

Article 5, of act
of June 23, 1931
(P. L. 932),
repealed.

Article five of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, nine hundred thirty-two), entitled "An act relating to cities of the third class and amending, revising and consolidating the law relating thereto."

Other incon-
sistent acts
repealed.

All other acts and parts of acts inconsistent with or supplied by this act are hereby repealed.

Constitutional
provision.

Section 11. The provisions of this act shall be severable, and if any of the provisions shall be held to be unconstitutional, such decision shall not affect the validity of any of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein.

When effective.

Section 12. This act shall become effective immediately upon its final enactment.

APPROVED—The 2d day of July, A. D. 1937.

GEORGE H. EARLE

No. 589

AN ACT

To amend section ten and section fifteen of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, two hundred seven), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal 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 distribution of the proceeds of such sales, and the redemption of the 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," by providing further procedure for preserving such liens and enforcing payment of such claim; and validating certain municipal tax liens heretofore filed.

Section 10, act
of May 16, 1923
(P. L. 207), as
amended by act
of April 16, 1929
(P. L. 526), fur-
ther amended.

Section 1. Be it enacted, &c., That section ten of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, two hundred seven), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal 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 distribution

of the proceeds of such sales, and the redemption of the 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," as amended by the act, approved the sixteenth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, five hundred twenty-six), is hereby further amended to read as follows:

Section 10. Said claim shall set forth:

The claim.
Contents.

1. The name of the municipality by which filed;
2. The name of the owner of the property against which it is filed;
3. A description of the property against which it is filed;
4. The authority under or by virtue of which the tax was levied or the work was done;
5. The time for which the tax was levied, or the date on which the work was completed in front of the particular property against which the claim is filed; or the date of completion of the improvement, where the assessment is made after completion; or the date of confirmation by the court, where confirmation is required done;
6. If filed to the use of a contractor, the date of, and parties to, the contract for doing said work; and
7. In other than tax claims, the kind and character of the work done for which the claim is filed, and, if the work be such as to require previous notice to the owner to do it, when and how such notice was given.

Said claim [must] *shall* be signed by, or have stamped thereon a facsimile signature of, the solicitor or chief executive officer of the claimant, *except in counties having a controller, in which case it shall be signed by, or have stamped thereon a facsimile signature of, the controller*; [the controller] and, in the case of a use-plaintiff, must be accompanied by an affidavit that the facts therein set forth are true to the best of his knowledge, information, and belief.

Affidavit of use-plaintiff.

Section 2. That section fifteen of said act is hereby amended to read as follows:

Section 15, amended.

Section 15. Such tax, municipal, or other claim, if filed within the period aforesaid, shall remain a lien upon said properties until fully paid and satisfied: Provided, however, That either a suggestion of nonpayment and an averment of default, in the form hereinafter provided, be filed in cases of tax claims, either before or after judgment on the scire facias, and in cases of other than tax claims after judgment on the scire facias, or else a writ of scire facias, in the form herein provided,

Term of lien.

Proviso.
Suggestion and averment.

Writ of scire facias.

be issued to revive the same, within each period of five years following—(a) the date on which said claim was filed, (b) the date on which a writ of scire facias was issued thereon, (c) the date on which any judgment was entered thereon, (d) the date on which a previous suggestion of nonpayment and default was filed thereon, or (e) the date on which a judgment of revival was obtained thereon.

The suggestion and averment shall be in the following form, under the caption of the claim:

Form.

And now /... the claimant, by [his] its solicitor or controller, suggests of record that the above claim is still due and owing to the claimant, and avers that the owner is still in default for nonpayment thereof. The prothonotary is hereby directed to enter this suggestion and averment on the municipal lien or the proper docket of the claim, and also to index it upon the judgment index and on the locality index of the court, for the purpose of continuing the lien of the claim.

Signature.

Such suggestion and averment [must] shall be signed by, or have stamped thereon a facsimile signature of, the solicitor or chief executive officer of the claimant, except in counties having a controller, in which case it shall be signed by, or have stamped thereon a facsimile signature of, the controller. The prothonotary shall

Docketing and indexing.

docket and index the suggestion and averments directed therein; and for such services shall be entitled to a fee of one dollar, to be taxed and collected as other costs in the claim. The filing and indexing of such suggestion and averment within five years of filing the claim or the issuing of any writ of scire facias thereon, or of any judgment thereon, or of the filing of any prior suggestion and averment of default, shall have the same force and effect, for the purposes of continuing and preserving the lien of the claim, as though a writ of scire facias had been issued or a judgment or judgment of revival had been obtained within such period: Provided, That

Fee.

Proviso.

no writ of levavi facias shall be issued upon a claim, for the purpose of exposing the property liened to sheriff's sale, except after a judgment shall have been duly obtained upon the claim, as provided in this section, and such judgment must have been obtained within five years of the issuance of the levavi facias. Whenever the lien of a claim has been revived and continued by the filing and indexing of a suggestion and averment of default, the claimant may, at any time within five years therefrom, issue a writ of scire facias thereon, reciting all suggestion and averment of default filed since the filing of the claim, and shall proceed thereon, in the manner herein provided, subject to the right of the owner to raise any defense arising since the last judgment.

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

Loss of lien.

Section 3. No municipal tax lien heretofore entered shall be invalidated, discharged, or set aside for want of any formality in the claim, or for noncompliance with the requirements of section ten of the act to which this is an amendment, if the claim whereon the lien was entered was filed in the office of the prothonotary on or before the last day of the third calendar year after that in which the tax was first payable, and correctly shows the amount of the unpaid tax against the property for which the lien was filed for the year covered by the lien, and all such tax liens are hereby ratified, confirmed, and validated.

Saving certain tax liens.

Section 4. This act shall become effective immediately upon final enactment.

When effective.

APPROVED—The 2d day of July, A. D. 1937.

GEORGE H. EARLE

No. 590

AN ACT

To further amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred sixteen), entitled "An act to define real estate brokers and real estate salesmen; and providing for the licensing, regulation, and supervision of resident and nonresident real estate brokers and real estate salesmen and their business," by further defining real estate brokers and real estate salesmen; and further providing for the licensing, regulation, and supervision of resident and nonresident real estate brokers and real estate salesmen and their business.

Section 1. Be it enacted, &c., That section two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred sixteen), entitled "An act to define real estate brokers and real estate salesmen; and providing for the licensing, regulation, and supervision of resident and nonresident real estate brokers and real estate salesmen and their business," is hereby amended to read as follows:

Section 2, act of May 1, 1929 (P. L. 1216), amended.

Section 2. (a) The term "real estate broker" shall include all persons, copartnerships, associations, and corporations, foreign and domestic, who, for another and for a fee, commission, or other valuable consideration, shall sell, exchange, purchase, or rent, or shall negotiate the sale, exchange, purchase or rental, or shall offer or attempt to negotiate the sale, exchange, purchase, or rental, or shall hold himself or themselves out

Real estate broker defined.