

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 400 AND 1000]

Proposed Amendment of Pa.R.C.P. Nos. 410, 430, 1064 and 1065

The Civil Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P. Nos. 410, 430, 1064, and 1065 for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

Additions to the text of the proposal are bolded; deletions to the text are bolded and bracketed.

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

Karla M. Shultz, Counsel
Civil Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
P. O. Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9526
civilrules@pacourts.us

All communications in reference to the proposal should be received by May 22, 2015. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Civil Procedural
Rules Committee*

PETER J. HOFFMAN,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 400. SERVICE OF ORIGINAL PROCESS

SERVICE IN PARTICULAR ACTIONS

Rule 410. Real Property Actions.

* * * * *

(c) If service is made pursuant to an order of court under Rule 430(a), the court shall direct one or more of the following methods of service:

(1) publication as provided by Rule 430(b),

Official Note: See Rule 1064 for additional requirements for service of original process by publication for actions to quiet title involving subsurface mineral rights.

(2) posting a copy of the original process on the most public part of the property,

* * * * *

SERVICE PURSUANT TO SPECIAL ORDER OF COURT

Rule 430. Service Pursuant to Special Order of Court. Publication.

(a) If service cannot be made under the applicable rule the plaintiff may move the court for a special order directing the method of service. The motion shall be accompanied by an affidavit stating the nature and extent of the investigation which has been made to determine the whereabouts of the defendant and the reasons why service cannot be made.

Official Note: A sheriff's return of "not found" or the fact that a defendant has moved without leaving a new forwarding address is insufficient evidence of concealment. *Gonzales v. Polis*, [238 Pa. Super. 362,] 357 A.2d 580 (Pa. Super. 1976). Notice of intended adoption mailed to last known address requires a "good faith effort" to discover the correct address. *Adoption of Walker*, [468 Pa. 165,] 360 A.2d 603 (Pa. 1976).

An illustration of a good faith effort to locate the defendant includes (1) inquiries of postal authorities including inquiries pursuant to the Freedom of Information Act, 39 CFR Part 265, (2) inquiries of relatives, neighbors, friends, and employers of the defendant, [and] (3) examinations of local telephone directories, **courthouse records**, voter registration records, local tax records, and motor vehicle records, and (4) a **reasonable internet search**.

See Rule 1064 for additional requirements for service of original process by publication for actions to quiet title involving subsurface mineral rights.

(b)(1) If service of process by publication has been authorized by rule of civil procedure or order of court, the publication shall be by advertising a notice of the action once in the legal publication, if any, designated by the court for the publication of legal notices and in one newspaper of general circulation within the county. The publication shall contain the caption of the action and the names of the parties, state the nature of the action, and conclude with a notice substantially in the following form:

* * * * *

CHAPTER 1000. ACTIONS

Subchapter D. ACTION TO QUIET TITLE

Rule 1064. Service. [(Rescinded.)]

In actions involving subsurface mineral rights, if the plaintiff seeks to serve original process by publication pursuant to Rule 430 and obtains actual knowledge of the defendant's address outside the county in which the property is located, the plaintiff shall conduct a search for the defendant in that locale.

Official Note: For service of original process, see Rule 410 governing service in actions involving real property. See Rule 430 for additional requirements for service of original process by publication.

Rule 1065. Specific Averments.

[The] (a) Except as provided in subdivision (b), the plaintiff shall describe the land in the complaint.

(b) In an action to quiet title involving subsurface mineral rights, the complaint shall describe the land by attaching:

- (1) an abstract of the mineral title, and
- (2) a statement of acreage involved that includes a metes and bounds description.

Explanatory Comment

The Civil Procedural Rules Committee is proposing the amendment of Rules 410, 430, 1064, and 1065 to update the requirements for the service of original process by publication generally and provide additional requirements when the action to quiet title involves subsurface mineral rights. Currently, when a plaintiff is unable to serve original process on a defendant pursuant to Rule 400, the Rules of Civil Procedure allow a plaintiff to serve original process by publication pursuant to Rule 430 governing service by special court order. For service by publication to be allowed, the plaintiff must file a motion with an affidavit describing the good faith efforts on the part of the plaintiff to locate the defendant. The note to Rule 430 currently provides illustrations of what constitutes a good faith effort to locate a defendant and the proposed amendment would expand the sources to be searched to include courthouse records and a reasonable internet search. By including these sources, the amendment is intended to update the rule to use modern technology in an effort to locate a defendant as well as records that are already available at the courthouse. In many instances courthouse records are available on line as well.

With regard to actions to quiet title of subsurface mineral rights, the proposed recommendation would reconstitute Rule 1064, which formerly governed service generally for actions to quiet title. The reconstituted rule would require a plaintiff, who has obtained actual knowledge of the defendant's address outside the county in which property at issue is located, to conduct a search for the defendant in that locale in addition to the requirements of Rule 430(a).

The proposed recommendation would also amend Rule 1065 governing the content of a complaint in actions to quiet title of subsurface mineral rights to require an adequate and verified land description in the complaint which would include an abstract of the mineral title, and a statement of acreage involved with a metes and bounds description.

Cross-references to reconstituted Rule 1064 are also proposed for the notes to Rule 430(a) governing service by special order of court and Rule 410(c)(1) governing service in real property actions in order to aid the practitioner in finding the additional requirements set forth in that rule for service by publication in quiet title actions involving subsurface mineral rights.

By the Civil Procedural Rules Committee

PETER J. HOFFMAN,
Chair

[Pa.B. Doc. No. 15-448. Filed for public inspection March 13, 2015, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 1900]

Order Amending Rules 1901.7 and 1905 of the Rules of Civil Procedure; No. 614 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 10th day of February, 2015, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been published for public comment in the *Pennsylvania Bulletin*, 43 Pa.B. 5448 (September 14, 2013) and republished for additional public comment in the *Pennsylvania Bulletin*, 44 Pa.B. 2199 (April 12, 2014):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1901.7 and 1905 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 in 30 days on March 12, 2015.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1900. ACTIONS PURSUANT TO THE PROTECTION FROM ABUSE ACT

Rule 1901.7. Decision. Post-trial [relief] Relief.

(a) The decision of the court may consist of only general findings of abuse but shall dispose of all claims for relief. The court's final order shall be rendered substantially in the form set forth in Rule 1905(e).

(b) No motion for post-trial relief may be filed to the final order.

Official Note: The procedure relating to Motions for Reconsideration is set forth in Rule 1930.2.

(c) **If a final protection from abuse order directs the defendant to pay support to the plaintiff for the benefit of the plaintiff and/or a child, the plaintiff must file a complaint for support with the domestic relations section within two weeks of the date of the order or the support provisions of the order shall lapse automatically. If the plaintiff timely files with the domestic relations section, the support provisions of the final protection from abuse order shall remain in effect until a support order is entered.**

(d) **The custody provisions of a Protection From Abuse order are temporary. Either party may initiate custody proceedings pursuant to the custody statute at 23 Pa.C.S. § 5321 et seq. Any valid custody order entered after the final Protection From Abuse order supersedes the custody provisions in paragraph 5 of the Protection From Abuse order.**

* * * * *

Rule 1905. Forms for Use in PFA Actions. Notice and Hearing. Petition. Temporary Protection Order. Final Protection Order.

* * * * *

(e) The Final Order of Court, or any amended, modified or extended Final Order of Court, entered pursuant to the

Act shall be substantially in the following form, but the first page must be exactly as set forth in this rule:

* * * * *

□ 5. Temporary custody of the minor children, (NAMES OF THE CHILDREN SUBJECT TO THE PROVISION OF THIS PARAGRAPH) shall be as follows:

Check all that apply:

□ STATE TO WHOM PRIMARY PHYSICAL CUSTODY IS AWARDED, STATE TERMS OF PARTIAL CUSTODY [OR VISITATION], IF ANY.

□ There is a current custody order as to the children of the parties:

(county court)

(docket number)

- A custody petition is pending.
□ A hearing is scheduled for

(date, time and location)

□ THIS ORDER SHALL NOT SUPERSEDE THE CURRENT CUSTODY ORDER.

□ THIS ORDER SUPERSEDES ANY PRIOR ORDER RELATING TO CUSTODY.

The custody provisions of paragraph 5 of this order are temporary. Either party may initiate custody proceedings pursuant to the custody statute at 23 Pa.C.S. § 5321 et seq. Any valid custody order entered after the final Protection From Abuse order supersedes the custody provisions of this order.

□ 6. FIREARMS, OTHER WEAPONS AND AMMUNITION RESTRICTIONS.

* * * * *

[Pa.B. Doc. No. 15-449. Filed for public inspection March 13, 2015, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 200]

Proposed Amendment of Pa.R.C.P.M.D.J. No. 207

The Minor Court Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P.M.D.J. No. 207, addressing representation of parties in magisterial district court proceedings, for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the Pennsylvania Bulletin for comments, suggestions, or objections prior to submission to the Supreme Court.

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

Additions to the text of the proposal are bolded; deletions to the text are bolded and bracketed.

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

Pamela S. Walker, Counsel
Minor Court Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
P. O. Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9526
minorrules@pacourts.us

All communications in reference to the proposal should be received by April 29, 2015. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Minor Court Rules Committee

BRADLEY K. MOSS,
Chair

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 200. RULES OF CONSTRUCTION; GENERAL PROVISIONS

Rule 207. Representation in Magisterial District Court Proceedings.

(A) In magisterial district court proceedings:

* * * * *

(3) Corporations or similar entities [and], unincorporated associations, and bodies corporate and politic may be represented by an attorney at law, by an officer of the corporation, entity, or association, or by an employee or authorized agent of the corporation, entity, [or] association, or body with personal knowledge of the subject matter of the litigation and written authorization from an officer of the corporation, entity, [or] association, or body to appear as its representative.

* * * * *

Official Note: This rule is intended to permit a non-lawyer representative, employee, or authorized agent to appear on behalf of an individual, partnership, corporation or similar entity, [or] unincorporated association, or body corporate and politic, but not to allow a non-lawyer to establish a business for the purpose of representing others in magisterial district court proceedings.

It is intended that the designation of a non-lawyer representative, employee, or authorized agent to represent a party is to apply only on a case-by-case basis. A party may not give blanket authorization for a non-lawyer representative, employee, or authorized agent to represent the party in all cases involving the party.

As to "personal knowledge of the subject matter of the litigation" see Pa.R.E. 602 and Comment.

A business organized as a sole proprietorship may be represented in the same manner as an individual under paragraph (A)(1).

A body corporate and politic is an entity designated as such by statute, including, but not limited to, a county housing authority as defined in the Housing Authorities Law, 35 P. S. § 1543(a).

See rules in Chapter 800 as to representation of minors and incapacitated persons by guardians.

To gain admission *pro hac vice* pursuant to Pa.B.A.R. 301, the applicant must seek administrative approval by the [IOITA] IOLTA Board prior to the sponsor's request for the applicant's admission before the magisterial district court. The disposition and content of the request is governed by Pa.R.C.P. No. 1012.1.

REPORT

Proposed Amendment of Pa.R.C.P.M.D.J. No. 207

Representation in Magisterial District Court Proceedings

I. Introduction

The Minor Court Rules Committee ("Committee") is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P.M.D.J. No. 207. This rule addresses representation of parties in magisterial district court proceedings. The Committee is proposing to add a "body corporate and politic" as a named entity under Rule 207, and specifying who may provide representation to such a body.

II. Discussion

Currently, Rule 207 establishes who may represent a party in a magisterial district court proceeding. Rule 207 provides guidance with respect to representation of individuals, partnerships, corporations or similar entities, and unincorporated associations. See Rule 207(A). In addition to representation by attorneys, entities may be represented by partners, employees, authorized agents, or officers. See Rule 207(A)(2)—(3).

The Committee was forwarded correspondence from the solicitor for a county housing authority. The solicitor wrote that the county housing authority was experiencing difficulties having a property manager file a complaint and represent the county housing authority in a landlord tenant matter because the county housing authority did not fit squarely into one of the categories set forth in Rule 207.

The Housing Authorities Law defines a county housing authority as "a public body and body corporate and politic." See 35 P. S. § 1543(a). A subsequent section of the Housing Authorities Law further provides that "[a]n authority shall constitute a public body, corporate and politic, exercising public powers of the Commonwealth as an agency thereof . . ." See 35 P. S. § 1550(t). The phrase "body corporate and politic" appears throughout Pennsylvania statutes to define a wide range of entities, including municipal authorities (1 Pa.C.S. § 1991), conservation districts (3 P. S. § 853), and redevelopment authorities, (35 P. S. § 1703).

The Committee reviewed the solicitor's correspondence, and agreed that current Rule 207 does not include a body corporate and politic, such as a county housing authority. The Committee did not find a reason to exclude a county housing authority or a similar entity from the provisions of Rule 207, and proposes adding a body corporate and

politic to Rule 207, as well as a provision to the Official Note to give an example of such an entity.

III. Proposed Changes

The Committee plans to propose the amendment of Rule 207 by adding "a body corporate and politic" to the entities enumerated in paragraph (A)(3) of the rule. The Committee will also propose amending the Official Note to add a reference to a body corporate and politic, as well as to name a county housing authority as an example of such an entity.

[Pa.B. Doc. No. 15-450. Filed for public inspection March 13, 2015, 9:00 a.m.]

PART I. GENERAL

[246 PA. CODE CH. 400]

Proposed Amendment of Pa.R.C.P.M.D.J. No. 402

The Minor Court Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P.M.D.J. No. 402, addressing entry of judgment in the court of common pleas, for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

Additions to the text of the proposal are bolded; deletions to the text are bolded and bracketed.

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

Pamela S. Walker, Counsel
 Minor Court Rules Committee
 Supreme Court of Pennsylvania
 Pennsylvania Judicial Center
 P. O. Box 62635
 Harrisburg, PA 17106-2635
 FAX: 717-231-9526
 minorrules@pacourts.us

All communications in reference to the proposal should be received by April 29, 2015. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Minor Court Rules Committee

BRADLEY K. MOSS,
Chair

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 400. ENFORCEMENT OF JUDGMENTS RENDERED BY MAGISTERIAL DISTRICT JUDGES FOR THE PAYMENT OF MONEY

Rule 402. Request for Order of Execution. Entry of Judgment in Court of Common Pleas **or Philadelphia Municipal Court.**

* * * * *

D. (1) The plaintiff may enter the judgment in the court of common pleas in any county **or the Philadelphia Municipal Court**. When so entered, the indexing, revival and execution of the judgment shall be in accordance with procedures applicable in the court of common pleas **or the Philadelphia Municipal Court**.

(2) The judgment may be entered in the court of common pleas **or the Philadelphia Municipal Court** by filing with the prothonotary a copy of the record of the proceedings containing the judgment, certified to be a true copy by the magisterial district judge in whose office the judgment was rendered or by any other official custodian of the record.

(3) The judgment may be entered in the court of common pleas **or the Philadelphia Municipal Court** after 30 days from the date the judgment is entered by the magisterial district judge. The judgment may not be entered in the court of common pleas **or the Philadelphia Municipal Court** after five years from the date the judgment is entered by the magisterial district judge.

(4)(a) Within 14 days of entering the judgment in the court of common pleas **or the Philadelphia Municipal Court**, the plaintiff shall file satisfactory proof of the entry of judgment with the magisterial district court that entered the judgment, and the magisterial district court shall vacate the judgment from its docket.

(b) If after 14 days of entering the judgment in the court of common pleas **or the Philadelphia Municipal Court**, the plaintiff fails to comply with subparagraph 4(a) of this rule, the defendant may file such proof with the magisterial district court that entered the judgment, and the magisterial district court shall vacate the judgment from its docket.

(5) Except as provided in paragraphs D(4) and D(6) of this rule, once the judgment is entered in the court of common pleas **or the Philadelphia Municipal Court** all further process must come from [**the court of common pleas**] **that court** and no further process may be issued by the magisterial district judge.

(6) The magisterial district judge shall enter satisfaction on the docket of the magisterial district court proceedings upon the filing by any party in interest of a certified copy of the docket entries of the court of common pleas **or the Philadelphia Municipal Court** showing the judgment and satisfaction have been entered in [**the court of common pleas**] **that court**.

E. (1) As used in this rule, a judgment marked "expired" is a judgment that cannot be satisfied, revived, or vacated because the five-year period designated in Rule 402 has elapsed.

(2) If the plaintiff does not request an order of execution in a magisterial district court or enter the judgment in a court of common pleas **or the Philadelphia Municipal Court** within five years of the date the judgment was entered by the magisterial district judge, then the judgment shall be marked expired.

Official Note: Under subdivision A of this rule, the execution proceedings are commenced by requesting an "order of execution." The request may not be filed before the expiration of 30 days after the date the judgment is entered by the magisterial district judge. This will give

the defendant an opportunity to obtain a supersedeas within the appeal period. The request must be filed within five years of the date the judgment is entered by the magisterial district judge. No provision has been made for revival of a judgment in magisterial district court proceedings.

Subdivision C provides for entering the judgment, for the purpose of requesting an order of execution, in an office of a magisterial district judge other than that in which the judgment was rendered when levy is to be made outside the county in which the judgment was rendered. Compare Pa.R.C.P. No. 3002.

As to subdivision D, see Section 1516 of the Judicial Code, 42 Pa.C.S. § 1516. The 30 day limitation in the rule appears to be required by this Section. Certification by the magisterial district judge should not be done before the expiration of 30 days after the date of entry of the judgment. The only method available to renew a judgment would be to record the judgment in the Prothonotary's **or Municipal Court Administrator's** office prior to the expiration of the five-year period and then follow the applicable Rules of Civil Procedure for the revival of judgments. See Pa.R.C.P. No. 3025 *et seq.*; **see also Phila. M.C.R.Civ.P. No. 126c**. Also, subdivision D makes clear that when the judgment is entered in the court of common pleas **or the Philadelphia Municipal Court**, all further process shall come from [**the court of common pleas**] **that court** and that no further process shall be issued by the magisterial district judge except that the magisterial district judge shall enter on the magisterial district court docket vacating of the judgment due to its entry at the court of common pleas **or the Philadelphia Municipal Court**, or proof of satisfaction of a judgment that had been entered in the court of common pleas **or the Philadelphia Municipal Court** and subsequently satisfied in that court. This exception is necessary so that procedures exist for entering satisfaction of all judgments with the magisterial district court, regardless of whether the judgment has been certified to and satisfied in the court of common pleas **or the Philadelphia Municipal Court**. A plaintiff filing a judgment in the court of common pleas **or the Philadelphia Municipal Court** is required to file satisfactory proof of the entry of judgment with the magisterial district court that entered the judgment, and the magisterial district court will then vacate its [**judgement**] **judgment**. This step ensures that only the enforceable common pleas **or Philadelphia Municipal Court** judgment will be reportable as an outstanding liability of the defendant.

Subdivision E provides that a judgment shall be marked expired if the plaintiff does not request an order of execution in a magisterial district court or enter the judgment in a court of common pleas **or the Philadelphia Municipal Court** within five years of the date the judgment was entered by the magisterial district judge. Limiting the time period for entry of the judgment to five years will give a plaintiff sufficient time to act without indefinitely penalizing a defendant.

REPORT

Proposed Amendment of Pa.R.C.P.M.D.J. No. 402

Entry of Judgment in the Court of Common Pleas

I. Introduction

The Minor Court Rules Committee ("Committee") is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P.M.D.J. No. 402. This rule

addresses entry of judgment in the court of common pleas. The Committee is proposing to add the Philadelphia Municipal Court as an additional court where a judgment may be entered.

II. Discussion

Currently, Rule 402 provides, among other things, that a plaintiff may enter a judgment rendered by a magisterial district court in the court of common pleas of any county. *See* Rule 402D(1). When entered in the court of common pleas, the judgment is subject to the indexing, revival and execution procedures applicable in the court of common pleas. *Id.* Entering a judgment in the court of common pleas, and submission of proof thereof to the magisterial district court, has the effect of vacating the underlying magisterial district court judgment, so that only one judgment remains in effect for execution purposes. *See* Rule 402D(4).

While reviewing Rule 302 (pertaining to venue) on a separate matter, a Committee member observed that the venue rule specifically permits the transfer of cases to and from the Philadelphia Municipal Court, while the rule on entry of judgments limits transfers to a magisterial district court or a court of common pleas. The Committee agreed that permitting entry of judgments in the Philadelphia Municipal Court would be useful to litigants, and discussed amending Rule 402 to add the Philadelphia Municipal Court.

The Philadelphia Municipal Court Rules of Civil Procedure permit entry of judgments from other courts: “[j]udgments of other Pennsylvania jurisdictions within the jurisdictional amount of this court may be transferred to this court by filing a certified copy of all the docket entries in the action and a certification of the amount of judgment or a certified copy of the transcript of the judgment.” *See* Phila.M.C.R.Civ.P. No. 125a. Judgments entered in Philadelphia Municipal Court are treated in the same manner as judgments entered in the Court of Common Pleas of Philadelphia County.

Judgment recovered in the Philadelphia Municipal Court shall be a lien upon property in the same manner and to the same extent that judgment recovered in the Court of Common Pleas of Philadelphia County is a lien. All such judgments shall be indexed in the judgment index or indices of Philadelphia County in the same manner as judgments of the court of common pleas are indexed.

42 Pa.C.S. § 1124. With regard to judgments of magisterial district courts, 42 Pa.C.S. § 1516, referenced in the Official Note to Rule 402, provides:

[a] judgment of a magisterial district judge shall not operate as a lien on real property until a transcript of the record showing a final judgment of a magisterial district judge has been filed in the manner prescribed by general rules in the office of the clerk of the court of common pleas of the county where the property is situated, or in the office of the clerk of the branch of the court of common pleas embracing such county.

42 Pa.C.S. § 1516.

The Committee did not find that these provisions prohibit entry of magisterial district court judgments in the Philadelphia Municipal Court. The Committee members agreed that permitting entry of judgments in the

Philadelphia Municipal Court would achieve consistency between the courts, and provide litigants with an additional venue to initiate the judgment enforcement process. Accordingly, the Committee agreed to add references to the Philadelphia Municipal Court in Rule 402, as well as to add references to the Philadelphia Municipal Court and a civil procedure rule of that court to the Official Note.

III. Proposed Changes

The Committee plans to propose the amendment of Rule 402 to add references to the Philadelphia Municipal Court throughout subdivisions D and E of the rule. The Committee will also propose amending the Official Note to add references to the Philadelphia Municipal Court, as well as a pertinent reference to Phila.M.C.R.Civ.P. No. 126c.

[Pa.B. Doc. No. 15-451. Filed for public inspection March 13, 2015, 9:00 a.m.]

Title 25—LOCAL COURT RULES

FAYETTE COUNTY

Local Rule 1028(c); No. 335 of 2015 GD

Order

And Now, this 25th day of February, 2015, pursuant to Pennsylvania Rule of Civil Procedure Section 239.8, it is ordered that Fayette County Local Rule of Civil Procedure Section 1028(c) is hereby amended to read as follows hereto and shall become effective upon publication on the Pennsylvania Judiciary’s Web Application portal at <http://ujportal.pacourts.us>.

The Prothonotary is directed as follows:

(1) Two certified copies and diskette of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(2) One certified copy of the rule shall be filed with the Civil Procedural Rules Committee.

(3) One certified copy shall be sent to the Fayette County Law Library.

(4) One certified copy shall be sent to the Editor of the *Fayette Legal Journal*.

By the Court

JOHN F. WAGNER, Jr.,
President Judge

Rule 1028(c). Preliminary Objections.

(a) Any party to any proceeding may file preliminary objections to any pleading pursuant to PA.R.C.P. 1028(a). Such preliminary objections must be filed within twenty (20) days of the service of the pleading to which the moving party is objecting. A timely filing of an amended pleading by the non-moving party shall render the preliminary objections moot in accordance with Pa.R.C.P. 1028(c)(1)(I).

(b) In the event the preliminary objections properly raise an issue of fact under Pa.R.C.P. 1017(a)(4) and Pa.R.C.P. 1028(c)(2) then the non-moving party shall file its response within twenty (20) days after service of the preliminary objections.

(c) In the event an amended pleading is not timely filed by the non-moving party, the preliminary objections shall be presented in Motions Court pursuant to FCR 208.3(a) within forty (40) days of the filing of the preliminary objections, accompanied by a proposed Order.

(d) Upon agreement of the parties, the preliminary objections may be submitted as a priority Motion for disposition by the Court at that time. The parties shall be permitted no more than three (3) minutes to orally present their positions on the issues raised and any briefs or memorandums the parties wish for the Court to consider shall be submitted to the Court at that time. Otherwise, the preliminary objections shall be presented by the moving party as a routine Motion accompanied by a proposed Order. Upon receipt of such a Motion, the Court shall establish a briefing schedule, and, if deemed necessary by the Court, an argument date for disposition of the preliminary objections. If the preliminary objections properly raise an issue of fact, the Court shall enter an Order establishing the procedure to be followed for the making of a factual record, for the briefing of the issues raised, and for setting an oral argument date and time, if deemed necessary by the Court.

(e) All briefs shall be served on all other parties to the case and on the assigned Judge. A certificate of service shall be filed with the Prothonotary but the brief itself shall not be filed of record. Failure to comply with the briefing schedule may result in the denial of oral argument or such other sanctions as the Court deems appropriate.

(f) Failure of a party to comply with the requirements of these rules may result in either the entry of the relief requested or the denial of such relief as the circumstances may warrant.

[Pa.B. Doc. No. 15-452. Filed for public inspection March 13, 2015, 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 dated February 25, 2015, Newton B. Schwartz, Sr. (ID # 205395), is Suspended on Consent from the Bar of this Commonwealth for a period of three years retroactive to February 14, 2014. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside 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. 15-453. Filed for public inspection March 13, 2015, 9:00 a.m.]

Notice of Transfer to Disability Inactive Status

Notice is hereby given that Christopher David Tease (# 77776), who resides in Wilmington, DE, having been transferred to disability inactive status by Order of the Supreme Court of Delaware dated November 20, 2014, by Order of the Supreme Court of Pennsylvania dated February 27, 2015, Christopher David Tease was transferred to disability inactive status in Pennsylvania, for an indefinite period and until further Order of the Court, to take effect immediately. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside 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*

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