first class mail **and noting on the docket the date of such mailing**, and by delivering a copy of it for service to the sheriff of, or any certified constable in, the county in which the office of the magisterial district judge is situated. If this service is not available to the magisterial district judge, service may be made by any certified constable of the Commonwealth. The officer receiving the copy shall serve it by handing it to the defendant or to an adult person in charge for the time being of the premises possession of which is sought to be recovered or, if none of the above is found, by posting it conspicuously on those premises.

\* \* \* \* \*

#### Rule 507. Notation and Return of Service; Waiver of Service.

A. The magisterial district judge shall note on the [ **complaint form** ] **docket** the date [ **on which he mailed a service copy of the complaint to the defendant** ] **that a service copy of the complaint was mailed to the defendant**, and the sheriff or constable serving a copy of the complaint shall, at or before the time of the hearing, make proof of service on the form provided, which shall show the manner of service and the day, hour and place thereof.

B. The appearance of a defendant in person or by representative or the filing by him of a claim in the case shall be deemed a waiver of any defect in service but not a waiver of a defect in venue.

**Official Note:** This rule parallels the provisions of Rule 314A and C [ **of the trespass and assumpsit rules** ].

## FINAL REPORT<sup>1</sup>

### Recommendation 6-2013, Minor Court Rules Committee

#### *Amendments to Rules 313, 506 and 507 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges*

#### Notation of Mailing Date of Service Copy of Complaint

On December 20, 2013, effective February 20, 2013, upon recommendation of the Minor Court Rules Committee,<sup>2</sup> the Supreme Court of Pennsylvania approved amendments to Rules 313, 506 and 507 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges.<sup>3</sup>

##### I. Background and Discussion

The Minor Court Rules Committee (“Committee”) recommended amendments to the rules of procedure governing actions in magisterial district courts. The goal of these rule changes is to amend the existing requirement that a notation be made on the complaint regarding the first class mailing date to the defendant, requiring instead that the notation be made on the docket.

The Committee received inquiries in 2009 about the requirement set forth in Rule 507A, which provides that a “magisterial district judge shall note on the complaint form the date on which he mailed a service copy of the complaint to the defendant.” Despite the requirement set forth in Rule 507A, both inquiries observed that the complaint form did not contain a field for such notation. Moreover, the Committee was asked whether the failure of a magisterial district judge to note the mailing date on the complaint would constitute a failure of service due to the court’s failure to comply with the rule. The Committee agreed that there should be consistency between Rule 507A, the complaint form and actual practice. The Committee published a proposal at 40 Pa.B. 522 (January 23, 2010) that proposed amending Rule 507A by removing the notation requirement. In response to the publication, the Committee received comments from interested parties, some of whom pointed to a need to record the date of service by first class mail. The Committee was persuaded by the correspondence, yet remained apprehensive that hinging proof of service upon a handwritten notation was entirely reliable. The Committee subsequently modified the original proposal to require notation of the first class mailing date on the docket, rather than written notation on the complaint. The revised proposal was published for public comment at 43 Pa.B. 3470 (June 29, 2013).

##### II. Approved Rule Changes

The Official Note to Rule 313 was amended to provide that notation of service made outside the Commonwealth by ordinary mail should be made on the docket, rather than noted “on the original complaint form.” Stylistic changes were also made to Rule 313. Rule 506 was amended to provide that the copy of the complaint served on the defendant should be mailed to the “defendant’s last known address,” as well as to provide that the first class mailing of the complaint shall be noted on the docket. Finally, the title of Rule 507 was amended to reference “Notation,” and to remove the requirement that

the first class mailing date of the service copy of the complaint be noted on the complaint, and instead, require that the notation be made on the docket. The change to Rule 507 also eliminated a gender specific reference, and, in the Official Note, removed the dated reference to “trespass and assumpsit” rules.

[Pa.B. Doc. No. 14-5. Filed for public inspection January 3, 2014, 9:00 a.m.]

## PART I. GENERAL

### [ 246 PA. CODE CHS. 500, 800 AND 1000 ]

#### Order Amending Rules 506, 818, 820, 1016, 1018 and the Official Note to Rule 1019, and Adopting Rule 519.1 of the Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges; No. 366 Magisterial Rules Doc.

#### Amended Order

##### *Per Curiam*

And Now, this 20th day of December, 2013, upon the recommendation of the Minor Court Rules Committee, the proposal having been published for public comment at 43 Pa.B. 3085 (June 8, 2013):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 506, 818, 820, 1016, and 1018 of the Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges are amended, the Official Note to Rule 1019 is amended, and Rule 519.1 is adopted, all in the following form.

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

#### Annex A

### TITLE 246. MINOR COURT CIVIL RULES

#### PART I. GENERAL

#### CHAPTER 500. ACTIONS FOR THE RECOVERY OF POSSESSION OF REAL PROPERTY

##### Rule 506. Service of Complaint.

A. The magisterial district judge shall serve the complaint by mailing a copy of it to the [ **defendant** ] **defendant’s last known address** by first class mail **and noting on the docket the date of such mailing**, and by delivering a copy of it for service to the sheriff of, or any certified constable in, the county in which the office of the magisterial district judge is situated. If this service is not available to the magisterial district judge, service may be made by any certified constable of the Commonwealth. The officer receiving the copy shall serve it by handing it to the defendant or to an adult person in charge for the time being of the premises possession of which is sought to be recovered or, if none of the above is found, by posting it conspicuously on those premises.

\* \* \* \* \*

(*Editor’s Note:* The following rule is new and printed in regular type to enhance readability.)

##### Rule 519.1. Request for Determination of Abandoned Manufactured Home.

A. A plaintiff may request a determination that a manufactured home is abandoned by filing the request on

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

<sup>2</sup> Minor Court Rules Committee Recommendation 6-2013.

<sup>3</sup> Supreme Court of Pennsylvania Order No. 367, Magisterial Rules Docket, (December 20, 2013).

a form prescribed by the State Court Administrator with the magisterial district court in the magisterial district where the manufactured home is located.

B. If the determination is not or cannot be made during a hearing for recovery of possession pursuant to this chapter, the magisterial district court shall set a hearing date which shall be not less than seven (7) or more than fifteen (15) days from the date the request is filed.

C. The magisterial district court shall serve a copy of the request and the hearing notice on the defendant in the manner set forth in Rule 506.

D. The magisterial district judge shall promptly give or mail written notice of the determination to the parties in interest. Notice of the determination shall contain advice as to the right of the parties to file a Statement of Objection, the time within which the statement must be filed, and that the statement is to be filed with the court of common pleas.

E. Any party aggrieved by a determination made by a magisterial district judge under this rule may obtain a reconsideration thereof in the court of common pleas by filing a statement of objection to the determination pursuant to Rule 1016 with the prothonotary and with the magisterial district judge in whose office the determination was made.

**Official Note:** This rule was adopted in 2013 to accommodate the provisions of section 10.1 of the Act of November 24, 1976, P. L. 1176, No. 261, added by section 2 of the Act of October 24, 2012, P. L. 156, § 2, 68 P. S. § 398.10.1, which provides for a magisterial district judge to hold a hearing and make a determination that a manufactured home is abandoned.

The plaintiff must pay any fees or costs at the time of filing the request.

Rules 1016—1020, providing for the filing and consideration of a statement of objection to an order or determination made by a magisterial district judge under Rule 420, also apply to determinations made under this rule. A party seeking reconsideration of a determination of abandonment made concurrent with a judgment for possession must file the statement of objection in addition to the notice of appeal. Rule 1016B requires that the statement of objection must be filed with the prothonotary and the magisterial district judge within ten (10) days after the date of the determination to which objection is made. Both appeals from judgments for possession under residential leases and statements of objections to determinations of abandonment must be made within ten (10) days after the date of entry.

## CHAPTER 800. MINORS AND INCOMPETENTS AS PARTIES

Rule 818. Representation in Rule 420 **and** 519.1 Matters.

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

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

## Rule 820. Appellate Proceedings.

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

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

## CHAPTER 1000. APPEALS

### STATEMENT OF OBJECTION

Rule 1016. Statement of Objection [ to Rule 420 Orders and Determinations ].

A. Any party in interest aggrieved by an order or determination made by a magisterial district judge under Rule 420 **or** Rule 519.1 may obtain a reconsideration thereof in the court of common pleas by filing a statement of objection to the order or determination with the prothonotary and with the magisterial district judge in whose office the order or determination was made.

B. The statement of objection shall be filed with the prothonotary and the magisterial district judge within ten (10) days after the date of the order or determination to which objection is made.

**Official Note:** This rule and Rules 1017—1020 provide a system for reconsideration in the court of common pleas of orders and determinations of magisterial district judges dealing with execution matters, **and abandonment of manufactured homes.**

Under subdivision B of this rule, the statement of objection must be filed within ten days after the date of the questioned order or determination. [ See Rule 421C. ] The time limit for filing a statement of objection need not be the same as that for filing a notice of appeal from a judgment. See the Judicial Code, § 5571(c)(4), 42 Pa.C.S. § 5571(c)(4), as amended by § 10(67) of the Judiciary Act Repealer Act, Act of April 28, 1978, P. L. 202, No. 53. It may be noted that under Pa.R.C.P. Nos. 3206(b) and 3207(b) objections to sheriff's determinations must be made within ten days after the date of mailing of the determination.

### Rule 1018. Duties of Magisterial District Judge Upon Receipt of Statement of Objection.

A. Immediately upon receipt of the statement of objection, the magisterial district judge shall send a copy of it by ordinary mail to all other parties in interest.

B. Within ten (10) days after receiving the statement of objection, the magisterial district judge shall file with the prothonotary a certified true copy of the record of actions taken by the magisterial district judge under Rule 420 **or** Rule 519.1, but copies of only those appeals, objections, claims, exceptions or requests considered under Rule 420 **or** Rule 519.1 that are pertinent to the statement of objection need be attached to that record.

**Official Note:** As to the procedure in subdivision A, compare Pa.R.C.P. Nos. 3206(b), 3207(b).



Subdivision B is intended to bring before the court copies of the documents on file in the office of the magisterial district judge pertaining to the matter in question. The attachments to the record of Rule 420 or Rule 519.1 actions referred to in this subdivision are notations by the magisterial district judge of appeals taken under Rule 408C and objections to levy under Rule 413, property claims under Rule 413, exceptions to distribution under Rule 416C [ and ], requests to set aside sale under Rule 420C filed in the office of the magisterial district judge, and determinations of manufactured home abandonment under Rule 519.1.

**Rule 1019. Consideration of Statement of Objection by Court of Common Pleas.**

\* \* \* \* \*

**Official Note:** Consideration of the matters raised by the statement of objection will be de novo and the court is given broad latitude and discretion in disposing of these matters. Although the proceedings are de novo, this will not excuse failure to comply with whatever time limitations are imposed (see Rules 408C, 413, 416C [ and ], 420C, and 519.1) for raising before the magisterial district judge the matters now before the court of common pleas.

**FINAL REPORT<sup>1</sup>**

**Recommendation 5-2013, Minor Court Rules Committee**

**Amendments to Rules 506, 818, 820, 1016, 1018 and the Official Note to Rule 1019, and New Rule 519.1 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges**

**Determination of Abandonment of Manufactured Homes**

On December 20, 2013, effective February 20, 2013 upon recommendation of the Minor Court Rules Committee,<sup>2</sup> the Supreme Court of Pennsylvania approved amendments to Rules 506, 818, 820, 1016, 1018 and the Official Note to Rule 1019, as well as a new Rule 519.1 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges.<sup>3</sup>

**I. Background and Discussion**

The Minor Court Rules Committee (“Committee”) recommended amendments to the rules of procedure governing actions in magisterial district courts. The goal of these rule changes is to establish procedures for the determination of abandonment of manufactured homes, as provided for in the 2012 amendments to the Manufactured Home Community Rights Act.

In 2012, the Manufactured Home Community Rights Act (“MHCRA”) was amended to provide for the determination of abandonment of manufactured homes located in manufactured home communities. Section 10.1 of the Act of November 24, 1976, P. L. 1176, No. 261, amended by section 2 of the Act of October 24, 2012, P. L. 156, 68 P. S. § 398.10.1. The amendments to the MHCRA created a new determination of abandonment action to be heard and decided in the magisterial district courts. Upon reviewing the amendments to the MHCRA, the Commit-

tee concluded that the existing rules governing civil and landlord tenant actions would not cover this new determination action, and proceeded to draft rules accommodating it.

**II. Approved Rule Changes**

New Rule 519.1 establishes procedures for the new determination of abandonment action. Rule 519.1B provides for the setting of a hearing date, if the determination was not or cannot be made at the time of the hearing for recovery of possession of the manufactured home space. Rule 519.1C provides for service of the request and hearing notice on the defendant, while subdivision D requires that the magisterial district judge promptly give or mail written notice of the determination to the parties in interest. Finally, in subdivision E, if a party is aggrieved by a determination made by a magisterial district judge under this rule, the Committee recommended utilizing the existing procedures set forth in Rules 1016—1020, providing for the filing and consideration of a statement of objection to an order or determination made by a magisterial district judge under Rule 420.

Rule 506, providing for service of the complaint in a landlord-tenant action, was amended to clarify that the service copy sent via first class mail should be mailed to the defendant’s last known address, as well as making changes consistent with the Court’s approval of the Minor Court Rules Committee’s Recommendation 6-2013,<sup>4</sup> which provides for noting on the docket the date of first class mailing of the complaint to the defendant. The amendments to Rules 1016, 1018, and 1019 are made to include references to Rule 519.1 and the determination of abandoned manufactured homes in those rules, which set forth the procedures for filing a statement of objection. Finally, the amendments to Rules 818 and 820 are made to include the reference to new Rule 519.1.

[Pa.B. Doc. No. 14-6. Filed for public inspection January 3, 2014, 9:00 a.m.]

**Title 255—LOCAL COURT RULES**

**BEAVER COUNTY**

**Local Rules of Criminal Procedure; No. 975 Misc. of 2013**

**Order**

The Amendments to Beaver County L.R. Crim. P. 117, as follows, have been adopted. The Court Administrator shall:

- (1) file one certified copy of this Order and the following Rule with the Administrative Office of Pennsylvania Courts;
- (2) distribute two certified copies of this Order and the following Rule and a computer diskette to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
- (3) file one certified copy of this Order and the following Rule with the Criminal Procedural Rules Committee of the Pennsylvania Supreme Court.

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

<sup>2</sup> Minor Court Rules Committee Recommendation 5-2013.

<sup>3</sup> Supreme Court of Pennsylvania Order No. 366, Magisterial Rules Docket, (December 20, 2013).

<sup>4</sup> Supreme Court of Pennsylvania Order No. 366, Magisterial Rules Docket, (December 20, 2013).

The Clerk of Courts shall keep a copy of the following proposed Amendments to Local Rule 117 available for public inspection and copying pursuant to Pa. R.Crim.P. 105(c)(5).

*By the Court*

JOHN D. McBRIDE,  
*President Judge*

**PROPOSED AMENDMENT TO L.R. 117 OF  
CRIMINAL PROCEDURE**

**L.R. 117. Coverage Magisterial District Judges.**

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

(2) Magisterial District Judges shall be available 24 hours per day, every day of the calendar year to provide continuous coverage for the issuance of warrants, pursuant to Pa. R.Crim.P. 203; arrest warrants pursuant to Pa. R.Crim.P. 513; requests to accept bail and to issue emergency orders under the Protection from Abuse Act.

The Magisterial District Judges shall satisfy this rule by remaining on-call during non-regular business hours on a rotating basis pursuant to a schedule prepared by the Court Administrator. The schedule shall be distributed and publicized pursuant to past practice.

(3) Magisterial District Judges shall be available during non-regular business hours each day at 7:30 A.M., 2:00 P.M. and 10:00 P.M. for the purpose of providing the services set forth in Pa. R.Crim.P. 117(A)(2)(a), (b), (c) and (d). The availability of each Magisterial District Judge shall be on a rotating basis pursuant to the same schedule proposed pursuant to subdivision (2) and shall be publicized pursuant to past practice.

(4) Magisterial District Judges shall be available during regular business hours for all other business.

(5) Each Magisterial District Judges shall be available to preside over preliminary hearings at the Beaver County Courthouse, or such other location that may be established for "Central Court," on a rotating basis pursuant to a schedule prepared by the Court Administrator.

(6) This rule shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*, provided the requirements of Pa. R.Crim.P. 105(c) have been satisfied.

**Hours of Operation of Magisterial District Courts;  
Administrative Doc. No. 975 of 2013**

**Order**

*And Now*, this 17th day of December, pursuant to Rule 17 (B)(5) of the Rules Governing Standards of Conduct of Magisterial District Judges, it is hereby Ordered that commencing January 2, 2014, the regular business hours of the Magisterial District Courts within Judicial District 36 shall be 8:30 a.m. to 4:30 p.m., Monday through Friday.

*By the Court*

JOHN D. McBRIDE,  
*President Judge*

[Pa.B. Doc. No. 14-7. Filed for public inspection January 3, 2014, 9:00 a.m.]

**BUCKS COUNTY  
Fees of Clerk of Orphans' Court Division; Administrative Order No. 66**

**Order**

*And Now, To Wit*, this 11th day of December 2013, Bucks County Orphans' Court Division, Administrative Order No. 66, promulgated on December 18, 2012, is hereby amended to include the following Addendum:

**BUCKS COUNTY CLERK OF THE ORPHANS'  
COURT**

**FEE BILL ADDENDUM  
EFFECTIVE February 10, 2014**

**CONVENIENCE FEE (Credit Card Transactions)**

Imaging—		\$1.00
Filing—	Transaction up to \$250.00	\$3.00
	Transaction over \$250.00	\$10.00

This Amendment shall take effect February 10, 2014.

*By the Court*

SUSAN DEVLIN SCOTT,  
*President Judge*

[Pa.B. Doc. No. 14-8. Filed for public inspection January 3, 2014, 9:00 a.m.]

**BUCKS COUNTY  
Fees of Register of Wills; Administrative Order No. 67**

**Order**

*And Now, To Wit*, this 11th day of December 2013, Bucks County Orphans' Court Division, Administrative Order No. 67, promulgated on December 18, 2012, is hereby amended to include the following Addendum:

**BUCKS COUNTY REGISTER OF WILLS  
FEE BILL ADDENDUM  
EFFECTIVE February 10, 2014**

**CONVENIENCE FEE (Credit Card Transactions)**

Imaging—		\$1.00
Filing—	Transaction up to \$250.00	\$3.00
	Transaction over \$250.00	\$10.00

This Amendment shall take effect February 10, 2014.

*By the Court*

SUSAN DEVLIN SCOTT,  
*President Judge*

[Pa.B. Doc. No. 14-9. Filed for public inspection January 3, 2014, 9:00 a.m.]

**BUCKS COUNTY  
Mortgage Foreclosure Diversion Program; Administrative Order No. 55**

*And Now*, this 10th day of December, 2013, Paragraph 7 of Bucks County Civil Division Administrative Order No. 55, promulgated on June 5, 2009, is hereby amended to read as follows:

7. This Order shall remain in effect until December 31, 2014, unless further extended by the Court.

This Amendment shall take effect thirty days from the date of publication in the *Pennsylvania Bulletin*.

By the Court

SUSAN DEVLIN SCOTT,  
President Judge

[Pa.B. Doc. No. 14-10. Filed for public inspection January 3, 2014, 9:00 a.m.]

**CARBON COUNTY**

**Recission of Local Rule of Civil Procedure 205.3.1 Filing Pleadings and Other Legal Papers with the Prothonotary Originals and Copies and Adoption of Local Rule of Civil Procedure 1012 Entry of Appearance—Withdrawal of Appearance—Notice; No. 13-1830 and 13-2579**

**Administrative Order No. 20-2013**

And Now, this 16th day of December, 2013, in order to renumber a current local rule, it is hereby

Ordered and Decreed that, effective immediately, Carbon County Rule of Civil Procedure CARB.R.C.P. 205.3.1 governing Filing Pleadings and Other Legal Papers with the Prothonotary, Originals and Copies be and is hereby Rescinded and Carbon County Rule of Civil Procedure CARB.R.C.P. 1012 governing Entry of Appearance, Withdrawal of Appearance and Notice be and is hereby Adopted as follows.

1. The Carbon County District Court Administrator is Ordered and Directed to File one (1) certified copy of this Administrative Order and Local Rules with the Administrative Office of Pennsylvania Courts.

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

3. File one (1) certified copy with the Civil Court 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 the Administrative Order and Local Rules in the Prothonotary's Office.

By the Court

ROGER N. NANOVIC,  
President Judge

**Rule 1012. Entry of Appearance. Withdrawal of appearance. Notice.**

1. A party representing himself or herself shall enter a written appearance which shall state an address, which need not be his or her home address, where the party agrees that pleadings and other legal papers may be served, and a telephone number through which the party

may be contacted, as attached hereto. The entry of appearance may include a facsimile number as provided by Pa.R.C.P. No. 440(d).

2. A self-represented party is under a continuing obligation to provide current contact information to the Court, to other self-represented parties, and to attorneys of record.

3. The self-represented party shall provide a copy of the entry of appearance to all self-represented parties and attorneys of record.

4. The assertion of self-representation shall not delay any stage of the proceeding.

**IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA CIVIL DIVISION**

**ENTRY OF APPEARANCE**

In accordance with Carbon County Rule of Civil Procedure CARB.R.C.P. 1012 governing a Self-Represented Party:

I \_\_\_\_\_, Plaintiff or Defendant (circle one)

choose to represent myself and provide the following address where pleadings and other legal papers can be served and a telephone number through which I can be contacted. This Entry of Appearance shall remain in full force and effect unless superseded with an Entry of Appearance by an attorney.

Street Address

Telephone Number

City, State, Zip Code

Facsimile Number  
(Governed by PA Rule of  
Civil Procedure 440 (d))

In accordance with Carbon County Rule of Civil Procedure 1012, a self-represented party is under a continuing obligation to provide current contact information to the court, to other self-represented parties, and to attorneys of record.

Signature

Date

[Pa.B. Doc. No. 14-11. Filed for public inspection January 3, 2014, 9:00 a.m.]

**LEHIGH COUNTY**

**Rule 236 Authorizing a Fee for Copies of Rule 236 Notices and Judgments; No. 2013-J-58**

**Administrative Order**

And Now, this 9th day of December 2013, It Is Hereby Ordered That the following Lehigh County Rule authorizing a fee for copies of Rule 236 notices and judgments be and the same is hereby Adopted, effective 30 days after publication in the *Pennsylvania Bulletin*.

It Is Further Ordered That the Court Administrator of Lehigh County shall file: one (1) certified copy of this Order and the Lehigh County Rule authorizing a fee for Rule 236 notices and judgments with the Administrative Office of Pennsylvania Courts; two (2) certified copies and

a computer diskette or CD-ROM copy that complies with the requirement of 1 Pa. Code Section 13.11(b) with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; one (1) certified copy with the Civil Procedural Rules Committee, and one (1) copy in the office of the Clerk of Judicial Records—Civil Division of Lehigh County.

By the Court

CAROL K. MCGINLEY,  
President Judge

**Rule 236. Notice by Prothonotary of Entry of Order or Judgment.**

The Clerk of Judicial Records-Civil Division may impose a reasonable fee, approved by the Court, to cover the cost of providing stamped addressed envelopes, copies of Rule 236 Notices and copies of Judgments in accordance with Pa.R.C.P. 236(1) for service by the Prothonotary.

[Pa.B. Doc. No. 14-12. Filed for public inspection January 3, 2014, 9:00 a.m.]

**LUZERNE COUNTY**

**Request to Increase Clerk of Court's Fee Pursuant to 42 Pa.C.S.A. § 1725.4; No. 1132 MD 2013**

**Order**

And now, this 30th day of October, 2013, upon consideration and review of the request of Joan Hoggarth to increase the Clerk of Court's Fees pursuant to 42 Pa.C.S.A. § 1725.4, which authorizes the Clerk of Courts to increase fees consistent with the percentage of increase in the Consumer Price Index for Urban Workers for the immediate three year period preceding the increase, the Court takes Judicial Notice that the CPI increase is ten percent (10%).

It is hereby *Ordered* and *Decreed* that the Clerk of Courts of Luzerne County is ordered to increase the fees by up to ten percent (10%) effective January 1, 2014 as per the following proposed 2014 Clerk of Courts Fee Bill, which is marked as Exhibit "A."

This Order shall be published on the Luzerne County website and in the *Luzerne County Legal Register* and the *Pennsylvania Bulletin*. The original Order shall be filed with the Clerk of Courts.

By the Court

THOMAS F. BURKE,  
President Judge

**Luzerne County—Clerk of Courts Fees**

Appeal Processing for Clerk of Courts (\$55.00 + \$5.00 auto fee) .....	\$ 60.00	Liquor License Appeals.....	\$ 22.00
Appeal Processing for Superior Court.....	\$ 73.50	Microfilm Copies.....	\$ 1.50
Appointment to Fill Vacancy of Office .....	\$ 16.50	Motion & Order (all nolle proesse) .....	\$ 22.00
ARD Dismissal Rule 185 (\$16.50 + \$5.00 auto fee) .....	\$ 21.50	Processing all Misc. or Felony Cases During or After Trial.....	\$137.50
Certifications.....	\$ 7.50	Processing all Misc. or Felony Cases During or Before Trial .....	\$ 77.00
Civil Judgment Satisfaction (\$16.50 + \$5.00 auto fee) .....	\$ 21.50	Record checks (per individual) .....	\$ 16.50
Constable Deputy and Constable Bonds .....	\$ 16.50	Short Certificate.....	\$ 7.50
Copies .....	\$ 0.50	Subpoenas.....	\$ 2.00
Detective License Applications (Incorporated) ...	\$401.50	Summary Appeal (\$44.00 +\$5.00 auto fee) .....	\$ 49.00
Detective License Applications (individual).....	\$301.50	Writ of Habeas Corpus Petitions (\$55.00 + \$5.00 auto fee) .....	\$60.00
Expungements Rule 186 (\$16.50 + \$5.00 auto fee) .....	\$ 21.50	<b>RULE &amp; POUNDAGE ON BAIL</b>	
Filing Petition & Order (\$16.50 + \$5.00 auto Fee) (1st Filing).....	\$ 21.50	1.) If any monies are owed on court costs, they must be paid in full.	
Filing of Orders /Motions (2nd Filing) .....	\$ 8.00	2.) Poundage on bail will be taken on full amount of bail assessed by Judge.	
Filing of Resolutions/Ordinances .....	\$ 16.50	3.) Example: \$10,000.00 Bail	
Filing of Tax Collector's Bonds.....	\$ 11.00	10% Bail Posted .....	\$1000.00
		3% on 1st thousand .....	\$ 30.00
		1% on 9 thousand.....	\$ 90.00

\*Fees Effective 1/1/2014

[Pa.B. Doc. No. 14-13. Filed for public inspection January 3, 2014, 9:00 a.m.]

LYCOMING COUNTY

Amendments to the Orphans' Court Rules; Doc. No. 13-03016

Order

And Now, this 5th day of December, 2013, it is hereby Ordered and Directed as follows:

1. Lycoming County Orphans' Court Rule L3.4 shall be amended as follows. (Bold is new language; bold bracketed is removed language.)

2. The Prothonotary is directed to:

a. File one (1) certified copy of this order with the Administrative Office of the Pennsylvania Courts.

b. Forward two (2) certified copies of this order and a computer disk containing the text of the local rule to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

c. Forward one (1) copy of this order to the chairman of the Lycoming County Customs and Rules Committee.

3. The revisions shall become effective 30 days after the publication of this order in the Pennsylvania Bulletin.

By the Court

NANCY L. BUTTS,
President Judge

L3.4. Motion [ Procedures ] Procedure. Cover Sheet.

[ The provisions of Lyc. Co. R. C. P. L205.2(b)B shall apply to all filings in the Orphans' Court which are intended to be brought before the court for hearing, argument, conference or similar dispositive action. ] The procedure set forth in this section shall apply to every request for relief and/or application to the court for an order, whether by petition, motion, exception, or stipulation, that the filing party desires to bring before the court.

A. A cover sheet substantially in the form set forth in subsection G of this section shall be at-

tached to the front of every request for a court order to which this rule applies. Any request for relief on the front of which an applicable rule of procedure requires a specific order or notice to be attached, shall include that order or notice directly following the cover sheet.

B. The cover sheet shall consist of only one page. Captions may be abbreviated. If additional space is necessary to list counsel and unrepresented parties, a separate sheet may be attached. The filing party or counsel shall be responsible for identifying all parties and others to be given notice or their counsel on the cover sheet. If a party was not served with a copy of the executed cover sheet as a result of an omission of the filing party, the argument or hearing may be rescheduled or, in the discretion of the court, the request for relief may be denied.

C. If a cover sheet is not attached as required by this rule, the court may choose not to act upon the request for relief until an appropriate cover sheet is filed. If the filing party does not attach a cover sheet as required by this rule, a cover sheet, along with a copy of the original motion may be filed by any party, or the court.

D. If expedited consideration by the court is requested or required by statute or rule of procedure, the reason for such consideration shall be set forth on the cover sheet.

E. A proposed order granting the relief requested shall be attached to the cover sheet.

F. The court shall schedule argument, hearing or briefing as the court may require, note the scheduling information on the cover sheet, and issue the scheduling order appearing on the cover sheet. The clerk shall docket and promptly forward the completed cover sheet to all parties identified on the cover sheet.

G. The form of the cover sheet shall be substantially as follows:

COURT OF COMMON PLEAS, LYCOMING COUNTY, PENNSYLVANIA
ORPHANS' COURT MOTION COVER SHEET

Caption (may be abbreviated)

Docket No. \_\_\_\_\_

1. Name of filing party: \_\_\_\_\_ Case assigned to Judge \_\_\_\_\_

2. Filing party's attorney: \_\_\_\_\_ Family Court Officer/Auditor \_\_\_\_\_

3. Type of filing: \_\_\_\_\_



the pleadings. The court on its own motion, or on the motion of any party may, based upon affidavits, depositions, stipulation of counsel or after hearing, determine that the amount actually in controversy does not exceed the jurisdictional amount for arbitration and may enter an order submitting the case to compulsory arbitration.

**[ B. A civil action will be referred to arbitration by the scheduling order issued under rule L1007. Prior to the case scheduling conference being held, a case may be referred to arbitration upon the filing with the prothonotary and the deputy court administrator of a praecipe signed by all parties or their counsel. ]**

**C. Cases subject to compulsory arbitration will not be scheduled for a pre-trial conference. Such cases will, however, come under the case flow control of the court administrator. ]**

**B. If a case is subject to compulsory arbitration, the case monitoring notice required by rule L205.2(b)A shall be marked accordingly (with the time required for discovery indicated) and filed in accordance with rules L205 and L1007.**

#### **L1302.1. Selection of Arbitrators.**

A. Upon receipt of a **[ praecipe ] scheduling order directing arbitration**, the court administrator shall nominate from the list of attorneys a board of potential arbitrators. The nominations shall be made at random, except where an attorney is excused by reason of incapacity, illness, or other disqualification. No more than one member of the family, firm, professional corporation, or association shall be nominated to serve on one potential board.

B. The court administrator shall nominate to the potential board four **[ (4) ]** attorneys plus three **[ (3) ]** attorneys for each party involved. The list of attorneys nominated to the potential board shall be sent by the court administrator to each party or his or her attorney. Each party in the case or counsel for each party may strike off up to three **[ (3) ]** attorneys so named and return the list to the court administrator within five **[ (5) ]** days of receipt. If any or all parties strike the same name or fail to exercise their right to strike off three names from the potential board, the first three **[ (3) ]** remaining names will make up the board of arbitrators. The fourth listed attorney shall become an alternate arbitrator, who shall serve only if one of the first three is unable to serve or is disqualified from serving.

**[ C. As soon as the court administrator receives that returned list from the parties (or after five (5) days if a list is not returned) each arbitrator and the alternate shall be notified of his or her selection. A final board list shall be sent to the parties or their attorneys. ]**

#### **L1303. Scheduling of Hearings and Notice of Appointment.**

A. The court calendar shall reflect that two rooms will be reserved for two days out of each month, for the purpose of holding simultaneous arbitration hearings, to the extent that there are cases to be heard.

**B. [ Upon the receipt of a praecipe, pursuant to L1301 ] Upon receipt of the completed strike lists (or after five days if a list is not returned), the court**

administrator shall schedule the case to be arbitrated for a one-half day hearing, to commence at either nine o'clock a.m. or one o'clock p.m., in one of the two rooms reserved. **Notice of the hearing and of the appointments shall be sent to the parties or their attorneys and to the arbitrators appointed.**

C. After having been identified as a member of an arbitration panel **[ under the methods set forth previously in L1302.1, ]** and after having been scheduled to serve on an arbitration panel on a date certain, **[ pursuant to B above, ]** should an arbitrator be unable to serve due to a conflict of interest, conflict in scheduling, or other such reason, it shall be that panel member's responsibility to notify the **[ district ]** court administrator who shall then advise the alternate of his or her substitution. If further substitution is required, the **[ district ]** court administrator shall select an arbitrator.

D. Arbitrators who fail to appear for service without having followed the procedures set forth above, shall not be paid, and may be removed from the court administrator's list of eligible arbitrators.

#### **L1304.1. Continuances.**

A. Continuances shall be granted only by court order for good cause shown **[ on notice sent by the court administrator to the parties and the court ]**. Requests for continuances shall be submitted in writing on forms provided by the court administrator. An application for continuance should be filed not later than three **[ (3) ]** days prior to the scheduled date for the arbitration hearing.

B. Upon failure of a party to appear at a scheduled arbitration hearing, the arbitrators shall proceed ex parte and render an award on the merits.

#### **L1306. Awards.**

After the case has been heard, the arbitrators shall make their award within ten **[ (10) ]** days after the day of the hearing or the last adjournment thereof. **Such award shall be noted on the award form contained in the court file, signed by all arbitrators and delivered to the prothonotary.**

#### **L1308. Compensation for Arbitrators.**

A. Each of the three members of an arbitration panel shall receive compensation in the amount of \$200.00 per case for which the member **actually** serves as an arbitrator, **or \$100.00 if the arbitrator appears at the date and time of the hearing, but no hearing is held because either the matter is settled, withdrawn or otherwise terminated at that time, or was previously settled, withdrawn or otherwise terminated, but the arbitrator was not so notified. If the case is settled, withdrawn or otherwise terminated and the arbitrators are so notified prior to the date scheduled for hearing, they shall not be entitled to any fee.**

**B. A substitute arbitrator who does not serve shall receive \$50.00, unless notified prior to the date of the hearing that his or her services will not be needed.**

**[ B. ] C.** Each arbitrator shall be entitled to receive additional compensation at the rate of \$50.00 per hour in any case in which the actual time spent in the hearing exceeds three and one-half (3 1/2) hours.

[ C. ] D. Upon the filing of the board’s report or award, the prothonotary shall certify to the county controller that the report or award, if any, has been filed, together with the names of the [ members of the board serving in the case ] arbitrators and substitute arbitrator to be paid and the amounts to be paid to each. The county shall then pay the [ aforesaid fee to each member of the board serving on the case in accordance with subsection A of this rule ] fees as noted on the prothonotary’s certification.

[ D. In the event that a case shall be settled or withdrawn or otherwise terminated by or between the parties at any time prior to the date scheduled for hearing, the board members shall not be entitled to the aforesaid fee. If the case is settled, withdrawn, or otherwise terminated by or between the parties, on the date scheduled for hearing but prior to the scheduled starting time, the panel members shall be entitled to one-half (1/2) of the base fee as set forth in subsection A of this rule. The attorney for the plaintiff in all cases which are settled, withdrawn, or otherwise terminated at any time prior to the arbitration hearing, shall notify the court administrator who will then in turn file with the prothonotary the appropriate award form indicating disposition of the case and the amount of compensation due members of the arbitration board. ]

**L1311. Appeals.**

The prothonotary shall notify the court administrator of all appeals from arbitration. All arbitration appeals shall immediately be [ scheduled for pre-trial conference and trial by the court administrator at the earliest practical date ] placed on the next available trial list.

**L1315. Settlements.**

In all cases which are settled, withdrawn, or otherwise terminated at any time prior to the arbitration hearing, the attorney for the plaintiff (or the plaintiff if acting pro se) shall so notify the court administrator and the arbitrators (including any substitute). In the event of settlement, withdrawal or termination on the date of hearing, or should the arbitrators appear for the hearing due to lack of notice that the matter had been previously

settled, withdrawn or otherwise terminated, the disposition and the fact of their appearance shall be noted by the arbitrators on the award form and delivered to the prothonotary.

[Pa.B. Doc. No. 14-15. Filed for public inspection January 3, 2014, 9:00 a.m.]

**LYCOMING COUNTY**

**Amendments to the Rules of Civil Procedure; Doc. No. 13-03080**

**Order**

And Now, this 11th day of December, 2013, it is hereby Ordered and Directed as follows:

1. Lycoming County Rule of Civil Procedure L205.2(b)B shall be amended as follows.
2. The Prothonotary is directed to:
  - a. Transmit one (1) certified copy of this order to the Pennsylvania Civil Procedural Rules Committee, along with a computer disk containing the text of the rule.
  - b. Forward one (1) copy of this order to the chairman of the Lycoming County Customs and Rules Committee.
3. The revision to Rule L205.2(b)B. shall become effective immediately after its posting on the Pennsylvania Judiciary’s Web Application Portal.

By the Court

NANCY L. BUTTS,  
*President Judge*

**L205.2. Filing Legal Papers with the Prothonotary.**

- (a) \* \* \* \* \*
- (b) *Required cover sheets.*
- A. \* \* \* \* \*
- B. *Motion Cover Sheet.*
- \* \* \* \* \*

7. The form of the cover sheet shall be substantially as follows:

**COURT OF COMMON PLEAS, LYCOMING COUNTY, PENNSYLVANIA MOTION COVER SHEET**

Caption (may be abbreviated)

Docket No. \_\_\_\_\_

vs.

Case assigned to Judge \_\_\_\_\_

- none
- Family Court Hearing Officer

1. Name of filing party:
2. Filing party’s attorney:
3. Type of filing:



<p>4. The following is/are requested:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Argument</li> <li><input type="checkbox"/> Evidentiary Hearing</li> <li><input type="checkbox"/> Court conference</li> <li><input type="checkbox"/> Rule to show cause</li> <li><input type="checkbox"/> Entry of uncontested order (attach supporting documentation)</li> <li><input type="checkbox"/> Expedited consideration. State the basis: _____ _____</li> </ul> <p><input type="checkbox"/> Video conferencing requested. Request form has been submitted. See Lyc. Co. R.G.C.B. L8.</p> <p><input type="checkbox"/> Attach this cover sheet to original motion previously filed on: _____</p> <p>5. Time required: _____</p>	<p>6. [ Name ] Names and addresses of all counsel of record and unrepresented parties:</p>          <p>Court Scheduling Technician</p> <p><input type="checkbox"/> Continued on separate sheet.</p>
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**ORDER**

1. \_\_\_ An \_\_\_ argument \_\_\_ factual hearing \_\_\_ court conference is scheduled for \_\_\_\_\_ at \_\_\_ m. in courtroom no. \_\_\_\_\_, Lycoming County Courthouse, Williamsport, PA.
2. \_\_\_ Briefs are to be filed by the following dates:  
     Filing party \_\_\_\_\_ .  
     Responding party(ies) \_\_\_\_\_ .
3. \_\_\_ A rule is issued upon respondent to show cause why the petitioner is not entitled to the relief requested.
4. \_\_\_ A response to the motion/petition shall be filed as follows \_\_\_\_\_ .
5. \_\_\_ See order attached. \_\_\_ See separate order issued this date.
6. \_\_\_ Other \_\_\_\_\_ .

\_\_\_\_\_  
 Judge  Date

cc: ALL PARTIES OR OTHERS TO BE SERVED WITH NOTICE MUST BE DESIGNATED IN "6." ABOVE.

NOTICE: The parties are directed to confer for the purpose of resolving any issue raised in the motion/petition. If a resolution is reached prior to the scheduled date, the moving party shall immediately notify the court scheduling technician, the judge or hearing officer assigned to hear the matter, and all counsel of record or parties if unrepresented. Such notice may be in writing or by email.

[Pa.B. Doc. No. 14-16. Filed for public inspection January 3, 2014, 9:00 a.m.]

**MERCER COUNTY**

**Administrative Orders; Register's No. 2013-767**

*And Now*, this 10th day of December, 2013, The Court Hereby *Approves, Adopts and Promulgates* Mercer County Administrative Order # 1, and Administrative Order # 2, effective thirty (30) days after the date of publication of these orders in the *Pennsylvania Bulletin*, pursuant to Rule 103(c) of the Pennsylvania Rules of Judicial Procedure.

It is further *Ordered and Directed* that the Court Administrator of Mercer County shall file one (1) certified copy each of these orders with the Administrative Office of Pennsylvania Courts, furnish two (2) certified copies each to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and file one certified copy each with the Orphans' Court Procedural Rules Committee.

It is further *Ordered and Directed* that Administrative Orders shall be kept continuously available for public inspection and copying in the Offices of the Clerk and Register of Wills, the Clerk of the Orphans' Court and the Prothonotary of Mercer County. Upon request and payment of reasonable costs of reproduction and mailing, these offices shall furnish to any person a copy of these

Administrative Orders. These Administrative orders shall be published in the *Mercer County Law Journal*.

*By the Court*

THOMAS R. DOBSON,  
*President Judge*

[Pa.B. Doc. No. 14-17. Filed for public inspection January 3, 2014, 9:00 a.m.]

**MERCER COUNTY**

**Administrative Orders; Register's No. 2013-767**

**Administrative Order No. 1**

*And Now*, this 10th day of December, 2013, this Court finding it necessary to formalize the procedure for insuring compliance with 20 Pa.C.S. § 5521(c), *It Is Hereby Ordered* as follows:

1. The Register of Wills of Mercer County shall in every case where a guardian is appointed after the effective date of this Order review that file after 365 days from the date of the original appointment to determine if the initial report required by 20 Pa.C.S. § 5521(c) has

been filed; and every December thereafter, as long as the guardianship is active, to determine if the annual report has been filed.

2. Within five (5) days after said review, the Register of Wills shall notify in writing the Judge who appointed the guardian or the Judge's successor whether the report was filed. If the report was filed, the Register of Wills shall forward the report to said Judge.

3. If the report is filed, the Judge shall review said report and, if the Judge deems necessary, have it reviewed by a third party.

4. If the report is not filed, the Judge shall sua sponte schedule a hearing to determine why it has not been filed.

5. This Order shall become effective thirty (30) days after publication.

*By the Court*

THOMAS R. DOBSON,  
*President Judge*

[Pa.B. Doc. No. 14-18. Filed for public inspection January 3, 2014, 9:00 a.m.]

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**MERCER COUNTY**

**Administrative Orders; Register's No. 2013-767**

**Administrative Order No. 2**

*And Now*, this 10th day of December, 2013, *It Is Hereby Ordered* as follows:

I. The Register of Wills of Mercer County shall accept for filing and maintain in a segregated alphabetical file Last Wills and Testaments that fall into any of the following categories:

A. Last Wills and Testaments held by an attorney where a conservator has been appointed pursuant to the Rules of Disciplinary Enforcement and were not claimed by the maker of the Will;

B. Last Wills and Testaments held by an attorney who dies where no conservator is appointed and the Executor/Administrator of the estate of said attorney is unable to return the Last Will and Testament;

C. Last Wills and Testaments held by an attorney who has ceased the practice of law and the attorney's successor is unable to return the Last Will and Testament; and

D. Last Wills and Testaments held by an attorney who is unable to hold them and cannot return the Last Will and Testament.

II. The Register of Wills shall maintain an alphabetical index of the Wills held pursuant to this Rule. The index shall be available to the general public for inspection.

III. The Register of Wills shall turn over any Last Will and Testament held pursuant to this Rule, to the Executor or Executrix named in the Last Will and Testament; the Administrator of the maker's estate; the maker's attorney-in-fact; a court appointed Guardian of the maker; or an attorney retained by the maker's estate.

If the Register of Wills is uncertain whether or not a Last Will and Testament should be turned over, the matter shall be referred to the President Judge, or his designee, for a decision.

When a Last Will and Testament is turned over by the Register of Wills pursuant to this Rule, the recipient shall sign a receipt for said document and the Register of Wills shall maintain a copy of the Last Will and Testament until the Final Account of the maker's estate is confirmed absolutely.

IV. There shall be no costs imposed by the Register of Wills for actions pursuant to this Rule.

V. This Order is effective immediately.

*By the Court*

THOMAS R. DOBSON,  
*President Judge*

[Pa.B. Doc. No. 14-19. Filed for public inspection January 3, 2014, 9:00 a.m.]