
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. **454** Session of
1961

INTRODUCED BY MR. YATRON, APRIL 4, 1961.

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT,
APRIL 4, 1961.

AN ACT

Amending the act of May 16 1923 (P L 207) entitled "An act provid-
ing when how upon what property and to what extent liens shall
be allowed for taxes and for municipal improvements for the re-
moval of nuisances and for water rents or rates sewer rates and
lighting rates for the procedure upon claims filed therefor the
methods for preserving such liens and enforcing payment of such
claims the effect of judicial sales of the properties liened the dis-
tribution of the proceeds of such sales and the redemption of the

EXPLANATION—CAPITAL LETTERS indicate new matter added to bill. Matter stricken through is to be omitted from bill. Underscoring indicates new matter added to existing law. [Brackets] indicate matter stricken from existing law.

property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" extending the period for revival of suggestions and averments of nonpayment and default and the time for the filing and renewal of such claims to twenty years and changing fees

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

- 1 Section 1 Sections 9 and 15 act of May 16 1923 (P L 207) entitled
- 2 "An act providing when how upon what property and to what extent
- 3 liens shall be allowed for taxes and for municipal improvements for the
- 4 removal of nuisances and for water rents or rates sewer rates and light-
- 5 ing rates for the procedure upon claims filed therefore the methods for
- 6 preserving such liens and enforcing payment of such claims the effect
- 7 of judicial sales of the properties liened the distribution of the proceeds
- 8 of such sales and the redemption of the property therefrom for the lien
- 9 and collection of certain taxes heretofore assessed and of claims for

1 municipal improvements made and nuisances removed within six months
2 before the passage of this act and for the procedure on tax and municipal
3 claims filed under other and prior acts of Assembly" amended December
4 28 1959 (P L, 2027) are amended to read

5 Section 9 Claims for taxes water rents or rates lighting rates power
6 rates and sewer rates must be filed in the court of common pleas of the
7 county in which the property is situated unless the property is situate in
8 the City of Philadelphia and the taxes or rates do not exceed the maxi-
9 mum amount over which the Municipal Court of Philadelphia has origi-
10 nal jurisdiction in which event the claim must be filed in the Municipal
11 Court of Philadelphia All such claims shall be filed on or before the last
12 day of the third calendar year after that in which the taxes or rates are
13 first payable except that [in cities and school districts of the first class]
14 claims [for real estate taxes water rents or rates and sewer rents or rates]
15 which have heretofore become liens pursuant to the provisions of this
16 act or which have been entered of record as liens or which have been
17 liened and revived shall continue and remain as liens for the period of
18 twenty years from such revival entry or lien by operation of law which-
19 ever shall have last occurred and other municipal claims must be filed in

1 said court of common pleas or the Municipal Court of Philadelphia
2 within six months from the time the work was done in front of the
3 particular property where the charge against the property is assessed or
4 made at the time the work is authorized within six months after the
5 completion of the improvement where the assessment is made by the
6 municipality upon all the properties after the completion of the improve-
7 ment and within six months after confirmation by the court where con-
8 firmation is required the certificate of the surveyor engineer or other
9 officer supervising the improvement filed in the proper office being con-
10 clusive of the time of completion thereof but he being personally liable
11 to anyone injured by any false statement therein Where a borough lies
12 in more than one county any such claim filed by such borough may be
13 filed in each of such counties In case the real estate benefited by the im-
14 provement is sold before the municipal claim is filed the date of comple-
15 tion in said certificate shall determine the liability for the payment of the
16 claim as between buyer and seller unless otherwise agreed upon or as
17 above set forth A number of years' taxes or rates of different kinds if
18 payable to the same plaintiff may be included in one claim The legal rate
19 of interest shall be collectible on all municipal claims from the date of
20 the completion of the work after it is filed as a lien and on claims for

1 taxes water rents or rates lighting rates or sewer rates from the date
2 of the filing of the lien therefor

3 Claims for taxes may be in the form of written or typewritten lists
4 showing the names of the taxables and descriptions of the properties
5 against which said claims are filed together with the amount of the taxes
6 due such municipality Such lists may be filed on behalf of a single munic-
7 ipality or they may cover the unpaid taxes due any two or more munici-
8 palities whose taxes are collected by the same tax collector provided the
9 amounts due each municipality are separately shown All tax claims here-
10 tofor filed in such form are hereby ratified confirmed and made valid sub-
11 sisting liens as of the date of their original filing

12 A number of years' taxes or rates of different kinds if payable to
13 the same plaintiff may be included in one claim Municipal claims shall
14 likewise be filed within said period where any appeal is taken from the
15 assessment for the recovery of which such municipal claim is filed In
16 such case the lien filed shall be in the form hereinafter provided except
17 that it shall set forth the amount of the claim as an undetermined
18 amount the amount thereof to be determined by the appeal taken from
19 the assessment upon which such municipal claim is based pending in a

1 certain court (referring to the court and the proceeding where such ap-
2 peal is pending) Upon the filing of such municipal claim the claim shall
3 be indexed by the prothonotary upon the judgment index and upon the
4 locality index of the court and the amount of the claim set forth therein
5 as an undetermined amount

6 If final judgment is not obtained upon such appeal within [five]
7 twenty years from the filing of such municipal claim the claimant in the
8 lien shall within such period of [five] twenty years file a suggestion of
9 nonpayment in the form hereinafter set forth which shall have the effect
10 of continuing the lien thereof for a further period of [five] twenty
11 years from the date of filing such suggestion [except that with respect
12 to claims for real estate taxes water rates or rents and sewer rates or
13 rents in cities and school districts of the first class if final judgment is
14 not obtained upon such appeal within twenty years from the filing of
15 such municipal claims the claimant in the lien shall within such period of
16 twenty years file a suggestion of nonpayment in the prescribed form
17 which shall have the effect of continuing the lien thereof for a further
18 period of twenty years from the date of filing such suggestion] Such
19 municipal claim shall be revived in a similar manner during each recur-
20 ring period of [five] twenty years thereafter until final judgment is en-

1 tered upon said appeal and the undetermined amount of such municipal
2 claim is fixed in the manner hereinafter provided [except that with re-
3 spect to claims for real estate taxes water rates or rents and sewer rates
4 or rents in cities and school districts of the first class such municipal
5 claims shall be revived in a similar manner during each recurring period
6 of twenty years thereafter until final judgment is entered upon said
7 appeal and the undetermined amount of such municipal claim is fixed
8 in the manner hereinafter provided]

9 When the final judgment is obtained upon such appeal the court
10 in which said municipal claim is pending shall upon the petition of any
11 interested party make an order fixing the undetermined amount claimed
12 in such claim at the amount determined by the final judgment upon
13 said appeal which shall bear interest from the date of the verdict upon
14 which final judgment was entered and thereafter the amount of said
15 claim shall be the sum thus fixed Proceedings upon said municipal claim
16 thereafter shall be as in other cases

17 Where on final judgment upon said appeal it appears that no
18 amount is due upon the assessment for the recovery of which such claim
19 is filed the court in which such municipal claim is pending shall upon

1 the petition of any interested party make an order striking such
2 municipal claim from the record and charge the costs upon such claim
3 to the plaintiff in the claim filed

4 Where such appeal is discontinued the court in which such mu-
5 nicipal claim is pending shall upon the petition of any interested party
6 make an order fixing the undetermined amount claimed at the amount
7 of the original assessment which shall bear interest from the date that
8 such assessment was originally payable and thereafter the amount of
9 such claim shall be the sum thus fixed

10 Section 15 Such tax municipal or other claim if filed within the
11 period aforesaid shall remain a lien upon said properties until fully
12 paid and satisfied Provided that either a suggestion of nonpayment
13 and an averment of default in the form hereinafter provided be filed
14 either before or after judgment on the scire facias or else a writ of
15 scire facias in the form herein provided be issued to revive the same
16 within each period of [five] twenty years following (a) the date on
17 which said claim was filed (b) the date on which a writ of scire facias
18 was issued thereon (c) the date on which any judgment was entered
19 thereon (d) the date on which a previous suggestion of nonpayment
20 and default was filed thereon or (e) the date on which a judgment of

1 revival was obtained thereon [except that in cities and school districts
 2 of the first class with respect to real estate taxes water rates or rents
 3 and sewer rates or rents the period within which such liens may be
 4 revived shall be twenty years]

5 The suggestion and averment shall be in the following form under
 6 the caption of the claim

7 And now the claimant by
 8 its solicitor or by the chief of its delinquent
 9 tax bureau or in counties of the second class by the county controller
 10 suggests of record that the above claim is still due and owing to the
 11 claimant and avers that the owner is still in default for nonpayment
 12 thereof The prothonotary is hereby directed to enter this suggestion
 13 and averment on the municipal lien or the proper docket of the claim
 14 and also to index it upon the judgment index and on the locality index
 15 of the court for the purpose of continuing the lien of the claim

16 Such suggestion and averment shall be signed by or have stamped
 17 thereon a facsimile signature of the solicitor or chief executive officer
 18 of the claimant or the chief of its delinquent tax bureau except in
 19 counties of the second class in which case it shall be signed by or have

1 stamped thereon a facsimile signature of the county controller The
2 prothonotary shall docket and index the suggestion and averments
3 directed therein and for such services [in all counties of the fifth class
4 and the political subdivisions in such counties] shall be entitled to a
5 fee of one dollar [and in all other classes of counties and the political
6 subdivisions thereof he shall receive the following fee] to be taxed
7 and collected as other costs in the claim

8 [Where suggestion and averment is for taxes or municipal claims
9 for one year and is directed to be indexed in one name only

10 one dollar (\$1)

11 Each additional year included one dollar (\$1)

12 Each additional name included twenty-five
13 cents (\$.25)]

14 The filing and indexing of such suggestion and averment within
15 [five years or in any city or school district of the first class within]
16 twenty years of filing the claim or the issuing of any writ of scire
17 facias thereon or of any judgment thereon or of the filing of any prior
18 suggestion and averment of default shall have the same force and effect
19 for the purposes of continuing and preserving the lien of the claim as
20 though a writ of scire facias had been issued or a judgment or judgment

1 of revival had been obtained within such period Provided That no writ
2 of levam facias shall be issued upon a claim for the purpose of exposing
3 the property liened to sheriff's sale except after a judgment shall have
4 been duly obtained upon the claim as provided in this section and such
5 judgment must have been obtained within [five years or in any city
6 or school district of the first class within] twenty years of the issuance
7 of the levam facias Whenever the lien of a claim has been revived
8 and continued by the filing and indexing of a suggestion and averment
9 of default the claimant may at any time within [five years therefrom
10 or in any city or school district of the first class within] twenty years
11 issue a writ of scire facias thereon reciting all suggestion and averment
12 of default filed since the filing of the claim and shall proceed thereon
13 in the manner herein provided subject to the right of the owner to
14 raise any defense arising since the last judgment

15 If a claim be not filed within the time aforesaid or if it be not
16 prosecuted in the manner and at the time aforesaid its lien on real
17 estate shall be wholly lost

We certify that this bill has passed the Senate and the House of Representatives.

.....
Chief Clerk, Senate

.....
President pro tempore, Senate

.....
Speaker, House of Representatives

Approved The day of A. D. 1861.

.....
Governor