

Costs.

Section 5. The cost of the proceedings provided by this act shall be paid by the county.

APPROVED—The 11th day of April, A. D. 1931.

GIFFORD PINCHOT

No. 24

AN ACT

To validate certain proceedings for municipal improvements, municipal assessments, municipal claims, and municipal liens, in the several boroughs of this Commonwealth, and validating such improvements, assessments, claims, and liens; providing for the filing of claims and liens therefor; and the proceedings for the collection of such assessments and claims.

Boroughs.

Public improve-  
ments.Defects in pro-  
ceedings.

Section 1. Be it enacted, &c., That whenever heretofore the council of any incorporated borough of this Commonwealth has required, by ordinance, and caused to be made, graded, paved, curbed, or macadamized with brick, stone, or other suitable material, or otherwise improved any public street or thoroughfare, or part thereof, either cartway or footwalk, or has covered or enclosed any watercourse or waterway, in any street or thoroughfare, so as to improve or extend and increase the driveway in any street or thoroughfare, or has caused sewers to be constructed therein, or has caused ornamental lights to be erected pursuant to any ordinance, or has by ordinance provided for the assessment against abutting property owners of benefits for such improvement, but owing to some defect in the petition, action of council, notice of publication, failure to make said improvement in accordance with the strict terms of any ordinance, or any other proceeding or action necessary under existing laws and ordinances to give jurisdiction to such council, or because of noncompliance with existing laws as to publication of copies of ordinance and posting of handbills prior to or after the final passage of such ordinance, or because the ordinance itself or the official record book containing the same has been lost, mislaid, or destroyed, or has not been transcribed in the official record book, or because of irregularity or error in the appointment of viewers to assess benefits against property abutting along the line of the improvement, or because of any irregularity or error in the method or procedure for the ascertainment of the amount of benefits to such property or in arriving at or determining the benefits assessed against such property, or because of the failure to give notice as required by law or ordinance, or the time for filing a lien or making claim for

such improvements has expired, or the claim has not been filed after notice to do so, or, for any other reason, the costs of such improvement, or a portion thereof, cannot be legally assessed upon the property bounding or abutting on the street or part thereof improved, or owing to some defect in the statement of claim filed to secure the lien, or the failure of the borough solicitor to file the lien in the court of common pleas or to sign the same for the costs of such improvement, or any error made in the name of the owner or owners of the abutting property, payment thereof cannot be enforced as was contemplated by the act or acts of the General Assembly under which the improvement was attempted to be made and statement of claim filed, now, by this act, such improvements are made valid and binding, and the council of such incorporated borough may cause the property bounding or abutting on the street or part thereof upon which the improvement has been made or is now being made to be assessed, in the manner now provided by law, with such a portion of the costs of such improvement as is contemplated by the law under which the improvement was made or attempted to be made or is now being made, and all such benefits, and all assessments heretofore made or determined are hereby ratified, confirmed and validated. Such assessment or other assessment heretofore made shall be lien upon the property assessed. The lien shall date from the completion of the improvement for which the assessment is made, whether the work was completed through one or several operations or contracts, and shall remain a lien until fully paid for and satisfied: Provided, That a writ of scire facias is issued to revive the same during every period of five years after the lien is filed as hereinafter provided: And provided further, That this act shall not validate any lien against any property which has been conveyed to a bona fide purchaser thereof subsequent to the expiration of the period prescribed by law for the filing of such liens and prior to the time of the filing thereof, or give the lien thus filed priority over any bona fide lien or liens filed, entered or recorded, or which shall have otherwise attached, subsequently to the time prescribed by law for the filing of such municipal lien and prior to the time of the filing thereof.

Validation.

Lien of assessment.

Revival.

When lien is not validated.

Borough to file lien.

Section 2. The council of any incorporated borough of this Commonwealth, entitled to a lien under this act, shall file a lien therefor in the office of the prothonotary of the county within which the property lies, within six months after the completion of the work where the improvement is now in progress, or within six months after confirmation absolute of the report of the viewers assessing benefits for such improvement, or within six months after the approval of this act where the improvement is now completed, and the same shall be entered

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upon record as other municipal claims. Such liens shall state the name of the party claimant, which shall be the corporate name of the borough making the improvement; name of the owner or reputed owner of the property assessed; a reasonable description of the property assessed; the amount or sum claimed to be due, which shall include interest on the assessment from the completion of the improvement; for what improvement the claim is made; the date of its completion; the date of the assessment for which the lien is filed. Such lien, when so filed, shall be prima facie evidence of all matters therein set forth; and of the right of the borough to recover the amount therein claimed to be due, together with interest from the date of the lien or completion of the improvement, costs, and an attorney's commission of five per centum for collecting.

Prima facie evidence.

Interest and costs.

Scire facias.

Section 3. The claim, when so filed, shall be proceeded upon for collection by writ of scire facias: Provided, That this act shall not apply to any proceeding, suit, or lien wherein a final order or judgment of any court of record has already been made or entered.

Proviso.

APPROVED—The 11th day of April, A. D. 1931.

GIFFORD PINCHOT

No. 25

AN ACT

To validate conveyances and other instruments which have been defectively acknowledged.

Deeds, etc.

Section 1. Be it enacted, &c., That no grant, bargain and sale, feoffment, deed of conveyance, release, assignment, or other assurance of lands, tenements and hereditaments, whatsoever, bearing date prior to the year one thousand nine hundred and thirty-one, made, executed and delivered by husband and wife, or by any person or trustee or attorney in fact for any other person or persons, to a bona fide purchaser or purchasers for a valuable consideration, and acknowledged before any officer duly authorized by law to take such acknowledgment, shall be deemed, held or adjudged invalid or defective or insufficient in law by reason of any informality in such acknowledgment, or by reason of the acknowledgment thereto having been made by any trustee or attorney in fact in his individual capacity instead of as such trustee or attorney in fact; but all and every such grant, bargain and sale, feoffment, deed of conveyance, release, assignment, or other assurance, so made, executed and acknowledged, as aforesaid, shall be as good,

Defective acknowledgment by trustee or attorney in fact.

Validation.